



# Alternative Sentencing in the Federal Criminal Justice System

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National Seminar on the Federal Sentencing Guidelines

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# United States Sentencing Commission Office of Research and Data

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Alternative Sentencing in the  
Federal Criminal Justice System



UNITED STATES SENTENCING COMMISSION



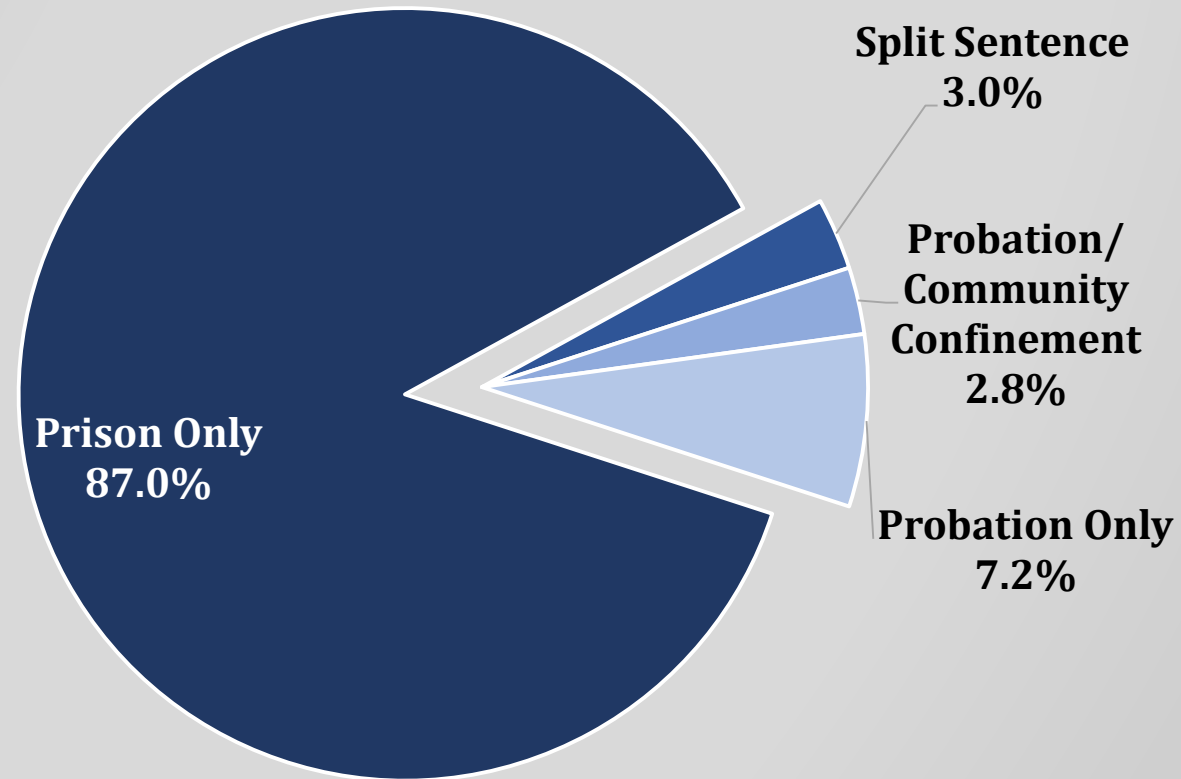
# Report Findings

## 2005 - 2014

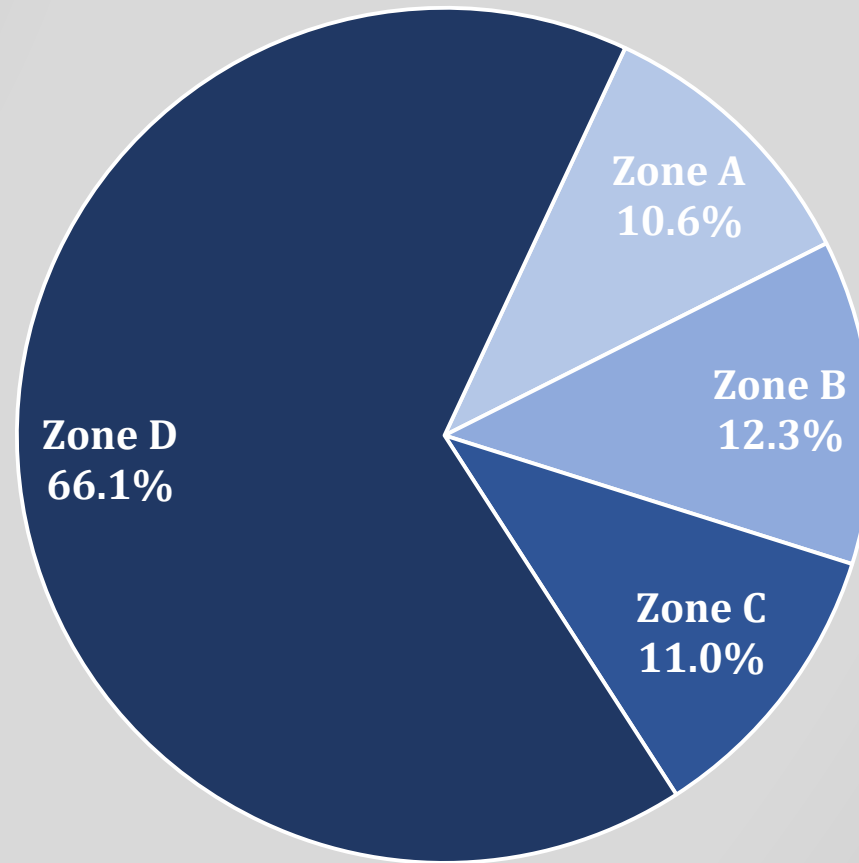
- Overall decreasing trend in the imposition of alternative sentences
- Large number of *ineligible* offenders
  - deportable aliens
  - convictions under certain statutes
- Decrease in alternative sentences among *eligible* offenders despite
  - steady overall increase downward departures and variances
  - overall consistency in offense severity
- Decrease, in part, due to the Commission's 2010 expansion of Zones B and C
- Alternative sentences imposed at notably different rates for offenders in different race categories
- Alternative sentences imposed at consistently low rates in Zone D



