

United States Sentencing Commission Quarterly Data Report



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

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2016 are available at the Commission's website, www.ussc.gov.

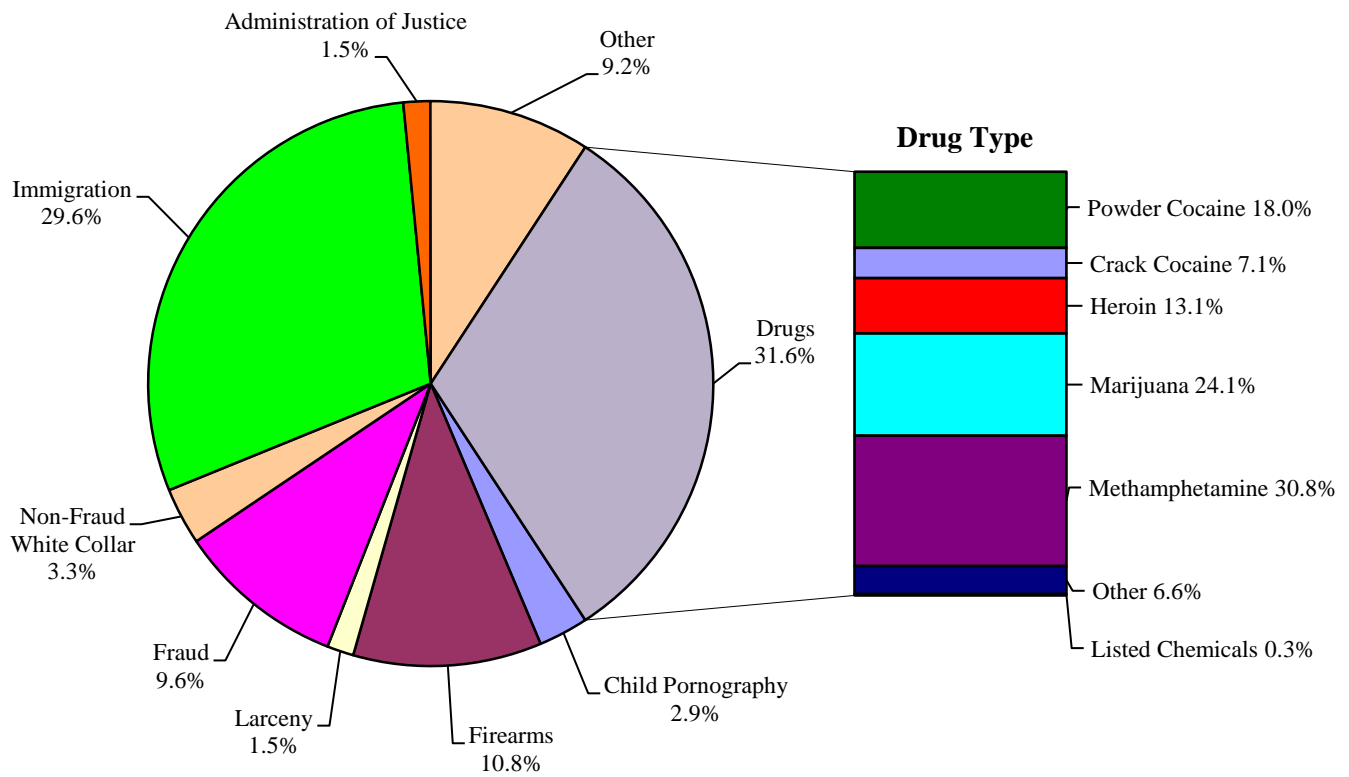
CONTENTS

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
Fiscal Year 2016



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

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

Table 1

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016

PRIMARY OFFENSE	N	%
TOTAL	67,742	100.0
Murder	85	0.1
Manslaughter	57	0.1
Kidnapping/Hostage Taking	39	0.1
Sexual Abuse	620	0.9
Assault	808	1.2
Robbery	702	1.0
Arson	46	0.1
Drugs - Trafficking	19,232	28.4
Drugs - Communication Facility	271	0.4
Drugs - Simple Possession	1,884	2.8
Firearms	7,305	10.8
Burglary/B&E	23	0.0
Auto Theft	45	0.1
Larceny	1,034	1.5
Fraud	6,517	9.6
Embezzlement	321	0.5
Forgery/Counterfeiting	450	0.7
Bribery	197	0.3
Tax	523	0.8
Money Laundering	724	1.1
Racketeering/Extortion	914	1.3
Gambling/Lottery	74	0.1
Civil Rights	43	0.1
Immigration	20,051	29.6
Child Pornography	1,937	2.9
Prison Offenses	475	0.7
Administration of Justice Offenses	1,041	1.5
Environmental/Wildlife	156	0.2
National Defense	100	0.1
Antitrust	21	0.0
Food & Drug	114	0.2
Other Miscellaneous Offenses	1,933	2.9

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

Table 2

GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2016

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	67,742	100.0			
D.C. CIRCUIT	255	0.4	FIFTH CIRCUIT	16,074	23.7
District of Columbia	255	0.4	Louisiana		
			Eastern	341	0.5
FIRST CIRCUIT	2,051	3.0	Middle	163	0.2
Maine	202	0.3	Western	252	0.4
Massachusetts	496	0.7	Mississippi		
New Hampshire	177	0.3	Northern	169	0.2
Puerto Rico	1,086	1.6	Southern	238	0.4
Rhode Island	90	0.1	Texas		
			Eastern	827	1.2
SECOND CIRCUIT	3,420	5.0	Northern	1,374	2.0
Connecticut	304	0.4	Southern	6,482	9.6
New York			Western	6,228	9.2
Eastern	796	1.2	SIXTH CIRCUIT	4,523	6.7
Northern	317	0.5	Kentucky		
Southern	1,350	2.0	Eastern	439	0.6
Western	465	0.7	Western	332	0.5
Vermont	188	0.3	Michigan		
			Eastern	901	1.3
THIRD CIRCUIT	2,095	3.1	Western	330	0.5
Delaware	72	0.1	Ohio		
New Jersey	669	1.0	Northern	585	0.9
Pennsylvania			Southern	502	0.7
Eastern	585	0.9	Tennessee		
Middle	306	0.5	Eastern	748	1.1
Western	404	0.6	Middle	220	0.3
Virgin Islands	59	0.1	Western	466	0.7
			SEVENTH CIRCUIT	2,272	3.4
FOURTH CIRCUIT	5,345	7.9	Illinois		
Maryland	733	1.1	Central	259	0.4
North Carolina			Northern	640	0.9
Eastern	651	1.0	Southern	317	0.5
Middle	423	0.6	Indiana		
Western	658	1.0	Northern	300	0.4
South Carolina	627	0.9	Southern	330	0.5
Virginia			Wisconsin		
Eastern	1,413	2.1	Eastern	301	0.4
Western	313	0.5	Western	125	0.2
West Virginia					
Northern	310	0.5			
Southern	217	0.3			

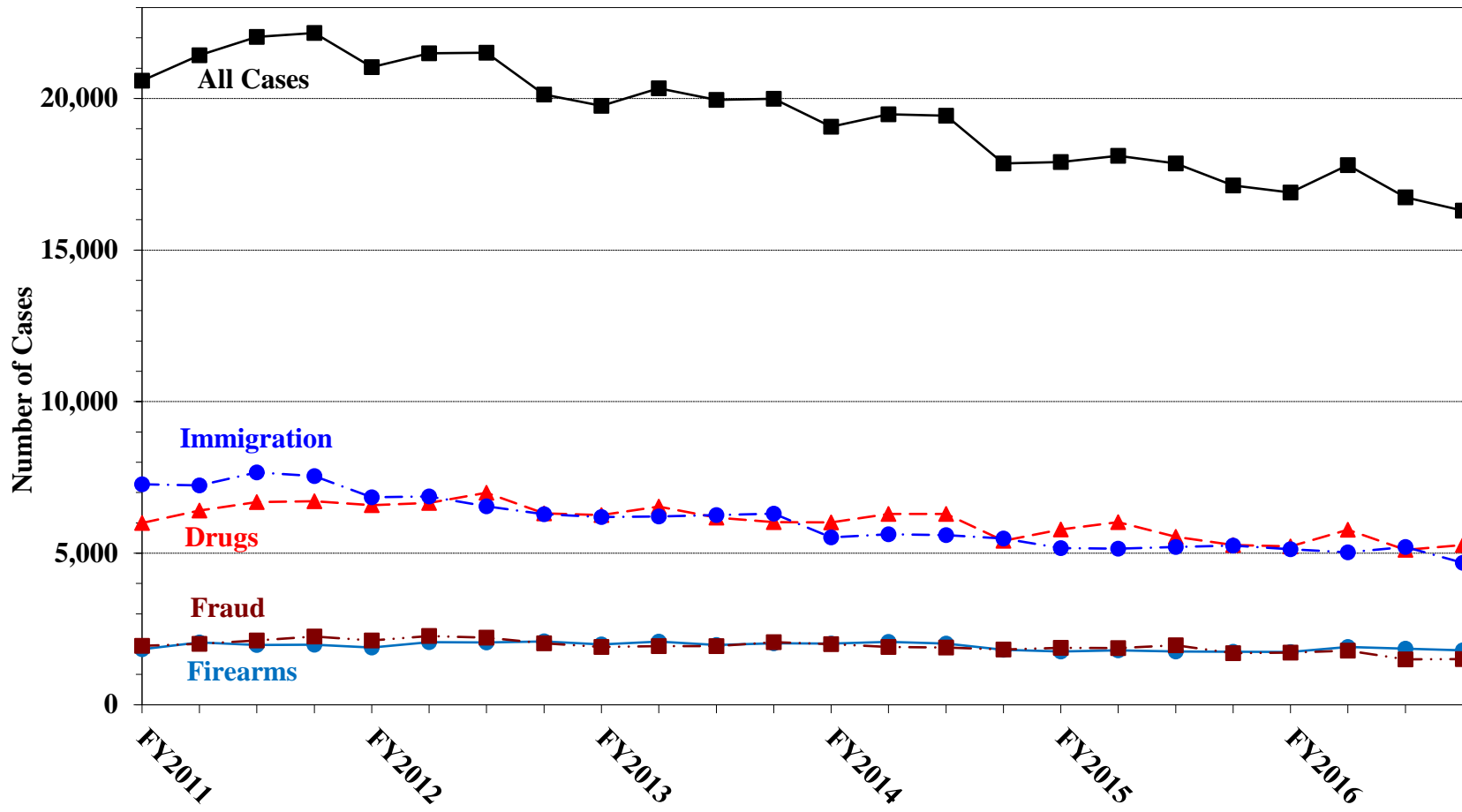
Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,744	7.0	TENTH CIRCUIT	7,505	11.1
Arkansas			Colorado	483	0.7
Eastern	378	0.6	Kansas	491	0.7
Western	253	0.4	New Mexico	4,988	7.4
Iowa			Oklahoma		
Northern	348	0.5	Eastern	100	0.1
Southern	353	0.5	Northern	213	0.3
Minnesota	494	0.7	Western	330	0.5
Missouri			Utah	684	1.0
Eastern	740	1.1	Wyoming	216	0.3
Western	835	1.2			
Nebraska	542	0.8	ELEVENTH CIRCUIT	6,060	8.9
North Dakota	361	0.5	Alabama		
South Dakota	440	0.6	Middle	157	0.2
			Northern	361	0.5
NINTH CIRCUIT	13,398	19.8	Southern	317	0.5
Alaska	182	0.3	Florida		
Arizona	5,769	8.5	Middle	1,415	2.1
California			Northern	262	0.4
Central	964	1.4	Southern	2,234	3.3
Eastern	672	1.0	Georgia		
Northern	464	0.7	Middle	368	0.5
Southern	2,849	4.2	Northern	542	0.8
Guam	67	0.1	Southern	404	0.6
Hawaii	141	0.2			
Idaho	259	0.4			
Montana	321	0.5			
Nevada	401	0.6			
Northern Mariana Islands	22	0.0			
Oregon	448	0.7			
Washington					
Eastern	305	0.5			
Western	534	0.8			

