

Table 18

OFFENDERS RECEIVING EACH CHAPTER THREE GUIDELINE ADJUSTMENT¹
Fiscal Year 2009

VICTIM-RELATED	N	%
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	287	0.4
No vulnerable victim involved	70,694	99.5
Hate crime	19	0.0
Vulnerable victim involved and large number of victims	17	0.0
Vulnerable victim involved and hate crime	2	0.0
Vulnerable victim involved, hate crime and large number of victims	0	0.0
TOTAL	71,019	100.0
Official Victim (§3A1.2)		
Official victim involved	36	0.1
Offense against person or involved substantial risk of serious bodily injury	152	0.2
No official victim involved	70,831	99.7
TOTAL	71,019	100.0
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	61	0.1
Offense did not involve restraint of victim	70,958	99.9
TOTAL	71,019	100.0
Terrorism (§3A1.4)		
Offense involved a federal crime of terrorism	33	0.0
Offense did not involve a federal crime of terrorism	70,977	99.9
Offense committed before adjustment added to guidelines	9	0.0
TOTAL	71,019	100.0
ROLE IN THE OFFENSE	N	%
Aggravating Role (§3B1.1)		
Organizer or leader	994	1.4
Manager or supervisor	681	1.0
Lesser organizer, leader, manager, or supervisor	1,310	1.8
No aggravating role	68,034	95.8
TOTAL	71,019	100.0
Mitigating Role (§3B1.2)		
Minimal participant	1,116	1.6
Less than minor role but not minimal	416	0.6
Minor participant	4,355	6.1
No mitigating role	65,132	91.7
TOTAL	71,019	100.0
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Offender abused position of trust or used special skill	1,530	2.2
Offender did not abuse position of trust or use special skill	69,489	97.8
TOTAL	71,019	100.0

Table 18 (cont.)

Use of a Minor to Commit a Crime (§3B1.4)		
Offender used a minor	193	0.3
Offender did not use a minor	70,817	99.7
Offense committed before adjustment added to guidelines	9	0.0
TOTAL	71,019	100.0
Use of Body Armor to Commit a Crime (§3B1.5)		
Offender used body armor (+2)	10	0.0
Offender used body armor (+4)	6	0.0
Offender did not use body armor	70,470	99.2
Offense committed before adjustment added to guidelines	533	0.8
TOTAL	71,019	100.0
OBSTRUCTION	N	%
Obstruction of Justice (§3C1.1)²		
Offender obstructed justice	1,614	2.3
Offender did not obstruct justice	69,405	97.7
TOTAL	71,019	100.0
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	490	0.7
Offense did not involve reckless endangerment during flight	70,529	99.3
Offense committed before adjustment added to guidelines	0	0.0
TOTAL	71,019	100.0
Commission of Offense While on Release (§3C1.3)		
Offense involved commission of offense while on release	82	0.1
Offense did not involve commission of offense while on release	69,648	98.1
Offense committed before adjustment added to guidelines	1,289	1.8
TOTAL	71,019	100.0
False Registration of Domain Name (§3C1.4)		
Offense involved false registration of domain name	1	0.0
Offense did not involve false registration of domain name	69,729	98.2
Offense committed before adjustment added to guidelines	1,289	1.8
TOTAL	71,019	100.0
ACCEPTANCE OF RESPONSIBILITY	N	%
Acceptance of Responsibility (§3E1.1)		
Offender accepted responsibility (-3)	43,246	60.9
Offender accepted responsibility (-2)	23,837	33.6
Offender did not accept responsibility	3,964	5.6
TOTAL	71,047	100.0

¹Of the 81,372 cases, the Commission received complete guideline application information for 71,054. Of these, seven cases were excluded from the calculations due to missing Chapter Three adjustment information on acceptance of responsibility. An additional 28 cases were excluded from the calculations due to missing Chapter Three adjustment information on vulnerable victim, official victim, restraint of victim, terrorism, aggravating role, mitigating role, abuse of position, use of minor, use of body armor, obstruction of justice, reckless endangerment, commission of offense while on release, and false registration of domain name. Descriptions of each guideline adjustment can be found in USSG Chapter Three.

²When an offender uses computer encryption during the commission of an offense or to avoid detection, it may result in the application of the Obstruction of Justice adjustment. This year, two cases involved encryption or scrambling technology and of those, two also received an enhancement under §3C1.1.