

Subject: track 2019

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Prosecutions for 2019

The latest available data from the Justice Department show that during the first seven months of FY 2019 the government reported 111,536 new prosecutions. If this activity continues at the same pace, the annual total of prosecutions will be 191,205 for this fiscal year. According to the case-by-case information analyzed by the Transactional Records Access Clearinghouse (TRAC), this estimate is up 15.8% over the past fiscal year when the number of prosecutions totaled 165,070.

Number Year-to-date	111,536
Percent Change from previous year	15.8
Percent Change from 5 years ago	24.8
Percent Change from 10 years ago	12.7
Percent Change from 20 years ago	114

Table 1: Criminal Prosecutions

The comparisons of the number of defendants charged with offenses are based on case-by-case information obtained by TRAC under the Freedom of Information Act from the Executive Office for United States Attorneys (see Table 1).

Compared to five years ago when there were 153,207, the estimate of FY 2019 prosecutions of this type is up 24.8 percent. Prosecutions over the past year are higher than they were ten years ago. Overall, the data show that prosecutions of this type are up 12.7 percent from the level of 169,612 reported in 2009 and up 114 percent from the level of 89,309 reported in 1999.

The long term trend in prosecutions for these matters going back to FY 1999 is shown more clearly in Figure 1. The vertical bars in Figure 1 represent the number of prosecutions of this type recorded each fiscal year. Projected figures for the current fiscal year are shown. Each presidential administration is distinguished by the color of the bars. To view trends month-by-month rather than year-by-year, see [TRAC's monthly report series for the latest data](#).

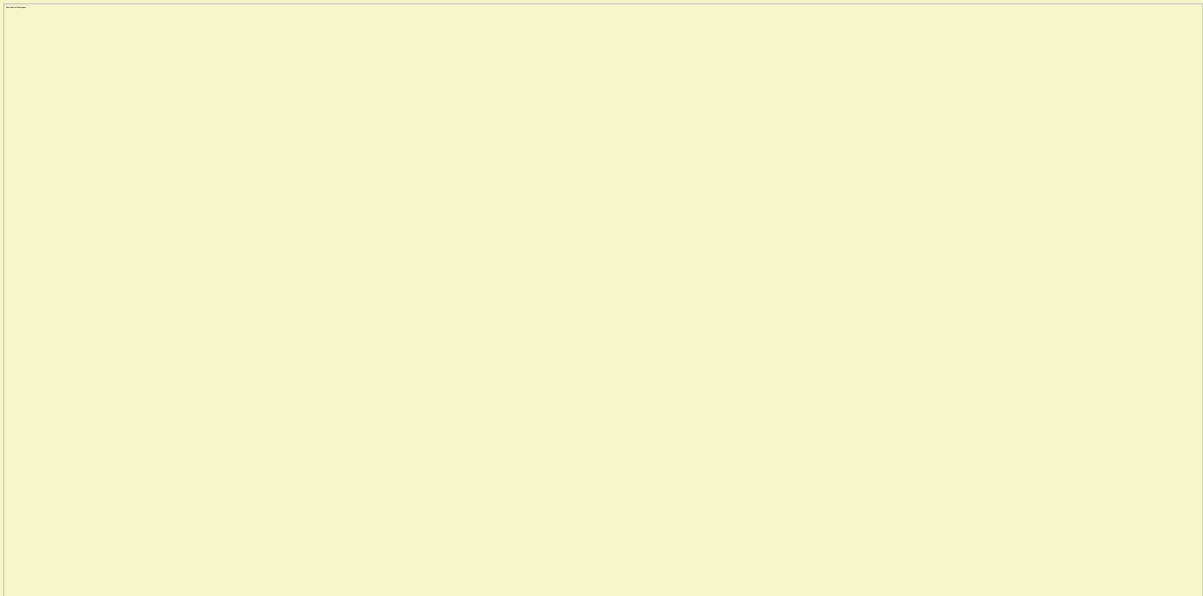


Figure 1: Criminal Prosecutions over the last 20 years

Leading Program Areas

Cases were classified by prosecutors into more specific types. The single largest number of prosecutions of these matters through April 2019 was for "Immigration", accounting for 65.5 percent of prosecutions.

The second largest number of matters were Prosecutions filed under the program area of "Narcotics/Drugs " (11.5%) . The "Other" category in Figure 2 is comprised of a diverse group of programs. The largest specific programs within the "Other" category were: Weapons" (5.9%), "White Collar Crime" (2.9%).

[The Department of Justice is withholding the program area for 4.8% of the cases. These matters are also included in the "Other" category. TRAC, in ongoing litigation, has challenged the government's withholding of program category information, winning a substantial victory in September 2006 decision. The government, however, has filed a notice of appeal which has stayed the order requiring it to release program information.]

Leading Investigative Agencies

The lead investigative agency for prosecutions through April 2019 was "Homeland Security - Customs and Border Protection" accounting for 59.9 percent of prosecutions referred.

As shown in Figure 3, additional agencies with substantial numbers of referrals were: Homeland Security - Immigration and Customs Enforcement (7.8%), "Justice - Federal Bureau of Investigation" (7.4%), "Justice - Drug Enforcement Administration" (6.6%), "Justice - Alcohol, Tobacco, Firearms, and Explosives (formerly Treasury)" (5.8%).



