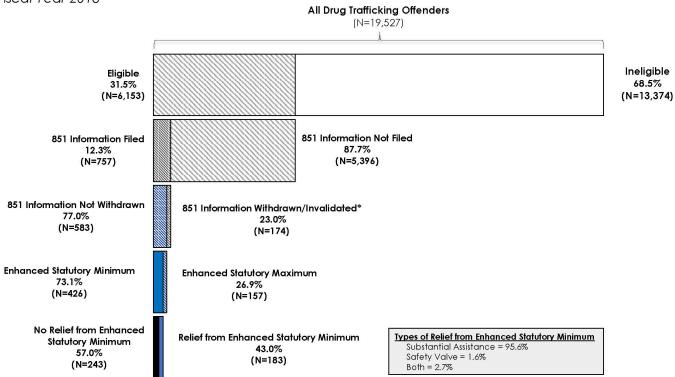


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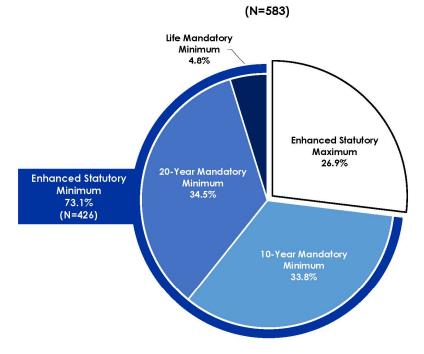
Figure 1. Eligibility And Application Of 851 Enhancements *Fiscal Year 2016*



^{*} Four offenders received court relief from the 21 U.S.C. § 851 statutory enhancement due to a finding regarding a previous offense. SOURCE: U.S. Sentencing Commission, 2016 851 Datafile, USSC851FY16.

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Figure 2. Length Of Increased Statutory Mandatory Minimum Penalty When 851 Information Was Not Withdrawn *Fiscal Year 2016*





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Figures 3 and 4. Percentage Of Drug Trafficking Offenders Eligible For 851 Enhancement And Against Whom 851 Information Was Filed By District *Fiscal Year 2016*



Fig 3. Percentage of Drug Trafficking Offenders Eligible for 851 Enhancement

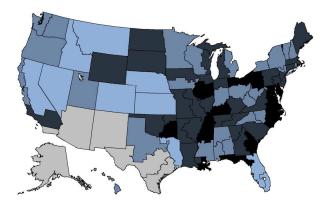
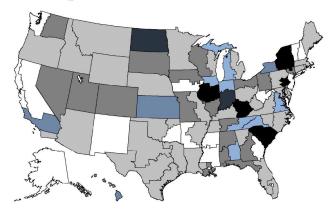


Fig 4. Percentage of Eligible Offenders Against Whom 851 Information Was Filed



SOURCE: U.S. Sentencing Commission, 2016 Criminal History Datafile, USSCCHFY16.

Table 1. Districts With The Highest Percentage Of Eligible Drug Trafficking Offenders Against Whom 851 Information Was Filed Fiscal Year 2016

District	Percent Filed
Central District of Illinois	74.6%
Northern District of New York	56.1%
Eastern District of Pennsylvania	55.9%
Eastern District of Kentucky	51.9%
District of South Carolina	50.6%
District of North Dakota	48.4%
Southern District of Indiana	40.5%
District of Hawaii	34.8%
Central District of California	31.3%
District of Kansas	31.3%

Tables 2 and 3. Districts¹ With Highest And Lowest Percentages Of Offenders For Whom 851 Information Was Withdrawn² Fiscal Year 2016

Table 2. Highest Percentage

Tuble 2. Highest Fercenluge	
District	Percent Withdrawn
Western District of North Carolina (19 of 22)	86.4%
Central District of California (32 of 41)	78.1%
Northern District of Illinois (9 of 18)	50.0%
District of Kansas (5 of 15)	33.3%
Southern District of Texas (4 of 12)	33.3%
Northern District of Iowa (3 of 10)	30.0%
District of South Carolina (12 of 42)	28.6%
Western District of Texas (7 of 25)	28.0%
Southern District of Indiana (4 of 15)	26.7%
Western District of Pennsylvania (3 of 13)	23.1%

