



EDUCATION LEVELS OF FEDERALLY SENTENCED INDIVIDUALS



Education Levels of Federally Sentenced Individuals



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In FY 2021, high school degree was the highest level of education attained by 42% of federally sentenced individuals, the largest share across education levels.

Introduction

The United States Sentencing Commission (“the Commission”) has previously published reports on the relationship between demographic factors and sentencing,¹ but none have focused specifically on the educational attainment of federally sentenced individuals. The United States Census Bureau estimates that 12.8 percent of the U.S. population have acquired a graduate degree (*i.e.*, master’s degree, professional degree, or doctoral degree).² However, less than two percent (1.8%) of federally sentenced individuals in fiscal year 2021 were in this educational attainment group.

Congress requires courts to consider several factors when determining the appropriate sentence to be imposed in federal cases, including the “history and characteristics of the defendant.”³ The federal sentencing guidelines provide that specific characteristics of sentenced individuals such as education may be considered at sentencing, yet there is little information published that examines differences across education levels.⁴ Accordingly, this report provides an analysis of the federally sentenced individuals in fiscal year 2021 by educational attainment.⁵

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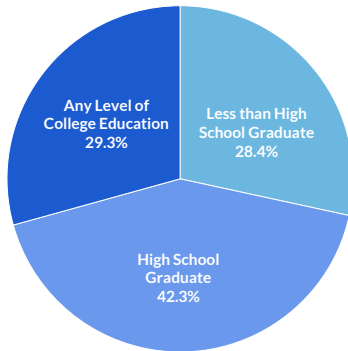
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Key Findings

1 Most federally sentenced U.S. citizens had a high school degree (42.3%) or never graduated high school (28.4%).



2 The types of offenses committed by federally sentenced U.S. citizens varied by educational attainment.

For those with less than a high school degree, drug trafficking (42.0%) was the most common offense, followed by firearms (25.2%), immigration (11.5%), robbery (4.2%), and fraud (4.1%).

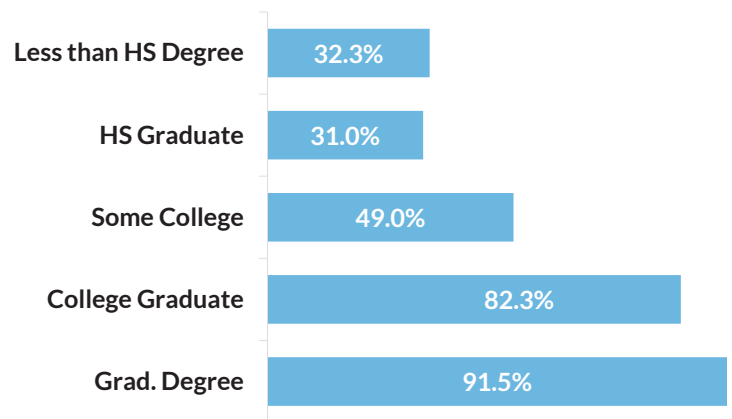
Sentenced individuals with an undergraduate or graduate degree were convicted more often for economic or sex offenses than sentenced persons with less education. Approximately one-third (32.9%) of sentenced individuals with an undergraduate degree were convicted of a fraud offense.

Similarly, fraud (42.2%) was the most common offense of conviction among federally sentenced persons with a graduate degree, though medical doctors were equally likely to commit fraud (37.6%) or drug trafficking (36.5%).

3 Federally sentenced U.S. citizens with more educational attainment had less extensive criminal histories than sentenced persons in lower educational attainment groups.

Approximately one-third (32.3%) of sentenced persons with less than a high school degree were assigned to the lowest criminal history category, compared to half (49.0%) of those with some college coursework.

Of sentenced persons with a graduate degree, 91.5 percent were assigned to the lowest criminal history category.



4 Sentencing outcomes for federally sentenced U.S. citizens varied by educational attainment:

Sentenced individuals with more educational attainment were more likely to receive probation. In fiscal year 2021, 24.5 percent of federally sentenced persons with a graduate degree and 23.3 percent of sentenced individuals with a college degree received a sentence of probation, compared to 6.6 percent of those with less than a high school degree and 8.6 percent with a high school degree.

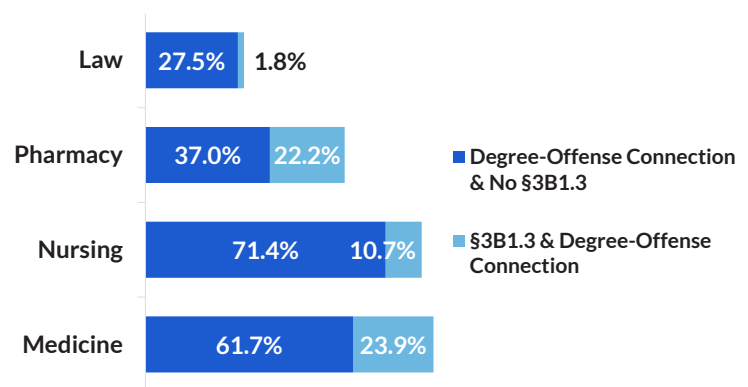
Sentenced persons with more educational attainment were more likely to receive a sentence below the applicable guideline range. In fiscal year 2021, 69.6 percent of federally sentenced individuals with a graduate degree and 70.7 percent of those with a college degree received a sentence below the guideline range, compared to 57.0 percent of sentenced persons with less than a high school degree and 57.7 percent of individuals with a high school degree.

Federally sentenced individuals with more educational attainment received sentences that on average were further below the applicable guideline range than those with lower educational attainment. In fiscal year 2021, individuals sentenced with a graduate degree or college degree received sentences that on average were 67.7 percent and 71.8 percent below the applicable guideline range, respectively, compared to 52.0 percent for those with less than a high school degree and 53.1 percent with a high school degree. As educational attainment is correlated with the type of crime committed, which is correlated with sentencing outcomes, educational attainment should not be interpreted as affecting sentencing outcomes.

5 Whether the degree was key to the facilitation of the offense varied considerably by type of graduate degree.

A substantial majority of medical doctors (85.6%) and sentenced individuals with graduate degrees in nursing (82.1%) required their degree to commit the offense.

In contrast, 29.3 percent of lawyers required their degree to commit the offense, and 27.5 percent received a §3B1.3 enhancement.



Background

In the Sentencing Reform Act of 1984, Congress directed the Commission to consider whether certain enumerated factors—including a defendant’s education—“have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance.”⁶ While the *Guidelines Manual* considers educational and vocational skills as not relevant in determining whether a departure is warranted, §5H1.2 provides that education “may be relevant in determining the conditions of probation or supervised release for rehabilitative purposes, for public protection by restricting activities that allow for the utilization of a certain skill, or in determining the appropriate type of community service.”⁷

With respect to education and vocational skills, §5H1.2 further provides that “the

extent to which a defendant may have misused special training or education to facilitate criminal activity is an express guideline factor.”⁸ Specifically, §3B1.3 provides for a 2-level adjustment “[i]f the defendant abused a position of public or private trust, or used a special skill, in a manner that significantly facilitated the commission or concealment of the offense.”⁹ In §3B1.3, the Commission defines “public or private trust” as a position “characterized by professional or managerial discretion.”¹⁰ Section 3553(a) of title 18, which lists the factors courts must consider when imposing a sentence, includes similar characteristics for sentenced individuals.¹¹ Section 3553(a) requires the court to consider “the history and characteristics of the defendant” and “the need for the sentence imposed to provide the defendant with needed educational or vocational training . . . in the most effective manner.”¹²

Methodology

This report analyzes data regularly collected by the Commission combined with information collected through a special coding project that provided additional information on sentenced individuals with graduate degrees. This report focuses on United States citizens federally sentenced in fiscal year 2021.¹³ These individuals accounted for 66.4 percent of all those sentenced that year.¹⁴ Non-U.S. citizens have been excluded from much of the report because information on their educational attainment is less likely to be available in the sentencing documents. Because non-U.S. citizens are more likely to be Hispanic and sentenced for immigration offenses, including these individuals in the analysis would skew the results of the analysis on the connection between these factors and education.

The Commission's Standard Document Collection

To fulfill its statutory responsibilities, the Commission collects and analyzes data on federal sentences for every federal felony and Class A misdemeanor individual sentenced each year.¹⁵ Courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document; (2) the plea agreement (if applicable); (3) the Presentence Report; (4) the Judgment and Commitment Order; and (5) the Statement of Reasons form.¹⁶ The Commission

routinely extracts and codes data from these documents, including sentencing data, demographic variables, statutory information, guideline application decisions, and departure and variance information.

Additionally, each year the Commission conducts additional coding on the fraud cases in its individual original datafiles to assign a specific type of fraud offense to the case. The Commission uses 21 offense subcategories for this analysis. These data, compiled in the Commission's annual Fraud Datafiles, are used to provide more detailed information on the type of fraud committed by federally sentenced individuals with graduate degrees.¹⁷

Graduate Degrees Special Coding Project

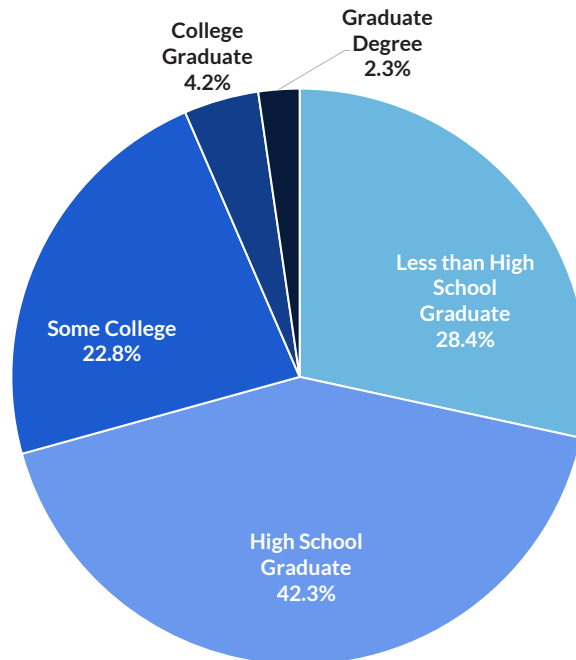
The Commission undertook a special coding project for this report to collect and analyze data on federally sentenced persons with graduate degrees—including master's degrees, professional degrees (e.g., law or medical degrees), and other doctoral degrees—beyond information the Commission regularly collects and reports in its annual *Sourcebook of Federal Sentencing Statistics*. The Commission analyzed all 915 persons sentenced with graduate degrees who were sentenced in fiscal year 2021 for whom courts submitted sufficient sentencing documentation. The analysis of this special coding project includes all sentenced individuals with graduate degrees regardless of citizenship status.

