

# United States Sentencing Commission Quarterly Data Report



**3<sup>rd</sup> Quarter Release**  
**Preliminary Fiscal Year 2017 Data**  
**Through June 30, 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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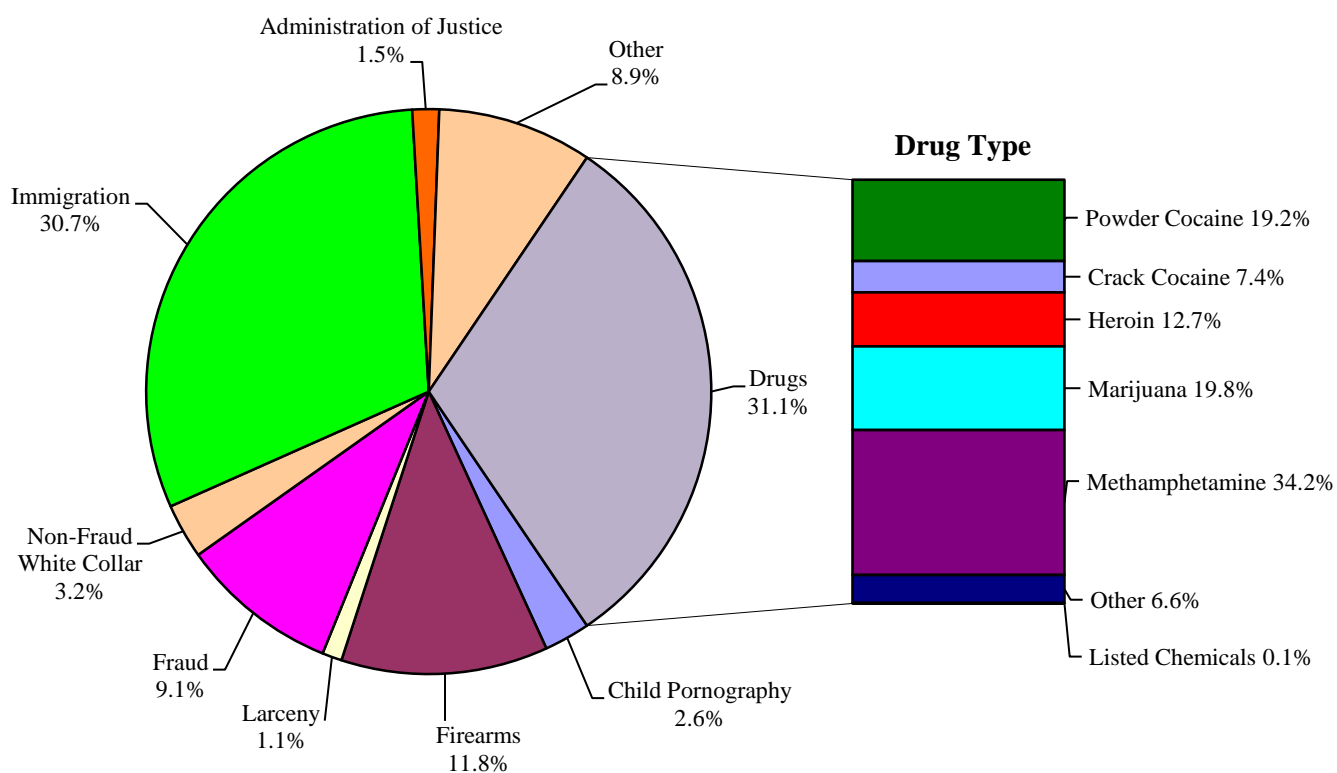
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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**



<sup>1</sup> Of the 50,258 guideline cases, four 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 June 30, 2017).

Table 1

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| <b>PRIMARY OFFENSE</b>                    | <b>N</b>      | <b>%</b>     |
|---|---------------|--------------|
| <b>TOTAL</b>                              | <b>50,258</b> | <b>100.0</b> |
| <b>Murder</b>                             | 56            | 0.1          |
| <b>Manslaughter</b>                       | 42            | 0.1          |
| <b>Kidnapping/Hostage Taking</b>          | 40            | 0.1          |
| <b>Sexual Abuse</b>                       | 459           | 0.9          |
| <b>Assault</b>                            | 609           | 1.2          |
| <b>Robbery</b>                            | 476           | 0.9          |
| <b>Arson</b>                              | 31            | 0.1          |
| <b>Drugs - Trafficking</b>                | 14,328        | 28.5         |
| <b>Drugs - Communication Facility</b>     | 217           | 0.4          |
| <b>Drugs - Simple Possession</b>          | 1,075         | 2.1          |
| <b>Firearms</b>                           | 5,948         | 11.8         |
| <b>Burglary/B&amp;E</b>                   | 24            | 0.0          |
| <b>Auto Theft</b>                         | 51            | 0.1          |
| <b>Larceny</b>                            | 568           | 1.1          |
| <b>Fraud</b>                              | 4,554         | 9.1          |
| <b>Embezzlement</b>                       | 317           | 0.6          |
| <b>Forgery/Counterfeiting</b>             | 274           | 0.5          |
| <b>Bribery</b>                            | 125           | 0.2          |
| <b>Tax</b>                                | 342           | 0.7          |
| <b>Money Laundering</b>                   | 526           | 1.0          |
| <b>Racketeering/Extortion</b>             | 702           | 1.4          |
| <b>Gambling/Lottery</b>                   | 32            | 0.1          |
| <b>Civil Rights</b>                       | 44            | 0.1          |
| <b>Immigration</b>                        | 15,437        | 30.7         |
| <b>Child Pornography</b>                  | 1,321         | 2.6          |
| <b>Prison Offenses</b>                    | 388           | 0.8          |
| <b>Administration of Justice Offenses</b> | 770           | 1.5          |
| <b>Environmental/Wildlife</b>             | 64            | 0.1          |
| <b>National Defense</b>                   | 68            | 0.1          |
| <b>Antitrust</b>                          | 12            | 0.0          |
| <b>Food &amp; Drug</b>                    | 65            | 0.1          |
| <b>Other Miscellaneous Offenses</b>       | 1,293         | 2.6          |

<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>**  
**3rd Quarter 2017 Preliminary Cumulative Data**  
**(October 1, 2016, through June 30, 2017)**

| <b>CIRCUIT</b>        |               |              | <b>CIRCUIT</b>         |               |             |
|-----------------------|---------------|--------------|------------------------|---------------|-------------|
| District              | N             | %            | District               | N             | %           |
| <b>TOTAL</b>          | <b>50,258</b> | <b>100.0</b> |                        |               |             |
| <b>D.C. CIRCUIT</b>   | <b>168</b>    | <b>0.3</b>   | <b>FIFTH CIRCUIT</b>   | <b>12,635</b> | <b>25.1</b> |
| District of Columbia  | 168           | 0.3          | Louisiana              |               |             |
|                       |               |              | Eastern                | 262           | 0.5         |
| <b>FIRST CIRCUIT</b>  | <b>1,489</b>  | <b>3.0</b>   | Middle                 | 107           | 0.2         |
| Maine                 | 154           | 0.3          | Western                | 209           | 0.4         |
| Massachusetts         | 354           | 0.7          | Mississippi            |               |             |
| New Hampshire         | 156           | 0.3          | Northern               | 110           | 0.2         |
| Puerto Rico           | 752           | 1.5          | Southern               | 185           | 0.4         |
| Rhode Island          | 73            | 0.1          | Texas                  |               |             |
|                       |               |              | Eastern                | 611           | 1.2         |
| <b>SECOND CIRCUIT</b> | <b>2,564</b>  | <b>5.1</b>   | Northern               | 1,067         | 2.1         |
| Connecticut           | 268           | 0.5          | Southern               | 5,142         | 10.2        |
| New York              |               |              | Western                | 4,942         | 9.8         |
| Eastern               | 576           | 1.1          | <b>SIXTH CIRCUIT</b>   | <b>3,112</b>  | <b>6.2</b>  |
| Northern              | 237           | 0.5          | Kentucky               |               |             |
| Southern              | 987           | 2.0          | Eastern                | 251           | 0.5         |
| Western               | 354           | 0.7          | Western                | 194           | 0.4         |
| Vermont               | 142           | 0.3          | Michigan               |               |             |
|                       |               |              | Eastern                | 652           | 1.3         |
| <b>THIRD CIRCUIT</b>  | <b>1,620</b>  | <b>3.2</b>   | Western                | 283           | 0.6         |
| Delaware              | 70            | 0.1          | Ohio                   |               |             |
| New Jersey            | 460           | 0.9          | Northern               | 410           | 0.8         |
| Pennsylvania          |               |              | Southern               | 384           | 0.8         |
| Eastern               | 489           | 1.0          | Tennessee              |               |             |
| Middle                | 282           | 0.6          | Eastern                | 462           | 0.9         |
| Western               | 271           | 0.5          | Middle                 | 186           | 0.4         |
| Virgin Islands        | 48            | 0.1          | Western                | 290           | 0.6         |
|                       |               |              | <b>SEVENTH CIRCUIT</b> | <b>1,691</b>  | <b>3.4</b>  |
| <b>FOURTH CIRCUIT</b> | <b>3,721</b>  | <b>7.4</b>   | Illinois               |               |             |
| Maryland              | 540           | 1.1          | Central                | 186           | 0.4         |
| North Carolina        |               |              | Northern               | 473           | 0.9         |
| Eastern               | 488           | 1.0          | Southern               | 212           | 0.4         |
| Middle                | 288           | 0.6          | Indiana                |               |             |
| Western               | 420           | 0.8          | Northern               | 187           | 0.4         |
| South Carolina        | 539           | 1.1          | Southern               | 327           | 0.7         |
| Virginia              |               |              | Wisconsin              |               |             |
| Eastern               | 890           | 1.8          | Eastern                | 209           | 0.4         |
| Western               | 212           | 0.4          | Western                | 97            | 0.2         |
| West Virginia         |               |              |                        |               |             |
| Northern              | 168           | 0.3          |                        |               |             |
| Southern              | 176           | 0.4          |                        |               |             |

Table 2 (cont.)

| CIRCUIT                  |               |             | CIRCUIT                 |              |            |
|--------------------------|---------------|-------------|-------------------------|--------------|------------|
| District                 | N             | %           | District                | N            | %          |
| <b>EIGHTH CIRCUIT</b>    | <b>3,553</b>  | <b>7.1</b>  | <b>TENTH CIRCUIT</b>    | <b>4,732</b> | <b>9.4</b> |
| Arkansas                 |               |             | Colorado                | 327          | 0.7        |
| Eastern                  | 303           | 0.6         | Kansas                  | 432          | 0.9        |
| Western                  | 181           | 0.4         | New Mexico              | 2,820        | 5.6        |
| Iowa                     |               |             | Oklahoma                |              |            |
| Northern                 | 293           | 0.6         | Eastern                 | 91           | 0.2        |
| Southern                 | 289           | 0.6         | Northern                | 130          | 0.3        |
| Minnesota                | 329           | 0.7         | Western                 | 223          | 0.4        |
| Missouri                 |               |             | Utah                    | 531          | 1.1        |
| Eastern                  | 492           | 1.0         | Wyoming                 | 178          | 0.4        |
| Western                  | 639           | 1.3         |                         |              |            |
| Nebraska                 | 402           | 0.8         | <b>ELEVENTH CIRCUIT</b> | <b>4,894</b> | <b>9.7</b> |
| North Dakota             | 264           | 0.5         | Alabama                 |              |            |
| South Dakota             | 361           | 0.7         | Middle                  | 149          | 0.3        |
|                          |               |             | Northern                | 328          | 0.7        |
| <b>NINTH CIRCUIT</b>     | <b>10,079</b> | <b>20.1</b> | Southern                | 224          | 0.4        |
| Alaska                   | 134           | 0.3         | Florida                 |              |            |
| Arizona                  | 4,321         | 8.6         | Middle                  | 1,126        | 2.2        |
| California               |               |             | Northern                | 209          | 0.4        |
| Central                  | 793           | 1.6         | Southern                | 1,812        | 3.6        |
| Eastern                  | 397           | 0.8         | Georgia                 |              |            |
| Northern                 | 388           | 0.8         | Middle                  | 346          | 0.7        |
| Southern                 | 2,148         | 4.3         | Northern                | 389          | 0.8        |
| Guam                     | 51            | 0.1         | Southern                | 311          | 0.6        |
| Hawaii                   | 91            | 0.2         |                         |              |            |
| Idaho                    | 272           | 0.5         |                         |              |            |
| Montana                  | 252           | 0.5         |                         |              |            |
| Nevada                   | 372           | 0.7         |                         |              |            |
| Northern Mariana Islands | 12            | 0.0         |                         |              |            |
| Oregon                   | 272           | 0.5         |                         |              |            |
| Washington               |               |             |                         |              |            |
| Eastern                  | 247           | 0.5         |                         |              |            |
| Western                  | 329           | 0.7         |                         |              |            |

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

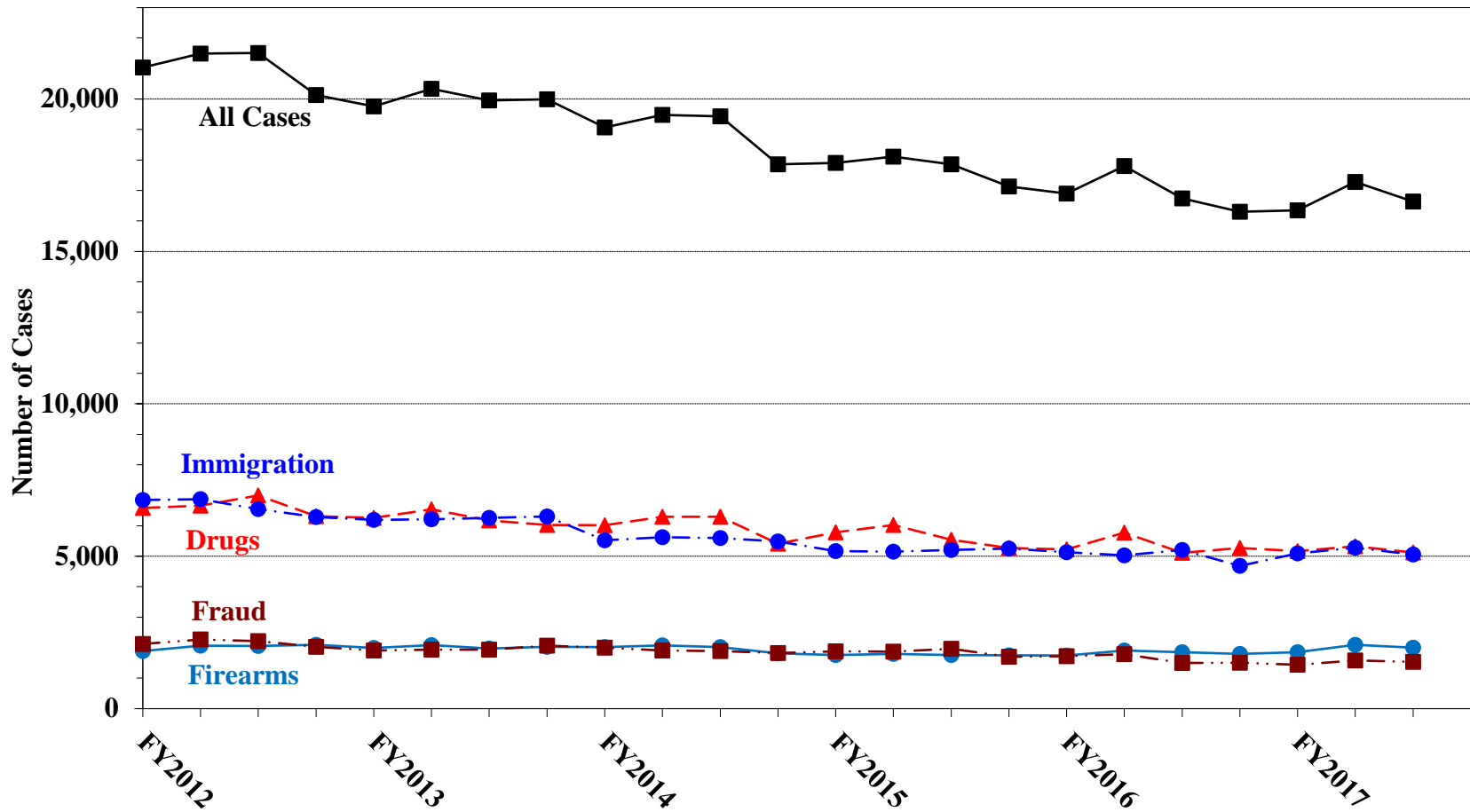
SOURCE: U.S. Sentencing Commission, Preliminary 2017 Datafile, USSCFY17 (October 1, 2016, through June 30, 2017).



