
Punishments for Federal Crimes



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PUNISHMENTS FOR FEDERAL CRIMES

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Federal Judicial Center

1986

This report is a product of a study undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development on matters of judicial administration. The analyses, conclusions, and points of view are those of the authors. This work has been reviewed by Center staff, and publication signifies that it is regarded as responsible and valuable. It should be emphasized, however, that on matters of policy the Center speaks only through its Board.

Cite as A. Partridge, P. Lombard, and B. Meierhoefer,
Punishments for Federal Crimes
(Federal Judicial Center 1986).

PREFACE

This publication consists of excerpts from a report prepared for the use of the United States Sentencing Commission.

The full report, entitled Punishments Imposed on Federal Offenders, comprises 1,279 pages. Because of its bulk and the expectation that much of the detailed data would be of limited interest within the judicial branch, only a small number of copies were made. The present publication includes the complete table of contents, the introduction, and the chapter presenting data on immigration and citizenship offenses. The introduction explains the purpose of the project and its methodology, and the chapter on immigration and citizenship offenses is illustrative of the data presentation.

The full report is available for public inspection at the Information Services Office of the Center. In addition, a few copies of it are available for loan to federal court personnel and for interlibrary loan. The report is also being published privately, and those interested can obtain copies from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

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CHAPTER 1: INTRODUCTION

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CHAPTER 1: INTRODUCTION

This report presents information about punishments imposed on persons convicted of violating federal criminal laws. It covers offenders sentenced between January 1, 1984, and February 28, 1985. With regard to offenders sentenced to terms of imprisonment, it takes account of the impact of the parole system and good time allowances. It is thus an effort to describe the punishments imposed by the Government of the United States upon people convicted of violating federal law, as contrasted with describing the sentences imposed by judges.

The report has been prepared to provide the United States Sentencing Commission with reference points for use in its consideration of the sentencing guidelines that it is required to promulgate under 28 U.S.C. § 994. The data are presented for groups of offenders defined by offense characteristics (such as "bank robbery with a weapon") and often offender characteristics (such as the offender's prior criminal record).

Our goal has been to estimate the punishment that offenders bear on the assumption that they are not further penalized for behavior after sentencing. In the prison context, we have accordingly assumed (1) that no statutory good time under 18 U.S.C. § 4161 is forfeited and (2) that parole is not delayed on account of disciplinary violations. Under the Crime Control Act, the analogous period for a prison sentence would be the stated sentence less the maximum good time allowable under the new

18 U.S.C. § 3624(b). In the probation context, we have assumed that probation is neither extended nor revoked. In concept, the analogous time for a probation sentence would be the term imposed less any subsequent reduction of the term under the new 18 U.S.C. § 3564(c), but in practice our data do not reflect the impact of early termination of probation.

Fines play only a minor role with regard to most of the offenses considered. Where we report them, we report the fine imposed without regard to whether it was either collectible or collected. Under existing law, there is no authority to remit a fine comparable to the authority under the new 18 U.S.C. § 3573.

Summary of Method

Because we wanted to describe recent punishment practice, we studied offenders who were sentenced relatively recently (1984 and the first two months of 1985). These offenders were identified in the Federal Probation Sentencing and Supervision Information System (FPSSIS), which is maintained by the Administrative Office of the United States Courts. Since many of the offenders sentenced to imprisonment or probation during our fourteen-month period have not yet completed their sentences, we have used estimated terms of service rather than actual ones. For sentences subject to parole, our method was to use the presumptive date of release, established by the Parole Commission after the offender's initial parole hearing, as an estimator of the time to be served. If the Commission continued an offender to expiration (that is, until release is mandated by

law), we calculated the time to be served. For reasons developed below, we lacked a Commission decision in nearly half of our parole-eligible cases. We therefore had to estimate what the decision would have been (estimating the estimator, so to speak) by using the probation officer's estimate of the Parole Commission guideline as reported in FPSSIS.

To the extent that our data reflect Parole Commission policies (either actual decisions or estimates of them), they are the policies in effect between January 1, 1984, and October 31, 1985. There was only one substantial change in the Parole Commission guidelines in this period--an October 1, 1984, change affecting the largest cocaine offenses. Our data do not reflect a number of changes that took effect November 4, 1985, most notably the abolition of separate guidelines for youth.

Utility of the Data

Our purpose in presenting these data is purely descriptive. We think the Commission, in its consideration of proposed sentencing guidelines, will find it useful to know what punishments have been imposed upon various categories of offenders and to be able to determine whether proposed guidelines would represent radical departure from the mainstream of existing practice. Hence, we have referred to the data presented here as providing "reference points."

We make no claim that the offense and offender characteristics that we have used in grouping offenders are the only characteristics that might have affected the punishment imposed. We

emphatically disclaim any intention to discover, through these data, the criteria that currently govern the severity of punishments.

The method and database we have developed should become increasingly useful to the Sentencing Commission as it reaches tentative conclusions about the criteria that are to be included in sentencing guidelines. Within the limits imposed by available data, it should be possible to regroup offenders into categories that reflect the Commission's tentative decisions. For example, following the lead of the Parole Commission, we have treated importation of drugs as an offense similar to domestic distribution offenses. If the Commission were to decide that importation and distribution should be treated differently, the data could be reexamined to look at distribution and importation offenses separately. By the same token, we have chosen to characterize offenders' prior records in a certain way. If the Commission were to choose another way of characterizing prior records, it would be possible (within limits) to reexamine the data to reflect that Commission decision.

We believe the information provided here affords a reasonably accurate description of the patterns of punishments imposed on offenders in the various offense/offender categories presented. However, several cautions should be observed by its users.

First, because we were required to estimate the Parole Commission's decision in nearly half of our parole-eligible cases, our data about time served in these cases are weaker than

we had hoped when we began the project. As is developed at greater length below, the estimator of the parole decision that we have used in these cases is not a very good one. We have used a technique that should produce about as many high estimates as low estimates, and we think that the patterns of punishment shown should not be greatly affected by error in the estimates for individual offenders. But it should be understood that there is a good deal of imprecision here.

Second, it is clear that the data are not sufficiently reliable to support conclusions based on extreme cases. If the data presented here show that a few offenders received short terms of probation for committing an offense that is generally regarded as very serious, the possibility is substantial that this result is a product of record-keeping error.

Third, although we don't doubt that disparity exists in punishments imposed on similarly situated offenders, we do not believe that to be a conclusion that can be drawn from the data presented here. Almost all of our tables show a considerable range of punishments imposed. The basis for including offenders in a single table in this report is the belief that they are similar in one or more relevant respects, but the offenders within a particular table may also be dissimilar in other respects that are relevant to the appropriate punishment. There is no basis for saying that offenders whom we have put together for purposes of presentation should, in an ideal world, have received uniform punishments. Hence, no basis exists for

regarding the absence of uniformity as proof of the proposition that punishments have been imposed inequitably.

Fourth, many of our tables contain quite small numbers of offenders. There is danger in such cases that the punishments imposed on the offenders sentenced during the fourteen-month period covered by our study are not reasonably representative of current practice, but are heavily influenced by chance--what cases happened to come up for sentencing in the fourteen-month period, what judges happened to draw them, and the like. In a table showing the punishments imposed on one hundred offenders, for example, we can say with 95 percent confidence only that any reported percentage is within about 10 percentage points of the correct percentage: If we report that 55 percent of the offenders in the table received prison time, the true number might be as low as 45 percent or as high as 65 percent. In a table reporting on fifty offenders, the possible error (at the 95 percent confidence level) would be about 15 percentage points. Even these degrees of accuracy depend on the assumption that each punishment in the table was independent of each other punishment, an assumption that is compromised when a number of offenders are convicted for participating in the same criminal transaction. In presenting the data, we have called special attention to tables and graphs that are based on fewer than one hundred offenders or in which as many as 5 percent of the sentences came from a single judicial district. It is particularly important that attention be given to these cautionary notes when looking at the graphic presentations, where the actual number of defendants does not

appear in the body of the graph. A graph based on 40 cases looks just like a graph based on six hundred cases even though the information presented is much less reliable.

There is a tension between the interest in having information that is statistically reliable and the interest in having reasonably detailed information about offense and offender characteristics. It would have been time-consuming, but not intellectually difficult, to divide our 39,304 offenders into 4,000 categories, each of which would have been different from every other in some respect that is arguably relevant to the punishment decision. But the information about the offenders in each category (an average of 10) would have been subject to very great sampling error. Using a smaller number of categories to increase statistical reliability, on the other hand, often requires us to include offenders in a single category who are known to be dissimilar in some relevant way. We have resolved this tension by seeking groups of at least one hundred offenders, although a number of exceptions have been made. For most offenses, this standard does not permit us to make fine distinctions in offense and offender characteristics.

The final caution is that our information about misdemeanor convictions is less complete than our information about felonies. Misdemeanor cases, which are defined by 18 U.S.C. § 1 as cases in which the maximum term of imprisonment does not exceed one year, are commonly handled by United States Magistrates. For magistrates' misdemeanors that are petty offenses (carrying a maximum term of 6 months or less), the FPSSIS reporting

instructions call for inclusion only if a presentence investigation report has been completed or the offender is placed on probation. A very small percentage of petty offenses meet this test, and we decided to eliminate petty offenses from this study entirely. With regard to misdemeanors that are not petty, the FPSSIS reporting instructions call for inclusion of all cases. However, the reporting level of magistrates' misdemeanors appears to be only about 80 percent. It is probable that cases in which probation was not imposed are substantially underrepresented in the data. Moreover, it seems likely that data on misdemeanor convictions contain a disproportionate percentage of cases that were originally brought as felonies, and for that reason were assigned to a judge rather than to a magistrate.

A Note on the Tables and Graphs

For each group of offenses on which we report, we present both a table of punishments and a bar graph. Sample formats appear on the following pages.

Each table presents the distribution of "fine only" sentences, probation terms, and incarceration times for offenders in the group. Punishments are ranked from least severe to most severe on the assumption that any term of imprisonment is more severe than any term of probation and that any term of probation is more severe than a fine. (Although it is easy to think of examples in which this assumption would be hard to defend, they are probably not frequent.) For each punishment (such as 5

TABLE 1-1

Punishments Imposed on Individuals

Offense Classification: Mixed offenses

Offender Classification: Selected offenders

	Time		Number of offenders*	Percent	Cumulative Percent
	Years	Months			
Fine only:			4	12.1	12.1
Probation					
	1	0	2	6.1	18.2
	1	3	1	3.0	21.2
	2	0	1	3.0	24.2
	3	0	2	6.1	30.3
	5	0	1	3.0	33.3
Imprisonment					
	0	1	3 (3)	9.1	42.4
	0	4.7	1 (1)	3.0	45.5
	1	2	1 (1)	3.0	48.5
	1	10	3 (1)	9.1	57.6
	2	6	1 (0)	3.0	60.6
	2	7	1 (0)	3.0	63.6
	2	8	1 (0)	3.0	66.7
	2	10	3 (1)	9.1	75.8
	2	11	1 (1)	3.0	78.8
	3	0	2 (0)	6.1	84.8
	3	6	1 (0)	3.0	87.9
	4	0	1 (0)	3.0	90.9
	7	8	1 (0)	3.0	93.9
	9	0	1 (0)	3.0	97.0
>10			1 (0)	3.0	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: This table contains fewer than 100 cases.

Continuation of TABLE 1-1

Caution: 66.7% of the cases in the table were produced by 8 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 1 years 9.2 months.
Cases with more than ten years' imprisonment are excluded.
Cases with no imprisonment are included.

Number of 'fine only' cases in table:	4	
Number with restitution:	0	
Number of probation cases in table:	7	
Number with fines:	1	
Number with community service:	0	
Number with restitution:	3	
Number of imprisonment cases in table:	22	
Number with fines:	3	
Number with community service:	1	
Number with restitution:	0	
Number of cases in the offense/offender category:		36
Number included in the table:		33
Number in which the parole decision was estimated:		5
Number excluded because of unreliable data:		3
Number known to have had prison sentences:		3

years' imprisonment), the table shows the proportion of offenders who received that particular punishment and the cumulative percentage--that is the proportion who received the particular punishment or a less severe one. Generally, times are rounded to the nearest whole month, but imprisonment of less than 10 months is rounded to the tenth of a month. Both prison and probation terms of 15 days or less are reported, more or less arbitrarily, as 0.3 months.

The graphs present essentially the same data as the tables. Although the format is somewhat unfamiliar we believe that, once familiar with it, the reader will find that it communicates a great deal of information very quickly.

The vertical axis on each graph is a scale of punishments, with probation and imprisonment on the same scale. The maximum term of probation that may be imposed under 18 U.S.C. § 3651 is five years, so the scale of probation terms ends with a five-year term and the imprisonment scale begins above it, with the broken line highlighting the distinction. The horizontal axis shows the cumulative percentage of punishments, as reported in the tabular presentation. Looking at sample, the graph can be read as follows:

The median punishment (50% of the way up the cumulative distribution) was a little under two years' imprisonment (represented by the bar that is over "50%" on the horizontal axis).

About 33 percent of the punishments did not involve imprisonment (represented by the right hand side of the bar that reaches five years' probation).

About 12 percent of the punishments consisted of a fine only (because the first bar showing probation terms does not begin until the 12% point of the cumulative distribution).

About 6 percent of the punishments were estimated to have consisted of imprisonment for three years (represented by the width of the bar showing three years' imprisonment, which spans approximately 79% to 85% on the cumulative distribution).

About 27 percent of the punishments were between thirty months' and three years' imprisonment (represented by the combined width of several bars).

