

Table 5.32.2008

Fines and restitution ordered in U.S. District Courts for U.S. Sentencing Commission guideline cases

By primary offense, fiscal year 2008

Primary offense	Total cases	No fine or restitution ordered		Restitution ordered/no fine		Fine ordered/ no restitution		Both fine and restitution ordered		Amount of payment ordered (dollar amount)			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total cases	Mean	Median	Total ^a
Total	76,334	58,761	77.0%	9,417	12.3%	7,288	9.5%	868	1.1%	17,393	\$557,367	\$5,000	\$9,694,279,463
Murder	69	36	52.2	28	40.6	5	7.2	0	X	33	115,167	6,872	3,800,508
Manslaughter	54	22	40.7	29	53.7	2	3.7	1	1.9	31	59,980	5,435	1,859,372
Kidnaping, hostage-taking	56	39	69.6	14	25.0	3	5.4	0	X	17	92,140	2,499	1,566,376
Sexual abuse	485	394	81.2	34	7.0	55	11.3	2	0.4	90	13,730	1,530	1,235,744
Assault	676	468	69.2	122	18.0	80	11.8	6	0.9	207	12,631	2,000	2,614,599
Robbery	1,051	231	22.0	758	72.1	32	3.0	30	2.9	818	21,878	5,185	17,896,528
Arson	60	21	35.0	35	58.3	1	1.7	3	5.0	39	570,516	126,129	22,250,111
Drug offenses													
Trafficking	24,288	21,830	89.9	293	1.2	2,118	8.7	47	0.2	2,403	7,230	1,500	17,372,796
Communication facility ^b	355	306	86.2	0	X	49	13.8	0	X	47	1,672	1,000	78,566
Simple possession	510	209	41.0	9	1.8	278	54.5	14	2.7	299	1,218	1,000	364,181
Firearms	8,242	6,756	82.0	647	7.9	811	9.8	28	0.3	1,457	36,202	2,000	52,746,725
Burglary, breaking and entering	45	9	20.0	32	71.1	2	4.4	2	4.4	36	8,070	1,266	290,519
Motor vehicle theft	60	13	21.7	41	68.3	2	3.3	4	6.7	47	113,761	22,000	5,346,763
Larceny	1,680	330	19.6	925	55.1	302	18.0	123	7.3	1,350	61,012	5,793	82,366,698
Fraud	7,449	2,326	31.2	4,324	58.0	512	6.9	287	3.9	5,102	1,555,62	54,000	7,936,810,745
Embezzlement	495	59	11.9	370	74.7	32	6.5	34	6.9	432	115,574	22,185	49,927,863
Forgery, counterfeiting	1,014	376	37.1	508	50.1	92	9.1	38	3.7	634	40,514	3,073	25,686,130
Bribery	219	89	40.6	52	23.7	74	33.8	4	1.8	127	283,750	10,000	36,036,258
Tax	585	174	29.7	195	33.3	146	25.0	70	12.0	405	530,601	51,065	214,893,452
Money laundering	893	573	64.2	149	16.7	152	17.0	19	2.1	308	3,286,38	30,916	1,012,205,051
Racketeering, extortion	740	441	59.6	163	22.0	119	16.1	17	2.3	296	103,974	10,000	30,776,185
Gambling, lottery	127	70	55.1	2	1.6	55	43.3	0	X	55	59,662	3,000	3,281,418
Civil rights	70	37	52.9	19	27.1	13	18.6	1	1.4	32	68,771	5,731	2,200,678
Immigration	21,410	20,871	97.5	72	0.3	459	2.1	8	(c)	527	120,747	1,500	63,633,562
Pornography, prostitution	1,655	1,322	79.9	39	2.4	289	17.5	5	0.3	331	11,857	4,000	3,924,762
Prison offenses	371	347	93.5	6	1.6	18	4.9	0	X	23	10,508	1,000	241,688
Administration of justice offenses	1,037	716	69.0	101	9.7	200	19.3	20	1.9	311	184,847	3,000	57,487,570
Environmental, wildlife	204	52	25.5	19	9.3	107	52.5	26	12.7	151	28,585	3,114	4,316,284
National defense	54	36	66.7	3	5.6	14	25.9	1	1.9	18	67,643	26,310	1,217,568
Antitrust	24	5	20.8	0	X	18	75.0	1	4.2	19	81,962	50,000	1,557,270
Food and drug	76	27	35.5	10	13.2	35	46.1	4	5.3	49	34,185	5,000	1,675,058
Other	2,280	576	25.3	418	18.3	1,213	53.2	73	3.2	1,699	22,730	500	38,618,435

Note: These data are from the U.S. Sentencing Commission's fiscal year 2008 Offender Dataset, which includes information on 76,478 cases sentenced under the Sentencing Reform Act (guideline cases) during fiscal year 2008 (Oct. 1, 2007 through Sept. 30, 2008) for which data were received by the Commission as of Feb. 10, 2009. Given the nature of the data file and reporting requirements, the following types of cases are not included in the data presented here: cases initiated but for which no convictions were obtained, defendants convicted for whom no sentences were yet issued, defendants sentenced but for whom no data were submitted to the Commission, and cases not sentenced under the Sentencing Reform Act (non-guideline cases).

A case or defendant is defined as a single sentencing event for an individual defendant (even if multiple indictments or multiple convictions are consolidated for sentencing). Multiple defendants in a single sentencing event are treated as separate cases. If an individual defendant is sentenced more than once during the fiscal year, each sentencing event is identified as a separate case. (Source, Appendix A.)

Of the 76,478 guideline cases, 144 cases were excluded due to one or both of the following conditions: missing primary offense category, 50; or missing information on type

of economic sanction for cases in which orders were made, 138. A total of 17,393 cases were used to calculate amount of payments ordered. This differs from the 17,573 cases in which fines and/or restitution were ordered due to the exclusion of cases in which the amount of fine and/or restitution was not specified. Fine information includes either fines and/or costs of supervision.

^aIn cases of joint and several restitution, the full amount of restitution is attributed to each offender. Consequently the total amount of restitution reported for all offenders may be inflated.

^bRefers to the use of a device, such as a telephone, in a drug trafficking offense.

^cLess than 0.05%.

Source: U.S. Sentencing Commission, *2008 Sourcebook of Federal Sentencing Statistics*, Table 15 [Online]. Available: <http://www.ussc.gov/ANNRPT/2008/table15.pdf> [Apr. 28, 2009].