
2018 ANNUAL REPORT AND SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

William H. Pryor Jr.
Acting Chair

Rachel E. Barkow
Commissioner

Charles R. Breyer
Commissioner

Danny C. Reeves
Commissioner

Patricia K. Cushwa
Ex Officio

David Rybicki
Ex Officio



UNITED STATES SENTENCING COMMISSION



MEMORANDUM

TO: Members of Congress
Article III Judges
United States Attorneys
Federal Public and Community Defenders
Chief United States Probation Officers

FROM: United States Sentencing Commission

SUBJECT: *Fiscal Year 2018 Annual Report and Sourcebook of Federal Sentencing Statistics*

Enclosed is a copy of the United States Sentencing Commission's *2018 Annual Report and Sourcebook of Federal Sentencing Statistics*. The *Annual Report* presents an overview of the Commission and highlights for the reader the Commission's major activities and accomplishments during the year. The *Sourcebook* contains detailed descriptive statistics on the implementation of the sentencing guidelines and provides district, circuit, and national sentencing data.

The new *Sourcebook* reflects a year-long process to update and revise the way the Commission reports sentencing data to the public. It is more comprehensive, informative, and easier to use. You can learn more about the update in the Introduction to the Revised *Sourcebook of Federal Sentencing Statistics*.

The *2018 Annual Report and Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and the Commission's Interactive Sourcebook of Federal Sentencing Statistics are available on the Commission's website at <https://www.ussc.gov/research>.



Kenneth P. Cohen

Staff Director

Brent E. Newton

Deputy Staff Director

Susan M. Brazel

Director of Administration

Kathleen C. Grilli

General Counsel

Christine M. Leonard

Director of Legislative and Public Affairs

Glenn R. Schmitt

Director of Research and Data

Raquel K. Wilson

Director of Education and Sentencing Practice





ANNUAL REPORT

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Introduction

The United States Sentencing Commission (“the Commission”) was created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984. The Commission is an independent agency in the Judicial Branch of the federal government, with statutory duties that include:

- promulgating sentencing guidelines to be considered by sentencing judges in all federal criminal cases;
- collecting, analyzing, and reporting sentencing data systematically to detect new criminal trends, assess federal sentencing policies, and serve as a clearinghouse for federal sentencing statistics;
- conducting research on sentencing issues and serving as an information center for the collection, preparation, and dissemination of information on federal sentencing practices; and
- providing specialized training to judges, probation officers, staff attorneys, law clerks, prosecutors, defense attorneys, and other members of the federal criminal justice community on application of the federal sentencing guidelines and federal sentencing generally.

The Commission sits at the intersection of all three branches of government and synthesizes the interests of the three branches to effectuate sound federal sentencing policy. Consistent with statutory guidance and Supreme Court precedent, the Commission has continued to meet its core mission to promulgate new guidelines and guideline amendments in response to legislation, sentencing data, and feedback from sentencing courts, Congress, the Executive Branch, federal defenders, and others in the federal criminal justice system.

Agency Overview

Commissioners

The Commission’s seven voting members are appointed to staggered six-year terms by the President with the advice and consent of the Senate. By statute, at least three of the commissioners shall be federal judges, and no more than four may be members of the same political party. The Attorney General (or the Attorney General’s designee) and the Chairperson of the United States Parole Commission are *ex officio* members of the Commission.

Throughout fiscal year 2018, Circuit Judge William H. Pryor Jr., served as Acting Chair of the Commission, and Professor Rachel E. Barkow, Senior District Judge Charles R. Breyer, and Judge Danny C. Reeves served as commissioners. The terms of Judge Pryor and Professor Barkow, however, expired at the end of the 115th Congress. Consequently, as of the second quarter of fiscal year 2019, Judge Breyer and Judge Reeves are the only voting members of the Commission. Other commissioners include Patricia K. Cushwa (*ex officio*, U.S. Parole

Commission) and David Rybicki (*ex officio*, U.S. Department of Justice). The Commission, by statute, must have at least four voting commissioners to promulgate amendments to the guidelines, but the Commission's other statutory duties are unaffected by the lack of four voting commissioners.

Organization

In fiscal year 2018, the Commission staff of 92 employees was divided into the Offices of the Staff Director, General Counsel, Education and Sentencing Practice, Research and Data, Legislative and Public Affairs, and Administration.

The **Office of the Staff Director** supervises and coordinates all agency functions. The director of each office outlined above reports to the staff director, who in turn reports to the Commission chair.

The **Office of General Counsel** supports the Commission on a variety of legal issues, including the formulation and application of the guidelines and guideline amendments, legislative proposals, and statutory interpretations. Legal staff monitor the district and circuit courts' application and interpretation of the guidelines and advise commissioners about statutes affecting the Commission's work. The legal staff provides training support in conjunction with the Office of Education and Sentencing Practice.

In addition, the office performs all drafting services for the Commission, prepares the *Guidelines Manual* for printing, formally manages and maintains all papers and exhibits received by the Commission that constitute requests for Commission action on sentencing policy development, and coordinates the Commission's policy initiatives.

The **Office of Education and Sentencing Practice** performs the lead role in teaching guideline application to judges, probation officers, prosecuting and defense attorneys, and other criminal justice professionals. The staff develops training materials, participates in the sentencing guideline segments of training programs sponsored by other agencies, works in conjunction with the Administrative Office of the U.S. Courts and the Federal Judicial Center to create podcasts that are aired on the Commission's website, and helps inform the Commission about current guideline application practices. The office also operates the "HelpLine" to respond to guideline application questions from the Judicial Branch.

The **Office of Research and Data** provides statistical and other social science research and analyses on specific sentencing issues and federal crime. The office receives documents from the federal courts concerning the sentences imposed on individual offenders, analyzes and enters information from those documents into the Commission's comprehensive computer database, and creates annual datafiles of sentencing information. Individual offender datafiles (without individual identifiers) from fiscal year 2002 to the present are available on the Commission's website. Working with the Office of the General Counsel, the Office of Research and Data also collects information on organizations convicted of crimes and on appeals filed in individual and organizational cases.

The Office of Research and Data studies a variety of sentencing issues, including changes in the types and severity of federal crimes, changes in the demographic characteristics and criminal history of federal offenders, and sentencing trends in the federal courts. The office creates periodic reports on federal sentencing practices and tracks the application of the sentencing guidelines. These reports provide data concerning the types of crimes committed, the offenders who commit those crimes, and how courts sentence offenders and use the guidelines. The office also provides projections of the effect on the federal prison population of proposed legislation and proposed guideline amendments. The reports are distributed to the courts, Congress, the Executive Branch, and the public.

The **Office of Legislative and Public Affairs** serves as the Commission's liaison with Congress on sentencing matters, monitors Congress's criminal law agenda, analyzes legislative proposals, drafts congressional testimony, and takes the lead role in responding to congressional inquiries. The office also provides services and information to other external entities, including the judiciary, Executive Branch agencies, academia, and advocacy groups. The office works closely with the Office of General Counsel on statutory interpretations and analyses.

The office is also responsible for the agency's public information functions, responding to inquiries and requests for information from the media, the public, Congress, academia, and government agencies. The office plays a primary role in coordinating the production, editing, printing, and dissemination of all Commission publications, including the *Guidelines Manual* and reports to Congress, and is responsible for the Commission's website and social media presence. The office also plays a key role in coordinating the Commission's public hearings.

The **Office of Administration** provides general administrative support to commissioners and staff regarding budget and finance, information technology, contracting, human resources, facilities, and a variety of other office activities. This office also contains the Information Systems unit, which develops and maintains the Commission's extensive information systems applications and the Commission's records management system.

Budget and Expenditures

In fiscal year 2018, the Commission received an annual appropriation of \$18,699,000 toward continued fulfillment of the statutory duties set forth in the Sentencing Reform Act of 1984. The Commission did not request program increases for fiscal year 2019. The Commission continues to maximize existing resources and prioritize cost-containment and efficiency.

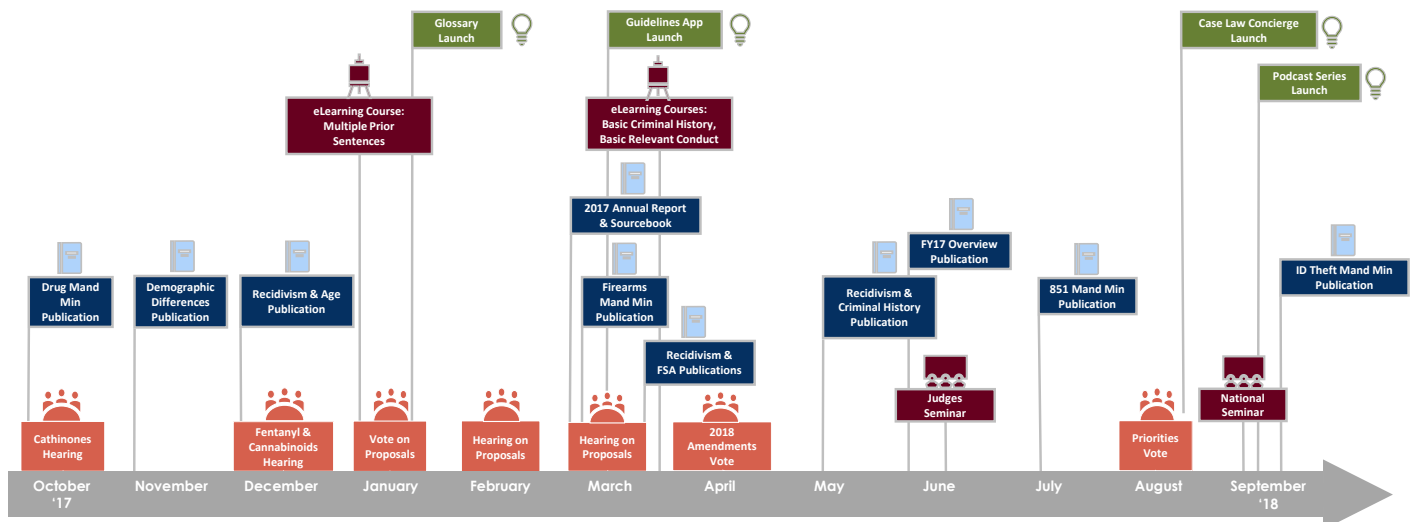
The Commission did not request program increases for FY19.

Fiscal Year 2018 Activity Overview

In fiscal year 2018, the Commission took a leading role in providing data and analysis relating to the fairness and effectiveness of sentencing and improving recidivism outcomes, with the goal of using federal resources efficiently and appropriately. The subsequent sections of this report demonstrate the Commission's commitment to these principles and to meeting its statutory requirements:

- Conducting Research
- Collecting and Reporting Sentencing Data
- Sentencing Policy Development
- Training and Outreach

Major Events and Product Releases Fiscal Year 2018



Conducting Research

Research is a critical component of the Commission's overall mission. The Commission's research staff regularly analyzes the current and prior fiscal years' data to identify how courts sentence offenders and use the guidelines. The Commission routinely uses these analyses when considering proposed changes to the guidelines. Similarly, the Commission publishes many analyses as a resource for policymakers and the criminal justice community.

In fiscal year 2018, the Commission continued to issue reports on the impact of statutory mandatory minimum penalties, an important issue to policymakers because more than one-fifth (21.9%) of all offenders in fiscal year 2016 were convicted of an offense carrying a mandatory minimum penalty. In fiscal year 2018, the Commission released four additional reports in its series on mandatory minimum penalties: *Mandatory Minimum Penalties for Drug Offenses in the Federal Criminal Justice System*; *Mandatory Minimum Penalties for Firearms Offenses in the Federal Criminal Justice System*; *Application and Impact of 21 U.S.C. § 851: Enhanced Penalties for Federal Drug Trafficking Offenders*; and *Mandatory Minimum Penalties for Identity Theft Offenses in the Federal Criminal Justice System*.

Each of these reports provides the prevalence of the mandatory minimum penalty studied, how often offenders receive statutory relief from the mandatory minimum penalty, the demographic breakdown of offenders affected, and the impact the mandatory minimum penalty has on sentences imposed and the population of the Federal Bureau of Prisons. In January of 2019, the Commission released its sixth and final updated report titled *Mandatory Minimum Penalties for Sex Offenses in the Federal Criminal Justice System*.

Commission Publications Fiscal Year 2018



October 2017

Mandatory Minimum Penalties for Drug Offenses in the Federal Criminal Justice System



November 2017

Demographic Differences in Sentencing: An Update to the 2012 Booker Report



December 2017

The Effects of Age on Recidivism Among Federal Offenders



March 2018

2017 Annual Report and Sourcebook of Federal Sentencing Statistics



March 2018

Mandatory Minimum Penalties for Firearms Offenses in the Federal Criminal Justice System



March 2018

Recidivism Among Federal Offenders Receiving Retroactive Sentence Reductions: The 2011 Fair Sentencing Act Guideline Amendment



May 2018

The Criminal History of Federal Offenders



June 2018

Fiscal Year 2017 Overview of Federal Criminal Cases



June 2018

Application and Impact of 21 U.S.C. § 851: Enhanced Penalties for Federal Drug Trafficking Offenders



June 2018

Mandatory Minimum Penalties for Identity Theft Offenses in the Federal Criminal Justice System

The Commission believes these reports are a valuable source of data and information as Congress continues to assess the role of mandatory minimum penalties in the federal criminal justice system.

The Commission continues to focus its research on recidivism, drawing upon partnerships across the federal criminal justice system working to improve recidivism outcomes and public safety. The Commission's ongoing series examines U.S. citizen federal offenders released from prison or placed on probation in calendar year 2005 and studies their recidivism over an eight-year follow-up period. For example, in fiscal year 2018, the Commission released *The Effects of Aging on Recidivism Among Federal Offenders*, which analyzed the impact of the aging process on federal offender recidivism. Also, in fiscal year 2018, the Commission released *Recidivism Among Federal Offenders Receiving Retroactive Sentence Reductions: The 2011 Fair Sentencing Act Guideline Amendment*. This report analyzed the recidivism rates of a group of crack cocaine offenders whose sentences were reduced pursuant to retroactive application of the guideline amendment implementing the Fair Sentencing Act of 2010 and compares their recidivism rate to a comparable group of offenders who would have been eligible to seek a reduced sentence under that guideline amendment, but who were released before its effective date after serving their full sentence.

In fiscal year 2018, the Commission also released a report titled, *The Criminal History of Federal Offenders*, which provided, for the first time, complete information on the number of convictions and types of offenses in the criminal histories of federal offenders sentenced in a fiscal year. Demonstrating the Commission's commitment to strategic modernization, this research utilizes technological improvements to expand the scope of information related to an offender's criminal history that provides a more complete assessment and analysis for Congress.

The Commission has begun to update the analyses in its *Report to the Congress: Continuing Impact of United States v. Booker on Federal Sentencing* ("2012 Booker Report"). In fiscal year 2018, the Commission published *Demographic Differences in Sentencing: An Update to the 2012 Booker Report*, exploring the relationship between demographic factors and sentencing outcomes. Consistent with previous reports, the Commission's research demonstrates that sentence length continues to be associated with some demographic factors such as race. Then, in January of 2019, the Commission released *Intra-City Differences in Federal Sentencing Practices*, which examined differences in the sentencing practices of judges located within 30 large metropolitan areas across the nation, representing judicial districts in every circuit except the D.C. Circuit.

The Commission has continued to prioritize making its data and research more easily accessible to Congress, the courts, the public, and the press. For example, in fiscal year 2018 the Commission updated and expanded its Quick Facts series, which provides concise facts about a single area of federal crime in an easy-to-read, two-page format. The Quick Facts series includes overviews of offenders convicted of offenses carrying mandatory minimum penalties, career offenders, "white-collar" offenders, drug trafficking offenders by drug type, robbery offenders, and many more.

Collecting and Reporting Sentencing Data

To conduct the type of research outlined in the previous section, the Commission collects data regarding every felony and class A misdemeanor offense sentenced each year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document, (2) the plea agreement, (3) the Presentence Report, (4) the Judgment and Commitment Order, and (5) the Statement of Reasons form. The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.

The Commission received approximately 321,000 documents for 69,425 individual original sentencings that occurred in fiscal year 2018. Select highlights from fiscal year 2018 data are outlined below:

Approximately 321,000 sentencing-related documents were received and analyzed by the Commission in FY18.

- In fiscal year 2018, the courts reported 69,425 felony and Class A misdemeanor cases to the Commission. This represents an increase of 2,552 cases from the prior fiscal year, and the first increase since fiscal year 2011.
- The race of federal offenders remained largely unchanged from prior years. In fiscal year 2018, 54.3 percent of all offenders were Hispanic, 21.2 percent were White, 20.6 percent were Black, and 3.8 percent were of another race. Non-U.S. citizens accounted for 42.7 percent of all federal offenders.
- Immigration cases accounted for the largest single group of offenses in fiscal year 2018, comprising 34.4 percent of all reported cases. Cases involving drugs, firearms, and fraud were the next most common types of offenses after immigration cases. Together these four types of offenses accounted for 82.9 percent of all cases reported to the Commission in fiscal year 2018.
- Among drug cases, offenses involving methamphetamine were most common, accounting for 39.8 percent of all drug cases.
- Drug sentences remained relatively stable across all drug types in fiscal year 2018. The average length of imprisonment increased slightly from fiscal year 2017 in cases involving methamphetamines, from 91 months to 95 months, but decreased in crack cocaine cases (from 84 to 78 months), powder cocaine cases (from 75 to 73 months), and in heroin cases (from 70 months to 69 months). In fiscal year 2018, 58.0 percent of drug offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 44.2 percent of drug offenders in fiscal year 2017.
- In fiscal year 2018, 75.0 percent of all offenders received sentences under the *Guidelines Manual*, in that the sentence was within the applicable guidelines range, or was outside the applicable guidelines range and the court cited a departure reason from the *Guidelines Manual*. Just over half (51.0%) of all sentences were within the guidelines range, compared to 49.1 percent in fiscal year 2017.

75% of all offenders received sentences under the *Guidelines Manual* in FY18.

The Commission makes its sentencing data available to the public in several ways. Analyses of the data extracted from the sentencing documents are reported in this *Annual Report and Sourcebook of Federal Sentencing Statistics*, which is available both in print and on the Commission's website, and its Interactive Sourcebook of Federal Sentencing Statistics, which allows users to create and customize tables and figures. The Commission also disseminates on its website key aspects of this data on a quarterly basis and provides trend analyses of the changes in federal sentencing practices over time.

As required by 28 U.S.C. § 994(g) and 18 U.S.C. § 4047, the Commission considers the impact of guideline amendments on the federal prison population. Since fiscal year 2012, the Commission has made its prison and sentencing impact analyses available to the public on its website. The Commission is also often asked by Congress to complete prison and sentencing impact assessments for proposed legislation. In addition, the Commission responds to more general data requests from Congress on issues such as drugs, immigration, fraud, firearms and sex offenses. It provides district, state-wide, and circuit data analyses to House and Senate Judiciary Committee members and, on an as-requested basis, to other members of Congress. The Commission also responds to requests for data analyses from federal judges, including specific data requests relating to pending cases.

Sentencing Policy Development

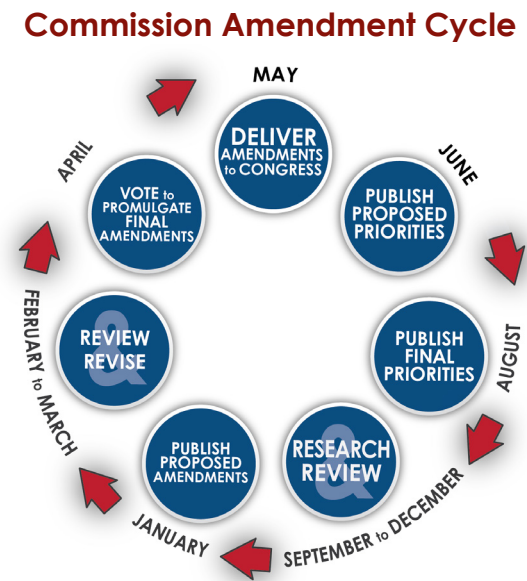
Established by the Commission, the sentencing guidelines are core to the agency's mission. They provide federal judges with fair and consistent sentencing ranges to consult at sentencing by:

- incorporating the purposes of sentencing (*i.e.*, just punishment, deterrence, incapacitation, and rehabilitation);
- providing certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting sufficient judicial flexibility to take into account relevant aggravating and mitigating factors; and
- reflecting, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

In fiscal year 2018, the Commission adopted several amendments to the guidelines that became effective November 1, 2018. These amendments reflected a collaborative data-driven approach to federal sentencing.

In response to the Bipartisan Budget Act of 2015, the Commission increased offense levels for certain social security fraud offenses. The Commission received valuable comment from the Senate Committee on Finance, the House of Representatives Ways and Means Committee, and the House of Representatives Judiciary Committee as well as the Social Security Administration. The Commission's action established an enhancement and a minimum offense level for individuals who violate certain positions of trust (*e.g.*, health care providers, claims representatives, and others).

The Commission also approved a multi-part synthetic drugs amendment, drawing upon public comment, expert testimony, and data analysis gathered during a multi-year study of synthetic drugs. Before the Commission's action, many new synthetic drugs were not referenced in the federal sentencing guidelines, which resulted in expensive and resource-intensive hearings in federal court. The Commission's actions reflected the evolving nature of these new drugs and will simplify and promote uniformity in sentencing these offenders. The amendment also included a new guideline definition of the term "fentanyl analogue" that effectively raised the guideline penalties for fentanyl analogues to a level more consistent with the statutory penalty structure. To address the severe dangers posed by fentanyl, the Commissioners also adopted a four-level sentencing enhancement for knowingly misrepresenting or knowingly marketing fentanyl or fentanyl analogues as another substance (which equates to an approximate 50 percent increase in sentence).



The multi-part synthetic drugs amendment also established drug ratios and minimum offense levels for two new classes of synthetics drugs: synthetic cathinones (often referred to as "bath salts") and synthetic cannabinoids (including, but not limited to, "K2" or "spice"). The Commission found that synthetic cathinones possessed a common chemical structure that is sufficiently similar to treat as a single class of synthetic drugs. The Commission also found that, while synthetic cannabinoids differ in chemical structure, the drugs induce similar biological responses and share similar pharmacological effects. In setting the new drug ratios, the Commission considered, among other factors, the severity of the medical harms to the user, the current ratios applied in similar cases, known trafficking behaviors, and concerns for public safety.

The Commission also added new commentary to the *Guidelines Manual* providing that judges should consider alternative sentencing options for "nonviolent first offenders" whose applicable guideline range falls within Zones A or B. Eligible defendants must not have any prior convictions and must not have used violence, credible threats of violence, or possessed a firearm or other dangerous weapon in the offense. This narrowly-tailored amendment is consistent with the statutory directive to the Commission in 28 U.S.C. § 994(j).

The Commission also addressed recommendations from its Tribal Issues Advisory Group regarding how tribal convictions are treated in Chapter Four of the *Guidelines Manual* and the definition of "court protection order" in the guidelines.

The Commission continues to review Supreme Court jurisprudence that may directly or indirectly affect the Commission's priorities and workload. For example, the Commission previously undertook an accelerated review of the guideline definition of "crime of violence" after the Supreme Court's decision in *Johnson v. United States* struck down as unconstitutionally vague the residual clause portion of the statutory definition of "violent felony" in the Armed

Career Criminal Act. The Commission deleted the identical residual clause in the guideline definition of “crime of violence” and revised the list of enumerated offenses covered by the guideline definition. These changes were intended to simplify and reduce litigation over whether an offense qualifies as a crime of violence under the guidelines.

Since then, discrete application issues have arisen regarding the revisions as well as broader concerns raised by the Department of Justice and others that the “categorical approach” that courts apply to the guidelines’ definition is overly complex and results in odd and disparate sentencing outcomes. In fiscal years 2018 and 2019, the Commission continued to consider ways to simplify this determination and ensure logical and more uniform sentencing outcomes. This ongoing effort is particularly important in light of the risk to public safety posed by violent recidivist offenders. In December of 2018, the Commission published a proposed amendment for public comment that would move the guidelines away from the categorical approach by allowing courts to consider the conduct that formed the basis of the defendant’s prior convictions to determine whether the conviction was a “crime of violence.” The proposed amendment would allow the court to examine the *Shepard*-approved documents to make this determination.

The Commission also published proposed amendments for public comment relating to recently enacted legislation, proposed revisions concerning how retroactive sentence reductions are determined when mandatory minimum penalties are present, and technical changes to the *Guidelines Manual*, in December of 2018.

Training and Outreach

The Commission continues to fulfill its statutory duty to provide seminars, workshops, and training programs for judges, probation officers, law clerks, prosecutors, and defense attorneys on federal sentencing issues, including application of the guidelines. In fiscal year 2018, commissioners and Commission staff conducted training programs to persons connected with the federal sentencing process from nearly all 94 federal districts, through discrete education programs, including programs for specific districts and circuits, and specialized training programs for new probation officers and Criminal Justice Act attorneys, among others.

In fiscal year 2018, the Commission conducted its third annual training seminar for judges in San Francisco, California. This program, which is specifically tailored to the needs of federal judges, was attended by more than 100 federal judges.

Each year the Commission also holds a national training seminar for a broader array of members of the federal criminal justice system. In fiscal year 2018, the Commission held its national training seminar in San Antonio, Texas, and more than 850 federal probation officers, prosecutors, defense attorneys, and judges attended. Commissioners and Commission staff also participated in academic programs, symposia, and circuit conferences as part of ongoing discussions on federal sentencing issues.

In FY18 more than 100 federal judges attended the Commission’s judges seminar.

More than 850 professionals attended the Commission’s national seminar.

Further, the Commission continues to develop a more robust program of distance learning through online resources. In fiscal year 2018, the Commission added numerous online resources useful to both criminal justice practitioners, and members of the public-at-large. One such resource is a new Case Law Concierge that allows users to search for sentencing-related cases by federal circuit or training topic. Another helpful new resource is the Commission's Glossary of Sentencing Terms.

The Commission also launched a podcast series, Sentencing Practice Talk, designed to serve as a tool for those seeking a deeper understanding of federal sentencing practice. Podcast episodes range from answers to frequently asked questions received on the Commission's HelpLine, to discussions on how recent case law developments affect sentencing. Sentencing Practice Talk aids practitioners in proper application of the guidelines by covering topics such as criminal history, base offense level, relevant conduct, conspiracy offenses, revocations, grouping of multiple counts, and more. In September 2018, the month it launched, the podcast page was visited by nearly 1,000 users. The Commission anticipates engagement will continue to expand as the podcast is updated with episodes on relevant issues. The Commission also launched a quarterly newsletter, Insider Express, which is released quarterly both online and via email to interested constituents. The newsletter contains regular updates on Commission work, guideline application pointers, case law updates, and answers to frequently asked questions.

Webinars and webcasts were yet another way the Commission offered training and education services more accessibly, while simultaneously keeping costs low. The Commission released an eLearning course on sentencing illegal reentry offenders, who comprise about one-third of federal offenders. Two other eLearning courses in the Commission's growing online education program included an introduction to basic relevant conduct analysis and basic criminal history.

The Commission also released an updated version of its primer, *Federal Sentencing: The Basics*, which provides judges and practitioners a general overview of the federal sentencing process, and pairs with an updated interactive eLearning course.

Commission Resources

- Case Law Concierge
- Case Law Quarterly
- eLearning Programs
- Glossary of Sentencing Terms
- HelpLine
- Insider Express Newsletter
- Primers
- Quick Facts
- Reports-At-A-Glance
- Sentencing Practice Talk Podcast

In addition to these newer resources, the Commission continues to staff a HelpLine that responds to dozens of questions each day from judges, practitioners, and probation officers regarding proper guideline application.

The Commission also continues to expand its social media presence. Using its social media accounts on Twitter and LinkedIn, as well as a cloud communications tool, the Commission provides frequent updates to the interested public on its policy work and research publications. In fiscal year 2018, the Commission's website received over 1.3 million hits and averaged approximately 24,000 users each month.

In fiscal year 2018, the Commission also launched a free interactive web-based application that enables users to access the full *Guidelines Manual* on mobile devices, desktop, or laptop computers. The app has been well-received by practitioners. Enhanced features will be added in fiscal years 2019 and 2020.

The Commission's website received over 1.3 million hits in FY18.

Summary

The United States Sentencing Commission continues to fulfill its statutory responsibilities, including evaluating the fairness and effectiveness of the sentencing guidelines, advising Congress on federal sentencing policy, and serving as a clearinghouse of timely sentencing research and data. Furthermore, the Commission is committed to providing this current data and guidance to federal judges through training and online information resources.

The Commission's efforts are calibrated to protect public safety and provide that the statutory purposes of sentencing are achieved. The Commission will continue these efforts going forward and is prioritizing ways to make the guidelines work better, thus promoting efficiency and effectiveness and reducing unnecessary litigation.

Contact Us



@TheUSSCGov



www.ussc.gov



United States Sentencing Commission



pubaffairs@ussc.gov



SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

SOURCEBOOK

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*Selected Sentencing Statistics by District are available at:
<https://www.ussc.gov/research/sourcebook-2018>*

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INTRODUCTION

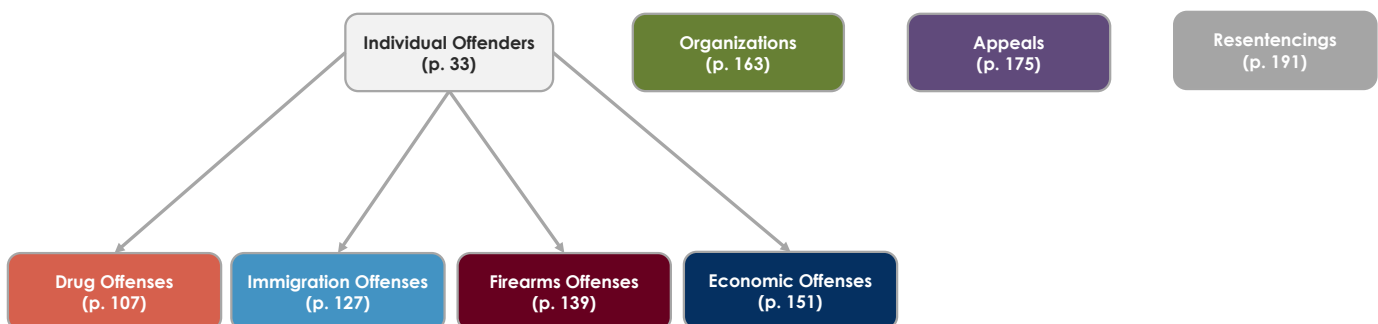
Introduction to the Revised Sourcebook of Federal Sentencing Statistics

This is the twenty-third edition of the United States Sentencing Commission’s *Sourcebook of Federal Sentencing Statistics*. This *Sourcebook* contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. **The volume covers fiscal year 2018 (October 1, 2017, through September 30, 2018, hereinafter “2018”).** This *Sourcebook*, together with the *2018 Annual Report*, constitutes the annual report referenced in 28 U.S.C. § 997, as well as the analysis, recommendations, and accounting to Congress referenced in 28 U.S.C. § 994(w)(3). The Commission received documentation on 69,425 federal felony and Class A misdemeanor cases involving individual offenders in fiscal year 2018.¹ The Commission coded and edited information from the sentencing documents in these cases into its comprehensive, computerized data collection system.

The Commission first released sentencing data in its *1988 Annual Report* and reported this data annually until 1996. That year, the Commission compiled sentencing data into a new publication, the *Sourcebook of Federal Sentencing Statistics*. Over the next two decades new tables and figures were added to the *Sourcebook*, but the overall structure of the book has not changed until now.

The *2018 Sourcebook* reflects a year-long process to update and revise the way the Commission reports sentencing data to the public. We have endeavored to make the *Sourcebook* more comprehensive, more informative, and easier to use. Many of the existing tables have been revised to reflect current sentencing practices. The figures have been updated to make them easier to understand and are now presented in color in the printed *Sourcebook*. Some figures and tables have been removed so that the data on them can be presented in new ways. Trend analyses have also been added to the major sections so that readers can see how sentencing patterns have changed over the last ten years. Additional analyses regarding drug and immigration crimes are presented, and new sections regarding firearms and economic offenses have been added, in order to give readers more complete information about the most frequently-occurring federal crimes. The Organizational Offender section of the *Sourcebook* has also been expanded, giving readers more detailed information about the organizations sentenced under Chapter Eight of the *Guidelines Manual* and the offenses they commit. Also, Appendix B,

Sourcebook Diagram



¹ 28 U.S.C. § 994(w); USSG §1B1.9.

which provides sentencing data for each judicial district has been updated to reflect current sentencing practices. Finally, many of the titles and terms used in the *Sourcebook* have been modified to adopt a “plain language” approach.

One major revision to the methodology used in the *Sourcebook* involves the way the Commission analyzes the sentence imposed relative to the sentencing range for the case as determined under the Commission’s *Guidelines Manual*. Beginning with this version of the *Sourcebook*, sentences now are grouped into two broad categories: Sentences Under the *Guidelines Manual* and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the range, where the court cited one or more of the departure reasons in the *Guidelines Manual* as a basis for the sentence. Variance cases are those in which the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

Other methodological changes are reflected in this version of the *Sourcebook*. Principal among them is the way cases are assigned to a “type of crime” (previously called offense type). Beginning with this report, the guideline (or guidelines) that the court applied in determining the sentence will determine the crime type category to which a case is assigned. Previously, the maximum penalty provided under the statute of conviction was used for this categorization. In cases where the offender was convicted of more than one offense, the Commission’s prior methodology occasionally assigned a case to an offense category that was different from the type of guideline that the court applied in determining the sentence. Beginning with fiscal year 2018 data, cases with more than one count of conviction will be assigned to the type of crime that aligns with the guideline that produced the highest sentencing range. Also, the names of some of the crime type categories have been revised and some outdated categories have been removed from the tables and figures.

Another important methodological change is that sentences are capped at 470 months for all analyses. This is consistent with the Commission’s long-standing practice of assigning a value of 470 months to any life imprisonment sentence. Now, determinate sentences of more than 470 months will not have a value greater than life imprisonment sentences.

The Drug Offenses section of the *Sourcebook* has been revised. Most of the analyses in that section now focus only on drug trafficking crimes. Also, data on the use of enhanced penalties in drug trafficking cases where the offender is a recidivist are included for the first time.

Finally, cases involving the production of child pornography have been assigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography offense type in the *Sourcebook*. This change reflects the way in which the production of child pornography is treated under the sentencing guidelines.

Because of these methodological changes, direct comparisons between data for fiscal year 2018 and later years cannot always be made to data reported in the *Sourcebook* for years before fiscal year 2018.

Background

The Commission collects and analyzes data on federal sentences to support its various activities. As authorized by Congress, the Commission's numerous research responsibilities include: (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code; and (4) the systematic collection and dissemination of information regarding the effectiveness of sentences imposed.²

The Commission maintains a comprehensive, computerized data collection system which forms the basis for its clearinghouse of federal sentencing information and which contributes to the agency's research mission.

Pursuant to 28 U.S.C. § 994(w), the chief judge of each district is required to ensure that, within 30 days of entry of judgment in a criminal case, the sentencing court submits a report of sentence to the Commission that includes: (1) the Judgment and Commitment Order, (2) the written Statement of Reasons, (3) any plea agreement, (4) the indictment or other charging document, (5) the Presentence Report, and (6) any other information the Commission requests.

Data from these documents are extracted and coded for input into various databases. It should be noted that data collection is a dynamic rather than a static process. When research questions arise, the Commission either analyzes existing data or adds information to its data collection system.

In 2012, the Commission began making its datafiles available through the Commission's website.³ The Commission's computerized datafiles, without individual identifiers, are also available through the Inter-University Consortium for Political and Social Research at the University of Michigan (ICPSR).⁴

Datafiles

For each case in its Offender Datafile, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information. Throughout 2018, the Commission continued to add data elements to its extensive computerized datafile on defendants sentenced under the guidelines. In addition to its standard data collection, the Commission often codes additional variables to study various distinct issues (*e.g.*, drug offenses, criminal history).

2 28 U.S.C. §§ 995(a)(12) and (14) – (16).

3 The Commission's datafiles can be found at <https://www.ussc.gov/research/datafiles/commission-datafiles>.

4 The Consortium's website address is <http://www.icpsr.umich.edu/icpsrweb/index.jsp>.

The Commission's 2018 Offender Datafile contains documentation on 69,425 felony and Class A misdemeanor cases in which an individual offender was sentenced between October 1, 2017, and September 30, 2018. A "case" is defined as one sentencing event for an individual defendant.

The Organizational Datafile contains documentation on organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in 2018. The Commission collects available data on organizational structure, size, and economic viability; offense of conviction; mode of adjudication; sanctions imposed (including probation and court-ordered compliance and ethics programs); and application of the sentencing guidelines. The Commission received information on 99 organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual*.

While the 2018 reporting year includes cases sentenced between October 1, 2017, and September 30, 2018, it is important to note that the individual offender and organizational data collected and analyzed in the *2018 Annual Report and Sourcebook of Federal Sentencing Statistics* reflect cases for that fiscal year reported to the Commission (*i.e.*, guidelines cases for which the courts forwarded appropriate documentation to the Commission) by February 25, 2019.

The Appeals Datafile tracks appellate review of sentencing decisions. Information captured in this module includes district, circuit, date of opinion, sentencing issues, and the appellate court's disposition. The Commission also tracks final opinions and orders, both published and unpublished, in federal criminal appeals. In 2018, the Commission gathered information on 7,038 cases decided by the courts of appeal. Cases involving co-appellants are treated as separate appeals for statistical purposes.

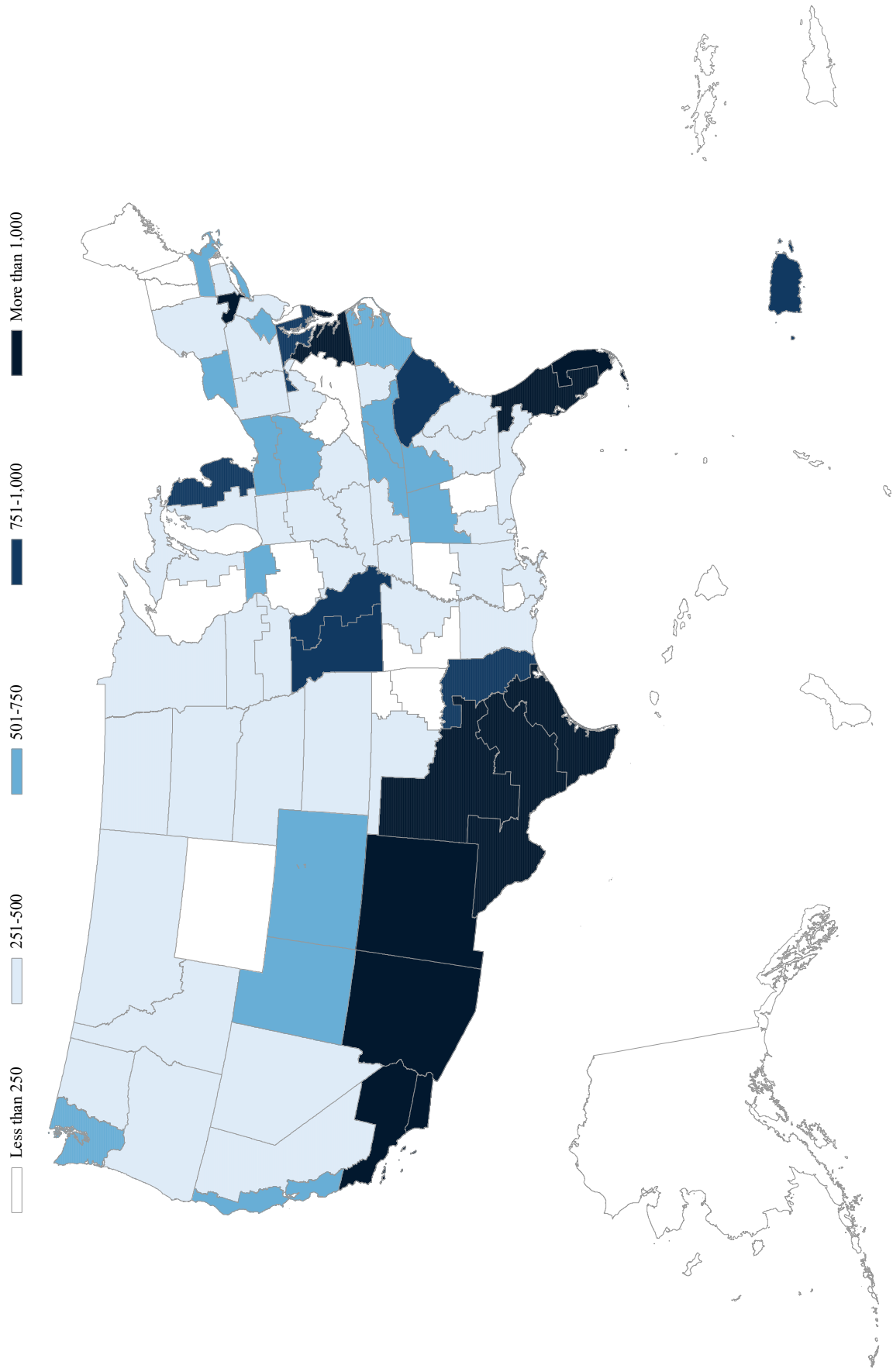
The Commission implemented a data collection system to track resentencings and other modifications of sentence in 2008. The information collected includes judicial district, reason for resentencing, new sentence, and guideline application information, if available. Information is collected on eight types of resentencings and other modifications of sentence. In 2018, the Commission received documentation on 3,241 resentencings and other modifications of sentence.

The *2018 Annual Report and Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and the Commission's Interactive Sourcebook are available on the Commission's website at <https://www.ussc.gov/research>.

The Commission also has an Interactive Sourcebook, in which sentencing data can be tailored to any district or group of districts, or to a circuit or group of circuits. Users can also change the fiscal year of the data presented, or group multiple years of data into one analysis. All analyses using the online tool can be saved into a .pdf format for later use or printing.

CIRCUIT AND DISTRICT STATISTICS

Figure 1
FEDERAL OFFENDERS IN EACH DISTRICT
Fiscal Year 2018



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

Table 1

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	69,425	100.0			
D.C. CIRCUIT	219	0.3	FIFTH CIRCUIT	17,658	25.4
District of Columbia	219	0.3	Louisiana		
FIRST CIRCUIT	1,744	2.5	Eastern	275	0.4
Maine	178	0.3	Middle	154	0.2
Massachusetts	529	0.8	Western	252	0.4
New Hampshire	184	0.3	Mississippi		
Puerto Rico	760	1.1	Northern	173	0.2
Rhode Island	93	0.1	Southern	342	0.5
SECOND CIRCUIT	3,479	5.0	Texas		
Connecticut	322	0.5	Eastern	753	1.1
New York			Northern	1,484	2.1
Eastern	663	1.0	Southern	6,138	8.8
Northern	384	0.6	Western	8,087	11.6
Southern	1,446	2.1	SIXTH CIRCUIT	4,699	6.8
Western	503	0.7	Kentucky		
Vermont	161	0.2	Eastern	392	0.6
THIRD CIRCUIT	2,123	3.1	Western	303	0.4
Delaware	77	0.1	Michigan		
New Jersey	467	0.7	Eastern	934	1.3
Pennsylvania			Western	359	0.5
Eastern	640	0.9	Ohio		
Middle	471	0.7	Northern	716	1.0
Western	411	0.6	Southern	574	0.8
Virgin Islands	57	0.1	Tennessee		
FOURTH CIRCUIT	5,587	8.0	Eastern	655	0.9
Maryland	838	1.2	Middle	321	0.5
North Carolina			Western	445	0.6
Eastern	744	1.1	SEVENTH CIRCUIT	2,442	3.5
Middle	403	0.6	Illinois		
Western	566	0.8	Central	241	0.3
South Carolina	966	1.4	Northern	740	1.1
Virginia			Southern	266	0.4
Eastern	1,331	1.9	Indiana		
Western	238	0.3	Northern	373	0.5
West Virginia			Southern	414	0.6
Northern	262	0.4	Wisconsin		
Southern	239	0.3	Eastern	252	0.4
			Western	156	0.2

Table 1 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,805	6.9	TENTH CIRCUIT	6,541	9.4
Arkansas			Colorado	525	0.8
Eastern	453	0.7	Kansas	486	0.7
Western	238	0.3	New Mexico	3,950	5.7
Iowa			Oklahoma		
Northern	370	0.5	Eastern	96	0.1
Southern	477	0.7	Northern	195	0.3
Minnesota	295	0.4	Western	378	0.5
Missouri			Utah	692	1.0
Eastern	847	1.2	Wyoming	219	0.3
Western	779	1.1			
Nebraska	494	0.7	ELEVENTH CIRCUIT	6,596	9.5
North Dakota	370	0.5	Alabama		
South Dakota	482	0.7	Middle	238	0.3
			Northern	517	0.7
NINTH CIRCUIT	13,532	19.5	Southern	287	0.4
Alaska	197	0.3	Florida		
Arizona	4,649	6.7	Middle	1,542	2.2
California			Northern	300	0.4
Central	1,110	1.6	Southern	2,251	3.2
Eastern	477	0.7	Georgia		
Northern	535	0.8	Middle	429	0.6
Southern	3,889	5.6	Northern	570	0.8
Guam	44	0.1	Southern	462	0.7
Hawaii	153	0.2			
Idaho	377	0.5			
Montana	356	0.5			
Nevada	458	0.7			
Northern Mariana Islands	14	0.0			
Oregon	421	0.6			
Washington					
Eastern	345	0.5			
Western	507	0.7			

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

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

Table 2
DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	69,425	321,624	69,425	68,931	48,148	21,262	69,414	65,706	3,716
D.C. CIRCUIT	219	1,062	219	219	191	28	219	214	5
District of Columbia	219	1,062	219	219	191	28	219	214	5
FIRST CIRCUIT	1,744	8,023	1,744	1,740	1,118	626	1,744	1,677	67
Maine	178	801	178	178	90	88	178	177	1
Massachusetts	529	2,377	529	529	293	236	529	497	32
New Hampshire	184	899	184	184	163	21	184	184	0
Puerto Rico	760	3,496	760	756	494	266	760	726	34
Rhode Island	93	450	93	93	78	15	93	93	0
SECOND CIRCUIT	3,479	16,553	3,479	3,457	2,780	697	3,476	3,361	118
Connecticut	322	1,597	322	322	310	12	321	322	0
New York									
Eastern	663	3,215	663	662	569	94	663	658	5
Northern	384	1,689	384	373	224	160	384	324	60
Southern	1,446	6,808	1,446	1,437	1,060	384	1,444	1,421	25
Western	503	2,473	503	503	469	34	503	495	8
Vermont	161	771	161	160	148	13	161	141	20
THIRD CIRCUIT	2,123	10,024	2,123	2,112	1,659	459	2,123	2,007	116
Delaware	77	377	77	77	70	7	77	76	1
New Jersey	467	2,277	467	464	419	48	467	460	7
Pennsylvania									
Eastern	640	3,028	640	638	471	169	640	639	1
Middle	471	2,145	471	471	336	135	471	396	75
Western	411	1,926	411	410	315	91	411	379	32
Virgin Islands	57	271	57	52	48	9	57	57	0
FOURTH CIRCUIT	5,587	25,498	5,587	5,512	3,891	1,695	5,583	4,925	662
Maryland	838	4,003	838	822	725	113	838	780	58
North Carolina									
Eastern	744	3,275	744	692	432	312	743	664	80
Middle	403	2,004	403	403	394	9	403	401	2
Western	566	2,682	566	565	420	146	566	565	1
South Carolina	966	4,419	966	966	557	409	966	964	2
Virginia									
Eastern	1,331	5,532	1,331	1,327	717	613	1,330	827	504
Western	238	1,142	238	236	200	38	236	232	6
West Virginia									
Northern	262	1,290	262	262	243	19	262	261	1
Southern	239	1,151	239	239	203	36	239	231	8

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	17,658	78,151	17,658	17,603	7,944	9,712	17,657	17,289	369
Louisiana									
Eastern	275	1,272	275	275	176	99	275	271	4
Middle	154	700	154	153	86	68	154	153	1
Western	252	1,205	252	242	227	25	252	232	20
Mississippi									
Northern	173	845	173	173	166	7	173	160	13
Southern	342	1,656	342	339	296	46	342	337	5
Texas									
Eastern	753	3,722	753	753	710	43	753	753	0
Northern	1,484	6,838	1,484	1,483	910	574	1,484	1,477	7
Southern	6,138	27,447	6,138	6,137	3,129	3,008	6,137	5,906	232
Western	8,087	34,466	8,087	8,048	2,244	5,842	8,087	8,000	87
SIXTH CIRCUIT	4,699	22,256	4,699	4,647	3,693	1,004	4,696	4,521	176
Kentucky									
Eastern	392	1,888	392	392	323	69	392	389	3
Western	303	1,418	303	303	273	30	303	236	67
Michigan									
Eastern	934	4,412	934	930	698	236	933	917	17
Western	359	1,663	359	359	236	123	359	350	9
Ohio									
Northern	716	3,333	716	716	486	230	716	699	17
Southern	574	2,846	574	574	555	19	574	569	5
Tennessee									
Eastern	655	3,112	655	655	524	131	655	623	32
Middle	321	1,474	321	276	258	61	319	300	19
Western	445	2,110	445	442	340	105	445	438	7
SEVENTH CIRCUIT	2,442	11,794	2,442	2,433	2,065	376	2,442	2,412	30
Illinois									
Central	241	1,103	241	237	148	93	241	236	5
Northern	740	3,615	740	740	663	76	740	732	8
Southern	266	1,216	266	266	158	108	266	260	6
Indiana									
Northern	373	1,825	373	369	338	35	373	372	1
Southern	414	2,027	414	413	374	40	414	412	2
Wisconsin									
Eastern	252	1,240	252	252	238	14	252	246	6
Western	156	768	156	156	146	10	156	154	2
EIGHTH CIRCUIT	4,805	23,014	4,805	4,769	3,849	956	4,805	4,786	19
Arkansas									
Eastern	453	2,037	453	418	268	185	453	445	8
Western	238	1,169	238	238	219	19	238	236	2
Iowa									
Northern	370	1,692	370	370	213	157	370	369	1
Southern	477	2,213	477	476	307	170	477	476	1
Minnesota	295	1,449	295	295	269	26	295	295	0
Missouri									
Eastern	847	4,213	847	847	826	21	847	846	1
Western	779	3,686	779	779	570	209	779	779	0
Nebraska	494	2,355	494	494	379	115	494	494	0
North Dakota	370	1,817	370	370	338	32	370	369	1
South Dakota	482	2,383	482	482	460	22	482	477	5

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	13,532	64,784	13,532	13,449	12,479	1,053	13,532	11,792	1,740
Alaska	197	947	197	196	164	33	197	193	4
Arizona	4,649	22,341	4,649	4,580	4,436	213	4,649	4,027	622
California									
Central	1,110	5,252	1,110	1,109	896	214	1,110	1,027	83
Eastern	477	2,338	477	477	433	44	477	474	3
Northern	535	2,577	535	532	454	81	535	521	14
Southern	3,889	18,502	3,889	3,887	3,788	101	3,889	3,049	840
Guam	44	217	44	44	41	3	44	44	0
Hawaii	153	727	153	153	116	37	153	152	1
Idaho	377	1,812	377	377	304	73	377	377	0
Montana	356	1,667	356	355	246	110	356	354	2
Nevada	458	2,187	458	454	381	77	458	436	22
Northern Mariana Islands	14	66	14	14	10	4	14	14	0
Oregon	421	2,078	421	420	405	16	421	411	10
Washington									
Eastern	345	1,697	345	344	320	25	345	343	2
Western	507	2,376	507	507	485	22	507	370	137
TENTH CIRCUIT	6,541	29,848	6,541	6,534	3,854	2,687	6,541	6,378	163
Colorado	525	2,589	525	524	499	26	525	516	9
Kansas	486	2,356	486	485	444	42	486	455	31
New Mexico	3,950	17,413	3,950	3,945	1,631	2,319	3,950	3,937	13
Oklahoma									
Eastern	96	418	96	96	34	62	96	96	0
Northern	195	931	195	195	151	44	195	195	0
Western	378	1,677	378	378	234	144	378	309	69
Utah	692	3,400	692	692	669	23	692	655	37
Wyoming	219	1,064	219	219	192	27	219	215	4
ELEVENTH CIRCUIT	6,596	30,617	6,596	6,456	4,625	1,969	6,596	6,344	251
Alabama									
Middle	238	1,131	238	238	179	59	238	238	0
Northern	517	2,476	517	509	448	69	517	485	32
Southern	287	1,374	287	287	227	60	287	286	1
Florida									
Middle	1,542	7,114	1,542	1,540	952	590	1,542	1,538	4
Northern	300	1,419	300	297	239	61	300	283	17
Southern	2,251	10,210	2,251	2,144	1,430	820	2,251	2,134	117
Georgia									
Middle	429	1,933	429	419	257	171	429	399	29
Northern	570	2,758	570	560	510	60	570	548	22
Southern	462	2,202	462	462	383	79	462	433	29

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

² The numbers presented in this table regarding Plea Agreement submission exclude from the analysis three cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.



