

United States Sentencing Commission Quarterly Data Report



3rd Quarter Release
Preliminary Fiscal Year 2016 Data
Through June 30, 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.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <http://isb.ussc.gov>.

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

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

The data in this 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.³ 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*.

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2015 are available at the Commission's website, www.ussc.gov.

³ 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.

CONTENTS

Information on Sentences Relative to the Guideline Range

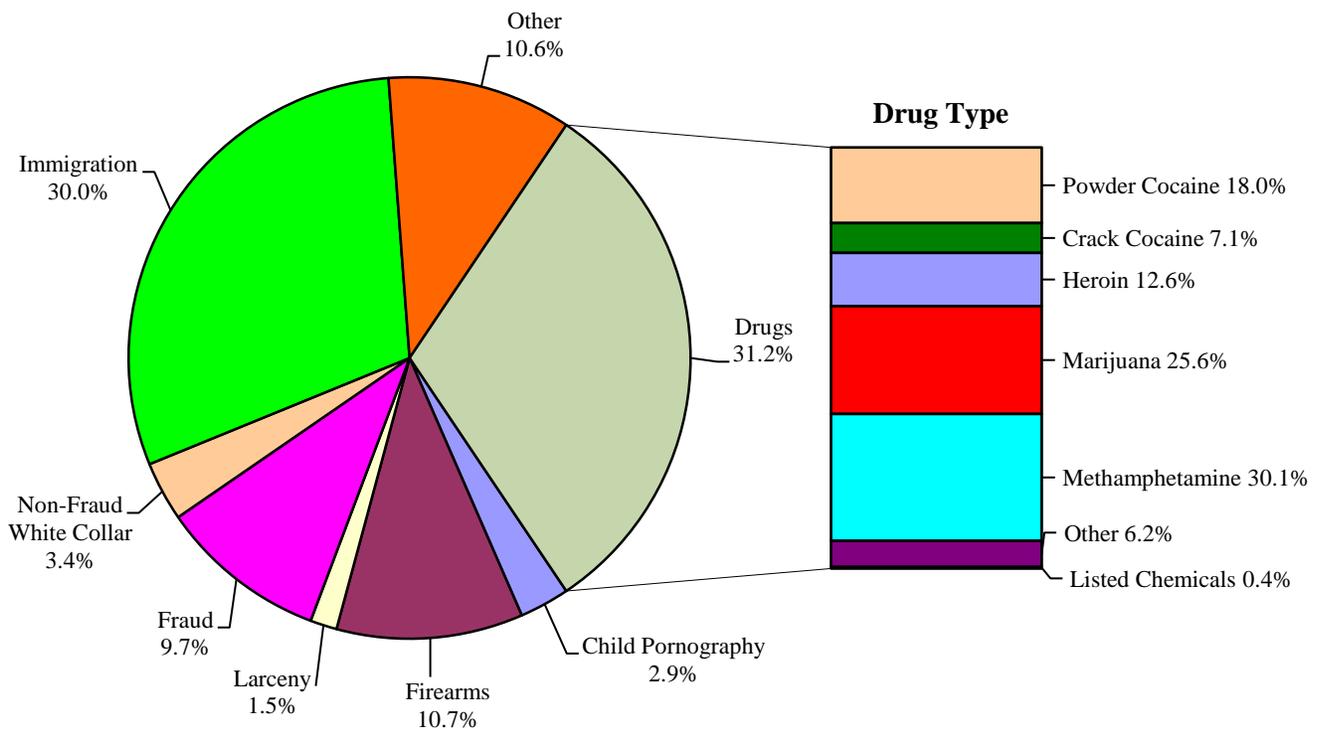
Figure A: Offenders in Each Primary Offense Category.....	1
Table 1: Guideline Offenders in Each Circuit and District	2
Table 2: Guilty Pleas and Trials in Each Primary Offense Category	3
Figure B: Number of Cases in Selected Primary Offense Category.....	5
Table 3: Race of Offenders in Each Primary Offense Category.....	6
Table 4: Gender of Offenders in Each Primary Offense Category	7
Table 5: Citizenship of Offenders in Each Primary Offense Category	8
Table 6: Sentence Length in Each Primary Offense Category	9
Table 7: Offenders Receiving Sentencing Options in Each Primary Offense Category	10
Table 8: National Comparison of Sentence Imposed and Position Relative to the Guideline Range.....	11
Table 9: Sentences Relative to the Guideline Range by Circuit and District	12
Table 10: Sentences Relative to the Guideline Range by Each Primary Offense Category	15
Table 11: Sentences Relative to the Guideline Range by Each Primary Sentencing Guideline...16	
Figure C: Quarterly Data for Within Range and Out of Range Sentences	18
Figure D: Quarterly Data for Within Range/Government Sponsored and Other Out of Range Sentences.....	19
Table 12: Quarterly Data for Within Range and Out of Range Sentences	20
Table 13: Attribution Category for Cases Outside of the Guideline Range	21
Table 14: §5K1.1 Substantial Assistance Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category	23
Table 15: §5K3.1 Early Disposition Program Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category	24

Table 16: Other Government Sponsored Below Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category	25
Table 17: Non-Government Sponsored Below Range: Degree of Decrease for Offenders in Each Primary Offense Category	26
Table 18: Above Guideline Range Cases: Degree of Increase for Offenders in Each Primary Offense Category	27
Figure E: Average Sentence Length and Average Guideline Minimum Quarterly Data for All Offenders	28
Figure F: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2B1.1 Offenders	29
Figure G: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2K2.1 Offenders.....	30
Figure H: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.1 Offenders	31
Figure I: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.2 Offenders	32
Figure J: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2D1.1 Offenders.....	33
Figure K: Average Sentence Length for Each Drug Type.....	34
 <i>Appendices</i>	
Appendix A: Descriptions of Datafiles and Variables.....	A-1

Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)



¹ Of the 50,970 guideline cases, four 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 June 30, 2016).

Table 1

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	N	%
TOTAL	50,970	100.0
Murder	70	0.1
Manslaughter	41	0.1
Kidnapping/Hostage Taking	27	0.1
Sexual Abuse	460	0.9
Assault	589	1.2
Robbery	543	1.1
Arson	33	0.1
Drugs - Trafficking	14,129	27.7
Drugs - Communication Facility	204	0.4
Drugs - Simple Possession	1,553	3.0
Firearms	5,468	10.7
Burglary/B&E	18	0.0
Auto Theft	37	0.1
Larceny	784	1.5
Fraud	4,931	9.7
Embezzlement	223	0.4
Forgery/Counterfeiting	355	0.7
Bribery	136	0.3
Tax	401	0.8
Money Laundering	630	1.2
Racketeering/Extortion	669	1.3
Gambling/Lottery	60	0.1
Civil Rights	32	0.1
Immigration	15,277	30.0
Child Pornography	1,468	2.9
Prison Offenses	350	0.7
Administration of Justice Offenses	785	1.5
Environmental/Wildlife	105	0.2
National Defense	65	0.1
Antitrust	15	0.0
Food & Drug	99	0.2
Other Miscellaneous Offenses	1,413	2.8

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

Table 2

GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2016 Preliminary Cumulative Data
(October 1, 2015, through June 30, 2016)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	50,970	100.0			
D.C. CIRCUIT	188	0.4	FIFTH CIRCUIT	12,102	23.7
District of Columbia	188	0.4	Louisiana		
			Eastern	271	0.5
FIRST CIRCUIT	1,546	3.0	Middle	129	0.3
Maine	149	0.3	Western	177	0.3
Massachusetts	381	0.7	Mississippi		
New Hampshire	130	0.3	Northern	117	0.2
Puerto Rico	814	1.6	Southern	167	0.3
Rhode Island	72	0.1	Texas		
			Eastern	589	1.2
SECOND CIRCUIT	2,545	5.0	Northern	1,023	2.0
Connecticut	230	0.5	Southern	5,013	9.8
New York			Western	4,616	9.1
Eastern	621	1.2	SIXTH CIRCUIT	3,348	6.6
Northern	211	0.4	Kentucky		
Southern	1,016	2.0	Eastern	310	0.6
Western	332	0.7	Western	239	0.5
Vermont	135	0.3	Michigan		
			Eastern	641	1.3
THIRD CIRCUIT	1,556	3.1	Western	242	0.5
Delaware	57	0.1	Ohio		
New Jersey	504	1.0	Northern	444	0.9
Pennsylvania			Southern	379	0.7
Eastern	421	0.8	Tennessee		
Middle	243	0.5	Eastern	572	1.1
Western	288	0.6	Middle	153	0.3
Virgin Islands	43	0.1	Western	368	0.7
			SEVENTH CIRCUIT	1,682	3.3
FOURTH CIRCUIT	3,982	7.8	Illinois		
Maryland	544	1.1	Central	188	0.4
North Carolina			Northern	472	0.9
Eastern	480	0.9	Southern	251	0.5
Middle	307	0.6	Indiana		
Western	498	1.0	Northern	211	0.4
South Carolina	470	0.9	Southern	235	0.5
Virginia			Wisconsin		
Eastern	1,075	2.1	Eastern	227	0.4
Western	197	0.4	Western	98	0.2
West Virginia					
Northern	239	0.5			
Southern	172	0.3			