Educational Attainment of Federally Sentenced Individuals

In fiscal year 2021, sentenced individuals with a high school degree¹⁸ comprised 42.3 percent of federally sentenced United States citizens. Individuals sentenced with less

than a high school degree comprised 28.4 percent, followed by some college (22.8%), college graduates (4.2%), and those with a graduate degree (2.3%).

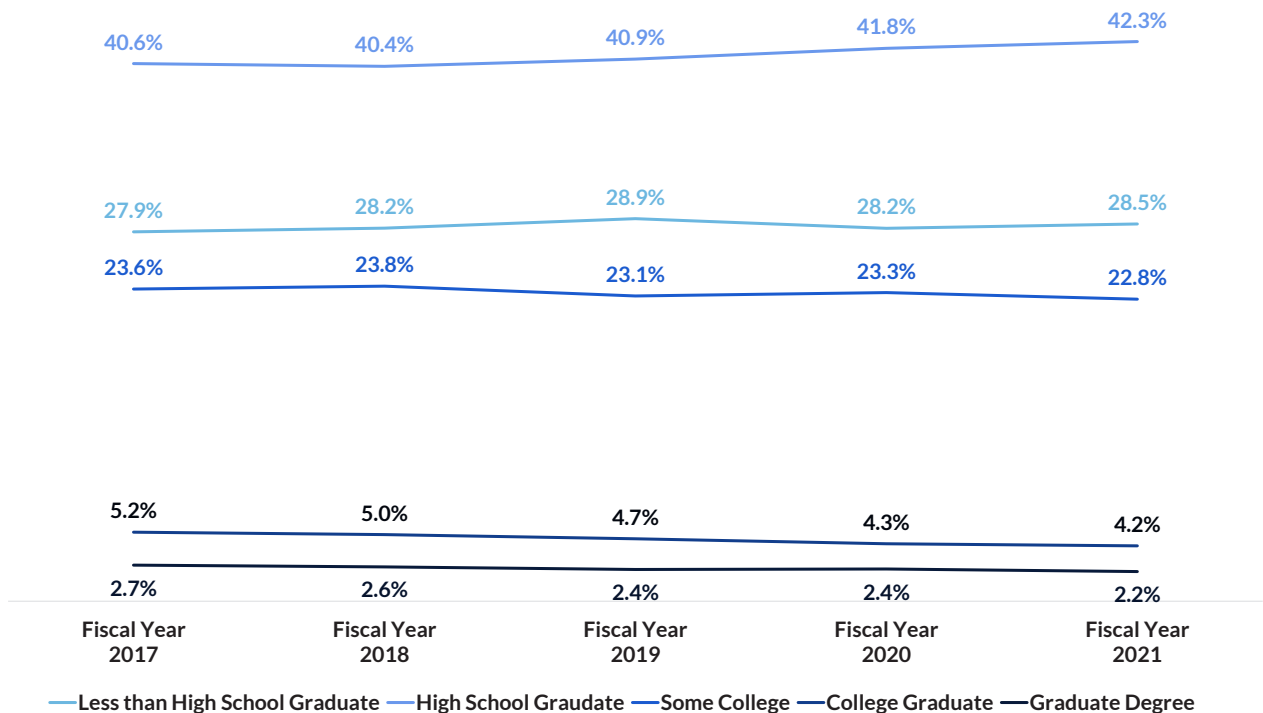
Figure 1.
Education Levels of Federally Sentenced U.S. Citizens



The educational attainment of federally sentenced individuals remained steady between fiscal years 2017 to 2021. Each year, individuals sentenced with a high school degree were the largest group of sentenced persons, representing between 40.4 and 42.3

percent of the population. College graduates were 5.2 percent of the population or less each year, while sentenced individuals with a graduate degree accounted for less than three percent of sentenced persons in any single year.

Figure 2.
Trend in Education Levels of Federally Sentenced U.S. Citizens



Demographics of Sentenced Individuals

The educational attainment of sentenced individuals differed by demographic characteristics. Sentenced individuals with less than a high school degree were most often Hispanic (39.3%) or Black (37.3%). White individuals were 18.3 percent of this group and Other Race individuals were 5.1 percent. Federally sentenced White individuals (61.2%) were the largest proportion of individuals with graduate degrees, followed by Black individuals (15.5%), Other Race (13.0%), and Hispanic (10.4%).

Federally sentenced Females comprised a greater share of individuals with some college education (24.1%) and those with an undergraduate (20.2%) or graduate degree (20.2%) as compared to those with a high school degree (13.7%) or less education (15.1%).

Sentenced individuals with less education were considerably younger than those with more education. Sixty percent of those with less than a high school degree were 34 years old or younger. In contrast, 53.7 percent of individuals with an undergraduate degree, and 70.7 percent with a graduate degree, were 45 years old or older.

Table 1.
Demographics of Sentenced Individuals by Education

	Less than High School Degree	High School Graduate	Some College	College Graduate	Graduate Degree
Race					
White	18.3%	34.3%	40.8%	62.3%	61.2%
Black	37.3%	34.8%	32.1%	17.1%	15.5%
Hispanic	39.3%	25.5%	21.4%	12.4%	10.4%
Other	5.1%	5.4%	5.7%	8.3%	13.0%
Gender					
Male	84.9%	86.3%	75.9%	79.8%	79.8%
Female	15.1%	13.7%	24.1%	20.2%	20.2%
Age					
Less than 25 Years Old	20.3%	11.9%	6.8%	1.7%	0.1%
25 to Less than 35 Years Old	39.6%	36.8%	34.3%	16.9%	5.5%
35 to Less than 45 Years Old	25.4%	29.9%	31.0%	27.7%	23.6%
45 to Less than 55 Years Old	9.7%	13.9%	17.0%	27.5%	27.2%
55 Years Old or Greater	5.0%	7.5%	10.9%	26.2%	43.5%
Average Age	34 Years Old	37 Years Old	39 Years Old	46 Years Old	53 Years Old

Offense Type

The types of offenses committed varied by educational attainment. Drug trafficking and firearms offenses were the most common offenses among individuals with less than a college degree. For those with less than a high school degree, drug trafficking (42.0%) was the most common offense, followed by firearms (25.2%), immigration (11.5%), robbery (4.2%), and fraud (4.1%).

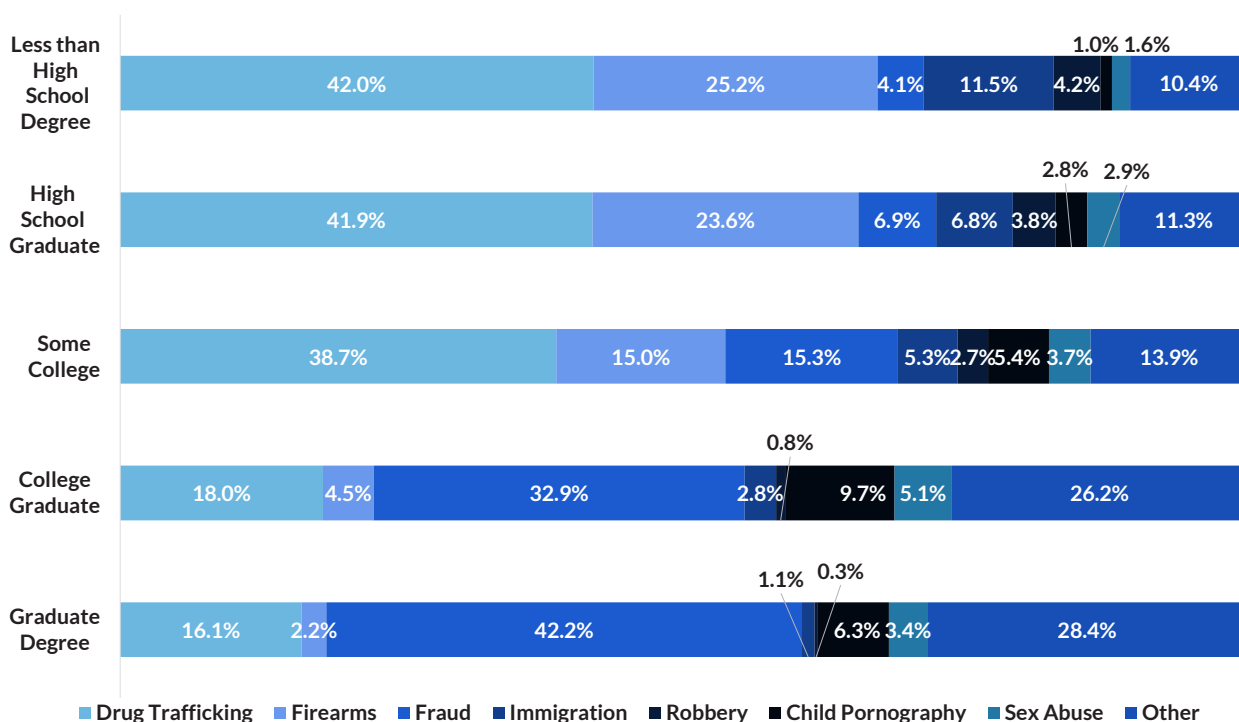
Those with a high school degree committed similar offenses as those without a high school degree; drug trafficking (41.9%) was the most common offense. Firearms (23.6%), fraud (6.9%), and immigration (6.8%) offenses were the next most common.

