

**United
States
Sentencing
Commission**



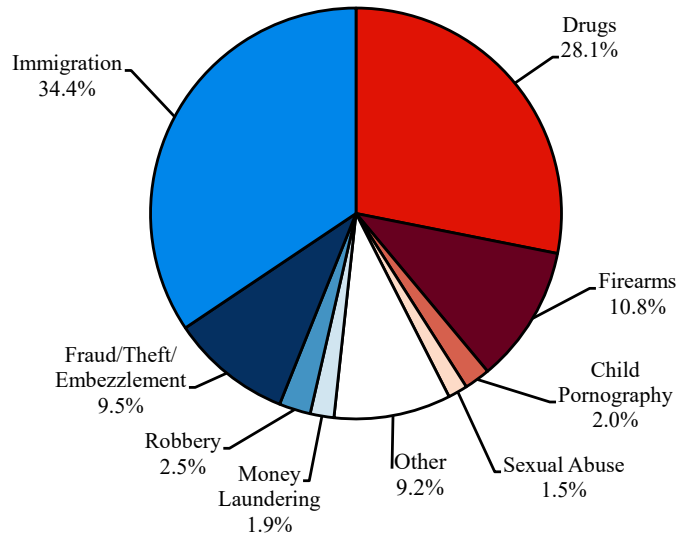
Statistical Information Packet
Fiscal Year 2018
Western District of New York

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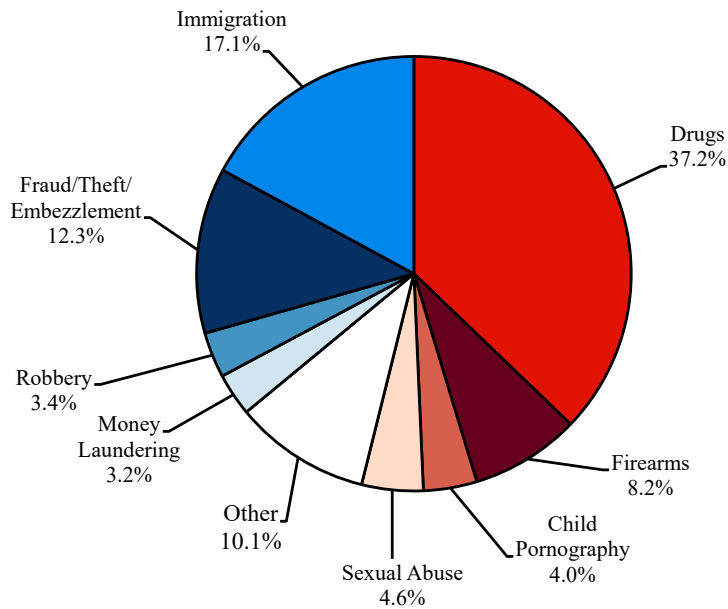
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Figure A
FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

National



Western New York



The National figure includes the 69,425 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

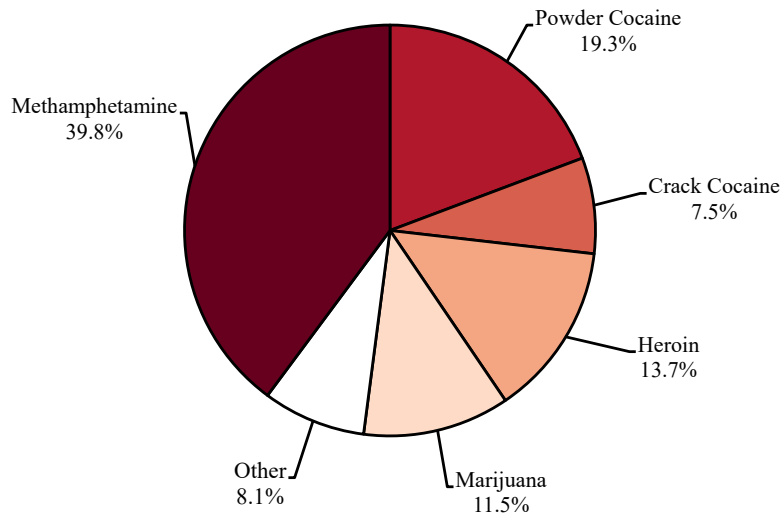
The Western District of New York figure includes the 503 cases reported to the Commission.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