Figure B

NUMBER OF CASES IN SELECTED PRIMARY OFFENSE CATEGORIES<sup>1</sup>

Fiscal Years 2012 - 2016,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| PRIMARY OFFENSE                    | TOTAL         | WHITE         |             | BLACK         |             | HISPANIC      |             | OTHER        |            |
|------------------------------------|---------------|---------------|-------------|---------------|-------------|---------------|-------------|--------------|------------|
|                                    |               | N             | %           | N             | %           | N             | %           | N            | %          |
| <b>TOTAL</b>                       | <b>49,728</b> | <b>10,664</b> | <b>21.4</b> | <b>10,370</b> | <b>20.9</b> | <b>26,602</b> | <b>53.5</b> | <b>2,092</b> | <b>4.2</b> |
| Murder                             | 56            | 10            | 17.9        | 15            | 26.8        | 12            | 21.4        | 19           | 33.9       |
| Manslaughter                       | 42            | 2             | 4.8         | 1             | 2.4         | 1             | 2.4         | 38           | 90.5       |
| Kidnapping/Hostage Taking          | 40            | 10            | 25.0        | 12            | 30.0        | 13            | 32.5        | 5            | 12.5       |
| Sexual Abuse                       | 459           | 153           | 33.3        | 147           | 32.0        | 65            | 14.2        | 94           | 20.5       |
| Assault                            | 600           | 117           | 19.5        | 85            | 14.2        | 96            | 16.0        | 302          | 50.3       |
| Robbery                            | 475           | 191           | 40.2        | 213           | 44.8        | 54            | 11.4        | 17           | 3.6        |
| Arson                              | 30            | 19            | 63.3        | 3             | 10.0        | 2             | 6.7         | 6            | 20.0       |
| Drugs - Trafficking                | 14,312        | 3,241         | 22.6        | 3,470         | 24.2        | 7,137         | 49.9        | 464          | 3.2        |
| Drugs - Communication Facility     | 217           | 53            | 24.4        | 100           | 46.1        | 64            | 29.5        | 0            | 0.0        |
| Drugs - Simple Possession          | 1,027         | 132           | 12.9        | 97            | 9.4         | 757           | 73.7        | 41           | 4.0        |
| Firearms                           | 5,927         | 1,424         | 24.0        | 3,068         | 51.8        | 1,253         | 21.1        | 182          | 3.1        |
| Burglary/B&E                       | 24            | 6             | 25.0        | 4             | 16.7        | 3             | 12.5        | 11           | 45.8       |
| Auto Theft                         | 51            | 16            | 31.4        | 17            | 33.3        | 16            | 31.4        | 2            | 3.9        |
| Larceny                            | 538           | 226           | 42.0        | 167           | 31.0        | 96            | 17.8        | 49           | 9.1        |
| Fraud                              | 4,543         | 1,876         | 41.3        | 1,386         | 30.5        | 980           | 21.6        | 301          | 6.6        |
| Embezzlement                       | 303           | 154           | 50.8        | 83            | 27.4        | 37            | 12.2        | 29           | 9.6        |
| Forgery/Counterfeiting             | 273           | 104           | 38.1        | 104           | 38.1        | 45            | 16.5        | 20           | 7.3        |
| Bribery                            | 125           | 47            | 37.6        | 42            | 33.6        | 23            | 18.4        | 13           | 10.4       |
| Tax                                | 340           | 207           | 60.9        | 82            | 24.1        | 34            | 10.0        | 17           | 5.0        |
| Money Laundering                   | 525           | 151           | 28.8        | 80            | 15.2        | 254           | 48.4        | 40           | 7.6        |
| Racketeering/Extortion             | 702           | 114           | 16.2        | 332           | 47.3        | 233           | 33.2        | 23           | 3.3        |
| Gambling/Lottery                   | 32            | 22            | 68.8        | 1             | 3.1         | 5             | 15.6        | 4            | 12.5       |
| Civil Rights                       | 44            | 33            | 75.0        | 7             | 15.9        | 2             | 4.5         | 2            | 4.5        |
| Immigration                        | 15,315        | 280           | 1.8         | 212           | 1.4         | 14,723        | 96.1        | 100          | 0.7        |
| Child Pornography                  | 1,316         | 1,039         | 79.0        | 68            | 5.2         | 165           | 12.5        | 44           | 3.3        |
| Prison Offenses                    | 378           | 109           | 28.8        | 119           | 31.5        | 110           | 29.1        | 40           | 10.6       |
| Administration of Justice Offenses | 765           | 309           | 40.4        | 171           | 22.4        | 187           | 24.4        | 98           | 12.8       |
| Environmental/Wildlife             | 62            | 46            | 74.2        | 0             | 0.0         | 3             | 4.8         | 13           | 21.0       |
| National Defense                   | 67            | 22            | 32.8        | 12            | 17.9        | 24            | 35.8        | 9            | 13.4       |
| Antitrust                          | 12            | 4             | 33.3        | 4             | 33.3        | 3             | 25.0        | 1            | 8.3        |
| Food & Drug                        | 65            | 46            | 70.8        | 1             | 1.5         | 10            | 15.4        | 8            | 12.3       |
| Other Miscellaneous Offenses       | 1,063         | 501           | 47.1        | 267           | 25.1        | 195           | 18.3        | 100          | 9.4        |

<sup>1</sup> Of the 50,258 cases, 530 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| PRIMARY OFFENSE                    | TOTAL         | MALE          |             | FEMALE       |             |
|------------------------------------|---------------|---------------|-------------|--------------|-------------|
|                                    |               | N             | %           | N            | %           |
| <b>TOTAL</b>                       | <b>50,154</b> | <b>43,495</b> | <b>86.7</b> | <b>6,659</b> | <b>13.3</b> |
| Murder                             | 56            | 54            | 96.4        | 2            | 3.6         |
| Manslaughter                       | 42            | 35            | 83.3        | 7            | 16.7        |
| Kidnapping/Hostage Taking          | 40            | 35            | 87.5        | 5            | 12.5        |
| Sexual Abuse                       | 459           | 419           | 91.3        | 40           | 8.7         |
| Assault                            | 608           | 527           | 86.7        | 81           | 13.3        |
| Robbery                            | 476           | 421           | 88.4        | 55           | 11.6        |
| Arson                              | 31            | 28            | 90.3        | 3            | 9.7         |
| Drugs - Trafficking                | 14,328        | 12,040        | 84.0        | 2,288        | 16.0        |
| Drugs - Communication Facility     | 217           | 163           | 75.1        | 54           | 24.9        |
| Drugs - Simple Possession          | 1,069         | 930           | 87.0        | 139          | 13.0        |
| Firearms                           | 5,946         | 5,744         | 96.6        | 202          | 3.4         |
| Burglary/B&E                       | 24            | 21            | 87.5        | 3            | 12.5        |
| Auto Theft                         | 51            | 42            | 82.4        | 9            | 17.6        |
| Larceny                            | 566           | 356           | 62.9        | 210          | 37.1        |
| Fraud                              | 4,553         | 3,197         | 70.2        | 1,356        | 29.8        |
| Embezzlement                       | 315           | 146           | 46.3        | 169          | 53.7        |
| Forgery/Counterfeiting             | 274           | 210           | 76.6        | 64           | 23.4        |
| Bribery                            | 125           | 99            | 79.2        | 26           | 20.8        |
| Tax                                | 342           | 248           | 72.5        | 94           | 27.5        |
| Money Laundering                   | 526           | 364           | 69.2        | 162          | 30.8        |
| Racketeering/Extortion             | 702           | 621           | 88.5        | 81           | 11.5        |
| Gambling/Lottery                   | 32            | 28            | 87.5        | 4            | 12.5        |
| Civil Rights                       | 44            | 40            | 90.9        | 4            | 9.1         |
| Immigration                        | 15,400        | 14,384        | 93.4        | 1,016        | 6.6         |
| Child Pornography                  | 1,320         | 1,293         | 98.0        | 27           | 2.0         |
| Prison Offenses                    | 386           | 343           | 88.9        | 43           | 11.1        |
| Administration of Justice Offenses | 769           | 586           | 76.2        | 183          | 23.8        |
| Environmental/Wildlife             | 63            | 61            | 96.8        | 2            | 3.2         |
| National Defense                   | 68            | 61            | 89.7        | 7            | 10.3        |
| Antitrust                          | 12            | 11            | 91.7        | 1            | 8.3         |
| Food & Drug                        | 65            | 55            | 84.6        | 10           | 15.4        |
| Other Miscellaneous Offenses       | 1,245         | 933           | 74.9        | 312          | 25.1        |

<sup>1</sup> Of the 50,258 cases, 104 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| PRIMARY OFFENSE                    | TOTAL         | U.S. CITIZEN  |             | NON-U.S. CITIZEN |             |
|------------------------------------|---------------|---------------|-------------|------------------|-------------|
|                                    |               | N             | %           | N                | %           |
| <b>TOTAL</b>                       | <b>49,896</b> | <b>29,480</b> | <b>59.1</b> | <b>20,416</b>    | <b>40.9</b> |
| Murder                             | 56            | 46            | 82.1        | 10               | 17.9        |
| Manslaughter                       | 42            | 42            | 100.0       | 0                | 0.0         |
| Kidnapping/Hostage Taking          | 40            | 37            | 92.5        | 3                | 7.5         |
| Sexual Abuse                       | 459           | 435           | 94.8        | 24               | 5.2         |
| Assault                            | 598           | 562           | 94.0        | 36               | 6.0         |
| Robbery                            | 475           | 471           | 99.2        | 4                | 0.8         |
| Arson                              | 30            | 30            | 100.0       | 0                | 0.0         |
| Drugs - Trafficking                | 14,277        | 10,474        | 73.4        | 3,803            | 26.6        |
| Drugs - Communication Facility     | 217           | 186           | 85.7        | 31               | 14.3        |
| Drugs - Simple Possession          | 1,044         | 379           | 36.3        | 665              | 63.7        |
| Firearms                           | 5,941         | 5,590         | 94.1        | 351              | 5.9         |
| Burglary/B&E                       | 24            | 24            | 100.0       | 0                | 0.0         |
| Auto Theft                         | 51            | 48            | 94.1        | 3                | 5.9         |
| Larceny                            | 558           | 518           | 92.8        | 40               | 7.2         |
| Fraud                              | 4,539         | 3,717         | 81.9        | 822              | 18.1        |
| Embezzlement                       | 311           | 300           | 96.5        | 11               | 3.5         |
| Forgery/Counterfeiting             | 274           | 235           | 85.8        | 39               | 14.2        |
| Bribery                            | 125           | 118           | 94.4        | 7                | 5.6         |
| Tax                                | 340           | 326           | 95.9        | 14               | 4.1         |
| Money Laundering                   | 521           | 347           | 66.6        | 174              | 33.4        |
| Racketeering/Extortion             | 701           | 604           | 86.2        | 97               | 13.8        |
| Gambling/Lottery                   | 32            | 30            | 93.8        | 2                | 6.3         |
| Civil Rights                       | 44            | 43            | 97.7        | 1                | 2.3         |
| Immigration                        | 15,431        | 1,471         | 9.5         | 13,960           | 90.5        |
| Child Pornography                  | 1,320         | 1,275         | 96.6        | 45               | 3.4         |
| Prison Offenses                    | 382           | 369           | 96.6        | 13               | 3.4         |
| Administration of Justice Offenses | 767           | 665           | 86.7        | 102              | 13.3        |
| Environmental/Wildlife             | 58            | 54            | 93.1        | 4                | 6.9         |
| National Defense                   | 66            | 39            | 59.1        | 27               | 40.9        |
| Antitrust                          | 12            | 11            | 91.7        | 1                | 8.3         |
| Food & Drug                        | 64            | 56            | 87.5        | 8                | 12.5        |
| Other Miscellaneous Offenses       | 1,097         | 978           | 89.2        | 119              | 10.8        |

<sup>1</sup> Of the 50,258 cases, 362 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| <b>PRIMARY OFFENSE</b>                    | <b>Mean<br/>Months</b> | <b>Median<br/>Months</b> | <b>N</b>      |
|---|------------------------|--------------------------|---------------|
| <b>TOTAL</b>                              | <b>44</b>              | <b>21</b>                | <b>50,256</b> |
| <b>Murder</b>                             | 235                    | 178                      | 56            |
| <b>Manslaughter</b>                       | 70                     | 57                       | 42            |
| <b>Kidnapping/Hostage Taking</b>          | 230                    | 216                      | 40            |
| <b>Sexual Abuse</b>                       | 134                    | 120                      | 459           |
| <b>Assault</b>                            | 29                     | 18                       | 609           |
| <b>Robbery</b>                            | 75                     | 60                       | 476           |
| <b>Arson</b>                              | 56                     | 60                       | 31            |
| <b>Drugs - Trafficking</b>                | 70                     | 54                       | 14,328        |
| <b>Drugs - Communication Facility</b>     | 28                     | 26                       | 217           |
| <b>Drugs - Simple Possession</b>          | 4                      | 6                        | 1,075         |
| <b>Firearms</b>                           | 71                     | 48                       | 5,948         |
| <b>Burglary/B&amp;E</b>                   | 19                     | 17                       | 24            |
| <b>Auto Theft</b>                         | 68                     | 40                       | 51            |
| <b>Larceny</b>                            | 10                     | 0                        | 568           |
| <b>Fraud</b>                              | 27                     | 15                       | 4,554         |
| <b>Embezzlement</b>                       | 8                      | 3                        | 317           |
| <b>Forgery/Counterfeiting</b>             | 17                     | 12                       | 274           |
| <b>Bribery</b>                            | 20                     | 13                       | 125           |
| <b>Tax</b>                                | 13                     | 10                       | 342           |
| <b>Money Laundering</b>                   | 34                     | 19                       | 526           |
| <b>Racketeering/Extortion</b>             | 97                     | 60                       | 702           |
| <b>Gambling/Lottery</b>                   | 2                      | 0                        | 32            |
| <b>Civil Rights</b>                       | 35                     | 10                       | 44            |
| <b>Immigration</b>                        | 12                     | 9                        | 15,436        |
| <b>Child Pornography</b>                  | 143                    | 96                       | 1,321         |
| <b>Prison Offenses</b>                    | 12                     | 10                       | 388           |
| <b>Administration of Justice Offenses</b> | 19                     | 14                       | 770           |
| <b>Environmental/Wildlife</b>             | 3                      | 0                        | 64            |
| <b>National Defense</b>                   | 59                     | 29                       | 68            |
| <b>Antitrust</b>                          | 17                     | 9                        | 12            |
| <b>Food &amp; Drug</b>                    | 5                      | 0                        | 65            |
| <b>Other Miscellaneous Offenses</b>       | 20                     | 0                        | 1,292         |

<sup>1</sup> Of the 50,258 cases, two were 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.

