



Criminal Breakout Session: Sentencing Guidelines

District of Oregon Conference

May 2, 2024

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Office of Education and Sentencing Practice

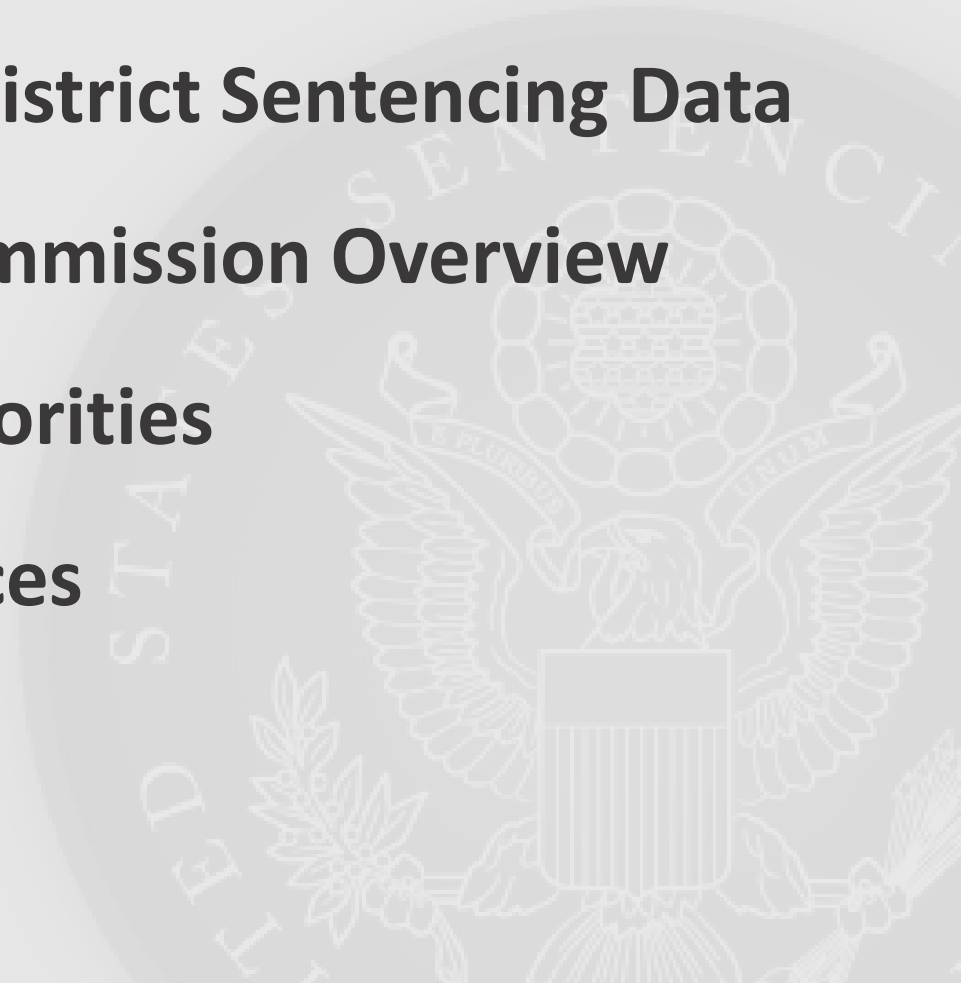
[Online HelpLine Form](#)



Agenda



- **National and District Sentencing Data**
- **Sentencing Commission Overview**
- **2024 Policy Priorities**
- **Online Resources**

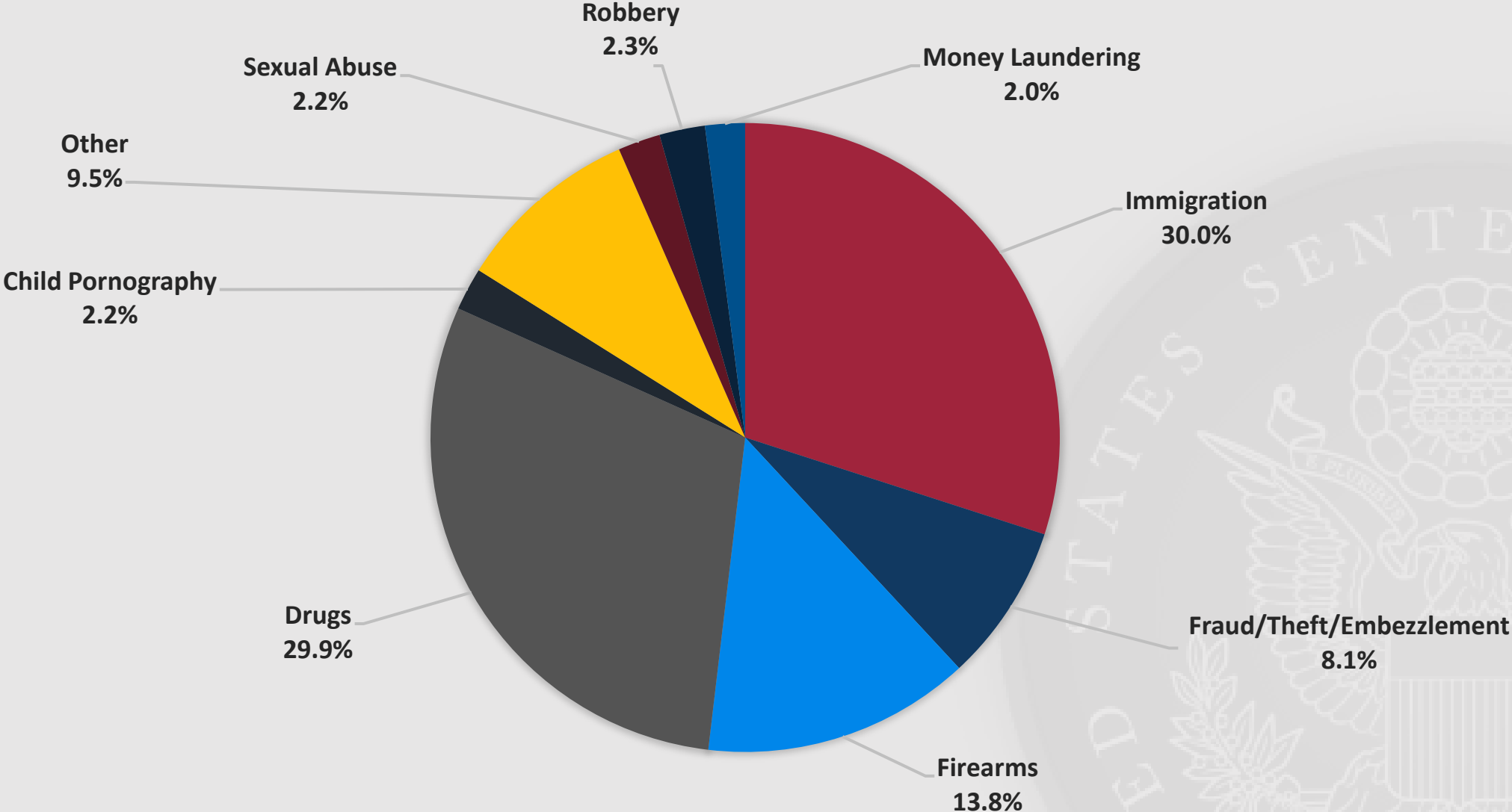




National and District Data

Primary Offense Types

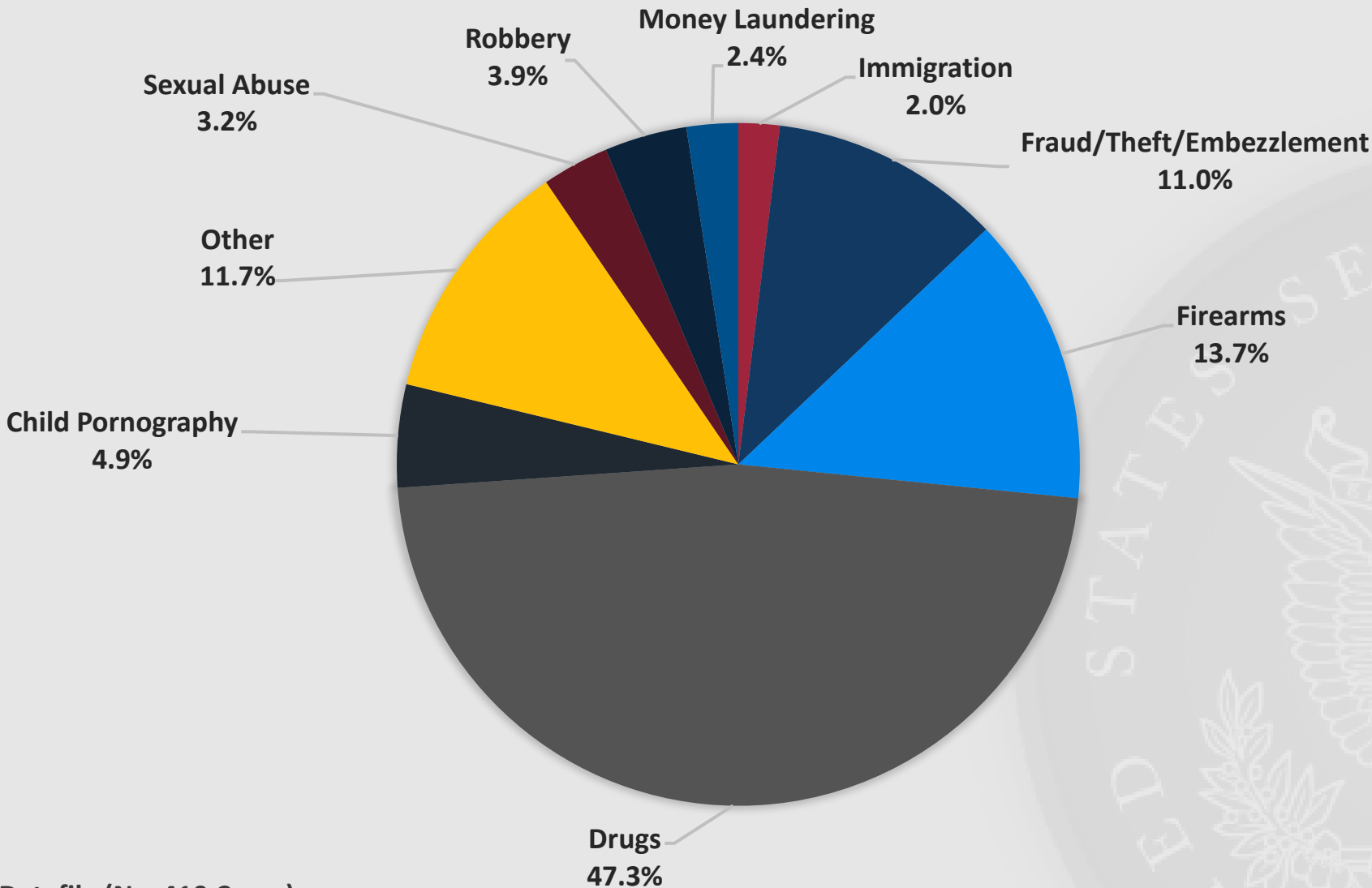
National – FY2023



SOURCE: 2023 USSC Datafile (N = 64,126 Cases)

