

The Office of Research and Data



**Presentation to the
National Association of Sentencing Commissions**

Glenn R. Schmitt
August 5-7, 2007

The Office of Research and Data



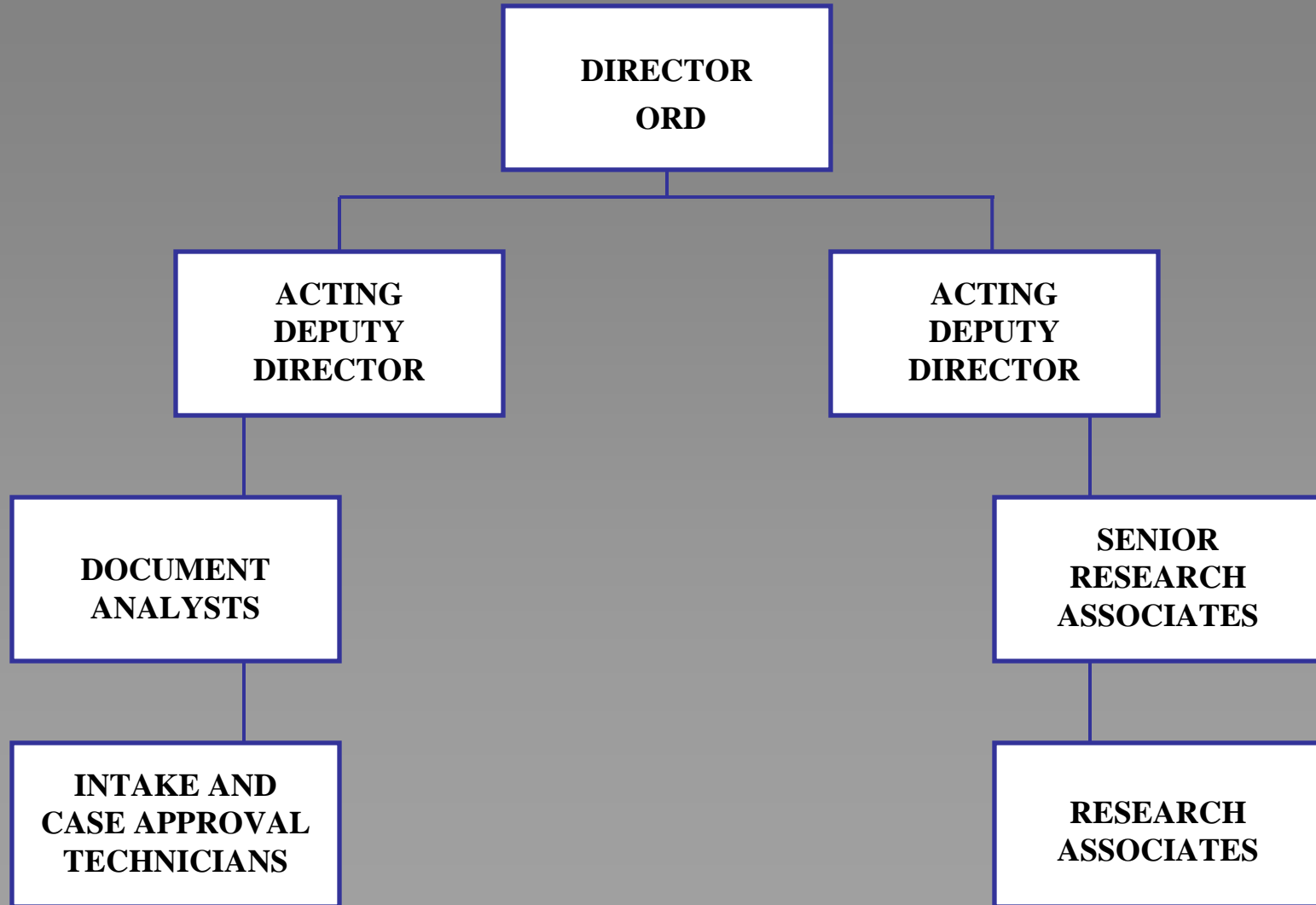
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Office of Research and Data Activities

- Collection, review, and data entry of information from more than 335,000 sentencing documents received from the Federal courts annually
- Analysis of USSC data, special coding projects to gather further data, and analysis of research conducted by others
- Dissemination of data and analysis through USSC publications and staff presentations at conferences
- Participation on USSC “policy teams” created to examine issues relating to Guideline usage

**United States Sentencing Commission
Office of Research and Data
Organizational Chart**



How ORD Works to Assure Quality and Completeness

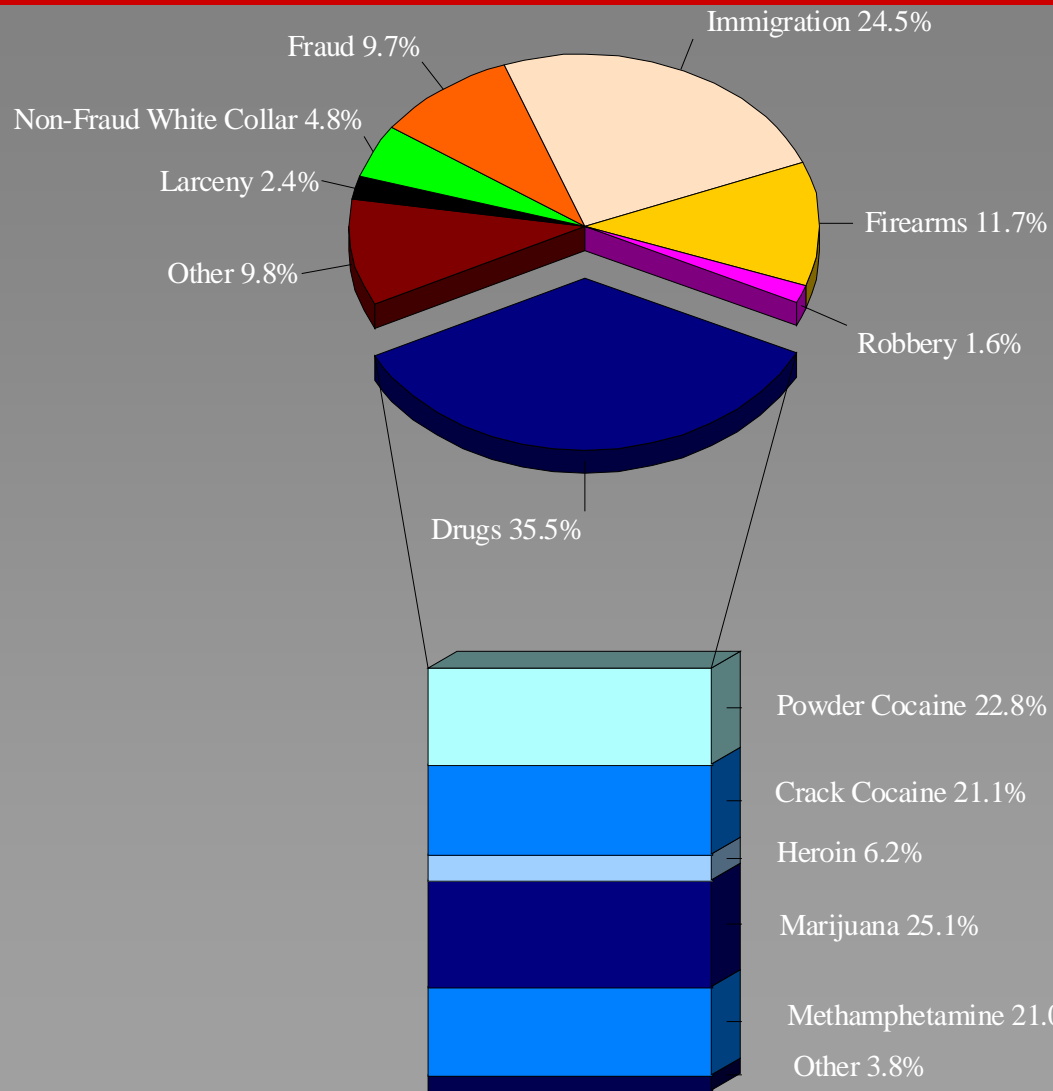
- Real-time entry of documents received from the field
- Letters to the field twice per year identifying missing cases and missing documents
- 100% review of all sentences outside the Guidelines
- “Edit checks” of all cases with logical coding errors
- Renewed efforts to collect and report data on resentencings and parole violations to begin soon
- More quality assurance efforts to come

How the USSC Disseminates Its Research and Analysis

- Annual Report and *Sourcebook of Federal Sentencing Statistics*
- Quarterly data releases to the public
- Presentations to the Commissioners during the Guideline amendment cycle
- Special requests from United States Judges
- Special requests from Congress
- Periodic special reports to Congress
- Coming soon: A new publications initiative

