

# **United States Sentencing Commission Quarterly Data Report**

**Fiscal Year 2018**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <https://isb.ussc.gov>.

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015. In fiscal year 2016, the Commission revised the format for its *Quarterly Data Reports*, to include information not previously reported on a quarterly basis, and to make it easier to understand the data that was presented.

Beginning in 2018, the Commission again updated the way it presents quarterly data. Now, all analyses that involve a comparison of the sentence imposed relative to the guideline range that applied in the case are presented in a new way. Sentences are now 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 indicated that one or more of the departure reasons in the Commission's *Guidelines Manual* was a basis for the sentence. Variance cases are those where 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.

This report reflects other methodological changes that began with fiscal year 2018 data. Principal among them is the way cases are assigned to a "type of crime" (previously called offense type). Beginning with fiscal year 2018, the guideline (or guidelines) that the court applied in determining the sentence largely determines 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. 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.

Additionally, 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

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

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2018 are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

offense type in the *Sourcebook*. This change reflects the way in which the production of child pornography is treated under the sentencing guidelines.

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.

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 *Quarterly Data Reports* released before the Final Fiscal Year 2018 *Quarterly Data Report*.

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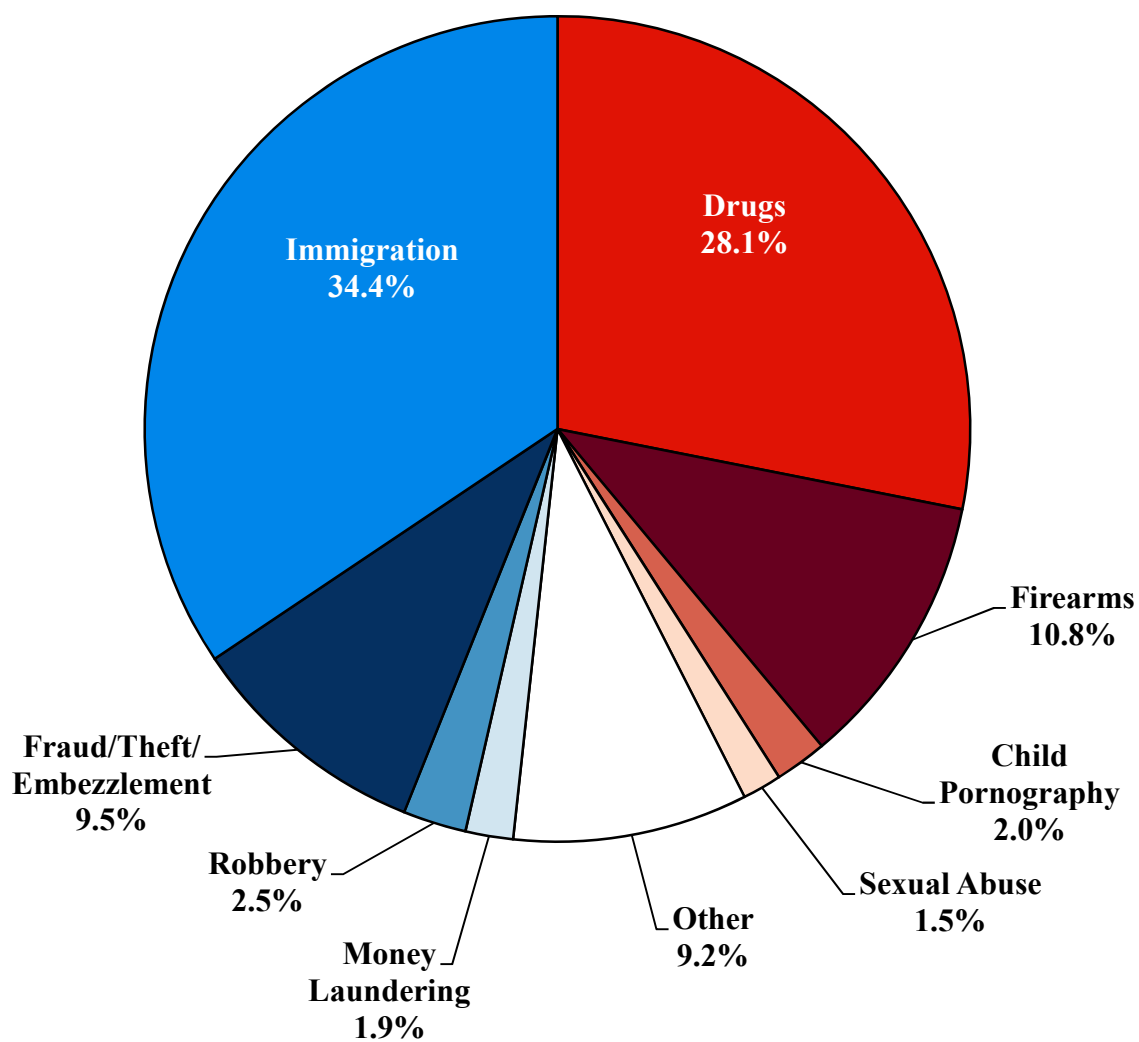
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**Figure 1**  
**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**



<sup>1</sup> 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 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

TYPE OF CRIME	N	%
<b>TOTAL</b>	<b>69,425</b>	<b>100.0</b>
Administration of Justice	730	1.1
Antitrust	53	0.1
Arson	55	0.1
Assault	692	1.0
Bribery/Corruption	317	0.5
Burglary/Trespass	41	0.1
Child Pornography	1,416	2.0
Commercialized Vice	146	0.2
Drug Possession	777	1.1
Drug Trafficking	18,747	27.0
Environmental	203	0.3
Extortion/Racketeering	288	0.4
Firearms	7,512	10.8
Food and Drug	43	0.1
Forgery/Counter/Copyright	298	0.4
Fraud/Theft/Embezzlement	6,620	9.5
Immigration	23,883	34.4
Individual Rights	67	0.1
Kidnapping	106	0.2
Manslaughter	61	0.1
Money Laundering	1,297	1.9
Murder	318	0.5
National Defense	204	0.3
Obscenity/Other Sex Offenses	384	0.6
Prison Offenses	568	0.8
Robbery	1,720	2.5
Sexual Abuse	1,067	1.5
Stalking/Harassing	213	0.3
Tax	577	0.8
Other	1,022	1.5

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 2

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2018**

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



Table 2 (cont.)

