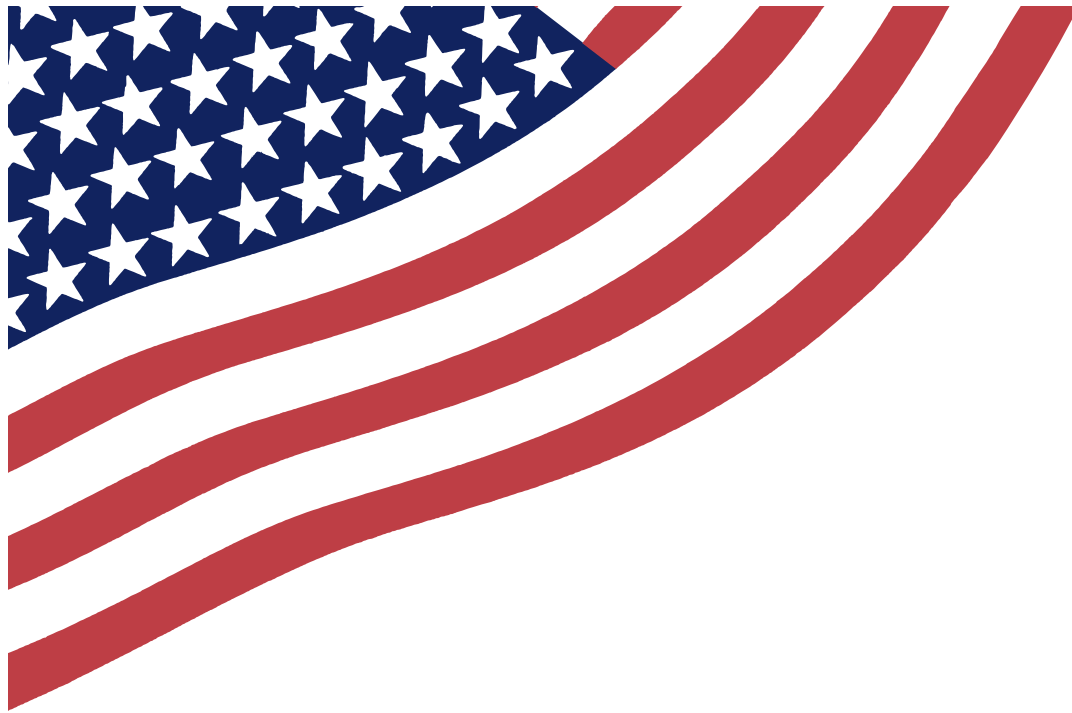




Changing Face of Federal Criminal Sentencing



UNITED STATES SENTENCING COMMISSION



Changing Face of Federal Criminal Sentencing

Seventeen Years of Growth in the Federal Sentencing Caseload

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Table 1
Offenders Sentenced from Fiscal Year
1991 through Fiscal Year 2007

FISCAL YEAR	N	PERCENT INCREASE
TOTAL	932,142	100.0
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

This report examines the changing face of the federal offender population and of the federal caseload in the types of federal offenses sentenced over the past 17 years. This report analyzes United States Sentencing Commission¹ data from fiscal years 1991 through 2007 and is presented in three sections. The first section presents the overall trends in the demographic make-up of federal offenders sentenced under the guidelines for the past 17 years. The second section briefly examines trends in the types of federal offenses sentenced during this period by examining three points in time: 1991, 1999, and 2007. The third analysis focuses on the demographic characteristics of offenders sentenced for the most common offenses identified in section two.

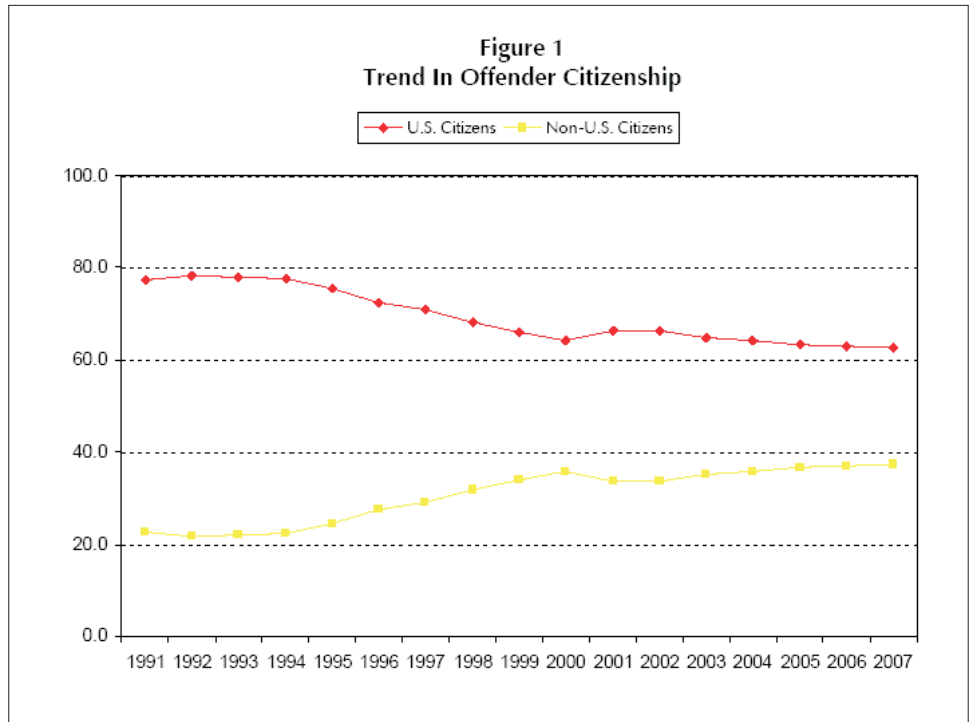
Trend in the Number of Annual Federal Criminal Sentencings

By the end of fiscal year 2008, more than one million federal offenders will have been sentenced under the United States sentencing guidelines. Had the annual federal criminal caseload remained at its fiscal year 1991 level ($n = 33,419$), it would have taken almost 30 years to reach this mark (29.9 years). This milestone, however, will be reached after only 18 years because of the consistent annual increases in the size of the federal caseload. This analysis examines trends in offender characteristics and offense types of 932,142 offenders sentenced over 17 years.

Between October 1, 1990, and September 30, 2007, (fiscal years 1991 through 2007), 932,142 offenders were sentenced under the federal sentencing guidelines.² During this period, the number of offenders sentenced annually has increased steadily from 33,419 in fiscal year 1991 to 72,865 in fiscal year 2007. By fiscal year 2003, the annual offender caseload had more than doubled the caseload of fiscal year 1991, exceeding 70,000 cases for the first time. The number of offenders sentenced annually since has remained above 70,000 cases (Table 1).

The federal criminal caseload increased above the preceding year by, on average, five percent per year. The annual increase exceeded the previous year by ten percent or greater in fiscal years 1992, 1993, 1996, and 1997. Starting in fiscal year 2004, these yearly proportional increases have slowed. While there has

been a substantial increase in the number of offenders overall, four offense types have consistently accounted for most federal cases. Demographically, the annual federal offender population has remained similar in age and gender. Overall, the educational characteristics of federal offenders have changed to a limited extent. However, there are different trends depending on the citizenship of the offenders. Both the racial/ethnic composition and citizenship status of federal offenders have changed markedly. The pattern of change for educational characteristics and race/ethnicity is dependent upon the citizenship of the offender.



Demographic Trend Analyses

Citizenship³

Most federal offenders are United States citizens, but the proportion of non-citizens has increased steadily over the past 17 years. In fiscal year 1991, 77.3 percent of federal offenders were United States citizens, but by fiscal year 2007 this proportion had decreased to 62.6 percent. The result is that the proportion of non-citizen offenders rose from 22.7 percent in fiscal year 1991 to 37.4 percent in fiscal year 2007 (Figure 1). At the same time as this increase in the proportion of non-citizen offenders, there was an increase in the proportion of non-citizen offenders who are of Hispanic origin. Since fiscal year 1997, persons of Hispanic origin have accounted for more than 80 percent of non-citizen offenders (Figure 2).

