

Mercer, Bill (USAMT)

From: Richmond, Susan
Sent: Thursday, November 04, 2004 8:15 PM
To: Alex Acosta; Ben Reyna; Carl Truscott; Chris Wray; Cranston Mitchell; Dan Bryant; Deborah Daniels; Deborah Spagnoli; Diane Stuart; Domingo Herraiz; Edward Reilly; Eileen O'Connor; Glenn Fine; Hew Pate; James Comey; John Gillis; Karen Tandy; Larry Greenfeld; Mauricio Tamargo; Michele Leonhart; Peter Keisler; Robert Flores; Robert McCallum; Sarah Hart; Sharee Freeman; Tom Sansonetti; William Moschella; Allyson Ho; Andrew Emrich; Brad Schlozman; Brian Boyle; Bruce McDonald; Carl Peed; Cheri Nolan; Chuck Rosenberg; Crystal Roberts; Dan Levin; Dan Meron; David Ayres; David Higbee; David Israelite; David Nahmias; David Sibley; Deborah Rhodes; Donald Gambatesa; Gregory Katsas; Howard Nielson; Jeffrey Bucholtz; Jeffrey Clark; Jeffrey Taylor; John Richter; John Wood; Jonathan Cohn; Joseph Bianco; Kelly Johnson; Kristi Remington; Kyle Sampson; Laura Parsky; Lawrence Friedman; Lizette Benedi; Makan Delrahim; Margaret Davis; Mark Corallo; Mark Epley; Matthew Zabel; Michael Carrington; Mike Wiggins; Noel Francisco; Pat O'Brien; Patrick Hofer; Patrick Philbin; Patrick Purtill; Paul Clement; Rachel Brand; Rebecca Seidel; Renee Lerner; Richard Hertling; Richard Morrison; Rod Rosenstein; Sean McLaughlin; Sheldon Bradshaw; Steve Bradbury; Susan Richmond; Thomas Barnett; Thomas Lee; Tracy Henke; Wan Kim; Ajit Pai; Amy Grimsrud; Andrew Beach; Andrew Schauder; Angela Williamson; Blain Rethmeier; Blair Birkeland; Bruce Taylor; C. Kevin Marshall; Chad Boudreaux; Cynthia McDowell; Cynthia McKnight; Deborah Underhill; Denise Gitsam; Dimple Gupta; Ebony Lee; Ed McFadden; Elizabeth Apisson; Elizabeth Nodal; Eric Grannon; Eric Holland; Gordon Todd; Greg Harris; Jaclyn Lesch; Janet Potter; Jeffrey Wadsworth; Jessica Gavora; Kimberly Smith; Lara Reynolds; Luis Reyes; Mary Neumayr; Matt Dummermuth; Matt Robinson; Matthew Miranda; Michael Costigan; Michael Tierney; Monica Goodling; Natalie Voris; Omar Vargas; Price Roe; Robert Hur; Stephanie McNees; Sujean Lee; Theodore Cooperstein; Trent Luckinbill; Wanda Martinson; Will Adams; William Otis; William Woodruff; Wroe Jackson; Alice Martin; Anna Wagoner; Bill Mercer; Bud Cummins; Carol Lam; Charles Larson; Christopher Christie; Colm Connolly; Daniel Bogden; David Dugas; David Huber; David Iglesias; David O'Meilia; David York; Debra Yang; Donald Washington; Drew Wrigley; Dunn Lampton; Ed Kubo; Eric Melgren; Frank Whitney; Glenn Suddaby; Greg White; Gregory Lockhart; Gregory Miller; Gregory Van Tatenhove; H Garcia; J. Thurmond Jr.; J.B. Van Hollen; James McMahon; Jan Paul Miller; Jim Greenlee; Jim McDevitt; Jim Vines; John Brownlee; John McKay; John Suthers; Johnny Sutton; Joseph Van Bokkelen; Karin Immergut; Kasey Warner; Kevin O'Connor; Kevin Ryan; Leonardo Rapadas; Leura Canary; Marcos Jimenez; MaryBeth Buchanan; Matt Orwig; Matt Whitaker; Matthew Mead; Maxwell Wood; McGregor Scott; Michael Battle; Michael Heavican; Michael Shelby; Michael Sullivan; MM Chiara; Patrick Fitzgerald; Patrick Meehan; Paul Charlton; Paul McNulty; Paul Perez; Paul Warner; Robert Corrente; Robert McCampbell; Ronald Tenpas; Roslynn Mauskopf; Sandy Mattice; Sheldon Sperling; Steven Biskupic; Susan Brooks; Terry Harris; Thomas Colantuono; Thomas DiBiagio; Thomas Johnston; Thomas Marino; Thomas Moss; Tim Burgess; Todd Graves; Tom Heffelfinger

Subject: Transition Guidance

Many of you have sought guidance regarding the Administration transition to the President's second term. This message serves to convey the entirety of the information we have at this point, and as more information becomes available it will be shared with you.

First, the President is tremendously grateful to you, and to every member his team, for your hard work over the past four years. He recognizes the sacrifices that you and your family have made to enable you to serve, and he is deeply appreciative. America has looked at the President's record -- continuing success in the war on terror, violent crime at a 30-year low, and declining drug use among America's youth, among other successes -- and asked him to stay on the job. He is honored and humbled by the privilege to serve, as I know each of you are.

Second, as we move into this transition period, the President has decided that he will not ask for letters of resignation. That said, as always, each of us serves at the pleasure of the President.

Third, some of you have expressed interest in serving in other capacities in the Administration, both within the Department and elsewhere. If you would like to be considered for other opportunities, please let me know what position(s) and agency or agencies you are interested in and I will work together with White House Presidential Personnel on those matters.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1683	
CONNECTION TEL		916195575782
CONNECTION ID		
ST. TIME	07/05 13:20	
USAGE T	00'32	
PGS. SENT	3	
RESULT	OK	



Office of the Deputy Attorney General
 U.S. Department of Justice
 950 Pennsylvania Ave., N. W., Room 4111 Main
 Washington, D.C. 20530

FACSIMILE TRANSMISSION COVER SHEET

DATE:

SENDER:

Rick Werten
 Office of the Deputy Attorney General
 Telephone: 202 514-2105
 Fax:

TO: CAROL LAM

Telephone:

Fax No. : 619 557 5782

TOTAL PAGES

2

ASG000000014

Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

Arizona: 4,521 defendants were sentenced there in FY 05.

Of those, 2,275 were sentenced for immigration offenses.

947 were sentenced for drug trafficking offenses

140 were sentenced for fraud offenses.

New Mexico: 2,575 defendants were sentenced there in FY 05.

Of those, 1,635 were sentenced for immigration offenses.

649 were sentenced for drug trafficking offenses

24 were sentenced for fraud offenses.

SD California: 2,536 defendants were sentenced there in FY 05.

Of those, 1,413 were sentenced for immigration offenses.

826 were sentenced for drug trafficking offenses

153 were sentenced for fraud offenses.

SD Texas: 6,414 defendants were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.

1,482 were sentenced for drug trafficking offenses

99 were sentenced for fraud offenses.

WD Texas: 5,839 defendants were sentenced there in FY 05.

Of those, 2,519 were sentenced for immigration offenses.

2,412 were sentenced for drug trafficking offenses

215 were sentenced for fraud offenses.

Firearms Cases

The Commission has also published sentencing data for defendants in firearms cases for the FY 02-05 period where the primary offense is a "firearms" offense. They report the following information per district:

Arizona

2002 -- 100 defendants

2003 -- 145 defendants
2004 -- 184 defendants
2005 -- 226 defendants

New Mexico

2002 -- 69 defendants
2003 -- 63 defendants
2004 -- 86 defendants
2005 -- 103 defendants

Southern District of California

2002 -- 18 defendants
2003 -- 19 defendants
2004 -- 12 defendants
2005 -- 10 defendants

Southern District of Texas

2002 -- 192 defendants
2003 -- 153 defendants
2004 -- 161 defendants
2005 -- 227 defendants

Western District of Texas

2002 -- 131 defendants
2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

DATE OF DOCUMENT: 10/20/2005

WORKFLOW ID: 894221

DATE RECEIVED: 10/25/2005

DUE DATE: 11/09/2005

FROM: The Honorable Darrell Issa
U.S. House of Representatives

Washington, DC 20515

TO: AG

MAIL TYPE: Meeting requests

SUBJECT: (Fax rec'd from OLA) Requesting a meeting with the AG to discuss their frustration with the current policies within the Administration related to the prosecution of criminal aliens. Specifically, the failure of the USAO in San Diego to prosecute Alfredo Gonzales García and Antonio Amparo-Lopez. Ltr also signed by 18 other MCs. See WF 890960 - also from MC Issa - and other related corres in ES.

DATE ASSIGNED
11/01/2005

ACTION COMPONENT & ACTION REQUESTED
Executive Office of United States Attorneys
Prepare response for AAG/OLA signature.

INFO COMPONENT: OAG, OAG (Beach), ODAG, OLA

COMMENTS: 11/2/05: Original rec'd and fwded to AG files. Assigned to EOUSA to prepare a response for AAG/OLA signature - see OLA Seidel's email. EOUSA & OLA to coordinate meeting request with OAG (Beach). Please advise ES if meeting is held, in lieu of response. WF to be combined w/WF 890960.

FILE CODE:

EXECSEC POC: Paula Stephens: 202-616-0074

ASG000000017

CONGRESS OF THE UNITED STATES

Washington, DC 20515

IMMIGRATION CARD
PAPA BUNER
RECEIVED
FBI

OCT 25 10 22

October 20, 2005

EX-101

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Gonzales:

We write to request a meeting with you to discuss our frustration with the current policies within the Administration related to the prosecution of criminal aliens. To date, many illegal aliens, who deserve jail time, fall instead into the current practice of "catch and release." The recidivism rate among criminal aliens is high, and your Department's lack of action aggravates rather than remedies this problem.

The Border Patrol recently arrested illegal alien, Alfredo Gonzales Garcia, near the border in San Diego. Even though Mr. Garcia had at least two prior arrests for selling drugs and was incarcerated on two separate occasions for these offenses, the U.S. Attorney's Office in San Diego declined to prosecute him. Prior to that event, the U.S. Attorney's Office chose not to prosecute Antonio Amparo-Lopez, a human smuggler and illegal alien with multiple prior convictions. In each instance, under the Immigration and Nationality Act, they were both eligible, upon conviction, for a two-year prison sentence, at minimum.

The U.S. Attorney in San Diego has stated that the office will not prosecute a criminal alien unless they have previously been convicted of two felonies in the district. This lax prosecutorial standard virtually guarantees that both of these individuals will be arrested on U.S. soil in the future for committing further serious crimes.

There is one simple reason why "catch and release" cannot continue: it endangers our citizens. It is the responsibility of the Department of Justice to punish dangerous criminals who violate federal laws, and this includes criminal aliens. When we meet, at the very least we encourage you to be prepared to discuss the current policies used by the U.S. Attorneys to determine when to prosecute criminal aliens, including providing us with a copy of the prosecution guidelines that are applied to such cases in the Southern District of California.

Again, we would like to meet to discuss the disparity between crimes committed and prosecutions conducted at your earliest convenience. Please contact us at 202-225-3906 to schedule this meeting.

Sincerely,



John Collier
John Little
By M.D.
Eta Tracy
Dana Roberts
Dora Nunez
John Jung
Richard Rombo
Bill Thomas

Ray Kadenbach
Buck Mc
Wayne
Wally Hargers
Jimmy
Kendy "Mike" Cunningham

CVH: Winay get in the letter? cc: Taylor Brand Dotis

Editions of the North County Times Serving San Diego and Riverside Counties Friday, October 28, 2005

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Friday, October 28, 2005

Last modified Wednesday, October 26, 2005 10:55 PM PDT

Congressional delegation wants action on immigration policies

By: WILLIAM FINN BENNETT - Staff Writer

Upset with what they say is the federal government's failure to prosecute illegal immigrants, the entire 19-member California Republican congressional delegation has asked the U.S. attorney general for a meeting to discuss the matter.

In an Oct. 20 letter to Attorney General Alberto Gonzalez, the Congress members also criticized the U.S. attorney's office in San Diego for what they called its "lax prosecutorial standard" of only prosecuting those illegal immigrants with two felony convictions in the San Diego District.

"We write to request a meeting with you to discuss our frustration with the current policies within the Administration related to the prosecution of criminal aliens," the letter states.

The letter goes on to say that too often, illegal immigrants who should be jailed instead benefit from "the current practice of 'catch and release.' "

The Republicans' letter to Gonzalez appeared to be the latest sign of a growing level of conservative Republican frustration with the Bush administration on several issues, including what they say is its failure to enforce the country's immigration laws.

Last week, nearly one-third of the House's 231 Republican members sent a letter to President Bush, saying that if he expects to get their support for a temporary guest worker program, he first needs to clamp down on illegal immigration by strengthening the nation's borders and enforcing immigration laws.

Reached by phone in Washington on Wednesday, U.S. Rep. Darrell Issa, R-Vista — one of the signatories of the letter — said that he and other Republican members of Congress took a more diplomatic approach with the Bush administration until late 2004.

"Before the president was re-elected, all of us felt what we had to say had to be said behind the scenes — and it was," Issa said.

Not anymore.

"All of us realized two things: one, the president had three years (left in office) and (two) we needed for him to use those three years to solve this problem," Issa said.

The federal government has been promising to get a handle on illegal immigration for the last decade, he added. That is what is driving Republicans to step up the pressure on the administration, Issa said.

"We don't have any credibility with our voters," he said.

In the letter to Gonzalez, Issa cited what he said were two particularly egregious examples of failure to prosecute by the San Diego U.S. attorney's office. In one case, he said, an undocumented immigrant had previously been convicted of narcotics charges on "at least two occasions." And yet, Issa alleged, he was told by officials with the San Diego office that they had decided not to prosecute the man, who was recently apprehended by the U.S. Border Patrol and remains in custody.

Officials with the U.S. attorney's office did not return phone calls for comment Wednesday.

However, in earlier interviews, officials there have said that they are limited in the number of human smuggling cases they are able to prosecute because of a lack of funding.

Citing another case, Issa wrote to the attorney general that the U.S. attorney's office had also chosen not to prosecute a smuggler of undocumented immigrants who has multiple convictions. In his press release, Issa said the man has used more than 21 aliases and has been arrested and deported more than 20 times.

Speaking of the U.S. attorney's office in San Diego, Issa wrote: "They say they don't have resources for these prosecutions but they never ask Congress for help or even tell us what they would need to pursue these cases."

Late last year, San Diego's U.S. Attorney Carol Lam stated: "Our resources are limited and we have numerous and competing enforcement priorities to consider."

"Our office is devoting over a third of our attorney resources to these cases," Lam stated, referring to the prosecution of human smugglers.

Asked Wednesday to comment on the letter and Republicans' ongoing push for stronger immigration-law enforcement, a University of San Diego professor who specializes in cross-border issues said that Republicans and Democrats both agree that the county has reached a point of crisis in its immigration policy.

"No one is happy," said David Shirk, director of University of San Diego's Trans-border Institute, a USD-based group that studies cross-border issues.

However, focusing only on enforcement and prosecution is a mistake, he added.

"We know from experience in other areas like the war on drugs that trying to stop the problem at the border doesn't work," Shirk said. "We are talking about issues that are

much more complex — development issues in Mexico and demand for labor in the U.S.; as long as we don't develop policies that address those two issues, beefing up the border is a Band-Aid solution."

U.S. Rep. Randy "Duke" Cunningham, who also signed the letter to the attorney general, sent a statement to the North County Times on Wednesday saying that the federal government must provide the funding that prosecutors need to prosecute such cases.

"California spends millions prosecuting and detaining illegal aliens and we need to make sure authorities have the resources they need to do their jobs," Cunningham wrote.

Contact staff writer William Finn Bennett at (760) 740-5426 or wbennett@nctimes.com.

Henderson, Charles V

Protect Safe Childhood

From: Mercer, Bill (ODAG)
Sent: Thursday, January 26, 2006 12:24 PM
To: Henderson, Charles V
Subject: FW: Child Crime Statistics Information Request

Attachments: tmp.htm; Child Exploitation case statistics.pdf; Child Abuse - Pornography statistics & Definition.pdf



tmp.htm (1 KB)

Child Exploitation case statis...

Child Abuse - Pornography stat..

please print

-----Original Message-----

From: Bevels, Lisa (USAE0)
Sent: Thursday, January 26, 2006 12:05 PM
To: Mercer, Bill (ODAG)
Cc: Parent, Steve (USAE0); Erickson, Michael (USAE0)
Subject: Child Crime Statistics Information Request

Bill: I'm responding to your information request on Child Crime Statistics. The information provided to you by Data Analysis from our case management system in December 2005 (see attachment 1 pdf file) was only Child Exploitation statistics. The statistics in the USAs' FY 2007 President's Budget Child Exploitation/Obscenity Initiative, also taken from the case management system, were more broadly defined and included both Child Abuse and Pornography (see attachment 2 pdf file). Hope this helps explain the difference. Let me know if you have any further questions.

Lisa

<<Child Exploitation case statistics.pdf>>

<<Child Abuse - Pornography statistics & Definition.pdf>>

United States Attorneys—Criminal Caseload Statistics*
 Child Exploitation - 18 U.S.C. 1591, 2251, 2252, 2252A, 2252B, 2260, 2422, 2423, 2425**
 Fiscal Year 2005***

Listing Sorted: Alphabetically by District

District	Matters Received	Cases Filed	Defendants In Cases Filed	Defendants Sentenced To Prison****	Defendants Guilty****
1 Alabama, Middle	13	5	5	3	3
2 Alabama, Northern	12	8	8	6	6
3 Alabama, Southern	8	12	12	8	8
4 Alaska	18	8	8	14	14
5 Arizona	38	24	24	8	10
6 Arkansas, Eastern	15	13	14	7	10
7 Arkansas, Western	21	10	10	6	7
8 California, Central	99	57	60	29	33
9 California, Eastern	96	66	67	47	47
10 California, Northern	58	34	35	14	16
✓11 California, Southern	5	5	7	2	2
12 Colorado	40	16	16	15	15
13 Connecticut	32	15	15	15	15
✓14 Delaware	6	1	1	0	1
✓15 District of Columbia	17	5	5	3	3
16 Florida, Middle	83	37	37	45	45
17 Florida, Northern	22	4	4	8	8
18 Florida, Southern	50	36	38	29	31
19 Georgia, Middle	11	5	5	4	4
20 Georgia, Northern	46	35	35	22	23
21 Georgia, Southern	4	3	3	2	2
22 Guam	4	4	4	1	1
23 Hawaii	12	7	7	7	8
24 Idaho	13	6	6	5	5
25 Illinois, Central	23	12	12	22	23
26 Illinois, Northern	31	16	17	11	11
27 Illinois, Southern	12	7	7	6	6
28 Indiana, Northern	6	7	7	9	10
29 Indiana, Southern	21	16	16	18	18
30 Iowa, Northern	15	18	20	13	13
31 Iowa, Southern	18	18	18	5	5
32 Kansas	32	33	33	27	28
33 Kentucky, Eastern	28	17	17	18	18
34 Kentucky, Western	22	15	15	10	10
✓35 Louisiana, Eastern	9	5	5	3	4
36 Louisiana, Middle	4	3	3	2	2
37 Louisiana, Western	16	11	11	11	13
✓38 Maine	7	0	0	0	0
39 Maryland	25	20	21	15	17
40 Massachusetts	21	14	16	4	4
41 Michigan, Eastern	32	15	16	9	10
42 Michigan, Western	20	16	17	8	8
43 Minnesota	15	15	15	12	12
44 Mississippi, Northern	11	13	13	11	11
45 Mississippi, Southern	3	3	3	8	9
46 Missouri, Eastern	38	28	28	20	21
47 Missouri, Western	92	49	49	24	24
48 Montana	43	32	33	16	17
49 Nebraska	10	3	3	8	10
50 Nevada	35	25	26	14	14

ASG00000024

District	Matters Received	Cases Filed	Defendants In Cases Filed	Defendants Sentenced To Prison****	Defendants Guilty****
New Hampshire	13	6	6	6	6
✓ 2 New Jersey	45	42	46	41	43
53 New Mexico	17	6	6	5	5
54 New York, Eastern	45	21	23	16	17
55 New York, Northern	47	10	10	16	19
56 New York, Southern	55	22	32	19	21
57 New York, Western	44	30	30	28	30
58 North Carolina, Eastern	25	11	11	8	8
59 North Carolina, Middle	17	9	9	5	5
60 North Carolina, Western	17	8	8	9	10
61 North Dakota	10	8	9	11	11
62 Northern Mariana Islands	0	0	0	0	0
63 Ohio, Northern	54	38	38	30	30
64 Ohio, Southern	53	19	19	7	8
65 Oklahoma, Eastern	8	2	2	4	4
66 Oklahoma, Northern	6	6	6	3	3
67 Oklahoma, Western	16	10	13	18	19
68 Oregon	27	18	18	18	22
69 Pennsylvania, Eastern	25	17	17	20	21
70 Pennsylvania, Middle	41	20	21	15	17
71 Pennsylvania, Western	53	26	29	12	12
72 Puerto Rico	7	5	5	7	7
✓ 73 Rhode Island	9	1	1	0	0
74 South Carolina	46	29	29	28	32
✓ 75 South Dakota	4	1	1	2	2
Tennessee, Eastern	15	6	6	10	10
Tennessee, Middle	3	5	5	6	6
78 Tennessee, Western	21	19	21	21	22
79 Texas, Eastern	35	18	19	25	25
80 Texas, Northern	54	19	19	23	24
81 Texas, Southern	63	21	21	17	17
82 Texas, Western	65	32	32	37	37
83 Utah	55	40	41	10	10
✓ 84 Vermont	3	0	0	2	4
85 Virgin Islands	0	0	0	0	1
86 Virginia, Eastern	52	21	21	14	15
87 Virginia, Western	12	8	8	10	10
88 Washington, Eastern	22	19	19	11	11
89 Washington, Western	32	22	27	18	18
90 West Virginia, Northern	9	9	12	6	6
✓ 91 West Virginia, Southern	13	1	1	1	1
92 Wisconsin, Eastern	22	8	8	8	8
93 Wisconsin, Western	18	4	4	4	4
✓ 94 Wyoming	3	3	3	4	4
All Districts	2,493	1,447	1,503	1,159	1,220

load data extracted from the United States Attorneys' Case Management System.

chart includes data on any and all criminal cases/defendants where 18 U.S.C. 1591, 2251, 2252, 2252A, 2252B, 2260, 2422, 2423, or 2425 was brought as any charge against a defendant.

however, the statutes were run together to eliminate any double counting of cases/defendants where more than one of the statutes was charged against the same defendant.

***FY 2006 numbers are actual data through the end of September 2005.

****Displayed defendant outcome information based upon the overall outcome of a defendant.

28-Nov-05

ASG000000025

United States Attorneys -- Criminal Caseload Statistics*
 Child Abuse/Pornography**
 Standard Matter and Case Counts
 All Districts

Matters & Defendants -- Received, Pending, & Terminated

Fiscal Year***	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	652		716		1.10	565		624		1.10	267		302		1.13
93	582	-10.7%	669	-6.6%	1.15	559	-1.1%	643	3.0%	1.15	359	34.5%	406	34.4%	1.13
94	620	6.5%	684	2.2%	1.10	541	-3.2%	586	-8.9%	1.08	364	1.4%	435	7.1%	1.20
95	958	54.5%	1,067	56.0%	1.11	814	50.5%	898	52.9%	1.10	346	-4.9%	391	-10.1%	1.13
96	1,145	19.5%	1,310	22.8%	1.14	858	5.4%	945	5.5%	1.10	545	57.5%	622	59.1%	1.14
97	1,285	12.2%	1,414	7.9%	1.10	1,003	16.9%	1,083	14.6%	1.08	678	5.7%	654	5.1%	1.14
98	1,505	17.1%	1,615	14.2%	1.07	1,172	16.8%	1,266	16.9%	1.08	632	9.7%	693	6.0%	1.10
99	1,751	16.3%	1,886	15.5%	1.07	1,357	15.8%	1,454	14.8%	1.07	694	9.8%	752	8.5%	1.08
00	1,872	6.9%	2,004	7.4%	1.07	1,543	13.7%	1,632	12.2%	1.06	760	9.5%	837	11.3%	1.10
01	2,124	13.5%	2,276	13.6%	1.07	1,797	16.5%	1,908	16.9%	1.06	923	21.4%	1,011	20.8%	1.10
02	2,346	10.5%	2,550	12.0%	1.09	1,989	10.7%	2,142	12.3%	1.08	1,034	12.0%	1,105	8.3%	1.07
03	2,772	18.2%	2,943	15.4%	1.06	2,326	16.9%	2,494	16.4%	1.07	1,160	12.2%	1,267	14.7%	1.09
04	****		****			****		****			****		****		
05	****		****			****		****			****		****		
Average															

Cases & Defendants -- Filed, Pending, & Terminated

Fiscal Year***	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	277		298		1.08	217		223		1.03	268		287		1.07
93	236	-14.8%	250	-16.1%	1.06	168	-22.6%	176	-21.1%	1.05	278	3.7%	290	1.0%	1.04
94	264	11.9%	295	18.0%	1.12	194	15.5%	220	25.0%	1.13	241	-13.3%	254	-12.4%	1.05
95	344	30.3%	366	24.1%	1.06	268	38.1%	295	34.1%	1.10	272	12.9%	292	15.0%	1.07
96	540	57.0%	617	66.6%	1.14	427	59.3%	498	68.8%	1.17	385	41.5%	415	42.1%	1.08
97	583	8.0%	630	2.1%	1.08	460	7.7%	535	7.4%	1.16	539	40.0%	587	41.4%	1.09
98	711	22.0%	737	17.0%	1.04	590	28.3%	639	19.4%	1.08	576	6.9%	607	3.4%	1.05
99	848	19.3%	891	20.9%	1.05	686	16.3%	760	18.9%	1.11	731	26.9%	747	23.1%	1.02
00	893	5.3%	943	5.8%	1.06	785	14.4%	838	10.3%	1.07	771	5.5%	828	10.8%	1.07
01	938	5.0%	981	4.0%	1.05	854	8.8%	914	9.1%	1.07	840	8.9%	867	4.7%	1.03
02	1,119	19.3%	1,189	22.2%	1.07	991	16.0%	1,069	19.1%	1.10	940	11.9%	977	12.7%	1.04
03	1,261	12.7%	1,301	8.5%	1.03	1,178	18.7%	1,257	15.4%	1.07	1,044	11.1%	1,092	11.8%	1.05
04	1,244	-1.3%	1,277	-1.8%	1.03	1,281	7.2%	1,331	5.9%	1.06	961	-8.0%	982	-10.1%	1.02
05	1,576	26.7%	1,616	26.5%	1.03	1,561	23.8%	1,639	23.1%	1.05	1,436	49.6%	1,481	50.8%	1.03
Average	774	15.5%	814	15.4%	1.05	688	17.8%	744	18.1%	1.08	663	15.2%	693	15.0%	1.05

*Caseload data extracted from the United States Attorneys' Case Management System.

**This chart includes data on any and all criminal cases/defendants where selected child abuse/pornography statutes were brought as any charge against the defendant. However, the statutes were run together to eliminate any double counting of cases or defendants when more than one of the statutes was brought against the same defendant. See attached list for specific statutes included in the data.

***FY 2005 number of cases/defendants through the end of September 2005. FY 2005 data does not include data for the month of September 2005 in the Eastern District of Louisiana due to Hurricane Katrina.

****Matter data beginning in FY 2004.

United States Attorneys - Criminal Caseload Statistics
 Child Abuse/Pornography**
 Standard Disposition Counts
 All Districts

Fiscal Year***	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
82	268	287	50	28.0%	18.7%	54	27.8%	18.8%	1.08
83	278	290	64	-12.2%	23.0%	69	-42.0%	23.3%	1.08
84	241	254	37	292	15.4%	40	10.0%	15.7%	1.08
85	272	282	34	-8.1%	12.5%	44	10.0%	15.1%	1.29
86	385	415	60	76.5%	15.8%	67	52.3%	16.1%	1.12
87	539	587	59	-8.3%	10.2%	62	-7.5%	10.5%	1.13
88	576	607	80	8.1%	10.4%	82	0.0%	10.2%	1.03
89	731	747	59	-1.7%	8.1%	59	-4.8%	7.9%	1.00
90	840	867	58	-1.7%	7.5%	65	10.2%	7.9%	1.12
91	771	828	59	-1.7%	7.5%	66	1.5%	7.6%	1.12
92	840	927	53	-10.2%	5.6%	56	-15.2%	5.7%	1.06
01	1,044	1,092	75	41.5%	-7.2%	79	41.1%	7.2%	1.05
02	861	982	55	-26.7%	5.7%	58	-26.6%	5.9%	1.05
03	1,438	1,481	98	74.5%	6.7%	89	70.7%	6.7%	1.03
04	1,438	1,481	58	10.2%	11.0%	63	8.0%	11.4%	1.08
Average	663	693	58			53			1.08

Fiscal Year***	Total Defendants Terminated	Total Defendants Guilty****	Percent Change	Defendants Found Guilty****	Defendants Found Guilty as Percent of Total	Defendants Who Pled Guilty****	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate****	Defendants Acquitted****	Percent Change	Defendants Dismissed****	Percent Change	Other Terminated Defendants****	Percent Change
82	287	255	-1.2%	48	18.2%	206	80.8%	88.9%	5	160.0%	24	0.0%	3	-66.7%
83	290	252	-15.8%	54	21.4%	198	76.5%	86.9%	13	0.0%	24	8.3%	1	200.0%
84	254	212	23.1%	26	12.3%	166	87.4%	83.5%	13	-38.5%	18	112.5%	3	133.3%
85	292	261	34.9%	33	12.6%	228	85.8%	84.8%	8	-40.0%	34	35.3%	7	28.6%
86	415	352	48.7%	50	9.3%	302	90.7%	94.7%	20	86.2%	46	8.3%	32	255.6%
87	587	523	6.2%	46	8.4%	451	80.8%	86.2%	12	-7.7%	48	-8.2%	22	-31.3%
88	607	676	7.4%	48	7.4%	474	82.8%	90.5%	13	-33.3%	45	51.1%	14	-36.4%
89	747	743	6.1%	57	7.7%	686	92.3%	89.7%	8	90.0%	68	-16.2%	8	11.1%
90	828	768	8.7%	55	7.0%	733	93.0%	90.9%	12	-25.0%	57	45.6%	10	70.0%
91	861	868	9.3%	47	5.4%	821	94.8%	88.8%	9	44.4%	83	-4.4%	17	17.8%
92	877	983	9.0%	63	6.4%	920	94.5%	92.4%	13	100.0%	76	78.1%	20	-25.0%
03	1,092	907	-16.5%	50	5.5%	857	93.5%	82.5%	8	18.2%	43	12.1%	24	47.2%
04	892	1,370	51.0%	88	10.8%	1,281	89.7%	86.2%	16	100.0%	77	12.1%	18	47.2%
05	1,481	653	12.4%	48	10.8%	514	89.7%	86.2%	11	18.2%	45	12.1%	13	47.2%
Average	633	693		48		514			11		45		13	

*Caseload data extracted from the United States Attorney's Case Management System.
 **This chart includes data on any and all criminal cases/defendants where selected child abuse/pornography statutes were brought as any charge against the defendant. However, the statistics were run together to eliminate any double counting of cases or defendants when more than one of the statutes was brought against the same defendant. See attached list for specific statutes included in the data.
 ***FY 2005 number
 ****Data through the end of September 2005. FY 2005 data does not include data for the month of September 2005.
 *****Eastern District of Louisiana due to Hurricane Katrina
 *****USADATA ANALYSIS STAFF/CHILD_PORN-DISP BRG2
 08-Dec-05

United States Attorneys — Criminal Caseload Statistics
 All Districts
 Child Pornography/Abuse

Statutes Included on Chart

Data is included on this chart for cases filed where the following selected child pornography/abuse statutes are any charges in the case

- 18 U.S.C. 2241 Aggravated sexual abuse.
- 18 U.S.C. 2243 Sexual abuse of a minor or ward.
- 18 U.S.C. 2251 Sexual exploitation of children.
- 18 U.S.C. 2251A Selling or buying of children.
- 18 U.S.C. 2252 Certain activities relating to material involving the sexual exploitation of minors (including all subparts).
- 18 U.S.C. 2253 Criminal forfeiture, sexual exploitation and other abuse of children.
- 18 U.S.C. 2254 Child forfeiture, sexual exploitation and other abuse of children.
- 18 U.S.C. 2255 Civil remedy for personal injuries, sexual exploitation and other abuse of children.
- 18 U.S.C. 2256 Definitions for chapter, sexual exploitation and other abuse of children.
- 18 U.S.C. 2257(b)(1) Record keeping requirements.
- 18 U.S.C. 2258 Failure to report child abuse.
- 18 U.S.C. 2259 Mandatory restitution, sexual exploitation and other abuse of children.
- 18 U.S.C. 2423 Transportation of minors (including all subparts).

The data included on this chart is for cases/defendants where these selected child pornography/abuse statutes were brought as any charge against a defendant. However, the statistics were run together to eliminate any double counting of cases/defendants when more than one of the statutes was brought against the same defendant.

7
Department Of Justice
Deputy Attorney General
Control Sheet

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From: IRVING, JOHN S. (COUNSEL TO THE DAG)
To: DAG

Subject:
INFORMATION MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL EVALUATING THE
PERFORMANCE OF USAO DISTRICT PROJECT SAFE NEIGHBORHOODS INITIATIVES IN
FY 2005. (COURTESY COPIES TO PADAG BILL MERCER AND ADAG UTTAM DHILLON.)

Executive Reviewer; Elston, Michael

Due:

Instructions:

Action/Information:

Signature Level:

Exec. Sec. ID: NONE

File Comments:

ASG000000029

P R O J E C T ★ ★
SAFE ★ ★
NEIGHBORHOODS ★ ★
America's Network Against Gun Violence ★ ★

USAO District Review - FY 2005

March 6, 2006

MEMORANDUM FOR THE ACTING DEPUTY ATTORNEY GENERAL

THROUGH: Michael Elston
Chief of Staff

FROM: John S. Irving ^{JSI}
Counsel to the Deputy Attorney General

SUBJECT: Project Safe Neighborhoods
Review of FY 2005 District Performance

CC: William Mercer
Principal Associate Deputy Attorney General

Uttam Dhillon
Associate Deputy Attorney General

I. Executive Summary

The purpose of this memorandum is to evaluate the performance of USAO district PSN initiatives in FY 2005 and to identify exceptional and underperforming districts. The memorandum also provides explanations for districts that might appear to be underperforming based on prosecution statistics alone, and it documents the initial district performance evaluation conducted in 2004.

As a result of the 2004 evaluation, former Deputy Attorney General James Comey contacted a number of U.S. Attorneys in districts believed to be performing below their potential. However, asking the Acting Deputy Attorney General to now do the same as a result of the current evaluation would be of questionable value in light of PSN's recent shift to an anti-gang focus and attendant new performance measurement criteria. This evaluation does provide useful information about a number of district programs – some successful, others not – that can assist in the grant award process and in future program evaluations.

The following observations are based on prosecution statistics, available crime rates, the districts' October 2005 PSN Reports to the Attorney General, comments by the districts' main DOJ points of contact, ATF case referral statistics, and other information:

The following districts have exceptional PSN initiatives:

ASG000000031

- The following districts experienced a decrease in Federal firearms prosecutions of 25% or more in FY 2005: The Southern District of California,

Some of these districts are experiencing particular difficulty implementing their PSN initiatives. Most have successfully implemented PSN and have reasonable explanations for decreased prosecution numbers.

II. Background

A. General

This is the second review of USAO district performance since PSN's inception in 2001. As the attached documents demonstrate, the first review in 2004 started with a review of prosecution statistics – comparative numbers of Federal firearms cases filed and defendants charged. It then considered a number of other factors, such as any available crime statistics, EOUSA "EARS" reviews, and any awards the districts received for their PSN efforts.

Federal Firearms prosecution statistics also were a starting place for the current review. I looked first to districts where prosecutions decreased by 25% or more in FY 2005 to identify districts that might be underperforming. Using prosecution statistics to review district performance has been a topic of considerable discussion. From the beginning of PSN, the "Accountability" tenant of the program was not meant to measure a district's performance by prosecution numbers alone. Performance was to be measured by "outcome," rather than "output." The original *Implementation Guide for PSN Partners* notes that measurement of district initiatives should be both "an assessment of outcome . . . and trend analysis" of the district's particular gun crime challenges. The guide reads as follows:

Although numerical counts of arrests and convictions are important indicators, the success of any particular strategy is not reducible to those measures alone. Accordingly, the goal of the accountability component of the initiative is not to judge the United States Attorneys' efforts based on a predetermined target number of arrests and convictions in their districts. Rather, the accountability component should serve primarily as a means for the United States Attorneys and their PSN partners to keep abreast of the changes occurring in the districts, to assist them in evaluating their efforts in light of those challenges, and to provide them and their partners with an opportunity to retool their gun plans to address the emerging issues in the districts.

While prosecution statistics alone were never meant to be the sole measure of district performance, they have evolved into a benchmark. This is in part because prosecution numbers have been increasing at such astronomical rates that they have been convenient tools to illustrate the Department's PSN efforts. Prosecution statistics also are among the few national numbers that are available and current -- unlike crime statistics that typically are at least a year old when released and focus on cities, rather than on districts.

As in the 2004 review, a number of other factors have been considered here in an effort to make a more complete and fair evaluation of the districts' PSN initiatives. To start, this review considers prosecution statistics dating back to FY 1994, not just the increases and decreases of the last year. It also considers such information as the districts' October 2005 PSN reports to the Attorney General, comments by the districts' points of contact on the main DOJ Firearms Enforcement Assistance Team, ATF referral statistics, and crime statistics where they are available.

The districts are divided below into two categories: (A) districts with exceptional PSN initiatives; and (B) districts where Federal firearms prosecutions decreased 25% or more in FY 2005. Of those with decreased prosecution numbers, some -- e.g. the Southern District of California -- have experienced particular difficulty in the implementation of their PSN initiative. Others have successful PSN programs despite decreased prosecution numbers and/or have reasonable explanations for those numbers.

B. The 2004 Review

The first review of USAO district performance was initiated by a memorandum dated March 10, 2004 (see Tab 1), from then-EOUSA Director Guy Lewis to then-Counsel to the Attorney General Kyle Sampson identifying sixteen districts that appeared to be prosecuting Federal firearms offenses below their potential. The list was based in part on FY 2003 statistics for Federal firearms cases filed and Federal firearms defendants, but EOUSA considered other factors, including national prosecution statistics, violent crime statistics, and EOUSA's "EARS" reports.

PSN Coordinator Spence Pryor then narrowed the sixteen districts to twelve:
the Southern District of California,

a. Around the time of the June 2004 PSN conference in Kansas City, Deputy Attorney General Jim Comey met with or made calls to the U.S. Attorneys from those districts. Also present for the meetings and calls was some combination of Spence Pryor, Principal Associate Deputy Attorney General Chuck Rosenberg, and Kelly Shackelford of EOUSA.

Spence Prior documented the results of those conference calls and meetings in a memorandum (see Tab 2) to Kyle Sampson dated July 20, 2004. From information received in the DAG's conversations with the U.S. Attorneys and from additional materials submitted by at least two of the listed districts, it was determined that the following districts were engaged in PSN despite the statistics, and that additional follow-up was unnecessary: the

The following chart contains historical and current information about the twelve districts that were brought to Deputy Attorney General James Comey's attention:

District	U.S. Attorney in 2004	Current U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
			154	108	144	131	-9%	58
Southern District of California	Carol Lam	Same as 2004	24	17	18	12	-33%	86
			156	167	159	152	-4.4%	51
			83	96	86	96	11.6%	29
			176	193	252	223	-11.5%	62
			65	56	90	87	-3.3%	49
			15	8	2	9	350%	1

District	U.S. Attorney in 2004	Current U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
			16	4	20	12	-40%	90
			50	41	111	99	-10.8%	60
			127	111	120	171	42.5%	8
			30	28	33	31	-6.1%	53

* Denotes districts that later were deemed to be engaged in PSN and not in need of follow-up.

III. National Trends Based on FY 2005 Prosecution Numbers

FY 2005 prosecution statistics from EOUSA show that the districts continue to prosecute gun crimes at historic highs, but some of the figures deserve attention. I have included the list of districts sorted by percentage of increase or decrease between FY 2004 and FY 2005 (see Tab 3) and the list of district prosecution numbers dating back to 1994 (see Tab 4).

In FY 2005, the districts filed a total of 10,841 Federal firearms cases – a 2% decrease from the 11,067 cases filed in FY 2004. Forty-four of the districts (46.8%) filed more cases in FY 2005 than in FY 2004. Forty-eight (51%) of the districts filed fewer cases. Two districts prosecuted the same number of cases. There are a few statistical anomalies in the group – such as a 350% increase for prosecuting two cases in FY 2004 and nine in FY 2005, and the fact that the increase from zero to one does not register as a percentage.

Even with a 2% decrease from FY 2004 to FY 2005, the 10,841 cases filed in FY 2005 represents a 2.6% increase over those filed in FY 2003, a 27% increase over those filed in FY 2002, a 54% increase over those filed in FY 2001, and a 72.6% increase over the 6,281 cases

filed in FY 2000. It also should be noted that the number of defendants charged with Federal firearms offenses increased, albeit by less than one percent, from 12,962 in FY 2004 to 13,062 in FY 2005. Defendants charged with federal firearms offenses are still being sentenced to significant jail time. In FY 2005, over 93% of offenders received prison terms and over 68% were sentenced to three or more years in prison. By comparison, approximately 94% received prison terms and 73% were sentenced to three or more years in prison in FY 2004.

The following chart contains Federal firearms prosecution information for the sixteen districts that experienced decreases of 24.8% or more in cases filed between FY 2004 and FY 2005:

District	U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
		177	234	246	185	-24.8%	78
		50	82	124	93	-25.0%	79
		35	35	48	36	-25.0%	80
		107	125	153	110	-28.1%	82
		67	41	41	29	-29.3%	83
		105	167	188	129	-31.4%	84
		194	233	283	192	-32.2%	85
* Southern District of California	Carol Lam	24	17	18	12	-33.3%	86
		73	61	72	47	-34.7%	87
		42	49	101	64	-36.6%	88

District	U.S. Attorney	Federal Firearms Cases Brought in FY 2002	Federal Firearms Cases Brought in FY 2003	Federal Firearms Cases Brought in FY 2004	Federal Firearms Cases Brought in FY 2005	Percent Change from FY 2004 - FY 2005	FY 2005 Ranking (out of 94)
		190	246	271	170	-37.3%	89
		16	4	20	12	-40.0%	90
		133	129	143	83	-42.0%	91
		21	45	50	29	-42.0%	92
		35	24	61	30	-50.8%	93

* Noted in the list of 12 underperforming districts in FY 2003, above.

IV. Some Common Explanations

The districts cite some common reasons for declining firearms prosecution statistics. First, the lack of state and local grant funding in FY 2005 took its toll on partnerships and task forces. Unfortunately, many of the districts' two and three year grants to local prosecutors' offices, media partners, research partners, and others were expiring at the same time. Perhaps as detrimental as discontinued funding for PSN partners was the effect that the FY 2005 budget had on morale and on the confidence of task force members that PSN would continue to be a priority for the Department.

Some districts also have complained of decreased ATF referrals of felon-in-possession cases "adopted" from state agencies, and that the ATF is instead shifting its focus to longer-term investigations. I have included ATF referral statistics for the districts listed below. They show a mixture of results -- in some cases declining and in others increasing while prosecution numbers decreased.

Some districts, such as the District of _____ are still working their way out from under the large number of cases they filed in FY 2004. A portion of those cases continued into FY 2005, and districts lacking their own appellate sections are briefing and arguing more appeals -- particularly in the wake of the Supreme Court's decisions in United States v. Booker, 543 U.S. 220 (2005), and Blakely v. Washington, 542 U.S. 296 (2004).

V. Districts With Exceptional PSN Initiatives

This was a difficult list to keep short, as so many districts have exceptional PSN initiatives. The following districts have maintained a consistently high level of performance, and have achieved some staggering prosecution numbers.

A. District

The District was one of the districts brought to the attention of Deputy Attorney General Jim Comey in 2004. After the contact between the Deputy Attorney General and U.S. Attorney the U.S. Attorney sent a memorandum to EOUSA defending the district's PSN initiative (see Tab 5). In the later memorandum by Spence Prior, it was noted that "This is not a district that has any problems with its PSN program," and it was decided that additional follow-up was unnecessary.

The District deserves some recognition for its PSN efforts, and for an impressive 42.5% increase in Federal firearms cases filed in FY 2005 over FY 2004 – making it the district with the eighth highest percentage increase. The district went from 111 cases in FY 2003 to 120 in FY 2004 to 171 in FY 2005.

is still the U.S. Attorney in the District. The district's website contains a page dedicated to PSN and an outline of how the district is implementing its PSN initiative. The district's October 2005 PSN Report to the Attorney General provides extensive details about the district's partnerships, initiatives, and best practices. The report notes particular success with its "Project Disarm" initiative in y and , where it concentrates its enforcement efforts on the ultimate goal of dismantling gangs. The report also provides details about the district's community outreach and Project Sentry efforts.

It is worth noting that the District has long received recognition for its PSN initiatives, particularly for its use of "call-in" or "notification" meetings for released offenders under court supervision. The District's program remains exceptional, despite a slight decrease in prosecution numbers, but the District is due for some recognition.

B. District

has long been a PSN champion. In June 2004, the District of received an award for the Most Improved Gun Violence Program at the national PSN conference in Kansas City, Missouri. U.S. Attorney also has actively supported the Department in its appropriations efforts.

The District task force has not rested on its accomplishments. The district filed 114 Federal firearms cases in FY 2005 – a 37.3% increase over the 83 cases filed in FY 2004 and the 14th highest percentage increase of the year. The district filed only 20 such cases in FY 2001. In FY 2002, that number rose to 31, and then to 92 in FY 2003. After a slight dip to 83 in FY 2004, the district hit its highest number yet in FY 2005. The 114 Federal firearms cases filed in FY 2005 are a 660% increase over the 15 filed in FY 2000.

C. District

has been the U.S. Attorney for the District since the Fall of 2001. The district has long been recognized for its PSN initiative, and it was included in a handful of districts suggested to the Attorney General's Office last Fall for a visit. With a staggering 341 Federal firearms cases filed in FY 2005, the district takes the prize for the highest number of cases filed in one year since at least FY 1994. The 341 cases filed in FY 2005 also represent a 5.6% increase over the 323 cases filed in FY 2004.

The PSN task force in the District i reviews all arrests involving a firearm to determine whether offenders are eligible for Federal prosecution. Among the district's targeted offenders through FY 2004, 560 defendants had prior convictions for 2,030 felonies, including 14 murders, 131 robberies, and 275 burglaries. The district also has implemented a successful media strategy and a public outreach campaign that includes "call-in" meetings for released offenders under court supervision.

D. District

U.S. Attorney in the District is another PSN champion. In December 2005, U.S. Attorney organized a state-wide PSN conference in December 2005 attended by the Attorney General. She also actively supported the Department during the FY 2006 appropriations season. U.S. Attorney volunteered to testify at a PSN hearing before the Judiciary Committee of the U.S. House of Representatives last summer, and she enlisted additional witnesses from her task force – the District Attorney from and a reverend named who has assisted the district's outreach efforts. The committee hearing was repeatedly rescheduled, and ultimately cancelled, but U.S. Attorney was ready and willing throughout.

The District of 's PSN efforts led to a reduction in violent crime involving firearms in the district's five largest cities from 2003 to 2004. Homicides in fell from 41 in 2003 to 16 in 2004. The district screens cases to determine whether offenders are eligible for Federal prosecution, and the substantial increases in Federal prosecutions have been mirrored in state courts. The district also has an active community

outreach campaign that includes "call-in" meetings for released offenders under court supervision and "Project Fresh Start," a job-skills training program that provides employment opportunities for ex-offenders.

The number of Federal firearms cases in the District decreased from 187 in FY 2004 to 161 in FY 2005, but (a) the 161 number is a substantial increase over the years dating back to FY 1994, and (b) the number of Federal firearms defendants in the district increased more than 17% from 148 in FY 2004 to 174 in FY 2005.

The other two districts also deserve recognition for their efforts. In the U.S. Attorney saw an 8.1% decrease in Federal Firearms cases filed from FY 2004 to FY 2005, but the district still prosecuted 250 cases in FY 2005 – the sixth highest number out of all of the districts and more than double the number of cases it filed in FY 2001. The district's PSN Coordinator, received an EOUSA Director's Award for her work on PSN, a fact recognized by the Attorney General in his speech at the state-wide PSN conference in November 2005.

In the District, a, U.S. Attorney saw a 12.7% increase in the number of Federal firearms cases filed – from 220 in FY 2004 to 248 in FY 2005. The district had the seventh-highest number of cases filed among all of the districts, and the FY 2005 number is more than triple the 82 cases filed in FY 2001. The District accomplished this despite a falling-out between the ATF and the Police Department.

E. 1 District

In FY 2005, the District maintained its FY 2004 prosecution rate of 179 Federal firearms cases – its highest since at least FY 1994 – and increased the number of defendants charged in FY 2004 by 57.1%.

U.S. Attorney has held that position since March 2002. The has implemented its PSN initiative in an ethnically and geographically diverse district that includes and. The district's sources of gun violence range from domestic violence to armed felons to gang-related crime and drug trafficking in methamphetamine, prescription drugs, and crack cocaine. The district has assigned AUSAs to multiple sites, and it has implemented an aggressive "Project Sentry" initiative to address juvenile gun crime. According to UCR data comparing the first half of 2004 to the first half of 2005, the numbers of violent crime and murder stayed essentially the same in. In, the number of violent crimes increased 4.3%, but homicides decreased 16% from 50 to 42. In, violent crime fell 11% and homicides decreased 26% from 11 from 15.

F. Other Noteworthy Districts

Margaret Chiara has been the U.S. Attorney for the Western District of Michigan since the Fall of 2001. The number of Federal firearms cases filed by that district increased from 72 in FY 2004 to 109 in FY 2005 – a 51.4% increase. Nationally, the district had the seventh highest percentage increase in cases filed in FY 2005. With the exception of a dip in prosecution numbers in FY 2004, the district has steadily increased its firearms prosecutions, which have nearly doubled since 58 cases were filed in FY 2001.

The Districts of Columbia, Eastern District of Michigan, Southern District of New York, and Western District of New York respectively filed the second, tenth, eleventh, and twelfth highest number of Federal firearms cases in FY 2005. Under U.S. Attorney [redacted], the District of Columbia filed 285 cases in FY 2004 – its highest ever and more than triple the 89 cases filed in FY 2000. Under U.S. Attorney [redacted] until his resignation in June 2005 and then U.S. Attorney [redacted] the District of Columbia filed 223 Federal firearms cases in FY 2005, a slight dip since the district filed 252 cases in FY 2004, but still a substantial volume of cases.¹ Under U.S. Attorney [redacted] the District of Columbia filed 214 Federal firearms cases in FY 2005 – its highest since at least FY 1994. Under U.S. Attorney [redacted] the District of Columbia filed 211 Federal firearms cases in FY 2005 – a 40.7% increase over the 150 cases filed by the district in FY 2004 and the ninth highest percentage increase for FY 2005. In all, the four Districts prosecuted 933 cases in FY 2005 and more than 3,800 firearms cases since 2001.

VI. Districts With Significantly Decreased Firearms Prosecutions in FY 2005

The following districts experienced a decrease in Federal firearms prosecutions of 25% or more in FY 2005. Some have experienced particular difficulty in the implementation of their PSN initiative. Others have successful PSN programs regardless of the prosecution numbers and/or have reasonable explanations for decreased numbers.

¹ The Eastern District of Michigan was brought to the attention of Deputy Attorney General Jim Comey as one that might be underperforming. In the July memorandum from Spence Pryor to Kyle Sampson, it is noted that “USA is clearly engaged. At this point no follow-up is needed. Will review progress at conclusion of 2004.” In any event, Chuck Rosenberg is now the U.S. Attorney.

A. Southern District of California

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
SDCA	Carol Lam	24	17	18	12	-33.3%	86

ATF Referrals	98	75	143	152	6.3%
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Of the listed districts, the Southern District of California stands out as the only one with the same U.S. Attorney since 2002, a substantial urban population, almost no increase in cases filed from FY 2003 to FY 2004, a 33% decline in cases filed in FY 2005 (to a total of 12), and increased ATF referrals -- despite a call from DAG Jim Comey in June 2004. The Southern District of California's cases filed are at their lowest since 1994 -- and that is the earliest year for which EOUSA provided records -- despite 152 case referrals from the ATF in FY 2005.

The Southern District of California was among those identified as underperforming in the March 2004 memo from EOUSA to Kyle Sampson. The memorandum notes that the PSN Task Force was established in October 2002, after Carol Lam became the U.S. Attorney. The memorandum notes, however, that "[t]he most glaring statistic for this district is the overall dearth of firearms prosecutions." In a conference call with DAG Jim Comey prior to July 20, 2004, U.S. Attorney Carol Lam acknowledged that there were problems with the district's PSN initiative, but explained that part of the problem was that the district had an enormous immigration problem and lacked adequate prosecutorial resources to focus on PSN. U.S. Attorney Lam expected the district's PSN effort to improve through a new case-screening system with local prosecutors and a new point of contact in the U.S. Attorney's Office who was to oversee the intake of all firearms cases.

In our efforts to educate Congress about the success of PSN and need for state and local grant funding in FY 2006, Assistant Attorney General for the Office of Legislative Affairs Will Moschella sent a letter to Senator Diane Feinstein describing the efforts of the three U.S. Attorney's Offices in California. The following information was provided by U.S. Attorney Carol Lam:

PSN Enforcement, Southern District of California - The Southern District of California has made a concerted effort to support the goals of the PSN program by:

The Southern District has increased firearms prosecutions of gang members and other violent offenders. For example, in August 2003, the San Diego District Attorney's Office was awarded a PSN grant to fund the San Diego Violent Crimes Task Force - Gang Group in a multi-agency operation to combat gun violence in southeast San Diego. Typical of the results of this ongoing, joint

Federal and state effort, six Federal and state search warrants were executed in August 2005 to address the violent nature of a local street gang in the targeted area. Drugs were seized and 12 weapons (including a pistol with silencer and 2 assault rifles) were taken off the streets.

PSN Regional Identification of Firearms Project - PSN funding has provided gun-tracing analysis of firearms involved in crimes such as homicides, attempted murder, drug charges and felony in possession charges. Images of bullets and cartridge casings entered into the database system has increased progress in identifying guns used in crimes and linking them to criminal suspects. The program is supported by local, state, and Federal law enforcement, and without PSN funding, the equipment and highly-trained technician may be lost.

Youth Gun Violence Reduction - PSN funding has increased awareness through education in the Youth Gun Violence Reduction area by implementing the Bureau of Alcohol, Tobacco, Firearms and Explosives' G.R.E.A.T. program in San Diego schools in high risk areas. Gun safety brochures, in English and Spanish, have been circulated at community events to youth and families in high risk areas.

The district has made some efforts, and U.S. Attorney Lam's assistance in the appropriations process is appreciated, but there ought to be more to say about the district's PSN enforcement efforts in its fourth year than citing to a 2003 grant and six search warrants.

In its October 2005 report to the Attorney General on its PSN efforts, the district acknowledges a need for technical assistance in the areas of prosecution protocols, media outreach, and law enforcement strategies. The district states that it has requested and is planning to receive that assistance from MSU. The district reports that it does engage in case screening, and it focuses those efforts on domestic violence and alien-in possession cases. The district identifies gangs, drugs, felons-in-possession and aliens-in-possession as the sources of its gun violence problem. It notes that the effectiveness of its strategies has not been assessed and that one of its obstacles has been "turnover of key personnel."

Crime statistics do show a decrease in the number of violent crimes and homicides in San Diego. According to the FBI's UCR data, violent crime in the first half of 2005 declined there 8.8 % from the same period in 2004, and the homicides declined 23% from 30 to 23. I was unable to find crime statistics for El Cajon, the primary focus area of the district's task force.

B. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		177	234	246	185	-24.8%	78

ATF Referrals	207	252	250	226	-9%
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was confirmed as the U.S. Attorney for the District in July 2005. He was an

Federal firearms cases in the District slipped 24.8% from 246 in FY 2004 to 185 in FY 2005, although the FY 2005 number is still substantially above those filed in other recent years. The number of firearms defendants are proportionate – slipping from 333 in 2004 to 292 in 2005, but still above the numbers for other recent years. It is noteworthy that ATF referrals also declined from 250 in 2004 to 226 in 2005, and that the district likely is not lacking in armed felons. Crime statistics are not available specifically for the district, but UCR data for the District shows decreasing violent crime and murder rates. Violent crime declined 3% in the first half of 2005 compared to the same period in 2004, and murders declined 14% -- down from 278 in 2004 to 238 in 2005.

Unfortunately, we did not receive a PSN report to the Attorney General from the District in October 2005, so I do not have additional details about the district's strengths and weaknesses. Information about the district's PSN initiative also is not available on the internet, as the district's website does not have a page devoted to its PSN efforts.

On the other hand, please be aware that the district's PSN Coordinator, has been responsive to my calls and was very helpful in providing information during the FY 2006 appropriations season. With her feedback, we were able to send the following information to Rep. during the FY 2006 appropriations season:

PSN Enforcement in the District – In the District of , the PSN task force includes the U.S. Attorney's Office, ATF, FBI, Department of Probation and Parole, District Attorney's Office, District Attorney's Office, Crimestoppers, Division of Criminal Justice Services, YMCA, Boys and Girls' Club, Overall Economic Development

Organization, Urban Institute, National Crime Prevention Council, and the U.S. Department of Housing and Urban Development. As an example of the cooperation within the task force, the U.S. Attorney's Office, and the District Attorneys' Offices review firearms-related arrests and determine whether State or Federal prosecution will be more effective in individual cases. The District Attorneys' Offices have received PSN grants to support gun prosecutor positions.

The task force focuses its efforts primarily on gangs and drug trafficking. The task force also targets violent gun-related offenses, illegal possession of firearms by convicted felons and other prohibited persons, gun trafficking, and any firearm offenses in given high-crime "hot spots" in the district. Federal firearms prosecutions in the district increased by over 100% from FY 2000 to FY 2004.

The U.S. Attorney's Office in the District has used Federal firearms laws in its fight against violent street gangs. For example, the District prosecuted two members of rival crack cocaine distribution organizations under Federal firearms laws. Both were later charged with additional murder and narcotics related offenses, and the investigation led to the convictions of 11 members of the conspiracy and the effective dismantling of the criminal organization. Another felon-in-possession case led to the October 2004 conviction of and in an interstate crack cocaine distribution ring that stretched from New York to Virginia, and then to South Carolina. and his crew were responsible for, among other things, the stripping, beating, shooting, and murder of an associate who lost a quantity of crack cocaine he had been instructed to sell. The victim's body was stuffed into a trashcan and dumped along an interstate highway. faces life in prison. and face sentences of 25 years to life.

PSN Outreach - Recognizing that arrests and prosecutions alone will not effectively combat gun violence, the District of has implemented a community outreach campaign to engage the community and educate citizens about the dangers of gun violence and the penalties for Federal firearms offenses. The district places public service messages on television, posters, flyers, bus shelters, and billboards to spread the message that "Gun Crime = Hard Time". Project Safe Neighborhoods grants also helped to support youth anti-gang initiatives implemented by the YMCA and Pathways for Youth at summer youth camps.

It is important to note that [redacted] has benefitted from PSN grant funding in the past for the hiring of State and local gun crime prosecutors, prevention, media outreach, research, and strategic planning. You may be aware that PSN State and local grant funding provided to [redacted] in FY 2001 totaled \$5,725,948; in FY 2002 totaled \$4,458,008; in FY 2003 totaled \$3,396,006 and in FY 2004 totaled \$2,766,815. Without sustained funding, these programs will not be able to continue.

C. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		73	61	72	47	-334.7%	87
ATF Referrals		71	112	120	128	6%	

District of [redacted] Interim U.S. Attorney [redacted] has held his position since U.S. Attorney [redacted] left in August 2005.

I understand that the PSN Coordinator in the office, [redacted] is engaged and effective, but the district's firearms prosecutions have fallen significantly – to their lowest number since they prosecuted 43 cases in FY 1999. The number of firearms defendants are proportionate – 47 defendants in FY 2005 down from 75 in FY 2004 – and the lowest number since 33 in FY 1998. Crime rates for the district are difficult to determine, as the FBI's UCR does not contain data for [redacted] or [redacted].

When the district's PSN Coordinator was asked by a main DOJ PSN point of contact about the declining prosecution numbers, the PSN Coordinator provided some fairly understandable explanations. To start, he said that the ATF shifted their focus to longer-term investigations and targeting chronic dangerous offenders. As a result, local police department officers had to obtain the various records necessary to prosecute the case, and it took those officers longer than it had taken ATF agents. ATF's data, however, show an increase in firearms cases referred to the district – up to 128 in FY 2005 from 120 in FY 2004. The PSN Coordinator reported an increase in Armed Career Criminal convictions and lengthy prison sentences as a result of the concentration on chronic offenders. He also reported success in the form of a 50% decrease in murders from FY 2004 to FY 2005 in a notorious targeted area of [redacted]. The district also transferred the primary gun prosecuting AUSA to a narcotics section, and divided that AUSA's caseload among other AUSAs in the general crime section who are unable to concentrate exclusively on guns. The PSN Coordinator also has spent much of his time training police officers and coordinating community and media outreach campaigns. These resource

issues are understandable, but the district should be able to maintain a higher number of firearms prosecutions.

D. V District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		194	233	283	192	-32.2%	85

ATF Referrals	124	203	309	294	-4.8%
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The District has been among the most involved and active districts since PSN's inception. The recent decrease in firearms prosecution numbers does not cause concern because of the district's prior performance and because even the decreased FY 2005 number of cases filed represents an enormous increase over pre-PSN numbers.

The Western District of Tennessee's decreased prosecution numbers are puzzling because the district has had a model PSN initiative. It has been cited as one of the "PSN Best Practice" districts for comprehensive case screening – a strategy where all local firearms-related arrests are reviewed to determine the most effective venue for prosecution. The district also is one of the few that has not used grant funds for personnel costs, which has insulated its program from the winds of Federal appropriations.

Interim U.S. Attorney has held that position since U.S. Attorney resigned in October 2005. The number of Federal firearms cases filed fell more than 32% from 283 in FY 2004 to 192 in FY 2005. The FY 2005 number also is lower than the 233 cases filed in FY 2003 and the 194 cases filed in FY 2002. Still, the FY 2005 number is more than triple the average of 55 cases filed per year from 1994 through 2001. Federal firearms defendant statistics are proportionate – 213 in FY 2005 down from 322 in 2004 and 263 in FY 2003.

UCR data is not available for the district's largest cities of and

The district does have some valid reasons for the decreased prosecution numbers in FY 2005. In response to an inquiry about decreasing prosecution numbers by the district's main DOJ point of contact, the following explanations were offered: The PSN Coordinator had a baby in the middle of the year, the U.S. Attorney resigned in October, the district lost an AUSA in their gun unit and was not allowed to hire a replacement, a Special AUSA left the office and the replacement SAUSA was then deployed to Iraq, and the district (which does not have a separate appellate section) has been swamped with Blakely appeals.

E. District:

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		35	35	48	36	-25.0%	80

ATF Referrals	23	73	81	149	84%
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The District of _____ is one districts where the decrease in firearms cases filed might be the result of a particularly high number in FY 2004. U.S. Attorney _____ has held his position since March 2003. After a spike of 48 firearms cases filed in FY 2004, the District slipped in FY 2005 to 36 cases – essentially is the recent norm in the district. The district’s statistics on firearms defendants are interesting. The number of defendants increased from 80 in FY 2004 to 84 in FY 2005. FY 2002 was similar with 71 defendants, but there were significant spikes in FY 2001 (126 defendants) and in FY 2003 (142 defendants).

In its October 2005 report to the Attorney General, the district provided some statistics that do not quite match those from EOUSA, and further inquiry is needed to determine which figures are more accurate. The district stated that it had filed 32 PSN-related cases in Federal court in the preceding six months, representing a 60% increase from the preceding reporting period. The district also stated that those cases involved 82 defendants, representing an increase of 140% from the last reporting period. The district reported that from 2002 to 2005, violent crime decreased by 29.4%, and that the _____ Department of Justice has not been cooperative.

F. District:

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		50	82	124	93	-25.0%	79

ATF Referrals	64	130	202	165	-18%
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_____ has been the U.S. Attorney for the _____ District since October 2001. The district has been engaged in PSN, and its decrease in Federal firearms prosecutions are in large part due to the substantial increase in cases filed in FY 2004.

Cases filed in the district slipped 25% from 124 in FY 2004 to 93 in FY 2005. Still, the FY 2005 number is almost double that of FY 2002, and it far exceeds the 39 cases filed in FY 2001 or the 26 in FY 2000. Federal firearms defendant statistics are proportionate. There were

108 defendants in FY 2005 – below the 138 in FY 2004 but higher than the 96 in FY 2003, 65 in FY 2002, and 45 in FY 2001. It also is noteworthy that the ATF referrals dropped by nearly the same percentage as the cases filed in FY 2005.

Crime statistics in the district are disconcerting, and the UCR data comparing the first six months of 2005 to the same period in 2004 are not affected by: In the violent crime rate rose 4.2% and the murder rate increased 40% from 15 in 2004 to 21 in 2005. In the violent crime rate decreased 7.9%. The murder rate there increased 25%, but that translates to four murders in 2004 and five in 2005.

In its October 2005 PSN Report to the Attorney General, the district noted a number of successes. They are in the process of forming a full-time task force in and they have been coordinating their PSN efforts with other law enforcement initiatives, such as Weed & Seed, OCDETF, and the FBI's Safe Streets initiative. The district also is engaged with its research partner, which is providing helpful information to the district. The district reports decreasing crime rates in the areas in which its PSN efforts have been focused.

G. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		103	147	186	135	-27.4%	81
ATF Referrals		124	131	152	187	23%	

U.S. Attorney has held his position since March 2002, so he has some experience with PSN. In FY 2005, the district filed 135 cases – down 27.4% from FY 2004, despite a 23% increase in ATF referrals. The number of cases filed in the district in FY 2005 is also below the 147 cases filed in FY 2003, but it is above the 103 cases in FY 2002 and the 93 in FY 2001. The numbers of Federal firearms defendants in the district are proportionate – 157 in FY 2005, which is down from 233 in FY 2004 and 171 in FY 2003, but above the 123 in FY 2002 and the 105 in FY 2001.

UCR statistics comparing the first six months of 2005 to the same period of 2004 show mixed results and some notable homicide rate increases. In the violent crime rate rose only 1% and murders decreased 66%, although that translates to one murder in 2005 compared to three in 2004. In violent crime increased less than one percent, but murders rose over 43% -- from 39 in 2004 to 56 in 2005. A similar trend was seen in , where there was no meaningful change in the violent crime rate, but murders rose 275% from four to 15.

The district's October 2005 PSN report to the Attorney General demonstrates that the district is engaged in PSN. It has formed partnerships in its three largest cities. The district screens local arrests for eligible Federal defendants, and it has a cross-designated local prosecutor who can prosecute firearms cases federally. The district was in the process of planning a new media campaign at the time of the report, and it has trained over 400 law enforcement officers on Federal firearms laws and PSN for each of the last three years. The district's major concern was future PSN funding – it warned that a lack of funding would bring “a slow but steady reduction in our cases and an increase in violent crime.”

When asked about the declining prosecution numbers by a main DOJ PSN contact, the district PSN Coordinator explained that the decrease was due to the following circumstances: (a) the district prosecuted so many PSN cases in FY 2004 that it had a backlog of cases in FY 2005, (b) the district has been swamped with post-Booker appeals, and (c) the primary PSN AUSA in [redacted] tried a capital murder case while still bringing 50 PSN cases. The Main DOJ PSN point of contact for the district reports that the PSN Coordinator, AUSA [redacted] has been helpful, cooperative, and supportive of PSN.

H. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		107	125	153	110	-28.1%	82
ATF Referrals		140	211	226	266	17%	

U.S. Attorney [redacted] became the [redacted] in June 2005. Federal firearms cases slipped significantly from 125 in FY 2003 and 153 in FY 2004 to 110 in FY 2005. The number of cases filed in FY 2005 was closer to the 107 filed in FY 2002 and the 101 filed in FY 2001, but all of those years' totals far exceed the average of 45 cases per year from FY 1994 to FY 2000. The numbers of Federal firearms defendants are proportionate – down from 146 in FY 2003 and 171 in FY 2004 to 139 in FY 2005.

UCR statistics comparing the first half of 2005 to the same period in 2004 show modest decreases in the number of violent crimes in [redacted] and [redacted]. However, murders increased in both cities – by one murder in [redacted] but a 31% increase in [redacted]: from 16 in 2004 to 21 in 2005.

The [redacted] District [redacted] reports that it has been working in “Exile” partnerships since 1999, and the district's cooperation with researcher [redacted] at the [redacted] Institute of Technology is one of our best examples of data-driven law enforcement efforts. The district submitted an extremely detailed PSN report noting its use of such PSN “best

practices” as screening local arrests for potential Federal cases, conducting “homicide reviews” to examine patterns in those cases, using offender “call-in” meetings to dissuade those under court supervision from engaging in gun violence, and building street-level cases into more sophisticated investigations.

I. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		67	41	41	29	-29.3%	83

ATF Referrals	71	60	57	39	-32%
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_____ has been the U.S. Attorney for the District _____ since December 2001. Federal firearms cases in the district fell nearly 30% from 41 in FY 2004 and FY 2003 to 29 in FY 2005. The FY 2005 number is, however, a substantial increase from the average of 13 cases each year from FY 1994 through FY 2001. The district also is a relatively small one, and the nearly 30% decrease translates to a difference of 12 cases. On the other hand, _____ holds a sizeable chunk of the I-95 corridor, nicknamed “The Iron Pipeline.” It is noteworthy that the number of ATF firearms case referrals decreased at nearly the same rate – from 57 cases in FY 2004 to 39 in FY 2005, a 32% decrease. Trends in Federal firearms defendant numbers are consistent with the number of cases filed since FY 2001.

Recent UCR data is not available for the two largest cities in the district – _____ and _____. According to one press account, _____ experienced a slight decrease in homicides in 2005, and “after a particularly bloody” 2004 with “near record shootings,” major crimes decreased by 5% in the city. The article notes that the murder rate increased in 2005 in nearby _____ and _____, and decreased in _____ and _____. There apparently is some disagreement between _____ and other city leaders about how to address violent crime. According to the article, the mayor has said that social services and outreach initiatives “will have more of an impact over the long term than any policing strategy.” After 2004, the mayor created the “_____ HOPE Commission” to examine and coordinate social services, education, faith-based initiatives and cultural programs.

The district’s report to the Attorney General generally demonstrates engagement in PSN. It notes task forces members in _____ and elsewhere, and the district reports that it is very satisfied with its research partner, Data Statistical Analysis Center. I am concerned about the district’s method of measuring its performance. The report states in relevant part that “[t]he PSN Program will measure effectiveness by the percentage increase in charged Federal firearms offenders compared to pre-PSN levels. . . .” As an indication of success, the report boasts, “Since the beginning of our PSN efforts in September 2001, until the end of July 2005, we have prosecuted over three times as many Federal firearms defendants as in the immediately

preceding corresponding period” – presumably referring to the years 1998-2001. Clearly, the district has decided that prosecuting felons in possession of firearms is an effective way to address gun violence, and it ought to compare its current performance to that of more recent years.

J. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		105	167	188	129	-31.4%	84
ATF Referrals		179	227	259	348	34.3%	

The District's presence in this memorandum is puzzling. The district's PSN program has been a model one, and its PSN Coordinator is involved in the district's efforts.

became the U.S. Attorney for the District in December 2004. The district recently experienced a 31.4% decline in Federal firearms cases filed – falling from 188 in FY 2004 to 129 in FY 2005. At the same time, ATF referrals grew, with a 34.3% gain from 259 cases in FY 2004 to 348 cases in FY 2005. The cases filed in the district in FY 2005 also were lower than the 167 cases filed in FY 2003, so the recent decline apparently is not due to a spike in the number of cases filed in FY 2004. The number of Federal firearms defendants fell proportionately – there were 197 in FY 2005 down from 260 in FY 2004 and 268 in FY 2003.

The district's crime statistics show a generally improving trend. UCR data comparing the first half of 2005 to the same period in 2004 indicates that violent crime decreased 14% and that homicides fell 31%. In October 2005, the district reported that the effectiveness of its PSN program is demonstrated by significant decreases in crime rates: From 2003-2005, homicides were down 38%, robberies decreased by 25%, shootings decreased by 40%, shooting victims by 37% and gun crimes by 41%. The district noted that the number of firearms seized during the same period increased 38%. In its request for ATF VCIT resources, the district pointed out lower violent crime and homicide numbers, but noted that the district's murder rate in 2004 was worse than that of all of the then-current VCIT cities aside from

The District's PSN report demonstrates that it is engaged in PSN, and that is consistent with its reputation. The district's task force meets weekly and reviews local firearm arrests for possible Federal cases. The district enjoys a close relationship with the District Attorney's office, which has actively pursued firearms offenses in state court. That office filed 877 state firearms cases in 2004 and a similar number in 2005. Federal prosecutors prioritize cases involving violent armed career criminals, even where the immediate case does not involve

a firearm – which might make the statistics for Federal firearms cases filed an unreliable measurement of the district's PSN efforts. Examples of the district's innovative initiatives include flagging "PSN Highly Dangerous" offenders in the records of the Criminal Information Center, and the district's collaboration with the Housing Authority to abate nuisance properties and warn public housing residents about the consequences of committing firearms offenses.

The district's PSN Coordinator provided the following detailed email response to an inquiry about decreasing prosecution numbers by the district's point of contact at main DOJ:

The Firearms & Local Impact Offenses section, which prosecutes almost all the PSN cases in this district, charges defendants causing or contributing to gun violence under statutes other than 18 U.S.C. §§ 922, 924; these cases are not represented in the firearms statistics totals.

Many offenders, particularly in the PSN focus neighborhoods recognize possessing or carrying a firearm puts them at risk for Federal prosecution. Although many of these offenders continue to contribute to firearms violence, they are not armed when arrested or when a search warrant is executed. The Firearms & Local Impact Offenses section uses whatever Federal criminal statutes may be reasonably available to impact violent crime, particularly crime in the PSN focus neighborhoods. One example is a series of seven indictments against 15 defendants operating a heroin distribution ring in the PSN focus area unsealed July 28, 2005. These indictments charged few or no firearms charges, so their numbers would not appear in the 18 U.S.C. §§ 922, 924 statistics. Another example of charges not appearing in the EOUSA firearms statistics is a 15-defendant machine gun indictment returned August 14, 2005. Just those two examples alone change the percentage drop from 31.4% to 15.4%. Researching all the cases filed by the section would doubtless narrow the number even more significantly. Another example of a more complex prosecution completed during 2005 is one begun by an Assistant when she was in the Narcotics & OCDEF section and completed in May 2005, after she transferred to the Firearms & Local Impact Offenses. This case began as a 10 defendant drug trafficking conspiracy, and, on May 5, 2005, the three defendants who did not plead guilty were convicted at trial, two of them on firearms charges, as well as on drug charges. The three have been sentenced: one to life in prison, plus 15 years; one to 15 years, and the other to 9 years. The preparation and trial took an estimated 6 weeks.

Although the Firearms & Local Impact Offenses section continues, when appropriate, to adopt purely reactive local cases, the heroin indictments

mentioned above illustrate a shift to more strategic, more sophisticated investigations.

While the number of cases filed may be down from FY04 to FY05, more cases were completed in FY05 (163 to 147 in FY04), a 10.9% increase in completed cases. Since the number of cases indicted in FY04 (188) represented a 12.6% increase over FY03 (167), completing indicted cases reasonably shifts resources from initiating new ones. The shift to more complex-multi-defendant cases makes measuring defendants charged a better indicator of performance than measuring case initiations. When the number of defendants charged during this period also decreased (260 in FY04 to 197 in FY05, a 24.2% decrease), the average number of defendants per case filed increased slightly from 1.38 per case to 1.53 per case, and this reported increase does not include the defendants charged with non-firearms violations, like most of the defendants in the examples provided above.

