

Sourcebook of criminal justice statistics Online

<http://www.albany.edu/sourcebook/pdf/t5362010.pdf>

Table 5.36.2010

Sentences within and departing from U.S. Sentencing Commission guidelines in U.S. District Courts

By primary offense, fiscal year 2010

Primary offense	Total cases	Within guideline range		Downward departures								Upward departure	
				Substantial assistance departure ^a		Early disposition		Other Government initiated departures		Other downward departure			
				Number	Percent	Number	Percent	Number	Percent	Number	Percent		
Total	81,859	45,028	55.0%	9,421	11.5%	8,119	9.9%	3,214	3.9%	14,565	17.8%	1,512	1.8%
Murder	66	41	62.1	8	12.1	0	X	4	6.1	5	7.6	8	12.1
Manslaughter	64	38	59.4	1	1.6	0	X	2	3.1	3	4.7	20	31.3
Kidnaping, hostage-taking	38	16	42.1	9	23.7	0	X	3	7.9	7	18.4	3	7.9
Sexual abuse	383	247	64.5	9	2.3	0	X	46	12.0	60	15.7	21	5.5
Assault	596	351	58.9	5	0.8	6	1.0	79	13.3	121	20.3	34	5.7
Robbery	1,079	621	57.6	100	9.3	2	0.2	39	3.6	262	24.3	55	5.1
Arson	75	38	50.7	17	22.7	0	X	2	2.7	11	14.7	7	9.3
Drug offenses													
Trafficking	23,458	10,530	44.9	5,768	24.6	1,336	5.7	986	4.2	4,626	19.7	212	0.9
Communication facility ^b	511	245	47.9	51	10.0	2	0.4	32	6.3	176	34.4	5	1.0
Simple possession	746	708	94.9	7	0.9	3	0.4	4	0.5	14	1.9	10	1.3
Firearms	7,969	4,667	58.6	911	11.4	9	0.1	384	4.8	21	0.3	297	3.7
Burglary, breaking and entering	36	18	50.0	2	5.6	0	X	2	5.6	11	30.6	3	8.3
Motor vehicle theft	91	52	57.1	17	18.7	0	X	1	1.1	16	17.6	5	5.5
Larceny	1,541	1,097	71.2	81	5.3	3	0.2	41	2.7	282	18.3	37	2.4
Fraud	7,471	4,149	55.5	1,196	16.0	4	0.1	286	3.8	1,665	22.3	171	2.3
Embezzlement	432	301	69.7	15	3.5	3	0.7	19	4.4	92	21.3	2	0.5
Forgery, counterfeiting	877	577	65.8	84	9.6	2	0.2	25	2.9	155	17.7	34	3.9
Bribery	223	72	32.3	72	32.3	1	0.4	11	4.9	64	28.7	3	1.3
Tax	660	234	35.5	102	15.5	4	0.6	36	5.5	279	42.3	5	0.8
Money laundering	800	278	34.8	196	24.5	18	2.3	70	8.8	231	28.9	7	0.9
Racketeering, extortion	672	271	40.3	149	22.2	0	X	64	9.5	170	25.3	18	2.7
Gambling, lottery	76	38	50.0	9	11.8	0	X	1	1.3	20	26.3	8	10.5
Civil rights	60	30	50.0	11	18.3	0	X	1	1.7	17	28.3	1	1.7
Immigration	27,922	16,763	60.0	288	1.0	6,716	24.1	672	2.4	3,092	11.1	391	1.4
Child pornography	1,886	783	41.5	57	3.0	0	X	195	10.3	806	42.7	45	2.4
Prison offenses	418	308	73.7	11	2.6	3	0.7	30	7.2	54	12.9	12	2.9
Administration of justice offenses	1,141	626	54.9	106	9.3	5	0.4	68	6.0	291	25.5	45	3.9
Environmental, wildlife	166	110	66.3	7	4.2	0	X	10	6.0	36	21.7	3	1.8
National defense	69	21	30.4	19	27.5	0	X	6	8.7	20	29.0	3	4.3
Antitrust	16	3	18.8	8	50.0	0	X	0	X	5	31.3	0	X
Food and drug	79	47	59.5	7	8.9	0	X	9	11.4	13	16.5	3	3.8
Other	2,238	1,748	78.1	98	4.4	2	0.1	86	3.8	260	11.6	44	2.0

Note: These data are from the U.S. Sentencing Commission's fiscal year 2010 Offender Dataset, which includes information on 83,946 cases sentenced under the Sentencing Reform Act (guideline cases) during fiscal year 2010 (Oct. 1, 2009 through Sept. 30, 2010) for which data were received by the Commission as of Feb. 14, 2011. 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.)

A case is determined to involve no departure if the sentence imposed is within the guideline range. If a sentence imposed by the court falls outside the guideline range, the court provides reasons for the departure. (Source, Appendix A.) Of the 83,946 guideline cases, 2,087 cases were excluded due to missing/inapplicable departure information.

^aCases departed downward based on a motion by the Government for a reduced sentence due to the defendant's substantial assistance to authorities.

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

Source: U.S. Sentencing Commission, *2010 Sourcebook of Federal Sentencing Statistics*, Table 27 [Online]. Available: http://www.uscc.gov/Data_and_Statistics/Annual_Reports_and_Sourcebooks/2010/Table27.pdf [May 26, 2011]. Table adapted by SOURCEBOOK staff.