

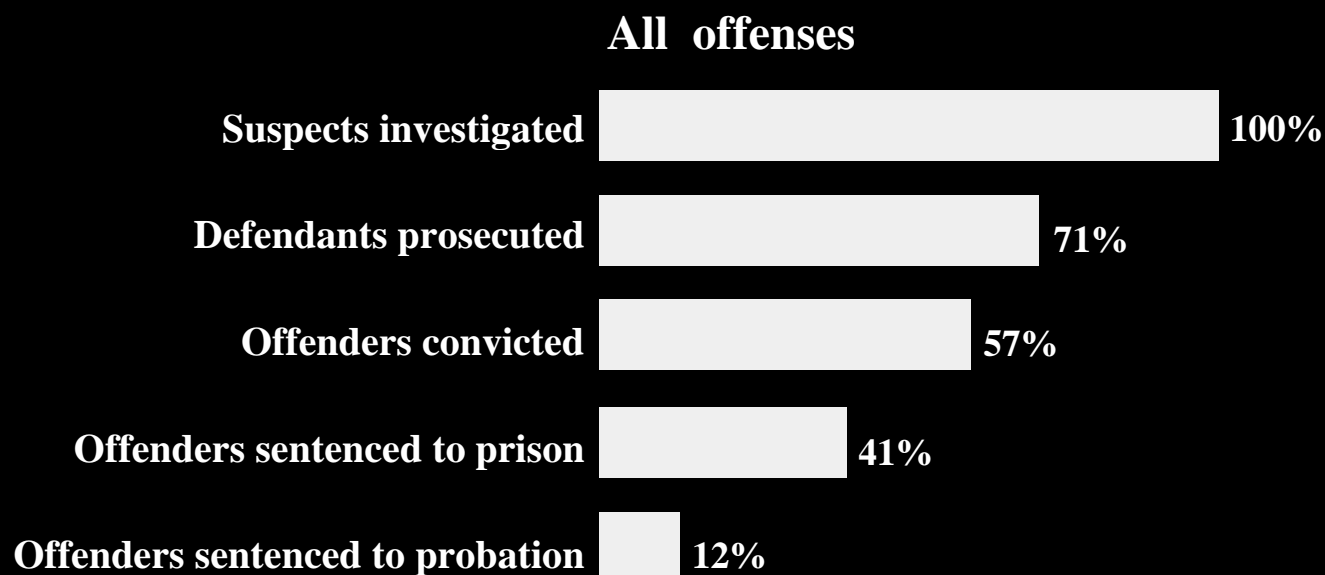


Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1998

Federal criminal case processing in matters concluded by United States attorneys

October 1, 1997, through September 30, 1998



A Federal Justice Statistics Program Report



Compendium of Federal Justice Statistics, 1998

May 2000, NCJ 180258

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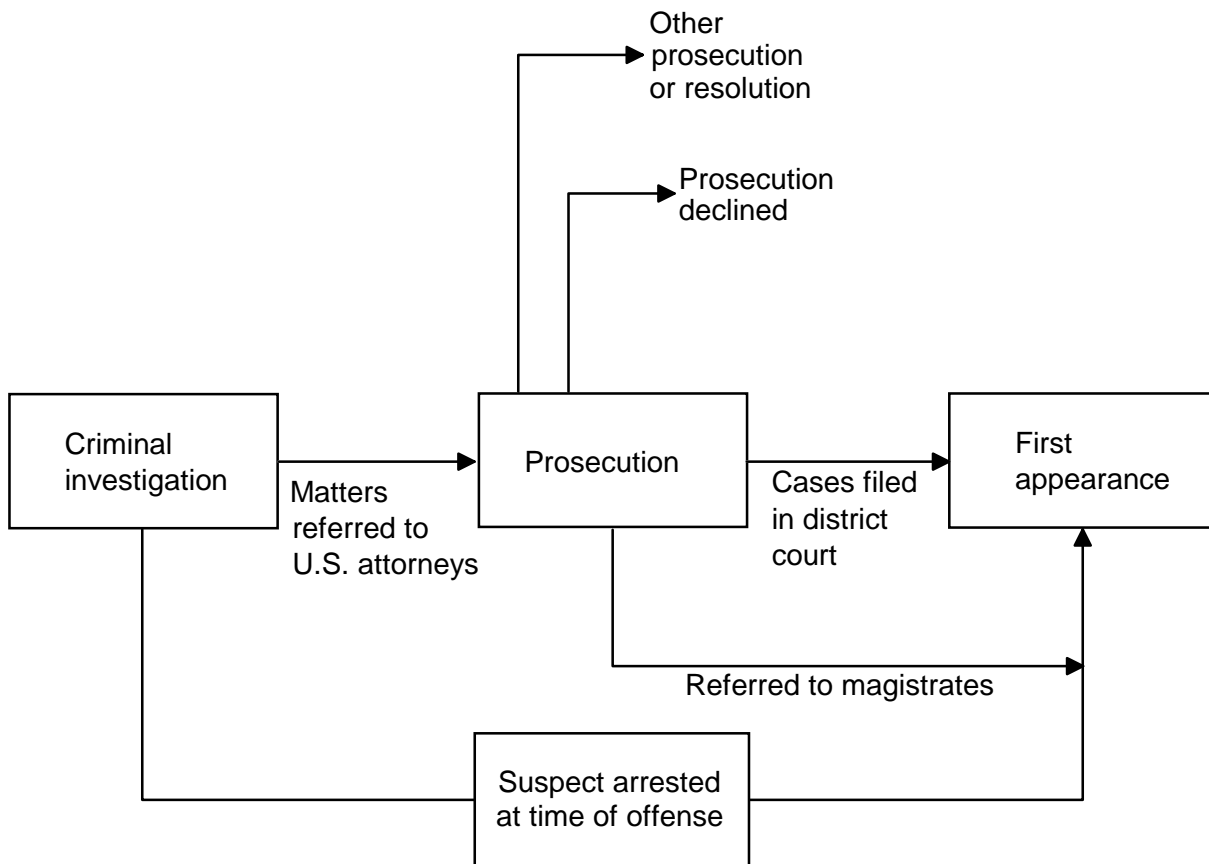
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Chapter 2

