

## Statistical Analysis of Federal Sentencing Data

### METHODOLOGY

Some of the data in this report is taken from the Commission's 2011 fiscal year datafile. In fiscal year 2011, the Commission received sentencing information on 86,201 individual offenders.<sup>1</sup> However, the Commission received sufficient sentencing documentation for the analyses in this report for 76,216 offenders in fiscal year 2011.<sup>2</sup> The analyses for this report were limited to those

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<sup>1</sup> Title 28 United States Code section 994(w) requires that the chief judge of every district ensure that within 30 days of entry of judgment in every felony and Class A misdemeanor case, the sentencing court submit to the Commission: (1) the judgment and commitment order; (2) the statement of reasons for the sentence imposed; (3) the plea agreement, if any; (4) the indictment or other charging information; and (5) the presentence report (unless waived by the court).

<sup>2</sup> The Commission excluded 9,985 offenders from the 2011 fiscal year data for this report because the sentencing information for these offenders lacked the complete documentation needed for the analyses performed in this report. For 8,164 offenders, the majority of whom were immigration offenders from border districts, the court waived the presentence investigation report. As a result, those offenses lacked the documentation needed for the analysis, including guideline application and demographic information. The Commission excluded other offenders for whom the statement of reasons form and the presentence investigation report contained conflicting information concerning guideline application because the Commission could not ascertain how the Chapter Two guideline was applied.

76,216 offenders, and therefore the numbers reported here differ from those in the Commission's *2011 Sourcebook of Federal Sentencing Statistics*.

The data in this report necessarily differs in certain respects from the data published in the Commission's *Sourcebook of Federal Sentencing Statistics*. In the *Sourcebook*, offenses are generally classified by the offense of conviction, whereas in this analysis, offenses are classified by the guideline applied at sentencing. These two methods of defining cases are both useful for research analysis; the choice of which method to use depends on the type of analysis to be undertaken. For this report, the Commission classified offenses by the guideline applied at sentencing because it enables several analyses. The guidelines take into account real offense conduct, such as the presence of a weapon, or the amount stolen in a robbery, that are not accounted for by mere reference to the statute of conviction.<sup>3</sup> If, for example, an offender convicted of a drug trafficking offense engaged in conduct in which a victim was killed, that offender might be sentenced pursuant to the guideline applicable to homicide rather than drug trafficking.<sup>4</sup> Such an offender's sentence would not reflect the operation of the drug trafficking guideline, and therefore, including that sentence in the analysis of drug trafficking sentences would not contribute to an accurate analysis of the drug trafficking guideline. In summary, because the offender's conduct ultimately determines the applicable sentencing range, classifying offenders by guideline rather than by statute of conviction facilitates a more precise analysis in which offenders engaged in similar criminal conduct are grouped together. As a result, cases with insufficient information to conduct the analysis were excluded.

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<sup>3</sup> See USSG Ch.1, Pt. A, intro. comment. (Nov. 2011).

<sup>4</sup> USSG §2D1.1(d) (Cross References) (Nov. 2011).

### *Time Periods for Trend Analysis*

In certain parts of this report, fiscal year data is discussed, for example where an overview of fiscal year 2011 data is provided to describe the current state of federal sentencing.<sup>5</sup> However, for purposes of analyzing the impact of *Booker* and its progeny on sentencing trends, this report departs from the Commission's general practice of reporting data by fiscal year, which runs from October 1 through September 30. Consistent with the Commission's previous report on the impact of *Booker* on federal sentencing,<sup>6</sup> the sentencing data are divided into four distinct time periods: the *Koon* period<sup>7</sup> (June 13, 1996 through April 30, 2003), the PROTECT Act period<sup>8</sup> (May 1, 2003 through June 24, 2004), the *Booker* period<sup>9</sup> (January 12, 2005 through December 10, 2007), and the *Gall* period<sup>10</sup> (December 11,

<sup>5</sup> Other Commission datafiles, aggregated by fiscal year, are included in the analysis as appropriate, and their use is indicated in figures and tables throughout this report.

<sup>6</sup> See U.S. SENT'G COMM'N, FINAL REPORT ON THE IMPACT OF *UNITED STATES V. BOOKER* ON FEDERAL SENTENCING (March 2006) [hereinafter 2006 *BOOKER* REPORT].

<sup>7</sup> The *Koon* period includes 333,564 offenders sentenced from June 13, 1996 (the day the Supreme Court issued the *Koon* decision) through and including April 30, 2003 (the day that the PROTECT Act was enacted) for which the Commission has received complete guideline information.

<sup>8</sup> The PROTECT Act period includes 67,554 offenders sentenced from May 1, 2003 (the day after the PROTECT Act was enacted) through and including June 24, 2004 (the day the Supreme Court issued the *Blakely* decision) for which the Commission has received complete guideline information. Offenders sentenced after *Blakely* but before *Booker* are not included in this period.

<sup>9</sup> The *Booker* period includes 187,632 offenders sentenced from January 12, 2005 (the day the Supreme Court issued the *Booker* decision) through and including December 10, 2007 (the day before the Supreme Court issued the *Gall* decision) for which the Commission has received complete guideline information.

<sup>10</sup> The *Gall* period includes 274,623 offenders sentenced from December 11, 2007 (the day the Supreme Court issued the *Gall* decision) through and including

2007 through September 30, 2011). The Supreme Court's decision in *Koon*, the enactment of the PROTECT Act, the Supreme Court's decisions in *Booker* and *Gall* each marked significant changes in the legal framework governing federal sentencing, and are discussed in detail in Part A of this report.

With respect to the Commission's trend analyses, a direct comparison across all four periods cannot always be made because the Commission changed the way it reported data on departures after the enactment of the PROTECT Act in April 2003. Before the PROTECT Act, the Commission reported only two categories of below range sentences: "substantial assistance" and "other downward departures."<sup>11</sup> In its 2003 report on departures under the sentencing guidelines,<sup>12</sup> the Commission found that approximately 40 percent of the "other downward departures" attributed to courts in fiscal year 2001 cited in the sentencing documents some benefit to the government as the reason for the departure. Prior to the PROTECT Act, the existence of only two departure categories resulted in an overstatement of the proportion of downward departures attributable solely to the courts and an understatement of the proportion of downward departures attributable to government sponsorship.

The PROTECT Act authorized the creation of early disposition ("EDP" or "fast-track") programs, under which defendants in districts designated by the Attorney General and the United States Attorney may enter written plea agreements stipulating to early disposition of their cases in exchange for a reduced sentence. In authorizing EDP departures, the PROTECT Act formalized a departure that was already in use, albeit informally, in various districts, and that was authorized

September 30, 2011 (the final day of fiscal year 2011) for which the Commission has received complete guideline information.

<sup>11</sup> See, e.g., 2001 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS, at 51.

<sup>12</sup> U.S. SENT'G COMM'N, REPORT TO CONGRESS: DOWNWARD DEPARTURES FROM THE SENTENCING GUIDELINES (October 2003) at 5.

by the Attorney General for use in exceptional circumstances.<sup>13</sup> The PROTECT Act also directed the Commission to promulgate a policy statement authorizing downward departures in such cases.<sup>14</sup> In response the Commission promulgated USSG §5K3.1 (Early Disposition Programs) and created a new category for reporting below range sentences: government sponsored departures. This category includes substantial assistance departures, EDP departures under USSG §5K3.1, departures pursuant to a plea agreement, and any case in which the sentencing documents indicate government sponsorship of the below range sentence (“other government sponsored below range sentences”). The Commission fully implemented this new attribution methodology in fiscal year 2004. As a result, the *Koon* period data is not as refined as the data from subsequent periods and, in some instances, cannot be compared to data from the other periods. However, comparisons across the PROTECT Act, *Booker*, and *Gall* periods can be made because the Commission used the same data collection methodology throughout each of those time periods.

In sum, on the tables and in the text that follow, the non-government sponsored below range category for the *Koon* period is in fact the “other downward departures” category reported prior to the PROTECT Act. Although labeled as “non-government sponsored below range sentences,” this category represented all downward departures other than those for substantial assistance to authorities, including below range sentences that were advocated by the government for reasons other than substantial assistance, such as a plea agreement. In contrast, in the PROTECT Act, *Booker*, and *Gall* periods, non-government sponsored below range sentences are only those that fall below the calculated guideline range for a reason not initiated by the government.

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<sup>13</sup> Memorandum of John Ashcroft, Attorney General, *Department Principles for Implementing an Expedited Disposition or “Fast-Track” Prosecution Program in a District* (Sept. 22, 2003).

<sup>14</sup> Pub. L. No. 108–21, §401(m) (2003).

### *Definitions of Key Terms*

Throughout this report, sentences are discussed as either within range, above range, government sponsored below range, or non-government sponsored below range.

*Within range sentences* are those sentences that fall within the guideline range for the total offense level and criminal history category reported on the statement of reasons.

*Above range sentences* are those that are higher than the guideline range reported on the statement of reasons, whether initiated by the court or by the government. As used in this report above range sentences include: cases with departures above the guideline range which do not cite as a reason either *Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*; cases with a sentence above the guideline range that includes both a departure as well as a sentence outside the guideline system mentioning either *Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline range; cases with a sentence above the guideline range with no departure indicated and that cite *Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system; and cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes, for example, cases in which no reason is provided for a sentence above the guideline range.

*Government sponsored below range sentences* are those sentences that fall below the guideline range reported on the statement of reasons based upon the government’s sponsorship. Government sponsorship of a below range sentence is determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range sentences. The Statement of Reasons form AO245B versions 12/03, 06/05, and 09/08 have specific check-boxes to indicate the origins of the below range sentence, but cases that do not use this form may also indicate in writing the origins of the below range

sentence. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Because the Commission staff reviews the reasons on a yearly basis, this list might be modified slightly from year to year. This report discusses government sponsored below range sentences in the aggregate, as well as substantial assistance below range sentences (USSG §5K1.1), Early Disposition Program below range sentences (“EDP”) (USSG §5K3.1), and other government sponsored below range sentences, separately.

*Non-government sponsored below range sentences* fall below the calculated guideline range for any reason not initiated by the government. This category includes: cases with departures below the guideline range that do not cite as a reason either *Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*; cases with a sentence below the guideline range that include both a departure as well as a sentence outside the guideline system mentioning either *Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline range; cases with a sentence below the guideline range with no departure indicated and that cite *Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system; and other cases in which a below range sentence is imposed, but the case cannot be classified into any of the other three below range categories. This last category includes, for example, cases in which no reason is provided for a sentence below the guideline range.

*Departures* are those sentences that are outside of the guideline range or are otherwise different from the guideline range (*i.e.*, a sentence of probation when only imprisonment is allowed under the guidelines) where the court cites factors or reasons specifically

permitted by the guidelines’ provisions, policy statements, or commentary.

*Variations* are those sentences that are outside the guideline range where the court cites a reason not found in the guidelines, such as *Booker* or 18 U.S.C. § 3553. In cases in which the court cites both guidelines reasons and non-guidelines reasons to impose a sentence below the guideline range, the sentence is classified as a “Downward Departure with Booker / 18 U.S.C. § 3553.” For the most part, this report discusses non-government sponsored below range sentences without regard to the reasons for the sentence. Where it is instructive to note the reasons for the sentence and the distinction between departures, variations, and cases containing both, that distinction is made.

### ***National, Circuit, District, and Judge Level Data***

National-level data is presented in the analysis of federal offenses in the aggregate, and offense-specific sections of this report. A statistical overview of fiscal year 2011 for offenses in the aggregate, and for specific offense types, analyzes national level data. The trend analysis for the same offenses analyzes 1996 through 2011 data by fiscal year and by period, first on a national level, then by circuit, and then by district. The circuit- and district-level analyses illustrate similarities and differences in sentencing trends across circuits and districts. However, in several circuits, one or two large districts may have a disproportionate impact on the circuit-level data. For example in the Fifth Circuit, the Southern and Western Districts of Texas sentence far more offenders than other districts in that circuit.<sup>15</sup> Therefore, circuit-level data reflects, in large part, the sentencing practices in those two districts. In contrast, an examination of district-level data allows clearer observation of where variations in sentencing practices have occurred.

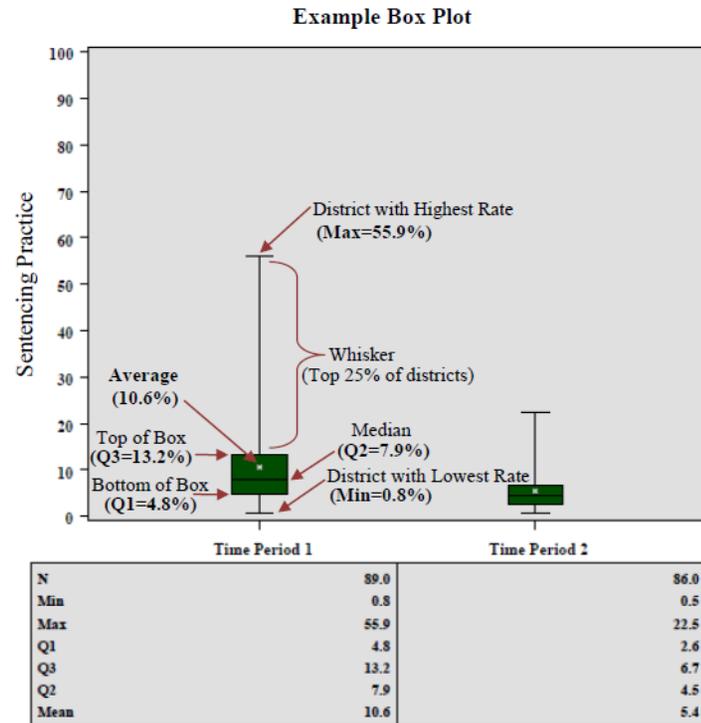
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<sup>15</sup> In fiscal year 2011, judges in Southern Texas sentenced 8,158 offenders, and judges in Western Texas sentenced 6,533 offenders. Judges in these two districts sentenced 82.5 percent of all offenders in the Fifth Circuit (and almost 20 percent (19.3%) of all offenders nationwide).

**Box plots**

When presenting analyses of district-level data, the report graphically displays information using several different methods. Most of these, such as bar charts and geographic maps, are familiar to the majority of readers. This report also utilizes the box plot, otherwise known as the box-and-whisker diagram, which may be less familiar to some readers. The box plot is a useful tool for depicting the amount of variation within a given set of numbers. The box plot depicts a box plotted along a line, with the ends of the line (the whiskers) marked by short perpendicular lines indicating the highest and lowest values in the set. These plots answer the question: excluding those districts that did not impose any such sentence (either government sponsored or non-government sponsored below range sentences) and focusing only on those districts that did, what is the spread in rates over time?

The example box plot depicts two box plots for two different time periods for illustration. The box plots graphically depict the distribution of the rate at which individual districts engaged in the sentencing practice at issue, with the rate measured vertically from zero percent at the bottom to 100 percent at the top. Starting from the bottom of the vertical line in the box plot and moving up, the twenty-five percent of districts with the lowest rates of the practice at issue are situated in the space between the bottom of the vertical line and the bottom of the box. Inside the box are the districts that fall in the middle — the 50 percent of districts that have neither the highest nor the lowest rates of the sentencing practice at issue. The twenty-five percent of districts with the highest rates of the sentencing practice are situated in the space between the top of the box and the top of the vertical line. The horizontal line in the middle of the box represents the median (Q2), or single middle value, and the small “x” represents the mean, or average, of all the values in the plot.<sup>16</sup>



With respect to the height of the boxes and whiskers, higher whiskers at the top and higher box placement along the vertical axis indicate generally higher rates of the sentencing practice depicted. With respect to spread, or variation among districts, shorter boxes and shorter whiskers indicate less spread in sentencing practices among the districts, and longer boxes and longer whiskers indicate more spread among the districts. The length of the whiskers illustrates the spread of the top and bottom 25 percent of districts engaging in the practice. In the illustration above, the bottom of the whiskers shows that, during Time Period 1, the district that engaged in the sentencing practice the least often did so in 0.8 percent of cases (Min=0.8), while the district engaging in the practice the most often did so in 55.9 percent of its cases (Max=55.9). In contrast, during Time Period 2, the bottom of the whisker shows that the district that engaged in the practice the least often did so in 0.5 percent of its cases (Min=0.5), and the top of the

<sup>16</sup> Data underlying the box and whiskers plots are presented in table form in the Appendices to Part C.

whisker shows that the district that engaged in the practice most often did so in 22.5 percent of its cases (Max=22.5).

The illustration of the top and bottom districts, however, is not the most instructive element of the box plot. The top and bottom of the whiskers may be set by a single district with a single case for any given period and therefore may be driven by the practice of an outlier district. In contrast, the box depicts the sentencing practice among the middle 50 percent of districts and is not driven by a single district. The placement of the box along the vertical axis and the size of the box indicate two things. First, higher placement of the box indicates that the middle 50 percent of districts were engaging in the practice at higher rates, while lower placement of the box indicates that the middle 50 percent of districts were engaging in the practice at lower rates. Second, the size of the box itself indicates the *spread* (or variation) among the middle 50 percent of districts. The larger the box, the greater the spread among the middle 50 percent of districts; the smaller the box, the smaller the spread among those districts.

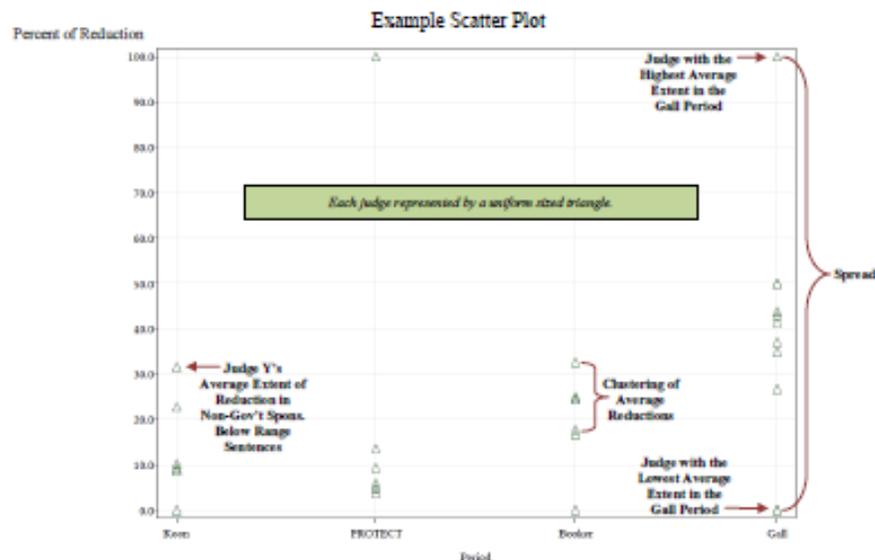
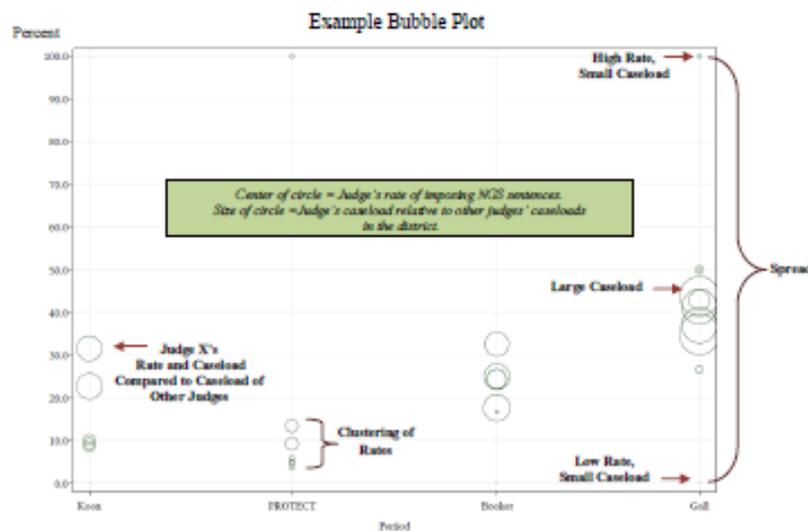
Placing two box plots side by side allows visual comparison of sentencing practices across discrete periods. In this example, the box depicted in Time Period 2 is both compressed in size *and* lower down on the vertical axis compared to the box in Time Period 1. The fact that the box is higher on the vertical axis during Time Period 1 indicates two things. First, the middle 50 percent of districts engaged in the sentencing practice at higher rates than during Time Period 2, when the box is placed lower on the scale. Second, the compressed box during Time Period 2 indicates that there was less spread among the middle 50 percent of districts during Time Period 2 than there was during Time Period 1, when the box is larger (*i.e.*, there is greater spread between the top and bottom of the box). The spread, or the Q1 value subtracted from the Q3 value, was 8.4 percentage points (Q1=4.8, Q3=13.2) during Time Period 1 but only 4.1 percentage points (Q1=2.6, Q3=6.7) during Time Period 2.

Finally, the districts depicted on the box plot, as well as which districts make up the particular portions of the box plot, may change across time periods. In this sample box plot, for example, there were 89 districts that engaged in the sentencing practice during Time Period 1 (N=89) and only 86 that engaged in it during Time Period 2 (N=86). If a district did not have any cases exhibiting the particular sentencing practice, then that district is not depicted on the box plot. Moreover, a district may be in the top 25 percent during one time period, but the bottom 25 percent during another time period. Therefore, in different time periods, the box plot, and the various parts of the box plot, may be populated by different districts. Appendices to Part C contain tables listing all districts and their rates of government sponsored and non-government sponsored below range sentences during each of the periods.

### *Bubble and Scatter Plots*

When depicting data on individual judges, this report uses both bubble and scatter plots. The bubble plots depict the spread in the rates of non-government sponsored below range sentences by circuit and district over the four periods. Each individual circle represents a single judge in that jurisdiction. The location of the circle on the plot answers the question: out of each judge's caseload, in what percentage of cases did that judge impose a non-government sponsored sentence? The bubble is sized according to the size of that judge's caseload relative to the caseloads of all the other judges in the plot. Some judges with the highest or lowest rates of non-government sponsored below range sentences had very small caseloads compared to other judges, either because they were visitors to the district or were on senior status and had limited criminal dockets. Other judges may have had very high or low rates of non-government sponsored below range sentences combined with large caseloads. The bubble plot makes it possible to see these distinctions. The plots are grouped by circuit; after each circuit-level plot, the district-level plots for that circuit follow in alphabetical order.

Following each bubble plot is a scatter plot depicting, for each judge in the district, the average extent of the reduction for that judge's below range sentences. The triangles in the scatter plot are of uniform size; they are not sized according to the judge's caseload. These scatter plots answer the question: when a judge imposes a non-government sponsored below range sentence, on average, how far below the guideline minimum is the sentence? The answer is expressed in terms of the percentage reduction below the guideline minimum: the triangle is placed along the vertical axis according to the average extent of reduction for that judge. It should be noted that some of the non-government sponsored below range sentences in the bubble plot were excluded from the corresponding scatter plot either because of missing sentence information,<sup>17</sup> or because the offender's guideline minimum was either life or zero – the extent of the reduction cannot be calculated for those sentences.



<sup>17</sup> For example, a court may report that the defendant received a below range sentence but not provide the actual sentence imposed. In such a case, the extent of the departure cannot be calculated.

### *Average Guideline Minimum and Average Sentence*

This report analyzes trends in the relationship between average guideline minimums<sup>18</sup> and average sentences on the national and circuit level. This trend analysis compares the average minimum of the applicable guideline ranges for the offenders discussed (*e.g.*, all offenders, drug trafficking offenders, or firearms offenders) with the average sentences for those offenders. For this analysis, the average sentence includes all sentences, whether they were above, within, or below the guideline range. By illustrating the relationship between the average guideline minimum and the average sentence over time, this analysis shows the relationship between the guidelines and the sentence, which can be viewed as the guidelines' effect on sentences.

Generally, as the average guideline minimum increases, the average sentence increases. The reverse is also true: generally, as the average guideline minimum decreases, the average sentence also decreases. When the gap between the average guideline minimum and the average sentence widens, for example because the average sentence remains flat compared to increases in the average guideline minimum, the guidelines' influence may be diminishing. When the gap does not change, the guidelines' influence may be relatively stable.

Another comparison between the average sentence and the average guideline minimum seeks to answer the question: when courts impose sentences below the guideline range, how far below the guideline range do they sentence? In these analyses, only offenders receiving a below range sentences are included, and the analyses compare the average guideline minimum to the average sentence for those offenders only. The analyses examine the two different types of

below range sentences: government sponsored<sup>19</sup> and non-government sponsored.<sup>20</sup> The analyses determine the extent of the downward departure or variance by calculating the difference between the length of the sentence and the guideline minimum. By illustrating the relationship between the average guideline minimum and the average below range sentence across the four periods, this analysis reveals trends in the extent of the reduction from the guideline minimum over time.

### *Appeals Data*

The report also analyzes the Commission's appeals data. Each fiscal year, the Commission collects final decisions from all twelve circuit courts of appeals. The Commission collects orders and opinions, both published and unpublished, in direct appeals of federal criminal cases in which the defendant has been convicted and sentenced. The Commission receives slip opinions directly from some circuits, and searches electronic legal databases, individual circuit court websites, and the federal judiciary public access electronic records system (PACER) to collect these final decisions. The Commission's Appeals Dataset may not report all criminal appellate decisions rendered during that fiscal year because these sources may not provide the Commission with every criminal appellate sentencing decision rendered in a fiscal year.

The Commission does not include in the appeals database opinions that are not final dispositive decisions of direct criminal appeals in which the defendant has been convicted and sentenced. The

<sup>18</sup> Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment).

<sup>19</sup> Government sponsored below range sentences include: substantial assistance (USSG §5K1.1) sentences; early disposition program (USSG §5K3.1) sentences; and other sentences in which the sentencing documents indicate government sponsorship of the below range sentence.

<sup>20</sup> Non-government sponsored below range sentences include: downward departures from the guideline range, downward departures with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, and all remaining sentences below the guideline range.

Commission does not include applications for writs of habeas corpus or other applications for writs, such as coram nobis or mandamus, because they are civil and are collateral attacks, not direct appeals. The Commission also excludes interlocutory appeals and appeals addressing pretrial issues, and circuit court opinions that are procedural in nature, such as remands to the district court to determine whether the defendant's notice of appeal was timely filed.

Once the decisions that meet the Commission's criteria are collected, basic information, such as the appellant's name and the district in which the case originated, is extracted. Each appeal is then categorized into one of four types: (i) conviction-only appeals where the issues related only to the conviction; (ii) sentencing appeals, where the issues relate only to the sentence; (iii) conviction and sentencing appeals, where both conviction and sentencing issues are raised; and (iv) appeals filed pursuant to *Anders v. California*, where counsel for the appellant has advised the court of appeals that he or she has conscientiously examined the case but finds the appeal to be wholly frivolous and has requested, and received, permission to withdraw, as authorized in *Anders v. California*.<sup>21</sup> The Commission added the *Anders* category of cases in fiscal year 2010. Previously, such cases had been categorized on the basis of the issues identified by counsel in the course of seeking to withdraw.

Where possible, the appellate case is linked to the original sentencing datafile on that offender in the Commission's monitoring database. Such linking allows the Commission to analyze the demographic characteristics of the defendant, as well as factors such as the length of the defendant's sentence and whether the defendant was subject to a mandatory minimum penalty.

Once the case is categorized, and matched to the original sentencing data in the Commission's monitoring datafile where possible, the Commission collects further information on the issues related to sentencing. All four types of appeals remain in the database; however, additional information is only extracted from those cases in which the court's opinion resolves sentencing issues. Each fiscal year

some appeals are categorized as "unknown." In these cases, the court's opinion does not contain sufficient information to classify the case as one type or another. This may occur, for example, if the opinion contains no information about the issues raised and merely states that the district court's decision is "per curiam affirmed." The Commission attempts to minimize the number of appeals of unknown type by consulting publicly available sources, such as briefs, to determine whether the appeal raised sentencing issues; however the Commission does not otherwise review briefs on appeal. The Commission generally captures information about the particular issues raised only from the court of appeals' written order or opinion.

Extracting information on sentencing issues from the court's opinion involves using a coding instrument consisting of variables to represent each sentencing issue decided on appeal. Each discrete issue related to sentencing is coded according to the most relevant variable in the coding instrument. The appellate court's decision on the issue – for example whether the issue was properly or improperly decided by the district court, or whether the court of appeals has jurisdiction to consider the issue – is also coded using the appropriate variable. The Commission reports much of this information annually in its *Federal Sourcebook of Sentencing Statistics*. Some of the data reported in the *Sourcebook* and in this section reflects the number of discrete issues raised and decided. The number of issues raised and decided exceeds the number of appeals because each appeal may raise multiple issues.

### *Multivariate Analysis*

Multivariate regression analysis usually begins with a decision to examine an observed phenomenon or outcome. In this instance, the outcome observed is the difference in sentence length between offenders. The researcher will then develop a hypothesis as to the many possible factors that might produce that outcome. In this instance, such relevant factors as type of offense, guideline minimum, and whether the offender was subject to a mandatory minimum penalty may contribute to differences in sentence length. The hypothesis is then tested through the use of multivariate regression analysis as data

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<sup>21</sup> 386 U.S. 738 (1967).

about the outcome and many possible factors affecting that outcome are brought together. The goal of multivariate regression analysis is to determine whether there is an association between the factors being studied, and if so, to measure the extent to which each factor contributes to the observed outcome. Researchers refer to the outcome (in this instance, sentence length) as the “dependent variable.” The factors that might affect (and therefore might explain) that outcome are referred to as the “independent variables” or the “explanatory variables.”<sup>22</sup>

Multivariate regression analysis often does not control for all relevant factors because sufficient data is not always readily available. For example, some factors that may be relevant to sentencing outcomes include whether the offender’s history included violent criminal conduct, the offender’s family ties, and the offender’s employment history.<sup>23</sup> Data is not readily available for those factors,

<sup>22</sup> For a more detailed explanation of multivariate regression analysis, the methodology behind it, and its uses and limitations, see U.S. SENT’G COMM’N, DEMOGRAPHIC DIFFERENCES IN FEDERAL SENTENCING PRACTICES: AN UPDATE OF THE BOOKER REPORT’S MULTIVARIATE REGRESSION ANALYSIS (March 2010). See also Federal Judicial Center, *Reference Manual on Scientific Evidence* 143, 181-83 (2d ed. 2000) [hereinafter *FJC Reference Manual*] (chapters titled “Reference Guide on Statistics,” by David H. Kaye, M.A., J.D., and David A. Freedman, Ph.D., and “Reference Guide on Multiple Regression,” by Daniel L. Rubinfeld, Ph.D.); Neil J. Salkind, *Statistics for People Who (Think They) Hate Statistics* 324 (2d ed. 2007).

<sup>23</sup> See generally USSG Ch.4 (Criminal History and Criminal Livelihood) and Ch. 5 Pt.H (Specific Offender Characteristics). As noted in the 2006 Booker Report, “The presence of violent criminal history may lead the court to sentence higher in the prescribed range. The Commission’s datafile does not have information on the type of criminal history behavior. In 2002, the Commission created a datafile which took a 25 percent random sample of cases sentenced in Fiscal Year 2000. This datafile looked more closely at [an] offender’s criminal conduct, including detailed information on the type of criminal history the offender had. Using this data (the Intensive Study Sample 2000, or ISS2000), it was found that 24.4 percent of white offenders had violent criminal history events, as did 43.7 percent of black offenders, 18.9 percent of Hispanic offenders, and 23.7 percent of ‘other’ offenders.” 2006 BOOKER REPORT, *supra* note 6, at 105 n.317.

therefore the analysis cannot control for them.<sup>24</sup> For this reason, caution should be exercised in drawing conclusions based on multivariate regression analysis.

The principal benefit of multivariate regression analysis is that it controls for the effect of each factor in the analysis by comparing offenders who are similar to one another in relevant ways. For example, controlling for the presumptive sentence (guideline minimum) and offense type means that Black male offenders convicted of firearms offenses and who faced a guideline minimum of 46 months of imprisonment are compared to White male offenders convicted of firearms offenses and facing a guideline minimum of 46 months of imprisonment. By controlling for such factors and comparing similarly situated offenders to each other, multivariate regression analysis seeks to answer the question: if two offenders are similar in certain ways, what other factors might be associated with those two offenders receiving different sentences? In addition, multivariate regression analysis measures the extent of the difference in outcomes.

The dependent variable used in each of the analyses was an offender’s total sentence length, in months, which included alternatives to imprisonment.<sup>25</sup> Probationary sentences without

<sup>24</sup> The Commission also does not have ready access to data related to prosecutorial decision making, which some commentators contend may contribute to demographic differences in sentencing. For further discussion of demographic differences in prosecutorial decision making, see VERA Institute of Justice, *Do Race and Ethnicity Matter in Prosecution?: A Review of Empirical Studies* (June 2012) (reviewing 34 studies analyzing the role of race and ethnicity in prosecutorial decision making), <http://www.vera.org/download?file=3532/race-and-ethnicity-in-prosecution-first-edition.pdf>.

<sup>25</sup> Some have suggested that a period of alternative confinement is not analogous to a period of imprisonment. This analysis includes periods of alternative confinement (home detention or community confinement) because the main independent variable is the presumptive sentence, and in zones A, B, and C of the Sentencing Table (USSG Ch.5, Pt. A), the presumptive sentence can be satisfied by a period of alternative confinement. The inclusion of alternative sentences reduces the likelihood of introducing error in the statistical analysis due to the relationship of the presumptive sentence and overall confinement.

conditions of confinement are included as sentences of zero months. The independent variables were:

- The presumptive sentence, which is the bottom of the applicable sentencing guideline range that applies in a case (*i.e.*, the minimum sentence, in months, to which the offender was subject under the sentencing guidelines, taking into account all guideline, statutory, and mandatory minimum provisions);<sup>26</sup>
- The type of offense committed (violent, sexual, pornography, drug trafficking, white collar, immigration, or other);<sup>27</sup>
- Whether a statutory mandatory minimum punishment was applied at sentencing;<sup>28</sup>

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<sup>26</sup> In some cases, a mandatory minimum provision limits the guideline range. For example, in a drug trafficking case in which a ten year mandatory minimum applies, the guideline minimum cannot be less than 120 months unless the offender qualifies for relief from the mandatory minimum. *See* USSG §5G1.1(b) (“Where a statutorily required minimum sentence is greater than the maximum of the applicable guideline range, the statutorily required minimum sentence shall be the guideline sentence.”). For more information on how the guidelines incorporate mandatory minimum penalty provisions, *see* U.S. SENT’G COMM’N, REPORT TO CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM, at Ch. 3 (Oct. 2011).

<sup>27</sup> The offense types (or categories) used in this analysis are broad in order to ensure a sufficient number of cases. The seriousness of the several crimes varies within the offense type categories as does the demographic characteristics of the offenders convicted of those crimes. Certain crimes within an offense type are punished more severely than others (*e.g.*, those crimes involving injury not accounted for under the sentencing guidelines) and offenders of a particular demographic group may be disproportionately convicted of those crimes. If so, the offense type variables used in this analysis may not fully account for the effect on the sentence length imposed that is attributable to certain crimes.

<sup>28</sup> This variable refers to whether the offender remained subject to a mandatory minimum penalty at sentencing, or whether the offender obtained relief from the mandatory minimum penalty and therefore was not subject to a mandatory minimum

- Whether the court determined that a sentence outside the applicable sentencing guideline range was warranted;<sup>29</sup>
- Detention status (whether the offender had been released on bail prior to sentencing);
- Whether the offender pleaded guilty;
- Race of the offender paired with the gender of the offender;
- Citizenship of the offender (whether the offender was a United States citizen);
- Educational level of the offender; and
- Age of the offender.

The multivariate analyses pair race and gender into eight distinct groups: White males/females, Black males/females, Hispanic males/females, and Other Race males/females. Reporting the results of the analyses in this way identifies any differences in sentencing outcomes associated with the offender’s race, gender, or both. These analyses show that some differences exist, and describe the relative size of those differences in the periods in which the differences were observed. However, the fact that certain sentencing outcomes may be correlated with demographic factors does not mean that the

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penalty at sentencing (or was never subject to a mandatory minimum penalty because no such penalty applied to the charged offense).

<sup>29</sup> This variable refers to whether the court imposed a sentence above or below the guideline range.

demographic factors caused the outcome.<sup>30</sup> Furthermore, one or more key factors that could affect the analysis may have been omitted from the methodology used either because the factor is unknown or because data concerning the factor is not readily available in the Commission's dataset. Therefore, the demographic differences in sentencing outcomes revealed by these analyses should not be interpreted as a finding that demographic factors caused those differences, or that the sentencing outcomes were motivated by racial or gender bias. Neither can the analyses presented in this report be used to explain why the observed differences in sentencing outcomes exist.

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<sup>30</sup> Correlation and causation are different concepts. A variable that is correlated with another may not be caused by it.

[I]n interpreting the results of a multiple regression analysis, it is important to distinguish between correlation and causality. Two variables are correlated when the events associated with the variables occur more frequently together than one would expect by chance . . . . A correlation between two variables does not imply that one event causes the second. Therefore, in making causal inferences, it is important to avoid spurious correlation. Spurious correlation arises when two variables are closely related but bear no causal relationship because both are caused by a third, unexamined variable . . . . Causality cannot be inferred by data analysis alone; rather, one must infer that a causal relationship exists on the basis of an underlying causal theory that explains the relationship between the two variables. Even when an appropriate theory has been identified, causality can never be inferred directly. One must look for empirical evidence that there is a causal relationship. Conversely, the fact that two variables are correlated does not guarantee the existence of a relationship; it could be that the model – a characterization of the underlying theory – does not reflect the correct interplay among the explanatory variables.

*FJC Reference Manual*, *supra* note 22, at 183-85. Judges make decisions when sentencing offenders based on many legitimate considerations that are not or cannot be measured. Some of these factors could be correlated with one or more of the demographic characteristics of offenders but not be influenced by any consideration of those characteristics.

## Analysis of Federal Offenses in the Aggregate

### STATISTICAL OVERVIEW: FISCAL YEAR 2011

Trends in federal sentencing are best observed by analyzing specific offense types. Changes over time such as average sentences, average guideline minimums, and rates of within range and below range sentences vary from offense to offense. Nonetheless, there are some similarities in trends across offense types. The analysis presented in this section examines first, trends for federal offenses in the aggregate, then trends for specific offense types.

A review of quarterly data shows that, beginning in the PROTECT Act period and continuing through the *Gall* period, the proportion of sentences within the guideline range has generally decreased, while both rates of government sponsored and non-government sponsored below range sentences have generally increased. Nonetheless, over time, the majority of sentences have been either within range or below range pursuant to a government motion. During the *Gall* period 80.7 percent of sentences were either within range or below range pursuant to a government motion.

The increase in rates of non-government sponsored below range sentences has been particularly pronounced in the *Booker* and *Gall* periods. For nearly all offense types, more districts imposed non-government sponsored below range sentences at higher rates, and did so with greater variation during the *Gall* period than during any other period. However, the extent of the reduction in such cases has remained relatively stable; the average reduction for offenses in the

aggregate remained near 40 percent below the guideline minimum in the four periods.

Notwithstanding the general decrease in the percentage of within range sentences over time, when offenses are analyzed in the aggregate, the influence of the guidelines appears to have remained relatively stable. During all four periods, the average guideline minimum and the average sentence have tracked each other closely. Average sentences for offenses in the aggregate have decreased during the *Gall* period, from an average of 54 months during the *Booker* period to an average of 49 months during the *Gall* period. Similarly, average guideline minimums have also decreased, from 63 months during the *Booker* period to 59 months in the *Gall* period.

When federal offenses are analyzed separately, however, differences emerge in the relationship between the average guideline minimum and the average sentence. Of the major offenses types studied, the influence of the guidelines appears to have been most stable in immigration, firearms, and marijuana trafficking offenses, where the average guideline minimum and average sentence closely parallel one another during all four periods. Average guideline minimums and averages sentences have also paralleled each other over time for all other drug types, but not as closely as they have in marijuana trafficking offenses.

The influence of the guidelines appears to have diminished in fraud and child pornography offenses. In fraud offenses, beginning in the PROTECT Act period, the average guideline minimum increased steadily over time, due to a combination of guideline changes increasing penalties and increased seriousness of offenses, but average sentences increased at a slower rate. As a result, throughout most of the *Booker* and *Gall* periods, the divergence between average guideline minimums and average sentences increased. In child pornography non-production offenses (including receipt, trafficking, and possession), the divergence between the average guideline minimum and the average sentence has widened over time. While the average sentence was almost identical to the average guideline minimum until fiscal year 2005, in every year thereafter, the average guideline minimum has continued to increase and the average sentence

has either not increased at the same rate or has remained the same.

Drug trafficking offenses are a microcosm for federal offenses generally inasmuch as the relationship between the average guideline minimum and average sentence is best analyzed by individual drug type rather than drug trafficking offenses in the aggregate. With a few exceptions, changes in the average sentence have tracked changes in the average guideline minimum for all drug types. The average guideline minimum and the average sentence in crack cocaine trafficking offenses diverged in fiscal years 2009 and 2010, but began to converge again concurrent with recent penalty reductions. For methamphetamine trafficking offenders, the average guideline minimum and average sentence have diverged slightly since fiscal year 2007. For methamphetamine trafficking offenders, the influence of the guidelines on the sentence appears to have diminished slightly since fiscal year 2007. For all other drug types, when the average guideline minimum has increased, generally the average sentence has similarly increased, and when the average guideline minimum has decreased, so too has the average sentence.

### *Caseload Composition and Plea Rate*

In fiscal year 2011, the Commission received sufficient information to conduct the analyses in this report for 76,216 individual felony or Class A misdemeanor offenders.<sup>31</sup> The average sentence length was 46 months and the median sentence was 24 months.<sup>32</sup> In fiscal year 2011, 96.7 percent of offenders pleaded guilty.

<sup>31</sup> These offenders were sentenced between October 1, 2010 and September 30, 2011 for which the Commission received complete guideline information. The few cases in which the defendant was a corporation or other organization, rather than an individual, are not included.

<sup>32</sup> Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment).