The line for the maximum punishment in both the tables and the graphs is "Over 10" years. Until October 1984, it was the policy of the United States Parole Commission not to grant a presumptive parole date to an offender if the Commission concluded that he should serve more than ten years, but instead to defer the parole decision until the ten-year point.¹ Hence, our database does not provide reliable information about the duration of service for those few offenders who will serve longer than ten years' imprisonment.

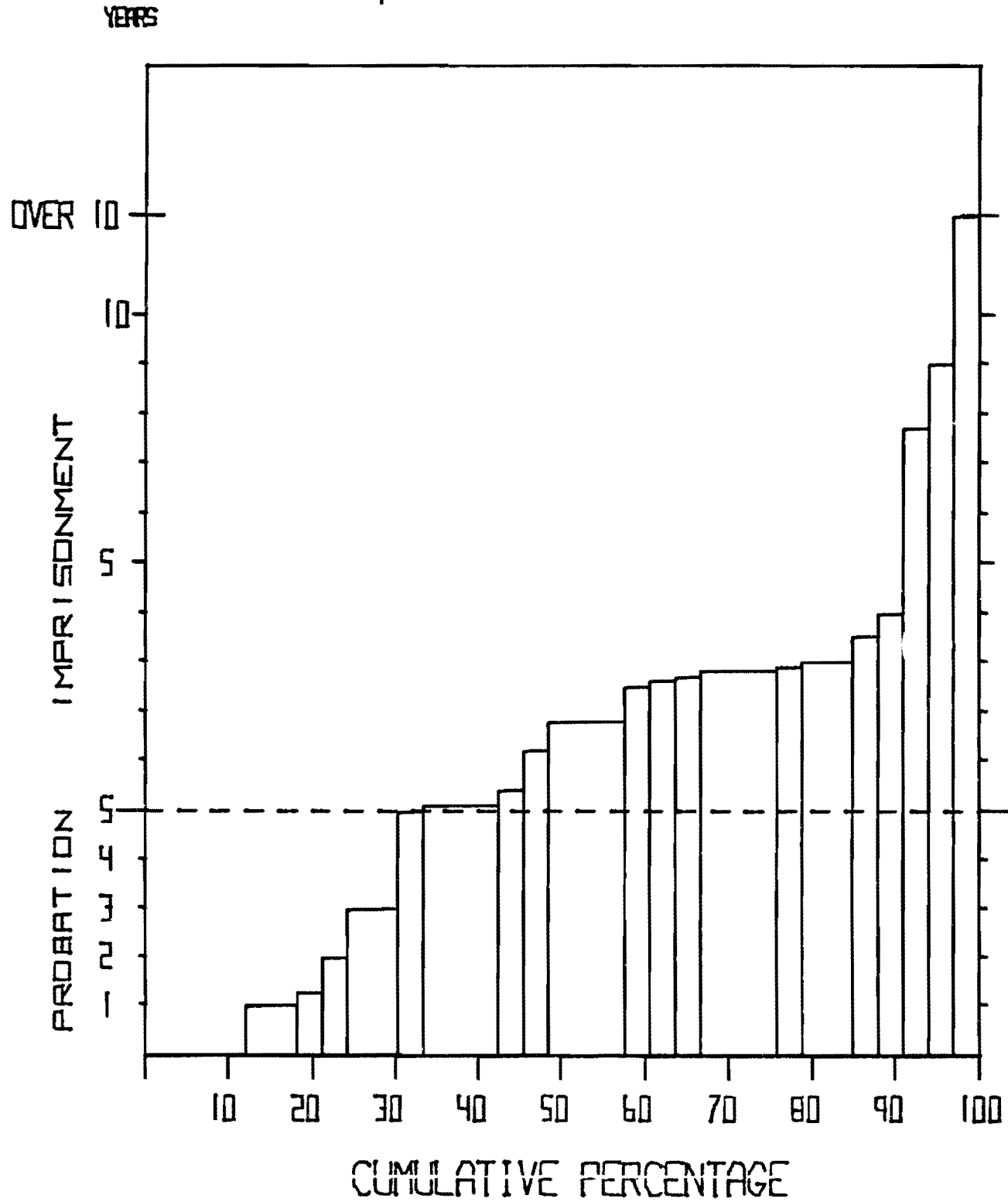
Bases of the Estimates; Limitations

Cases studied

As has already been noted, the starting point for our analysis was the Federal Probation Sentencing and Supervision Information System (FP3SIS). This system was inaugurated in July 1983, and represented a substantial expansion of the data reported by probation offices prior to that time. The system

1. In October 1984, the cut-off was extended to fifteen years.

Graph for Table 1-1



NOTE: See cautions to accompanying table.

includes data showing sentences imposed, together with a good deal of information about the offense and the offender.

We began with data on sentences imposed between January 1, 1984, and February 28, 1985. We had originally hoped to use a one-year period beginning July 1, 1984, and ending June 30, 1985. However, for offenders sentenced to terms of imprisonment and eligible for parole, our methodology required us to find the decision made following an initial parole hearing. When we received Parole Commission data on hearings held through October 31, 1985, we found a sharp drop-off in reports of initial hearings for offenders sentenced after February 1985. In order to have more complete data about parole decisions, we decided to use the February 28, 1985, cut-off. To increase the number of cases available for analysis, we decided to use the fourteen-month period rather than a twelve-month period.

As has been noted, the FPSSIS system was inaugurated in 1983. Start-up problems were to be expected. With regard to felony convictions, however, the completeness of reporting for the period covered by our study appears to be excellent. The Administrative Office has long maintained a statistical system that reports case dispositions based on information furnished by court clerks. The coverage in that system is believed to be very nearly complete. When the number of felony convictions reported in FPSSIS is compared with the number in the older system, it appears that the FPSSIS coverage was at about 97 percent for our study period.

With regard to misdemeanor offenses other than petty offenses, the FPSSIS data are somewhat less satisfactory. Many misdemeanor offenses are handled by United States Magistrates, and presentence investigations are not routinely conducted. Unless the offender is received for probation supervision, the probation office has no functions to perform in connection with the disposition. It appears that many magistrates' misdemeanor cases are therefore missed by the reporting system. For the statistical years ended June 30, 1984 and 1985, the published statistics of the Administrative Office (derived from reports by magistrates) show 8,947 and 10,630 convictions by magistrates on such offenses.² These figures suggest that there were perhaps 11,500 such dispositions in the fourteen-month period covered by our study. We have only 9,054, or something under 80 percent. We believe that this underreporting of magistrates' cases results in underreporting of cases in which probation was not ordered. We also suspect that many of the misdemeanor offenses in which sentences were rendered by judges were cases that were assigned to judges because they were originally brought as felonies. Since there appear to be fewer reporting problems with judges' cases, such cases may be overrepresented in our sample as contrasted with those originally brought as misdemeanors.

2. Administrative Office of the United States Courts, 1984 Annual Report, app. I, Table M-2, p. 440; 1985 Annual Report, app. I, Table M-2, p. A-150 (preliminary print).

Petty offenses handled by magistrates are reportable in the FPSSIS system only if a presentence investigation report has been completed or the offender is placed on probation. Magistrates have recorded about 52,000 convictions in such cases in each of the 1984 and 1985 statistical years.³ FPSSIS includes data on only about 3,600 petty offenses per year, and we decided to exclude them entirely.

Sentence information

Information about the sentence rendered in a case is routinely reported in the FPSSIS system. For sentences involving imprisonment of twelve months or more in which we were able to find the offender in Bureau of Prisons records, we performed consistency checks and recorded sentences as missing data in cases in which we were not satisfied of the accuracy of FPSSIS data. In some cases, we were able to make a correction. For other sentences--those not involving terms of imprisonment and those involving prison terms of less than twelve months, as well as those of offenders we could not locate in Bureau of Prisons data--we relied entirely on the FPSSIS data for our sentencing information.

Under rule 35 of the Federal Rules of Criminal Procedure, a judge may reduce a sentence previously imposed within 120 days

3. Sources cited in note 2.

after sentencing or within 120 days after an appellate decision upholding the conviction. Rule 35 reductions are captured in FPSSIS, and we have taken account of them where they have been reported. But we found a number of instances in our consistency checks in which FPSSIS had failed to capture a rule 35 reduction that had been recorded by the Bureau of Prisons and the Parole Commission. Moreover, some sentences rendered in our fourteen-month period are still subject to rule 35 reductions. Inability to take account of some number of discretionary sentence reductions tends to produce overstatement of the punishments imposed.

Time served on probation terms

Although rule 35 imposes a time limit on judicial reductions of sentences generally, 18 U.S.C. § 3651 permits a court to change the period of probation at any time. In concept, reductions in the probation term under this authority should be taken into account in developing estimates of time served on probation, but we have not attempted to do so. Reduction in probation terms does not appear to play an important role in determining time under supervision. Among probationers who successfully complete supervision, about 30 percent are terminated early. However, published data indicate that, even

for this group, the average time served on probation is very close to the original term.⁴

Time served on prison sentences of a year or less

For sentences to terms of imprisonment of a year or less, we have adjusted the FPSSIS sentence to take account of good time. Under 18 U.S.C. § 4161, an offender whose sentence is at least six months but not more than a year is credited with five days of "statutory good time" for each month of the sentence; for the reasons noted previously, we have assumed that none of that good time is forfeited and have subtracted the good time from the stated sentence. In addition, under 18 U.S.C. § 4162, a prisoner may be awarded up to three days of "extra good time" for each month of employment in an industry or camp during the first year. We have further adjusted the sentences imposed to take account of the average extra good time earned by offenders with sentences of particular durations. The basis for these estimates is discussed below in connection with the longer sentences.

In fact, of course, extra good time is earned in different amounts by different offenders. Among people with relatively short sentences, those who serve their time in local jails do not generally have an opportunity to earn extra good time, while those who serve their sentences in federal prison camps earn good time simply on the basis of being assigned to a camp. Using an

4. Administrative Office of the United States Courts, 1985 Annual Report, app. I, Table E6, p. A-121 (preliminary print).

average figure disguises these differences and makes the time served appear more homogeneous than it really is.

FPSSIS reports the lengths of prison terms to the nearest whole month, and thus does not distinguish between sentences of a year and sentences of a year and a day. An offender sentenced to a year's imprisonment is not eligible for parole, but an offender sentenced to a year and a day is. We sought to resolve this ambiguity mainly by examining the Bureau of Prisons records of these sentences, but there were 267 cases in which we were unable to do so. Rather than exclude these cases from the data, we made a proportionate random distribution of them between the one-year and the year-and-a-day categories. The data indicate that very few offenders with sentences of a year and a day go out on parole; they generally serve their sentence less good time. They earn twelve days' more statutory good time than offenders sentenced to a year. In this circumstance, we thought it better to accept some inaccuracy in the estimate of the release date than to treat these sentences as if we knew nothing about them.

Under 18 U.S.C. § 4205(f), when sentencing an offender to imprisonment for at least six months but not more than a year, the judge may specify a date on which the offender is to be released "as if on parole." FPSSIS does not capture the release date on these sentences, and we had no basis for estimating a date. These cases, of which there are 88 in the database, are therefore treated as cases in which we had insufficient data to determine the time served.

Time served on prison sentences of more than a year

For offenders sentenced to more than a year in prison, the basic approach was to estimate the time to be served from the presumptive parole date established by the Parole Commission after an initial parole hearing. Parole Commission policy is to offer an offender a parole hearing within 120 days of the offender's arrival at a federal institution. Once a presumptive release date has been set, it is Commission policy to set it back only because of disciplinary infractions or failure to develop a suitable release plan.

The Commission's regulations permit a limited advancement of the release date for "sustained superior program achievement"; dates are also advanced to give offenders the benefit of changes in Commission policy that occur after the initial hearing.⁵ In concept, we should have taken account of changes based on superior program achievement, but we have not developed data that would permit us to estimate the impact of such changes. Data provided by the Parole Commission indicate that dates were advanced at about 13 percent of the statutory interim hearings during the first half of 1985, but it is not known how many were for superior program achievement. Most of the advancements were for four months or less. Given the infrequency of advancements for any cause and the modest amount of time that is generally

5. Presumptive dates may also be advanced or set back on the basis of new information not available at the parole hearing, but this does not generally refer to information about the offender's behavior while incarcerated and is more in the nature of modification of the initial decision. Such changes are understood to be infrequent.

involved, our failure to take account of superior program achievement cannot have had a great effect on our data. The presumptive release date should provide a very good estimate of the time that will be served in the absence of disciplinary infractions if the offender is not earlier released because of expiration of the sentence as reduced by good time.

To determine the presumptive release date of an offender it was necessary to first locate the offender in the Bureau of Prisons' data system and then, using a "register number" that is common to both the Bureau of Prisons and the Parole Commission systems, to find the offender in the Commission's system. The FPSSIS and Bureau of Prisons systems contain a good deal of identifying information when it is available, such as Social Security number, FBI number, date of birth, and district of prosecution. The Parole Commission does not maintain such information, and a direct match from FPSSIS records to Parole Commission records was therefore not practical.

The FPSSIS and Bureau of Prisons data systems do not normally interface, and the matching process was anything but routine. The various items of identification do not always appear in the records; when they do, some of them are based on self-reports by the offenders, and are not necessarily the same in both FPSSIS and Bureau records. Of the cases we sought to match (including those with sentences of exactly twelve months, discussed above) we found about two thirds through matching Social Security numbers. The remainder came slowly.

