

United States Sentencing Commission Quarterly Data Report



**2nd Quarter Release
Preliminary Fiscal Year 2018 Data
Through March 31, 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.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² 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 reports, to include information not previously reported on a quarterly basis, and to make it easier to understand the data that was presented.

Beginning with this report, the Commission is again updating the way it presents quarterly data. In this report, all analyses that involve a comparison of the position of the sentence imposed 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.

The data in this report is preliminary and subject to change as the Commission collects, analyzes, and reports on data from additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*.³

¹ In each felony or Class A misdemeanor case sentenced in federal court, 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).

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2017 are available at the Commission's website, www.ussc.gov.

³ Data for previous quarters may change for many reasons. For example, the courts have up to 30 days after the entry of judgment in a case to submit court documents to the Commission. The Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed.

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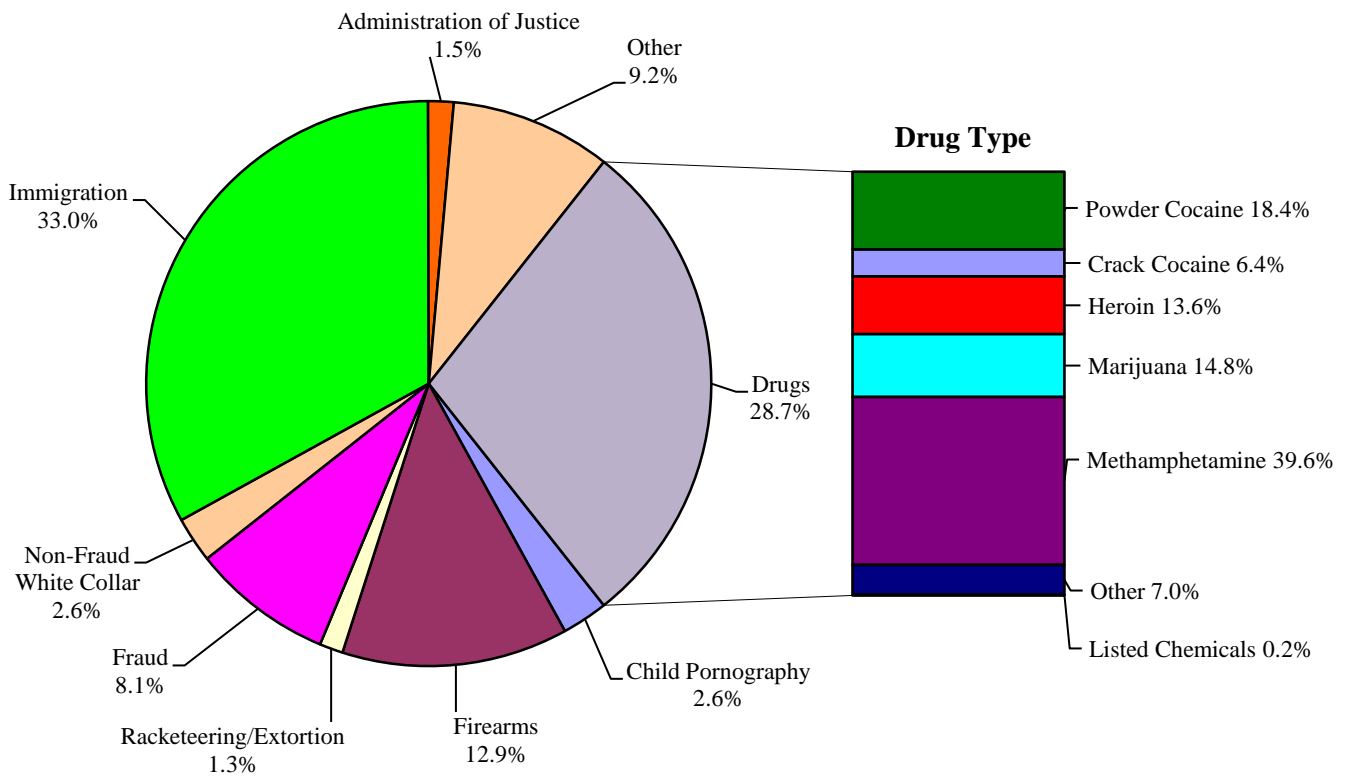
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Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)



¹ Of the 32,860 guideline cases, three drug cases were excluded from this figure due to cases missing drug type. The Drugs category includes the following offense types: trafficking, use of a communication facility, and simple possession. The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through March 31, 2018).

Table 1

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	%
TOTAL	32,860	100.0
Murder	30	0.1
Manslaughter	26	0.1
Kidnapping/Hostage Taking	32	0.1
Sexual Abuse	292	0.9
Assault	412	1.3
Robbery	321	1.0
Arson	21	0.1
Drugs - Trafficking	8,910	27.1
Drugs - Communication Facility	102	0.3
Drugs - Simple Possession	429	1.3
Firearms	4,254	12.9
Burglary/B&E	13	0.0
Auto Theft	22	0.1
Larceny	426	1.3
Fraud	2,654	8.1
Embezzlement	111	0.3
Forgery/Counterfeiting	156	0.5
Bribery	69	0.2
Tax	196	0.6
Money Laundering	327	1.0
Racketeering/Extortion	442	1.3
Gambling/Lottery	38	0.1
Civil Rights	21	0.1
Immigration	10,837	33.0
Child Pornography	865	2.6
Prison Offenses	239	0.7
Administration of Justice Offenses	479	1.5
Environmental/Wildlife	80	0.2
National Defense	48	0.1
Antitrust	28	0.1
Food & Drug	54	0.2
Other Miscellaneous Offenses	926	2.8

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

Table 2

GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
2nd Quarter 2018 Preliminary Cumulative Data
(October 1, 2017, through March 31, 2018)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	32,860	100.0			
D.C. CIRCUIT	95	0.3	FIFTH CIRCUIT	8,101	24.7
District of Columbia	95	0.3	Louisiana		
			Eastern	148	0.5
FIRST CIRCUIT	780	2.4	Middle	80	0.2
Maine	71	0.2	Western	122	0.4
Massachusetts	246	0.7	Mississippi		
New Hampshire	104	0.3	Northern	93	0.3
Puerto Rico	318	1.0	Southern	146	0.4
Rhode Island	41	0.1	Texas		
			Eastern	400	1.2
SECOND CIRCUIT	1,582	4.8	Northern	696	2.1
Connecticut	185	0.6	Southern	2,979	9.1
New York			Western	3,437	10.5
Eastern	339	1.0	SIXTH CIRCUIT	2,216	6.7
Northern	163	0.5	Kentucky		
Southern	576	1.8	Eastern	170	0.5
Western	248	0.8	Western	152	0.5
Vermont	71	0.2	Michigan		
			Eastern	437	1.3
THIRD CIRCUIT	1,037	3.2	Western	171	0.5
Delaware	34	0.1	Ohio		
New Jersey	226	0.7	Northern	306	0.9
Pennsylvania			Southern	283	0.9
Eastern	312	0.9	Tennessee		
Middle	239	0.7	Eastern	345	1.0
Western	208	0.6	Middle	145	0.4
Virgin Islands	18	0.1	Western	207	0.6
			SEVENTH CIRCUIT	1,168	3.6
FOURTH CIRCUIT	2,730	8.3	Illinois		
Maryland	373	1.1	Central	122	0.4
North Carolina			Northern	368	1.1
Eastern	385	1.2	Southern	117	0.4
Middle	242	0.7	Indiana		
Western	249	0.8	Northern	150	0.5
South Carolina	466	1.4	Southern	203	0.6
Virginia			Wisconsin		
Eastern	680	2.1	Eastern	133	0.4
Western	116	0.4	Western	75	0.2
West Virginia					
Northern	127	0.4			
Southern	92	0.3			

Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	2,353	7.2	TENTH CIRCUIT	3,041	9.3
Arkansas			Colorado	252	0.8
Eastern	174	0.5	Kansas	249	0.8
Western	125	0.4	New Mexico	1,821	5.5
Iowa			Oklahoma		
Northern	203	0.6	Eastern	37	0.1
Southern	240	0.7	Northern	81	0.2
Minnesota	148	0.5	Western	165	0.5
Missouri			Utah	312	0.9
Eastern	422	1.3	Wyoming	124	0.4
Western	350	1.1			
Nebraska	242	0.7	ELEVENTH CIRCUIT	3,208	9.8
North Dakota	205	0.6	Alabama		
South Dakota	244	0.7	Middle	98	0.3
			Northern	280	0.9
NINTH CIRCUIT	6,549	19.9	Southern	152	0.5
Alaska	85	0.3	Florida		
Arizona	2,303	7.0	Middle	764	2.3
California			Northern	129	0.4
Central	539	1.6	Southern	1,125	3.4
Eastern	224	0.7	Georgia		
Northern	269	0.8	Middle	195	0.6
Southern	1,841	5.6	Northern	255	0.8
Guam	22	0.1	Southern	210	0.6
Hawaii	74	0.2			
Idaho	183	0.6			
Montana	180	0.5			
Nevada	204	0.6			
Northern Mariana Islands	8	0.0			
Oregon	176	0.5			
Washington					
Eastern	182	0.6			
Western	259	0.8			

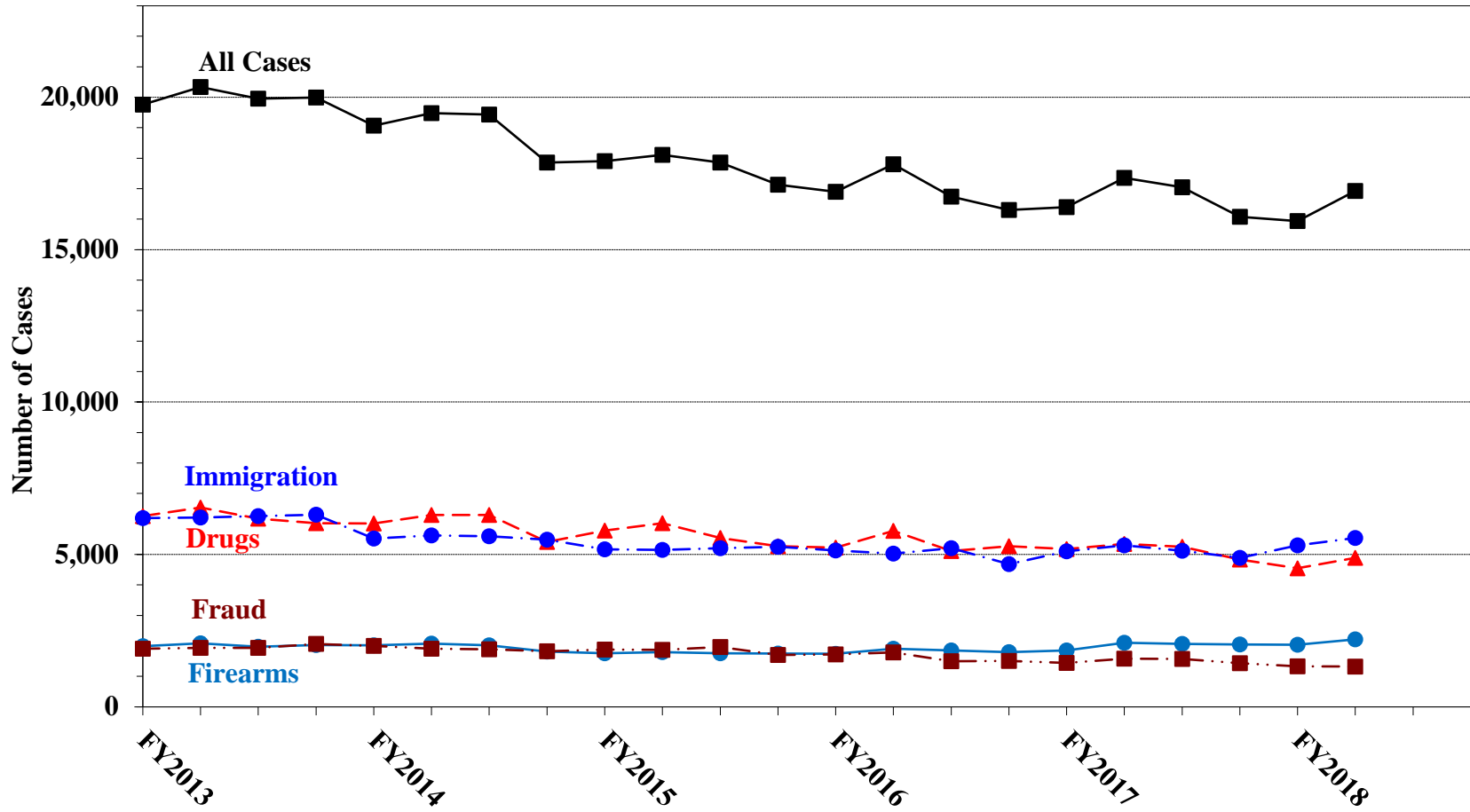
¹ Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through March 31, 2018).