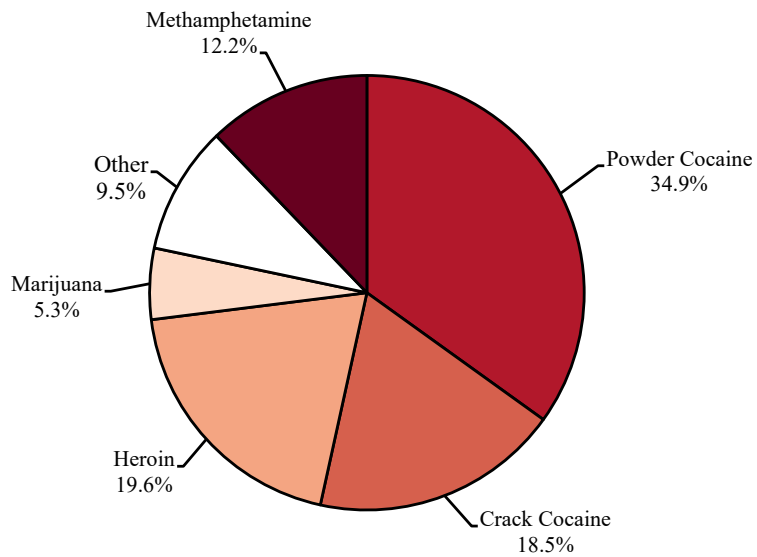
Figure B

**DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2018**

National



Western New York



Of the 69,425 National cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 503 cases from the Western District of New York, in 189 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 1
DISTRIBUTION OF FEDERAL OFFENDERS
BY TYPE OF CRIME
Fiscal Year 2018

TYPE OF CRIME	National		Western New York	
	N	%	N	%
TOTAL	69,425	100.0	503	100.0
Administration of Justice	730	1.1	8	1.6
Antitrust	53	0.1	0	0.0
Arson	55	0.1	0	0.0
Assault	692	1.0	0	0.0
Bribery/Corruption	317	0.5	4	0.8
Burglary/Trespass	41	0.1	0	0.0
Child Pornography	1,416	2.0	20	4.0
Commercialized Vice	146	0.2	1	0.2
Drug Possession	777	1.1	4	0.8
Drug Trafficking	18,747	27.0	183	36.4
Environmental	203	0.3	4	0.8
Extortion/Racketeering	288	0.4	1	0.2
Firearms	7,512	10.8	41	8.2
Food and Drug	43	0.1	2	0.4
Forgery/Counter/Copyright	298	0.4	3	0.6
Fraud/Theft/Embezzlement	6,620	9.5	62	12.3
Immigration	23,883	34.4	86	17.1
Individual Rights	67	0.1	1	0.2
Kidnapping	106	0.2	0	0.0
Manslaughter	61	0.1	0	0.0
Money Laundering	1,297	1.9	16	3.2
Murder	318	0.5	8	1.6
National Defense	204	0.3	1	0.2
Obscenity/Other Sex Offenses	384	0.6	2	0.4
Prison Offenses	568	0.8	1	0.2
Robbery	1,720	2.5	17	3.4
Sexual Abuse	1,067	1.5	23	4.6
Stalking/Harassing	213	0.3	3	0.6
Tax	577	0.8	10	2.0
Other	1,022	1.5	2	0.4

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2018**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	69,425	67,610	97.4	1,815	2.6
D.C. CIRCUIT	219	203	92.7	16	7.3
District of Columbia	219	203	92.7	16	7.3
FIRST CIRCUIT	1,744	1,678	96.2	66	3.8
Maine	178	168	94.4	10	5.6
Massachusetts	529	502	94.9	27	5.1
New Hampshire	184	178	96.7	6	3.3
Puerto Rico	760	738	97.1	22	2.9
Rhode Island	93	92	98.9	1	1.1
SECOND CIRCUIT	3,479	3,314	95.3	165	4.7
Connecticut	322	313	97.2	9	2.8
New York					
Eastern	663	632	95.3	31	4.7
Northern	384	365	95.1	19	4.9
Southern	1,446	1,370	94.7	76	5.3
Western	503	476	94.6	27	5.4
Vermont	161	158	98.1	3	1.9
THIRD CIRCUIT	2,123	2,024	95.3	99	4.7
Delaware	77	73	94.8	4	5.2
New Jersey	467	454	97.2	13	2.8
Pennsylvania					
Eastern	640	603	94.2	37	5.8
Middle	471	441	93.6	30	6.4
Western	411	403	98.1	8	1.9
Virgin Islands	57	50	87.7	7	12.3
FOURTH CIRCUIT	5,587	5,387	96.4	200	3.6
Maryland	838	797	95.1	41	4.9
North Carolina					
Eastern	744	724	97.3	20	2.7
Middle	403	398	98.8	5	1.2
Western	566	541	95.6	25	4.4
South Carolina	966	944	97.7	22	2.3
Virginia					
Eastern	1,331	1,270	95.4	61	4.6
Western	238	222	93.3	16	6.7
West Virginia					
Northern	262	256	97.7	6	2.3
Southern	239	235	98.3	4	1.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	17,658	17,459	98.9	199	1.1
Louisiana					
Eastern	275	255	92.7	20	7.3
Middle	154	147	95.5	7	4.5
Western	252	238	94.4	14	5.6
Mississippi					
Northern	173	167	96.5	6	3.5
Southern	342	338	98.8	4	1.2
Texas					
Eastern	753	736	97.7	17	2.3
Northern	1,484	1,453	97.9	31	2.1
Southern	6,138	6,077	99.0	61	1.0
Western	8,087	8,048	99.5	39	0.5
SIXTH CIRCUIT	4,699	4,550	96.8	149	3.2
Kentucky					
Eastern	392	351	89.5	41	10.5
Western	303	293	96.7	10	3.3
Michigan					
Eastern	934	906	97.0	28	3.0
Western	359	349	97.2	10	2.8
Ohio					
Northern	716	695	97.1	21	2.9
Southern	574	569	99.1	5	0.9
Tennessee					
Eastern	655	644	98.3	11	1.7
Middle	321	312	97.2	9	2.8
Western	445	431	96.9	14	3.1
SEVENTH CIRCUIT	2,442	2,338	95.7	104	4.3
Illinois					
Central	241	233	96.7	8	3.3
Northern	740	695	93.9	45	6.1
Southern	266	262	98.5	4	1.5
Indiana					
Northern	373	360	96.5	13	3.5
Southern	414	400	96.6	14	3.4
Wisconsin					
Eastern	252	241	95.6	11	4.4
Western	156	147	94.2	9	5.8
EIGHTH CIRCUIT	4,805	4,666	97.1	139	2.9
Arkansas					
Eastern	453	446	98.5	7	1.5
Western	238	235	98.7	3	1.3
Iowa					
Northern	370	356	96.2	14	3.8
Southern	477	466	97.7	11	2.3
Minnesota	295	274	92.9	21	7.1
Missouri					
Eastern	847	834	98.5	13	1.5
Western	779	758	97.3	21	2.7
Nebraska	494	477	96.6	17	3.4
North Dakota	370	360	97.3	10	2.7
South Dakota	482	460	95.4	22	4.6