*Sourcebook of Federal
Sentencing Statistics*

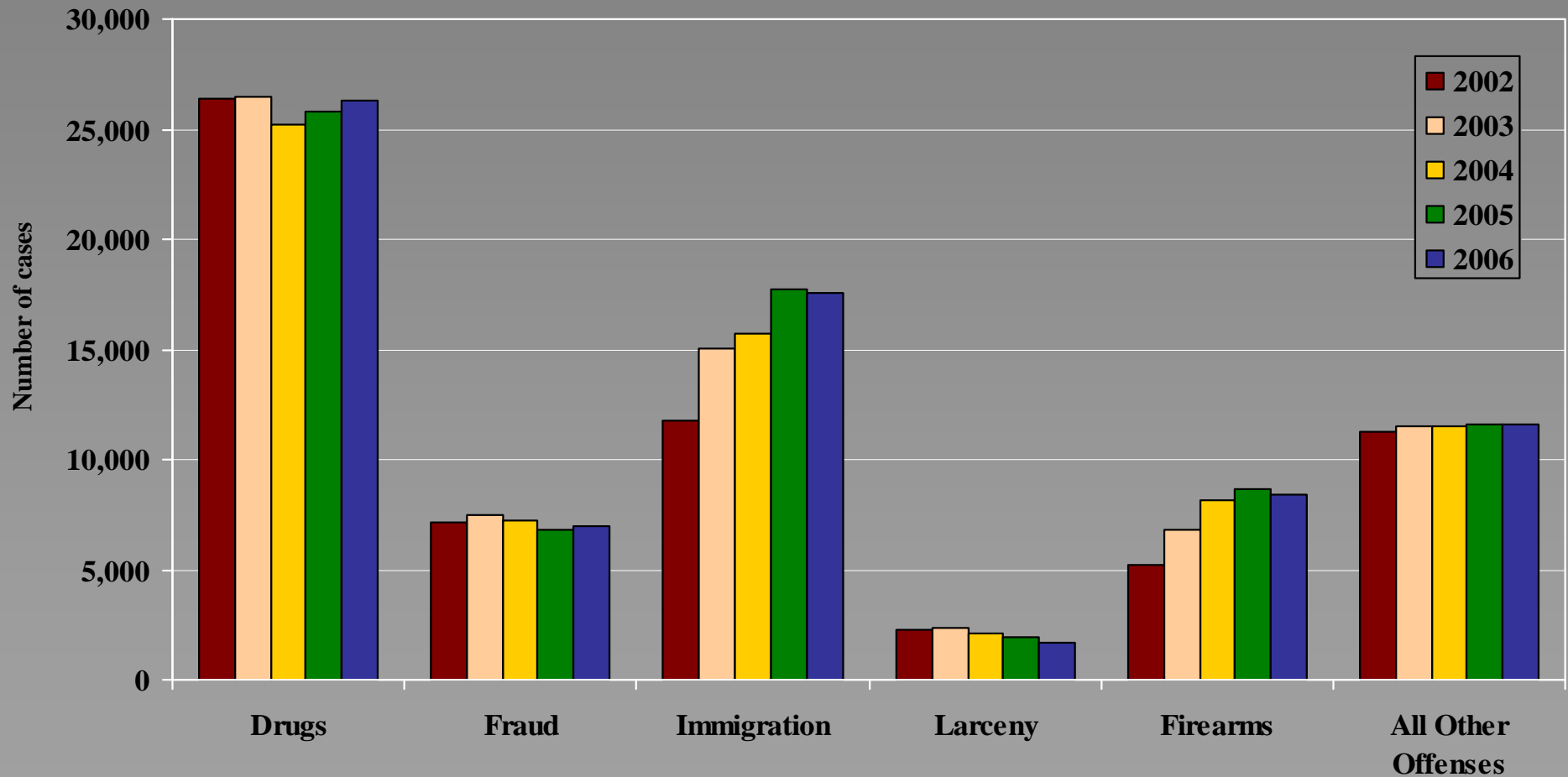
Figure A
Distribution of Offenders In Each Primary Offense Category¹
Fiscal Year 2006



¹Of the 72,585 guideline cases, 67 were excluded due to missing primary offense category. An additional 1,808 of the 26,267 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Figure B
Number of Guideline Offenders in Selected Offense Types¹
Fiscal Years 2002 - 2006



¹Drug offenses in this bar chart include: trafficking, use of a communication facility, and simple possession. Data in this figure represent information from USSC's on-going data files; therefore data points may vary from Sourcebooks.

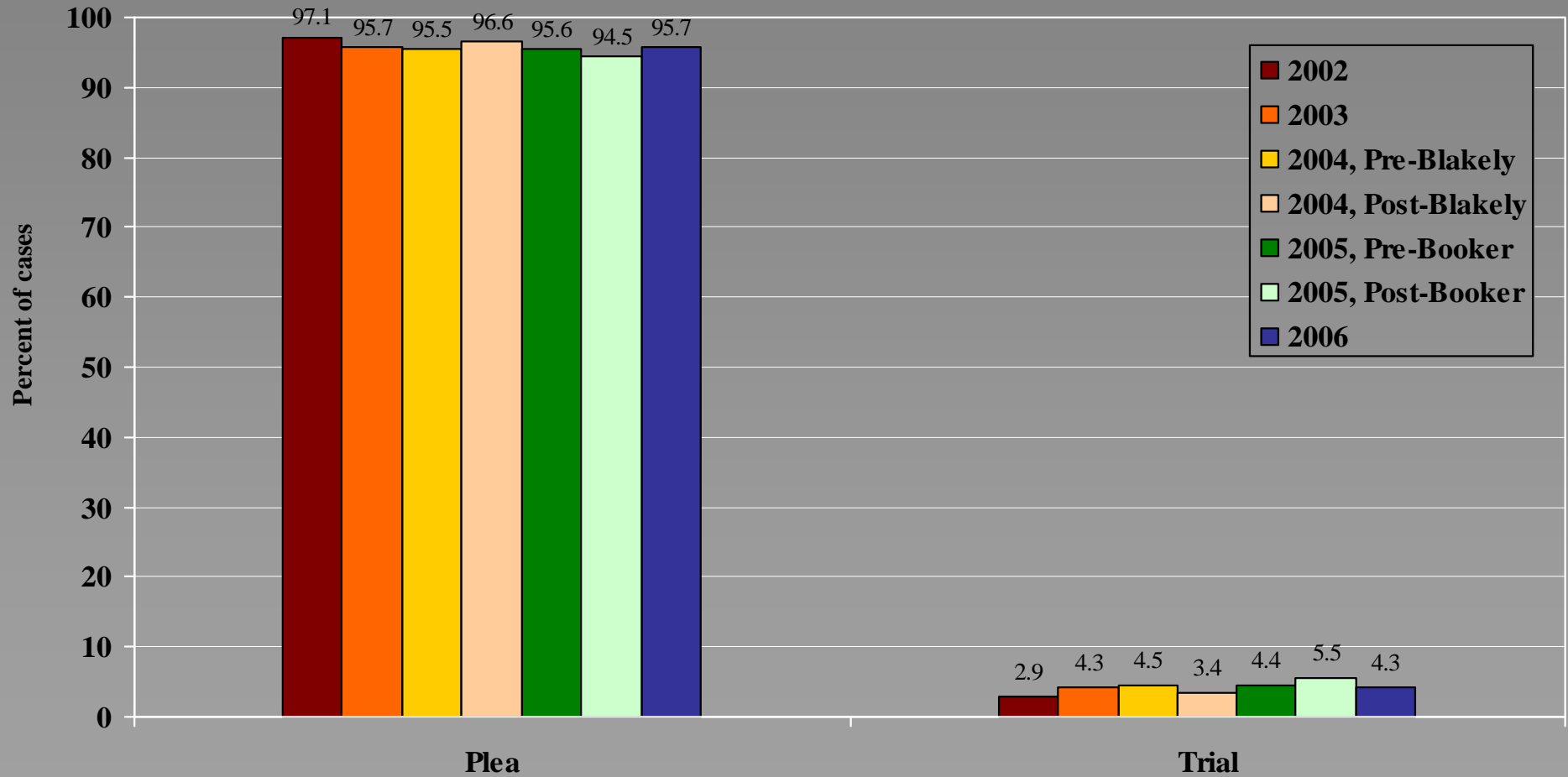
SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06.

