

TRAC REPORTS

Weapons Prosecutions Decline To Lowest Level in a Decade

The latest available data from the Justice Department show that during January 2011 the government reported 484 new weapons prosecutions. This is the lowest level to which federal weapons prosecutions have fallen since January 2001, when they were 445 at the time President George W. Bush assumed office. The comparisons of the number of defendants charged with weapons-related offenses are based on case-by-case information obtained by the Transactional Records Access Clearinghouse (TRAC) under the Freedom of Information Act from the Executive Office for United States Attorneys (see Table 1).

Number Latest Month	484
Percent Change from previous month	-7.5
Percent Change from 1 year ago	-7.9
Percent Change from 5 years ago	-28.8

Table 1: Criminal Weapons Prosecutions

When monthly 2011 prosecutions of this type are compared with those of the same period in the previous year, the number of filings was down 7.9 percent, and down 28.8 percent from levels reported in 2006.

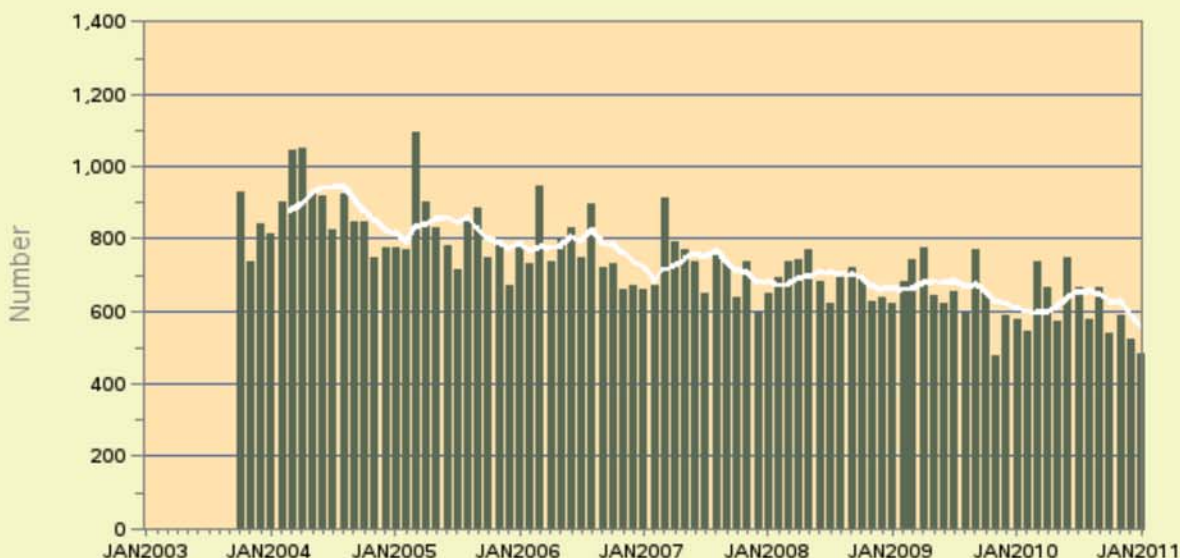


Figure 1: Monthly trends in weapons prosecutions

The decrease from the levels five years ago in weapons prosecutions for these matters is shown more clearly in Figure 1. The vertical bars in Figure 1 represent the number of weapons prosecutions of this type recorded on a month-to-month basis. The superimposed line on the bars plots the six-month moving average so that natural fluctuations are smoothed out. The one and five-year rates of change in Table 1 are based upon this six-month moving average.

Top and Bottom Ranked Districts

So far during the first four months of FY 2011 there have been a total of 2,260 federal criminal weapons prosecutions filed by federal prosecutors. On average, this translates into over 7 prosecutions for each million individuals in the country. However, prosecutions vary widely among the 90 federal judicial districts in the United States. The top and bottom districts are listed in Table 2.

The state with the highest rate of federal prosecutions relative to its population was the

Judicial District	HQ City	Number	Rate*	Rank
<i>Top Ranked</i>				
Ala, S	Mobile	28	33.9	1
N Mexico	Albuquerque	60	29.9	2
Ga, S	Savannah	33	22.6	3
Tenn, W	Memphis	34	21.9	4
Wyoming	Cheyenne	11	20.2	5
Mo, E	St. Louis	55	18.9	6
Tenn, E	Knoxville	45	17.9	7

Southern District of Alabama (Mobile) with four and a half times the rate of prosecutions compared with the average in the country. New Mexico (Albuquerque), the Southern District of Georgia (Savannah), the Western District of Tennessee (Memphis), and Wyoming (Cheyenne) round out the top five.