PRIMARY OFFENSE AND OFFENDER CHARACTERISTICS

Table 3

CONVICTION TYPE IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
TOTAL	68,664	65,724	95.7	2,940	4.3
D.C. CIRCUIT	218	215	98.6	3	1.4
District of Columbia	218	215	98.6	3	1.4
FIRST CIRCUIT	1,702	1,683	98.9	19	1.1
Maine	178	172	96.6	6	3.4
Massachusetts	508	506	99.6	2	0.4
New Hampshire	183	179	97.8	4	2.2
Puerto Rico	740	734	99.2	6	0.8
Rhode Island	93	92	98.9	1	1.1
SECOND CIRCUIT	3,405	3,314	97.3	91	2.7
Connecticut	322	316	98.1	6	1.9
New York					
Eastern	658	645	98.0	13	2.0
Northern	345	326	94.5	19	5.5
Southern	1,426	1,396	97.9	30	2.1
Western	502	486	96.8	16	3.2
Vermont	152	145	95.4	7	4.6
THIRD CIRCUIT	2,035	1,997	98.1	38	1.9
Delaware	77	77	100.0	0	0.0
New Jersey	467	445	95.3	22	4.7
Pennsylvania					
Eastern	639	636	99.5	3	0.5
Middle	411	402	97.8	9	2.2
Western	384	382	99.5	2	0.5
Virgin Islands	57	55	96.5	2	3.5
FOURTH CIRCUIT	5,488	4,913	89.5	575	10.5
Maryland	832	786	94.5	46	5.5
North Carolina					
Eastern	740	655	88.5	85	11.5
Middle	403	398	98.8	5	1.2
Western	565	549	97.2	16	2.8
South Carolina	965	958	99.3	7	0.7
Virginia					
Eastern	1,247	847	67.9	400	32.1
Western	237	229	96.6	8	3.4
West Virginia					
Northern	262	261	99.6	1	0.4
Southern	237	230	97.0	7	3.0

Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
FIFTH CIRCUIT	17,420	17,127	98.3	293	1.7
Louisiana					
Eastern	271	270	99.6	1	0.4
Middle	154	149	96.8	5	3.2
Western	250	236	94.4	14	5.6
Mississippi					
Northern	172	170	98.8	2	1.2
Southern	342	328	95.9	14	4.1
Texas					
Eastern	753	746	99.1	7	0.9
Northern	1,483	1,474	99.4	9	0.6
Southern	5,930	5,913	99.7	17	0.3
Western	8,065	7,841	97.2	224	2.8
SIXTH CIRCUIT	4,642	4,453	95.9	189	4.1
Kentucky					
Eastern	391	385	98.5	6	1.5
Western	303	239	78.9	64	21.1
Michigan					
Eastern	917	889	96.9	28	3.1
Western	353	344	97.5	9	2.5
Ohio					
Northern	701	699	99.7	2	0.3
Southern	572	556	97.2	16	2.8
Tennessee					
Eastern	643	635	98.8	8	1.2
Middle	319	268	84.0	51	16.0
Western	443	438	98.9	5	1.1
SEVENTH CIRCUIT	2,436	2,387	98.0	49	2.0
Illinois					
Central	239	235	98.3	4	1.7
Northern	739	720	97.4	19	2.6
Southern	263	261	99.2	2	0.8
Indiana					
Northern	373	362	97.1	11	2.9
Southern	414	413	99.8	1	0.2
Wisconsin					
Eastern	252	243	96.4	9	3.6
Western	156	153	98.1	3	1.9
EIGHTH CIRCUIT	4,799	4,621	96.3	178	3.7
Arkansas					
Eastern	450	371	82.4	79	17.6
Western	238	229	96.2	9	3.8
Iowa					
Northern	370	369	99.7	1	0.3
Southern	477	473	99.2	4	0.8
Minnesota	295	292	99.0	3	1.0
Missouri					
Eastern	847	820	96.8	27	3.2
Western	778	775	99.6	3	0.4
Nebraska	494	483	97.8	11	2.2
North Dakota	368	355	96.5	13	3.5
South Dakota	482	454	94.2	28	5.8

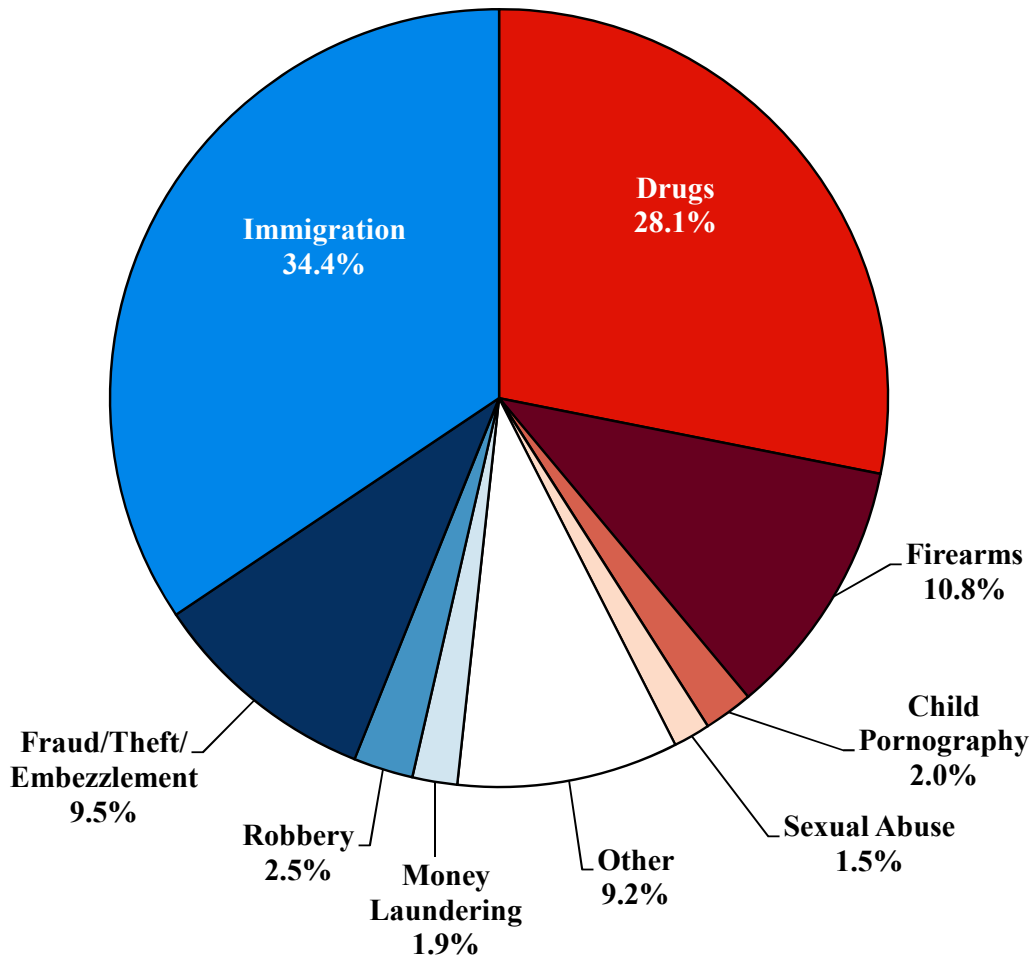
Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
NINTH CIRCUIT	13,479	12,491	92.7	988	7.3
Alaska	195	191	97.9	4	2.1
Arizona	4,639	3,998	86.2	641	13.8
California					
Central	1,110	1,031	92.9	79	7.1
Eastern	477	468	98.1	9	1.9
Northern	532	505	94.9	27	5.1
Southern	3,858	3,823	99.1	35	0.9
Guam	44	43	97.7	1	2.3
Hawaii	153	152	99.3	1	0.7
Idaho	376	360	95.7	16	4.3
Montana	356	350	98.3	6	1.7
Nevada	457	441	96.5	16	3.5
Northern Mariana Islands	14	14	100.0	0	0.0
Oregon	419	405	96.7	14	3.3
Washington					
Eastern	345	335	97.1	10	2.9
Western	504	375	74.4	129	25.6
TENTH CIRCUIT	6,529	6,315	96.7	214	3.3
Colorado	524	499	95.2	25	4.8
Kansas	485	461	95.1	24	4.9
New Mexico	3,941	3,915	99.3	26	0.7
Oklahoma					
Eastern	96	96	100.0	0	0.0
Northern	195	186	95.4	9	4.6
Western	378	286	75.7	92	24.3
Utah	691	664	96.1	27	3.9
Wyoming	219	208	95.0	11	5.0
ELEVENTH CIRCUIT	6,511	6,208	95.3	303	4.7
Alabama					
Middle	238	226	95.0	12	5.0
Northern	517	480	92.8	37	7.2
Southern	286	283	99.0	3	1.0
Florida					
Middle	1,541	1,525	99.0	16	1.0
Northern	300	272	90.7	28	9.3
Southern	2,186	2,170	99.3	16	0.7
Georgia					
Middle	424	329	77.6	95	22.4
Northern	558	540	96.8	18	3.2
Southern	461	383	83.1	78	16.9

¹ Of the 69,425 cases, 761 were excluded due to missing information on type of conviction. Descriptions of variables used in this table are provided in Appendix A.

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

Figure 2
FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018



¹ This figure includes the 69,425 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

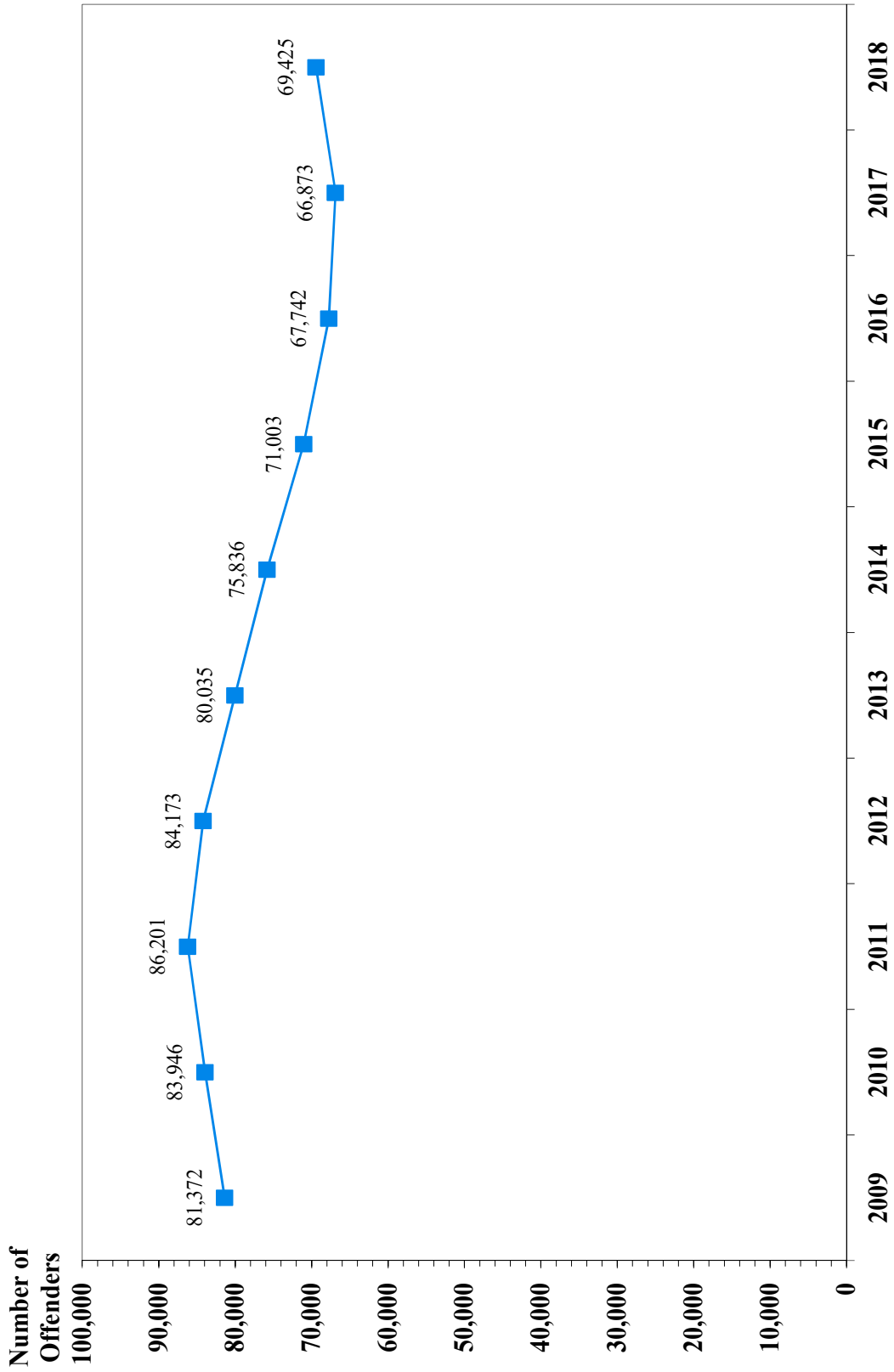
Table 4

CHANGE IN NUMBER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2017 - 2018

TYPE OF CRIME	Fiscal Year 2017		Fiscal Year 2018		Number Change
	N	%	N	%	
TOTAL	66,873	100.0	69,425	100.0	2,552
Administration of Justice	722	1.1	730	1.1	8
Antitrust	27	0.0	53	0.1	26
Arson	55	0.1	55	0.1	0
Assault	718	1.1	692	1.0	-26
Bribery/Corruption	338	0.5	317	0.5	-21
Burglary/Trespass	73	0.1	41	0.1	-32
Child Pornography	1,409	2.1	1,416	2.0	7
Commercialized Vice	128	0.2	146	0.2	18
Drug Possession	1,285	1.9	777	1.1	-508
Drug Trafficking	19,628	29.4	18,747	27.0	-881
Environmental	152	0.2	203	0.3	51
Extortion/Racketeering	185	0.3	288	0.4	103
Firearms	6,759	10.1	7,512	10.8	753
Food and Drug	44	0.1	43	0.1	-1
Forgery/Counter/Copyright	320	0.5	298	0.4	-22
Fraud/Theft/Embezzlement	7,048	10.5	6,620	9.5	-428
Immigration	20,496	30.6	23,883	34.4	3,387
Individual Rights	79	0.1	67	0.1	-12
Kidnapping	116	0.2	106	0.2	-10
Manslaughter	75	0.1	61	0.1	-14
Money Laundering	1,274	1.9	1,297	1.9	23
Murder	354	0.5	318	0.5	-36
National Defense	169	0.3	204	0.3	35
Obscenity/Other Sex Offenses	414	0.6	384	0.6	-30
Prison Offenses	517	0.8	568	0.8	51
Robbery	1,559	2.3	1,720	2.5	161
Sexual Abuse	1,097	1.6	1,067	1.5	-30
Stalking/Harassing	164	0.2	213	0.3	49
Tax	660	1.0	577	0.8	-83
Other	1,008	1.5	1,022	1.5	14

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

Figure 3
NUMBER OF FEDERAL OFFENDERS OVER TIME¹
Fiscal Years 2009 - 2018



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

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

Table 5

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	68,620	14,527	21.2	14,167	20.6	37,287	54.3	2,639	3.8
Administration of Justice	723	193	26.7	164	22.7	263	36.4	103	14.2
Antitrust	53	40	75.5	1	1.9	2	3.8	10	18.9
Arson	55	26	47.3	16	29.1	2	3.6	11	20.0
Assault	687	100	14.6	167	24.3	134	19.5	286	41.6
Bribery/Corruption	315	113	35.9	90	28.6	76	24.1	36	11.4
Burglary/Trespass	40	15	37.5	7	17.5	6	15.0	12	30.0
Child Pornography	1,414	1,178	83.3	59	4.2	133	9.4	44	3.1
Commercialized Vice	146	63	43.2	45	30.8	15	10.3	23	15.8
Drug Possession	691	150	21.7	118	17.1	389	56.3	34	4.9
Drug Trafficking	18,721	4,499	24.0	4,670	24.9	9,020	48.2	532	2.8
Environmental	195	123	63.1	7	3.6	25	12.8	40	20.5
Extortion/Racketeering	288	120	41.7	121	42.0	25	8.7	22	7.6
Firearms	7,499	1,918	25.6	3,957	52.8	1,403	18.7	221	2.9
Food and Drug	43	27	62.8	2	4.7	5	11.6	9	20.9
Forgery/Counter/Copyright	297	131	44.1	89	30.0	46	15.5	31	10.4
Fraud/Theft/Embezzlement	6,543	2,759	42.2	1,956	29.9	1,419	21.7	409	6.3
Immigration	23,656	437	1.8	285	1.2	22,782	96.3	152	0.6
Individual Rights	67	41	61.2	13	19.4	11	16.4	2	3.0
Kidnapping	106	28	26.4	37	34.9	34	32.1	7	6.6
Manslaughter	61	3	4.9	3	4.9	3	4.9	52	85.2
Money Laundering	1,296	444	34.3	236	18.2	504	38.9	112	8.6
Murder	318	46	14.5	122	38.4	112	35.2	38	11.9
National Defense	204	51	25.0	28	13.7	109	53.4	16	7.8
Obscenity/Other Sex Offenses	382	182	47.6	96	25.1	41	10.7	63	16.5
Prison Offenses	561	141	25.1	239	42.6	141	25.1	40	7.1
Robbery	1,717	405	23.6	998	58.1	248	14.4	66	3.8
Sexual Abuse	1,066	550	51.6	234	22.0	140	13.1	142	13.3
Stalking/Harassing	212	119	56.1	40	18.9	15	7.1	38	17.9
Tax	576	269	46.7	190	33.0	81	14.1	36	6.3
Other	688	356	51.7	177	25.7	103	15.0	52	7.6

¹ Of the 69,425 cases, 805 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 6

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	69,290	60,293	87.0	8,997	13.0
Administration of Justice	729	527	72.3	202	27.7
Antitrust	53	49	92.5	4	7.5
Arson	55	44	80.0	11	20.0
Assault	692	604	87.3	88	12.7
Bribery/Corruption	316	257	81.3	59	18.7
Burglary/Trespass	41	37	90.2	4	9.8
Child Pornography	1,416	1,405	99.2	11	0.8
Commercialized Vice	146	116	79.5	30	20.5
Drug Possession	756	618	81.7	138	18.3
Drug Trafficking	18,746	15,626	83.4	3,120	16.6
Environmental	202	187	92.6	15	7.4
Extortion/Racketeering	288	250	86.8	38	13.2
Firearms	7,512	7,213	96.0	299	4.0
Food and Drug	43	37	86.0	6	14.0
Forgery/Counter/Copyright	298	236	79.2	62	20.8
Fraud/Theft/Embezzlement	6,612	4,540	68.7	2,072	31.3
Immigration	23,834	22,106	92.7	1,728	7.3
Individual Rights	67	58	86.6	9	13.4
Kidnapping	106	93	87.7	13	12.3
Manslaughter	61	48	78.7	13	21.3
Money Laundering	1,297	990	76.3	307	23.7
Murder	318	291	91.5	27	8.5
National Defense	204	179	87.7	25	12.3
Obscenity/Other Sex Offenses	384	376	97.9	8	2.1
Prison Offenses	568	529	93.1	39	6.9
Robbery	1,720	1,592	92.6	128	7.4
Sexual Abuse	1,067	980	91.8	87	8.2
Stalking/Harassing	213	197	92.5	16	7.5
Tax	577	396	68.6	181	31.4
Other	969	712	73.5	257	26.5

¹ Of the 69,425 cases, 135 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 7
AGE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	Under 21 ²		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60		Mean	Median	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%			
TOTAL	69,368	2,175	3.1	9,212	13.3	12,526	18.1	12,588	18.1	11,217	16.2	13,743	19.8	5,743	8.3	2,164	3.1	36	35
Administration of Justice	730	22	3.0	104	14.2	138	18.9	117	16.0	96	13.2	132	18.1	85	11.6	36	4.9	37	35
Antitrust	53	0	0.0	0	0.0	0	0.0	3	5.7	2	3.8	14	26.4	12	22.6	22	41.5	56	57
Arson	55	0	0.0	9	16.4	12	21.8	5	9.1	11	20.0	11	20.0	5	9.1	2	3.6	38	37
Assault	691	27	3.9	168	24.3	152	22.0	136	19.7	86	12.4	77	11.1	34	4.9	11	1.6	32	30
Bribery/Corruption	316	0	0.0	6	1.9	12	3.8	26	8.2	34	10.8	100	31.6	95	30.1	43	13.6	49	49
Burglary/Trespass	41	4	9.8	2	4.9	7	17.1	6	14.6	6	14.6	12	29.3	4	9.8	0	0.0	36	37
Child Pornography	1,416	14	1.0	116	8.2	203	14.3	206	14.5	213	15.0	317	22.4	209	14.8	138	9.7	41	39
Commercialized Vice	146	1	0.7	9	6.2	18	12.3	14	9.6	23	15.8	37	25.3	24	16.4	20	13.7	44	44
Drug Possession	768	76	9.9	190	24.7	158	20.6	128	16.7	90	11.7	76	9.9	39	5.1	11	1.4	31	29
Drug Trafficking	18,746	610	3.3	2,437	13.0	3,431	18.3	3,541	18.9	3,217	17.2	3,757	20.0	1,363	7.3	390	2.1	36	35
Environmental	200	3	1.5	4	2.0	19	9.5	21	10.5	25	12.5	45	22.5	49	24.5	34	17.0	46	46
Extortion/Racketeering	288	1	0.3	29	10.1	48	16.7	56	19.4	49	17.0	57	19.8	32	11.1	16	5.6	39	37
Firearms	7,512	209	2.8	1,309	17.4	1,882	25.1	1,541	20.5	1,153	15.3	996	13.3	336	4.5	86	1.1	33	32
Food and Drug	43	0	0.0	4	9.3	6	14.0	4	9.3	4	9.3	10	23.3	8	18.6	7	16.3	45	47
Forgery/Counter/Copyright	298	10	3.4	39	13.1	53	17.8	61	20.5	49	16.4	61	20.5	20	6.7	5	1.7	36	34
Fraud/Theft/Embezzlement	6,614	110	1.7	537	8.1	818	12.4	918	13.9	907	13.7	1,539	23.3	1,135	17.2	650	9.8	42	41
Immigration	23,882	866	3.6	3,056	12.8	4,266	17.9	4,737	19.8	4,185	17.5	5,085	21.3	1,412	5.9	275	1.2	35	34
Individual Rights	67	1	1.5	3	4.5	8	11.9	10	14.9	8	11.9	20	29.9	14	20.9	3	4.5	42	42
Kidnapping	106	5	4.7	22	20.8	23	21.7	17	16.0	17	16.0	11	10.4	7	6.6	4	3.8	34	32
Manslaughter	61	3	4.9	18	29.5	14	23.0	6	9.8	5	8.2	8	13.1	5	8.2	2	3.3	33	29
Money Laundering	1,297	9	0.7	86	6.6	166	12.8	203	15.7	203	15.7	342	26.4	179	13.8	109	8.4	42	40
Murder	318	12	3.8	62	19.5	82	25.8	50	15.7	54	17.0	33	10.4	18	5.7	7	2.2	33	31
National Defense	204	16	7.8	45	22.1	44	21.6	25	12.3	21	10.3	29	14.2	14	6.9	10	4.9	34	30
Obscenity/Other Sex Offenses	384	2	0.5	22	5.7	45	11.7	52	13.5	70	18.2	93	24.2	72	18.8	28	7.3	42	41
Prison Offenses	568	4	0.7	51	9.0	115	20.2	115	20.2	120	21.1	125	22.0	29	5.1	9	1.6	36	35
Robbery	1,720	90	5.2	435	25.3	345	20.1	219	12.7	212	12.3	243	14.1	137	8.0	39	2.3	34	30
Sexual Abuse	1,067	19	1.8	164	15.4	206	19.3	178	16.7	154	14.4	167	15.7	126	11.8	53	5.0	37	34
Stalking/Harassing	213	5	2.3	14	6.6	36	16.9	36	16.9	35	16.4	58	27.2	20	9.4	9	4.2	39	38
Tax	577	0	0.0	2	0.3	17	2.9	40	6.9	74	12.8	171	29.6	166	28.8	107	18.5	50	49
Other	987	56	5.7	269	27.3	202	20.5	117	11.9	94	9.5	117	11.9	94	9.5	38	3.9	34	30

¹ Of the 69,425 cases, 57 were excluded due to missing information on offender's age. Descriptions of variables used in this table are provided in Appendix A.

² Of the 2,175 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.

Table 8
AGE, RACE, AND GENDER OF FEDERAL OFFENDERS¹
Fiscal Year 2018

AGE AND GENDER	TOTAL		WHITE		BLACK		HISPANIC		OTHER		
	N	%	N	%	N	%	N	%	N	%	
Under 21 ²	Total	2,121	100.0	151	100.0	310	100.0	1,605	100.0	55	100.0
	Male	1,824	86.0	120	79.5	284	91.6	1,370	85.4	50	90.9
	Female	297	14.0	31	20.5	26	8.4	235	14.6	5	9.1
21 - 25	Total	9,039	100.0	1,039	100.0	2,152	100.0	5,526	100.0	322	100.0
	Male	7,807	86.4	810	78.0	1,905	88.5	4,841	87.6	251	78.0
	Female	1,232	13.6	229	22.0	247	11.5	685	12.4	71	22.0
26 - 30	Total	12,386	100.0	1,867	100.0	3,111	100.0	6,959	100.0	449	100.0
	Male	10,819	87.3	1,434	76.8	2,792	89.7	6,240	89.7	353	78.6
	Female	1,567	12.7	433	23.2	319	10.3	719	10.3	96	21.4
31 - 35	Total	12,460	100.0	2,439	100.0	2,568	100.0	6,991	100.0	462	100.0
	Male	10,982	88.1	1,950	80.0	2,302	89.6	6,366	91.1	364	78.8
	Female	1,478	11.9	489	20.0	266	10.4	625	8.9	98	21.2
36 - 40	Total	11,127	100.0	2,308	100.0	2,237	100.0	6,166	100.0	416	100.0
	Male	9,795	88.0	1,880	81.5	1,996	89.2	5,594	90.7	325	78.1
	Female	1,332	12.0	428	18.5	241	10.8	572	9.3	91	21.9
41 - 50	Total	13,636	100.0	3,331	100.0	2,465	100.0	7,314	100.0	526	100.0
	Male	11,879	87.1	2,669	80.1	2,168	88.0	6,641	90.8	401	76.2
	Female	1,757	12.9	662	19.9	297	12.0	673	9.2	125	23.8
51 - 60	Total	5,700	100.0	2,209	100.0	995	100.0	2,226	100.0	270	100.0
	Male	4,841	84.9	1,837	83.2	822	82.6	1,977	88.8	205	75.9
	Female	859	15.1	372	16.8	173	17.4	249	11.2	65	24.1
Over 60	Total	2,150	100.0	1,183	100.0	329	100.0	499	100.0	139	100.0
	Male	1,791	83.3	1,012	85.5	250	76.0	426	85.4	103	74.1
	Female	359	16.7	171	14.5	79	24.0	73	14.6	36	25.9

¹ Of the 69,425 cases, 806 were excluded due to one or more of the following reasons: missing information on offender's age (57), missing information on offender's race (805), or information on offender's gender (135). Descriptions of variables used in this table are provided in Appendix A.

² Of the 2,121 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.

Table 9

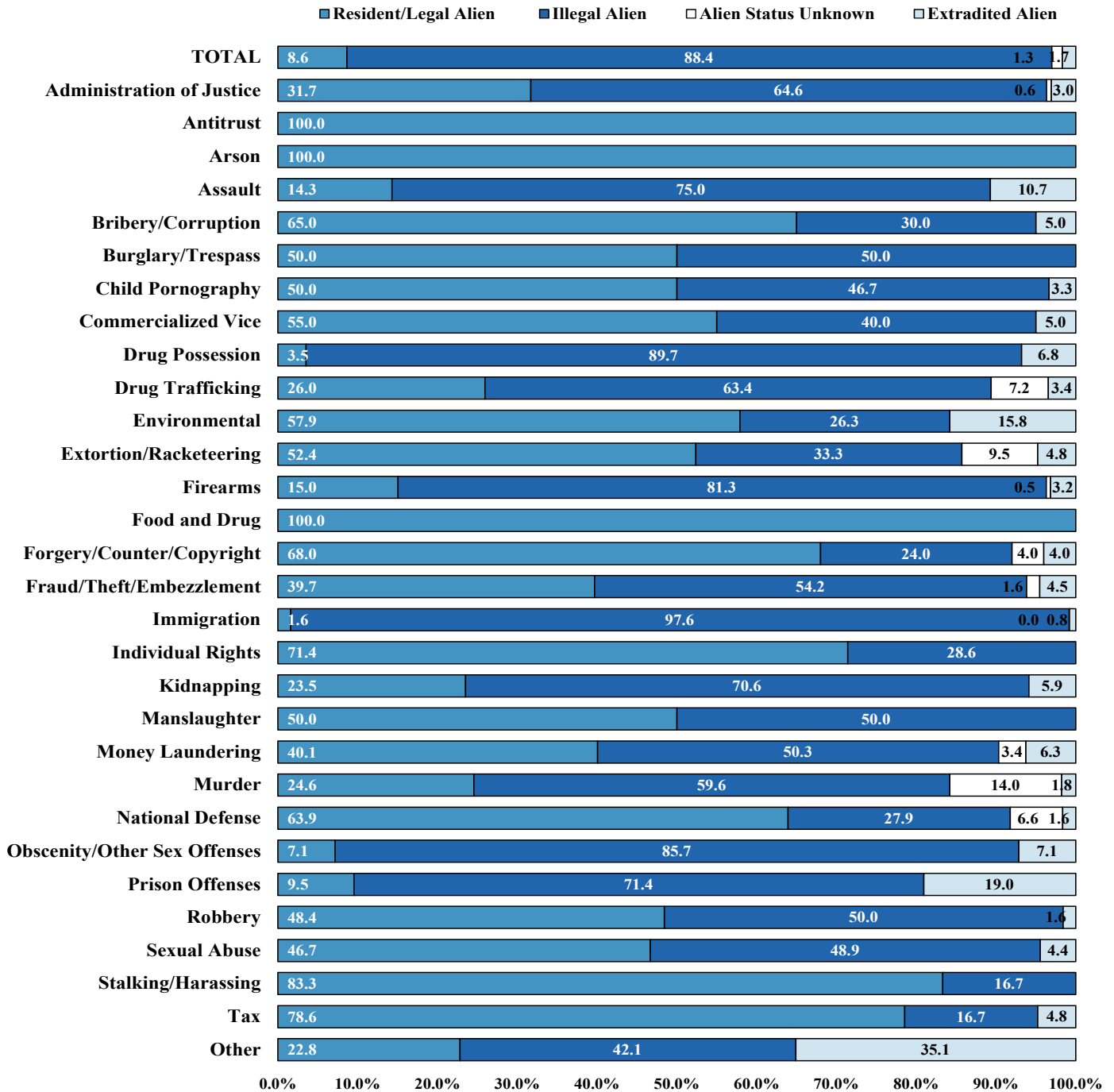
CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	68,903	39,458	57.3	29,445	42.7
Administration of Justice	723	559	77.3	164	22.7
Antitrust	53	51	96.2	2	3.8
Arson	55	53	96.4	2	3.6
Assault	685	629	91.8	56	8.2
Bribery/Corruption	316	296	93.7	20	6.3
Burglary/Trespass	41	37	90.2	4	9.8
Child Pornography	1,416	1,386	97.9	30	2.1
Commercialized Vice	146	126	86.3	20	13.7
Drug Possession	700	361	51.6	339	48.4
Drug Trafficking	18,734	14,146	75.5	4,588	24.5
Environmental	195	176	90.3	19	9.7
Extortion/Racketeering	288	246	85.4	42	14.6
Firearms	7,508	7,129	95.0	379	5.0
Food and Drug	43	40	93.0	3	7.0
Forgery/Counter/Copyright	298	273	91.6	25	8.4
Fraud/Theft/Embezzlement	6,544	5,372	82.1	1,172	17.9
Immigration	23,868	2,033	8.5	21,835	91.5
Individual Rights	67	60	89.6	7	10.4
Kidnapping	106	89	84.0	17	16.0
Manslaughter	61	59	96.7	2	3.3
Money Laundering	1,296	944	72.8	352	27.2
Murder	317	260	82.0	57	18.0
National Defense	201	140	69.7	61	30.3
Obscenity/Other Sex Offenses	384	370	96.4	14	3.6
Prison Offenses	557	536	96.2	21	3.8
Robbery	1,719	1,655	96.3	64	3.7
Sexual Abuse	1,067	1,022	95.8	45	4.2
Stalking/Harassing	213	207	97.2	6	2.8
Tax	577	535	92.7	42	7.3
Other	725	668	92.1	57	7.9

¹ Of the 69,425 cases, 522 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Figure 4

NON-CITIZEN STATUS OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018



¹ Of the 69,425 cases, in 29,445 the offender was a non-citizen. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 10

EDUCATION OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	62,234	29,119	46.8	18,885	30.3	10,593	17.0	3,637	5.8
Administration of Justice	681	221	32.5	204	30.0	179	26.3	77	11.3
Antitrust	53	2	3.8	8	15.1	9	17.0	34	64.2
Arson	54	17	31.5	21	38.9	9	16.7	7	13.0
Assault	594	265	44.6	226	38.0	94	15.8	9	1.5
Bribery/Corruption	311	18	5.8	65	20.9	85	27.3	143	46.0
Burglary/Trespass	38	10	26.3	16	42.1	10	26.3	2	5.3
Child Pornography	1,414	113	8.0	495	35.0	546	38.6	260	18.4
Commercialized Vice	145	37	25.5	45	31.0	48	33.1	15	10.3
Drug Possession	169	28	16.6	74	43.8	53	31.4	14	8.3
Drug Trafficking	18,656	7,502	40.2	6,938	37.2	3,636	19.5	580	3.1
Environmental	168	31	18.5	54	32.1	45	26.8	38	22.6
Extortion/Racketeering	278	72	25.9	113	40.6	69	24.8	24	8.6
Firearms	7,442	2,747	36.9	3,462	46.5	1,126	15.1	107	1.4
Food and Drug	38	1	2.6	10	26.3	15	39.5	12	31.6
Forgery/Counter/Copyright	295	76	25.8	110	37.3	85	28.8	24	8.1
Fraud/Theft/Embezzlement	6,081	940	15.5	1,788	29.4	2,020	33.2	1,333	21.9
Immigration	19,058	15,226	79.9	2,723	14.3	897	4.7	212	1.1
Individual Rights	66	4	6.1	17	25.8	33	50.0	12	18.2
Kidnapping	105	48	45.7	35	33.3	18	17.1	4	3.8
Manslaughter	61	27	44.3	19	31.1	14	23.0	1	1.6
Money Laundering	1,288	305	23.7	377	29.3	355	27.6	251	19.5
Murder	316	155	49.1	107	33.9	50	15.8	4	1.3
National Defense	192	57	29.7	47	24.5	57	29.7	31	16.1
Obscenity/Other Sex Offenses	381	106	27.8	171	44.9	89	23.4	15	3.9
Prison Offenses	506	156	30.8	277	54.7	70	13.8	3	0.6
Robbery	1,714	574	33.5	787	45.9	321	18.7	32	1.9
Sexual Abuse	1,065	224	21.0	393	36.9	328	30.8	120	11.3
Stalking/Harassing	208	42	20.2	79	38.0	54	26.0	33	15.9
Tax	574	59	10.3	132	23.0	191	33.3	192	33.4
Other	283	56	19.8	92	32.5	87	30.7	48	17.0

¹ Of the 69,425 cases, 7,191 were excluded due to missing education information. Descriptions of variables used in this table are provided in Appendix A.

SENTENCING INFORMATION

Table 11

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT¹
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

Table 11 (cont.)

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

Table 11 (cont.)

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

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

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

Table 12

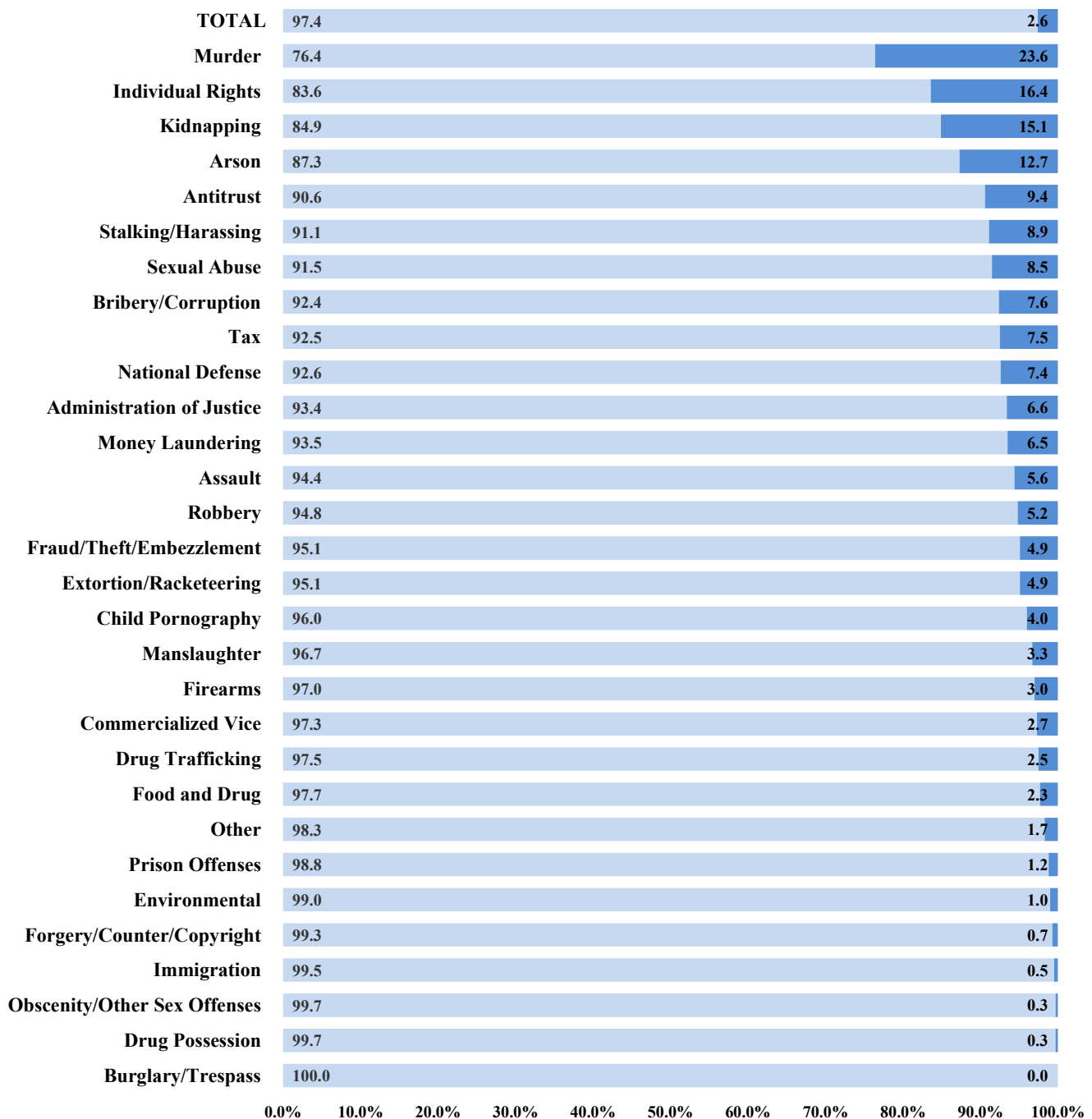
GUILTY PLEAS AND TRIALS BY TYPE OF CRIME¹
Fiscal Year 2018

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

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

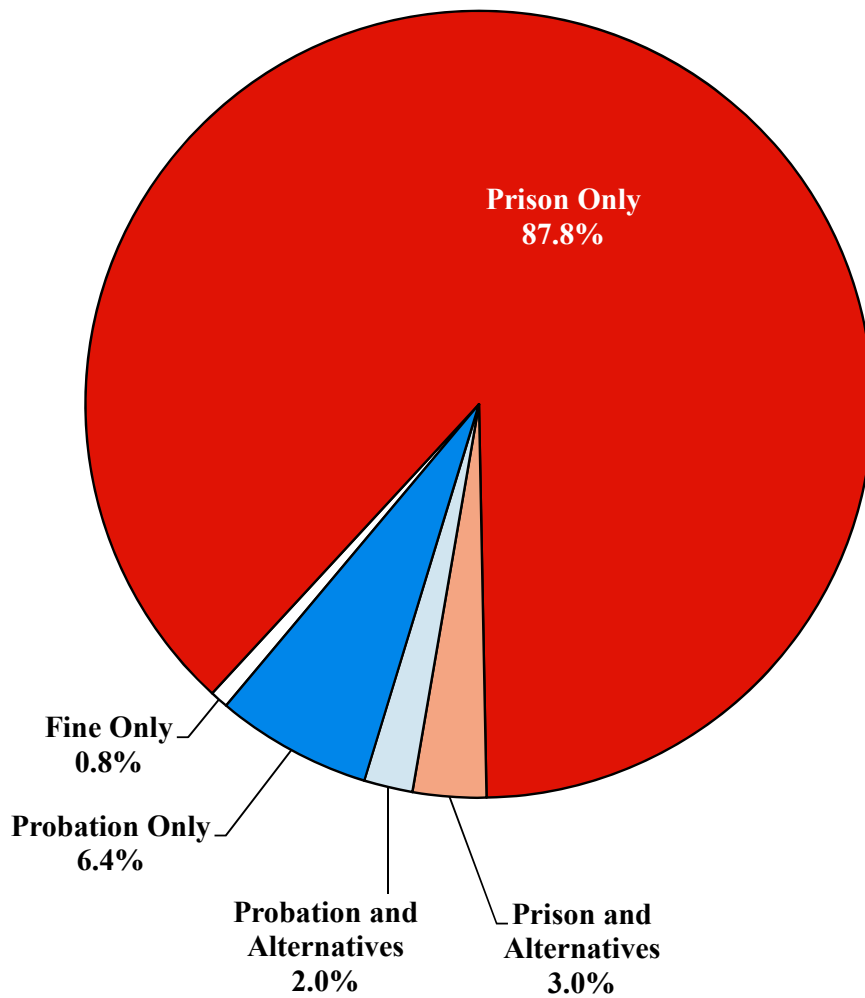
Figure 5

GUILTY PLEAS AND TRIALS BY TYPE OF CRIME¹
Fiscal Year 2018



¹ This figure includes the 69,425 cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

Figure 6
SENTENCE TYPE FOR FEDERAL OFFENDERS¹
Fiscal Year 2018



¹ This figure includes the 69,425 cases reported to the Commission. Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 13
SENTENCE TYPE BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
TOTAL	69,425	63,065	90.8	60,976	87.8	2,089	3.0	5,838	8.4	1,394	2.0	4,444	6.4	522	0.8
Administration of Justice	730	527	72.2	473	64.8	54	7.4	202	27.7	41	5.6	161	22.1	1	0.1
Antitrust	53	17	32.1	17	32.1	0	0.0	36	67.9	19	35.8	17	32.1	0	0.0
Arson	55	53	96.4	50	90.9	3	5.5	2	3.6	1	1.8	1	1.8	0	0.0
Assault	692	602	87.0	559	80.8	43	6.2	82	11.8	11	1.6	71	10.3	8	1.2
Bribery/Corruption	317	243	76.7	213	67.2	30	9.5	73	23.0	27	8.5	46	14.5	1	0.3
Burglary/Trespass	41	38	92.7	33	80.5	5	12.2	3	7.3	2	4.9	1	2.4	0	0.0
Child Pornography	1,416	1,403	99.1	1,371	96.8	32	2.3	13	0.9	5	0.4	8	0.6	0	0.0
Commercialized Vice	146	100	68.5	81	55.5	19	13.0	46	31.5	13	8.9	33	22.6	0	0.0
Drug Possession	777	482	62.0	481	61.9	1	0.1	194	25.0	11	1.4	183	23.6	101	13.0
Drug Trafficking	18,747	18,052	96.3	17,366	92.6	686	3.7	691	3.7	245	1.3	446	2.4	4	0.0
Environmental	203	61	30.0	52	25.6	9	4.4	124	61.1	18	8.9	106	52.2	18	8.9
Extortion/Racketeering	288	260	90.3	247	85.8	13	4.5	28	9.7	6	2.1	22	7.6	0	0.0
Firearms	7,512	7,133	95.0	6,865	91.4	268	3.6	376	5.0	126	1.7	250	3.3	3	0.0
Food and Drug	43	12	27.9	11	25.6	1	2.3	27	62.8	2	4.7	25	58.1	4	9.3
Forgery/Counter/Copyright	298	212	71.1	195	65.4	17	5.7	86	28.9	30	10.1	56	18.8	0	0.0
Fraud/Theft/Embezzlement	6,620	4,848	73.2	4,472	67.6	376	5.7	1,683	25.4	469	7.1	1,214	18.3	89	1.3
Immigration	23,883	22,619	94.7	22,390	93.7	229	1.0	1,263	5.3	150	0.6	1,113	4.7	1	0.0
Individual Rights	67	46	68.7	45	67.2	1	1.5	19	28.4	7	10.4	12	17.9	2	3.0
Kidnapping	106	106	100.0	105	99.1	1	0.9	0	0.0	0	0.0	0	0.0	0	0.0
Manlaughter	61	59	96.7	56	91.8	3	4.9	2	3.3	1	1.6	1	1.6	0	0.0
Money Laundering	1,297	1,132	87.3	1,082	83.4	50	3.9	164	12.6	53	4.1	111	8.6	1	0.1
Murder	318	318	100.0	307	96.5	11	3.5	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	204	171	83.8	165	80.9	6	2.9	24	11.8	4	2.0	20	9.8	9	4.4
Obscenity/Other Sex Offenses	384	370	96.4	330	85.9	40	10.4	14	3.6	8	2.1	6	1.6	0	0.0
Prison Offenses	568	552	97.2	527	92.8	25	4.4	14	2.5	6	1.1	8	1.4	2	0.4
Robbery	1,720	1,701	98.9	1,631	94.8	70	4.1	19	1.1	7	0.4	12	0.7	0	0.0
Sexual Abuse	1,067	1,053	98.7	1,029	96.4	24	2.2	14	1.3	3	0.3	11	1.0	0	0.0
Stalking/Harassing	213	193	90.6	171	80.3	22	10.3	19	8.9	8	3.8	11	5.2	1	0.5
Tax	577	390	67.6	348	60.3	42	7.3	186	32.2	62	10.7	124	21.5	1	0.2
Other	1,022	312	30.5	304	29.7	8	0.8	434	42.5	59	5.8	375	36.7	276	27.0

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

² 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 14
SENTENCE TYPE BY CITIZENSHIP AND SENTENCING ZONE¹
Fiscal Year 2018

	Prison Only		Prison and Alternatives ²		Probation and Alternatives ²		Probation Only		Fine Only			
	N	%	N	%	N	%	N	%	N	%		
Citizens	38,767		32,096	82.8	1,994	5.1	1,311	3.4	3,132	8.1	234	0.6
Zone A	2,128		565	26.6	29	1.4	83	3.9	1,228	57.7	223	10.5
Zone B	2,215		1,149	51.9	188	8.5	388	17.5	486	21.9	4	0.2
Zone C	2,486		1,283	51.6	385	15.5	310	12.5	506	20.4	2	0.1
Zone D	31,938		29,099	91.1	1,392	4.4	530	1.7	912	2.9	5	0.0
Non-Citizens	29,129		27,894	95.8	87	0.3	68	0.2	1,047	3.6	33	0.1
Zone A	8,321		7,547	90.7	2	0.0	11	0.1	728	8.7	33	0.4
Zone B	5,692		5,464	96.0	13	0.2	30	0.5	185	3.3	0	0.0
Zone C	2,855		2,761	96.7	22	0.8	12	0.4	60	2.1	0	0.0
Zone D	12,261		12,122	98.9	50	0.4	15	0.1	74	0.6	0	0.0

¹ Of the 69,425 cases, 1,529 were excluded due to one or both of the following reasons: missing zone (1,085), or missing information on offender's citizenship status (522). The zones indicated above correspond to the offense levels and Criminal History Categories established by the court and do not indicate the impact of mandatory minimums or statutory maximums constricting the sentence. Descriptions of variables used in this table are provided in Appendix A.