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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>49,951</b> | <b>45,501</b>                | <b>91.1</b> | <b>44,003</b> | <b>88.1</b> | <b>1,498</b>                                 | <b>3.0</b> | <b>4,450</b>              | <b>8.9</b> | <b>1,046</b>              | <b>2.1</b> | <b>3,404</b>   | <b>6.8</b> |
| Murder                             | 56            | 56                           | 100.0       | 51            | 91.1        | 5  | 8.9        | 0                         | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 42            | 41                           | 97.6        | 39            | 92.9        | 2  | 4.8        | 1                         | 2.4        | 0                         | 0.0        | 1              | 2.4        |
| Kidnapping/Hostage Taking          | 40            | 40                           | 100.0       | 40            | 100.0       | 0  | 0.0        | 0                         | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 458           | 450                          | 98.3        | 436           | 95.2        | 14   | 3.1        | 8                         | 1.7        | 6                         | 1.3        | 2              | 0.4        |
| Assault                            | 605           | 526                          | 86.9        | 481           | 79.5        | 45   | 7.4        | 79                        | 13.1       | 11                        | 1.8        | 68             | 11.2       |
| Robbery                            | 476           | 464                          | 97.5        | 440           | 92.4        | 24   | 5.0        | 12                        | 2.5        | 6                         | 1.3        | 6              | 1.3        |
| Arson                              | 31            | 29                           | 93.5        | 28            | 90.3        | 1  | 3.2        | 2                         | 6.5        | 1                         | 3.2        | 1              | 3.2        |
| Drugs - Trafficking                | 14,325        | 13,762                       | 96.1        | 13,315        | 92.9        | 447  | 3.1        | 563                       | 3.9        | 173                       | 1.2        | 390            | 2.7        |
| Drugs - Communication Facility     | 217           | 163                          | 75.1        | 159           | 73.3        | 4  | 1.8        | 54                        | 24.9       | 18                        | 8.3        | 36             | 16.6       |
| Drugs - Simple Possession          | 1,032         | 859                          | 83.2        | 857           | 83.0        | 2  | 0.2        | 173                       | 16.8       | 7                         | 0.7        | 166            | 16.1       |
| Firearms                           | 5,944         | 5,700                        | 95.9        | 5,516         | 92.8        | 184  | 3.1        | 244                       | 4.1        | 78                        | 1.3        | 166            | 2.8        |
| Burglary/B&E                       | 24            | 21                           | 87.5        | 12            | 50.0        | 9  | 37.5       | 3                         | 12.5       | 0                         | 0.0        | 3              | 12.5       |
| Auto Theft                         | 51            | 46                           | 90.2        | 42            | 82.4        | 4  | 7.8        | 5                         | 9.8        | 2                         | 3.9        | 3              | 5.9        |
| Larceny                            | 537           | 274                          | 51.0        | 253           | 47.1        | 21   | 3.9        | 263                       | 49.0       | 38                        | 7.1        | 225            | 41.9       |
| Fraud                              | 4,541         | 3,568                        | 78.6        | 3,308         | 72.8        | 260  | 5.7        | 973                       | 21.4       | 265                       | 5.8        | 708            | 15.6       |
| Embezzlement                       | 314           | 143                          | 45.5        | 122           | 38.9        | 21   | 6.7        | 171                       | 54.5       | 32                        | 10.2       | 139            | 44.3       |
| Forgery/Counterfeiting             | 273           | 215                          | 78.8        | 189           | 69.2        | 26   | 9.5        | 58                        | 21.2       | 27                        | 9.9        | 31             | 11.4       |
| Bribery                            | 125           | 91                           | 72.8        | 84            | 67.2        | 7  | 5.6        | 34                        | 27.2       | 15                        | 12.0       | 19             | 15.2       |
| Tax                                | 341           | 215                          | 63.0        | 185           | 54.3        | 30   | 8.8        | 126                       | 37.0       | 53                        | 15.5       | 73             | 21.4       |
| Money Laundering                   | 526           | 414                          | 78.7        | 389           | 74.0        | 25   | 4.8        | 112                       | 21.3       | 31                        | 5.9        | 81             | 15.4       |
| Racketeering/Extortion             | 702           | 656                          | 93.4        | 638           | 90.9        | 18   | 2.6        | 46                        | 6.6        | 18                        | 2.6        | 28             | 4.0        |
| Gambling/Lottery                   | 32            | 7                            | 21.9        | 4             | 12.5        | 3  | 9.4        | 25                        | 78.1       | 4                         | 12.5       | 21             | 65.6       |
| Civil Rights                       | 44            | 27                           | 61.4        | 25            | 56.8        | 2  | 4.5        | 17                        | 38.6       | 7                         | 15.9       | 10             | 22.7       |
| Immigration                        | 15,431        | 14,798                       | 95.9        | 14,613        | 94.7        | 185  | 1.2        | 633                       | 4.1        | 107                       | 0.7        | 526            | 3.4        |
| Child Pornography                  | 1,321         | 1,305                        | 98.8        | 1,267         | 95.9        | 38   | 2.9        | 16                        | 1.2        | 7                         | 0.5        | 9              | 0.7        |
| Prison Offenses                    | 388           | 371                          | 95.6        | 343           | 88.4        | 28   | 7.2        | 17                        | 4.4        | 7                         | 1.8        | 10             | 2.6        |
| Administration of Justice Offenses | 769           | 596                          | 77.5        | 555           | 72.2        | 41   | 5.3        | 173                       | 22.5       | 39                        | 5.1        | 134            | 17.4       |
| Environmental/Wildlife             | 61            | 13                           | 21.3        | 10            | 16.4        | 3  | 4.9        | 48                        | 78.7       | 9                         | 14.8       | 39             | 63.9       |
| National Defense                   | 68            | 60                           | 88.2        | 53            | 77.9        | 7  | 10.3       | 8                         | 11.8       | 3                         | 4.4        | 5              | 7.4        |
| Antitrust                          | 12            | 8                            | 66.7        | 7             | 58.3        | 1  | 8.3        | 4                         | 33.3       | 2                         | 16.7       | 2              | 16.7       |
| Food & Drug                        | 62            | 19                           | 30.6        | 18            | 29.0        | 1  | 1.6        | 43                        | 69.4       | 8                         | 12.9       | 35             | 56.5       |
| Other Miscellaneous Offenses       | 1,103         | 564                          | 51.1        | 524           | 47.5        | 40   | 3.6        | 539                       | 48.9       | 72                        | 6.5        | 467            | 42.3       |

<sup>1</sup> Of the 50,258 cases, 307 were excluded due to one of the following reasons: the offender received neither imprisonment nor probation (304) or missing sentencing information (3). 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

|   | N             | %            |
|---|---------------|--------------|
| <b>TOTAL CASES</b>  | <b>49,844</b> | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>24,446</b> | <b>49.0</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,495</b>  | <b>3.0</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>347</b>    | <b>0.7</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 271           | 0.5          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 76            | 0.2          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>1,148</b>  | <b>2.3</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 1,083         | 2.2          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 65            | 0.1          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>13,927</b> | <b>27.9</b>  |
| §5K1.1 Substantial Assistance Departure                                 | 5,362         | 10.8         |
| §5K3.1 Early Disposition Program Departure                              | 4,473         | 9.0          |
| Other Government Sponsored Below Range                                  | 4,092         | 8.2          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>9,976</b>  | <b>20.0</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>1,149</b>  | <b>2.3</b>   |
| Downward Departure From Guideline Range <sup>2</sup>                    | 823           | 1.7          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 326           | 0.7          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>8,827</b>  | <b>17.7</b>  |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 8,561         | 17.2         |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 266           | 0.5          |

<sup>1</sup> This table reflects the 50,258 cases sentenced on or after October 1, 2016, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 28, 2017. Of these, 414 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 June 30, 2017).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| CIRCUIT<br>District   | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>GUIDELINE<br>RANGE |            | GOVERNMENT<br>SPONSORED<br>BELOW RANGE |             | NON-GOVERNMENT<br>SPONSORED<br>BELOW RANGE |             |
|-----------------------|---------------|------------------------------|-------------|-----------------------------|------------|--|-------------|--|-------------|
|                       |               | N                            | %           | N                           | %          | N                                      | %           | N  | %           |
| <b>TOTAL</b>          | <b>49,844</b> | <b>24,446</b>                | <b>49.0</b> | <b>1,495</b>                | <b>3.0</b> | <b>13,927</b>                          | <b>27.9</b> | <b>9,976</b>                               | <b>20.0</b> |
| <b>D.C. CIRCUIT</b>   | <b>166</b>    | <b>58</b>                    | <b>34.9</b> | <b>3</b>                    | <b>1.8</b> | <b>60</b>                              | <b>36.1</b> | <b>45</b>                                  | <b>27.1</b> |
| District of Columbia  | 166           | 58                           | 34.9        | 3                           | 1.8        | 60                                     | 36.1        | 45   | 27.1        |
| <b>FIRST CIRCUIT</b>  | <b>1,489</b>  | <b>740</b>                   | <b>49.7</b> | <b>57</b>                   | <b>3.8</b> | <b>395</b>                             | <b>26.5</b> | <b>297</b>                                 | <b>19.9</b> |
| Maine                 | 154           | 51                           | 33.1        | 3                           | 1.9        | 58                                     | 37.7        | 42   | 27.3        |
| Massachusetts         | 354           | 105                          | 29.7        | 8                           | 2.3        | 145                                    | 41.0        | 96   | 27.1        |
| New Hampshire         | 156           | 64                           | 41.0        | 7                           | 4.5        | 53                                     | 34.0        | 32   | 20.5        |
| Puerto Rico           | 752           | 506                          | 67.3        | 39                          | 5.2        | 117                                    | 15.6        | 90   | 12.0        |
| Rhode Island          | 73            | 14                           | 19.2        | 0                           | 0.0        | 22                                     | 30.1        | 37   | 50.7        |
| <b>SECOND CIRCUIT</b> | <b>2,554</b>  | <b>777</b>                   | <b>30.4</b> | <b>48</b>                   | <b>1.9</b> | <b>694</b>                             | <b>27.2</b> | <b>1,035</b>                               | <b>40.5</b> |
| Connecticut           | 268           | 84                           | 31.3        | 10                          | 3.7        | 77                                     | 28.7        | 97   | 36.2        |
| New York              |               |                              |             |                             |            |  |             |  |             |
| Eastern               | 576           | 135                          | 23.4        | 10                          | 1.7        | 176                                    | 30.6        | 255  | 44.3        |
| Northern              | 228           | 110                          | 48.2        | 5                           | 2.2        | 40                                     | 17.5        | 73   | 32.0        |
| Southern              | 987           | 240                          | 24.3        | 14                          | 1.4        | 219                                    | 22.2        | 514  | 52.1        |
| Western               | 354           | 178                          | 50.3        | 5                           | 1.4        | 112                                    | 31.6        | 59   | 16.7        |
| Vermont               | 141           | 30                           | 21.3        | 4                           | 2.8        | 70                                     | 49.6        | 37   | 26.2        |
| <b>THIRD CIRCUIT</b>  | <b>1,616</b>  | <b>613</b>                   | <b>37.9</b> | <b>23</b>                   | <b>1.4</b> | <b>585</b>                             | <b>36.2</b> | <b>395</b>                                 | <b>24.4</b> |
| Delaware              | 70            | 20                           | 28.6        | 1                           | 1.4        | 27                                     | 38.6        | 22   | 31.4        |
| New Jersey            | 460           | 172                          | 37.4        | 1                           | 0.2        | 164                                    | 35.7        | 123  | 26.7        |
| Pennsylvania          |               |                              |             |                             |            |  |             |  |             |
| Eastern               | 489           | 158                          | 32.3        | 9                           | 1.8        | 210                                    | 42.9        | 112  | 22.9        |
| Middle                | 280           | 151                          | 53.9        | 3                           | 1.1        | 73                                     | 26.1        | 53   | 18.9        |
| Western               | 270           | 83                           | 30.7        | 9                           | 3.3        | 98                                     | 36.3        | 80   | 29.6        |
| Virgin Islands        | 47            | 29                           | 61.7        | 0                           | 0.0        | 13                                     | 27.7        | 5  | 10.6        |
| <b>FOURTH CIRCUIT</b> | <b>3,624</b>  | <b>1,959</b>                 | <b>54.1</b> | <b>143</b>                  | <b>3.9</b> | <b>783</b>                             | <b>21.6</b> | <b>739</b>                                 | <b>20.4</b> |
| Maryland              | 523           | 176                          | 33.7        | 28                          | 5.4        | 234                                    | 44.7        | 85   | 16.3        |
| North Carolina        |               |                              |             |                             |            |  |             |  |             |
| Eastern               | 428           | 209                          | 48.8        | 15                          | 3.5        | 111                                    | 25.9        | 93   | 21.7        |
| Middle                | 288           | 171                          | 59.4        | 21                          | 7.3        | 46                                     | 16.0        | 50   | 17.4        |
| Western               | 420           | 229                          | 54.5        | 7                           | 1.7        | 127                                    | 30.2        | 57   | 13.6        |
| South Carolina        | 537           | 302                          | 56.2        | 20                          | 3.7        | 95                                     | 17.7        | 120  | 22.3        |
| Virginia              |               |                              |             |                             |            |  |             |  |             |
| Eastern               | 885           | 584                          | 66.0        | 25                          | 2.8        | 61                                     | 6.9         | 215  | 24.3        |
| Western               | 209           | 104                          | 49.8        | 13                          | 6.2        | 55                                     | 26.3        | 37   | 17.7        |
| West Virginia         |               |                              |             |                             |            |  |             |  |             |
| Northern              | 168           | 94                           | 56.0        | 9                           | 5.4        | 32                                     | 19.0        | 33   | 19.6        |
| Southern              | 166           | 90                           | 54.2        | 5                           | 3.0        | 22                                     | 13.3        | 49   | 29.5        |



Table 9 (cont.)

