

# United States Sentencing Commission Quarterly Data Report



**2<sup>nd</sup> Quarter Release  
Preliminary Fiscal Year 2016 Data  
Through March 31, 2016**

## 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.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> 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 report is preliminary and subject to change as the Commission collects, analyzes, and reports on data from additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of a fiscal year may change as the Commission receives and analyzes documents in the remaining quarters from additional cases in which the offender was sentenced during the second quarter.<sup>3</sup> Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

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<sup>1</sup> 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).

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2015 are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

<sup>3</sup> Data for previous quarters may change for many reasons. For example, the courts have up to 30 days after the entry of judgment in a case to submit court documents to the Commission. The Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed.

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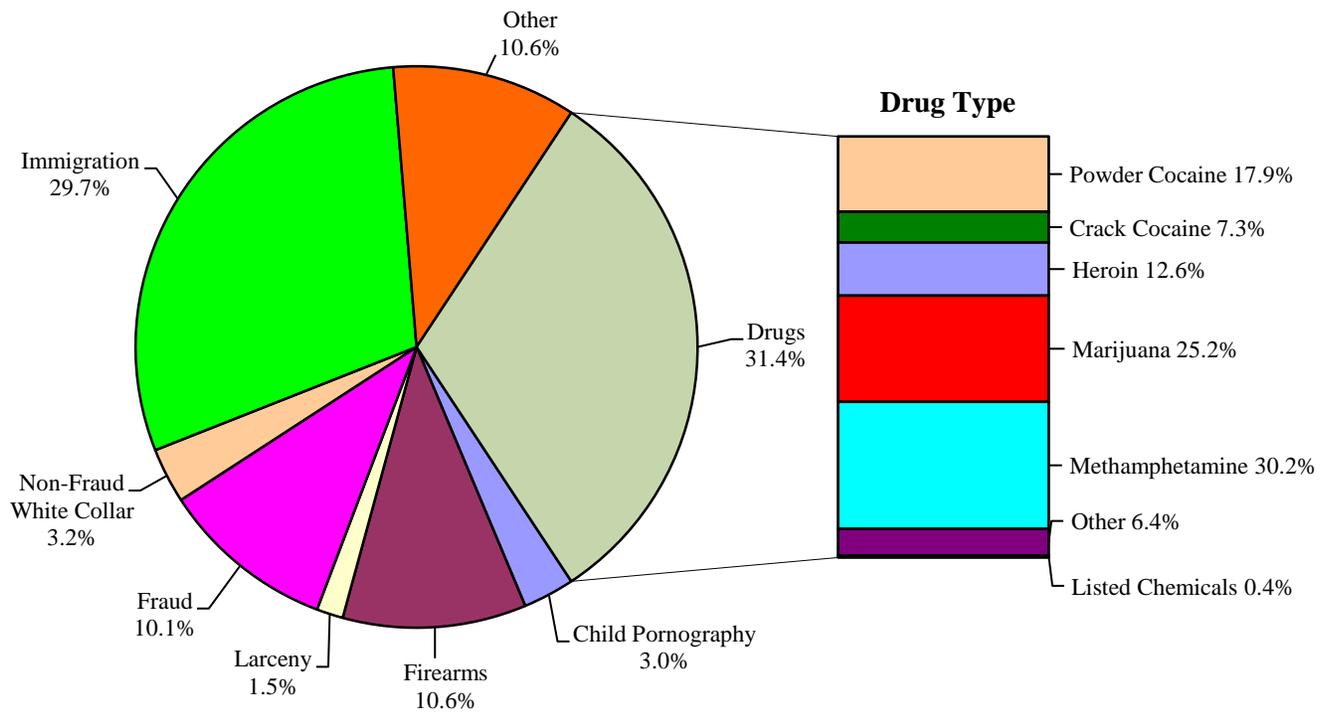
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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**



<sup>1</sup> Of the 33,890 guideline cases, two drug cases were excluded from this figure due to missing information on drug type. The Drug 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, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

Table 1

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>33,890</b>	<b>100.0</b>
Murder	49	0.1
Manslaughter	25	0.1
Kidnapping/Hostage Taking	17	0.1
Sexual Abuse	306	0.9
Assault	364	1.1
Robbery	367	1.1
Arson	18	0.1
Drugs - Trafficking	9,476	28.0
Drugs - Communication Facility	137	0.4
Drugs - Simple Possession	1,041	3.1
Firearms	3,578	10.6
Burglary/B&E	13	0.0
Auto Theft	24	0.1
Larceny	518	1.5
Fraud	3,410	10.1
Embezzlement	159	0.5
Forgery/Counterfeiting	243	0.7
Bribery	89	0.3
Tax	259	0.8
Money Laundering	329	1.0
Racketeering/Extortion	462	1.4
Gambling/Lottery	41	0.1
Civil Rights	21	0.1
Immigration	10,050	29.7
Child Pornography	1,004	3.0
Prison Offenses	230	0.7
Administration of Justice Offenses	524	1.5
Environmental/Wildlife	66	0.2
National Defense	48	0.1
Antitrust	4	0.0
Food & Drug	67	0.2
Other Miscellaneous Offenses	951	2.8

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 2

**GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data**  
**(October 1, 2015, through March 31, 2016)**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
District	N	%	District	N	%
<b>TOTAL</b>	<b>33,890</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>114</b>	<b>0.3</b>	<b>FIFTH CIRCUIT</b>	<b>8,181</b>	<b>24.1</b>
District of Columbia	114	0.3	Louisiana		
			Eastern	175	0.5
<b>FIRST CIRCUIT</b>	<b>1,041</b>	<b>3.1</b>	Middle	81	0.2
Maine	97	0.3	Western	130	0.4
Massachusetts	238	0.7	Mississippi		
New Hampshire	83	0.2	Northern	76	0.2
Puerto Rico	571	1.7	Southern	104	0.3
Rhode Island	52	0.2	Texas		
			Eastern	426	1.3
<b>SECOND CIRCUIT</b>	<b>1,564</b>	<b>4.6</b>	Northern	694	2.0
Connecticut	154	0.5	Southern	3,539	10.4
New York			Western	2,956	8.7
Eastern	397	1.2	<b>SIXTH CIRCUIT</b>	<b>2,200</b>	<b>6.5</b>
Northern	148	0.4	Kentucky		
Southern	575	1.7	Eastern	173	0.5
Western	207	0.6	Western	172	0.5
Vermont	83	0.2	Michigan		
			Eastern	418	1.2
<b>THIRD CIRCUIT</b>	<b>1,046</b>	<b>3.1</b>	Western	151	0.4
Delaware	38	0.1	Ohio		
New Jersey	322	1.0	Northern	283	0.8
Pennsylvania			Southern	254	0.7
Eastern	286	0.8	Tennessee		
Middle	174	0.5	Eastern	388	1.1
Western	187	0.6	Middle	111	0.3
Virgin Islands	39	0.1	Western	250	0.7
			<b>SEVENTH CIRCUIT</b>	<b>1,178</b>	<b>3.5</b>
<b>FOURTH CIRCUIT</b>	<b>2,676</b>	<b>7.9</b>	Illinois		
Maryland	363	1.1	Central	134	0.4
North Carolina			Northern	323	1.0
Eastern	316	0.9	Southern	180	0.5
Middle	204	0.6	Indiana		
Western	355	1.0	Northern	126	0.4
South Carolina	309	0.9	Southern	179	0.5
Virginia			Wisconsin		
Eastern	698	2.1	Eastern	162	0.5
Western	142	0.4	Western	74	0.2
West Virginia					
Northern	169	0.5			
Southern	120	0.4			

Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>2,476</b>	<b>7.3</b>	<b>TENTH CIRCUIT</b>	<b>3,692</b>	<b>10.9</b>
Arkansas			Colorado	237	0.7
Eastern	195	0.6	Kansas	280	0.8
Western	135	0.4	New Mexico	2,387	7.0
Iowa			Oklahoma		
Northern	169	0.5	Eastern	59	0.2
Southern	179	0.5	Northern	117	0.3
Minnesota	260	0.8	Western	164	0.5
Missouri			Utah	334	1.0
Eastern	396	1.2	Wyoming	114	0.3
Western	416	1.2			
Nebraska	296	0.9	<b>ELEVENTH CIRCUIT</b>	<b>3,044</b>	<b>9.0</b>
North Dakota	197	0.6	Alabama		
South Dakota	233	0.7	Middle	74	0.2
			Northern	166	0.5
<b>NINTH CIRCUIT</b>	<b>6,678</b>	<b>19.7</b>	Southern	160	0.5
Alaska	102	0.3	Florida		
Arizona	2,900	8.6	Middle	724	2.1
California			Northern	123	0.4
Central	506	1.5	Southern	1,097	3.2
Eastern	347	1.0	Georgia		
Northern	226	0.7	Middle	207	0.6
Southern	1,412	4.2	Northern	294	0.9
Guam	35	0.1	Southern	199	0.6
Hawaii	73	0.2			
Idaho	138	0.4			
Montana	141	0.4			
Nevada	189	0.6			
Northern Mariana Islands	9	0.0			
Oregon	218	0.6			
Washington					
Eastern	146	0.4			
Western	236	0.7			

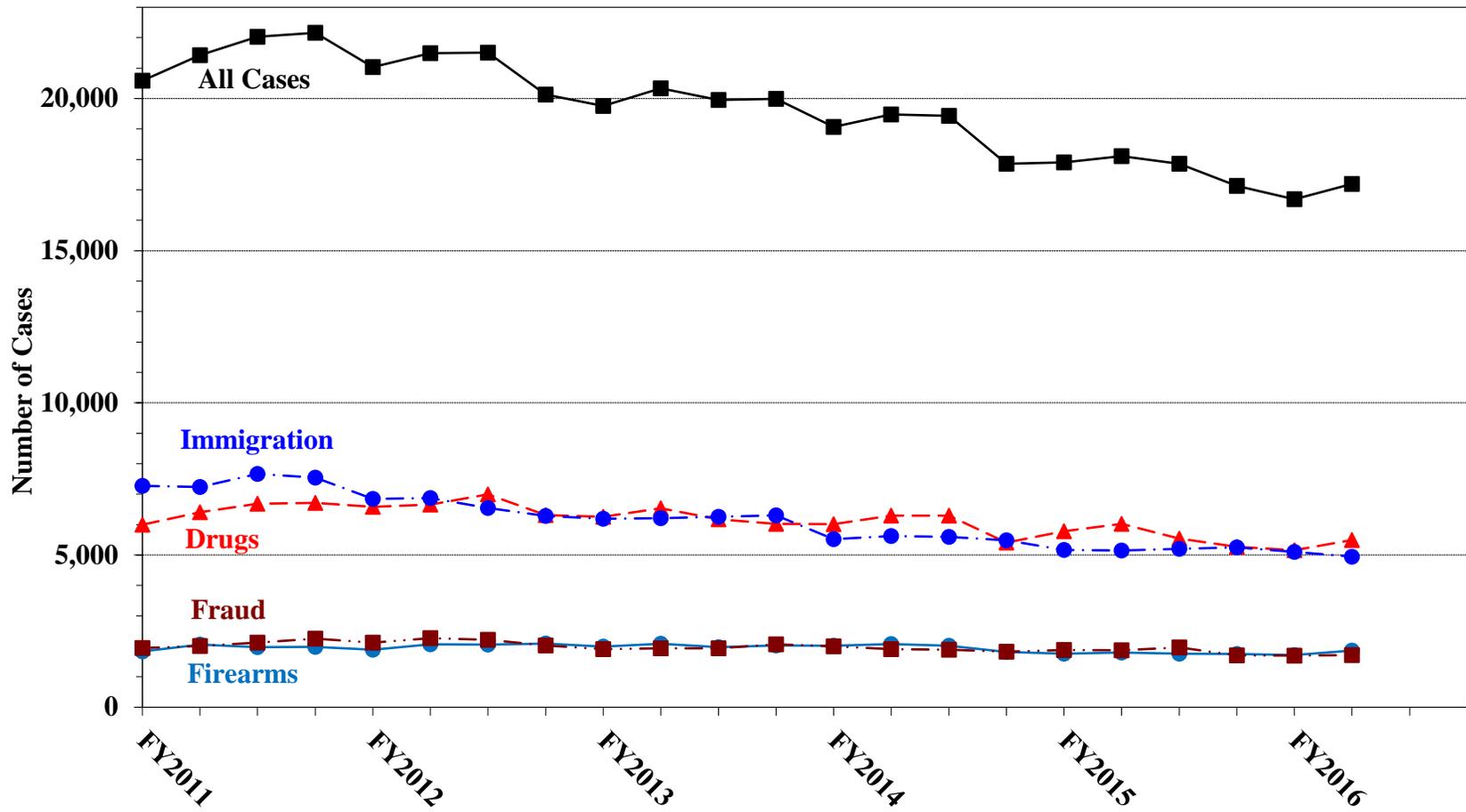
<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