Primary Offense Types

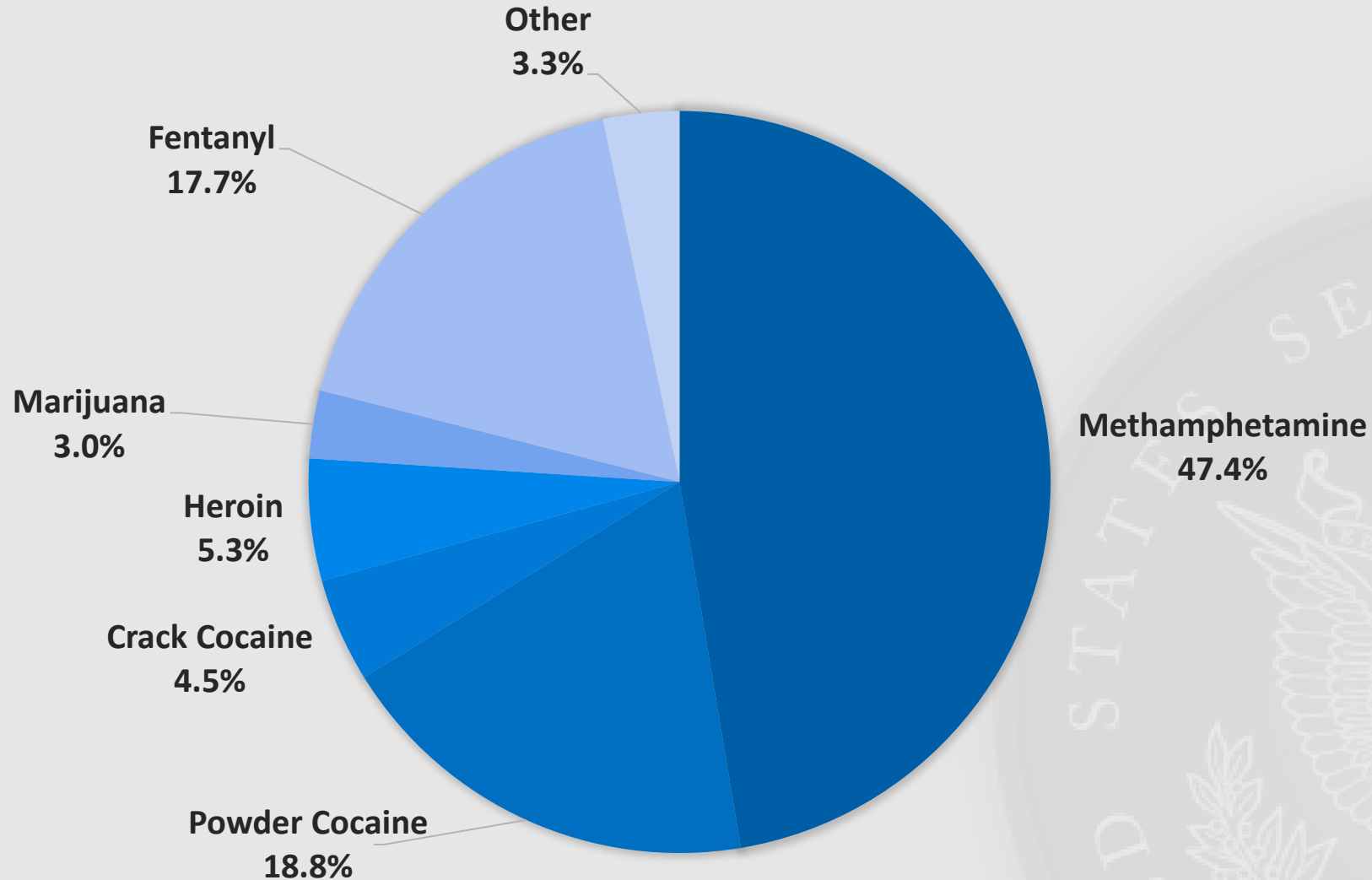
District of Oregon – FY2023



SOURCE: 2023 USSC Datafile (N = 410 Cases)

Primary Drug Types

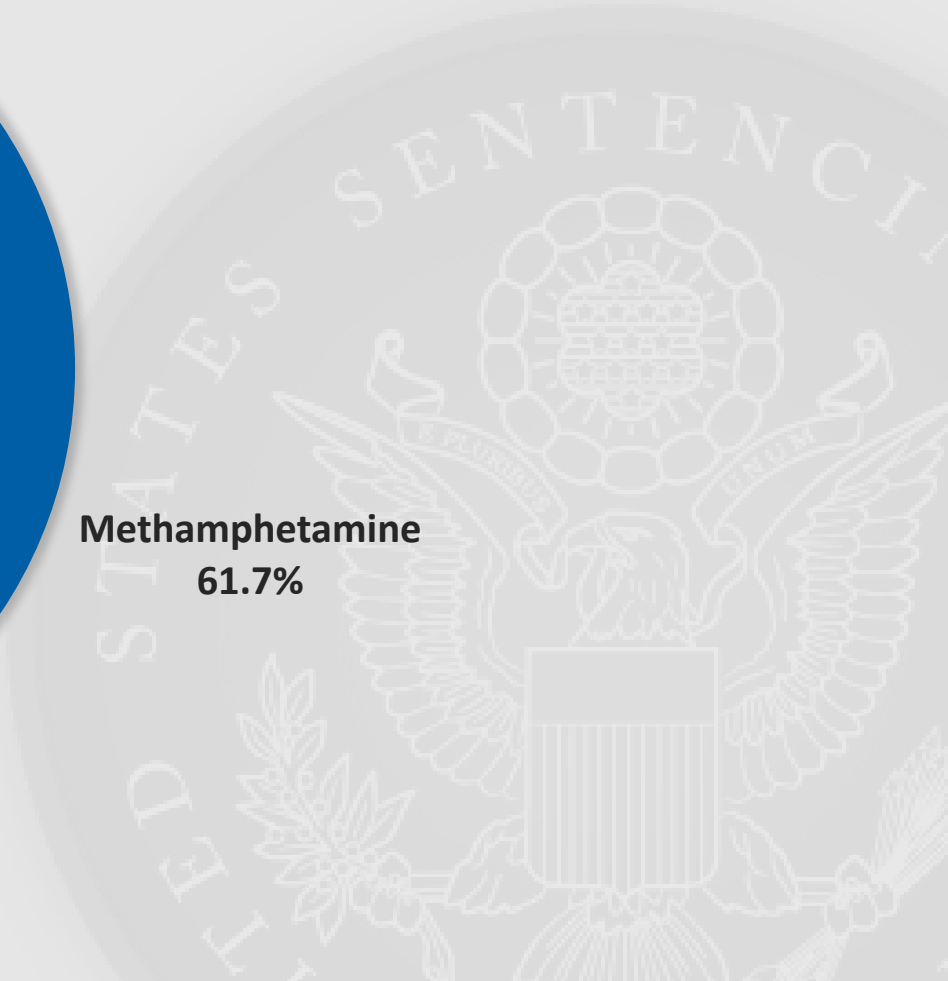
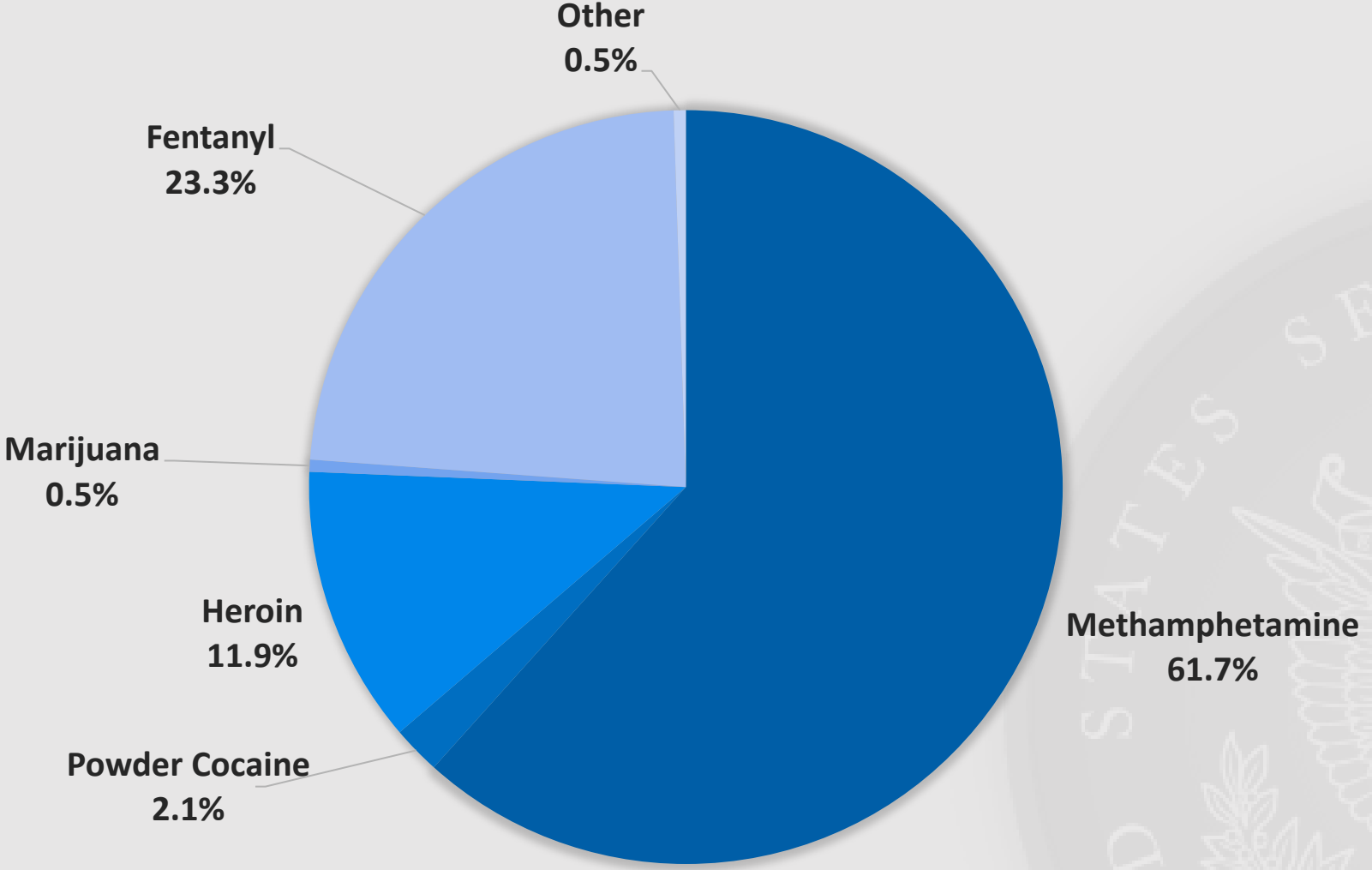
National – FY2023



SOURCE: 2023 USSC Datafile (N = 19,066 Cases)

Primary Drug Types

District of Oregon – FY2023



SOURCE: 2023 USSC Datafile (N = 193 Cases)