For individuals who completed some college coursework, drug trafficking (38.7%) was also the most common offense committed, followed by fraud (15.3%),

firearms (15.0%), child pornography (5.4%), and immigration (5.3%).

In contrast, federally sentenced individuals who completed college or obtained a graduate degree had very different patterns of offending (Figure 3). Those persons were more likely to be convicted of an economic offense or sex offense. One-third (32.9%) of individuals with an undergraduate degree were convicted of fraud, followed by drug trafficking (18.0%), tax (6.3%), sexual abuse (5.1%), and money laundering (5.0%). For sentenced persons with a graduate degree, fraud was the most common offense of conviction (42.2%), followed by drug trafficking (16.1%), tax (7.3%), money laundering (6.4%), and child pornography (6.3%).

Figure 3. Offense Type by Education

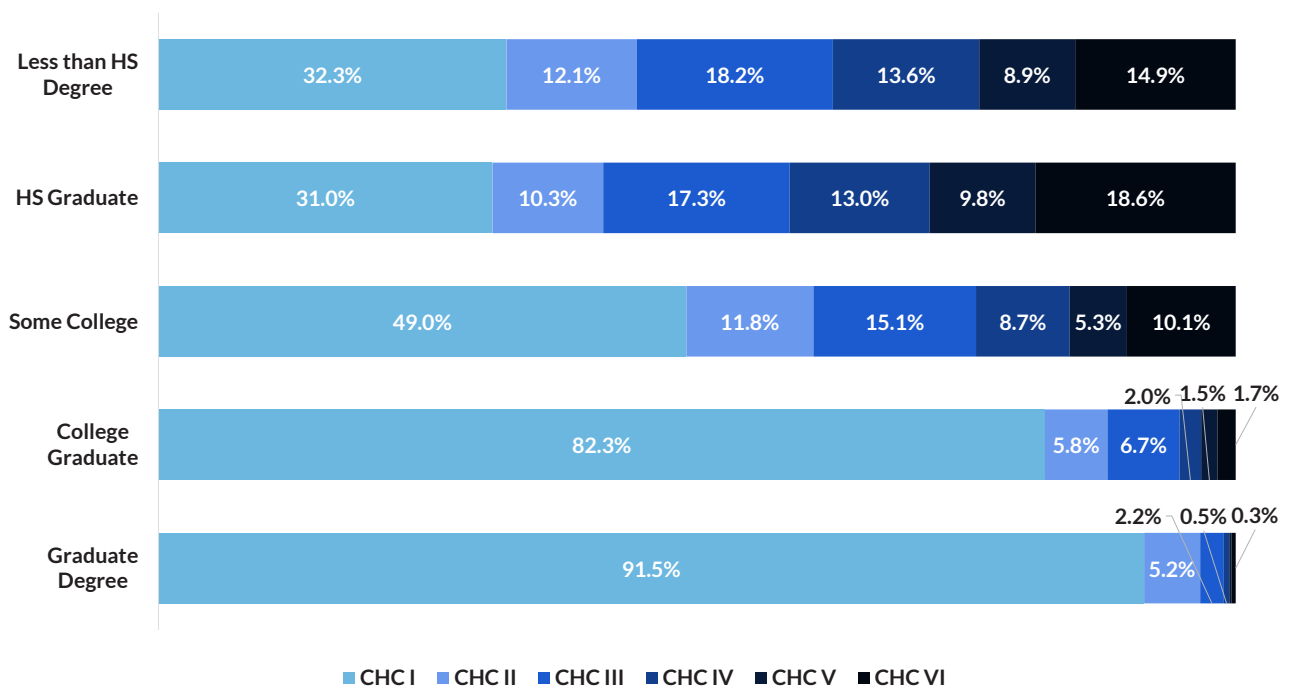


Criminal History

Federally sentenced individuals with a higher level of educational attainment had less extensive criminal histories than those with lower levels of educational attainment (Figure 4). Approximately one-third (32.3%) of sentenced individuals with less than a high school degree were assigned to the lowest

criminal history category, Criminal History Category (CHC) I, compared to half (49.0%) of those with some college coursework. Sentenced individuals who had completed college were much more likely to be assigned to CHC I: 82.3 percent of those with an undergraduate degree, and 91.5 percent of with a graduate degree were in CHC I.

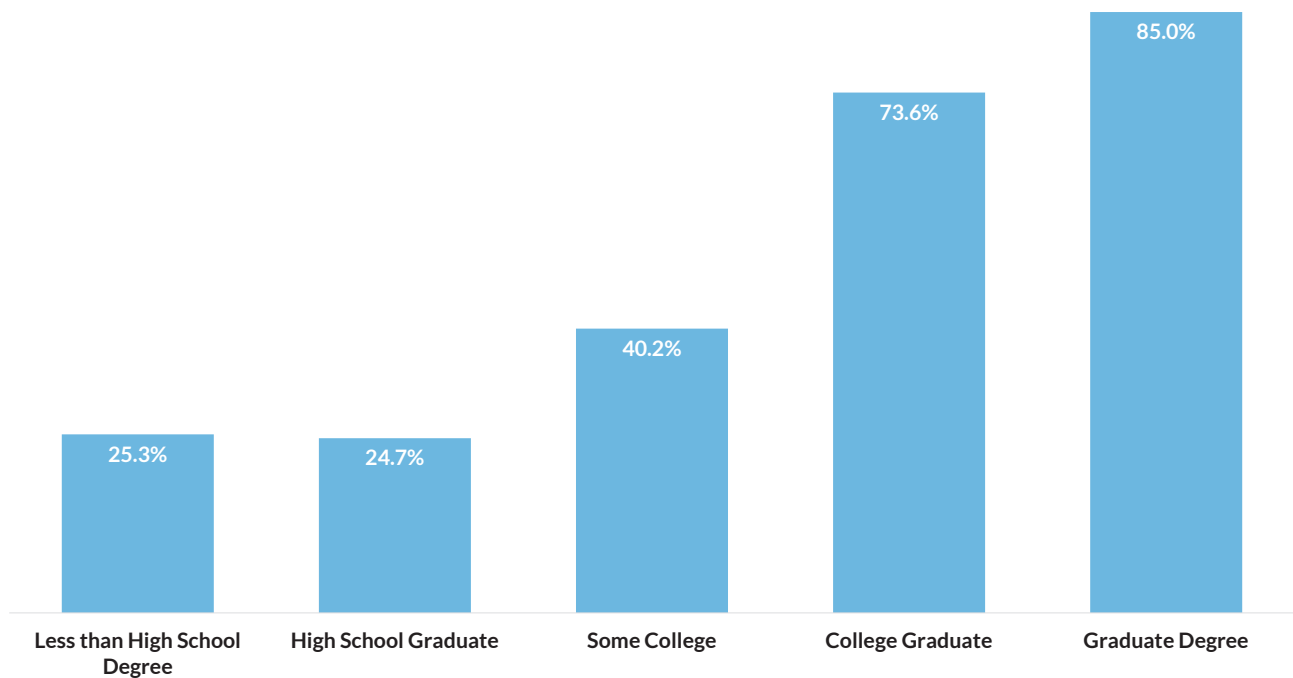
Figure 4. Criminal History Category by Education



Sentenced individuals assigned to CHC I can have either zero or one criminal history point. Sentenced individuals with zero points often have no prior convictions or convictions only for minor and other petty offenses.¹⁹ More sentenced individuals with higher education levels had zero criminal history points than those with less

educational attainment (Figure 5). While a quarter of sentenced individuals with a high school degree or less had zero criminal history points, 40.2 percent with some college had zero criminal history points. A substantial majority of federally sentenced individuals with an undergraduate degree (73.6%) or graduate degree (85.0%) had zero criminal history points.

Figure 5.
Percentage of Sentenced Individuals with Zero Criminal History Points
by Education

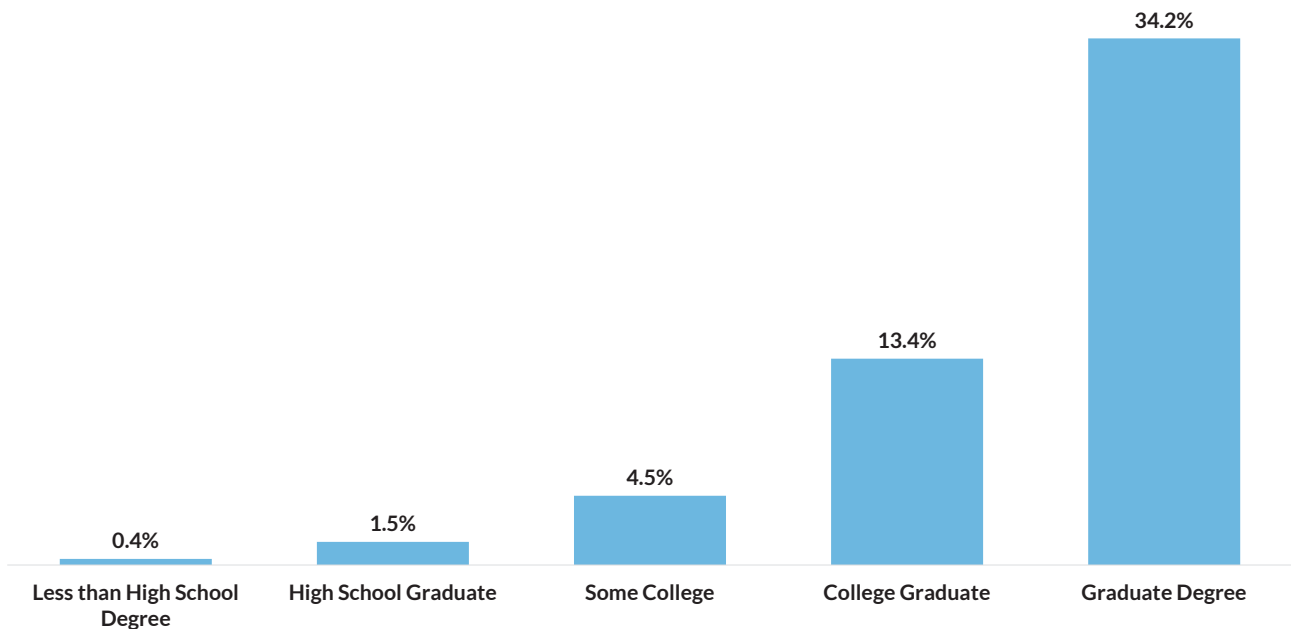


Abuse of Trust/Use of a Special Skill

As previously mentioned, the guidelines provide for an adjustment in the final offense level in cases where the individual has abused a position of trust or used a special skill to facilitate or conceal an offense.²⁰ In this guideline, the Commission defines “public or private trust” as a position “characterized by professional or managerial discretion.”²¹ The Commission defines “special skill” as something “not possessed by members of the general public and usually requiring substantial education, training, or licensing.”²² The Commission notes that lawyers and doctors are among people with special skills.²³