Figure B

NUMBER OF CASES IN SELECTED PRIMARY OFFENSE CATEGORIES¹

Fiscal Years 2013 - 2017,
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)



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

Table 3

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	32,514	7,114	21.9	6,638	20.4	17,513	53.9	1,249	3.8
Murder	30	4	13.3	5	16.7	8	26.7	13	43.3
Manslaughter	26	2	7.7	1	3.8	2	7.7	21	80.8
Kidnapping/Hostage Taking	32	9	28.1	11	34.4	10	31.3	2	6.3
Sexual Abuse	292	93	31.8	85	29.1	43	14.7	71	24.3
Assault	406	79	19.5	65	16.0	82	20.2	180	44.3
Robbery	320	150	46.9	117	36.6	36	11.3	17	5.3
Arson	21	7	33.3	6	28.6	3	14.3	5	23.8
Drugs - Trafficking	8,898	2,199	24.7	2,063	23.2	4,376	49.2	260	2.9
Drugs - Communication Facility	99	22	22.2	25	25.3	47	47.5	5	5.1
Drugs - Simple Possession	389	79	20.3	42	10.8	253	65.0	15	3.9
Firearms	4,248	1,056	24.9	2,228	52.4	842	19.8	122	2.9
Burglary/B&E	13	3	23.1	4	30.8	1	7.7	5	38.5
Auto Theft	22	3	13.6	10	45.5	9	40.9	0	0.0
Larceny	409	180	44.0	157	38.4	50	12.2	22	5.4
Fraud	2,643	1,078	40.8	784	29.7	616	23.3	165	6.2
Embezzlement	110	55	50.0	29	26.4	16	14.5	10	9.1
Forgery/Counterfeiting	155	79	51.0	44	28.4	23	14.8	9	5.8
Bribery	68	17	25.0	20	29.4	22	32.4	9	13.2
Tax	196	107	54.6	56	28.6	22	11.2	11	5.6
Money Laundering	326	99	30.4	49	15.0	148	45.4	30	9.2
Racketeering/Extortion	442	84	19.0	205	46.4	138	31.2	15	3.4
Gambling/Lottery	38	24	63.2	3	7.9	2	5.3	9	23.7
Civil Rights	21	12	57.1	7	33.3	2	9.5	0	0.0
Immigration	10,763	204	1.9	152	1.4	10,346	96.1	61	0.6
Child Pornography	863	722	83.7	44	5.1	74	8.6	23	2.7
Prison Offenses	236	64	27.1	82	34.7	74	31.4	16	6.8
Administration of Justice Offenses	476	200	42.0	116	24.4	99	20.8	61	12.8
Environmental/Wildlife	79	50	63.3	8	10.1	8	10.1	13	16.5
National Defense	48	15	31.3	4	8.3	24	50.0	5	10.4
Antitrust	28	20	71.4	1	3.6	1	3.6	6	21.4
Food & Drug	54	36	66.7	3	5.6	9	16.7	6	11.1
Other Miscellaneous Offenses	763	362	47.4	212	27.8	127	16.6	62	8.1

¹ Of the 32,860 cases, 346 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 OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	32,817	28,423	86.6	4,394	13.4
Murder	30	26	86.7	4	13.3
Manslaughter	26	20	76.9	6	23.1
Kidnapping/Hostage Taking	32	25	78.1	7	21.9
Sexual Abuse	292	258	88.4	34	11.6
Assault	411	350	85.2	61	14.8
Robbery	321	293	91.3	28	8.7
Arson	21	20	95.2	1	4.8
Drugs - Trafficking	8,909	7,415	83.2	1,494	16.8
Drugs - Communication Facility	102	69	67.6	33	32.4
Drugs - Simple Possession	427	362	84.8	65	15.2
Firearms	4,254	4,087	96.1	167	3.9
Burglary/B&E	13	11	84.6	2	15.4
Auto Theft	22	21	95.5	1	4.5
Larceny	426	259	60.8	167	39.2
Fraud	2,653	1,874	70.6	779	29.4
Embezzlement	111	47	42.3	64	57.7
Forgery/Counterfeiting	156	116	74.4	40	25.6
Bribery	69	56	81.2	13	18.8
Tax	196	146	74.5	50	25.5
Money Laundering	327	245	74.9	82	25.1
Racketeering/Extortion	442	386	87.3	56	12.7
Gambling/Lottery	38	35	92.1	3	7.9
Civil Rights	21	19	90.5	2	9.5
Immigration	10,829	9,994	92.3	835	7.7
Child Pornography	865	844	97.6	21	2.4
Prison Offenses	239	216	90.4	23	9.6
Administration of Justice Offenses	479	373	77.9	106	22.1
Environmental/Wildlife	80	76	95.0	4	5.0
National Defense	48	42	87.5	6	12.5
Antitrust	28	26	92.9	2	7.1
Food & Drug	54	43	79.6	11	20.4
Other Miscellaneous Offenses	896	669	74.7	227	25.3

¹ Of the 32,860 cases, 43 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 OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	32,636	19,043	58.3	13,593	41.7
Murder	30	23	76.7	7	23.3
Manslaughter	26	24	92.3	2	7.7
Kidnapping/Hostage Taking	32	24	75.0	8	25.0
Sexual Abuse	292	281	96.2	11	3.8
Assault	408	362	88.7	46	11.3
Robbery	320	314	98.1	6	1.9
Arson	21	20	95.2	1	4.8
Drugs - Trafficking	8,905	6,655	74.7	2,250	25.3
Drugs - Communication Facility	102	88	86.3	14	13.7
Drugs - Simple Possession	399	169	42.4	230	57.6
Firearms	4,251	4,008	94.3	243	5.7
Burglary/B&E	13	13	100.0	0	0.0
Auto Theft	22	21	95.5	1	4.5
Larceny	420	396	94.3	24	5.7
Fraud	2,643	2,102	79.5	541	20.5
Embezzlement	110	104	94.5	6	5.5
Forgery/Counterfeiting	156	141	90.4	15	9.6
Bribery	68	66	97.1	2	2.9
Tax	196	188	95.9	8	4.1
Money Laundering	326	217	66.6	109	33.4
Racketeering/Extortion	442	386	87.3	56	12.7
Gambling/Lottery	38	36	94.7	2	5.3
Civil Rights	21	19	90.5	2	9.5
Immigration	10,833	1,012	9.3	9,821	90.7
Child Pornography	865	843	97.5	22	2.5
Prison Offenses	236	228	96.6	8	3.4
Administration of Justice Offenses	477	419	87.8	58	12.2
Environmental/Wildlife	77	69	89.6	8	10.4
National Defense	48	34	70.8	14	29.2
Antitrust	28	26	92.9	2	7.1
Food & Drug	54	45	83.3	9	16.7
Other Miscellaneous Offenses	777	710	91.4	67	8.6

¹ Of the 32,860 cases, 224 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹

2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	45	21	32,860
Murder	355	360	30
Manslaughter	60	37	26
Kidnapping/Hostage Taking	135	120	32
Sexual Abuse	137	120	292
Assault	31	18	412
Robbery	72	60	321
Arson	77	60	21
Drugs - Trafficking	75	60	8,910
Drugs - Communication Facility	27	23	102
Drugs - Simple Possession	3	3	429
Firearms	70	48	4,254
Burglary/B&E	24	15	13
Auto Theft	60	23	22
Larceny	10	3	426
Fraud	27	16	2,654
Embezzlement	10	6	111
Forgery/Counterfeiting	15	12	156
Bribery	21	12	69
Tax	15	12	196
Money Laundering	32	18	327
Racketeering/Extortion	82	57	442
Gambling/Lottery	9	6	38
Civil Rights	33	12	21
Immigration	11	7	10,837
Child Pornography	151	97	865
Prison Offenses	14	12	239
Administration of Justice Offenses	18	12	479
Environmental/Wildlife	4	0	80
National Defense	77	34	48
Antitrust	6	6	28
Food & Drug	10	1	54
Other Miscellaneous Offenses	18	0	926

¹ Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	32,606	29,769	91.3	28,782	88.3	987	3.0	2,837	8.7	680	2.1	2,157	6.6
Murder	30	30	100.0	29	96.7	1	3.3	0	0.0	0	0.0	0	0.0
Manslaughter	26	25	96.2	24	92.3	1	3.8	1	3.8	0	0.0	1	3.8
Kidnapping/Hostage Taking	32	32	100.0	32	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	292	283	96.9	278	95.2	5	1.7	9	3.1	3	1.0	6	2.1
Assault	407	351	86.2	319	78.4	32	7.9	56	13.8	6	1.5	50	12.3
Robbery	321	315	98.1	290	90.3	25	7.8	6	1.9	3	0.9	3	0.9
Arson	21	21	100.0	20	95.2	1	4.8	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	8,909	8,592	96.4	8,261	92.7	331	3.7	317	3.6	109	1.2	208	2.3
Drugs - Communication Facility	102	83	81.4	77	75.5	6	5.9	19	18.6	8	7.8	11	10.8
Drugs - Simple Possession	383	282	73.6	280	73.1	2	0.5	101	26.4	7	1.8	94	24.5
Firearms	4,245	4,061	95.7	3,926	92.5	135	3.2	184	4.3	56	1.3	128	3.0
Burglary/B&E	13	10	76.9	9	69.2	1	7.7	3	23.1	0	0.0	3	23.1
Auto Theft	22	18	81.8	16	72.7	2	9.1	4	18.2	4	18.2	0	0.0
Larceny	403	193	47.9	176	43.7	17	4.2	210	52.1	57	14.1	153	38.0
Fraud	2,650	2,151	81.2	2,008	75.8	143	5.4	499	18.8	165	6.2	334	12.6
Embezzlement	109	60	55.0	52	47.7	8	7.3	49	45.0	13	11.9	36	33.0
Forgery/Counterfeiting	156	119	76.3	112	71.8	7	4.5	37	23.7	11	7.1	26	16.7
Bribery	69	54	78.3	45	65.2	9	13.0	15	21.7	8	11.6	7	10.1
Tax	196	125	63.8	114	58.2	11	5.6	71	36.2	27	13.8	44	22.4
Money Laundering	326	260	79.8	245	75.2	15	4.6	66	20.2	26	8.0	40	12.3
Racketeering/Extortion	442	423	95.7	399	90.3	24	5.4	19	4.3	2	0.5	17	3.8
Gambling/Lottery	38	24	63.2	13	34.2	11	28.9	14	36.8	4	10.5	10	26.3
Civil Rights	21	14	66.7	13	61.9	1	4.8	7	33.3	3	14.3	4	19.0
Immigration	10,836	10,289	95.0	10,193	94.1	96	0.9	547	5.0	62	0.6	485	4.5
Child Pornography	865	855	98.8	840	97.1	15	1.7	10	1.2	4	0.5	6	0.7
Prison Offenses	239	231	96.7	220	92.1	11	4.6	8	3.3	5	2.1	3	1.3
Administration of Justice Offenses	479	369	77.0	335	69.9	34	7.1	110	23.0	21	4.4	89	18.6
Environmental/Wildlife	73	24	32.9	24	32.9	0	0.0	49	67.1	4	5.5	45	61.6
National Defense	48	42	87.5	39	81.3	3	6.3	6	12.5	1	2.1	5	10.4
Antitrust	28	7	25.0	7	25.0	0	0.0	21	75.0	11	39.3	10	35.7
Food & Drug	53	27	50.9	25	47.2	2	3.8	26	49.1	1	1.9	25	47.2
Other Miscellaneous Offenses	772	399	51.7	361	46.8	38	4.9	373	48.3	59	7.6	314	40.7

