

EFFECTIVE USE OF FEDERAL SENTENCING DATA

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American Society of Criminology

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THE UNITED STATES SENTENCING COMMISSION

- Created by the Sentencing Reform Act of 1984
- Guidelines effective November 1, 1987
- Nine Commissioners
 - Seven appointed by the President with the advice and consent of the Senate
 - Two *ex officio*
- One staff director
- Approximately 100 employees

FEDERAL JURISDICTION & OFFENSES

- In places under federal control
 - parks, parkways, military bases, courts and prisons, Indian Country (some), airplanes, territorial waters
- Against federal people
- By (some) federal people (UCMJ, MEJA)
- Relating to exclusive federal government powers
 - immigration, federal tax, counterfeiting
- That occur outside the United States
 - terrorism, MEJA

THE UNIQUE FEDERAL CASELOAD

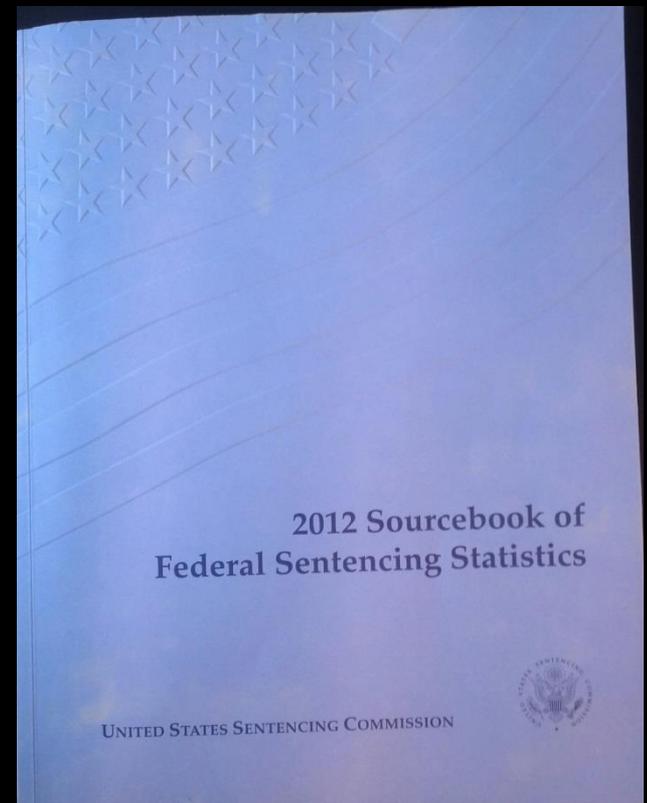
- Most offenses “selected” for prosecution
- Most common offenses: Immigration, Drug Trafficking, Firearms, Fraud
- Very small proportion of the caseload consists of violent offenses
- Non-citizens account for 46 percent of offenders

AVAILABLE USSC DATA

- Data for sentencing events
 - Individual (Felonies and Class A misdemeanors)
 - Organizational
 - Resentencings (From FY2006)
 - Appeals
- No data for
 - Dismissals or acquittals
 - Probation violations/ supervised release revocations
 - The investigative process
 - Prosecutorial decision-making
 - Class B and Class C misdemeanors
 - Juvenile offenders
 - Death penalty cases

DATA COLLECTION BASICS

- Report of sentence to USSC within 30 days of judgment (28 USC § 994(w))
 - Five documents submitted to the Commission
- Real-time data entry of documents received from the courts
- Extensive data completeness and quality reviews
 - Data match with AOUSC
 - Edit check process



SENTENCING DOCUMENTS AND DATA COLLECTED



FIVE SENTENCING DOCUMENTS

- 1) Indictment or information (**DSIND**)
 - Charges filed against defendant
 - No data collected
- 2) Plea agreement (**DSPLEA**)
 - If written plea
 - Data collected in limited circumstances
- 3) Presentence investigation report (**DSPSR**)
 - Offender demographics
 - Guideline application
 - Criminal history calculation
- 4) Judgment and commitment order (**DSJANDC**)
 - Statutes of conviction
 - Sentence imposed
 - Conditions of probation or supervision
 - Fines, restitution, special assessments
- 5) Statement of reasons (**DSSOR**)
 - Final offense level
 - Criminal history category
 - Sentencing range
 - Sentence relative to guideline range
 - Reasons for out of range sentences

DATA QUALITY

- Edit program identifies cases with
 - Out of range values
 - Logical inconsistencies
- All cases with sentences outside the guideline range are reviewed
- Twice-a-year match of USSC datafile and AOUSC datafile

INCREASING FEDERAL CASELOAD FY1991-FY2012

The Commission Received

391,105

Documents in FY 2012

Fiscal Year	Number of Cases	Percent Change
TOTAL	1,344,127	
1991	33,419	3.6%
1992	38,258	14.5%
1993	42,107	10.1%
1994	39,971	-5.1%
1995	38,500	-3.7%
1996	42,436	10.2%
1997	48,848	15.1%
1998	50,754	3.9%
1999	55,541	9.4%
2000	59,822	7.7%
2001	59,882	0.1%
2002	64,366	7.5%
2003	70,258	9.2%
2004	70,068	-0.3%
2005	72,462	3.4%
2006	72,585	0.2%
2007	72,865	0.4%
2008	76,478	5.0%
2009	81,372	6.4%
2010	83,946	3.2%
2011	86,201	2.7%
2012	84,173	-2.4%

