

APPENDIX B
A Survey of Article III Judges on The Federal Sentencing Guidelines
Responses of District Judges

Question 1 Considering cases that you have sentenced, how often did the guideline sentences provide punishment levels that reflect the seriousness of the offense?

DISTRICT JUDGES

i. ii. Considering only defendants convicted of these crimes:

	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	5	1.2	51	11.2	33	7.7	32	7.4	36	8.2	21	5.1	24	7.7	60	14.5
2	32	8.0	73	16.0	48	11.2	73	16.8	63	14.4	29	7.0	28	8.9	65	15.7
3	53	13.2	75	16.5	54	12.6	99	22.8	87	19.9	61	14.7	51	16.3	53	12.8
4	101	25.2	66	14.5	62	14.5	88	20.3	93	21.2	81	19.5	62	19.8	67	16.2
5	117	29.2	74	16.3	103	24.0	78	18.0	86	19.6	118	28.4	72	23.0	80	19.4
6 Almost All	93	23.2	116	25.5	129	30.1	64	14.7	73	16.7	105	25.3	76	24.3	88	21.3
Total	401	100.0	455	100.0	429	100.0	434	100.0	438	100.0	415	100.0	313	100.0	413	100.0
Missing	65	—	11	—	37	—	32	—	28	—	51	—	153	—	53	—
Mean	4.4		3.9		4.3		3.7		3.8		4.4		4.1		3.7	
Median	5.0		4.0		5.0		4.0		4.0		5.0		4.0		4.0	

Question 1 For those cases where you believe that the guideline punishment levels *do not reflect the seriousness of the crime*, was it because the punishment was generally *less than appropriate*, *more than appropriate*, or *sometimes greater/sometimes less*?

(continued)

iii. Considering only defendants where punishment did not reflect seriousness:

	Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Less	11	3.1	57	23.1	200	63.1	164	56.6	93	44.7	59	33.0	48	17.0
Greater	261	73.7	104	42.1	33	10.4	36	12.4	28	13.5	54	30.2	158	56.0
Sometimes	82	23.2	86	34.8	84	26.5	90	31.0	87	41.8	66	36.9	76	27.0
Total	354	100.0	247	100.0	317	100.0	290	100.0	208	100.0	179	100.0	282	100.0
Missing	112	—	219	—	149	—	176	—	258	—	287	—	184	—
Mean		2.2		2.1		1.6		1.7		2.0		2.0		2.1
Median		2.0		2.0		1.0		1.0		2.0		2.0		2.0

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of District Judges

Question 2 Considering cases that you have sentenced, how often did the guideline sentences involve mandatory minimum provisions that *affect* your ability to impose sentences that reflect the statutory purposes of sentencing?

DISTRICT JUDGES	i. ii. Considering only defendants with mandatory minimum convicted of these crimes:															
	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	59	14.8	62	14.2	91	25.3	175	58.5	177	58.8	142	48.8	131	53.9	145	49.7
2	82	20.5	63	14.4	55	15.3	37	12.4	38	12.6	41	14.1	31	12.8	33	11.3
3	65	16.3	53	12.2	42	11.7	32	10.7	31	10.3	42	14.4	27	11.1	29	9.9
4	78	19.5	78	17.9	60	16.7	29	9.7	27	9.0	20	6.9	18	7.4	21	7.2
5	60	15.0	82	18.8	59	16.4	10	3.3	12	4.0	19	6.5	18	7.4	27	9.2
6 Almost All	56	14.0	98	22.5	52	14.5	16	5.4	16	5.3	27	9.3	18	7.4	37	12.7
Total	400	100.0	436	100.0	359	100.0	299	100.0	301	100.0	291	100.0	243	100.0	292	100.0
Missing	66	—	30	—	107	—	167	—	165	—	175	—	223	—	174	—
Mean	3.4		3.8		3.3		2.0		2.0		2.4		2.2		2.5	
Median	3.0		4.0		3.0		1.0		1.0		2.0		1.0		2.0	

Question 3 Considering cases that you have sentenced, how often did the guideline sentences afford adequate deterrence to criminal conduct?