The Parole Commission and Bureau of Prisons data systems normally do interface. We had reason to be confident that, if we had the register number from the Bureau of Prisons tape, we would find the offender on the Parole Commission tape in any case in which there had been an initial hearing. The match from Bureau of Prisons to Parole Commission records was thus routine.

Once the matching of offenders had been done, we had to satisfy ourselves that the Parole Commission was acting on the sentence with which we had begun in the FPSSIS data. In some cases, we found that the Parole Commission decision was based on some other sentence imposed on the same offender. In some cases we found that the Parole Commission was acting on the basis of more than one sentence, so that the time to be served until release could not be attributed to the offense in the FPSSIS data.

Ultimately, we succeeded in finding in the Bureau of Prisons data 84 percent of the offenders whom we had sought to match. Of those we were unable to find, some may have been protected witnesses; these were excluded from the data that the Bureau of Prisons furnished to us. Others may have not yet commenced service of the federal sentence, either because they were on bail pending appeal or because they were serving sentences in state facilities with the federal sentence to follow. The explanation based on failure to begin service of sentence receives some support from the data: Of the 2,325 unmatched cases, about 17 percent involved offenders already incarcerated for another offense when sentenced for the FPSSIS offense; about 32 percent

of the unmatched cases had gone to trial and therefore had potential for appeals. For what it is worth, both of these proportions are higher than the corresponding proportions in the matched cases. While we believe that some of the matching failures are attributable to these causes, we have no basis for estimating the number of failures that can be explained in these terms.

Of the offenders found in the Bureau of Prisons records whom we thought might be eligible for parole (excluding those whose sentences were established as being exactly twelve months), we found 66 percent in the Parole Commission records. This number was lower than we had anticipated. Substantial numbers of inmates with short sentences apparently waive parole hearings because the parole guidelines allow them no reasonable expectation of being paroled before their sentences expire. Many inmates with longer sentences choose not to have an initial parole hearing at the earliest opportunity; in spite of widespread belief among students of corrections in the benefits of providing inmates with early determinations of their release dates, many inmates are apparently content to live with the uncertainty. Some, it is clear, believe that they will get more favorable decisions if they can build records of good conduct in the institution before having their initial parole hearings.

In cases in which there had been no initial parole hearing, cases in which we had not found the offender in the Bureau of Prisons database, and cases in which the Parole Commission's decision could not be attributed to the FPSSIS sentence because

it was based on more than one conviction, we developed an estimate of what the parole decision would be. The FPSSIS data include the probation officer's estimate of the parole guideline category into which the offender falls. This estimate is made before imposition of sentence in order to assist the sentencing judge in deciding on the sentence. To evaluate the predictive value of the probation officer's guideline placements, we analyzed cases in which we had both a guideline estimate and an actual presumptive release date. Table 1-2 presents the results of this analysis; it shows that the actual decision was consistent with the estimate in 70 percent of the cases.

In considering the data in table 1-2, it should be recognized that the Parole Commission can act in accordance with its guidelines only to the extent that the sentence permits. For example, expiration of the sentence may require release earlier than the Parole Commission believes appropriate; the Commission will then continue the offender to expiration. Accordingly, if the estimated guideline range was longer than the time to mandatory release, and the actual decision was to continue the offender to expiration, we have treated the probation officer's estimate as consistent with the actual parole decision: The actual decision was as close to the estimated guideline as was legally possible. (These cases are in the first line of the table.) To say in such cases that the actual decision was consistent with the probation officer's guideline estimate is something less than saying that the probation officer was

TABLE 1-2

COMPARISON OF PROBATION OFFICER GUIDELINE ESTIMATES
WITH ACTUAL DECISIONS

	<u>Consistent</u>	<u>Not consistent</u>
1. Where the mandatory release date was below the lower limit of the estimated guideline, actual decision was:		
Continued to expiration	1,538	
Paroled below estimated guideline		141
2. Where the mandatory release date was within the estimated guideline, actual decision was:		
Continued to expiration	1,016	
Paroled within estimated guideline	231	
Paroled below estimated guideline		232
3. Where the parole eligibility date was above the upper limit of the estimated guideline, actual decision was:		
Paroled at eligibility	280	
*Paroled within estimated guideline	24	
*Paroled below estimated guideline		3
*Paroled before eligibility but above estimated guideline		11
Paroled later than eligibility or continued to expiration		210
4. Where the parole eligibility date was within the estimated guideline, actual decision was:		
Paroled within estimated guideline	498	
Paroled above estimated guideline or continued to expiration		446
*Paroled below estimated guideline		12
5. Where the parole eligibility was below and the mandatory release date above the estimated guideline, actual decision was:		
Paroled within estimated guideline	1,029	
Paroled above estimated guideline or continued to expiration		685
Paroled below estimated guideline		251
	<u>4,616</u>	<u>1,991</u>

* Footnote on following page

correct; we do not know what the parole decision would have been if not constrained by the sentence.

Only in the fifth category of the table did the Parole Commission have the freedom to set a parole date below, within, or above the estimated guideline. For that reason, in developing our estimator of the actual parole decision, we examined the 1,965 cases in that category. We concluded that our best single estimator of an unconstrained parole decision was two thirds of the way up from the lower limit of the estimated guideline range to the upper limit. Using the "two thirds" rule, half the parole decisions in this group were above our estimate and half were below.

Table 1-3 shows the average difference in months between our estimate of the parole decision and the actual parole decision for offenders within this group of 1,965 who had sentences of two, three, five, or ten years. Even though the Parole Commission had freedom in these cases to make decisions above, below, or within the estimated guideline, the extent of the departure may have been constrained by parole eligibility or mandatory release dates. Therefore, since our estimate was intended to be an estimate of an unconstrained decision, table 1-3 almost certainly understates the degree of error in the estimates.

* Footnote for table 1-2: The cases in which release appears to have been before the parole eligibility date are cases in which the FPSSIS data indicated that a regular adult sentence had been imposed but Parole Commission data indicated that a sentence with earlier parole eligibility had been imposed.

TABLE 1-3

COMPARISON OF ESTIMATED PAROLE DECISIONS WITH ACTUAL DECISIONS, SELECTED SENTENCE LENGTHS

<u>Sentence</u>	<u>Number of Offenders</u>	<u>Mean of the estimated parole decisions</u>	<u>Mean of the errors in the estimates*</u>
2 years	217	14.0 months	3.3 months
3 years	383	19.5 months	4.2 months
5 years	341	30.0 months	6.3 months
10 years	100	53.0 months	10.8 months

* Mean of the absolute values of the difference between the actual decision and the estimated decision.

It is clear that the need to estimate Parole Commission decisions on this basis is the weakest link in our methodology. There are 13,222 cases in which we have used a real or estimated parole decision in the determination of time served. In 6,363 of them (48 percent), we had to estimate what the Parole Commission would do. If the Commission were not constrained by parole eligibility dates and mandatory release dates, it appears that the average error in these estimates would be about 20 percent of the estimated time served. The impact of that error is reduced somewhat by the fact that the Parole Commission is constrained, and that we have taken account of the constraints in our estimates of time served. It is also true, of course, that our estimates are high in some cases and low in others, but we certainly have no basis for suggesting that the errors wash out for any particular category of offenders.

In cases in which an unconstrained parole decision was estimated using the "two thirds" rule, the final step in estimating time served was to apply the constraints of the parole eligibility date and the mandatory release date. The parole eligibility date for a regular adult sentence comes at one third of the term of the sentence; there are a number of sentence types that have different rules, and they were taken into account.

In cases in which we had an actual Parole Commission decision, there was no need to be concerned about the parole eligibility date; the Commission does not make decisions inconsistent with it. For decisions continuing an offender to expiration, however, it was necessary to calculate the mandatory release date.

As has been noted above, the mandatory release date is the stated sentence reduced by statutory good time and "extra good time." Statutory good time is credited unless the offender has disciplinary violations, and our estimates are based on the assumption that none is forfeited. Extra good time is earned principally for service in a prison industry or prison camp. For an inmate's first year in "extra good time" status, extra good time is awarded at the rate of three days for each month of such service; thereafter it is earned at five days for each month. Its potential for advancing the mandatory release date is therefore quite substantial. It should be noted that offenders sentenced under the Youth Corrections Act earn neither statutory good time nor extra good time; they are subject to mandatory release rules that do not depend on good behavior.

As has been noted, there are differences in the opportunities available to prisoners to earn extra good time. Moreover, there are differences in the decisions offenders make: Some wish to work in prison industries and others do not. We did not try to relate the likelihood of extra good time to particular offense or offender characteristics. But we thought it important, in estimating mandatory release dates, to acknowledge the role of extra good time in determining the amount of time an offender will serve in prison. At our request, therefore, the Office of Research and Evaluation of the Bureau of Prisons performed an analysis to determine the extra good time that had been awarded to prisoners who were mandatorily released in the one-year period ended November 30, 1985. They determined the average numbers of days of extra good time earned by offenders within a number of length-of-sentence categories, and we have used those averages in our estimates of mandatory release dates. For sentences up to five years, we have used the computed average where we had at least fifty-five offenders serving the particular sentence, and have interpolated for the less frequent sentences. For sentences exceeding five years, we had too few offenders who were mandatorily released within any particular sentence length, and used a linear regression model to estimate the average extra good time. The estimates for the longer sentences are somewhat weak because relatively few offenders in these categories are mandatorily released instead of paroled. The impact of these weak estimates on our reported data is minor for the same reason:

In most cases, the estimated mandatory release date is not the determinant of time to be served.

Except for sentences of only a few months, the average extra good time earned reduced the estimated time to mandatory release by roughly 6 or 7 percent of the time that would have been estimated had we considered only statutory good time.

In some cases, extra good time earned may make a prisoner's mandatory release date earlier than the presumptive parole date. Even in cases in which we had an actual presumptive parole date, therefore, we treated the mandatory release date as a constraint.

Offense and offender characteristics

The descriptive characteristics about offenses and offenders are based on the FPSSIS data. The availability of detailed data about offenses and offenders was a principal reason for using FPSSIS as the starting point for our efforts.

The FPSSIS information reflects a mix of information about the offense of conviction and the "real offense"--that is, what the probation officer believes the offender really did as contrasted with the statutory label under which he was sentenced. Characterization of the offense is based on the conviction, but information about the size of the transaction, weapon use, and the like represents the probation officer's assessment of the offender's actual behavior. Thus, one may find a drug offense in which the conviction was for "simple possession" but the amount of drugs involved strongly suggests intent to distribute; one may find convictions for bank larceny in which the probation officer

reports that a weapon was brandished, a fact that most certainly characterizes a robbery.

The Administrative Office uses offense codes that do not track statutory provisions. For example, there are several codes for forgery and one code for counterfeiting. 18 U.S.C. § 471 proscribes forging or counterfeiting obligations of the United States; 18 U.S.C. § 472 proscribes uttering forged or counterfeit obligations; and 18 U.S.C. § 473 proscribes dealing in forged or counterfeit obligations. Cases under any of these sections may be coded as either forgery or counterfeiting, depending on the actual charge. In addition, FPSSIS reports the title and section under which a person was convicted.

For the most part, our presentation of the data follows the Administrative Office coding categories. In some cases we have combined categories that were coded separately; in many fewer, we have split categories by reference to the statutory provisions. In a few cases, we have combined the data about the offense of conviction with some of the "real offense" data reported by the probation officer in an effort to construct tables based on actual behavior. For example, we present some data about robbery that include cases in which the conviction offense was larceny but a firearm was used.

We did make two general exceptions to our acceptance of the Administrative Office codes. They involved cases under the general conspiracy statute, 18 U.S.C. § 371, and cases in which the offender was charged as being an accessory after the fact,

18 U.S.C. § 3. In both cases, the Administrative Office characterizes these convictions under the substantive statute involved. We have not included them in the substantive offense categories. Cases under special conspiracy statutes, such as 21 U.S.C. § 846 (conspiracies to commit certain drug offenses) have generally been included in the same category as the substantive offense.

Convictions based on aiding and abetting have also been included in the same category as the substantive offense. 18 U.S.C. § 2 provides that a person who aids or abets the commission of an offense is subject to the same punishment as a principal. Criminal attempts have also generally been included in the same category with the consummated offense; in many cases, they are covered by the same statute that defines the substantive offense, and we have no way of distinguishing an attempt from a success.

For each offense, we report the statutory provisions on which most of the convictions were based. It should be noted in this connection that probation offices not infrequently report convictions as based on 18 U.S.C. § 2 (aiding and abetting), even though that section does not establish a substantive offense. In those cases, we are often without information about the substantive provision that was violated.

The FPSSIS system accommodates coding for two offenses--a "primary offense" and a "secondary offense," with "secondary offense" defined as one under a different section or subsection of the United States Code, and not merely a second count under

the same statute as the primary offense. We have not found combinations of primary and secondary offense that occur with sufficient frequency to make it sensible to report on the punishments imposed for the combination. Hence, the information reported here is grounded on the assumption that the punishment was based on the primary offense. A relatively small proportion of the offenders are reported to have been convicted of secondary offenses, and we do report how many of them are included in the data.

Our principal use of offender data has been to classify offenders by prior record. We have also used the offender information to exclude corporate defendants from most of the tables. Punishments imposed on corporate defendants are separately reported, both because it is believed that considerations in sentencing corporations are quite different from those involved in sentencing individuals and because the absence of a prison sanction for corporations makes the punishment decisions not comparable.

