

**Table 27**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2016**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE <sup>2</sup>		UPWARD DEPARTURE W/ BOOKER <sup>2</sup>		ABOVE RANGE W/ BOOKER <sup>2</sup>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,961</b>	<b>32,519</b>	<b>48.6</b>	<b>317</b>	<b>0.5</b>	<b>102</b>	<b>0.2</b>	<b>1,131</b>	<b>1.7</b>	<b>67</b>	<b>0.1</b>
Murder	85	36	42.4	1	1.2	0	0.0	0	0.0	0	0.0
Manslaughter	57	26	45.6	9	15.8	1	1.8	8	14.0	0	0.0
Kidnapping/Hostage Taking	39	18	46.2	0	0.0	0	0.0	2	5.1	0	0.0
Sexual Abuse	619	267	43.1	15	2.4	4	0.6	28	4.5	0	0.0
Assault	783	422	53.9	21	2.7	9	1.1	22	2.8	5	0.6
Robbery	701	365	52.1	5	0.7	1	0.1	28	4.0	3	0.4
Arson	46	26	56.5	2	4.3	0	0.0	1	2.2	0	0.0
Drugs - Trafficking	19,222	6,921	36.0	66	0.3	12	0.1	137	0.7	14	0.1
Drugs - Communication Facility	271	137	50.6	0	0.0	1	0.4	5	1.8	2	0.7
Drugs - Simple Possession	1,624	1,466	90.3	8	0.5	0	0.0	135	8.3	2	0.1
Firearms	7,293	3,836	52.6	53	0.7	26	0.4	257	3.5	9	0.1
Burglary/B&E	23	10	43.5	0	0.0	0	0.0	1	4.3	0	0.0
Auto Theft	45	27	60.0	0	0.0	0	0.0	2	4.4	0	0.0
Larceny	978	571	58.4	6	0.6	0	0.0	13	1.3	1	0.1
Fraud	6,389	2,730	42.7	30	0.5	15	0.2	88	1.4	4	0.1
Embezzlement	310	175	56.5	0	0.0	1	0.3	5	1.6	0	0.0
Forgery/Counterfeiting	449	256	57.0	1	0.2	2	0.4	11	2.4	0	0.0
Bribery	197	35	17.8	1	0.5	0	0.0	3	1.5	0	0.0
Tax	521	120	23.0	1	0.2	0	0.0	7	1.3	0	0.0
Money Laundering	722	200	27.7	3	0.4	0	0.0	6	0.8	0	0.0
Racketeering/Extortion	913	347	38.0	11	1.2	3	0.3	29	3.2	2	0.2
Gambling/Lottery	74	23	31.1	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	41	14	34.1	1	2.4	0	0.0	0	0.0	0	0.0
Immigration	19,969	11,616	58.2	59	0.3	20	0.1	230	1.2	13	0.1
Child Pornography	1,937	563	29.1	3	0.2	0	0.0	34	1.8	2	0.1
Prison Offenses	464	309	66.6	1	0.2	0	0.0	10	2.2	1	0.2
Administration of Justice Offenses	1,029	520	50.5	7	0.7	2	0.2	41	4.0	5	0.5
Environmental/Wildlife	137	79	57.7	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	100	29	29.0	1	1.0	1	1.0	1	1.0	0	0.0
Antitrust	21	1	4.8	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	113	70	61.9	0	0.0	1	0.9	0	0.0	1	0.9
Other Miscellaneous Offenses	1,789	1,304	72.9	12	0.7	3	0.2	27	1.5	3	0.2