Table 3. Lowest Percentage

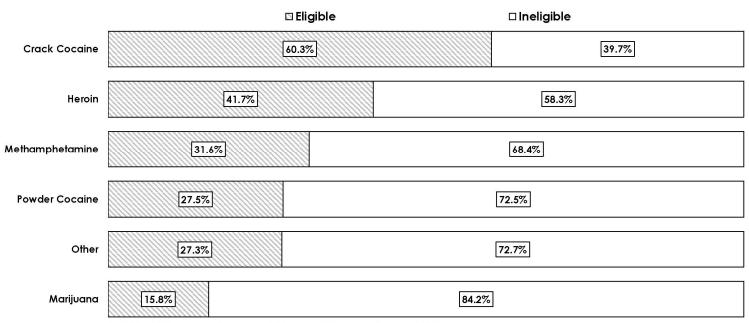
Table 3. Lowest Fercentage	
District	Percent Withdrawn
Northern District of New York (0 of 23)	0.0%
Southern District of New York (0 of 20)	0.0%
Eastern District of Kentucky (1 of 54)	1.9%
Eastern District of Virginia (1 of 29)	3.4%
Western District of New York (1 of 17)	5.9%
Central District of Illinois (3 of 44)	6.8%
Eastern District of Tennessee (3 of 43)	7.0%
Northern District of Ohio (1 of 12)	8.3%
District of North Dakota (3 of 30)	10.0%
Western District of Missouri (3 of 25)	12.0%

Districts with 10 or more filings.

² Four offenders received Court relief from the 21 U.S.C. § 851 statutory enhancement as the Court found the offender's prior criminal convictions insufficient to satisfy the requirements described in 21 U.S.C. § 851.

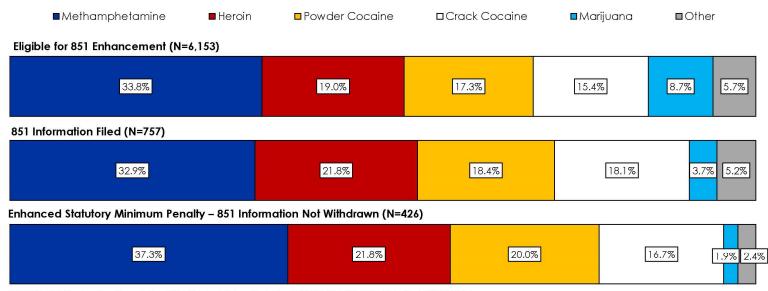
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Figure 5. Eligibility Of 851 Enhancement By Drug Type *Fiscal Year 2016*



SOURCE: U.S. Sentencing Commission, 2016 Criminal History Datafile, USSCCHFY16.

Figure 6. Eligibility And Application Of 851 Enhancement By Drug Type Fiscal Year 2016



SOURCE: U.S. Sentencing Commission, 2016 Criminal History Datafile, USSCCHFY16; 2016 851 Datafile, USSC851FY16.



Table 4. Eligibility And Application Of 851 Enhancement By Criminal History Category *Fiscal Year 2016*

	All Drug Offenders	Eligible for 851	851 Filed	851 Withdrawn	851 Not Withdrawn	Subject to 851 at Sentencing
Total (# of offenders)	19,527	6,153	757	174	583	243
Criminal History Category						
I	49.4%	8.4%	4.2%	6.9%	3.4%	1.2%
II	12.5%	14.0%	11.2%	12.6%	10.8%	10.7%
III	14.1%	21.3%	20.1%	20.7%	19.9%	16.5%
IV	7.5%	14.3%	13.0%	13.8%	12.7%	15.6%
V	4.3%	8.9%	8.2%	7.5%	8.4%	8.2%
VI	12.3%	33.0%	43.3%	38.5%	44.8%	47.7%

SOURCE: U.S. Sentencing Commission, 2016 851 Datafile, USSC851FY16 and 2016 Datafile, USSCFY16.