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	13,532	13,228	97.8	304	2.2
Alaska	197	190	96.4	7	3.6
Arizona	4,649	4,594	98.8	55	1.2
California					
Central	1,110	1,052	94.8	58	5.2
Eastern	477	455	95.4	22	4.6
Northern	535	507	94.8	28	5.2
Southern	3,889	3,837	98.7	52	1.3
Guam	44	43	97.7	1	2.3
Hawaii	153	152	99.3	1	0.7
Idaho	377	369	97.9	8	2.1
Montana	356	345	96.9	11	3.1
Nevada	458	438	95.6	20	4.4
Northern Mariana Islands	14	10	71.4	4	28.6
Oregon	421	410	97.4	11	2.6
Washington					
Eastern	345	336	97.4	9	2.6
Western	507	490	96.6	17	3.4
TENTH CIRCUIT	6,541	6,479	99.1	62	0.9
Colorado	525	502	95.6	23	4.4
Kansas	486	480	98.8	6	1.2
New Mexico	3,950	3,941	99.8	9	0.2
Oklahoma					
Eastern	96	95	99.0	1	1.0
Northern	195	191	97.9	4	2.1
Western	378	374	98.9	4	1.1
Utah	692	684	98.8	8	1.2
Wyoming	219	212	96.8	7	3.2
ELEVENTH CIRCUIT	6,596	6,284	95.3	312	4.7
Alabama					
Middle	238	216	90.8	22	9.2
Northern	517	511	98.8	6	1.2
Southern	287	278	96.9	9	3.1
Florida					
Middle	1,542	1,445	93.7	97	6.3
Northern	300	277	92.3	23	7.7
Southern	2,251	2,140	95.1	111	4.9
Georgia					
Middle	429	422	98.4	7	1.6
Northern	570	539	94.6	31	5.4
Southern	462	456	98.7	6	1.3

Of the 69,425 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2018**

TYPE OF CRIME	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	69,425	67,610	97.4	1,815	2.6	476	94.6	27	5.4
Administration of Justice	730	682	93.4	48	6.6	6	75.0	2	25.0
Antitrust	53	48	90.6	5	9.4	0	--	0	--
Arson	55	48	87.3	7	12.7	0	--	0	--
Assault	692	653	94.4	39	5.6	0	--	0	--
Bribery/Corruption	317	293	92.4	24	7.6	4	100.0	0	0.0
Burglary/Trespass	41	41	100.0	0	0.0	0	--	0	--
Child Pornography	1,416	1,359	96.0	57	4.0	19	95.0	1	5.0
Commercialized Vice	146	142	97.3	4	2.7	1	100.0	0	0.0
Drug Possession	777	775	99.7	2	0.3	4	100.0	0	0.0
Drug Trafficking	18,747	18,270	97.5	477	2.5	181	98.9	2	1.1
Environmental	203	201	99.0	2	1.0	4	100.0	0	0.0
Extortion/Racketeering	288	274	95.1	14	4.9	1	100.0	0	0.0
Firearms	7,512	7,284	97.0	228	3.0	33	80.5	8	19.5
Food and Drug	43	42	97.7	1	2.3	2	100.0	0	0.0
Forgery/Counter/Copyright	298	296	99.3	2	0.7	3	100.0	0	0.0
Fraud/Theft/Embezzlement	6,620	6,298	95.1	322	4.9	58	93.5	4	6.5
Immigration	23,883	23,771	99.5	112	0.5	86	100.0	0	0.0
Individual Rights	67	56	83.6	11	16.4	1	100.0	0	0.0
Kidnapping	106	90	84.9	16	15.1	0	--	0	--
Manslaughter	61	59	96.7	2	3.3	0	--	0	--
Money Laundering	1,297	1,213	93.5	84	6.5	16	100.0	0	0.0
Murder	318	243	76.4	75	23.6	3	37.5	5	62.5
National Defense	204	189	92.6	15	7.4	1	100.0	0	0.0
Obscenity/Other Sex Offenses	384	383	99.7	1	0.3	2	100.0	0	0.0
Prison Offenses	568	561	98.8	7	1.2	1	100.0	0	0.0
Robbery	1,720	1,630	94.8	90	5.2	13	76.5	4	23.5
Sexual Abuse	1,067	976	91.5	91	8.5	22	95.7	1	4.3
Stalking/Harassing	213	194	91.1	19	8.9	3	100.0	0	0.0
Tax	577	534	92.5	43	7.5	10	100.0	0	0.0
Other	1,022	1,005	98.3	17	1.7	2	100.0	0	0.0

Of the 69,425 National cases, no cases were excluded.