Violent crime in the city of _____ the most violent area in the district, is down significantly, which reasonably affects the number of cases prosecuted. Although end-of-year numbers are not yet final, Part 1 firearms crime was down 12% from calendar year January 1, 2004 through December 3, 2005, and the two-year decrease for the same period from 2003 to 2005 was 25%. The homicide rate for the corresponding periods decreased 19% for one year, and 38% for two years. The _____ Police Department just announced the lowest homicide numbers since 1964.

Personnel losses and changes in personnel likely affected the number of cases filed.

On March 25, 2005, a former AUSA in the Firearms & Local Impact Offenses section, who had recently returned from maternity leave, resigned to stay at home with her young children. This AUSA was not replaced until 6-10-05. The replacement was an AUSA from the Narcotics & OCDEF section who brought her indicted cases from her former section with her. Another AUSA in the

Firearms & Local Impact Offenses section was on maternity leave during 2005, as well.

GAND answered the call for FISA help by detailing a different AUSA from the Firearms & Local Impact Offenses section to OIPR in DC from November 15, 2004-May 12, 2005.

Finally, during FY05 one AUSA in the Firearms & Local Impact Offenses section

began to prosecute internet predators of children to fill a gap left when two AUSAs resigned. These AUSAs formerly handled almost all these cases in the district.

This lack of resources in part reflects the lack of resources generally available in the district to meet all of the Department's and local priorities. As ODAG is aware, has fewer AUSAs to serve our district's very large and rapidly growing population than most districts. While the Department and the district have dedicated significant resources to PSN, in the long run, the overall lack of resources must produce a deleterious effect.

K. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		42	49	101	64	-36.6%	88

ATF Referrals	82	91	109	65	-40.3%
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The District's Federal firearms prosecutions fell significantly in FY 2005, but the district has supported PSN historically, and it is still prosecuting far more firearms cases than it was prior to FY 2004.

has been the U.S. Attorney for the District since April 2002. The district filed 64 Federal firearms cases in FY 2005 – more than a 36% decrease from the 101 cases filed in FY 2004. To place the latest number in context, though, 64 cases is still a substantial increase from the average of 37 cases filed from FY 1994 through FY 2003. The number of Federal firearms defendants has been proportionate – 90 in FY 2005 down from 141 in FY 2004 but substantially above any year dating back to FY 1994.

Recent crime statistics are not available in the UCR for the larger cities in the district: , and

The District's commitment to PSN is evident from the district's October 2005 report to the Attorney General. The district's task force includes a multitude of state and local law enforcement partners, prosecutors, and probation offices. With the help of designated prosecutors in 33 district attorneys' offices, cases are screened to identify those that are eligible for and warrant Federal prosecution. Using statistical data, the district focuses its efforts in the ten counties that experience the most significant gun crime.

The district reports a successful PSN initiative as measured by (1) firearms prosecution numbers that are "at historic highs;" (2) reduced incidents of firearms violence in the counties

actively engaged in PSN; (3) the efficient distribution of approximately \$900,000 in grant funding that has facilitated prosecutions, provided equipment overtime pay to police departments, assisted battered women's shelters, and promoted the PSN initiative through media campaigns; and (4) knowledge that the district's efforts have prevented crimes, held offenders accountable, and helped victims.

The district's own evaluation of its PSN initiative is as follows:

In those communities where PSN is active violent crime is down and anecdotal information ties these violent crime reductions to our own efforts. Indeed, by every empirical measure which we have reviewed, our Project Safe Neighborhoods initiative is highly successful. Three statistics aptly illustrate the success of this effort: First, this initiative has resulted in a significant increase in firearms presentations throughout the district, with firearms prosecutions increasing by more than 100% over the lifetime of this program. Second, these prosecutions are exacting substantial sentences, with 98% of the cases resulting in prison terms and 56% of these prosecutions yielding jail terms exceeding 5 years. Third, this initiative is fostering stronger, local, state and Federal partnerships with more than half of our district's county district attorneys actively participating in the program in some fashion. Beyond these empirical measures of success, anecdotal evidence indicates that this district's initiative is having a concrete, positive impact on the communities we serve. Prosecutors [and] police agencies report that arrested felons and drug traffickers are stating that they have refrained from firearms possessions in order to avoid Federal prosecution. Morale among local police agencies and prosecutors who are actively participating in this program is extremely high because those agencies can see the immediate benefits which they are deriving from Project Safe Neighborhoods.

L. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
J		190	246	271	170	-37.3%	89

ATF Referrals	111	134	113	127	12.4%
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The District prosecuted 170 Federal firearms cases in FY 2005 – a 37.3% decrease from the 271 cases filed in FY 2004. The FY 2005 number also is below the 246 cases in FY 2003 and the 190 cases filed in FY 2002, and it is essentially the same as the 165 cases filed in FY 2001. It is, however, substantially higher than the average

of 108 cases filed from FY 1994 through FY 2000. Federal firearms defendant numbers are proportionate – 292 in FY 2005, down from 333 in FY 2004 and 328 in FY 2003, but above the 243 in FY 2002 and the 153 in FY 2001. ATF referral numbers appear odd in the above chart because they are lower than any of the numbers for cases filed. That is because the U.S. Attorney's Office works closely with the Department, so it is not unusual for a case to be brought directly from the local police to the U.S. Attorney's Office. While the number of Federal firearms cases fell, it should be noted that the district experienced increased conviction rates in 2005 – nearly 10% in Federal court and 11% in the local Court.

According to the Police Department, there were 195 homicides in D.C. in 2005. While there is always room for improvement on homicide statistics, the 2005 number is the lowest in almost 20 years and it represents a 20% decrease in the past two years. There were 198 homicides in 2004, 246 in 2003, and 262 in 2002. The highest number was 474 in 1990, and homicides averaged over 344 per year from 1986 through 2001. The number of child homicide victims fell in the district almost 50% from 24 in 2004 to 13 in 2005.

Violent crime decreased in the District between 2001 and 2004. According to the data submitted to the FBI, non-homicide violent crimes (Rape, Robbery, and Aggravated Assaults) in the District went from 8,961 in 2001 to 8,847 in 2002 (down 1.2%), to 8,591 in 2003 (down 2.9%), to 7,138 in 2004 (down 16.9%). According to preliminary data from the Police Department, there were 7,612 non-homicide violent crimes in the District in 2005 – an increase of 6.6%. However, the police department warns that this preliminary data is preliminary and is not necessarily what will be reported to the FBI for the UCR. In addition, the categories are different – instead of the “forcible rape, robbery, and aggravated assault” categories listed in the 2004 report, the 2005 statistics list “sexual assault, robbery, and assault with a deadly weapon.”

United States Attorney became the U.S. Attorney in May 2004. Having started as a line prosecutor in the office, he has ample respect from his colleagues. As you are aware, U.S. Attorney has been involved in PSN as the former Director of EOUSA, and he has actively supported the Department through the Attorney General's Advisory Committee, the Attorney General's Anti-Gang Coordinating Committee, and elsewhere.

The U.S. Attorney's Office for the District:

The advantage of this is that there is better information-sharing at the Federal and (would-be) state level – almost all arrest-driven cases are

One reason for the decreasing number of Federal firearms cases is that the Court recently adopted sentencing guidelines. Although the guidelines are “voluntary,” most of the judges apply them. Because the district now has reasonable expectations about sentences in local court, it is able to focus Federal prosecutions on offenders with more substantial criminal histories and on those who are more likely to have information about gang members and other crimes. Also, because firearms

offenses are detainable in Court, there is a tactical incentive to bring cases there when the case does not involve drug or other offenses that might detain a defendant in Federal court. The U.S. Attorney's Office also recently restructured its Federal court sections, forming a separate section to prosecute most arrest-driven Federal crimes.

The district's Community Prosecution Section has made substantial efforts to coordinate and focus law enforcement efforts, and its AUSAs have been heavily involved in public outreach efforts -- attending neighborhood meetings and spending a portion of their time at offices in each of the District's seven police district stations. The District's October 2005 PSN report to the Attorney General describes its law enforcement coordination, media outreach, community involvement, and research-driven focus

M. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		16	4	20	12	-40.0%	90
ATF Referrals		13	6	20	36	80%	

In 2004, the District was identified by EOUSA as a potentially underperforming district. In his July 20, 2004, memorandum to Kyle Sampson, Spence Pryor indicated that the district was focusing on its PSN initiative and seemed to be on the right track. He concluded that additional follow-up was not needed, but that the district's performance should be reassessed at the end of 2004. Spence Prior's memorandum noted that the district's Federal firearms prosecution numbers fell in FY 2003 because the Territorial Attorney General ordered the local police to bring all gun cases to his office and not the U.S. Attorney's office in apparent retaliation for a Federal corruption probe.

As of the date of Pryor's memorandum, the local government had changed, and the district was again receiving firearms cases from the local police. The FY 2004 statistics confirm that the district was again prosecuting a substantial number of firearms cases for its size -- it filed more than four times as many cases as it did in FY 2003. It is unclear what caused the number to then fall in FY 2005 to 12 cases, particularly in light of increased ATF referrals. While the number of cases filed was a 40% drop from FY 2004, it was still triple the number of cases in FY 2003. The number of Federal firearms defendants was proportionate -- 13 in FY 2005 down from 25 in FY 2004.

Crime statistics are not available in for the in the FBI's UCR.

U.S. Attorney has held his position since June 2005. Former U.S. Attorney resigned in August 2004. When the district's main DOJ PSN point of

contact recently contacted the district to discuss the prosecution statistics, he was told that the district now has administrators, partners, and participants in PSN who are committed to developing a successful program. They anticipate marked improvement. I recommend that the new participants be given an opportunity, and that the district's efforts be monitored to for the remainder of the fiscal year.

N. District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		133	129	143	83	-42.0%	91

ATF Referrals	285	219	218	171	-21.6%
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has been the U.S. Attorney for the District since the Fall of 2002. Federal Firearms cases filed by the district fell 42% from 143 in FY 2004 to 83 in FY 2005. The FY 2005 number was the lowest since FY 2000. However, the number of Federal firearms defendants increased from 229 in FY 2004 to 238 in FY 2005. With the exception of the 256 defendants in FY 2002, this was the highest number since FY 1995. It also is worth noting that the ATF referred fewer cases in FY 2005 than it did in FY 2004, although it is unclear whether the cases referred in FY 2005 involved more co-defendants.

According to the FBI's UCR data comparing crime statistics for the first half of 2005 to the same period in 2004, homicides decreased by 14 percent (from 278 in 2004 to 238 in 2005), and violent crime numbers decreased by 3%. Those numbers are imperfect, not only because of their limited time frame, but because the is contained in both the and Districts. The statistics are of some value in determining the general trend in the area.

The district's PSN report to the Attorney General in October 2005 demonstrates that the district is engaged in the initiative. It identifies a long list of partners that include the ATF, FBI, DEA, USMS, Weed and Seed, and a host of local law enforcement partners in and L. The district and its local partners screen arrests to identify appropriate Federal cases, and local prosecutors have been cross-designated to prosecute firearms cases federally. The district provides detailed numbers for the more than 3,000 firearms cases prosecuted locally by its partners in 2004 and 2005, and it provides factual details about high-profile organized crime, MS-13, and other cases that started as PSN cases. The district has determined that its two most significant sources of gun violence are gangs and drugs. It does not list "illegal possession" as one of the offenses on which its efforts are focused. Rather, the task force focuses on all firearms offenses in focused areas (usually coinciding with Weed and Seed sites),

targeted offenders rather than specific offenses, criminal organizations and gangs, and gun trafficking.

O. District of _____

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		21	45	50	29	-42.0%	92
ATF Referrals		31	37	48	31	-35.4%	

The _____ District of _____ filed 42% fewer Federal firearms cases in FY 2005 than in FY 2004; however, that percentage translates to a decrease from 50 cases in FY 2004 to 29 in FY 2005. The numbers of Federal firearms defendants in the district are proportionate – 32 in FY 2005 down from 59 in FY 2004, but above the 26 filed in FY 2002 and the 28 filed in FY 2001.

Crime statistics for the district's largest city, _____ are not reported by the FBI's UCR.

U.S. Attorney _____ has held his position since January 2002. In the district's PSN Report to the Attorney General in October 2005, it reported that its task force included the ATF, FBI, USMS, IRS, ICE, and a number of state and local law enforcement agencies. The task force screens arrests to determine the appropriate venue for prosecution, but it has not cross-designated local prosecutors to prosecute Federal cases. The district's PSN Coordinator is the anti-gang coordinator and the Project Sentry coordinator. He also is active with DEA and OCDETF and coordinates proactive cases with PSN. The district identified drugs and chronic offenders as its most significant sources of gun violence, although it listed felons in possession as another source. The district reported that it focuses on illegal possession, as well as specific offenders and criminal organizations and gangs. The district identified "increased Federal prosecution of firearms-related cases" as one of five strategies it has implemented. The report noted that the previous PSN Coordinator, _____, was detailed to EOUSA, and that the new Coordinator, _____ needed some time to transition. At the time of the report, the district was planning a conference for PSN training in 2006.

The district's main DOJ PSN point of contact discussed the FY 2005 prosecution statistics with the district's PSN Coordinator. To start, the district's PSN Coordinators have always been responsive to inquiries by the DOJ point of contact, and they have actively worked to implement PSN in the district. The PSN Coordinator explained that until recently, many of the district's PSN cases arose out of investigations involving methamphetamine labs. After an Oklahoma law regulating the distribution of precursor drugs went into effect in July 2004, many of the labs disappeared. Much of the drug supply now comes from Mexico. Also, the ATF was

assisting in drug cases in the district until DEA was able to focus its resources in the state. The PSN Coordinator notes that the ATF has now focused its attention on longer-term investigations. ATF referrals of firearms cases to the district decreased significantly in FY 2005.

P District

District	U.S. Attorney	2002	2003	2004	2005	% Change	Rank
		35	24	61	30	-50.8%	93
ATF Referrals		37	91	54	37	-31.5%	

U.S. Attorney [redacted] has held that post since October 2001. In FY 2005, the District [redacted] experienced a 50.8% drop in Federal firearms cases filed – from 61 in FY 2004 to 30 in FY 2005. This was the most significant percentage drop by any district in FY 2005. The number of cases filed in FY 2005 sits between numbers for other years – above the 24 cases filed in FY 2003 but lower than the 35 cases filed in FY 2002 and barely lower than the 31 cases filed in FY 2001. The numbers of Federal firearms defendants are proportionate – 33 in FY 2005 down from 66 in FY 2004 and the lowest number since 30 cases were filed in FY 2000.

UCR Crime statistics are not available for [redacted] the largest city in the district.

In its October 2005 PSN Report to the Attorney General, the district lists a full complement of Federal and local task force partners, including the FBI and DEA. The district focuses its PSN efforts in [redacted] and [redacted]. It screens local gun-related arrests to determine the best venue for prosecution. The district reports using federal firearms cases to prosecute the leaders of [redacted]'s "Mafia Insane Vice Lords" gang and using PSN relationships to investigate and successfully prosecute those gang members for the subsequent murder of a key government witness. The district identified gangs and drugs as the primary sources of its gun violence, although it listed felons in possession as another source. The district has implemented a number of PSN's "Best Practices," including increased federal firearms prosecutions, gang investigations, directed police patrols, and chronic offender lists.

In its PSN Report, the district describes the successes of its PSN initiatives launched in [redacted] in 2002 and in [redacted] in 2004:

In [redacted], where PSN was implemented in March 2002, violent gun crimes dropped 63% from 131 incidents in 2001 to 49 in 2003. There were 54 such incidents in 2004, still 59% below the 2001 level. Through the first 9 months of 2005, violent gun crime remains down in [redacted]. In [redacted], where PSN began in August 2004, violent gun crimes dropped from 261 incidents in 2003 to 172 in 2004, a decrease of 34%. Violent gun crime was down significantly in [redacted] for the first six months of 2005 and stabilized at the reduced level for [redacted].

the 3rd quarter. . . . Violent gun crime has stabilized in at a rate approximately 60% below 1999-2002 levels. In one year, violent gun crime in has decreased from 210 to 127, a drop of 40%.

The district is understandably proud of its efforts. In October 2005, the district contacted me and sent me a CD titled "The Story" detailing the district's efforts in that target area. On February 14, 2006, I received an email from the district announcing that "The Story" was going to be discussed on a radio program. The email also provided updated crime statistics:

The gun crime in remained stable near its drastically reduced level. The big emerging news is that has reduced its violent gun crime by 54% over the last two years, going from 261 violent gun crimes in 2003 to 119 in 2005.

When the PSN Coordinator was contacted by the district's main DOJ PSN point of contact and asked about the decreased firearms prosecution numbers in FY 2005, the PSN Coordinator provided some fair explanations for the decreased prosecution numbers. He noted that the FY 2004 numbers were particularly high for the district, due in part to approximately 25 cases that were unsealed at one time in FY 2004. The PSN Coordinator explained that the district received fewer case referrals from ATF in FY 2005, which is confirmed by ATF data showing a decrease from 54 cases referred in FY 2004 to 37 in FY 2005. The PSN Coordinator reported that ATF had experienced personnel issues in the district – one agent from the small NDMS office was reassigned to the VCIT initiative, and another was reassigned to assist in after the hurricane. The ATF's office in the district was shut down for a substantial period of time due to the hurricane. The PSN Coordinator also said that the ATF RAC was being told by ATF headquarters to shift his focus from firearm possession cases to larger criminal enterprise cases.

Image Not
Available

U.S. Department of Justice

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Office of the Director*

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(202) 514-2121

MEMORANDUM FOR: Kyle Sampson
Counsel to the Attorney General

FROM: Guy A. Lewis
Director, EOUSA

DATE: March 10, 2004

SUBJECT: PSN Under-Performing Districts

The following memorandum identifies sixteen districts in which PSN-driven prosecutions appear to be below their potential either because federal firearms prosecutions have declined or because other factors exist that might be limiting the effectiveness of PSN strategies. Because PSN is a cooperative effort that encourages each district to coordinate prosecution strategies with state and local prosecutors by identifying which firearms cases are more appropriately prosecuted in federal or state court based on the nature of the offense and the severity of the penalty, the number of federal prosecutions alone do not necessarily represent the district's performance or give the total picture of what is occurring in the district. Moreover, there may exist other factors unknown at this time which help explain some of the reduction in each District's prosecutive efforts.

The criteria selected for this analysis was based on several factors that are driven by the percentage change in firearms prosecutions and defendants in the past three fiscal years and additional PSN resources allocated to the district. Since factors relying solely on percentage changes over the past three years would not effectively evaluate districts which may have had a strong firearms prosecutions program before PSN was implemented and, therefore, did not show significant increases in gun crime statistics, we have also included factors that compare the number of firearms prosecutions and defendants in FY2003 per capita in the district and per criminal work years in the district.

Other information has been included in the analysis when available such as the EOUSA Evaluation and Review Staff (EARS) report on PSN for Districts that were evaluated in recent years and any awards received by the district for its PSN efforts. State and/or local violent crime statistics, if available, were included as well.

Districts are also compared to the national data in federal firearms prosecutions which have increased significantly nationwide in the past three years as follows:

ASG00000064

National Statistics

Federal firearms prosecution increase from FY 2000 to FY 2003	68.1%
Federal firearms defendants increase from FY 2000 to FY 2003	61.9%
Number of federal firearms prosecutions in FY 2003	10,556
Number of federal firearms defendants in FY 2003	13,037
Federal firearms prosecution increase from FY 2002 to FY 2003	23.7%
Federal firearms defendants increase from FY 2002 to FY 2003	22.6%
National average of firearms prosecutions per 100,000 population -FY 2003	3.70
National average of firearms defendants per 100,000 population -FY 2003	4.57
National average of firearms prosecutions per criminal workyears -FY 2003	2.89
National average of firearms defendants per criminal workyears - FY2003	3.57

DISTRICT

United States Attorney

<u>Statistical Information</u>	
Indictments: FY00: 88 FY01: 147 FY02: 154 FY03: 108	
Defendants: FY00: 147 FY01: 219 FY02: 213 FY03: 141	
Percent Change in Indictments - FY03 compared to FY00	22.7%
Percent Change in Defendants - FY03 compared to FY00	-4.1%
PSN Resources: Attorneys (5) Support (3)	
Indictments per criminal work years - FY03	0.64
Defendants per criminal work years - FY03	0.84
Indictments per 100,000 population - FY03	0.63
Defendants per 100,000 population - FY03	0.83
Percent Change in Indictments - FY03 compared to FY02	-29.9%
Percent Change in Defendants - FY03 compared to FY02	-33.8%

Analysis

- From FY 2000 to FY 2003, there has been an 22.7 % increase in firearms prosecutions.
 - From FY 2000 to FY 2003, there has been a 4.1% decrease in firearms defendants.
 - The District received five additional attorneys and three support personnel since 2001.
 - The District's firearms prosecutions per capita (0.63 per 100,000) is low when compared to the national average of firearms prosecutions of 3.70 per 100,000 population.
 - The District's indictments and defendants per criminal work years for FY 2003 are extremely low.
 - In May 2003, EOUSA's EARS conducted its evaluation of this District. The report found
-
- It appears that reported ATF referrals for firearms prosecutions decreased from 211 in FY 2001 to 201 in FY 2002 to 142 in FY 2003 (35% decrease over two years). As set forth above, this may be a result of the "friction" between ATF and the USAO.

SOUTHERN DISTRICT OF CALIFORNIA, United States Attorney Carol C. Lam

<u>Statistical Information</u>	
Indictments: FY00: 16 FY01: 19 FY02: 24 FY03: 17	
Defendants: FY00: 29 FY01: 25 FY02: 30 FY03: 23	
Percent Change in Indictments - FY03 compared to FY00	6.3%
Percent Change in Defendants - FY03 compared to FY00	-20.7%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	0.20
Defendants per criminal work years - FY03	0.27
Indictments per 100,000 population - FY03	0.58
Defendants per 100,000 population - FY03	0.78
Percent Change in Indictments - FY03 compared to FY02	-29.2%
Percent Change in Defendants - FY03 compared to FY02	-23.3%

Analysis

- From FY 2000 to FY 2003, there has been a 6.3% increase in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 20.7% decrease in firearms defendants.
- The District's firearms prosecutions per capita (0.58 per 100,000) is low when compared to the national average of firearms prosecutions of 3.70 per 100,000 population.
- The most glaring statistic for this District is the overall dearth of firearms prosecutions: only 17 firearms indictments were returned in FY 2003, which represents a 29% reduction from the 24 indictments returned in FY 2002.
- In addition, only 23 defendants were charged with firearms offenses in FY 2003.
- This represents a 23% decrease in the number of defendants charged from FY 2002 to FY 2003.
- The District's indictments and defendants per criminal work years for FY 2003 is the lowest in the nation.
- The EARS evaluation, conducted in February 2002, reflects that the implementation of the PSN initiative was delayed due to the absence of a presidentially-appointed USA. However, in the follow-up EARS review, it was noted that upon the arrival of USA Lam, the PSN Task Force for the District was formally established and implemented as of October 2002.

DISTRICT:

United States Attorney

Statistical Information	
Indictments: FY00: 120 FY01: 162 FY02: 156 FY03: 167	
Defendants: FY00: 174 FY01: 231 FY02: 228 FY03: 228	
Percent Change in Indictments - FY03 compared to FY00	39.2%
Percent Change in Defendants - FY03 compared to FY00	31.0%
PSN Resources: Attorneys (4) Support (1)	
Indictments per criminal work years - FY03	1.06
Defendants per criminal work years - FY03	1.44
Indictments per 100,000 population - FY03	2.81
Defendants per 100,000 population - FY03	3.84
Percent Change in Indictments - FY03 compared to FY02	7.1%
Percent Change in Defendants - FY03 compared to FY02	0.0%

Analysis

- From FY 2000 to FY 2003, there has been a 39.2% increase in firearms prosecutions and a 31.0% increase in firearms defendants.
- The chart reflects an essentially flat growth rate for indictments and defendants in FY03 when compared to FY02, despite four additional AUSAs and one additional support position allocated to the District for dedicated firearms and Project Sentry prosecutions since August 2001.
- It should be noted that the District's overall prosecutions are down 3% from FY 2002 to FY 2003, which places it in the bottom quartile among all USAOs in terms of caseload productivity over this time period.
- A highly publicized dispute over public corruption matters between the USAO and the Police Department has led to a breakdown in the working relationship between these two agencies. In fact, the USAO has acknowledged "the strained relationship" and existing "tension" with County's largest local police force. It is not known whether this breakdown has had a deleterious, spillover effect on firearms investigations and prosecutions, involving the Police Department.
- The District is also having difficulties with its PSN media partner, and has been unable to get the media partner to work cooperatively in advancing the media campaign throughout the District.
- It appears that ATF referrals for firearms prosecutions increased from 189 in FY 2001 to 259 in FY 2003, a 34% increase over the past two years.

DISTRICT

Statistical Information	
Indictments: FY00: 10 FY01: 8 FY02: 21 FY03: 10	
Defendants: FY00: 10 FY01: 9 FY02: 26 FY03: 10	
Percent Change in Indictments - FY03 compared to FY00	0.0%
Percent Change in Defendants - FY03 compared to FY00	0.0%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	1.32
Defendants per criminal work years - FY03	1.32
Indictments per 100,000 population - FY03	4.46
Defendants per 100,000 population - FY03	4.46
Percent Change in Indictments - FY03 compared to FY02	-52.4%
Percent Change in Defendants - FY03 compared to FY02	-61.5%

Analysis

- From FY 2000 to FY 2003, there has been a 0% increase in firearms prosecutions.
 - From FY 2000 to FY 2003, there has been a 0% increase in firearms defendants.
 - The District did experience a substantial increase in firearms prosecutions and defendants in FY 2002, although the District's firearms prosecutions and defendants substantially decreased from FY 2002 to FY 2003.
 - On a positive note, the District's firearms prosecutions per capita (4.46 per 100,000) is above the national average of 3.70 firearms prosecutions per 100,000 population.
 - In addition, EOUSA's EARS conducted its evaluation of this District in December 2003
-
- No violent crime rate for this District was available.

Statistical Information	
Indictments: FY00: 117 FY01: 116 FY02: 127 FY03: 111	
Defendants: FY00:139 FY01: 133 FY02: 145 FY03: 143	
Percent Change in Indictments - FY03 compared to FY00	-5.1%
Percent Change in Defendants - FY03 compared to FY00	2.9%
PSN Resources: Attorneys (3) Support (1)	
Indictments per criminal work years - FY03	4.52
Defendants per criminal work years - FY03	5.82
Indictments per 100,000 population - FY03	4.51
Defendants per 100,000 population - FY03	5.81
Percent Change in Indictments - FY03 compared to FY02	-12.6%
Percent Change in Defendants - FY03 compared to FY02	-1.4%

Analysis

- From FY 2000 to FY 2003, there has been a 5.1% decrease in firearms prosecutions.
 - From FY 2000 to FY 2003, there has been a 2.9% increase in firearms defendants.
 - Since August 2001, the District has received three dedicated firearms prosecutors and one dedicated support position.
 - It should be noted that the District's firearms prosecutions are 4.51 per 100,000 population which exceeds the national average of 3.70 per 100,000 population.
 - In August 2002, the EARS evaluation had two significant negative findings:
- On the positive side, the District has spearheaded the creation of an innovative central database containing gun-related crime information for use by over 30 federal, state and local law enforcement agencies in order to better facilitate information and resource sharing throughout the District.
 - Despite the allocation of three dedicated prosecutors, the continued decrease in prosecutive output indicates that the PSN initiative needs greater effort and a re-dedicated commitment.

Statistical Information	
Indictments: FY00: 229 FY01: 197 FY02: 137 FY03: 175	
Defendants: FY00: 245 FY01: 224 FY02: 171 FY03: 206	
Percent Change in Indictments - FY03 compared to FY00	-23.6
Percent Change in Defendants - FY03 compared to FY00	-15.9%
PSN Resources: Attorneys (3) Support (1)	
Indictments per criminal work years - FY03	3.33
Defendants per criminal work years - FY03	3.92
Indictments per 100,000 population - FY03	3.30
Defendants per 100,000 population - FY03	3.89
Percent Change in Indictments - FY03 compared to FY02	27.7%
Percent Change in Defendants - FY03 compared to FY02	20.5%

Analysis

- From FY 2000 to FY 2003, there has been a 23.6% decrease in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 15.9% decrease in firearms defendants.
- The decrease in firearms prosecutions and defendants is even more telling given the three dedicated firearms prosecutors and one support position that the District was allocated through PSN.
- The District has improved its firearms prosecutions and defendants from FY 2002 to FY 2003, though mid-year data for FY 2004 is not yet available to determine if this trend is continuing.
- The District's firearms prosecutions per 100,000 population (3.30 per 100,000) is slightly below the national average of 3.70 and slightly below the similarly-sized District of which brought 4.11 firearms indictments per 100,000 population in FY 2003.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, the State of experienced a decrease of 1.7% in its violent crime rate.

DISTRICT OF N. United States Attorney

Statistical Information	
Indictments: FY00: 55 FY01: 41 FY02: 34 FY03: 65	
Defendants: FY00: 67 FY01: 44 FY02: 43 FY03: 81	
Percent Change in Indictments - FY03 compared to FY00	18.2%
Percent Change in Defendants - FY03 compared to FY00	20.9%
PSN Resources: Attorneys (2) Support (1)	
Indictments per criminal work years - FY03	2.12
Defendants per criminal work years - FY03	2.64
Indictments per 100,000 population - FY03	1.32
Defendants per 100,000 population - FY03	1.65
Percent Change in Indictments - FY03 compared to FY02	91.2%
Percent Change in Defendants - FY03 compared to FY02	88.4%

Analysis

- From FY 2000 to FY 2003, there has been a 18.2% increase in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 20.9% increase in firearms defendants.
- The increase in prosecutions which falls far below the national increase in firearms prosecutions (68%) is even more telling given the two dedicated firearms prosecutors and one support personnel that the District was allocated through PSN.
- The District substantially increased its firearms prosecutions and defendants from FY02 to FY03, though mid-year data for FY 2004 is not yet available to determine if this trend is continuing.
- The District's firearms prosecutions per capita (1.32 per 100,000) is low when compared to a similarly-sized district such as the District a which brought 3.32 firearms prosecutions per 100,000 of its population and the national average of 3.70 per 100,000 population.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, the State of experienced an increase of approximately 2.1% in violent crime.

Statistical Information	
Indictments: FY00: 22 FY01: 31 FY02: 35 FY03: 24	
Defendants: FY00: 30 FY01: 42 FY02: 49 FY03: 35	
Percent Change in Indictments - FY03 compared to FY00	9.1%
Percent Change in Defendants - FY03 compared to FY00	16.7%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	2.07
Defendants per criminal work years - FY03	3.02
Indictments per 100,000 population - FY03	2.24
Defendants per 100,000 population - FY03	3.27
Percent Change in Indictments - FY03 compared to FY02	-31.4%
Percent Change in Defendants - FY03 compared to FY02	-28.6%

Analysis

- From FY 2000 to FY 2003, there has been a 9.1% increase in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 16.7% increase in firearms defendants.
- These increases in prosecutions and defendants were made with only one dedicated firearms prosecutor allocated through PSN.
- The District's firearms indictments per capita (per 100,000 population) at 2.24 are lower than the national average of 3.70 firearms indictments per population, but exceed a similarly-sized district of _____ which brought 1.65 firearms prosecutions per 100,000 population in FY 2003.
- The District was recently evaluated in January 2004 by EOUSA's EARS and received an _____
- A team of prosecutors and law enforcement from the _____ Police Department also received an award in 2003 for efforts directly related to the _____ PSN program.
- No violent crime statistics were available.

Statistical Information	
Indictments: FY00: 107 FY01: 82 FY02: 90 FY03: 98	
Defendants: FY00: 170 FY01: 142 FY02: 131 FY03: 159	
Percent Change in Indictments - FY03 compared to FY00	-8.4%
Percent Change in Defendants - FY03 compared to FY00	-6.5%
PSN Resources: Attorneys (2) Support (0)	
Indictments per criminal work years - FY03	4.09
Defendants per criminal work years - FY03	6.64
Indictments per 100,000 population - FY03	3.92
Defendants per 100,000 population - FY03	6.36
Percent Change in Indictments - FY03 compared to FY02	8.9%
Percent Change in Defendants - FY03 compared to FY02	21.4%

Analysis

- From FY 2000 to FY 2003, there has been a 8.4% decrease in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 6.5% decrease in firearms defendants.
- The decrease in prosecutions is even more telling given the two dedicated firearms prosecutors that the District was allocated through PSN.
- The District did increase its firearms prosecutions and defendants from FY 2002 to FY 2003.
- The District's firearms prosecutions per capita (3.92 per 100,000) exceeds the national average of 3.70 firearms prosecutions per 100,000 population, but is low when compared to a similarly-sized district such as the District which brought 8.38 firearms prosecutions per 100,000 of its population.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, the cities of and combined experienced an increase of 5% in violent crime incidents.

Statistical Information	
Indictments: FY00: 108 FY01: 60 FY02: 83 FY03: 96	
Defendants: FY00: 118 FY01: 66 FY02: 88 FY03: 99	
Percent Change in Indictments - FY03 compared to FY00	-11.1%
Percent Change in Defendants - FY03 compared to FY00	-16.1%
PSN Resources: Attorneys (4) Support (1)	
Indictments per criminal work years - FY03	1.02
Defendants per criminal work years - FY03	1.05
Indictments per 100,000 population - FY03	1.14
Defendants per 100,000 population - FY03	1.18
Percent Change in Indictments - FY03 compared to FY02	15.7%
Percent Change in Defendants - FY03 compared to FY02	12.5%

Analysis

- From FY 2000 to FY 2003, there has been an 11.1% decrease in firearms prosecutions and a 16.1% decrease in firearms defendants.
- These reductions are even more telling given the four dedicated firearms prosecutors and one support personnel that the District was allocated through PSN.
- The District's firearms prosecutions per capita (1.14 per 100,000) is below the national average of 3.70 firearms indictments per 100,000 population.
- It should be noted, however, that the District was recently evaluated in June 2003 and both federal and local law enforcement agencies gave the District high marks with respect to its PSN program.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, violent crimes in the State of decreased by 2.9%.

<u>Statistical Information</u>	
Indictments: FY00: 36 FY01: 49 FY02: 50 FY03: 41	
Defendants: FY00: 44 FY01: 58 FY02: 66 FY03: 43	
Percent Change in Indictments - FY03 compared to FY00	13.9%
Percent Change in Defendants - FY03 compared to FY00	-2.3%
PSN Resources: Attorneys (2) Support (0)	
Indictments per criminal work years - FY03	1.41
Defendants per criminal work years - FY03	1.47
Indictments per 100,000 population - FY03	1.02
Defendants per 100,000 population - FY03	1.07
Percent Change in Indictments - FY03 compared to FY02	-18.0%
Percent Change in Defendants - FY03 compared to FY02	-34.8%

Analysis

- From FY 2000 to FY 2003, there has been a 13.9% increase in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 2.3% decrease in firearms defendants.
- The increase in prosecutions which falls far below the national increase in firearms prosecutions (68%) is even more telling given the two dedicated firearms prosecutors that the District was allocated through PSN.
- The District's firearms prosecutions and defendants fell 18% and 34.8% respectively from FY 2002 to FY 2003.
- The District's firearms prosecutions per capita (1.02 per 100,000) is low when compared to a similarly-sized district such as _____ which brought 6.06 firearms prosecutions per 100,000 of its population and falls below the national average of 3.70 firearms prosecutions per 100,000 population.
- The District was evaluated in November 2003 and USA-5 data reflected a significant shortage of time spent on PSN cases by AUSAs.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, three cities in this District: _____, _____, and _____ experienced a combined increase in violent crime of 18.2%.

Statistical Information	
Indictments: FY00: 27 FY01: 26 FY02: 30 FY03: 28	
Defendants: FY00: 33 FY01: 31 FY02: 31 FY03: 31	
Percent Change in Indictments - FY03 compared to FY00	3.7%
Percent Change in Defendants - FY03 compared to FY00	-6.1%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	1.59
Defendants per criminal work years - FY03	1.76
Indictments per 100,000 population - FY03	3.71
Defendants per 100,000 population - FY03	4.11
Percent Change in Indictments - FY03 compared to FY02	-6.7%
Percent Change in Defendants - FY03 compared to FY02	0.0%

Analysis

- From FY 2000 to FY 2003, there has been a 3.7% increase in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 6.1% decrease in firearms defendants.
- The increase in prosecutions fell far below the national increase in firearms prosecutions (68%) over the same time period.
- The District's firearms indictments decreased by 6.7% from FY 2002 to FY 2003.
- The District received one dedicated firearms prosecutor through PSN.
- The District's firearms prosecutions per capita (3.71 per 100,000) is close to the national average of 3.70 firearms indictments per 100,000 population, but is low compared to the District of _____ which brought 5.29 firearms prosecutions per 100,000 of its population.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, the State of _____ a experienced a 13.3% increase in its violent crime rate from 1,171 incidents in 2001 to 1,350 incidents in 2002.

Statistical Information	
Indictments: FY00: 176 FY01: 154 FY02: 126 FY03: 158	
Defendants: FY00: 213 FY01: 200 FY02: 178 FY03: 203	
Percent Change in Indictments - FY03 compared to FY00	-10.2%
Percent Change in Defendants - FY03 compared to FY00	-4.7%
PSN Resources: Attorneys (3) Support (1)	
Indictments per criminal work years - FY03	3.16
Defendants per criminal work years - FY03	4.06
Indictments per 100,000 population - FY03	2.69
Defendants per 100,000 population - FY03	3.46
Percent Change in Indictments - FY03 compared to FY02	25.4%
Percent Change in Defendants - FY03 compared to FY02	14.0%

Analysis

- From FY 2000 to FY 2003, there has been a 10.2% decrease in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 4.7% decrease in firearms defendants.
- The decrease in prosecutions is even more telling given the three dedicated firearms prosecutors and one support personnel that the District was allocated through PSN.
- The District has shown an increase in firearms prosecutions and defendants from FY 2002 to FY 2003.
- The District's firearms prosecutions per capita (2.69 per 100,000) is low when compared to the national average of firearms prosecutions per 100,000 population, but exceeds the similarly-sized district of _____ which brought 2.26 firearms prosecutions per 100,000 of its population.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, four cities in this District: _____, _____, _____, and _____ experienced a combined overall 2% increase in violent crime.

Statistical Information	
Indictments: FY00: 199 FY01: 292 FY02: 176 FY03: 193	
Defendants: FY00: 220 FY01: 318 FY02: 196 FY03: 223	
Percent Change in Indictments - FY03 compared to FY00	-3.0%
Percent Change in Defendants - FY03 compared to FY00	1.4%
PSN Resources: Attorneys (4) Support (1)	
Indictments per criminal work years - FY03	1.98
Defendants per criminal work years - FY03	2.29
Indictments per 100,000 population - FY03	2.78
Defendants per 100,000 population - FY03	3.21
Percent Change in Indictments - FY03 compared to FY02	9.7%
Percent Change in Defendants - FY03 compared to FY02	13.8%

Analysis

- From FY 2000 to FY 2003, there has been a 3% decrease in firearms prosecutions.
- From FY 2000 to FY 2003, there has been almost no growth in firearms defendants.
- The decrease in prosecutions is even more telling given the four dedicated firearms prosecutors and one support personnel that the District was allocated through PSN.
- The District's firearms prosecutions per capita (2.78 per 100,000) is low when compared to the national average of 3.70 firearms indictments per 100,000 population and is also low compared to the similarly-sized District _____ which brought 3.80 firearms prosecutions per 100,000 of its population.
- In addition, according to the Federal Bureau of Investigation (FBI) Uniform Crime Reports for 2001-2002, six cities in this District: _____, _____, _____, _____, _____, and _____ experienced a combined overall 4.7% increase in violent crime.

Statistical Information	
Indictments: FY00: 19 FY01: 15 FY02: 16 FY03: 4	
Defendants: FY00: 32 FY01: 16 FY02: 23 FY03: 4	
Percent Change in Indictments - FY03 compared to FY00	-78.9%
Percent Change in Defendants - FY03 compared to FY00	-87.5%
PSN Resources: Attorneys (1) Support (0)	
Indictments per criminal work years - FY03	.29
Defendants per criminal work years - FY03	.29
Indictments per 100,000 population - FY03	3.68
Defendants per 100,000 population - FY03	3.68
Percent Change in Indictments - FY03 compared to FY02	-75.0%
Percent Change in Defendants - FY03 compared to FY02	-82.6%

Analysis

- From FY 2000 to FY 2003, there has been a 78.9% decrease in firearms prosecutions and a 87.5% decrease in firearms defendants.
- The District received one additional attorney position since 2001.
- Indeed, as is evident from the above firearms chart, only four single-defendant indictments were returned in FY 2003.
- While a portion of this reduction can be attributed to a temporary suspension of coordination between the USAO and the local Island authorities, the decrease in productivity is seen across many facets of the District's work.
- While the District has focused many of its resources on complex public corruption and white collar prosecutions, the District brought 41% fewer total indictments in FY 2003 than it did in FY 2002. Indictments filed per AUSA were down 54% over this same time period. Both these decreases are the highest in the country.
- The District's firearms prosecutions per capita (3.68 per 100,000) is consistent with the national average of 3.70 firearms indictments per 100,000 population.
- The next EARS evaluation is scheduled for April 2004.

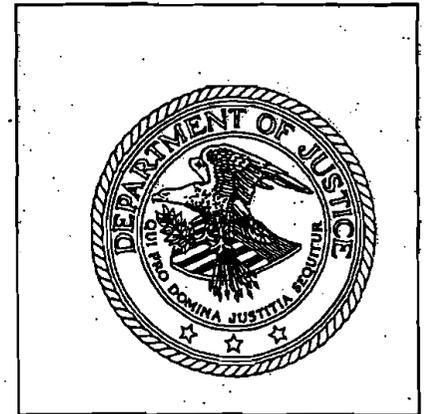
DISTRICT**United States Attorney**

Statistical Information	
Indictments: FY00: 57 FY01: 70 FY02: 65 FY03: 56	
Defendants: FY00: 62 FY01: 79 FY02: 82 FY03: 64	
Percent Change in Indictments - FY03 compared to FY00	-1.8%
Percent Change in Defendants - FY03 compared to FY00	3.2%
PSN Resources: Attorneys (4) Support (1)	
Indictments per criminal work years - FY03	2.41
Defendants per criminal work years - FY03	2.76
Indictments per 100,000 population - FY03	1.74
Defendants per 100,000 population - FY03	1.99
Percent Change in Indictments - FY03 compared to FY02	-13.8%
Percent Change in Defendants - FY03 compared to FY02	-22.0%

Analysis

- From FY 2000 to FY 2003, there has been a 1.8% decrease in firearms prosecutions.
- From FY 2000 to FY 2003, there has been a 3.2% increase in firearms defendants.
- The District's firearms prosecutions per capita (1.74 per 100,000) is low when compared to the national average of 3.70 firearms prosecutions per 100,000 population.
- Since August 2001, the District was allocated four dedicated firearms prosecutors and one dedicated support staff position. These increased resources have not appreciably increased productivity as it relates to PSN prosecutions.
- In addition, the August 2003 EARS evaluation made:
 - In its last two semi-annual PSN reports, the District stated that it intends to self-evaluate its PSN strategies, but, to date, has taken few steps to achieve this goal.

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U.S. Department of Justice
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Washington, D.C. 20530



MEMORANDUM FOR: Kyle Sampson
Counsel to the Attorney General

FROM: T. C. Spencer Pryor
Counsel to the Deputy Attorney General

DATE: July 20, 2004

SUBJECT: PSN Under-Performing Districts

The following memorandum details the results of the conference calls and the meetings the Deputy Attorney General conducted with the PSN under-performing districts. The participants were the Deputy Attorney General, ATF Director, US Attorney, ATF SAC, Spence Pryor (ODAG), and Kelly Shackelford (EOUSA). The calls and meetings were well received and served as an important reminder to the districts that PSN is a Presidential priority that must be focused on by each of the U.S. Attorney's offices and their respective PSN task forces.

The following districts were previously identified as under-performing districts:
(2) Southern District of California (Carol Lam)

1).

Below are call/meeting summaries for each under-performing district:

District of

Meeting at 2004 National PSN conference. USA acknowledged problems, but also stated the following:

- ATF needs more resources in. Recently received additional ATF resources for VCIT initiative which should increase number of firearms cases;
- now has three strikes law. Thus, many firearms cases go to the DA's office. Have an aggressive DA that does a good job. Problem is tracking the cases once the decision to prosecute

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them in the DA's office is made;

- Problems with _____ present huge hurdles for USAO with adoptive cases. Thus, USAO does not prosecute adoptive cases. In the past, they lost a number of adoptive cases due to credibility problems of _____
- Have recently revamped PSN program. Have a new PSN coordinator, working with state and local law enforcement to ensure that they focus on guns and drugs; _____, stated as follows:
- USAO's prosecution guidelines for firearms cases are too burdensome. They need to be relaxed. If they are, their PSN prosecution numbers will increase dramatically.

Follow-up:

- I visited the USAO in _____ on Tuesday, July 12, 2004 and had a very positive meeting with the USA. During the meeting, I provided a number of suggestions as to how they can improve their overall PSN initiative, and the USA and her staff involved with the PSN initiative were receptive. I am cautiously optimistic that we are finally on the right track.

Southern District of California (Carol Lam)

Conference call where USA acknowledged problems with PSN initiative, but also stated that:

- SDCA did not receive any PSN resources. **Actually, they received one new PSN prosecutor;**
- With the enormous immigration problem in the district, need more resources to devote to PSN;
- PSN case screening process with the state and local prosecutors was broken. Have a new system in place which should help PSN prosecutions;
- Have a new firearms point of contact in the office who will oversee the intake process for all firearms cases;
- California's tough firearms laws are partially responsible for low PSN prosecution numbers;

Follow-up:

- I plan on visiting the district with someone from ATF HQ in September to follow-up on the discussions we had and confirm that the PSN initiative in SDCA is on the right track. **Badly need more prosecutorial resources to focus on PSN initiative.**

District

In a written memorandum, the USA strongly defended his PSN initiative by stating:

- _____ had a percentage down year in one out of five which is hardly a continued decrease in prosecutive output;
- Sent a five-inch three ring binder to DAG and others which highlighted his districts strong commitment to PSN;
- _____ ranks 27th in total firearms filed from FY00 to FY03;
- In the cases filed per AUSA category, NDIN is well ahead of the national average;
- _____ aggressively prosecuted firearms cases prior to the implementation of PSN and has continued to do so since PSN's inception;
- **Suffice it to say that while there numbers may be down, as we all know, numbers do not tell the whole story. This is not a district that has any problems with its PSN program. No follow-up needed.**

District

Conference call where the USA acknowledged that their numbers were down, but defended the PSN initiative in _____ by stating:

- violent crime is down 50% since 1996 in _____
- _____'s firearms laws are strong and the State Attorney's Offices aggressively prosecute firearms cases;
- USAO has aggressively prosecuted firearms cases for a long time ... prior to PSN's inception;
- Need more ATF resources. **Recently received additional ATF resources for VCIT initiative which should increase number of firearms cases.**

Follow-up:

- I plan on visiting the district with someone from ATF HQ this fall to follow-up on the discussions we had and confirm that the PSN initiative in _____ is on the right track.

District

Conference call where USA objected to our characterization of his district as under-performing by stating:

- 47% of the _____'s indictments have a firearms charge included in the indictment;
- _____ prosecutes all firearms cases that are referred to them;
- _____ traces all firearms that are recovered in _____; and then review all of those traces for potential federal firearms cases;
- _____ has a tough firearms law that results in a five year minimum mandatory sentence upon conviction. This state law leads to the prosecution of many PSN cases in the state system;
- ATF needs more resources. **Recently received additional ATF resources for VCIT initiative which should increase number of firearms cases;**

Follow-up:

- I plan on visiting the district with someone from ATF HQ this fall to follow-up on the discussions we had and confirm that the PSN initiative in Maryland is on the right track.

District

Conference call where USA acknowledge his district's output problems, but stated:

- State gun laws are tough;
- Have re-focused their efforts on PSN;
- To date, have indicted 68 firearms cases and expect to reach 100 - 120 firearms indictments by the end of the fiscal year;
- _____ focuses on firearms trafficking cases and have been successful in bringing trafficking prosecutions;
- ATF badly needs more resources.

Follow-up:

- I plan on visiting the district with someone from ATF HQ this fall to follow-up on the discussions we had and confirm that the PSN initiative in New Jersey is on the right track.

District

Conference call where USA acknowledged that their FY 03 numbers were down, but defended their initiative by stating:

- Have a new direct referral system in place where the USAO sees all potential firearms cases including state and local cases and can quickly make decisions about which cases to prosecute in the federal system;
- Have already filed 71 firearms indictments this fiscal year;
- Need more ATF resources. **Recently received additional ATF resources for VCIT initiative which should increase number of firearms cases;**
- Suggested that ATF should consider changing their formal blue-cover report system. Current reporting system unnecessarily delays prosecutions;
- **USA is clearly engaged in the PSN initiative and they have things on the right track. No follow-up needed.**

District :

Conference call where USA acknowledged his programs low output, but emphasized that they are working very hard to right the ship. He stated:

- Following the Petite Policy has drastically decreased the number of firearms referrals from the DA's office;
- The County DA's Office is very aggressively prosecuting firearms cases;
- Lost five SAUSAs that were prosecuting firearms cases due to state budget cuts. Governor has recently re-instated two of them;
- ATF is at maximum capacity. They do a great job, but need more resources;
- Suggested liberalizing the ATF blue-cover reporting system;
- **USA is clearly engaged. At this point no follow-up is needed. Will review progress at conclusion of FY04.**

District :

Conference call with FAUSA and PSN coordinator where they defended their PSN initiative by stating:

- There is not a lot of gun violence in ;
- Have been innovative in their firearms prosecutions. First district to prosecute 922(g)(9) (domestic violence cases). Leader in "Lie and Try" prosecutions. Met with every State Attorney's Office about referring firearms cases. Also, working closely with tribal law enforcement to combat gun crime;
- ATF badly needs more resources. Only have three agents to address firearms crimes in South Dakota;
- **No follow-up necessary. They are engaged and focused on the small amount of gun crime that exists in**

District :

Conference call where USA defended his district's PSN initiative by stating:

- has had a high-profile federal firearms prosecution program for the past five years which contributed to a decrease in the violent crime rate. This program was necessary because of lax state firearms laws. In response to the aggressive federal prosecution of firearms crimes, the state of passed new legislation which increased the maximum penalty for firearms crimes to ten years and implemented "truth-in-sentencing" (no parole);

- Now, many PSN firearms cases are prosecuted by PSN grant funded state prosecutors in state court;
- While the office now has four fully funded and staffed firearms AUSAs, these positions were not fully staffed until the beginning of FY03;
- Have implemented a domestic violence focus in PSN program which should address a major problem in the ___ and generate a significant number of federal firearms prosecutions;
- **USA is fully engaged in PSN initiative. No follow-up needed at this time.**

District c

Call with PSN coordinator where he defended their PSN initiative by stating:

- "In Guam there are no gangs, no drugs, no shootings, and no gun violence;"
- Have tried to use domestic violence statute, 922(g)(9), to increase firearms prosecutions, but most acts of domestic violence involved weapons other than firearms;
- **Have program in place, but do not have gun violence issues that most districts have. No follow-up needed at this time. ATF has a firearms enforcement training program scheduled for January 2005.**

District

USA defended their PSN initiative by stating:

- Firearms prosecution was down last year due to a public corruption case that the USAO prosecuted. Because of this highly publicized case, the AG retaliated by keeping all firearms cases. This retaliation was accomplished by ordering the police commissioner to send all firearms cases directly to the AG rather than the USAO;
- Because of the above-mentioned dilemma, the USAO focused on getting guns off of the streets with the hopes of reducing the homicide rate. The USAO partnered with the local police and removed 100 firearms from the streets. The homicide rate when down from 41 to 24;
- Changes have been made in the local government and the USAO is now getting firearms referrals from local law enforcement again;
- Firearms prosecutions are up dramatically this year and will continue to improve;
- **Focusing on PSN initiative. Seem to be on the right track. No follow-up currently needed. Re-assessment at the conclusion of FY 04.**

United States Attorneys—Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Cases Filed

Listing Sorted: Based on the Percent Change; highest to lowest

Rank	District	FY 2004	FY 2005***	Percent Change
1	Guam	2	9	350.0%
2	Illinois, Southern	41	68	65.9%
3	North Dakota	29	47	62.1%
4	Arkansas, Eastern	70	107	52.9%
5	Georgia, Middle	63	96	52.4%
6	Louisiana, Middle	58	88	51.7%
7	Michigan, Western	72	109	51.4%
8	Indiana, Northern	120	171	42.5%
9	Texas, Eastern	150	211	40.7%
10	Tennessee, Middle	66	92	39.4%
11	Arkansas, Western	23	32	39.1%
12	Washington, Western	64	89	39.1%
13	Oklahoma, Northern	62	86	38.7%
14	Alabama, Middle	83	114	37.3%
15	New Mexico	123	164	33.3%
16	Alabama, Southern	82	109	32.9%
17	West Virginia, Northern	49	65	32.7%
18	Iowa, Northern	65	83	27.7%
19	New York, Northern	40	51	27.5%
20	Ohio, Northern	153	190	24.2%
21	Ohio, Southern	128	156	21.9%
22	Texas, Northern	182	214	17.6%
23	Kentucky, Western	74	87	17.6%
24	South Carolina	242	283	16.9%
25	Arizona	230	268	16.5%
26	Florida, Northern	67	77	14.9%
27	Idaho	46	52	13.0%
28	North Carolina, Western	220	248	12.7%
29	New Jersey	86	96	11.6%
30	California, Northern	92	102	10.9%
31	Washington, Eastern	74	82	10.8%
32	Kentucky, Eastern	115	127	10.4%
33	Nebraska	157	171	8.9%
34	Illinois, Northern	105	114	8.6%
35	Georgia, Southern	100	107	7.0%
36	Virginia, Western	160	171	6.9%
37	California, Eastern	119	126	5.9%
38	Missouri, Western	323	341	5.6%
39	Massachusetts	72	75	4.2%
40	Rhode Island	36	37	2.8%
41	Montana	84	86	2.4%
42	Iowa, Southern	89	91	2.2%
43	Texas, Western	280	285	1.8%
44	Florida, Middle	179	179	0.0%
45	Wyoming	60	60	0.0%
46	Indiana, Southern	60	59	-1.7%
47	Tennessee, Eastern	215	210	-2.3%
48	Missouri, Eastern	255	248	-2.7%
49	Wisconsin, Eastern	90	87	-3.3%

Rank	District	FY 2004	FY 2005***	Percent Change
50	Alabama, Northern	171	165	-3.5%
51	Florida, Southern	159	152	-4.4%
52	Illinois, Central	67	63	-6.0%
53	South Dakota	33	31	-6.1%
54	Maryland	176	164	-6.8%
55	Virginia, Eastern	291	271	-6.9%
56	Pennsylvania, Eastern	250	231	-7.6%
57	North Carolina, Eastern	272	250	-8.1%
58	California, Central	144	131	-9.0%
59	Oklahoma, Western	41	37	-9.8%
60	Pennsylvania, Western	111	99	-10.8%
61	Colorado	149	132	-11.4%
62	Texas, Southern	252	223	-11.5%
63	Oregon	152	134	-11.8%
64	Minnesota	71	62	-12.7%
65	Louisiana, Eastern	92	80	-13.0%
66	Michigan, Eastern	171	148	-13.5%
67	Mississippi, Southern	80	69	-13.8%
68	North Carolina, Middle	187	161	-13.9%
69	Alaska	35	30	-14.3%
70	Wisconsin, Western	38	32	-15.8%
71	Connecticut	71	59	-16.9%
72	Nevada	171	138	-19.3%
73	New Hampshire	46	37	-19.6%
74	Hawaii	84	66	-21.4%
75	Vermont	43	33	-23.3%
76	Maine	76	58	-23.7%
77	Utah	274	208	-24.1%
78	New York, Southern	246	185	-24.8%
79	Louisiana, Western	124	93	-25.0%
80	Puerto Rico	48	36	-25.0%
81	Kansas	186	135	-27.4%
82	New York, Western	153	110	-28.1%
83	Delaware	41	29	-29.3%
84	Georgia, Northern	188	129	-31.4%
85	Tennessee, Western	283	192	-32.2%
86	California, Southern	18	12	-33.3%
87	West Virginia, Southern	72	47	-34.7%
88	Pennsylvania, Middle	101	64	-36.6%
89	District of Columbia	271	170	-37.3%
90	Virgin Islands	20	12	-40.0%
91	New York, Eastern	143	83	-42.0%
92	Oklahoma, Eastern	50	29	-42.0%
93	Mississippi, Northern	61	30	-50.8%
94	Northern Mariana Islands	0	1	
	All Districts	11,067	10,841	-2.0%

*Casecad data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys—Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Cases Filed

Listing Sorted: Based on the number of Cases Filed in FY 2005; highest to lowest

Rank	District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005***
1	Missouri, Western	53	56	40	50	46	60	171	184	222	306	323	341
2	Texas, Western	115	107	107	57	129	127	161	150	190	248	280	285
3	South Carolina	128	123	90	85	110	133	89	144	268	243	242	283
4	Virginia, Eastern	84	81	70	166	312	297	263	292	260	311	291	271
5	Arizona	85	86	90	36	110	117	137	154	165	227	230	268
6	North Carolina, Eastern	52	48	31	24	57	52	84	108	155	282	272	250
7	North Carolina, Western	55	71	37	52	56	74	107	82	90	98	220	248
8	Missouri, Eastern	88	91	68	83	99	116	121	119	152	256	255	248
9	Pennsylvania, Eastern	58	123	81	87	80	210	165	183	215	223	250	231
10	Texas, Southern	75	96	65	65	115	138	199	292	176	193	252	223
11	Texas, Northern	117	86	77	70	119	100	176	154	126	158	182	214
12	Texas, Eastern	81	66	50	62	60	61	84	100	101	147	150	211
13	Tennessee, Eastern	67	78	41	57	70	77	105	172	145	181	215	210
14	Utah	32	29	27	32	34	61	90	185	224	337	274	208
15	Tennessee, Western	50	55	39	40	38	86	46	84	194	233	283	192
16	Ohio, Northern	104	96	76	34	60	59	81	84	116	134	153	190
17	New York, Southern	89	90	109	104	114	128	122	108	177	234	246	185
18	Florida, Middle	66	125	90	119	92	93	96	93	128	162	179	179
19	Virginia, Western	80	60	43	44	53	91	68	75	129	173	160	171
20	Nebraska	17	22	23	23	46	32	35	54	95	166	157	171
21	Indiana, Northern	28	31	22	43	44	81	117	116	127	111	120	171
22	District of Columbia	95	45	104	141	107	133	136	165	190	246	271	170
23	Alabama, Northern	39	25	32	26	34	48	98	136	186	218	171	165
24	New Mexico	50	52	50	28	47	61	72	101	103	96	123	164
25	Maryland	79	100	105	111	118	154	229	197	137	175	176	164
26	North Carolina, Middle	57	53	35	35	43	79	104	108	117	154	187	161
27	Ohio, Southern	48	56	33	18	32	34	50	52	71	99	128	156
28	Florida, Southern	147	163	146	143	153	131	120	162	156	167	159	152
29	Michigan, Eastern	137	141	102	89	147	127	86	127	216	252	171	148
30	Nevada	50	39	24	30	61	71	74	72	168	192	171	138
31	Kansas	59	82	42	54	66	73	101	93	103	147	188	135
32	Oregon	50	75	47	52	108	126	103	92	132	150	152	134
33	Colorado	51	66	59	38	36	44	109	110	108	146	149	132
34	California, Central	110	109	103	74	65	70	88	147	154	108	144	131
35	Georgia, Northern	69	111	103	83	49	108	115	135	105	167	188	129
36	Kentucky, Eastern	54	39	36	27	43	71	64	84	96	114	115	127
37	California, Eastern	51	57	66	48	28	46	48	55	70	78	119	126
38	Illinois, Northern	41	27	23	33	28	43	46	45	103	104	105	114
39	Alabama, Middle	24	21	19	13	15	8	15	20	31	92	83	114
40	New York, Western	20	34	30	25	30	86	91	101	107	125	153	110
41	Michigan, Western	35	16	17	28	13	31	42	58	80	99	72	109
42	Alabama, Southern	31	39	21	22	29	33	46	48	81	87	82	109
43	Georgia, Southern	15	15	17	14	30	30	42	75	77	89	100	107
44	Arkansas, Eastern	42	36	47	30	36	27	26	28	53	59	70	107
45	California, Northern	60	33	50	37	43	119	120	96	89	114	92	102
46	Pennsylvania, Western	31	29	24	16	20	13	36	49	50	41	111	99
47	New Jersey	48	55	34	51	52	88	108	60	83	96	86	96
48	Georgia, Middle	43	31	14	25	18	19	29	70	42	64	63	96
49	Louisiana, Western	16	39	27	17	17	25	26	39	50	82	124	93
50	Tennessee, Middle	8	12	12	21	29	31	38	37	60	94	66	92

ASG00000093

Rank	District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005***
1	Iowa, Southern	17	32	28	19	32	41	47	27	53	76	89	91
52	Washington, Western	29	42	38	32	35	35	27	20	43	60	64	89
53	Louisiana, Middle	5	13	5	8	16	92	65	46	47	61	58	88
54	Wisconsin, Eastern	38	37	25	39	21	31	57	70	65	56	90	87
55	Kentucky, Western	30	34	24	24	32	36	38	89	83	86	74	87
56	Oklahoma, Northern	27	38	24	23	24	28	32	29	48	53	62	88
57	Montana	30	28	38	27	18	28	34	36	55	95	84	86
58	New York, Eastern	85	96	74	79	67	79	75	96	133	129	143	83
59	Iowa, Northern	22	27	23	36	25	32	73	81	58	94	65	83
60	Washington, Eastern	68	71	54	48	28	37	48	38	88	92	74	82
61	Louisiana, Eastern	31	40	29	33	23	74	74	68	91	98	92	80
62	Florida, Northern	59	57	62	51	45	61	53	66	64	93	67	77
63	Massachusetts	46	80	65	27	47	51	35	56	81	90	72	75
64	Mississippi, Southern	38	33	14	11	34	22	77	61	63	96	80	69
65	Illinois, Southern	38	63	38	19	43	42	61	34	48	85	41	68
66	Hawaii	11	21	7	8	23	12	10	11	31	86	84	66
67	West Virginia, Northern	17	19	25	18	17	22	32	21	54	51	49	65
68	Pennsylvania, Middle	49	49	26	23	20	35	39	40	42	49	101	64
69	Illinois, Central	23	42	32	24	42	38	47	38	53	63	67	63
70	Minnesota	39	31	30	42	50	47	55	41	34	65	71	62
71	Wyoming	19	12	16	16	35	29	24	21	44	71	60	60
72	Indiana, Southern	36	46	30	29	25	49	24	27	48	61	60	59
73	Connecticut	30	36	40	41	27	43	44	53	55	58	71	59
74	Maine	19	17	23	45	32	41	48	33	62	69	76	58
75	Idaho	15	18	10	12	17	10	12	16	43	58	46	52
76	New York, Northern	13	19	10	10	18	15	20	38	40	42	40	51
77	West Virginia, Southern	28	38	20	35	25	43	51	45	73	61	72	47
8	North Dakota	21	15	24	22	26	29	29	22	44	34	29	47
79	Rhode Island	20	21	15	14	18	24	17	20	29	36	36	37
80	Oklahoma, Western	29	26	27	26	29	30	36	32	41	69	41	37
81	New Hampshire	18	7	9	10	6	16	14	12	13	28	46	37
82	Puerto Rico	37	33	44	26	16	41	23	38	35	35	48	36
83	Vermont	20	12	12	13	12	12	18	37	28	29	43	33
84	Wisconsin, Western	11	11	5	13	4	6	13	13	24	28	38	32
85	Arkansas, Western	23	12	13	12	6	13	11	18	13	19	23	32
86	South Dakota	16	24	27	25	18	22	27	26	30	28	33	31
87	Mississippi, Northern	17	26	21	8	8	16	22	31	35	24	61	30
88	Alaska	17	10	4	13	9	17	18	18	21	33	35	30
89	Oklahoma, Eastern	7	11	10	9	6	13	21	23	21	45	50	29
90	Delaware	11	14	13	18	20	10	6	13	67	41	41	29
91	Virgin Islands	20	28	21	5	13	26	19	15	16	4	20	12
92	California, Southern	34	40	24	28	25	17	16	19	24	17	18	12
93	Guam	25	14	13	19	13	7	8	8	15	8	2	9
94	Northern Mariana Islands	2	1	3	1	0	6	2	0	6	2	0	1
	All Districts	4,274	4,564	3,793	3,703	4,391	5,500	6,281	7,041	8,534	10,556	11,067	10,841

*Caseload data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

EOUSA/ DATA ANALYSIS STAFF/FIRE 922-924RANKCASES_RANK

07-Nov-05

ASG000000094

Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

Arizona: 4,521 defendants were sentenced there in FY 05.

Of those, 2,275 were sentenced for immigration offenses.
947 were sentenced for drug trafficking offenses
140 were sentenced for fraud offenses.

New Mexico: 2,575 defendants were sentenced there in FY 05.

Of those, 1,635 were sentenced for immigration offenses.
649 were sentenced for drug trafficking offenses
24 were sentenced for fraud offenses.

SD California: 2,536 defendants were sentenced there in FY 05.

Of those, 1,413 were sentenced for immigration offenses.
826 were sentenced for drug trafficking offenses
153 were sentenced for fraud offenses.

SD Texas: 6,414 defendants were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.
1,482 were sentenced for drug trafficking offenses
99 were sentenced for fraud offenses.

WD Texas: 5,839 defendants were sentenced there in FY 05.

Of those, 2,519 were sentenced for immigration offenses.
2,412 were sentenced for drug trafficking offenses
215 were sentenced for fraud offenses.

Firearms Cases

The Commission has also published sentencing data for defendants in firearms cases for the FY 02-05 period where the primary offense is a "firearms" offense. They report the following information per district:

Arizona

2002 - - 100 defendants

2003 -- 145 defendants
2004 -- 184 defendants
2005 -- 226 defendants

New Mexico

2002 -- 69 defendants
2003 -- 63 defendants
2004 -- 86 defendants
2005 -- 103 defendants

Southern District of California

2002 -- 18 defendants
2003 -- 19 defendants
2004 -- 12 defendants
2005 -- 10 defendants

Southern District of Texas

2002 -- 192 defendants
2003 -- 153 defendants
2004 -- 161 defendants
2005 -- 227 defendants

Western District of Texas

2002 -- 131 defendants
2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

July 5, 2006

MEMORANDUM

TO: Carol Lam
United States Attorney
Southern District of California

FROM: William W. Mercer
Principal Associate Deputy Attorney General

SUBJECT: Reconciliation of Sentencing Data for Immigration and Firearms Offenses
in the Southern District of California

In the course of on-going discussions regarding resource allocation and DOJ priorities, I have reviewed different data. The following summary is drawn from Sentencing Commission data. It is dependent upon information provided to the Commission by the judges in each district. So, if a particular district court underreports, these data understate the work of the federal prosecutors in that district. Can you advise whether these data underreport the work of your office?

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ASG000000098

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Western District of Texas

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2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

III. Current AUSA resources in the SW border districts

As of early March, the on-board full-time AUSA counts from the direct appropriation (excluding ACE, health care fraud, and OCDETF) was as follows:

Arizona	114
SD Cal	111
New Mexico	63
SD Texas	143
WD Texas	111

Mercer, William W

From: Connor, Mark
Sent: Tuesday, February 21, 2006 9:13 AM
To: Mercer, Bill (ODAG); Elston, Michael (ODAG); Davis, John S (ODAG)
Subject: RE: Developments from JICC Meeting

I have heard nothing more on the FCR memo. As for the McKay memo, after additional discussion (ODAG and OCIO recommendations) the JICC is revising its memo on this topic. Specifically, they are in the process of drafting a memorandum requesting the DAG provide (endorse) guidance to all components regarding the Department's long term information sharing strategy. I requested that the JICC provide recommendations for the DAG to consider such as criteria for site selection (for partnerships), a timetable for expansion of sites, and a list of potential sites to be utilized on a continuing and flexible basis. An original draft has been prepared and is being reviewed and modified. I am working with the JICC on this matter and anticipate having substantial input. I anticipate that the memo will be finalized within a few weeks.

Van Hitch, John (by phone) and I are scheduled to meet with Paul tomorrow at 1000 to discuss potential recommendations from the McKay group (Regional Information Sharing Working Group, AGAC). We wanted to make Paul aware of some potential recommendations prior to the U.S. Attorneys conference. MAC

From: Mercer, Bill (ODAG)
Sent: Monday, February 20, 2006 9:50 PM
To: Connor, Mark; Elston, Michael (ODAG); Davis, John S (ODAG)
Subject: RE: Developments from JICC Meeting

When do you anticipate that the memos will be finalized?

From: Connor, Mark
Sent: Thursday, January 19, 2006 4:17 PM
To: Mercer, Bill (ODAG); Elston, Michael (ODAG); Davis, John S (ODAG)
Subject: Developments from JICC Meeting

Gents: I want to make you aware of a couple of developments that came from the Justice Intelligence Coordinating Council meeting today.

1)

The JICC will be forwarding a memo to the A/DAG regarding this matter. The memo will provide details of the working groups study of this issue as well as possible options.

2) Components concerned about U.S. Attorney John McKay's activities.

The DEA representative to the JICC advised that the DEA Albany office reported that John McKay was going to be in Albany meeting with Law Enforcement personnel regarding LInX. This prompted a lengthy discussion regarding component concerns regarding Mr. McKay. The components expressed frustration that a Department representative was traveling around the country endorsing a Navy system. The components believe that DOJ Field Offices and local law enforcement are receiving conflicting signals because Mr. McKay is a Department employee but is not representing Department strategy of a Department system.

There was additional discussion which I can provide at another time if you so desire.

The JICC will be forwarding a memo to the A/DAG expressing its concern regarding the activities of John McKay as they relate to LInX.

I do not anticipate either memo being ready prior to the next JICC meeting, which is currently scheduled for 16 Feb 06.

MAC

Mercer, William W

From: Connor, Mark
Sent: Tuesday, February 21, 2006 5:48 PM
To: Mercer, Bill (ODAG)
Subject: FW: Notes from AGAC/RIS

Bill: My thoughts on some of the issues discussed at the RIS Working Group meeting in St. Louis.

-----Original Message-----

From: Connor, Mark
Sent: Tuesday, February 21, 2006 2:11 PM
To: Duffy, Michael (OCIO); Hitch, Vance (OCIO); Davis, John S (ODAG)
Cc: Connor, Mark
Subject: RE: Notes from AGAC/RIS

Gents: Here are some of my thoughts on the issues highlighted in Mike's notes.

1. DoD plans to renew its offer of a partnership to DOJ (via the DAG) and to DHS. This is a logical course of action by NCIS and in the long term we hope to partner with as many systems nationwide as possible. However, in the near term, I do not believe it is in the Department's best interests or consistent with the LEISP strategy to commit only to a relationship with LInX. Further response to this below.

2. For the five read ahead questions (there were only four, was that a test?):

a) Should the DAG endorse the LInX concept, standards, and project approach? Again, I think this is somewhat inconsistent with LEISP strategy. Our goal is to be able to partner with a wide variety of systems and partners nationwide. We can certainly learn from each new initiative and refine our basic standards but to endorse a specific approach takes us further from our ability to be flexible in our partnering choices.

b) Should the DAG concur with the DoD/NCIS national deployment plan? Presumably, this means should the DAG endorse the nationwide DOJ-DoD partnership. I think there are a number of information sharing systems in existence and in important locations that would we would benefit from by partnering with. If this is not what is meant then the answer is no. I do not believe the DAG should take a position one way or the other on another Departments' plans and strategy unless those plans directly affected Department objectives. In this case, simply stating that information sharing initiatives are a good thing should suffice.

c) Should the U.S. Attorney's role in LInX projects to date be formalized in each judicial district? What do we mean by formalized? Requiring certain job performance criteria to be met? I'm not sure the DAG should place such additional requirements on U.S. Attorneys.

d) Should the A/DAG assert strong oversight over the compliance with the April '05 DAG Comey memo? Good question and may depend on what course of action the DAG intends to pursue with regards to the Department's long term information sharing strategy. The JICC will be recommending additional steps and criteria for the DAG's consideration shortly. These recommendations will most likely include the use of structured data for closed cases (except for FBI) and a pointer system for open cases. This will ease the resource burden on the components and make the Department's ability to enter into partnerships a more timely process, thereby allowing us to partner with more systems sooner than we would by pursuing relationships using unstructured data. In addition, once the national data from the components was ingested into R-DEX, there would no longer be a need to review documents from each component at each location (again, except FBI).

3. The emerging consensus of the U.S. Attorneys:

i) DOJ and the DAG should endorse in general the contributions DoD/NCIS has made to information sharing through LInX. I believe the Department has done that on several occasions. I think this should remain on a case by case basis, that is, when the

Department partners with LInX at another site we would acknowledge the role of NCIS and LInX at that site (and any other existing partnership sites). I believe if we move beyond that we might somehow influence state or local agencies or systems into believing that they have to use LInX to partner with the Department.

ii) DOJ should help DoD/NCIS get DHS involved as a funding partner so that DoD/NCIS can expand the deployment of LInX systems to other jurisdictions. In general, engaging DHS regarding funding for information sharing systems is a good idea. However, I am not comfortable that the Department should be doing this solely for LInX. What about other systems? Other sites used by other police and sheriffs departments?

iii) DOJ needs to recommit to the information sharing policy stipulated in the April '05 memo. The DAG will make this determination following additional briefings and recommendations from the JICC. Are we talking about Seattle only?

iv) DOJ should commit to connect R-DEx to all LInX sites. This is ideal in the long term as we hope to partner with as many systems as possible across the country. Doing this in the short term might negate partnerships that would better serve the Department's strategic and tactical interests.

v) DOJ should adopt as part of the LEISP the five standards promoted by LInX (these standards would have to be met by any information sharing system to which DOJ chose to partner with). We should certainly review those standards to determine if the Department can improve in certain areas. However, once again this would seem to take us down the road of only partnering with LInX or potentially forcing other systems into the LInX mode. If the standards are generic enough to be inclusive of non-LInX sites and are beneficial to the Department we should give them serious consideration. How do they compare with our LEISP guidelines?

vi) U.S. Attorneys should be key players in regional information sharing systems. This is generally a good idea. Two points I would make are 1) the U.S. Attorneys should not be required to conduct specific activities in this regard as the effort required will probably vary greatly from site to site, and 2) the U.S. Attorneys should not focus solely on LInX. If other systems are out there that make sense for the Department to partner with that is where the U.S. Attorney should be engaged.

MAC

-----Original Message-----
From: Duffy, Michael (OCIO)
Sent: Monday, February 20, 2006 6:45 PM
To: Hitch, Vance (OCIO); Warren, Jeremy; Connor, Mark; Davis, John S (ODAG)
Cc: Garrett, Paul
Subject: Fw: Notes from AGAC/RIS

Here are my notes from Feb-8 mtg in St. Louis. MDD

-----Original Message-----
From: mduffys@earthlink.net <mduffys@earthlink.net>
To: Duffy, Michael (OCIO) <Michael.Duffy@SMOJMD.USDOJ.gov>
Sent: Mon Feb 20 13:48:32 2006
Subject: Notes from AGAC/RIS

Mercer, William W

From: Elston, Michael (ODAG)
Sent: Friday, March 31, 2006 11:17 PM
To: Margolis, David
Cc: Mercer, Bill (ODAG)
Subject: FW: San Francisco Press Release

Importance: High

Attachments: tmp.htm; DOJ_clr_sm.gif; ole1.bmp; Steroid Guidelines Chart.wpd



tmp.htm (16 KB) DOJ_clr_sm.gif (15 KB) ole1.bmp (6 KB) Steroid Guidelines Chart.wpd (...)

David:

For your NDCA file. I have not received a response.