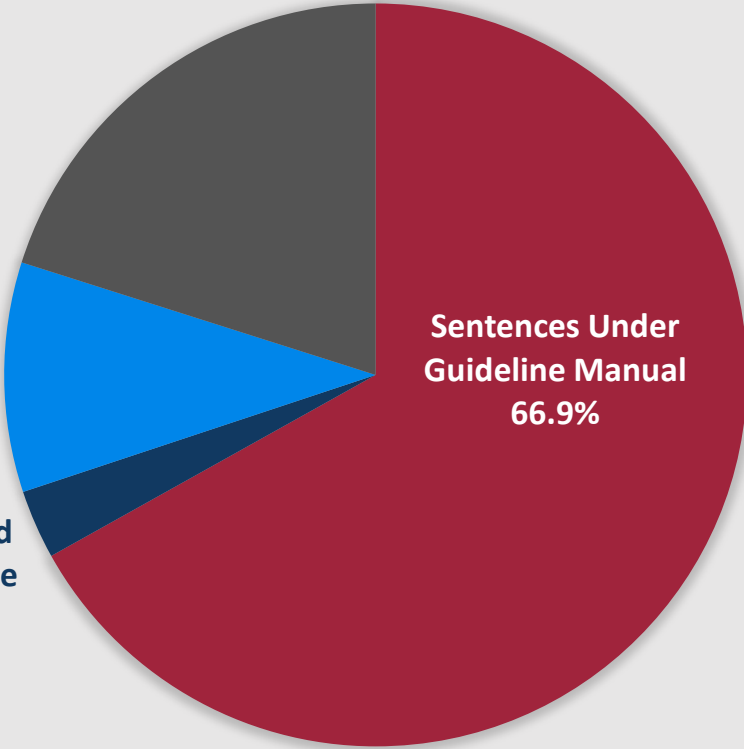
Position of Sentences in Relation to Guideline Range

National – FY2023

Downward Variance - No Government
20.1%

Downward Variance - Government
10.0%

Upward Variance
3.0%



Sentences Under
Guideline Manual
66.9%



Substantial Assistance (\$5K1.1) - 10.2%

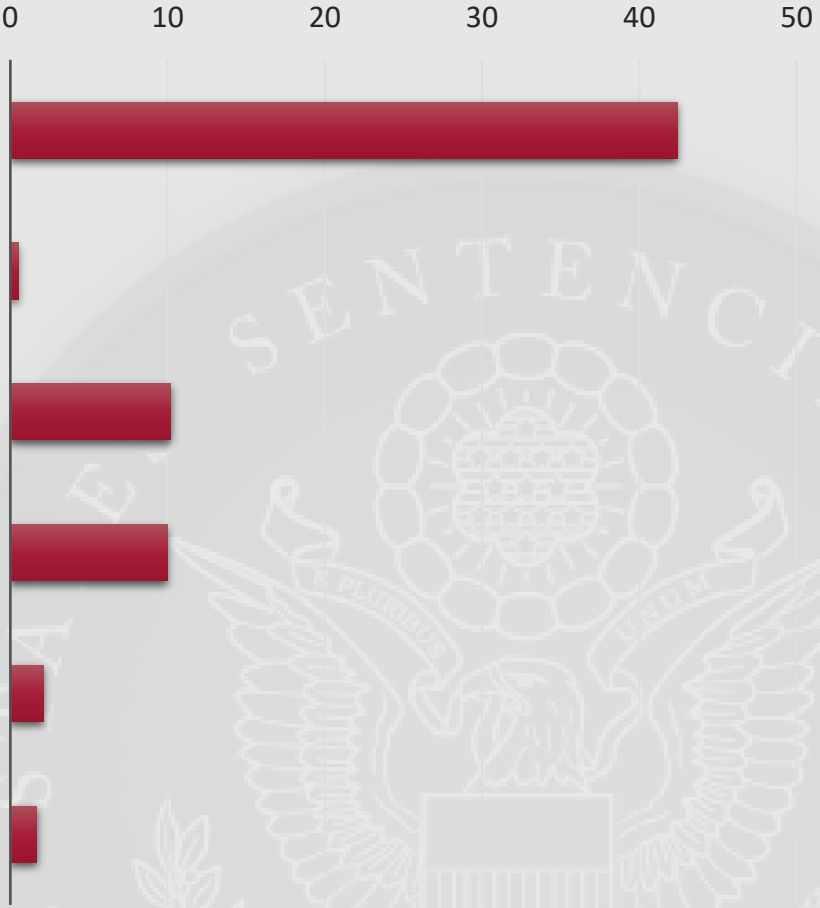
Early Disposition (\$5K3.1) - 10.0%

Other Government Departure - 2.1%

Non-Government Departure - 1.7%

Within Guideline Range - 42.4%

Upward Departure - 0.5%

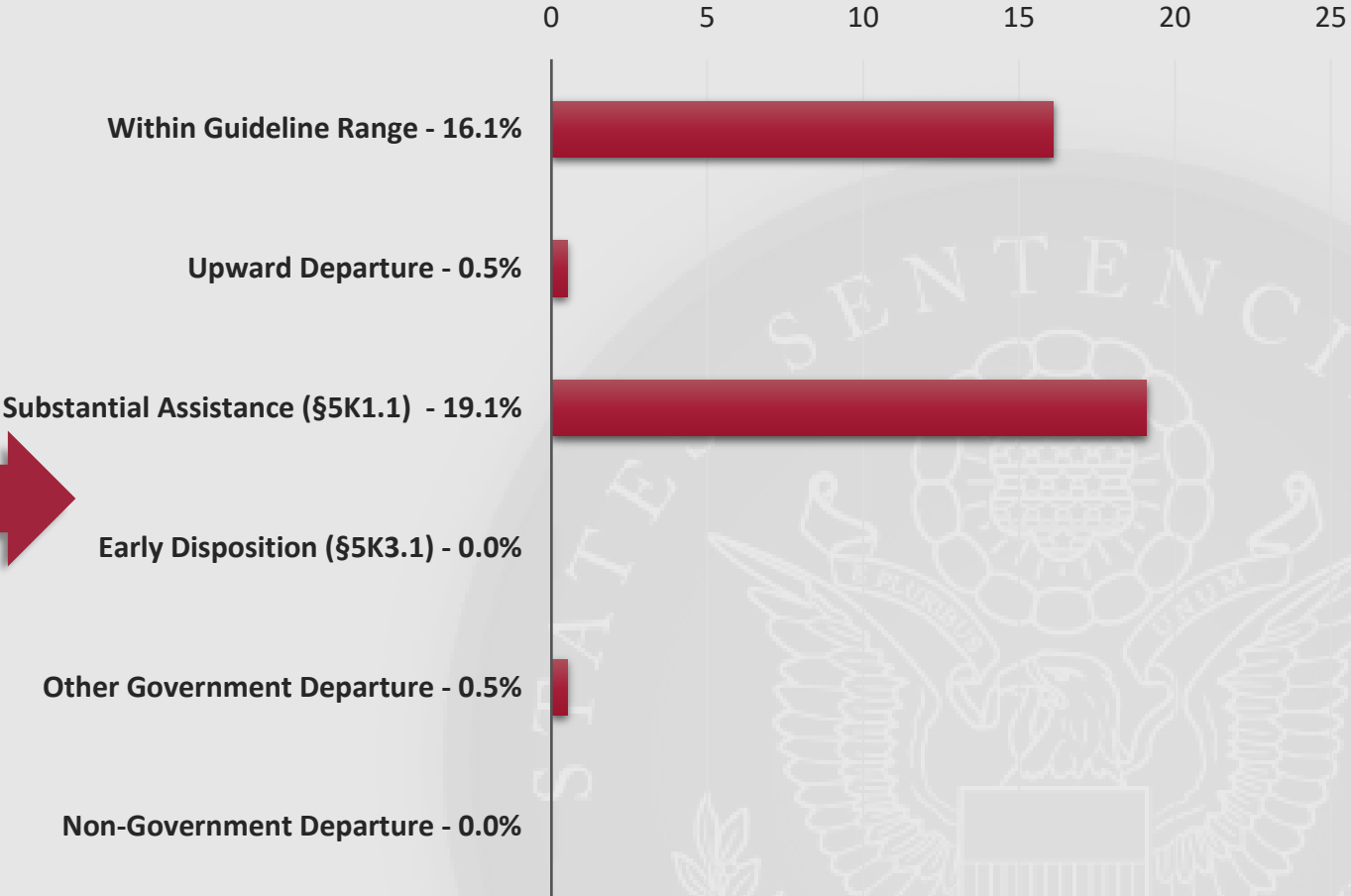
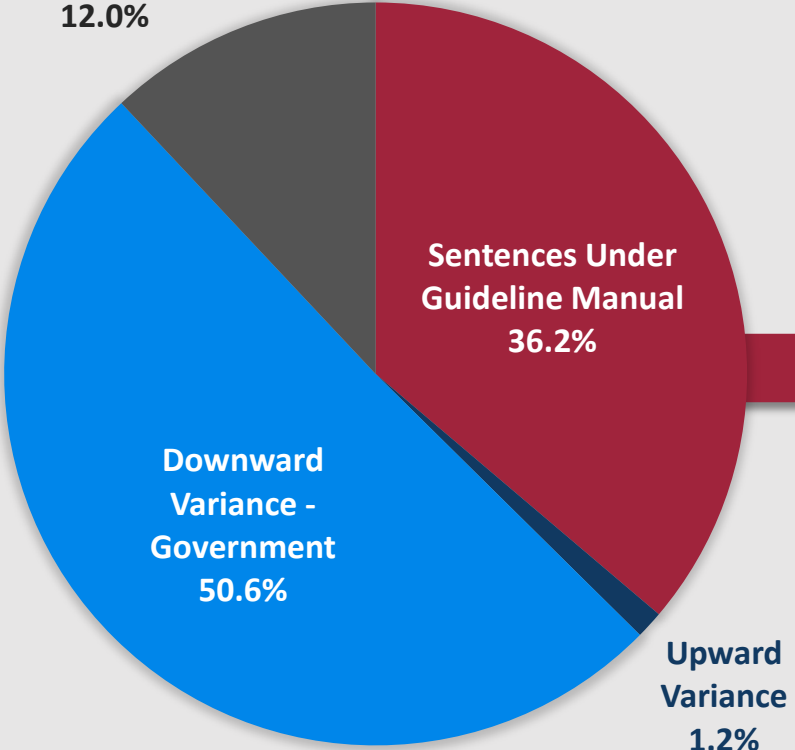


SOURCE: 2023 USSC Datafile (N = 63,814 Cases)