Table 4
Race of Offenders in Each Primary Offense Category¹
Fiscal Year 2006

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	68,910	20,072	29.1	16,399	23.8	29,670	43.1	2,769	4.0
Murder	81	19	23.5	20	24.7	10	12.3	32	39.5
Manslaughter	59	9	15.3	1	1.7	2	3.4	47	79.7
Kidnapping/Hostage Taking	61	10	16.4	10	16.4	29	47.5	12	19.7
Sexual Abuse	263	94	35.7	6	2.3	23	8.7	140	53.2
Assault	557	169	30.3	92	16.5	88	15.8	208	37.3
Robbery	1,158	555	47.9	483	41.7	89	7.7	31	2.7
Arson	68	55	80.9	4	5.9	3	4.4	6	8.8
Drugs - Trafficking	24,918	6,320	25.4	7,039	28.2	10,733	43.1	826	3.3
Drugs - Communication Facility	408	121	29.7	112	27.5	160	39.2	15	3.7
Drugs - Simple Possession	491	264	53.8	132	26.9	78	15.9	17	3.5
Firearms	8,322	2,919	35.1	3,870	46.5	1,252	15.0	281	3.4
Burglary/B&E	48	15	31.3	5	10.4	3	6.3	25	52.1
Auto Theft	61	20	32.8	19	31.1	15	24.6	7	11.5
Larceny	1,481	708	47.8	506	34.2	167	11.3	100	6.8
Fraud	6,692	3,222	48.1	2,067	30.9	1,069	16.0	334	5.0
Embezzlement	550	321	58.4	135	24.5	48	8.7	46	8.4
Forgery/Counterfeiting	1,150	557	48.4	399	34.7	160	13.9	34	3.0
Bribery	179	98	54.7	43	24.0	32	17.9	6	3.4
Tax	598	400	66.9	93	15.6	52	8.7	53	8.9
Money Laundering	899	311	34.6	163	18.1	325	36.2	100	11.1
Racketeering/Extortion	609	258	42.4	169	27.8	156	25.6	26	4.3
Gambling/Lottery	112	95	84.8	5	4.5	2	1.8	10	8.9
Civil Rights	67	49	73.1	7	10.4	8	11.9	3	4.5
Immigration	16,148	986	6.1	434	2.7	14,533	90.0	195	1.2
Pornography/Prostitution	1,284	1,128	87.9	52	4.0	78	6.1	26	2.0
Prison Offenses	332	97	29.2	111	33.4	107	32.2	17	5.1
Administration of Justice Offenses	1,055	470	44.5	225	21.3	301	28.5	59	5.6
Environmental/Wildlife	134	116	86.6	5	3.7	8	6.0	5	3.7
National Defense	34	14	41.2	3	8.8	14	41.2	3	8.8
Antitrust	9	9	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	55	43	78.2	2	3.6	6	10.9	4	7.3
Other Miscellaneous Offenses	1,027	620	60.4	187	18.2	119	11.6	101	9.8

¹Of the 72,585 cases, 3,675 were excluded due to one or both of the following reasons: missing primary offense category (67) or missing race (3,672).
SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Figure C
Guilty Pleas and Trial Rates¹
Fiscal Years 2002 - 2006



¹Data in this figure represent information from USSC's on-going data files; therefore data points may vary from Sourcebooks.
 SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 – USSCFY06.

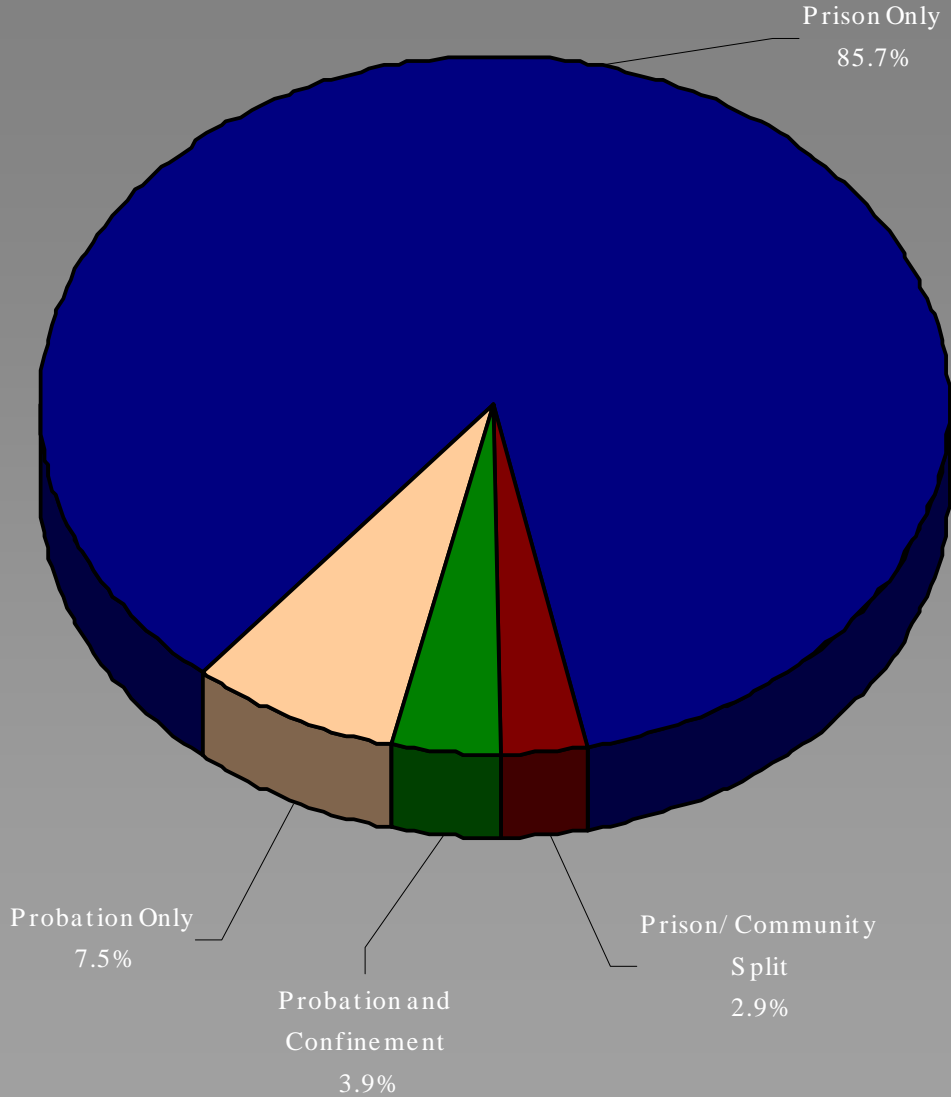
Table 13
Average Sentence Length In Each Primary Offense Category¹
Fiscal Year 2006

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	51.8	30.0	72,337
Murder	249.9	240.0	78
Manslaughter	46.0	37.0	60
Kidnapping/Hostage Taking	216.6	204.0	61
Sexual Abuse	100.8	60.0	263
Assault	34.3	21.0	615
Robbery	89.2	70.0	1,162
Arson	77.1	60.0	71
Drugs - Trafficking	82.0	60.0	25,045
Drugs - Communication Facility	40.8	46.0	412
Drugs - Simple Possession	6.5	0.0	750
Firearms	77.4	48.0	8,364
Burglary/B&E	17.5	15.0	48
Auto Theft	75.7	33.0	61
Larceny	8.9	4.0	1,705
Fraud	18.6	10.0	6,943
Embezzlement	9.0	6.0	583
Forgery/Counterfeiting	15.8	9.0	1,168
Bribery	13.9	8.0	184
Tax	15.0	10.0	607
Money Laundering	35.8	22.5	910
Racketeering/Extortion	88.9	60.0	622
Gambling/Lottery	6.9	6.0	116
Civil Rights	40.1	9.0	68
Immigration	22.4	18.0	17,532
Pornography/Prostitution	96.7	63.0	1,291
Prison Offenses	17.6	12.0	346
Administration of Justice Offenses	17.7	9.9	1,108
Environmental/Wildlife	4.7	0.0	177
National Defense	47.2	27.5	36
Antitrust	8.2	9.0	12
Food & Drug	7.1	0.0	64
Other Miscellaneous Offenses	7.3	0.0	1,875

¹Of the 72,585 guideline cases, 208 were excluded due to one or both of the following reasons: missing primary offense (67) or missing or indeterminable sentencing information (241). Sentences of probation only are included in this table as zero months imprisonment. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Figure D
Distribution of Offenders Receiving Sentencing Options¹
Fiscal Year 2006