DETERMINING THE SENTENCING RANGE: GUIDELINE APPLICATION



SENTENCING TABLE

(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
Zone A	1	0-6	0-6	0-6	0-6	0-6
	2	0-6	0-6	0-6	0-6	1-7
	3	0-6	0-6	0-6	0-6	2-8
	4	0-6	0-6	0-6	2-8	4-10
	5	0-6	0-6	1-7	4-10	6-12
	6	0-6	1-7	2-8	6-12	9-15
	7	0-6	2-8	4-10	8-14	12-18
	8	0-6	4-10	6-12	10-16	15-21
Zone B	9	4-10	6-12	8-14	12-18	18-24
	10	6-12	8-14	10-16	15-21	21-27
Zone C	11	8-14	10-16	12-18	18-24	24-30
	12	10-16	12-18	15-21	21-27	27-33
Zone D	13	12-18	15-21	18-24	24-30	30-37
	14	15-21	18-24	21-27	27-33	33-41
	15	18-24	21-27	24-30	30-37	37-46
	16	21-27	24-30	27-33	33-41	41-51
	17	24-30	27-33	30-37	37-46	46-57
	18	27-33	30-37	33-41	41-51	51-63
	19	30-37	33-41	37-46	46-57	57-71
	20	33-41	37-46	41-51	51-63	63-78
	21	37-46	41-51	46-57	57-71	70-87
	22	41-51	46-57	51-63	63-78	77-96
	23	46-57	51-63	57-71	70-87	84-105
24	51-63	57-71	63-78	77-96	92-115	
25	57-71	63-78	70-87	87-108	100-125	
26	63-78	70-87	78-97	92-115	110-137	
27	70-87	78-97	87-108	100-125	120-150	
28	78-97	87-108	97-121	110-137	130-162	
29	87-108	97-121	108-135	121-151	140-175	
30	97-121	108-135	121-151	135-168	151-188	
31	108-135	121-151	135-168	151-188	168-210	
32	121-151	135-168	151-188	168-210	188-235	
33	135-168	151-188	168-210	188-235	210-262	
34	151-188	168-210	188-235	210-262	235-293	
35	168-210	188-235	210-262	235-293	262-327	
36	188-235	210-262	235-293	262-327	292-365	
37	210-262	235-293	262-327	292-365	324-405	
38	235-293	262-327	292-365	324-405	360-life	
39	262-327	292-365	324-405	360-life	360-life	
40	292-365	324-405	360-life	360-life	360-life	
41	324-405	360-life	360-life	360-life	360-life	
42	360-life	360-life	360-life	360-life	360-life	
43	life	life	life	life	life	

92-115

APPLICATION INSTRUCTIONS (§1B1.1)

Chapter 2

- Determine offense guideline in Chapter 2
- Apply appropriate Chapter 2 adjustments

Chapter 3

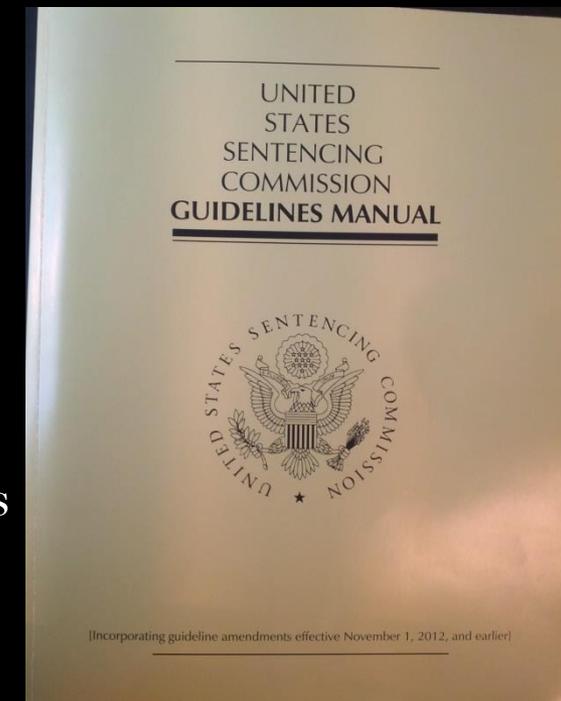
- Apply victim, role, and obstruction adjustments
- For multiple counts repeat Chapter 2 and adjustments accordingly
- Apply acceptance of responsibility

Chapter 4

- Determine criminal history category

Chapter 5

- Determine guideline range
- Determine sentencing requirements and options
- Determine whether departure provisions apply



CHAPTER TWO GUIDELINE

§2B5.3 CRIMINAL INFRINGEMENT OF COPYRIGHT OR TRADEMARK (NOVEMBER 1, 2012)

(a) Base Offense Level: **8**

(b) Specific Offense Characteristics

(1) If the infringement amount (A) exceeded \$2,000 but did not exceed \$5,000, increase by **1** level; or (B) exceeded \$5,000, increase by the number of levels from the table in §2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount.

(2) If the offense involved the display, performance, publication, reproduction, or distribution of a work being prepared for commercial distribution, increase by **2** levels.

(3) If the (A) offense involved the manufacture, importation, or uploading of infringing items; or (B) defendant was convicted under 17 U.S.C. §§ 1201 and 1204 for trafficking in circumvention devices, increase by **2** levels. If the resulting offense level is less than level **12**, increase to level **12**.

(4) If the offense was not committed for commercial advantage or private financial gain, decrease by **2** levels, but the resulting offense level shall be not less than level **8**.

(5) If the offense involved (A) the conscious or reckless risk of death or serious bodily injury; or (B) possession of a dangerous weapon (including a firearm) in connection with the offense, increase by **2** levels. If the resulting offense level is less than level **14**, increase to level **14**.

CHAPTER TWO VARIABLES

Variable Name	Guidelines Manual SOC Order	Offender A Guideline Computation		Offender B Guideline Computation	
		Insider Trading §2B1.4	Valid Values	Robbery §2B3.1	Valid Values
GDLINEHI			2B1.4		2B3.1
BASEHI	(a)	Base offense level	8	Base Offense level	20
ADJ_BHI	(b)(1)	Amount of gain	0-30	Bank or post office	0,2
ADJ_CHI	(b)(2)	Organized scheme*	0-6	Firearm/weapon	0-7
ADJ_DHI	(b)(3)			Bodily injury	0-6
ADJ_EHI	(b)(4)			Abduction/restraint	0,2,4
ADJ_FHI	(b)(5)			Carjacking	0,2
ADJ_GHI	(b)(6)			Firearm/drug taken	0,1
ADJ_HHI	(b)(7)			Amount of loss	0-7

*Organized scheme SOC effective November 1, 2012

CHAPTER TWO GUIDELINE

§2D1.1 DRUG TRAFFICKING

(a) Base Offense Level (Apply the greatest):

- (1) **43**, if the defendant is convicted under 21 U.S.C. § 841(b)(1)(A), (B), or (C), or 21 U.S.C. § 960(b)(1), (2), or (3), and the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance and that the defendant committed the offense after one or more prior convictions for a similar offense; or
- (2) **38**, if the defendant is convicted under 21 U.S.C. § 841 (b)(1)(A), (B), or (C), or 21 U.S.C. § 960(b)(1), (2), or (3), and the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance; or
- (3) **30**, if the defendant is convicted under 21 U.S.C. § 841 (b)(1)(E) or 21 U.S.C. § 960(b)(5), and the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance and that the defendant committed the offense after one or more prior convictions for a similar offense; or
- (4) **26**, if the defendant is convicted under 21 U.S.C. § 841 (b)(1)(E) or 21 U.S.C. § 960(b)(5), and the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance; or
- (5) the offense level specified in the Drug Quantity Table set forth in subsection (c), except that if (A) the defendant receives an adjustment under §3B1.2 (Mitigating Role); and (B) the base offense level under subsection (c) is (i) level **32**, decrease by **2** levels; (ii) level **34** or level **36**, decrease by **3** levels; or (iii) level **38**, decrease by **4** levels. If the resulting offense level is greater than level **32** and the defendant receives the **4**-level (“minimal participant”) reduction in §3B1.2(a), decrease to level **32**.

