



United States Sentencing Commission

U. S. Sentencing Commission's Sourcebook of Federal Sentencing Statistics

Introduction

This is the thirteenth edition of the United States Sentencing Commission's Sourcebook of Federal Sentencing Statistics. This Sourcebook contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. **The volume covers fiscal year 2008 (October 1, 2007, through September 30, 2008, hereinafter "2008").** This Sourcebook, together with the 2008 Annual Report, constitutes the annual report referenced in 28 U.S.C. § 997, as well as the analysis, recommendations, and accounting to Congress referenced in 28 U.S.C. § 994(w)(3).

The Commission has continued its statutory mission to collect data on federal sentencing decisions. The Commission received documentation on 76,478 cases sentenced in 2008 under the Sentencing Reform Act. The Commission received, coded, and edited the information from these sentencings into its comprehensive, computerized data collection system.

Background

The Commission collects and analyzes data on federal sentences to support its various activities. As authorized by Congress, the Commission's numerous research responsibilities include (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code; and (4) the systematic collection and dissemination of information regarding the effectiveness of sentences imposed (28 U.S.C. § 995(a)(12) and (14) through (16)).

The Commission maintains a comprehensive, computerized data collection system which forms the basis for its clearinghouse of federal sentencing information and which contributes to the agency's research mission.

Pursuant to 28 U.S.C. § 994(w), the chief judge of each district is required to ensure that within 30 days of entry of judgment in a criminal case, the sentencing court submits a report of sentence to the Commission that includes (1) the judgment and commitment order; (2) the written statement of reasons; (3) any plea agreement; (4) the indictment or other charging document; (5) the presentence report; and (6) any other information the Commission needs.

Data from these documents are extracted and coded for input into various databases. It should be noted that data collection is a dynamic rather than a static process. When research questions arise, the Commission either analyzes existing data or adds information to its data collection system.

The Commission's computerized datasets, without individual identifiers, are available via tape and the Internet through the Inter-University Consortium for Political and Social Research at the University of Michigan (ICPSR) and the Federal Justice Statistics Resource Center.¹

Datasets

For each case in its Offender Dataset, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information. Throughout 2008, the Commission continued to add data elements to its extensive

computerized datafile on defendants sentenced under the guidelines. In addition to its standard data collection, the Commission often codes additional variables to study various distinct issues (e.g., drug offenses, criminal history).

The Commission's 2008 USSC Offender Dataset contains documentation on 76,478 cases sentenced under the Sentencing Reform Act between October 1, 2007, and September 30, 2008. A "case" is defined as one sentencing event for an individual defendant.

The Organizational Dataset captures information on organizations sentenced under Chapter Eight of the guidelines. The Commission collects available data on organizational structure, size, and economic viability; offense of conviction; mode of adjudication; sanctions imposed (including probation and court-ordered compliance programs); and application of the sentencing guidelines. The Commission received information on 199 organizations that were sentenced under Chapter Eight of the sentencing guidelines in 2008.

While the 2008 reporting year includes cases sentenced between October 1, 2007, and September 30, 2008, it is important to note that the offender and organizational data collected and analyzed in the 2008 Annual Report and 2008 Sourcebook of Federal Sentencing Statistics reflect only cases reported to the Commission (i.e., guidelines cases for which the courts forwarded appropriate documentation to the Commission) by February 2, 2009.

The Appeals Dataset tracks appellate review of sentencing decisions. Information captured in this module includes district, circuit, date of opinion, sentencing issues, and the appellate court's disposition. The Commission also tracks final opinions and orders, both published and unpublished, in federal criminal appeals. In 2008, the Commission gathered information on 8,688 appellate court cases.

The appeals data system uses both the "group" and the "defendant" units of analysis. Each group comprises individual records representing all codefendants participating in a consolidated appeal. Each defendant's record comprises the sentencing-related issues corresponding to that particular defendant. These records, linked together by a unique Commission-assigned appeals identification number, constitute a single group.

In 2008, the Commission implemented a data collection system to track resentencings and other modifications of sentence. The information collected includes judicial district, reason for resentencing, new sentence, and guideline application information if available. Information is collected on eight types of resentencings and other modifications of sentence. In 2008, the Commission received documentation on 14,371 resentencings and other modifications of sentence.

¹ Commission datasets can be accessed using the Internet address <http://www.ICPSR.umich.edu/> or <http://fjsrc.urban.org/index.cfm>.

