

United States Sentencing Commission Quarterly Data Report



Fiscal Year 2017

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.¹ Data is reported on an annual basis in the Commission's *Annual Report and Sourcebook of Federal Sentencing Statistics*.² Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <http://isb.ussc.gov>.

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015.

Beginning with the Commission's report on data from cases in which the offender was sentenced during the first two quarters of fiscal year 2016, the Commission has reported quarterly data in a revised format. This new format includes information not previously reported on a quarterly basis, such as sentencing trends. Other tables and figures used previously were updated in order to present data on sentencing practices in a way that was easier to understand. Finally, tables of data that were no longer meaningful when reported quarterly were omitted.

The data in this fiscal year quarterly report is the cumulative data for an entire fiscal year. It represents the final fiscal year data for that year and is taken from the same source data as that presented in the Commission's *Annual Report and Sourcebook of Federal Sentencing Statistics* for that year. The format of the tables and figures in this report are those used in the quarterly reports previously released. Not all of these tables and figures can be found in the Commission's *Sourcebook of Federal Sentencing Statistics*.

¹ In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

² Electronic copies of the *Annual Report and Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2017 are available at the Commission's website, www.ussc.gov.

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Information on Sentences Relative to the Guideline Range

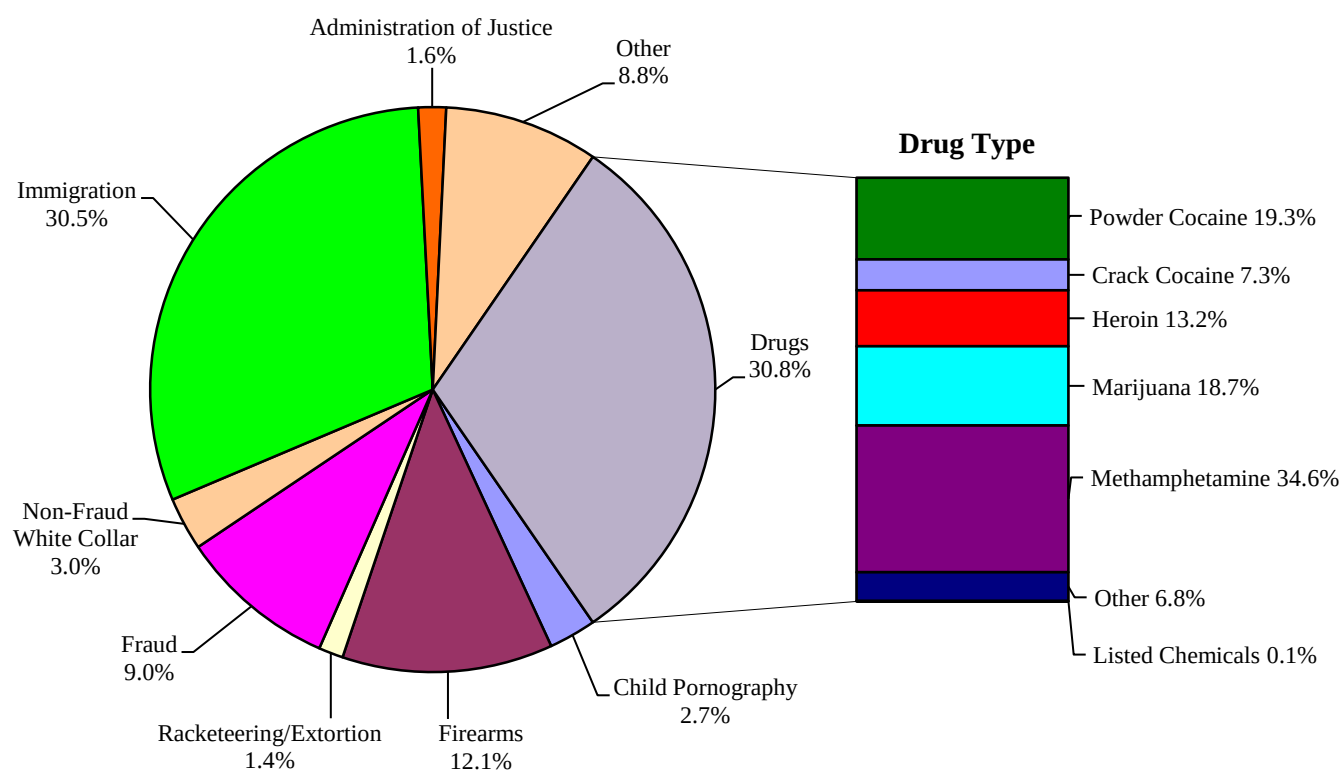
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Figure A
OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017



¹ The Drugs category includes the following offense types: trafficking, use of a communication facility, and simple possession. The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 1

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017

PRIMARY OFFENSE	N	%
TOTAL	66,873	100.0
Murder	72	0.1
Manslaughter	62	0.1
Kidnapping/Hostage Taking	62	0.1
Sexual Abuse	649	1.0
Assault	788	1.2
Robbery	650	1.0
Arson	40	0.1
Drugs - Trafficking	19,043	28.5
Drugs - Communication Facility	263	0.4
Drugs - Simple Possession	1,301	1.9
Firearms	8,064	12.1
Burglary/B&E	33	0.0
Auto Theft	64	0.1
Larceny	808	1.2
Fraud	6,029	9.0
Embezzlement	396	0.6
Forgery/Counterfeiting	371	0.6
Bribery	155	0.2
Tax	433	0.6
Money Laundering	679	1.0
Racketeering/Extortion	940	1.4
Gambling/Lottery	47	0.1
Civil Rights	56	0.1
Immigration	20,421	30.5
Child Pornography	1,810	2.7
Prison Offenses	522	0.8
Administration of Justice Offenses	1,064	1.6
Environmental/Wildlife	109	0.2
National Defense	89	0.1
Antitrust	31	0.0
Food & Drug	86	0.1
Other Miscellaneous Offenses	1,736	2.6

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 2

GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2017

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	66,873	100.0			
D.C. CIRCUIT	232	0.3	FIFTH CIRCUIT	16,712	25.0
District of Columbia	232	0.3	Louisiana		
			Eastern	357	0.5
			Middle	171	0.3
			Western	273	0.4
FIRST CIRCUIT	1,993	3.0	Mississippi		
Maine	197	0.3	Northern	158	0.2
Massachusetts	505	0.8	Southern	281	0.4
New Hampshire	212	0.3	Texas		
Puerto Rico	980	1.5	Eastern	795	1.2
Rhode Island	99	0.1	Northern	1,430	2.1
			Southern	6,635	9.9
SECOND CIRCUIT	3,525	5.3	Western	6,612	9.9
Connecticut	345	0.5			
New York			SIXTH CIRCUIT	4,249	6.4
Eastern	739	1.1	Kentucky		
Northern	345	0.5	Eastern	360	0.5
Southern	1,463	2.2	Western	277	0.4
Western	455	0.7	Michigan		
Vermont	178	0.3	Eastern	864	1.3
			Western	369	0.6
THIRD CIRCUIT	2,189	3.3	Ohio		
Delaware	84	0.1	Northern	546	0.8
New Jersey	594	0.9	Southern	540	0.8
Pennsylvania			Tennessee		
Eastern	676	1.0	Eastern	639	1.0
Middle	406	0.6	Middle	269	0.4
Western	355	0.5	Western	385	0.6
Virgin Islands	74	0.1			
			SEVENTH CIRCUIT	2,288	3.4
FOURTH CIRCUIT	4,966	7.4	Illinois		
Maryland	728	1.1	Central	249	0.4
North Carolina			Northern	640	1.0
Eastern	654	1.0	Southern	266	0.4
Middle	407	0.6	Indiana		
Western	555	0.8	Northern	290	0.4
South Carolina	709	1.1	Southern	423	0.6
Virginia			Wisconsin		
Eastern	1,181	1.8	Eastern	304	0.5
Western	276	0.4	Western	116	0.2
West Virginia					
Northern	235	0.4			
Southern	221	0.3			

Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,709	7.0	TENTH CIRCUIT	6,346	9.5
Arkansas			Colorado	436	0.7
Eastern	432	0.6	Kansas	582	0.9
Western	237	0.4	New Mexico	3,794	5.7
Iowa			Oklahoma		
Northern	376	0.6	Eastern	107	0.2
Southern	404	0.6	Northern	168	0.3
Minnesota	413	0.6	Western	292	0.4
Missouri			Utah	734	1.1
Eastern	670	1.0	Wyoming	233	0.3
Western	804	1.2			
Nebraska	551	0.8	ELEVENTH CIRCUIT	6,542	9.8
North Dakota	326	0.5	Alabama		
South Dakota	496	0.7	Middle	203	0.3
			Northern	434	0.6
NINTH CIRCUIT	13,122	19.6	Southern	333	0.5
Alaska	179	0.3	Florida		
Arizona	5,447	8.1	Middle	1,520	2.3
California			Northern	277	0.4
Central	1,017	1.5	Southern	2,365	3.5
Eastern	521	0.8	Georgia		
Northern	517	0.8	Middle	466	0.7
Southern	2,888	4.3	Northern	530	0.8
Guam	55	0.1	Southern	414	0.6
Hawaii	128	0.2			
Idaho	342	0.5			
Montana	318	0.5			
Nevada	485	0.7			
Northern Mariana Islands	13	0.0			
Oregon	412	0.6			
Washington					
Eastern	338	0.5			
Western	462	0.7			

¹ Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Figure B

NUMBER OF CASES IN SELECTED PRIMARY OFFENSE CATEGORIES¹

Fiscal Years 2012 - 2017

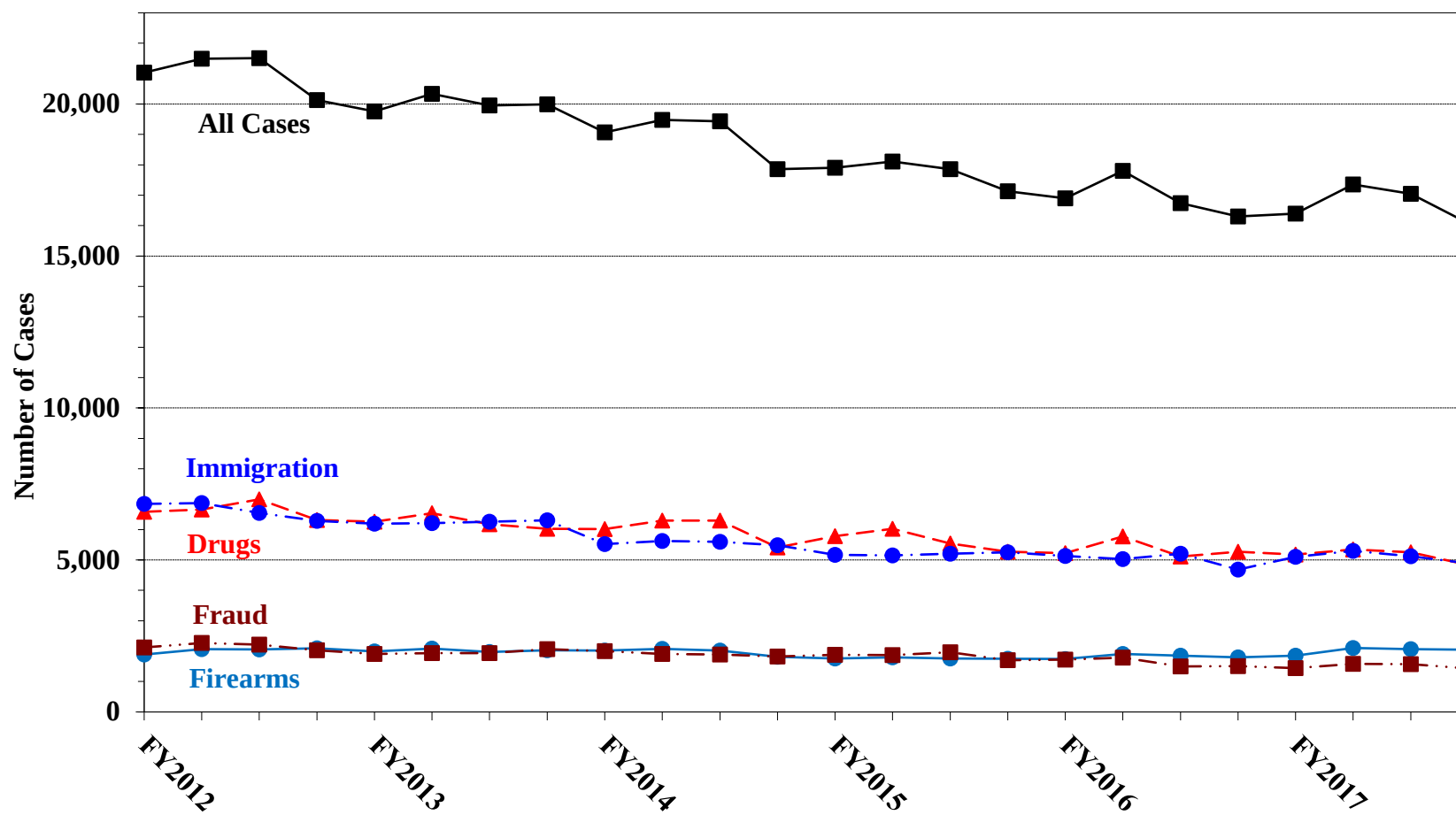
¹ Descriptions of variables used in this figure are provided in Appendix A.