§2D1.1 DRUG TRAFFICKING

DRUG VARIABLES

DRUGTYP1 - DRUGTYP5	First through fifth types of drugs. Ordered by decreasing penalty incurred
DRUGAM1 - DRUGAM5	Amount of corresponding drug type
UNIT1 - UNIT5	Unit of measure for corresponding drug amount
MWGT1 - MWGT5	Marijuana equivalency (in grams) for corresponding drug type, amount, and unit

COMBDRG2: Aggregates **DRUGTYP1** to six major drug types

CHAPTER THREE EXAMPLE

§3B1.1 AGGRAVATING ROLE

Based on the defendant's role in the offense; increase the offense level as follows:

- (a) If the defendant was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive, increase by **4** levels.

- (b) If the defendant was a manager or supervisor (but not an organizer or leader) and the criminal activity involved five or more participants or was otherwise extensive, increase by **3** levels.

- (c) If the defendant was an organizer, leader, manager, or supervisor in any criminal activity other than described in (a) or (b), increase by **2** levels.

AGGROLHI

CHAPTER THREE

SELECTED ADJUSTMENTS AND VARIABLES

- **VCTADJHI** Any of the three victim adjustments
 - §3A1.1 Hate Crime Motivation or Vulnerable Victim
 - §3A1.2 Official Victim
 - §3A1.3 Restraint of Victim
- **TERORHI** International Terrorism §3A1.4
- **ROLADJHI** Any of the four role adjustments
 - §3B1.1 Aggravating Role
 - §3B1.2 Mitigating Role
 - §3B1.3 Abuse of Position of Trust or Use of Special Skill
 - §3B1.4 Using a Minor to Commit a Crime
- **OBSTRCHI** Obstruction of Justice §3C1.1
- **NOCOUNTS** Multiple Counts of Conviction §3D
- **ACCTRESP** Acceptance of Responsibility §3E1.1

DETERMINATION OF OFFENSE LEVEL FOR SINGLE COUNT OF CONVICTION

Chapter 2 Variables

BASEHI

ADJ_BHI
ADJ_CHI
ADJ_DHI
ADJ_EHI
ADJ_FHI
ADJ_HHI
ADJ_IHI
ADJ_JHI
ADJ_KHI
ADJ_LHI
ADJ_MHI

+

Chapter 3 Variables

VULVCTHI
OFFVCTHI
RSTVCTHI
TERORHI
AGGROLHI
MITROLHI

=

ADJOFLHI

+

Additional Chapter 3
Variables

ACCTRESP

=

XFOLSOR

CRIMINAL HISTORY CATEGORY AND POINTS



SENTENCING TABLE (in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
Zone A	1	0-6	0-6	0-6	0-6	0-6
	2	0-6	0-6	0-6	0-6	1-7
	3	0-6	0-6	0-6	0-6	3-9
	4	0-6	0-6	0-6	2-8	4-10
	5	0-6	0-6	1-7	4-10	6-12
	6	0-6	1-7	2-8	6-12	9-15
Zone B	7	0-6	3-8	4-10	8-14	12-18
	8	0-6	4-10	6-12	10-16	15-21
	9	4-10	6-12	8-14	12-18	18-24
Zone C	10	6-12	8-14	10-16	15-21	21-27
	11	8-14	10-16	12-18	18-24	24-30
Zone D	12	10-16	12-18	15-21	21-27	27-33
	13	12-18	15-21	18-24	24-30	30-37
	14	15-21	18-24	21-27	27-33	33-41
	15	18-24	21-27	24-30	30-37	37-46
	16	21-27	24-30	27-33	33-41	41-51
	17	24-30	27-33	30-37	37-46	46-57
	18	27-33	30-37	33-41	41-51	51-63
	19	30-37	33-41	37-46	46-57	57-71
	20	33-41	37-46	41-51	51-63	63-78
	21	37-46	41-51	46-57	57-71	70-87
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23	46-57	51-63	57-71	70-87	84-105	
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27	70-87	78-97	87-108	92-115	120-150	
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29	87-108	97-121	108-135	121-151	140-175	
30	97-121	108-135	121-151	135-168	151-188	
31	108-135	121-151	135-168	151-188	168-210	
32	121-151	135-168	151-188	168-210	188-235	
33	135-168	151-188	168-210	188-235	210-262	
34	151-188	168-210	188-235	210-262	235-293	
35	168-210	188-235	210-262	235-293	262-327	
36	188-235	210-262	235-293	262-327	292-365	
37	210-262	235-293	262-327	292-365	324-405	
38	235-293	262-327	292-365	324-405	360-life	
39	262-327	292-365	324-405	360-life	360-life	
40	292-365	324-405	360-life	360-life	360-life	
41	324-405	360-life	360-life	360-life	360-life	
42	360-life	360-life	360-life	360-life	360-life	
43	life	life	life	life	life	

CRIMINAL HISTORY CATEGORY

SUM OF POINTS

Criminal History points for:

- Length of Prior Sentences
 - Adult and Juvenile
 - 1, 2, or 3 points each
- Release Status
 - 2 points
- Recency of Sentences*
 - 1 or 2 point(s)



CRIMINAL HISTORY CATEGORY VARIABLES

Number of prior convictions w/sentence of:

≥13 mo.
(3 pts.)



POINT3



CRIMPTS

60 days to < 13 mo.
(2pts.)



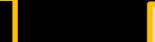
POINT2



< 60 days
(1 pt.)