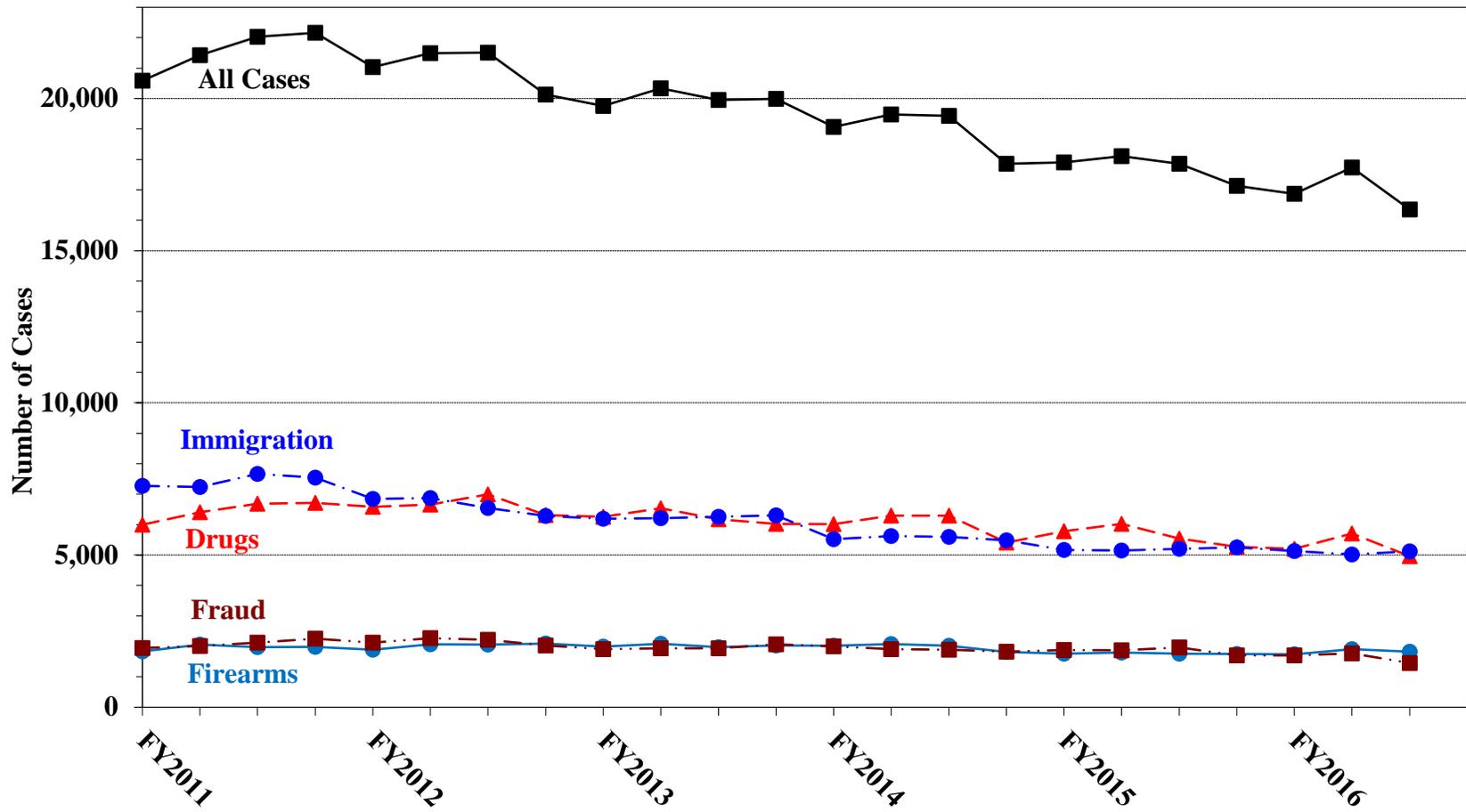
Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	3,589	7.0	TENTH CIRCUIT	5,865	11.5
Arkansas			Colorado	367	0.7
Eastern	284	0.6	Kansas	381	0.7
Western	191	0.4	New Mexico	3,948	7.7
Iowa			Oklahoma		
Northern	240	0.5	Eastern	85	0.2
Southern	256	0.5	Northern	160	0.3
Minnesota	392	0.8	Western	253	0.5
Missouri			Utah	488	1.0
Eastern	559	1.1	Wyoming	183	0.4
Western	633	1.2			
Nebraska	410	0.8	ELEVENTH CIRCUIT	4,562	9.0
North Dakota	284	0.6	Alabama		
South Dakota	340	0.7	Middle	110	0.2
			Northern	260	0.5
NINTH CIRCUIT	10,005	19.6	Southern	237	0.5
Alaska	135	0.3	Florida		
Arizona	4,321	8.5	Middle	1,051	2.1
California			Northern	207	0.4
Central	724	1.4	Southern	1,699	3.3
Eastern	509	1.0	Georgia		
Northern	337	0.7	Middle	283	0.6
Southern	2,152	4.2	Northern	417	0.8
Guam	50	0.1	Southern	298	0.6
Hawaii	99	0.2			
Idaho	204	0.4			
Montana	232	0.5			
Nevada	276	0.5			
Northern Mariana Islands	18	0.0			
Oregon	323	0.6			
Washington					
Eastern	226	0.4			
Western	399	0.8			

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 June 30, 2016).

Figure B
NUMBER OF CASES IN SELECTED OFFENSE CATEGORY¹
 Fiscal Years 2011 - 2015,
 3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)



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

Table 3

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	50,388	11,262	22.4	10,135	20.1	26,984	53.6	2,007	4.0
Murder	70	20	28.6	7	10.0	22	31.4	21	30.0
Manslaughter	41	2	4.9	3	7.3	4	9.8	32	78.0
Kidnapping/Hostage Taking	27	7	25.9	12	44.4	5	18.5	3	11.1
Sexual Abuse	460	160	34.8	139	30.2	61	13.3	100	21.7
Assault	575	121	21.0	79	13.7	101	17.6	274	47.7
Robbery	542	212	39.1	245	45.2	69	12.7	16	3.0
Arson	33	15	45.5	8	24.2	4	12.1	6	18.2
Drugs - Trafficking	14,116	3,255	23.1	3,309	23.4	7,131	50.5	421	3.0
Drugs - Communication Facility	203	79	38.9	62	30.5	57	28.1	5	2.5
Drugs - Simple Possession	1,512	152	10.1	107	7.1	1,227	81.2	26	1.7
Firearms	5,461	1,356	24.8	2,771	50.7	1,184	21.7	150	2.7
Burglary/B&E	18	3	16.7	1	5.6	0	0.0	14	77.8
Auto Theft	37	5	13.5	14	37.8	17	45.9	1	2.7
Larceny	751	334	44.5	253	33.7	108	14.4	56	7.5
Fraud	4,905	1,980	40.4	1,518	30.9	1,074	21.9	333	6.8
Embezzlement	219	120	54.8	63	28.8	15	6.8	21	9.6
Forgery/Counterfeiting	354	138	39.0	134	37.9	67	18.9	15	4.2
Bribery	136	51	37.5	36	26.5	30	22.1	19	14.0
Tax	400	212	53.0	96	24.0	61	15.3	31	7.8
Money Laundering	629	215	34.2	103	16.4	253	40.2	58	9.2
Racketeering/Extortion	667	191	28.6	260	39.0	208	31.2	8	1.2
Gambling/Lottery	60	33	55.0	4	6.7	8	13.3	15	25.0
Civil Rights	32	20	62.5	6	18.8	4	12.5	2	6.3
Immigration	15,127	282	1.9	195	1.3	14,577	96.4	73	0.5
Child Pornography	1,467	1,168	79.6	73	5.0	188	12.8	38	2.6
Prison Offenses	340	82	24.1	118	34.7	99	29.1	41	12.1
Administration of Justice Offenses	776	328	42.3	193	24.9	157	20.2	98	12.6
Environmental/Wildlife	97	74	76.3	5	5.2	5	5.2	13	13.4
National Defense	65	18	27.7	6	9.2	29	44.6	12	18.5
Antitrust	15	9	60.0	1	6.7	2	13.3	3	20.0
Food & Drug	98	58	59.2	4	4.1	21	21.4	15	15.3
Other Miscellaneous Offenses	1,155	562	48.7	310	26.8	196	17.0	87	7.5

¹ Of the 50,970 cases, 582 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	50,794	43,832	86.3	6,962	13.7
Murder	70	60	85.7	10	14.3
Manslaughter	41	35	85.4	6	14.6
Kidnapping/Hostage Taking	27	24	88.9	3	11.1
Sexual Abuse	460	419	91.1	41	8.9
Assault	587	499	85.0	88	15.0
Robbery	543	491	90.4	52	9.6
Arson	33	29	87.9	4	12.1
Drugs - Trafficking	14,126	11,954	84.6	2,172	15.4
Drugs - Communication Facility	204	148	72.5	56	27.5
Drugs - Simple Possession	1,540	1,376	89.4	164	10.6
Firearms	5,467	5,300	96.9	167	3.1
Burglary/B&E	18	17	94.4	1	5.6
Auto Theft	37	37	100.0	0	0.0
Larceny	769	469	61.0	300	39.0
Fraud	4,928	3,374	68.5	1,554	31.5
Embezzlement	222	87	39.2	135	60.8
Forgery/Counterfeiting	355	264	74.4	91	25.6
Bribery	136	120	88.2	16	11.8
Tax	401	288	71.8	113	28.2
Money Laundering	630	480	76.2	150	23.8
Racketeering/Extortion	669	606	90.6	63	9.4
Gambling/Lottery	60	51	85.0	9	15.0
Civil Rights	32	29	90.6	3	9.4
Immigration	15,213	14,059	92.4	1,154	7.6
Child Pornography	1,468	1,442	98.2	26	1.8
Prison Offenses	348	306	87.9	42	12.1
Administration of Justice Offenses	781	621	79.5	160	20.5
Environmental/Wildlife	101	95	94.1	6	5.9
National Defense	65	61	93.8	4	6.2
Antitrust	15	14	93.3	1	6.7
Food & Drug	99	83	83.8	16	16.2
Other Miscellaneous Offenses	1,349	994	73.7	355	26.3

¹ Of the 50,970 cases, 176 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	50,563	29,305	58.0	21,258	42.0
Murder	69	53	76.8	16	23.2
Manslaughter	41	39	95.1	2	4.9
Kidnapping/Hostage Taking	27	25	92.6	2	7.4
Sexual Abuse	459	433	94.3	26	5.7
Assault	576	525	91.1	51	8.9
Robbery	543	526	96.9	17	3.1
Arson	33	32	97.0	1	3.0
Drugs - Trafficking	14,108	10,100	71.6	4,008	28.4
Drugs - Communication Facility	204	179	87.7	25	12.3
Drugs - Simple Possession	1,527	396	25.9	1,131	74.1
Firearms	5,466	5,140	94.0	326	6.0
Burglary/B&E	18	18	100.0	0	0.0
Auto Theft	37	35	94.6	2	5.4
Larceny	755	693	91.8	62	8.2
Fraud	4,907	4,036	82.2	871	17.8
Embezzlement	219	211	96.3	8	3.7
Forgery/Counterfeiting	353	316	89.5	37	10.5
Bribery	136	123	90.4	13	9.6
Tax	400	368	92.0	32	8.0
Money Laundering	630	443	70.3	187	29.7
Racketeering/Extortion	668	597	89.4	71	10.6
Gambling/Lottery	60	55	91.7	5	8.3
Civil Rights	32	31	96.9	1	3.1
Immigration	15,268	1,238	8.1	14,030	91.9
Child Pornography	1,468	1,403	95.6	65	4.4
Prison Offenses	338	308	91.1	30	8.9
Administration of Justice Offenses	770	683	88.7	87	11.3
Environmental/Wildlife	97	84	86.6	13	13.4
National Defense	65	37	56.9	28	43.1
Antitrust	14	13	92.9	1	7.1
Food & Drug	98	83	84.7	15	15.3
Other Miscellaneous Offenses	1,177	1,082	91.9	95	8.1

¹ Of the 50,970 cases, 407 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 CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	43	21	50,968
Murder	241	210	70
Manslaughter	68	54	41
Kidnapping/Hostage Taking	235	184	27
Sexual Abuse	143	120	460
Assault	30	16	589
Robbery	73	60	543
Arson	65	60	33
Drugs - Trafficking	66	48	14,128
Drugs - Communication Facility	27	24	204
Drugs - Simple Possession	4	6	1,553
Firearms	76	51	5,468
Burglary/B&E	12	11	18
Auto Theft	104	46	37
Larceny	9	0	784
Fraud	25	13	4,931
Embezzlement	9	0	223
Forgery/Counterfeiting	18	12	355
Bribery	24	15	136
Tax	12	9	401
Money Laundering	35	21	630
Racketeering/Extortion	82	57	669
Gambling/Lottery	5	0	60
Civil Rights	28	12	32
Immigration	14	8	15,277
Child Pornography	139	96	1,468
Prison Offenses	13	10	350
Administration of Justice Offenses	18	13	784
Environmental/Wildlife	3	0	105
National Defense	50	33	65
Antitrust	3	0	15
Food & Drug	7	0	99
Other Miscellaneous Offenses	18	0	1,413