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

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

Figure B
NUMBER OF CASES IN SELECTED OFFENSE CATEGORY¹
Fiscal Years 2011 - 2016



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

Table 3

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	66,932	14,943	22.3	13,638	20.4	35,675	53.3	2,676	4.0
Murder	85	23	27.1	11	12.9	24	28.2	27	31.8
Manslaughter	57	3	5.3	3	5.3	7	12.3	44	77.2
Kidnapping/Hostage Taking	39	10	25.6	15	38.5	9	23.1	5	12.8
Sexual Abuse	620	211	34.0	189	30.5	80	12.9	140	22.6
Assault	789	172	21.8	111	14.1	136	17.2	370	46.9
Robbery	701	279	39.8	313	44.7	88	12.6	21	3.0
Arson	46	24	52.2	12	26.1	4	8.7	6	13.0
Drugs - Trafficking	19,210	4,404	22.9	4,481	23.3	9,758	50.8	567	3.0
Drugs - Communication Facility	270	98	36.3	86	31.9	78	28.9	8	3.0
Drugs - Simple Possession	1,820	196	10.8	129	7.1	1,461	80.3	34	1.9
Firearms	7,292	1,795	24.6	3,738	51.3	1,550	21.3	209	2.9
Burglary/B&E	23	5	21.7	2	8.7	0	0.0	16	69.6
Auto Theft	45	7	15.6	15	33.3	21	46.7	2	4.4
Larceny	993	435	43.8	326	32.8	156	15.7	76	7.7
Fraud	6,488	2,628	40.5	2,013	31.0	1,424	21.9	423	6.5
Embezzlement	309	173	56.0	91	29.4	20	6.5	25	8.1
Forgery/Counterfeiting	449	176	39.2	172	38.3	84	18.7	17	3.8
Bribery	197	76	38.6	58	29.4	39	19.8	24	12.2
Tax	522	273	52.3	131	25.1	75	14.4	43	8.2
Money Laundering	723	226	31.3	113	15.6	324	44.8	60	8.3
Racketeering/Extortion	912	237	26.0	363	39.8	295	32.3	17	1.9
Gambling/Lottery	74	39	52.7	5	6.8	9	12.2	21	28.4
Civil Rights	41	25	61.0	8	19.5	6	14.6	2	4.9
Immigration	19,849	366	1.8	268	1.4	19,121	96.3	94	0.5
Child Pornography	1,935	1,546	79.9	96	5.0	245	12.7	48	2.5
Prison Offenses	461	109	23.6	160	34.7	134	29.1	58	12.6
Administration of Justice Offenses	1,031	426	41.3	265	25.7	206	20.0	134	13.0
Environmental/Wildlife	146	107	73.3	10	6.8	8	5.5	21	14.4
National Defense	100	38	38.0	12	12.0	34	34.0	16	16.0
Antitrust	21	14	66.7	1	4.8	2	9.5	4	19.0
Food & Drug	113	66	58.4	8	7.1	22	19.5	17	15.0
Other Miscellaneous Offenses	1,571	756	48.1	433	27.6	255	16.2	127	8.1

¹ Of the 67,742 cases, 810 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	67,605	58,249	86.2	9,356	13.8
Murder	85	75	88.2	10	11.8
Manslaughter	57	45	78.9	12	21.1
Kidnapping/Hostage Taking	39	36	92.3	3	7.7
Sexual Abuse	620	569	91.8	51	8.2
Assault	806	675	83.7	131	16.3
Robbery	702	632	90.0	70	10.0
Arson	46	41	89.1	5	10.9
Drugs - Trafficking	19,231	16,275	84.6	2,956	15.4
Drugs - Communication Facility	271	198	73.1	73	26.9
Drugs - Simple Possession	1,878	1,668	88.8	210	11.2
Firearms	7,305	7,080	96.9	225	3.1
Burglary/B&E	23	21	91.3	2	8.7
Auto Theft	45	44	97.8	1	2.2
Larceny	1,021	617	60.4	404	39.6
Fraud	6,516	4,415	67.8	2,101	32.2
Embezzlement	318	139	43.7	179	56.3
Forgery/Counterfeiting	450	328	72.9	122	27.1
Bribery	197	165	83.8	32	16.2
Tax	523	379	72.5	144	27.5
Money Laundering	724	542	74.9	182	25.1
Racketeering/Extortion	914	816	89.3	98	10.7
Gambling/Lottery	74	64	86.5	10	13.5
Civil Rights	43	36	83.7	7	16.3
Immigration	20,000	18,502	92.5	1,498	7.5
Child Pornography	1,937	1,904	98.3	33	1.7
Prison Offenses	475	420	88.4	55	11.6
Administration of Justice Offenses	1,038	829	79.9	209	20.1
Environmental/Wildlife	155	145	93.5	10	6.5
National Defense	100	93	93.0	7	7.0
Antitrust	21	20	95.2	1	4.8
Food & Drug	114	95	83.3	19	16.7
Other Miscellaneous Offenses	1,877	1,381	73.6	496	26.4

¹ Of the 67,742 cases, 137 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	67,202	39,192	58.3	28,010	41.7
Murder	84	65	77.4	19	22.6
Manslaughter	57	54	94.7	3	5.3
Kidnapping/Hostage Taking	39	37	94.9	2	5.1
Sexual Abuse	619	585	94.5	34	5.5
Assault	790	721	91.3	69	8.7
Robbery	702	679	96.7	23	3.3
Arson	46	45	97.8	1	2.2
Drugs - Trafficking	19,216	13,657	71.1	5,559	28.9
Drugs - Communication Facility	271	232	85.6	39	14.4
Drugs - Simple Possession	1,844	518	28.1	1,326	71.9
Firearms	7,299	6,873	94.2	426	5.8
Burglary/B&E	23	23	100.0	0	0.0
Auto Theft	45	42	93.3	3	6.7
Larceny	1,000	923	92.3	77	7.7
Fraud	6,490	5,338	82.2	1,152	17.8
Embezzlement	308	298	96.8	10	3.2
Forgery/Counterfeiting	449	404	90.0	45	10.0
Bribery	197	181	91.9	16	8.1
Tax	522	480	92.0	42	8.0
Money Laundering	724	479	66.2	245	33.8
Racketeering/Extortion	914	805	88.1	109	11.9
Gambling/Lottery	74	68	91.9	6	8.1
Civil Rights	42	41	97.6	1	2.4
Immigration	20,038	1,679	8.4	18,359	91.6
Child Pornography	1,936	1,860	96.1	76	3.9
Prison Offenses	457	416	91.0	41	9.0
Administration of Justice Offenses	1,023	911	89.1	112	10.9
Environmental/Wildlife	144	128	88.9	16	11.1
National Defense	100	65	65.0	35	35.0
Antitrust	20	19	95.0	1	5.0
Food & Drug	113	96	85.0	17	15.0
Other Miscellaneous Offenses	1,616	1,470	91.0	146	9.0

¹ Of the 67,742 cases, 540 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	44	21	67,740
Murder	241	210	85
Manslaughter	69	60	57
Kidnapping/Hostage Taking	239	213	39
Sexual Abuse	144	120	620
Assault	29	16	808
Robbery	73	60	702
Arson	65	60	46
Drugs - Trafficking	66	48	19,231
Drugs - Communication Facility	27	24	271
Drugs - Simple Possession	4	6	1,884
Firearms	75	51	7,305
Burglary/B&E	12	10	23
Auto Theft	94	46	45
Larceny	8	0	1,034
Fraud	25	13	6,517
Embezzlement	8	0	321
Forgery/Counterfeiting	18	12	450
Bribery	22	12	197
Tax	13	10	523
Money Laundering	30	18	724
Racketeering/Extortion	85	57	914
Gambling/Lottery	5	0	74
Civil Rights	27	12	43
Immigration	13	8	20,051
Child Pornography	145	97	1,937
Prison Offenses	13	10	475
Administration of Justice Offenses	18	12	1,040
Environmental/Wildlife	3	0	156
National Defense	55	33	100
Antitrust	4	0	21
Food & Drug	8	0	114
Other Miscellaneous Offenses	18	0	1,933

¹ Of the 67,742 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.

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 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	67,238	60,708	90.3	58,832	87.5	1,876	2.8	6,530	9.7	1,654	2.5	4,876	7.3
Murder	85	85	100.0	81	95.3	4	4.7	0	0.0	0	0.0	0	0.0
Manslaughter	57	56	98.2	53	93.0	3	5.3	1	1.8	1	1.8	0	0.0
Kidnapping/Hostage Taking	39	38	97.4	37	94.9	1	2.6	1	2.6	0	0.0	1	2.6
Sexual Abuse	620	607	97.9	589	95.0	18	2.9	13	2.1	3	0.5	10	1.6
Assault	800	665	83.1	614	76.8	51	6.4	135	16.9	28	3.5	107	13.4
Robbery	702	688	98.0	658	93.7	30	4.3	14	2.0	7	1.0	7	1.0
Arson	46	43	93.5	43	93.5	0	0.0	3	6.5	1	2.2	2	4.3
Drugs - Trafficking	19,229	18,460	96.0	17,913	93.2	547	2.8	769	4.0	257	1.3	512	2.7
Drugs - Communication Facility	271	204	75.3	194	71.6	10	3.7	67	24.7	15	5.5	52	19.2
Drugs - Simple Possession	1,839	1,600	87.0	1,596	86.8	4	0.2	239	13.0	12	0.7	227	12.3
Firearms	7,297	6,985	95.7	6,806	93.3	179	2.5	312	4.3	117	1.6	195	2.7
Burglary/B&E	23	19	82.6	14	60.9	5	21.7	4	17.4	2	8.7	2	8.7
Auto Theft	45	40	88.9	37	82.2	3	6.7	5	11.1	0	0.0	5	11.1
Larceny	987	414	41.9	374	37.9	40	4.1	573	58.1	134	13.6	439	44.5
Fraud	6,491	5,078	78.2	4,666	71.9	412	6.3	1,413	21.8	458	7.1	955	14.7
Embezzlement	314	130	41.4	112	35.7	18	5.7	184	58.6	39	12.4	145	46.2
Forgery/Counterfeiting	449	360	80.2	325	72.4	35	7.8	89	19.8	26	5.8	63	14.0
Bribery	196	151	77.0	138	70.4	13	6.6	45	23.0	21	10.7	24	12.2
Tax	523	314	60.0	273	52.2	41	7.8	209	40.0	62	11.9	147	28.1
Money Laundering	724	569	78.6	533	73.6	36	5.0	155	21.4	37	5.1	118	16.3
Racketeering/Extortion	913	847	92.8	829	90.8	18	2.0	66	7.2	24	2.6	42	4.6
Gambling/Lottery	74	25	33.8	20	27.0	5	6.8	49	66.2	9	12.2	40	54.1
Civil Rights	43	25	58.1	25	58.1	0	0.0	18	41.9	8	18.6	10	23.3
Immigration	20,046	19,195	95.8	18,986	94.7	209	1.0	851	4.2	147	0.7	704	3.5
Child Pornography	1,936	1,915	98.9	1,877	97.0	38	2.0	21	1.1	7	0.4	14	0.7
Prison Offenses	474	455	96.0	426	89.9	29	6.1	19	4.0	5	1.1	14	3.0
Administration of Justice Offenses	1,033	795	77.0	735	71.2	60	5.8	238	23.0	52	5.0	186	18.0
Environmental/Wildlife	138	29	21.0	28	20.3	1	0.7	109	79.0	18	13.0	91	65.9
National Defense	100	91	91.0	87	87.0	4	4.0	9	9.0	1	1.0	8	8.0
Antitrust	21	10	47.6	10	47.6	0	0.0	11	52.4	0	0.0	11	52.4
Food & Drug	110	38	34.5	29	26.4	9	8.2	72	65.5	13	11.8	59	53.6
Other Miscellaneous Offenses	1,613	777	48.2	724	44.9	53	3.3	836	51.8	150	9.3	686	42.5