Position of Sentences in Relation to Guideline Range

District of Oregon – FY2023

Downward Variance - No Government
12.0%

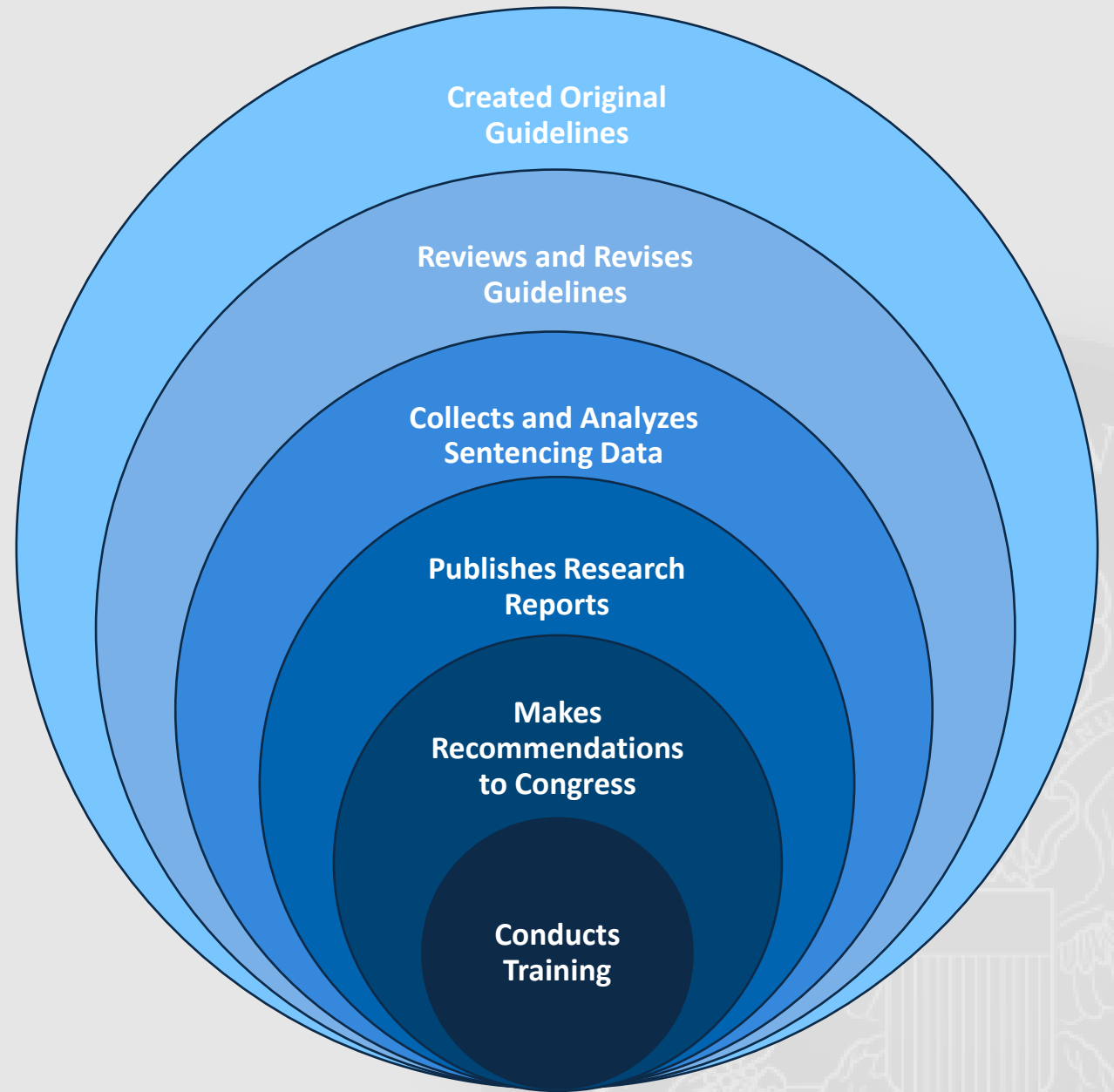


SOURCE: 2023 USSC Datafile (N = 409 Cases)



Sentencing Commission Overview

The United States Sentencing Commission



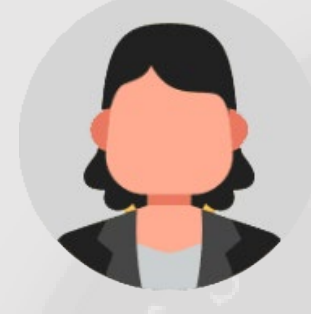
USSC Voting Body

28 U.S.C. § 991(a)

7

Voting
Commissioners

28 U.S.C. § 991

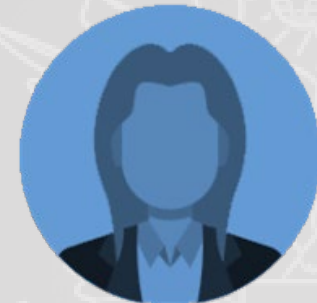
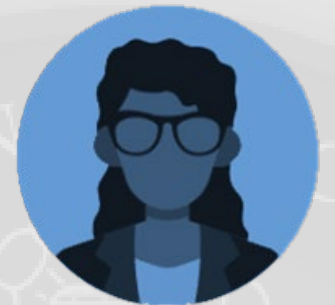
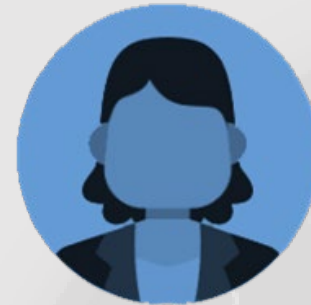


USSC Voting Body

28 U.S.C. § 991(a)

Bipartisan

No More Than 4
from the Same
Political Party

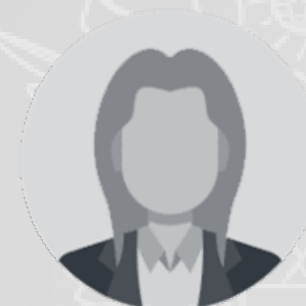
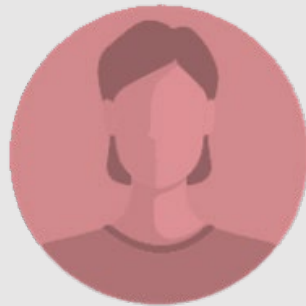


USSC Voting Body

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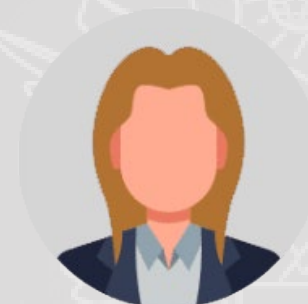
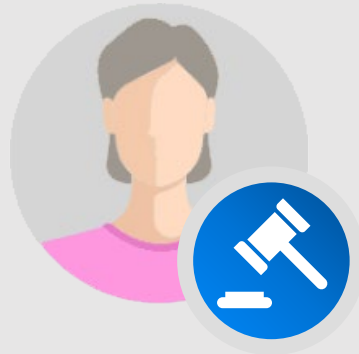
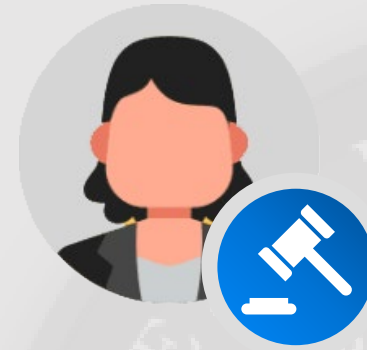


USSC Voting Body

28 U.S.C. § 991(a)

3

Must Be
Federal
Judges

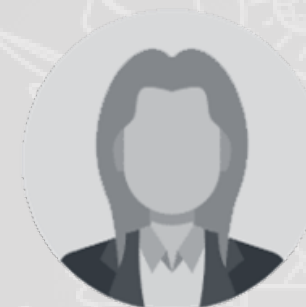
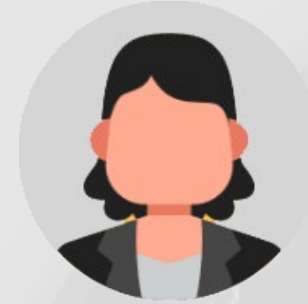


USSC Voting Body

28 U.S.C. § 991(a)

4+

Required for
Quorum



Current Commissioners

Confirmed August 2022



Judge Carlton Reeves
Chair



Claire McCusker Murray
Vice Chair



Laura Mate
Vice Chair



Judge Luis Felipe Restrepo
Vice Chair



Judge Claria Horn Boom



John Gleeson



Candice Wong

Amendment Cycle



2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

BOP Issues



RECIDIVISM AND FEDERAL
BUREAU

DRUG PRO

Recidivism and Federal Bureau of Prisons Programs: Drug Program Participants Released in 2010

KEY FINDINGS

This chapter summarizes key findings from the study and explains the scope of the analysis and how recidivism is defined and measured. The second chapter of this report discusses the RDAP program requirements and analyzes differences in offender and offense characteristics and recidivism rates among eligible offenders. The third chapter of this report details NRDAP program requirements and the differences in offender and offense characteristics and recidivism rates among eligible offenders. Finally, the fourth chapter concludes with a review of the report's findings.

This study observed a **significant reduction** in the likelihood of **recidivism** for offenders who completed the Residential Drug Abuse Treatment Program or the Non-Residential Drug Abuse Treatment Program.



BOP Issues

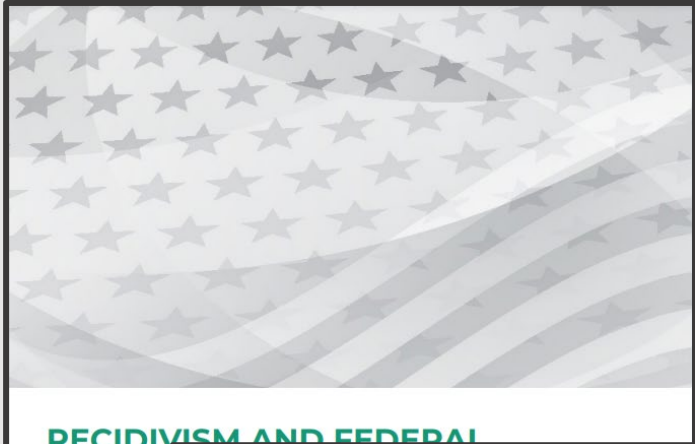
Recidivism and Federal Bureau of Prisons Programs: Drug Program Participants Released in 2010

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BOP Issues



RECIDIVISM AND FEDERAL
BUREAU OF PRISONS

DRUG PROGRAM PARTICIPANTS
RELEASED IN 2010

Recidivism and Federal Bureau of Prisons Programs: Drug Program Participants Released in 2010

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RECIDIVISM AND FEDERAL
BUREAU OF PRISONS

OCCUPATIONAL
EDUCATION PROGRAMS

1 Occupational Education Programs (OEP)

Although the recidivism rate for offenders who completed an OEP course was lower than that of offenders who did not participate in an OEP course (48.3% compared to 54.1%), the difference in their recidivism rates was not statistically significant after controlling for key offender and offense characteristics such as criminal history category, age at release, gender, and crime type.

2 Federal Prison Industries (FPI)

Although the recidivism rate for offenders who participated in FPI was higher than that of offenders who did not participate in FPI (55.0% compared to 52.0%), the difference in recidivism rates was not statistically significant after controlling for key offender and offense characteristics, such as criminal history category, age at release, gender, and crime type.

BOP Issues

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Table. Excluding Offenses for Earning First Step Act Time Credits

Eligibility

In some instances, a listed offense will exclude an individual only if specific or additional circumstances are present. These specific or additional circumstances are indicated in bold text in the Description column.

Filter table by offense category:

- All** Arson Assault Burglary and Robbery Damage to Property Involving Endangerment to Human Life Drugs Espionage, National Security, and Terrorism Explosives, Firearms, and Weapons Homicide Human Trafficking Immigration Individual Rights Kidnapping Miscellaneous Offenses Involving Correctional Facilities Offenses Involving Government Officials Sex Offenses

Or search the table for a specific statute or keyword:

Offense Category	Statute	Title	Description	FSA Citation
Arson	18 U.S.C. § 81	Arson within special maritime and territorial jurisdiction		18 U.S.C. § 3632(d)(4)(D)(iv).
Assault	18 U.S.C. § 111(b)	Assaulting, resisting, or impeding certain officers or employees	"[R]elating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury."	18 U.S.C. § 3632(d)(4)(D)(v).
Assault	18 U.S.C. § 113(a)(1)	Assaults within maritime and territorial jurisdiction	"[R]elating to assault with intent to commit murder."	18 U.S.C. § 3632(d)(4)(D)(vi).
Assault	18 U.S.C. § 113(a)(7)	Assaults within maritime and territorial jurisdiction	"[R]elating to assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years."	18 U.S.C. § 3632(d)(4)(D)(vi).