² 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 15
SENTENCE IMPOSED BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	SENTENCE LENGTH ²			LENGTH OF IMPRISONMENT ³		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	44	20	69,425	48	24	63,065
Administration of Justice	13	9	730	17	12	527
Antitrust	5	1	53	9	8	17
Arson	65	48	55	68	53	53
Assault	56	33	692	64	37	602
Bribery/Corruption	23	15	317	29	18	243
Burglary/Trespass	21	18	41	22	20	38
Child Pornography	104	87	1,416	105	87	1,403
Commercialized Vice	17	8	146	23	16	100
Drug Possession	3	1	777	5	6	482
Drug Trafficking	76	60	18,747	78	60	18,052
Environmental	3	0	203	8	6	61
Extortion/Racketeering	39	27	288	42	30	260
Firearms	53	41	7,512	56	42	7,133
Food and Drug	8	0	43	28	24	12
Forgery/Counter/Copyright	14	12	298	18	17	212
Fraud/Theft/Embezzlement	23	12	6,620	30	22	4,848
Immigration	10	6	23,883	11	6	22,619
Individual Rights	27	12	67	39	23	46
Kidnapping	179	138	106	179	138	106
Manslaughter	65	40	61	67	41	59
Money Laundering	59	35	1,297	66	42	1,132
Murder	291	292	318	291	292	318
National Defense	52	30	204	62	36	171
Obscenity/Other Sex Offenses	19	18	384	19	18	370
Prison Offenses	12	11	568	12	12	552
Robbery	106	88	1,720	107	90	1,701
Sexual Abuse	191	180	1,067	193	180	1,053
Stalking/Harassing	30	24	213	33	28	193
Tax	17	12	577	23	18	390
Other	3	0	1,022	11	1	312

¹ Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

² Sentences of probation only are included here as zero months of imprisonment. In addition, the information presented in this column includes conditions of confinement as described in USSG §5C1.1.

³ Length of imprisonment does not include probation or any conditions of confinement as described in USSG §5C1.1.

Table 16
FINE AND RESTITUTION BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL		NO FINE OR RESTITUTION ORDERED		FINE ORDERED/ NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
	N	%	N	%	N	%	N	%	N	%
TOTAL	69,425		55,460	79.9	4,211	6.1	8,914	12.8	840	1.2
Administration of Justice	730		548	75.1	83	11.4	81	11.1	18	2.5
Antitrust	53		1	1.9	10	18.9	2	3.8	40	75.5
Arson	55		12	21.8	3	5.5	39	70.9	1	1.8
Assault	692		487	70.4	51	7.4	149	21.5	5	0.7
Bribery/Corruption	317		111	35.0	85	26.8	96	30.3	25	7.9
Burglary/Trespass	41		16	39.0	2	4.9	21	51.2	2	4.9
Child Pornography	1,416		749	52.9	83	5.9	546	38.6	38	2.7
Commercialized Vice	146		98	67.1	43	29.5	5	3.4	0	0.0
Drug Possession	777		536	69.0	234	30.1	5	0.6	2	0.3
Drug Trafficking	18,747		17,206	91.8	1,215	6.5	298	1.6	28	0.1
Environmental	203		55	27.1	89	43.8	36	17.7	23	11.3
Extortion/Racketeering	288		184	63.9	21	7.3	80	27.8	3	1.0
Firearms	7,512		6,744	89.8	460	6.1	297	4.0	11	0.1
Food and Drug	43		14	32.6	23	53.5	4	9.3	2	4.7
Forgery/Counter/Copyright	298		113	37.9	19	6.4	147	49.3	19	6.4
Fraud/Theft/Embezzlement	6,620		1,225	18.5	364	5.5	4,586	69.3	445	6.7
Immigration	23,883		23,499	98.4	354	1.5	25	0.1	5	0.0
Individual Rights	67		39	58.2	12	17.9	13	19.4	3	4.5
Kidnapping	106		58	54.7	6	5.7	40	37.7	2	1.9
Manslaughter	61		25	41.0	0	0.0	35	57.4	1	1.6
Money Laundering	1,297		797	61.4	135	10.4	339	26.1	26	2.0
Murder	318		201	63.2	6	1.9	106	33.3	5	1.6
National Defense	204		168	82.4	30	14.7	5	2.5	1	0.5
Obscenity/Other Sex Offenses	384		360	93.8	24	6.3	0	0.0	0	0.0
Prison Offenses	568		541	95.2	26	4.6	1	0.2	0	0.0
Robbery	1,720		465	27.0	26	1.5	1,212	70.5	17	1.0
Sexual Abuse	1,067		739	69.3	48	4.5	267	25.0	13	1.2
Stalking/Harassing	213		158	74.2	22	10.3	28	13.1	5	2.3
Tax	577		35	6.1	32	5.5	416	72.1	94	16.3
Other	1,022		276	27.0	705	69.0	35	3.4	6	0.6

¹ Of the 69,425 cases, the court sentenced the offender to pay a fine or make restitution in 13,965 cases. Descriptions of variables used in this table are provided in Appendix A.

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

Table 17
AMOUNT OF FINE AND RESTITUTION ORDERED BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED ²				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	4,084	\$17,143	\$1,100	\$70,010,268	8,759	\$931,102	\$40,000	\$8,155,519,411	12,390	\$663,885	\$11,434	\$8,225,529,679
Administration of Justice	73	\$11,820	\$3,000	\$862,875	85	\$161,447	\$10,000	\$13,722,970	147	\$99,223	\$5,500	\$14,585,845
Antitrust	50	\$214,885	\$25,826	\$10,744,248	40	\$86,802	\$25,945	\$3,472,084	51	\$278,752	\$73,396	\$14,216,332
Arson	2	--	--	--	31	\$4,347,605	\$105,713	\$134,775,749	32	\$4,212,445	\$104,336	\$134,798,249
Assault	48	\$6,995	\$625	\$335,745	96	\$61,406	\$5,445	\$5,894,969	142	\$43,878	\$2,391	\$6,230,714
Bribery/Corruption	96	\$34,600	\$10,000	\$3,321,575	119	\$1,543,833	\$211,769	\$183,716,068	200	\$935,188	\$52,500	\$187,037,643
Burglary/Trespass	1	--	--	--	23	\$43,203	\$5,000	\$993,666	24	\$41,715	\$5,312	\$1,001,166
Child Pornography	105	\$12,660	\$5,000	\$1,329,332	421	\$22,385	\$7,000	\$9,424,127	505	\$21,294	\$6,000	\$10,753,459
Commercialized Vice	33	\$17,045	\$4,000	\$562,500	5	\$60,144	\$3,701	\$300,720	38	\$22,716	\$3,852	\$863,220
Drug Possession	235	\$1,315	\$500	\$308,951	5	\$1,218	\$1,000	\$6,088	238	\$1,324	\$500	\$315,039
Drug Trafficking	970	\$14,799	\$1,500	\$14,355,051	303	\$108,967	\$2,300	\$33,017,048	1,259	\$37,627	\$1,500	\$47,372,099
Environmental	107	\$17,878	\$4,000	\$1,912,965	55	\$155,338	\$20,000	\$8,543,595	141	\$74,160	\$5,500	\$10,456,560
Extortion/Racketeering	17	\$14,618	\$8,000	\$248,500	69	\$468,746	\$99,450	\$32,343,448	83	\$392,674	\$30,550	\$32,591,948
Firearms	377	\$4,561	\$1,500	\$1,719,592	273	\$24,873	\$7,718	\$6,790,407	644	\$13,214	\$2,000	\$8,509,999
Food and Drug	24	\$9,334	\$2,500	\$224,022	5	\$742	\$857	\$3,711	28	\$8,133	\$2,394	\$227,733
Forgery/Counter/Copyright	26	\$6,384	\$1,900	\$165,976	156	\$78,728	\$1,265	\$12,281,490	171	\$72,792	\$1,705	\$12,447,466
Fraud/Theft/Embezzlement	555	\$31,575	\$3,000	\$17,523,945	4,678	\$1,355,372	\$97,206	\$6,340,429,908	5,022	\$1,266,020	\$82,234	\$6,357,953,853
Immigration	253	\$4,950	\$1,000	\$1,252,423	27	\$57,026	\$11,197	\$1,539,700	275	\$10,153	\$1,000	\$2,792,123
Individual Rights	13	\$4,454	\$1,000	\$57,900	10	\$19,055	\$5,505	\$190,546	21	\$11,831	\$2,000	\$248,446
Kidnapping	8	\$10,563	\$2,750	\$84,500	39	\$44,566	\$16,100	\$1,738,063	45	\$40,501	\$6,300	\$1,822,563
Manslaughter	0	--	--	--	29	\$6,503	\$5,850	\$188,583	29	\$6,503	\$5,850	\$188,583
Money Laundering	128	\$81,113	\$7,250	\$10,382,407	306	\$3,133,879	\$819,199	\$1,014,046,825	427	\$2,399,132	\$313,314	\$1,024,429,232
Murder	9	\$18,653	\$6,000	\$167,880	85	\$46,776	\$9,409	\$3,975,948	89	\$46,560	\$9,409	\$4,143,828
National Defense	27	\$10,991	\$1,000	\$296,750	6	\$257,808	\$49,953	\$1,546,845	32	\$57,612	\$2,250	\$1,843,595
Obscenity/Other Sex Offenses	13	\$2,065	\$1,500	\$26,850	0	--	--	--	13	\$2,065	\$1,500	\$26,850
Prison Offenses	20	\$818	\$500	\$16,350	1	--	--	--	21	\$797	\$500	\$16,740
Robbery	25	\$1,728	\$1,000	\$43,200	1,163	\$47,896	\$5,563	\$55,703,001	1,184	\$47,083	\$5,388	\$55,746,201
Sexual Abuse	55	\$14,377	\$3,000	\$790,750	174	\$54,072	\$10,000	\$9,408,577	225	\$45,330	\$6,900	\$10,199,327
Stalking/Harassing	19	\$8,758	\$1,200	\$166,400	23	\$15,299	\$6,458	\$351,866	41	\$12,641	\$5,000	\$518,266
Tax	90	\$27,517	\$10,000	\$2,476,548	496	\$565,766	\$214,862	\$280,619,779	527	\$537,185	\$193,708	\$283,096,327
Other	705	\$855	\$500	\$603,033	36	\$13,701	\$2,553	\$493,240	736	\$1,490	\$500	\$1,096,273

¹ Of the 69,425 cases, the court sentenced the offender to pay a fine or make restitution in 13,965 cases. The total number of cases used to calculate amounts of payment ordered (12,390) is less than the total number of cases receiving fines and/or restitution (13,965) due to the exclusion of cases for which a fine and/or restitution was ordered, but the amount was not specified. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

² In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.

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

Table 18
SUPERVISED RELEASE BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	NO SUPERVISED RELEASE ORDERED		SUPERVISED RELEASE ORDERED		LENGTH OF SUPERVISED RELEASE ²	
		N	%	N	%	Mean Months	Median Months
TOTAL	69,425	17,552	25.3	51,873	74.7	46	36
Administration of Justice	730	274	37.5	456	62.5	25	24
Antitrust	53	36	67.9	17	32.1	30	36
Arson	55	2	3.6	53	96.4	46	36
Assault	692	149	21.5	543	78.5	36	36
Bribery/Corruption	317	81	25.6	236	74.4	29	36
Burglary/Trespass	41	4	9.8	37	90.2	31	36
Child Pornography	1,416	12	0.8	1,404	99.2	201	120
Commercialized Vice	146	53	36.3	93	63.7	49	36
Drug Possession	777	722	92.9	55	7.1	14	12
Drug Trafficking	18,747	1,131	6.0	17,616	94.0	49	48
Environmental	203	146	71.9	57	28.1	26	36
Extortion/Racketeering	288	35	12.2	253	87.8	32	36
Firearms	7,512	524	7.0	6,988	93.0	36	36
Food and Drug	43	31	72.1	12	27.9	26	30
Forgery/Counter/Copyright	298	93	31.2	205	68.8	33	36
Fraud/Theft/Embezzlement	6,620	2,176	32.9	4,444	67.1	34	36
Immigration	23,883	10,383	43.5	13,500	56.5	25	24
Individual Rights	67	24	35.8	43	64.2	24	24
Kidnapping	106	3	2.8	103	97.2	60	60
Manslaughter	61	2	3.3	59	96.7	36	36
Money Laundering	1,297	224	17.3	1,073	82.7	41	36
Murder	318	15	4.7	303	95.3	55	60
National Defense	204	61	29.9	143	70.1	78	36
Obscenity/Other Sex Offenses	384	18	4.7	366	95.3	83	60
Prison Offenses	568	222	39.1	346	60.9	31	36
Robbery	1,720	34	2.0	1,686	98.0	41	36
Sexual Abuse	1,067	17	1.6	1,050	98.4	208	120
Stalking/Harassing	213	23	10.8	190	89.2	33	36
Tax	577	197	34.1	380	65.9	25	24
Other	1,022	860	84.1	162	15.9	22	12

¹ Supervision sentences of 470 months or greater (including life) were included in the supervised release average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

² Length of Supervised Release includes only cases where supervised release was imposed. Of these, one was excluded from the length of supervised release analysis due to missing information on the length of supervision.

Table 19

RATE OF NON-PRISON SENTENCES FOR U.S. CITIZEN OFFENDERS¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL ELIGIBLE	RECEIVED NON-PRISON SENTENCE	
		N	%
TOTAL	6,446	1,304	20.2
Administration of Justice	275	51	18.5
Antitrust	36	12	33.3
Arson	2	0	0.0
Assault	127	15	11.8
Bribery/Corruption	62	26	41.9
Burglary/Trespass	11	3	27.3
Child Pornography	0	0	--
Commercialized Vice	75	28	37.3
Drug Possession	318	10	3.1
Drug Trafficking	778	219	28.1
Environmental	122	18	14.8
Extortion/Racketeering	23	4	17.4
Firearms	450	115	25.6
Food and Drug	27	1	3.7
Forgery/Counter/Copyright	96	23	24.0
Fraud/Theft/Embezzlement	1,958	416	21.2
Immigration	885	196	22.1
Individual Rights	22	3	13.6
Kidnapping	0	0	--
Manslaughter	3	1	33.3
Money Laundering	94	24	25.5
Murder	0	0	--
National Defense	18	3	16.7
Obscenity/Other Sex Offenses	56	10	17.9
Prison Offenses	300	25	8.3
Robbery	1	0	0.0
Sexual Abuse	23	4	17.4
Stalking/Harassing	45	9	20.0
Tax	147	39	26.5
Other	492	49	10.0

¹ Of the 69,425 cases, 39,458 involved United States citizens. In 6,446 of these, the offender was eligible for alternative conditions of confinement as described in USSG §5C1.1, was not convicted of a Class A or Class B felony, and was not subject to any mandatory minimum penalty at the time of sentencing. Descriptions of variables used in this table are provided in Appendix A.

GUIDELINE APPLICATION

Table 20

FEDERAL OFFENDERS SENTENCED UNDER EACH CHAPTER TWO GUIDELINE¹
Fiscal Year 2018

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2A1.1	234	0.4	252	0.3	§2D1.10	9	0.0	9	0.0
§2A1.2	47	0.1	55	0.1	§2D1.11	43	0.1	45	0.1
§2A1.3	23	0.0	25	0.0	§2D1.12	4	0.0	6	0.0
§2A1.4	38	0.1	39	0.1	§2D1.13	1	0.0	1	0.0
§2A1.5	24	0.0	41	0.1	§2D1.14	0	0.0	3	0.0
§2A2.1	112	0.2	177	0.2	§2D2.1	191	0.3	215	0.3
§2A2.2	398	0.6	484	0.7	§2D2.2	58	0.1	60	0.1
§2A2.3	82	0.1	103	0.1	§2D2.3	3	0.0	3	0.0
§2A2.4	239	0.4	261	0.4	§2D3.1	2	0.0	2	0.0
§2A3.1	91	0.1	105	0.1	§2D3.2	0	0.0	0	0.0
§2A3.2	39	0.1	41	0.1	§2D3.3	0	0.0	0	0.0
§2A3.3	6	0.0	8	0.0	§2D3.4	0	0.0	0	0.0
§2A3.4	41	0.1	66	0.1	§2D3.5	0	0.0	0	0.0
§2A3.5	360	0.5	380	0.5	§2E1.1	142	0.2	537	0.7
§2A4.1	102	0.2	135	0.2	§2E1.2	3	0.0	173	0.2
§2A4.2	0	0.0	2	0.0	§2E1.3	0	0.0	87	0.1
§2A5.1	0	0.0	0	0.0	§2E1.4	11	0.0	26	0.0
§2A5.2	18	0.0	20	0.0	§2E1.5	0	0.0	0	0.0
§2A5.3	0	0.0	0	0.0	§2E2.1	18	0.0	27	0.0
§2A6.1	146	0.2	156	0.2	§2E3.1	79	0.1	122	0.2
§2A6.2	63	0.1	77	0.1	§2E3.2	0	0.0	0	0.0
§2B1.1	5,948	9.1	6,551	9.0	§2E3.3	0	0.0	0	0.0
§2B1.2	0	0.0	0	0.0	§2E4.1	45	0.1	53	0.1
§2B1.3	0	0.0	0	0.0	§2E5.1	4	0.0	4	0.0
§2B1.4	31	0.0	31	0.0	§2E5.2	0	0.0	0	0.0
§2B1.5	9	0.0	10	0.0	§2E5.3	0	0.0	6	0.0
§2B1.6 ²	127	0.2	--	--	§2E5.4	0	0.0	0	0.0
§2B2.1	34	0.1	36	0.0	§2E5.5	0	0.0	0	0.0
§2B2.2	0	0.0	0	0.0	§2E5.6	0	0.0	0	0.0
§2B2.3	7	0.0	7	0.0	§2F1.1	1	0.0	1	0.0
§2B3.1	1,691	2.6	1,849	2.6	§2F1.2	0	0.0	0	0.0
§2B3.2	41	0.1	81	0.1	§2G1.1	80	0.1	135	0.2
§2B3.3	16	0.0	24	0.0	§2G1.2	0	0.0	1	0.0
§2B4.1	91	0.1	104	0.1	§2G1.3	408	0.6	494	0.7
§2B5.1	228	0.3	244	0.3	§2G2.1	455	0.7	482	0.7
§2B5.2	0	0.0	0	0.0	§2G2.2	1,414	2.2	1,568	2.2
§2B5.3	70	0.1	78	0.1	§2G2.3	0	0.0	1	0.0
§2B5.4	0	0.0	0	0.0	§2G2.4	0	0.0	0	0.0
§2B6.1	2	0.0	2	0.0	§2G2.5	0	0.0	0	0.0
§2C1.1	204	0.3	220	0.3	§2G2.6	9	0.0	9	0.0
§2C1.2	10	0.0	10	0.0	§2G3.1	22	0.0	29	0.0
§2C1.3	2	0.0	4	0.0	§2G3.2	0	0.0	0	0.0
§2C1.4	0	0.0	0	0.0	§2H1.1	45	0.1	58	0.1
§2C1.5	0	0.0	0	0.0	§2H1.2	0	0.0	0	0.0
§2C1.6	0	0.0	0	0.0	§2H1.3	0	0.0	0	0.0
§2C1.7	0	0.0	0	0.0	§2H1.4	0	0.0	0	0.0
§2C1.8	5	0.0	5	0.0	§2H1.5	0	0.0	0	0.0
§2D1.1	18,404	28.1	19,484	26.9	§2H2.1	6	0.0	9	0.0
§2D1.2	218	0.3	226	0.3	§2H3.1	1	0.0	1	0.0
§2D1.3	0	0.0	0	0.0	§2H3.2	0	0.0	0	0.0
§2D1.4	0	0.0	0	0.0	§2H3.3	6	0.0	12	0.0
§2D1.5	7	0.0	7	0.0	§2H4.1	8	0.0	9	0.0
§2D1.6	0	0.0	218	0.3	§2H4.2	0	0.0	0	0.0
§2D1.7	3	0.0	4	0.0	§2J1.1	0	0.0	14	0.0
§2D1.8	21	0.0	67	0.1	§2J1.2	136	0.2	190	0.3
§2D1.9	0	0.0	0	0.0	§2J1.3	29	0.0	42	0.1

Table 20 (cont.)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2J1.4	14	0.0	17	0.0	§2M6.1	10	0.0	10	0.0
§2J1.5	0	0.0	0	0.0	§2M6.2	0	0.0	0	0.0
§2J1.6	30	0.0	36	0.0	§2N1.1	10	0.0	10	0.0
§2J1.7	0	0.0	0	0.0	§2N1.2	0	0.0	0	0.0
§2J1.8	0	0.0	0	0.0	§2N1.3	0	0.0	0	0.0
§2J1.9	1	0.0	1	0.0	§2N2.1	28	0.0	102	0.1
§2K1.1	4	0.0	4	0.0	§2N3.1	0	0.0	0	0.0
§2K1.2	0	0.0	0	0.0	§2P1.1	301	0.5	308	0.4
§2K1.3	17	0.0	23	0.0	§2P1.2	206	0.3	225	0.3
§2K1.4	52	0.1	74	0.1	§2P1.3	0	0.0	0	0.0
§2K1.5	1	0.0	2	0.0	§2P1.4	0	0.0	0	0.0
§2K1.6	0	0.0	0	0.0	§2Q1.1	0	0.0	0	0.0
§2K1.7	0	0.0	0	0.0	§2Q1.2	26	0.0	32	0.0
§2K2.1	7,032	10.7	7,415	10.2	§2Q1.3	18	0.0	19	0.0
§2K2.2	0	0.0	0	0.0	§2Q1.4	0	0.0	0	0.0
§2K2.3	0	0.0	0	0.0	§2Q1.5	0	0.0	0	0.0
§2K2.4 ³	354	0.5	--	--	§2Q1.6	0	0.0	0	0.0
§2K2.5	12	0.0	14	0.0	§2Q2.1	121	0.2	123	0.2
§2K2.6	1	0.0	2	0.0	§2Q2.2	0	0.0	0	0.0
§2K3.1	0	0.0	0	0.0	§2R1.1	53	0.1	53	0.1
§2K3.2	0	0.0	0	0.0	§2S1.1	1,138	1.7	1,178	1.6
§2L1.1	2,843	4.3	2,875	4.0	§2S1.2	0	0.0	0	0.0
§2L1.2	18,241	27.9	18,414	25.4	§2S1.3	152	0.2	164	0.2
§2L1.3	0	0.0	0	0.0	§2S1.4	0	0.0	0	0.0
§2L2.1	117	0.2	122	0.2	§2T1.1	322	0.5	416	0.6
§2L2.2	935	1.4	976	1.3	§2T1.2	0	0.0	0	0.0
§2L2.3	0	0.0	0	0.0	§2T1.3	0	0.0	0	0.0
§2L2.4	0	0.0	0	0.0	§2T1.4	195	0.3	205	0.3
§2L2.5	0	0.0	0	0.0	§2T1.5	0	0.0	0	0.0
§2M1.1	0	0.0	0	0.0	§2T1.6	39	0.1	43	0.1
§2M2.1	0	0.0	0	0.0	§2T1.7	0	0.0	0	0.0
§2M2.2	0	0.0	0	0.0	§2T1.8	0	0.0	0	0.0
§2M2.3	0	0.0	0	0.0	§2T1.9	4	0.0	52	0.1
§2M2.4	0	0.0	0	0.0	§2T2.1	6	0.0	8	0.0
§2M3.1	0	0.0	0	0.0	§2T2.2	0	0.0	0	0.0
§2M3.2	0	0.0	0	0.0	§2T3.1	8	0.0	22	0.0
§2M3.3	3	0.0	3	0.0	§2T3.2	0	0.0	0	0.0
§2M3.4	0	0.0	0	0.0	§2T4.1	0	0.0	0	0.0
§2M3.5	0	0.0	0	0.0	§2X1.1	23	0.0	2,545	3.5
§2M3.6	0	0.0	0	0.0	§2X2.1	0	0.0	22	0.0
§2M3.7	0	0.0	0	0.0	§2X3.1	90	0.1	106	0.1
§2M3.8	0	0.0	0	0.0	§2X4.1	234	0.4	240	0.3
§2M3.9	0	0.0	0	0.0	§2X5.1	0	0.0	73	0.1
§2M4.1	0	0.0	0	0.0	§2X5.2	189	0.3	199	0.3
§2M5.1	17	0.0	19	0.0	§2X6.1	0	0.0	0	0.0
§2M5.2	131	0.2	133	0.2	§2X7.1	2	0.0	2	0.0
§2M5.3	28	0.0	32	0.0	§2X7.2	0	0.0	0	0.0
Total number of guidelines applied:								72,442	
Number of cases with at least one guideline applied:								65,473	

¹ Of the 69,425 cases, 3,952 were excluded due to missing guideline applied. The total for any guideline can exceed that for primary guideline because several guidelines may be applied in a case, but only one primary guideline. For the 'As Any Guideline' section, each unique guideline is only counted once in a case. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

³ In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Table 21
FEDERAL OFFENDERS RECEIVING
CHAPTER THREE GUIDELINE ADJUSTMENTS¹
Fiscal Year 2018

VICTIM-RELATED	N	%
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	335	0.5
No vulnerable victim involved	63,802	99.4
Hate crime	20	0.0
Vulnerable victim involved and large number of victims	34	0.1
Vulnerable victim involved and hate crime	0	0.0
Vulnerable victim involved, hate crime, and large number of victims	0	0.0
Official Victim (§3A1.2)		
Official victim involved	27	0.0
Offense against person or involved substantial risk of serious bodily injury	155	0.2
No official victim involved	64,009	99.7
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	69	0.1
Offense did not involve restraint of victim	64,122	99.9
Terrorism (§3A1.4)		
Offense involved a federal crime of terrorism	45	0.1
Offense did not involve a federal crime of terrorism	64,144	99.9
Offense committed before adjustment added to guidelines	2	0.0
Serious Human Rights Offense (§3A1.5)		
Offender convicted of a serious human rights offense	0	0.0
Offender was not convicted of a serious human rights offense	64,125	99.9
Offense committed before adjustment added to guidelines	66	0.1
CHAPTER 3, PART A TOTAL	64,191	100.0
ROLE IN THE OFFENSE		
Aggravating Role (§3B1.1)		
Organizer or leader	940	1.5
Manager or supervisor	680	1.1
Lesser organizer, leader, manager, or supervisor	1,181	1.8
No aggravating role	61,390	95.6
Mitigating Role (§3B1.2)		
Minimal participant	683	1.1
Less than minor role but not minimal	278	0.4
Minor participant	3,961	6.2
No mitigating role	59,269	92.3
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Offender abused position of trust or used special skill	1,495	2.3
Offender did not abuse position of trust or use special skill	62,696	97.7

Table 21 (cont.)

Use of a Minor to Commit a Crime (§3B1.4)		
Offender used a minor	213	0.3
Offender did not use a minor	63,976	99.7
Offense committed before adjustment added to guidelines	2	0.0
Use of Body Armor to Commit a Crime (§3B1.5)		
Offender used body armor (+2)	7	0.0
Offender used body armor (+4)	6	0.0
Offender did not use body armor	64,163	100.0
Offense committed before adjustment added to guidelines	15	0.0
CHAPTER 3, PART B TOTAL	64,191	100.0
OBSTRUCTION	N	%
Obstruction of Justice (§3C1.1)²		
Offender obstructed justice	1,318	2.1
Offender did not obstruct justice	62,872	97.9
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	594	0.9
Offense did not involve reckless endangerment during flight	63,597	99.1
Offense committed before adjustment added to guidelines	0	0.0
Commission of Offense While on Release (§3C1.3)		
Offense involved commission of offense while on release	80	0.1
Offense did not involve commission of offense while on release	64,092	99.8
Offense committed before adjustment added to guidelines	19	0.0
False Registration of Domain Name (§3C1.4)		
Offense involved false registration of domain name	3	0.0
Offense did not involve false registration of domain name	64,169	100.0
Offense committed before adjustment added to guidelines	19	0.0
CHAPTER 3, PART C TOTAL	64,191	100.0
ACCEPTANCE OF RESPONSIBILITY	N	%
Acceptance of Responsibility (§3E1.1)		
Offender accepted responsibility (-3)	37,545	58.5
Offender accepted responsibility (-2)	24,016	37.4
Offender did not accept responsibility	2,655	4.1
CHAPTER 3, PART E TOTAL	64,216	100.0

¹ Of the 69,425 cases, the Commission received complete guideline application information for 64,216 cases. Of these, 25 cases were excluded from the calculations due to missing Chapter Three adjustment information on vulnerable victim, official victim, restraint of victim, terrorism, human rights, aggravating role, mitigating role, abuse of position, use of minor, use of body armor, obstruction of justice, reckless endangerment, commission of offense while on release, and false registration of domain name. Descriptions of each guideline adjustment can be found in USSG Chapter Three.

² When an offender uses computer encryption during the commission of an offense or to avoid detection, it may result in the application of the Obstruction of Justice adjustment. Seven offenders used encryption or scrambling technology and of those, none received an enhancement under §3C1.1.

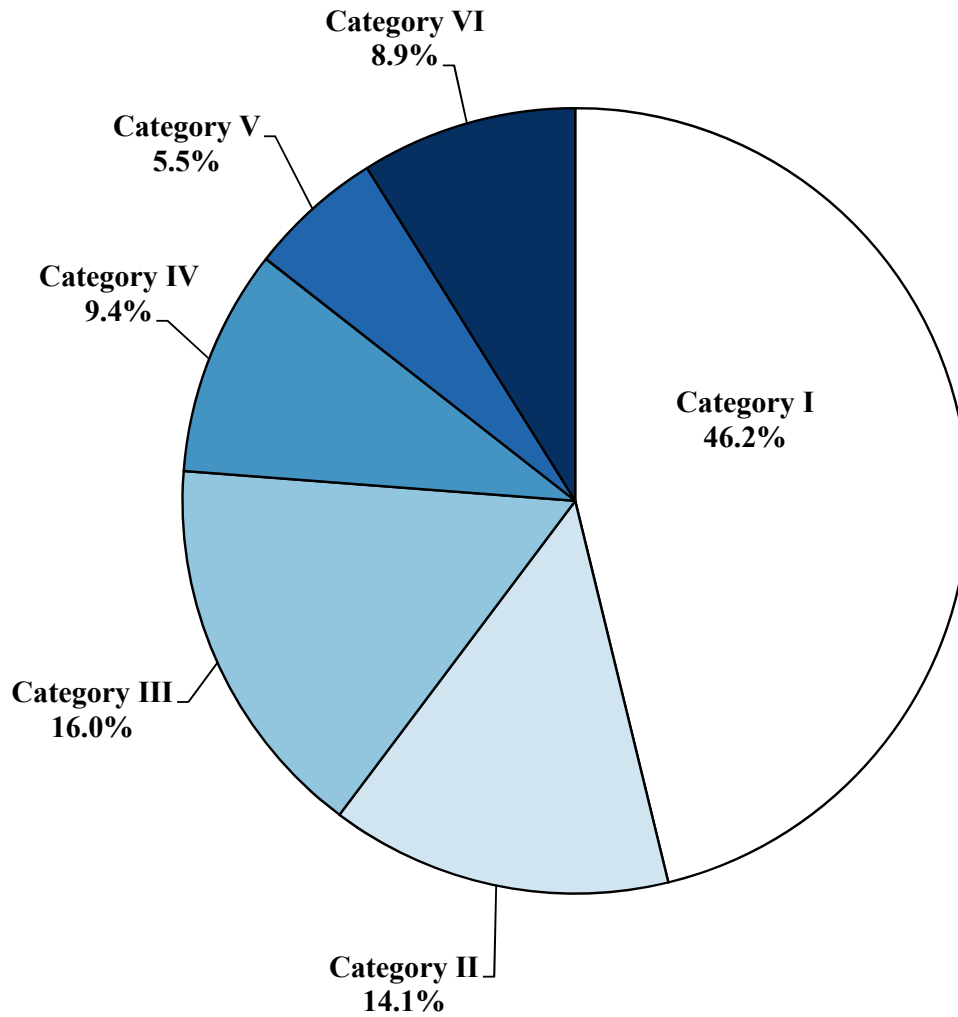
Table 22
ACCEPTANCE OF RESPONSIBILITY REDUCTIONS
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	NO ACCEPTANCE ADJUSTMENT		2-LEVEL ADJUSTMENT		3-LEVEL ADJUSTMENT	
		N	%	N	%	N	%
TOTAL	64,216	2,655	4.1	24,016	37.4	37,545	58.5
Administration of Justice	680	56	8.2	433	63.7	191	28.1
Antitrust	53	5	9.4	37	69.8	11	20.8
Arson	53	7	13.2	3	5.7	43	81.1
Assault	578	47	8.1	81	14.0	450	77.9
Bribery/Corruption	302	25	8.3	42	13.9	235	77.8
Burglary/Trespass	40	1	2.5	24	60.0	15	37.5
Child Pornography	1,401	65	4.6	26	1.9	1,310	93.5
Commercialized Vice	144	4	2.8	90	62.5	50	34.7
Drug Possession	183	23	12.6	160	87.4	0	0.0
Drug Trafficking	18,367	786	4.3	1,513	8.2	16,068	87.5
Environmental	165	3	1.8	104	63.0	58	35.2
Extortion/Racketeering	278	17	6.1	31	11.2	230	82.7
Firearms	7,042	326	4.6	1,200	17.0	5,516	78.3
Food and Drug	37	1	2.7	27	73.0	9	24.3
Forgery/Counter/Copyright	293	14	4.8	190	64.8	89	30.4
Fraud/Theft/Embezzlement	5,916	467	7.9	2,521	42.6	2,928	49.5
Immigration	21,994	253	1.2	16,247	73.9	5,494	25.0
Individual Rights	66	11	16.7	21	31.8	34	51.5
Kidnapping	106	17	16.0	2	1.9	87	82.1
Manslaughter	59	1	1.7	3	5.1	55	93.2
Money Laundering	1,268	105	8.3	130	10.3	1,033	81.5
Murder	312	78	25.0	14	4.5	220	70.5
National Defense	192	16	8.3	25	13.0	151	78.6
Obscenity/Other Sex Offenses	378	6	1.6	173	45.8	199	52.6
Prison Offenses	478	11	2.3	457	95.6	10	2.1
Robbery	1,690	107	6.3	30	1.8	1,553	91.9
Sexual Abuse	1,043	101	9.7	40	3.8	902	86.5
Stalking/Harassing	208	26	12.5	55	26.4	127	61.1
Tax	564	56	9.9	81	14.4	427	75.7
Other	326	20	6.1	256	78.5	50	15.3

¹ Of the 69,425 cases, the Commission received complete guideline application information for 64,216 cases. Descriptions of variables used in this table are provided in Appendix A. The acceptance of responsibility adjustment can be found in USSG §3E1.1.

Figure 7

**CRIMINAL HISTORY CATEGORY
OF FEDERAL OFFENDERS¹
Fiscal Year 2018**



¹ Of the 69,425 cases, 722 were excluded due to missing Criminal History Category. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 23

CRIMINAL HISTORY POINTS OF FEDERAL OFFENDERS¹
Fiscal Year 2018

Number of Prior Countable Sentences Greater Than 13 Months (§4A1.1(a)) (3-Point Offenses)		
	N	%
0	43,710	68.1
1	10,170	15.8
2	5,479	8.5
3 or more	4,857	7.6
TOTAL	64,216	100.0
Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b)) (2-Point Offenses)		
	N	%
0	46,534	72.5
1	10,283	16.0
2	4,237	6.6
3 or more	3,162	4.9
TOTAL	64,216	100.0
Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c)) (1-Point Offenses)		
	N	%
0	35,804	55.8
1	14,965	23.3
2	6,671	10.4
3 or more	6,776	10.6
TOTAL	64,216	100.0
Commission of Offense While Under Criminal Justice Sentence (§4A1.1(d))		
	N	%
Additional points given for commission of instant offense while under criminal justice sentence	15,233	23.7
No additional criminal history points given	48,983	76.3
TOTAL	64,216	100.0
Commission of a Prior Crime of Violence Not Receiving Points Under (a), (b), or (c) (§4A1.1(e))		
	N	%
Additional points given for prior sentences resulting from a crime of violence that did not receive any points under (a), (b), or (c)	445	0.7
No additional criminal history points given	63,771	99.3
TOTAL	64,216	100.0

Table 23 (cont.)

Total Criminal History Points	N	%
0	22,854	35.6
1	6,054	9.4
2	3,547	5.5
3	5,580	8.7
4	3,488	5.4
5	3,664	5.7
6	3,484	5.4
7	2,099	3.3
8	2,522	3.9
9	1,958	3.0
10	1,442	2.2
11	1,442	2.2
12	1,174	1.8
13 or more	4,908	7.6
TOTAL	64,216	100.0
Career Offender (§4B1.1)		
	N	%
Offender found to be career offender	1,597	2.5
Offender found not to be career offender	62,619	97.5
TOTAL	64,216	100.0
Criminal Livelihood (§4B1.3)		
	N	%
Offender found to have engaged in criminal livelihood	3	0.0
Offender found not to have engaged in criminal livelihood	64,213	100.0
TOTAL	64,216	100.0
Armed Career Criminal (§4B1.4)		
	N	%
Offender found to be armed career criminal	306	0.5
Offender found not to be armed career criminal	63,910	99.5
Offense committed before adjustment was added to guidelines	0	0.0
TOTAL	64,216	100.0
Repeat and Dangerous Sex Offender Against Minors (§4B1.5)		
	N	%
Offender found to be a repeat and dangerous sex offender against minors	390	0.6
Offender found not to be a repeat and dangerous sex offender against minors	63,814	99.4
Offense committed before adjustment was added to guidelines	12	0.0
TOTAL	64,216	100.0

¹ Of the 69,425 cases, the Commission received complete guideline application information for 64,216 cases. Descriptions of each guideline adjustment can be found in USSG Chapter Four.

Table 24

FEDERAL OFFENDERS IN EACH OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY¹
Fiscal Year 2018

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	N	%	Cumulative %	I	II	III	IV	V	VI
1	7	0.0	0.0	6	0	0	1	0	0
2	578	0.8	0.9	492	22	43	9	5	7
3	20	0.0	0.9	15	3	1	0	0	1
4	1,766	2.6	3.5	1,308	134	149	71	50	54
5	116	0.2	3.6	62	14	16	8	4	12
6	9,824	14.4	18.0	7,514	1,439	647	124	47	53
7	459	0.7	18.7	134	29	78	76	59	83
8	2,104	3.1	21.8	924	583	400	114	46	37
9	293	0.4	22.2	168	33	34	18	14	26
10	7,268	10.6	32.8	1,933	1,854	1,942	847	388	304
11	604	0.9	33.7	262	57	77	78	60	70
12	3,203	4.7	38.4	1,207	439	625	395	238	299
13	4,940	7.2	45.6	1,384	867	1,218	758	369	344
14	582	0.9	46.5	322	68	84	45	26	37
15	3,239	4.7	51.2	1,205	532	693	372	221	216
16	773	1.1	52.4	465	81	97	63	23	44
17	3,345	4.9	57.2	1,139	257	596	562	402	389
18	658	1.0	58.2	359	72	83	65	30	49
19	2,614	3.8	62.0	1,107	248	453	348	221	237
20	650	1.0	63.0	375	73	75	48	41	38
21	3,311	4.8	67.8	1,020	391	624	521	296	459
22	692	1.0	68.8	384	88	89	51	38	42
23	2,919	4.3	73.1	1,337	331	444	320	194	293
24	826	1.2	74.3	516	73	85	53	44	55
25	2,186	3.2	77.5	994	244	323	235	165	225
26	784	1.1	78.7	488	68	92	53	31	52
27	2,735	4.0	82.7	1,430	298	375	246	164	222
28	642	0.9	83.6	373	80	93	44	18	34
29	2,487	3.6	87.3	695	309	398	222	147	716
30	765	1.1	88.4	389	67	71	71	46	121
31	1,829	2.7	91.1	586	205	264	150	97	527
32	421	0.6	91.7	217	34	53	29	20	68
33	1,433	2.1	93.8	774	159	181	116	86	117
34	911	1.3	95.1	330	49	48	34	22	428
35	997	1.5	96.6	528	140	116	66	33	114
36	227	0.3	96.9	129	18	32	19	12	17
37	609	0.9	97.8	298	82	84	37	21	87
38	222	0.3	98.1	115	23	33	11	9	31
39	218	0.3	98.4	122	29	25	18	7	17
40	258	0.4	98.8	116	28	39	21	17	37
41	153	0.2	99.0	79	14	22	11	10	17
42	138	0.2	99.2	64	18	18	11	12	15
43	528	0.8	100.0	266	56	56	40	28	82
TOTAL	68,334	--	--	31,631	9,609	10,876	6,381	3,761	6,076
%		100.0	100.0	46.3	14.1	15.9	9.3	5.5	8.9

¹ Of the 69,425 cases, 1,091 were excluded due to one or both of the following reasons: missing offense level (1,086) or missing Criminal History Category (722). Descriptions of variables used in this table are provided in Appendix A.

Table 25
FEDERAL OFFENDERS IN EACH GUIDELINE SENTENCING RANGE¹
Fiscal Year 2018

FINAL GUIDELINE RANGE (in months)	N	%	Cumulative %
0-6	10,838	15.9	15.9
1-7	1,462	2.1	18.0
2-8	747	1.1	19.1
3-9	1	0.0	19.1
4-10	887	1.3	20.4
6-12	2,548	3.7	24.1
8-14	2,226	3.3	27.4
9-15	59	0.1	27.5
10-16	3,320	4.9	32.3
12-18	2,030	3.0	35.3
15-21	2,790	4.1	39.4
18-24	2,620	3.8	43.2
21-27	1,890	2.8	46.0
24-30	3,035	4.4	50.4
27-33	1,066	1.6	52.0
30-37	2,815	4.1	56.1
33-41	1,139	1.7	57.8
37-46	2,365	3.5	61.2
41-51	1,154	1.7	62.9
46-57	2,843	4.2	67.1
51-63	1,403	2.1	69.1
57-71	2,302	3.4	72.5
63-78	1,146	1.7	74.2
70-87	2,474	3.6	77.8
77-96	545	0.8	78.6
78-97	763	1.1	79.7
84-105	471	0.7	80.4
87-108	1,150	1.7	82.1
92-115	388	0.6	82.6
97-121	791	1.2	83.8
100-125	466	0.7	84.5
108-135	1,051	1.5	86.0
110-137	300	0.4	86.5
120-150	213	0.3	86.8
121-151	715	1.0	87.8
130-162	240	0.4	88.2
135-168	1,143	1.7	89.8
140-175	180	0.3	90.1
151-188	1,408	2.1	92.2
168-210	1,001	1.5	93.6
188-235	968	1.4	95.0
210-262	611	0.9	95.9
235-293	433	0.6	96.6
262-327	775	1.1	97.7
292-365	344	0.5	98.2
324-405	181	0.3	98.5
360-Life	511	0.7	99.2
Life	528	0.8	100.0
TOTAL	68,336	100.0	--

¹ Of the 69,425 cases, 1,089 were excluded due to missing sentencing range. Descriptions of variables used in this table are provided in Appendix A.

Table 26

**NUMBER OF CAREER OFFENDERS AND ARMED CAREER CRIMINALS
BY TYPE OF CRIME¹
Fiscal Year 2018**

TYPE OF CRIME	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	N	%	N	%
TOTAL	1,597	100.0	306	100.0
Administration of Justice	1	0.1	0	0.0
Antitrust	0	0.0	0	0.0
Arson	1	0.1	0	0.0
Assault	22	1.4	2	0.7
Bribery/Corruption	0	0.0	0	0.0
Burglary/Trespass	0	0.0	0	0.0
Child Pornography	0	0.0	0	0.0
Commercialized Vice	0	0.0	0	0.0
Drug Possession	1	0.1	0	0.0
Drug Trafficking	1,216	76.1	22	7.2
Environmental	0	0.0	0	0.0
Extortion/Racketeering	1	0.1	0	0.0
Firearms	142	8.9	270	88.2
Food and Drug	0	0.0	0	0.0
Forgery/Counter/Copyright	0	0.0	0	0.0
Fraud/Theft/Embezzlement	1	0.1	1	0.3
Immigration	0	0.0	0	0.0
Individual Rights	0	0.0	0	0.0
Kidnapping	4	0.3	2	0.7
Manslaughter	1	0.1	0	0.0
Money Laundering	15	0.9	1	0.3
Murder	19	1.2	0	0.0
National Defense	0	0.0	0	0.0
Obscenity/Other Sex Offenses	0	0.0	0	0.0
Prison Offenses	0	0.0	0	0.0
Robbery	164	10.3	6	2.0
Sexual Abuse	2	0.1	2	0.7
Stalking/Harassing	6	0.4	0	0.0
Tax	0	0.0	0	0.0
Other	1	0.1	0	0.0

¹ Of the 69,425 cases, the Commission received complete guideline application information for 64,216 cases. Of these, 1,597 offenders received the career offender adjustment and 306 received the armed career criminal adjustment. Descriptions of variables used in this table are provided in Appendix A. A description of Career Offender and armed Career Criminal adjustments can be found in USSG §§4B1.1 and 4B1.4.