Sentenced individuals with higher levels of educational attainment received this adjustment more often than those with lower levels of educational attainment (Figure 6). Just over one-third (34.2%) of individuals with a graduate degree received this enhancement, compared to 13.4 percent with an undergraduate degree, and 4.5 percent of with some college coursework. Only 0.4 percent of sentenced individuals with less than a high school degree received this enhancement.

Figure 6.
§3B1.3 Enhancement by Education

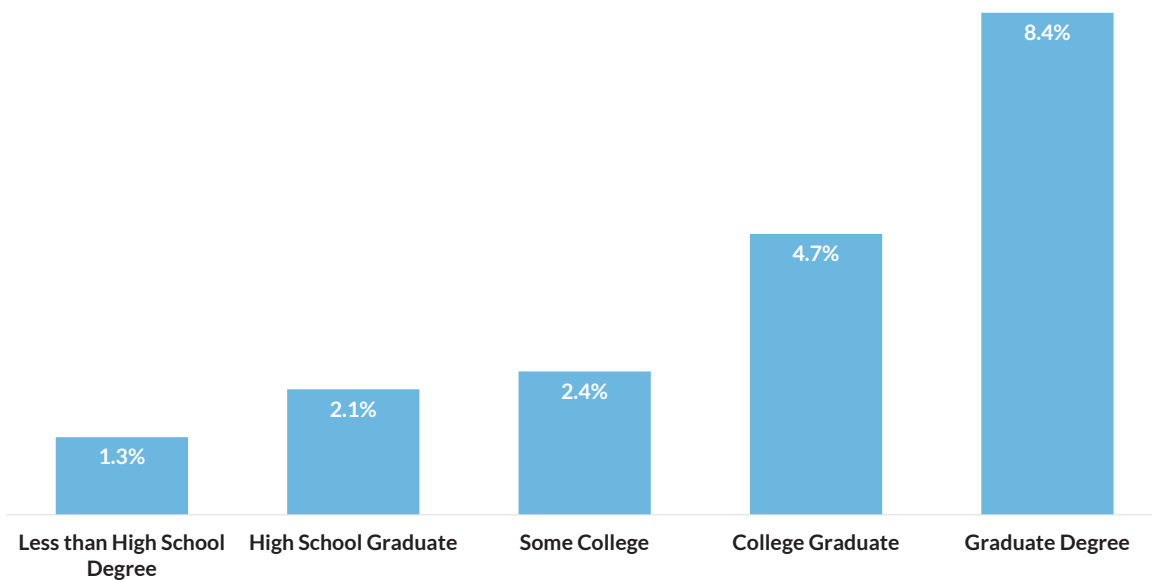


Trial Rates

Trial rates and sentencing also varied by educational attainment. Specifically, as educational attainment increased, trial rates did as well. For example, 1.3 percent of individuals with less than a high school degree went to trial compared to 2.1 percent of those sentenced with a high school degree, and 2.4 percent with some college coursework (Figure 7).

The share of sentenced individuals who went to trial is considerably higher for those in higher educational groups. Among those with an undergraduate degree, 4.7 percent went to trial. Sentenced persons with graduate degrees had a trial rate of 8.4 percent, which was 6.5 times higher than for individuals without high school degrees.

Figure 7.
Trial Rates by Education

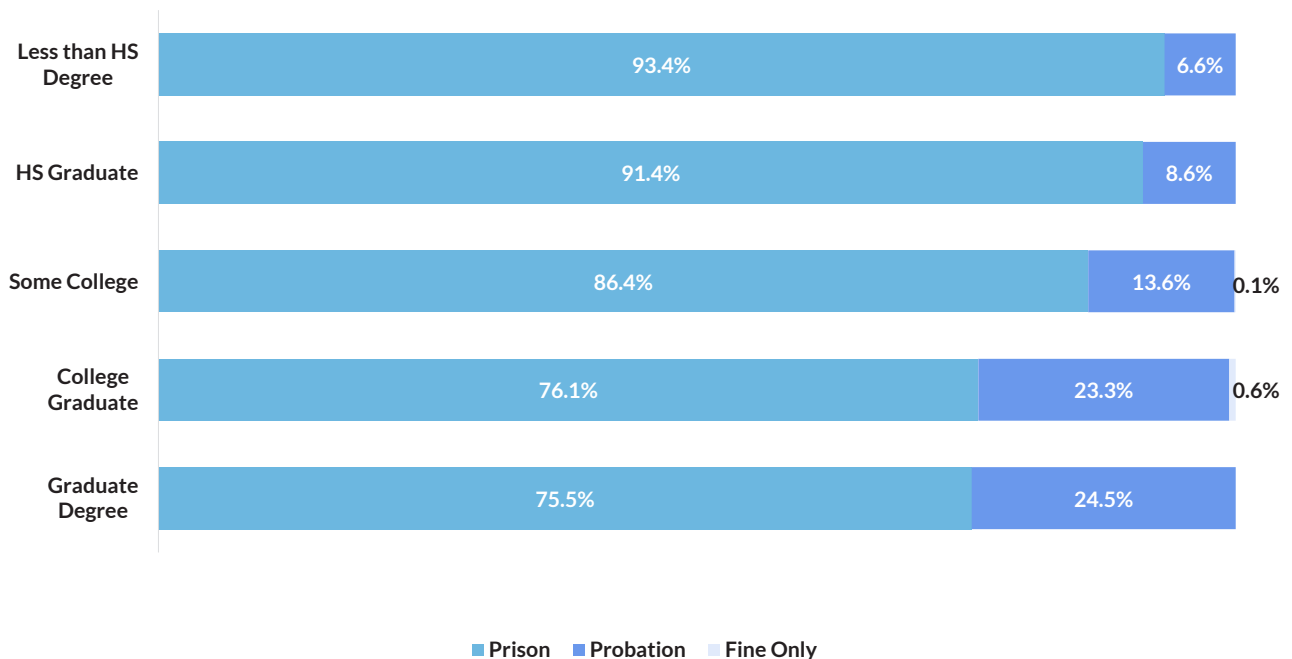


Sentencing Outcomes

Federally sentenced individuals with more education received a sentence of incarceration less often than those with lower educational attainment. While 6.6 percent of individuals with less than a high school degree received probation or only a fine, approximately a quarter of those with an undergraduate degree (23.9%) or a graduate degree (24.5%) received probation or only a fine. However, as noted

earlier, these analyses are not intended to provide information on how one variable influences the other. Educational attainment is also correlated with the type of crime committed,²⁴ which is itself strongly correlated with sentencing outcomes. Therefore, educational attainment should not be interpreted as affecting sentencing outcomes.

Figure 8.
Sentence Imposed by Education

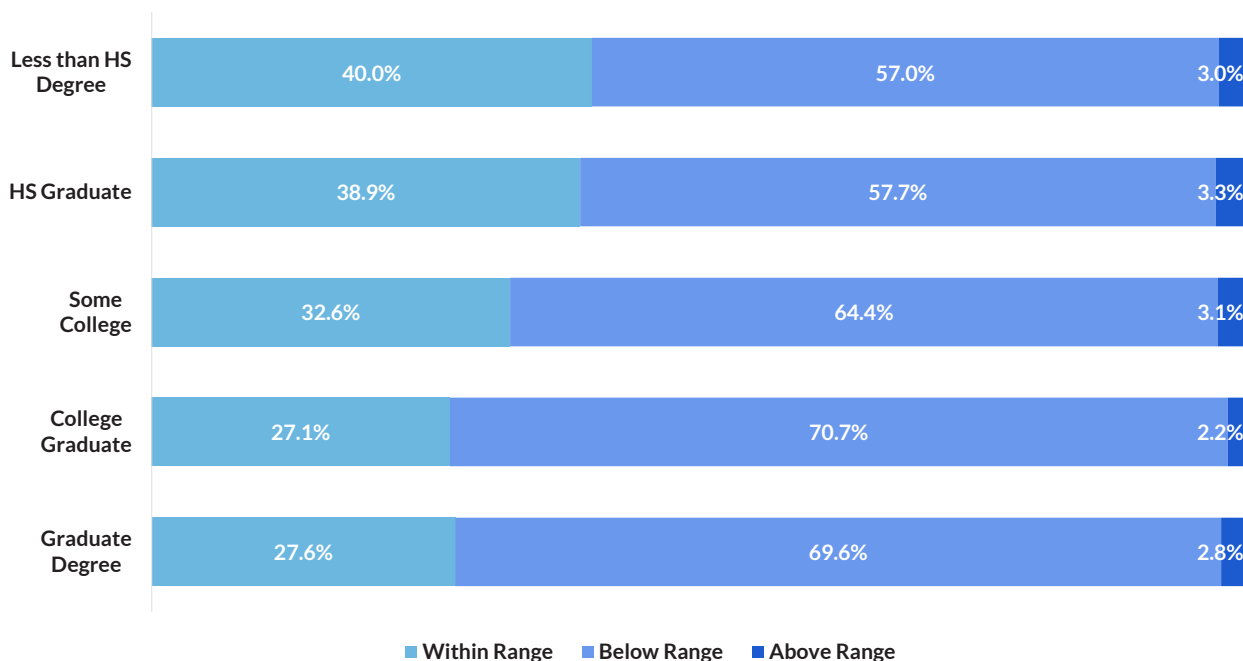


As education increased, the likelihood of an individual being sentenced below the guideline range also increased (Figure 9). In fiscal year 2021, approximately 40 percent of those with less than a high school degree (40.0%) or a high school degree (38.9%) were sentenced within the guideline range. In contrast, 27.1 percent of sentenced persons with an undergraduate degree and 27.6 percent with a graduate degree were sentenced within the guideline range.