Age⁴

The age distribution of federal offenders has remained relatively unchanged over time. Offender ages were grouped into five-year categories with anchors at the bottom (under 21 years of age) and at the top (over 50 years of age). These eight age categories are consistent with the categories used in the Commission's annual sourcebook.⁵ The overall average offender age at sentencing is 34.5 years.

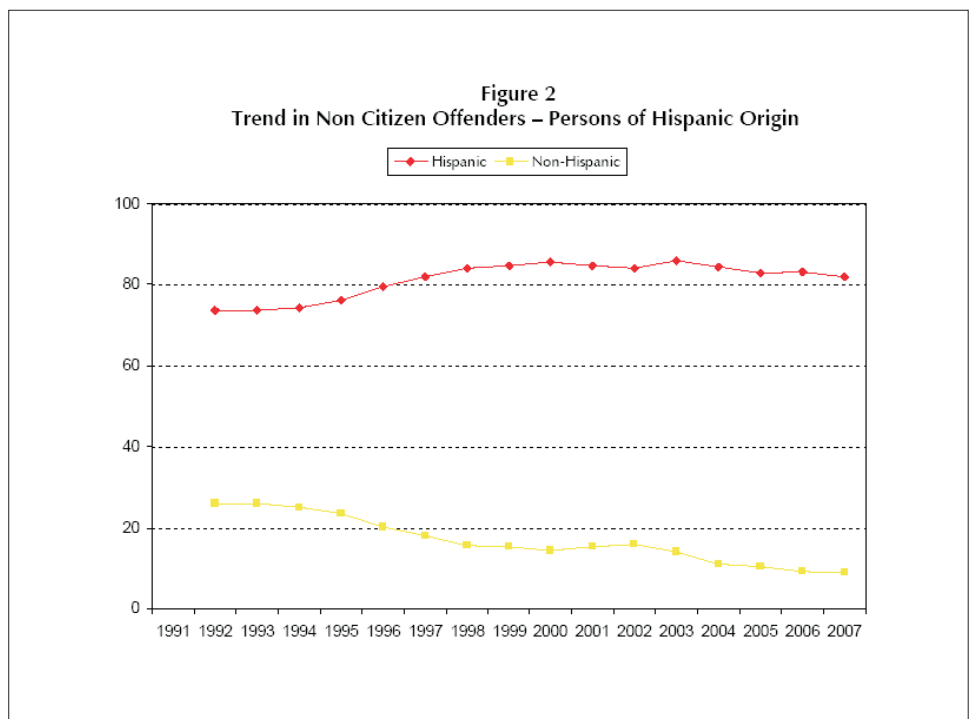


Figure 3
Trend In Offender Age

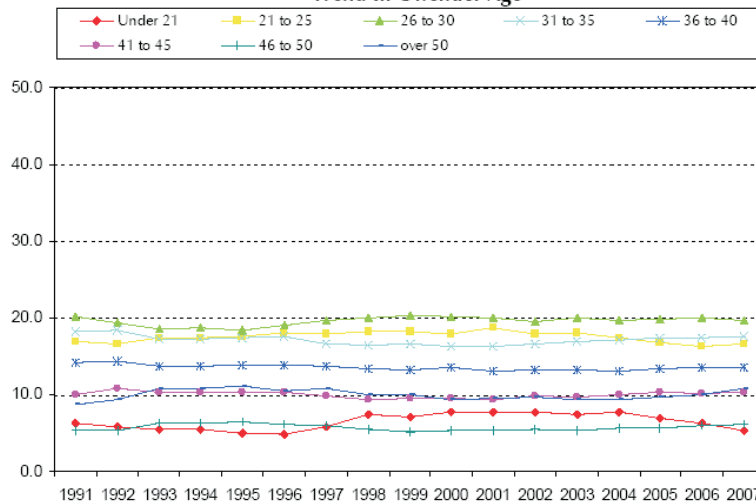


Figure 3 presents the trend in these age categories from fiscal year 1991 through fiscal year 2007.

Most notable is the stability across time of the age distribution of federal offenders for each of these categories. Offenders under 21 years of age make up the smallest proportion of offenders. The group consistently having the greatest proportion is the 26-to-30 year-old group. More than half the federal offenders in any given year are between the ages of 21 and 35 years.

Gender⁶

The federal caseload has consistently been dominated by men, who

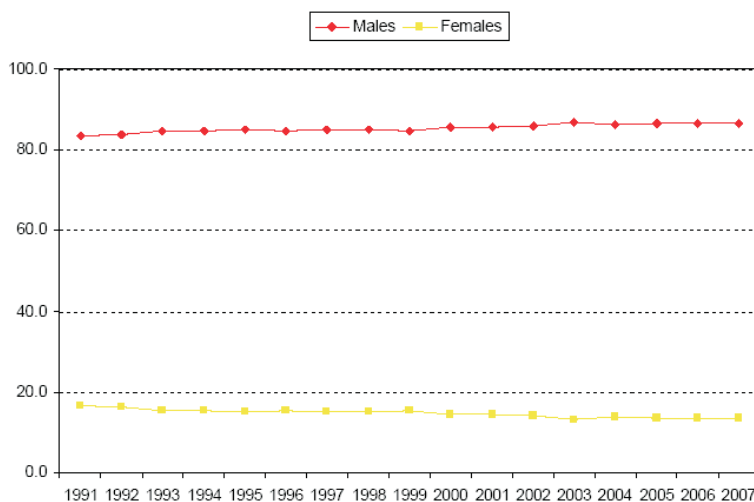
account for more than 80 percent of federal offenders. Over this time period, the proportional primacy of male offenders has increased slightly (approximately three percentage points) (Figure 4).

Education⁷

The proportion of federal offenders reporting less than a high school education has increased modestly during this period. Analyzing the trends for all cases, however, masks to some degree the extent and specific nature of the changes occurring. Figure 5 presents the distribution of the level of

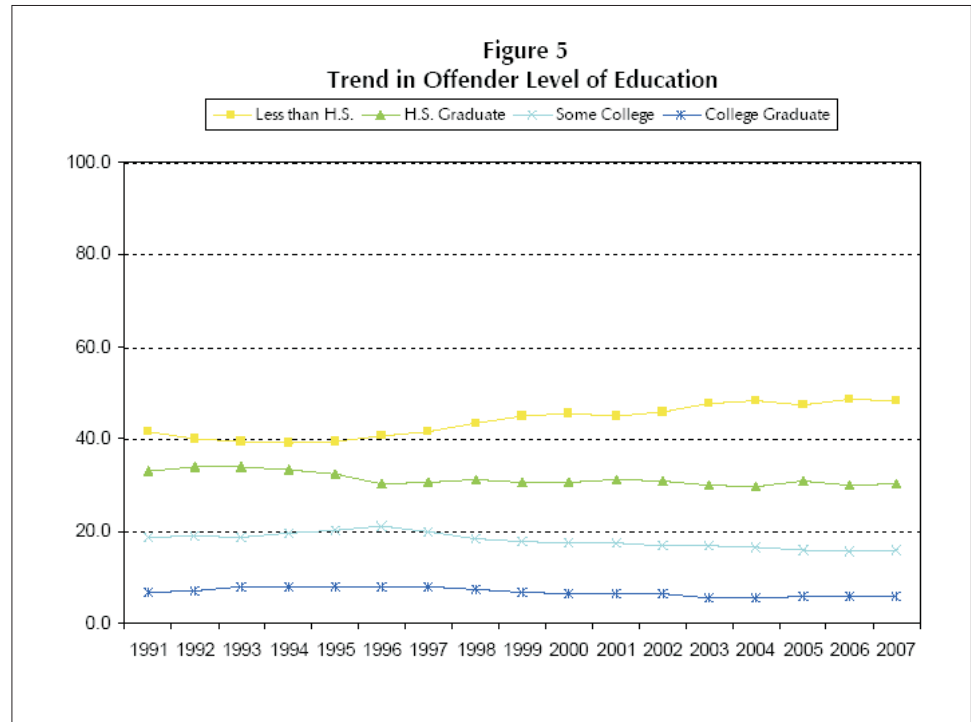
education of these offenders by sentencing year. The proportion of offenders who are high school graduates and college graduates remained relatively stable during this period, with rates fluctuating around approximately 31 percent and seven percent, respectively. Beginning in fiscal year 1997, the proportion of offenders with less than a high school education began to rise slightly and steadily above its prior level of approximately 42 percent to almost 50 percent (48.2) by fiscal year 2007. There was a corresponding slow reduction in the proportion