Figure 7. Eligibility And Application Of 851 Enhancement By Percentage Of Offenders Going To Trial Fiscal Year 2016

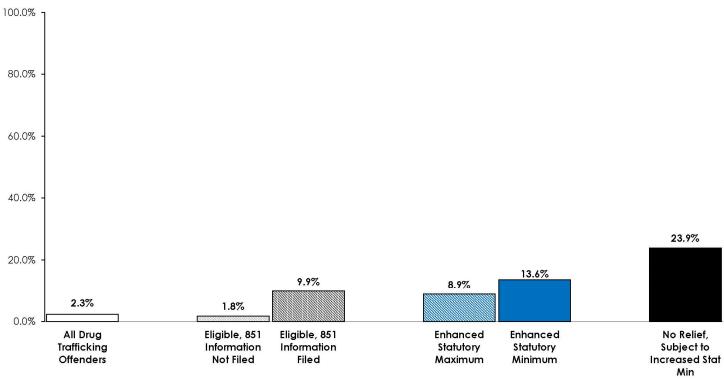


Figure 8. Eligibility And Application Of 851 Enhancement By Percentage Of Offenders Receiving Substantial Assistance Fiscal Year 2016

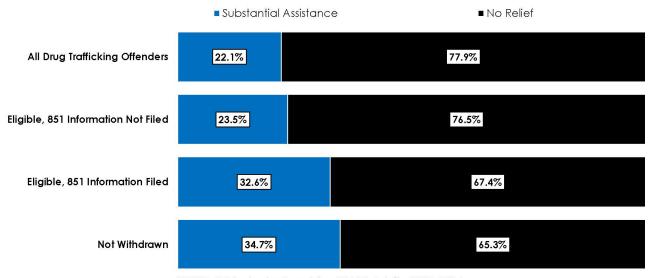
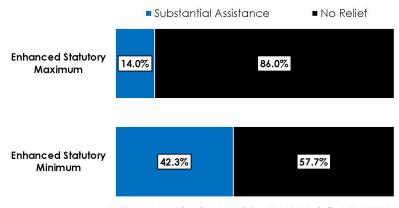
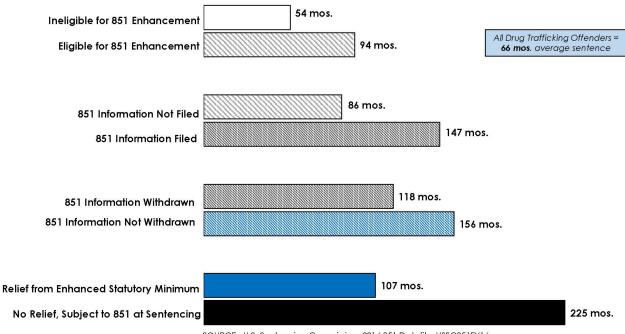


Figure 9. Percentage Of Offenders Eligible For 851 Enhancement Receiving Substantial Assistance Fiscal Year 2016



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Figure 10. Average Sentence Length By Eligibility And Application Of 851 Enhancement Fiscal Year 2016



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Figure 11. Average Sentence Length For Offenders Against Whom 851 Information Was Filed And Not Withdrawn *Fiscal Year 2016*

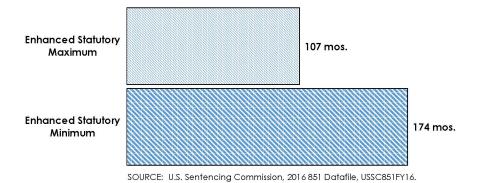


Figure 12. Percentage Of Drug Trafficking Offenders Eligible For 851 Enhancement By Race *Fiscal Year 2016*

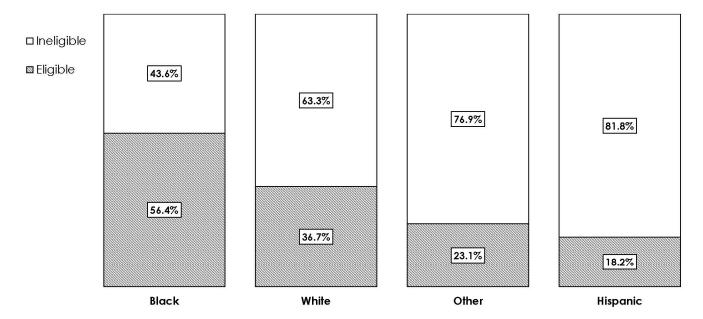




Table 5. Eligibility And Application Of 851 Enhancement By Race *Fiscal Year 2016*

	All Drug Offenders	Eligible for 851	851 Filed	851 Withdrawn	851 Not Withdrawn	Subject to 851 at Sentencing
Total (# of offenders)	19,527	6,153	757	174	583	243
Race						
White	22.6%	26.3%	24.3%	17.8%	26.3%	24.4%
Black	23.6%	42.2%	51.2%	50.0%	51.6%	57.9%
Hispanic	51.0%	29.4%	22.5%	30.5%	20.1%	16.1%
Other	2.8%	2.1%	2.0%	1.7%	2.1%	1.7%

SOURCE: U.S. Sentencing Commission, 2016 851 Datafile, USSC851FY16 and 2016 Datafile, USSCFY16.