Commission data reveals geographic differences in the number of offenders in each district and, by extension, each circuit. When viewed at the district level,<sup>33</sup> judges in the six districts with the largest number of cases collectively sentenced more than 40 percent (40.1%, n=30,579) of all offenders sentenced in fiscal year 2011.<sup>34</sup> Judges in Southern Texas sentenced 8,158 offenders, which represented 10.7 percent of all offenders sentenced nationwide in fiscal year 2011, followed by judges in Arizona (9.9% of offenders nationwide, n=7,558), Western Texas (8.6% of offenders nationwide, n=6,533), Southern California (4.2% of offenders nationwide, n=3,199), New Mexico (4.1% of offenders nationwide, n= 3,104), and Southern Florida (2.7% of offenders nationwide, n=2,027). In contrast, judges in more than half (n=50) of the judicial districts reported sentencing fewer than 500 offenders in fiscal year 2011.<sup>35</sup> Judges in these 50 districts sentenced less than 20 percent of all offenders sentenced in fiscal year 2011 (19.3%, n=14,716).<sup>36</sup>

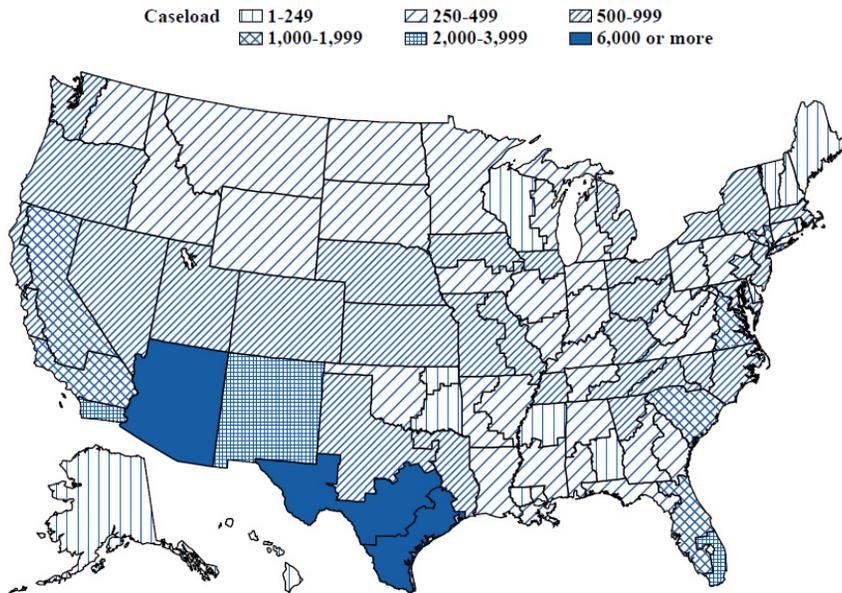
<sup>33</sup> The maps in this report depicting the number of offenders by district do not include those judicial districts located in the territories of the United States.

<sup>34</sup> See "National Distribution of Offenses by Circuit and District, FY 2011" Cr r gpf kz "Vcdrg0

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

Number of Offenders by District  
Fiscal Year 2011



There were zero districts with caseloads falling between 4,000 and 6,000 offenders.  
Note: Districts displayed in white had no offenders convicted of the specified offense.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

As reported in the Commission's *2011 Annual Report*, four types of offenses constituted more than 80 percent of the offenses sentenced during fiscal year 2011 when categorized by statute of conviction. Immigration offenses accounted for the largest share of fiscal year 2011 offenses, at 34.9 percent. The other types of offenses were drugs (29.1%), fraud (9.8%), and firearms (9.2%).<sup>37</sup> When analyzed according to the guideline applied at sentencing, rather than the statute of conviction, the same four types of offenses constitute over three quarters of federal offenses, with drug trafficking offenses<sup>38</sup>

<sup>37</sup> U.S. SENT'G COMM'N, 2011 ANNUAL REPORT 2011, Figure A.

<sup>38</sup> Drug trafficking offenses include distribution, possession with intent to distribute, or manufacture of controlled substances, or conspiracy or attempt to do the same, importation and exportations of controlled substances, or conspiracy or attempt to do the same. These offenses are sentenced under USSG §2D1.1 (Unlawful

accounting for the largest share, at 32.2 percent of federal offenses, followed closely by immigration offenses (31.3%).<sup>39</sup> Drug trafficking accounted for the largest share of offenses because many immigration offenses were dropped from the analysis due to incomplete guideline information or missing documents. In this analysis, firearms<sup>40</sup> (7.7%) and fraud offenses<sup>41</sup> (7.7%) completed the group of four most common

Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Drug trafficking offenses also include distribution of controlled substances to persons under 21 years of age, distribution, possession with intent to distribute, or manufacture controlled substances in or near protected locations, and employment or use of persons under the age of 18 in drug operations, and distribution of controlled substances to pregnant individuals. These offenses are sentenced under USSG §2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy).

<sup>39</sup> Immigration offenses include smuggling, transporting or harboring an unlawful alien, and unlawfully entering or remaining in the United States. These offenses are sentenced under USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) and USSG §2L1.2 (Unlawfully Entering or Remaining in the United States). The Commission has previously reported that beginning in fiscal year 2009 immigration cases became the most common serious federal crime. See U.S. SENT'G COMM'N, OVERVIEW OF FEDERAL CRIMINAL CASES, FISCAL YEAR 2009, at 1-2 (Dec. 2010) (noting immigration cases comprised 32.2 percent of the federal caseload while drugs comprised 30.3 percent). However, that analysis was based on the defendant's statute of conviction, not on the guideline applied at sentencing, and included cases that were excluded from this analysis due to insufficient information.

<sup>40</sup> Firearms offenses include unlawful possession/transportation of firearms or ammunition; unlawful acquisition of a firearm from a licensed dealer, receiving or possessing a stolen firearm or ammunition, making false statements regarding firearms recordkeeping, and possessing or receiving an unregistered firearm. These offenses are sentenced under USSG §2K2.1 (Unlawful Receipt, Possession or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition).

<sup>41</sup> Fraud offenses include theft, embezzlement, fraud, forgery, some counterfeiting offenses, some insider trading offenses, simple property damage and destruction, and a wide variety of federal statutes and assimilative crimes sentenced under USSG §2B1.1 (Theft, Embezzlement, Receipt of Stolen Property, Property Destruction, and

offense types. The other offense type analyzed in this report, child pornography offenses, accounted for 2.4 percent of the federal caseload in fiscal year 2011.<sup>42</sup> All other offenses combined constituted the remaining 18.7 percent of federal cases during fiscal year 2011. Career offenders do not fit exclusively into any of the offense types listed. The career offender provision applies in offenses involving a variety of primary sentencing guidelines, including those applicable to drug trafficking and firearms offenses, and various violent crimes.<sup>43</sup>

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Offenses Involving Fraud or Deceit) with a primary offense type of fraud sentenced under a *Guidelines Manual* effective November 1, 2001 or later, or the former USSG §2F1.1 (Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States) (deleted by consolidation with §2B1.1 effective November 1, 2001 (*see* USSG App. C, amend. 617)).

<sup>42</sup> Child pornography offenses include the production, sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors sentenced under USSG §§2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production), 2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Shipping, Soliciting, or Advertising Material Involving the Sexual Exploitation of a Minor; Possessing Material Involving the Sexual Exploitation of a Minor with Intent to Traffic; Possessing Material Involving the Sexual Exploitation of a Minor), or 2G2.4 (Possession of Materials Depicting a Minor Engaged in Sexually Explicit Conduct) (deleted by consolidation with §2G2.2 effective November 1, 2004 (*see* USSG App. C, amend. 664)).

<sup>43</sup> Career offender cases include offenses sentenced pursuant to USSG §§4B1.1 (Career Offender) and 4B1.2 (Definitions of Terms Used in Section 4B1.1). The career offender guideline is applied in offenses involving a variety of primary sentencing guidelines, including USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, Trafficking, or Possession; Attempt or Conspiracy), §2B3.1 (Robbery), §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition), §2A2.2 (Aggravated Assault), §2A2.4 (Obstructing or Impeding Officers), §2A1.1 (First Degree Murder), §2A2.1 (Assault with Intent to Commit Murder; Attempted Murder), §2A4.1 (Kidnapping, Abduction, Unlawful Restraint), §2B3.2 (Extortion by Force or Threat of Injury or Serious Damage), and various others.

### *Demographics*

Non-citizen offenders accounted for 45.0 percent of federal offenders in fiscal year 2011. The overwhelming majority (87.5%) of federal offenders were male. In fiscal year 2011, 50.6 percent of all offenders were Hispanic, 26.2 percent were White, 19.7 percent were Black, and 3.5 percent were Other Race.<sup>44</sup> The average age of federal offenders sentenced in fiscal year 2011 was 36 years and the median age was 34 years. Slightly less than half (47.8%) of federal offenders completed high school, and only 5.5 percent graduated from college.

### *Criminal History*

In fiscal year 2011, 55.9 percent of all offenders had a prior criminal history that assigned them to Criminal History Category (CHC) II or higher under the guidelines, meaning that their guideline range was increased due to their criminal history. The remaining 44.1 percent of offenders whose criminal history placed them in CHC I may have had no criminal history at all, or any criminal history was so minor or remote in time that it did not result in more than one criminal history point under the guidelines. Of all offenders, 8.8 percent were in CHC VI, the highest possible criminal history category. Just three percent of offenders were found to be Career Offenders,<sup>45</sup> and less than one percent were found to be Armed Career Criminals (0.8%),<sup>46</sup> designations that significantly increase the otherwise applicable guideline range of certain offenders who have particularly serious offenses in their criminal history.

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<sup>44</sup> Other race includes American Indians and Alaskan Natives, Asians and Pacific Islanders, Multi-racial, Non-US American Indians (*e.g.* Canadian Indians), and other non-specified races.

<sup>45</sup> These are offenders subject to USSG §4B1.1 (Career Offender).

<sup>46</sup> These are offenders subject to USSG §4B1.4 (Armed Career Criminal).

### Types of Sentences Imposed

In fiscal year 2011, the vast majority of federal offenders were sentenced to serve a term of incarceration with no type of alternative to incarceration as part of the sentence (87.8%). Approximately six percent of federal offenders received a sentence of probation only (5.8%). The remaining offenders (6.4%) were sentenced to a combination of probation and some form of confinement (*e.g.*, home detention or other confinement) or to a combination of incarceration and community confinement.

### Sentencing Relative to the Guideline Range

In fiscal year 2011, courts imposed sentences within the applicable guideline range or below the range at the request of the government in 79.5 percent of all federal offenses: 52.0 percent of all offenses were sentenced within the applicable guideline range and 27.5 percent received a government sponsored below range sentence. In fiscal year 2011, the non-government sponsored below range rate was 18.6 percent, and the rate of above range sentences was 1.9 percent.

Position Relative to the Guideline Range for Selected Offenses  
Fiscal Year 2011

OFFENSE	Total Cases		Within Range		Above Range		Government Sponsored Below Range		Non-Government Sponsored Below Range	
	N	%	N	%	N	%	N	%	N	%
Drug Trafficking	24,502		11,571	47.2	243	1.0	8,153	33.3	4,535	18.5
Fraud	5,897		2,908	49.3	143	2.4	1,358	23.0	1,488	25.2
Firearms	5,896		3,589	60.9	190	3.2	827	14.0	1,290	21.9
Immigration										
Alien Smuggling (§2L1.1)	2,546		1,403	55.1	44	1.7	777	30.5	322	12.7
Illegal Entry (§2L1.2)	21,264		11,431	53.8	338	1.6	6,851	32.2	2,644	12.4
Child Pornography										
Production (§2G2.1)	226		114	50.4	13	5.8	46	20.4	53	23.5
Non-Production (§2G2.2/2G2.4)	1,632		534	32.7	24	1.5	285	17.5	789	48.4

SOURCE: U.S. Sentencing Commission, 2011 Booklet Report Datafiles.

The approximately 27 percent of offenses receiving a government sponsored below range sentence consisted primarily of two types: sentences below the range due to the defendant's substantial assistance to the government,<sup>47</sup> and sentences below the range due to the parties' agreement to use an early disposition program (EDP), which facilitates plea agreements in certain types of offenses in certain districts.<sup>48</sup> The government sponsored below range sentences in fiscal year 2011 were almost evenly distributed between these two types of sentences: 12.2 percent were below the guideline range as a result of a substantial assistance motion and 10.8 percent were below the guideline range as a result of EDP. In addition, 4.6 percent of sentences in fiscal year 2011 were government sponsored below range sentences based on a reason other than substantial assistance or EDP ("other government sponsored below range sentences").

The rates of within and outside the range sentences varied depending on the type of offense. In fiscal year 2011, the within range rate for firearms offenses was 60.9 percent. In contrast, the within range rate for drug trafficking offenses was only 47.2 percent. The same variation in rates occurred for below range sentences. In firearms offenses, the government sponsored below range rate was 14.0 percent, and the non-government sponsored below range rate was 21.9 percent. In drug trafficking offenses, the government sponsored below range rate was 33.3 percent, and the non-government sponsored below range rate was 18.5 percent. The sections that follow this overview analyze these differences in greater detail.

<sup>47</sup> See USSG §5K1.1.

<sup>48</sup> See USSG §5K3.1.

**NATIONAL TREND ANALYSIS**

**OFFENDER AND OFFENSE CHARACTERISTICS**

Hispanic offenders were the largest group of offenders during all four periods, and White offenders were the second largest group. More than 85 percent of offenders have been male during every period. The majority of offenders have been United States citizens during each period.

The largest group of offenders have been in Criminal History Category I in each period.

**Selected Offender Characteristics**  
**All Offenses**  
*Koon* Period through *Gall* Period

	<i>Koon</i> Period (6/13/96 - 4/30/03) Percent	PROTECT Act Period (5/1/03 - 6/24/04) Percent	<i>Booker</i> Period (1/12/05 - 12/10/07) Percent	<i>Gall</i> Period (12/11/07-9/30/11) Percent
<b>RACE/ETHNICITY</b>				
White	32.4	31.1	29.2	27.8
Black	26.3	24.4	24.5	21.4
Hispanic	37.2	40.4	42.0	47.2
Other	4.0	4.1	4.3	3.7
<b>GENDER</b>				
Male	85.4	86.4	86.8	87.7
Female	14.7	13.6	13.2	12.3
<b>CITIZENSHIP</b>				
U.S. Citizen	68.7	66.5	64.2	57.1
Non-U.S. Citizen	31.3	33.5	35.8	42.9
<b>CRIMINAL HISTORY CATEGORY</b>				
I	52.3	47.3	46.5	45.0
II	11.2	11.7	11.8	12.6
III	14.4	15.7	15.6	16.4
IV	8.1	9.6	9.5	10.0
V	4.8	5.6	5.8	5.9
VI	9.3	10.2	10.8	10.1

Categories may not sum to exactly 100.0 percent due to rounding.  
 SOURCE: U.S. Sentencing Commission 2011 Reader Report Datafile

## NATIONAL TREND ANALYSIS

## OFFENDER AND OFFENSE CHARACTERISTICS

The table examines national trends in within range, above range, and below range sentences for the *Koon*, PROTECT Act, *Booker*, and *Gall* periods. Within range rates were highest during the PROTECT Act period and decreased during the *Booker* and *Gall* periods. The large majority of sentences outside the guideline range have been below the range, rather than above it.

In general, the rate of government sponsored below range sentences has increased over time. The PROTECT Act of 2003 authorized a new type of government departure (the early disposition program or EDP departure). Therefore, a shift in the composition of the federal docket toward more immigration offenses (10,722 in fiscal year 2003 compared to 23,810 in fiscal year 2011) may account for some of the increase in government sponsored below range sentences.

During each of the periods, the most commonly occurring type of government sponsored below range sentence was based on substantial assistance. Of all types of below range sentences, substantial assistance reductions were the largest.

The rate of other government sponsored below range sentences (those based neither on substantial assistance nor EDP) have fluctuated but have remained low relative to rates of other types of government sponsored below range sentences.

Non-government sponsored below range rates were lowest during the PROTECT Act period, and increased during the *Booker* and *Gall* periods.

## Selected Sentencing Characteristics

## All Offenses

## Koon Period through Gall Period

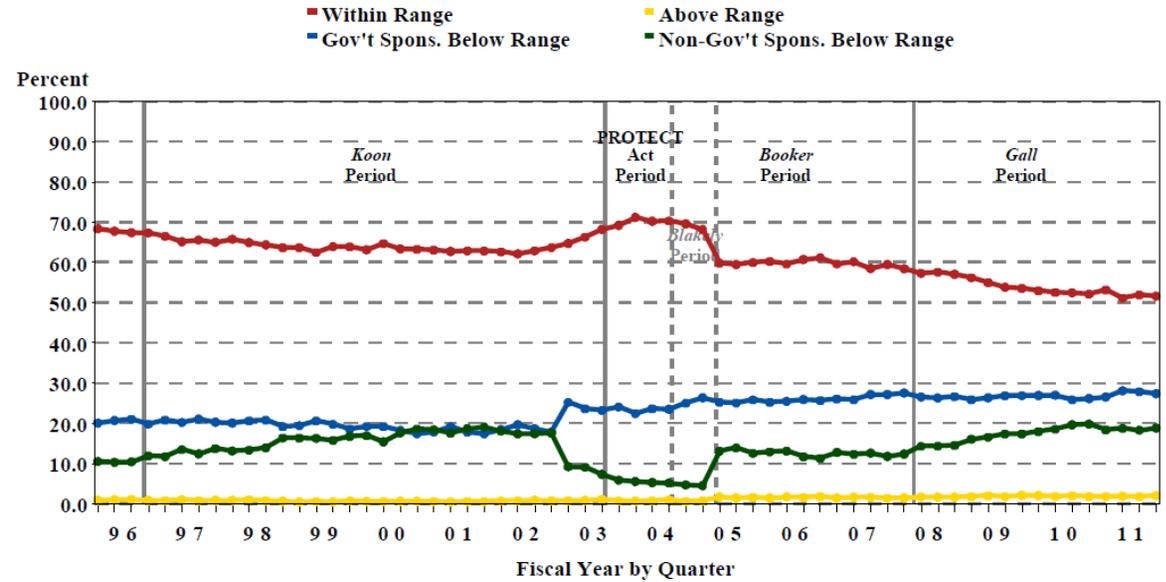
	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act Period (5/1/03 - 6/24/04)	<i>Booker</i> Period (1/12/05 - 12/10/07)	<i>Gall</i> Period (12/11/07-9/30/11)
	Percent	Percent	Percent	Percent
<b>GUILTY PLEA</b>	95.0	95.4	95.3	96.5
<b>WEAPON</b>	8.9	9.3	9.4	8.4
<b>GUIDELINE ADJUSTMENTS</b>				
Aggravating Role (USSG §3B1.1)	6.2	5.2	4.6	4.2
Mitigating Role (USSG §3B1.2)	12.8	10.1	9.5	8.0
<b>SENTENCE RELATIVE TO GUIDELINE RANGE</b>				
<b>Within Range</b>	64.1	70.1	59.7	53.9
<b>Above Range</b>	0.7	0.9	1.6	1.9
<b>All Gov't Sponsored Below Range</b>	19.8	23.4	26.1	26.8
Substantial Assistance (USSG §5K1.1)	19.1	16.6	15.2	12.9
Early Disposition Program (USSG §5K3.1)	n/a	1.7	7.6	9.7
Other Gov't Sponsored Below Range	n/a	5.1	3.3	4.2
Non-Gov't Sponsored Below Range	15.4	5.7	12.6	17.4
	<b>Months</b>	<b>Months</b>	<b>Months</b>	<b>Months</b>
<b>AVERAGE GUIDELINE MINIMUM</b>	58	59	63	59
<b>AVERAGE SENTENCE</b>	49	53	54	49
<b>Within Range</b>	54	56	59	51
<b>Above Range</b>	103	101	81	85
<b>All Gov't Sponsored Below Range</b>	44	44	44	42
Substantial Assistance (USSG §5K1.1)	45	50	53	53
Early Disposition Program (USSG §5K3.1)	n/a	25	24	23
Other Gov't Sponsored Below Range	n/a	30	46	51
Non-Gov't Sponsored Below Range	32	39	50	47
	<b>Percent (Months)</b>	<b>Percent (Months)</b>	<b>Percent (Months)</b>	<b>Percent (Months)</b>
<b>AVERAGE EXTENT OF REDUCTION</b>				
<b>All Gov't Sponsored Below Range</b>	51.8 (41)	44.9 (33)	42.5 (31)	42.8 (29)
Substantial Assistance (USSG §5K1.1)	52.4 (41)	50.5 (41)	49.9 (44)	51.4 (45)
Early Disposition Program (USSG §5K3.1)	n/a (n/a)	29.8 (10)	30.7 (10)	32.4 (10)
Other Gov't Sponsored Below Range	n/a (n/a)	31.1 (13)	36.3 (22)	40.5 (26)
Non-Gov't Sponsored Below Range	41.8 (17)	40.0 (17)	39.1 (20)	40.7 (21)

Categories may not sum to exactly 100.0 percent due to rounding.  
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

**NATIONAL TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

Analysis of quarterly data reveals that since fiscal year 2004, the within range rate has generally decreased, while the rate of government sponsored below range sentences has increased slightly and the rate of non-government sponsored below range sentences has increased more noticeably.

**Quarterly Data for Within-Range and Out-of-Range Sentences**  
 All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

## PART C: ALL OFFENSES

### NATIONAL TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

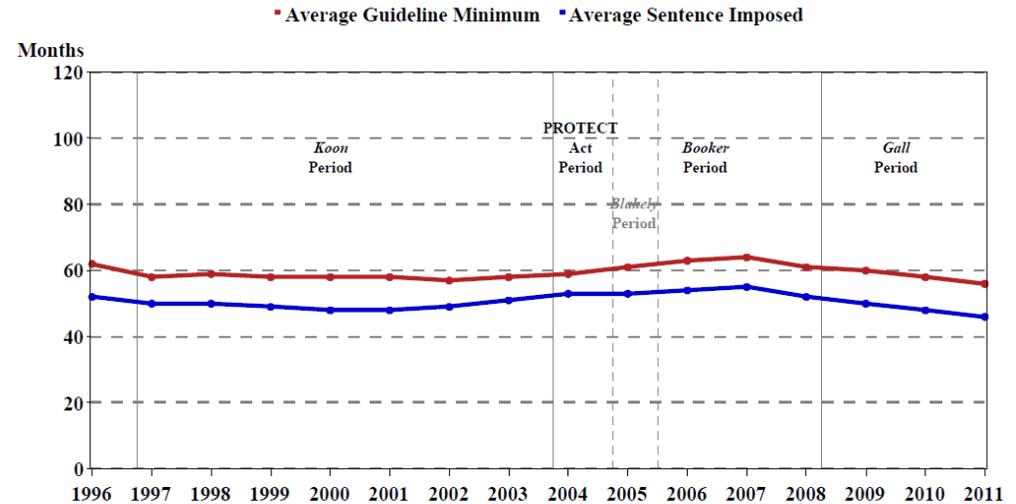
The decrease in average sentence length since fiscal year 2007 has corresponded to a decrease in the guideline minimum, indicating a reduction in the overall severity of the aggregate offenses in the federal caseload. The decrease has been largely attributable to the increasing proportion of immigration offenses, which carried lower sentences on average than other offenses and were rarely subject to mandatory minimum penalties. Decreasing rates of within range sentences have also contributed to reductions in sentence length. In addition, recent changes to the statutes and guidelines applicable to crack cocaine trafficking offenses have generally reduced penalties for such offenses and have contributed to decreasing sentence length.

The influence of guidelines has remained relatively stable over time. When the minimum of the applicable guideline range has increased, either due to increases in offense seriousness or due to increases in the criminal history of the offenders, or both, the average sentence has also increased, as evidenced by the parallelism between the blue and red lines.

The single line illustrates the percentage difference between the average guideline minimum and the average sentence. The line is below zero because average sentences have been lower than average guideline minimums.

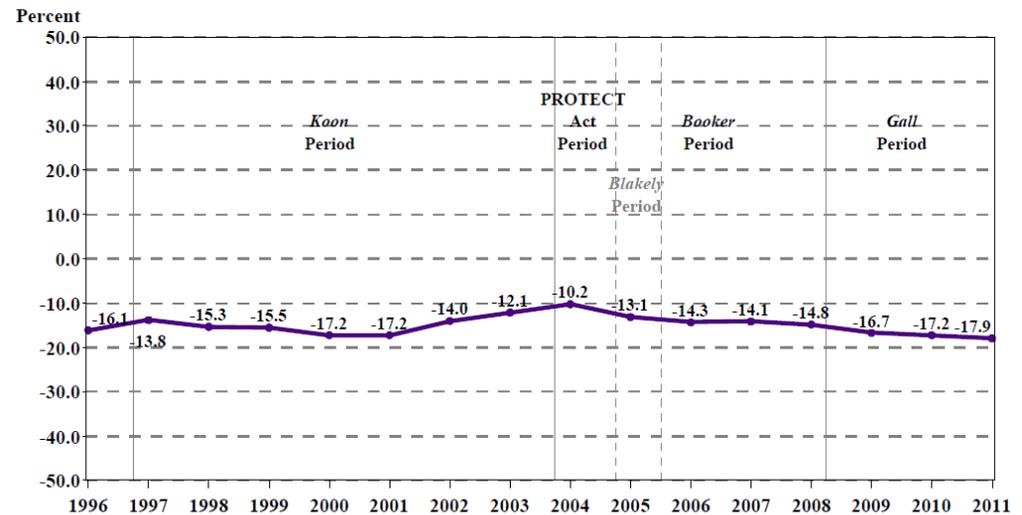
\*Click on chart for corresponding table by period.

**Average Guideline Minimum and Sentence Imposed**  
All Offenses  
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

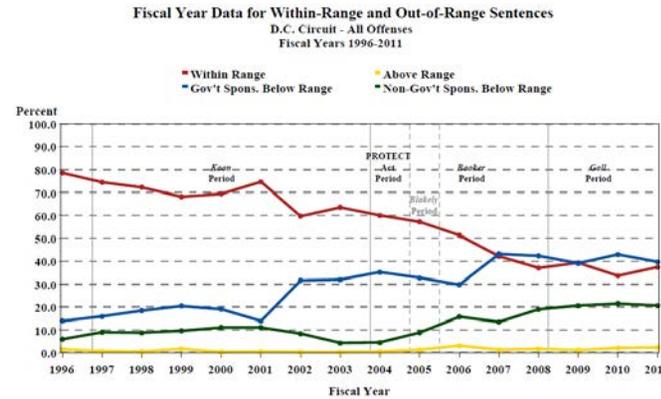
**Percent Difference Between Average Guideline Minimum and Sentence Imposed**  
All Offenses  
Fiscal Years 1996-2011



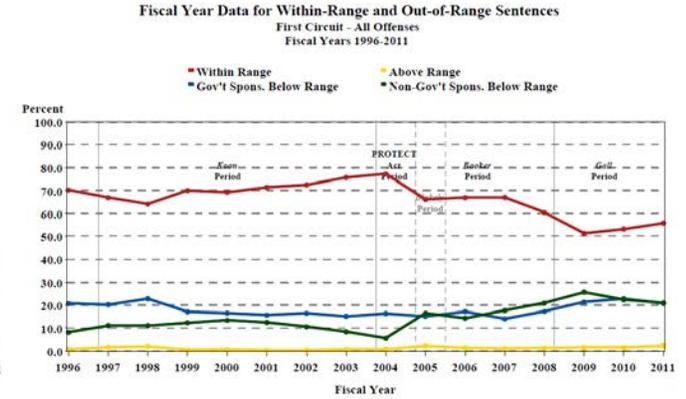
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

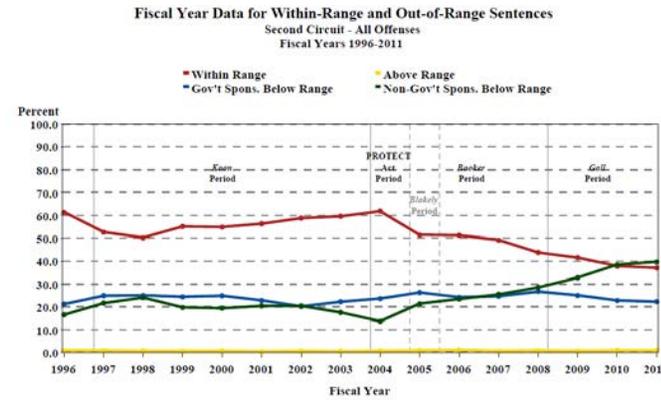
In the majority of circuits, within range rates have decreased over the past 5 years. In most circuits, government sponsored below range rates have remained relatively stable, but in some circuits those rates have increased. In most, but not all circuits, non-government sponsored below range rates have increased over the past five years.



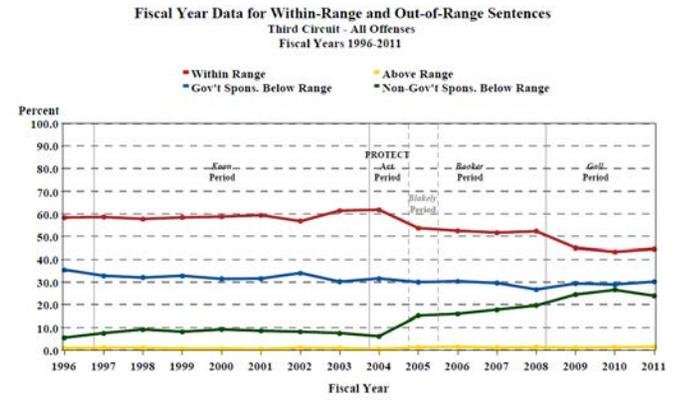
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

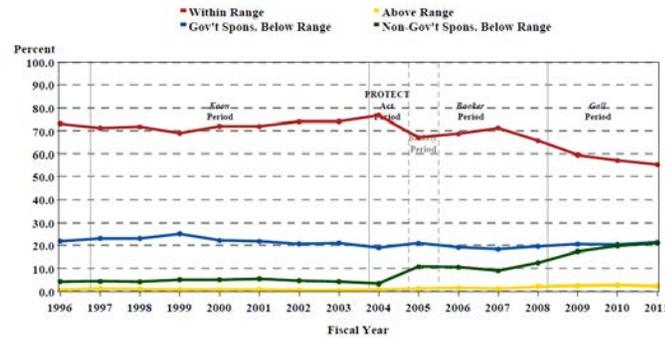


SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

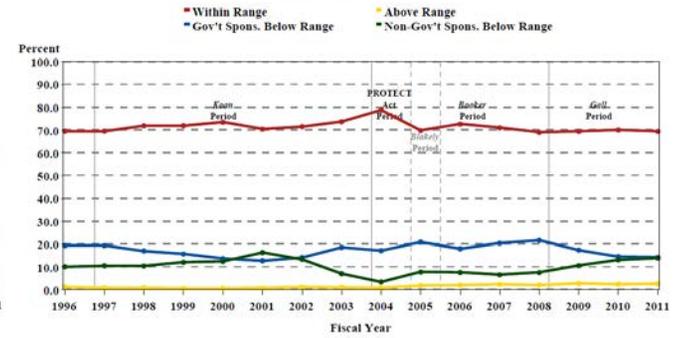
In the majority of circuits, within range rates have decreased over the past 5 years. In most circuits, government sponsored below range rates have remained relatively stable, but in some circuits those rates have increased. In most, but not all circuits, non-government sponsored below range rates have increased over the past five years.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Fourth Circuit - All Offenses  
 Fiscal Years 1996-2011



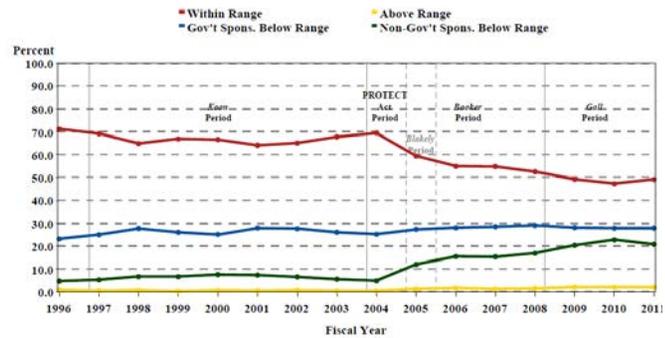
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Fifth Circuit - All Offenses  
 Fiscal Years 1996-2011



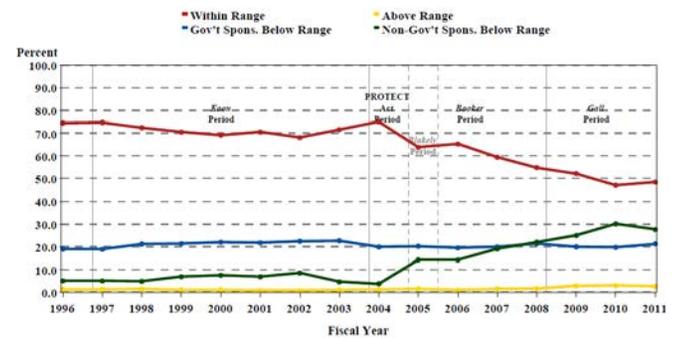
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Sixth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Seventh Circuit - All Offenses  
 Fiscal Years 1996-2011

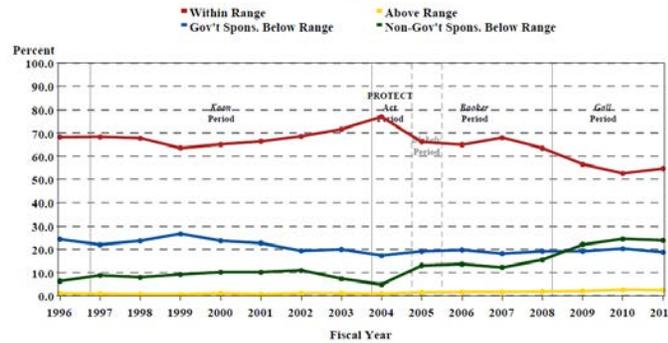


SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

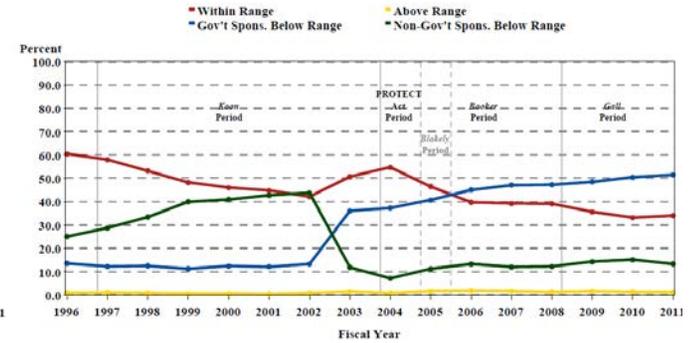
In the majority of circuits, within range rates have decreased over the past 5 years. In most circuits, government sponsored below range rates have remained relatively stable, but in some circuits those rates have increased. In most, but not all circuits, non-government sponsored below range rates have increased over the past five years.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Eighth Circuit - All Offenses  
 Fiscal Years 1996-2011



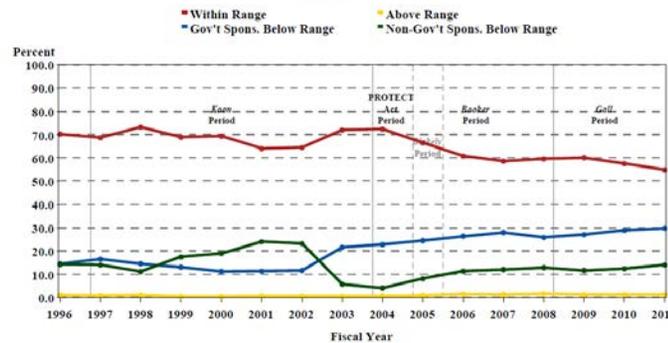
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Ninth Circuit - All Offenses  
 Fiscal Years 1996-2011



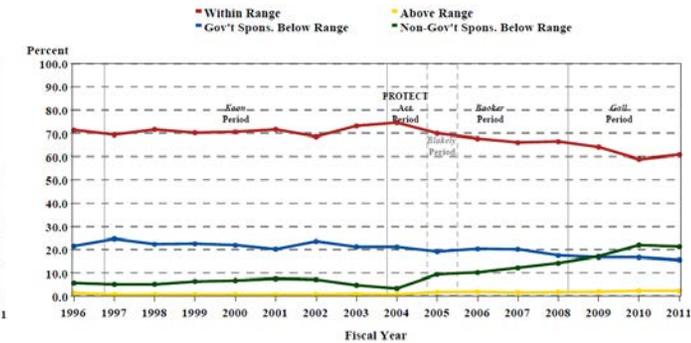
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Tenth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences  
 Eleventh Circuit - All Offenses  
 Fiscal Years 1996-2011



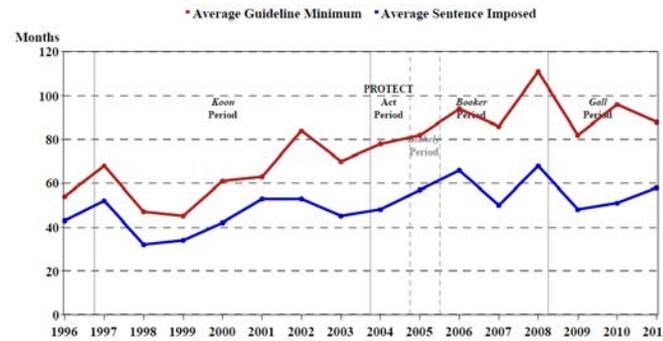
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

In most circuits, average sentences have paralleled average guideline minimums, though in some circuits there has been a divergence between the two. Different patterns have emerged when analyzing offense types.

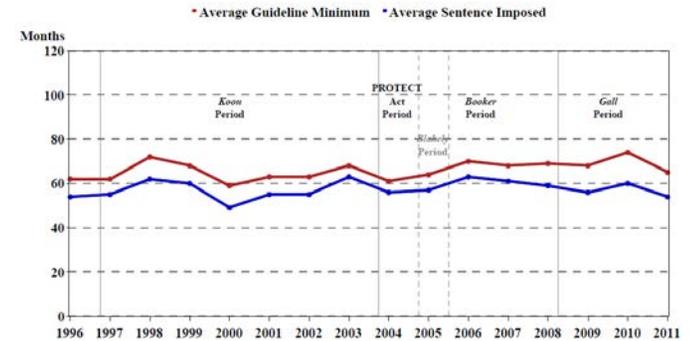
The percentage difference between the average guideline minimum and the average sentence demonstrates that the influence of the guidelines has been stable for offenses in the aggregate. In some circuits, the line has dipped down in recent years, indicating a divergence between the average guideline minimum and the average sentence. Other circuits have exhibited the opposite trend, and in other circuits, there has been almost no change in recent years.

Average Guideline Minimum and Sentence Imposed  
 D.C. Circuit - All Offenses  
 Fiscal Years 1996-2011



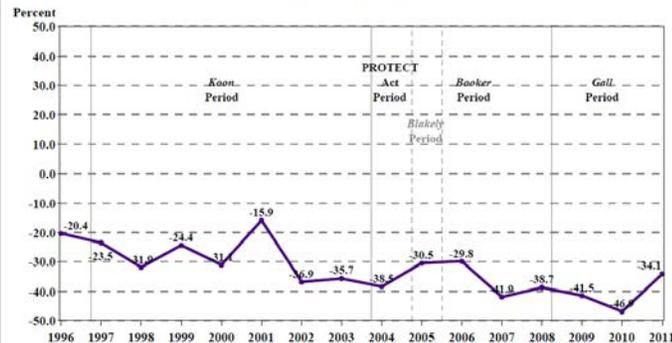
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed  
 First Circuit - All Offenses  
 Fiscal Years 1996-2011



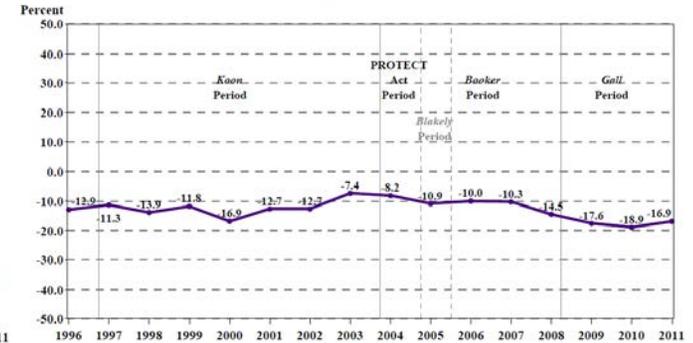
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 D.C. Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 First Circuit - All Offenses  
 Fiscal Years 1996-2011



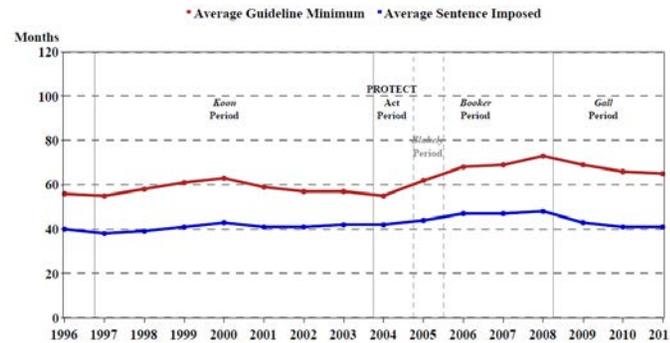
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

In most circuits, average sentences have paralleled average guideline minimums, though in some circuits there has been a divergence between the two. Different patterns have emerged when analyzing offense types.

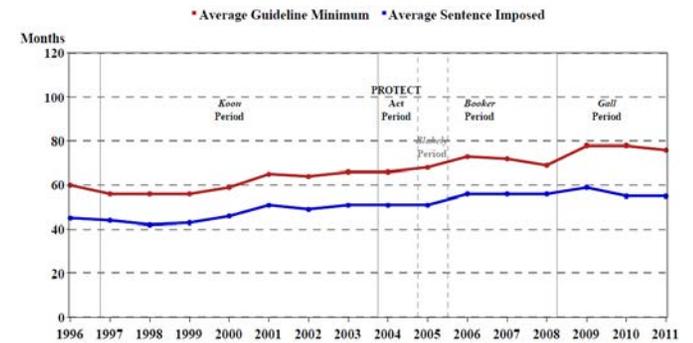
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Average Guideline Minimum and Sentence Imposed  
 Second Circuit - All Offenses  
 Fiscal Years 1996-2011



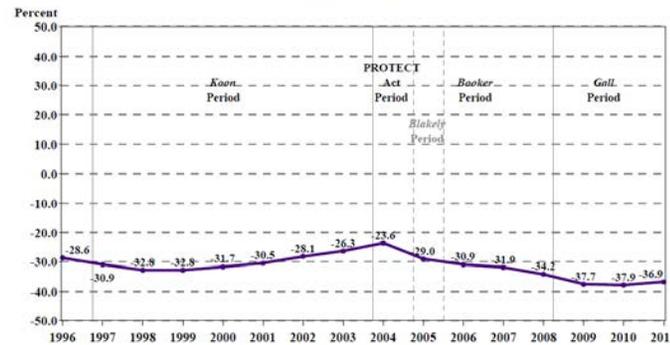
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed  
 Third Circuit - All Offenses  
 Fiscal Years 1996-2011



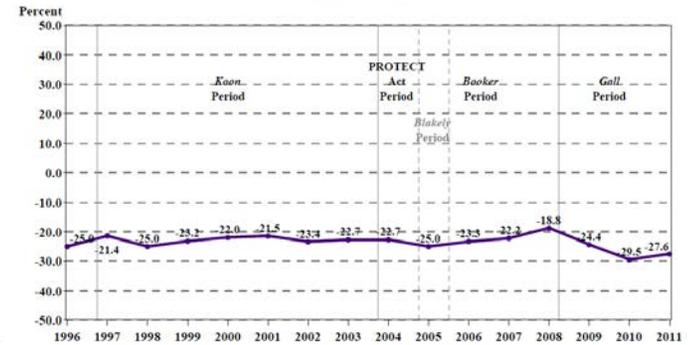
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Second Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Third Circuit - All Offenses  
 Fiscal Years 1996-2011



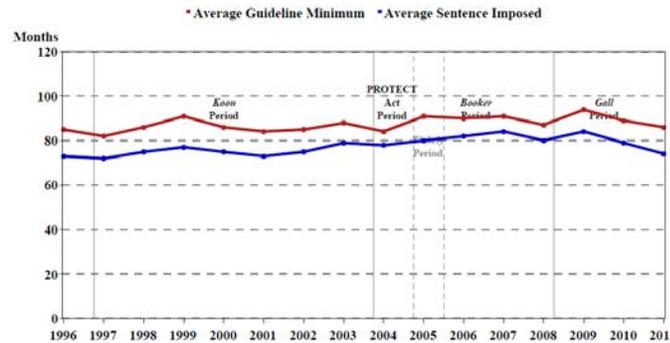
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

In most circuits, average sentences have paralleled average guideline minimums, though in some circuits there has been a divergence between the two. Different patterns have emerged when analyzing offense types.