Of the 503 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2018

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	69,425	60,976	87.8	2,089	3.0	1,394	2.0	4,444	6.4	522	0.8
Administration of Justice	730	473	64.8	54	7.4	41	5.6	161	22.1	1	0.1
Antitrust	53	17	32.1	0	0.0	19	35.8	17	32.1	0	0.0
Arson	55	50	90.9	3	5.5	1	1.8	1	1.8	0	0.0
Assault	692	559	80.8	43	6.2	11	1.6	71	10.3	8	1.2
Bribery/Corruption	317	213	67.2	30	9.5	27	8.5	46	14.5	1	0.3
Burglary/Trespass	41	33	80.5	5	12.2	2	4.9	1	2.4	0	0.0
Child Pornography	1,416	1,371	96.8	32	2.3	5	0.4	8	0.6	0	0.0
Commercialized Vice	146	81	55.5	19	13.0	13	8.9	33	22.6	0	0.0
Drug Possession	777	481	61.9	1	0.1	11	1.4	183	23.6	101	13.0
Drug Trafficking	18,747	17,366	92.6	686	3.7	245	1.3	446	2.4	4	0.0
Environmental	203	52	25.6	9	4.4	18	8.9	106	52.2	18	8.9
Extortion/Racketeering	288	247	85.8	13	4.5	6	2.1	22	7.6	0	0.0
Firearms	7,512	6,865	91.4	268	3.6	126	1.7	250	3.3	3	0.0
Food and Drug	43	11	25.6	1	2.3	2	4.7	25	58.1	4	9.3
Forgery/Counter/Copyright	298	195	65.4	17	5.7	30	10.1	56	18.8	0	0.0
Fraud/Theft/Embezzlement	6,620	4,472	67.6	376	5.7	469	7.1	1,214	18.3	89	1.3
Immigration	23,883	22,390	93.7	229	1.0	150	0.6	1,113	4.7	1	0.0
Individual Rights	67	45	67.2	1	1.5	7	10.4	12	17.9	2	3.0
Kidnapping	106	105	99.1	1	0.9	0	0.0	0	0.0	0	0.0
Manslaughter	61	56	91.8	3	4.9	1	1.6	1	1.6	0	0.0
Money Laundering	1,297	1,082	83.4	50	3.9	53	4.1	111	8.6	1	0.1
Murder	318	307	96.5	11	3.5	0	0.0	0	0.0	0	0.0
National Defense	204	165	80.9	6	2.9	4	2.0	20	9.8	9	4.4
Obscenity/Other Sex Offenses	384	330	85.9	40	10.4	8	2.1	6	1.6	0	0.0
Prison Offenses	568	527	92.8	25	4.4	6	1.1	8	1.4	2	0.4
Robbery	1,720	1,631	94.8	70	4.1	7	0.4	12	0.7	0	0.0
Sexual Abuse	1,067	1,029	96.4	24	2.2	3	0.3	11	1.0	0	0.0
Stalking/Harassing	213	171	80.3	22	10.3	8	3.8	11	5.2	1	0.5
Tax	577	348	60.3	42	7.3	62	10.7	124	21.5	1	0.2
Other	1,022	304	29.7	8	0.8	59	5.8	375	36.7	276	27.0

Of the 69,425 National cases, no cases were excluded.

Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2018

Western New York

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	503	437	86.9	13	2.6	15	3.0	38	7.6	0	0.0
Administration of Justice	8	6	75.0	0	0.0	0	0.0	2	25.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	0	0	--	0	--	0	--	0	--	0	--
Assault	0	0	--	0	--	0	--	0	--	0	--
Bribery/Corruption	4	2	50.0	1	25.0	0	0.0	1	25.0	0	0.0
Burglary/Trespass	0	0	--	0	--	0	--	0	--	0	--
Child Pornography	20	19	95.0	1	5.0	0	0.0	0	0.0	0	0.0
Commercialized Vice	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drug Possession	4	3	75.0	0	0.0	0	0.0	1	25.0	0	0.0
Drug Trafficking	183	169	92.3	4	2.2	4	2.2	6	3.3	0	0.0
Environmental	4	2	50.0	0	0.0	0	0.0	2	50.0	0	0.0
Extortion/Racketeering	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	41	39	95.1	0	0.0	0	0.0	2	4.9	0	0.0
Food and Drug	2	0	0.0	0	0.0	0	0.0	2	100.0	0	0.0
Forgery/Counter/Copyright	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Fraud/Theft/Embezzlement	62	38	61.3	3	4.8	8	12.9	13	21.0	0	0.0
Immigration	86	84	97.7	0	0.0	1	1.2	1	1.2	0	0.0
Individual Rights	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Kidnapping	0	0	--	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--	0	--
Money Laundering	16	15	93.8	0	0.0	0	0.0	1	6.3	0	0.0
Murder	8	8	100.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Obscenity/Other Sex Offenses	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Prison Offenses	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Robbery	17	17	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	23	20	87.0	1	4.3	1	4.3	1	4.3	0	0.0
Stalking/Harassing	3	1	33.3	2	66.7	0	0.0	0	0.0	0	0.0
Tax	10	3	30.0	1	10.0	1	10.0	5	50.0	0	0.0
Other	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0

Of the 503 cases from the Western District of New York, no cases were excluded.

Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2018**

TYPE OF CRIME	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	4,343	1,931	44.5	2,412	55.5	19	42.2	26	57.8
Administration of Justice	144	74	51.4	70	48.6	0	0.0	1	100.0
Antitrust	8	3	37.5	5	62.5	0	--	0	--
Arson	1	1	100.0	0	0.0	0	--	0	--
Assault	114	59	51.8	55	48.2	0	--	0	--
Bribery/Corruption	18	1	5.6	17	94.4	0	--	0	--
Burglary/Trespass	8	6	75.0	2	25.0	0	--	0	--
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	48	17	35.4	31	64.6	0	--	0	--
Drug Possession	311	123	39.5	188	60.5	3	75.0	1	25.0
Drug Trafficking	449	280	62.4	169	37.6	3	42.9	4	57.1
Environmental	84	17	20.2	67	79.8	1	33.3	2	66.7
Extortion/Racketeering	11	5	45.5	6	54.5	0	--	0	--
Firearms	115	46	40.0	69	60.0	0	0.0	1	100.0
Food and Drug	27	3	11.1	24	88.9	0	0.0	2	100.0
Forgery/Counter/Copyright	62	31	50.0	31	50.0	0	--	0	--
Fraud/Theft/Embezzlement	1,565	537	34.3	1,028	65.7	9	42.9	12	57.1
Immigration	537	353	65.7	184	34.3	2	50.0	2	50.0
Individual Rights	14	5	35.7	9	64.3	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Money Laundering	44	17	38.6	27	61.4	0	0.0	1	100.0
Murder	0	0	--	0	--	0	--	0	--
National Defense	11	1	9.1	10	90.9	0	--	0	--
Obscenity/Other Sex Offenses	13	12	92.3	1	7.7	0	--	0	--
Prison Offenses	228	215	94.3	13	5.7	1	100.0	0	0.0
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	2	2	100.0	0	0.0	0	--	0	--
Stalking/Harassing	23	16	69.6	7	30.4	0	--	0	--
Tax	25	5	20.0	20	80.0	0	--	0	--
Other	481	102	21.2	379	78.8	0	--	0	--

Of the 69,425 National cases, a U.S. Citizen was the offender in 39,458 cases. Of these, 35,115 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 503 cases from the Western District of New York, a U.S. Citizen was the offender in 392 cases. Of these, 347 cases were excluded because the offender was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2018**

TYPE OF CRIME	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	44	20	69,425	56	27	503
Administration of Justice	13	9	730	45	24	8
Antitrust	5	1	53	--	--	0
Arson	65	48	55	--	--	0
Assault	56	33	692	--	--	0
Bribery/Corruption	23	15	317	5	5	4
Burglary/Trespass	21	18	41	--	--	0
Child Pornography	104	87	1,416	89	66	20
Commercialized Vice	17	8	146	--	--	1
Drug Possession	3	1	777	1	0	4
Drug Trafficking	76	60	18,747	63	48	183
Environmental	3	0	203	1	0	4
Extortion/Racketeering	39	27	288	--	--	1
Firearms	53	41	7,512	72	60	41
Food and Drug	8	0	43	--	--	2
Forgery/Counter/Copyright	14	12	298	0	0	3
Fraud/Theft/Embezzlement	23	12	6,620	17	10	62
Immigration	10	6	23,883	3	2	86
Individual Rights	27	12	67	--	--	1
Kidnapping	179	138	106	--	--	0
Manslaughter	65	40	61	--	--	0
Money Laundering	59	35	1,297	35	12	16
Murder	291	292	318	350	470	8
National Defense	52	30	204	--	--	1
Obscenity/Other Sex Offenses	19	18	384	--	--	2
Prison Offenses	12	11	568	--	--	1
Robbery	106	88	1,720	164	147	17
Sexual Abuse	191	180	1,067	141	120	23
Stalking/Harassing	30	24	213	51	54	3
Tax	17	12	577	7	0	10
Other	3	0	1,022	--	--	2

Of the 69,425 National cases, no cases were excluded.

Of the 503 cases from the Western District of New York, no cases were excluded.

Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2018

	National		Western New York	
	N	%	N	%
TOTAL CASES	68,902	100.0	503	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	51,702	75.0	365	72.6
Within Guideline Range	35,127	51.0	248	49.3
Upward Departure ²	396	0.6	8	1.6
Downward Departure				
§5K1.1 Substantial Assistance	6,948	10.1	104	20.7
§5K3.1 Early Disposition Program	6,259	9.1	0	0.0
Other Government Motion ³	1,272	1.8	2	0.4
Non-Government Departure ⁴	1,700	2.5	3	0.6
VARIANCES	17,200	25.0	138	27.4
Upward Variance ⁵	1,404	2.0	11	2.2
Downward Variance				
Government Motion ⁶	3,795	5.5	48	9.5
Non-Government Variance ⁷	12,001	17.4	79	15.7

¹ This table reflects the 69,425 cases reported to the Commission in fiscal year 2018, 503 of which were from the Western District of New York. Of these, 523 cases nationally were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range, while none from the Western District of New York were excluded.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	68,902	35,127	51.0	396	0.6	6,948	10.1	6,259	9.1	2,972	4.3	17,200	25.0
D.C. CIRCUIT	217	85	39.2	1	0.5	27	12.4	0	0.0	24	11.1	80	36.9
District of Columbia	217	85	39.2	1	0.5	27	12.4	0	0.0	24	11.1	80	36.9
FIRST CIRCUIT	1,739	781	44.9	12	0.7	152	8.7	11	0.6	80	4.6	703	40.4
Maine	178	63	35.4	2	1.1	44	24.7	0	0.0	7	3.9	62	34.8
Massachusetts	527	166	31.5	4	0.8	53	10.1	11	2.1	38	7.2	255	48.4
New Hampshire	184	73	39.7	0	0.0	13	7.1	0	0.0	5	2.7	93	50.5
Puerto Rico	757	462	61.0	6	0.8	34	4.5	0	0.0	30	4.0	225	29.7
Rhode Island	93	17	18.3	0	0.0	8	8.6	0	0.0	0	0.0	68	73.1
SECOND CIRCUIT	3,458	1,130	32.7	15	0.4	585	16.9	19	0.5	165	4.8	1,544	44.7
Connecticut	322	124	38.5	1	0.3	43	13.4	0	0.0	37	11.5	117	36.3
New York													
Eastern	662	168	25.4	0	0.0	145	21.9	2	0.3	71	10.7	276	41.7
Northern	373	188	50.4	3	0.8	71	19.0	3	0.8	9	2.4	99	26.5
Southern	1,438	367	25.5	3	0.2	196	13.6	14	1.0	37	2.6	821	57.1
Western	503	248	49.3	8	1.6	104	20.7	0	0.0	5	1.0	138	27.4
Vermont	160	35	21.9	0	0.0	26	16.3	0	0.0	6	3.8	93	58.1
THIRD CIRCUIT	2,114	869	41.1	8	0.4	465	22.0	22	1.0	64	3.0	686	32.5
Delaware	77	29	37.7	0	0.0	8	10.4	6	7.8	1	1.3	33	42.9
New Jersey	464	190	40.9	2	0.4	99	21.3	2	0.4	9	1.9	162	34.9
Pennsylvania													
Eastern	637	213	33.4	2	0.3	211	33.1	3	0.5	20	3.1	188	29.5
Middle	470	258	54.9	2	0.4	73	15.5	11	2.3	19	4.0	107	22.8
Western	410	139	33.9	2	0.5	65	15.9	0	0.0	14	3.4	190	46.3
Virgin Islands	56	40	71.4	0	0.0	9	16.1	0	0.0	1	1.8	6	10.7
FOURTH CIRCUIT	5,501	3,084	56.1	65	1.2	721	13.1	6	0.1	216	3.9	1,409	25.6
Maryland	816	284	34.8	14	1.7	161	19.7	0	0.0	68	8.3	289	35.4
North Carolina													
Eastern	693	408	58.9	18	2.6	156	22.5	0	0.0	11	1.6	100	14.4
Middle	403	236	58.6	6	1.5	41	10.2	0	0.0	4	1.0	116	28.8
Western	565	330	58.4	2	0.4	119	21.1	0	0.0	8	1.4	106	18.8
South Carolina	965	560	58.0	10	1.0	137	14.2	1	0.1	31	3.2	226	23.4
Virginia													
Eastern	1,327	856	64.5	10	0.8	45	3.4	0	0.0	68	5.1	348	26.2
Western	235	106	45.1	4	1.7	43	18.3	0	0.0	16	6.8	66	28.1
West Virginia													
Northern	262	170	64.9	0	0.0	10	3.8	0	0.0	5	1.9	77	29.4
Southern	235	134	57.0	1	0.4	9	3.8	5	2.1	5	2.1	81	34.5