| CIRCUIT                | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>GUIDELINE<br>RANGE |            | GOVERNMENT<br>SPONSORED<br>BELOW RANGE |             | NON-GOVERNMENT<br>SPONSORED<br>BELOW RANGE |             |
|------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--|-------------|--|-------------|
|                        |               | N                            | %           | N                           | %          | N                                      | %           | N  | %           |
| <b>FIFTH CIRCUIT</b>   | <b>12,558</b> | <b>8,156</b>                 | <b>64.9</b> | <b>518</b>                  | <b>4.1</b> | <b>1,792</b>                           | <b>14.3</b> | <b>2,092</b>                               | <b>16.7</b> |
| Louisiana              |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 260           | 122                          | 46.9        | 8                           | 3.1        | 76                                     | 29.2        | 54   | 20.8        |
| Middle                 | 107           | 37                           | 34.6        | 5                           | 4.7        | 24                                     | 22.4        | 41   | 38.3        |
| Western                | 194           | 114                          | 58.8        | 1                           | 0.5        | 31                                     | 16.0        | 48   | 24.7        |
| Mississippi            |               |                              |             |                             |            |  |             |  |             |
| Northern               | 108           | 49                           | 45.4        | 6                           | 5.6        | 33                                     | 30.6        | 20   | 18.5        |
| Southern               | 182           | 140                          | 76.9        | 15                          | 8.2        | 11                                     | 6.0         | 16   | 8.8         |
| Texas                  |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 610           | 386                          | 63.3        | 20                          | 3.3        | 172                                    | 28.2        | 32   | 5.2         |
| Northern               | 1,065         | 652                          | 61.2        | 56                          | 5.3        | 179                                    | 16.8        | 178  | 16.7        |
| Southern               | 5,137         | 3,318                        | 64.6        | 204                         | 4.0        | 686                                    | 13.4        | 929  | 18.1        |
| Western                | 4,895         | 3,338                        | 68.2        | 203                         | 4.1        | 580                                    | 11.8        | 774  | 15.8        |
| <b>SIXTH CIRCUIT</b>   | <b>3,088</b>  | <b>1,312</b>                 | <b>42.5</b> | <b>77</b>                   | <b>2.5</b> | <b>960</b>                             | <b>31.1</b> | <b>739</b>                                 | <b>23.9</b> |
| Kentucky               |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 251           | 138                          | 55.0        | 11                          | 4.4        | 50                                     | 19.9        | 52   | 20.7        |
| Western                | 194           | 94                           | 48.5        | 3                           | 1.5        | 71                                     | 36.6        | 26   | 13.4        |
| Michigan               |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 650           | 246                          | 37.8        | 8                           | 1.2        | 154                                    | 23.7        | 242  | 37.2        |
| Western                | 283           | 148                          | 52.3        | 8                           | 2.8        | 59                                     | 20.8        | 68   | 24.0        |
| Ohio                   |               |                              |             |                             |            |  |             |  |             |
| Northern               | 408           | 175                          | 42.9        | 17                          | 4.2        | 118                                    | 28.9        | 98   | 24.0        |
| Southern               | 383           | 112                          | 29.2        | 8                           | 2.1        | 185                                    | 48.3        | 78   | 20.4        |
| Tennessee              |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 461           | 216                          | 46.9        | 13                          | 2.8        | 165                                    | 35.8        | 67   | 14.5        |
| Middle                 | 168           | 41                           | 24.4        | 4                           | 2.4        | 79                                     | 47.0        | 44   | 26.2        |
| Western                | 290           | 142                          | 49.0        | 5                           | 1.7        | 79                                     | 27.2        | 64   | 22.1        |
| <b>SEVENTH CIRCUIT</b> | <b>1,686</b>  | <b>592</b>                   | <b>35.1</b> | <b>39</b>                   | <b>2.3</b> | <b>454</b>                             | <b>26.9</b> | <b>601</b>                                 | <b>35.6</b> |
| Illinois               |               |                              |             |                             |            |  |             |  |             |
| Central                | 185           | 72                           | 38.9        | 10                          | 5.4        | 53                                     | 28.6        | 50   | 27.0        |
| Northern               | 473           | 125                          | 26.4        | 5                           | 1.1        | 93                                     | 19.7        | 250  | 52.9        |
| Southern               | 212           | 111                          | 52.4        | 6                           | 2.8        | 56                                     | 26.4        | 39   | 18.4        |
| Indiana                |               |                              |             |                             |            |  |             |  |             |
| Northern               | 187           | 90                           | 48.1        | 3                           | 1.6        | 53                                     | 28.3        | 41   | 21.9        |
| Southern               | 326           | 132                          | 40.5        | 10                          | 3.1        | 100                                    | 30.7        | 84   | 25.8        |
| Wisconsin              |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 206           | 31                           | 15.0        | 2                           | 1.0        | 78                                     | 37.9        | 95   | 46.1        |
| Western                | 97            | 31                           | 32.0        | 3                           | 3.1        | 21                                     | 21.6        | 42   | 43.3        |
| <b>EIGHTH CIRCUIT</b>  | <b>3,550</b>  | <b>1,661</b>                 | <b>46.8</b> | <b>147</b>                  | <b>4.1</b> | <b>796</b>                             | <b>22.4</b> | <b>946</b>                                 | <b>26.6</b> |
| Arkansas               |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 303           | 175                          | 57.8        | 12                          | 4.0        | 48                                     | 15.8        | 68   | 22.4        |
| Western                | 181           | 81                           | 44.8        | 4                           | 2.2        | 24                                     | 13.3        | 72   | 39.8        |
| Iowa                   |               |                              |             |                             |            |  |             |  |             |
| Northern               | 293           | 169                          | 57.7        | 21                          | 7.2        | 51                                     | 17.4        | 52   | 17.7        |
| Southern               | 289           | 119                          | 41.2        | 5                           | 1.7        | 78                                     | 27.0        | 87   | 30.1        |
| Minnesota              | 329           | 131                          | 39.8        | 4                           | 1.2        | 67                                     | 20.4        | 127  | 38.6        |
| Missouri               |               |                              |             |                             |            |  |             |  |             |
| Eastern                | 492           | 226                          | 45.9        | 9                           | 1.8        | 112                                    | 22.8        | 145  | 29.5        |
| Western                | 639           | 243                          | 38.0        | 61                          | 9.5        | 176                                    | 27.5        | 159  | 24.9        |
| Nebraska               | 402           | 195                          | 48.5        | 4                           | 1.0        | 92                                     | 22.9        | 111  | 27.6        |
| North Dakota           | 262           | 108                          | 41.2        | 11                          | 4.2        | 103                                    | 39.3        | 40   | 15.3        |
| South Dakota           | 360           | 214                          | 59.4        | 16                          | 4.4        | 45                                     | 12.5        | 85   | 23.6        |

Table 9 (cont.)

| CIRCUIT<br>District      | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>GUIDELINE<br>RANGE |            | GOVERNMENT<br>SPONSORED<br>BELOW RANGE |             | NON-GOVERNMENT<br>SPONSORED<br>BELOW RANGE |             |
|--------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--|-------------|--|-------------|
|                          |               | N                            | %           | N                           | %          | N                                      | %           | N  | %           |
| <b>NINTH CIRCUIT</b>     | <b>10,022</b> | <b>3,556</b>                 | <b>35.5</b> | <b>276</b>                  | <b>2.8</b> | <b>4,834</b>                           | <b>48.2</b> | <b>1,356</b>                               | <b>13.5</b> |
| Alaska                   | 134           | 57                           | 42.5        | 9                           | 6.7        | 36                                     | 26.9        | 32   | 23.9        |
| Arizona                  | 4,273         | 1,908                        | 44.7        | 167                         | 3.9        | 1,973                                  | 46.2        | 225  | 5.3         |
| California               |               |                              |             |                             |            |  |             |  |             |
| Central                  | 793           | 255                          | 32.2        | 12                          | 1.5        | 285                                    | 35.9        | 241  | 30.4        |
| Eastern                  | 394           | 160                          | 40.6        | 10                          | 2.5        | 120                                    | 30.5        | 104  | 26.4        |
| Northern                 | 386           | 151                          | 39.1        | 7                           | 1.8        | 75                                     | 19.4        | 153  | 39.6        |
| Southern                 | 2,146         | 321                          | 15.0        | 18                          | 0.8        | 1,630                                  | 76.0        | 177  | 8.2         |
| Guam                     | 51            | 18                           | 35.3        | 1                           | 2.0        | 26                                     | 51.0        | 6  | 11.8        |
| Hawaii                   | 91            | 34                           | 37.4        | 2                           | 2.2        | 22                                     | 24.2        | 33   | 36.3        |
| Idaho                    | 272           | 120                          | 44.1        | 4                           | 1.5        | 79                                     | 29.0        | 69   | 25.4        |
| Montana                  | 252           | 76                           | 30.2        | 7                           | 2.8        | 71                                     | 28.2        | 98   | 38.9        |
| Nevada                   | 372           | 179                          | 48.1        | 10                          | 2.7        | 111                                    | 29.8        | 72   | 19.4        |
| Northern Mariana Islands | 12            | 6                            | 50.0        | 0                           | 0.0        | 6                                      | 50.0        | 0  | 0.0         |
| Oregon                   | 271           | 78                           | 28.8        | 11                          | 4.1        | 127                                    | 46.9        | 55   | 20.3        |
| Washington               |               |                              |             |                             |            |  |             |  |             |
| Eastern                  | 247           | 94                           | 38.1        | 11                          | 4.5        | 98                                     | 39.7        | 44   | 17.8        |
| Western                  | 328           | 99                           | 30.2        | 7                           | 2.1        | 175                                    | 53.4        | 47   | 14.3        |
| <b>TENTH CIRCUIT</b>     | <b>4,705</b>  | <b>2,434</b>                 | <b>51.7</b> | <b>72</b>                   | <b>1.5</b> | <b>1,637</b>                           | <b>34.8</b> | <b>562</b>                                 | <b>11.9</b> |
| Colorado                 | 326           | 140                          | 42.9        | 11                          | 3.4        | 104                                    | 31.9        | 71   | 21.8        |
| Kansas                   | 425           | 174                          | 40.9        | 19                          | 4.5        | 178                                    | 41.9        | 54   | 12.7        |
| New Mexico               | 2,812         | 1,712                        | 60.9        | 14                          | 0.5        | 889                                    | 31.6        | 197  | 7.0         |
| Oklahoma                 |               |                              |             |                             |            |  |             |  |             |
| Eastern                  | 91            | 61                           | 67.0        | 4                           | 4.4        | 18                                     | 19.8        | 8  | 8.8         |
| Northern                 | 129           | 47                           | 36.4        | 3                           | 2.3        | 45                                     | 34.9        | 34   | 26.4        |
| Western                  | 223           | 104                          | 46.6        | 3                           | 1.3        | 24                                     | 10.8        | 92   | 41.3        |
| Utah                     | 523           | 139                          | 26.6        | 12                          | 2.3        | 303                                    | 57.9        | 69   | 13.2        |
| Wyoming                  | 176           | 57                           | 32.4        | 6                           | 3.4        | 76                                     | 43.2        | 37   | 21.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>4,786</b>  | <b>2,588</b>                 | <b>54.1</b> | <b>92</b>                   | <b>1.9</b> | <b>937</b>                             | <b>19.6</b> | <b>1,169</b>                               | <b>24.4</b> |
| Alabama                  |               |                              |             |                             |            |  |             |  |             |
| Middle                   | 145           | 87                           | 60.0        | 7                           | 4.8        | 25                                     | 17.2        | 26   | 17.9        |
| Northern                 | 321           | 171                          | 53.3        | 8                           | 2.5        | 84                                     | 26.2        | 58   | 18.1        |
| Southern                 | 224           | 134                          | 59.8        | 4                           | 1.8        | 45                                     | 20.1        | 41   | 18.3        |
| Florida                  |               |                              |             |                             |            |  |             |  |             |
| Middle                   | 1,126         | 577                          | 51.2        | 14                          | 1.2        | 228                                    | 20.2        | 307  | 27.3        |
| Northern                 | 200           | 88                           | 44.0        | 6                           | 3.0        | 55                                     | 27.5        | 51   | 25.5        |
| Southern                 | 1,757         | 966                          | 55.0        | 33                          | 1.9        | 230                                    | 13.1        | 528  | 30.1        |
| Georgia                  |               |                              |             |                             |            |  |             |  |             |
| Middle                   | 323           | 225                          | 69.7        | 3                           | 0.9        | 54                                     | 16.7        | 41   | 12.7        |
| Northern                 | 379           | 103                          | 27.2        | 11                          | 2.9        | 180                                    | 47.5        | 85   | 22.4        |
| Southern                 | 311           | 237                          | 76.2        | 6                           | 1.9        | 36                                     | 11.6        | 32   | 10.3        |

<sup>1</sup> Of the 50,258 cases, 414 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 (12.3%), Middle Tennessee (9.7%), Western Louisiana (7.2%), Middle Georgia (6.6%), and Southern West Virginia (5.7%). 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 June 30, 2017).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| PRIMARY OFFENSE                    | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>GUIDELINE<br>RANGE |            | GOVERNMENT SPONSORED<br>BELOW RANGE |             |              |            |              |            | NON-GOV'T<br>SPONSORED<br>BELOW<br>RANGE |             |
|------------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|-------------------------------------|-------------|--------------|------------|--------------|------------|--|-------------|
|                                    |               | N                            | %           | N                           | %          | §5K1.1                              |             | §5K3.1       |            | OTHER        |            | N  | %           |
|                                    |               |                              |             |                             |            | N                                   | %           | N            | %          | N            | %          |  |             |
| <b>TOTAL</b>                       | <b>49,844</b> | <b>24,446</b>                | <b>49.0</b> | <b>1,495</b>                | <b>3.0</b> | <b>5,362</b>                        | <b>10.8</b> | <b>4,473</b> | <b>9.0</b> | <b>4,092</b> | <b>8.2</b> | <b>9,976</b>                             | <b>20.0</b> |
| Murder                             | 56            | 27                           | 48.2        | 5                           | 8.9        | 7                                   | 12.5        | 0            | 0.0        | 11           | 19.6       | 6  | 10.7        |
| Manslaughter                       | 42            | 16                           | 38.1        | 16                          | 38.1       | 0                                   | 0.0         | 0            | 0.0        | 2            | 4.8        | 8  | 19.0        |
| Kidnapping/Hostage Taking          | 40            | 17                           | 42.5        | 1                           | 2.5        | 10                                  | 25.0        | 0            | 0.0        | 6            | 15.0       | 6  | 15.0        |
| Sexual Abuse                       | 459           | 203                          | 44.2        | 23                          | 5.0        | 51                                  | 11.1        | 0            | 0.0        | 85           | 18.5       | 97                                       | 21.1        |
| Assault                            | 590           | 308                          | 52.2        | 51                          | 8.6        | 4                                   | 0.7         | 1            | 0.2        | 115          | 19.5       | 111                                      | 18.8        |
| Robbery                            | 476           | 225                          | 47.3        | 28                          | 5.9        | 39                                  | 8.2         | 0            | 0.0        | 45           | 9.5        | 139                                      | 29.2        |
| Arson                              | 31            | 14                           | 45.2        | 4                           | 12.9       | 7                                   | 22.6        | 0            | 0.0        | 2            | 6.5        | 4  | 12.9        |
| Drugs - Trafficking                | 14,307        | 5,032                        | 35.2        | 215                         | 1.5        | 3,179                               | 22.2        | 1,046        | 7.3        | 1,559        | 10.9       | 3,276                                    | 22.9        |
| Drugs - Communication Facility     | 217           | 101                          | 46.5        | 5                           | 2.3        | 30                                  | 13.8        | 0            | 0.0        | 26           | 12.0       | 55                                       | 25.3        |
| Drugs - Simple Possession          | 1,006         | 898                          | 89.3        | 90                          | 8.9        | 2                                   | 0.2         | 1            | 0.1        | 5            | 0.5        | 10                                       | 1.0         |
| Firearms                           | 5,940         | 3,110                        | 52.4        | 315                         | 5.3        | 501                                 | 8.4         | 6            | 0.1        | 580          | 9.8        | 1,428                                    | 24.0        |
| Burglary/B&E                       | 24            | 8                            | 33.3        | 2                           | 8.3        | 2                                   | 8.3         | 0            | 0.0        | 6            | 25.0       | 6  | 25.0        |
| Auto Theft                         | 51            | 25                           | 49.0        | 6                           | 11.8       | 11                                  | 21.6        | 2            | 3.9        | 2            | 3.9        | 5  | 9.8         |
| Larceny                            | 543           | 330                          | 60.8        | 5                           | 0.9        | 35                                  | 6.4         | 2            | 0.4        | 44           | 8.1        | 127                                      | 23.4        |
| Fraud                              | 4,506         | 1,887                        | 41.9        | 91                          | 2.0        | 788                                 | 17.5        | 4            | 0.1        | 461          | 10.2       | 1,275                                    | 28.3        |
| Embezzlement                       | 313           | 172                          | 55.0        | 2                           | 0.6        | 14                                  | 4.5         | 0            | 0.0        | 20           | 6.4        | 105                                      | 33.5        |
| Forgery/Counterfeiting             | 274           | 132                          | 48.2        | 9                           | 3.3        | 30                                  | 10.9        | 0            | 0.0        | 25           | 9.1        | 78                                       | 28.5        |
| Bribery                            | 125           | 28                           | 22.4        | 0                           | 0.0        | 30                                  | 24.0        | 0            | 0.0        | 21           | 16.8       | 46                                       | 36.8        |
| Tax                                | 340           | 86                           | 25.3        | 4                           | 1.2        | 40                                  | 11.8        | 2            | 0.6        | 38           | 11.2       | 170                                      | 50.0        |
| Money Laundering                   | 524           | 129                          | 24.6        | 1                           | 0.2        | 142                                 | 27.1        | 2            | 0.4        | 90           | 17.2       | 160                                      | 30.5        |
| Racketeering/Extortion             | 702           | 259                          | 36.9        | 30                          | 4.3        | 112                                 | 16.0        | 0            | 0.0        | 107          | 15.2       | 194                                      | 27.6        |
| Gambling/Lottery                   | 32            | 8                            | 25.0        | 0                           | 0.0        | 6                                   | 18.8        | 0            | 0.0        | 8            | 25.0       | 10                                       | 31.3        |
| Civil Rights                       | 44            | 11                           | 25.0        | 2                           | 4.5        | 12                                  | 27.3        | 0            | 0.0        | 10           | 22.7       | 9  | 20.5        |
| Immigration                        | 15,371        | 9,499                        | 61.8        | 478                         | 3.1        | 139                                 | 0.9         | 3,401        | 22.1       | 272          | 1.8        | 1,582                                    | 10.3        |
| Child Pornography                  | 1,320         | 375                          | 28.4        | 34                          | 2.6        | 29                                  | 2.2         | 0            | 0.0        | 312          | 23.6       | 570                                      | 43.2        |
| Prison Offenses                    | 379           | 251                          | 66.2        | 8                           | 2.1        | 7                                   | 1.8         | 2            | 0.5        | 42           | 11.1       | 69                                       | 18.2        |
| Administration of Justice Offenses | 760           | 400                          | 52.6        | 35                          | 4.6        | 53                                  | 7.0         | 1            | 0.1        | 76           | 10.0       | 195                                      | 25.7        |
| Environmental/Wildlife             | 56            | 25                           | 44.6        | 0                           | 0.0        | 11                                  | 19.6        | 0            | 0.0        | 8            | 14.3       | 12                                       | 21.4        |
| National Defense                   | 67            | 16                           | 23.9        | 0                           | 0.0        | 16                                  | 23.9        | 0            | 0.0        | 9            | 13.4       | 26                                       | 38.8        |
| Antitrust                          | 12            | 4                            | 33.3        | 0                           | 0.0        | 3                                   | 25.0        | 0            | 0.0        | 1            | 8.3        | 4  | 33.3        |
| Food & Drug                        | 64            | 32                           | 50.0        | 2                           | 3.1        | 10                                  | 15.6        | 0            | 0.0        | 7            | 10.9       | 13                                       | 20.3        |
| Other Miscellaneous Offenses       | 1,173         | 818                          | 69.7        | 33                          | 2.8        | 42                                  | 3.6         | 3            | 0.3        | 97           | 8.3        | 180                                      | 15.3        |