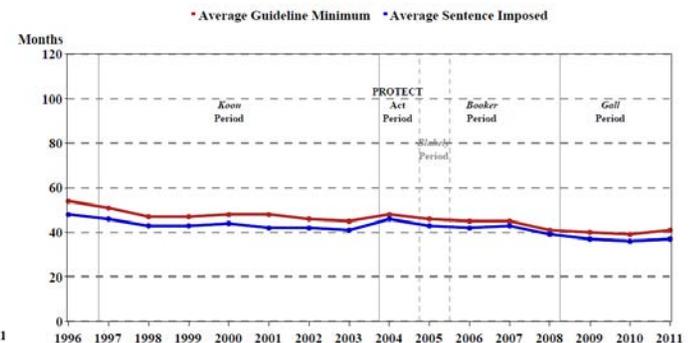
The percentage difference between the average guideline minimum and the average sentence demonstrates that the influence of the guidelines has been stable for offenses in the aggregate. In some circuits, the line has dipped down in recent years, indicating a divergence between the average guideline minimum and the average sentence. Other circuits have exhibited the opposite trend, and in other circuits, there has been almost no change in recent years.

Average Guideline Minimum and Sentence Imposed  
 Fourth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed  
 Fifth Circuit - All Offenses  
 Fiscal Years 1996-2011



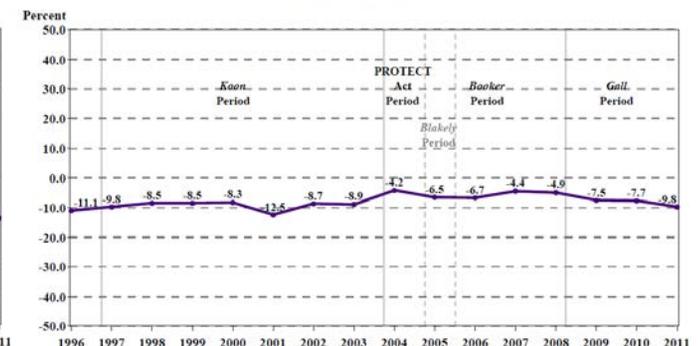
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Fourth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Fifth Circuit - All Offenses  
 Fiscal Years 1996-2011



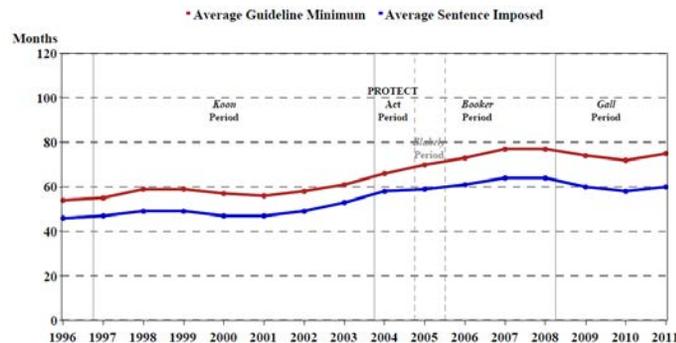
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

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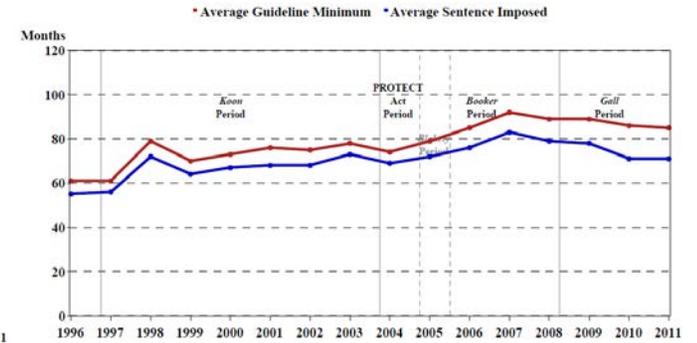
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Average Guideline Minimum and Sentence Imposed  
 Sixth Circuit - All Offenses  
 Fiscal Years 1996-2011



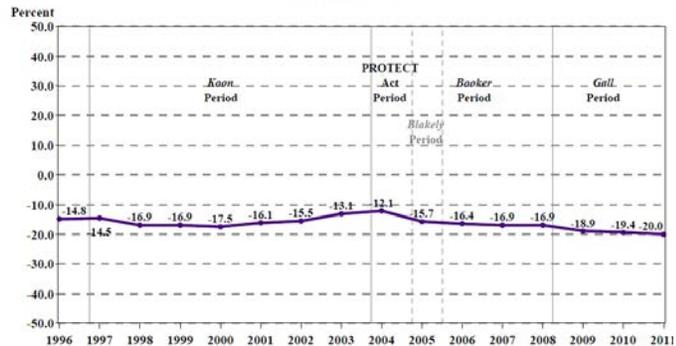
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed  
 Seventh Circuit - All Offenses  
 Fiscal Years 1996-2011



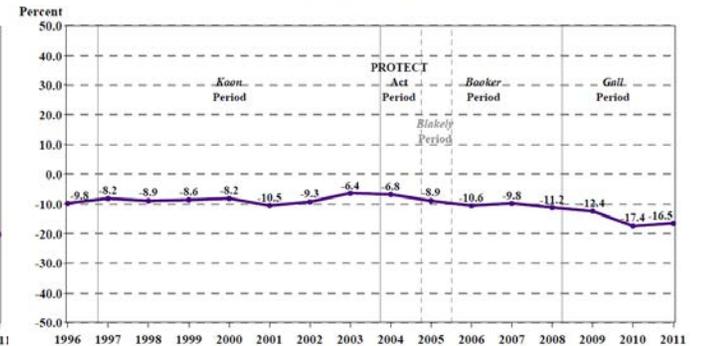
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Sixth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Seventh Circuit - All Offenses  
 Fiscal Years 1996-2011



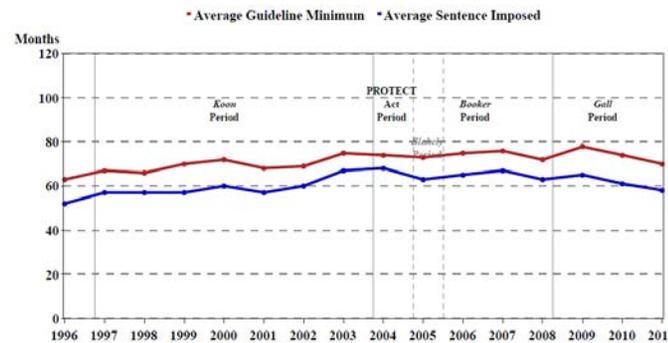
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

In most circuits, average sentences have paralleled average guideline minimums, though in some circuits there has been a divergence between the two. Different patterns have emerged when analyzing offense types.

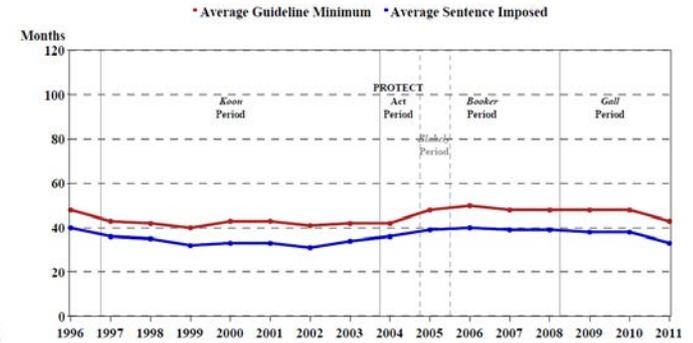
The percentage difference between the average guideline minimum and the average sentence demonstrates that the influence of the guidelines has been stable for offenses in the aggregate. In some circuits, the line has dipped down in recent years, indicating a divergence between the average guideline minimum and the average sentence. Other circuits have exhibited the opposite trend, and in other circuits, there has been almost no change in recent years.

Average Guideline Minimum and Sentence Imposed  
 Eighth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed  
 Ninth Circuit - All Offenses  
 Fiscal Years 1996-2011



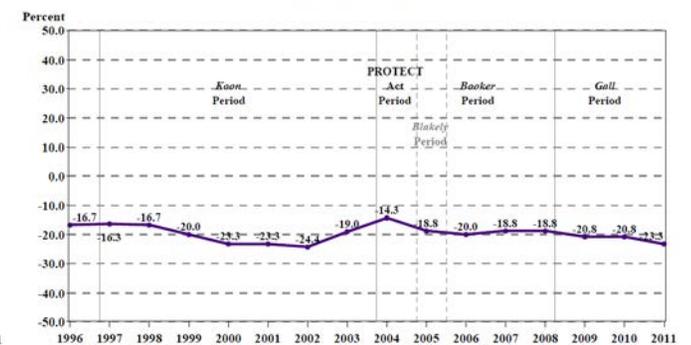
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Eighth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Ninth Circuit - All Offenses  
 Fiscal Years 1996-2011



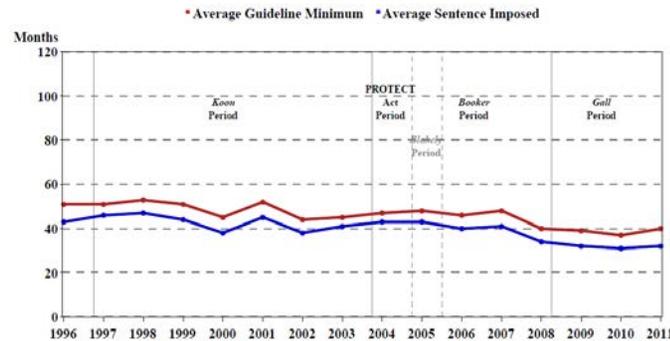
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**CIRCUIT TREND ANALYSIS**  
 INFLUENCE OF THE GUIDELINES

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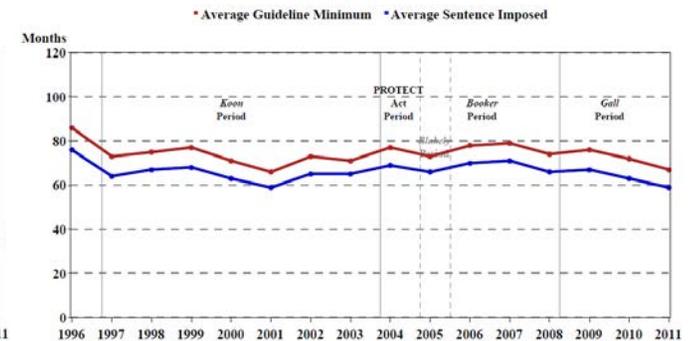
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Average Guideline Minimum and Sentence Imposed  
 Tenth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed  
 Eleventh Circuit - All Offenses  
 Fiscal Years 1996-2011



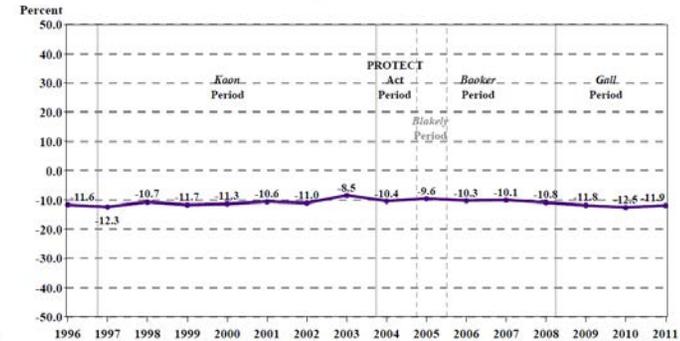
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Tenth Circuit - All Offenses  
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
 Eleventh Circuit - All Offenses  
 Fiscal Years 1996-2011



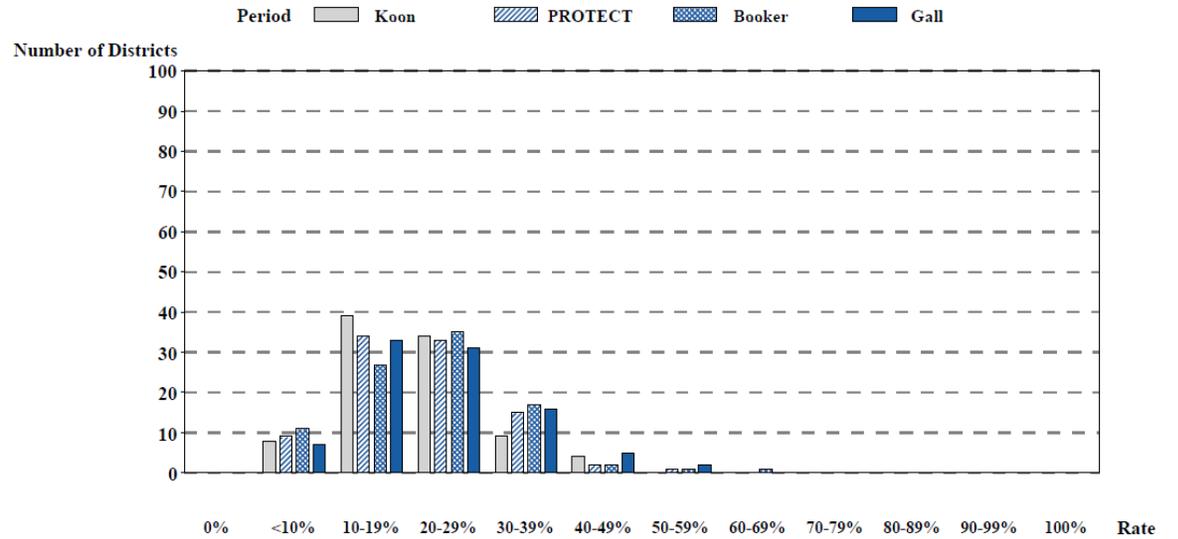
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

Every district has reported at least one government sponsored below range sentence in each period. Most districts have clustered between rates of ten percent up to 29 percent government sponsored below range sentences. No districts has had rates of 70 percent or more in any time period, and only one district during the *Booker* period had a government sponsored below range rate of between 60 and 69 percent.

**Rate of Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The table lists the five districts with the highest and lowest rates of government sponsored below range sentences for each of the four periods.

-----  
**Districts with the Highest and Lowest Rates of Government Sponsored Below Range Sentences**  
**All Offenses**  
*Koon* Period through *Gall* Period

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.
<b>Districts with the Highest Rates in Each Time Period</b>											
Northern Mariana Islands	132	46.2	Arizona	4,245	55.0	Arizona	11,215	62.7	Southern California	11,713	59.9
Northern New York	2,254	42.3	Idaho	274	46.4	Southern California	5,634	55.4	Arizona	18,894	59.2
Eastern Pennsylvania	5,721	42.1	Northern Mississippi	174	40.8	Eastern Kentucky	1,504	40.4	Eastern California	3,636	45.8
Western North Carolina	3,393	41.6	Eastern Pennsylvania	1,055	39.4	Idaho	674	40.4	Central California	6,230	44.3
Western Missouri	3,646	37.2	Southern California	1,702	39.0	Middle Pennsylvania	1,598	38.3	Western Washington	2,544	43.7
<b>Districts with the Lowest Rates in Each Time Period</b>											
Eastern Oklahoma	534	8.2	Utah	847	8.9	South Dakota	1,265	7.3	Northern Mariana Islands	66	9.1
Rhode Island	721	8.0	Northern Oklahoma	160	8.1	Southern Illinois	949	7.0	Western Louisiana	1,175	8.3
Northern West Virginia	1,256	7.7	Puerto Rico	606	8.1	Rhode Island	375	6.9	Southern Mississippi	1,238	8.3
Utah	2,545	7.4	Western Wisconsin	211	5.2	Eastern Virginia	3,444	6.8	Eastern Virginia	4,714	7.6
South Dakota	2,014	6.3	Southern West Virginia	332	2.1	Western Wisconsin	583	2.9	South Dakota	1,658	5.1

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

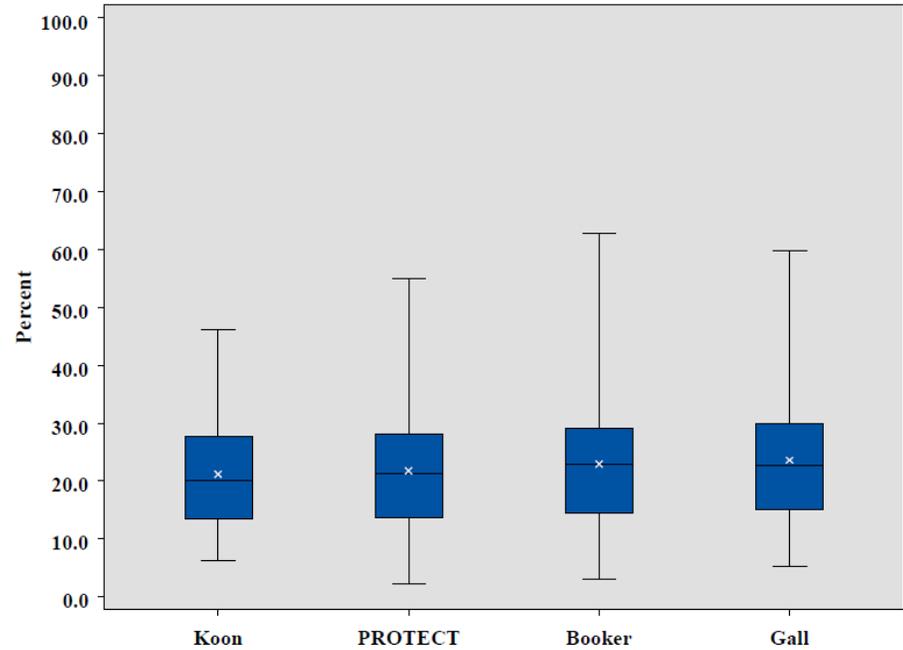
**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

As illustrated by the consistent size and placement of the blue boxes along the vertical axis, there has been substantial consistency in the rate of government sponsored below range sentences over time. The spread among the middle 50 percent of districts, as measured by the size of the box, has changed little over time.

*\*Click on chart for corresponding table.*

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	6.3	2.1	2.9	5.1
Max	46.2	55.0	62.7	59.9
Q1	13.5	13.6	14.5	15.1
Q3	27.6	28.0	29.0	29.8
Q2	20.0	21.4	22.9	22.7
Mean	21.2	21.7	23.0	23.6

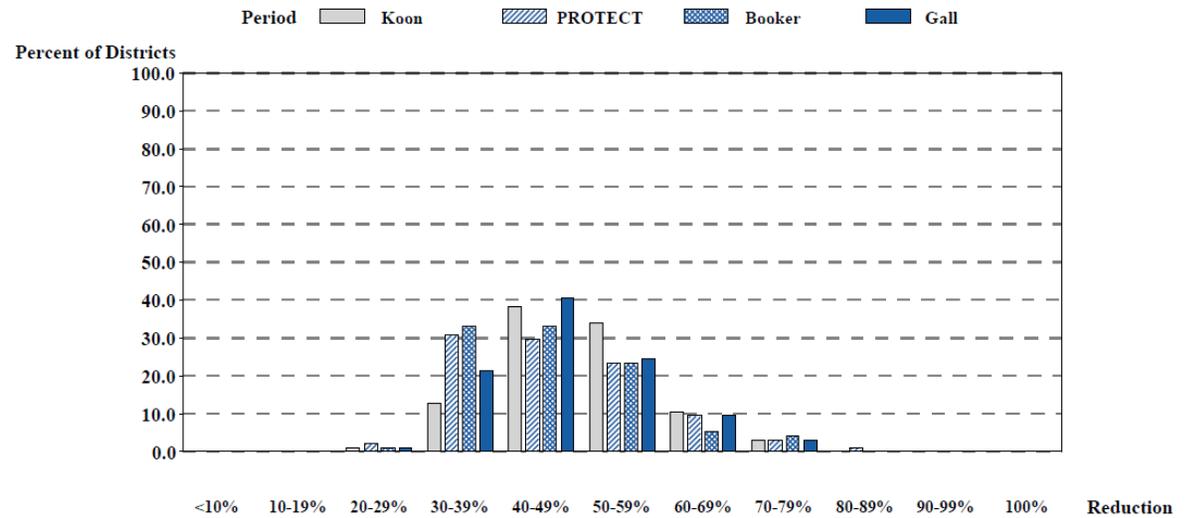
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

Most districts have clustered between average reductions of 30 to 59 percent below the guideline minimum, although during each period some districts have averaged reductions of between 60 and 70 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum  
Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



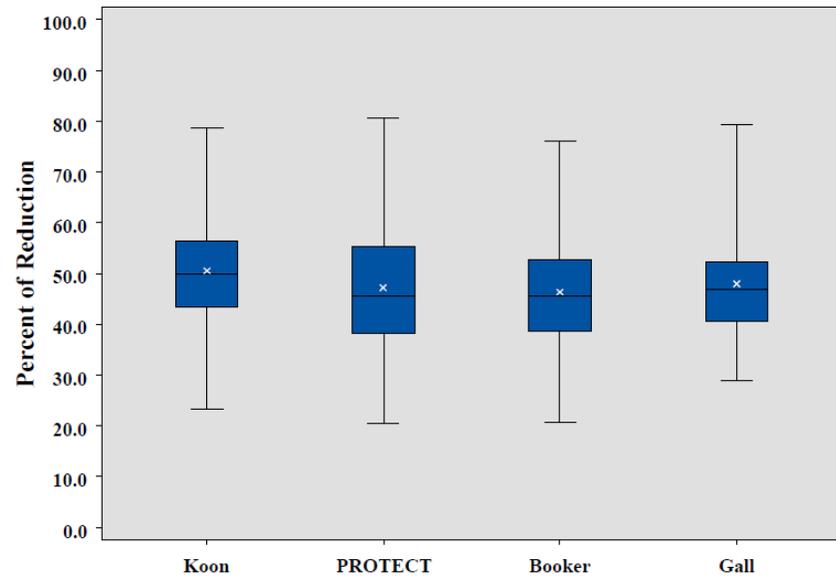
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The greatest spread in the extent of government sponsored sentence reductions occurred during the PROTECT Act period.

**Spread of Average Extent of Departure Government Sponsored Below Range Sentences All Offenses Koon Period through Gall Period**



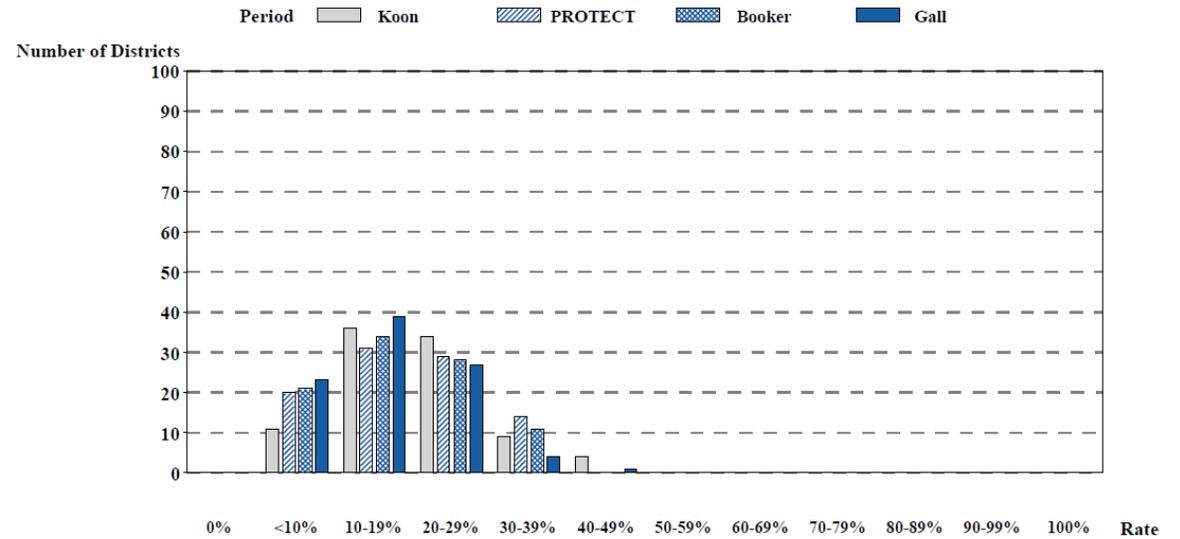
	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	23.5	20.5	20.7	29.0
Max	78.7	80.6	76.0	79.5
Q1	43.5	38.1	38.7	40.5
Q3	56.4	55.3	52.6	52.4
Q2	49.9	45.7	45.5	47.0
Mean	50.6	47.3	46.4	48.0

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**  
**SUBSTANTIAL ASSISTANCE SENTENCES**

Many districts have clustered at substantial assistance below range rates of between ten and 29 percent in each of the four periods.

**Rate of Substantial Assistance Sentences**  
**All Offenses**  
 Koon Period through Gall Period



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**SUBSTANTIAL ASSISTANCE SENTENCES**

The table lists the five districts with the highest and lowest rates of substantial assistance sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Substantial Assistance Sentences**  
All Offenses  
Koon Period through Gall Period

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.
<b>Districts with the Highest Rates in Each Time Period</b>											
Northern Mariana Islands	132	46.2	Eastern Pennsylvania	1,055	38.7	Eastern Kentucky	1,504	39.8	Eastern Kentucky	2,374	40.7
Northern New York	2,254	42.3	Eastern Kentucky	558	37.5	Southern Ohio	1,711	35.2	Eastern North Carolina	2,585	33.7
Eastern Pennsylvania	5,721	42.0	Northern Mississippi	174	36.2	Middle Pennsylvania	1,598	35.0	Eastern Pennsylvania	3,273	31.8
Western North Carolina	3,393	41.6	Guam	106	35.8	Eastern North Carolina	1,714	33.8	Hawaii	838	31.4
Western Missouri	3,646	37.1	Northern Florida	487	34.9	Eastern Pennsylvania	2,379	33.6	Western New York	2,370	30.0
<b>Districts with the Lowest Rates in Each Time Period</b>											
Utah	2,545	7.3	Southern California	1,702	5.8	Rhode Island	375	5.1	Utah	3,066	4.4
Arizona	18,103	7.2	Western Wisconsin	211	5.2	South Dakota	1,265	4.5	Arizona	18,894	3.3
New Mexico	8,336	6.8	Nebraska	876	4.8	Nebraska	2,031	4.4	Nebraska	2,200	3.0
Eastern Oklahoma	534	6.7	New Mexico	2,212	3.9	New Mexico	7,519	3.7	South Dakota	1,658	2.8
South Dakota	2,014	6.3	Southern West Virginia	332	2.1	Western Wisconsin	583	2.7	New Mexico	12,389	2.2

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

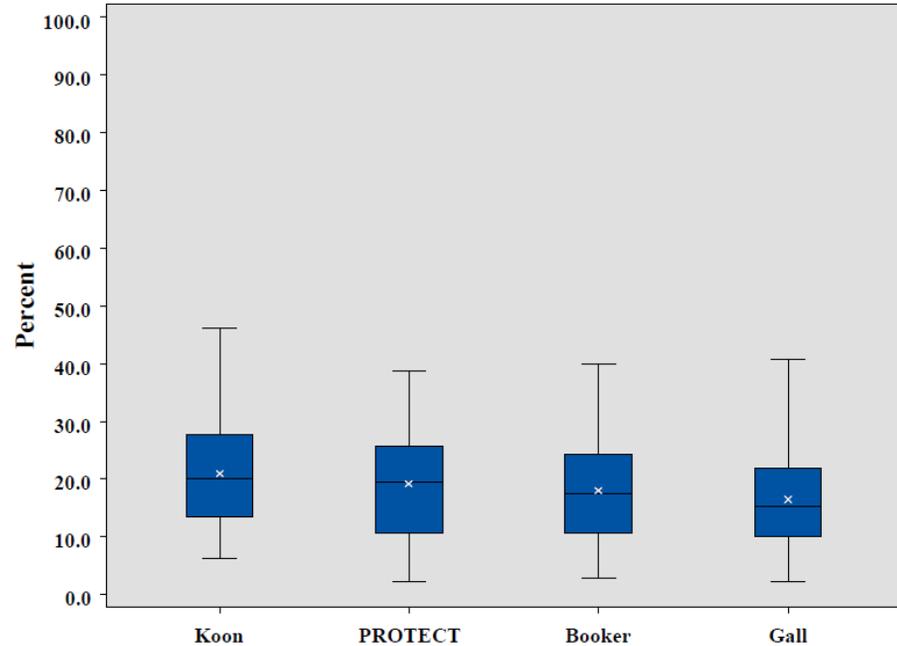
**DISTRICT TREND ANALYSIS**

SUBSTANTIAL ASSISTANCE SENTENCES

The spread in the rates of substantial assistance sentences among the middle 50 percent of districts has decreased slightly since the PROTECT Act period, with the smallest spread occurring during the *Gall* period.

*\*Click on chart for corresponding table.*

**Spread of Rates of Substantial Assistance Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	6.3	2.1	2.7	2.2
Max	46.2	38.7	39.8	40.7
Q1	13.4	10.7	10.6	10.0
Q3	27.6	25.7	24.2	21.8
Q2	20.0	19.3	17.4	15.3
Mean	20.9	19.2	18.0	16.5

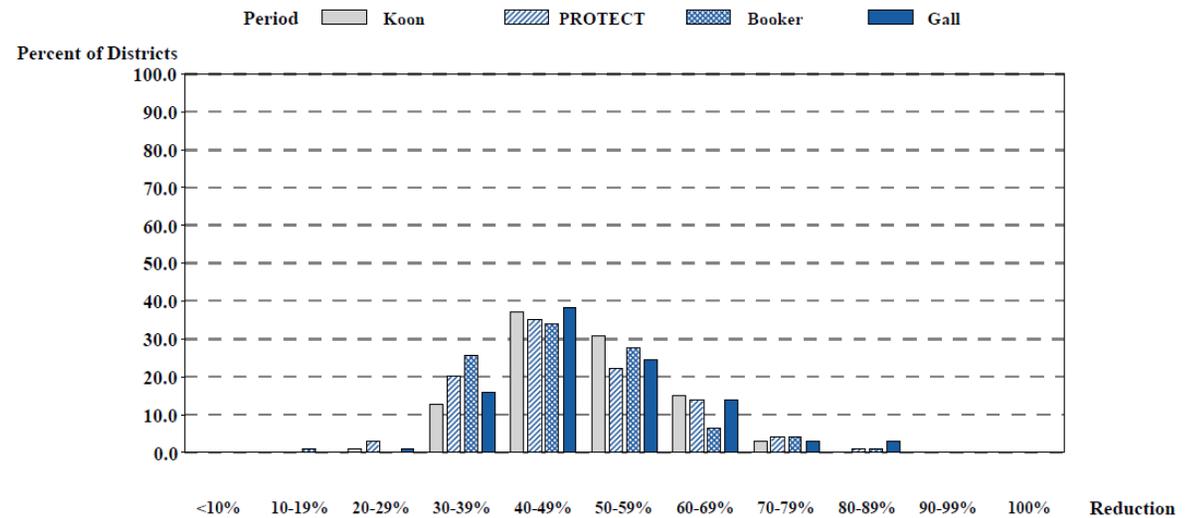
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**SUBSTANTIAL ASSISTANCE SENTENCES**

Across the periods, most districts have clustered at reductions between 30 and 59 percent below the guideline minimum. No districts have averaged less than a ten percent reduction, and no districts have averaged more than a 90 percent reduction.

**Extent of Reduction from Guideline Minimum  
Substantial Assistance Sentences  
All Offenses  
Koon Period through Gall Period**



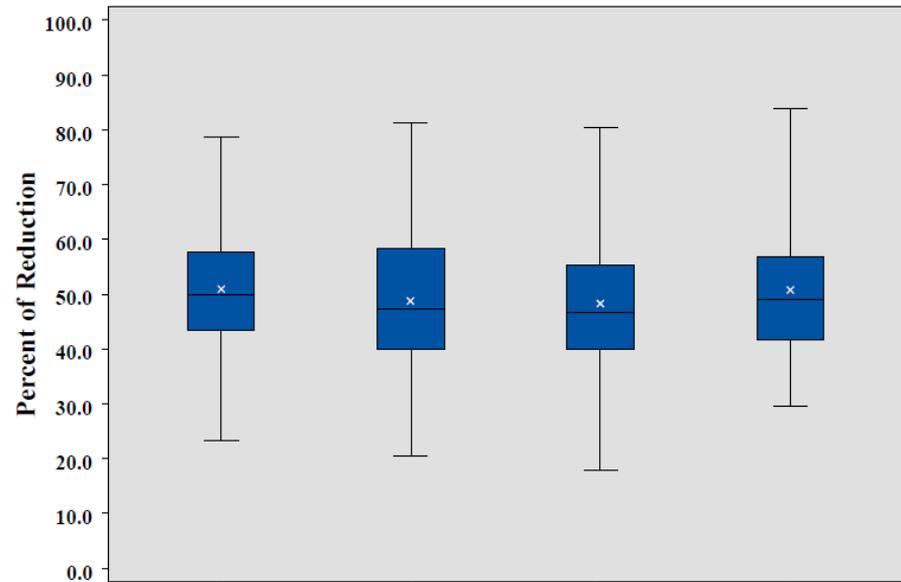
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

SUBSTANTIAL ASSISTANCE SENTENCES

The size and placement of the boxes across time illustrates little change in the extent of the reduction for substantial assistance below range sentences over the four periods.

**Spread of Average Extent of Departure  
Substantial Assistance Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	23.5	20.5	17.8	29.4
Max	78.7	81.3	80.4	83.8
Q1	43.5	40.1	39.9	41.8
Q3	57.6	58.3	55.3	56.8
Q2	49.9	47.4	46.6	49.1
Mean	51.0	48.8	48.4	50.9

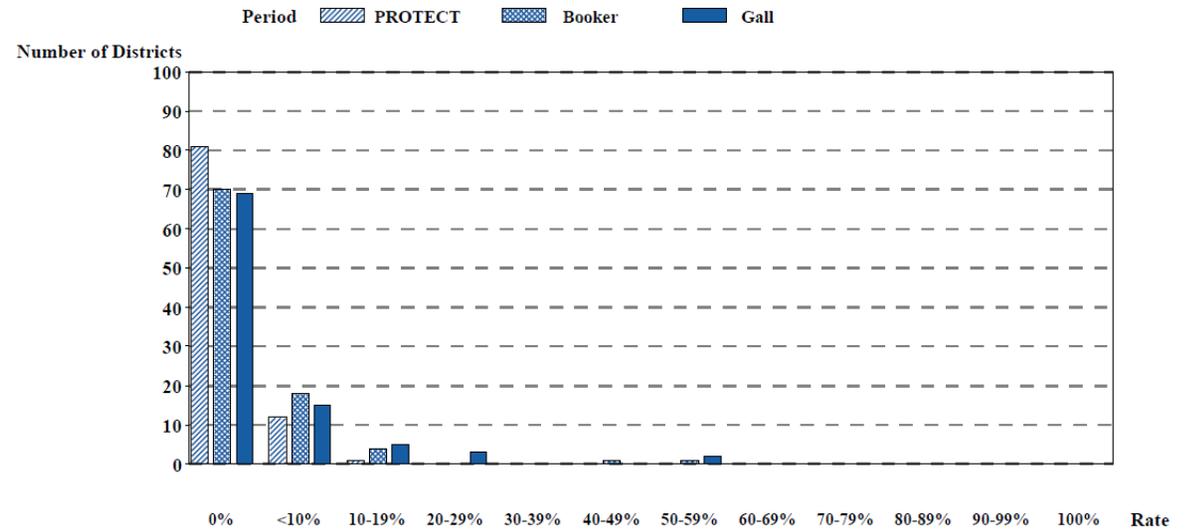
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

EARLY DISPOSITION PROGRAM SENTENCES

In the PROTECT Act, *Booker*, and *Gall* periods, most districts had an EDP rate of zero, reflecting the fact that EDP departures have occurred primarily in those select districts where the Attorney General has approved such a program. Of those few districts that have had EDP available, most have had rates between less than ten and 19 percent. EDP departures were created by the PROTECT Act, so there were no such departures during the *Koon* period.

**Rate of Early Disposition Program Sentences**  
All Offenses  
PROTECT Act Period through Gall Period



Early Disposition Programs were not applicable during the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**EARLY DISPOSITION PROGRAM SENTENCES**

The table lists the five districts with the highest and lowest rates of EDP below range sentences in the three periods during which data on EDP departures were available.

**Districts with the Highest and Lowest Rates of Early Disposition Program Sentences  
All Offenses  
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% EDP	District	Number of Offenders	% EDP	District	Number of Offenders	% EDP	District	Number of Offenders	% EDP
<b>Districts with the Highest Rates in Each Time Period</b>											
			Arizona	4,245	15.2	Arizona	11,215	53.6	Arizona	18,894	52.7
			New Mexico	2,212	8.0	Southern California	5,634	46.8	Southern California	11,713	50.6
			Southern California	1,702	7.9	Eastern California	2,563	16.6	Eastern California	3,636	29.7
			Idaho	274	7.7	New Mexico	7,519	16.1	Utah	3,066	29.1
			North Dakota	206	4.9	Southern Texas	17,281	15.0	Central California	6,230	24.1
<b>Districts with the Lowest Rates in Each Time Period</b>											
			Western Washington	694	0.6	Eastern New York	2,983	0.1	Northern Ohio	2,502	0.0
			Nebraska	876	0.2	South Carolina	3,105	0.1	Northern Georgia	2,612	0.0
			Middle Pennsylvania	502	0.2	Northern Georgia	1,811	0.1	Northern Illinois	3,184	0.0
			Southern Ohio	505	0.2	Kansas	1,840	0.1	New Jersey	3,248	0.0
			Eastern Virginia	1,136	0.1	Northern Texas	2,854	0.0	Eastern New York	4,169	0.0

Early Disposition Programs were not applicable during the *Koon* period.

During the PROTECT Act period, 81 districts did not impose an Early Disposition Program sentence. The total number of offenders sentenced in each of those districts ranged from 28 to 2,106 offenders.

During the *Booker* period, Northern Texas imposed one Early Disposition sentence but because of its large offense load (2,854 offenses), the percent when rounded is 0.0 percent. Sixty-nine districts did not impose an Early Disposition Program sentence. The total number of offenders sentenced in each of those districts ranged from 58 to 5,610 offenders.

During the *Gall* period, six districts imposed one Early Disposition sentence but because of their large offense loads (2,274 to 4,169 offenses), the percent when rounded is 0.0 percent. Sixty-three districts did not impose an Early Disposition Program sentence. The total number of offenders sentenced in each of those districts ranged from 66 to 7,929 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

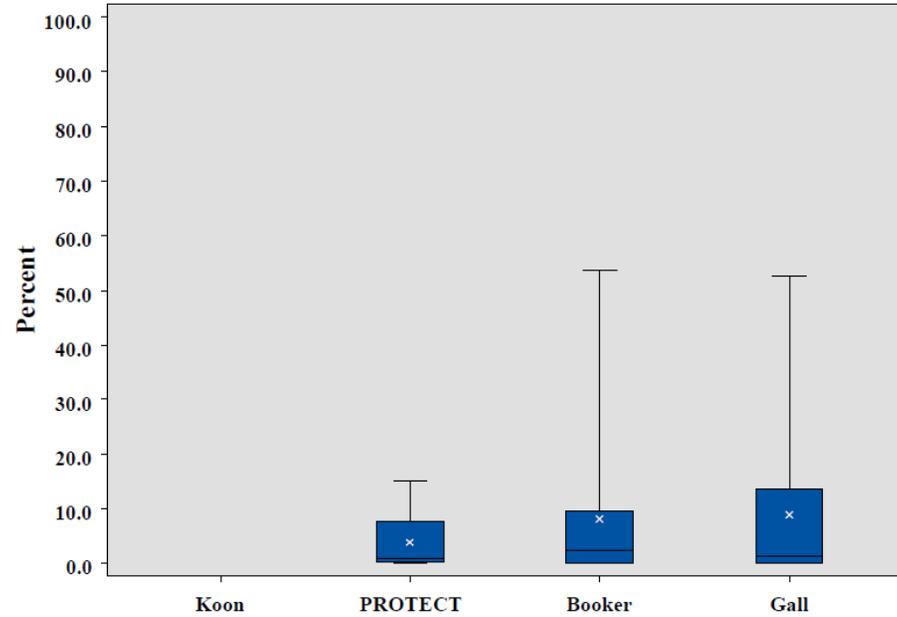
**DISTRICT TREND ANALYSIS**

EARLY DISPOSITION PROGRAM SENTENCES

EDP departures have occurred in more districts over time. Whereas offenders in 13 districts received such departures during the PROTECT Act period, offenders in 25 districts during the *Booker* period and 31 districts during the *Gall* period received such sentences.