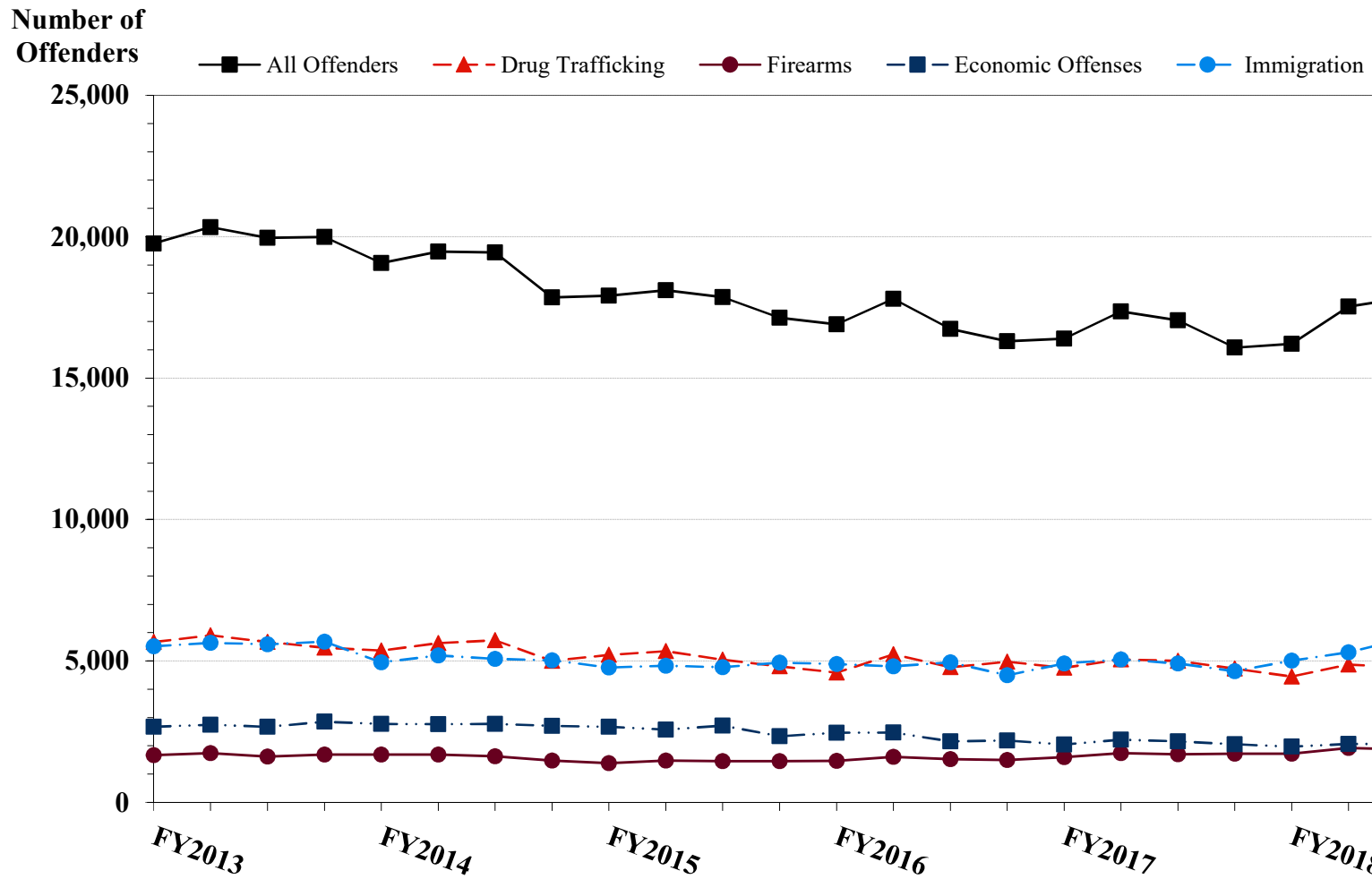
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>4,805</b>	<b>6.9</b>	<b>TENTH CIRCUIT</b>	<b>6,541</b>	<b>9.4</b>
Arkansas			Colorado	525	0.8
Eastern	453	0.7	Kansas	486	0.7
Western	238	0.3	New Mexico	3,950	5.7
Iowa			Oklahoma		
Northern	370	0.5	Eastern	96	0.1
Southern	477	0.7	Northern	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	<b>ELEVENTH CIRCUIT</b>	<b>6,596</b>	<b>9.5</b>
North Dakota	370	0.5	Alabama		
South Dakota	482	0.7	Middle	238	0.3
			Northern	517	0.7
<b>NINTH CIRCUIT</b>	<b>13,532</b>	<b>19.5</b>	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			

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

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

Figure 2

**NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES<sup>1</sup>**  
**Fiscal Years 2013 - 2018**



<sup>1</sup> The *Drug Trafficking* category includes offenders sentenced under §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, or 2D1.14. The *Firearms* category includes offenders sentenced under §§2K1.3, 2K1.4, 2K2.1, 2K2.4, or 2K2.5. The *Economic Offenses* category includes offenders sentenced under §§2B1.1, 2B1.4, 2B1.5, 2B2.1, 2B3.1, 2B3.2, 2B4.1, 2B5.1, or 2B5.3. The *Immigration* category includes offenders sentenced under §§2L1.1, 2L1.2, 2L2.1, or 2L2.2. Descriptions of variables used in this figure are provided in Appendix A.

Table 3

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>68,620</b>	<b>14,527</b>	<b>21.2</b>	<b>14,167</b>	<b>20.6</b>	<b>37,287</b>	<b>54.3</b>	<b>2,639</b>	<b>3.8</b>
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

<sup>1</sup> 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 4

**GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>69,290</b>	<b>60,293</b>	<b>87.0</b>	<b>8,997</b>	<b>13.0</b>
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

<sup>1</sup> 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 5

**CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>68,903</b>	<b>39,458</b>	<b>57.3</b>	<b>29,445</b>	<b>42.7</b>
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

<sup>1</sup> 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.

Table 6

**SENTENCE LENGTH BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

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

<sup>1</sup> Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

**SENTENCE TYPE BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>69,425</b>	<b>63,065</b>	<b>90.8</b>	<b>60,976</b>	<b>87.8</b>	<b>2,089</b>	<b>3.0</b>	<b>5,838</b>	<b>8.4</b>	<b>1,394</b>	<b>2.0</b>	<b>4,444</b>	<b>6.4</b>	<b>522</b>	<b>0.8</b>
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
Manslaughter	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

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2018**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>68,902</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>51,702</b>	<b>75.0</b>
Within Guideline Range	35,127	51.0
Upward Departure <sup>2</sup>	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 <sup>3</sup>	1,272	1.8
Non-Government Departure <sup>4</sup>	1,700	2.5
<b>VARIANCES</b>	<b>17,200</b>	<b>25.0</b>
Upward Variance <sup>5</sup>	1,404	2.0
Downward Variance		
Government Motion <sup>6</sup>	3,795	5.5
Non-Government Variance <sup>7</sup>	12,001	17.4

<sup>1</sup> This table reflects the 69,425 cases sentenced in fiscal year 2018. Of these, 523 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

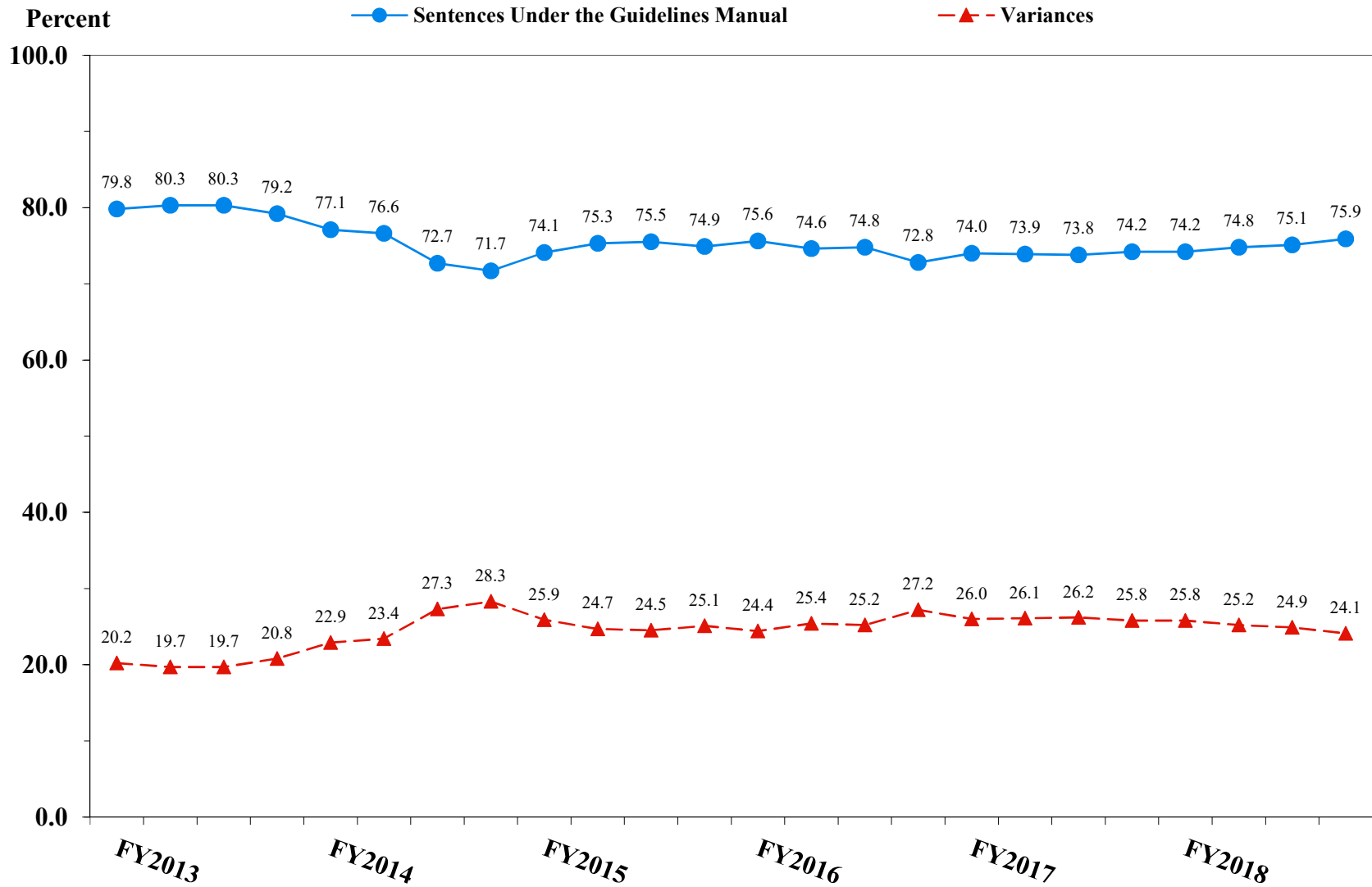
<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