The rate of substantial assistance increased with educational attainment. Among federally sentenced individuals with

less than a high school degree, 10.4 percent received a §5K1.1 departure.²⁵ This rate increased with education to 12.8 percent for high school graduates, 14.4 percent for those with some college education, 16.2 percent for those who graduated college, and 17.6 percent for those with graduate degrees. Non-government sponsored variances also increased with education, increasing from 22.7 percent of those with less than a high school degree to 33.1 percent of those with graduate degrees.²⁶ Among all educational groups, the substantial majority of those sentenced outside the range were sentenced below the range.

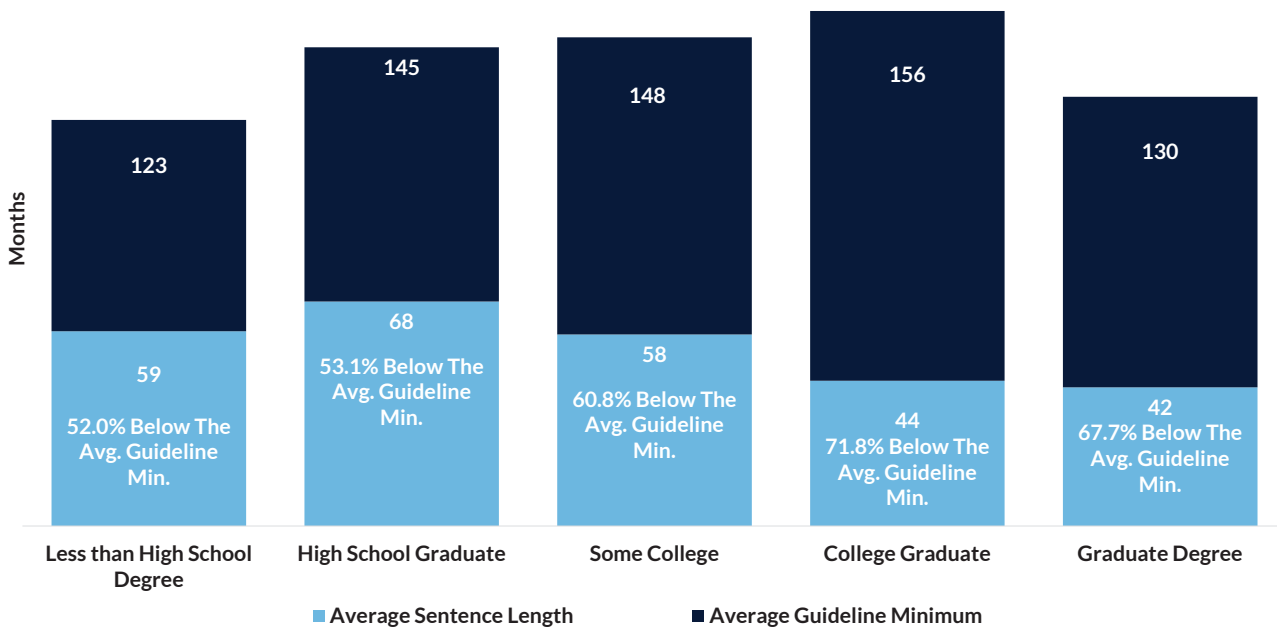
Figure 9. Sentence Relative to the Guideline Range



Federally sentenced individuals with the highest levels of education had the lowest average sentences (Figure 10). The average sentence imposed on individuals with an undergraduate degree or graduate degree was 44 months and 42 months, respectively. In contrast, federally sentenced high school graduates had the highest average sentence at 68 months.

Those with a college degree had the second lowest average sentence imposed, but also had the highest average guideline minimum at 156 months. These individuals also had the largest gap (112 months) between their average guideline minimum and average sentence imposed. Sentenced individuals with less than a high school degree had the lowest average guideline minimum (123 months) and the smallest gap between average guideline minimum and average sentence imposed (64 months).

Figure 10.
Average Guideline Minimum and Sentence by Education

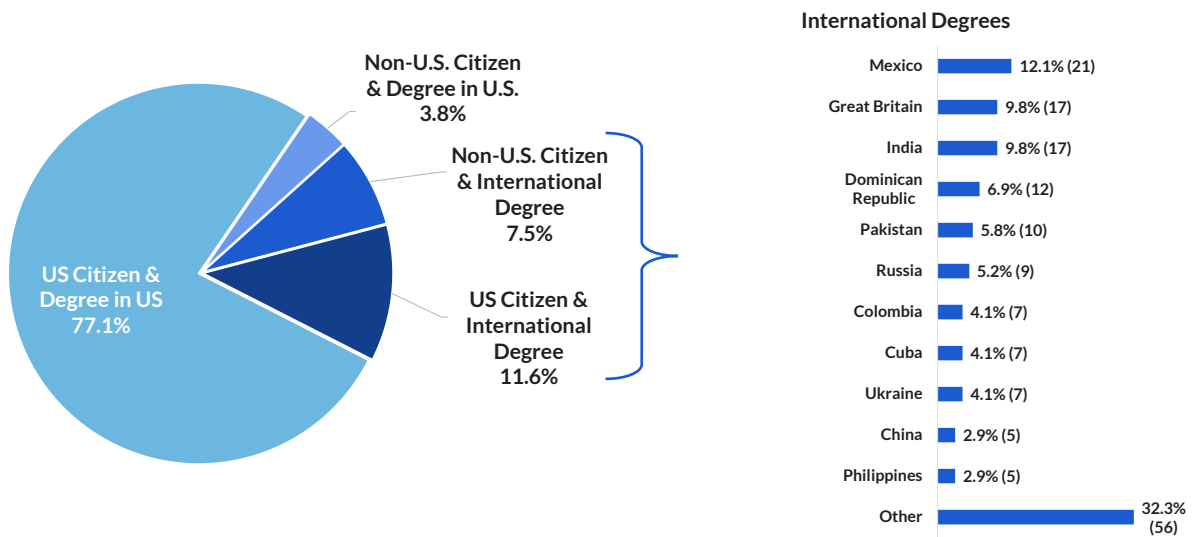


Special Coding Project: Sentenced Individuals with Graduate Degrees

This section provides additional insight into sentenced individuals with graduate degrees, including the country in which the degrees were attained, the type of graduate degrees, and the connection between the degree and offense. To collect this information, the Commission conducted a special coding project of both federally sentenced U.S. citizens and non-U.S. citizens with graduate degrees sentenced in fiscal year 2021.

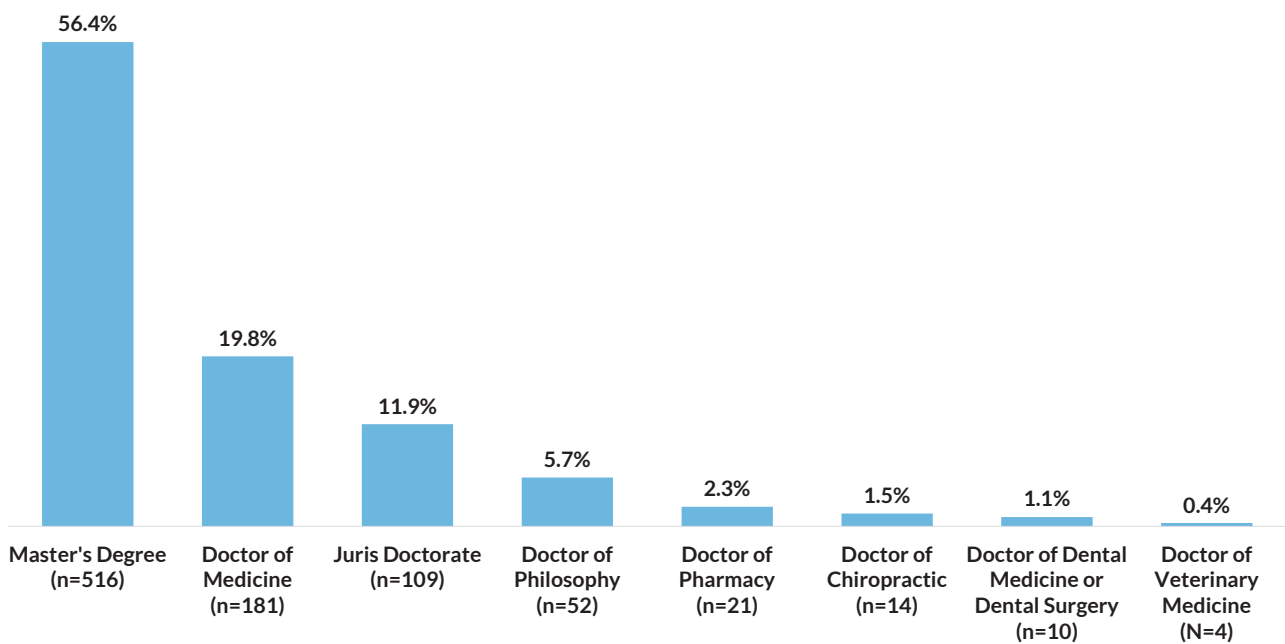
Over three-quarters (77.1%) of those with graduate degrees were U.S. citizens who obtained their degrees in the United States. Another 11.6 percent were U.S. citizens who obtained their degree outside the United States. For non-U.S. citizens, 7.5 percent received an international degree and 3.8 percent obtained their degree in the United States.