Figure 4
Trend in Offender Gender



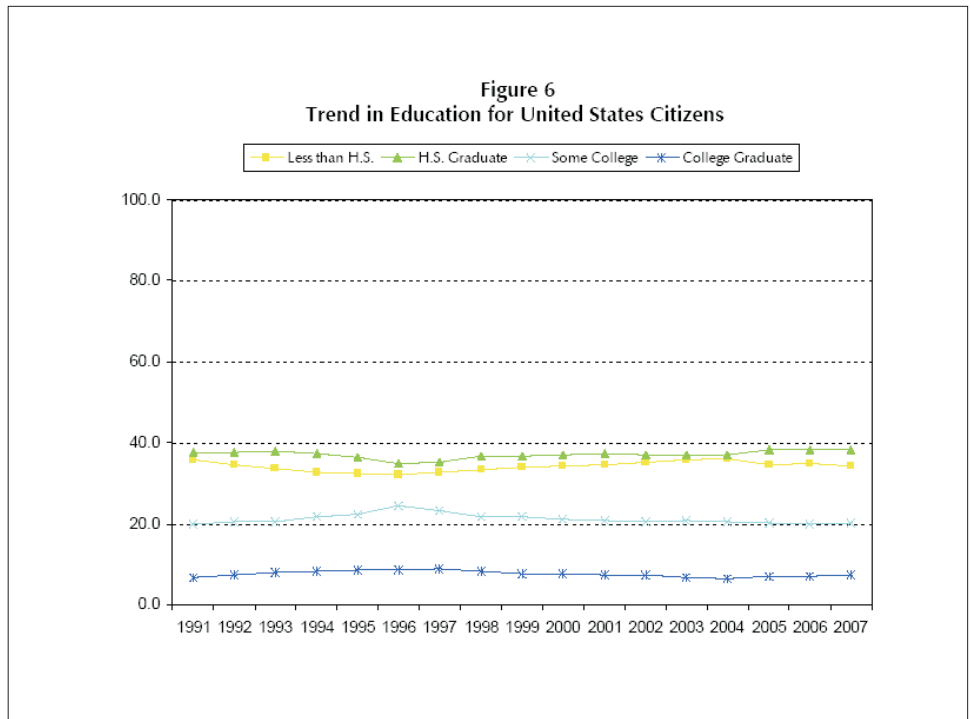
of offenders reporting some college.

The trends presented in Figure 5 combining all offenders were investigated further to determine if other demographic characteristics were associated with the small changes found in the overall education distribution. For this analysis, the offender's educational level was compared to his or her citizenship status. The results are presented in Figures 6 and 7. The educational distribution among United States citizen offenders was very stable during this period (Figure 6). In contrast, among non-citizen offenders, a decline can be seen in the proportion of offenders who were high school graduates, had some college, or were college graduates (Figure 7). Balancing these declines was an increase in the proportion of non-citizen offenders with less than a high school education, from 62.5 percent in fiscal year 1991 to 74.5 percent in fiscal year 2007.



Race/Ethnicity⁸

Overall the federal caseload has experienced an increase in offenders of Hispanic origin and a decrease in offenders of all other races. This pattern, however, varies when the offender's citizenship status is also considered. In each year throughout this period, the proportion of offenders of 'Other'⁹ race/ethnicity has remained relatively stable at between three and four percent. Among Black, White, and Hispanic origin offenders, however, different trends can be seen (Figure 8). Overall, the proportion of Black offenders in the annual federal caseload has declined gradually



from its peak rate of 30.3 percent in fiscal year 1994 to 24.1 percent in fiscal year 2007. In contrast, the proportion of White offenders in the annual federal caseload has declined much more steeply, from 45.4 percent in fiscal year 1992 (the highest) to 28.8 percent in fiscal year 2007 (its lowest rate). There has been a corresponding and complementary steady increase in the rate of Hispanic origin offenders during this time. The smallest proportion of offenders of Hispanic origin was in fiscal year 1992 (when 22.9 percent of all offenders were of Hispanic origin). In fiscal year 1991, 7,924 offenders were of

Hispanic origin, increasing to 29,281 by fiscal year 2007, an increase of 269.5 percent during the period. This increase substantially outpaces the 118-percent increase in the overall annual caseload. By fiscal year 2007, Hispanic origin offenders accounted for 43.0 percent of the annual caseload. The increase in the proportion of Hispanic origin offenders was due in large part to the increase in immigration offenses and drug trafficking offenses and the increasing proportion of non-citizens in the federal sentencing population.

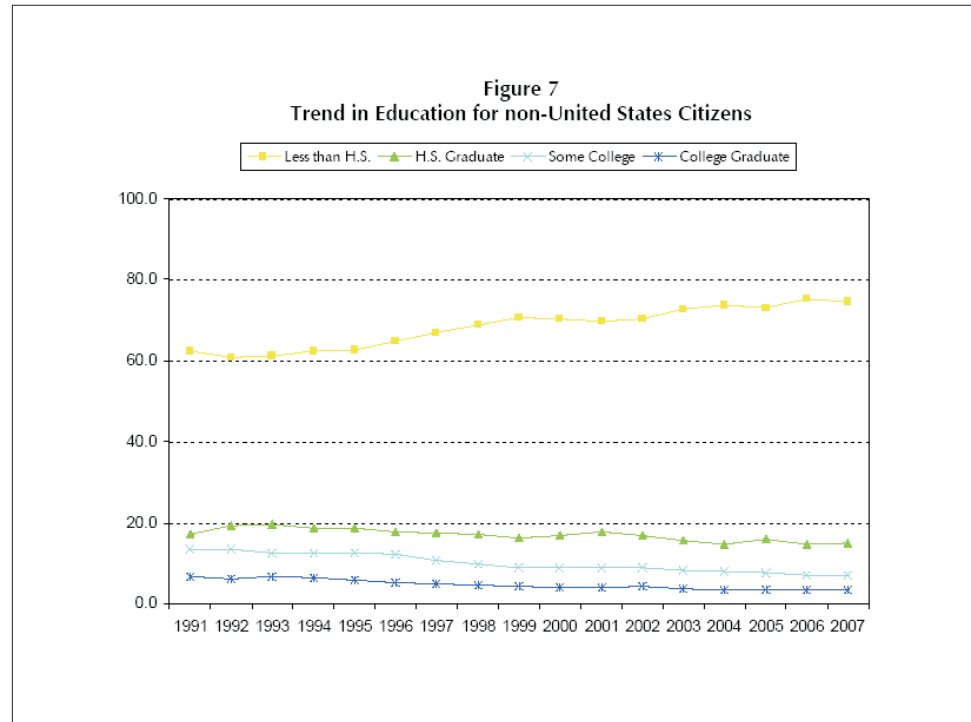
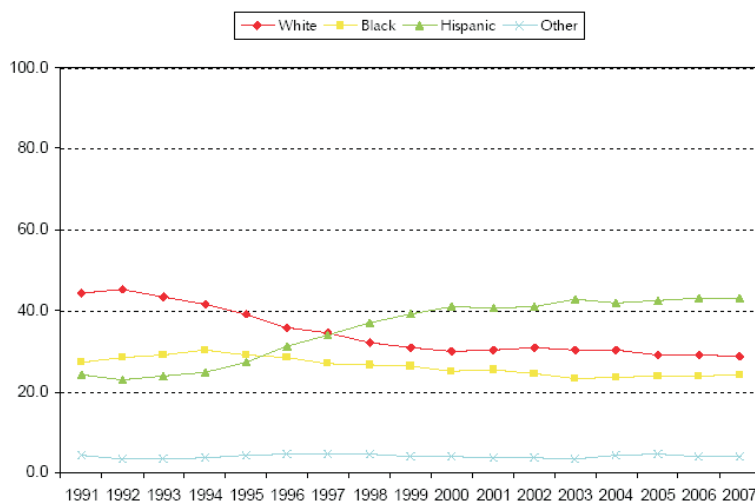


