



# QuickFacts

## Zero-Point Individuals

### Who is a Zero-Point Individual?

Section §4C1.1 of the Guidelines Manual provides for a 2-point reduction in the offense level for individuals assigned zero criminal history points at sentencing and whose instant offense did not involve specified aggravating factors.<sup>1</sup>

### Population Snapshot

61,678 cases were reported in FY24;

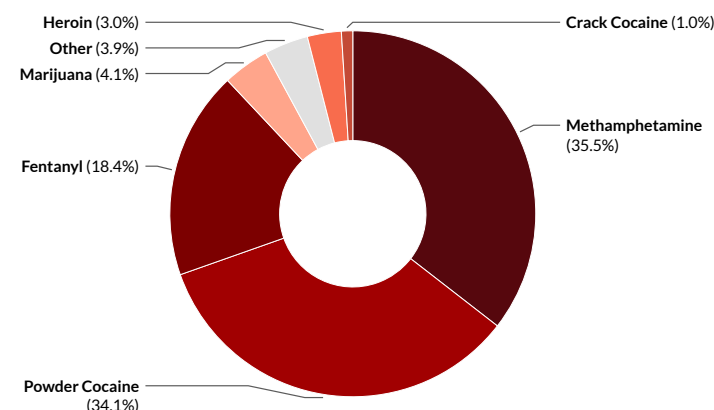
22,177 involved individuals assigned zero criminal history points at sentencing.<sup>2</sup>

72.6% (13,456) of these individuals received an adjustment under §4C1.1.<sup>3</sup>

### Most Common Offense Types<sup>4</sup>

Immigration	4,895
Drug Trafficking	4,458
Fraud/Theft/Embezzlement	2,331
Money Laundering	561
Tax	281
Bribery/Corruption	233
Administration of Justice	173
Environmental	62
All Other	462

### Most Common Drugs Trafficked



### Individual and Offense Characteristics

78.8% of zero-point individuals receiving an adjustment under §4C1.1 were men.<sup>5</sup>

66.4% were Hispanic, 16.6% were White, 12.5% were Black, and 4.5% were Other races.

Their average age was 38 years.

50.0% were United States citizens.

The most common offense types in cases where §4C1.1 was applied were: Immigration (36.4%), Drug Trafficking (33.1%), Fraud/Theft/Embezzlement (17.3%), Money Laundering (4.2%), and Tax Fraud (2.1%).

- The most common offense types for zero-point individuals **not** receiving an adjustment under §4C1.1 were: Drug Trafficking (22.7%), Firearms (13.4%), Child Pornography (12.9%), Sexual Abuse (12.5%), and Fraud/Theft/Embezzlement (8.4%).

The top five districts with the most cases in which §4C1.1 was applied were:

- Western District of Texas (2,799);
- Southern District of Texas (1,521);
- Southern District of California (926);
- District of Arizona (815);
- District of Puerto Rico (476).

The top five districts with the highest proportion of §4C1.1 application were:

- District of Northern Mariana Islands (74.4%);
- District of Virgin Islands (67.4%);
- District of Puerto Rico (44.8%);
- Southern District of California (42.6%);
- Western District of Texas (36.9%).

### Punishment

The average sentence for zero-point individuals receiving an adjustment under §4C1.1 was 19 months, compared to 89 months for zero-point individuals not receiving the adjustment.<sup>6</sup>

81.7% were sentenced to prison, compared to 91.8% of zero-point individuals not receiving the adjustment.



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#### Punishment (cont'd)

18.0% were convicted of an offense carrying a mandatory minimum penalty, compared to 38.4% of zero-point individuals not receiving the adjustment.

- 84.2% of those individuals convicted of an offense carrying a mandatory minimum penalty were relieved of that penalty, compared to 15.6% of zero-point individuals not receiving the adjustment.

