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1. Introduction

Transnational Organized Crime (TOC) results in millions of victims annually, threatens peace, and undermines the economic, social, cultural, political and civil development of societies globally (United Nations Office on Drugs and Crime, 2016). TOC takes a variety of forms, including drug trafficking, human trafficking, migrant smuggling, money laundering and illicit trading of firearms (United Nations Office on Drugs and Crime, 2016). In 2009, TOC generated approximately US$870 billion in proceeds – an estimated 1.5% of global GDP (United Nations Office on Drugs and Crime, 2011.) This study focuses on criminal facilitators who help transnational crime organizations (TOCFs) conduct their illegal activities across national borders by providing infrastructure or logistical support and other resources and services to TOC networks. They do this by exploiting legal institutions (e.g., banks, government agencies or transportation infrastructure) to launder money, forge documents or smuggle goods, or augment otherwise legal activities with fraud or theft that aids TOC networks. They may operate exclusively within a TOC network, or may be involved in both legal and illegal business activities.

The literature on TOCFs is very limited, and past work includes case studies and some empirical work done in the Netherlands (Kleemans, 2007; Van Koppen, Vere, DePoot, Kleemans, & Nieuwbeerta, 2010.) This study addresses the dearth of information about TOCFs by seeking to develop a method for identifying criminal facilitators of TOC within existing datasets and extend the available descriptive information about facilitators through analysis of pre-sentence investigation reports (PSRs). The study involved a two-step process: the first step involved the development of a methodology for identifying TOCFs; the second step involved screening PSRs to validate the methodology and systematically collect data on facilitators and their organizations. Our ultimate goal was to develop a predictive model which can be applied to identify TOC facilitators in the data efficiently.\(^1\)

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\(^1\) We attempted to interview a sample of 100 facilitators incarcerated in Federal prisons to learn about the ways they initiated criminal facilitation for TOC networks, what skills and expertise TOC networks sought assistance with, and how they exploited otherwise licit institutions and infrastructure to carry out global criminal enterprises. We did not receive approval from the Bureau of Prisons to conduct the interviews in federal prisons.
In this summary report we outline the steps we have taken throughout each phase of this study. This study has resulted in the development of two manuscripts documenting the findings from the model development activities and the USSC PSR data collection activities (Radakrishnan, et al., (in press) and Chapman, Smith, Neary, Drucker, & Jalbert, (in press)).

2. Study Design and Methods

The objective of this study was to explore whether a tested methodology (i.e., using federal data sources to support systematic data collection) could be applied to a population of offenders that were more difficult to locate with the goal of adding to the extant literature (e.g., Bales & Lize, 2005; Shelley & Picarelli, 2002; Kleemans, 2007; Van Koppen, et al., 2010) on facilitators of transnational organized crime. To achieve this objective, the study was designed to explore the following three research questions:

1) What can be learned from federal sentencing data and pre-sentence investigation reports regarding facilitators of transnational organized crime?

2) What can be learned from federal sentencing data and pre-sentence investigation reports regarding the TOC organizations supported by facilitators?

3) Can we derive typologies and modalities of criminal organizations and facilitators from systematically collected data and evidence at the US Sentencing Commission? If so, what do these typologies and modalities look like?

The project team began the study by establishing study definitions of both transnational organized crime and facilitators. We began with the key elements of organized crime, as defined in the literature (e.g., Albanese, 2000), and then borrowed elements included in federal definitions of organized and transnational organized crime (e.g., United Nations 2004, White House, 2011) to establish working prisons. As an alternate, we pursued interviewing federal offenders that had been released and were serving probation, but the sample was spread across too many districts to support the alternate approach.
definitions of transnational organized crime and organized crime facilitation that would support decision rules that would allow us to capture a range of groups involved in TOC.

2.1 Methodology

The study relied on data maintained by the United States Sentencing Commission (USSC). In the first step, we used electronic data on guidelines application collected by the U.S. Sentencing Commission (USSC) to identify convicted offenders who are likely to be TOC facilitators. In the second step, we reviewed pre-sentence investigation reports (PSRs) for those who appear to be facilitators to determine whether they are, in fact, facilitators with ties to TOC, to develop a statistical method to identify facilitators from among all those that have been convicted and received a federal sentence since 2006. In the third step, we collected detailed contextual information regarding the facilitator and the organization they supported. The result was a rich body of information on a sizeable pool of facilitators from which to generate descriptive information.