# Type of Sentence Imposed for Federal Offenders Fiscal Year 2014 (N=75,175)



# Federal Offenders in Each Sentencing Table Zone Fiscal Year 2014 (N=51,707)

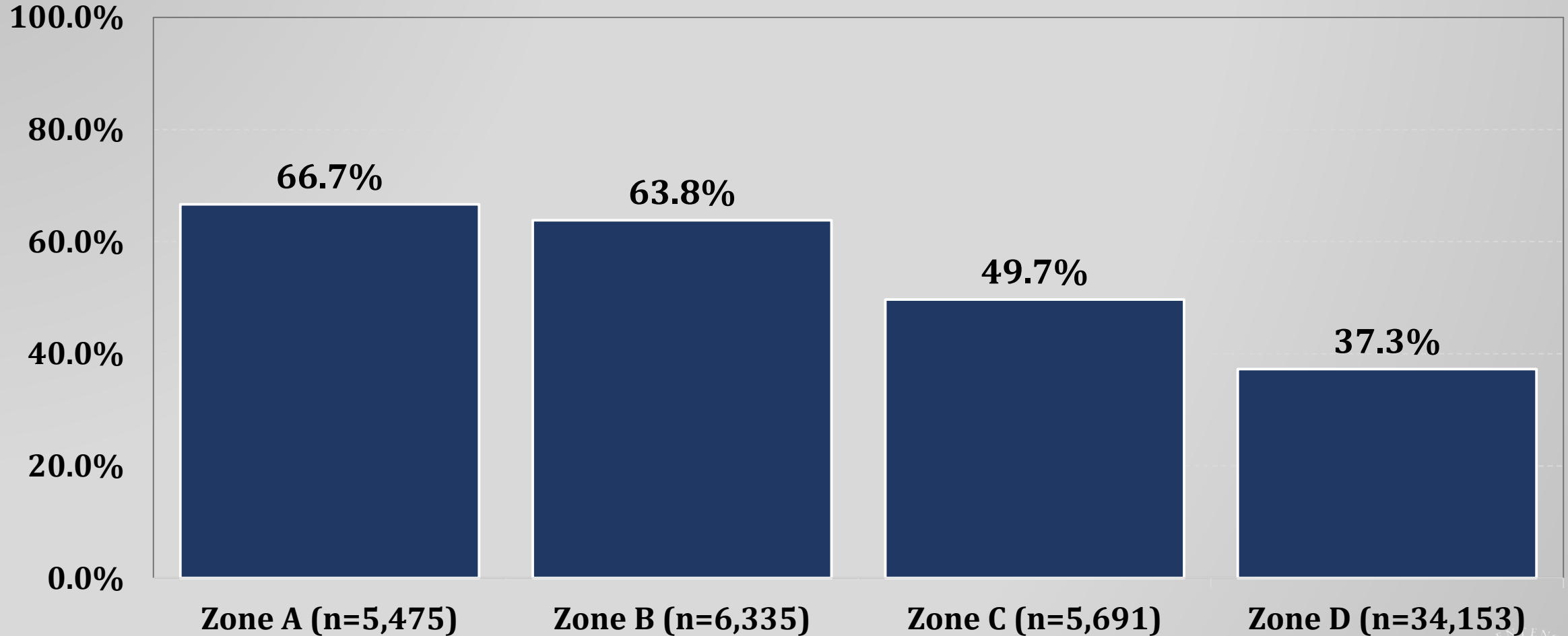


SOURCE: U.S. Sentencing Commission FY2014 Datafile, USSCFY14 Of the 75,836 cases received by the Commission in fiscal year 2014, a total of 19,275 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (16,606) or were missing information on statutory minimum (2,669). Of the remaining 56,561 cases, 4,765 were excluded due to incomplete guideline application information. An additional 89 cases were excluded because they did not involve sentences of prison or probation.



# Non-Citizen Federal Offenders in Each Sentencing Table Zone <sup>7</sup>

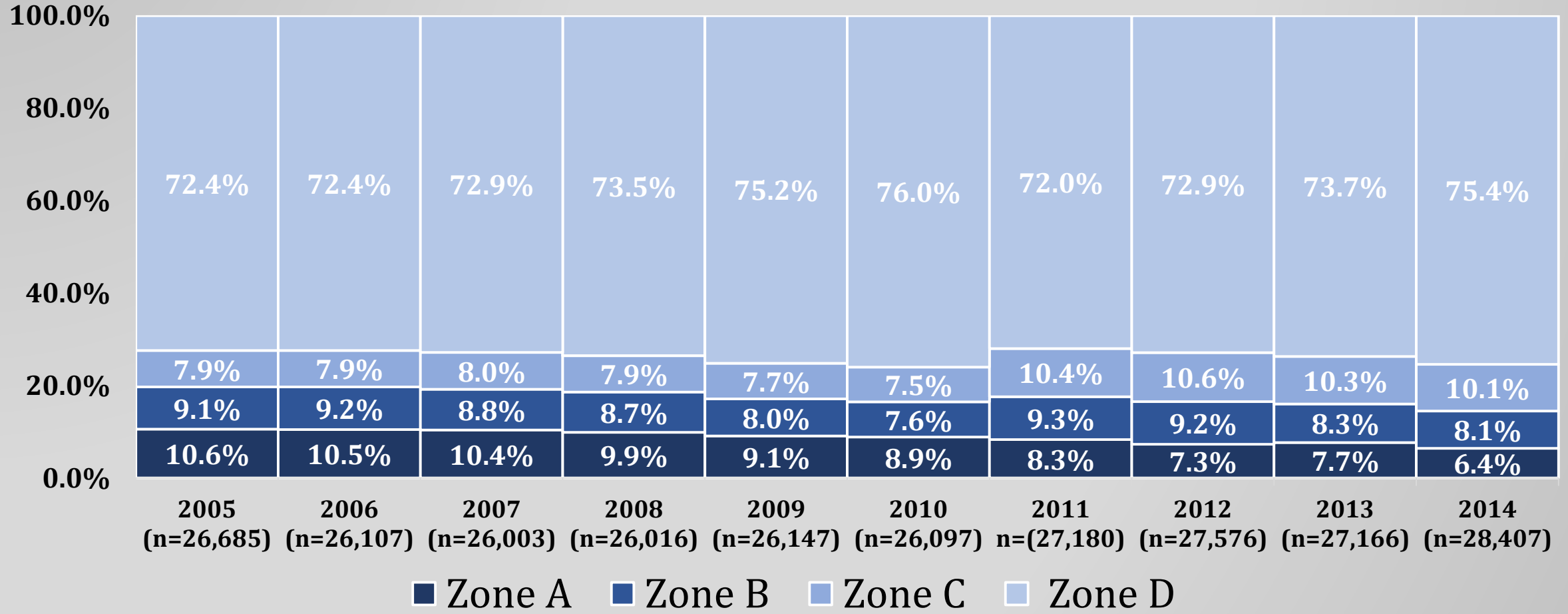
## Fiscal Year 2014 (N=23,247)



SOURCE: U.S. Sentencing Commission FY2014 Datafile, USSCFY14. Of the 75,836 cases received by the Commission in fiscal year 2014, a total of 19,275 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (16,606) or were missing information on statutory minimum (2,669). Of the remaining 56,561 cases, 4,765 were excluded due to incomplete guideline application information. An additional 89 cases were excluded because they did not involve sentences of prison or probation. An additional 28,460 cases were excluded because they involved U.S. citizens (28,407) or were missing information on citizenship (53).



# Trend of U.S. Citizen Federal Offenders in Each Sentencing Table Zone Fiscal Years 2005-2014 (N=267,384)



SOURCE: U.S. Sentencing Commission FY2014 Datafile, USSCFY14. Of the 785,953 cases received by the Commission from fiscal years 2005 through 2014, a total of 237,052 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (201,975) or were missing information on statutory minimum (35,077). Of the remaining 548,901 cases, 49,580 were excluded due to incomplete (49,429) or missing guideline application information (151). An additional 986 cases were excluded because they did not involve sentences of prison or probation (823) or were missing information on sentence imposed (163). An additional 230,950 cases were excluded because they involved non-citizens (229,878) or were missing information on citizenship (1,072). One case was excluded because it was missing information on sentencing zone.