Mike

-----Original Message-----

From: Elston, Michael (ODAG)
Sent: Wednesday, March 29, 2006 12:55 PM
To: Ryan, Kevin (USACAN)
Cc: Mercer, Bill (ODAG); Roehrkasse, Brian
Subject: FW: San Francisco Press Release
Importance: High

Kevin:

Not sure that this was particularly helpful. I have already quashed DEA's effort to issue a press release on this subject at this time -- it is my judgment, as the Department's ex officio Commissioner, that this kind of thing actually harms our ability to ensure that the emergency amendment will become the permanent amendment. After our conversations, I am fairly surprised that you would not consult with me or anyone else in Main Justice before issuing a press release on something that has nothing to do with your office.

Please don't do anything further in this area without consultation.

Thanks,
Mike

-----Original Message-----

From: Roehrkasse, Brian
Sent: Wednesday, March 29, 2006 9:43 AM
To: Elston, Michael (ODAG)
Cc: Mercer, Bill (ODAG)
Subject: FW: San Francisco Press Release
Importance: High

-----Original Message-----

From: Smith, Kimberly A
Sent: Wednesday, March 29, 2006 9:29 AM
To: Roehrkasse, Brian
Cc: Wade, Drew; Lesch, Jaclyn
Subject: San Francisco Press Release
Importance: High

Brian-
Attached is the San Francisco Press release.

FROM LUKE MACAULAY (USAO PIO):

Kim,

We did issue a release. We kept it very factual and based it almost entirely upon what was posted on the USSC's website (www.ussc.gov).

United States Attorney Kevin V. Ryan
Northern District of California

FOR IMMEDIATE RELEASE
CONTACT: Luke Macaulay
March 24, 2006
(415) 436-6757

WWW.USDOJ.GOV/USAO/CAN <<http://www.usdoj.gov/USAO/CAN>>
Luke.Macaulay@usdoj.gov

SENTENCING COMMISSION ANNOUNCES STRICTER PENALTIES
FOR STEROID OFFENSES

Today, the United States Sentencing Commission enacted a temporary emergency amendment to increase the penalties for offenses involving anabolic steroids. The amendment to the sentencing guidelines provides stiffer penalties for steroids related offenses, and adds sentencing enhancements for individuals using masking agents to prevent the detection of steroids and for those who are distributing steroids to athletes. Finally, the amendment also provides a further sentencing enhancement for a defendant who used his or her position as a coach to influence an athlete to use an anabolic steroid.

U.S. Attorney Kevin V. Ryan stated, "We are pleased that the Sentencing Commission has taken this action to impose penalties for steroid offenses that reflect the seriousness of the crimes. Previous penalties required 50 steroid pills to equal one pill of another Schedule III drug, such as Vicodin. With this temporary amendment, steroids will carry the same penalties as other Schedule III drugs, and penalties will be enhanced for using masking agents, for a coach distributing steroids to his athletes, and for distributing steroids to athletes. We are hopeful that these enhanced penalties will help deter anabolic steroid trafficking and abuse."

According to the Commission, these sentencing enhancements address congressional concern with distribution of anabolic steroids to athletes, particularly the impact that steroids distribution and steroids use has on the integrity of sport, either because of the unfair advantage gained by the use of steroids or because of the concealment of such use.

The Commission notes in its 2006 Steroids Report that research has revealed that steroids are now considered potentially addictive, with documented withdrawal symptoms, and are capable of being more widely distributed than before through the use of the Internet and involve international sources.

In 2004, Congress passed the Anabolic Steroid Control Act, which directed the Commission to "review the Federal sentencing guidelines with respect to offenses involving anabolic steroids" and "consider amending the...guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid trafficking and use...."

Further Information:

The text of the emergency amendment to the steroids sentencing guidelines is available at www.ussc.gov <outbind://56/www.ussc.gov> .

Further information about the BALCO prosecution is available at:
http://www.usdoj.gov/usao/can/press/html/2005_10_18_balco_sentencing.htm

All press inquiries to the U.S. Attorney's Office should be directed to Luke Macaulay at (415) 436-6757 or by email at Luke.Macaulay@usdoj.gov.

###

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**United States Attorney Kevin V. Ryan
Northern District of California**

FOR IMMEDIATE RELEASE
March 24, 2006
WWW.USDOJ.GOV/USAO/CAN

CONTACT: Luke Macaulay
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US SENTENCING GUIDELINES

**SECTION 2D1.1(C), NOTES F & G
SCHEDULE III DRUGS**

PRIOR TO 03/27/06

NON-STEROIDS:

1 PILL = 1 UNIT =

0.5 MILLILITER = 1 UNIT =
(INJECTABLE LIQUID)

STEROIDS:

50 PILLS
(1/50 RATIO)

10 MILLILITERS
(1/20 RATIO)

AFTER 03/27/06

NON-STEROIDS:

1 PILL = 1 UNIT =

0.5 MILLILITER = 1 UNIT =
(INJECTABLE LIQUID)

STEROIDS:

1 PILL
(1/1 RATIO)

0.5 MILLILITERS
(1/1 RATIO)

ADDITIONAL NEW GUIDELINE LANGUAGE:

2D1.1(c)(F) – Notes to Drug Quantity Table – For an anabolic steroid that is not a pill, capsule, tablet, or liquid form (e.g., patch, topical cream, aerosol), the court shall determine the base offense level using a reasonable estimate of the anabolic steroid used in the offense. In making a reasonable estimate, the court shall consider that each 25 mg of anabolic steroid is one “unit.”

ADDITIONAL NEW GUIDELINE ENHANCEMENTS:

+2 LEVELS – 2D1.1(b)(6) – Steroid Distribution Involved the Use of a MASKING AGENT

+2 LEVELS – 2D1.1(b)(7) – Defendant Distributed Steroids to an ATHLETE

ADDITIONAL NEW APPLICATION NOTES:

2D1.1 Application Note Commentary – MASKING AGENT – a substance that, when taken before, after, or in conjunction with an anabolic steroid, prevents the detection of the anabolic steroid in an individual’s body.

2D1.1 Application Note Commentary – ATHLETE – an individual who participates in an athletic activity conducted by (i) an intercollegiate athletic association or interscholastic athletic association; (ii) a professional athletic association; or (iii) an amateur athletic association.

2D1.1 Application Note Commentary – ABUSE OF POSITION OF TRUST – an adjustment ordinarily would apply under 3B1.3 in the case of a defendant who used his position as a coach to influence an athlete to use an anabolic steroid.

Mercer, William W

From: Margolis, David
Sent: Saturday, April 01, 2006 8:29 AM
To: Elston, Michael (ODAG)
Cc: Mercer, Bill (ODAG)
Subject: Re: San Francisco Press Release

UFB!

-----sent from Blackberry wireless device-----

-----Original Message-----

From: Elston, Michael (ODAG)
To: Margolis, David
CC: Mercer, Bill (ODAG)
Sent: Fri Mar 31 22:17:02 2006
Subject: FW: San Francisco Press Release

David:

For your NDCA file. I have not received a response.

Mike

-----Original Message-----

From: Elston, Michael (ODAG)
Sent: Wednesday, March 29, 2006 12:55 PM
To: Ryan, Kevin (USACAN)
Cc: Mercer, Bill (ODAG); Roehrkasse, Brian
Subject: FW: San Francisco Press Release
Importance: High

Kevin:

Not sure that this was particularly helpful. I have already quashed DEA's effort to issue a press release on this subject at this time -- it is my judgment, as the Department's ex officio Commissioner, that this kind of thing actually harms our ability to ensure that the emergency amendment will become the permanent amendment. After our conversations, I am fairly surprised that you would not consult with me or anyone else in Main Justice before issuing a press release on something that has nothing to do with your office.

Please don't do anything further in this area without consultation.

Thanks,

Mike

-----Original Message-----

From: Roehrkasse, Brian
Sent: Wednesday, March 29, 2006 9:43 AM
To: Elston, Michael (ODAG)
Cc: Mercer, Bill (ODAG)
Subject: FW: San Francisco Press Release
Importance: High

-----Original Message-----

From: Smith, Kimberly A
Sent: Wednesday, March 29, 2006 9:29 AM
To: Roehrkasse, Brian
Cc: Wade, Drew; Lesch, Jaclyn
Subject: San Francisco Press Release
Importance: High

Brian-
Attached is the San Francisco Press release.

FROM LUKE MACAULAY (USAO PIO):

Kim,

We did issue a release. We kept it very factual and based it almost entirely upon what was posted on the USSC's website (www.ussc.gov).

United States Attorney Kevin V. Ryan
Northern District of California

FOR IMMEDIATE RELEASE
CONTACT: Luke Macaulay
March 24, 2006
(415) 436-6757

WWW.USDOJ.GOV/USAO/CAN <<http://www.usdoj.gov/USAO/CAN>>
Luke.Macaulay@usdoj.gov

SENTENCING COMMISSION ANNOUNCES STRICTER PENALTIES
FOR STEROID OFFENSES

Today, the United States Sentencing Commission enacted a temporary emergency amendment to increase the penalties for offenses involving anabolic steroids. The amendment to the sentencing guidelines provides stiffer penalties for steroids related offenses, and adds sentencing enhancements for individuals using masking agents to prevent the detection of steroids and for those who are distributing steroids to athletes. Finally, the amendment also provides a further sentencing enhancement for a defendant who used his or her position as a coach to influence an athlete to use an anabolic steroid.

U.S. Attorney Kevin V. Ryan stated, "We are pleased that the Sentencing Commission has taken this action to impose penalties for steroid offenses that reflect the seriousness of the crimes. Previous penalties required 50 steroid pills to equal one pill of another Schedule III drug, such as Vicodin. With this temporary amendment, steroids will carry the same penalties as other Schedule III drugs, and penalties will be enhanced for using masking agents, for a coach distributing steroids to his athletes, and for distributing steroids to athletes. We are hopeful that these enhanced penalties will help deter anabolic steroid trafficking and abuse."

According to the Commission, these sentencing enhancements address congressional concern with distribution of anabolic steroids to athletes, particularly the impact that steroids distribution and steroids use has on the integrity of sport, either because of the unfair advantage gained by the use of steroids or because of the concealment of such use.

The Commission notes in its 2006 Steroids Report that research has revealed that steroids are now considered potentially addictive, with documented withdrawal symptoms, and are capable of being more widely distributed than before through the use of the Internet and involve international sources.

In 2004, Congress passed the Anabolic Steroid Control Act, which directed the Commission to "review the Federal sentencing guidelines with respect to offenses involving anabolic steroids" and "consider amending the...guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid trafficking and use...."

Further Information:

The text of the emergency amendment to the steroids sentencing guidelines is available at www.ussc.gov <outbind://56/www.ussc.gov> .

Further information about the BALCO prosecution is available at:
http://www.usdoj.gov/usao/can/press/html/2005_10_18_balco_sentencing.htm

All press inquiries to the U.S. Attorney's Office should be directed to Luke Macaulay at (415) 436-6757 or by email at Luke.Macaulay@usdoj.gov.

###

Mercer, William W

From: Otis, Lee L
Sent: Tuesday, April 04, 2006 9:01 PM
To: Mercer, Bill (ODAG); Mercer, Bill (USAMT)
Cc: Elston, Michael (ODAG)
Subject: FW: Catch and release

Importance: High

Attachments: 0501817.wpd; criminal alien - AG letter (final).pdf



0501817.wpd (19 KB)
criminal alien - AG letter (fi...



letter (fi...

Here is the Issa letter and the original draft response that the U.S. Attorney's office prepared but that wasn't sent.

-----Original Message-----

From: Seidel, Rebecca
Sent: Monday, April 03, 2006 5:18 PM
To: Bounds, Ryan W (OLP)
Cc: Otis, Lee L; Rybka, Timothy A; Voris, Natalie (USAEO)
Subject: FW: Catch and release
Importance: High

Thanks Natalie. Ryan, could you please turn this draft response into talkers? First talker should be the AG saying "I understand that we are arranging a briefing for you on this issue" (DAG will be meeting with him after the Easter recess).

Then the rest should be just enough as may be necessary to rebut a little.

-----Original Message-----

From: Voris, Natalie (USAEO)
Sent: Monday, April 03, 2006 5:12 PM
To: Seidel, Rebecca
Cc: Crews, John (USAEO); Smith, David L. (USAEO)
Subject: FW: Catch and release

Rebecca,
Dave must be reading minds today...see below.

-----Original Message-----

From: Smith, David L. (USAEO)
Sent: Monday, April 03, 2006 5:00 PM
To: Voris, Natalie (USAEO)
Cc: Crews, John (USAEO)
Subject: RE: Catch and release

Natalie,

I don't know of any talking points either. However, perhaps Rebecca is thinking of letters that Rep. Issa wrote to Carol Lam and to the AG last year criticizing the SDCA for its immigration prosecution policies. The letters were mostly focused on two specific cases that SDCA did not prosecute. But in the letter to the AG Issa also criticized "catch and release" generally in the context of USAO prosecutions. I drafted a response to the letters, attached. I don't believe the response was ever sent because it was determined to have a briefing rather than a formal letter response. I don't know whether the briefing ever took place or what ever happened to the issue.

See emails on this subject below.
Dave

-----Original Message-----

From: Crews, John (USAEO)
Sent: Monday, April 03, 2006 4:37 PM
To: Voris, Natalie (USAEO); Smith, David L. (USAEO)
Subject: Re: Catch and release

I am not aware of any talking points on this. The issue of catch and release is an administrative, which is to say - non criminal context. The USAO's don't get involved in this part of immigration enforcement.
Jgc

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Voris, Natalie (USAEO) <NVoris@usa.doj.gov>
To: Smith, David L. (USAEO) <DSmith@usa.doj.gov>; Crews, John (USAEO) <JCrews@usa.doj.gov>
Sent: Mon Apr 03 16:32:36 2006
Subject: FW: Catch and release

Are either of you aware of catch and release talkers? See below.

nv

From: Seidel, Rebecca
Sent: Monday, April 03, 2006 4:27 PM
To: Voris, Natalie (USAEO)
Cc: Bounds, Ryan W (OLP); Otis, Lee L
Subject: Fw: Catch and release
Importance: High

See below. I think EOUSA has something too?

-----Original Message-----

From: Seidel, Rebecca <Rebecca.Seidel@SMOJMD.USDOJ.gov>
To: Kent, Don (DHS) <Don.Kent@dhs.gov>; Turner, Pam (DHS) <Pam.Turner@DHS.GOV>; Kendall, Sarah (DHS) <Sarah.Kendall@dhs.gov>

CC: Bounds, Ryan W (OLP) <Ryan.W.Bounds@SMOJMD.USDOJ.gov>; Otis, Lee L <Lee.L.Otis@SMOJMD.USDOJ.gov>
Sent: Mon Apr 03 16:26:09 2006
Subject: Catch and release

I think you guys have good talkers on this, about how you are remedying? Apparently Rep Issa is going to ask AG at his hearing Thurs in HJC about crim alien prosecutions generally, and catch and release in particular.

Please forward what you can asap?

From: Smith, David L. (USAEO)

Sent: Tuesday, January 10, 2006 6:25 PM
To: Seidel, Rebecca; Otis, Lee L
Cc: Voris, Natalie (USAEO); Crews, John (USAEO)
Subject: FW: Issa letter

Rebecca,

Per our conversation last night, attached is the Issa/CA delegation letter to the AG regarding alien prosecutions in the SDCA, as well as EOUSA's draft response to the letter. There are additional materials that I can forward on this, including a long memo that the SDCA prepared on the matter as well as SDCA stats, etc. Please note that the response letter was intended to be a response to both the CA delegation letter and to an earlier letter Issa sent directly to USA Carol Lam on the same issue.

Lee, my understanding is that the latest thought was to do a briefing in lieu of a letter response, but I am not sure where this stands at the moment.

Please let me know what your thoughts are on this so I can keep SDCA apprised.

Thanks

Dave

From: Smith, David L. (USAEO)
Sent: Friday, November 18, 2005 11:53 AM
To: Otis, Lee L
Cc: Voris, Natalie (USAEO); Parras, Jeff (USAEO)
Subject: Issa letter

Lee,

Attached is my draft response to Cong. Issa and the California delegation regarding the prosecution policies in SDCA. The Exec Sec. hard copy of this letter is being sent on down the line here as well.

Also, I have collected a variety of additional stats not currently cited in the draft and can forward them to you if you would like. I will give you a call.

Dave

David L. Smith
Legislative Counsel
Executive Office for U.S. Attorneys
(202) 353-3035
David.L.Smith2@usdoj.gov

-----Original Message-----

From: Seidel, Rebecca
Sent: Tuesday, October 25, 2005 12:14 PM
To: Voris, Natalie (USAEO)
Cc: Cohn, Jonathan (CIV); Callier, Sandra M; Bounds, Ryan W (OLP);
Scott-Finan, Nancy
Subject: FW: CA Republican delegation letter - prosecution of Criminal
aliens

Natalie - please see this letter. Sandra will log with Exec Sec and start through normal process, but wanted to give you heads up as EOUSA will likely have pen, hopefully we can get this response done soon (do we have a good response?). Note that the Delegation asks to meet with the AG. AG not necessary for this, but we should discuss whether Mike Battle may be appropriate to bring up to meet with Members?

I know the "catch and release" thing is a DHS issue, however, note the reference to USA declining to prosecute.

Congress of the United States

Washington, DC 20515

October 20, 2005

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Gonzales:

We write to request a meeting with you to discuss our frustration with the current policies within the Administration related to the prosecution of criminal aliens. To date, many illegal aliens, who deserve jail time, fall instead into the current practice of "catch and release." The recidivism rate among criminal aliens is high, and your Department's lack of action aggravates rather than remedies this problem.

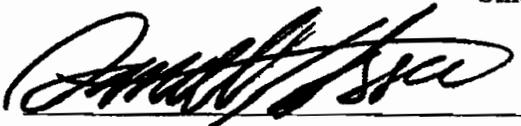
The Border Patrol recently arrested illegal alien, Alfredo Gonzales Garcia, near the border in San Diego. Even though Mr. Garcia had at least two prior arrests for selling drugs and was incarcerated on two separate occasions for these offenses, the U.S. Attorney's Office in San Diego declined to prosecute him. Prior to that event, the U.S. Attorney's Office chose not to prosecute Antonio Amparo-Lopez, a human smuggler and illegal alien with multiple prior convictions. In each instance, under the Immigration and Nationality Act, they were both eligible, upon conviction, for a two-year prison sentence, at minimum.

The U.S. Attorney in San Diego has stated that the office will not prosecute a criminal alien unless they have previously been convicted of two felonies in the district. This lax prosecutorial standard virtually guarantees that both of these individuals will be arrested on U.S. soil in the future for committing further serious crimes.

There is one simple reason why "catch and release" cannot continue: it endangers our citizens. It is the responsibility of the Department of Justice to punish dangerous criminals who violate federal laws, and this includes criminal aliens. When we meet, at the very least we encourage you to be prepared to discuss the current policies used by the U.S. Attorneys to determine when to prosecute criminal aliens, including providing us with a copy of the prosecution guidelines that are applied to such cases in the Southern District of California.

Again, we would like to meet to discuss the disparity between crimes committed and prosecutions conducted at your earliest convenience. Please contact us at 202-225-3906 to schedule this meeting.

Sincerely,



Ed Royce

Ken Colwell
John Little
By M.D.
Eta Packer
Dana Roberts
Levi Nunez
Jon Jung
Richard Rombo
Bill Thomas

Ray Kadenach
Buck McElroy
Wayne
Wally Harger
Jimmy
Randy "Mike" Cunningham

Image Not
Available

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530-0001

The Honorable Darrell Issa
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Issa:

This is in response to your October 20, 2005 letter, which was co-signed by 18 House colleagues from California, to the Attorney General inquiring about the prosecution of aliens in the Southern District of California. We are sending an identical letter to each House member that co-signed your letter. This also responds to the October 13, 2005 letter you sent to Carol Lam, the United States Attorney for the Southern District of California on the same topic. We apologize for any inconvenience our delay in responding may have caused you or your colleagues.

The Department of Justice very much appreciates and shares your concern with criminal aliens in this country who jeopardize the safety and well-being of the public. There are, as you know, approximately one million illegal aliens who are apprehended each year along our border with Mexico. As a result, the United States Attorneys' Offices along the Southwest Border (including the Districts of Southern Texas, Western Texas, New Mexico, Arizona and Southern California) face a great challenge in enforcing the criminal immigration and narcotics laws along that border.

Enforcing the immigration laws is a joint effort. The cooperation and resources of not only the United States Attorneys' Offices, but that of the U.S. Customs and Border Protection, Immigration and Customs Enforcement, the Bureau of Prisons, the United States Detention Trustee and many other federal agencies are needed to apprehend, detain, prosecute and imprison these criminal aliens.

The characterization in your October 20th letter of the Department's prosecution policies relating to criminal aliens as "catch and release" is inaccurate. Because it is not, at the present time, literally possible to prosecute and incarcerate every alien who enters this country illegally, priorities must be set as to which cases must be prosecuted first. Such prosecution policies are set by the individual United States Attorneys' Offices in their individual districts. Such policies may be the product of joint discussion and mutual agreement by both the United States Attorneys Office and the principal investigative or apprehending agency, such as the Border Patrol.

ASG000000121

The Honorable Darrell Issa
Page Two

One size does not fit all. Almost 68 percent of all immigration prosecutions nationally from all 94 United States Attorneys Offices in Fiscal Year 2005 were handled by just the five Southwest border districts. Thus, priorities set to meet the crush of cases along the Southwest border may be ill suited in districts that experience far less illegal immigration.

Understandably, the Department does not and should not publicize the specifics of each District's prosecution guidelines, in this area or in any other area of criminal prosecution. Were such guidelines made public in all their specificity, alien smugglers, criminal organizations and individual aliens would conform their conduct as much as possible to avoid prosecution. It is, however, important for the public to know what the general priorities are when considering what cases will be prosecuted.

In particular, your letters questioned the record of the United States Attorney's Office in the Southern District of California (SDCA) in prosecuting criminal aliens. I want to assure you that United States Attorney Lam and her staff are committed to protecting the residents of their District, and the District's record of prosecuting criminal aliens clearly demonstrates that fact. In making charging decisions, SDCA, like all Department of Justice components, adheres to the Principles of Federal Prosecution outlined in the United States Attorney's Manual. SDCA prosecution policies are based on the premise that illegal aliens with the most serious criminal histories should have priority for prosecution. SDCA has directed its resources to bringing many felony (as opposed to misdemeanor) charges against illegal aliens with substantial criminal histories so that it can seek longer prison sentences against those who present the greatest threat to public safety.

To focus its available resources on this target group of criminal aliens, SDCA employs prosecution guidelines for illegal re-entry offenses under 8 U.S.C. § 1326 which categorize criminal aliens into essentially four categories: (a) violent/major felons (which includes aliens with convictions for national security or terrorism offenses, murder, rape, forcible sex offenses and other violent crimes), (b) recidivist felons, (c) repeat immigration violators on supervised release, and (d) alien smugglers (guides) who otherwise do not meet the guidelines for smuggling prosecution under 8 U.S.C. § 1324.

The SDCA has a strong record of prosecuting criminal aliens generally and in particular alien smugglers. At the close of Fiscal Year 2005, SDCA had 385 alien smuggling cases pending against 454 defendants, which is the highest annual number of pending cases that office has ever had. SDCA also closed 470 alien smuggling cases that year (again its highest ever annual total) convicting 560 defendants of charges under 8 U.S.C. § 1324. Moreover, despite the fact that both the SDCA and the Department of Justice as a whole have numerous criminal priorities in addition to criminal aliens,^{1/} from Fiscal Year 2000 through Fiscal Year 2005, well over half of

^{1/}Additional Department of Justice and SDCA priorities include: counter-terrorism cases; firearms prosecutions; gang prosecutions; crimes against children (child pornography and sexual

The Honorable Darrell Issa
Page Three

all criminal cases filed by SDCA were cases filed under just three statutes, the primary criminal alien statutes, 8 U.S.C. §§1324, 1325 and 1326.²

Your letters also made specific reference to the non-prosecution by SDCA of Alfredo Garcia-Gonzalez, who was apprehended by the U.S. Border Patrol on October 12, 2005. As an initial matter, the SDCA was never presented this case for prosecution.² Thus, there was no decision by SDCA not to prosecute him. Nevertheless, it appears that the case was not presented to SDCA by the apprehending agency because it did not meet the prosecution guidelines jointly established by SDCA and the United States Border Protection in December 2004. These guidelines specifically contemplate meritorious exceptions for cases that should be prosecuted despite otherwise falling outside the guideline range. We are not in a position to second guess the decision by the apprehending agency not to present this case for prosecution, but we note that there are approximately 100,000 illegal aliens apprehended each year in the Southern District of California alone, and many of the criminal aliens prosecuted by SDCA have committed smuggling crimes that endanger the smuggled aliens far more severely than did Garcia-Gonzalez, or have a greater criminal record than Garcia-Gonzalez.

The SDCA and the apprehending agencies, including U.S. Border Protection and Immigration and Customs Enforcement, are aggressively apprehending and prosecuting criminal aliens and alien smugglers, and they are doing the best possible job in prioritizing the crush of illegal aliens entering this country from Mexico.

abuse); corporate fraud; health care fraud; bankruptcy fraud; computer hacking and intellectual property theft; human trafficking (involuntary servitude, prostitution cases involving smuggled aliens); civil rights prosecutions; counterfeiting; and passport and visa fraud.

²SDCA filed a total of 20,481 criminal cases from FY 2000 through and including FY 2005. Of that number 10,482 were illegal alien cases filed under 8 U.S.C. §§1325, 1325 or 1326.

³Had the SSCA been presented the case and declined it, we would not be in a position to share the specific reasons for that declination. As you know, all Department attorneys are asked to render unbiased, professional judgments about the merits of potential criminal and civil law enforcement cases. If their deliberations were made subject to Congressional challenge and scrutiny, we would face a grave danger that they would be chilled from providing the candid and independent analysis essential to just and effective law enforcement or, just as troubling, that they might err on the side of prosecution simply to avoid public second-guessing. This in turn would undermine public and judicial confidence in our law enforcement processes.

ASG00000123

The Honorable Darrell Issa
Page Four

We hope that the information above has helped to alleviate your concerns in this matter. Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,

William E. Moschella
Assistant Attorney General

ASG000000124

Memorandum

Subject

Interim Report Regarding
Southwest Border Project

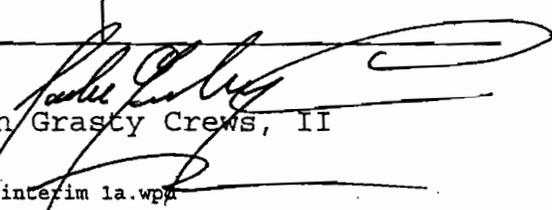
Date

April 27, 2006

To

William W. Mercer
Principal Associate Deputy
Attorney General

From


John Grasty Crews, II

swbr interim 1a.wpd

Michael Battle
Director
Executive Office for United
States Attorney's

Natalie Voris
Associate Counsel to the Director
Executive Office for United
States Attorney's

This interim report responds to the tasking of the Executive Office of United States Attorney's (EOUSA) by the Office of the Deputy Attorney General (ODAG) to prepare a report regarding the five Southwest Border (SWB) United States Attorney's Offices (USAO's)¹. This tasking arose following a February 2005 Evaluation and Review Staff (EARS) inspection of the United States Attorney's Office for the Southern District of California (SDCA).

The EARS team found that the USAO/SDCA was responsible for a high volume of immigration and drug cases generated from the border. [Pg 2, 15 February 2005 Memorandum from Robert T. Monk (Team Leader) to Christopher K. Barnes, Assistant Director, EARS/EOUSA]. According to the EARS team this caseload has created difficulties in addressing some of the special criminal programs and initiatives and also frustration among some

¹ There are five USAO's along the Southwest Border. Those five districts are (1) Southern District of Texas (SDTX); (2) Western District of Texas (WDTX); District of New Mexico (DNM); District of Arizona (DAZ); and the Southern District of California (SDCA).

federal investigative agencies. [Id]. The caseload was found to be manageable because the USAO restricted intake of border crimes cases. [Id].

The EARS team noted that EOUSA Data Analysis reports showed that the SDCA handled significantly fewer criminal immigration cases per AUSA work year than were handled by other SWB USAOs. [Id]. The SDCA contended that the EOUSA data was not reliable because of a lack of consistency in the manner in which the immigration data is reported and because of differences between SDCA and other SWB districts. [Id]. Assistant EARS team leader Ken Melson directed a separate memorandum to then EOUSA Director Mary Beth Buchanan recommending that EOUSA assess the handling of border case in the five SWB USAOs to develop common baselines and criteria for comparing statistical data relevant to the handling of border cases and to develop appropriate standards for the disposition of border cases. [Id].

EOUSA was later tasked with “assessing the handling of border cases in the five Southwest Border USAOs to develop common baselines and criteria for comparing statistical data relevant to the handling of border cases and to develop appropriate standards for the disposition of border cases.” The term border cases was not defined.²

There are differences between the five SWB USAOs which need to be identified when comparing the districts. One illustration of this is the varying intake or “threshold” benchmarks used by the SWB districts. A memorandum regarding this issue was prepared in the fall of 2005.

² A definition will need to be assigned to the term. Does this term include narcotics cases generated at the international ports of entry (POEs) and by the Border Patrol and other federal agencies engaged in interdiction activities along the border? Similarly, does the term include any immigration cases prosecuted by the SWB USAO's?

That memorandum is attached hereto as Tab 1. A separate memorandum addressed the general issue of immigration prosecution policy. That memorandum is attached hereto as Tab 2.

SDCA is essentially a one office district. While the district maintains a small branch office in El Centro, California, for all practical purposes all of the work is done in San Diego.

DAZ has two minor branch offices in Yuma and Flagstaff. There are no resident district judges in either of those two divisional offices. The bulk of the district's work is conducted either in the Phoenix headquarters office or in the Tucson branch office. The bulk of the border generated work is prosecuted by the Tucson branch office.

DNM is comprised of a headquarters office in Albuquerque and a single staff branch office in Las Cruces. The Las Cruces branch office prosecutes the bulk of the border related cases.

WDTX is headquartered in San Antonio, Texas. The district operates staffed branch offices in Austin, Waco, Del Rio, Pecos/Alpine, Midland, and El Paso. The Del Rio, Pecos/Alpine, and El Paso branch offices are responsible for the bulk of the border generated cases.

SDTX is headquartered in Houston, Texas. The district operates staffed branch offices in Victoria, Corpus Christi, Brownsville, McAllen, and Laredo. The Brownsville, McAllen, Laredo, and to some extent Corpus Christi offices are responsible for the bulk of the border generated cases.

USA-5 statistics are not maintained by branch office. There is substantial variance between the codes assigned to branch office operation between the various SWB districts. In

particular, SDCA maintains multiple USA-5 codes that are specific discrete subunits within the office.

LIONS data is easily available by district, but less so by branch office. EOUSA does not maintain information on the number of AUSAs and support staff assigned to particular branch offices.³ In some districts full time staff who are not federal employees but rather receive salaries from High Intensity Drug Trafficking Area (HIDTA) grant money are used to increase the size of the office workforce. In other districts other types of contract employees are also used to bolster the district capabilities.⁴ One district (SDTX) has begun record all misdemeanors prosecuted in their LIONS data, others SWB districts do not.

I have not contacted the respective United States Attorneys (USAs) and their staff to gather information relating to (1) staffing levels of the various districts and divisional branch offices; (2) intake guidelines and criteria by district and/or divisional offices⁵; and (3) operating procedures relating to the intake guidelines (what they take in, what happens to it once they got it. I will need specific guidance on how to comply with our ODAG tasking to “develop common

³ Because the weight of the border cases falls more heavily on some divisional offices, or units in the case of San Diego, than others the use of district wide data alone can give an incomplete picture of the impact of border generated cases. To better illustrate the point, the headquarters offices of SDTX (Houston), WDTX (San Antonio), and DNM (Albuquerque) are not impacted by border cases to the same degree as their respective divisional offices.

⁴ Unless that information is obtained relying solely on FTE allocations will give an incomplete picture of the workload distribution.

⁵ This issue is generally addressed in Tab 1, however no attempt has been made to update the information. Narcotics thresholds were not addressed.

baselines and criteria for comparing statistical data relevant to the handling of border cases” and to “develop appropriate standards for the disposition of border cases.”⁶

DISTRICT INFORMATION

Southern District of Texas

The boundaries and divisions of the Southern District of Texas are set by statute. [28 U.S.C. § 124(b)].

	<u>Population</u> ⁷	<u>Square Miles</u>
Brownsville Division	392,056	1,503
McAllen Division	718,080	2,793
Galveston Division	609,192	3,495
Houston Division	4,876,332	11,026
Victoria Division	174,789	5,726
Corpus Christi Division	547,464	9,625
Laredo Division	244,478	8,092
Totals	7,562,381	32,635

There are twenty (20) district judges in the Southern District of Texas, and fourteen (14) magistrate judges. The breakdown by division is Houston, eleven (11) district judges and five (05) magistrate judges; Victoria, one (01) district judge and one (01) magistrate judge; Corpus

⁶ No attempt is made in this memorandum to assign a specific “weight”, “value” or otherwise assign qualitative differences between types of cases, “border” or otherwise.

⁷ Population figures were obtained from the U.S. Census Bureau and are 2004 estimates of population extrapolated from the 2000 census. Land mass data was also obtained from this source.

Christi, two (02) district judges and two (02) magistrate judges; Laredo, two (02) district judges and two (02) magistrate judges; McAllen, two (02) district judges and two (02) magistrate judges; and Brownsville, two (02) district judges and two (02) magistrate judges.

An FY 06 executive summary prepared by EOUSA shows that on March 4, 2006, SDTX have an overall vacancy rate of 9.98%, compared to the national average of 9.4%.⁸ The districts AUSA FTE vacancy rate was 9.11%, compared to a national AUSA FTE vacancy rate of 7.97%. The district's support staff vacancy rate was 10.90%, compared to a national support staff vacancy rate of 10.71%. From FY 2000 to FY 2006 the SDTX direct funding allocation grew by 30.6%, and the USA appropriation grew by 33.9%. In FY 2000 SDTX used 212.74 Direct FTE and in FY 2006 it is projected to use 234.06 FTE, a 10% change over the last six years. From FY 2000 to FY 2005 the SDTX immigration caseload grew by 184.5%.

Attached as Tab 4, please find selected pages from the EOUSA data management information maintained on our intranet site. Tab 4 contains information specific to the Southern District of Texas as a whole. Tab 4-A is pages 13-15 of the Form "A" data, which is specific to immigration coded offenses. Tab 4-B is pages 31-33 of the Form "A" data, which is specific to non OCDETF drug cases. Tab 4-C is pages 46-48 of the Form "A" data, which is specific to violent crime offenses.

In FY 03, SDTX filed 2,291 immigration cases. In FY 04 SDTX filed 3,783 immigration cases, a 29.5% increase. In FY 05 SDTX filed 4,418 immigration cases, a 16.8% increase.

In FY 03 SDTX filed 1,323 non OCDETF drug cases. In FY 04 SDTX filed 1,241 non

⁸ A separate comparison chart was compiled by EOUSA to compare the SWB USAOs to USAOs of similar size. That chart is attached hereto as Tab 3.

OCDETF drug cases, a 6.2% decrease. In FY 05 SDTX filed 1,057 non OCDETF drug cases, a 14.8% decrease.

Western District of Texas

The boundaries and divisions of the Western District of Texas are set by statute. [28

U.S.C. § 124(d)].

	<u>Population</u>	<u>Square Miles</u>
El Paso Division	713,126	1,013
Del Rio Division	142,469	13,146
Pecos/Alpine Division	70,060	30,445
Midland Division	269,116	6,245
Austin Division	1,610,463	14,923
Waco Division	738,135	11,347
San Antonio Division	1,964,065	13,428
Totals	4,497,534	90,547

There are thirteen (13) active district judges in the Western District of Texas and three (03) senior district judges; as well as thirteen (13) magistrate judges. The breakdown of judges by divisional office is as follows: San Antonio, four (04) district judges, and three (03) magistrate judges; El Paso, four (04) district judges, and three (03) magistrate judges; Del Rio, one (01) district judge, and two (02) magistrate judges; Pecos/Alpine, no district judges, and one (01) magistrate judge; Midland, one (01) district judge, and one (01) magistrate judge; Austin, two (02) district judges, three (03) senior district judges, and two (02) magistrate judges; Waco, one (01) district judge, and one (01) magistrate judge

As of March 4, 2006, WDTX have an overall direct vacancy rate of 6.62%, with the national USAO community average being 9.40%. The WDTX average AUSA FTE vacancy rate is 6.38% compare to the national average of 7.97%. The WDTX support staff vacancy rate was 6.85%, compared to a national staff vacancy rate of 10.71%. From FY 2000 to FY 2006 the WDTX direct funding allocation grew by 35.1%, and during this time frame the USA appropriation grew by 33.9%. In FY 2000 WDTX used 161.03 Direct FTE and in FY 2006 the FTE usage is projected to be 195.21 FTE, a 21.2% change over the last six years. From FY 2000 to FY 2005 the WDTX immigration cases filed grew by 64.1%.

Attached as Tab 5, please find selected pages from the EOUSA data management information maintained on our intranet site. Tab 5 contains information specific to the Western District of Texas as a whole. Tab 5-A is pages 13-15 of the Form "A" data, which is specific to immigration coded offenses. Tab 5-B is pages 31-33 of the Form "A" data, which is specific to non OCDETF drug cases. Tab 5-C is pages 46-48 of the Form "A" data, which is specific to violent crime offenses.

In FY 03 WDTX filed 1,768 immigration cases. In FY 04 WDTX filed 2,034 immigration cases, a 15.0% increase. In FY 05 WDTX filed 2,712 immigration cases, a 33.3% increase.

In FY 03 WDTX filed 2,071 non OCDETF drug cases. In FY 04 WDTX filed 2,053 non OCDETF drug cases, a 0.9% decrease. In FY 05 WDTX filed 1,626 non OCDETF drug cases, a 20.8 % decrease.

District of New Mexico

The boundaries of the District of New Mexico is set by statute. [28 U.S.C. § 111]. No divisions are created by the enabling statute. By statute court may be held in Albuquerque, Las Cruces, Las Vegas, Roswell, Santa Fe, and Silver City. Federal Courthouses exists in Albuquerque, Santa Fe, Las Cruces, and Roswell. Court is principally held in Albuquerque, Las Cruces, and Santa Fe, and occasionally in Roswell.

<u>Population</u>	<u>Square Miles</u>
1,903,289	121,356

There are seven (07) district judges in New Mexico; two (02) in Santa Fe, one (01) in Las Cruces, and four (4) in Albuquerque. Additionally there are three (03) senior district judges in Albuquerque. There are ten (10) magistrate judges in New Mexico, six (06) in Albuquerque, and four (04) in Las Cruces. A fifth magistrate judge has been selected for Las Cruces and is undergoing a background clearance.

As of March 4, 2006, DNM had an overall direct vacancy rate of 10.21% compared to the USAO community as a whole having a rate of 9.4%. The district's AUSA vacancy rate was 6.67%, compared to a national average of 7.97%. The districts average support staff vacancy rate is 14.05%, compared to a national average of 10.71%. From FY 2000 to FY 2006, the NM direct funding allocation grew by 64.1%, and during this time period the USA appropriation grew by 33.9%. In FY 2000 DNM used 78.37 Direct FTE, and in FY 2006 it is projected to use 106.85 FTE, a 36.3% increase in six years. From FY 2000 to FY 2005 the DNM immigration cases filed grew by 99%. In FY 2006, EOUSA provided DNM with \$500,000 in one time money to avoid furloughs and to provide for litigation.

Attached as Tab 6, please find selected pages from the EOUSA data management information maintained on our intranet site. Tab 6 contains information specific to the District of New Mexico as a whole. Tab 6-A is pages 13-15 of the Form "A" data, which is specific to immigration coded offenses. Tab 6-B is pages 31-33 of the Form "A" data, which is specific to non OCDETF drug cases. Tab 6-C is pages 46-48 of the Form "A" data, which is specific to violent crime offenses.

In FY 03 DNM filed 1,529 immigration cases. In FY 04 DNM filed 1,501 immigration cases, a 1.8 % decrease. In FY 05 DNM filed 1,849 immigration cases, a 23.2 % increase.

In FY 03 DNM filed 385 non OCDETF drug cases. In FY 04 DNM filed 429 non OCDETF drug cases, a 11.4 % increase. In FY 05 DNM filed 470 non OCDETF drug cases, a 9.6 % increase.

District of Arizona

The boundaries of the District of Arizona is set by statute. [28 U.S.C. § 82]. No divisions are created by the enabling statute. By statute court shall be held in Globe, Phoenix, Prescott, and Tucson. The DAZ/USAO web site advises that trials involving witnesses and/or defendants in Northern Arizona are sometimes held at the federal courthouse in Prescott.

<u>Population</u>	<u>Square Miles</u>
5,743,834	113,635

There are eight (08) district judges, four (04) senior district judges, and five (05) magistrate judges in Phoenix. There are five (05) district judges in Tucson, two (2) senior district judges, and six (06) magistrate judges. Additionally, there is one (01) magistrate judge in Yuma, and one (1) magistrate judge in Flagstaff.

As for March 4, 2006, DAZ had an overall vacancy rate of 7.91% compared to national USAO community vacancy rate of 9.4%. The DAZ average AUSA vacancy rate was 11.73% compared to the national average of 7.97%. The DAZ average support staff vacancy rate was 3.86%, compared to the national average of 10.71%.

From FY 2000 to FY 2006, the DAZ direct funding allocation grew by 31.4% and the USA appropriation as whole grew by 33.9%. In FY 2000 DAZ used 163.54 Direct FTE and in FY 2006 it is projected to use 209.91 FTE, a 28.4% increase in six years. From FY 2000 to FY 2006, the DAZ immigration cases filed grew by 12.2%.

Attached as Tab 7, please find selected pages from the EOUSA data management information maintained on our intranet site. Tab 7 contains information specific to the District of Arizona as a whole. Tab 7-A is pages 13-15 of the Form "A" data, which is specific to immigration coded offenses. Tab 7-B is pages 31-33 of the Form "A" data, which is specific to non OCDETF drug cases. Tab 7-C is pages 46-48 of the Form "A" data, which is specific to violent crime offenses.

In FY 03 DAZ filed 2,252 immigration cases. In FY 04 DAZ filed 2,383 immigration cases, a 5.8 % increase. In FY 05 DAZ filed 1,898 immigration cases, a 20.4 % decrease.

In FY 03 DAZ filed 671 non OCDETF drug cases. In FY 04 DAZ filed 790 non OCDETF drug cases, a 17.7% increase. In FY 05 DAZ filed 785 non OCDETF drug cases, a 0.6 % decrease.

Southern District of California

The boundaries of the Southern District of California is set by statute. [28 U.S.C. § 84(d)]. No divisions are created by the enabling statute. The district is comprised of Imperial

and San Diego counties. By statute, court for the district is held in San Diego.

	<u>Population</u>	<u>Square Miles</u>
San Diego County	1,903,289	4,200
Imperial County	153,448	4,175
Total	3,085,162	8,375

There are seventeen (17) active district judges and nine (09) magistrate judges in San Diego. There is one (01) magistrate judge in El Centro.

As of March 4, 2006, SDCA had an overall Direct vacancy rate of 12.78%, compared to a national USAO community vacancy rate of 9.4%. The SDCA district's average attorney vacancy rate was 11.71%, compared to a national AUSA vacancy rate of 7.97%. The SDCA support staff vacancy rate is 13.90%, compared to a national average of 10.71%.

From FY 2000 to FY 2006, the SDCA Direct funding allocation grew by 48.71% and during this time period the USA appropriation grew by 33.9%. In FY 2000, SDCA used 150.78 FTE and in FY 2006 SDCA is projected to use 183.67 FTE, a 21.8% increase over the last six years. These FTE numbers do not capture the 52 support contractors that came on board in FY 2000 to help process immigration cases. Currently SDCA has 36 such contractors on board for this purpose. From FY 2000 to FY 2005, the SDCA immigration cases filed decreased by 39%.

Attached as Tab 8, please find selected pages from the EOUSA data management information maintained on our intranet site. Tab 8 contains information specific to the District of Arizona as a whole. Tab 8-A is pages 13-15 of the Form "A" data, which is specific to immigration coded offenses. Tab 8-B is pages 31-33 of the Form "A" data, which is specific to

non OCDETF drug cases. Tab 8-C is pages 46-48 of the Form "A" data, which is specific to violent crime offenses.

In FY 03 SDCA filed 2,463 immigration cases. In FY 04 SDCA filed 2,527 immigration cases, a 2.6 % increase. In FY 05 SDCA filed 1,441 immigration cases, a 43.3 % decrease.

In FY 03 SDCA filed 795 non OCDETF drug cases. In FY 04 SDCA filed 656 non OCDETF drug cases, a 17.5 % decrease. In FY 05 SDCA filed 846 non OCDETF drug cases, a 29.0% increase.

END



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

MEMORANDUM FOR: William W. Mercer
Principal Associate Deputy Attorney General

FROM: Natalie A. Voris
Associate Counsel to the Director
Executive Office for United States Attorneys

SUBJECT: Information Request – For Official Use Only

Below please find responses to your recent request regarding the immigration policies of the five (5) Southwest Border districts.

District of Arizona

(a) Does DOJ have a policy on the number of times an alien is apprehended before being prosecuted?

The Phoenix/Tucson/Yuma offices do not have an official policy on the number of times an illegal entrant alien must enter before being prosecuted for the misdemeanor offense of 8 U.S.C. §1325. It is evaluated on a case-by-case basis but almost certainly an alien would not be prosecuted on a first or second offense unless there were aggravating circumstances. However, there is a standing policy of zero tolerance on illegal aliens who come from countries of interest, other than Mexico and Central and South America.

(b) What exceptions are there to this policy (e.g., aggravated felonies, alien smugglers, etc.)?

The Phoenix/Tucson/Yuma offices have guidelines in place to prosecute all provable 8 U.S.C. §§1326(b)(2) and 1326(b)(1) cases where the alien is calculated to be at a level 24 under the U.S.S.G. These offices also prosecute defendants who are currently on Federal Probation or Supervised Release. Under certain circumstances, the Phoenix/Tucson/Yuma offices also prosecute some lower level 8 U.S.C. §1326(b)(2)

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cases. Again, there is a standing policy of zero tolerance on illegal aliens who come from countries of interest, other than Mexico and Central and South America.

(c) What is the minimum prosecutable offense before DOJ prosecutes illegal aliens?

The minimum prosecutable offenses for Phoenix/Tucson/Yuma are misdemeanor illegal entry in violation of 8 U.S.C. § 1325 and misdemeanor aiding and abetting in violation of 8 U.S.C. §1325 and 18 U.S.C. §2.

Southern District of California

(a) Does DOJ have a policy on the number of times an alien is apprehended before being prosecuted?

To SDCA's knowledge, other than the Principles of Federal Prosecution contained in USAM 9-27.000, and the general guidance on immigration violations set forth USAM 9-73.000 and the corresponding sections in the Criminal Resource Manual, the Department does not have a specific policy regarding the prosecution of illegal aliens. Instead, the United States Attorneys are charged with establishing such policies based on the particular circumstances and enforcement priorities in their respective districts. In the SDCA, as a general rule SDCA does not prosecute purely economic migrants. Nor are SDCA's prosecution guidelines based on the "number of times an alien is apprehended." SDCA's prosecution policies are based on the premise that illegal aliens with the most serious criminal histories should be our priority for prosecution. As such, SDCA has directed its resources to bringing felony (as opposed to misdemeanor) charges against illegal aliens with substantial criminal histories so that SDCA can seek longer prison sentences against those who present the greatest threat to public safety. SDCA employs prosecution guidelines for offenses under 8 U.S.C. §1326 which categorize criminal aliens into essentially four categories: violent/major felons (which includes convictions for national security or terrorism offenses), recidivist felons, repeat immigration violators on supervised release, and alien smugglers (guides) who otherwise do not meet our guidelines for smuggling prosecution under 8 U.S.C. §1324.

(b) What exceptions are there to this policy (e.g., aggravated felonies, alien smugglers, etc.)?

Any case not meeting SDCA's prosecution guidelines may be considered for prosecution on a case-by-case basis. SDCA regularly approves for prosecution deserving cases that do not otherwise fall within SDCA's guidelines.

(c) What is the minimum prosecutable offense before DOJ prosecutes illegal aliens?

SDCA believes that it is unclear what is being asked by this question. If this question is asking what is the least severe charge SDCA would employ to prosecute an illegal alien, it would be a Class B misdemeanor under 8 U.S.C. §1325.

District of New Mexico

(a) Does DOJ have a policy on the number of times an alien is apprehended before being prosecuted?

With regard to *Illegal Entry or Failure to Register* offenses, the District of New Mexico will accept prosecutable cases involving persons who have failed to register as referred by law or who have been previously deported from the United States or if there is sufficient, objective proof that the person was/is involved in terrorism or support thereof.

The decision to accept or decline a re-entry case will be largely determined by the defendant's criminal history in the United States. The District of New Mexico will accept for prosecution readily provable cases when the defendant is subject to an enhancement because of a felony conviction; see 8 U.S.C. §§1326(b)(1) and (b)(2). The District of New Mexico will generally accept for prosecution defendants who do not have a felony conviction but who have prior contact with the criminal justice system; see 8 U.S.C. §§1326(b)(1) and (2). Defendants who have been deported and who re-enter the United States but who do not have prior contact with the criminal justice system will generally be prosecuted only for the misdemeanor offense of entry without inspection, 8 U.S.C. §1325.

For 8 U.S.C. §1325 offenses (improper entry by alien), the District of New Mexico will seek prosecution after the tenth entry without inspection.

With regard to *Transporting or Harboring Undocumented Aliens* offenses, the District of New Mexico will accept prosecutable cases if there is some evidence of a profit motive, if the health or safety of the persons transported was jeopardized, or if the prosecution would further another active investigation, or if there is sufficient, objective proof that the person was/is involved in terrorism or support thereof.

(b) What exceptions are there to this policy (e.g., aggravated felonies, alien smugglers, etc.)?

See above.

(c) What is the minimum prosecutable offense before DOJ prosecutes illegal aliens?

See above.

District

(a) Does DOJ have a policy on the number of times an alien is apprehended before being prosecuted?

Depending on the Division, _____ will prosecute for illegal entry, after between 6-8 "ident hits" or previous encounters with Border Patrol.

(b) What exceptions are there to this policy (e.g., aggravated felonies, alien smugglers, etc.)?

The _____ will prosecute all aggravated felons with at least one prior deportation as an illegal re-entry case or 8 U.S.C. §1326 case.

(c) What is the minimum prosecutable offense before DOJ prosecutes illegal aliens?

The minimum prosecution is a misdemeanor illegal entry prosecution in Magistrate's Court. If an alien has no criminal history, the alien will be prosecuted after three convictions for 8 U.S.C. §1325 prior to prosecution for 8 U.S.C. §1326.

District

(a) Does DOJ have a policy on the number of times an alien is apprehended before being prosecuted?

_____ prosecutes illegal entrants (misdemeanor 8 U.S.C. §1325) if they have been voluntarily returned (VR'd to Mexico) on seven or more prior occasions, or if they have previously been convicted of some crime (but not previously deported), or if there are other aggravating circumstances (such as resistance, uncooperativeness, etc.) If they have prior illegal entry (technically entry w/o inspection) conviction, but no deportation, _____ prosecutes as felony 8 U.S.C. §1325 _____ prosecutes felony 8 U.S.C. §1326, illegal entry after deportation, for all previously deported aliens who have some criminal history (virtually any prior conviction). If they have no criminal history, _____ may prosecute as 8 U.S.C. §1325 entry without inspection, depending on circumstances.

_____ prosecutes all alien smuggling cases involving 6 or more aliens, or involving commercial gain (even if less than 6 aliens). In practice, _____ does not really follow that threshold, and _____ prosecutes almost every case with multiple aliens being transported. Exception may be family members, unless the transporter uses false documents. Then _____ prosecutes as false document case. As a practical matter, _____ turns away few transporting cases.

(b) What exceptions are there to this policy (e.g., aggravated felonies, alien smugglers, etc.)?

Answered above.

(c) What is the minimum prosecutable offense before DOJ prosecutes illegal aliens?

_____ is uncertain about what is being asked.



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building
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Washington, DC 20530

(202) 514-2121

MEMORANDUM FOR: Courtney Elwood
Deputy Chief of Staff and Counselor

Bill Mercer
Principal Associate Deputy Attorney General

FROM: Michael A. Battle
Director

DATE: November 22, 2005

SUBJECT: Immigration Prosecution Policy

Prosecution of illegal aliens entering or found in the United States, and particularly along the Southwest Border (SWB), varies between jurisdictions, but all of the United States Attorneys' Offices (USAOs) prosecute the most serious offenses and those offenders with established criminal records as a priority. Along the SWB, offenders entering the country illegally but with no criminal record and no prior deportation are almost certainly going to be voluntarily removed ("VR'd") numerous times before they are formally deported barring some unusual or aggravating circumstance in the case. Several factors contribute to this policy, the most pronounced being the lack of resources and bed space to detain and prosecute every illegal entry violator. Additionally, there is also very little punishment for first-time offenders, and investigative agencies and USAOs are inclined to spend their resources on the more serious offenses. Therefore, offenses in which aliens are smuggled for profit or where an alien with a serious criminal record re-enters the country after being deported will receive priority attention.

In instances where the illegal alien has committed a state or local offense and is then referred to a federal agency for prosecution or deportation, the Department of Justice obviously does not have the authority or jurisdiction to prosecute the alien on his (or her) local or state charge in addition to the immigration violation. This scenario happens frequently in interior jurisdictions as well as border districts. Immigration officers frequently do "jail checks" in which they see if any jailed inmates held on state or local charges are illegal aliens. Additionally, most state and local law enforcement agencies will contact the immigration officers if they suspect that an arrestee is an illegal alien. When an immigration officer encounters an illegal alien either by "jail check" or referral and the alien is charged with a separate state crime, the officer will

normally put a detainer on the subject so that he is turned over to the federal officer to answer the immigration violation as well. The practical effect when this happens is that frequently the state or local authorities will turn the subject over to the federal officer for proceedings - prosecution and/or deportation - on the immigration violation and then dismiss the state charge if it is a minor violation.

Consider this scenario: A county deputy stops and arrests a motorist for *Driving While Intoxicated* (DWI) somewhere in Texas. It is suspected that the motorist is an illegal alien, and an Immigration and Customs Enforcement (ICE) agent is called. The ICE agent interviews the suspect at the jail and determines that (1) he is, in fact, in the country illegally, (2) he has been deported before, and (3) he has a lengthy criminal record. Anticipating a prosecution for 8 U.S.C. 1326 (*Illegal Re-Entry*), the agent places a detainer on the subject with the jail so that he will be held and remanded to federal custody should he post bond on his DWI charge. At this point, what frequently occurs is that the state will allow the USAO to proceed with the federal immigration case. In that scenario, once the alien is successfully prosecuted federally and remanded to the Bureau of Prisons, the state or locals will dismiss the DWI. The Department of Justice has no jurisdiction to prosecute the original DWI charge, and therefore the alien is prosecuted for the immigration violation but escapes prosecution for the original crime through no fault of the USAO. No matter how serious the state or local charge is, the USAO is unable to control the disposition of the state or local prosecution.

Federal prosecution efforts are further affected by the fact that some state and local law enforcement agencies do not contact federal immigration authorities when they encounter suspected illegal aliens or otherwise deportable aliens. Many cities have established "sanctuary" policies in which their police departments are instructed not to contact immigration authorities when they encounter suspected illegal aliens. Therefore, ICE and other federal law enforcement agencies are never made aware of ongoing immigration violators who are released upon completion of their state or local charge or case.

District Vacancy Rate Analysis:

As of mid-year, April 1 (Pay Period 6), the overall vacancy rate for the USA Community was 9.9%. The AUSA vacancy rate during that same pay period was 10.39% and the support staff vacancy rate was 9.48%. The following chart shows the mid-year vacancy rates by size of districts:

Size	Total Vacancy Rate	AUSA Vacancy Rate	Support Vacancy Rate
Overall	9.90%	10.39%	9.48%
Extra Large	12.32%	14.81%	9.85%
Large	10.43%	9.62%	11.18%
Medium	8.29%	7.07%	9.35%
Small	8.35%	5.88%	10.34%

Southwest Border Districts:

Size	Total Vacancy Rate	AUSA Vacancy Rate	Support Vacancy Rate
Overall Extra Large	12.32%	14.81%	9.85%
Arizona	8.34%	11.52%	4.98%
California Southern	13.10%	12.37%	13.86%
Texas Southern	11.32%	10.57%	12.12%
Texas Western	7.52%	7.32%	7.72%
Overall Large	10.43%	9.62%	11.18%
New Mexico	10.24%	6.69%	14.08%

United States Attorney - Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Matter and Case Counts
 Immigration

Fiscal Year ²	Matters & Defendants - Received, Pending, & Terminated			Average # of Defendants Per Matter Received	Matters Pending			Average # of Defendants Per Matter Pending	Matters Terminated			Average # of Defendants Per Matter Terminated
	Matters Received	Percent Change	Defendants Received		Percent Change	Matters Pending	Percent Change		Defendants Pending	Percent Change	Matters Terminated	
82	339		482	1.45	36	0.0%	65	1.81	68	-50.0%	118	1.74
83	199	-42.2%	284	1.45	36	0.0%	81	1.69	54	-50.0%	70	2.06
84	238	21.4%	355	1.49	31	-13.9%	55	1.77	30	-11.8%	70	2.33
85	343	44.1%	460	1.34	40	29.0%	48	1.23	35	16.7%	77	2.20
86	538	56.8%	758	1.41	31	-22.5%	34	1.10	29	-17.1%	77	2.66
87	1,185	20.3%	833	1.29	70	125.8%	87	1.24	44	51.7%	88	2.02
88	1,487	84.7%	1,342	1.12	100	42.8%	115	1.15	72	63.6%	108	2.13
89	1,487	24.4%	1,731	1.19	138	36.0%	153	1.13	80	11.1%	128	1.58
90	1,622	8.1%	1,809	1.12	144	5.9%	161	1.12	51	-36.3%	80	1.57
91	1,975	21.8%	2,210	1.12	155	7.8%	192	1.24	90	76.5%	121	1.34
92	2,425	22.5%	2,661	1.10	237	52.9%	279	1.18	158	73.3%	168	1.19
93	3,402	40.3%	3,684	1.08	295	11.8%	305	1.15	438	180.9%	495	1.13
94	17,739	421.4%	18,204	1.03	390	47.2%	422	1.08	13,920	3057.3%	14,007	2729.7%
95	17,428	-1.8%	18,059	1.04	438	11.8%	510	1.17	12,985	-0.2%	13,186	-5.8%
Average	3,541	55.6%	3,778	1.07	151	25.7%	178	1.18	1,984	262.3%	2,058	229.3%

Fiscal Year ²	Cases & Defendants - Filed, Pending, & Terminated			Average # of Defendants Per Case Filed	Cases Pending			Average # of Defendants Per Case Pending	Cases Terminated			Average # of Defendants Per Case Terminated
	Cases Filed	Percent Change	Defendants Filed		Percent Change	Cases Pending	Percent Change		Defendants Pending	Percent Change	Cases Terminated	
82	253		375	1.48	386		508	1.31	286		412	1.39
83	163	-35.6%	214	1.31	246	-36.3%	323	1.31	289	1.0%	392	-4.9%
84	213	30.7%	292	1.37	248	1.2%	335	1.35	208	-31.1%	274	-30.1%
85	299	40.4%	389	1.30	288	18.7%	397	1.33	247	18.9%	322	17.5%
86	520	73.8%	688	1.34	339	13.8%	463	1.37	476	92.7%	626	94.4%
87	585	8.7%	694	1.23	375	10.6%	478	1.27	526	10.5%	674	7.7%
88	1,093	93.5%	1,204	1.10	527	40.5%	622	1.18	938	10.5%	1,051	55.8%
89	1,363	24.7%	1,551	1.14	732	38.8%	856	1.17	1,143	22.1%	1,301	23.8%
90	1,553	13.9%	1,710	1.10	757	3.4%	874	1.15	1,506	31.8%	1,867	28.1%
91	1,868	20.3%	2,050	1.09	1,032	36.3%	1,183	1.15	1,570	4.2%	1,715	2.9%
92	2,182	18.8%	2,385	1.09	1,186	16.1%	1,359	1.13	2,002	27.5%	2,182	2.9%
93	2,921	33.8%	3,147	1.08	1,344	12.2%	1,501	1.12	2,756	37.7%	2,968	36.0%
94	3,783	28.5%	4,082	1.08	2,041	51.8%	2,288	1.13	3,088	12.0%	3,308	11.5%
95	4,416	16.8%	4,782	1.08	2,184	8.0%	2,448	1.13	4,289	38.2%	4,635	40.1%
Average	1,514	28.3%	1,684	1.11	835	18.6%	974	1.17	1,382	28.6%	1,538	23.9%

¹ Caseload data extracted from the United States Attorney's Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys - Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Disposition Counts
 Immigration

Cases & Defendants Tried										
Fiscal Year	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried	
92	299	412	6		2.0%	7		1.7%	1.17	
93	289	382	3	-50.0%	1.0%	5	-26.6%	1.3%	1.67	
94	206	274	2	-33.3%	1.0%	2	-60.0%	0.7%	1.00	
95	247	322	6	200.0%	2.4%	18	650.0%	5.9%	3.17	
96	476	826	18	166.7%	3.4%	21	10.5%	3.4%	1.31	
97	526	674	3	-61.3%	0.6%	9	-67.1%	1.3%	3.00	
98	836	1,051	11	288.7%	1.2%	15	66.7%	1.4%	1.38	
99	1,143	1,301	29	163.6%	2.5%	33	120.0%	2.5%	1.14	
00	1,506	1,667	31	6.9%	2.1%	33	0.0%	2.0%	1.06	
01	1,570	1,715	27	-12.8%	1.7%	34	3.0%	2.0%	1.29	
02	2,002	2,182	45	69.7%	2.2%	48	35.3%	2.1%	1.02	
03	2,756	2,968	38	-15.6%	1.4%	46	0.0%	1.5%	1.21	
04	3,088	3,308	29	-23.7%	0.9%	34	-26.1%	1.0%	1.17	
05	4,289	4,635	53	82.8%	1.2%	60	76.5%	1.3%	1.13	
Average	1,392	1,538	21	56.7%	1.7%	26	78.2%	2.0%	1.22	

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
92	412	348		4	1.1%	344	98.8%	84.5%	2		60		2	
93	382	200	-42.5%	2	1.0%	188	99.0%	51.0%	3	50.0%	187	211.7%	2	0.0%
94	274	235	17.5%	1	0.4%	234	98.6%	65.8%	1	-66.7%	36	-78.7%	0	
95	322	302	28.5%	18	6.0%	284	94.0%	93.8%	1	0.0%	18	-52.6%	1	
96	626	586	94.7%	18	3.1%	570	96.9%	83.9%	3	200.0%	34	88.9%	1	0.0%
97	674	632	7.5%	8	1.3%	624	98.7%	93.6%	1	-66.7%	40	17.6%	1	0.0%
98	1,051	985	57.4%	12	1.2%	983	98.8%	94.7%	4	300.0%	51	27.5%	1	0.0%
99	1,301	1,200	20.8%	28	2.3%	1,172	97.7%	92.2%	4	0.0%	87	80.2%	0	
00	1,667	1,579	31.6%	31	2.0%	1,548	98.0%	94.7%	2	-50.0%	86	-11.3%	0	
01	1,715	1,568	-6.6%	27	1.7%	1,542	98.3%	91.5%	7	250.0%	138	80.5%	1	
02	2,182	2,062	31.4%	43	2.1%	2,019	97.8%	94.5%	2	-71.4%	118	-14.6%	0	
03	2,968	2,808	36.1%	37	1.3%	2,769	98.7%	94.5%	2	0.0%	159	34.7%	1	
04	3,308	3,175	13.2%	31	1.0%	3,144	98.0%	96.0%	2	0.0%	122	-23.3%	10	900.0%
05	4,635	4,478	41.1%	53	1.2%	4,426	98.8%	96.6%	5	150.0%	145	18.9%	6	40.0%
Average	1,538	1,441	25.9%	22	1.8%	1,416	98.2%	83.7%	3	53.5%	82	28.3%	2	143.3%

¹ Caseload data extracted from the United States Attorney Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Sentencing Counts
 Immigration

Fiscal Year ²	Sentencing			Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
	Defendants In Cases Filed	Defendants In Cases Terminated	Total Defendants Guilty					
92	375	412	348	115		233		67.0%
93	214	392	200	53	-53.8%	147	-36.8%	73.5%
94	292	274	235	65	22.6%	170	15.6%	72.3%
95	388	322	302	58	-8.2%	243	42.8%	80.5%
96	699	628	588	122	106.6%	466	91.8%	79.3%
97	694	674	632	111	-8.0%	521	11.8%	82.4%
98	1,204	1,051	966	70	-36.9%	925	77.5%	93.0%
99	1,551	1,301	1,200	124	77.1%	1,076	16.3%	88.7%
00	1,710	1,887	1,578	129	4.0%	1,454	34.5%	91.8%
01	2,050	1,715	1,589	115	-10.9%	1,454	0.3%	92.5%
02	2,395	2,162	2,062	155	34.3%	1,907	31.2%	92.5%
03	3,147	2,988	2,808	197	27.1%	2,609	36.8%	83.0%
04	4,082	3,308	3,175	209	6.1%	2,988	13.7%	83.4%
05	4,782	4,835	4,478	488	133.5%	3,991	34.5%	89.1%
Average	1,684	1,538	1,441	144	22.5%	1,297	28.5%	85.0%

Fiscal Year ²	Sentencing														
	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	233	200	85.8%	29	12.4%	1	0.4%	1	0.4%	2	0.8%	0	0.0%	0	0.0%
93	147	115	78.2%	25	17.0%	2	1.4%	3	2.0%	2	1.4%	0	0.0%	0	0.0%
94	170	117	68.8%	31	18.2%	2	1.2%	9	5.3%	11	6.5%	0	0.0%	0	0.0%
95	243	143	58.8%	46	18.9%	8	3.7%	22	9.1%	23	9.5%	0	0.0%	0	0.0%
96	488	307	62.9%	80	12.9%	18	4.1%	58	12.4%	22	4.5%	0	0.0%	0	0.0%
97	521	380	72.9%	58	11.1%	20	3.8%	42	8.1%	21	4.0%	0	0.0%	0	0.0%
98	925	565	61.1%	115	12.4%	37	4.0%	154	16.6%	54	5.8%	0	0.0%	0	0.0%
99	1,076	528	48.1%	150	13.9%	58	5.4%	211	19.6%	129	12.0%	0	0.0%	0	0.0%
00	1,450	617	42.5%	263	18.1%	63	4.3%	322	22.2%	185	12.8%	0	0.0%	0	0.0%
01	1,454	592	40.7%	262	18.0%	113	7.8%	328	22.8%	156	10.8%	0	0.0%	0	0.0%
02	1,907	749	39.3%	489	25.2%	186	10.3%	332	17.4%	131	6.9%	0	0.0%	0	0.0%
03	2,808	1,112	42.8%	889	28.4%	218	8.3%	431	18.5%	161	6.2%	0	0.0%	0	0.0%
04	2,988	1,180	39.5%	812	27.4%	260	8.8%	524	17.7%	180	6.4%	0	0.0%	0	0.0%
05	3,991	1,818	45.5%	854	23.9%	430	10.8%	632	15.8%	167	3.9%	0	0.0%	0	0.0%
Average	1,297	802	61.9%	285	22.0%	102	7.8%	218	16.8%	88	6.8%	0	0.0%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys – Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Matter and Case Counts
 Non-OCDETF Drugs²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	856		1,379		1.61	175		286		1.63	262		359		1.37
93	669	-21.8%	1,164	-15.6%	1.74	261	49.1%	392	37.1%	1.50	138	-47.3%	207	-42.3%	1.50
94	559	-18.4%	1,210	4.0%	2.16	258	-1.9%	410	4.8%	1.60	89	-35.5%	151	-27.1%	1.70
95	855	17.2%	1,274	5.3%	1.85	188	-26.6%	306	-24.9%	1.64	170	91.0%	258	70.9%	1.52
96	664	1.4%	1,221	-4.2%	1.84	125	-33.5%	241	-21.8%	1.93	95	-44.1%	136	-47.3%	1.43
97	746	12.3%	1,387	13.6%	1.86	120	-4.0%	251	4.1%	2.08	59	-37.9%	121	-11.0%	2.05
98	1,470	97.1%	2,174	56.7%	1.48	214	78.3%	349	39.0%	1.63	160	171.2%	264	118.2%	1.65
99	1,489	1.3%	2,021	-7.0%	1.36	193	-9.8%	289	-14.3%	1.55	145	-9.4%	251	-4.9%	1.73
00	1,501	0.8%	2,003	-0.9%	1.33	212	9.8%	321	7.4%	1.51	147	1.4%	227	-9.6%	1.54
01	1,531	2.0%	1,948	-2.7%	1.27	206	-2.8%	324	0.9%	1.57	117	-20.4%	176	-22.5%	1.50
02	1,489	-2.7%	1,994	2.4%	1.34	188	-8.7%	277	-14.5%	1.47	136	16.2%	232	31.8%	1.71
03	1,502	0.8%	2,042	2.4%	1.36	212	12.8%	324	17.0%	1.53	148	7.4%	230	-0.9%	1.58
04	1,402	-6.7%	1,896	-7.1%	1.35	204	-3.8%	304	-6.2%	1.49	162	11.0%	239	3.9%	1.48
05	1,213	-13.5%	1,679	-11.4%	1.38	208	2.0%	310	2.0%	1.49	148	-8.6%	231	-3.3%	1.56
Average	1,125	5.5%	1,671	2.7%	1.49	197	4.7%	314	2.3%	1.59	141	7.3%	220	4.3%	1.56

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	581		987		1.72	603		898		1.49	598		1,064		1.78
93	442	-23.9%	839	-15.8%	1.80	637	5.8%	1,001	11.5%	1.57	393	-34.3%	702	-34.0%	1.79
94	466	5.4%	1,028	22.5%	2.21	670	5.2%	1,201	20.0%	1.79	424	7.9%	817	16.4%	1.93
95	535	14.8%	1,086	5.6%	2.03	770	14.9%	1,374	14.4%	1.78	436	2.8%	908	11.1%	2.08
96	617	15.3%	1,131	4.1%	1.83	763	-0.9%	1,292	-8.0%	1.69	594	38.2%	1,132	24.7%	1.91
97	664	10.9%	1,231	8.8%	1.80	743	-2.8%	1,164	-9.9%	1.57	660	11.1%	1,212	7.1%	1.84
98	1,210	76.9%	1,791	45.5%	1.48	966	30.0%	1,426	22.5%	1.48	965	46.2%	1,464	20.8%	1.52
99	1,331	10.0%	1,763	-1.6%	1.32	1,019	5.5%	1,404	-1.5%	1.36	1,223	28.7%	1,685	15.1%	1.38
00	1,315	-1.2%	1,709	-3.1%	1.30	988	-5.0%	1,277	-8.0%	1.32	1,309	7.0%	1,715	1.8%	1.31
01	1,385	6.1%	1,732	1.3%	1.24	1,103	13.9%	1,430	12.0%	1.30	1,197	-6.6%	1,487	-13.3%	1.24
02	1,358	-2.7%	1,784	3.0%	1.31	1,054	-4.4%	1,450	1.4%	1.38	1,374	14.8%	1,710	15.0%	1.24
03	1,323	-2.6%	1,752	-1.8%	1.32	1,072	1.7%	1,493	3.0%	1.39	1,280	-8.8%	1,655	-3.2%	1.29
04	1,241	-6.2%	1,659	-5.3%	1.34	1,096	2.2%	1,524	2.1%	1.39	1,221	-4.6%	1,624	-1.9%	1.33
05	1,057	-14.8%	1,425	-14.1%	1.35	1,130	3.1%	1,581	4.4%	1.41	1,021	-16.4%	1,335	-17.8%	1.31
Average	868	6.8%	1,423	3.8%	1.47	900	5.3%	1,323	5.0%	1.47	907	8.3%	1,322	3.2%	1.46

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorney - Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Disposition Counts
 Non-OCDEF Drugs²

Fiscal Year ³	Cases & Defendants Tried		Cases Disposed of by Trial	Percent Change	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
	Cases Terminated	Defendants Terminated						
92	586	1,064	60	-5.0%	128	-25.0%	12.0%	2.13
93	393	702	57	-14.0%	98	-8.4%	13.7%	1.88
94	424	817	49	-4.1%	87	-3.4%	10.8%	1.78
95	436	808	47	2.1%	84	-10.3%	9.3%	1.79
96	594	1,132	48	4.2%	107	27.4%	9.5%	2.23
97	660	1,212	50	8.1%	86	-11.5%	7.9%	1.82
98	965	1,464	53	6.0%	85	-8.4%	5.8%	1.60
99	1,223	1,885	51	4.2%	77	9.1%	4.8%	1.51
00	1,309	1,715	75	47.1%	84	0.0%	4.9%	1.12
01	1,197	1,487	56	-25.3%	87	-20.2%	4.5%	1.20
02	1,374	1,710	50	-10.7%	67	0.0%	3.9%	1.34
03	1,280	1,555	48	-2.0%	63	-5.0%	3.8%	1.28
04	1,221	1,524	54	10.2%	71	12.7%	4.4%	1.31
05	1,021	1,335	47	-13.0%	61	-14.1%	4.6%	1.30
Average	907	1,322	53	-0.8%	84	-4.6%	7.1%	1.57

Fiscal Year ³	Total Defendants Terminated		Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
	Total Defendants Terminated	Total Defendants Guilty												
92	1,064	781	-28.8%	108	13.7%	883	88.3%	74.3%	18	11.1%	251	-55.8%	4	100.0%
93	702	583	20.2%	78	11.2%	485	86.1%	80.2%	20	-45.0%	111	10.8%	6	-25.0%
94	817	677	8.6%	74	10.1%	601	88.9%	80.8%	11	-8.1%	123	30.1%	3	-50.0%
95	808	735	32.1%	80	8.3%	681	80.7%	85.8%	10	60.0%	180	-17.5%	13	333.3%
96	1,132	871	5.3%	78	7.7%	843	85.1%	84.3%	18	56.3%	181	22.0%	4	-69.2%
97	1,212	1,022	28.8%	63	4.9%	1,233	95.1%	88.5%	24	-4.0%	140	-13.0%	5	25.0%
98	1,464	1,286	14.9%	50	3.4%	1,439	98.6%	88.4%	28	20.8%	182	15.7%	5	180.0%
99	1,885	1,488	4.0%	74	4.8%	1,474	95.2%	80.3%	13	-55.2%	140	-20.0%	14	-78.9%
00	1,715	1,548	-12.2%	56	4.1%	1,203	85.8%	91.4%	13	0.0%	112	-14.3%	2	-33.3%
01	1,487	1,358	17.5%	53	3.1%	1,544	86.9%	93.4%	15	15.4%	98	28.2%	3	50.0%
02	1,710	1,587	-5.3%	47	3.1%	1,468	86.9%	91.4%	15	0.0%	124	-21.8%	3	468.7%
03	1,555	1,513	-0.8%	43	3.5%	1,437	85.3%	92.3%	11	-26.7%	87	-15.5%	6	-64.7%
04	1,524	1,488	-17.8%	43	6.8%	1,187	86.5%	92.1%	17	6.0%	82	-4.0%	7	64.2%
05	1,335	1,230	4.9%	68	8.9%	1,088	83.1%	88.0%	17	6.0%	135	-4.0%	7	64.2%
Average	1,322	1,154	-	68	6.8%	1,088	83.1%	88.0%	17	6.0%	135	-4.0%	7	64.2%

1 Caseload data extracted from the United States Attorney's Case Management System.
 2 For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDEF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories.
 3 FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Sentencing Counts
 Non-OCDETF Drugs²