Figure B

NUMBER OF CASES IN SELECTED OFFENSE CATEGORY<sup>1</sup>

Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 3

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>33,520</b>	<b>7,672</b>	<b>22.9</b>	<b>6,713</b>	<b>20.0</b>	<b>17,823</b>	<b>53.2</b>	<b>1,312</b>	<b>3.9</b>
<b>Murder</b>	<b>49</b>	14	28.6	7	14.3	14	28.6	14	28.6
<b>Manslaughter</b>	<b>25</b>	2	8.0	0	0.0	3	12.0	20	80.0
<b>Kidnapping/Hostage Taking</b>	<b>17</b>	3	17.6	8	47.1	3	17.6	3	17.6
<b>Sexual Abuse</b>	<b>306</b>	110	35.9	87	28.4	44	14.4	65	21.2
<b>Assault</b>	<b>355</b>	76	21.4	48	13.5	60	16.9	171	48.2
<b>Robbery</b>	<b>366</b>	136	37.2	177	48.4	46	12.6	7	1.9
<b>Arson</b>	<b>18</b>	11	61.1	5	27.8	1	5.6	1	5.6
<b>Drugs - Trafficking</b>	<b>9,466</b>	2,244	23.7	2,233	23.6	4,692	49.6	297	3.1
<b>Drugs - Communication Facility</b>	<b>136</b>	64	47.1	35	25.7	33	24.3	4	2.9
<b>Drugs - Simple Possession</b>	<b>1,018</b>	89	8.7	65	6.4	843	82.8	21	2.1
<b>Firearms</b>	<b>3,573</b>	915	25.6	1,781	49.8	783	21.9	94	2.6
<b>Burglary/B&amp;E</b>	<b>13</b>	1	7.7	0	0.0	0	0.0	12	92.3
<b>Auto Theft</b>	<b>24</b>	3	12.5	9	37.5	12	50.0	0	0.0
<b>Larceny</b>	<b>500</b>	230	46.0	165	33.0	64	12.8	41	8.2
<b>Fraud</b>	<b>3,396</b>	1,386	40.8	1,028	30.3	767	22.6	215	6.3
<b>Embezzlement</b>	<b>156</b>	82	52.6	47	30.1	11	7.1	16	10.3
<b>Forgery/Counterfeiting</b>	<b>242</b>	91	37.6	100	41.3	41	16.9	10	4.1
<b>Bribery</b>	<b>89</b>	36	40.4	22	24.7	18	20.2	13	14.6
<b>Tax</b>	<b>258</b>	134	51.9	66	25.6	37	14.3	21	8.1
<b>Money Laundering</b>	<b>328</b>	110	33.5	51	15.5	141	43.0	26	7.9
<b>Racketeering/Extortion</b>	<b>460</b>	140	30.4	165	35.9	148	32.2	7	1.5
<b>Gambling/Lottery</b>	<b>41</b>	17	41.5	4	9.8	7	17.1	13	31.7
<b>Civil Rights</b>	<b>21</b>	13	61.9	4	19.0	3	14.3	1	4.8
<b>Immigration</b>	<b>9,960</b>	190	1.9	128	1.3	9,599	96.4	43	0.4
<b>Child Pornography</b>	<b>1,004</b>	811	80.8	48	4.8	119	11.9	26	2.6
<b>Prison Offenses</b>	<b>223</b>	46	20.6	85	38.1	63	28.3	29	13.0
<b>Administration of Justice Offenses</b>	<b>518</b>	229	44.2	124	23.9	103	19.9	62	12.0
<b>Environmental/Wildlife</b>	<b>62</b>	52	83.9	3	4.8	3	4.8	4	6.5
<b>National Defense</b>	<b>48</b>	14	29.2	5	10.4	19	39.6	10	20.8
<b>Antitrust</b>	<b>4</b>	1	25.0	1	25.0	0	0.0	2	50.0
<b>Food &amp; Drug</b>	<b>67</b>	38	56.7	3	4.5	18	26.9	8	11.9
<b>Other Miscellaneous Offenses</b>	<b>777</b>	384	49.4	209	26.9	128	16.5	56	7.2

<sup>1</sup> Of the 33,890 cases, 370 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>33,765</b>	<b>29,079</b>	<b>86.1</b>	<b>4,686</b>	<b>13.9</b>
Murder	49	44	89.8	5	10.2
Manslaughter	25	22	88.0	3	12.0
Kidnapping/Hostage Taking	17	16	94.1	1	5.9
Sexual Abuse	306	282	92.2	24	7.8
Assault	362	300	82.9	62	17.1
Robbery	367	329	89.6	38	10.4
Arson	18	16	88.9	2	11.1
Drugs - Trafficking	9,473	8,005	84.5	1,468	15.5
Drugs - Communication Facility	137	97	70.8	40	29.2
Drugs - Simple Possession	1,031	931	90.3	100	9.7
Firearms	3,578	3,464	96.8	114	3.2
Burglary/B&E	13	13	100.0	0	0.0
Auto Theft	24	24	100.0	0	0.0
Larceny	505	299	59.2	206	40.8
Fraud	3,408	2,342	68.7	1,066	31.3
Embezzlement	158	64	40.5	94	59.5
Forgery/Counterfeiting	243	177	72.8	66	27.2
Bribery	89	79	88.8	10	11.2
Tax	259	183	70.7	76	29.3
Money Laundering	329	256	77.8	73	22.2
Racketeering/Extortion	462	411	89.0	51	11.0
Gambling/Lottery	41	33	80.5	8	19.5
Civil Rights	21	20	95.2	1	4.8
Immigration	10,005	9,225	92.2	780	7.8
Child Pornography	1,004	989	98.5	15	1.5
Prison Offenses	229	200	87.3	29	12.7
Administration of Justice Offenses	521	423	81.2	98	18.8
Environmental/Wildlife	64	63	98.4	1	1.6
National Defense	48	44	91.7	4	8.3
Antitrust	4	3	75.0	1	25.0
Food & Drug	67	55	82.1	12	17.9
Other Miscellaneous Offenses	908	670	73.8	238	26.2

<sup>1</sup> Of the 33,890 cases, 125 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>33,640</b>	<b>19,715</b>	<b>58.6</b>	<b>13,925</b>	<b>41.4</b>
Murder	49	39	79.6	10	20.4
Manslaughter	25	24	96.0	1	4.0
Kidnapping/Hostage Taking	17	16	94.1	1	5.9
Sexual Abuse	306	288	94.1	18	5.9
Assault	356	330	92.7	26	7.3
Robbery	367	357	97.3	10	2.7
Arson	18	17	94.4	1	5.6
Drugs - Trafficking	9,459	6,873	72.7	2,586	27.3
Drugs - Communication Facility	137	123	89.8	14	10.2
Drugs - Simple Possession	1,025	243	23.7	782	76.3
Firearms	3,575	3,359	94.0	216	6.0
Burglary/B&E	13	13	100.0	0	0.0
Auto Theft	24	24	100.0	0	0.0
Larceny	501	463	92.4	38	7.6
Fraud	3,398	2,795	82.3	603	17.7
Embezzlement	156	150	96.2	6	3.8
Forgery/Counterfeiting	241	223	92.5	18	7.5
Bribery	89	80	89.9	9	10.1
Tax	258	240	93.0	18	7.0
Money Laundering	329	227	69.0	102	31.0
Racketeering/Extortion	461	413	89.6	48	10.4
Gambling/Lottery	41	37	90.2	4	9.8
Civil Rights	21	21	100.0	0	0.0
Immigration	10,044	843	8.4	9,201	91.6
Child Pornography	1,004	966	96.2	38	3.8
Prison Offenses	221	206	93.2	15	6.8
Administration of Justice Offenses	517	459	88.8	58	11.2
Environmental/Wildlife	63	52	82.5	11	17.5
National Defense	48	28	58.3	20	41.7
Antitrust	4	3	75.0	1	25.0
Food & Drug	66	57	86.4	9	13.6
Other Miscellaneous Offenses	807	746	92.4	61	7.6

<sup>1</sup> Of the 33,890 cases, 250 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>44</b>	<b>22</b>	<b>33,889</b>
<b>Murder</b>	225	196	49
<b>Manslaughter</b>	65	68	25
<b>Kidnapping/Hostage Taking</b>	254	235	17
<b>Sexual Abuse</b>	142	120	306
<b>Assault</b>	31	14	364
<b>Robbery</b>	73	60	367
<b>Arson</b>	67	60	18
<b>Drugs - Trafficking</b>	68	51	9,475
<b>Drugs - Communication Facility</b>	26	24	137
<b>Drugs - Simple Possession</b>	5	6	1,041
<b>Firearms</b>	74	51	3,578
<b>Burglary/B&amp;E</b>	12	9	13
<b>Auto Theft</b>	87	40	24
<b>Larceny</b>	8	0	518
<b>Fraud</b>	26	14	3,410
<b>Embezzlement</b>	9	0	159
<b>Forgery/Counterfeiting</b>	18	12	243
<b>Bribery</b>	27	16	89
<b>Tax</b>	13	12	259
<b>Money Laundering</b>	31	18	329
<b>Racketeering/Extortion</b>	80	54	462
<b>Gambling/Lottery</b>	5	0	41
<b>Civil Rights</b>	16	12	21
<b>Immigration</b>	15	10	10,050
<b>Child Pornography</b>	140	96	1,004
<b>Prison Offenses</b>	12	9	230
<b>Administration of Justice Offenses</b>	18	13	524
<b>Environmental/Wildlife</b>	3	0	66
<b>National Defense</b>	50	37	48
<b>Antitrust</b>	5	4	4
<b>Food &amp; Drug</b>	8	0	67
<b>Other Miscellaneous Offenses</b>	19	0	951