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



**Figure 3**

**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2013 - 2018**

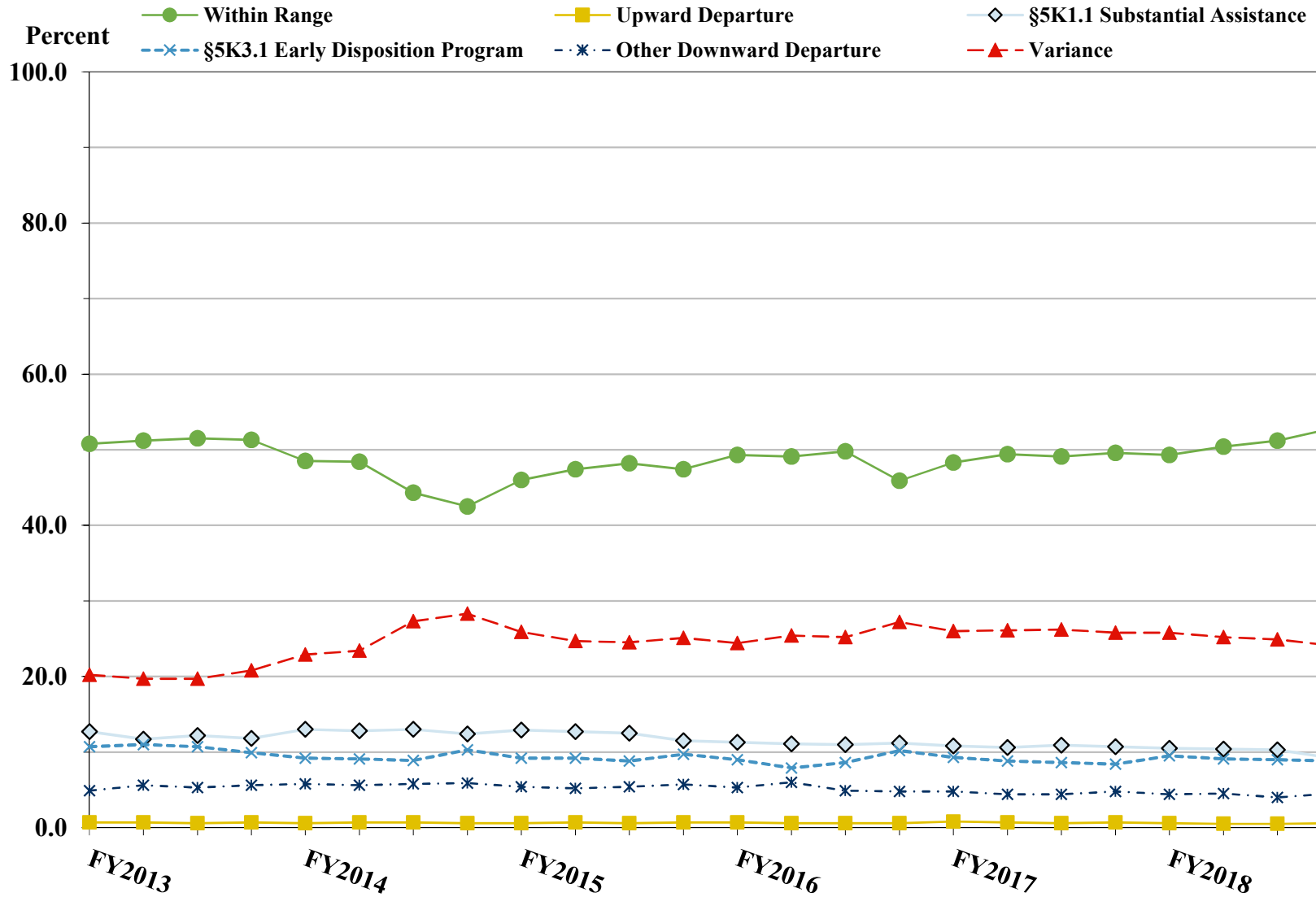


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2013 - 2018 Datafiles, USSCFY13 - USSCFY18.

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA<sup>1</sup>  
Fiscal Years 2013 - 2018



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2013 - 2018 Datafiles, USSCFY13 - USSCFY18.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2018**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>68,902</b>	<b>35,127</b>	<b>51.0</b>	<b>396</b>	<b>0.6</b>	<b>6,948</b>	<b>10.1</b>	<b>6,259</b>	<b>9.1</b>	<b>2,972</b>	<b>4.3</b>	<b>17,200</b>	<b>25.0</b>
<b>D.C. CIRCUIT</b>	<b>217</b>	<b>85</b>	<b>39.2</b>	<b>1</b>	<b>0.5</b>	<b>27</b>	<b>12.4</b>	<b>0</b>	<b>0.0</b>	<b>24</b>	<b>11.1</b>	<b>80</b>	<b>36.9</b>
District of Columbia	217	85	39.2	1	0.5	27	12.4	0	0.0	24	11.1	80	36.9
<b>FIRST CIRCUIT</b>	<b>1,739</b>	<b>781</b>	<b>44.9</b>	<b>12</b>	<b>0.7</b>	<b>152</b>	<b>8.7</b>	<b>11</b>	<b>0.6</b>	<b>80</b>	<b>4.6</b>	<b>703</b>	<b>40.4</b>
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
<b>SECOND CIRCUIT</b>	<b>3,458</b>	<b>1,130</b>	<b>32.7</b>	<b>15</b>	<b>0.4</b>	<b>585</b>	<b>16.9</b>	<b>19</b>	<b>0.5</b>	<b>165</b>	<b>4.8</b>	<b>1,544</b>	<b>44.7</b>
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
<b>THIRD CIRCUIT</b>	<b>2,114</b>	<b>869</b>	<b>41.1</b>	<b>8</b>	<b>0.4</b>	<b>465</b>	<b>22.0</b>	<b>22</b>	<b>1.0</b>	<b>64</b>	<b>3.0</b>	<b>686</b>	<b>32.5</b>
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
<b>FOURTH CIRCUIT</b>	<b>5,501</b>	<b>3,084</b>	<b>56.1</b>	<b>65</b>	<b>1.2</b>	<b>721</b>	<b>13.1</b>	<b>6</b>	<b>0.1</b>	<b>216</b>	<b>3.9</b>	<b>1,409</b>	<b>25.6</b>
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 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>17,588</b>	<b>12,223</b>	<b>69.5</b>	<b>127</b>	<b>0.7</b>	<b>929</b>	<b>5.3</b>	<b>670</b>	<b>3.8</b>	<b>872</b>	<b>5.0</b>	<b>2,767</b>	<b>15.7</b>
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
<b>SIXTH CIRCUIT</b>	<b>4,648</b>	<b>2,072</b>	<b>44.6</b>	<b>19</b>	<b>0.4</b>	<b>855</b>	<b>18.4</b>	<b>15</b>	<b>0.3</b>	<b>253</b>	<b>5.4</b>	<b>1,434</b>	<b>30.9</b>
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
<b>SEVENTH CIRCUIT</b>	<b>2,433</b>	<b>907</b>	<b>37.3</b>	<b>10</b>	<b>0.4</b>	<b>331</b>	<b>13.6</b>	<b>2</b>	<b>0.1</b>	<b>161</b>	<b>6.6</b>	<b>1,022</b>	<b>42.0</b>
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
<b>EIGHTH CIRCUIT</b>	<b>4,795</b>	<b>2,168</b>	<b>45.2</b>	<b>38</b>	<b>0.8</b>	<b>658</b>	<b>13.7</b>	<b>54</b>	<b>1.1</b>	<b>132</b>	<b>2.8</b>	<b>1,745</b>	<b>36.4</b>
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 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>13,439</b>	<b>4,357</b>	<b>32.4</b>	<b>68</b>	<b>0.5</b>	<b>1,021</b>	<b>7.6</b>	<b>4,521</b>	<b>33.6</b>	<b>607</b>	<b>4.5</b>	<b>2,865</b>	<b>21.3</b>
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
<b>TENTH CIRCUIT</b>	<b>6,515</b>	<b>3,832</b>	<b>58.8</b>	<b>24</b>	<b>0.4</b>	<b>359</b>	<b>5.5</b>	<b>921</b>	<b>14.1</b>	<b>302</b>	<b>4.6</b>	<b>1,077</b>	<b>16.5</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>6,455</b>	<b>3,619</b>	<b>56.1</b>	<b>9</b>	<b>0.1</b>	<b>845</b>	<b>13.1</b>	<b>18</b>	<b>0.3</b>	<b>96</b>	<b>1.5</b>	<b>1,868</b>	<b>28.9</b>
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