**Table 27 (cont.)**

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE <sup>3</sup>		DOWNWARD DEPARTURE W/ BOOKER <sup>3</sup>		BELOW RANGE W/ BOOKER <sup>3</sup>		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	<b>TOTAL</b>	<b>7,443</b>	<b>11.1</b>	<b>5,960</b>	<b>8.9</b>	<b>5,479</b>	<b>8.2</b>	<b>1,321</b>	<b>2.0</b>	<b>547</b>	<b>0.8</b>	<b>11,684</b>	<b>17.4</b>	<b>391</b>
Murder	24	28.2	0	0.0	17	20.0	0	0.0	0	0.0	7	8.2	0	0.0
Manslaughter	0	0.0	0	0.0	7	12.3	0	0.0	0	0.0	6	10.5	0	0.0
Kidnapping/Hostage Taking	4	10.3	0	0.0	9	23.1	0	0.0	1	2.6	5	12.8	0	0.0
Sexual Abuse	52	8.4	0	0.0	121	19.5	7	1.1	6	1.0	115	18.6	4	0.6
Assault	8	1.0	4	0.5	141	18.0	23	2.9	8	1.0	113	14.4	7	0.9
Robbery	56	8.0	0	0.0	72	10.3	18	2.6	13	1.9	136	19.4	4	0.6
Arson	11	23.9	0	0.0	4	8.7	0	0.0	0	0.0	2	4.3	0	0.0
Drugs - Trafficking	4,342	22.6	1,280	6.7	2,043	10.6	331	1.7	195	1.0	3,798	19.8	83	0.4
Drugs - Communication Facility	29	10.7	7	2.6	24	8.9	1	0.4	1	0.4	61	22.5	3	1.1
Drugs - Simple Possession	1	0.1	1	0.1	4	0.2	1	0.1	0	0.0	4	0.2	2	0.1
Firearms	711	9.7	9	0.1	712	9.8	94	1.3	60	0.8	1,490	20.4	36	0.5
Burglary/B&E	0	0.0	0	0.0	2	8.7	0	0.0	0	0.0	10	43.5	0	0.0
Auto Theft	5	11.1	1	2.2	2	4.4	0	0.0	0	0.0	8	17.8	0	0.0
Larceny	57	5.8	0	0.0	113	11.6	11	1.1	13	1.3	182	18.6	11	1.1
Fraud	1,073	16.8	12	0.2	575	9.0	86	1.3	93	1.5	1,619	25.3	64	1.0
Embezzlement	10	3.2	0	0.0	35	11.3	7	2.3	2	0.6	72	23.2	3	1.0
Forgery/Counterfeiting	47	10.5	1	0.2	41	9.1	4	0.9	1	0.2	83	18.5	2	0.4
Bribery	67	34.0	0	0.0	22	11.2	4	2.0	4	2.0	58	29.4	3	1.5
Tax	69	13.2	5	1.0	73	14.0	13	2.5	13	2.5	214	41.1	6	1.2
Money Laundering	191	26.5	7	1.0	119	16.5	16	2.2	7	1.0	171	23.7	2	0.3
Racketeering/Extortion	187	20.5	0	0.0	126	13.8	8	0.9	12	1.3	186	20.4	2	0.2
Gambling/Lottery	10	13.5	1	1.4	14	18.9	2	2.7	0	0.0	23	31.1	1	1.4
Civil Rights	8	19.5	0	0.0	6	14.6	0	0.0	0	0.0	12	29.3	0	0.0
Immigration	214	1.1	4,624	23.2	451	2.3	612	3.1	74	0.4	1,940	9.7	116	0.6
Child Pornography	55	2.8	0	0.0	410	21.2	40	2.1	17	0.9	794	41.0	19	1.0
Prison Offenses	12	2.6	2	0.4	64	13.8	7	1.5	2	0.4	54	11.6	2	0.4
Administration of Justice Offenses	53	5.2	4	0.4	107	10.4	14	1.4	10	1.0	259	25.2	7	0.7
Environmental/Wildlife	11	8.0	0	0.0	22	16.1	0	0.0	2	1.5	21	15.3	2	1.5
National Defense	27	27.0	0	0.0	17	17.0	2	2.0	3	3.0	19	19.0	0	0.0
Antitrust	15	71.4	0	0.0	2	9.5	0	0.0	0	0.0	3	14.3	0	0.0
Food & Drug	12	10.6	0	0.0	13	11.5	1	0.9	0	0.0	15	13.3	0	0.0
Other Miscellaneous Offenses	82	4.6	2	0.1	111	6.2	19	1.1	10	0.6	204	11.4	12	0.7

<sup>1</sup> 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.

<sup>2</sup> See Tables 24-24B for a list of departure reasons comprising these categories.

<sup>3</sup> See Tables 25-25B for a list of departure reasons comprising these categories.

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