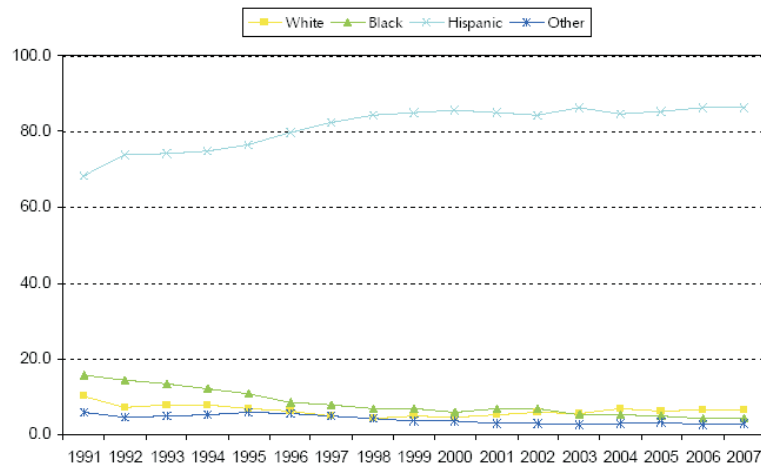
Figure 8
Trend in Offender Race



As with the analysis of educational trends, the trends presented in Figure 8, combining all offenders, were investigated further to determine if citizenship status was associated with the changes in the racial/ethnic distribution of this offender population. For this analysis, the offender's race/ethnicity was compared to his or her citizenship status. Figure 9, which is limited to non-citizens, replicates the finding from Figure 8 – that the proportion of non-citizen offenders of Hispanic origin has increased during this period, from 68.1 percent in fiscal year 1991 to 86.4 percent in fiscal year 2007. This increase

corresponds to a decrease among Black (from 15.8% in fiscal year 1991 to 4.1% in fiscal year 2007), White (from 10.1% to 6.6%), and Other race (from 6.0% to 2.9%) non-citizen offenders. Figure 10 presents the same trend analysis for United States citizens only. Again, there was an increase in the proportion of offenders of Hispanic origin (from 11.4% in fiscal year 1991 to 18.5% in fiscal year 2007), but among United States citizens there were also smaller increases among Black (from 30.5% in fiscal year 1991 to 35.5% in fiscal year 2007) and Other race (from 3.6% to 4.8%) offenders. The proportion of Whites among United States citizen offenders declined from 54.5 percent in fiscal year 1991 to 41.2 percent in fiscal year 2007. The distribution patterns for race/ethnicity differ by the citizenship status of the offender.¹⁰

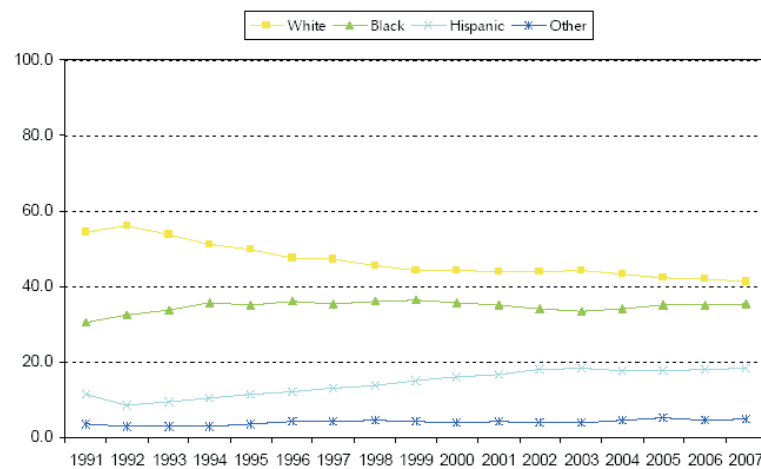
Figure 9
Trend In Offender Citizenship: non-Citizens



Trends in Rate of Offending During Fiscal Years 1991, 1999, and 2007¹¹

Offenders sentenced for drug trafficking, immigration, fraud, and firearms offenses account for almost three-quarters of all federal crimes prosecuted over the past 17 years. Table 2 presents the distribution of these offenders across all offense types, combining data from the entire 17 year period.¹² Four offense types account for 690,566, or 74.3 percent, of offenders sentenced under the guidelines during the past 17 years. As seen in Table 2, the offenses that represent the largest proportion of offenders in this combined multiyear dataset are Drug Trafficking (37.3%), Immigration (17.1%), Fraud (11.5%) and Firearms (8.4%). These offenses consistently have been among the most prevalent offenses sentenced in any year. Between fiscal year 1991

Figure 10
Trend In Offender Citizenship: Citizens



and fiscal year 1994, immigration offenses were the fifth most prevalent offense type, with larceny offenses ranked at number four. However, in 1995, immigration offenses entered the top four offense types for the first time and became the second most prevalent offense type in 1998, remaining there since. The four offense types described above have been the four most prevalent offenses from that point forward.¹³ While these have been the four most prevalent offense types, their contribution to the total caseload in any given year has changed during this period. The following tables show the trends in these offense types at three points in this time period, fiscal years 1991, 1999, and 2007. The data presented is limited to those cases for which primary offense type could be determined.

Drug trafficking offenses have always been the most prevalent offense type sentenced under the guidelines. The annual number of offenders sentenced for this offense has increased from 13,521 in fiscal year 1991 to 24,332 in fiscal year 2007, an increase of 80 percent in the number of drug trafficking offenders. However, because the total annual federal criminal caseload has increased at a greater rate, the proportional contribution of these cases to that total actually has declined during this period. In fiscal year 1991, drug trafficking offenses accounted for 40.6 percent of the total federal criminal caseload. This proportion declined to 39.7 percent by fiscal year 1999 and in fiscal year 2007 represents only 33.4 percent of the total annual caseload.

The annual number of fraud offenders increased by 119.8 percent (from 3,534 in fiscal year 1991 to 7,767 by fiscal year 2007), increasing at approximately the same rate as the overall population. Consequently, the contribution to the total annual caseload has remained constant at approximately ten to 11 percent (fiscal year 1991, 10.6%; fiscal year 1999, 11.2%; and fiscal year 2007, 10.7%).