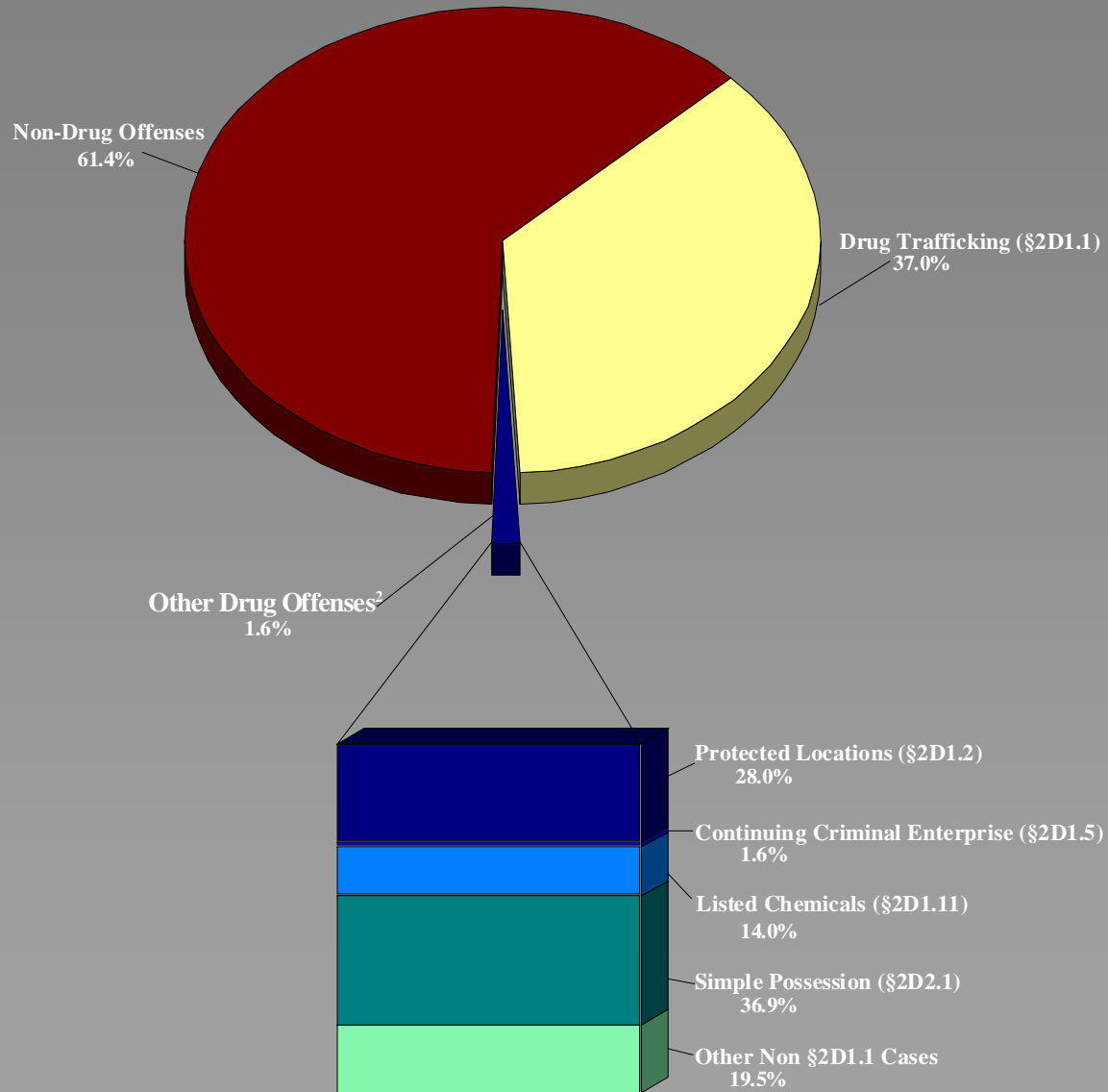
¹Of the 72,585 cases, 718 were excluded due to one or both of the following reasons: cases in which the offender received no prison or probation (507) or missing sentencing information (211). Prison and Community Split includes all cases in which offenders received prison and conditions of confinement as defined in USSG §5C1.1. The number of cases in each category is reflected in Table 12.

Source: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Figure I

Distribution of Guideline Drug Offenses¹

Fiscal Year 2006



¹Of the 72,585 cases, 5,014 had missing guideline information. Of the remaining 67,122 were sentenced under USSG Chapter Two, Part D (drugs).

²Of the 26,122 cases sentenced under USSG Chapter Two, Part D (drugs), 1,109 were sentenced for drug offenses other than §2D1.1.

Source: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Table 43**Drug Offenders Receiving Safety Valve & Mandatory Minimums for Each Drug Type¹
Fiscal Year 2006**

DRUG TYPE	TOTAL	No Drug Mandatory Minimum/No Safety Valve		No Drug Mandatory Minimum/Received Safety Valve ²		Drug Mandatory Minimum/No Safety Valve		Drug Mandatory Minimum/Received Safety Valve ²	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	24,002	4,704	19.6	3,029	12.6	10,222	42.6	6,047	25.2
Powder Cocaine	5,487	779	14.2	385	7.0	2,221	40.5	2,102	38.3
Crack Cocaine	5,311	947	17.8	162	3.1	3,610	68.0	592	11.1
Heroin	1,446	333	23.0	166	11.5	470	32.5	477	33.0
Marijuana	5,888	1,501	25.5	1,762	29.9	1,243	21.1	1,382	23.5
Methamphetamine	5,041	734	14.6	255	5.1	2,603	51.6	1,449	28.7
Other	829	410	49.5	299	36.1	75	9.0	45	5.4

¹Of the 72,585 cases, 26,122 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 25,824 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these, 24,410 contained complete guideline application information. Of these 24,410 cases, 408 were excluded due to one or more of the following reasons: missing safety valve or mandatory minimum information (402) or missing drug type (10).

²For cases where a mandatory minimum sentence applied, use of the term “safety valve” on this table means the court sentenced the offender without regard to any applicable mandatory minimum penalty (in accordance with the “safety valve” provision of 18 U.S.C. § 3553(f), incorporated into the guidelines at § 5C1.2) and that the court also reduced the sentence by two levels as provided in §2D1.1(b)(9).

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Table 48
Citizenship of Offenders Sentenced Under Immigration Guidelines¹
Fiscal Year 2006

GUIDELINE	CITIZENSHIP STATUS ³					
	TOTAL		U.S. Citizen		Non-U.S. Citizen	
	Number	Percent	Number	Percent	Number	Percent
TOTAL ²	69,513	100.0	43,696	62.9	25,817	37.1
TOTAL (IMMIGRATION CASES)	16,099	100.0	1,833	11.4	14,266	88.6
§2L1.1	3,442	100.0	1,586	46.1	1,856	53.9
§2L1.2	11,331	100.0	52	0.5	11,279	99.5
§2L2.1	360	100.0	139	38.6	221	61.4
§2L2.2	966	100.0	56	5.8	910	94.2

¹Immigration/Naturalization guidelines are found in USSG Chapter Two, Part L.

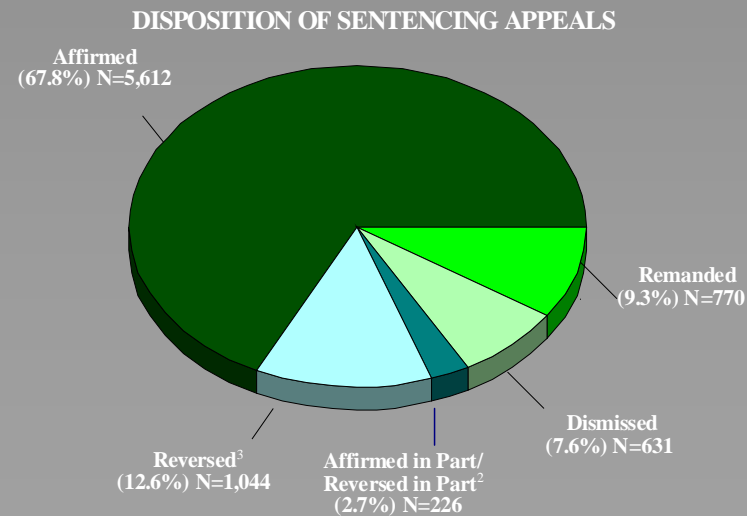
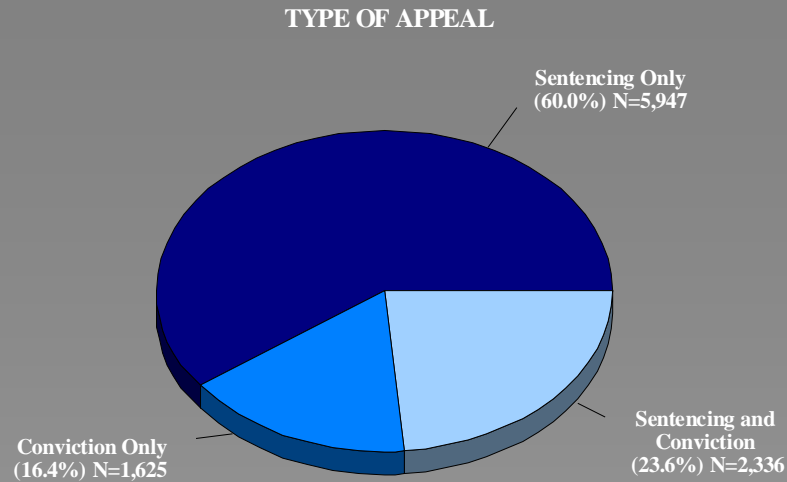
²Of the 72,585 cases, 3,072 were excluded due to missing information on citizenship.