POINT1



TOTCHPTS

SENTPTS



REL2PTS*

VIOL1PTS



Total Points

XCRHISSR

0, 1



1

2, 3



2

4, 5, 6



3

7, 8, 9



4

10, 11, 12



5

13 or more



6

CHAPTER THREE AND CHAPTER FOUR

XCRHSSR TRUMPS

ACCCAT

Adjusted Criminal History Category Based On

§3A1.4	Terrorism	TERORHI
§§4B1.1 - 4B1.2	Career Offender	CAROFFLV
§4B1.3	Criminal Livelihood	CRIMLIV
§4B1.4	Armed Career Criminal	ACCOFFLV
§4B1.5	Repeat and Dangerous Sex Offender Against Minors	SEXOFFNA

EXAMPLE:

Criminal History Points 9

Calculated Offense Level 26

Guideline Range: 92-115

Career offender, Drug Conviction

Statutory maximum 25 years

ACCCAT=6

XCRHISSR=6

CAROFFLV= 34

XFOLSOR = 34

Guideline Range: 262-327

SENTENCING TABLE

(months of imprisonment)

Criminal History Category (Criminal History Points)

II (0 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
0-6	0-6	0-6	0-6	0-6
0-6	0-6	0-6	0-6	1-7
0-6	0-6	0-6	2-8	3-9
0-6	0-6	2-8	4-10	6-12
0-6	1-7	4-10	6-12	8-15
1-7	2-8	6-12	9-15	12-18
2-8	4-10	8-14	12-18	15-21
4-10	6-12	10-16	15-21	18-24
6-12	8-14	12-18	18-24	21-27
8-14	10-16	15-21	21-27	24-30
10-16	12-18	18-24	24-30	27-33
12-18	15-21	21-27	27-33	30-37
15-21	18-24	24-30	30-37	33-41
18-24	21-27	27-33	33-41	37-46
21-27	24-30	30-37	37-46	41-51
24-30	27-33	33-41	41-51	46-57
27-33	30-37	37-46	46-57	51-63
30-37	33-41	41-51	51-63	57-71
33-41	37-46	46-57	57-71	63-78
37-46	41-51	51-63	63-78	70-87
41-51	46-57	57-71	70-87	77-96

	22	41-51	46-57	51-63	63-78	77-96	84-105
	23	46-57	51-63	57-71	70-87	84-105	92-115
	24	51-63	57-71	63-78	77-96	92-115	100-125
	25	57-71	63-78	70-87	78-97	100-125	110-137
	26	63-78	70-87	78-97	87-108	110-137	120-150
	27	70-87	78-97	87-108	97-121	120-150	130-162
Zone D	28	78-97	87-108	97-121	110-137	130-162	140-175
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	30	97-121	108-135	121-151	135-168	151-188	168-210
	31	108-135	121-151	135-168	151-188	168-210	188-235
	32	121-151	135-168	151-188	168-210	188-235	210-262
	33	135-168	151-188	168-210	188-235	210-262	235-293
	34	151-188	168-210	188-235	210-262	235-293	262-327
	35	168-210	188-235	210-262	235-293	262-327	292-365
	36	188-235	210-262	235-293	262-327	292-365	324-405
	37	210-262	235-293	262-327	292-365	324-405	360-life
	38	235-293	262-327	292-365	324-405	360-life	360-life
	39	262-327	292-365	324-405	360-life	360-life	360-life
	40	292-365	324-405	360-life	360-life	360-life	360-life
	41	324-405	360-life	360-life	360-life	360-life	360-life
	42	360-life	360-life	360-life	360-life	360-life	360-life
	43	life	life	life	life	life	life

92-115

262-327

SENTENCES IMPOSED AND RELATIVE TO THE GUIDELINE RANGE



STATUTORY PENALTIES TRUMP GUIDELINE SENTENCING RANGES

Regardless of the sentencing range determined under the guidelines, the final sentencing range is constrained by statutory restrictions established by Congress (*e.g.*, mandatory minimums and statutory maximums).

See §§5G1.1 & 5G1.2



SENTENCING RANGE VARIABLES TO KNOW

Initial Guideline Range

XMINSOR

Minimum guideline range as determined by the court

XMAXSOR

Maximum guideline range determined by the court

Statutory Range

STATMIN

Total statutory minimum prison term for all counts of conviction

STATMAX

Total statutory maximum prison term for all counts of conviction

Final Sentencing Range

GLMIN

Minimum guideline range, *adjusted for statutory minimum penalties*

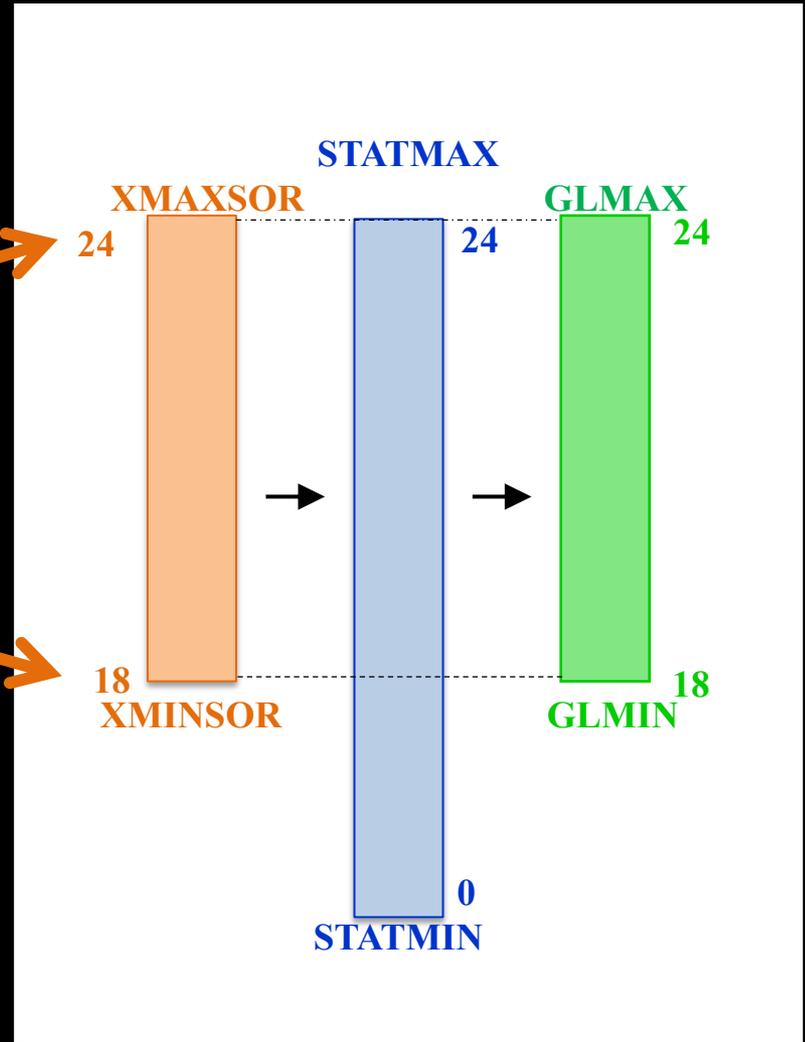
GLMAX

Maximum guideline range, *adjusted for statutory maximum penalties*

GUIDELINE RANGE WITHIN THE STATUTORY RANGE

SENTENCING TABLE
(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	8-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life