Table 27
SENTENCE LENGTH IN EACH CRIMINAL HISTORY CATEGORY BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL			I			II			III			IV			V			VI		
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
TOTAL	44	20	68,703	31	9	31,738	35	12	9,659	44	20	10,965	55	33	6,427	68	46	3,802	102	78	6,112
Administration of Justice	13	9	720	9	6	428	11	10	81	15	12	88	20	18	53	31	24	26	28	24	44
Antitrust	5	1	53	4	1	50	--	--	2	--	--	0	--	--	0	--	--	1	--	--	0
Arson	65	48	55	69	39	24	66	54	12	46	45	8	58	58	4	--	--	2	82	93	5
Assault	58	35	671	33	21	270	43	26	89	62	37	105	81	46	74	81	60	54	117	92	79
Bribery/Corruption	23	15	315	23	15	276	32	13	18	21	19	10	20	16	7	--	--	2	--	--	2
Burglary/Trespass	21	18	41	10	10	12	9	10	5	22	24	8	15	16	4	35	24	5	43	37	7
Child Pornography	104	87	1,415	88	77	1,082	138	120	135	151	120	113	165	129	46	218	180	25	205	134	14
Commercialized Vice	17	8	146	11	6	94	19	14	16	19	12	15	31	24	9	48	35	6	48	36	6
Drug Possession	3	2	674	3	4	549	1	0	38	1	0	52	2	0	14	6	4	9	11	12	12
Drug Trafficking	76	60	18,732	52	37	8,769	72	60	2,273	83	66	2,773	93	75	1,581	109	96	954	131	120	2,382
Environmental	3	0	186	3	0	153	4	0	15	8	4	12	8	6	3	16	12	3	--	--	0
Extortion/Racketeering	37	27	287	23	17	145	35	25	38	45	28	42	66	36	27	70	75	13	65	55	22
Firearms	53	40	7,405	22	12	1,155	34	27	734	41	34	1,484	53	46	1,372	63	54	1,011	87	72	1,649
Food and Drug	9	0	40	10	0	36	0	0	4	--	--	0	--	--	0	--	--	0	--	--	0
Forgery/Counter/Copyright	14	12	298	9	6	125	9	9	32	11	12	43	20	21	33	27	27	23	25	26	42
Fraud/Theft/Embezzlement	23	12	6,481	19	8	4,512	26	18	562	26	18	599	38	26	297	36	24	174	43	36	337
Immigration	10	6	23,734	4	2	10,266	8	6	4,847	13	10	4,636	21	18	2,246	30	27	1,045	35	30	694
Individual Rights	27	12	67	29	12	60	12	18	3	18	0	4	--	--	0	--	--	0	--	--	0
Kidnapping	179	138	106	173	126	49	190	156	15	142	125	10	186	151	14	--	--	1	205	192	17
Manslaughter	65	40	61	56	37	42	82	63	7	67	46	7	--	--	1	130	137	3	--	--	1
Money Laundering	59	35	1,297	46	27	935	70	42	139	92	62	98	98	92	59	92	84	26	146	125	40
Murder	291	292	318	289	292	101	252	240	51	272	240	54	321	340	30	310	300	17	322	324	65
National Defense	53	30	203	27	24	152	25	26	10	29	20	7	--	--	2	--	--	1	189	180	31
Obscenity/Other Sex Offenses	19	18	383	23	20	28	12	12	56	15	15	109	20	21	90	23	24	46	28	30	54
Prison Offenses	13	12	550	13	1	22	7	4	8	8	6	114	10	8	138	16	12	119	17	15	149
Robbery	106	88	1,719	75	51	434	96	80	224	101	79	344	118	104	204	113	96	148	143	121	365
Sexual Abuse	191	180	1,067	181	156	697	178	148	92	187	168	107	215	208	64	235	213	54	285	240	53
Stalking/Harassing	30	24	212	18	12	91	24	24	23	37	30	29	36	32	30	33	34	13	62	51	26
Tax	17	12	576	15	12	484	22	14	44	20	21	27	18	12	5	42	41	8	74	76	8
Other	3	0	891	1	0	697	6	0	86	7	0	67	36	22	20	11	4	13	42	32	8

¹ Of the 69,425 cases, 722 cases were excluded due to missing Criminal History Category. 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 USSC §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Table 28

LENGTH OF IMPRISONMENT BY CRIMINAL HISTORY CATEGORY AND TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL		I		II		III		IV		V		VI								
	Mean Mths	Median N	Mean Mths	Median N	Mean Mths	Median N	Mean Mths	Median N	Mean Mths	Median N	Mean Mths	Median N	Mean Mths	Median N							
TOTAL	48	24	62,580	37	14	26,704	37	12	9,125	45	21	10,584	56	33	6,337	69	46	3,753	102	78	6,077
Administration of Justice	17	12	520	14	10	262	13	12	63	16	12	77	20	18	52	34	24	24	29	26	42
Antitrust	9	8	17	8	6	14	--	--	2	--	--	0	--	--	0	--	--	1	--	--	0
Arson	68	53	53	75	41	22	66	54	12	45	45	8	58	58	4	--	--	2	82	93	5
Assault	65	40	594	41	27	217	51	33	74	65	41	101	85	49	70	83	60	53	117	92	79
Bribery/Corruption	29	19	242	29	20	209	39	17	14	24	19	8	20	16	7	--	--	2	--	--	2
Burglary/Trespass	22	20	38	12	13	10	5	5	4	22	24	8	15	16	4	35	24	5	43	37	7
Child Pornography	105	87	1,402	89	78	1,070	138	120	135	152	121	112	165	129	46	218	180	25	205	134	14
Commercialized Vice	23	16	100	16	12	55	23	22	12	23	14	12	27	24	9	48	35	6	48	36	6
Drug Possession	5	6	419	5	6	355	2	1	12	3	1	23	3	1	10	7	6	7	11	12	12
Drug Trafficking	78	60	18,041	55	38	8,242	75	60	2,192	84	70	2,726	94	77	1,562	110	96	949	132	120	2,370
Environmental	8	6	60	7	6	40	8	3	6	10	7	9	--	--	2	14	12	3	--	--	0
Extortion/Racketeering	41	30	259	27	20	122	38	29	35	47	29	40	66	36	27	70	75	13	65	55	22
Firearms	55	42	7,028	27	18	904	36	27	688	42	36	1,438	53	46	1,354	63	54	1,001	87	72	1,643
Food and Drug	28	24	12	28	24	12	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Forgery/Counter/Copyright	18	17	212	14	12	63	10	10	24	15	15	31	21	24	31	26	27	23	25	27	40
Fraud/Theft/Embezzlement	30	22	4,757	26	18	3,054	32	26	446	31	24	498	40	30	275	39	30	159	44	36	325
Immigration	11	6	22,473	5	2	9,217	8	6	4,718	13	10	4,572	21	18	2,231	30	27	1,041	35	30	694
Individual Rights	39	23	46	40	25	42	--	--	2	--	--	2	--	--	0	--	--	0	--	--	0
Kidnapping	179	138	106	173	126	49	190	156	15	142	125	10	186	151	14	--	--	1	205	192	17
Manslaughter	67	41	59	57	37	41	82	63	7	78	62	6	--	--	1	130	137	3	--	--	1
Money Laundering	66	42	1,132	54	36	785	76	49	128	96	71	94	97	92	59	92	84	26	146	125	40
Murder	291	292	318	289	292	101	252	240	51	272	240	54	321	340	30	310	300	17	322	324	65
National Defense	62	36	171	34	31	121	28	27	9	29	20	7	--	--	2	--	--	1	189	180	31
Obscenity/Other Sex Offenses	19	18	369	26	23	24	12	12	52	15	15	106	20	21	90	25	27	43	28	30	54
Prison Offenses	13	12	535	22	23	12	7	3	7	8	5	113	10	8	136	16	12	118	16	15	149
Robbery	107	90	1,700	78	59	419	96	80	224	101	78	343	118	104	204	115	96	145	143	121	365
Sexual Abuse	193	180	1,053	184	168	685	180	151	91	189	168	106	215	208	64	235	213	54	285	240	53
Stalking/Harassing	33	28	193	21	16	75	25	26	22	38	30	28	37	33	29	33	34	13	62	51	26
Tax	23	18	389	20	15	315	26	18	32	25	24	21	18	12	5	42	41	8	74	76	8
Other	10	1	282	4	0	167	10	3	48	15	6	31	38	23	19	14	9	10	47	46	7

¹ Of the 69,425 cases, 5,836 with zero months of prison ordered were excluded. In addition, 1,009 cases were excluded due to one or both of the following reasons: missing Criminal History Category (548) or missing or indeterminate sentencing information (524). Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. The information in this table does not include conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2018

	N	%
TOTAL CASES	68,902	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	51,702	75.0
Within Guideline Range	35,127	51.0
Upward Departure ²	396	0.6
Downward Departure		
§5K1.1 Substantial Assistance	6,948	10.1
§5K3.1 Early Disposition Program	6,259	9.1
Other Government Motion ³	1,272	1.8
Non-Government Departure ⁴	1,700	2.5
VARIANCES	17,200	25.0
Upward Variance ⁵	1,404	2.0
Downward Variance		
Government Motion ⁶	3,795	5.5
Non-Government Variance ⁷	12,001	17.4

¹ Of the 69,425 cases, 523 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 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.

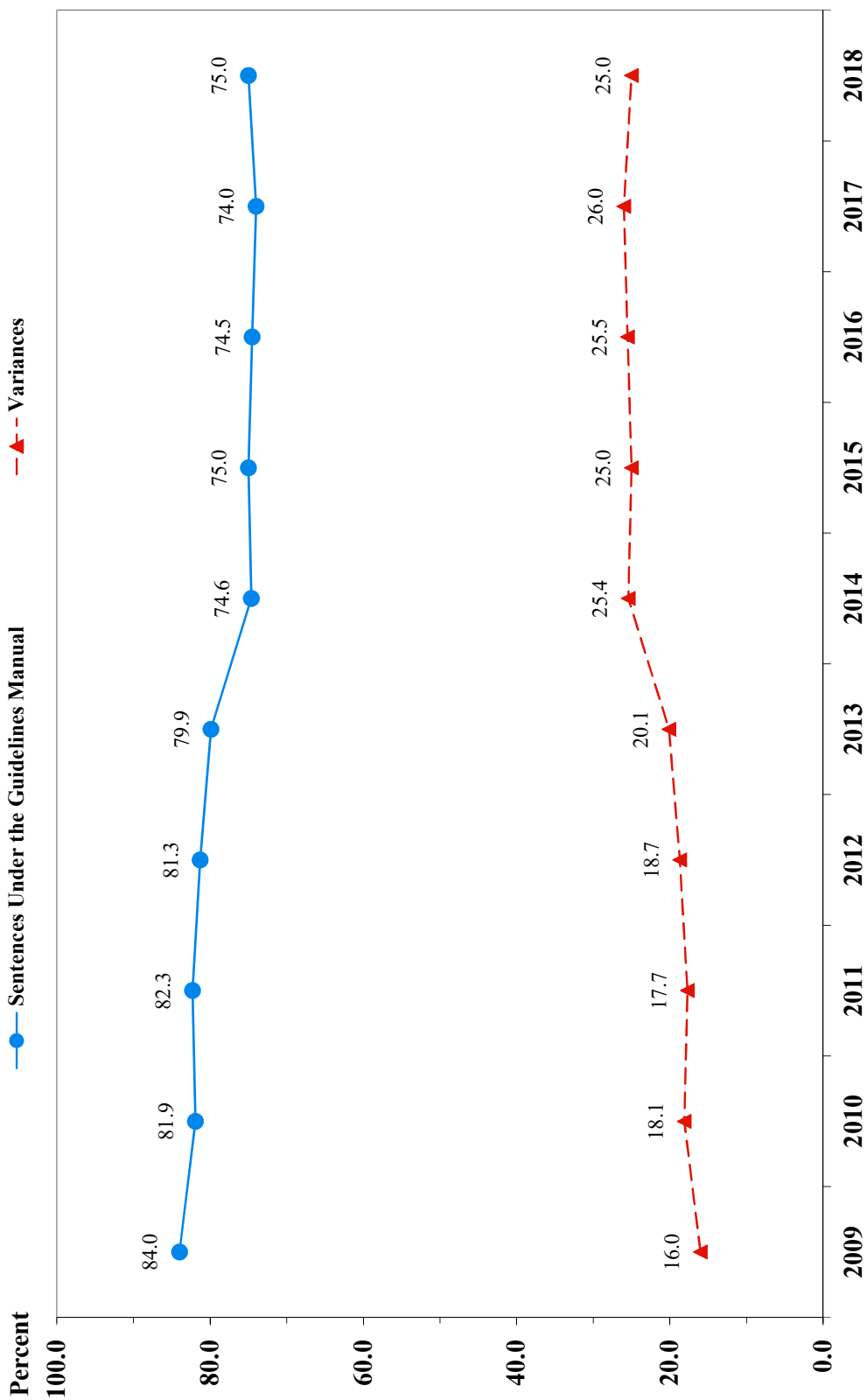
⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

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.

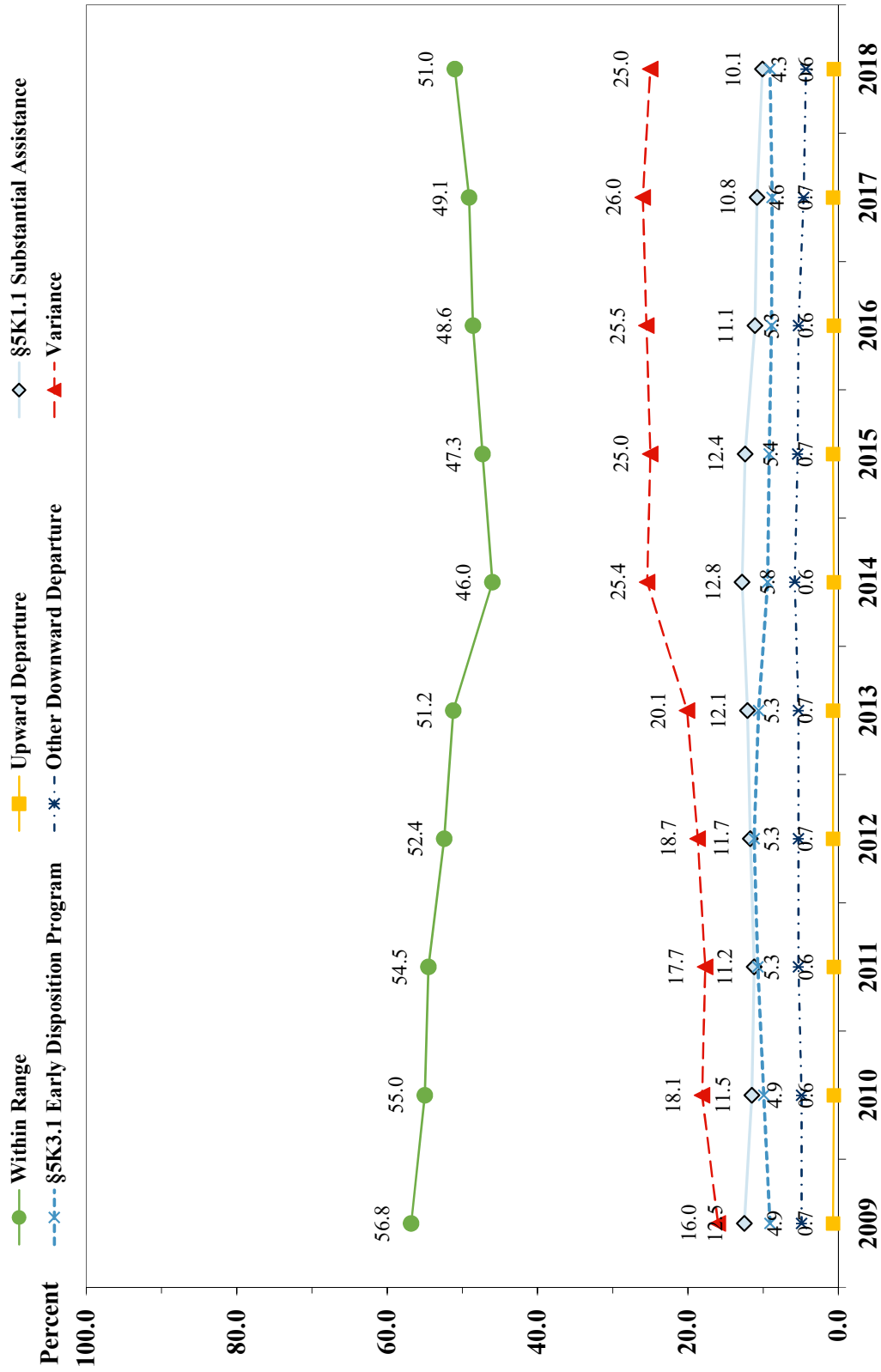
Figure 8
SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME¹
Fiscal Years 2009 - 2018



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

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Data files, USSCFY09 - USSCFY18.

Figure 9
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE OVER TIME¹
Fiscal Years 2009 - 2018



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

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

Table 30
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	%
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

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	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

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	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

¹ Of the 69,425 cases, 523 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.

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

Table 31

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
Fiscal Year 2018**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		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
Administration of Justice	721	328	45.5	12	1.7	45	6.2	7	1.0	50	6.9	279	38.7
Antitrust	53	6	11.3	0	0.0	43	81.1	0	0.0	1	1.9	3	5.7
Arson	55	22	40.0	3	5.5	5	9.1	0	0.0	5	9.1	20	36.4
Assault	673	348	51.7	19	2.8	28	4.2	2	0.3	49	7.3	227	33.7
Bribery/Corruption	315	78	24.8	0	0.0	97	30.8	1	0.3	18	5.7	121	38.4
Burglary/Trespass	41	27	65.9	1	2.4	2	4.9	0	0.0	2	4.9	9	22.0
Child Pornography	1,416	404	28.5	9	0.6	27	1.9	0	0.0	88	6.2	888	62.7
Commercialized Vice	146	49	33.6	3	2.1	25	17.1	0	0.0	2	1.4	67	45.9
Drug Possession	691	619	89.6	0	0.0	5	0.7	0	0.0	0	0.0	67	9.7
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
Environmental	189	92	48.7	0	0.0	22	11.6	0	0.0	10	5.3	65	34.4
Extortion/Racketeering	288	134	46.5	5	1.7	36	12.5	1	0.3	12	4.2	100	34.7
Firearms	7,496	4,178	55.7	65	0.9	511	6.8	3	0.0	317	4.2	2,422	32.3
Food and Drug	42	29	69.0	0	0.0	0	0.0	0	0.0	2	4.8	11	26.2
Forgery/Counter/Copyright	298	143	48.0	0	0.0	35	11.7	0	0.0	10	3.4	110	36.9
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
Individual Rights	67	29	43.3	0	0.0	3	4.5	0	0.0	6	9.0	29	43.3
Kidnapping	106	39	36.8	1	0.9	23	21.7	0	0.0	6	5.7	37	34.9
Manslaughter	61	33	54.1	5	8.2	0	0.0	0	0.0	6	9.8	17	27.9
Money Laundering	1,296	325	25.1	2	0.2	381	29.4	2	0.2	87	6.7	499	38.5
Murder	318	129	40.6	8	2.5	77	24.2	0	0.0	22	6.9	82	25.8
National Defense	203	58	28.6	1	0.5	26	12.8	0	0.0	26	12.8	92	45.3
Obscenity/Other Sex Offenses	383	216	56.4	3	0.8	2	0.5	0	0.0	18	4.7	144	37.6
Prison Offenses	553	356	64.4	2	0.4	7	1.3	2	0.4	24	4.3	162	29.3
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
Stalking/Harassing	212	110	51.9	6	2.8	2	0.9	0	0.0	13	6.1	81	38.2
Tax	576	139	24.1	1	0.2	83	14.4	1	0.2	39	6.8	313	54.3
Other	908	832	91.6	3	0.3	15	1.7	0	0.0	7	0.8	51	5.6

¹ Of the 69,425 cases, 523 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.

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

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2018

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	234	91	0	66	0	16	61	§2D1.8	21	8	0	8	0	0	5
§2A1.2	47	24	6	6	0	2	9	§2D1.9	0	0	0	0	0	0	0
§2A1.3	23	10	3	0	0	5	5	§2D1.10	9	1	0	0	0	0	8
§2A1.4	38	23	2	0	0	1	12	§2D1.11	43	5	0	14	0	0	24
§2A1.5	24	12	0	3	0	4	5	§2D1.12	4	3	0	0	0	0	1
§2A2.1	111	41	0	15	0	11	44	§2D1.13	1	1	0	0	0	0	0
§2A2.2	398	200	15	13	1	34	135	§2D1.14	0	0	0	0	0	0	0
§2A2.3	81	53	4	0	0	2	22	§2D2.1	191	177	0	5	0	0	9
§2A2.4	238	129	6	0	6	21	76	§2D2.2	58	48	1	0	0	1	8
§2A3.1	91	34	2	6	1	14	34	§2D2.3	3	3	0	0	0	0	0
§2A3.2	39	18	0	0	0	4	17	§2D3.1	2	2	0	0	0	0	0
§2A3.3	6	5	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0
§2A3.4	41	18	1	0	0	5	17	§2D3.3	0	0	0	0	0	0	0
§2A3.5	360	204	1	2	0	18	135	§2D3.4	0	0	0	0	0	0	0
§2A4.1	102	39	1	23	0	6	33	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	142	72	1	22	1	8	38
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	3	0	0	0	0	0
§2A5.2	18	13	1	0	0	1	3	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	11	2	0	4	0	0	5
§2A6.1	146	78	2	1	0	8	57	§2E1.5	0	0	0	0	0	0	0
§2A6.2	63	30	4	1	0	5	23	§2E2.1	18	5	3	1	0	1	8
§2B1.1	5,942	2,552	29	888	4	235	2,234	§2E3.1	79	22	1	14	0	1	41
§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	31	1	0	10	0	3	17	§2E4.1	45	19	0	4	0	0	22
§2B1.5	9	3	0	1	0	0	5	§2E5.1	4	1	0	3	0	0	0
§2B1.6 ²	126	115	0	11	0	0	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	34	20	1	2	0	2	9	§2E5.3	0	0	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	1,691	648	25	261	3	120	634	§2E5.6	0	0	0	0	0	0	0
§2B3.2	41	18	0	1	0	3	19	§2F1.1	1	1	0	0	0	0	0
§2B3.3	16	8	1	1	0	0	6	§2F1.2	0	0	0	0	0	0	0
§2B4.1	91	19	0	33	0	3	36	§2G1.1	80	35	2	12	0	3	28
§2B5.1	228	135	0	21	0	4	68	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	408	189	0	49	0	16	154
§2B5.3	70	8	0	14	0	6	42	§2G2.1	455	155	0	23	0	35	242
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,414	402	9	27	0	88	888
§2B6.1	2	0	0	0	0	0	2	§2G2.3	0	0	0	0	0	0	0
§2C1.1	204	51	0	60	1	13	79	§2G2.4	0	0	0	0	0	0	0
§2C1.2	10	2	0	3	0	1	4	§2G2.5	0	0	0	0	0	0	0
§2C1.3	2	2	0	0	0	0	0	§2G2.6	9	1	0	0	0	0	8
§2C1.4	0	0	0	0	0	0	0	§2G3.1	22	12	2	0	0	0	8
§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	45	13	0	2	0	5	25
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	5	1	0	1	0	1	2	§2H1.3	0	0	0	0	0	0	0
§2D1.1	18,398	6,622	66	3,974	1,320	914	5,502	§2H1.4	0	0	0	0	0	0	0
§2D1.2	218	129	2	25	0	7	55	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	6	5	0	1	0	0	0
§2D1.4	0	0	0	0	0	0	0	§2H3.1	1	1	0	0	0	0	0
§2D1.5	7	2	0	3	0	1	1	§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	3	2	0	0	0	0	1	§2H4.1	8	3	0	0	0	1	4

Table 32 (cont.)

Guideline	Within Guideline			Departure				Variance	Guideline	Within Guideline			Departure				Variance
	Total	Range	Up	§5K1.1	§5K3.1	Down	Total			Total	Range	Up	§5K1.1	§5K3.1	Down	Total	
§2H4.2	0	0	0	0	0	0	0	0	§2M5.2	131	35	1	13	0	22	60	
§2J1.1	0	0	0	0	0	0	0	0	§2M5.3	28	6	0	7	0	2	13	
§2J1.2	136	50	0	14	0	11	61	§2M6.1	10	5	0	1	0	0	4		
§2J1.3	29	7	2	4	0	1	15	§2M6.2	0	0	0	0	0	0	0		
§2J1.4	14	10	1	0	0	1	2	§2N1.1	10	1	0	0	0	0	9		
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0		
§2J1.6	30	19	0	0	0	0	11	§2N1.3	0	0	0	0	0	0	0		
§2J1.7	0	0	0	0	0	0	0	§2N2.1	28	26	0	0	0	0	2		
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0		
§2J1.9	1	1	0	0	0	0	0	§2P1.1	301	186	1	5	2	9	98		
§2K1.1	4	3	0	0	0	0	1	§2P1.2	205	142	1	2	0	14	46		
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0		
§2K1.3	17	7	0	4	0	0	6	§2P1.4	0	0	0	0	0	0	0		
§2K1.4	52	21	3	5	0	5	18	§2Q1.1	0	0	0	0	0	0	0		
§2K1.5	1	0	0	1	0	0	0	§2Q1.2	26	9	0	3	0	1	13		
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	18	5	0	3	0	2	8		
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0		
§2K2.1	7,032	3,839	58	476	2	306	2,351	§2Q1.5	0	0	0	0	0	0	0		
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0		
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	120	56	0	16	0	7	41		
§2K2.4 ³	354	289	5	26	0	0	34	§2Q2.2	0	0	0	0	0	0	0		
§2K2.5	12	9	1	0	0	1	1	§2R1.1	53	6	0	43	0	1	3		
§2K2.6	1	1	0	0	0	0	0	§2S1.1	1,137	260	1	362	2	65	447		
§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	152	65	1	18	0	20	48		
§2L1.1	2,843	1,114	16	108	1,057	74	474	§2S1.4	0	0	0	0	0	0	0		
§2L1.2	18,240	12,641	99	36	3,234	649	1,581	§2T1.1	321	70	0	50	0	27	174		
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0		
§2L2.1	117	56	0	24	0	8	29	§2T1.3	0	0	0	0	0	0	0		
§2L2.2	935	666	5	5	97	27	135	§2T1.4	195	55	0	26	1	9	104		
§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	39	5	1	2	0	3	28		
§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	4	2	0	0	0	0	2		
§2M2.2	0	0	0	0	0	0	0	§2T2.1	6	2	0	1	0	0	3		
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0		
§2M2.4	0	0	0	0	0	0	0	§2T3.1	8	2	0	4	0	0	2		
§2M3.1	0	0	0	0	0	0	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	3	1	0	0	0	0	2	§2X1.1	23	11	1	1	0	3	7		
§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	90	37	3	9	0	5	36		
§2M3.6	0	0	0	0	0	0	0	§2X4.1	233	96	3	26	1	14	93		
§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	189	181	1	0	0	1	6		
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0		
§2M4.1	0	0	0	0	0	0	0	§2X7.1	2	0	0	1	0	1	0		
§2M5.1	17	1	0	5	0	1	10	§2X7.2	0	0	0	0	0	0	0		
TOTAL	65,451	32,560	395	6,935	5,733	2,919	16,909										

¹ Of the 69,425 cases, 3,974 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 (523) or missing guideline applied (3,952). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

³ In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Table 33
ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2018

	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Binding by Court Accepted		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose		
	N	%	N	%	N	%	N	%	N	%	
	TOTAL CASES		TOTAL CASES		TOTAL CASES		TOTAL CASES		TOTAL CASES		
TOTAL	33,775	6,975	20.7	6,412	19.0	5,009	14.8	7,469	22.1	671	2.0
Departures	16,575	6,948	41.9	6,391	38.6	3,533	21.3	6,393	38.6	470	2.8
Upward Departure	396	0	0.0	0	0.0	104	26.3	53	13.4	4	1.0
Downward Departure											
§5K1.1 Substantial Assistance	6,948	6,948	100.0	132	1.9	306	4.4	2,102	30.3	21	0.3
§5K3.1 Early Disposition Program	6,259	0	0.0	6,259	100.0	2,521	40.3	3,832	61.2	417	6.7
Other Government Motion	1,272	0	0.0	0	0.0	602	47.3	406	31.9	28	2.2
Non-Government Departure	1,700	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	17,200	27	0.2	21	0.1	1,476	8.6	1,076	6.3	201	1.2
Upward Variance	1,404	27	1.9	21	1.5	204	14.5	113	8.0	1	0.1
Downward Variance											
Government Motion	3,795	0	0.0	0	0.0	1,272	33.5	963	25.4	200	5.3
Non-Government Variance	12,001	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (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	5,248	15.5	5,193	15.4	6,698	19.8	1,214	3.6	4,790	14.2	2,516	7.4
Departures	4,540	27.4	1,940	11.7	1,718	10.4	514	3.1	1,367	8.2	272	1.6
Upward Departure	128	32.3	2	0.5	2	0.5	6	1.5	111	28.0	32	8.1
Downward Departure	4,018	57.8	652	9.4	565	8.1	315	4.5	634	0.0	0	0.0
§5K1.1 Substantial Assistance	193	3.1	381	6.1	698	11.2	81	1.3	197	3.1	0	0.0
§5K3.1 Early Disposition Program	201	15.8	86	6.8	57	4.5	112	8.8	78	6.1	26	2.0
Other Government Motion	0	0.0	819	48.2	396	23.3	0	0.0	347	20.4	214	12.6
Non-Government Departure												
Variances	708	4.1	3,253	18.9	4,980	29.0	700	4.1	3,423	19.9	2,244	13.0
Upward Variance	234	16.7	11	0.8	5	0.4	22	1.6	590	42.0	261	18.6
Downward Variance	474	12.5	282	7.4	168	4.4	678	17.9	179	4.7	164	4.3
Government Motion	0	0.0	2,960	24.7	4,807	40.1	0	0.0	2,654	22.1	1,819	15.2
Non-Government Variance												

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 14,461 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range 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 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 the prior version of the SOR form, the information was taken from Part V.B. of the SOR form.

Table 34
POSITION OF WITHIN GUIDELINE RANGE SENTENCES
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	32,336	13,138	40.6	8,893	27.5	3,336	10.3	3,392	10.5	3,577	11.1
Administration of Justice	298	135	45.3	57	19.1	32	10.7	25	8.4	49	16.4
Antitrust	6	4	66.7	1	16.7	1	16.7	0	0.0	0	0.0
Arson	16	6	37.5	3	18.8	1	6.3	5	31.3	1	6.3
Assault	305	134	43.9	51	16.7	28	9.2	37	12.1	55	18.0
Bribery/Corruption	73	55	75.3	6	8.2	3	4.1	2	2.7	7	9.6
Burglary/Trespass	25	7	28.0	4	16.0	4	16.0	4	16.0	6	24.0
Child Pornography	330	184	55.8	38	11.5	30	9.1	29	8.8	49	14.8
Commercialized Vice	49	26	53.1	6	12.2	7	14.3	2	4.1	8	16.3
Drug Possession	595	241	40.5	100	16.8	16	2.7	70	11.8	168	28.2
Drug Trafficking	5,828	3,668	62.9	854	14.7	407	7.0	327	5.6	572	9.8
Environmental	84	69	82.1	5	6.0	5	6.0	0	0.0	5	6.0
Extortion/Racketeering	128	71	55.5	25	19.5	11	8.6	7	5.5	14	10.9
Firearms	3,730	1,825	48.9	516	13.8	435	11.7	301	8.1	653	17.5
Food and Drug	29	27	93.1	1	3.4	1	3.4	0	0.0	0	0.0
Forgery/Counter/Copyright	138	72	52.2	27	19.6	18	13.0	10	7.2	11	8.0
Fraud/Theft/Embezzlement	2,847	1,524	53.5	443	15.6	372	13.1	209	7.3	299	10.5
Immigration	14,877	3,467	23.3	6,176	41.5	1,760	11.8	2,141	14.4	1,333	9.0
Individual Rights	25	13	52.0	3	12.0	1	4.0	4	16.0	4	16.0
Kidnapping	19	11	57.9	2	10.5	0	0.0	4	21.1	2	10.5
Manslaughter	33	7	21.2	5	15.2	3	9.1	4	12.1	14	42.4
Money Laundering	303	173	57.1	50	16.5	17	5.6	24	7.9	39	12.9
Murder	39	14	35.9	8	20.5	3	7.7	8	20.5	6	15.4
National Defense	49	35	71.4	7	14.3	3	6.1	2	4.1	2	4.1
Obscenity/Other Sex Offenses	214	102	47.7	26	12.1	26	12.1	10	4.7	50	23.4
Prison Offenses	347	144	41.5	84	24.2	47	13.5	39	11.2	33	9.5
Robbery	647	310	47.9	128	19.8	47	7.3	76	11.7	86	13.3
Sexual Abuse	285	127	44.6	53	18.6	27	9.5	20	7.0	58	20.4
Stalking/Harassing	96	39	40.6	13	13.5	14	14.6	6	6.3	24	25.0
Tax	129	84	65.1	22	17.1	6	4.7	7	5.4	10	7.8
Other	792	564	71.2	179	22.6	11	1.4	19	2.4	19	2.4

¹ Of the 69,425 cases, 35,127 offenders were sentenced within the applicable guideline range. An additional 2,791 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

Table 35
EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	395	78	26	72.7	59	12	40.0
Administration of Justice	12	53	35	176.3	24	6	38.2
Antitrust	0	--	--	--	--	--	--
Arson	3	160	85	113.7	120	57	90.5
Assault	19	61	17	51.7	72	11	42.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	9	105	19	27.7	87	24	29.4
Commercialized Vice	3	70	33	159.0	78	15	23.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	68	95	36	103.0	82	24	39.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	5	85	34	93.6	72	35	94.6
Firearms	65	88	26	46.7	78	14	24.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	30	57	19	80.9	47	13	36.2
Immigration	120	27	10	64.8	24	6	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	5	154	66	107.4	156	35	94.6
Money Laundering	2	--	--	--	--	--	--
Murder	8	315	66	29.4	310	65	19.5
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	45	17	63.0	40	10	33.3
Prison Offenses	2	--	--	--	--	--	--
Robbery	26	179	47	38.3	178	33	27.9
Sexual Abuse	3	238	72	77.4	300	50	94.6
Stalking/Harassing	6	81	34	81.8	66	24	61.0
Tax	1	--	--	--	--	--	--
Other	3	24	13	101.9	15	6	100.0

¹ Of the 69,425 cases, in 396 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one offender was excluded from this table. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information 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.

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

Table 36
EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,393	76	22	62.9	58	12	37.5
Administration of Justice	28	37	13	80.0	36	11	45.0
Antitrust	0	--	--	--	--	--	--
Arson	6	92	32	61.0	94	27	48.1
Assault	27	88	32	67.5	78	15	50.0
Bribery/Corruption	4	147	23	28.1	60	17	22.4
Burglary/Trespass	3	64	4	8.1	60	3	5.3
Child Pornography	24	169	44	42.8	144	32	22.9
Commercialized Vice	17	47	22	108.6	42	12	68.4
Drug Possession	52	7	1	21.2	7	1	15.0
Drug Trafficking	222	107	28	79.5	90	18	33.3
Environmental	2	--	--	--	--	--	--
Extortion/Racketeering	13	85	19	29.2	60	12	23.9
Firearms	321	79	23	51.5	72	15	33.3
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	110	71	25	69.7	59	13	37.9
Immigration	355	27	10	75.9	24	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	4	346	78	32.8	370	57	18.1
Manslaughter	10	89	28	58.4	84	21	67.4
Money Laundering	13	97	31	51.0	72	21	50.0
Murder	4	240	25	13.7	270	27	14.4
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	12	48	17	63.3	48	10	35.2
Prison Offenses	15	30	14	83.0	24	6	50.0
Robbery	84	192	49	37.6	185	37	28.6
Sexual Abuse	31	145	33	36.1	96	16	27.7
Stalking/Harassing	15	49	14	39.6	48	11	30.4
Tax	11	51	10	45.0	36	10	25.0
Other	6	19	6	52.8	11	4	50.0

¹ Of the 69,425 cases, in 1,404 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two offenders were excluded from this table. Also, nine offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information 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.

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

Table 37

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2018**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,807	52	48	52.6	36	34	48.4
Administration of Justice	45	3	13	82.7	0	12	100.0
Antitrust	43	3	11	80.8	1	12	91.7
Arson	5	32	39	63.3	14	48	75.0
Assault	25	41	128	67.5	33	99	66.2
Bribery/Corruption	97	13	24	66.3	12	18	66.7
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	25	82	60	42.7	75	43	40.5
Commercialized Vice	25	6	10	72.3	0	10	99.7
Drug Possession	5	0	2	99.3	0	1	100.0
Drug Trafficking	3,964	64	57	48.9	57	45	45.0
Environmental	22	2	16	91.2	0	13	100.0
Extortion/Racketeering	36	29	26	52.0	13	14	49.5
Firearms	506	39	32	49.7	28	21	44.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	34	12	26	58.6	10	14	48.9
Fraud/Theft/Embezzlement	908	18	25	61.4	12	18	57.1
Immigration	176	13	13	58.3	10	10	51.7
Individual Rights	3	10	40	87.2	0	48	100.0
Kidnapping	21	106	121	50.0	96	104	51.9
Manslaughter	0	--	--	--	--	--	--
Money Laundering	373	41	56	59.8	24	33	55.6
Murder	36	148	145	49.5	156	146	50.0
National Defense	25	36	64	61.8	24	37	57.9
Obscenity/Other Sex Offenses	2	--	--	--	--	--	--
Prison Offenses	7	5	7	59.8	2	8	50.0
Robbery	247	81	55	40.3	72	40	34.6
Sexual Abuse	76	119	95	46.2	108	66	42.1
Stalking/Harassing	2	--	--	--	--	--	--
Tax	82	7	18	74.6	3	12	86.9
Other	15	36	48	58.4	36	42	54.3

¹ Of the 69,425 cases, in 6,948 the offender received a §5K1.1 substantial assistance departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 67 offenders were excluded from this table. Also, 74 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 38
EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,253	15	13	46.9	10	6	44.4
Administration of Justice	7	7	6	41.9	8	2	27.2
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	2	--	--	--	--	--	--
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,330	32	37	53.3	30	31	52.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	3	6	15	69.9	8	10	76.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	4	5	22	80.1	4	8	81.1
Immigration	4,896	10	7	45.1	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	2	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	3	57	17	24.8	70	14	24.3
Sexual Abuse	1	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 69,425 cases, in 6,259 the offender received a §5K3.1 early disposition program departure below the guideline range. Six offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 39
EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,910	43	26	42.8	24	14	36.4
Administration of Justice	49	10	11	59.3	7	8	50.0
Antitrust	1	--	--	--	--	--	--
Arson	5	30	16	36.5	32	17	25.0
Assault	48	53	29	40.0	29	13	28.0
Bribery/Corruption	17	19	18	49.7	18	17	50.0
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	88	72	51	43.4	60	46	42.9
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	924	68	40	39.5	60	27	35.0
Environmental	9	1	13	91.3	0	12	100.0
Extortion/Racketeering	12	32	15	41.2	27	12	30.9
Firearms	314	37	20	39.5	30	13	31.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	10	12	29	65.2	12	22	74.9
Fraud/Theft/Embezzlement	237	21	16	55.8	12	10	50.0
Immigration	778	15	11	41.5	12	7	36.8
Individual Rights	5	33	13	45.2	9	12	25.0
Kidnapping	6	126	77	34.8	143	53	32.9
Manslaughter	6	57	26	33.0	46	21	28.6
Money Laundering	82	32	49	61.2	12	22	60.0
Murder	7	149	111	41.4	168	68	40.0
National Defense	26	29	23	43.7	25	10	35.0
Obscenity/Other Sex Offenses	18	14	8	38.4	14	6	23.4
Prison Offenses	23	13	7	36.1	12	6	27.3
Robbery	120	66	29	36.5	44	22	27.3
Sexual Abuse	65	137	57	32.4	135	37	25.9
Stalking/Harassing	12	27	15	45.4	11	12	42.9
Tax	37	12	12	59.6	7	12	58.3
Other	7	12	23	76.4	1	8	71.9

¹ Of the 69,425 cases, in 2,972 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,272) or a non-government departure (1,700). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 26 offenders were excluded from this table. Also, 36 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 40
EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	15,354	49	26	42.9	27	15	34.8
Administration of Justice	245	7	12	67.4	4	10	71.4
Antitrust	3	8	16	66.7	8	16	66.7
Arson	14	46	27	38.6	35	12	30.2
Assault	190	47	20	44.3	24	12	34.0
Bribery/Corruption	116	22	21	51.4	16	12	49.1
Burglary/Trespass	5	18	5	23.1	18	3	14.3
Child Pornography	838	80	51	40.1	70	43	38.1
Commercialized Vice	49	6	6	63.2	3	6	55.6
Drug Possession	15	1	2	87.2	0	1	97.0
Drug Trafficking	5,303	72	35	36.5	60	22	30.6
Environmental	62	3	10	81.0	0	10	100.0
Extortion/Racketeering	86	22	15	49.3	18	13	37.6
Firearms	2,068	41	19	39.3	28	12	29.2
Food and Drug	10	21	28	59.0	19	30	60.1
Forgery/Counter/Copyright	108	9	12	61.5	6	9	59.7
Fraud/Theft/Embezzlement	2,118	21	15	53.2	12	10	46.7
Immigration	1,950	12	8	45.6	9	6	35.5
Individual Rights	29	22	26	63.6	10	14	61.8
Kidnapping	30	133	59	30.8	124	50	27.5
Manslaughter	7	16	10	51.6	15	10	50.0
Money Laundering	462	53	38	50.6	30	21	42.9
Murder	42	187	75	30.3	180	60	30.1
National Defense	86	41	36	52.8	24	28	47.8
Obscenity/Other Sex Offenses	125	11	9	46.8	12	7	40.0
Prison Offenses	143	11	7	43.5	12	6	33.3
Robbery	531	82	30	29.2	77	22	24.0
Sexual Abuse	317	139	68	36.1	126	55	30.0
Stalking/Harassing	65	16	12	52.3	12	10	45.5
Tax	294	12	14	62.6	9	12	63.6
Other	43	17	25	68.2	7	25	68.4

¹ Of the 69,425 cases, in 15,796 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,795) or a non-government variance (12,001). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 133 offenders were excluded from this table. Also, 309 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information 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.

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

Table 41
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2018

REASONS	N	%
Criminal history issues	379	29.7
Dismissed and uncharged conduct (§5K2.21)	98	7.7
Pursuant to plea agreement	83	6.5
Reflect seriousness of offense/promotes respect for law/just punishment	73	5.7
General aggravating circumstances (§5K2.0)	71	5.6
Protect public from further crimes	69	5.4
Afford adequate deterrence to criminal conduct	68	5.3
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	59	4.6
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	42	3.3
Extreme conduct (§5K2.8)	34	2.7
Criminal history issues in application of §2L1.2	29	2.3
Death (§5K2.1)	18	1.4
Propensity for violence	16	1.3
Physical injury (§5K2.2)	14	1.1
Victim impact	12	0.9
Weapons/dangerous instrumentalities (§5K2.6)	11	0.9
Avoid unwarranted sentencing disparity	11	0.9
General guideline adequacy issues	8	0.6
Provide restitution to any victims	6	0.5
Drug dependence and alcohol abuse (§5H1.4)	6	0.5
Violent street gang (§5K2.18)	6	0.5
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	6	0.5
Role in the offense	6	0.5
Excerpt from 18 U.S.C. § 3553(a)	6	0.5
Extreme psychological injury (§5K2.3)	5	0.4
Conduct while on release, bond, or supervision	5	0.4
Increase over similar prior's sentence	5	0.4
Discharge terms of imprisonment (§5K2.23)	4	0.3
Provide educational or vocational training	4	0.3
Deterrence	4	0.3
Ongoing nature of activity	4	0.3
Terrifying the victim	4	0.3
Mental and emotional conditions	4	0.3
Other	106	8.3
TOTAL	1,276	100.0

¹ Of the 69,425 cases, in 396 the sentence was an upward departure. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 1,276 reasons were cited for the 396 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and 30 cases where the Statement of Reasons was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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

Table 42
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2018

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	942	14.4
Afford adequate deterrence to criminal conduct	787	12.1
Protect public from further crimes	714	10.9
Criminal history issues	709	10.9
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	538	8.2
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	537	8.2
Pursuant to plea agreement	199	3.1
General aggravating circumstances (§5K2.0)	173	2.7
Dismissed and uncharged conduct (§5K2.21)	130	2.0
Avoid unwarranted sentencing disparity	117	1.8
Extreme conduct (§5K2.8)	96	1.5
Victim impact	96	1.5
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	94	1.4
Nature and circumstance of offense/history of defendant	90	1.4
Provide educational or vocational training	83	1.3
Role in the offense	75	1.1
Propensity for violence	58	0.9
Drug dependence and alcohol abuse (§5H1.4)	56	0.9
Weapons/dangerous instrumentalities (§5K2.6)	50	0.8
Conduct while on release, bond, or supervision	49	0.8
Lack of remorse	46	0.7
Provide medical care	45	0.7
General guideline adequacy issues	38	0.6
Provide restitution to any victims	28	0.4
Mental and emotional conditions	27	0.4
Age (§5H1.1)	26	0.4
Acceptance of responsibility	22	0.3
Increase over similar prior's sentence	20	0.3
Conduct in jail/prison/custody	20	0.3
Death (§5K2.1)	17	0.3
Drug quantity	17	0.3
Excerpt from 18 U.S.C. § 3553(a)	17	0.3
Other	607	9.3
TOTAL	6,523	100.0

¹ Of the 69,425 cases, in 1,404 the sentence was a variance above the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 6,523 reasons were cited for the 1,404 cases. The 'Other' category includes all reasons cited fewer than 17 times among relevant cases and 105 cases where the Statement of Reasons was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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

Table 43
REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2018

REASONS	N	%
Substantial assistance with government motion (§5K1.1)	6,948	16.4
Early disposition program (EDP) (§5K3.1)	6,391	15.1
Criminal history issues	2,659	6.3
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	2,347	5.5
General mitigating circumstances (§5K2.0)	1,704	4.0
Family ties and responsibilities (§5H1.6)	1,697	4.0
Reflect seriousness of offense/promotes respect for law/just punishment	1,641	3.9
Afford adequate deterrence to criminal conduct	1,479	3.5
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	1,322	3.1
Avoid unwarranted sentencing disparity	1,039	2.5
Age (§5H1.1)	977	2.3
Protect public from further crimes	847	2.0
Previous employment record (§5H1.5)	742	1.8
Pursuant to plea agreement	694	1.6
Rehabilitation	694	1.6
Drug dependence/alcohol abuse (§5H1.4)	687	1.6
Role in the offense	663	1.6
Mental and emotional conditions	636	1.5
Acceptance of responsibility	547	1.3
Remorse	496	1.2
Aberrant behavior (§5K2.20)	474	1.1
Lack of youthful guidance/tragic or troubled childhood	455	1.1
Physical condition (§5H1.4)	446	1.1
Conduct while on release, bond, or supervision	353	0.8
Early plea	281	0.7
Nonviolent offense/offender	265	0.6
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	247	0.6
Waiver of appeal	232	0.5
Educational and vocational skills (§5H1.2)	223	0.5
Cooperation without motion (not §5K1.1)	215	0.5
Community ties (§5H1.6)	185	0.4
Time served/ <i>U.S. v. Barrera-Saucedo</i>	183	0.4
Low likelihood of recidivism/not a risk to community	177	0.4
Other	4,441	10.5
TOTAL	42,387	100.0

¹ Of the 69,425 cases, in 16,179 the sentence was a downward departure from the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 42,387 reasons were cited for the 16,179 cases. The 'Other' category includes all reasons cited fewer than 175 times among relevant cases and 414 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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

Table 44
REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2018

REASONS	N	%
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	9,261	10.9
Reflect seriousness of offense/promotes respect for law/just punishment	7,560	8.9
Afford adequate deterrence to criminal conduct	6,382	7.5
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	5,639	6.7
Criminal history issues	5,055	6.0
Protect public from further crimes	4,139	4.9
Avoid unwarranted sentencing disparity	3,682	4.4
Family ties and responsibilities (§5H1.6)	3,610	4.3
Age (§5H1.1)	2,411	2.8
Previous employment record (§5H1.5)	2,014	2.4
Drug dependence/alcohol abuse (§5H1.4)	2,002	2.4
Role in the offense	1,941	2.3
Acceptance of responsibility	1,843	2.2
Remorse	1,806	2.1
Mental and emotional conditions	1,788	2.1
Rehabilitation	1,597	1.9
Lack of youthful guidance/tragic or troubled childhood	1,489	1.8
Nonviolent offense/offender	1,217	1.4
General mitigating circumstances (§5K2.0)	1,216	1.4
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	1,205	1.4
Conduct while on release, bond, or supervision	946	1.1
Physical condition (§5H1.4)	936	1.1
Pursuant to plea agreement	914	1.1
Provide educational or vocational training	882	1.0
Cooperation without motion (not §5K1.1)	873	1.0
Community ties (§5H1.6)	798	0.9
Provide restitution to any victims	745	0.9
Aberrant behavior (§5K2.20)	744	0.9
Time served/ <i>U.S. v. Barrera-Saucedo</i>	541	0.6
Provide medical care	524	0.6
Charitable service/good works	478	0.6
Low likelihood of recidivism/not a risk to community	471	0.6
Early plea	459	0.5
Other	9,466	11.2
TOTAL	84,634	100.0

¹ Of the 69,425 cases, in 15,796 the sentence was a variance below the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 84,634 reasons were cited for the 15,796 cases. The 'Other' category includes all reasons cited fewer than 440 times among relevant cases and 1,281 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

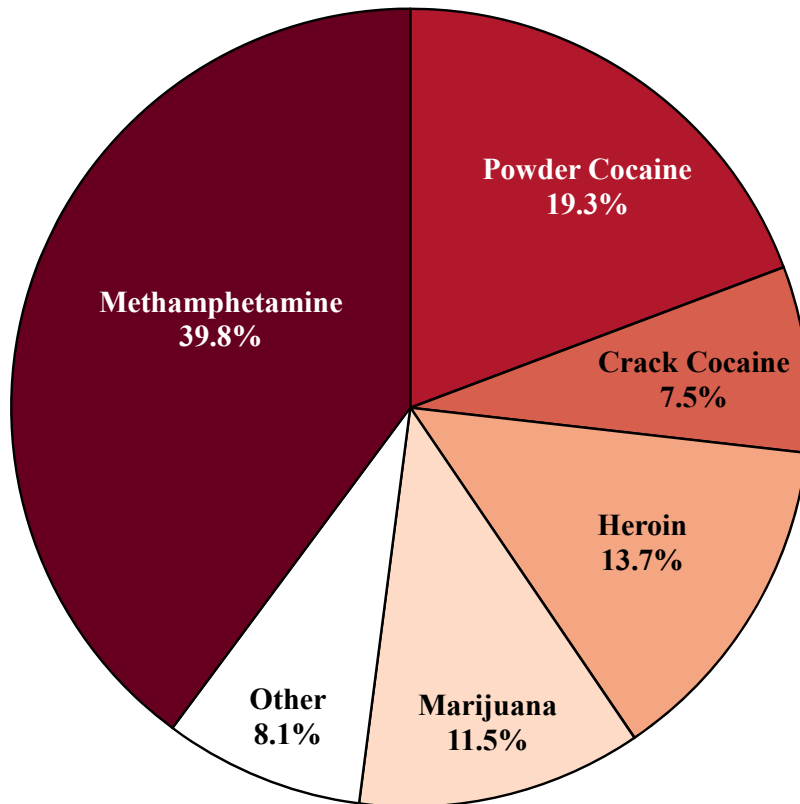
SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.



DRUG OFFENSES

Figure D-1

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
Fiscal Year 2018**



¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (450), Fentanyl N-Phenyl (433), Steroids (68), MDMA/Ecstasy/MDA (62), and Hydrocodone (52).