¹ Of the 32,860 cases, 254 were excluded because the offender received neither imprisonment nor probation. Descriptions of variables used in this table are provided in Appendix A.

² Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

	N	%
TOTAL CASES	32,640	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	24,384	74.7
Within Guideline Range	16,328	50.0
Upward Departure ²	180	0.6
Downward Departure		
§5K1.1 Substantial Assistance	3,402	10.4
§5K3.1 Early Disposition Program	3,041	9.3
Other Government Motion ³	630	1.9
Non-Government Departure ⁴	803	2.5
VARIANCES	8,256	25.3
Upward Variance ⁵	668	2.0
Downward Variance		
Government Motion ⁶	1,801	5.5
Non-Government Variance ⁷	5,787	17.7

¹ This table reflects the 32,860 cases sentenced on or after October 1, 2017, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 13, 2018. Of these, 220 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.

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

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

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

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

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

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through March 31, 2018).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
TOTAL	32,640	16,328	50.0	180	0.6	3,402	10.4	3,041	9.3	1,433	4.4	8,256	25.3
D.C. CIRCUIT	94	31	33.0	0	0.0	11	11.7	0	0.0	10	10.6	42	44.7
District of Columbia	94	31	33.0	0	0.0	11	11.7	0	0.0	10	10.6	42	44.7
FIRST CIRCUIT	779	351	45.1	8	1.0	64	8.2	8	1.0	38	4.9	310	39.8
Maine	71	29	40.8	2	2.8	19	26.8	0	0.0	2	2.8	19	26.8
Massachusetts	245	80	32.7	4	1.6	22	9.0	8	3.3	20	8.2	111	45.3
New Hampshire	104	42	40.4	0	0.0	5	4.8	0	0.0	4	3.8	53	51.0
Puerto Rico	318	192	60.4	2	0.6	14	4.4	0	0.0	12	3.8	98	30.8
Rhode Island	41	8	19.5	0	0.0	4	9.8	0	0.0	0	0.0	29	70.7
SECOND CIRCUIT	1,580	523	33.1	9	0.6	285	18.0	7	0.4	65	4.1	691	43.7
Connecticut	185	81	43.8	1	0.5	23	12.4	0	0.0	14	7.6	66	35.7
New York													
Eastern	338	89	26.3	0	0.0	79	23.4	1	0.3	25	7.4	144	42.6
Northern	162	79	48.8	2	1.2	36	22.2	2	1.2	5	3.1	38	23.5
Southern	576	144	25.0	0	0.0	80	13.9	4	0.7	15	2.6	333	57.8
Western	248	116	46.8	6	2.4	54	21.8	0	0.0	4	1.6	68	27.4
Vermont	71	14	19.7	0	0.0	13	18.3	0	0.0	2	2.8	42	59.2
THIRD CIRCUIT	1,034	449	43.4	2	0.2	219	21.2	5	0.5	39	3.8	320	30.9
Delaware	34	15	44.1	0	0.0	4	11.8	1	2.9	1	2.9	13	38.2
New Jersey	225	95	42.2	1	0.4	38	16.9	1	0.4	4	1.8	86	38.2
Pennsylvania													
Eastern	311	116	37.3	0	0.0	107	34.4	1	0.3	9	2.9	78	25.1
Middle	239	134	56.1	0	0.0	34	14.2	2	0.8	17	7.1	52	21.8
Western	207	74	35.7	1	0.5	33	15.9	0	0.0	8	3.9	91	44.0
Virgin Islands	18	15	83.3	0	0.0	3	16.7	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	2,690	1,512	56.2	30	1.1	353	13.1	2	0.1	120	4.5	673	25.0
Maryland	363	137	37.7	4	1.1	63	17.4	0	0.0	32	8.8	127	35.0
North Carolina													
Eastern	359	193	53.8	9	2.5	100	27.9	0	0.0	6	1.7	51	14.2
Middle	242	138	57.0	5	2.1	21	8.7	0	0.0	4	1.7	74	30.6
Western	249	147	59.0	1	0.4	51	20.5	0	0.0	4	1.6	46	18.5
South Carolina	465	285	61.3	2	0.4	62	13.3	0	0.0	15	3.2	101	21.7
Virginia													
Eastern	678	429	63.3	6	0.9	26	3.8	0	0.0	49	7.2	168	24.8
Western	115	57	49.6	2	1.7	20	17.4	0	0.0	8	7.0	28	24.3
West Virginia													
Northern	127	78	61.4	0	0.0	6	4.7	0	0.0	2	1.6	41	32.3
Southern	92	48	52.2	1	1.1	4	4.3	2	2.2	0	0.0	37	40.2

Table 9A (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
FIFTH CIRCUIT	8,084	5,485	67.9	62	0.8	464	5.7	345	4.3	404	5.0	1,324	16.4
Louisiana													
Eastern	148	74	50.0	1	0.7	23	15.5	1	0.7	6	4.1	43	29.1
Middle	80	45	56.3	2	2.5	15	18.8	0	0.0	0	0.0	18	22.5
Western	120	72	60.0	1	0.8	16	13.3	0	0.0	0	0.0	31	25.8
Mississippi													
Northern	87	39	44.8	0	0.0	21	24.1	0	0.0	2	2.3	25	28.7
Southern	146	122	83.6	1	0.7	5	3.4	0	0.0	0	0.0	18	12.3
Texas													
Eastern	400	285	71.3	1	0.3	9	2.3	0	0.0	3	0.8	102	25.5
Northern	694	447	64.4	5	0.7	85	12.2	1	0.1	25	3.6	131	18.9
Southern	2,977	1,769	59.4	45	1.5	178	6.0	203	6.8	288	9.7	494	16.6
Western	3,432	2,632	76.7	6	0.2	112	3.3	140	4.1	80	2.3	462	13.5
SIXTH CIRCUIT	2,196	939	42.8	6	0.3	454	20.7	9	0.4	124	5.6	664	30.2
Kentucky													
Eastern	170	93	54.7	1	0.6	26	15.3	0	0.0	7	4.1	43	25.3
Western	152	78	51.3	1	0.7	27	17.8	1	0.7	11	7.2	34	22.4
Michigan													
Eastern	434	180	41.5	1	0.2	76	17.5	2	0.5	7	1.6	168	38.7
Western	171	93	54.4	3	1.8	30	17.5	0	0.0	6	3.5	39	22.8
Ohio													
Northern	306	116	37.9	0	0.0	92	30.1	0	0.0	8	2.6	90	29.4
Southern	281	74	26.3	0	0.0	47	16.7	4	1.4	66	23.5	90	32.0
Tennessee													
Eastern	333	159	47.7	0	0.0	101	30.3	0	0.0	5	1.5	68	20.4
Middle	145	40	27.6	0	0.0	35	24.1	1	0.7	13	9.0	56	38.6
Western	204	106	52.0	0	0.0	20	9.8	1	0.5	1	0.5	76	37.3
SEVENTH CIRCUIT	1,165	430	36.9	5	0.4	146	12.5	0	0.0	80	6.9	504	43.3
Illinois													
Central	122	55	45.1	0	0.0	10	8.2	0	0.0	3	2.5	54	44.3
Northern	368	103	28.0	2	0.5	37	10.1	0	0.0	39	10.6	187	50.8
Southern	117	70	59.8	1	0.9	9	7.7	0	0.0	5	4.3	32	27.4
Indiana													
Northern	148	68	45.9	0	0.0	25	16.9	0	0.0	1	0.7	54	36.5
Southern	203	82	40.4	1	0.5	41	20.2	0	0.0	3	1.5	76	37.4
Wisconsin													
Eastern	133	24	18.0	0	0.0	21	15.8	0	0.0	1	0.8	87	65.4
Western	74	28	37.8	1	1.4	3	4.1	0	0.0	28	37.8	14	18.9
EIGHTH CIRCUIT	2,353	1,002	42.6	16	0.7	357	15.2	32	1.4	71	3.0	875	37.2
Arkansas													
Eastern	174	91	52.3	0	0.0	24	13.8	0	0.0	2	1.1	57	32.8
Western	125	48	38.4	0	0.0	11	8.8	0	0.0	1	0.8	65	52.0
Iowa													
Northern	203	133	65.5	2	1.0	29	14.3	0	0.0	0	0.0	39	19.2
Southern	240	95	39.6	0	0.0	40	16.7	0	0.0	2	0.8	103	42.9
Minnesota	148	55	37.2	1	0.7	24	16.2	0	0.0	11	7.4	57	38.5
Missouri													
Eastern	422	158	37.4	2	0.5	63	14.9	0	0.0	2	0.5	197	46.7
Western	350	117	33.4	3	0.9	59	16.9	0	0.0	29	8.3	142	40.6
Nebraska	242	107	44.2	0	0.0	8	3.3	24	9.9	1	0.4	102	42.1
North Dakota	205	56	27.3	1	0.5	89	43.4	7	3.4	10	4.9	42	20.5
South Dakota	244	142	58.2	7	2.9	10	4.1	1	0.4	13	5.3	71	29.1