<sup>1</sup> Of the 33,890 cases, one was 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>33,671</b>	<b>30,443</b>	<b>90.4</b>	<b>29,504</b>	<b>87.6</b>	<b>939</b>	<b>2.8</b>	<b>3,228</b>	<b>9.6</b>	<b>840</b>	<b>2.5</b>	<b>2,388</b>	<b>7.1</b>
Murder	49	49	100.0	49	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	25	24	96.0	23	92.0	1	4.0	1	4.0	1	4.0	0	0.0
Kidnapping/Hostage Taking	17	17	100.0	16	94.1	1	5.9	0	0.0	0	0.0	0	0.0
Sexual Abuse	306	298	97.4	291	95.1	7	2.3	8	2.6	3	1.0	5	1.6
Assault	360	295	81.9	272	75.6	23	6.4	65	18.1	16	4.4	49	13.6
Robbery	367	361	98.4	345	94.0	16	4.4	6	1.6	3	0.8	3	0.8
Arson	18	16	88.9	16	88.9	0	0.0	2	11.1	0	0.0	2	11.1
Drugs - Trafficking	9,474	9,077	95.8	8,828	93.2	249	2.6	397	4.2	141	1.5	256	2.7
Drugs - Communication Facility	137	107	78.1	103	75.2	4	2.9	30	21.9	8	5.8	22	16.1
Drugs - Simple Possession	1,024	904	88.3	902	88.1	2	0.2	120	11.7	7	0.7	113	11.0
Firearms	3,575	3,412	95.4	3,324	93.0	88	2.5	163	4.6	60	1.7	103	2.9
Burglary/B&E	13	12	92.3	9	69.2	3	23.1	1	7.7	0	0.0	1	7.7
Auto Theft	24	21	87.5	19	79.2	2	8.3	3	12.5	0	0.0	3	12.5
Larceny	494	208	42.1	189	38.3	19	3.8	286	57.9	73	14.8	213	43.1
Fraud	3,399	2,696	79.3	2,470	72.7	226	6.6	703	20.7	221	6.5	482	14.2
Embezzlement	157	70	44.6	63	40.1	7	4.5	87	55.4	16	10.2	71	45.2
Forgery/Counterfeiting	242	201	83.1	185	76.4	16	6.6	41	16.9	15	6.2	26	10.7
Bribery	89	72	80.9	65	73.0	7	7.9	17	19.1	7	7.9	10	11.2
Tax	259	157	60.6	134	51.7	23	8.9	102	39.4	29	11.2	73	28.2
Money Laundering	329	264	80.2	242	73.6	22	6.7	65	19.8	16	4.9	49	14.9
Racketeering/Extortion	462	432	93.5	424	91.8	8	1.7	30	6.5	9	1.9	21	4.5
Gambling/Lottery	41	14	34.1	12	29.3	2	4.9	27	65.9	6	14.6	21	51.2
Civil Rights	21	12	57.1	12	57.1	0	0.0	9	42.9	4	19.0	5	23.8
Immigration	10,047	9,645	96.0	9,531	94.9	114	1.1	402	4.0	72	0.7	330	3.3
Child Pornography	1,004	996	99.2	973	96.9	23	2.3	8	0.8	4	0.4	4	0.4
Prison Offenses	230	223	97.0	206	89.6	17	7.4	7	3.0	3	1.3	4	1.7
Administration of Justice Offenses	521	402	77.2	376	72.2	26	5.0	119	22.8	31	6.0	88	16.9
Environmental/Wildlife	62	12	19.4	12	19.4	0	0.0	50	80.6	8	12.9	42	67.7
National Defense	48	41	85.4	41	85.4	0	0.0	7	14.6	0	0.0	7	14.6
Antitrust	4	3	75.0	3	75.0	0	0.0	1	25.0	0	0.0	1	25.0
Food & Drug	67	27	40.3	18	26.9	9	13.4	40	59.7	7	10.4	33	49.3
Other Miscellaneous Offenses	806	375	46.5	351	43.5	24	3.0	431	53.5	80	9.9	351	43.5

<sup>1</sup> Of the 33,890 cases, 219 were excluded because the offender received neither imprisonment nor probation. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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 RANGE<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

	N	%
<b>TOTAL CASES</b>	<b>33,478</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>16,461</b>	<b>49.2</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>787</b>	<b>2.4</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>213</b>	<b>0.6</b>
Upward Departure From Guideline Range <sup>2</sup>	163	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	50	0.1
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>574</b>	<b>1.7</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	525	1.6
All Remaining Cases Above Guideline Range <sup>5</sup>	49	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>9,300</b>	<b>27.8</b>
§5K1.1 Substantial Assistance Departure	3,723	11.1
§5K3.1 Early Disposition Program Departure	2,861	8.5
Other Government Sponsored Below Range	2,716	8.1
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>6,930</b>	<b>20.7</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,006</b>	<b>3.0</b>
Downward Departure From Guideline Range <sup>2</sup>	741	2.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	265	0.8
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>5,924</b>	<b>17.7</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	5,700	17.0
All Remaining Cases Below Guideline Range <sup>5</sup>	224	0.7

<sup>1</sup> This table reflects the 33,890 cases sentenced on or after October 1, 2015, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 27, 2016. Of these, 412 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.

<sup>2</sup> 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*.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>33,478</b>	<b>16,461</b>	<b>49.2</b>	<b>787</b>	<b>2.4</b>	<b>9,300</b>	<b>27.8</b>	<b>6,930</b>	<b>20.7</b>
<b>D.C. CIRCUIT</b>	<b>114</b>	<b>27</b>	<b>23.7</b>	<b>0</b>	<b>0.0</b>	<b>50</b>	<b>43.9</b>	<b>37</b>	<b>32.5</b>
District of Columbia	114	27	23.7	0	0.0	50	43.9	37	32.5
<b>FIRST CIRCUIT</b>	<b>1,039</b>	<b>529</b>	<b>50.9</b>	<b>50</b>	<b>4.8</b>	<b>237</b>	<b>22.8</b>	<b>223</b>	<b>21.5</b>
Maine	97	40	41.2	1	1.0	27	27.8	29	29.9
Massachusetts	237	69	29.1	5	2.1	87	36.7	76	32.1
New Hampshire	83	34	41.0	6	7.2	18	21.7	25	30.1
Puerto Rico	570	370	64.9	37	6.5	87	15.3	76	13.3
Rhode Island	52	16	30.8	1	1.9	18	34.6	17	32.7
<b>SECOND CIRCUIT</b>	<b>1,562</b>	<b>440</b>	<b>28.2</b>	<b>18</b>	<b>1.2</b>	<b>487</b>	<b>31.2</b>	<b>617</b>	<b>39.5</b>
Connecticut	154	46	29.9	3	1.9	36	23.4	69	44.8
New York									
Eastern	397	89	22.4	4	1.0	144	36.3	160	40.3
Northern	146	70	47.9	1	0.7	39	26.7	36	24.7
Southern	575	130	22.6	7	1.2	164	28.5	274	47.7
Western	207	94	45.4	3	1.4	58	28.0	52	25.1
Vermont	83	11	13.3	0	0.0	46	55.4	26	31.3
<b>THIRD CIRCUIT</b>	<b>1,043</b>	<b>455</b>	<b>43.6</b>	<b>15</b>	<b>1.4</b>	<b>332</b>	<b>31.8</b>	<b>241</b>	<b>23.1</b>
Delaware	38	12	31.6	0	0.0	16	42.1	10	26.3
New Jersey	321	134	41.7	1	0.3	107	33.3	79	24.6
Pennsylvania									
Eastern	285	99	34.7	6	2.1	110	38.6	70	24.6
Middle	173	104	60.1	1	0.6	37	21.4	31	17.9
Western	187	75	40.1	6	3.2	58	31.0	48	25.7
Virgin Islands	39	31	79.5	1	2.6	4	10.3	3	7.7
<b>FOURTH CIRCUIT</b>	<b>2,606</b>	<b>1,440</b>	<b>55.3</b>	<b>80</b>	<b>3.1</b>	<b>562</b>	<b>21.6</b>	<b>524</b>	<b>20.1</b>
Maryland	354	100	28.2	17	4.8	160	45.2	77	21.8
North Carolina									
Eastern	278	169	60.8	14	5.0	56	20.1	39	14.0
Middle	204	114	55.9	6	2.9	40	19.6	44	21.6
Western	353	181	51.3	5	1.4	105	29.7	62	17.6
South Carolina	308	171	55.5	11	3.6	69	22.4	57	18.5
Virginia									
Eastern	690	485	70.3	11	1.6	41	5.9	153	22.2
Western	141	62	44.0	8	5.7	48	34.0	23	16.3
West Virginia									
Northern	169	97	57.4	4	2.4	25	14.8	43	25.4
Southern	109	61	56.0	4	3.7	18	16.5	26	23.9

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	%
<b>FIFTH CIRCUIT</b>	<b>8,101</b>	<b>5,193</b>	<b>64.1</b>	<b>191</b>	<b>2.4</b>	<b>1,196</b>	<b>14.8</b>	<b>1,521</b>	<b>18.8</b>
Louisiana									
Eastern	174	95	54.6	2	1.1	30	17.2	47	27.0
Middle	81	40	49.4	3	3.7	10	12.3	28	34.6
Western	121	68	56.2	3	2.5	13	10.7	37	30.6
Mississippi									
Northern	72	39	54.2	3	4.2	17	23.6	13	18.1
Southern	103	71	68.9	1	1.0	19	18.4	12	11.7
Texas									
Eastern	425	296	69.6	11	2.6	94	22.1	24	5.6
Northern	694	442	63.7	41	5.9	121	17.4	90	13.0
Southern	3,538	2,091	59.1	68	1.9	499	14.1	880	24.9
Western	2,893	2,051	70.9	59	2.0	393	13.6	390	13.5
<b>SIXTH CIRCUIT</b>	<b>2,188</b>	<b>928</b>	<b>42.4</b>	<b>50</b>	<b>2.3</b>	<b>704</b>	<b>32.2</b>	<b>506</b>	<b>23.1</b>
Kentucky									
Eastern	173	108	62.4	3	1.7	25	14.5	37	21.4
Western	172	71	41.3	3	1.7	72	41.9	26	15.1
Michigan									
Eastern	415	129	31.1	5	1.2	127	30.6	154	37.1
Western	151	81	53.6	7	4.6	30	19.9	33	21.9
Ohio									
Northern	282	123	43.6	9	3.2	75	26.6	75	26.6
Southern	253	81	32.0	8	3.2	100	39.5	64	25.3
Tennessee									
Eastern	388	187	48.2	10	2.6	141	36.3	50	12.9
Middle	105	29	27.6	1	1.0	58	55.2	17	16.2
Western	249	119	47.8	4	1.6	76	30.5	50	20.1
<b>SEVENTH CIRCUIT</b>	<b>1,178</b>	<b>396</b>	<b>33.6</b>	<b>29</b>	<b>2.5</b>	<b>282</b>	<b>23.9</b>	<b>471</b>	<b>40.0</b>
Illinois									
Central	134	43	32.1	5	3.7	41	30.6	45	33.6
Northern	323	82	25.4	5	1.5	49	15.2	187	57.9
Southern	180	111	61.7	3	1.7	27	15.0	39	21.7
Indiana									
Northern	126	55	43.7	3	2.4	26	20.6	42	33.3
Southern	179	52	29.1	5	2.8	76	42.5	46	25.7
Wisconsin									
Eastern	162	30	18.5	5	3.1	56	34.6	71	43.8
Western	74	23	31.1	3	4.1	7	9.5	41	55.4
<b>EIGHTH CIRCUIT</b>	<b>2,469</b>	<b>1,094</b>	<b>44.3</b>	<b>75</b>	<b>3.0</b>	<b>618</b>	<b>25.0</b>	<b>682</b>	<b>27.6</b>
Arkansas									
Eastern	194	101	52.1	6	3.1	27	13.9	60	30.9
Western	135	58	43.0	4	3.0	23	17.0	50	37.0
Iowa									
Northern	169	107	63.3	13	7.7	30	17.8	19	11.2
Southern	179	51	28.5	2	1.1	75	41.9	51	28.5
Minnesota	260	78	30.0	5	1.9	56	21.5	121	46.5
Missouri									
Eastern	396	177	44.7	11	2.8	112	28.3	96	24.2
Western	410	167	40.7	21	5.1	98	23.9	124	30.2
Nebraska	296	159	53.7	4	1.4	71	24.0	62	20.9
North Dakota	197	59	29.9	2	1.0	104	52.8	32	16.2
South Dakota	233	137	58.8	7	3.0	22	9.4	67	28.8