Table of Contents

Tables and Figures

<i>Topic</i>	<i>Table/Figure Number</i>
Circuit and District Statistics	
Document Submission by Each Circuit and District	Table 1
Guideline Offenders in Each Circuit and District	Table 2
Primary Offense and Offender Characteristics	
Distribution of Offenders in Each Primary Offense Category	Figure A

Guideline Offenders in Each Primary Offense Category	Table 3
Number of Guideline Offenders in Selected Offense Types	Figure B
Race of Offenders in Each Primary Offense Category	Table 4
Gender of Offenders in Each Primary Offense Category	Table 5
Age of Offenders in Each Primary Offense Category	Table 6
Age, Race, and Gender of Offenders	Table 7
Education of Offenders in Each Primary Offense Category	Table 8
Citizenship of Offenders in Each Primary Offense Category	Table 9

Sentencing Information

Guilty Pleas and Trial Rates	Figure C
Guilty Pleas and Trials in Each Circuit and District	Table 10
Guilty Pleas and Trials in Each Primary Offense Category	Table 11
Distribution of Offenders Receiving Sentencing Options	Figure D
Offenders Receiving Sentencing Options in Each Primary Offense Category	Table 12
Average Sentence Length in Each Primary Offense Category	Table 13
Average Length of Imprisonment for Offenders in Each Criminal History Category by Primary Offense Category	Table 14
Average Length of Imprisonment in Each General Crime Category	Figure E
Offenders Receiving Fines and Restitution in Each Primary Offense Category	Table 15
Type of Sentence Imposed on Offenders in Each Sentencing Zone	Table 16
Imprisonment Rates of Offenders Eligible for Non-Prison Sentences in Selected Offense Types	Figure F

Guideline Application

Offenders Sentenced for Each Chapter Two Guideline	Table 17
Offenders Receiving Each Chapter Three Guideline Adjustment	Table 18
Offenders Receiving Acceptance of Responsibility Reductions in Each Primary Offense Category	Table 19
Offenders Receiving Chapter Four Criminal History Points	Table 20
Offenders in Each Offense Level and Criminal History Category	Table 21
Offenders Receiving Career Offender/Armed Career Criminal Adjustments in Each Primary Offense Category	Table 22
Offenders in Each Guideline Sentencing Range	Table 23

Departures and Sentences Within the Guideline Range

National Comparison of Sentence Imposed and Position Relative to the Guideline Range	Table N
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (DC Circuit)	Table N-DC
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (1st Circuit)	Table N-1
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (2nd Circuit)	Table N-2
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (3rd Circuit)	Table N-3
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (4th Circuit)	Table N-4

Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (5th Circuit)	Table N-5
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (6th Circuit)	Table N-6
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (7th Circuit)	Table N-7
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (8th Circuit)	Table N-8
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (9th Circuit)	Table N-9
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (10th Circuit)	Table N-10
Comparison of Sentence Imposed and Position Relative to the Guideline Range by Circuit (11th Circuit)	Table N-11
Percent of Offenders Receiving Each Type of Departure	Figure G
Reasons Given by Sentencing Courts for Upward Departures from the Guideline Range	Table 24
Reasons Given by Sentencing Courts for Upward Departures With <i>Booker/18</i> U.S.C. § 3553	Table 24A
Reasons Given by Sentencing Courts for Sentences Above the Guideline Range With <i>Booker/18</i> U.S.C. § 3553	Table 24B
Reasons Given by Sentencing Courts for Downward Departures from the Guideline Range	Table 25
Reasons Given by Sentencing Courts for Downward Departures With <i>Booker/18</i> U.S.C. § 3553	Table 25A
Reasons Given by Sentencing Courts for Sentences Below the Guideline Range With <i>Booker/18</i> U.S.C. § 3553	Table 25B
Sentences Relative to the Guideline Range by Circuit and District	Table 26
Sentences Relative to the Guideline Range by Each Primary Offense Category	Table 27
Sentences Relative to the Guideline Range by Each Primary Sentencing Guideline	Table 28
Sentences Relative to the Guideline Range for Outside of the Range Attribution Category	Table 28A
Within Range Cases: Position of Sentence for Offenders in Each Primary Offense Category	Table 29
Position of Sentence Within Sentencing Range for Selected Offenses	Figure H
§5K1.1 Substantial Assistance Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category	Table 30
§5K3.1 Early Disposition Program Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category	Table 30A
Other Government Sponsored Below Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category	Table 31
Downward Departures from Guideline Range: Degree of Decrease for Offenders in Each Primary Offense Category	Table 31A
Downward Departures With <i>Booker/18</i> U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category	Table 31B

Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category	Table 31C
All Remaining Below Guideline Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category	Table 31D
Upward Departures from Guideline Range: Degree of Increase for Offenders in Each Primary Offense Category	Table 32
Upward Departures With <i>Booker</i> /18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category	Table 32A
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category	Table 32B
All Remaining Above Guideline Range Cases: Degree of Increase for Offenders In Each Primary Offense Category	Table 32C

Drug Cases

Distribution of Guideline Drug Offenses	Figure I
Primary Drug Type of Offenders Sentenced Under Each Drug Guideline	Table 33
Race of Drug Offenders for Each Drug Type	Table 34
Gender of Drug Offenders for Each Drug Type	Table 35
Citizenship of Drug Offenders for Each Drug Type	Table 36
Criminal History Category of Drug Offenders for Each Drug Type	Table 37
Plea and Trial Rates of Drug Offenders for Each Drug Type	Table 38
Weapon Involvement of Drug Offenders for Each Drug Type	Table 39
Role Adjustment of Drug Offenders for Each Drug Type	Table 40
Acceptance of Responsibility of Drug Offenders for Each Drug Type	Table 41
Mean and Median Drug Amounts (In Grams) for Selected Base Offense Levels and Drug Types	Table 42
Drug Offenders Receiving Mandatory Minimums for Each Drug Type	Table 43
Drug Offenders Receiving Safety Valve and Mandatory Minimums for Each Drug Type	Table 44
Sentences Relative to the Guideline Range for Drug Offenders by Each Drug Type	Table 45
Average Length of Imprisonment in Each Drug Type	Figure J
Distribution of Drug Type	Figure K
Mean Length of Imprisonment for Each Drug Type	Figure L