Table 9A (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
NINTH CIRCUIT	6,487	2,106	32.5	27	0.4	500	7.7	2,172	33.5	290	4.5	1,392	21.5
Alaska	84	31	36.9	0	0.0	11	13.1	0	0.0	1	1.2	41	48.8
Arizona	2,258	886	39.2	19	0.8	58	2.6	953	42.2	51	2.3	291	12.9
California													
Central	534	179	33.5	0	0.0	64	12.0	57	10.7	38	7.1	196	36.7
Eastern	223	88	39.5	0	0.0	41	18.4	8	3.6	13	5.8	73	32.7
Northern	265	96	36.2	0	0.0	52	19.6	1	0.4	9	3.4	107	40.4
Southern	1,836	300	16.3	2	0.1	86	4.7	1,108	60.3	141	7.7	199	10.8
Guam	22	11	50.0	0	0.0	8	36.4	0	0.0	0	0.0	3	13.6
Hawaii	74	32	43.2	0	0.0	21	28.4	0	0.0	1	1.4	20	27.0
Idaho	183	101	55.2	0	0.0	35	19.1	4	2.2	5	2.7	38	20.8
Montana	180	65	36.1	1	0.6	44	24.4	0	0.0	1	0.6	69	38.3
Nevada	204	92	45.1	1	0.5	20	9.8	8	3.9	7	3.4	76	37.3
Northern Mariana Islands	8	4	50.0	0	0.0	1	12.5	0	0.0	0	0.0	3	37.5
Oregon	176	49	27.8	3	1.7	21	11.9	0	0.0	10	5.7	93	52.8
Washington													
Eastern	182	77	42.3	0	0.0	31	17.0	11	6.0	8	4.4	55	30.2
Western	258	95	36.8	1	0.4	7	2.7	22	8.5	5	1.9	128	49.6
TENTH CIRCUIT	3,032	1,761	58.1	10	0.3	151	5.0	453	14.9	148	4.9	509	16.8
Colorado	249	104	41.8	1	0.4	33	13.3	32	12.9	11	4.4	68	27.3
Kansas	244	104	42.6	2	0.8	39	16.0	0	0.0	6	2.5	93	38.1
New Mexico	1,821	1,265	69.5	5	0.3	26	1.4	324	17.8	70	3.8	131	7.2
Oklahoma													
Eastern	37	26	70.3	0	0.0	2	5.4	0	0.0	1	2.7	8	21.6
Northern	81	23	28.4	0	0.0	23	28.4	0	0.0	12	14.8	23	28.4
Western	165	91	55.2	0	0.0	4	2.4	0	0.0	6	3.6	64	38.8
Utah	311	102	32.8	1	0.3	11	3.5	86	27.7	30	9.6	81	26.0
Wyoming	124	46	37.1	1	0.8	13	10.5	11	8.9	12	9.7	41	33.1
ELEVENTH CIRCUIT	3,146	1,739	55.3	5	0.2	398	12.7	8	0.3	44	1.4	952	30.3
Alabama													
Middle	98	45	45.9	0	0.0	22	22.4	0	0.0	2	2.0	29	29.6
Northern	279	156	55.9	1	0.4	60	21.5	0	0.0	2	0.7	60	21.5
Southern	152	83	54.6	0	0.0	28	18.4	0	0.0	5	3.3	36	23.7
Florida													
Middle	764	404	52.9	1	0.1	114	14.9	5	0.7	13	1.7	227	29.7
Northern	126	80	63.5	0	0.0	17	13.5	3	2.4	1	0.8	25	19.8
Southern	1,070	580	54.2	2	0.2	99	9.3	0	0.0	17	1.6	372	34.8
Georgia													
Middle	194	142	73.2	0	0.0	16	8.2	0	0.0	0	0.0	36	18.6
Northern	253	73	28.9	0	0.0	23	9.1	0	0.0	4	1.6	153	60.5
Southern	210	176	83.8	1	0.5	19	9.0	0	0.0	0	0.0	14	6.7

¹ Of the 32,860 cases, 220 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Eastern North Carolina (6.8%) and Northern Mississippi (6.5%). Descriptions of variables used in this table are provided in Appendix A.

Table 10A

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
TOTAL	32,640	16,328	50.0	180	0.6	3,402	10.4	3,041	9.3	1,433	4.4	8,256	25.3
Murder	30	18	60.0	4	13.3	1	3.3	0	0.0	5	16.7	2	6.7
Manslaughter	26	15	57.7	2	7.7	0	0.0	0	0.0	3	11.5	6	23.1
Kidnapping/Hostage Taking	32	10	31.3	0	0.0	7	21.9	0	0.0	1	3.1	14	43.8
Sexual Abuse	292	114	39.0	2	0.7	39	13.4	1	0.3	21	7.2	115	39.4
Assault	405	229	56.5	14	3.5	4	1.0	2	0.5	26	6.4	130	32.1
Robbery	320	148	46.3	4	1.3	26	8.1	0	0.0	22	6.9	120	37.5
Arson	21	11	52.4	0	0.0	3	14.3	0	0.0	2	9.5	5	23.8
Drugs - Trafficking	8,902	3,112	35.0	33	0.4	1,941	21.8	685	7.7	453	5.1	2,678	30.1
Drugs - Communication Facility	102	47	46.1	0	0.0	17	16.7	0	0.0	5	4.9	33	32.4
Drugs - Simple Possession	385	342	88.8	0	0.0	3	0.8	0	0.0	0	0.0	40	10.4
Firearms	4,244	2,229	52.5	26	0.6	403	9.5	2	0.0	196	4.6	1,388	32.7
Burglary/B&E	12	9	75.0	0	0.0	2	16.7	0	0.0	0	0.0	1	8.3
Auto Theft	22	13	59.1	1	4.5	2	9.1	0	0.0	2	9.1	4	18.2
Larceny	418	223	53.3	0	0.0	25	6.0	0	0.0	19	4.5	151	36.1
Fraud	2,630	1,107	42.1	13	0.5	466	17.7	3	0.1	108	4.1	933	35.5
Embezzlement	110	69	62.7	0	0.0	6	5.5	0	0.0	3	2.7	32	29.1
Forgery/Counterfeiting	156	81	51.9	0	0.0	22	14.1	0	0.0	7	4.5	46	29.5
Bribery	69	19	27.5	0	0.0	20	29.0	0	0.0	7	10.1	23	33.3
Tax	194	51	26.3	0	0.0	21	10.8	0	0.0	13	6.7	109	56.2
Money Laundering	327	87	26.6	1	0.3	82	25.1	1	0.3	18	5.5	138	42.2
Racketeering/Extortion	442	190	43.0	6	1.4	69	15.6	1	0.2	24	5.4	152	34.4
Gambling/Lottery	38	13	34.2	1	2.6	7	18.4	0	0.0	1	2.6	16	42.1
Civil Rights	21	9	42.9	0	0.0	0	0.0	0	0.0	3	14.3	9	42.9
Immigration	10,778	6,823	63.3	52	0.5	94	0.9	2,344	21.7	363	3.4	1,102	10.2
Child Pornography	865	258	29.8	2	0.2	29	3.4	0	0.0	59	6.8	517	59.8
Prison Offenses	237	148	62.4	1	0.4	1	0.4	1	0.4	15	6.3	71	30.0
Administration of Justice Offenses	477	236	49.5	7	1.5	24	5.0	1	0.2	27	5.7	182	38.2
Environmental/Wildlife	75	34	45.3	0	0.0	14	18.7	0	0.0	2	2.7	25	33.3
National Defense	47	12	25.5	1	2.1	4	8.5	0	0.0	5	10.6	25	53.2
Antitrust	28	4	14.3	0	0.0	22	78.6	0	0.0	0	0.0	2	7.1
Food & Drug	54	17	31.5	0	0.0	13	24.1	0	0.0	0	0.0	24	44.4
Other Miscellaneous Offenses	881	650	73.8	10	1.1	35	4.0	0	0.0	23	2.6	163	18.5

¹ Of the 32,860 cases, 220 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 11A

SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

Guideline	Total	Within		Downward			Variance	Guideline	Total	Within		Downward			Variance
		Range	Upward	Dep	§5K1.1	§5K3.1				Other	Range	Upward	Dep	§5K1.1	
§2A1.1	99	35	0	23	0	9	32	§2D1.8	7	3	0	4	0	0	0
§2A1.2	21	11	4	2	0	1	3	§2D1.9	0	0	0	0	0	0	0
§2A1.3	15	7	3	0	0	3	2	§2D1.10	5	1	0	0	0	0	4
§2A1.4	17	10	1	0	0	1	5	§2D1.11	16	3	0	4	0	0	9
§2A1.5	7	5	0	0	0	1	1	§2D1.12	3	2	0	0	0	0	1
§2A2.1	61	23	0	5	0	8	25	§2D1.13	0	0	0	0	0	0	0
§2A2.2	188	100	5	7	0	12	64	§2D1.14	0	0	0	0	0	0	0
§2A2.3	39	26	3	0	0	1	9	§2D2.1	102	93	0	3	0	0	6
§2A2.4	107	60	3	0	0	10	34	§2D2.2	36	31	0	0	0	1	4
§2A3.1	61	20	1	5	1	5	29	§2D2.3	2	2	0	0	0	0	0
§2A3.2	17	8	0	0	0	2	7	§2D3.1	1	1	0	0	0	0	0
§2A3.3	3	3	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0
§2A3.4	19	8	1	0	0	4	6	§2D3.3	0	0	0	0	0	0	0
§2A3.5	183	109	1	1	0	11	61	§2D3.4	0	0	0	0	0	0	0
§2A4.1	45	16	1	11	0	2	15	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	57	27	0	4	1	3	22
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	3	0	0	0	0	0
§2A5.2	7	6	0	0	0	1	0	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	5	0	0	3	0	0	2
§2A6.1	66	35	2	1	0	4	24	§2E1.5	0	0	0	0	0	0	0
§2A6.2	29	12	3	0	0	1	13	§2E2.1	6	2	2	0	0	0	2
§2B1.1	2,904	1,254	14	450	0	119	1,067	§2E3.1	44	15	1	8	0	1	19
§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	11	0	0	5	0	0	6	§2E4.1	21	7	0	3	0	0	11
§2B1.5	5	2	0	1	0	0	2	§2E5.1	3	1	0	2	0	0	0
§2B1.6 ²	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	15	9	0	2	0	0	4	§2E5.3	1	0	0	1	0	0	0
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0
§2B2.3	2	2	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	737	290	11	123	1	41	271	§2E5.6	0	0	0	0	0	0	0
§2B3.2	22	10	0	0	0	2	10	§2F1.1	0	0	0	0	0	0	0
§2B3.3	8	4	1	0	0	0	3	§2F1.2	0	0	0	0	0	0	0
§2B4.1	52	13	0	17	0	1	21	§2G1.1	50	23	1	8	0	2	16
§2B5.1	110	62	0	11	0	1	36	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	185	74	0	30	0	9	72
§2B5.3	41	5	0	9	0	3	24	§2G2.1	218	73	0	14	0	20	111
§2B5.4	0	0	0	0	0	0	0	§2G2.2	679	192	2	19	0	41	425
§2B6.1	0	0	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0
§2C1.1	84	30	0	21	0	5	28	§2G2.4	0	0	0	0	0	0	0
§2C1.2	4	1	0	2	0	0	1	§2G2.5	0	0	0	0	0	0	0
§2C1.3	2	2	0	0	0	0	0	§2G2.6	2	1	0	0	0	0	1
§2C1.4	0	0	0	0	0	0	0	§2G3.1	11	6	1	0	0	0	4
§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	19	7	0	0	0	3	9
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	4	1	0	1	0	0	2	§2H1.3	0	0	0	0	0	0	0
§2D1.1	9,031	3,188	30	1,939	680	462	2,732	§2H1.4	0	0	0	0	0	0	0
§2D1.2	96	58	2	10	0	2	24	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	3	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	§2H3.1	1	1	0	0	0	0	0
§2D1.5	1	0	0	0	0	0	1	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	2	2	0	0	0	0	0
§2D1.7	2	1	0	0	0	0	1	§2H4.1	4	1	0	0	0	1	2

Table 11A (cont.)