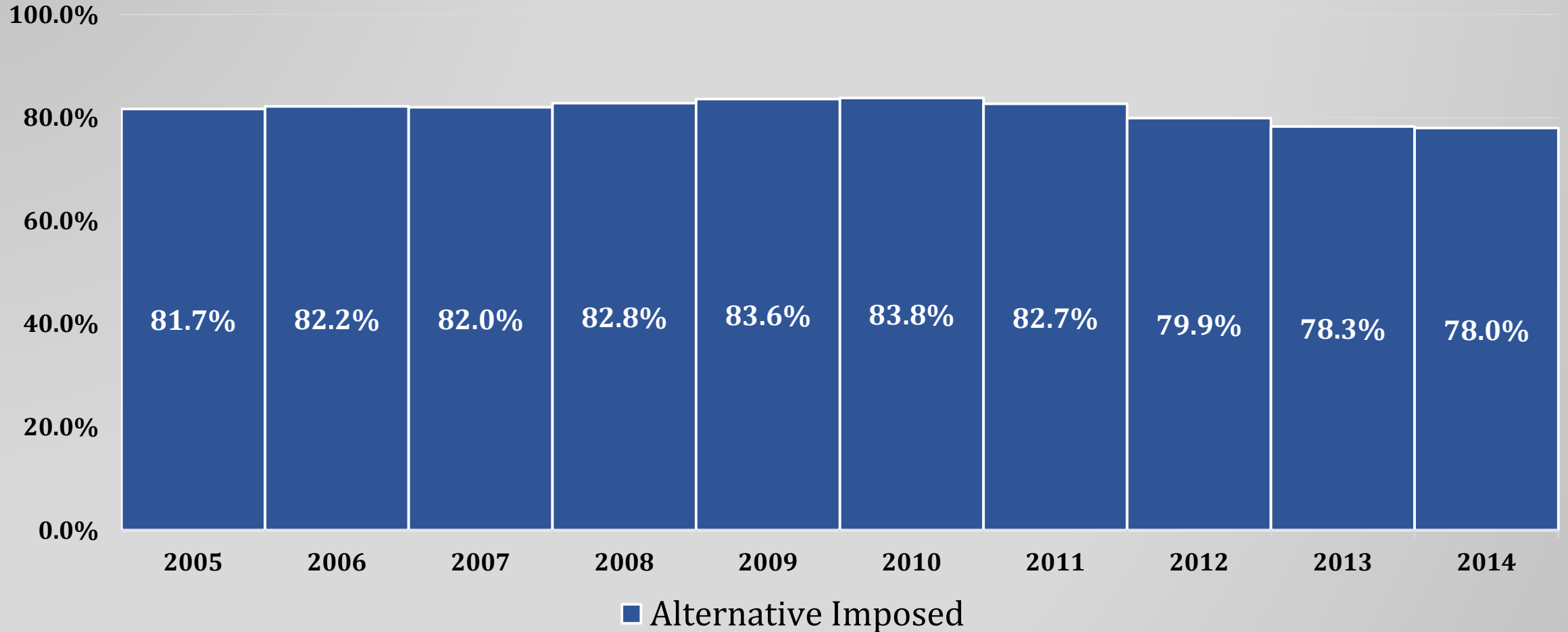


# Eligible Offenders and Alternative Sentences

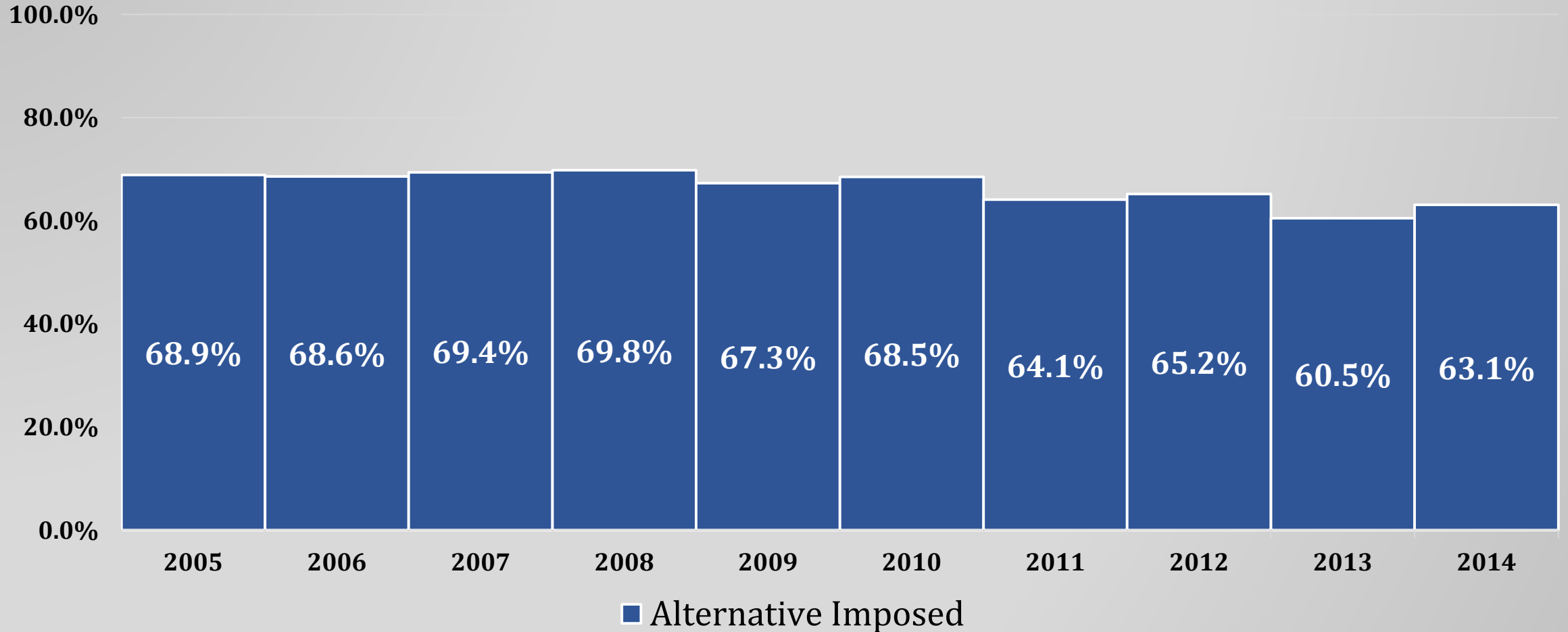
- Eligible offenders
  - U.S. citizens
  - No mandatory minimum convictions
  - Zones A, B, or C
- Alternative Sentences
  - Zone A – any sentence of probation (including conditions of confinement)
  - Zone B, C, and D – any sentence involving probation (including conditions of confinement), any split sentence