None of the districts with the largest cities in the country make the top 10. In contrast, those districts ranking in the bottom tier contain a number of large metropolitan areas. These include the Northern District of Illinois (Chicago) ranked 80th, the Central District of California (Los Angeles) ranked 83rd, the Northern District of Georgia (Atlanta) ranked 85th, Massachusetts (Boston) ranked 86th, and the Northern District of California (San Francisco) ranked 87th.

Judicial District	HQ City	Number	Rate*	Rank
Kansas	Topeka	50	17.7	8
Iowa, S	Des Moines	30	17.6	9
Miss, N	Oxford	19	17.1	10
<i>Bottom Ranked</i>				
Ill, N	Chicago	25	2.7	80
Mich, W	Gran Rapids	9	2.6	81
Ind, S	Indianapolis	10	2.6	82
Cal, C	Los Angeles	46	2.5	83
New Hamp	Concord	3	2.3	84
Ga, N	Atlanta	14	2.2	85
Mass	Boston	14	2.1	86
Cal, N	San Francisco	16	2.1	87
Penn, M	Scranton	6	1.9	88
La, M	Baton Rouge	1	1.3	89
Penn, W	Pittsburgh	4	1.1	90
* Rate is number per million population.				

**Table 2. Top and Bottom Ranked Districts
Federal Weapons Prosecutions
FY 2011 (first 4 months)**

Lead Investigative Agency

In three out of every four (76%) federal prosecutions during FY 2011, the lead investigative agency was the Bureau of Alcohol, Tobacco, Firearms and Explosives (see Table 3). The Federal Bureau of Investigation (FBI) accounted for another 9 percent. State and local authorities were the third most frequent source of investigative referrals with 4.3 percent, followed closely by Immigration and Customs Enforcement with 4.1 percent. The Drug Enforcement Administration was fifth with 2.0 percent.

	Number	Percent
All Federal Weapons Prosecutions	2,260	100.0%
Justice - Alcohol, Tobacco, Firearms, and Explosives (formerly Treasury)	1,708	75.6%
Justice - Federal Bureau of Investigation	211	9.3%
State/Local Authorities	97	4.3%
Homeland Security - Immigration and Customs Enforcement	94	4.2%
Justice - Drug Enforcement Administration	55	2.4%
All other	95	4.2%

**Table 3. Lead Investigative Agency in Federal Weapons Prosecutions,
FY 2011 (first 4 months)**

Top Ten Weapons Charges

The most common lead charge in weapons cases was [Title 18 Section 922](#) of the U.S. Code for unlawful acts involving firearms. This single section accounted for 4 out of every five of the lead charges filed in weapons cases during the first four months of FY 2011. This charge was also ranked first both in FY 2010 and in FY 2009.

Ranked second in frequency was the lead charge "Firearms; Penalties" under [Title 18 U.S.C Section 924](#). This same charge also was second in the rankings in the previous two years.

The third most commonly recorded lead charge were brought under the "Hobbs Act" under [Title 18 U.S.C Section 1951](#). Charges under the "Hobbs Act" have moved up in the rankings over time. Last year the charge was fourth. In FY 2005 it was ranked sixth, while in FY 2000 it was seventh.

Other lead charges among the ten most frequent weapons charges are shown in Table 4.

	Number	Percent
All Federal Weapons Prosecutions	2,260	100.0%
18 USC 922 - Firearms; Unlawful acts	1,788	79.1%
18 USC 924 - Firearms; Penalties	115	5.1%
18 USC 1951 - Hobbs Act	111	4.9%
21 USC 841 - Drug Abuse Prevention & Control-Prohibited acts A	51	2.3%
26 USC 5861 - Tax on Making Firearms - Prohibited acts	49	2.2%
21 USC 846 - Attempt and conspiracy	34	1.5%
18 USC 371 - Conspiracy to commit offense or to defraud US	26	1.2%
18 USC 1962 - RICO - prohibited activities	17	0.8%
18 USC 554 - Smuggling goods from the United States	11	0.5%
22 USC 2778 - Control of arms exports and imports	10	0.4%
All other	48	2.1%

**Table 4. Top 10 Lead Charges for Federal Weapons Prosecutions,
FY 2011 (first 4 months)**

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