GUIDELINE MAXIMUM ABOVE STATUTORY MAXIMUM

SENTENCING TABLE
(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	8-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	27-33	30-37	33-41	41-51	46-57
17	24-30	30-37	33-41	37-46	46-57	51-63
18	27-33	33-41	37-46	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

21-27

XMAXSOR

27

21

XMINSOR

STATMAX

24

GLMAX

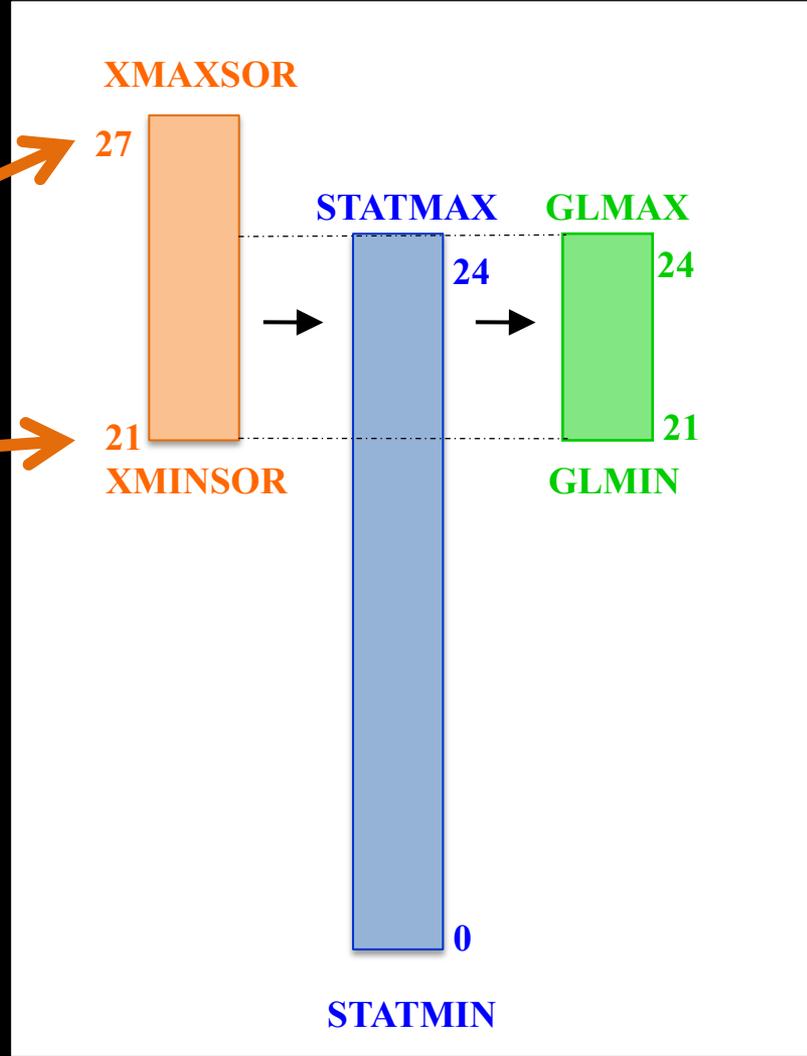
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GLMIN

21

0

STATMIN

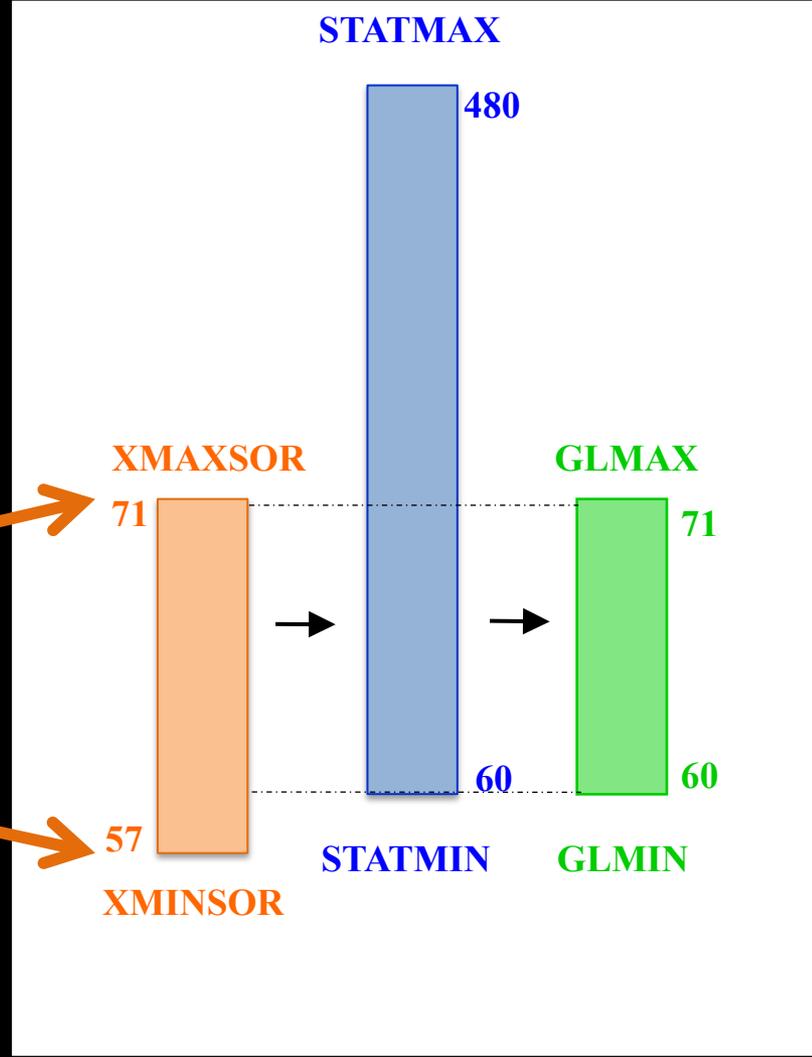


GUIDELINE MINIMUM BELOW STATUTORY MINIMUM

SENTENCING TABLE
(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	8-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	67-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	67-78	77-96	92-115	100-125
25	57-71	67-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