Figure 11. Citizenship and International Graduate Degrees



Over half (56.4%) of sentenced individuals with graduate degrees earned a master's degree, followed by one-fifth (19.8%) who held a medical degree. Law degrees were the next most common (11.9%), followed by Doctor of Philosophy (Ph.D.) (5.7%).

Figure 12.
Degree Type for Sentenced Individuals with Graduate Degrees



Note: Degree types with one individual excluded from graph

Of the sentenced individuals who obtained master’s degrees, 27.5 percent earned their degree in business administration, 10.5 percent in education, 5.4 percent in computer science or technology, and 5.2 percent in business

subjects including finance and international business. Of the sentenced persons who obtained Ph.D. degrees, 23.1 percent earned their degree in the natural sciences, 17.3 percent in the social sciences, 13.5 percent in engineering, and 11.5 percent in religious subjects.

Figure 13.
Subject Type for Sentenced Individuals with a Master’s Degree

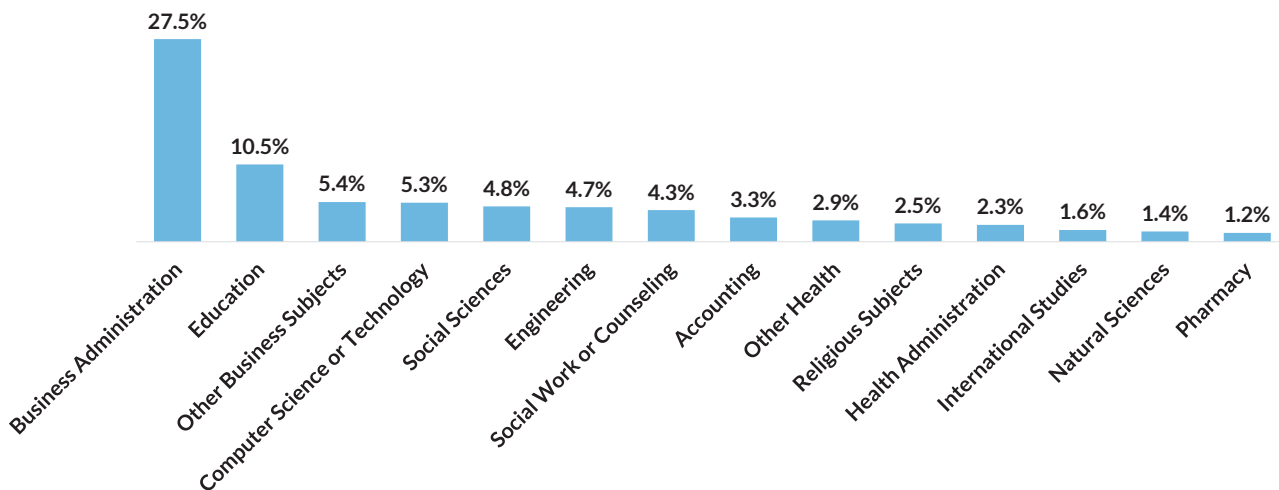
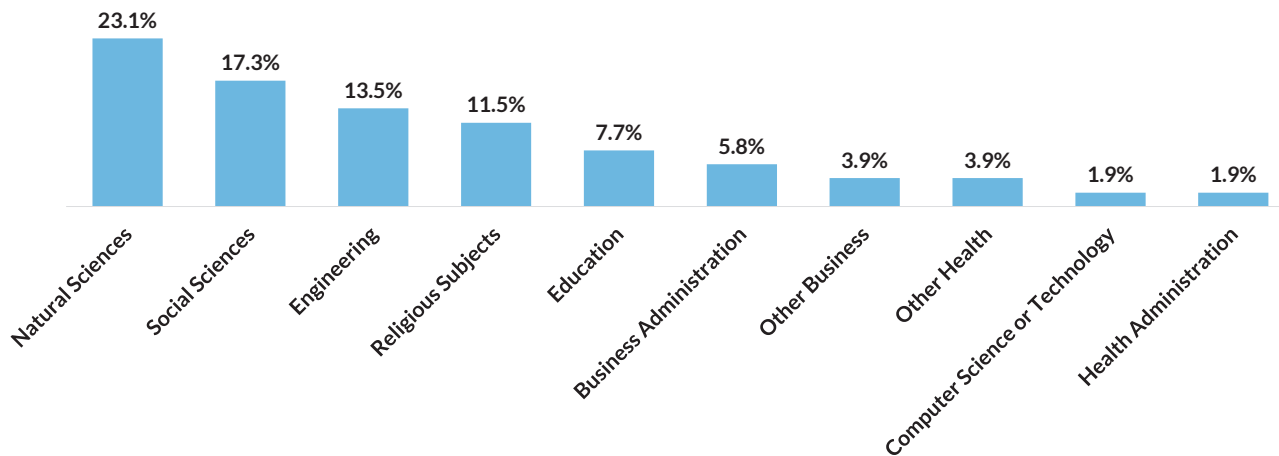


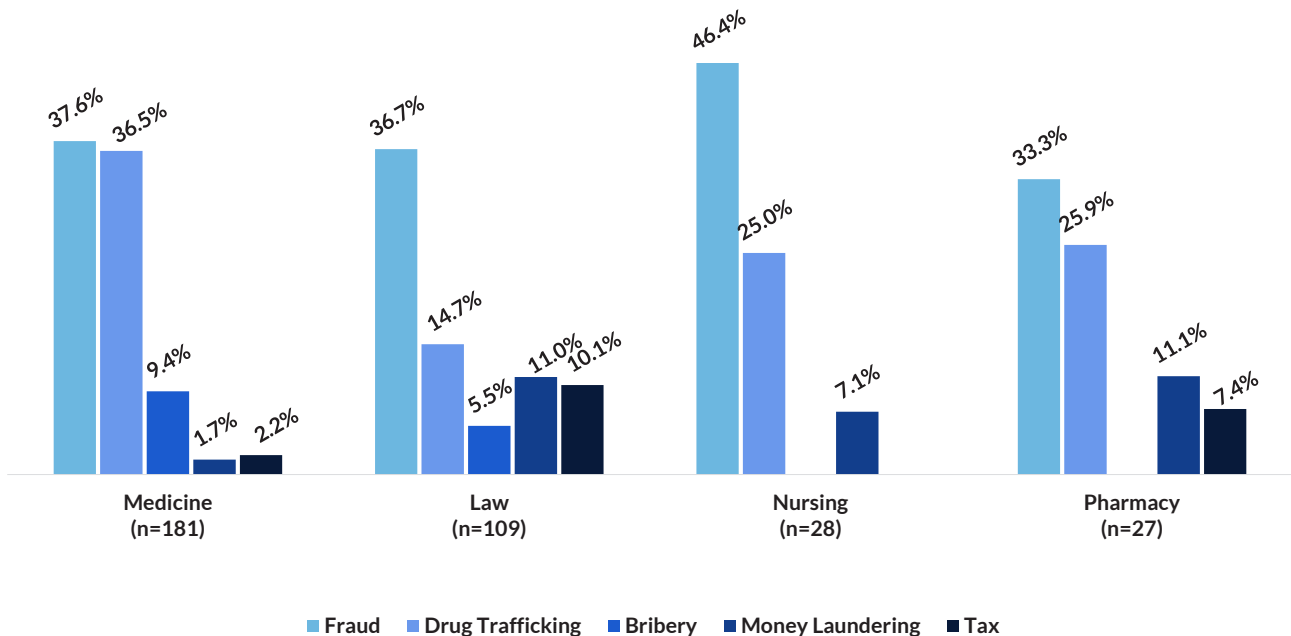
Figure 14.
Subject Type for Sentenced Individuals with a Ph.D. Degree



Generally, fraud was the most common offense among most graduate degree types, followed by drug trafficking (Figure 15). Medical doctors were evenly split between committing fraud (37.6%) or drug trafficking (36.5%) offenses. Among lawyers, 36.7 percent committed fraud and 14.7 percent committed drug trafficking. Close to half (46.4%) of sentenced individuals with nursing degrees committed fraud, and a

quarter committed drug trafficking. One-third of those with degrees in pharmacy committed fraud and approximately one-quarter (25.9%) committed drug trafficking. Healthcare fraud comprised most fraud offenses committed by medical doctors, nurses, and pharmacists, while embezzlement/theft and securities fraud were each committed by about a quarter of individuals convicted of fraud with law degrees.²⁷

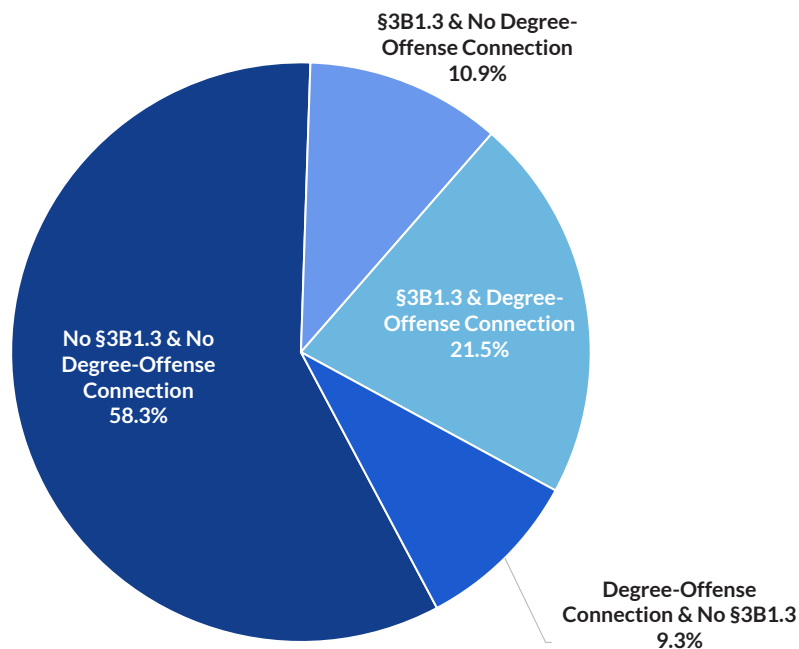
Figure 15.
Professional Degrees by Offense Type



As part of the special coding project, the Commission examined whether the graduate degree enabled the offense, e.g., a federally sentenced individual with a medical degree who wrote a fraudulent prescription. The graduate degree appeared to enable the offense for 30.9 percent of these individuals.