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE									
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
				N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,588	12,223	69.5	127	0.7	929	5.3	670	3.8	872	5.0	2,767	15.7
Louisiana													
Eastern	275	137	49.8	3	1.1	34	12.4	3	1.1	10	3.6	88	32.0
Middle	153	90	58.8	2	1.3	26	17.0	0	0.0	0	0.0	35	22.9
Western	239	156	65.3	1	0.4	22	9.2	0	0.0	0	0.0	60	25.1
Mississippi													
Northern	161	73	45.3	0	0.0	36	22.4	0	0.0	2	1.2	50	31.1
Southern	338	269	79.6	1	0.3	20	5.9	0	0.0	0	0.0	48	14.2
Texas													
Eastern	753	534	70.9	3	0.4	14	1.9	0	0.0	10	1.3	192	25.5
Northern	1,479	948	64.1	13	0.9	178	12.0	1	0.1	54	3.7	285	19.3
Southern	6,136	3,628	59.1	93	1.5	343	5.6	423	6.9	599	9.8	1,050	17.1
Western	8,054	6,388	79.3	11	0.1	256	3.2	243	3.0	197	2.4	959	11.9
SIXTH CIRCUIT	4,648	2,072	44.6	19	0.4	855	18.4	15	0.3	253	5.4	1,434	30.9
Kentucky													
Eastern	392	220	56.1	3	0.8	55	14.0	0	0.0	11	2.8	103	26.3
Western	302	143	47.4	1	0.3	55	18.2	5	1.7	18	6.0	80	26.5
Michigan													
Eastern	929	387	41.7	1	0.1	143	15.4	3	0.3	12	1.3	383	41.2
Western	359	193	53.8	8	2.2	61	17.0	0	0.0	15	4.2	82	22.8
Ohio													
Northern	716	314	43.9	3	0.4	176	24.6	0	0.0	29	4.1	194	27.1
Southern	574	158	27.5	0	0.0	100	17.4	5	0.9	128	22.3	183	31.9
Tennessee													
Eastern	630	326	51.7	0	0.0	160	25.4	0	0.0	8	1.3	136	21.6
Middle	307	111	36.2	2	0.7	59	19.2	1	0.3	28	9.1	106	34.5
Western	439	220	50.1	1	0.2	46	10.5	1	0.2	4	0.9	167	38.0
SEVENTH CIRCUIT	2,433	907	37.3	10	0.4	331	13.6	2	0.1	161	6.6	1,022	42.0
Illinois													
Central	237	106	44.7	0	0.0	26	11.0	0	0.0	6	2.5	99	41.8
Northern	740	208	28.1	3	0.4	79	10.7	2	0.3	81	10.9	367	49.6
Southern	266	152	57.1	3	1.1	32	12.0	0	0.0	8	3.0	71	26.7
Indiana													
Northern	371	166	44.7	0	0.0	76	20.5	0	0.0	8	2.2	121	32.6
Southern	414	165	39.9	2	0.5	81	19.6	0	0.0	6	1.4	160	38.6
Wisconsin													
Eastern	250	46	18.4	1	0.4	32	12.8	0	0.0	1	0.4	170	68.0
Western	155	64	41.3	1	0.6	5	3.2	0	0.0	51	32.9	34	21.9
EIGHTH CIRCUIT	4,795	2,168	45.2	38	0.8	658	13.7	54	1.1	132	2.8	1,745	36.4
Arkansas													
Eastern	444	277	62.4	0	0.0	32	7.2	0	0.0	6	1.4	129	29.1
Western	238	106	44.5	0	0.0	27	11.3	0	0.0	2	0.8	103	43.3
Iowa													
Northern	370	226	61.1	5	1.4	70	18.9	0	0.0	1	0.3	68	18.4
Southern	476	200	42.0	0	0.0	83	17.4	0	0.0	3	0.6	190	39.9
Minnesota	295	95	32.2	5	1.7	45	15.3	0	0.0	15	5.1	135	45.8
Missouri													
Eastern	847	327	38.6	4	0.5	104	12.3	0	0.0	8	0.9	404	47.7
Western	779	286	36.7	4	0.5	123	15.8	0	0.0	51	6.5	315	40.4
Nebraska	494	243	49.2	0	0.0	16	3.2	43	8.7	4	0.8	188	38.1
North Dakota	370	118	31.9	4	1.1	143	38.6	10	2.7	14	3.8	81	21.9
South Dakota	482	290	60.2	16	3.3	15	3.1	1	0.2	28	5.8	132	27.4

