

# United States Sentencing Commission Quarterly Data Report



**2<sup>nd</sup> Quarter Release**  
**Preliminary Fiscal Year 2017 Data**  
**Through March 31, 2017**

## 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 <http://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.

Beginning with the Commission's report on data from cases in which the offender was sentenced during the first two quarters of fiscal year 2016, the Commission has reported quarterly data in a revised format. This new format includes information not previously reported on a quarterly basis, such as sentencing trends. Other tables and figures used previously were updated in order to present data on sentencing practices in a way that was easier to understand. Finally, tables of data that were no longer meaningful when reported quarterly were omitted.

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*. For example, the data reported in the initial release for the second quarter of a fiscal year may change as the Commission receives and analyzes documents in the remaining quarters from additional cases in which the offender was sentenced during the second quarter.<sup>3</sup> Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

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<sup>1</sup> 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).

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2016 are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

<sup>3</sup> 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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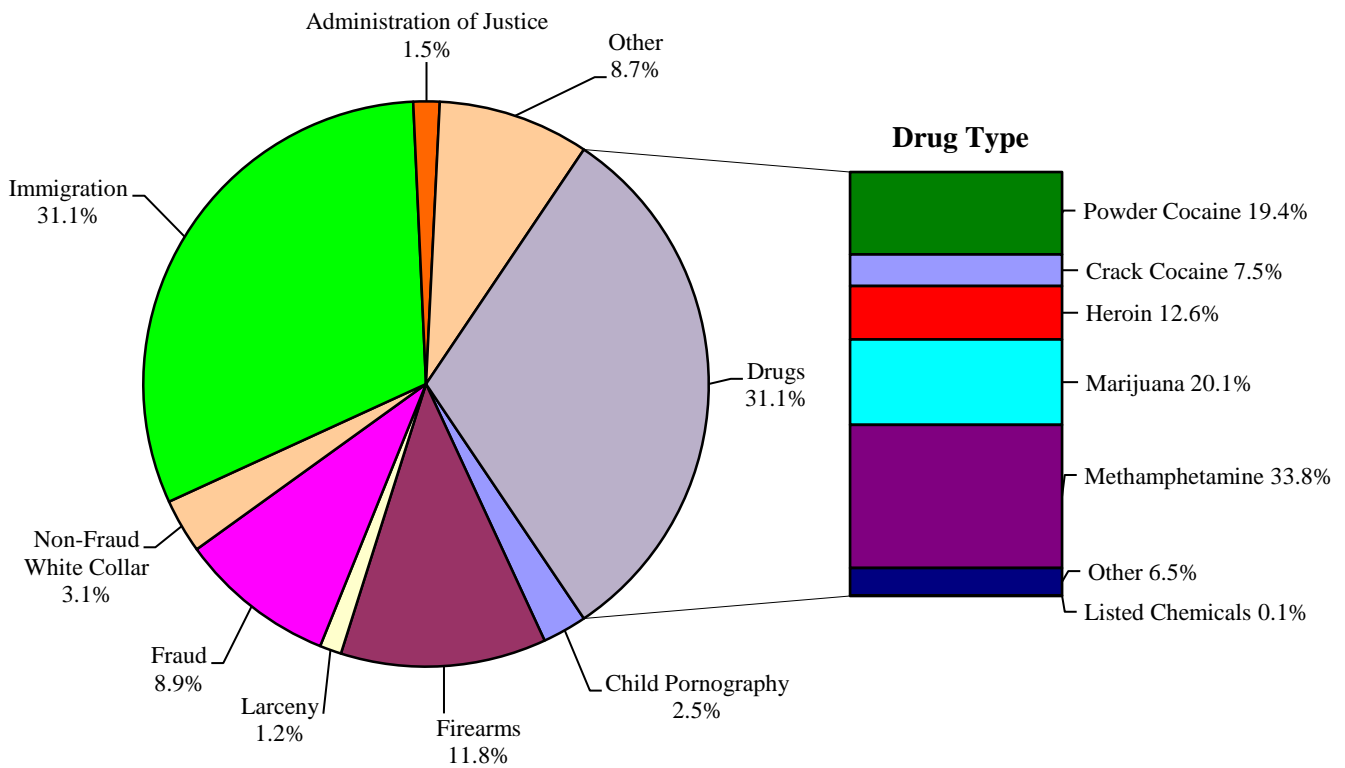
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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**



<sup>1</sup> Of the 32,915 guideline cases, two drug cases were excluded from this figure due to missing information on 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 2017 Datafile, USSCFY17 (October 1, 2016, through March 31, 2017).

Table 1

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>32,915</b>	<b>100.0</b>
<b>Murder</b>	42	0.1
<b>Manslaughter</b>	24	0.1
<b>Kidnapping/Hostage Taking</b>	34	0.1
<b>Sexual Abuse</b>	294	0.9
<b>Assault</b>	370	1.1
<b>Robbery</b>	305	0.9
<b>Arson</b>	23	0.1
<b>Drugs - Trafficking</b>	9,412	28.6
<b>Drugs - Communication Facility</b>	145	0.4
<b>Drugs - Simple Possession</b>	694	2.1
<b>Firearms</b>	3,870	11.8
<b>Burglary/B&amp;E</b>	13	0.0
<b>Auto Theft</b>	28	0.1
<b>Larceny</b>	409	1.2
<b>Fraud</b>	2,945	8.9
<b>Embezzlement</b>	188	0.6
<b>Forgery/Counterfeiting</b>	184	0.6
<b>Bribery</b>	74	0.2
<b>Tax</b>	229	0.7
<b>Money Laundering</b>	348	1.1
<b>Racketeering/Extortion</b>	458	1.4
<b>Gambling/Lottery</b>	20	0.1
<b>Civil Rights</b>	24	0.1
<b>Immigration</b>	10,239	31.1
<b>Child Pornography</b>	836	2.5
<b>Prison Offenses</b>	257	0.8
<b>Administration of Justice Offenses</b>	494	1.5
<b>Environmental/Wildlife</b>	42	0.1
<b>National Defense</b>	48	0.1
<b>Antitrust</b>	5	0.0
<b>Food &amp; Drug</b>	41	0.1
<b>Other Miscellaneous Offenses</b>	820	2.5

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

Table 2

**GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data**  
**(October 1, 2016, through March 31, 2017)**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
District	N	%	District	N	%
<b>TOTAL</b>	<b>32,915</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>109</b>	<b>0.3</b>	<b>FIFTH CIRCUIT</b>	<b>8,408</b>	<b>25.5</b>
District of Columbia	109	0.3	Louisiana		
			Eastern	160	0.5
<b>FIRST CIRCUIT</b>	<b>954</b>	<b>2.9</b>	Middle	58	0.2
Maine	100	0.3	Western	122	0.4
Massachusetts	217	0.7	Mississippi		
New Hampshire	91	0.3	Northern	72	0.2
Puerto Rico	502	1.5	Southern	93	0.3
Rhode Island	44	0.1	Texas		
			Eastern	374	1.1
<b>SECOND CIRCUIT</b>	<b>1,648</b>	<b>5.0</b>	Northern	760	2.3
Connecticut	172	0.5	Southern	3,472	10.5
New York			Western	3,297	10.0
Eastern	393	1.2	<b>SIXTH CIRCUIT</b>	<b>2,064</b>	<b>6.3</b>
Northern	152	0.5	Kentucky		
Southern	594	1.8	Eastern	155	0.5
Western	242	0.7	Western	130	0.4
Vermont	95	0.3	Michigan		
			Eastern	423	1.3
<b>THIRD CIRCUIT</b>	<b>1,052</b>	<b>3.2</b>	Western	174	0.5
Delaware	36	0.1	Ohio		
New Jersey	316	1.0	Northern	261	0.8
Pennsylvania			Southern	252	0.8
Eastern	313	1.0	Tennessee		
Middle	167	0.5	Eastern	352	1.1
Western	184	0.6	Middle	125	0.4
Virgin Islands	36	0.1	Western	192	0.6
			<b>SEVENTH CIRCUIT</b>	<b>1,051</b>	<b>3.2</b>
<b>FOURTH CIRCUIT</b>	<b>2,450</b>	<b>7.4</b>	Illinois		
Maryland	352	1.1	Central	116	0.4
North Carolina			Northern	290	0.9
Eastern	301	0.9	Southern	145	0.4
Middle	209	0.6	Indiana		
Western	259	0.8	Northern	117	0.4
South Carolina	345	1.0	Southern	198	0.6
Virginia			Wisconsin		
Eastern	604	1.8	Eastern	124	0.4
Western	151	0.5	Western	61	0.2
West Virginia					
Northern	101	0.3			
Southern	128	0.4			

Table 2 (cont.)

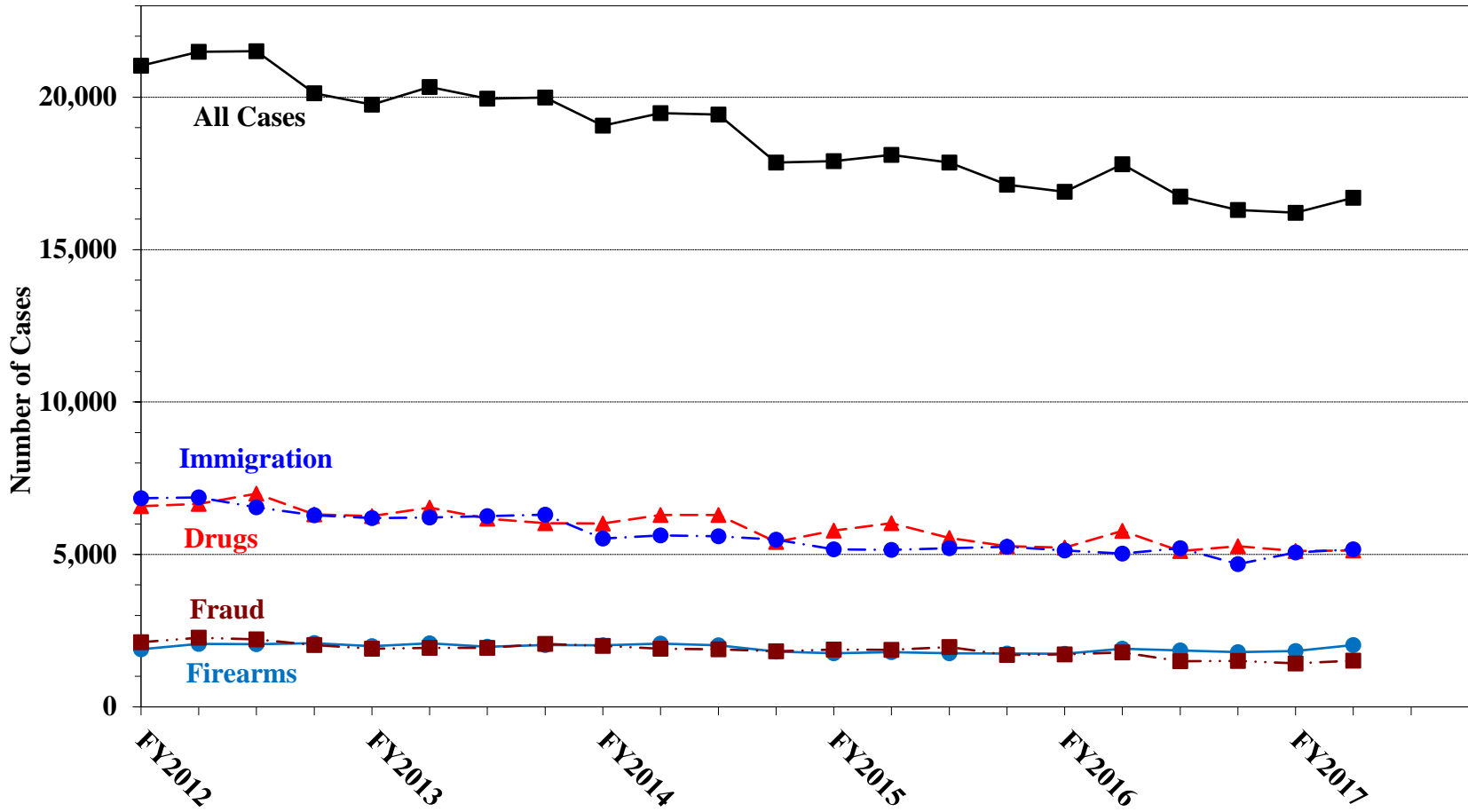
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>2,299</b>	<b>7.0</b>	<b>TENTH CIRCUIT</b>	<b>3,136</b>	<b>9.5</b>
Arkansas			Colorado	215	0.7
Eastern	184	0.6	Kansas	292	0.9
Western	107	0.3	New Mexico	1,882	5.7
Iowa			Oklahoma		
Northern	199	0.6	Eastern	57	0.2
Southern	173	0.5	Northern	86	0.3
Minnesota	209	0.6	Western	141	0.4
Missouri			Utah	350	1.1
Eastern	347	1.1	Wyoming	113	0.3
Western	417	1.3			
Nebraska	261	0.8	<b>ELEVENTH CIRCUIT</b>	<b>3,200</b>	<b>9.7</b>
North Dakota	168	0.5	Alabama		
South Dakota	234	0.7	Middle	103	0.3
			Northern	200	0.6
<b>NINTH CIRCUIT</b>	<b>6,544</b>	<b>19.9</b>	Southern	140	0.4
Alaska	83	0.3	Florida		
Arizona	2,828	8.6	Middle	749	2.3
California			Northern	127	0.4
Central	529	1.6	Southern	1,204	3.7
Eastern	284	0.9	Georgia		
Northern	257	0.8	Middle	225	0.7
Southern	1,377	4.2	Northern	269	0.8
Guam	24	0.1	Southern	183	0.6
Hawaii	49	0.1			
Idaho	175	0.5			
Montana	170	0.5			
Nevada	230	0.7			
Northern Mariana Islands	6	0.0			
Oregon	155	0.5			
Washington					
Eastern	166	0.5			
Western	211	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2017 Datafile, USSCFY17 (October 1, 2016, through March 31, 2017).