¹ Of the 67,742 cases, 504 were excluded due to one of the following reasons: the offender received neither imprisonment nor probation (503), 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
Fiscal Year 2016**

	N	%
TOTAL CASES	66,961	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	32,519	48.6
CASES SENTENCED ABOVE GUIDELINE RANGE	1,617	2.4
DEPARTURE ABOVE GUIDELINE RANGE	419	0.6
Upward Departure From Guideline Range ²	317	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	102	0.2
OTHERWISE ABOVE GUIDELINE RANGE	1,198	1.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,131	1.7
All Remaining Cases Above Guideline Range ⁵	67	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	18,882	28.2
§5K1.1 Substantial Assistance Departure	7,443	11.1
§5K3.1 Early Disposition Program Departure	5,960	8.9
Other Government Sponsored Below Range	5,479	8.2
NON-GOVERNMENT SPONSORED BELOW RANGE	13,943	20.8
DEPARTURE BELOW GUIDELINE RANGE	1,868	2.8
Downward Departure From Guideline Range ²	1,321	2.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	547	0.8
OTHERWISE BELOW GUIDELINE RANGE	12,075	18.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,684	17.4
All Remaining Cases Below Guideline Range ⁵	391	0.6

¹ This table reflects the 67,742 cases sentenced in fiscal year 2016. Of these, 781 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, 2016 Datafile, USSCFY16.

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2016

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
TOTAL	66,961	32,519	48.6	1,617	2.4	18,882	28.2	13,943	20.8
D.C. CIRCUIT	255	71	27.8	4	1.6	106	41.6	74	29.0
District of Columbia	255	71	27.8	4	1.6	106	41.6	74	29.0
FIRST CIRCUIT	2,046	1,001	48.9	99	4.8	502	24.5	444	21.7
Maine	201	75	37.3	6	3.0	54	26.9	66	32.8
Massachusetts	495	136	27.5	7	1.4	186	37.6	166	33.5
New Hampshire	177	82	46.3	11	6.2	44	24.9	40	22.6
Puerto Rico	1,083	680	62.8	74	6.8	193	17.8	136	12.6
Rhode Island	90	28	31.1	1	1.1	25	27.8	36	40.0
SECOND CIRCUIT	3,407	946	27.8	44	1.3	998	29.3	1,419	41.6
Connecticut	304	81	26.6	7	2.3	84	27.6	132	43.4
New York									
Eastern	796	176	22.1	12	1.5	271	34.0	337	42.3
Northern	306	155	50.7	1	0.3	58	19.0	92	30.1
Southern	1,350	300	22.2	13	1.0	337	25.0	700	51.9
Western	463	196	42.3	11	2.4	164	35.4	92	19.9
Vermont	188	38	20.2	0	0.0	84	44.7	66	35.1
THIRD CIRCUIT	2,090	813	38.9	36	1.7	717	34.3	524	25.1
Delaware	71	18	25.4	0	0.0	30	42.3	23	32.4
New Jersey	667	258	38.7	6	0.9	238	35.7	165	24.7
Pennsylvania									
Eastern	584	173	29.6	11	1.9	241	41.3	159	27.2
Middle	305	158	51.8	4	1.3	73	23.9	70	23.0
Western	404	160	39.6	14	3.5	130	32.2	100	24.8
Virgin Islands	59	46	78.0	1	1.7	5	8.5	7	11.9
FOURTH CIRCUIT	5,210	2,880	55.3	166	3.2	1,133	21.7	1,031	19.8
Maryland	707	216	30.6	40	5.7	317	44.8	134	19.0
North Carolina									
Eastern	569	333	58.5	23	4.0	132	23.2	81	14.2
Middle	423	242	57.2	12	2.8	68	16.1	101	23.9
Western	655	339	51.8	14	2.1	197	30.1	105	16.0
South Carolina	626	341	54.5	17	2.7	142	22.7	126	20.1
Virginia									
Eastern	1,406	964	68.6	31	2.2	99	7.0	312	22.2
Western	311	147	47.3	14	4.5	93	29.9	57	18.3
West Virginia									
Northern	310	184	59.4	8	2.6	52	16.8	66	21.3
Southern	203	114	56.2	7	3.4	33	16.3	49	24.1

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	15,900	10,038	63.1	403	2.5	2,366	14.9	3,093	19.5
Louisiana									
Eastern	337	183	54.3	6	1.8	70	20.8	78	23.1
Middle	162	76	46.9	6	3.7	27	16.7	53	32.7
Western	225	148	65.8	7	3.1	20	8.9	50	22.2
Mississippi									
Northern	161	86	53.4	8	5.0	34	21.1	33	20.5
Southern	235	161	68.5	5	2.1	39	16.6	30	12.8
Texas									
Eastern	827	555	67.1	29	3.5	204	24.7	39	4.7
Northern	1,372	867	63.2	73	5.3	245	17.9	187	13.6
Southern	6,479	3,713	57.3	113	1.7	929	14.3	1,724	26.6
Western	6,102	4,249	69.6	156	2.6	798	13.1	899	14.7
SIXTH CIRCUIT	4,497	1,928	42.9	100	2.2	1,429	31.8	1,040	23.1
Kentucky									
Eastern	439	264	60.1	13	3.0	67	15.3	95	21.6
Western	332	139	41.9	5	1.5	141	42.5	47	14.2
Michigan									
Eastern	895	302	33.7	12	1.3	253	28.3	328	36.6
Western	330	185	56.1	14	4.2	55	16.7	76	23.0
Ohio									
Northern	583	255	43.7	12	2.1	157	26.9	159	27.3
Southern	502	144	28.7	13	2.6	231	46.0	114	22.7
Tennessee									
Eastern	748	361	48.3	17	2.3	286	38.2	84	11.2
Middle	206	56	27.2	5	2.4	112	54.4	33	16.0
Western	462	222	48.1	9	1.9	127	27.5	104	22.5
SEVENTH CIRCUIT	2,269	817	36.0	53	2.3	531	23.4	868	38.3
Illinois									
Central	259	82	31.7	14	5.4	76	29.3	87	33.6
Northern	640	169	26.4	8	1.3	102	15.9	361	56.4
Southern	314	196	62.4	7	2.2	53	16.9	58	18.5
Indiana									
Northern	300	146	48.7	4	1.3	72	24.0	78	26.0
Southern	330	124	37.6	9	2.7	114	34.5	83	25.2
Wisconsin									
Eastern	301	57	18.9	8	2.7	99	32.9	137	45.5
Western	125	43	34.4	3	2.4	15	12.0	64	51.2
EIGHTH CIRCUIT	4,728	2,092	44.2	151	3.2	1,180	25.0	1,305	27.6
Arkansas									
Eastern	372	178	47.8	14	3.8	52	14.0	128	34.4
Western	253	113	44.7	10	4.0	52	20.6	78	30.8
Iowa									
Northern	348	214	61.5	22	6.3	61	17.5	51	14.7
Southern	353	97	27.5	3	0.8	145	41.1	108	30.6
Minnesota	494	148	30.0	10	2.0	106	21.5	230	46.6
Missouri									
Eastern	740	341	46.1	20	2.7	200	27.0	179	24.2
Western	826	340	41.2	40	4.8	209	25.3	237	28.7
Nebraska	541	276	51.0	11	2.0	125	23.1	129	23.8
North Dakota	361	121	33.5	6	1.7	181	50.1	53	14.7
South Dakota	440	264	60.0	15	3.4	49	11.1	112	25.5

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
NINTH CIRCUIT	13,149	4,609	35.1	380	2.9	6,297	47.9	1,863	14.2
Alaska	177	64	36.2	4	2.3	65	36.7	44	24.9
Arizona	5,540	2,414	43.6	254	4.6	2,517	45.4	355	6.4
California									
Central	964	294	30.5	14	1.5	369	38.3	287	29.8
Eastern	669	286	42.8	18	2.7	190	28.4	175	26.2
Northern	464	174	37.5	10	2.2	115	24.8	165	35.6
Southern	2,847	423	14.9	26	0.9	2,098	73.7	300	10.5
Guam	67	40	59.7	0	0.0	23	34.3	4	6.0
Hawaii	141	59	41.8	1	0.7	51	36.2	30	21.3
Idaho	259	112	43.2	3	1.2	74	28.6	70	27.0
Montana	317	105	33.1	7	2.2	80	25.2	125	39.4
Nevada	399	204	51.1	10	2.5	106	26.6	79	19.8
Northern Mariana Islands	22	15	68.2	1	4.5	4	18.2	2	9.1
Oregon	447	140	31.3	6	1.3	207	46.3	94	21.0
Washington									
Eastern	303	106	35.0	14	4.6	131	43.2	52	17.2
Western	533	173	32.5	12	2.3	267	50.1	81	15.2
TENTH CIRCUIT	7,456	4,130	55.4	63	0.8	2,490	33.4	773	10.4
Colorado	482	182	37.8	12	2.5	195	40.5	93	19.3
Kansas	473	201	42.5	12	2.5	204	43.1	56	11.8
New Mexico	4,970	3,169	63.8	17	0.3	1,511	30.4	273	5.5
Oklahoma									
Eastern	100	72	72.0	1	1.0	19	19.0	8	8.0
Northern	211	73	34.6	2	0.9	60	28.4	76	36.0
Western	327	159	48.6	5	1.5	36	11.0	127	38.8
Utah	677	185	27.3	10	1.5	379	56.0	103	15.2
Wyoming	216	89	41.2	4	1.9	86	39.8	37	17.1
ELEVENTH CIRCUIT	5,954	3,194	53.6	118	2.0	1,133	19.0	1,509	25.3
Alabama									
Middle	152	78	51.3	5	3.3	41	27.0	28	18.4
Northern	359	195	54.3	4	1.1	80	22.3	80	22.3
Southern	317	191	60.3	3	0.9	56	17.7	67	21.1
Florida									
Middle	1,414	642	45.4	17	1.2	322	22.8	433	30.6
Northern	253	107	42.3	10	4.0	51	20.2	85	33.6
Southern	2,174	1,273	58.6	58	2.7	222	10.2	621	28.6
Georgia									
Middle	354	248	70.1	5	1.4	57	16.1	44	12.4
Northern	527	147	27.9	12	2.3	248	47.1	120	22.8
Southern	404	313	77.5	4	1.0	56	13.9	31	7.7