<sup>1</sup> 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.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2018**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>68,902</b>	<b>35,127</b>	<b>51.0</b>	<b>396</b>	<b>0.6</b>	<b>6,948</b>	<b>10.1</b>	<b>6,259</b>	<b>9.1</b>	<b>2,972</b>	<b>4.3</b>	<b>17,200</b>	<b>25.0</b>
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

<sup>1</sup> 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.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>

Fiscal Year 2018

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Range	Up	§5K1.1	§5K3.1	
§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 <sup>2</sup>	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 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	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	§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 <sup>3</sup>	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
<b>TOTAL</b>									<b>65,451</b>	<b>32,560</b>	<b>395</b>	<b>6,935</b>	<b>5,733</b>	<b>2,919</b>	<b>16,909</b>

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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 12

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2018**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
<b>TOTAL</b>	<b>33,775</b>	<b>6,975</b>	<b>20.7</b>	<b>6,412</b>	<b>19.0</b>	<b>5,009</b>	<b>14.8</b>	<b>7,469</b>	<b>22.1</b>	<b>671</b>	<b>2.0</b>
<b>Departures</b>	<b>16,575</b>	<b>6,948</b>	<b>41.9</b>	<b>6,391</b>	<b>38.6</b>	<b>3,533</b>	<b>21.3</b>	<b>6,393</b>	<b>38.6</b>	<b>470</b>	<b>2.8</b>
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
<b>Variances</b>	<b>17,200</b>	<b>27</b>	<b>0.2</b>	<b>21</b>	<b>0.1</b>	<b>1,476</b>	<b>8.6</b>	<b>1,076</b>	<b>6.3</b>	<b>201</b>	<b>1.2</b>
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 12 (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	%
<b>TOTAL</b>	<b>5,248</b>	<b>15.5</b>	<b>5,193</b>	<b>15.4</b>	<b>6,698</b>	<b>19.8</b>	<b>1,214</b>	<b>3.6</b>	<b>4,790</b>	<b>14.2</b>	<b>2,516</b>	<b>7.4</b>
<b>Departures</b>	<b>4,540</b>	<b>27.4</b>	<b>1,940</b>	<b>11.7</b>	<b>1,718</b>	<b>10.4</b>	<b>514</b>	<b>3.1</b>	<b>1,367</b>	<b>8.2</b>	<b>272</b>	<b>1.6</b>
Upward Departure	128	32.3	2	0.5	2	0.5	6	1.5	111	28.0	32	8.1
Downward Departure												
§5K1.1 Substantial Assistance	4,018	57.8	652	9.4	565	8.1	315	4.5	634	0.0	0	0.0
§5K3.1 Early Disposition Program	193	3.1	381	6.1	698	11.2	81	1.3	197	3.1	0	0.0
Other Government Motion	201	15.8	86	6.8	57	4.5	112	8.8	78	6.1	26	2.0
Non-Government Departure	0	0.0	819	48.2	396	23.3	0	0.0	347	20.4	214	12.6
<b>Variations</b>	<b>708</b>	<b>4.1</b>	<b>3,253</b>	<b>18.9</b>	<b>4,980</b>	<b>29.0</b>	<b>700</b>	<b>4.1</b>	<b>3,423</b>	<b>19.9</b>	<b>2,244</b>	<b>13.0</b>
Upward Variance	234	16.7	11	0.8	5	0.4	22	1.6	590	42.0	261	18.6
Downward Variance												
Government Motion	474	12.5	282	7.4	168	4.4	678	17.9	179	4.7	164	4.3
Non-Government Variance	0	0.0	2,960	24.7	4,807	40.1	0	0.0	2,654	22.1	1,819	15.2

<sup>1</sup> 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.

<sup>2</sup> 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.

**EXTENT OF UPWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
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
<b>TOTAL</b>	<b>395</b>	<b>78</b>	<b>26</b>	<b>72.7</b>	<b>59</b>	<b>12</b>	<b>40.0</b>
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

<sup>1</sup> 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 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.

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>  
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
<b>TOTAL</b>	<b>1,393</b>	<b>76</b>	<b>22</b>	<b>62.9</b>	<b>58</b>	<b>12</b>	<b>37.5</b>
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

<sup>1</sup> 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 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.

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
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
<b>TOTAL</b>	<b>6,807</b>	<b>52</b>	<b>48</b>	<b>52.6</b>	<b>36</b>	<b>34</b>	<b>48.4</b>
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

<sup>1</sup> 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 conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
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
<b>TOTAL</b>	<b>6,253</b>	<b>15</b>	<b>13</b>	<b>46.9</b>	<b>10</b>	<b>6</b>	<b>44.4</b>
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	--	--	--	--	--	--

<sup>1</sup> 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 conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**EXTENT OF OTHER DOWNWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
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
<b>TOTAL</b>	<b>2,910</b>	<b>43</b>	<b>26</b>	<b>42.8</b>	<b>24</b>	<b>14</b>	<b>36.4</b>
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

<sup>1</sup> 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 conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