³The following number of immigration cases were excluded due to missing information on citizenship: 20 cases under §2L1.1; 32 cases under §2L1.2; four cases under §2L2.1; and 44 cases under §2L2.2. Also, zero immigration cases not sentenced under §2L1.1, §2L1.2, §2L2.1, or §2L2.2 were excluded.

Figure M

Type and Disposition of Appeals Cases¹

Fiscal Year 2006



¹Of the 10,052 appeals offenders, 144 had missing information on type of appeal.

²Of the 226 cases affirmed in part and reversed in part, 208 (92.0%) were remanded to the lower court.

³Of the 1,044 cases reversed by the court of appeals, 1,020 (97.7%) were remanded to the lower courts.

SOURCE: U.S. Sentencing Commission, 2006 Appeals Datafile, APPFY06.

Table N-4
Comparison of Sentence Imposed and Position
Relative to the Guideline Range by Circuit

Fiscal Year 2006

	National		Fourth Circuit	
	N	%	N	%
TOTAL CASES	70,187	100.0	6,301	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	43,307	61.7	4,412	70.0
CASES SENTENCED ABOVE GUIDELINE RANGE	1,129	1.6	102	1.6
DEPARTURE ABOVE GUIDELINE RANGE	589	0.9	58	0.9
Upward Departure From Guideline Range ²	412	0.6	36	0.6
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	177	0.3	22	0.3
OTHERWISE ABOVE GUIDELINE RANGE	540	0.7	44	0.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	455	0.6	40	0.6
All Remaining Cases Above Guideline Range ⁵	85	0.1	4	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	17,244	24.6	1,150	18.2
§5K1.1 Substantial Assistance Departure	10,139	14.4	1,093	17.3
§5K3.1 Early Disposition Program Departure	5,166	7.4	0	0.0
Other Government Sponsored Below Range	1,939	2.8	57	0.9
NON-GOVERNMENT SPONSORED BELOW RANGE	8,507	12.0	637	10.1
DEPARTURE BELOW GUIDELINE RANGE	3,335	4.7	214	3.4
Downward Departure From Guideline Range ²	1,903	2.7	126	2.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	1,432	2.0	88	1.4
OTHERWISE BELOW GUIDELINE RANGE	5,172	7.3	423	6.7
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	4,243	6.0	359	5.7
All Remaining Cases Below Guideline Range ⁵	929	1.3	64	1.0

Table 25**Reasons Given by Sentencing Courts for Downward Departures from the Guideline Range
Fiscal Year 2006**

REASONS	Number	Percent
Criminal history issues	1,221	38.3
General mitigating circumstances (§5K2.0)	353	11.1
Family ties and responsibilities (§5H1.6)	217	6.8
Physical condition (§5H1.4)	173	5.4
Aberrant behavior (§5K2.20)	156	4.9
Diminished capacity (§5K2.13)	99	3.1
Mental and emotional conditions (§5H1.3)	98	3.1
Age (§5H1.1)	96	3.0
Discharged terms of imprisonment (§5K2.23)	54	1.7
Previous employment record (§5H1.5)	38	1.2
Not representative of the heartland	38	1.2
Mule/role in the offense	30	0.9
Time served	29	0.9
General guideline adequacy issues	29	0.9
Military record/charitable works/good deeds (§5H1.11)	29	0.9
Low likelihood of recidivism	28	0.9
Coercion and duress (§5K2.12)	25	0.8
Restitution	24	0.8
Convictions on related counts (§5G1.3)	24	0.8
Totality of circumstances/combination of factors	21	0.7
Cultural assimilation	20	0.6
Acceptance of responsibility	20	0.6
Lesser harm (§5K2.11)	18	0.6
Cooperation without motion (Not §5K1.1)	16	0.5
Insufficient documentation provided on SOR to determine reason	16	0.5
Voluntary disclosure (§5K2.16)	15	0.5
Defendant's positive background or good character	14	0.4
Cooperation (motion unknown)	13	0.4
Loss issues	13	0.4
Other	257	8.1
TOTAL	3,184	100.0

¹Of the 72,585 cases, 1,903 received a downward departure from the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 3,184 reasons were cited for the 1,903 cases, including 16 cases where the SOR was received but there was insufficient documentation provided to determine the reason. The 'Other' category includes all reasons cited fewer than twelve times among relevant cases.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Quarterly Data

Table 18
Average Sentence Length in Each Primary Offense Category¹
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31,2007)

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	53.9	30.0	33,150
Murder	284.5	240.0	33
Manslaughter	53.9	37.0	38
Kidnapping/Hostage Taking	207.2	205.0	29
Sexual Abuse	94.8	57.0	114
Assault	30.6	21.0	249
Robbery	91.6	71.0	568
Arson	55.5	54.5	28
Drugs - Trafficking	84.5	60.0	11,810
Drugs - Communication Facility	37.5	39.5	170
Drugs - Simple Possession	6.5	0.0	280
Firearms	77.3	51.0	3,745
Burglary/B&E	21.9	25.5	24
Auto Theft	61.1	18.0	29
Larceny	8.6	4.0	774
Fraud	20.3	10.0	3,412
Embezzlement	10.0	4.0	208
Forgery/Counterfeiting	15.4	10.6	520
Bribery	22.8	12.0	94
Tax	15.4	10.0	276
Money Laundering	34.3	24.0	425
Racketeering/Extortion	94.1	59.0	292
Gambling/Lottery	6.0	6.0	51
Civil Rights	31.5	12.0	31
Immigration	22.5	18.0	7,773
Pornography/Prostitution	98.4	78.0	705
Prison Offenses	16.3	12.0	151
Administration of Justice Offenses	22.1	12.0	430
Environmental/Wildlife	4.7	0.0	75
National Defense	18.0	10.0	11
Antitrust	18.2	8.0	10
Food & Drug	12.5	0.0	29
Other Miscellaneous Offenses	6.8	0.0	766

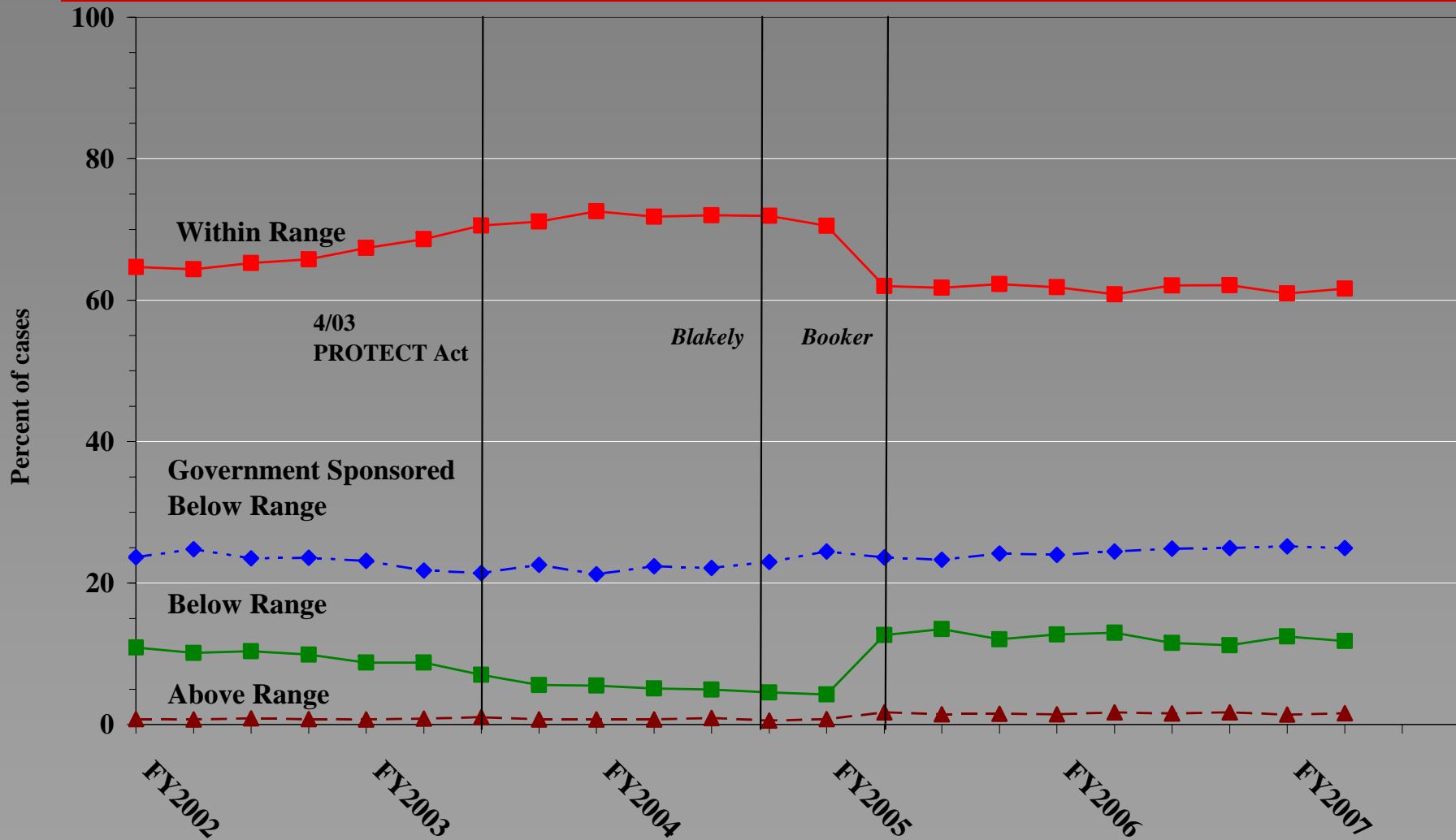
¹Of the 33,335 cases, 185 were excluded due to one or both of the following reasons: missing primary offense (116) or missing or indeterminable sentencing information (181). Sentences of probation only are included in this table as zero months imprisonment. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through March 31, 2007).