¹ Of the 50,970 cases, two were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	50,615	45,741	90.4	44,331	87.6	1,410	2.8	4,874	9.6	1,237	2.4	3,637	7.2
Murder	70	70	100.0	67	95.7	3	4.3	0	0.0	0	0.0	0	0.0
Manslaughter	41	40	97.6	38	92.7	2	4.9	1	2.4	1	2.4	0	0.0
Kidnapping/Hostage Taking	27	26	96.3	25	92.6	1	3.7	1	3.7	0	0.0	1	3.7
Sexual Abuse	460	448	97.4	435	94.6	13	2.8	12	2.6	3	0.7	9	2.0
Assault	584	488	83.6	450	77.1	38	6.5	96	16.4	22	3.8	74	12.7
Robbery	543	531	97.8	508	93.6	23	4.2	12	2.2	6	1.1	6	1.1
Arson	33	30	90.9	30	90.9	0	0.0	3	9.1	1	3.0	2	6.1
Drugs - Trafficking	14,126	13,535	95.8	13,121	92.9	414	2.9	591	4.2	204	1.4	387	2.7
Drugs - Communication Facility	204	153	75.0	146	71.6	7	3.4	51	25.0	13	6.4	38	18.6
Drugs - Simple Possession	1,523	1,324	86.9	1,322	86.8	2	0.1	199	13.1	11	0.7	188	12.3
Firearms	5,464	5,228	95.7	5,096	93.3	132	2.4	236	4.3	86	1.6	150	2.7
Burglary/B&E	18	16	88.9	11	61.1	5	27.8	2	11.1	1	5.6	1	5.6
Auto Theft	37	33	89.2	31	83.8	2	5.4	4	10.8	0	0.0	4	10.8
Larceny	744	307	41.3	281	37.8	26	3.5	437	58.7	109	14.7	328	44.1
Fraud	4,912	3,876	78.9	3,556	72.4	320	6.5	1,036	21.1	327	6.7	709	14.4
Embezzlement	220	97	44.1	81	36.8	16	7.3	123	55.9	23	10.5	100	45.5
Forgery/Counterfeiting	354	288	81.4	263	74.3	25	7.1	66	18.6	23	6.5	43	12.1
Bribery	135	103	76.3	92	68.1	11	8.1	32	23.7	14	10.4	18	13.3
Tax	401	229	57.1	198	49.4	31	7.7	172	42.9	48	12.0	124	30.9
Money Laundering	630	520	82.5	489	77.6	31	4.9	110	17.5	31	4.9	79	12.5
Racketeering/Extortion	669	629	94.0	617	92.2	12	1.8	40	6.0	13	1.9	27	4.0
Gambling/Lottery	60	23	38.3	19	31.7	4	6.7	37	61.7	7	11.7	30	50.0
Civil Rights	32	21	65.6	21	65.6	0	0.0	11	34.4	5	15.6	6	18.8
Immigration	15,271	14,664	96.0	14,509	95.0	155	1.0	607	4.0	95	0.6	512	3.4
Child Pornography	1,467	1,453	99.0	1,419	96.7	34	2.3	14	1.0	5	0.3	9	0.6
Prison Offenses	350	338	96.6	314	89.7	24	6.9	12	3.4	4	1.1	8	2.3
Administration of Justice Offenses	782	602	77.0	567	72.5	35	4.5	180	23.0	43	5.5	137	17.5
Environmental/Wildlife	98	23	23.5	23	23.5	0	0.0	75	76.5	10	10.2	65	66.3
National Defense	65	57	87.7	56	86.2	1	1.5	8	12.3	0	0.0	8	12.3
Antitrust	15	4	26.7	4	26.7	0	0.0	11	73.3	0	0.0	11	73.3
Food & Drug	95	35	36.8	26	27.4	9	9.5	60	63.2	12	12.6	48	50.5
Other Miscellaneous Offenses	1,185	550	46.4	516	43.5	34	2.9	635	53.6	120	10.1	515	43.5

¹ Of the 50,970 cases, 355 were excluded due to one of the following reasons: the offender received neither imprisonment nor probation (354), or missing sentencing information (1). Descriptions of variables used in this table are provided in Appendix A.

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

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

	N	%
TOTAL CASES	50,360	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	24,925	49.5
CASES SENTENCED ABOVE GUIDELINE RANGE	1,185	2.4
DEPARTURE ABOVE GUIDELINE RANGE	317	0.6
Upward Departure From Guideline Range ²	240	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	77	0.2
OTHERWISE ABOVE GUIDELINE RANGE	868	1.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	796	1.6
All Remaining Cases Above Guideline Range ⁵	72	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	13,899	27.6
§5K1.1 Substantial Assistance Departure	5,576	11.1
§5K3.1 Early Disposition Program Departure	4,279	8.5
Other Government Sponsored Below Range	4,044	8.0
NON-GOVERNMENT SPONSORED BELOW RANGE	10,351	20.6
DEPARTURE BELOW GUIDELINE RANGE	1,441	2.9
Downward Departure From Guideline Range ²	1,034	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	407	0.8
OTHERWISE BELOW GUIDELINE RANGE	8,910	17.7
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	8,587	17.1
All Remaining Cases Below Guideline Range ⁵	323	0.6

¹ This table reflects the 50,970 cases sentenced on or after October 1, 2015, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 29, 2016. Of these, 610 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through June 30, 2016).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
TOTAL	50,360	24,925	49.5	1,185	2.4	13,899	27.6	10,351	20.6
D.C. CIRCUIT	188	55	29.3	0	0.0	79	42.0	54	28.7
District of Columbia	188	55	29.3	0	0.0	79	42.0	54	28.7
FIRST CIRCUIT	1,542	760	49.3	72	4.7	368	23.9	342	22.2
Maine	149	59	39.6	2	1.3	35	23.5	53	35.6
Massachusetts	380	107	28.2	5	1.3	144	37.9	124	32.6
New Hampshire	130	59	45.4	9	6.9	29	22.3	33	25.4
Puerto Rico	811	513	63.3	55	6.8	139	17.1	104	12.8
Rhode Island	72	22	30.6	1	1.4	21	29.2	28	38.9
SECOND CIRCUIT	2,538	714	28.1	31	1.2	759	29.9	1,034	40.7
Connecticut	230	65	28.3	5	2.2	59	25.7	101	43.9
New York									
Eastern	621	140	22.5	7	1.1	216	34.8	258	41.5
Northern	206	101	49.0	1	0.5	49	23.8	55	26.7
Southern	1,016	232	22.8	11	1.1	263	25.9	510	50.2
Western	332	148	44.6	7	2.1	109	32.8	68	20.5
Vermont	133	28	21.1	0	0.0	63	47.4	42	31.6
THIRD CIRCUIT	1,553	642	41.3	27	1.7	512	33.0	372	24.0
Delaware	57	16	28.1	0	0.0	23	40.4	18	31.6
New Jersey	503	209	41.6	7	1.4	165	32.8	122	24.3
Pennsylvania									
Eastern	420	136	32.4	9	2.1	166	39.5	109	26.0
Middle	242	134	55.4	3	1.2	55	22.7	50	20.7
Western	288	113	39.2	7	2.4	99	34.4	69	24.0
Virgin Islands	43	34	79.1	1	2.3	4	9.3	4	9.3
FOURTH CIRCUIT	3,872	2,160	55.8	124	3.2	824	21.3	764	19.7
Maryland	524	158	30.2	30	5.7	228	43.5	108	20.6
North Carolina									
Eastern	417	251	60.2	18	4.3	95	22.8	53	12.7
Middle	307	178	58.0	7	2.3	54	17.6	68	22.1
Western	496	257	51.8	9	1.8	148	29.8	82	16.5
South Carolina	469	257	54.8	15	3.2	102	21.7	95	20.3
Virginia									
Eastern	1,066	744	69.8	22	2.1	69	6.5	231	21.7
Western	196	89	45.4	10	5.1	67	34.2	30	15.3
West Virginia									
Northern	239	137	57.3	7	2.9	40	16.7	55	23.0
Southern	158	89	56.3	6	3.8	21	13.3	42	26.6

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
FIFTH CIRCUIT	11,970	7,671	64.1	285	2.4	1,740	14.5	2,274	19.0
Louisiana									
Eastern	268	151	56.3	5	1.9	51	19.0	61	22.8
Middle	128	61	47.7	4	3.1	21	16.4	42	32.8
Western	162	102	63.0	3	1.9	13	8.0	44	27.2
Mississippi									
Northern	112	62	55.4	4	3.6	22	19.6	24	21.4
Southern	164	114	69.5	2	1.2	28	17.1	20	12.2
Texas									
Eastern	588	402	68.4	18	3.1	139	23.6	29	4.9
Northern	1,021	649	63.6	60	5.9	181	17.7	131	12.8
Southern	5,010	2,925	58.4	90	1.8	713	14.2	1,282	25.6
Western	4,517	3,205	71.0	99	2.2	572	12.7	641	14.2
SIXTH CIRCUIT	3,331	1,439	43.2	73	2.2	1,061	31.9	758	22.8
Kentucky									
Eastern	310	194	62.6	6	1.9	45	14.5	65	21.0
Western	239	104	43.5	4	1.7	98	41.0	33	13.8
Michigan									
Eastern	637	217	34.1	9	1.4	173	27.2	238	37.4
Western	242	140	57.9	8	3.3	44	18.2	50	20.7
Ohio									
Northern	443	187	42.2	11	2.5	124	28.0	121	27.3
Southern	377	109	28.9	10	2.7	173	45.9	85	22.5
Tennessee									
Eastern	572	280	49.0	13	2.3	214	37.4	65	11.4
Middle	147	41	27.9	4	2.7	82	55.8	20	13.6
Western	364	167	45.9	8	2.2	108	29.7	81	22.3
SEVENTH CIRCUIT	1,681	584	34.7	39	2.3	394	23.4	664	39.5
Illinois									
Central	188	59	31.4	9	4.8	56	29.8	64	34.0
Northern	472	120	25.4	6	1.3	80	16.9	266	56.4
Southern	250	155	62.0	6	2.4	38	15.2	51	20.4
Indiana									
Northern	211	96	45.5	3	1.4	50	23.7	62	29.4
Southern	235	79	33.6	7	3.0	87	37.0	62	26.4
Wisconsin									
Eastern	227	45	19.8	5	2.2	74	32.6	103	45.4
Western	98	30	30.6	3	3.1	9	9.2	56	57.1
EIGHTH CIRCUIT	3,577	1,599	44.7	108	3.0	885	24.7	985	27.5
Arkansas									
Eastern	280	137	48.9	13	4.6	38	13.6	92	32.9
Western	191	85	44.5	7	3.7	33	17.3	66	34.6
Iowa									
Northern	240	150	62.5	16	6.7	45	18.8	29	12.1
Southern	256	78	30.5	2	0.8	102	39.8	74	28.9
Minnesota	392	119	30.4	6	1.5	86	21.9	181	46.2
Missouri									
Eastern	559	248	44.4	11	2.0	152	27.2	148	26.5
Western	626	270	43.1	31	5.0	151	24.1	174	27.8
Nebraska	409	218	53.3	9	2.2	92	22.5	90	22.0
North Dakota	284	94	33.1	5	1.8	145	51.1	40	14.1
South Dakota	340	200	58.8	8	2.4	41	12.1	91	26.8

