For the full series of reports, visit
https://www.ussc.gov/research/topical-index-publications#booker

pubaffairs@ussc.gov
@theusscgov

Differences in Federal Sentencing Practices

In a recent series of reports, the United States Sentencing Commission re-examined the influence of the guidelines post-*U.S. v. Booker*, and whether differences in federal sentencing practices persist both regionally (*e.g.*, inter-district) and within the same courthouse (*e.g.*, intra-city). The Commission measured differences between average guideline minimums and average sentences imposed over the three time periods spanning 2005 through 2017.

Booker Period	*Gall* Period	Post-Report Period
Jan 12, 2005 - Dec. 9, 2007	Dec. 10, 2007 - Sept. 30, 2011	Oct. 1, 2011 - Sept. 30, 2017

Click on any section to access the full report.

Guideline Influence

In the aggregate, the difference between the guideline minimum and the final sentence widened after *Booker*, and then stabilized over the most recent years studied. However, the guidelines' degree of influence on the sentence differed across crime types.[1]

Aggregate

% Difference

These trend lines show the percent difference between the average guideline minimum and the average sentence imposed. A negative number indicates the average sentence was below the average guideline minimum (e.g., in 2017, the average sentence imposed was 22% below the average guideline minimum for all cases in the aggregate).

Fraud

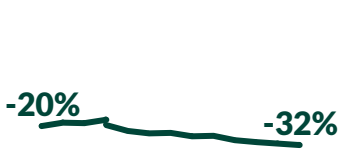
Drug Trafficking

Firearms

Illegal Reentry

Child Pornography

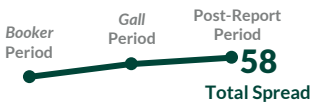
Career Offender



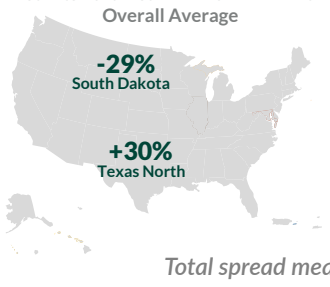
Inter-District Differences

Sentencing outcomes continue to depend, in part, upon the district in which the defendant is sentenced.[2] These differences increased for each of the four major crime types analyzed following *U.S. v. Booker* and continued for some, but not all of these crime types through the most recent period studied.

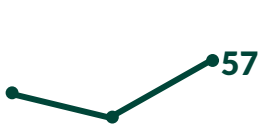
Fraud

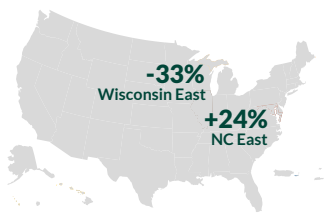


Post-Report Period
Districts Furthest Above and Below the Overall Average

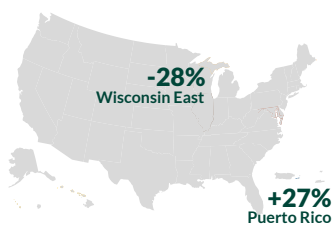


Drug Trafficking

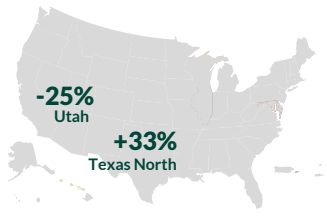




Firearms



Illegal Reentry

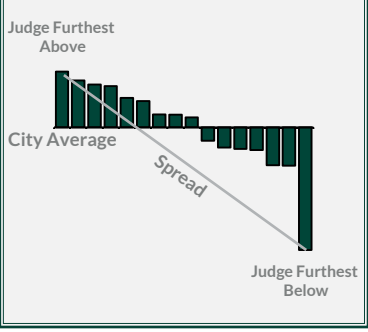


Total spread measures the difference between the districts furthest above and below the average for all districts.

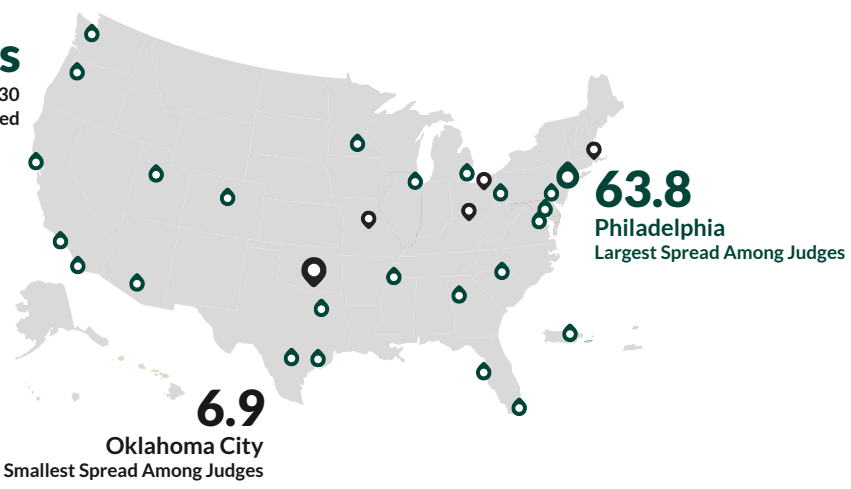
Intra-City Differences

In most cities, a defendant's sentence length increasingly depends on which judge in the courthouse is assigned to the case.[3] The Commission observed increasing variation among judges in 25 of the 30 cities studied from the *Booker* Period to the Post-Report Period.

Spread measures the difference between the judges furthest above and below the average for all judges in a particular city.

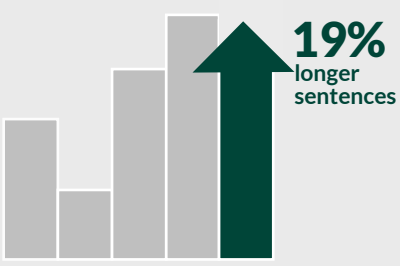


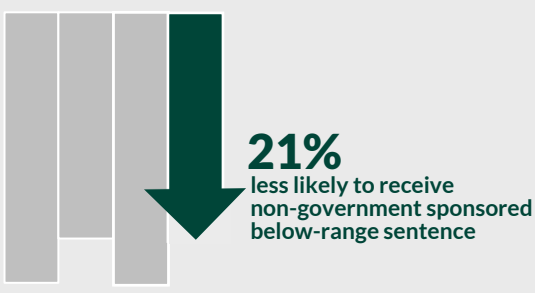
25 Cities
out of 30 studied
*Spread Increase Among Judges



Demographic Differences

Sentence length continues to be associated with some demographic factors. In a related study published in 2017, the Commission found that Black male offenders continued to receive longer sentences in the most recent period studied than similarly situated White male offenders and non-government sponsored below range sentences appeared to contribute significantly to this finding.[4]





[1] U.S. Sentencing Comm'n, The Influence of the Guidelines Range on Federal Sentencing (2020)
[2] U.S. Sentencing Comm'n, Inter-District Differences in Federal Sentencing Practices (2020)
[3] U.S. Sentencing Comm'n, Intra-City Differences in Federal Sentencing Practices (2018)
[4] U.S. Sentencing Comm'n, Demographic Differences in Sentencing: An Update to the 2012 *Booker* Report (2017)

For more information The Commission has examined differences in federal sentencing practices and the effect of *U.S. v. Booker* in several reports. Visit www.ussc.gov to learn more about this and other topics.