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

Table D-1
PRIMARY DRUG TYPE OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	§2D1.1 Drug Trafficking		§2D1.2 Protected Locations		§2D1.5 Continuing Criminal Enterprise		§2D1.6 Communication Facility		§2D1.8 Rent/Manage Drug Establishment		§2D1.10 Endangering Human Life While Manufacturing		§2D1.14 Narco- Terrorism	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	18,404	98.6	218	1.2	7	0.0	0	0.0	21	0.1	9	0.0	0	0.0
Powder Cocaine	3,523	96.8	112	3.1	1	0.0	0	0.0	2	0.1	0	0.0	0	0.0
Crack Cocaine	1,350	95.3	63	4.4	0	0.0	0	0.0	4	0.3	0	0.0	0	0.0
Heroin	2,565	99.4	13	0.5	0	0.0	0	0.0	2	0.1	0	0.0	0	0.0
Marijuana	2,101	99.2	6	0.3	4	0.2	0	0.0	2	0.1	5	0.2	0	0.0
Methamphetamine	7,489	99.6	14	0.2	2	0.0	0	0.0	10	0.1	4	0.1	0	0.0
Other	1,387	99.2	10	0.7	0	0.0	0	0.0	1	0.1	0	0.0	0	0.0

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

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

Table D-2
RACE OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	18,636		4,482	24.1	4,647	24.9	8,977	48.2	530	2.8
Powder Cocaine	3,634		206	5.7	995	27.4	2,407	66.2	26	0.7
Crack Cocaine	1,416		89	6.3	1,133	80.0	184	13.0	10	0.7
Heroin	2,578		395	15.3	1,019	39.5	1,132	43.9	32	1.2
Marijuana	2,118		241	11.4	257	12.1	1,529	72.2	91	4.3
Methamphetamine	7,512		2,981	39.7	770	10.3	3,459	46.0	302	4.0
Other	1,378		570	41.4	473	34.3	266	19.3	69	5.0

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 18,659 cases, 23 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

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

Table D-3
GENDER OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
TOTAL	18,659	83.4	15,559	83.4	3,100	16.6
Powder Cocaine	3,638	89.7	3,262	89.7	376	10.3
Crack Cocaine	1,417	92.2	1,306	92.2	111	7.8
Heroin	2,580	83.7	2,159	83.7	421	16.3
Marijuana	2,118	86.4	1,831	86.4	287	13.6
Methamphetamine	7,519	78.0	5,866	78.0	1,653	22.0
Other	1,387	81.8	1,135	81.8	252	18.2

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

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

Table D-4
AGE OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	18,659	607	3.3	2,425	13.0	3,413	18.3	3,526	18.9	3,202	17.2	3,745	20.1	1,355	7.3	386	2.1
Powder Cocaine	3,638	80	2.2	402	11.1	597	16.4	649	17.8	685	18.8	851	23.4	300	8.2	74	2.0
Crack Cocaine	1,417	26	1.8	159	11.2	324	22.9	293	20.7	257	18.1	245	17.3	84	5.9	29	2.0
Heroin	2,580	48	1.9	334	12.9	534	20.7	526	20.4	419	16.2	513	19.9	155	6.0	51	2.0
Marijuana	2,118	206	9.7	430	20.3	423	20.0	336	15.9	256	12.1	322	15.2	111	5.2	34	1.6
Methamphetamine	7,519	223	3.0	926	12.3	1,260	16.8	1,467	19.5	1,373	18.3	1,570	20.9	583	7.8	117	1.6
Other	1,387	24	1.7	174	12.5	275	19.8	255	18.4	212	15.3	244	17.6	122	8.8	81	5.8

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

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

Table D-5
CITIZENSHIP OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	18,653	14,091	75.5	4,562	24.5
Powder Cocaine	3,635	2,184	60.1	1,451	39.9
Crack Cocaine	1,417	1,387	97.9	30	2.1
Heroin	2,580	2,105	81.6	475	18.4
Marijuana	2,117	1,124	53.1	993	46.9
Methamphetamine	7,517	6,038	80.3	1,479	19.7
Other	1,387	1,253	90.3	134	9.7

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 18,659 cases, six were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

Table D-6
EDUCATION OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	18,624	40.2	6,923	37.2	3,631	19.5	580	3.1
Powder Cocaine	1,635	45.1	1,204	33.2	647	17.8	141	3.9
Crack Cocaine	601	42.5	593	42.0	206	14.6	13	0.9
Heroin	1,019	39.5	1,032	40.0	470	18.2	58	2.2
Marijuana	1,124	53.2	548	25.9	375	17.8	65	3.1
Methamphetamine	2,780	37.0	3,025	40.3	1,548	20.6	153	2.0
Other	331	23.9	521	37.6	385	27.8	150	10.8

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations) 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Reny/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 18,659 cases, 35 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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

Table D-7
CRIMINAL HISTORY CATEGORY OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	CRIMINAL HISTORY CATEGORY												
	I		II		III		IV		V		VI		
TOTAL	N	%	N	%	N	%	N	%	N	%	N	%	
TOTAL	18,659	8,725	46.8	2,268	12.2	2,765	14.8	1,574	8.4	951	5.1	2,376	12.7
Powder Cocaine	2,347	64.5	388	10.7	376	10.3	171	4.7	91	2.5	265	7.3	
Crack Cocaine	269	19.0	191	13.5	295	20.8	204	14.4	112	7.9	346	24.4	
Heroin	1,016	39.4	335	13.0	454	17.6	250	9.7	130	5.0	395	15.3	
Marijuana	1,296	61.2	299	14.1	257	12.1	120	5.7	51	2.4	95	4.5	
Methamphetamine	3,109	41.3	877	11.7	1,183	15.7	724	9.6	500	6.6	1,126	15.0	
Other	688	49.6	178	12.8	200	14.4	105	7.6	67	4.8	149	10.7	

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

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

Table D-8
WEAPON INVOLVEMENT OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	TOTAL	NO WEAPON INVOLVED		WEAPON INVOLVED	
		N	%	N	%
TOTAL	18,349	14,351	78.2	3,998	21.8
Powder Cocaine	3,582	3,014	84.1	568	15.9
Crack Cocaine	1,399	872	62.3	527	37.7
Heroin	2,548	2,001	78.5	547	21.5
Marijuana	2,079	1,844	88.7	235	11.3
Methamphetamine	7,365	5,488	74.5	1,877	25.5
Other	1,376	1,132	82.3	244	17.7

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 18,349 cases contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

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

Table D-9
ROLE ADJUSTMENT OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
	N	%	N	%	N	%
TOTAL	18,349	72.4	3,785	20.6	1,281	7.0
Powder Cocaine	2,594	72.4	681	19.0	307	8.6
Crack Cocaine	1,399	89.9	58	4.1	83	5.9
Heroin	1,947	76.4	377	14.8	224	8.8
Marijuana	1,120	53.9	872	41.9	87	4.2
Methamphetamine	5,297	71.9	1,643	22.3	425	5.8
Other	1,067	77.5	154	11.2	155	11.3

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 18,349 contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

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

Table D-10

**DRUG AMOUNTS (IN GRAMS) FOR SELECTED
BASE OFFENSE LEVELS AND DRUG TYPES¹
Fiscal Year 2018**

DRUG TYPE	Base Offense Level and Quantity Range			
	12	24	30	38
Powder Cocaine	Less than 50G	500G - 1,999G	5,000G - 14,999G	At least 450,000G
N	86	295	415	376
Mean	20.0	1,146.6	9,223.5	1,617,520.8
Median	15.8	1,000.0	9,520.0	897,500.0
Crack Cocaine	Less than 2.8G	28G - 111G	280G - 839G	At least 25,200G
N	26	132	28	4
Mean	1.4	60.7	480.8	57,387.5
Median	1.4	54.0	444.5	38,030.0
Heroin	Less than 10G	100G - 399G	1,000G - 2,999G	At least 90,000G
N	90	207	214	4
Mean	3.5	211.9	1,647.9	145,380.0
Median	2.8	198.0	1,511.0	90,000.0
Marijuana	5,000G - 9,999G	100,000G - 399,999G	1,000,000G - 2,999,999G	At least 90,000,000G
N	19	443	70	1
Mean	7,437.9	177,875.3	1,738,598.7	--
Median	7,200.0	150,100.0	1,619,000.0	--
Methamphetamine Mix	Less than 5G	50G - 199G	500G - 1,499G	At least 45,000G
N	24	194	246	49
Mean	2.1	111.1	924.2	77,431.7
Median	2.2	109.3	920.0	53,300.0
Methamphetamine Actual	Less than 0.5G	5G - 19G	50G - 149G	At least 4,500G
N	0	128	410	383
Mean	--	11.6	88.6	15,520.8
Median	--	11.1	82.8	9,700.0

¹ Of the 69,425 cases, 18,404 were sentenced under §2D1.1 (Drug Trafficking). Of these, 18,098 cases had complete guideline application information. Of these 18,098 cases, 16,618 involved powder cocaine, crack cocaine, heroin, marijuana, methamphetamine actual or mix. Of these 16,618 cases, 6,812 had a base offense level of 12, 24, 30, or 38. Of these 6,812 cases, 2,968 were excluded due to one or more of the following reasons: involvement of more than one drug type (1,499), missing drug amount or range (1,565), amendment year earlier than 2014 (2), or logical criteria (4). The methamphetamine actual category also includes ICE. Descriptions of variables used in this table are provided in Appendix A.

Table D-11
LENGTH OF MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2018

DRUG TYPE	TOTAL		No Drug Mandatory Minimum ²		Five-Year Drug Mandatory Minimum		Ten-Year or More Drug Mandatory Minimum ³	
	N	%	N	%	N	%	N	%
TOTAL	18,651	42.0	7,838	42.0	4,149	22.2	6,664	35.7
Powder Cocaine	3,638	30.9	1,125	30.9	918	25.2	1,595	43.8
Crack Cocaine	1,417	58.7	832	58.7	362	25.5	223	15.7
Heroin	2,580	47.0	1,212	47.0	634	24.6	734	28.4
Marijuana	2,118	68.1	1,443	68.1	567	26.8	108	5.1
Methamphetamine	7,511	27.8	2,088	27.8	1,573	20.9	3,850	51.3
Other	1,387	82.0	1,138	82.0	95	6.8	154	11.1

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of the remaining, eight were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this table are provided in Appendix A.

² Includes 95 offenders whose drug mandatory minimum penalty was 12 months or less.

³ Includes 405 offenders whose drug mandatory minimum penalty was greater than ten years.

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

Table D-12
APPLICATION OF RECIDIVIST PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2018

DRUG TYPE	ENHANCEMENT FILED		ENHANCEMENT WITHDRAWN		ENHANCEMENT NOT WITHDRAWN	
	N	%	N	%	N	%
TOTAL	1,261	20.1	254	20.1	1,007	79.9
Powder Cocaine	206	16.0	33	16.0	173	84.0
Crack Cocaine	203	24.1	49	24.1	154	75.9
Heroin	184	12.5	23	12.5	161	87.5
Marijuana	69	15.9	11	15.9	58	84.1
Methamphetamine	537	25.0	134	25.0	403	75.0
Other	62	6.5	4	6.5	58	93.5

¹ Of the 1,274 cases in which notice of an enhanced penalty was given under 21 U.S.C. § 851, 13 were excluded due to missing or undetermined withdrawal information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 851 Datafile, DRUG851FY18.

Table D-13
DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND
MANDATORY MINIMUM PENALTIES^{1,4}
Fiscal Year 2018

DRUG TYPE	NO SAFETY VALVE				SAFETY VALVE				
	No Drug		Drug		No Drug		Drug		
	Mandatory Minimum	%	Mandatory Minimum ²	%	Mandatory Minimum	%	Mandatory Minimum ³	%	
TOTAL	18,340	5,646	30.8	6,809	37.1	2,073	11.3	3,812	20.8
Powder Cocaine	3,579	843	23.6	1,126	31.5	262	7.3	1,348	37.7
Crack Cocaine	1,399	777	55.5	545	39.0	45	3.2	32	2.3
Heroin	2,548	994	39.0	927	36.4	205	8.0	422	16.6
Marijuana	2,077	760	36.6	312	15.0	661	31.8	344	16.6
Methamphetamine	7,361	1,458	19.8	3,716	50.5	584	7.9	1,603	21.8
Other	1,376	814	59.2	183	13.3	316	23.0	63	4.6

¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 18,349 cases contained complete guideline application information. Of these 18,349 cases, nine were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

² For offenders with no drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court indicated that the two-level reduction at §2D1.1 applied because the offender met the criteria set forth at §5C1.2.

³ For offenders with a drug mandatory minimum penalty, use of the term safety valve on this table means that the court sentenced the offender without regard to any applicable mandatory minimum penalty (in accordance with the 'safety valve' provision of 18 U.S.C. § 3553(f), incorporated into the guidelines at §5C1.2).

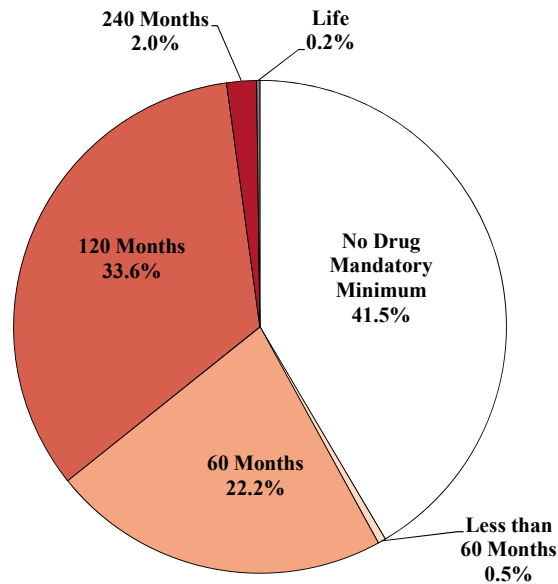
⁴ Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were 43 offenders sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these cases, the safety valve reduction was applied for 14 offenders.

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

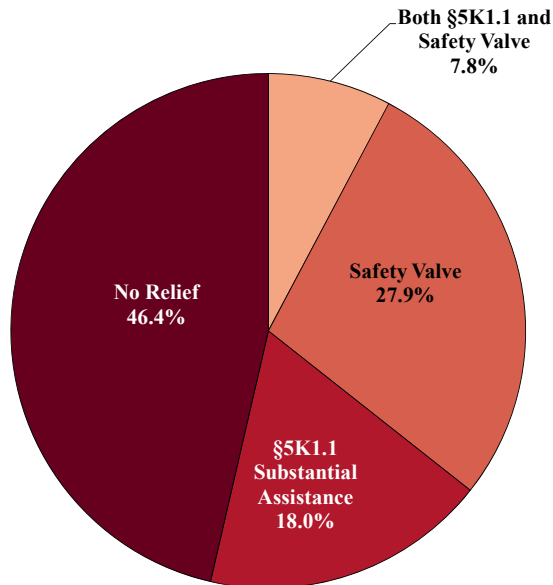
Figure D-2

**MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2018**

LENGTH OF MANDATORY MINIMUM PENALTIES



RELIEF FROM MANDATORY MINIMUM PENALTIES



¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 18,659 cases, eight were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this figure are provided in Appendix A.

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

Table D-14
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2018

DRUG TYPE	TOTAL		WITHIN GUIDELINE RANGE						DEPARTURE					
	RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE			
	N	%	N	%	N	%	N	%	N	%	N	%		
TOTAL	18,653	36.3	68	0.4	4,010	21.5	1,320	7.1	922	4.9	5,571	29.9		
Powder Cocaine	3,635	40.9	9	0.2	790	21.7	155	4.3	161	4.4	1,032	28.4		
Crack Cocaine	1,417	38.8	12	0.8	227	16.0	0	0.0	80	5.6	548	38.7		
Heroin	2,578	37.2	20	0.8	513	19.9	86	3.3	152	5.9	848	32.9		
Marijuana	2,118	54.1	13	0.6	211	10.0	241	11.4	90	4.2	417	19.7		
Methamphetamine	7,518	28.9	10	0.1	1,965	26.1	802	10.7	365	4.9	2,200	29.3		
Other	1,387	31.9	4	0.3	304	21.9	36	2.6	74	5.3	526	37.9		

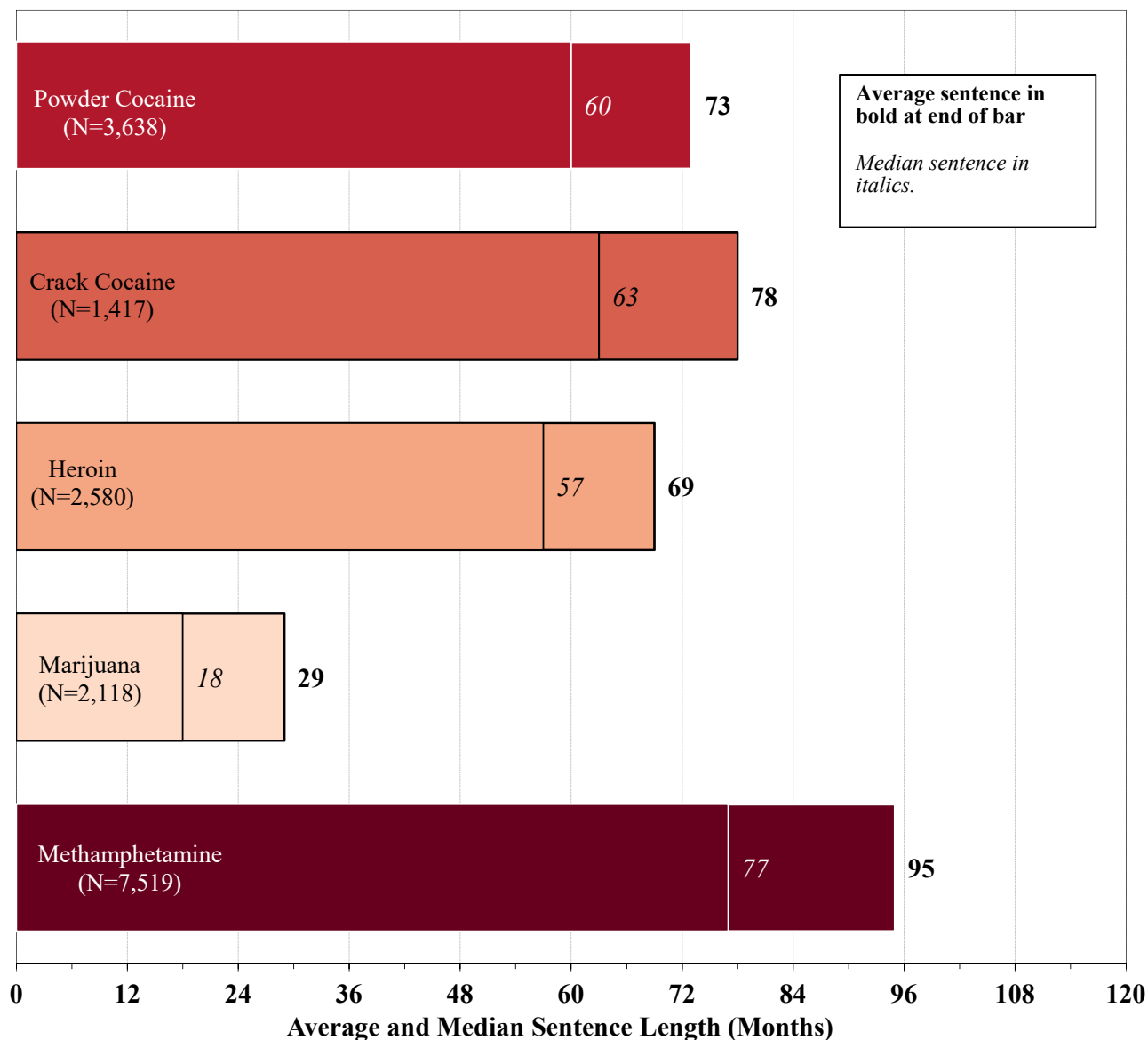
¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSC Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism).

Of these 18,659 cases, six 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.

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

Figure D-3

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE¹
Fiscal Year 2018**

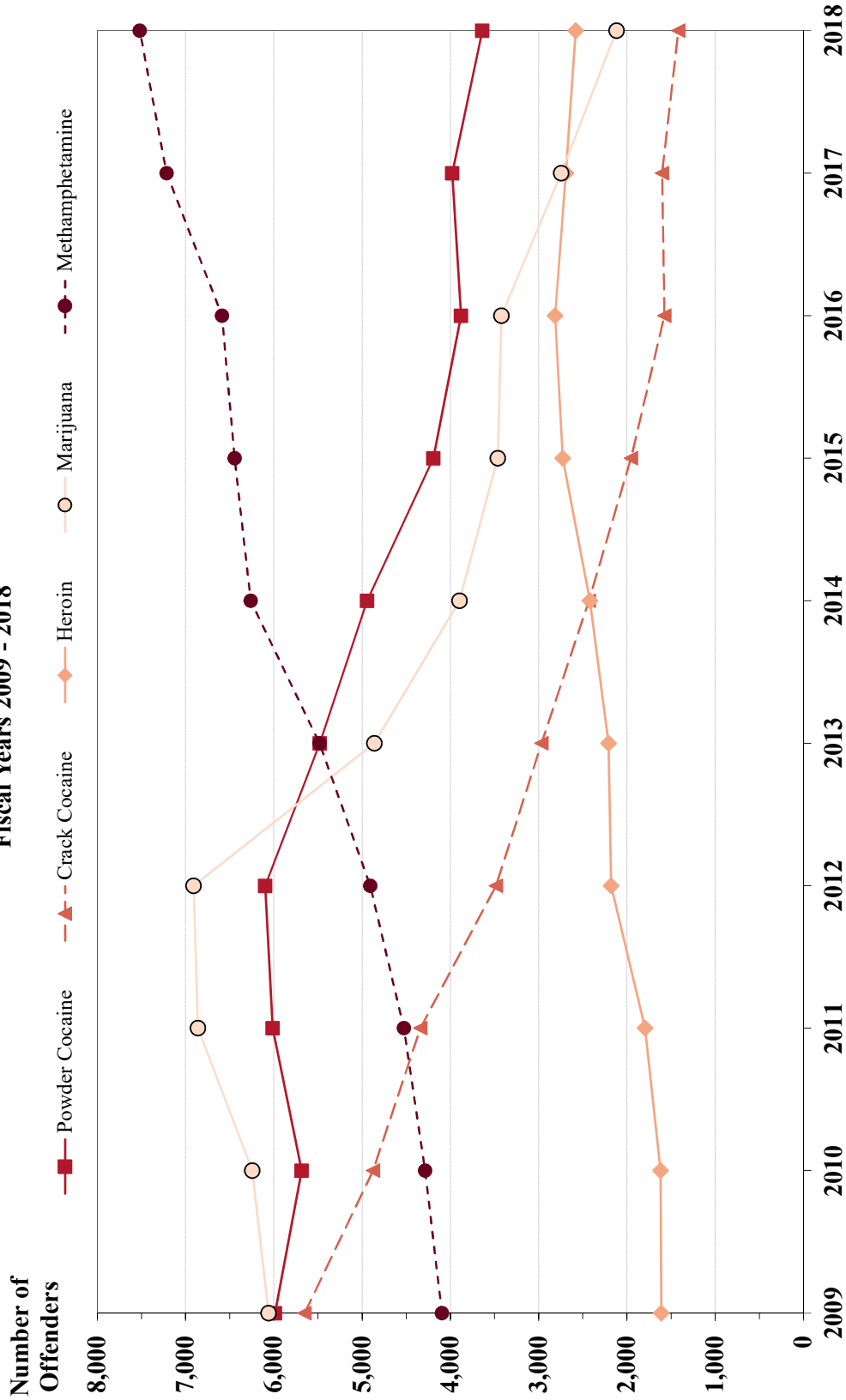


¹ Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,659 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). 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 figure includes time of confinement as described in USSG §5C1.1. Italicized numbers depict median values and the bolded numbers at the end of the bar indicate average values. Descriptions of variables used in this figure are provided in Appendix A.

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

Figure D-4

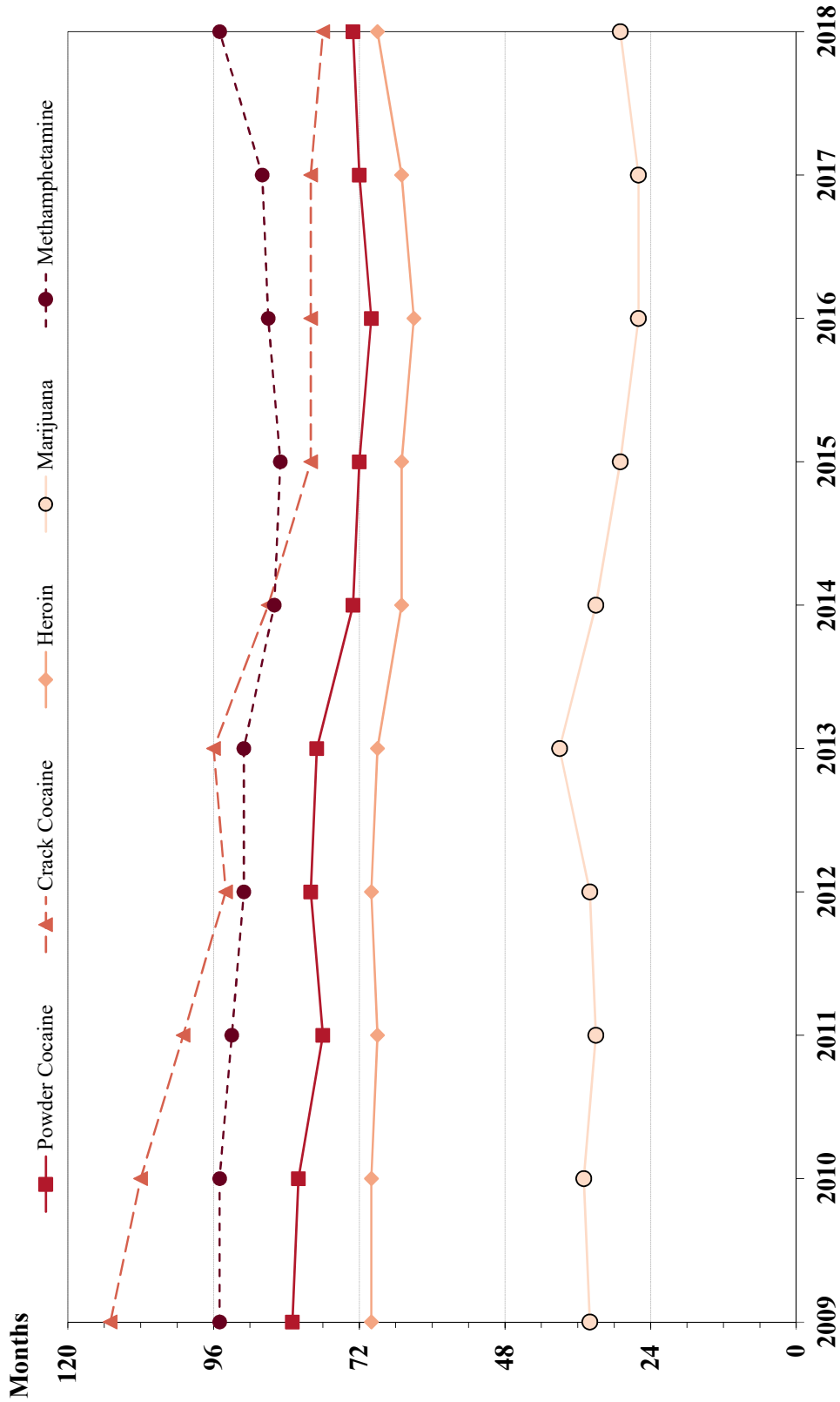
**NUMBER OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE OVER TIME¹**
Fiscal Years 2009 - 2018



¹ Only offenders sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Ren/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted in this figure. Additional cases were excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

Figure D-5
SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE OVER TIME¹
Fiscal Years 2009 - 2018



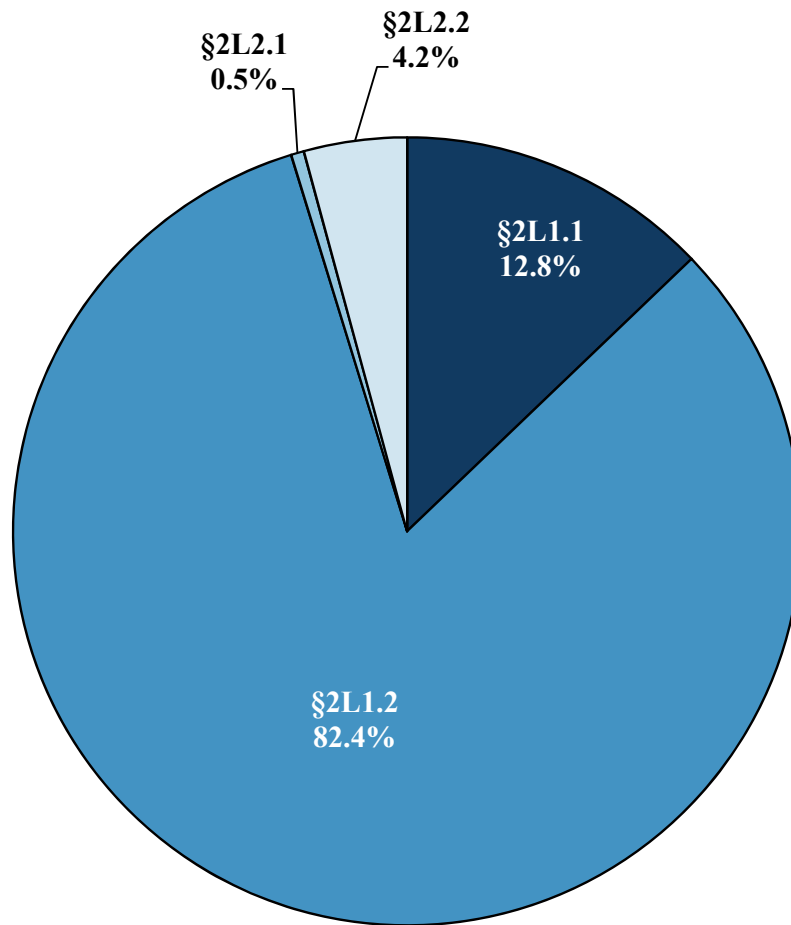
¹ Only offenders sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted in this figure. 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 figure includes time of confinement as described in USSG §5C1.1. Cases missing drug type or sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

IMMIGRATION OFFENSES

Figure I-1

**DISTRIBUTION OF IMMIGRATION OFFENDERS
BY GUIDELINE¹
Fiscal Year 2018**



¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this figure are provided in Appendix A.

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

Table I-1
RACE OF IMMIGRATION OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	21,974	1.8	400	1.2	266	1.2	21,169	96.3	139	0.6
§2L1.1	2,833	6.8	194	3.5	99	3.5	2,467	87.1	73	2.6
§2L1.2	18,112	0.7	118	0.5	87	0.5	17,900	98.8	7	0.0
§2L2.1	115	11.3	13	12.2	14	12.2	65	56.5	23	20.0
§2L2.2	914	8.2	75	7.2	66	7.2	737	80.6	36	3.9

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 22,136 offenders, 162 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

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

Table I-2
GENDER OF IMMIGRATION OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	22,115	20,527	92.8	1,588	7.2
§2L1.1	2,840	2,134	75.1	706	24.9
§2L1.2	18,230	17,591	96.5	639	3.5
§2L2.1	117	72	61.5	45	38.5
§2L2.2	928	730	78.7	198	21.3

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 22,136 offenders, 21 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

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

Table I-3
AGE OF IMMIGRATION OFFENDERS¹
Fiscal Year 2018

GUIDELINE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	794	3.6	2,821	12.7	3,951	17.8	4,381	19.8	3,881	17.5	4,729	21.4	1,325	6.0	254	1.1
§2L1.1	280	9.8	582	20.5	549	19.3	417	14.7	355	12.5	444	15.6	175	6.2	41	1.4
§2L1.2	462	2.5	2,091	11.5	3,231	17.7	3,801	20.8	3,379	18.5	4,044	22.2	1,055	5.8	178	1.0
§2L2.1	0	0.0	9	7.7	14	12.0	10	8.5	21	17.9	36	30.8	22	18.8	5	4.3
§2L2.2	52	5.6	139	14.9	157	16.8	153	16.4	126	13.5	205	21.9	73	7.8	30	3.2

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

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

Table I-4
CITIZENSHIP OF IMMIGRATION OFFENDERS¹
Fiscal Year 2018

GUIDELINE	U.S. CITIZEN		NON-U.S. CITIZEN		%	Resident/ Legal Alien		Illegal Alien		Extradited Alien		Alien Status Unknown	
	TOTAL	N	N	%		N	%	N	N	N	N	N	N
TOTAL	22,130	1,919	20,211	91.3	8.7	341	1.7	19,806	5	59			
§2L1.1	2,839	1,788	1,051	37.0	63.0	205	19.3	825	1	20			
§2L1.2	18,241	1	18,240	100.0	0.0	63	0.3	18,166	1	10			
§2L2.1	117	59	58	49.6	50.4	19	16.3	36	0	3			
§2L2.2	933	71	862	92.4	7.6	54	5.8	779	3	26			

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 22,136 offenders, six were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

Table I-5

CRIMINAL HISTORY CATEGORY AND CITIZENSHIP OF IMMIGRATION OFFENDERS¹
Fiscal Year 2018

CHC		Total		§2L1.1		§2L1.2		§2L2.1		§2L2.2	
		N	%	N	%	N	%	N	%	N	%
I	Total	9,255	100.0	1,658	100.0	6,731	100.0	98	100.0	768	100.0
	U.S. Citizen	942	10.2	845	51.0	1	0.0	47	48.0	49	6.4
	Non-U.S. Citizen	8,313	89.8	813	49.0	6,730	100.0	51	52.0	719	93.6
II	Total	4,541	100.0	355	100.0	4,100	100.0	9	100.0	77	100.0
	U.S. Citizen	262	5.8	249	70.1	0	0.0	5	55.6	8	10.4
	Non-U.S. Citizen	4,279	94.2	106	29.9	4,100	100.0	4	44.4	69	89.6
III	Total	4,435	100.0	413	100.0	3,971	100.0	4	100.0	47	100.0
	U.S. Citizen	342	7.7	335	81.1	0	0.0	2	50.0	5	10.6
	Non-U.S. Citizen	4,093	92.3	78	18.9	3,971	100.0	2	50.0	42	89.4
IV	Total	2,194	100.0	194	100.0	1,967	100.0	4	100.0	29	100.0
	U.S. Citizen	175	8.0	166	85.6	0	0.0	3	75.0	6	20.7
	Non-U.S. Citizen	2,019	92.0	28	14.4	1,967	100.0	1	25.0	23	79.3
V	Total	1,020	100.0	99	100.0	912	100.0	2	100.0	7	100.0
	U.S. Citizen	84	8.2	82	82.8	0	0.0	2	100.0	0	0.0
	Non-U.S. Citizen	936	91.8	17	17.2	912	100.0	0	0.0	7	100.0
VI	Total	685	100.0	120	100.0	560	100.0	0	100.0	5	100.0
	U.S. Citizen	114	16.6	111	92.5	0	0.0	0	--	3	60.0
	Non-U.S. Citizen	571	83.4	9	7.5	560	100.0	0	--	2	40.0

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 22,136 offenders, six were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

Table I-6
EDUCATION OF IMMIGRATION OFFENDERS¹
Fiscal Year 2018

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	19,045	79.9	2,721	14.3	897	4.7	212	1.1
§2L1.1	1,567	55.9	781	27.9	399	14.2	56	2.0
§2L1.2	13,207	85.6	1,766	11.4	377	2.4	82	0.5
§2L2.1	45	38.5	24	20.5	23	19.7	25	21.4
§2L2.2	396	57.1	150	21.6	98	14.1	49	7.1

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 22,136 offenders, 3,091 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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

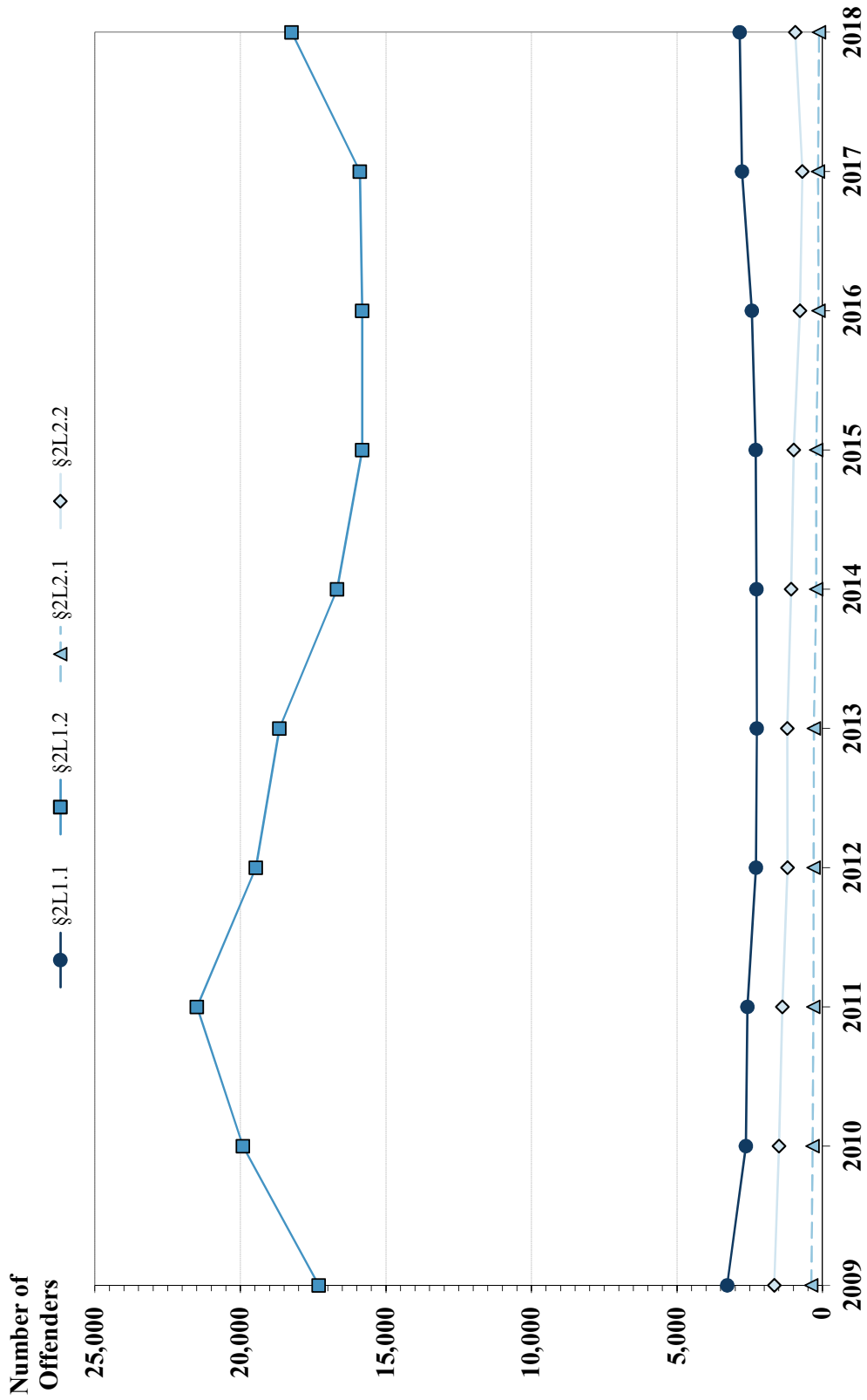
Table I-7
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE									
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		VARIANCE	
				N	%	N	%	N	%	N	%	N	%
TOTAL	22,135	14,477	65.4	120	0.5	173	0.8	4,388	19.8	758	3.4	2,219	10.0
§2L1.1	2,843	1,114	39.2	16	0.6	108	3.8	1,057	37.2	74	2.6	474	16.7
§2L1.2	18,240	12,641	69.3	99	0.5	36	0.2	3,234	17.7	649	3.6	1,581	8.7
§2L2.1	117	56	47.9	0	0.0	24	20.5	0	0.0	8	6.8	29	24.8
§2L2.2	935	666	71.2	5	0.5	5	0.5	97	10.4	27	2.9	135	14.4

¹ Of the 69,425 cases, 22,136 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 22,136 offenders, one was 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.

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

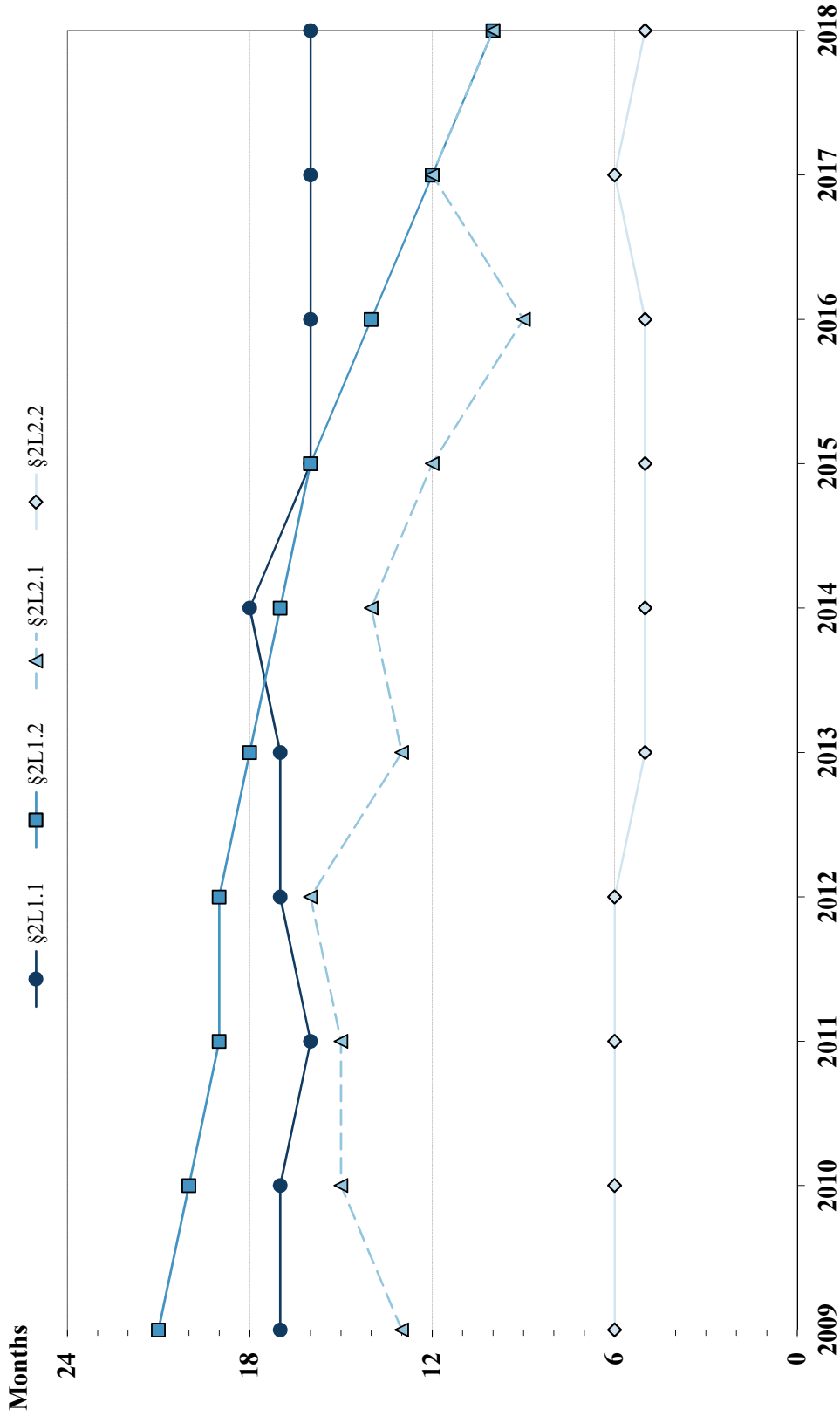
Figure I-2
NUMBER OF IMMIGRATION OFFENDERS OVER TIME¹
Fiscal Years 2009 - 2018



¹ Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

Figure I-3
SENTENCE LENGTH OF IMMIGRATION OFFENDERS OVER TIME¹
Fiscal Years 2009 - 2018



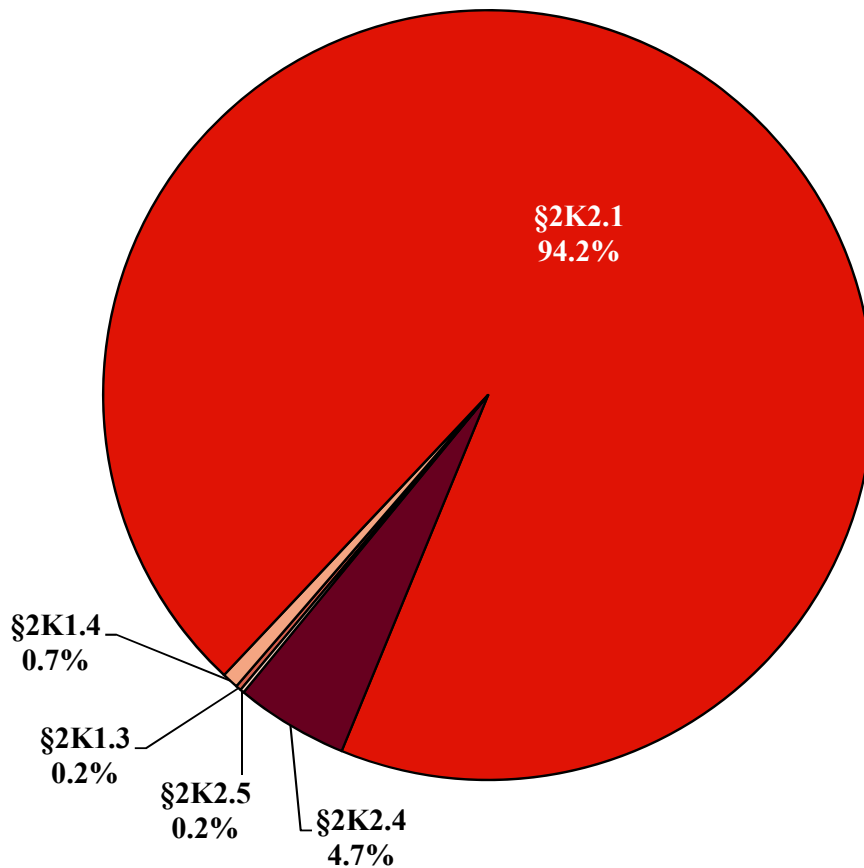
¹ Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. 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 figure includes time of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

FIREARMS OFFENSES

Figure F-1

**DISTRIBUTION OF FIREARMS OFFENDERS
BY GUIDELINE^{1,2}
Fiscal Year 2018**



¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

Table F-1
RACE OF FIREARMS OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	7,458	1,932	25.9	3,922	52.6	1,376	18.4	228	3.1
§2K1.3	17	12	70.6	2	11.8	1	5.9	2	11.8
§2K1.4	52	24	46.2	16	30.8	2	3.8	10	19.2
§2K2.1	7,024	1,843	26.2	3,679	52.4	1,297	18.5	205	2.9
§2K2.4²	353	51	14.4	217	61.5	74	21.0	11	3.1
§2K2.5	12	2	16.7	8	66.7	2	16.7	0	0.0

¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,467 cases, nine were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

Table F-2

GENDER OF FIREARMS OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
TOTAL	7,467	95.9	7,162	95.9	305	4.1
§2K1.3	17	94.1	16	94.1	1	5.9
§2K1.4	52	78.8	41	78.8	11	21.2
§2K2.1	7,032	96.0	6,753	96.0	279	4.0
§2K2.4²	354	96.0	340	96.0	14	4.0
§2K2.5	12	100.0	12	100.0	0	0.0

¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

Table F-3
AGE OF FIREARMS OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,467	204	2.7	1,301	17.4	1,875	25.1	1,523	20.4	1,152	15.4	994	13.3	334	4.5	84	1.1
§2K1.3	17	2	11.8	1	5.9	2	11.8	0	0.0	2	11.8	3	17.6	4	23.5	3	17.6
§2K1.4	52	0	0.0	8	15.4	11	21.2	4	7.7	11	21.2	11	21.2	5	9.6	2	3.8
§2K2.1	7,032	185	2.6	1,196	17.0	1,760	25.0	1,446	20.6	1,100	15.6	949	13.5	318	4.5	78	1.1
§2K2.4²	354	16	4.5	94	26.6	98	27.7	72	20.3	37	10.5	29	8.2	7	2.0	1	0.3
§2K2.5	12	1	8.3	2	16.7	4	33.3	1	8.3	2	16.7	2	16.7	0	0.0	0	0.0

¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

Table F-4
CITIZENSHIP OF FIREARMS OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	7,467	7,111	95.2	356	4.8
§2K1.3	17	17	100.0	0	0.0
§2K1.4	52	50	96.2	2	3.8
§2K2.1	7,032	6,695	95.2	337	4.8
§2K2.4²	354	338	95.5	16	4.5
§2K2.5	12	11	91.7	1	8.3

¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

Table F-5
EDUCATION OF FIREARMS OFFENDERS¹
Fiscal Year 2018

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	7,447	36.9	2,747	46.5	3,461	15.1	113	1.5
§2K1.3	17	23.5	4	47.1	8	23.5	1	5.9
§2K1.4	52	32.7	17	38.5	20	15.4	7	13.5
§2K2.1	7,014	36.7	2,577	46.7	3,279	15.1	101	1.4
§2K2.4²	352	42.0	148	41.2	145	15.9	3	0.9
§2K2.5	12	8.3	1	75.0	9	8.3	1	8.3

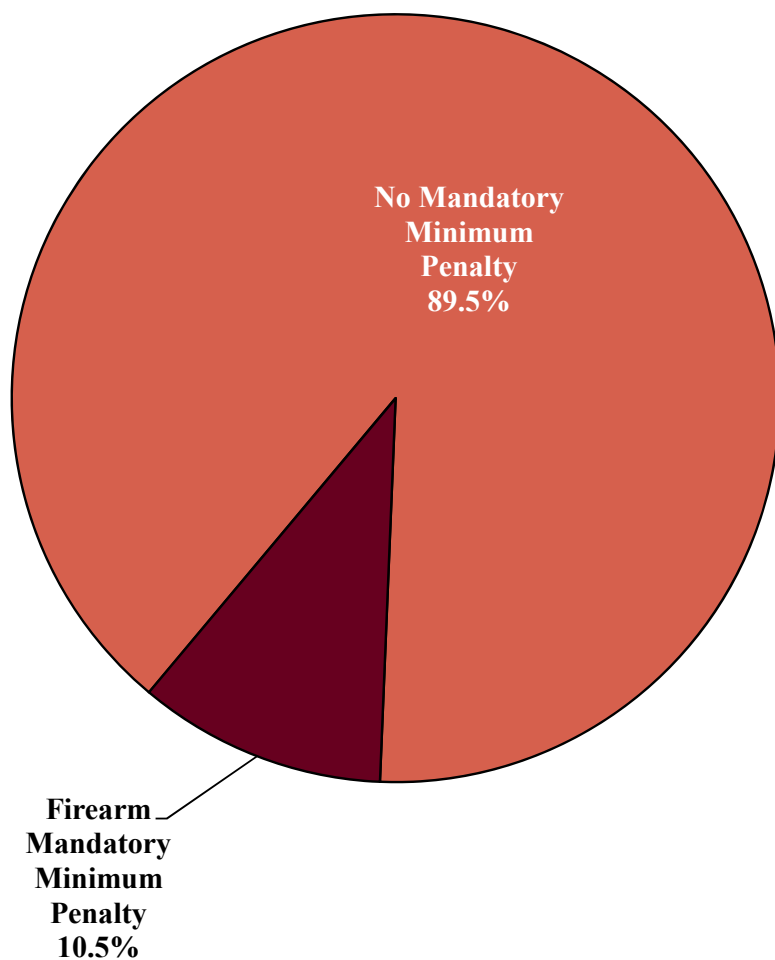
¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,467 cases, 20 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

Figure F-2

FIREARM MANDATORY MINIMUM PENALTIES¹
Fiscal Year 2018

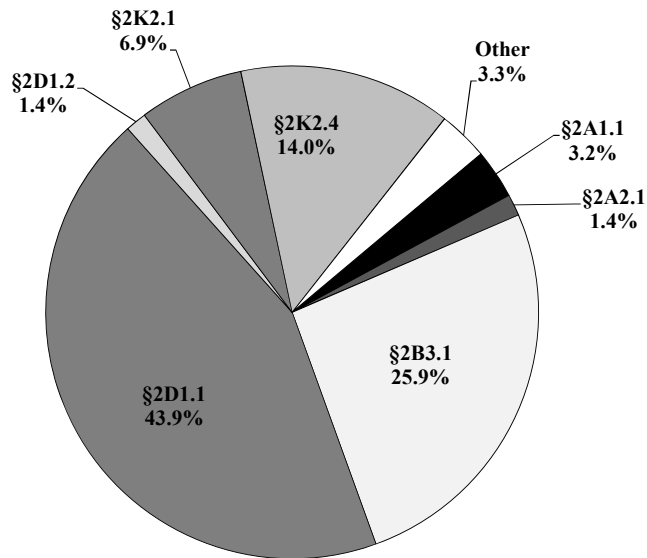


¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). This figure is limited to mandatory minimum penalties for violating 18 U.S.C. § 924(c) or 18 U.S.C. § 924(e). Descriptions of variables used in this table are provided in Appendix A.