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Figure 13. Eligibility And Application Of 851 Enhancement By Race *Fiscal Year 2016*

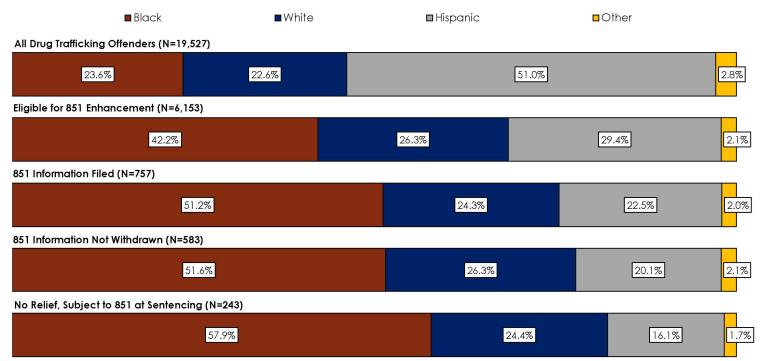


Figure 14. Percentage Of Eligible Offenders Against Whom 851 Information Was Filed By Race Fiscal Year 2016

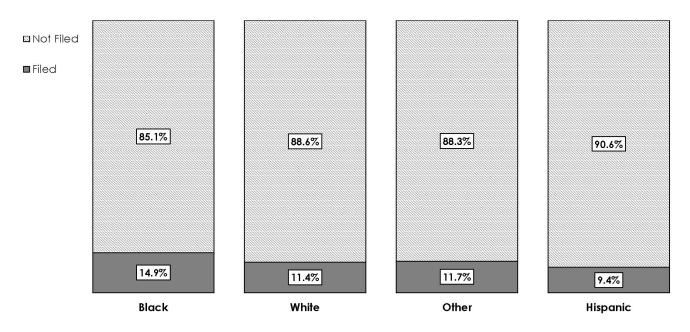




Table A-1. Drug Trafficking Offenders and 21 U.S.C. § 851 Filings By Circuit and District *Fiscal Year 2016*

CIRCUIT	All Drug Tr Offenders for 21 U.S. Enhanc	s Eligible .C. § 851	21 U.S.C. § 851 21 U.S.C. § 851 Filings Filings 21 U.S.C. § 851 Filings Withdrawn Not Withdrawn					
District	Number	Percent ¹	Number	Percent ²	Number	Number	Number	Percent⁴
TOTAL	6,153	31.5	757	12.3	17 4 (4)	583	243	57.0
D.C. CIRCUIT	42	35.6	8	19.0		2	2	100.0
					6	2	2	
District of Columbia	42	35.6	8	19.0	6	2	2	100.0
FIRST CIRCUIT	237	28.2	10	4.2	2	8	3	75.0
Maine	44	43.6	4	9.1	0	4	1	50.0
Massachusetts	70	45.2	4	5.7	2	2	1	100.0
New Hampshire	14	31.8	0	0.0	0	0	0	0.0
Puerto Rico	98	19.3	1	1.0	0	1	0	0.0
Rhode Island	11	34.4	1	9.1	0	1	1	100.0
SECOND CIRCUIT	423	32.5	62	14.7	2	60	13	29.5
Connecticut	66	44.3	2	3.0	1	1	0	0.0
New York								
Eastern	58	21.1	0	0.0	0	0	0	0.0
Northern	41	39.0	23	56.1	0	23	7	46.7
Southern	162	33.8	20	12.3	0	20	2	10.5
Western	56	33.7	17	30.4	1	16	4	44.4
Vermont	40	31.7	0	0.0	0	0	0	0.0
THIRD CIRCUIT	314	45.6	53	16.9	10	43	12	31.6
Delaware	13	52.0	1	7.7	1	0	0	0.0
New Jersey	75	42.4	0	0.0	0	0	0	0.0
Pennsylvania	75	42.4	U	0.0	U	U	U	0.0
Eastern	68	44.7	38	55.9	6	32	7	24.1
Middle	55	43.3	1	1.8	0	32 1	1	100.0
	99		13	13.1	3	10	4	
Western	4	52.4 22.2	0	0.0	0	0	0	50.0 0.0
Virgin Islands	4	22.2	U	0.0	U	0	U	0.0
FOURTH CIRCUIT	775	46.5	115	14.8	39	76	47	82.5
Maryland	127	54.7	7	5.5	2	5	5	100.0
North Carolina								
Eastern	126	64.9	9	7.1	0	9	2	40.0
Middle	46	37.7	1	2.2	0	1	1	100.0
Western	81	37.2	22	27.2	19	3	1	100.0
South Carolina	83	48.3	42	50.6	12	30	17	77.3
Virginia								
Eastern	125	50.0	29	23.2	1	28	21	91.3
Western	82	45.6	4	4.9	4	0	0	0.0
West Virginia								
Northern	58	33.7	0	0.0	0	0	0	0.0
Southern	47	36.7	1	2.1	1	0	0	0.0