<sup>1</sup> Of the 50,258 cases, 414 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

| Guideline           | Total  | Within |       | Gov't Sponsored |        |       | Non-Gov | Guideline | Total | Within |       | Gov't Sponsored |        |       | Non-Gov |
|---------------------|--------|--------|-------|-----------------|--------|-------|---------|-----------|-------|--------|-------|-----------------|--------|-------|---------|
|                     |        | Gdln   | Above | Below           | Below  | Below | Below   |           |       | Gdln   | Above | Below           | Below  | Below |         |
|                     |        | Range  | Range | §5K1.1          | §5K3.1 | Other | Range   |           |       | Range  | Range | §5K1.1          | §5K3.1 | Other | Range   |
| §2A1.1              | 185    | 90     | 0     | 44              | 0      | 31    | 20      | §2D1.8    | 21    | 4      | 0     | 7               | 0      | 3     | 7       |
| §2A1.2              | 29     | 14     | 6     | 1               | 0      | 4     | 4       | §2D1.9    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A1.3              | 19     | 5      | 11    | 1               | 0      | 1     | 1       | §2D1.10   | 3     | 0      | 0     | 0               | 0      | 1     | 2       |
| §2A1.4              | 30     | 13     | 7     | 0               | 0      | 3     | 7       | §2D1.11   | 16    | 5      | 0     | 1               | 0      | 7     | 3       |
| §2A1.5              | 39     | 6      | 0     | 4               | 0      | 19    | 10      | §2D1.12   | 4     | 4      | 0     | 0               | 0      | 0     | 0       |
| §2A2.1              | 104    | 46     | 4     | 19              | 0      | 14    | 21      | §2D1.13   | 1     | 1      | 0     | 0               | 0      | 0     | 0       |
| §2A2.2              | 303    | 134    | 34    | 5               | 0      | 60    | 70      | §2D1.14   | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A2.3              | 83     | 56     | 7     | 0               | 0      | 8     | 12      | §2D2.1    | 156   | 142    | 5     | 2               | 0      | 2     | 5       |
| §2A2.4              | 115    | 63     | 7     | 3               | 2      | 19    | 21      | §2D2.2    | 47    | 38     | 3     | 2               | 0      | 0     | 4       |
| §2A3.1              | 94     | 37     | 4     | 3               | 0      | 31    | 19      | §2D2.3    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A3.2              | 21     | 15     | 1     | 0               | 0      | 3     | 2       | §2D3.1    | 1     | 1      | 0     | 0               | 0      | 0     | 0       |
| §2A3.3              | 6      | 3      | 1     | 0               | 0      | 0     | 2       | §2D3.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A3.4              | 29     | 13     | 4     | 0               | 0      | 5     | 7       | §2D3.3    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A3.5              | 279    | 167    | 19    | 4               | 0      | 21    | 68      | §2D3.4    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A4.1              | 82     | 31     | 1     | 25              | 0      | 9     | 16      | §2D3.5    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A4.2              | 1      | 0      | 0     | 0               | 0      | 0     | 1       | §2E1.1    | 50    | 15     | 1     | 1               | 0      | 8     | 25      |
| §2A5.1              | 0      | 0      | 0     | 0               | 0      | 0     | 0       | §2E1.2    | 1     | 1      | 0     | 0               | 0      | 0     | 0       |
| §2A5.2              | 17     | 12     | 1     | 0               | 0      | 0     | 4       | §2E1.3    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A5.3              | 0      | 0      | 0     | 0               | 0      | 0     | 0       | §2E1.4    | 8     | 6      | 0     | 1               | 0      | 1     | 0       |
| §2A6.1              | 92     | 46     | 7     | 0               | 0      | 15    | 24      | §2E1.5    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2A6.2              | 32     | 18     | 3     | 1               | 0      | 6     | 4       | §2E2.1    | 12    | 2      | 0     | 1               | 0      | 2     | 7       |
| §2B1.1              | 4,786  | 2,078  | 96    | 732             | 6      | 475   | 1,399   | §2E3.1    | 39    | 12     | 0     | 6               | 0      | 9     | 12      |
| §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              | 7      | 0      | 0     | 2               | 0      | 2     | 3       | §2E4.1    | 19    | 7      | 0     | 4               | 0      | 1     | 7       |
| §2B1.5              | 11     | 2      | 0     | 1               | 0      | 1     | 7       | §2E5.1    | 5     | 0      | 0     | 1               | 0      | 0     | 4       |
| §2B1.6 <sup>2</sup> | --     | --     | --    | --              | --     | --    | --      | §2E5.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2B2.1              | 41     | 18     | 3     | 6               | 0      | 3     | 11      | §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              | 1,135  | 452    | 91    | 175             | 0      | 110   | 307     | §2E5.6    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2B3.2              | 30     | 10     | 2     | 6               | 0      | 4     | 8       | §2F1.1    | 6     | 2      | 2     | 1               | 0      | 0     | 1       |
| §2B3.3              | 5      | 4      | 1     | 0               | 0      | 0     | 0       | §2F1.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2B4.1              | 86     | 22     | 1     | 20              | 0      | 18    | 25      | §2G1.1    | 57    | 29     | 8     | 5               | 0      | 3     | 12      |
| §2B5.1              | 174    | 90     | 3     | 11              | 0      | 19    | 51      | §2G1.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2B5.2              | 0      | 0      | 0     | 0               | 0      | 0     | 0       | §2G1.3    | 310   | 135    | 14    | 45              | 0      | 49    | 67      |
| §2B5.3              | 70     | 9      | 2     | 18              | 0      | 9     | 32      | §2G2.1    | 327   | 124    | 4     | 12              | 0      | 81    | 106     |
| §2B5.4              | 0      | 0      | 0     | 0               | 0      | 0     | 0       | §2G2.2    | 1,046 | 267    | 29    | 16              | 0      | 247   | 487     |
| §2B6.1              | 3      | 1      | 0     | 1               | 0      | 0     | 1       | §2G2.3    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2C1.1              | 156    | 34     | 1     | 46              | 0      | 27    | 48      | §2G2.4    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2C1.2              | 9      | 0      | 0     | 2               | 0      | 0     | 7       | §2G2.5    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2C1.3              | 2      | 2      | 0     | 0               | 0      | 0     | 0       | §2G2.6    | 6     | 0      | 0     | 3               | 0      | 1     | 2       |
| §2C1.4              | 0      | 0      | 0     | 0               | 0      | 0     | 0       | §2G3.1    | 15    | 6      | 4     | 0               | 0      | 0     | 5       |
| §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    | 46    | 9      | 1     | 12              | 0      | 12    | 12      |
| §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              | 14,427 | 5,084  | 229   | 3,138           | 1,042  | 1,565 | 3,369   | §2H1.4    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2D1.2              | 225    | 130    | 3     | 26              | 0      | 28    | 38      | §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    | 6     | 2      | 0     | 2               | 0      | 0     | 2       |
| §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    | 1     | 1      | 0     | 0               | 0      | 0     | 0       |
| §2D1.7              | 1      | 0      | 0     | 0               | 0      | 1     | 0       | §2H4.1    | 9     | 3      | 1     | 0               | 0      | 2     | 3       |

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    | 76    | 21     | 0     | 18              | 1      | 9     | 27      |
| §2J1.1              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2M5.3    | 20    | 3      | 0     | 3               | 0      | 1     | 13      |
| §2J1.2              | 88            | 32            | 5            | 15              | 0            | 13           | 23           | §2M6.1    | 3     | 2      | 0     | 0               | 0      | 0     | 1       |
| §2J1.3              | 25            | 5             | 1            | 4               | 0            | 5            | 10           | §2M6.2    | 1     | 1      | 0     | 0               | 0      | 0     | 0       |
| §2J1.4              | 7             | 6             | 0            | 0               | 0            | 0            | 1            | §2N1.1    | 5     | 0      | 1     | 0               | 0      | 2     | 2       |
| §2J1.5              | 1             | 1             | 0            | 0               | 0            | 0            | 0            | §2N1.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2J1.6              | 33            | 19            | 3            | 0               | 0            | 5            | 6            | §2N1.3    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2J1.7              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2N2.1    | 23    | 20     | 2     | 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    | 247   | 166    | 4     | 5               | 2      | 22    | 48      |
| §2K1.1              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2P1.2    | 93    | 61     | 4     | 2               | 0      | 15    | 11      |
| §2K1.2              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2P1.3    | 1     | 1      | 0     | 0               | 0      | 0     | 0       |
| §2K1.3              | 22            | 8             | 2            | 1               | 0            | 3            | 8            | §2P1.4    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2K1.4              | 39            | 16            | 4            | 7               | 0            | 4            | 8            | §2Q1.1    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2K1.5              | 1             | 1             | 0            | 0               | 0            | 0            | 0            | §2Q1.2    | 19    | 4      | 0     | 4               | 0      | 4     | 7       |
| §2K1.6              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2Q1.3    | 20    | 4      | 0     | 5               | 0      | 3     | 8       |
| §2K1.7              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2Q1.4    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2K2.1              | 4,701         | 2,551         | 237          | 279             | 5            | 453          | 1,176        | §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    | 43    | 20     | 0     | 7               | 0      | 8     | 8       |
| §2K2.4 <sup>3</sup> | --            | --            | --           | --              | --           | --           | --           | §2Q2.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2K2.5              | 10            | 9             | 1            | 0               | 0            | 0            | 0            | §2R1.1    | 10    | 4      | 0     | 3               | 0      | 0     | 3       |
| §2K2.6              | 3             | 2             | 0            | 1               | 0            | 0            | 0            | §2S1.1    | 845   | 214    | 5     | 263             | 4      | 134   | 225     |
| §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    | 137   | 50     | 1     | 23              | 2      | 23    | 38      |
| §2L1.1              | 2,169         | 973           | 40           | 106             | 719          | 65           | 266          | §2S1.4    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2L1.2              | 12,008        | 7,764         | 423          | 24              | 2,449        | 165          | 1,183        | §2T1.1    | 331   | 85     | 6     | 42              | 1      | 38    | 159     |
| §2L1.3              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2T1.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2L2.1              | 114           | 57            | 2            | 21              | 0            | 5            | 29           | §2T1.3    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| §2L2.2              | 509           | 370           | 15           | 1               | 34           | 10           | 79           | §2T1.4    | 129   | 32     | 2     | 31              | 0      | 11    | 53      |
| §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    | 36    | 7      | 0     | 2               | 0      | 3     | 24      |
| §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    | 3     | 2      | 0     | 1               | 0      | 0     | 0       |
| §2M2.2              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2T2.1    | 2     | 0      | 0     | 0               | 0      | 0     | 2       |
| §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    | 3     | 1      | 0     | 0               | 0      | 1     | 1       |
| §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    | 10    | 3      | 0     | 2               | 0      | 2     | 3       |
| §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    | 76    | 30     | 2     | 12              | 0      | 13    | 19      |
| §2M3.6              | 0             | 0             | 0            | 0               | 0            | 0            | 0            | §2X4.1    | 228   | 121    | 3     | 20              | 0      | 24    | 60      |
| §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    | 121   | 113    | 2     | 0               | 0      | 2     | 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              | 15            | 0             | 0            | 8               | 0            | 3            | 4            | §2X7.2    | 0     | 0      | 0     | 0               | 0      | 0     | 0       |
| <b>TOTAL</b>        | <b>47,181</b> | <b>22,307</b> | <b>1,386</b> | <b>5,329</b>    | <b>4,267</b> | <b>3,988</b> | <b>9,904</b> |           |       |        |       |                 |        |       |         |

<sup>1</sup> Of the 50,258 cases, 3,077 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 (414) or missing guideline applied (3,063). Descriptions of variables used in this table are provided in Appendix A.