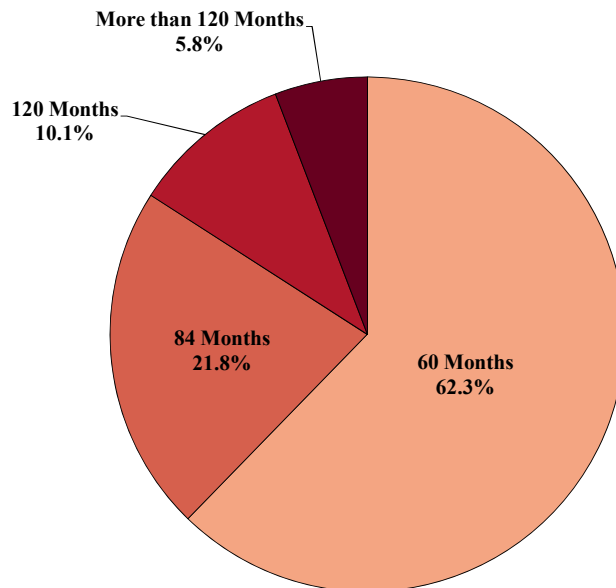
SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Figure F-3
CONVICTIONS UNDER 18 U.S.C. § 924(c)¹
Fiscal Year 2018

DISTRIBUTION OF APPLICABLE GUIDELINES²



LENGTH OF MANDATORY MINIMUM PENALTY



¹ Of the 69,425 cases, in 2,564 the offenders were convicted of one or more counts of violating 18 U.S.C. § 924(c). Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

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

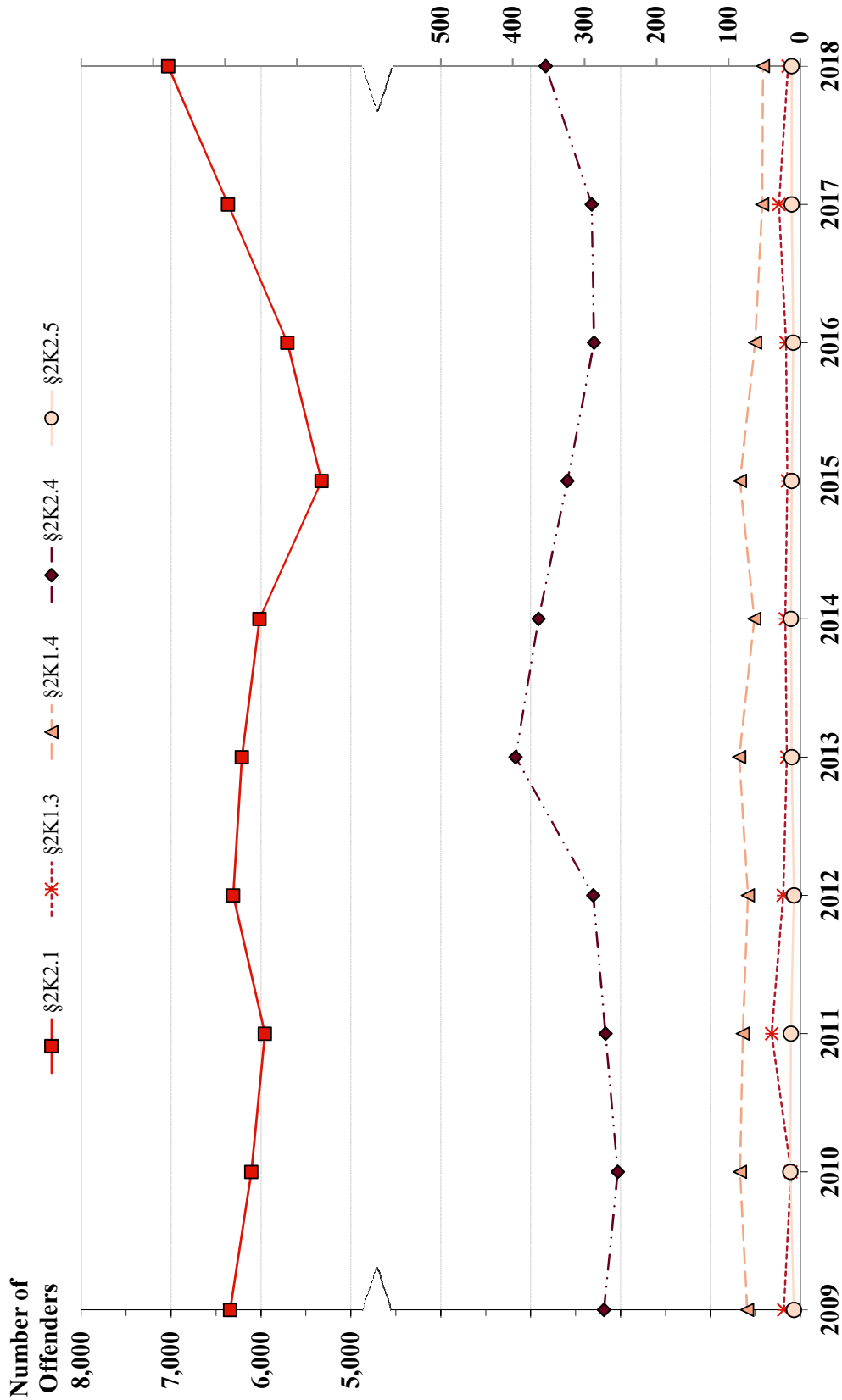
Table F-6
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR FIREARMS OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE									
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
				N	%	N	%	N	%	N	%	N	%
TOTAL	7,467	4,165	55.8	67	0.9	511	6.8	2	0.0	312	4.2	2,410	32.3
§2K1.3	17	7	41.2	0	0.0	4	23.5	0	0.0	0	0.0	6	35.3
§2K1.4	52	21	40.4	3	5.8	5	9.6	0	0.0	5	9.6	18	34.6
§2K2.1	7,032	3,839	54.6	58	0.8	476	6.8	2	0.0	306	4.4	2,351	33.4
§2K2.4 ²	354	289	81.6	5	1.4	26	7.3	0	0.0	0	0.0	34	9.6
§2K2.5	12	9	75.0	1	8.3	0	0.0	0	0.0	1	8.3	1	8.3

¹ Of the 69,425 cases, in 7,473 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,467 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Figure F-4
NUMBER OF FIREARMS OFFENDERS OVER TIME^{1,2}
Fiscal Years 2009 - 2018

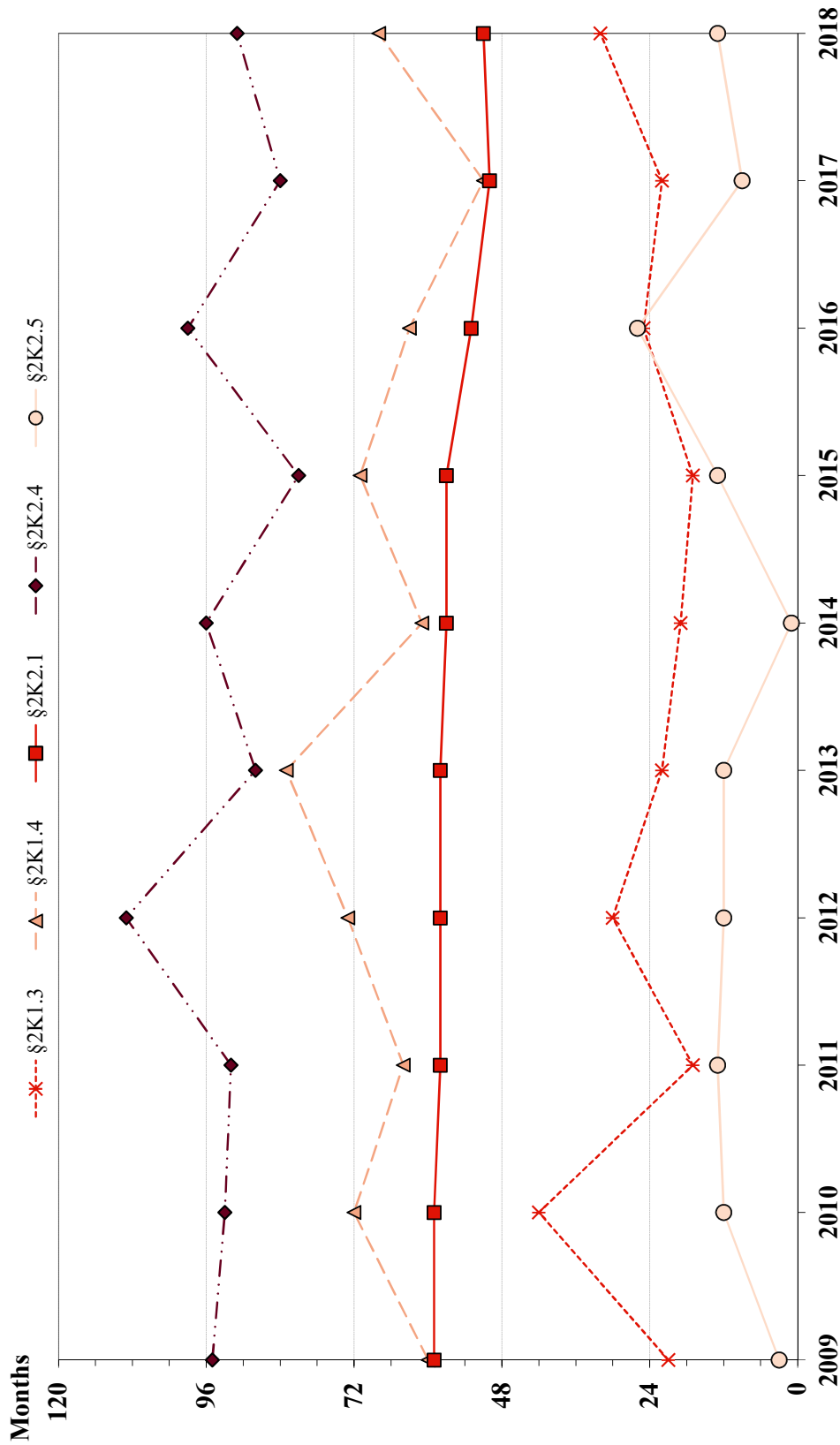


¹ Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

Figure F-5
SENTENCE LENGTH OF FIREARMS OFFENDERS OVER TIME^{1,2}
Fiscal Years 2009 - 2018



¹ Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone) are depicted in this figure. 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 figure includes time of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

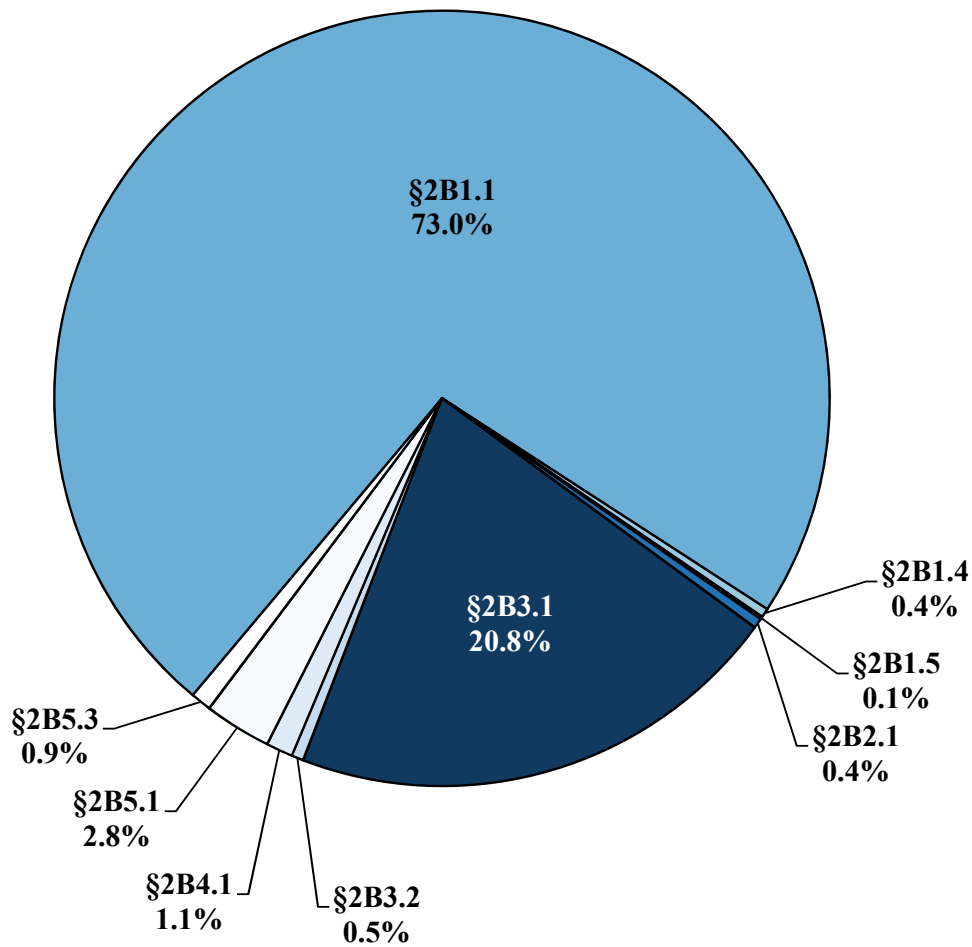
² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

ECONOMIC OFFENSES

Figure E-1

**DISTRIBUTION OF ECONOMIC OFFENSE OFFENDERS
BY GUIDELINE¹
Fiscal Year 2018**



¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this figure are provided in Appendix A.

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

Table E-1
RACE OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	8,105		3,211	39.6	2,945	36.3	1,426	17.6	523	6.5
§2B1.1	5,914		2,580	43.6	1,850	31.3	1,091	18.4	393	6.6
§2B1.4	31		23	74.2	0	0.0	1	3.2	7	22.6
§2B1.5	9		9	100.0	0	0.0	0	0.0	0	0.0
§2B2.1	34		13	38.2	5	14.7	4	11.8	12	35.3
§2B3.1	1,688		398	23.6	982	58.2	245	14.5	63	3.7
§2B3.2	41		21	51.2	7	17.1	8	19.5	5	12.2
§2B4.1	91		36	39.6	12	13.2	31	34.1	12	13.2
§2B5.1	227		100	44.1	82	36.1	36	15.9	9	4.0
§2B5.3	70		31	44.3	7	10.0	10	14.3	22	31.4

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,143 cases, 38 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

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

Table E-2
GENDER OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
TOTAL	8,143	74.5	6,067	74.5	2,076	25.5
§2B1.1	5,948	68.7	4,084	68.7	1,864	31.3
§2B1.4	31	100.0	31	100.0	0	0.0
§2B1.5	9	88.9	8	88.9	1	11.1
§2B2.1	34	94.1	32	94.1	2	5.9
§2B3.1	1,691	93.0	1,572	93.0	119	7.0
§2B3.2	41	100.0	41	100.0	0	0.0
§2B4.1	91	69.2	63	69.2	28	30.8
§2B5.1	228	75.4	172	75.4	56	24.6
§2B5.3	70	91.4	64	91.4	6	8.6

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

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

Table E-3
AGE OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	8,143	166	2.0	893	11.0	1,115	13.7	1,105	13.6	1,113	13.7	1,789	22.0	1,280	15.7	682	8.4
§2B1.1	5,948	62	1.0	421	7.1	709	11.9	814	13.7	835	14.0	1,416	23.8	1,072	18.0	619	10.4
§2B1.4	31	0	0.0	0	0.0	4	12.9	1	3.2	1	3.2	13	41.9	6	19.4	6	19.4
§2B1.5	9	0	0.0	0	0.0	1	11.1	1	11.1	2	22.2	3	33.3	2	22.2	0	0.0
§2B2.1	34	4	11.8	1	2.9	6	17.6	5	14.7	4	11.8	11	32.4	3	8.8	0	0.0
§2B3.1	1,691	90	5.3	431	25.5	337	19.9	209	12.4	208	12.3	242	14.3	137	8.1	37	2.2
§2B3.2	41	0	0.0	1	2.4	5	12.2	9	22.0	6	14.6	8	19.5	7	17.1	5	12.2
§2B4.1	91	0	0.0	0	0.0	0	0.0	5	5.5	8	8.8	35	38.5	33	36.3	10	11.0
§2B5.1	228	10	4.4	37	16.2	48	21.1	48	21.1	38	16.7	34	14.9	13	5.7	0	0.0
§2B5.3	70	0	0.0	2	2.9	5	7.1	13	18.6	11	15.7	27	38.6	7	10.0	5	7.1

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

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

Table E-4
CITIZENSHIP OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	8,136	7,175	88.2	961	11.8
§2B1.1	5,942	5,091	85.7	851	14.3
§2B1.4	31	27	87.1	4	12.9
§2B1.5	9	9	100.0	0	0.0
§2B2.1	34	31	91.2	3	8.8
§2B3.1	1,690	1,628	96.3	62	3.7
§2B3.2	41	34	82.9	7	17.1
§2B4.1	91	82	90.1	9	9.9
§2B5.1	228	216	94.7	12	5.3
§2B5.3	70	57	81.4	13	18.6

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,143 cases, seven were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

Table E-5
EDUCATION OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	8,089	19.3	2,684	33.2	2,413	29.8	1,428	17.7
§2B1.1	900	15.3	1,736	29.4	1,972	33.4	1,290	21.9
§2B1.4	0	0.0	2	6.5	1	3.2	28	90.3
§2B1.5	0	0.0	3	33.3	6	66.7	0	0.0
§2B2.1	9	26.5	15	44.1	9	26.5	1	2.9
§2B3.1	564	33.4	782	46.3	312	18.5	32	1.9
§2B3.2	10	24.4	20	48.8	8	19.5	3	7.3
§2B4.1	5	5.5	16	17.6	20	22.0	50	54.9
§2B5.1	63	28.0	89	39.6	65	28.9	8	3.6
§2B5.3	13	18.6	21	30.0	20	28.6	16	22.9

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,143 cases, 54 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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

Table E-6
LOSS AMOUNT OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	NO GUIDELINE INCREASE FOR LOSS AMOUNT ²		GUIDELINE INCREASE FOR LOSS AMOUNT		AMOUNT OF LOSS ³		
	N	%	N	%	N	Mean	Median
TOTAL	8,026	30.3	5,594	69.7	6,316	\$4,653,016	\$62,000
§2B1.1	889	15.2	4,976	84.8	4,640	\$6,271,059	\$134,394
§2B1.4	30	0.0	30	100.0	23	\$1,585,538	\$250,685
§2B1.5	9	11.1	8	88.9	8	\$150,113	\$25,074
§2B2.1	33	63.6	12	36.4	28	\$25,984	\$2,048
§2B3.1	1,667	84.6	257	15.4	1,329	\$35,603	\$2,120
§2B3.2	40	50.0	20	50.0	14	\$38,799	\$10,602
§2B4.1	89	0.0	89	100.0	68	\$1,272,692	\$393,164
§2B5.1	227	39.6	137	60.4	160	\$17,003	\$3,755
§2B5.3	66	1.5	65	98.5	46	\$2,504,789	\$506,586

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these, the Commission received complete guideline application information for 8,026 cases. In 5,594 cases the guideline range was enhanced due to the amount of loss involved in the case. Descriptions of variables used in this table are provided in Appendix A.

² A loss may exist in cases where there was no guideline increase for loss amount and those amounts are included in the amount of loss columns.

³ Cases in which an exact loss amount was not reported were excluded from the amount of loss computation.

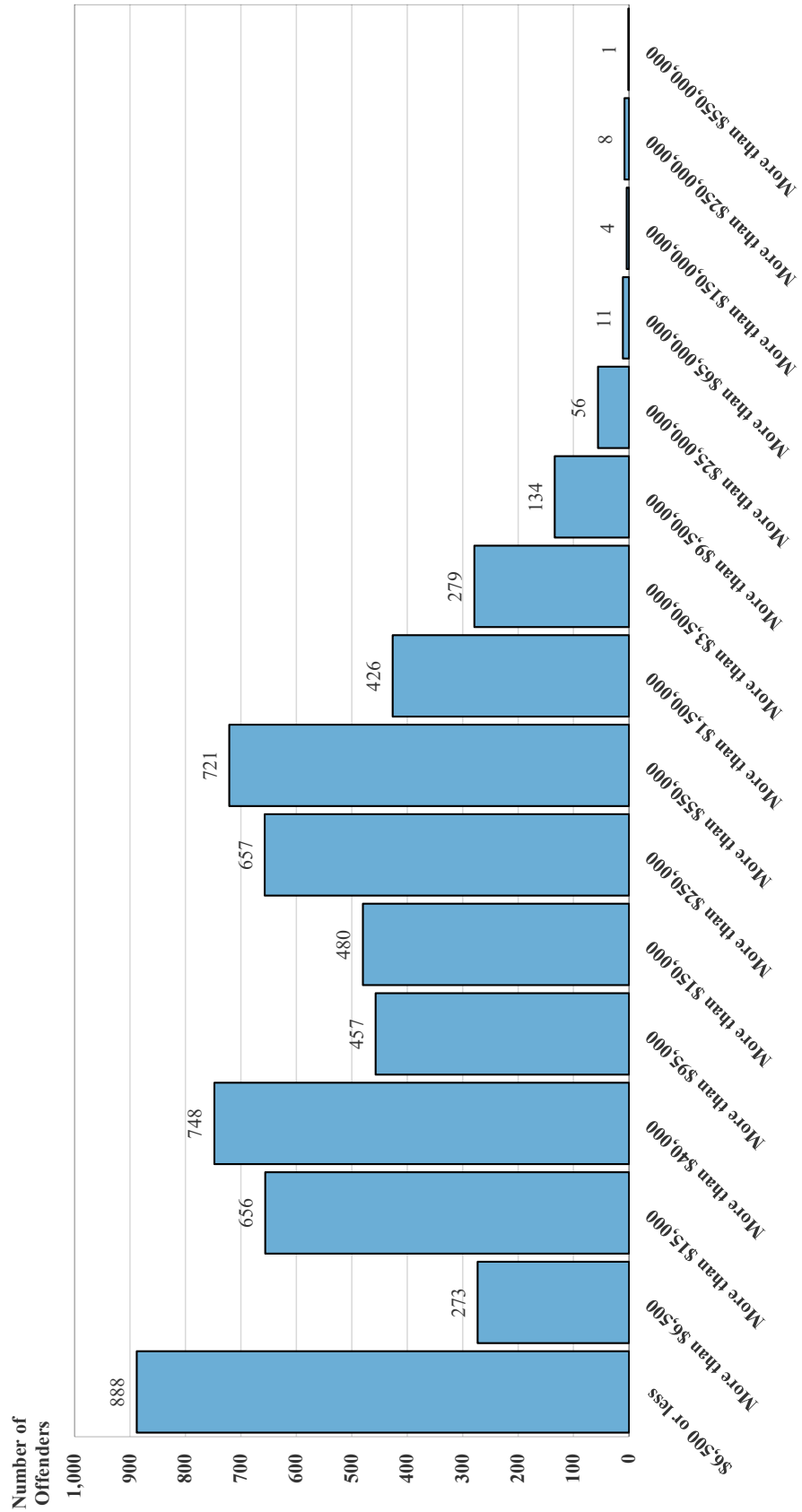
SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table E-7
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2018

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	8,137	3,404	41.8	55	0.7	1,231	15.1	7	0.1	376	4.6	3,064	37.7
§2B1.1	5,942	2,552	42.9	29	0.5	888	14.9	4	0.1	235	4.0	2,234	37.6
§2B1.4	31	1	3.2	0	0.0	10	32.3	0	0.0	3	9.7	17	54.8
§2B1.5	9	3	33.3	0	0.0	1	11.1	0	0.0	0	0.0	5	55.6
§2B2.1	34	20	58.8	1	2.9	2	5.9	0	0.0	2	5.9	9	26.5
§2B3.1	1,691	648	38.3	25	1.5	261	15.4	3	0.2	120	7.1	634	37.5
§2B3.2	41	18	43.9	0	0.0	1	2.4	0	0.0	3	7.3	19	46.3
§2B4.1	91	19	20.9	0	0.0	33	36.3	0	0.0	3	3.3	36	39.6
§2B5.1	228	135	59.2	0	0.0	21	9.2	0	0.0	4	1.8	68	29.8
§2B5.3	70	8	11.4	0	0.0	14	20.0	0	0.0	6	8.6	42	60.0

¹ Of the 69,425 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,143 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,143 cases, six 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.

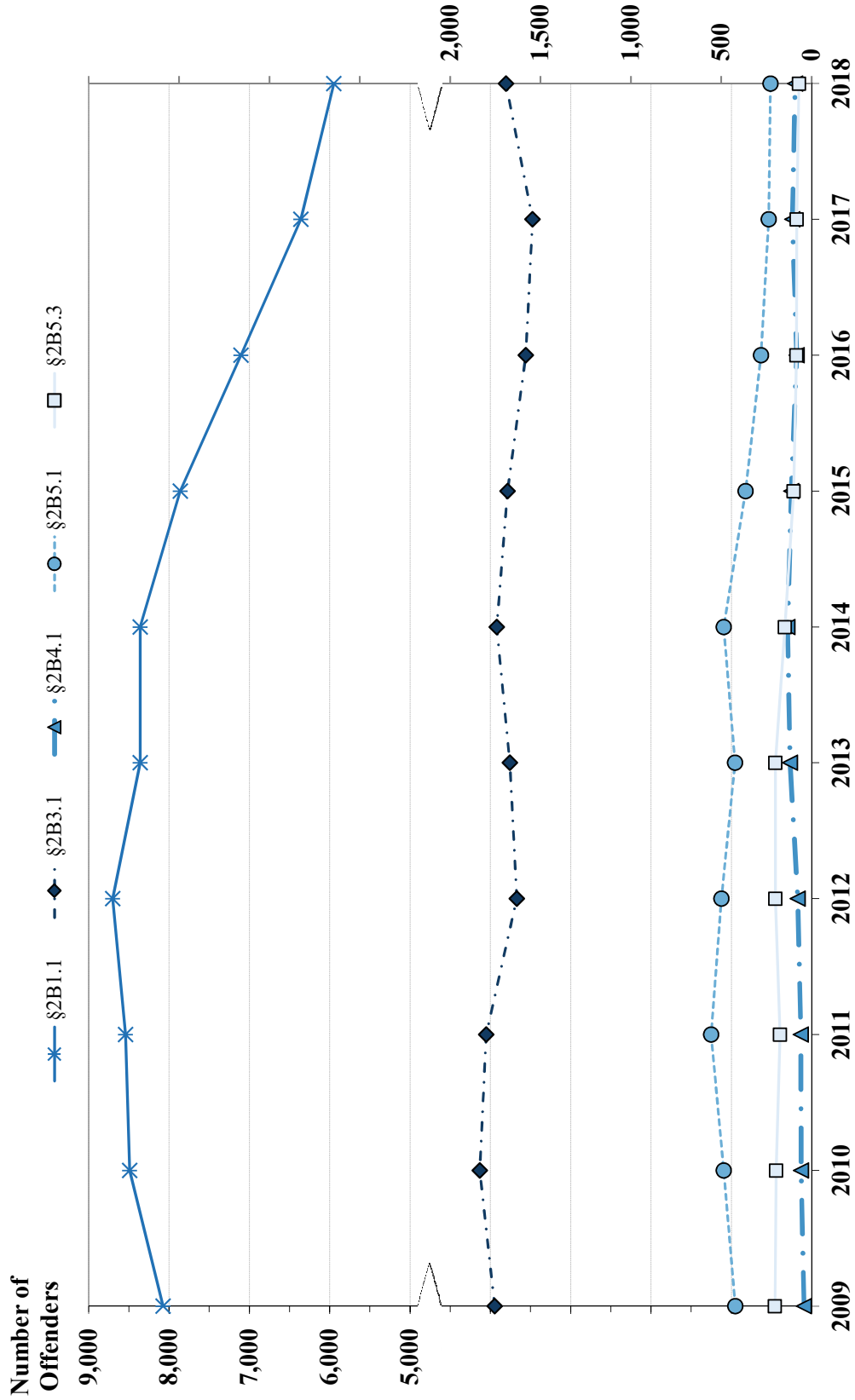
Figure E-2
NUMBER OF OFFENDERS IN EACH §2B1.1 LOSS TABLE CATEGORY¹
Fiscal Year 2018



¹ Of the 69,425 cases, the Commission received complete guideline application information for 64,216 cases. Of these, 5,865 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses). An additional 65 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2015. Of the remaining, one was excluded due to logical criteria. Descriptions of variables used in this figure are provided in Appendix A.

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

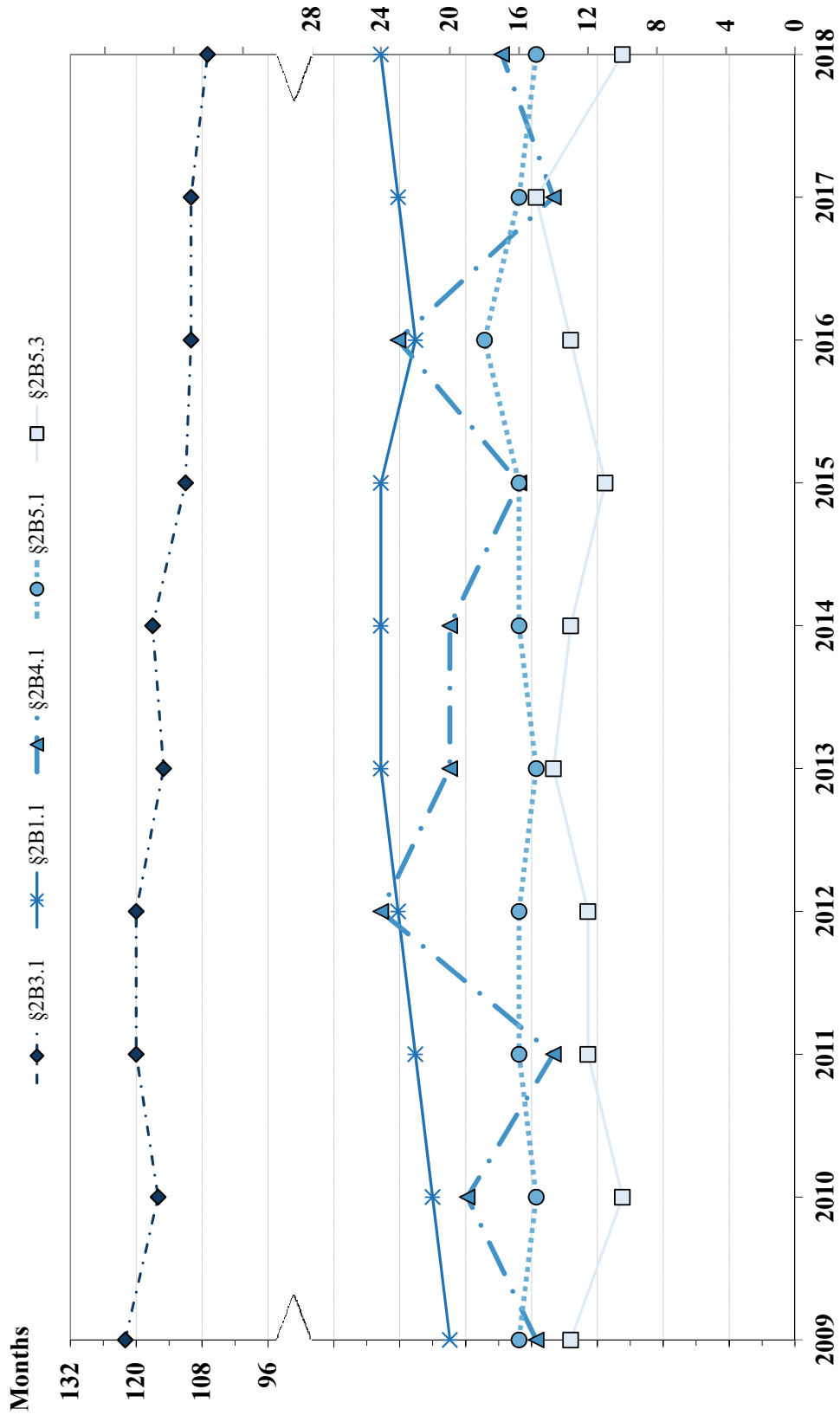
Figure E-3
NUMBER OF ECONOMIC OFFENSE OFFENDERS OVER TIME¹
Fiscal Years 2009 - 2018



¹ Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

Figure E-4
SENTENCE LENGTH OF ECONOMIC OFFENSE OFFENDERS OVER TIME¹
Fiscal Years 2009 - 2018



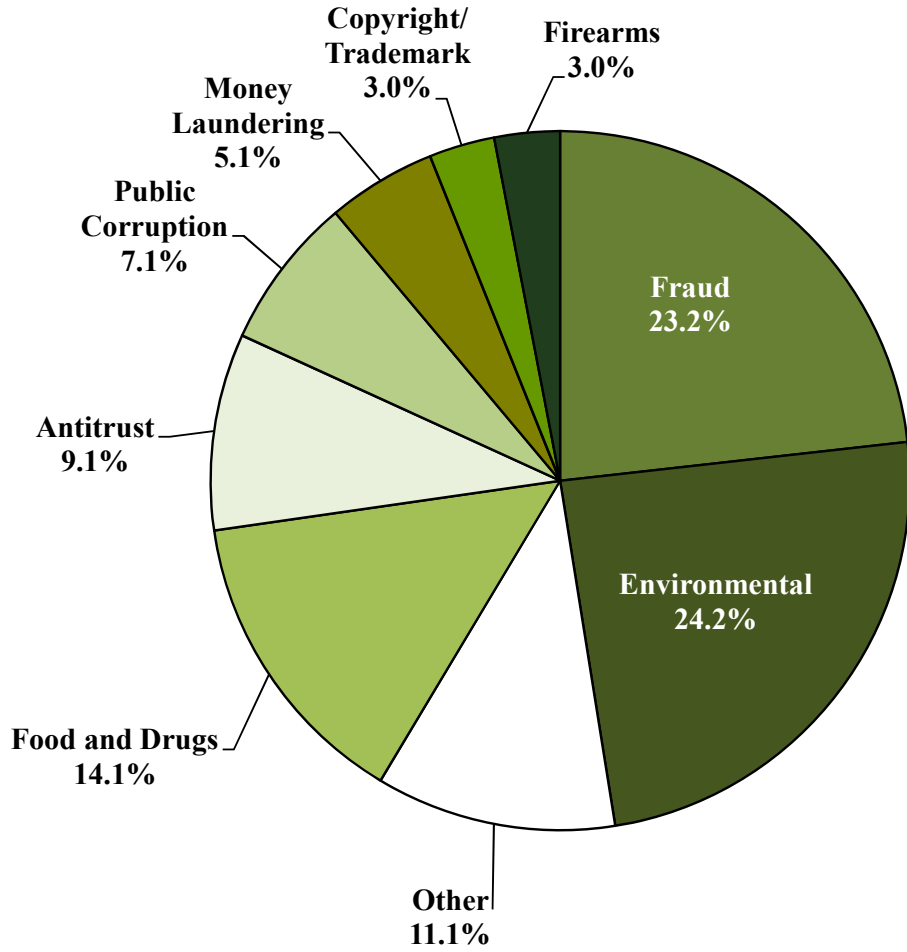
¹ Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes time of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Datafiles, USSCFY09 - USSCFY18.

ORGANIZATIONAL OFFENDER SENTENCING DATA

Figure O-1

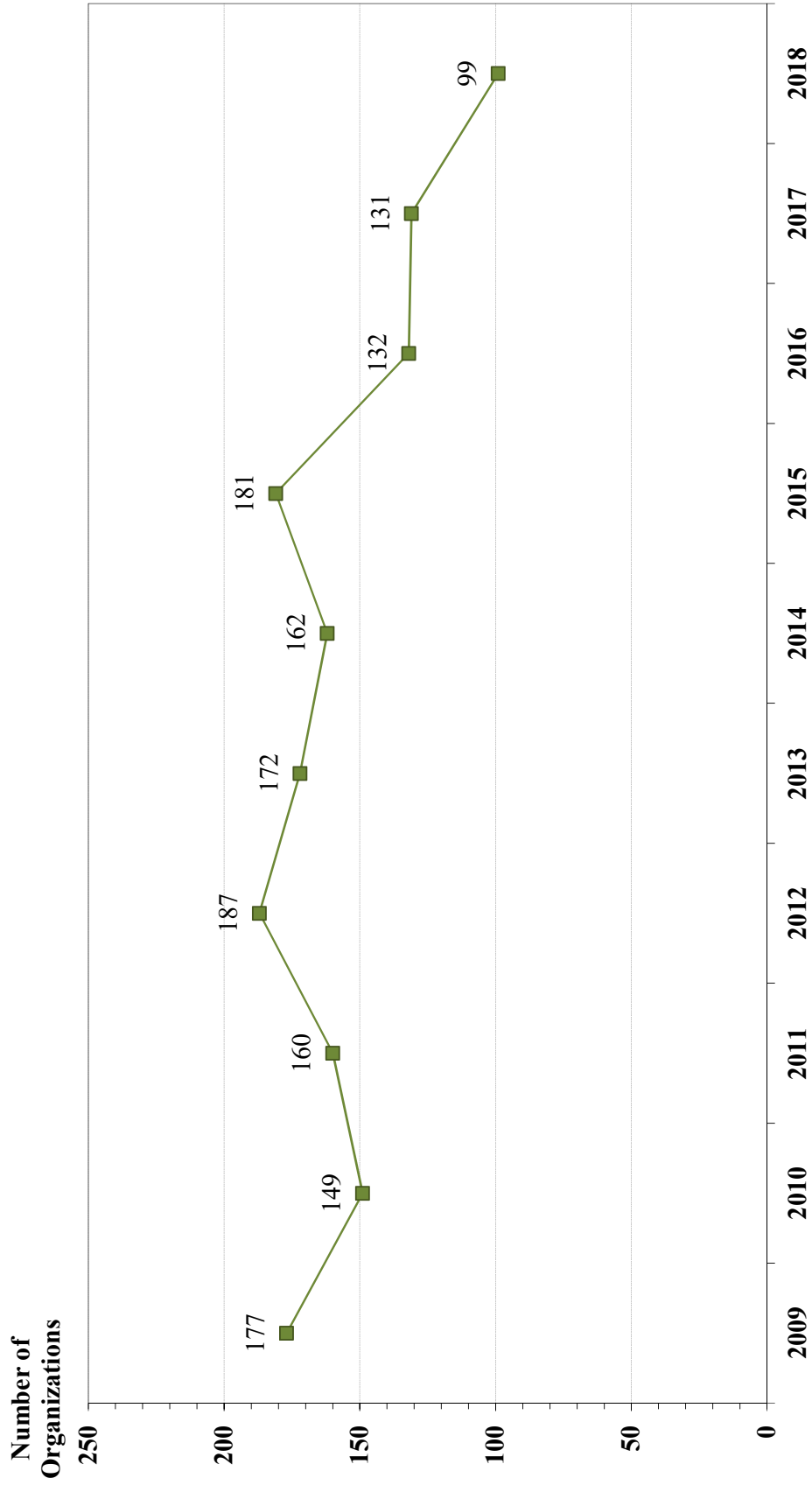
ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018



¹ This figure includes the 99 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPFY18.

Figure O-2
NUMBER OF ORGANIZATIONAL OFFENDERS OVER TIME¹
Fiscal Years 2009-2018

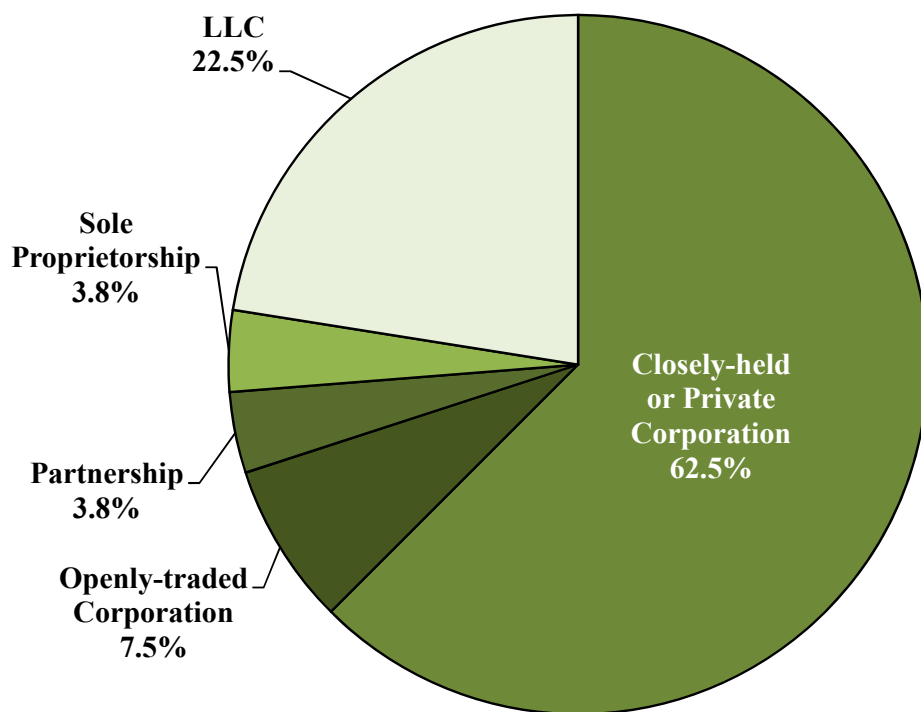


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 - 2018 Organizational Datafiles, CORP09-CORPFY18.

Figure O-3

ORGANIZATIONAL OFFENDERS BY OWNERSHIP STRUCTURE¹
Fiscal Year 2018

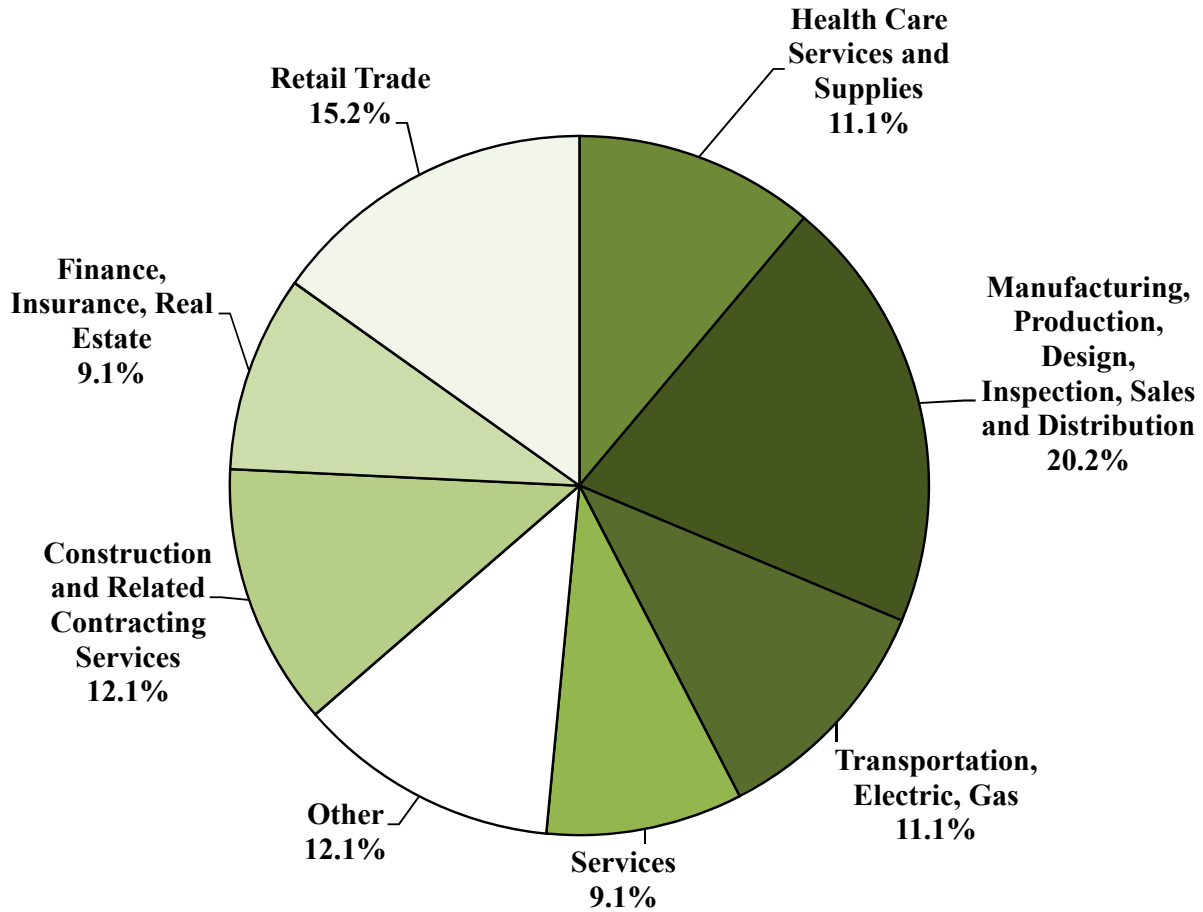


¹ Of the 99 organizational cases, 19 were missing information on the ownership structure of the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPFY18.

Figure O-4

ORGANIZATIONAL OFFENDERS BY TYPE OF BUSINESS¹
Fiscal Year 2018

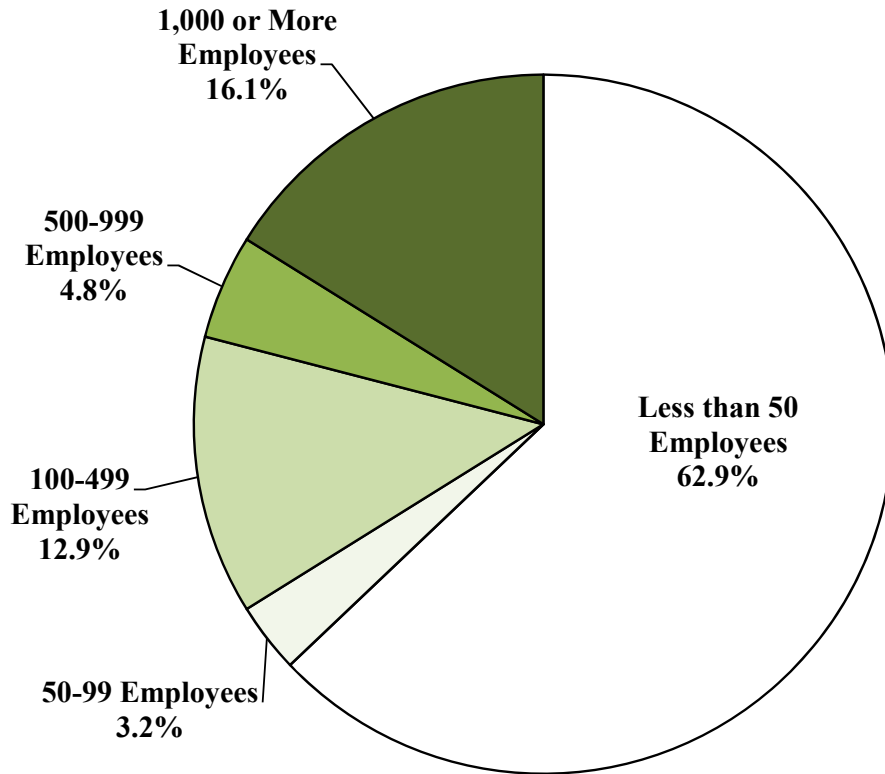


¹ This figure includes the 99 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPFY18.