*\*Click on chart for corresponding table.*

**Spread of Rates of Early Disposition Program Sentences  
All Offenses  
Koon Period through Gall Period**



N	13.0	25.0	31.0
Min	0.1	0.0	0.0
Max	15.2	53.6	52.7
Q1	0.2	0.1	0.1
Q3	7.7	9.6	13.6
Q2	0.9	2.4	1.3
Mean	3.9	8.2	8.9

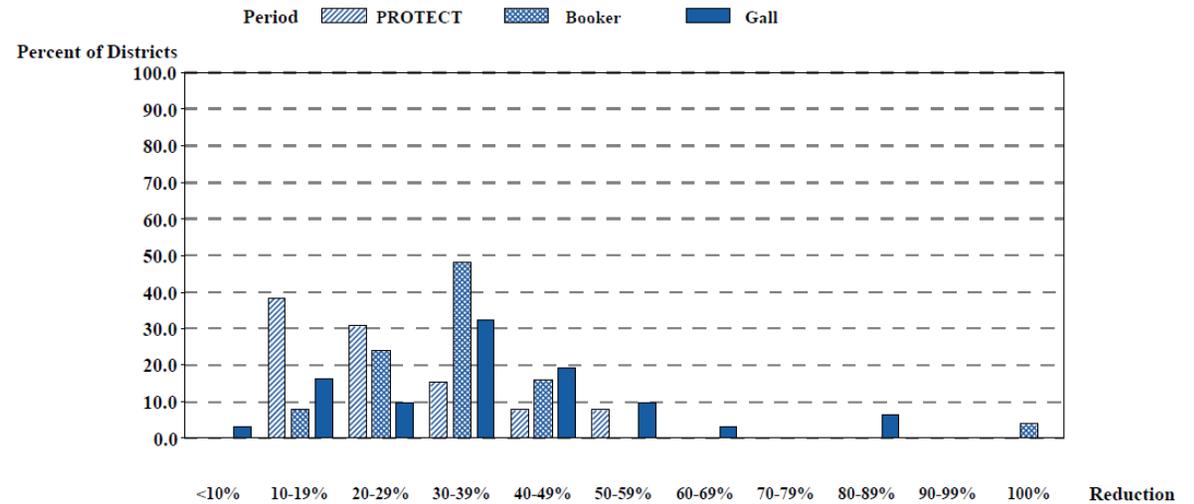
Early Disposition Programs were not applicable during the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

EARLY DISPOSITION PROGRAM SENTENCES

The extent of the reduction below the guideline minimum in EDP below range sentences has varied from less than ten percent to 100 percent, which may reflect a reduction from imprisonment to a sentence of probation. Most districts have averaged reductions of between ten and 39 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum  
Early Disposition Program Sentences  
All Offenses  
PROTECT Act Period through Gall Period**



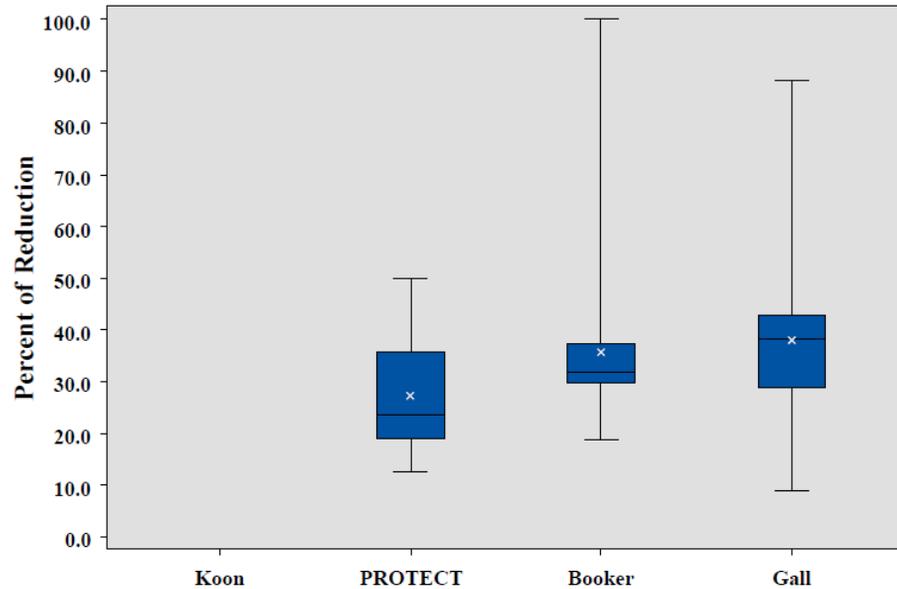
Early Disposition Programs were not applicable during the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

EARLY DISPOSITION PROGRAM SENTENCES

The average extent of reduction below the guideline minimum in EDP below range sentences has increased over time, as seen in the rising position of the “x” over time.

**Spread of Average Extent of Departure  
Early Disposition Program Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		13.0	25.0	31.0
Min		12.5	18.6	8.8
Max		50.0	100.0	88.2
Q1		19.0	29.7	28.9
Q3		35.6	37.3	42.9
Q2		23.5	31.9	38.1
Mean		27.3	35.7	38.0

Early Disposition Programs were not applicable during the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

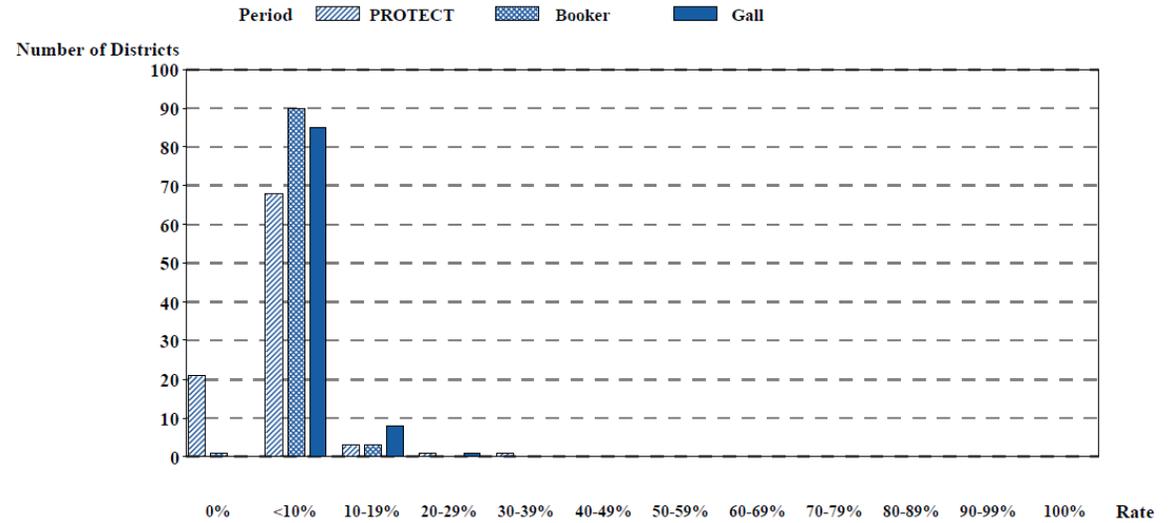
**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

Other government sponsored below range sentences are those based on neither substantial assistance nor EDP. These types of sentences have existed in the majority of districts, but generally at rates of less than ten percent during all three periods for which such data was collected.

During the *Koon* period, except for substantial assistance motions by the government, the Commission did not differentiate between court-sponsored and other types of government-sponsored below range sentences. Accordingly, there are no reported other government sponsored below range sentences for the *Koon* period.

**Rate of Other Government Sponsored Below Range Sentences  
All Offenses  
PROTECT Act Period through Gall Period**



Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The table lists the five districts with the highest and lowest rates of other government sponsored below range sentences for the three periods for which data were available.

**Districts with the Highest and Lowest Rates of Other Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		<i>Booker</i> Period (1/12/05 - 12/10/07)		<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.
<b>Districts with the Highest Rates in Each Time Period</b>								
			Arizona	4,245	32.8	Western Washington	2,024	18.2
			Southern California	1,702	25.3	New Mexico	7,519	13.0
			New Mexico	2,212	15.9	Northern Mississippi	524	10.7
			Southern Texas	5,550	11.5	Northern California	1,534	9.3
			Idaho	274	10.6	District of Columbia	1,267	8.8
						Western Washington	2,544	26.8
						Oregon	1,946	15.9
						Massachusetts	1,793	14.2
						Northern California	2,431	14.2
						District of Columbia	1,346	12.6
<b>Districts with the Lowest Rates in Each Time Period</b>								
			Southern Mississippi	450	0.2	Northern Florida	1,092	0.3
			Western Tennessee	549	0.2	Northern Alabama	1,416	0.2
			Eastern Virginia	1,136	0.2	Western Wisconsin	583	0.2
			South Carolina	1,344	0.1	Montana	1,127	0.1
			Southern Florida	2,106	0.1	Western Louisiana	1,235	0.1
						Northern Oklahoma	720	0.3
						Middle North Carolina	1,788	0.2
						Western Wisconsin	696	0.1
						Western Arkansas	992	0.1
						Northern Florida	1,397	0.1

Data on other government sponsored below range sentences is unavailable for the *Koon* period.

During the PROTECT Act period, 21 districts did not impose an other government sponsored below range sentence. The total number of offenders sentenced in each of those districts ranged from 28 to 1,837 offenders.

During the *Booker* period, one district did not impose an other government sponsored below range sentence in any of the 570 offenses sentenced during the period.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

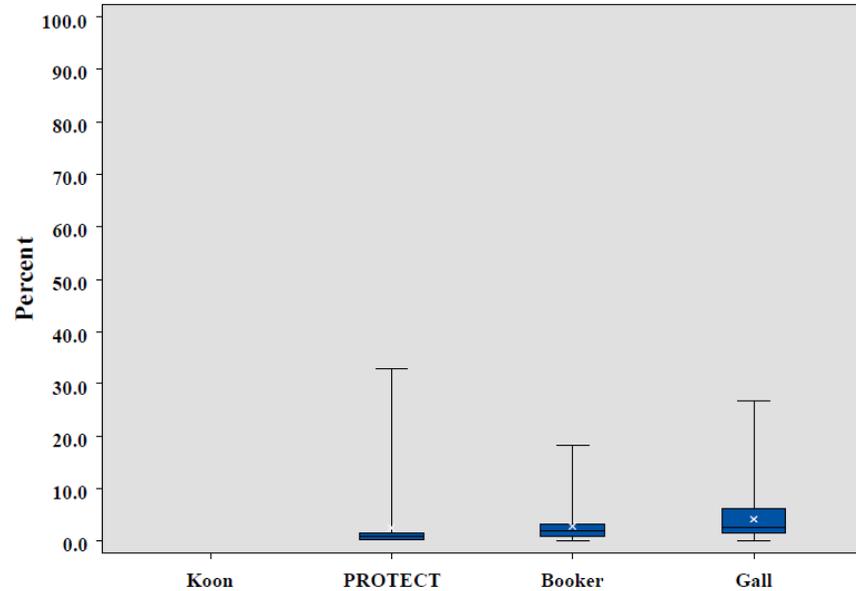
**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

More districts reported other government sponsored below range sentences in the *Booker* and *Gall* periods, at 93 and 94 districts, respectively, than in the PROTECT Act period (73 districts), and rates have increased over time.

*\*Click on chart for corresponding table.*

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		73.0	93.0	94.0
Min		0.1	0.1	0.1
Max		32.8	18.2	26.8
Q1		0.4	1.0	1.5
Q3		1.6	3.2	6.1
Q2		0.8	1.9	2.8
Mean		2.5	2.8	4.2

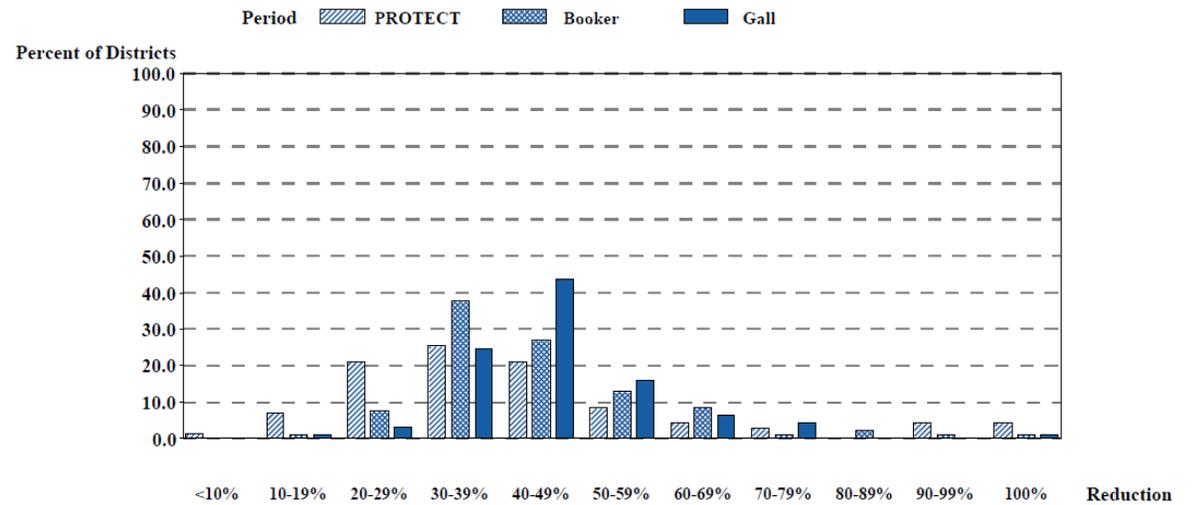
Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

Reductions for other government sponsored below range sentences have ranged from less than ten percent below the guideline minimum to 100 percent below the guideline minimum, which likely reflects a reduction from a term of imprisonment to a sentence of probation.

**Extent of Reduction from Guideline Minimum  
Other Government Sponsored Below Range Sentences  
All Offenses  
PROTECT Act Period through Gall Period**



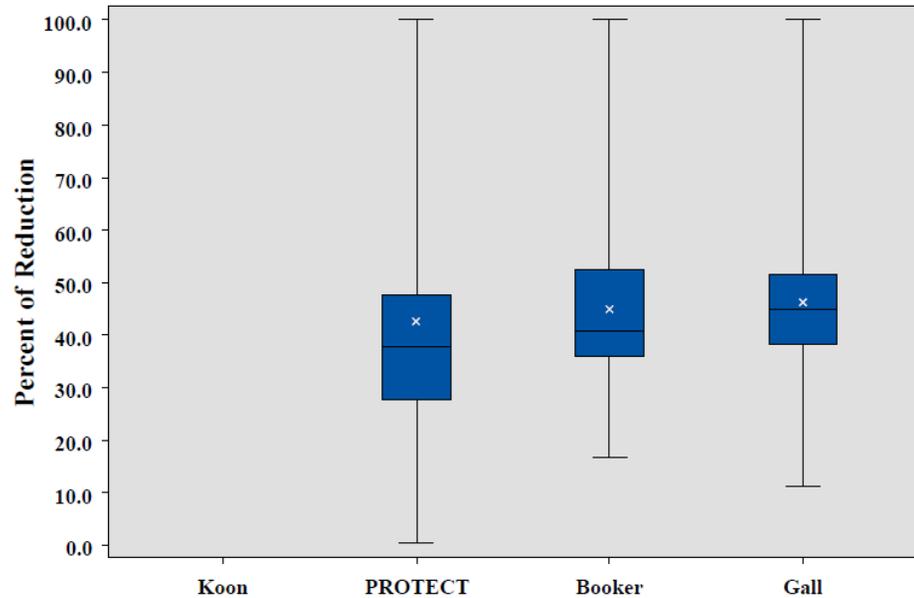
Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

As more districts have reported other government sponsored below range sentences, the spread in the extent of the reduction among the middle 50 percent of districts has decreased. As seen in the higher position of the box along the vertical axis in the *Gall* period, reductions among the middle 50 percent of districts have become generally larger over the periods.

**Spread of Average Extent of Departure  
Other Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		71.0	93.0	94.0
Min		0.4	16.7	11.1
Max		100.0	100.0	100.0
Q1		27.7	35.7	38.2
Q3		47.6	52.4	51.5
Q2		37.9	40.7	44.9
Mean		42.6	44.9	46.2

Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

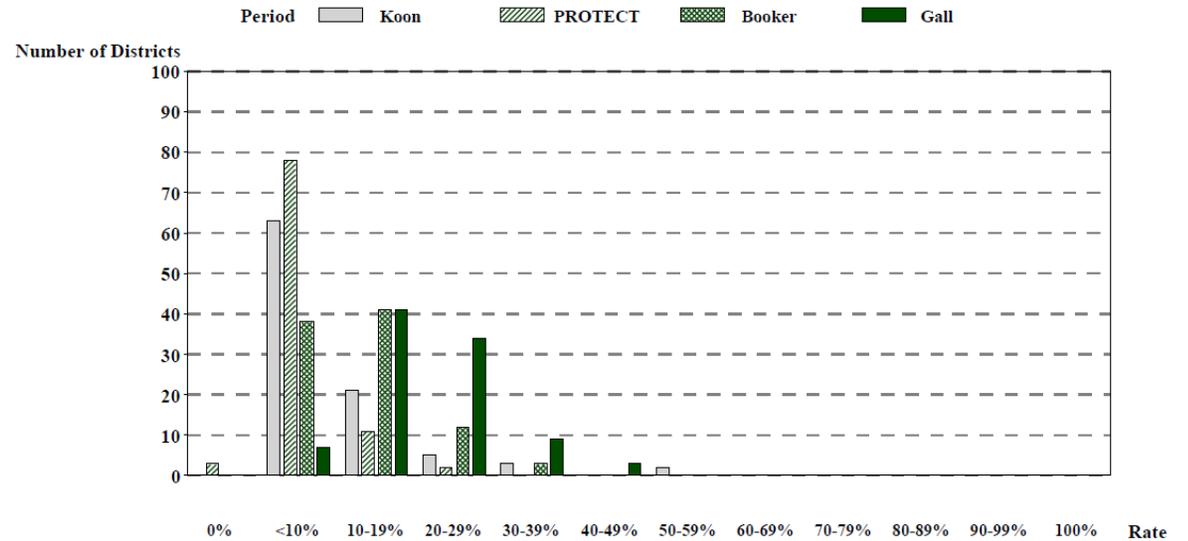
**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The rates of non-government sponsored below range sentences have varied over time. A direct comparison between the *Koon* period and later periods is not possible because, during most of the *Koon* period, the Commission attributed only substantial assistance departures to the government. Other departures that were sponsored by the government for reasons other than substantial assistance were grouped with non-government sponsored departures.

Most districts have clustered around non-government sponsored below range sentence rates of between less than ten percent and 30 percent. Every district has reported non-government sponsored below range sentences during each period, with the exception of three districts during the PROTECT Act period. Those three districts that reported no non-government sponsored below range sentences during the PROTECT Act period are shown in the zero percent column below.

**Rate of Non-Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The table lists the five districts with the highest and lowest rates of non-government sponsored below range sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Non-Government Sponsored Below Range Sentences**  
All Offenses  
Koon Period through Gall Period

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.
<b>Districts with the Highest Rates in Each Time Period</b>											
Arizona	18,103	55.9	Connecticut	435	22.5	Connecticut	1,097	30.8	Southern New York	5,414	44.9
Southern California	16,771	50.2	Eastern New York	1,587	20.9	Massachusetts	1,384	30.3	Delaware	511	41.3
Eastern Washington	1,657	38.2	Western Washington	694	17.3	Eastern New York	2,983	30.3	Rhode Island	561	40.5
Connecticut	1,862	34.0	Oregon	584	14.6	Delaware	336	28.0	Connecticut	1,461	39.2
Eastern New York	8,126	30.8	Eastern Washington	378	14.3	Southern New York	4,572	26.8	Vermont	651	39.0
<b>Districts with the Lowest Rates in Each Time Period</b>											
Middle North Carolina	2,435	2.7	Middle North Carolina	410	1.0	Middle Alabama	679	5.3	Eastern Texas	3,466	8.4
Eastern Kentucky	2,812	2.7	Middle Georgia	435	0.9	Eastern Oklahoma	250	5.2	Eastern North Carolina	2,585	8.2
South Carolina	5,561	2.6	Eastern Oklahoma	118	0.8	Northern Oklahoma	594	4.9	New Mexico	12,389	7.8
Guam	719	1.9	Northern Iowa	537	0.7	Northern Mississippi	524	4.2	Arizona	18,894	7.7
Northern Mariana Islands	132	0.8	Western Arkansas	203	0.5	Northern Mariana Islands	58	3.4	Middle Georgia	1,183	6.1

During the PROTECT Act period, three districts did not impose a non-government sponsored below range sentence. The total number of offenders sentenced in each of those districts ranged from 28 to 211 offenders.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

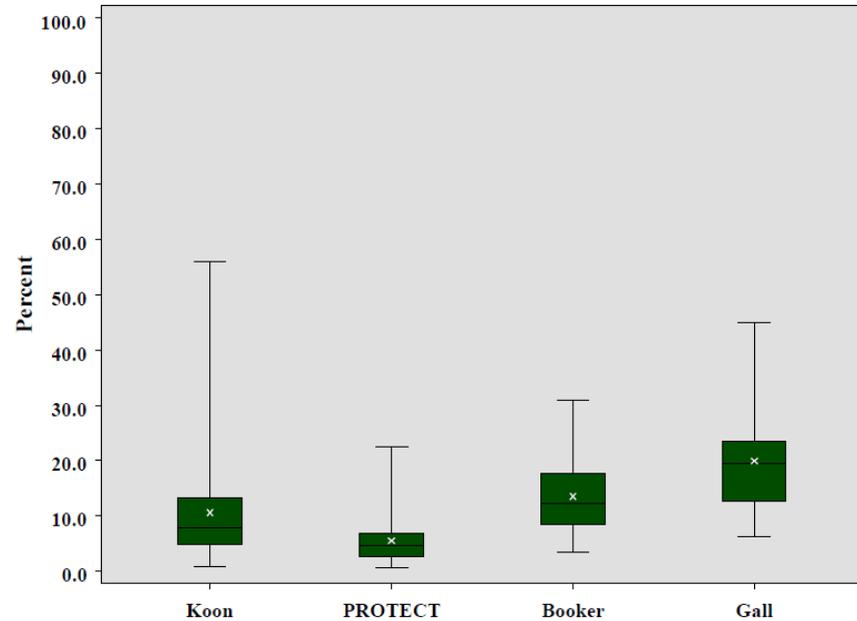
**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The spread in the rates of non-government sponsored below range sentences has changed noticeably over time, and was greatest during the *Gall* period. Non-government sponsored below range rates have increased among the middle 50 percent of districts, as seen in the higher position of the box along the vertical axis in the *Gall* period.

*\*Click on chart for corresponding table.*

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	91.0	94.0	94.0
Min	0.8	0.5	3.4	6.1
Max	55.9	22.5	30.8	44.9
Q1	4.8	2.6	8.3	12.6
Q3	13.2	6.7	17.6	23.5
Q2	8.0	4.6	12.3	19.6
Mean	10.6	5.5	13.5	19.9

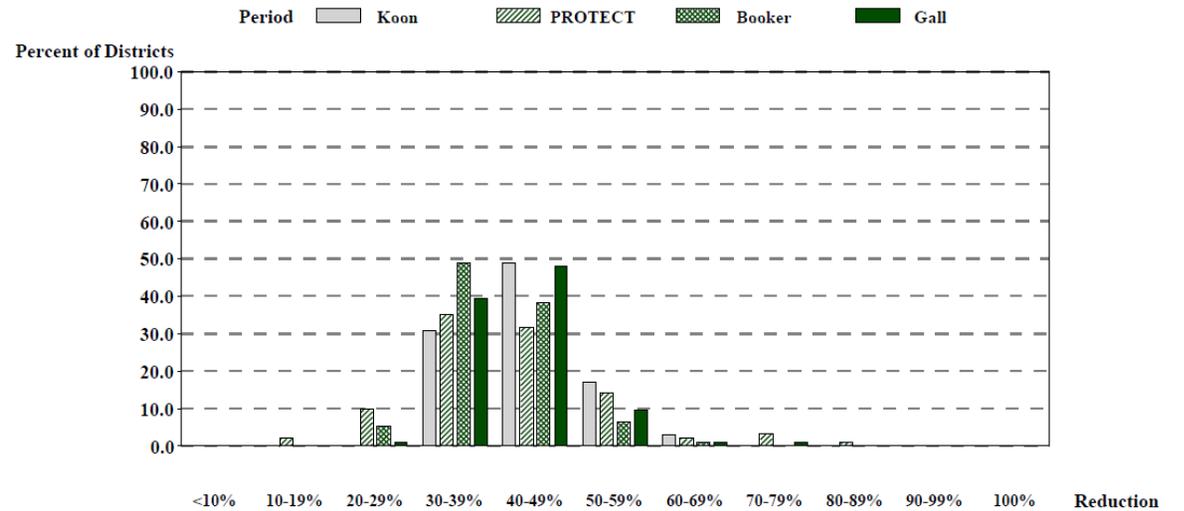
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

In all periods, many districts have averaged reductions of between 30 and 49 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum  
Non-Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



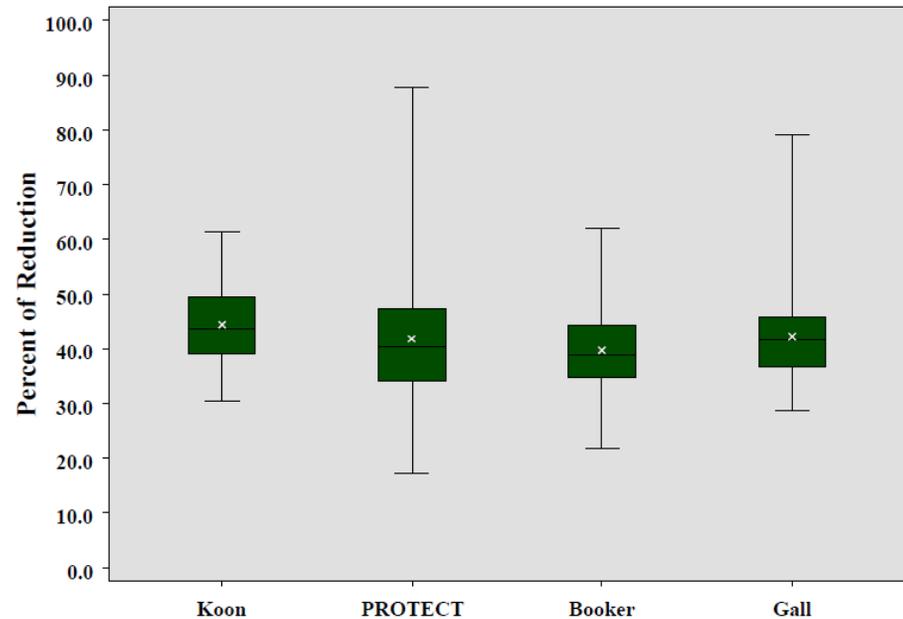
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

While the extent of the reduction for non-government sponsored below range sentences has been generally similar across the periods, the greatest spread in the extent of reductions occurred during the PROTECT Act period.

**Spread of Average Extent of Departure  
Non-Government Sponsored Below Range Sentences  
All Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	91.0	94.0	94.0
Min	30.4	17.4	21.7	28.6
Max	61.3	87.8	62.0	79.1
Q1	39.2	34.1	34.8	36.8
Q3	49.5	47.2	44.2	45.8
Q2	43.6	40.4	39.0	41.6
Mean	44.4	41.9	39.8	42.2

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

## Appendix: Federal Offenses in the Aggregate

### I. OVERVIEW

- ❖ National Distribution of All Offenses by Circuit and District

### II. SENTENCE POSITION RELATIVE TO THE GUIDELINE RANGE

- ❖ Within Range Rates by Circuit and District
- ❖ Above Range Rates by Circuit and District
- ❖ Government Sponsored Below Range Rates by Circuit and District
  - §5K1.1 Substantial Assistance Sentences
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- ❖ §5K1.1 Substantial Assistance Rates
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  - PROTECT Act Period
  - Booker Period
  - Gall Period
- ❖ §5K3.1 Early Disposition Program Sentences
  - PROTECT Act Period
  - Booker Period
  - Gall Period
- ❖ Other Government Sponsored Below Range Sentences
  - PROTECT Act Period
  - Booker Period
  - Gall Period
- ❖ Non-Government Sponsored Below Range Rates
  - Koon Period
  - PROTECT Act Period
  - Booker Period
  - Gall Period

**National Distribution of Offenses by Circuit and District  
Fiscal Year 2011**

CIRCUIT District	All Offenses	
	N	%
<b>TOTAL</b>	<b>76,216</b>	<b>100.0</b>
<b>D.C. CIRCUIT</b>	<b>345</b>	<b>0.5</b>
District of Columbia	345	0.5
<b>FIRST CIRCUIT</b>	<b>2,135</b>	<b>2.8</b>
Maine	193	0.3
Massachusetts	538	0.7
New Hampshire	201	0.3
Puerto Rico	994	1.3
Rhode Island	209	0.3
<b>SECOND CIRCUIT</b>	<b>4,308</b>	<b>5.7</b>
Connecticut	335	0.4
New York		
Eastern	1,094	1.4
Northern	515	0.7
Southern	1,493	2.0
Western	714	0.9
Vermont	157	0.2
<b>THIRD CIRCUIT</b>	<b>2,862</b>	<b>3.8</b>
Delaware	112	0.1
New Jersey	787	1.0
Pennsylvania		
Eastern	957	1.3
Middle	489	0.6
Western	457	0.6
Virgin Islands	60	0.1
<b>FOURTH CIRCUIT</b>	<b>5,740</b>	<b>7.5</b>
Maryland	784	1.0
North Carolina		
Eastern	780	1.0
Middle	524	0.7
Western	542	0.7
South Carolina	1,011	1.3
Virginia		
Eastern	1,146	1.5
Western	363	0.5
West Virginia		
Northern	283	0.4
Southern	307	0.4

### National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
<b>FIFTH CIRCUIT</b>	<b>17,801</b>	<b>23.4</b>
Louisiana		
Eastern	340	0.4
Middle	134	0.2
Western	270	0.4
Mississippi		
Northern	181	0.2
Southern	299	0.4
Texas		
Eastern	988	1.3
Northern	898	1.2
Southern	8,158	10.7
Western	6,533	8.6
<b>SIXTH CIRCUIT</b>	<b>5,329</b>	<b>7.0</b>
Kentucky		
Eastern	585	0.8
Western	358	0.5
Michigan		
Eastern	810	1.1
Western	452	0.6
Ohio		
Northern	610	0.8
Southern	706	0.9
Tennessee		
Eastern	894	1.2
Middle	319	0.4
Western	595	0.8
<b>SEVENTH CIRCUIT</b>	<b>2,931</b>	<b>3.8</b>
Illinois		
Central	353	0.5
Northern	868	1.1
Southern	324	0.4
Indiana		
Northern	436	0.6
Southern	279	0.4
Wisconsin		
Eastern	487	0.6
Western	184	0.2
<b>EIGHTH CIRCUIT</b>	<b>4,661</b>	<b>6.1</b>
Arkansas		
Eastern	316	0.4
Western	313	0.4
Iowa		
Northern	516	0.7
Southern	386	0.5
Minnesota	438	0.6
Missouri		
Eastern	810	1.1
Western	639	0.8
Nebraska	544	0.7
North Dakota	271	0.4
South Dakota	428	0.6

### National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
<b>NINTH CIRCUIT</b>	<b>17,291</b>	<b>22.7</b>
Alaska	138	0.2
Arizona	7,558	9.9
California		
Central	1,712	2.2
Eastern	1,009	1.3
Northern	676	0.9
Southern	3,199	4.2
Guam	49	0.1
Hawaii	196	0.3
Idaho	338	0.4
Montana	305	0.4
Nevada	625	0.8
Northern Mariana Islands	7	0.0
Oregon	516	0.7
Washington		
Eastern	353	0.5
Western	610	0.8
<b>TENTH CIRCUIT</b>	<b>6,372</b>	<b>8.4</b>
Colorado	622	0.8
Kansas	653	0.9
New Mexico	3,104	4.1
Oklahoma		
Eastern	103	0.1
Northern	192	0.3
Western	375	0.5
Utah	992	1.3
Wyoming	331	0.4
<b>ELEVENTH CIRCUIT</b>	<b>6,441</b>	<b>8.5</b>
Alabama		
Middle	227	0.3
Northern	428	0.6
Southern	421	0.6
Florida		
Middle	1,515	2.0
Northern	363	0.5
Southern	2,027	2.7
Georgia		
Middle	368	0.5
Northern	649	0.9
Southern	443	0.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Rate of Within Range Sentences by Circuit and District**  
**All Offenses**  
*Koon* Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>213,388</b>	<b>64.1</b>	<b>67,413</b>	<b>47,229</b>	<b>70.1</b>	<b>187,468</b>	<b>111,949</b>	<b>59.7</b>	<b>274,615</b>	<b>148,025</b>	<b>53.9</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>1,896</b>	<b>69.5</b>	<b>555</b>	<b>335</b>	<b>60.4</b>	<b>1,267</b>	<b>607</b>	<b>47.9</b>	<b>1,346</b>	<b>493</b>	<b>36.6</b>
District of Columbia	2,729	1,896	69.5	555	335	60.4	1,267	607	47.9	1,346	493	36.6
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>6,311</b>	<b>70.1</b>	<b>1,741</b>	<b>1,348</b>	<b>77.4</b>	<b>4,509</b>	<b>2,965</b>	<b>65.8</b>	<b>6,735</b>	<b>3,684</b>	<b>54.7</b>
Maine	1,087	780	71.8	223	149	66.8	570	398	69.8	739	369	49.9
Massachusetts	3,155	1,823	57.8	524	392	74.8	1,384	743	53.7	1,793	665	37.1
New Hampshire	937	526	56.1	246	141	57.3	616	336	54.5	805	347	43.1
Puerto Rico	3,109	2,614	84.1	606	545	89.9	1,564	1,248	79.8	2,837	2,028	71.5
Rhode Island	721	568	78.8	142	121	85.2	375	240	64.0	561	275	49.0
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>13,800</b>	<b>55.3</b>	<b>4,822</b>	<b>2,992</b>	<b>62.0</b>	<b>12,051</b>	<b>5,979</b>	<b>49.6</b>	<b>15,819</b>	<b>6,297</b>	<b>39.8</b>
Connecticut	1,862	960	51.6	435	247	56.8	1,097	507	46.2	1,461	584	40.0
New York												
Eastern	8,126	3,683	45.3	1,587	833	52.5	2,983	1,171	39.3	4,169	1,389	33.3
Northern	2,254	962	42.7	437	268	61.3	1,155	598	51.8	1,754	944	53.8
Southern	9,017	6,040	67.0	1,587	1,204	75.9	4,572	2,551	55.8	5,414	2,018	37.3
Western	2,783	1,685	60.5	555	317	57.1	1,747	926	53.0	2,370	1,135	47.9
Vermont	923	470	50.9	221	123	55.7	497	226	45.5	651	227	34.9
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>9,403</b>	<b>58.6</b>	<b>3,040</b>	<b>1,872</b>	<b>61.6</b>	<b>8,569</b>	<b>4,431</b>	<b>51.7</b>	<b>11,016</b>	<b>5,068</b>	<b>46.0</b>
Delaware	639	464	72.6	152	99	65.1	336	208	61.9	511	201	39.3
New Jersey	5,081	3,208	63.1	854	557	65.2	2,727	1,405	51.5	3,248	1,563	48.1
Pennsylvania												
Eastern	5,721	2,789	48.8	1,055	567	53.7	2,379	979	41.2	3,273	1,267	38.7
Middle	2,200	1,231	56.0	502	313	62.4	1,598	759	47.5	2,083	977	46.9
Western	1,772	1,208	68.2	391	279	71.4	1,234	846	68.6	1,649	898	54.5
Virgin Islands	637	503	79.0	86	57	66.3	295	234	79.3	252	162	64.3
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>20,385</b>	<b>72.2</b>	<b>5,736</b>	<b>4,356</b>	<b>75.9</b>	<b>16,825</b>	<b>11,531</b>	<b>68.5</b>	<b>21,854</b>	<b>12,892</b>	<b>59.0</b>
Maryland	3,141	1,838	58.5	501	305	60.9	1,761	853	48.4	2,600	1,137	43.7
North Carolina												
Eastern	3,012	1,879	62.4	618	359	58.1	1,714	966	56.4	2,585	1,398	54.1
Middle	2,435	1,858	76.3	410	358	87.3	1,259	957	76.0	1,788	1,289	72.1
Western	3,393	1,808	53.3	543	344	63.4	2,112	1,371	64.9	2,128	1,233	57.9
South Carolina	5,561	4,139	74.4	1,344	1,024	76.2	3,105	2,243	72.2	4,301	2,656	61.8
Virginia												
Eastern	5,277	4,589	87.0	1,136	982	86.4	3,444	2,630	76.4	4,714	3,042	64.5
Western	2,558	1,788	69.9	577	429	74.4	1,705	1,099	64.5	1,506	804	53.4
West Virginia												
Northern	1,256	1,106	88.1	275	237	86.2	949	767	80.8	1,212	759	62.6
Southern	1,619	1,380	85.2	332	318	95.8	776	645	83.1	1,020	574	56.3

## Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
District	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>45,991</b>	<b>71.5</b>	<b>14,307</b>	<b>11,189</b>	<b>78.2</b>	<b>41,121</b>	<b>29,082</b>	<b>70.7</b>	<b>65,744</b>	<b>45,655</b>	<b>69.4</b>
Louisiana												
Eastern	2,734	2,151	78.7	418	358	85.6	1,107	843	76.2	1,536	1,089	70.9
Middle	795	590	74.2	186	129	69.4	499	355	71.1	641	393	61.3
Western	1,869	1,400	74.9	397	337	84.9	1,235	940	76.1	1,175	851	72.4
Mississippi												
Northern	1,038	632	60.9	174	98	56.3	524	297	56.7	614	370	60.3
Southern	1,976	1,508	76.3	450	362	80.4	1,067	862	80.8	1,238	982	79.3
Texas												
Eastern	3,629	2,993	82.5	882	765	86.7	2,442	1,932	79.1	3,466	2,578	74.4
Northern	6,997	5,062	72.3	1,196	1,012	84.6	2,854	2,110	73.9	3,570	2,285	64.0
Southern	21,651	14,756	68.2	5,550	4,011	72.3	17,281	10,891	63.0	28,907	18,401	63.7
Western	23,679	16,899	71.4	5,054	4,117	81.5	14,112	10,852	76.9	24,597	18,706	76.0
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>17,494</b>	<b>66.4</b>	<b>4,972</b>	<b>3,412</b>	<b>68.6</b>	<b>14,045</b>	<b>7,761</b>	<b>55.3</b>	<b>19,208</b>	<b>9,469</b>	<b>49.3</b>
Kentucky												
Eastern	2,812	1,930	68.6	558	335	60.0	1,504	733	48.7	2,374	1,060	44.7
Western	2,073	1,732	83.6	342	265	77.5	928	568	61.2	1,313	633	48.2
Michigan												
Eastern	4,809	3,142	65.3	803	562	70.0	2,138	1,122	52.5	2,782	1,363	49.0
Western	2,154	1,398	64.9	437	327	74.8	1,210	738	61.0	1,688	988	58.5
Ohio												
Northern	4,785	3,171	66.3	779	517	66.4	2,538	1,455	57.3	2,502	1,310	52.4
Southern	2,795	1,534	54.9	505	308	61.0	1,711	751	43.9	2,371	844	35.6
Tennessee												
Eastern	2,976	1,971	66.2	688	444	64.5	1,641	1,044	63.6	2,799	1,648	58.9
Middle	1,376	912	66.3	311	239	76.8	836	488	58.4	1,105	487	44.1
Western	2,552	1,704	66.8	549	415	75.6	1,539	862	56.0	2,274	1,136	50.0
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>10,364</b>	<b>71.2</b>	<b>3,238</b>	<b>2,368</b>	<b>73.1</b>	<b>8,284</b>	<b>5,155</b>	<b>62.2</b>	<b>10,851</b>	<b>5,425</b>	<b>50.0</b>
Illinois												
Central	1,908	1,136	59.5	405	282	69.6	1,047	610	58.3	1,365	734	53.8
Northern	4,720	3,150	66.7	1,201	789	65.7	2,666	1,426	53.5	3,184	1,381	43.4
Southern	2,023	1,717	84.9	399	327	82.0	949	780	82.2	1,162	844	72.6
Indiana												
Northern	1,811	1,374	75.9	373	273	73.2	1,135	779	68.6	1,588	951	59.9
Southern	1,505	945	62.8	293	203	69.3	857	517	60.3	1,052	559	53.1
Wisconsin												
Eastern	1,744	1,340	76.8	356	300	84.3	1,047	534	51.0	1,804	574	31.8
Western	841	702	83.5	211	194	91.9	583	509	87.3	696	382	54.9
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>14,734</b>	<b>66.9</b>	<b>4,980</b>	<b>3,796</b>	<b>76.2</b>	<b>14,059</b>	<b>9,247</b>	<b>65.8</b>	<b>18,780</b>	<b>10,624</b>	<b>56.6</b>
Arkansas												
Eastern	1,720	1,436	83.5	296	255	86.1	903	582	64.5	1,354	854	63.1
Western	899	710	79.0	203	159	78.3	503	357	71.0	992	742	74.8
Iowa												
Northern	1,729	1,081	62.5	537	397	73.9	1,136	796	70.1	1,744	1,091	62.6
Southern	1,957	1,123	57.4	426	316	74.2	1,033	533	51.6	1,599	728	45.5
Minnesota	2,566	1,548	60.3	467	306	65.5	1,444	734	50.8	1,961	659	33.6
Missouri												
Eastern	3,786	2,610	68.9	786	622	79.1	2,771	1,906	68.8	3,639	1,993	54.8
Western	3,646	2,088	57.3	790	603	76.3	2,338	1,614	69.0	2,687	1,522	56.6
Nebraska	2,753	1,849	67.2	876	660	75.3	2,031	1,388	68.3	2,200	1,353	61.5
North Dakota	967	675	69.8	206	166	80.6	635	388	61.1	946	527	55.7
South Dakota	2,014	1,614	80.1	393	312	79.4	1,265	949	75.0	1,658	1,155	69.7

## Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>31,621</b>	<b>48.6</b>	<b>11,825</b>	<b>6,497</b>	<b>54.9</b>	<b>32,790</b>	<b>13,395</b>	<b>40.9</b>	<b>54,812</b>	<b>19,207</b>	<b>35.0</b>
Alaska	960	698	72.7	216	150	69.4	407	242	59.5	519	221	42.6
Arizona	18,103	5,399	29.8	4,245	1,541	36.3	11,215	3,245	28.9	18,894	6,014	31.8
California												
Central	3,357	2,349	70.0	583	423	72.6	2,409	1,105	45.9	6,230	1,905	30.6
Eastern	5,064	3,754	74.1	945	687	72.7	2,563	1,372	53.5	3,636	1,492	41.0
Northern	3,975	2,565	64.5	598	406	67.9	1,534	779	50.8	2,431	1,093	45.0
Southern	16,771	6,264	37.4	1,702	870	51.1	5,634	1,932	34.3	11,713	3,281	28.0
Guam	719	506	70.4	106	62	58.5	245	136	55.5	214	142	66.4
Hawaii	1,975	1,232	62.4	432	279	64.6	1,148	530	46.2	838	338	40.3
Idaho	893	519	58.1	274	129	47.1	674	299	44.4	1,155	505	43.7
Montana	1,894	1,287	68.0	397	334	84.1	1,127	866	76.8	1,363	945	69.3
Nevada	3,290	2,385	72.5	643	526	81.8	1,426	986	69.1	1,874	1,185	63.2
Northern Mariana Islands	132	69	52.3	28	23	82.1	58	39	67.2	66	54	81.8
Oregon	2,986	1,804	60.4	584	374	64.0	1,336	627	46.9	1,946	713	36.6
Washington												
Eastern	1,657	849	51.2	378	283	74.9	990	493	49.8	1,389	502	36.1
Western	3,308	1,941	58.7	694	410	59.1	2,024	744	36.8	2,544	817	32.1
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>14,052</b>	<b>68.1</b>	<b>5,140</b>	<b>3,844</b>	<b>74.8</b>	<b>15,620</b>	<b>9,490</b>	<b>60.8</b>	<b>23,558</b>	<b>13,688</b>	<b>58.1</b>
Colorado	3,056	1,822	59.6	582	383	65.8	1,598	890	55.7	1,969	1,095	55.6
Kansas	2,672	1,934	72.4	715	580	81.1	1,840	1,138	61.8	2,491	1,337	53.7
New Mexico	8,336	5,233	62.8	2,212	1,520	68.7	7,519	4,336	57.7	12,389	7,753	62.6
Oklahoma												
Eastern	534	383	71.7	118	101	85.6	250	201	80.4	377	275	72.9
Northern	1,134	885	78.0	160	144	90.0	594	489	82.3	720	487	67.6
Western	1,378	1,139	82.7	234	195	83.3	724	511	70.6	1,216	773	63.6
Utah	2,545	1,978	77.7	847	697	82.3	2,231	1,344	60.2	3,066	1,210	39.5
Wyoming	985	678	68.8	272	224	82.4	864	581	67.2	1,330	758	57.0
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>27,337</b>	<b>70.6</b>	<b>7,057</b>	<b>5,220</b>	<b>74.0</b>	<b>18,328</b>	<b>12,306</b>	<b>67.1</b>	<b>24,892</b>	<b>15,523</b>	<b>62.4</b>
Alabama												
Middle	1,178	680	57.7	213	134	62.9	679	391	57.6	901	538	59.7
Northern	2,704	1,836	67.9	577	409	70.9	1,416	863	60.9	1,627	1,006	61.8
Southern	2,189	1,345	61.4	321	222	69.2	1,027	660	64.3	1,555	969	62.3
Florida												
Middle	9,164	5,831	63.6	1,837	1,285	70.0	4,734	2,977	62.9	6,134	3,401	55.4
Northern	2,400	1,638	68.3	487	303	62.2	1,092	757	69.3	1,397	940	67.3
Southern	12,469	9,988	80.1	2,106	1,725	81.9	5,610	4,077	72.7	7,929	5,267	66.4
Georgia												
Middle	2,309	1,671	72.4	435	310	71.3	1,069	763	71.4	1,183	907	76.7
Northern	4,522	3,014	66.7	794	623	78.5	1,811	1,173	64.8	2,612	1,427	54.6
Southern	1,779	1,334	75.0	287	209	72.8	890	645	72.5	1,554	1,068	68.7