Table A-1 Continued. Drug Trafficking Offenders and 21 U.S.C. § 851 Filings By Circuit and District *Fiscal Year 2016*

CIRCUIT	All Drug Trafficking Offenders Eligible for 21 U.S.C. § 851 Enhancement		21 U.S.C. § 851 Filings		21 U.S.C. § 851 Filings Withdrawn ³	21 U.S.C. § 851 Not Withdrawn	Subject To 21 U.S.C. § 851 Enhanced Statutory Minimum Penalty	
District	Number	Percent ¹	Number I	Percent ²	Number	Number	Number	Percent⁴
FIFTH CIRCUIT	906	21.8	58	6.4	15 (2)	43	24	75.0
Louisiana								
Eastern	61	53.0	8	13.1	2	6	4	66.7
Middle	24	48.0	1	4.2	1	0	0	0.0
Western	37	46.8	3	8.1	0 (1)	2	0	0.0
Mississippi								
Northern	14	51.9	0	0.0	0	0	0	0.0
Southern	24	30.4	0	0.0	0	0	0	0.0
Texas								
Eastern	114	29.5	1	0.9	0	1	1	100.0
Northern	190	32.7	8	4.2	0	8	6	100.0
Southern	140	12.0	12	8.6	4	8	7	100.0
Western	302	18.2	25	8.3	6 (1)	18	6	60.0
Western	302	10.2	20	0.0	3 (1)	10	Ü	00.0
SIXTH CIRCUIT	727	45.8	134	18.4	13 (1)	121	29	46.8
Kentucky	104	45.0		F4.0		50	10	70.0
Eastern	104	45.2	54	51.9	1	53	13	72.2
Western	63	52.9	3	4.8	2	1	1	100.0
Michigan					- 4.3			
Eastern	79	38.7	5	6.3	0 (1)	4	0	0.0
Western	32	41.6	8	25.0	3	5	2	66.7
Ohio								
Northern	96	55.8	12	12.5	1	11	2	22.2
Southern	63	33.7	3	4.8	0	3	1	50.0
Tennessee								
Eastern	170	47.1	43	25.3	3	40	9	39.1
Middle	24	44.4	3	12.5	1	2	0	0.0
Western	96	52.2	3	3.1	1	2	1	50.0
SEVENTH CIRCUIT	315	42.5	94	29.8	18 (1)	76	39	72.2
Illinois								
Central	59	58.4	44	74.6	2 (1)	41	15	57.7
Northern	77	42.3	18	23.4	9	9	7	100.0
Southern	60	43.8	6	10.0	1	5	5	100.0
Indiana								
Northern	27	45.0	8	29.6	1	7	0	0.0
Southern	37	31.9	15	40.5	4	11	9	81.8
Wisconsin								
Eastern	42	40.0	1	2.4	0	1	1	100.0
Western	13	31.7	2	15.4	0	2	2	100.0
EIGHTH CIRCUIT	687	40.6	81	11.8	9	72	29	46.8
Arkansas								
Eastern	84	44.0	1	1.2	0	1	1	100.0
Western	43	40.6	0	0.0	0	0	0	0.0
lowa								
Northern	56	43.8	10	17.9	3	7	5	71.4
Southern	44	31.7	0	0.0	0	0	0	0.0
Minnesota	49	32.2	4	8.2	0	4	2	66.7
Missouri	77	02.2	7	5.2	O	4	_	30.7
Eastern	92	46.2	3	3.3	0	3	1	100.0
Western	151	48.6	25	16.6	3	22	10	62.5
Nebraska	69	28.6	3	4.3	0	3	10	50.0
North Dakota	62	43.1	30	4.3	3	27	4	14.8
South Dakota	37	45.1 45.1	5 5	13.5	0	5	5	100.0
Jouin DakUla	31	40.1	ວ	13.3	U	5	3	100.0