Sentencing								
Fiscal Year ³	Defendants in Cases Filed	Defendants in Cases Terminated	Total Defendants Guilty	Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
92	997	1,064	791	74		717		90.6%
93	839	702	583	43	-41.9%	520	-27.5%	92.4%
94	1,028	817	877	38	-11.6%	639	22.9%	94.4%
95	1,066	908	735	68	73.7%	669	4.7%	91.0%
96	1,131	1,132	971	64	-3.0%	907	35.6%	93.4%
97	1,231	1,212	1,022	88	37.5%	934	3.0%	91.4%
98	1,791	1,464	1,295	125	42.0%	1,171	25.4%	90.4%
99	1,763	1,685	1,489	159	26.4%	1,331	13.7%	89.4%
00	1,709	1,715	1,548	95	-39.9%	1,453	8.2%	93.9%
01	1,732	1,487	1,359	89	-6.3%	1,270	-12.6%	93.5%
02	1,784	1,710	1,597	103	15.7%	1,494	17.6%	93.6%
03	1,752	1,655	1,513	84	-18.4%	1,429	-4.4%	94.4%
04	1,659	1,624	1,499	79	-8.0%	1,420	-0.6%	94.7%
05	1,425	1,335	1,230	74	-6.3%	1,156	-18.6%	94.0%
Average	1,423	1,322	1,164	84	4.8%	1,079	5.3%	92.6%

Sentencing															
Fiscal Year ³	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to 1-12 Months	Percent of Defendants Sentenced to 1-12 Months	Defendants Sentenced to 13-24 Months	Percent of Defendants Sentenced to 13-24 Months	Defendants Sentenced to 25-36 Months	Percent of Defendants Sentenced to 25-36 Months	Defendants Sentenced to 37-60 Months	Percent of Defendants Sentenced to 37-60 Months	Defendants Sentenced to 61+ Months	Percent of Defendants Sentenced to 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	717	78	10.9%	116	16.2%	110	15.3%	185	25.8%	222	31.0%	6	0.8%	0	0.0%
93	520	35	6.7%	78	14.8%	77	14.8%	170	32.7%	181	31.0%	1	0.2%	0	0.0%
94	639	58	9.1%	101	15.8%	105	16.4%	208	32.6%	166	26.0%	1	0.2%	0	0.0%
95	669	57	8.5%	118	17.6%	104	15.5%	220	32.9%	188	24.8%	4	0.8%	0	0.0%
96	907	72	7.9%	124	13.7%	157	17.3%	291	32.1%	259	28.6%	4	0.4%	0	0.0%
97	934	80	8.6%	164	17.6%	178	19.1%	306	32.8%	202	21.6%	4	0.4%	0	0.0%
98	1,171	211	18.0%	217	18.5%	185	15.8%	287	24.5%	270	23.1%	1	0.1%	0	0.0%
99	1,331	252	18.9%	288	21.5%	197	14.8%	348	26.1%	247	18.6%	1	0.1%	0	0.0%
00	1,453	219	15.1%	247	17.0%	173	11.9%	445	30.6%	367	25.3%	2	0.1%	0	0.0%
01	1,270	250	19.7%	220	17.3%	137	10.8%	352	27.7%	311	24.5%	0	0.0%	0	0.0%
02	1,494	283	18.9%	282	17.5%	183	10.9%	370	24.8%	415	27.8%	1	0.1%	0	0.0%
03	1,429	282	19.7%	237	16.6%	170	11.9%	356	24.9%	381	26.7%	3	0.2%	0	0.0%
04	1,420	207	14.6%	223	15.7%	140	9.9%	413	29.1%	434	30.6%	3	0.2%	0	0.0%
05	1,158	162	14.0%	177	15.3%	148	12.8%	320	27.7%	349	30.2%	0	0.0%	0	0.0%
Average	1,079	180	14.9%	183	17.0%	146	13.5%	305	28.3%	282	26.1%	2	0.2%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 Southern District of Texas
 Standard Matter and Case Counts
 Violent Crime²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	205		321		1.57	59		74		1.25	33		54		1.64
93	148	-27.8%	215	-33.0%	1.45	66	11.9%	84	13.5%	1.27	31	-6.1%	44	-16.5%	1.42
94	114	-23.0%	152	-28.3%	1.33	72	9.1%	86	2.4%	1.19	34	9.7%	44	0.0%	1.29
95	124	8.8%	162	6.6%	1.31	85	-9.7%	72	-16.3%	1.11	34	0.0%	45	2.3%	1.32
96	84	-24.2%	141	-13.0%	1.50	51	-21.5%	69	-4.2%	1.35	36	5.9%	39	-13.3%	1.08
97	118	25.5%	150	6.4%	1.27	55	7.8%	72	4.3%	1.31	32	-11.1%	41	5.1%	1.28
98	195	65.3%	244	62.7%	1.25	63	50.9%	106	47.2%	1.28	38	18.8%	47	14.6%	1.24
99	246	26.2%	301	23.4%	1.22	118	42.2%	150	41.5%	1.27	60	57.9%	86	83.0%	1.43
00	352	43.1%	399	32.6%	1.13	148	25.4%	176	17.3%	1.19	93	55.0%	114	32.6%	1.23
01	395	12.2%	439	10.0%	1.11	123	-16.8%	146	-17.0%	1.19	69	-4.3%	107	-6.1%	1.20
02	295	-25.3%	325	-26.0%	1.10	139	13.0%	155	6.2%	1.12	78	-14.6%	93	-13.1%	1.22
03	288	-2.4%	335	3.1%	1.16	139	0.0%	159	2.8%	1.14	88	15.8%	104	11.8%	1.18
04	272	-5.6%	312	-6.9%	1.15	75	-46.0%	88	-44.7%	1.17	44	-50.0%	54	-48.1%	1.23
05	266	-2.2%	318	1.9%	1.20	103	37.3%	128	45.5%	1.24	38	-13.6%	44	-18.5%	1.16
Average	222	5.4%	272	3.0%	1.23	93	8.0%	112	7.6%	1.21	52	4.9%	65	2.4%	1.26

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	135		236		1.75	104		149		1.43	145		271		1.87
93	111	-17.8%	168	-28.8%	1.51	98	-5.8%	138	-6.7%	1.39	121	-16.6%	199	-26.6%	1.64
94	74	-33.3%	104	-38.1%	1.41	69	-9.2%	142	4.4%	1.60	65	-29.8%	115	-42.2%	1.35
95	96	29.7%	128	23.1%	1.33	85	6.7%	151	6.3%	1.58	69	4.7%	118	2.6%	1.33
96	71	-26.0%	103	-19.5%	1.45	83	-12.8%	124	-17.9%	1.49	80	-10.1%	117	-0.8%	1.46
97	80	12.7%	101	-1.9%	1.26	83	0.0%	106	-14.5%	1.28	78	-1.3%	118	0.8%	1.49
98	128	60.0%	161	59.4%	1.26	119	43.4%	145	36.8%	1.22	90	13.9%	120	1.7%	1.33
99	151	18.0%	171	6.2%	1.13	152	27.7%	181	24.8%	1.19	121	34.4%	136	13.3%	1.12
00	225	49.0%	255	49.1%	1.13	203	33.8%	242	33.7%	1.19	169	39.7%	189	39.0%	1.12
01	328	45.8%	354	38.8%	1.08	287	41.4%	326	34.7%	1.14	233	37.9%	257	36.0%	1.10
02	200	-39.0%	216	-39.0%	1.08	188	-34.5%	207	-36.5%	1.10	292	25.3%	325	26.5%	1.11
03	198	-1.0%	223	3.2%	1.13	182	-3.2%	210	1.4%	1.15	203	-30.5%	219	-32.6%	1.08
04	249	25.8%	276	23.8%	1.11	252	36.6%	284	35.2%	1.13	156	-22.2%	178	-18.7%	1.13
05	200	-19.7%	234	-15.2%	1.17	272	7.9%	328	15.5%	1.21	180	13.8%	192	7.9%	1.07
Average	180	8.0%	195	4.7%	1.22	158	10.3%	195	8.9%	1.24	146	4.6%	182	0.5%	1.25

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crims. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (081); Violent Crime in Indian Country (082); and All Other Violent Crime (093).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys -- Criminal Caseload Statistics¹
Southern District of Texas
Standard Disposition Counts
Violent Crime²

Cases & Defendants Tried										
Fiscal Year ³	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried	
92	145	271	28		19.3%	44		16.2%	1.57	
93	121	199	24	-14.3%	19.8%	32	-27.3%	16.1%	1.33	
94	85	115	14	-41.7%	16.5%	19	-40.6%	18.5%	1.36	
95	89	118	16	28.6%	20.2%	18	-5.3%	15.3%	1.00	
96	80	117	23	27.8%	28.8%	33	83.3%	28.2%	1.43	
97	79	118	9	-80.8%	11.4%	14	-57.8%	11.8%	1.58	
98	90	120	18	100.0%	20.0%	22	57.1%	18.3%	1.22	
99	121	136	11	-38.9%	9.1%	13	-40.9%	9.8%	1.16	
00	168	189	27	145.5%	16.0%	29	123.1%	15.3%	1.07	
01	233	257	40	48.1%	17.2%	42	44.8%	16.3%	1.05	
02	292	325	42	5.0%	14.4%	47	11.8%	14.5%	1.12	
03	203	219	26	-38.1%	12.8%	26	-44.7%	11.8%	1.00	
04	158	178	21	-19.2%	13.3%	22	-15.4%	12.4%	1.05	
05	180	192	24	14.3%	13.3%	25	13.6%	13.0%	1.04	
Average	146	182	23	12.0%	16.6%	26	7.9%	15.4%	1.19	

Defendants - Guilty, Acquitted, Dismissed, Other Terminations															
Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change	
92	271	221		35	15.8%	186	84.2%	81.5%	10		39		1		
93	199	162	-28.7%	29	17.9%	133	82.1%	81.4%	5	-50.0%	30	-23.1%	2	100.0%	
94	115	97	-40.1%	17	17.5%	80	82.5%	84.3%	3	-40.0%	14	-53.3%	1	-50.0%	
95	118	97	0.0%	14	14.4%	83	85.8%	82.2%	4	33.3%	17	21.4%	0		
96	117	104	7.2%	30	28.8%	74	71.2%	88.9%	3	-25.0%	9	-47.1%	1		
97	118	96	-7.7%	13	13.5%	83	86.5%	81.4%	1	-68.7%	20	122.2%	1	0.0%	
98	120	97	1.0%	18	18.6%	79	81.4%	80.8%	4	300.0%	16	-20.0%	3	200.0%	
99	136	108	12.4%	7	8.4%	102	93.6%	80.1%	7	75.0%	18	12.5%	2	-33.3%	
00	189	167	53.2%	24	14.4%	143	85.6%	88.4%	6	-14.3%	15	-18.7%	1	-50.0%	
01	257	224	34.1%	38	16.1%	186	83.8%	87.2%	8	0.0%	23	53.3%	4	300.0%	
02	325	270	20.5%	37	13.7%	233	88.3%	83.1%	3	-50.0%	51	121.7%	1	-75.0%	
03	219	186	-31.1%	17	9.1%	169	90.9%	84.9%	5	86.7%	27	-47.1%	1	0.0%	
04	178	164	-11.8%	18	11.0%	146	89.0%	92.1%	1	-80.0%	12	-55.6%	1	0.0%	
05	192	168	2.4%	12	7.1%	156	92.9%	87.5%	3	200.0%	16	33.3%	5	400.0%	
Average	182	154	1.0%	22	14.8%	133	85.4%	84.7%	4	26.8%	22	7.8%	2	72.0%	

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (081); Violent Crime in Indian Country (092); and All Other Violent Crime (093).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
Southern District of Texas
Standard Sentencing Counts
Violent Crime²

Sentencing								
Fiscal Year ³	Defendants In Cases Filed	Defendants In Cases Terminated	Total Defendants Guilty	Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
92	236	271	221	26		185		88.2%
93	168	199	162	17	-34.8%	145	-25.6%	89.5%
94	104	115	97	11	-35.3%	86	-40.7%	88.7%
95	128	118	97	13	16.2%	84	-2.3%	86.6%
96	103	117	104	14	7.7%	90	7.1%	86.5%
97	101	118	96	6	-42.9%	88	-2.2%	91.7%
98	161	120	97	5	-37.5%	92	4.5%	94.8%
99	171	136	109	8	60.0%	101	9.8%	92.7%
00	255	189	167	14	75.0%	153	51.5%	91.6%
01	354	257	224	9	-35.7%	215	40.5%	96.0%
02	216	325	270	14	55.6%	258	19.1%	94.8%
03	223	219	186	10	-28.6%	176	-31.3%	94.6%
04	276	178	154	9	-10.0%	155	-11.8%	94.5%
05	234	192	168	7	-22.2%	161	3.9%	95.8%
Average	195	182	154	12	-2.3%	143	1.7%	91.9%

Sentencing															
Fiscal Year ³	Number of Guilty Defendants Sentenced To Prison	Percent of Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Death	Percent of Defendants Sentenced to Death						
92	185	33	16.9%	45	23.1%	20	10.3%	33	16.9%	64	32.8%	0	0.0%	0	0.0%
93	145	24	18.5%	13	8.0%	15	10.3%	43	29.7%	47	32.4%	3	2.1%	0	0.0%
94	86	9	10.5%	16	18.6%	7	8.1%	16	18.6%	38	44.2%	0	0.0%	0	0.0%
95	84	16	19.0%	13	15.5%	8	9.5%	15	17.9%	32	38.1%	0	0.0%	0	0.0%
96	90	9	10.0%	17	18.9%	9	10.0%	9	10.0%	46	51.1%	0	0.0%	0	0.0%
97	88	8	9.1%	8	9.1%	2	2.3%	22	25.0%	48	54.5%	0	0.0%	0	0.0%
98	92	14	15.2%	15	16.3%	10	10.9%	24	26.1%	26	28.3%	3	3.3%	0	0.0%
99	101	17	18.8%	15	14.9%	12	11.8%	16	15.8%	41	40.6%	0	0.0%	0	0.0%
00	153	12	7.8%	21	13.7%	27	17.6%	44	28.8%	48	31.4%	1	0.7%	0	0.0%
01	215	19	8.8%	28	13.0%	35	16.3%	64	29.8%	89	32.1%	0	0.0%	0	0.0%
02	258	13	5.1%	41	16.0%	37	14.5%	70	27.3%	95	37.1%	0	0.0%	0	0.0%
03	176	15	8.5%	31	17.8%	23	13.1%	33	18.8%	74	42.0%	0	0.0%	0	0.0%
04	155	10	6.5%	24	15.5%	26	16.8%	38	24.5%	57	36.8%	0	0.0%	0	0.0%
05	161	22	13.7%	21	13.0%	19	11.8%	43	26.7%	56	34.8%	0	0.0%	0	0.0%
Average	143	16	11.1%	22	15.4%	18	12.5%	34	23.5%	53	37.1%	1	0.4%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (082); and All Other Violent Crime (083).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics ¹
 Western District of Texas
 Standard Matter and Case Counts
 Immigration

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ²	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	267		298		1.11	88		108		1.23	53		60		1.13
93	273	2.2%	313	5.7%	1.15	56	-36.4%	87	-38.0%	1.20	45	-15.1%	52	-13.3%	1.16
94	210	-23.1%	233	-25.6%	1.11	46	-14.3%	57	-14.9%	1.19	32	-28.9%	34	-34.6%	1.06
95	371	76.7%	408	75.1%	1.10	70	45.8%	81	42.1%	1.16	50	56.3%	53	55.8%	1.06
96	728	96.2%	821	101.2%	1.13	74	5.7%	85	4.9%	1.15	125	150.0%	140	164.2%	1.12
97	997	37.0%	1,078	31.1%	1.08	254	243.2%	279	228.2%	1.10	93	-25.6%	101	-27.9%	1.09
98	1,987	99.3%	2,171	101.8%	1.09	222	-12.6%	246	-11.8%	1.11	782	740.9%	796	688.1%	1.02
99	3,989	100.8%	4,207	93.8%	1.05	347	56.3%	385	56.5%	1.11	2,278	191.0%	2,316	191.0%	1.02
00	3,123	-21.7%	3,303	-21.5%	1.06	387	11.5%	431	11.9%	1.11	1,415	-37.8%	1,444	-37.7%	1.02
01	2,964	-5.1%	3,128	-5.3%	1.06	288	-30.7%	294	-31.8%	1.10	1,587	10.7%	1,610	11.5%	1.03
02	2,588	-12.7%	2,766	-11.6%	1.07	271	1.1%	313	6.5%	1.15	1,178	-25.0%	1,195	-25.6%	1.02
03	3,308	27.8%	3,483	25.9%	1.05	292	7.7%	341	8.9%	1.17	1,515	28.8%	1,543	28.8%	1.02
04	4,017	21.4%	4,188	20.2%	1.04	447	63.1%	494	44.9%	1.11	1,823	20.3%	1,847	19.7%	1.01
05	3,274	-18.5%	3,459	-17.4%	1.06	474	6.0%	535	8.3%	1.13	461	-74.7%	493	-73.3%	1.07
Average	2,007	29.3%	2,132	28.7%	1.08	236	25.9%	265	24.3%	1.13	815	76.2%	835	72.8%	1.02

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ²	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	189		216		1.14	104		120		1.15	155		167		1.08
93	255	34.9%	293	35.6%	1.15	109	4.8%	129	7.5%	1.18	247	59.4%	280	67.7%	1.13
94	176	-31.0%	198	-32.4%	1.13	127	16.6%	145	12.4%	1.14	158	-36.0%	182	-35.0%	1.15
95	300	70.5%	333	68.2%	1.11	167	31.5%	194	33.8%	1.16	258	63.3%	281	54.4%	1.09
96	597	99.0%	675	102.7%	1.13	238	43.1%	277	42.8%	1.16	521	101.9%	585	108.2%	1.12
97	722	20.8%	778	15.4%	1.08	684	186.2%	735	165.3%	1.07	271	-48.0%	314	-46.3%	1.16
98	1,235	71.1%	1,405	80.4%	1.14	709	3.7%	830	12.9%	1.17	1,207	345.4%	1,306	315.9%	1.08
99	1,577	27.7%	1,740	23.8%	1.10	790	11.4%	877	5.7%	1.11	1,477	22.4%	1,669	27.6%	1.13
00	1,653	4.8%	1,794	3.1%	1.09	883	21.9%	1,081	21.0%	1.10	1,464	-0.9%	1,582	-5.2%	1.08
01	1,481	-10.4%	1,617	-9.9%	1.09	873	-9.3%	966	-8.0%	1.11	1,520	3.8%	1,655	4.6%	1.09
02	1,388	-6.3%	1,526	-5.6%	1.10	827	-5.3%	945	-2.2%	1.14	1,402	-7.8%	1,511	-8.7%	1.08
03	1,768	27.4%	1,903	24.7%	1.08	944	14.1%	1,045	10.8%	1.11	1,648	17.4%	1,783	18.7%	1.09
04	2,034	15.0%	2,180	14.8%	1.07	1,817	92.5%	1,945	86.1%	1.07	1,314	-20.2%	1,430	-20.2%	1.09
05	2,712	33.3%	2,847	30.8%	1.05	2,115	16.4%	2,238	15.1%	1.06	2,439	85.6%	2,583	80.6%	1.06
Average	1,148	27.5%	1,250	27.0%	1.09	746	32.8%	822	30.9%	1.10	1,006	45.1%	1,086	43.3%	1.09

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorney - Criminal Caseload Statistics¹
 Western District of Texas
 Standard Deposition Courts
 Immigration

Cases & Defendants Tried									
Fiscal Year	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
92	155	167	2		1.3%	2		1.2%	1.00
93	247	280	6	200.0%	2.4%	7	250.0%	2.5%	1.17
94	158	182	3	-50.0%	1.9%	4	-42.8%	2.2%	1.33
95	256	281	8	166.7%	3.1%	8	100.0%	2.9%	1.00
96	521	595	5	-37.5%	1.0%	5	-37.5%	0.9%	1.00
97	271	314	6	20.0%	2.2%	7	40.0%	2.2%	1.17
98	1,207	1,306	24	300.0%	2.0%	26	271.4%	2.0%	1.08
99	1,477	1,669	20	-16.7%	1.4%	23	-11.5%	1.4%	1.15
00	1,464	1,562	21	5.0%	1.4%	28	21.7%	1.8%	1.33
01	1,520	1,555	17	-19.0%	1.1%	19	-32.1%	1.1%	1.12
02	1,402	1,511	21	23.5%	1.5%	21	10.5%	1.4%	1.00
03	1,646	1,793	21	0.0%	1.3%	26	19.0%	1.4%	1.19
04	1,314	1,430	11	-47.6%	0.8%	15	-40.0%	1.0%	1.36
05	2,439	2,583	13	18.2%	0.5%	14	-8.7%	0.5%	1.08
Average	1,098	1,096	13	43.3%	1.6%	15	41.7%	1.6%	1.15

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
92	167	160		2	1.3%	156	98.8%	95.8%	0		6		1	
93	280	285	65.6%	7	2.8%	256	97.4%	94.6%	0		15	150.0%	0	
94	182	176	-33.6%	3	1.7%	173	98.3%	98.7%	1		5	-66.7%	0	
95	281	287	51.7%	8	3.0%	259	87.0%	95.0%	0		13	160.0%	1	
96	585	564	111.2%	4	0.7%	560	99.3%	98.4%	0		21	61.5%	0	
97	314	306	-45.7%	6	2.0%	300	98.0%	97.5%	1		7	-66.7%	0	
98	1,306	1,262	312.4%	21	1.7%	1,241	98.3%	98.6%	4	300.0%	37	428.6%	3	
99	1,669	1,601	28.9%	18	1.1%	1,583	98.9%	95.9%	5	25.0%	61	64.8%	2	-33.3%
00	1,582	1,527	-4.6%	25	1.6%	1,502	98.4%	96.5%	2	-60.0%	52	-14.8%	1	-50.0%
01	1,655	1,574	3.1%	14	0.9%	1,560	99.1%	95.1%	4	100.0%	75	44.2%	2	100.0%
02	1,511	1,453	-7.7%	18	1.2%	1,435	98.8%	96.2%	3	-25.0%	55	-26.7%	0	
03	1,793	1,732	19.2%	23	1.3%	1,709	98.7%	96.6%	3	0.0%	53	-3.6%	5	
04	1,430	1,370	-20.8%	11	0.8%	1,359	98.2%	95.8%	4	33.3%	50	-5.7%	8	20.0%
05	2,583	2,509	83.1%	9	0.4%	2,500	98.8%	97.1%	5	25.0%	80	20.0%	8	50.0%
Average	1,098	1,055	43.1%	12	1.5%	1,043	98.5%	96.3%	2	49.8%	36	57.3%	2	17.3%

¹ Caseload data extracted from the United States Attorney Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorney - Criminal Caseload Statistics¹
 Western District of Texas
 Standard Sentencing Courts
 Immigration

Fiscal Year	Sentencing			Number of Guilty Defendants Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
	Defendants In Cases Filed	Defendants In Cases Terminated	Total Defendants Guilty					
92	216	167	160	18	122.2%	142	58.5%	88.5%
93	283	280	255	40	-85.0%	225	-28.0%	84.0%
94	198	182	176	14	128.6%	162	45.1%	82.0%
95	333	281	267	32	162.5%	235	104.3%	85.1%
96	675	585	564	84	-22.8%	460	-49.8%	78.8%
97	779	314	306	65	198.8%	241	343.8%	84.7%
98	1,405	1,306	1,262	193	6.2%	1,068	-4.2%	87.6%
99	1,740	1,669	1,601	205	-7.8%	1,398	-0.7%	86.2%
00	1,784	1,582	1,527	188	30.2%	1,328	-3.5%	87.5%
01	1,617	1,555	1,574	246	1,281	1,281	18.3%	88.8%
02	1,526	1,511	1,453	172	25.6%	1,216	-18.8%	86.8%
03	1,803	1,793	1,732	216	154	2,106	73.2%	83.9%
04	2,180	1,430	1,370	154	181.7%	810	43.8%	86.4%
05	2,047	2,593	2,509	403	52.3%	810	43.8%	86.4%
Average	1,250	1,086	1,085	145				

Fiscal Year	Sentencing														
	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	142	64	45.1%	62	43.7%	7	4.9%	7	4.9%	2	1.4%	0	0.0%	0	0.0%
93	225	88	39.1%	77	34.2%	20	8.9%	22	9.8%	8	3.6%	0	0.0%	0	0.0%
94	162	52	32.1%	70	43.2%	20	12.3%	12	7.4%	8	4.9%	0	0.0%	0	0.0%
95	235	97	41.3%	96	40.9%	18	7.7%	18	8.1%	5	2.1%	0	0.0%	0	0.0%
96	480	254	52.9%	116	24.2%	25	5.2%	63	13.1%	22	4.6%	0	0.0%	0	0.0%
97	241	117	48.5%	48	20.3%	13	5.4%	43	17.8%	19	7.9%	0	0.0%	0	0.0%
98	1,089	486	44.7%	193	18.1%	64	6.0%	191	17.6%	125	11.7%	0	0.0%	0	0.0%
99	1,386	474	34.2%	251	18.0%	140	10.0%	339	24.3%	192	13.8%	0	0.0%	0	0.0%
00	1,338	377	28.2%	237	17.7%	115	8.6%	405	30.3%	204	15.2%	0	0.0%	0	0.0%
01	1,328	366	27.6%	315	23.7%	135	10.2%	356	26.8%	153	11.5%	0	0.0%	0	0.0%
02	1,281	370	28.9%	343	26.8%	165	12.9%	285	22.2%	118	9.2%	0	0.0%	0	0.0%
03	1,516	414	27.3%	416	27.4%	154	10.2%	396	26.1%	136	9.0%	0	0.0%	0	0.0%
04	1,216	321	26.4%	308	25.3%	147	12.1%	308	25.4%	130	10.7%	1	0.1%	0	0.0%
05	2,108	687	32.6%	609	28.9%	237	11.3%	432	20.5%	131	6.2%	0	0.0%	0	0.0%
Average	810	300	37.0%	224	27.7%	80	9.9%	206	25.6%	80	9.8%	0	0.0%	0	0.0%

¹ Caseload data extracted from the United States Attorney's Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 Western District of Texas
 Standard Matter and Case Counts
 Non-OCDETF Drugs²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	647		1,111		1.72	192		288		1.51	80		157		1.74
93	605	-6.3%	1,134	2.1%	1.87	188	-2.1%	305	5.5%	1.62	80	-11.1%	142	-9.6%	1.78
94	584	-1.8%	1,011	-10.8%	1.70	230	22.3%	388	20.7%	1.68	77	-3.8%	139	-2.1%	1.81
95	610	2.7%	975	-3.8%	1.60	246	7.0%	378	2.7%	1.54	82	18.5%	153	10.1%	1.86
96	640	37.7%	1,387	42.3%	1.65	219	-11.0%	345	-8.7%	1.58	156	88.6%	233	52.3%	1.48
97	1,152	37.1%	1,708	23.1%	1.48	382	74.4%	550	62.3%	1.47	84	-48.2%	129	-44.6%	1.54
98	1,791	55.5%	2,436	42.6%	1.36	330	-13.6%	481	-12.3%	1.48	126	50.0%	183	41.8%	1.45
99	1,958	9.3%	2,720	11.7%	1.39	333	0.9%	581	14.3%	1.69	125	-0.8%	195	5.6%	1.56
00	2,067	5.6%	2,984	9.7%	1.44	373	12.0%	683	5.7%	1.89	91	-27.2%	156	-20.0%	1.71
01	2,380	15.1%	3,288	10.2%	1.38	361	-3.2%	513	-13.5%	1.42	203	123.1%	309	88.1%	1.52
02	2,265	-4.8%	3,192	-2.9%	1.41	365	1.1%	508	-1.0%	1.39	163	-18.7%	251	-18.8%	1.54
03	2,289	1.1%	3,310	3.7%	1.45	384	7.8%	533	4.8%	1.35	168	3.1%	231	8.0%	1.38
04	2,287	-1.0%	3,180	-3.9%	1.40	423	7.4%	554	3.9%	1.31	166	0.0%	255	10.4%	1.52
05	1,860	-18.0%	2,758	-13.3%	1.48	488	10.8%	614	10.8%	1.31	156	-7.1%	207	-18.8%	1.33
Average	1,533	10.2%	2,228	8.5%	1.46	322	8.8%	472	7.3%	1.47	127	11.5%	186	7.5%	1.54

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	547		955		1.75	448		785		1.75	482		808		1.68
93	525	-4.0%	888	1.4%	1.64	480	7.1%	853	8.9%	1.80	480	-0.4%	861	6.6%	1.79
94	466	-11.2%	795	-18.9%	1.68	507	5.6%	865	0.2%	1.71	427	-11.0%	742	-13.8%	1.74
95	511	8.7%	810	3.2%	1.58	602	18.7%	967	11.8%	1.61	403	-5.6%	680	-7.0%	1.71
96	687	36.4%	1,154	42.5%	1.66	875	12.1%	1,053	8.9%	1.58	586	47.8%	1,000	44.9%	1.68
97	897	28.7%	1,348	18.6%	1.50	1,133	67.8%	1,664	56.0%	1.47	416	-30.2%	694	-30.6%	1.67
98	1,883	88.7%	2,276	89.1%	1.34	1,420	25.3%	1,854	17.4%	1.38	1,386	233.2%	1,937	179.1%	1.40
99	1,801	6.4%	2,415	8.1%	1.34	1,550	8.2%	2,127	8.9%	1.37	1,610	16.2%	2,116	9.2%	1.31
00	1,932	7.3%	2,764	14.5%	1.43	1,873	20.8%	2,717	27.7%	1.45	1,571	-2.4%	2,115	-0.0%	1.35
01	2,162	11.8%	3,002	8.9%	1.39	1,838	-1.8%	2,503	-7.9%	1.36	2,021	28.6%	2,892	36.7%	1.43
02	2,086	-4.4%	2,887	3.5%	1.40	1,681	-8.6%	2,333	-6.8%	1.39	2,155	6.8%	2,928	9.2%	1.36
03	2,071	0.2%	3,011	3.9%	1.45	1,775	5.5%	2,474	6.0%	1.39	1,952	-8.4%	2,814	3.9%	1.44
04	2,053	-0.9%	2,870	-4.7%	1.40	1,886	6.3%	2,808	5.4%	1.38	1,870	0.8%	2,780	-0.9%	1.42
05	1,626	-20.8%	2,448	-14.7%	1.51	1,651	-12.5%	2,348	-10.0%	1.42	1,871	-5.0%	2,708	-2.8%	1.45
Average	1,381	11.4%	1,978	8.5%	1.45	1,251	12.0%	1,804	10.0%	1.44	1,238	20.7%	1,793	18.8%	1.45

1 Caseload data extracted from the United States Attorney's Case Management System.
 2 For FY's 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories, beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.
 3 FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys – Criminal Caseload Statistics¹
Western District of Texas
Standard Disposition Counts
Non-OCDETF Drugs²

Cases & Defendants Tried									
Fiscal Year ³	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
92	482	808	53		11.0%	81		10.0%	1.53
93	480	861	75	41.5%	15.6%	137	68.1%	15.9%	1.83
94	427	742	44	-41.3%	10.3%	78	-43.1%	10.5%	1.77
95	403	690	40	-9.1%	9.9%	69	-11.5%	10.0%	1.73
96	596	1,000	40	0.0%	6.7%	83	-8.7%	6.3%	1.58
97	418	694	38	-5.0%	9.1%	64	1.6%	9.2%	1.68
98	1,396	1,937	68	78.9%	4.9%	108	68.8%	5.6%	1.59
99	1,610	2,116	72	5.9%	4.5%	96	-11.1%	4.5%	1.33
00	1,571	2,115	60	-16.7%	3.8%	74	-22.9%	3.5%	1.23
01	2,021	2,892	43	-28.3%	2.1%	59	-20.3%	2.0%	1.37
02	2,155	2,928	53	23.3%	2.5%	81	37.3%	2.8%	1.53
03	1,952	2,814	48	-13.2%	2.4%	55	-32.1%	2.0%	1.20
04	1,970	2,790	36	-21.7%	1.8%	47	-14.5%	1.7%	1.31
05	1,871	2,708	55	52.8%	2.9%	78	81.7%	2.8%	1.38
Average	1,239	1,793	52	5.2%	8.3%	78	5.7%	8.2%	1.50

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
92	808	720		65	9.0%	655	91.0%	88.1%	16		67		5	
93	861	778	8.2%	119	15.3%	660	84.7%	90.5%	18	12.5%	59	-11.9%	5	0.0%
94	742	658	-14.2%	69	10.3%	589	89.7%	90.0%	9	-50.0%	64	8.5%	1	-80.0%
95	690	635	-4.9%	63	9.8%	572	90.1%	82.0%	5	-44.4%	45	-28.7%	5	400.0%
96	1,000	863	35.8%	51	5.9%	812	94.1%	86.3%	13	160.0%	115	155.6%	9	80.0%
97	694	633	-28.7%	62	9.8%	571	90.2%	91.2%	2	-84.0%	57	-50.4%	2	-77.8%
98	1,937	1,828	188.8%	84	4.6%	1,744	95.4%	94.4%	29	1350.0%	78	38.8%	1	-50.0%
99	2,116	1,996	9.2%	78	4.0%	1,917	96.0%	94.3%	17	-41.4%	99	25.3%	4	300.0%
00	2,115	2,013	0.9%	60	3.0%	1,953	97.0%	95.2%	14	-17.6%	86	-13.1%	2	-50.0%
01	2,892	2,734	35.8%	43	1.8%	2,691	98.4%	94.5%	21	50.0%	127	47.7%	10	400.0%
02	2,928	2,786	1.9%	60	2.2%	2,726	97.8%	95.2%	23	8.5%	113	-11.0%	6	-40.0%
03	2,814	2,701	-3.1%	50	1.9%	2,651	98.1%	96.0%	6	-73.9%	96	-13.3%	9	50.0%
04	2,790	2,665	-1.3%	39	1.5%	2,626	98.5%	95.5%	11	83.3%	97	-1.0%	17	88.9%
05	2,708	2,585	-3.0%	66	2.6%	2,519	97.4%	95.5%	10	-9.1%	98	1.0%	15	-11.8%
Average	1,793	1,686	17.5%	65	6.6%	1,621	94.2%	94.1%	14	103.4%	69	11.2%	7	77.6%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 Western District of Texas
 Standard Sentencing Counts
 Non-OCDETF Drugs²

Sentencing								
Fiscal Year ³	Defendants In Cases Filed	Defendants in Cases Terminated	Total Defendants GUILTY	Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
92	955	808	720	39		681		94.6%
93	968	861	779	30	-23.1%	749	10.0%	96.1%
94	785	742	668	22	-26.7%	646	-13.6%	96.7%
95	810	690	635	37	88.2%	598	-7.4%	94.2%
96	1,154	1,000	883	55	48.6%	808	35.1%	93.6%
97	1,346	694	633	42	-23.6%	591	-26.9%	93.4%
98	2,276	1,937	1,828	102	142.9%	1,726	182.0%	94.4%
99	2,415	2,116	1,996	102	0.0%	1,894	8.7%	94.9%
00	2,764	2,115	2,013	97	-4.9%	1,916	1.2%	95.2%
01	3,002	2,892	2,734	219	125.8%	2,515	31.3%	92.0%
02	2,897	2,928	2,766	210	-4.1%	2,576	2.4%	92.5%
03	3,011	2,814	2,701	185	-11.9%	2,516	-2.3%	93.2%
04	2,870	2,780	2,665	112	-39.5%	2,553	1.5%	95.8%
05	2,448	2,708	2,585	128	14.3%	2,457	-3.6%	95.0%
Average	1,979	1,793	1,688	99	20.5%	1,588	17.6%	94.4%

Sentencing															
Fiscal Year ³	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	681	49	7.2%	142	20.9%	130	19.1%	178	26.1%	175	25.7%	7	1.0%	0	0.0%
93	749	52	6.9%	154	20.6%	128	16.8%	212	28.3%	203	27.1%	2	0.3%	0	0.0%
94	646	51	7.9%	143	22.1%	111	17.2%	168	25.7%	169	26.2%	6	0.9%	0	0.0%
95	598	35	5.9%	106	17.7%	97	16.2%	201	33.6%	158	26.1%	3	0.5%	0	0.0%
96	808	65	8.0%	186	23.0%	141	17.5%	222	27.5%	192	23.8%	2	0.2%	0	0.0%
97	591	31	5.2%	158	26.7%	99	16.8%	156	26.4%	146	24.7%	1	0.2%	0	0.0%
98	1,726	333	19.3%	488	28.3%	253	14.7%	338	19.6%	313	18.1%	1	0.1%	0	0.0%
99	1,894	495	26.1%	586	30.9%	314	16.6%	292	15.4%	205	10.8%	2	0.1%	0	0.0%
00	1,916	544	28.4%	503	26.3%	310	16.2%	319	16.6%	240	12.5%	0	0.0%	0	0.0%
01	2,515	608	24.2%	748	29.7%	459	18.3%	382	15.2%	315	12.5%	3	0.1%	0	0.0%
02	2,576	785	29.7%	678	26.3%	404	15.7%	371	14.4%	357	13.9%	1	0.0%	0	0.0%
03	2,516	672	26.7%	561	22.3%	377	15.0%	501	19.9%	402	16.0%	3	0.1%	0	0.0%
04	2,553	639	25.0%	560	21.9%	324	12.7%	509	19.9%	518	20.3%	3	0.1%	0	0.0%
05	2,457	577	23.5%	504	20.5%	339	13.8%	490	19.9%	543	22.1%	4	0.2%	0	0.0%
Average	1,588	351	22.1%	394	24.8%	249	15.7%	310	19.5%	281	17.7%	3	0.2%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys – Criminal Caseload Statistics¹
 Western District of Texas
 Standard Matter and Case Counts
 Violent Crime²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	278		366		1.32	88		105		1.19	57		74		1.30
93	253	-9.0%	308	-15.8%	1.22	89	12.5%	118	12.4%	1.19	66	15.8%	78	8.8%	1.20
94	224	-11.5%	318	3.2%	1.42	129	30.3%	178	50.8%	1.38	41	-37.9%	48	-39.2%	1.17
95	172	-23.2%	211	-33.6%	1.23	128	-0.8%	170	-4.5%	1.33	46	12.2%	61	27.1%	1.33
96	173	0.6%	228	8.1%	1.32	113	-11.7%	147	-13.5%	1.30	48	4.3%	79	29.5%	1.65
97	139	-18.7%	170	-25.4%	1.22	119	5.3%	152	3.4%	1.28	34	-28.2%	39	-50.6%	1.15
98	224	61.2%	281	65.3%	1.25	122	2.5%	156	2.6%	1.28	58	70.6%	82	-110.3%	1.41
99	269	20.1%	304	8.2%	1.13	146	19.7%	180	15.4%	1.23	84	44.8%	100	22.0%	1.19
00	289	7.4%	327	7.6%	1.13	173	18.5%	198	10.0%	1.14	86	-21.4%	83	-17.0%	1.26
01	246	-14.2%	289	-11.6%	1.17	153	-11.6%	175	-11.6%	1.14	94	42.4%	105	26.5%	1.12
02	281	17.3%	338	17.0%	1.18	156	2.0%	187	6.9%	1.20	87	-7.4%	103	-1.9%	1.18
03	382	24.4%	438	28.6%	1.21	176	12.8%	193	3.2%	1.10	87	0.0%	109	5.8%	1.25
04	279	-22.9%	337	-23.1%	1.21	111	-38.9%	137	-29.0%	1.23	54	-37.9%	71	-34.9%	1.31
05	278	-0.4%	338	0.3%	1.22	85	-14.4%	135	-1.5%	1.42	48	-11.1%	54	-23.9%	1.13
Average	248	2.3%	304	2.3%	1.22	129	2.2%	159	3.4%	1.23	62	3.5%	78	4.6%	1.25

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	224		308		1.38	133		171		1.29	228		323		1.43
93	177	-21.0%	215	-30.2%	1.21	139	4.5%	174	1.8%	1.25	183	-27.9%	204	-36.8%	1.25
94	149	-15.8%	205	-4.7%	1.38	140	0.7%	183	10.9%	1.38	141	-13.5%	176	-13.7%	1.25
95	122	-18.1%	153	-25.4%	1.25	113	-19.3%	139	-28.0%	1.23	143	1.4%	201	14.2%	1.41
96	135	10.7%	163	6.5%	1.21	109	-3.5%	137	-1.4%	1.26	130	-9.1%	152	-24.4%	1.17
97	84	-30.4%	117	-28.2%	1.24	116	6.4%	148	8.0%	1.28	65	-34.6%	101	-33.6%	1.19
98	158	69.1%	191	63.2%	1.20	138	19.0%	169	14.2%	1.22	134	57.6%	166	64.4%	1.24
99	154	-3.1%	172	-8.9%	1.12	144	4.3%	165	-2.4%	1.15	141	5.2%	167	0.6%	1.18
00	196	27.3%	218	28.7%	1.11	189	31.3%	210	27.3%	1.11	148	5.0%	170	1.8%	1.15
01	168	-14.3%	197	-8.6%	1.17	167	-11.6%	198	-8.7%	1.17	182	23.0%	203	19.4%	1.12
02	198	16.7%	215	8.1%	1.10	181	-3.6%	181	-7.7%	1.12	198	8.8%	226	11.3%	1.14
03	253	29.1%	318	47.9%	1.26	211	31.1%	259	43.1%	1.23	199	0.5%	236	4.4%	1.19
04	232	-8.3%	258	-18.9%	1.11	202	-4.3%	218	-15.8%	1.08	223	12.1%	260	10.2%	1.17
05	241	3.9%	279	8.1%	1.16	220	8.9%	248	12.8%	1.12	230	3.1%	259	-0.4%	1.13
Average	179	3.5%	215	2.7%	1.20	158	4.9%	186	4.3%	1.18	187	2.4%	203	1.3%	1.21

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (093).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
Western District of Texas
Standard Disposition Counts
Violent Crime²

Cases & Defendants Tried										
Fiscal Year ³	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried	
92	228	323	39		17.3%	53		16.4%	1.38	
93	163	204	30	-23.1%	18.4%	39	-26.4%	19.1%	1.30	
94	141	176	22	-26.7%	15.6%	31	-20.5%	17.6%	1.41	
95	143	201	14	-36.4%	9.8%	19	-38.7%	9.5%	1.36	
96	130	152	13	-7.1%	10.0%	14	-26.3%	9.2%	1.08	
97	85	101	13	0.0%	15.3%	16	14.3%	15.8%	1.23	
98	134	166	19	48.2%	14.2%	22	37.5%	13.3%	1.18	
99	141	187	18	-15.8%	11.3%	18	-27.3%	9.6%	1.00	
00	148	170	15	-6.3%	10.1%	17	6.3%	10.0%	1.13	
01	182	203	8	-48.7%	4.4%	8	-52.8%	3.9%	1.00	
02	188	226	15	87.5%	7.6%	16	100.0%	7.1%	1.07	
03	199	236	6	-60.0%	3.0%	7	-56.3%	3.0%	1.17	
04	223	280	15	150.0%	6.7%	16	128.6%	6.2%	1.07	
05	230	259	11	-26.7%	4.8%	12	-25.0%	4.6%	1.09	
Average	167	203	17	2.7%	10.8%	20	1.0%	10.4%	1.21	

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
92	323	265		45	15.8%	240	84.2%	88.2%	8		25		5	
93	204	181	-36.5%	37	20.4%	144	79.6%	89.7%	2	-75.0%	11	-56.0%	10	100.0%
94	176	181	-11.0%	28	17.4%	133	82.6%	91.5%	3	50.0%	10	-9.1%	2	-80.0%
95	201	179	11.2%	14	7.8%	165	92.2%	89.1%	5	66.7%	17	70.0%	0	
96	152	130	-27.4%	11	8.5%	119	91.5%	85.5%	3	-40.0%	18	5.8%	1	
97	101	86	-33.8%	12	14.0%	74	86.0%	85.1%	4	33.3%	11	-38.8%	0	
98	166	146	69.8%	19	13.0%	127	87.0%	88.0%	3	-25.0%	14	27.3%	3	
99	187	152	4.1%	13	8.8%	139	91.4%	91.0%	3	0.0%	11	-21.4%	1	-66.7%
00	170	149	-2.0%	15	10.1%	134	89.9%	87.6%	2	-33.3%	18	45.5%	3	200.0%
01	203	189	26.8%	7	3.7%	182	96.3%	93.1%	1	-50.0%	12	-25.0%	1	-66.7%
02	228	205	8.5%	13	6.3%	192	93.7%	90.7%	4	300.0%	16	33.3%	1	0.0%
03	236	215	4.9%	6	2.8%	209	97.2%	91.1%	1	-75.0%	20	25.0%	0	
04	260	234	5.8%	15	6.4%	219	93.6%	90.0%	2	100.0%	23	15.0%	1	
05	259	228	-2.8%	10	4.4%	218	95.6%	88.0%	1	-50.0%	27	17.4%	3	200.0%
Average	203	181	1.8%	18	9.9%	164	90.1%	89.3%	3	15.5%	17	6.8%	2	41.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (093).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 Western District of Texas
 Standard Sentencing Courts
 Violent Crime²

Fiscal Year ³	Sentencing		Total Defendants Guilty	Number of Defendants Not Sentenced To Prison	Percent Change	Number of Defendants Sentenced To Prison	Percent Change	Percent of Defendants Sentenced To Prison
	Defendants In Cases Filed	Defendants In Cases Terminated						
82	308	323	285	21		264		92.6%
83	215	204	181	17	-19.0%	164	-37.9%	90.6%
84	205	176	161	10	-41.2%	151	-7.9%	93.8%
85	153	201	179	11	10.0%	168	11.3%	93.8%
86	163	152	130	10	-8.1%	120	-28.8%	92.3%
87	117	101	86	7	-30.0%	79	-34.2%	91.9%
88	191	166	146	16	128.8%	130	64.8%	89.0%
89	172	167	152	12	-25.0%	140	7.7%	92.1%
00	218	170	149	20	66.7%	129	-7.9%	86.8%
01	197	203	189	18	-5.0%	170	31.8%	89.9%
02	215	226	205	23	21.1%	192	7.1%	89.6%
03	318	236	215	23	0.0%	192	5.5%	88.3%
04	258	260	234	15	-34.8%	219	14.1%	93.8%
05	279	259	228	12	-20.0%	216	-1.4%	94.7%
Average	215	203	181	15	3.2%	168	1.9%	91.4%

Fiscal Year ³	Sentencing														
	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
82	264	26	8.8%	33	12.5%	50	18.9%	53	20.1%	102	38.6%	0	0.0%	0	0.0%
83	164	21	12.8%	23	14.0%	13	7.9%	38	23.8%	65	39.6%	3	1.8%	0	0.0%
84	151	3	2.0%	17	11.3%	21	13.9%	39	25.8%	70	46.3%	1	0.7%	0	0.0%
85	168	13	7.7%	20	11.9%	23	13.7%	30	17.8%	81	48.2%	1	0.6%	0	0.0%
86	120	5	4.2%	16	13.3%	12	10.0%	28	23.3%	58	48.3%	1	0.8%	0	0.0%
87	79	6	7.6%	8	10.1%	14	17.7%	18	20.3%	35	44.3%	0	0.0%	0	0.0%
88	130	14	10.8%	8	6.2%	19	14.6%	31	23.9%	58	44.6%	0	0.0%	0	0.0%
89	140	18	12.9%	23	16.4%	25	17.9%	35	25.0%	39	27.9%	0	0.0%	0	0.0%
00	129	16	14.0%	12	9.3%	26	20.2%	33	25.6%	35	27.1%	3	2.3%	2	1.6%
01	170	13	7.6%	28	16.5%	15	8.8%	53	31.2%	58	34.1%	3	1.8%	0	0.0%
02	182	25	13.7%	18	8.8%	31	17.0%	45	24.7%	63	34.6%	2	1.1%	0	0.0%
03	182	20	10.4%	35	18.2%	28	14.6%	40	20.8%	87	34.6%	2	0.8%	0	0.0%
04	218	14	6.4%	30	13.7%	33	15.1%	70	32.0%	71	32.4%	1	0.5%	0	0.0%
05	216	17	7.9%	25	11.6%	34	15.7%	84	29.9%	73	33.8%	3	1.4%	0	0.0%
Average	168	15	8.2%	21	12.7%	25	14.8%	41	24.8%	63	37.7%	1	0.9%	0	0.1%

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (099).
³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 District of New Mexico
 Standard Matter and Case Counts
 Information

Matters & Defendants - Received, Pending, & Terminated															
Fiscal Year ²	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	81		97		1.20	7		8		1.14	2		3		1.50
93	82	1.2%	111	14.4%	1.35	6	-14.3%	6	-25.0%	1.00	8	300.0%	8	166.7%	1.00
94	66	-19.5%	87	-21.6%	1.32	13	116.7%	21	250.0%	1.62	5	-37.5%	8	0.0%	1.60
95	128	95.5%	172	87.7%	1.33	32	146.2%	80	185.7%	1.88	8	60.0%	13	62.5%	1.63
96	184	50.4%	231	34.3%	1.19	52	62.5%	83	36.3%	1.60	8	0.0%	7	-38.5%	1.00
97	303	66.2%	374	61.8%	1.23	80	53.8%	97	16.8%	1.21	31	287.5%	57	612.5%	1.84
98	482	59.1%	538	44.1%	1.12	172	115.0%	191	98.9%	1.11	35	12.8%	62	8.8%	1.77
99	848	75.9%	915	69.8%	1.08	184	7.0%	202	5.6%	1.10	78	122.8%	115	85.5%	1.47
00	985	16.2%	1,045	14.2%	1.08	156	-15.2%	172	-14.8%	1.10	83	6.4%	109	-5.2%	1.31
01	898	-9.8%	937	-10.3%	1.08	282	80.8%	308	78.1%	1.08	32	-61.4%	49	-55.0%	1.53
02	1,431	61.1%	1,486	59.9%	1.05	317	12.4%	322	4.5%	1.02	57	76.1%	83	88.4%	1.46
03	1,864	30.3%	1,920	28.2%	1.03	418	31.9%	428	33.2%	1.03	228	301.8%	240	189.2%	1.05
04	1,581	-14.6%	1,665	-13.3%	1.05	437	4.5%	446	4.0%	1.02	70	-69.4%	90	-62.3%	1.29
05	1,816	14.1%	1,882	13.0%	1.04	395	-23.3%	353	-20.8%	1.05	70	0.0%	82	-8.9%	1.17
Average	769	32.0%	820	30.2%	1.07	178	44.5%	193	50.3%	1.08	51	77.0%	66	78.8%	1.29

Cases & Defendants - Filed, Pending, & Terminated															
Fiscal Year ²	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	76		92		1.21	58		67		1.16	65		83		1.28
93	75	-1.3%	105	14.1%	1.40	60	3.4%	79	17.8%	1.32	73	12.3%	93	12.0%	1.27
94	55	-26.7%	66	-37.1%	1.20	57	-5.0%	60	-24.1%	1.05	57	-21.8%	84	-9.7%	1.47
95	103	87.3%	122	84.6%	1.16	89	56.1%	99	66.0%	1.11	71	24.6%	83	-1.2%	1.17
96	162	57.3%	186	60.7%	1.21	154	73.0%	181	62.8%	1.16	94	32.4%	111	33.7%	1.18
97	246	51.9%	304	56.1%	1.24	170	10.4%	207	14.4%	1.22	228	143.6%	277	148.5%	1.21
98	349	41.9%	371	22.0%	1.06	163	-4.1%	178	-14.0%	1.09	353	54.1%	397	43.3%	1.12
99	754	116.0%	783	111.1%	1.04	286	61.6%	320	78.8%	1.08	617	74.8%	636	60.2%	1.03
00	828	23.2%	894	23.1%	1.04	347	17.2%	374	16.8%	1.08	871	41.2%	902	41.8%	1.04
01	732	-21.2%	754	-21.8%	1.03	346	0.6%	366	-1.6%	1.05	728	-16.3%	755	-16.3%	1.04
02	1,339	82.9%	1,401	85.8%	1.05	553	58.5%	593	61.1%	1.07	1,131	55.4%	1,171	55.1%	1.04
03	1,528	14.2%	1,568	11.8%	1.03	507	-8.3%	528	-11.0%	1.04	1,573	39.1%	1,632	38.4%	1.04
04	1,501	-1.8%	1,554	-0.9%	1.04	664	31.0%	714	35.2%	1.08	1,361	-14.1%	1,376	-15.7%	1.02
05	1,848	23.2%	1,894	21.8%	1.02	808	36.7%	843	32.1%	1.04	1,607	18.9%	1,666	21.1%	1.04
Average	893	34.4%	727	33.1%	1.05	313	27.0%	337	27.3%	1.08	630	34.1%	682	31.8%	1.05

¹ Caseload data extracted from the United States Attorney's Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

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United States Attorney - Criminal Caseload Statistics¹
 District of New Mexico
 Standard Disposition Counts
 Investigation

Fiscal Year ²	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tied as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tied as Percent of Those Terminated	Average Number of Defendants Per Case Tied
82	65	83	3		4.6%	3		3.6%	1.00
83	73	83	1	-86.7%	1.4%	2	-33.3%	2.2%	2.00
84	57	84	0		0.0%	0		0.0%	
85	71	83	0		0.0%	0		0.0%	
86	84	111	1		1.1%	1		0.9%	1.00
87	228	277	0		0.0%	0		0.0%	
88	353	387	2		0.6%	3		0.8%	1.50
89	617	636	0		0.0%	1	-68.7%	0.2%	
90	871	902	4		0.5%	6	500.0%	0.7%	1.50
01	728	756	4		0.5%	4	-33.3%	0.5%	1.00
02	1,131	1,171	4		0.4%	4	0.0%	0.3%	1.00
03	1,573	1,632	3	-25.0%	0.2%	6	50.0%	0.4%	2.00
04	1,351	1,376	3		0.2%	3	-50.0%	0.2%	1.00
05	1,607	1,686	5		0.3%	8	168.7%	0.5%	1.80
Average	630	692	2	-4.2%	0.7%	3	66.7%	0.7%	1.37

Fiscal Year ²	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
82	63	62		2	3.2%	60	96.8%	74.7%	1		20		0	
83	83	79	27.4%	2	2.5%	77	87.5%	84.8%	0		14	-30.0%	0	
84	84	73	-7.8%	0	0.0%	73	100.0%	86.9%	0		11	-21.4%	0	
85	83	75	2.7%	0	0.0%	75	100.0%	90.4%	0		8	-27.3%	0	
86	111	103	37.3%	1	1.0%	102	99.0%	92.8%	0		8	0.0%	0	
87	277	255	147.6%	0	0.0%	255	100.0%	92.1%	0		22	175.0%	0	
88	387	378	48.2%	3	0.8%	375	99.2%	95.2%	0		17	-22.7%	2	
89	636	620	64.0%	1	0.2%	618	98.6%	87.5%	0		16	-5.9%	0	
90	802	878	41.8%	3	0.3%	878	98.7%	87.5%	3		17	6.3%	3	
01	755	741	-15.7%	4	0.5%	737	98.5%	98.1%	0		14	-17.6%	0	
02	1,171	1,155	55.9%	2	0.2%	1,153	98.8%	98.8%	2		14	0.0%	0	
03	1,632	1,610	39.4%	3	0.2%	1,607	98.9%	98.7%	3	50.0%	19	35.7%	0	
04	1,376	1,355	-15.8%	3	0.2%	1,352	98.8%	98.5%	0		16	-15.8%	5	
05	1,666	1,636	20.7%	6	0.4%	1,630	98.6%	98.2%	2		26	62.5%	2	
Average	652	644	34.3%	2	0.7%	642	98.3%	87.4%	1	50.0%	18	10.7%	1	-80.0%

¹ Caseload data extracted from the United States Attorney's Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 District of New Mexico
 Standard Sentencing Counts
 Immigration

Sentencing									
Fiscal Year ²	Defendants In Cases Filed	Defendants In Cases Terminated	Total Defendants GUILTY	Number of GUILTY Defendants Not Sentenced To Prison	Percent Change	Number of GUILTY Defendants Sentenced To Prison	Percent Change	Percent of GUILTY Defendants Sentenced To Prison	
92	82	83	82	9		53		85.5%	
93	105	93	79	15	66.7%	64	20.8%	81.0%	
94	66	84	73	13	-13.3%	60	-6.3%	82.2%	
95	122	83	75	17	30.8%	58	-3.3%	77.3%	
96	196	111	103	23	35.3%	80	37.8%	77.7%	
97	304	277	255	79	243.5%	176	120.0%	69.0%	
98	371	397	378	61	-22.8%	317	80.1%	83.9%	
99	783	636	620	166	172.1%	454	43.2%	73.2%	
00	964	902	879	77	-53.6%	802	76.7%	91.2%	
01	754	755	741	57	-26.0%	684	-14.7%	92.3%	
02	1,401	1,171	1,155	82	43.9%	1,073	56.9%	92.9%	
03	1,568	1,632	1,610	77	-6.1%	1,533	42.9%	95.2%	
04	1,554	1,376	1,355	24	-68.8%	1,331	-13.2%	98.2%	
05	1,894	1,666	1,638	43	78.2%	1,593	19.7%	97.4%	
Average	727	662	644	53	37.0%	591	35.4%	85.5%	

Sentencing															
Fiscal Year ²	Number of GUILTY Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	53	44	83.0%	9	17.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
93	64	43	67.2%	14	21.8%	2	3.1%	4	6.3%	1	1.6%	0	0.0%	0	0.0%
94	60	49	81.7%	8	13.3%	2	3.3%	1	1.7%	0	0.0%	0	0.0%	0	0.0%
95	58	41	70.7%	12	20.7%	2	3.4%	3	5.2%	0	0.0%	0	0.0%	0	0.0%
96	60	58	72.5%	8	10.0%	8	10.0%	5	6.3%	1	1.3%	0	0.0%	0	0.0%
97	176	122	69.3%	23	13.1%	15	8.5%	16	9.1%	0	0.0%	0	0.0%	0	0.0%
98	317	176	55.5%	59	18.8%	35	11.0%	40	12.6%	7	2.2%	0	0.0%	0	0.0%
99	454	262	57.7%	94	20.7%	35	7.7%	51	11.2%	12	2.6%	0	0.0%	0	0.0%
00	802	552	68.8%	102	12.7%	64	8.0%	71	8.9%	12	1.5%	0	0.0%	1	0.1%
01	684	442	64.6%	45	6.6%	78	11.1%	102	14.9%	19	2.8%	0	0.0%	0	0.0%
02	1,073	723	67.4%	131	12.2%	100	9.3%	102	9.5%	17	1.6%	0	0.0%	0	0.0%
03	1,533	1,079	70.4%	212	13.8%	88	4.4%	150	9.8%	24	1.6%	0	0.0%	0	0.0%
04	1,331	833	62.6%	220	16.5%	75	5.6%	167	12.5%	36	2.7%	0	0.0%	0	0.0%
05	1,593	935	58.7%	305	19.1%	100	6.3%	207	13.0%	48	2.9%	0	0.0%	0	0.0%
Average	591	383	64.7%	89	15.0%	42	7.0%	66	11.1%	13	2.1%	0	0.0%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys – Criminal Caseload Statistics¹
 District of New Mexico
 Standard Matter and Case Counts
 Non-OCDETF Drugs²

Matters & Defendants – Received, Pending, & Terminated

Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	329		537		1.63	55		80		1.45	24		42		1.75
93	381	15.8%	629	17.1%	1.65	71	29.1%	118	47.5%	1.66	21	-12.5%	43	2.4%	2.05
94	477	25.2%	749	19.1%	1.57	119	67.6%	176	49.2%	1.48	30	42.9%	57	32.6%	1.90
95	355	-25.6%	674	-10.0%	1.90	124	4.2%	238	35.2%	1.92	52	73.3%	107	87.7%	2.06
96	265	-25.4%	453	-32.8%	1.71	121	-2.4%	194	-18.5%	1.60	53	1.9%	106	-0.9%	2.00
97	339	27.9%	551	21.6%	1.63	131	8.3%	201	3.6%	1.53	56	5.7%	121	14.2%	2.16
98	369	8.9%	622	12.9%	1.69	172	31.3%	285	41.8%	1.66	54	-3.6%	94	-22.3%	1.74
99	427	15.7%	785	27.8%	1.86	150	-12.8%	286	0.4%	1.91	55	1.9%	167	77.7%	3.04
00	473	10.8%	771	-3.0%	1.63	118	-21.3%	216	-24.5%	1.83	90	63.6%	217	29.9%	2.41
01	498	4.9%	818	5.8%	1.65	166	42.4%	285	31.9%	1.70	57	-36.7%	129	-40.6%	2.26
02	552	11.3%	810	-0.7%	1.47	120	-28.8%	211	-26.0%	1.76	81	7.0%	156	20.9%	2.56
03	470	-14.8%	694	-14.3%	1.48	153	27.5%	223	5.7%	1.46	49	-19.7%	143	-8.3%	2.92
04	538	14.5%	861	24.1%	1.60	191	24.8%	276	23.8%	1.45	68	38.8%	122	-14.7%	1.79
05	455	-15.4%	688	-20.1%	1.51	92	-51.8%	145	-47.5%	1.58	75	10.3%	127	4.1%	1.69
Average	423	4.1%	689	3.7%	1.63	128	9.1%	210	9.4%	1.64	53	13.3%	117	14.0%	2.19

Cases & Defendants – Filed, Pending, & Terminated

Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	270		458		1.70	314		478		1.52	194		286		1.48
93	340	25.9%	541	18.1%	1.59	401	27.7%	600	25.5%	1.50	242	24.7%	402	39.6%	1.66
94	382	15.3%	624	15.3%	1.59	469	17.0%	707	17.6%	1.51	305	26.0%	481	19.7%	1.58
95	294	-25.0%	496	-20.5%	1.69	419	-10.7%	684	-3.3%	1.63	340	11.5%	512	6.4%	1.51
96	208	-29.3%	364	-26.6%	1.75	405	-3.3%	649	-5.1%	1.60	187	-45.0%	309	-39.6%	1.65
97	275	32.2%	424	16.5%	1.54	453	11.9%	682	2.0%	1.48	221	18.2%	367	18.8%	1.66
98	250	-9.1%	407	-4.0%	1.63	404	-10.8%	605	-8.6%	1.50	286	29.4%	430	17.2%	1.50
99	381	52.4%	600	47.4%	1.57	480	21.3%	746	23.3%	1.52	277	-3.1%	418	-2.8%	1.51
00	410	7.6%	600	0.0%	1.46	523	6.7%	737	-1.2%	1.41	360	30.0%	566	35.4%	1.57
01	374	-8.8%	586	-0.7%	1.59	523	0.0%	725	-1.6%	1.39	355	-1.4%	565	-0.2%	1.59
02	537	43.6%	708	18.8%	1.32	602	15.1%	768	5.9%	1.28	445	25.4%	642	13.6%	1.44
03	385	-28.3%	530	-25.1%	1.38	479	-20.4%	622	-19.0%	1.30	501	12.6%	668	4.0%	1.33
04	429	11.4%	673	27.0%	1.57	562	17.3%	812	30.5%	1.44	340	-32.1%	478	-28.3%	1.41
05	470	9.6%	676	0.4%	1.44	600	6.8%	826	1.7%	1.38	420	23.5%	631	31.7%	1.50
Average	358	7.5%	550	5.1%	1.53	475	8.0%	687	5.2%	1.45	320	9.2%	483	8.9%	1.51

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 District of New Mexico
 Standard Disposition Counts
 Non-OCDETF Drugs²

Cases & Defendants Tried									
Fiscal Year ³	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
02	184	288	22		11.3%	34		11.8%	1.55
03	242	402	10	-54.5%	4.1%	16	-52.9%	4.0%	1.80
04	305	481	14	40.0%	4.6%	29	81.3%	6.0%	2.07
05	340	512	9	-35.7%	2.6%	19	-34.5%	3.7%	2.11
06	187	309	10	11.1%	5.3%	18	-5.3%	5.8%	1.80
07	221	367	15	50.0%	6.8%	34	88.9%	9.3%	2.27
08	286	430	15	0.0%	5.2%	20	-41.2%	4.7%	1.33
09	277	418	5	-66.7%	1.8%	10	-50.0%	2.4%	2.00
00	360	568	8	60.0%	2.2%	18	80.0%	3.2%	2.25
01	355	565	4	-50.0%	1.1%	6	-66.7%	1.1%	1.50
02	445	642	9	125.0%	2.0%	13	118.7%	2.0%	1.44
03	501	668	11	22.2%	2.2%	15	15.4%	2.2%	1.38
04	340	479	7	-36.4%	2.1%	11	-26.7%	2.3%	1.57
05	420	631	8	14.3%	1.8%	14	27.3%	2.2%	1.75
Average	320	483	11	6.1%	3.8%	18	10.2%	4.3%	1.75

Defendants - Guilty, Acquitted, Dismissed, Other Terminations															
Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change	
02	288	234		30	12.8%	204	87.2%	81.3%	4		50		0		
03	402	282	20.5%	12	4.3%	270	95.7%	70.1%	4	0.0%	118	132.0%	0		
04	481	371	31.6%	18	4.9%	353	95.1%	77.1%	11	175.0%	98	-15.5%	1		
05	512	430	15.9%	10	2.3%	420	97.7%	84.0%	9	-18.2%	72	-26.5%	1	0.0%	
06	309	248	-42.8%	13	5.3%	233	94.7%	79.6%	5	-44.4%	56	-22.2%	2	100.0%	
07	367	318	29.3%	28	9.1%	289	90.9%	86.6%	7	40.0%	41	-28.8%	1	-50.0%	
08	430	371	16.7%	19	5.1%	352	94.9%	88.3%	1	-85.7%	54	31.7%	4	300.0%	
09	418	362	-2.4%	8	2.2%	354	97.8%	86.6%	2	100.0%	52	-3.7%	2	-50.0%	
00	568	508	40.6%	15	2.9%	494	97.1%	89.9%	4	100.0%	49	-5.8%	4	100.0%	
01	565	514	1.0%	4	0.8%	510	98.2%	91.0%	2	-50.0%	47	-4.1%	2	-50.0%	
02	642	587	14.2%	10	1.7%	577	98.3%	91.4%	4	100.0%	48	2.1%	3	50.0%	
03	668	617	5.1%	13	2.1%	604	97.9%	92.4%	3	-25.0%	43	-10.4%	5	66.7%	
04	479	443	-28.2%	8	1.8%	435	98.2%	92.5%	3	0.0%	27	-37.2%	6	20.0%	
05	631	573	29.3%	9	1.6%	564	98.4%	90.8%	5	66.7%	39	44.4%	14	133.3%	
Average	483	418	10.1%	14	4.1%	404	95.9%	86.7%	5	27.8%	57	4.5%	3	56.4%	

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 District of New Mexico
 Standard Sentencing Counts
 Non-OCDETF Drugs²

Sentencing								
Fiscal Year ³	Defendants in Cases Filed	Defendants in Cases Terminated	Total Defendants Guilty	Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
92	458	288	234	32		202		86.3%
93	541	402	282	24	-25.0%	258	27.7%	91.5%
94	624	481	371	46	91.7%	325	26.0%	87.8%
95	498	512	430	69	50.0%	361	11.1%	84.0%
96	364	309	248	35	-48.3%	211	-41.8%	85.8%
97	424	367	318	33	-5.7%	285	35.1%	89.6%
98	407	430	371	24	-27.3%	347	21.8%	93.5%
99	600	418	362	28	16.7%	334	-3.7%	92.3%
00	600	566	508	44	57.1%	465	39.2%	91.4%
01	598	565	514	28	-40.8%	486	4.9%	94.8%
02	708	642	587	28	7.7%	559	14.5%	95.2%
03	530	668	617	48	75.0%	568	1.6%	92.1%
04	673	479	443	17	-85.3%	426	-25.0%	96.2%
05	676	631	573	31	82.4%	542	27.2%	94.6%
Average	550	483	418	35	12.8%	384	10.7%	91.1%

Sentencing															
Fiscal Year ³	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	202	57	28.2%	61	30.2%	27	13.4%	28	12.9%	31	15.3%	0	0.0%	0	0.0%
93	258	92	35.7%	78	30.6%	30	11.6%	34	13.2%	22	8.5%	1	0.4%	0	0.0%
94	325	164	50.5%	64	19.7%	28	8.6%	40	12.3%	29	8.9%	0	0.0%	0	0.0%
95	361	203	56.2%	68	18.8%	27	7.5%	34	9.4%	29	8.0%	0	0.0%	0	0.0%
96	211	84	39.8%	30	14.2%	33	15.6%	33	15.6%	31	14.7%	0	0.0%	0	0.0%
97	285	64	22.5%	60	21.1%	49	17.2%	59	20.7%	53	18.6%	0	0.0%	0	0.0%
98	347	55	15.9%	64	24.2%	79	22.8%	76	21.9%	53	15.3%	0	0.0%	0	0.0%
99	334	48	14.7%	91	27.2%	71	21.3%	76	22.8%	47	14.1%	0	0.0%	0	0.0%
00	465	118	25.4%	118	25.4%	93	20.0%	86	18.5%	50	10.8%	0	0.0%	0	0.0%
01	488	188	40.2%	88	18.0%	79	16.2%	78	16.0%	46	9.4%	1	0.2%	0	0.0%
02	559	229	41.0%	92	16.5%	77	13.8%	84	18.8%	67	12.0%	0	0.0%	0	0.0%
03	568	178	31.0%	98	17.4%	85	11.4%	131	23.1%	98	16.9%	1	0.2%	0	0.0%
04	426	148	34.7%	59	13.8%	47	11.0%	98	23.0%	74	17.4%	0	0.0%	0	0.0%
05	542	210	38.7%	80	14.8%	71	13.1%	100	18.5%	80	14.6%	1	0.2%	0	0.0%
Average	384	132	34.4%	77	20.0%	55	14.4%	89	18.0%	51	13.2%	0	0.1%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.
³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorney - Criminal Caseload Statistics
 District of New Mexico
 Standard Matter and Case Counts
 Violent Crime¹

Matters & Defendants - Received Pending & Terminated															
Fiscal Year ²	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Matters Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
82	241		321		1.33	117		151		1.29	82		102		1.24
83	219	-9.1%	268	-16.5%	1.22	130	11.4%	165	2.8%	1.19	105	26.0%	145	42.2%	1.38
84	212	-3.2%	250	-4.7%	1.18	151	16.2%	187	20.8%	1.24	87	-7.6%	115	-20.7%	1.19
85	208	-2.8%	253	1.2%	1.23	157	4.0%	207	10.7%	1.32	73	-24.7%	87	-24.3%	1.19
86	347	68.4%	402	58.9%	1.16	246	56.7%	283	41.5%	1.19	101	38.6%	141	62.1%	1.40
87	248	-28.5%	280	-27.8%	1.17	239	-2.5%	289	-1.4%	1.21	145	43.8%	170	20.6%	1.17
88	232	-6.5%	259	-10.7%	1.12	198	-17.2%	228	-20.8%	1.16	128	-11.0%	157	-7.6%	1.22
89	218	-6.0%	258	-1.2%	1.17	148	-25.3%	176	-23.1%	1.19	117	-8.3%	141	-10.2%	1.21
90	283	29.8%	336	31.3%	1.19	178	20.3%	210	19.3%	1.18	78	-35.0%	88	-29.8%	1.30
01	329	16.3%	386	14.8%	1.17	190	6.3%	235	11.9%	1.24	120	57.6%	145	48.5%	1.21
02	378	14.9%	459	18.9%	1.21	221	18.3%	272	15.7%	1.23	138	15.0%	179	23.4%	1.30
03	419	10.8%	481	0.4%	1.10	309	38.9%	388	35.3%	1.19	112	-18.6%	133	-25.7%	1.19
04	374	-10.7%	417	-9.5%	1.11	276	-10.7%	316	-14.1%	1.14	104	-7.1%	122	-8.3%	1.17
05	373	-0.3%	413	-1.0%	1.11	258	-6.5%	297	-6.0%	1.15	110	5.8%	129	5.7%	1.17
Average	281	5.6%	341	4.0%	1.17	201	8.4%	242	7.1%	1.20	108	5.8%	133	5.7%	1.24

Cases & Defendants - Filed Pending & Terminated															
Fiscal Year ²	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
82	148		189		1.34	94		131		1.39	164		188		1.15
83	101	-31.8%	121	-38.2%	1.20	89	-5.3%	109	-16.8%	1.22	112	-31.7%	153	-18.6%	1.37
84	91	-8.9%	87	-19.8%	1.07	80	-10.1%	87	-20.2%	1.08	87	-13.4%	111	-27.5%	1.14
85	127	39.6%	138	42.3%	1.09	119	48.8%	130	48.4%	1.09	88	-8.2%	86	-13.5%	1.08
86	156	22.8%	173	25.4%	1.11	182	38.1%	179	37.7%	1.10	112	25.8%	121	28.0%	1.08
87	110	-29.5%	126	-27.2%	1.15	123	-24.1%	134	-25.1%	1.09	150	33.9%	173	43.0%	1.15
88	137	24.5%	155	23.0%	1.13	143	16.3%	158	17.9%	1.10	115	-23.3%	128	-25.4%	1.12
89	143	4.4%	155	0.0%	1.08	137	-4.2%	150	-5.1%	1.09	143	24.3%	155	20.2%	1.08
90	170	18.9%	182	23.9%	1.13	172	25.5%	192	28.0%	1.12	127	-11.2%	142	-8.4%	1.12
01	185	14.7%	210	9.4%	1.08	201	16.9%	220	14.6%	1.08	183	28.3%	179	26.1%	1.10
02	208	6.7%	241	14.8%	1.16	217	8.0%	251	14.1%	1.16	188	16.0%	205	15.1%	1.09
03	209	0.5%	221	-8.3%	1.06	223	2.8%	247	-1.6%	1.11	186	3.7%	216	4.9%	1.10
04	266	27.3%	285	33.5%	1.11	289	34.1%	328	32.8%	1.10	162	-17.3%	175	-19.0%	1.08
05	280	5.3%	301	2.0%	1.08	333	11.4%	363	10.7%	1.09	249	53.7%	289	53.7%	1.08
Average	167	7.2%	187	6.1%	1.12	171	12.0%	191	10.5%	1.12	148	6.2%	165	5.8%	1.12

¹ Caseload data extracted from the United States Attorney's Case Management System.
² For FYs 1982-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (053); Domestic Violence (061); Violent Crime in Indian Country (092); and All Other Violent Crime (093).
³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 District of New Mexico
 Standard Disposition Counts
 Violent Crime²

Cases & Defendants Tried									
Fiscal Year ³	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
92	184	185	19		11.6%	24		12.8%	1.28
93	112	153	19	0.0%	17.0%	20	-16.7%	13.1%	1.05
94	97	111	12	-36.8%	12.4%	16	-20.0%	14.4%	1.33
95	89	96	6	-50.0%	6.7%	6	-42.5%	6.3%	1.00
96	112	121	12	100.0%	10.7%	13	116.7%	10.7%	1.08
97	150	173	20	66.7%	13.3%	22	89.2%	12.7%	1.10
98	115	129	17	-15.0%	14.8%	18	-18.2%	14.0%	1.06
99	143	155	9	-47.1%	6.3%	9	-50.0%	5.8%	1.00
00	127	142	9	0.0%	7.1%	10	11.1%	7.0%	1.11
01	163	179	5	-44.4%	3.1%	6	-40.0%	3.4%	1.20
02	189	206	9	80.0%	4.8%	10	66.7%	4.9%	1.11
03	198	216	5	-44.4%	2.6%	6	-40.0%	2.8%	1.20
04	182	175	9	80.0%	5.6%	10	66.7%	5.7%	1.11
05	249	269	15	66.7%	6.0%	16	60.0%	5.9%	1.07
Average	148	165	12	12.0%	8.7%	13	11.0%	8.5%	1.12

Defendants - Guilty, Acquitted, Dismissed, Other Terminations															
Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change	
92	188	142		16	11.3%	126	88.7%	75.5%	8		38		0		
93	153	128	-8.9%	18	14.8%	109	85.2%	83.7%	1	-87.5%	23	-39.5%	1		
94	111	103	-19.5%	16	15.5%	87	84.5%	92.8%	0		6	-73.9%	2	100.0%	
95	98	84	-16.4%	4	4.6%	80	95.2%	87.5%	2		8	50.0%	1	-50.0%	
96	121	107	27.4%	9	8.4%	98	91.6%	88.4%	4	100.0%	9	0.0%	1	0.0%	
97	173	153	43.0%	18	11.8%	135	88.2%	88.4%	4	0.0%	16	77.8%	0		
98	129	110	-26.1%	11	10.0%	99	90.0%	85.3%	8	100.0%	9	-43.8%	2		
99	155	144	30.9%	9	6.3%	135	93.8%	92.9%	2	-75.0%	9	0.0%	0		
00	142	128	-11.1%	9	7.0%	119	93.0%	90.1%	2	0.0%	8	-11.1%	4		
01	179	161	25.8%	2	1.2%	159	98.6%	89.9%	6	200.0%	11	37.5%	1	-75.0%	
02	206	176	9.3%	8	3.4%	170	98.6%	85.4%	4	-33.3%	23	109.1%	3	200.0%	
03	216	187	6.3%	6	3.2%	181	96.8%	86.6%	0		26	13.0%	3	0.0%	
04	175	160	-14.4%	8	5.0%	152	95.0%	91.4%	4		9	-65.4%	2	-33.3%	
05	269	239	49.4%	6	2.5%	233	97.5%	88.8%	11	175.0%	15	66.7%	4	100.0%	
Average	165	144	7.0%	10	7.5%	135	82.5%	87.4%	4	42.1%	15	9.3%	2	30.2%	

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (093).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorney - Criminal Caseload Statistics¹
 District of New Mexico
 Standard Sentencing Counts
 Violent Crime²

Fiscal Year ³	Sentencing		Total Defendants Guilty	Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
	Defendants in Cases Filed	Defendants in Cases Terminated						
92	189	188	142	21	-0.5%	121	-9.9%	85.2%
93	121	153	128	19	-42.1%	108	-15.6%	89.3%
94	97	111	103	11	36.4%	89	-25.0%	82.1%
95	138	86	84	15	28.7%	66	27.5%	82.2%
96	173	121	107	19	89.5%	117	33.0%	76.5%
97	128	173	153	36	-55.6%	84	-18.7%	85.5%
98	155	129	110	16	137.5%	108	42.8%	73.9%
99	155	155	144	38	-31.6%	102	-3.8%	78.7%
00	192	142	128	26	50.0%	122	18.6%	75.6%
01	210	179	161	39	-20.5%	145	18.9%	82.4%
02	241	206	178	31	-8.7%	159	8.7%	85.0%
03	221	216	187	28	-48.4%	145	-8.8%	80.8%
04	295	175	160	15	126.7%	205	41.4%	85.8%
05	301	269	239	34	18.3%	120	6.2%	82.8%
Average	187	185	144	25				

Fiscal Year ³	Sentencing		Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months													
92	121	31	25.6%	31	25.6%	20	16.5%	18	15.7%	18	15.7%	1	0.8%	0	0.0%
93	109	17	15.6%	22	20.2%	12	11.0%	30	27.5%	27	24.8%	1	0.9%	0	0.0%
94	82	21	22.8%	17	16.5%	11	12.0%	17	18.5%	26	28.3%	0	0.0%	0	0.0%
95	89	15	21.7%	10	14.5%	9	13.0%	17	24.8%	18	26.1%	0	0.0%	0	0.0%
96	88	11	12.5%	15	17.0%	18	20.5%	15	17.0%	28	29.5%	3	3.4%	0	0.0%
97	117	13	11.1%	14	12.0%	15	12.8%	28	23.9%	45	38.5%	2	1.7%	0	0.0%
98	84	10	10.6%	13	13.8%	13	13.8%	21	22.3%	36	36.3%	1	1.1%	0	0.0%
99	106	23	21.7%	17	16.0%	11	10.4%	11	10.4%	42	39.6%	2	1.9%	0	0.0%
00	102	24	23.5%	8	7.8%	14	13.7%	21	20.8%	34	33.3%	1	1.0%	0	0.0%
01	132	22	18.0%	25	20.5%	14	11.5%	28	23.0%	32	26.2%	1	0.8%	0	0.0%
02	145	13	8.0%	32	22.1%	18	13.1%	33	22.8%	48	33.1%	0	0.0%	0	0.0%
03	159	20	12.6%	35	22.0%	16	10.1%	30	18.9%	56	36.5%	0	0.0%	0	0.0%
04	145	18	12.4%	25	17.2%	22	15.2%	34	23.4%	45	31.0%	1	0.7%	0	0.0%
05	205	19	8.3%	33	16.1%	33	18.1%	38	19.0%	81	39.5%	0	0.0%	0	0.0%
Average	120	18	15.4%	21	17.7%	16	13.8%	25	20.5%	38	32.1%	1	0.8%	0	0.0%

¹ Caseload data extracted from the United States Attorney Case Management System.
² For FY 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (083).
³ FY 2005 numbers are actual data through the end of September 2005.