A limited audit of the FPSSIS data was undertaken in 1984 by the Administrative Office. This audit was aimed principally at the determination by probation officers of the offense and offender characteristics, and it generally found reliability to be high. There has been no audit that compares the original data source with the Administrative Office data tape. While we have no particular reason to doubt that the data on which we relied meet a reasonably high standard of accuracy, our confidence would be increased if an audit of this type were undertaken.

Future Use of the Database

As we have indicated previously, we believe that these data will become increasingly useful as the Sentencing Commission moves towards decisions on offense/offender groupings for the guidelines. The present tables divide offenders into groups in ways that seem reasonable to a group of researchers, but tables reflecting the Commission's views about proper grouping would be of much greater interest.

In some cases, of course, the computerized data may not reflect information that the Commission deems relevant. Additional information can sometimes be obtained from reports of presentence investigations, and consideration should be given to building a central file of the presentence reports underlying the data to make it possible to add additional data items where it is considered important. We do not contemplate that anyone would decide to seek an additional data item in 40,000 cases, but we can easily imagine a decision to seek an additional data item for all cases involving a particular offense or for a sample of such cases.

Consideration might also be given to updating the database as the Commission approaches its deadline for promulgating initial guidelines. We caution that this is not a simple task, and would not be accomplished merely by adding newly sentenced offenders. The task also requires, for offenders whom we did not find in Bureau of Prisons records or who had not had initial

parole hearings when our data were assembled, that new matching efforts be made.

Acknowledgment

The data underlying this report are data routinely gathered by the Parole Commission, the Bureau of Prisons, and the Administrative Office of the United States Courts. We could not have produced the report without the help of people too numerous to name in these three organizations. They not only provided the data but helped us understand them and in some instances did special analyses on our behalf. With gratitude but not with surprise, we acknowledge the very generous and cooperative spirit that characterized these relationships.

CHAPTER 7: IMMIGRATION AND CITIZENSHIP OFFENSES

This chapter presents the punishments imposed on individuals convicted of immigration and citizenship offenses.

The following offenses have been excluded because the number of offenders was small and there did not seem to be an appropriate larger grouping into which they might fit:

- Fraudulent application for citizenship (18 U.S.C. § 1015)
(2 offenders)
- Fraudulent procurement of naturalization or evidence of naturalization (18 U.S.C. § 1425) (4 offenders)
- Forgery of evidence needed to obtain naturalization or of evidence of naturalization (18 U.S.C. § 1426) (23 offenders)
- Forgery of passports (18 U.S.C. § 1543) (16 offenders)

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Illegal Entry

Table 7-1 shows the punishments imposed on 524 offenders convicted of illegal entry into the United States after having been deported or after previously having been convicted of illegal entry. The following tables break this group down by the number of previous convictions for a similar offense.

149 of these offenders were convicted under 8 U.S.C. § 1325 (entry after prior conviction); 364 were convicted under 8 U.S.C. § 1326 (entry after deportation). All convictions were for felonies.

Only 1 offender had a secondary offense other than an immigration offense.

It is noted that the first conviction for illegal entry under 8 U.S.C. § 1325 is a petty offense, and the punishments imposed for those offenses are therefore not included in our data. However, the number of convictions for "similar offenses" includes the first-time violations.

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TABLE 7-1

Punishments Imposed on Individuals

Offense Classification: Conviction for illegal entry after
deportation or prior conviction
for illegal entry

Offender Classification: All offenders

Time		Number of offenders*	Percent	Cumulative Percent
Years	Months			
Fine only:		1	0.2	0.2
Probation				
0	5	1	0.2	0.4
1	0	6	1.2	1.6
2	0	14	2.7	4.3
2	6	2	0.4	4.7
3	0	9	1.8	6.5
4	0	11	2.2	8.6
5	0	22	4.3	12.9
Imprisonment				
0	0.3	2 (0)	0.4	13.3
0	1	21 (8)	4.1	17.4
0	1.9	19 (13)	3.7	21.1
0	2.8	26 (19)	5.1	26.2
0	3	5 (4)	1.0	27.2
0	3.8	14 (11)	2.7	29.9
0	4.7	94 (68)	18.4	48.3
0	5.3	3 (0)	0.6	48.9
0	6	1 (0)	0.2	49.1
0	6.3	2 (0)	0.4	49.5
0	7	11 (1)	2.2	51.7
0	7.9	3 (0)	0.6	52.3
0	8	5 (0)	1.0	53.2
0	9	46 (2)	9.0	62.2
0	9.4	36 (1)	7.0	69.3
0	10	3 (0)	0.6	69.9
0	10.5	4 (0)	0.8	70.6
0	10.7	12 (0)	2.3	73.0
0	11	17 (0)	3.3	76.3
1	0	4 (0)	0.8	77.1
1	1	2 (0)	0.4	77.5

Continuation of TABLE 7-1

1	2	39	(0)	7.6	85.1
1	3	15	(0)	2.9	88.1
1	4	5	(0)	1.0	89.0
1	5	1	(0)	0.2	89.2
1	6	54	(1)	10.6	99.8
2	10	1	(1)	0.2	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 70.6% of the cases in the table were produced by 7 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 7.6 months.
Cases with no imprisonment are included.

Number of 'fine only' cases in table: 1
Number with restitution: 0

Number of probation cases in table: 65
Number with fines: 2
Number with community service: 1
Number with restitution: 0

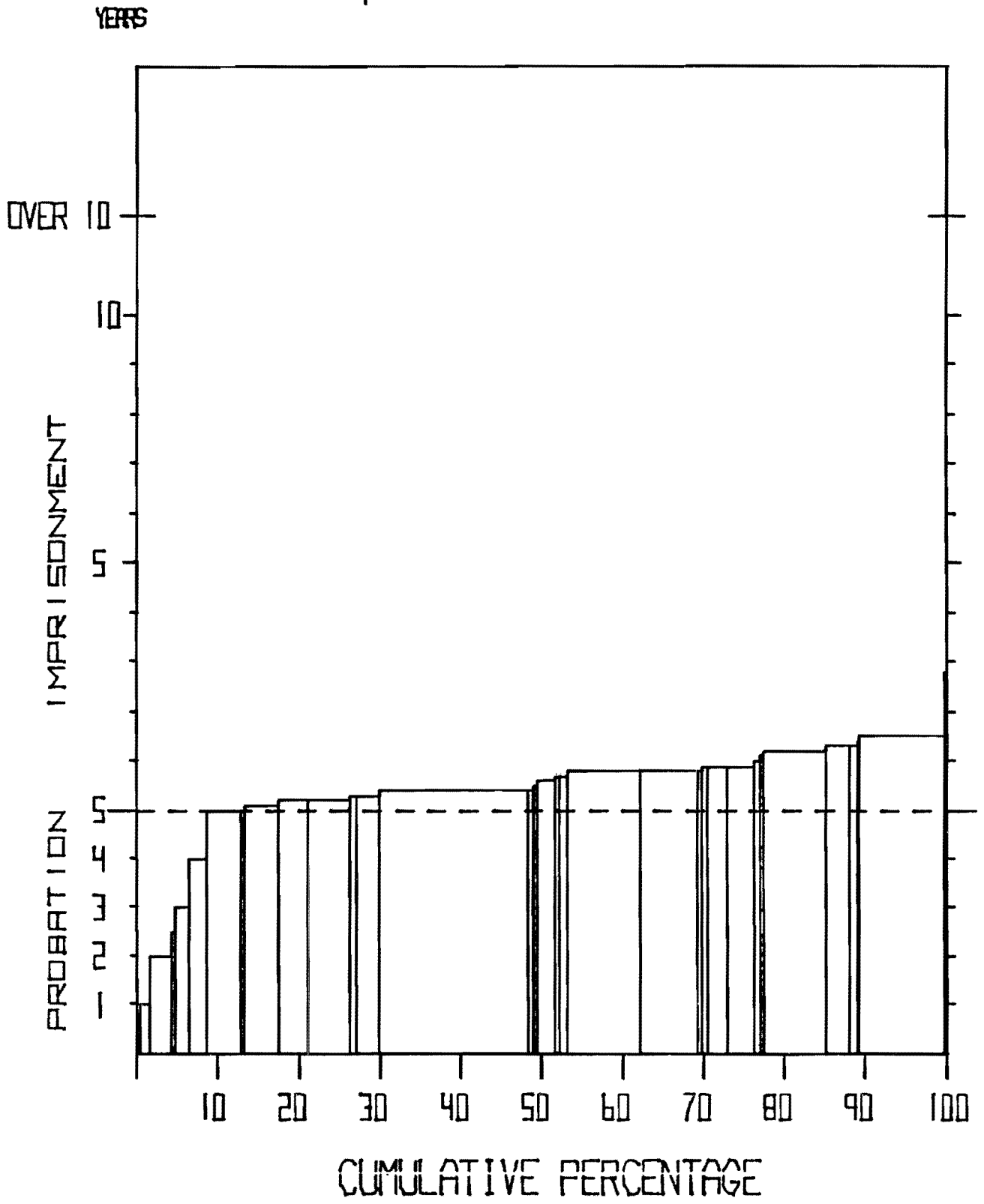
Number of imprisonment cases in table: 445
Number with fines: 7
Number with community service: 0
Number with restitution: 2

Number of cases in the offense/offender category: 524

Number included in the table: 511
Number in which the parole decision was estimated: 111

Number excluded because of unreliable data: 13
Number known to have had prison sentences: 10

Graph for Table 7-1



NOTE: See cautions to accompanying table.

TABLE 7-2

Punishments Imposed on Individuals

Offense Classification: Conviction for illegal entry after
deportation or prior conviction
for illegal entry

Offender Classification: No prior conviction for a
similar offense

Time		Number of offenders*	Percent	Cumulative Percent
Years	Months			
Fine only:		1	0.4	0.4
Probation				
0	5	1	0.4	0.9
1	0	5	2.2	3.1
2	0	13	5.8	8.9
2	6	2	0.9	9.8
3	0	8	3.6	13.4
4	0	8	3.6	17.0
5	0	11	4.9	21.9
Imprisonment				
0	0.3	2 (0)	0.9	22.8
0	1	18 (5)	8.0	30.8
0	1.9	15 (10)	6.7	37.5
0	2.8	17 (11)	7.6	45.1
0	3	3 (3)	1.3	46.4
0	3.8	9 (6)	4.0	50.4
0	4.7	39 (27)	17.4	67.9
0	5.3	2 (0)	0.9	68.8
0	7	4 (0)	1.8	70.5
0	8	2 (0)	0.9	71.4
0	9	7 (0)	3.1	74.6
0	9.4	12 (0)	5.4	79.9
0	10	2 (0)	0.9	80.8
0	10.5	2 (0)	0.9	81.7
0	10.7	4 (0)	1.8	83.5
0	11	5 (0)	2.2	85.7
1	0	2 (0)	0.9	86.6
1	2	12 (0)	5.4	92.0
1	3	4 (0)	1.8	93.8
1	6	13 (0)	5.8	99.6
2	10	1 (1)	0.4	100.0

Continuation of TABLE 7-2

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 61.6% of the cases in the table were produced by 6 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 5.4 months.
Cases with no imprisonment are included.

Number of 'fine only' cases in table: 1
Number with restitution: 0

Number of probation cases in table: 48
Number with fines: 2
Number with community service: 1
Number with restitution: 0

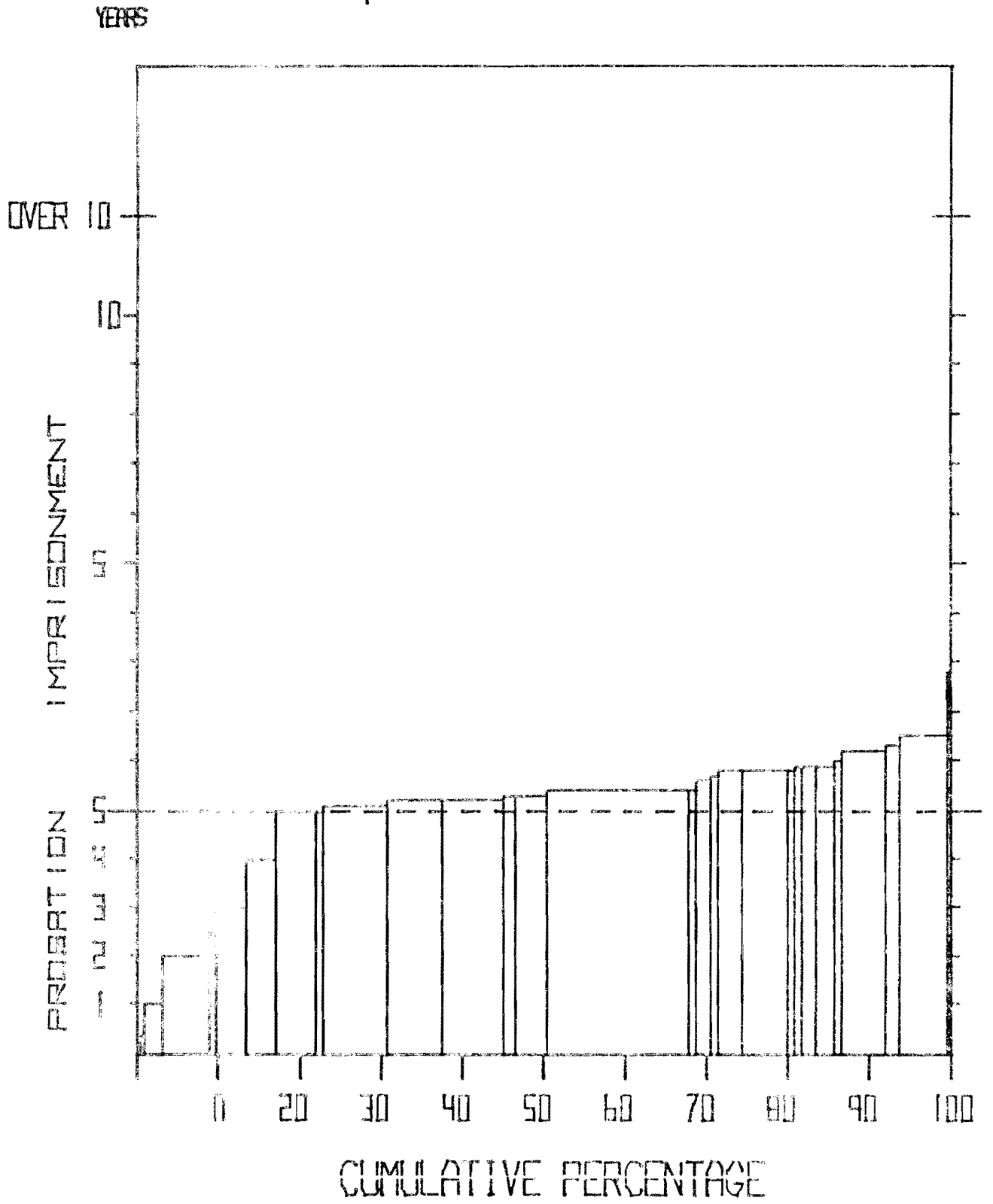
Number of imprisonment cases in table: 175
Number with fines: 3
Number with community service: 0
Number with restitution: 1

Number of cases in the offense/offender category: 231

Number included in the table: 224
Number in which the parole decision was estimated: 27

Number excluded because of unreliable data: 7
Number known to have had prison sentences: 6

Graph for Table 7-2



NOTE: See cautions to accompanying table.

