

## **Prison and Sentencing Impact Assessments for 2014 Guideline Amendments to the Federal Sentencing Guidelines**

For a complete description of all the proposed 2014 amendments. Please visit

[http://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20140430\\_RF\\_Amendments.pdf](http://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20140430_RF_Amendments.pdf)

### Prison and Sentencing Impacts:

#### **1) §1B1.10**

The Commission does not have sufficient information on the number of offenders potentially affected; consequently, the prison impact cannot be estimated.

#### **2) Violence Against Women Reauthorization Act**

Because of the small number of offenders sentenced under the guidelines amended in response to this Act, the impact to the prison population is negligible.

#### **3) Drugs**

For this analysis the Commission identified offenders sentenced in fiscal year 2012 with a guideline computation under one of the drug trafficking guidelines using the Drug Quantity Table (DQT) in §2D1.1 (§§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, 2D1.14). For this analysis, the base offense level specified by the DQT was reduced by two levels except for cases in which the base offense level was at the minimum offense level for that drug type (level 12 for offenses involving heroin, cocaine, cocaine base, PCP, methamphetamine, amphetamine, LSD, or fentanyl; level 8 for offenses involving flunitrazepam; and, level 6 for offenses involving marijuana, hashish, ketamine, Schedule I or II Depressants, Schedule III Hydrocodone, Schedule III substances (other than Ketamine and Hydrocodone), Schedule IV substances (except flunitrazepam), and Schedule V substances). Maximum base offense levels for each drug type remained as they currently exist but new quantities associated with those levels were calculated. At the maximum offense level, offenders missing a specific quantity, but having a valid base offense level, were assigned an estimated weight at random.

The new base offense level was the only change from the original guideline computation and all original enhancements and mitigators continue to apply as at the original sentencing. A new guideline range then was calculated for each offender. In each case, the offender was sentenced to the same position, relative to the guideline minimum or maximum, as at the original sentencing - that is, if an offender received a sentence in the middle of the original guideline range when sentenced, the program resentenced that offender to the middle of the new guideline range. Offenders with a sentence above or below the original guideline range was sentenced to

the same distance above or below as at the original sentencing. If a mandatory minimum was applicable at the original sentencing, it was applied at the resentencing. Likewise, an offender, sentenced under either the Career Offender (§4B1.1) or Armed Career Criminal (§4B1.4) guideline, was resentenced to the greater of the new estimated sentence or the sentence derived from the Career Offender or Armed Career Criminal guidelines. The estimated impact of the amendment is presented in the table below.

**Estimated Effect on Sentencing and Incarceration  
of Decreasing the Drug Quantity Table by Two Levels  
FY2012 Cases**

<b>Change in Sentences Imposed</b>						
Total Cases <sup>1</sup>	Number Affected <sup>2</sup>	Percent Affected	Current Average Sentence for Affected Cases	New Average Sentence for Affected Cases	Number of Months Change	Percent Change
24,968	17,457	69.9	62	51	-11	-17.7

<b>Change in Sentences Served</b>							
Change in years of incarceration served for offenders sentenced in a single fiscal year <sup>3</sup>							
1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	10 <sup>th</sup> Year	15 <sup>th</sup> Year	Total <sup>4</sup>
-894	-1,083	-1,667	-1,281	-1,625	-634	-256	-13,938
Change in total BOP Population in Future Years <sup>5</sup>							
1 <sup>st</sup> Year After Effective Date	2 <sup>nd</sup> Year After Effective Date	3 <sup>rd</sup> Year After Effective Date	4 <sup>th</sup> Year After Effective Date	5 <sup>th</sup> Year After Effective Date			
-894	-1,977	-3,644	-4,925	-6,550			

<sup>1</sup> Total cases are those with a particular sentencing factor being analyzed.

<sup>2</sup> Affected cases are those in which the sentence is estimated to change as a result of the sentencing factor analyzed. Not all cases will change as a result of the application of the sentencing factor being analyzed.

<sup>3</sup> This table represents the number of prison beds saved each year by a cohort of offenders sentenced in a single year.

<sup>4</sup> This is the total number of prison beds that will be saved when all offenders who were sentenced in the same year are ultimately released from prison.

<sup>5</sup> This is the annual number of prison beds saved as ongoing cohorts of offenders enter the Bureau of Prisons who have been sentenced under the changed guideline.

Source: U. S. Sentencing Commission Prison and Sentencing Impact Assessment Model, FY2012 datafile.

**Change in Sentences Imposed** Of the 24,968 drug trafficking offenders identified for this analysis, 69.9 percent (n = 17,457) are estimated to be affected by the amendment if it had been in place at the time of sentencing. The average sentence imposed on these 17,457 offenders was 62 months. It is estimated that, had the amendment been in effect at the time these offenders had been sentenced, the average sentence would have been 51 months resulting in a 17.7 percent reduction (11 months).

**Change in years of incarceration served for offenders sentenced in a single fiscal year** It is estimated that this amendment will reduce the federal Bureau of Prisons (BOP) population by 894 person years of bed space in the first year. It is estimated, based solely on the sentencing of a single year of drug trafficking offenders, that this amendment ultimately will save the BOP 13,938 person years of bed space once the last offenders of this cohort have finished serving their sentences.

**Change in total BOP Population in Future Years** It is estimated that the BOP will have an additional 894 prison beds available at the end of the first year after implementation. At the end of the fifth year after implementation of this amendment it is estimated that the BOP will have saved 6,550 prison beds.

#### **4) Marijuana Cultivation Operations**

Because of the small number of offenders affected by this amendment, based on current prosecution practices, the prison impact is negligible.

#### **5) Felon in Possession**

The Commission does not have sufficient information on the number of offenders potentially affected; consequently, the prison impact cannot be estimated.

#### **6) Alien Smuggling**

The Commission does not regularly collect information on the manner in which alien smuggling crimes are committed; consequently, the prison impact cannot be estimated.

#### **7) Supervised Release**

Because this amendment concerns supervised release only, it does not have a prison impact.

#### **8) Other Terms of Imprisonment**

The Commission does not collect comprehensive data on the application of §5G1.3; consequently, the prison impact analysis cannot be performed

For more information about why the Commission may not perform prison and sentencing impact

assessments, see the Frequently Asked Questions:

<http://www.ussc.gov/research-and-publications/most-frequently-asked-questions-prison-sentencing-impact-assessments>