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 such as the U.S. Marshals Service. The 93 U.S. attorneys serve as the chief Federal law enforcement officers within their respective districts.

Investigations are most commonly referred to a U.S. attorney by a Federal investigative agency (primarily the Drug Enforcement Administration; the Federal Bureau of Investigation; the Postal Inspection Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Secret Service), by the Criminal Division, 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 that were at least partially investigated by U.S. attorneys.

U.S. attorneys' decisions

After criminal investigations are initiated and criminal suspects are referred to them, U.S. attorneys may file charges against defendants in a U.S. district court, or they may decline to file these charges for reasons such as weak or insufficient evidence, minimal Federal interest, lack of resources, or lack of criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures. U.S. attorneys may also file cases before U.S. magistrates, who have the authority to adjudicate misdemeanor offenses (18 U.S.C. § 3401). Because of the relatively less serious nature of these cases, and because they are handled by magistrates, the U.S. attorneys count these cases as criminal matters disposed by U.S. magistrates.

The decision to prosecute a suspect in a criminal matter depends upon many factors, including the Attorney General's priorities, U.S. attorney priorities and resources, laws governing

Drug and violent suspects were more likely than property and public-order suspects to be prosecuted before a district court judge

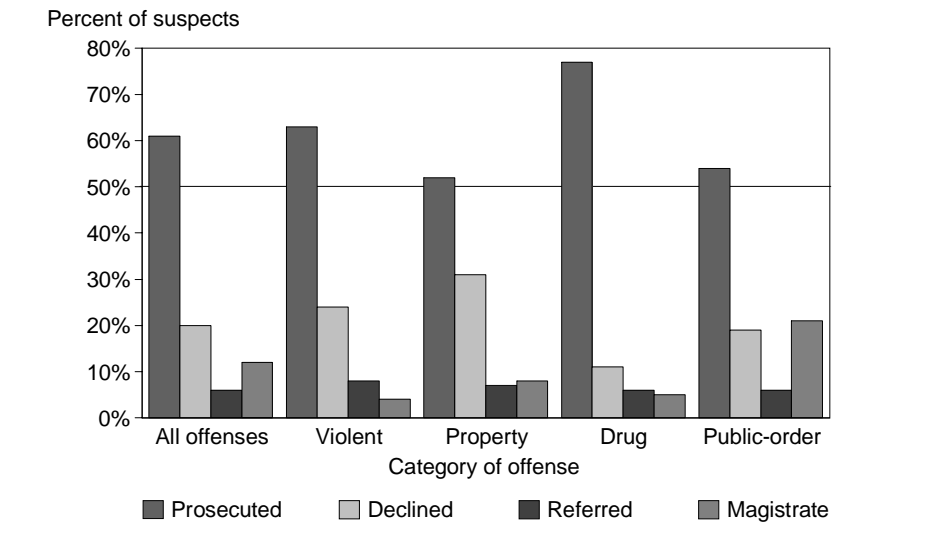


Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1997 - September 30, 1998

each type of offense, and the strength of evidence in each case.