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Rate of Above Range Sentences by Circuit and District**  
**All Offenses**  
*Koon* Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>2,468</b>	<b>0.7</b>	<b>67,413</b>	<b>585</b>	<b>0.9</b>	<b>187,468</b>	<b>3,027</b>	<b>1.6</b>	<b>274,615</b>	<b>5,155</b>	<b>1.9</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>19</b>	<b>0.7</b>	<b>555</b>	<b>2</b>	<b>0.4</b>	<b>1,267</b>	<b>28</b>	<b>2.2</b>	<b>1,346</b>	<b>21</b>	<b>1.6</b>
District of Columbia	2,729	19	0.7	555	2	0.4	1,267	28	2.2	1,346	21	1.6
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>80</b>	<b>0.9</b>	<b>1,741</b>	<b>18</b>	<b>1.0</b>	<b>4,509</b>	<b>73</b>	<b>1.6</b>	<b>6,735</b>	<b>123</b>	<b>1.8</b>
Maine	1,087	10	0.9	223	3	1.3	570	5	0.9	739	10	1.4
Massachusetts	3,155	30	1.0	524	6	1.1	1,384	17	1.2	1,793	47	2.6
New Hampshire	937	14	1.5	246	6	2.4	616	14	2.3	805	24	3.0
Puerto Rico	3,109	9	0.3	606	2	0.3	1,564	27	1.7	2,837	39	1.4
Rhode Island	721	17	2.4	142	1	0.7	375	10	2.7	561	3	0.5
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>152</b>	<b>0.6</b>	<b>4,822</b>	<b>35</b>	<b>0.7</b>	<b>12,051</b>	<b>105</b>	<b>0.9</b>	<b>15,819</b>	<b>125</b>	<b>0.8</b>
Connecticut	1,862	18	1.0	435	9	2.1	1,097	14	1.3	1,461	16	1.1
New York												
Eastern	8,126	40	0.5	1,587	8	0.5	2,983	41	1.4	4,169	49	1.2
Northern	2,254	17	0.8	437	0	0.0	1,155	6	0.5	1,754	11	0.6
Southern	9,017	43	0.5	1,587	8	0.5	4,572	19	0.4	5,414	22	0.4
Western	2,783	22	0.8	555	7	1.3	1,747	21	1.2	2,370	23	1.0
Vermont	923	12	1.3	221	3	1.4	497	4	0.8	651	4	0.6
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>127</b>	<b>0.8</b>	<b>3,040</b>	<b>22</b>	<b>0.7</b>	<b>8,569</b>	<b>106</b>	<b>1.2</b>	<b>11,016</b>	<b>145</b>	<b>1.3</b>
Delaware	639	3	0.5	152	1	0.7	336	0	0.0	511	11	2.2
New Jersey	5,081	33	0.6	854	1	0.1	2,727	17	0.6	3,248	27	0.8
Pennsylvania												
Eastern	5,721	43	0.8	1,055	9	0.9	2,379	40	1.7	3,273	53	1.6
Middle	2,200	30	1.4	502	5	1.0	1,598	23	1.4	2,083	28	1.3
Western	1,772	10	0.6	391	2	0.5	1,234	20	1.6	1,649	11	0.7
Virgin Islands	637	8	1.3	86	4	4.7	295	6	2.0	252	15	6.0
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>260</b>	<b>0.9</b>	<b>5,736</b>	<b>53</b>	<b>0.9</b>	<b>16,825</b>	<b>258</b>	<b>1.5</b>	<b>21,854</b>	<b>522</b>	<b>2.4</b>
Maryland	3,141	29	0.9	501	4	0.8	1,761	24	1.4	2,600	69	2.7
North Carolina												
Eastern	3,012	54	1.8	618	9	1.5	1,714	35	2.0	2,585	94	3.6
Middle	2,435	52	2.1	410	4	1.0	1,259	11	0.9	1,788	39	2.2
Western	3,393	16	0.5	543	1	0.2	2,112	17	0.8	2,128	36	1.7
South Carolina	5,561	32	0.6	1,344	12	0.9	3,105	26	0.8	4,301	59	1.4
Virginia												
Eastern	5,277	23	0.4	1,136	12	1.1	3,444	95	2.8	4,714	139	2.9
Western	2,558	26	1.0	577	8	1.4	1,705	28	1.6	1,506	49	3.3
West Virginia												
Northern	1,256	17	1.4	275	2	0.7	949	10	1.1	1,212	17	1.4
Southern	1,619	11	0.7	332	1	0.3	776	12	1.5	1,020	20	2.0

## Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>442</b>	<b>0.7</b>	<b>14,307</b>	<b>125</b>	<b>0.9</b>	<b>41,121</b>	<b>824</b>	<b>2.0</b>	<b>65,744</b>	<b>1,580</b>	<b>2.4</b>
Louisiana												
Eastern	2,734	18	0.7	418	8	1.9	1,107	39	3.5	1,536	66	4.3
Middle	795	25	3.1	186	7	3.8	499	25	5.0	641	35	5.5
Western	1,869	22	1.2	397	6	1.5	1,235	61	4.9	1,175	76	6.5
Mississippi												
Northern	1,038	8	0.8	174	0	0.0	524	17	3.2	614	28	4.6
Southern	1,976	12	0.6	450	2	0.4	1,067	28	2.6	1,238	22	1.8
Texas												
Eastern	3,629	20	0.6	882	1	0.1	2,442	30	1.2	3,466	49	1.4
Northern	6,997	73	1.0	1,196	20	1.7	2,854	163	5.7	3,570	275	7.7
Southern	21,651	132	0.6	5,550	30	0.5	17,281	184	1.1	28,907	406	1.4
Western	23,679	132	0.6	5,054	51	1.0	14,112	277	2.0	24,597	623	2.5
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>142</b>	<b>0.5</b>	<b>4,972</b>	<b>20</b>	<b>0.4</b>	<b>14,045</b>	<b>193</b>	<b>1.4</b>	<b>19,208</b>	<b>372</b>	<b>1.9</b>
Kentucky												
Eastern	2,812	11	0.4	558	4	0.7	1,504	25	1.7	2,374	45	1.9
Western	2,073	8	0.4	342	2	0.6	928	3	0.3	1,313	16	1.2
Michigan												
Eastern	4,809	17	0.4	803	1	0.1	2,138	25	1.2	2,782	32	1.2
Western	2,154	23	1.1	437	4	0.9	1,210	35	2.9	1,688	83	4.9
Ohio												
Northern	4,785	15	0.3	779	0	0.0	2,538	23	0.9	2,502	41	1.6
Southern	2,795	15	0.5	505	4	0.8	1,711	21	1.2	2,371	45	1.9
Tennessee												
Eastern	2,976	11	0.4	688	1	0.1	1,641	26	1.6	2,799	40	1.4
Middle	1,376	8	0.6	311	1	0.3	836	8	1.0	1,105	26	2.4
Western	2,552	34	1.3	549	3	0.5	1,539	27	1.8	2,274	44	1.9
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>149</b>	<b>1.0</b>	<b>3,238</b>	<b>40</b>	<b>1.2</b>	<b>8,284</b>	<b>113</b>	<b>1.4</b>	<b>10,851</b>	<b>279</b>	<b>2.6</b>
Illinois												
Central	1,908	17	0.9	405	5	1.2	1,047	12	1.1	1,365	11	0.8
Northern	4,720	42	0.9	1,201	11	0.9	2,666	22	0.8	3,184	57	1.8
Southern	2,023	8	0.4	399	3	0.8	949	17	1.8	1,162	53	4.6
Indiana												
Northern	1,811	15	0.8	373	3	0.8	1,135	10	0.9	1,588	40	2.5
Southern	1,505	24	1.6	293	7	2.4	857	26	3.0	1,052	59	5.6
Wisconsin												
Eastern	1,744	9	0.5	356	5	1.4	1,047	18	1.7	1,804	50	2.8
Western	841	34	4.0	211	6	2.8	583	8	1.4	696	9	1.3
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>198</b>	<b>0.9</b>	<b>4,980</b>	<b>46</b>	<b>0.9</b>	<b>14,059</b>	<b>230</b>	<b>1.6</b>	<b>18,780</b>	<b>433</b>	<b>2.3</b>
Arkansas												
Eastern	1,720	9	0.5	296	1	0.3	903	10	1.1	1,354	43	3.2
Western	899	2	0.2	203	2	1.0	503	1	0.2	992	9	0.9
Iowa												
Northern	1,729	32	1.9	537	8	1.5	1,136	53	4.7	1,744	95	5.4
Southern	1,957	9	0.5	426	1	0.2	1,033	13	1.3	1,599	35	2.2
Minnesota	2,566	19	0.7	467	6	1.3	1,444	6	0.4	1,961	19	1.0
Missouri												
Eastern	3,786	17	0.4	786	5	0.6	2,771	19	0.7	3,639	49	1.3
Western	3,646	23	0.6	790	6	0.8	2,338	32	1.4	2,687	73	2.7
Nebraska	2,753	6	0.2	876	3	0.3	2,031	32	1.6	2,200	42	1.9
North Dakota	967	12	1.2	206	1	0.5	635	5	0.8	946	14	1.5
South Dakota	2,014	69	3.4	393	13	3.3	1,265	59	4.7	1,658	54	3.3

## Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>493</b>	<b>0.8</b>	<b>11,825</b>	<b>136</b>	<b>1.2</b>	<b>32,790</b>	<b>574</b>	<b>1.8</b>	<b>54,812</b>	<b>742</b>	<b>1.4</b>
Alaska	960	6	0.6	216	2	0.9	407	12	2.9	519	12	2.3
Arizona	18,103	174	1.0	4,245	83	2.0	11,215	257	2.3	18,894	240	1.3
California												
Central	3,357	21	0.6	583	0	0.0	2,409	25	1.0	6,230	101	1.6
Eastern	5,064	15	0.3	945	3	0.3	2,563	26	1.0	3,636	48	1.3
Northern	3,975	47	1.2	598	7	1.2	1,534	32	2.1	2,431	53	2.2
Southern	16,771	99	0.6	1,702	6	0.4	5,634	36	0.6	11,713	68	0.6
Guam	719	5	0.7	106	0	0.0	245	2	0.8	214	6	2.8
Hawaii	1,975	7	0.4	432	3	0.7	1,148	19	1.7	838	10	1.2
Idaho	893	14	1.6	274	3	1.1	674	11	1.6	1,155	15	1.3
Montana	1,894	20	1.1	397	9	2.3	1,127	43	3.8	1,363	41	3.0
Nevada	3,290	19	0.6	643	5	0.8	1,426	22	1.5	1,874	30	1.6
Northern Mariana Islands	132	1	0.8	28	0	0.0	58	1	1.7	66	0	0.0
Oregon	2,986	30	1.0	584	6	1.0	1,336	21	1.6	1,946	34	1.7
Washington												
Eastern	1,657	10	0.6	378	1	0.3	990	28	2.8	1,389	49	3.5
Western	3,308	25	0.8	694	8	1.2	2,024	39	1.9	2,544	35	1.4
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>133</b>	<b>0.6</b>	<b>5,140</b>	<b>33</b>	<b>0.6</b>	<b>15,620</b>	<b>199</b>	<b>1.3</b>	<b>23,558</b>	<b>305</b>	<b>1.3</b>
Colorado	3,056	19	0.6	582	1	0.2	1,598	19	1.2	1,969	27	1.4
Kansas	2,672	15	0.6	715	3	0.4	1,840	91	4.9	2,491	127	5.1
New Mexico	8,336	27	0.3	2,212	11	0.5	7,519	26	0.3	12,389	52	0.4
Oklahoma												
Eastern	534	1	0.2	118	3	2.5	250	1	0.4	377	4	1.1
Northern	1,134	17	1.5	160	3	1.9	594	8	1.3	720	3	0.4
Western	1,378	25	1.8	234	4	1.7	724	24	3.3	1,216	35	2.9
Utah	2,545	15	0.6	847	8	0.9	2,231	21	0.9	3,066	34	1.1
Wyoming	985	14	1.4	272	0	0.0	864	9	1.0	1,330	23	1.7
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>273</b>	<b>0.7</b>	<b>7,057</b>	<b>55</b>	<b>0.8</b>	<b>18,328</b>	<b>324</b>	<b>1.8</b>	<b>24,892</b>	<b>508</b>	<b>2.0</b>
Alabama												
Middle	1,178	4	0.3	213	2	0.9	679	13	1.9	901	27	3.0
Northern	2,704	18	0.7	577	8	1.4	1,416	28	2.0	1,627	35	2.2
Southern	2,189	18	0.8	321	2	0.6	1,027	14	1.4	1,555	20	1.3
Florida												
Middle	9,164	41	0.4	1,837	5	0.3	4,734	44	0.9	6,134	109	1.8
Northern	2,400	29	1.2	487	6	1.2	1,092	26	2.4	1,397	29	2.1
Southern	12,469	71	0.6	2,106	13	0.6	5,610	69	1.2	7,929	133	1.7
Georgia												
Middle	2,309	29	1.3	435	7	1.6	1,069	27	2.5	1,183	32	2.7
Northern	4,522	41	0.9	794	8	1.0	1,811	37	2.0	2,612	43	1.6
Southern	1,779	22	1.2	287	4	1.4	890	66	7.4	1,554	80	5.1

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Rate of Government Sponsored Sentences by Circuit and District**  
**All Offenses**  
*Koon* Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>65,725</b>	<b>19.8</b>	<b>67,413</b>	<b>15,752</b>	<b>23.4</b>	<b>187,468</b>	<b>48,921</b>	<b>26.1</b>	<b>274,615</b>	<b>73,533</b>	<b>26.8</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>572</b>	<b>21.0</b>	<b>555</b>	<b>192</b>	<b>34.6</b>	<b>1,267</b>	<b>455</b>	<b>35.9</b>	<b>1,346</b>	<b>555</b>	<b>41.2</b>
District of Columbia	2,729	572	21.0	555	192	34.6	1,267	455	35.9	1,346	555	41.2
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>1,589</b>	<b>17.6</b>	<b>1,741</b>	<b>274</b>	<b>15.7</b>	<b>4,509</b>	<b>688</b>	<b>15.3</b>	<b>6,735</b>	<b>1,409</b>	<b>20.9</b>
Maine	1,087	244	22.4	223	64	28.7	570	116	20.4	739	220	29.8
Massachusetts	3,155	662	21.0	524	60	11.5	1,384	204	14.7	1,793	443	24.7
New Hampshire	937	323	34.5	246	88	35.8	616	196	31.8	805	259	32.2
Puerto Rico	3,109	302	9.7	606	49	8.1	1,564	146	9.3	2,837	431	15.2
Rhode Island	721	58	8.0	142	13	9.2	375	26	6.9	561	56	10.0
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>5,830</b>	<b>23.4</b>	<b>4,822</b>	<b>1,107</b>	<b>23.0</b>	<b>12,051</b>	<b>3,040</b>	<b>25.2</b>	<b>15,819</b>	<b>3,787</b>	<b>23.9</b>
Connecticut	1,862	250	13.4	435	81	18.6	1,097	238	21.7	1,461	288	19.7
New York												
Eastern	8,126	1,902	23.4	1,587	415	26.1	2,983	866	29.0	4,169	1,159	27.8
Northern	2,254	954	42.3	437	107	24.5	1,155	380	32.9	1,754	413	23.5
Southern	9,017	1,728	19.2	1,587	240	15.1	4,572	778	17.0	5,414	942	17.4
Western	2,783	802	28.8	555	195	35.1	1,747	614	35.1	2,370	819	34.6
Vermont	923	194	21.0	221	69	31.2	497	164	33.0	651	166	25.5
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>5,161</b>	<b>32.2</b>	<b>3,040</b>	<b>977</b>	<b>32.1</b>	<b>8,569</b>	<b>2,550</b>	<b>29.8</b>	<b>11,016</b>	<b>3,176</b>	<b>28.8</b>
Delaware	639	119	18.6	152	32	21.1	336	34	10.1	511	88	17.2
New Jersey	5,081	1,420	27.9	854	242	28.3	2,727	869	31.9	3,248	987	30.4
Pennsylvania												
Eastern	5,721	2,406	42.1	1,055	416	39.4	2,379	846	35.6	3,273	1,124	34.3
Middle	2,200	747	34.0	502	171	34.1	1,598	612	38.3	2,083	662	31.8
Western	1,772	383	21.6	391	95	24.3	1,234	165	13.4	1,649	276	16.7
Virgin Islands	637	86	13.5	86	21	24.4	295	24	8.1	252	39	15.5
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>6,299</b>	<b>22.3</b>	<b>5,736</b>	<b>1,128</b>	<b>19.7</b>	<b>16,825</b>	<b>3,254</b>	<b>19.3</b>	<b>21,854</b>	<b>4,495</b>	<b>20.6</b>
Maryland	3,141	859	27.3	501	125	25.0	1,761	553	31.4	2,600	839	32.3
North Carolina												
Eastern	3,012	932	30.9	618	216	35.0	1,714	585	34.1	2,585	881	34.1
Middle	2,435	459	18.9	410	44	10.7	1,259	183	14.5	1,788	246	13.8
Western	3,393	1,413	41.6	543	179	33.0	2,112	564	26.7	2,128	617	29.0
South Carolina	5,561	1,248	22.4	1,344	292	21.7	3,105	544	17.5	4,301	898	20.9
Virginia												
Eastern	5,277	472	8.9	1,136	101	8.9	3,444	234	6.8	4,714	360	7.6
Western	2,558	650	25.4	577	132	22.9	1,705	441	25.9	1,506	363	24.1
West Virginia												
Northern	1,256	97	7.7	275	32	11.6	949	84	8.9	1,212	180	14.9
Southern	1,619	169	10.4	332	7	2.1	776	66	8.5	1,020	111	10.9

## Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>10,077</b>	<b>15.7</b>	<b>14,307</b>	<b>2,396</b>	<b>16.7</b>	<b>41,121</b>	<b>8,118</b>	<b>19.7</b>	<b>65,744</b>	<b>10,889</b>	<b>16.6</b>
Louisiana												
Eastern	2,734	382	14.0	418	43	10.3	1,107	151	13.6	1,536	195	12.7
Middle	795	139	17.5	186	48	25.8	499	92	18.4	641	131	20.4
Western	1,869	369	19.7	397	47	11.8	1,235	131	10.6	1,175	98	8.3
Mississippi												
Northern	1,038	316	30.4	174	71	40.8	524	188	35.9	614	160	26.1
Southern	1,976	367	18.6	450	80	17.8	1,067	104	9.7	1,238	103	8.3
Texas												
Eastern	3,629	380	10.5	882	91	10.3	2,442	307	12.6	3,466	547	15.8
Northern	6,997	1,420	20.3	1,196	133	11.1	2,854	400	14.0	3,570	560	15.7
Southern	21,651	3,676	17.0	5,550	1,137	20.5	17,281	4,836	28.0	28,907	6,506	22.5
Western	23,679	3,028	12.8	5,054	746	14.8	14,112	1,909	13.5	24,597	2,589	10.5
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>6,951</b>	<b>26.4</b>	<b>4,972</b>	<b>1,300</b>	<b>26.1</b>	<b>14,045</b>	<b>3,984</b>	<b>28.4</b>	<b>19,208</b>	<b>5,412</b>	<b>28.2</b>
Kentucky												
Eastern	2,812	795	28.3	558	213	38.2	1,504	607	40.4	2,374	999	42.1
Western	2,073	233	11.2	342	55	16.1	928	241	26.0	1,313	441	33.6
Michigan												
Eastern	4,809	1,259	26.2	803	191	23.8	2,138	614	28.7	2,782	635	22.8
Western	2,154	568	26.4	437	87	19.9	1,210	236	19.5	1,688	254	15.0
Ohio												
Northern	4,785	1,151	24.1	779	192	24.6	2,538	626	24.7	2,502	610	24.4
Southern	2,795	1,004	35.9	505	156	30.9	1,711	635	37.1	2,371	865	36.5
Tennessee												
Eastern	2,976	887	29.8	688	225	32.7	1,641	432	26.3	2,799	739	26.4
Middle	1,376	369	26.8	311	62	19.9	836	187	22.4	1,105	300	27.1
Western	2,552	685	26.8	549	119	21.7	1,539	406	26.4	2,274	569	25.0
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>3,084</b>	<b>21.2</b>	<b>3,238</b>	<b>704</b>	<b>21.7</b>	<b>8,284</b>	<b>1,645</b>	<b>19.9</b>	<b>10,851</b>	<b>2,248</b>	<b>20.7</b>
Illinois												
Central	1,908	637	33.4	405	98	24.2	1,047	243	23.2	1,365	328	24.0
Northern	4,720	1,092	23.1	1,201	342	28.5	2,666	632	23.7	3,184	559	17.6
Southern	2,023	224	11.1	399	59	14.8	949	66	7.0	1,162	114	9.8
Indiana												
Northern	1,811	331	18.3	373	86	23.1	1,135	275	24.2	1,588	370	23.3
Southern	1,505	439	29.2	293	75	25.6	857	194	22.6	1,052	219	20.8
Wisconsin												
Eastern	1,744	282	16.2	356	33	9.3	1,047	218	20.8	1,804	593	32.9
Western	841	79	9.4	211	11	5.2	583	17	2.9	696	65	9.3
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>5,035</b>	<b>22.8</b>	<b>4,980</b>	<b>882</b>	<b>17.7</b>	<b>14,059</b>	<b>2,666</b>	<b>19.0</b>	<b>18,780</b>	<b>3,642</b>	<b>19.4</b>
Arkansas												
Eastern	1,720	214	12.4	296	34	11.5	903	186	20.6	1,354	203	15.0
Western	899	152	16.9	203	41	20.2	503	105	20.9	992	126	12.7
Iowa												
Northern	1,729	477	27.6	537	128	23.8	1,136	182	16.0	1,744	341	19.6
Southern	1,957	559	28.6	426	83	19.5	1,033	252	24.4	1,599	428	26.8
Minnesota	2,566	547	21.3	467	120	25.7	1,444	365	25.3	1,961	559	28.5
Missouri												
Eastern	3,786	935	24.7	786	137	17.4	2,771	506	18.3	3,639	698	19.2
Western	3,646	1,358	37.2	790	156	19.7	2,338	430	18.4	2,687	619	23.0
Nebraska	2,753	514	18.7	876	119	13.6	2,031	362	17.8	2,200	318	14.5
North Dakota	967	152	15.7	206	28	13.6	635	186	29.3	946	265	28.0
South Dakota	2,014	127	6.3	393	36	9.2	1,265	92	7.3	1,658	85	5.1

## Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>9,514</b>	<b>14.6</b>	<b>11,825</b>	<b>4,216</b>	<b>35.7</b>	<b>32,790</b>	<b>14,741</b>	<b>45.0</b>	<b>54,812</b>	<b>27,221</b>	<b>49.7</b>
Alaska	960	99	10.3	216	51	23.6	407	78	19.2	519	143	27.6
Arizona	18,103	2,405	13.3	4,245	2,335	55.0	11,215	7,034	62.7	18,894	11,183	59.2
California												
Central	3,357	468	13.9	583	101	17.3	2,409	691	28.7	6,230	2,762	44.3
Eastern	5,064	833	16.4	945	212	22.4	2,563	891	34.8	3,636	1,667	45.8
Northern	3,975	447	11.2	598	111	18.6	1,534	424	27.6	2,431	820	33.7
Southern	16,771	1,989	11.9	1,702	664	39.0	5,634	3,121	55.4	11,713	7,018	59.9
Guam	719	194	27.0	106	38	35.8	245	73	29.8	214	31	14.5
Hawaii	1,975	557	28.2	432	130	30.1	1,148	396	34.5	838	270	32.2
Idaho	893	240	26.9	274	127	46.4	674	272	40.4	1,155	431	37.3
Montana	1,894	359	19.0	397	42	10.6	1,127	130	11.5	1,363	189	13.9
Nevada	3,290	466	14.2	643	85	13.2	1,426	233	16.3	1,874	299	16.0
Northern Mariana Islands	132	61	46.2	28	5	17.9	58	16	27.6	66	6	9.1
Oregon	2,986	589	19.7	584	119	20.4	1,336	354	26.5	1,946	766	39.4
Washington												
Eastern	1,657	165	10.0	378	40	10.6	990	283	28.6	1,389	524	37.7
Western	3,308	642	19.4	694	156	22.5	2,024	745	36.8	2,544	1,112	43.7
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>2,937</b>	<b>14.2</b>	<b>5,140</b>	<b>1,046</b>	<b>20.4</b>	<b>15,620</b>	<b>4,162</b>	<b>26.6</b>	<b>23,558</b>	<b>6,559</b>	<b>27.8</b>
Colorado	3,056	864	28.3	582	163	28.0	1,598	458	28.7	1,969	455	23.1
Kansas	2,672	482	18.0	715	111	15.5	1,840	422	22.9	2,491	743	29.8
New Mexico	8,336	863	10.4	2,212	613	27.7	7,519	2,465	32.8	12,389	3,616	29.2
Oklahoma												
Eastern	534	44	8.2	118	13	11.0	250	35	14.0	377	56	14.9
Northern	1,134	152	13.4	160	13	8.1	594	68	11.4	720	126	17.5
Western	1,378	149	10.8	234	29	12.4	724	57	7.9	1,216	122	10.0
Utah	2,545	188	7.4	847	75	8.9	2,231	512	22.9	3,066	1,177	38.4
Wyoming	985	195	19.8	272	29	10.7	864	145	16.8	1,330	264	19.8
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>8,676</b>	<b>22.4</b>	<b>7,057</b>	<b>1,530</b>	<b>21.7</b>	<b>18,328</b>	<b>3,618</b>	<b>19.7</b>	<b>24,892</b>	<b>4,140</b>	<b>16.6</b>
Alabama												
Middle	1,178	430	36.5	213	63	29.6	679	239	35.2	901	229	25.4
Northern	2,704	764	28.3	577	153	26.5	1,416	376	26.6	1,627	354	21.8
Southern	2,189	739	33.8	321	92	28.7	1,027	254	24.7	1,555	329	21.2
Florida												
Middle	9,164	2,644	28.9	1,837	462	25.1	4,734	1,182	25.0	6,134	1,261	20.6
Northern	2,400	641	26.7	487	170	34.9	1,092	236	21.6	1,397	252	18.0
Southern	12,469	1,682	13.5	2,106	305	14.5	5,610	713	12.7	7,929	830	10.5
Georgia												
Middle	2,309	510	22.1	435	114	26.2	1,069	205	19.2	1,183	172	14.5
Northern	4,522	920	20.3	794	116	14.6	1,811	305	16.8	2,612	479	18.3
Southern	1,779	346	19.4	287	55	19.2	890	108	12.1	1,554	234	15.1

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

## Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District

### All Offenses

#### *Koon* Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>63,466</b>	<b>19.1</b>	<b>67,413</b>	<b>11,198</b>	<b>16.6</b>	<b>187,468</b>	<b>28,508</b>	<b>15.2</b>	<b>274,615</b>	<b>35,467</b>	<b>12.9</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>562</b>	<b>20.6</b>	<b>555</b>	<b>169</b>	<b>30.5</b>	<b>1,267</b>	<b>344</b>	<b>27.2</b>	<b>1,346</b>	<b>386</b>	<b>28.7</b>
District of Columbia	2,729	562	20.6	555	169	30.5	1,267	344	27.2	1,346	386	28.7
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>1,583</b>	<b>17.6</b>	<b>1,741</b>	<b>263</b>	<b>15.1</b>	<b>4,509</b>	<b>568</b>	<b>12.6</b>	<b>6,735</b>	<b>824</b>	<b>12.2</b>
Maine	1,087	244	22.4	223	64	28.7	570	116	20.4	739	216	29.2
Massachusetts	3,155	661	21.0	524	55	10.5	1,384	163	11.8	1,793	186	10.4
New Hampshire	937	323	34.5	246	84	34.1	616	162	26.3	805	182	22.6
Puerto Rico	3,109	297	9.6	606	47	7.8	1,564	108	6.9	2,837	196	6.9
Rhode Island	721	58	8.0	142	13	9.2	375	19	5.1	561	44	7.8
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>5,762</b>	<b>23.1</b>	<b>4,822</b>	<b>973</b>	<b>20.2</b>	<b>12,051</b>	<b>2,725</b>	<b>22.6</b>	<b>15,819</b>	<b>3,282</b>	<b>20.7</b>
Connecticut	1,862	238	12.8	435	51	11.7	1,097	225	20.5	1,461	250	17.1
New York												
Eastern	8,126	1,855	22.8	1,587	324	20.4	2,983	722	24.2	4,169	970	23.3
Northern	2,254	953	42.3	437	104	23.8	1,155	364	31.5	1,754	383	21.8
Southern	9,017	1,728	19.2	1,587	236	14.9	4,572	699	15.3	5,414	843	15.6
Western	2,783	794	28.5	555	189	34.1	1,747	563	32.2	2,370	710	30.0
Vermont	923	194	21.0	221	69	31.2	497	152	30.6	651	126	19.4
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>5,151</b>	<b>32.1</b>	<b>3,040</b>	<b>955</b>	<b>31.4</b>	<b>8,569</b>	<b>2,401</b>	<b>28.0</b>	<b>11,016</b>	<b>2,810</b>	<b>25.5</b>
Delaware	639	116	18.2	152	31	20.4	336	25	7.4	511	69	13.5
New Jersey	5,081	1,419	27.9	854	234	27.4	2,727	839	30.8	3,248	923	28.4
Pennsylvania												
Eastern	5,721	2,404	42.0	1,055	408	38.7	2,379	800	33.6	3,273	1,041	31.8
Middle	2,200	746	33.9	502	168	33.5	1,598	559	35.0	2,083	498	23.9
Western	1,772	382	21.6	391	95	24.3	1,234	156	12.6	1,649	247	15.0
Virgin Islands	637	84	13.2	86	19	22.1	295	22	7.5	252	32	12.7
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>6,289</b>	<b>22.3</b>	<b>5,736</b>	<b>1,111</b>	<b>19.4</b>	<b>16,825</b>	<b>3,077</b>	<b>18.3</b>	<b>21,854</b>	<b>3,925</b>	<b>18.0</b>
Maryland	3,141	857	27.3	501	123	24.6	1,761	502	28.5	2,600	646	24.8
North Carolina												
Eastern	3,012	932	30.9	618	214	34.6	1,714	579	33.8	2,585	871	33.7
Middle	2,435	459	18.9	410	44	10.7	1,259	178	14.1	1,788	243	13.6
Western	3,393	1,410	41.6	543	176	32.4	2,112	535	25.3	2,128	572	26.9
South Carolina	5,561	1,247	22.4	1,344	290	21.6	3,105	511	16.5	4,301	777	18.1
Virginia												
Eastern	5,277	472	8.9	1,136	98	8.6	3,444	215	6.2	4,714	283	6.0
Western	2,558	646	25.3	577	127	22.0	1,705	420	24.6	1,506	312	20.7
West Virginia												
Northern	1,256	97	7.7	275	32	11.6	949	74	7.8	1,212	116	9.6
Southern	1,619	169	10.4	332	7	2.1	776	63	8.1	1,020	105	10.3

## Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>9,760</b>	<b>15.2</b>	<b>14,307</b>	<b>1,566</b>	<b>10.9</b>	<b>41,121</b>	<b>3,532</b>	<b>8.6</b>	<b>65,744</b>	<b>4,870</b>	<b>7.4</b>
Louisiana												
Eastern	2,734	374	13.7	418	35	8.4	1,107	123	11.1	1,536	154	10.0
Middle	795	139	17.5	186	45	24.2	499	88	17.6	641	129	20.1
Western	1,869	369	19.7	397	46	11.6	1,235	130	10.5	1,175	93	7.9
Mississippi												
Northern	1,038	313	30.2	174	63	36.2	524	132	25.2	614	138	22.5
Southern	1,976	367	18.6	450	79	17.6	1,067	99	9.3	1,238	97	7.8
Texas												
Eastern	3,629	379	10.4	882	89	10.1	2,442	228	9.3	3,466	304	8.8
Northern	6,997	1,417	20.3	1,196	129	10.8	2,854	359	12.6	3,570	508	14.2
Southern	21,651	3,462	16.0	5,550	452	8.1	17,281	1,189	6.9	28,907	1,541	5.3
Western	23,679	2,940	12.4	5,054	628	12.4	14,112	1,184	8.4	24,597	1,906	7.7
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>6,944</b>	<b>26.4</b>	<b>4,972</b>	<b>1,277</b>	<b>25.7</b>	<b>14,045</b>	<b>3,705</b>	<b>26.4</b>	<b>19,208</b>	<b>4,735</b>	<b>24.7</b>
Kentucky												
Eastern	2,812	795	28.3	558	209	37.5	1,504	599	39.8	2,374	967	40.7
Western	2,073	231	11.1	342	53	15.5	928	197	21.2	1,313	313	23.8
Michigan												
Eastern	4,809	1,258	26.2	803	186	23.2	2,138	582	27.2	2,782	556	20.0
Western	2,154	567	26.3	437	85	19.5	1,210	224	18.5	1,688	243	14.4
Ohio												
Northern	4,785	1,149	24.0	779	186	23.9	2,538	575	22.7	2,502	550	22.0
Southern	2,795	1,004	35.9	505	155	30.7	1,711	602	35.2	2,371	694	29.3
Tennessee												
Eastern	2,976	887	29.8	688	223	32.4	1,641	417	25.4	2,799	714	25.5
Middle	1,376	369	26.8	311	62	19.9	836	166	19.9	1,105	204	18.5
Western	2,552	684	26.8	549	118	21.5	1,539	343	22.3	2,274	494	21.7
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>3,070</b>	<b>21.1</b>	<b>3,238</b>	<b>680</b>	<b>21.0</b>	<b>8,284</b>	<b>1,466</b>	<b>17.7</b>	<b>10,851</b>	<b>1,827</b>	<b>16.8</b>
Illinois												
Central	1,908	636	33.3	405	96	23.7	1,047	218	20.8	1,365	287	21.0
Northern	4,720	1,090	23.1	1,201	332	27.6	2,666	574	21.5	3,184	505	15.9
Southern	2,023	224	11.1	399	59	14.8	949	55	5.8	1,162	89	7.7
Indiana												
Northern	1,811	328	18.1	373	82	22.0	1,135	257	22.6	1,588	316	19.9
Southern	1,505	434	28.8	293	70	23.9	857	168	19.6	1,052	151	14.4
Wisconsin												
Eastern	1,744	279	16.0	356	30	8.4	1,047	178	17.0	1,804	416	23.1
Western	841	79	9.4	211	11	5.2	583	16	2.7	696	63	9.1
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>4,994</b>	<b>22.7</b>	<b>4,980</b>	<b>769</b>	<b>15.4</b>	<b>14,059</b>	<b>2,156</b>	<b>15.3</b>	<b>18,780</b>	<b>2,844</b>	<b>15.1</b>
Arkansas												
Eastern	1,720	213	12.4	296	34	11.5	903	169	18.7	1,354	157	11.6
Western	899	152	16.9	203	40	19.7	503	100	19.9	992	125	12.6
Iowa												
Northern	1,729	477	27.6	537	125	23.3	1,136	170	15.0	1,744	291	16.7
Southern	1,957	558	28.5	426	82	19.2	1,033	231	22.4	1,599	323	20.2
Minnesota	2,566	544	21.2	467	116	24.8	1,444	338	23.4	1,961	527	26.9
Missouri												
Eastern	3,786	930	24.6	786	132	16.8	2,771	453	16.3	3,639	542	14.9
Western	3,646	1,353	37.1	790	149	18.9	2,338	401	17.2	2,687	533	19.8
Nebraska	2,753	491	17.8	876	42	4.8	2,031	89	4.4	2,200	67	3.0
North Dakota	967	150	15.5	206	16	7.8	635	148	23.3	946	233	24.6
South Dakota	2,014	126	6.3	393	33	8.4	1,265	57	4.5	1,658	46	2.8

## Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>8,060</b>	<b>12.4</b>	<b>11,825</b>	<b>1,422</b>	<b>12.0</b>	<b>32,790</b>	<b>3,704</b>	<b>11.3</b>	<b>54,812</b>	<b>4,574</b>	<b>8.3</b>
Alaska	960	99	10.3	216	51	23.6	407	51	12.5	519	78	15.0
Arizona	18,103	1,303	7.2	4,245	298	7.0	11,215	687	6.1	18,894	629	3.3
California												
Central	3,357	468	13.9	583	96	16.5	2,409	389	16.1	6,230	739	11.9
Eastern	5,064	829	16.4	945	163	17.2	2,563	374	14.6	3,636	452	12.4
Northern	3,975	430	10.8	598	97	16.2	1,534	259	16.9	2,431	230	9.5
Southern	16,771	1,733	10.3	1,702	98	5.8	5,634	359	6.4	11,713	757	6.5
Guam	719	194	27.0	106	38	35.8	245	72	29.4	214	28	13.1
Hawaii	1,975	557	28.2	432	129	29.9	1,148	380	33.1	838	263	31.4
Idaho	893	221	24.7	274	77	28.1	674	173	25.7	1,155	281	24.3
Montana	1,894	358	18.9	397	42	10.6	1,127	129	11.4	1,363	175	12.8
Nevada	3,290	452	13.7	643	57	8.9	1,426	138	9.7	1,874	134	7.2
Northern Mariana Islands	132	61	46.2	28	5	17.9	58	13	22.4	66	5	7.6
Oregon	2,986	583	19.5	584	115	19.7	1,336	242	18.1	1,946	381	19.6
Washington												
Eastern	1,657	143	8.6	378	28	7.4	990	107	10.8	1,389	122	8.8
Western	3,308	629	19.0	694	128	18.4	2,024	331	16.4	2,544	300	11.8
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>2,628</b>	<b>12.7</b>	<b>5,140</b>	<b>493</b>	<b>9.6</b>	<b>15,620</b>	<b>1,437</b>	<b>9.2</b>	<b>23,558</b>	<b>1,667</b>	<b>7.1</b>
Colorado	3,056	861	28.2	582	161	27.7	1,598	422	26.4	1,969	375	19.0
Kansas	2,672	482	18.0	715	109	15.2	1,840	296	16.1	2,491	443	17.8
New Mexico	8,336	570	6.8	2,212	86	3.9	7,519	276	3.7	12,389	276	2.2
Oklahoma												
Eastern	534	36	6.7	118	7	5.9	250	32	12.8	377	51	13.5
Northern	1,134	152	13.4	160	13	8.1	594	62	10.4	720	124	17.2
Western	1,378	149	10.8	234	28	12.0	724	53	7.3	1,216	113	9.3
Utah	2,545	185	7.3	847	64	7.6	2,231	204	9.1	3,066	136	4.4
Wyoming	985	193	19.6	272	25	9.2	864	92	10.6	1,330	149	11.2
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>8,663</b>	<b>22.4</b>	<b>7,057</b>	<b>1,520</b>	<b>21.5</b>	<b>18,328</b>	<b>3,393</b>	<b>18.5</b>	<b>24,892</b>	<b>3,723</b>	<b>15.0</b>
Alabama												
Middle	1,178	429	36.4	213	63	29.6	679	225	33.1	901	215	23.9
Northern	2,704	763	28.2	577	153	26.5	1,416	373	26.3	1,627	342	21.0
Southern	2,189	733	33.5	321	91	28.3	1,027	247	24.1	1,555	319	20.5
Florida												
Middle	9,164	2,642	28.8	1,837	462	25.1	4,734	1,107	23.4	6,134	1,141	18.6
Northern	2,400	641	26.7	487	170	34.9	1,092	233	21.3	1,397	251	18.0
Southern	12,469	1,682	13.5	2,106	302	14.3	5,610	653	11.6	7,929	714	9.0
Georgia												
Middle	2,309	508	22.0	435	112	25.7	1,069	194	18.1	1,183	154	13.0
Northern	4,522	919	20.3	794	113	14.2	1,811	257	14.2	2,612	378	14.5
Southern	1,779	346	19.4	287	54	18.8	890	104	11.7	1,554	209	13.4