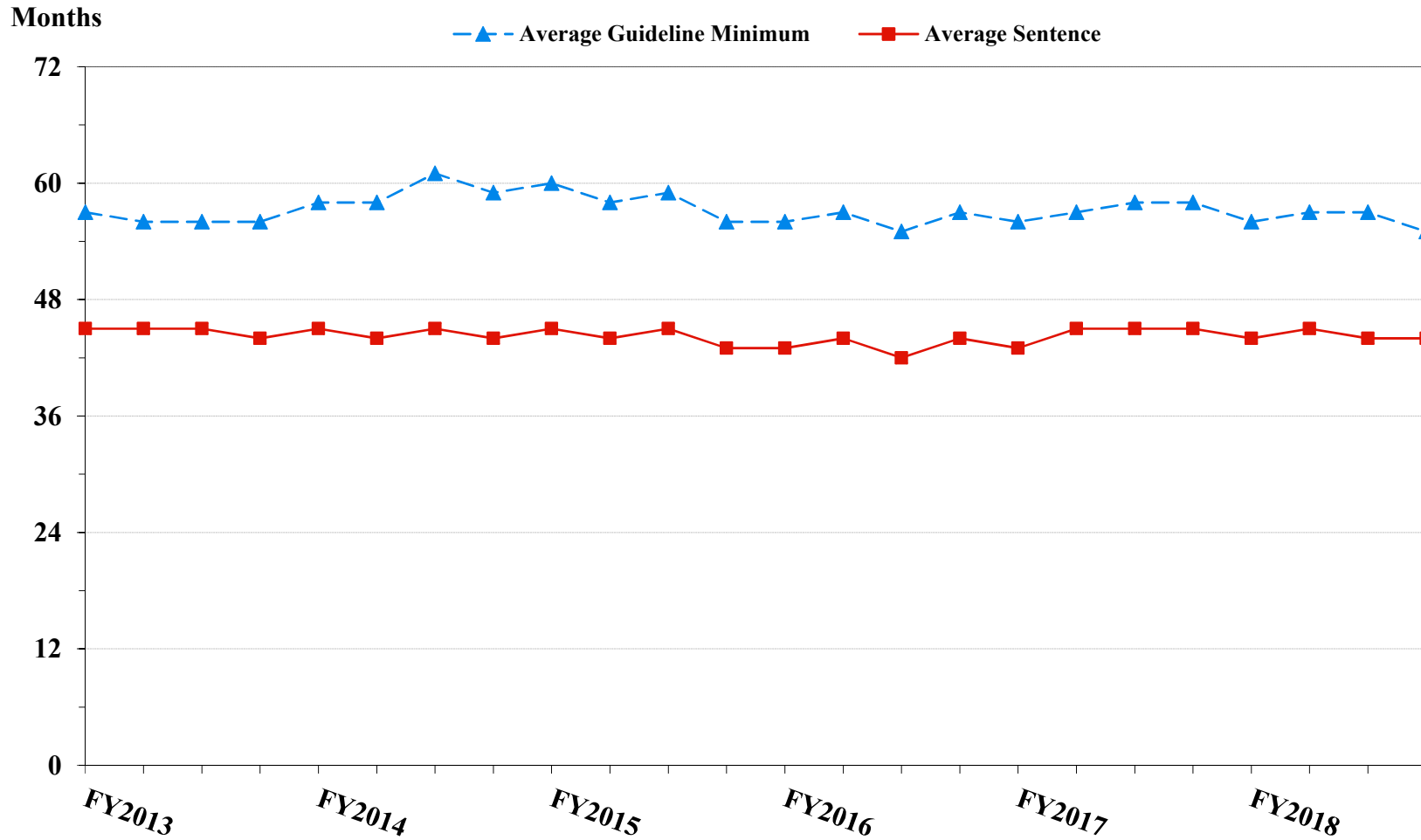
**EXTENT OF DOWNWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2018**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>15,354</b>	<b>49</b>	<b>26</b>	<b>42.9</b>	<b>27</b>	<b>15</b>	<b>34.8</b>
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

<sup>1</sup> 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 conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.



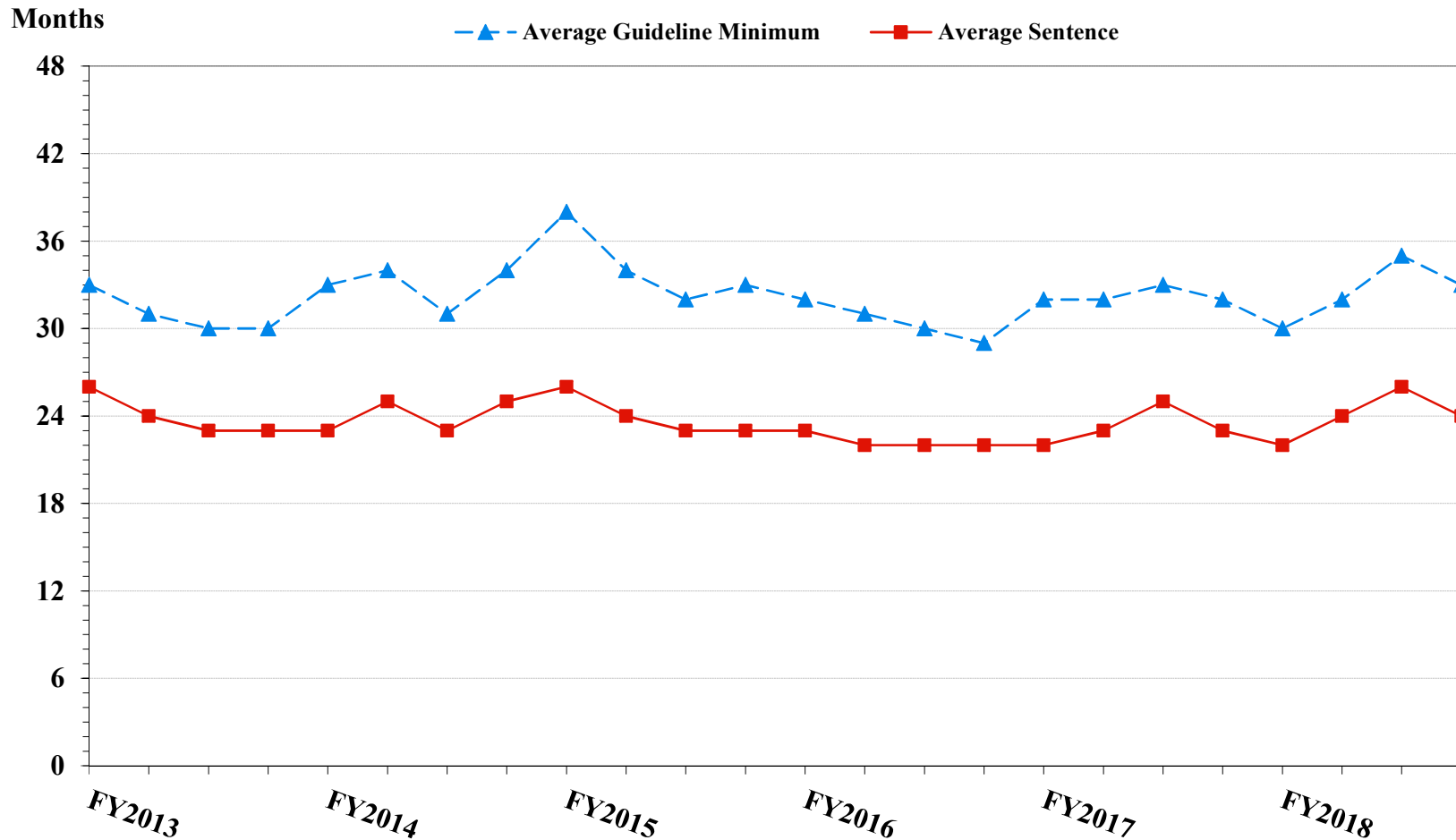
**Figure 5**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR ALL CASES<sup>1</sup>**  
**Fiscal Years 2013 - 2018**



<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 6

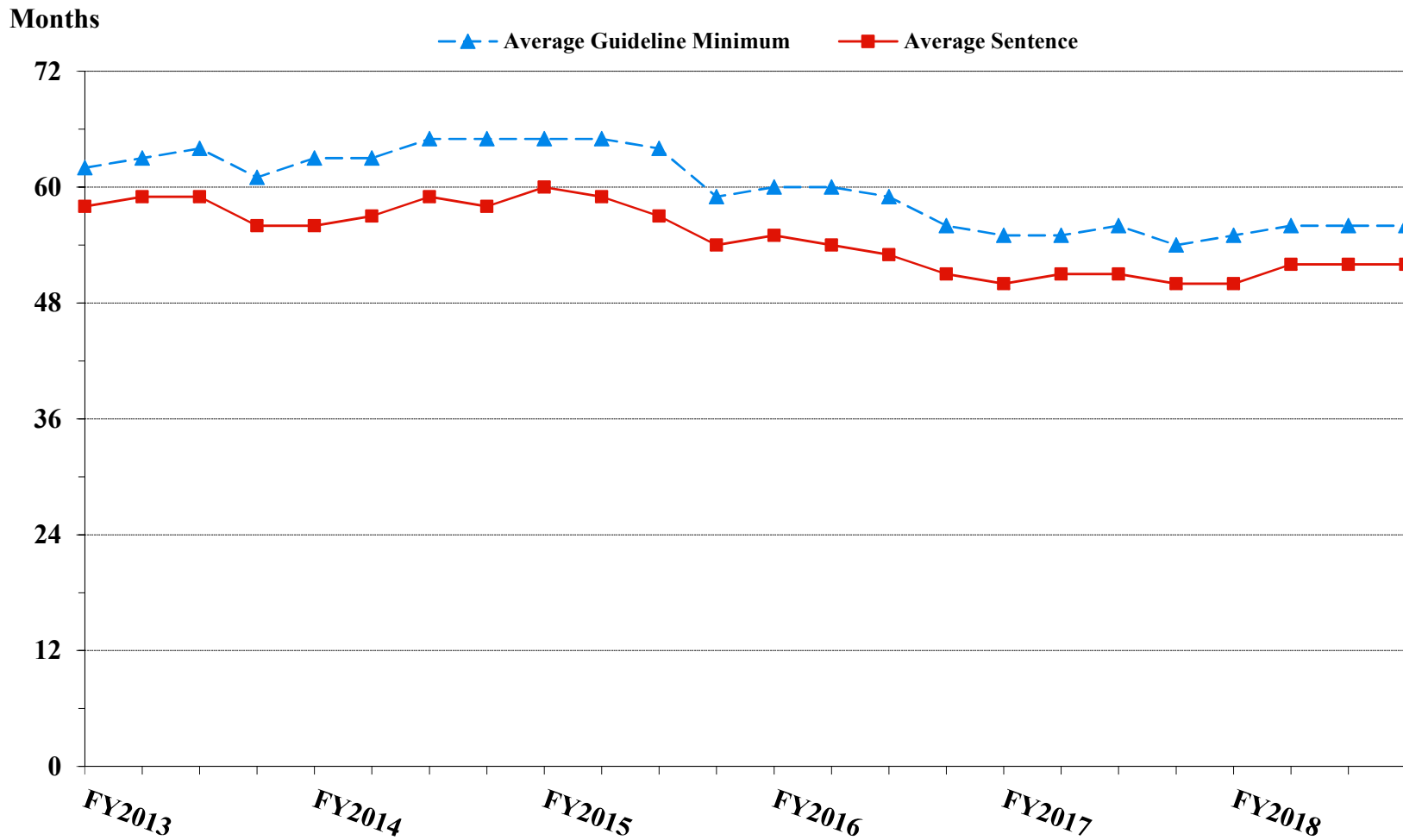
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>  
Fiscal Years 2013 - 2018**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 7