2.1.1 Data Sources

As outlined in Radakrishnan et al. (in press), the USSC maintains two sets of information relevant to the study: (1) a public use data file containing demographic, sentencing, and sentencing guidelines application information on offenders sentenced in federal court, and (2) PSRs generated by federal probation officers for the judge’s consideration at sentencing, and maintained by the USSC.

USSC Monitoring Data

The USSC dataset is offender-level and details the mechanisms by which an offender receives their sentencing guideline recommendations and the rationale. It includes information codified from each defendant’s PSR. Aside from demographic information, the USSC dataset also contains information found by the court to be fact, including information about drug amounts and types, details of the crime and criminal history. Information not found elsewhere includes their nationality of origin, their plea, whether or not they used a minor in commission of the crime. For this study, we obtained a Cooperative
Agreement with the Sentencing Commission to supplement the public data with two variables (Docket ID and Defendant Number), which allowed us to collapse the individual-level dataset into criminal cases.²

**Pre-Sentence Investigation Reports**

The PSR is a report generated by federal probation officers for the judge’s consideration at sentencing and includes summaries of the presentence investigation that aims to provide a timely, accurate, objective, and comprehensive report to the court. The report is intended to assist the court in making a fair sentencing decision and to assist corrections and community corrections officials in managing offenders under their supervision. This information provides a clear and concise description of the defendant and the context of the offense. The PSRs are not available to the public, and are maintained in .pdf records accessible only onsite at the USSC offices in Washington D.C.

### 2.1.2 Model Development

One of the objectives of the study was to explore a method to sift through the over 630,000 records present in the USSC data and find facilitators of TOC. The first challenge is that, while there are federal statutes that are suggestive of organized criminal activity, one cannot be sure that organized criminal activity is transnational. The second challenge is that there is no criterion offense that confirms the role of the defendant was as a facilitator, rather than a member of the criminal organization. He or she may be convicted of a crime against the government (e.g. document fraud), larceny or embezzlement, or money laundering offenses, to name a few. Identifying them systematically in the federal judicial system is difficult and impractical using currently available tools. Our approach was to develop a statistical model to predict whether a particular case involved TOC and which individuals were likely to have served as the facilitator, and then use the details in the PSRs to confirm our predictions.

² See Sharmini et al., (in press) for details on the process used to identify cases within the USSC data, the challenges that came up, and how they were addressed.
There were multiple steps involved in the development of the model that would ultimately allow us to estimate the number of facilitators prosecuted federally. The first step was to identify the universe of potential facilitators by identifying the federal statutes of interest for the study (see Appendix B for a list of specific statutes of interest). The second step was to use the USSC Data to group the offenders into types of conspiracies and estimate probabilities of particular offenders being facilitators of TOC (see Appendix C for a list of USSC variables used in the study). And the third step was to test assumptions using sample PSRs and then refine the model based on what was learned. Figure 1 illustrates the model development process utilized in this study. ³ Throughout the process, the model was designed to maximize the extent to which the information maintained by the USSC can be used to make distinctions among the different types of facilitation of TOC (see Radakrishnan et al. (in press) for a detailed description of how the sample was pulled and the model developed to generate the sample).

³ Since statute was the governing attribute, each person charged under a statute of interest was assigned a probability, which shifted over time as we refined the model. As coded data returned from PSR collection, we used these data in the next round of prediction by adding the collected PSRs to a “teaching” dataset. This “teaching” dataset was then used by the machine learning algorithms to assign weights and predict probabilities on the entire USSC data. As more PSRs were coded, the accuracy of the predictions improved.
2.1.3 PSR Data Collection

As reflected above, there were two stages of data collection from the PSRs. The first was to screen cases for TOC and then individual offenders for facilitation. The second was to extract detailed information from the PSRs.