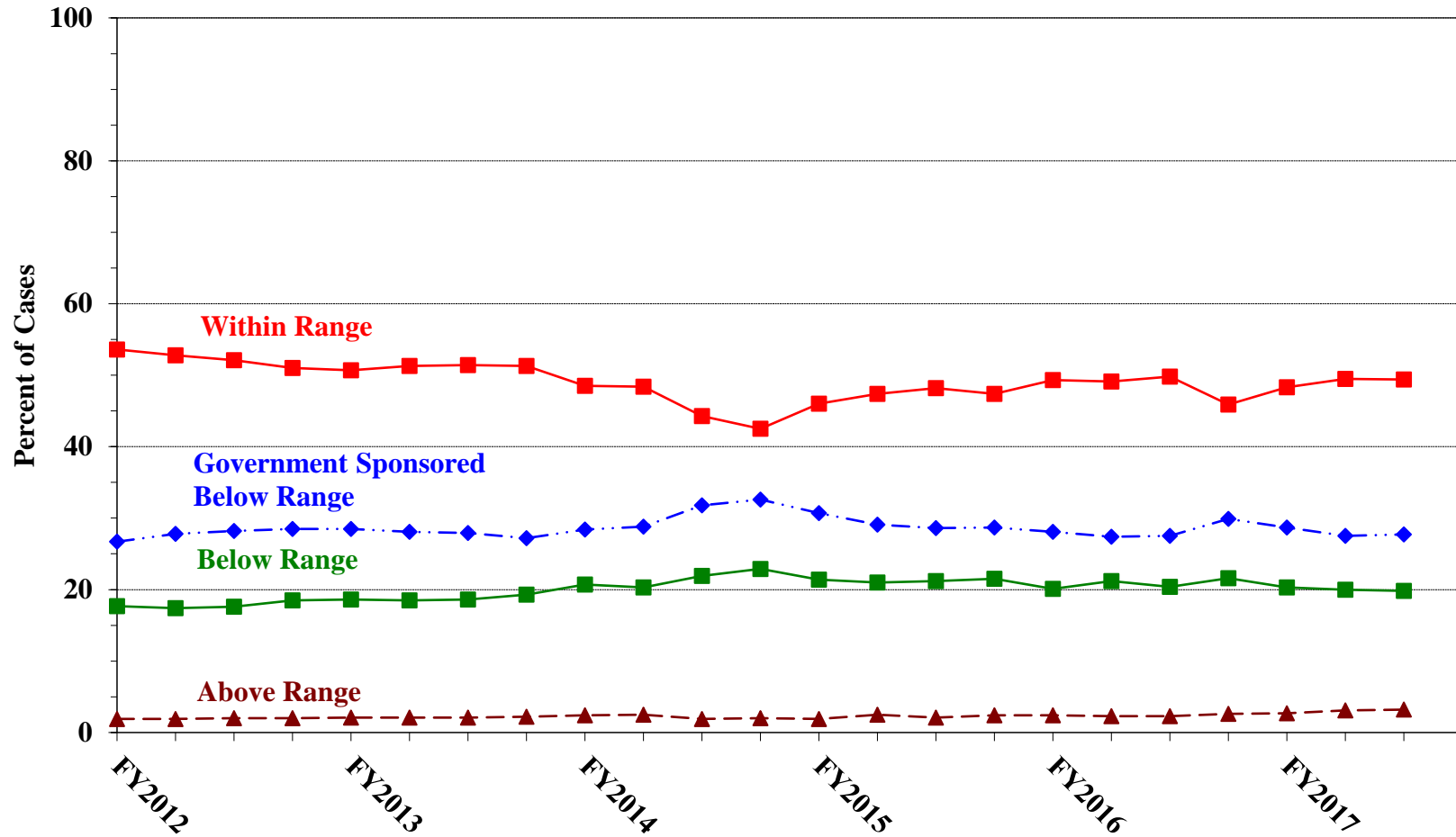
<sup>2</sup> In 798 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 798 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 1,555 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 1,555 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,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)

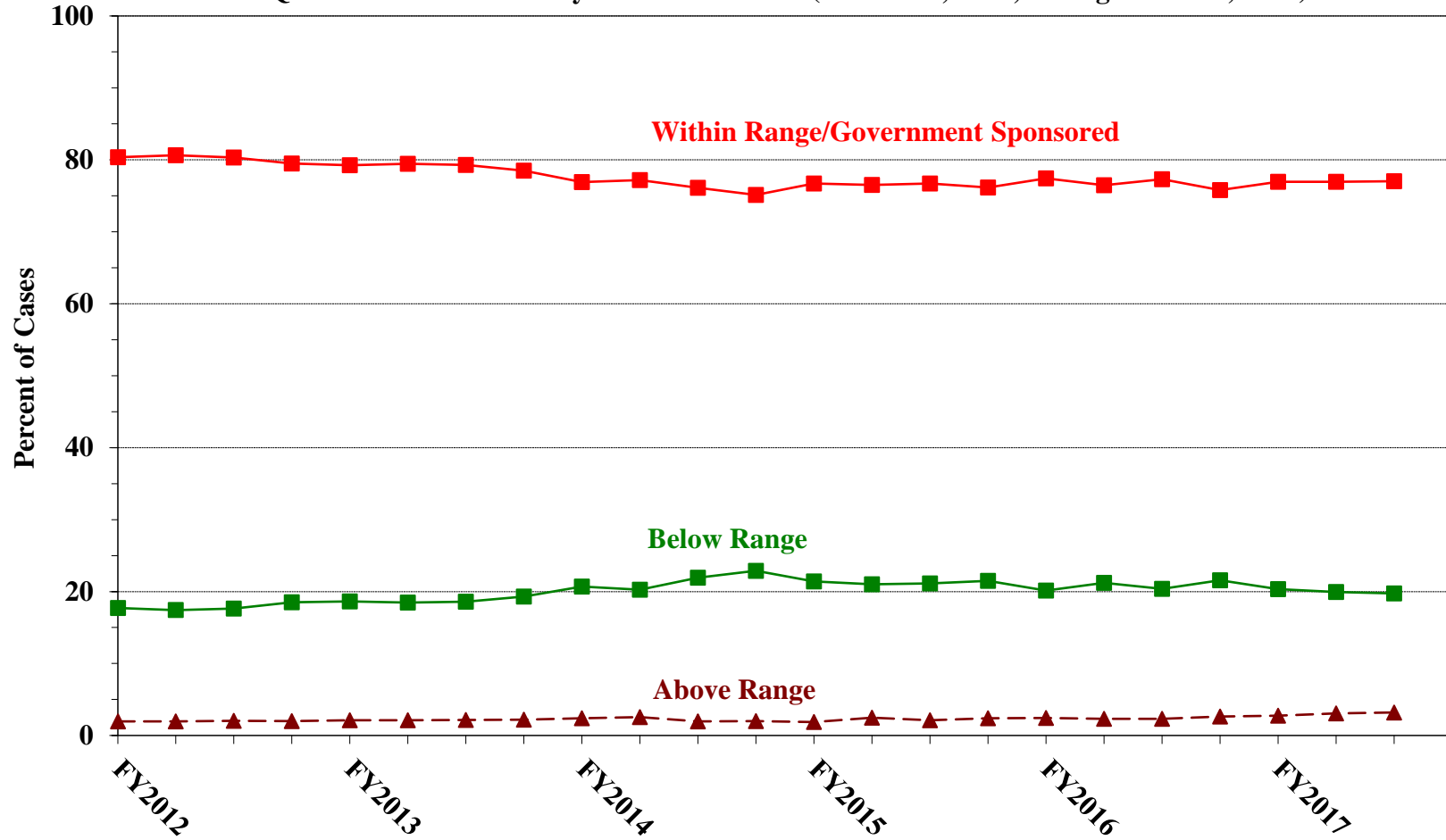


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Figure D

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

Fiscal Years 2012 - 2016,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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, 3rd Quarter 2017 Preliminary**  
**Cumulative Data (October 1, 2016, through June 30, 2017)**

| FISCAL YEAR   | WITHIN<br>GUIDELINE<br>RANGE | GOVERNMENT<br>SPONSORED<br>BELOW RANGE | BELOW<br>RANGE | ABOVE<br>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   | 48.3                         | 28.7                                   | 20.3           | 2.7            |
| 2nd Quarter   | 49.5                         | 27.5                                   | 20.0           | 3.1            |
| 3rd Quarter   | 49.4                         | 27.7                                   | 19.8           | 3.2            |
| 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>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

|  | TOTAL<br>CASES | §5K1.1<br>Substantial<br>Assistance <sup>2</sup> |             | §5K3.1<br>Early<br>Disposition <sup>2</sup> |             | Pursuant to a Plea Agreement      |             |  |             |   |            |
|--|----------------|--|-------------|---|-------------|-----------------------------------|-------------|--|-------------|---|------------|
|  |                |  |             |   |             | Binding Plea<br>Accepted by Court |             | Plea w/ Departure<br>Court<br>Finds Reasonable |             | Plea Agreement<br>States Gov't<br>Will Not Oppose |            |
|  |                | N  | %           | N   | %           | N                                 | %           | N  | %           | N   | %          |
| <b>TOTAL</b>   | <b>25,398</b>  | <b>5,378</b>                                     | <b>21.2</b> | <b>4,572</b>                                | <b>18.0</b> | <b>3,955</b>                      | <b>15.6</b> | <b>5,219</b>                                   | <b>20.5</b> | <b>586</b>  | <b>2.3</b> |
| <b>Above Range</b>   | <b>1,495</b>   | <b>16</b>  | <b>1.1</b>  | <b>10</b>                                   | <b>0.7</b>  | <b>226</b>                        | <b>15.1</b> | <b>120</b>                                     | <b>8.0</b>  | <b>5</b>  | <b>0.3</b> |
| Upward Departure From Guideline Range                      | 271            | 0  | 0.0         | 0   | 0.0         | 78                                | 28.8        | 41   | 15.1        | 4   | 1.5        |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553      | 76             | 0  | 0.0         | 0   | 0.0         | 6                                 | 7.9         | 9  | 11.8        | 0   | 0.0        |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 | 1,083          | 0  | 0.0         | 0   | 0.0         | 137                               | 12.7        | 61   | 5.6         | 0   | 0.0        |
| All Remaining Cases Above Guideline Range                  | 65             | 16   | 24.6        | 10  | 15.4        | 5                                 | 7.7         | 9  | 13.8        | 1   | 1.5        |
| <b>Government Sponsored Below Range</b>                    | <b>13,927</b>  | <b>5,362</b>                                     | <b>38.5</b> | <b>4,562</b>                                | <b>32.8</b> | <b>3,729</b>                      | <b>26.8</b> | <b>5,099</b>                                   | <b>36.6</b> | <b>581</b>  | <b>4.2</b> |
| §5K1.1 Substantial Assistance Departure                    | 5,362          | 5,362  | 100.0       | 89  | 1.7         | 221                               | 4.1         | 1,636  | 30.5        | 21  | 0.4        |
| §5K3.1 Early Disposition Program Departure                 | 4,473          | 0  | 0.0         | 4,473                                       | 100.0       | 2,032                             | 45.4        | 2,410  | 53.9        | 315   | 7.0        |
| Other Government Sponsored Below Range                     | 4,092          | 0  | 0.0         | 0   | 0.0         | 1,476                             | 36.1        | 1,053  | 25.7        | 245   | 6.0        |
| <b>Non-Government Sponsored Below Range</b>                | <b>9,976</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                    | 823            | 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    | 326            | 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 | 8,561          | 0  | 0.0         | 0   | 0.0         | 0                                 | 0.0         | 0  | 0.0         | 0   | 0.0        |
| All Remaining Cases Below Guideline Range                  | 266            | 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>3,957</b>                                 | <b>15.6</b> | <b>3,863</b>                        | <b>15.2</b> | <b>4,285</b>                    | <b>16.9</b> | <b>931</b>   | <b>3.7</b> | <b>3,729</b>                        | <b>14.7</b> | <b>2,004</b>             | <b>7.9</b>  |
| <b>Above Range</b>   | <b>277</b>                                   | <b>18.5</b> | <b>6</b>                            | <b>0.4</b>  | <b>5</b>                        | <b>0.3</b>  | <b>15</b>    | <b>1.0</b> | <b>630</b>                          | <b>42.1</b> | <b>287</b>               | <b>19.2</b> |
| Upward Departure From Guideline Range                      | 62   | 22.9        | 1                                   | 0.4         | 0                               | 0.0         | 4            | 1.5        | 94                                  | 34.7        | 19                       | 7.0         |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553      | 33   | 43.4        | 1                                   | 1.3         | 1                               | 1.3         | 1            | 1.3        | 33                                  | 43.4        | 5                        | 6.6         |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 | 172  | 15.9        | 4                                   | 0.4         | 4                               | 0.4         | 9            | 0.8        | 489                                 | 45.2        | 228                      | 21.1        |
| All Remaining Cases Above Guideline Range                  | 10   | 15.4        | 0                                   | 0.0         | 0                               | 0.0         | 1            | 1.5        | 14                                  | 21.5        | 35                       | 53.8        |
| <b>Government Sponsored Below Range</b>                    | <b>3,680</b>                                 | <b>26.4</b> | <b>1,008</b>                        | <b>7.2</b>  | <b>858</b>                      | <b>6.2</b>  | <b>916</b>   | <b>6.6</b> | <b>780</b>                          | <b>5.6</b>  | <b>135</b>               | <b>1.0</b>  |
| §5K1.1 Substantial Assistance Departure                    | 2,932  | 54.7        | 489                                 | 9.1         | 356                             | 6.6         | 182          | 3.4        | 432                                 | 8.1         | 0                        | 0.0         |
| §5K3.1 Early Disposition Program Departure                 | 139  | 3.1         | 244                                 | 5.5         | 326                             | 7.3         | 90           | 2.0        | 144                                 | 3.2         | 0                        | 0.0         |
| Other Government Sponsored Below Range                     | 609  | 14.9        | 275                                 | 6.7         | 176                             | 4.3         | 644          | 15.7       | 204                                 | 5.0         | 135                      | 3.3         |
| <b>Non-Government Sponsored Below Range</b>                | <b>0</b>                                     | <b>0.0</b>  | <b>2,849</b>                        | <b>28.6</b> | <b>3,422</b>                    | <b>34.3</b> | <b>0</b>     | <b>0.0</b> | <b>2,319</b>                        | <b>23.2</b> | <b>1,582</b>             | <b>15.9</b> |
| Downward Departure From Guideline Range                    | 0  | 0.0         | 385                                 | 46.8        | 140                             | 17.0        | 0            | 0.0        | 204                                 | 24.8        | 101                      | 12.3        |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553    | 0  | 0.0         | 94                                  | 28.8        | 127                             | 39.0        | 0            | 0.0        | 106                                 | 32.5        | 48                       | 14.7        |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 | 0  | 0.0         | 2,370                               | 27.7        | 3,154                           | 36.8        | 0            | 0.0        | 1,997                               | 23.3        | 1,180                    | 13.8        |
| All Remaining Cases Below Guideline Range                  | 0  | 0.0         | 0                                   | 0.0         | 1                               | 0.4         | 0            | 0.0        | 12                                  | 4.5         | 253                      | 95.1        |

<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, 10,610 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>**  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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>5,157</b> | <b>36</b>                        | <b>33</b>   | <b>49.2</b>   |
| <b>Murder</b>                             | 2            | --                               | --  | --  |
| <b>Manslaughter</b>                       | 0            | --                               | --  | --  |
| <b>Kidnapping/Hostage Taking</b>          | 8            | 79                               | 84  | 46.1  |
| <b>Sexual Abuse</b>                       | 48           | 60                               | 60  | 43.8  |
| <b>Assault</b>                            | 4            | 16                               | 19  | 62.0  |
| <b>Robbery</b>                            | 37           | 50                               | 21  | 28.6  |
| <b>Arson</b>                              | 7            | 30                               | 30  | 50.0  |
| <b>Drugs - Trafficking</b>                | 3,092        | 50                               | 41  | 45.0  |
| <b>Drugs - Communication Facility</b>     | 29           | 6                                | 24  | 73.8  |
| <b>Drugs - Simple Possession</b>          | 1            | --                               | --  | --  |
| <b>Firearms</b>                           | 464          | 48                               | 35  | 43.2  |
| <b>Burglary/B&amp;E</b>                   | 2            | --                               | --  | --  |
| <b>Auto Theft</b>                         | 11           | 30                               | 30  | 47.4  |
| <b>Larceny</b>                            | 34           | 6                                | 18  | 69.2  |
| <b>Fraud</b>                              | 756          | 6                                | 22  | 80.8  |
| <b>Embezzlement</b>                       | 14           | 0                                | 12  | 99.9  |
| <b>Forgery/Counterfeiting</b>             | 29           | 0                                | 24  | 100.0   |
| <b>Bribery</b>                            | 30           | 5                                | 29  | 90.9  |
| <b>Tax</b>                                | 38           | 0                                | 18  | 100.0   |
| <b>Money Laundering</b>                   | 139          | 20                               | 30  | 55.6  |
| <b>Racketeering/Extortion</b>             | 98           | 37                               | 44  | 50.5  |
| <b>Gambling/Lottery</b>                   | 6            | 0                                | 9   | 100.0   |
| <b>Civil Rights</b>                       | 12           | 29                               | 35  | 52.0  |
| <b>Immigration</b>                        | 132          | 12                               | 10  | 48.0  |
| <b>Child Pornography</b>                  | 25           | 120                              | 66  | 38.7  |
| <b>Prison Offenses</b>                    | 7            | 6                                | 4   | 34.6  |
| <b>Administration of Justice Offenses</b> | 53           | 0                                | 10  | 100.0   |
| <b>Environmental/Wildlife</b>             | 11           | 0                                | 12  | 100.0   |
| <b>National Defense</b>                   | 15           | 21                               | 30  | 67.5  |
| <b>Antitrust</b>                          | 3            | 0                                | 12  | 100.0   |
| <b>Food &amp; Drug</b>                    | 10           | 0                                | 8   | 100.0   |
| <b>Other Miscellaneous Offenses</b>       | 40           | 0                                | 12  | 99.8  |