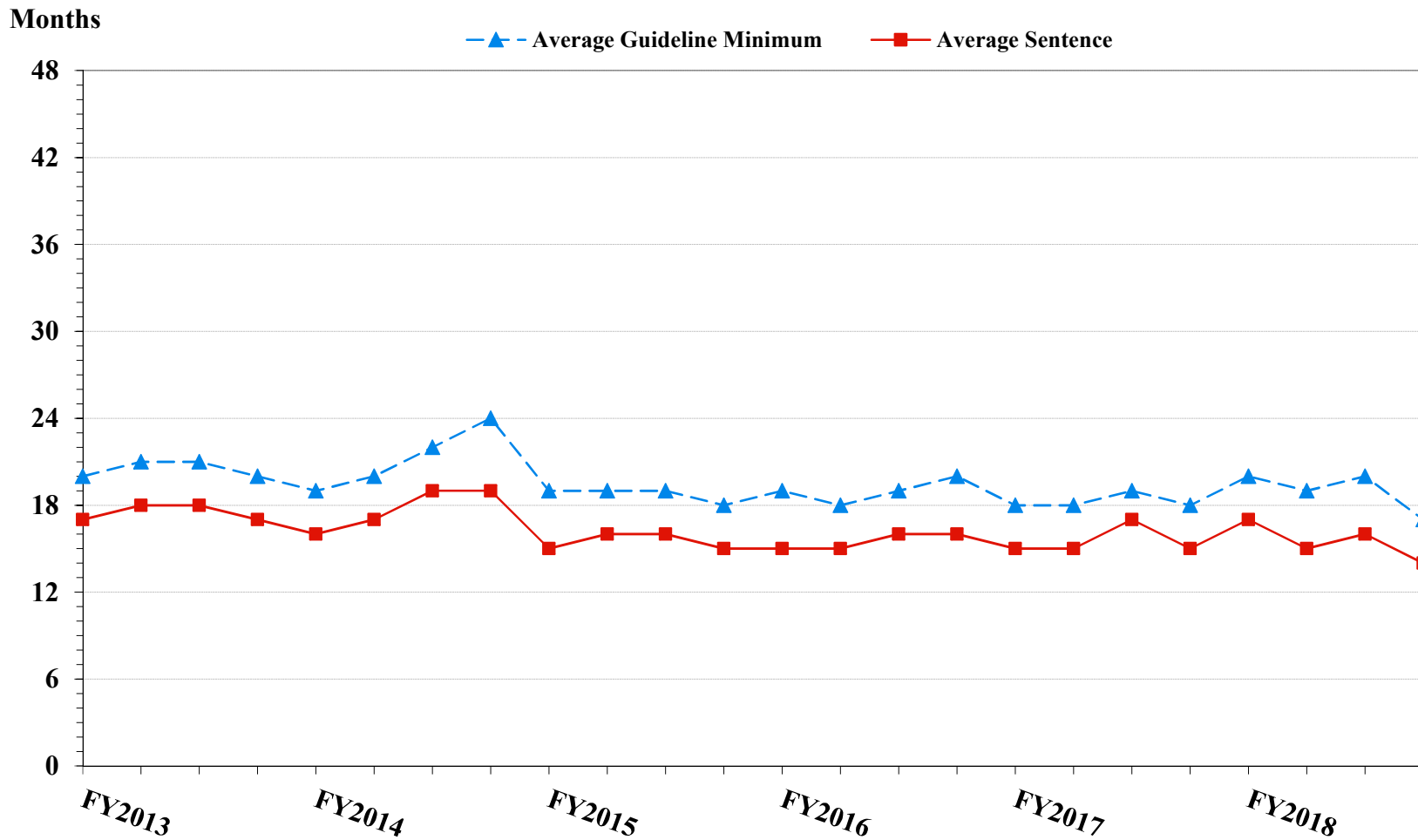
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>  
Fiscal Years 2013 - 2018**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 8

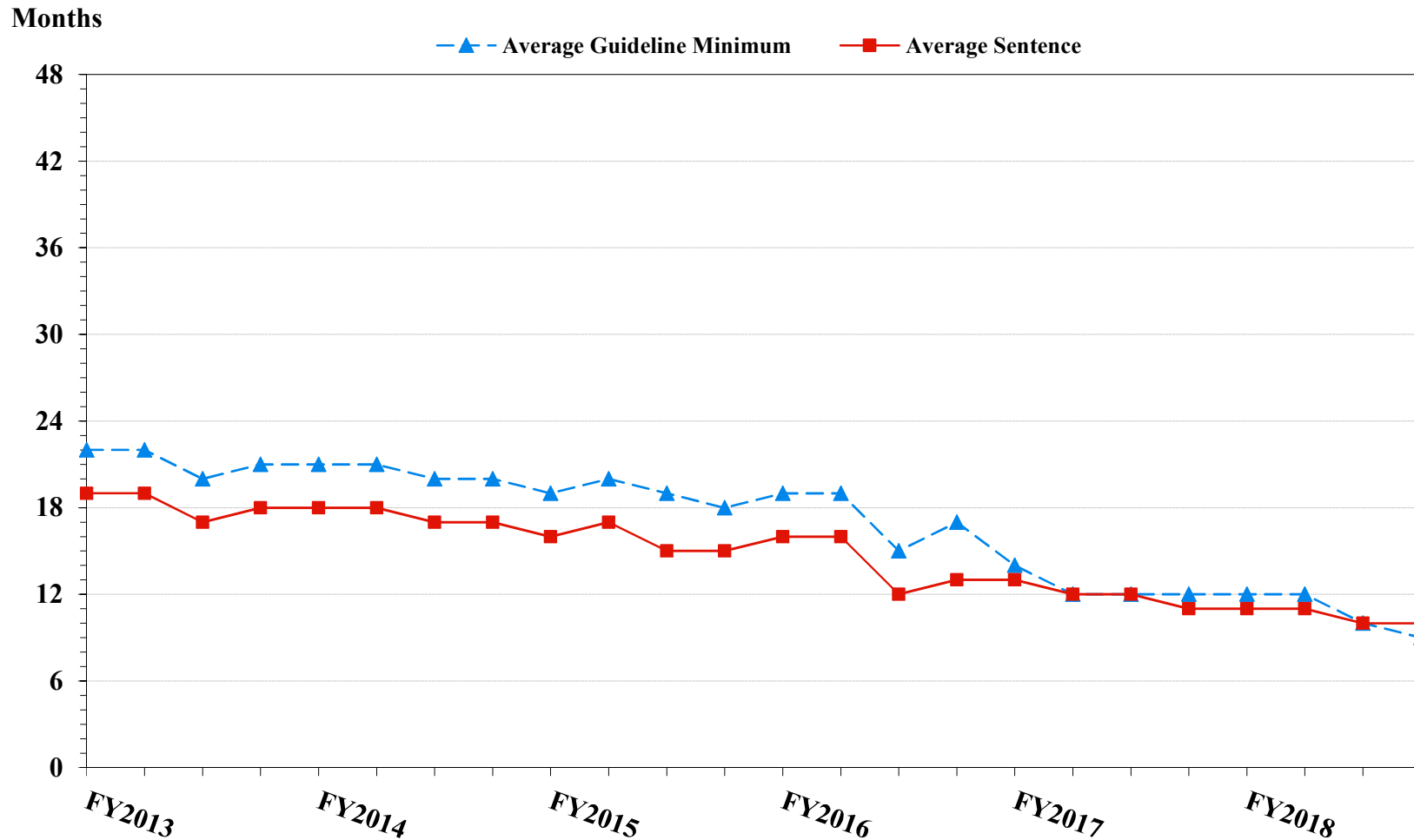
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>  
Fiscal Years 2013 - 2018**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 9