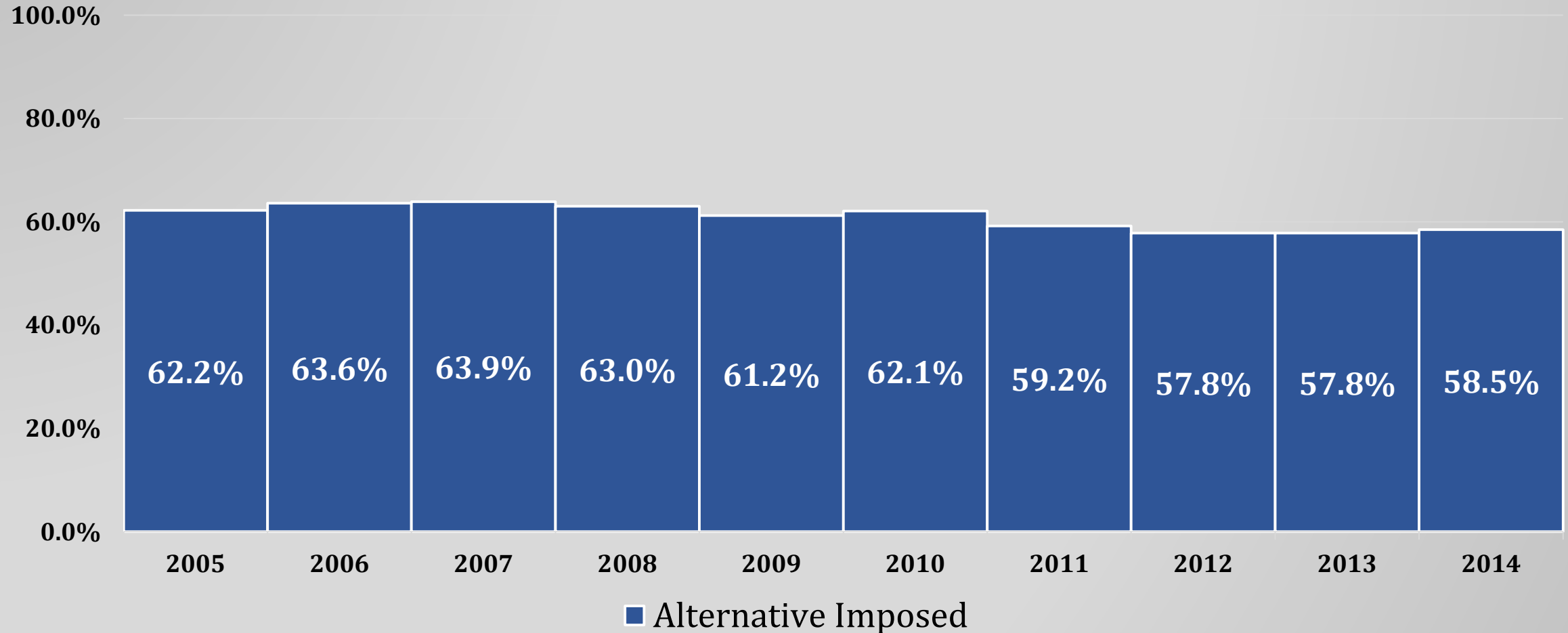
# Trend in Imposition of Alternative Sentences for Eligible U.S. Citizen Federal Offenders in Zone A Fiscal Years 2005-2014



# Trend in Imposition of Alternative Sentences for Eligible U.S. Citizen Federal Offenders in Zone B Fiscal Years 2005-2014



# Trend in Imposition of Alternative Sentences for Eligible U.S. Citizen Federal Offenders in Zone C Fiscal Years 2005-2014



# Sentences Relative to the Guideline Range



# Rates of Alternatives to Incarceration Imposed for Each Category of Sentence Relative to the Guideline Range for Eligible U.S. Citizen Federal Offenders in Zones A, B, and C

## Fiscal Years 2005 and 2014

Sentence Relative to the Guideline Range	Alternative to Incarceration Imposed for Offenders in Zone A-C	
	2005 (n=5,261)	2014 (n=4,536)
Within Range	70.5%	59.7%
§5K1.1 Departure	84.9%	78.2%
Other Gov't Sponsored Below Range	65.1%	71.8%
Non-Gov't Sponsored Below Range	85.8%	76.7%

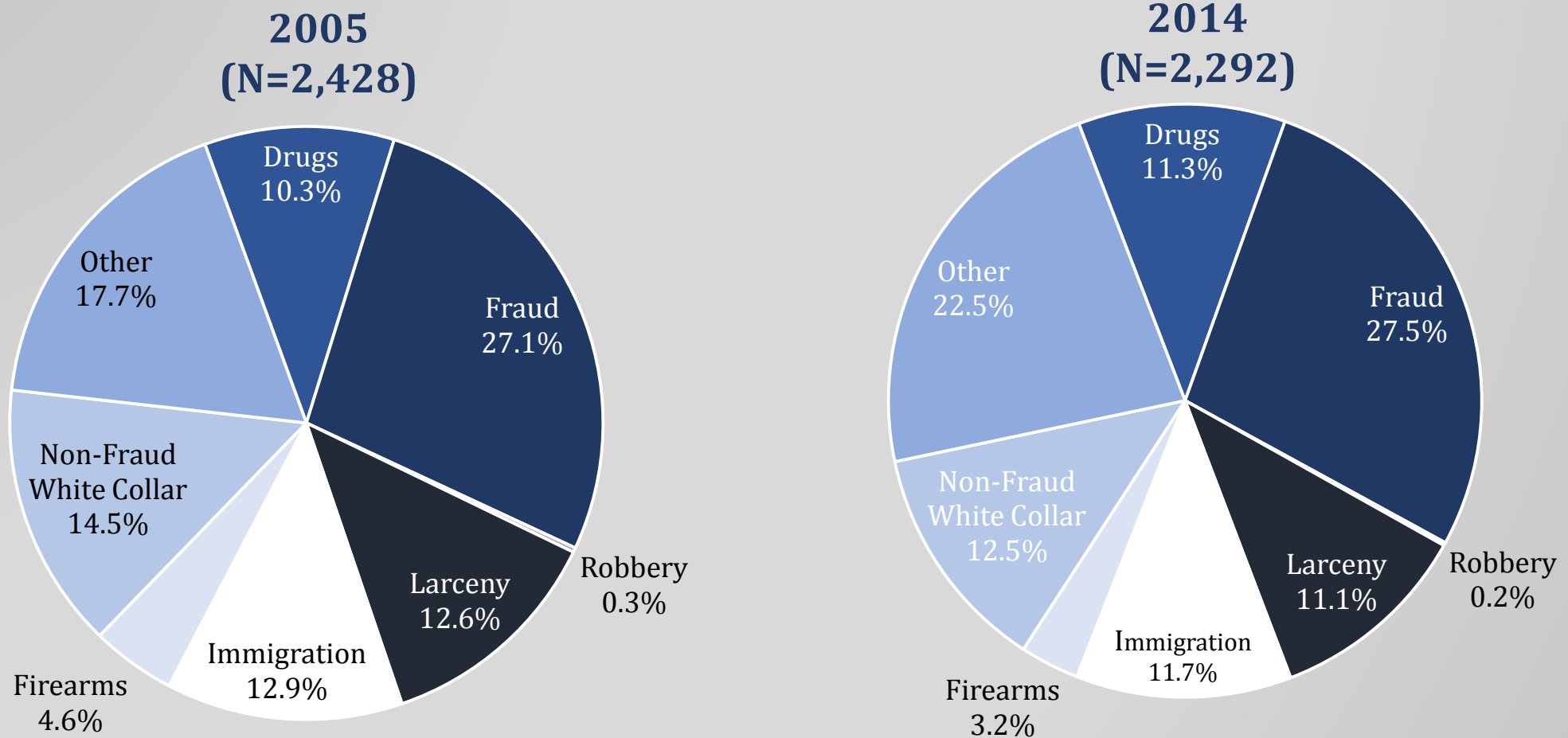
SOURCE: U.S. Sentencing Commission FY2014 Datafile, USSCFY14. Of the 148,298 cases received by the Commission in fiscal years 2005 and 2014, a total of 42,868 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (35,927) or were missing information on statutory minimum (6,941). Of the remaining 105,430 cases, 9,836 were excluded due to incomplete (6,790) or missing guideline application information (151). An additional 230 cases were excluded because they did not involve sentences of prison or probation (196) or were missing information on sentence imposed (34). An additional 40,271 cases were excluded because they involved non-citizens (40,006) or were missing information on citizenship (265). An additional 40,753 cases were excluded because they involved sentencing ranges in Zone D (40,752) or were missing information on sentencing zone (1). In addition, 1,302 cases were excluded because they involved sentences above the applicable guideline range (1,210) or were missing information on sentence relative to the guideline range (92).