57-71

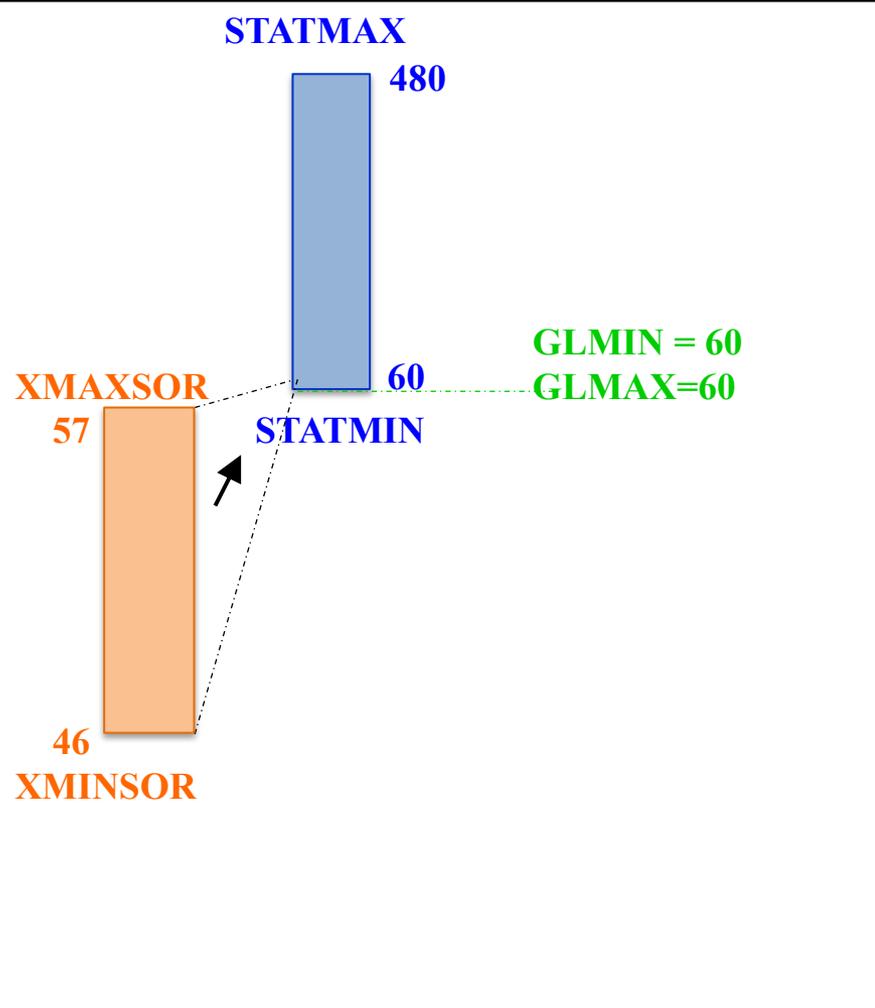


ENTIRE GUIDELINE RANGE BELOW STATUTORY MINIMUM

SENTENCING TABLE
(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	8-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

46-57



SENTENCES RELATIVE TO GUIDELINE RANGE

Within guideline range

Above guideline range

- Government Motion
- Departures
- Variances

Below guideline range

- Government Motion
- Departures
- Variances



BOOKERCD

v.

BOOKER2

Within Range



Within Range

Upward Departure

Upward Departure w/Booker

Above Range w/Booker

Remaining Above Range



Upward Departure

5K1.1/Substantial Assistance

Early Disposition/5K3.1

Gov't Sponsored Below Range



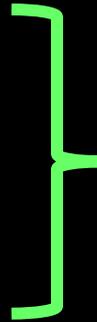
Gov't Sponsored Below Range

Downward Departure

Downward Departure w/Booker

Below Range w/Booker

Remaining Below Range



Non-Gov't Sponsored
Below Range

SENTENCE VARIABLES

Sentence Type

SENTIMP

-Prison Only

-Prison/Alternatives

-Probation/Conditions

-Probation Only

-Fine Only

Sentence Length Variables

Probation Sentences

Set to "Missing"

Coded as "0" months

Alternative Sentences

Coded as
"0" months

Added to
prison length

SENTTOT

SENTTOT \emptyset

SENSPLT

SENSPLT \emptyset

GUIDELINE BASED ANALYSES



ANALYSIS VARIABLE: SOURCES

Code	Definition	Explanation
1	Information Represents Known Court Findings	Court's version of guideline application (SOR) matches Presentence Report or clearly documents all changes
3	PSR information is coded due to insufficient information on SOR	Presentence Report's version of guideline application is coded, court's findings differ from PSR and cannot be reconciled
5	PSR information is coded due to missing SOR	Presentence Report's version of guideline application is coded
6	18 U.S.C. § 924(c) conviction only	No guideline application information, statutory provisions apply
8	No Analogous Guidelines	No guideline application information, Class A Misdemeanors (no guidelines applied or a guideline does exist) or 18 U.S.C. § 1028A (Aggravated identity theft) Only
9	PSR Waived, Missing, Multiple Offense Levels	No guideline application information, no PSR or multiple offense levels

WHEN DOES SOURCES MATTER?

Analysis of guideline application information or any other information that may differ on the PSR recommendation and the SOR

- Chapter 2 Guideline

 - Base Offense Levels

 - Specific Offense Characteristics

 - Drug/Chemical Types and Weights

 - Loss Amounts

- Chapter 3 Adjustments

- Chapter 4 Criminal History

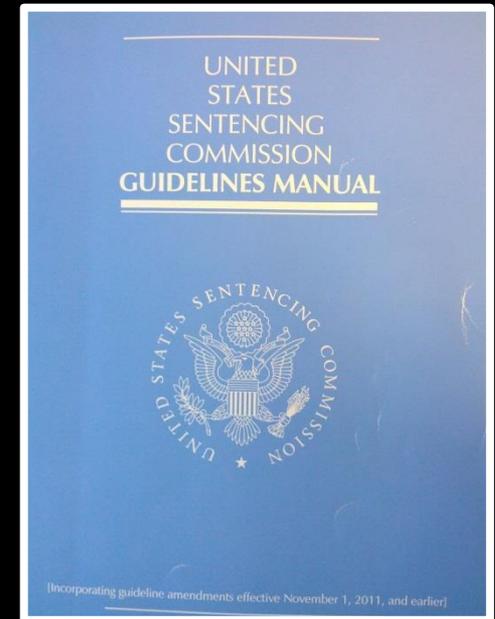
WHEN DOES SOURCES NOT MATTER?