During 1998, 61% of suspects in all offense categories were prosecuted before U.S. district court, while an additional 12% were handled by U.S. magistrates. Suspects were prosecuted at different rates depending on their offense. Suspects involved in violent and drug offenses were more likely to be prosecuted before U.S. district court judges than were those involved in property and public-order offenses (figure 2.1). Suspects involved in drug offenses were the most likely (77%) to be prosecuted. Suspects involved in property offenses were the least likely to be prosecuted (52%). However, suspects involved in property offenses were more likely to have their matters declined and not referred to other authorities for prosecution (31%) than were suspects involved in other types of criminal matters. These cases were resolved by other means, including restitution, civil/administrative procedures, and pretrial diversion.

Suspects in matters received (table 2.1)

During 1998 there were 115,692 suspects in new matters received for investigation by U.S. attorneys.¹ Of these suspects, about 35% were investigated for public-order offenses, 32% for drug offenses, and 26% for property offenses. Under 7% of all suspects were investigated for violent crimes. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. For example, during 1998 priority areas for U.S. attorneys included the detention, educational and rehabilitation of juveniles, drug and violent crimes (including firearms prosecutions), international terrorism, and prosecution of those responsible for hate crimes and attacks on houses of worship (with the National Church Arson Task Force).²

¹See *Chapter notes*, item 1, p. 31. The 1998 data are not directly comparable to the 1993 and prior compendia.

²*Statistical Report, United States Attorneys' Offices, Fiscal Year 1998*. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

Of matters declined for prosecution, suspects in drug offenses were more likely than others to be referred to other authorities for prosecution or to have their case settled through alternative resolution

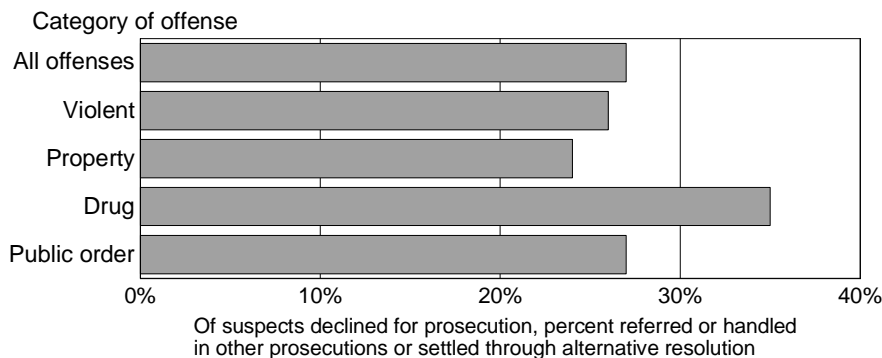


Figure 2.2. Of suspects in matters declined, percent referred or handled in other prosecutions, or settled through alternative resolution, October 1, 1997 - September 30, 1998

Suspects in matters concluded (tables 2.2-2.6)

Upon receiving a matter, a U.S. attorney will either immediately decline it for prosecution or investigate further. Upon conclusion of the investigation, a matter may be filed as a criminal case in a U.S. district court, referred to a U.S. magistrate, or declined for prosecution. Of the 106,022 suspects in criminal matters concluded during 1998, 61% were prosecuted in U.S. district court, 27% were declined for prosecution, and 12% were referred to U.S. magistrates.

Suspects prosecuted (table 2.2) —

The likelihood of prosecution in U.S. district court varied widely across offense categories. Drug and violent offenders were more likely to be prosecuted than those involved in property and public-order offenses. U.S. attorneys prosecuted approximately 77% of suspects involved in drug offenses, 63% of those in violent offenses, 54% of those in public-order offenses, and 52% of those in property offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenders, 79% of robbery suspects were prosecuted, while 57% of murder, 50% of assault, and 41% of rape suspects were prosecuted. Among

property offenders, suspects investigated for counterfeiting were prosecuted at a higher rate than those involved in fraud (70% compared with 51%), and among suspects involved in public-order offenses, immigration (79%), weapons (70%), and tax law violators (65%) were much more likely to be prosecuted than suspects in escape (21%) and civil rights (6%) offenses.

Suspects in matters concluded and declined, by investigating agency (table 2.3) —

During 1998, 59% of suspects in matters concluded were investigated by components of the Department of Justice; the Treasury Department investigated 19% of suspects in matters concluded. In addition, 10% of suspects in matters concluded were investigated by independent Federal agencies and State/local agencies.

Among the investigating agencies, the Immigration and Naturalization Service (3%) and the National Park Service (10%) had among the lowest declination rates, while the Indian Affairs Bureau (58%), agencies within the Department of Health and Human Services (53%), and the Environmental Protection Agency (53%) were among agencies with the highest declination rates. The declination rate for matters investigated by components

of the Department of Justice (28%) was quite close to the overall declination rate (27%).