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	%
<b>NINTH CIRCUIT</b>	<b>6,486</b>	<b>2,282</b>	<b>35.2</b>	<b>184</b>	<b>2.8</b>	<b>3,098</b>	<b>47.8</b>	<b>922</b>	<b>14.2</b>
Alaska	99	35	35.4	1	1.0	36	36.4	27	27.3
Arizona	2,720	1,195	43.9	115	4.2	1,236	45.4	174	6.4
California									
Central	506	154	30.4	5	1.0	206	40.7	141	27.9
Eastern	346	144	41.6	10	2.9	95	27.5	97	28.0
Northern	224	96	42.9	6	2.7	58	25.9	64	28.6
Southern	1,410	215	15.2	11	0.8	1,028	72.9	156	11.1
Guam	35	20	57.1	0	0.0	11	31.4	4	11.4
Hawaii	73	24	32.9	2	2.7	33	45.2	14	19.2
Idaho	138	56	40.6	2	1.4	38	27.5	42	30.4
Montana	138	43	31.2	4	2.9	33	23.9	58	42.0
Nevada	189	94	49.7	7	3.7	50	26.5	38	20.1
Northern Mariana Islands	9	6	66.7	1	11.1	1	11.1	1	11.1
Oregon	218	70	32.1	3	1.4	100	45.9	45	20.6
Washington									
Eastern	146	47	32.2	10	6.8	68	46.6	21	14.4
Western	235	83	35.3	7	3.0	105	44.7	40	17.0
<b>TENTH CIRCUIT</b>	<b>3,674</b>	<b>2,064</b>	<b>56.2</b>	<b>37</b>	<b>1.0</b>	<b>1,179</b>	<b>32.1</b>	<b>394</b>	<b>10.7</b>
Colorado	237	83	35.0	7	3.0	103	43.5	44	18.6
Kansas	267	116	43.4	8	3.0	112	41.9	31	11.6
New Mexico	2,387	1,572	65.9	10	0.4	652	27.3	153	6.4
Oklahoma									
Eastern	59	43	72.9	0	0.0	14	23.7	2	3.4
Northern	116	35	30.2	0	0.0	37	31.9	44	37.9
Western	163	73	44.8	3	1.8	25	15.3	62	38.0
Utah	331	92	27.8	7	2.1	189	57.1	43	13.0
Wyoming	114	50	43.9	2	1.8	47	41.2	15	13.2
<b>ELEVENTH CIRCUIT</b>	<b>3,018</b>	<b>1,613</b>	<b>53.4</b>	<b>58</b>	<b>1.9</b>	<b>555</b>	<b>18.4</b>	<b>792</b>	<b>26.2</b>
Alabama									
Middle	71	38	53.5	2	2.8	21	29.6	10	14.1
Northern	166	92	55.4	2	1.2	28	16.9	44	26.5
Southern	160	95	59.4	3	1.9	23	14.4	39	24.4
Florida									
Middle	723	334	46.2	10	1.4	159	22.0	220	30.4
Northern	119	51	42.9	5	4.2	22	18.5	41	34.5
Southern	1,086	621	57.2	24	2.2	114	10.5	327	30.1
Georgia									
Middle	205	141	68.8	2	1.0	33	16.1	29	14.1
Northern	289	86	29.8	8	2.8	131	45.3	64	22.1
Southern	199	155	77.9	2	1.0	24	12.1	18	9.0

<sup>1</sup> Of the 33,890 cases, 412 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 (12.0%), Southern West Virginia (9.2%), Western Louisiana (6.9%), Arizona (6.2%), Middle Tennessee (5.4%), and Northern Mississippi (5.3%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE						NON-GOV'T SPONSORED BELOW RANGE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
<b>TOTAL</b>	<b>33,478</b>	<b>16,461</b>	<b>49.2</b>	<b>787</b>	<b>2.4</b>	<b>3,723</b>	<b>11.1</b>	<b>2,861</b>	<b>8.5</b>	<b>2,716</b>	<b>8.1</b>	<b>6,930</b>	<b>20.7</b>
Murder	49	21	42.9	0	0.0	13	26.5	0	0.0	9	18.4	6	12.2
Manslaughter	25	11	44.0	7	28.0	0	0.0	0	0.0	2	8.0	5	20.0
Kidnapping/Hostage Taking	17	9	52.9	1	5.9	2	11.8	0	0.0	1	5.9	4	23.5
Sexual Abuse	306	132	43.1	25	8.2	25	8.2	0	0.0	58	19.0	66	21.6
Assault	354	184	52.0	33	9.3	6	1.7	3	0.8	57	16.1	71	20.1
Robbery	367	197	53.7	19	5.2	35	9.5	0	0.0	32	8.7	84	22.9
Arson	18	10	55.6	0	0.0	4	22.2	0	0.0	3	16.7	1	5.6
Drugs - Trafficking	9,466	3,460	36.6	118	1.2	2,183	23.1	587	6.2	981	10.4	2,137	22.6
Drugs - Communication Facility	137	73	53.3	3	2.2	16	11.7	3	2.2	10	7.3	32	23.4
Drugs - Simple Possession	846	774	91.5	64	7.6	0	0.0	1	0.1	2	0.2	5	0.6
Firearms	3,573	1,900	53.2	159	4.5	354	9.9	3	0.1	362	10.1	795	22.3
Burglary/B&E	13	4	30.8	0	0.0	0	0.0	0	0.0	2	15.4	7	53.8
Auto Theft	24	13	54.2	0	0.0	3	12.5	1	4.2	2	8.3	5	20.8
Larceny	487	273	56.1	12	2.5	30	6.2	0	0.0	54	11.1	118	24.2
Fraud	3,344	1,422	42.5	66	2.0	546	16.3	10	0.3	319	9.5	981	29.3
Embezzlement	158	93	58.9	3	1.9	5	3.2	0	0.0	17	10.8	40	25.3
Forgery/Counterfeiting	243	147	60.5	9	3.7	24	9.9	1	0.4	19	7.8	43	17.7
Bribery	88	20	22.7	2	2.3	26	29.5	0	0.0	11	12.5	29	33.0
Tax	257	62	24.1	4	1.6	29	11.3	4	1.6	39	15.2	119	46.3
Money Laundering	328	91	27.7	4	1.2	89	27.1	1	0.3	57	17.4	86	26.2
Racketeering/Extortion	462	186	40.3	31	6.7	80	17.3	0	0.0	63	13.6	102	22.1
Gambling/Lottery	41	13	31.7	0	0.0	8	19.5	0	0.0	7	17.1	13	31.7
Civil Rights	20	9	45.0	0	0.0	2	10.0	0	0.0	4	20.0	5	25.0
Immigration	10,021	5,914	59.0	142	1.4	108	1.1	2,244	22.4	233	2.3	1,380	13.8
Child Pornography	1,004	297	29.6	24	2.4	27	2.7	0	0.0	204	20.3	452	45.0
Prison Offenses	227	148	65.2	6	2.6	5	2.2	1	0.4	32	14.1	35	15.4
Administration of Justice Offenses	519	272	52.4	28	5.4	30	5.8	1	0.2	52	10.0	136	26.2
Environmental/Wildlife	61	32	52.5	0	0.0	8	13.1	0	0.0	10	16.4	11	18.0
National Defense	48	14	29.2	2	4.2	14	29.2	0	0.0	10	20.8	8	16.7
Antitrust	4	0	0.0	0	0.0	1	25.0	0	0.0	0	0.0	3	75.0
Food & Drug	66	38	57.6	0	0.0	10	15.2	0	0.0	7	10.6	11	16.7
Other Miscellaneous Offenses	905	642	70.9	25	2.8	40	4.4	1	0.1	57	6.3	140	15.5

<sup>1</sup> Of the 33,890 cases, 412 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, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

Table 11

**SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

Guideline	Total	Within		Gov't Sponsored			Non-Gov Below Range	Guideline	Total	Within		Gov't Sponsored			Non-Gov Below Range
		Gdln Range	Above Gdln Range	Below Range	Below \$5K1.1	Below \$5K3.1				Other	Gdln Range	Above Gdln Range	Below Range	Below \$5K1.1	
§2A1.1	105	44	4	33	0	14	10	§2D1.8	12	5	0	4	0	0	3
§2A1.2	23	13	2	2	0	3	3	§2D1.9	0	0	0	0	0	0	0
§2A1.3	14	8	4	0	0	1	1	§2D1.10	9	1	0	1	0	3	4
§2A1.4	14	5	3	0	0	2	4	§2D1.11	52	13	0	12	0	14	13
§2A1.5	18	1	0	4	0	7	6	§2D1.12	5	3	0	0	0	2	0
§2A2.1	30	15	2	5	0	4	4	§2D1.13	0	0	0	0	0	0	0
§2A2.2	156	62	27	3	1	31	32	§2D1.14	0	0	0	0	0	0	0
§2A2.3	43	30	3	0	0	4	6	§2D2.1	114	107	3	0	0	0	4
§2A2.4	84	51	2	0	2	11	18	§2D2.2	29	20	1	6	0	1	1
§2A3.1	70	32	2	1	0	21	14	§2D2.3	0	0	0	0	0	0	0
§2A3.2	18	7	6	0	0	1	4	§2D3.1	2	2	0	0	0	0	0
§2A3.3	4	4	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0
§2A3.4	16	8	3	0	0	1	4	§2D3.3	0	0	0	0	0	0	0
§2A3.5	215	128	12	1	0	16	58	§2D3.4	0	0	0	0	0	0	0
§2A4.1	43	20	3	9	0	3	8	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	40	15	0	11	0	3	11
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	0	0	0	0	1	1
§2A5.2	20	8	2	0	0	2	8	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	8	1	0	2	0	4	1
§2A6.1	74	38	6	1	0	9	20	§2E1.5	0	0	0	0	0	0	0
§2A6.2	13	4	2	0	0	5	2	§2E2.1	7	3	0	3	0	0	1
§2B1.1	3,689	1,628	75	536	7	361	1,082	§2E3.1	45	16	0	8	0	7	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	8	1	0	3	0	2	2	§2E4.1	20	4	0	7	0	0	9
§2B1.5	10	3	0	2	0	2	3	§2E5.1	0	0	0	0	0	0	0
§2B1.6 <sup>2</sup>	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	24	11	1	1	0	2	9	§2E5.3	0	0	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	3	3	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	792	354	54	128	0	86	170	§2E5.6	0	0	0	0	0	0	0
§2B3.2	36	11	2	4	0	1	18	§2F1.1	0	0	0	0	0	0	0
§2B3.3	7	2	1	1	0	2	1	§2F1.2	0	0	0	0	0	0	0
§2B4.1	38	18	0	8	0	1	11	§2G1.1	21	9	4	2	0	2	4
§2B5.1	161	94	5	17	0	13	32	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	209	89	14	24	0	34	48
§2B5.3	53	17	0	10	0	6	20	§2G2.1	216	93	6	14	0	45	58
§2B5.4	0	0	0	0	0	0	0	§2G2.2	829	226	20	12	0	168	403
§2B6.1	0	0	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0
§2C1.1	114	26	2	32	0	18	36	§2G2.4	0	0	0	0	0	0	0
§2C1.2	14	3	0	9	0	0	2	§2G2.5	0	0	0	0	0	0	0
§2C1.3	3	3	0	0	0	0	0	§2G2.6	2	1	0	1	0	0	0
§2C1.4	0	0	0	0	0	0	0	§2G3.1	18	11	6	0	0	0	1
§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	24	6	0	4	0	3	11
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	0	0	0	0	0	0	0	§2H1.3	0	0	0	0	0	0	0
§2D1.1	9,450	3,457	132	2,158	594	962	2,147	§2H1.4	0	0	0	0	0	0	0
§2D1.2	162	116	2	14	0	7	23	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	1	1	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	§2H3.1	1	0	0	0	0	0	1
§2D1.5	7	2	0	5	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0
§2D1.7	0	0	0	0	0	0	0	§2H4.1	2	0	2	0	0	0	0

Table 11 (cont.)

Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below	Below	Other	Below			Gdln	Gdln	Below	Below	Other	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	59	18	1	15	3	10	12
§2J1.1	0	0	0	0	0	0	0	§2M5.3	7	1	0	0	0	1	5
§2J1.2	72	22	7	11	1	7	24	§2M6.1	2	1	0	0	0	0	1
§2J1.3	16	5	0	1	0	2	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	9	7	1	0	0	0	1	§2N1.1	3	0	0	0	0	2	1
§2J1.5	1	0	1	0	0	0	0	§2N1.2	1	0	0	0	0	0	1
§2J1.6	20	13	0	0	0	1	6	§2N1.3	1	1	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	26	24	0	1	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	130	80	3	1	1	15	30
§2K1.1	4	4	0	0	0	0	0	§2P1.2	55	36	3	3	0	11	2
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	6	3	0	1	0	1	1	§2P1.4	0	0	0	0	0	0	0
§2K1.4	29	16	0	6	0	3	4	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	12	3	0	3	0	1	5
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	14	1	0	5	0	5	3
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	2,838	1,561	104	194	2	284	693	§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	42	18	0	4	0	9	11
§2K2.4 <sup>3</sup>	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	4	2	2	0	0	0	0	§2R1.1	3	0	0	1	0	0	2
§2K2.6	2	2	0	0	0	0	0	§2S1.1	484	128	4	154	1	83	114
§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	143	56	3	23	2	28	31
§2L1.1	1,220	534	13	70	402	53	148	§2S1.4	0	0	0	0	0	0	0
§2L1.2	7,911	4,744	119	33	1,734	157	1,124	§2T1.1	197	42	2	25	0	26	102
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	78	37	0	7	0	7	27	§2T1.3	0	0	0	0	0	0	0
§2L2.2	395	295	6	3	18	9	64	§2T1.4	80	24	2	10	0	10	34
§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	22	3	1	2	0	5	11
§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	12	4	0	3	0	2	3
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	5	3	0	1	0	1	0
§2M3.1	1	0	0	0	0	1	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	0	0	0	0	0	0	0	§2X1.1	5	3	0	1	0	1	0
§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	52	19	2	11	0	8	12
§2M3.6	0	0	0	0	0	0	0	§2X4.1	141	68	8	15	0	22	28
§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	86	75	6	0	0	0	5
§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	0	0	0	0	0	0	0
§2M5.1	6	0	1	1	0	3	1	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>31,400</b>	<b>14,713</b>	<b>702</b>	<b>3,703</b>	<b>2,768</b>	<b>2,654</b>	<b>6,860</b>								

<sup>1</sup> Of the 33,890 cases, 2,490 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 (412) or missing guideline applied (2,474). Descriptions of variables used in this table are provided in Appendix A.

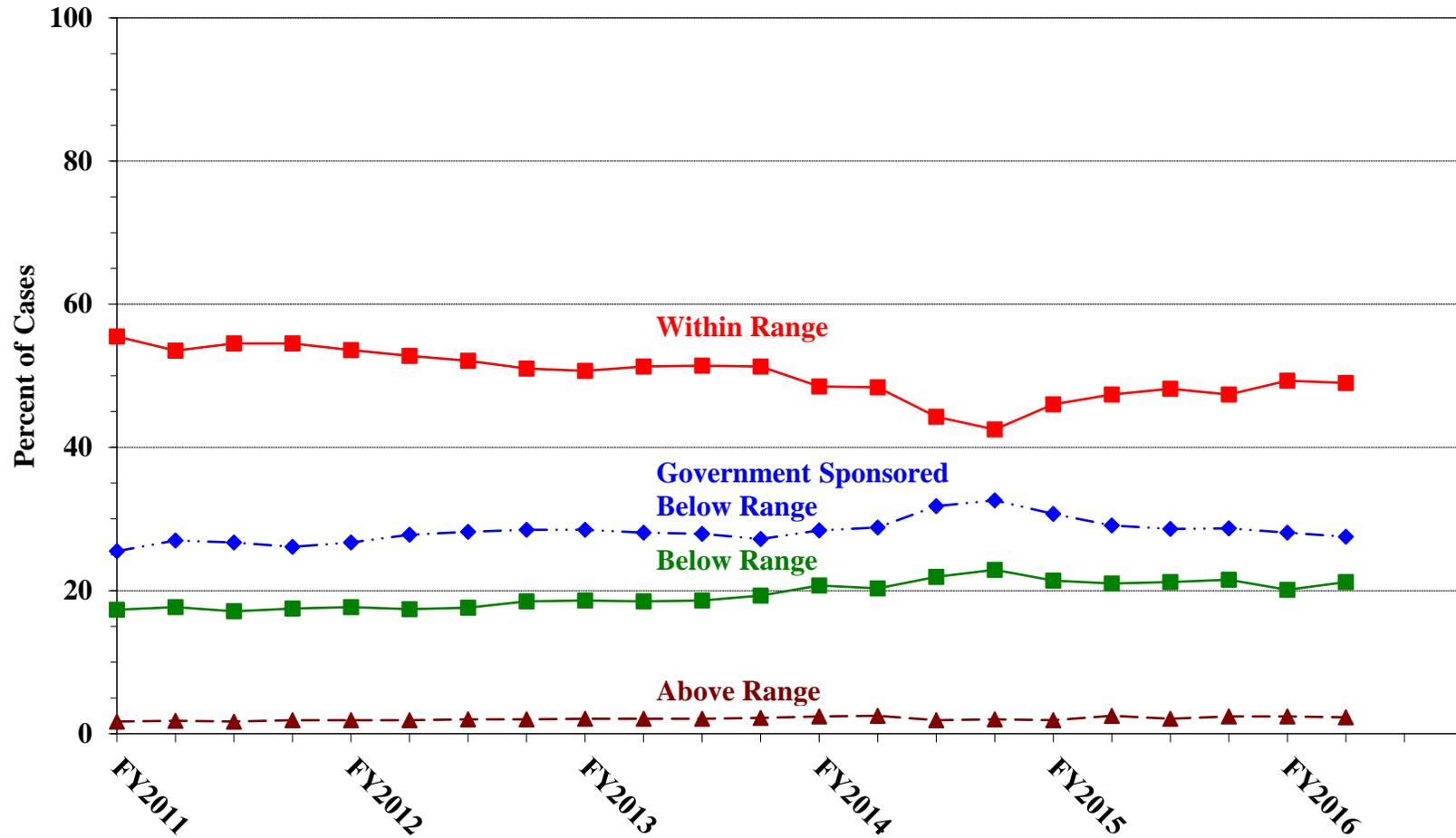
<sup>2</sup> In 519 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 519 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 940 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 940 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 SENTENCES<sup>1</sup>

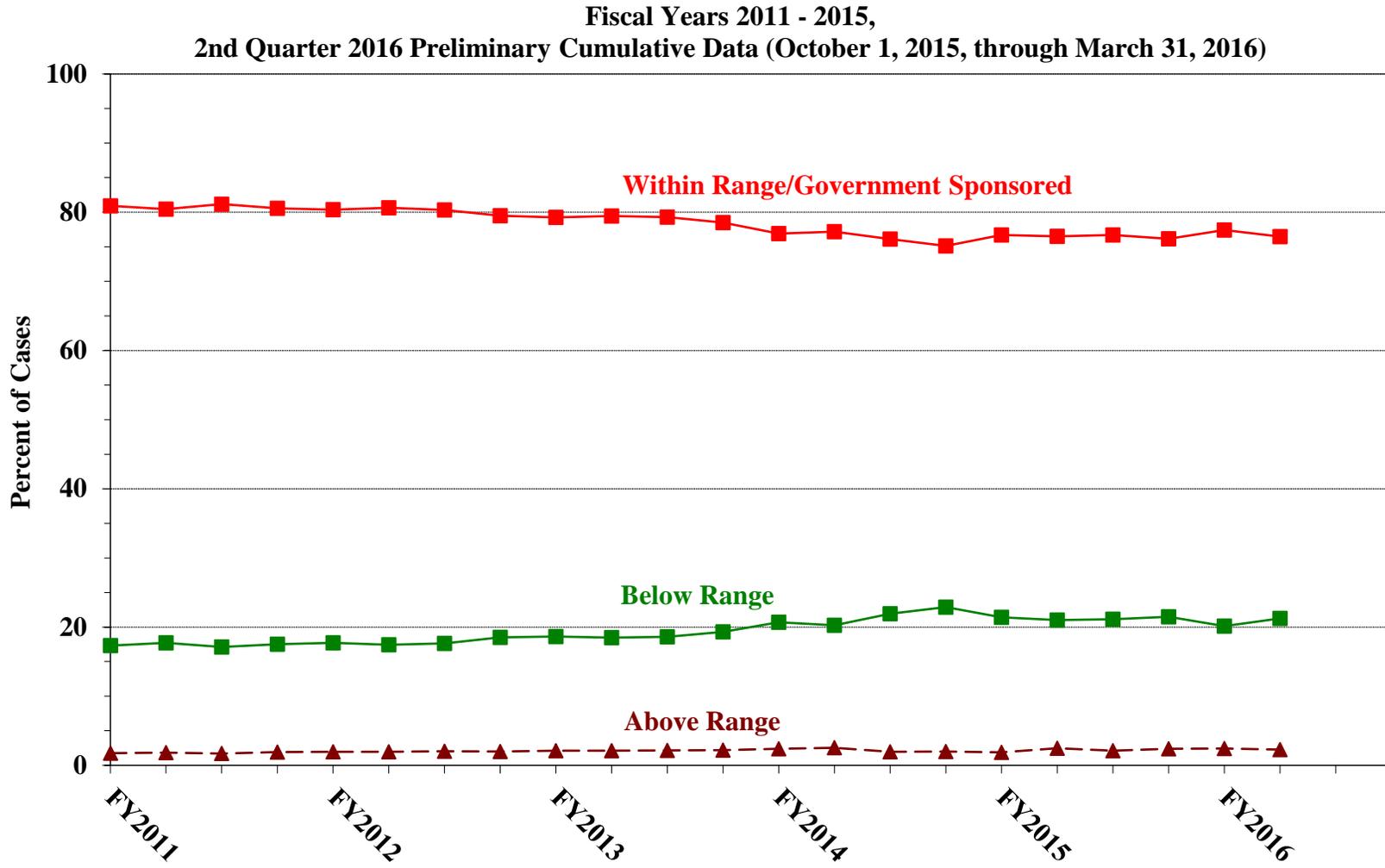
Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)



<sup>1</sup> 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 SENTENCES<sup>1</sup>**



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 12

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2011 - 2015, 2nd Quarter 2016 Preliminary**  
**Cumulative Data (October 1, 2015, through March 31, 2016)**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2011</b>				
1st Quarter	55.5	25.5	17.3	1.7
2nd Quarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
<b>FY2012</b>				
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
<b>FY2013</b>				
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
<b>FY2014</b>				
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
<b>FY2015</b>				
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
<b>FY2016</b>				
1st Quarter	49.3	28.1	20.1	2.4
2nd Quarter	49.0	27.5	21.2	2.3
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 13

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>17,017</b>	<b>3,731</b>	<b>21.9</b>	<b>2,942</b>	<b>17.3</b>	<b>2,551</b>	<b>15.0</b>	<b>2,966</b>	<b>17.4</b>	<b>393</b>	<b>2.3</b>
<b>Above Range</b>	<b>787</b>	<b>8</b>	<b>1.0</b>	<b>4</b>	<b>0.5</b>	<b>165</b>	<b>21.0</b>	<b>73</b>	<b>9.3</b>	<b>5</b>	<b>0.6</b>
Upward Departure From Guideline Range	163	0	0.0	0	0.0	67	41.1	24	14.7	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	50	0	0.0	0	0.0	6	12.0	3	6.0	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	525	0	0.0	0	0.0	88	16.8	42	8.0	4	0.8
All Remaining Cases Above Guideline Range	49	8	16.3	4	8.2	4	8.2	4	8.2	1	2.0
<b>Government Sponsored Below Range</b>	<b>9,300</b>	<b>3,723</b>	<b>40.0</b>	<b>2,938</b>	<b>31.6</b>	<b>2,386</b>	<b>25.7</b>	<b>2,893</b>	<b>31.1</b>	<b>388</b>	<b>4.2</b>
§5K1.1 Substantial Assistance Departure	3,723	3,723	100.0	77	2.1	165	4.4	964	25.9	17	0.5
§5K3.1 Early Disposition Program Departure	2,861	0	0.0	2,861	100.0	1,228	42.9	1,166	40.8	179	6.3
Other Government Sponsored Below Range	2,716	0	0.0	0	0.0	993	36.6	763	28.1	192	7.1
<b>Non-Government Sponsored Below Range</b>	<b>6,930</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	741	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	265	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	5,700	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	224	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 Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>2,267</b>	<b>13.3</b>	<b>2,904</b>	<b>17.1</b>	<b>2,731</b>	<b>16.0</b>	<b>420</b>	<b>2.5</b>	<b>2,489</b>	<b>14.6</b>	<b>1,412</b>	<b>8.3</b>
<b>Above Range</b>	<b>130</b>	<b>16.5</b>	<b>2</b>	<b>0.3</b>	<b>4</b>	<b>0.5</b>	<b>5</b>	<b>0.6</b>	<b>270</b>	<b>34.3</b>	<b>174</b>	<b>22.1</b>
Upward Departure From Guideline Range	26	16.0	0	0.0	1	0.6	2	1.2	38	23.3	19	11.7
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	20	40.0	0	0.0	1	2.0	0	0.0	25	50.0	4	8.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	81	15.4	2	0.4	2	0.4	3	0.6	203	38.7	116	22.1
All Remaining Cases Above Guideline Range	3	6.1	0	0.0	0	0.0	0	0.0	4	8.2	35	71.4
<b>Government Sponsored Below Range</b>	<b>2,137</b>	<b>23.0</b>	<b>807</b>	<b>8.7</b>	<b>555</b>	<b>6.0</b>	<b>415</b>	<b>4.5</b>	<b>550</b>	<b>5.9</b>	<b>83</b>	<b>0.9</b>
§5K1.1 Substantial Assistance Departure	1,595	42.8	330	8.9	237	6.4	105	2.8	273	7.3	0	0.0
§5K3.1 Early Disposition Program Departure	84	2.9	188	6.6	204	7.1	25	0.9	162	5.7	0	0.0
Other Government Sponsored Below Range	458	16.9	289	10.6	114	4.2	285	10.5	115	4.2	83	3.1
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>2,095</b>	<b>30.2</b>	<b>2,172</b>	<b>31.3</b>	<b>0</b>	<b>0.0</b>	<b>1,669</b>	<b>24.1</b>	<b>1,155</b>	<b>16.7</b>
Downward Departure From Guideline Range	0	0.0	369	49.8	135	18.2	0	0.0	151	20.4	95	12.8
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	76	28.7	104	39.2	0	0.0	96	36.2	35	13.2
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	1,650	28.9	1,932	33.9	0	0.0	1,415	24.8	809	14.2
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	1	0.4	0	0.0	7	3.1	216	96.4