DISTRICT JUDGES	i. ii. Considering only defendants convicted of these crimes:															
	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	23	5.7	46	10.6	36	8.8	46	11.0	44	10.4	34	8.7	37	11.8	71	18.5
2	21	5.2	26	6.0	28	6.9	66	15.7	60	14.2	30	7.7	41	13.1	55	14.4
3	38	9.4	31	7.2	33	8.1	78	18.6	77	18.2	62	15.8	50	16.0	48	12.5
4	74	18.3	38	8.8	39	9.6	67	16.0	75	17.7	65	16.6	40	12.8	37	9.7
5	123	30.4	80	18.5	104	25.5	64	15.2	67	15.8	84	21.4	56	17.9	63	16.4
6 Almost All	126	31.1	212	49.0	168	41.2	99	23.6	100	23.6	117	29.8	89	28.4	109	28.5
Total	405	100.0	433	100.0	408	100.0	420	100.0	423	100.0	392	100.0	313	100.0	383	100.0
Missing	61	—	33	—	58	—	46	—	43	—	74	—	153	—	83	—
Mean	4.6		4.7		4.6		3.8		3.9		4.2		4.0		3.8	
Median	5.0		5.0		5.0		4.0		4.0		5.0		4.0		4.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of District Judges

Question 4 Considering cases that you have sentenced, how often did the guideline sentences protect the public from further crimes of the defendant?

DISTRICT JUDGES i. ii. Considering only defendants convicted of these crimes:

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	13	3.3	23	5.3	25	6.1	40	9.5	37	8.7	25	6.5	34	11.0	76	19.9
2	15	3.8	30	6.9	22	5.4	72	17.1	65	15.3	38	9.8	49	15.9	58	15.2
3	42	10.7	33	7.6	41	10.0	87	20.6	82	19.3	58	15.0	52	16.9	50	13.1
4	107	27.4	56	13.0	72	17.6	75	17.8	85	20.0	72	18.6	47	15.3	45	11.8
5	118	30.2	100	23.1	103	25.1	62	14.7	63	14.8	88	22.7	46	14.9	52	13.6
6 Almost All	96	24.6	190	44.0	147	35.9	86	20.4	93	21.9	106	27.4	80	26.0	100	26.2
Total	391	100.0	432	100.0	410	100.0	422	100.0	425	100.0	387	100.0	308	100.0	381	100.0
Missing	75	—	34	—	56	—	44	—	41	—	79	—	158	—	85	—
Mean	4.5		4.7		4.6		3.7		3.8		4.2		3.9		3.6	
Median	5.0		5.0		5.0		4.0		4.0		5.0		4.0		4.0	

Question 5 Considering cases that you have sentenced, how often did the guideline sentences, where rehabilitation was appropriate, provide defendants with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner?

DISTRICT JUDGES i. ii. Considering only defendants needing services convicted of these crimes:

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	73	18.8	101	24.6	88	23.4	83	21.7	81	21.5	77	21.3	86	29.8	124	35.9
2	87	22.4	72	17.5	73	19.4	70	18.3	73	19.4	66	18.3	61	21.1	72	20.9
3	53	13.6	69	16.8	78	20.7	72	18.8	69	18.3	69	19.1	40	13.8	44	12.8
4	68	17.5	50	12.2	47	12.5	64	16.8	67	17.8	60	16.6	39	13.5	34	9.9
5	55	14.1	61	14.8	42	11.2	46	12.0	42	11.1	44	12.2	28	9.7	37	10.7
6 Almost All	53	13.6	58	14.1	48	12.8	47	12.3	45	11.9	45	12.5	35	12.1	34	9.9
Total	389	100.0	411	100.0	376	100.0	382	100.0	377	100.0	361	100.0	289	100.0	345	100.0
Missing	77	—	55	—	90	—	84	—	89	—	105	—	177	—	121	—
Mean	3.3		3.2		3.1		3.2		3.1		3.2		2.9		2.7	
Median	3.0		3.0		3.0		3.0		3.0		3.0		2.0		2.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of District Judges

Question 6 Considering cases that you have sentenced, how often did the guideline sentences avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct?