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	%
NINTH CIRCUIT	9,772	3,489	35.7	286	2.9	4,619	47.3	1,378	14.1
Alaska	131	51	38.9	2	1.5	47	35.9	31	23.7
Arizona	4,110	1,850	45.0	185	4.5	1,798	43.7	277	6.7
California									
Central	724	216	29.8	10	1.4	289	39.9	209	28.9
Eastern	505	207	41.0	17	3.4	140	27.7	141	27.9
Northern	335	138	41.2	8	2.4	85	25.4	104	31.0
Southern	2,148	328	15.3	21	1.0	1,569	73.0	230	10.7
Guam	50	30	60.0	0	0.0	16	32.0	4	8.0
Hawaii	99	39	39.4	0	0.0	39	39.4	21	21.2
Idaho	204	88	43.1	3	1.5	60	29.4	53	26.0
Montana	228	77	33.8	5	2.2	54	23.7	92	40.4
Nevada	275	146	53.1	9	3.3	69	25.1	51	18.5
Northern Mariana Islands	18	12	66.7	1	5.6	4	22.2	1	5.6
Oregon	322	107	33.2	5	1.6	144	44.7	66	20.5
Washington									
Eastern	225	75	33.3	12	5.3	101	44.9	37	16.4
Western	398	125	31.4	8	2.0	204	51.3	61	15.3
TENTH CIRCUIT	5,829	3,392	58.2	53	0.9	1,801	30.9	583	10.0
Colorado	366	127	34.7	11	3.0	154	42.1	74	20.2
Kansas	367	152	41.4	10	2.7	164	44.7	41	11.2
New Mexico	3,938	2,683	68.1	14	0.4	1,037	26.3	204	5.2
Oklahoma									
Eastern	85	59	69.4	1	1.2	18	21.2	7	8.2
Northern	159	50	31.4	1	0.6	48	30.2	60	37.7
Western	249	112	45.0	5	2.0	32	12.9	100	40.2
Utah	482	131	27.2	8	1.7	275	57.1	68	14.1
Wyoming	183	78	42.6	3	1.6	73	39.9	29	15.8
ELEVENTH CIRCUIT	4,507	2,420	53.7	87	1.9	857	19.0	1,143	25.4
Alabama									
Middle	107	56	52.3	2	1.9	29	27.1	20	18.7
Northern	260	147	56.5	3	1.2	49	18.8	61	23.5
Southern	237	143	60.3	3	1.3	40	16.9	51	21.5
Florida									
Middle	1,050	468	44.6	13	1.2	246	23.4	323	30.8
Northern	199	85	42.7	9	4.5	40	20.1	65	32.7
Southern	1,666	983	59.0	42	2.5	172	10.3	469	28.2
Georgia									
Middle	281	191	68.0	2	0.7	50	17.8	38	13.5
Northern	409	115	28.1	10	2.4	191	46.7	93	22.7
Southern	298	232	77.9	3	1.0	40	13.4	23	7.7

¹ Of the 50,970 cases, 610 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Eastern North Carolina (13.1%), Western Louisiana (8.5%), and Southern West Virginia (8.1%). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 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	%		
TOTAL	50,360	24,925	49.5	1,185	2.4	5,576	11.1	4,279	8.5	4,044	8.0	10,351	20.6
Murder	70	30	42.9	1	1.4	20	28.6	0	0.0	13	18.6	6	8.6
Manslaughter	41	21	51.2	9	22.0	0	0.0	0	0.0	6	14.6	5	12.2
Kidnapping/Hostage Taking	27	14	51.9	1	3.7	3	11.1	0	0.0	4	14.8	5	18.5
Sexual Abuse	460	194	42.2	39	8.5	38	8.3	0	0.0	88	19.1	101	22.0
Assault	572	315	55.1	42	7.3	8	1.4	3	0.5	98	17.1	106	18.5
Robbery	542	287	53.0	26	4.8	48	8.9	0	0.0	49	9.0	132	24.4
Arson	33	20	60.6	1	3.0	7	21.2	0	0.0	3	9.1	2	6.1
Drugs - Trafficking	14,116	5,145	36.4	165	1.2	3,219	22.8	908	6.4	1,463	10.4	3,216	22.8
Drugs - Communication Facility	204	109	53.4	5	2.5	22	10.8	6	2.9	16	7.8	46	22.5
Drugs - Simple Possession	1,320	1,199	90.8	109	8.3	0	0.0	1	0.1	3	0.2	8	0.6
Firearms	5,457	2,858	52.4	254	4.7	546	10.0	7	0.1	534	9.8	1,258	23.1
Burglary/B&E	18	7	38.9	1	5.6	0	0.0	0	0.0	2	11.1	8	44.4
Auto Theft	37	23	62.2	0	0.0	3	8.1	1	2.7	2	5.4	8	21.6
Larceny	738	433	58.7	16	2.2	37	5.0	0	0.0	81	11.0	171	23.2
Fraud	4,832	2,085	43.1	107	2.2	812	16.8	10	0.2	444	9.2	1,374	28.4
Embezzlement	220	126	57.3	3	1.4	8	3.6	0	0.0	23	10.5	60	27.3
Forgery/Counterfeiting	354	200	56.5	10	2.8	37	10.5	1	0.3	35	9.9	71	20.1
Bribery	135	27	20.0	4	3.0	41	30.4	0	0.0	16	11.9	47	34.8
Tax	397	88	22.2	6	1.5	51	12.8	5	1.3	59	14.9	188	47.4
Money Laundering	629	168	26.7	6	1.0	182	28.9	5	0.8	106	16.9	162	25.8
Racketeering/Extortion	669	254	38.0	36	5.4	130	19.4	0	0.0	96	14.3	153	22.9
Gambling/Lottery	60	17	28.3	0	0.0	10	16.7	0	0.0	9	15.0	24	40.0
Civil Rights	31	10	32.3	0	0.0	6	19.4	0	0.0	6	19.4	9	29.0
Immigration	15,218	9,143	60.1	220	1.4	158	1.0	3,328	21.9	344	2.3	2,025	13.3
Child Pornography	1,468	429	29.2	35	2.4	40	2.7	0	0.0	306	20.8	658	44.8
Prison Offenses	343	228	66.5	7	2.0	8	2.3	1	0.3	46	13.4	53	15.5
Administration of Justice Offenses	776	402	51.8	41	5.3	39	5.0	2	0.3	76	9.8	216	27.8
Environmental/Wildlife	92	52	56.5	0	0.0	9	9.8	0	0.0	13	14.1	18	19.6
National Defense	65	20	30.8	2	3.1	17	26.2	0	0.0	12	18.5	14	21.5
Antitrust	15	1	6.7	0	0.0	10	66.7	0	0.0	2	13.3	2	13.3
Food & Drug	96	55	57.3	1	1.0	12	12.5	0	0.0	12	12.5	16	16.7
Other Miscellaneous Offenses	1,325	965	72.8	38	2.9	55	4.2	1	0.1	77	5.8	189	14.3

¹ Of the 50,970 cases, 610 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.

Table 11

SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 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	§5K1.1	§5K3.1					Other	Gdln Range	Above Gdln Range	Below Range	§5K1.1		
§2A1.1	169	64	4	58	0	27	16	§2D1.8	17	5	0	5	0	0	0	7	
§2A1.2	34	15	3	6	0	6	4	§2D1.9	0	0	0	0	0	0	0	0	
§2A1.3	21	12	6	0	0	2	1	§2D1.10	10	1	0	1	0	4	4		
§2A1.4	27	14	4	0	0	5	4	§2D1.11	65	18	0	15	0	16	16		
§2A1.5	29	5	2	4	0	10	8	§2D1.12	5	3	0	0	0	2	0		
§2A2.1	58	25	3	8	0	10	12	§2D1.13	1	1	0	0	0	0	0		
§2A2.2	266	116	30	6	1	56	57	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	57	41	4	0	0	4	8	§2D2.1	194	186	4	0	0	0	4		
§2A2.4	133	78	6	1	2	21	25	§2D2.2	44	32	1	6	0	1	4		
§2A3.1	110	48	5	2	0	33	22	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	23	9	7	0	0	2	5	§2D3.1	2	2	0	0	0	0	0		
§2A3.3	9	6	1	0	0	0	2	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	22	11	5	0	0	1	5	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	321	188	16	3	1	23	90	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	58	28	3	12	0	7	8	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	45	17	0	11	0	3	14		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	0	0	0	0	0	3		
§2A5.2	25	11	2	0	0	2	10	§2E1.3	2	0	0	0	0	0	2		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	10	2	0	3	0	4	1		
§2A6.1	108	61	6	1	0	12	28	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	21	9	2	0	0	5	5	§2E2.1	10	5	0	3	0	1	1		
§2B1.1	5,357	2,397	124	795	7	518	1,516	§2E3.1	65	22	0	9	0	9	25		
§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	12	1	0	4	0	3	4	§2E4.1	26	5	0	8	0	1	12		
§2B1.5	17	9	0	2	0	3	3	§2E5.1	0	0	0	0	0	0	0		
§2B1.6 ²	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	33	17	2	1	0	2	11	§2E5.3	2	2	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	5	5	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,199	538	72	194	0	126	269	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	48	12	2	6	0	2	26	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	11	5	2	1	0	2	1	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	64	29	0	14	0	1	20	§2G1.1	46	16	9	9	0	5	7		
§2B5.1	220	131	5	22	0	18	44	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	309	128	20	38	0	51	72		
§2B5.3	72	19	0	13	0	11	29	§2G2.1	312	131	10	19	0	66	86		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,214	325	28	20	0	253	588		
§2B6.1	1	0	0	0	0	0	1	§2G2.3	1	1	0	0	0	0	0		
§2C1.1	174	41	4	51	0	25	53	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	18	3	0	11	0	0	4	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	4	4	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	22	14	6	0	0	0	2		
§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	40	9	0	11	0	5	15		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	1	0	0	1	0	0	0	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	14,196	5,171	193	3,209	917	1,448	3,258	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	243	164	3	22	1	20	33	§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	2	1	0	0	0	0	1		
§2D1.5	10	3	0	6	0	0	1	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	5	0	0	0	0	0		
§2D1.7	1	0	0	0	0	0	1	§2H4.1	6	0	2	1	0	1	2		

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	76	24	1	19	3	11	18
§2J1.1	0	0	0	0	0	0	0	§2M5.3	10	2	0	0	0	2	6
§2J1.2	107	34	8	13	1	13	38	§2M6.1	3	2	0	0	0	0	1
§2J1.3	26	6	0	2	0	4	14	§2M6.2	0	0	0	0	0	0	0
§2J1.4	12	9	2	0	0	0	1	§2N1.1	4	1	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	32	21	0	0	0	1	10	§2N1.3	1	1	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	36	33	1	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	198	132	3	1	1	18	43
§2K1.1	4	4	0	0	0	0	0	§2P1.2	87	51	5	4	0	22	5
§2K1.2	0	0	0	0	0	0	0	§2P1.3	6	3	0	3	0	0	0
§2K1.3	14	7	0	2	0	1	4	§2P1.4	0	0	0	0	0	0	0
§2K1.4	48	25	1	8	0	4	10	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	20	6	0	3	0	5	6
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	16	2	0	5	0	6	3
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	4,258	2,304	164	296	6	409	1,079	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	63	29	0	7	0	9	18
§2K2.4 ³	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	6	4	2	0	0	0	0	§2R1.1	13	0	0	10	0	1	2
§2K2.6	2	2	0	0	0	0	0	§2S1.1	803	206	6	254	0	137	200
§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	192	69	4	32	5	39	43
§2L1.1	1,767	790	19	99	580	72	207	§2S1.4	0	0	0	0	0	0	0
§2L1.2	12,098	7,391	182	50	2,574	238	1,663	§2T1.1	310	63	3	42	0	46	156
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	109	54	0	11	1	10	33	§2T1.3	0	0	0	0	0	0	0
§2L2.2	588	446	11	4	28	11	88	§2T1.4	137	42	3	24	0	13	55
§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	38	6	1	2	0	7	22
§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	9	2	0	4	0	2	1
§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	8	4	1	2	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	10	5	0	2	0	1	2
§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	61	23	4	11	0	9	14
§2M3.6	0	0	0	0	0	0	0	§2X4.1	207	98	12	19	0	26	52
§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	136	121	10	0	0	0	5
§2M3.9	0	0	0	0	0	0	0	§2X6.1	1	0	0	1	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	8	0	1	2	0	3	2	§2X7.2	0	0	0	0	0	0	0
TOTAL	47,168	22,248	1,041	5,546	4,128	3,952	10,253								

¹ Of the 50,970 cases, 3,802 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 (610) or missing guideline applied (3,779). Descriptions of variables used in this table are provided in Appendix A.