TABLE 7-3

Punishments Imposed on Individuals

Offense Classification: Conviction for illegal entry after deportation or prior conviction for illegal entry

Offender Classification: One or two prior convictions for similar offenses

Time		Number of offenders*	Percent	Cumulative Percent
Years	Months			
Probation				
1	0	1	0.6	0.6
2	0	1	0.6	1.3
3	0	1	0.6	1.9
4	0	1	0.6	2.5
5	0	10	6.3	8.8
Imprisonment				
0	1	2 (2)	1.3	10.1
0	1.9	3 (3)	1.9	11.9
0	2.8	9 (8)	5.7	17.6
0	3	2 (1)	1.3	18.9
0	3.8	4 (4)	2.5	21.4
0	4.7	34 (26)	21.4	42.8
0	5.3	1 (0)	0.6	43.4
0	6	1 (0)	0.6	44.0
0	6.3	2 (0)	1.3	45.3
0	7.9	3 (0)	1.9	47.2
0	8	3 (0)	1.9	49.1
0	9	13 (0)	8.2	57.2
0	9.4	15 (0)	9.4	66.7
0	10	1 (0)	0.6	67.3
0	10.7	6 (0)	3.8	71.1
0	11	6 (0)	3.8	74.8
1	0	1 (0)	0.6	75.5
1	1	2 (0)	1.3	76.7
1	2	14 (0)	8.8	85.5
1	3	4 (0)	2.5	88.1
1	4	2 (0)	1.3	89.3
1	6	17 (0)	10.7	100.0

Continuation of TABLE 7-3

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 71.7% of the cases in the table were produced by 6 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 8.3 months.
Cases with no imprisonment are included.

Number of probation cases in table:	14
Number with fines:	0
Number with community service:	0
Number with restitution:	0

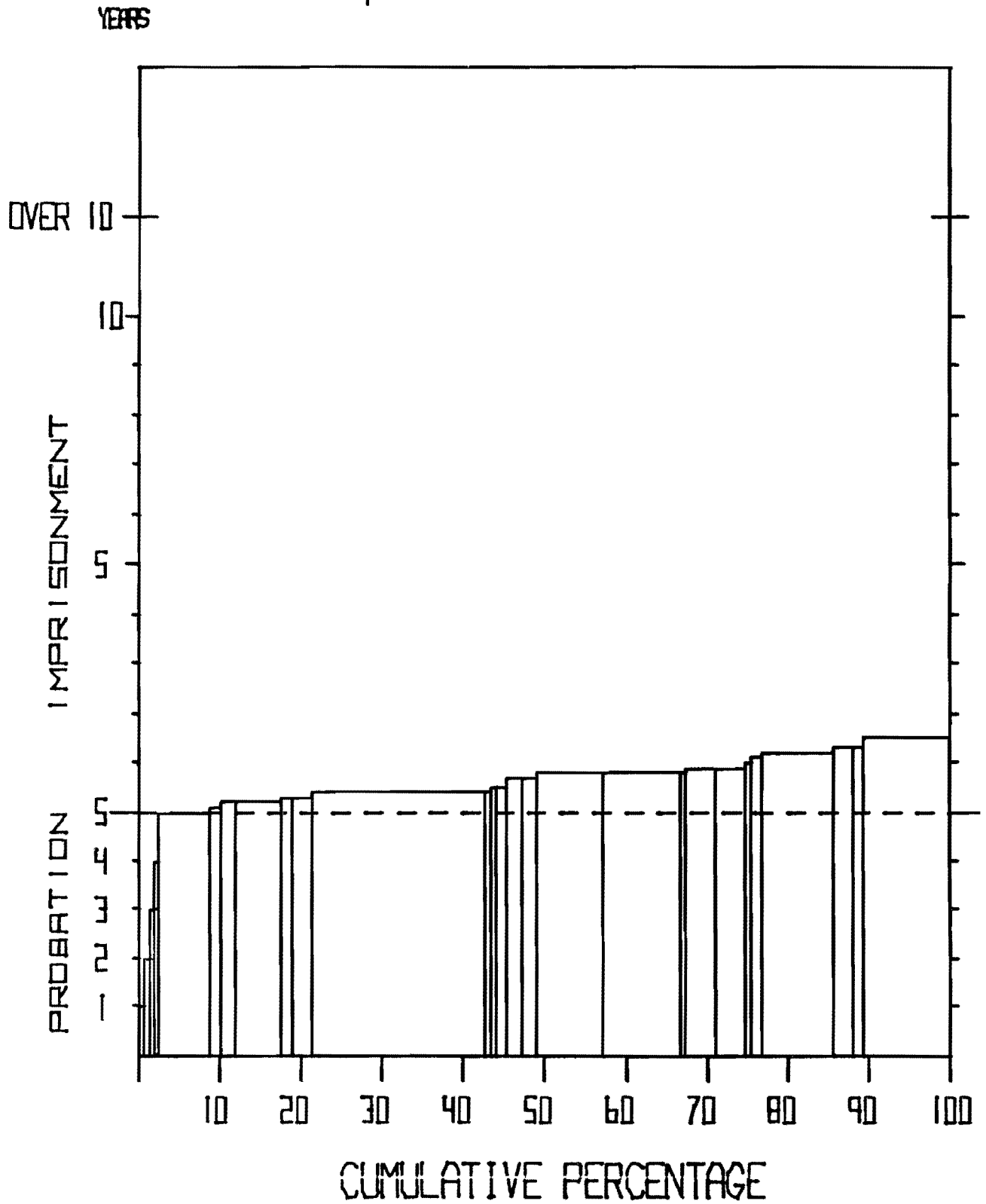
Number of imprisonment cases in table:	145
Number with fines:	4
Number with community service:	0
Number with restitution:	1

Number of cases in the offense/offender category:	162
---	-----

Number included in the table:	159
Number in which the parole decision was estimated:	36

Number excluded because of unreliable data:	3
Number known to have had prison sentences:	1

Graph for Table 7-3



NOTE: See cautions to accompanying table.

TABLE 7-4

Punishments Imposed on Individuals

Offense Classification: Conviction for illegal entry after
deportation or prior conviction
for illegal entry

Offender Classification: Three or more prior convictions
for similar offenses

Years	Time		Number of offenders*	Percent	Cumulative Percent
	Months				
Probation					
4	0		2	1.6	1.6
5	0		1	0.8	2.3
Imprisonment					
0	1		1 (1)	0.8	3.1
0	1.9		1 (0)	0.8	3.9
0	3.8		1 (1)	0.8	4.7
0	4.7		21 (15)	16.4	21.1
0	7		7 (1)	5.5	26.6
0	9		26 (2)	20.3	46.9
0	9.4		9 (1)	7.0	53.9
0	10.5		2 (0)	1.6	55.5
0	10.7		2 (0)	1.6	57.0
0	11		6 (0)	4.7	61.7
1	0		1 (0)	0.8	62.5
1	2		13 (0)	10.2	72.7
1	3		7 (0)	5.5	78.1
1	4		3 (0)	2.3	80.5
1	5		1 (0)	0.8	81.3
1	6		24 (1)	18.8	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 75.8% of the cases in the table were produced by 4 districts, each of which produced more than 5% of them.

Continuation of TABLE 7-4

Notes:

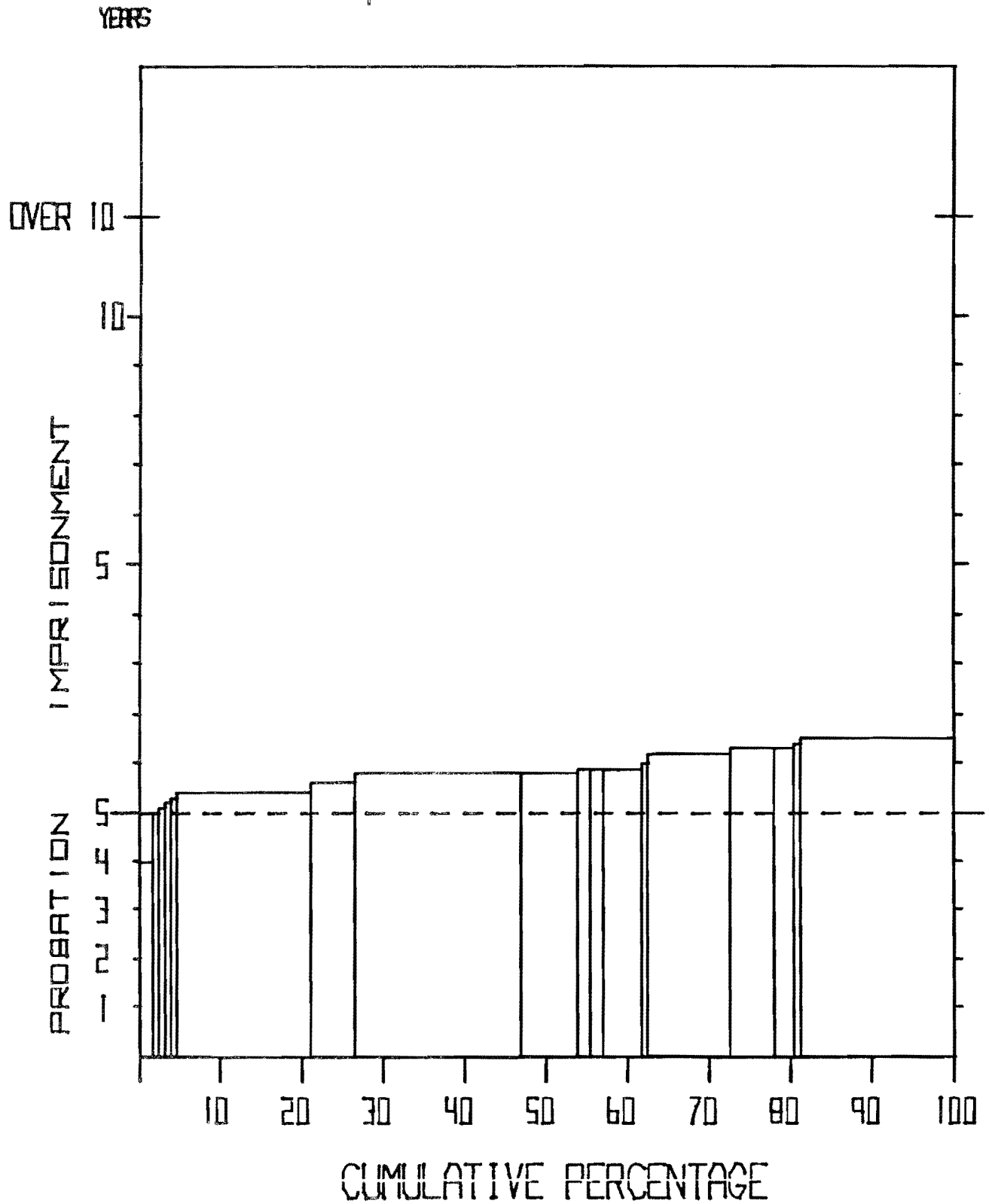
The mean period of imprisonment is 0 years 10.8 months.
Cases with no imprisonment are included.

Number of probation cases in table:	3
Number with fines:	0
Number with community service:	0
Number with restitution:	0

Number of imprisonment cases in table:	125
Number with fines:	0
Number with community service:	0
Number with restitution:	0

Number of cases in the offense/offender category:	131
Number included in the table:	128
Number in which the parole decision was estimated:	48
Number excluded because of unreliable data:	3
Number known to have had prison sentences:	3

Graph for Table 7-4



NOTE: See cautions to accompanying table.

Other Immigration Offenses

Table 7-5 shows the punishments imposed on 1,157 offenders convicted of other immigration offenses. The following tables break this group down on the basis of prior record.