Table A-1 Continued. Drug Trafficking Offenders and 21 U.S.C. § 851 Filings By Circuit and District *Fiscal Year 2016*

CIRCUIT			21 U.S.C. § 851 Filings		21 U.S.C. § 851 Filings Withdrawn ³	21 U.S.C. § 851 Not Withdrawn	Subject To 21 U.S.C. § 851 Enhanced Statutory Minimum Penalty	
District	Number	Percent ¹	Number	Percent ²	Number	Number	Number	Percent⁴
NINTH CIRCUIT	857	23.1	67	7.8	41	26	12	50.0
Alaska	11	19.3	0	0.0	0	0	0	0.0
Arizona	208	18.9	2	1.0	2	0	0	0.0
California								
Central	131	47.0	41	31.3	32	9	4	50.0
Eastern	72	29.5	0	0.0	0	0	0	0.0
Northern	38	36.2	0	0.0	0	0	0	0.0
Southern	171	14.8	5	2.9	0	5	3	60.0
Guam	1	5.9	0	0.0	0	0	0	0.0
Hawaii	23	31.9	8	34.8	0	8	2	28.6
ldaho	23	23.7	2	8.7	1	1	1	100.0
Montana	36	29.8	1	2.8	0	1	1	100.0
Nevada	20	21.5	2	10.0	2	0	0	0.0
Northern Mariana Islands	0	0.0	0	0.0	0	0	0	0.0
Oregon	36	31.9	1	2.8	1	0	0	0.0
Washington								
Eastern	31	31.0	5	16.1	3	2	1	50.0
Western	56	37.1	0	0.0	0	0	0	0.0
TENTH CIRCUIT	339	26.3	33	9.7	13	20	12	75.0
Colorado	30	27.8	4	13.3	1	3	2	66.7
Kansas	48	28.4	15	31.3	5	10	5	71.4
New Mexico	102	16.2	0	0.0	0	0	0	0.0
Oklahoma								
Eastern	19	52.8	0	0.0	0	0	0	0.0
Northern	34	45.9	2	5.9	0	2	1	100.0
Western	35	42.2	2	5.7	0	2	2	100.0
Utah	36	35.0	7	19.4	6	1	0	0.0
Wyoming	35	41.2	3	8.6	1	2	2	100.0
ELEVENTH CIRCUIT	531	30.3	42	7.9	6	36	21	67.7
Alabama								
Middle	9	32.1	2	22.2	0	2	1	50.0
Northern	31	35.6	6	19.4	1	5	2	40.0
Southern	31	34.1	4	12.9	0	4	3	75.0
Florida								
Middle	118	21.2	6	5.1	1	5	0	0.0
Northern	38	60.3	7	18.4	0	7	4	66.7
Southern	136	23.3	7	5.1	1	6	6	100.0
Georgia								
Middle	51	48.6	8	15.7	3	5	3	100.0
Northern	50	42.4	2	4.0	0	2	2	100.0
Southern	67	56.8	0	0.0	0	0	0	0.0

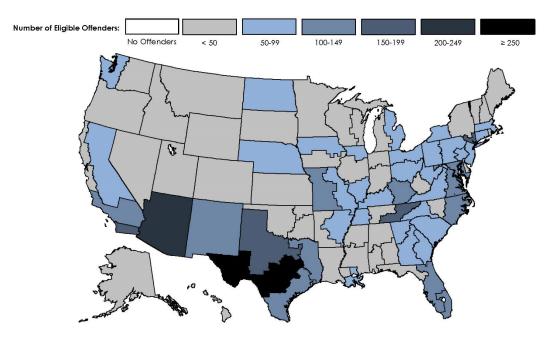
¹ The percent of drug trafficking offenders eligible for the 21 U.S.C. § 851 enhancement is presented as a share of all drug trafficking offenders sentenced under §2D1.1 and §2D1.2.