*FSA time credits are distinct from, and in addition to, any "good time credit" awarded under 18 U.S.C. § 3624(b) or credits for participation in RDAP.



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2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

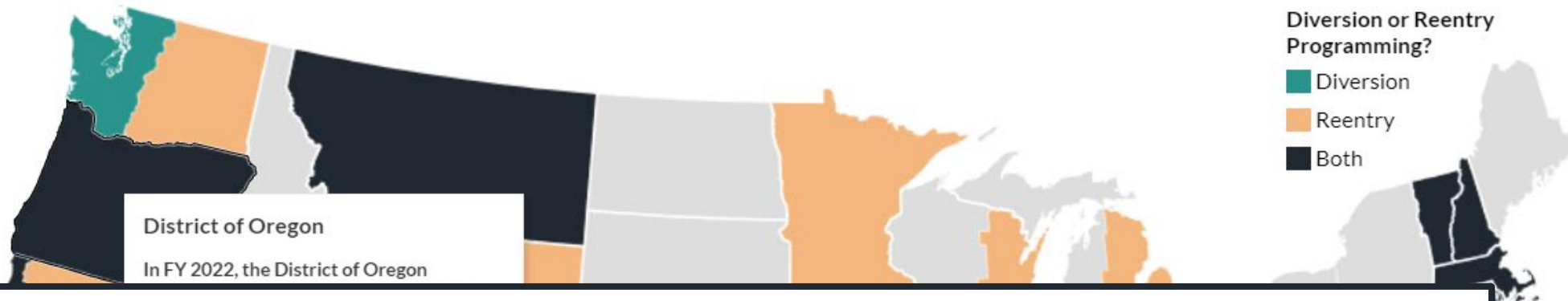
**Status of
Commentary**

Circuit Conflicts

Miscellaneous

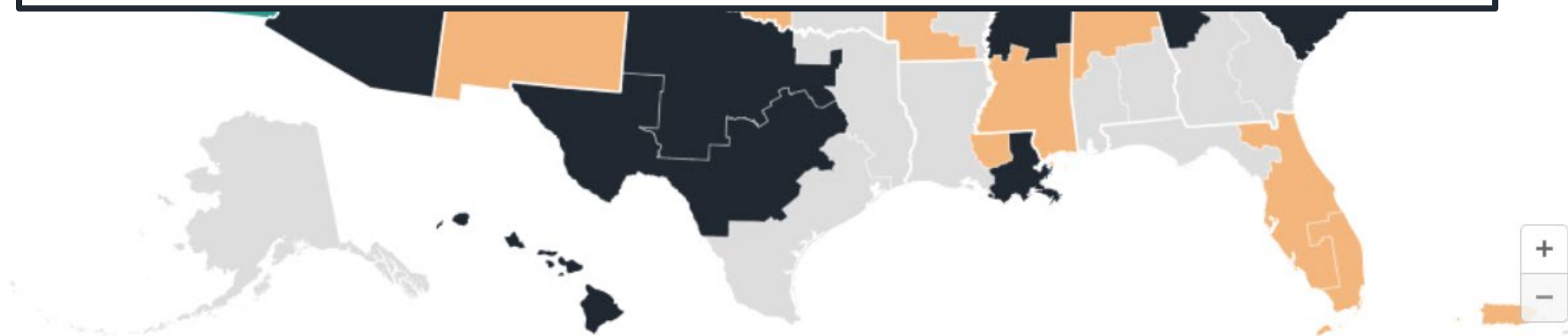
Technical

Federal Problem-Solving Courts



Follow along with the work of the 2023-2024 Alternatives-to-Incarceration Policy Team in this Commission Chats miniseries, featuring the federal judges who lead the problem-solving court programs available around the country. Parts One through Eight are out now! *(Latest episode published April 2024)*

[LISTEN HERE](#)



2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical



ROUNDTABLE – FEBRUARY 7, 2024



Roundtable on Career Offender & the Categorical Approach

Wednesday, February 7, 2024
Washington, DC
By Invitation

Career Offender

The Commission has [prioritized](#) the continued examination of the career offender guidelines (§§[4B1.1](#), [4B1.2](#)), including the exploration of alternatives to the “categorical approach” to determine whether an offense is a “crime of violence” or a “controlled substance offense.”

While the Commission did not propose 2024 amendments addressing this policy priority, the Commission continued its multiyear examination of the career offender guidelines inviting several experts to the February 2024 roundtable to generate alternatives to the categorical approach in the guidelines and solicit fresh perspectives on what, if anything, can be done to address the critiques of the categorical approach.

This wide-ranging and informative discussion included both circuit and district court judges, representatives from the Department of Justice, the Federal Public Defenders, the Commission’s Practitioners Advisory Group, private practitioners, and law professors.

The Commission welcomes further comment and input on the career offender guidelines and the categorical approach. Please feel free to email us at PubAffairs@ussc.gov.

Related Materials:

- [Primer on the Categorical Approach](#)
- [2016 Report to the Congress](#)
- [Quick Facts on Career Offenders](#)
- [2022 Sourcebook of Federal Sentencing Statistics, Table 26](#) 

2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

Simplification

Guidelines

Departures

Variations



Simplification

Guidelines



Variances



**Next
Amendment Cycle**



2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

Youthful Sentenced Individuals

Part

A

Modify §4A1.2(d) (Offenses Before 18)



Part

B

Proposal to Expand §5H1.1 (Age)



2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

Acquitted Conduct

**Relevant
Conduct**



**Acquitted
Conduct**



2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

Status of Commentary

Loss



Actual Loss

>



Intended Loss

Commentary

**Actual vs. Intended
(Use the Greater)**

Guidelines

2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

Circuit Conflicts

Part

A

Altered or Obliterated = Illegible

Part

B

Section 924(c) ≠ Impact Grouping

2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

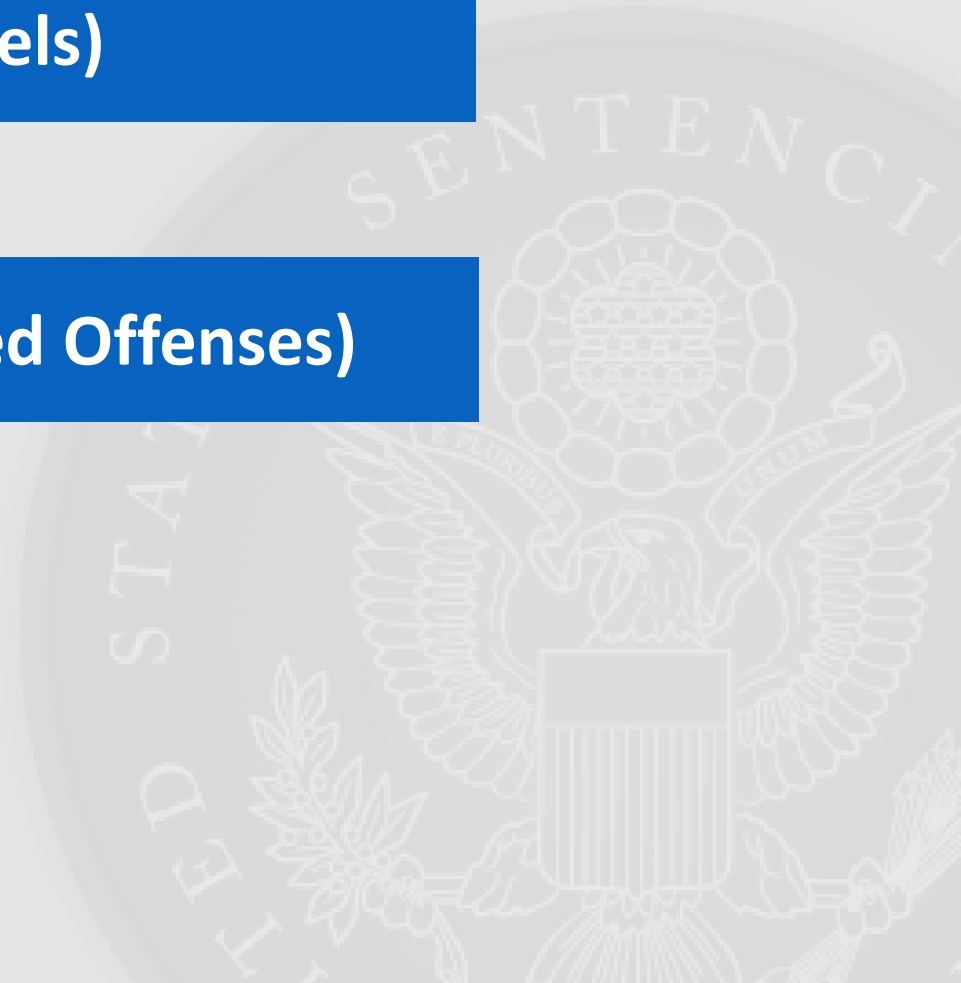
Miscellaneous

1

Section 2D1.1 (Base Offense Levels)

2

Section 4C1.1 (Add New Excluded Offenses)



2023–2024 Amendment Cycle

General Updates

BOP Issues

**Problem-Solving
Courts**

Career Offender

Proposed Amendments

Simplification

**Youthful Sentenced
Individuals**

Acquitted Conduct

**Status of
Commentary**

Circuit Conflicts

Miscellaneous

Technical

Technical

A

Technical Changes to §4C1.1



Retroactivity

28 U.S.C. § 994(u)

If the Commission reduces the term of imprisonment recommended in the guidelines, it shall specify whether the sentences may be retroactively reduced.

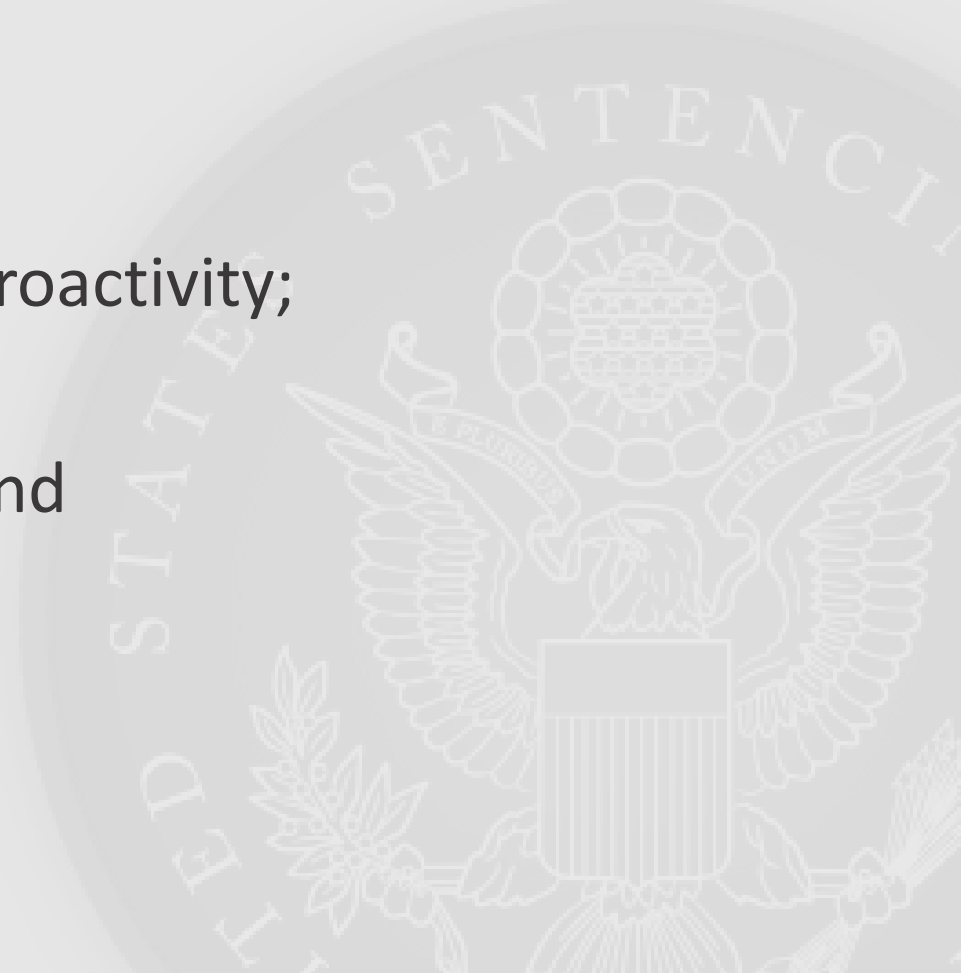


Retroactive Application of Amendments

USSC Rule 4.1A of Practice and Procedure

At the same hearing, or soon thereafter, the Commission shall decide whether to:

1. Publish a Request for Comment on Retroactivity;
2. Perform Retroactivity Analysis;
3. Hold Public Hearing on Retroactivity; and
4. Schedule Vote on Retroactivity.