<sup>1</sup> 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, 6,183 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.

<sup>2</sup> 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>3,591</b>	<b>35</b>	<b>32</b>	<b>50.0</b>
<b>Murder</b>	6	210	120	41.7
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	24	81	80	43.9
<b>Assault</b>	6	31	10	19.2
<b>Robbery</b>	35	45	32	43.9
<b>Arson</b>	4	32	25	52.7
<b>Drugs - Trafficking</b>	2,122	46	41	47.3
<b>Drugs - Communication Facility</b>	15	0	36	99.9
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	327	57	37	50.0
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	3	41	14	25.5
<b>Larceny</b>	29	12	12	60.0
<b>Fraud</b>	529	6	21	77.8
<b>Embezzlement</b>	4	39	18	49.3
<b>Forgery/Counterfeiting</b>	22	9	12	47.1
<b>Bribery</b>	25	12	20	54.5
<b>Tax</b>	28	0	15	100.0
<b>Money Laundering</b>	87	12	29	73.3
<b>Racketeering/Extortion</b>	75	35	34	54.2
<b>Gambling/Lottery</b>	8	0	11	100.0
<b>Civil Rights</b>	2	--	--	--
<b>Immigration</b>	108	12	11	49.1
<b>Child Pornography</b>	27	144	90	37.5
<b>Prison Offenses</b>	5	0	46	100.0
<b>Administration of Justice Offenses</b>	30	0	17	100.0
<b>Environmental/Wildlife</b>	8	0	12	100.0
<b>National Defense</b>	13	24	16	47.4
<b>Antitrust</b>	1	--	--	--
<b>Food &amp; Drug</b>	10	0	30	100.0
<b>Other Miscellaneous Offenses</b>	37	0	18	99.8

<sup>1</sup> Of the 33,890 cases, 3,723 received a §5K1.1 substantial assistance departure. Of these, 3,625 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 30 cases were also excluded from this table. Of the remaining 3,595 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.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,727</b>	<b>12</b>	<b>8</b>	<b>41.7</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	3	5	6	54.0
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	565	27	28	53.6
Drugs - Communication Facility	3	24	24	50.0
Drugs - Simple Possession	1	--	--	--
Firearms	3	30	11	26.8
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	9	18	12	34.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	4	18	32	57.9
Money Laundering	1	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,133	10	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	1	--	--	--

<sup>1</sup> Of the 33,890 cases, 2,861 received a §5K3.1 early disposition program departure. Of these, 2,727 cases had complete guideline application 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,601</b>	<b>31</b>	<b>20</b>	<b>42.1</b>
<b>Murder</b>	9	96	48	28.6
<b>Manslaughter</b>	2	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	50	95	48	33.3
<b>Assault</b>	54	13	12	46.1
<b>Robbery</b>	32	37	22	33.9
<b>Arson</b>	3	0	27	100.0
<b>Drugs - Trafficking</b>	950	60	32	36.8
<b>Drugs - Communication Facility</b>	10	2	26	93.5
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	351	42	18	32.0
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	52	0	10	100.0
<b>Fraud</b>	306	12	12	62.5
<b>Embezzlement</b>	15	0	10	99.9
<b>Forgery/Counterfeiting</b>	19	12	9	33.3
<b>Bribery</b>	11	9	12	65.2
<b>Tax</b>	36	0	12	100.0
<b>Money Laundering</b>	57	4	18	71.5
<b>Racketeering/Extortion</b>	60	85	33	32.4
<b>Gambling/Lottery</b>	7	0	6	100.0
<b>Civil Rights</b>	3	0	12	100.0
<b>Immigration</b>	215	12	9	41.5
<b>Child Pornography</b>	201	72	55	40.0
<b>Prison Offenses</b>	27	10	6	33.3
<b>Administration of Justice Offenses</b>	51	0	12	100.0
<b>Environmental/Wildlife</b>	9	0	8	100.0
<b>National Defense</b>	10	11	25	49.4
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	7	3	24	95.2
<b>Other Miscellaneous Offenses</b>	50	0	11	100.0

<sup>1</sup> Of the 33,890 cases, 2,716 received an other government sponsored downward departure. Of these, 2,620 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 15 cases were also excluded from this table. Of the remaining 2,605 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.

**NON-GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>6,727</b>	<b>24</b>	<b>14</b>	<b>36.2</b>
<b>Murder</b>	6	99	24	19.9
<b>Manslaughter</b>	5	12	18	59.9
<b>Kidnapping/Hostage Taking</b>	4	121	72	33.3
<b>Sexual Abuse</b>	55	96	31	29.4
<b>Assault</b>	65	12	9	52.3
<b>Robbery</b>	82	41	16	23.7
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	2,084	44	18	30.5
<b>Drugs - Communication Facility</b>	32	11	12	63.1
<b>Drugs - Simple Possession</b>	5	0	2	100.0
<b>Firearms</b>	775	36	14	27.3
<b>Burglary/B&amp;E</b>	7	9	8	55.4
<b>Auto Theft</b>	5	12	6	16.7
<b>Larceny</b>	115	0	10	100.0
<b>Fraud</b>	953	12	12	50.0
<b>Embezzlement</b>	40	0	10	100.0
<b>Forgery/Counterfeiting</b>	41	10	8	50.0
<b>Bribery</b>	29	12	18	50.0
<b>Tax</b>	117	0	12	99.9
<b>Money Laundering</b>	82	12	15	50.0
<b>Racketeering/Extortion</b>	97	36	14	31.4
<b>Gambling/Lottery</b>	13	0	10	100.0
<b>Civil Rights</b>	4	21	14	37.2
<b>Immigration</b>	1,334	18	10	36.8
<b>Child Pornography</b>	449	72	51	38.5
<b>Prison Offenses</b>	32	6	7	53.1
<b>Administration of Justice Offenses</b>	133	6	10	50.4
<b>Environmental/Wildlife</b>	10	0	8	100.0
<b>National Defense</b>	8	88	47	37.4
<b>Antitrust</b>	3	6	6	40.0
<b>Food &amp; Drug</b>	11	12	24	80.0
<b>Other Miscellaneous Offenses</b>	130	0	10	100.0

<sup>1</sup> Of the 33,890 cases, 6,930 were otherwise sentenced below the guideline range. Of these, 6,758 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 25 cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Of the remaining 6,732 cases, five 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

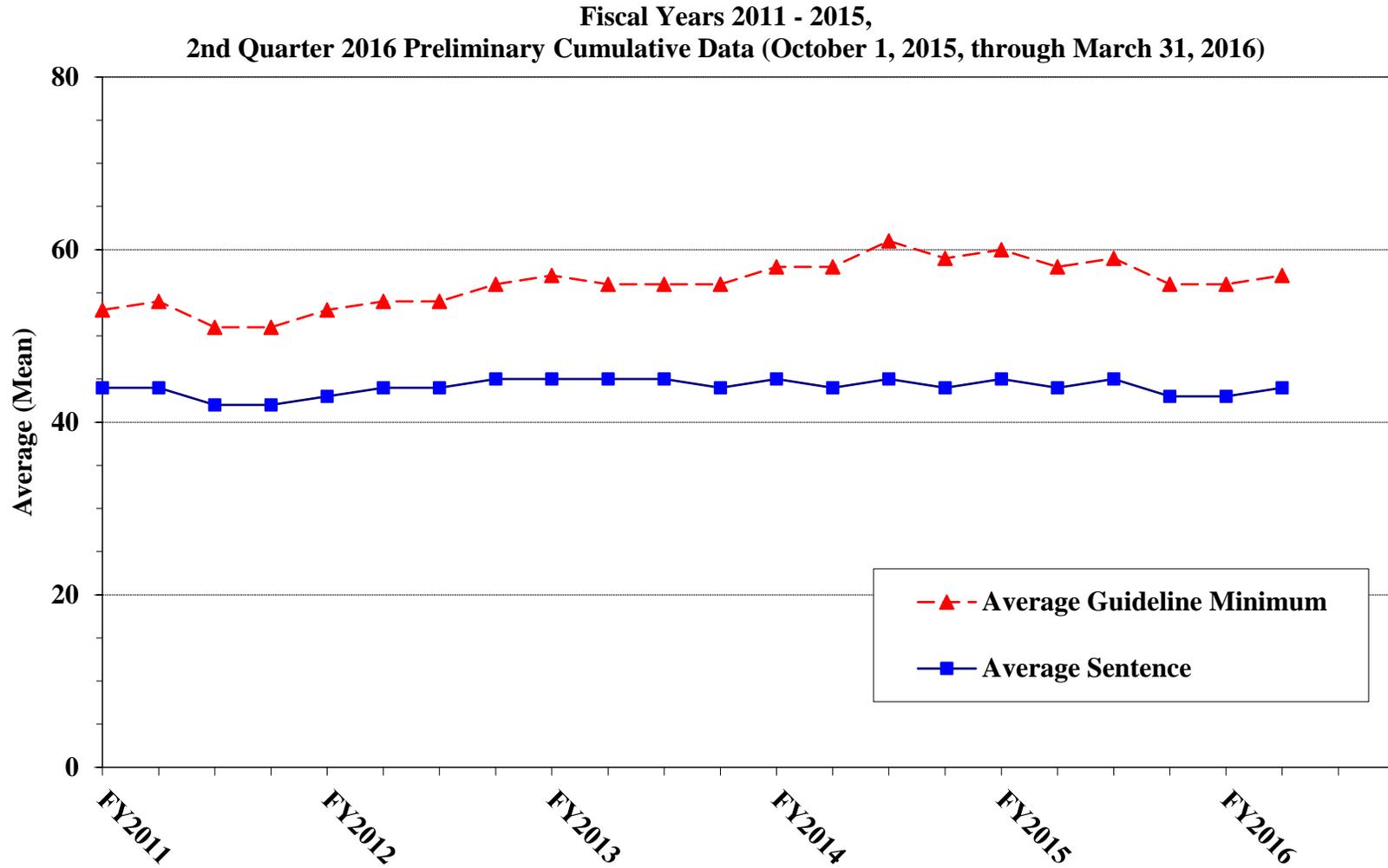
<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>679</b>	<b>60</b>	<b>15</b>	<b>37.9</b>
Murder	0	--	--	--
Manslaughter	7	96	24	60.9
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	25	108	22	30.4
Assault	31	70	15	33.3
Robbery	18	122	25	33.8
Arson	0	--	--	--
Drugs - Trafficking	113	63	12	27.7
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	3	12	6	100.5
Firearms	141	96	20	29.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	10	33	9	50.0
Fraud	63	52	14	42.9
Embezzlement	3	30	3	50.0
Forgery/Counterfeiting	9	48	15	71.4
Bribery	2	--	--	--
Tax	4	43	12	52.8
Money Laundering	4	39	13	53.2
Racketeering/Extortion	31	120	28	29.7
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	137	27	8	50.0
Child Pornography	20	159	33	19.5
Prison Offenses	5	36	16	53.3
Administration of Justice Offenses	26	43	14	50.0
Environmental/Wildlife	0	--	--	--
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	22	40	14	60.0

<sup>1</sup> Of the 33,890 cases, 787 were sentenced above the guideline range. Of these, 696 cases had complete guideline application information. Seventeen more 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through March 31, 2016).