Table 3

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	66,116	14,203	21.5	13,932	21.1	35,198	53.2	2,783	4.2
Murder	72	11	15.3	17	23.6	18	25.0	26	36.1
Manslaughter	62	2	3.2	1	1.6	1	1.6	58	93.5
Kidnapping/Hostage Taking	62	13	21.0	12	19.4	29	46.8	8	12.9
Sexual Abuse	649	213	32.8	209	32.2	93	14.3	134	20.6
Assault	776	153	19.7	110	14.2	125	16.1	388	50.0
Robbery	648	269	41.5	279	43.1	78	12.0	22	3.4
Arson	39	24	61.5	5	12.8	3	7.7	7	17.9
Drugs - Trafficking	19,022	4,255	22.4	4,609	24.2	9,551	50.2	607	3.2
Drugs - Communication Facility	263	65	24.7	114	43.3	82	31.2	2	0.8
Drugs - Simple Possession	1,234	182	14.7	132	10.7	869	70.4	51	4.1
Firearms	8,040	1,927	24.0	4,160	51.7	1,707	21.2	246	3.1
Burglary/B&E	33	6	18.2	6	18.2	4	12.1	17	51.5
Auto Theft	64	21	32.8	19	29.7	21	32.8	3	4.7
Larceny	766	315	41.1	246	32.1	132	17.2	73	9.5
Fraud	6,014	2,443	40.6	1,866	31.0	1,309	21.8	396	6.6
Embezzlement	378	190	50.3	100	26.5	48	12.7	40	10.6
Forgery/Counterfeiting	370	146	39.5	136	36.8	61	16.5	27	7.3
Bribery	155	54	34.8	59	38.1	29	18.7	13	8.4
Tax	430	259	60.2	102	23.7	46	10.7	23	5.3
Money Laundering	678	209	30.8	112	16.5	306	45.1	51	7.5
Racketeering/Extortion	939	150	16.0	457	48.7	304	32.4	28	3.0
Gambling/Lottery	46	33	71.7	4	8.7	5	10.9	4	8.7
Civil Rights	56	40	71.4	10	17.9	3	5.4	3	5.4
Immigration	20,232	371	1.8	285	1.4	19,445	96.1	131	0.6
Child Pornography	1,805	1,431	79.3	87	4.8	229	12.7	58	3.2
Prison Offenses	509	130	25.5	180	35.4	146	28.7	53	10.4
Administration of Justice Offenses	1,055	437	41.4	237	22.5	247	23.4	134	12.7
Environmental/Wildlife	104	77	74.0	4	3.8	5	4.8	18	17.3
National Defense	88	25	28.4	14	15.9	36	40.9	13	14.8
Antitrust	30	13	43.3	7	23.3	6	20.0	4	13.3
Food & Drug	84	58	69.0	3	3.6	15	17.9	8	9.5
Other Miscellaneous Offenses	1,413	681	48.2	350	24.8	245	17.3	137	9.7

¹ Of the 66,873 cases, 757 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	66,754	57,838	86.6	8,916	13.4
Murder	72	65	90.3	7	9.7
Manslaughter	62	53	85.5	9	14.5
Kidnapping/Hostage Taking	62	56	90.3	6	9.7
Sexual Abuse	649	594	91.5	55	8.5
Assault	788	681	86.4	107	13.6
Robbery	650	574	88.3	76	11.7
Arson	40	35	87.5	5	12.5
Drugs - Trafficking	19,043	15,951	83.8	3,092	16.2
Drugs - Communication Facility	263	202	76.8	61	23.2
Drugs - Simple Possession	1,293	1,106	85.5	187	14.5
Firearms	8,062	7,803	96.8	259	3.2
Burglary/B&E	33	30	90.9	3	9.1
Auto Theft	64	53	82.8	11	17.2
Larceny	804	503	62.6	301	37.4
Fraud	6,027	4,222	70.1	1,805	29.9
Embezzlement	395	190	48.1	205	51.9
Forgery/Counterfeiting	371	282	76.0	89	24.0
Bribery	155	122	78.7	33	21.3
Tax	433	316	73.0	117	27.0
Money Laundering	679	470	69.2	209	30.8
Racketeering/Extortion	940	836	88.9	104	11.1
Gambling/Lottery	46	41	89.1	5	10.9
Civil Rights	56	50	89.3	6	10.7
Immigration	20,385	19,033	93.4	1,352	6.6
Child Pornography	1,810	1,768	97.7	42	2.3
Prison Offenses	520	465	89.4	55	10.6
Administration of Justice Offenses	1,062	817	76.9	245	23.1
Environmental/Wildlife	108	106	98.1	2	1.9
National Defense	89	79	88.8	10	11.2
Antitrust	31	28	90.3	3	9.7
Food & Drug	85	69	81.2	16	18.8
Other Miscellaneous Offenses	1,677	1,238	73.8	439	26.2

¹ Of the 66,873 cases, 119 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	66,365	39,376	59.3	26,989	40.7
Murder	72	62	86.1	10	13.9
Manslaughter	62	62	100.0	0	0.0
Kidnapping/Hostage Taking	62	52	83.9	10	16.1
Sexual Abuse	649	610	94.0	39	6.0
Assault	773	727	94.0	46	6.0
Robbery	649	636	98.0	13	2.0
Arson	39	37	94.9	2	5.1
Drugs - Trafficking	18,987	13,940	73.4	5,047	26.6
Drugs - Communication Facility	262	222	84.7	40	15.3
Drugs - Simple Possession	1,250	490	39.2	760	60.8
Firearms	8,054	7,578	94.1	476	5.9
Burglary/B&E	33	33	100.0	0	0.0
Auto Theft	64	61	95.3	3	4.7
Larceny	792	737	93.1	55	6.9
Fraud	6,008	4,884	81.3	1,124	18.7
Embezzlement	390	378	96.9	12	3.1
Forgery/Counterfeiting	371	324	87.3	47	12.7
Bribery	155	147	94.8	8	5.2
Tax	432	411	95.1	21	4.9
Money Laundering	675	463	68.6	212	31.4
Racketeering/Extortion	938	816	87.0	122	13.0
Gambling/Lottery	46	44	95.7	2	4.3
Civil Rights	56	54	96.4	2	3.6
Immigration	20,411	1,898	9.3	18,513	90.7
Child Pornography	1,809	1,743	96.4	66	3.6
Prison Offenses	513	495	96.5	18	3.5
Administration of Justice Offenses	1,059	923	87.2	136	12.8
Environmental/Wildlife	101	90	89.1	11	10.9
National Defense	87	53	60.9	34	39.1
Antitrust	30	28	93.3	2	6.7
Food & Drug	83	74	89.2	9	10.8
Other Miscellaneous Offenses	1,453	1,304	89.7	149	10.3

¹ Of the 66,873 cases, 508 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	45	21	66,871
Murder	224	180	72
Manslaughter	68	56	62
Kidnapping/Hostage Taking	230	210	62
Sexual Abuse	137	120	649
Assault	29	18	788
Robbery	74	60	650
Arson	63	60	40
Drugs - Trafficking	70	55	19,043
Drugs - Communication Facility	28	24	263
Drugs - Simple Possession	4	6	1,301
Firearms	71	48	8,064
Burglary/B&E	19	15	33
Auto Theft	72	44	64
Larceny	10	1	808
Fraud	26	15	6,029
Embezzlement	7	3	396
Forgery/Counterfeiting	18	13	371
Bribery	20	15	155
Tax	13	10	433
Money Laundering	33	18	679
Racketeering/Extortion	99	60	940
Gambling/Lottery	4	0	47
Civil Rights	36	10	56
Immigration	12	8	20,420
Child Pornography	147	97	1,810
Prison Offenses	12	10	522
Administration of Justice Offenses	19	12	1,064
Environmental/Wildlife	3	0	109
National Defense	56	27	89
Antitrust	13	8	31
Food & Drug	6	0	86
Other Miscellaneous Offenses	16	0	1,735

¹ Of the 66,873 cases, two were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	66,439	60,469	91.0	58,460	88.0	2,009	3.0	5,970	9.0	1,394	2.1	4,576	6.9
Murder	72	72	100.0	67	93.1	5	6.9	0	0.0	0	0.0	0	0.0
Manslaughter	62	60	96.8	56	90.3	4	6.5	2	3.2	0	0.0	2	3.2
Kidnapping/Hostage Taking	62	62	100.0	61	98.4	1	1.6	0	0.0	0	0.0	0	0.0
Sexual Abuse	649	640	98.6	622	95.8	18	2.8	9	1.4	6	0.9	3	0.5
Assault	783	676	86.3	622	79.4	54	6.9	107	13.7	18	2.3	89	11.4
Robbery	650	628	96.6	600	92.3	28	4.3	22	3.4	10	1.5	12	1.8
Arson	40	38	95.0	36	90.0	2	5.0	2	5.0	1	2.5	1	2.5
Drugs - Trafficking	19,040	18,256	95.9	17,640	92.6	616	3.2	784	4.1	247	1.3	537	2.8
Drugs - Communication Facility	263	197	74.9	192	73.0	5	1.9	66	25.1	19	7.2	47	17.9
Drugs - Simple Possession	1,238	997	80.5	995	80.4	2	0.2	241	19.5	8	0.6	233	18.8
Firearms	8,058	7,738	96.0	7,502	93.1	236	2.9	320	4.0	104	1.3	216	2.7
Burglary/B&E	33	30	90.9	20	60.6	10	30.3	3	9.1	0	0.0	3	9.1
Auto Theft	64	57	89.1	53	82.8	4	6.3	7	10.9	3	4.7	4	6.3
Larceny	763	395	51.8	364	47.7	31	4.1	368	48.2	53	6.9	315	41.3
Fraud	6,013	4,763	79.2	4,417	73.5	346	5.8	1,250	20.8	348	5.8	902	15.0
Embezzlement	390	173	44.4	146	37.4	27	6.9	217	55.6	46	11.8	171	43.8
Forgery/Counterfeiting	370	305	82.4	268	72.4	37	10.0	65	17.6	29	7.8	36	9.7
Bribery	155	116	74.8	103	66.5	13	8.4	39	25.2	16	10.3	23	14.8
Tax	431	275	63.8	235	54.5	40	9.3	156	36.2	59	13.7	97	22.5
Money Laundering	679	528	77.8	493	72.6	35	5.2	151	22.2	44	6.5	107	15.8
Racketeering/Extortion	940	886	94.3	859	91.4	27	2.9	54	5.7	22	2.3	32	3.4
Gambling/Lottery	47	17	36.2	11	23.4	6	12.8	30	63.8	5	10.6	25	53.2
Civil Rights	56	33	58.9	31	55.4	2	3.6	23	41.1	8	14.3	15	26.8
Immigration	20,414	19,540	95.7	19,304	94.6	236	1.2	874	4.3	130	0.6	744	3.6
Child Pornography	1,810	1,786	98.7	1,740	96.1	46	2.5	24	1.3	9	0.5	15	0.8
Prison Offenses	522	503	96.4	471	90.2	32	6.1	19	3.6	7	1.3	12	2.3
Administration of Justice Offenses	1,058	821	77.6	750	70.9	71	6.7	237	22.4	55	5.2	182	17.2
Environmental/Wildlife	102	21	20.6	17	16.7	4	3.9	81	79.4	18	17.6	63	61.8
National Defense	89	80	89.9	72	80.9	8	9.0	9	10.1	3	3.4	6	6.7
Antitrust	31	13	41.9	12	38.7	1	3.2	18	58.1	14	45.2	4	12.9
Food & Drug	84	28	33.3	26	31.0	2	2.4	56	66.7	10	11.9	46	54.8
Other Miscellaneous Offenses	1,471	735	50.0	675	45.9	60	4.1	736	50.0	102	6.9	634	43.1

¹ Of the 66,873 cases, 434 were excluded because the offender received neither imprisonment nor probation. Descriptions of variables used in this table are provided in Appendix A.

² Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2017**

	N	%
TOTAL CASES	66,266	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	32,552	49.1
CASES SENTENCED ABOVE GUIDELINE RANGE	1,950	2.9
DEPARTURE ABOVE GUIDELINE RANGE	456	0.7
Upward Departure From Guideline Range ²	352	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	104	0.2
OTHERWISE ABOVE GUIDELINE RANGE	1,494	2.3
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,411	2.1
All Remaining Cases Above Guideline Range ⁵	83	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	18,417	27.8
§5K1.1 Substantial Assistance Departure	7,128	10.8
§5K3.1 Early Disposition Program Departure	5,828	8.8
Other Government Sponsored Below Range	5,461	8.2
NON-GOVERNMENT SPONSORED BELOW RANGE	13,347	20.1
DEPARTURE BELOW GUIDELINE RANGE	1,563	2.4
Downward Departure From Guideline Range ²	1,142	1.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	421	0.6
OTHERWISE BELOW GUIDELINE RANGE	11,784	17.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,457	17.3
All Remaining Cases Below Guideline Range ⁵	327	0.5

¹ This table reflects the 66,873 cases sentenced in fiscal year 2017. Of these, 607 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

³ All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴ All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵ All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

⁶ Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2017

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
TOTAL	66,266	32,552	49.1	1,950	2.9	18,417	27.8	13,347	20.1
D.C. CIRCUIT	230	73	31.7	4	1.7	93	40.4	60	26.1
District of Columbia	230	73	31.7	4	1.7	93	40.4	60	26.1
FIRST CIRCUIT	1,992	987	49.5	91	4.6	524	26.3	390	19.6
Maine	197	64	32.5	3	1.5	75	38.1	55	27.9
Massachusetts	504	157	31.2	11	2.2	200	39.7	136	27.0
New Hampshire	212	93	43.9	10	4.7	69	32.5	40	18.9
Puerto Rico	980	647	66.0	66	6.7	151	15.4	116	11.8
Rhode Island	99	26	26.3	1	1.0	29	29.3	43	43.4
SECOND CIRCUIT	3,513	1,087	30.9	62	1.8	912	26.0	1,452	41.3
Connecticut	344	112	32.6	13	3.8	94	27.3	125	36.3
New York									
Eastern	739	171	23.1	15	2.0	223	30.2	330	44.7
Northern	334	179	53.6	6	1.8	58	17.4	91	27.2
Southern	1,463	361	24.7	18	1.2	310	21.2	774	52.9
Western	455	230	50.5	6	1.3	145	31.9	74	16.3
Vermont	178	34	19.1	4	2.2	82	46.1	58	32.6
THIRD CIRCUIT	2,174	828	38.1	42	1.9	797	36.7	507	23.3
Delaware	84	25	29.8	2	2.4	33	39.3	24	28.6
New Jersey	589	220	37.4	3	0.5	213	36.2	153	26.0
Pennsylvania									
Eastern	669	218	32.6	13	1.9	294	43.9	144	21.5
Middle	404	211	52.2	6	1.5	109	27.0	78	19.3
Western	355	106	29.9	15	4.2	135	38.0	99	27.9
Virgin Islands	73	48	65.8	3	4.1	13	17.8	9	12.3
FOURTH CIRCUIT	4,827	2,626	54.4	178	3.7	1,028	21.3	995	20.6
Maryland	698	239	34.2	32	4.6	304	43.6	123	17.6
North Carolina									
Eastern	568	292	51.4	21	3.7	138	24.3	117	20.6
Middle	407	235	57.7	24	5.9	68	16.7	80	19.7
Western	554	306	55.2	10	1.8	167	30.1	71	12.8
South Carolina	706	404	57.2	23	3.3	127	18.0	152	21.5
Virginia									
Eastern	1,175	779	66.3	34	2.9	79	6.7	283	24.1
Western	273	123	45.1	17	6.2	75	27.5	58	21.2
West Virginia									
Northern	235	137	58.3	10	4.3	43	18.3	45	19.1
Southern	211	111	52.6	7	3.3	27	12.8	66	31.3

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,589	10,795	65.1	654	3.9	2,322	14.0	2,818	17.0
Louisiana									
Eastern	348	171	49.1	13	3.7	101	29.0	63	18.1
Middle	171	73	42.7	10	5.8	32	18.7	56	32.7
Western	254	143	56.3	3	1.2	39	15.4	69	27.2
Mississippi									
Northern	155	64	41.3	7	4.5	56	36.1	28	18.1
Southern	278	213	76.6	20	7.2	19	6.8	26	9.4
Texas									
Eastern	794	493	62.1	27	3.4	231	29.1	43	5.4
Northern	1,428	886	62.0	79	5.5	222	15.5	241	16.9
Southern	6,629	4,237	63.9	251	3.8	875	13.2	1,266	19.1
Western	6,532	4,515	69.1	244	3.7	747	11.4	1,026	15.7
SIXTH CIRCUIT	4,205	1,795	42.7	103	2.4	1,308	31.1	999	23.8
Kentucky									
Eastern	360	193	53.6	18	5.0	69	19.2	80	22.2
Western	277	132	47.7	4	1.4	106	38.3	35	12.6
Michigan									
Eastern	859	329	38.3	11	1.3	203	23.6	316	36.8
Western	369	202	54.7	11	3.0	67	18.2	89	24.1
Ohio									
Northern	544	234	43.0	21	3.9	157	28.9	132	24.3
Southern	538	160	29.7	11	2.0	251	46.7	116	21.6
Tennessee									
Eastern	637	304	47.7	17	2.7	230	36.1	86	13.5
Middle	237	58	24.5	5	2.1	118	49.8	56	23.6
Western	384	183	47.7	5	1.3	107	27.9	89	23.2
SEVENTH CIRCUIT	2,279	818	35.9	54	2.4	576	25.3	831	36.5
Illinois									
Central	246	101	41.1	16	6.5	61	24.8	68	27.6
Northern	640	180	28.1	9	1.4	119	18.6	332	51.9
Southern	266	140	52.6	8	3.0	67	25.2	51	19.2
Indiana									
Northern	289	141	48.8	4	1.4	81	28.0	63	21.8
Southern	423	179	42.3	11	2.6	125	29.6	108	25.5
Wisconsin									
Eastern	301	37	12.3	3	1.0	101	33.6	160	53.2
Western	114	40	35.1	3	2.6	22	19.3	49	43.0
EIGHTH CIRCUIT	4,704	2,217	47.1	195	4.1	1,062	22.6	1,230	26.1
Arkansas									
Eastern	432	251	58.1	16	3.7	69	16.0	96	22.2
Western	237	111	46.8	4	1.7	32	13.5	90	38.0
Iowa									
Northern	376	213	56.6	25	6.6	71	18.9	67	17.8
Southern	404	171	42.3	9	2.2	107	26.5	117	29.0
Minnesota	413	156	37.8	4	1.0	89	21.5	164	39.7
Missouri									
Eastern	670	304	45.4	19	2.8	151	22.5	196	29.3
Western	802	307	38.3	76	9.5	213	26.6	206	25.7
Nebraska	551	278	50.5	7	1.3	136	24.7	130	23.6
North Dakota	324	124	38.3	13	4.0	140	43.2	47	14.5
South Dakota	495	302	61.0	22	4.4	54	10.9	117	23.6

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
NINTH CIRCUIT	13,049	4,524	34.7	351	2.7	6,418	49.2	1,756	13.5
Alaska	178	71	39.9	9	5.1	52	29.2	46	25.8
Arizona	5,391	2,350	43.6	213	4.0	2,531	46.9	297	5.5
California									
Central	1,012	332	32.8	14	1.4	378	37.4	288	28.5
Eastern	517	217	42.0	14	2.7	159	30.8	127	24.6
Northern	516	187	36.2	9	1.7	124	24.0	196	38.0
Southern	2,887	434	15.0	22	0.8	2,201	76.2	230	8.0
Guam	55	22	40.0	2	3.6	25	45.5	6	10.9
Hawaii	128	52	40.6	3	2.3	29	22.7	44	34.4
Idaho	342	149	43.6	4	1.2	99	28.9	90	26.3
Montana	318	91	28.6	9	2.8	86	27.0	132	41.5
Nevada	484	235	48.6	13	2.7	144	29.8	92	19.0
Northern Mariana Islands	13	6	46.2	0	0.0	7	53.8	0	0.0
Oregon	411	119	29.0	15	3.6	199	48.4	78	19.0
Washington									
Eastern	338	122	36.1	14	4.1	140	41.4	62	18.3
Western	459	137	29.8	10	2.2	244	53.2	68	14.8
TENTH CIRCUIT	6,308	3,327	52.7	92	1.5	2,135	33.8	754	12.0
Colorado	433	186	43.0	17	3.9	138	31.9	92	21.2
Kansas	566	223	39.4	23	4.1	245	43.3	75	13.3
New Mexico	3,785	2,355	62.2	17	0.4	1,147	30.3	266	7.0
Oklahoma									
Eastern	107	72	67.3	4	3.7	20	18.7	11	10.3
Northern	167	60	35.9	3	1.8	55	32.9	49	29.3
Western	292	145	49.7	5	1.7	30	10.3	112	38.4
Utah	726	209	28.8	16	2.2	401	55.2	100	13.8
Wyoming	232	77	33.2	7	3.0	99	42.7	49	21.1
ELEVENTH CIRCUIT	6,396	3,475	54.3	124	1.9	1,242	19.4	1,555	24.3
Alabama									
Middle	199	109	54.8	11	5.5	35	17.6	44	22.1
Northern	428	226	52.8	8	1.9	113	26.4	81	18.9
Southern	333	200	60.1	4	1.2	68	20.4	61	18.3
Florida									
Middle	1,520	786	51.7	20	1.3	308	20.3	406	26.7
Northern	263	114	43.3	8	3.0	67	25.5	74	28.1
Southern	2,282	1,260	55.2	44	1.9	301	13.2	677	29.7
Georgia									
Middle	439	300	68.3	5	1.1	75	17.1	59	13.4
Northern	519	161	31.0	16	3.1	229	44.1	113	21.8
Southern	413	319	77.2	8	1.9	46	11.1	40	9.7

¹ Of the 66,873 cases, 607 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Eastern North Carolina (13.1%), Middle Tennessee (11.9%), Western Louisiana (7.0%), Middle Georgia (5.8%), and Northern Florida (5.1%). Descriptions of variables used in this table are provided in Appendix A.