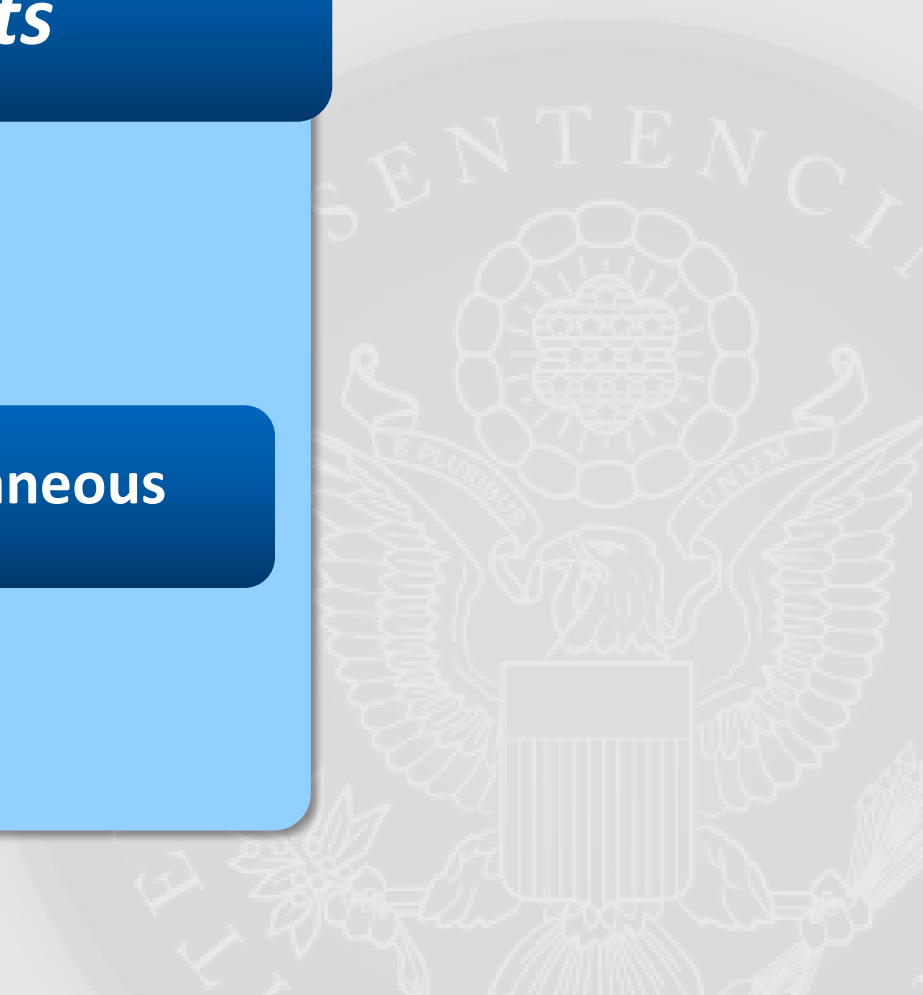
Possible Retroactive Amendments

Proposed Amendments

Acquitted Conduct

Circuit Conflicts

Miscellaneous





Commission Resources

Guideline Resources



UNITED STATES
SENTENCING COMMISSION

GUIDELINES

RESEARCH

POLICYMAKING

EDUCATION

ABOUT

BY TOPIC

> **2023 GUIDELINES MANUAL ANNOTATED**

Archive

> **GUIDELINES APP**

Drug Conversion Calculator

Drug Quantity Calculator

> **SENTENCING TABLE**

> **JUDICIARY SENTENCING INFORMATION (JSIN)**

Tutorial Video

> **ORGANIZATIONAL GUIDELINES**

> **PRIMERS**

THE FEDERAL SENTENCING GUIDELINES

> The Commission promulgates guidelines that judges consult when sentencing federal offenders. When the guidelines are amended, a subsequent *Guidelines Manual* is published.

> In this section, you will find the Commission's comprehensive archive of yearly amendments and *Guidelines Manuals* dating back to 1987.

§2B1.1 - LARCENY, EMBEZZLEMENT, AND OTHER FORMS OF THEFT; OFFENSES INVOLVING STOLEN PROPERTY; PROPERTY DAMAGE OR DESTRUCTION; FRAUD AND DECEIT; FORGERY; OFFENSES INVOLVING ALTERED OR COUNTERFEIT INSTRUMENTS OTHER THAN COUNTERFEIT BEARER OBLIGATION OF THE UNITED STATES

(a) Base Offense Level:

- (1) 7, if (A) the defendant was convicted of an offense referenced to this guideline; and (B) that offense of conviction has a statutory maximum term of imprisonment of 20 years or more; or
- (2) 6, otherwise.

(b) Specific Offense Characteristics

- (1) If the loss exceeded \$6,500, increase the offense level as follows:

Loss (apply the greatest)	Increase in Level
(A) \$6,500 or less	no increase
(B) More than \$6,500	add 2
(C) More than \$15,000	add 4

3. Loss Under Subsection (b)(1).—This application note applies to the determination of loss under subsection (b)(1).

(A) **General Rule.**—Subject to the exclusions in subdivision (D), loss is the greater of actual loss or intended loss.

- (i) **Actual Loss.**—“*Actual loss*” means the reasonably foreseeable pecuniary harm that resulted from the offense.
- (ii) **Intended Loss.**—“*Intended loss*” (I) means the pecuniary harm that the defendant purposely sought to inflict; and (II) includes intended pecuniary harm that would have been impossible or unlikely to occur (*e.g.*, as in a government sting operation, or an insurance fraud in which the claim exceeded the insured value).
- (iii) **Pecuniary Harm.**—“*Pecuniary harm*” means harm that is monetary or that otherwise is readily measurable in money. Accordingly, pecuniary harm does not include emotional distress, harm to reputation, or other non-economic harm.
- (iv) **Reasonably Foreseeable Pecuniary Harm.**—For purposes of this guideline, “*reasonably foreseeable pecuniary harm*” means pecuniary harm that the defendant knew or, under the circumstances, reasonably should have known, was a potential result of the offense.
- (v) **Rules of Construction in Certain Cases.**—In the cases described in subdivisions (I) through (III), reasonably foreseeable pecuniary harm shall be considered to include the pecuniary harm specified for those cases as follows:

Historical Note: ✕

Effective November 1, 1987. Amended effective June 15, 1988 ([Amendment 7](#)); November 01, 1991 ([Amendment 393](#)); November 01, 1993 ([Amendment 481](#)); November 01, 1993 ([Amendment 482](#)); November 01, 1997 ([Amendment 551](#)); November 01, 2000 ([Amendment 596](#)); November 01, 2001 ([Amendment 617](#)); November 01, 2002 ([Amendment 638](#)); January 25, 2003 ([Amendment 647](#)); November 01, 2003 ([Amendment 653](#)); November 01, 2003 ([Amendment 654](#)); February 06, 2008 ([Amendment 714](#)); November 01, 2008 ([Amendment 719](#)); November 01, 2008 ([Amendment 725](#)); November 01, 2009 ([Amendment 726](#)); November 01, 2009 ([Amendment 737](#)); November 01, 2010 ([Amendment 747](#)); November 01, 2011 ([Amendment 749](#)); November 01, 2012 ([Amendment 761](#)); November 01, 2013 ([Amendment 772](#)); November 01, 2015 ([Amendment 792](#)) +



792

victims, particularly in high-loss cases.

Intended Loss

Second, the amendment revises the commentary at §2B1.1, Application Note 3(A)(ii), which has defined intended loss as “pecuniary harm that was intended to result from the offense.” In interpreting this provision, courts have expressed some disagreement as to whether a subjective or an objective inquiry is required. Compare *United States v. Manatau*, 647 F.3d 1048 (10th Cir. 2011) (holding that a subjective inquiry is required), *United States v. Diallo*, 710 F.3d 147, 151 (3d Cir. 2013) (“To make this determination, we look to the defendant’s subjective expectation, not to the risk of loss to which he may have exposed his victims.”), *United States v. Confredo*, 528 F.3d 143, 152 (2d Cir. 2008) (remanding for consideration of whether defendant had “proven a subjective intent to cause a loss of less than the aggregate amount” of fraudulent loans), and *United States v. Sanders*, 343 F.3d 511, 527 (5th Cir. 2003) (“our case law requires the government prove by a preponderance of the evidence that the defendant had the subjective intent to cause the loss that is used to calculate his offense level”), with *United States v. Innaelli*, 524 F.3d 286, 291 (1st Cir. 2008) (“we focus our loss inquiry for purposes of determining a defendant’s offense level on the objectively reasonable expectation of a person in his position at the time he perpetrated the fraud, not on his subjective intentions or hopes”) and *United States v. Lane*, 323 F.3d 568, 590 (7th Cir. 2003) (“The determination of intended loss under the Sentencing Guidelines therefore focuses on the conduct of the defendant and the objective financial risk to victims caused by that conduct”).

The amendment adopts the approach taken by the Tenth Circuit by revising the commentary in Application Note 3(A)(ii) to provide that intended loss means the pecuniary harm that “the defendant purposely sought to inflict.” The amendment reflects the Commission’s continued belief that intended loss is an important factor in economic crime offenses, but also recognizes that sentencing enhancements predicated on intended loss, rather than losses that have actually accrued, should focus more specifically on the defendant’s culpability.

Sophisticated Means

Third, the amendment revises the commentary at §2B1.1, Application Note 3(A)(ii), to provide that intended loss means the pecuniary harm that “the defendant purposely sought to inflict.”

Educational Resources



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[GUIDELINES](#) |

[RESEARCH](#) |

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[EDUCATION](#) |

[ABOUT](#)

[BY TOPIC](#)

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- > The Commission serves as an information resource for Congress, the executive branch, the courts, criminal justice practitioners, the academic community, and the public.
- > In this section, you will find resources to assist you in understanding and applying the federal sentencing guidelines.