**Figure E**

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR ALL CASES<sup>1</sup>**

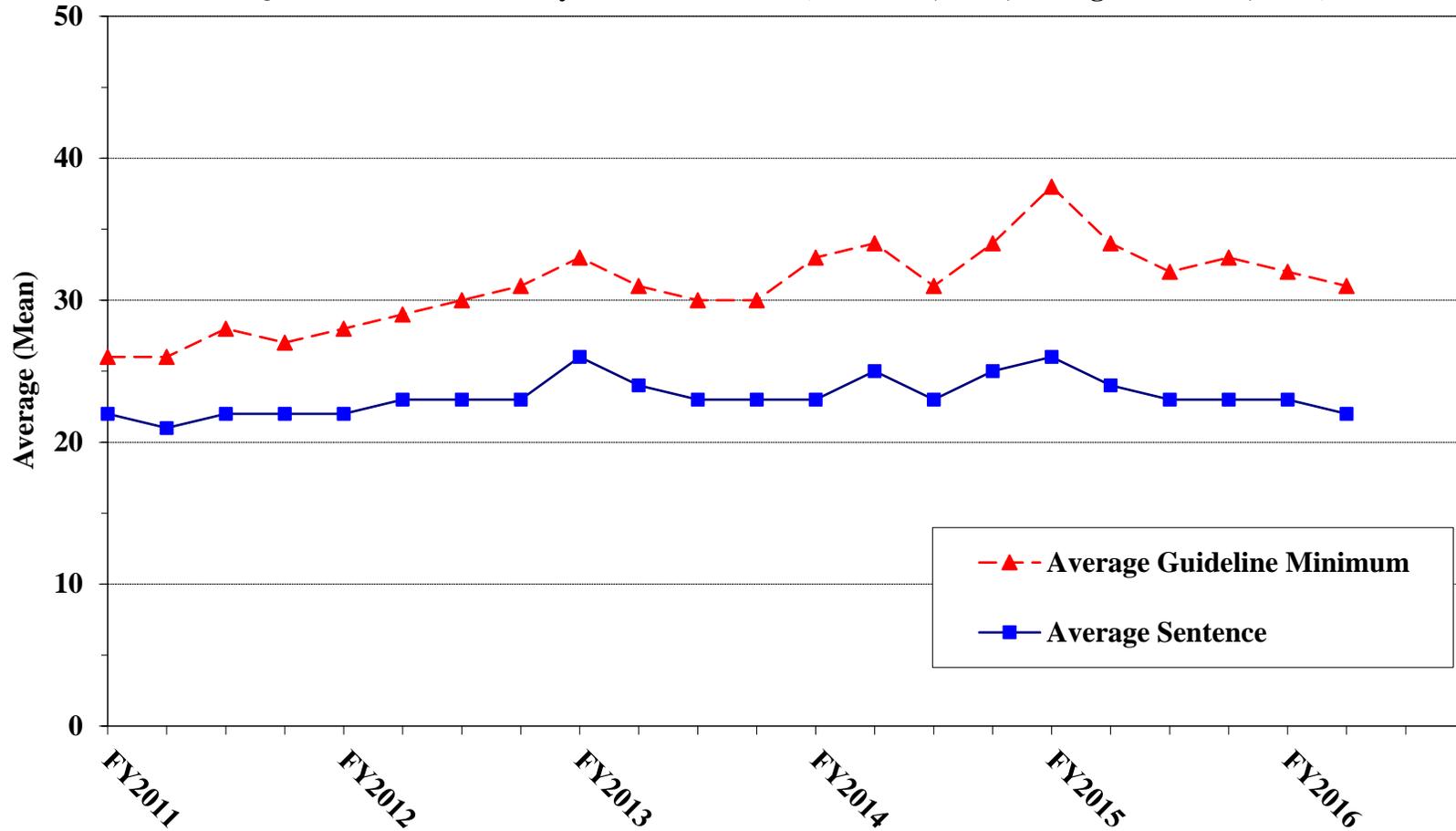


<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations 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)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

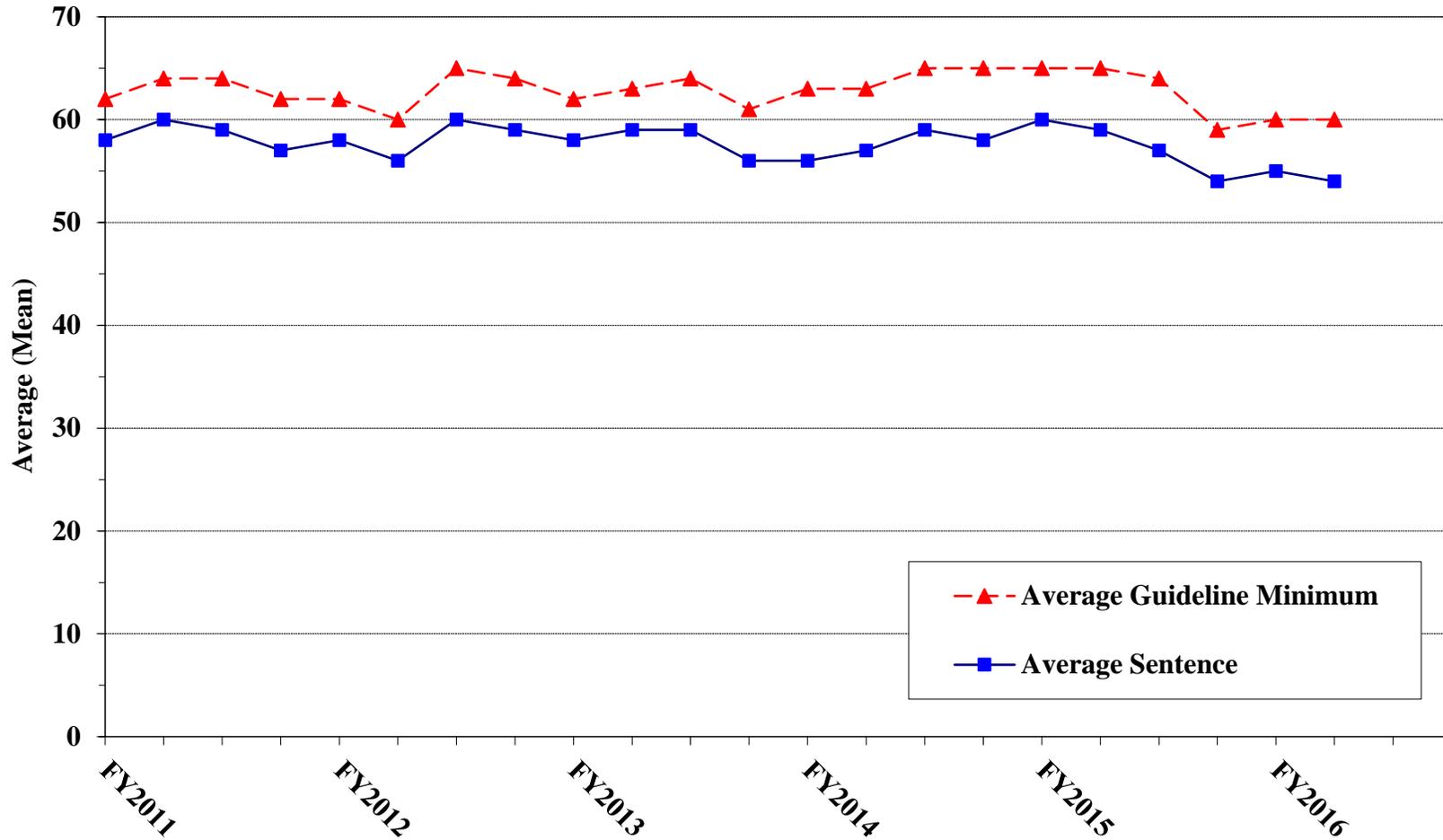


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than 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)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

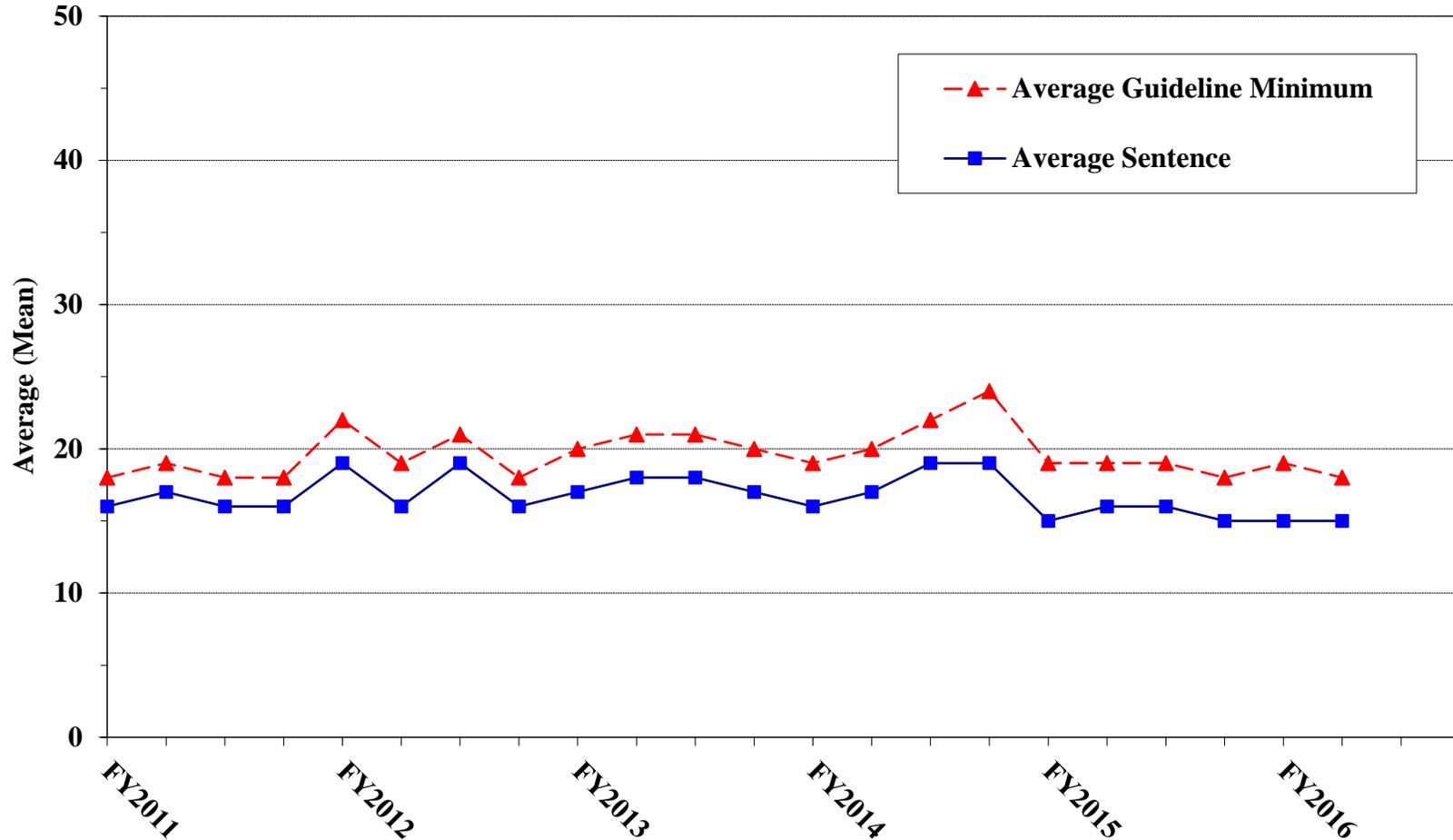


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline 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)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