DISTRICT JUDGES i. ii. Considering only defendants convicted of these crimes:

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	34	8.5	61	14.0	43	10.4	35	8.3	36	8.6	32	8.1	33	10.4	46	11.9
2	39	9.8	56	12.8	35	8.5	37	8.8	34	8.1	30	7.6	28	8.9	32	8.3
3	40	10.0	68	15.6	45	10.9	73	17.3	66	15.7	48	12.2	41	13.0	44	11.4
4	76	19.0	51	11.7	62	15.0	66	15.7	70	16.7	56	14.2	41	13.0	50	13.0
5	105	26.3	91	20.8	104	25.1	101	24.0	105	25.0	113	28.7	81	25.6	100	25.9
6 Almost All	106	26.5	110	25.2	125	30.2	109	25.9	109	26.0	115	29.2	92	29.1	114	29.5
Total	400	100.0	437	100.0	414	100.0	421	100.0	420	100.0	394	100.0	316	100.0	386	100.0
Missing	66	—	29	—	52	—	45	—	46	—	72	—	150	—	80	—
Mean	4.2		3.9		4.3		4.2		4.2		4.4		4.2		4.2	
Median	5.0		4.0		5.0		4.0		5.0		5.0		5.0		5.0	

Question 7 Considering cases that you have sentenced, how often did the guideline sentences provide certainty in meeting the purposes of sentencing?

DISTRICT JUDGES i. ii. Considering only defendants convicted of these crimes:

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	28	7.2	39	9.4	26	6.6	31	7.6	28	6.9	25	6.6	25	8.3	41	11.0
2	23	5.9	32	7.7	27	6.8	40	9.9	33	8.1	21	5.5	23	7.6	31	8.3
3	41	10.6	48	11.5	48	12.1	63	15.5	68	16.7	57	15.0	40	13.2	45	12.1
4	82	21.2	71	17.1	70	17.7	81	20.0	80	19.7	60	15.8	50	16.6	60	16.1
5	124	32.0	117	28.1	118	29.8	102	25.1	108	26.5	122	32.2	91	30.1	107	28.7
6 Almost All	89	23.0	109	26.2	107	27.0	89	21.9	90	22.1	94	24.8	73	24.2	89	23.9
Total	387	100.0	416	100.0	396	100.0	406	100.0	407	100.0	379	100.0	302	100.0	373	100.0
Missing	79	—	50	—	70	—	60	—	59	—	87	—	164	—	93	—
Mean	4.3		4.3		4.4		4.1		4.2		4.4		4.3		4.1	
Median	5.0		5.0		5.0		4.0		4.0		5.0		5.0		5.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of District Judges

Question 8 Considering cases that you have sentenced, how often did the guideline sentences provide fairness in meeting the purposes of sentencing?

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	1 Few	37	9.4	96	22.2	52	12.7	52	12.3	41	9.7	42	10.7	38	12.3	75
2	61	15.5	88	20.4	57	13.9	58	13.7	59	13.9	39	9.9	43	14.0	67	17.3
3	75	19.1	82	19.0	68	16.5	96	22.7	99	23.3	58	14.8	53	17.2	60	15.5
4	93	23.7	69	16.0	81	19.7	90	21.3	89	21.0	80	20.4	48	15.6	58	14.9
5	87	22.1	52	12.0	88	21.4	71	16.8	75	17.7	98	25.0	71	23.1	76	19.6
6 Almost All	40	10.2	45	10.4	65	15.8	56	13.2	61	14.4	75	19.1	55	17.9	52	13.4
Total	393	100.0	432	100.0	411	100.0	423	100.0	424	100.0	392	100.0	308	100.0	388	100.0
Missing	73	—	34	—	55	—	43	—	42	—	74	—	158	—	78	—
Mean	3.6		3.1		3.7		3.6		3.7		4.0		3.8		3.4	
Median	4.0		3.0		4.0		4.0		4.0		4.0		4.0		3.0	

Question 9 Considering cases that you have sentenced, how often did the guideline sentences maintain sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices?