Figure A

Quarterly Data for Within Range and Out Of Range Sentences¹ Fiscal Years 2002 – 2007

2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March, 31, 2007)

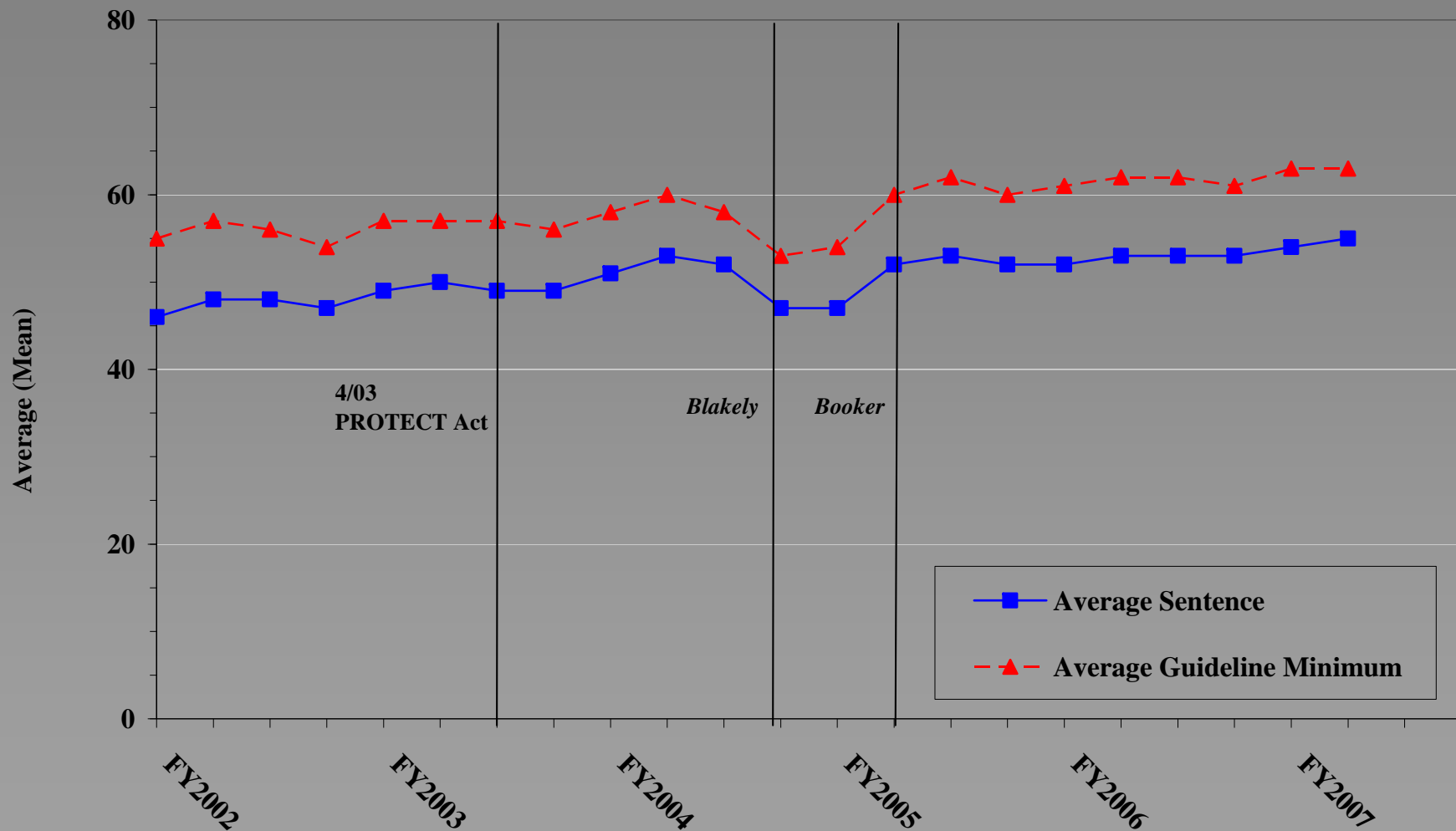


¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures.
SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through March 31, 2007).

Figure C

Average Sentence Length and Average Guideline Minimum Quarterly Data for All Cases¹ Fiscal Years 2002 – 2007

2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March, 31, 2007)



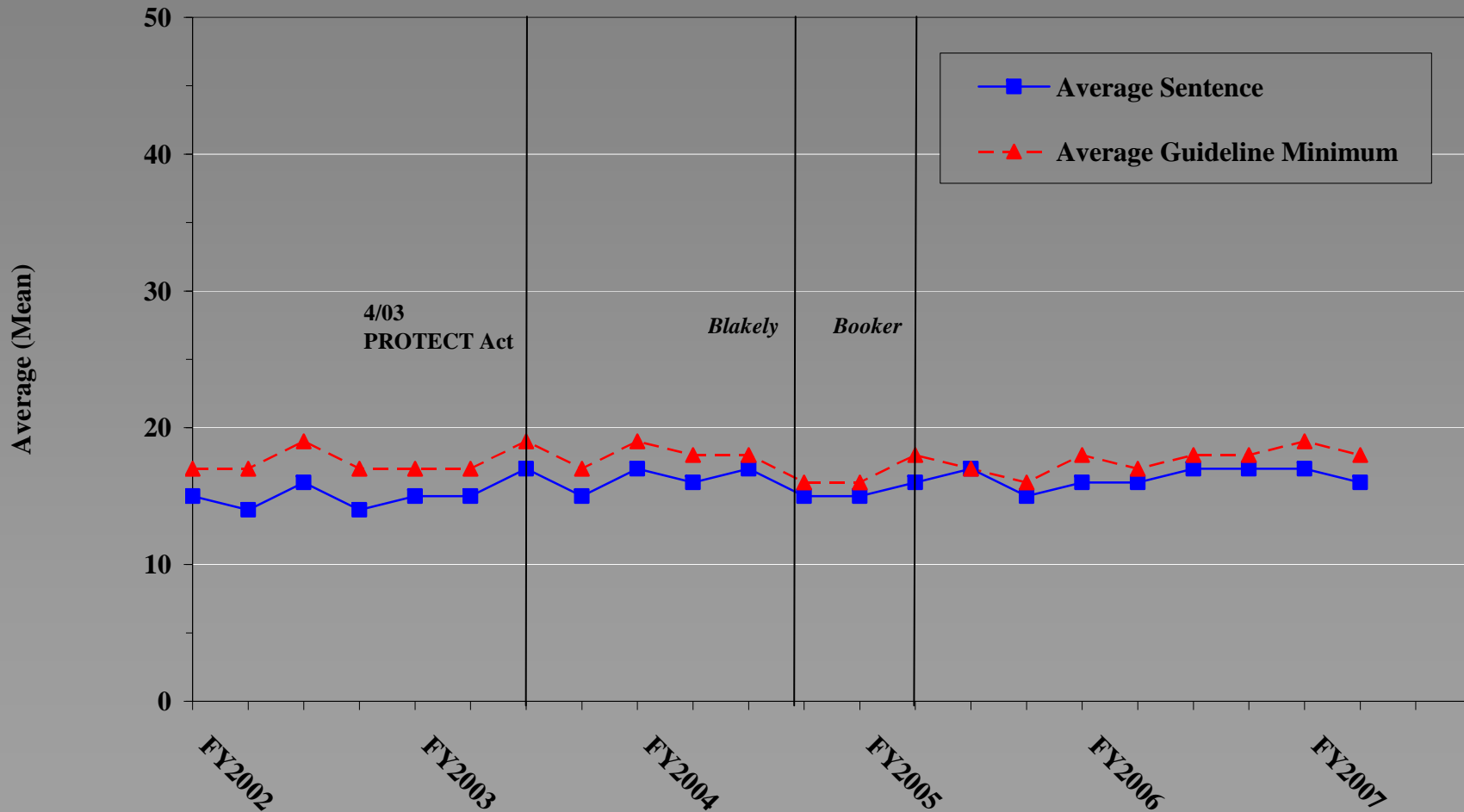
¹Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through March 31, 2007).