Immigration Cases

Demographic and Offense Information for Immigration Offenses	Table 46
Age of Offenders Sentenced Under Immigration Guidelines	Table 47
Citizenship of Offenders Sentenced Under Immigration Guidelines	Table 48
Criminal History Category and Citizenship of Offenders Sentenced Under Immigration Guidelines	Table 49
Mean and Median Sentences of Offenders Sentenced Under Immigration Guidelines by Sentences Relative to the Guideline Range	Table 50

Organizational Sentencing Practices

Organizations Receiving Fines or Restitution by Primary Offense Category and Applicability of Chapter Eight Fine Guidelines	Table 51
---	----------

Mean and Median Fine or Restitution Imposed on Sentenced Organizations by Primary Offense Category	Table 52
Chapter Eight Organizational Sentencing Components	Table 53
Organizations Sentenced Under Chapter Eight: Culpability Factors	Table 54

Sentencing Appeals

Types of Appeal in Each Circuit and District	Table 55
Type and Disposition of Appeals Cases	Figure M
Disposition of Defendant Sentencing Appeals in Each Circuit and District	Table 56
Disposition of Government Sentencing Appeals in Each Circuit and District	Table 56A
Guideline Involved in Issues Appealed by the Defendants	Table 57
Guideline Involved in Issues Appealed by the Government	Table 58
Sentencing Issues Appealed for Selected Guidelines	Table 59
Offense and Offender Characteristics of Appeals Defendants	Table 60
Average Length of Imprisonment for Appeals Defendants in Each Primary Offense Category	Table 61

Resentencing and Other Modifications of Sentence

Type of Resentencing or Other Modification of Sentence by Each Circuit and District	Table 62
Distribution of Offenders by Type of Resentencing or Other Modification of Sentence	Figure N

Appendix A

Descriptions of Datafiles, Variables, and Footnotes

Appendix B

Selected Sentencing Statistics by District

• National	Table
• Alaska	Table
• Alabama Middle	Table
• Alabama Northern	Table
• Alabama Southern	Table
• Arkansas Eastern	Table
• Arkansas Western	Table
• Arizona	Table
• California Central	Table

• California Eastern	Table
• California Northern	Table
• California Southern	Table
• Colorado	Table
• Connecticut	Table
• District of Columbia	Table
• Delaware	Table
• Florida Middle	Table
• Florida Northern	Table
• Florida Southern	Table
• Georgia Middle	Table
• Georgia Northern	Table
• Georgia Southern	Table
• Guam	Table
• Hawaii	Table
• Iowa Northern	Table
• Iowa Southern	Table
• Idaho	Table
• Illinois Central	Table
• Illinois Northern	Table
• Illinois Southern	Table

• Indiana Northern	Table
• Indiana Southern	Table
• Kansas	Table
• Kentucky Eastern	Table
• Kentucky Western	Table
• Louisiana Eastern	Table
• Louisiana Middle	Table
• Louisiana Western	Table
• Massachusetts	Table
• Maryland	Table
• Maine	Table
• Michigan Eastern	Table
• Michigan Western	Table
• Minnesota	Table
• Missouri Eastern	Table
• Missouri Western	Table
• Mississippi Northern	Table
• Mississippi Southern	Table
• Montana	Table
• North Carolina Eastern	Table
• North Carolina Middle	Table

• North Carolina Western	Table
• North Dakota	Table
• Nebraska	Table
• New Hampshire	Table
• New Jersey	Table
• New Mexico	Table
• Northern Mariana Islands	Table
• Nevada	Table
• New York Eastern	Table
• New York Northern	Table
• New York Southern	Table
• New York Western	Table
• Ohio Northern	Table
• Ohio Southern	Table
• Oklahoma Eastern	Table
• Oklahoma Northern	Table
• Oklahoma Western	Table
• Oregon	Table
• Pennsylvania Eastern	Table
• Pennsylvania Middle	Table
• Pennsylvania Western	Table

• Puerto Rico	Table
• Rhode Island	Table
• South Carolina	Table
• South Dakota	Table
• Tennessee Eastern	Table
• Tennessee Middle	Table
• Tennessee Western	Table
• Texas Eastern	Table
• Texas Northern	Table
• Texas Southern	Table
• Texas Western	Table
• Utah	Table
• Virginia Eastern	Table
• Virginia Western	Table
• Virgin Islands	Table
• Vermont	Table
• Washington Eastern	Table
• Washington Western	Table
• Wisconsin Eastern	Table
• Wisconsin Western	Table
• West Virginia Northern	Table

- West Virginia Southern

[Table](#)

- Wyoming

[Table](#)