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	1 Few	110	27.4	151	34.6	110	26.8	102	24.2	100	23.6	98	24.7	81	26.0	121
2	71	17.7	110	25.2	82	20.0	69	16.4	62	14.7	58	14.6	47	15.1	75	19.1
3	66	16.4	58	13.3	66	16.1	77	18.2	83	19.6	67	16.9	47	15.1	55	14.0
4	57	14.2	45	10.3	45	10.9	63	14.9	65	15.4	51	12.8	40	12.8	49	12.5
5	65	16.2	38	8.7	67	16.3	75	17.8	73	17.3	73	18.4	58	18.6	56	14.2
6 Almost All	33	8.2	34	7.8	41	10.0	36	8.5	40	9.5	50	12.6	39	12.5	37	9.4
Total	402	100.0	436	100.0	411	100.0	422	100.0	423	100.0	397	100.0	312	100.0	393	100.0
Missing	64	—	30	—	55	—	44	—	43	—	69	—	154	—	73	—
Mean	3.0		2.6		3.0		3.1		3.2		3.2		3.2		2.9	
Median	3.0		2.0		3.0		3.0		3.0		3.0		3.0		3.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of District Judges

Question 10 Considering cases that you have sentenced, how often did the guideline sentences provide just punishment?

DISTRICT JUDGES i. ii. Considering only defendants convicted of these crimes:

DISTRICT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1 Few	26	6.7	79	18.1	36	8.7	55	12.9	47	11.1	33	8.3	28	9.1	72	18.5
2	53	13.6	93	21.3	57	13.7	64	15.1	53	12.5	40	10.1	41	13.3	68	17.5
3	71	18.2	78	17.9	72	17.3	105	24.7	105	24.8	72	18.1	71	23.0	64	16.5
4	96	24.6	75	17.2	87	20.9	78	18.4	90	21.2	83	20.9	43	13.9	60	15.4
5	102	26.2	68	15.6	102	24.5	83	19.5	79	18.6	99	24.9	74	23.9	70	18.0
6 Almost All	42	10.8	43	9.9	62	14.9	40	9.4	50	11.8	70	17.6	52	16.8	55	14.1
Total	390	100.0	436	100.0	416	100.0	425	100.0	424	100.0	397	100.0	309	100.0	389	100.0
Missing	76	—	30	—	50	—	41	—	42	—	69	—	157	—	77	—
Mean	3.8		3.2		3.8		3.4		3.6		4.0		3.8		3.4	
Median	4.0		3.0		4.0		3.0		4.0		4.0		4.0		3.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

**A Survey of Article III Judges on The Federal Sentencing Guidelines
Part II: Sentence Determination
Responses of District Judges**

Question 11 Please identify where you believe that changes in the availability of guideline *sentence types* would better promote the purposes of sentencing.

DISTRICT JUDGES	Offense Type													
	Drug Trafficking		Weapon Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
STRAIGHT PROBATION SENTENCE														
More available	244	55.5	126	29.9	165	38.2	175	40.6	85	20.7	104	30.5	167	41.4
Less Available	15	3.4	40	9.5	75	17.4	66	15.3	43	10.5	25	7.3	21	5.2
No change needed	181	41.1	255	60.6	192	44.4	190	44.1	282	68.8	212	62.2	215	53.3
Total	440	100.0	421	100.0	432	100.0	431	100.0	410	100.0	341	100.0	403	100.0
Missing	26	—	45	—	34	—	35	—	56	—	125	—	63	—