Figure 2: Specific types of prosecutions

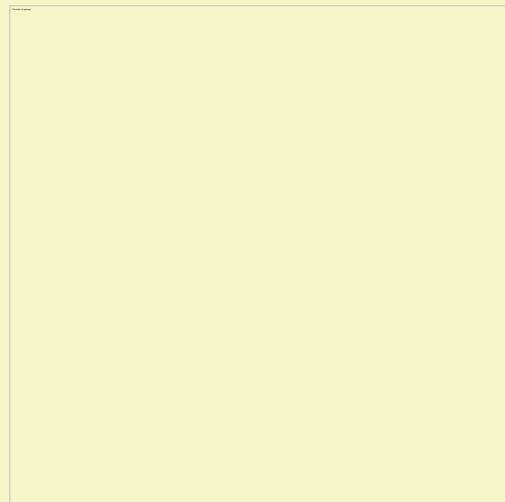


Figure 3: Prosecutions by Investigative Agency

Top Ranked Lead Charges

Table 2 shows the top lead charges recorded in the prosecutions of matters filed in U.S. District Court during the first seven months of FY 2019.

Note: There were an additional 479 other lead charges which were not individually ranked. [See latest monthly report](#) if you want all lead charges included in rankings for the latest month, or use TRACFED criminal analyzer tool for complete listing for any year.

Lead Charge	Count	Rank	1 yr ago	5 yrs ago	10 yrs ago	20 yrs ago
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08 USC 1325 - Entry of alien at improper time or place; etc.	47,361	1	1	1	1	4	More
08 USC 1326 - Reentry of deported alien	21,531	2	2	2	2	3	More
21 USC 841 - Drug Abuse Prevention & Control-Prohibited acts A	6,813	3	3	3	3	1	More
18 USC 922 - Firearms; Unlawful acts	5,841	4	4	5	5	5	More
21 USC 846 - Attempt and conspiracy	3,924	5	5	4	4	2	More
08 USC 1324 - Bringing in and harboring certain aliens	3,172	6	6	6	7	8	More
Other US Code Section	1,472	7	7	8	45	37	More
21 USC 952 - Importation of controlled substances	1,199	8	8	11	9	7	More
Federal Regulation	687	9	9	7	8	34	More
18 USC 1546 - Fraud and misuse of visas, permits, and other documents	613	10	14	17	10	19	More

Table 2: Top charges filed

- "Entry of alien at improper time or place; etc." (Title 8 U.S.C Section 1325) was the most frequent recorded lead charge. Title 8 U.S.C Section 1325 was ranked 1st a year ago, while it was the 1st most frequently invoked five years ago. It was ranked 1st ten years ago and 4th twenty years ago.
- Ranked 2nd in frequency was the lead charge "Reentry of deported alien" under Title 8 U.S.C Section 1326. Title 8 U.S.C Section 1326 was ranked 2nd a year ago, while it was the 2nd most frequently invoked five years ago. It was ranked 2nd ten years ago and 3rd twenty years ago.
- Ranked 3rd was "Drug Abuse Prevention & Control-Prohibited acts A" under Title 21 U.S.C Section 841. Title 21 U.S.C Section 841 was ranked 3rd a year ago, while it was the 3rd most frequently invoked five years ago. It was ranked 3rd ten years ago and 1st twenty years ago.

Again among the top ten lead charges, the one showing the sharpest projected decline in prosecutions compared to one year ago—down -26 percent—was "Federal Regulation " (Title . U.S.C Section .). This was the same statute that had the largest projected decrease—-56%—when compared with five years ago.

Top Ranked Judicial Districts

During FY 2018 the Justice Department said the government obtained 506.8 prosecutions for every one million people in the United States. If pace during the first seven months of FY 2019 continues at the same rate, prosecutions for one million people in the United States this year will be 587 . Understandably, there is great variation in the per capita number of prosecutions in each of the nation's ninety-four federal judicial districts

Judicial District	Percapita	Count	Rank	1yr ago	5yrs ago	10yrs ago	20yrs ago	
Texas, S	5,458	31,032	1	2	2	1	8	More

Cal, S	4,222	8,670	2	4	6	6	1	More
N Mexico	3,959	4,822	3	1	5	3	4	More
Arizona	3,909	15,999	4	5	1	2	5	More
Texas, W	3,497	14,726	5	3	3	4	3	More
D. C.	790	320	6	7	11	9	2	More
Wyoming	790	267	7	6	4	5	9	More
S Dakota	710	354	8	8	8	10	7	More
Virg, E	539	1,974	9	9	10	7	6	More
Ala, S	507	250	10	11	13	21	19	More

Table 3: Top 10 districts (per one million people)

- The Southern District of Texas (Houston)—with 5,458.32 prosecutions as compared with 587 prosecutions per one million people in the United States—was the most active through April 2019. The Southern District of Texas (Houston) was ranked 2nd a year ago as well as five years ago. The district's position ten years ago was 1st and 8th twenty years ago.
- The Southern District of California (San Diego) ranked 2nd. The Southern District of California (San Diego) was ranked 4th a year ago, while it was ranked 6th five years ago. The district's position ten years ago was 6th and 1st twenty years ago.
- The District of New Mexico now ranks 3rd. The District of New Mexico was ranked 1st a year ago, while it was ranked 5th five years ago. The district's position ten years ago was 3rd and 4th twenty years ago.

A recent entry to the top 10 list was Southern District of Alabama (Mobile), now ranked 10th. This district ranked 11th one year ago and 13th five years ago.

Compared to 10 years ago, Southern District of Alabama (Mobile) now ranked in the top 10 did not appear in the top ten.

And compared to 20 years ago, Southern District of Alabama (Mobile) was not sufficiently active to then make the top 10.

The federal judicial district which showed the greatest projected growth in the rate of prosecutions compared to one year ago—40.9 percent—was Southern District of Texas (Houston). Compared to five years ago, the district with the largest projected growth—160 percent—was Southern District of California (San Diego) .

In the last year, the judicial District Court recording the largest projected drop in the rate of prosecutions—35.2 percent—was Wyoming.

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