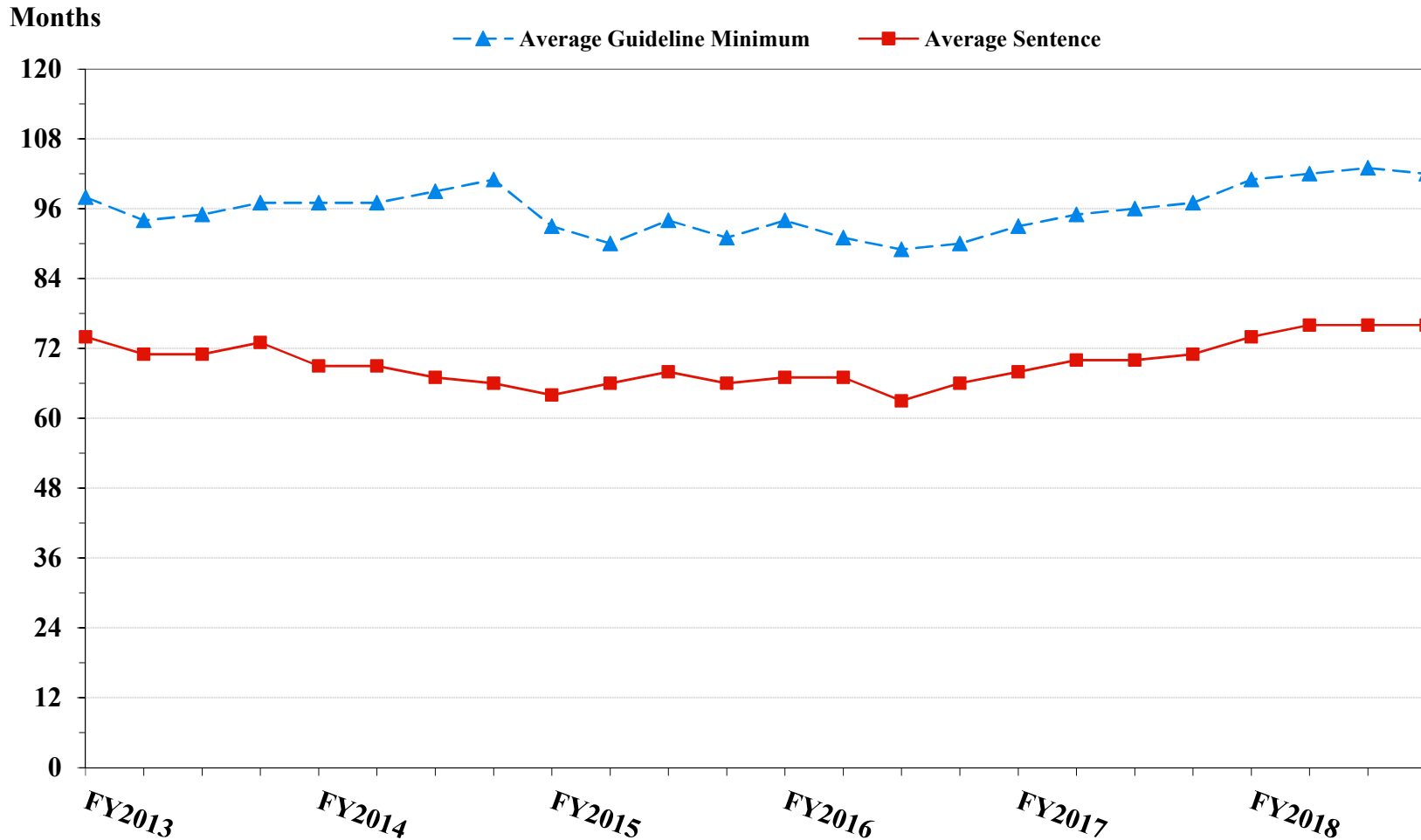
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>  
Fiscal Years 2013 - 2018**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

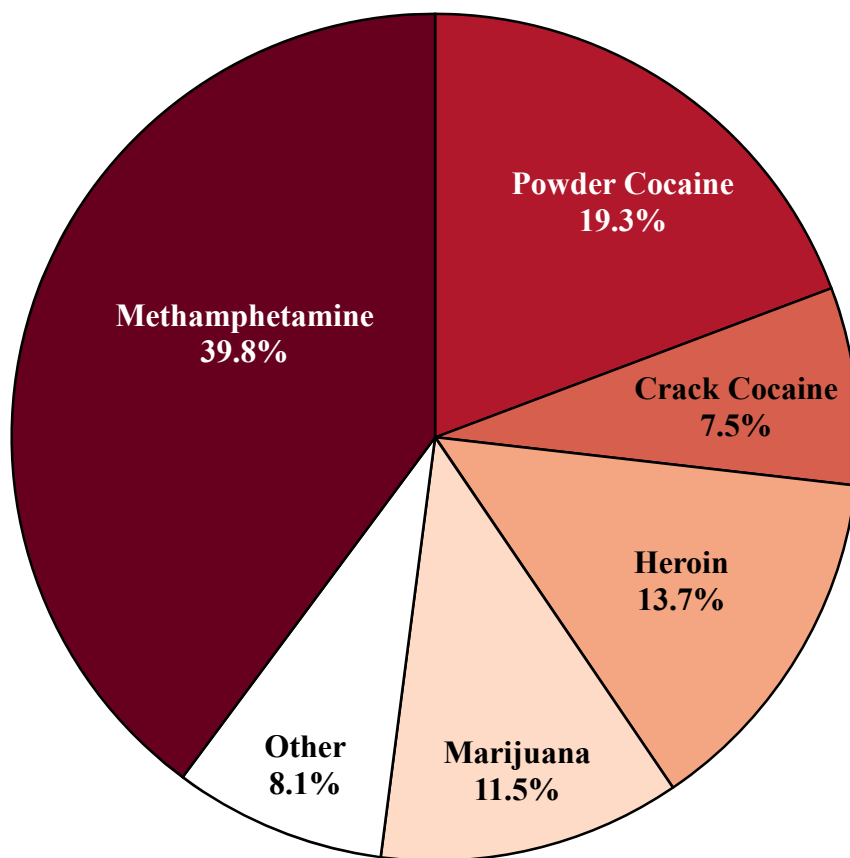
Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>  
Fiscal Years 2013 - 2018**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