PROBATION WITH CONFINEMENT CONDITIONS	Drug Trafficking		Weapon Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	More available	274	61.4	151	35.4	200	46.1	198	45.6	113	27.2	114	32.9	151
Less Available	14	3.1	33	7.7	49	11.3	40	9.2	36	8.7	25	7.2	23	5.8
No change needed	158	35.4	242	56.8	185	42.6	196	45.2	266	64.1	207	59.8	226	56.5
Total	446	100.0	426	100.0	434	100.0	434	100.0	415	100.0	346	100.0	400	100.0
Missing	20	—	40	—	32	—	32	—	51	—	120	—	66	—

IMPRISONMENT PLUS SUP. RELEASE CONFINEMENT CONDITIONS	Drug Trafficking		Weapon Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	More available	238	54.1	149	35.0	185	42.9	183	42.6	120	29.3	107	31.0	130
Less Available	14	3.2	21	4.9	26	6.0	25	5.8	21	5.1	14	4.1	19	4.8
No change needed	188	42.7	256	60.1	220	51.0	222	51.6	268	65.5	224	64.9	251	62.8
Total	440	100.0	426	100.0	431	100.0	430	100.0	409	100.0	345	100.0	400	100.0
Missing	26	—	40	—	35	—	36	—	57	—	121	—	66	—

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of District Judges

Question 12 Based on the cases that you personally have sentenced, do you believe that the guidelines should place less or more emphasis on any of the following defendant characteristics for sentencing determination?¹

DISTRICT JUDGES

	Total		Less		More		No Change		Missing
	n	%	n	%	n	%	n	%	n
Age	451	100.0	3	0.7	240	53.2	208	46.1	15
Education	451	100.0	6	1.3	146	32.4	299	66.3	15
Vocational Skills	449	100.0	3	0.7	132	29.4	314	69.9	17
Mental Conditions	449	100.0	4	0.9	277	61.7	168	37.4	17
Emotional Conditions	448	100.0	10	2.2	210	46.9	228	50.9	18
Physical Conditions	446	100.0	7	1.6	196	43.9	243	54.5	20
Drug Dependence/Abuse	452	100.0	13	2.9	200	44.2	239	52.9	14
Alcohol Dependence/Abuse	449	100.0	13	2.9	188	41.9	248	55.2	17
Employment Record	449	100.0	4	0.9	216	48.1	229	51.0	17
Family Ties/Responsibilities	451	100.0	10	2.2	266	59.0	175	38.8	15
Community Ties	446	100.0	17	3.8	155	34.8	274	61.4	20
Role in the Offense	444	100.0	10	2.3	190	42.8	244	55.0	22
Criminal History	444	100.0	15	3.4	115	25.9	314	70.7	22
Criminal Livelihood	442	100.0	5	1.1	159	36.0	278	62.9	24
Public Service*	444	100.0	17	3.8	191	43.0	236	53.2	22
Employment Contributions	442	100.0	14	3.2	141	31.9	287	64.9	24
Prior Good Works	445	100.0	15	3.4	209	47.0	221	49.7	21

*Includes military, civic, charitable, or public service.

¹The District Judges listed the following "other" defendant characteristics (number of responses): Some respondents feel that drug quantity/role (2) and rehabilitation (1) should receive less emphasis. Others state that the guidelines should place more emphasis on aberrant behavior (1), acceptance of responsibility (2), adequacy of counsel (1), any characteristic deemed appropriate (2), drug quantity/role (1), economic compulsion (2), poverty (1), rehabilitation (6), religious (1), restitution (1), and if they are unlikely to recidivate (1). The following were listed but not rated: any characteristic the judge deems appropriate (2), guidelines make individualized sentences impossible (1), and "three-strikes" law (1).