> EDUCATION TOPICS

- Bureau of Prisons Issues
- Categorical Approach
- Criminal History
- Multiple Counts/Grouping
- Relevant Conduct
- See All Topics

> EDUCATION PRODUCTS

- Decision Trees
- eLearning
- Primers
- Video
- Worksheets
- See All Product Types

> TRAINING EVENTS

- Request Customized Training
- CLE Information
- Meet the Trainers

> CASE LAW RESOURCES

- Supreme Court Cases
- Case Law Update

> PROBLEM-SOLVING COURT RESOURCES

> GLOSSARY OF SENTENCING TERMS

> HELPLINE QUESTION?



Primers

FILTERS

TOPIC

- About Us
- Alien Smuggling
- Antitrust
- Backgrounder
- Categorical Approach
- Computer Fraud
- Copyright/Trademark
- Corporate Crime
- Criminal History
- Departures/Variations
- Drugs
- Economic Crime
- Family Ties and Responsibilities

BACKGROUNDER

Retroactive Guideline Amendments

PRIMER
NOVEMBER 2023

This primer provides a general overview of the statute, policy statement, and case law applicable to motions for a...

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BACKGROUNDER

Categorical Approach

PRIMER
AUGUST 2023

This primer provides a general overview of the statute, policy statement, and case law applicable to motions for a...

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Primer

Primer on Categorical Approach (2023)

a. "Force" or "elements" clauses

A "force clause," sometimes referred to as an "elements clause," requires that the offense have an element of physical force against a person. For example, the ACCA defines a "violent felony" in part as a prior conviction that "has as an element the use, attempted use, or threatened use of physical force against the person of another."²¹ Section 4B1.2(a)(1) likewise defines a "crime of violence" as a felony offense that "has as an element the use, attempted use, or threatened use of physical force against the person of another."²²

In the context of the ACCA, the Supreme Court has held "physical force against another" means that the crime necessarily must involve violent force—that is, "force capable of causing physical pain or injury to another person."²³ In so holding, the Court rejected the common law definition of "force," which could be satisfied by even the slightest offensive touching, because it did not fit the context of the ACCA.²⁴ The Supreme Court has since further clarified that in the context of the ACCA, "force capable of causing pain or injury," includes the amount of force necessary to overcome a victim's resistance."²⁵ However, the Court previously held that a "misdemeanor crime of domestic violence," as defined by a force clause in 18 U.S.C. § 921(a)(33)(A) to include an offense that "has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon," could be supported by "the degree of force that supports a common-law battery conviction."²⁶

In the context of 18 U.S.C. § 16(a), a statute providing that a "crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, the Supreme Court has held in *Leocal v. Ashcroft* that accidental or negligent conduct does not constitute the "use" of force in section 16(a).²⁷ The Court explained that the word "use" joined in context with the

offense" similarly); *United States v. Woods*, 576 F.3d 400, 403–04 (7th Cir. 2009) (because the language is identical in the ACCA's "violent felony" and §4B1.2's "crime of violence" definitions, "we therefore refer to the ACCA and the career offender provisions of the Guidelines interchangeably").

²¹ 18 U.S.C. § 924(e)(2)(B)(i) (emphasis added).

²² USSG §4B1.2(a)(1) (emphasis added).

²³ *Johnson v. United States*, 559 U.S. 133, 140 (2010).

²⁴ *Id.* at 139; see also *id.* at 141 ("It is significant, moreover, that the meaning of 'physical force' the Government would seek to import into this definition of 'violent felony' is a meaning derived from a common-law *misdemeanor*.").

²⁵ *Stokeling v. United States*, 139 S. Ct. 544, 552, 554–55 (2019) ("force capable of causing physical pain or injury" in the force clause of the ACCA "does not require any particular degree of likelihood or probability that the force used will cause physical pain or injury; only potentiality" (citation omitted)); see also *United States v. Alvarez*, 60 F.4th 554, 564 (9th Cir. 2023) (discussing the definition of "capable" in *Johnson* and *Stokeling*); *Johnson v. United States*, 24 F.4th 1110, 1119 (7th Cir. 2022) (discussing the definition of "physical force" in *Johnson* and *Stokeling*).

²⁶ *United States v. Castleman*, 572 U.S. 157, 168 (2014); 18 U.S.C. § 921(a)(33)(A).

²⁷ 543 U.S. 1, 9 (2004).

Educational Resources



UNITED STATES
SENTENCING COMMISSION

[GUIDELINES](#) |

[RESEARCH](#) |

[POLICYMAKING](#) |

[EDUCATION](#) |

[ABOUT](#)

[BY TOPIC](#)

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- Relevant Conduct
- See All Topics

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- eLearning
- Primers
- Video
- Worksheets
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> HELPLINE QUESTION?

EXPLORE BY TOPIC:

(Click to view by topic)

- U.S. Supreme Court
- Career Offender
- Categorical Approach

Click the icon to view U.S. Supreme Court decisions:

Select Supreme Court



INTERACTIVE

Drug Offenses

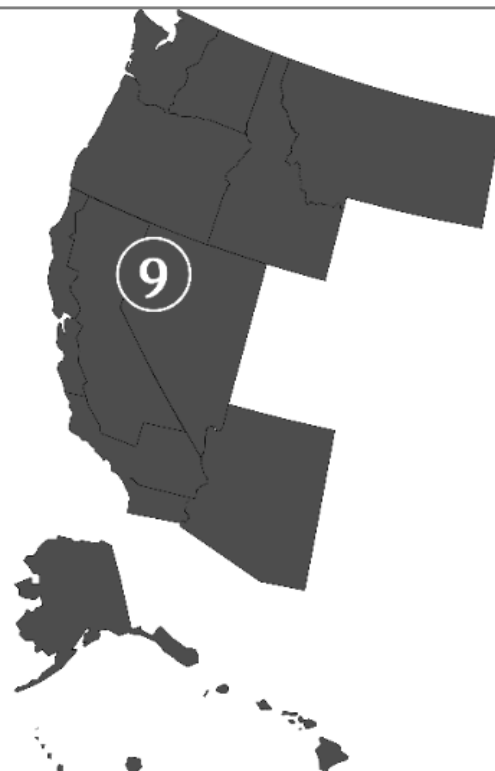
D.C. Circuit

No cases selected by Commission staff.

First Circuit

Under §5C1.2(a)(2). "a firearm can be possessed 'in connection with the offense' ... so as to

uit (or view



- United States v. Castro, 71 F.4th 735 (9th Cir. 2023) (Career Offender)
- United States v. Castillo, 69 F.4th 648 (9th Cir. 2023) (Career Offender)
- United States v. Eckford, 77 F.4th 1228 (9th Cir. 2023) (Categorical Approach)
- United States v. Klensch, 87 F.4th 1159 (9th Cir. 2023) (Chapter Three Adjustments)
- United States v. Vinge, 85 F.4th 1285 (9th Cir. 2023) (Chapter Three Adjustments)
- United States v. Roper, 72 F.4th 1097 (9th Cir. 2023) (Compassionate Release)
- United States v. Sadler, 77 F.4th 1237 (9th Cir. 2023) (Criminal History)
- United States v. Alaniz, 69 F.4th 1124 (9th Cir. 2023) (Drug Offenses)
- United States v. Salazar, 61 F.4th 723 (9th Cir. 2023) (Drug Offenses)
- United States v. Munoz, 57 F.4th 683 (9th Cir. 2023) (Firearms)
- United States v. Lopez, 58 F.4th 1108 (9th Cir. 2023) (First Step Act of 2018)
- United States v. Dadyan, 76 F.4th 955 (9th Cir. 2023) (Restitution)
- United States v. Scott, 83 F.4th 796 (9th Cir. 2023) (Sex Offenses)
- United States v. Scheu, 83 F.4th 1124 (9th Cir. 2023) (Sex Offenses)

Educational Resources



UNITED STATES SENTENCING COMMISSION

[GUIDELINES](#)[RESEARCH](#)[POLICYMAKING](#)[EDUCATION](#)[ABOUT](#)[BY TOPIC](#)

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- eLearning
- Primers
- Video
- Worksheets
- See All Product Types

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FILTERS

PRODUCT TYPE

TRAINING TOPIC

- Case Law
- Categorical Approach
- Concurrent/Consecutive Sentences (§5G1.3)
- Criminal History
- Multiple Counts/Grouping
- Organizational Guidelines

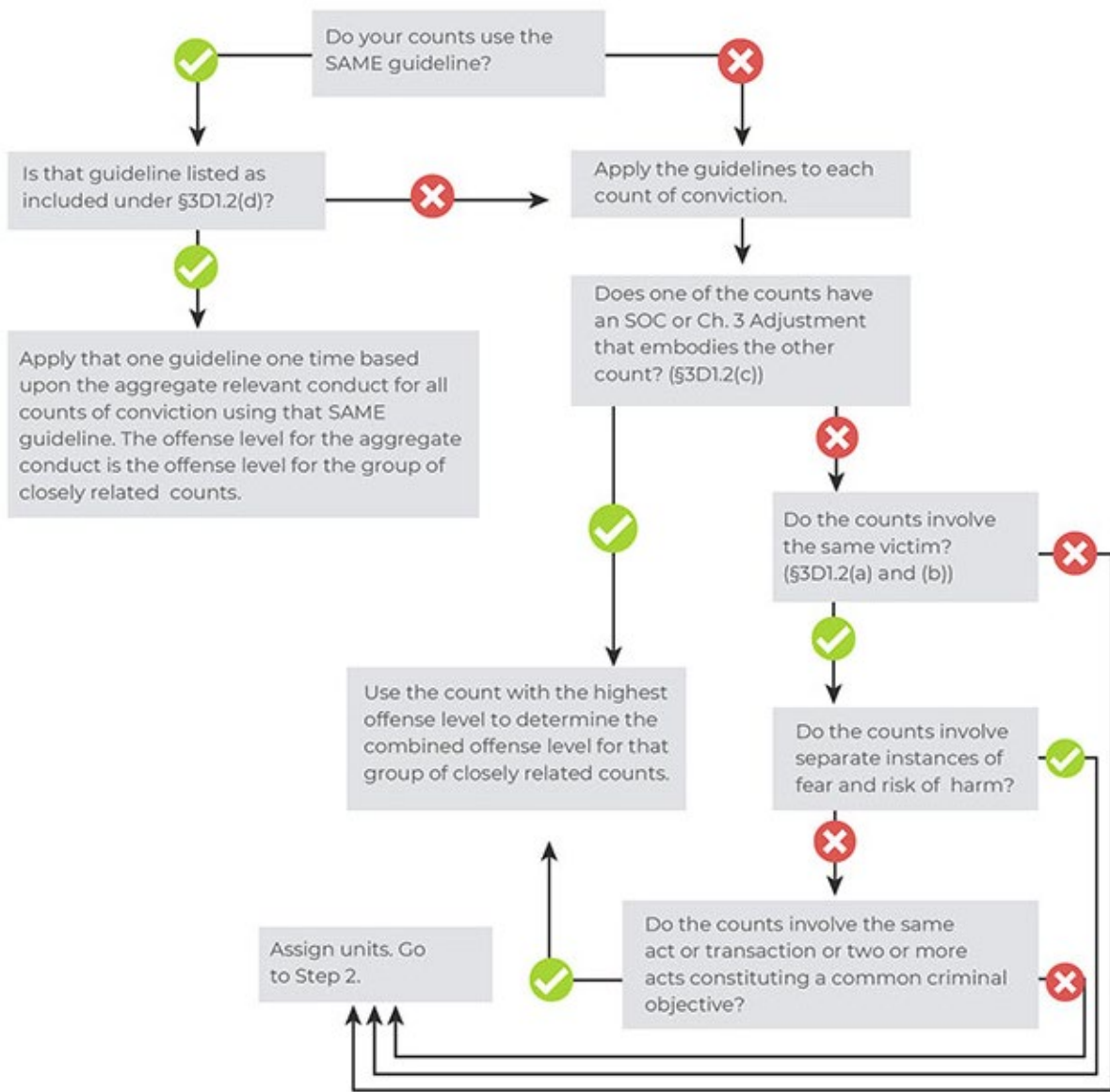
Multiple Counts – Quick Reference Materials

DECISION TREE

AUGUST 2020

Grouping of Multiple Counts If you've ever encountered a federal case with more than one count of conviction, you need...