Figure F

Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.1 Offenders (Alien Smuggling)¹ Fiscal Years 2002 – 2007

2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)

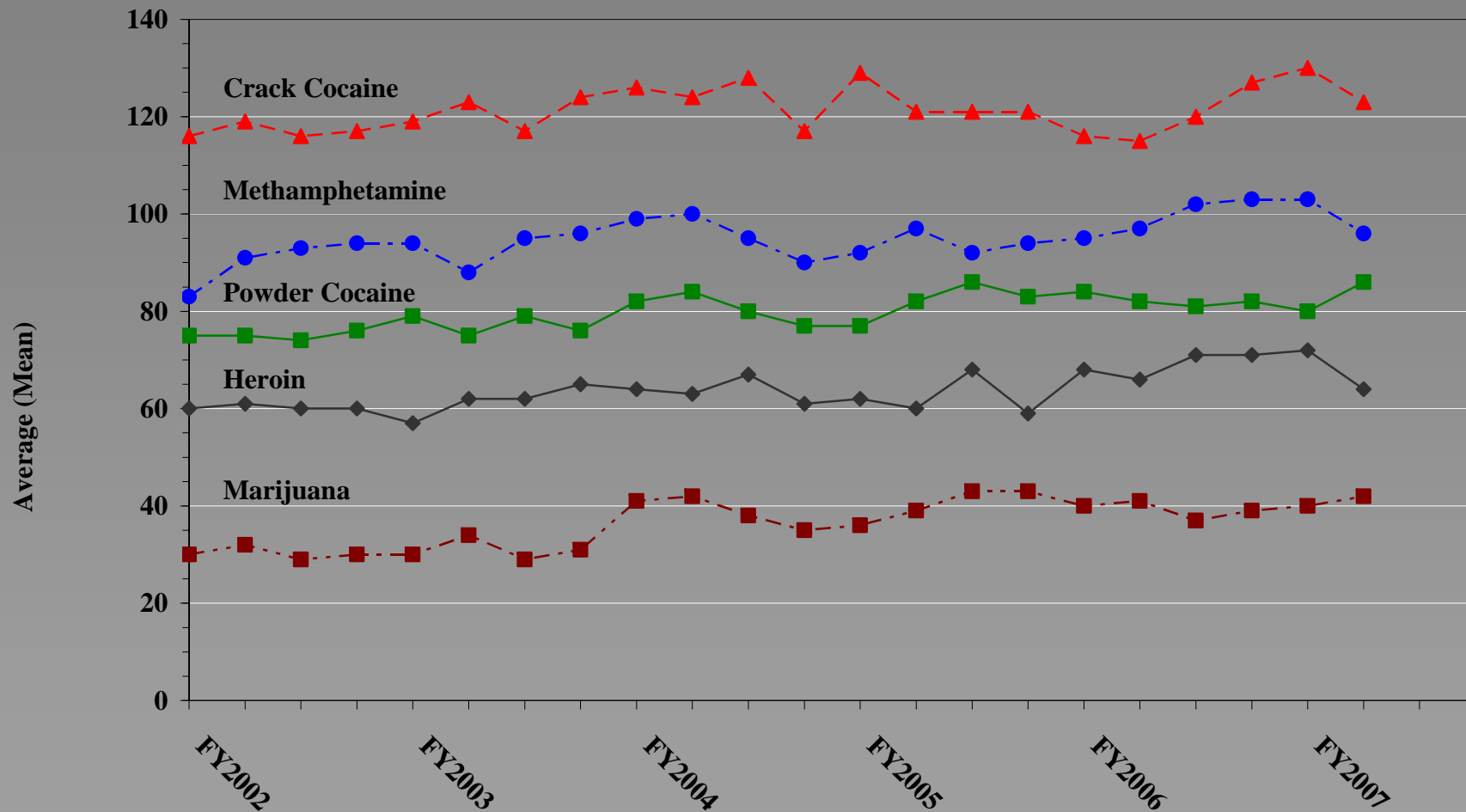


¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. SOURCE.: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through March 31, 2007).

Figure I

Average Sentence Length for Each Drug Type¹ Fiscal Years 2002 – 2007

2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March, 31, 2007)



¹Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties.

SOURCE.: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through March 31, 2007).

Table 5**National Comparison of Sentence Imposed and Position Relative to the Guideline Range¹
2nd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through March 31, 2007)**

	National		Sixth Circuit	
	N	%	N	%
TOTAL CASES¹	15,721	100.0	1,230	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	9,594	61.0	683	55.5
CASES SENTENCED ABOVE GUIDELINE RANGE	221	1.4	15	1.2
DEPARTURE ABOVE GUIDELINE RANGE	98	0.6	7	0.5
Upward Departure From Guideline Range ²	62	0.4	4	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	36	0.2	3	0.2
OTHERWISE ABOVE GUIDELINE RANGE	123	0.8	8	0.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	109	0.7	7	0.6
All Remaining Cases Above Guideline Range ⁵	14	0.1	1	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	3,991	25.4	343	27.9
§5K1.1 Substantial Assistance Departure	2,279	14.5	318	25.9
§5K3.1 Early Disposition Program Departure	1,219	7.8	0	0.0
Other Government Sponsored Below Range	493	3.1	25	2.0
NON-GOVERNMENT SPONSORED BELOW RANGE	1,915	12.2	189	15.4
DEPARTURE BELOW GUIDELINE RANGE	686	4.4	52	4.2
Downward Departure From Guideline Range ²	434	2.8	26	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	252	1.6	26	2.1
OTHERWISE BELOW GUIDELINE RANGE	1,229	7.8	137	11.2
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,049	6.7	120	9.8
All Remaining Cases Below Guideline Range ⁵	180	1.1	17	1.4

Policy Team Analysis

**Proposed Guideline Amendment
Fiscal Year 2006**

OPTIONS (IN MONTHS) OF AVERAGE SENTENCE LENGTHS

Option	All Cases			Cases That Change		
	Old Sentence	New Sentence	Change	Old Sentence	New Sentence	Change
Option 8	27.6	25.6	-7.20%	24.1	20.8	-13.70%
Option 8A	27.6	26.5	-4.00%	23.3	21.4	-8.20%

**COMPARISON OF CURRENT GUIDELINE ENHANCEMENT LEVEL
TO PROPOSED LEVEL**

Current SOC Level	Total	Proposed SOC Level				
		Level 16	Level 12	Level 8	Level 4	Level 0
Level 16	37.3	55.6	18.9	6.9	18.6	0
Level 12	6.3	10.7	15.7	2.5	61.7	9.9
Level 8	20	31	12	10.9	34.1	12
Level 4	17	12.9	8.6	6.8	69.8	1.8
Level 0	19.4	1.1	1.1	0.8	74.7	22.4

Estimated Impact for a Certain Minor Offense

Event Based Information

- 2,602 priors – 374 (14.4%) received points

- **Why Points Were Received**

Imprisonment of 30 days or more – 15.2%

Probation of 12 months or more – 45.5%

Met both criteria – 4.5

Did not meet criteria according to 4A1.2(c) – 34.8%

- **Sentence Length For Events Receiving Points According to 4A1.2(c)**

Average Prison Time – 1.1 months

Average Probation Time – 13.5 months

Offender Based Information

- **Sentence for Current Instant Offense Relative to Guideline Range**

52.8% Within Guideline Range 19.4% Substantial Assistance

5.6% Early Disposition Program 2.8% Other Gov't Sponsored

16.7% Below Guideline (departures and variances) 2.8% Above Guideline

- **Criminal History Departures**

23 (11.1) offenders receiving a departure received it for criminal history reasons.

- **Demographic Info:**

Race: 42.9% Black *Citizenship:* 80.6% Citizens *Gender:* 88.9% Male

31.4% White 19.4% Non-Citizens 11.1% Female

25.7% Hispanic

Impact Based on Shift of Offense into §4A1.2(c)(2)

- **34 Offenders Moved to New Criminal history Category**

- **Current Instant Offense**

55.6% Drugs 13.9% Firearms 13.9% Immigration 13.9% Economic Crimes

- **Change in Sentence Length for Affected Offenders**

Current Sentence: Mean – 53.3 months Median – 31.5 months

New Sentence: Mean – 46.8 months Median – 26.5 months

- **Prison Beds Saved:**

1 year: 2 2 years: 4 3 years: 6 4 years: 6

5 years: 9 10 years: 9 15 years: 16

- **Safety Valve** – Zero individuals would become eligible for safety valve for relief from mandatory minimum.