#### Sentences Relative to the Guideline Range

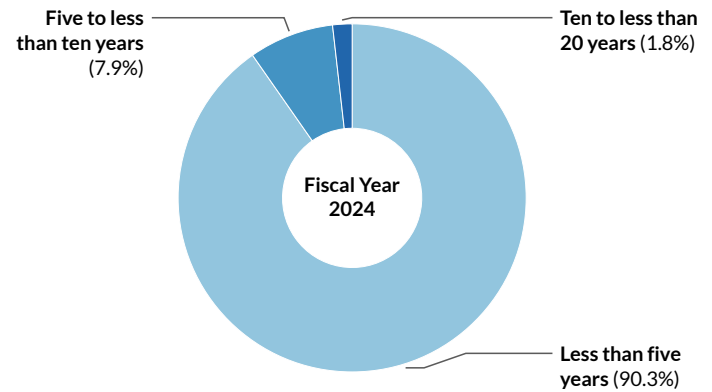
72.0% of sentences in cases with an adjustment under §4C1.1 were under the *Guidelines Manual*.

- 51.2% were within the guideline range.
- 10.5% were substantial assistance departures.
  - The average sentence reduction was 65.5%.
- 7.4% were Early Disposition Program (EDP) departures.<sup>7</sup>
  - The average sentence reduction was 61.1%.
- 2.7% were some other downward departure.
  - The average sentence reduction was 59.0%.

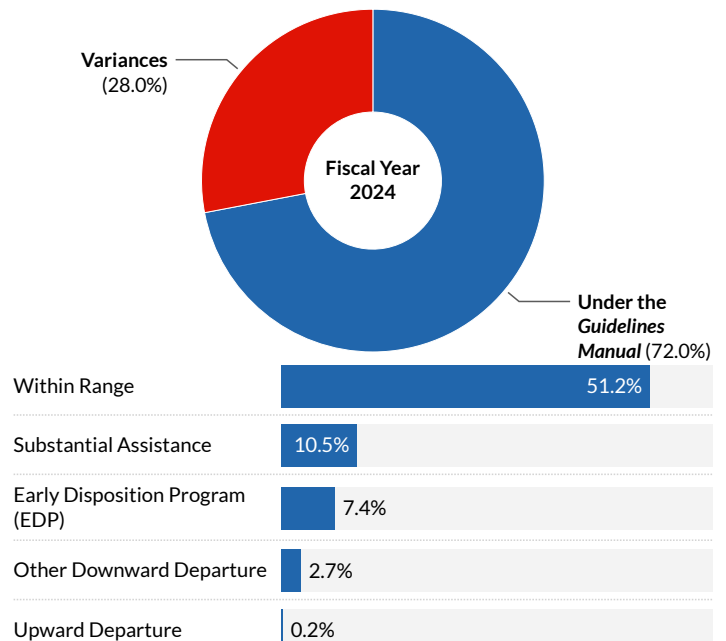
28.0% of sentences in cases with an adjustment under §4C1.1 were variances.

- 25.5% were downward variances.
  - The average sentence reduction was 53.0%.
- 2.5% were upward variances.
  - The average sentence increase was 76.1%.

#### Length of Sentence Imposed



#### Sentences Relative to the Guideline Range



<sup>1</sup> Effective November 1, 2023, sentenced individuals are eligible for an adjustment under §4C1.1 if they meet the criteria specified under §4C1.1(a)(1) – (a)(11). Individuals sentenced prior to November 1, 2023 are eligible to seek a reduction in their sentence through the retroactive application of this provision under §1B1.10 but are not included in this analysis.

<sup>2</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>3</sup> In fiscal year 2024, 3,665 individuals were assigned zero criminal history points but sentenced prior to the November 1, 2023 effective date of §4C1.1 and are not included in this analysis.

<sup>4</sup> Individuals sentenced for drug trafficking were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).

<sup>5</sup> Among zero-point individuals who did not receive an adjustment under §4C1.1, 86.8% were men, 35.8% were Hispanic, 81.2% were United States citizens, and their average age was 38 years.

<sup>6</sup> The average guideline minimum for zero-point individuals receiving an adjustment under §4C1.1 was 28 months, compared to 115 months for zero-point individuals not receiving the adjustment.

<sup>7</sup> “Early Disposition Program” (or EDP) departures are departures where the government sought a sentence below the guideline range because the defendant participated in the government’s Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.