

Table 2.3. Basis for declination of prosecution by U.S. attorneys, October 1, 2007–September 30, 2008

| Basis for declination | Suspects in criminal matters declined by U.S. attorneys | |
|---|---|----------------------|
| | Number | Percent ^a |
| Total declinations^b | 28,102 | 100 % |
| No crime | 6,846 | 24.8 % |
| No true bill returned | 20 | 0.1 |
| No federal offense | 1,238 | 4.5 |
| Lack of criminal intent | 5,588 | 20.2 |
| Referred or handled in other prosecution | 5,400 | 19.6 % |
| Removed | 1,279 | 4.6 |
| Prosecuted on other charges | 883 | 3.2 |
| Prosecuted by other authorities | 3,238 | 11.7 |
| Alternative resolution | 847 | 3.1 % |
| Restitution | 44 | 0.2 |
| Civil or administrative alternative | 405 | 1.5 |
| Pretrial diversion | 398 | 1.4 |
| Suspect-related reasons | 676 | 2.4 % |
| Suspect serving sentence | 81 | 0.3 |
| No known suspect | 284 | 1.0 |
| Suspect a fugitive | 89 | 0.3 |
| Suspect deceased | 196 | 0.7 |
| Suspect deported | 26 | 0.1 |
| Case-related reasons | 7,365 | 26.7 % |
| Stale case | 440 | 1.6 |
| Weak evidence | 6,285 | 22.8 |
| Statute of limitations exceeded | 142 | 0.5 |
| Jurisdiction or venue problems | 223 | 0.8 |
| Witness problems | 275 | 1.0 |
| All other reasons | 6,475 | 23.5 % |
| Minimal federal interest | 862 | 3.1 |
| Petite policy | 153 | 0.6 |
| Lack of resources | 1,109 | 4.0 |
| DOJ policy | 240 | 0.9 |
| U.S. attorney policy | 698 | 2.5 |
| Agency request | 3,148 | 11.4 |
| Juvenile suspect | 61 | 0.2 |
| Offender's health, age, prior record, or other personal circumstances | 80 | 0.3 |
| Suspect's cooperation | 124 | 0.4 |

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

^bIncludes 493 suspects for whom basis for declination could not be determined.

Source: Executive Office for U.S. Attorneys, National LIONS system file.