# Offense Type and Offender Seriousness Zones B and C



# Zone B: Offense Types for U.S. Citizen Federal Offenders Fiscal Years 2005 and 2014



SOURCE: U.S. Sentencing Commission FY2005 and FY2014 Datafiles, USSCFY05 and USSCFY14. Of the 148,298 cases received by the Commission in fiscal years 2005 and 2014, a total of 42,868 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (35,927) or were missing information on statutory minimum (6,941). Of the remaining 105,430 cases, 9,836 were excluded due to incomplete (6,790) or missing guideline application information (151). An additional 230 cases were excluded because they did not involve sentences of prison or probation (196) or were missing information on sentence imposed (34). An additional 40,271 cases were excluded because they involved non-citizens (40,006) or were missing information on citizenship (265). An additional 50,373 cases were excluded because they involved sentencing ranges in Zones A, C, or D (50,372) or were missing information on sentencing zone (1).





# Zone B : Selected Data Comparing U.S. Citizen Federal Offenders<sup>17</sup> Fiscal Years 2005 and 2014

	Offenders with Sentencing Ranges in Zone B	
	2005 (n=2,423)	2014 (n=2,280)
<b>Alternative to Incarceration Imposed</b>	68.9%	63.1%
<b>Criminal History Category I</b>	65.1%	62.3%
<b>Drug Offenses Involving Marijuana</b>	45.7%	37.5%
<b>Class A or B Felony Conviction</b>	6.3%	6.0%
<b>Median Loss: Fraud Offenses</b>	\$18,000	\$23,832
<b>Median Loss: Non-Fraud White Collar Offenses</b>	\$15,000	\$10,144

SOURCE: U.S. Sentencing Commission FY2005 and FY2014 Datafiles, USSCFY05 and USSCFY14. Of the 148,298 cases received by the Commission in fiscal years 2005 and 2014, a total of 42,868 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (35,927) or were missing information on statutory minimum (6,941). Of the remaining 105,430 cases, 9,836 were excluded due to incomplete (6,790) or missing guideline application information (151). An additional 230 cases were excluded because they did not involve sentences of prison or probation (196) or were missing information on sentence imposed (34). An additional 40,271 cases were excluded because they involved non-citizens (40,006) or were missing information on citizenship (265). An additional 50,373 cases were excluded because they involved sentencing ranges in Zones A, C, or D (50,372) or were missing information on sentencing zone (1). An additional 17 cases were excluded because their alternative to incarceration involved a total sentence that was above the guideline range. Cases missing information for a variable were excluded from the analysis for that variable.



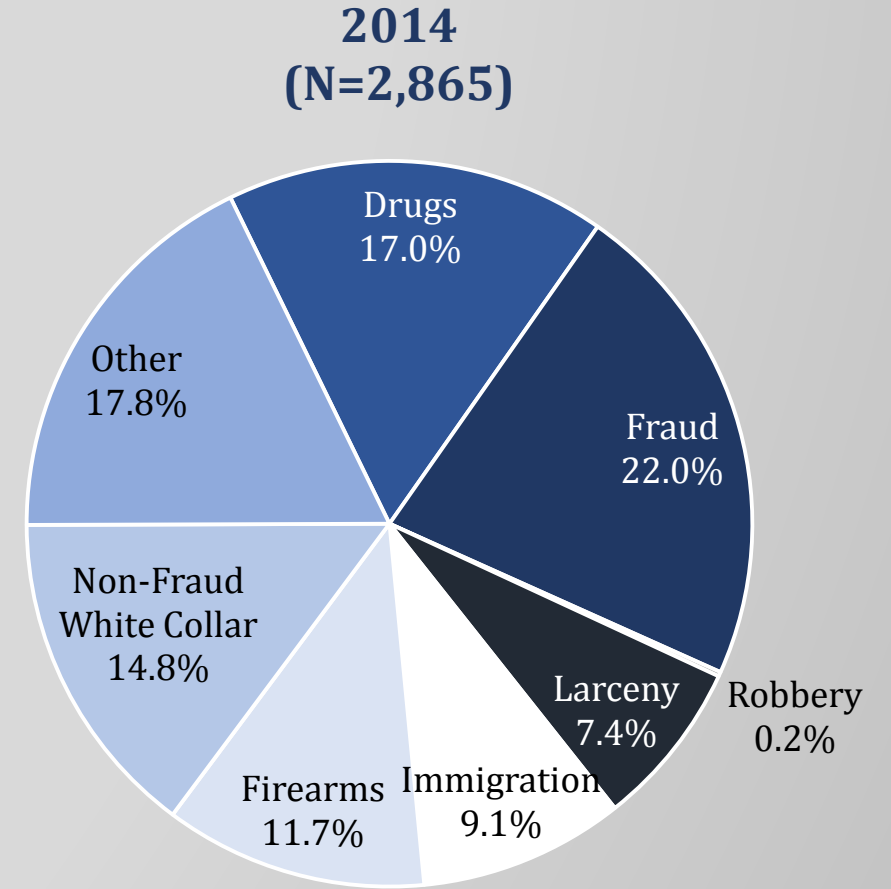
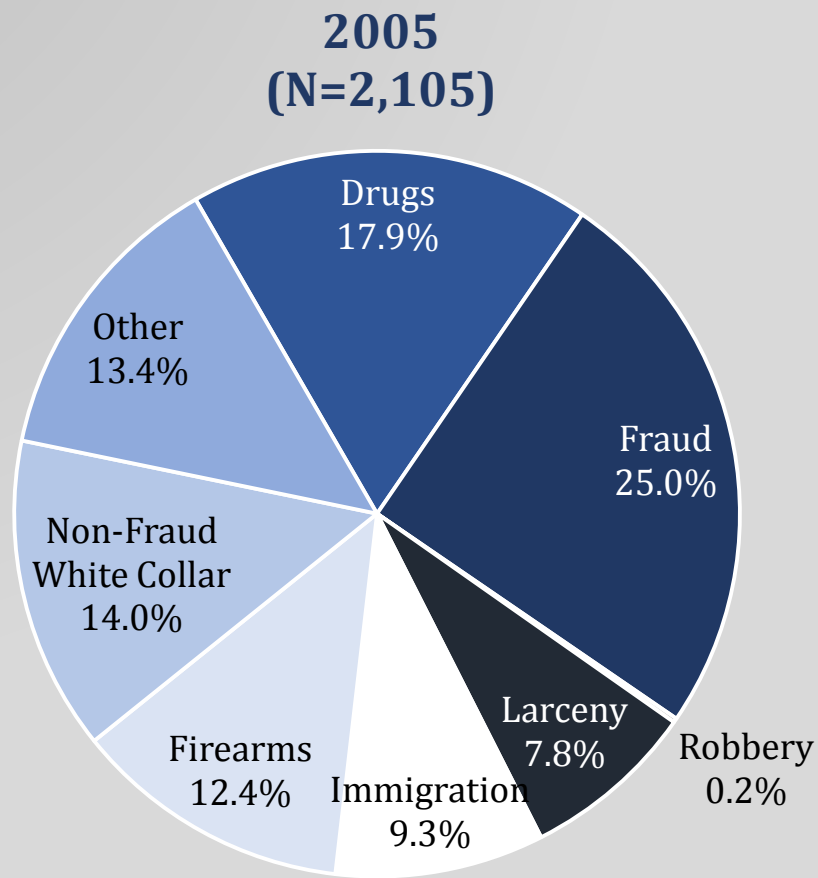
# Zone B: Selected Data Comparing U.S. Citizen Federal Offenders in Old and New Cells Fiscal Years 2011-2014