Suspects in matters declined (tables 2.4-2.5) —

Suspects in matters involving violent offenses were less likely to be declined for prosecution (33%) than those involved in property offenses (40%) but more likely than those in drug offenses (18%). Suspects in public-order offenses were slightly less likely to be declined for prosecution than those involved in violent offenses — 25% compared to 33% (table 2.2).

The decision to decline prosecution is based on a number of factors, including the lack of prosecutable offense, alternative resolution, or case- and suspect-related reasons (table 2.4). Of the 28,786 declinations during 1998, 27% occurred because of case-related reasons, mostly due to weak evidence (22%); 24% occurred because there was no crime or criminal intent was lacking; and 18% occurred for other reasons, such as agency requests (7%) and minimal Federal interest (4%).

Not all suspects whose matters were declined for prosecution avoided prosecution. Twenty-four percent of the suspects in matters declined were referred to another authority for prosecution (table 2.5). An additional 5% were settled through alternative resolution procedures. While suspects involved in property offenses constituted the largest number of suspects who were referred by U.S. attorneys to other authorities for prosecution or resolution, suspects involved in drug offenses were the most likely of suspects whose matters were declined to be referred to other authorities for prosecution or alternative resolution (figure 2.2). Thirty-six percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 27% of the public-order, 27% of violent, and 25% of the property offense suspects.

Within major offense categories, the likelihood that suspects in matters

declined for prosecution were referred to other authorities for prosecution or alternative resolution varied among specific offenses. Within property offenses, referral occurred with 42% of persons involved in motor vehicle theft, compared to 18% of suspects in arson and explosives cases. Within public-order offenses, 39% of weapons suspects and 60% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 6% of suspects in civil rights cases.

Defendants in cases concluded by U.S. magistrates (table 2.2) —

Cases concluded by U.S. magistrates are, by statute, misdemeanors.³ Overall, U.S. magistrates disposed of 12% of all criminal matters investigated by U.S. attorneys. For most offenses, the likelihood that a U.S. magistrate concluded the matter was also relatively low. The most notable exception was escape, for which 55% of matters were concluded by U.S. magistrates. The escape offense category accounted for 13% of all cases concluded by U.S. magistrates.

Most of the 2,805 escape violations were against defendants who absconded to avoid prosecution in State courts, the so-called "unlawful flight to avoid prosecution." Upon apprehension of the fugitive, these cases are normally dismissed by U.S. magistrates and turned over to the State for prosecution on the original warrant.

Other types of offenses having comparably high rates of disposal by U.S. magistrates included migratory birds offenses (85%); conspiracy, aiding and abetting, traffic, and jurisdictional offenses (69%); and other property violations (61%).

Processing times (table 2.6) — For matters concluded during 1998, the

average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or declination or its disposal by a U.S. magistrate was 8.2 months. However, the time to process matters varied with the outcome of the matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 3.0 months, and at least 50% of these convictions occurred in about 40 days. Similarly, 50% of the matters declined for prosecution were declined within 12.5 months.

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, drug offenses were concluded slightly quicker than violent offenses (5.3 months compared to 5.8 months). At an average of 13.6 months, fraudulent property offenses took longer to conclude than other offenses.

³At the time that U.S. attorneys receive them, matters may not be classifiable as felonies or misdemeanors. If a U.S. magistrate disposes of a case — or what the U.S. attorneys call a "matter" — its offense level has been determined to be a misdemeanor.

Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	115,692	100%
Violent offenses	7,527	6.6%
Murder/manslaughter ^d	467	0.4
Assault	1,491	1.3
Robbery	3,235	2.8
Rape	757	0.7
Other sex offenses ^d	1,073	0.9
Kidnaping	333	0.3
Threats against the President	171	0.1
Property offenses	30,125	26.4%
Fraudulent	26,328	23.0%
Embezzlement	4,303	3.8
Fraud ^d	19,418	17.0
Forgery	2,004	1.8
Counterfeiting	603	0.5
Other	3,797	3.3%
Burglary	58	0.1
Larceny ^d	1,699	1.5
Motor vehicle theft	686	0.6
Arson and explosives	660	0.6
Transportation of stolen property	92	0.1
Other property offenses ^d	602	0.5
Drug offenses	36,355	31.8%
Public-order offenses	40,265	35.2%
Regulatory	6,541	5.7%
Agriculture	484	0.4
Antitrust	66	—
Food and drug	147	0.1
Transportation	302	0.3
Civil rights	2,432	2.1
Communications	111	0.1
Custom laws	357	0.3
Postal laws	222	0.2
Other regulatory offenses	2,420	2.1
Other	33,724	29.5%
Weapons	4,907	4.3
Immigration offenses	14,114	12.4
Tax law violations ^d	1,174	1.0
Bribery	392	0.3
Perjury, contempt, and intimidation	727	0.6
National defense	323	0.3
Escape	3,170	2.8
Racketeering and extortion	3,435	3.0
Gambling	175	0.2
Liquor offenses	17	—
Obscene material ^d	24	—
Migratory birds	682	0.6
Conspiracy, aiding and abetting, traffic, and jurisdictional	3,803	3.3
All other offenses ^d	781	0.7
Unknown or indeterminable offense	1,420	