**Screening for TOC and Facilitation.** Using the study definitions and the information consistently available in PSRs, we established criteria for determining whether a case involved TOC and an offender engaged in facilitating behavior. Coders reviewed PSRs and answered a set of screening questions, the response to which were used to identify cases and offenders of interest to the study. Coders also systematically collected available data on the following topics: the defendant’s role in the instant offense,
recruitment, motivation, payment, arrest, history facilitating, link to the organization, as well as information related to the structure or sophistication of the organization. See Chapman et al., (in press) for a more detailed discussion of the data coding process.

3. Findings

As reflected in the Exhibit below, the study team started with a dataset that included over 650,000 records of offenders that had been convicted and sentenced since 2006. Through multiple rounds of sampling, the study team identified a pool of 266 facilitators linked to 149 cases of TOC (see Figure 2).

**Figure 2 Flow Chart Reflecting the Final set of TOC cases and TOC Facilitators Identified**

Most of the 266 facilitators in the sample were engaged in the transportation of people, goods or money. This makes sense because most of the statutes identified as likely to involve international activity involved trafficking of some sort, which requires facilitation of that movement. In part, this is because of the sampling methods used, but is also because a large element of crime is concerned with primarily physical objects, and it follows from logic that much of the crime that is international would also be
Research on Facilitators of Transnational Organized Crime

concerned with the transfer of goods across borders. And, once these goods are imported/exported, something must be done with the proceeds. Therefore, it is not surprising that the next highest type of facilitator is money laundering. Less common forms of facilitation among the sample included, fraud, bribery/corruption, providing radio communications, and other material support, like medical support or martial arts training.

Little is known about why facilitators decide to support criminal organizations. Among the identified facilitators whose PSR described motivation (n=129), money played an important role, with close to 70 percent of the facilitators reporting that one of the reasons they facilitated was for the money. This was especially true for facilitators involved in the transport of drugs, whereas the other facilitator groups were motivated by other factors that included, for example, satisfying a debt, threat or force, or ideological reasons.

When asked about the specifics of their payment, the majority of the facilitators that described their payment (n=147) reported being paid in cash. While money appears to have been the primary motivator among this group of facilitators, we were also interested in how the facilitators were recruited and why. While this information was less available, personal relationships appears to have played an important role in recruitment among this sample. Close to three quarters of the facilitators that provided information on how they were recruited (n=89) reported having been recruited by someone they share a close personal relationship with (i.e., family member, girlfriend, boyfriend, friend, or acquaintance), which suggests the organization was looking to trusted individuals for support. While a smaller number of facilitators shared a reason for their recruitment (n=42), half reported having been recruited because of their possession of a desirable skill, commodity, or connection.

We were also interested in the extent to which the PSRs would support learning about the organization that was being facilitated. For this assessment, coders looked at all PSRs linked to a particular case (149), regardless of the defendant’s role in the offense. While the PSRs provided enough information to establish minimum criteria used to determine TOC, i.e., international connections and
involved two or more people, the extent to which PSRs could be used to determine where the organization fits along a continuum of elements of an organized criminal group (i.e., role specification, use of force or threat of force, use of corruption, self-identification) was also explored through the study. Coders reported being able to record data on some elements of the organization in 30 percent of the cases, with information on the countries involved more commonly available.

See the paper Chapman, et al. (in press) for a full description and discussion of facilitator and TOC characteristics identified through the use of PSRs.

4. Implications for Criminal Justice Policy and Practice

The study successfully applied electronic demographic and sentencing data maintained by the USSC to the development of a statistical model to identify a population of offenders that are more difficult to locate among all felons sentenced in the federal system.

While the PSRs were essential to validating and building the model, they also proved that once a sample is identified, the PSRs provide a rich source of information on those identified to be facilitators of TOC. While there are guidelines for probation officers to use when drafting PSR, the PSRs only include what is known, so the absence of information does not necessarily mean that it is not known or relevant, just that it is not known at the time the report was written.

What we found was that some topics of interest were systematically more available than others. The PSRs were universally detailed on the role the defendant played in the instant offense, their capture, and the TOC crime they were supporting. Details on motivation, payment, history of facilitating, and other factors were more difficult to ascertain from the PSRs. For instance information on recruitment was available for one in three PSRs reviewed. And while the PSRs were a useful source on locations of the organization’s facilitating activity, they were less helpful on details of the criminal organization the facilitator was supporting.