	Offenders with Sentencing Ranges in Zone B After Zone Expansion Effective November 1, 2010	
	Old Cells (n=6,957)	New Cells (n=2,082)
<b>Alternative to Incarceration Imposed</b>	65.1%	55.0%
<b>Class A or B Felony Conviction</b>	4.2%	11.4%
<b>Criminal History Category I</b>	66.5%	41.6%
<b>Drug Offenses Involving Marijuana</b>	48.1%	34.8%
<b>Median Loss: Fraud Offenses</b>	\$19,871	\$32,382
<b>Median Loss: Non-Fraud White Collar Offenses</b>	\$10,137	\$10,268

SOURCE: U.S. Sentencing Commission FY2011 and FY2014 Datafiles, USSCFY11 and USSCFY14. Of the 326,245 cases received by the Commission from fiscal years 2011 through 2014, a total of 90,595 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (77,365) or were missing information on statutory minimum (13,230). Of the remaining 235,650 cases, 20,722 were excluded due to incomplete guideline application information. An additional 321 cases were excluded because they did not involve sentences of prison or probation (309) or were missing information on sentence imposed (12). An additional 104,278 cases were excluded because they involved non-citizens (104,093) or were missing information on citizenship (185). An additional 100,720 cases were excluded because they involved sentencing ranges in Zones A, C, or D. An additional 49 cases were excluded because their alternative sentence involved a total sentence that was above the applicable guideline range. An additional 521 cases were excluded because they were sentenced using a Guidelines Manual in effect prior to November 1, 2010. Cases missing information for a variable were excluded from the analysis for that variable.



# Zone C : Offense Types for U.S. Citizen Federal Offenders Fiscal Years 2005 and 2014



SOURCE: U.S. Sentencing Commission FY2005 and FY2014 Datafiles, USSCFY05 and USSCFY14. Of the 148,298 cases received by the Commission in fiscal years 2005 and 2014, a total of 42,868 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (35,927) or were missing information on statutory minimum (6,941). Of the remaining 105,430 cases, 9,836 were excluded due to incomplete (6,790) or missing guideline application information (151). An additional 230 cases were excluded because they did not involve sentences of prison or probation (196) or were missing information on sentence imposed (34). An additional 40,271 cases were excluded because they involved non-citizens (40,006) or were missing information on citizenship (265). An additional 50,123 cases were excluded because they involved sentencing ranges in Zones A, B, or D (50,122) or were missing information on sentencing zone (1).



# Zone C : Selected Data Comparing U.S. Citizen Federal Offenders<sup>20</sup> Fiscal Years 2005 and 2014

	Offenders with Sentencing Ranges in Zone C	
	2005 (n=2,105)	2014 (n=2,863)
<b>Alternative to Incarceration Imposed</b>	62.2%	58.5%
<b>Class A or B Felony Conviction</b>	9.7%	4.0%
<b>Criminal History Category I</b>	66.0%	75.5%
<b>Drug Offenses Involving Marijuana</b>	56.5%	45.6%
<b>Median Loss: Fraud Offenses</b>	\$44,267	\$70,544
<b>Median Loss: Non-Fraud White Collar Offenses</b>	\$45,058	\$61,733

SOURCE: U.S. Sentencing Commission FY2005 and FY2014 Datafiles, USSCFY05 and USSCFY14. Of the 148,298 cases received by the Commission in fiscal years 2005 and 2014, a total of 42,868 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (35,927) or were missing information on statutory minimum (6,941). Of the remaining 105,430 cases, 9,836 were excluded due to incomplete (6,790) or missing guideline application information (151). An additional 230 cases were excluded because they did not involve sentences of prison or probation (196) or were missing information on sentence imposed (34). An additional 40,271 cases were excluded because they involved non-citizens (40,006) or were missing information on citizenship (265). An additional 50,123 cases were excluded because they involved sentencing ranges in Zones A, B, or D (50,122) or were missing information on sentencing zone (1). An additional two cases were excluded because their alternative to incarceration involved a total sentence that was above the guideline range. Cases missing information for a variable were excluded from the analysis for that variable.



# Zone C: Selected Data Comparing U.S. Citizen Offenders in Old and New Cells Fiscal Years 2011-2014

	Offenders with Sentencing Ranges in Zone C After Zone Expansion Effective November 1, 2010	
	Old Cells (n=4,984)	New Cells (n=5,936)
<b>Alternative to Incarceration Imposed</b>	61.8%	55.1%
<b>Class A or B Felony Conviction</b>	1.4%	6.1%
<b>Median Loss: Fraud Offenses</b>	\$52,328	\$81,637
<b>Median Loss: Non-Fraud White Collar Offenses</b>	\$44,389	\$78,549
<b>Criminal History Category I</b>	75.8%	74.7%
<b>Drug Offenses Involving Marijuana</b>	50.0%	54.7%