The remaining two offense types have experienced relatively large numeric and proportional increases during this period. The number of firearms offenders increased from 2,495 in fiscal year 1991 to 8,359 in fiscal year 2007 (a 235% increase). The contribution to the annual caseload increased from 7.5 percent in

Table 2
Proportional Contribution of Various Offense Types (Statutorily Defined) All Cases Sentenced Between Fiscal Year 1991 through Fiscal Year 2007

PRIMARY OFFENSE	Number	Percent
TOTAL	929,364	100.0
Drugs - Trafficking	346,793	37.3
Immigration	158,854	17.1
Fraud	107,052	11.5
Firearms	77,867	8.4
Larceny	40,422	4.3
Robbery	27,231	2.9
Other Miscellaneous Offenses	20,415	2.2
Forgery/Counterfeiting	17,791	1.9
Administration of Justice Offenses	14,847	1.6
Money Laundering	14,787	1.6
Embezzlement	13,788	1.5
Drugs - Simple Possession	13,663	1.5
Tax	11,682	1.3
Racketeering/Extortion	10,465	1.1
Pornography/Prostitution	9,165	1.0
Assault	8,079	0.9
Drugs - Communication Facility	6,388	0.7
Prison Offenses	5,307	0.6
Bribery	3,912	0.4
Sexual Abuse	3,829	0.4
Auto Theft	2,649	0.3
Environmental Wildlife	2,621	0.3
Gambling/Lottery	2,414	0.3
Civil Rights	1,666	0.2
Arson	1,384	0.1
Murder	1,387	0.1
Food & Drug	1,162	0.1
Kidnapping/Hostage Taking	1,019	0.1
Burglary/B&E	995	0.1
Manslaughter	915	0.1
National Defense	471	0.1
Antitrust	344	0.0

Table 3
Proportional Contribution of Various Offense Types (Statutorily Defined) for Fiscal Years 1991, 1999, and 2007

PRIMARY OFFENSE	FY 1991		FY 1999		FY 2007	
	Number	Percent	Number	Percent	Number	Percent
TOTAL	33,330	100.0	55,416	100.0	72,765	100.0
Drugs - Trafficking	13,521	40.6	21,976	39.7	24,332	33.4
Immigration	2,300	6.9	9,675	17.5	17,592	24.2
Fraud	3,534	10.6	6,194	11.2	7,767	10.7
Firearms	2,495	7.5	2,758	5.0	8,359	11.5
Larceny	2,454	7.4	2,076	3.7	1,762	2.4
Robbery	1,365	4.1	1,749	3.2	1,120	1.5
Other Miscellaneous Offenses	684	2.1	1,340	2.4	2,142	2.9
Forgery/Counterfeiting	831	2.5	1,296	2.3	1,157	1.6
Money Laundering	506	1.5	1,003	1.8	918	1.3
Administration of Justice Offenses	554	1.7	866	1.6	1,016	1.4
Embezzlement	1,143	3.4	959	1.7	465	0.6
Drugs - Simple Possession	926	2.8	692	1.2	664	0.9
Tax	337	1.0	729	1.3	647	0.9
Racketeering/Extortion	262	0.8	975	1.8	621	0.9
Pornography/Prostitution	165	0.5	414	0.7	1,445	2.0
Assault	297	0.9	453	0.8	576	0.8
Drugs - Communication Facility	332	1.0	395	0.7	376	0.5
Prison Offenses	261	0.8	298	0.5	316	0.4
Bribery	184	0.6	195	0.4	243	0.3
Sexual Abuse	136	0.4	230	0.4	382	0.5
Auto Theft	160	0.5	194	0.4	64	0.1
Environmental/Wildlife	150	0.5	210	0.4	193	0.3
Gambling/Lottery	197	0.6	136	0.2	113	0.2
Civil Rights	119	0.4	84	0.2	64	0.1
Arson	73	0.2	81	0.1	78	0.1
Murder	27	0.1	103	0.2	81	0.1
Food & Drug	59	0.2	80	0.1	71	0.1
Kidnapping/Hostage Taking	48	0.1	79	0.1	48	0.1
Burglary/B&E	100	0.3	55	0.1	41	0.1
Manslaughter	59	0.2	57	0.1	65	0.1
National Defense	34	0.1	20	0.0	32	0.0
Antitrust	17	0.1	44	0.1	15	0.0

fiscal year 1991 to 11.5 percent in fiscal year 2007. The increase in the number of cases has been greater during the most recent nine-year period (fiscal years 1999 to 2007) than for the preceding nine-year period (fiscal years 1991 to 1999). Between fiscal year 1991 and fiscal year 1999, the number of firearms offenses increased 10.5 percent. During the past nine years (fiscal year 1999 to fiscal year 2007), the number has increased 203 percent.

Immigration offenses have increased dramatically during this period. In fiscal year 1991, there were 2,300 offenders sentenced for an immigration offense, 6.9 percent of the total annual caseload. By fiscal year 1999, the number of immigration offenders increased 320 percent to 9,675 and accounted for 17.5 percent of the annual caseload. Between fiscal year 1999 and fiscal year 2007, immigration offenders increased by an additional 82 percent to 17,592 and accounted for 24.2 percent of the annual caseload. During the past 17 years, the overall number of immigration offenders sentenced annually has increased 664.9 percent.

Specific Offense Types Account for the Increased Federal Caseload

In fiscal year 2007, 72,865 persons were sentenced under the guidelines. In 72,765 cases, information regarding primary offense type was available. This number is more than double the number sentenced in fiscal year 1991 (33,330 for which primary offense type was available), increasing the annual federal sentencing caseload by 39,435 persons (Table 4). Increases in the number of persons sentenced for the four offense types identified above (drug trafficking, immigration, fraud, and firearms) account for nearly all (91.8%) of this increase to the annual caseload.

Table 4
Comparison of Federal Caseload in Fiscal Year 1991 and Fiscal Year 2007
Overall and Selected Offense Types

	FY 1991	FY 2007	Difference
N	33,330	72,765	39,435
Drug Trafficking	13,521	24,332	10,811
Immigration	2,300	17,592	15,292
Fraud	3,534	7,767	4,233
Firearms	2,495	8,359	5,864
TOTAL	21,850	58,050	36,200
All Other	11,480	14,715	3,235
	33,330	72,765	39,435

During this 17-year period, the number of persons sentenced for immigration offenses increased by 15,292 (from 2,300 in fiscal year 1991 to 17,592 in fiscal year 2007). This increase in immigration cases accounts for 38.8 percent of the total increase of 39,435. The number of drug trafficking offenders increased by 10,811

(from 13,521 in fiscal year 1991 to 24,332 in fiscal year 2007), accounting for an additional 27.4 percent of the overall increase. These two offenses alone account for two thirds of the additional 39,435 cases sentenced in fiscal year 2007. There has also been an increase in the number of firearms offenders, increasing by 5,864 persons during the period (from 2,495 in fiscal year 1991 to 8,359 in fiscal year 2007). The number of fraud offenders increased by 4,233 persons (from 3,534 in fiscal year 1991 to 7,767 in fiscal year 2007). Of the 39,435 cases, these two offense types account for 14.9 percent and 10.7 percent, respectively. All remaining offense types combined account for the remaining 8.2 percent of the overall increase (n = 3,235).

Trends in Offender Race/Ethnicity by Specific Offense Types

The first and second sections presented demographic information about the offenders and demonstrated overall trends in the types of offenses sentenced under the guidelines during the past 17 years. The number of criminal cases sentenced annually by federal courts has more than doubled during this period, yet the findings demonstrate a significant stability in both the overall characteristics of federal offenders and the types of convictions obtained by United States Attorneys during this period. However, there has also been considerable change during this time. As seen above, there

has been a substantial change in the racial/ethnic composition of the federal offender population and in the proportion of non-citizens sentenced in federal court.

Figures 11 - 14 below investigate relationships between these top four most frequently reported offense types and the trend in race/ethnicity identified above.

Figure 11 shows a steady decline in the annual proportion of White and Black drug trafficking offenders during this period. The proportion of White offenders declined from 35.3 percent of the fiscal year 1991 cohort to 24.2 percent in fiscal year 2007.

Likewise, the proportion of Black drug trafficking offenders declined from 35.8 percent in fiscal year 1995 (the year with the greatest proportion of Blacks among federal drug trafficking offenders) to 28.5 percent in fiscal year 2007. These declines have been offset by the substantial increase in offenders of Hispanic origin who represented 31.9 percent of the annual federal drug trafficking caseload in fiscal year 1991. Their contribution increased to 43.8 percent of the total by fiscal year 2007.