Despite the constraint that the study sources limit the population to felons sentenced in the federal system, the study demonstrates the utility of PSRs in supporting systematic data collection to improve
understanding of the range in facilitating activities, the types of facilitating activities that support different types of TOC activity, specifics of a particular role, and the extent to which a defendant has a history facilitating criminal activity. Also encouraging was that the study identified different patterns in recruitment and motivation among facilitator types, especially those involved in transporting illegal immigrants. We found that persons facilitating the transport of illegal immigrants engaged in the activity to pay off debt or reduce the fee to the organization for their own transport or the transport of a family member. Whereas other facilitators were more motivated by money and recruited by family, friends, or acquaintances because of this motivation, as well as their status as a US Citizen or access to legitimate businesses, boats and vehicles, or to corrupt officials. The payment of facilitators also reflected this dichotomy, where transporters of illegal immigrants were paying off debt or earning credit, while other facilitators were earning cash.

These patterns could be further explored by examining PSRs for a representative sample of different types of facilitators. With a larger sample, one could examine differences within and across facilitator types, confirming and expanding upon the above findings, all of which would inform law enforcement efforts to identify, investigate, and deter facilitation of TOC.

A better understanding of how facilitators support TOC, their roles and connections to TOC networks—how relationships develop, how facilitators are approached or recruited, etc., can produce information about areas in which confidential informants may be more easily developed or undercover agents installed (e.g., employees of companies used to hide proceeds of TOC or actually commit crimes on behalf of TOC networks, such as transportation companies, hotels, farms, factories, landscaping companies).

Understanding the trajectories and criminal careers of TOC facilitators will also benefit the academic community greatly by contributing to general criminological knowledge and a broader understanding of criminal involvement in TOC.
Appendix A.  Bibliography


Chapman, Margaret, Kamala Smith, Kevin Neary, Omri Drucker, and Sarah Jalbert (in press). The utility of sentencing information to examine facilitation of transnational organized crime: What can be learned about facilitators using presentence reports?


Research on Facilitators of Transnational Organized Crime


Appendix B. Federal Statutes of Interest

Title 8 › Chapter 12 › Subchapter II › Part VIII › § 1323 – 81323
Unlawful bringing of aliens into United States

Title 8 › Chapter 12 › Subchapter II › Part VIII › § 1324 – 81324
Bringing in and Harboring Certain Aliens

Title 8 › Chapter 12 › Subchapter II › Part VIII › § 1328 – 81328
Importation of alien for immoral purpose

Title 18 › Part I › Chapter 11 › § 201 – 18201
Bribery of Public Officials and witnesses

Title 18 › Part I › Chapter 11 › § 202 – 18202
Definitions: Bribery, Graft, and Conflicts of Interest

Title 18 › Part I › Chapter 11 › § 203 – 18203
Compensation to Members of Congress, officers, and others in matters affecting the Government

Title 18 › Part I › Chapter 11 › § 205 – 18205
Activities of officers and employees in claims against and other matters affecting the Government

Title 18 › Part I › Chapter 11 › § 207 – 18207
Restrictions on former officers, employees, and elected officials of the executive and legislative branches

Title 18 › Part I › Chapter 11 › § 208 – 18208
Acts affecting a personal financial interest

Title 18 › Part I › Chapter 11 › § 209 – 18209
Salary of Government officials and employees payable only by United States

Title 18 › Part I › Chapter 11 › § 215 – 18215
Receipt of commissions or gifts for procuring loans

Title 18 › Part I › Chapter 11 › § 216 – 18216
Bribery in Sporting Contests

Title 18 › Part I › Chapter 11 › § 225 – 18225
Continuing Financial Crimes Enterprise

Title 18 › Part I › Chapter 13 › § 241 – 18241
Conspiracy against rights

Title 18 › Part I › Chapter 25 › § 470 – 18470
Counterfeiting acts committed outside the United States

Title 18 › Part I › Chapter 25 › § 471 – 18471
Obligations or securities of United States

Title 18 › Part I › Chapter 25 › § 472 – 18472
Uttering counterfeit obligations or securities
Title 18 › Part I › Chapter 25 › § 473 – 18473
Dealing in counterfeit obligations or securities