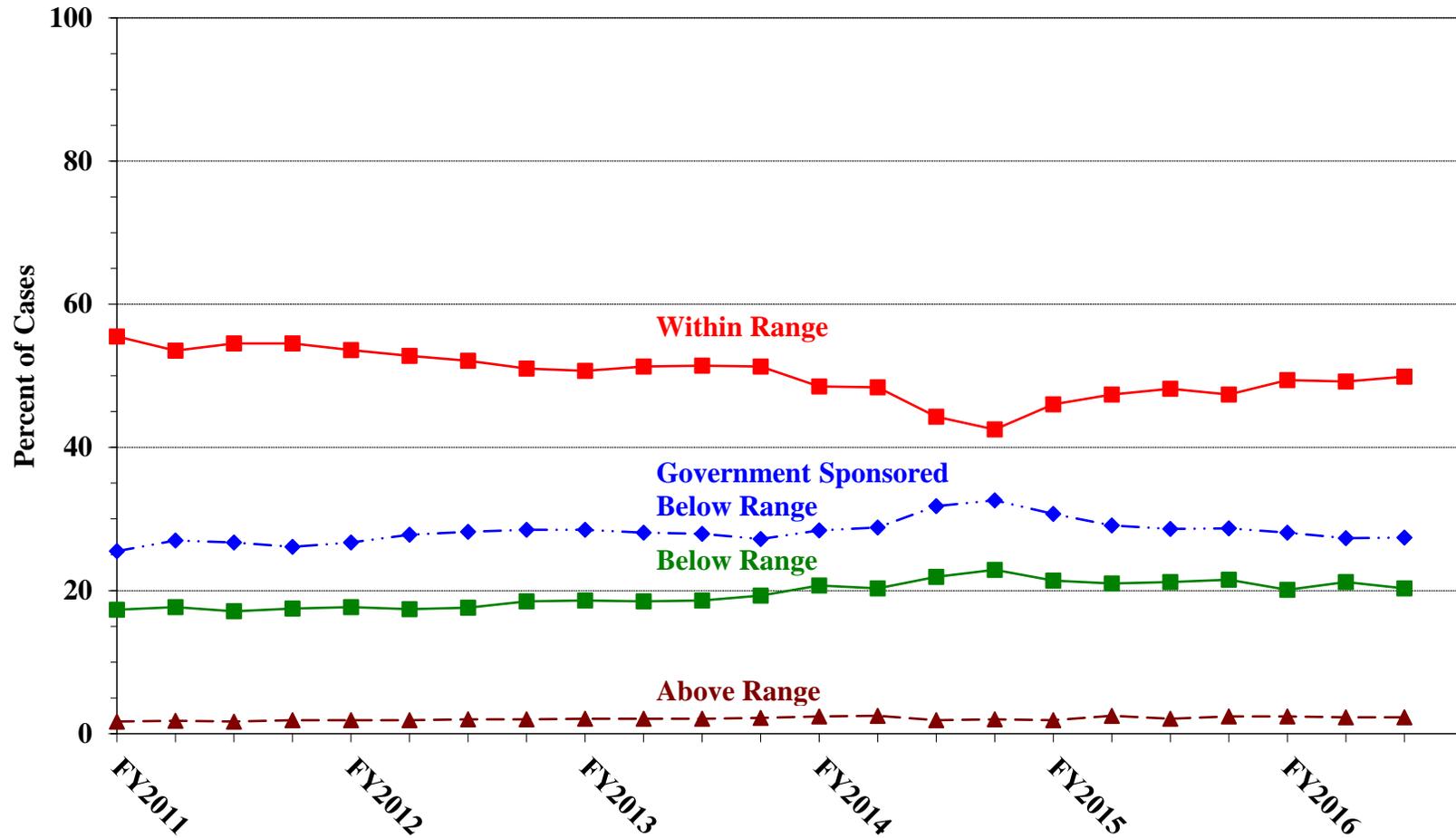
² In 761 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 761 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,490 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 1,490 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Figure C

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

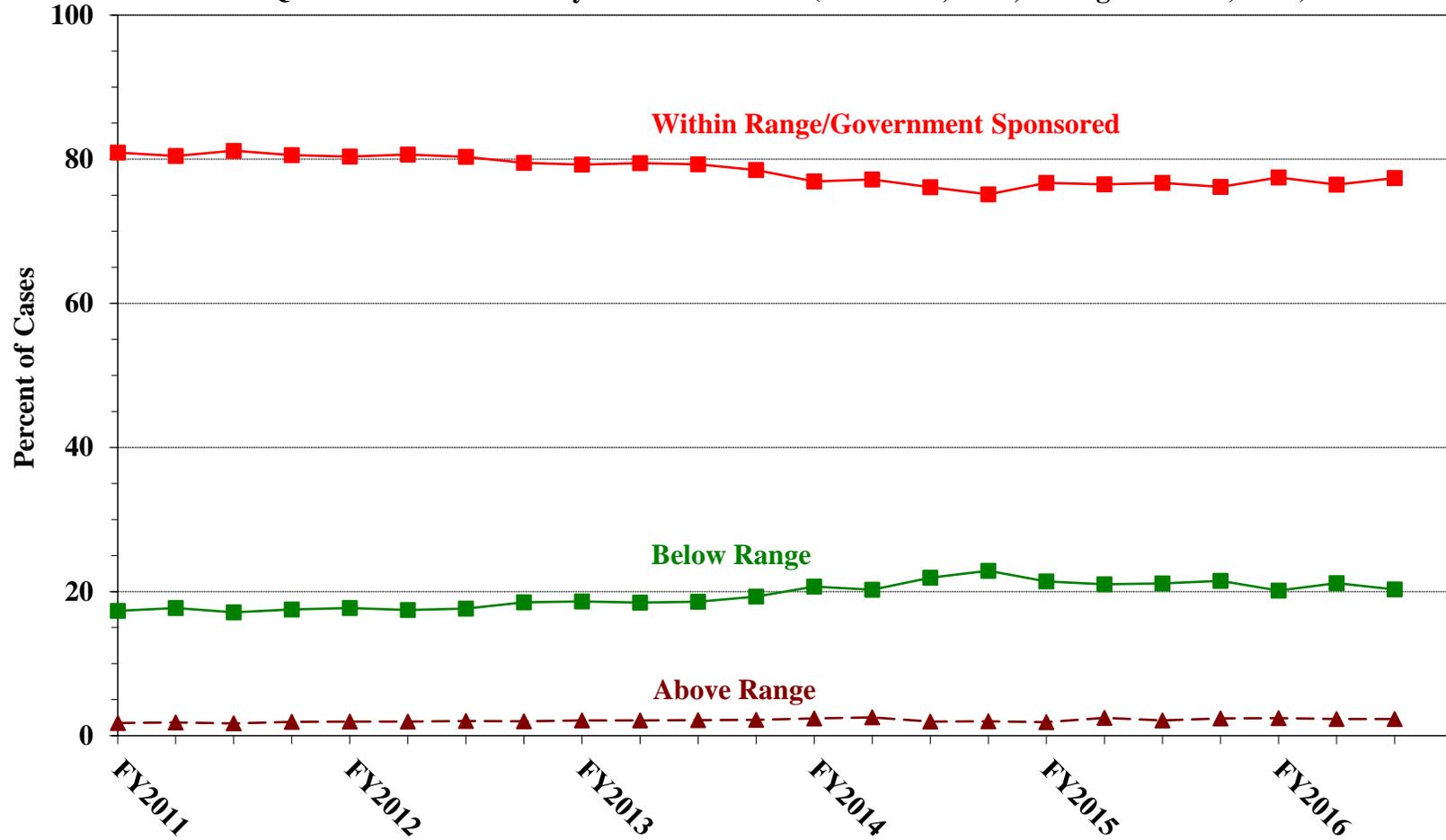


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure D

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

Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)



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

Table 12

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2011 - 2015, 3rd Quarter 2016 Preliminary
Cumulative Data (October 1, 2015, through June 30, 2016)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2011				
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
FY2012				
1st Quarter	53.6	26.7	17.7	1.9
2nd Quarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
FY2013				
1st Quarter	50.7	28.5	18.6	2.1
2nd Quarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2
FY2014				
1st Quarter	48.5	28.4	20.7	2.4
2nd Quarter	48.4	28.8	20.3	2.5
3rd Quarter	44.3	31.8	21.9	1.9
4th Quarter	42.5	32.6	22.9	2.0
FY2015				
1st Quarter	46.0	30.7	21.4	1.9
2nd Quarter	47.4	29.1	21.0	2.5
3rd Quarter	48.2	28.6	21.2	2.1
4th Quarter	47.4	28.7	21.5	2.4
FY2016				
1st Quarter	49.4	28.1	20.1	2.4
2nd Quarter	49.2	27.3	21.2	2.3
3rd Quarter	49.9	27.4	20.3	2.3
4th Quarter	--	--	--	--

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

Table 13

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		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	%
TOTAL	25,435	5,588	22.0	4,392	17.3	3,850	15.1	4,564	17.9	569	2.2
Above Range	1,185	12	1.0	5	0.4	234	19.7	103	8.7	5	0.4
Upward Departure From Guideline Range	240	0	0.0	0	0.0	96	40.0	40	16.7	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	77	0	0.0	0	0.0	8	10.4	7	9.1	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	796	0	0.0	0	0.0	123	15.5	52	6.5	5	0.6
All Remaining Cases Above Guideline Range	72	12	16.7	5	6.9	7	9.7	4	5.6	0	0.0
Government Sponsored Below Range	13,899	5,576	40.1	4,387	31.6	3,616	26.0	4,461	32.1	564	4.1
§5K1.1 Substantial Assistance Departure	5,576	5,576	100.0	108	1.9	239	4.3	1,520	27.3	27	0.5
§5K3.1 Early Disposition Program Departure	4,279	0	0.0	4,279	100.0	1,889	44.1	1,802	42.1	265	6.2
Other Government Sponsored Below Range	4,044	0	0.0	0	0.0	1,488	36.8	1,139	28.2	272	6.7
Non-Government Sponsored Below Range	10,351	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,034	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	407	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	8,587	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	323	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	%
TOTAL	3,514	13.8	4,328	17.0	4,224	16.6	676	2.7	3,701	14.6	2,149	8.4
Above Range	179	15.1	7	0.6	6	0.5	9	0.8	423	35.7	274	23.1
Upward Departure From Guideline Range	38	15.8	0	0.0	2	0.8	3	1.3	57	23.8	26	10.8
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	25	32.5	1	1.3	2	2.6	1	1.3	40	51.9	6	7.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	114	14.3	5	0.6	2	0.3	5	0.6	320	40.2	189	23.7
All Remaining Cases Above Guideline Range	2	2.8	1	1.4	0	0.0	0	0.0	6	8.3	53	73.6
Government Sponsored Below Range	3,335	24.0	1,231	8.9	882	6.3	667	4.8	860	6.2	122	0.9
§5K1.1 Substantial Assistance Departure	2,532	45.4	542	9.7	362	6.5	176	3.2	429	7.7	0	0.0
§5K3.1 Early Disposition Program Departure	134	3.1	289	6.8	331	7.7	40	0.9	262	6.1	0	0.0
Other Government Sponsored Below Range	669	16.5	400	9.9	189	4.7	451	11.2	169	4.2	122	3.0
Non-Government Sponsored Below Range	0	0.0	3,090	29.9	3,336	32.2	0	0.0	2,418	23.4	1,753	16.9
Downward Departure From Guideline Range	0	0.0	503	48.6	194	18.8	0	0.0	209	20.2	142	13.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	126	31.0	156	38.3	0	0.0	149	36.6	46	11.3
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	2,461	28.7	2,984	34.8	0	0.0	2,052	23.9	1,252	14.6
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	2	0.6	0	0.0	8	2.5	313	96.9