¹ Of the 67,742 cases, 781 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 (12.6%), Western Louisiana (10.7%), Southern West Virginia (6.5%), and Middle Tennessee (6.4%). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 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	66,961	32,519	48.6	1,617	2.4	7,443	11.1	5,960	8.9	5,479	8.2	13,943	20.8
Murder	85	36	42.4	1	1.2	24	28.2	0	0.0	17	20.0	7	8.2
Manslaughter	57	26	45.6	18	31.6	0	0.0	0	0.0	7	12.3	6	10.5
Kidnapping/Hostage Taking	39	18	46.2	2	5.1	4	10.3	0	0.0	9	23.1	6	15.4
Sexual Abuse	619	267	43.1	47	7.6	52	8.4	0	0.0	121	19.5	132	21.3
Assault	783	422	53.9	57	7.3	8	1.0	4	0.5	141	18.0	151	19.3
Robbery	701	365	52.1	37	5.3	56	8.0	0	0.0	72	10.3	171	24.4
Arson	46	26	56.5	3	6.5	11	23.9	0	0.0	4	8.7	2	4.3
Drugs - Trafficking	19,222	6,921	36.0	229	1.2	4,342	22.6	1,280	6.7	2,043	10.6	4,407	22.9
Drugs - Communication Facility	271	137	50.6	8	3.0	29	10.7	7	2.6	24	8.9	66	24.4
Drugs - Simple Possession	1,624	1,466	90.3	145	8.9	1	0.1	1	0.1	4	0.2	7	0.4
Firearms	7,293	3,836	52.6	345	4.7	711	9.7	9	0.1	712	9.8	1,680	23.0
Burglary/B&E	23	10	43.5	1	4.3	0	0.0	0	0.0	2	8.7	10	43.5
Auto Theft	45	27	60.0	2	4.4	5	11.1	1	2.2	2	4.4	8	17.8
Larceny	978	571	58.4	20	2.0	57	5.8	0	0.0	113	11.6	217	22.2
Fraud	6,389	2,730	42.7	137	2.1	1,073	16.8	12	0.2	575	9.0	1,862	29.1
Embezzlement	310	175	56.5	6	1.9	10	3.2	0	0.0	35	11.3	84	27.1
Forgery/Counterfeiting	449	256	57.0	14	3.1	47	10.5	1	0.2	41	9.1	90	20.0
Bribery	197	35	17.8	4	2.0	67	34.0	0	0.0	22	11.2	69	35.0
Tax	521	120	23.0	8	1.5	69	13.2	5	1.0	73	14.0	246	47.2
Money Laundering	722	200	27.7	9	1.2	191	26.5	7	1.0	119	16.5	196	27.1
Racketeering/Extortion	913	347	38.0	45	4.9	187	20.5	0	0.0	126	13.8	208	22.8
Gambling/Lottery	74	23	31.1	0	0.0	10	13.5	1	1.4	14	18.9	26	35.1
Civil Rights	41	14	34.1	1	2.4	8	19.5	0	0.0	6	14.6	12	29.3
Immigration	19,969	11,616	58.2	322	1.6	214	1.1	4,624	23.2	451	2.3	2,742	13.7
Child Pornography	1,937	563	29.1	39	2.0	55	2.8	0	0.0	410	21.2	870	44.9
Prison Offenses	464	309	66.6	12	2.6	12	2.6	2	0.4	64	13.8	65	14.0
Administration of Justice Offenses	1,029	520	50.5	55	5.3	53	5.2	4	0.4	107	10.4	290	28.2
Environmental/Wildlife	137	79	57.7	0	0.0	11	8.0	0	0.0	22	16.1	25	18.2
National Defense	100	29	29.0	3	3.0	27	27.0	0	0.0	17	17.0	24	24.0
Antitrust	21	1	4.8	0	0.0	15	71.4	0	0.0	2	9.5	3	14.3
Food & Drug	113	70	61.9	2	1.8	12	10.6	0	0.0	13	11.5	16	14.2
Other Miscellaneous Offenses	1,789	1,304	72.9	45	2.5	82	4.6	2	0.1	111	6.2	245	13.7

¹ Of the 67,742 cases, 781 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
Fiscal Year 2016

Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below	Below	Below	Below			Gdln	Gdln	Below	Below	Below	Below
		Range	Range	§5K1.1	§5K3.1	Other	Range			Range	Range	§5K1.1	§5K3.1	Other	Range
§2A1.1	224	86	5	77	0	36	20	§2D1.8	19	5	0	7	0	0	7
§2A1.2	52	23	7	6	0	10	6	§2D1.9	0	0	0	0	0	0	0
§2A1.3	27	14	10	0	0	2	1	§2D1.10	12	2	0	1	0	4	5
§2A1.4	41	18	11	0	0	6	6	§2D1.11	76	21	0	17	0	19	19
§2A1.5	38	6	2	7	0	13	10	§2D1.12	6	3	0	0	0	2	1
§2A2.1	80	35	5	11	0	11	18	§2D1.13	2	2	0	0	0	0	0
§2A2.2	365	160	45	6	1	76	77	§2D1.14	0	0	0	0	0	0	0
§2A2.3	77	55	5	0	0	5	12	§2D2.1	229	218	5	1	0	1	4
§2A2.4	178	98	6	1	2	34	37	§2D2.2	53	40	1	6	0	1	5
§2A3.1	147	66	6	12	0	38	25	§2D2.3	0	0	0	0	0	0	0
§2A3.2	33	10	10	0	0	7	6	§2D3.1	2	2	0	0	0	0	0
§2A3.3	12	8	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0
§2A3.4	34	18	6	0	0	4	6	§2D3.3	0	0	0	0	0	0	0
§2A3.5	427	247	22	3	1	36	118	§2D3.4	0	0	0	0	0	0	0
§2A4.1	73	32	4	14	0	13	10	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	56	21	1	15	0	4	15
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	0	1	0	0	0	1
§2A5.2	32	17	2	0	0	3	10	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	11	3	0	3	0	4	1
§2A6.1	135	70	6	1	0	17	41	§2E1.5	0	0	0	0	0	0	0
§2A6.2	36	14	2	1	0	10	9	§2E2.1	11	5	0	3	0	1	2
§2B1.1	7,103	3,165	165	1,045	8	682	2,038	§2E3.1	80	27	0	10	1	14	28
§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	18	2	0	6	0	3	7	§2E4.1	28	5	0	9	0	1	13
§2B1.5	21	9	1	2	0	4	5	§2E5.1	0	0	0	0	0	0	0
§2B1.6 ²	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	40	22	2	1	0	2	13	§2E5.3	5	5	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	7	7	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,581	715	103	243	0	165	355	§2E5.6	0	0	0	0	0	0	0
§2B3.2	63	17	2	10	0	3	31	§2F1.1	2	1	0	0	0	1	0
§2B3.3	18	6	2	4	0	3	3	§2F1.2	0	0	0	0	0	0	0
§2B4.1	83	34	0	19	0	2	28	§2G1.1	70	34	10	10	0	6	10
§2B5.1	280	163	8	31	0	20	58	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	418	172	22	52	0	72	100
§2B5.3	84	20	0	16	0	14	34	§2G2.1	425	166	11	28	0	102	118
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,591	429	31	28	0	330	773
§2B6.1	2	1	0	0	0	0	1	§2G2.3	1	1	0	0	0	0	0
§2C1.1	260	51	4	84	0	40	81	§2G2.4	0	0	0	0	0	0	0
§2C1.2	24	4	0	13	0	0	7	§2G2.5	0	0	0	0	0	0	0
§2C1.3	4	4	0	0	0	0	0	§2G2.6	4	2	0	1	0	1	0
§2C1.4	0	0	0	0	0	0	0	§2G3.1	25	17	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	46	11	0	13	0	5	17
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	4	0	0	3	0	0	1	§2H1.3	0	0	0	0	0	0	0
§2D1.1	19,197	6,928	261	4,281	1,287	2,000	4,440	§2H1.4	0	0	0	0	0	0	0
§2D1.2	328	217	3	28	1	31	48	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1
§2D1.4	0	0	0	0	0	0	0	§2H3.1	3	1	0	0	0	0	2
§2D1.5	12	3	0	6	0	1	2	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	6	6	0	0	0	0	0
§2D1.7	6	1	0	4	0	0	1	§2H4.1	9	0	4	2	0	1	2

Table 11 (cont.)