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE						NON-GOV'T SPONSORED BELOW RANGE	
						\$5K1.1		\$5K3.1		OTHER			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	66,266	32,552	49.1	1,950	2.9	7,128	10.8	5,828	8.8	5,461	8.2	13,347	20.1
Murder	72	36	50.0	6	8.3	12	16.7	0	0.0	12	16.7	6	8.3
Manslaughter	62	21	33.9	25	40.3	0	0.0	1	1.6	6	9.7	9	14.5
Kidnapping/Hostage Taking	62	27	43.5	1	1.6	16	25.8	0	0.0	8	12.9	10	16.1
Sexual Abuse	649	285	43.9	37	5.7	66	10.2	0	0.0	121	18.6	140	21.6
Assault	763	392	51.4	70	9.2	6	0.8	4	0.5	150	19.7	141	18.5
Robbery	650	308	47.4	38	5.8	59	9.1	0	0.0	63	9.7	182	28.0
Arson	40	16	40.0	5	12.5	10	25.0	0	0.0	4	10.0	5	12.5
Drugs - Trafficking	19,022	6,649	35.0	282	1.5	4,264	22.4	1,364	7.2	2,039	10.7	4,424	23.3
Drugs - Communication Facility	262	124	47.3	5	1.9	34	13.0	0	0.0	32	12.2	67	25.6
Drugs - Simple Possession	1,198	1,062	88.6	111	9.3	2	0.2	1	0.1	7	0.6	15	1.3
Firearms	8,055	4,223	52.4	438	5.4	670	8.3	7	0.1	787	9.8	1,930	24.0
Burglary/B&E	33	14	42.4	2	6.1	2	6.1	0	0.0	7	21.2	8	24.2
Auto Theft	64	31	48.4	6	9.4	14	21.9	2	3.1	3	4.7	8	12.5
Larceny	768	461	60.0	10	1.3	45	5.9	2	0.3	71	9.2	179	23.3
Fraud	5,967	2,552	42.8	124	2.1	1,005	16.8	4	0.1	608	10.2	1,674	28.1
Embezzlement	390	218	55.9	3	0.8	20	5.1	0	0.0	29	7.4	120	30.8
Forgery/Counterfeiting	369	190	51.5	14	3.8	34	9.2	0	0.0	28	7.6	103	27.9
Bribery	155	36	23.2	1	0.6	34	21.9	0	0.0	24	15.5	60	38.7
Tax	430	107	24.9	7	1.6	50	11.6	3	0.7	53	12.3	210	48.8
Money Laundering	676	170	25.1	4	0.6	185	27.4	2	0.3	109	16.1	206	30.5
Racketeering/Extortion	939	346	36.8	38	4.0	148	15.8	0	0.0	143	15.2	264	28.1
Gambling/Lottery	47	16	34.0	0	0.0	7	14.9	0	0.0	12	25.5	12	25.5
Civil Rights	56	16	28.6	2	3.6	13	23.2	0	0.0	14	25.0	11	19.6
Immigration	20,334	12,630	62.1	577	2.8	189	0.9	4,431	21.8	361	1.8	2,146	10.6
Child Pornography	1,809	525	29.0	45	2.5	37	2.0	0	0.0	435	24.0	767	42.4
Prison Offenses	511	336	65.8	13	2.5	8	1.6	2	0.4	59	11.5	93	18.2
Administration of Justice Offenses	1,052	557	52.9	45	4.3	72	6.8	1	0.1	116	11.0	261	24.8
Environmental/Wildlife	90	41	45.6	0	0.0	16	17.8	0	0.0	12	13.3	21	23.3
National Defense	88	23	26.1	0	0.0	21	23.9	0	0.0	12	13.6	32	36.4
Antitrust	31	7	22.6	0	0.0	18	58.1	0	0.0	1	3.2	5	16.1
Food & Drug	83	40	48.2	2	2.4	11	13.3	0	0.0	11	13.3	19	22.9
Other Miscellaneous Offenses	1,539	1,093	71.0	39	2.5	60	3.9	4	0.3	124	8.1	219	14.2

¹ Of the 66,873 cases, 607 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 11

SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2017

Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below Range			Below			Gdln	Gdln	Below Range			Below
		Range	Range	\$5K1.1	\$5K3.1	Other	Range			Range	Range	\$5K1.1	\$5K3.1	Other	Range
§2A1.1	245	119	0	58	0	41	27	§2D1.8	24	6	0	7	0	3	8
§2A1.2	46	25	9	3	0	4	5	§2D1.9	0	0	0	0	0	0	0
§2A1.3	30	10	14	1	1	3	1	§2D1.10	5	0	0	0	0	2	3
§2A1.4	43	18	12	0	0	5	8	§2D1.11	22	7	0	3	0	9	3
§2A1.5	49	10	0	4	0	24	11	§2D1.12	5	5	0	0	0	0	0
§2A2.1	130	56	4	21	0	19	30	§2D1.13	1	1	0	0	0	0	0
§2A2.2	383	162	48	7	1	80	85	§2D1.14	0	0	0	0	0	0	0
§2A2.3	105	73	10	0	0	8	14	§2D2.1	209	191	6	2	0	4	6
§2A2.4	164	87	9	4	3	32	29	§2D2.2	56	45	3	2	0	1	5
§2A3.1	133	52	4	3	0	46	28	§2D2.3	0	0	0	0	0	0	0
§2A3.2	28	17	2	0	0	4	5	§2D3.1	2	2	0	0	0	0	0
§2A3.3	6	3	1	0	0	0	2	§2D3.2	0	0	0	0	0	0	0
§2A3.4	38	17	4	0	0	7	10	§2D3.3	0	0	0	0	0	0	0
§2A3.5	384	231	25	5	0	29	94	§2D3.4	0	0	0	0	0	0	0
§2A4.1	111	44	1	30	0	14	22	§2D3.5	0	0	0	0	0	0	0
§2A4.2	1	0	0	0	0	0	1	§2E1.1	68	20	2	1	0	16	29
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	1	0	0	0	0	0
§2A5.2	20	13	1	0	0	0	6	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	11	7	0	3	0	1	0
§2A6.1	116	57	7	1	0	21	30	§2E1.5	0	0	0	0	0	0	0
§2A6.2	43	23	4	1	0	8	7	§2E2.1	14	2	1	1	0	3	7
§2B1.1	6,356	2,808	131	931	6	653	1,827	§2E3.1	65	24	5	8	1	13	14
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0
§2B1.4	11	0	0	3	0	2	6	§2E4.1	29	8	0	7	0	3	11
§2B1.5	17	4	0	1	0	3	9	§2E5.1	6	0	0	1	0	0	5
§2B1.6 ²	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	60	31	3	6	0	4	16	§2E5.3	2	2	0	0	0	0	0
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0
§2B2.3	5	5	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,544	606	116	247	0	154	421	§2E5.6	0	0	0	0	0	0	0
§2B3.2	41	14	2	8	0	6	11	§2F1.1	6	2	2	1	0	0	1
§2B3.3	6	4	1	1	0	0	0	§2F1.2	0	0	0	0	0	0	0
§2B4.1	107	26	3	25	0	20	33	§2G1.1	72	37	11	5	0	4	15
§2B5.1	238	131	5	13	0	21	68	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	403	178	19	59	0	61	86
§2B5.3	82	14	2	20	0	10	36	§2G2.1	462	170	9	13	0	121	149
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,403	376	35	22	0	332	638
§2B6.1	4	2	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0
§2C1.1	204	45	1	60	0	34	64	§2G2.4	0	0	0	0	0	0	0
§2C1.2	13	2	0	2	0	1	8	§2G2.5	0	0	0	0	0	0	0
§2C1.3	3	3	0	0	0	0	0	§2G2.6	9	0	0	4	0	1	4
§2C1.4	0	0	0	0	0	0	0	§2G3.1	26	7	8	0	0	2	9
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	§2H1.1	54	12	1	13	0	15	13
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	6	0	0	2	0	0	4	§2H1.3	0	0	0	0	0	0	0
§2D1.1	19,220	6,737	307	4,201	1,359	2,061	4,555	§2H1.4	0	0	0	0	0	0	0
§2D1.2	287	160	5	41	0	34	47	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	4	4	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	§2H3.1	7	3	0	2	0	0	2
§2D1.5	3	1	0	2	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	2	2	0	0	0	0	0
§2D1.7	2	0	0	0	0	2	0	§2H4.1	11	3	1	0	0	3	4

Table 11 (cont.)

Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below Range			Below			Gdln	Gdln	Below Range			Below
		Range	Range	\$5K1.1	\$5K3.1	Other	Range			Range	Range	\$5K1.1	\$5K3.1	Other	Range
§2H4.2	0	0	0	0	0	0	0	§2M5.2	108	33	0	22	1	12	40
§2J1.1	0	0	0	0	0	0	0	§2M5.3	21	3	0	4	0	1	13
§2J1.2	130	46	7	22	0	23	32	§2M6.1	5	2	0	1	0	1	1
§2J1.3	36	10	1	5	0	7	13	§2M6.2	1	1	0	0	0	0	0
§2J1.4	7	6	0	0	0	0	1	§2N1.1	8	0	1	1	0	4	2
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	40	24	3	0	0	6	7	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	28	25	2	0	0	1	0
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	321	217	6	6	2	28	62
§2K1.1	1	1	0	0	0	0	0	§2P1.2	133	85	6	2	0	26	14
§2K1.2	0	0	0	0	0	0	0	§2P1.3	1	1	0	0	0	0	0
§2K1.3	30	13	2	2	0	3	10	§2P1.4	0	0	0	0	0	0	0
§2K1.4	53	20	5	12	0	5	11	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	22	6	0	4	0	4	8
§2K1.6	1	1	0	0	0	0	0	§2Q1.3	33	13	0	5	0	5	10
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	6,365	3,475	324	370	8	600	1,588	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	63	24	0	12	0	12	15
§2K2.4 ³	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	11	1	0	0	0	0	§2R1.1	26	6	0	16	0	0	4
§2K2.6	3	2	0	1	0	0	0	§2S1.1	1,086	271	6	351	4	164	290
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	174	65	2	29	2	27	49
§2L1.1	2,765	1,229	50	147	904	88	347	§2S1.4	0	0	0	0	0	0	0
§2L1.2	15,895	10,336	510	31	3,189	211	1,618	§2T1.1	436	121	8	52	1	52	202
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	153	77	3	27	0	13	33	§2T1.3	0	0	0	0	0	0	0
§2L2.2	691	514	18	2	42	13	102	§2T1.4	161	36	2	36	0	15	72
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	47	10	0	4	0	3	30
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	2	0	1	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	0	0	0	2
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	6	2	1	1	0	1	1
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	1	§2X1.1	15	5	1	2	0	3	4
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	99	38	2	19	0	14	26
§2M3.6	0	0	0	0	0	0	0	§2X4.1	306	159	5	28	0	33	81
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	168	157	5	0	0	2	4
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	1	0	0	0	0	1	0
§2M5.1	19	1	0	9	0	4	5	§2X7.2	0	0	0	0	0	0	0
TOTAL									62,741	29,775	1,805	7,080	5,524	5,326	13,231

¹ Of the 66,873 cases, 4,132 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (607) or missing guideline applied (4,116). Descriptions of variables used in this table are provided in Appendix A.