Among federally sentenced individuals with graduate degrees, just over one-fifth (21.5%) received the enhancement, and their graduate degree was key to the offense. Another 10.9 percent received the enhancement, but their graduate degree was not key to the offense.

Figure 16.
§3B1.3 Enhancement and Connection Between Degree and Offense for
Individuals with Graduate Degrees



Federally sentenced individuals in the medical profession were the most likely to use their degree to facilitate the instant offense (Table 2). The degree was key to the facilitation of the offense for a substantial majority of medical doctors (85.6%) and

those with graduate degrees in nursing (82.1%). These sentenced individuals were also the most likely to receive the §3B1.3 enhancement (63.3% of medical doctors and 71.4% of nurses).

Table 2.
§3B1.3 Enhancement and Connection of Degree To Offense
by Type of Graduate Degree

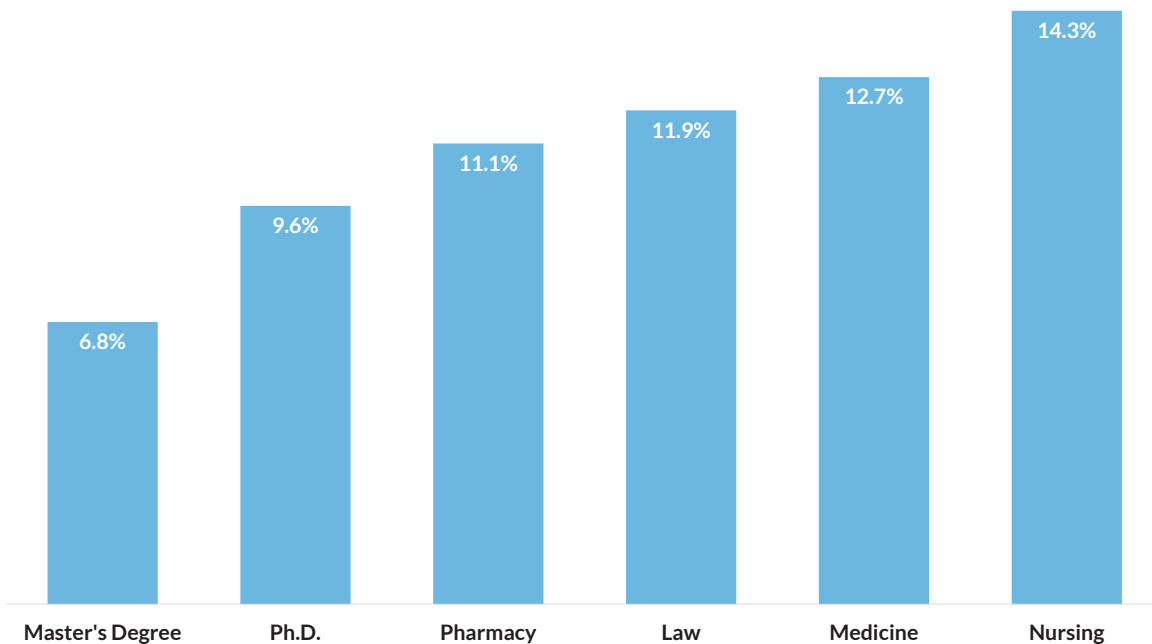
	No §3B1.3 & No Degree-Offense Connection	§3B1.3 & No Degree-Offense Connection	§3B1.3 & Degree-Offense Connection	Degree-Offense Connection & No §3B1.3
Medicine	12.8%	1.7%	61.7%	23.9%
Nursing	17.9%	0%	71.4%	10.7%
Pharmacy	40.7%	0%	37.0%	22.2%
Law	64.2%	6.4%	27.5%	1.8%

In contrast, just over a quarter (29.4%) of lawyers required their degree to commit the offense, and one-third (33.9%) received the enhancement.

As with application of the §3B1.3 enhancement, trial rates varied considerably by type of graduate degree earned, with

holders of professional degrees most likely to go to trial (Figure 17). Nurses (14.3%), medical doctors (12.7%), lawyers (11.9%), and pharmacists (11.1%) were more likely to go to trial than sentenced individuals with master's degrees (6.6%) or Ph.D.s (9.6%).²⁸

Figure 17.
Trial Rates by Type of Graduate Degree



Conclusion

Congress requires courts to consider several factors when determining the appropriate sentence to be imposed in federal cases, including the “history and characteristics of the defendant.”²⁹ Among the wide range of circumstances encompassed within the “history and characteristics” is the educational attainment of the sentenced individual. In accordance with this legislative backdrop, the federal sentencing guidelines provide that specific characteristics of sentenced individuals such as education may be considered at sentencing, yet little information has previously been published examining differences across education levels. Nevertheless, as demonstrated through this report, differences do exist, primarily as it pertains to the nature of the offense and the previous criminal activity. A higher proportion with an undergraduate

or graduate degree were convicted of fraud as opposed to firearms or drug trafficking offenses, which comprised most offenses for those with less education. Sentenced individuals with higher educational attainment more often had no criminal history and were less likely to plead guilty than persons with less education.

Similarly, differing educational levels also corresponded with differences in sentencing outcomes, which may also be reflective of the differences in offense types and other factors. Relatedly, individuals with higher educational attainment were also more likely to be sentenced below the guideline range than those with less education, and, when such below-guideline sentences were imposed, such individuals received sentences that on average were further below the applicable guideline range than those with lower educational attainment.

Appendix A

Appendix A provides an in-depth breakdown of sentences relative to the guideline range across educational attainment groups in fiscal year 2021.