Among offenders sentenced for a firearm offense, Whites were the most prevalent offender group from fiscal year 1991 through fiscal year 1993 (Figure 12). In fiscal year 1994, there was an increase in the proportion of Black firearm offenders and a decrease of White offenders, causing the rates for Whites and Blacks to become nearly equal (at just above 40%) through fiscal year 1998. The same pattern emerged again in fiscal year 1999, with the rate of Black firearms offenders increasing and the rate of Whites decreasing. As a result, Blacks account for the highest proportion of firearm offenses from then

Figure 11
Trend In Race of Drug Trafficking Offenders

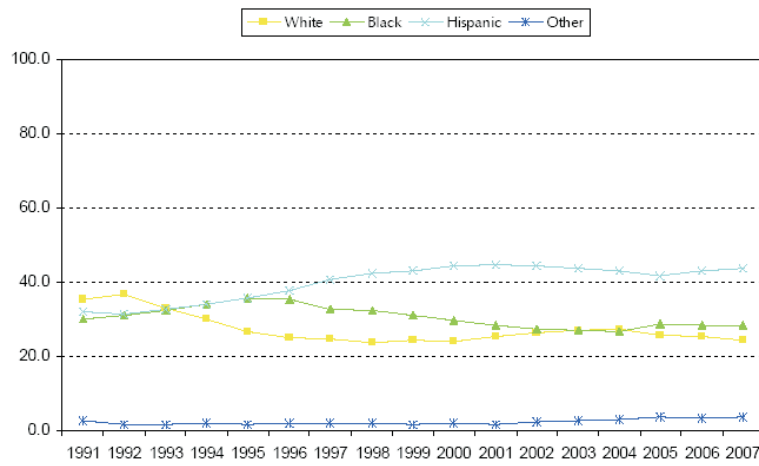
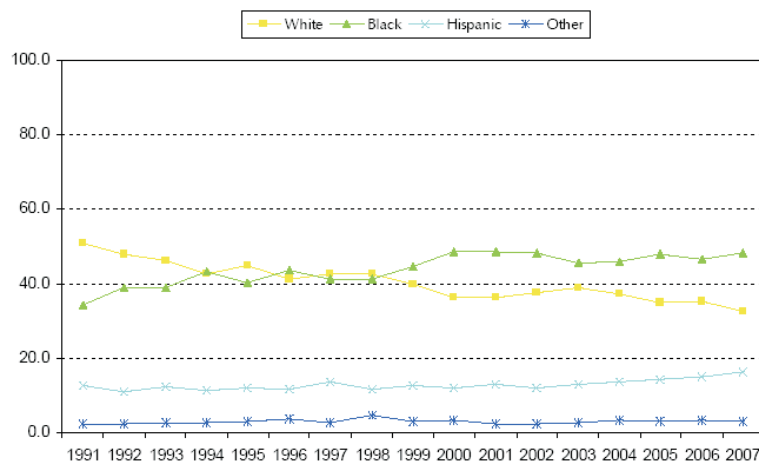


Figure 12
Trend in Race of Firearms Offenders



until the present (rate in fiscal year 1999 = 44.6% ; rate in fiscal year 2007 = 48.3%). The rate of Hispanic origin offenders among firearm cases has generally been very steady (at approximately 13%); however, a recent small increase in the past two years has occurred. During the entire period under study, the rates among those classified as 'Other' race/ethnicity have remained very stable at approximately three percent.

As presented in Figure 13, the racial/ethnic characteristics among those convicted of immigration offenses have been virtually unchanged since fiscal year 1996. In fiscal year 1991, offenders of Hispanic origin accounted for 80 percent of immigration offenders. This percentage increased to approximately 90 percent by fiscal year 1996 and since has remained steady.

Figure 13
Trend in Race of Immigration Offenders

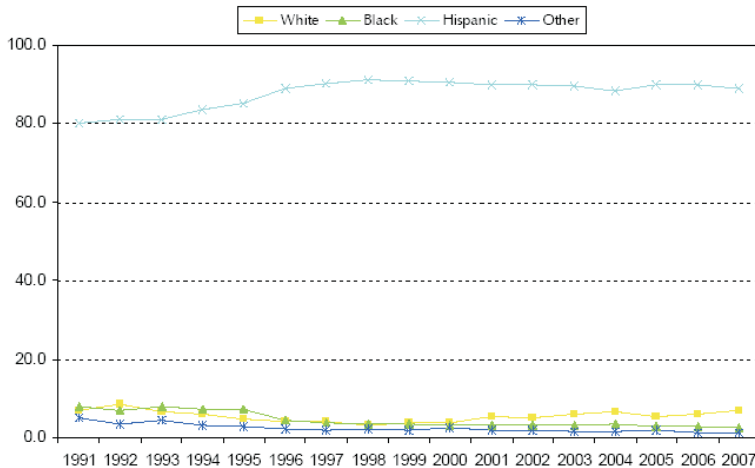
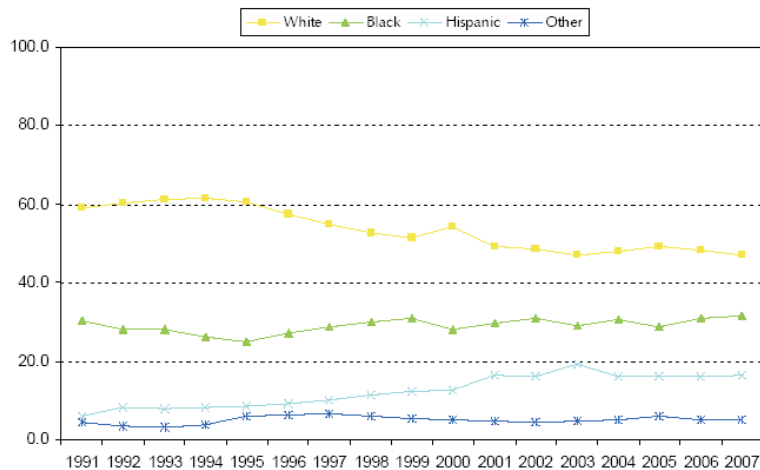


Figure 14 presents data on the race/ethnicity distribution among fraud offenders. The proportion of 'Other' race offenders has been stable during this period at approximately five percent. The rate of Black offenders involved in fraud offenses has also been very stable throughout this time period at approximately 30 percent.

The most prevalent group consistently has been White offenders, accounting for approximately half of all fraud offenders. However, their contribution to the total declined somewhat during this time. In fiscal year 1991, White offenders accounted for 59.1 percent of offenders in this offense type, but by fiscal year 2007 they accounted for 47.0 percent. This decrease is almost entirely accounted for by the increase in fraud offenders of Hispanic origin. The proportion of the annual fraud caseload accounted for by persons of Hispanic origin increased by 10.4 percentage points during

Figure 14
Trend in Race of Fraud Offenders



this period (from 6.1% in fiscal year 1991 to 16.5% in fiscal year 2007).

Summary

Between fiscal years 1991 and 2007, 932,142 persons were sentenced under the federal sentencing guidelines. The number of persons sentenced in fiscal year 2007 represents a 118-percent increase over the number sentenced in fiscal year 1991. Despite this substantial increase in the number of offenders sentenced, many characteristics of these offenders have been remarkably stable.

Four offense types (drug trafficking, immigration, fraud, and firearms) consistently have accounted for most federal cases and together account for almost three-quarters of all cases sentenced under the guidelines. These four offense types account for an even greater percentage of the growth in the annual federal sentencing caseload. In fiscal year 2007, 39,435 more persons were sentenced in federal court than were sentenced in fiscal year 1991. Increases in these four offense types account for 91.8 percent of that increase. The increase in the number of immigration cases alone accounts for 38.8 percent of the overall increase, while the increase in drug trafficking offenders accounts for an additional 27.4 percent. Together, the increase in persons sentenced under these two offenses accounts for two thirds of the increased annual caseload.