² In 1,069 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 1,069 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,108 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,108 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Figure C

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2012 - 2017

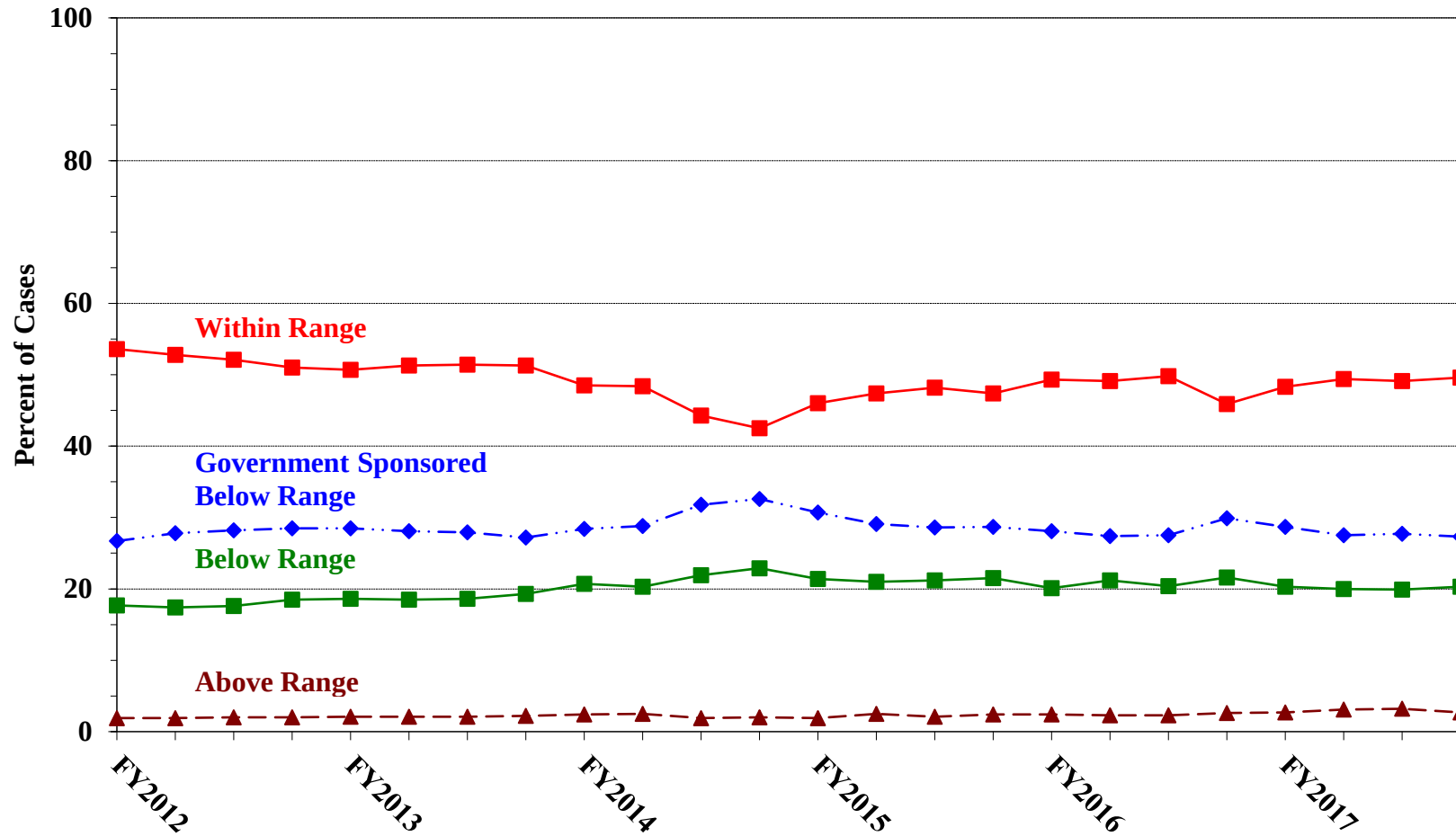
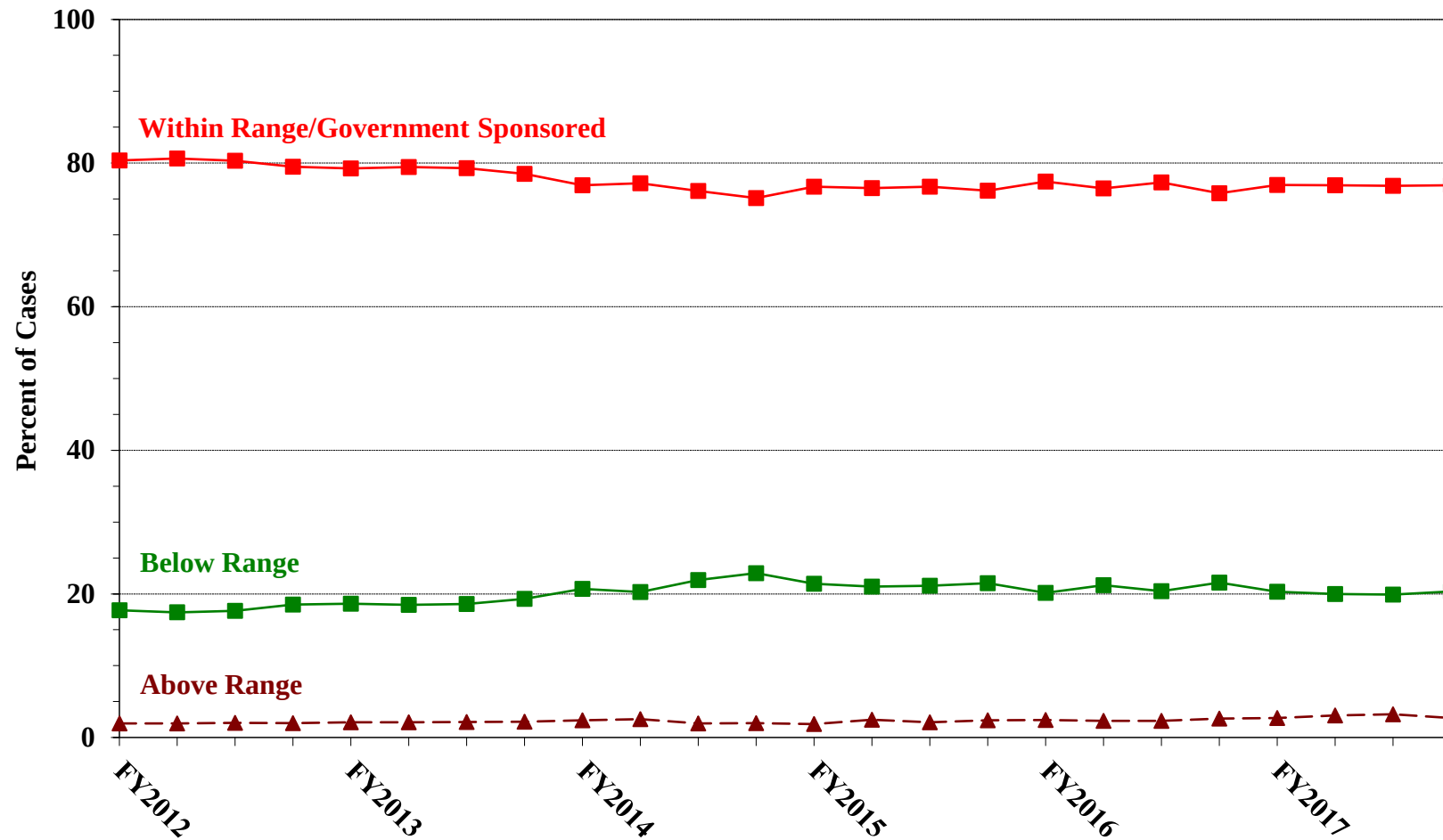
¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure D

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED
AND OTHER OUT OF RANGE SENTENCES¹**

Fiscal Years 2012 - 2017



¹ Descriptions of variables used in this figure are provided in Appendix A.

Table 12

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2012 - 2017

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2012				
1st Quarter	53.6	26.7	17.7	1.9
2nd Quarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
FY2013				
1st Quarter	50.7	28.5	18.6	2.1
2nd Quarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2
FY2014				
1st Quarter	48.5	28.4	20.7	2.4
2nd Quarter	48.4	28.8	20.3	2.5
3rd Quarter	44.3	31.8	21.9	1.9
4th Quarter	42.5	32.6	22.9	2.0
FY2015				
1st Quarter	46.0	30.7	21.4	1.9
2nd Quarter	47.4	29.1	21.0	2.5
3rd Quarter	48.2	28.6	21.2	2.1
4th Quarter	47.4	28.7	21.5	2.4
FY2016				
1st Quarter	49.3	28.1	20.1	2.4
2nd Quarter	49.1	27.4	21.2	2.3
3rd Quarter	49.8	27.5	20.4	2.3
4th Quarter	45.9	29.9	21.6	2.6
FY2017				
1st Quarter	48.3	28.7	20.3	2.7
2nd Quarter	49.4	27.5	20.0	3.1
3rd Quarter	49.1	27.7	19.9	3.2
4th Quarter	49.6	27.3	20.3	2.7

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 13

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2017

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	33,714	7,149	21.2	5,971	17.7	5,226	15.5	6,917	20.5	732	2.2
Above Range	1,950	21	1.1	14	0.7	295	15.1	159	8.2	6	0.3
Upward Departure From Guideline Range	352	0	0.0	0	0.0	105	29.8	51	14.5	3	0.9
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	104	0	0.0	0	0.0	9	8.7	12	11.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,411	0	0.0	0	0.0	175	12.4	84	6.0	1	0.1
All Remaining Cases Above Guideline Range	83	21	25.3	14	16.9	6	7.2	12	14.5	2	2.4
Government Sponsored Below Range	18,417	7,128	38.7	5,957	32.3	4,931	26.8	6,758	36.7	726	3.9
§5K1.1 Substantial Assistance Departure	7,128	7,128	100.0	129	1.8	301	4.2	2,172	30.5	27	0.4
§5K3.1 Early Disposition Program Departure	5,828	0	0.0	5,828	100.0	2,625	45.0	3,179	54.5	394	6.8
Other Government Sponsored Below Range	5,461	0	0.0	0	0.0	2,005	36.7	1,407	25.8	305	5.6
Non-Government Sponsored Below Range	13,347	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,142	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	421	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	11,457	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	327	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 13 (cont.)

	Pursuant to a Motion Not in a Plea Agreement								Other than a Plea/Motion by Parties		No Information Available	
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion					
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,323	15.8	5,153	15.3	5,856	17.4	1,213	3.6	4,955	14.7	2,605	7.7
Above Range	364	18.7	6	0.3	9	0.5	18	0.9	794	40.7	392	20.1
Upward Departure From Guideline Range	83	23.6	1	0.3	1	0.3	4	1.1	114	32.4	27	7.7
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	47	45.2	1	1.0	1	1.0	1	1.0	39	37.5	10	9.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	221	15.7	4	0.3	6	0.4	12	0.9	624	44.2	312	22.1
All Remaining Cases Above Guideline Range	13	15.7	0	0.0	1	1.2	1	1.2	17	20.5	43	51.8
Government Sponsored Below Range	4,959	26.9	1,380	7.5	1,168	6.3	1,195	6.5	1,029	5.6	180	1.0
§5K1.1 Substantial Assistance Departure	3,953	55.5	682	9.6	495	6.9	247	3.5	593	8.3	0	0.0
§5K3.1 Early Disposition Program Departure	190	3.3	333	5.7	442	7.6	109	1.9	175	3.0	0	0.0
Other Government Sponsored Below Range	816	14.9	365	6.7	231	4.2	839	15.4	261	4.8	180	3.3
Non-Government Sponsored Below Range	0	0.0	3,767	28.2	4,679	35.1	0	0.0	3,132	23.5	2,033	15.2
Downward Departure From Guideline Range	0	0.0	556	48.7	196	17.2	0	0.0	277	24.3	122	10.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	124	29.5	160	38.0	0	0.0	141	33.5	60	14.3
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	3,087	26.9	4,323	37.7	0	0.0	2,699	23.6	1,539	13.4
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	15	4.6	312	95.4

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 14,004 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

² For cases in which the court submitted a Statement of Reasons (SOR) form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted a prior version of the SOR form, the information was taken from Part V.B. of the SOR form.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,867	36	33	49.2
Murder	6	120	86	45.4
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	12	120	109	46.1
Sexual Abuse	63	63	60	44.8
Assault	6	16	19	47.1
Robbery	56	48	28	34.7
Arson	10	34	26	44.2
Drugs - Trafficking	4,151	50	41	45.0
Drugs - Communication Facility	33	0	24	99.9
Drugs - Simple Possession	1	--	--	--
Firearms	620	50	33	41.7
Burglary/B&E	2	--	--	--
Auto Theft	14	35	32	45.1
Larceny	44	6	18	72.1
Fraud	966	6	21	77.1
Embezzlement	20	0	12	100.0
Forgery/Counterfeiting	34	0	16	100.0
Bribery	34	6	26	87.9
Tax	48	0	18	100.0
Money Laundering	180	18	28	63.1
Racketeering/Extortion	132	40	45	48.9
Gambling/Lottery	7	0	6	100.0
Civil Rights	13	24	30	54.0
Immigration	181	12	10	49.9
Child Pornography	32	120	64	38.5
Prison Offenses	8	7	5	40.0
Administration of Justice Offenses	72	0	12	100.0
Environmental/Wildlife	16	0	17	100.0
National Defense	20	19	32	67.4
Antitrust	17	0	12	100.0
Food & Drug	11	0	10	100.0
Other Miscellaneous Offenses	58	0	18	100.0