Figure O-5

**SIZE OF ORGANIZATIONAL OFFENDERS
BY NUMBER OF EMPLOYEES¹
Fiscal Year 2018**



¹ Of the 99 organizational cases, 37 were missing information on the number of employees in the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPFY18.

Table O-1
FINE AND RESTITUTION FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

TYPE OF CRIME	TOTAL		NO FINE OR RESTITUTION ORDERED		FINE ORDERED/NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
	N	%	N	%	N	%	N	%	N	%
TOTAL	99	18.2	18	52.5	8	8.1	21	21.2		
Administration of Justice Offenses	2	0.0	0	0.0	1	50.0	0	0.0	1	50.0
Antitrust	9	0.0	0	0.0	9	100.0	0	0.0	0	0.0
Archaeological Damage	0	--	0	--	0	--	0	--	0	--
Public Corruption: Bribery/Gratuity/Extortion	5	0.0	0	0.0	5	100.0	0	0.0	0	0.0
Civil Rights	0	--	0	--	0	--	0	--	0	--
Contraband	0	--	0	--	0	--	0	--	0	--
Copyright/Trademark	3	0.0	0	0.0	1	33.3	0	0.0	2	66.7
Drugs	1	100.0	1	100.0	0	0.0	0	0.0	0	0.0
Environmental - Water	8	0.0	0	0.0	6	75.0	0	0.0	2	25.0
Environmental - Air	4	0.0	0	0.0	2	50.0	0	0.0	2	50.0
Environmental - Hazardous/Toxic Pollutants	10	10.0	1	10.0	5	50.0	0	0.0	4	40.0
Environmental - Wildlife	2	0.0	0	0.0	1	50.0	0	0.0	1	50.0
Import and Export	1	100.0	1	100.0	0	0.0	0	0.0	0	0.0
Firearms	3	66.7	2	66.7	1	33.3	0	0.0	0	0.0
Food, Drugs, Agricultural and Consumer Products	14	14.3	2	14.3	8	57.1	1	7.1	3	21.4
Food Stamps	1	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Forgery	0	--	0	--	0	--	0	--	0	--
Fraud	23	21.7	5	21.7	6	26.1	6	26.1	6	26.1
Gambling	0	--	0	--	0	--	0	--	0	--
Immigration	2	0.0	0	0.0	2	100.0	0	0.0	0	0.0
Larceny/Theft/Embezzlement	0	--	0	--	0	--	0	--	0	--
Motor Vehicles	0	--	0	--	0	--	0	--	0	--
Money Laundering	7	57.1	4	57.1	3	42.9	0	0.0	0	0.0
Obscenity	0	--	0	--	0	--	0	--	0	--
Racketeering/Extortion	1	100.0	1	100.0	0	0.0	0	0.0	0	0.0
Tax	0	--	0	--	0	--	0	--	0	--
Other	0	--	0	--	0	--	0	--	0	--

¹ Of the 99 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 81 cases. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPPY18.

Table O-2
AMOUNT OF FINE AND RESTITUTION ORDERED FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

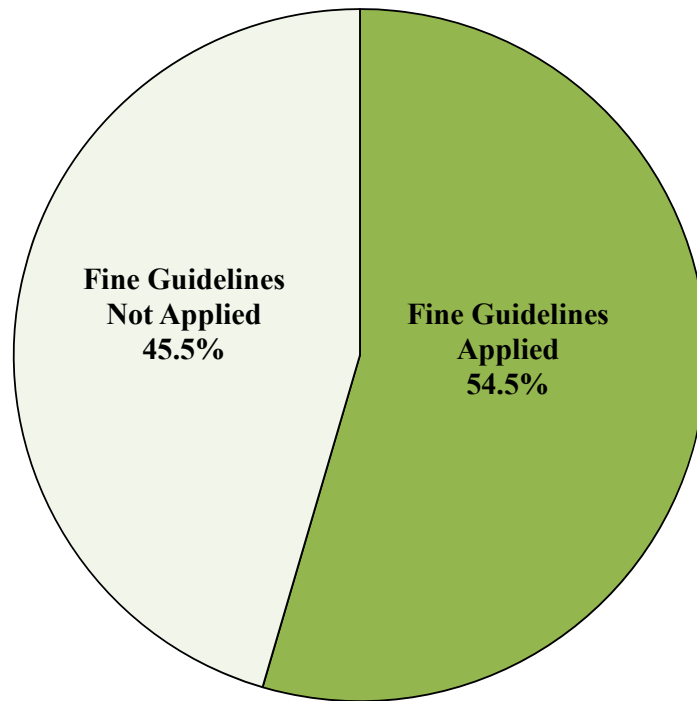
TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED ²				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	73	\$2,414,826	\$500,000	\$176,282,322	29	\$4,650,988	\$747,134	\$134,878,650	81	\$3,841,493	\$600,000	\$311,160,972
Administration of Justice Offenses	2	--	--	--	1	--	--	--	2	--	--	--
Antitrust	9	\$10,957,599	\$3,825,000	\$98,618,387	0	--	--	--	9	\$10,957,599	\$3,825,000	\$98,618,387
Archeological Damage	0	--	--	--	0	--	--	--	0	--	--	--
Public Corruption: Bribery/Gratuity/Extortion	5	\$1,455,000	\$500,000	\$7,275,000	0	--	--	--	5	\$1,455,000	\$500,000	\$7,275,000
Civil	0	--	--	--	0	--	--	--	0	--	--	--
Contraband	0	--	--	--	0	--	--	--	0	--	--	--
Copyright/Trademark	3	\$536,667	\$60,000	\$1,610,000	2	--	--	--	3	\$20,080,240	\$330,719	\$60,240,719
Drugs	0	--	--	--	0	--	--	--	0	--	--	--
Environmental - Water	8	\$1,962,500	\$1,500,000	\$15,700,000	2	--	--	--	8	\$4,465,500	\$1,500,000	\$35,724,000
Environmental - Air	4	\$122,500	\$112,500	\$490,000	2	--	--	--	4	\$221,257	\$160,000	\$885,029
Environmental - Hazardous/Toxic Pollutants	9	\$1,131,667	\$125,000	\$10,185,000	4	\$634,270	\$646,225	\$2,537,079	9	\$1,413,564	\$125,000	\$12,722,079
Environmental - Wildlife	2	--	--	--	1	--	--	--	2	--	--	--
Import and Export	0	--	--	--	0	--	--	--	0	--	--	--
Firearms	1	--	--	--	0	--	--	--	1	--	--	--
Food, Drugs, Agricultural & Consumer Products	11	\$1,524,055	\$200,000	\$16,764,600	4	\$1,822,688	\$30,250	\$7,290,750	12	\$2,004,613	\$250,000	\$24,055,350
Food Stamps	0	--	--	--	1	--	--	--	1	--	--	--
Forgery	0	--	--	--	0	--	--	--	0	--	--	--
Fraud	12	\$1,650,695	\$500,000	\$19,808,345	12	\$3,391,766	\$999,200	\$40,701,196	18	\$3,361,641	\$966,626	\$60,509,541
Gambling	0	--	--	--	0	--	--	--	0	--	--	--
Immigration	0	--	--	--	0	--	--	--	2	--	--	--
Larceny/Theft/Embezzlement	2	--	--	--	0	--	--	--	0	--	--	--
Motor Vehicles	0	--	--	--	0	--	--	--	0	--	--	--
Money Laundering	3	\$450,000	\$500,000	\$1,350,000	0	--	--	--	3	\$450,000	\$500,000	\$1,350,000
Obscenity	0	--	--	--	0	--	--	--	0	--	--	--
Racketeering/Extortion	0	--	--	--	0	--	--	--	0	--	--	--
Tax	0	--	--	--	0	--	--	--	0	--	--	--
Other	0	--	--	--	0	--	--	--	0	--	--	--

¹ Of the 99 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 81 cases. The total number of cases used to calculate amounts of payment ordered (81) may be less than the total number of cases receiving fines and/or restitution (81) due to the exclusion of cases for which a fine and/or restitution was ordered, but the amount was not specified. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

² In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.

Figure O-6

APPLICATION OF CHAPTER EIGHT FINE GUIDELINES¹
Fiscal Year 2018



¹ This figure includes the 99 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPFY18.

Table O-3

**CHAPTER EIGHT SENTENCING COMPONENTS
FOR ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2018**

SENTENCING COMPONENTS

Disposition	N	%
Guilty Plea	94	94.9
Nolo Contendere	0	0.0
Bench Trial	0	0.0
Trial By Jury	5	5.1
TOTAL	99	100.0
Probation²		
Probation Ordered	75	75.8
Probation Not Ordered	24	24.2
TOTAL	99	100.0
Court Ordered Compliance/Ethics		
Program Ordered	25	25.3
No Program Ordered	74	74.7
TOTAL	99	100.0
Inability to Pay		
Fine Reduced - Organization Unable to Pay ³	29	29.3
Organization Able to Pay	70	70.7
TOTAL	99	100.0

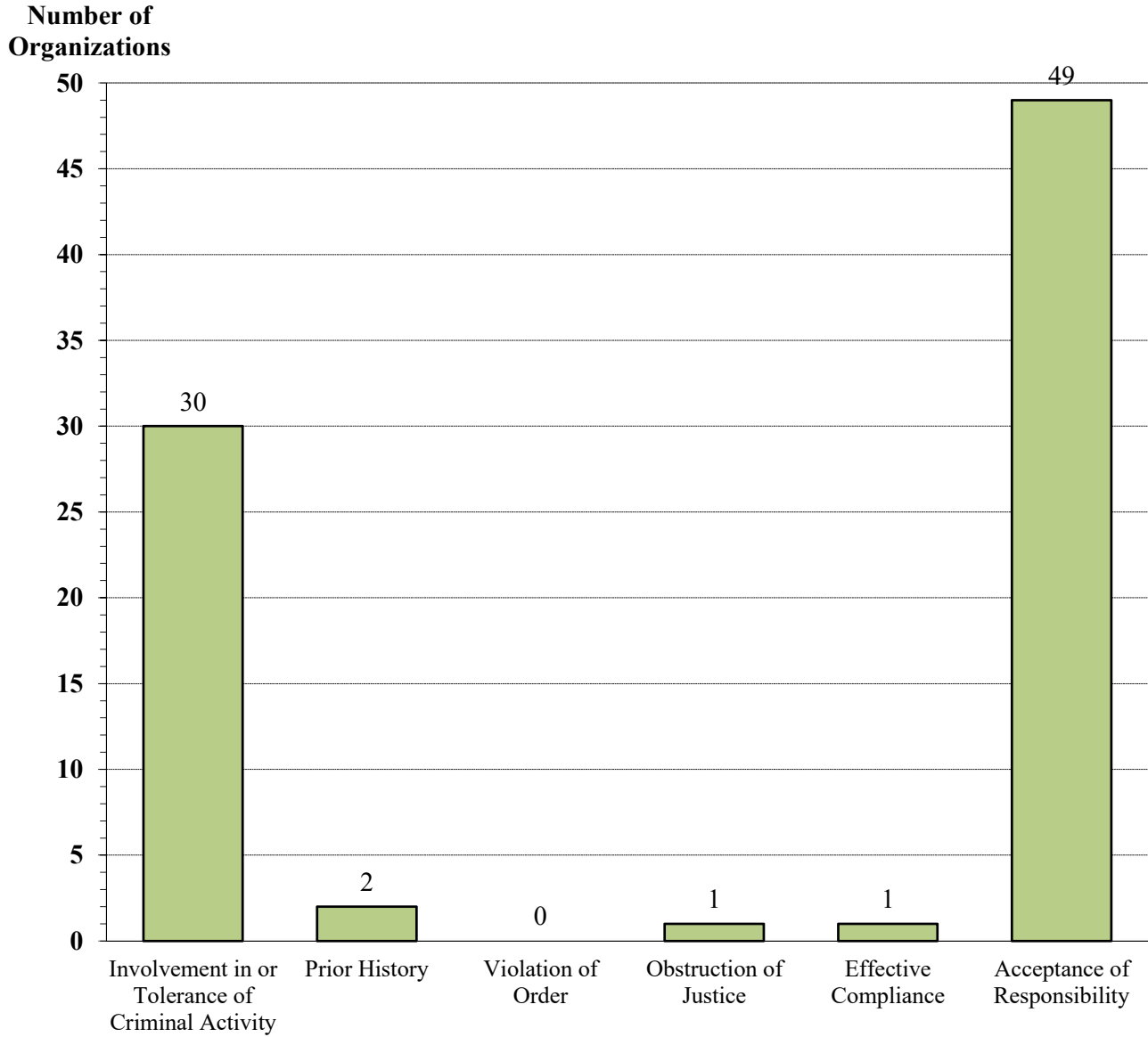
¹ The total for each component may add up to less than the total number of organizational offenders due to missing information for that variable. Descriptions of variables used in this table are provided in Appendix A. A discussion of a compliance and ethics program can be found in USSG §8C2.5.

² The 'Probation Ordered' category consists of cases in which at least one month of probation was ordered. The 'Probation Not Ordered' category consists of cases in which less than one month of probation was ordered, or no probation was ordered.

³ Organizations in this category were unable to pay either a portion of the fine or the entire fine.

Figure O-7

**CULPABILITY FACTORS APPLIED TO DETERMINE FINES IMPOSED
ON ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2018**



¹ Of the 99 organizational cases, the fine guideline was applied in 54 cases. Courts may apply multiple factors, so the total number of factors may exceed the number of cases in which a culpability factor was applied. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Organizational Datafile, CORPFY18.

Table O-4

CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2018

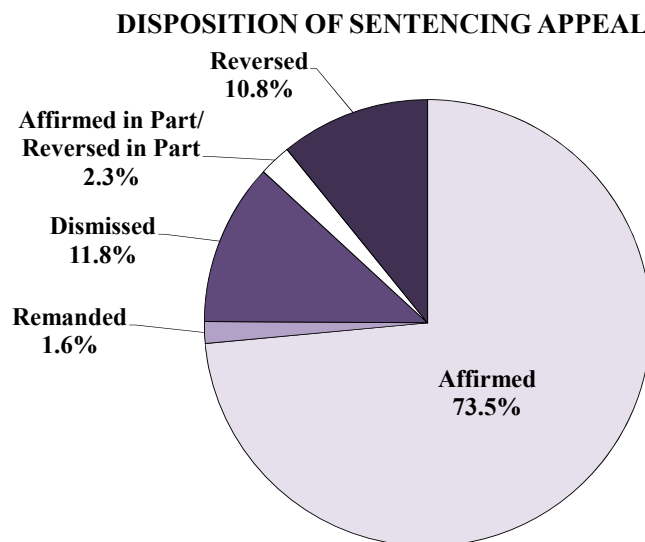
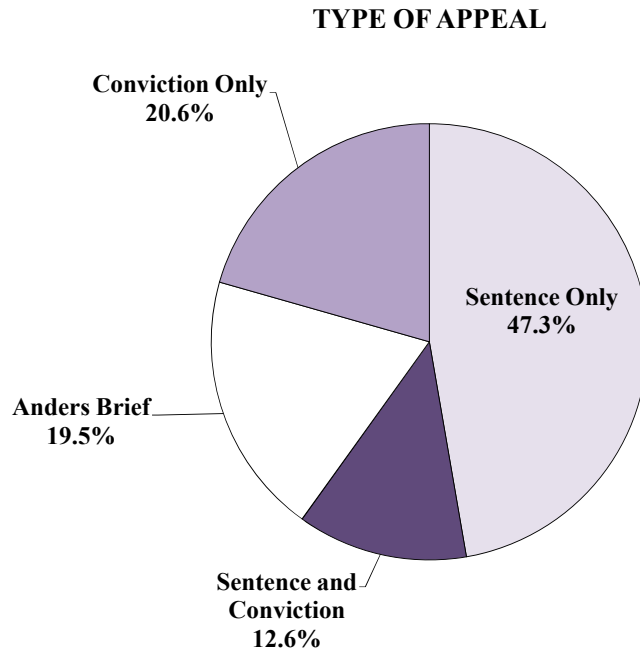
Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	0	0.0
Involvement/tolerance in an organization/unit of 1,000+ employees	3	5.6
Involvement/tolerance in an organization/unit of 200+ employees	7	13.0
Involvement/tolerance in an organization/unit of 50+ employees	8	14.8
Involvement/tolerance in an organization/unit of ten or more employees	12	22.2
No involvement/tolerance OR fewer than ten employees	24	44.4
TOTAL	54	100.0
<hr/>		
Prior History - §8C2.5(c)	N	%
One similar criminal/two similar administrative violations within ten years	2	3.7
One similar criminal/two similar administrative violations within five years	0	0.0
Organization had no prior record	52	96.3
TOTAL	54	100.0
<hr/>		
Violation of an Order - §8C2.5(d)	N	%
Organization violated a judicial order or condition of probation for similar conduct	0	0.0
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	54	100.0
TOTAL	54	100.0
<hr/>		
Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	1	1.9
Organization did not obstruct justice	53	98.1
TOTAL	54	100.0
<hr/>		
Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance and ethics program	1	1.9
Organization had no compliance and ethics program	53	98.1
TOTAL	54	100.0
<hr/>		
Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Reported offense to governmental authorities	0	0.0
Cooperated with investigation	33	61.1
Accepted responsibility	16	29.6
Organization did not self-report, cooperate, or accept responsibility	5	9.3
TOTAL	54	100.0

¹ Of the 99 organizational cases, the fine guideline was applied in 54 cases. For the remaining 45 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. The total for each factor may add up to less than the total number of cases in which the fine guidelines were applied due to missing information for that specific variable. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this table are provided in Appendix A.

SENTENCING APPEALS

Figure A

TYPE AND DISPOSITION OF APPEALS CASES¹
Fiscal Year 2018



¹ Of the 7,038 appeals cases, 137 were excluded because the type of appeal was 'unknown'. Of these, 6,871 involved an appeal by the offender, 16 involved an appeal by the government, and 14 involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

² Of the 96 cases affirmed in part and reversed in part, 87 (90.6%) cases were remanded to the district court.

³ Of the 448 cases reversed, 448 (100.0%) were remanded to the district court.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

Table A-1

TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018

CIRCUIT District	Total N	Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
		N	%	N	%	N	%	N	%
TOTAL	6,901	3,263	47.3	872	12.6	1,421	20.6	1,345	19.5
D.C. CIRCUIT	42	18	42.9	11	26.2	13	31.0	0	0.0
District of Columbia	42	18	42.9	11	26.2	13	31.0	0	0.0
FIRST CIRCUIT	281	161	57.3	34	12.1	58	20.6	28	10.0
Maine	40	21	52.5	7	17.5	11	27.5	1	2.5
Massachusetts	48	23	47.9	10	20.8	13	27.1	2	4.2
New Hampshire	12	4	33.3	1	8.3	6	50.0	1	8.3
Puerto Rico	167	107	64.1	16	9.6	20	12.0	24	14.4
Rhode Island	14	6	42.9	0	0.0	8	57.1	0	0.0
SECOND CIRCUIT	348	163	46.8	68	19.5	88	25.3	29	8.3
Connecticut	32	11	34.4	6	18.8	10	31.3	5	15.6
New York									
Eastern	76	31	40.8	15	19.7	21	27.6	9	11.8
Northern	52	23	44.2	12	23.1	13	25.0	4	7.7
Southern	133	67	50.4	24	18.0	32	24.1	10	7.5
Western	47	26	55.3	10	21.3	10	21.3	1	2.1
Vermont	8	5	62.5	1	12.5	2	25.0	0	0.0
THIRD CIRCUIT	233	111	47.6	45	19.3	71	30.5	6	2.6
Delaware	7	1	14.3	5	71.4	1	14.3	0	0.0
New Jersey	42	22	52.4	7	16.7	10	23.8	3	7.1
Pennsylvania									
Eastern	99	49	49.5	15	15.2	33	33.3	2	2.0
Middle	40	23	57.5	7	17.5	9	22.5	1	2.5
Western	36	12	33.3	8	22.2	16	44.4	0	0.0
Virgin Islands	9	4	44.4	3	33.3	2	22.2	0	0.0
FOURTH CIRCUIT	797	379	47.6	96	12.0	142	17.8	180	22.6
Maryland	80	30	37.5	14	17.5	29	36.3	7	8.8
North Carolina									
Eastern	142	105	73.9	16	11.3	10	7.0	11	7.7
Middle	106	43	40.6	3	2.8	4	3.8	56	52.8
Western	115	47	40.9	14	12.2	16	13.9	38	33.0
South Carolina	117	43	36.8	18	15.4	13	11.1	43	36.8
Virginia									
Eastern	134	52	38.8	24	17.9	47	35.1	11	8.2
Western	41	27	65.9	1	2.4	11	26.8	2	4.9
West Virginia									
Northern	30	15	50.0	1	3.3	6	20.0	8	26.7
Southern	32	17	53.1	5	15.6	6	18.8	4	12.5

Table A-1 (cont.)

CIRCUIT District	Total	Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,643	642	39.1	109	6.6	205	12.5	687	41.8
Louisiana									
Eastern	32	19	59.4	2	6.3	9	28.1	2	6.3
Middle	17	7	41.2	0	0.0	7	41.2	3	17.6
Western	70	33	47.1	8	11.4	14	20.0	15	21.4
Mississippi									
Northern	12	7	58.3	3	25.0	2	16.7	0	0.0
Southern	39	21	53.8	3	7.7	8	20.5	7	17.9
Texas									
Eastern	87	15	17.2	12	13.8	10	11.5	50	57.5
Northern	478	216	45.2	33	6.9	41	8.6	188	39.3
Southern	584	200	34.2	28	4.8	74	12.7	282	48.3
Western	324	124	38.3	20	6.2	40	12.3	140	43.2
SIXTH CIRCUIT	656	330	50.3	119	18.1	136	20.7	71	10.8
Kentucky									
Eastern	89	42	47.2	21	23.6	20	22.5	6	6.7
Western	27	8	29.6	5	18.5	8	29.6	6	22.2
Michigan									
Eastern	92	27	29.3	31	33.7	23	25.0	11	12.0
Western	88	55	62.5	8	9.1	15	17.0	10	11.4
Ohio									
Northern	140	86	61.4	21	15.0	21	15.0	12	8.6
Southern	34	13	38.2	7	20.6	10	29.4	4	11.8
Tennessee									
Eastern	85	51	60.0	14	16.5	9	10.6	11	12.9
Middle	35	16	45.7	4	11.4	13	37.1	2	5.7
Western	66	32	48.5	8	12.1	17	25.8	9	13.6
SEVENTH CIRCUIT	267	125	46.8	25	9.4	64	24.0	53	19.9
Illinois									
Central	34	13	38.2	0	0.0	8	23.5	13	38.2
Northern	103	51	49.5	11	10.7	26	25.2	15	14.6
Southern	36	19	52.8	4	11.1	2	5.6	11	30.6
Indiana									
Northern	26	13	50.0	3	11.5	7	26.9	3	11.5
Southern	27	10	37.0	6	22.2	6	22.2	5	18.5
Wisconsin									
Eastern	22	10	45.5	1	4.5	8	36.4	3	13.6
Western	19	9	47.4	0	0.0	7	36.8	3	15.8
EIGHTH CIRCUIT	605	340	56.2	63	10.4	84	13.9	118	19.5
Arkansas									
Eastern	28	16	57.1	5	17.9	2	7.1	5	17.9
Western	34	11	32.4	5	14.7	3	8.8	15	44.1
Iowa									
Northern	114	67	58.8	12	10.5	18	15.8	17	14.9
Southern	86	47	54.7	7	8.1	9	10.5	23	26.7
Minnesota	76	52	68.4	11	14.5	9	11.8	4	5.3
Missouri									
Eastern	65	37	56.9	5	7.7	13	20.0	10	15.4
Western	109	54	49.5	10	9.2	11	10.1	34	31.2
Nebraska	41	25	61.0	4	9.8	7	17.1	5	12.2
North Dakota	20	11	55.0	1	5.0	6	30.0	2	10.0
South Dakota	32	20	62.5	3	9.4	6	18.8	3	9.4

Table A-1 (cont.)

CIRCUIT District	Total	Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	N	%	N	%	N	%	N	%
NINTH CIRCUIT	958	427	44.6	142	14.8	312	32.6	77	8.0
Alaska	27	10	37.0	2	7.4	12	44.4	3	11.1
Arizona	149	64	43.0	23	15.4	32	21.5	30	20.1
California									
Central	175	60	34.3	33	18.9	72	41.1	10	5.7
Eastern	79	31	39.2	18	22.8	27	34.2	3	3.8
Northern	67	24	35.8	15	22.4	27	40.3	1	1.5
Southern	159	89	56.0	14	8.8	53	33.3	3	1.9
Guam	5	2	40.0	0	0.0	3	60.0	0	0.0
Hawaii	23	10	43.5	4	17.4	7	30.4	2	8.7
Idaho	27	18	66.7	1	3.7	7	25.9	1	3.7
Montana	68	31	45.6	5	7.4	23	33.8	9	13.2
Nevada	57	24	42.1	15	26.3	13	22.8	5	8.8
Northern Mariana Islands	6	3	50.0	1	16.7	1	16.7	1	16.7
Oregon	37	16	43.2	6	16.2	14	37.8	1	2.7
Washington									
Eastern	33	18	54.5	3	9.1	10	30.3	2	6.1
Western	46	27	58.7	2	4.3	11	23.9	6	13.0
TENTH CIRCUIT	243	147	60.5	25	10.3	62	25.5	9	3.7
Colorado	49	32	65.3	7	14.3	10	20.4	0	0.0
Kansas	53	31	58.5	6	11.3	13	24.5	3	5.7
New Mexico	51	28	54.9	5	9.8	16	31.4	2	3.9
Oklahoma									
Eastern	14	9	64.3	1	7.1	3	21.4	1	7.1
Northern	10	7	70.0	0	0.0	2	20.0	1	10.0
Western	32	20	62.5	2	6.3	8	25.0	2	6.3
Utah	21	11	52.4	4	19.0	6	28.6	0	0.0
Wyoming	13	9	69.2	0	0.0	4	30.8	0	0.0
ELEVENTH CIRCUIT	828	420	50.7	135	16.3	186	22.5	87	10.5
Alabama									
Middle	30	18	60.0	3	10.0	7	23.3	2	6.7
Northern	33	17	51.5	2	6.1	11	33.3	3	9.1
Southern	35	18	51.4	5	14.3	5	14.3	7	20.0
Florida									
Middle	222	106	47.7	35	15.8	45	20.3	36	16.2
Northern	57	26	45.6	6	10.5	16	28.1	9	15.8
Southern	278	142	51.1	57	20.5	69	24.8	10	3.6
Georgia									
Middle	52	25	48.1	8	15.4	14	26.9	5	9.6
Northern	91	55	60.4	16	17.6	16	17.6	4	4.4
Southern	30	13	43.3	3	10.0	3	10.0	11	36.7

¹ Of the 7,038 appeals cases, 137 were excluded because the type of appeal was 'unknown'. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

Table A-2

**DISPOSITION OF OFFENDER ORIGINAL SENTENCING APPEALS
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	3,224	2,300	71.3	349	349	10.8	81	74	2.5	441	13.7	53	1.6
D.C. CIRCUIT	23	8	34.8	12	12	52.2	2	2	8.7	1	4.3	0	0.0
District of Columbia	23	8	34.8	12	12	52.2	2	2	8.7	1	4.3	0	0.0
FIRST CIRCUIT	135	107	79.3	12	12	8.9	1	1	0.7	12	8.9	3	2.2
Maine	23	23	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	27	20	74.1	3	3	11.1	0	0	0.0	3	11.1	1	3.7
New Hampshire	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	78	58	74.4	9	9	11.5	1	1	1.3	8	10.3	2	2.6
Rhode Island	5	4	80.0	0	0	0.0	0	0	0.0	1	20.0	0	0.0
SECOND CIRCUIT	181	120	66.3	20	20	11.0	8	8	4.4	27	14.9	6	3.3
Connecticut	15	14	93.3	0	0	0.0	0	0	0.0	1	6.7	0	0.0
New York													
Eastern	38	24	63.2	7	7	18.4	1	1	2.6	4	10.5	2	5.3
Northern	27	19	70.4	4	4	14.8	1	1	3.7	2	7.4	1	3.7
Southern	71	43	60.6	7	7	9.9	5	5	7.0	14	19.7	2	2.8
Western	26	17	65.4	2	2	7.7	1	1	3.8	6	23.1	0	0.0
Vermont	4	3	75.0	0	0	0.0	0	0	0.0	0	0.0	1	25.0
THIRD CIRCUIT	122	101	82.8	9	9	7.4	4	4	3.3	7	5.7	1	0.8
Delaware	6	6	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	19	17	89.5	1	1	5.3	0	0	0.0	1	5.3	0	0.0
Pennsylvania													
Eastern	49	38	77.6	4	4	8.2	4	4	8.2	2	4.1	1	2.0
Middle	28	25	89.3	0	0	0.0	0	0	0.0	3	10.7	0	0.0
Western	15	11	73.3	3	3	20.0	0	0	0.0	1	6.7	0	0.0
Virgin Islands	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	332	197	59.3	24	24	7.2	2	2	0.6	106	31.9	3	0.9
Maryland	34	15	44.1	3	3	8.8	0	0	0.0	16	47.1	0	0.0
North Carolina													
Eastern	90	52	57.8	7	7	7.8	0	0	0.0	31	34.4	0	0.0
Middle	40	28	70.0	2	2	5.0	0	0	0.0	9	22.5	1	2.5
Western	46	20	43.5	4	4	8.7	1	1	2.2	20	43.5	1	2.2
South Carolina	42	30	71.4	3	3	7.1	1	1	2.4	8	19.0	0	0.0
Virginia													
Eastern	46	32	69.6	0	0	0.0	0	0	0.0	14	30.4	0	0.0
Western	13	7	53.8	3	3	23.1	0	0	0.0	2	15.4	1	7.7
West Virginia													
Northern	10	7	70.0	1	1	10.0	0	0	0.0	2	20.0	0	0.0
Southern	11	6	54.5	1	1	9.1	0	0	0.0	4	36.4	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	658	487	74.0	74	74	11.2	15	12	2.3	61	9.3	21	3.2
Louisiana													
Eastern	15	10	66.7	4	4	26.7	0	0	0.0	0	0.0	1	6.7
Middle	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
Western	34	29	85.3	3	3	8.8	1	1	2.9	1	2.9	0	0.0
Mississippi													
Northern	9	9	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	21	7	33.3	0	0	0.0	0	0	0.0	13	61.9	1	4.8
Texas													
Eastern	23	14	60.9	1	1	4.3	1	1	4.3	7	30.4	0	0.0
Northern	220	185	84.1	17	17	7.7	0	0	0.0	15	6.8	3	1.4
Southern	204	134	65.7	37	37	18.1	8	5	3.9	11	5.4	14	6.9
Western	127	95	74.8	11	11	8.7	5	5	3.9	14	11.0	2	1.6
SIXTH CIRCUIT	349	260	74.5	29	29	8.3	12	12	3.4	46	13.2	2	0.6
Kentucky													
Eastern	56	50	89.3	3	3	5.4	1	1	1.8	2	3.6	0	0.0
Western	9	7	77.8	1	1	11.1	0	0	0.0	1	11.1	0	0.0
Michigan													
Eastern	52	36	69.2	9	9	17.3	2	2	3.8	5	9.6	0	0.0
Western	47	40	85.1	1	1	2.1	2	2	4.3	4	8.5	0	0.0
Ohio													
Northern	86	64	74.4	4	4	4.7	2	2	2.3	16	18.6	0	0.0
Southern	14	9	64.3	1	1	7.1	2	2	14.3	2	14.3	0	0.0
Tennessee													
Eastern	46	26	56.5	6	6	13.0	1	1	2.2	11	23.9	2	4.3
Middle	11	8	72.7	3	3	27.3	0	0	0.0	0	0.0	0	0.0
Western	28	20	71.4	1	1	3.6	2	2	7.1	5	17.9	0	0.0
SEVENTH CIRCUIT	123	80	65.0	22	22	17.9	5	4	4.1	12	9.8	4	3.3
Illinois													
Central	7	3	42.9	3	3	42.9	0	0	0.0	1	14.3	0	0.0
Northern	53	37	69.8	9	9	17.0	4	3	7.5	2	3.8	1	1.9
Southern	15	10	66.7	2	2	13.3	0	0	0.0	3	20.0	0	0.0
Indiana													
Northern	15	8	53.3	1	1	6.7	0	0	0.0	4	26.7	2	13.3
Southern	14	7	50.0	4	4	28.6	0	0	0.0	2	14.3	1	7.1
Wisconsin													
Eastern	11	7	63.6	3	3	27.3	1	1	9.1	0	0.0	0	0.0
Western	8	8	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	280	210	75.0	23	23	8.2	5	3	1.8	39	13.9	3	1.1
Arkansas													
Eastern	17	11	64.7	0	0	0.0	0	0	0.0	6	35.3	0	0.0
Western	11	11	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	50	44	88.0	3	3	6.0	1	1	2.0	1	2.0	1	2.0
Southern	40	36	90.0	1	1	2.5	1	1	2.5	1	2.5	1	2.5
Minnesota	51	33	64.7	6	6	11.8	2	0	3.9	10	19.6	0	0.0
Missouri													
Eastern	31	21	67.7	5	5	16.1	0	0	0.0	5	16.1	0	0.0
Western	39	26	66.7	4	4	10.3	1	1	2.6	8	20.5	0	0.0
Nebraska	18	14	77.8	1	1	5.6	0	0	0.0	3	16.7	0	0.0
North Dakota	10	5	50.0	2	2	20.0	0	0	0.0	2	20.0	1	10.0
South Dakota	13	9	69.2	1	1	7.7	0	0	0.0	3	23.1	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	443	291	65.7	76	76	17.2	17	16	3.8	51	11.5	8	1.8
Alaska	8	7	87.5	0	0	0.0	0	0	0.0	1	12.5	0	0.0
Arizona	63	39	61.9	12	12	19.0	3	3	4.8	9	14.3	0	0.0
California													
Central	76	43	56.6	14	14	18.4	4	3	5.3	10	13.2	5	6.6
Eastern	34	25	73.5	4	4	11.8	2	2	5.9	3	8.8	0	0.0
Northern	29	17	58.6	6	6	20.7	2	2	6.9	3	10.3	1	3.4
Southern	87	72	82.8	10	10	11.5	1	1	1.1	3	3.4	1	1.1
Guam	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	12	8	66.7	2	2	16.7	0	0	0.0	2	16.7	0	0.0
Idaho	16	12	75.0	2	2	12.5	0	0	0.0	2	12.5	0	0.0
Montana	24	16	66.7	4	4	16.7	0	0	0.0	4	16.7	0	0.0
Nevada	32	14	43.8	9	9	28.1	3	3	9.4	6	18.8	0	0.0
Northern Mariana Islands	4	1	25.0	1	1	25.0	1	1	25.0	0	0.0	1	25.0
Oregon	16	12	75.0	3	3	18.8	0	0	0.0	1	6.3	0	0.0
Washington													
Eastern	18	13	72.2	3	3	16.7	0	0	0.0	2	11.1	0	0.0
Western	23	11	47.8	6	6	26.1	1	1	4.3	5	21.7	0	0.0
TENTH CIRCUIT	131	74	56.5	22	22	16.8	0	0	0.0	34	26.0	1	0.8
Colorado	32	16	50.0	6	6	18.8	0	0	0.0	10	31.3	0	0.0
Kansas	29	18	62.1	5	5	17.2	0	0	0.0	6	20.7	0	0.0
New Mexico	26	10	38.5	7	7	26.9	0	0	0.0	9	34.6	0	0.0
Oklahoma													
Eastern	4	4	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	3	1	33.3	1	1	33.3	0	0	0.0	1	33.3	0	0.0
Western	17	13	76.5	0	0	0.0	0	0	0.0	4	23.5	0	0.0
Utah	13	6	46.2	3	3	23.1	0	0	0.0	4	30.8	0	0.0
Wyoming	7	6	85.7	0	0	0.0	0	0	0.0	0	0.0	1	14.3
ELEVENTH CIRCUIT	447	365	81.7	26	26	5.8	10	10	2.2	45	10.1	1	0.2
Alabama													
Middle	16	15	93.8	1	1	6.3	0	0	0.0	0	0.0	0	0.0
Northern	13	11	84.6	1	1	7.7	0	0	0.0	1	7.7	0	0.0
Southern	9	5	55.6	1	1	11.1	0	0	0.0	3	33.3	0	0.0
Florida													
Middle	110	84	76.4	7	7	6.4	2	2	1.8	17	15.5	0	0.0
Northern	27	26	96.3	0	0	0.0	1	1	3.7	0	0.0	0	0.0
Southern	168	138	82.1	13	13	7.7	5	5	3.0	11	6.5	1	0.6
Georgia													
Middle	30	25	83.3	1	1	3.3	0	0	0.0	4	13.3	0	0.0
Northern	58	47	81.0	2	2	3.4	2	2	3.4	7	12.1	0	0.0
Southern	16	14	87.5	0	0	0.0	0	0	0.0	2	12.5	0	0.0

¹ Of the 7,038 appeals cases, 3,224 involved an appeal of the original sentence by the offender. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,421), *Anders* Brief (1,345), 'unknown' (137), the appeal was by the government only (13), the appeal was of an issue related to a post sentencing matter (451), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (447). Descriptions of variables used in this table are provided in Appendix A.

² 'Remanded' includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

Table A-3
DISPOSITION OF GOVERNMENT ORIGINAL SENTENCING APPEALS
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	25	6	24.0	18	18	72.0	1	1	4.0	0	0.0	0	0.0
D.C. CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
District of Columbia	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
FIRST CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Maine	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Hampshire	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Rhode Island	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Connecticut	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New York													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Vermont	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	3	0	0.0	3	3	100.0	0	0	0.0	0	0.0	0	0.0
Delaware	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Maryland	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Carolina													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Carolina	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virginia													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
West Virginia													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Louisiana													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Texas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SIXTH CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kentucky													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Ohio													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Tennessee													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Illinois													
Central	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wisconsin													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arkansas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Minnesota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Missouri													
Eastern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nebraska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	9	2	22.2	6	6	66.7	1	1	11.1	0	0.0	0	0.0
Alaska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
California													
Central	5	0	0.0	4	4	80.0	1	1	20.0	0	0.0	0	0.0
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Idaho	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Montana	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nevada	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
TENTH CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Colorado	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Mexico	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Oklahoma													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Utah	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wyoming	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Alabama													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Georgia													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

¹ Of the 7,038 appeals cases, 25 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was conviction only' (1,421), 'Anders Brief' (1,345), 'unknown' (137), the appeal was by the offender only (4,110), the appeal was of an issue related to a post sentencing matter (451), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (447). Descriptions of variables used in this table are provided in Appendix A.

² 'Remanded' includes cases that were remanded for sentencing purposes.

Table A-4
GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
OFFENDER APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2018

GUIDELINE	N	%
NUMBER OF OFFENDER APPEALS	476	--
§4B1.2 (Definitions for Career Offender)	43	9.0
§2K2.1 (Firearms)	40	8.4
§5E1.1 (Restitution)	36	7.6
§5D1.3 (Conditions of Supervised Release)	34	7.1
§4B1.4 (Armed Career Criminal)	29	6.1
§2L1.2 (Unlawfully Entering or Remaining in the United States)	29	6.1
§2B1.1 (Larceny, Embezzlement, and Theft)	17	3.6
§2D1.1 (Drug Trafficking)	14	2.9
§5D1.2 (Terms of Supervised Release)	12	2.5
§1B1.3 (Relevant Conduct)	10	2.1
§4A1.1 (Criminal History Category)	9	1.9
§3B1.1 (Aggravating Role)	8	1.7
§4B1.1 (Career Offender)	8	1.7
§4A1.2 (Definitions and Instructions of Criminal History)	7	1.5
§3B1.2 (Mitigating Role)	7	1.5
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	7	1.5
§1B1.11 (Use of Guideline Manual in Effect at Sentencing)	7	1.5
§3C1.1 (Obstruction of Justice)	7	1.5
§3E1.1 (Acceptance of Responsibility)	6	1.3
§5E1.4 (Forfeiture)	6	1.3
§6A1.3 (Resolution of Disputed Factors)	6	1.3
§5C1.2 (Limitation on Applicability of Statutory Minimums)	5	1.1
§3D1.4 (Determining the Combined Offense Level)	4	0.8
§2B3.1 (Robbery)	4	0.8
§5E1.2 (Fines for Individual Defendants)	3	0.6
§3A1.2 (Official Victim)	3	0.6
Reasonableness Issues	356	74.8
Other Non-guideline Issues	190	39.9
Other Guidelines	41	8.6
Constitutional Issues	25	5.3

¹ Based on 3,224 appeals by offenders of the original sentence. Of these 3,224 appeals, 2,748 were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. The 'Other Guideline' category includes all guidelines appealed less than three times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

Table A-5
GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2018

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	19	--
§4B1.2 (Definitions for Career Offender)	6	31.6
§2K2.1 (Firearms)	3	15.8
§2D1.1 (Drug Trafficking)	3	15.8
§4B1.4 (Armed Career Criminal)	2	10.5
§5G1.1 (Sentencing on a Single Count of Conviction)	1	5.3
§5E1.1 (Restitution)	1	5.3
§4B1.1 (Career Offender)	1	5.3
§3B1.1 (Aggravating Role)	1	5.3
§5C1.2 (Limitation on Applicability of Statutory Minimums)	1	5.3
Reasonableness Issues	17	89.5
Other Non-guideline Issues	7	36.8

¹ Based on 25 appeals by the government of the original sentence. Of these 25 appeals, six were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

Table A-6

**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE
ORIGINAL SENTENCE WAS REVERSED OR REMANDED¹
Fiscal Year 2018**

ISSUE	N	%
REASONABLENESS ISSUES	343	100.0
Procedural: Court improperly calculated guidelines range	276	80.5
Procedural: Court did not adequately explain the chosen sentence	24	7.0
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	21	6.1
Procedural: Court selected a sentence based on clearly erroneous facts	11	3.2
Substantive: Unreasonable weighing decision	7	2.0
Substantive: General	3	0.9
Procedural: General	1	0.3

¹ Based on 4,135 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,135, 3,237 were appeals of the original sentence. Of these 3,237 appeals of the original sentence, 494 were reversed or remanded. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals that were reversed or remanded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

Table A-7

**OFFENSE AND OFFENDER CHARACTERISTICS IN
ORIGINAL SENTENCE APPEALS CASES
Fiscal Year 2018**

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES ¹		DISTRICT COURT CASES ²	
	N	%	N	%
Race of Offender				
White	820	25.9	14,527	21.2
Black	1,182	37.3	14,167	20.6
Hispanic	1,043	32.9	37,287	54.3
Other	126	4.0	2,639	3.8
TOTAL	3,171	100.0	68,620	100.0
Gender of Offender				
Male	2,959	93.2	60,293	87.0
Female	216	6.8	8,997	13.0
TOTAL	3,175	100.0	69,290	100.0
Education of Offender				
Less than High School Graduate	1,102	34.9	29,119	46.8
High School Graduate	1,145	36.3	18,885	30.3
Some College	629	19.9	10,593	17.0
College Graduate	282	8.9	3,637	5.8
TOTAL	3,158	100.0	62,234	100.0
Citizenship of Offender				
U.S. Citizen	2,447	77.2	39,458	57.3
Non-U.S. Citizen	723	22.8	29,445	42.7
TOTAL	3,170	100.0	68,903	100.0
Criminal History Category				
Category I	1,024	32.3	31,738	46.2
Category II	320	10.1	9,659	14.1
Category III	432	13.6	10,965	16.0
Category IV	404	12.7	6,427	9.4
Category V	280	8.8	3,802	5.5
Category VI	714	22.5	6,112	8.9
TOTAL	3,174	100.0	68,703	100.0
Mandatory Minimum				
No Mandatory Minimum	1,895	59.7	53,197	76.6
Gun Mandatory Minimum	357	11.2	2,095	3.0
Drug Mandatory Minimum	512	16.1	10,565	15.2
Gun and Drug Mandatory Minimum	72	2.3	738	1.1
Other Mandatory Minimum	339	10.7	2,830	4.1
TOTAL	3,175	100.0	69,425	100.0

¹ Based on 4,135 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,135 cases, 3,237 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2018 (MONFY89, MONFY90, USSCFY91-USSCFY18). Of the 3,237 cases, 62 could not be matched with its original case.

² All individual offender original sentencings in fiscal year 2018. Totals may vary slightly due to the different numbers of missing cases by specific variables. Descriptions of variables used in this table are provided in Appendix A.

Table A-8

**SENTENCE LENGTH FOR OFFENDERS IN ORIGINAL SENTENCE
APPEALS CASES BY TYPE OF CRIME
Fiscal Year 2018**

TYPE OF CRIME	APPELLATE COURT CASES ¹				DISTRICT COURT CASES ²			
	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
TOTAL	2,128	100.0	123	90	69,425	100.0	44	20
Administration of Justice	6	0.3	42	36	730	1.1	13	9
Antitrust	2	0.1	--	--	53	0.1	5	1
Arson	1	0.0	--	--	55	0.1	65	48
Assault	37	1.7	166	151	692	1.0	56	33
Bribery/Corruption	11	0.5	44	24	317	0.5	23	15
Burglary/Trespass	1	0.0	--	--	41	0.1	21	18
Child Pornography	80	3.8	182	136	1,416	2.0	104	87
Commercialized Vice	2	0.1	--	--	146	0.2	17	8
Drug Possession	1	0.0	--	--	777	1.1	3	1
Drug Trafficking	623	29.3	154	140	18,747	27.0	76	60
Environmental	3	0.1	32	33	203	0.3	3	0
Extortion/Racketeering	3	0.1	209	87	288	0.4	39	27
Firearms	410	19.3	104	84	7,512	10.8	53	41
Food and Drug	0	0.0	--	--	43	0.1	8	0
Forgery/Counter/Copyright	9	0.4	31	24	298	0.4	14	12
Fraud/Theft/Embezzlement	234	11.0	63	50	6,620	9.5	23	12
Immigration	314	14.8	38	33	23,883	34.4	10	6
Individual Rights	7	0.3	51	48	67	0.1	27	12
Kidnapping	15	0.7	287	290	106	0.2	179	138
Manslaughter	10	0.5	102	84	61	0.1	65	40
Money Laundering	42	2.0	171	108	1,297	1.9	59	35
Murder	23	1.1	368	400	318	0.5	291	292
National Defense	9	0.4	208	144	204	0.3	52	30
Obscenity/Other Sex Offenses	29	1.4	33	30	384	0.6	19	18
Prison Offenses	17	0.8	34	27	568	0.8	12	11
Robbery	104	4.9	166	148	1,720	2.5	106	88
Sexual Abuse	103	4.8	284	276	1,067	1.5	191	180
Stalking/Harassing	6	0.3	55	59	213	0.3	30	24
Tax	19	0.9	39	41	577	0.8	17	12
Other	7	0.3	35	18	1,022	1.5	3	0

¹ Based on 4,135 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,135 cases, 3,237 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2018 (MONFY89, MONFY90, USSCFY91-USSCFY18). Of the 3,237 cases, 62 could not be matched with its original case. Of 3,175 matched cases, 2,128 were sentenced in Fiscal Years 2017 and 2018 and had updated data on the type of crime. Descriptions of variables used in this table are provided in Appendix A.