Figure A-1.
Less Than a High School Degree

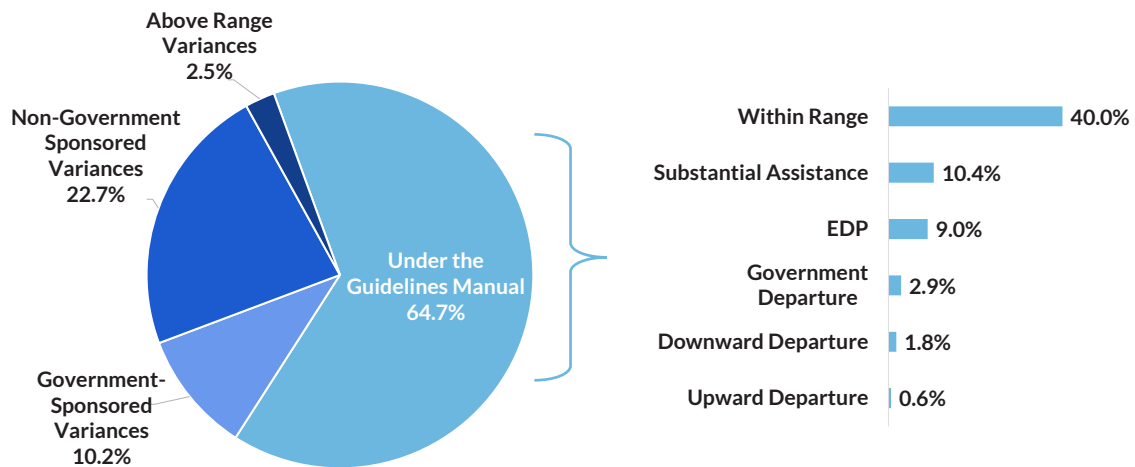


Figure A-2.
High School Degree

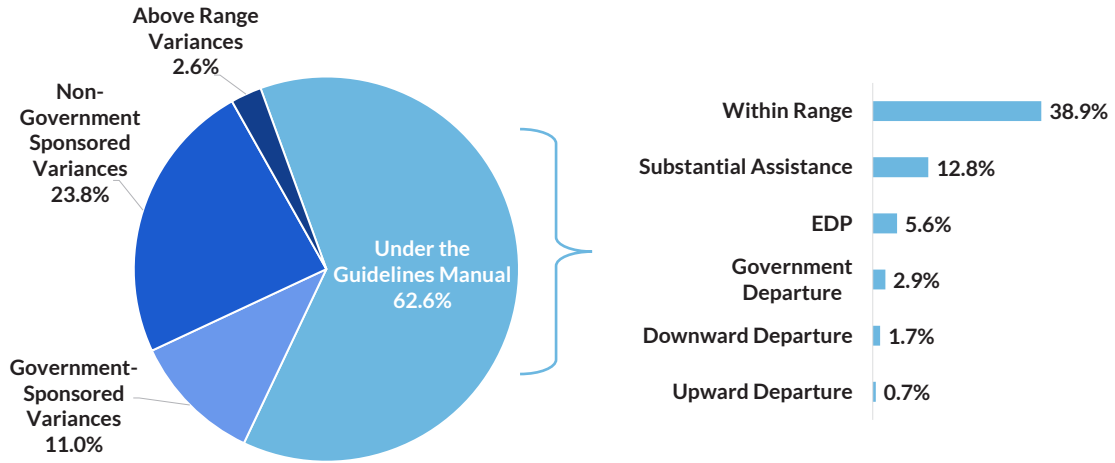


Figure A-3.
Some College Education

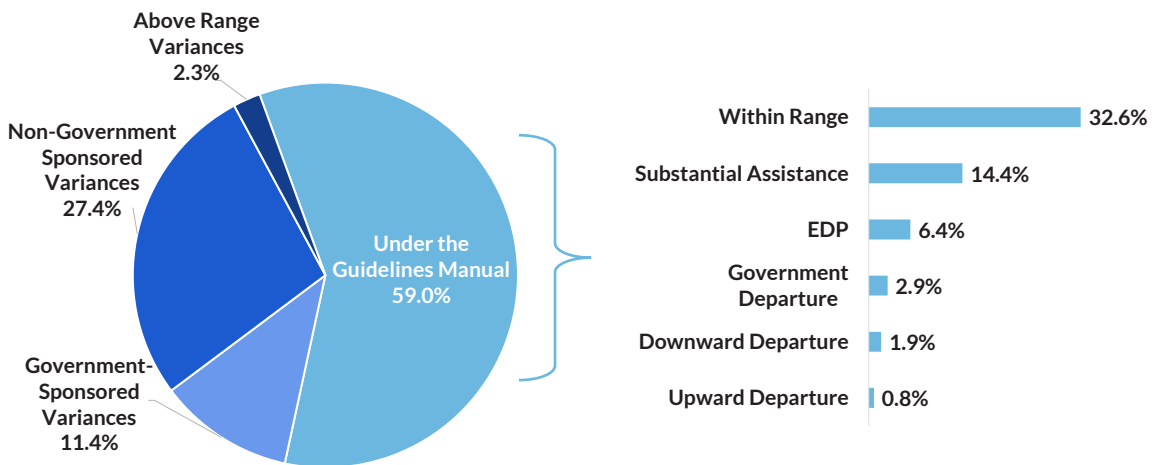


Figure A-4.
Undergraduate Degree

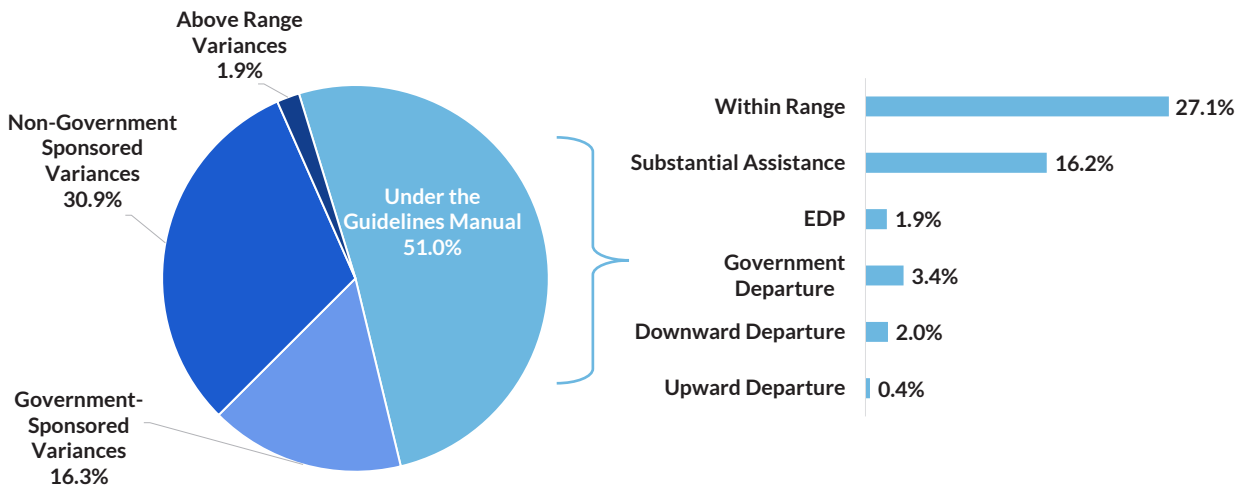
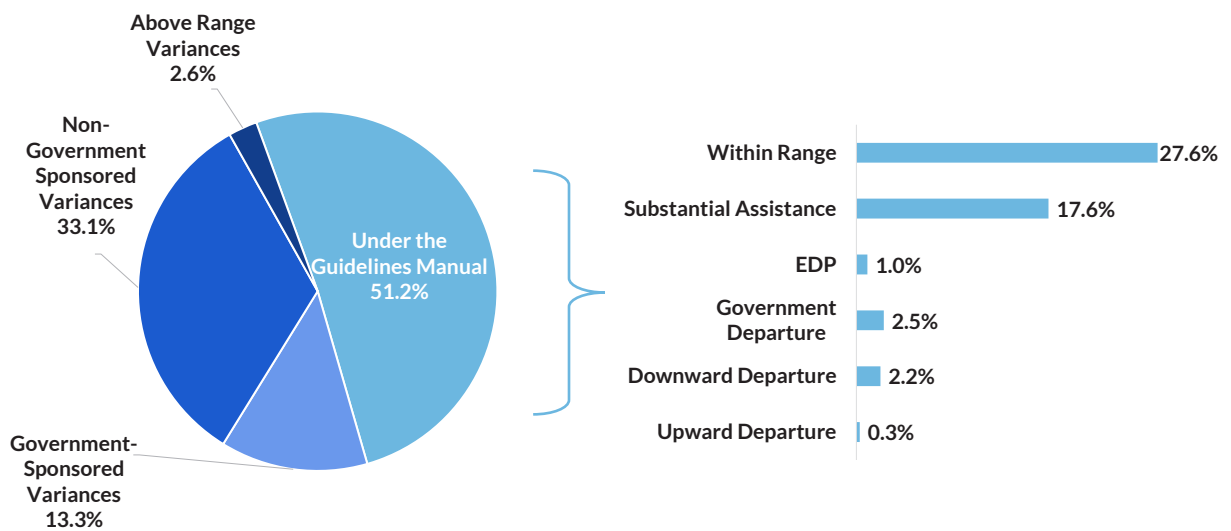


Figure A-5.
Graduate Degree



Endnotes

1 U.S. SENT'G COMM'N, DEMOGRAPHIC DIFFERENCES IN FEDERAL SENTENCING (2023); GLENN R. SCHMITT, LOUIS REEDT & KEVIN BLACKWELL, U.S. SENT'G COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING: AN UPDATE TO THE 2012 BOOKER REPORT (2017); U.S. SENT'G COMM'N, REPORT ON THE CONTINUING IMPACT OF *UNITED STATES V. BOOKER* ON FEDERAL SENTENCING, at pt. E (2012); U.S. SENT'G COMM'N, DEMOGRAPHIC DIFFERENCES IN FEDERAL SENTENCING PRACTICES: AN UPDATE OF THE BOOKER REPORT'S MULTIVARIATE REGRESSION ANALYSIS (2010); U.S. SENT'G COMM'N, FINAL REPORT ON THE IMPACT OF *UNITED STATES V. BOOKER* ON FEDERAL SENTENCING (2006). Commission materials cited herein are available on the Commission's website at www.ussc.gov.

2 See U.S. Census Bureau, *Educational Attainment in the United States: 2021* (Feb. 24, 2022), <https://www.census.gov/data/tables/2021/demo/educational-attainment/cps-detailed-tables.html> (providing in Table 1 the educational attainment of all races for the population 18 years of age and over).

3 18 U.S.C. § 3553(a)(1).

4 See U.S. SENT'G COMM'N, *Guidelines Manual*, §5H1.2 (Nov. 2021) [hereinafter USSG] ("Education and vocational skills are not ordinarily relevant in determining whether a departure is warranted, but . . . may be relevant in determining the conditions of probation or supervised release . . ."); see also 28 U.S.C. § 994(d), (e).

5 Commission data examines individuals who were sentenced for a felony or Class A misdemeanor offenses. See USSG §1B1.9.

6 Sentencing Reform Act of 1984, Pub. L. No. 98-473, § 217, 98 Stat. 1837, 2020 (codified as amended at 28 U.S.C. § 994(d)).

7 USSG §5H1.2.

8 *Id.* (citing USSG §3B1.3).

9 USSG §3B1.3.

10 USSG §3B1.3, comment. (n.1) (providing examples of when adjustment applies, including embezzlement of client's funds by an attorney or criminal sexual abuse of a patient by a physician under the guise of an examination).

11 18 U.S.C. § 3553(a).

12 *Id.*

13 This report primarily uses data from the Commission's fiscal year 2021 Individual Offender Datafile and its 2021 Fraud Datafile for cases in which the Commission received complete documentation. Trend data focuses on the Individual Offender Datafiles for fiscal years 2017-2021.

14 U.S. SENT'G COMM'N, 2021 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS 52 tbl.9 (2022) [hereinafter SOURCEBOOK].

15 As authorized by Congress, the Commission's numerous research responsibilities include: (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in section 3553(a) of title 18; and (4) the systematic collection and dissemination of information regarding the effectiveness of sentences imposed. See 28 U.S.C. § 995(a)(12)-(16).

16 *Id.* § 994(w)(1).

- 17 For more information on fraud offenses, see the Commission's *Quick Facts* on Economic Crimes. See U.S. Sent'g Comm'n, *Quick Facts* (last visited Apr. 25, 2023), <https://www.usc.gov/research/quick-facts>.
- 18 Includes individuals who obtained a General Educational Development (GED) certification.
- 19 See generally USSG Ch.4.
- 20 USSG §3B1.3.
- 21 See *supra* note 10.
- 22 USSG §3B1.3, comment. (n.4).
- 23 *Id.*
- 24 See SOURCEBOOK, *supra* note 14, at 54 tbl.10.
- 25 See USSG §5K1.1 (defining substantial assistance).
- 26 See Appendix A for more detailed breakdowns of sentencing relative to the guideline range.
- 27 "Nurses" refer to federally sentenced individuals with graduate nursing degrees.
- 28 For this analysis, nursing master's degrees were separated into their own category apart from other master's degrees. Pharmacists consists of Pharm. D. degrees.
- 29 18 U.S.C. § 3553(a)(1).



United States Sentencing Commission

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