752 of these offenders were convicted under 8 U.S.C. § 1324 (bringing in or harboring illegal aliens); 368 were reported to have been convicted under 18 U.S.C. § 2 (aiding and abetting), without any indication of the substantive provision involved.

Table 7-5: Punishments imposed on offenders convicted of immigration offenses other than illegal entry	1,157
Table 7-6: Offenders with no record of prior convictions	672
Table 7-7: Offenders with prior convictions but no record of prior incarceration	246
Table 7-8: Offenders with prior records of incarceration limited to sentences of one year or less	145
Table 7-9: Offenders with prior records of incarceration on sentences of more than one year	94

TABLE 7-5

Punishments Imposed on Individuals

Offense Classification: Conviction for immigration offense
other than illegal entry

Offender Classification: All offenders

	Time Years Months	Number of offenders*	Percent	Cumulative Percent
Fine only:		1	0.1	0.1
Probation				
	0 6	2	0.2	0.3
	1 0	10	0.9	1.1
	1 6	2	0.2	1.3
	2 0	49	4.3	5.6
	2 6	2	0.2	5.8
	3 0	119	10.4	16.1
	3 6	1	0.1	16.2
	4 0	44	3.8	20.1
	5 0	112	9.8	29.8
Imprisonment				
	0 0.3	1 (1)	0.1	29.9
	0 1	20 (19)	1.7	31.7
	0 1.9	47 (43)	4.1	35.8
	0 2	10 (10)	0.9	36.6
	0 2.8	76 (72)	6.6	43.3
	0 3	12 (12)	1.0	44.3
	0 3.8	51 (49)	4.5	48.8
	0 4	12 (12)	1.0	49.8
	0 4.7	184 (172)	16.1	65.9
	0 5.3	1 (0)	0.1	66.0
	0 5.5	1 (0)	0.1	66.1
	0 6	6 (6)	0.5	66.6
	0 6.3	2 (0)	0.2	66.8
	0 7	8 (1)	0.7	67.5
	0 7.9	9 (0)	0.8	68.2
	0 8	2 (0)	0.2	68.4
	0 9	38 (2)	3.3	71.7
	0 9.4	29 (4)	2.5	74.3
	0 9.7	1 (0)	0.1	74.3
	0 10	22 (0)	1.9	76.3

Continuation of TABLE 7-5

0	10.5	3	(0)	0.3	76.5
0	10.7	5	(3)	0.4	77.0
0	11	12	(4)	1.0	78.0
1	0	21	(1)	1.8	79.8
1	1	36	(2)	3.1	83.0
1	2	41	(3)	3.6	86.6
1	3	7	(0)	0.6	87.2
1	4	11	(1)	1.0	88.1
1	5	17	(1)	1.5	89.6
1	6	23	(2)	2.0	91.6
1	7	1	(0)	0.1	91.7
1	8	22	(2)	1.9	93.6
1	9	5	(0)	0.4	94.1
1	10	18	(2)	1.6	95.6
1	11	2	(0)	0.2	95.8
2	0	6	(0)	0.5	96.3
2	1	2	(0)	0.2	96.5
2	2	15	(2)	1.3	97.8
2	4	3	(0)	0.3	98.1
2	5	8	(2)	0.7	98.8
2	6	2	(1)	0.2	99.0
2	8	3	(0)	0.3	99.2
2	10	5	(0)	0.4	99.7
3	5	2	(0)	0.2	99.8
3	6	1	(1)	0.1	99.9
4	0	1	(1)	0.1	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 73.7% of the cases in the table were produced by 3 districts, each of which produced more than 5% of them.

Notes:

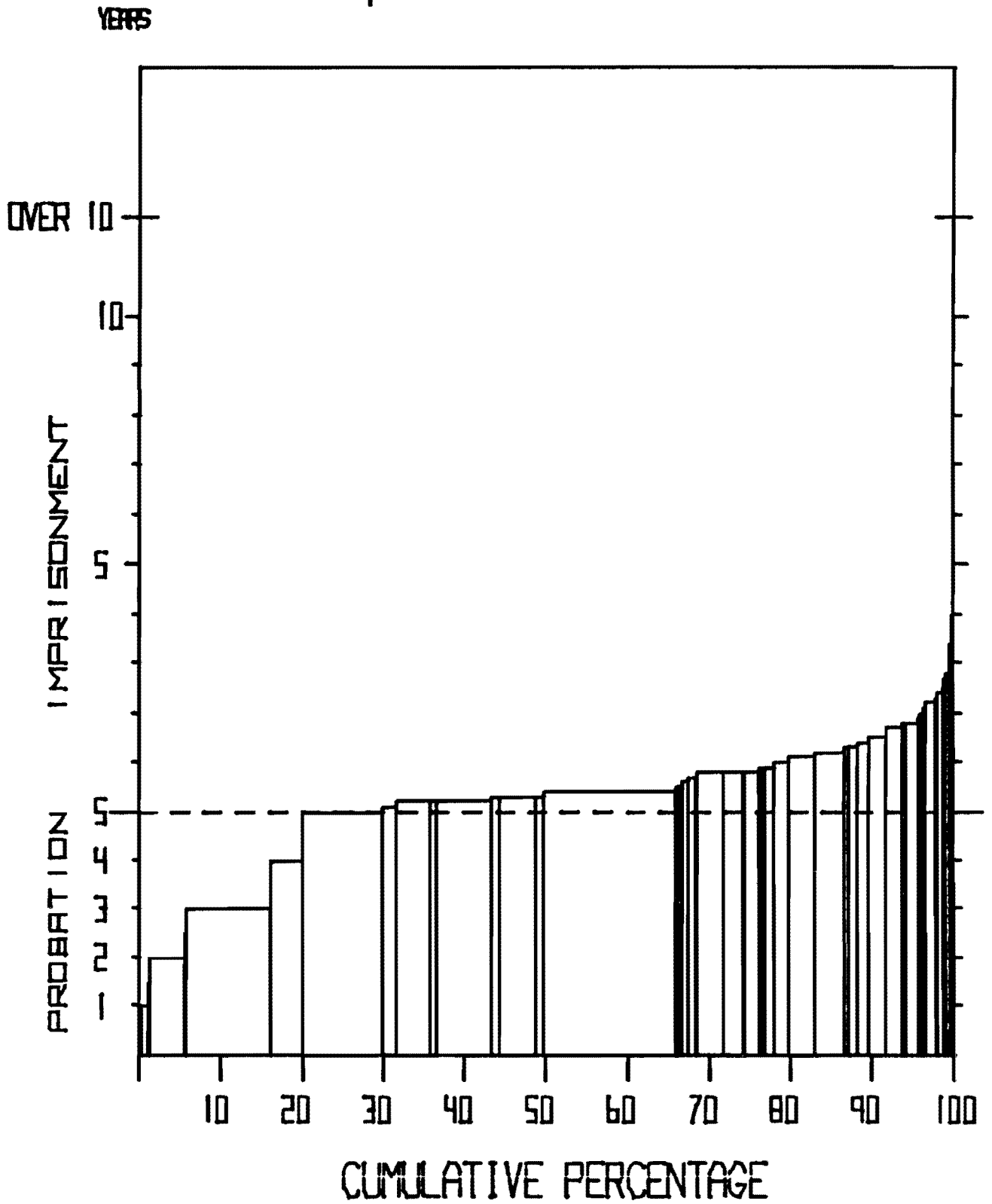
The mean period of imprisonment is 0 years 6.5 months.
Cases with no imprisonment are included.

Number of 'fine only' cases in table: 1
Number with restitution: 0

Continuation of TABLE 7-5

Number of probation cases in table:	341	
Number with fines:	92	
Number with community service:	40	
Number with restitution:	1	
Number of imprisonment cases in table:	804	
Number with fines:	29	
Number with community service:	6	
Number with restitution:	2	
Number of cases in the offense/offender category:		1157
Number included in the table:		1146
Number in which the parole decision was estimated:		182
Number excluded because of unreliable data:		11
Number known to have had prison sentences:		10

Graph for Table 7-5



NOTE: See cautions to accompanying table.

TABLE 7-6

Punishments Imposed on Individuals

Offense Classification: Conviction for immigration offense
other than illegal entry

Offender Classification: No prior convictions

	Time Years Months	Number of offenders*	Percent	Cumulative Percent
Fine only:		1	0.2	0.2
Probation				
	0 6	2	0.3	0.5
	1 0	8	1.2	1.7
	1 6	2	0.3	2.0
	2 0	36	5.4	7.4
	3 0	86	12.9	20.3
	3 6	1	0.2	20.4
	4 0	36	5.4	25.8
	5 0	86	12.9	38.7
Imprisonment				
	0 1	13 (12)	2.0	40.7
	0 1.9	34 (31)	5.1	45.8
	0 2	9 (9)	1.4	47.1
	0 2.8	52 (49)	7.8	55.0
	0 3	10 (10)	1.5	56.5
	0 3.8	35 (34)	5.3	61.7
	0 4	10 (10)	1.5	63.2
	0 4.7	104 (100)	15.6	78.8
	0 5.5	1 (0)	0.2	79.0
	0 6	3 (3)	0.5	79.4
	0 6.3	1 (0)	0.2	79.6
	0 7	1 (0)	0.2	79.7
	0 7.9	5 (0)	0.8	80.5
	0 8	2 (0)	0.3	80.8
	0 9	14 (0)	2.1	82.9
	0 9.4	17 (3)	2.6	85.4
	0 9.7	1 (0)	0.2	85.6
	0 10	18 (0)	2.7	88.3
	0 10.7	2 (2)	0.3	88.6
	0 11	4 (2)	0.6	89.2
	1 0	18 (1)	2.7	91.9

Continuation of TABLE 7-6

1	1	24	(2)	3.6	95.5
1	2	8	(2)	1.2	96.7
1	3	1	(0)	0.2	96.8
1	4	4	(1)	0.6	97.4
1	5	2	(0)	0.3	97.7
1	6	2	(0)	0.3	98.0
1	8	4	(1)	0.6	98.6
1	9	2	(0)	0.3	98.9
1	10	1	(0)	0.2	99.1
1	11	1	(0)	0.2	99.2
2	2	2	(1)	0.3	99.5
2	6	1	(1)	0.2	99.7
2	10	2	(0)	0.3	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 70.6% of the cases in the table were produced by 3 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 4.0 months.
Cases with no imprisonment are included.

Number of 'fine only' cases in table: 1
Number with restitution: 0

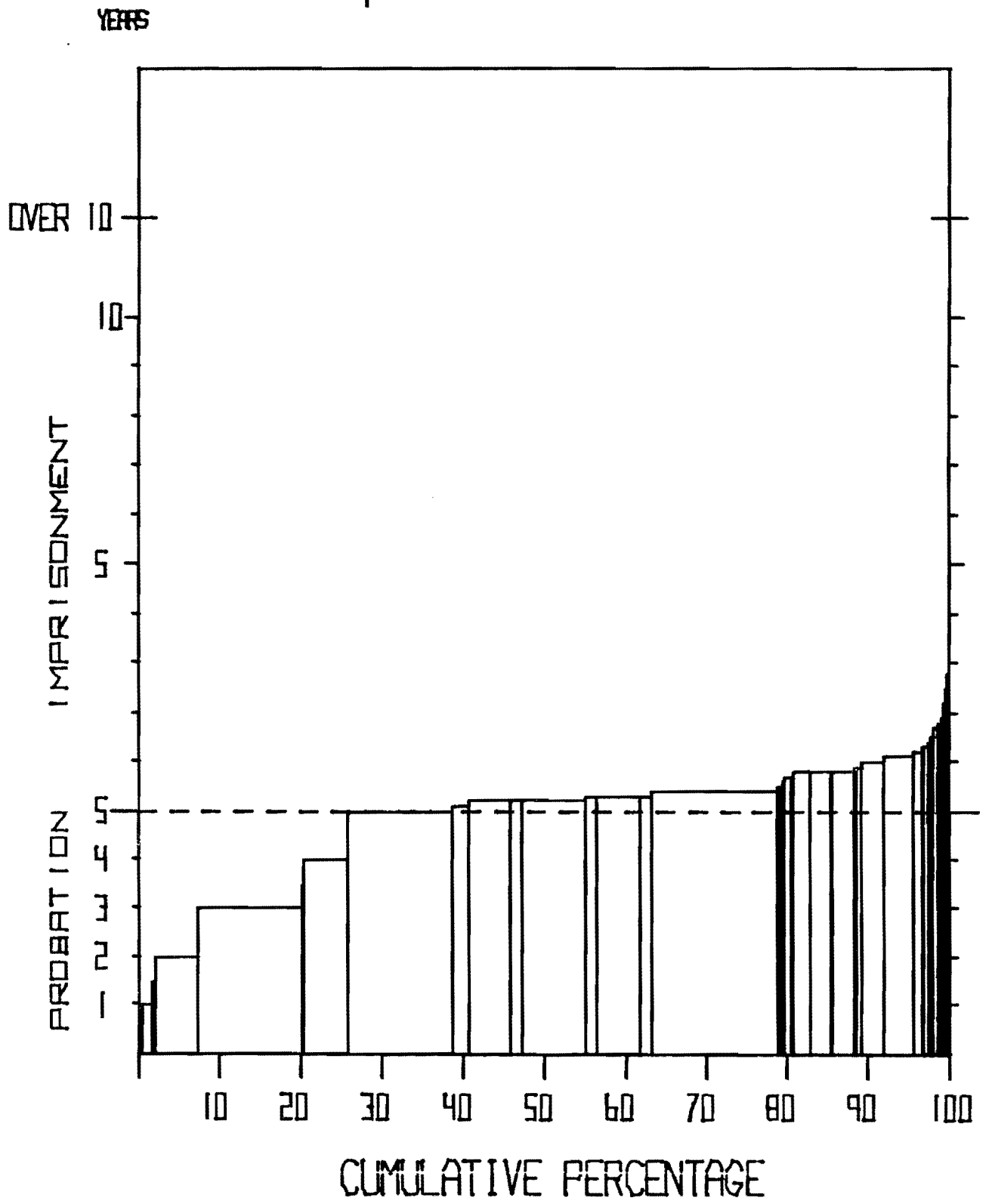
Number of probation cases in table: 257
Number with fines: 68
Number with community service: 33
Number with restitution: 1

Number of imprisonment cases in table: 408
Number with fines: 16
Number with community service: 5
Number with restitution: 1

Continuation of TABLE 7-6

Number of cases in the offense/offender category:	672
Number included in the table:	666
Number in which the parole decision was estimated:	71
Number excluded because of unreliable data:	6
Number known to have had prison sentences:	6

Graph for Table 7-6



NOTE: See cautions to accompanying table.