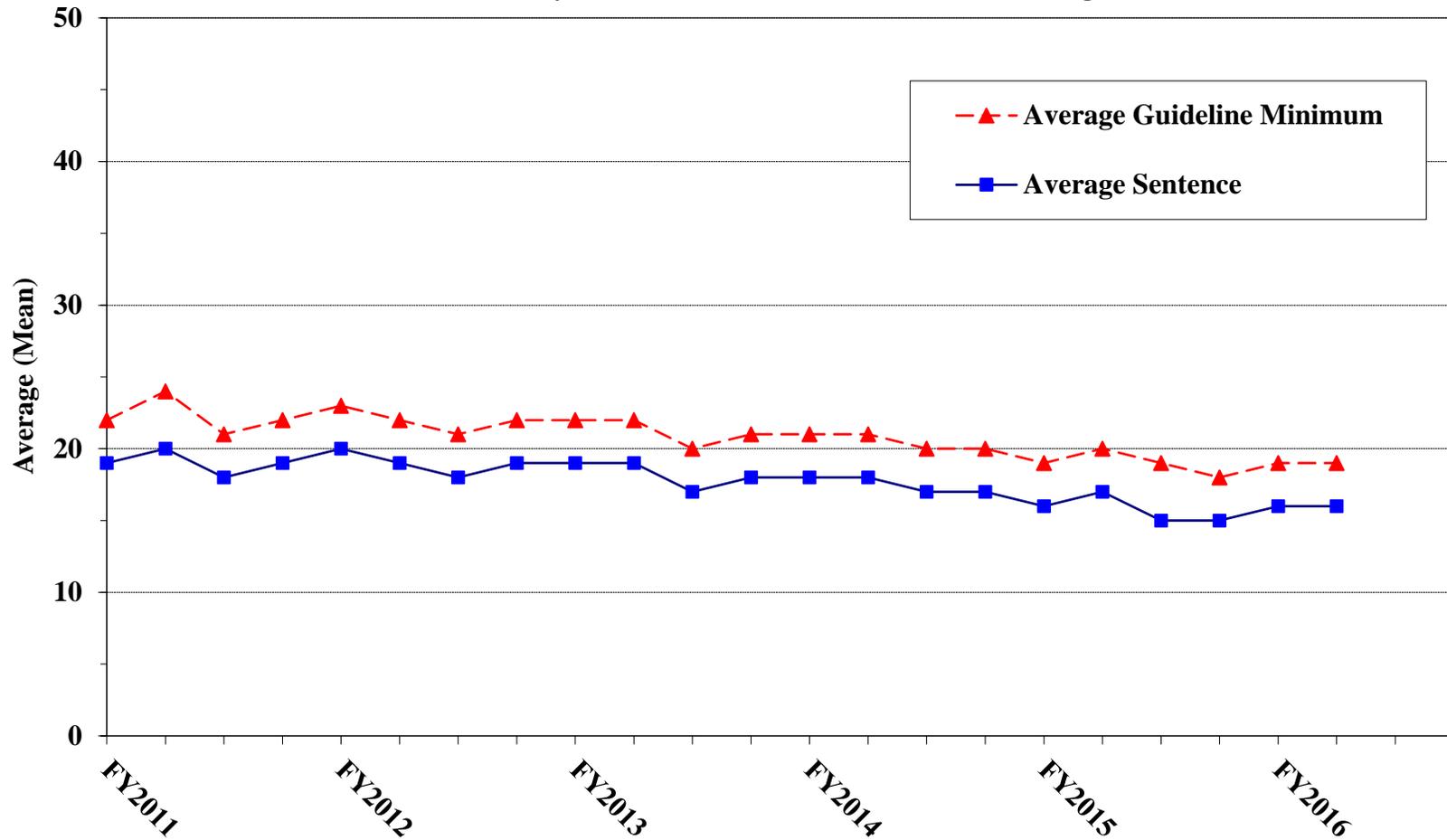


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

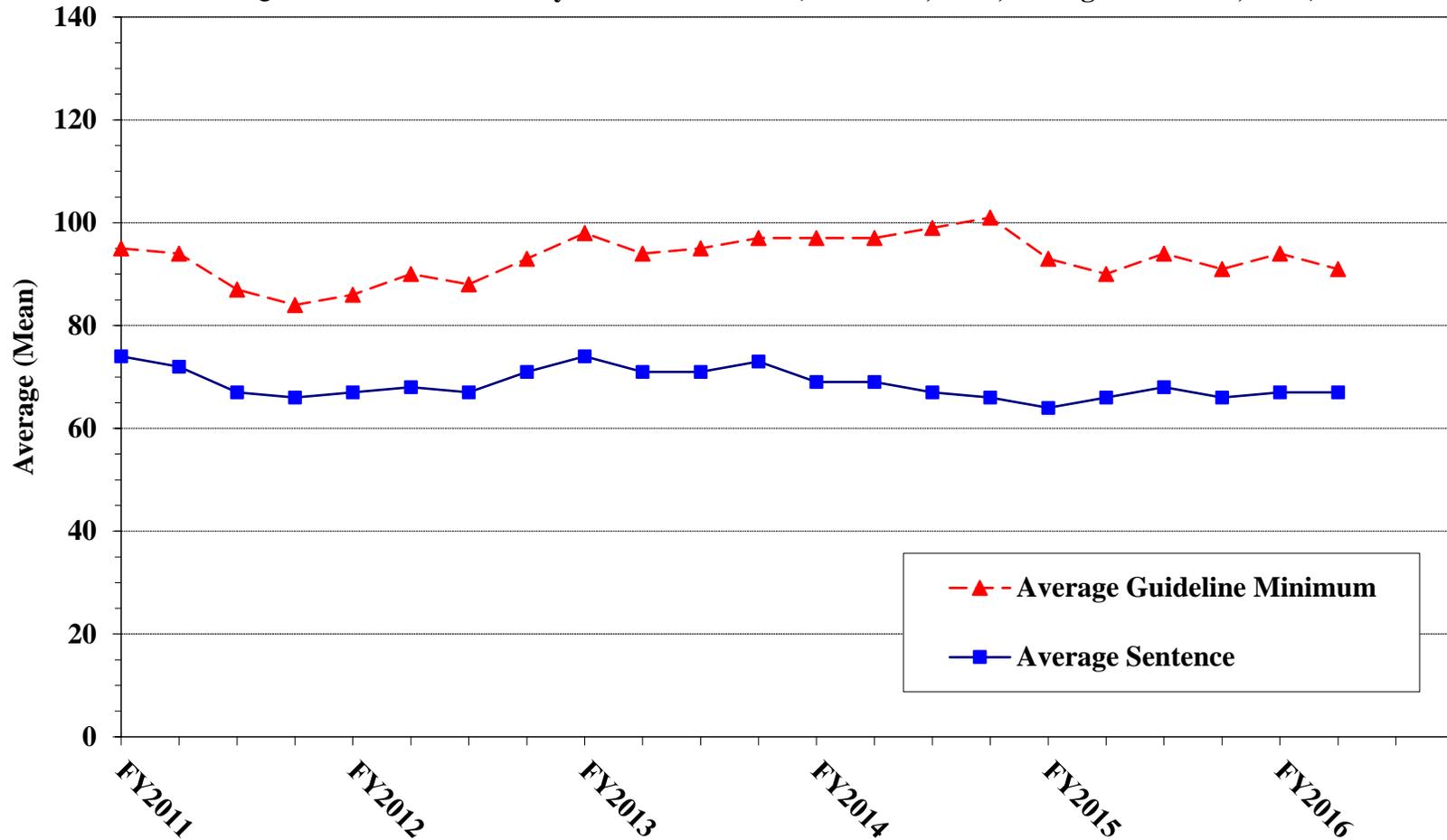


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)**

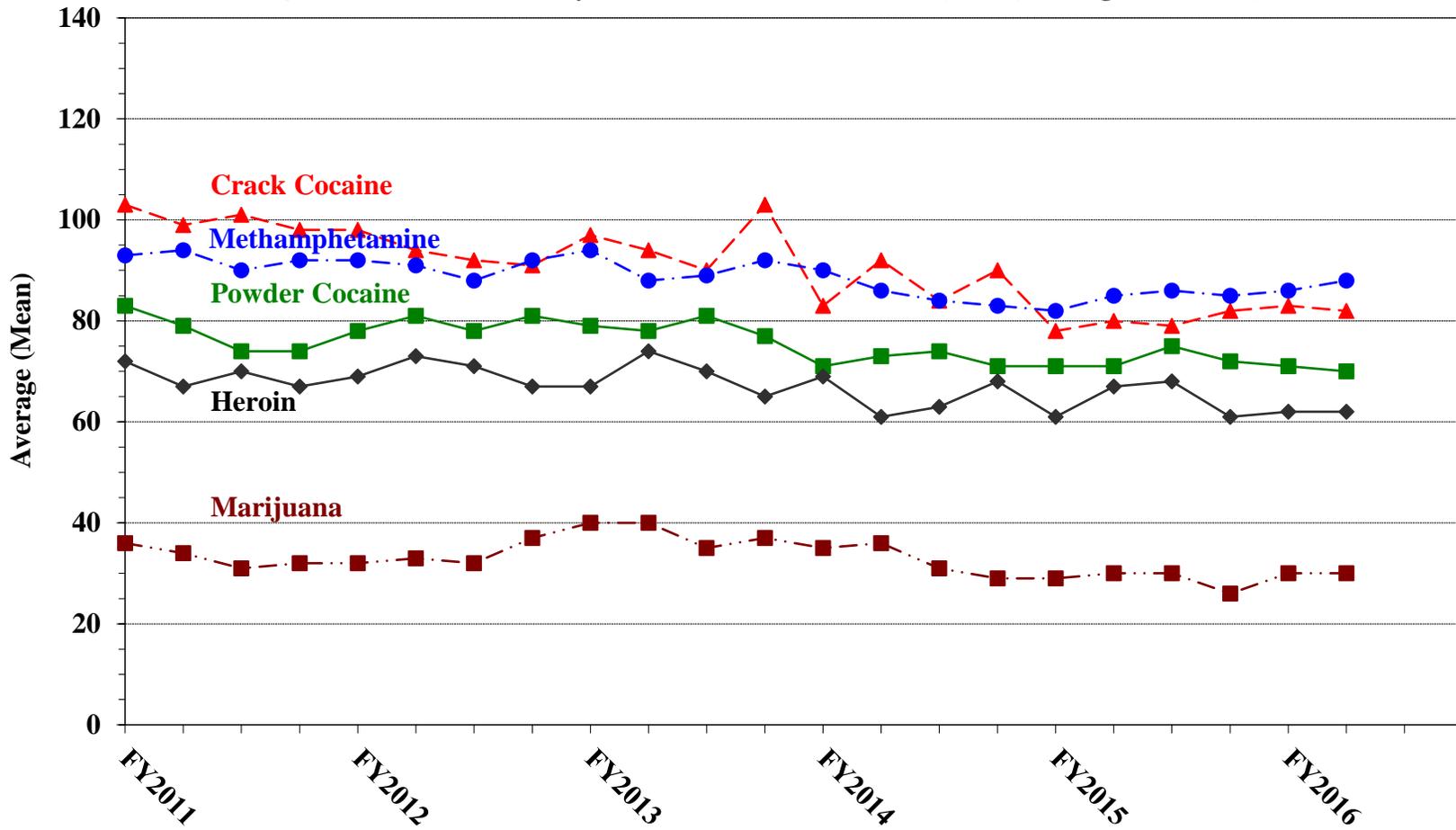


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included 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 TYPE<sup>1</sup>

Fiscal Years 2011 - 2015,  
2nd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through March 31, 2016)



<sup>1</sup> 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

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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

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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 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.