- (1) Analysis does **not** include guideline application information or any other information that may differ on the PSR recommendation and the SOR

- (2) The information is from a different document and/or the other document is the single source such as
 - Sentence Length (J&C)
 - Sentence Relative to Guideline Range (J&C and SOR)
 - Statutes of Conviction (J&C)
 - Demographics (PSR)

ANALYSIS VARIABLE: AMENDYR

- Effective year of guidelines manual used for sentencing
- Guidelines amended annually
 - Rule changes
 - New guidelines, Specific Offense Characteristics
 - New positions for Specific Offense Characteristics
 - New values
- Fiscal Year datafiles associated with *earlier dated* Guidelines Manuals
 - FY12 Data :Cases sentenced, received, coded, and edited Oct. 1, 2011 – Sept. 30, 2012
 - 2011 Guidelines Manual effective Nov. 1, 2011



[Incorporating guideline amendments effective November 1, 2011, and earlier]

AMENDYR

RULE CHANGES

Rules and definitions used to apply the guidelines change:

Examples:

- November 1, 2003: Additional one level reduction under §3E1.1 (Acceptance of Responsibility) required government motion (pursuant to the PROTECT Act)
- November 1, 2007: Changed definition of minor offense for criminal history events

AMENDYR

RULE CHANGES

SENTENCING TABLE

(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	0-6
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	9-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

SENTENCING TABLE

(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	0-6
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	9-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

AMENDYR

ADDITION AND DELETION OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

Drug Trafficking (§2D1.1) “Mitigating Role Cap”

Effective November 1, 2002

Alternative base offense level maximum of 30 from Drug Quantity Table if mitigating role (§3B1.2) applies

Effective November 1, 2004

Alternative base offense level decreases by 2, 3, or 4 levels for 32, 34, and 36 if mitigating role (§3B1.2) applies

Theft & Fraud (§2B1.1) Guideline Consolidation

Effective November 1, 2001

§2F1.1 deleted, consolidated with §2B1.1

Base offense level increase from 4 to 6

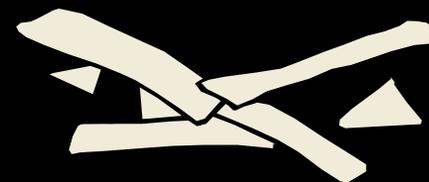
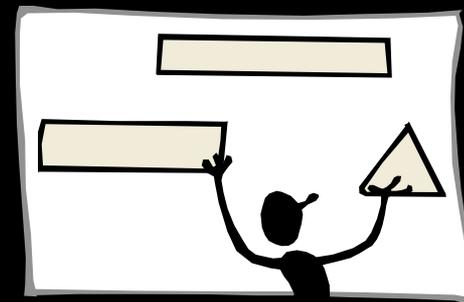
New loss table

New SOCs

Effective November 1, 2003

Alternate base offense level

New loss table categories



AMENDYR

SPECIFIC OFFENSE CHARACTERISTIC LOCATION

§2D1.1 “Safety Valve” Provision

November 1, 2003	§2D1.1(b)(6)	ADJ_G
November 1, 2004	§2D1.1(b)(7)	ADJ_H
November 1, 2006	§2D1.1(b)(9)	ADJ_J
November 1, 2007	§2D1.1(b)(11)	ADJ_L
November 1, 2012	§2D1.1(b)(16)	ADJ_Q

§2B1.1 “Identity Theft” Provision

November 1, 2000	§2F1.1(b)(5)	ADJ_F
November 1, 2001	§2B1.1(b)(9)	ADJ_J
November 1, 2004	§2B1.1(b)(10)	ADJ_K
November 1, 2011	§2B1.1(b)(11)	ADJ_L



AMENDYR

VALID VALUES

Base Offense Levels in Fraud Guideline

November 1, 2000: §2B1.1 = 4

November 1, 2001: §2B1.1 = 6

November 1, 2003: §2B1.1 = 6, 7



Loss Table Changes in Fraud Guideline

November 1, 2000		November 1, 2001	
\$100 or less	no increase	\$5,000 or less	no increase
More than \$100	add 1	More than \$5,000	add 2
More than \$1,000	add 2	More than \$10,000	add 4
More than \$5,000	add 3	More than \$30,000	add 6
More than \$10,000	add 5	More than \$70,000	add 8
More than \$20,000	add 6	More than \$120,000	add 10
---	---	---	---
More than \$80M	add 20	More than \$100M	add 26

ANALYSIS VARIABLE: GDLNEHI

Primary Sentencing Guideline

Using the primary sentencing guideline allows analyses to:

1. Classify cases based on conduct
2. Access detailed Chapter 2 guidelines information providing more refined categories, more detailed information about cases
3. Access aggravators, mitigators, and criminal history information from Chapters 3 and 4

But, the analysis will:

1. Lose cases due to SOURCES screen
2. Face AMENDYR issues
3. Be more complicated

Commission analysis typically is of **GDLNEHI** as it drives the sentence, but all guidelines and computations can be used.

CONVICTION/OFFENSE TYPE BASED ANALYSES



DETERMINATION OF PRIMARY OFFENSE TYPE

OFFTYPESB

Offense type determination is primarily statute based. In cases with multiple statutes of conviction, a decision tree is used:



ANALYSIS VARIABLE: OFFTYPESB

Primary offense type analyses can:

1. Capture offenses that do not have applicable guidelines (18 U.S.C. § 924(c), 18 U.S.C. § 1028A, Class A misdemeanors with waived PSR)
2. Compare with other datasets with statutory classifications
3. Match USSC Sourcebook tables based on Primary Offense
4. Retain cases with SOURCES issues

However, offense type based analyses:

1. Consist of an amalgam of cases (“National Defense” includes regulatory offenses, treason, selling bioweapons, etc.)
2. Do not always correspond to GDLNEHI

SPECIAL INSTRUCTIONS FOR MULTIVARIATE ANALYSES



VARIABLES NOT RECOMMENDED

- Number of Dependents **NUMDEPEN**
- Missing Data
 - Citizenship
 - District
 - Offense Type
- Number of Counts **NOCOUNTS**
 - Not an indicator of seriousness
 - Minimal correlation between drug amount and number of counts
 - Accounted for in Relevant Conduct and Grouping Rules
- Income
 - Last collected FY95
 - Missing or unspecified 6,805 of 32,807 (20.7 percent)
 - Unreliable



OTHER VARIABLE CAUTIONS

- Changing Values
- Loss Amount (LOSSHI)
 - Range 9999999997
 - Not \$9,999,999,997
 - Drop or recode
- Guideline Minimum (GLMIN)
 - FY98 life = 996
 - FY99 life = 9996
 - Recode 470 months
- Presumptive Sentence
 - Correlation between sentence imposed and guideline minimum (presumptive sentence)
 - FY98 correlation is .788
 - FY99 correlation is .457

MULTICOLLINEARITY

The existence of such a high degree of correlation between supposedly independent variables being used to estimate a dependent variable that the contribution of each independent variable to variation in the dependent variable cannot be determined

Acceptance of responsibility (§3E1.1) and guilty plea

ACCTRESP * NEWCNVTN R = .608

Final offense level and guideline minimum

XFOLSOR * GLMIN R = .820 (.775 for log(GLMIN))

Criminal history category and guideline minimum

XCRHISSR * GLMIN R = .317 (.352 for log(GLMIN))