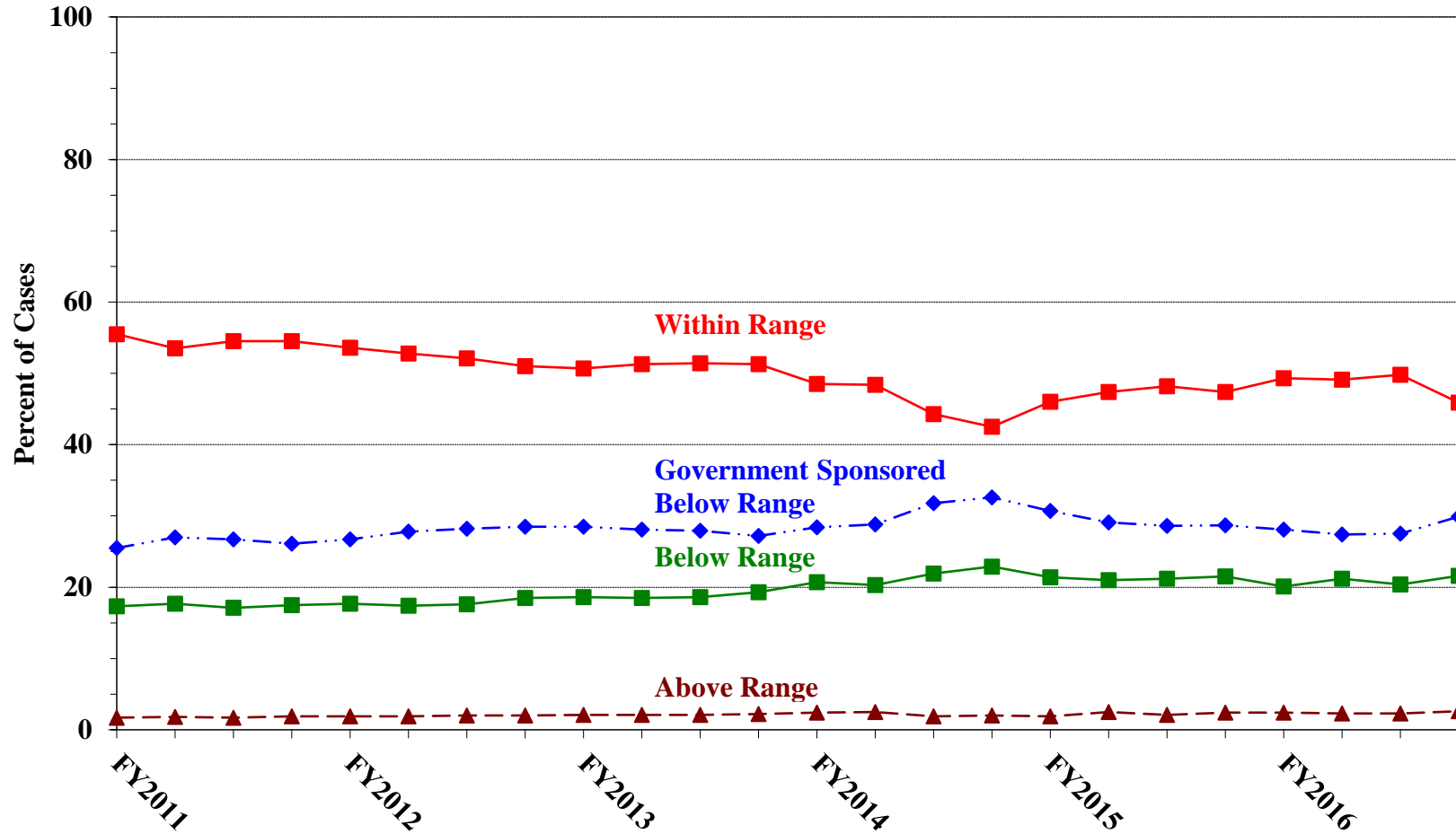
Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below	Below	Other	Below			Gdln	Gdln	Below	Below	Other	Below
		Range	Range	§5K1.1	§5K3.1	Other	Range			Range	Range	§5K1.1	§5K3.1	Other	Range
§2H4.2	0	0	0	0	0	0	0	§2M5.2	100	30	2	26	4	15	23
§2J1.1	0	0	0	0	0	0	0	§2M5.3	18	4	0	1	0	4	9
§2J1.2	131	43	10	15	1	14	48	§2M6.1	3	2	0	0	0	0	1
§2J1.3	40	10	1	2	0	5	22	§2M6.2	0	0	0	0	0	0	0
§2J1.4	17	14	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	41	26	2	0	0	2	11	§2N1.3	1	1	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	43	41	1	0	0	1	0
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	264	181	6	1	1	23	52
§2K1.1	4	4	0	0	0	0	0	§2P1.2	119	72	6	4	0	30	7
§2K1.2	0	0	0	0	0	0	0	§2P1.3	11	5	0	6	0	0	0
§2K1.3	20	9	1	3	0	2	5	§2P1.4	0	0	0	0	0	0	0
§2K1.4	63	32	2	13	0	5	11	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	25	6	0	4	0	8	7
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	24	4	1	5	0	9	5
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	5,706	3,099	224	395	7	537	1,444	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	1	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	84	41	0	8	0	12	23
§2K2.4 ³	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	10	8	2	0	0	0	0	§2R1.1	19	0	0	16	0	1	2
§2K2.6	3	3	0	0	0	0	0	§2S1.1	1,083	265	11	350	3	179	275
§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	257	92	5	45	6	50	59
§2L1.1	2,423	1,042	32	142	817	103	287	§2S1.4	0	0	0	0	0	0	0
§2L1.2	15,810	9,352	268	62	3,573	311	2,244	§2T1.1	414	94	4	57	0	58	201
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	130	62	0	13	1	12	42	§2T1.3	0	0	0	0	0	0	0
§2L2.2	767	562	15	5	44	16	125	§2T1.4	181	51	3	31	0	20	76
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	47	8	1	2	0	7	29
§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	7	2	0	2	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	10	4	1	4	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	1	0	0	0	0	0	1	§2X1.1	13	7	0	2	0	1	3
§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	82	27	6	15	0	12	22
§2M3.6	0	0	0	0	0	0	0	§2X4.1	289	129	16	27	2	39	76
§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	177	162	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	2	0	0	0	0	2	0
§2M5.1	11	1	1	4	0	3	2	§2X7.2	4	3	0	0	0	0	1
TOTAL	62,807	29,049	1,432	7,402	5,760	5,348	13,816								

¹ Of the 67,742 cases, 4,935 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 (781) or missing guideline applied (4,921). Descriptions of variables used in this table are provided in Appendix A.

² In 996 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 996 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,009 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,009 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 - 2016

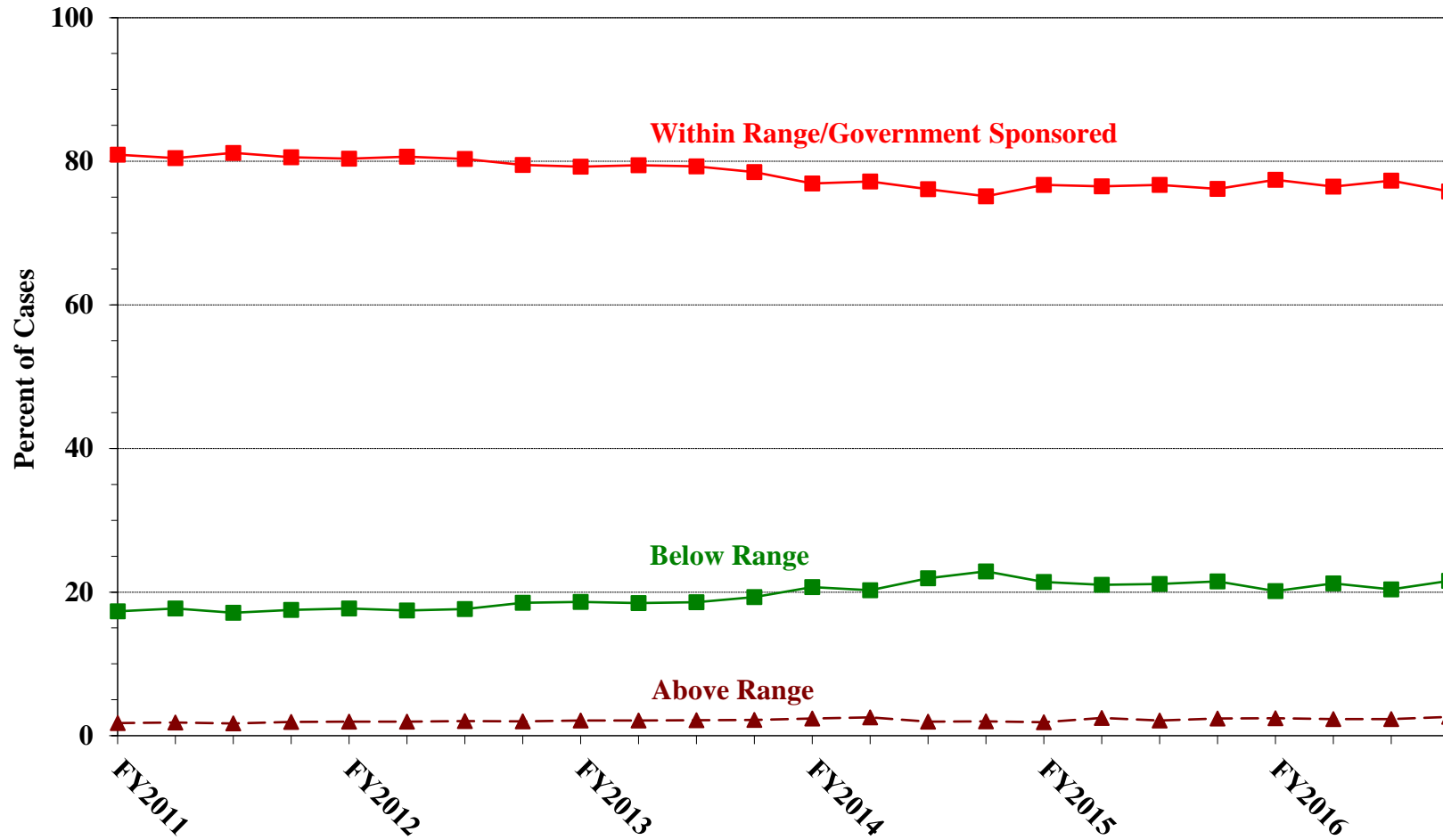


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure D

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

Fiscal Years 2011 - 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 - 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	49.3	28.1	20.1	2.4
2nd Quarter	49.1	27.4	21.2	2.3
3rd Quarter	49.8	27.5	20.4	2.3
4th Quarter	45.9	29.9	21.6	2.6

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

Table 13

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2016

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		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	34,442	7,459	21.7	6,117	17.8	5,458	15.8	6,391	18.6	781	2.3
Above Range	1,617	16	1.0	10	0.6	310	19.2	139	8.6	7	0.4
Upward Departure From Guideline Range	317	0	0.0	0	0.0	126	39.7	53	16.7	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	102	0	0.0	0	0.0	11	10.8	8	7.8	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,131	0	0.0	0	0.0	163	14.4	72	6.4	6	0.5
All Remaining Cases Above Guideline Range	67	16	23.9	10	14.9	10	14.9	6	9.0	0	0.0
Government Sponsored Below Range	18,882	7,443	39.4	6,107	32.3	5,148	27.3	6,252	33.1	774	4.1
§5K1.1 Substantial Assistance Departure	7,443	7,443	100.0	147	2.0	354	4.8	2,101	28.2	38	0.5
§5K3.1 Early Disposition Program Departure	5,960	0	0.0	5,960	100.0	2,747	46.1	2,608	43.8	373	6.3
Other Government Sponsored Below Range	5,479	0	0.0	0	0.0	2,047	37.4	1,543	28.2	363	6.6
Non-Government Sponsored Below Range	13,943	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,321	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	547	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	11,684	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	391	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	4,860	14.1	5,819	16.9	5,705	16.6	966	2.8	5,008	14.5	2,841	8.2
Above Range	250	15.5	10	0.6	10	0.6	15	0.9	583	36.1	364	22.5
Upward Departure From Guideline Range	48	15.1	1	0.3	2	0.6	5	1.6	76	24.0	35	11.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	36	35.3	1	1.0	3	2.9	1	1.0	53	52.0	6	5.9
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	161	14.2	6	0.5	5	0.4	9	0.8	447	39.5	285	25.2
All Remaining Cases Above Guideline Range	5	7.5	2	3.0	0	0.0	0	0.0	7	10.4	38	56.7
Government Sponsored Below Range	4,610	24.4	1,647	8.7	1,182	6.3	951	5.0	1,155	6.1	176	0.9
§5K1.1 Substantial Assistance Departure	3,573	48.0	715	9.6	478	6.4	242	3.3	567	7.6	0	0.0
§5K3.1 Early Disposition Program Departure	178	3.0	428	7.2	462	7.8	68	1.1	360	6.0	0	0.0
Other Government Sponsored Below Range	859	15.7	504	9.2	242	4.4	641	11.7	228	4.2	176	3.2
Non-Government Sponsored Below Range	0	0.0	4,162	29.9	4,513	32.4	0	0.0	3,270	23.5	2,301	16.5
Downward Departure From Guideline Range	0	0.0	630	47.7	257	19.5	0	0.0	263	19.9	191	14.5
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	174	31.8	210	38.4	0	0.0	180	32.9	68	12.4
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	3,358	28.7	4,043	34.6	0	0.0	2,818	24.1	1,663	14.2
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	3	0.8	0	0.0	9	2.3	379	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, 13,392 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	7,173	36	32	50.0
Murder	9	150	120	51.7
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	3	179	78	33.3
Sexual Abuse	50	72	72	46.4
Assault	8	31	8	18.6
Robbery	55	45	30	34.9
Arson	11	28	24	51.2
Drugs - Trafficking	4,215	47	41	47.1
Drugs - Communication Facility	28	0	33	100.0
Drugs - Simple Possession	1	--	--	--
Firearms	665	54	36	48.8
Burglary/B&E	0	--	--	--
Auto Theft	5	38	14	59.5
Larceny	56	2	12	94.4
Fraud	1,036	8	21	75.0
Embezzlement	9	12	14	60.0
Forgery/Counterfeiting	45	11	10	47.6
Bribery	64	12	21	67.4
Tax	67	0	12	100.0
Money Laundering	186	12	30	72.2
Racketeering/Extortion	168	36	35	51.3
Gambling/Lottery	10	0	9	100.0
Civil Rights	8	12	17	61.0
Immigration	213	12	12	50.0
Child Pornography	53	120	78	37.5
Prison Offenses	12	23	22	42.8
Administration of Justice Offenses	53	0	15	100.0
Environmental/Wildlife	11	0	12	100.0
National Defense	26	17	31	67.4
Antitrust	15	0	8	100.0
Food & Drug	12	0	33	100.0
Other Miscellaneous Offenses	79	6	18	83.8