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE									
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
				N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	13,439	4,357	32.4	68	0.5	1,021	7.6	4,521	33.6	607	4.5	2,865	21.3
Alaska	196	63	32.1	0	0.0	35	17.9	0	0.0	1	0.5	97	49.5
Arizona	4,580	1,794	39.2	45	1.0	112	2.4	1,938	42.3	96	2.1	595	13.0
California													
Central	1,103	367	33.3	1	0.1	141	12.8	107	9.7	88	8.0	399	36.2
Eastern	476	202	42.4	0	0.0	81	17.0	22	4.6	20	4.2	151	31.7
Northern	532	177	33.3	3	0.6	91	17.1	4	0.8	24	4.5	233	43.8
Southern	3,887	632	16.3	9	0.2	213	5.5	2,355	60.6	295	7.6	383	9.9
Guam	44	26	59.1	0	0.0	10	22.7	0	0.0	1	2.3	7	15.9
Hawaii	153	79	51.6	0	0.0	39	25.5	0	0.0	1	0.7	34	22.2
Idaho	377	208	55.2	1	0.3	63	16.7	14	3.7	10	2.7	81	21.5
Montana	355	132	37.2	1	0.3	89	25.1	0	0.0	3	0.8	130	36.6
Nevada	454	196	43.2	1	0.2	32	7.0	11	2.4	19	4.2	195	43.0
Northern Mariana Islands	14	6	42.9	0	0.0	4	28.6	0	0.0	0	0.0	4	28.6
Oregon	418	114	27.3	4	1.0	47	11.2	0	0.0	28	6.7	225	53.8
Washington													
Eastern	345	156	45.2	1	0.3	49	14.2	17	4.9	11	3.2	111	32.2
Western	505	205	40.6	2	0.4	15	3.0	53	10.5	10	2.0	220	43.6
TENTH CIRCUIT	6,515	3,832	58.8	24	0.4	359	5.5	921	14.1	302	4.6	1,077	16.5
Colorado	518	215	41.5	1	0.2	89	17.2	58	11.2	18	3.5	137	26.4
Kansas	479	193	40.3	4	0.8	94	19.6	1	0.2	9	1.9	178	37.2
New Mexico	3,945	2,803	71.1	12	0.3	50	1.3	680	17.2	144	3.7	256	6.5
Oklahoma													
Eastern	96	67	69.8	0	0.0	5	5.2	0	0.0	1	1.0	23	24.0
Northern	195	70	35.9	2	1.0	38	19.5	0	0.0	28	14.4	57	29.2
Western	378	198	52.4	0	0.0	30	7.9	2	0.5	7	1.9	141	37.3
Utah	687	212	30.9	3	0.4	34	4.9	159	23.1	78	11.4	201	29.3
Wyoming	217	74	34.1	2	0.9	19	8.8	21	9.7	17	7.8	84	38.7
ELEVENTH CIRCUIT	6,455	3,619	56.1	9	0.1	845	13.1	18	0.3	96	1.5	1,868	28.9
Alabama													
Middle	238	124	52.1	0	0.0	45	18.9	0	0.0	2	0.8	67	28.2
Northern	509	298	58.5	1	0.2	105	20.6	0	0.0	6	1.2	99	19.4
Southern	287	167	58.2	0	0.0	45	15.7	0	0.0	7	2.4	68	23.7
Florida													
Middle	1,540	798	51.8	1	0.1	253	16.4	12	0.8	28	1.8	448	29.1
Northern	295	160	54.2	0	0.0	52	17.6	5	1.7	2	0.7	76	25.8
Southern	2,148	1,231	57.3	4	0.2	207	9.6	1	0.0	26	1.2	679	31.6
Georgia													
Middle	419	317	75.7	0	0.0	35	8.4	0	0.0	4	1.0	63	15.0
Northern	557	174	31.2	1	0.2	48	8.6	0	0.0	19	3.4	315	56.6
Southern	462	350	75.8	2	0.4	55	11.9	0	0.0	2	0.4	53	11.5

Of the 69,425 National cases, 523 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2018**

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	68,902	35,127	51.0	396	0.6	6,948	10.1	6,259	9.1	2,972	4.3	17,200	25.0
Child Pornography	1,416	404	28.5	9	0.6	27	1.9	0	0.0	88	6.2	888	62.7
Drug Trafficking	18,730	6,786	36.2	68	0.4	4,015	21.4	1,332	7.1	932	5.0	5,597	29.9
Firearms	7,496	4,178	55.7	65	0.9	511	6.8	3	0.0	317	4.2	2,422	32.3
Fraud/Theft/Embezzlement	6,528	3,069	47.0	30	0.5	911	14.0	4	0.1	241	3.7	2,273	34.8
Immigration	23,750	15,458	65.1	120	0.5	177	0.7	4,900	20.6	779	3.3	2,316	9.8
Money Laundering	1,296	325	25.1	2	0.2	381	29.4	2	0.2	87	6.7	499	38.5
Robbery	1,720	662	38.5	26	1.5	264	15.3	3	0.2	124	7.2	641	37.3
Sexual Abuse	1,067	429	40.2	3	0.3	81	7.6	1	0.1	76	7.1	477	44.7
Other Miscellaneous Offenses	6,899	3,816	55.3	73	1.1	581	8.4	14	0.2	328	4.8	2,087	30.3

Western New York

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	503	248	49.3	8	1.6	104	20.7	0	0.0	5	1.0	138	27.4
Child Pornography	20	5	25.0	0	0.0	1	5.0	0	0.0	0	0.0	14	70.0
Drug Trafficking	183	74	40.4	1	0.5	59	32.2	0	0.0	3	1.6	46	25.1
Firearms	41	19	46.3	3	7.3	4	9.8	0	0.0	1	2.4	14	34.1
Fraud/Theft/Embezzlement	62	29	46.8	1	1.6	14	22.6	0	0.0	0	0.0	18	29.0
Immigration	86	75	87.2	0	0.0	1	1.2	0	0.0	0	0.0	10	11.6
Money Laundering	16	4	25.0	1	6.3	7	43.8	0	0.0	0	0.0	4	25.0
Robbery	17	9	52.9	0	0.0	4	23.5	0	0.0	0	0.0	4	23.5
Sexual Abuse	23	7	30.4	0	0.0	5	21.7	0	0.0	0	0.0	11	47.8
Other Miscellaneous Offenses	55	26	47.3	2	3.6	9	16.4	0	0.0	1	1.8	17	30.9

Of the 69,425 National cases, 523 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 503 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.