¹ Of the 66,873 cases, 7,128 received a §5K1.1 substantial assistance departure. Of these, 6,942 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 73 cases were also excluded from this table. Of the remaining 6,869 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,442	11	6	42.9
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	21	11	34.2
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,316	24	28	52.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	7	30	12	34.8
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	1	--	--	--
Fraud	3	6	12	66.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	3	36	33	48.6
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	4,097	8	6	40.0
Child Pornography	0	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	1	21	96.2

¹ Of the 66,873 cases, 5,828 received a §5K3.1 early disposition program departure. Of these, 5,444 cases had complete guideline application information. Of these cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,202	34	21	43.3
Murder	9	90	33	27.5
Manslaughter	6	41	15	17.1
Kidnapping/Hostage Taking	6	105	52	26.0
Sexual Abuse	111	120	48	33.3
Assault	130	17	12	49.3
Robbery	62	48	29	32.8
Arson	4	48	14	25.6
Drugs - Trafficking	1,990	55	32	41.2
Drugs - Communication Facility	30	2	20	95.4
Drugs - Simple Possession	6	0	6	95.9
Firearms	764	46	18	29.4
Burglary/B&E	5	6	12	66.7
Auto Theft	3	18	15	28.6
Larceny	68	0	10	100.0
Fraud	583	9	15	66.7
Embezzlement	26	0	10	100.0
Forgery/Counterfeiting	28	8	12	59.7
Bribery	24	3	19	86.9
Tax	52	0	12	100.0
Money Laundering	104	7	18	75.5
Racketeering/Extortion	127	60	27	42.7
Gambling/Lottery	12	0	6	100.0
Civil Rights	13	0	12	100.0
Immigration	321	12	6	38.6
Child Pornography	426	70	55	44.4
Prison Offenses	53	12	6	33.3
Administration of Justice Offenses	105	0	12	100.0
Environmental/Wildlife	12	0	12	100.0
National Defense	10	19	30	60.8
Antitrust	1	--	--	--
Food & Drug	9	0	12	100.0
Other Miscellaneous Offenses	102	0	10	100.0

¹ Of the 66,873 cases, 5,461 received an other government sponsored downward departure. Of these, 5,259 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 57 cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

**NON-GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	12,966	24	13	35.1
Murder	5	132	19	12.6
Manslaughter	9	18	12	29.9
Kidnapping/Hostage Taking	8	192	48	18.2
Sexual Abuse	121	96	30	31.4
Assault	136	12	9	42.7
Robbery	177	46	16	23.8
Arson	5	16	21	56.7
Drugs - Trafficking	4,318	48	20	31.4
Drugs - Communication Facility	65	16	15	54.4
Drugs - Simple Possession	11	0	6	100.0
Firearms	1,898	36	13	26.8
Burglary/B&E	8	18	11	42.9
Auto Theft	8	30	14	55.4
Larceny	174	1	6	95.6
Fraud	1,628	15	12	47.8
Embezzlement	119	0	9	99.8
Forgery/Counterfeiting	102	8	10	46.1
Bribery	59	15	15	50.0
Tax	206	0	12	99.2
Money Laundering	202	12	15	51.5
Racketeering/Extortion	252	36	19	34.1
Gambling/Lottery	12	0	9	100.0
Civil Rights	10	3	18	92.4
Immigration	2,064	12	6	33.3
Child Pornography	753	72	49	38.1
Prison Offenses	79	7	6	46.2
Administration of Justice Offenses	256	10	10	51.6
Environmental/Wildlife	21	0	12	100.0
National Defense	32	36	35	55.9
Antitrust	5	14	10	43.2
Food & Drug	19	9	12	90.0
Other Miscellaneous Offenses	204	0	10	100.0

¹ Of the 66,873 cases, 13,347 were otherwise sentenced below the guideline range. Of these, 13,046 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 76 cases were also excluded from this table. Of the remaining 12,970 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017**

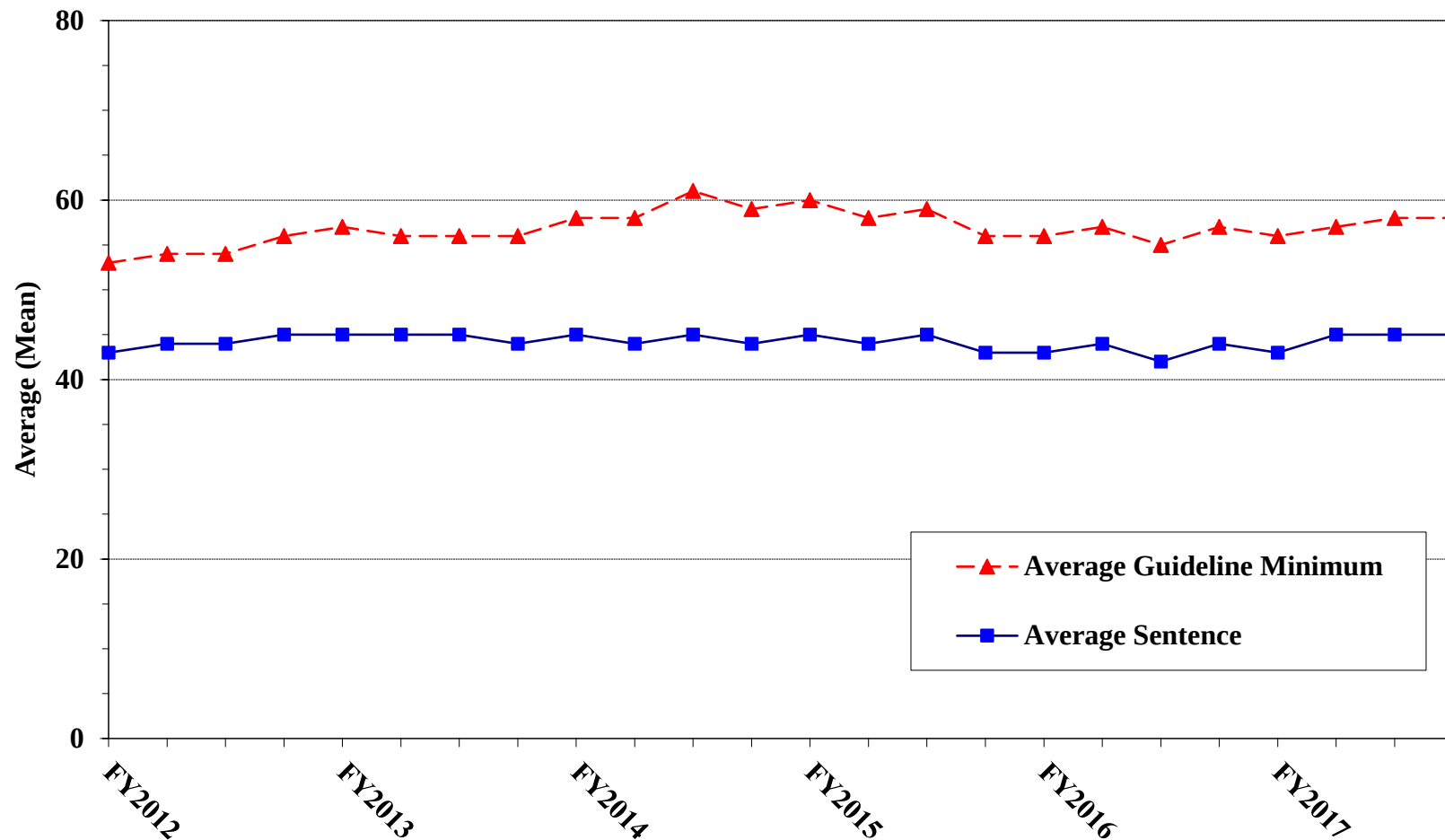
PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	1,731	48	13	42.9
Murder	6	270	34	14.4
Manslaughter	25	97	33	50.0
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	36	116	39	47.8
Assault	67	59	12	45.1
Robbery	38	123	24	28.9
Arson	5	84	36	53.8
Drugs - Trafficking	265	72	17	36.1
Drugs - Communication Facility	5	34	18	66.7
Drugs - Simple Possession	4	18	8	80.0
Firearms	391	84	19	30.4
Burglary/B&E	1	--	--	--
Auto Theft	6	77	14	24.0
Larceny	7	40	18	114.3
Fraud	115	60	14	37.5
Embezzlement	3	21	3	20.0
Forgery/Counterfeiting	12	48	12	44.6
Bribery	0	--	--	--
Tax	7	45	9	20.0
Money Laundering	3	20	4	25.0
Racketeering/Extortion	38	129	25	25.5
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	559	24	8	50.0
Child Pornography	45	180	33	22.9
Prison Offenses	12	36	18	70.0
Administration of Justice Offenses	41	48	15	50.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	35	48	22	100.0

¹ Of the 66,873 cases, 1,950 were sentenced above the guideline range. Of these, 1,777 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, 45 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure E