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 9,554 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,372	35	32	50.0
Murder	8	162	120	50.9
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	36	72	79	44.8
Assault	8	31	8	18.6
Robbery	47	48	32	40.0
Arson	7	24	36	63.6
Drugs - Trafficking	3,125	46	41	47.4
Drugs - Communication Facility	21	0	33	100.0
Drugs - Simple Possession	0	--	--	--
Firearms	507	56	37	49.9
Burglary/B&E	0	--	--	--
Auto Theft	3	41	14	25.5
Larceny	36	6	12	75.2
Fraud	786	6	20	76.2
Embezzlement	7	15	9	42.7
Forgery/Counterfeiting	35	9	10	47.6
Bribery	39	12	18	58.1
Tax	50	0	13	100.0
Money Laundering	178	21	29	56.3
Racketeering/Extortion	119	36	34	52.1
Gambling/Lottery	10	0	10	100.0
Civil Rights	6	12	18	61.0
Immigration	158	12	12	50.0
Child Pornography	38	121	81	35.6
Prison Offenses	8	8	25	53.0
Administration of Justice Offenses	39	0	15	100.0
Environmental/Wildlife	9	0	12	100.0
National Defense	16	20	18	57.6
Antitrust	10	0	8	100.0
Food & Drug	12	0	33	100.0
Other Miscellaneous Offenses	52	1	18	98.5

¹ Of the 50,970 cases, 5,576 received a §5K1.1 substantial assistance departure. Of these, 5,425 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 47 cases were also excluded from this table. Of the remaining 5,378 cases, six were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,066	12	8	45.7
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	3	5	6	54.0
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	870	26	28	55.1
Drugs - Communication Facility	6	24	24	50.0
Drugs - Simple Possession	1	--	--	--
Firearms	7	9	10	43.3
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	9	18	12	34.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	5	30	24	57.1
Money Laundering	5	6	4	40.8
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	3,154	9	6	40.0
Child Pornography	0	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 50,970 cases, 4,279 received a §5K3.1 early disposition program departure. Of these, 4,067 cases had complete guideline application information. Of the remaining 4,067 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,867	33	21	42.4
Murder	13	114	48	26.7
Manslaughter	6	26	9	28.8
Kidnapping/Hostage Taking	3	132	36	21.4
Sexual Abuse	77	96	45	31.4
Assault	91	17	12	45.5
Robbery	49	46	24	34.3
Arson	3	0	27	100.0
Drugs - Trafficking	1,410	60	32	37.0
Drugs - Communication Facility	16	2	29	93.5
Drugs - Simple Possession	0	--	--	--
Firearms	517	48	18	31.3
Burglary/B&E	2	--	--	--
Auto Theft	2	--	--	--
Larceny	76	0	10	100.0
Fraud	430	12	12	59.9
Embezzlement	21	0	10	99.9
Forgery/Counterfeiting	35	8	9	50.9
Bribery	16	5	12	82.6
Tax	55	0	12	100.0
Money Laundering	104	12	24	65.6
Racketeering/Extortion	91	84	31	33.3
Gambling/Lottery	9	0	6	100.0
Civil Rights	5	1	12	83.3
Immigration	319	12	10	44.4
Child Pornography	301	72	53	40.0
Prison Offenses	41	13	6	25.9
Administration of Justice Offenses	73	0	12	100.0
Environmental/Wildlife	11	0	8	100.0
National Defense	12	11	25	49.4
Antitrust	1	--	--	--
Food & Drug	10	0	24	100.0
Other Miscellaneous Offenses	68	0	10	100.0

¹ Of the 50,970 cases, 4,044 received an other government sponsored downward departure. Of these, 3,900 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 28 cases were also excluded from this table. Of the remaining 3,872 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.

**NON-GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	10,060	24	15	36.8
Murder	6	99	24	19.9
Manslaughter	5	12	18	59.9
Kidnapping/Hostage Taking	5	72	36	33.3
Sexual Abuse	84	90	31	30.4
Assault	97	12	9	41.5
Robbery	129	42	16	23.8
Arson	2	--	--	--
Drugs - Trafficking	3,140	42	18	31.4
Drugs - Communication Facility	45	9	12	74.9
Drugs - Simple Possession	7	0	4	100.0
Firearms	1,231	36	14	27.3
Burglary/B&E	8	11	7	41.6
Auto Theft	8	42	7	18.3
Larceny	167	0	10	100.0
Fraud	1,340	12	12	50.0
Embezzlement	60	0	10	100.0
Forgery/Counterfeiting	68	8	10	58.1
Bribery	47	12	15	53.8
Tax	183	0	12	100.0
Money Laundering	155	18	15	50.0
Racketeering/Extortion	147	36	15	31.4
Gambling/Lottery	24	0	9	100.0
Civil Rights	7	12	21	41.2
Immigration	1,958	16	10	38.0
Child Pornography	654	72	49	38.1
Prison Offenses	48	6	7	51.1
Administration of Justice Offenses	212	6	10	52.3
Environmental/Wildlife	16	0	10	100.0
National Defense	14	43	30	37.4
Antitrust	2	--	--	--
Food & Drug	16	12	22	65.7
Other Miscellaneous Offenses	175	1	10	89.0

¹ Of the 50,970 cases, 10,351 were otherwise sentenced below the guideline range. Of these, 10,107 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 38 cases were also excluded from this table. Of the remaining 10,069 cases, nine were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	1,005	60	14	37.9
Murder	1	--	--	--
Manslaughter	9	108	24	60.9
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	37	138	22	29.7
Assault	38	71	16	30.2
Robbery	24	122	27	33.8
Arson	1	--	--	--
Drugs - Trafficking	161	60	13	29.7
Drugs - Communication Facility	4	36	13	70.0
Drugs - Simple Possession	4	12	6	86.2
Firearms	218	96	21	31.0
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	15	30	9	50.0
Fraud	100	50	13	45.6
Embezzlement	3	30	3	50.0
Forgery/Counterfeiting	10	48	14	69.0
Bribery	4	93	21	30.5
Tax	6	60	15	41.4
Money Laundering	6	39	12	53.2
Racketeering/Extortion	35	120	29	29.7
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	212	25	8	50.0
Child Pornography	31	156	23	19.0
Prison Offenses	6	29	11	76.7
Administration of Justice Offenses	39	48	15	56.5
Environmental/Wildlife	0	--	--	--
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	36	37	14	62.2

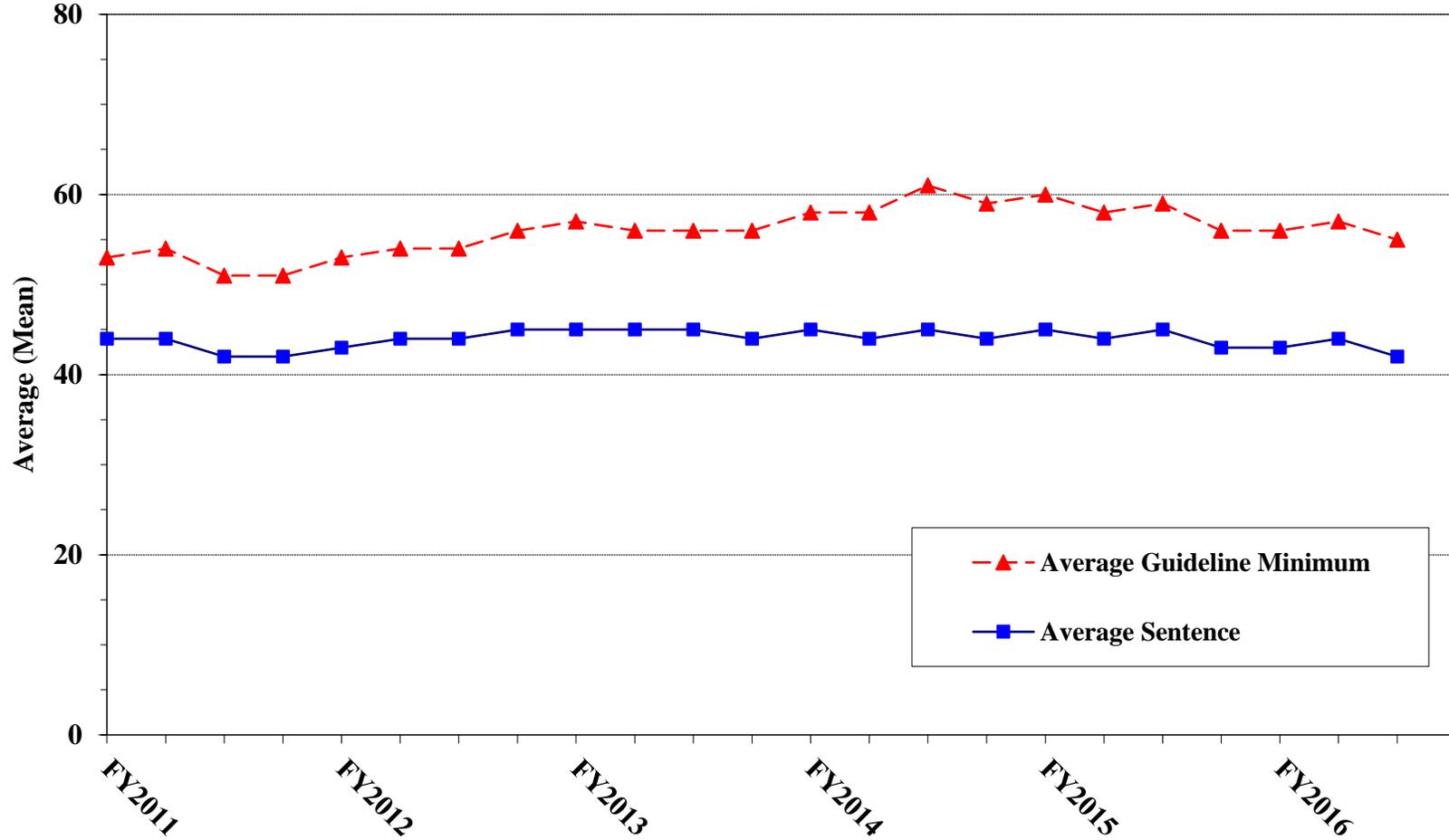
¹ Of the 50,970 cases, 1,185 were sentenced above the guideline range. Of these, 1,033 cases had complete guideline application information. Twenty-eight more cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative 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 June 30, 2016).