Decis



Research

Q



UNITED STATES SENTENCING COMMISSION

GUIDELINES | **RESEARCH** |

- > 2022 SOURCEBOOK Archive
- > DATA REPORTS
 - By Geography
 - By Guideline
 - By Quarter
 - Prison Impact Reports
 - Retroactivity Reports
 - Compassionate Release
- > DATAFILES
 - Research Notes
- > INTERACTIVE DATA / Tutorial Videos
- > RESEARCH REPORTS
 - Reports At A Glance
 - Reports To Congress
- > **QUICK FACTS**
- > LIST OF ALL PUBLICA


Quick Facts publications give readers basic facts. Commission releases new Quick Facts periodically.

Offender Groups

- [Offenders in the Federal Bureau of Prisons](#)
- [Career Offenders \(July 2023\)](#)
- [Non-U.S. Citizens \(July 2023\)](#)
- [Women in the Federal Offender Population](#)
- [Native Americans in the Federal Offender Population](#)

Drugs

- [Drug Trafficking \(May 2023\)](#)
- [Methamphetamine Trafficking \(June 2023\)](#)
- [Powder Cocaine Trafficking \(July 2023\)](#)
- [Crack Cocaine Trafficking \(June 2023\)](#)
- [Fentanyl Trafficking \(May 2023\)](#)
- [Fentanyl Analogue Trafficking \(May 2023\)](#)
- [Heroin Trafficking \(July 2023\)](#)
- [Marijuana Trafficking \(July 2023\)](#)
- [Oxycodone Trafficking \(July 2023\)](#)



Quick Facts

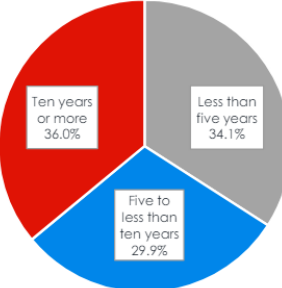
— Methamphetamine Trafficking Offenses —

Fiscal Year 2022

- ▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U. S. SENTENCING COMMISSION.
- ▶ 20,037 CASES INVOLVED DRUGS.¹
- ▶ 19,851 INVOLVED DRUG TRAFFICKING.²
- ▶ 48.8% OF DRUG TRAFFICKING CASES INVOLVED METHAMPHETAMINE.
- ▶ METHAMPHETAMINE TRAFFICKING OFFENSES HAVE INCREASED BY 28.8% SINCE FY 2018.

Fiscal Year	Number of Offenders
FY 2018	7,519
FY 2019	8,435
FY 2020	7,505
FY 2021	8,456
FY 2022	9,681

Sentence Length FY 2022



Sentence Length	Percentage
Ten years or more	36.0%
Less than five years	34.1%
Five to less than ten years	29.9%

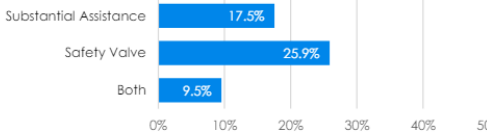
Offender and Offense Characteristics³

- 78.1% of methamphetamine trafficking offenders were men.
- 39.8% were Hispanic, 38.2% were White, 17.9% were Black, and 4.1% were Other races.
- Their average age was 38 years.
- 87.6% were United States citizens.
- 34.8% had little or no prior criminal history (Criminal History Category I); 5.8% were career offenders (§4B1.1).
- The median base offense level in these cases was 32, corresponding to between 1.5 and five kilograms of methamphetamine mixture or 150 and 500 grams of methamphetamine actual/“ICE.”
- Sentences were increased for:
 - ♦ possessing a weapon (28.6%);
 - ♦ a leadership or supervisory role in the offense (5.0%).
- Sentences were decreased for:
 - ♦ minor or minimal participation in the offense (22.2%);
 - ♦ meeting the safety valve criteria in the sentencing guidelines (34.2%).
- The top five districts for methamphetamine trafficking offenders were:
 - ♦ Southern District of California (1,264);
 - ♦ Northern District of Texas (489);
 - ♦ Western District of Texas (487);
 - ♦ Southern District of Texas (388);
 - ♦ Eastern District of Tennessee (267).

Punishment

- The average sentence for methamphetamine trafficking offenders was 95 months.
- 98.2% were sentenced to prison.
- 73.3% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 52.9% were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Methamphetamine Traffickers



Means of Relief	Percentage
Safety Valve	25.9%
Substantial Assistance	17.5%
Both	9.5%

This document was produced and published at U.S. taxpayer expense. For more Quick Facts, visit <https://www.ussc.gov/research/quick-facts>.

Interactive Data Analyzer (IDA)



UNITED STATES
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SEARCH

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> 2020 SOURCEBOOK
Archive

> DATA REPORTS

By Geography
By Guideline
By Quarter
Prison Impact Reports
Retroactivity Reports
Compassionate Release

> DATAFILES

Research Notes

2

> INTERACTIVE DATA ANALYZER

Tutorial Videos

> RESEARCH REPORTS

Reports At A Glance
Reports To Congress


> QUICK FACTS

> LIST OF ALL PUBLICATIONS

RESEARCH & DATA MISSION

- > The Commission collects, analyzes, and disseminates a broad array of information on federal crime and sentencing practices.
- > In this section, you will find a comprehensive collection of research and data reports published on sentencing issues and other areas of federal crime.

PUBLIC ACCESS TO COMMISSION DATA AND DOCUMENTS 

PUBLIC ACCESS TO COMMISSION DATA AND DOCUMENTS 



UNITED STATES SENTENCING COMMISSION INTERACTIVE DATA ANALYZER

HOME

MAJOR CRIME TYPES

CRIMINAL HISTORY

SENTENCING OUTCOMES

GUIDELINE APPLICATION

METHODOLOGY

1

Sentences Relative to Guideline Range

Sentencing Table

DATA FILTERS

Geography

Circuit --Select--

State --Select--

2 District Oregon

Clear Filter

Demographics

Race --Select--

Gender --Select--

Age --Select--

Citizenship --Select--

Education --Select--

Clear Filter

Crime Type

Crime Type --Select--

Clear Filter

Primary Guideline

3 Guideline §2D1.1

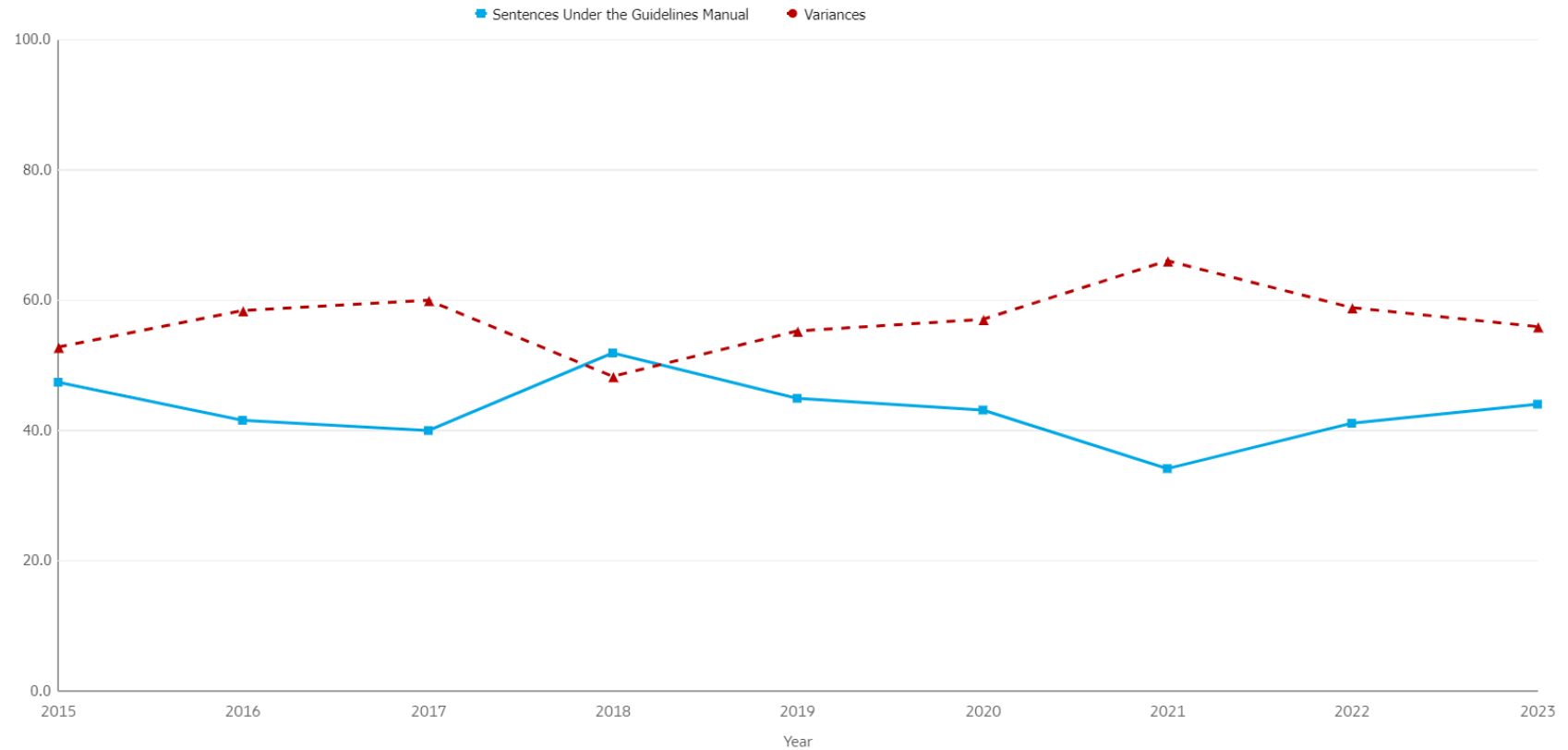
Clear Filter

Drug Type

Drug --Select--

Sentences Under the Guidelines Manual and Variances Over Time

Fiscal Year 2015,2016,2017,2018,2019,2020,2021,2022,2023



The figure includes the 1,268 cases reported to the Commission. Cases missing information necessary to complete the analysis were excluded from this figure.

FILTER:

Fiscal Year: 2015,2016,2017,2018,2019,2020,2021,2022,2023; Circuit: All; State: All; District: Oregon; Race: All; Gender: All; Age: All; Citizenship: All; Education: All; Crime Type: All; Guideline: §2D1.1; Drug Type: All; Criminal History: All; Career Offender Status: All

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