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

## Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District

### All Offenses

#### Koon Period through Gall Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>n/a</b>	<b>n/a</b>	<b>67,413</b>	<b>1,131</b>	<b>1.7</b>	<b>187,468</b>	<b>14,269</b>	<b>7.6</b>	<b>274,615</b>	<b>26,564</b>	<b>9.7</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>n/a</b>	<b>n/a</b>	<b>555</b>	<b>0</b>	<b>0.0</b>	<b>1,267</b>	<b>0</b>	<b>0.0</b>	<b>1,346</b>	<b>0</b>	<b>0.0</b>
District of Columbia	2,729	n/a	n/a	555	0	0.0	1,267	0	0.0	1,346	0	0.0
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>n/a</b>	<b>n/a</b>	<b>1,741</b>	<b>0</b>	<b>0.0</b>	<b>4,509</b>	<b>0</b>	<b>0.0</b>	<b>6,735</b>	<b>95</b>	<b>1.4</b>
Maine	1,087	n/a	n/a	223	0	0.0	570	0	0.0	739	0	0.0
Massachusetts	3,155	n/a	n/a	524	0	0.0	1,384	0	0.0	1,793	3	0.2
New Hampshire	937	n/a	n/a	246	0	0.0	616	0	0.0	805	0	0.0
Puerto Rico	3,109	n/a	n/a	606	0	0.0	1,564	0	0.0	2,837	92	3.2
Rhode Island	721	n/a	n/a	142	0	0.0	375	0	0.0	561	0	0.0
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>n/a</b>	<b>n/a</b>	<b>4,822</b>	<b>0</b>	<b>0.0</b>	<b>12,051</b>	<b>2</b>	<b>0.0</b>	<b>15,819</b>	<b>1</b>	<b>0.0</b>
Connecticut	1,862	n/a	n/a	435	0	0.0	1,097	0	0.0	1,461	0	0.0
New York												
Eastern	8,126	n/a	n/a	1,587	0	0.0	2,983	2	0.1	4,169	1	0.0
Northern	2,254	n/a	n/a	437	0	0.0	1,155	0	0.0	1,754	0	0.0
Southern	9,017	n/a	n/a	1,587	0	0.0	4,572	0	0.0	5,414	0	0.0
Western	2,783	n/a	n/a	555	0	0.0	1,747	0	0.0	2,370	0	0.0
Vermont	923	n/a	n/a	221	0	0.0	497	0	0.0	651	0	0.0
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>n/a</b>	<b>n/a</b>	<b>3,040</b>	<b>1</b>	<b>0.0</b>	<b>8,569</b>	<b>0</b>	<b>0.0</b>	<b>11,016</b>	<b>1</b>	<b>0.0</b>
Delaware	639	n/a	n/a	152	0	0.0	336	0	0.0	511	0	0.0
New Jersey	5,081	n/a	n/a	854	0	0.0	2,727	0	0.0	3,248	1	0.0
Pennsylvania												
Eastern	5,721	n/a	n/a	1,055	0	0.0	2,379	0	0.0	3,273	0	0.0
Middle	2,200	n/a	n/a	502	1	0.2	1,598	0	0.0	2,083	0	0.0
Western	1,772	n/a	n/a	391	0	0.0	1,234	0	0.0	1,649	0	0.0
Virgin Islands	637	n/a	n/a	86	0	0.0	295	0	0.0	252	0	0.0
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>n/a</b>	<b>n/a</b>	<b>5,736</b>	<b>1</b>	<b>0.0</b>	<b>16,825</b>	<b>2</b>	<b>0.0</b>	<b>21,854</b>	<b>0</b>	<b>0.0</b>
Maryland	3,141	n/a	n/a	501	0	0.0	1,761	0	0.0	2,600	0	0.0
North Carolina												
Eastern	3,012	n/a	n/a	618	0	0.0	1,714	0	0.0	2,585	0	0.0
Middle	2,435	n/a	n/a	410	0	0.0	1,259	0	0.0	1,788	0	0.0
Western	3,393	n/a	n/a	543	0	0.0	2,112	0	0.0	2,128	0	0.0
South Carolina	5,561	n/a	n/a	1,344	0	0.0	3,105	2	0.1	4,301	0	0.0
Virginia												
Eastern	5,277	n/a	n/a	1,136	1	0.1	3,444	0	0.0	4,714	0	0.0
Western	2,558	n/a	n/a	577	0	0.0	1,705	0	0.0	1,506	0	0.0
West Virginia												
Northern	1,256	n/a	n/a	275	0	0.0	949	0	0.0	1,212	0	0.0
Southern	1,619	n/a	n/a	332	0	0.0	776	0	0.0	1,020	0	0.0

**Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)**

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>n/a</b>	<b>n/a</b>	<b>14,307</b>	<b>95</b>	<b>0.7</b>	<b>41,121</b>	<b>3,165</b>	<b>7.7</b>	<b>65,744</b>	<b>4,233</b>	<b>6.4</b>
Louisiana												
Eastern	2,734	n/a	n/a	418	0	0.0	1,107	0	0.0	1,536	0	0.0
Middle	795	n/a	n/a	186	0	0.0	499	0	0.0	641	0	0.0
Western	1,869	n/a	n/a	397	0	0.0	1,235	0	0.0	1,175	0	0.0
Mississippi												
Northern	1,038	n/a	n/a	174	0	0.0	524	0	0.0	614	0	0.0
Southern	1,976	n/a	n/a	450	0	0.0	1,067	0	0.0	1,238	0	0.0
Texas												
Eastern	3,629	n/a	n/a	882	0	0.0	2,442	0	0.0	3,466	0	0.0
Northern	6,997	n/a	n/a	1,196	0	0.0	2,854	1	0.0	3,570	0	0.0
Southern	21,651	n/a	n/a	5,550	48	0.9	17,281	2,590	15.0	28,907	3,917	13.6
Western	23,679	n/a	n/a	5,054	47	0.9	14,112	574	4.1	24,597	316	1.3
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>n/a</b>	<b>n/a</b>	<b>4,972</b>	<b>1</b>	<b>0.0</b>	<b>14,045</b>	<b>3</b>	<b>0.0</b>	<b>19,208</b>	<b>4</b>	<b>0.0</b>
Kentucky												
Eastern	2,812	n/a	n/a	558	0	0.0	1,504	0	0.0	2,374	0	0.0
Western	2,073	n/a	n/a	342	0	0.0	928	1	0.1	1,313	0	0.0
Michigan												
Eastern	4,809	n/a	n/a	803	0	0.0	2,138	0	0.0	2,782	2	0.1
Western	2,154	n/a	n/a	437	0	0.0	1,210	0	0.0	1,688	0	0.0
Ohio												
Northern	4,785	n/a	n/a	779	0	0.0	2,538	0	0.0	2,502	1	0.0
Southern	2,795	n/a	n/a	505	1	0.2	1,711	2	0.1	2,371	0	0.0
Tennessee												
Eastern	2,976	n/a	n/a	688	0	0.0	1,641	0	0.0	2,799	0	0.0
Middle	1,376	n/a	n/a	311	0	0.0	836	0	0.0	1,105	0	0.0
Western	2,552	n/a	n/a	549	0	0.0	1,539	0	0.0	2,274	1	0.0
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>n/a</b>	<b>n/a</b>	<b>3,238</b>	<b>0</b>	<b>0.0</b>	<b>8,284</b>	<b>1</b>	<b>0.0</b>	<b>10,851</b>	<b>3</b>	<b>0.0</b>
Illinois												
Central	1,908	n/a	n/a	405	0	0.0	1,047	0	0.0	1,365	1	0.1
Northern	4,720	n/a	n/a	1,201	0	0.0	2,666	0	0.0	3,184	1	0.0
Southern	2,023	n/a	n/a	399	0	0.0	949	0	0.0	1,162	0	0.0
Indiana												
Northern	1,811	n/a	n/a	373	0	0.0	1,135	0	0.0	1,588	0	0.0
Southern	1,505	n/a	n/a	293	0	0.0	857	0	0.0	1,052	0	0.0
Wisconsin												
Eastern	1,744	n/a	n/a	356	0	0.0	1,047	1	0.1	1,804	0	0.0
Western	841	n/a	n/a	211	0	0.0	583	0	0.0	696	1	0.1
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>n/a</b>	<b>n/a</b>	<b>4,980</b>	<b>12</b>	<b>0.2</b>	<b>14,059</b>	<b>118</b>	<b>0.8</b>	<b>18,780</b>	<b>143</b>	<b>0.8</b>
Arkansas												
Eastern	1,720	n/a	n/a	296	0	0.0	903	0	0.0	1,354	0	0.0
Western	899	n/a	n/a	203	0	0.0	503	0	0.0	992	0	0.0
Iowa												
Northern	1,729	n/a	n/a	537	0	0.0	1,136	0	0.0	1,744	31	1.8
Southern	1,957	n/a	n/a	426	0	0.0	1,033	0	0.0	1,599	0	0.0
Minnesota	2,566	n/a	n/a	467	0	0.0	1,444	0	0.0	1,961	1	0.1
Missouri												
Eastern	3,786	n/a	n/a	786	0	0.0	2,771	0	0.0	3,639	0	0.0
Western	3,646	n/a	n/a	790	0	0.0	2,338	0	0.0	2,687	0	0.0
Nebraska	2,753	n/a	n/a	876	2	0.2	2,031	98	4.8	2,200	109	5.0
North Dakota	967	n/a	n/a	206	10	4.9	635	20	3.1	946	2	0.2
South Dakota	2,014	n/a	n/a	393	0	0.0	1,265	0	0.0	1,658	0	0.0

## Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>n/a</b>	<b>n/a</b>	<b>11,825</b>	<b>845</b>	<b>7.1</b>	<b>32,790</b>	<b>9,511</b>	<b>29.0</b>	<b>54,812</b>	<b>19,289</b>	<b>35.2</b>
Alaska	960	n/a	n/a	216	0	0.0	407	0	0.0	519	1	0.2
Arizona	18,103	n/a	n/a	4,245	645	15.2	11,215	6,016	53.6	18,894	9,953	52.7
California												
Central	3,357	n/a	n/a	583	0	0.0	2,409	151	6.3	6,230	1,504	24.1
Eastern	5,064	n/a	n/a	945	40	4.2	2,563	426	16.6	3,636	1,080	29.7
Northern	3,975	n/a	n/a	598	0	0.0	1,534	23	1.5	2,431	246	10.1
Southern	16,771	n/a	n/a	1,702	135	7.9	5,634	2,636	46.8	11,713	5,925	50.6
Guam	719	n/a	n/a	106	0	0.0	245	0	0.0	214	0	0.0
Hawaii	1,975	n/a	n/a	432	0	0.0	1,148	0	0.0	838	0	0.0
Idaho	893	n/a	n/a	274	21	7.7	674	85	12.6	1,155	125	10.8
Montana	1,894	n/a	n/a	397	0	0.0	1,127	0	0.0	1,363	0	0.0
Nevada	3,290	n/a	n/a	643	0	0.0	1,426	1	0.1	1,874	0	0.0
Northern Mariana Islands	132	n/a	n/a	28	0	0.0	58	0	0.0	66	0	0.0
Oregon	2,986	n/a	n/a	584	0	0.0	1,336	32	2.4	1,946	75	3.9
Washington												
Eastern	1,657	n/a	n/a	378	0	0.0	990	95	9.6	1,389	250	18.0
Western	3,308	n/a	n/a	694	4	0.6	2,024	46	2.3	2,544	130	5.1
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>n/a</b>	<b>n/a</b>	<b>5,140</b>	<b>176</b>	<b>3.4</b>	<b>15,620</b>	<b>1,428</b>	<b>9.1</b>	<b>23,558</b>	<b>2,751</b>	<b>11.7</b>
Colorado	3,056	n/a	n/a	582	0	0.0	1,598	0	0.0	1,969	0	0.0
Kansas	2,672	n/a	n/a	715	0	0.0	1,840	1	0.1	2,491	0	0.0
New Mexico	8,336	n/a	n/a	2,212	176	8.0	7,519	1,213	16.1	12,389	1,844	14.9
Oklahoma												
Eastern	534	n/a	n/a	118	0	0.0	250	0	0.0	377	0	0.0
Northern	1,134	n/a	n/a	160	0	0.0	594	0	0.0	720	0	0.0
Western	1,378	n/a	n/a	234	0	0.0	724	0	0.0	1,216	0	0.0
Utah	2,545	n/a	n/a	847	0	0.0	2,231	214	9.6	3,066	891	29.1
Wyoming	985	n/a	n/a	272	0	0.0	864	0	0.0	1,330	16	1.2
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>n/a</b>	<b>n/a</b>	<b>7,057</b>	<b>0</b>	<b>0.0</b>	<b>18,328</b>	<b>39</b>	<b>0.2</b>	<b>24,892</b>	<b>44</b>	<b>0.2</b>
Alabama												
Middle	1,178	n/a	n/a	213	0	0.0	679	0	0.0	901	0	0.0
Northern	2,704	n/a	n/a	577	0	0.0	1,416	0	0.0	1,627	0	0.0
Southern	2,189	n/a	n/a	321	0	0.0	1,027	0	0.0	1,555	0	0.0
Florida												
Middle	9,164	n/a	n/a	1,837	0	0.0	4,734	38	0.8	6,134	43	0.7
Northern	2,400	n/a	n/a	487	0	0.0	1,092	0	0.0	1,397	0	0.0
Southern	12,469	n/a	n/a	2,106	0	0.0	5,610	0	0.0	7,929	0	0.0
Georgia												
Middle	2,309	n/a	n/a	435	0	0.0	1,069	0	0.0	1,183	0	0.0
Northern	4,522	n/a	n/a	794	0	0.0	1,811	1	0.1	2,612	1	0.0
Southern	1,779	n/a	n/a	287	0	0.0	890	0	0.0	1,554	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

## Rate of Other Government Sponsored Below Range Sentences by Circuit and District

### All Offenses

#### *Koon* Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>n/a</b>	<b>n/a</b>	<b>67,413</b>	<b>3,423</b>	<b>5.1</b>	<b>187,468</b>	<b>6,144</b>	<b>3.3</b>	<b>274,615</b>	<b>11,502</b>	<b>4.2</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>n/a</b>	<b>n/a</b>	<b>555</b>	<b>23</b>	<b>4.1</b>	<b>1,267</b>	<b>111</b>	<b>8.8</b>	<b>1,346</b>	<b>169</b>	<b>12.6</b>
District of Columbia	2,729	n/a	n/a	555	23	4.1	1,267	111	8.8	1,346	169	12.6
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>n/a</b>	<b>n/a</b>	<b>1,741</b>	<b>11</b>	<b>0.6</b>	<b>4,509</b>	<b>120</b>	<b>2.7</b>	<b>6,735</b>	<b>490</b>	<b>7.3</b>
Maine	1,087	n/a	n/a	223	0	0.0	570	0	0.0	739	4	0.5
Massachusetts	3,155	n/a	n/a	524	5	1.0	1,384	41	3.0	1,793	254	14.2
New Hampshire	937	n/a	n/a	246	4	1.6	616	34	5.5	805	77	9.6
Puerto Rico	3,109	n/a	n/a	606	2	0.3	1,564	38	2.4	2,837	143	5.0
Rhode Island	721	n/a	n/a	142	0	0.0	375	7	1.9	561	12	2.1
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>n/a</b>	<b>n/a</b>	<b>4,822</b>	<b>134</b>	<b>2.8</b>	<b>12,051</b>	<b>313</b>	<b>2.6</b>	<b>15,819</b>	<b>504</b>	<b>3.2</b>
Connecticut	1,862	n/a	n/a	435	30	6.9	1,097	13	1.2	1,461	38	2.6
New York												
Eastern	8,126	n/a	n/a	1,587	91	5.7	2,983	142	4.8	4,169	188	4.5
Northern	2,254	n/a	n/a	437	3	0.7	1,155	16	1.4	1,754	30	1.7
Southern	9,017	n/a	n/a	1,587	4	0.3	4,572	79	1.7	5,414	99	1.8
Western	2,783	n/a	n/a	555	6	1.1	1,747	51	2.9	2,370	109	4.6
Vermont	923	n/a	n/a	221	0	0.0	497	12	2.4	651	40	6.1
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>n/a</b>	<b>n/a</b>	<b>3,040</b>	<b>21</b>	<b>0.7</b>	<b>8,569</b>	<b>149</b>	<b>1.7</b>	<b>11,016</b>	<b>365</b>	<b>3.3</b>
Delaware	639	n/a	n/a	152	1	0.7	336	9	2.7	511	19	3.7
New Jersey	5,081	n/a	n/a	854	8	0.9	2,727	30	1.1	3,248	63	1.9
Pennsylvania												
Eastern	5,721	n/a	n/a	1,055	8	0.8	2,379	46	1.9	3,273	83	2.5
Middle	2,200	n/a	n/a	502	2	0.4	1,598	53	3.3	2,083	164	7.9
Western	1,772	n/a	n/a	391	0	0.0	1,234	9	0.7	1,649	29	1.8
Virgin Islands	637	n/a	n/a	86	2	2.3	295	2	0.7	252	7	2.8
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>n/a</b>	<b>n/a</b>	<b>5,736</b>	<b>16</b>	<b>0.3</b>	<b>16,825</b>	<b>175</b>	<b>1.0</b>	<b>21,854</b>	<b>570</b>	<b>2.6</b>
Maryland	3,141	n/a	n/a	501	2	0.4	1,761	51	2.9	2,600	193	7.4
North Carolina												
Eastern	3,012	n/a	n/a	618	2	0.3	1,714	6	0.4	2,585	10	0.4
Middle	2,435	n/a	n/a	410	0	0.0	1,259	5	0.4	1,788	3	0.2
Western	3,393	n/a	n/a	543	3	0.6	2,112	29	1.4	2,128	45	2.1
South Carolina	5,561	n/a	n/a	1,344	2	0.1	3,105	31	1.0	4,301	121	2.8
Virginia												
Eastern	5,277	n/a	n/a	1,136	2	0.2	3,444	19	0.6	4,714	77	1.6
Western	2,558	n/a	n/a	577	5	0.9	1,705	21	1.2	1,506	51	3.4
West Virginia												
Northern	1,256	n/a	n/a	275	0	0.0	949	10	1.1	1,212	64	5.3
Southern	1,619	n/a	n/a	332	0	0.0	776	3	0.4	1,020	6	0.6

## Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>n/a</b>	<b>n/a</b>	<b>14,307</b>	<b>735</b>	<b>5.1</b>	<b>41,121</b>	<b>1,421</b>	<b>3.5</b>	<b>65,744</b>	<b>1,786</b>	<b>2.7</b>
Louisiana												
Eastern	2,734	n/a	n/a	418	8	1.9	1,107	28	2.5	1,536	41	2.7
Middle	795	n/a	n/a	186	3	1.6	499	4	0.8	641	2	0.3
Western	1,869	n/a	n/a	397	1	0.3	1,235	1	0.1	1,175	5	0.4
Mississippi												
Northern	1,038	n/a	n/a	174	8	4.6	524	56	10.7	614	22	3.6
Southern	1,976	n/a	n/a	450	1	0.2	1,067	5	0.5	1,238	6	0.5
Texas												
Eastern	3,629	n/a	n/a	882	2	0.2	2,442	79	3.2	3,466	243	7.0
Northern	6,997	n/a	n/a	1,196	4	0.3	2,854	40	1.4	3,570	52	1.5
Southern	21,651	n/a	n/a	5,550	637	11.5	17,281	1,057	6.1	28,907	1,048	3.6
Western	23,679	n/a	n/a	5,054	71	1.4	14,112	151	1.1	24,597	367	1.5
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>n/a</b>	<b>n/a</b>	<b>4,972</b>	<b>22</b>	<b>0.4</b>	<b>14,045</b>	<b>276</b>	<b>2.0</b>	<b>19,208</b>	<b>673</b>	<b>3.5</b>
Kentucky												
Eastern	2,812	n/a	n/a	558	4	0.7	1,504	8	0.5	2,374	32	1.3
Western	2,073	n/a	n/a	342	2	0.6	928	43	4.6	1,313	128	9.7
Michigan												
Eastern	4,809	n/a	n/a	803	5	0.6	2,138	32	1.5	2,782	77	2.8
Western	2,154	n/a	n/a	437	2	0.5	1,210	12	1.0	1,688	11	0.7
Ohio												
Northern	4,785	n/a	n/a	779	6	0.8	2,538	51	2.0	2,502	59	2.4
Southern	2,795	n/a	n/a	505	0	0.0	1,711	31	1.8	2,371	171	7.2
Tennessee												
Eastern	2,976	n/a	n/a	688	2	0.3	1,641	15	0.9	2,799	25	0.9
Middle	1,376	n/a	n/a	311	0	0.0	836	21	2.5	1,105	96	8.7
Western	2,552	n/a	n/a	549	1	0.2	1,539	63	4.1	2,274	74	3.3
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>n/a</b>	<b>n/a</b>	<b>3,238</b>	<b>24</b>	<b>0.7</b>	<b>8,284</b>	<b>178</b>	<b>2.1</b>	<b>10,851</b>	<b>418</b>	<b>3.9</b>
Illinois												
Central	1,908	n/a	n/a	405	2	0.5	1,047	25	2.4	1,365	40	2.9
Northern	4,720	n/a	n/a	1,201	10	0.8	2,666	58	2.2	3,184	53	1.7
Southern	2,023	n/a	n/a	399	0	0.0	949	11	1.2	1,162	25	2.2
Indiana												
Northern	1,811	n/a	n/a	373	4	1.1	1,135	18	1.6	1,588	54	3.4
Southern	1,505	n/a	n/a	293	5	1.7	857	26	3.0	1,052	68	6.5
Wisconsin												
Eastern	1,744	n/a	n/a	356	3	0.8	1,047	39	3.7	1,804	177	9.8
Western	841	n/a	n/a	211	0	0.0	583	1	0.2	696	1	0.1
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>n/a</b>	<b>n/a</b>	<b>4,980</b>	<b>101</b>	<b>2.0</b>	<b>14,059</b>	<b>392</b>	<b>2.8</b>	<b>18,780</b>	<b>655</b>	<b>3.5</b>
Arkansas												
Eastern	1,720	n/a	n/a	296	0	0.0	903	17	1.9	1,354	46	3.4
Western	899	n/a	n/a	203	1	0.5	503	5	1.0	992	1	0.1
Iowa												
Northern	1,729	n/a	n/a	537	3	0.6	1,136	12	1.1	1,744	19	1.1
Southern	1,957	n/a	n/a	426	1	0.2	1,033	21	2.0	1,599	105	6.6
Minnesota	2,566	n/a	n/a	467	4	0.9	1,444	27	1.9	1,961	31	1.6
Missouri												
Eastern	3,786	n/a	n/a	786	5	0.6	2,771	53	1.9	3,639	156	4.3
Western	3,646	n/a	n/a	790	7	0.9	2,338	29	1.2	2,687	86	3.2
Nebraska	2,753	n/a	n/a	876	75	8.6	2,031	175	8.6	2,200	142	6.5
North Dakota	967	n/a	n/a	206	2	1.0	635	18	2.8	946	30	3.2
South Dakota	2,014	n/a	n/a	393	3	0.8	1,265	35	2.8	1,658	39	2.4

## Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>n/a</b>	<b>n/a</b>	<b>11,825</b>	<b>1,949</b>	<b>16.5</b>	<b>32,790</b>	<b>1,526</b>	<b>4.7</b>	<b>54,812</b>	<b>3,358</b>	<b>6.1</b>
Alaska	960	n/a	n/a	216	0	0.0	407	27	6.6	519	64	12.3
Arizona	18,103	n/a	n/a	4,245	1,392	32.8	11,215	331	3.0	18,894	601	3.2
California												
Central	3,357	n/a	n/a	583	5	0.9	2,409	151	6.3	6,230	519	8.3
Eastern	5,064	n/a	n/a	945	9	1.0	2,563	91	3.6	3,636	135	3.7
Northern	3,975	n/a	n/a	598	14	2.3	1,534	142	9.3	2,431	344	14.2
Southern	16,771	n/a	n/a	1,702	431	25.3	5,634	126	2.2	11,713	336	2.9
Guam	719	n/a	n/a	106	0	0.0	245	1	0.4	214	3	1.4
Hawaii	1,975	n/a	n/a	432	1	0.2	1,148	16	1.4	838	7	0.8
Idaho	893	n/a	n/a	274	29	10.6	674	14	2.1	1,155	25	2.2
Montana	1,894	n/a	n/a	397	0	0.0	1,127	1	0.1	1,363	14	1.0
Nevada	3,290	n/a	n/a	643	28	4.4	1,426	94	6.6	1,874	165	8.8
Northern Mariana Islands	132	n/a	n/a	28	0	0.0	58	3	5.2	66	1	1.5
Oregon	2,986	n/a	n/a	584	4	0.7	1,336	80	6.0	1,946	310	15.9
Washington												
Eastern	1,657	n/a	n/a	378	12	3.2	990	81	8.2	1,389	152	10.9
Western	3,308	n/a	n/a	694	24	3.5	2,024	368	18.2	2,544	682	26.8
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>n/a</b>	<b>n/a</b>	<b>5,140</b>	<b>377</b>	<b>7.3</b>	<b>15,620</b>	<b>1,297</b>	<b>8.3</b>	<b>23,558</b>	<b>2,141</b>	<b>9.1</b>
Colorado	3,056	n/a	n/a	582	2	0.3	1,598	36	2.3	1,969	80	4.1
Kansas	2,672	n/a	n/a	715	2	0.3	1,840	125	6.8	2,491	300	12.0
New Mexico	8,336	n/a	n/a	2,212	351	15.9	7,519	976	13.0	12,389	1,496	12.1
Oklahoma												
Eastern	534	n/a	n/a	118	6	5.1	250	3	1.2	377	5	1.3
Northern	1,134	n/a	n/a	160	0	0.0	594	6	1.0	720	2	0.3
Western	1,378	n/a	n/a	234	1	0.4	724	4	0.6	1,216	9	0.7
Utah	2,545	n/a	n/a	847	11	1.3	2,231	94	4.2	3,066	150	4.9
Wyoming	985	n/a	n/a	272	4	1.5	864	53	6.1	1,330	99	7.4
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>n/a</b>	<b>n/a</b>	<b>7,057</b>	<b>10</b>	<b>0.1</b>	<b>18,328</b>	<b>186</b>	<b>1.0</b>	<b>24,892</b>	<b>373</b>	<b>1.5</b>
Alabama												
Middle	1,178	n/a	n/a	213	0	0.0	679	14	2.1	901	14	1.6
Northern	2,704	n/a	n/a	577	0	0.0	1,416	3	0.2	1,627	12	0.7
Southern	2,189	n/a	n/a	321	1	0.3	1,027	7	0.7	1,555	10	0.6
Florida												
Middle	9,164	n/a	n/a	1,837	0	0.0	4,734	37	0.8	6,134	77	1.3
Northern	2,400	n/a	n/a	487	0	0.0	1,092	3	0.3	1,397	1	0.1
Southern	12,469	n/a	n/a	2,106	3	0.1	5,610	60	1.1	7,929	116	1.5
Georgia												
Middle	2,309	n/a	n/a	435	2	0.5	1,069	11	1.0	1,183	18	1.5
Northern	4,522	n/a	n/a	794	3	0.4	1,811	47	2.6	2,612	100	3.8
Southern	1,779	n/a	n/a	287	1	0.3	890	4	0.4	1,554	25	1.6

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Rate of Non-Government Sponsored Below Range Sentences by Circuit and District**  
**All Offenses**  
*Koon* Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>TOTAL</b>	<b>332,732</b>	<b>51,151</b>	<b>15.4</b>	<b>67,413</b>	<b>3,847</b>	<b>5.7</b>	<b>187,468</b>	<b>23,571</b>	<b>12.6</b>	<b>274,615</b>	<b>47,902</b>	<b>17.4</b>
<b>D.C. CIRCUIT</b>	<b>2,729</b>	<b>242</b>	<b>8.9</b>	<b>555</b>	<b>26</b>	<b>4.7</b>	<b>1,267</b>	<b>177</b>	<b>14.0</b>	<b>1,346</b>	<b>277</b>	<b>20.6</b>
District of Columbia	2,729	242	8.9	555	26	4.7	1,267	177	14.0	1,346	277	20.6
<b>FIRST CIRCUIT</b>	<b>9,009</b>	<b>1,029</b>	<b>11.4</b>	<b>1,741</b>	<b>101</b>	<b>5.8</b>	<b>4,509</b>	<b>783</b>	<b>17.4</b>	<b>6,735</b>	<b>1,519</b>	<b>22.6</b>
Maine	1,087	53	4.9	223	7	3.1	570	51	8.9	739	140	18.9
Massachusetts	3,155	640	20.3	524	66	12.6	1,384	420	30.3	1,793	638	35.6
New Hampshire	937	74	7.9	246	11	4.5	616	70	11.4	805	175	21.7
Puerto Rico	3,109	184	5.9	606	10	1.7	1,564	143	9.1	2,837	339	11.9
Rhode Island	721	78	10.8	142	7	4.9	375	99	26.4	561	227	40.5
<b>SECOND CIRCUIT</b>	<b>24,965</b>	<b>5,183</b>	<b>20.8</b>	<b>4,822</b>	<b>688</b>	<b>14.3</b>	<b>12,051</b>	<b>2,927</b>	<b>24.3</b>	<b>15,819</b>	<b>5,610</b>	<b>35.5</b>
Connecticut	1,862	634	34.0	435	98	22.5	1,097	338	30.8	1,461	573	39.2
New York												
Eastern	8,126	2,501	30.8	1,587	331	20.9	2,983	905	30.3	4,169	1,572	37.7
Northern	2,254	321	14.2	437	62	14.2	1,155	171	14.8	1,754	386	22.0
Southern	9,017	1,206	13.4	1,587	135	8.5	4,572	1,224	26.8	5,414	2,432	44.9
Western	2,783	274	9.8	555	36	6.5	1,747	186	10.6	2,370	393	16.6
Vermont	923	247	26.8	221	26	11.8	497	103	20.7	651	254	39.0
<b>THIRD CIRCUIT</b>	<b>16,050</b>	<b>1,359</b>	<b>8.5</b>	<b>3,040</b>	<b>169</b>	<b>5.6</b>	<b>8,569</b>	<b>1,482</b>	<b>17.3</b>	<b>11,016</b>	<b>2,627</b>	<b>23.8</b>
Delaware	639	53	8.3	152	20	13.2	336	94	28.0	511	211	41.3
New Jersey	5,081	420	8.3	854	54	6.3	2,727	436	16.0	3,248	671	20.7
Pennsylvania												
Eastern	5,721	483	8.4	1,055	63	6.0	2,379	514	21.6	3,273	829	25.3
Middle	2,200	192	8.7	502	13	2.6	1,598	204	12.8	2,083	416	20.0
Western	1,772	171	9.7	391	15	3.8	1,234	203	16.5	1,649	464	28.1
Virgin Islands	637	40	6.3	86	4	4.7	295	31	10.5	252	36	14.3
<b>FOURTH CIRCUIT</b>	<b>28,252</b>	<b>1,308</b>	<b>4.6</b>	<b>5,736</b>	<b>199</b>	<b>3.5</b>	<b>16,825</b>	<b>1,782</b>	<b>10.6</b>	<b>21,854</b>	<b>3,945</b>	<b>18.1</b>
Maryland	3,141	415	13.2	501	67	13.4	1,761	331	18.8	2,600	555	21.3
North Carolina												
Eastern	3,012	147	4.9	618	34	5.5	1,714	128	7.5	2,585	212	8.2
Middle	2,435	66	2.7	410	4	1.0	1,259	108	8.6	1,788	214	12.0
Western	3,393	156	4.6	543	19	3.5	2,112	160	7.6	2,128	242	11.4
South Carolina	5,561	142	2.6	1,344	16	1.2	3,105	292	9.4	4,301	688	16.0
Virginia												
Eastern	5,277	193	3.7	1,136	41	3.6	3,444	485	14.1	4,714	1,173	24.9
Western	2,558	94	3.7	577	8	1.4	1,705	137	8.0	1,506	290	19.3
West Virginia												
Northern	1,256	36	2.9	275	4	1.5	949	88	9.3	1,212	256	21.1
Southern	1,619	59	3.6	332	6	1.8	776	53	6.8	1,020	315	30.9

## Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
District	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>FIFTH CIRCUIT</b>	<b>64,368</b>	<b>7,858</b>	<b>12.2</b>	<b>14,307</b>	<b>597</b>	<b>4.2</b>	<b>41,121</b>	<b>3,097</b>	<b>7.5</b>	<b>65,744</b>	<b>7,620</b>	<b>11.6</b>
Louisiana												
Eastern	2,734	183	6.7	418	9	2.2	1,107	74	6.7	1,536	186	12.1
Middle	795	41	5.2	186	2	1.1	499	27	5.4	641	82	12.8
Western	1,869	78	4.2	397	7	1.8	1,235	103	8.3	1,175	150	12.8
Mississippi												
Northern	1,038	82	7.9	174	5	2.9	524	22	4.2	614	56	9.1
Southern	1,976	89	4.5	450	6	1.3	1,067	73	6.8	1,238	131	10.6
Texas												
Eastern	3,629	236	6.5	882	25	2.8	2,442	173	7.1	3,466	292	8.4
Northern	6,997	442	6.3	1,196	31	2.6	2,854	181	6.3	3,570	450	12.6
Southern	21,651	3,087	14.3	5,550	372	6.7	17,281	1,370	7.9	28,907	3,594	12.4
Western	23,679	3,620	15.3	5,054	140	2.8	14,112	1,074	7.6	24,597	2,679	10.9
<b>SIXTH CIRCUIT</b>	<b>26,332</b>	<b>1,745</b>	<b>6.6</b>	<b>4,972</b>	<b>240</b>	<b>4.8</b>	<b>14,045</b>	<b>2,107</b>	<b>15.0</b>	<b>19,208</b>	<b>3,955</b>	<b>20.6</b>
Kentucky												
Eastern	2,812	76	2.7	558	6	1.1	1,504	139	9.2	2,374	270	11.4
Western	2,073	100	4.8	342	20	5.8	928	116	12.5	1,313	223	17.0
Michigan												
Eastern	4,809	391	8.1	803	49	6.1	2,138	377	17.6	2,782	752	27.0
Western	2,154	165	7.7	437	19	4.3	1,210	201	16.6	1,688	363	21.5
Ohio												
Northern	4,785	448	9.4	779	70	9.0	2,538	434	17.1	2,502	541	21.6
Southern	2,795	242	8.7	505	37	7.3	1,711	304	17.8	2,371	617	26.0
Tennessee												
Eastern	2,976	107	3.6	688	18	2.6	1,641	139	8.5	2,799	372	13.3
Middle	1,376	87	6.3	311	9	2.9	836	153	18.3	1,105	292	26.4
Western	2,552	129	5.1	549	12	2.2	1,539	244	15.9	2,274	525	23.1
<b>SEVENTH CIRCUIT</b>	<b>14,552</b>	<b>955</b>	<b>6.6</b>	<b>3,238</b>	<b>126</b>	<b>3.9</b>	<b>8,284</b>	<b>1,371</b>	<b>16.5</b>	<b>10,851</b>	<b>2,899</b>	<b>26.7</b>
Illinois												
Central	1,908	118	6.2	405	20	4.9	1,047	182	17.4	1,365	292	21.4
Northern	4,720	436	9.2	1,201	59	4.9	2,666	586	22.0	3,184	1,187	37.3
Southern	2,023	74	3.7	399	10	2.5	949	86	9.1	1,162	151	13.0
Indiana												
Northern	1,811	91	5.0	373	11	2.9	1,135	71	6.3	1,588	227	14.3
Southern	1,505	97	6.4	293	8	2.7	857	120	14.0	1,052	215	20.4
Wisconsin												
Eastern	1,744	113	6.5	356	18	5.1	1,047	277	26.5	1,804	587	32.5
Western	841	26	3.1	211	0	0.0	583	49	8.4	696	240	34.5
<b>EIGHTH CIRCUIT</b>	<b>22,037</b>	<b>2,070</b>	<b>9.4</b>	<b>4,980</b>	<b>256</b>	<b>5.1</b>	<b>14,059</b>	<b>1,916</b>	<b>13.6</b>	<b>18,780</b>	<b>4,081</b>	<b>21.7</b>
Arkansas												
Eastern	1,720	61	3.5	296	6	2.0	903	125	13.8	1,354	254	18.8
Western	899	35	3.9	203	1	0.5	503	40	8.0	992	115	11.6
Iowa												
Northern	1,729	139	8.0	537	4	0.7	1,136	105	9.2	1,744	217	12.4
Southern	1,957	266	13.6	426	26	6.1	1,033	235	22.7	1,599	408	25.5
Minnesota	2,566	452	17.6	467	35	7.5	1,444	339	23.5	1,961	724	36.9
Missouri												
Eastern	3,786	224	5.9	786	22	2.8	2,771	340	12.3	3,639	899	24.7
Western	3,646	177	4.9	790	25	3.2	2,338	262	11.2	2,687	473	17.6
Nebraska	2,753	384	13.9	876	94	10.7	2,031	249	12.3	2,200	487	22.1
North Dakota	967	128	13.2	206	11	5.3	635	56	8.8	946	140	14.8
South Dakota	2,014	204	10.1	393	32	8.1	1,265	165	13.0	1,658	364	22.0

## Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
<b>NINTH CIRCUIT</b>	<b>65,084</b>	<b>23,456</b>	<b>36.0</b>	<b>11,825</b>	<b>976</b>	<b>8.3</b>	<b>32,790</b>	<b>4,080</b>	<b>12.4</b>	<b>54,812</b>	<b>7,642</b>	<b>13.9</b>
Alaska	960	157	16.4	216	13	6.0	407	75	18.4	519	143	27.6
Arizona	18,103	10,125	55.9	4,245	286	6.7	11,215	679	6.1	18,894	1,457	7.7
California												
Central	3,357	519	15.5	583	59	10.1	2,409	588	24.4	6,230	1,462	23.5
Eastern	5,064	462	9.1	945	43	4.6	2,563	274	10.7	3,636	429	11.8
Northern	3,975	916	23.0	598	74	12.4	1,534	299	19.5	2,431	465	19.1
Southern	16,771	8,419	50.2	1,702	162	9.5	5,634	545	9.7	11,713	1,346	11.5
Guam	719	14	1.9	106	6	5.7	245	34	13.9	214	35	16.4
Hawaii	1,975	179	9.1	432	20	4.6	1,148	203	17.7	838	220	26.3
Idaho	893	120	13.4	274	15	5.5	674	92	13.6	1,155	204	17.7
Montana	1,894	228	12.0	397	12	3.0	1,127	88	7.8	1,363	188	13.8
Nevada	3,290	420	12.8	643	27	4.2	1,426	185	13.0	1,874	360	19.2
Northern Mariana Islands	132	1	0.8	28	0	0.0	58	2	3.4	66	6	9.1
Oregon	2,986	563	18.9	584	85	14.6	1,336	334	25.0	1,946	433	22.3
Washington												
Eastern	1,657	633	38.2	378	54	14.3	990	186	18.8	1,389	314	22.6
Western	3,308	700	21.2	694	120	17.3	2,024	496	24.5	2,544	580	22.8
<b>TENTH CIRCUIT</b>	<b>20,640</b>	<b>3,518</b>	<b>17.0</b>	<b>5,140</b>	<b>217</b>	<b>4.2</b>	<b>15,620</b>	<b>1,769</b>	<b>11.3</b>	<b>23,558</b>	<b>3,006</b>	<b>12.8</b>
Colorado	3,056	351	11.5	582	35	6.0	1,598	231	14.5	1,969	392	19.9
Kansas	2,672	241	9.0	715	21	2.9	1,840	189	10.3	2,491	284	11.4
New Mexico	8,336	2,213	26.5	2,212	68	3.1	7,519	692	9.2	12,389	968	7.8
Oklahoma												
Eastern	534	106	19.9	118	1	0.8	250	13	5.2	377	42	11.1
Northern	1,134	80	7.1	160	0	0.0	594	29	4.9	720	104	14.4
Western	1,378	65	4.7	234	6	2.6	724	132	18.2	1,216	286	23.5
Utah	2,545	364	14.3	847	67	7.9	2,231	354	15.9	3,066	645	21.0
Wyoming	985	98	9.9	272	19	7.0	864	129	14.9	1,330	285	21.4
<b>ELEVENTH CIRCUIT</b>	<b>38,714</b>	<b>2,428</b>	<b>6.3</b>	<b>7,057</b>	<b>252</b>	<b>3.6</b>	<b>18,328</b>	<b>2,080</b>	<b>11.3</b>	<b>24,892</b>	<b>4,721</b>	<b>19.0</b>
Alabama												
Middle	1,178	64	5.4	213	14	6.6	679	36	5.3	901	107	11.9
Northern	2,704	86	3.2	577	7	1.2	1,416	149	10.5	1,627	232	14.3
Southern	2,189	87	4.0	321	5	1.6	1,027	99	9.6	1,555	237	15.2
Florida												
Middle	9,164	648	7.1	1,837	85	4.6	4,734	531	11.2	6,134	1,363	22.2
Northern	2,400	92	3.8	487	8	1.6	1,092	73	6.7	1,397	176	12.6
Southern	12,469	728	5.8	2,106	63	3.0	5,610	751	13.4	7,929	1,699	21.4
Georgia												
Middle	2,309	99	4.3	435	4	0.9	1,069	74	6.9	1,183	72	6.1
Northern	4,522	547	12.1	794	47	5.9	1,811	296	16.3	2,612	663	25.4
Southern	1,779	77	4.3	287	19	6.6	890	71	8.0	1,554	172	11.1

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

## Average Guideline Minimum and Length of Imprisonment by Circuit and District

### All Offenses

#### Koon Period through Gall Period

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
<b>TOTAL</b>	<b>333,564</b>	<b>58</b>	<b>49</b>	<b>67,554</b>	<b>59</b>	<b>53</b>	<b>187,632</b>	<b>63</b>	<b>54</b>	<b>274,623</b>	<b>59</b>	<b>49</b>
<b>D.C. CIRCUIT</b>	<b>2,743</b>	<b>61</b>	<b>44</b>	<b>559</b>	<b>80</b>	<b>49</b>	<b>1,267</b>	<b>90</b>	<b>59</b>	<b>1,346</b>	<b>93</b>	<b>55</b>
District of Columbia	2,743	61	44	559	80	49	1,267	90	59	1,346	93	55
<b>FIRST CIRCUIT</b>	<b>9,029</b>	<b>65</b>	<b>57</b>	<b>1,745</b>	<b>63</b>	<b>59</b>	<b>4,516</b>	<b>68</b>	<b>61</b>	<b>6,735</b>	<b>69</b>	<b>57</b>
Maine	1,088	52	47	223	60	54	570	54	51	739	58	46
Massachusetts	3,165	61	48	524	61	53	1,390	75	61	1,793	80	58
New Hampshire	937	53	44	246	51	42	616	54	44	805	59	46
Puerto Rico	3,115	76	71	609	71	72	1,565	71	69	2,837	70	65
Rhode Island	724	66	64	143	65	63	375	76	70	561	58	46
<b>SECOND CIRCUIT</b>	<b>25,038</b>	<b>59</b>	<b>41</b>	<b>4,845</b>	<b>57</b>	<b>43</b>	<b>12,066</b>	<b>68</b>	<b>47</b>	<b>15,822</b>	<b>68</b>	<b>43</b>
Connecticut	1,866	69	52	436	80	64	1,098	75	52	1,461	72	49
New York												
Eastern	8,147	58	37	1,596	48	34	2,984	69	43	4,169	70	40
Northern	2,255	53	34	437	50	39	1,156	62	44	1,754	63	47
Southern	9,056	65	47	1,597	64	50	4,583	76	52	5,417	75	46
Western	2,787	41	32	558	43	34	1,748	51	41	2,370	50	37
Vermont	927	47	33	221	61	41	497	54	33	651	62	32
<b>THIRD CIRCUIT</b>	<b>16,089</b>	<b>60</b>	<b>46</b>	<b>3,042</b>	<b>66</b>	<b>51</b>	<b>8,570</b>	<b>72</b>	<b>55</b>	<b>11,017</b>	<b>76</b>	<b>56</b>
Delaware	639	43	38	152	37	27	336	53	46	511	63	46
New Jersey	5,096	48	40	854	49	40	2,728	58	44	3,248	61	47
Pennsylvania												
Eastern	5,728	77	53	1,056	86	59	2,379	98	68	3,273	104	70
Middle	2,202	56	47	503	69	61	1,598	69	57	2,084	63	51
Western	1,775	58	48	391	61	54	1,234	69	63	1,649	71	57
Virgin Islands	649	40	35	86	49	42	295	33	31	252	45	41
<b>FOURTH CIRCUIT</b>	<b>28,288</b>	<b>86</b>	<b>75</b>	<b>5,742</b>	<b>84</b>	<b>77</b>	<b>16,834</b>	<b>91</b>	<b>82</b>	<b>21,855</b>	<b>89</b>	<b>79</b>
Maryland	3,145	87	75	502	86	77	1,761	97	83	2,600	96	81
North Carolina												
Eastern	3,013	112	94	619	98	81	1,714	103	86	2,585	114	101
Middle	2,435	98	92	410	87	87	1,259	99	94	1,788	93	88
Western	3,396	111	80	545	102	83	2,112	97	84	2,128	99	86
South Carolina	5,563	70	62	1,344	76	69	3,111	86	78	4,301	89	76
Virginia												
Eastern	5,296	78	76	1,137	82	82	3,445	85	85	4,715	79	75
Western	2,561	83	67	578	95	80	1,705	109	92	1,506	96	81
West Virginia												
Northern	1,257	67	67	275	65	66	949	61	60	1,212	55	49
Southern	1,622	63	61	332	58	60	778	64	61	1,020	57	50

**Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)**

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
<b>FIFTH CIRCUIT</b>	<b>64,455</b>	<b>48</b>	<b>43</b>	<b>14,318</b>	<b>47</b>	<b>45</b>	<b>41,126</b>	<b>45</b>	<b>43</b>	<b>65,745</b>	<b>40</b>	<b>37</b>
Louisiana												
Eastern	2,737	53	49	418	55	56	1,109	60	57	1,536	62	60
Middle	796	38	39	186	52	50	499	51	50	641	57	53
Western	1,872	70	61	398	69	70	1,235	65	64	1,175	71	71
Mississippi												
Northern	1,039	77	63	174	81	67	524	63	54	614	60	54
Southern	1,980	55	50	450	56	53	1,067	55	54	1,238	50	48
Texas												
Eastern	3,632	66	63	882	65	64	2,444	73	70	3,467	72	68
Northern	7,003	58	53	1,196	59	60	2,855	74	74	3,570	79	76
Southern	21,675	45	41	5,556	39	37	17,281	37	34	28,907	33	30
Western	23,721	40	36	5,058	45	42	14,112	41	38	24,597	35	31
<b>SIXTH CIRCUIT</b>	<b>26,398</b>	<b>57</b>	<b>48</b>	<b>4,984</b>	<b>66</b>	<b>57</b>	<b>14,056</b>	<b>74</b>	<b>61</b>	<b>19,208</b>	<b>75</b>	<b>61</b>
Kentucky												
Eastern	2,816	47	37	558	66	52	1,504	77	59	2,374	72	54
Western	2,076	43	41	342	57	53	929	77	65	1,313	70	55
Michigan												
Eastern	4,831	54	44	805	56	48	2,140	60	48	2,782	70	56
Western	2,158	60	53	443	68	65	1,210	72	66	1,688	71	63
Ohio												
Northern	4,796	48	40	780	58	48	2,538	65	54	2,502	61	50
Southern	2,798	53	41	507	51	42	1,715	71	55	2,371	70	50
Tennessee												
Eastern	2,977	76	67	688	92	80	1,641	100	90	2,799	94	82
Middle	1,380	72	61	311	74	69	838	80	67	1,105	80	63
Western	2,566	76	65	550	72	65	1,541	73	61	2,274	82	70
<b>SEVENTH CIRCUIT</b>	<b>14,591</b>	<b>73</b>	<b>66</b>	<b>3,246</b>	<b>79</b>	<b>74</b>	<b>8,288</b>	<b>86</b>	<b>78</b>	<b>10,853</b>	<b>87</b>	<b>75</b>
Illinois												
Central	1,913	88	76	405	106	100	1,050	115	103	1,365	120	103
Northern	4,730	58	49	1,206	71	62	2,666	77	64	3,186	85	69
Southern	2,029	96	95	400	85	83	949	110	110	1,162	100	99
Indiana												
Northern	1,819	68	62	373	72	63	1,136	58	53	1,588	59	54
Southern	1,507	80	72	294	101	95	857	98	93	1,052	112	102
Wisconsin												
Eastern	1,747	72	68	357	66	63	1,047	79	68	1,804	75	53
Western	846	64	70	211	72	79	583	90	94	696	77	67
<b>EIGHTH CIRCUIT</b>	<b>22,093</b>	<b>69</b>	<b>59</b>	<b>4,992</b>	<b>75</b>	<b>69</b>	<b>14,064</b>	<b>75</b>	<b>66</b>	<b>18,780</b>	<b>74</b>	<b>61</b>
Arkansas												
Eastern	1,724	56	53	297	55	55	903	64	56	1,354	59	54
Western	900	51	48	203	46	42	503	51	46	992	57	52
Iowa												
Northern	1,731	95	79	537	101	91	1,137	96	90	1,744	83	75
Southern	1,963	99	84	427	101	91	1,033	102	85	1,599	110	90
Minnesota	2,589	69	57	468	70	60	1,445	82	66	1,961	82	61
Missouri												
Eastern	3,793	66	57	791	62	59	2,773	68	60	3,639	68	56
Western	3,650	72	53	790	74	64	2,338	79	67	2,687	83	65
Nebraska	2,759	80	69	878	96	92	2,032	77	71	2,200	70	63
North Dakota	969	41	35	208	39	39	635	68	52	946	75	56
South Dakota	2,015	38	38	393	50	48	1,265	50	50	1,658	43	40

**Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)**

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean
		Guideline			Guideline			Guideline			Guideline	
		Minimum	Months		Minimum	Months		Minimum	Months		Minimum	Months
<b>NINTH CIRCUIT</b>	<b>65,329</b>	<b>42</b>	<b>34</b>	<b>11,864</b>	<b>43</b>	<b>36</b>	<b>32,882</b>	<b>49</b>	<b>40</b>	<b>54,812</b>	<b>47</b>	<b>36</b>
Alaska	964	46	42	217	57	49	407	66	57	519	72	60
Arizona	18,178	40	27	4,259	36	28	11,216	41	32	18,894	34	27
California												
Central	3,387	47	42	593	48	41	2,494	61	49	6,230	60	45
Eastern	5,071	51	45	945	54	47	2,565	59	50	3,636	64	51
Northern	3,986	47	40	599	44	37	1,535	54	43	2,431	57	45
Southern	16,847	31	23	1,708	28	23	5,637	33	27	11,713	39	29
Guam	724	41	34	106	33	24	245	48	35	214	31	25
Hawaii	1,980	58	47	432	65	52	1,148	84	63	838	79	59
Idaho	895	57	47	274	51	43	674	55	45	1,155	55	44
Montana	1,900	47	43	401	63	67	1,127	71	72	1,363	66	65
Nevada	3,291	46	43	643	50	49	1,426	50	48	1,874	49	44
Northern Mariana Islands	134	40	31	28	63	61	58	41	36	66	25	22
Oregon	2,991	56	49	584	54	50	1,336	61	51	1,946	66	50
Washington												
Eastern	1,662	52	42	379	46	42	990	59	49	1,389	59	46
Western	3,319	49	37	696	48	39	2,024	58	41	2,544	58	40
<b>TENTH CIRCUIT</b>	<b>20,750</b>	<b>49</b>	<b>42</b>	<b>5,152</b>	<b>46</b>	<b>42</b>	<b>15,626</b>	<b>47</b>	<b>41</b>	<b>23,558</b>	<b>39</b>	<b>32</b>
Colorado	3,059	46	37	583	47	40	1,598	54	44	1,969	51	42
Kansas	2,675	61	54	716	62	58	1,840	70	61	2,491	78	64
New Mexico	8,341	38	31	2,212	30	27	7,521	28	24	12,389	18	15
Oklahoma												
Eastern	535	61	55	118	86	88	250	91	86	377	71	63
Northern	1,134	57	54	160	64	62	594	77	75	720	65	58
Western	1,381	76	69	234	64	59	724	67	62	1,216	60	52
Utah	2,639	45	40	855	52	48	2,233	55	48	3,066	45	37
Wyoming	986	66	62	274	72	70	866	82	75	1,330	77	67
<b>ELEVENTH CIRCUIT</b>	<b>38,761</b>	<b>73</b>	<b>65</b>	<b>7,065</b>	<b>75</b>	<b>67</b>	<b>18,337</b>	<b>77</b>	<b>69</b>	<b>24,892</b>	<b>72</b>	<b>63</b>
Alabama												
Middle	1,178	65	54	214	74	63	679	62	54	901	64	56
Northern	2,708	63	51	579	71	58	1,417	82	65	1,627	78	64
Southern	2,191	77	62	321	76	66	1,028	79	66	1,555	74	60
Florida												
Middle	9,169	73	64	1,838	83	75	4,736	82	72	6,134	76	65
Northern	2,403	122	106	487	126	95	1,092	121	105	1,397	100	83
Southern	12,491	70	65	2,106	66	62	5,615	68	63	7,929	62	57
Georgia												
Middle	2,312	58	54	438	57	53	1,069	60	58	1,183	48	48
Northern	4,527	69	61	795	67	65	1,811	81	74	2,612	87	78
Southern	1,782	72	69	287	62	57	890	74	74	1,554	67	67

Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment). Some cases were excluded due to missing or indeterminable sentencing information.

Guideline minimums account for applicable statutory mandatory penalties. Guideline minimums of life and other guideline minimums exceeding 470 months are capped at 470 months.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses**

<i>Koon</i>			
<b>Period</b>			
<b>(6/13/96 - 4/30/03)</b>			
<b>Number of Govt Sponsored Below Range Sentences Imposed</b>			
<b>District</b>	<b>Percent</b>	<b>Imposed</b>	<b>Total Number of Sentences Imposed</b>
Northern Mariana Islands	46.2	61	132
New York, Northern	42.3	954	2,254
Pennsylvania, Eastern	42.1	2,406	5,721
North Carolina, Western	41.6	1,413	3,393
Missouri, Western	37.2	1,358	3,646
Alabama, Middle	36.5	430	1,178
Ohio, Southern	35.9	1,004	2,795
New Hampshire	34.5	323	937
Pennsylvania, Middle	34.0	747	2,200
Alabama, Southern	33.8	739	2,189
Illinois, Central	33.4	637	1,908
North Carolina, Eastern	30.9	932	3,012
Mississippi, Northern	30.4	316	1,038
Tennessee, Eastern	29.8	887	2,976
Indiana, Southern	29.2	439	1,505
Florida, Middle	28.9	2,644	9,164
New York, Western	28.8	802	2,783
Iowa, Southern	28.6	559	1,957
Colorado	28.3	864	3,056
Kentucky, Eastern	28.3	795	2,812
Alabama, Northern	28.3	764	2,704
Hawaii	28.2	557	1,975
New Jersey	27.9	1,420	5,081
Iowa, Northern	27.6	477	1,729
Maryland	27.3	859	3,141
Guam	27.0	194	719
Idaho	26.9	240	893
Tennessee, Western	26.8	685	2,552
Tennessee, Middle	26.8	369	1,376
Florida, Northern	26.7	641	2,400
Michigan, Western	26.4	568	2,154
Michigan, Eastern	26.2	1,259	4,809
Virginia, Western	25.4	650	2,558
Missouri, Eastern	24.7	935	3,786
Ohio, Northern	24.1	1,151	4,785
New York, Eastern	23.4	1,902	8,126
Illinois, Northern	23.1	1,092	4,720
Maine	22.4	244	1,087
South Carolina	22.4	1,248	5,561
Georgia, Middle	22.1	510	2,309
Pennsylvania, Western	21.6	383	1,772
Minnesota	21.3	547	2,566

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<i>Koon</i>			
<b>Period</b>			
<b>(6/13/96 - 4/30/03)</b>			
<b>District</b>	<b>Percent</b>	<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Vermont	21.0	194	923
Massachusetts	21.0	662	3,155
District of Columbia	21.0	572	2,729
Georgia, Northern	20.3	920	4,522
Texas, Northern	20.3	1,420	6,997
Wyoming	19.8	195	985
Louisiana, Western	19.7	369	1,869
Oregon	19.7	589	2,986
Georgia, Southern	19.4	346	1,779
Washington, Western	19.4	642	3,308
New York, Southern	19.2	1,728	9,017
Montana	19.0	359	1,894
North Carolina, Middle	18.9	459	2,435
Nebraska	18.7	514	2,753
Delaware	18.6	119	639
Mississippi, Southern	18.6	367	1,976
Indiana, Northern	18.3	331	1,811
Kansas	18.0	482	2,672
Louisiana, Middle	17.5	139	795
Texas, Southern	17.0	3,676	21,651
Arkansas, Western	16.9	152	899
California, Eastern	16.4	833	5,064
Wisconsin, Eastern	16.2	282	1,744
North Dakota	15.7	152	967
Nevada	14.2	466	3,290
Louisiana, Eastern	14.0	382	2,734
California, Central	13.9	468	3,357
Virgin Islands	13.5	86	637
Florida, Southern	13.5	1,682	12,469
Connecticut	13.4	250	1,862
Oklahoma, Northern	13.4	152	1,134
Arizona	13.3	2,405	18,103
Texas, Western	12.8	3,028	23,679
Arkansas, Eastern	12.4	214	1,720
California, Southern	11.9	1,989	16,771
California, Northern	11.2	447	3,975
Kentucky, Western	11.2	233	2,073
Illinois, Southern	11.1	224	2,023
Oklahoma, Western	10.8	149	1,378
Texas, Eastern	10.5	380	3,629
West Virginia, Southern	10.4	169	1,619
New Mexico	10.4	863	8,336
Alaska	10.3	99	960
Washington, Eastern	10.0	165	1,657
Puerto Rico	9.7	302	3,109
Wisconsin, Western	9.4	79	841
Virginia, Eastern	8.9	472	5,277
Oklahoma, Eastern	8.2	44	534
Rhode Island	8.0	58	721
West Virginia, Northern	7.7	97	1,256
Utah	7.4	188	2,545
South Dakota	6.3	127	2,014

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<b>PROTECT Act</b>	
		<b>Period</b>	
<b>(5/1/03 - 6/24/04)</b>			
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arizona	55.0	2,335	4,245
Idaho	46.4	127	274
Mississippi, Northern	40.8	71	174
Pennsylvania, Eastern	39.4	416	1,055
California, Southern	39.0	664	1,702
Kentucky, Eastern	38.2	213	558
Guam	35.8	38	106
New Hampshire	35.8	88	246
New York, Western	35.1	195	555
North Carolina, Eastern	35.0	216	618
Florida, Northern	34.9	170	487
District of Columbia	34.6	192	555
Pennsylvania, Middle	34.1	171	502
North Carolina, Western	33.0	179	543
Tennessee, Eastern	32.7	225	688
Vermont	31.2	69	221
Ohio, Southern	30.9	156	505
Hawaii	30.1	130	432
Alabama, Middle	29.6	63	213
Maine	28.7	64	223
Alabama, Southern	28.7	92	321
Illinois, Northern	28.5	342	1,201
New Jersey	28.3	242	854
Colorado	28.0	163	582
New Mexico	27.7	613	2,212
Alabama, Northern	26.5	153	577
Georgia, Middle	26.2	114	435
New York, Eastern	26.1	415	1,587
Louisiana, Middle	25.8	48	186
Minnesota	25.7	120	467
Indiana, Southern	25.6	75	293
Florida, Middle	25.1	462	1,837
Maryland	25.0	125	501
Ohio, Northern	24.6	192	779
New York, Northern	24.5	107	437
Virgin Islands	24.4	21	86
Pennsylvania, Western	24.3	95	391
Illinois, Central	24.2	98	405
Iowa, Northern	23.8	128	537
Michigan, Eastern	23.8	191	803
Alaska	23.6	51	216
Indiana, Northern	23.1	86	373

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses (cont.)**

District	PROTECT Act			
	Period			
	(5/1/03 - 6/24/04)			
	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Sentences Imposed	
Virginia, Western	22.9	132	577	
Washington, Western	22.5	156	694	
California, Eastern	22.4	212	945	
South Carolina	21.7	292	1,344	
Tennessee, Western	21.7	119	549	
Delaware	21.1	32	152	
Texas, Southern	20.5	1,137	5,550	
Oregon	20.4	119	584	
Arkansas, Western	20.2	41	203	
Tennessee, Middle	19.9	62	311	
Michigan, Western	19.9	87	437	
Missouri, Western	19.7	156	790	
Iowa, Southern	19.5	83	426	
Georgia, Southern	19.2	55	287	
Connecticut	18.6	81	435	
California, Northern	18.6	111	598	
Northern Mariana Islands	17.9	5	28	
Mississippi, Southern	17.8	80	450	
Missouri, Eastern	17.4	137	786	
California, Central	17.3	101	583	
Kentucky, Western	16.1	55	342	
Kansas	15.5	111	715	
New York, Southern	15.1	240	1,587	
Illinois, Southern	14.8	59	399	
Texas, Western	14.8	746	5,054	
Georgia, Northern	14.6	116	794	
Florida, Southern	14.5	305	2,106	
North Dakota	13.6	28	206	
Nebraska	13.6	119	876	
Nevada	13.2	85	643	
Oklahoma, Western	12.4	29	234	
Louisiana, Western	11.8	47	397	
West Virginia, Northern	11.6	32	275	
Arkansas, Eastern	11.5	34	296	
Massachusetts	11.5	60	524	
Texas, Northern	11.1	133	1,196	
Oklahoma, Eastern	11.0	13	118	
North Carolina, Middle	10.7	44	410	
Wyoming	10.7	29	272	
Washington, Eastern	10.6	40	378	
Montana	10.6	42	397	
Texas, Eastern	10.3	91	882	
Louisiana, Eastern	10.3	43	418	
Wisconsin, Eastern	9.3	33	356	
South Dakota	9.2	36	393	
Rhode Island	9.2	13	142	
Virginia, Eastern	8.9	101	1,136	
Utah	8.9	75	847	
Oklahoma, Northern	8.1	13	160	
Puerto Rico	8.1	49	606	
Wisconsin, Western	5.2	11	211	
West Virginia, Southern	2.1	7	332	

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<b>Booker Period</b>	
		<b>(1/12/05 - 12/10/07)</b>	
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arizona	62.7	7,034	11,215
California, Southern	55.4	3,121	5,634
Kentucky, Eastern	40.4	607	1,504
Idaho	40.4	272	674
Pennsylvania, Middle	38.3	612	1,598
Ohio, Southern	37.1	635	1,711
Washington, Western	36.8	745	2,024
District of Columbia	35.9	455	1,267
Mississippi, Northern	35.9	188	524
Pennsylvania, Eastern	35.6	846	2,379
Alabama, Middle	35.2	239	679
New York, Western	35.1	614	1,747
California, Eastern	34.8	891	2,563
Hawaii	34.5	396	1,148
North Carolina, Eastern	34.1	585	1,714
Vermont	33.0	164	497
New York, Northern	32.9	380	1,155
New Mexico	32.8	2,465	7,519
New Jersey	31.9	869	2,727
New Hampshire	31.8	196	616
Maryland	31.4	553	1,761
Guam	29.8	73	245
North Dakota	29.3	186	635
New York, Eastern	29.0	866	2,983
Michigan, Eastern	28.7	614	2,138
California, Central	28.7	691	2,409
Colorado	28.7	458	1,598
Washington, Eastern	28.6	283	990
Texas, Southern	28.0	4,836	17,281
California, Northern	27.6	424	1,534
Northern Mariana Islands	27.6	16	58
North Carolina, Western	26.7	564	2,112
Alabama, Northern	26.6	376	1,416
Oregon	26.5	354	1,336
Tennessee, Western	26.4	406	1,539
Tennessee, Eastern	26.3	432	1,641
Kentucky, Western	26.0	241	928
Virginia, Western	25.9	441	1,705
Minnesota	25.3	365	1,444
Florida, Middle	25.0	1,182	4,734
Alabama, Southern	24.7	254	1,027
Ohio, Northern	24.7	626	2,538

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses (cont.)**

District	<i>Booker</i>		<b>Period</b>	
			<b>(1/12/05 - 12/10/07)</b>	
	<b>Percent</b>		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Iowa, Southern	24.4		252	1,033
Indiana, Northern	24.2		275	1,135
Illinois, Northern	23.7		632	2,666
Illinois, Central	23.2		243	1,047
Utah	22.9		512	2,231
Kansas	22.9		422	1,840
Indiana, Southern	22.6		194	857
Tennessee, Middle	22.4		187	836
Connecticut	21.7		238	1,097
Florida, Northern	21.6		236	1,092
Arkansas, Western	20.9		105	503
Wisconsin, Eastern	20.8		218	1,047
Arkansas, Eastern	20.6		186	903
Maine	20.4		116	570
Michigan, Western	19.5		236	1,210
Georgia, Middle	19.2		205	1,069
Alaska	19.2		78	407
Louisiana, Middle	18.4		92	499
Missouri, Western	18.4		430	2,338
Missouri, Eastern	18.3		506	2,771
Nebraska	17.8		362	2,031
South Carolina	17.5		544	3,105
New York, Southern	17.0		778	4,572
Georgia, Northern	16.8		305	1,811
Wyoming	16.8		145	864
Nevada	16.3		233	1,426
Iowa, Northern	16.0		182	1,136
Massachusetts	14.7		204	1,384
North Carolina, Middle	14.5		183	1,259
Texas, Northern	14.0		400	2,854
Oklahoma, Eastern	14.0		35	250
Louisiana, Eastern	13.6		151	1,107
Texas, Western	13.5		1,909	14,112
Pennsylvania, Western	13.4		165	1,234
Florida, Southern	12.7		713	5,610
Texas, Eastern	12.6		307	2,442
Georgia, Southern	12.1		108	890
Montana	11.5		130	1,127
Oklahoma, Northern	11.4		68	594
Louisiana, Western	10.6		131	1,235
Delaware	10.1		34	336
Mississippi, Southern	9.7		104	1,067
Puerto Rico	9.3		146	1,564
West Virginia, Northern	8.9		84	949
West Virginia, Southern	8.5		66	776
Virgin Islands	8.1		24	295
Oklahoma, Western	7.9		57	724
South Dakota	7.3		92	1,265
Illinois, Southern	7.0		66	949
Rhode Island	6.9		26	375
Virginia, Eastern	6.8		234	3,444
Wisconsin, Western	2.9		17	583

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<i>Gall</i> <b>Period</b>	
		(12/11/07 - 9/30/11)	
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
California, Southern	59.9	7,018	11,713
Arizona	59.2	11,183	18,894
California, Eastern	45.8	1,667	3,636
California, Central	44.3	2,762	6,230
Washington, Western	43.7	1,112	2,544
Kentucky, Eastern	42.1	999	2,374
District of Columbia	41.2	555	1,346
Oregon	39.4	766	1,946
Utah	38.4	1,177	3,066
Washington, Eastern	37.7	524	1,389
Idaho	37.3	431	1,155
Ohio, Southern	36.5	865	2,371
New York, Western	34.6	819	2,370
Pennsylvania, Eastern	34.3	1,124	3,273
North Carolina, Eastern	34.1	881	2,585
California, Northern	33.7	820	2,431
Kentucky, Western	33.6	441	1,313
Wisconsin, Eastern	32.9	593	1,804
Maryland	32.3	839	2,600
Hawaii	32.2	270	838
New Hampshire	32.2	259	805
Pennsylvania, Middle	31.8	662	2,083
New Jersey	30.4	987	3,248
Kansas	29.8	743	2,491
Maine	29.8	220	739
New Mexico	29.2	3,616	12,389
North Carolina, Western	29.0	617	2,128
Minnesota	28.5	559	1,961
North Dakota	28.0	265	946
New York, Eastern	27.8	1,159	4,169
Alaska	27.6	143	519
Tennessee, Middle	27.1	300	1,105
Iowa, Southern	26.8	428	1,599
Tennessee, Eastern	26.4	739	2,799
Mississippi, Northern	26.1	160	614
Vermont	25.5	166	651
Alabama, Middle	25.4	229	901
Tennessee, Western	25.0	569	2,274
Massachusetts	24.7	443	1,793
Ohio, Northern	24.4	610	2,502
Virginia, Western	24.1	363	1,506
Illinois, Central	24.0	328	1,365

**Spread of Rates of Government Sponsored Below Range Sentences  
All Offenses (cont.)**

District	Gall Period		
	(12/11/07 - 9/30/11)		
	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Sentences Imposed
New York, Northern	23.5	413	1,754
Indiana, Northern	23.3	370	1,588
Colorado	23.1	455	1,969
Missouri, Western	23.0	619	2,687
Michigan, Eastern	22.8	635	2,782
Texas, Southern	22.5	6,506	28,907
Alabama, Northern	21.8	354	1,627
Alabama, Southern	21.2	329	1,555
South Carolina	20.9	898	4,301
Indiana, Southern	20.8	219	1,052
Florida, Middle	20.6	1,261	6,134
Louisiana, Middle	20.4	131	641
Wyoming	19.8	264	1,330
Connecticut	19.7	288	1,461
Iowa, Northern	19.6	341	1,744
Missouri, Eastern	19.2	698	3,639
Georgia, Northern	18.3	479	2,612
Florida, Northern	18.0	252	1,397
Illinois, Northern	17.6	559	3,184
Oklahoma, Northern	17.5	126	720
New York, Southern	17.4	942	5,414
Delaware	17.2	88	511
Pennsylvania, Western	16.7	276	1,649
Nevada	16.0	299	1,874
Texas, Eastern	15.8	547	3,466
Texas, Northern	15.7	560	3,570
Virgin Islands	15.5	39	252
Puerto Rico	15.2	431	2,837
Georgia, Southern	15.1	234	1,554
Michigan, Western	15.0	254	1,688
Arkansas, Eastern	15.0	203	1,354
Oklahoma, Eastern	14.9	56	377
West Virginia, Northern	14.9	180	1,212
Georgia, Middle	14.5	172	1,183
Guam	14.5	31	214
Nebraska	14.5	318	2,200
Montana	13.9	189	1,363
North Carolina, Middle	13.8	246	1,788
Arkansas, Western	12.7	126	992
Louisiana, Eastern	12.7	195	1,536
West Virginia, Southern	10.9	111	1,020
Texas, Western	10.5	2,589	24,597
Florida, Southern	10.5	830	7,929
Oklahoma, Western	10.0	122	1,216
Rhode Island	10.0	56	561
Illinois, Southern	9.8	114	1,162
Wisconsin, Western	9.3	65	696
Northern Mariana Islands	9.1	6	66
Louisiana, Western	8.3	98	1,175
Mississippi, Southern	8.3	103	1,238
Virginia, Eastern	7.6	360	4,714
South Dakota	5.1	85	1,658

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses**

*Koon*  
**Period**  
**(6/13/96 - 4/30/03)**

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Northern Mariana Islands	46.2	61	132
New York, Northern	42.3	953	2,254
Pennsylvania, Eastern	42.0	2,404	5,721
North Carolina, Western	41.6	1,410	3,393
Missouri, Western	37.1	1,353	3,646
Alabama, Middle	36.4	429	1,178
Ohio, Southern	35.9	1,004	2,795
New Hampshire	34.5	323	937
Pennsylvania, Middle	33.9	746	2,200
Alabama, Southern	33.5	733	2,189
Illinois, Central	33.3	636	1,908
North Carolina, Eastern	30.9	932	3,012
Mississippi, Northern	30.2	313	1,038
Tennessee, Eastern	29.8	887	2,976
Indiana, Southern	28.8	434	1,505
Florida, Middle	28.8	2,642	9,164
New York, Western	28.5	794	2,783
Iowa, Southern	28.5	558	1,957
Kentucky, Eastern	28.3	795	2,812
Alabama, Northern	28.2	763	2,704
Hawaii	28.2	557	1,975
Colorado	28.2	861	3,056
New Jersey	27.9	1,419	5,081
Iowa, Northern	27.6	477	1,729
Maryland	27.3	857	3,141
Guam	27.0	194	719
Tennessee, Middle	26.8	369	1,376
Tennessee, Western	26.8	684	2,552
Florida, Northern	26.7	641	2,400
Michigan, Western	26.3	567	2,154
Michigan, Eastern	26.2	1,258	4,809
Virginia, Western	25.3	646	2,558
Idaho	24.7	221	893
Missouri, Eastern	24.6	930	3,786
Ohio, Northern	24.0	1,149	4,785
Illinois, Northern	23.1	1,090	4,720
New York, Eastern	22.8	1,855	8,126
Maine	22.4	244	1,087
South Carolina	22.4	1,247	5,561
Georgia, Middle	22.0	508	2,309
Pennsylvania, Western	21.6	382	1,772
Minnesota	21.2	544	2,566

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses (cont.)**

*Koon*  
**Period**  

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**(6/13/96 - 4/30/03)**

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<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Vermont	21.0	194	923
Massachusetts	21.0	661	3,155
District of Columbia	20.6	562	2,729
Georgia, Northern	20.3	919	4,522
Texas, Northern	20.3	1,417	6,997
Louisiana, Western	19.7	369	1,869
Wyoming	19.6	193	985
Oregon	19.5	583	2,986
Georgia, Southern	19.4	346	1,779
New York, Southern	19.2	1,728	9,017
Washington, Western	19.0	629	3,308
Montana	18.9	358	1,894
North Carolina, Middle	18.9	459	2,435
Mississippi, Southern	18.6	367	1,976
Delaware	18.2	116	639
Indiana, Northern	18.1	328	1,811
Kansas	18.0	482	2,672
Nebraska	17.8	491	2,753
Louisiana, Middle	17.5	139	795
Arkansas, Western	16.9	152	899
California, Eastern	16.4	829	5,064
Wisconsin, Eastern	16.0	279	1,744
Texas, Southern	16.0	3,462	21,651
North Dakota	15.5	150	967
California, Central	13.9	468	3,357
Nevada	13.7	452	3,290
Louisiana, Eastern	13.7	374	2,734
Florida, Southern	13.5	1,682	12,469
Oklahoma, Northern	13.4	152	1,134
Virgin Islands	13.2	84	637
Connecticut	12.8	238	1,862
Texas, Western	12.4	2,940	23,679
Arkansas, Eastern	12.4	213	1,720
Kentucky, Western	11.1	231	2,073
Illinois, Southern	11.1	224	2,023
California, Northern	10.8	430	3,975
Oklahoma, Western	10.8	149	1,378
Texas, Eastern	10.4	379	3,629
West Virginia, Southern	10.4	169	1,619
California, Southern	10.3	1,733	16,771
Alaska	10.3	99	960
Puerto Rico	9.6	297	3,109
Wisconsin, Western	9.4	79	841
Virginia, Eastern	8.9	472	5,277
Washington, Eastern	8.6	143	1,657
Rhode Island	8.0	58	721
West Virginia, Northern	7.7	97	1,256
Utah	7.3	185	2,545
Arizona	7.2	1,303	18,103
New Mexico	6.8	570	8,336
Oklahoma, Eastern	6.7	36	534
South Dakota	6.3	126	2,014

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses**

**PROTECT Act  
Period**

**(5/1/03 - 6/24/04)**

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Pennsylvania, Eastern	38.7	408	1,055
Kentucky, Eastern	37.5	209	558
Mississippi, Northern	36.2	63	174
Guam	35.8	38	106
Florida, Northern	34.9	170	487
North Carolina, Eastern	34.6	214	618
New Hampshire	34.1	84	246
New York, Western	34.1	189	555
Pennsylvania, Middle	33.5	168	502
Tennessee, Eastern	32.4	223	688
North Carolina, Western	32.4	176	543
Vermont	31.2	69	221
Ohio, Southern	30.7	155	505
District of Columbia	30.5	169	555
Hawaii	29.9	129	432
Alabama, Middle	29.6	63	213
Maine	28.7	64	223
Alabama, Southern	28.3	91	321
Idaho	28.1	77	274
Colorado	27.7	161	582
Illinois, Northern	27.6	332	1,201
New Jersey	27.4	234	854
Alabama, Northern	26.5	153	577
Georgia, Middle	25.7	112	435
Florida, Middle	25.1	462	1,837
Minnesota	24.8	116	467
Maryland	24.6	123	501
Pennsylvania, Western	24.3	95	391
Louisiana, Middle	24.2	45	186
Indiana, Southern	23.9	70	293
Ohio, Northern	23.9	186	779
New York, Northern	23.8	104	437
Illinois, Central	23.7	96	405
Alaska	23.6	51	216
Iowa, Northern	23.3	125	537
Michigan, Eastern	23.2	186	803
Virgin Islands	22.1	19	86
Virginia, Western	22.0	127	577
Indiana, Northern	22.0	82	373
South Carolina	21.6	290	1,344
Tennessee, Western	21.5	118	549
New York, Eastern	20.4	324	1,587

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses (cont.)**

**PROTECT Act  
Period**

**(5/1/03 - 6/24/04)**

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Delaware	20.4	31	152
Tennessee, Middle	19.9	62	311
Arkansas, Western	19.7	40	203
Oregon	19.7	115	584
Michigan, Western	19.5	85	437
Iowa, Southern	19.2	82	426
Missouri, Western	18.9	149	790
Georgia, Southern	18.8	54	287
Washington, Western	18.4	128	694
Northern Mariana Islands	17.9	5	28
Mississippi, Southern	17.6	79	450
California, Eastern	17.2	163	945
Missouri, Eastern	16.8	132	786
California, Central	16.5	96	583
California, Northern	16.2	97	598
Kentucky, Western	15.5	53	342
Kansas	15.2	109	715
New York, Southern	14.9	236	1,587
Illinois, Southern	14.8	59	399
Florida, Southern	14.3	302	2,106
Georgia, Northern	14.2	113	794
Texas, Western	12.4	628	5,054
Oklahoma, Western	12.0	28	234
Connecticut	11.7	51	435
West Virginia, Northern	11.6	32	275
Louisiana, Western	11.6	46	397
Arkansas, Eastern	11.5	34	296
Texas, Northern	10.8	129	1,196
North Carolina, Middle	10.7	44	410
Montana	10.6	42	397
Massachusetts	10.5	55	524
Texas, Eastern	10.1	89	882
Wyoming	9.2	25	272
Rhode Island	9.2	13	142
Nevada	8.9	57	643
Virginia, Eastern	8.6	98	1,136
Wisconsin, Eastern	8.4	30	356
South Dakota	8.4	33	393
Louisiana, Eastern	8.4	35	418
Texas, Southern	8.1	452	5,550
Oklahoma, Northern	8.1	13	160
North Dakota	7.8	16	206
Puerto Rico	7.8	47	606
Utah	7.6	64	847
Washington, Eastern	7.4	28	378
Arizona	7.0	298	4,245
Oklahoma, Eastern	5.9	7	118
California, Southern	5.8	98	1,702
Wisconsin, Western	5.2	11	211
Nebraska	4.8	42	876
New Mexico	3.9	86	2,212
West Virginia, Southern	2.1	7	332

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses**

*Booker  
Period*

(1/12/05 - 12/10/07)

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Kentucky, Eastern	39.8	599	1,504
Ohio, Southern	35.2	602	1,711
Pennsylvania, Middle	35.0	559	1,598
North Carolina, Eastern	33.8	579	1,714
Pennsylvania, Eastern	33.6	800	2,379
Alabama, Middle	33.1	225	679
Hawaii	33.1	380	1,148
New York, Western	32.2	563	1,747
New York, Northern	31.5	364	1,155
New Jersey	30.8	839	2,727
Vermont	30.6	152	497
Guam	29.4	72	245
Maryland	28.5	502	1,761
Michigan, Eastern	27.2	582	2,138
District of Columbia	27.2	344	1,267
Colorado	26.4	422	1,598
Alabama, Northern	26.3	373	1,416
New Hampshire	26.3	162	616
Idaho	25.7	173	674
Tennessee, Eastern	25.4	417	1,641
North Carolina, Western	25.3	535	2,112
Mississippi, Northern	25.2	132	524
Virginia, Western	24.6	420	1,705
New York, Eastern	24.2	722	2,983
Alabama, Southern	24.1	247	1,027
Minnesota	23.4	338	1,444
Florida, Middle	23.4	1,107	4,734
North Dakota	23.3	148	635
Ohio, Northern	22.7	575	2,538
Indiana, Northern	22.6	257	1,135
Northern Mariana Islands	22.4	13	58
Iowa, Southern	22.4	231	1,033
Tennessee, Western	22.3	343	1,539
Illinois, Northern	21.5	574	2,666
Florida, Northern	21.3	233	1,092
Kentucky, Western	21.2	197	928
Illinois, Central	20.8	218	1,047
Connecticut	20.5	225	1,097
Maine	20.4	116	570
Arkansas, Western	19.9	100	503
Tennessee, Middle	19.9	166	836
Indiana, Southern	19.6	168	857

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses (cont.)**

*Booker*  
**Period**

(1/12/05 - 12/10/07)

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arkansas, Eastern	18.7	169	903
Michigan, Western	18.5	224	1,210
Georgia, Middle	18.1	194	1,069
Oregon	18.1	242	1,336
Louisiana, Middle	17.6	88	499
Missouri, Western	17.2	401	2,338
Wisconsin, Eastern	17.0	178	1,047
California, Northern	16.9	259	1,534
South Carolina	16.5	511	3,105
Washington, Western	16.4	331	2,024
Missouri, Eastern	16.3	453	2,771
California, Central	16.1	389	2,409
Kansas	16.1	296	1,840
New York, Southern	15.3	699	4,572
Iowa, Northern	15.0	170	1,136
California, Eastern	14.6	374	2,563
Georgia, Northern	14.2	257	1,811
North Carolina, Middle	14.1	178	1,259
Oklahoma, Eastern	12.8	32	250
Pennsylvania, Western	12.6	156	1,234
Texas, Northern	12.6	359	2,854
Alaska	12.5	51	407
Massachusetts	11.8	163	1,384
Georgia, Southern	11.7	104	890
Florida, Southern	11.6	653	5,610
Montana	11.4	129	1,127
Louisiana, Eastern	11.1	123	1,107
Washington, Eastern	10.8	107	990
Wyoming	10.6	92	864
Louisiana, Western	10.5	130	1,235
Oklahoma, Northern	10.4	62	594
Nevada	9.7	138	1,426
Texas, Eastern	9.3	228	2,442
Mississippi, Southern	9.3	99	1,067
Utah	9.1	204	2,231
Texas, Western	8.4	1,184	14,112
West Virginia, Southern	8.1	63	776
West Virginia, Northern	7.8	74	949
Virgin Islands	7.5	22	295
Delaware	7.4	25	336
Oklahoma, Western	7.3	53	724
Puerto Rico	6.9	108	1,564
Texas, Southern	6.9	1,189	17,281
California, Southern	6.4	359	5,634
Virginia, Eastern	6.2	215	3,444
Arizona	6.1	687	11,215
Illinois, Southern	5.8	55	949
Rhode Island	5.1	19	375
South Dakota	4.5	57	1,265
Nebraska	4.4	89	2,031
New Mexico	3.7	276	7,519
Wisconsin, Western	2.7	16	583

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses**

*Gall*

**Period**

(12/11/07 - 9/30/11)

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Kentucky, Eastern	40.7	967	2,374
North Carolina, Eastern	33.7	871	2,585
Pennsylvania, Eastern	31.8	1,041	3,273
Hawaii	31.4	263	838
New York, Western	30.0	710	2,370
Ohio, Southern	29.3	694	2,371
Maine	29.2	216	739
District of Columbia	28.7	386	1,346
New Jersey	28.4	923	3,248
North Carolina, Western	26.9	572	2,128
Minnesota	26.9	527	1,961
Tennessee, Eastern	25.5	714	2,799
Maryland	24.8	646	2,600
North Dakota	24.6	233	946
Idaho	24.3	281	1,155
Pennsylvania, Middle	23.9	498	2,083
Alabama, Middle	23.9	215	901
Kentucky, Western	23.8	313	1,313
New York, Eastern	23.3	970	4,169
Wisconsin, Eastern	23.1	416	1,804
New Hampshire	22.6	182	805
Mississippi, Northern	22.5	138	614
Ohio, Northern	22.0	550	2,502
New York, Northern	21.8	383	1,754
Tennessee, Western	21.7	494	2,274
Illinois, Central	21.0	287	1,365
Alabama, Northern	21.0	342	1,627
Virginia, Western	20.7	312	1,506
Alabama, Southern	20.5	319	1,555
Iowa, Southern	20.2	323	1,599
Louisiana, Middle	20.1	129	641
Michigan, Eastern	20.0	556	2,782
Indiana, Northern	19.9	316	1,588
Missouri, Western	19.8	533	2,687
Oregon	19.6	381	1,946
Vermont	19.4	126	651
Colorado	19.0	375	1,969
Florida, Middle	18.6	1,141	6,134
Tennessee, Middle	18.5	204	1,105
South Carolina	18.1	777	4,301
Florida, Northern	18.0	251	1,397
Kansas	17.8	443	2,491

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
All Offenses (cont.)**

*Gall*  
**Period**

(12/11/07 - 9/30/11)

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Oklahoma, Northern	17.2	124	720
Connecticut	17.1	250	1,461
Iowa, Northern	16.7	291	1,744
Illinois, Northern	15.9	505	3,184
New York, Southern	15.6	843	5,414
Alaska	15.0	78	519
Pennsylvania, Western	15.0	247	1,649
Missouri, Eastern	14.9	542	3,639
Georgia, Northern	14.5	378	2,612
Michigan, Western	14.4	243	1,688
Indiana, Southern	14.4	151	1,052
Texas, Northern	14.2	508	3,570
North Carolina, Middle	13.6	243	1,788
Oklahoma, Eastern	13.5	51	377
Delaware	13.5	69	511
Georgia, Southern	13.4	209	1,554
Guam	13.1	28	214
Georgia, Middle	13.0	154	1,183
Montana	12.8	175	1,363
Virgin Islands	12.7	32	252
Arkansas, Western	12.6	125	992
California, Eastern	12.4	452	3,636
California, Central	11.9	739	6,230
Washington, Western	11.8	300	2,544
Arkansas, Eastern	11.6	157	1,354
Wyoming	11.2	149	1,330
Massachusetts	10.4	186	1,793
West Virginia, Southern	10.3	105	1,020
Louisiana, Eastern	10.0	154	1,536
West Virginia, Northern	9.6	116	1,212
California, Northern	9.5	230	2,431
Oklahoma, Western	9.3	113	1,216
Wisconsin, Western	9.1	63	696
Florida, Southern	9.0	714	7,929
Washington, Eastern	8.8	122	1,389
Texas, Eastern	8.8	304	3,466
Louisiana, Western	7.9	93	1,175
Rhode Island	7.8	44	561
Mississippi, Southern	7.8	97	1,238
Texas, Western	7.7	1,906	24,597
Illinois, Southern	7.7	89	1,162
Northern Mariana Islands	7.6	5	66
Nevada	7.2	134	1,874
Puerto Rico	6.9	196	2,837
California, Southern	6.5	757	11,713
Virginia, Eastern	6.0	283	4,714
Texas, Southern	5.3	1,541	28,907
Utah	4.4	136	3,066
Arizona	3.3	629	18,894
Nebraska	3.0	67	2,200
South Dakota	2.8	46	1,658
New Mexico	2.2	276	12,389