¹ Of the 67,742 cases, 7,443 received a §5K1.1 substantial assistance departure. Of these, 7,242 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 61 cases were also excluded from this table. Of the remaining 7,181 cases, eight were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,674	12	8	47.1
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	5	6	44.8
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,222	24	28	54.3
Drugs - Communication Facility	7	24	24	50.0
Drugs - Simple Possession	1	--	--	--
Firearms	9	24	11	42.9
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	11	18	6	53.5
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	5	30	24	57.1
Money Laundering	7	6	6	45.5
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	4,397	9	6	42.5
Child Pornography	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	4	6	9	71.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹ Of the 67,742 cases, 5,960 received a §5K3.1 early disposition program departure. Of these, 5,674 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.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,230	32	20	42.7
Murder	16	144	54	25.8
Manslaughter	7	24	9	37.5
Kidnapping/Hostage Taking	6	138	114	39.6
Sexual Abuse	109	96	44	33.3
Assault	131	18	12	45.5
Robbery	72	50	22	30.6
Arson	4	0	25	99.9
Drugs - Trafficking	1,972	60	31	37.5
Drugs - Communication Facility	24	6	25	77.5
Drugs - Simple Possession	1	--	--	--
Firearms	691	46	18	32.1
Burglary/B&E	2	--	--	--
Auto Theft	2	--	--	--
Larceny	101	0	10	100.0
Fraud	557	12	12	60.3
Embezzlement	33	0	9	100.0
Forgery/Counterfeiting	39	8	9	55.4
Bribery	22	11	12	75.5
Tax	69	0	12	100.0
Money Laundering	116	5	17	69.5
Racketeering/Extortion	118	75	31	34.6
Gambling/Lottery	14	0	6	100.0
Civil Rights	5	1	12	83.3
Immigration	420	12	10	44.6
Child Pornography	403	78	54	40.0
Prison Offenses	53	12	7	33.3
Administration of Justice Offenses	102	0	12	100.0
Environmental/Wildlife	18	0	10	100.0
National Defense	17	24	24	40.0
Antitrust	1	--	--	--
Food & Drug	11	0	24	100.0
Other Miscellaneous Offenses	94	0	11	100.0

¹ Of the 67,742 cases, 5,479 received an other government sponsored downward departure. Of these, 5,275 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 40 cases were also excluded from this table. Of the remaining 5,235 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
Fiscal Year 2016**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	13,555	24	15	37.0
Murder	7	102	24	19.8
Manslaughter	6	16	14	46.6
Kidnapping/Hostage Taking	6	121	66	33.3
Sexual Abuse	109	96	31	30.6
Assault	141	12	9	42.7
Robbery	167	40	15	27.0
Arson	2	--	--	--
Drugs - Trafficking	4,309	42	18	31.4
Drugs - Communication Facility	65	3	12	93.8
Drugs - Simple Possession	6	1	3	95.2
Firearms	1,647	36	14	26.3
Burglary/B&E	10	5	8	77.7
Auto Theft	8	42	7	18.3
Larceny	210	0	10	100.0
Fraud	1,814	12	12	50.0
Embezzlement	84	0	10	99.9
Forgery/Counterfeiting	87	7	9	58.3
Bribery	69	12	12	53.8
Tax	241	0	12	100.0
Money Laundering	187	14	15	56.1
Racketeering/Extortion	200	36	17	32.3
Gambling/Lottery	26	0	8	100.0
Civil Rights	10	6	18	70.6
Immigration	2,652	15	10	40.0
Child Pornography	860	74	52	38.5
Prison Offenses	59	6	7	50.0
Administration of Justice Offenses	283	6	10	61.9
Environmental/Wildlife	19	0	10	100.0
National Defense	24	38	38	40.2
Antitrust	3	6	6	40.0
Food & Drug	16	12	24	65.7
Other Miscellaneous Offenses	228	0	10	98.1

¹ Of the 67,742 cases, 13,943 were otherwise sentenced below the guideline range. Of these, 13,621 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 56 cases were also excluded from this table. Of the remaining 13,565 cases, ten were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2016**

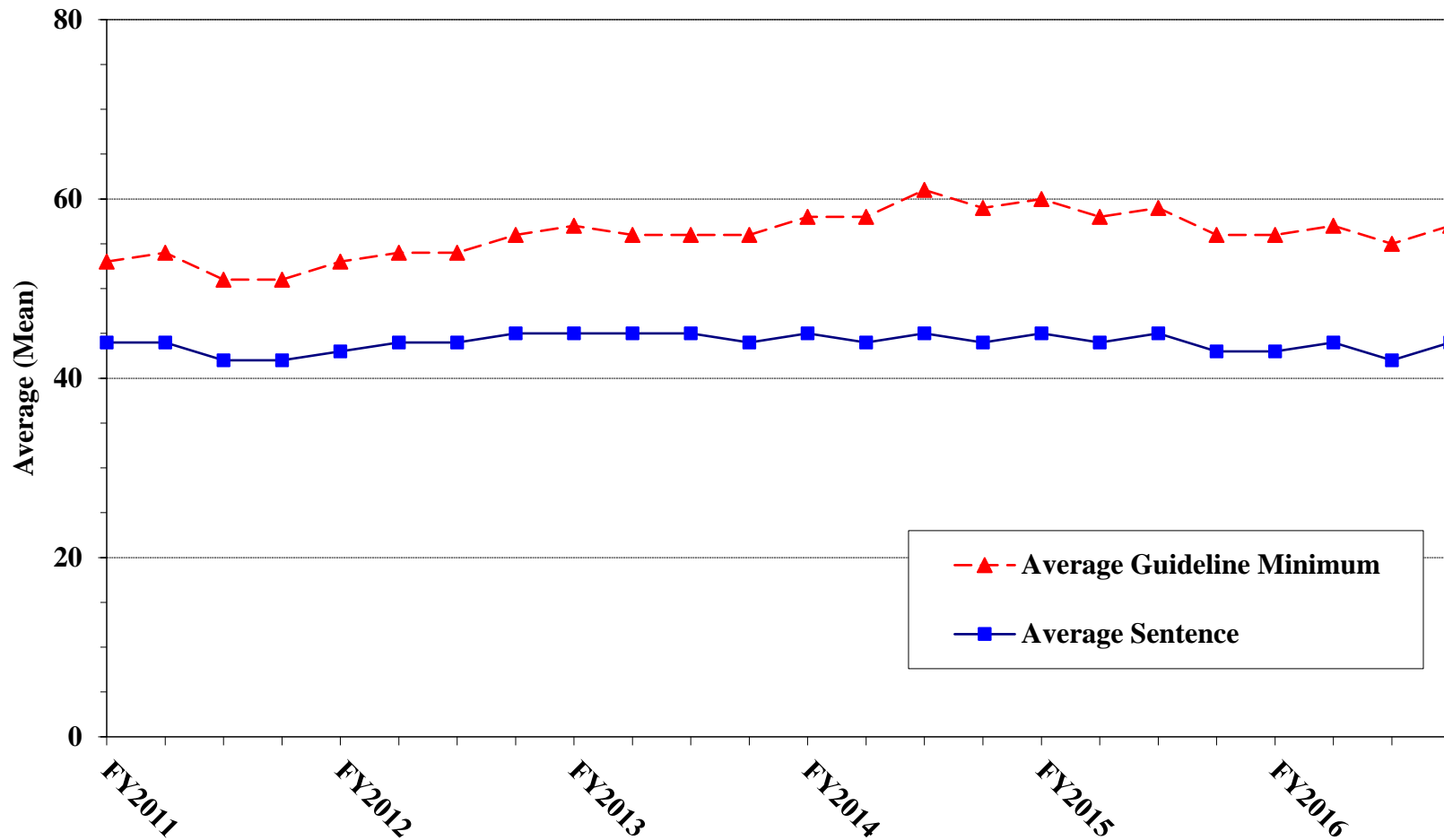
PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	1,369	58	14	36.7
Murder	1	--	--	--
Manslaughter	18	108	35	53.8
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	45	138	24	30.4
Assault	51	80	21	40.7
Robbery	35	127	29	31.4
Arson	3	121	50	70.4
Drugs - Trafficking	221	66	13	25.9
Drugs - Communication Facility	7	42	12	29.7
Drugs - Simple Possession	5	12	5	71.9
Firearms	297	96	21	30.4
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	19	36	10	50.0
Fraud	125	48	13	42.9
Embezzlement	5	24	3	50.0
Forgery/Counterfeiting	14	48	17	74.6
Bribery	4	93	21	30.5
Tax	8	44	12	41.4
Money Laundering	9	48	14	66.7
Racketeering/Extortion	44	114	29	30.0
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	310	24	6	50.0
Child Pornography	33	168	24	19.0
Prison Offenses	11	36	10	71.4
Administration of Justice Offenses	51	36	12	50.0
Environmental/Wildlife	0	--	--	--
National Defense	3	97	26	36.6
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	42	39	10	61.1

¹ Of the 67,742 cases, 1,617 were sentenced above the guideline range. Of these, 1,419 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, 48 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure E