ASG000000179

United States Attorneys – Criminal Caseload Statistics¹
 District of Arizona
 Standard Matter and Case Counts
 Immigration

Matters & Defendants – Received, Pending, & Terminated																
Fiscal Year ²	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated	
92	248		275		1.12	80		80		1.13	125		155		1.23	
93	272	10.6%	315	14.5%	1.16	58	-27.5%	63	-30.0%	1.09	146	15.9%	166	7.1%	1.14	
94	373	37.1%	395	25.4%	1.06	69	19.0%	78	23.8%	1.13	172	17.8%	179	7.8%	1.04	
95	295	-20.9%	379	-4.1%	1.28	51	-26.1%	61	-21.8%	1.20	119	-30.8%	152	-15.1%	1.28	
96	654	121.7%	712	67.9%	1.09	86	68.6%	88	62.3%	1.15	173	45.4%	205	34.9%	1.18	
97	1,392	112.8%	1,473	106.9%	1.06	482	472.1%	531	436.4%	1.08	402	132.4%	412	101.0%	1.02	
98	2,604	87.1%	2,800	90.1%	1.08	482	-2.0%	528	-0.8%	1.10	1,399	248.0%	1,428	246.6%	1.02	
99	1,856	-28.7%	2,008	-28.3%	1.08	357	-25.9%	406	-23.1%	1.14	360	-74.3%	390	-72.7%	1.08	
00	1,885	1.6%	2,130	6.1%	1.13	445	24.8%	502	23.6%	1.13	111	-69.2%	146	-62.6%	1.32	
01	1,862	-0.2%	2,021	-5.1%	1.07	377	-15.3%	434	-13.5%	1.15	88	-20.7%	107	-26.7%	1.22	
02	2,127	13.0%	2,309	14.3%	1.09	406	7.7%	471	8.5%	1.16	97	10.2%	117	9.3%	1.21	
03	3,034	42.6%	3,226	39.7%	1.06	563	38.7%	642	36.3%	1.14	612	530.9%	653	458.1%	1.07	
04	2,725	-10.2%	3,090	-4.2%	1.13	692	22.9%	793	23.5%	1.15	215	-64.9%	263	-59.7%	1.22	
05	4,375	60.6%	4,665	51.0%	1.07	1,068	54.3%	1,209	52.5%	1.13	2,085	869.8%	2,117	704.9%	1.02	
Average	1,694	32.9%	1,843	30.3%	1.09	373	47.0%	422	44.5%	1.13	436	123.9%	464	102.5%	1.06	

Cases & Defendants – Filed, Pending, & Terminated																
Fiscal Year ²	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated	
92	92		114		1.24	81		106		1.31	87		102		1.17	
93	145	57.6%	171	50.0%	1.18	106	30.9%	139	31.1%	1.31	118	35.6%	134	31.4%	1.14	
94	187	29.0%	198	15.8%	1.06	108	1.9%	132	-6.0%	1.22	185	56.8%	205	53.0%	1.11	
95	189	1.1%	238	20.2%	1.26	136	25.9%	189	43.2%	1.39	180	-13.5%	180	-12.2%	1.13	
96	443	134.4%	466	95.8%	1.05	215	58.1%	239	26.5%	1.11	364	127.5%	416	131.1%	1.14	
97	608	37.2%	656	41.2%	1.08	273	27.0%	327	36.8%	1.20	562	54.4%	560	39.4%	1.03	
98	1,189	95.6%	1,349	105.0%	1.13	433	58.6%	561	71.6%	1.30	1,027	82.7%	1,110	91.4%	1.08	
99	1,617	36.0%	1,735	28.6%	1.07	554	27.9%	697	24.2%	1.26	1,487	44.8%	1,590	43.2%	1.07	
00	1,691	4.6%	1,890	8.9%	1.12	664	19.9%	844	21.1%	1.27	1,568	6.7%	1,778	11.8%	1.12	
01	1,863	10.2%	1,978	4.7%	1.06	680	44.6%	1,094	29.6%	1.14	1,556	-1.8%	1,715	-3.5%	1.10	
02	1,975	6.0%	2,121	7.2%	1.07	1,356	41.5%	1,523	39.2%	1.12	1,551	-0.4%	1,650	-3.8%	1.06	
03	2,252	14.0%	2,383	12.4%	1.06	1,198	-11.9%	1,361	-10.8%	1.14	2,359	52.1%	2,487	50.7%	1.05	
04	2,383	5.8%	2,679	12.4%	1.12	1,717	43.8%	1,991	46.3%	1.16	1,830	-22.4%	2,025	-18.6%	1.11	
05	1,898	-20.4%	2,112	-21.2%	1.11	2,117	23.3%	2,495	25.3%	1.18	1,474	-18.5%	1,609	-20.5%	1.09	
Average	1,181	31.6%	1,282	29.3%	1.09	708	30.1%	836	29.2%	1.18	1,025	31.0%	1,113	30.3%	1.09	

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 District of Arizona
 Standard Disposition Counts
 Immigration

Cases & Defendants Tried									
Fiscal Year ²	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
92	87	102	7		8.0%	8		8.8%	1.28
93	118	134	5	-28.6%	4.2%	5	-44.4%	3.7%	1.00
94	185	205	4	-20.0%	2.2%	5	-0.0%	2.4%	1.25
95	180	180	5	25.0%	3.1%	5	0.0%	2.8%	1.00
96	364	418	2	-60.0%	0.5%	3	-40.0%	0.7%	1.50
97	582	580	4	100.0%	0.7%	5	66.7%	0.9%	1.25
98	1,027	1,110	6	50.0%	0.6%	7	40.0%	0.6%	1.17
99	1,467	1,590	12	100.0%	0.8%	13	85.7%	0.8%	1.08
00	1,586	1,778	3	-75.0%	0.2%	4	-69.2%	0.2%	1.33
01	1,558	1,715	24	700.0%	1.5%	30	650.0%	1.7%	1.25
02	1,551	1,650	6	-75.0%	0.4%	7	-78.7%	0.4%	1.17
03	2,359	2,487	8	33.3%	0.3%	10	42.9%	0.4%	1.25
04	1,830	2,025	21	162.5%	1.1%	21	110.0%	1.0%	1.00
05	1,474	1,609	15	-28.6%	1.0%	17	-19.0%	1.1%	1.13
Average	1,025	1,113	9	66.0%	1.8%	10	57.4%	1.8%	1.16

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year ²	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
92	102	91		7	7.7%	84	92.3%	89.2%	2		9		0	
93	134	121	33.0%	4	3.3%	117	96.7%	90.3%	1	-50.0%	12	33.3%	0	
94	205	179	47.9%	4	2.2%	175	97.8%	87.3%	1	0.0%	24	100.0%	1	
95	180	163	-8.8%	4	2.5%	159	97.5%	90.6%	1	0.0%	15	-37.5%	1	0.0%
96	416	404	147.9%	3	0.7%	401	99.3%	97.1%	0		11	-26.7%	1	0.0%
97	580	567	40.3%	4	0.7%	563	99.3%	97.8%	1		12	9.1%	0	
98	1,110	1,099	93.8%	5	0.5%	1,094	99.5%	99.0%	2	100.0%	9	-25.0%	0	
99	1,590	1,548	40.8%	9	0.6%	1,539	99.4%	97.4%	4	100.0%	36	300.0%	2	
00	1,778	1,744	12.7%	3	0.2%	1,741	99.8%	98.1%	1	-75.0%	32	-11.1%	1	-50.0%
01	1,715	1,649	-5.4%	30	1.8%	1,619	98.2%	98.2%	0		66	108.3%	0	
02	1,650	1,612	-2.2%	7	0.4%	1,605	99.8%	97.7%	0		37	-43.8%	1	
03	2,487	2,448	51.8%	9	-0.4%	2,439	99.6%	98.4%	1		38	2.7%	0	
04	2,025	1,948	-20.4%	21	1.1%	1,927	98.9%	98.2%	0		46	21.1%	31	
05	1,609	1,569	-19.5%	16	1.0%	1,553	99.0%	97.5%	1		32	-30.4%	7	-77.4%
Average	1,113	1,082	31.7%	9	1.6%	1,073	98.4%	97.2%	1	12.5%	27	30.6%	3	-31.9%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 District of Arizona
 Standard Sentencing Counts
 Immigration

Sentencing								
Fiscal Year ²	Defendants in Cases Filed	Defendants in Cases Terminated	Total Defendants GUILTY	Number of GUILTY Defendants Not Sentenced To Prison	Percent Change	Number of GUILTY Defendants Sentenced To Prison	Percent Change	Percent of GUILTY Defendants Sentenced To Prison
92	114	102	91	23		68		74.7%
93	171	134	121	40	73.9%	81	19.1%	66.9%
94	198	205	179	26	-35.0%	153	88.8%	85.5%
95	238	180	163	37	42.3%	126	-17.6%	77.3%
96	466	416	404	78	110.8%	326	158.7%	80.7%
97	658	580	567	34	-56.4%	533	83.5%	94.0%
98	1,349	1,110	1,099	194	470.6%	905	69.8%	82.3%
99	1,735	1,580	1,548	252	29.9%	1,296	43.2%	83.7%
00	1,890	1,778	1,744	247	-2.0%	1,497	15.5%	85.8%
01	1,978	1,715	1,649	221	-10.5%	1,428	-4.6%	86.9%
02	2,121	1,650	1,612	194	-12.2%	1,418	-0.7%	88.0%
03	2,383	2,487	2,448	413	112.8%	2,035	43.5%	83.1%
04	2,678	2,025	1,948	278	-33.2%	1,672	-17.8%	85.8%
05	2,112	1,608	1,569	181	-34.4%	1,388	-17.0%	88.5%
Average	1,282	1,113	1,082	158	50.5%	923	34.2%	83.1%

Sentencing															
Fiscal Year ²	Number of GUILTY Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life In Prison	Percent of Defendants Sentenced to Life In Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	68	37	54.4%	25	36.8%	5	7.4%	1	1.5%	0	0.0%	0	0.0%	0	0.0%
93	81	48	60.5%	24	29.6%	2	2.5%	6	7.4%	0	0.0%	0	0.0%	0	0.0%
94	153	86	56.2%	42	27.5%	8	5.2%	12	7.8%	5	3.3%	0	0.0%	0	0.0%
95	126	61	48.4%	33	26.2%	14	11.1%	12	9.5%	8	4.8%	0	0.0%	0	0.0%
96	326	117	35.9%	88	27.0%	38	11.7%	74	22.7%	9	2.8%	0	0.0%	0	0.0%
97	533	158	29.6%	167	31.3%	76	14.3%	116	21.8%	18	3.0%	0	0.0%	0	0.0%
98	905	306	33.8%	188	20.8%	165	18.2%	227	25.1%	18	2.1%	0	0.0%	0	0.0%
99	1,296	401	30.9%	233	18.0%	222	17.1%	397	30.6%	43	3.3%	0	0.0%	0	0.0%
00	1,497	410	27.4%	287	19.2%	300	20.0%	463	30.9%	37	2.5%	0	0.0%	0	0.0%
01	1,428	344	24.1%	298	20.7%	305	21.4%	414	29.0%	66	4.6%	3	0.2%	0	0.0%
02	1,418	279	19.7%	402	28.3%	313	22.1%	377	26.6%	47	3.3%	0	0.0%	0	0.0%
03	2,035	443	21.8%	510	25.1%	540	26.5%	482	23.7%	80	2.9%	0	0.0%	0	0.0%
04	1,672	422	25.2%	414	24.8%	384	23.0%	388	23.2%	64	3.8%	0	0.0%	0	0.0%
05	1,388	321	23.1%	366	26.4%	333	24.0%	313	22.6%	55	4.0%	0	0.0%	0	0.0%
Average	923	245	26.6%	220	23.8%	193	20.9%	234	25.4%	31	3.3%	0	0.0%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 District of Arizona
 Standard Matter and Case Counts
 Non-OCDETF Drugs²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	591		1,044		1.77	219		338		1.54	157		215		1.37
93	400	-32.3%	749	-28.3%	1.87	185	-11.0%	333	-1.5%	1.71	159	1.3%	210	-2.3%	1.32
94	418	4.0%	705	-5.9%	1.69	158	-20.0%	244	-26.7%	1.56	192	20.8%	259	23.3%	1.35
95	559	36.8%	912	29.4%	1.60	151	-3.2%	208	-14.8%	1.38	222	15.6%	329	27.0%	1.48
96	656	15.3%	986	9.2%	1.52	167	23.6%	244	17.3%	1.30	221	-0.5%	287	-18.8%	1.21
97	763	16.3%	1,129	13.4%	1.48	355	89.8%	481	97.1%	1.35	170	-23.1%	208	-22.1%	1.22
98	805	5.5%	1,246	10.4%	1.55	325	-8.5%	427	-11.2%	1.31	222	30.6%	262	26.0%	1.18
99	910	13.0%	1,388	11.2%	1.52	333	2.5%	452	5.9%	1.36	272	22.5%	321	22.5%	1.18
00	879	-3.4%	1,265	-8.7%	1.44	367	16.2%	517	14.4%	1.34	219	-19.5%	252	-21.5%	1.15
01	825	-6.1%	1,299	2.7%	1.57	388	0.3%	533	3.1%	1.37	214	-2.3%	255	1.2%	1.19
02	980	18.8%	1,522	17.2%	1.55	349	-10.1%	483	-9.4%	1.38	337	57.5%	420	64.7%	1.25
03	1,198	22.2%	1,890	24.2%	1.58	421	20.6%	629	30.2%	1.49	441	30.9%	738	75.7%	1.67
04	1,190	-0.7%	1,789	-5.3%	1.50	481	9.5%	611	-2.9%	1.33	360	-18.4%	639	-13.4%	1.78
05	1,109	-6.8%	1,818	1.6%	1.64	540	17.1%	742	21.4%	1.37	233	-35.3%	412	-35.5%	1.77
Average	807	6.4%	1,268	5.5%	1.57	319	9.8%	446	9.5%	1.40	244	6.2%	342	9.7%	1.40

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	395		787		1.99	471		882		1.87	246		482		1.88
93	260	-34.2%	534	-32.1%	2.05	378	-19.7%	716	-18.8%	1.89	344	39.8%	634	37.2%	1.84
94	256	-1.5%	517	-3.2%	2.02	358	-5.3%	650	-9.2%	1.82	259	-24.7%	555	-12.5%	2.14
95	348	35.9%	612	18.4%	1.76	391	9.2%	668	2.8%	1.71	311	20.1%	587	5.8%	1.89
96	398	14.4%	679	10.9%	1.71	444	13.8%	733	9.7%	1.65	338	8.7%	606	3.2%	1.79
97	458	15.3%	807	18.9%	1.76	528	18.9%	887	21.0%	1.68	353	4.4%	638	5.3%	1.81
98	576	25.5%	988	22.2%	1.71	619	17.2%	960	8.2%	1.55	450	27.5%	787	23.4%	1.75
99	607	5.4%	1,008	2.3%	1.66	608	-1.6%	983	2.4%	1.62	596	32.4%	938	19.2%	1.57
00	594	-2.1%	916	-9.2%	1.54	658	7.9%	968	-1.5%	1.48	540	-9.4%	875	-6.7%	1.62
01	605	1.8%	1,012	10.5%	1.67	708	7.9%	1,082	11.8%	1.53	537	-0.6%	880	-1.7%	1.60
02	665	9.9%	1,128	11.3%	1.69	806	13.8%	1,202	11.1%	1.49	535	-0.4%	810	5.8%	1.70
03	671	0.8%	985	-12.4%	1.47	845	4.8%	1,187	-1.2%	1.40	615	15.0%	980	7.7%	1.59
04	790	17.7%	1,157	17.3%	1.48	1,023	21.1%	1,466	23.5%	1.43	579	-5.9%	807	-17.7%	1.39
05	785	-0.6%	1,239	7.1%	1.58	1,240	21.2%	1,866	27.3%	1.50	551	-4.8%	806	-0.1%	1.46
Average	529	6.8%	883	4.8%	1.67	648	8.4%	1,018	6.7%	1.57	447	7.9%	746	5.3%	1.67

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 District of Arizona
 Standard Disposition Counts
 Non-OCDEFD Drugs²

Fiscal Year ³	Cases Terminated	Defendants Terminated	Defendants Disposed of by Trial	Change of Percent	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
92	246	462	23	58.5%	10.5%	76	76.7%	1.67
93	344	634	36	55.5%	10.5%	76	12.0%	2.11
94	259	555	15	-58.3%	5.8%	37	6.7%	2.47
95	311	507	16	6.7%	5.1%	26	-28.7%	1.63
96	338	606	12	-25.0%	3.8%	22	-15.4%	1.83
97	353	638	22	83.3%	6.2%	31	40.8%	1.41
98	450	787	19	-13.6%	4.2%	28	-8.7%	1.47
99	506	836	5	-73.7%	0.8%	12	-57.1%	2.40
00	540	875	6	60.0%	1.5%	9	-25.0%	1.13
01	537	860	14	75.0%	2.6%	15	68.7%	1.07
02	535	910	4	-71.4%	0.7%	6	-80.0%	1.50
03	615	980	4	0.0%	0.7%	7	16.7%	1.75
04	578	807	18	375.0%	3.3%	22	214.3%	1.16
05	551	806	18	-5.3%	3.3%	18	-13.6%	1.06
Average	447	746	15	31.5%	4.1%	25	11.8%	1.64

Cases & Defendants Tried

Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Defendants Found Guilty	Change of Percent	Defendants as Percent of Total	Who Pled Guilty	Who Pled Defendants	Conviction Rate	Defendants Acquitted	Change of Percent	Defendants Dismissed	Change of Percent	Other Defendants Terminated	Percent Change
92	462	420	42	10.0%	376	80.9%	1	80.9%	1	80.9%	39	66.7%	2	50.0%
93	634	554	64	31.8%	490	88.4%	12	87.4%	12	1100.0%	85	66.7%	3	50.0%
94	555	496	26	-10.5%	470	84.8%	11	89.4%	11	-8.3%	47	-27.7%	1	-66.7%
95	507	465	21	-8.3%	444	87.2%	5	79.2%	5	-54.5%	110	134.0%	7	600.0%
96	606	519	18	11.6%	501	85.5%	5	79.2%	5	-54.5%	110	134.0%	7	600.0%
97	638	581	23	11.8%	558	86.0%	4	85.6%	4	-20.0%	77	-30.0%	6	-14.3%
98	787	738	26	27.0%	712	90.5%	2	83.8%	2	-71.4%	46	-8.0%	0	0.0%
99	836	855	8	15.9%	846	98.9%	3	91.2%	3	50.0%	78	69.6%	2	100.0%
00	875	808	5	-4.4%	804	98.4%	4	92.5%	4	33.3%	60	-23.1%	2	0.0%
01	860	817	13	1.0%	804	98.4%	2	85.0%	2	-50.0%	41	-31.7%	0	0.0%
02	910	858	4	5.0%	854	98.5%	2	94.3%	2	0.0%	48	17.1%	2	0.0%
03	980	941	6	8.7%	935	98.5%	2	94.3%	2	0.0%	48	17.1%	2	0.0%
04	807	765	21	-18.7%	744	87.3%	1	84.8%	1	-50.0%	37	-22.8%	1	-50.0%
05	806	783	18	-0.3%	744	87.5%	0	84.7%	0	0.0%	34	-8.1%	7	800.0%
Average	746	684	21	5.6%	663	89.3%	4	81.7%	4	83.7%	55	7.8%	3	138.6%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1982-2003, this chart summarizes the following categories: Only Non-OCDEFD Drug Dealing and Drug Possession cases classified specifically under those criminal program categories; it does not include those drug cases classified under the Government Regulatory/Alcohol Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Alcohol Laundering program category.

EOUSA DATA ANALYSIS STAFF/CRIMINAL FORM A

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United States Attorneys – Criminal Caseload Statistics¹
 District of Arizona
 Standard Matter and Case Counts
 Violent Crime²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	537		714		1.33	342		438		1.28	184		212		1.15
93	492	-8.4%	606	-15.1%	1.23	357	4.4%	461	5.3%	1.29	194	5.4%	228	7.5%	1.18
94	358	-27.2%	430	-29.0%	1.20	287	-19.8%	344	-25.4%	1.20	216	11.3%	288	28.3%	1.33
95	368	3.1%	433	0.7%	1.17	239	-16.7%	288	-16.3%	1.21	218	1.4%	250	-13.2%	1.14
96	403	9.2%	487	12.5%	1.21	216	-9.8%	289	-6.6%	1.25	154	-28.7%	186	-25.6%	1.21
97	528	31.0%	607	24.6%	1.15	308	42.6%	390	45.0%	1.27	217	40.9%	255	37.1%	1.18
98	508	-3.8%	596	-1.8%	1.17	270	-12.3%	341	-12.8%	1.26	232	6.9%	280	9.8%	1.21
99	533	4.9%	671	12.6%	1.26	330	22.2%	419	22.9%	1.27	170	-28.7%	200	-28.6%	1.18
00	534	0.2%	636	-5.2%	1.19	391	18.5%	472	12.8%	1.21	183	13.5%	240	20.0%	1.24
01	657	23.0%	763	20.0%	1.16	501	28.1%	598	26.7%	1.19	248	28.5%	282	21.7%	1.16
02	618	-6.2%	719	-5.8%	1.17	454	-9.4%	548	-8.4%	1.21	330	33.1%	362	24.0%	1.10
03	698	13.3%	649	-16.1%	1.22	489	7.7%	583	6.4%	1.19	255	-22.7%	314	-13.3%	1.23
04	277	-60.3%	367	-56.8%	1.32	220	-55.0%	293	-49.7%	1.33	30	-88.2%	43	-86.3%	1.43
05	689	148.7%	847	130.8%	1.23	361	84.1%	481	64.2%	1.33	131	338.7%	151	251.2%	1.15
Average	514	9.8%	623	8.1%	1.21	340	5.0%	423	4.9%	1.24	198	23.9%	236	17.7%	1.19

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	291		424		1.46	279		436		1.56	243		348		1.43
93	285	-2.1%	357	-15.8%	1.25	261	-6.5%	321	-26.4%	1.23	304	25.1%	477	37.1%	1.57
94	202	-29.1%	241	-32.5%	1.19	181	-30.7%	218	-32.1%	1.20	275	-8.5%	334	-30.0%	1.21
95	204	1.0%	239	-0.8%	1.17	200	10.5%	233	6.9%	1.17	186	-32.4%	224	-32.9%	1.20
96	245	20.1%	287	20.1%	1.17	223	11.5%	281	12.0%	1.17	220	18.3%	257	14.7%	1.17
97	281	6.5%	290	1.0%	1.11	250	12.1%	284	8.8%	1.14	225	2.3%	280	8.8%	1.24
98	305	16.9%	353	21.7%	1.16	288	14.4%	330	16.2%	1.15	266	19.1%	308	9.3%	1.14
99	301	-1.3%	386	9.3%	1.28	327	14.3%	411	24.5%	1.26	263	-1.9%	307	0.3%	1.17
00	283	-6.0%	338	-12.2%	1.20	348	5.8%	398	-3.6%	1.14	241	-8.4%	287	-3.3%	1.23
01	290	2.5%	326	-3.8%	1.12	369	6.6%	412	4.0%	1.12	263	8.1%	306	3.0%	1.16
02	325	12.1%	391	19.9%	1.20	425	15.2%	485	20.1%	1.16	259	-1.5%	297	-2.9%	1.15
03	402	23.7%	488	24.3%	1.21	518	21.9%	604	22.0%	1.17	306	18.1%	374	25.8%	1.22
04	175	-56.5%	226	-53.5%	1.29	261	-49.6%	334	-44.7%	1.28	134	-56.2%	153	-58.1%	1.14
05	427	144.0%	518	129.8%	1.22	562	115.3%	711	112.9%	1.27	143	6.7%	160	4.6%	1.12
Average	285	10.1%	347	8.3%	1.22	321	10.8%	389	8.3%	1.21	238	-0.9%	294	-1.9%	1.24

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crims In Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (083).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 District of Arizona
 Standard Disposition Counts
 Violent Crime²

Fiscal Year ³	Cases & Defendants Tried		Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
	Cases Terminated	Defendants Terminated							
82	243	348	37		15.2%	53		15.2%	1.43
83	304	477	44	18.9%	14.5%	64	20.9%	13.4%	1.45
84	275	334	33	-25.0%	12.0%	38	-40.5%	11.4%	1.15
85	186	224	29	-12.1%	15.5%	34	-10.5%	15.2%	1.17
86	220	257	28	-3.4%	12.7%	29	-14.7%	11.3%	1.04
87	225	280	28	0.0%	12.4%	34	17.2%	12.1%	1.21
88	256	306	22	-21.4%	8.2%	22	-35.3%	7.2%	1.00
89	253	307	14	-36.4%	5.3%	18	-13.5%	6.2%	1.38
90	241	297	10	-28.8%	4.1%	12	-36.8%	4.0%	1.20
91	263	306	13	30.0%	4.0%	13	8.3%	4.2%	1.00
92	258	297	12	-7.7%	4.8%	17	30.6%	5.7%	1.42
93	308	374	15	25.0%	4.9%	15	-11.8%	4.0%	1.00
94	134	153	12	-20.0%	8.0%	12	-20.0%	7.8%	1.00
95	143	180	3	-75.0%	2.1%	3	-75.0%	1.9%	1.00
Average	236	294	21	-12.0%	8.0%	26	-13.5%	6.5%	1.22

Fiscal Year ³	Defendants - Guilty, Acquitted, Dismissed, Other Terminations													
	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
82	348	293		46	15.7%	247	84.3%	84.2%	7		44		4	
83	477	411	40.3%	53	12.9%	358	87.1%	86.2%	10	42.9%	52	16.2%	4	0.0%
84	334	281	-28.5%	31	11.9%	230	88.1%	78.1%	7	-30.0%	61	17.3%	5	28.0%
85	224	188	-27.6%	25	13.9%	163	86.2%	84.4%	8	14.3%	24	-45.8%	3	-40.0%
86	257	210	11.1%	28	11.9%	185	86.1%	81.7%	5	-37.5%	35	45.8%	7	133.3%
87	280	253	20.5%	33	13.0%	220	87.0%	90.4%	1	-80.0%	24	-31.4%	2	-71.4%
88	306	254	0.4%	18	7.5%	235	92.5%	83.0%	3	200.0%	46	100.0%	1	-50.0%
89	307	261	2.8%	16	6.1%	245	83.9%	85.0%	3	0.0%	39	-18.8%	4	300.0%
90	287	254	-2.7%	11	4.3%	243	85.7%	85.5%	1	-66.7%	38	-2.6%	4	0.0%
91	306	262	3.1%	13	5.0%	249	85.0%	85.6%	0		43	13.2%	1	-75.0%
92	287	251	-4.2%	14	5.9%	237	84.4%	84.5%	3	-33.3%	41	-4.7%	2	100.0%
93	374	332	32.3%	13	3.9%	319	86.1%	86.8%	2	-50.0%	40	-2.4%	0	
94	153	136	-69.0%	11	8.1%	125	81.9%	86.9%	1		14	-65.0%	2	
95	160	138	1.5%	3	2.2%	135	87.5%	86.3%	0	-4.0%	18	14.3%	6	200.0%
Average	284	250	-1.4%	22	8.7%	228	81.3%	85.1%	4		37	1.8%	3	47.4%

¹ Caseload data extracted from the United States Attorney's Case Management System.
² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (053); Domestic Violence (061); Violent Crime in Indian Country (062); and All Other Violent Crime (063).
³ FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys – Criminal Caseload Statistics¹
 Southern District of California
 Standard Matter and Case Counts
 Immigration

Matters & Defendants – Received, Pending, & Terminated																
Fiscal Year ²	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated	
92	3,371		3,622		1.07	118		140		1.19	3,162		3,350		1.08	
93	3,084	-8.5%	3,204	-11.5%	1.04	150	27.1%	186	18.6%	1.11	2,723	-13.8%	2,821	-15.8%	1.04	
94	2,720	-11.8%	2,811	-12.3%	1.03	160	6.7%	188	1.2%	1.05	2,448	-10.2%	2,525	-10.5%	1.03	
95	3,019	11.0%	3,089	10.2%	1.03	386	141.3%	394	134.5%	1.02	1,945	-20.5%	1,992	-21.1%	1.02	
96	1,714	-43.2%	1,806	-41.7%	1.05	358	-7.3%	373	-5.3%	1.04	378	-80.7%	403	-78.6%	1.07	
97	2,094	22.2%	2,234	23.7%	1.07	405	13.1%	425	13.8%	1.05	193	-48.7%	234	-41.8%	1.21	
98	2,044	-2.4%	2,328	4.1%	1.14	254	-37.3%	311	-26.8%	1.22	275	42.5%	343	48.8%	1.25	
99	1,862	-8.9%	2,010	-13.8%	1.08	266	4.7%	325	4.5%	1.22	182	-33.8%	215	-37.3%	1.18	
00	2,408	28.3%	2,582	27.5%	1.06	238	-10.5%	273	-16.0%	1.15	316	73.6%	376	74.9%	1.19	
01	2,333	-3.1%	2,430	-5.2%	1.04	244	2.5%	278	1.8%	1.14	420	32.8%	433	15.2%	1.03	
02	2,087	-10.5%	2,278	-6.3%	1.09	270	10.7%	285	6.1%	1.09	137	-67.4%	189	-54.0%	1.45	
03	2,567	23.0%	2,673	17.3%	1.04	285	5.8%	305	3.4%	1.07	90	-34.3%	105	-47.2%	1.17	
04	2,604	1.4%	2,743	2.8%	1.05	271	-4.8%	288	-5.6%	1.06	87	-3.3%	120	14.3%	1.38	
05	1,443	-44.6%	1,532	-44.1%	1.06	212	-21.8%	231	-18.8%	1.09	81	-29.8%	74	-36.3%	1.21	
Average	2,382	-3.6%	2,524	-3.8%	1.06	258	10.0%	284	8.5%	1.10	687	-14.8%	942	-15.0%	1.06	

Cases & Defendants – Filed, Pending, & Terminated																
Fiscal Year ²	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated	
92	203		278		1.37	202		279		1.38	178		249		1.40	
93	330	62.6%	357	28.4%	1.08	217	7.4%	284	1.8%	1.31	308	73.0%	340	36.5%	1.10	
94	272	-17.6%	280	-18.8%	1.07	137	-36.9%	191	-32.7%	1.39	345	12.0%	376	10.8%	1.09	
95	851	212.9%	884	204.8%	1.04	155	13.1%	221	15.7%	1.43	829	140.3%	850	126.1%	1.03	
96	1,367	60.8%	1,425	61.2%	1.04	227	46.5%	300	35.7%	1.32	1,281	55.7%	1,341	57.8%	1.04	
97	1,853	35.6%	1,949	38.8%	1.05	259	14.1%	352	17.3%	1.36	1,819	40.9%	1,892	41.1%	1.04	
98	1,918	3.5%	2,093	7.4%	1.09	479	84.9%	626	77.8%	1.31	1,695	-6.8%	1,811	-4.3%	1.07	
99	1,864	-13.2%	1,778	-15.1%	1.07	448	-6.5%	566	-8.6%	1.28	1,687	-0.5%	1,837	1.4%	1.09	
00	2,118	27.2%	2,223	25.0%	1.05	601	34.2%	710	25.4%	1.18	1,961	16.2%	2,070	12.7%	1.06	
01	1,907	-9.8%	1,988	-10.8%	1.04	498	-17.5%	580	-18.3%	1.17	2,008	2.3%	2,112	2.0%	1.05	
02	1,921	0.7%	2,059	3.8%	1.07	634	27.8%	761	31.2%	1.20	1,782	-11.2%	1,877	-11.1%	1.05	
03	2,463	28.2%	2,558	24.2%	1.04	739	16.6%	818	7.5%	1.11	2,359	32.4%	2,497	33.0%	1.06	
04	2,527	2.6%	2,632	2.9%	1.04	818	10.4%	818	12.2%	1.13	2,508	6.2%	2,588	3.6%	1.03	
05	1,441	-43.0%	1,514	-42.5%	1.05	645	-21.0%	714	-22.2%	1.11	1,828	-35.1%	1,732	-33.1%	1.07	
Average	1,488	28.9%	1,573	23.7%	1.06	433	13.3%	523	10.8%	1.21	1,457	25.0%	1,541	21.3%	1.06	

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 Southern District of California
 Standard Disposition Counts
 Immigration

Cases & Defendant Tied									
Fiscal Year ²	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tied as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tied as Percent of Those Terminated	Average Number of Defendants Per Case Tied
82	178	249	10	-50.0%	5.6%	12	-50.0%	4.8%	1.20
83	308	340	5	40.0%	1.5%	6	18.7%	1.8%	1.20
84	345	376	7	0.0%	2.0%	7	0.0%	1.9%	1.00
85	828	850	7	13	0.8%	7	85.7%	0.8%	1.00
86	1,291	1,341	7	46.2%	1.0%	13	-30.8%	1.0%	1.29
87	1,819	1,882	7	1,811	0.4%	9	386.7%	0.5%	1.29
88	1,695	1,811	38	457.1%	2.3%	42	28.8%	2.3%	1.08
89	1,697	1,837	52	33.3%	3.1%	54	-83.0%	2.8%	1.04
90	1,981	2,070	17	87.3%	0.9%	20	135.0%	1.0%	1.18
91	2,006	2,112	42	147.1%	2.1%	47	-25.5%	2.2%	1.12
92	1,782	1,872	33	-21.4%	1.8%	35	-14.3%	1.9%	1.08
93	2,358	2,487	28	-12.1%	1.7%	30	40.0%	1.2%	1.03
94	2,506	2,588	42	44.8%	1.7%	42	116.7%	1.8%	1.00
95	1,628	1,732	89	111.9%	5.5%	91	48.8%	5.3%	1.02
Average	1,457	1,541	28	55.6%	2.1%	30	48.8%	2.1%	1.06

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year ²	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
82	249	218	48.6%	11	5.0%	207	95.0%	87.8%	1		28	-42.8%	2	
83	340	324	10.2%	6	1.8%	318	98.1%	95.3%	0		16	18.8%	0	
84	376	357	135.6%	7	2.0%	350	98.2%	84.9%	0		19	-52.8%	0	
85	850	841	56.7%	7	0.8%	834	98.1%	96.3%	0		8	144.4%	0	
86	1,341	1,318	40.5%	12	0.4%	1,306	97.9%	87.9%	1	200.0%	22	58.1%	2	
87	1,882	1,741	-6.0%	7	2.3%	1,845	97.7%	96.1%	3	-33.3%	35	94.3%	2	
88	1,811	1,737	11.8%	49	2.8%	1,668	97.2%	94.6%	2	-150.0%	88	38.7%	0	
89	1,837	1,942	1.8%	18	1.0%	1,923	98.0%	93.9%	2	-60.0%	95	32.6%	0	
90	2,070	1,977	1.8%	45	2.3%	1,932	97.1%	93.8%	2	0.0%	128	4.8%	0	
91	2,112	1,759	-11.0%	34	1.8%	1,725	98.1%	83.7%	1	-50.0%	118	-12.1%	1	0.0%
92	2,497	2,385	38.2%	28	1.2%	2,357	98.8%	95.9%	2	100.0%	100	-13.8%	0	
93	2,588	2,405	0.5%	37	1.5%	2,368	98.5%	83.0%	5	150.0%	170	70.0%	7	
94	1,732	1,561	-35.5%	86	5.5%	1,465	94.5%	89.5%	5	0.0%	174	2.4%	2	-71.4%
Average	1,541	1,458	22.2%	28	2.1%	1,431	97.9%	84.7%	2	50.7%	78	28.5%	1	-35.7%

¹ Caseload data extracted from the United States Attorney's Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Case/Court Statistics 1
 Southern District of California
 Standard Sentencing Counts
 Immigration

Fiscal Year ²	Sentencing			Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
	Defendants In Cases Filed	Defendants In Cases Terminated	Total Defendants Guilty					
82	278	248	218	36		182		83.5%
83	357	340	324	18	-50.0%	308	88.1%	84.4%
84	290	378	357	22	22.2%	335	93.5%	93.6%
85	884	850	841	50	127.3%	791	136.1%	94.1%
86	1,425	1,341	1,318	180	280.0%	1,128	42.6%	85.6%
87	1,949	1,892	1,852	302	56.9%	1,550	37.4%	83.7%
88	2,093	1,811	1,741	155	-48.3%	1,585	2.3%	91.0%
89	1,778	1,837	1,737	62	-47.4%	1,655	4.4%	95.3%
90	2,223	2,070	1,942	62	-24.4%	1,880	13.8%	98.8%
91	1,808	2,112	1,877	80	28.0%	1,897	0.9%	98.0%
92	2,059	1,877	1,759	74	-7.5%	1,685	-11.2%	95.8%
93	2,558	2,487	2,395	92	24.3%	2,303	36.7%	98.2%
94	2,832	2,588	2,406	36	-60.8%	2,370	2.8%	98.5%
95	4,514	1,732	1,551	48	36.1%	1,502	-36.8%	98.8%
Average	1,573	1,541	1,458	88	28.1%	1,389	23.6%	93.0%

Fiscal Year ²	Sentencing														
	Number of Guilty Defendants Sentenced	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
82	182	65	36.3%	85	52.2%	17	9.3%	3	1.6%	1	0.5%	0	0.0%	0	0.0%
83	308	63	20.6%	223	72.8%	10	3.3%	5	1.6%	5	1.8%	0	0.0%	0	0.0%
84	335	41	12.2%	281	83.8%	4	1.2%	4	1.2%	5	1.5%	0	0.0%	0	0.0%
85	781	54	6.8%	704	89.0%	0	0.0%	16	2.0%	11	1.4%	0	0.0%	0	0.0%
86	1,128	148	12.9%	804	80.1%	18	1.4%	45	4.0%	17	1.5%	0	0.0%	0	0.0%
87	1,550	457	28.5%	894	64.1%	28	1.8%	32	2.1%	39	2.5%	0	0.0%	0	0.0%
88	1,585	404	25.5%	718	45.3%	340	21.5%	67	4.2%	56	3.5%	0	0.0%	0	0.0%
89	1,655	374	22.6%	474	28.6%	629	38.0%	100	6.0%	78	4.7%	0	0.0%	0	0.0%
90	1,880	755	40.2%	573	30.5%	486	26.4%	42	2.2%	14	0.7%	0	0.0%	0	0.0%
91	1,897	831	48.1%	590	30.8%	323	17.0%	50	2.6%	13	0.7%	0	0.0%	0	0.0%
92	1,685	747	44.3%	561	33.3%	328	19.3%	38	2.3%	13	0.8%	0	0.0%	0	0.0%
93	2,303	1,035	44.8%	785	34.1%	418	18.2%	52	2.3%	13	0.6%	0	0.0%	0	0.0%
94	2,370	896	37.8%	745	31.4%	582	25.0%	118	4.9%	21	0.9%	0	0.0%	0	0.0%
95	1,502	338	22.5%	512	34.1%	329	21.9%	246	16.4%	77	5.1%	0	0.0%	0	0.0%
Average	1,389	451	32.8%	592	42.5%	282	18.4%	58	4.3%	26	1.9%	0	0.0%	0	0.0%

¹ Casebased data extracted from the United States Attorney's Case Management System.
² FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 Southern District of California
 Standard Matter and Case Counts
 Non-OCDEFET Drugs²

Fiscal Year ³	Matters & Defendants - Received, Pending, & Terminated			Average # of Defendants Per			Matters			Defendants			Average # of Defendants Per			Matters Terminated			Average # of Defendants Per			
	Matters Received	Percent Change	Defendants Received	Percent Change	Matter Received	Pending	Percent Change	Pending	Defendants Pending	Percent Change	Pending	Defendants Pending	Percent Change	Pending	Defendants Pending	Percent Change	Terminated	Percent Change	Defendants Terminated	Percent Change	Matter Terminated	
82	1,028		1,616		1.57	165		213		1.15	470		617		1.31							
83	967	-5.9%	1,392	-13.9%	1.44	243	31.4%	284	33.3%	1.17	457	-2.8%	584	-3.7%	1.30							
84	914	-5.5%	1,282	-8.3%	1.38	273	12.3%	313	10.2%	1.15	418	-8.5%	508	-14.3%	1.22							
85	952	4.2%	1,350	7.0%	1.42	310	13.9%	354	16.3%	1.17	488	17.0%	571	12.2%	1.17							
86	960	0.8%	1,365	1.1%	1.42	339	9.4%	412	13.2%	1.32	412	-15.7%	501	-12.3%	1.22							
87	1,305	35.9%	1,703	24.8%	1.30	387	14.2%	455	10.4%	1.18	241	-41.5%	327	-34.7%	1.36							
88	1,739	33.3%	2,235	31.2%	1.29	388	0.3%	450	-1.1%	1.16	189	-17.4%	285	-12.6%	1.43							
89	1,883	8.3%	2,286	2.7%	1.22	324	-16.5%	372	-17.3%	1.15	186	-16.6%	283	-0.7%	1.70							
90	1,701	-9.7%	2,070	-8.8%	1.22	346	6.3%	403	8.3%	1.18	230	-36.6%	327	15.5%	1.42							
91	1,787	5.6%	2,121	2.5%	1.18	307	-11.3%	347	-13.9%	1.13	248	-7.8%	372	13.8%	1.50							
92	1,350	-24.9%	1,553	-26.8%	1.15	281	-15.0%	289	-15.6%	1.12	173	-30.2%	242	-34.8%	1.40							
93	822	-31.7%	1,108	-28.7%	1.20	271	3.8%	310	5.8%	1.14	117	-32.4%	153	-36.8%	1.31							
94	721	-21.8%	848	-23.4%	1.18	243	-10.3%	289	-13.2%	1.11	82	-21.4%	118	-22.2%	1.29							
95	991	37.4%	1,131	33.2%	1.14	252	7.8%	289	7.4%	1.10	125	35.9%	155	30.3%	1.24							
Average	1,231	2.0%	1,575	-0.7%	1.28	286	3.6%	341	3.4%	1.15	274	-6.7%	361	-7.8%	1.32							

Fiscal Year ³	Cases & Defendants - Filed, Pending, & Terminated			Average # of Defendants Per			Cases			Defendants			Average # of Defendants Per			Cases Terminated			Average # of Defendants Per			
	Cases Filed	Percent Change	Defendants Filed	Percent Change	Case Filed	Pending	Percent Change	Pending	Defendants Pending	Percent Change	Pending	Defendants Pending	Percent Change	Pending	Defendants Pending	Percent Change	Terminated	Percent Change	Defendants Terminated	Percent Change	Case Terminated	
82	540		1,031		1.91	655		1,318		2.01	401		786		1.98							
83	468	-13.3%	748	-27.8%	1.99	628	-4.0%	1,176	-10.8%	1.87	464	15.7%	832	5.9%	1.79							
84	464	-0.8%	721	-3.4%	1.55	530	-15.7%	810	-22.6%	1.72	446	-3.8%	650	-21.9%	1.46							
85	436	-6.0%	740	2.8%	1.70	578	8.2%	1,018	11.9%	1.78	371	-16.8%	621	-4.5%	1.67							
86	525	20.4%	821	10.8%	1.68	637	10.0%	1,087	6.8%	1.71	446	20.2%	713	14.8%	1.60							
87	1,010	82.4%	1,323	61.1%	1.31	772	21.2%	1,143	5.2%	1.46	827	85.4%	1,107	55.3%	1.34							
88	1,533	51.8%	1,944	48.9%	1.27	1,073	38.0%	1,518	32.8%	1.41	1,219	47.4%	1,558	40.7%	1.28							
89	1,786	15.2%	2,086	6.3%	1.17	1,040	-3.1%	1,319	-13.1%	1.27	1,748	43.5%	2,120	36.1%	1.21							
90	1,434	-18.9%	1,680	-18.2%	1.18	1,059	1.8%	1,368	3.7%	1.29	1,387	-20.1%	1,613	-23.9%	1.15							
91	1,577	10.0%	1,794	6.2%	1.14	1,058	0.0%	1,348	-1.5%	1.27	1,551	11.0%	1,770	9.7%	1.14							
92	1,210	-23.3%	1,348	-24.8%	1.11	787	-25.7%	1,005	-25.4%	1.28	1,459	-5.9%	1,638	-7.8%	1.12							
93	785	-34.3%	836	-30.8%	1.18	876	-14.1%	893	-12.1%	1.31	897	-8.5%	1,045	-36.1%	1.16							
94	656	-17.5%	792	-18.8%	1.18	637	-5.8%	608	-6.4%	1.27	728	-18.1%	855	-18.2%	1.18							
95	846	28.0%	851	24.8%	1.12	725	13.8%	888	11.1%	1.24	753	3.7%	856	0.7%	1.14							
Average	847	8.0%	1,205	2.7%	1.27	778	2.1%	1,128	-1.7%	1.46	906	9.4%	1,154	3.9%	1.27							

1 Caseload data extracted from the United States Attorney's Case Management System.
 2 For FYs 1982-2003, this chart summarizes the following categories: Only Non-OCDEFET Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.
 3 FY 2005 numbers are actual data through the end of September 2005.

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United States Attorneys - Criminal Casefold Statistics¹
 Southern District of California
 Standard Disposition Counts
 Non-OCDETF Drugs²

Fiscal Year ³	Cases & Defendants Tried		Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried
	Cases Terminated	Defendants Terminated							
82	401	789	40	-22.5%	10.0%	65	-27.7%	8.3%	1.63
83	464	632	31	-19.4%	5.7%	47	-31.9%	5.9%	1.52
84	448	650	25	-24.0%	5.9%	32	-28.1%	4.9%	1.28
85	371	621	19	5.3%	5.1%	23	117.4%	3.7%	1.21
86	446	713	20	55.0%	4.5%	50	-12.0%	7.0%	2.50
87	827	1,107	31	74.2%	3.7%	44	45.5%	4.0%	1.42
88	1,218	1,558	54	11.1%	4.4%	84	1.8%	4.1%	1.19
89	1,749	2,120	60	-11.7%	3.4%	65	-12.3%	3.1%	1.08
00	1,387	1,613	53	7.5%	3.8%	57	5.3%	3.5%	1.08
01	1,551	1,770	57	-22.8%	3.0%	60	-8.7%	3.4%	1.05
02	1,459	1,636	44	0.0%	4.9%	56	-17.9%	3.4%	1.27
03	897	1,045	44	-39.9%	3.7%	29	-37.0%	4.4%	1.05
04	728	855	27	25.9%	4.5%	29	34.5%	3.4%	1.07
05	753	856	34	3.1%	4.8%	39	2.4%	4.8%	1.15
Average	808	1,154	39		4.6%	48		4.5%	1.28

Fiscal Year ³	Defendants - Guilty, Acquitted, Dismissed, Other Terminations													
	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
82	786	677	8.3%	52	7.7%	625	92.3%	86.1%	13	-30.8%	82	-15.2%	4	25.0%
83	832	740	-24.8%	38	5.1%	702	84.9%	86.0%	8	-11.1%	82	5.1%	5	-60.0%
84	850	556	-1.8%	23	4.1%	535	85.8%	86.2%	0		73	-5.5%	3	-33.3%
85	821	548	15.5%	43	6.8%	500	83.2%	86.8%	8	62.6%	68	40.6%	2	-50.0%
86	713	633	57.2%	35	3.5%	980	98.5%	89.9%	13	-30.8%	87	-1.0%	1	100.0%
87	1,107	985	45.9%	55	2.8%	1,387	97.4%	92.3%	9	-37.5%	146	52.1%	2	-50.0%
88	1,558	1,856	-21.7%	48	3.1%	1,484	96.9%	95.0%	10	-30.0%	70	-52.1%	1	100.0%
89	2,120	1,684	8.9%	53	3.1%	1,631	96.9%	95.1%	7	-28.8%	79	12.9%	0	
00	1,770	1,567	-36.2%	41	4.2%	1,515	98.7%	92.8%	5	80.0%	72	12.5%	0	
01	1,636	968	-23.1%	20	2.7%	724	97.3%	87.0%	9	11.1%	106	38.8%	2	250.0%
02	1,045	744	0.3%	29	3.9%	717	95.8%	87.1%	10	5.7%	87	3.9%	2	26.0%
03	856	1,057	4.3%	40	4.2%	1,017	95.8%	91.9%	9		87		2	
Average	1,154	1,057		40	4.2%	1,017		91.9%	9		87		2	

1 Casefold data extracted from the United States Attorney's Case Management System.
 2 For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDETF Drug Dealing and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering program category.
 3 FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys - Criminal Caseload Statistics¹
 Southern District of California
 Standard Sentencing Counts
 Non-OCDEFD Drugs²

Fiscal Year ³	Sentencing			Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
	Defendants In Cases Filed	Defendants In Cases Terminated	Total Defendants Guilty					
82	1,031	768	677	90		587		88.7%
83	748	832	740	92	-8.8%	656	12.1%	88.9%
84	721	650	558	80	-2.4%	476	-27.4%	85.7%
85	740	821	548	48	-40.0%	500	4.8%	81.2%
86	821	713	633	32	-33.3%	601	20.2%	84.9%
87	1,323	1,107	985	93	180.6%	802	50.1%	90.7%
88	1,844	1,556	1,452	133	98.8%	1,289	40.7%	87.4%
89	2,066	2,120	1,856	190	3.8%	1,766	39.2%	90.3%
90	1,680	1,613	1,532	105	-44.7%	1,427	-19.2%	93.1%
91	1,794	1,770	1,684	110	-4.8%	1,574	10.3%	93.5%
92	1,348	1,636	1,567	138	25.5%	1,429	-9.2%	91.2%
93	836	1,045	986	53	-61.6%	815	-38.0%	84.5%
94	782	855	744	36	-32.1%	708	-22.6%	95.2%
95	851	858	748	45	25.0%	701	-1.0%	84.0%
Average	1,205	1,154	1,057	92	8.5%	965	4.8%	91.2%

Fiscal Year ³	Number of Guilty Defendants Sentenced To Prison	1-12 Months		13-24 Months		25-36 Months		37-60 Months		61+ Months		Defendants Sentenced to Life in Prison	Defendants Sentenced to Life in Prison	Defendants Sentenced to Death ¹	Percent of Defendants Sentenced to Death
		Defendants Sentenced to Prison	Percent of Defendants Sentenced to Prison	Defendants Sentenced to Prison	Percent of Defendants Sentenced to Prison	Defendants Sentenced to Prison	Percent of Defendants Sentenced to Prison	Defendants Sentenced to Prison	Percent of Defendants Sentenced to Prison	Defendants Sentenced to Prison	Percent of Defendants Sentenced to Prison				
82	587	82	14.0%	132	22.5%	76	12.9%	135	23.0%	160	27.3%	2	0.3%	0	0.0%
83	658	121	18.4%	128	19.4%	71	10.8%	156	23.7%	193	29.3%	1	0.2%	0	0.0%
84	478	73	15.3%	109	22.8%	56	11.7%	135	28.2%	104	21.8%	1	0.2%	0	0.0%
85	500	70	14.0%	121	24.2%	64	12.8%	108	21.6%	138	27.6%	0	0.0%	0	0.0%
86	601	113	18.8%	157	26.1%	85	14.1%	126	21.0%	120	20.0%	0	0.0%	0	0.0%
87	902	314	34.8%	282	28.0%	110	12.2%	127	14.1%	89	9.8%	0	0.0%	0	0.0%
88	1,289	603	47.2%	319	25.1%	105	8.3%	153	12.1%	88	7.0%	0	0.0%	0	0.0%
89	1,766	951	53.9%	392	21.9%	159	9.0%	189	10.7%	95	4.8%	0	0.0%	0	0.0%
90	1,427	889	62.4%	322	22.6%	137	9.6%	175	12.3%	94	6.6%	0	0.0%	0	0.0%
91	1,574	796	50.6%	353	22.4%	124	7.9%	180	12.0%	112	7.1%	0	0.0%	0	0.0%
92	1,428	823	57.6%	236	16.7%	130	9.1%	154	10.8%	84	5.9%	0	0.0%	0	0.0%
93	815	418	45.7%	162	17.7%	160	19.4%	124	15.0%	61	6.7%	0	0.0%	0	0.0%
94	708	341	48.2%	133	18.8%	74	10.5%	132	18.8%	28	4.0%	0	0.0%	0	0.0%
95	701	330	47.1%	132	18.8%	68	9.7%	118	16.8%	53	7.6%	0	0.0%	0	0.0%
Average	965	410	42.4%	211	21.8%	101	10.4%	144	15.0%	100	10.3%	0	0.0%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.
² For FYs 1992-2003, this chart summarizes the following categories: Only Non-OCDEFD Drug Trafficking and Drug Possession cases classified specifically under those criminal program categories. It does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories. Beginning in FY 2004, it does not include those drug cases classified under the Government Regulatory/Money Laundering and Violent Crime program categories.
³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
Southern District of California
Standard Matter and Case Counts
Violent Crime²

Matters & Defendants – Received, Pending, & Terminated															
Fiscal Year ³	Matters Received	Percent Change	Defendants Received	Percent Change	Average # of Defendants Per Matter Received	Matters Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Matter Pending	Matters Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Matter Terminated
92	228		314		1.38	53		63		1.19	70		82		1.17
93	236	3.5%	290	-7.6%	1.23	68	28.3%	83	31.7%	1.22	79	12.9%	91	11.0%	1.15
94	157	-33.5%	184	-38.8%	1.17	54	-20.8%	66	-20.5%	1.22	75	-5.1%	63	-8.8%	1.11
95	147	-6.4%	173	-8.0%	1.18	56	3.7%	67	1.5%	1.20	65	-13.3%	65	-21.7%	1.00
96	124	-15.6%	152	-12.1%	1.23	49	-12.5%	57	-14.8%	1.16	47	-27.7%	52	-20.0%	1.11
97	143	15.3%	164	7.9%	1.15	53	8.2%	63	10.5%	1.19	40	-14.9%	43	-17.3%	1.08
98	116	-17.5%	150	-8.5%	1.27	50	-5.7%	56	-11.1%	1.12	30	-25.0%	38	-11.6%	1.27
99	116	-1.7%	132	-12.0%	1.14	61	22.0%	66	17.9%	1.08	25	-16.7%	26	-31.6%	1.04
00	88	-15.5%	109	-17.4%	1.11	56	-8.2%	59	-10.8%	1.05	36	44.0%	37	42.3%	1.03
01	88	-8.2%	100	-8.3%	1.12	53	-5.4%	58	-5.1%	1.08	26	-27.8%	28	-24.3%	1.08
02	89	0.0%	94	-6.0%	1.06	48	-7.5%	53	-5.4%	1.08	32	23.1%	32	14.3%	1.00
03	81	-9.0%	84	0.0%	1.16	48	-2.0%	54	1.8%	1.13	32	0.0%	35	9.4%	1.09
04	38	-53.1%	40	-57.4%	1.05	39	-18.8%	42	-22.2%	1.08	18	-50.0%	19	-45.7%	1.19
05	33	-13.2%	37	-7.5%	1.12	37	-5.1%	39	-7.1%	1.05	15	-6.3%	16	-15.8%	1.07
Average	121	-12.0%	145	-13.2%	1.20	52	-1.8%	59	-2.6%	1.13	42	-8.2%	46	-9.2%	1.10

Cases & Defendants – Filed, Pending, & Terminated															
Fiscal Year ³	Cases Filed	Percent Change	Defendants Filed	Percent Change	Average # of Defendants Per Case Filed	Cases Pending	Percent Change	Defendants Pending	Percent Change	Average # of Defendants Per Case Pending	Cases Terminated	Percent Change	Defendants Terminated	Percent Change	Average # of Defendants Per Case Terminated
92	155		227		1.46	129		182		1.41	127		168		1.32
93	143	-7.7%	180	-20.7%	1.26	131	1.8%	155	-14.8%	1.18	140	10.2%	207	23.2%	1.48
94	100	-30.1%	122	-32.2%	1.22	72	-45.0%	83	-46.5%	1.15	152	8.6%	192	-7.2%	1.26
95	81	-18.0%	108	-11.5%	1.33	70	-2.8%	93	12.0%	1.33	78	-48.7%	83	-51.6%	1.19
96	84	3.7%	109	0.8%	1.30	73	4.3%	98	5.5%	1.36	77	-1.3%	87	4.3%	1.26
97	88	16.7%	114	4.6%	1.16	89	21.9%	110	11.1%	1.24	87	13.0%	116	19.6%	1.33
98	89	-9.2%	120	5.3%	1.35	90	1.1%	130	18.2%	1.44	88	1.1%	104	-10.3%	1.18
99	82	-7.9%	97	-19.2%	1.18	78	-13.3%	112	-13.8%	1.44	80	2.3%	111	6.7%	1.23
00	66	-19.5%	78	-19.6%	1.18	71	-8.0%	85	-15.2%	1.34	68	-24.4%	87	-21.8%	1.28
01	63	-4.5%	72	-7.7%	1.14	81	-14.1%	83	-12.6%	1.36	72	5.9%	82	-5.7%	1.14
02	58	-7.9%	62	-13.9%	1.07	59	-3.3%	71	-14.5%	1.20	57	-20.8%	68	-17.1%	1.19
03	46	-20.7%	53	-14.5%	1.15	55	-8.8%	70	-1.4%	1.27	50	-12.3%	53	-22.1%	1.06
04	27	-41.3%	27	-49.1%	1.00	51	-7.3%	61	-12.9%	1.20	24	-52.0%	28	-50.9%	1.08
05	19	-28.6%	21	-22.2%	1.11	48	-9.8%	57	-8.6%	1.24	25	4.2%	26	0.0%	1.04
Average	79	-13.8%	99	-15.4%	1.25	77	-8.3%	100	-7.0%	1.30	81	-8.8%	102	-10.2%	1.26

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (053); Bank Robbery (083); Domestic Violence (091); Violent Crime in Indian Country (092); and All Other Violent Crime (093).

³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 Southern District of California
 Standard Disposition Counts
 Violent Crime²

Cases & Defendants Tried										
Fiscal Year ³	Cases Terminated	Defendants Terminated	Cases Disposed of by Trial	Percent Change	Cases Tried as Percent of Those Terminated	Defendants Disposed of by Trial	Percent Change	Defendants Tried as Percent of Those Terminated	Average Number of Defendants Per Case Tried	
92	127	168	16		12.6%	23		13.7%	1.44	
93	140	207	18	12.5%	12.9%	26	13.0%	12.8%	1.44	
94	152	192	20	11.1%	13.2%	23	-11.5%	12.0%	1.15	
95	78	93	6	-75.0%	6.4%	6	-73.9%	6.5%	1.20	
96	77	97	9	80.0%	11.7%	9	50.0%	9.3%	1.00	
97	87	116	3	-66.7%	3.4%	4	-55.8%	3.4%	1.33	
98	88	104	8	166.7%	9.1%	10	150.0%	9.6%	1.25	
99	90	111	8	0.0%	8.9%	10	0.0%	9.0%	1.25	
00	88	87	4	-50.0%	5.9%	5	-50.0%	5.7%	1.25	
01	72	82	4	0.0%	5.8%	5	0.0%	6.1%	1.25	
02	57	68	8	100.0%	14.0%	8	80.0%	11.8%	1.00	
03	50	53	2	-75.0%	4.0%	2	-75.0%	3.8%	1.00	
04	24	26	2	0.0%	8.3%	2	0.0%	7.7%	1.00	
05	25	26	4	100.0%	16.0%	4	100.0%	15.4%	1.00	
Average	81	102	8	15.7%	8.4%	10	8.2%	9.0%	1.23	

Defendants - Guilty, Acquitted, Dismissed, Other Terminations														
Fiscal Year ³	Total Defendants Terminated	Total Defendants Guilty	Percent Change	Defendants Found Guilty	Defendants Found Guilty as Percent of Total Guilty	Defendants Who Pled Guilty	Defendants Who Pled Guilty as Percent of Total Guilty	Conviction Rate	Defendants Acquitted	Percent Change	Defendants Dismissed	Percent Change	Other Terminated Defendants	Percent Change
92	168	145		21	14.5%	124	85.5%	86.3%	2		13		8	
93	207	184	26.8%	20	10.9%	164	89.1%	88.9%	6	200.0%	14	7.7%	3	-62.5%
94	192	175	-4.9%	19	10.9%	156	89.1%	91.1%	4	-33.3%	13	-7.1%	0	
95	93	86	-50.0%	6	7.0%	80	93.0%	92.5%	0		4	-69.2%	3	
96	97	87	1.2%	8	9.2%	79	90.8%	89.7%	1		9	125.0%	0	
97	118	108	24.1%	3	2.8%	105	97.2%	93.1%	2	100.0%	6	-33.3%	0	
98	104	100	-7.4%	5	8.0%	92	92.0%	96.2%	2	0.0%	1	-83.3%	1	
99	111	105	5.0%	6	7.8%	97	92.4%	94.6%	2	0.0%	4	300.0%	0	
00	87	80	-23.8%	3	3.8%	77	96.3%	92.0%	2	0.0%	5	25.0%	0	
01	82	71	-11.3%	3	4.2%	68	95.8%	86.6%	2	0.0%	8	60.0%	1	
02	68	61	-14.1%	6	9.8%	55	90.2%	89.7%	2	0.0%	5	-37.5%	0	
03	53	51	-16.4%	1	2.0%	50	98.0%	96.2%	1	-50.0%	1	-80.0%	0	
04	28	22	-56.9%	1	4.5%	21	95.5%	84.8%	1	0.0%	3	200.0%	0	
05	26	18	-18.2%	2	11.1%	18	88.9%	69.2%	2	100.0%	4	33.3%	2	
Average	102	92	-11.3%	8	7.6%	85	92.4%	90.4%	2	28.8%	8	33.8%	1	-62.5%

¹ Caseload data extracted from the United States Attorneys' Case Management System.
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³ FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys – Criminal Caseload Statistics¹
 Southern District of California
 Standard Sentencing Counts
 Violent Crime²

Sentencing								
Fiscal Year ³	Defendants in Cases Filed	Defendants in Cases Terminated	Total Defendants Guilty	Number of Defendants Not Sentenced To Prison	Percent Change	Number of Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
92	227	168	145	15		130		89.7%
93	180	207	184	20	33.3%	164	26.2%	88.1%
94	122	192	175	16	-20.0%	159	-3.0%	90.9%
95	106	93	86	7	-56.3%	79	-50.3%	81.9%
96	109	97	87	7	0.0%	80	1.3%	92.0%
97	114	116	108	12	71.4%	96	20.0%	88.9%
98	120	104	100	17	41.7%	83	-13.5%	83.0%
99	97	111	105	10	-41.2%	95	14.5%	90.5%
00	78	87	80	10	0.0%	70	-26.3%	87.5%
01	72	82	71	12	20.0%	59	-15.7%	83.1%
02	62	68	61	2	-83.3%	59	0.0%	96.7%
03	53	53	51	8	300.0%	43	-27.1%	84.3%
04	27	28	22	4	-50.0%	18	-58.1%	81.8%
05	21	26	18	2	-50.0%	16	-11.1%	88.9%
Average	99	102	92	10	12.7%	82	-11.0%	88.4%

Sentencing															
Fiscal Year ³	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to 1-12 Months	Percent of Defendants Sentenced to 1-12 Months	Defendants Sentenced to 13-24 Months	Percent of Defendants Sentenced to 13-24 Months	Defendants Sentenced to 25-36 Months	Percent of Defendants Sentenced to 25-36 Months	Defendants Sentenced to 37-60 Months	Percent of Defendants Sentenced to 37-60 Months	Defendants Sentenced to 61+ Months	Percent of Defendants Sentenced to 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison	Defendants Sentenced to Death	Percent of Defendants Sentenced to Death
92	130	14	10.8%	23	17.7%	14	10.8%	28	21.5%	49	37.7%	2	1.5%	0	0.0%
93	164	18	9.8%	20	12.2%	18	11.0%	44	26.8%	86	40.2%	0	0.0%	0	0.0%
94	159	17	10.7%	16	10.1%	24	15.1%	48	28.9%	55	34.6%	1	0.6%	0	0.0%
95	79	10	12.7%	13	16.5%	12	15.2%	20	25.3%	23	28.1%	1	1.3%	0	0.0%
96	80	14	17.5%	15	18.8%	9	11.3%	22	27.5%	19	23.8%	1	1.3%	0	0.0%
97	96	11	11.5%	8	8.3%	18	18.8%	23	24.0%	35	36.5%	0	0.0%	0	0.0%
98	83	14	16.9%	7	8.4%	12	14.5%	24	28.9%	26	31.3%	0	0.0%	0	0.0%
99	95	20	21.1%	17	17.9%	16	16.8%	22	23.2%	20	21.1%	0	0.0%	0	0.0%
00	70	29	41.4%	3	4.3%	5	7.1%	15	21.4%	18	25.7%	0	0.0%	0	0.0%
01	59	15	25.4%	13	22.0%	7	11.9%	13	22.0%	11	18.6%	0	0.0%	0	0.0%
02	59	19	32.2%	6	10.2%	9	15.3%	11	18.6%	14	23.7%	0	0.0%	0	0.0%
03	43	10	23.3%	7	16.3%	6	14.0%	12	27.9%	8	18.6%	0	0.0%	0	0.0%
04	18	3	16.7%	3	16.7%	2	11.1%	7	38.9%	3	16.7%	0	0.0%	0	0.0%
05	16	1	6.3%	3	18.8%	4	25.0%	3	18.8%	5	31.3%	0	0.0%	0	0.0%
Average	82	14	16.8%	11	13.4%	11	13.6%	21	25.2%	25	30.6%	0	0.4%	0	0.0%

¹ Caseload data extracted from the United States Attorneys' Case Management System.

² For FYs 1992-2003, this chart summarizes the following categories: Firearms, Violent Crime in Indian Country, and Other Violent Crime. Other violent crime includes cases with a lead charge of Violent Crime which would otherwise fall into another program category. Also, those drug and organized crime cases classified under the Violent Crime program category are included. Beginning in FY 2004, Violent Crime includes those cases classified under the following program category codes: Firearms (D53); Bank Robbery (D83); Domestic Violence (D91); Violent Crime in Indian Country (D92); and All Other Violent Crime (D93).

³ FY 2005 numbers are actual data through the end of September 2005.

Mercer, William W

From: Otis, Lee L
Sent: Tuesday, May 02, 2006 3:28 PM
To: Tenpas, Ronald J (ODAG); Mercer, Bill (ODAG)
Subject: SW Border

In case you haven't seen this, here is the Q&A at the AG's House Judiciary Committee hearing re: San Diego immigration prosecutions.

REP. RIC KELLER (R-FL): Thank you, Mr. Chairman.

And thank you, Mr. Attorney General, for coming before us today. You've just testified that you think we must enforce our immigration laws, and on March 25th President Bush in his radio address mirrored your comments. He said, quote, "To keep the promise of America, we must enforce the laws of America," close quote.

I want to talk to you about one of the most important laws we have on the books in terms of illegal immigration, and that is the law dealing with smuggling illegal aliens into the U.S. for financial gain. As you know, that's a felony, is punishable by a minimum of three years in prison, under Title 8, U.S. Code, Section 1324, which I'm holding up.

I want to tell you something which you may not be aware of. I recently spent a full week on the Mexican-California border, riding around with Border Patrol agents. I was with them 2:00, 3:00 in the morning as they arrested various illegal aliens and smugglers, which are also known as coyotes. I learned some things from these Border Patrol agents directly that I want to relay to you.

These coyotes get approximately \$1,500 per person that they illegally smuggle into the U.S. The Border Patrol agents told me that they have arrested some of these alien smugglers between 20 and 30 times. They tell me that the U.S. attorney in San Diego for the Southern District of California, Carol Lamb, has repeatedly refused to prosecute them; that the prosecutions have been slashed dramatically; that under the guidelines and practice of this U.S. attorney, the only way you're really going to see a prosecution is if someone dies in the transport of the illegal aliens or if one of these alien smugglers attempts to run over someone by going through a port.

One example is Antonio Amparo-Lopez, who has been arrested for alien smuggling for financial gain. He's been arrested more than 20 times. He have a -- he has a long criminal history. The U.S. attorney has refused to prosecute this attorney -- this alien smuggler.

It's a concern not only to me. Congressman Darrell Issa has been leading the charge on this issue. It's a concern to him. Chairman Jim Sensenbrenner has raised concerns about it. Chairman Duncan Hunter has raised concerns. Nineteen members of the Republican California delegation wrote to you and President Bush on October 20th of 2005.

The morale is so bad among these Border Patrol agents that I show you a photograph that they call the wall of shame. It has pictures of over 200 coyotes that have been arrested by the Border Patrol agents in the Southern District of California who this U.S. attorney has repeatedly failed to prosecute.

Here's some straight talk. The pathetic failure of your U.S. attorney in San Diego to prosecute alien smugglers who have been arrested 20 times is a demoralizing slap in the face to Border Patrol agents who risk their lives every day. It also undermines the credibility that you and President Bush have when you talk tough about enforcing the laws, and it renders meaningless the laws this Congress passes to crack down on alien smugglers.

Now, as you might imagine, there is a defense that this U.S. attorney raises. She and her assistant say, "Well, we just don't have the resources to prosecute these coyotes, we have to focus on other priorities." Well, this U.S. attorney has 120 U.S. attorneys working for her, and so I wondered what they are spending their time prosecuting

if this isn't a priority. And I have in my hand a press release that U.S. Attorney Lamb sent out recently, on March 22nd, 2006, bragging that they have successfully prosecuted someone who sold a baseball card with Mark McGwire's picture on it even though there was a forged signature of the famous slugger. And if I were attorney general for a day, I would probably call up the U.S. attorney in San Diego and say, "Here's a tip. Stop worrying about baseball cards and start worrying about our national security and enforcing our laws."

Now, my criticism isn't personal to you or President Bush. I have very high regard for both of you, very high regard, but my questions are two, and then I'm going to shut up and give you the chance to respond.

Question number one: What, if anything, will you do to see that the U.S. attorney in San Diego prosecutes those alien smugglers, at least those who have been repeatedly arrested by Border Patrol agents? And second, what resources, if any, do you need from this Congress to give to you to make sure these coyotes are prosecuted and that our laws are actually enforced?

(Pause.)

REP. SENSENBRENNER (?): Mr. Attorney General?

ATTY GEN. GONZALES: Yes. Thank you, Congressman.

Well, the enforcement of our immigration laws is important to the president. It is important to me. I am aware of what you're talking about with respect to the San Diego situation, and we are looking into it. We are asking all U.S. attorneys, particularly those on our southern borders, to do more, quite frankly. We need to be doing more.

There is quite a challenge to some of our offices on the border. There are five U.S. Attorney districts that handle a great number of the immigration-related prosecutions, and so it is a tremendous strain and burden, but I think we have an obligation to determine the scope of the problem and to see what we need to address the problem. There are two things that would be helpful. One is we hope that the Congress fully funds what the president has asked for in terms of monies for our U.S. attorneys. That will be very, very important so that we can have the resources available to prosecute these kinds of cases.

Two, the U.S. attorneys along the southern border tell me that the existing law regarding alien smugglers could be tighter.

There is a discussion, a debate now about what that language should be. No one wants to prosecute those who are engaged in good Samaritan activities. Obviously, that's not -- that should not be criminalized, but we believe that the language could be tighter that would make it easier to achieve prosecutions. And we look forward to working with the Congress to arrive at language that would help us achieve that.

We -- I've directed by staff to schedule a meeting with the members of the California delegation and the DAG. I intend to call Congressman Issa as well to talk with him about this issue because I was made aware of this as a big priority for the congressman. And we are looking at the situation in San Diego, and we are directing that our U.S. attorneys do more because you're right; if people were coming across the border repeatedly, particularly those who are coyotes and their smugglers or their criminals or felons, they ought to be prosecuted. And so we need to try to figure out -- to make our resources work so that that can happen.

Mercer, William W

From: Otis, Lee L
Sent: Thursday, May 18, 2006 4:04 PM
To: Mercer, Bill (ODAG); Tenpas, Ronald J (ODAG); Elston, Michael (ODAG)
Subject: FW: AP - Report says Border Patrol demoralized by lack of smuggling prosecutions

fyi. Iglesias is scheduled to testify at a House Judiciary Committee hearing on May 25 on alien smuggling. This looks like some of the same issues that Congressman Issa has been complaining about.