**Figure 11**  
**DISTRIBUTION OF PRIMARY DRUG TYPE**  
**IN FEDERAL DRUG CASES<sup>1,2</sup>**  
**Fiscal Year 2018**



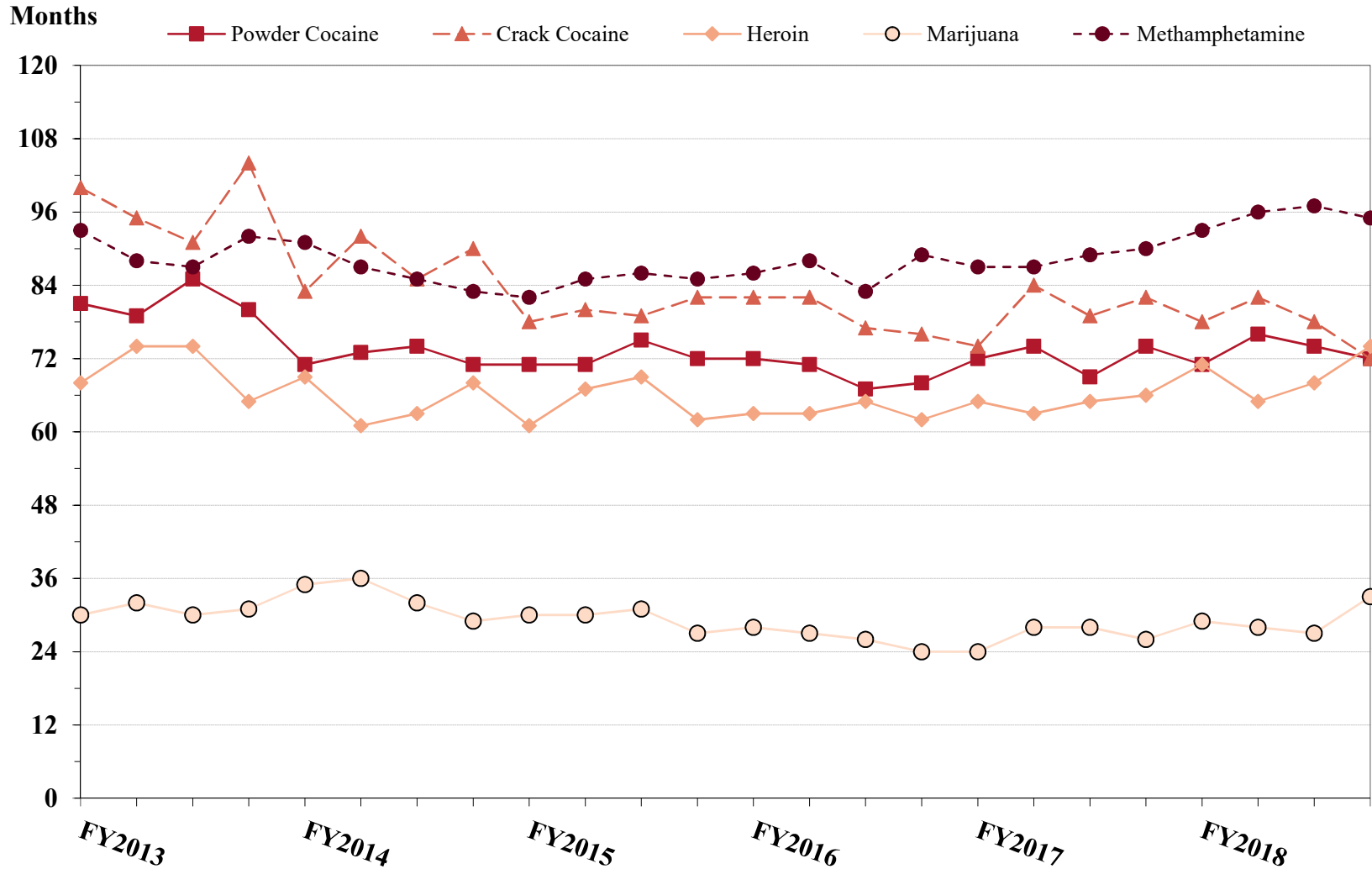
<sup>1</sup> Of the 69,425 cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> 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.

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS  
BY MAJOR DRUG TYPE QUARTERLY DATA<sup>1</sup>  
Fiscal Years 2013 - 2018**



<sup>1</sup> 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 conditions 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.



## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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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.<sup>1</sup>

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. Information on minor and petty offenses are not reported to the Commission as the sentencing guideline do not apply in those cases.<sup>2</sup> Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.<sup>3</sup>

Standard information on each case is extracted from sentencing documents received and computerized for analysis. Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

#### Variables

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The following section describes the variables used in this report.

##### **Attribution Category for Sentences Outside the Range**

All categories replicate the list of checkboxes available on the Statement of Reasons 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 Statement of

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<sup>1</sup> 28 U.S.C. §§ 995(a)(12) and (14) – (16).

<sup>2</sup> See U.S. SENTENCING COMM'N, *Guidelines Manual*, §1B1.9 (Nov. 2018).

<sup>3</sup> See 18 U.S.C. §§ 3591-99 for the sentencing procedures that apply in death penalty cases.

Reasons 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.”

### **District**

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

### **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.

### **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 sentence 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 sentence 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.

### **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 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 Statement of Reasons 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.

### **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 §5K1.1 or §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.

### **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 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.

### **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 fentanyl n-phenyl. 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.

### **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 §5G1.3. This information is obtained from the Judgment and Commitment Order. 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 Judgment and Commitment Order, 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.

### **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.

### **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 §§2A2.4, 2J1.1, 2J1.2, 2J1.3, 2J1.4, 2J1.6, 2J1.9, and 2X4.1 of the *Guidelines Manual*.

*Antitrust* includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under §2R1.1 of the *Guidelines Manual*.

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

*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 §§2A2.1, 2A2.2, and 2A2.3 of the *Guidelines Manual*.

*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 §§2B4.1, 2C1.1, 2C1.2, 2C1.3, 2C1.4 (deleted), 2C1.5, 2C1.6 (deleted), 2C1.7 (deleted), and 2C1.8 of the *Guidelines Manual*.

*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 §§2B2.1, 2B2.2 (deleted), and 2B2.3 of the *Guidelines Manual*.

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

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

*Drug Possession* includes simple possession of all drug types. This category includes offenders sentenced under §2D2.1 of the *Guidelines Manual*.

*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 §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14 of the *Guidelines Manual*.

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

*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 §§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) of the *Guidelines Manual*.

*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 §§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 of the *Guidelines Manual*.

*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 §§2N1.1, 2N1.2, 2N1.3, 2N2.1, and 2N3.1 of the *Guidelines Manual*.

*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 §§2B5.1, 2B5.2 (deleted), 2B5.3, and 2B5.4 (deleted) of the *Guidelines Manual*.

*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 §§2B1.1, 2B1.2 (deleted), 2B1.3 (deleted), 2B1.4, 2B1.5, 2B1.6, 2F1.1 (deleted), and 2F1.2 (deleted) of the *Guidelines Manual*.

*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 §§2L1.1, 2L1.2, 2L1.3 (deleted), 2L2.1, 2L2.2, 2L2.3 (deleted), 2L2.4 (deleted), and 2L2.5 of the *Guidelines Manual*.

*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 §§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 of the *Guidelines Manual*.

*Kidnapping* includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under §§2A4.1, 2A4.2, and 2A5.1 in the *Guidelines Manual*.

*Manslaughter* includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under §§2A1.3 and 2A1.4 of the *Guidelines Manual*.

*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 §§2S1.1, 2S1.2 (deleted), 2S1.3, and 2S1.4 (deleted) of the *Guidelines Manual*.

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

*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 §§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 of the *Guidelines Manual*.

*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 §§2A3.5, 2A3.6, 2G2.5, 2G3.1, and 2G3.2 of the *Guidelines Manual*.

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

*Robbery* includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under §2B3.1 of the *Guidelines Manual*.

*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 §2G1.1 who received a Base Offense Level of 34, and all offenders sentenced under §§2A3.1, 2A3.2, 2A3.3, 2A3.4, 2G1.2 (deleted), 2G1.3, 2G2.1, 2G2.3, and 2G2.6 of the *Guidelines Manual*.

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

*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 §§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) of the *Guidelines Manual*.

*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 §§2A5.2, 2D1.7, 2D1.11, 2D1.12, 2D1.13, 2D2.2, 2D2.3, 2D3.1, 2X5.1, 2X5.2, and 2X7.1 of the *Guidelines Manual*. In addition, this category includes offenders sentenced under §§2X1.1, 2X2.1, 2X3.1, 2X6.1, and 2X7.2 of the *Guidelines Manual* if no underlying guideline was provided.

### **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.

**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.