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

Fiscal Years 2011 - 2016

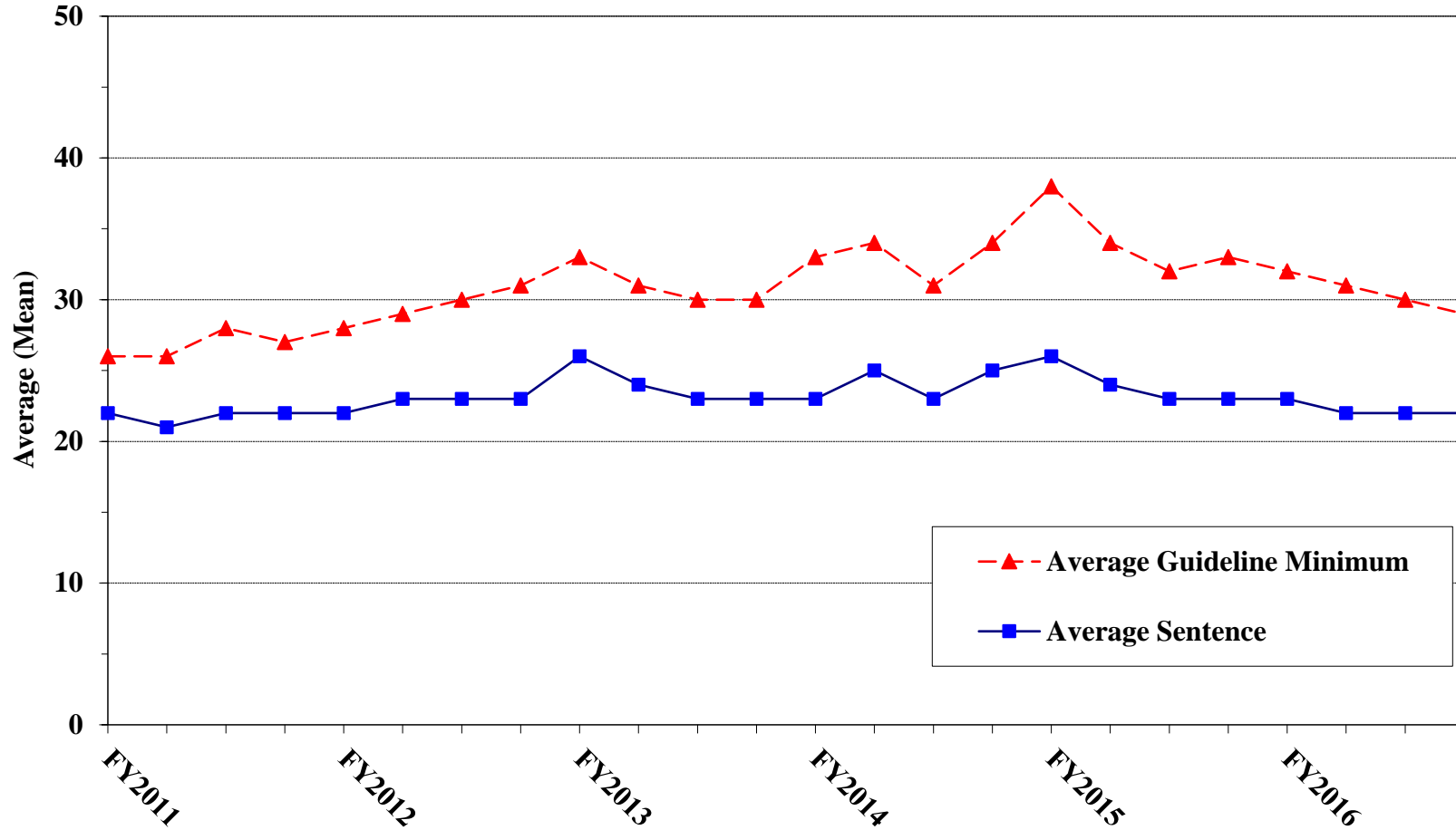


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 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 - 2016