**Figure B**  
**NUMBER OF CASES IN SELECTED OFFENSE CATEGORIES<sup>1</sup>**  
 Fiscal Years 2012 - 2016,  
 2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)



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

Table 3

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>32,573</b>	<b>6,915</b>	<b>21.2</b>	<b>6,721</b>	<b>20.6</b>	<b>17,636</b>	<b>54.1</b>	<b>1,301</b>	<b>4.0</b>
Murder	42	10	23.8	11	26.2	10	23.8	11	26.2
Manslaughter	24	1	4.2	1	4.2	0	0.0	22	91.7
Kidnapping/Hostage Taking	34	10	29.4	10	29.4	9	26.5	5	14.7
Sexual Abuse	294	91	31.0	106	36.1	38	12.9	59	20.1
Assault	365	64	17.5	64	17.5	60	16.4	177	48.5
Robbery	305	118	38.7	140	45.9	36	11.8	11	3.6
Arson	23	15	65.2	2	8.7	1	4.3	5	21.7
Drugs - Trafficking	9,399	2,095	22.3	2,260	24.0	4,755	50.6	289	3.1
Drugs - Communication Facility	145	36	24.8	61	42.1	48	33.1	0	0.0
Drugs - Simple Possession	666	85	12.8	57	8.6	502	75.4	22	3.3
Firearms	3,856	944	24.5	1,983	51.4	812	21.1	117	3.0
Burglary/B&E	13	5	38.5	1	7.7	2	15.4	5	38.5
Auto Theft	28	5	17.9	11	39.3	12	42.9	0	0.0
Larceny	388	164	42.3	116	29.9	72	18.6	36	9.3
Fraud	2,937	1,218	41.5	871	29.7	661	22.5	187	6.4
Embezzlement	183	97	53.0	52	28.4	18	9.8	16	8.7
Forgery/Counterfeiting	183	69	37.7	66	36.1	32	17.5	16	8.7
Bribery	74	27	36.5	26	35.1	12	16.2	9	12.2
Tax	227	133	58.6	59	26.0	24	10.6	11	4.8
Money Laundering	347	114	32.9	52	15.0	159	45.8	22	6.3
Racketeering/Extortion	458	75	16.4	217	47.4	153	33.4	13	2.8
Gambling/Lottery	20	14	70.0	1	5.0	4	20.0	1	5.0
Civil Rights	24	20	83.3	1	4.2	2	8.3	1	4.2
Immigration	10,164	182	1.8	138	1.4	9,779	96.2	65	0.6
Child Pornography	834	660	79.1	39	4.7	105	12.6	30	3.6
Prison Offenses	248	79	31.9	79	31.9	69	27.8	21	8.5
Administration of Justice Offenses	493	193	39.1	115	23.3	122	24.7	63	12.8
Environmental/Wildlife	41	30	73.2	0	0.0	1	2.4	10	24.4
National Defense	47	16	34.0	9	19.1	15	31.9	7	14.9
Antitrust	5	1	20.0	2	40.0	2	40.0	0	0.0
Food & Drug	41	31	75.6	0	0.0	6	14.6	4	9.8
Other Miscellaneous Offenses	665	313	47.1	171	25.7	115	17.3	66	9.9

<sup>1</sup> Of the 32,915 cases, 342 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>32,837</b>	<b>28,490</b>	<b>86.8</b>	<b>4,347</b>	<b>13.2</b>
Murder	42	41	97.6	1	2.4
Manslaughter	24	20	83.3	4	16.7
Kidnapping/Hostage Taking	34	30	88.2	4	11.8
Sexual Abuse	294	264	89.8	30	10.2
Assault	369	330	89.4	39	10.6
Robbery	305	274	89.8	31	10.2
Arson	23	20	87.0	3	13.0
Drugs - Trafficking	9,412	7,880	83.7	1,532	16.3
Drugs - Communication Facility	145	106	73.1	39	26.9
Drugs - Simple Possession	688	603	87.6	85	12.4
Firearms	3,870	3,746	96.8	124	3.2
Burglary/B&E	13	11	84.6	2	15.4
Auto Theft	28	26	92.9	2	7.1
Larceny	406	252	62.1	154	37.9
Fraud	2,944	2,074	70.4	870	29.6
Embezzlement	188	82	43.6	106	56.4
Forgery/Counterfeiting	184	142	77.2	42	22.8
Bribery	74	61	82.4	13	17.6
Tax	229	159	69.4	70	30.6
Money Laundering	348	238	68.4	110	31.6
Racketeering/Extortion	458	412	90.0	46	10.0
Gambling/Lottery	20	16	80.0	4	20.0
Civil Rights	24	22	91.7	2	8.3
Immigration	10,218	9,560	93.6	658	6.4
Child Pornography	836	815	97.5	21	2.5
Prison Offenses	255	226	88.6	29	11.4
Administration of Justice Offenses	494	377	76.3	117	23.7
Environmental/Wildlife	41	39	95.1	2	4.9
National Defense	48	46	95.8	2	4.2
Antitrust	5	5	100.0	0	0.0
Food & Drug	41	33	80.5	8	19.5
Other Miscellaneous Offenses	777	580	74.6	197	25.4

<sup>1</sup> Of the 32,915 cases, 78 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>32,678</b>	<b>19,055</b>	<b>58.3</b>	<b>13,623</b>	<b>41.7</b>
Murder	42	34	81.0	8	19.0
Manslaughter	24	24	100.0	0	0.0
Kidnapping/Hostage Taking	34	31	91.2	3	8.8
Sexual Abuse	294	280	95.2	14	4.8
Assault	365	340	93.2	25	6.8
Robbery	305	301	98.7	4	1.3
Arson	23	23	100.0	0	0.0
Drugs - Trafficking	9,382	6,836	72.9	2,546	27.1
Drugs - Communication Facility	145	121	83.4	24	16.6
Drugs - Simple Possession	675	231	34.2	444	65.8
Firearms	3,864	3,642	94.3	222	5.7
Burglary/B&E	13	13	100.0	0	0.0
Auto Theft	28	26	92.9	2	7.1
Larceny	400	367	91.8	33	8.3
Fraud	2,937	2,408	82.0	529	18.0
Embezzlement	186	180	96.8	6	3.2
Forgery/Counterfeiting	184	157	85.3	27	14.7
Bribery	74	71	95.9	3	4.1
Tax	228	218	95.6	10	4.4
Money Laundering	344	234	68.0	110	32.0
Racketeering/Extortion	457	384	84.0	73	16.0
Gambling/Lottery	20	19	95.0	1	5.0
Civil Rights	24	23	95.8	1	4.2
Immigration	10,231	894	8.7	9,337	91.3
Child Pornography	836	812	97.1	24	2.9
Prison Offenses	251	240	95.6	11	4.4
Administration of Justice Offenses	494	427	86.4	67	13.6
Environmental/Wildlife	38	35	92.1	3	7.9
National Defense	46	28	60.9	18	39.1
Antitrust	5	5	100.0	0	0.0
Food & Drug	40	37	92.5	3	7.5
Other Miscellaneous Offenses	689	614	89.1	75	10.9

<sup>1</sup> Of the 32,915 cases, 237 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>44</b>	<b>21</b>	<b>32,914</b>
<b>Murder</b>	247	170	42
<b>Manslaughter</b>	73	40	24
<b>Kidnapping/Hostage Taking</b>	231	192	34
<b>Sexual Abuse</b>	137	120	294
<b>Assault</b>	29	20	370
<b>Robbery</b>	79	63	305
<b>Arson</b>	51	60	23
<b>Drugs - Trafficking</b>	69	51	9,412
<b>Drugs - Communication Facility</b>	26	26	145
<b>Drugs - Simple Possession</b>	4	6	694
<b>Firearms</b>	70	48	3,870
<b>Burglary/B&amp;E</b>	18	15	13
<b>Auto Theft</b>	69	44	28
<b>Larceny</b>	9	1	409
<b>Fraud</b>	25	15	2,945
<b>Embezzlement</b>	7	0	188
<b>Forgery/Counterfeiting</b>	16	12	184
<b>Bribery</b>	21	15	74
<b>Tax</b>	12	10	229
<b>Money Laundering</b>	33	18	348
<b>Racketeering/Extortion</b>	109	60	458
<b>Gambling/Lottery</b>	3	0	20
<b>Civil Rights</b>	27	12	24
<b>Immigration</b>	12	9	10,238
<b>Child Pornography</b>	144	96	836
<b>Prison Offenses</b>	12	10	257
<b>Administration of Justice Offenses</b>	20	14	494
<b>Environmental/Wildlife</b>	3	0	42
<b>National Defense</b>	55	27	48
<b>Antitrust</b>	30	10	5
<b>Food &amp; Drug</b>	5	0	41
<b>Other Miscellaneous Offenses</b>	17	0	820

<sup>1</sup> Of the 32,915 cases, one was excluded due to missing or indeterminable sentencing information. 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 CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>32,724</b>	<b>29,798</b>	<b>91.1</b>	<b>28,815</b>	<b>88.1</b>	<b>983</b>	<b>3.0</b>	<b>2,926</b>	<b>8.9</b>	<b>695</b>	<b>2.1</b>	<b>2,231</b>	<b>6.8</b>
Murder	42	42	100.0	37	88.1	5	11.9	0	0.0	0	0.0	0	0.0
Manslaughter	24	24	100.0	22	91.7	2	8.3	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	34	34	100.0	34	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	293	287	98.0	277	94.5	10	3.4	6	2.0	4	1.4	2	0.7
Assault	367	326	88.8	299	81.5	27	7.4	41	11.2	5	1.4	36	9.8
Robbery	305	299	98.0	284	93.1	15	4.9	6	2.0	4	1.3	2	0.7
Arson	23	21	91.3	20	87.0	1	4.3	2	8.7	1	4.3	1	4.3
Drugs - Trafficking	9,409	9,040	96.1	8,749	93.0	291	3.1	369	3.9	119	1.3	250	2.7
Drugs - Communication Facility	145	106	73.1	104	71.7	2	1.4	39	26.9	15	10.3	24	16.6
Drugs - Simple Possession	673	569	84.5	569	84.5	0	0.0	104	15.5	4	0.6	100	14.9
Firearms	3,866	3,702	95.8	3,584	92.7	118	3.1	164	4.2	51	1.3	113	2.9
Burglary/B&E	13	10	76.9	6	46.2	4	30.8	3	23.1	0	0.0	3	23.1
Auto Theft	28	25	89.3	21	75.0	4	14.3	3	10.7	1	3.6	2	7.1
Larceny	390	195	50.0	180	46.2	15	3.8	195	50.0	35	9.0	160	41.0
Fraud	2,936	2,302	78.4	2,123	72.3	179	6.1	634	21.6	167	5.7	467	15.9
Embezzlement	187	79	42.2	68	36.4	11	5.9	108	57.8	19	10.2	89	47.6
Forgery/Counterfeiting	183	143	78.1	126	68.9	17	9.3	40	21.9	18	9.8	22	12.0
Bribery	74	52	70.3	48	64.9	4	5.4	22	29.7	11	14.9	11	14.9
Tax	228	137	60.1	116	50.9	21	9.2	91	39.9	39	17.1	52	22.8
Money Laundering	348	270	77.6	250	71.8	20	5.7	78	22.4	25	7.2	53	15.2
Racketeering/Extortion	458	435	95.0	426	93.0	9	2.0	23	5.0	8	1.7	15	3.3
Gambling/Lottery	20	5	25.0	3	15.0	2	10.0	15	75.0	2	10.0	13	65.0
Civil Rights	24	19	79.2	17	70.8	2	8.3	5	20.8	3	12.5	2	8.3
Immigration	10,234	9,812	95.9	9,695	94.7	117	1.1	422	4.1	66	0.6	356	3.5
Child Pornography	836	825	98.7	798	95.5	27	3.2	11	1.3	6	0.7	5	0.6
Prison Offenses	257	245	95.3	224	87.2	21	8.2	12	4.7	6	2.3	6	2.3
Administration of Justice Offenses	494	375	75.9	348	70.4	27	5.5	119	24.1	27	5.5	92	18.6
Environmental/Wildlife	40	7	17.5	5	12.5	2	5.0	33	82.5	6	15.0	27	67.5
National Defense	48	42	87.5	35	72.9	7	14.6	6	12.5	3	6.3	3	6.3
Antitrust	5	4	80.0	3	60.0	1	20.0	1	20.0	0	0.0	1	20.0
Food & Drug	39	12	30.8	11	28.2	1	2.6	27	69.2	5	12.8	22	56.4
Other Miscellaneous Offenses	701	354	50.5	333	47.5	21	3.0	347	49.5	45	6.4	302	43.1