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
All Offenses**

**PROTECT Act**

**Period**

**(5/1/03 - 6/24/04)**

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arizona	15.2	645	4,245
New Mexico	8.0	176	2,212
California, Southern	7.9	135	1,702
Idaho	7.7	21	274
North Dakota	4.9	10	206
California, Eastern	4.2	40	945
Texas, Western	0.9	47	5,054
Texas, Southern	0.9	48	5,550
Washington, Western	0.6	4	694
Nebraska	0.2	2	876
Pennsylvania, Middle	0.2	1	502
Ohio, Southern	0.2	1	505
Virginia, Eastern	0.1	1	1,136
Florida, Southern	0.0	0	2,106
Florida, Middle	0.0	0	1,837
New York, Eastern	0.0	0	1,587
New York, Southern	0.0	0	1,587
South Carolina	0.0	0	1,344
Illinois, Northern	0.0	0	1,201
Texas, Northern	0.0	0	1,196
Pennsylvania, Eastern	0.0	0	1,055
Texas, Eastern	0.0	0	882
New Jersey	0.0	0	854
Utah	0.0	0	847
Michigan, Eastern	0.0	0	803
Georgia, Northern	0.0	0	794
Missouri, Western	0.0	0	790
Missouri, Eastern	0.0	0	786
Ohio, Northern	0.0	0	779
Kansas	0.0	0	715
Tennessee, Eastern	0.0	0	688
Nevada	0.0	0	643
North Carolina, Eastern	0.0	0	618
Puerto Rico	0.0	0	606
California, Northern	0.0	0	598
Oregon	0.0	0	584
California, Central	0.0	0	583
Colorado	0.0	0	582
Virginia, Western	0.0	0	577
Alabama, Northern	0.0	0	577
Kentucky, Eastern	0.0	0	558
District of Columbia	0.0	0	555

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
All Offenses (cont.)**

**PROTECT Act  
Period**

**(5/1/03 - 6/24/04)**

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
New York, Western	0.0	0	555
Tennessee, Western	0.0	0	549
North Carolina, Western	0.0	0	543
Iowa, Northern	0.0	0	537
Massachusetts	0.0	0	524
Maryland	0.0	0	501
Florida, Northern	0.0	0	487
Minnesota	0.0	0	467
Mississippi, Southern	0.0	0	450
New York, Northern	0.0	0	437
Michigan, Western	0.0	0	437
Connecticut	0.0	0	435
Georgia, Middle	0.0	0	435
Hawaii	0.0	0	432
Iowa, Southern	0.0	0	426
Louisiana, Eastern	0.0	0	418
North Carolina, Middle	0.0	0	410
Illinois, Central	0.0	0	405
Illinois, Southern	0.0	0	399
Louisiana, Western	0.0	0	397
Montana	0.0	0	397
South Dakota	0.0	0	393
Pennsylvania, Western	0.0	0	391
Washington, Eastern	0.0	0	378
Indiana, Northern	0.0	0	373
Wisconsin, Eastern	0.0	0	356
Kentucky, Western	0.0	0	342
West Virginia, Southern	0.0	0	332
Alabama, Southern	0.0	0	321
Tennessee, Middle	0.0	0	311
Arkansas, Eastern	0.0	0	296
Indiana, Southern	0.0	0	293
Georgia, Southern	0.0	0	287
West Virginia, Northern	0.0	0	275
Wyoming	0.0	0	272
New Hampshire	0.0	0	246
Oklahoma, Western	0.0	0	234
Maine	0.0	0	223
Vermont	0.0	0	221
Alaska	0.0	0	216
Alabama, Middle	0.0	0	213
Wisconsin, Western	0.0	0	211
Arkansas, Western	0.0	0	203
Louisiana, Middle	0.0	0	186
Mississippi, Northern	0.0	0	174
Oklahoma, Northern	0.0	0	160
Delaware	0.0	0	152
Rhode Island	0.0	0	142
Oklahoma, Eastern	0.0	0	118
Guam	0.0	0	106
Virgin Islands	0.0	0	86
Northern Mariana Islands	0.0	0	28

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
All Offenses**

*Booker*

**Period**

(1/12/05 - 12/10/07)

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arizona	53.6	6,016	11,215
California, Southern	46.8	2,636	5,634
California, Eastern	16.6	426	2,563
New Mexico	16.1	1,213	7,519
Texas, Southern	15.0	2,590	17,281
Idaho	12.6	85	674
Washington, Eastern	9.6	95	990
Utah	9.6	214	2,231
California, Central	6.3	151	2,409
Nebraska	4.8	98	2,031
Texas, Western	4.1	574	14,112
North Dakota	3.1	20	635
Oregon	2.4	32	1,336
Washington, Western	2.3	46	2,024
California, Northern	1.5	23	1,534
Florida, Middle	0.8	38	4,734
Ohio, Southern	0.1	2	1,711
Kentucky, Western	0.1	1	928
Wisconsin, Eastern	0.1	1	1,047
Nevada	0.1	1	1,426
New York, Eastern	0.1	2	2,983
South Carolina	0.1	2	3,105
Georgia, Northern	0.1	1	1,811
Kansas	0.1	1	1,840
Texas, Northern	0.0	1	2,854
Florida, Southern	0.0	0	5,610
New York, Southern	0.0	0	4,572
Virginia, Eastern	0.0	0	3,444
Missouri, Eastern	0.0	0	2,771
New Jersey	0.0	0	2,727
Illinois, Northern	0.0	0	2,666
Ohio, Northern	0.0	0	2,538
Texas, Eastern	0.0	0	2,442
Pennsylvania, Eastern	0.0	0	2,379
Missouri, Western	0.0	0	2,338
Michigan, Eastern	0.0	0	2,138
North Carolina, Western	0.0	0	2,112
Maryland	0.0	0	1,761
New York, Western	0.0	0	1,747
North Carolina, Eastern	0.0	0	1,714
Virginia, Western	0.0	0	1,705
Tennessee, Eastern	0.0	0	1,641

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
All Offenses (cont.)**

*Booker*

**Period**

(1/12/05 - 12/10/07)

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Pennsylvania, Middle	0.0	0	1,598
Colorado	0.0	0	1,598
Puerto Rico	0.0	0	1,564
Tennessee, Western	0.0	0	1,539
Kentucky, Eastern	0.0	0	1,504
Minnesota	0.0	0	1,444
Alabama, Northern	0.0	0	1,416
Massachusetts	0.0	0	1,384
District of Columbia	0.0	0	1,267
South Dakota	0.0	0	1,265
North Carolina, Middle	0.0	0	1,259
Louisiana, Western	0.0	0	1,235
Pennsylvania, Western	0.0	0	1,234
Michigan, Western	0.0	0	1,210
New York, Northern	0.0	0	1,155
Hawaii	0.0	0	1,148
Iowa, Northern	0.0	0	1,136
Indiana, Northern	0.0	0	1,135
Montana	0.0	0	1,127
Louisiana, Eastern	0.0	0	1,107
Connecticut	0.0	0	1,097
Florida, Northern	0.0	0	1,092
Georgia, Middle	0.0	0	1,069
Mississippi, Southern	0.0	0	1,067
Illinois, Central	0.0	0	1,047
Iowa, Southern	0.0	0	1,033
Alabama, Southern	0.0	0	1,027
West Virginia, Northern	0.0	0	949
Illinois, Southern	0.0	0	949
Arkansas, Eastern	0.0	0	903
Georgia, Southern	0.0	0	890
Wyoming	0.0	0	864
Indiana, Southern	0.0	0	857
Tennessee, Middle	0.0	0	836
West Virginia, Southern	0.0	0	776
Oklahoma, Western	0.0	0	724
Alabama, Middle	0.0	0	679
New Hampshire	0.0	0	616
Oklahoma, Northern	0.0	0	594
Wisconsin, Western	0.0	0	583
Maine	0.0	0	570
Mississippi, Northern	0.0	0	524
Arkansas, Western	0.0	0	503
Louisiana, Middle	0.0	0	499
Vermont	0.0	0	497
Alaska	0.0	0	407
Rhode Island	0.0	0	375
Delaware	0.0	0	336
Virgin Islands	0.0	0	295
Oklahoma, Eastern	0.0	0	250
Guam	0.0	0	245
Northern Mariana Islands	0.0	0	58

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
All Offenses**

*Gall*  
**Period**  

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**(12/11/07 - 9/30/11)**

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<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arizona	52.7	9,953	18,894
California, Southern	50.6	5,925	11,713
California, Eastern	29.7	1,080	3,636
Utah	29.1	891	3,066
California, Central	24.1	1,504	6,230
Washington, Eastern	18.0	250	1,389
New Mexico	14.9	1,844	12,389
Texas, Southern	13.6	3,917	28,907
Idaho	10.8	125	1,155
California, Northern	10.1	246	2,431
Washington, Western	5.1	130	2,544
Nebraska	5.0	109	2,200
Oregon	3.9	75	1,946
Puerto Rico	3.2	92	2,837
Iowa, Northern	1.8	31	1,744
Texas, Western	1.3	316	24,597
Wyoming	1.2	16	1,330
Florida, Middle	0.7	43	6,134
North Dakota	0.2	2	946
Alaska	0.2	1	519
Massachusetts	0.2	3	1,793
Wisconsin, Western	0.1	1	696
Illinois, Central	0.1	1	1,365
Michigan, Eastern	0.1	2	2,782
Minnesota	0.1	1	1,961
Tennessee, Western	0.0	1	2,274
Ohio, Northern	0.0	1	2,502
Georgia, Northern	0.0	1	2,612
Illinois, Northern	0.0	1	3,184
New Jersey	0.0	1	3,248
New York, Eastern	0.0	1	4,169
Florida, Southern	0.0	0	7,929
New York, Southern	0.0	0	5,414
Virginia, Eastern	0.0	0	4,714
South Carolina	0.0	0	4,301
Missouri, Eastern	0.0	0	3,639
Texas, Northern	0.0	0	3,570
Texas, Eastern	0.0	0	3,466
Pennsylvania, Eastern	0.0	0	3,273
Tennessee, Eastern	0.0	0	2,799
Missouri, Western	0.0	0	2,687
Maryland	0.0	0	2,600

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
All Offenses (cont.)**

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**Period**

(12/11/07 - 9/30/11)

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
North Carolina, Eastern	0.0	0	2,585
Kansas	0.0	0	2,491
Kentucky, Eastern	0.0	0	2,374
Ohio, Southern	0.0	0	2,371
New York, Western	0.0	0	2,370
North Carolina, Western	0.0	0	2,128
Pennsylvania, Middle	0.0	0	2,083
Colorado	0.0	0	1,969
Nevada	0.0	0	1,874
Wisconsin, Eastern	0.0	0	1,804
North Carolina, Middle	0.0	0	1,788
New York, Northern	0.0	0	1,754
Michigan, Western	0.0	0	1,688
South Dakota	0.0	0	1,658
Pennsylvania, Western	0.0	0	1,649
Alabama, Northern	0.0	0	1,627
Iowa, Southern	0.0	0	1,599
Indiana, Northern	0.0	0	1,588
Alabama, Southern	0.0	0	1,555
Georgia, Southern	0.0	0	1,554
Louisiana, Eastern	0.0	0	1,536
Virginia, Western	0.0	0	1,506
Connecticut	0.0	0	1,461
Florida, Northern	0.0	0	1,397
Montana	0.0	0	1,363
Arkansas, Eastern	0.0	0	1,354
District of Columbia	0.0	0	1,346
Kentucky, Western	0.0	0	1,313
Mississippi, Southern	0.0	0	1,238
Oklahoma, Western	0.0	0	1,216
West Virginia, Northern	0.0	0	1,212
Georgia, Middle	0.0	0	1,183
Louisiana, Western	0.0	0	1,175
Illinois, Southern	0.0	0	1,162
Tennessee, Middle	0.0	0	1,105
Indiana, Southern	0.0	0	1,052
West Virginia, Southern	0.0	0	1,020
Arkansas, Western	0.0	0	992
Alabama, Middle	0.0	0	901
Hawaii	0.0	0	838
New Hampshire	0.0	0	805
Maine	0.0	0	739
Oklahoma, Northern	0.0	0	720
Vermont	0.0	0	651
Louisiana, Middle	0.0	0	641
Mississippi, Northern	0.0	0	614
Rhode Island	0.0	0	561
Delaware	0.0	0	511
Oklahoma, Eastern	0.0	0	377
Virgin Islands	0.0	0	252
Guam	0.0	0	214
Northern Mariana Islands	0.0	0	66

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>PROTECT Act</b>		
	<b>Period</b>		
	<b>(5/1/03 - 6/24/04)</b>		
	<b>Number of Other</b>		<b>Total Number of</b>
	<b>Govt Sponsored</b>		
	<b>Percent</b>	<b>Below Range</b>	<b>Sentences Imposed</b>
		<b>Sentences Imposed</b>	<b>Sentences Imposed</b>
Arizona	32.8	1,392	4,245
California, Southern	25.3	431	1,702
New Mexico	15.9	351	2,212
Texas, Southern	11.5	637	5,550
Idaho	10.6	29	274
Nebraska	8.6	75	876
Connecticut	6.9	30	435
New York, Eastern	5.7	91	1,587
Oklahoma, Eastern	5.1	6	118
Mississippi, Northern	4.6	8	174
Nevada	4.4	28	643
District of Columbia	4.1	23	555
Washington, Western	3.5	24	694
Washington, Eastern	3.2	12	378
California, Northern	2.3	14	598
Virgin Islands	2.3	2	86
Louisiana, Eastern	1.9	8	418
Indiana, Southern	1.7	5	293
New Hampshire	1.6	4	246
Louisiana, Middle	1.6	3	186
Wyoming	1.5	4	272
Texas, Western	1.4	71	5,054
Utah	1.3	11	847
New York, Western	1.1	6	555
Indiana, Northern	1.1	4	373
North Dakota	1.0	2	206
Massachusetts	1.0	5	524
California, Eastern	1.0	9	945
New Jersey	0.9	8	854
Missouri, Western	0.9	7	790
Virginia, Western	0.9	5	577
California, Central	0.9	5	583
Minnesota	0.9	4	467
Wisconsin, Eastern	0.8	3	356
Illinois, Northern	0.8	10	1,201
Ohio, Northern	0.8	6	779
South Dakota	0.8	3	393
Pennsylvania, Eastern	0.8	8	1,055
Kentucky, Eastern	0.7	4	558
New York, Northern	0.7	3	437
Oregon	0.7	4	584
Delaware	0.7	1	152

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<b>PROTECT Act</b>				
<b>Period</b>				
<b>(5/1/03 - 6/24/04)</b>				
<b>Number of Other</b>				
<b>Govt Sponsored</b>				
<b>Below Range</b>				
<b>District</b>	<b>Percent</b>	<b>Sentences Imposed</b>	<b>Total Number of</b>	
			<b>Sentences Imposed</b>	
Missouri, Eastern	0.6	5	786	
Michigan, Eastern	0.6	5	803	
Kentucky, Western	0.6	2	342	
Iowa, Northern	0.6	3	537	
North Carolina, Western	0.6	3	543	
Illinois, Central	0.5	2	405	
Arkansas, Western	0.5	1	203	
Georgia, Middle	0.5	2	435	
Michigan, Western	0.5	2	437	
Oklahoma, Western	0.4	1	234	
Maryland	0.4	2	501	
Pennsylvania, Middle	0.4	2	502	
Georgia, Northern	0.4	3	794	
Georgia, Southern	0.3	1	287	
Colorado	0.3	2	582	
Texas, Northern	0.3	4	1,196	
Puerto Rico	0.3	2	606	
North Carolina, Eastern	0.3	2	618	
Alabama, Southern	0.3	1	321	
Tennessee, Eastern	0.3	2	688	
Kansas	0.3	2	715	
New York, Southern	0.3	4	1,587	
Louisiana, Western	0.3	1	397	
Iowa, Southern	0.2	1	426	
Hawaii	0.2	1	432	
Texas, Eastern	0.2	2	882	
Mississippi, Southern	0.2	1	450	
Tennessee, Western	0.2	1	549	
Virginia, Eastern	0.2	2	1,136	
South Carolina	0.1	2	1,344	
Florida, Southern	0.1	3	2,106	
Florida, Middle	0.0	0	1,837	
Alabama, Northern	0.0	0	577	
Ohio, Southern	0.0	0	505	
Florida, Northern	0.0	0	487	
North Carolina, Middle	0.0	0	410	
Illinois, Southern	0.0	0	399	
Montana	0.0	0	397	
Pennsylvania, Western	0.0	0	391	
West Virginia, Southern	0.0	0	332	
Tennessee, Middle	0.0	0	311	
Arkansas, Eastern	0.0	0	296	
West Virginia, Northern	0.0	0	275	
Maine	0.0	0	223	
Vermont	0.0	0	221	
Alaska	0.0	0	216	
Alabama, Middle	0.0	0	213	
Wisconsin, Western	0.0	0	211	
Oklahoma, Northern	0.0	0	160	
Rhode Island	0.0	0	142	
Guam	0.0	0	106	
Northern Mariana Islands	0.0	0	28	

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Booker Period</b>		
	<b>(1/12/05 - 12/10/07)</b>		
	<b>Percent</b>	<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Washington, Western	18.2	368	2,024
New Mexico	13.0	976	7,519
Mississippi, Northern	10.7	56	524
California, Northern	9.3	142	1,534
District of Columbia	8.8	111	1,267
Nebraska	8.6	175	2,031
Washington, Eastern	8.2	81	990
Kansas	6.8	125	1,840
Alaska	6.6	27	407
Nevada	6.6	94	1,426
California, Central	6.3	151	2,409
Wyoming	6.1	53	864
Texas, Southern	6.1	1,057	17,281
Oregon	6.0	80	1,336
New Hampshire	5.5	34	616
Northern Mariana Islands	5.2	3	58
New York, Eastern	4.8	142	2,983
Kentucky, Western	4.6	43	928
Utah	4.2	94	2,231
Tennessee, Western	4.1	63	1,539
Wisconsin, Eastern	3.7	39	1,047
California, Eastern	3.6	91	2,563
Pennsylvania, Middle	3.3	53	1,598
Texas, Eastern	3.2	79	2,442
Indiana, Southern	3.0	26	857
Massachusetts	3.0	41	1,384
Arizona	3.0	331	11,215
New York, Western	2.9	51	1,747
Maryland	2.9	51	1,761
North Dakota	2.8	18	635
South Dakota	2.8	35	1,265
Delaware	2.7	9	336
Georgia, Northern	2.6	47	1,811
Louisiana, Eastern	2.5	28	1,107
Tennessee, Middle	2.5	21	836
Puerto Rico	2.4	38	1,564
Vermont	2.4	12	497
Illinois, Central	2.4	25	1,047
Colorado	2.3	36	1,598
California, Southern	2.2	126	5,634
Illinois, Northern	2.2	58	2,666
Idaho	2.1	14	674

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<i>Booker</i>				
<b>Period</b>				
<b>(1/12/05 - 12/10/07)</b>				
<b>District</b>	<b>Percent</b>	<b>Number of Other</b>		<b>Total Number of</b>
		<b>Govt Sponsored</b>	<b>Below Range</b>	
		<b>Sentences Imposed</b>		<b>Sentences Imposed</b>
Alabama, Middle	2.1	14		679
Iowa, Southern	2.0	21		1,033
Ohio, Northern	2.0	51		2,538
Pennsylvania, Eastern	1.9	46		2,379
Missouri, Eastern	1.9	53		2,771
Arkansas, Eastern	1.9	17		903
Minnesota	1.9	27		1,444
Rhode Island	1.9	7		375
Ohio, Southern	1.8	31		1,711
New York, Southern	1.7	79		4,572
Indiana, Northern	1.6	18		1,135
Michigan, Eastern	1.5	32		2,138
Texas, Northern	1.4	40		2,854
Hawaii	1.4	16		1,148
New York, Northern	1.4	16		1,155
North Carolina, Western	1.4	29		2,112
Missouri, Western	1.2	29		2,338
Virginia, Western	1.2	21		1,705
Oklahoma, Eastern	1.2	3		250
Connecticut	1.2	13		1,097
Illinois, Southern	1.2	11		949
New Jersey	1.1	30		2,727
Texas, Western	1.1	151		14,112
Florida, Southern	1.1	60		5,610
Iowa, Northern	1.1	12		1,136
West Virginia, Northern	1.1	10		949
Georgia, Middle	1.0	11		1,069
Oklahoma, Northern	1.0	6		594
South Carolina	1.0	31		3,105
Arkansas, Western	1.0	5		503
Michigan, Western	1.0	12		1,210
Tennessee, Eastern	0.9	15		1,641
Louisiana, Middle	0.8	4		499
Florida, Middle	0.8	37		4,734
Pennsylvania, Western	0.7	9		1,234
Alabama, Southern	0.7	7		1,027
Virgin Islands	0.7	2		295
Oklahoma, Western	0.6	4		724
Virginia, Eastern	0.6	19		3,444
Kentucky, Eastern	0.5	8		1,504
Mississippi, Southern	0.5	5		1,067
Georgia, Southern	0.4	4		890
Guam	0.4	1		245
North Carolina, Middle	0.4	5		1,259
West Virginia, Southern	0.4	3		776
North Carolina, Eastern	0.4	6		1,714
Florida, Northern	0.3	3		1,092
Alabama, Northern	0.2	3		1,416
Wisconsin, Western	0.2	1		583
Montana	0.1	1		1,127
Louisiana, Western	0.1	1		1,235
Maine	0.0	0		570

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<i>Gall</i> <b>Period</b>		
	(12/11/07 - 9/30/11)		
	<b>Percent</b>	<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Washington, Western	26.8	682	2,544
Oregon	15.9	310	1,946
Massachusetts	14.2	254	1,793
California, Northern	14.2	344	2,431
District of Columbia	12.6	169	1,346
Alaska	12.3	64	519
New Mexico	12.1	1,496	12,389
Kansas	12.0	300	2,491
Washington, Eastern	10.9	152	1,389
Wisconsin, Eastern	9.8	177	1,804
Kentucky, Western	9.7	128	1,313
New Hampshire	9.6	77	805
Nevada	8.8	165	1,874
Tennessee, Middle	8.7	96	1,105
California, Central	8.3	519	6,230
Pennsylvania, Middle	7.9	164	2,083
Wyoming	7.4	99	1,330
Maryland	7.4	193	2,600
Ohio, Southern	7.2	171	2,371
Texas, Eastern	7.0	243	3,466
Iowa, Southern	6.6	105	1,599
Indiana, Southern	6.5	68	1,052
Nebraska	6.5	142	2,200
Vermont	6.1	40	651
West Virginia, Northern	5.3	64	1,212
Puerto Rico	5.0	143	2,837
Utah	4.9	150	3,066
New York, Western	4.6	109	2,370
New York, Eastern	4.5	188	4,169
Missouri, Eastern	4.3	156	3,639
Colorado	4.1	80	1,969
Georgia, Northern	3.8	100	2,612
Delaware	3.7	19	511
California, Eastern	3.7	135	3,636
Texas, Southern	3.6	1,048	28,907
Mississippi, Northern	3.6	22	614
Indiana, Northern	3.4	54	1,588
Arkansas, Eastern	3.4	46	1,354
Virginia, Western	3.4	51	1,506
Tennessee, Western	3.3	74	2,274
Missouri, Western	3.2	86	2,687
Arizona	3.2	601	18,894

**Spread of Rates of Other Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<b>District</b>	<i>Gall</i>			
	<b>Period</b>			
	<b>(12/11/07 - 9/30/11)</b>			
	<b>Percent</b>	<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>	
North Dakota	3.2	30	946	
Illinois, Central	2.9	40	1,365	
California, Southern	2.9	336	11,713	
South Carolina	2.8	121	4,301	
Virgin Islands	2.8	7	252	
Michigan, Eastern	2.8	77	2,782	
Louisiana, Eastern	2.7	41	1,536	
Connecticut	2.6	38	1,461	
Pennsylvania, Eastern	2.5	83	3,273	
Ohio, Northern	2.4	59	2,502	
South Dakota	2.4	39	1,658	
Idaho	2.2	25	1,155	
Illinois, Southern	2.2	25	1,162	
Rhode Island	2.1	12	561	
North Carolina, Western	2.1	45	2,128	
New Jersey	1.9	63	3,248	
New York, Southern	1.8	99	5,414	
Pennsylvania, Western	1.8	29	1,649	
New York, Northern	1.7	30	1,754	
Illinois, Northern	1.7	53	3,184	
Virginia, Eastern	1.6	77	4,714	
Georgia, Southern	1.6	25	1,554	
Minnesota	1.6	31	1,961	
Alabama, Middle	1.6	14	901	
Georgia, Middle	1.5	18	1,183	
Northern Mariana Islands	1.5	1	66	
Texas, Western	1.5	367	24,597	
Florida, Southern	1.5	116	7,929	
Texas, Northern	1.5	52	3,570	
Guam	1.4	3	214	
Kentucky, Eastern	1.3	32	2,374	
Oklahoma, Eastern	1.3	5	377	
Florida, Middle	1.3	77	6,134	
Iowa, Northern	1.1	19	1,744	
Montana	1.0	14	1,363	
Tennessee, Eastern	0.9	25	2,799	
Hawaii	0.8	7	838	
Oklahoma, Western	0.7	9	1,216	
Alabama, Northern	0.7	12	1,627	
Michigan, Western	0.7	11	1,688	
Alabama, Southern	0.6	10	1,555	
West Virginia, Southern	0.6	6	1,020	
Maine	0.5	4	739	
Mississippi, Southern	0.5	6	1,238	
Louisiana, Western	0.4	5	1,175	
North Carolina, Eastern	0.4	10	2,585	
Louisiana, Middle	0.3	2	641	
Oklahoma, Northern	0.3	2	720	
North Carolina, Middle	0.2	3	1,788	
Wisconsin, Western	0.1	1	696	
Arkansas, Western	0.1	1	992	
Florida, Northern	0.1	1	1,397	

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<b>Koon Period (6/13/96 - 4/30/03)</b>	
		<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Arizona	55.9	10,125	18,103
California, Southern	50.2	8,419	16,771
Washington, Eastern	38.2	633	1,657
Connecticut	34.0	634	1,862
New York, Eastern	30.8	2,501	8,126
Vermont	26.8	247	923
New Mexico	26.5	2,213	8,336
California, Northern	23.0	916	3,975
Washington, Western	21.2	700	3,308
Massachusetts	20.3	640	3,155
Oklahoma, Eastern	19.9	106	534
Oregon	18.9	563	2,986
Minnesota	17.6	452	2,566
Alaska	16.4	157	960
California, Central	15.5	519	3,357
Texas, Western	15.3	3,620	23,679
Utah	14.3	364	2,545
Texas, Southern	14.3	3,087	21,651
New York, Northern	14.2	321	2,254
Nebraska	13.9	384	2,753
Iowa, Southern	13.6	266	1,957
Idaho	13.4	120	893
New York, Southern	13.4	1,206	9,017
North Dakota	13.2	128	967
Maryland	13.2	415	3,141
Nevada	12.8	420	3,290
Georgia, Northern	12.1	547	4,522
Montana	12.0	228	1,894
Colorado	11.5	351	3,056
Rhode Island	10.8	78	721
South Dakota	10.1	204	2,014
Wyoming	9.9	98	985
New York, Western	9.8	274	2,783
Pennsylvania, Western	9.7	171	1,772
Ohio, Northern	9.4	448	4,785
Illinois, Northern	9.2	436	4,720
California, Eastern	9.1	462	5,064
Hawaii	9.1	179	1,975
Kansas	9.0	241	2,672
District of Columbia	8.9	242	2,729
Pennsylvania, Middle	8.7	192	2,200
Ohio, Southern	8.7	242	2,795

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<b>District</b>	<i>Koon</i> <b>Period</b>		
	<b>(6/13/96 - 4/30/03)</b>		
	<b>Percent</b>	<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Pennsylvania, Eastern	8.4	483	5,721
Delaware	8.3	53	639
New Jersey	8.3	420	5,081
Michigan, Eastern	8.1	391	4,809
Iowa, Northern	8.0	139	1,729
Mississippi, Northern	7.9	82	1,038
New Hampshire	7.9	74	937
Michigan, Western	7.7	165	2,154
Florida, Middle	7.1	648	9,164
Oklahoma, Northern	7.1	80	1,134
Louisiana, Eastern	6.7	183	2,734
Texas, Eastern	6.5	236	3,629
Wisconsin, Eastern	6.5	113	1,744
Indiana, Southern	6.4	97	1,505
Tennessee, Middle	6.3	87	1,376
Texas, Northern	6.3	442	6,997
Virgin Islands	6.3	40	637
Illinois, Central	6.2	118	1,908
Puerto Rico	5.9	184	3,109
Missouri, Eastern	5.9	224	3,786
Florida, Southern	5.8	728	12,469
Alabama, Middle	5.4	64	1,178
Louisiana, Middle	5.2	41	795
Tennessee, Western	5.1	129	2,552
Indiana, Northern	5.0	91	1,811
North Carolina, Eastern	4.9	147	3,012
Maine	4.9	53	1,087
Missouri, Western	4.9	177	3,646
Kentucky, Western	4.8	100	2,073
Oklahoma, Western	4.7	65	1,378
North Carolina, Western	4.6	156	3,393
Mississippi, Southern	4.5	89	1,976
Georgia, Southern	4.3	77	1,779
Georgia, Middle	4.3	99	2,309
Louisiana, Western	4.2	78	1,869
Alabama, Southern	4.0	87	2,189
Arkansas, Western	3.9	35	899
Florida, Northern	3.8	92	2,400
Virginia, Western	3.7	94	2,558
Illinois, Southern	3.7	74	2,023
Virginia, Eastern	3.7	193	5,277
West Virginia, Southern	3.6	59	1,619
Tennessee, Eastern	3.6	107	2,976
Arkansas, Eastern	3.5	61	1,720
Alabama, Northern	3.2	86	2,704
Wisconsin, Western	3.1	26	841
West Virginia, Northern	2.9	36	1,256
North Carolina, Middle	2.7	66	2,435
Kentucky, Eastern	2.7	76	2,812
South Carolina	2.6	142	5,561
Guam	1.9	14	719
Northern Mariana Islands	0.8	1	132

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<b>PROTECT Act</b>	
		<b>Period</b>	
		<b>(5/1/03 - 6/24/04)</b>	
		<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Connecticut	22.5	98	435
New York, Eastern	20.9	331	1,587
Washington, Western	17.3	120	694
Oregon	14.6	85	584
Washington, Eastern	14.3	54	378
New York, Northern	14.2	62	437
Maryland	13.4	67	501
Delaware	13.2	20	152
Massachusetts	12.6	66	524
California, Northern	12.4	74	598
Vermont	11.8	26	221
Nebraska	10.7	94	876
California, Central	10.1	59	583
California, Southern	9.5	162	1,702
Ohio, Northern	9.0	70	779
New York, Southern	8.5	135	1,587
South Dakota	8.1	32	393
Utah	7.9	67	847
Minnesota	7.5	35	467
Ohio, Southern	7.3	37	505
Wyoming	7.0	19	272
Arizona	6.7	286	4,245
Texas, Southern	6.7	372	5,550
Georgia, Southern	6.6	19	287
Alabama, Middle	6.6	14	213
New York, Western	6.5	36	555
New Jersey	6.3	54	854
Iowa, Southern	6.1	26	426
Michigan, Eastern	6.1	49	803
Alaska	6.0	13	216
Colorado	6.0	35	582
Pennsylvania, Eastern	6.0	63	1,055
Georgia, Northern	5.9	47	794
Kentucky, Western	5.8	20	342
Guam	5.7	6	106
North Carolina, Eastern	5.5	34	618
Idaho	5.5	15	274
North Dakota	5.3	11	206
Wisconsin, Eastern	5.1	18	356
Illinois, Central	4.9	20	405
Rhode Island	4.9	7	142
Illinois, Northern	4.9	59	1,201

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<b>District</b>	<b>Percent</b>	<b>PROTECT Act</b>	
		<b>Period</b>	
<b>(5/1/03 - 6/24/04)</b>			
		<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
District of Columbia	4.7	26	555
Virgin Islands	4.7	4	86
Hawaii	4.6	20	432
Florida, Middle	4.6	85	1,837
California, Eastern	4.6	43	945
New Hampshire	4.5	11	246
Michigan, Western	4.3	19	437
Nevada	4.2	27	643
Pennsylvania, Western	3.8	15	391
Virginia, Eastern	3.6	41	1,136
North Carolina, Western	3.5	19	543
Missouri, Western	3.2	25	790
Maine	3.1	7	223
New Mexico	3.1	68	2,212
Montana	3.0	12	397
Florida, Southern	3.0	63	2,106
Indiana, Northern	2.9	11	373
Kansas	2.9	21	715
Tennessee, Middle	2.9	9	311
Mississippi, Northern	2.9	5	174
Texas, Eastern	2.8	25	882
Missouri, Eastern	2.8	22	786
Texas, Western	2.8	140	5,054
Indiana, Southern	2.7	8	293
Tennessee, Eastern	2.6	18	688
Texas, Northern	2.6	31	1,196
Pennsylvania, Middle	2.6	13	502
Oklahoma, Western	2.6	6	234
Illinois, Southern	2.5	10	399
Tennessee, Western	2.2	12	549
Louisiana, Eastern	2.2	9	418
Arkansas, Eastern	2.0	6	296
West Virginia, Southern	1.8	6	332
Louisiana, Western	1.8	7	397
Puerto Rico	1.7	10	606
Florida, Northern	1.6	8	487
Alabama, Southern	1.6	5	321
West Virginia, Northern	1.5	4	275
Virginia, Western	1.4	8	577
Mississippi, Southern	1.3	6	450
Alabama, Northern	1.2	7	577
South Carolina	1.2	16	1,344
Kentucky, Eastern	1.1	6	558
Louisiana, Middle	1.1	2	186
North Carolina, Middle	1.0	4	410
Georgia, Middle	0.9	4	435
Oklahoma, Eastern	0.8	1	118
Iowa, Northern	0.7	4	537
Arkansas, Western	0.5	1	203
Wisconsin, Western	0.0	0	211
Oklahoma, Northern	0.0	0	160
Northern Mariana Islands	0.0	0	28

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<b>Booker Period</b>	
		<b>(1/12/05 - 12/10/07)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
Connecticut	30.8	338	1,097
Massachusetts	30.3	420	1,384
New York, Eastern	30.3	905	2,983
Delaware	28.0	94	336
New York, Southern	26.8	1,224	4,572
Wisconsin, Eastern	26.5	277	1,047
Rhode Island	26.4	99	375
Oregon	25.0	334	1,336
Washington, Western	24.5	496	2,024
California, Central	24.4	588	2,409
Minnesota	23.5	339	1,444
Iowa, Southern	22.7	235	1,033
Illinois, Northern	22.0	586	2,666
Pennsylvania, Eastern	21.6	514	2,379
Vermont	20.7	103	497
California, Northern	19.5	299	1,534
Maryland	18.8	331	1,761
Washington, Eastern	18.8	186	990
Alaska	18.4	75	407
Tennessee, Middle	18.3	153	836
Oklahoma, Western	18.2	132	724
Ohio, Southern	17.8	304	1,711
Hawaii	17.7	203	1,148
Michigan, Eastern	17.6	377	2,138
Illinois, Central	17.4	182	1,047
Ohio, Northern	17.1	434	2,538
Michigan, Western	16.6	201	1,210
Pennsylvania, Western	16.5	203	1,234
Georgia, Northern	16.3	296	1,811
New Jersey	16.0	436	2,727
Utah	15.9	354	2,231
Tennessee, Western	15.9	244	1,539
Wyoming	14.9	129	864
New York, Northern	14.8	171	1,155
Colorado	14.5	231	1,598
Virginia, Eastern	14.1	485	3,444
Indiana, Southern	14.0	120	857
District of Columbia	14.0	177	1,267
Guam	13.9	34	245
Arkansas, Eastern	13.8	125	903
Idaho	13.6	92	674
Florida, Southern	13.4	751	5,610

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<i>Booker</i>					
<i>Period</i>					
(1/12/05 - 12/10/07)					
<b>District</b>	<b>Percent</b>	<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>		
South Dakota	13.0	165	1,265		
Nevada	13.0	185	1,426		
Pennsylvania, Middle	12.8	204	1,598		
Kentucky, Western	12.5	116	928		
Missouri, Eastern	12.3	340	2,771		
Nebraska	12.3	249	2,031		
New Hampshire	11.4	70	616		
Florida, Middle	11.2	531	4,734		
Missouri, Western	11.2	262	2,338		
California, Eastern	10.7	274	2,563		
New York, Western	10.6	186	1,747		
Alabama, Northern	10.5	149	1,416		
Virgin Islands	10.5	31	295		
Kansas	10.3	189	1,840		
California, Southern	9.7	545	5,634		
Alabama, Southern	9.6	99	1,027		
South Carolina	9.4	292	3,105		
West Virginia, Northern	9.3	88	949		
Iowa, Northern	9.2	105	1,136		
Kentucky, Eastern	9.2	139	1,504		
New Mexico	9.2	692	7,519		
Puerto Rico	9.1	143	1,564		
Illinois, Southern	9.1	86	949		
Maine	8.9	51	570		
North Dakota	8.8	56	635		
North Carolina, Middle	8.6	108	1,259		
Tennessee, Eastern	8.5	139	1,641		
Wisconsin, Western	8.4	49	583		
Louisiana, Western	8.3	103	1,235		
Virginia, Western	8.0	137	1,705		
Georgia, Southern	8.0	71	890		
Arkansas, Western	8.0	40	503		
Texas, Southern	7.9	1,370	17,281		
Montana	7.8	88	1,127		
Texas, Western	7.6	1,074	14,112		
North Carolina, Western	7.6	160	2,112		
North Carolina, Eastern	7.5	128	1,714		
Texas, Eastern	7.1	173	2,442		
Georgia, Middle	6.9	74	1,069		
Mississippi, Southern	6.8	73	1,067		
West Virginia, Southern	6.8	53	776		
Florida, Northern	6.7	73	1,092		
Louisiana, Eastern	6.7	74	1,107		
Texas, Northern	6.3	181	2,854		
Indiana, Northern	6.3	71	1,135		
Arizona	6.1	679	11,215		
Louisiana, Middle	5.4	27	499		
Alabama, Middle	5.3	36	679		
Oklahoma, Eastern	5.2	13	250		
Oklahoma, Northern	4.9	29	594		
Mississippi, Northern	4.2	22	524		
Northern Mariana Islands	3.4	2	58		

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses**

<b>District</b>	<b>Percent</b>	<i>Gall</i> <b>Period</b>	
		(12/11/07 - 9/30/11)	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
New York, Southern	44.9	2,432	5,414
Delaware	41.3	211	511
Rhode Island	40.5	227	561
Connecticut	39.2	573	1,461
Vermont	39.0	254	651
New York, Eastern	37.7	1,572	4,169
Illinois, Northern	37.3	1,187	3,184
Minnesota	36.9	724	1,961
Massachusetts	35.6	638	1,793
Wisconsin, Western	34.5	240	696
Wisconsin, Eastern	32.5	587	1,804
West Virginia, Southern	30.9	315	1,020
Pennsylvania, Western	28.1	464	1,649
Alaska	27.6	143	519
Michigan, Eastern	27.0	752	2,782
Tennessee, Middle	26.4	292	1,105
Hawaii	26.3	220	838
Ohio, Southern	26.0	617	2,371
Iowa, Southern	25.5	408	1,599
Georgia, Northern	25.4	663	2,612
Pennsylvania, Eastern	25.3	829	3,273
Virginia, Eastern	24.9	1,173	4,714
Missouri, Eastern	24.7	899	3,639
Oklahoma, Western	23.5	286	1,216
California, Central	23.5	1,462	6,230
Tennessee, Western	23.1	525	2,274
Washington, Western	22.8	580	2,544
Washington, Eastern	22.6	314	1,389
Oregon	22.3	433	1,946
Florida, Middle	22.2	1,363	6,134
Nebraska	22.1	487	2,200
New York, Northern	22.0	386	1,754
South Dakota	22.0	364	1,658
New Hampshire	21.7	175	805
Ohio, Northern	21.6	541	2,502
Michigan, Western	21.5	363	1,688
Wyoming	21.4	285	1,330
Florida, Southern	21.4	1,699	7,929
Illinois, Central	21.4	292	1,365
Maryland	21.3	555	2,600
West Virginia, Northern	21.1	256	1,212
Utah	21.0	645	3,066

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
All Offenses (cont.)**

<b>District</b>	<b>Percent</b>	<b>Gall Period</b>	
		<b>(12/11/07 - 9/30/11)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Sentences Imposed</b>
New Jersey	20.7	671	3,248
District of Columbia	20.6	277	1,346
Indiana, Southern	20.4	215	1,052
Pennsylvania, Middle	20.0	416	2,083
Colorado	19.9	392	1,969
Virginia, Western	19.3	290	1,506
Nevada	19.2	360	1,874
California, Northern	19.1	465	2,431
Maine	18.9	140	739
Arkansas, Eastern	18.8	254	1,354
Idaho	17.7	204	1,155
Missouri, Western	17.6	473	2,687
Kentucky, Western	17.0	223	1,313
New York, Western	16.6	393	2,370
Guam	16.4	35	214
South Carolina	16.0	688	4,301
Alabama, Southern	15.2	237	1,555
North Dakota	14.8	140	946
Oklahoma, Northern	14.4	104	720
Indiana, Northern	14.3	227	1,588
Virgin Islands	14.3	36	252
Alabama, Northern	14.3	232	1,627
Montana	13.8	188	1,363
Tennessee, Eastern	13.3	372	2,799
Illinois, Southern	13.0	151	1,162
Louisiana, Middle	12.8	82	641
Louisiana, Western	12.8	150	1,175
Texas, Northern	12.6	450	3,570
Florida, Northern	12.6	176	1,397
Iowa, Northern	12.4	217	1,744
Texas, Southern	12.4	3,594	28,907
Louisiana, Eastern	12.1	186	1,536
North Carolina, Middle	12.0	214	1,788
Puerto Rico	11.9	339	2,837
Alabama, Middle	11.9	107	901
California, Eastern	11.8	429	3,636
Arkansas, Western	11.6	115	992
California, Southern	11.5	1,346	11,713
Kansas	11.4	284	2,491
Kentucky, Eastern	11.4	270	2,374
North Carolina, Western	11.4	242	2,128
Oklahoma, Eastern	11.1	42	377
Georgia, Southern	11.1	172	1,554
Texas, Western	10.9	2,679	24,597
Mississippi, Southern	10.6	131	1,238
Mississippi, Northern	9.1	56	614
Northern Mariana Islands	9.1	6	66
Texas, Eastern	8.4	292	3,466
North Carolina, Eastern	8.2	212	2,585
New Mexico	7.8	968	12,389
Arizona	7.7	1,457	18,894
Georgia, Middle	6.1	72	1,183

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.