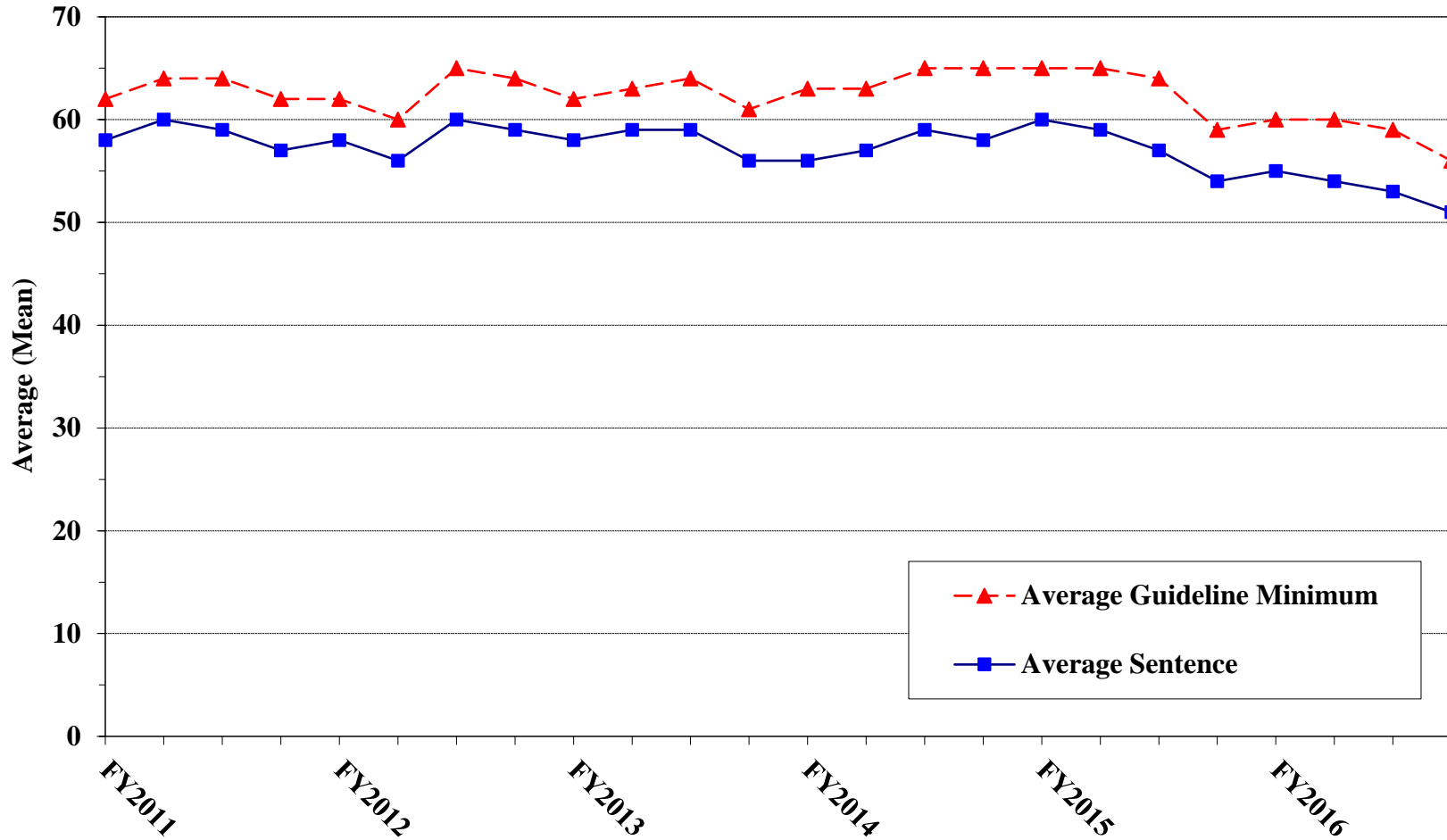


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 - 2016

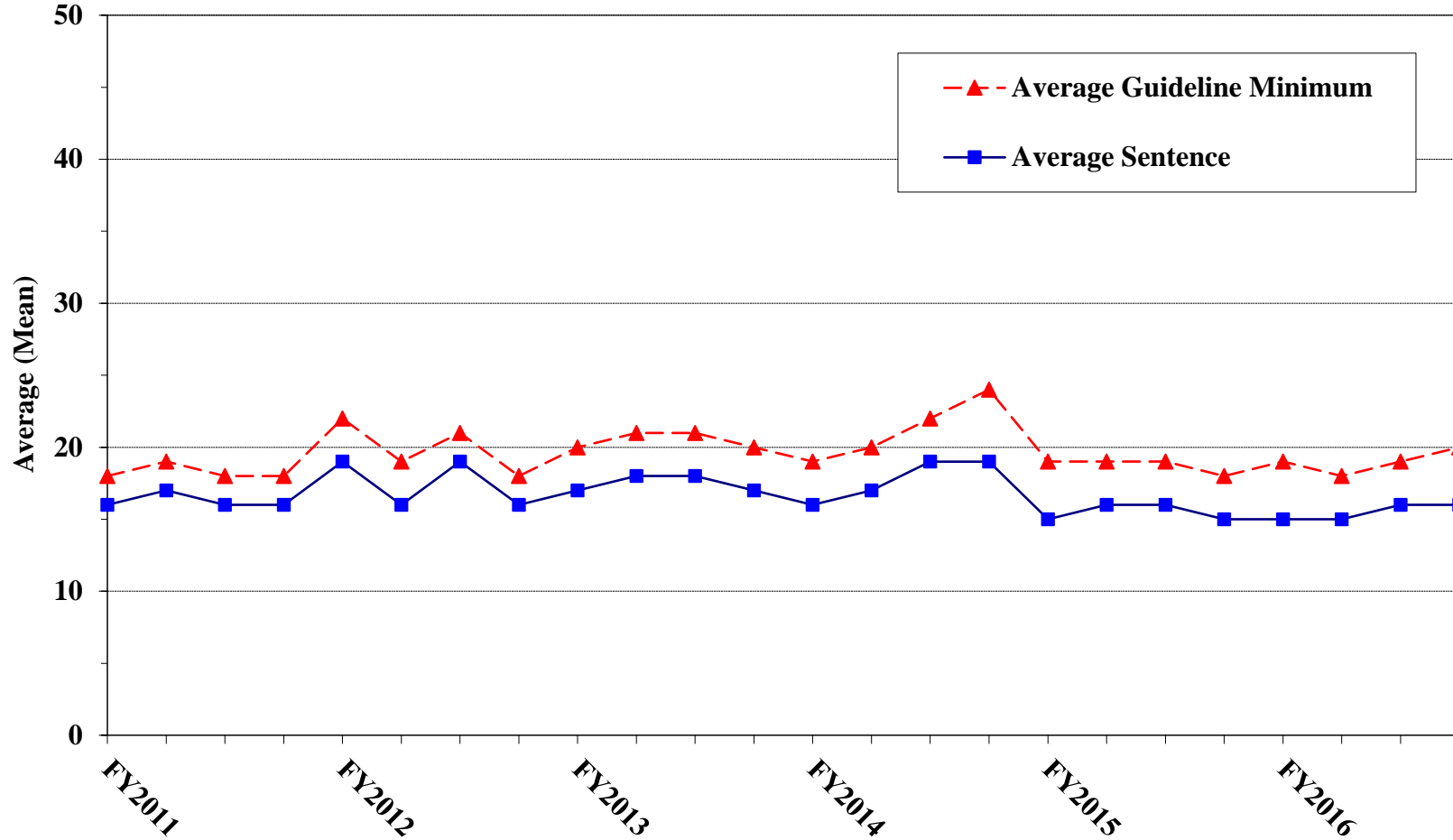


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 - 2016

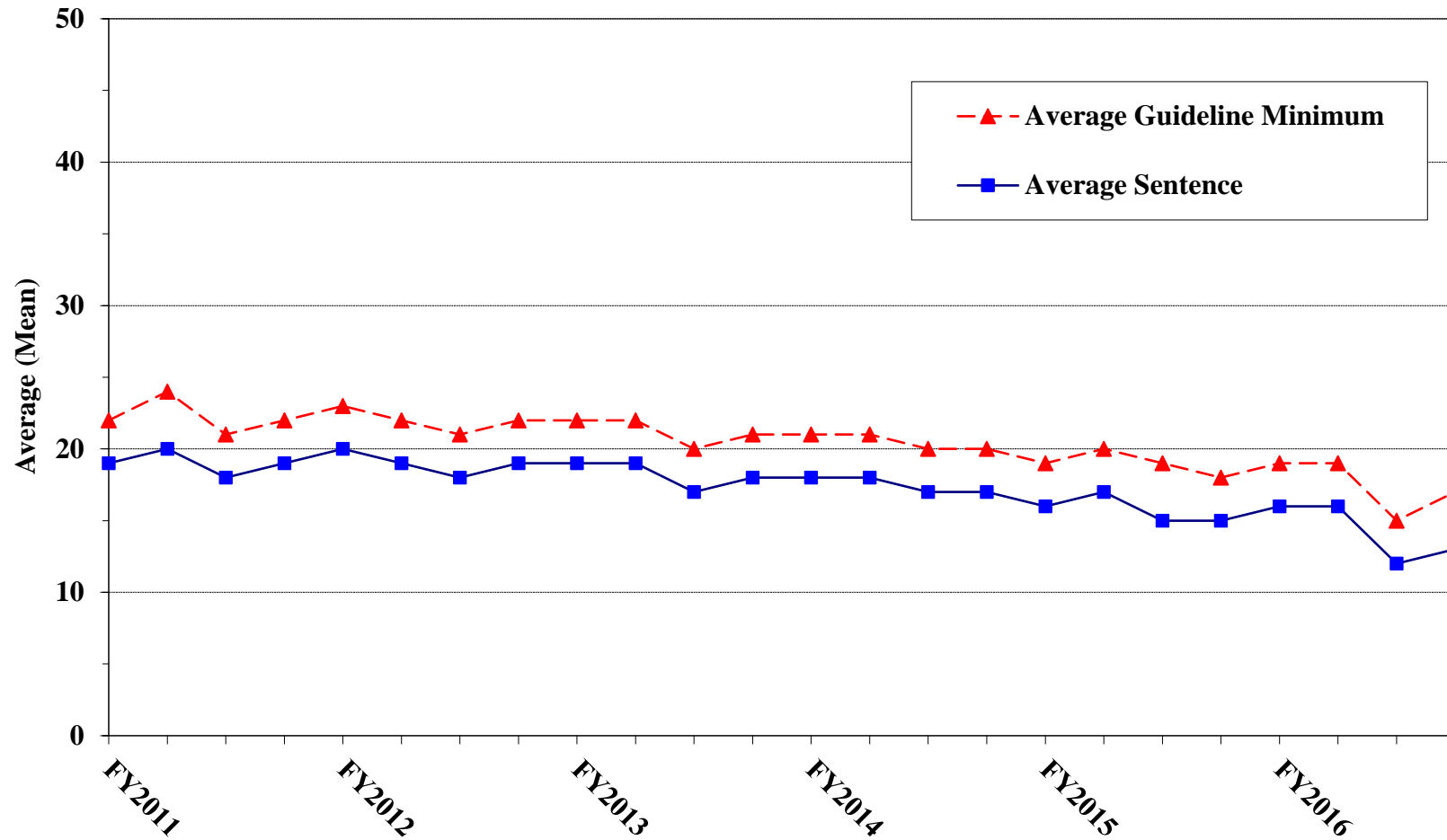


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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 - 2016

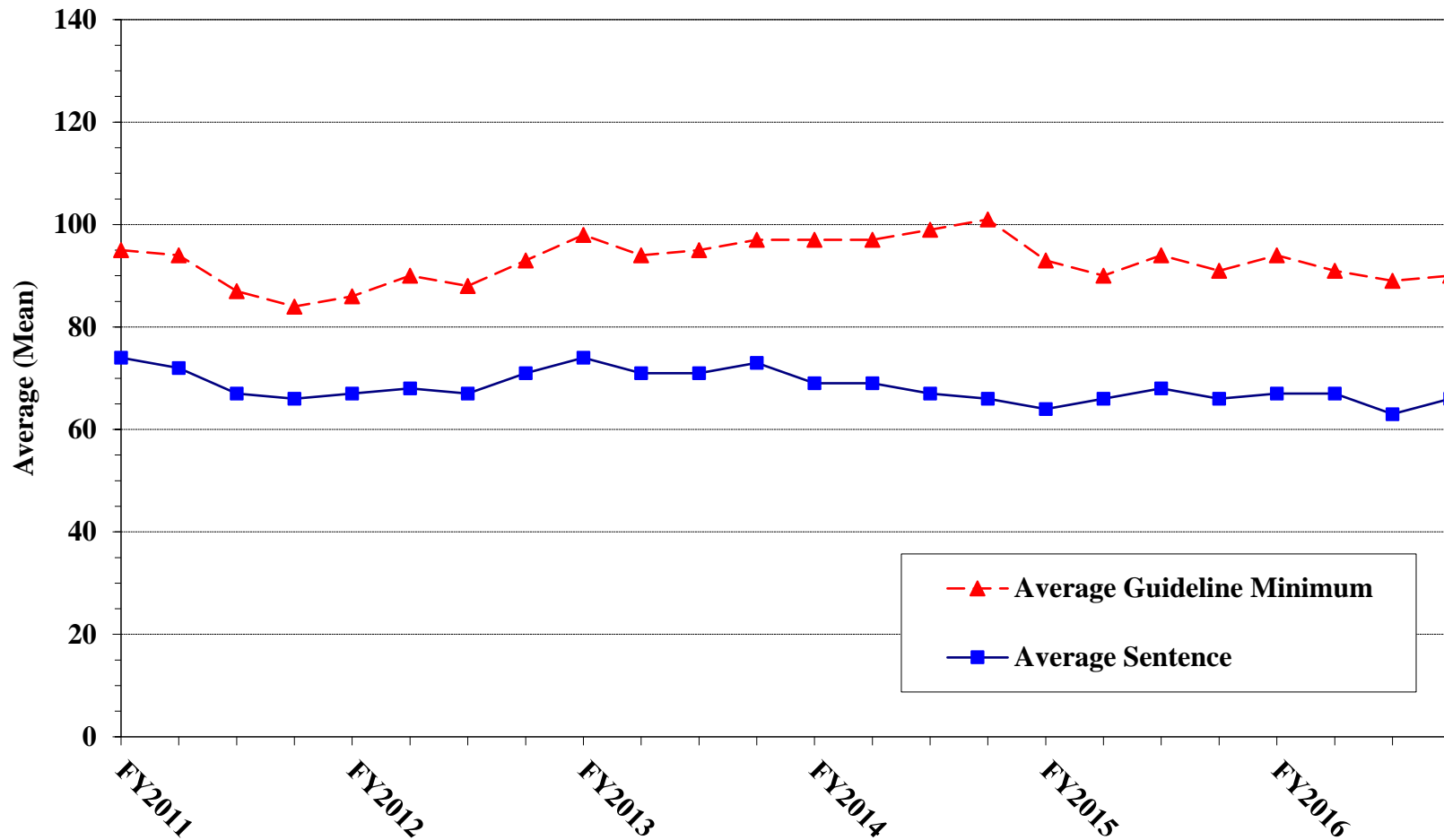


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases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

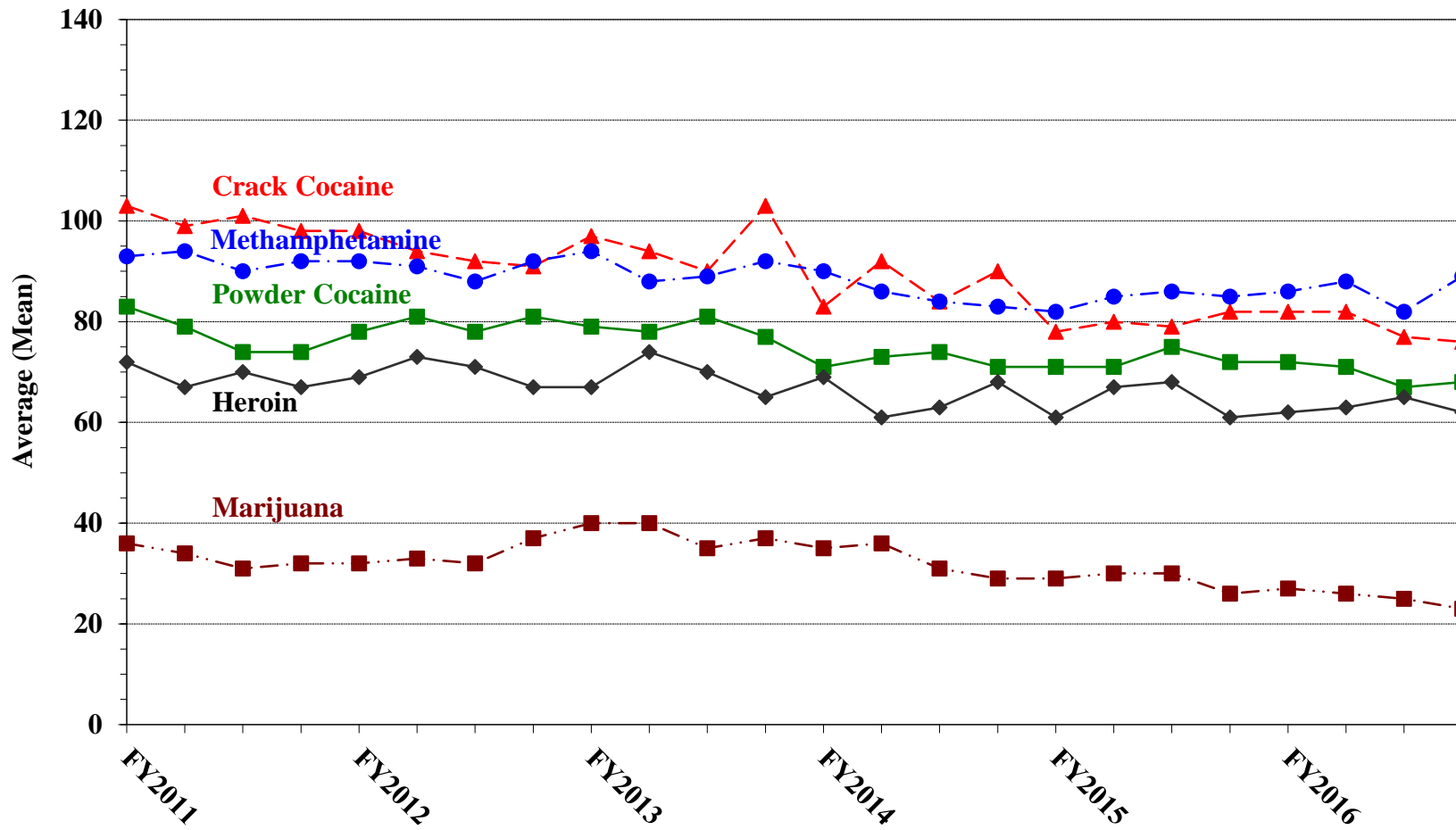
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹

Fiscal Years 2011 - 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 - 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.