MULTICOLLINEARITY PREVENTION

- Frequency of all analysis variables (especially when using multiple years)
- Know the guidelines
- Use statistical techniques to account for multicollinearity issues (*i.e.*, restricted coefficient)

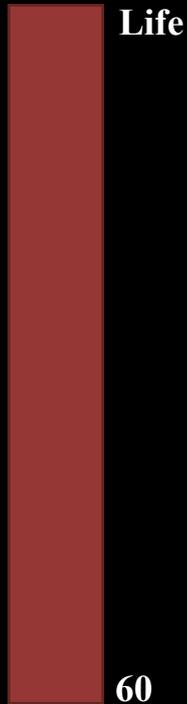


Mandatory Minimum



CONTROL FOR APPLICATION OF MANDATORY MINIMUM AND SAFETY VALVE

STATMAX



STATMIN

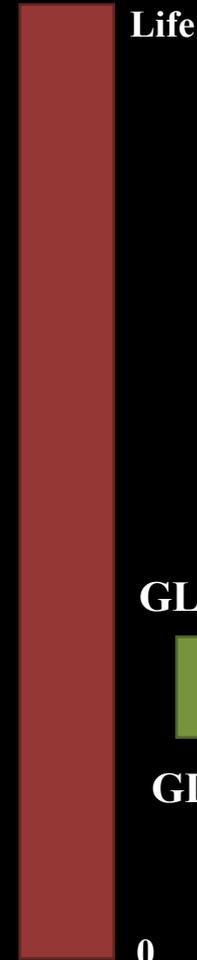
GLMAX



GLMIN



STATMAX



STATMIN

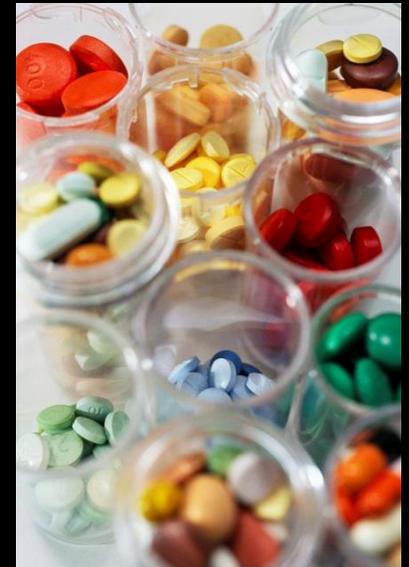
GLMAX



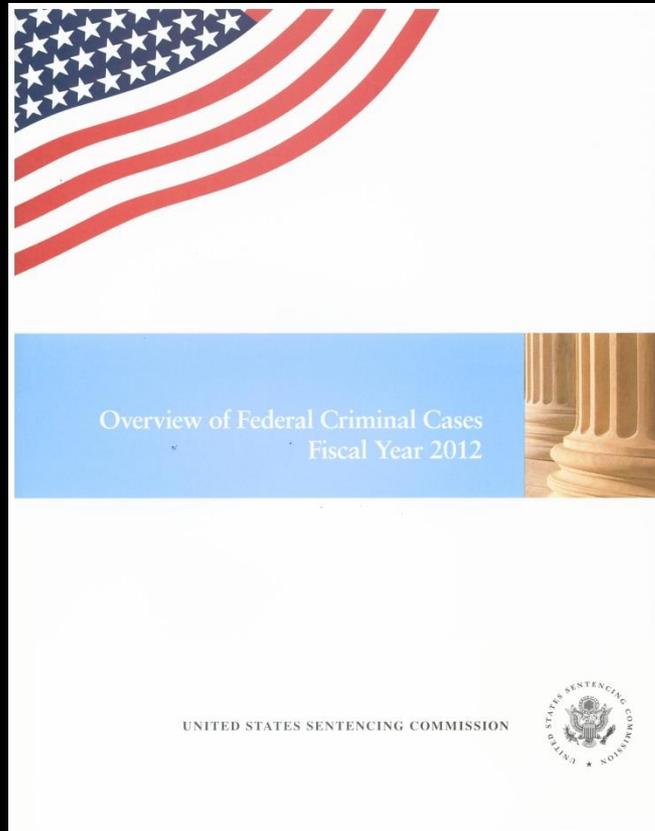
GLMIN

CONTROL FOR DRUG TYPE

- Some studies modeling drug sentences do not control for type of drug involved
- USSC data allows models to control for drug type



SELECTED PUBLICATIONS



Overview of Federal Criminal Cases
Fiscal Year 2012

UNITED STATES SENTENCING COMMISSION

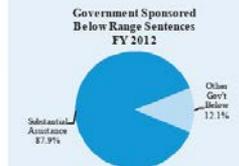
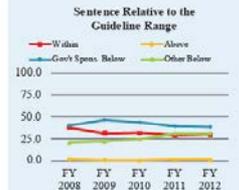


Quick Facts

Sentences Relative to the Guideline Range

- The rate of within range sentences for oxycodone trafficking cases has decreased over the last five years (from 37.6% in fiscal year 2008 to 29.9% in fiscal year 2012).
- The rate of government sponsored below range sentences has decreased for oxycodone traffickers from 46.6% in fiscal year 2009 to 38.2% in fiscal year 2012.
- Substantial assistance departures for oxycodone trafficking cases have decreased from 43.3% in fiscal year 2009 to 33.6% in fiscal year 2012.
 - In fiscal year 2012, these offenders received an average reduction of 32.4% in their sentences (which corresponds to an average reduction of 42 months).
- A small but growing proportion of oxycodone traffickers received a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program.
 - Other government sponsored below range sentences have increased over the past five years from 2.3% in fiscal year 2008 to 4.6% in fiscal year 2012.
 - In fiscal year 2012, these offenders received an average reduction of 40.8% in their sentences (which corresponds to an average reduction of 33 months).
- Over the last five years, the rate of non-government sponsored below range sentences for oxycodone traffickers has steadily increased (from 20.6% in fiscal year 2008 to 31.1% in fiscal year 2012).
- In fiscal year 2012, these offenders received an average reduction of 39.7% in their sentences (which corresponds to an average reduction of 28 months).
- The average guideline minimum for oxycodone traffickers generally has increased for the past five years, and the average sentence imposed has similarly increased.
 - The average guideline minimum increased from 67 to 80 months during that period.
 - The average sentence imposed increased from 47 to 57 months.

Oxycodone Trafficking Offenses




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SOURCE: United States Sentencing Commission, 2008 through 2012 Datafile, USSC FY08-2012 FY12

For other Quick Facts publications, visit our website at www.usssc.gov/Quick_Facts

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