Guideline	Total	Within Gdln		Downward Departure			Variance	Guideline	Total	Within Gdln		Downward Departure			Variance
		Range	Upward Dep	\$5K1.1	\$5K3.1	Other				Range	Upward Dep	\$5K1.1	\$5K3.1	Other	
§2H4.2	0	0	0	0	0	0	0	§2M5.2	59	18	1	3	0	13	24
§2J1.1	0	0	0	0	0	0	0	§2M5.3	11	4	0	1	0	0	6
§2J1.2	59	23	0	6	0	2	28	§2M6.1	2	0	0	1	0	0	1
§2J1.3	18	4	1	1	0	1	11	§2M6.2	0	0	0	0	0	0	0
§2J1.4	11	8	1	0	0	0	2	§2N1.1	4	0	0	0	0	0	4
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	15	11	0	0	0	0	4	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	14	12	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	0	0	0	0	0	0	0	§2P1.1	149	96	1	1	1	6	44
§2K1.1	4	3	0	0	0	0	1	§2P1.2	65	36	0	0	0	9	20
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	10	5	0	1	0	0	4	§2P1.4	0	0	0	0	0	0	0
§2K1.4	22	11	0	2	0	3	6	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	14	6	0	1	0	1	6
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	11	4	0	3	0	1	3
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	3,399	1,866	26	242	0	153	1,112	§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	56	28	0	10	0	2	16
§2K2.4 ³	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	7	6	0	0	0	1	0	§2R1.1	28	4	0	22	0	0	2
§2K2.6	1	1	0	0	0	0	0	§2S1.1	505	104	0	161	1	28	211
§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	85	42	1	11	0	4	27
§2L1.1	1,429	559	6	60	552	33	219	§2S1.4	0	0	0	0	0	0	0
§2L1.2	8,215	5,551	45	18	1,522	312	767	§2T1.1	151	32	0	32	0	9	78
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	67	32	0	15	0	3	17	§2T1.3	0	0	0	0	0	0	0
§2L2.2	427	311	2	2	36	13	63	§2T1.4	100	30	0	15	0	5	50
§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	20	3	0	0	0	3	14
§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	8	1	0	1	0	0	6
§2M2.2	0	0	0	0	0	0	0	§2T2.1	0	0	0	0	0	0	0
§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	0	0	0	0	0	0	0
§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	0	0	0	0	0	0	0	§2X1.1	9	2	0	0	0	2	5
§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	51	25	1	4	0	3	18
§2M3.6	0	0	0	0	0	0	0	§2X4.1	120	51	1	12	0	10	46
§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	89	85	0	0	0	1	3
§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	1	0	0	0	0	1	0
§2M5.1	11	1	0	3	0	1	6	§2X7.2	0	0	0	0	0	0	0
TOTAL								30,848	14,975	179	3,377	2,795	1,413	8,109	

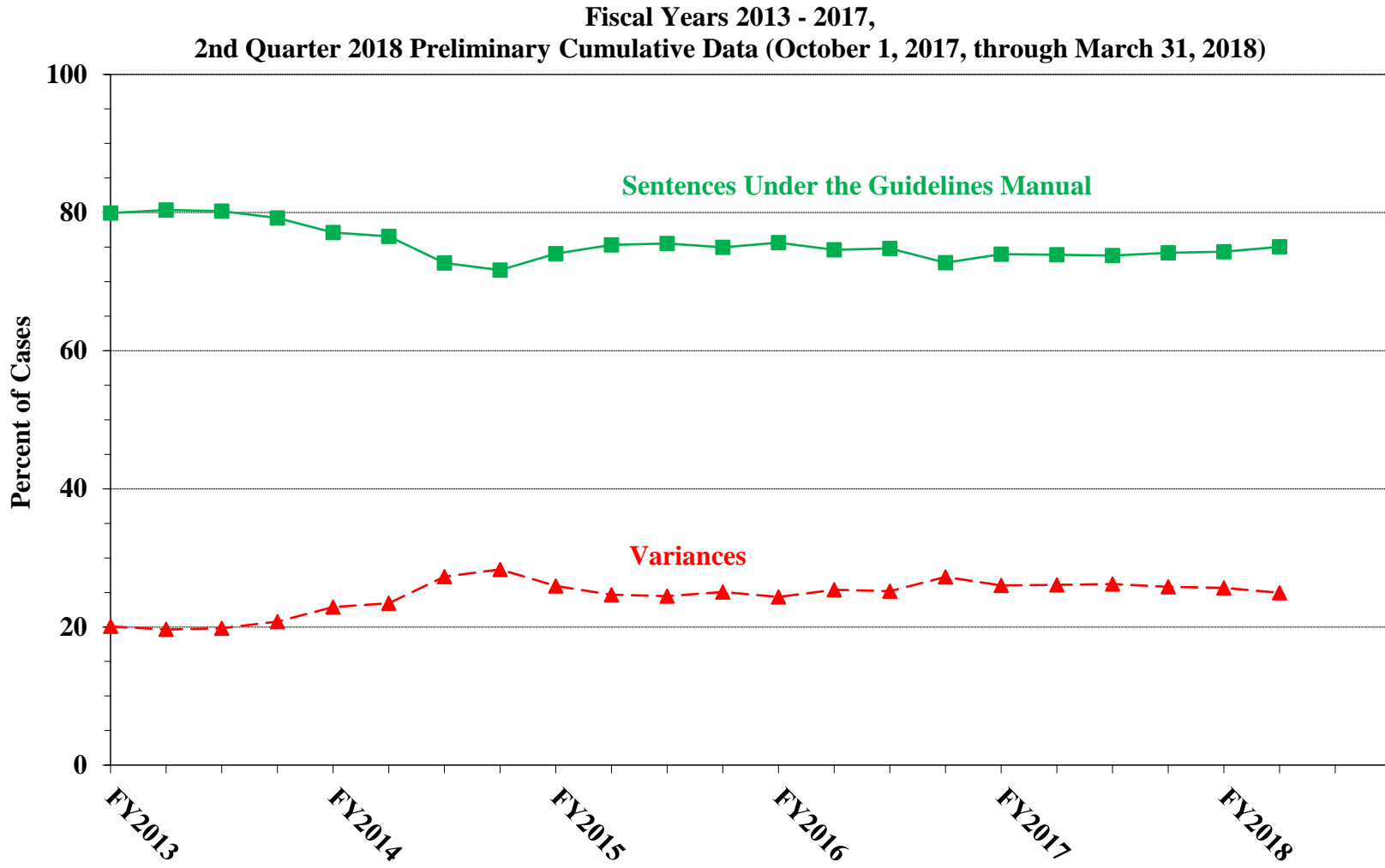
¹ Of the 32,860 cases, 2,012 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (220) or missing guideline applied (1,998). Descriptions of variables used in this table are provided in Appendix A.

² In 491 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 491 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,121 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 1,121 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Figure C-1

QUARTERLY DATA FOR SENTENCES UNDER THE GUIDELINES MANUAL AND FOR VARIANCES ¹



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

Table 12A

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	16,312	3,415	20.9	3,106	19.0	2,424	14.9	3,562	21.8	357	2.2
Departures	8,056	3,402	42.2	3,098	38.5	1,724	21.4	3,070	38.1	249	3.1
Upward Departure	180	0	0.0	0	0.0	38	21.1	17	9.4	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	3,402	3,402	100.0	57	1.7	146	4.3	1,052	30.9	6	0.2
§5K3.1 Early Disposition Program	3,041	0	0.0	3,041	100.0	1,238	40.7	1,801	59.2	231	7.6
Other Government Motion	630	0	0.0	0	0.0	302	47.9	200	31.7	12	1.9
Non-Government Departure	803	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	8,256	13	0.2	8	0.1	700	8.5	492	6.0	108	1.3
Upward Variance	668	13	1.9	8	1.2	100	15.0	41	6.1	1	0.1
Downward Variance											
Government Motion	1,801	0	0.0	0	0.0	600	33.3	451	25.0	107	5.9
Non-Government Variance	5,787	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12A (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	2,604	16.0	2,466	15.1	3,191	19.6	537	3.3	2,306	14.1	1,209	7.4
Departures	2,251	27.9	900	11.2	782	9.7	226	2.8	678	8.4	124	1.5
Upward Departure	62	34.4	2	1.1	2	1.1	2	1.1	53	29.4	15	8.3
Downward Departure												
§5K1.1 Substantial Assistance	1,999	58.8	314	9.2	251	7.4	114	3.4	306	0.0	0	0.0
§5K3.1 Early Disposition Program	87	2.9	166	5.5	314	10.3	49	1.6	90	3.0	0	0.0
Other Government Motion	103	16.3	40	6.3	27	4.3	61	9.7	51	8.1	10	1.6
Non-Government Departure	0	0.0	378	47.1	188	23.4	0	0.0	178	22.2	99	12.3
Variances	353	4.3	1,566	19.0	2,409	29.2	311	3.8	1,628	19.7	1,085	13.1
Upward Variance	109	16.3	4	0.6	2	0.3	10	1.5	288	43.1	130	19.5
Downward Variance												
Government Motion	244	13.5	140	7.8	85	4.7	301	16.7	80	4.4	68	3.8
Non-Government Variance	0	0.0	1,422	24.6	2,322	40.1	0	0.0	1,260	21.8	887	15.3

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 6,959 cases indicated more than one attribution. Only cases in which the sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

² For cases in which the court submitted a Statement of Reasons (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 a prior version of the SOR form, the information was taken from Part V.B. of the SOR form.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through March 31, 2018).

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,285	37	34	48.7
Murder	1	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	6	80	85	52.4
Sexual Abuse	35	78	60	50.0
Assault	4	17	29	81.4
Robbery	24	64	32	33.9
Arson	3	14	48	77.8
Drugs - Trafficking	1,882	57	45	45.0
Drugs - Communication Facility	16	5	25	84.9
Drugs - Simple Possession	3	0	2	100.0
Firearms	384	48	30	42.1
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	23	6	12	74.3
Fraud	456	12	21	69.2
Embezzlement	6	15	8	44.4
Forgery/Counterfeiting	20	8	12	67.6
Bribery	19	12	18	72.2
Tax	21	0	18	100.0
Money Laundering	82	12	24	63.2
Racketeering/Extortion	59	36	25	50.0
Gambling/Lottery	7	2	6	83.3
Civil Rights	0	--	--	--
Immigration	91	12	11	48.7
Child Pornography	27	120	66	30.0
Prison Offenses	1	--	--	--
Administration of Justice Offenses	24	0	13	100.0
Environmental/Wildlife	14	0	12	100.0
National Defense	4	0	52	100.0
Antitrust	22	0	12	100.0
Food & Drug	13	0	30	100.0
Other Miscellaneous Offenses	35	2	22	91.8

¹ Of the 32,860 cases, in 3,402 the offender received a §5K1.1 substantial assistance departure. Of these, in 3,319 cases complete guideline application information was available. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 32 cases were also excluded from this table. Of the remaining 3,287 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,754	12	6	42.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	655	28	30	52.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	1	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	3	24	36	60.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,089	8	6	37.5
Child Pornography	0	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 32,860 cases, in 3,041 the offender received a §5K3.1 early disposition program departure. Of these, in 2,754 cases complete guideline application information was available. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER DOWNWARD DEPARTURE CASES: DEGREE OF DECREASE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,375	24	15	36.4
Murder	1	--	--	--
Manslaughter	3	21	9	30.0
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	19	60	24	20.0
Assault	25	15	10	37.5
Robbery	22	36	20	27.9
Arson	2	--	--	--
Drugs - Trafficking	430	60	28	34.9
Drugs - Communication Facility	5	18	10	27.1
Drugs - Simple Possession	0	--	--	--
Firearms	190	37	17	29.1
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	19	0	10	100.0
Fraud	105	12	15	43.2
Embezzlement	3	0	15	100.0
Forgery/Counterfeiting	7	12	13	48.2
Bribery	7	0	12	100.0
Tax	12	4	13	81.1
Money Laundering	16	12	24	78.0
Racketeering/Extortion	21	37	21	35.7
Gambling/Lottery	1	--	--	--
Civil Rights	2	--	--	--
Immigration	354	12	8	37.4
Child Pornography	58	86	58	42.4
Prison Offenses	15	12	6	25.0
Administration of Justice Offenses	27	6	6	63.6
Environmental/Wildlife	2	--	--	--
National Defense	5	38	16	34.8
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	21	6	9	50.0