Figure E

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

**Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)**

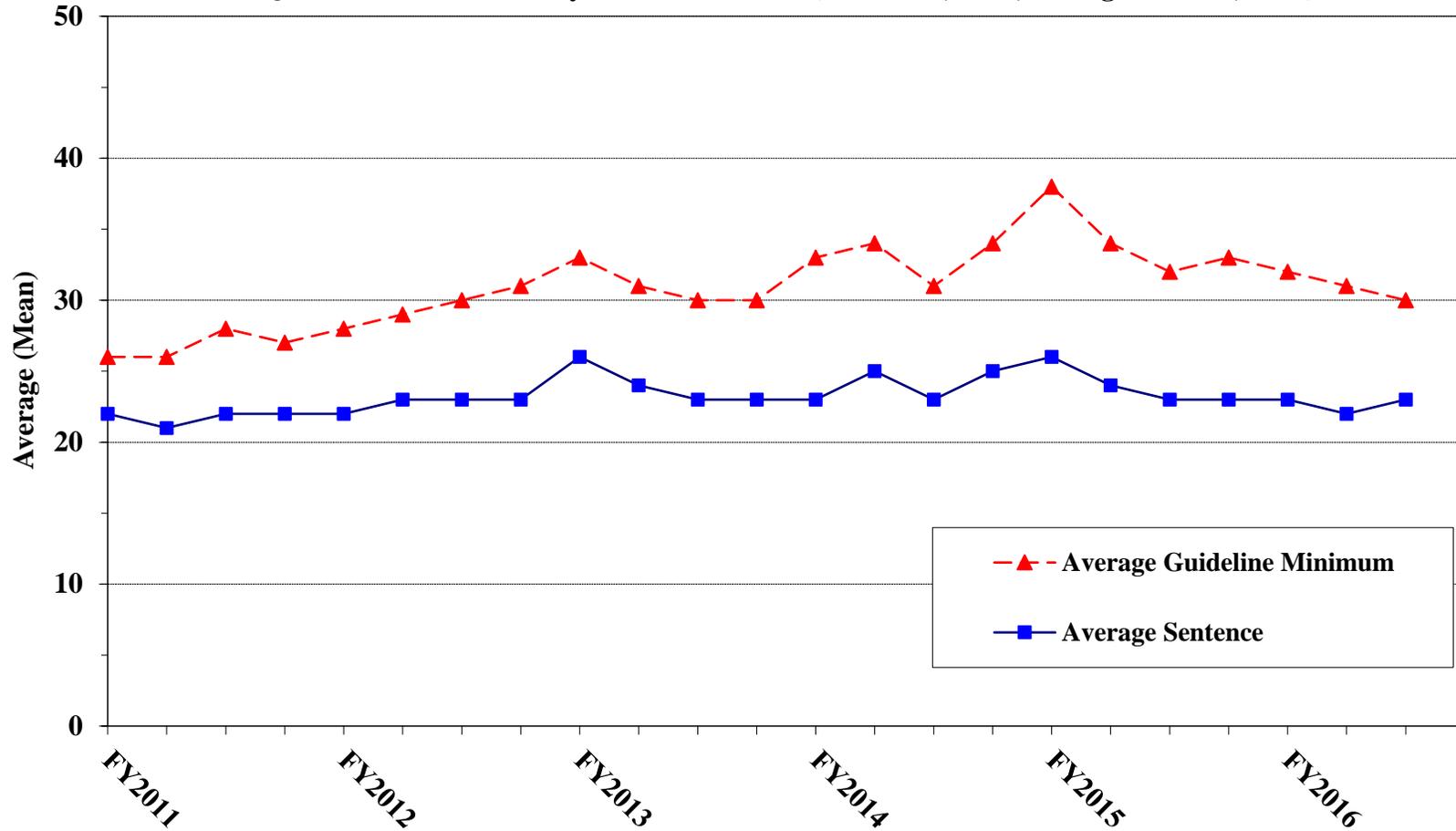


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

Figure F

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

**Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)**

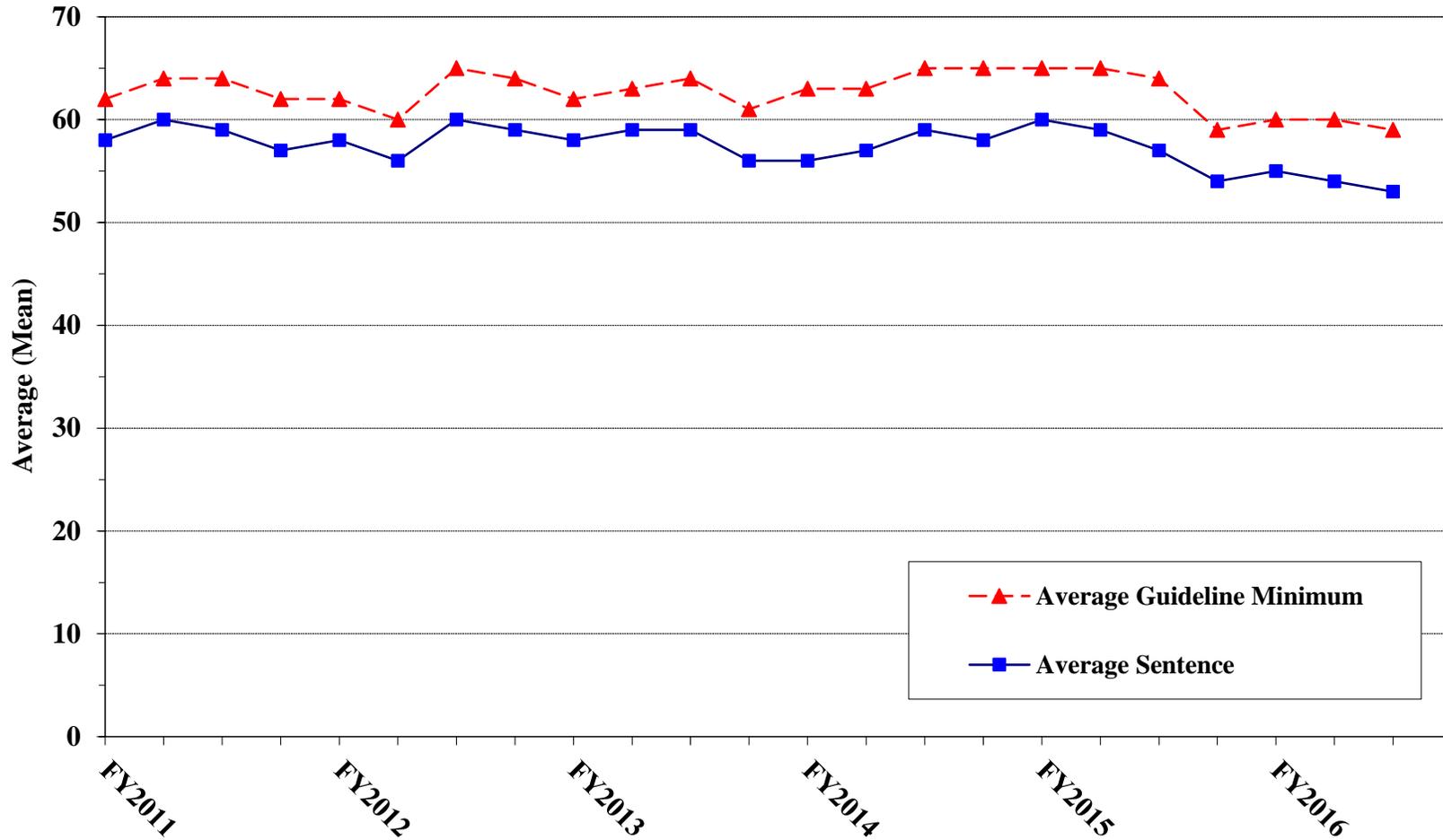


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

Figure G

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

**Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)**

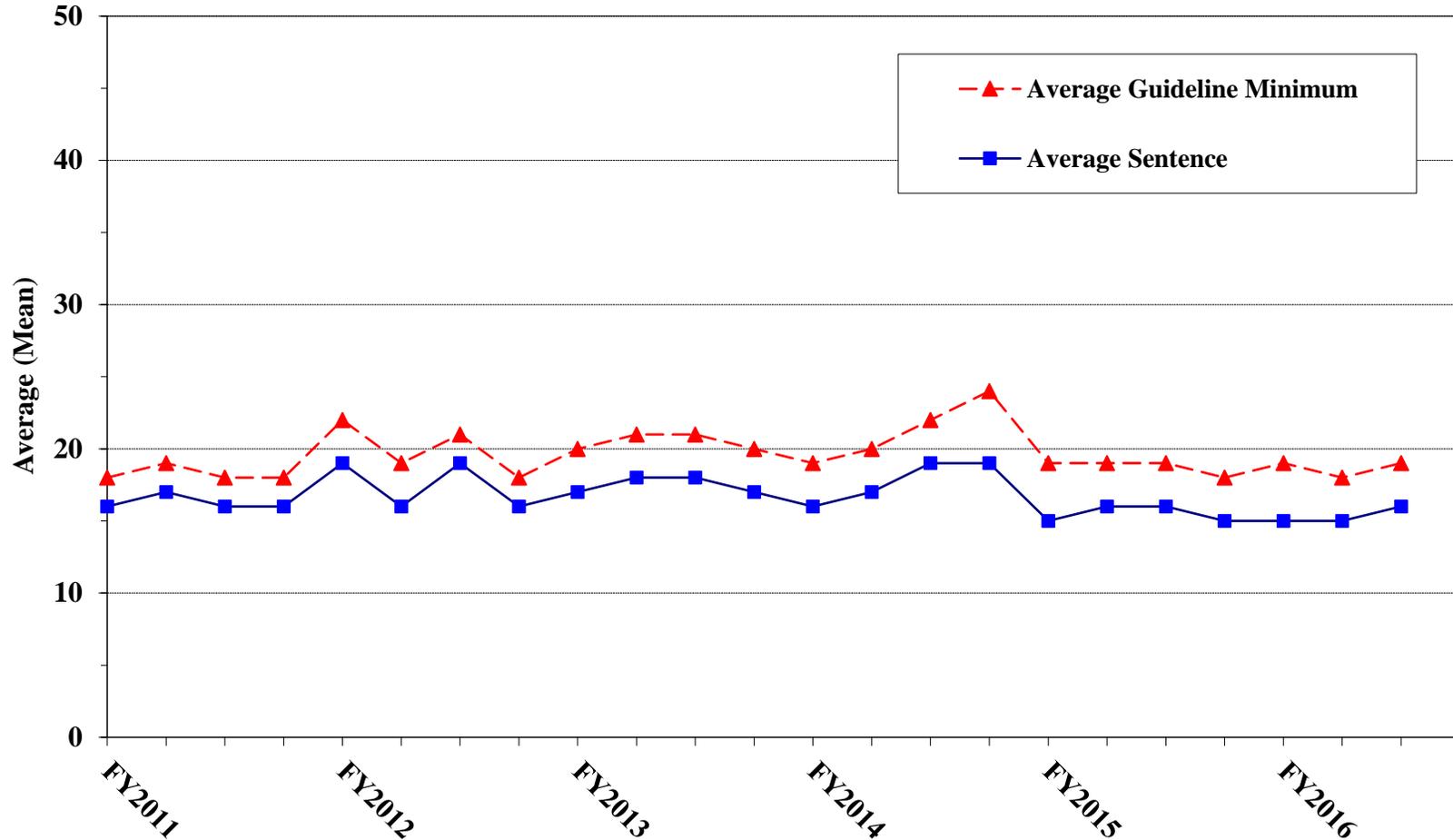


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure H

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

**Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)**

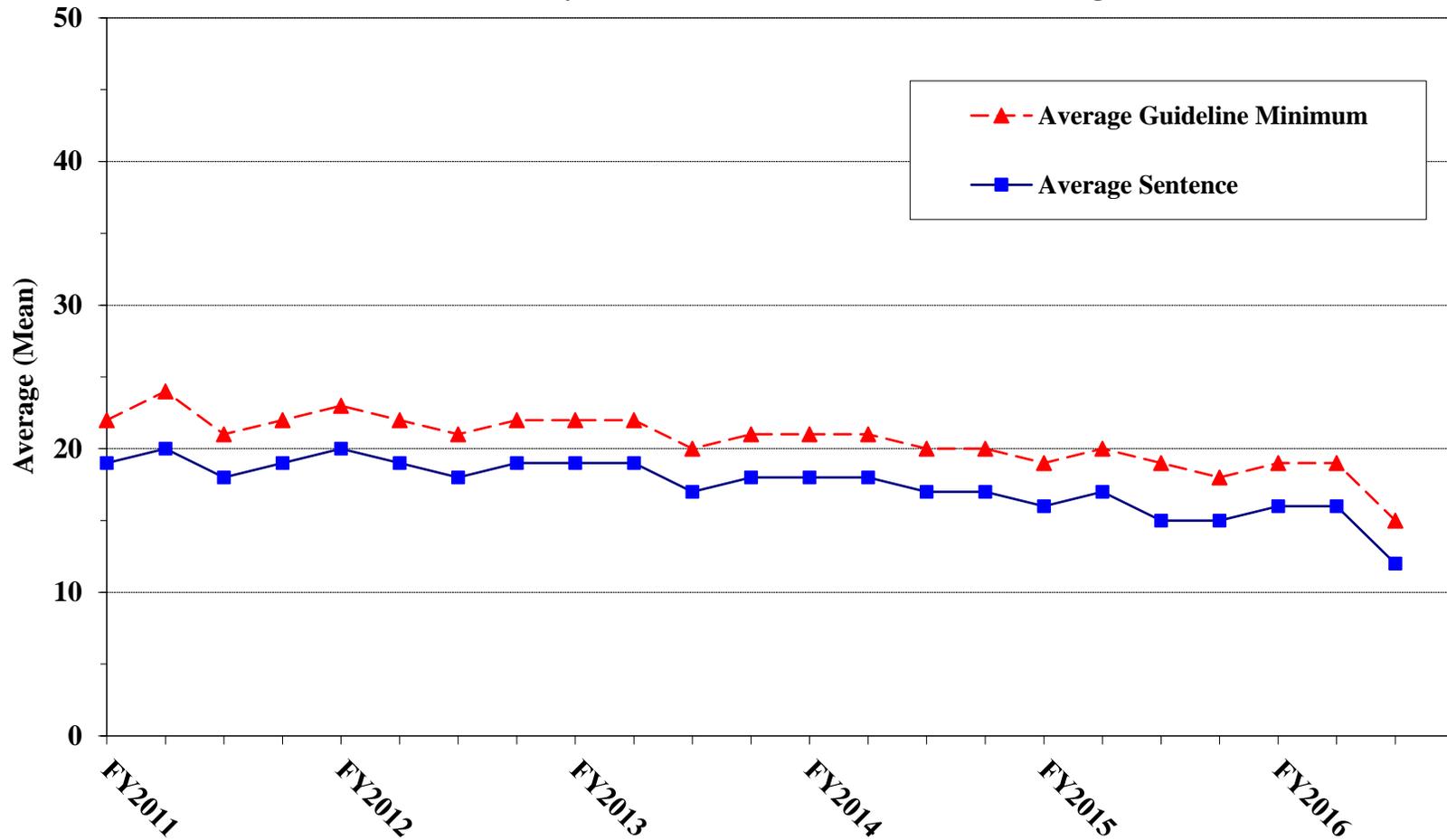


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn,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

Figure I

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

**Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)**

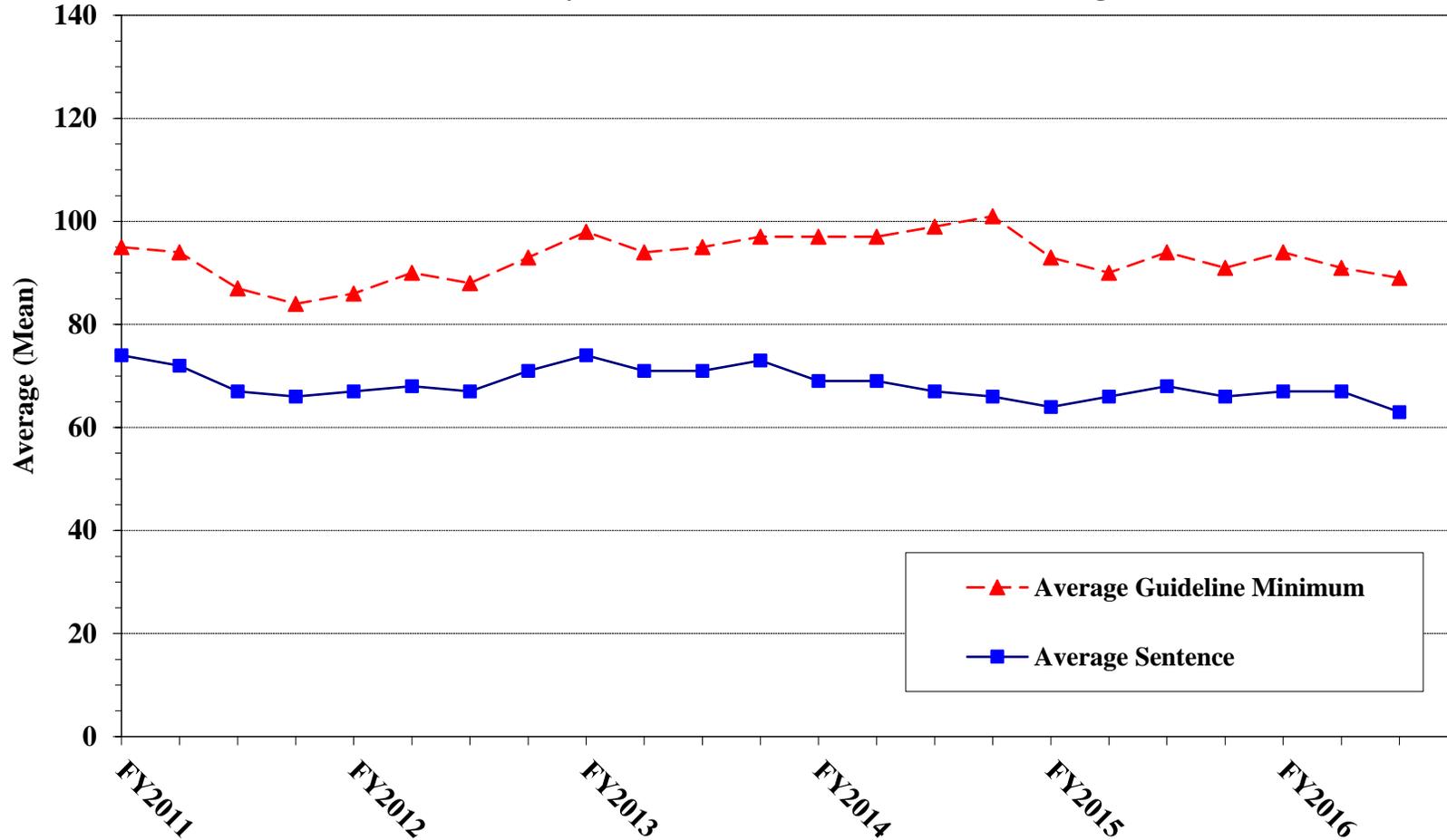


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases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

Figure J

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

**Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)**

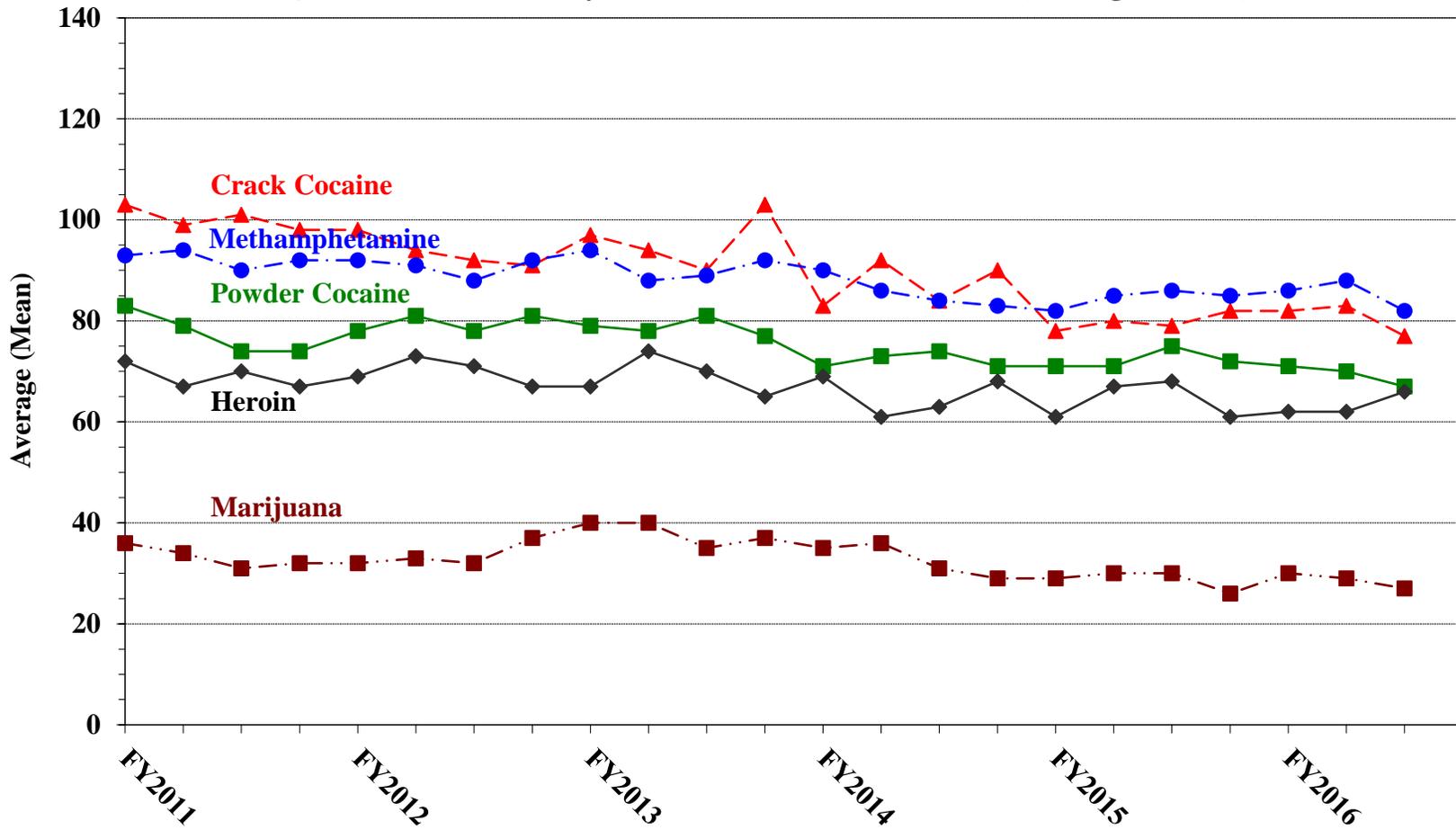


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

Figure K

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2011 - 2015,
3rd Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through June 30, 2016)



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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

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

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

Circuit

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

Citizenship Status

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

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

Degree of Decrease

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

Degree of Increase

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

District

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

Document Submission Rates

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

Downward Departure From Guideline Range

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

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

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

Drug Offense Guideline

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

Drug Type

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

Gender

Gender of the defendant is obtained from the Presentence Report.

Government Sponsored Below Range

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

Guideline Offenders Sentenced

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

Guideline Sentencing Range

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

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

Outside of the Range Attribution Categories

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

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

Primary Offense Category

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

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

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

Manslaughter includes both involuntary and voluntary manslaughter.

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

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

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

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

Arson also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child Pornography includes the 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.