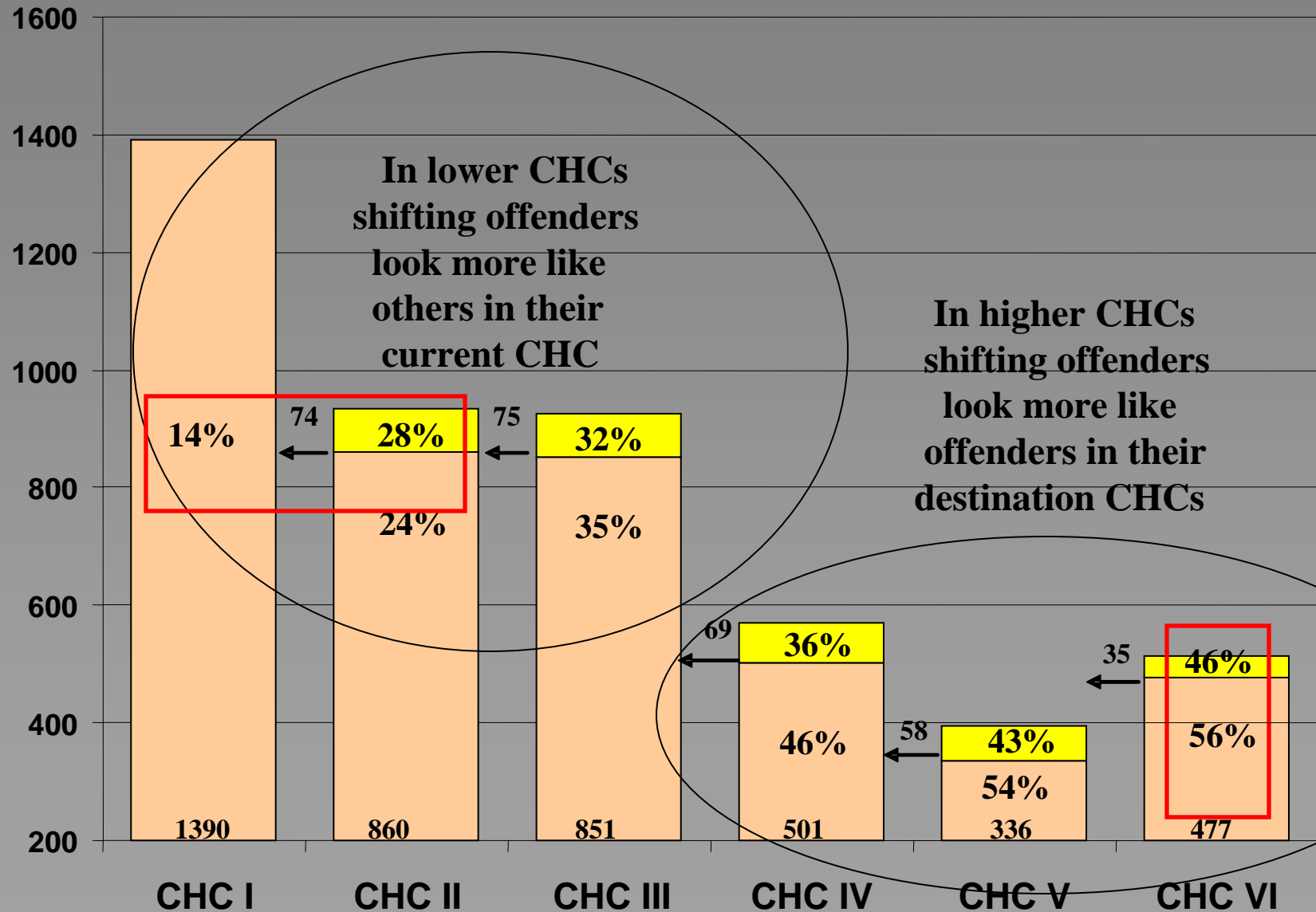
- **Change in Criminal History Category**

34 offenders move down one criminal history category.

0 offenders move down two criminal history categories.

0 offenders move down three criminal history categories.

Offenders Moving Down Criminal History Categories If Certain Offenses Not Counted



Judge Requests

Response to 10/26/06 Request for Information on 18 U.S.C. § 2422 (b)

Frequency of Sentence Length for 18 U.S.C. § 2422(b) Only Cases

SENTENCE IN YEARS	NUMBER	PERCENT
Less than 5	3	5.88
5 (Mandatory)	32	62.75
More than 5, Less than 10	10	19.61
10 or More	6	11.76

Frequency of Departure/Variance Rate for 18 U.S.C. § 2422(b) Only Cases

DEPARTURE/VARIANCE	NUMBER	PERCENT
Within Range	40	85.11
Upward Departure with Booker/18 U.S.C. § 3553	2	4.26
§5K1.1 Substantial Assistance Departure	1	2.13
Downward Departure with Booker/18 U.S.C. § 3553	1	2.13
Below the Range with Booker/18 U.S.C. § 3553	2	4.26
All Remaining Cases Below the Guideline Range	1	2.13

Congressional Requests

Sentences for Computer Fraud Offenders 18 U.S.C. § 1030 Convictions Only Fiscal Year 2006

STATUTE OF CONVICTION ¹	TOTAL CASES	TOTAL RECEIVING PRISON ²		MEDIAN PRISON TERM ³
		Number	Percent	Months
18 U.S.C. § 1030 (a)(1)	0	-	-	-
18 U.S.C. § 1030 (a)(2)	40	7	17.5	12
18 U.S.C. § 1030 (a)(3)	1	0	0.0	-
18 U.S.C. § 1030 (a)(4)	16	7	43.8	30
18 U.S.C. § 1030 (a)(5)(A)(i)	12	8	66.7	18
18 U.S.C. § 1030 (a)(5)(A)(ii) ⁴	4	2	50.0	-
18 U.S.C. § 1030 (a)(5)(A)(iii) ⁵	4	1	25.0	-
18 U.S.C. § 1030 (a)(6)	0	-	-	-
18 U.S.C. § 1030 (a)(7) ⁶	2	1	50.0	-

¹Of the 107 cases with at least one conviction under 18 U.S.C. § 1030, 9 cases with complete or missing subsection information have been excluded.

²This table does not include sentences of probation or any confinement as defined in USSG §5C1.1.

³Median prison term indicates the midpoint for each category so that half of the sentences are above and half of the sentences are below the reported median.

⁴Median terms cannot be calculated for fewer than 3 cases, the prison terms for these 2 cases were 12 months and 15 months.

⁵Median terms cannot be calculated for fewer than 3 cases, the prison term for this case was 3 months.

⁶Median terms cannot be calculated for fewer than 3 cases, the prison term for this case was 2 months.

Estimates of Impact on Sentences and Prison Beds of Proposed Legislation¹

Estimated Proportion of Cases Affected	Current Sentence (in months)	Estimated New Sentence (in months)	Percent Increase to Sentence
1.5%	74	166	124.3%

Cumulative Number Addition to Prison Beds in 1 Year	Cumulative Number Addition to Prison Beds in 2 Years	Cumulative Number Addition to Prison Beds in 3 Years	Cumulative Number Addition to Prison Beds in 4 Years	Cumulative Number Addition to Prison Beds in 5 Years	Cumulative Number Addition to Prison Beds in 10 Years	Cumulative Number Addition to Prison Beds in 15 Years	Cumulative Number Addition to Prison Beds in 20 Years
65	175	366	738	1,172	3,814	5,298	5,378

SOURCE: U.S. Sentencing Commission Prison Impact Model. Intensive Study Sample FY2000 dataset. This dataset resulted from a coding project collecting, from the submitted court documents, substantially more detailed information than is typically collected in the Commission's ongoing dataset. This dataset is a 10 percent random sample of all cases with complete information sent to the Commission for fiscal year 2000. Prison bed values were extrapolated from the sample to the full FY2000 population. See attached appendix for detailed description of the model parameters.

Special Reports

2007 Report to Congress: Cocaine and Federal Sentencing Policy

Report to the Congress:

**COCAINE
AND
FEDERAL SENTENCING POLICY**



UNITED STATES SENTENCING COMMISSION

May 2007

Commissioner Requests

**Ten Most Common Offenses Committed After First Deportation
Fiscal Year 2006**

Type of Offense	Number	Percent
Offense after 1st deportation	1,111	100
Illegal re-entry	289	26
Assault	128	11.5
Drug distribution	104	9.4
DUI	89	8
Possession of drugs	75	6.8
Domestic violence	51	4.6
Driving without a license	48	4.3
Weapon offenses	42	3.8
Burglary	21	1.9
Immigration	20	1.8
Petty larceny or theft	20	1.8
Other offenses	204	18.4

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06. The Commission undertook a special Criminal History coding project with the fiscal year 2006 datafile. Of the cases where sufficient information regarding the court findings on criminal history was submitted, a quasi-random sample of 11,300 cases was generated. Of those 11,300 cases, 1,912 were sentenced under §2L1.2 (Illegal Re-entry), and 1,111 cases (58.1 percent) committed an offense after their initial deportation was ordered.

Coming Soon:
A New Publications Initiative