¹ Of the 32,860 cases, in 1,433 the sentence was a downward departure, either due to a government motion for a departure (630) or a non-government departure (803). Of these, in 1,390 cases complete guideline application information was available. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 15 cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD VARIANCE CASES: DEGREE OF DECREASE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	7,331	30	15	35.1
Murder	1	--	--	--
Manslaughter	3	0	10	100.0
Kidnapping/Hostage Taking	14	88	33	24.6
Sexual Abuse	82	92	37	35.7
Assault	90	12	10	50.0
Robbery	101	41	18	26.8
Arson	4	39	6	14.9
Drugs - Trafficking	2,533	60	23	31.0
Drugs - Communication Facility	31	18	24	62.5
Drugs - Simple Possession	3	0	2	100.0
Firearms	1,177	37	13	26.8
Burglary/B&E	0	--	--	--
Auto Theft	4	17	13	35.0
Larceny	133	0	10	100.0
Fraud	872	15	12	49.9
Embezzlement	31	6	10	75.0
Forgery/Counterfeiting	44	6	9	55.3
Bribery	17	15	12	50.4
Tax	104	6	12	74.2
Money Laundering	135	15	18	48.7
Racketeering/Extortion	129	37	17	34.8
Gambling/Lottery	12	0	6	99.6
Civil Rights	9	4	17	77.8
Immigration	872	12	6	33.3
Child Pornography	504	78	52	38.1
Prison Offenses	58	12	6	33.3
Administration of Justice Offenses	167	6	12	66.7
Environmental/Wildlife	20	0	10	100.0
National Defense	23	24	35	60.9
Antitrust	2	--	--	--
Food & Drug	23	12	16	63.8
Other Miscellaneous Offenses	133	0	10	100.0

¹ Of the 32,860 cases, in 7,588 the sentence was a below the guideline range variance, either due to a government motion for a variance (1,801) or a non-government variance (5,787). Of these, in 7,399 cases complete guideline application information was available. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 66 cases were also excluded from this table. Of the remaining 7,333 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURE CASES: DEGREE OF INCREASE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	176	53	12	38.7
Murder	4	340	47	16.0
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	14	60	14	63.2
Robbery	4	138	41	34.3
Arson	0	--	--	--
Drugs - Trafficking	33	84	18	32.4
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	23	72	12	24.4
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	13	36	13	46.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	6	120	34	33.4
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	52	24	7	50.0
Child Pornography	2	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	40	9	33.3
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	9	36	9	94.6

¹ Of the 32,860 cases, in 180 the sentence was an upward departure. Of these, in 178 cases complete guideline application information was available. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

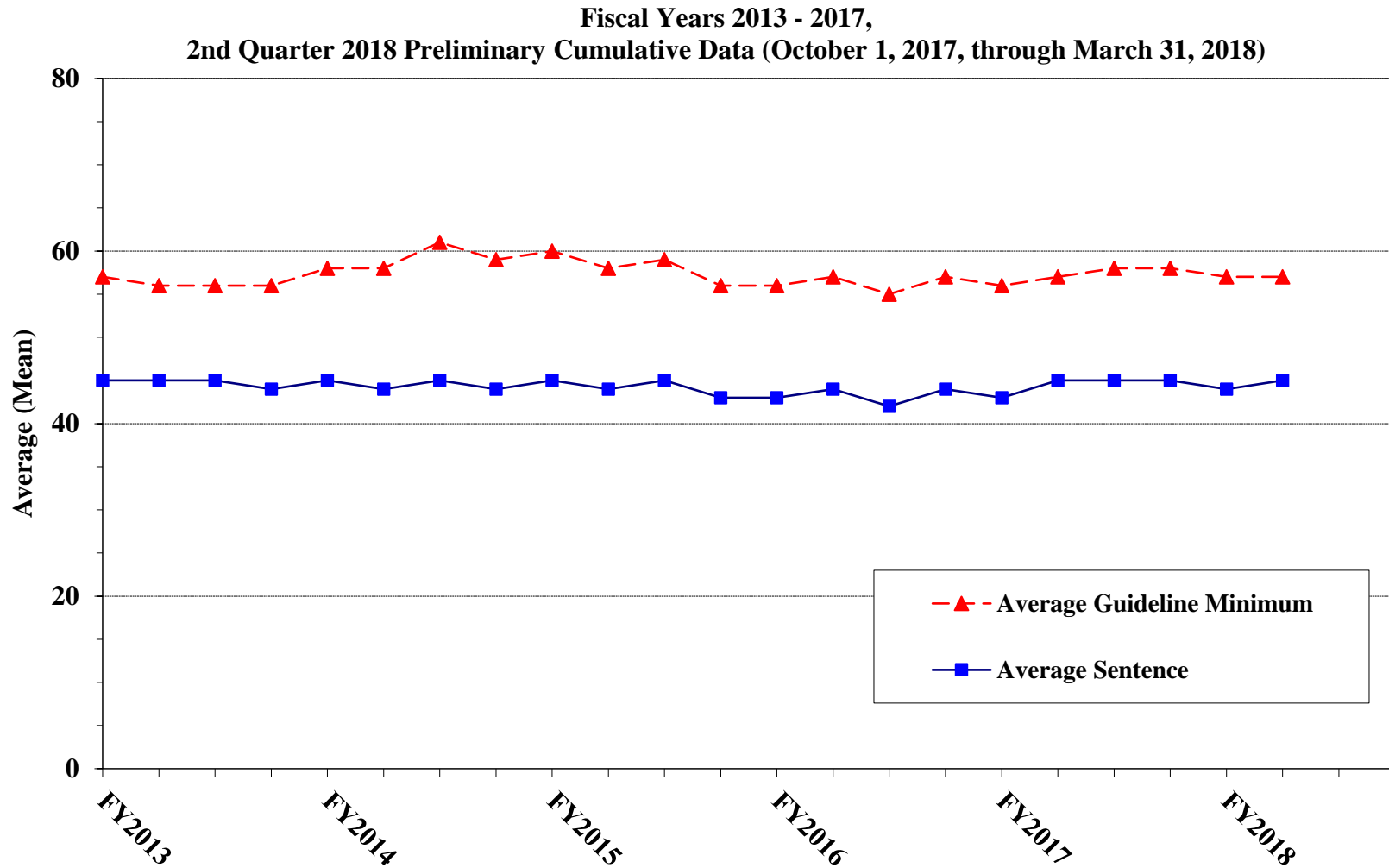
**UPWARD VARIANCE CASES: DEGREE OF INCREASE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	582	57	14	44.7
Murder	1	--	--	--
Manslaughter	3	97	19	24.4
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	11	84	23	33.3
Assault	24	66	15	40.6
Robbery	15	120	24	25.0
Arson	1	--	--	--
Drugs - Trafficking	87	72	18	39.4
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	139	90	20	35.2
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	13	60	21	62.2
Fraud	45	60	15	50.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	1	--	--	--
Tax	3	63	12	23.5
Money Laundering	1	--	--	--
Racketeering/Extortion	13	96	24	24.0
Gambling/Lottery	4	18	9	80.3
Civil Rights	0	--	--	--
Immigration	175	24	9	50.0
Child Pornography	8	156	21	12.8
Prison Offenses	4	51	32	166.7
Administration of Justice Offenses	11	41	11	45.5
Environmental/Wildlife	2	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	12	60	29	72.4

¹ Of the 32,860 cases, in 668 the sentence was an above the guideline range variance. Of these, in 606 cases complete guideline application information was available. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, 22 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure D

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR ALL CASES¹**

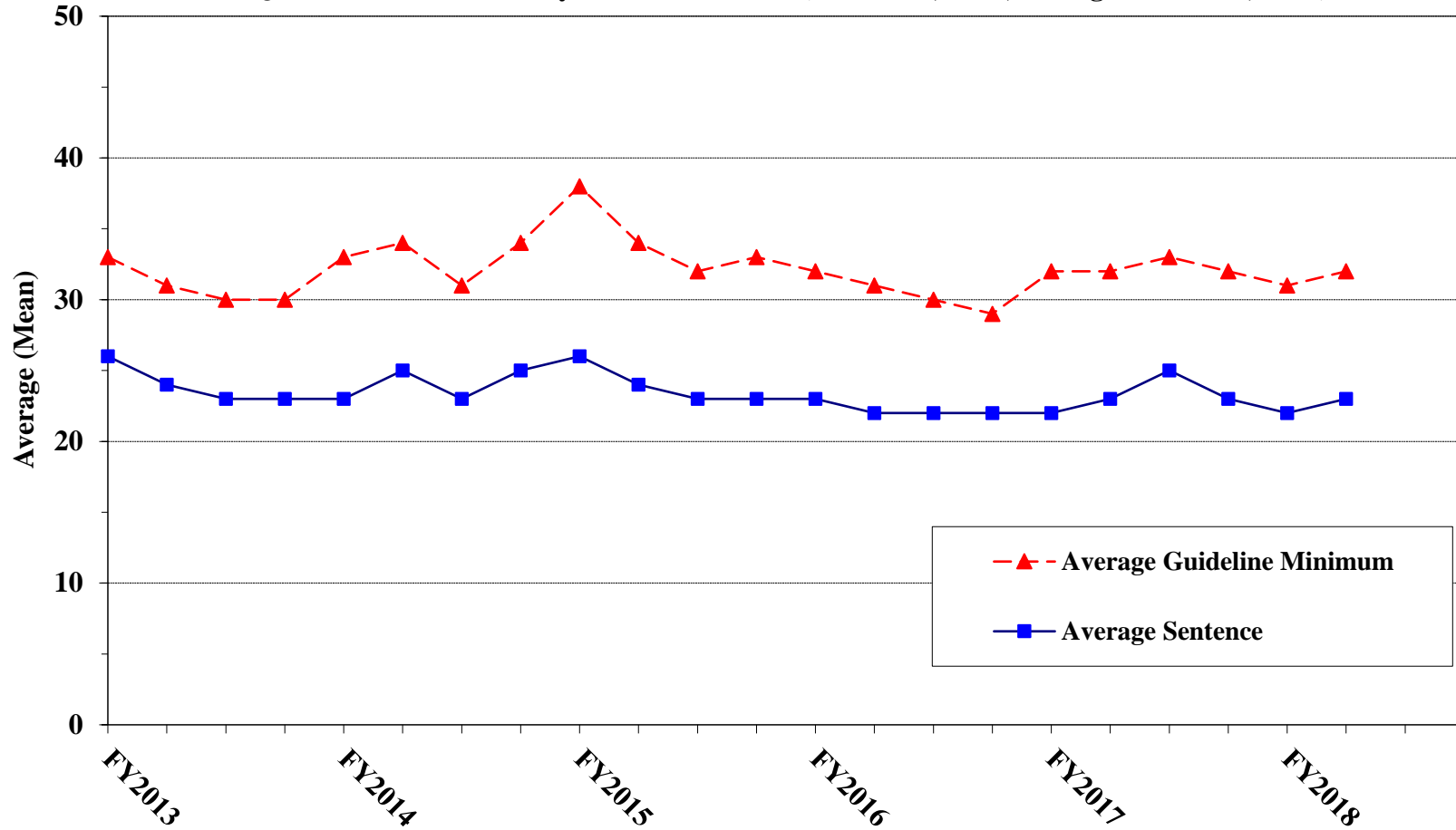


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes time 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 E