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 31.

—Less than .05%.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bPercentage distribution based on the suspects for whom the offense category could be determined.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^dIn this table, "Murder" includes non-negligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

Table 2.2. Disposition of suspects in matters concluded, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates
All offenses^c	106,022	64,993	28,786	12,243	100%	61.3%	27.2%	11.5%
Violent offenses	6,865	4,294	2,266	305	100%	62.5%	33.0%	4.4%
Murder/manslaughter ^d	452	258	162	32	100	57.1	35.8	7.1
Assault	1,307	648	514	145	100	49.6	39.3	11.1
Robbery	3,088	2,430	585	73	100	78.7	18.9	2.4
Rape	746	307	430	9	100	41.2	57.6	1.2
Other sex offenses ^d	833	472	343	18	100	56.7	41.2	2.2
Kidnaping	318	146	149	23	100	45.9	46.9	7.2
Threats against the President	121	33	83	5	100	27.3	68.6	4.1
Property offenses	27,461	14,353	10,937	2,171	100%	52.3%	39.8%	7.9%
Fraudulent	23,712	12,408	9,653	1,651	100%	52.3%	40.7%	7.0%
Embezzlement	3,767	1,977	1,205	585	100	52.5	32.0	15.5
Fraud ^d	17,667	8,936	7,859	872	100	50.6	44.5	4.9
Forgery	1,838	1,189	474	175	100	64.7	25.8	9.5
Counterfeiting	440	306	115	19	100	69.5	26.1	4.3
Other	3,749	1,945	1,284	520	100%	51.9%	34.2%	13.9%
Burglary	63	44	18	1	100	69.8	28.6	1.6
Larceny ^d	1,706	1,080	501	125	100	63.3	29.4	7.3
Motor vehicle theft	675	357	294	24	100	52.9	43.6	3.6
Arson and explosives	659	304	336	19	100	46.1	51.0	2.9
Transportation of stolen property	79	36	40	3	100	45.6	50.6	3.8
Other property offenses ^d	567	124	95	348	100	21.9	16.8	61.4
Drug offenses	33,991	26,266	6,164	1,561	100%	77.3%	18.1%	4.6%
Public-order offenses	36,650	19,782	9,173	7,695	100%	54.0%	25.0%	21.0%
Regulatory	5,427	1,571	3,470	386	100%	28.9%	63.9%	7.1%
Agriculture	419	224	138	57	100	53.5	32.9	13.6
Antitrust	54	45	9	0	100	83.3	16.7	0
Food and drug	141	61	72	8	100	43.3	51.1	5.7
Transportation	278	103	167	8	100	37.1	60.1	2.9
Civil rights	2,153	119	2,031	3	100	5.5	94.3	0.1
Communications	89	35	54	0	100	39.3	60.7	0
Custom laws	349	189	135	25	100	54.2	38.7	7.2
Postal laws	209	115	41	53	100	55.0	19.6	25.4
Other regulatory offenses	1,735	680	823	232	100	39.2	47.4	13.4
Other	31,223	18,211	5,703	7,309	100%	58.3%	18.3%	23.4%
Weapons	4,742	3,347	1,279	116	100	70.6	27.0	2.4
Immigration offenses	13,249	10,505	370	2,374	100	79.3	2.8	17.9
Tax law violations ^d	1,024	661	339	24	100	64.6	33.1	2.3
Bribery	339	191	140	8	100	56.3	41.3	2.4
Perjury, contempt, and intimidation	600	261	309	30	100	43.5	51.5	5.0
National defense	319	119	121	79	100	37.3	37.9	24.8
Escape	2,805	579	677	1,549	100	20.6	24.1	55.2
Racketeering and extortion	3,223	1,580	1,595	48	100	49.0	49.5	1.5
Gambling	246	119	117	10	100	48.4	47.6	4.1
Liquor offenses	17	2	15	0	100	11.8	88.2	0
Obscene material ^d	23	7	15	1	100	30.4	65.2	4.3
Migratory birds	708	74	31	603	100	10.5	4.4	85.2
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	3,470	675	409	2,386	100	19.5	11.8	68.8
All other offenses ^d	458	91	286	81	100	19.9	62.4	17.7
Unknown or indeterminable offense	1,055	298	246	511	100%	28.2%	23.3%	48.4%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 31.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 31.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^dIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 1997 - September 30, 1998