<sup>1</sup> Of the 32,915 cases, 191 were excluded due to one of the following reasons: the offender received neither imprisonment nor probation (189), or missing sentencing information (2). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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 RANGE<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

	N	%
<b>TOTAL CASES</b>	<b>32,658</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>16,006</b>	<b>49.0</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>925</b>	<b>2.8</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>235</b>	<b>0.7</b>
Upward Departure From Guideline Range <sup>2</sup>	178	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	57	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>690</b>	<b>2.1</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	656	2.0
All Remaining Cases Above Guideline Range <sup>5</sup>	34	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>9,168</b>	<b>28.1</b>
§5K1.1 Substantial Assistance Departure	3,477	10.6
§5K3.1 Early Disposition Program Departure	2,992	9.2
Other Government Sponsored Below Range	2,699	8.3
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>6,559</b>	<b>20.1</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>785</b>	<b>2.4</b>
Downward Departure From Guideline Range <sup>2</sup>	554	1.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	231	0.7
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>5,774</b>	<b>17.7</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	5,587	17.1
All Remaining Cases Below Guideline Range <sup>5</sup>	187	0.6

<sup>1</sup> This table reflects the 32,915 cases sentenced on or after October 1, 2016, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 12, 2017. Of these, 257 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> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2017 Datafile, USSCFY17 (October 1, 2016, through March 31, 2017).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>32,658</b>	<b>16,006</b>	<b>49.0</b>	<b>925</b>	<b>2.8</b>	<b>9,168</b>	<b>28.1</b>	<b>6,559</b>	<b>20.1</b>
<b>D.C. CIRCUIT</b>	<b>108</b>	<b>40</b>	<b>37.0</b>	<b>2</b>	<b>1.9</b>	<b>39</b>	<b>36.1</b>	<b>27</b>	<b>25.0</b>
District of Columbia	108	40	37.0	2	1.9	39	36.1	27	25.0
<b>FIRST CIRCUIT</b>	<b>954</b>	<b>473</b>	<b>49.6</b>	<b>35</b>	<b>3.7</b>	<b>245</b>	<b>25.7</b>	<b>201</b>	<b>21.1</b>
Maine	100	33	33.0	0	0.0	42	42.0	25	25.0
Massachusetts	217	61	28.1	5	2.3	84	38.7	67	30.9
New Hampshire	91	40	44.0	5	5.5	23	25.3	23	25.3
Puerto Rico	502	334	66.5	25	5.0	80	15.9	63	12.5
Rhode Island	44	5	11.4	0	0.0	16	36.4	23	52.3
<b>SECOND CIRCUIT</b>	<b>1,645</b>	<b>505</b>	<b>30.7</b>	<b>28</b>	<b>1.7</b>	<b>462</b>	<b>28.1</b>	<b>650</b>	<b>39.5</b>
Connecticut	172	53	30.8	3	1.7	53	30.8	63	36.6
New York									
Eastern	393	85	21.6	7	1.8	137	34.9	164	41.7
Northern	150	71	47.3	3	2.0	22	14.7	54	36.0
Southern	594	151	25.4	8	1.3	133	22.4	302	50.8
Western	242	122	50.4	3	1.2	77	31.8	40	16.5
Vermont	94	23	24.5	4	4.3	40	42.6	27	28.7
<b>THIRD CIRCUIT</b>	<b>1,050</b>	<b>402</b>	<b>38.3</b>	<b>13</b>	<b>1.2</b>	<b>374</b>	<b>35.6</b>	<b>261</b>	<b>24.9</b>
Delaware	36	11	30.6	1	2.8	10	27.8	14	38.9
New Jersey	316	123	38.9	1	0.3	108	34.2	84	26.6
Pennsylvania									
Eastern	313	101	32.3	4	1.3	137	43.8	71	22.7
Middle	166	88	53.0	3	1.8	49	29.5	26	15.7
Western	183	55	30.1	4	2.2	62	33.9	62	33.9
Virgin Islands	36	24	66.7	0	0.0	8	22.2	4	11.1
<b>FOURTH CIRCUIT</b>	<b>2,397</b>	<b>1,279</b>	<b>53.4</b>	<b>96</b>	<b>4.0</b>	<b>521</b>	<b>21.7</b>	<b>501</b>	<b>20.9</b>
Maryland	339	109	32.2	22	6.5	150	44.2	58	17.1
North Carolina									
Eastern	275	139	50.5	10	3.6	69	25.1	57	20.7
Middle	209	116	55.5	16	7.7	40	19.1	37	17.7
Western	259	142	54.8	3	1.2	75	29.0	39	15.1
South Carolina	343	187	54.5	8	2.3	65	19.0	83	24.2
Virginia									
Eastern	601	389	64.7	19	3.2	44	7.3	149	24.8
Western	149	75	50.3	11	7.4	38	25.5	25	16.8
West Virginia									
Northern	101	55	54.5	5	5.0	22	21.8	19	18.8
Southern	121	67	55.4	2	1.7	18	14.9	34	28.1



Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>8,360</b>	<b>5,373</b>	<b>64.3</b>	<b>334</b>	<b>4.0</b>	<b>1,208</b>	<b>14.4</b>	<b>1,445</b>	<b>17.3</b>
Louisiana									
Eastern	160	86	53.8	4	2.5	39	24.4	31	19.4
Middle	58	20	34.5	2	3.4	9	15.5	27	46.6
Western	119	75	63.0	1	0.8	14	11.8	29	24.4
Mississippi									
Northern	72	32	44.4	5	6.9	24	33.3	11	15.3
Southern	91	66	72.5	10	11.0	6	6.6	9	9.9
Texas									
Eastern	373	235	63.0	11	2.9	108	29.0	19	5.1
Northern	758	467	61.6	36	4.7	129	17.0	126	16.6
Southern	3,470	2,201	63.4	143	4.1	489	14.1	637	18.4
Western	3,259	2,191	67.2	122	3.7	390	12.0	556	17.1
<b>SIXTH CIRCUIT</b>	<b>2,042</b>	<b>883</b>	<b>43.2</b>	<b>35</b>	<b>1.7</b>	<b>650</b>	<b>31.8</b>	<b>474</b>	<b>23.2</b>
Kentucky									
Eastern	155	83	53.5	4	2.6	31	20.0	37	23.9
Western	130	62	47.7	1	0.8	47	36.2	20	15.4
Michigan									
Eastern	421	153	36.3	4	1.0	104	24.7	160	38.0
Western	174	95	54.6	1	0.6	36	20.7	42	24.1
Ohio									
Northern	258	119	46.1	8	3.1	72	27.9	59	22.9
Southern	251	83	33.1	4	1.6	125	49.8	39	15.5
Tennessee									
Eastern	352	166	47.2	10	2.8	129	36.6	47	13.4
Middle	109	26	23.9	2	1.8	57	52.3	24	22.0
Western	192	96	50.0	1	0.5	49	25.5	46	24.0
<b>SEVENTH CIRCUIT</b>	<b>1,049</b>	<b>385</b>	<b>36.7</b>	<b>24</b>	<b>2.3</b>	<b>284</b>	<b>27.1</b>	<b>356</b>	<b>33.9</b>
Illinois									
Central	115	44	38.3	8	7.0	34	29.6	29	25.2
Northern	290	77	26.6	4	1.4	60	20.7	149	51.4
Southern	145	81	55.9	4	2.8	33	22.8	27	18.6
Indiana									
Northern	117	59	50.4	2	1.7	32	27.4	24	20.5
Southern	198	87	43.9	4	2.0	56	28.3	51	25.8
Wisconsin									
Eastern	123	19	15.4	0	0.0	53	43.1	51	41.5
Western	61	18	29.5	2	3.3	16	26.2	25	41.0
<b>EIGHTH CIRCUIT</b>	<b>2,297</b>	<b>1,087</b>	<b>47.3</b>	<b>82</b>	<b>3.6</b>	<b>494</b>	<b>21.5</b>	<b>634</b>	<b>27.6</b>
Arkansas									
Eastern	184	108	58.7	9	4.9	28	15.2	39	21.2
Western	107	48	44.9	0	0.0	11	10.3	48	44.9
Iowa									
Northern	199	115	57.8	12	6.0	34	17.1	38	19.1
Southern	173	75	43.4	3	1.7	45	26.0	50	28.9
Minnesota	209	80	38.3	3	1.4	39	18.7	87	41.6
Missouri									
Eastern	347	165	47.6	6	1.7	75	21.6	101	29.1
Western	417	160	38.4	32	7.7	116	27.8	109	26.1
Nebraska	261	130	49.8	3	1.1	51	19.5	77	29.5
North Dakota	167	66	39.5	7	4.2	63	37.7	31	18.6
South Dakota	233	140	60.1	7	3.0	32	13.7	54	23.2

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>6,505</b>	<b>2,301</b>	<b>35.4</b>	<b>173</b>	<b>2.7</b>	<b>3,147</b>	<b>48.4</b>	<b>884</b>	<b>13.6</b>
Alaska	83	35	42.2	5	6.0	22	26.5	21	25.3
Arizona	2,791	1,221	43.7	102	3.7	1,315	47.1	153	5.5
California									
Central	529	174	32.9	10	1.9	199	37.6	146	27.6
Eastern	283	116	41.0	7	2.5	83	29.3	77	27.2
Northern	256	108	42.2	5	2.0	44	17.2	99	38.7
Southern	1,377	201	14.6	7	0.5	1,046	76.0	123	8.9
Guam	24	7	29.2	1	4.2	13	54.2	3	12.5
Hawaii	49	15	30.6	1	2.0	14	28.6	19	38.8
Idaho	175	76	43.4	4	2.3	48	27.4	47	26.9
Montana	170	51	30.0	4	2.4	51	30.0	64	37.6
Nevada	230	110	47.8	9	3.9	69	30.0	42	18.3
Northern Mariana Islands	6	5	83.3	0	0.0	1	16.7	0	0.0
Oregon	155	48	31.0	7	4.5	67	43.2	33	21.3
Washington									
Eastern	166	70	42.2	8	4.8	62	37.3	26	15.7
Western	211	64	30.3	3	1.4	113	53.6	31	14.7
<b>TENTH CIRCUIT</b>	<b>3,121</b>	<b>1,607</b>	<b>51.5</b>	<b>48</b>	<b>1.5</b>	<b>1,128</b>	<b>36.1</b>	<b>338</b>	<b>10.8</b>
Colorado	214	99	46.3	6	2.8	69	32.2	40	18.7
Kansas	288	115	39.9	12	4.2	120	41.7	41	14.2
New Mexico	1,882	1,121	59.6	12	0.6	639	34.0	110	5.8
Oklahoma									
Eastern	57	41	71.9	3	5.3	10	17.5	3	5.3
Northern	85	34	40.0	1	1.2	27	31.8	23	27.1
Western	141	72	51.1	2	1.4	17	12.1	50	35.5
Utah	343	91	26.5	7	2.0	197	57.4	48	14.0
Wyoming	111	34	30.6	5	4.5	49	44.1	23	20.7
<b>ELEVENTH CIRCUIT</b>	<b>3,130</b>	<b>1,671</b>	<b>53.4</b>	<b>55</b>	<b>1.8</b>	<b>616</b>	<b>19.7</b>	<b>788</b>	<b>25.2</b>
Alabama									
Middle	100	59	59.0	2	2.0	19	19.0	20	20.0
Northern	197	111	56.3	3	1.5	51	25.9	32	16.2
Southern	140	84	60.0	4	2.9	26	18.6	26	18.6
Florida									
Middle	749	375	50.1	11	1.5	148	19.8	215	28.7
Northern	124	58	46.8	5	4.0	30	24.2	31	25.0
Southern	1,165	630	54.1	19	1.6	159	13.6	357	30.6
Georgia									
Middle	210	145	69.0	1	0.5	38	18.1	26	12.4
Northern	262	68	26.0	6	2.3	126	48.1	62	23.7
Southern	183	141	77.0	4	2.2	19	10.4	19	10.4