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹

**Fiscal Years 2013 - 2017,
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)**

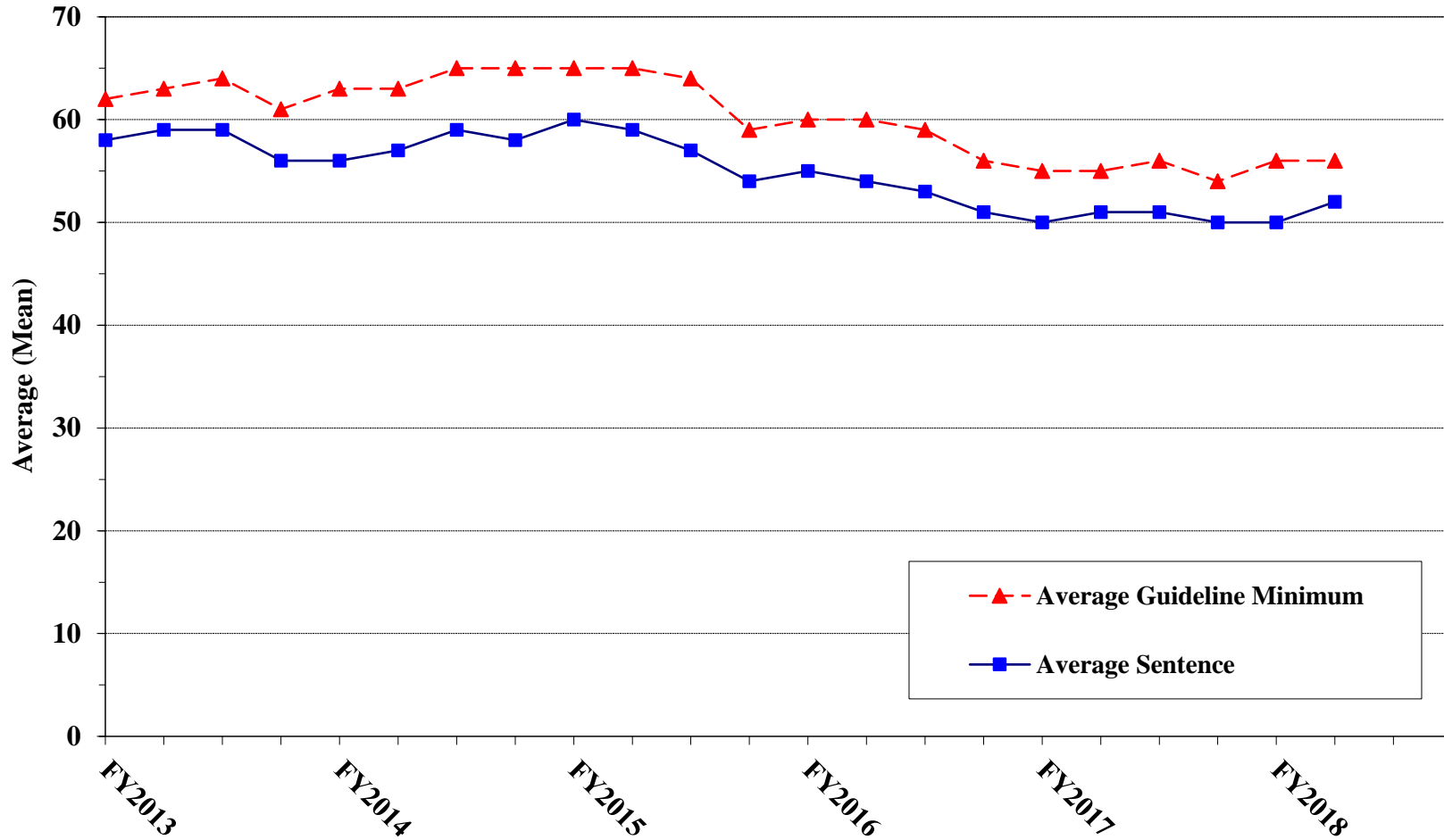


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 time 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 F

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹

**Fiscal Years 2013 - 2017,
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)**

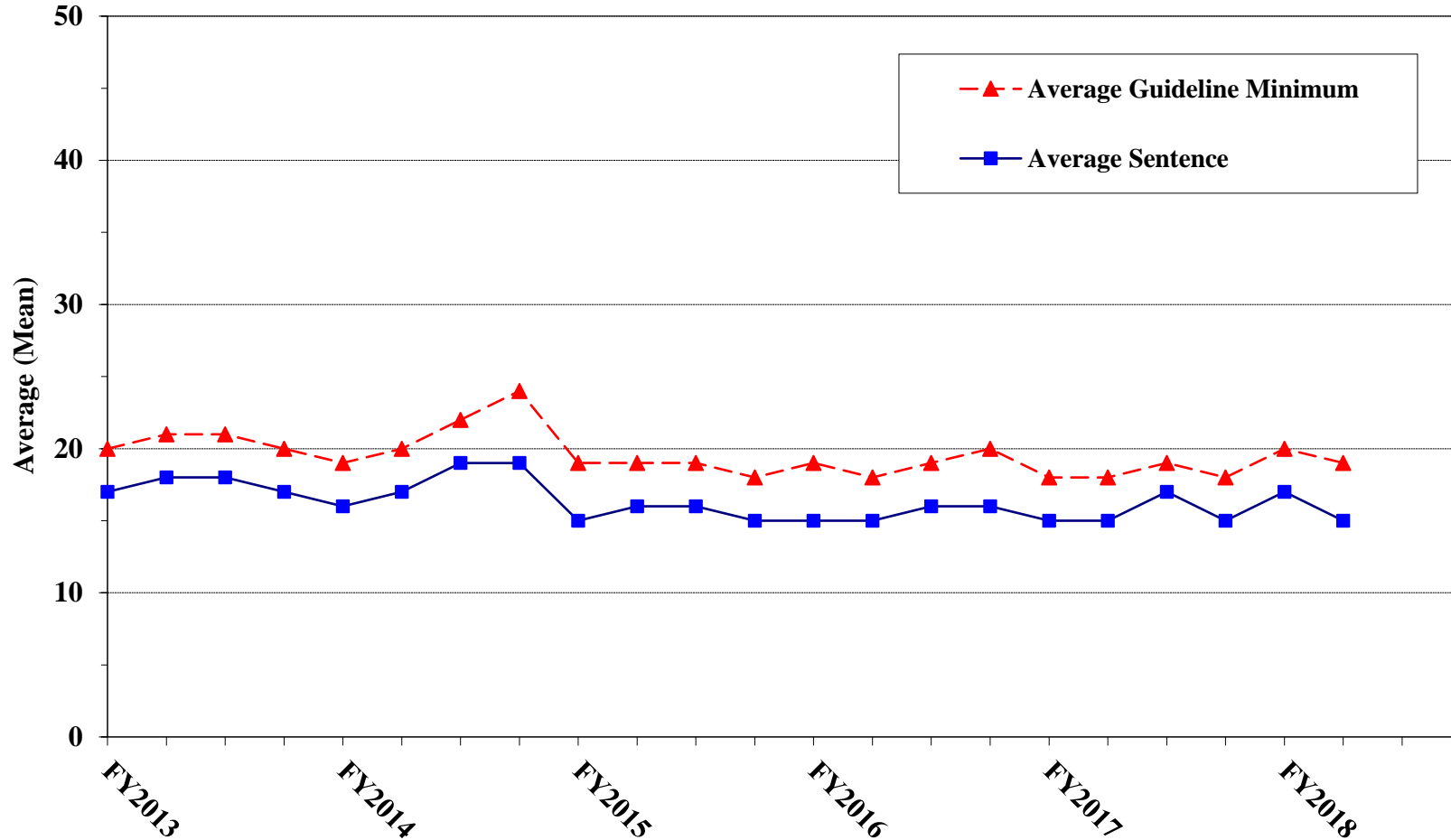


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 time 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 G

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹**

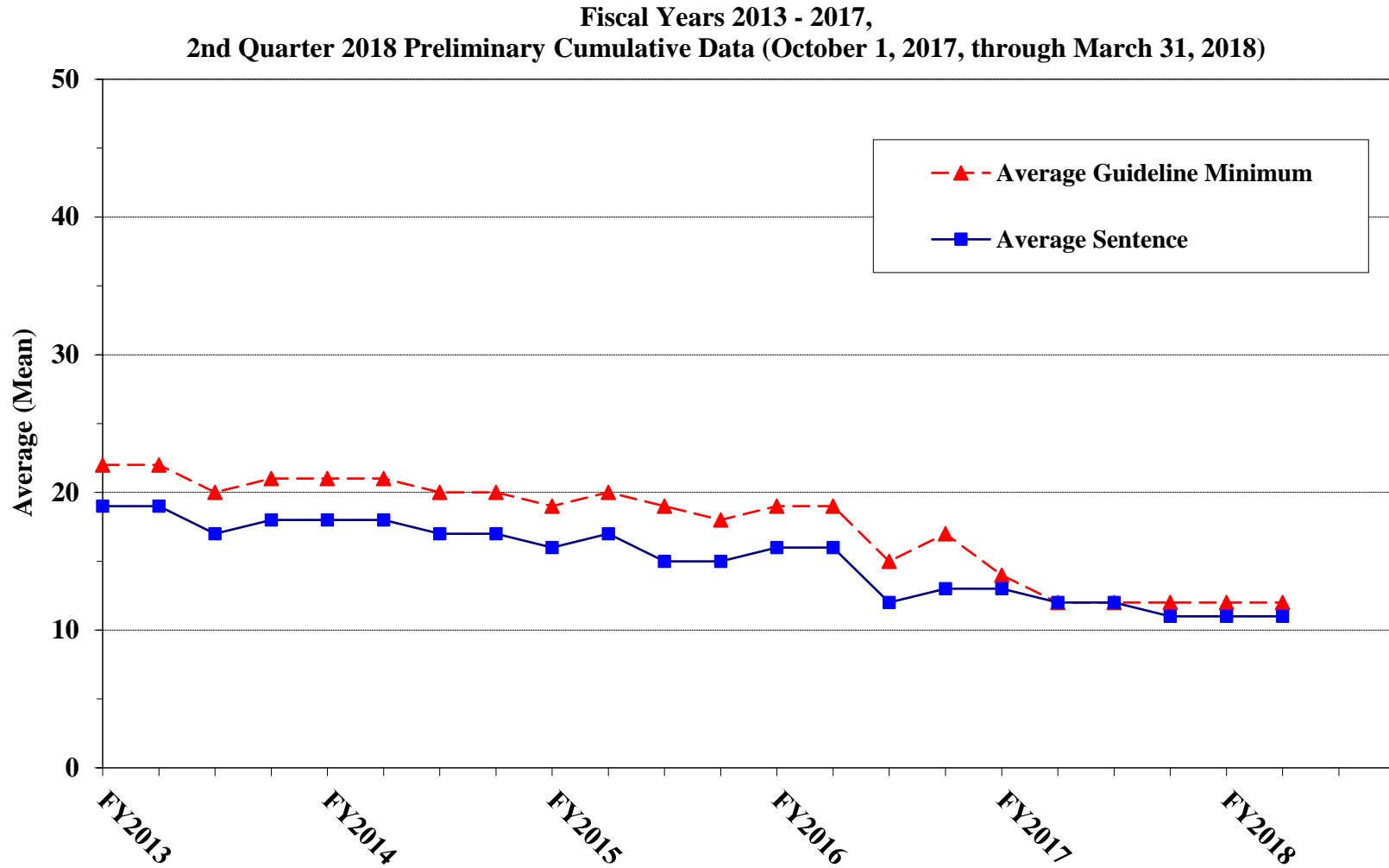
**Fiscal Years 2013 - 2017,
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)**