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
All agencies*	106,022	28,786	27.1%
Agriculture	1,117	330	29.5%
Forest Service	553	78	14.1
Food & Consumer Service	51	30	58.8
All other Agriculture	513	222	43.3
Commerce	65	39	60.0%
Defense	3,134	598	19.1%
Army	1,158	148	12.8
Air Force	760	168	22.1
Navy	746	136	18.2
Office of the Inspector General	55	20	36.4
All other Defense	405	126	31.1
Education	68	36	52.9%
Energy	25	19	76.0%
Federal/State Task Forces	2,274	354	15.6%
Health and Human Services	734	391	53.3%
Food and Drug Administration	155	61	39.4
Office of the Inspector General	102	51	50.0
All other HHS	477	279	58.5
Housing and Urban Development	214	82	38.3%
Interior	4,061	865	21.3%
National Park Service	2,022	199	9.8
Fish and Wildlife Service	1,080	151	14.0
Indian Affairs Bureau	717	415	57.9
Land Management Bureau	85	30	35.3
All other Interior	157	70	44.6
Justice	62,376	17,265	27.7%
Federal Bureau of Investigation	30,040	12,702	42.3
Drug Enforcement Administration	15,553	2,965	19.1
Immigration and Naturalization	14,557	472	3.2
U.S. Marshals Service	1,337	693	51.8
Bureau of Prisons	75	35	46.7
All other Justice	814	398	48.9
Labor	497	225	45.3%
State Department	660	94	14.2%
Transportation	206	101	49.0%
Federal Aviation Administration	55	45	81.8
All other Transportation	151	56	37.1
Treasury	20,134	4,918	24.4%
Customs Bureau	8,052	982	12.2
Alcohol, Tobacco, and Firearms	4,853	1,474	30.4
Secret Service Bureau	4,283	1,251	29.2
All Internal Revenue	2,833	1,170	41.3
All other Treasury	113	41	36.3
Other	10,328	3,437	33.3%
Independent Federal agencies	6,946	2,506	36.1%
U.S. Postal Service	4,251	1,583	37.5
Environmental Protection	399	212	53.1
Social Security Administration	365	126	34.5
U.S. Courts	355	49	13.8
Veterans Administration	262	64	24.4
Small Business Administration	82	32	39.0
Railroad Retirement Board	76	33	43.4
Central Intelligence Agency	57	1	1.8
Other independent Federal agencies	1,099	406	36.9
State/Local agencies	3,410	943	27.7%
Unknown	129	32	24.8%

*Includes suspects for whom investigating agency could not be determined.

Table 2.4. Basis for declination of prosecution by U.S. attorneys, October 1, 1997 - September 30, 1998

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	28,786	100%
No crime	6,590	23.8%
No true bill returned	33	0.1
No Federal offense	1,991	7.2
Lack of criminal intent	4,566	16.5
Referred or handled in other prosecution	6,551	23.6%
Removed	1,539	5.6
Prosecuted on other charges	1,506	5.4
Prosecuted by other authorities	3,506	12.7
Alternative resolution	1,349	4.9%
Restitution	163	0.6
Civil or administrative alternative	548	2.0
Pretrial diversion	638	2.3
Suspect-related reasons	766	2.8%
Suspect serving sentence	102	0.4
No known suspect	335	1.2
Suspect a fugitive	74	0.3
Suspect deceased	227	0.8
Suspect deported	28	0.1
Case-related reasons	7,410	26.7%
Stale case	587	2.1
Weak evidence	5,965	21.5
Statute of limitations exceeded	142	0.5
Jurisdiction or venue problems	306	1.1
Witness problems	410	1.5
All other reasons	5,049	18.2%
Minimal Federal interest	1,068	3.9
Petite policy	58	0.2
Lack of resources	42	0.2
DOJ policy	878	3.2
U.S. attorney policy	747	2.7
Agency request	1,930	7.0
Juvenile suspect	69	0.2
Offender's health, age, prior record, or other personal circumstances	78	0.3
Suspect's cooperation	179	0.6
Unknown or indeterminable reason	1,071	

Note: For further information, see *Chapter notes*, items 1 and 2, p. 31.

—Less than .05%

^aPercent based on suspects for whom a basis for declination could be determined.