The number of offenders sentenced for these four offense types, and the growing proportion of the total annual federal caseload accounted for by these four offenses, explains the changing demographics described earlier. The demographic characteristics of the annual federal offender population when measured by gender and age have remained largely unchanged over the past 17 years. The educational make-up of the annual population was unchanged among United States citizens sentenced over this time period, but for non-citizens there was an increase in the proportion of offenders with less than a high school education and a decline in those with greater education.

Noticeable change is seen in the annual distribution of offenders by race/ethnicity and by citizenship. During this time, the proportion of offenders who are not United States citizens increased from 22.7 percent of the annual caseload in fiscal year 1991 to 37.4 percent by fiscal year 2007. Among non-citizens, the proportion of offenders of Hispanic origin increased with a corresponding decrease among Black, White, and Other race non-citizen offenders. The race/ethnicity trend among United States citizens presents a different pattern. Among United States citizen offenders, there was a similar increase in the proportion of offenders of Hispanic origin, but there were also smaller increases in the proportion of Black and Other race offenders. Among United States citizens, only the proportion of White offenders declined.

The influence of the offender's citizenship on the trend patterns identified in the education and race/ethnicity analyses demonstrates the need for caution when describing characteristics of the overall federal offender population. The proportion of the federal caseload accounted for by non-citizens has increased annually and now accounts for 37 percent of the annual caseload. These offenders differ demographically from United States citizen offenders along these two dimensions. These differences combine to produce a trend line that is not an accurate representation of either group, masking the changes that have occurred. Largely unaffected by the increase of non-citizen offenders are the trends in the remaining demographic characteristics and in their distribution in selected offense types. As a consequence, researchers conducting analyses using federal sentencing data should be mindful that some results may be confounded by the presence of opposing trends in large population subgroups and should perform necessary secondary analyses to make that determination.

Four offense types (drug trafficking, immigration, fraud, and firearms) consistently have accounted for most federal cases and together account for almost three-quarters of all cases sentenced under the guidelines. These four offense types account for an even greater percentage of the growth in the annual federal sentencing caseload.

The demographic characteristics of the annual federal offender population when measured by gender and age have remained largely unchanged over the past 17 years. The proportion of the federal caseload accounted for by non-citizens has increased annually.

Endnotes

1. The United States Sentencing Commission is an independent agency in the judicial branch of government. Established by the Sentencing Reform Act of 1984, its principal purposes are (1) to establish sentencing policies and practices for the federal courts, including guidelines regarding the appropriate form and severity of punishment for offenders convicted of federal crimes; (2) to advise and assist Congress, the federal judiciary, and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues.
2. The analysis includes information on only those cases with court documentation received, coded, and edited at the United States Sentencing Commission. Prior to fiscal year 1991, the Commission obtained portions of its data through a match with the Administrative Office of the United States Courts offender databases. This analysis is limited to the fiscal year datasets which were created solely with documents submitted to the Commission.
3. Of the 932,142 offenders sentenced in the past 17 years, 895,556 have complete information on citizenship.
4. Complete information on the age of federal offenders was available for all 932,142 offenders.
5. The Commission publishes annually a *Sourcebook of Federal Sentencing Statistics* containing descriptive statistics on the application of the federal sentencing guidelines. This, together with the Commission's *Annual Report*, satisfies the Commission's reporting requirements in 28 U.S.C. § 997.
6. Of the 932,142 total offenders, 921,824 had complete information with regard to gender.
7. A total of 855,529 cases have complete information regarding level of education.
8. Of the 932,142 offenders sentenced in the past 17 years, 903,870 have complete information regarding the race of the offender.
9. The "Other" category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.
10. The trends in offender age and gender were also analyzed by the offender's citizenship status, but no noteworthy variation was found. The figures corresponding to these analyses can be found in this report's appendix.
11. Of the 932,142 offenders sentenced during this time period, 929,364 had sufficient information to document the type of offense.
12. The offense typology is that which has been reported by the Commission in its annual reports and sourcebooks.
13. The offense type trends reported below were also analyzed by the offender's citizenship status. The distribution of citizen versus non-citizen offenders generally differed little among these offense types. The single exception may be in fraud cases. During the 17-year period under study, there has been an increase in the proportion of non-United States citizen offenders from 13.3% in fiscal year 1991 to 20.0% in fiscal year 2007. The change is most noticeable beginning in fiscal year 2003. The figures corresponding to these analyses can be found in this report's appendix.

Appendix

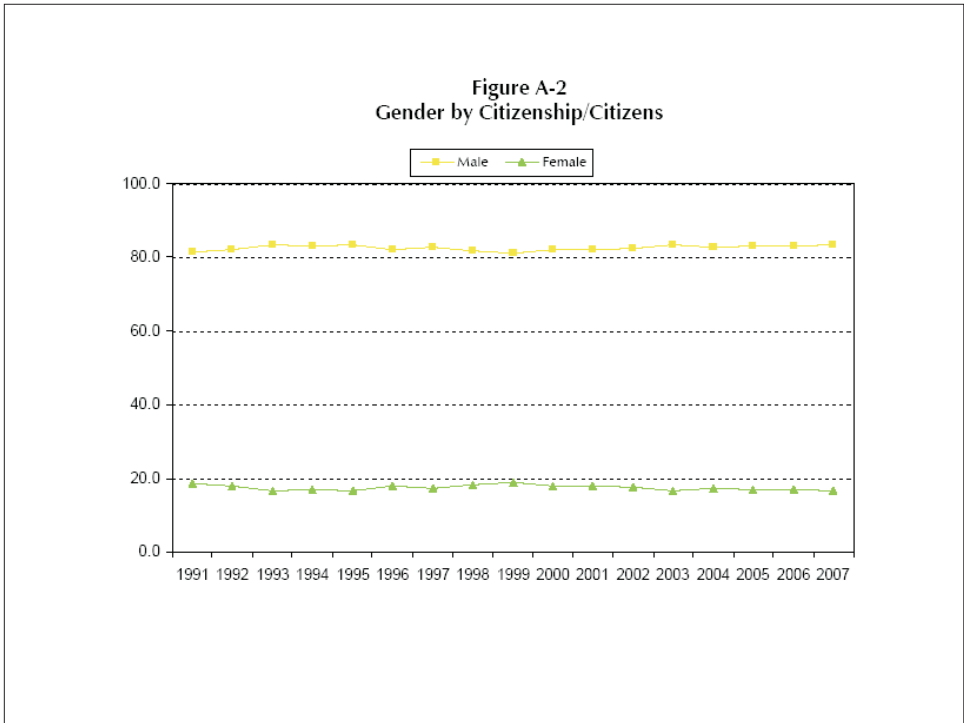
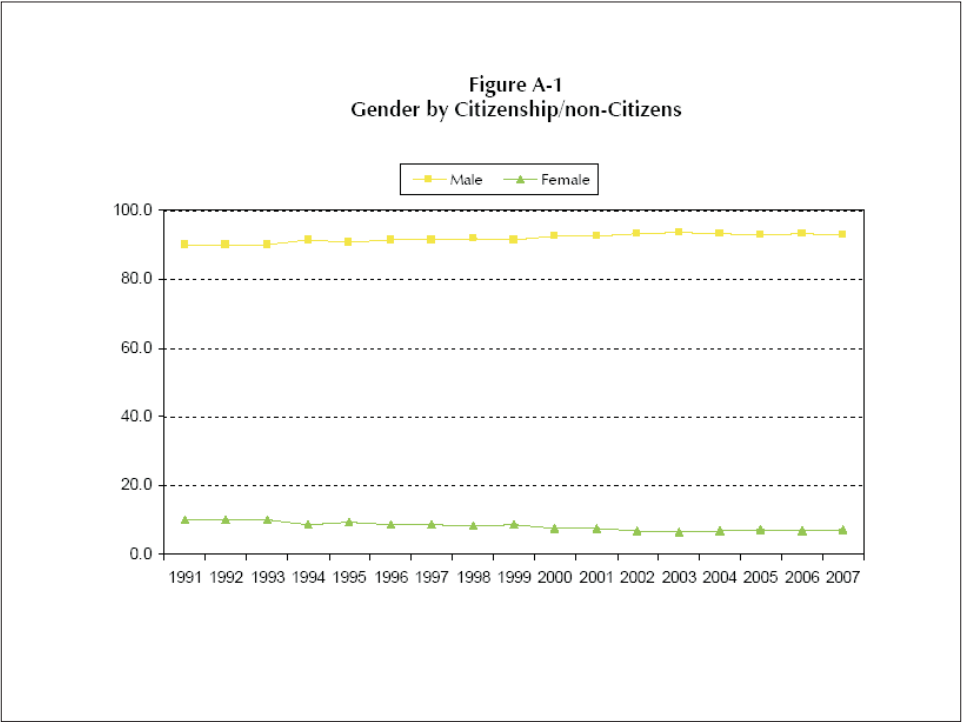