¹ 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 time 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 H

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹

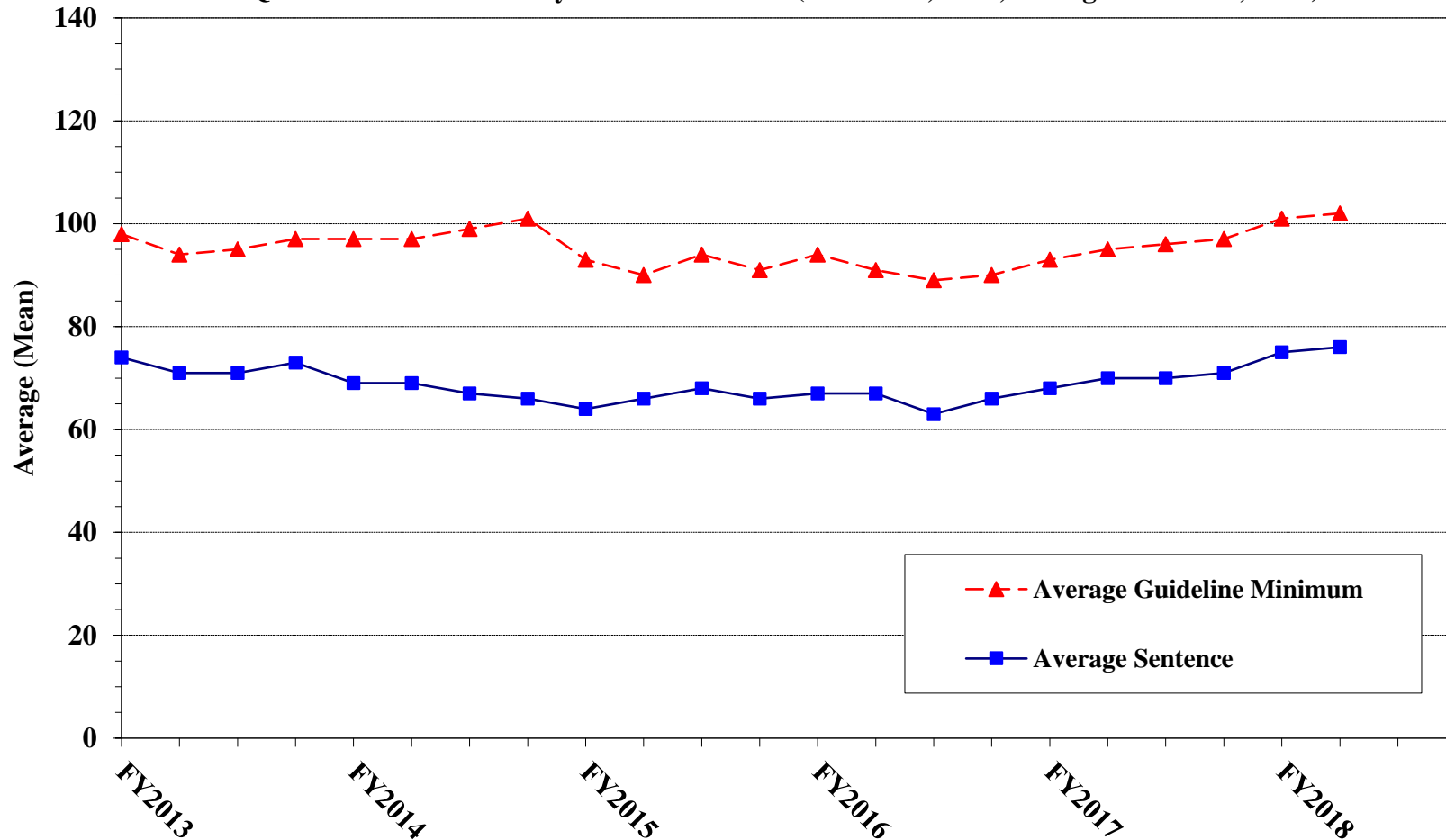


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with 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 time 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 I

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹

**Fiscal Years 2013 - 2017,
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)**

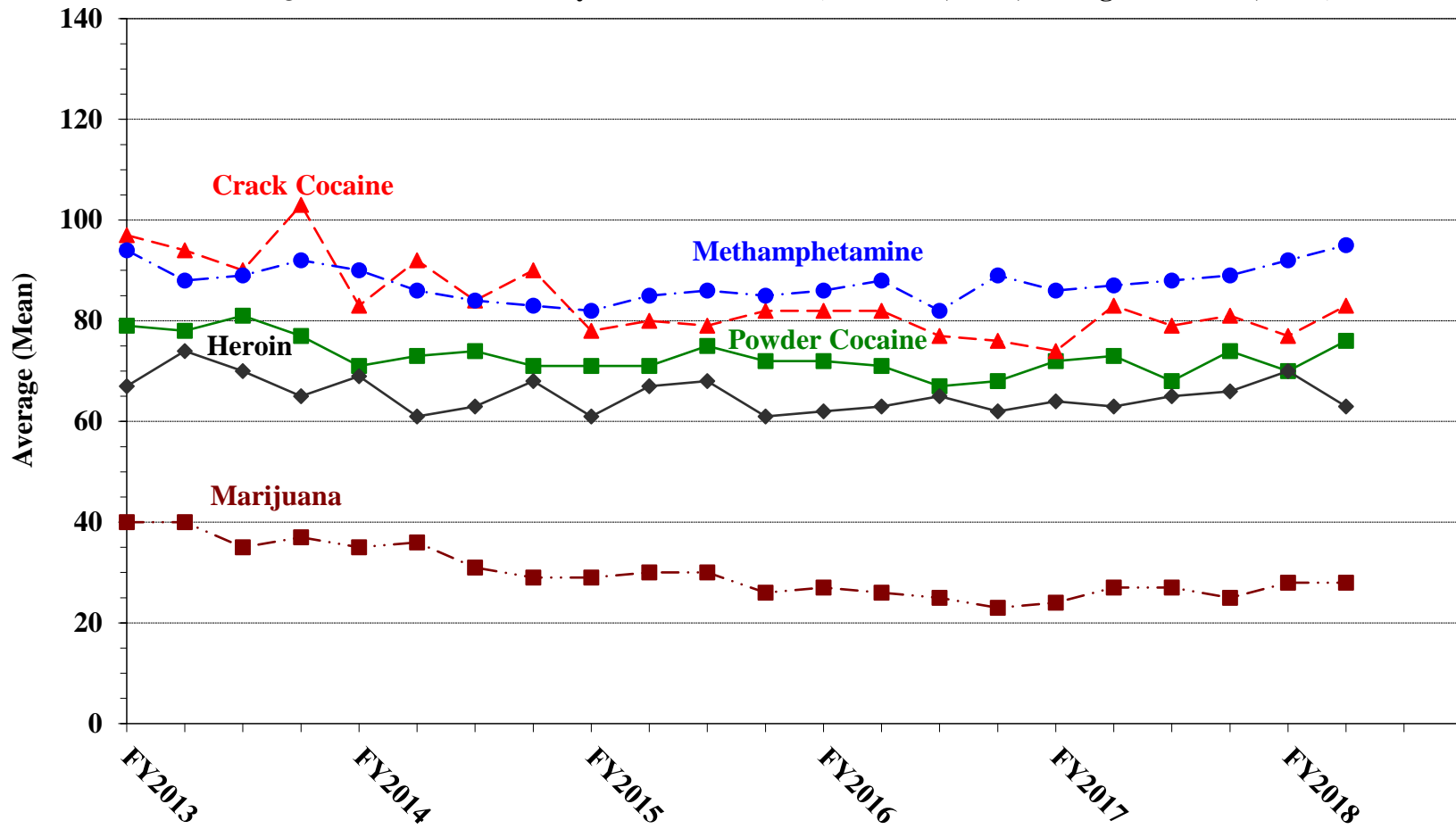


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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 time 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 J

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2013 - 2017,
2nd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through March 31, 2018)



¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. 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 time of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

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

Variables

The following section describes the variables used in this report.

Circuit

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

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: non-government downward departures and variances from guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, other government motion departures and variances. Life sentences and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) for the following categories: upward departures from the guideline range, upward variances from the guideline range. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

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

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals. The total requested documents received column is derived from adding the total number of received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The total requested documents not received column is derived from adding the total number of not received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). Cases where the PSR is waived, there is no written plea agreement/trial, and where the Commission was unable to definitively determine whether the offender's guilty plea was entered pursuant to a written plea agreement are all excluded from the calculations for the total received documents column.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (USSG §2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *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 a title 21 U.S. Code offense 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 *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE," methamphetamine mixture, and methamphetamine precursors sentenced under any drug guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). The category *Listed Chemicals* includes any chemicals listed under USSG §2D1.11. All drug types not listed separately in this report are collapsed into the "other" drug category.

Gender

Gender of the defendant is obtained from the Presentence Report.

Government Sponsored Below Range

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes 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. All cases in which a reason for a sentence below the range was substantial assistance (USSG §5K1.1) or Early Disposition Program (USSG §5K3.1) were attributed to the government. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government unless the court indicated on the SOR that the government opposed the motion: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, 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. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

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 Downward Departure

Non-Government 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, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

Non-Government Downward Variance

Non-Government 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 and where the prosecution did not initiate, propose, or stipulate to the sentence.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC 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 sponsored categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense 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 offense type that best represented the nature of the criminal behavior is chosen.

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

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage Taking includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, transportation of minor for sex, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs - Trafficking includes drug distribution/manufacture, 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, and establish/rent drug operation.

Drugs - Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs - Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of 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; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax includes receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggling); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Racketeering/Extortion includes extortionate extension of credit, blackmail, extortion by force or threat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil 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.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering the U.S.

Pornography/Prostitution includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

Child Pornography includes the production, sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

Prison Offenses includes contraband in prisons, riots in federal facilities, and escape.

Administration of Justice Offenses includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food & Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices on federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

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 indicate 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* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and “Other” origin.

Sentence Length

Sentence Length reports the mean and median terms of the sentence imposed in months. This information is obtained from the Judgment and Commitment Order. Sentence lengths expressed in days are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence which 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. However, sentences in cases where the court imposed a sentence of time served but did not report the amount of time that was served are included as zero months.

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. Also, sentences of greater than 470 months are also reported as 470 months for some analyses. The footnote in the relevant tables and figures indicates when this occurs.

Type of Guideline Sentence Imposed

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

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

The *Prison/Community Split Sentence* 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 *Total Receiving Probation* column 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 column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

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

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

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, other than §5K1.1 or §5K3.1.

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.

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 defendant was sentenced.