<sup>1</sup> Of the 32,915 cases, 257 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: Middle Tennessee (12.8%), Eastern North Carolina (8.6%), Middle Georgia (6.7%), and Southern West Virginia (5.5%). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE						NON-GOV'T SPONSORED BELOW RANGE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
<b>TOTAL</b>	<b>32,658</b>	<b>16,006</b>	<b>49.0</b>	<b>925</b>	<b>2.8</b>	<b>3,477</b>	<b>10.6</b>	<b>2,992</b>	<b>9.2</b>	<b>2,699</b>	<b>8.3</b>	<b>6,559</b>	<b>20.1</b>
Murder	41	20	48.8	4	9.8	6	14.6	0	0.0	6	14.6	5	12.2
Manslaughter	24	9	37.5	9	37.5	0	0.0	0	0.0	1	4.2	5	20.8
Kidnapping/Hostage Taking	34	13	38.2	1	2.9	9	26.5	0	0.0	5	14.7	6	17.6
Sexual Abuse	294	128	43.5	14	4.8	35	11.9	0	0.0	57	19.4	60	20.4
Assault	359	191	53.2	30	8.4	2	0.6	0	0.0	68	18.9	68	18.9
Robbery	305	146	47.9	17	5.6	25	8.2	0	0.0	29	9.5	88	28.9
Arson	23	12	52.2	2	8.7	4	17.4	0	0.0	2	8.7	3	13.0
Drugs - Trafficking	9,395	3,287	35.0	134	1.4	2,062	21.9	684	7.3	1,050	11.2	2,178	23.2
Drugs - Communication Facility	145	65	44.8	3	2.1	23	15.9	0	0.0	17	11.7	37	25.5
Drugs - Simple Possession	653	595	91.1	49	7.5	1	0.2	0	0.0	3	0.5	5	0.8
Firearms	3,866	2,075	53.7	188	4.9	307	7.9	5	0.1	379	9.8	912	23.6
Burglary/B&E	13	5	38.5	1	7.7	1	7.7	0	0.0	3	23.1	3	23.1
Auto Theft	28	14	50.0	3	10.7	4	14.3	2	7.1	2	7.1	3	10.7
Larceny	398	255	64.1	5	1.3	27	6.8	1	0.3	25	6.3	85	21.4
Fraud	2,908	1,199	41.2	48	1.7	502	17.3	2	0.1	310	10.7	847	29.1
Embezzlement	187	100	53.5	1	0.5	11	5.9	0	0.0	14	7.5	61	32.6
Forgery/Counterfeiting	184	89	48.4	6	3.3	24	13.0	0	0.0	15	8.2	50	27.2
Bribery	74	14	18.9	0	0.0	22	29.7	0	0.0	13	17.6	25	33.8
Tax	228	59	25.9	3	1.3	26	11.4	2	0.9	24	10.5	114	50.0
Money Laundering	347	89	25.6	0	0.0	89	25.6	2	0.6	55	15.9	112	32.3
Racketeering/Extortion	458	169	36.9	24	5.2	79	17.2	0	0.0	73	15.9	113	24.7
Gambling/Lottery	20	7	35.0	0	0.0	4	20.0	0	0.0	5	25.0	4	20.0
Civil Rights	24	6	25.0	2	8.3	6	25.0	0	0.0	5	20.8	5	20.8
Immigration	10,189	6,224	61.1	308	3.0	88	0.9	2,290	22.5	187	1.8	1,092	10.7
Child Pornography	834	230	27.6	20	2.4	21	2.5	0	0.0	197	23.6	366	43.9
Prison Offenses	251	167	66.5	5	2.0	3	1.2	1	0.4	32	12.7	43	17.1
Administration of Justice Offenses	491	260	53.0	23	4.7	39	7.9	1	0.2	43	8.8	125	25.5
Environmental/Wildlife	39	16	41.0	0	0.0	8	20.5	0	0.0	6	15.4	9	23.1
National Defense	47	10	21.3	0	0.0	11	23.4	0	0.0	5	10.6	21	44.7
Antitrust	5	3	60.0	0	0.0	1	20.0	0	0.0	0	0.0	1	20.0
Food & Drug	41	20	48.8	2	4.9	7	17.1	0	0.0	4	9.8	8	19.5
Other Miscellaneous Offenses	753	529	70.3	23	3.1	30	4.0	2	0.3	64	8.5	105	13.9

<sup>1</sup> Of the 32,915 cases, 257 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

**SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

Guideline	Total	Within Gdln		Gov't Sponsored			Non-Gov	Guideline	Total	Within Gdln		Gov't Sponsored			Non-Gov
		Range	Range	Below	Below	Other	Below			Range	Range	Below	Below	Other	Below
§2A1.1	146	80	1	33	0	17	15	§2D1.8	15	2	0	5	0	2	6
§2A1.2	15	7	3	1	0	2	2	§2D1.9	0	0	0	0	0	0	0
§2A1.3	11	1	8	1	0	1	0	§2D1.10	1	0	0	0	0	0	1
§2A1.4	17	9	3	0	0	0	5	§2D1.11	12	5	0	0	0	5	2
§2A1.5	33	5	0	3	0	16	9	§2D1.12	2	2	0	0	0	0	0
§2A2.1	67	36	2	7	0	12	10	§2D1.13	0	0	0	0	0	0	0
§2A2.2	191	83	22	3	0	37	46	§2D1.14	0	0	0	0	0	0	0
§2A2.3	49	35	4	0	0	5	5	§2D2.1	87	77	5	1	0	2	2
§2A2.4	74	41	4	2	2	12	13	§2D2.2	29	22	3	1	0	0	3
§2A3.1	66	24	3	3	0	23	13	§2D2.3	0	0	0	0	0	0	0
§2A3.2	11	8	1	0	0	1	1	§2D3.1	1	1	0	0	0	0	0
§2A3.3	5	2	1	0	0	0	2	§2D3.2	0	0	0	0	0	0	0
§2A3.4	17	7	1	0	0	4	5	§2D3.3	0	0	0	0	0	0	0
§2A3.5	179	105	13	4	0	14	43	§2D3.4	0	0	0	0	0	0	0
§2A4.1	61	20	1	19	0	7	14	§2D3.5	0	0	0	0	0	0	0
§2A4.2	1	0	0	0	0	0	1	§2E1.1	17	3	0	0	0	4	10
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	1	0	0	0	0	0
§2A5.2	11	9	0	0	0	0	2	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	6	0	0	0	0	0
§2A6.1	59	31	4	0	0	10	14	§2E1.5	0	0	0	0	0	0	0
§2A6.2	20	12	1	0	0	6	1	§2E2.1	7	2	0	0	0	1	4
§2B1.1	3,144	1,360	52	483	5	325	919	§2E3.1	23	8	0	4	0	5	6
§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	6	0	0	1	0	2	3	§2E4.1	10	4	0	3	0	1	2
§2B1.5	8	2	0	1	0	1	4	§2E5.1	3	0	0	1	0	0	2
§2B1.6 <sup>2</sup>	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	22	13	1	4	0	1	3	§2E5.3	2	2	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	1	1	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	714	275	62	107	0	75	195	§2E5.6	0	0	0	0	0	0	0
§2B3.2	17	4	1	4	0	3	5	§2F1.1	5	2	1	1	0	0	1
§2B3.3	4	3	0	0	0	1	0	§2F1.2	0	0	0	0	0	0	0
§2B4.1	48	15	0	8	0	10	15	§2G1.1	45	22	8	3	0	3	9
§2B5.1	121	66	2	8	0	10	35	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	200	89	9	31	0	32	39
§2B5.3	46	8	2	13	0	6	17	§2G2.1	191	72	3	5	0	50	61
§2B5.4	0	0	0	0	0	0	0	§2G2.2	664	161	16	14	0	158	315
§2B6.1	2	1	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0
§2C1.1	100	19	1	36	0	18	26	§2G2.4	0	0	0	0	0	0	0
§2C1.2	7	0	0	1	0	0	6	§2G2.5	0	0	0	0	0	0	0
§2C1.3	1	1	0	0	0	0	0	§2G2.6	4	0	0	3	0	0	1
§2C1.4	0	0	0	0	0	0	0	§2G3.1	12	4	4	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	31	8	1	7	0	7	8
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	4	0	0	2	0	0	2	§2H1.3	0	0	0	0	0	0	0
§2D1.1	9,450	3,319	145	2,039	681	1,037	2,229	§2H1.4	0	0	0	0	0	0	0
§2D1.2	149	84	2	19	0	18	26	§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	4	2	0	2	0	0	0
§2D1.5	2	1	0	1	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	0	0	0	0	0	0	0
§2D1.7	0	0	0	0	0	0	0	§2H4.1	7	3	1	0	0	1	2

Table 11 (cont.)

Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below	Below	Other	Below			Gdln	Gdln	Below	Below	Other	Below
		Range	Range	§5K1.1	§5K3.1	Other	Range			Range	Range	§5K1.1	§5K3.1	Other	Range
§2H4.2	0	0	0	0	0	0	0	§2M5.2	48	14	0	12	0	4	18
§2J1.1	0	0	0	0	0	0	0	§2M5.3	16	2	0	2	0	1	11
§2J1.2	47	19	2	9	0	4	13	§2M6.1	1	1	0	0	0	0	0
§2J1.3	14	3	0	2	0	2	7	§2M6.2	1	1	0	0	0	0	0
§2J1.4	5	4	0	0	0	0	1	§2N1.1	3	0	1	0	0	0	2
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	23	12	3	0	0	4	4	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	16	14	1	0	0	1	0
§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	152	101	2	3	2	15	29
§2K1.1	0	0	0	0	0	0	0	§2P1.2	71	48	3	0	0	13	7
§2K1.2	0	0	0	0	0	0	0	§2P1.3	1	1	0	0	0	0	0
§2K1.3	11	4	1	1	0	1	4	§2P1.4	0	0	0	0	0	0	0
§2K1.4	27	12	3	4	0	2	6	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	14	2	0	4	0	2	6
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	14	3	0	2	0	4	5
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	3,096	1,729	138	167	5	305	752	§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	33	15	0	6	0	6	6
§2K2.4 <sup>3</sup>	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	7	6	1	0	0	0	0	§2R1.1	4	3	0	1	0	0	0
§2K2.6	1	1	0	0	0	0	0	§2S1.1	550	132	0	168	4	89	157
§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	86	34	1	15	0	10	26
§2L1.1	1,351	580	18	68	478	41	166	§2S1.4	0	0	0	0	0	0	0
§2L1.2	8,067	5,132	281	18	1,678	122	836	§2T1.1	220	56	5	28	1	26	104
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	71	37	1	9	0	2	22	§2T1.3	0	0	0	0	0	0	0
§2L2.2	343	254	11	0	22	3	53	§2T1.4	76	18	2	21	0	4	31
§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	21	4	0	0	0	1	16
§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	1	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	0	0	0	0	0	1
§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	1	0	0	0	0	1	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	1	0	0	0	0	0	1	§2X1.1	8	3	0	2	0	1	2
§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	23	2	9	0	7	10
§2M3.6	0	0	0	0	0	0	0	§2X4.1	153	81	2	15	0	16	39
§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	84	78	1	0	0	1	4
§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	10	0	0	4	0	3	3	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>30,966</b>	<b>14,618</b>	<b>870</b>	<b>3,455</b>	<b>2,878</b>	<b>2,637</b>	<b>6,508</b>

<sup>1</sup> Of the 32,915 cases, 1,949 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 (257) or missing guideline applied (1,939). Descriptions of variables used in this table are provided in Appendix A.