Figure A-3
Age by Citizenship/non-Citizens

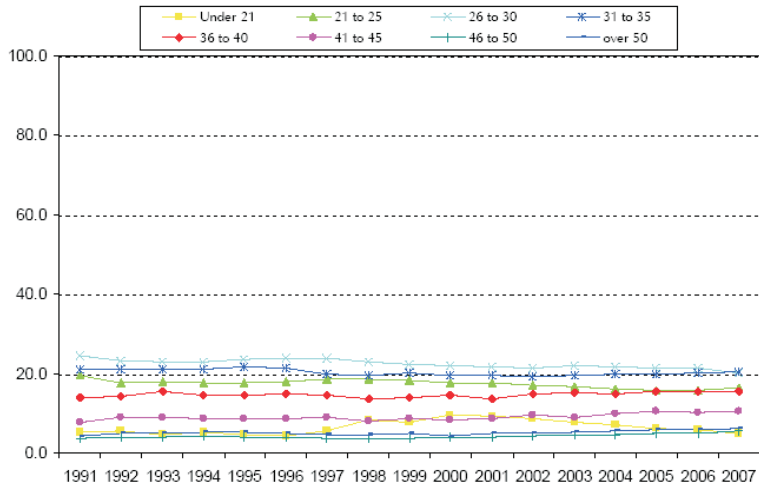


Figure A-4
Age by Citizenship/Citizens

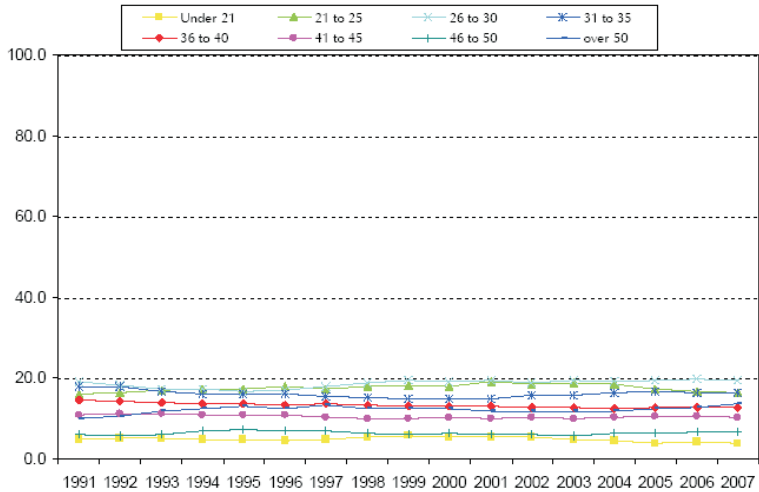


Figure A-5
Trend in Drug Trafficking Offenses by Citizenship

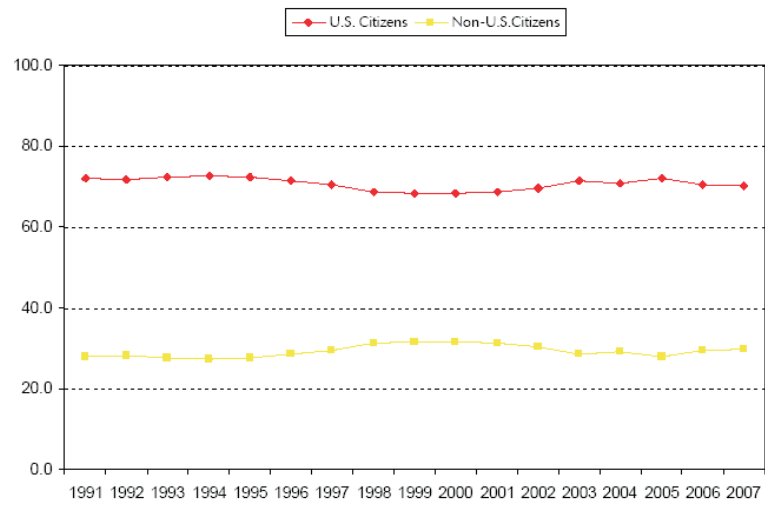


Figure A-6
Trend in Firearms Offenses by Citizenship

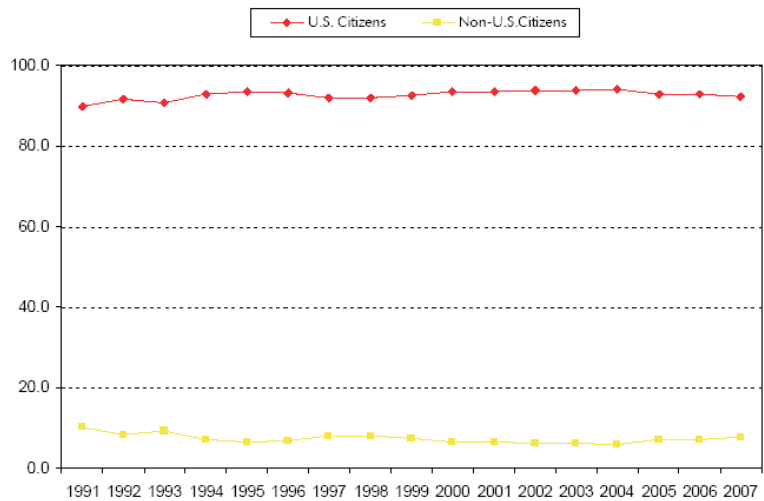


Figure A-7
Trend in Immigration Offenses by Citizenship

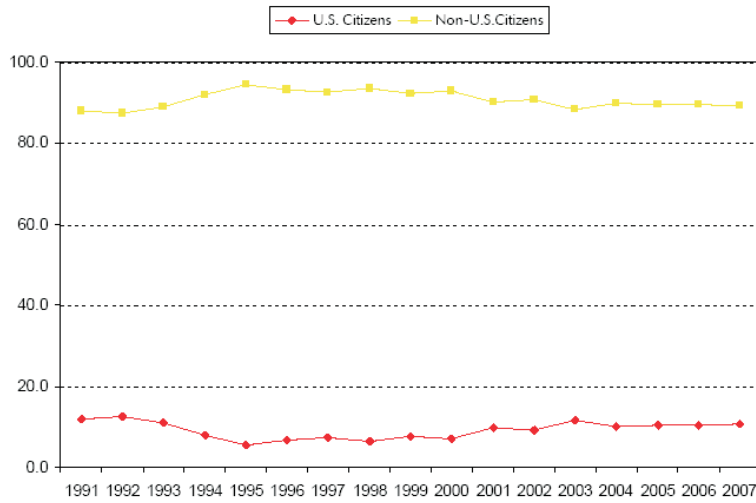


Figure A-8
Trend in Fraud Offenses by Citizenship