-----Original Message-----

From: Seidel, Rebecca
Sent: Thursday, May 18, 2006 3:51 PM
To: Roberts, Tom; Koehler, Joe (USAAZ); McHenry, Teresa; Morton, John (USAVAE); Campbell, Benton; Crews, John (USAE0)
Cc: Bounds, Ryan W (OLP); Otis, Lee L; Iglesias, David C. (USANM); Voris, Natalie (USAE0); Roland, Sarah E; Warwick, Brian
Subject: FW: AP - Report says Border Patrol demoralized by lack of smuggling prosecutions

see below story, we are going to need to ensure that you David have enough info to respond to questions you may get on this. We need to respond with our good prosecution numbers, and also, verify if the below is wrong or correct?

From: White House News Update [mailto:News.Update@WhiteHouse.Gov]
Sent: Thursday, May 18, 2006 3:16 PM
To: Ho, Allyson N.
Subject: AP - Report says Border Patrol demoralized by lack of smuggling prosecutions

Report says Border Patrol demoralized by lack of smuggling prosecutions

By ELLIOT SPAGAT

SAN DIEGO (AP) The vast majority of people caught smuggling immigrants across the border near San Diego are never prosecuted for the offense, demoralizing the Border Patrol agents making the arrests, according to an internal document obtained by The Associated Press.

"It is very difficult to keep agents' morale up when the laws they were told to uphold are being watered-down or not prosecuted," the report says.

The report offers a stark assessment of the situation at a Border Patrol station responsible for guarding 13 miles of mountainous border east of the city. Federal officials say it reflects a reality along the entire 2,000-mile border: Judges and federal attorneys are so swamped that only the most egregious smuggling cases are prosecuted.

Only 6 percent of 289 suspected immigrant smugglers were prosecuted by the federal government for that offense in the year ending in September 2004, according to the report. Some were instead prosecuted for another crime. Other cases were declined by federal prosecutors, or the suspect was released by the Border Patrol.

The report raises doubts about the value of tightening security along the Mexican border. President Bush wants to hire 6,000 more Border Patrol agents and dispatch up to 6,000 National Guardsmen. He did not mention overburdened courts in his Oval Office address Monday on immigration.

The report was provided to the AP by the office of Rep. Darrell Issa, R-Calif., who has accused the chief federal prosecutor in San Diego of being lax on smuggling cases. Issa's office said it was an internal Border Patrol report written last August. It was unclear who wrote it.

The lack of prosecutions is "demoralizing the agents and making a joke out of our system of justice," said T.J. Bonner, president of the National Border Patrol Council, which represents agents. "It is certainly a weak link in our immigration-enforcement chain."

The 41-page report says federal prosecutors in San Diego typically prosecute smugglers who commit "dangerous/violent activity" or guide at least 12 illegal immigrants across the border. But other smugglers know they are only going to get "slapped on the wrist," according to the report.

The report cites a 19-year-old U.S. citizen caught three times in a two-week period in 2004 trying to sneak people from Tijuana, Mexico, to San Diego in his car trunk, two at a time.

"This is an example of a kid who knows the system," the report says. "What is true is that he will probably never be prosecuted if he only smuggles only one or two bodies at a time."

The report also cites a Mexican citizen who was caught in Arizona and California driving with illegal immigrants and was released each time to Mexico. He was prosecuted the fourth time, when two illegal immigrants in his van died in a crash, and sentenced to five years in prison.

U.S. Attorney Carol Lam in San Diego said about half her 110 attorneys work on border cases in an area where the Border Patrol made nearly 140,000 arrests last year. She said she gives highest priority to the most serious cases, including suspects with long histories of violent crime or offenders who endanger others' lives.

"We figure out how many cases our office can handle, start from the worst and work our way down," she said.

Lam said many suspected migrant smugglers are prosecuted instead for re-entering the country after being deported, a crime that can be proved with documents. Smuggling cases are more difficult to prosecute because they require witnesses to testify.

The Border Patrol, which would neither confirm nor deny the document's authenticity, said prosecutors in San Diego recently agreed to prosecute a Top 20 list of smugglers if they are caught.

The Justice Department in Washington declined to comment. However, at a congressional hearing last month, Rep. Ric Keller, R-Fla., told Attorney General Alberto Gonzales that Lam's record on migrant smuggling was "a pathetic failure." Gonzales replied that he was urging U.S. attorneys to more actively enforce laws but noted that immigration cases were "a tremendous strain and burden" along the border.

Peter Nunez, a former U.S. attorney in San Diego, said prosecutors along the border struggle with limited resources and a huge caseload of immigration cases.

"This is not an indictment of the U.S. Attorney's Office, because you have to deal with the realities of the caseload, but it is an indictment of how badly Congress and presidents have handled the immigration system," he said.

The report says immigrants in the area paid an average of \$1,398 to be guided across the border in 2004.

``Smugglers are making lots of money breaking the immigration laws, and there is not much incentive for them to stop these illegal activities,''
it says. ``The smugglers know that even if they are caught, it will be difficult to punish them.''

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Thursday, May 18, 2006 5:52 PM
To: Fridman, Daniel (ODAG)
Subject: FW: AP - Report says Border Patrol demoralized by lack of smuggling prosecutions

Call at your convenience after 7 eastern. 5-5038

-----Original Message-----

From: Otis, Lee L
Sent: Thursday, May 18, 2006 4:43 PM
To: Sampson, Kyle; Elwood, Courtney; Taylor, Jeffrey (OAG); Scolinos, Tasia
Cc: Mercer, Bill (ODAG); Elston, Michael (ODAG)
Subject: FW: AP - Report says Border Patrol demoralized by lack of smuggling prosecutions

FYI. Does the AG need separate smuggling numbers for tomorrow in light of this?

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Sent: Thursday, May 18, 2006 3:16 PM
To: Ho, Allyson N.
Subject: AP - Report says Border Patrol demoralized by lack of smuggling prosecutions

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Lam said many suspected migrant smugglers are prosecuted instead for re-entering the country after being deported, a crime that can be proved with documents. Smuggling cases are more difficult to prosecute because they require witnesses to testify.

The Border Patrol, which would neither confirm nor deny the document's authenticity, said prosecutors in San Diego recently agreed to prosecute a Top 20 list of smugglers if they are caught.

The Justice Department in Washington declined to comment. However, at a congressional hearing last month, Rep. Ric Keller, R-Fla., told Attorney General Alberto Gonzales that Lam's record on migrant smuggling was "a pathetic failure." Gonzales replied that he was urging U.S. attorneys to more actively enforce laws but noted that immigration cases were "a tremendous strain and burden" along the border.

Peter Nunez, a former U.S. attorney in San Diego, said prosecutors along the border struggle with limited resources and a huge caseload of immigration cases.

"This is not an indictment of the U.S. Attorney's Office, because you

ASG00000204

have to deal with the realities of the caseload, but it is an indictment of how badly Congress and presidents have handled the immigration system," he said.

The report says immigrants in the area paid an average of \$1,398 to be guided across the border in 2004.

"Smugglers are making lots of money breaking the immigration laws, and there is not much incentive for them to stop these illegal activities," it says. "The smugglers know that even if they are caught, it will be difficult to punish them."

Mercer, William W

From: Moschella, William
Sent: Friday, May 19, 2006 9:43 AM
To: Mercer, Bill (ODAG)
Subject: Fw: AP: Many Immigrant Smugglers Not Prosecuted

Attachments: tmp.htm

This now has Frist's attention.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Allen_Hicks@frist.senate.gov
To: Moschella, William
Sent: Fri May 19 09:31:37 2006
Subject: AP: Many Immigrant Smugglers Not Prosecuted



tmp.htm (17 KB)

Can we di cuss?

AP: Many Immigrant Smugglers Not Prosecuted

By ELLIOT SPAGAT, Associated Press Writer Thu May 18, 6:50 PM ET

SAN DIEGO - The vast majority of people caught smuggling immigrants across the border near San Diego are never prosecuted for the offense, demoralizing the agents making the arrests, according to an internal Border Patrol document obtained by The Associated Press.

"It is very difficult to keep agents' morale up when the laws they were told to uphold are being watered-down or not prosecuted," the report says.

The report offers a stark assessment of the situation at a Border Patrol station responsible for guarding 13 miles of mountainous border east of the city. Federal officials say it reflects a reality along the entire 2,000-mile border: Judges and federal attorneys are so swamped that only the most egregious smuggling cases are prosecuted.

Only 6 percent of 289 suspected immigrant smugglers were prosecuted by the federal government for that offense in the year ending in September 2004, according to the report. Some were instead prosecuted for another crime. Other cases were declined by federal prosecutors, or the suspect was released by the Border Patrol.

The report raises doubts about the value of tightening security along the Mexican border.

President Bush

<<http://search.news.yahoo.com/search/news/?p=President+Bush>> wants to hire 6,000 more Border Patrol agents and dispatch up to 6,000 National Guardsmen. He did not mention overburdened courts in his Oval Office

address Monday on immigration.

The report was provided to the AP by the office of Rep. Darrell Issa (news <http://us.rd.yahoo.com/DailyNews/politics/news/ap/ap_on_re_us/immigration_prosecutions/19085175/*http://news.search.yahoo.com/search/news?fr=news-storylinks&p=%22Rep.%20Darrell%20Issa%22&c=&n=20&yn=c&c=news&cs=nw> , bio <http://us.rd.yahoo.com/dailynews/capadv/bio/ap/ap_on_re_us/immigration_prosecutions/19085175/SIG=119t7amub/*http://yahoo.capwiz.com/y/bio/?id=40137> , voting record <http://us.rd.yahoo.com/dailynews/capadv/vote/ap/ap_on_re_us/immigration_prosecutions/19085175/SIG=11iu6v8m1/*http://yahoo.capwiz.com/y/bio/keyvotes/?id=40137>), R-Calif., who has accused the chief federal prosecutor in San Diego of being lax on smuggling cases. Issa's office said it was an internal Border Patrol report written last August. It was unclear who wrote it.

The lack of prosecutions is "demoralizing the agents and making a joke out of our system of justice," said T.J. Bonner, president of the National Border Patrol Council, which represents agents. "It is certainly a weak link in our immigration-enforcement chain."

The 41-page report says federal prosecutors in San Diego typically prosecute smugglers who commit "dangerous/violent activity" or guide at least 12 illegal immigrants across the border. But other smugglers know they are only going to get "slapped on the wrist," according to the report.

The report cites a 19-year-old U.S. citizen caught three times in a two-week period in 2004 trying to sneak people from Tijuana, Mexico, to San Diego in his car trunk, two at a time.

"This is an example of a kid who knows the system," the report says. "What is true is that he will probably never be prosecuted if he only smuggles only one or two bodies at a time."

The report also cites a Mexican citizen who was caught in Arizona and California driving with illegal immigrants and was released each time to Mexico. He was prosecuted the fourth time, when two illegal immigrants in his van died in a crash, and sentenced to five years in prison.

U.S. Attorney Carol Lam in San Diego said about half her 110 attorneys work on border cases in an area where the Border Patrol made nearly 140,000 arrests last year. She said she gives highest priority to the most serious cases, including suspects with long histories of violent crime or offenders who endanger others' lives.

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The Border Patrol, which would neither confirm nor deny the document's authenticity, said prosecutors in San Diego recently agreed to prosecute a Top 20 list of smugglers if they are caught.

The Justice Department in Washington declined to comment. However, at a congressional hearing last month, Rep. Ric Keller (news <http://us.rd.yahoo.com/DailyNews/politics/news/ap/ap_on_re_us/immigration_prosecutions/19085175/*http://news.search.yahoo.com/search/news?fr=news-storylinks&p=%22Rep.%20Ric%20Keller%22&c=&n=20&yn=c&c=news&cs=nw> , bio <http://us.rd.yahoo.com/dailynews/capadv/bio/ap/ap_on_re_us/immigration_

prosecutions/19085175/SIG=119cnqvb5/*http://yahoo.capwiz.com/y/bio/?id=10659> , voting record
<http://us.rd.yahoo.com/dailynews/capadv/vote/ap/ap_on_re_us/immigration_prosecutions/19085175/SIG=11i7f1vu6/*http://yahoo.capwiz.com/y/bio/keyvotes/?id=10659>), R-Fla., told Attorney General Alberto Gonzales that Lam's record on migrant smuggling was "a pathetic failure." Gonzales replied that he was urging U.S. attorneys to more actively enforce laws but noted that immigration cases were "a tremendous strain and burden" along the border.

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G. Allen Hicks

Chief Counsel

Senate Majority Leader William H. Frist, M.D.

S-230, the Capitol

Washington, DC 20510

Phone: (202) 224-6631

Email: allen_hicks@frist.senate.gov
<mailto:allen_hicks@frist.senate.gov>

Can we discuss?

AP: Many Immigrant Smugglers Not Prosecuted

By ELLIOT SPAGAT, Associated Press Writer *Thu May 18, 6:50 PM ET*

SAN DIEGO - The vast majority of people caught smuggling immigrants across the border near San Diego are never prosecuted for the offense, demoralizing the agents making the arrests, according to an internal Border Patrol document obtained by The Associated Press.

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The report offers a stark assessment of the situation at a Border Patrol station responsible for guarding 13 miles of mountainous border east of the city. Federal officials say it reflects a reality along the entire 2,000-mile border: Judges and federal attorneys are so swamped that only the most egregious smuggling cases are prosecuted.

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The report raises doubts about the value of tightening security along the Mexican border.

President Bush wants to hire 6,000 more Border Patrol agents and dispatch up to 6,000 National Guardsmen. He did not mention overburdened courts in his Oval Office address Monday on immigration.

The report was provided to the AP by the office of Rep. Darrell Issa (news, bio, voting record), R-Calif., who has accused the chief federal prosecutor in San Diego of being lax on smuggling cases. Issa's office said it was an internal Border Patrol report written last August. It was unclear who wrote it.

The lack of prosecutions is "demoralizing the agents and making a joke out of our system of justice," said T.J. Bonner, president of the National Border Patrol Council, which represents agents. "It is certainly a weak link in our immigration-enforcement chain."

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Senate Majority Leader William H. Frist, M.D.
S-230, the Capitol
Washington, DC 20510
Phone: (202) 224-6631
Email: allen_hicks@frist.senate.gov

Mercer, William W

From: Otis, Lee L
Sent: Friday, May 19, 2006 5:53 PM
To: Mercer, Bill (ODAG); Tenpas, Ronald J (ODAG)
Cc: Elston, Michael (ODAG)
Subject: FW: Looking for a common time

fyi, in connection with upcoming alien smuggling hearing.

-----Original Message-----

From: Seidel, Rebecca
Sent: Friday, May 19, 2006 2:01 PM
To: Haines, Roger (USACAS); Otis, Lee L; Warwick, Brian; Roland, Sarah E; Crews, John (USAEO); Roberts, Tom; McHenry, Teresa; Morton, John (USAVAE); Koehler, Joe (USAAZ); Smith, David L. (USAEO)
Subject: RE: Looking for a common time

Thank you!

-----Original Message-----

From: Haines, Roger (USACAS)
Sent: Friday, May 19, 2006 1:51 PM
To: Otis, Lee L; Warwick, Brian; Roland, Sarah E; Crews, John (USAEO); Roberts, Tom; McHenry, Teresa; Morton, John (USAVAE); Koehler, Joe (USAAZ); Smith, David L. (USAEO)
Cc: Seidel, Rebecca
Subject: RE: Looking for a common time

To all,

Here are some statistics from SDCA in response to the charges in the story.

Statistics

The number of 8/1324 cases filed with total number of defendants for calendar and fiscal years 2000 thru October 25, 2005 (when we reported the numbers to EOUSA):

	Number of Cases	Number of Defendants
CY 2000	442	577
CY 2001	350	430
CY 2002	451	625
CY 2003	460	556
CY 2004	493	613
CY 2005	468	546
FY 2000	426	556
FY 2001	385	474
FY 2002	378	540
FY 2003	471	570
FY 2004	506	634
FY 2005	513	599

(Bullets based on excerpts from our 11/2/05 Memo to EOUSA for response to Congressman Issa's letter - so the stats are current through 10/25/05)

(1) Our demonstrated commitment to and our record of prosecuting criminal aliens over the last 10 years has been clearly established.

(a) Since 1/1/95, our office has prosecuted 17,221 felony criminal alien cases - more than 20 times the number filed during the

10-year period of 1985 through 1994 combined.

(1) Of that number, 10,075 defendants have been prosecuted since 1/1/00, which produces an average of 144 felony cases per month.

(2) We also prosecute alien smugglers aggressively.

(a) Between 1/1/00 and 10/25/05 (when we last calculated this information - to respond to Congressman Issa's letter), we prosecuted 3,347 defendants in 2,714 felony alien smuggling cases, or approximately 48 defendants per month.

(b) Because our district is located on the border with Mexico, we consider the prosecution of criminal aliens and alien smugglers to be a priority and our office's commitment to those prosecutions is reflected in our heavy caseload.

(c) For most of our district's 30-year history, defendants charged with alien smuggling faced misdemeanor sentences of no more than 180 days in jail and often less.

(1) In 1995, however, we completely revised our prosecution guidelines calling for a felony-only policy in alien smuggling cases. Using both an aggressive prosecutive strategy and the new mandatory prison terms enacted by Congress in 1996, those involved in alien smuggling, particularly those engaging in conduct which endangers the aliens being smuggled or the public at large, face more time in federal prison than at any time in the past.

(3) Since 1/1/00, immigration-related prosecutions (criminal aliens and alien smugglers) have accounted for between 50% and 75% of our office's annual caseload.

(a) For example, during Fiscal Year 2004 (10/03-9/30/04), we prosecuted 3,380 cases in all categories (e.g., narcotics, white collar, violent crime, immigration, terrorism, etc.).

(b) Of those 3,380 total cases (and any given case may include multiple defendants - alien smuggling cases often do), we prosecuted 2,530 immigration cases, the vast majority of which involved criminal aliens.

(1) Those 2,530 cases constituted 74.8% of our office's caseload for FY 2004, which demonstrates a huge commitment of resources to this crime problem.

>
> From: Crews, John (USAEO)
> Sent: Friday, May 19, 2006 7:46 AM
> To: Roland, Sarah E; Warwick, Brian; Roberts, Tom; McHenry, Teresa;
> Morton, John (USAVAE); Koehler, Joe (USAAZ); Haines, Roger (USACAS);
> Smith, David L. (USAEO); Otis, Lee L
> Cc: Seidel, Rebecca
> Subject: Looking for a common time
>
> I'm doing the first draft of the rebuttal/explanation points for Mr.
> Iglesias regarding the AP story and alien smuggling that was passed
> around yesterday. In preparation for that I'd to see if there is a
> common time for conference call to discuss the issue. Failing that,
> if you have any suggestions or topics which should be included in the
> draft document please let me know. Given the short time frame I doubt
> we can find a time when absolutely everyone is available but I'd like
> to try to do that if possible.
>

> Thanks.
>
> John

Mercer, William W

From: Fridman, Daniel (ODAG)
Sent: Sunday, May 21, 2006 12:41 PM
To: Mercer, Bill (ODAG)
Subject: Fw: Trends in Immigration Prosecutions

Attachments: trend graph.doc

-----Original Message-----

From: Fridman, Daniel (ODAG)
To: Mercer, Bill (ODAG)
Sent: Sun May 21 10:04:56 2006
Subject: Trends in Immigration Prosecutions

-----Original Message-----

From: dan_fridman@yahoo.com
To: Fridman, Daniel (ODAG)
CC: dan_fridman@yahoo.com
Sent: Sun May 21 10:00:22 2006
Subject: Trends in Immigration Prosecutions

Bill -



trend graph.doc
(35 KB)

I've attached a line graph that helps illustrate the problem. I took the U.S. Courts data you obtained and got historical data from the courts for immigration prosecutions from 2000 to 2005. The data includes felonies and class A misdemeanors. I graphed the trends for SDCA, Arizona, and New Mexico.

Since 2000-01, Arizona and New Mexico have had an upward trend in their immigration prosecutions. SDCA peaked in 2003-04 and has since had a precipitous decline. At the risk of comparing apples and oranges, when you compare SDCA's performance using 111 AUSAs (as self-reported to EOUSA) and New Mexico with 59 AUSAs but still generating more cases than SDCA, it seems that SDCA should be doing much more.

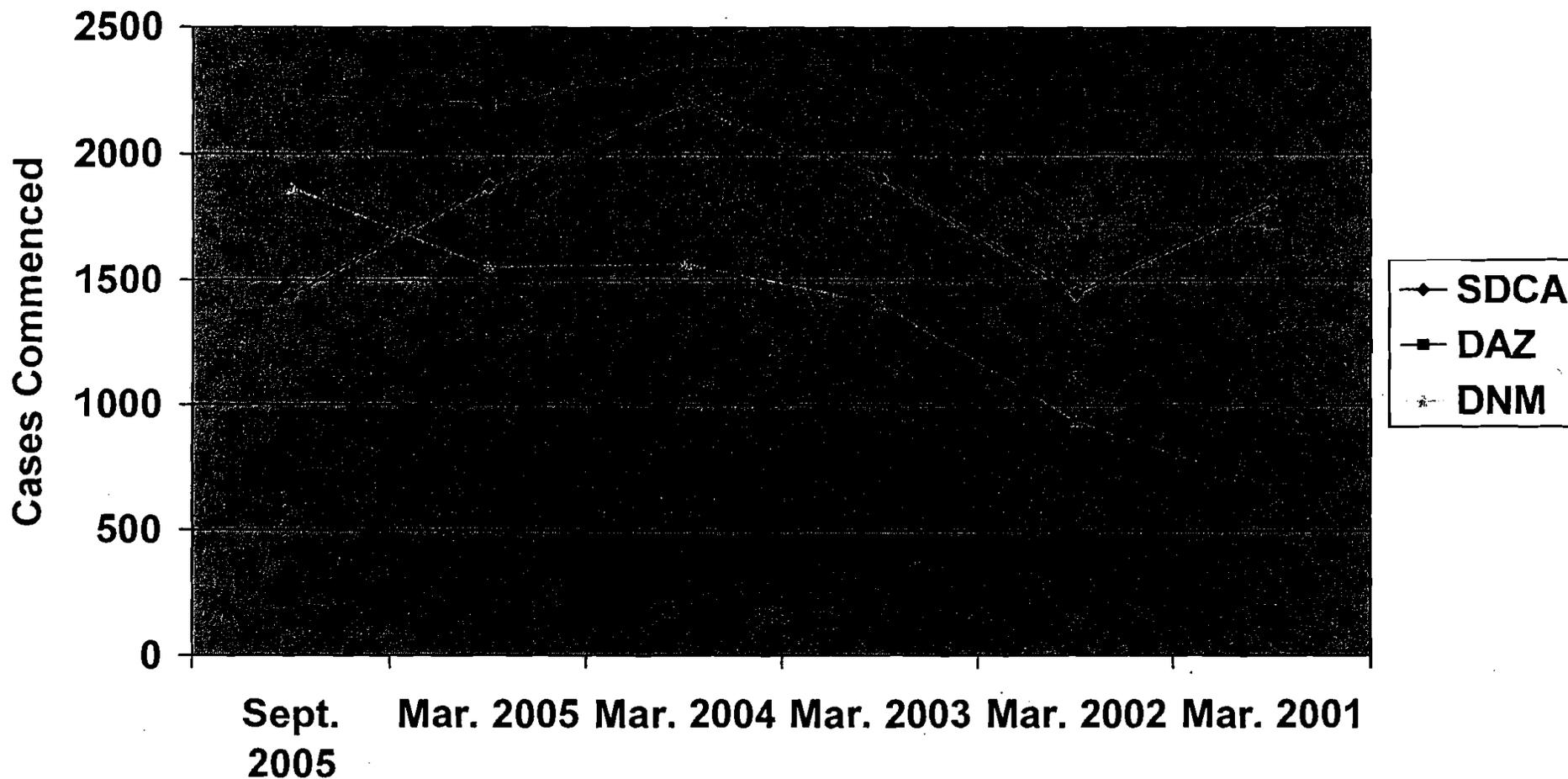
I am working on the write up/white paper. My impressions from looking at the written materials you sent and the data is that SDCA's prosecution guidelines are more restrictive than the other districts. In particular, looking at the 2005 courts data, they do far fewer (between 50% to 75% fewer) illegal reentry cases than New Mexico or Arizona.

Dan

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

Trends in Overall Immigration Prosecutions by District



Source: United States Courts Data

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Tuesday, May 23, 2006 11:25 AM
To: Fridman, Daniel (ODAG)
Subject: Fw: Urgent Report (Border Patrol Report-CNN Coverage)

Attachments: tmp.htm; UR-06-06-0021SDCAwpd.wpd

Important -- should be added to the memo. I have a handful of edits to the memo which I will fax.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: USAEO-Urgent
To: Tenpas, Ronald J (ODAG); Taylor, Jeffrey (OAG); Sierra, Bryan (OPA); Scolinos, Tasia; Sampson, Kyle; Roehrkasse, Brian; Mercer, Bill (ODAG); Goodling, Monica; Elwood, Courtney; Elston, Michael (ODAG); Smith, Kimberly A; Battle, Michael (USAEO); Beeman, Judy (USAEO); Coughlin, Robert; Fisher, Alice; Friedrich, Matthew; Kelly, John (USAEO); Parent, Steve (USAEO); Sabin, Barry; Schools, Scott (USAEO); USAEO-Chron; Voris, Natalie (USAEO)
Sent: Tue May 23 11:06:47 2006
Subject: Urgent Report (Border Patrol Report-CNN Coverage)



UR-06-06-0021SDC
Awpd.wpd (9 KB...

URGENT R PORT-06-05-0021

TO: THE ATTORNEY GENERAL
THE DEPUTY ATTORNEY GENERAL

FROM: Carol C. Lam
United States Attorney
Southern District of California
(619) 557-5690 (Office)

DATE: May 23, 2006

CLASSIFICATION: Limited Official Use

CONTACT PERSON: Carol C. Lam
United States Attorney
Southern District of California
(619) 557-5690 (Office)
(

SYNOPSIS: Yesterday, Congressman Darryl Issa criticized on CNN's "Lou Dobbs Tonight" SDCA's "refusal" to prosecute 100% of all alien smugglers. The USAO-SDCA has learned that the "Border Patrol Report" on which Rep. Issa relies is an unauthorized, altered version of an old report. The USAO-SDCA has issued a written statement to CNN with that information.

DISCUSSION: On Thursday, May 18, 2006, the Associated Press ran a news

story prompted by the release of a 2004 "Border Patrol Report" by Congressman Darryl Issa (R-CA). According to Congressman Issa, the report from the El Cajon substation of the Border Patrol (San Diego Sector) concluded that morale was low among Border Patrol agents at the El Cajon station due to the high number of declined prosecutions by our office. The story received national media attention.

On Friday, May 19, 2006, the Chief of the U.S. Border Patrol, San Diego Sector, informed us that the report released by Congressman Issa was actually an altered and unauthorized version of an actual internal intelligence report issued by the El Cajon substation. The original report was labeled "Prosecution of Smugglers" for Fiscal Year 2003; the altered report was labeled "Prosecution of Smugglers (1324) Fiscal Year 2004." The altered 2004 report contained editorial comments and conclusions that were never seen by or authorized by Border Patrol management.

On Monday, May 22, 2006, this office was contacted by CNN and informed that Congressman Issa would be appearing on "Lou Dobbs Tonight" to discuss the "Border Patrol Report." CNN asked our office for a written statement to be shared during the interview. After checking with Border Patrol, San Diego Sector, we submitted the following written statement:

"Representative Issa has been misled. The document he calls a "Border Patrol Report" is actually an old internal Border Patrol document, relating to a single substation, that has been substantially altered and passed off as an official report. Many of the comments in the document to which Representative Issa refers are editorial comments inserted by an unidentified individual, and they were not approved by or ever seen by Border Patrol management.

Many important issues are raised by the problem of illegal immigration. However, we believe that all dialogue and debate should be based on well-informed and accurate data."

We have also advised Representative Issa's office that we believe the Border Patrol report to be an unauthorized and altered version of an old internal report.

In light of previous media interest in this issue, there is a possibility that the disclosure that the report is not genuine could generate substantial media interest. Our statement was read to Representative Issa by Lou Dobbs during his interview which aired at 3:30 PST.

<<UR-06-06-0021SDCAwpd.wpd>>

URGENT REPORT-06-05-0021

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THE DEPUTY ATTORNEY GENERAL**

FROM: Carol C. Lam
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Southern District of California
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THE DEPUTY ATTORNEY GENERAL**

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ASG000000222

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<<UR-06-06-0021SDCAwpd.wpd>>

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Tuesday, May 23, 2006 11:35 AM
To: Fridman, Daniel (ODAG)
Subject: Re: Urgent Report (Border Patrol Report-CNN Coverage)

Yesterday, you should have received a 41 page document from me that Natalie Voris sent up. As I read it, San Diego has responded to the question are there uncounted misdemeanors.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Fridman, Daniel (ODAG)
To: Mercer, Bill (ODAG)
Sent: Tue May 23 11:32:16 2006
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage)

Ok. I also met with John Crews today who was able to better explain to me the numbers in the reports, so I do need to revise some of the figures in the memo. The most significant change involves prosecutions for 1325 Entry without Inspection violations -- a class B misdemeanor which is not captured in LIONS or court data. Arizona apparently did about 4000 of these cases in 2005, New Mexico about 1000, and SDCA has not reported their number.

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Tuesday, May 23, 2006 11:25 AM
To: Fridman, Daniel (ODAG)
Subject: Fw: Urgent Report (Border Patrol Report-CNN Coverage)

Important -- should be added to the memo. I have a handful of edits to the memo which I will fax.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: USAEO-Urgent
To: Tenpas, Ronald J (ODAG); Taylor, Jeffrey (OAG); Sierra, Bryan (OPA); Scolinos, Tasia; Sampson, Kyle; Roehrkasse, Brian; Mercer, Bill (ODAG); Goodling, Monica; Elwood, Courtney; Elston, Michael (ODAG); Smith, Kimberly A; Battle, Michael (USAEO); Beeman, Judy (USAEO); Coughlin, Robert; Fisher, Alice; Friedrich, Matthew; Kelly, John (USAEO); Parent, Steve (USAEO); Sabin, Barry; Schools, Scott (USAEO); USAEO-Chron; Voris, Natalie (USAEO)
Sent: Tue May 23 11:06:47 2006
Subject: Urgent Report (Border Patrol Report-CNN Coverage)

URGENT REPORT-06-05-0021

TO: THE ATTORNEY GENERAL
THE DEPUTY ATTORNEY GENERAL
FROM: Carol C. Lam
United States Attorney
Southern District of California
(619) 557-5690 (Office)

DATE: May 23, 2006

CLASSIFICATION: Limited Official Use

CONTACT PERSON: Carol C. Lam
United States Attorney
Southern District of California
(619) 557-5690 (Office)

SYNOPSIS: Yesterday, Congressman Darryl Issa criticized on CNN's "Lou Dobbs Tonight" SDCA's "refusal" to prosecute 100% of all alien smugglers. The USAO-SDCA has learned that the "Border Patrol Report" on which Rep. Issa relies is an unauthorized, altered version of an old report. The USAO-SDCA has issued a written statement to CNN with that information.

DISCUSSION: On Thursday, May 18, 2006, the Associated Press ran a news story prompted by the release of a 2004 "Border Patrol Report" by Congressman Darryl Issa (R-CA). According to Congressman Issa, the report from the El Cajon substation of the Border Patrol (San Diego Sector) concluded that morale was low among Border Patrol agents at the El Cajon station due to the high number of declined prosecutions by our office. The story received national media attention.

On Friday, May 19, 2006, the Chief of the U.S. Border Patrol, San Diego Sector, informed us that the report released by Congressman Issa was actually an altered and unauthorized version of an actual internal intelligence report issued by the El Cajon substation. The original report was labeled "Prosecution of Smugglers" for Fiscal Year 2003; the altered report was labeled "Prosecution of Smugglers (1324) Fiscal Year 2004." The altered 2004 report contained editorial comments and conclusions that were never seen by or authorized by Border Patrol management.

On Monday, May 22, 2006, this office was contacted by CNN and informed that Congressman Issa would be appearing on "Lou Dobbs Tonight" to discuss the "Border Patrol Report." CNN asked our office for a written statement to be shared during the interview. After checking with Border Patrol, San Diego Sector, we submitted the following written statement:

"Representative Issa has been misled. The document he calls a "Border Patrol Report" is actually an old internal Border Patrol document, relating to a single substation, that has been substantially altered and passed off as an official report. Many of the comments in the document to which Representative Issa refers are editorial comments inserted by an unidentified individual, and they were not approved by or ever seen by Border Patrol management.

Many important issues are raised by the problem of illegal immigration. However, we believe that all dialogue and debate should be based on well-informed and accurate data."

We have also advised Representative Issa's office that we believe the Border Patrol report to be an unauthorized and altered version of an old internal report.

In light of previous media interest in this issue, there is a possibility that the disclosure that the report is not genuine could generate substantial media interest. Our statement was read to Representative Issa by Lou Dobbs during his interview which aired at 3:30 PST.

<<UR-06-06-0021SDCAwpd.wpd>>

Mercer, William W

From: Otis, Lee L
Sent: Tuesday, May 23, 2006 8:10 PM
To: Tenpas, Ronald J (ODAG); Mercer, Bill (ODAG); Elston, Michael (ODAG)
Subject: FW: Border patrol report /Carol Lam

FYI re: Ron's note about Carol Lam

-----Original Message-----

From: Otis, Lee L
Sent: Tuesday, May 23, 2006 7:22 PM
To: Fridman, Daniel (ODAG)
Subject: Border patrol report

I have not seen the underlying report. This is about a statement that the US Attorney's office issued yesterday responding to Issa about this.

Also FYI, looking at the AOUSC data, the New Mexico smuggling prosecution numbers seem to be down a little from 04 to 05, as are the overall immig numbers, although not by very much at all in the case of the latter and the former seem to fluctuate a bit more.

-----Original Message-----

From: Smith, Kimberly A
Sent: Tuesday, May 23, 2006 4:12 PM
To: Seidel, Rebecca; Roehrkasse, Brian
Cc: Voris, Natalie (USAEO); Otis, Lee L; Bounds, Ryan W (OLP)
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage);

Sounds good. I will tell their office they can send this out.

-----Original Message-----

From: Seidel, Rebecca
Sent: Tuesday, May 23, 2006 4:09 PM
To: Smith, Kimberly A; Roehrkasse, Brian
Cc: Voris, Natalie (USAEO); Otis, Lee L; Bounds, Ryan W (OLP)
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage);

re attaching stmt USA Lam issued so Ryan and Lee can see.
While we would have liked to have had heads up before she issued it, I don't see any problems with it.

-----Original Message-----

From: Smith, Kimberly A
Sent: Tuesday, May 23, 2006 3:55 PM
To: Roehrkasse, Brian; Seidel, Rebecca
Cc: Voris, Natalie (USAEO)
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage)

Correct, the USAO gave it to CNN over the phone last night--it was not an official statement that was blasted out.

-----Original Message-----

From: Roehrkasse, Brian
Sent: Tuesday, May 23, 2006 3:52 PM
To: Smith, Kimberly A; Seidel, Rebecca
Cc: Voris, Natalie (USAEO)
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage)

They already released it, right? I don't think we can not give them the statement we already released.

-----Original Message-----

From: Smith, Kimberly A

ASG000000227

Sent: Tuesday, May 23, 2006 3:51 PM
To: Seidel, Rebecca; Roehrkasse, Brian
Cc: Voris, Natalie (USAEO)
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage)

Rebecca-

The reporter is calling now wanting to know about the statement. If I don't hear back from OLA by 4:30pm, we are just going to go with the original statement from SDCA.

Thanks,
Kim

-----Original Message-----

From: Seidel, Rebecca
Sent: Tuesday, May 23, 2006 11:30 AM
To: Smith, Kimberly A; Roehrkasse, Brian
Cc: Voris, Natalie (USAEO)
Subject: Re: Urgent Report (Border Patrol Report-CNN Coverage)

Brian, we should loop in WH press too. I will loop in WH leg.
I will be back in my office this afternoon, can we wait a little?

-----Original Message-----

From: Smith, Kimberly A
To: Seidel, Rebecca; Roehrkasse, Brian
CC: Voris, Natalie (USAEO)
Sent: Tue May 23 11:26:54 2006
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage)

While we are on the subject, Federal Times just called a few minutes ago about this same Issa Report. If OLA wants to make revisions to the statement below, we can do that before responding to the FT.

-----Original Message-----

From: Seidel, Rebecca
Sent: Tuesday, May 23, 2006 11:24 AM
To: Smith, Kimberly A; Roehrkasse, Brian
Cc: Scolinos, Tasia; Taylor, Jeffrey (OAG); Voris, Natalie (USAEO)
Subject: Re: Urgent Report (Border Patrol Report-CNN Coverage)

Maybe because they didn't tell u about stmt till after fact?

-----Original Message-----

From: Smith, Kimberly A
To: Seidel, Rebecca; Roehrkasse, Brian
CC: Scolinos, Tasia; Taylor, Jeffrey (OAG); Voris, Natalie (USAEO)
Sent: Tue May 23 11:22:50 2006
Subject: RE: Urgent Report (Border Patrol Report-CNN Coverage)

They contacted OPA last night right after they had sent the statement. I've been working with them this morning to address it. As to why they sent an Urgent, I have no idea.

-----Original Message-----

From: Seidel, Rebecca
Sent: Tuesday, May 23, 2006 11:21 AM
To: Roehrkasse, Brian; Smith, Kimberly A
Cc: Scolinos, Tasia; Taylor, Jeffrey (OAG); Voris, Natalie (USAEO)
Subject: Re: Urgent Report (Border Patrol Report-CNN Coverage)

No one in OLA

-----Original Message-----

From: Roehrkasse, Brian
To: Seidel, Rebecca; Smith, Kimberly A
CC: Scolinos, Tasia; Taylor, Jeffrey (OAG)
Sent: Tue May 23 11:17:35 2006
Subject: FW: Urgent Report (Border Patrol Report-CNN Coverage)

Did you see this? Did SDCA run their statement by anyone here?

-----Original Message-----

From: USAEO-Urgent
Sent: Tuesday, May 23, 2006 11:07 AM
To: Tenpas, Ronald J (ODAG); Taylor, Jeffrey (OAG); Sierra, Bryan (OPA); Scolinos, Tasia; Sampson, Kyle; Roehrkasse, Brian; Mercer, Bill (ODAG); Goodling, Monica; Elwood, Courtney; Elston, Michael (ODAG); Smith, Kimberly A; Battle, Michael (USAEO); Beeman, Judy (USAEO); Coughlin, Robert; Fisher, Alice; Friedrich, Matthew; Kelly, John (USAEO); Parent, Steve (USAEO); Sabin, Barry; Schools, Scott (USAEO); USAEO-Chron; Voris, Natalie (USAEO)
Subject: Urgent Report (Border Patrol Report-CNN Coverage)

URGENT REPORT-06-05-0021

TO: THE ATTORNEY GENERAL
THE DEPUTY ATTORNEY GENERAL

FROM: Carol C. Lam
United States Attorney
Southern District of California
(619) 557-5690 (Office)

DATE: May 23, 2006

CLASSIFICATION: Limited Official Use

CONTACT PERSON: Carol C. Lam
United States Attorney
Southern District of California
(619) 557-5690 (Office)

SYNOPSIS:Yesterday, Congressman Darryl Issa criticized on CNN's "Lou Dobbs Tonight" SDCA's "refusal" to prosecute 100% of all alien smugglers. The USAO-SDCA has learned that the "Border Patrol Report" on which Rep. Issa relies is an unauthorized, altered version of an old report. The USAO-SDCA has issued a written statement to CNN with that information.

DISCUSSION:On Thursday, May 18, 2006, the Associated Press ran a news story prompted by the release of a 2004 "Border Patrol Report" by Congressman Darryl Issa (R-CA). According to Congressman Issa, the report from the El Cajon substation of the Border Patrol (San Diego Sector) concluded that morale was low among Border Patrol agents at the El Cajon station due to the high number of declined prosecutions by our office. The story received national media attention.

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On Monday, May 22, 2006, this office was contacted by CNN and informed that Congressman Issa would be appearing on "Lou Dobbs Tonight" to discuss the "Border Patrol Report." CNN asked our office for a written statement to be shared during the interview. After checking with Border Patrol, San Diego Sector, we submitted the following written statement:

"Representative Issa has been misled. The document he calls a "Border Patrol Report" is actually an old internal Border Patrol document, relating to a single substation, that has been substantially altered and passed off as an official report. Many of the comments in the document to which Representative Issa refers are editorial comments inserted by an unidentified individual, and they were not approved by or ever seen by Border Patrol management.

Many important issues are raised by the problem of illegal immigration. However, we believe that all dialogue and debate should be based on well-informed and accurate data."

We have also advised Representative Issa's office that we believe the Border Patrol report to be an unauthorized and altered version of an old internal report.

In light of previous media interest in this issue, there is a possibility that the disclosure that the report is not genuine could generate substantial media interest. Our statement was read to Representative Issa by Lou Dobbs during his interview which aired at 3:30 PST.

<<UR-06-06-0021SDCAwpd.wpd>>

Mercer, William W

From: Elston, Michael (ODAG)
Sent: Tuesday, May 23, 2006 8:45 PM
To: Tenpas, Ronald J (ODAG); Moschella, William; Mercer, Bill (ODAG)
Subject: RE: Congressman Issa

It is not presently on the calendar -- this has been on again, off again due to their inability to get all of their members together.

From: Tenpas, Ronald J (ODAG)
Sent: Tuesday, May 23, 2006 8:13 PM
To: Moschella, William; Mercer, Bill (ODAG); Elston, Michael (ODAG)
Subject: RE: Congressman Issa

I don't know. That sounds like it would be in Elston's lane.

Ron

From: Moschella, William
Sent: Tuesday, May 23, 2006 8:11 PM
To: Tenpas, Ronald J (ODAG); Mercer, Bill (ODAG); Elston, Michael (ODAG)
Subject: RE: Congressman Issa

Do we have the DAG scheduled to meet with the CA delegation?

From: Tenpas, Ronald J (ODAG)
Sent: Tuesday, May 23, 2006 8:09 PM
To: Moschella, William; Mercer, Bill (ODAG); Fridman, Daniel (ODAG); Otis, Lee L; Elston, Michael (ODAG); Scolinos, Tasia
Subject: Congressman Issa

FYI. Carol Lam, USA Southern California, called me earlier today to discuss matters related to the criticism Congressman Issa has been directing at the District re its practices in prosecuting/not prosecuting alien smuggling. This seemed to be a call prompted, in part, by the stuff that occurred on Lou Dobbs last night. In any event, she wanted to communicate the following:

1. In her view, although the un rebutted criticism is making the Department look bad, she has been sitting quiet rather than attempting to respond publicly by explaining the resource limitations that she maintains affect the office's ability to do more smuggling cases;
2. She is willing to change course if folks think that would be beneficial;
3. She notes that she has never even met with Congressman Issa and would be happy to do so if that is thought useful; and
4. She will do anything else that the DAG would wish, including continuing to stand silent despite the personal criticism to which she thinks she is being subject through these comments.

She acknowledged understanding that it may be the judgment that continued silence is the best option of a set of limited options. I explained to her that, given the larger debate going on related to immigration, we would probably evaluate her observations and her offer in the context of wanting to contribute to the Administration's overall goals with respect to immigration reform.

One way or another, somebody such as myself or PADAG or CoS should probably follow-up with her to confirm our guidance lest any silence be construed as lack of guidance/indifference to her activity.

Ron

Ronald J. Tenpas
Associate Deputy Attorney General

ASG000000231

Department of Justice
950 Pennsylvania Avenue, N.W.
Room 4216
Washington, D.C. 20530
(202) 514-3286 / (202) 305-4343 (fax)

Mercer, William W

From: Tenpas, Ronald J (ODAG)
Sent: Wednesday, May 24, 2006 2:02 PM
To: Moschella, William; Otis, Lee L; Mercer, Bill (ODAG); Scolinos, Tasia; Fridman, Daniel (ODAG); Elston, Michael (ODAG)
Subject: FW: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

Attachments: tmp.htm; image001.gif; image002.jpg; 5.24.06 LamLetter.pdf



tmp.htm (8 KB)



image001.gif (348 B)



image002.jpg (3 KB)



5.24.06
LamLetter.pdf (117 KB)

Further to my e-mail last night on what we want Carol to do.

Ron

-----Original Message-----

From: Lam, Carol (USACAS)
Sent: Wednesday, May 24, 2006 1:55 PM
To: Tenpas, Ronald J (ODAG)
Subject: Fw: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

Ron,

For what it's worth, I have never met Congressman Issa.

Carol

-----Original Message-----

From: Hartman, Debra (USACAS) <DHartman@usa.doj.gov>
To: Lam, Carol (USACAS) <CLam@usa.doj.gov>
CC: Porter, Brenda (USACAS) <BPorter1@usa.doj.gov>
Sent: Wed May 24 10:25:26 2006
Subject: FW: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

<<5.24.06 LamLetter.pdf>> <<image001.gif>> <<image002.jpg>>

If you can't pull this up we can fax it to you. SPC suggests that Brenda send it to David Smith and I would send it to Public Affairs and OLA so that they are aware of it. I will also send it over to David Iglesias' press person so that he can send it to his USA. Brenda is waiting from a call from Judy Beeman regarding the letter from DOJ to Issa.

NEWS FROM:

CONGRESSMAN DARRELL ISSA

Serving California's 49th District

211 Cannon House Office Building, Washington, DC 20515

(202) 225-3906, (202) 225-3303 (fax)

www.issa.house.gov <<http://www.issa.house.gov/>>

For Immediate Release

Contact: Frederick Hill

Wednesday, May 24, 2006
frederick.hill@mail.house.gov

Email:

REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

Washington, DC - Rep. Darrell Issa (R-CA), today, sent the following letter to U.S. Attorney for the Southern District of California Carol Lam:

Ms. Carol C. Lam
United States Attorney
880 Front Street, Room 6293
San Diego, California 92101

Dear Ms. Lam:

In response to your comments on the Border Patrol internal memo my office obtained and released, your statement misses the mark and exhibits a willful disregard to the documented 251 incidents in fiscal year 2004 where the Border Patrol at the El Cajon station apprehended smugglers but led to smuggling charges for roughly 6% of the cases. The memo I released contains a specific enforcement number for each of the 251 incidents that you or the Department of Homeland Security can confirm by simply typing the number into a computer database.

Your failure to address the substantive issues raised in the memo is consistent with previous news reports and comments that I have repeatedly heard from Border Patrol agents who work closely with your office. You have previously disregarded my requests for information that can help me understand the extent of the problems associated with prosecuting alien smuggling cases and the resources you would need to adopt a zero tolerance policy for trafficking in human beings.

In the case of the memo I released, the fact that you have chosen to focus on unspecified alterations to what you freely admit is an "old Border Patrol document" and YOUR assertion that this document was not seen or approved by Border Patrol management does not dismiss the verifiable facts and details in the memo. I can readily understand that the internal memo, written by a Border Patrol employee, is an embarrassment to your office as the memo speaks with such candor about barriers to prosecution that it could not

be embraced and released publicly as a report representing the views of Border Patrol management.

On Monday, my office requested your assistance in obtaining a copy of the report you referenced in your statement but your office has not returned that phone call. I find your statement that "all dialogue and debate should be based on well-informed and accurate data" incredibly disingenuous considering your record in response to my past requests for information on criminal aliens and alien smuggling.

The last correspondence I sent to you was October 13, 2005, concerning an alien by the name of Alfredo Gonzales Garcia, a.k.a. Isidro Gonzales Alas, FBI # 180566JA5. In this letter I asked that if there is some barrier to the prosecution of criminal aliens, including smugglers, that I am unaware of, to please communicate it so we can make sure you have the resources and policies in place needed to allow you to bring these criminal aliens and repeat offenders to justice.

Finally, as the representative of a Congressional district that is greatly impacted by border crimes and as a Member of Congress who sits on the Judiciary Committee, the Intelligence Committee, and the Government Reform Committee that collectively have oversight responsibilities for the Department of Justice and the Department of Homeland Security, your lack of cooperation is hindering the ability of Congress to provide proper oversight over your office and to make informed policy decisions. I am asked to craft and vote on legislative policies that determine your legal authority and the resources you receive and having full and correct information on an issue like the challenges of stopping alien smugglers is essential.

I request a joint meeting with you and the Chief Patrol Agent of the San Diego Border Sector to discuss the prosecution of alien smugglers and what resources are needed to establish a zero tolerance policy for prosecuting individuals who traffic in human beings. My office will contact your office to try and arrange a meeting time.

Sincerely yours,

Darrell Issa

Member of Congress

Representative Issa has been misled. The document he calls a "Border Patrol Report" is actually an old internal Border Patrol document, relating to a single

substation, that has been substantially altered and passed off as an official report. Many of the comments in the document to which Representative Issa refers are editorial comments inserted by an unidentified individual, and they were not approved by or ever seen by Border Patrol management.

Many important issues are raised by the problem of illegal immigration. However, we believe that all dialogue and debate should be based on well-informed and accurate data.

-- 5/22/06 U.S. Attorney Carol Lam

###

Frederick R. Hill

Press Secretary

Rep. Darrell Issa (California 49th)

211 Cannon House Office Building

Washington, D.C. 20515

Phone: 202-225-3906

Fax: 202-225-3303

DARRELL E. ISSA
49TH DISTRICT, CALIFORNIA

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211 CANNON HOUSE OFFICE BUILDING
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(202) 225-3906
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(760) 539-5000
FAX: (760) 589-1178
SOUTHWEST RIVERSIDE COUNTY
(951) 693-2447
www.issa.house.gov



Congress of the United States
House of Representatives
Washington, DC 20515-0549

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEES:
ENERGY AND RESOURCES—CHAIRMAN
FEDERAL WORKFORCE & AGENCY ORGANIZATION

COMMITTEE ON
INTERNATIONAL RELATIONS
SUBCOMMITTEES:
INT'L TERRORISM & NONPROLIFERATION—VICE-CHAIRMAN
EUROPE & EMERGING THREATS
MIDDLE EAST & CENTRAL ASIA

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEES:
COURTS, THE INTERNET & INTELLECTUAL PROPERTY
IMMIGRATION, BORDER SECURITY & CLAIMS

HOUSE POLICY COMMITTEE

May 24, 2006

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Sincerely yours,

A handwritten signature in black ink, appearing to read 'Darrell Issa', written in a cursive style.

Darrell Issa
Member of Congress

Mercer, William W

From: Goodling, Monica
Sent: Wednesday, May 24, 2006 3:24 PM
To: Sampson, Kyle; Taylor, Jeffrey (OAG); Mercer, Bill (ODAG)
Subject: FW: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

FYI - the assault continues... Note that the press release/letter indicates Issa will be calling Lam to set up a meeting between the two of them to discuss Department resources.

-----Original Message-----

From: Voris, Natalie (USAEO)
Sent: Wednesday, May 24, 2006 3:18 PM
To: Goodling, Monica
Subject: FW: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

-----Original Message-----

From: Scott-Finan, Nancy
Sent: Wednesday, May 24, 2006 3:12 PM
To: Smith, David L. (USAEO); Voris, Natalie (USAEO)
Subject: FW: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

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Sent: Wednesday, May 24, 2006 1:53 PM
To: Smith, Kimberly A; Scott-Finan, Nancy
Subject: FW: REP. ISSA CRITICIZES U.S. ATTORNEY LAM FOR WITHOLDING INFORMATION ON ALIEN SMUGGLING PROSECUTIONS AND POLICIES

FYI

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For Immediate Release
Frederick Hill

Contact:

Wednesday, May 24, 2006
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In the case of the memo I released, the fact that you have chosen to focus on unspecified alterations to what you freely admit is an "old Border Patrol document" and your assertion that this document was not seen or approved by Border Patrol management does not dismiss the verifiable facts and details in the memo. I can readily understand that the internal memo, written by a Border Patrol employee, is an embarrassment to your office as the memo speaks with such candor about barriers to prosecution that it could not be embraced and released publicly as a report representing the views of Border Patrol management.

On Monday, my office requested your assistance in obtaining a copy of the report you referenced in your statement but your

office has not returned that phone call. I find your statement that "all dialogue and debate should be based on well-informed and accurate data" incredibly disingenuous considering your record in response to my past requests for information on criminal aliens and alien smuggling.

The last correspondence I sent to you was October 13, 2005, concerning an alien by the name of Alfredo Gonzales Garcia, a.k.a. Isidro Gonzales Alas, FBI # 180566JA5. In this letter I asked that if there is some barrier to the prosecution of criminal aliens, including smugglers, that I am unaware of, to please communicate it so we can make sure you have the resources and policies in place needed to allow you to bring these criminal aliens and repeat offenders to justice.

Finally, as the representative of a Congressional district that is greatly impacted by border crimes and as a Member of Congress who sits on the Judiciary Committee, the Intelligence Committee, and the Government Reform Committee that collectively have oversight responsibilities for the Department of Justice and the Department of Homeland Security, your lack of cooperation is hindering the ability of Congress to provide proper oversight over your office and to make informed policy decisions. I am asked to craft and vote on legislative policies that determine your legal authority and the resources you receive and having full and correct information on an issue like the challenges of stopping alien smugglers is essential.

I request a joint meeting with you and the Chief Patrol Agent of the San Diego Border Sector to discuss the prosecution of alien smugglers and what resources are needed to establish a zero tolerance policy for prosecuting individuals who traffic in human beings. My office will contact your office to try and arrange a meeting time.

Sincerely yours,

Darrell Issa
Member of Congress

Representative Issa has been misled. The document he calls a "Border Patrol Report" is actually an old internal Border Patrol document, relating to a single substation, that has been substantially altered and passed off as an official report. Many of the

comments in the document to which Representative Issa refers are editorial comments inserted by an unidentified individual, and they were not approved by or ever seen by Border Patrol management.

Many important issues are raised by the problem of illegal immigration. However, we believe that all dialogue and debate should be based on well-informed and accurate data.

-- 5/22/06 U.S. Attorney Carol Lam

###

Frederick R. Hill

Press Secretary

Rep. Darrell Issa (California 49th)

211 Cannon House Office Building

Washington, D.C. 20515

Phone: 202-225-3906

Fax: 202-225-3303

Mercer, William W

From: Otis, Lee L
Sent: Wednesday, May 24, 2006 4:19 PM
To: Tenpas, Ronald J (ODAG); Fridman, Daniel (ODAG)
Cc: Mercer, Bill (ODAG)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Thanks!

-----Original Message-----

From: Tenpas, Ronald J (ODAG)
Sent: Wednesday, May 24, 2006 4:17 PM
To: Otis, Lee L; Fridman, Daniel (ODAG)
Cc: Mercer, Bill (ODAG)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

I'm not familiar enough with NM's standards on smuggling to address this in much detail. Clearly Issa will be on a tear b/c of the recent dust-up with Carol. He can punt specific SDCA questions as not his district.

As to his own district how about the following: 1. Explain generally what their pros standards are, emphasizing that they especially focus on those bringing in large numbers or who endanger lives (assuming this is true) and 2. state that it is a balancing act to find the right mix in doing more of these cases versus important drug matters or violent crime matters which he might have to forego b/c he, like every office, has resource limits and he is constantly evaluating whether they are getting that mix right. Generally, he needs to set it up as a balance between equally laudable enforcement objectives: drugs, guns, (and any other area that is important -- do they have a gang problem in NM that they are working on?) and immigration.

Ron

-----Original Message-----

From: Otis, Lee L
Sent: Wednesday, May 24, 2006 4:04 PM
To: Fridman, Daniel (ODAG); Tenpas, Ronald J (ODAG)
Cc: Mercer, Bill (ODAG)
Subject: FW: AG Quote re Humanitarian Prosecution Guidelines

We expect Iglesias will get a question about his own and perhaps other US Attorneys' prosecution guidelines/thresholds for smuggling cases tomorrow. OLA's advice is to politely deflect questions about California but obviously that won't work for his own office. Any thoughts on this?

-----Original Message-----

From: Seidel, Rebecca
Sent: Wednesday, May 24, 2006 3:59 PM
To: McHenry, Teresa; Bounds, Ryan W (OLP); Otis, Lee L; Roberts, Tom; Koehler, Joe (USAAZ)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

This is what I want him to say. He does not have to go into the guidelines on humanitarian prosecutions.

The Sensenbrenner bill does not target humanitarian efforts.

- If the Sensenbrenner bill became law, we would not be prosecuting purely humanitarian efforts. (Note the qualification since we have that No More Death Case in AZ)
- Nothing in the Sensenbrenner bill requires a humanitarian to check a person's immigration status.

We do need to know what he can say re prosecution guidelines on threshold/ which cases to prosecute as Issa will be on a tear re catch and release. What is suggested answer? HJC staff is under the impression Chairman has right to this info and likely Chairman will ask it.

ASG000000243

-----Original Message-----

From: McHenry, Teresa
Sent: Wednesday, May 24, 2006 3:36 PM
To: Bounds, Ryan W (OLP); Otis, Lee L; Seidel, Rebecca; Roberts, Tom; Koehler, Joe (USAAZ)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

1. by the way-the department is continuing to have email issues/delayed sending/not sending. Problem seems from OLA and ODAG. Our ITM people continue to say is JMD problem.

2. if asked, if the house bill were to become law, would you prosecute humanitarians- couldn't he say

No, he would not prosecute genuine good samitarians. Haven't and wouldn't.

t

-----Original Message-----

From: Rebecca.Seidel@usdoj.gov [mailto:Rebecca.Seidel@usdoj.gov]
Sent: Wednesday, May 24, 2006 3:23 PM
To: Otis, Lee L; Bounds, Ryan W (OLP); Roberts, Tom; McHenry, Teresa; Joe.Koehler@usdoj.gov
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Clear with AG's office, he will likely get asked the direct question - if the House bill were to become law - would you prosecute humanitarians?

-----Original Message-----

From: Otis, Lee L
Sent: Wednesday, May 24, 2006 3:11 PM
To: Seidel, Rebecca; Koehler, Joe (USAAZ); McHenry, Teresa; Roberts, Tom; Bounds, Ryan W (OLP)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Bottom line: if you think it's useful to the legislative effort for Iglesias to say this, I am fine with it, but we should clear with AG's office if we are going to proceed that way.

-----Original Message-----

From: Seidel, Rebecca
Sent: Wednesday, May 24, 2006 3:07 PM
To: Otis, Lee L; Koehler, Joe (USAAZ); McHenry, Teresa; Roberts, Tom; Bounds, Ryan W (OLP)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Could be both

-----Original Message-----

From: Otis, Lee L
Sent: Wednesday, May 24, 2006 2:56 PM
To: Seidel, Rebecca; Koehler, Joe (USAAZ); McHenry, Teresa; Roberts, Tom; Bounds, Ryan W (OLP)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Is that about humanitarian assistance, though, or about suggesting that NM has overly restrictive guidelines that result in some smugglers not being prosecuted?

-----Original Message-----

From: Seidel, Rebecca
Sent: Wednesday, May 24, 2006 2:53 PM
To: Otis, Lee L; Koehler, Joe (USAAZ); McHenry, Teresa; Roberts, Tom; Bounds, Ryan W (OLP)

Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

I think he may get a question about what are his current prosecutorial guidelines in prosecuting, Art so indicated.

-----Original Message-----

From: Otis, Lee L
Sent: Wednesday, May 24, 2006 2:52 PM
To: Koehler, Joe (USAAZ); Seidel, Rebecca; McHenry, Teresa; Roberts, Tom; Bounds, Ryan W (OLP)
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

If we haven't said this already, do we want to say it tomorrow? I had been thinking that the general strategy on this was to do some work on it quietly and then assess whether we thought it would be helpful for conference. I defer to Rebecca on the call but have an instinct that it might be better to hold off. If we think it is a good idea for Iglesias to say it I do want to clear it with the AG's office.

-----Original Message-----

From: Koehler, Joe (USAAZ)
Sent: Wednesday, May 24, 2006 2:43 PM
To: Seidel, Rebecca; Otis, Lee L; McHenry, Teresa
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

I like that idea--avoids the whole quote issue but gets to the substance of what's being done to allay fears.

-----Original Message-----

From: McHenry, Teresa
Sent: Wednesday, May 24, 2006 11:25 AM
To: Koehler, Joe (USAAZ); Otis, Lee L; Seidel, Rebecca
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

I believe that was in a draft--that is certainly not in the ag's actual statement (which was much shorter) and is on the web. What I can't be sure about is whether he might have said something in response to a question re: prosecution guidelines; I have a vague memory that I was told the issue of prosecution guidelines was ultimately not raised. (I did find report of question he was asked about whether the dept planned to or did prosecute good samaritans, and he said no.!)

We are checking to see if we can get the whole transcript.

Of course, even assuming that AG didn't say anything (or that we can't verify that he did), and thus we tell Iglesias not to say that he so stated, the bigger question may be, whether he can/should say something vaguer like,

At the request of the Attorney General and to reassure those who fear inappropriate prosecutions, the Department is preparing prosecution guidelines to ensure that those who merely provide humanitarian assistance are not prosecuted.

t

-----Original Message-----

From: Koehler, Joe (USAAZ) [mailto:Joe.Koehler@usdoj.gov]
Sent: Wednesday, May 24, 2006 2:12 PM
To: Otis, Lee L; Seidel, Rebecca; McHenry, Teresa
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Okay, I found the full text of what was provided to me but am still searching for the original source document. Here's the full text, though.

Thanks,

Joe

One of the Administration's top priorities is securing the nation's borders and stopping illegal immigration. Shutting down alien smuggling rings is an essential component of this effort.

Alien smuggling rings are increasingly sophisticated criminal enterprises that are international in scope and ruthless in their tactics. These smuggling rings present a danger not only to the border communities where they operate but to the entire nation's security and to the safety of their human cargo.

The Administration has worked closely with both this Committee and the Senate Judiciary Committee to fashion anti-smuggling reforms that would address the obstacles to effective enforcement and prosecution that have been identified by border agents and federal prosecutors.

Many of these obstacles arise in efforts to prosecute alien smugglers for smuggling activities that they undertake abroad.

I want to emphasize that neither the Senate bill nor the House bill would change the scope of activities within the United States that are subject to prosecution as smuggling offenses. These proposals would simply clarify the scope of current law in that regard.

Current law already prohibits giving certain types of assistance to illegal immigrants who are already here, including in some circumstances transportation, housing, and other forms of encouragement to stay.

Providing emergency aid, however, is not an activity that would be prosecuted as a smuggling offense-under current law or the pending bills.

No genuine Good Samaritans have ever been prosecuted for merely providing humanitarian aid-much less convicted-under the current alien-smuggling statute, and there is no reason to believe they would be under the House and Senate bills.

Nevertheless, in response to outspoken criticism, the Senate bill includes a broadly worded carve-out to protect good Samaritans. I do not support a broad statutory carve-out, because it will be exploited by every smuggler caught by law enforcement. Such a carve-out would make it difficult-if not impossible-to prosecute persons whom no one wants to protect.

To address such concerns and provide additional assurances that persons will not be prosecuted solely for providing genuine humanitarian aid, I have directed the Deputy Attorney General forthwith to promulgate prosecutorial guidelines to make clear that we do not prosecute members of church groups-or anyone else-on alien smuggling charges for the giving of charitable humanitarian aid to aliens in distress.

I have directed that these guidelines must include a requirement for high level clearance from Main Justice in sensitive or appropriate cases. I will be happy to share those guidelines with this Committee when they are complete.

-----Original Message-----

From: Otis, Lee L

Sent: Tuesday, May 23, 2006 6:32 PM
To: Seidel, Rebecca; McHenry, Teresa; Koehler, Joe (USAAZ)
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

Thanks Joe!

-----Original Message-----

From: Koehler, Joe (USAAZ)
Sent: Tuesday, May 23, 2006 9:07 PM
To: Seidel, Rebecca; Otis, Lee L; McHenry, Teresa
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

I can tell you that I cut/pasted the quote from a document I received within this group and it was labeled as text of remarks by the AG. Now I can't find it, of course. Will hunt overnight and try to e-mail from home, so be on lookout for e-mail from my yahoo.

-----Original Message-----

From: Otis, Lee L
Sent: Tuesday, May 23, 2006 6:03 PM
To: Seidel, Rebecca; Koehler, Joe (USAAZ); McHenry, Teresa
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

What I meant was: I am not sure he actually said it and we should make sure he did. Copying Rebecca who can decide whether to convey our uncertainty on this to David Iglesias or wait until we know more.

-----Original Message-----

From: Otis, Lee L
Sent: Tuesday, May 23, 2006 8:57 PM
To: McHenry, Teresa; Koehler, Joe (USAAZ)
Cc: Roberts, Tom
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

I saw the quote but had wondered where it came from.

-----Original Message-----

From: McHenry, Teresa
Sent: Tuesday, May 23, 2006 8:54 PM
To: Otis, Lee L; Koehler, Joe (USAAZ)
Cc: Roberts, Tom
Subject: Re: AG Quote re Humanitarian Prosecution Guidelines

Lee, do you happen to know. I have vague memory that this came up before in exchange w you T

----- Original Message -----

From: Koehler, Joe (USAAZ) <Joe.Koehler@usdoj.gov>
To: McHenry, Teresa
Cc: Roberts, Tom
Sent: Tue May 23 20:38:03 2006
Subject: RE: AG Quote re Humanitarian Prosecution Guidelines

This came from a document that came to me as prepared remarks, I believe. Will double-check.

-----Original Message-----

From: McHenry, Teresa
Sent: Tuesday, May 23, 2006 5:31 PM
To: Koehler, Joe (USAAZ)
Cc: Roberts, Tom
Subject: Re: AG Quote re Humanitarian Prosecution Guidelines

Arewe sure he actually said that, rather than was in some version of

speech or tlking points thatwere prepared but not delivered. I T

----- Original Message -----

From: Koehler, Joe (USAAZ) <Joe.Koehler@usdoj.gov>
To: Crews, John (USAEO) <JCrews@usa.doj.gov>; Seidel, Rebecca; Roland,
Sarah E; Iglesias, David C. (USANM) <DIglesias@usa.doj.gov>; McHenry,
Teresa; Roberts, Tom; Smith, David L. (USAEO) <DSmith@usa.doj.gov>;
Morton, John (USAVAE) <JMorton@usa.doj.gov>; Haines, Roger (USACAS)
<RHaines@usa.doj.gov>; Otis, Lee L
Sent: Tue May 23 20:15:15 2006
Subject: AG Quote re Humanitarian Prosecution Guidelines

Here is the quote from the Attorney General:

I have directed the Deputy Attorney General forthwith to promulgate prosecutorial guidelines to make clear that we do not prosecute members of church groups-or anyone else-on alien smuggling charges for the giving of charitable humanitarian aid to aliens in distress.



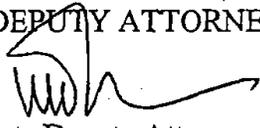
U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

May 26, 2006

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

THROUGH: William Mercer 
Principal Associate Deputy Attorney General

FROM: Daniel Fridman 
Counsel to the Deputy Attorney General

SUBJECT: Analysis of Immigration Prosecutions in the Southern District of California

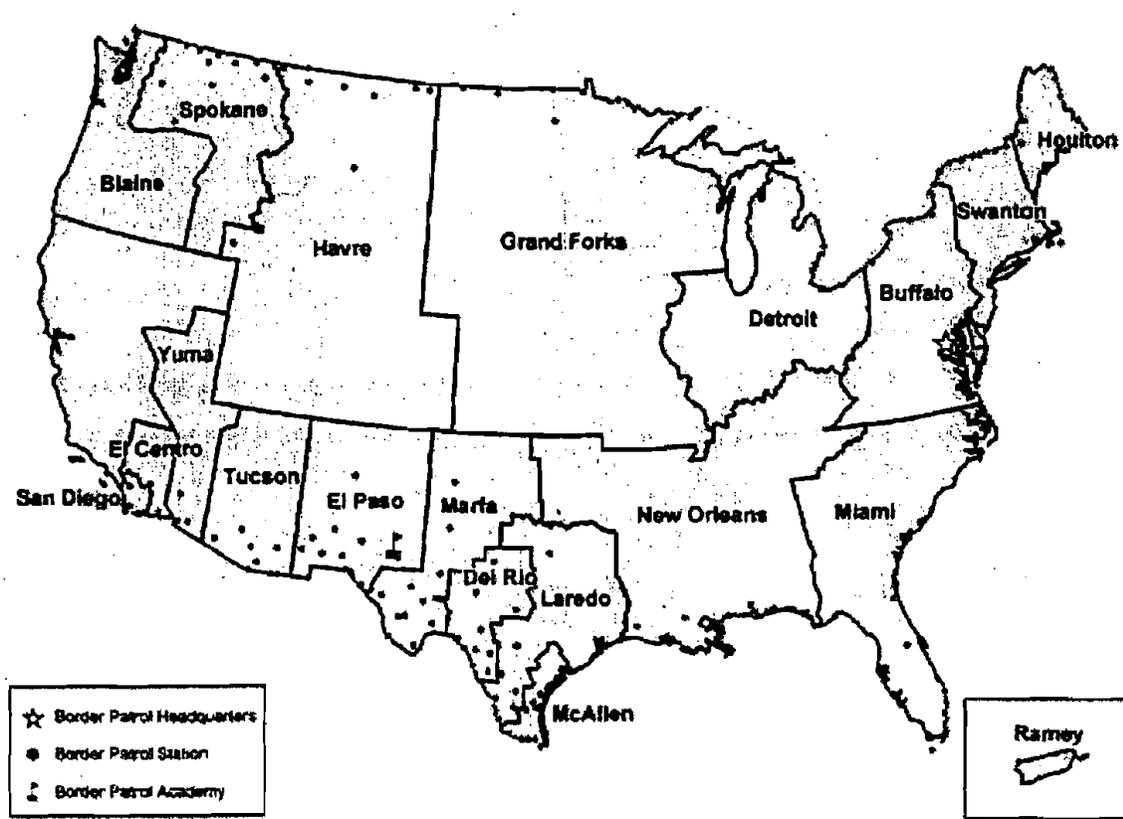
The United States Attorney's Office for the Southern District of California has come under criticism for ostensibly weak enforcement of federal immigration criminal offenses. Most recently, Representative Darrell Issa released to the Associated Press an internal 41-page report written last August by the Border Patrol in San Diego claiming that the lack of federal immigration prosecutions in San Diego is hurting morale within the Border Patrol. Specifically, the report points to low numbers of prosecutions of alien smugglers and large numbers of case declinations by SDCA. Carol Lam, the U.S. Attorney for SDCA, responded publicly that the report is an unauthorized, altered version of an old report. Regardless of the authenticity of the report, media attention is now focused on SDCA's handling of immigration cases with discussions about the office appearing on the Lou Dobbs show and in CNN general news reports.

The purpose of this white paper is to analyze the situation in SDCA by using staffing and prosecution data maintained by EOUSA, case data maintained by the U.S. Courts, and self-reported statements by U.S. Attorney's Offices on their prosecution guidelines for immigration offenses. The report will compare data from the SDCA to the situation of the U.S. Attorney's Offices in Arizona and New Mexico, two other border districts.

Background on the San Diego Border District

SDCA is within the San Diego Sector patrolled by the United States Border Patrol. The San Diego Sector consists of 66 linear miles of international boundary with Mexico. Directly to the South of San Diego lie the Mexican cities of Tijuana and Tecate, Baja California - with a combined population of more than 2 million. According to Carol Lam, Border Patrol made 140,000 immigration arrests in the Sector last year. The chart below shows border patrol stations near the San Diego border with Mexico, as well as the stations in the neighboring border states.

ASG000000249



SDCA Staffing

As of June 1, 2006, SDCA has a total of 125 authorized FTE AUSA positions, with 111 actually filled. This is an 11.2% vacancy rate, higher than the national average of 10%. SDCA appears to be looking at a potentially higher effective vacancy rate with three AUSAs on extended medical leave, one AUSA awaiting disability retirement, and four AUSAs in the military reserves who have received formal notice they may be called to active duty in the coming year. Without including a natural rate of turnover, this would give SDCA a worst-case vacancy rate of 19.8% if the reservists get called and the AUSAs on medical leave do not return.

Of the 111 AUSAs currently employed, 51 are assigned to the General Crimes Section, primarily responsible for border related prosecutions, and two are assigned to the Civil Section, working on civil immigration cases. According to an EARS report analyzing SDCA, 95% of the reactive cases handled by the General Crimes AUSAs involve border immigration or drugs, and AUSAs split their time 50-50 between reactive cases and proactive investigations.

By way of comparison, further east along the border, Arizona currently has 116 AUSAs and New Mexico has 59. These two border districts can serve as points of comparison to the Southern District of California on overall effectiveness in immigration prosecutions.

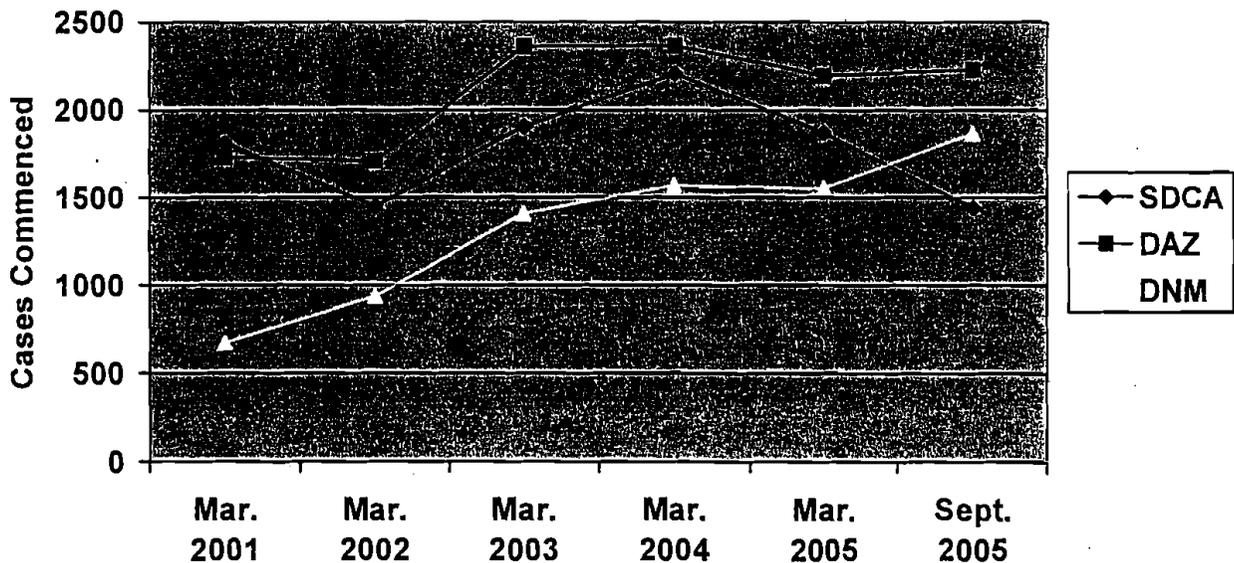
SDCA also employs about 50 contractors, many of which are supposed to provide support for the immigration caseload. The EARS report is critical about the use of contractors at SDCA and concludes that, in many instances, the contractors are needlessly consuming office resources without assisting in processing immigration cases.

Immigration Enforcement Data

According to data obtained from the U.S. District Courts for the period from September 30, 2004 to September 30, 2005, the Southern District of California had 398 protections for illegal reentry by an alien and 1041 prosecutions for "other" immigration offenses. The U.S. Courts data includes all felony and class A misdemeanor cases. This is the most recent data available from the courts.

The U.S. Courts website has historical data on prosecution cases commenced broken down by district and by type of crime from 2000 to 2005. The chart below contains a line graph of the trends in immigration prosecutions for SDCA, Arizona, and New Mexico. Since the fiscal year ending in March 2001, Arizona and New Mexico have had an upward trend in their immigration prosecutions. SDCA peaked in 2003-04 and has since had a precipitous decline. Comparing SDCA's performance using 111 AUSAs and New Mexico's higher case commencement numbers using 59 AUSAs, it seems that SDCA should be doing much more. In fairness, there may be differences in each district not reflected in a simple line graph that could account for the disparity, but the data helps to focus attention on the problem.

**Trends in Overall Immigration Prosecutions by District
(Felonies and Class A Misdemeanors)**



Data Source: United States Courts

Prosecution Guidelines

The prosecution guidelines employed by SDCA may help explain why their immigration prosecutions have declined in the past two years. SDCA does not prosecute purely economic migrants. SDCA directs its resources to bringing felony charges against the most egregious violators, focusing on illegal aliens with substantial criminal histories such as violent/major felons, recidivist felons, repeat immigration violators on supervised release, and alien smugglers and guides.