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR ALL CASES¹**

Fiscal Years 2012 - 2017

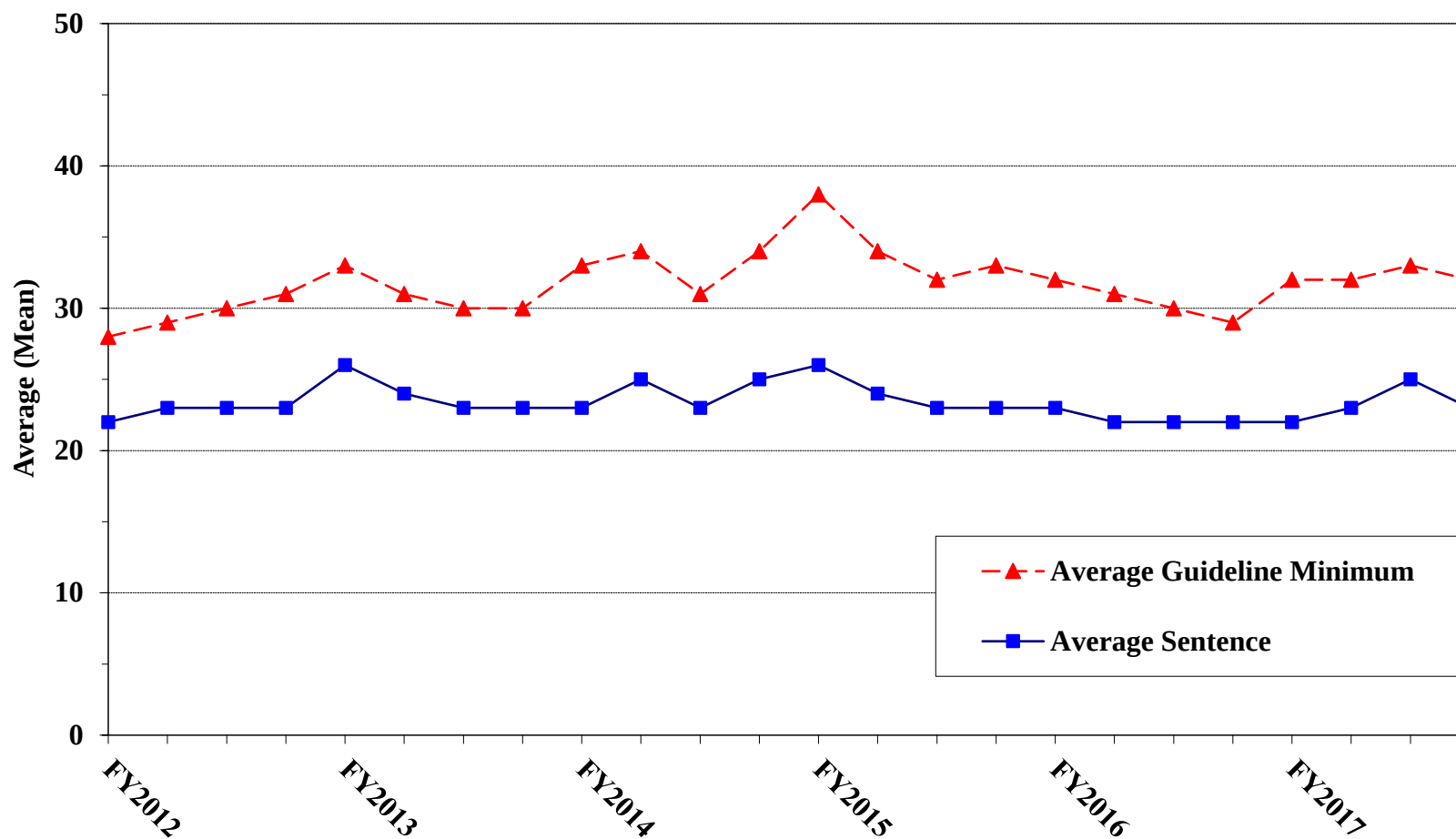


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹**

Fiscal Years 2012 - 2017

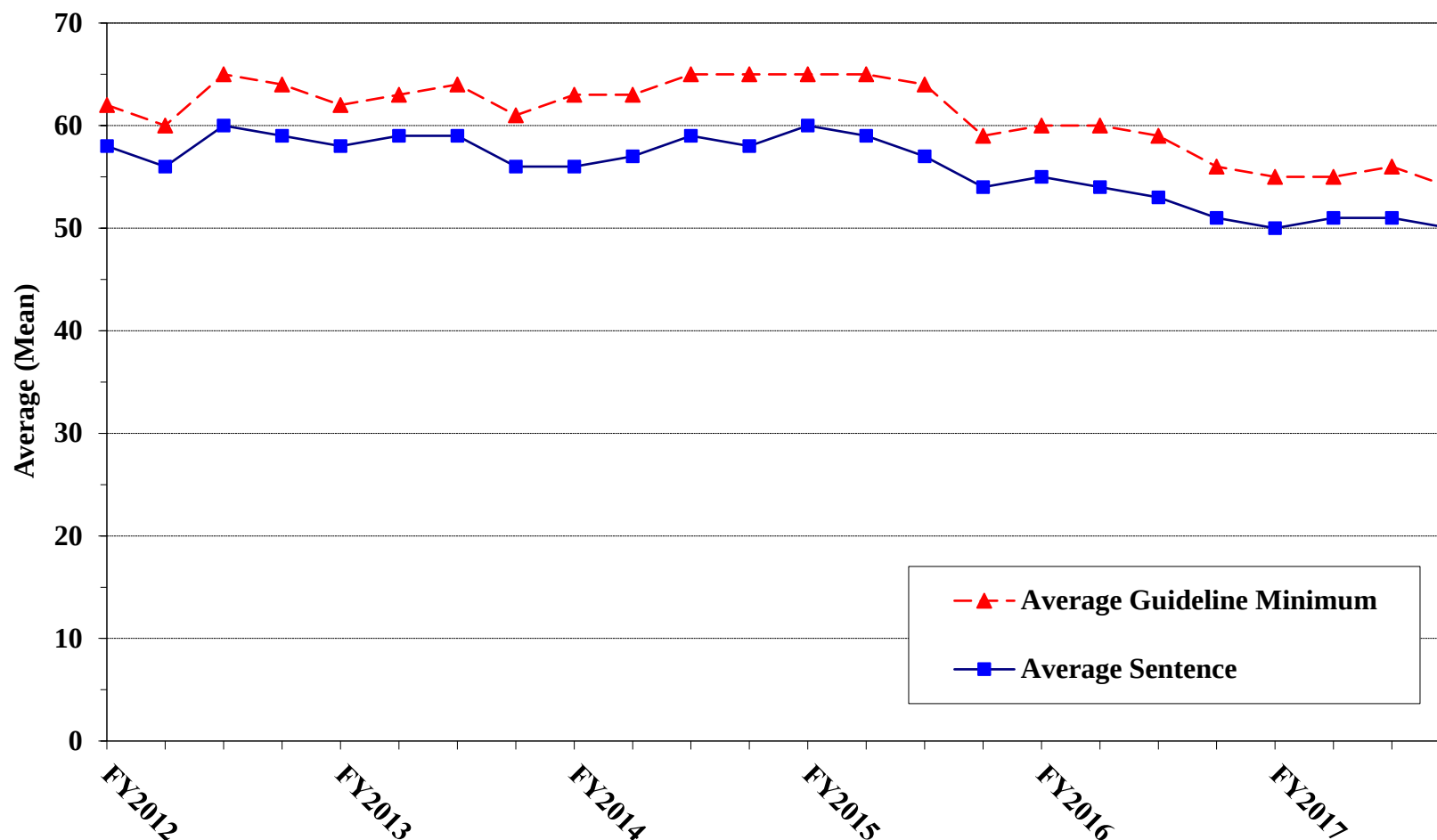


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure G

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹**

Fiscal Years 2012 - 2017

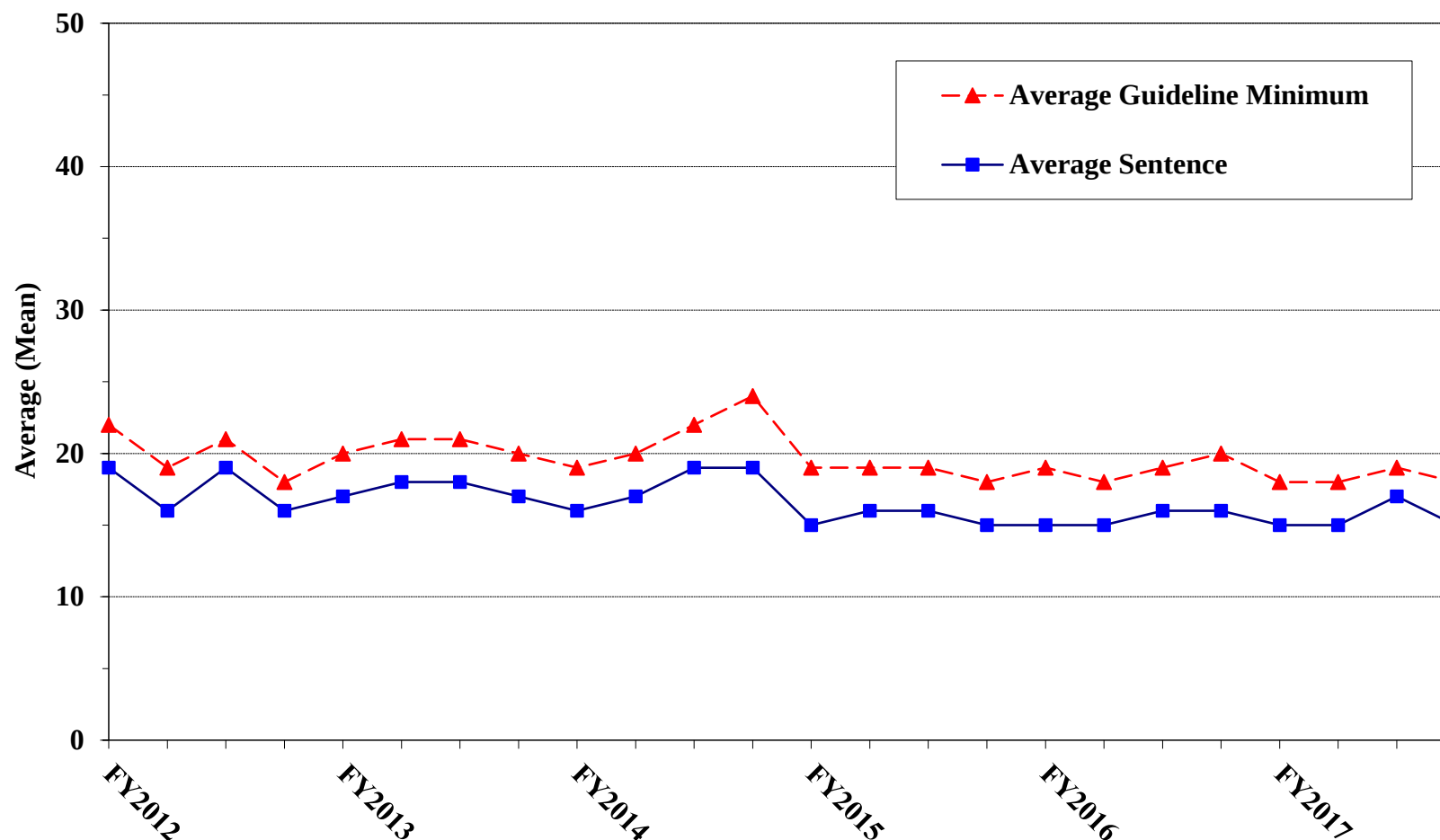


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure H

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹**

Fiscal Years 2012 - 2017

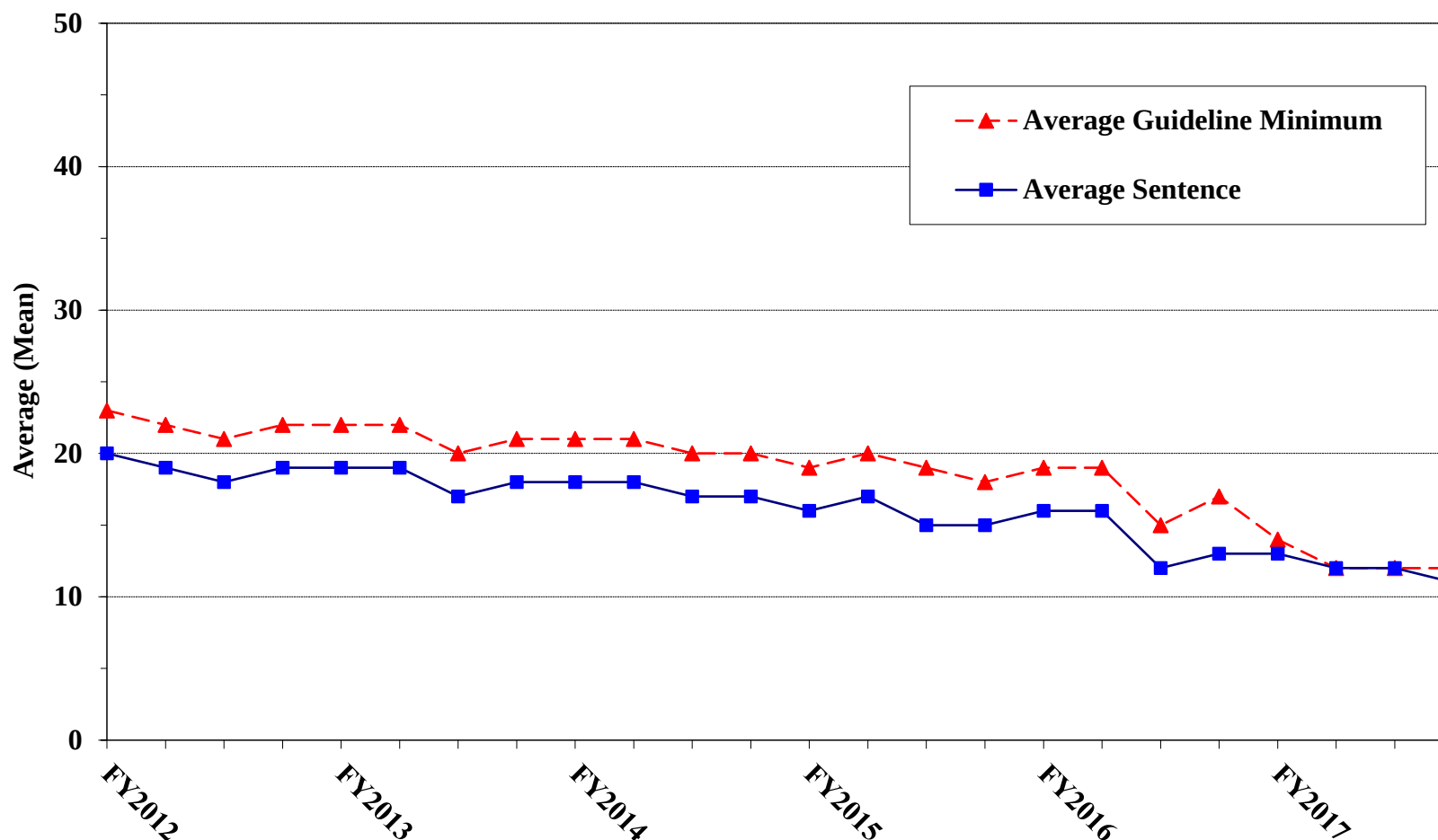


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure I

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR
§2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹**