<sup>1</sup> Of the 50,258 cases, 5,362 received a §5K1.1 substantial assistance departure. Of these, 5,218 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 58 cases were also excluded from this table. Of the remaining 5,160 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.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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>4,198</b> | <b>10</b>                        | <b>6</b>  | <b>42.9</b>   |
| Murder                             | 0            | --                               | --  | --  |
| Manslaughter                       | 0            | --                               | --  | --  |
| Kidnapping/Hostage Taking          | 0            | --                               | --  | --  |
| Sexual Abuse                       | 0            | --                               | --  | --  |
| Assault                            | 1            | --                               | --  | --  |
| Robbery                            | 0            | --                               | --  | --  |
| Arson                              | 0            | --                               | --  | --  |
| Drugs - Trafficking                | 1,009        | 24                               | 28  | 52.9  |
| Drugs - Communication Facility     | 0            | --                               | --  | --  |
| Drugs - Simple Possession          | 0            | --                               | --  | --  |
| Firearms                           | 6            | 40                               | 13  | 34.3  |
| Burglary/B&E                       | 0            | --                               | --  | --  |
| Auto Theft                         | 2            | --                               | --  | --  |
| Larceny                            | 1            | --                               | --  | --  |
| Fraud                              | 3            | 6                                | 12  | 66.4  |
| Embezzlement                       | 0            | --                               | --  | --  |
| Forgery/Counterfeiting             | 0            | --                               | --  | --  |
| Bribery                            | 0            | --                               | --  | --  |
| Tax                                | 2            | --                               | --  | --  |
| Money Laundering                   | 2            | --                               | --  | --  |
| Racketeering/Extortion             | 0            | --                               | --  | --  |
| Gambling/Lottery                   | 0            | --                               | --  | --  |
| Civil Rights                       | 0            | --                               | --  | --  |
| Immigration                        | 3,167        | 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       | 3            | 1                                | 29  | 95.7  |

<sup>1</sup> Of the 50,258 cases, 4,473 received a §5K3.1 early disposition program departure. Of these, 4,202 cases had complete guideline application information. Of the remaining 4,202 cases, four 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>**  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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>3,887</b> | <b>34</b>                        | <b>21</b>   | <b>43.5</b>   |
| <b>Murder</b>                             | 8            | 99                               | 32  | 26.3  |
| <b>Manslaughter</b>                       | 2            | --                               | --  | --  |
| <b>Kidnapping/Hostage Taking</b>          | 4            | 117                              | 40  | 20.0  |
| <b>Sexual Abuse</b>                       | 79           | 96                               | 48  | 33.1  |
| <b>Assault</b>                            | 97           | 17                               | 12  | 48.8  |
| <b>Robbery</b>                            | 44           | 60                               | 31  | 30.5  |
| <b>Arson</b>                              | 2            | --                               | --  | --  |
| <b>Drugs - Trafficking</b>                | 1,523        | 57                               | 32  | 41.5  |
| <b>Drugs - Communication Facility</b>     | 25           | 3                                | 22  | 91.9  |
| <b>Drugs - Simple Possession</b>          | 5            | 1                                | 6   | 80.0  |
| <b>Firearms</b>                           | 561          | 46                               | 18  | 31.3  |
| <b>Burglary/B&amp;E</b>                   | 4            | 6                                | 12  | 66.7  |
| <b>Auto Theft</b>                         | 2            | --                               | --  | --  |
| <b>Larceny</b>                            | 41           | 0                                | 9   | 100.0   |
| <b>Fraud</b>                              | 438          | 6                                | 15  | 70.7  |
| <b>Embezzlement</b>                       | 18           | 0                                | 10  | 100.0   |
| <b>Forgery/Counterfeiting</b>             | 25           | 8                                | 12  | 60.0  |
| <b>Bribery</b>                            | 21           | 0                                | 19  | 100.0   |
| <b>Tax</b>                                | 37           | 0                                | 12  | 100.0   |
| <b>Money Laundering</b>                   | 86           | 1                                | 17  | 88.0  |
| <b>Racketeering/Extortion</b>             | 93           | 60                               | 27  | 38.2  |
| <b>Gambling/Lottery</b>                   | 8            | 0                                | 6   | 100.0   |
| <b>Civil Rights</b>                       | 9            | 0                                | 8   | 92.3  |
| <b>Immigration</b>                        | 242          | 12                               | 6   | 38.2  |
| <b>Child Pornography</b>                  | 306          | 70                               | 57  | 43.1  |
| <b>Prison Offenses</b>                    | 36           | 12                               | 6   | 35.4  |
| <b>Administration of Justice Offenses</b> | 72           | 0                                | 12  | 99.0  |
| <b>Environmental/Wildlife</b>             | 8            | 0                                | 11  | 100.0   |
| <b>National Defense</b>                   | 8            | 14                               | 28  | 66.9  |
| <b>Antitrust</b>                          | 1            | --                               | --  | --  |
| <b>Food &amp; Drug</b>                    | 6            | 0                                | 20  | 100.0   |
| <b>Other Miscellaneous Offenses</b>       | 76           | 0                                | 10  | 100.0   |

<sup>1</sup> Of the 50,258 cases, 4,092 received an other government sponsored downward departure. Of these, 3,933 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 46 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>**  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)

| PRIMARY OFFENSE                    | N            | Median Sentence<br>in Months | Median Decrease<br>in Months From<br>Guideline Minimum | Median Percent<br>Decrease From<br>Guideline Minimum |
|------------------------------------|--------------|------------------------------|--|--|
| <b>TOTAL</b>                       | <b>9,709</b> | <b>24</b>                    | <b>13</b>  | <b>35.1</b>  |
| Murder                             | 5            | 132                          | 19   | 12.6   |
| Manslaughter                       | 8            | 21                           | 12   | 27.4   |
| Kidnapping/Hostage Taking          | 5            | 120                          | 36   | 23.8   |
| Sexual Abuse                       | 83           | 108                          | 30   | 30.0   |
| Assault                            | 108          | 12                           | 9  | 43.7   |
| Robbery                            | 136          | 46                           | 16   | 23.7   |
| Arson                              | 4            | 18                           | 17   | 48.0   |
| Drugs - Trafficking                | 3,198        | 48                           | 21   | 31.4   |
| Drugs - Communication Facility     | 53           | 16                           | 15   | 50.0   |
| Drugs - Simple Possession          | 8            | 0                            | 2  | 100.0  |
| Firearms                           | 1,406        | 36                           | 12   | 26.7   |
| Burglary/B&E                       | 6            | 22                           | 11   | 42.9   |
| Auto Theft                         | 5            | 12                           | 10   | 84.6   |
| Larceny                            | 123          | 1                            | 6  | 90.0   |
| Fraud                              | 1,240        | 15                           | 12   | 49.9   |
| Embezzlement                       | 104          | 0                            | 8  | 99.8   |
| Forgery/Counterfeiting             | 77           | 12                           | 11   | 45.5   |
| Bribery                            | 45           | 12                           | 13   | 57.9   |
| Tax                                | 167          | 1                            | 12   | 91.8   |
| Money Laundering                   | 156          | 12                           | 17   | 52.4   |
| Racketeering/Extortion             | 184          | 36                           | 19   | 35.9   |
| Gambling/Lottery                   | 10           | 0                            | 10   | 100.0  |
| Civil Rights                       | 9            | 0                            | 24   | 100.0  |
| Immigration                        | 1,530        | 12                           | 6  | 33.3   |
| Child Pornography                  | 565          | 72                           | 52   | 38.5   |
| Prison Offenses                    | 59           | 8                            | 6  | 47.0   |
| Administration of Justice Offenses | 192          | 11                           | 10   | 50.0   |
| Environmental/Wildlife             | 12           | 0                            | 8  | 100.0  |
| National Defense                   | 26           | 48                           | 48   | 59.1   |
| Antitrust                          | 4            | 12                           | 10   | 43.1   |
| Food & Drug                        | 13           | 0                            | 24   | 100.0  |
| Other Miscellaneous Offenses       | 168          | 0                            | 10   | 99.8   |

<sup>1</sup> Of the 50,258 cases, 9,976 were otherwise sentenced below the guideline range. Of these, 9,766 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 53 cases were also excluded from this table. Of the remaining 9,713 cases, four 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>**  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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>1,330</b> | <b>48</b>                        | <b>12</b>   | <b>42.9</b>   |
| <b>Murder</b>                             | 5            | 300                              | 38  | 14.5  |
| <b>Manslaughter</b>                       | 16           | 109                              | 34  | 50.3  |
| <b>Kidnapping/Hostage Taking</b>          | 1            | --                               | --  | --  |
| <b>Sexual Abuse</b>                       | 22           | 140                              | 39  | 50.0  |
| <b>Assault</b>                            | 48           | 60                               | 10  | 43.7  |
| <b>Robbery</b>                            | 28           | 128                              | 25  | 30.0  |
| <b>Arson</b>                              | 4            | 81                               | 27  | 41.9  |
| <b>Drugs - Trafficking</b>                | 200          | 66                               | 15  | 37.9  |
| <b>Drugs - Communication Facility</b>     | 5            | 34                               | 18  | 66.7  |
| <b>Drugs - Simple Possession</b>          | 3            | 24                               | 9   | 100.0   |
| <b>Firearms</b>                           | 285          | 84                               | 18  | 27.5  |
| <b>Burglary/B&amp;E</b>                   | 1            | --                               | --  | --  |
| <b>Auto Theft</b>                         | 6            | 77                               | 14  | 24.0  |
| <b>Larceny</b>                            | 3            | 30                               | 16  | 87.5  |
| <b>Fraud</b>                              | 85           | 60                               | 14  | 37.3  |
| <b>Embezzlement</b>                       | 2            | --                               | --  | --  |
| <b>Forgery/Counterfeiting</b>             | 8            | 42                               | 11  | 38.1  |
| <b>Bribery</b>                            | 0            | --                               | --  | --  |
| <b>Tax</b>                                | 4            | 51                               | 11  | 27.0  |
| <b>Money Laundering</b>                   | 1            | --                               | --  | --  |
| <b>Racketeering/Extortion</b>             | 30           | 144                              | 29  | 27.7  |
| <b>Gambling/Lottery</b>                   | 0            | --                               | --  | --  |
| <b>Civil Rights</b>                       | 2            | --                               | --  | --  |
| <b>Immigration</b>                        | 466          | 23                               | 7   | 50.0  |
| <b>Child Pornography</b>                  | 34           | 169                              | 32  | 26.3  |
| <b>Prison Offenses</b>                    | 7            | 36                               | 21  | 100.0   |
| <b>Administration of Justice Offenses</b> | 32           | 48                               | 17  | 50.8  |
| <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>       | 30           | 60                               | 26  | 91.7  |

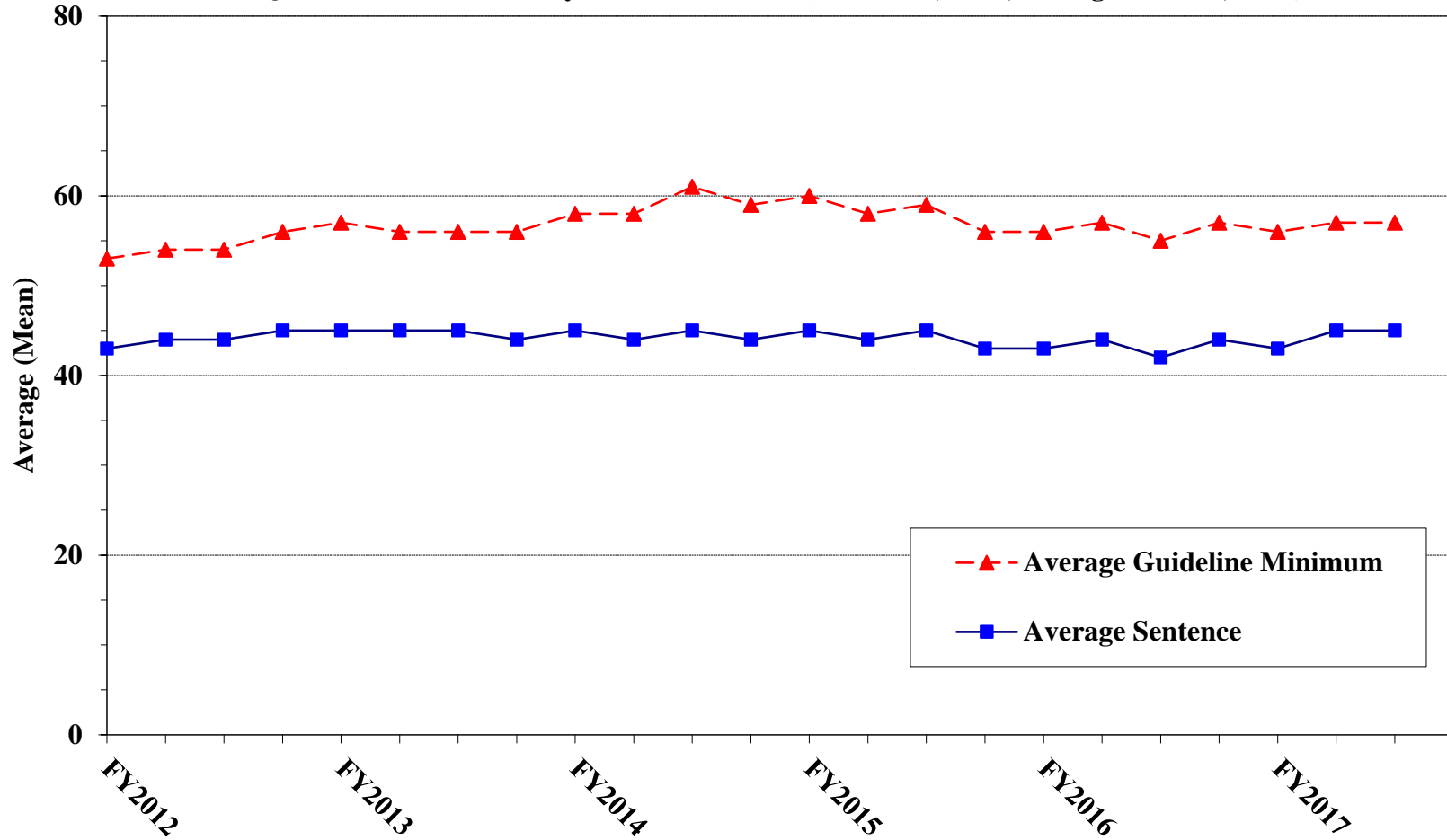
<sup>1</sup> Of the 50,258 cases, 1,495 were sentenced above the guideline range. Of these, 1,362 cases had complete guideline application information. An additional 32 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of 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 June 30, 2017).