By contrast, New Mexico has a lower threshold for accepting immigration cases for prosecution. New Mexico accepts illegal reentry cases even when the illegal alien has no prior criminal record. New Mexico also takes in alien smuggling cases, focusing on cases where there is evidence of a profit motive or where the health and safety of the persons transported was jeopardized.

Analysis of Specific Immigration Offenses Being Prosecuted

The differences in prosecution guidelines are borne out by the case filing data from each district. When the immigration prosecutions are broken down by specific offense, it is apparent why SDCA is now lagging behind the other border districts in the number of prosecutions.

According to the data, SDCA is doing as well as any other district, except for SDTX, in alien smuggling prosecutions under 8 U.S.C. 1324. In 2005, SDCA filed 484 alien smuggling cases with 554 defendants, a number comparable to Arizona, which filed 380 alien smuggling cases with 585 defendants. New Mexico had far fewer alien smuggling cases in 2005 with 111 cases filed with 145 defendants.

SDCA could be doing more alien smuggling cases with the fast track program it has in place. In their supplementary materials requesting reauthorization of the fast track program, SDCA admits its prosecution guidelines have resulted in fewer cases being filed: “[i]n 2004, we adjusted our prosecution guidelines to, among other things, eliminate a large number of criminal alien cases where the alien was a suspected foot guide without a serious criminal history. This change in the prosecution guidelines resulted in a decrease of approximately 360 cases in 2005.”

SDCA filed far fewer illegal entry cases under 8 U.S.C. 1325 than Arizona and New Mexico. In 2005, Arizona filed 3409, New Mexico filed 1194, and SDCA filed 470 illegal entry cases.

SDCA is also lagging far behind other border districts in the number illegal reentry prosecutions under 8 U.S.C. 1326. In 2005, Arizona filed 1491 illegal reentry cases, New Mexico filed 1607 illegal reentry cases, and SDCA filed 422 illegal reentry cases. SDCA filed almost half as many illegal reentry cases in 2005 than it did in 2004.

Conclusions and Recommendations

It appears that SDCA is employing prosecution guidelines that are more restrictive than other districts in immigration prosecutions. The most immediate fix would be to change the prosecution guidelines so they are more in line with the guidelines employed by other border districts. In particular, SDCA should place a greater emphasis on pursuing illegal reentry cases and alien smuggling cases.

Any additional resources provided to the district to lower the vacancy rate should be done with a clear understanding that they will supplement current resources focused on criminal aliens. To the extent that Border Patrol is dissatisfied with the level of immigration prosecutions, Customs and Border Protection or the Bureau of Immigration and Customs Enforcement should provide SDCA with Special Assistant United States Attorneys to focus on immigration prosecutions and

improve the manpower issues.

This analysis was based mostly on U.S Courts data, EOUSA data, as well as information self-reported by the districts. I have received an EARS evaluation of SDCA, which contains much greater detail about the situation at that office, including the results of interviews of office personnel. I will prepare a supplement to this memorandum incorporating the findings and recommendations of the evaluation team as they pertain to immigration enforcement efforts at SDCA.

Mercer, William W

From: Sampson, Kyle
Sent: Wednesday, May 31, 2006 6:34 PM
To: Mercer, Bill (ODAG)
Subject: RE: Immigration Enforcement

No. I have to leave in five.

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 6:33 PM
To: Sampson, Kyle
Subject: Re: Immigration Enforcement

Are you going to be upstairs for awhile?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sampson, Kyle
To: Mercer, Bill (ODAG)
Sent: Wed May 31 18:26:58 2006
Subject: Immigration Enforcement

Has ODAG ever called Carol Lam and woodshedded her re immigration enforcement? Has anyone?

If the AG ordered 20 more prosecutors to S.D. Cal. to do immigration enforcement only, where would we get them from (remember the premise: AG has ordered it)? Please advise.

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 6:40 PM
To: Sampson, Kyle
Subject: Re: Immigration Enforcement

I don't believe so.

Not that I am aware of.

There are good reasons not to provide extensive resources to SD Ca. Other border districts have done substantially more. It will send the message that if your people are killing themselves, the additional resources will go to folks who haven't prioritized the same enforcement priority.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sampson, Kyle
To: Mercer, Bill (ODAG)
Sent: Wed May 31 18:26:58 2006
Subject: Immigration Enforcement

Has ODAG ever called Carol Lam and woodshedded her re immigration enforcement? Has anyone?

If the AG ordered 20 more prosecutors to S.D. Cal. to do immigration enforcement only, where would we get them from (remember the premise: AG has ordered it)? Please advise.

Mercer, William W

From: Sampson, Kyle
Sent: Thursday, June 01, 2006 11:17 AM
To: Mercer, Bill (ODAG)
Subject: RE: Draft Analysis of Immigration Prosecutions in SDCA

This is helpful, but a comparison of S.D. Cal. and S.D. Tex. would be most helpful, as San Diego and Houston likely are better comparables. In any event, I got some guidance from the AG this morning and we need to talk. When is good?

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Thursday, June 01, 2006 9:32 AM
To: Sampson, Kyle
Subject: Fw: Draft Analysis of Immigration Prosecutions in SDCA

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Fridman, Daniel (ODAG)
To: Mercer, Bill (ODAG)
Sent: Thu Jun 01 09:29:59 2006
Subject: RE: Draft Analysis of Immigration Prosecutions in SDCA

Bill -

re is the most current version.

Dan

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 7:19 PM
To: Fridman, Daniel (ODAG)
Subject: RE: Draft Analysis of Immigration Prosecutions in SDCA

If I can get either the older draft or the updated one first thing tomorrow, that would be good.

-----Original Message-----

From: Fridman, Daniel (ODAG)
Sent: Wednesday, May 31, 2006 7:16 PM
To: Mercer, Bill (ODAG)
Subject: Re: Draft Analysis of Immigration Prosecutions in SDCA

Bill -

That's not the most current draft. The one I gave you last friday for the DAG to take with him was a revised version. Although that version had more detail about SDCAs fast track program, revised prosecution numbers, and some of the findings of the EARS report, I've since had a chance to go through EARS more completely and will revise the report one final time. I can email you the most recent version tomorrow. I can have a final revised version for you by friday.

an

-----Original Message-----

From: Mercer, Bill (ODAG)

Mercer, William W

From: Sampson, Kyle
Sent: Thursday, June 01, 2006 5:25 PM
To: Mercer, Bill (ODAG)
Cc: Elston, Michael (ODAG)
Subject: San Diego Immigration Enforcement

Importance: High

Bill, this relates (certainly in the AG's mind) to the e-mail I just sent to Elston (cc to you) re our pressing need to, in the very short-term, generate some deliverables on immigration enforcement, and in the long-term, insulate the Department from criticism by improving our numbers. AG has given additional thought to the SD situation and now believes that we should adopt a plan -- something like the following:

- Have a heart-to-heart with Lam about the urgent need to improve immigration enforcement in SD;
- Work with her to develop a plan for addressing the problem -- to include alteration of prosecution thresholds; additional DOJ prosecutors; additional DHS SAUSA resources; etc.
- Put her on a very short leash;
- If she balks on any of the foregoing or otherwise does not perform in a measurable way by July 15 [my date], remove her.
- AG then appoints new USA from outside the office.

This seems to me like the sort of thing for ODAG and EOUSA to execute. Can you think about how to do this right, tune up my plan/list of bullets, and be prepared to (1) present such plan to the AG tomorrow or early next week for his approval and (2) execute the plan next week?

To: Fridman, Daniel (ODAG)
Sent: Wed May 31 18:49:43 2006
Subject: Re: Draft Analysis of Immigration Prosecutions in SDCA

n: is this your final draft?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Fridman, Daniel (ODAG)
To: Mercer, Bill (ODAG)
Sent: Mon May 22 08:59:44 2006
Subject: Draft Analysis of Immigration Prosecutions in SDCA

Bill -

Here is my first cut at an analysis of SDCA. I still have questions about the data and materials provided by EOUSA which I will follow up on today. There is also some additional data I'd like to see.

Let me know if this is what you had in mind.

Dan

-----Original Message-----

From: dan_fridman@yahoo.com
To: Fridman, Daniel (ODAG)
CC: dan_fridman@yahoo.com
Sent: Mon May 22 07:12:29 2006
Subject: dan_fridman@yahoo.com

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<http://mail.yahoo.com>

TO: DAG
FROM: PADAG
RE: Supplement to the Fridman Analysis on resources and productivity in the SD CA
DATE: June 4, 2006

While the approach to immigration cases and actual output in that area is instructive, there are other factors for your consideration.

- I. PSN/Firearms Cases. Attached are: (1) a summary from the PSN FY 05 District Review Report, (2) a March, 2004 report from EOUSA to Kyle, and (3) a follow-up memo from ODAG to Kyle on the results of conference calls between DAG Comey and USA Lam.

Cases filed under 18 U.S.C. §§ 922, 924 hit a 10 year low in SD CA in FY 2005 even after the conversation between Jim and Carol.

SDCA filed 12 gun cases under those statutes in FY 2005. SW border peer districts charged considerably more cases under those statutes in FY 2005: Arizona (268), New Mexico (164), Western Texas (285), and Southern Texas (223). The other California districts also brought substantially more cases under those statutes in FY 2005: CD California (131), ED California (126), ND California (102).

This is a long-standing issue. PSN has not had an impact on the number of federal firearms prosecutions in SDCA. In fiscal years 2002-2005, the number of prosecutions brought in SDCA under 18 U.S.C. §§ 922, 924 total 71 and exceeded twenty cases in a single year only once (FY 2002). Numbers of cases brought under those statutes in SDCA in FYs 1994-1998 exceeded 24 each year.

- II. Overall case production in 2005. It may be useful to compare SDCA to other SW border districts. The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

SD Texas: 6,414 defendants were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.
1,482 were sentenced for drug trafficking offenses
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III. Current AUSA resources in the SW border districts

As of early March, the on-board full-time AUSA counts from the direct appropriation (excluding ACE, health care fraud, and OCDETF) was as follows:

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SD Cal	111
New Mexico	63
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2005 -- 227 defendants

Western District of Texas

2002 -- 131 defendants
2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Monday, June 05, 2006 3:25 AM
To: McNulty, Paul J
Cc: Elston, Michael (ODAG)
Subject: 6/3-4

There are a few other items that came up over the weekend, I got to over the weekend, and/or I forgot to report last week.

1. §

(b) What, if anything, should be done in SD Ca to address concerns about inadequate immigration enforcement numbers. The range of options includes: replace Carol, replace Carol only if she fails to make demonstrable improvements within 90 days (maybe shorter like 45 days), add AUSAs -- maybe to the exclusion of any other SW border district in order to have maximum impact -- immediately after Carol's successor is named or, if she is retained, after the 90 day period whether she is retained or not, make request for DHS lawyers to serve as SAUSAs. Most is your fax is related to this subject. I did a separate memorandum to supplement what Dan Fridman provided to you before Memorial Day.

On resources, Steve Parent says 7 AUSAs and 4 support staff (which would reduce current vacancy rates across the SW border to the national average of 10 percent) would cost 1.6 million in FY 07. Of this amount, 4 AUSA and 2 support would go to SD Ca. He advised over the weekend that they have the money to fund the 7/4 plan now. AG may ask whether all 11 should go to SD Ca.

(c)

2.

3.

4.

5.

6.

7.

Sent from my BlackBerry Wireless Handheld

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Wednesday, June 07, 2006 2:37 PM
To: Taylor, Jeffrey (OAG)
Subject: Fw: USA prosecutions - Secs. 1324 and 1326

Interested in your thoughts.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Scott-Finan, Nancy
To: Voris, Natalie (USAE0); Seidel, Rebecca; Crews, John (USAE0); Smith, David L. (USAE0)
CC: Mercer, Bill (ODAG); Roland, Sarah E
Sent: Wed Jun 07 14:22:12 2006
Subject: RE: USA prosecutions - Secs. 1324 and 1326

I have spoken with the staffer who advises that she is inquiring as the Senator herself has asked. The Senator has heard that our prosecution numbers are down. Is there someone in EOUSA who can talk to the staffer and say that we prosecute all of the cases that need prosecuting? Thanks.

-----Original Message-----

From: Voris, Natalie (USAE0)
Sent: Tuesday, June 06, 2006 2:05 PM
To: Scott-Finan, Nancy; Seidel, Rebecca; Crews, John (USAE0); Smith, David L. (USAE0)
Cc: Mercer, Bill (ODAG); Roland, Sarah E
Subject: RE: USA prosecutions - Secs. 1324 and 1326

We definitely do not give out prosecution guidelines.

From: Crews, John (USAE0)
Sent: Tuesday, June 06, 2006 1:22 PM
To: Seidel, Rebecca; Scott-Finan, Nancy; Voris, Natalie (USAE0); Smith, David L. (USAE0)
Cc: Roland, Sarah E
Subject: RE: USA prosecutions - Secs. 1324 and 1326

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My assumption is that you are correct, that this is related to the real report that Ms. Lam sent us, and the faux and redacted copy of that report that Congressman Issa often quotes from.

JGC

From: Seidel, Rebecca
Sent: Tuesday, June 06, 2006 1:18 PM
To: Scott-Finan, Nancy; Voris, Natalie (USAE0); Smith, David L. (USAE0)
Cc: Roland, Sarah E; Crews, John (USAE0)
Subject: RE: USA prosecutions - Secs. 1324 and 1326

We don't generally give out prosecution guidelines - right? And this is a set up related to that report that Issa got his hands on? And Carol Lam responded to?

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Mercer, William W

From: Moschella, William
Sent: Thursday, June 08, 2006 6:38 AM
To: Mercer, Bill (ODAG)
Subject: Re: USA prosecutions - Secs. 1324 and 1326

Can you bring the numbers that you handed out once before to the morning mtg and we can discuss?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Mercer, Bill (ODAG)
To: Moschella, William
Sent: Thu Jun 08 05:48:41 2006
Subject: Fw: USA prosecutions - Secs. 1324 and 1326

Do you think that Taylor and I should give your staff an overview of what we know about the data and the practice? We don't want anyone to represent that "we are prosecuting all that need to be prosecuted.". It strikes me as a difficult argument given the numbers and the anecdotes.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Mercer, Bill (ODAG)
To: Scott-Finan, Nancy; Voris, Natalie (USAEO); Seidel, Rebecca; Crews, John (USAEO); Smith, David L. (USAEO)
CC: Roland, Sarah E
Sent: Thu Jun 08 05:43:33 2006
Subject: Re: USA prosecutions - Secs. 1324 and 1326

Where? SDCA, California as a whole, or nationally?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Scott-Finan, Nancy
To: Voris, Natalie (USAEO); Seidel, Rebecca; Crews, John (USAEO); Smith, David L. (USAEO)
CC: Mercer, Bill (ODAG); Roland, Sarah E
Sent: Wed Jun 07 16:01:15 2006
Subject: RE: USA prosecutions - Secs. 1324 and 1326

Can we try to pull numbers for each of the two sections--can we show that prosecution numbers are up?

-----Original Message-----

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Mercer, William W

From: Sampson, Kyle
Sent: Wednesday, June 21, 2006 12:05 PM
To: Mercer, Bill (ODAG)
Subject: FW: Sen. Feinstein letter 6-20-06

Attachments: Sen. Feinstein letter 6-20-06.pdf

We need to talk about this.

From: Taylor, Jeffrey (OAG)
Sent: Wednesday, June 21, 2006 11:38 AM
To: Sampson, Kyle
Subject: FW: Sen. Feinstein letter 6-20-06

From: Chambers, Shane P
Sent: Wednesday, June 21, 2006 11:01 AM
To: Moschella, William; Mercer, Bill (ODAG); Taylor, Jeffrey (OAG)
Subject: Sen. Feinstein letter 6-20-06



Sen. Feinstein
letter 6-20-06....

Shane P. Chambers
Office of Legislative Affairs
U.S. Department of Justice
Washington, D.C. 20530
(phone) 202.616.5637
(fax) 202.305.2643

DIANNE FEINSTEIN
CALIFORNIA



COMMITTEE ON APPROPRIATIONS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 15, 2006

Honorable Alberto Gonzales
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Gonzales:

During our meeting last week you asked if I had any concerns regarding the U.S. Attorneys in California. I want to follow up on that point and raise the issue of immigration related prosecutions in Southern California.

It has come to my attention that despite high apprehensions rates by Border Patrol agents along California's border with Mexico, prosecutions by the U.S. Attorney's Office Southern District of California appear to lag behind. A concern voiced by Border Patrol agents is that low prosecution rates have a demoralizing effect on the men and women patrolling our Nation's borders.

It is my understanding that the U.S. Attorney's Office Southern District of California may have some of the most restrictive prosecutorial guidelines nationwide for immigration cases, such that many Border Patrol agents end up not referring their cases. While I appreciate the possibility that this office could be overwhelmed with immigration related cases; I also want to stress the importance of vigorously prosecuting these types of cases so that California isn't viewed as an easy entry point for alien smugglers because there is no fear of prosecution if caught. I am concerned that lax prosecution can endanger the lives of Border Patrol agents, particularly if highly organized and violent smugglers move their operations to the area.

Therefore, I would appreciate responses to the following issues:

- Please provide me with an update, over a 5 year period of time, on the numbers of immigration related cases accepted and prosecuted by the

ASG000000270

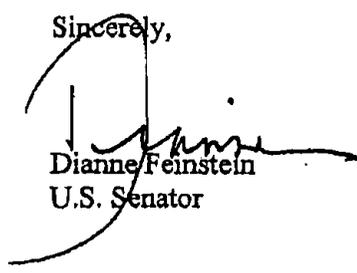
U.S. Attorney Southern District of California, particularly convictions under sections 1324 (alien smuggling), 1325 (improper entry by an alien), and 1326 (illegal re-entry after deportation) of the U.S. Code.

- What are your guidelines for the U.S. Attorney's Office Southern District of California? How do these guidelines differ from other border sectors nationwide?

By way of example, based on numbers provided to my office by the Bureau of Customs and Border Protection and the U.S. Sentencing Commission, in FY05 Border Patrol agents apprehended 182,908 aliens along the border between the U.S. and Mexico. Yet in 2005, the U.S. Attorney's office in Southern California convicted only 387 aliens for alien smuggling and 262 aliens for illegal re-entry after deportation. When looking at the rates of conviction from 2003 to 2005, the numbers of convictions fall by nearly half.

So I am concerned about these low numbers and I would like to know what steps can be taken to ensure that immigration violators are vigorously prosecuted. I appreciate your timely address of this issue and I look forward to working with you to ensure that our immigration laws are fully implemented and enforced.

Sincerely,



Dianne Feinstein
U.S. Senator



Senator Dianne Feinstein

of California

331 Hart Senate Office Building
Washington, DC 20510
(202) 224-3841

TO: WILLIAM MOREHELLA

FROM: SEN FEINSTEIN - MONTSERRAT MELLER

TOTAL # OF PAGES (W/COVER): 3

COMMENTS:

ORIGINAL TO FOLLOW

NOTE: The information contained in this fax is confidential. If you receive this transmission in error, please notify the sender immediately.

July 5, 2006

MEMORANDUM

TO: Carol Lam
United States Attorney
Southern District of California

FROM: William W. Mercer
Principal Associate Deputy Attorney General

SUBJECT: Reconciliation of Sentencing Data for Immigration and Firearms Offenses in the Southern District of California

In the course of on-going discussions regarding resource allocation and DOJ priorities, I have reviewed different data. The following summary is drawn from Sentencing Commission data. It is dependent upon information provided to the Commission by the judges in each district. So, if a particular district court underreports, these data understate the work of the federal prosecutors in that district. Can you advise whether these data underreport the work of your office?

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ASG000000273

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TABLE D-3 DEFENDANTS.
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 DURING THE 12-MONTH PERIOD ENDING SEP. 30, 2005

CIRCUIT AND DISTRICT	DRUG OFFENSES		FIREARMS AND EXPLOSIVES OFFENSES	SEX OFFENSES	JUSTICE SYSTEM OFFENSES	IMMIGRATION OFFENSES		GENERAL OFFENSES	REGULATORY OFFENSES	TRAFFIC OFFENSES
	MARIJUANA	ALL OTHER DRUGS				IMPROPER REENTRY BY ALIEN	OTHER			
TOTAL...	7,349	25,288	10,328	1,828	1,229	11,653	6,469	2,800	1,962	4,142
DC.....	1	326	138	6	4	11	13	37	45	-
1ST...	37	920	243	37	35	121	33	79	47	3
ME.....	10	62	60	9	2	19	6	5	3	-
MA.....	22	289	67	17	16	23	7	37	16	2
NH.....	2	79	40	6	4	3	-	3	3	-
RI.....	3	57	32	1	1	16	1	1	1	-
PA.....	-	433	44	4	12	60	19	33	24	1
2ND...	167	2,275	546	107	103	295	158	381	83	12
CT.....	3	236	50	13	8	8	1	20	14	-
NY, N.....	27	187	62	11	7	44	62	29	12	12
NY, E.....	20	655	114	27	40	42	10	50	18	-
NY, S.....	12	848	191	26	29	156	35	230	24	-
NY, W.....	50	290	88	38	15	36	16	9	15	-
VT.....	55	59	41	-	4	9	34	3	-	-
3RD...	123	1,259	514	115	63	134	94	143	118	5
DE.....	4	44	23	-	-	16	-	2	18	-
NJ.....	88	336	96	42	13	24	21	68	35	2
PA, E.....	23	357	209	18	3	35	4	29	43	-
PA, M.....	4	343	67	22	33	21	32	23	9	3
PA, W.....	4	156	94	31	7	25	9	14	5	-
VI.....	-	23	25	2	7	13	28	7	8	-
4TH...	489	3,278	1,513	126	127	190	149	297	217	2,287
ND.....	9	378	143	28	21	29	17	40	9	674
NC, E.....	140	294	208	8	10	19	37	32	48	468
NC, M.....	13	143	143	9	3	39	5	11	4	-
NC, W.....	10	405	222	19	22	39	1	22	12	1
SC.....	11	571	257	29	15	29	15	20	18	-
VA, E.....	286	734	284	27	21	39	69	140	112	1,142
VA, W.....	9	356	153	6	13	2	5	16	10	2
WV, N.....	7	286	69	7	14	3	-	13	1	-
WV, S.....	4	151	34	4	8	-	-	3	3	-
5TH...	2,438	3,406	1,278	157	157	5,094	2,795	266	259	36
LA, E.....	10	163	79	5	17	19	13	7	89	1
LA, M.....	3	32	78	4	6	1	1	6	40	-
LA, W.....	63	208	78	12	8	17	8	20	9	1
MS, N.....	7	85	32	15	1	1	3	3	2	-
MS, S.....	3	152	75	12	6	16	7	23	3	5
TX, N.....	9	334	197	26	10	128	57	50	10	2
TX, E.....	9	459	218	24	6	57	18	22	6	-
TX, S.....	791	922	241	22	61	2,847	1,955	66	49	9
TX, W.....	1,544	1,051	280	37	42	2,008	736	67	51	19
6TH...	386	2,243	1,177	175	101	178	56	209	163	47
KY, E.....	89	235	106	20	12	15	14	11	15	-
KY, W.....	82	147	73	17	8	9	-	77	23	39
MI, E.....	83	301	151	15	14	28	14	16	26	-
MI, W.....	13	157	91	21	10	43	5	7	6	-
OH, N.....	41	481	194	42	11	27	12	32	20	-
OH, S.....	41	312	138	20	12	10	-	29	25	-
TN, E.....	21	286	155	9	11	19	4	16	15	6
TN, N.....	14	103	89	11	7	21	3	14	8	-
TN, W.....	4	221	180	21	16	6	4	7	25	2
7TH...	100	1,434	630	85	58	115	65	138	103	112
IL, N.....	8	537	145	22	21	30	11	88	31	-
IL, C.....	3	119	54	12	-	12	21	10	8	99
IL, S.....	47	173	57	7	10	13	12	7	17	-
IN, N.....	25	730	185	9	8	6	11	3	3	-
IN, S.....	7	168	88	16	7	7	5	20	12	3
WI, E.....	6	170	87	13	6	15	3	8	25	-
WI, W.....	4	137	34	6	6	12	2	2	7	10
8TH...	261	2,239	1,096	236	85	327	207	151	147	22
AR, E.....	73	107	108	13	19	11	15	20	4	-
AR, W.....	19	48	31	13	5	31	17	3	3	2
IA, N.....	4	191	63	19	5	46	18	18	3	-
IA, S.....	5	204	75	17	5	51	64	9	4	-
HI.....	46	248	54	18	7	17	1	16	16	1
MO, E.....	58	377	243	28	15	37	3	15	71	18
MO, W.....	42	364	313	50	12	19	17	15	11	-
NE.....	12	471	143	5	3	59	14	5	13	-
ND.....	-	89	44	31	2	38	47	13	12	-
SD.....	2	140	20	42	12	18	11	37	10	-
9TH...	2,316	3,379	1,339	428	304	2,812	2,344	585	449	691
AK.....	2	56	25	8	4	2	2	25	25	16
AZ.....	1,266	502	290	70	41	1,619	610	70	101	9
CA, N.....	24	201	103	34	20	62	74	40	78	24
CA, E.....	71	353	129	68	34	182	16	49	44	47
CA, C.....	11	440	132	69	33	180	322	68	49	3
CA, S.....	744	366	8	7	29	398	1,041	37	16	-
HI.....	3	243	55	9	3	3	2	11	8	154
ID.....	3	126	52	14	7	63	5	10	10	2
MT.....	25	128	99	57	17	41	10	41	20	49
NV.....	1	204	124	18	69	97	9	18	10	-
OR.....	30	180	131	17	20	26	145	60	27	-
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ASG00000277

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 U.S. DISTRICT COURTS - CRIMINAL DEFENDANTS COMMENCED, BY MAJOR OFFENSE AND DISTRICT (EXCLUDING TRANSFERS),
 DURING THE 12-MONTH PERIOD ENDING SEP. 30, 2005

CIRCUIT AND DISTRICT	VIOLENT OFFENSES					PROPERTY OFFENSES				
	TOTAL	HOMICIDE	ROBBERY	ASSAULT	OTHER	LARCENY AND THEFT	EMBEZZLEMENT	FRAUD	FORGERY AND COUNTERFEITING	OTHER
TOTAL...	91,632	204	1,181	988	719	3,012	710	9,929	1,394	247
DC.....	693	5	3	3	13	16	3	67	2	-
1ST...	2,024	1	36	15	33	28	14	323	19	-
ME.....	221	-	3	1	4	5	2	30	-	-
MA.....	645	-	9	3	3	5	8	116	2	-
NH.....	221	-	11	-	5	3	-	60	2	-
RI.....	159	-	13	-	2	5	2	22	2	-
RR.....	778	1	-	11	19	7	2	95	13	-
2ND...	5,461	6	33	20	117	115	35	928	72	8
CT.....	481	-	4	-	4	6	4	89	1	-
N.Y., N.....	580	-	-	7	8	19	6	83	4	-
N.Y., E.....	1,315	1	3	2	62	4	5	195	25	2
N.Y., S.....	2,148	5	9	7	41	61	19	417	36	2
N.Y., W.....	729	-	14	4	2	24	-	127	5	4
VT.....	228	-	3	-	-	1	1	17	1	-
3RD...	3,837	12	110	38	84	148	37	692	138	10
DE.....	155	-	4	1	2	6	2	25	8	-
N.J.....	1,223	-	31	6	25	92	24	261	36	3
PA, E.....	1,023	1	33	10	29	13	15	181	20	-
PA, M.....	709	5	19	8	2	21	4	88	12	2
PA, W.....	359	1	28	4	-	15	11	114	40	1
VI.....	168	5	4	9	6	1	1	23	2	4
4TH...	11,007	10	191	156	64	568	64	1,050	192	37
ND.....	1,753	1	25	52	14	188	2	104	12	5
NC, E.....	1,493	-	23	10	3	68	6	130	17	10
NC, M.....	476	1	48	-	3	-	6	37	12	-
NC, W.....	943	3	30	6	9	13	5	96	26	2
SC.....	1,379	1	34	2	13	30	18	240	85	-
VA, E.....	3,608	4	15	78	13	241	17	343	28	15
VA, M.....	643	-	2	3	5	11	3	43	4	-
WV, N.....	442	-	6	3	1	2	2	19	6	3
WV, S.....	278	-	6	2	3	5	5	38	2	2
5TH...	18,045	8	89	96	60	320	78	1,278	214	16
LA, E.....	352	1	10	1	16	14	8	75	22	2
LA, M.....	252	-	-	-	1	2	3	72	2	1
LA, N.....	620	-	-	12	2	84	5	83	9	1
MO, N.....	182	-	4	1	-	7	1	16	7	-
MS, S.....	441	2	8	4	4	16	16	76	11	2
TX, N.....	1,168	-	28	5	3	36	11	204	55	3
TX, E.....	966	2	10	18	5	22	12	59	20	-
TX, S.....	7,245	3	8	15	15	9	8	201	21	1
TX, W.....	6,419	-	21	40	14	130	14	492	67	6
6TH...	6,454	9	166	63	73	342	99	806	145	14
KY, E.....	647	3	7	11	5	13	8	59	24	-
KY, W.....	747	2	4	17	1	192	7	38	11	-
MI, E.....	853	2	23	2	12	12	10	121	23	-
MI, W.....	471	2	21	17	4	18	8	37	9	2
OR, N.....	1,174	-	50	4	12	18	30	163	36	1
OR, S.....	809	-	27	2	5	29	12	130	15	2
TH, E.....	657	-	8	4	15	13	12	59	4	1
TN, M.....	364	-	8	1	5	5	4	62	3	6
TN, W.....	732	-	18	5	14	42	8	137	20	2
7TH...	3,845	3	86	16	24	109	68	627	66	6
IL, N.....	1,445	-	56	5	14	69	37	320	30	1
IL, C.....	426	-	10	1	1	10	6	47	13	-
IL, S.....	392	-	6	3	-	4	3	32	1	-
IN, N.....	496	-	4	-	-	5	7	88	4	-
IN, S.....	377	-	1	2	-	9	4	40	8	-
WI, E.....	431	3	1	4	1	9	4	71	1	4
WI, W.....	278	-	8	1	-	3	7	29	9	1
8TH...	5,999	33	90	112	34	118	67	625	104	45
AR, E.....	469	2	6	4	2	11	5	53	9	7
AR, W.....	240	-	12	-	2	12	4	28	6	4
IA, M.....	416	-	1	-	3	2	3	36	4	-
IA, S.....	499	-	6	-	-	8	2	45	3	1
MN.....	561	2	25	8	2	2	9	81	8	-
MO, E.....	1,079	-	15	-	4	12	8	141	33	-
MO, W.....	1,034	2	15	4	3	37	10	95	23	-
NE.....	810	-	6	8	11	7	7	34	9	3
ND.....	354	5	-	20	3	7	1	36	5	1
SD.....	537	22	4	88	4	20	18	76	4	29
9TH...	17,973	75	209	275	118	549	94	1,789	185	68
AK.....	210	-	3	1	-	8	2	30	-	1
AZ.....	5,182	48	12	181	45	81	10	244	5	6
CA, N.....	934	-	20	6	10	47	5	175	10	5
CA, E.....	1,326	1	12	8	6	64	8	199	24	1
CA, C.....	1,950	4	48	20	8	80	12	398	71	2
CA, S.....	2,882	4	6	8	-	2	13	198	3	2
HI.....	568	-	8	8	3	11	3	41	1	2
ID.....	353	2	1	12	3	9	5	27	3	3
MT.....	638	8	5	28	3	8	9	84	7	22
NV.....	799	-	28	10	10	20	6	149	14	3

ASG00000278

United States Attorneys—Criminal Caseload Statistics*

§ U.S.C. 1324**, § U.S.C. 1325*** and § U.S.C. 1326****

Fiscal Year 2003*****

Listing Sorted: Alphabetically by District

District	§ U.S.C. 1324**			§ U.S.C. 1325***			§ U.S.C. 1326****		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****
1 Alabama, Middle	1	1	1	0	0	0	3	3	3
2 Alabama, Northern	1	1	1	0	0	0	20	20	16
3 Alabama, Southern	0	0	0	0	0	1	1	1	0
4 Alaska	0	0	0	2	2	2	7	7	6
5 Arizona	260	390	374	13	21	15	2,008	2,016	2,072
6 Arkansas, Eastern	0	0	1	0	0	0	5	5	5
7 Arkansas, Western	2	2	0	0	0	0	34	34	37
8 California, Central	25	40	48	211	213	193	200	200	207
9 California, Eastern	5	5	1	257	260	246	342	346	155
10 California, Northern	6	7	4	77	78	78	160	160	117
11 California, Southern	448	541	550	867	868	764	781	777	612
12 Colorado	5	11	8	6	7	4	88	93	81
13 Connecticut	0	0	0	3	3	1	7	8	16
14 Delaware	0	0	0	0	0	0	8	8	7
15 District of Columbia	0	0	12	0	0	1	18	21	9
16 Florida, Middle	9	25	5	2	8	2	92	92	95
17 Florida, Northern	0	0	0	0	0	0	2	2	4
18 Florida, Southern	43	83	85	3	4	7	111	112	135
19 Georgia, Middle	0	0	0	0	0	0	7	6	8
20 Georgia, Northern	17	50	12	43	46	49	60	80	80
21 Georgia, Southern	0	0	0	0	0	0	9	12	6
22 Guam	3	3	3	1	1	0	6	8	10
23 Hawaii	3	3	7	0	0	0	1	1	9
24 Idaho	0	1	1	3	3	5	81	82	67
25 Illinois, Central	6	7	22	0	0	1	12	12	14
26 Illinois, Northern	6	6	13	1	1	7	96	96	76
27 Illinois, Southern	5	6	1	2	2	2	16	16	13
28 Indiana, Northern	0	0	0	0	0	0	1	1	1
29 Indiana, Southern	0	0	0	0	0	0	8	9	9
30 Iowa, Northern	5	5	3	3	3	2	56	56	46
31 Iowa, Southern	1	1	1	0	0	1	48	51	62
32 Kansas	3	3	2	7	19	4	59	60	58
33 Kentucky, Eastern	3	5	2	5	8	6	15	15	14
34 Kentucky, Western	1	2	2	1	1	1	12	16	16
35 Louisiana, Eastern	1	3	3	0	0	0	18	18	17
36 Louisiana, Middle	0	0	0	0	0	0	7	7	6
37 Louisiana, Western	7	9	3	2	2	2	7	7	10
38 Maine	0	0	0	9	9	7	6	6	6
39 Maryland	0	1	1	1	1	2	36	36	30
40 Massachusetts	1	1	0	0	0	0	40	40	42
41 Michigan, Eastern	16	24	8	4	4	1	26	26	15
42 Michigan, Western	0	0	0	1	1	1	42	42	32
43 Minnesota	0	0	0	0	0	3	12	14	16
44 Mississippi, Northern	0	0	0	0	0	0	3	3	1
45 Mississippi, Southern	0	0	0	0	0	0	17	17	15
46 Missouri, Eastern	5	6	9	4	4	3	38	38	34
47 Missouri, Western	4	6	5	10	10	10	35	35	33
48 Montana	4	10	2	7	7	6	27	27	22

District	8 U.S.C. 1324**			8 U.S.C. 1325***			8 U.S.C. 1326****		
	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****
49 Nebraska	0	0	0	3	3	0	92	92	69
50 Nevada	4	4	1	4	4	8	187	187	162
51 New Hampshire	1	1	1	0	0	0	10	10	8
52 New Jersey	3	3	6	0	0	0	28	28	20
53 New Mexico	129	188	188	372	372	400	1,304	1,308	1,333
54 New York, Eastern	4	6	4	5	13	1	108	108	101
55 New York, Northern	23	28	17	78	84	74	48	48	47
56 New York, Southern	11	26	17	21	22	28	114	116	79
57 New York, Western	10	15	7	7	8	5	26	28	24
58 North Carolina, Eastern	0	0	0	0	0	0	20	20	15
59 North Carolina, Middle	2	2	0	0	1	1	36	36	34
60 North Carolina, Western	1	9	1	1	1	3	16	18	7
61 North Dakota	1	1	0	4	5	2	29	31	25
62 Northern Mariana Islands	0	0	3	0	0	0	0	0	0
63 Ohio, Northern	2	3	0	0	0	0	18	20	25
64 Ohio, Southern	0	0	2	0	0	0	9	10	8
65 Oklahoma, Eastern	0	0	0	0	0	0	0	0	0
66 Oklahoma, Northern	0	0	0	0	0	0	3	4	5
67 Oklahoma, Western	2	2	2	0	0	0	10	10	9
68 Oregon	3	3	3	203	205	186	258	258	227
69 Pennsylvania, Eastern	0	0	0	0	0	0	37	38	30
70 Pennsylvania, Middle	2	2	1	0	0	1	12	12	11
71 Pennsylvania, Western	0	0	0	0	0	0	7	7	7
72 Puerto Rico	7	13	11	0	0	2	59	59	81
73 Rhode Island	2	6	1	1	1	0	14	14	13
74 South Carolina	5	6	5	130	198	108	19	19	19
75 South Dakota	0	0	0	0	0	0	10	10	16
76 Tennessee, Eastern	3	5	6	27	30	22	66	66	66
77 Tennessee, Middle	1	1	0	0	0	1	24	24	17
78 Tennessee, Western	0	0	1	2	5	0	14	14	14
79 Texas, Eastern	1	10	8	2	6	6	58	58	46
80 Texas, Northern	37	47	43	12	16	15	222	223	173
81 Texas, Southern	604	829	708	424	428	339	1,960	1,964	1,828
82 Texas, Western	219	347	316	102	119	88	1,450	1,461	1,300
83 Utah	10	12	7	0	0	1	203	204	228
84 Vermont	11	21	12	4	6	5	5	8	4
85 Virgin Islands	1	4	1	134	140	192	8	6	7
86 Virginia, Eastern	13	30	13	4	10	3	36	36	25
87 Virginia, Western	2	2	1	2	2	0	6	6	7
88 Washington, Eastern	2	2	5	2	2	2	136	136	121
89 Washington, Western	3	8	3	31	31	18	15	15	8
90 West Virginia, Northern	0	0	0	0	0	0	1	1	1
91 West Virginia, Southern	1	1	0	0	0	0	2	2	1
92 Wisconsin, Eastern	0	0	0	0	0	1	29	29	26
93 Wisconsin, Western	1	2	2	1	1	3	9	9	11
94 Wyoming	0	1	3	9	12	10	26	26	22
All Districts	2,015	2,878	2,589	3,131	3,313	2,950	11,432	11,523	10,631

*Caseload data extracted from the United States Attorneys' Case Management System.

**Data includes any and all criminal cases/defendants where 8 U.S.C. 1324 (Bringing in and Harboring Certain Aliens) was brought as any charge against a defendant.

***Data includes any and all criminal cases/defendants where 8 U.S.C. 1325 (Entry of Alien at Improper Time/Place, Misrepresentation and Concealment of Facts) was brought as any charge against a defendant.

****Data includes any and all criminal cases/defendants where 8 U.S.C. 1326 (Reentry of Deported Aliens) was brought as any charge against a defendant.

*****FY 2003 numbers are actual data through the end of September 2003.

*****Displayed defendant outcome information based upon the outcome of the charge only.

23-Nov-05

ASG00000280

United States Attorneys—Criminal Caseload Statistics
 8 U.S.C. 1324^{aa}, 8 U.S.C. 1325^{aa} and 8 U.S.C. 1326^{aa}
 Fiscal Year 2004^{aaaa}

Listing Sorted: Alphabetically by District

District	8 U.S.C. 1324 ^{aa}			8 U.S.C. 1325 ^{aa}			8 U.S.C. 1326 ^{aa}		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{aaaa}	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{aaaa}	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{aaaa}
1 Alabama, Middle	0	0	0	2	2	0	3	3	3
2 Alabama, Northern	0	0	0	3	3	1	17	17	16
3 Alabama, Southern	1	1	0	0	0	0	11	11	5
4 Alaska	0	0	0	0	0	0	11	11	10
5 Arizona	475	737	413	14	19	26	1,888	1,888	1,507
6 Arkansas, Eastern	1	2	0	0	0	0	6	6	8
7 Arkansas, Western	9	11	5	2	2	2	29	29	31
8 California, Central	42	87	40	582	588	437	202	208	90
9 California, Eastern	0	0	3	49	49	158	153	154	113
10 California, Northern	1	1	3	38	38	68	87	88	71
11 California, Southern	497	602	497	880	880	879	800	804	596
12 Colorado	2	3	2	0	0	4	103	103	90
13 Connecticut	0	0	1	0	0	1	6	6	5
14 Delaware	0	0	0	1	1	1	10	10	8
15 District of Columbia	2	4	6	1	1	3	18	18	17
16 Florida, Middle	10	11	6	66	58	7	134	134	111
17 Florida, Northern	0	0	0	1	1	0	8	8	5
18 Florida, Southern	24	52	43	0	0	2	126	127	95
19 Georgia, Middle	0	0	0	0	0	0	10	10	5
20 Georgia, Northern	5	11	14	80	80	73	78	78	62
21 Georgia, Southern	1	1	0	1	1	1	8	8	11
22 Guam	2	2	7	1	4	5	2	2	4
23 Hawaii	0	0	3	0	0	0	3	3	0
24 Idaho	0	0	0	2	2	2	72	72	87
25 Illinois, Central	11	13	9	1	2	0	11	11	10
26 Illinois, Northern	4	4	6	2	2	1	63	63	69
27 Illinois, Southern	2	2	4	0	0	0	8	8	7
28 Indiana, Northern	0	0	0	0	0	0	4	4	3
29 Indiana, Southern	0	0	0	0	0	0	7	7	9
30 Iowa, Northern	10	16	11	5	10	6	58	58	59
31 Iowa, Southern	9	11	9	0	0	1	56	56	50
32 Kansas	8	7	8	6	6	8	90	91	71
33 Kentucky, Eastern	2	2	1	0	0	0	23	23	19
34 Kentucky, Western	0	0	1	1	1	1	12	12	10
35 Louisiana, Eastern	0	0	0	0	0	0	20	20	20
36 Louisiana, Middle	1	1	1	0	0	0	3	3	3
37 Louisiana, Western	3	7	6	2	3	1	9	9	7
38 Maine	0	0	0	2	2	2	8	8	7
39 Maryland	3	8	2	1	1	1	28	28	35
40 Massachusetts	6	9	3	0	0	0	31	31	26
41 Michigan, Eastern	17	27	14	1	2	1	34	34	26
42 Michigan, Western	1	2	0	1	1	1	50	50	46
43 Minnesota	1	3	1	3	3	3	13	13	12
44 Mississippi, Northern	0	0	0	1	1	1	0	0	2
45 Mississippi, Southern	0	0	0	0	0	0	16	16	18
46 Missouri, Eastern	4	6	9	2	2	2	28	28	29
47 Missouri, Western	8	14	6	0	0	0	33	35	31
48 Montana	0	0	2	0	0	0	29	30	18

District	§ U.S.C. 1324**			§ U.S.C. 1325***			§ U.S.C. 1326****		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****
48 Nebraska	2	2	1	0	0	0	48	48	58
50 Nevada	4	6	9	5	6	9	103	103	114
51 New Hampshire	0	0	1	0	0	0	14	14	14
52 New Jersey	11	12	6	0	0	0	33	33	25
53 New Mexico	114	166	105	79	79	98	1,267	1,267	1,107
54 New York, Eastern	9	21	2	3	3	2	72	75	88
55 New York, Northern	25	31	28	92	92	88	84	84	88
56 New York, Southern	13	21	13	7	7	6	140	140	106
57 New York, Western	7	10	10	0	0	2	30	30	26
58 North Carolina, Eastern	0	0	0	3	4	1	23	23	20
59 North Carolina, Middle	7	11	4	1	4	0	55	55	43
60 North Carolina, Western	3	3	1	1	1	1	27	26	24
61 North Dakota	11	11	6	16	16	16	33	33	34
62 Northern Mariana Islands	5	8	3	7	22	14	0	0	0
63 Ohio, Northern	2	2	2	0	0	0	34	34	22
64 Ohio, Southern	1	2	0	0	0	0	15	15	10
65 Oklahoma, Eastern	0	0	0	0	0	0	0	0	0
66 Oklahoma, Northern	0	0	0	1	1	0	4	4	4
67 Oklahoma, Western	1	1	0	0	0	0	2	2	3
68 Oregon	3	4	2	148	148	153	198	196	58
69 Pennsylvania, Eastern	6	7	3	1	1	0	54	54	48
70 Pennsylvania, Middle	0	0	2	2	3	0	26	28	21
71 Pennsylvania, Western	6	6	0	0	0	0	12	12	11
72 Puerto Rico	25	46	15	4	4	2	89	90	69
73 Rhode Island	1	1	0	0	0	0	13	13	13
74 South Carolina	2	2	4	2	5	17	23	23	18
75 South Dakota	0	0	0	3	3	2	20	20	12
76 Tennessee, Eastern	2	3	0	3	3	2	40	41	43
77 Tennessee, Middle	0	0	0	0	0	0	26	26	21
78 Tennessee, Western	1	1	1	1	1	6	8	8	12
79 Texas, Eastern	11	23	11	1	1	1	51	51	68
80 Texas, Northern	25	46	35	20	27	29	145	147	162
81 Texas, Southern	705	974	656	649	652	518	2,441	2,443	1,955
82 Texas, Western	240	350	262	153	159	128	1,594	1,598	918
83 Utah	4	6	2	2	2	0	222	227	156
84 Vermont	11	18	10	6	6	4	12	12	11
85 Virgin Islands	7	7	2	195	195	142	9	9	6
86 Virginia, Eastern	7	7	16	4	5	4	46	47	38
87 Virginia, Western	1	1	3	0	0	2	10	12	7
88 Washington, Eastern	8	8	7	10	10	3	122	122	124
89 Washington, Western	9	9	1	49	48	35	20	20	16
90 West Virginia, Northern	0	0	0	0	0	0	3	4	0
91 West Virginia, Southern	1	1	0	0	0	0	3	3	4
92 Wisconsin, Eastern	1	2	1	2	2	0	34	34	26
93 Wisconsin, Western	0	0	2	0	0	0	10	10	12
94 Wyoming	0	0	0	5	6	7	18	19	18
All Districts	2,451	3,486	2,361	3,217	3,281	2,987	11,650	11,689	9,149

*Caseload data extracted from the United States Attorneys' Case Management System.

**Data includes any and all criminal cases/defendants where 8 U.S.C. 1324 (Bringing in and Harboring Certain Aliens) was brought as any charge against a defendant.

***Data includes any and all criminal cases/defendants where 8 U.S.C. 1325 (Entry of Alien at Improper Time/Place, Misrepresentation and Concealment of Facts) was brought as any charge against a defendant.

****Data includes any and all criminal cases/defendants where 8 U.S.C. 1326 (Reentry of Deported Aliens) was brought as any charge against a defendant.

*****FY 2004 numbers are actual data through the end of September 2004.

*****Displayed defendant outcome information based upon the outcome of the charge only.

23-Nov-05

ASG00000282

United States Attorneys—Criminal Caseload Statistics
 8 U.S.C. 1324^{***}, 8 U.S.C. 1325^{***} and 8 U.S.C. 1326^{***}
 Fiscal Year 2005^{****}

Listing Sorted: Alphabetically by District

District	8 U.S.C. 1324 ^{***}			8 U.S.C. 1325 ^{***}			8 U.S.C. 1326 ^{***}		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{*****}	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{*****}	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{*****}
1 Alabama, Middle	0	0	0	3	3	0	6	6	5
2 Alabama, Northern	0	0	0	3	3	3	15	15	14
3 Alabama, Southern	0	0	1	0	0	0	5	5	9
4 Alaska	1	1	1	0	0	0	3	3	3
5 Arizona	380	665	372	36	37	34	1,491	1,494	1,123
6 Arkansas, Eastern	4	7	5	1	1	1	11	11	11
7 Arkansas, Western	2	2	7	0	0	1	29	29	27
8 California, Central	33	78	75	405	405	514	190	190	187
9 California, Eastern	3	5	2	8	10	13	184	184	219
10 California, Northern	12	24	2	57	57	61	69	69	56
11 California, Southern	484	554	552	470	471	504	422	422	377
12 Colorado	4	7	9	1	1	2	108	109	79
13 Connecticut	0	0	0	1	1	1	8	8	2
14 Delaware	0	0	0	0	0	0	17	17	14
15 District of Columbia	1	3	1	0	0	1	16	17	12
16 Florida, Middle	21	28	22	5	8	17	185	186	179
17 Florida, Northern	0	0	0	0	0	1	17	17	9
18 Florida, Southern	41	61	32	2	2	1	119	123	122
19 Georgia, Middle	0	0	0	0	0	0	3	3	9
20 Georgia, Northern	11	54	4	82	82	86	38	38	47
21 Georgia, Southern	0	0	0	1	1	1	7	7	8
22 Guam	9	15	5	0	0	0	1	1	0
23 Hawaii	0	0	0	0	0	0	3	3	3
24 Idaho	3	9	4	4	4	1	56	68	53
25 Illinois, Central	17	21	14	0	0	2	12	12	10
26 Illinois, Northern	9	10	6	3	7	3	52	52	59
27 Illinois, Southern	8	10	4	0	0	0	16	16	10
28 Indiana, Northern	5	8	0	11	15	5	7	7	2
29 Indiana, Southern	2	4	4	0	0	0	7	7	5
30 Iowa, Northern	7	7	7	0	0	3	54	54	56
31 Iowa, Southern	12	13	11	19	38	2	61	61	69
32 Kansas	9	9	10	4	4	3	85	85	83
33 Kentucky, Eastern	2	4	2	0	0	0	17	18	20
34 Kentucky, Western	0	0	0	1	1	0	9	9	9
35 Louisiana, Eastern	1	2	0	1	2	0	21	21	11
36 Louisiana, Middle	0	0	0	0	0	0	2	2	3
37 Louisiana, Western	4	10	3	3	6	2	18	18	13
38 Maine	2	2	1	2	1	1	20	20	18
39 Maryland	1	2	5	1	1	0	31	31	23
40 Massachusetts	6	9	2	1	1	0	28	29	27
41 Michigan, Eastern	7	7	17	2	2	2	31	31	33
42 Michigan, Western	2	2	3	2	2	0	45	45	55
43 Minnesota	1	1	3	1	2	4	19	19	10
44 Mississippi, Northern	0	0	0	0	0	0	2	2	1
45 Mississippi, Southern	3	3	0	1	1	1	18	18	13
46 Missouri, Eastern	1	1	2	0	0	0	39	39	35
47 Missouri, Western	12	16	6	5	6	0	28	30	26
48 Montana	2	3	1	4	6	5	48	49	40

District	§ U.S.C. 1324 ^{***}			§ U.S.C. 1325 ^{****}			§ U.S.C. 1326 ^{*****}		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{*****}	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{*****}	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^{*****}
49 Nebraska	3	4	2	0	0	0	71	71	62
50 Nevada	2	5	1	7	7	6	99	99	95
51 New Hampshire	0	0	0	0	0	0	3	3	9
52 New Jersey	12	23	5	0	0	0	25	25	33
53 New Mexico	111	145	151	80	87	69	1,607	1,607	1,373
54 New York, Eastern	9	48	16	2	12	2	52	54	62
55 New York, Northern	31	40	25	107	108	99	50	51	54
56 New York, Southern	15	38	13	10	14	9	169	169	109
57 New York, Western	10	10	9	2	1	0	37	37	44
58 North Carolina, Eastern	1	1	1	1	1	4	20	20	18
59 North Carolina, Middle	1	1	5	0	0	2	46	46	50
60 North Carolina, Western	1	1	3	0	0	0	39	41	16
61 North Dakota	9	17	9	5	5	6	43	43	44
62 Northern Mariana Islands	0	0	5	0	0	5	0	0	0
63 Ohio, Northern	4	8	8	0	0	0	30	32	36
64 Ohio, Southern	1	1	1	0	0	0	14	14	15
65 Oklahoma, Eastern	1	1	1	0	0	0	3	3	0
66 Oklahoma, Northern	0	0	0	0	0	0	0	0	1
67 Oklahoma, Western	0	0	1	0	0	0	8	8	1
68 Oregon	1	1	1	147	147	100	171	174	67
69 Pennsylvania, Eastern	4	4	5	0	0	1	48	48	57
70 Pennsylvania, Middle	14	31	6	2	2	2	17	17	20
71 Pennsylvania, Western	2	2	4	4	4	4	28	28	13
72 Puerto Rico	11	18	28	1	1	1	73	73	71
73 Rhode Island	1	1	1	0	0	0	16	16	15
74 South Carolina	3	3	2	10	11	5	22	22	24
75 South Dakota	0	0	0	1	1	1	17	17	15
76 Tennessee, Eastern	1	1	2	2	2	4	24	24	26
77 Tennessee, Middle	0	0	0	1	1	1	22	25	26
78 Tennessee, Western	0	0	0	2	4	0	10	10	6
79 Texas, Eastern	7	10	14	6	13	7	61	61	51
80 Texas, Northern	30	46	34	15	17	19	129	129	119
81 Texas, Southern	833	1,150	956	728	726	798	2,899	2,912	2,659
82 Texas, Western	386	495	421	179	182	149	1,981	1,981	1,777
83 Utah	6	7	7	1	1	2	226	230	203
84 Vermont	20	32	22	4	6	6	10	10	11
85 Virgin Islands	8	14	4	5	10	43	18	17	12
86 Virginia, Eastern	12	20	8	3	11	5	47	48	46
87 Virginia, Western	0	0	0	1	5	0	4	6	7
88 Washington, Eastern	0	0	2	1	1	1	95	95	96
89 Washington, Western	8	13	6	78	78	73	20	20	11
90 West Virginia, Northern	2	2	2	0	0	0	4	4	3
91 West Virginia, Southern	0	0	1	0	0	0	1	1	1
92 Wisconsin, Eastern	2	5	0	8	6	1	18	18	32
93 Wisconsin, Western	0	0	0	0	0	0	12	12	10
94 Wyoming	1	1	0	11	14	3	18	20	11
All Districts	2,682	3,770	2,977	2,562	2,657	2,703	11,998	12,051	10,811

*Caseload data extracted from the United States Attorneys' Case Management System.

**Data includes any and all criminal cases/defendants where § U.S.C. 1324 (Bringing in and Harboring Certain Aliens) was brought as any charge against a defendant.

***Data includes any and all criminal cases/defendants where § U.S.C. 1325 (Entry of Alien at Improper Time/Place, Misrepresentation and Concealment of Facts) was brought as any charge against a defendant.

****Data includes any and all criminal cases/defendants where § U.S.C. 1326 (Reentry of Deported Aliens) was brought as any charge against a defendant.

*****FY 2005 numbers are actual data through the end of September 2005. FY 2005 data does not include data for the month of September 2005 for the Eastern District of Louisiana due to Hurricane Katrina.

*****Displayed defendant outcome information based upon the outcome of the charge only.

23-Nov-05

ASG00000284

**FY 2005 Allocation vs. Obligation
USAO's with Shortfalls**
(Dollars in Thousands)

Ensa TAB
TADAS BINDER
Attachment 1
11/4/2005

USAO	(1) Allocation	(2) Total Obligation	(3 = 1-2) Difference	(4) One-Time	(5) One-Time Moved	(6 = 4-5) Difference	(7 = 3+6) Total Difference
DIRECT							
ALASKA	3,975.1	3,996.1	(21.0)	18.0	8.0	10.0	(11.0)
CALIFORNIA CENTRAL	42,169.2	42,233.8	(64.6)	23.6	11.6	12.0	(52.6)
COLORADO	10,926.1	10,957.5	(31.4)	0.0	0.0	0.0	(31.4)
MICHIGAN WESTERN	6,295.0	6,297.1	(2.1)	0.0	0.0	0.0	(2.1)
NEW MEXICO	10,511.1	10,534.0	(22.9)	351.0	351.0	0.0	(22.9)
NORTH DAKOTA	3,525.1	3,530.3	(5.2)	0.0	0.0	0.0	(5.2)
OHIO NORTHERN	12,323.2	12,338.8	(15.6)	222.9	222.9	0.0	(15.6)
OHIO SOUTHERN	8,450.4	8,459.3	(8.9)	0.0	0.0	0.0	(8.9)
TOTAL DIRECT SHORTFALL	98,175.2	98,342.9	(167.7)	615.5	593.5	22.0	(145.7)
OCDETF							
CALIFORNIA CENTRAL	4,302.6	4,306.9	(4.3)	6.0	6.0	0.0	(4.3)
KENTUCKY EASTERN	325.5	326.0	(0.5)	0.0	0.0	0.0	(0.5)
LOUISIANA EASTERN	597.9	605.0	(7.1)	0.0	0.0	0.0	(7.1)
MINNESOTA	515.0	515.6	(0.6)	0.0	0.0	0.0	(0.6)
WASHINGTON WESTERN	757.4	761.6	(4.2)	4.0	4.0	0.0	(4.2)
TOTAL OCDETF SHORTFALL	6,498.4	6,515.1	(16.7)	10.0	10.0	0.0	(16.7)
HCF							
ALABAMA NORTHERN	68.9	108.3	(39.4)	0.0	0.0	0.0	(39.4)
ARIZONA	85.4	87.6	(2.2)	0.0	0.0	0.0	(2.2)
COLORADO	411.7	575.1	(163.4)	158.5	3.5	155.0	(8.4)
GEORGIA NORTHERN	596.2	597.8	(1.6)	25.0	25.0	0.0	(1.6)
IOWA SOUTHERN	221.9	223.0	(1.1)	0.0	0.0	0.0	(1.1)
LOUISIANA EASTERN	206.7	217.6	(10.9)	11.3	1.3	0.0	(0.9)
MISSOURI EASTERN	187.2	187.4	(0.2)	40.0	40.0	0.0	(0.2)
NEW YORK EASTERN	150.3	150.9	(0.6)	0.0	0.0	0.0	(0.6)
NEW YORK WESTERN	77.5	79.2	(1.7)	0.0	0.0	0.0	(1.7)
OREGON	71.0	71.4	(0.4)	0.0	0.0	0.0	(0.4)
TEXAS NORTHERN	102.1	106.0	(3.9)	11.1	11.1	0.0	(3.9)
UTAH	140.1	141.9	(1.8)	0.0	0.0	0.0	(1.8)
WISCONSIN EASTERN	234.3	237.3	(3.0)	0.0	0.0	0.0	(3.0)
TOTAL HCF SHORTFALL	2,553.3	2,783.5	(230.2)	245.9	80.9	165.0	(65.2)
TOTAL SHORTFALL			(414.6)				(227.6)

Wally Ensa
Update of issues
Budget Numbers

Punishment?

ATTACHMENT 2

**United States Attorneys
Southern District of California (SDCA) – History of Contractor Support**

- In FY 1995, SDCA received approval to hire contractors to address border issues. Initially, the district was able to absorb these costs through surplus payroll. As part of this agreement, for every new full-time permanent support staff position allocated, the district agreed to reduce the contract staff by the same amount. Over the years, this agreement was not upheld and significant amounts of funding were provided to SDCA by EOUSA to pay for contractors because the payroll surplus had dried up. Below is a chart that shows the one times provided to SDCA over the past 4 years:

	Contractor Costs	Funds Provided by EOUSA
FY 2002	\$2,604,035	\$2,220,808
FY 2003	2,817,614	2,343,700
FY 2004	2,762,381	2,385,000
FY 2005	2,479,348	2,000,000

- In April 2004, a letter from the Acting Chief Financial Officer, Theresa C. Bertucci was sent to the USA outlining a plan to reduce SDCA's contractor support. The district was supposed to take any and all actions necessary to reduce contractor costs by \$450,000, in FY 2005. As reflected in the chart, the district reduced their one-time requests in FY 2005, but their number of support employees has not been reduced proportionately. EOUSA continues to give the district one-times in support of these contractors.
- Attached is a comparison of support staff to attorneys in all of the extra large districts. With their current contractor staff, SDCA has the highest support to attorney ratio of any of the extra large districts. The average ratio is .96 support staff for every attorney. SDCA's ratio is 1.24 support staff for every attorney.

**AUSA to Support Staff Comparison
Extra Large USAOs – FY 2006**

Extra Large Districts	Attorney	Support*	Comparison Supt:Atty	Exceeds Average
Arizona	119	117	0.98	-0.02
California CD	259	212	0.82	
California ND	103	115	1.12	-0.16
California SD**	114	141	1.24	-0.28
DC	333	310	0.93	
Florida MD	101	101	1.00	-0.04
Florida SD	213	187	0.88	
Illinois ND	145	139	0.96	0.00
Massachusetts	104	89	0.86	
Michigan ED	98	113	1.15	-0.19
New Jersey	127	118	0.93	
New York ED	164	143	0.87	
New York SD	204	224	1.10	-0.14
Pennsylvania ED	122	112	0.92	
Texas SD	141	129	0.91	
Texas WD	110	110	1.00	-0.04
Virginia ED	110	100	0.91	
	=====	=====		
	2567	2460	0.96 Average	Extra Large

*Support figures include Paralegals and Support.
Students are not included

** Includes 40 contractors in support

Mercer, Bill (ODAG)

PAOLO BUONICCONTI

LOWA TAB

From: Parent, Steve (USAEO)
it: Friday, March 31, 2006 11:09 AM
Subject: Mercer, Bill (ODAG)
CA SD

Attachments: tmp.htm



tmp.htm (6 KB)

Bill,

Here's the information for San Diego. Compared to LA allocation growth has been at a higher percentage but FTE growth has been lower. And the contractor usage is a factor. As you know from the recent EARS review they had more contractors than any other extra large district and that has been coming back in line so there are reductions there. Here's the recap in the same format as what I sent you for Central District of California. Let me know if you need anything else.

From FY 2000 to FY 2006 the USA appropriation has grown by just over 33% from 1.18 billion to \$1.58 billion.

From FY 2000 to FY 2006 the budget allocation for the Southern District of California (SDCA) has grown by 41.1 percent from \$17.6 million to \$25.1 million.

From FY 2000 to FY 2006 the actual FTEs funded has risen from 209 to 215 and increase of 2.8 percent.

It is important to note that SDCA has also had significant numbers of contractor support staff in order to help process immigration cases. Beginning in FY 2000, SDCA had 52 support contractors on board. In FY 2006, the number of contractor support staff has fallen to 36. This reduction in contractor support staff better aligns SDCA's support staff numbers with the other extra large districts. SDCA's ratio of support to AUSA is 1.24 support to every AUSA. The average of all extra-large districts is .96 support to every AUSA. Without the contractors, SDCA's ratio drops to .89 support to every AUSA.

Here are the details:

The USA appropriation history:

- FY 2000 - \$1.18 billion
- FY 2001 - \$1.26 billion (+7.3 percent)
- FY 2002 - \$1.35 billion (+7.1 percent)
- FY 2003 - \$1.49 billion (+10.3 percent)
- FY 2004 - \$1.51 billion (+1.1 percent)
- FY 2005 - \$1.53 billion (+1.1 percent)
- FY 2006 - \$1.58 billion (+3.5 percent)

Percent change from FY 2000 to FY 2006 + 33.9%

The SDCA allocation history (includes reimbursable funds and funding one-times for contractors)

- 2000 - \$17.8 million
- 2001 - \$20.7 million (+16.6 percent)
- 2002 - \$22.4 million (+8.4 percent)
- FY 2003 - \$23.7 million (+5.7 percent)

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FY 2004 - \$24.3 million (+2.4 percent)
FY 2005 - \$25.2 million (+3.8 percent)
FY 2006 - \$25.1 million (-.5 percent)

Percent change from FY 2000 to FY 2006 is 41.4%.

Total Actual FTE usage history for SDCA from FY 2000 to FY 2006
(Includes reimbursable FTE, but not contractors)

FY 2000 - 209.09
FY 2001 - 211.44 (+1.1 percent)
FY 2002 - 216.18 (+2.2 percent)
FY 2003 - 218.05 (+.9 percent)
FY 2004 - 215.98 (-.9 percent)
FY 2005 - 221.82 (+2.7 percent)
FY 2006 - 214.88 (-3.1 percent)

Total percent change of actual FTE usage in FY 2000 to projected FTE usage in FY 2006 is +2.8 percent.

Immigrant file

*9/24/05
Ashcroft Memo
requires date
tracking*



**Graphical Highlights
Immigration**

**Immigration Cases
Defendants Disposed of in Magistrate Court and District Court**

District	Fiscal Year	U.S. Courts*			Dept. of Justice**		
		Magistrate Court	District Court	Total	Magistrate Court	District Court	Total
United States	2003	16,231	15,296	31,527	3,052	17,136	20,188
	2004	26,581	15,762	42,343	16,723	16,465	33,188
Southwest Border Federal Judicial Districts							
Arizona	2003	2,740	2,503	5,243	178	2,541	2,719
	2004	4,649	2,398	7,047	268	2,085	2,353
Cal, S.	2003	3	1,929	1,932	128	2,488	2,616
	2004	3	2,022	2,025	139	2,585	2,724
N Mexico	2003	37	1,422	1,459	231	1,636	1,867
	2004	3	1,414	1,417	75	1,368	1,443
Texas, S.	2003	8,626	2,886	11,512	454	3,037	3,491
	2004	16,176	3,035	19,211	13,905	3,231	17,136
Texas, W.	2003	4,227	1,755	5,982	1,483	1,768	3,251
	2004	5,261	1,815	7,076	1,829	1,405	3,234

* Administrative Office of U.S. Court figures are based upon its published counts [see Tables D-9 and M2 at <http://www.uscourts.gov/judbus2004/contents.html> and <http://www.uscourts.gov/judbus2003/contents.html>] for defendants charged with offenses under the "immigration laws." Magistrate figures include only petty offenses and exclude Class A misdemeanors as immigration offenses did not comprise a large enough category to be broken out separately. Thus, the AOUSC magistrate figures may represent an slight undercount of the actual volume of immigration defendants handled.

** Department of Justice (Executive Office for United States Attorney) figures are based upon internal files obtained by TRAC after court litigation under the Freedom of Information Act. Historically, reporting systems for magistrate cases have not been as well maintained, and reporting of petty offenses in particular appear less reliable and complete than court recording systems. This is reflected in the lower reported counts above. Counts here reflect prosecutions completed resulting from DHS-Immigration referrals for criminal prosecution.

Immigration Convictions by Lead Charge 2004

Federal Judicial District = Arizona

[More](#) |
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 [2002](#) |
 [2003](#) |
 [2004](#)

Item	Description	Count	Percent
Total		2,217	100.0
8 USC 1326	immigration-reentry of removed aliens	1,488	67.1
8 USC 1324	immigration-bringing in/harboring aliens	605	27.3
8 USC 1325	immigration-improper entry by aliens	27	1.2
21 USC 952	export-controlled substances	23	1.0
21 USC 841	drugs-prohibited acts	21	0.9
18 USC 922	firearms-illegal procedures	19	0.9
18 USC 111	assaulting or intimidating govt employee	12	0.5
18 USC 911	false personification of US citizen	2	0.1
18 USC 1028	fraud and false statements-ID documents	2	0.1
18 USC 1546	passport/visa-fraud/misuse of visas/permits	2	0.1
21 USC 846	drugs-attempt and conspiracy	2	0.1
18 USC 371	conspiracy to defraud the U.S.	1	0.0
18 USC 1001	fraud and false statements	1	0.0
18 USC 2252	material involving sexual exploitation of minors	1	0.0
18 USC 3146	failure to appear-judicial proceeding	1	0.0
21 USC 844	drugs-possession	1	0.0
21 USC 963	drugs-conspiracy in export or import	1	0.0
Other Title 8	other title 08 sections	1	0.0
other	U.S. code sections infrequently used	7	0.3

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Immigration Convictions by Lead Charge 2004

Federal Judicial District = Cal, S

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Item	Description	Count	Percent
Total		2,394	100.0
8 USC 1325	immigration-improper entry by aliens	862	36.0
8 USC 1326	immigration-reentry of removed aliens	601	25.1
8 USC 1324	immigration-bringing in/harboring aliens	484	20.2
18 USC 1001	fraud and false statements	321	13.4
18 USC 911	false personification of US citizen	69	2.9
18 USC 1546	passport/visa-fraud/misuse of visas/permits	37	1.5
21 USC 952	export-controlled substances	9	0.4
18 USC 371	conspiracy to defraud the U.S.	5	0.2
18 USC 111	assaulting or intimidating govt employee	4	0.2
18 USC 1542	passport/visa-false statement-application/use of passport	1	0.0
other	U.S. code sections infrequently used	1	0.0

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Immigration Convictions by Lead Charge 2004

Federal Judicial District = N Mexico

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 [2000](#) |
 [2001](#) |
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 [2003](#) |
 [2004](#)

Item	Description	Count	Percent
Total		1,372	100.0
8 USC 1326	immigration-reentry of removed aliens	1,175	85.6
8 USC 1324	immigration-bringing in/harboring aliens	120	8.7
8 USC 1325	immigration-improper entry by aliens	26	1.9
18 USC 911	false personification of US citizen	26	1.9
18 USC 1546	passport/visa-fraud/misuse of visas/permits	12	0.9
18 USC 1028	fraud and false statements-ID documents	5	0.4
18 USC 1001	fraud and false statements	2	0.1
18 USC 111	assaulting or intimidating govt employee	1	0.1
21 USC 841	drugs-prohibited acts	1	0.1
other	U.S. code sections infrequently used	4	0.3

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Immigration Convictions by Lead Charge 2004

Federal Judicial District = Texas, W

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Item	Description	Count	Percent
Total		3,054	100.0
8 USC 1325	immigration-improper entry by aliens	1,656	54.2
8 USC 1326	immigration-reentry of removed aliens	846	27.7
8 USC 1324	immigration-bringing in/harboring aliens	289	9.5
18 USC 911	false personification of US citizen	125	4.1
18 USC 1028	fraud and false statements-ID documents	78	2.6
18 USC 1546	passport/visa-fraud/misuse of visas/permits	27	0.9
21 USC 841	drugs-prohibited acts	9	0.3
Other Title 8	other title 08 sections	6	0.2
21 USC 952	export-controlled substances	4	0.1
18 USC 2	aiding and abetting	1	0.0
18 USC 4	misprision of felony	1	0.0
18 USC 201	bribery of federal witness	1	0.0
18 USC 1001	fraud and false statements	1	0.0
18 USC 1542	passport/visa-false statement-application/use of passport	1	0.0
other	U.S. code sections infrequently used	9	0.3

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Immigration Convictions by Lead Charge 2004

Federal Judicial District = Texas, S

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 [2003](#) |
 [2004](#)

Item	Description	Count	Percent
Total		16,518	100.0
8 USC 1325	immigration-improper entry by aliens	13,778	83.4
8 USC 1326	immigration-reentry of removed aliens	1,941	11.8
8 USC 1324	immigration-bringing in/harboring aliens	623	3.8
18 USC 2	aiding and abetting	121	0.7
21 USC 841	drugs-prohibited acts	15	0.1
18 USC 1546	passport/visa-fraud/misuse of visas/permits	7	0.0
18 USC 911	false personification of US citizen	6	0.0
18 USC 1001	fraud and false statements	4	0.0
Other Title 8	other title 08 sections	3	0.0
18 USC 1028	fraud and false statements-ID documents	2	0.0
18 USC 922	firearms-illegal procedures	1	0.0
21 USC 952	export-controlled substances	1	0.0
other	U.S. code sections infrequently used	16	0.1

Transactional Records Access Clearinghouse, Syracuse University
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Memorandum



Subject	Date
Immigration/Drug/Fraud Cases	July 10, 2006

To
William Mercer
Principal Associate Deputy Attorney General

From
Carol C. Lam
United States Attorney
Southern District of California

Michael Elston
Counselor and Chief of Staff to the Deputy Attorney General

The numbers of sentencings reflected in the Sentencing Commission's 2005 report appear to be roughly accurate, and are very close to the LIONS numbers for our office. For FY 2005, our records show there were 1528 defendants sentenced for immigration cases (versus 1413 reported by the Sentencing Commission), and 865 defendants sentenced for drug trafficking offenses (versus the 826 reported by the Sentencing Commission). We believe that the LIONS statistics for our office are fairly accurate.

You invited me to provide any context that I thought would be helpful in assessing the sentencing numbers for our district released by the Sentencing Commission. We do not dispute that our felony immigration filings have decreased since 2002, but there is a relatively simple explanation for the decrease in filings: Over the past 3 years, SDCA has pursued a course of prosecuting the most dangerous immigration offenders and seeking higher sentences, backed up by a willingness to take cases to trial. These policies are true to the Ashcroft Memorandum and the Sentencing Guidelines, and by seeking longer sentences for the worst offenders we have contributed to the safety of the community.

Let me begin by noting that, among United States Attorneys' Offices nationwide, the Southwest Border U.S. Attorneys Offices still handle an order of magnitude more felonies than any other district. For example, the District of Massachusetts, Eastern District of Virginia, and Northern District of California each have roughly the same number of AUSAs as the Southern District of California (approximately 120 FTE). LIONS data (contained on the USAO intranet) reflect the following number of sentencings in these districts in FY05:

Numbers of Felony Sentencings (FY2005):

D.Mass: 318
EDVA: 1,448
NDCA: 808
SDCA: 2,441

Immigration Cases

Reduced Filings, Higher Sentences

From FY2004 to FY2005, our felony immigration filings (as reflected in LIONS) dropped from 2,537 to 1,441. This reduction is the result of a change we made to our prosecution guidelines in early 2005 that restricted the number of illegal alien footguide (or "coyote") cases accepted for prosecution. These were cases in which the defendants received the lowest sentences, had the least egregious criminal histories, and where the defendant did not place the smuggled aliens in harm's way.^{1/} Because the footguides received the lowest sentences of all alien smugglers, they had the least incentive to plead guilty and were using large amounts of AUSA time in pretrial motions and trial, reducing the amount of time the AUSAs could spend on serious recidivist criminals and more significant investigations.

By reducing the number of "coyote" cases in the office, we were able to litigate more effectively against the serious recidivist offenders who were entering the country illegally. The number of immigration defendants prosecuted by our office who received prison sentences between 1-12 months dropped from 894 in 2004 to 338 in 2005 (from 38% to 23% of the immigration caseload); however, the number of immigration defendants who received sentences between 37-60 months *rose* from 116 to 246 (from 4.9% to 16.4% of the immigration caseload); and the number of immigration defendants who received sentences over 61 months *rose* from 21 to 77 (from 0.9% to 5.1% of the immigration caseload).

Among the Southwest Border districts, SDCA shows the most dramatic trend towards higher sentences in immigration cases (from LIONS data):

	<u>(1-12 months)</u>	<u>(61+ months)</u>
D.AZ: 2002:	19.7%	3.3%
2005:	23.1%	4.0%
D.NM: 2002:	67.4%	1.6%
2005:	58.7%	2.9%
SDTX: 2002:	39.3%	6.9%
2005:	45.6%	3.9%
WDTX: 2002:	28.9%	9.2%
2005:	33.1%	6.2%
SDCA: 2002:	44.3%	.8%
2005:	22.5%	5.1%

^{1/} Any arrest along the border that raises any hint of terrorism concerns continues to be referred to the JTTF for evaluation and, if appropriate, prosecution.

William Mercer and Michael Elston
Re: Immigration/Drug/Fraud Cases
July 10, 2006
Page 3

Another illustration of our success in obtaining higher sentences for the more serious immigration offenders can be seen (using Sentencing Commission data for FY 2005) in the percentage of immigration case sentences across the Southwest Border Districts that resulted in probation or a sentence of twelve months or less. SDCA had by far the lowest percentage of short sentences:

Percentage of cases in which defendant received a sentence of 0-12 months (FY2005):

DAZ: 24.7%
DNM: 56.4%
SDTX: 42.7%
WDTX: 34.2%
SDCA: 16.2%

More Trials

One of the costs of our emphasis on prosecuting the illegal aliens who present the greatest threat, and obtaining higher sentences for them, is that we must be willing to go to trial more often. In 2004, SDCA tried 42 criminal immigration cases; in 2005, we tried 89 criminal immigration cases. Prior to 2005, SDCA had never tried more than 52 criminal immigration cases in a single year. SDCA tried substantially more criminal immigration cases than any other Southwest Border USAO in 2005. According to the LIONS data, the number of criminal immigration trials in each of the Southwest Border districts in FY2005 was as follows:

Immigration trials (FY2005):

D.AZ: 15
D.NM: 5
SDTX: 53
WDTX: 13
SDCA: 89

We make the above comparisons simply to illustrate the point that the pursuit of higher sentences for more serious offenders inevitably results in fewer guilty pleas, more trials, and more substantive appeals, all of which require more attorney time to address. With shrinking budget resources and fewer AUSAs (we currently have budget to support 108 AUSAs, although we are allotted 125 AUSA FTEs), another cost of this approach is that the office must accept fewer cases for prosecution. Nonetheless, we firmly believe that our current prosecution policies further the goals of the Department. Toward that end, we have worked hard to conform to the requirements of the Fast Track Program, the Ashcroft Memorandum, and the Sentencing Guidelines.