TABLE 7-7

Punishments Imposed on Individuals

Offense Classification: Conviction for immigration offense other than illegal entry

Offender Classification: One or more prior convictions but no prior incarceration

	Time		Number of offenders*	Percent	Cumulative Percent
	Years	Months			
Probation					
1	0		2	0.8	0.8
2	0		11	4.5	5.4
2	6		2	0.8	6.2
3	0		24	9.9	16.1
4	0		6	2.5	18.6
5	0		16	6.6	25.2
Imprisonment					
0	0.3		1 (1)	0.4	25.6
0	1		7 (7)	2.9	28.5
0	1.9		8 (8)	3.3	31.8
0	2		1 (1)	0.4	32.2
0	2.8		14 (14)	5.8	38.0
0	3		2 (2)	0.8	38.8
0	3.8		11 (11)	4.5	43.4
0	4.7		45 (38)	18.6	62.0
0	6		3 (3)	1.2	63.2
0	6.3		1 (0)	0.4	63.6
0	7		2 (1)	0.8	64.5
0	7.9		4 (0)	1.7	66.1
0	9		7 (0)	2.9	69.0
0	9.4		5 (0)	2.1	71.1
0	10		2 (0)	0.8	71.9
0	10.5		1 (0)	0.4	72.3
0	10.7		3 (1)	1.2	73.6
0	11		4 (2)	1.7	75.2
1	0		2 (0)	0.8	76.0
1	1		9 (0)	3.7	79.8
1	2		14 (0)	5.8	85.5
1	3		1 (0)	0.4	86.0
1	4		4 (0)	1.7	87.6
1	5		8 (1)	3.3	90.9
1	6		7 (1)	2.9	93.8
1	8		6 (0)	2.5	96.3

Continuation of TABLE 7-7

1	9	2 (0)	0.8	97.1
2	0	2 (0)	0.8	97.9
2	2	2 (0)	0.8	98.8
2	4	2 (0)	0.8	99.6
2	10	1 (0)	0.4	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: 86.0% of the cases in the table were produced by 5 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 6.8 months.
Cases with no imprisonment are included.

Number of probation cases in table: 61
 Number with fines: 19
 Number with community service: 6
 Number with restitution: 0

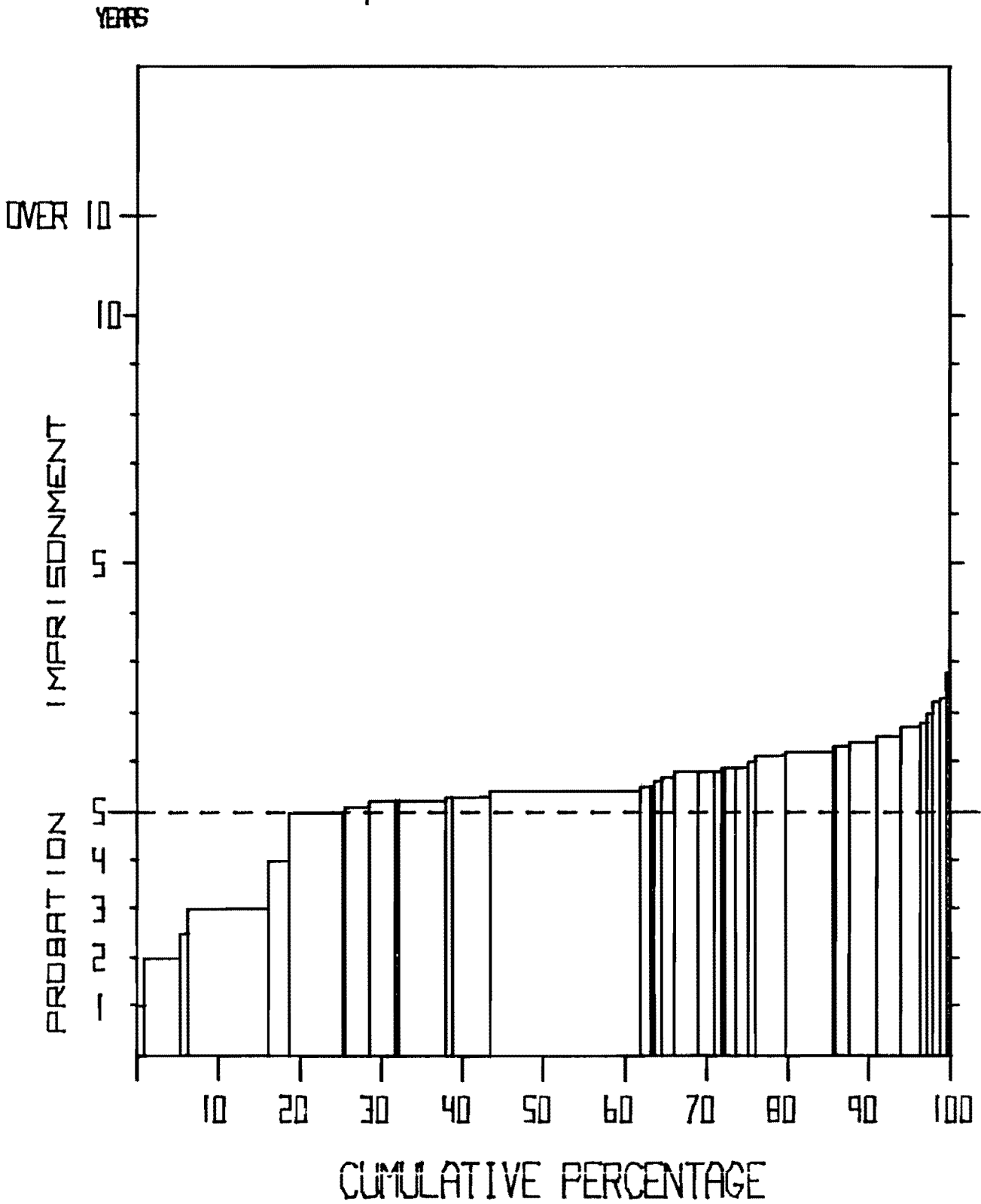
Number of imprisonment cases in table: 181
 Number with fines: 8
 Number with community service: 1
 Number with restitution: 0

Number of cases in the offense/offender category: 246

Number included in the table: 242
 Number in which the parole decision was estimated: 31

Number excluded because of unreliable data: 4
 Number known to have had prison sentences: 3

Graph for Table 7-7



NOTE: See cautions to accompanying table.

TABLE 7-8

Punishments Imposed on Individuals

Offense Classification: Conviction for immigration offense other than illegal entry

Offender Classification: Prior incarceration limited to sentences of one year or less

Years	Time Months	Number of offenders*	Percent	Cumulative Percent
Probation				
2	0	2	1.4	1.4
3	0	8	5.6	6.9
4	0	2	1.4	8.3
5	0	6	4.2	12.5
Imprisonment				
0	1.9	4 (4)	2.8	15.3
0	2.8	9 (8)	6.3	21.5
0	3.8	4 (3)	2.8	24.3
0	4	2 (2)	1.4	25.7
0	4.7	27 (26)	18.8	44.4
0	5.3	1 (0)	0.7	45.1
0	7	3 (0)	2.1	47.2
0	9	12 (1)	8.3	55.6
0	9.4	4 (1)	2.8	58.3
0	10	1 (0)	0.7	59.0
0	10.5	2 (0)	1.4	60.4
0	11	2 (0)	1.4	61.8
1	1	2 (0)	1.4	63.2
1	2	13 (1)	9.0	72.2
1	3	2 (0)	1.4	73.6
1	4	1 (0)	0.7	74.3
1	5	5 (0)	3.5	77.8
1	6	7 (1)	4.9	82.6
1	7	1 (0)	0.7	83.3
1	8	5 (0)	3.5	86.8
1	10	9 (1)	6.3	93.1
2	0	2 (0)	1.4	94.4
2	2	4 (0)	2.8	97.2
2	4	1 (0)	0.7	97.9
2	8	1 (0)	0.7	98.6
3	6	1 (1)	0.7	99.3
4	0	1 (1)	0.7	100.0

Continuation of TABLE 7-8

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

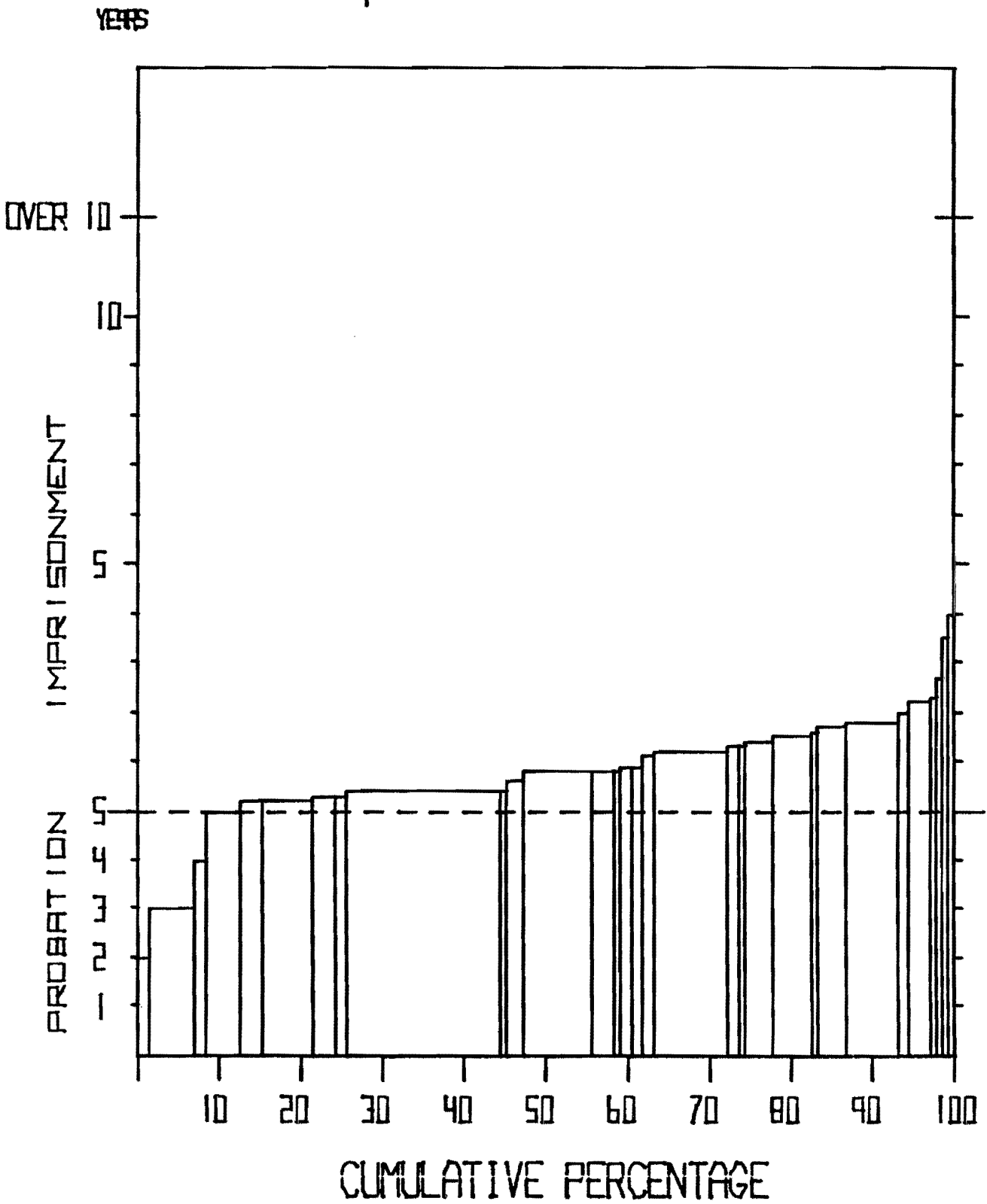
Caution: 88.9% of the cases in the table were produced by 4 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 10.4 months.
Cases with no imprisonment are included.

Number of probation cases in table:	18
Number with fines:	3
Number with community service:	1
Number with restitution:	0
Number of imprisonment cases in table:	126
Number with fines:	4
Number with community service:	0
Number with restitution:	0
Number of cases in the offense/offender category:	145
Number included in the table:	144
Number in which the parole decision was estimated:	43
Number excluded because of unreliable data:	1
Number known to have had prison sentences:	1

Graph for Table 7-8



NOTE: See cautions to accompanying table.

