

BETTER DATA = BETTER SENTENCES

DATA TO REQUEST FROM USSC WHEN NEW MANDATORY MINIMUMS ARE PROPOSED

Whenever a member of Congress proposes a new mandatory minimum sentence (or an increase in length to an existing mandatory minimum), he or she should, before bringing the bill or amendment to a vote, request data from the U.S. Sentencing Commission regarding the existing penalties for the offense in question. The information requested should include the following:

1. In the last fiscal year
 - a. How many people were sentenced for the offense?
 - b. How many people received sentences of imprisonment only? What was the average length of these sentences?
 - c. How many people received sentences of probation only? What was the average length of these sentences?
 - d. What was the average criminal history category of those sentenced for the offense?
2. What is the current guideline sentence range for the offense, using criminal history category I?
3. In the last fiscal year, what is the below-guideline variance and departure rate for the guideline?
 - a. Of those departures and variances, what percentage were government-sponsored?
 - b. What was the average length of the departure/variance?
 - c. What were the most common reasons given for the departure/variance?
4. If the proposed mandatory minimum sentence is adopted, what will be the fiscal and bed space impact on the Bureau of Prisons?
5. If available, what is the three-year re-conviction rate of those sentenced for this offense?
6. What feedback, if any, has the USSC received from federal judges or the Department of Justice that the current sentences for the offense are insufficiently lengthy?