ASG000000300

Increased Border Corruption Cases

One of the office's goals has been to prosecute reactive border cases more efficiently and more intelligently.^{2/} By prioritizing the immigration cases we prosecute, we have freed up sufficient AUSA time to pursue a Department priority that directly impacts our efforts to reduce alien smuggling -- border corruption. In the past 12 months, SDCA has investigated and prosecuted seven corrupt Border Patrol agents and CBP officers who were working with alien smuggling organizations to smuggle illegal aliens into the country, either by releasing apprehended aliens into the United States or waving load cars through the inspection lanes at the Ports of Entry. Two additional Border Patrol agents who are under investigation suddenly resigned from the Border Patrol and have disappeared. Four of the corrupt Border Patrol agents and CBP officers were the subject of Title III wiretap investigations; all required extensive financial investigation to prove the bribery and substantiate forfeiture counts. These are extremely labor-intensive and time-consuming investigations for the AUSAs, yet they each add but a single immigration sentencing statistic -- alien smuggling conspiracy -- to our records. Addressing corruption by border inspectors is especially important in our district, because San Ysidro is the busiest land-based Port of Entry in the United States.

SDCA has reduced the number of "lower end" immigration cases it accepts in favor of seeking higher sentences for more serious offenders. In the past two years, our immigration trials have doubled in number, as have our appeals. SDCA has also devoted substantial AUSA time to investigating and prosecuting border corruption, which creates a serious threat to both national security and immigration policy. For all the reasons set forth above, it would be incorrect to assume that SDCA is less effective in border prosecutions than our colleagues elsewhere on the Southwest Border. To the contrary, we have worked hard to ensure that the immigration defendants we convict stay in custody for meaningful periods of time. With additional resources, we could certainly do more.

Firearms Cases

SDCA has been an active proponent of Project Safe Neighborhoods, holding regular PSN meetings and being deeply involved in the grant administration aspects of the program. The USAO SDCA has partnered with the San Diego District Attorney's Office, San Diego Sheriff's Office, the San Diego Police Department, and the Children's Initiative in funding various projects to eliminate illegal firearms.

^{2/} For example, we negotiated with Customs and Border Protection for the videotaping of post-arrest statements in reactive border cases, which increased the number of early dispositions, reduced motion practice time, and improved the rate of convictions at trial. We have recently reached an agreement with ICE for similar videotaping of post-arrest statements in reactive narcotics cases at the border.

The numbers of prosecutions for illegal firearms in SDCA remains low for now.^{3/} Several reasons exist for the low numbers. First, illegal firearms are simply not an overwhelming problem in the Southern District of California. Second, the Southern District of California is comprised of only two counties, with San Diego County (population 3.6 million) being by far the more heavily populated county (Imperial County has fewer than 60,000 people). Thus, firearms prosecutions are handled consistently and competently by a single District Attorney in San Diego County. Compare the number of counties in each of the other Southwest Border districts:

Number of Counties

D.AZ: 15 counties
D.NM: 33 counties
SDTX: 43 counties
WDTX: 68 counties
SDCA: 2 counties

A large number of counties within a single district leads to lack of consistency in enforcement, increasing the need for a federal presence in eliminating illegal firearms. Such inconsistency does not exist in SDCA.

Third, California has effective and onerous state firearms statutes, including substantial sentencing enhancements for use of a firearm during the commission of a felony. California's "Three Strikes" law, and its tough anti-gang laws and gang injunction statutes, also provide state prosecutors with good tools to obtain very high sentences in cases involving illegal firearms. We have approached the San Diego Chief of Police and the San Diego County Sheriff on numerous occasions to inquire whether they could benefit from federal prosecution of illegal firearms. We have good relationships with these agencies, and they have repeatedly told us that the San Diego District Attorney's Office provides them with good service in the prosecution of illegal firearms cases.

There is no question that illegal immigration will always be one of the top priorities in this district, and it is a priority that is uniquely federal in nature. If we prosecute firearms cases that could be prosecuted equally effectively by the state, we will have to prosecute fewer immigration cases. (The USAO in SDCA did not receive any AUSA positions in 2001 for the prosecution of firearms cases). Nonetheless, the office has made serious efforts to increase the number of illegal firearms cases in the district. A protocol was established with the San Diego County District Attorney's Office in 2003, whereby cases involving illegal firearms would be referred to the USAO if the potential federal sentence would exceed the state sentence by 24 months. Very few cases were referred pursuant to that protocol.

^{3/} The numbers of firearms cases actually filed are somewhat higher than the numbers of cases reflected in the Sentencing Commission report as having been sentenced. Some cases have not yet resolved, and some difficult "lie and buy" cases resulted in acquittals at trial.

William Mercer and Michael Elston
Re: Immigration/Drug/Fraud Cases
July 10, 2006
Page 6

We have recently revised the protocol and relaxed the standards for referrals of cases, and have gone to each police and sheriff substation to discuss the protocol with the gun desk at each substation. We expect that with this change, additional cases will be generated in the coming year.

Narcotics and Fraud Cases

While we are attempting to increase our numbers of illegal firearms cases, we have not shied away from prosecuting extremely sophisticated and difficult federal prosecutions. Our Narcotics Enforcement Section ranks #1 in the country for use of Title III surveillance in narcotics cases. In FY05 we indicted 79 OCDETF cases -- more than any of the other 11 districts in the Southwest region except for SDTX, which indicted 83. In 2005, we tried and convicted two sitting San Diego City Councilmen after a 3-month trial; investigated and convicted Congressman Randall "Duke" Cunningham for bribery; spent 11 months in trial against a major hospital chain in a Medicare anti-kickback case, resulting in the corporation's agreement to sell the hospital and pay \$21 million to resolve civil claims; indicted and closed down the Mexican manufacturers of more than 80% of the illegal steroids sold in the United States ("Operation Gear Grinder"); prosecuted and tried several cases involving violations of the Arms Export Control Act; and indicted several trustees and members of the San Diego City Employees Retirement System, who had brought San Diego to the edge of financial ruin.

This office never stands still, and it does not rest. Based upon our projections for FY 2006, if our current trend continues, our overall criminal caseload is expected to increase by approximately 30 percent. With additional attorney resources, we could increase the numbers of prosecutions along the border with Mexico while continuing to seek higher sentences.

Mercer, William W

From: Meyer, Joan E (ODAG)
Sent: Saturday, September 16, 2006 10:25 AM
To: Mercer, William W
Subject: Re: DP/BOP

We had one case after you left where AZ got the seek letter and never filed the notice! Then before trial they asked for rehearing with the AG. Wouldn't take no for an answer. When I told Charleton he needed to file the notice when he got the seek letter, he professed not to know that. ??? OAG wasn't too happy.

-----Original Message-----

From: Mercer, William W
To: Meyer, Joan E (ODAG)
Sent: Sat Sep 16 10:07:54 2006
Subject: DP/BOP

Joan: I will forward a page from the AG Awards program booklet from Tuesday. I thought of our conversations w/Harley because one of the winners got an award based upon actions in conjunction with a homicide in a BOP institution in Arizona (last year, I believe). I'm willing to bet lunch that if they charge it, AZ will say it should be a no seek.

Mercer, William W

From: Gunn, Currie (SMO)
Sent: Thursday, December 07, 2006 1:32 PM
To: Mercer, William W
Subject: Pls call Mr. Paul Charlton at your convenience (his cell).

Mercer, William W

From: Mercer, William W
Sent: Thursday, December 07, 2006 1:58 PM
To: Sampson, Kyle
Subject: Re: Heads up

I have what I assume is my first call. Before I respond, do you have a status report?

-----Original Message-----

From: Sampson, Kyle
To: Mercer, William W
Sent: Tue Dec 05 22:50:48 2006
Subject: Heads up

Administration has determined to ask some underperforming USAs to move on (you'll remember I beat back a much broader -- like across the board -- plan that WHCO was pushing after 2004). Calls will go out on Thursday. Wanted you to know in case you get some calls from the field and so you can help manage the chatter that may result. See the attached for the details.

<<USA replacement plan.doc>>

Mercer, William W

From: Shaw, Aloma A
Sent: Thursday, December 07, 2006 4:37 PM
To: Mercer, William W
Subject: Phone Call

Dan Bogden

Mercer, William W

From: Mercer, William W
Sent: Tuesday, December 12, 2006 10:29 PM
To: Mercer, William W
Subject: Fw: Pls call Mr. Paul Charlton at your convenience

-----Original Message-----

From: Gunn, Currie (SMO)
To: Mercer, William W
Sent: Thu Dec 07 13:31:32 2006
Subject: Pls call Mr. Paul Charlton at your convenience

Mercer, William W

From: Davis, Deborah J
Sent: Wednesday, December 13, 2006 10:41 AM
To: Mercer, William W
Subject: Please Phone Paul Charlton (USA Arizona)

*Deborah J. Davis
Staff Assistant
U.S. Department of Justice
Phone: (202) 514-1773 Fax: (202) 514-0238*

Mercer, William W

From: Mercer, William W
Sent: Wednesday, December 13, 2006 3:53 PM
To: Charlton, Paul (USAAZ)
Subject: RE: Way Forward

will do - - backed up until 6ish (eastern)

From: Charlton, Paul (USAAZ) [mailto:Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 13, 2006 3:09 PM
To: Mercer, William W
Subject: Way Forward

Bill,

When you get a chance please call me on my cell :
opportunity.

Like to talk to you about my next

Paul

Mercer, William W

From: McNulty, Paul J
Sent: Wednesday, December 13, 2006 6:42 PM
To: Sampson, Kyle; Battle, Michael (USAEO)
Cc: Elston, Michael (ODAG); Moschella, William; Mercer, William W; Goodling, Monica; Sutton, Johnny K. (USATXW)
Subject: RE: USA replacements

I generally think this is a good idea. The more communication, the better. They are probably slowly adjusting and some hand-holding may calm things down.

From: Sampson, Kyle
Sent: Wednesday, December 13, 2006 2:25 PM
To: Battle, Michael (USAEO)
Cc: McNulty, Paul J; Elston, Michael (ODAG); Moschella, William; Mercer, William W; Goodling, Monica; Sutton, Johnny K. (USATXW)
Subject: USA replacements

Mike, Bill Kelley called to report that they are weathering two main complaints: in making the calls, Battle (1) wasn't clear whether the USAs in question would be permitted to resign, or instead were being fired; and (2) was too abrupt. Bill seemed nonplussed by the complaints, but nevertheless passed them on to me.

Perhaps a second round of calls from you, Mike, to the relevant USAs is in order? Talkers would be something like:

- I wanted to be sure you understood that DOJ intends not to say anything about your leaving, but instead allow you to announce your resignation and the reasons for it;
- We want to work with you over the next six weeks to ensure a smooth transition; and
- It's in our interest for you to land on your feet and maintain our good relations with the Department -- how can I help?

Perhaps this is a bad idea? Thoughts?

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

Mercer, William W

From: Mercer, William W
Sent: Thursday, December 14, 2006 2:13 PM
To: Charlton, Paul (USAAZ)
Subject: Re: Way Forward

You got it.

-----Original Message-----

From: Charlton, Paul (USAAZ) <Paul.Charlton@usdoj.gov>
To: Mercer, William W
Sent: Thu Dec 14 11:14:13 2006
Subject: RE: Way Forward

Bill - thanks for talking with me last night. Let's hold off on doing anything right now. I'll be back in touch soon. Paul

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Wednesday, December 13, 2006 07:06 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: RE: Way Forward

just tried you -- on my cell, all night or at my desk for a bit 202 514-7850.

From: Charlton, Paul (USAAZ) [mailto:Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 13, 2006 3:09 PM
To: Mercer, William W
Subject: Way Forward

Bill,

When you get a chance please call me on my cell about my next opportunity.

Like to talk to you

Paul

Mercer, William W

From: Bogden, Daniel (USANV) [Daniel.Bogden@usdoj.gov]
Sent: Tuesday, December 19, 2006 8:24 PM
To: Mercer, William W
Subject: RE: Are you going to be reachable by phone in the next couple of days?

Sure Bill. I am in our Las Vegas office today and will be here until Friday. My direct number here is (702) 388-6566. My cellular telephone number is [redacted]. Nice job on the press conference in Boston. You make us all proud. Dan

From: Mercer, William W
Sent: Tuesday, December 19, 2006 4:48 PM
To: Bogden, Daniel (USANV)
Subject: Are you going to be reachable by phone in the next couple of days?

Mercer, William W

From: Charlton, Paul (USAAZ) [Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 20, 2006 9:39 AM
To: Mercer, William W
Subject: Re: Way Forward

Call my cell when you can please. I need your help in responding to the press. Thx

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Tuesday, December 19, 2006 07:47 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: Re: Way Forward

I was in Boston today. Got word upon my return that you'd made some decisions. Look forward to catching up when you get a chance.

-----Original Message-----

From: Charlton, Paul (USAAZ) <Paul.Charlton@usdoj.gov>
To: Mercer, William W
Sent: Thu Dec 14 11:14:13 2006
Subject: RE: Way Forward

Bill - thanks for talking with me last night. Let's hold off on doing anything right now. I'll be back in touch soon. Paul

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Wednesday, December 13, 2006 07:06 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: RE: Way Forward

just tried you -- on my cell all night or at my desk for a bit 202.514-7850.

From: Charlton, Paul (USAAZ) [mailto:Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 13, 2006 3:09 PM
To: Mercer, William W
Subject: Way Forward

Bill,

When you get a chance please call me on my cell about my next opportunity.

Like to talk to you

Paul

Mercer, William W

From: Mercer, William W
Sent: Wednesday, December 20, 2006 12:37 PM
To: Gunn, Currie (SMO)
Subject: Re: Pls call Dan Bogden USA Nevada (702) 388-6566

Will you let him know that I'm taking off from Minneapolis and will call once I get to MT?

-----Original Message-----

From: Gunn, Currie (SMO)
To: Mercer, William W
Sent: Wed Dec 20 12:36:16 2006
Subject: Pls call Dan Bogden USA Nevada .

Mercer, William W

From: Charlton, Paul (USAAZ) [Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 20, 2006 12:44 PM
To: Mercer, William W
Subject: Re: Way Forward

Thx

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Wednesday, December 20, 2006 12:37 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: Re: Way Forward

Flying to MT -- in ~~Minneapolis~~ about to take off -- will call when I get to Billings.

-----Original Message-----

From: Charlton, Paul (USAAZ) <Paul.Charlton@usdoj.gov>
To: Mercer, William W
Sent: Wed Dec 20 09:39:07 2006
Subject: Re: Way Forward

Call my cell when you can please. I need your help in responding to the press. Thx

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Tuesday, December 19, 2006 07:47 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: Re: Way Forward

I was in Boston today. Got word upon my return that you'd made some decisions. Look forward to catching up when you get a chance.

-----Original Message-----

From: Charlton, Paul (USAAZ) <Paul.Charlton@usdoj.gov>
To: Mercer, William W
Sent: Thu Dec 14 11:14:13 2006
Subject: RE: Way Forward

Bill - thanks for talking with me last night. Let's hold off on doing anything right now. I'll be back in touch soon. Paul

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Wednesday, December 13, 2006 07:06 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: RE: Way Forward

just tried you -- on my cell all night or at my desk for a bit 202 514-7850.

From: Charlton, Paul (USAAZ) [mailto:Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 13, 2006 3:09 PM
To: Mercer, William W
Subject: Way Forward

Bill,

When you get a chance please call me on my cell |
about my next opportunity.

Like to talk to you

Paul

Mercer, William W

From: Charlton, Paul (USAAZ) [Paul.Charlton@usdoj.gov]
Sent: Thursday, December 21, 2006 10:18 AM
To: Mercer, William W
Subject: Re: Way Forward

Bill - media now asking if I was asked to resign over leak in Congressman Renzi investigation. Paul

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Tuesday, December 19, 2006 07:47 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: Re: Way Forward

I was in Boston today. Got word upon my return that you'd made some decisions. Look forward to catching up when you get a chance.

-----Original Message-----

From: Charlton, Paul (USAAZ) <Paul.Charlton@usdoj.gov>
To: Mercer, William W
Sent: Thu Dec 14 11:14:13 2006
Subject: RE: Way Forward

Bill - thanks for talking with me last night. Let's hold off on doing anything right now. I'll be back in touch soon. Paul

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Mercer, William W
Sent: Wednesday, December 13, 2006 07:06 PM Eastern Standard Time
To: Charlton, Paul (USAAZ)
Subject: RE: Way Forward

just tried you -- on my cell all night or at my desk for a bit 202 514-7850.

From: Charlton, Paul (USAAZ) [mailto:Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 13, 2006 3:09 PM
To: Mercer, William W
Subject: Way Forward

Bill,

When you get a chance please call me on my cell about my next opportunity.

Like to talk to you

Paul

Mercer, William W

From: Shaw, Aloma A
Sent: Wednesday, January 03, 2007 9:53 AM
To: Mercer, William W
Subject: Call Dan Bogden

Mercer, William W

From: Davis, Deborah J
Sent: Friday, January 05, 2007 10:29 AM
To: Mercer, William W
Subject: Please call Dan Bogden Time: 10?32 am

*Deborah J. Davis
Staff Assistant
U.S. Department of Justice
Phone: (202) 514-1773 / Fax: (202) 514-0238*

Mercer, William W

From: Regina.Schofield@usdoj.gov
Sent: Tuesday, January 09, 2007 1:48 PM
To: Mercer, William W
Subject: Two things

- 1) Margaret Chiara keeps calling. Need some advice on how to stop the inquiries.
- 2) f

Mercer, William W

From: Shaw, Aloma A
Sent: Wednesday, January 17, 2007 11:28 AM
To: Mercer, William W
Subject: Phone Call

Bud Cummins

Mercer, William W

From: Elston, Michael (ODAG)
Sent: Wednesday, January 17, 2007 4:05 PM
To: Mercer, William W
Subject: Cummins

He says you do not need to call him back.

Mercer, William W

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 10:58 AM
To: Elston, Michael (ODAG); Moschella, William; Goodling, Monica
Cc: Mercer, William W; McNulty, Paul J
Subject: Re: USAO-NDCA

Thx.

-----Original Message-----

From: Elston, Michael (ODAG)
To: Sampson, Kyle; Moschella, William; Goodling, Monica
CC: Mercer, William W; McNulty, Paul J
Sent: Thu Jan 18 10:57:32 2007
Subject: USAO-NDCA

Kyle:

Kevin Ryan's FAUSA, Eumi Choi, just called to let us know that Kevin is not returning calls from Sen. Feinstein or Carol Lam and doing his best to stay out of this. He wanted us to know that he's still a "company man." I gave her my talkers for McKay and Charlton and asked her to convey them to Kevin.

Mike

Mercer, William W

From: Davis, Deborah J
Sent: Tuesday, January 23, 2007 1:15 PM
To: Mercer, William W
Subject: 1:16 pm Please call Mike McKay re: Interim Appointment of US Attorney in Western District of Washington

*Deborah J. Davis
Staff Assistant
U.S. Department of Justice
Phone: (202) 514-1773 Fax: (202) 514-0238*

Mercer, William W

From: Mercer, Bill (USAMT) [Bill.Mercer@usdoj.gov]
Sent: Thursday, February 01, 2007 11:53 AM
To: Mercer, William W
Subject: FW: Contact Information for Paul Charlton
Attachments: gk_header.gif

Sent from my Good <<gk_header.gif>> Link synchronized handheld (www.good.com)

-----Original Message-----

From: Sanchez, Sandra (USAAZ)
Sent: Thursday, February 01, 2007 11:32 AM Eastern Standard Time
To: Acosta, Alex (USAFLS); Anderson, Thomas (USAVT); Balfe, Robert C. (USAARW); Charlton, Paul (USAAZ); Chiara, Margaret M. (USAMIW); Colantuono, Thomas P. (USANH); Crews, John (USAEO); DeGabrielle, Don (USATXS); Flynn, Terrance (USANYW); Iglesias, David C. (USANM); Jenkins, Anthony (USAVI); Kubo, Ed (USAHI); Lam, Carol (USACAS); McDevitt, Jim A. (USAWAE); McKay, John (USAWAW); Mercer, Bill (USAMT); Moss, Thomas (USAID); Murphy, Stephen J. (USAMIE); Perez, Paul (USAFLM); Peterson, Erik 2 (USAWIW); Rapadas, Leonardo (USAGU); Sanchez, Sandra (USAAZ); Silsby, Paula (USAME); Suddaby, Glenn (USANYN); Sutton, Johnny K. (USATXW); Tetzlaff, Marc (USAAZ); White, Greg (USAOHN); Wrigley, Drew (USAND)
Subject: FW: Contact Information for Paul Charlton

Mr. Charlton asked that I forward this information to you all.

Please let me know if there is any other assistance I may offer.

Thank you

Sandra Sanchez
602.514.7583
Sandra.Sanchez@usdoj.gov

Paul K. Charlton

Gallagher & Kennedy, P.A.
2575 E. Camelback Road
Suite 1100
Phoenix, Arizona 85016

Phone: 602-530-8585
Fax: 602-530-8500
E-mail: paul.charlton@gknet.com <mailto:paul.charlton@gknet.com>
Web site: www.gknet.com <http://www.gknet.com/>

Attorney Profile <http://www.gknet.com/attorneyprofile.aspx?id=XX>

Mercer, William W

From: Mercer, William W
Sent: Wednesday, February 28, 2007 10:07 AM
To: Long, Linda E
Subject: Fw: Farewell, Adios, Good bye, Auf Weidersehen

Will you print this?

-----Original Message-----

From: Mercer, Bill (USAMT) <Bill.Mercer@usdoj.gov>
To: Mercer, William W
Sent: Tue Feb 27 22:49:47 2007
Subject: FW: Farewell, Adios, Good bye, Auf Weidersehen

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Iglesias, David C. (USANM)
Sent: Tuesday, February 27, 2007 08:00 PM Eastern Standard Time
To: USAEO-USAttorneys
Subject: Farewell, Adios, Good bye, Auf Weidersehen

Dear friends and colleagues:

As King Solomon wrote more than 2,500 years ago, "there is a time for everything." It's time to say goodbye from this wonderful job. Tomorrow will be my last day as U.S. Attorney. It's been the most responsible job I've ever had and the second most exciting job I've ever had (nothing beats being launched off and landing on a Navy aircraft carrier). The years have been an unprecedented mixture of experiences, memories and accomplishments. Beyond the record number of criminal cases my AUSAs brought, I'm proud of my hard-working office and its 95% conviction rate. I'm proud to have successfully prosecuted the biggest political corruption case in New Mexico history. I'm proud of having nationally recognized Weed and Seed and PSN programs. But, it's more than just metrics, it's about forming friendships with many of you. I'll never forget going to Colombia and Mexico with Johnny Sutton, Paul Charlton and the late great Mike Shelby. I'll never forget visiting drug cartel lord Pablo Escobar's home in Medellin and realizing America saved Colombia from becoming the world's first "narcocracy." I'll never forget running in L.A.'s seedy MacArthur Park with Matt Whitaker in the early morning hours. I'll never forget speaking at Main Justice's Great Hall for Hispanic Heritage Month, or testifying before Congress, debating a member of Congress and Village Voice journalist on the Patriot Act, backseating an F-16, or getting an op-ed published on immigration reform in the Washington Times. I'll never forget former A.G. and Mrs. John Ashcroft giving us a walking tour of the Washington monuments at night. Heady stuff for a guy originally from Panama whose family is just one generation removed from subsistence living in the jungle.

As one of just several US Attorneys born outside the United States, I know the America dream lives. I'd like to thank President Bush for nominating me to be the United States Attorney almost 6 years ago. I am grateful to have been allowed the honor of making a difference in my community. We need US Attorneys who "maintain justice and do what is right" (Isaiah 56:1) and are willing to pay the price for doing so.

After taking off the month of March to decompress and performing Navy duty overseas in April, I will begin my new job. I haven't decided which of my options to pursue, but in the interim you can reach me at dciglesias@earthlink.net or [redacted]. I wish you all success in the next 22 months in keeping America safe against all enemies, foreign and domestic.

Respectfully,

David

June 05, 2006 Continued

Monday

8:30 AM - 9:00 AM

9:45 AM - 10:00 AM

10:00 AM - 10:30 AM

11:00 AM - 11:30 AM

1:30 PM - 2:30 PM

2:30 PM - 2:45 PM

3:00 PM - 3:30 PM

Immigration Enforcement/San Diego USAO
AG's Conference Room
AO: Kyle Sampson DOJ: Bill Mercer, Jeff Taylor

3:30 PM - 4:00 PM

4:00 PM - 4:15 PM

5:00 PM - 5:15 PM

5:30 PM - 6:00 PM

6:15 PM - 6:30 PM

June 06, 2006

Tuesday

All Day

7:35 AM - 7:50 AM

7:50 AM - 8:05 AM

3 goals for conversations with Bogden and Charlton:

- Communicate that while we've had a good opportunity to serve, the Administration wants to give someone else the opportunity to serve as U.S. Attorney.
- Reiterate the timetable - - complete your service by the end of January because it will get increasingly difficult for the Administration to get a new person nominated, confirmed, and in place to serve in a meaningful way if extensions are granted.
- Empathize with their situations - - they were both long-time federal prosecutors who were not getting to leave based upon their own choice.

Context of message:

- Mercer took calls from Bogden and Charlton

all 3 had started together as U.S. Attorneys, were long-time AUSAs before becoming U.S. Attorneys, and our fellow Westerners;

given his role as Acting Associate AG, it made sense for them to reach out to him to discuss

- Because he did not supervise them, he had no basis to discuss more with them than his understanding that they were being asked to step aside so that someone else could have the opportunity to serve as U.S. Attorney

As such, these calls were not designed to be an opportunity for a full discussion of the basis for the dismissal.

In general, as noted earlier with our overall effort, perhaps these discussions should have been a time for a full airing of the reasons for the dismissal. However, at the time, this seemed to be imprudent as it would inspire rounds of back and forth on performance even though a final decision had been made.

In retrospect, perhaps this approach was focused too much on being empathetic and supportive and should have been more specific. However, it was our intention to say nothing negative about their performance publicly or otherwise.

Saying that a U.S. Attorney is being asked to leave to allow another person to serve in the role is not inconsistent with the fact that the Department had concerns regarding performance and/or policy compliance.

It also cannot be interpreted as an admission that others had been pre-selected to take over as U.S. Attorney.

United States Attorneys--Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Cases Filed - Fiscal Years 1994-2005***

TSN file

Listing Sorted: Alphabetically by District

District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1 Alabama, Middle	24	21	19	13	15	8	15	20	31	92	83	114
2 Alabama, Northern	39	25	32	26	34	48	98	136	186	218	171	165
3 Alabama, Southern	31	39	21	22	29	33	46	48	81	87	82	109
4 Alaska	17	10	4	13	9	17	18	18	21	33	35	30
5 Arizona	85	86	90	36	110	117	137	154	165	227	230	268
6 Arkansas, Eastern	42	36	47	30	36	27	26	28	53	59	70	107
7 Arkansas, Western	23	12	13	12	6	13	11	18	13	19	23	32
8 California, Central	110	109	103	74	65	70	88	147	154	108	144	131
9 California, Eastern	51	57	66	48	28	46	48	55	70	78	119	126
10 California, Northern	60	33	50	37	43	119	120	96	89	114	92	102
11 California, Southern	34	40	24	28	25	17	16	19	24	17	18	12
12 Colorado	51	66	59	38	36	44	109	110	108	146	149	132
13 Connecticut	30	36	40	41	27	43	44	53	55	58	71	59
14 Delaware	11	14	13	18	20	10	6	13	67	41	41	29
15 District of Columbia	95	45	104	141	107	133	136	165	190	246	271	170
16 Florida, Middle	66	125	90	119	92	93	96	93	128	162	179	179
17 Florida, Northern	59	57	62	51	45	61	53	66	64	93	67	77
18 Florida, Southern	147	163	146	143	153	131	120	162	156	167	159	152
19 Georgia, Middle	43	31	14	25	18	19	29	70	42	64	63	96
20 Georgia, Northern	69	111	103	83	49	108	115	135	105	167	188	129
21 Georgia, Southern	15	15	17	14	30	30	42	75	77	89	100	107
22 Guam	25	14	13	19	13	7	8	8	15	8	2	9
23 Hawaii	11	21	7	8	23	12	10	11	31	86	84	66
24 Idaho	15	18	10	12	17	10	12	16	43	58	46	52
25 Illinois, Central	23	42	32	24	42	38	47	38	53	63	67	63
26 Illinois, Northern	41	27	23	33	28	43	46	45	103	104	105	114
27 Illinois, Southern	38	63	38	19	43	42	61	34	48	85	41	68
28 Indiana, Northern	28	31	22	43	44	81	117	116	127	111	120	171
29 Indiana, Southern	36	46	30	29	25	49	24	22	48	61	60	59
30 Iowa, Northern	22	27	23	36	25	32	73	81	58	94	65	83
31 Iowa, Southern	17	32	28	19	32	41	47	27	53	76	89	91
32 Kansas	59	82	42	54	66	73	101	93	103	147	186	135
33 Kentucky, Eastern	54	39	36	27	43	71	64	84	96	114	115	127
34 Kentucky, Western	30	34	24	24	32	36	38	89	83	86	74	87
35 Louisiana, Eastern	31	40	29	33	23	74	74	68	91	98	92	80
36 Louisiana, Middle	5	13	5	8	16	92	65	46	47	61	58	88
37 Louisiana, Western	16	39	27	17	17	25	26	39	50	82	124	93
38 Maine	19	17	23	45	32	41	48	33	62	69	76	58
39 Maryland	79	100	105	111	118	154	229	197	137	175	176	164
40 Massachusetts	46	80	65	27	47	51	35	56	81	90	72	76
41 Michigan, Eastern	137	141	102	89	147	127	86	127	216	252	171	148
42 Michigan, Western	35	16	17	28	13	31	42	58	80	99	72	109
43 Minnesota	39	31	30	42	50	47	55	41	34	65	71	62
44 Mississippi, Northern	17	26	21	8	8	16	22	31	35	24	61	30
45 Mississippi, Southern	38	33	14	11	34	22	77	61	63	96	80	69
46 Missouri, Eastern	88	91	68	83	99	116	121	119	152	256	255	248
47 Missouri, Western	53	56	40	50	46	60	171	184	222	306	323	341
48 Montana	30	28	38	27	18	28	34	36	55	95	84	86
49 Nebraska	17	22	23	23	46	32	35	54	95	166	157	171

District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Nevada	50	39	24	30	61	71	74	72	168	192	171	138
51 New Hampshire	18	7	9	10	6	16	14	12	13	28	46	37
52 New Jersey	48	55	34	51	52	88	108	60	83	96	86	96
53 New Mexico	50	52	50	28	47	61	72	101	103	96	123	164
54 New York, Eastern	85	96	74	79	67	79	75	96	133	129	143	83
55 New York, Northern	13	19	10	10	18	15	20	38	40	42	40	51
56 New York, Southern	89	90	109	104	114	128	122	108	177	234	246	185
57 New York, Western	20	34	30	25	30	86	91	101	107	125	153	110
58 North Carolina, Eastern	52	48	31	24	57	52	84	108	155	282	272	250
59 North Carolina, Middle	57	53	35	35	43	79	104	108	117	154	187	161
60 North Carolina, Western	55	71	37	52	56	74	107	82	90	98	220	248
61 North Dakota	21	15	24	22	26	29	29	22	44	34	29	47
62 Northern Mariana Islands	2	1	3	1	0	6	2	0	6	2	0	1
63 Ohio, Northern	104	96	76	34	60	59	81	84	116	134	153	190
64 Ohio, Southern	48	56	33	18	32	34	50	52	71	99	128	156
65 Oklahoma, Eastern	7	11	10	9	6	13	21	23	21	45	50	29
66 Oklahoma, Northern	27	38	24	23	24	28	32	29	48	53	62	86
67 Oklahoma, Western	29	26	27	26	29	30	36	32	41	69	41	37
68 Oregon	50	75	47	52	108	126	103	92	132	150	152	134
69 Pennsylvania, Eastern	58	123	81	87	80	210	165	183	215	223	250	231
70 Pennsylvania, Middle	49	49	26	23	20	35	39	40	42	49	101	64
71 Pennsylvania, Western	31	29	24	16	20	13	36	49	50	41	111	99
72 Puerto Rico	37	33	44	26	16	41	23	38	35	35	48	36
73 Rhode Island	20	21	15	14	18	24	17	20	29	36	36	37
74 South Carolina	128	123	90	85	110	133	89	144	268	243	242	283
75 South Dakota	16	24	27	25	18	22	27	26	30	28	33	31
Tennessee, Eastern	67	78	41	57	70	77	105	172	145	181	215	210
77 Tennessee, Middle	8	12	12	21	29	31	38	37	60	94	66	92
78 Tennessee, Western	50	55	39	40	38	86	46	84	194	233	283	192
79 Texas, Eastern	81	66	50	62	60	61	84	100	101	147	150	211
80 Texas, Northern	117	86	77	70	119	100	176	154	126	158	182	214
81 Texas, Southern	75	96	65	65	115	138	199	292	176	193	252	223
82 Texas, Western	115	107	107	57	129	127	161	150	190	248	280	285
83 Utah	32	29	27	32	34	61	90	185	224	337	274	208
84 Vermont	20	12	12	13	12	12	18	37	28	29	43	33
85 Virgin Islands	20	28	21	5	13	26	19	35	16	4	20	12
86 Virginia, Eastern	84	81	70	166	312	297	263	292	260	311	291	271
87 Virginia, Western	80	60	43	44	53	91	68	75	129	173	160	171
88 Washington, Eastern	68	71	54	48	28	37	48	38	88	92	74	82
89 Washington, Western	29	42	38	32	35	35	27	20	43	60	64	89
90 West Virginia, Northern	17	19	25	18	17	22	32	21	54	51	49	65
91 West Virginia, Southern	28	38	20	35	25	43	51	45	73	61	72	47
92 Wisconsin, Eastern	38	37	25	39	21	31	57	70	65	56	90	87
93 Wisconsin, Western	11	11	5	13	4	6	13	13	24	28	38	32
94 Wyoming	19	12	16	16	35	29	24	21	44	71	60	60
All Districts	4,274	4,564	3,793	3,703	4,391	5,500	6,281	7,041	8,534	10,556	11,067	10,841

*Caseload data extracted from the United States Attorneys' Case Management System.

is any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

**FY 2005 numbers are actual data through the end of September 2005.

07-Nov-05

ASG000000332

United States Attorneys--Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Defendants in Cases Filed - Fiscal Years 1994-2005***

Listing Sorted: Alphabetically by District

District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1 Alabama, Middle	39	33	31	18	26	10	21	30	40	103	86	119
2 Alabama, Northern	47	38	45	32	37	63	104	146	203	234	190	172
3 Alabama, Southern	41	61	27	27	45	40	65	69	105	96	93	129
4 Alaska	18	14	4	16	12	18	29	22	37	45	41	33
5 Arizona	122	115	140	45	156	167	211	193	243	302	283	376
6 Arkansas, Eastern	58	44	66	49	62	35	30	38	61	72	81	131
7 Arkansas, Western	27	13	21	12	9	14	11	18	14	20	23	36
8 California, Central	172	146	172	145	116	116	147	219	213	141	198	183
9 California, Eastern	92	97	102	77	43	66	78	84	109	116	129	154
10 California, Northern	78	41	118	46	64	163	143	123	118	139	93	118
11 California, Southern	48	66	38	38	36	24	29	25	30	23	18	14
12 Colorado	56	82	71	59	52	60	139	129	116	157	158	146
13 Connecticut	41	47	52	46	35	51	51	64	64	60	76	66
14 Delaware	12	15	21	21	23	12	8	13	73	42	42	30
15 District of Columbia	127	64	129	153	118	161	157	202	224	282	291	197
16 Florida, Middle	89	163	121	154	115	115	126	129	155	207	196	198
17 Florida, Northern	77	72	76	62	69	78	63	80	81	110	72	88
18 Florida, Southern	184	202	170	196	202	182	174	231	228	228	230	221
19 Georgia, Middle	59	45	21	44	26	28	36	96	53	81	70	103
Georgia, Northern	110	135	142	109	69	156	159	196	157	268	260	197
Georgia, Southern	21	24	33	22	49	45	54	93	95	111	114	129
22 Guam	32	14	13	20	15	7	8	9	19	8	2	11
23 Hawaii	12	23	8	12	28	19	12	14	35	97	87	72
24 Idaho	19	24	13	15	23	17	12	26	60	65	48	62
25 Illinois, Central	26	46	34	25	43	46	55	39	58	69	71	64
26 Illinois, Northern	62	72	33	54	35	58	65	63	149	137	144	164
27 Illinois, Southern	59	82	41	22	47	47	74	46	58	106	48	71
28 Indiana, Northern	38	34	25	56	69	106	139	133	145	143	137	207
29 Indiana, Southern	51	59	33	42	30	58	27	34	58	65	68	67
30 Iowa, Northern	27	37	29	48	29	37	82	96	63	112	74	85
31 Iowa, Southern	24	51	44	23	43	58	63	47	64	89	99	97
32 Kansas	71	101	57	73	93	93	124	105	123	171	233	157
33 Kentucky, Eastern	70	49	42	32	59	105	115	134	121	151	141	155
34 Kentucky, Western	39	41	41	34	51	41	49	104	97	112	82	112
35 Louisiana, Eastern	59	60	35	44	46	92	83	75	100	119	102	85
36 Louisiana, Middle	5	17	5	10	17	93	70	48	50	65	59	89
37 Louisiana, Western	34	50	42	27	20	34	27	45	65	96	138	108
38 Maine	24	20	24	48	35	48	50	36	67	75	81	59
39 Maryland	108	126	142	137	147	173	245	224	171	206	223	195
40 Massachusetts	83	103	87	51	63	59	63	65	102	114	98	92
41 Michigan, Eastern	294	286	168	115	189	154	111	149	261	282	193	184
42 Michigan, Western	44	19	19	36	17	42	48	66	87	110	79	120
43 Minnesota	54	45	49	59	65	53	67	44	43	81	78	76
44 Mississippi, Northern	21	37	28	10	8	23	30	42	49	35	66	33
45 Mississippi, Southern	47	41	17	13	45	25	93	74	79	112	85	71
Missouri, Eastern	96	110	81	92	112	121	128	127	170	283	269	265
Missouri, Western	73	81	56	59	51	81	200	203	255	330	352	373
48 Montana	31	35	64	49	37	61	64	43	65	107	104	99
49 Nebraska	28	35	29	39	54	41	41	63	111	191	168	196

ASG000000333

District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Nevada	79	56	34	34	85	95	83	82	178	218	219	143
51 New Hampshire	19	8	15	14	6	17	15	12	13	30	48	37
52 New Jersey	65	63	41	65	59	89	118	66	88	99	91	111
53 New Mexico	63	70	83	36	57	77	85	117	117	114	133	178
54 New York, Eastern	211	252	166	163	179	177	164	183	256	189	229	238
55 New York, Northern	19	37	17	14	21	15	35	53	54	61	49	61
56 New York, Southern	206	172	248	175	190	187	180	153	243	328	333	292
57 New York, Western	27	35	35	31	32	98	104	114	121	146	171	130
58 North Carolina, Eastern	88	92	64	40	108	86	141	129	191	334	314	287
59 North Carolina, Middle	80	77	42	46	58	93	148	128	148	164	206	174
60 North Carolina, Western	113	146	64	81	78	97	170	142	131	159	264	304
61 North Dakota	22	28	32	23	31	44	30	26	55	37	36	54
62 Northern Mariana Islands	2	1	3	3	0	6	2	0	7	2	0	1
63 Ohio, Northern	125	127	88	43	73	69	91	101	138	175	165	218
64 Ohio, Southern	63	106	56	25	56	45	67	66	83	110	139	183
65 Oklahoma, Eastern	8	13	16	11	7	15	27	28	26	51	59	32
66 Oklahoma, Northern	29	51	32	32	32	40	36	36	53	56	66	100
67 Oklahoma, Western	75	33	62	52	40	42	49	36	48	90	49	43
68 Oregon	58	89	54	69	120	144	111	101	149	164	159	146
69 Pennsylvania, Eastern	89	165	113	130	120	263	221	232	283	305	310	296
70 Pennsylvania, Middle	52	62	33	30	22	46	53	57	56	76	141	90
71 Pennsylvania, Western	39	43	24	18	21	15	44	58	66	43	119	105
72 Puerto Rico	111	145	148	164	28	107	54	126	71	142	80	84
73 Rhode Island	30	36	15	14	20	26	20	23	30	39	36	40
74 South Carolina	251	238	129	144	169	176	140	191	345	346	302	379
South Dakota	20	27	34	26	22	23	33	31	31	31	37	44
Tennessee, Eastern	80	102	50	68	85	84	127	200	186	238	244	249
77 Tennessee, Middle	12	16	15	25	33	42	54	49	95	118	87	115
78 Tennessee, Western	70	76	40	54	57	113	68	113	212	263	322	213
79 Texas, Eastern	116	101	67	90	87	76	102	135	124	215	179	259
80 Texas, Northern	150	131	94	94	150	117	213	200	178	203	216	258
81 Texas, Southern	113	155	99	86	144	150	220	318	196	223	279	262
82 Texas, Western	156	148	134	75	146	146	192	183	224	327	334	347
83 Utah	38	35	38	37	40	72	99	202	250	376	304	232
84 Vermont	20	16	15	19	14	14	22	47	38	37	52	39
85 Virgin Islands	25	40	27	8	15	33	32	16	23	4	25	13
86 Virginia, Eastern	121	111	114	199	353	358	350	357	339	459	387	357
87 Virginia, Western	135	70	72	74	71	127	88	103	195	229	215	215
88 Washington, Eastern	68	71	54	48	28	37	48	38	88	92	74	83
89 Washington, Western	34	54	50	36	45	46	34	25	50	75	68	107
90 West Virginia, Northern	21	22	33	22	18	26	40	42	64	62	51	84
91 West Virginia, Southern	33	55	21	39	33	50	61	51	81	68	75	47
92 Wisconsin, Eastern	52	48	34	41	46	37	62	79	82	84	100	97
93 Wisconsin, Western	15	11	5	16	4	6	13	18	26	29	38	32
94 Wyoming	21	18	20	20	38	35	28	24	58	78	84	74
All Districts	6,275	6,667	5,489	5,150	5,876	7,057	8,054	8,845	10,644	13,037	12,962	13,062

*Caseload data extracted from the United States Attorneys' Case Management System.

as any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

07-Nov-05

ASG00000334

United States Attorneys--Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Cases Filed

Listing Sorted: Based on the number of Cases Filed in FY 2005; highest to lowest

Rank	District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005***
1	Missouri, Western	53	56	40	50	46	60	171	184	222	306	323	341
2	Texas, Western	115	107	107	57	129	127	161	150	190	248	280	285
3	South Carolina	128	123	90	85	110	133	89	144	266	243	242	283
4	Virginia, Eastern	84	81	70	166	312	297	263	292	260	311	291	271
5	Arizona	85	86	90	36	110	117	137	154	165	227	230	268
6	North Carolina, Eastern	52	48	31	24	57	52	84	108	155	282	272	250
7	North Carolina, Western	55	71	37	52	56	74	107	82	90	98	220	248
8	Missouri, Eastern	88	91	68	83	99	116	121	119	152	256	255	248
9	Pennsylvania, Eastern	58	123	81	87	80	210	165	183	215	223	250	231
10	Texas, Southern	76	96	65	65	115	138	199	292	176	193	252	223
11	Texas, Northern	117	86	77	70	119	100	176	154	126	158	182	214
12	Texas, Eastern	81	66	50	62	60	61	84	100	101	147	150	211
13	Tennessee, Eastern	67	78	41	57	70	77	105	172	145	181	215	210
14	Utah	32	29	27	32	34	61	90	185	224	337	274	208
15	Tennessee, Western	50	55	39	40	38	86	46	84	194	233	283	192
16	Ohio, Northern	104	96	76	34	60	59	81	84	116	134	153	190
17	New York, Southern	89	90	109	104	114	128	122	108	177	234	246	185
18	Florida, Middle	66	125	90	119	92	93	96	93	128	162	179	179
19	Virginia, Western	80	60	43	44	53	91	68	75	129	173	160	171
20	Nebraska	17	22	23	23	46	32	35	54	95	166	157	171
21	Indiana, Northern	28	31	22	43	44	81	117	116	127	111	120	171
22	District of Columbia	95	45	104	141	107	133	136	165	190	246	271	170
23	Alabama, Northern	39	25	32	26	34	48	98	136	186	218	171	165
24	New Mexico	50	52	50	28	47	61	72	101	103	96	123	164
25	Maryland	79	100	105	111	118	154	229	197	137	175	176	164
26	North Carolina, Middle	57	53	35	35	43	79	104	108	117	154	187	161
27	Ohio, Southern	48	56	33	18	32	34	50	52	71	99	128	156
28	Florida, Southern	147	163	146	143	153	131	120	162	156	167	159	152
29	Michigan, Eastern	137	141	102	89	147	127	86	127	216	252	171	148
30	Nevada	50	39	24	30	61	71	74	72	168	192	171	138
31	Kansas	59	82	42	54	66	73	101	93	103	147	186	135
32	Oregon	50	75	47	52	108	126	103	92	132	150	152	134
33	Colorado	51	66	59	38	36	44	109	110	108	146	149	132
34	California, Central	110	109	103	74	65	70	88	147	154	108	144	131
35	Georgia, Northern	69	111	103	83	49	108	115	135	105	167	188	129
36	Kentucky, Eastern	54	39	36	27	43	71	64	84	96	114	115	127
37	California, Eastern	51	57	66	48	28	46	48	55	70	78	119	126
38	Illinois, Northern	41	27	23	33	28	43	46	45	103	104	105	114
39	Alabama, Middle	24	21	19	13	15	8	15	20	31	92	83	114
40	New York, Western	20	34	30	25	30	86	91	101	107	125	153	110
41	Michigan, Western	35	16	17	28	13	31	42	58	80	99	72	109
42	Alabama, Southern	31	39	21	22	29	33	46	48	81	87	82	109
43	Georgia, Southern	15	15	17	14	30	30	42	75	77	89	100	107
44	Arkansas, Eastern	42	36	47	30	36	27	26	28	53	59	70	107
45	California, Northern	60	33	50	37	43	119	120	96	89	114	92	102
46	Pennsylvania, Western	31	29	24	16	20	13	36	49	50	41	111	99
47	New Jersey	48	55	34	51	52	88	108	60	83	96	86	96
48	Georgia, Middle	43	31	14	25	18	19	29	70	42	64	63	96
49	Louisiana, Western	16	39	27	17	17	25	26	39	50	82	124	93
50	Tennessee, Middle	8	12	12	21	29	31	38	37	60	94	66	92

ASG00000335

Rank	District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005***
	Iowa, Southern	17	32	28	19	32	41	47	27	53	76	89	91
52	Washington, Western	29	42	38	32	35	35	27	20	43	60	64	89
53	Louisiana, Middle	5	13	5	8	16	92	65	46	47	61	58	88
54	Wisconsin, Eastern	38	37	25	39	21	31	57	70	65	56	90	87
55	Kentucky, Western	30	34	24	24	32	36	38	89	83	86	74	87
56	Oklahoma, Northern	27	38	24	23	24	28	32	29	48	53	62	86
57	Montana	30	28	38	27	18	28	34	36	55	95	84	86
58	New York, Eastern	85	96	74	79	67	79	75	96	133	129	143	83
59	Iowa, Northern	22	27	23	36	25	32	73	81	58	94	65	83
60	Washington, Eastern	68	71	54	48	28	37	48	38	88	92	74	82
61	Louisiana, Eastern	31	40	29	33	23	74	74	68	97	98	92	80
62	Florida, Northern	59	57	62	51	45	61	53	66	64	93	67	77
63	Massachusetts	46	80	65	27	47	51	35	56	81	90	72	75
64	Mississippi, Southern	38	33	14	11	34	22	77	61	63	96	80	69
65	Illinois, Southern	38	63	38	19	43	42	61	34	48	85	41	68
66	Hawaii	11	21	7	8	23	12	10	11	31	86	84	66
67	West Virginia, Northern	17	19	25	18	17	22	32	21	54	51	49	65
68	Pennsylvania, Middle	49	49	26	23	20	35	39	40	42	49	101	64
69	Illinois, Central	23	42	32	24	42	38	47	38	53	63	67	63
70	Minnesota	39	31	30	42	50	47	55	41	34	65	71	62
71	Wyoming	19	12	16	16	35	29	24	21	44	71	60	60
72	Indiana, Southern	36	46	30	29	25	49	24	27	48	61	60	59
73	Connecticut	30	36	40	41	27	43	44	53	55	58	71	59
74	Maine	19	17	23	45	32	41	48	33	62	69	76	58
75	Idaho	15	18	10	12	17	10	12	16	43	58	46	52
76	New York, Northern	13	19	10	10	18	15	20	38	40	42	40	51
	West Virginia, Southern	28	38	20	35	25	43	51	45	73	61	72	47
	North Dakota	21	15	24	22	26	29	29	22	44	34	29	47
79	Rhode Island	20	21	15	14	18	24	17	20	29	36	36	37
80	Oklahoma, Western	29	26	27	26	29	30	36	32	41	69	41	37
81	New Hampshire	18	7	9	10	6	16	14	12	13	28	46	37
82	Puerto Rico	37	33	44	26	16	41	23	38	35	35	48	36
83	Vermont	20	12	12	13	12	12	18	37	28	29	43	33
84	Wisconsin, Western	11	11	5	13	4	6	13	13	24	28	38	32
85	Arkansas, Western	23	12	13	12	6	13	11	18	13	19	23	32
88	South Dakota	16	24	27	25	18	22	27	26	30	28	33	31
87	Mississippi, Northern	17	26	21	8	8	16	22	31	35	24	61	30
88	Alaska	17	10	4	13	9	17	18	18	21	33	35	30
89	Oklahoma, Eastern	7	11	10	9	6	13	21	23	21	45	50	29
90	Delaware	11	14	13	18	20	10	6	13	67	41	41	29
91	Virgin Islands	20	28	21	5	13	26	19	15	16	4	20	12
92	California, Southern	34	40	24	28	25	17	16	19	24	17	18	12
93	Guam	25	14	13	19	13	7	8	8	15	8	2	9
94	Northern Mariana Islands	2	1	3	1	0	6	2	0	6	2	0	1
	All Districts	4,274	4,564	3,793	3,703	4,391	5,500	6,281	7,041	8,534	10,556	11,067	10,841

*Caseload data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2006 numbers are actual data through the end of September 2006.

EOUSA/DATA ANALYSIS STAFF/FIRE 922-924/RANK/CASES_RANK

07-Nov-05

ASG00000336

United States Attorneys—Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Defendants Filed

Listing Sorted: Based on the number of Defendants in Cases Filed in FY 2005; highest to lowest

Rank	District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005***
1	South Carolina	251	238	129	144	169	176	140	191	345	346	302	379
2	Arizona	122	115	140	45	156	167	211	193	243	302	283	376
3	Missouri, Western	73	81	56	59	51	81	200	203	255	330	352	373
4	Virginia, Eastern	121	111	114	199	353	358	350	357	339	459	387	357
5	Texas, Western	156	148	134	75	146	146	192	183	224	327	334	347
6	North Carolina, Western	113	146	64	81	78	97	170	142	131	159	264	304
7	Pennsylvania, Eastern	89	165	113	130	120	263	221	232	283	305	310	296
8	New York, Southern	206	172	248	175	190	187	180	153	243	328	333	292
9	North Carolina, Eastern	88	92	64	40	108	86	141	129	191	334	314	287
10	Missouri, Eastern	98	110	81	92	112	121	128	127	170	283	269	265
11	Texas, Southern	113	155	99	86	144	150	220	318	196	223	279	262
12	Texas, Eastern	116	101	67	90	87	76	102	135	124	215	179	259
13	Texas, Northern	150	131	94	94	150	117	213	200	178	203	216	258
14	Tennessee, Eastern	80	102	50	68	85	84	127	200	186	238	244	249
15	New York, Eastern	211	252	166	163	179	177	164	183	256	189	229	238
16	Utah	38	35	38	37	40	72	99	202	250	376	304	232
17	Florida, Southern	184	202	170	196	202	182	174	231	228	228	230	221
18	Ohio, Northern	125	127	88	43	73	69	91	101	138	175	165	218
19	Virginia, Western	135	70	72	74	71	127	88	103	195	229	215	215
20	Tennessee, Western	70	76	40	54	57	113	68	113	212	263	322	213
21	Indiana, Northern	38	34	25	56	69	106	139	133	145	143	137	207
22	Florida, Middle	89	163	121	154	115	115	126	129	155	207	196	198
23	Georgia, Northern	110	135	142	109	69	156	159	196	157	268	260	197
24	District of Columbia	127	64	129	153	118	161	157	202	224	282	291	197
25	Nebraska	28	35	29	39	54	41	41	63	111	191	168	196
26	Maryland	108	126	142	137	147	173	245	224	171	206	223	195
27	Michigan, Eastern	294	286	168	115	189	154	111	149	261	282	193	184
28	Ohio, Southern	63	106	56	25	56	45	67	66	83	110	139	183
29	California, Central	172	146	172	145	116	116	147	219	213	141	198	183
30	New Mexico	63	70	83	36	57	77	85	117	117	114	133	178
31	North Carolina, Middle	80	77	42	46	58	93	148	128	148	164	206	174
32	Alabama, Northern	47	38	45	32	37	63	104	146	203	234	190	172
33	Illinois, Northern	62	72	33	54	35	58	65	63	149	137	144	164
34	Kansas	71	101	57	73	93	93	124	105	123	171	233	157
35	Kentucky, Eastern	70	49	42	32	59	105	115	134	121	151	141	155
36	California, Eastern	92	97	102	77	43	66	78	84	109	116	129	154
37	Oregon	58	89	54	69	120	144	111	101	149	164	159	146
38	Colorado	56	82	71	59	52	60	139	129	116	157	158	146
39	Nevada	79	56	34	34	85	95	83	82	178	218	219	143
40	Arkansas, Eastern	58	44	66	49	62	35	30	38	61	72	81	131
41	New York, Western	27	35	35	31	32	98	104	114	121	146	171	130
42	Georgia, Southern	21	24	33	22	49	45	54	93	95	111	114	129
43	Alabama, Southern	41	61	27	27	45	40	65	69	105	96	93	129
44	Michigan, Western	44	19	19	36	17	42	48	66	87	110	79	120
45	Alabama, Middle	39	33	31	18	26	10	21	30	40	103	86	119
46	California, Northern	78	41	118	46	64	163	143	123	118	139	93	118
47	Tennessee, Middle	12	16	15	25	33	42	54	49	95	118	87	115
48	Kentucky, Western	39	41	41	34	51	41	49	104	97	112	82	112
49	New Jersey	65	63	41	65	59	89	118	66	88	99	91	111
50	Louisiana, Western	34	50	42	27	20	34	27	45	65	96	138	108

ASG00000337

Rank	District	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005***
	Washington, Western	34	54	50	36	45	46	34	25	50	75	68	107
52	Pennsylvania, Western	39	43	24	18	21	15	44	58	66	43	119	105
53	Georgia, Middle	59	45	21	44	26	28	36	96	53	81	70	103
54	Oklahoma, Northern	29	51	32	32	32	40	36	36	53	56	66	100
55	Montana	31	35	64	49	37	61	64	43	65	107	104	99
56	Wisconsin, Eastern	52	48	34	41	46	37	62	79	82	64	100	97
57	Iowa, Southern	24	51	44	23	43	58	63	47	64	89	99	97
58	Massachusetts	83	103	87	51	63	59	63	65	102	114	98	92
59	Pennsylvania, Middle	52	62	33	30	22	46	53	57	56	76	141	90
60	Louisiana, Middle	5	17	5	10	17	93	70	48	50	65	59	89
61	Florida, Northern	77	72	76	62	69	78	63	80	81	110	72	88
62	Louisiana, Eastern	59	60	35	44	46	92	83	75	100	119	102	85
63	Iowa, Northern	27	37	29	48	29	37	82	96	63	112	74	85
64	West Virginia, Northern	21	22	33	22	18	26	40	42	64	62	51	84
65	Puerto Rico	111	145	148	164	28	107	54	126	71	142	80	84
66	Washington, Eastern	68	71	54	48	28	37	48	38	88	92	74	83
67	Minnesota	54	45	49	59	65	53	67	44	43	81	78	76
68	Wyoming	21	18	20	20	38	35	28	24	58	78	84	74
69	Hawaii	12	23	8	12	28	19	12	14	35	97	87	72
70	Mississippi, Southern	47	41	17	13	45	25	93	74	79	112	85	71
71	Illinois, Southern	59	82	41	22	47	47	74	46	58	106	48	71
72	Indiana, Southern	51	59	33	42	30	58	27	34	58	65	68	67
73	Connecticut	41	47	52	46	35	51	51	64	64	60	76	66
74	Illinois, Central	26	46	34	25	43	46	55	39	58	69	71	64
75	Idaho	19	24	13	15	23	17	12	26	60	65	48	62
76	New York, Northern	19	37	17	14	21	15	35	53	54	61	49	61
77	Maine	24	20	24	48	35	48	50	36	67	75	81	59
78	North Dakota	22	28	32	23	31	44	30	26	55	37	36	54
79	West Virginia, Southern	33	55	21	39	33	50	61	51	81	68	75	47
80	South Dakota	20	27	34	26	22	23	33	31	31	31	37	44
81	Oklahoma, Western	75	33	62	52	40	42	49	36	48	90	49	43
82	Rhode Island	30	36	15	14	20	26	20	23	30	39	36	40
83	Vermont	20	16	15	19	14	14	22	47	38	37	52	39
84	New Hampshire	19	8	15	14	6	17	15	12	13	30	48	37
85	Arkansas, Western	27	13	21	12	9	14	11	18	14	20	23	36
86	Mississippi, Northern	21	37	28	10	8	23	30	42	49	35	66	33
87	Alaska	18	14	4	16	12	18	29	22	37	45	41	33
88	Wisconsin, Western	15	11	5	16	4	6	13	18	26	29	38	32
89	Oklahoma, Eastern	8	13	16	11	7	15	27	28	26	51	59	32
90	Delaware	12	15	21	21	23	12	8	13	73	42	42	30
91	California, Southern	48	66	38	38	36	24	29	25	30	23	18	14
92	Virgin Islands	25	40	27	8	15	33	32	16	23	4	25	13
93	Guam	32	14	13	20	15	7	8	9	19	8	2	11
94	Northern Mariana Islands	2	1	3	3	0	6	2	0	7	2	0	1
	All Districts	6,275	6,667	5,489	5,150	5,876	7,057	8,054	8,845	10,634	13,037	12,962	13,062

*Caseload data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

EOUSA/DATA ANALYSIS STAFF/FIRE 922-924RANK/DEF_RANK

07-Nov-05

ASG000000338

United States Attorneys--Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Cases Filed

Listing Sorted: Based on the Percent Change; highest to lowest

Rank	District	FY 2004	FY 2005***	Percent Change
1	Guam	2	9	350.0%
2	Illinois, Southern	41	68	65.9%
3	North Dakota	29	47	62.1%
4	Arkansas, Eastern	70	107	52.9%
5	Georgia, Middle	63	96	52.4%
6	Louisiana, Middle	58	88	51.7%
7	Michigan, Western	72	109	51.4%
8	Indiana, Northern	120	171	42.5%
9	Texas, Eastern	150	211	40.7%
10	Tennessee, Middle	66	92	39.4%
11	Arkansas, Western	23	32	39.1%
12	Washington, Western	64	89	39.1%
13	Oklahoma, Northern	62	86	38.7%
14	Alabama, Middle	83	114	37.3%
15	New Mexico	123	164	33.3%
16	Alabama, Southern	82	109	32.9%
17	West Virginia, Northern	49	65	32.7%
18	Iowa, Northern	65	83	27.7%
19	New York, Northern	40	51	27.5%
20	Ohio, Northern	153	190	24.2%
21	Ohio, Southern	128	156	21.9%
22	Texas, Northern	182	214	17.6%
23	Kentucky, Western	74	87	17.6%
24	South Carolina	242	283	16.9%
25	Arizona	230	268	16.5%
26	Florida, Northern	67	77	14.9%
27	Idaho	46	52	13.0%
28	North Carolina, Western	220	248	12.7%
29	New Jersey	86	96	11.6%
30	California, Northern	92	102	10.9%
31	Washington, Eastern	74	82	10.8%
32	Kentucky, Eastern	115	127	10.4%
33	Nebraska	157	171	8.9%
34	Illinois, Northern	105	114	8.6%
35	Georgia, Southern	100	107	7.0%
36	Virginia, Western	160	171	6.9%
37	California, Eastern	119	126	5.9%
38	Missouri, Western	323	341	5.6%
39	Massachusetts	72	75	4.2%
40	Rhode Island	36	37	2.8%
41	Montana	84	86	2.4%
42	Iowa, Southern	89	91	2.2%
43	Texas, Western	280	285	1.8%
44	Florida, Middle	179	179	0.0%
45	Wyoming	60	60	0.0%
46	Indiana, Southern	60	59	-1.7%
47	Tennessee, Eastern	215	210	-2.3%
48	Missouri, Eastern	255	248	-2.7%
49	Wisconsin, Eastern	90	87	-3.3%

ASG000000339

Rank	District	FY 2004	FY 2005***	Percent Change
50	Alabama, Northern	171	165	-3.5%
	Florida, Southern	159	152	-4.4%
52	Illinois, Central	67	63	-6.0%
53	South Dakota	33	31	-6.1%
54	Maryland	176	164	-6.8%
55	Virginia, Eastern	291	271	-6.9%
56	Pennsylvania, Eastern	250	231	-7.6%
57	North Carolina, Eastern	272	250	-8.1%
58	California, Central	144	131	-9.0%
59	Oklahoma, Western	41	37	-9.8%
60	Pennsylvania, Western	111	99	-10.8%
61	Colorado	149	132	-11.4%
62	Texas, Southern	252	223	-11.5%
63	Oregon	152	134	-11.8%
64	Minnesota	71	62	-12.7%
65	Louisiana, Eastern	92	80	-13.0%
66	Michigan, Eastern	171	148	-13.5%
67	Mississippi, Southern	80	69	-13.8%
68	North Carolina, Middle	187	161	-13.9%
69	Alaska	35	30	-14.3%
70	Wisconsin, Western	38	32	-15.8%
71	Connecticut	71	59	-16.9%
72	Nevada	171	138	-19.3%
73	New Hampshire	46	37	-19.6%
74	Hawaii	84	66	-21.4%
75	Vermont	43	33	-23.3%
76	Maine	76	58	-23.7%
	Utah	274	208	-24.1%
78	New York, Southern	246	185	-24.8%
79	Louisiana, Western	124	93	-25.0%
80	Puerto Rico	48	36	-25.0%
81	Kansas	186	135	-27.4%
82	New York, Western	153	110	-28.1%
83	Delaware	41	29	-29.3%
84	Georgia, Northern	188	129	-31.4%
85	Tennessee, Western	283	192	-32.2%
86	California, Southern	18	12	-33.3%
87	West Virginia, Southern	72	47	-34.7%
88	Pennsylvania, Middle	101	64	-36.6%
89	District of Columbia	271	170	-37.3%
90	Virgin Islands	20	12	-40.0%
91	New York, Eastern	143	83	-42.0%
92	Oklahoma, Eastern	50	29	-42.0%
93	Mississippi, Northern	61	30	-50.8%
94	Northern Mariana Islands	0	1	
	All Districts	11,067	10,841	-2.0%

*Caseload data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

EOUSA/DATA ANALYSIS STAFF/FIRE 922-924RANK/CASES_RANK

ASG000000340

United States Attorneys—Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Defendants Filed

Li Sorted: Based on the Percent Change; highest to lowest

Rank	District	FY 2004	FY 2005***	Percent Change
1	Guam	2	11	450.0%
2	West Virginia, Northern	51	84	64.7%
3	Arkansas, Eastern	81	131	61.7%
4	Washington, Western	68	107	57.4%
5	Arkansas, Western	23	36	56.5%
6	Michigan, Western	79	120	51.9%
7	Oklahoma, Northern	66	100	51.5%
8	Indiana, Northern	137	207	51.1%
9	Louisiana, Middle	59	89	50.8%
10	North Dakota	36	54	50.0%
11	Illinois, Southern	48	71	47.9%
12	Georgia, Middle	70	103	47.1%
13	Texas, Eastern	179	259	44.7%
14	Alabama, Southern	93	129	38.7%
15	Alabama, Middle	86	119	38.4%
16	Kentucky, Western	82	112	36.6%
17	New Mexico	133	178	33.8%
18	Arizona	283	376	32.9%
19	Tennessee, Middle	87	115	32.2%
20	Ohio, Northern	165	218	32.1%
21	Ohio, Southern	139	183	31.7%
22	Idaho	48	62	29.2%
23	California, Northern	93	118	26.9%
24	South Carolina	302	379	25.5%
25	New York, Northern	49	61	24.5%
26	Florida, Northern	72	88	22.2%
27	New Jersey	91	111	22.0%
28	Texas, Northern	216	258	19.4%
29	California, Eastern	129	154	19.4%
30	South Dakota	37	44	18.9%
31	Nebraska	168	196	16.7%
32	North Carolina, Western	264	304	15.2%
33	Iowa, Northern	74	85	14.9%
34	Illinois, Northern	144	164	13.9%
35	Georgia, Southern	114	129	13.2%
36	Washington, Eastern	74	83	12.2%
37	Rhode Island	36	40	11.1%
38	Kentucky, Eastern	141	155	9.9%
39	Missouri, Western	352	373	6.0%
40	Puerto Rico	80	84	5.0%
41	New York, Eastern	229	238	3.9%
42	Texas, Western	334	347	3.9%
43	Tennessee, Eastern	244	249	2.0%
44	Florida, Middle	196	198	1.0%
45	Virginia, Western	215	215	0.0%
46	Indiana, Southern	68	67	-1.5%
47	Missouri, Eastern	269	265	-1.5%
48	Iowa, Southern	99	97	-2.0%
49	Minnesota	78	76	-2.6%
50	Wisconsin, Eastern	100	97	-3.0%

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Rank	District	FY 2004	FY 2005***	Percent Change
51	Florida, Southern	230	221	-3.9%
	Pennsylvania, Eastern	310	296	-4.5%
53	Michigan, Eastern	193	184	-4.7%
54	Montana	104	99	-4.8%
55	Texas, Southern	279	262	-6.1%
56	Massachusetts	98	92	-6.1%
57	California, Central	198	183	-7.6%
58	Colorado	158	146	-7.6%
59	Virginia, Eastern	387	357	-7.8%
60	Oregon	159	146	-8.2%
61	North Carolina, Eastern	314	287	-8.6%
62	Alabama, Northern	190	172	-9.5%
63	Illinois, Central	71	64	-9.9%
64	Pennsylvania, Western	119	105	-11.8%
65	Wyoming	84	74	-11.9%
66	Oklahoma, Western	49	43	-12.2%
67	New York, Southern	333	292	-12.3%
68	Maryland	223	195	-12.6%
69	Connecticut	76	66	-13.2%
70	North Carolina, Middle	206	174	-15.5%
71	Wisconsin, Western	38	32	-15.8%
72	Mississippi, Southern	85	71	-16.5%
73	Louisiana, Eastern	102	85	-16.7%
74	Hawaii	87	72	-17.2%
75	Alaska	41	33	-19.5%
76	Louisiana, Western	138	108	-21.7%
77	California, Southern	18	14	-22.2%
	New Hampshire	48	37	-22.9%
79	Utah	304	232	-23.7%
80	New York, Western	171	130	-24.0%
81	Georgia, Northern	260	197	-24.2%
82	Vermont	52	39	-25.0%
83	Maine	81	59	-27.2%
84	Delaware	42	30	-28.6%
85	District of Columbia	291	197	-32.3%
86	Kansas	233	157	-32.6%
87	Tennessee, Western	322	213	-33.9%
88	Nevada	219	143	-34.7%
89	Pennsylvania, Middle	141	90	-36.2%
90	West Virginia, Southern	75	47	-37.3%
91	Oklahoma, Eastern	59	32	-45.8%
92	Virgin Islands	25	13	-48.0%
93	Mississippi, Northern	66	33	-50.0%
94	Northern Mariana Islands	0	1	
	All Districts	12,962	13,062	0.8%

*Caseload data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

EOUSA/DATA ANALYSIS STAFF/FIRE 922-924RANK/DEF_RANK

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United States Attorneys—Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Cases Filed

Listing Sorted: Based on the Percent Change; highest to lowest

Rank	District	FY 2000	FY 2005***	Percent Change
1	Alabama, Middle	15	114	660.0%
2	Hawaii	10	66	560.0%
3	Nebraska	35	171	388.6%
4	Delaware	6	29	383.3%
5	Idaho	12	52	333.3%
6	Tennessee, Western	46	192	317.4%
7	Arkansas, Eastern	26	107	311.5%
8	Louisiana, Western	26	93	257.7%
9	Georgia, Middle	29	96	231.0%
10	Washington, Western	27	89	229.6%
11	South Carolina	89	283	218.0%
12	Ohio, Southern	50	156	212.0%
13	North Carolina, Eastern	84	250	197.6%
14	Arkansas, Western	11	32	190.9%
15	Pennsylvania, Western	36	99	175.0%
16	Oklahoma, Northern	32	86	168.8%
17	New Hampshire	14	37	164.3%
18	California, Eastern	48	126	162.5%
19	Michigan, Western	42	109	159.5%
20	New York, Northern	20	51	155.0%
21	Georgia, Southern	42	107	154.8%
22	Montana	34	86	152.9%
23	Virginia, Western	68	171	151.5%
24	Texas, Eastern	84	211	151.2%
25	Wyoming	24	60	150.0%
26	Illinois, Northern	46	114	147.8%
27	Wisconsin, Western	13	32	146.2%
28	Indiana, Southern	24	59	145.8%
29	Tennessee, Middle	38	92	142.1%
30	Alabama, Southern	46	109	137.0%
31	Ohio, Northern	81	190	134.6%
32	North Carolina, Western	107	248	131.8%
33	Utah	90	208	131.1%
34	Kentucky, Western	38	87	128.9%
35	New Mexico	72	164	127.8%
36	Rhode Island	17	37	117.6%
37	Massachusetts	35	75	114.3%
38	Missouri, Eastern	121	248	105.0%
39	West Virginia, Northern	32	65	103.1%
40	Tennessee, Eastern	105	210	100.0%
41	Missouri, Western	171	341	99.4%
42	Kentucky, Eastern	64	127	98.4%
43	Arizona	137	268	95.6%
44	Iowa, Southern	47	91	93.6%
45	Nevada	74	138	86.5%
46	Florida, Middle	96	179	86.5%
47	Vermont	18	33	83.3%
48	Texas, Western	161	285	77.0%
49	Michigan, Eastern	86	148	72.1%

ASG000000343

Rank	District	FY 2000	FY 2005***	Percent Change
50	Washington, Eastern	48	82	70.8%
	Alabama, Northern	98	165	68.4%
52	Alaska	18	30	66.7%
53	Pennsylvania, Middle	39	64	64.1%
54	North Dakota	29	47	62.1%
55	Puerto Rico	23	36	56.5%
56	North Carolina, Middle	104	161	54.8%
57	Wisconsin, Eastern	57	87	52.6%
58	New York, Southern	122	185	51.6%
59	California, Central	88	131	48.9%
60	Indiana, Northern	117	171	46.2%
61	Florida, Northern	53	77	45.3%
62	Pennsylvania, Eastern	165	231	40.0%
63	Oklahoma, Eastern	21	29	38.1%
64	Mississippi, Northern	22	30	36.4%
65	Louisiana, Middle	65	88	35.4%
66	Connecticut	44	59	34.1%
67	Illinois, Central	47	63	34.0%
68	Kansas	101	135	33.7%
69	Oregon	103	134	30.1%
70	Florida, Southern	120	152	26.7%
71	District of Columbia	136	170	25.0%
72	Texas, Northern	176	214	21.6%
73	Colorado	109	132	21.1%
74	New York, Western	91	110	20.9%
75	Maine	48	58	20.8%
76	South Dakota	27	31	14.8%
	Iowa, Northern	73	83	13.7%
78	Minnesota	55	62	12.7%
79	Guam	8	9	12.5%
80	Georgia, Northern	115	129	12.2%
81	Texas, Southern	199	223	12.1%
82	Illinois, Southern	61	68	11.5%
83	New York, Eastern	75	83	10.7%
84	Louisiana, Eastern	74	80	8.1%
85	Virginia, Eastern	263	271	3.0%
88	Oklahoma, Western	36	37	2.8%
87	West Virginia, Southern	51	47	-7.8%
88	Mississippi, Southern	77	69	-10.4%
89	New Jersey	108	96	-11.1%
90	California, Northern	120	102	-15.0%
91	California, Southern	16	12	-25.0%
92	Maryland	229	164	-28.4%
93	Virgin Islands	19	12	-36.8%
94	Northern Mariana Islands	2	1	-50.0%
	All Districts	6,281	10,841	72.6%

*Caseload data extracted from the United States Attorneys' Case Management System.

**Includes any and all criminal cases where 18 U.S.C. 922 or 924 was brought as any charge against a defendant. However, both statutes were run together to eliminate any double counting of cases/defendants when more than one subsection of Section 922 or 924 was charged against the same defendant, or both Sections 922 and 924 were charged against the same defendant.

***FY 2005 numbers are actual data through the end of September 2005.

United States Attorneys—Criminal Caseload Statistics*

18 U.S.C. 922, 924**

Defendants Filed

L Sorted: Based on the Percent Change; highest to lowest

Rank	District	FY 2000	FY 2005***	Percent Change
1	Hawaii	12	72	500.0%
2	Alabama, Middle	21	119	466.7%
3	Idaho	12	62	416.7%
4	Nebraska	41	196	378.0%
5	Arkansas, Eastern	30	131	336.7%
6	Louisiana, Western	27	108	300.0%
7	Delaware	8	30	275.0%
8	Arkansas, Western	11	36	227.3%
9	Washington, Western	34	107	214.7%
10	Tennessee, Western	68	213	213.2%
11	Georgia, Middle	36	103	186.1%
12	Oklahoma, Northern	36	100	177.8%
13	Ohio, Southern	67	183	173.1%
14	South Carolina	140	379	170.7%
15	Wyoming	28	74	164.3%
16	Texas, Eastern	102	259	153.9%
17	Illinois, Northern	65	164	152.3%
18	Michigan, Western	48	120	150.0%
19	Indiana, Southern	27	67	148.1%
20	New Hampshire	15	37	146.7%
	Wisconsin, Western	13	32	146.2%
	Virginia, Western	88	215	144.3%
23	Ohio, Northern	91	218	139.6%
24	Georgia, Southern	54	129	138.9%
25	Pennsylvania, Western	44	105	138.6%
26	Utah	99	232	134.3%
27	Kentucky, Western	49	112	128.6%
28	Tennessee, Middle	54	115	113.0%
29	West Virginia, Northern	40	84	110.0%
30	New Mexico	85	178	109.4%
31	Missouri, Eastern	128	265	107.0%
32	North Carolina, Eastern	141	287	103.5%
33	Rhode Island	20	40	100.0%
34	Alabama, Southern	65	129	98.5%
35	California, Eastern	78	154	97.4%
36	Tennessee, Eastern	127	249	96.1%
37	Missouri, Western	200	373	86.5%
38	Texas, Western	192	347	80.7%
39	North Dakota	30	54	80.0%
40	North Carolina, Western	170	304	78.8%
41	Arizona	211	376	78.2%
42	Vermont	22	39	77.3%
43	New York, Northern	35	61	74.3%
44	Washington, Eastern	48	83	72.9%
45	Nevada	83	143	72.3%
46	Pennsylvania, Middle	53	90	69.8%
	Michigan, Eastern	111	184	65.8%
	Alabama, Northern	104	172	65.4%
49	New York, Southern	180	292	62.2%
50	Florida, Middle	126	198	57.1%

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