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of District Judges

Question 13 Based on the cases that you personally have sentenced, do you believe that the guidelines *maintain neutrality* with respect to the characteristics listed below?¹

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	Total		Rarely		Sometimes		Often		Almost Always		Missing
	n	%	n	%	n	%	n	%	n	%	n
Religion	453	100.0	10	2.2	8	1.8	17	3.8	418	92.3	13
Creed	452	100.0	10	2.2	8	1.8	20	4.4	414	91.6	14
National Origin	452	100.0	16	3.5	32	7.1	46	10.2	358	79.2	14
Race	456	100.0	32	7.0	65	14.3	50	11.0	309	67.8	10
Ethnicity	453	100.0	21	4.6	40	8.8	41	9.1	351	77.5	13
Gender	448	100.0	7	1.6	34	7.6	73	16.3	334	74.6	18
Socioeconomic Status	448	100.0	23	5.1	76	17.0	81	18.1	268	59.8	18

¹The District Judges listed the following "other" characteristics (number of responses): One respondent states for immigration status (1) the guidelines rarely maintain neutrality. Others feel that the guidelines sometimes maintain neutrality with age (1), responsibility to family (1), and responsibility to community (1). A few respondents believe for powder/crack cocaine (2) the guidelines often and always maintain neutrality. The following was listed but not rated: these should not maintain neutrality (1).

Question 14 Based on the cases that you personally have sentenced, do you believe that the guidelines *avoid unwarranted disparity* with respect to the characteristics

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listed below?¹

	Total		Rarely		Sometimes		Often		Almost Always		Missing
	n	%	n	%	n	%	n	%	n	%	n
Defendants with Similar Records and Conduct	445	100.0	25	5.6	113	25.4	143	32.1	164	36.9	21
Sentencing Circuit	402	100.0	39	9.7	113	28.1	145	36.1	105	26.1	64
Sentencing District	410	100.0	30	7.3	116	28.3	148	36.1	116	28.3	56
Sentencing Judge	433	100.0	23	5.3	95	21.9	181	41.8	134	30.9	33

¹The District Judges listed the following "other" characteristics (number of responses): Some respondents feel for prosecutorial policies (3) unwarranted disparity is rarely avoided. Others believe that the guidelines avoid unwarranted disparity sometimes with respect to counsel for defendant (1), probation officer (1), and prosecutorial policies (4). One states that prosecutorial policies (1) almost always avoid disparity. The following were listed but not rated: geographic district (1), type of drug involved (1), prosecutorial policies (1), and consistency is not necessarily good (1).

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of District Judges

Question 15 Do you believe that the sentencing guidelines have increased, decreased, or had no impact on *respect for the law* for these groups?¹

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	Total		Increase		Decrease		No Impact		Missing
	n	%	n	%	n	%	n	%	n
Federal Offenders	446	100.0	148	33.2	97	21.7	201	45.1	20
Crime Victims	438	100.0	175	40.0	49	11.2	214	48.9	28
The General Public	446	100.0	152	34.1	59	13.2	235	52.7	20

¹The District Judges listed the following "other" groups (number of responses): Respondents believe the guidelines increased respect for the law for attorneys (1) and law enforcement (1). Others state for attorneys (4), drug offenders (1), family members (2), judges (7), and minority communities (1) the guidelines have decreased respect. Some Judges also mention that there has been no impact on respect for the law for drug offenders (1), judges (1), and media (1). The following were listed but not rated: attorneys (3), drug offenders (3), judges (1), and law enforcement (1).

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.

A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of District Judges

Question 18 **Please mark on the scale below to indicate your rating of the federal
DISTRICT** **sentencing guideline system's achievements in furthering the general
JUDGES** **purposes of sentencing as specified in 18 U.S.C. § 3553(a)(2).**

	n	%
1 Low Achievement	38	8.5
2	64	14.4
3	69	15.5
4	103	23.1
5	131	29.4
6 High Achievement	40	9.0
Total	445	100.0
Missing	21	—
Mean	3.8	
Median	4.0	

Question 19 **While a Federal District Judge, have you reviewed the sentence of any
DISTRICT** **federal felony offender under Old Law (i.e., "pre-guidelines")?**
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	n	%
Yes	276	60.7
No	179	39.3
Total	455	100.0
Missing	11	—

Source: U.S. Sentencing Commission, Survey of Article III Judges, District Judge Responses, January 2002.