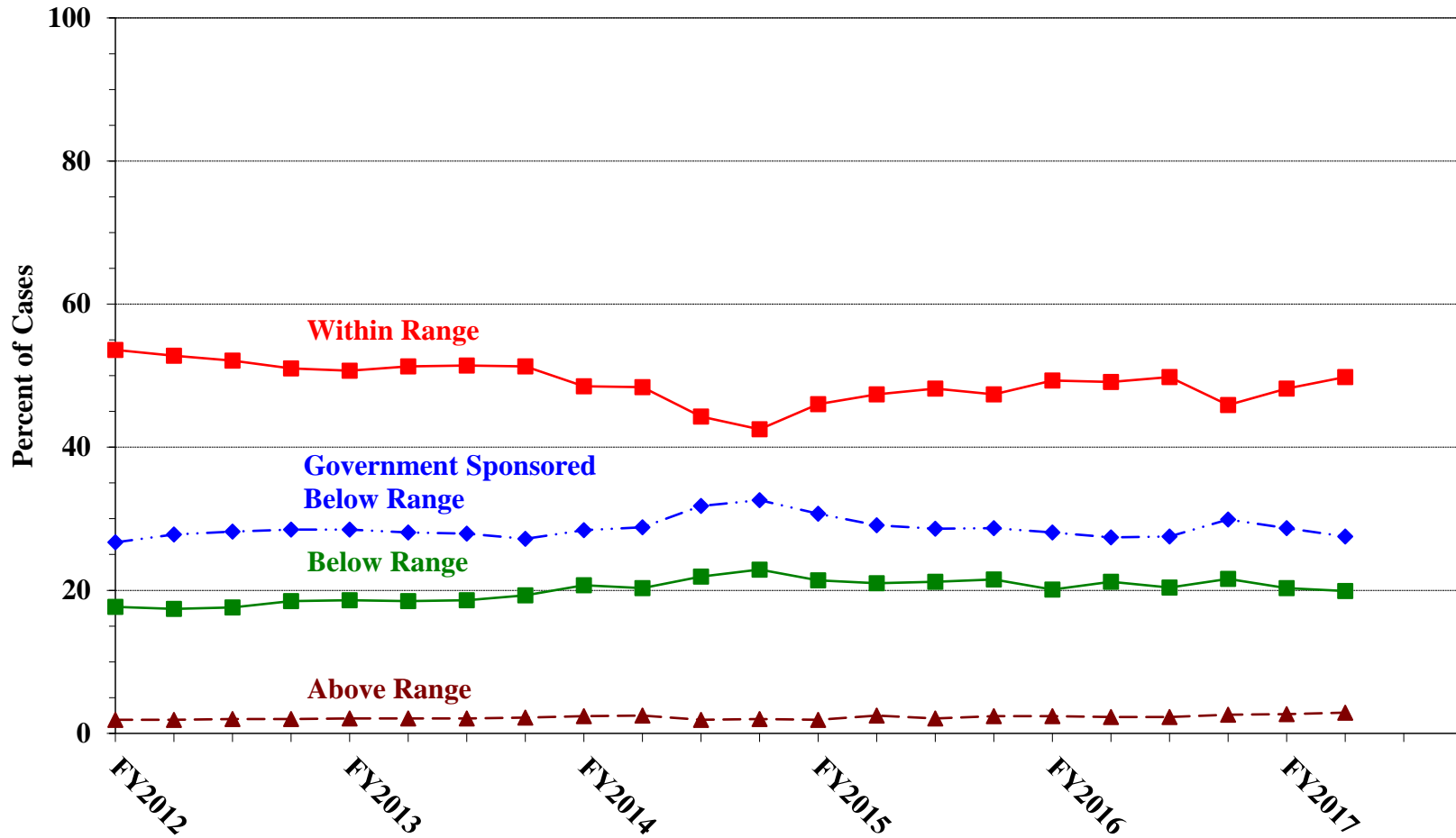
<sup>2</sup> In 501 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 501 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 979 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 979 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Figure C

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>

Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)

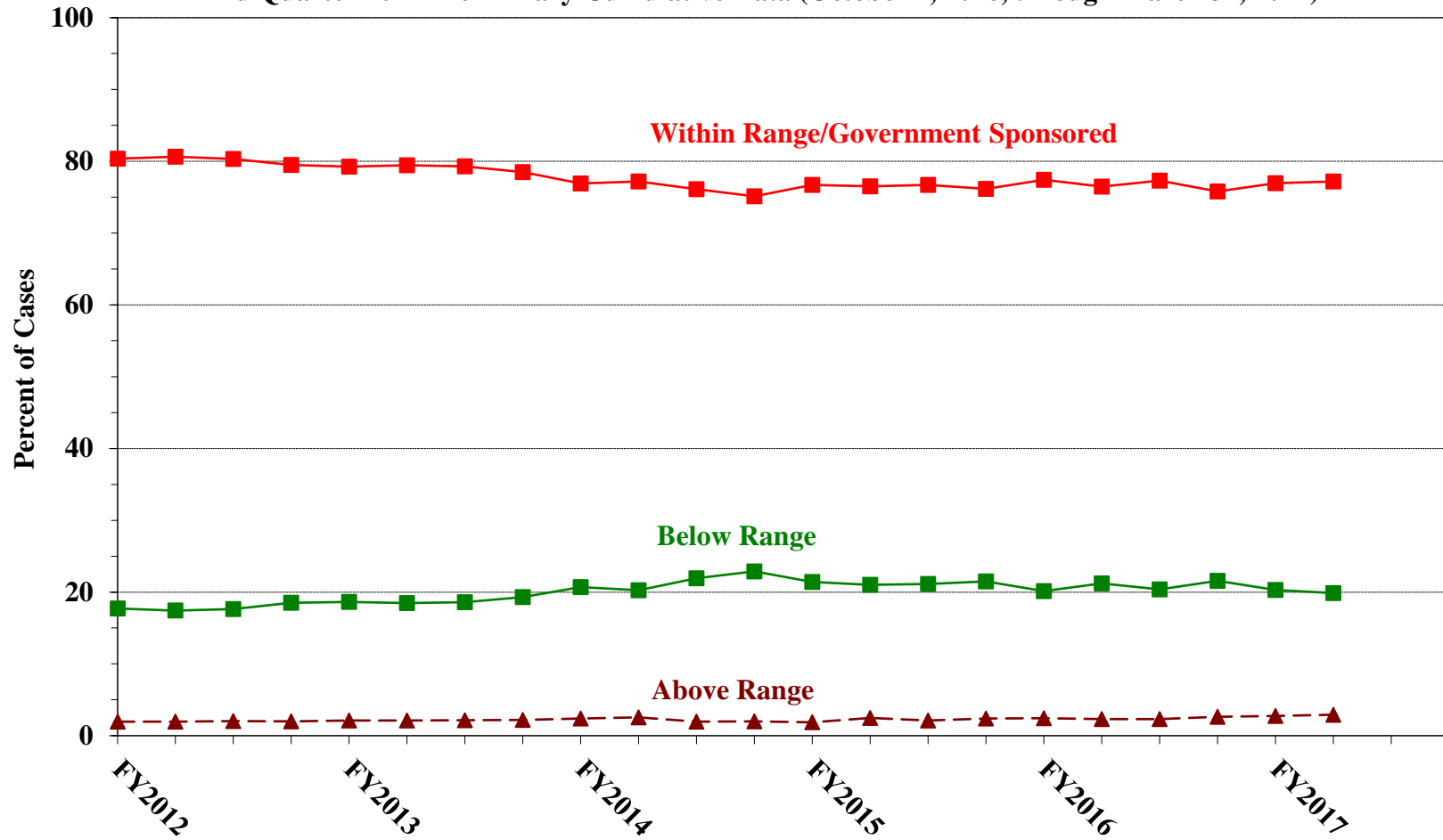


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Figure D

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>**

Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)



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

Table 12

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2012 - 2016, 2nd Quarter 2017 Preliminary**  
**Cumulative Data (October 1, 2016, through March 31, 2017)**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2012</b>				
1st Quarter	53.6	26.7	17.7	1.9
2nd Quarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
<b>FY2013</b>				
1st Quarter	50.7	28.5	18.6	2.1
2nd Quarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2
<b>FY2014</b>				
1st Quarter	48.5	28.4	20.7	2.4
2nd Quarter	48.4	28.8	20.3	2.5
3rd Quarter	44.3	31.8	21.9	1.9
4th Quarter	42.5	32.6	22.9	2.0
<b>FY2015</b>				
1st Quarter	46.0	30.7	21.4	1.9
2nd Quarter	47.4	29.1	21.0	2.5
3rd Quarter	48.2	28.6	21.2	2.1
4th Quarter	47.4	28.7	21.5	2.4
<b>FY2016</b>				
1st Quarter	49.3	28.1	20.1	2.4
2nd Quarter	49.1	27.4	21.2	2.3
3rd Quarter	49.8	27.5	20.4	2.3
4th Quarter	45.9	29.9	21.6	2.6
<b>FY2017</b>				
1st Quarter	48.2	28.7	20.3	2.7
2nd Quarter	49.8	27.5	19.9	2.9
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

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



Table 13

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		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	%
<b>TOTAL</b>	<b>16,652</b>	<b>3,488</b>	<b>20.9</b>	<b>3,057</b>	<b>18.4</b>	<b>2,627</b>	<b>15.8</b>	<b>3,430</b>	<b>20.6</b>	<b>395</b>	<b>2.4</b>
<b>Above Range</b>	<b>925</b>	<b>11</b>	<b>1.2</b>	<b>3</b>	<b>0.3</b>	<b>154</b>	<b>16.6</b>	<b>69</b>	<b>7.5</b>	<b>4</b>	<b>0.4</b>
Upward Departure From Guideline Range	178	0	0.0	0	0.0	48	27.0	27	15.2	3	1.7
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	57	0	0.0	0	0.0	5	8.8	5	8.8	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	656	0	0.0	0	0.0	97	14.8	31	4.7	0	0.0
All Remaining Cases Above Guideline Range	34	11	32.4	3	8.8	4	11.8	6	17.6	1	2.9
<b>Government Sponsored Below Range</b>	<b>9,168</b>	<b>3,477</b>	<b>37.9</b>	<b>3,054</b>	<b>33.3</b>	<b>2,473</b>	<b>27.0</b>	<b>3,361</b>	<b>36.7</b>	<b>391</b>	<b>4.3</b>
§5K1.1 Substantial Assistance Departure	3,477	3,477	100.0	62	1.8	135	3.9	1,066	30.7	16	0.5
§5K3.1 Early Disposition Program Departure	2,992	0	0.0	2,992	100.0	1,400	46.8	1,591	53.2	202	6.8
Other Government Sponsored Below Range	2,699	0	0.0	0	0.0	938	34.8	704	26.1	173	6.4
<b>Non-Government Sponsored Below Range</b>	<b>6,559</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	554	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	231	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	5,587	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	187	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 13 (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>2,595</b>	<b>15.6</b>	<b>2,620</b>	<b>15.7</b>	<b>2,757</b>	<b>16.6</b>	<b>622</b>	<b>3.7</b>	<b>2,381</b>	<b>14.3</b>	<b>1,312</b>	<b>7.9</b>
<b>Above Range</b>	<b>166</b>	<b>17.9</b>	<b>5</b>	<b>0.5</b>	<b>2</b>	<b>0.2</b>	<b>10</b>	<b>1.1</b>	<b>393</b>	<b>42.5</b>	<b>173</b>	<b>18.7</b>
Upward Departure From Guideline Range	38	21.3	1	0.6	0	0.0	2	1.1	69	38.8	12	6.7
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	21	36.8	1	1.8	0	0.0	1	1.8	27	47.4	5	8.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	101	15.4	3	0.5	2	0.3	6	0.9	289	44.1	139	21.2
All Remaining Cases Above Guideline Range	6	17.6	0	0.0	0	0.0	1	2.9	8	23.5	17	50.0
<b>Government Sponsored Below Range</b>	<b>2,429</b>	<b>26.5</b>	<b>683</b>	<b>7.4</b>	<b>533</b>	<b>5.8</b>	<b>612</b>	<b>6.7</b>	<b>519</b>	<b>5.7</b>	<b>88</b>	<b>1.0</b>
§5K1.1 Substantial Assistance Departure	1,910	54.9	321	9.2	228	6.6	113	3.2	272	7.8	0	0.0
§5K3.1 Early Disposition Program Departure	93	3.1	170	5.7	194	6.5	65	2.2	105	3.5	0	0.0
Other Government Sponsored Below Range	426	15.8	192	7.1	111	4.1	434	16.1	142	5.3	88	3.3
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>1,932</b>	<b>29.5</b>	<b>2,222</b>	<b>33.9</b>	<b>0</b>	<b>0.0</b>	<b>1,469</b>	<b>22.4</b>	<b>1,051</b>	<b>16.0</b>
Downward Departure From Guideline Range	0	0.0	272	49.1	99	17.9	0	0.0	126	22.7	61	11.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	69	29.9	98	42.4	0	0.0	65	28.1	29	12.6
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	1,590	28.5	2,023	36.2	0	0.0	1,270	22.7	785	14.1
All Remaining Cases Below Guideline Range	0	0.0	1	0.5	2	1.1	0	0.0	8	4.3	176	94.1