TABLE 7-9

Punishments Imposed on Individuals

Offense Classification: Conviction for immigration offense other than illegal entry

Offender Classification: Prior incarceration on one or more sentences of more than one year

Years	Time Months	Number of offenders*	Percent	Cumulative Percent
Probation				
3	0	1	1.1	1.1
5	0	4	4.3	5.3
Imprisonment				
0	1.9	1 (0)	1.1	6.4
0	2.8	1 (1)	1.1	7.4
0	3.8	1 (1)	1.1	8.5
0	4.7	8 (8)	8.5	17.0
0	7	2 (0)	2.1	19.1
0	9	5 (1)	5.3	24.5
0	9.4	3 (0)	3.2	27.7
0	10	1 (0)	1.1	28.7
0	11	2 (0)	2.1	30.9
1	0	1 (0)	1.1	31.9
1	1	1 (0)	1.1	33.0
1	2	6 (0)	6.4	39.4
1	3	3 (0)	3.2	42.6
1	4	2 (0)	2.1	44.7
1	5	2 (0)	2.1	46.8
1	6	7 (0)	7.4	54.3
1	8	7 (1)	7.4	61.7
1	9	1 (0)	1.1	62.8
1	10	8 (1)	8.5	71.3
1	11	1 (0)	1.1	72.3
2	0	2 (0)	2.1	74.5
2	1	2 (0)	2.1	76.6
2	2	7 (1)	7.4	84.0
2	5	8 (2)	8.5	92.6
2	6	1 (0)	1.1	93.6
2	8	2 (0)	2.1	95.7
2	10	2 (0)	2.1	97.9
3	5	2 (0)	2.1	100.0

Continuation of TABLE 7-9

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Caution: This table contains fewer than 100 cases.

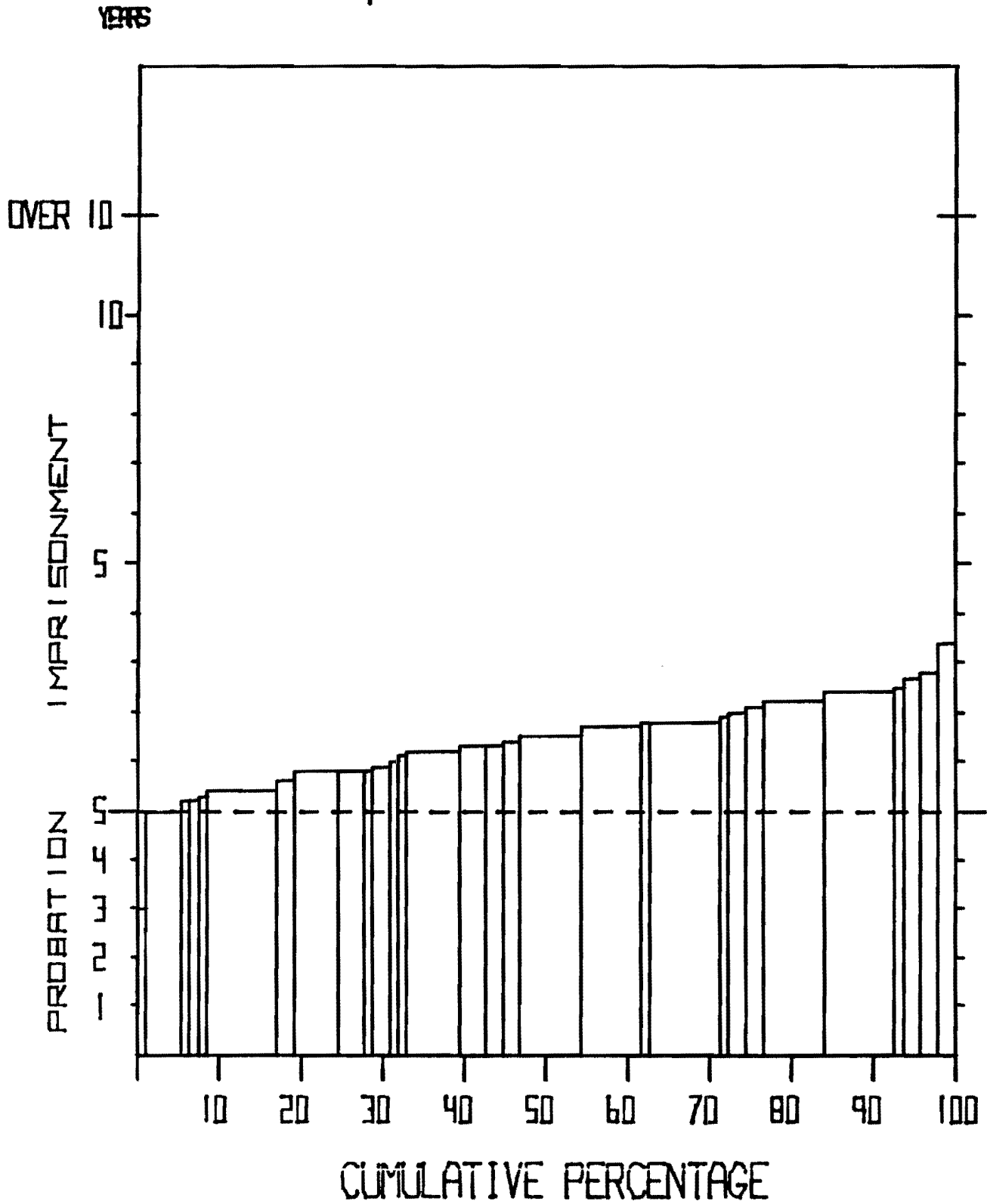
Caution: 86.2% of the cases in the table were produced by 4 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 1 year 5.3 months.
Cases with no imprisonment are included.

Number of probation cases in table:	5	
Number with fines:	2	
Number with community service:	0	
Number with restitution:	0	
Number of imprisonment cases in table:	89	
Number with fines:	1	
Number with community service:	0	
Number with restitution:	1	
Number of cases in the offense/offender category:		94
Number included in the table:		94
Number in which the parole decision was estimated:		37
Number excluded because of unreliable data:		0
Number known to have had prison sentences:		0

Graph for Table 7-9



NOTE: See cautions to accompanying table.

Passport Fraud

Table 7-10 shows the punishments imposed on 91 offenders convicted under 18 U.S.C. § 1542 of making false statements in passport applications or using a passport secured through a false statement.

6 of these offenders had secondary offenses.

55 of the offenders had records of prior convictions; 30 had previously been incarcerated (19 on sentences of more than one year).

TABLE 7-10

Punishments Imposed on Individuals

Offense Classification: Conviction for passport fraud

Offender Classification: All offenders

Years	Time Months	Number of offenders*	Percent	Cumulative Percent
Fine only:				
		1	1.1	1.1
Probation				
1	0	5	5.7	6.9
1	6	1	1.1	8.0
2	0	11	12.6	20.7
3	0	17	19.5	40.2
5	0	6	6.9	47.1
Imprisonment				
0	0.3	1 (0)	1.1	48.3
0	1.9	2 (1)	2.3	50.6
0	2.8	4 (3)	4.6	55.2
0	4.7	11 (11)	12.6	67.8
0	5.3	2 (0)	2.3	70.1
0	6	1 (0)	1.1	71.3
0	7	1 (0)	1.1	72.4
0	7.9	1 (1)	1.1	73.6
0	9	2 (0)	2.3	75.9
0	9.4	2 (0)	2.3	78.2
0	10	1 (0)	1.1	79.3
1	0	4 (0)	4.6	83.9
1	1	4 (0)	4.6	88.5
1	2	1 (0)	1.1	89.7
1	3	2 (0)	2.3	92.0
1	4	1 (0)	1.1	93.1
1	6	2 (0)	2.3	95.4
1	8	2 (0)	2.3	97.7
1	10	1 (0)	1.1	98.9
2	2	1 (0)	1.1	100.0

* The number in parentheses is the number of offenders with prison terms who also had probation terms (split or mixed sentences).

Continuation of TABLE 7-10

Caution: This table contains fewer than 100 cases.

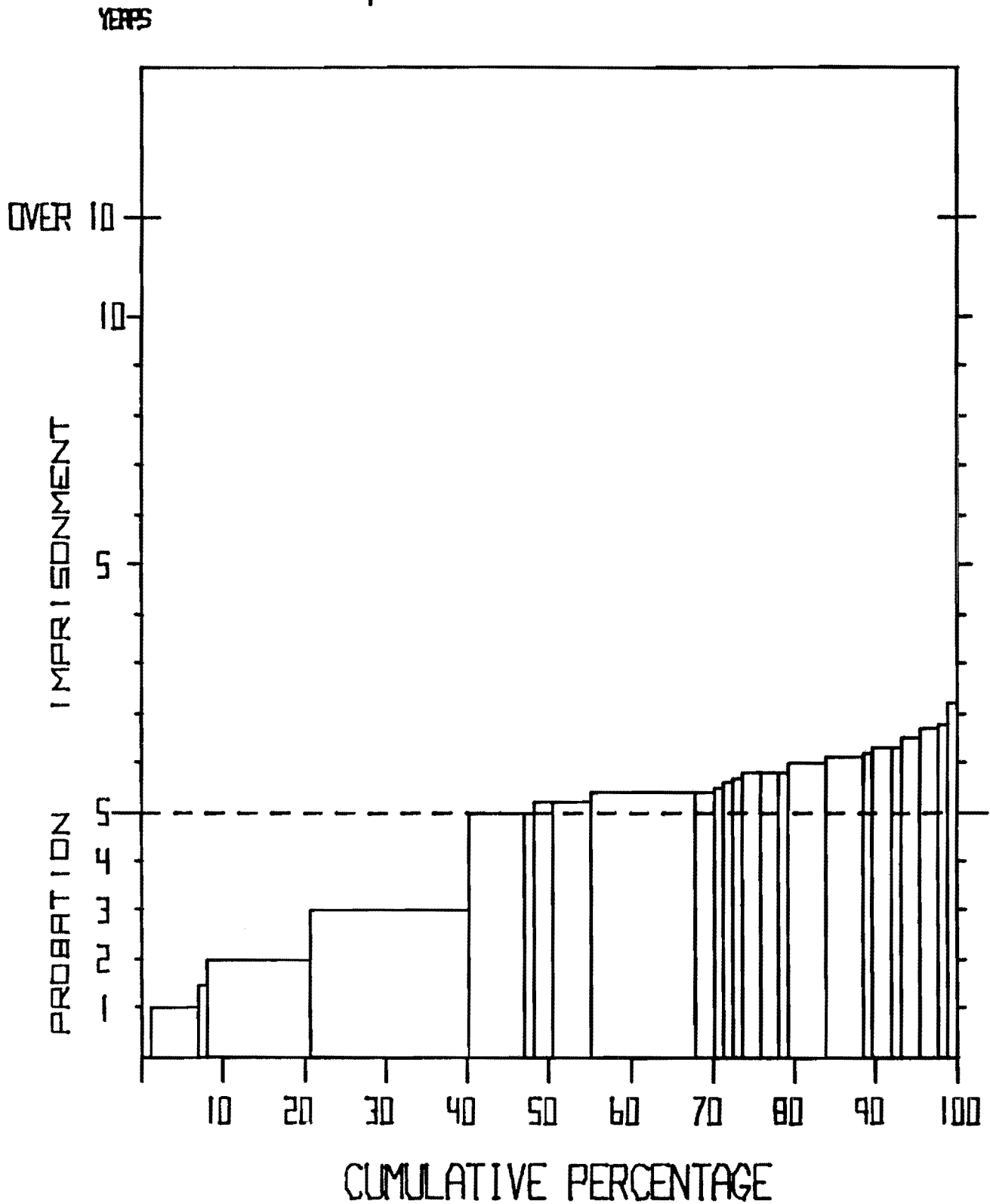
Caution: 60.9% of the cases in the table were produced by 8 districts, each of which produced more than 5% of them.

Notes:

The mean period of imprisonment is 0 years 4.9 months.
Cases with no imprisonment are included.

Number of 'fine only' cases in table:	1	
Number with restitution:	0	
Number of probation cases in table:	40	
Number with fines:	7	
Number with community service:	4	
Number with restitution:	0	
Number of imprisonment cases in table:	46	
Number with fines:	5	
Number with community service:	0	
Number with restitution:	0	
Number of cases in the offense/offender category:		91
Number included in the table:		87
Number in which the parole decision was estimated:		11
Number excluded because of unreliable data:		4
Number known to have had prison sentences:		4

Graph for Table 7-10



NOTE: See cautions to accompanying table.

THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, development, and training arm of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620-629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States is chairman of the Center's Board, which also includes the Director of the Administrative Office of the United States Courts and six judges elected by the Judicial Conference.

The Center's **Continuing Education and Training Division** provides educational programs and services for all third branch personnel. These include orientation seminars, regional workshops, on-site training for support personnel, and tuition support.

The **Division of Special Educational Services** is responsible for the production of educational audio and video media, educational publications, and special seminars and workshops, including programs on sentencing.

The **Research Division** undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal court system.

The **Innovations and Systems Development Division** designs and tests new technologies, especially computer systems, that are useful for case management and court administration. The division also contributes to the training required for the successful implementation of technology in the courts.

The **Division of Inter-Judicial Affairs and Information Services** prepares a monthly bulletin for personnel of the federal judicial system, coordinates revision and production of the *Bench Book for United States District Court Judges*, and maintains liaison with state and foreign judges and related judicial administration organizations. The Center's library, which specializes in judicial administration materials, is located within this division.



Federal Judicial Center

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