Fiscal Years 2012 - 2017

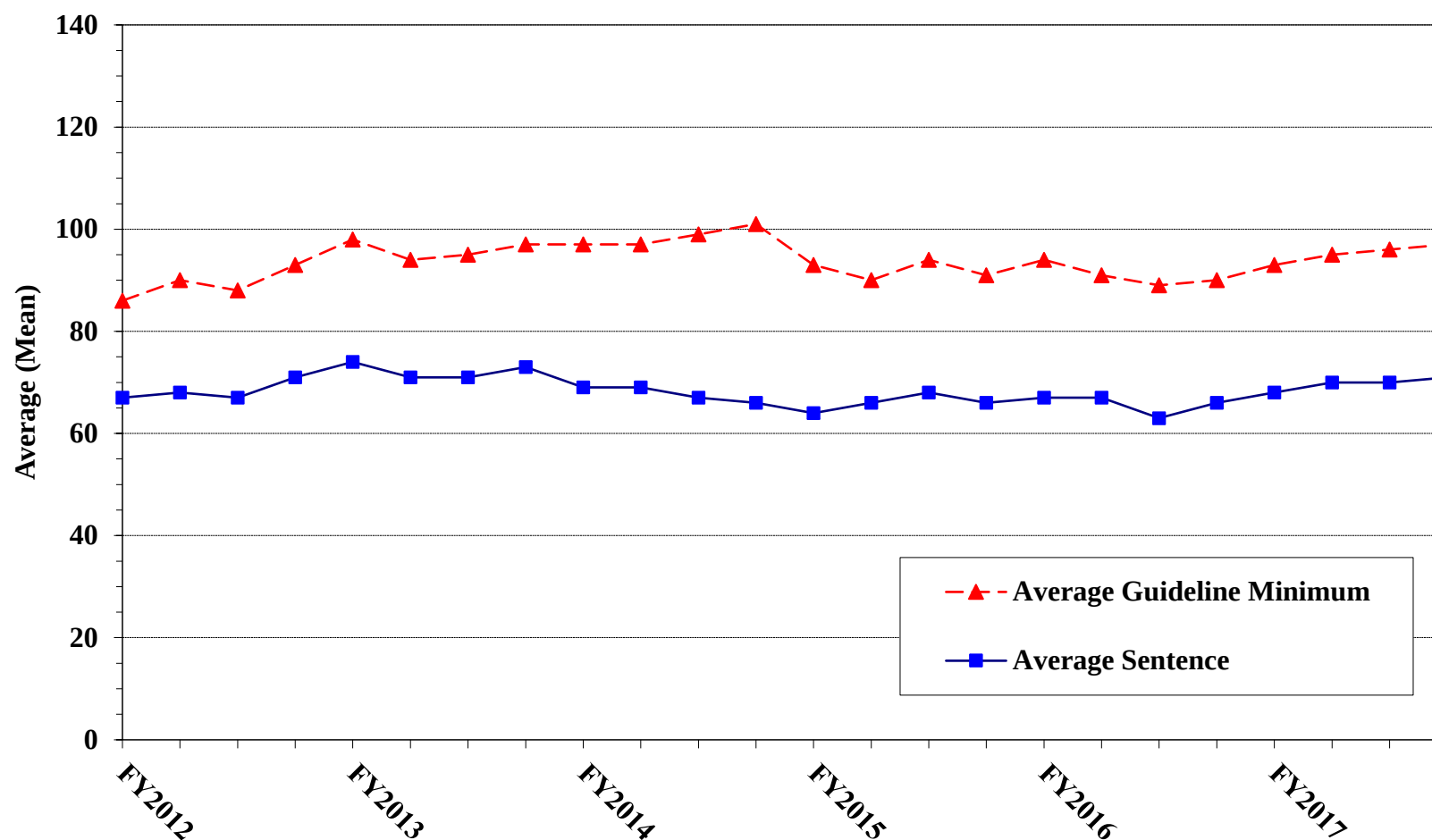


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure J

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹**

Fiscal Years 2012 - 2017

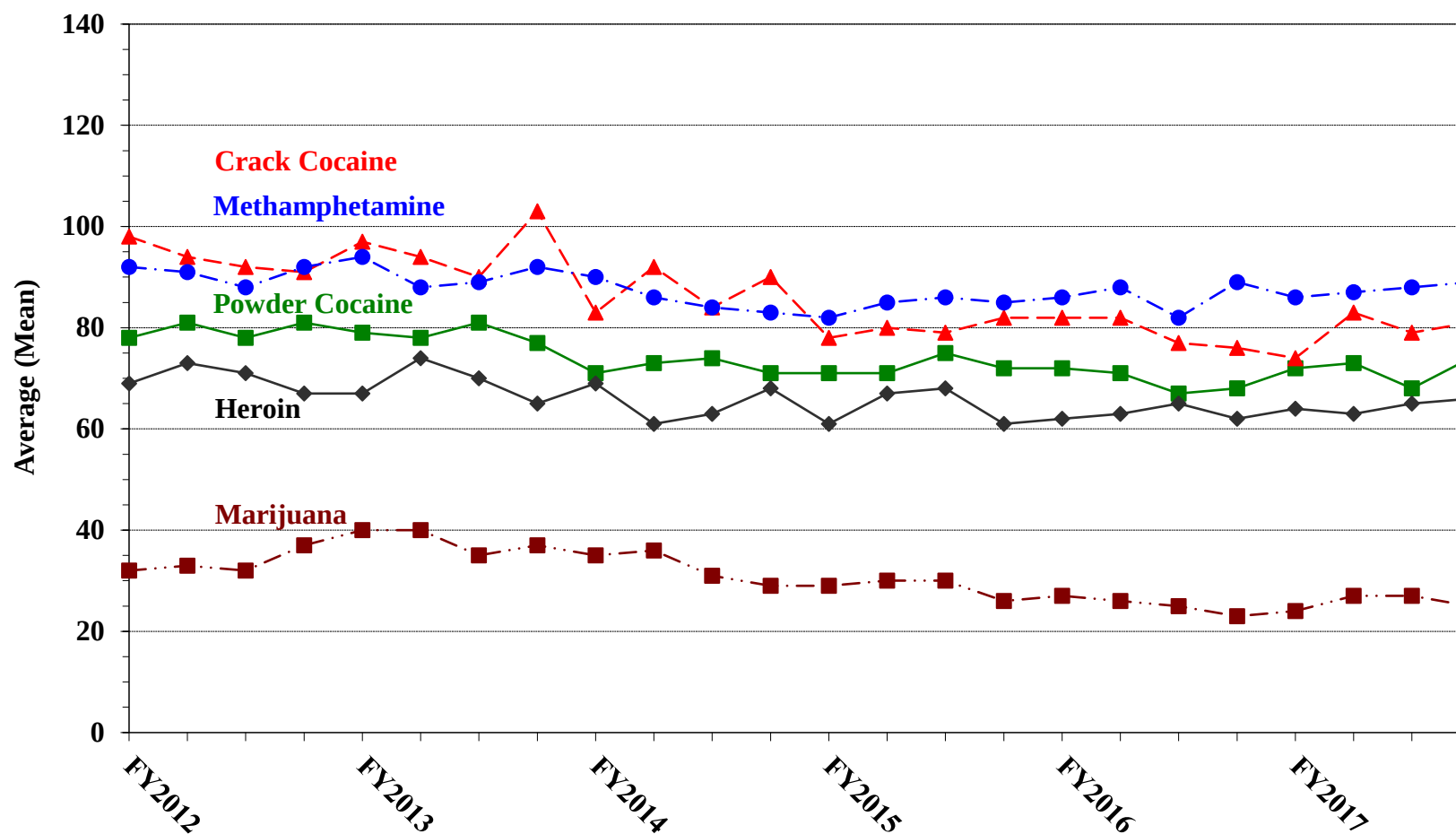


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure K

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2012 - 2017



¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Above Guideline Range with *Booker*/18 U.S.C. § 3553

Above Guideline Range with Booker/18 U.S.C. § 3553 consists of cases with a sentence above the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consists of cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes, for example, cases in which no reason is provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consists of cases sentenced below the guideline range that cannot be classified into any of the other three below the range categories. This category includes, for example, cases in which no reason is provided for a sentence below the guideline range.

Below Guideline Range with *Booker*/18 U.S.C. § 3553

Below Guideline Range with Booker/18 U.S.C. § 3553 consists of cases with a sentence below the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

Circuit

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” “extradited alien,”

and “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: downward departure from guideline range, downward departure with *Booker*/18 U.S.C. § 3553, below guideline range with *Booker*/18 U.S.C. § 3553, all remaining cases below guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) for the following categories of above range cases: upward departure from guideline range, upward departure with *Booker*/18 U.S.C. § 3553, above guideline range with *Booker*/18 U.S.C. § 3553, all remaining cases above guideline range. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals. The total requested documents received column is derived from adding the total number of received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The total requested documents not received column is derived from adding the total number of not received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). Cases where the PSR is waived, there is no written plea agreement/trial, and where the Commission was unable to definitively determine whether the offender’s guilty plea was entered pursuant to a written plea agreement are all excluded from the calculations for the total received documents column.

Downward Departure From Guideline Range

Downward Departure From Guideline Range consists of cases with departures below the guideline range that do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

Downward Departures with *Booker*/18 U.S.C. § 3553

Downward Departures with Booker/18 U.S.C. § 3553 consists of cases with a sentence below the guideline range that include both a departure (see Downward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline range.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (USSG §2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “ICE,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). The category *Listed Chemicals* includes any chemicals listed under USSG §2D1.11. All drug types not listed separately in this report are collapsed into the “other” drug category.

Gender

Gender of the defendant is obtained from the Presentence Report.

Government Sponsored Below Range

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. All cases in which a reason for a sentence below the range was substantial assistance (USSG §5K1.1) or Early Disposition Program (USSG §5K3.1) were attributed to the government. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government unless the court indicated on the SOR that the government opposed the motion: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in

which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage Taking includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, transportation of minor for sex, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs - Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

Drugs - Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs - Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax includes receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggling); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Racketeering/Extortion includes extortionate extension of credit, blackmail, extortion by force or threat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering the U.S.

Pornography/Prostitution includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was

discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

Child Pornography includes the production, sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

Prison Offenses includes contraband in prisons, riots in federal facilities, and escape.

Administration of Justice Offenses includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food & Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices on federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

Race

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other"*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other" origin.

Sentence Length

Sentence Length reports the mean and median terms of the sentence imposed in months. This information is obtained from the Judgment and Commitment Order. Sentence lengths expressed in days are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence which is an alternative confinement as described in USSG §5C1.1 is included. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. However, sentences in cases where the court imposed a sentence of time served but did not report the amount of time that was served are included as zero months.

In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders. Also, sentences of greater than 470 months are also reported as 470 months for some analyses. The footnote in the relevant tables and figures indicates when this occurs.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Confinement includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

Upward Departure From Guideline Range

Upward Departure From Guideline Range consists of cases with departures above the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

Upward Departure with *Booker*/18 U.S.C. § 3553

Upward Departure with Booker/18 U.S.C. § 3553 consists of cases with a sentence above the guideline range that includes both a departure (see Upward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline system.

Year

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the defendant was sentenced.