^bIncludes suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 31.

Table 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
All offenses^d	28,786	6,551	1,349	19,815	100%	23.6%	4.9%	71.5%
Violent offenses	2,266	543	41	1,618	100%	24.7%	1.9%	73.5%
Murder/manslaughter ^e	162	30	1	122	100	19.6	0.7	79.7
Assault	514	90	23	391	100	17.9	4.6	77.6
Robbery	585	227	0	345	100	39.7	0	60.3
Rape	430	49	3	360	100	11.9	0.7	87.4
Other sex offenses ^e	343	109	8	217	100	32.6	2.4	65.0
Kidnaping	149	30	3	112	100	20.7	2.1	77.2
Threats against the President	83	8	3	71	100	9.8	3.7	86.6
Property offenses	10,937	1,803	849	7,790	100%	17.3%	8.1%	74.6%
Fraudulent	9,653	1,511	782	6,918	100%	16.4%	8.5%	75.1%
Embezzlement	1,205	121	206	830	100	10.5	17.8	71.7
Fraud ^e	7,859	1,248	525	5,720	100	16.7	7.0	76.3
Forgery	474	103	47	301	100	22.8	10.4	66.7
Counterfeiting	115	39	4	67	100	35.5	3.6	60.9
Other	1,284	292	67	872	100%	23.7%	5.4%	70.8%
Burglary	18	1	1	16	100	5.6	5.6	88.9
Larceny ^e	501	105	36	339	100	21.9	7.5	70.6
Motor vehicle theft	294	102	15	164	100	36.3	5.3	58.4
Arson and explosives	336	55	3	265	100	17.0	0.9	82.0
Transportation of stolen property	40	13	1	26	100	32.5	2.5	65.0
Other property offenses ^e	95	16	11	62	100	18.0	12.4	69.7
Drug offenses	6,164	2,093	43	3,788	100%	35.3%	0.7%	63.9%
Public-order offenses	9,173	2,080	365	6,468	100%	23.3%	4.1%	72.6%
Regulatory	3,470	378	190	2,819	100%	11.2%	5.6%	83.2%
Agriculture	138	28	20	90	100	20.3	14.5	65.2
Antitrust	9	4	0	5	—	—	—	—
Food and drug	72	14	23	31	100	20.6	33.8	45.6
Transportation	167	19	18	124	100	11.8	11.2	77.0
Civil rights	2,031	85	42	1,866	100	4.3	2.1	93.6
Communications	54	4	4	45	100	7.5	7.5	84.9
Custom laws	135	28	11	84	100	22.8	8.9	68.3
Postal laws	41	10	7	24	100	24.4	17.1	58.5
Other regulatory offenses	823	186	65	550	100	23.2	8.1	68.7
Other	5,703	1,702	175	3,649	100%	30.8%	3.2%	66.0%
Weapons	1,279	451	27	761	100	36.4	2.2	61.4
Immigration offenses	370	107	7	242	100	30.1	2.0	68.0
Tax law violations ^e	339	46	11	275	100	13.9	3.3	82.8
Bribery	140	10	7	119	100	7.4	5.1	87.5
Perjury, contempt, and intimidation	309	36	15	245	100	12.2	5.1	82.8
National defense	121	24	8	87	100	20.2	6.7	73.1
Escape	677	376	17	267	100	57.0	2.6	40.5
Racketeering and extortion	1,595	315	16	1,200	100	20.6	1.0	78.4
Gambling	117	25	2	89	100	21.6	1.7	76.7
Liquor offenses	15	2	5	8	100	13.3	33.3	53.3
Obscene material ^e	15	5	2	8	100	33.3	13.3	53.3
Migratory birds	31	9	4	18	100	29.0	12.9	58.1
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	409	109	47	240	100	27.5	11.9	60.6
All other offenses ^e	286	187	7	90	100	65.8	2.5	31.7
Unknown or indeterminable offense	246	32	51	151	100%	13.7%	21.8%	64.5%

Note: For further information, see *Chapter notes*, items 1 and 2, p. 31.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bIncludes 1,071 suspects for whom reason for declination could not be determined.

^cIncludes 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.

^dIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^eIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 2.6. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Number of months from receipt of matter to decision						
	All suspects	Disposed by U.S. magistrate			Concluded by U.S. attorney		
		Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court ^b	Declined
Mean							
All offenses^c	8.2 mo	7.5 mo	3.0 mo	12.2 mo	8.3 mo	3.7 mo	18.8 mo
Violent offenses	5.9	9.4	5.2	11.1	5.8	3.0	11.1
Property offenses	13.1	8.5	4.2	13.0	13.5	7.1	21.9
Fraudulent offenses ^d	13.6	9.0	4.3	13.9	14.0	7.5	22.2
Other offenses ^e	10.0	7.0	4.0	10.3	10.5	4.7	19.3
Drug offenses	5.4	7.1	3.7	7.9	5.3	2.4	17.7
Public-order offenses	7.7	7.5	2.7	13.9	7.7	3.1	17.8
Regulatory offenses	12.2	15.0	7.4	19.6	11.9	7.9	13.8
Other offenses	6.9	7.1	2.5	13.4	6.9	2.6	20.3
Median							
All offenses^c	1.6 mo	2.0 mo	1.3 mo	2.7 mo	1.5 mo	0.8 mo	12.5 mo
Violent offenses	1.6	3.0	3.9	2.3	1.5	0.8	6.5
Property offenses	6.4	3.4	2.6	5.2	6.9	2.4	16.5
Fraudulent offenses ^d	6.9	3.5	2.5	5.5	7.4	2.7	16.9
Other offenses ^e	4.0	3.1	2.8	4.4	4.1	1.4	13.8
Drug offenses	0.9	1.2	3.2	1.1	0.9	0.7	12.8
Public-order offenses	1.2	1.8	0.9	3.1	1.1	0.7	9.7
Regulatory offenses	6.4	7.1	5.5	9.3	6.4	2.1	8.6
Other offenses	1.0	1.6	0.9	2.8	0.9	0.7	10.5
Number of suspects^f	105,885	12,227	6,298	5,929	93,658	64,874	28,784
With unknown or indeterminable offense or processing time	1,192	527	394	133	665	417	248

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 31.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 31.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^dExcluding tax fraud.

^eIncluding tax fraud.

^fExcludes suspects with insufficient data to determine processing time.

Chapter notes

1) Tables 2.1-2.6 were created from the Central System data files of the EOUSA. For table 2.1, only records which showed a matter received during 1998 were selected. For tables 2.2-2.6, only records which show a matter terminated by reason of declination, disposition by a U.S. magistrate, or filed as a case in U.S. district court from October 1, 1997, through September 30, 1998, were selected. In all of these tables, matters “declined immediately” — those cases in which the U.S. attorney spent less than 1 hour investigating — were excluded.

2) The number of suspects in matters investigated in table 2.1, and the number of suspects in matters concluded in tables 2.2 and 2.6 are not directly comparable to counts in the 1993 and prior compendia. In those years, these statistics included appellants in appeals filed or appeals terminated. In table 2.1 of this *Compendium* and its corresponding tables in 1994 and subsequent compendia, the number of suspects in matters received is limited to suspects in criminal matters that were filed as cases in U.S. district courts, handled by U.S. magistrates, or declined for prosecution. In the 1993 and prior compendia, the number of suspects in criminal matters received included criminal appeals. To obtain a number of suspects comparable to the statistic reported in the 1993 and prior compendia, add to the data in table 2.1 of this *Compendium*, the number of appellants in appeals that were handled by U.S. attorneys.

In tables 2.2 and 2.6 of this *Compendium* and their corresponding tables in the 1994 and subsequent compendia, the number of suspects in matters concluded also is limited to those suspects whose matters were concluded by a case filing in a U.S. district court, by declination, or by disposition by a U.S. magistrate. In the 1993 and prior compendia, this number included

appellants in criminal appeals terminated.

To obtain a number that is comparable to the number reported in the 1993 and prior compendia, the number of appellants in appeals terminated and handled by U.S. attorneys needs to be added to the totals in table 2.2.

3) Offenses in the Central System data files are classified by the title and section of the United States Code for the most serious offense investigated, as determined by the assistant U.S. attorney responsible for the matter. For tables in this *Compendium*, these citations were translated into the corresponding four-digit offense codes used by the Administrative Office of the United States Courts (AOUSC). These four-digit codes were then aggregated into the categories shown in the tables.

U.S. Code citations often do not permit detailed classification of drug offenses by the type of criminal activity involved. A person charged with conspiracy is classified under the substantive offense alleged (for example, conspiracy to defraud is classified as fraud) unless type of conspiracy cannot be determined from the U.S. Code citation. Unclassified conspiracies are included among “conspiracy, aiding and abetting, traffic, and jurisdictional offenses” in tables 2.1, 2.2, 2.5, and 2.6.

The most serious offense investigated is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal matter.

4) In the tables in this chapter, the “all offenses” row or “total declinations” row (in table 2.5) includes records whose offense category (basis for declination) is missing or indeterminable. The percentage distributions in these tables, however, are based on the number of observations with nonmissing offenses (basis for declination) values. The number of missing values are

reported either on a separate line or in a footnote.