Title 18 › Part I › Chapter 25 › § 474 – 18474
Plates, stones, or analog, digital, or electronic images for counterfeiting obligations or securities

Title 18 › Part I › Chapter 25 › § 480 – 18480
Possessing counterfeit foreign obligations or securities

Title 18 › Part I › Chapter 25 › § 481 – 18481
Plates, stones, or analog, digital, or electronic images for counterfeiting obligations or securities

Title 18 › Part I › Chapter 25 › § 482 – 18482
Foreign Bank Notes

Title 18 › Part I › Chapter 25 › § 485 – 18485
Falsely making, forging, or counterfeiting any coin or bar

Title 18 › Part I › Chapter 25 › § 493 – 18493
Bonds and obligations of certain lending agencies

Title 18 › Part I › Chapter 25 › § 494 – 18494
Contractors’ bonds, bids, and public records

Title 18 › Part I › Chapter 25 › § 495 – 18495
Contractors, deeds, and powers of attorney

Title 18 › Part I › Chapter 25 › § 496 – 18496
Customs matters

Title 18 › Part I › Chapter 25 › § 499 – 18499
Military, naval, or official passes

Title 18 › Part I › Chapter 25 › § 505 – 18505
Seals of courts; signatures of judges or court officers

Title 18 › Part I › Chapter 25 › § 506 – 18506
Seals of courts; signatures of judges or court officers

Title 18 › Part I › Chapter 25 › § 510 – 18510
Forging endorsements or Treasury Checks or Bonds or Securities of the United States

Title 18 › Part I › Chapter 25 › § 511 – 18511
Altering or removing motor vehicle identification numbers

Title 18 › Part I › Chapter 25 › § 513 – 18513
Securities of the States and Private Entities

Title 18 › Part I › Chapter 25 › § 514 – 18514
Fictitious obligations

Title 18 › Part I › Chapter 27 › § 542 – 18542
Entry of goods by means of false statements
Title 18 › Part I › Chapter 27 › § 544 – 18544
Relanding of goods

Title 18 › Part I › Chapter 27 › § 545 – 18545
Smuggling goods into the United States

Title 18 › Part I › Chapter 27 › § 546 – 18546
Smuggling goods into the foreign countries

Title 18 › Part I › Chapter 27 › § 547 – 18547
Depositing goods in buildings on boundaries

Title 18 › Part I › Chapter 27 › § 548 – 18548
Removing or repackaging goods in warehouses

Title 18 › Part I › Chapter 27 › § 549 – 18549
Removing or repackaging goods from customs custody; breaking seals

Title 18 › Part I › Chapter 27 › § 551 – 18551
Concealing or destroying invoices or other papers relating to any merchandise imported into the United States

Title 18 › Part I › Chapter 27 › § 553 – 18553
Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft

Title 18 › Part I › Chapter 41 › § 872 – 18872
Extortion by officers or employees of the United States

Title 18 › Part I › Chapter 41 › § 873 – 18873
Blackmail

Title 18 › Part I › Chapter 41 › § 874 – 18874
Kickbacks from public works employees

Title 18 › Part I › Chapter 41 › § 875 – 18875
Interstate communications

Title 18 › Part I › Chapter 41 › § 876 – 18876
Mailing threatening communications

Title 18 › Part I › Chapter 41 › § 878 – 18878
Threats and extortion against foreign officials, official guests, or internationally protected persons

Title 18 › Part I › Chapter 41 › § 880 – 18880
Receiving the proceeds of extortion

Title 18 › Part I › Chapter 42 › § 892 – 18892
Making extortionate extensions of credit

Title 18 › Part I › Chapter 42 › § 893 – 18893
Financing Extortionate Extensions of Credit
Title 18 › Part I › Chapter 42 › § 894 – 18894
Collection of extensions of credit by extortionate means

Title 18 › Part I › Chapter 44 › § 992 – 18922
Unlawful Acts, (A) firearms

Title 18 › Part I › Chapter 55 › § 1201 – 181201
Kidnapping

Title 18 › Part I › Chapter 63 › § 1343 – 181343
Fraud by wire, radio, or television

Title 18 › Part I › Chapter 75 › § 1542 – 181542
False statement in application and use of passport