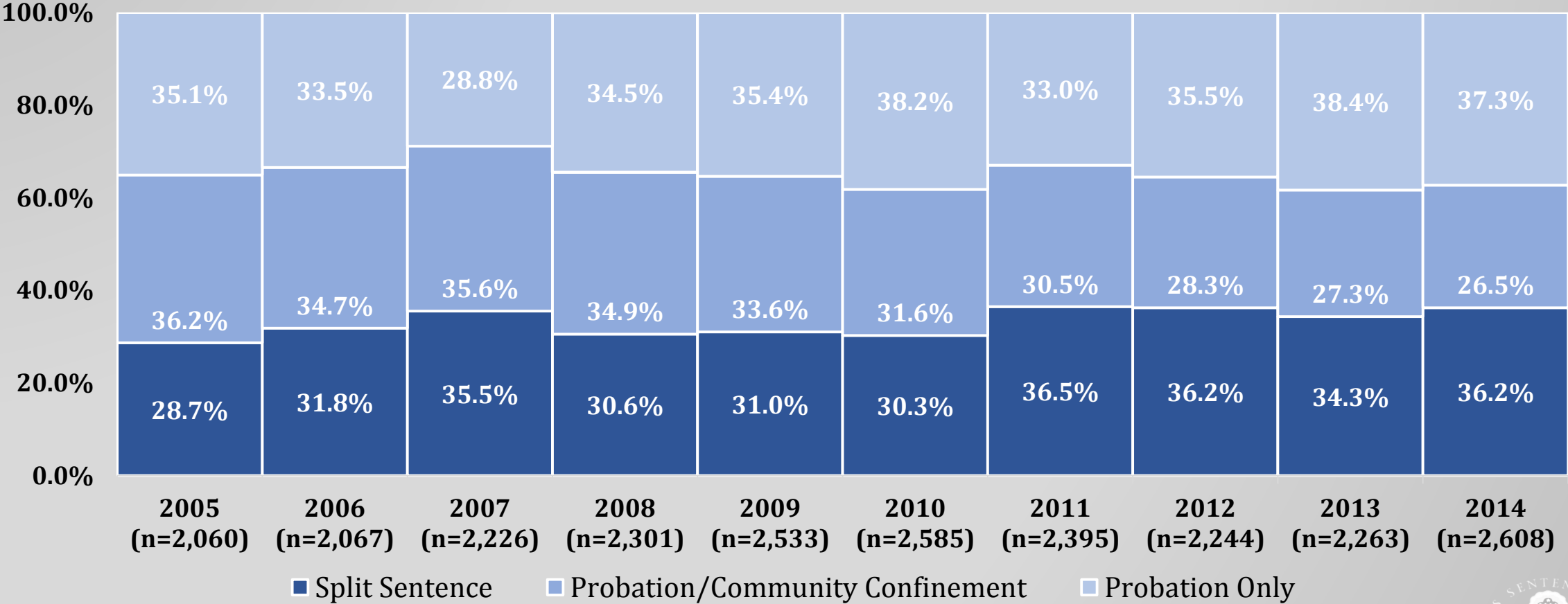
SOURCE: U.S. Sentencing Commission FY2011 and FY2014 Datafiles, USSCFY11 and USSCFY14. Of the 326,245 cases received by the Commission from fiscal years 2011 through 2014, a total of 90,595 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (77,365) or were missing information on statutory minimum (13,230). Of the remaining 235,650 cases, 20,722 were excluded due to incomplete guideline application information. An additional 321 cases were excluded because they did not involve sentences of prison or probation (309) or were missing information on sentence imposed (12). An additional 104,278 cases were excluded because they involved non-citizens (104,093) or were missing information on citizenship (185). An additional 98,913 cases were excluded because they involved sentencing ranges in Zones A, B, or D. An additional 19 cases were excluded because their alternative to incarceration involved a total sentence that was above the guideline range. An additional 477 cases were excluded because they were sentenced using a *Guidelines Manual* in effect prior to November 1, 2010. Cases missing information for a variable were excluded from the analysis for that variable.



# Offenders with Sentencing Ranges in Zone D



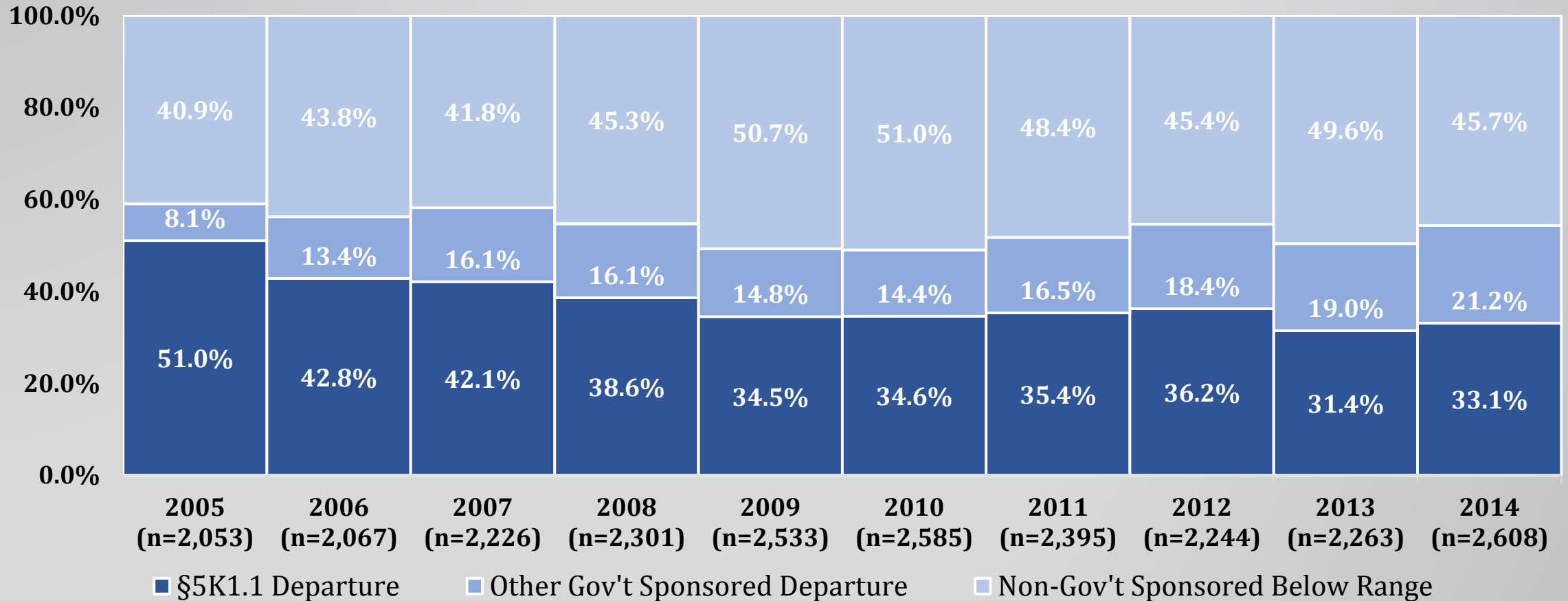
# Zone D: Trend in Types of Alternatives to Incarceration Imposed for U.S. Citizen Federal Offenders Fiscal Years 2005-2014



SOURCE: U.S. Sentencing Commission FY05-FY14 Datafiles, USSCFY05-USSCFY14. Of the 785,953 cases received by the Commission from fiscal years 2005 through 2014, a total of 237,052 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (201,975) or were missing information on statutory minimum (35,077). Of the remaining 548,901 cases, 49,580 were excluded due to incomplete (49,429) or missing guideline application information (151). An additional 986 cases were excluded because they did not involve sentences of prison or probation (823) or were missing information on sentence imposed (163). An additional 230,950 cases were excluded because they involved non-citizens (229,878) or were missing information on citizenship (1,072). An additional 70,453 cases were excluded because they involved sentencing ranges in Zones A, B, or C (70,452) or were missing information on sentencing zone (1). An additional 173,645 cases were excluded because they involved prison sentences.