<sup>1</sup> 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, 6,990 cases indicated more than one attribution. Note that only outside of the range cases 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 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.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>3,330</b>	<b>36</b>	<b>33</b>	<b>48.9</b>
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	8	79	84	46.1
Sexual Abuse	34	60	59	41.4
Assault	2	--	--	--
Robbery	23	50	27	29.4
Arson	4	30	30	55.0
Drugs - Trafficking	1,996	51	41	44.4
Drugs - Communication Facility	22	0	18	100.0
Drugs - Simple Possession	1	--	--	--
Firearms	281	48	36	43.4
Burglary/B&E	1	--	--	--
Auto Theft	4	28	30	54.0
Larceny	26	5	18	72.1
Fraud	480	6	21	77.1
Embezzlement	11	0	13	99.8
Forgery/Counterfeiting	23	0	24	99.8
Bribery	22	8	26	78.5
Tax	25	0	18	100.0
Money Laundering	87	20	30	55.6
Racketeering/Extortion	68	37	48	53.6
Gambling/Lottery	4	0	13	100.0
Civil Rights	6	44	27	44.2
Immigration	84	12	12	49.9
Child Pornography	19	120	68	38.7
Prison Offenses	3	21	3	12.5
Administration of Justice Offenses	39	0	10	100.0
Environmental/Wildlife	8	0	15	100.0
National Defense	10	21	32	67.4
Antitrust	1	--	--	--
Food & Drug	7	0	10	100.0
Other Miscellaneous Offenses	29	0	12	100.0

<sup>1</sup> Of the 32,915 cases, 3,477 received a §5K1.1 substantial assistance departure. Of these, 3,374 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 43 cases were also excluded from this table. Of the remaining 3,331 cases, one was 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 CATEGORY<sup>1</sup>  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,826</b>	<b>10</b>	<b>6</b>	<b>43.8</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	659	24	28	52.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	5	30	16	34.8
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	1	--	--	--
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,149	8	6	40.0
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	2	--	--	--

<sup>1</sup> Of the 32,915 cases, 2,992 received a §5K3.1 early disposition program departure. Of these, 2,829 cases had complete guideline application information. Of the remaining 2,829 cases, three 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.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,569</b>	<b>32</b>	<b>21</b>	<b>44.1</b>
<b>Murder</b>	3	48	72	60.0
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	3	144	55	23.4
<b>Sexual Abuse</b>	55	90	57	38.4
<b>Assault</b>	61	18	12	47.8
<b>Robbery</b>	28	60	34	34.6
<b>Arson</b>	2	--	--	--
<b>Drugs - Trafficking</b>	1,026	48	31	42.8
<b>Drugs - Communication Facility</b>	17	0	18	98.9
<b>Drugs - Simple Possession</b>	3	0	6	100.0
<b>Firearms</b>	365	41	18	30.6
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	23	0	8	100.0
<b>Fraud</b>	294	9	13	65.7
<b>Embezzlement</b>	13	0	10	100.0
<b>Forgery/Counterfeiting</b>	15	2	10	89.3
<b>Bribery</b>	13	0	15	100.0
<b>Tax</b>	23	0	12	100.0
<b>Money Laundering</b>	52	0	17	100.0
<b>Racketeering/Extortion</b>	64	60	30	38.3
<b>Gambling/Lottery</b>	5	0	6	100.0
<b>Civil Rights</b>	5	12	6	33.3
<b>Immigration</b>	169	12	6	38.1
<b>Child Pornography</b>	195	70	55	43.3
<b>Prison Offenses</b>	27	12	6	40.0
<b>Administration of Justice Offenses</b>	42	4	12	79.1
<b>Environmental/Wildlife</b>	6	0	15	100.0
<b>National Defense</b>	4	9	46	88.9
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	3	0	6	100.0
<b>Other Miscellaneous Offenses</b>	49	0	10	100.0

<sup>1</sup> Of the 32,915 cases, 2,699 received an other government sponsored downward departure. Of these, 2,599 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 30 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.

**NON-GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>6,378</b>	<b>24</b>	<b>13</b>	<b>34.8</b>
Murder	4	137	17	11.1
Manslaughter	5	18	12	29.9
Kidnapping/Hostage Taking	5	120	36	23.8
Sexual Abuse	51	108	25	31.3
Assault	65	12	9	42.7
Robbery	86	49	17	22.6
Arson	3	16	21	56.7
Drugs - Trafficking	2,127	48	20	31.0
Drugs - Communication Facility	36	15	15	50.0
Drugs - Simple Possession	3	0	2	100.0
Firearms	896	34	12	26.7
Burglary/B&E	3	23	38	49.4
Auto Theft	3	54	10	26.2
Larceny	82	0	6	99.9
Fraud	821	13	12	50.0
Embezzlement	60	0	8	99.9
Forgery/Counterfeiting	50	10	9	37.5
Bribery	24	14	14	63.3
Tax	112	0	12	100.0
Money Laundering	111	12	17	55.4
Racketeering/Extortion	107	42	16	30.0
Gambling/Lottery	4	0	8	100.0
Civil Rights	5	5	28	84.8
Immigration	1,055	12	6	33.3
Child Pornography	362	72	52	40.4
Prison Offenses	36	6	6	50.0
Administration of Justice Offenses	123	11	9	48.8
Environmental/Wildlife	9	0	6	100.0
National Defense	21	36	45	60.7
Antitrust	1	--	--	--
Food & Drug	8	0	18	100.0
Other Miscellaneous Offenses	100	0	10	100.0

<sup>1</sup> Of the 32,915 cases, 6,559 were otherwise sentenced below the guideline range. Of these, 6,417 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 36 cases were also excluded from this table. Of the remaining 6,381 cases, three 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.

**ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

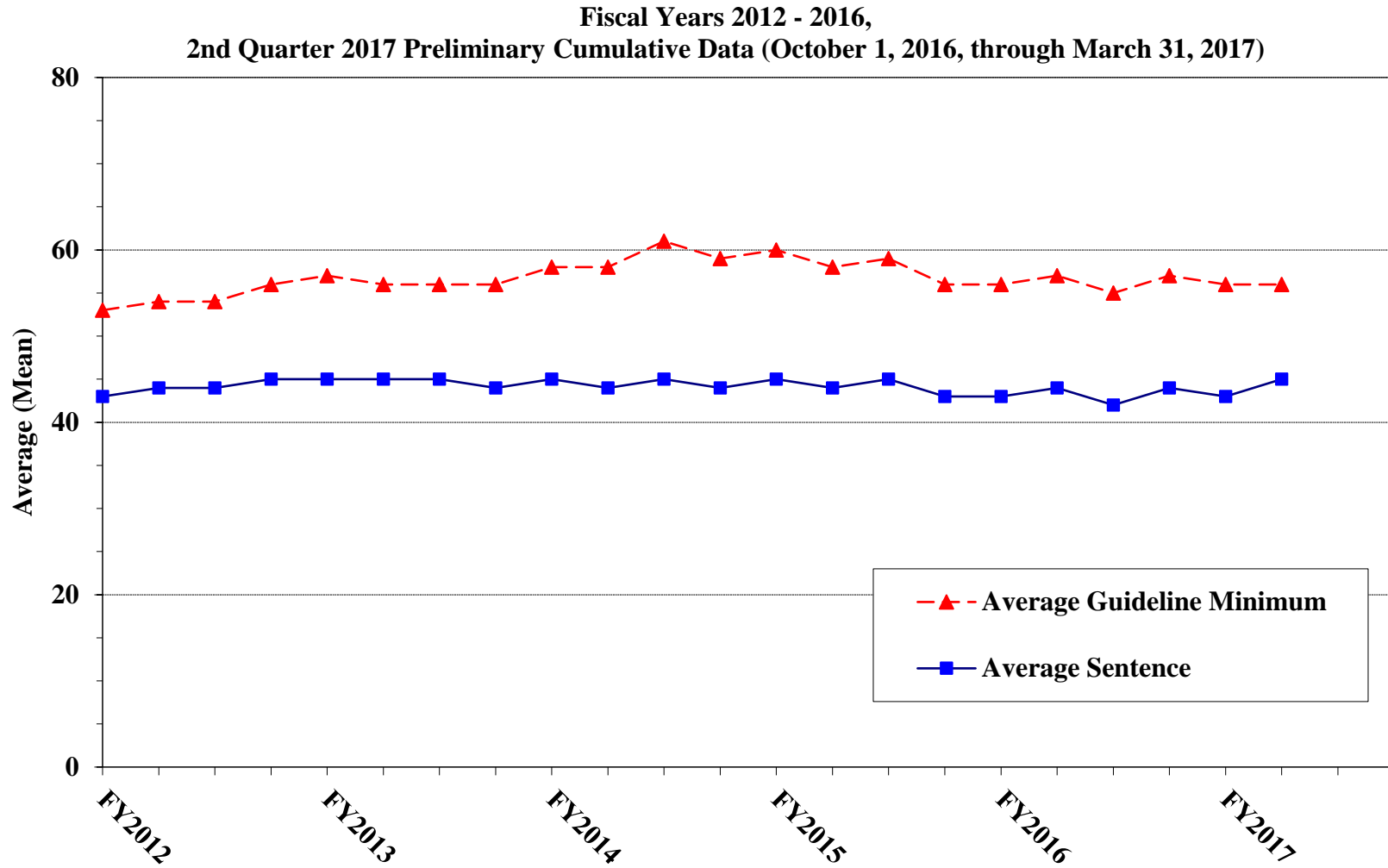
<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>832</b>	<b>48</b>	<b>12</b>	<b>44.3</b>
<b>Murder</b>	4	270	55	25.4
<b>Manslaughter</b>	9	132	43	52.4
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	13	180	39	50.0
<b>Assault</b>	29	59	10	43.9
<b>Robbery</b>	17	125	25	33.3
<b>Arson</b>	2	--	--	--
<b>Drugs - Trafficking</b>	122	61	15	36.9
<b>Drugs - Communication Facility</b>	3	34	18	60.0
<b>Drugs - Simple Possession</b>	3	24	9	100.0
<b>Firearms</b>	170	89	21	30.1
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	3	84	23	29.6
<b>Larceny</b>	3	30	16	87.5
<b>Fraud</b>	44	48	17	55.0
<b>Embezzlement</b>	1	--	--	--
<b>Forgery/Counterfeiting</b>	5	60	14	42.9
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	3	57	12	36.4
<b>Money Laundering</b>	0	--	--	--
<b>Racketeering/Extortion</b>	24	144	29	27.7
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	2	--	--	--
<b>Immigration</b>	303	21	7	53.3
<b>Child Pornography</b>	20	216	54	33.3
<b>Prison Offenses</b>	4	42	21	130.0
<b>Administration of Justice Offenses</b>	22	48	18	61.1
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	22	60	26	82.6

<sup>1</sup> Of the 32,915 cases, 925 were sentenced above the guideline range. Of these, 852 cases had complete guideline application information. Furthermore, 20 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2017 Datafile, USSCFY17 (October 1, 2016, through March 31, 2017).