 $^{2\,\,}$ The percent of 21 U.S.C. 851 filings is presented as a share of total eligible offenders.

³ An offender can receive court relief from the 21 U.S.C. § 851 statutory enhancement if the court finds the offender's prior criminal convictions insufficient to satisfy the requirements described in 21 U.S.C. § 851. These cases are represented in parentheses.

⁴ The percent of offenders subject to the 21 U.S.C. 851 statutory minimum penalty is presented as a share of all cases where the 21 U.S.C. 851 was not withdrawn and where the section 851 filing resulted in an enhanced mandatory minimum penalty. As discussed in the publication, 73.1% (n=426) of the 583 cases in which the section 851 information was filed and not withdrawn involved an increased statutory minimum penalty. The remaining 157 cases (26.9%) involved an increased statutory maximum penalty.

Figure A-1. Number Of Drug Trafficking Offenders Eligible For 851 Enhancement By District Fiscal Year 2016



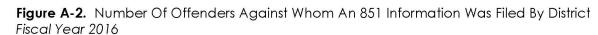
SOURCE: U.S. Sentencing Commission, 2016 Criminal History Datafile, USSCCHFY16.

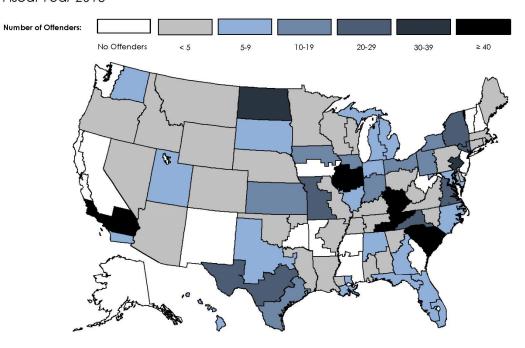
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Table A-2. Districts With The Highest Percentage Of Drug Trafficking Offenders Eligible For 851 Enhancement *Fiscal Year 2016*

District	Percent Eligible
Eastern District of North Carolina	64.9%
Northern District of Florida	60.3%
Central District of Illinois	58.4%
Southern District of Georgia	56.8%
Northern District of Ohio	55.8%
District of Maryland	54.7%
Eastern District of Louisiana	53.0%
Western District of Kentucky	52.9%
Eastern District of Oklahoma	52.8%
Western District of Pennsylvania	52.4%

SOURCE: U.S. Sentencing Commission. 2016 Criminal History Datafile. USSCCHFY16.





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Figure A-3. Number Of Offenders With Enhanced Statutory Mandatory Minimum Penalty 851 Information *Fiscal Year 2016*

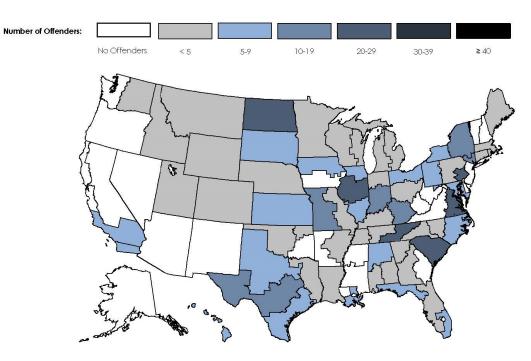


Figure A-4. Number Of Offenders With Enhanced Statutory Maximum Penalty 851 Information *Fiscal Year 2016*

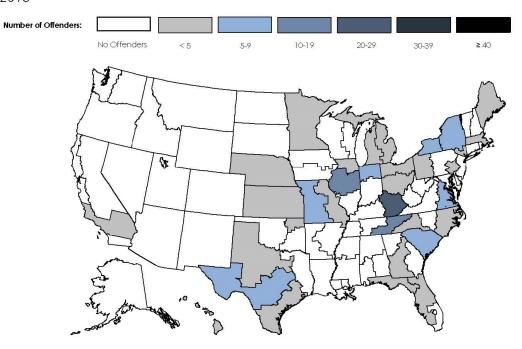


Figure A-5. Percentage Of Eligible Offenders For Whom 851 Information Was Withdrawn By Drug Type *Fiscal Year 2016*