# Zone D: Trend in Types of Below Range Sentences for U.S. Citizen Federal Offenders Sentenced to Alternatives Fiscal Years 2005-2014

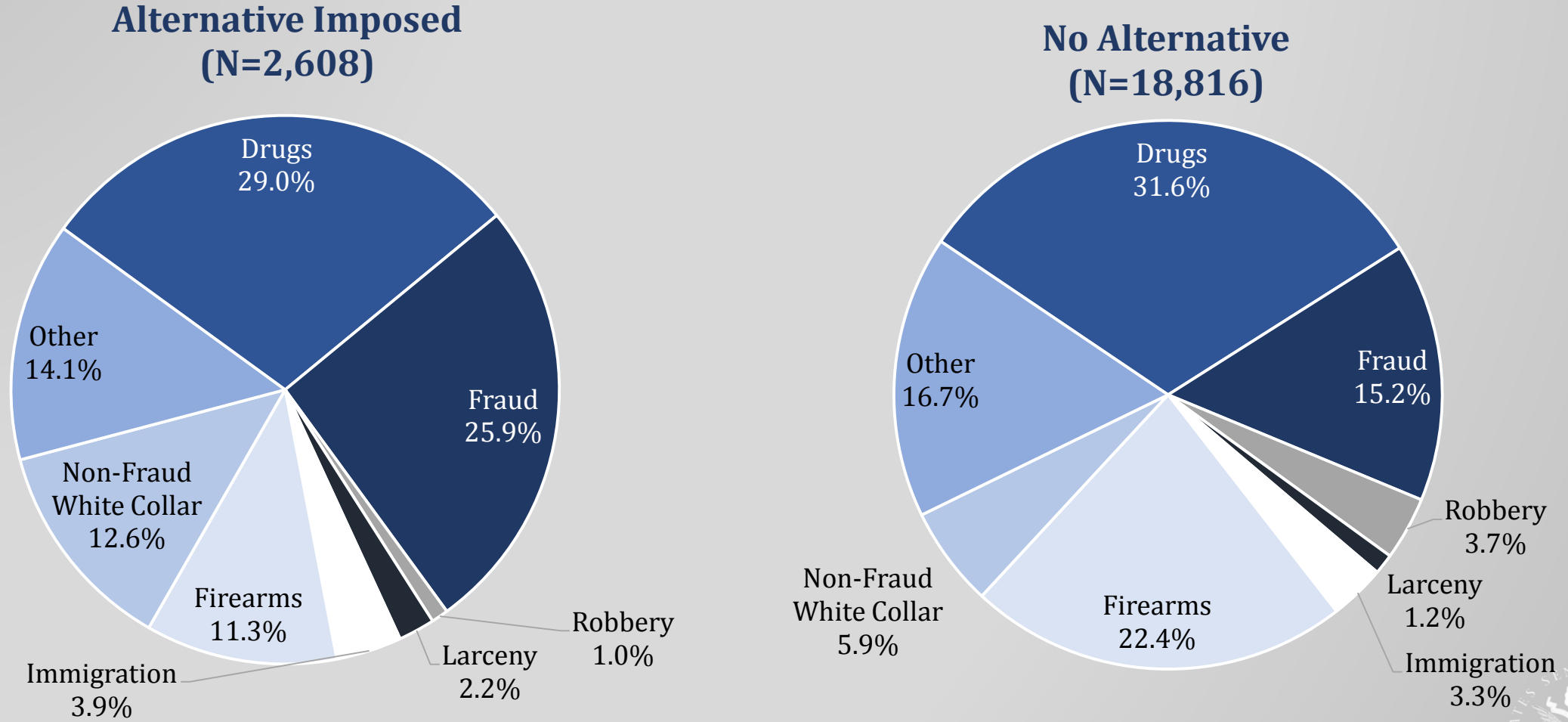


SOURCE: U.S. Sentencing Commission FY05-FY14 Datafiles, USSCFY05-USSCFY14. Of the 785,953 cases received by the Commission from fiscal years 2005 through 2014, a total of 237,052 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (201,975) or were missing information on statutory minimum (35,077). Of the remaining 548,901 cases, 49,580 were excluded due to incomplete (49,429) or missing guideline application information (151). An additional 986 cases were excluded because they did not involve sentences of prison or probation (823) or were missing information on sentence imposed (163). An additional 230,950 cases were excluded because they involved non-citizens (229,878) or were missing information on citizenship (1,072). An additional 70,453 cases were excluded because they involved sentencing ranges in Zones A, B, or C (70,452) or were missing information on sentencing zone (1). An additional 173,645 cases were excluded because they involved prison sentences. An additional seven cases were excluded due to insufficient information in the case documentation to determine sentence relative to the guideline range.





# Zone D: Offense Types and Imposition of Alternatives to Incarceration for U.S. Citizen Federal Offenders Fiscal Year 2014



SOURCE: U.S. Sentencing Commission FY14 Datafile, USSCFY14. Of the 75,836 cases received by the Commission in fiscal year 2014, a total of 19,275 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (16,606) or were missing information on statutory minimum (2,669). Of the remaining 56,561 cases, 4,765 were excluded due to incomplete guideline application information. An additional 89 cases were excluded because they did not involve sentences of prison or probation. An additional 23,300 cases were excluded because they involved non-citizens (23,247) or were missing information on citizenship (53). An additional 6,983 cases were excluded because they involved sentencing ranges in Zones A, B, or C.



# Zone D: Selected Data Comparing Imposition of Alternatives to<sup>26</sup> Incarceration for U.S. Citizen Federal Offenders Fiscal Year 2014

	Offenders with Sentencing Ranges in Zone D	
	Alternative Imposed (n=2,608)	No Alternative (n=18,816)
<b>Average Final Offense Level</b>	19	22
<b>Median Loss: Non-Fraud White Collar Offenses</b>	\$220,890	\$195,744
<b>Class A or B Felony Conviction</b>	5.4%	8.2%
<b>Criminal History Category I</b>	70.9%	37.2%
<b>Drug Offenses Involving Marijuana</b>	20.1%	12.7%
<b>Median Loss: Fraud Offenses</b>	\$391,461	\$636,261

SOURCE: U.S. Sentencing Commission FY14 Datafile, USSCFY14. Of the 75,836 cases received by the Commission in fiscal year 2014, a total of 19,275 were excluded because they involved convictions under statutes requiring a mandatory minimum sentence (16,606) or were missing information on statutory minimum (2,669). Of the remaining 56,561 cases, 4,765 were excluded due to incomplete guideline application information. An additional 89 cases were excluded because they did not involve sentences of prison or probation. An additional 23,300 cases were excluded because they involved non-citizens (23,247) or were missing information on citizenship (53). An additional 6,983 cases were excluded because they involved sentencing ranges in Zones A, B, or C. Cases missing information for a variable were excluded from the analysis for that variable.



# Offender Characteristics



# Percent of U.S. Citizen Federal Offenders in Each Demographic Group Sentenced to Alternatives Fiscal Year 2014

	Percent with Alternative to Incarceration Imposed			
	Zone A (n=1,407)	Zone B (n=1,433)	Zone C (n=1,666)	Zone D (n=2,608)
<b>Race</b>				
White	81.8%	69.1%	65.9 %	14.9%
Black	78.7%	63.4%	51.8%	8.2%
Hispanic	68.8%	53.3%	49.6%	12.8%
Other	72.5%	55.3%	64.8%	14.3%
<b>Gender</b>				
Male	73.8%	55.9%	53.9%	10.0%
Female	84.0%	75.4%	68.6%	22.8%
<b>Age</b>				
Under 21	69.2%	54.2%	56.9%	12.1%
21-29	69.8%	52.0%	50.0%	9.8%
30-39	78.6%	57.2%	52.8%	9.6%
40-49	80.8%	68.5%	60.5%	13.9%
50 and Older	83.7%	77.0%	69.3%	18.5%



