





Chapter Three Adjustments FY 2009

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Chapter Three Adjustments

All Cases

• All cases	100%	(75,607)
• 3B1.2 Mitigating Role	7.9%	(6,002)
• 3B1.1 Aggravating Role	4.5%	(3,415)
• 3C1.1 Obstruction	2.5%	(1,873)
• 3B1.3 Position of Trust	2.1%	(1,587)
• 3C1.2 Reckless Endanger.	0.7%	(517)
• 3A1.1 Vulnerable Victim	0.5%	(384)
• 3A1.2 Official Victim	0.3%	(243)
• 3E1.1 Accept Responsibility	93.6%	(70,748)

Chapter Three Adjustments

2D1.1 (Drug Trafficking) Cases

- All cases (23,468)
- 3B1.2 Mitigating Role 20.1%
- 3B1.1 Aggravating Role 6.0%
- 3C1.1 Obstruction 2.4%
- 3B1.3 Position of Trust 0.6%
- 3C1.2 Reckless Endangerment 0.8%
- 3A1.1 Vulnerable Victim 0.0%
- 3A1.2 Official Victim 0.0%
- 3E1.1 Acceptance of Responsibility 93.7%

Chapter Three Adjustments

2L1.1 (Alien Smuggling/Harboring) Cases

- All cases (3,185)
- 3B1.2 Mitigating Role 10.3%
- 3B1.1 Aggravating Role 4.0%
- 3C1.1 Obstruction 2.0%
- 3B1.3 Position of Trust 0.3%
- 3C1.2 Reckless Endangerment 1.1%
- 3A1.1 Vulnerable Victim 0.1%
- 3A1.2 Official Victim 0.0%
- 3E1.1 Acceptance of Responsibility 95.1%

Chapter Three Adjustments

2L1.2 (Unlawful Entry/ Remaining) Cases

- All cases (17,089)
- 3B1.2 Mitigating Role 0.0%
- 3B1.1 Aggravating Role 0.0%
- 3C1.1 Obstruction 0.1%
- 3B1.3 Position of Trust 0.0%
- 3C1.2 Reckless Endangerment 0.0%
- 3A1.1 Vulnerable Victim 0.0%
- 3A1.2 Official Victim 0.0%
- 3E1.1 Acceptance of Responsibility 99.4%

Chapter Three Adjustments

2K2.1 (Firearms) Cases

- All cases (6,374)
- 3B1.2 Mitigating Role 0.9%
- 3B1.1 Aggravating Role 0.8%
- 3C1.1 Obstruction 2.9%
- 3B1.3 Position of Trust 0.2%
- 3C1.2 Reckless Endangerment 2.0%
- 3A1.1 Vulnerable Victim 0.0%
- 3A1.2 Official Victim 0.6%
- 3E1.1 Acceptance of Responsibility 91.8%

Chapter Three Adjustments

2B1.1 (Larceny, Fraud, and Theft) Cases

- All cases (7,951)
- 3B1.2 Mitigating Role 4.2%
- 3B1.1 Aggravating Role 9.1%
- 3C1.1 Obstruction 3.5%
- 3B1.3 Position of Trust 14.5%
- 3C1.2 Reckless Endangerment 0.2%
- 3A1.1 Vulnerable Victim 1.9%
- 3A1.2 Official Victim 0.0%
- 3E1.1 Acceptance of Responsibility 92.5%

Chapter Three Adjustments

2G2.1 (Production of Pornography) Cases

- All cases (386)
- 3B1.2 Mitigating Role 0.0%
- 3B1.1 Aggravating Role 5.7%
- 3C1.1 Obstruction 10.9%
- 3B1.3 Position of Trust 5.7%
- 3C1.2 Reckless Endangerment 0.0%
- 3A1.1 Vulnerable Victim 1.8%
- 3A1.2 Official Victim 0.0%
- 3E1.1 Acceptance of Responsibility 85.0%

Chapter Three Adjustments

2G2.2 (Trafficking in Pornography) Cases

- All cases (1,620)
- 3B1.2 Mitigating Role 0.1%
- 3B1.1 Aggravating Role 0.2%
- 3C1.1 Obstruction 2.2%
- 3B1.3 Position of Trust 0.1%
- 3C1.2 Reckless Endangerment 0.0%
- 3A1.1 Vulnerable Victim 2.4%
- 3A1.2 Official Victim 0.0%
- 3E1.1 Acceptance of Responsibility 94.7%

3E1.1 Acceptance of Responsibility

- 93.6% of all cases in FY09
- Of those cases in which the adjustment was applied:
 - 35.5% received a 2 level reduction
 - 64.5% received a 3 level reduction (must be BOL 16 or higher and timely notification to the government of intent to plead guilty)

3B1.2 Mitigating Role

- 7.9% of all cases in FY09
- Of those cases in which the adjustment was applied:
 - 18.9 % received a 4 level reduction (minimal)
 - 7.1% received a 3 level reduction (between)
 - 74.0% received a 2 level reduction (minor)

3B1.1 Aggravating Role

- 4.5% of all cases in FY09
- Of those cases in which the adjustment was applied:
 - 33.3% received 4 points (organizer/leader)
 - 22.8% received 3 points (manager/supervisor)
 - 43.9% received 2 points (other than above)

3A1.1 Vulnerable Victim

- 0.5% of all cases in FY09
- Of those cases in which the adjustment was applied:
 - 5.2% received 4 points (multiple victims)
 - 6.5% received 3 points
 - 88.3% received 2 points

3A1.2 Official Victim

- 0.3% of all cases in FY09
- Of those cases in which the adjustment was applied:
 - 19.1% received 3 points
 - 80.9% received 6 points (see Ch 2, Pt. A offense or assault on law enforcement officer or prison official)