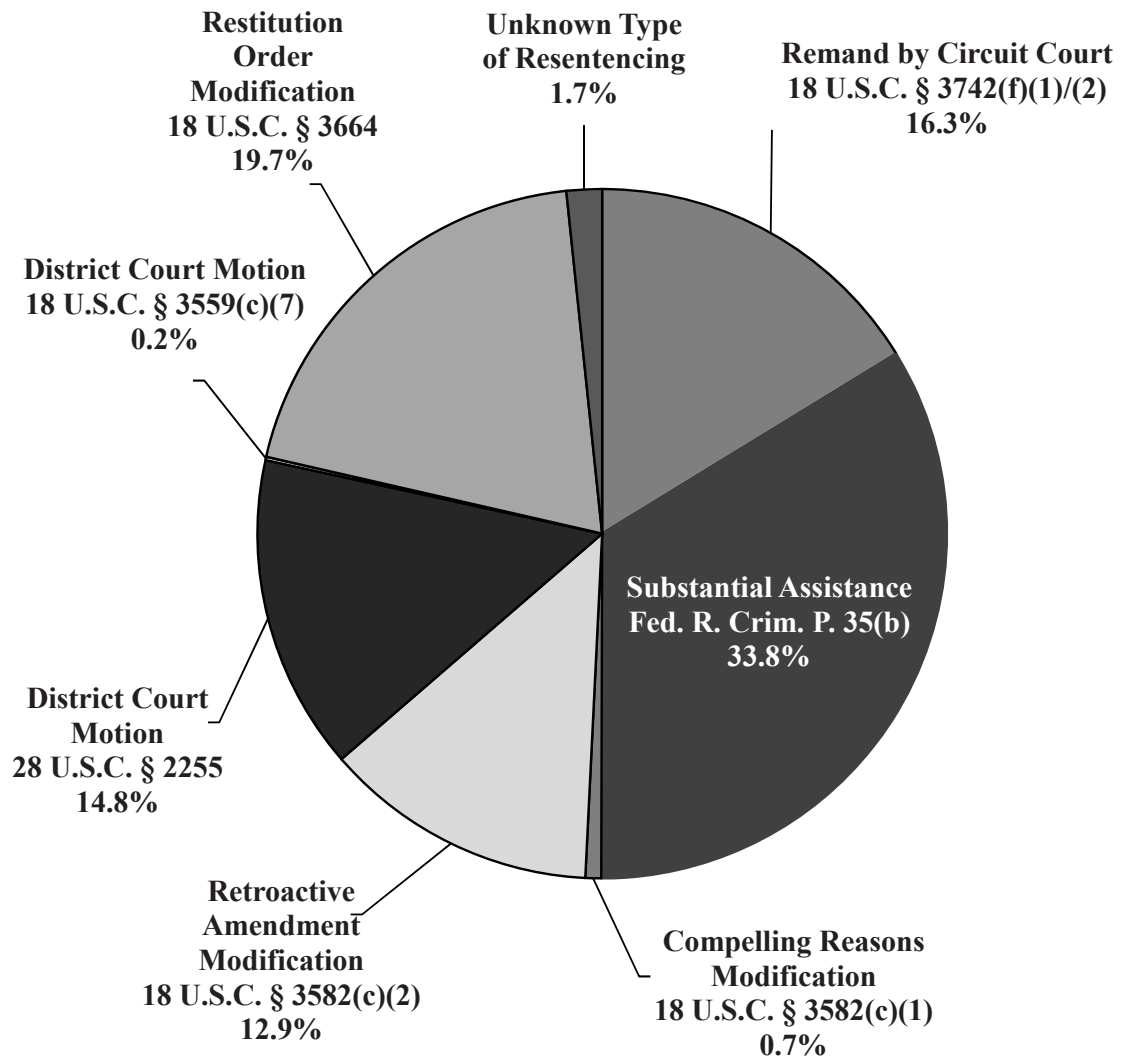
² All individual offender original sentencings in fiscal year 2018.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.

RESENTENCINGS AND OTHER MODIFICATIONS OF SENTENCE

Figure R

**DISTRIBUTION OF OFFENDERS BY TYPE OF RESENTENCING
OR OTHER MODIFICATION OF SENTENCE¹**
Fiscal Year 2018



¹ This figure includes the 3,241 resentencing cases reported to the Commission. Modification of supervision conditions is a type of resentencing, but information was not collected for this type of case. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Resentencing Datafile, RESENTFY18.

Table R
TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		Unknown Type Of Resentencing	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	3,241	1,095	33.8	640	19.7	527	16.3	5	0.2	479	14.8	24	0.7	417	12.9	54	1.7
D.C. CIRCUIT	16	2	12.5	2	12.5	7	43.8	0	0.0	2	12.5	0	0.0	3	18.8	0	0.0
District of Columbia	16	2	12.5	2	12.5	7	43.8	0	0.0	2	12.5	0	0.0	3	18.8	0	0.0
FIRST CIRCUIT	125	19	15.2	26	20.8	25	20.0	1	0.8	42	33.6	0	0.0	11	8.8	1	0.8
Maine	25	11	44.0	3	12.0	1	4.0	0	0.0	10	40.0	0	0.0	0	0.0	0	0.0
Massachusetts	38	4	10.5	0	0.0	8	21.1	0	0.0	25	65.8	0	0.0	0	0.0	1	2.6
New Hampshire	9	2	22.2	3	33.3	1	11.1	0	0.0	1	11.1	0	0.0	2	22.2	0	0.0
Puerto Rico	42	2	4.8	12	28.6	15	35.7	1	2.4	3	7.1	0	0.0	9	21.4	0	0.0
Rhode Island	11	0	0.0	8	72.7	0	0.0	0	0.0	3	27.3	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	142	28	19.7	48	33.8	33	23.2	0	0.0	17	12.0	1	0.7	14	9.9	1	0.7
Connecticut	5	0	0.0	0	0.0	3	60.0	0	0.0	2	40.0	0	0.0	0	0.0	0	0.0
New York																	
Eastern	33	5	15.2	13	39.4	6	18.2	0	0.0	4	12.1	0	0.0	5	15.2	0	0.0
Northern	6	0	0.0	0	0.0	5	83.3	0	0.0	0	0.0	0	0.0	1	16.7	0	0.0
Southern	69	15	21.7	28	40.6	15	21.7	0	0.0	6	8.7	1	1.4	3	4.3	1	1.4
Western	23	7	30.4	6	26.1	4	17.4	0	0.0	1	4.3	0	0.0	5	21.7	0	0.0
Vermont	6	1	16.7	1	16.7	0	0.0	0	0.0	4	66.7	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	107	20	18.7	21	19.6	23	21.5	0	0.0	28	26.2	3	2.8	12	11.2	0	0.0
Delaware	5	0	0.0	3	60.0	0	0.0	0	0.0	0	0.0	0	0.0	2	40.0	0	0.0
New Jersey	25	5	20.0	7	28.0	10	40.0	0	0.0	1	4.0	0	0.0	2	8.0	0	0.0
Pennsylvania																	
Eastern	48	9	18.8	5	10.4	11	22.9	0	0.0	19	39.6	1	2.1	3	6.3	0	0.0
Middle	12	2	16.7	1	8.3	0	0.0	0	0.0	4	33.3	1	8.3	4	33.3	0	0.0
Western	17	4	23.5	5	29.4	2	11.8	0	0.0	4	23.5	1	5.9	1	5.9	0	0.0
Virgin Islands	0	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--
FOURTH CIRCUIT	472	225	47.7	52	11.0	39	8.3	2	0.4	92	19.5	2	0.4	55	11.7	5	1.1
Maryland	31	4	12.9	6	19.4	7	22.6	0	0.0	7	22.6	0	0.0	4	12.9	3	9.7
North Carolina																	
Eastern	56	11	19.6	1	1.8	7	12.5	0	0.0	13	23.2	0	0.0	24	42.9	0	0.0
Middle	30	5	16.7	1	3.3	8	26.7	0	0.0	11	36.7	0	0.0	4	13.3	1	3.3
Western	47	11	23.4	23	48.9	6	12.8	0	0.0	6	12.8	1	2.1	0	0.0	0	0.0
South Carolina	79	45	57.0	5	6.3	5	6.3	2	2.5	14	17.7	1	1.3	6	7.6	1	1.3
Virginia																	
Eastern	157	139	88.5	1	0.6	1	0.6	0	0.0	9	5.7	0	0.0	7	4.5	0	0.0
Western	48	5	10.4	11	22.9	2	4.2	0	0.0	22	45.8	0	0.0	8	16.7	0	0.0
West Virginia																	
Northern	10	1	10.0	2	20.0	2	20.0	0	0.0	5	50.0	0	0.0	0	0.0	0	0.0
Southern	14	4	28.6	2	14.3	1	7.1	0	0.0	5	35.7	0	0.0	2	14.3	0	0.0

Table R (cont.)

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		Unknown Type Of Resentencing	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	379	122	32.2	44	11.6	91	24.0	1	0.3	29	7.7	6	1.6	79	20.8	7	1.8
Louisiana																	
Eastern	21	6	28.6	8	38.1	4	19.0	0	0.0	2	9.5	0	0.0	1	4.8	0	0.0
Middle	10	0	0.0	1	10.0	1	10.0	0	0.0	8	80.0	0	0.0	0	0.0	0	0.0
Western	9	2	22.2	0	0.0	1	11.1	0	0.0	3	33.3	0	0.0	3	33.3	0	0.0
Mississippi																	
Northern	2	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0
Southern	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Texas																	
Eastern	83	56	67.5	4	4.8	5	6.0	1	1.2	1	1.2	3	3.6	13	15.7	0	0.0
Northern	67	20	29.9	10	14.9	16	23.9	0	0.0	4	6.0	0	0.0	17	25.4	0	0.0
Southern	122	16	13.1	10	8.2	55	45.1	0	0.0	4	3.3	1	0.8	36	29.5	0	0.0
Western	64	20	31.3	11	17.2	9	14.1	0	0.0	7	10.9	2	3.1	9	14.1	6	9.4
SIXTH CIRCUIT	271	75	27.7	43	15.9	55	20.3	0	0.0	50	18.5	3	1.1	40	14.8	5	1.8
Kentucky																	
Eastern	21	6	28.6	8	38.1	5	23.8	0	0.0	1	4.8	0	0.0	1	4.8	0	0.0
Western	5	3	60.0	0	0.0	0	0.0	0	0.0	1	20.0	0	0.0	1	20.0	0	0.0
Michigan																	
Eastern	54	17	31.5	15	27.8	13	24.1	0	0.0	2	3.7	1	1.9	5	9.3	1	1.9
Western	31	18	58.1	7	22.6	5	16.1	0	0.0	0	0.0	0	0.0	1	3.2	0	0.0
Ohio																	
Northern	19	1	5.3	3	15.8	10	52.6	0	0.0	4	21.1	0	0.0	0	0.0	1	5.3
Southern	30	14	46.7	6	20.0	4	13.3	0	0.0	2	6.7	1	3.3	1	3.3	2	6.7
Tennessee																	
Eastern	64	9	14.1	0	0.0	8	12.5	0	0.0	24	37.5	1	1.6	22	34.4	0	0.0
Middle	19	1	5.3	3	15.8	7	36.8	0	0.0	7	36.8	0	0.0	1	5.3	0	0.0
Western	28	6	21.4	1	3.6	3	10.7	0	0.0	9	32.1	0	0.0	8	28.6	1	3.6
SEVENTH CIRCUIT	200	90	45.0	25	12.5	43	21.5	0	0.0	22	11.0	0	0.0	18	9.0	2	1.0
Illinois																	
Central	35	20	57.1	2	5.7	3	8.6	0	0.0	6	17.1	0	0.0	4	11.4	0	0.0
Northern	44	3	6.8	9	20.5	21	47.7	0	0.0	6	13.6	0	0.0	4	9.1	1	2.3
Southern	52	45	86.5	0	0.0	1	1.9	0	0.0	1	1.9	0	0.0	5	9.6	0	0.0
Indiana																	
Northern	13	4	30.8	1	7.7	4	30.8	0	0.0	1	7.7	0	0.0	2	15.4	1	7.7
Southern	22	1	4.5	4	18.2	7	31.8	0	0.0	7	31.8	0	0.0	3	13.6	0	0.0
Wisconsin																	
Eastern	20	8	40.0	6	30.0	5	25.0	0	0.0	1	5.0	0	0.0	0	0.0	0	0.0
Western	14	9	64.3	3	21.4	2	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	415	172	41.4	57	13.7	38	9.2	0	0.0	76	18.3	1	0.2	63	15.2	8	1.9
Arkansas																	
Eastern	52	37	71.2	2	3.8	3	5.8	0	0.0	10	19.2	0	0.0	0	0.0	0	0.0
Western	7	2	28.6	1	14.3	2	28.6	0	0.0	1	14.3	0	0.0	1	14.3	0	0.0
Iowa																	
Northern	23	14	60.9	0	0.0	6	26.1	0	0.0	3	13.0	0	0.0	0	0.0	0	0.0
Southern	17	3	17.6	6	35.3	3	17.6	0	0.0	3	17.6	0	0.0	0	0.0	2	11.8
Minnesota	46	0	0.0	29	63.0	9	19.6	0	0.0	3	6.5	0	0.0	3	6.5	2	4.3
Missouri																	
Eastern	50	11	22.0	3	6.0	3	6.0	0	0.0	33	66.0	0	0.0	0	0.0	0	0.0
Western	94	6	6.4	4	4.3	9	9.6	0	0.0	16	17.0	1	1.1	57	60.6	1	1.1
Nebraska	77	73	94.8	2	2.6	0	0.0	0	0.0	0	0.0	0	0.0	2	2.6	0	0.0
North Dakota	19	6	31.6	2	10.5	2	10.5	0	0.0	7	36.8	0	0.0	0	0.0	2	10.5
South Dakota	30	20	66.7	8	26.7	1	3.3	0	0.0	0	0.0	0	0.0	0	0.0	1	3.3

Table R (cont.)

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		Unknown Type Of Resentencing	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	351	22	6.3	141	40.2	94	26.8	0	0.0	52	14.8	2	0.6	28	8.0	12	3.4
Alaska	1	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Arizona	40	2	5.0	19	47.5	9	22.5	0	0.0	4	10.0	0	0.0	5	12.5	1	2.5
California																	
Central	58	1	1.7	7	12.1	29	50.0	0	0.0	13	22.4	0	0.0	6	10.3	2	3.4
Eastern	27	3	11.1	17	63.0	4	14.8	0	0.0	0	0.0	0	0.0	2	7.4	1	3.7
Northern	34	1	2.9	22	64.7	2	5.9	0	0.0	3	8.8	0	0.0	3	8.8	3	8.8
Southern	38	2	5.3	10	26.3	17	44.7	0	0.0	2	5.3	1	2.6	4	10.5	2	5.3
Guam	2	0	0.0	0	0.0	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Idaho	7	0	0.0	5	71.4	2	28.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Montana	27	5	18.5	6	22.2	6	22.2	0	0.0	6	22.2	1	3.7	2	7.4	1	3.7
Nevada	30	2	6.7	8	26.7	10	33.3	0	0.0	9	30.0	0	0.0	1	3.3	0	0.0
Northern Mariana Islands	3	0	0.0	2	66.7	0	0.0	0	0.0	0	0.0	0	0.0	1	33.3	0	0.0
Oregon	51	3	5.9	25	49.0	5	9.8	0	0.0	13	25.5	0	0.0	3	5.9	2	3.9
Washington																	
Eastern	4	0	0.0	0	0.0	3	75.0	0	0.0	0	0.0	0	0.0	1	25.0	0	0.0
Western	26	0	0.0	20	76.9	4	15.4	0	0.0	2	7.7	0	0.0	0	0.0	0	0.0
TENTH CIRCUIT	148	46	31.1	18	12.2	29	19.6	0	0.0	24	16.2	1	0.7	25	16.9	5	3.4
Colorado	16	3	18.8	5	31.3	5	31.3	0	0.0	2	12.5	0	0.0	1	6.3	0	0.0
Kansas	43	4	9.3	5	11.6	10	23.3	0	0.0	6	14.0	0	0.0	18	41.9	0	0.0
New Mexico	14	0	0.0	2	14.3	3	21.4	0	0.0	4	28.6	0	0.0	1	7.1	4	28.6
Oklahoma																	
Eastern	4	1	25.0	0	0.0	2	50.0	0	0.0	1	25.0	0	0.0	0	0.0	0	0.0
Northern	5	1	20.0	0	0.0	0	0.0	0	0.0	4	80.0	0	0.0	0	0.0	0	0.0
Western	5	0	0.0	0	0.0	1	20.0	0	0.0	2	40.0	0	0.0	1	20.0	1	20.0
Utah	18	1	5.6	5	27.8	4	22.2	0	0.0	5	27.8	0	0.0	3	16.7	0	0.0
Wyoming	43	36	83.7	1	2.3	4	9.3	0	0.0	0	0.0	1	2.3	1	2.3	0	0.0
ELEVENTH CIRCUIT	615	274	44.6	163	26.5	50	8.1	1	0.2	45	7.3	5	0.8	69	11.2	8	1.3
Alabama																	
Middle	23	7	30.4	7	30.4	1	4.3	0	0.0	3	13.0	1	4.3	4	17.4	0	0.0
Northern	29	3	10.3	6	20.7	2	6.9	0	0.0	4	13.8	0	0.0	14	48.3	0	0.0
Southern	7	2	28.6	0	0.0	1	14.3	0	0.0	1	14.3	0	0.0	3	42.9	0	0.0
Florida																	
Middle	131	62	47.3	8	6.1	7	5.3	0	0.0	13	9.9	2	1.5	37	28.2	2	1.5
Northern	9	1	11.1	0	0.0	0	0.0	0	0.0	3	33.3	1	11.1	3	33.3	1	11.1
Southern	368	180	48.9	136	37.0	28	7.6	1	0.3	14	3.8	1	0.3	3	0.8	5	1.4
Georgia																	
Middle	10	4	40.0	0	0.0	2	20.0	0	0.0	2	20.0	0	0.0	2	20.0	0	0.0
Northern	21	5	23.8	5	23.8	7	33.3	0	0.0	1	4.8	0	0.0	3	14.3	0	0.0
Southern	17	10	58.8	1	5.9	2	11.8	0	0.0	4	23.5	0	0.0	0	0.0	0	0.0

¹ Modification of supervision conditions is a type of resentencing, but information was not collected for this type. Descriptions of variables used in this table are provided in Appendix A.

APPENDIX A

Descriptions of Datafiles and Variables

Introduction

The Commission's research program is based on data from the Federal courts. The Commission collects data regarding every felony and class A misdemeanor offense sentenced each year. To facilitate this data collection, the courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document (information/indictment), (2) the plea agreement (if any), (3) the Presentence Report (if any), (4) the Judgment and Commitment Order, and (5) the Statement of Reasons form. The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.

Tables in this report use the Commission's datafile, USSCFY18, which includes information on the 69,425 individual offenders sentenced between October 1, 2017, through September 30, 2018, for whom sentencing documents were received as of February 25, 2019. This report also provides data on 99 organizational offenders sentenced during that period. Also, this report provides data on 3,241 offenders resentenced by the district court or whose sentence was modified in some other way during that period. Finally, this report provides data on 6,901 appeals cases decided during fiscal year 2018.

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 but who have not been sentenced, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Cases in which a sentence of death was imposed also are not available in this dataset as the sentencing guidelines do not apply to those cases.

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

Variables

The following section describes the variables used in this report.

Age

The *Age* of the offender on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the offender's date of birth as reported either in the Presentence Report or in the case submission information provided by the court when submitting the case to the Commission. Offenders under the age of 18 at the time of sentencing were charged as adults for a federal felony or Class A misdemeanor.

Anders Brief

Anders Brief cases are those in which the defendant's counsel files a motion for leave to withdraw from representation, and asserts that counsel has reviewed the case and concludes there are no non-frivolous grounds for appeal; whereupon the appellate court, after independently reviewing the record and agreeing that the case is wholly frivolous, affirms the sentence and dismisses the appeal, and grants counsel's motion to withdraw. *See Anders v. California*, 386 U.S. 738 (1967).

Any Guideline

The Commission collects guideline application information on up to four guidelines in a single computation (more than one guideline can be applied through the cross-reference application in the *Guidelines Manual*). If a guideline is recorded in any of the four collected fields, then it is reported as "any guideline." Note that counts for this category may exceed the total number of offenders in any fiscal year because each offender may have multiple guideline computations and/or multiple reference guidelines applied.

Appeals

Appeals data are derived from analyses of opinions and orders from the courts of appeals. For purposes of the appeals data, an appeals case is one in which a federal court of appeals has issued an opinion or order. Opinions and orders submitted by the courts are collected and coded. All appeals cases are coded for identifying data, such as parties, disposition, date, and circuit. In cases in which the appellate court reverses or remands a sentencing issue, the sentencing issue is coded. Conviction issues are not coded.

Attribution Category for Sentences Outside the Range

All categories replicate the list of checkboxes available on the Statement of Reasons (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. The Commission 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 motion categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Circuit

Information on judicial *Circuit* is generated 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,” or “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

Conviction Type

Sentencing classification is defined in 18 U.S.C. § 3559(a). The federal sentencing guidelines apply to felony cases and Class A Misdemeanors (see USSG §1B1.9). For this reason, no information about petty offenses is recorded in the Commission’s datafiles.

Criminal History Category

Criminal History Category is derived from the Statement of Reasons provided by the sentencing court. *Criminal History Category* is taken from the Presentence Report when the Statement of Reasons is not available. While the court may disagree with Presentence Report information, the *Criminal History Category* is the same in the vast majority of cases for which both documents were received.

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 table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), indictment/information (Ind), and plea agreements (Plea). The J&C, SOR, and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the SORs are most frequently submitted; however, transcripts or partial SORs and/or 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 totals. The total documents received column is derived from adding the total number of received documents from the J&C, PSR, SOR, Ind, and Plea columns.

Downward Departure

Downward Departure consists of 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 (Departures Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures that result from government motions as well as from motions by the parties.

Downward Variance

Downward Variance consists of 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 (Court Determination for a Variance). This category includes variances which result from government motions as well as from motions by the defendant.

Drug Trafficking Guidelines

Drug Trafficking Guidelines information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The seven guidelines (USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14) represent the guidelines in Chapter Two, Part D that utilize the drug quantity table in USSG §2D1.1 (Drug Trafficking) to determine the base offense level.

Education

Information on *Education* of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Extent of Decrease

Extent of Decrease is calculated based on the difference between the sentence length (including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum (including any statutory trumps) for below range cases. Life imprisonment sentences and cases where the guideline minimum is zero months or life are excluded from all extent of decrease calculations due to the logical difficulty in calculating a decrease from these values. High values of the guideline minimum are capped at 470 months for analytical purposes.

Extent of Increase

Extent of Increase is calculated based on the difference between the guideline maximum (including any statutory trumps) and the sentence length (including any months of alternative confinement as defined in USSG §5C1.1) for above range cases. Life sentences and cases where the guideline minimum is life are excluded from all extent of increase calculations due to the logical difficulty in calculating an increase from these values. High values of the guideline minimum are capped at 470 months for analytical purposes.

Federal Offenders Sentenced

Each *Federal Offender Sentenced* or case, as recorded by the Commission, involves a single sentencing event for a single offender. Multiple counts of conviction, including counts of conviction charged on multiple indictments, are considered a single sentencing event if a single sentence was imposed for the counts on the same day at the same time by the same judge. A single offender may account for more than one case if the offender was involved in more than one sentencing event during the fiscal year. Data on co-defendants in the same sentencing will appear as separate cases.

Fines and Restitution

Fines and Restitution information is obtained from the Judgment and Commitment Order (J&C). Fine information may also include cost of supervision. Cases that receive no fine or restitution are not included in the calculation of the means. The number of cases upon which the mean is based may not equal the number of offenders ordered to pay fines and/or restitution; this is due to the failure of some J&Cs to specify the dollar amount ordered. The median of payments ordered reflects the amount located at the fiftieth percentile of all amounts ordered, excluding cases in which the amount was indeterminable or zero.

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons (SOR) form (Court Determination for a Variance). These cases are determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the SOR form for below range cases. The SOR form has specific checkboxes to indicate the origins of the variance, but cases that do not use this form may also indicate in writing the origins of the variance. Additionally, all cases with one or

more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, 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. This category does not include cases with USSG §5K1.1 Substantial Assistance departures or USSG §5K3.1 Early Disposition Program (EDP) departures.

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.

Length of Imprisonment

For cases in which a term of imprisonment was imposed, *Length of Imprisonment* reports the mean and median terms of imprisonment imposed in months. Length of imprisonment also includes any time served amounts and imprisonment under USSG §5G1.3. This information is obtained from the Judgment and Commitment Order (J&C). Mean and median imprisonment lengths are rounded to the nearest month.

Any portion of a sentence that is an alternative confinement as described in USSG §5C1.1 is excluded. Cases in which a term of imprisonment is ordered, but where the length is indeterminable, also are excluded. When sentences are expressed as “time served” on the J&C, Commission staff uses the dates in federal custody to determine the length of time served provided the offender has been in custody the entire time. If the offender has been in and out of custody, or the start date is unclear or missing, then the Commission assigns a value of one day as a minimal time served amount for these cases.

In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any 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. Sentences of greater than 470 months are also reported as 470 months. The footnote in the relevant tables and figures indicates when this occurs.

Length of Supervised Release

For cases in which a term of supervised release was imposed, *Length of Supervised Release* reports the mean and median terms of supervised release imposed in months. This information is obtained from the Judgment and Commitment Order. Cases in which a term of supervised release is ordered, but where the length is indeterminable, are excluded. In cases where the court imposes a supervised release term of lifetime supervision, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life terms of supervised release are reported as 470 months, a length consistent with the Commission's assignment of 470 months for life imprisonment sentences.

Mandatory Minimum Penalties

Information on *Mandatory Minimum Penalties* is obtained from the Presentence Report and represents the assessment of the probation officer. The sentencing court may alter this mandatory minimum penalty information; occasionally, such changes are not reflected in the documents received by the Commission.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Trial* category.

Non-Government Departure

Non-Government Departure consists of cases in which the sentence imposed was outside the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures Pursuant to the Guidelines Manual) other than USSG §5K1.1 or USSG §5K3.1, and where the government did not initiate, propose, or stipulate to the sentence.

Non-Government Variance

Non-Government Variance consists of cases in which the sentence imposed was outside the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form (Court Determination for a Variance), and where the government did not initiate, propose, or stipulate to the sentence.

Non-Prison Sentence

Non-Prison Sentence includes sentences including probation and/or any alternative confinement, as described in USSG §5C1.1 (*i.e.*, the entire sentence was not incarceration in jail/prison only).

Number of Employees

The *Number of Employees* identifies the number of persons employed by an organizational offender. This information is obtained from the Presentence Report. The number includes full-time workers, part-time workers, hourly workers, seasonal workers, and contractors. If the organization has undergone a significant down-sizing since the offense was detected by the authorities, the number of employees at the time of the offense is used for this variable.

Offense Level

The final *Offense Level* used in these tables is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, the offense level is taken from the Presentence Report.

Organizations

Organization is a “person other than an individual.” See 18 U.S.C. § 18. The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.

Other Government Motion (Downward Departure)

Other Government Motion is determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the Statement of Reasons (SOR) for below range cases. The SOR form has specific checkboxes 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. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, 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. This category does not include cases with USSG §5K3.1 Early Disposition Program (EDP) departures or USSG §5K1.1 Substantial Assistance departures.

Ownership Structure

The *Ownership Structure* identifies the legal status of an organizational offender. This information is obtained from the Presentence Report. If an organization is incorporated but is not openly traded, it is classified as “Closely-held or Private.” If the financial statements in the presentence investigation report are termed “unaudited,” then the company is also classified as “Closely-held or Private.”

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Guideline range information is taken from the Statement of Reasons form and sentence information is taken from the Judgement and Commitment Order.

The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the lower-half of the range (when not at the guideline minimum); the exact midpoint of the range; the upper-half of the range (when not at the guideline maximum) and the guideline maximum. The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. For cases in which USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the minimum of the range are removed according to 18 U.S.C. § 3553(f).

In cases in which the sentence is located outside the available sentencing range, departure and/or variance information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each category may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Drug Type

Information on *Primary 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 an offense under title 21 of the United States Code 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 *Fentanyl* are those cases that involve Alpha-Methylfentanyl. 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 trafficking guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “Other” drug category.

Primary Guideline

When more than one sentencing guideline is applied in a case, the *Primary Guideline* is the guideline that has the highest adjusted offense level (this includes the Base Offense Level, all applicable Specific Offense Characteristics, and Chapter Three Adjustments prior to the application of Multiple Count Units).

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 indicates 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* race category includes offenders of Native American or Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other" origin.

Reasons for Sentences Outside the Guideline Range

Reasons for Sentences Outside the Guideline Range are obtained from the Statement of Reasons when available. Because courts often provide more than one reason for sentencing outside the guideline range, the frequencies on these tables may add up to more than the number of cases.

Resentencings and Other Modification of Sentence

Using information submitted by the district courts, *Resentencings and Other Modifications of Sentence* are classified into eight different categories:

Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2)): Cases in which the original sentence is remanded to the district court by a court of appeals. The possible grounds for this include: (1) the sentence violated the law, (2) the guidelines were incorrectly applied, (3) the sentence is outside the applicable guideline range and the court failed to adequately explain why, (4) the sentence is outside the applicable guideline range and the court relied upon an impermissible reason, (5) the sentence is outside the applicable guideline range and the court departed to an unreasonable degree, or (6) there was no applicable guideline and the sentence is plainly unreasonable;

Direct Motion to District Court Pursuant to 18 U.S.C. § 3559(c)(7): Cases in which an offender received an aggravated penalty imposed under 18 U.S.C. § 3559(c)(7) at the time of original sentence and where a prior conviction for a serious violent felony or serious drug offense that triggered the aggravated penalty was overturned because it was (1) unconstitutional, (2) the offender was actually innocent, or (3) the offender was pardoned because of innocence;

Direct Motion to District Court Pursuant to 28 U.S.C. § 2255: Cases in which a district court determines that (1) the original sentence was imposed in violation of the Constitution or the law, (2) the court lacked jurisdiction to impose the sentence, (3) the sentence was greater than the maximum sentence allowed by the law, or (4) the sentence is otherwise subject to collateral attack;

Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1)): Cases in which the district court reduces an original sentence for extraordinary and compelling reasons or because the offender is at least 70 years old, has served at least 30 years for the offense for which the offender is currently imprisoned, and the Federal Bureau of Prisons (BOP) has determined that the offender is not a danger to the safety of any person or the community;

Modification of Imposed Term of Imprisonment for Retroactive Amendments to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2)): Cases in which a district court reduces the sentence for an offender who was sentenced based on a sentencing range that later was lowered by the United States Sentencing Commission and where the Commission voted to apply the lowered penalty retroactively. This reduction can occur through a motion filed by the offender, the director of the BOP, or upon the court's own motion;

Modification of Restitution Order (18 U.S.C. § 3664): Cases in which the court modifies any part of a judgment ordering restitution be paid to victims;

Reduction of Sentence for Changed Circumstances (Federal Rule of Criminal Procedure 35(b)): Cases in which the government files a motion after the original sentence is imposed requesting the court to reduce that sentence because the offender provided substantial assistance to the government; and

Unknown Type of Resentencing: Cases in which a resentencing has occurred but where the type of resentencing cannot be determined.

Safety Valve

Safety Valve cases are identified based upon the application of the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2 as described in the Statement of Reasons or Presentence Report. These criteria are considered as a specific offense characteristic in cases where USSG §2D1.1 or USSG §2D1.11 is the sentencing guideline.

The application of this specific offense characteristic requires that the offender meet the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2, which are the same criteria as in 18 U.S.C. § 3553(f). Section 3553(f) requires courts to sentence an offender without regard to any otherwise applicable mandatory minimum penalty when the criteria are met. Additionally, offenders meeting this criteria receive a reduction of two offense levels pursuant to USSG §2D1.1(b)(17) or USSG §2D1.11(b)(6). This two-level reduction can occur even if no mandatory minimum penalty might otherwise apply in the case. Both types of *Safety Valve* application are accounted for in the *Sourcebook* tables. In a small number of cases the court may not give the two-level reduction but does sentence the offender without regard to an otherwise applicable mandatory minimum penalty.

Because of the continuing refinement of the guidelines, the position of this specific offense characteristic notation within USSG §2D1.1 may vary from year to year. In the 2016 *Guidelines Manual*, the most recent manual used on the fiscal year 2018 datafile, this adjustment was identified at USSG §2D1.1(b)(17) and at USSG §2D1.11(b)(6).

Sentence Appeals Disposition

Data is derived from analysis of opinions and orders from the courts of appeals. The appeals disposition code indicates the disposition of the case. *Affirmed* cases are cases in which an appellate court holds that the judgment of the court below is correct and should stand. *Reversed* cases are those in which an appellate court sets aside, annuls, vacates, or changes to the contrary the decision of a lower court. *Affirmed and Reversed* cases are cases in which an appellate court affirmed one or more issues and reversed one or more of the issues that were appealed. *Remanded* cases are those in which the appellate court sent the case back to the lower court to address the issue under appeal. *Dismissed* cases are those an appellate court terminates without a complete trial and without issuing a holding. A dismissal of an appeal places the parties in the same condition as if no appeal had been taken or allowed, and thus acts as a confirmation of the judgment of the court below.

Sentencing Issues Appealed

Data about the issue or issues appealed are derived from analyses of opinions and orders from the courts of appeals. Each sentencing issue that is reversed or remanded by the appellate court is coded by the guideline involved and description of the particular issue addressed within that guideline. Challenges related to sentencing, but not to guideline application, are coded under categories reserved for “constitutional issues” or “other general sentencing issues.”

Sentence Imposed or Sentence Length

Sentence Imposed or Sentence Length reports the mean and median terms of the sentence imposed in months. It also includes any time served amounts and imprisonment under USSG §5G1.3. This information is obtained from the Judgment and Commitment Order (J&C). Mean and median sentence lengths are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence that 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. When sentences are expressed as “time served” on the J&C, Commission staff uses the dates in federal custody to determine the length of time served when an offender has been in custody the entire time. If the offender has been in and out of custody, or the start date is unclear/missing, then the Commission assigns a value of one day as a minimal time served amount for these cases.

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. Sentences of greater than 470 months are also reported as 470 months. The footnote in the relevant tables and figures indicates when this occurs.

Sentences Under the Guidelines Manual

This category includes offenders whose sentences are determined to be either within the guideline range or outside the guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the offender.

Type of Appeal

Data are derived from analyses of opinions and orders from the courts of appeals. The type of appeals code indicates the types of issues that are raised in the case. The types of appeals codes are: (1) sentencing issues only, (2) sentencing and conviction issues, (3) conviction issues only, (4) *Anders* Brief, and (5) unknown.

For coding purposes, an appeal involves sentencing issues when the appellant either argues that the district court erred during the sentencing phase or raises issues concerning the applicability of the guidelines to the case at hand. In some cases, the appellant is challenging some part of the plea agreement involving sentencing. These issues are also considered sentencing issues. An appeal involves conviction issues when the appellant claims some sort of error occurred during the investigation, trial, or jury deliberations that did not involve sentencing or the sentencing guidelines. *Anders* Brief cases are those where the counsel for the appellant has advised the court of appeals that he or she has conscientiously examined the case but finds the appeal to be wholly frivolous and has requested permission to withdraw. See *Anders v. California*, 386 U.S. 738 (1967). This disposition code was added in fiscal year 2010.

Type of Business

The *Type of Business* identifies the primary industry in which an organizational offender conducted business. This information is obtained from the Presentence Report.

Type of Crime

Information on *Type of Crime* is obtained from the primary guideline detailed in the Presentence Report. If the primary guideline is an “attempt/conspiracy” guideline, such as USSG §2X1.1, then the underlying guideline is used to determine the type of crime category.

If there is no primary guideline provided, then information about the type of crime category is obtained from the statutes of conviction listed on the Judgment and Commitment Order. When the “type of crime” for the case is determined from the statutes of conviction, the offense applicable to the count of conviction with the highest statutory maximum becomes the “type of crime.” If two or more counts are found to have the same statutory maximum, the “type of crime” 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 “type of crime” that best represented the nature of the criminal behavior is chosen.

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

Administration of Justice Offenses includes obstructing or impeding officers, contempt, obstruction of justice, perjury or subornation of perjury, bribery of a witness, impersonation, failure to appear by offender, failure to appear by material witness, commission of offense while on release, payment of witness, and misprision of a felony. This category includes offenders sentenced under USSG §§2A2.4, 2J1.1, 2J1.2, 2J1.3, 2J1.4, 2J1.6, 2J1.9, and 2X4.1.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under USSG §2R1.1.

Arson includes property damage by explosives and use of fire or explosives to commit a federal felony. This category includes offenders sentenced under USSG §§2K1.4 and 2K1.7 (deleted).

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, minor assault, and conspiracy that includes assault with attempt to murder. This category includes offenders sentenced under USSG §§2A2.1, 2A2.2, and 2A2.3.

Bribery/Corruption includes offenses involving public officials and violations of federal election campaign laws, bribe involving officials, bribery—bank loan/commercial, loan or gratuity to bank examiner, *etc.*, gratuity involving officials, bribe or gratuity affecting employee plan, conflict of interest, payment or receipt of unauthorized compensation, and making, receiving, or failing to report a contribution, donation, or expenditure in violation of the Federal Election Campaign Act. This category includes offenders sentenced under USSG §§2B4.1, 2C1.1, 2C1.2, 2C1.3, 2C1.4 (deleted), 2C1.5, 2C1.6 (deleted), 2C1.7 (deleted), and 2C1.8.

Burglary/Trespass includes burglary of a residence and burglary of a structure other than a residence, post office burglary, burglary of DEA premises (pharmacy), bank burglary, and trespass. This category includes offenders sentenced under USSG §§2B2.1, 2B2.2 (deleted), and 2B2.3.

Child Pornography includes the receipt or possession of materials involving the sexual exploitation of minors. This category includes offenders sentenced under USSG §§2G2.2 and 2G2.4 (deleted).

Commercialized Vice includes gambling, animal fighting, and prostitution offenses. This category includes offenders sentenced under USSG §2G1.1 where the court did not apply a Base Offense Level of 34, and all offenders sentenced under USSG §§2E3.1, 2E3.2 (deleted), and 2E3.3 (deleted).

Drug Possession includes simple possession of all drug types. This category includes offenders sentenced under USSG §2D2.1.

Drug Trafficking includes 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, establish/rent drug operation, endangering human life while manufacturing, and narco-terrorism. This category includes offenders sentenced under USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14.

Environmental includes waste discharge; specially protected fish, wildlife, and plants; recordkeeping, tampering, and falsification; tampering with a public water system; mishandling of environmental pollutants; and hazardous devices on federal lands. This category includes offenders sentenced under USSG §§2K3.1 (deleted), 2Q1.1, 2Q1.2, 2Q1.3, 2Q1.4, 2Q1.5 (deleted), 2Q1.6, 2Q2.1, and 2Q2.2 (deleted).

Extortion/Racketeering includes extortion by force, or threat of injury or serious damage, extortionate extension of credit, blackmail, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering, unlawful conduct relating to contraband cigarettes, and labor racketeering. This category includes offenders sentenced under USSG §§2B3.2, 2B3.3, 2E1.1, 2E1.2, 2E1.3, 2E1.4, 2E1.5 (deleted), 2E2.1, 2E4.1, 2E5.1, 2E5.2 (deleted), 2E5.3, 2E5.4 (deleted), 2E5.5 (deleted), and 2E5.6 (deleted).

Firearms includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving 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; use of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under USSG §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2.

Food and Drug includes tampering with risk of death or injury, providing false information or tampering with products, tampering to injure business, odometer laws and regulations, and violation of regulations involving food, drugs, *etc.* This category includes offenders sentenced under USSG §§2N1.1, 2N1.2, 2N1.3, 2N2.1, and 2N3.1.

Forgery/Counterfeiting/Copyright includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations) as well as criminal infringement of copyright or trademark. This category includes offenders sentenced under USSG §§2B5.1, 2B5.2 (deleted), 2B5.3, and 2B5.4 (deleted).

Fraud/Theft/Embezzlement includes fraud and deceit, embezzlement—property, embezzlement from labor unions, embezzlement—mail/post office, embezzlement from benefit plans, bank embezzlement, bank larceny, theft from benefit plans, other theft—mail/post office, receipt/possession of stolen property, theft from labor union, theft or damage to cultural heritage resources, insider trading, and aggravated identity theft. This category includes offenders sentenced under USSG §§2B1.1, 2B1.2 (deleted), 2B1.3 (deleted), 2B1.4, 2B1.5, 2B1.6, 2F1.1 (deleted), and 2F1.2 (deleted).

Immigration includes trafficking in U.S. passports, trafficking in entry documents, failure to surrender naturalization certificate, fraudulently acquiring U.S. passports, smuggling, transporting, or harboring an unlawful alien, fraudulently acquiring entry documents, and unlawfully entering or remaining in the U.S. This category includes offenders sentenced under USSG §§2L1.1, 2L1.2, 2L1.3 (deleted), 2L2.1, 2L2.2, 2L2.3 (deleted), 2L2.4 (deleted), and 2L2.5.

Individual 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. This category includes offenders sentenced under USSG §§2H1.1, 2H1.2 (deleted), 2H1.3 (deleted), 2H1.4 (deleted), 2H1.5 (deleted), 2H2.1, 2H3.1, 2H3.2, 2H3.3, 2H4.1, and 2H4.2.

Kidnapping includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under USSG §§2A4.1, 2A4.2, and 2A5.1.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under USSG §§2A1.3 and 2A1.4.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions. This category includes offenders sentenced under USSG §§2S1.1, 2S1.2 (deleted), 2S1.3, and 2S1.4 (deleted).

Murder includes first degree murder, second degree murder, and conspiracy or solicitation to commit murder. This category includes offenders sentenced under USSG §§2A1.1, 2A1.2, and 2A1.5.

National Defense includes treason, sabotage, espionage, evasion of military service, prohibited financial transactions and exports, providing material support to designated foreign terrorist organizations, nuclear, biological, and chemical weapons, and weapons of mass destruction. This category includes offenders sentenced under USSG §§2M1.1, 2M2.1, 2M2.2 (deleted), 2M2.3, 2M2.4 (deleted), 2M3.1, 2M3.2, 2M3.3, 2M3.4, 2M3.5, 2M3.6 (deleted), 2M3.7 (deleted), 2M3.8 (deleted), 2M3.9, 2M4.1, 2M5.1, 2M5.2, 2M5.3, 2M6.1, and 2M6.2.

Obscenity/Other Sex Offenses includes failure to register as a sex offender, recordkeeping offenses involving production of sexually explicit material, and importing, mailing, transporting, or broadcasting obscene material. This category includes offenders sentenced under USSG §§2A3.5, 2A3.6, 2G2.5, 2G3.1, and 2G3.2.

Prison Offenses includes contraband in prisons, riots in federal facilities, and escape. This category includes offenders sentenced under USSG §§2P1.1, 2P1.2, 2P1.3, and 2P1.4 (deleted).

Robbery includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under USSG §2B3.1.

Sexual Abuse includes criminal sexual abuse, sexual abuse of a minor, sexual abuse of a ward, abusive sexual contact, transportation of minor for sex, sex trafficking of children, sex trafficking of adults by force, fraud or coercion, child pornography production, and child exploitation enterprises. This category includes offenders sentenced under USSG §2G1.1 who received a Base Offense Level of 34, and all offenders sentenced under USSG §§2A3.1, 2A3.2, 2A3.3, 2A3.4, 2G1.2 (deleted), 2G1.3, 2G2.1, 2G2.3, and 2G2.6.

Stalking/Harassing includes threatening or harassing communications, hoaxes, false liens, stalking, and domestic violence. This category includes offenders sentenced under USSG §§2A6.1 and 2A6.2.

Tax includes non-payment of taxes, conspiracy to avoid taxes, offenses relating to withholding statements, aiding or advising tax fraud, failing to collect or truthfully account for and pay over taxes, failing to deposit collected taxes in required accounts after notice, alcohol and tobacco tax offenses, and customs taxes. This category includes offenders sentenced under USSG §§2T1.1, 2T1.2 (deleted), 2T1.3 (deleted), 2T1.4, 2T1.5 (deleted), 2T1.6, 2T1.7, 2T1.8, 2T1.9, 2T2.1, 2T2.2, 2T3.1, and 2T3.2 (deleted).

Other Miscellaneous Offenses includes interference with a flight crew, unlawful sale, transportation, possession, manufacturing, or importation of drug paraphernalia, distributing, importing, or exporting listed chemicals, evading reporting or recordkeeping requirements involving chemicals, acquiring a controlled substance by fraud or forgery, border tunnels and subterranean passages, and all other felony and miscellaneous offenses not previously listed in any of the other categories or covered by specific guidelines. This category includes offenders sentenced under USSG §§2A5.2, 2D1.7, 2D1.11, 2D1.12, 2D1.13, 2D2.2, 2D2.3, 2D3.1, 2X5.1, 2X5.2, and 2X7.1. In addition, this category includes offenders sentenced under USSG §§2X1.1, 2X2.1, 2X3.1, 2X6.1, and 2X7.2 if no underlying guideline was provided.

Sentence Type

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Imprisonment* category includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This category is the sum of cases in *Prison Only* and the *Prison and Alternatives* categories.

The *Total Receiving Probation* category 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 category is the sum of *Probation Only* and *Probation and Alternatives* categories.

The *Prison Only* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison and Alternatives* 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 *Probation Only* category includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Alternatives category includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

The *Fine Only* category includes the number of offenders who received no prison, no probation, and no time of alternative confinement as defined in USSG §5C1.1. Most of these offenders received a fine and/or a special assessment.

Upward Departure

Upward Departure consists of 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 (Departures Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the parties.

Upward Variance

Upward Variance consists of 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 (Court Determination for a Variance). This category includes variances which result from government motions as well as from motions by the offender.

Weapon Involvement

Weapon Involvement in a case is identified either by the application of a guideline enhancement for weapon involvement or a conviction under 18 U.S.C. § 924(c), or both. This variable does not identify cases in which a weapon is present in the offense, but the offender was not convicted of 18 U.S.C. § 924(c) or did not receive a weapon-related sentencing enhancement. It does not identify cases in which the specific enhancement can be applied for multiple reasons; for example, the specific enhancement can be applied if the offense involved either physical contact or if a dangerous weapon was possessed. Finally, this variable does not identify cases sentenced as weapon offenses under USSG Chapter Two, Part K, unless they were convicted of 18 U.S.C. § 924(c).

Within Guideline Range

Offenders are classified in this category when the sentence is within both the guideline range and within the statutory minimum and maximum. The sentence must meet minimum zone requirements as well. In rare instances when a very small departure or variance is granted, but the sentence is still within the original guideline range, the sentence is reported as within range.

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 offender was sentenced.

Zone

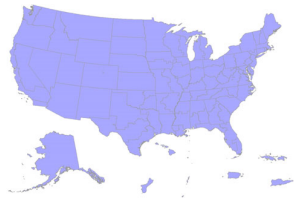
The Sentencing Table is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones. See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they apply.

APPENDIX B

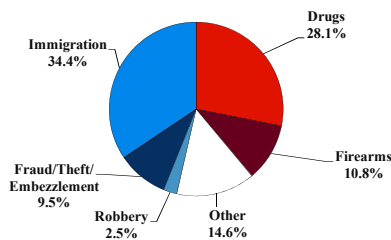
Selected National Sentencing Statistics

District at a Glance

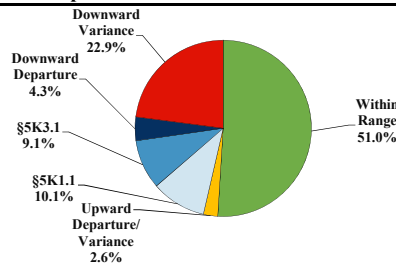
National Fiscal Year 2018



Type of Crime



Sentence Imposed Relative to the Guideline Range



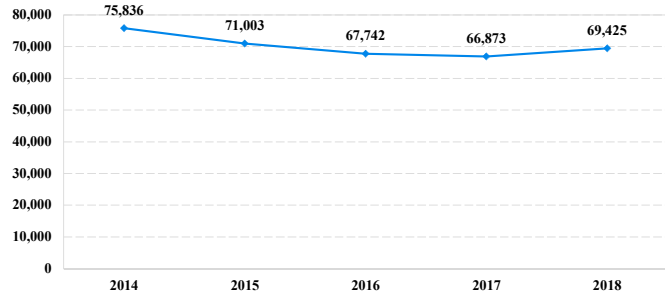
SENTENCING INFORMATION BY TYPE OF CRIME

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
Total	69,425	23,883	18,747	7,512	6,620	1,720	1,416	1,297	8,230
Mean Sentence (months)	44	10	76	53	23	106	104	59	54
Median Sentence (months)	20	6	60	41	12	88	87	35	12
IMPRISONMENT									
Total Receiving Imprisonment	63,065	22,619	18,052	7,133	4,848	1,701	1,403	1,132	6,177
Prison Only	60,976	22,390	17,366	6,865	4,472	1,631	1,371	1,082	5,799
Up to 12 Months	19,809	15,121	1,119	408	1,238	36	23	153	1,711
13 to 60 Months	25,850	7,089	7,809	4,401	2,693	487	403	528	2,440
61 to 120 Months	9,436	175	5,280	1,637	427	579	564	225	549
Over 120 Months	5,881	5	3,158	419	114	529	381	176	1,099
Prison and Alternatives	2,089	229	686	268	376	70	32	50	378
PROBATION									
Total Receiving Probation	5,838	1,263	691	376	1,683	19	13	164	1,629
Probation Only	4,444	1,113	446	250	1,214	12	8	111	1,290
Probation and Alternatives	1,394	150	245	126	469	7	5	53	339
FINE ONLY									
	522	1	4	3	89	0	0	1	424

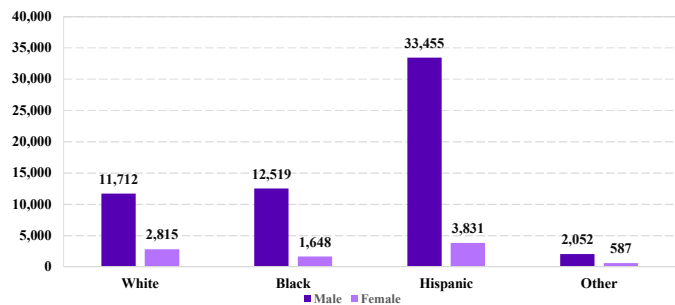
Cases with indeterminable sentence terms are excluded from the calculation of the Mean Sentence or Median Sentence category. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. Cases in the Total Receiving Prison, Total Receiving Probation, and Fine Only categories total 100 percent of all cases. Cases missing information required for a specific analysis were excluded from that analysis. Descriptions of variables used in this analysis are provided in Appendix A.

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

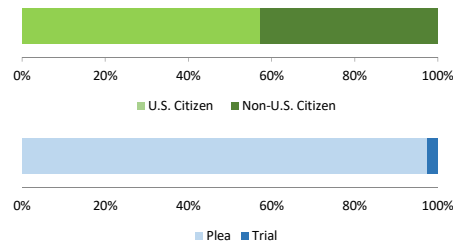
Number of Federal Offenders Over Time



Race and Gender



Citizenship, Guilty Pleas, and Trials



*Selected Sentencing Statistics by District are available on the
U.S. Sentencing Commission's website.*

<https://www.ussc.gov/research/sourcebook-2018>