**Figure E**

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR ALL CASES<sup>1</sup>**



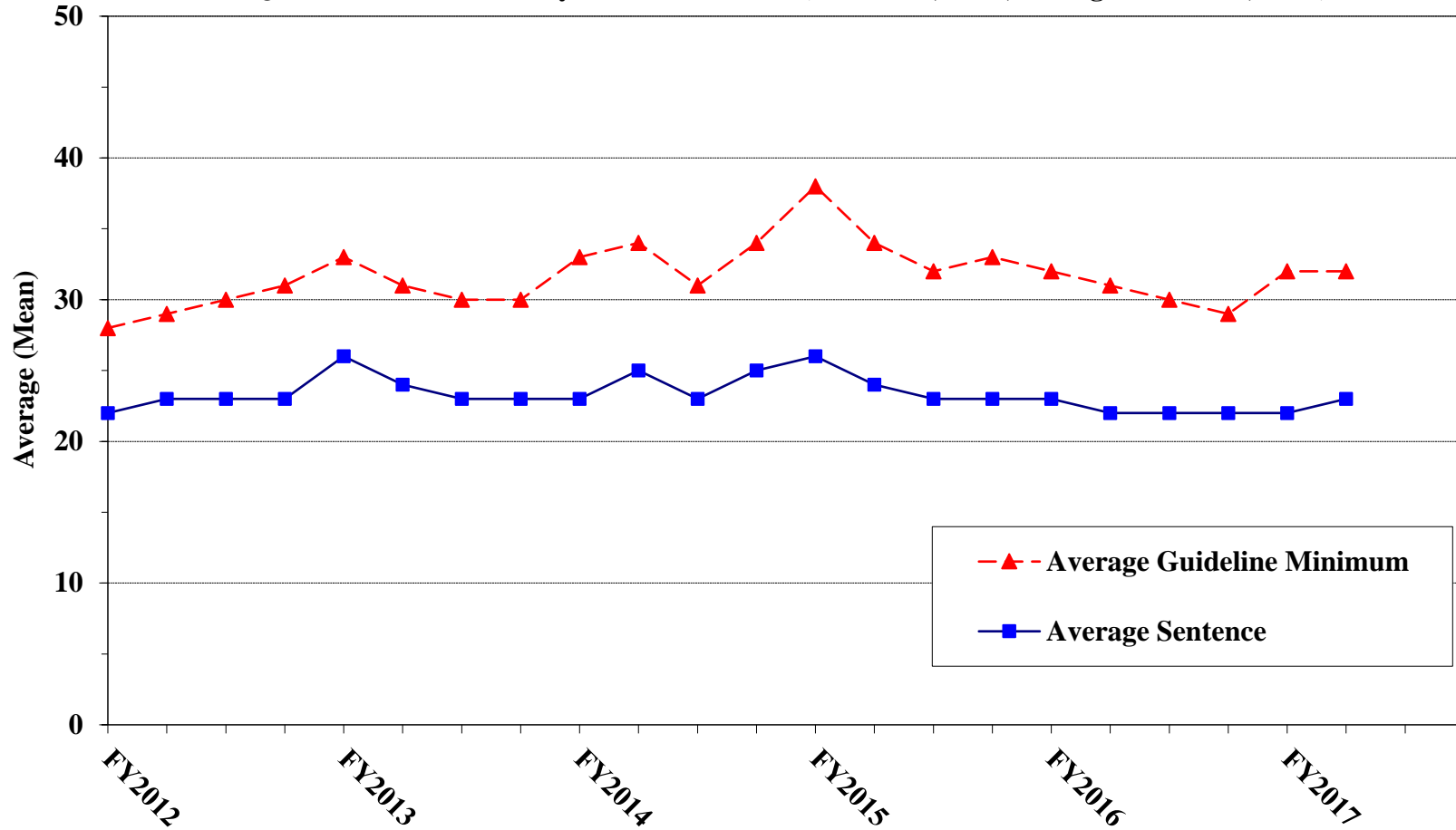
<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, 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 §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>**

**Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

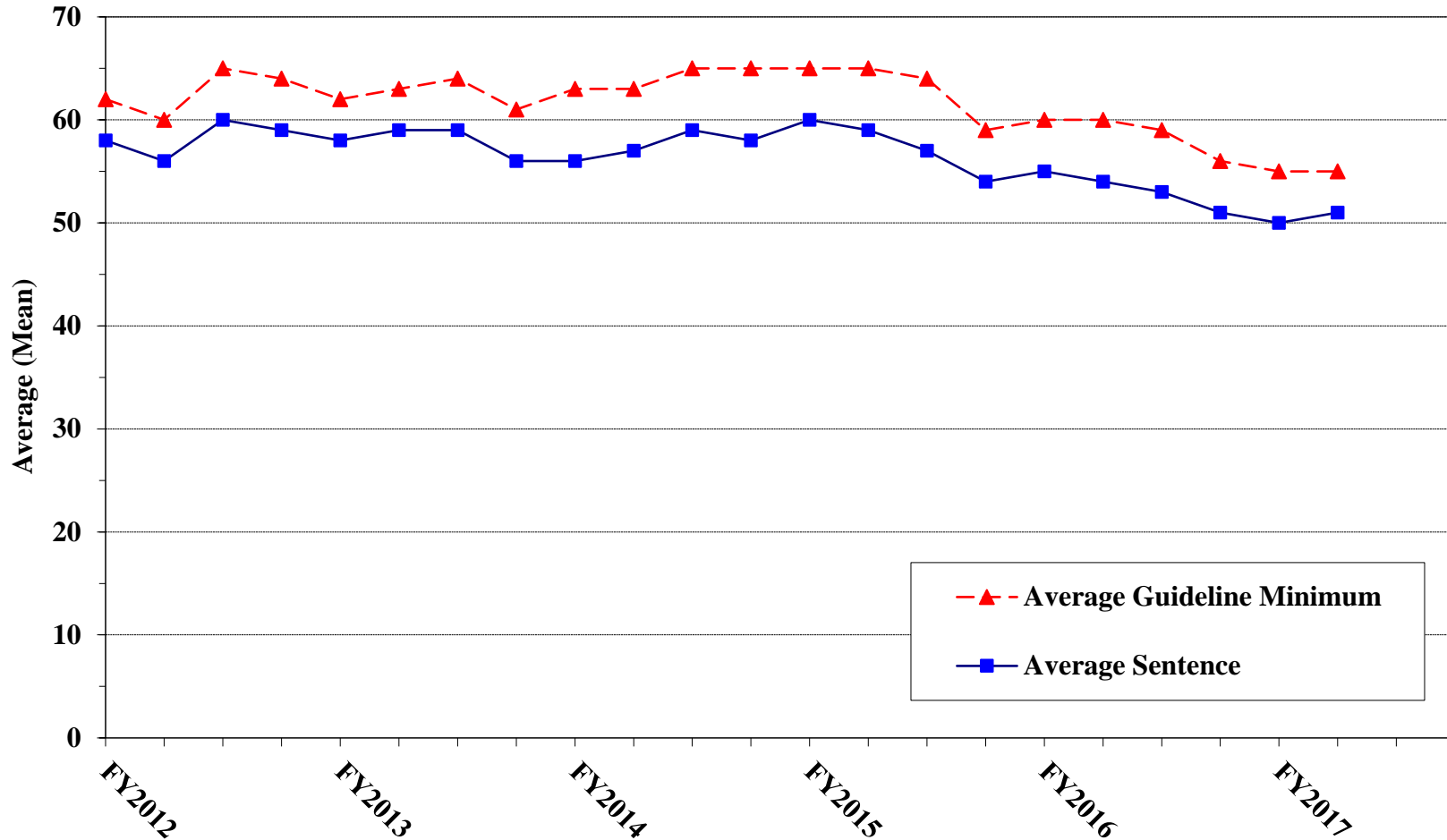


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than 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. In turn, 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. In addition, 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 §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**

**Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

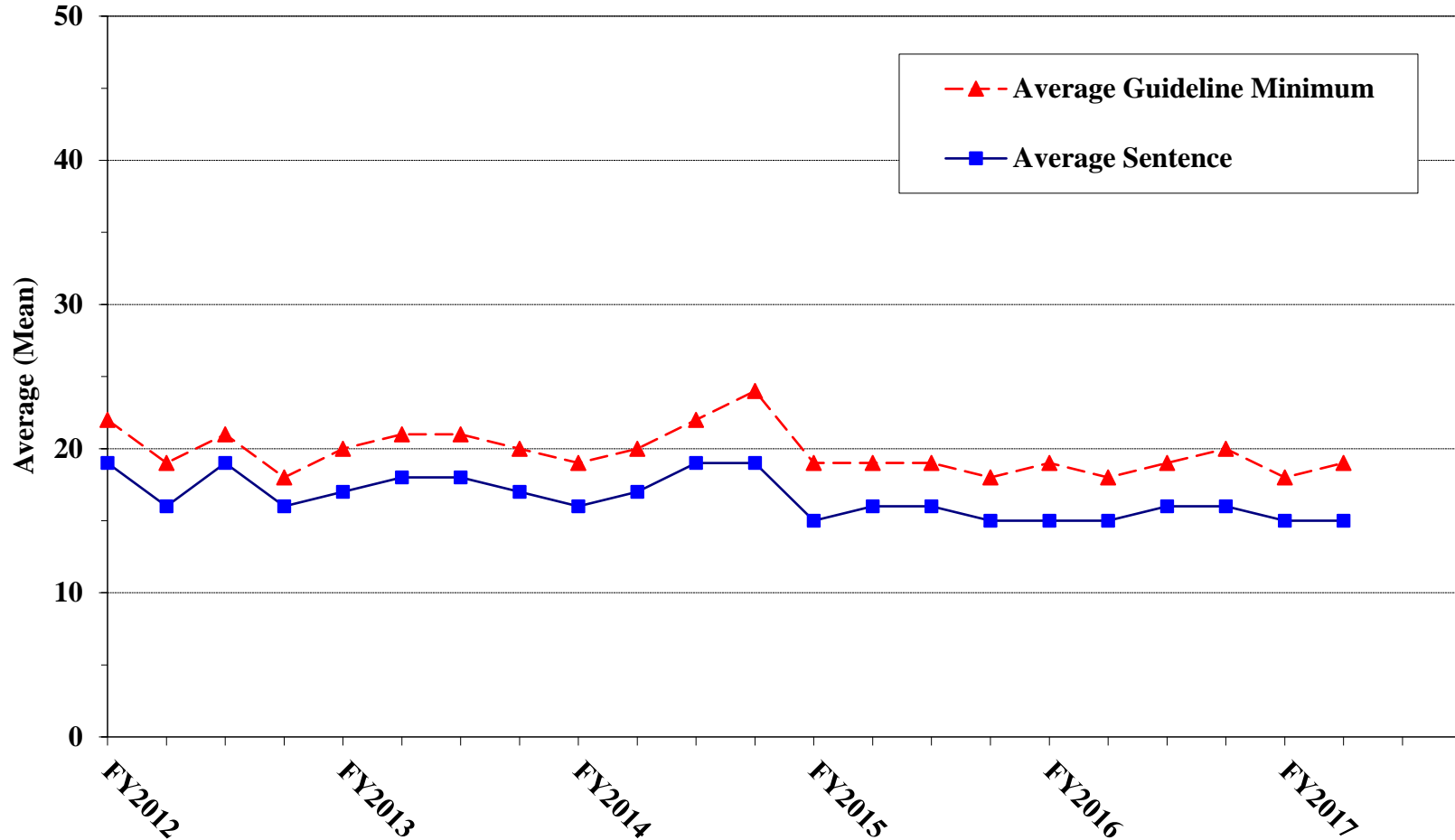


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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. In addition, 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 §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>**

**Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**

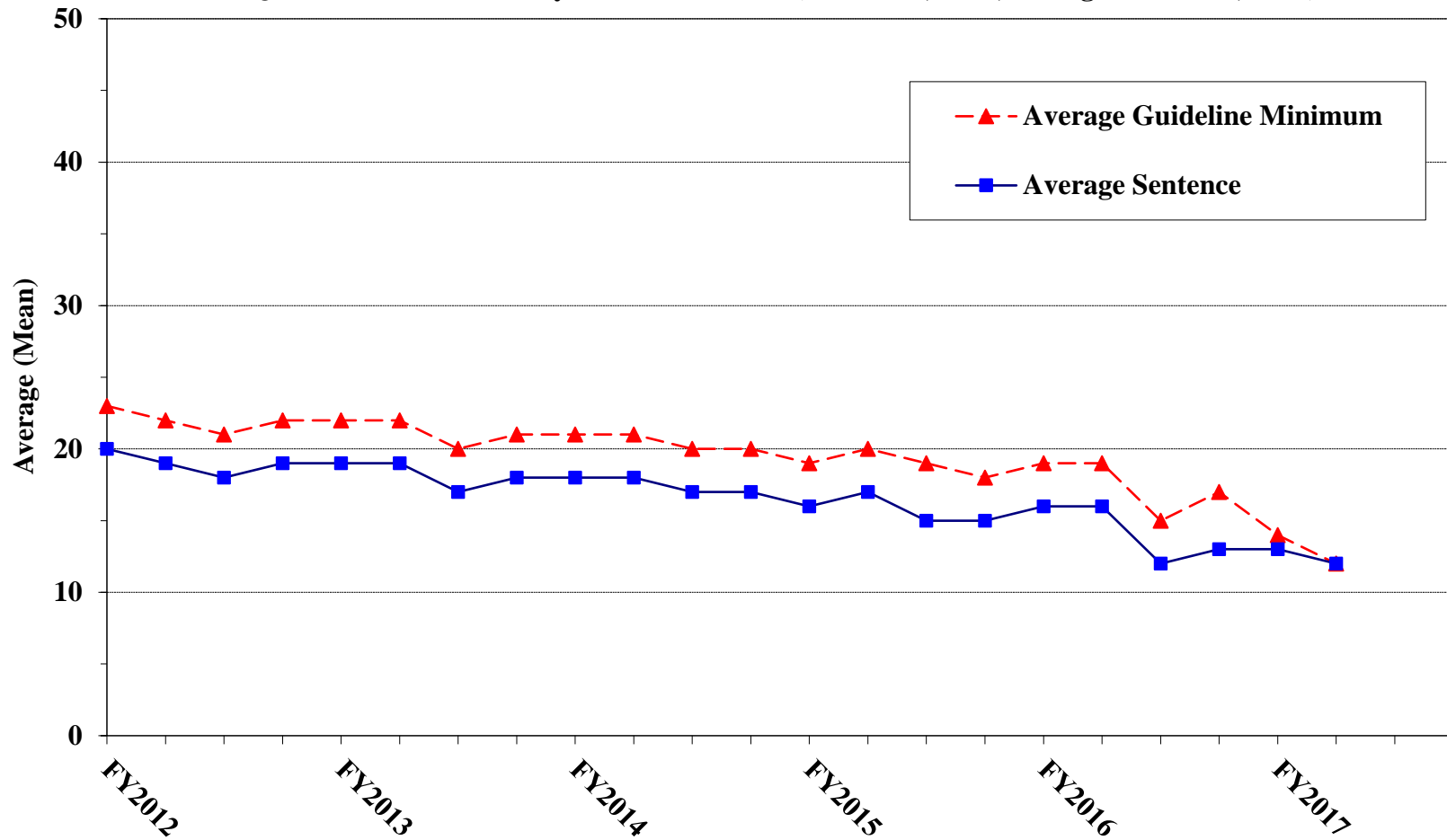


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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. In addition, 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

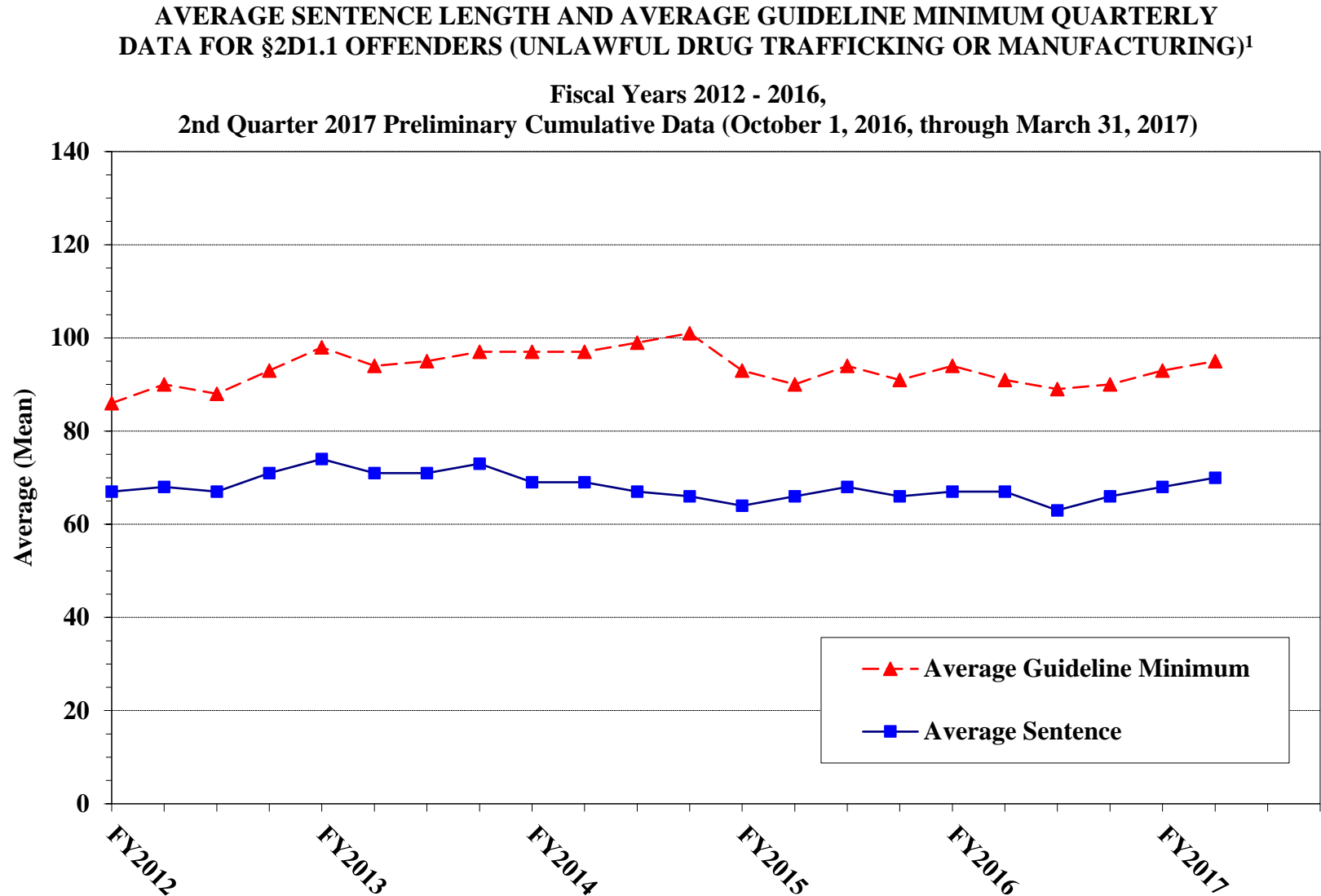
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>**

**Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)**



<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. In turn, 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. In addition, 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

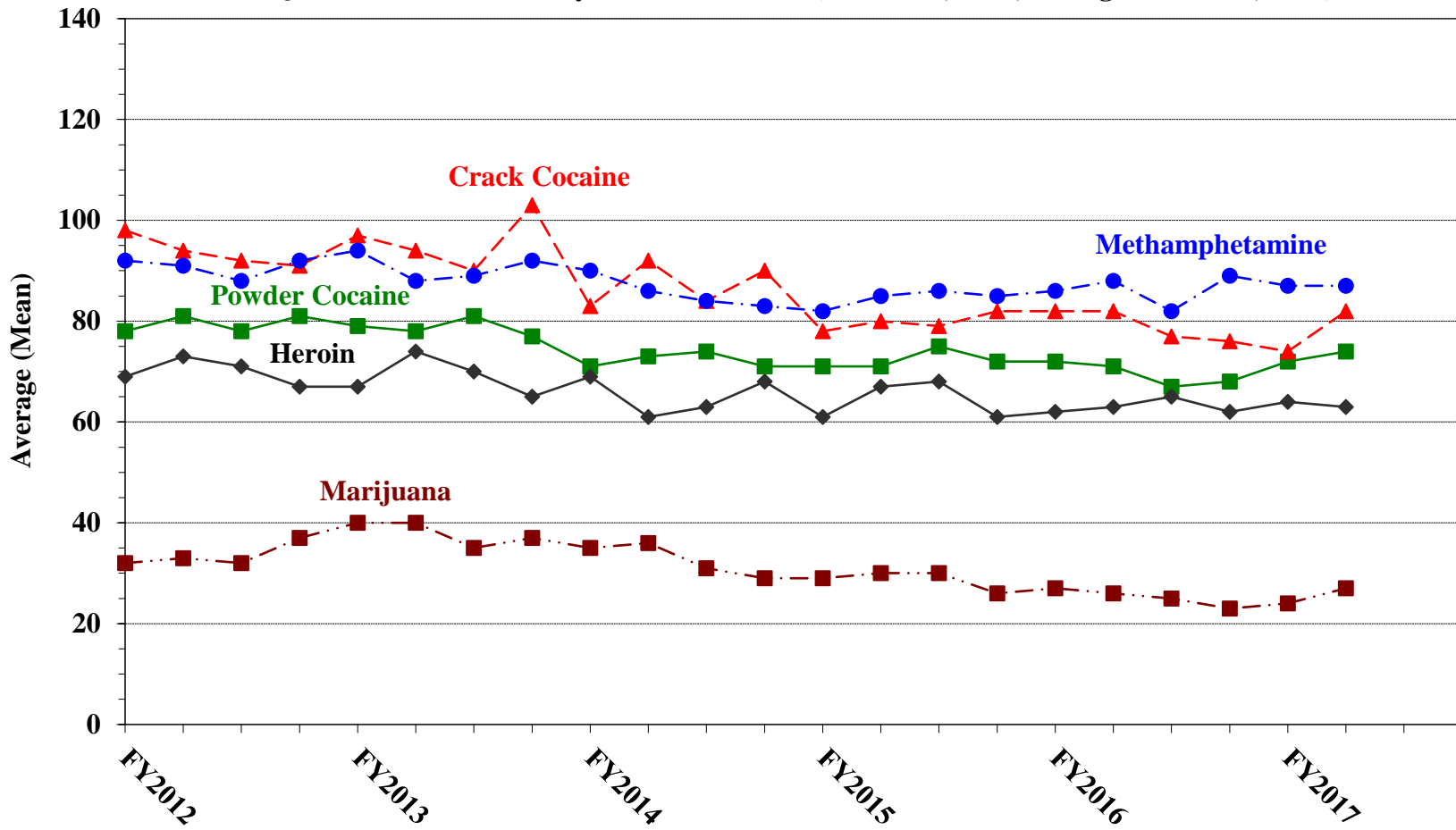


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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. In addition, 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 K

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>

Fiscal Years 2012 - 2016,  
2nd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through March 31, 2017)



<sup>1</sup> 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. In addition, 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

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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

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The following section describes the variables used in this report.

##### **Above Guideline Range with *Booker*/18 U.S.C. § 3553**

*Above Guideline Range with Booker/18 U.S.C. § 3553* consists of cases with a sentence above the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

##### **All Remaining Cases Above Guideline Range**

*All Remaining Cases Above Guideline Range* consists of cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes, for example, cases in which no reason is provided for a sentence above the guideline range.

##### **All Remaining Cases Below Guideline Range**

*All Remaining Cases Below Guideline Range* consists of cases sentenced below the guideline range that cannot be classified into any of the other three below the range categories. This category includes, for example, cases in which no reason is provided for a sentence below the guideline range.

##### **Below Guideline Range with *Booker*/18 U.S.C. § 3553**

*Below Guideline Range with Booker/18 U.S.C. § 3553* consists of cases with a sentence below the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

##### **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: downward departure from guideline range, downward departure with *Booker/18 U.S.C. § 3553*, below guideline range with *Booker/18 U.S.C. § 3553*, all remaining cases below guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, and other government sponsored cases. 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 of above range cases: upward departure from guideline range, upward departure with *Booker/18 U.S.C. § 3553*, above guideline range with *Booker/18 U.S.C. § 3553*, all remaining cases above 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.

### **Downward Departure From Guideline Range**

*Downward Departure From Guideline Range* consists of cases with departures below the guideline range that do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

### **Downward Departures with *Booker/18 U.S.C. § 3553***

*Downward Departures with Booker/18 U.S.C. § 3553* consists of cases with a sentence below the guideline range that include both a departure (see Downward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline range.



### **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.

### **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 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 From Guideline Range**

*Upward Departure From Guideline Range* consists of cases with departures above the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

**Upward Departure with *Booker*/18 U.S.C. § 3553**

*Upward Departure with Booker/18 U.S.C. § 3553* consists of cases with a sentence above the guideline range that includes both a departure (see Upward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline system.

**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.