Title 18 › Part I › Chapter 75 › § 1543 – 181543
Forgery or false use of passport

Title 18 › Part I › Chapter 75 › § 1544 – 181544
Misuse of Passport

Title 18 › Part I › Chapter 77 › § 1581 – 181581
Peonage; obstructing enforcement

Title 18 › Part I › Chapter 77 › § 1584 – 181584
Sale into involuntary servitude

Title 18 › Part I › Chapter 77 › § 1589 – 181589
Forced Labor

Title 18 › Part I › Chapter 77 › § 1590 – 181590
Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

Title 18 › Part I › Chapter 77 › § 1591 – 181591
Sex trafficking of children or by force, fraud, or coercion

Title 18 › Part I › Chapter 77 › § 1592 – 181592
Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

Title 18 › Part I › Chapter 95 › § 1951 – 181951
Interference with commerce by threats or violence

Title 18 › Part I › Chapter 95 › § 1952 – 181952
Interstate and foreign travel or transportation in aid of racketeering enterprises

Title 18 › Part I › Chapter 95 › § 1953 – 181953
Interstate Transport of Wagering Paraphernalia

Title 18 › Part I › Chapter 95 › § 1956 – 181956
Laundering of Monetary Instruments

Title 18 › Part I › Chapter 96 › § 1961 – 181961
Definitions: Racketeering Activity
Research on Facilitators of Transnational Organized Crime

Title 18 › Part I › Chapter 96 › § 1962 – 181962
Prohibited Activities: Racketeering Related Offenses

Title 18 › Part I › Chapter 113 › § 2312 – 182312
Transportation of Stolen Vehicles

Title 18 › Part I › Chapter 113 › § 2318 – 182318
Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging

Title 18 › Part I › Chapter 113 › § 2319 – 182319
Criminal infringement of a copyright

Title 18 › Part I › Chapter 113 › § 2320 – 182320
Trafficking in counterfeit goods or services

Title 18 › Part I › Chapter 113 › § 2321 – 182321
Trafficking in certain motor vehicles or motor vehicle parts

Title 18 › Part I › Chapter 113 › § 2322 – 182322
Chop shops

Title 18 › Part I › Chapter 113B › § 2339 – 182339
Harboring or Concealing Terrorists

Title 18 › Part I › Chapter 117 › § 2421 – 182421
Transportation of a person with the intent to engage in sexual activity

Title 18 › Part I › Chapter 117 › § 2422 – 182422
Coercion and enticement

Title 18 › Part I › Chapter 117 › § 2423 – 182423
Transportation of minors

Title 18 › Part I › Chapter 117 › § 2424 – 182424
Filing factual statement about alien individual

Title 18 › Part I › Chapter 117 › § 2425 – 182425
Use of interstate facilities to transmit information about a minor

Title 18 › Part I › Chapter 117 › § 2426 – 182426
Repeat offenders (transportation for illegal sexual activity and related crimes)

Title 21 › Chapter 13 › Subchapter I › Part D › § 843 – 21843
Prohibited Acts

Title 21 › Chapter 13 › Subchapter I › Part D › § 844 – 21844
Prohibited Acts

Title 21 › Chapter 13 › Subchapter I › Part D › § 846 – 21846
Attempt and Conspiracy

Title 21 › Chapter 13 › Subchapter I › Part D › § 848 – 21848
Continuing Criminal Enterprise

This resource was prepared by the author(s) using Federal funds provided by the U.S. Department of Justice. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.
### Appendix C. USSC Monitoring Data Variables of Interest

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<td>SENTENCING YEAR</td>
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<td>MONRACE</td>
<td>RACE VARIABLE. MONRACE IS PREFERRED OVER NEWRACE AS NEWRACE IS DERIVATIVE AND ONLY CATEGORIZES DEFENDANTS INTO WHITE, BLACK, OR OTHER, WHICH IS NOT SUFFICIENT.</td>
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<td>IDENTIFYING VARIABLE INDICATING THE COUNTRY OF ORIGIN FOR A DEFENDANT</td>
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<td>VARIABLE INDICATING THE U.S. RESIDENT STATUS OF THE DEFENDANT</td>
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<td>VULNERABLE VICTIM SET OF ADJUSTMENTS</td>
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