**Figure E**

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

**Fiscal Years 2012 - 2016,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**



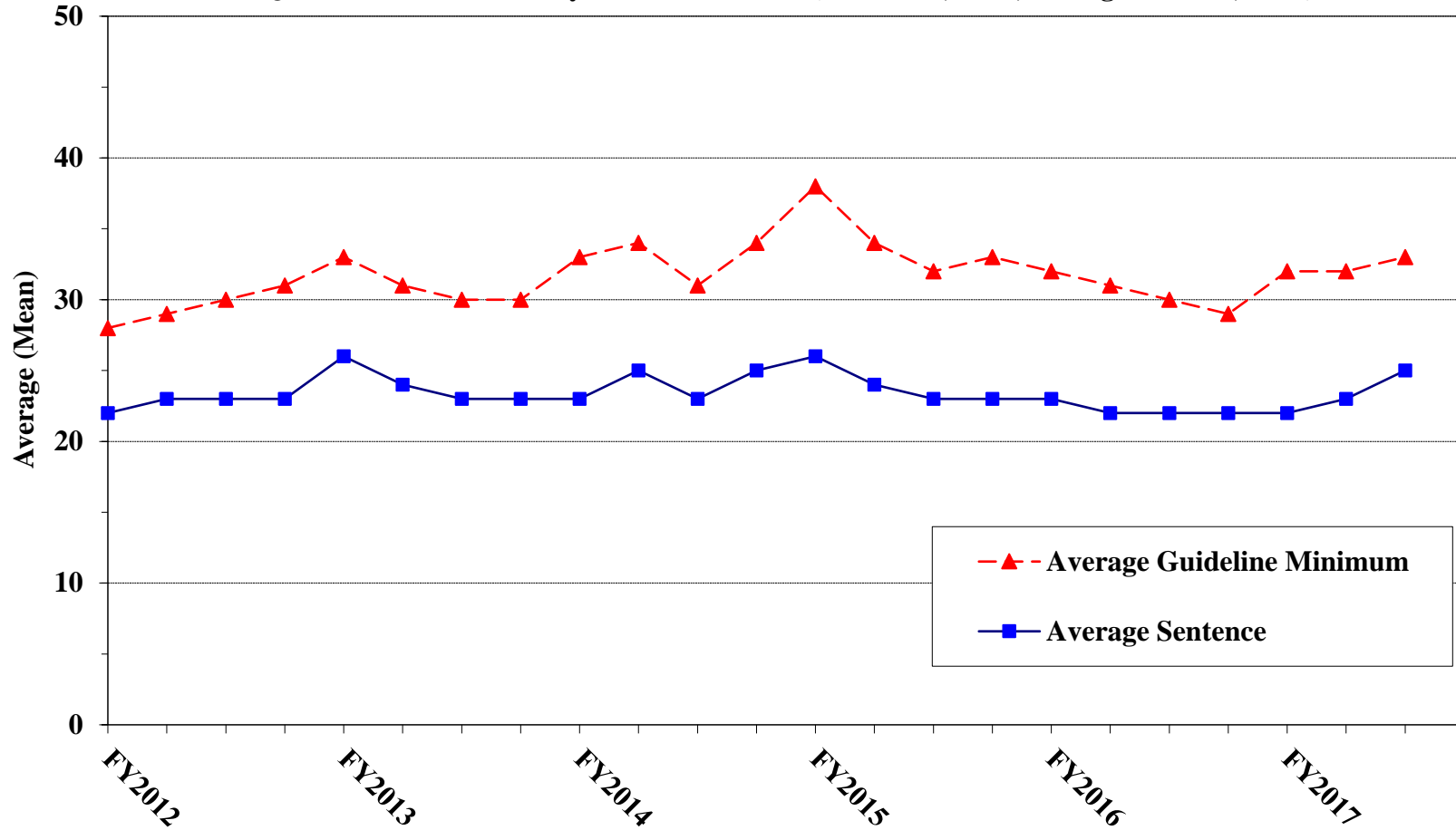
<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations 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,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

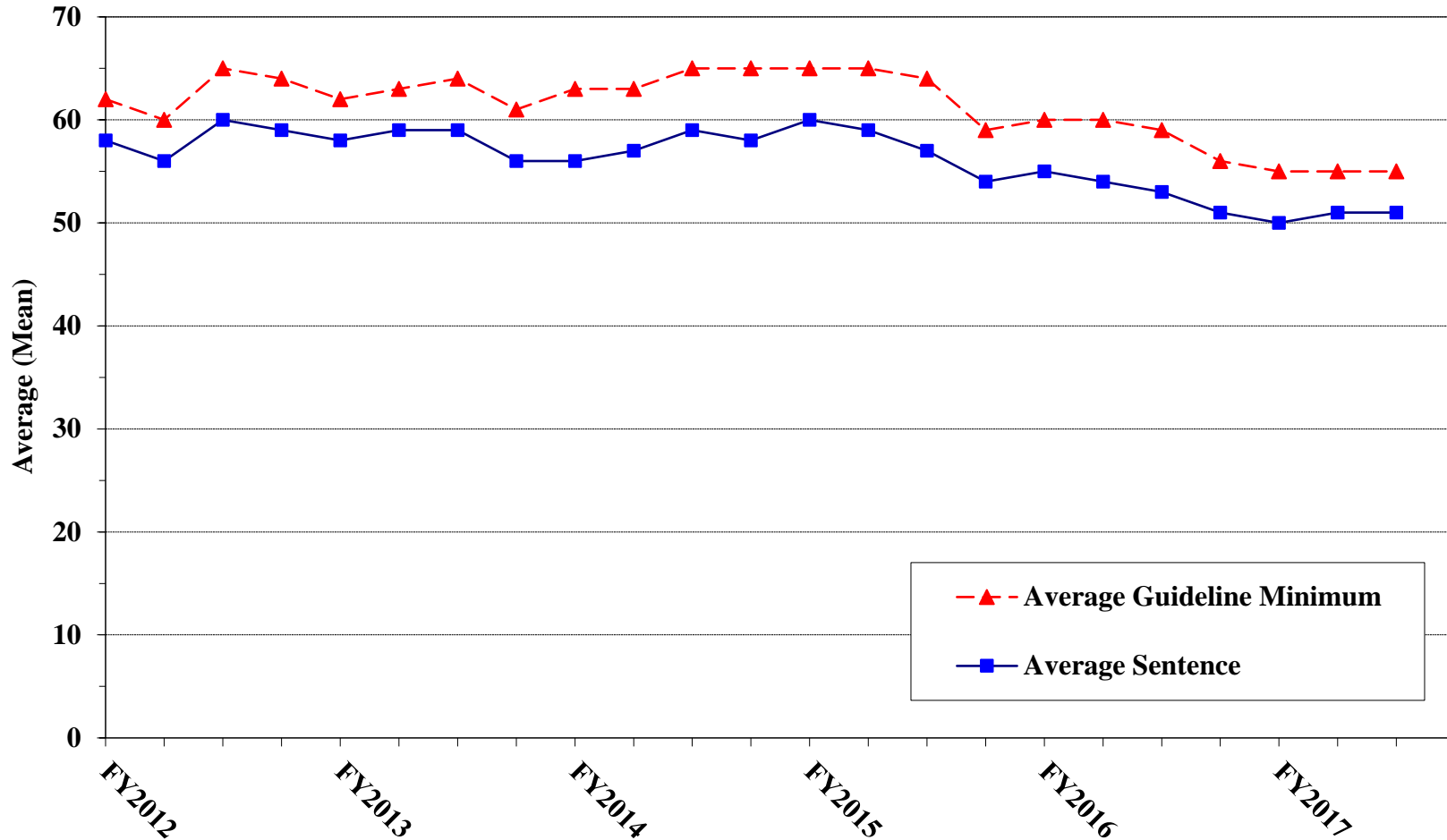


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than 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,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

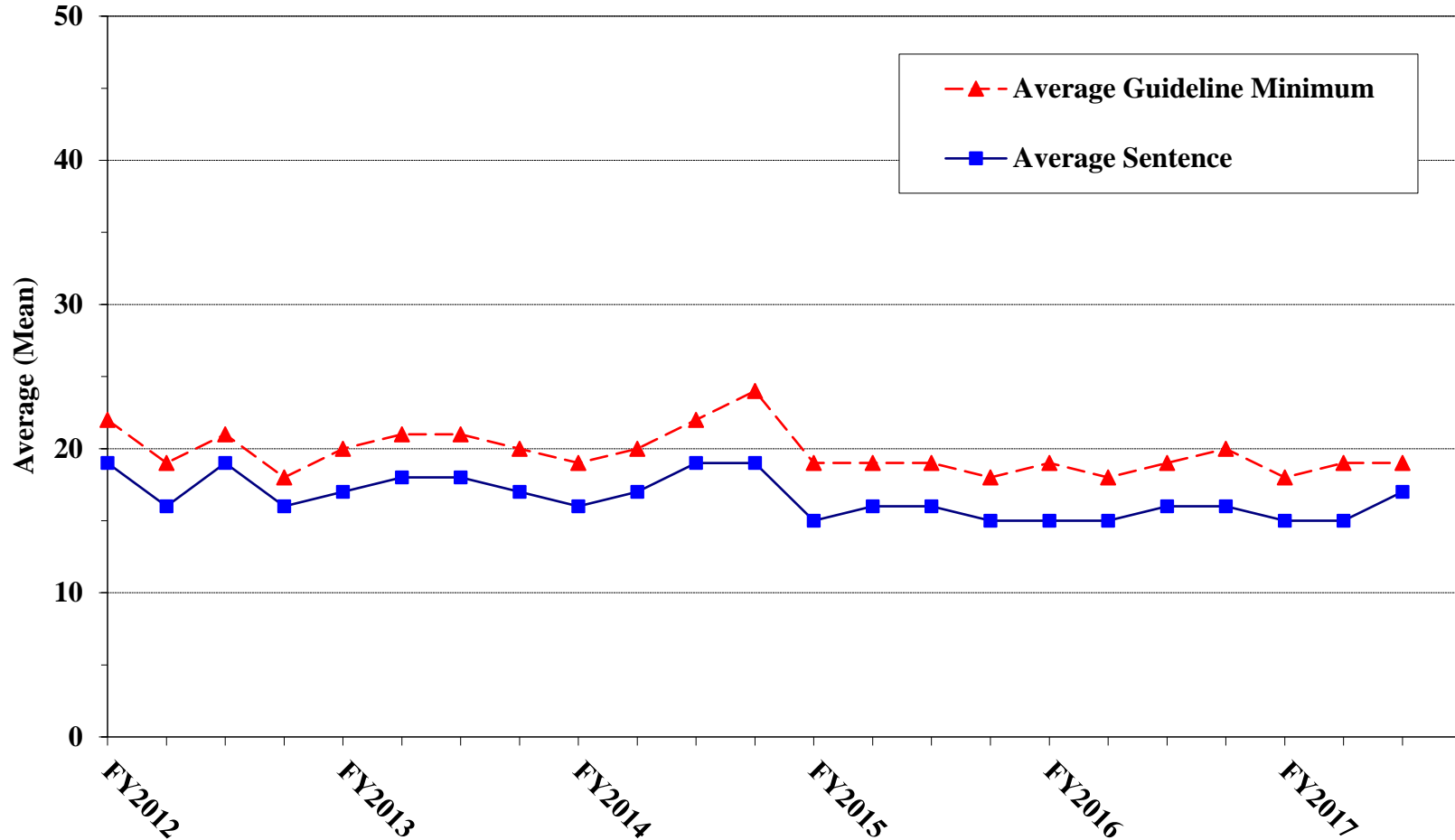


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline 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,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

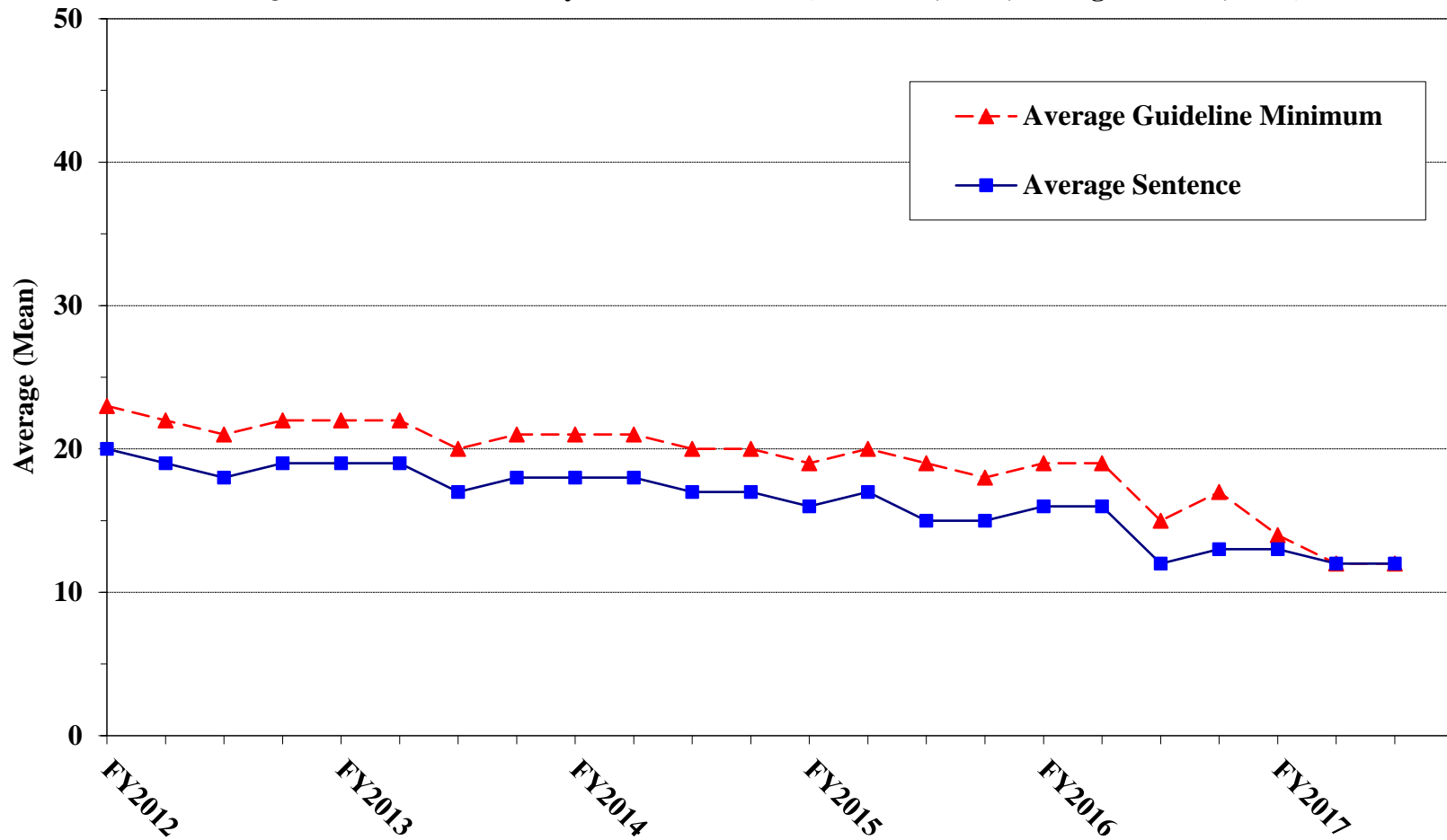


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

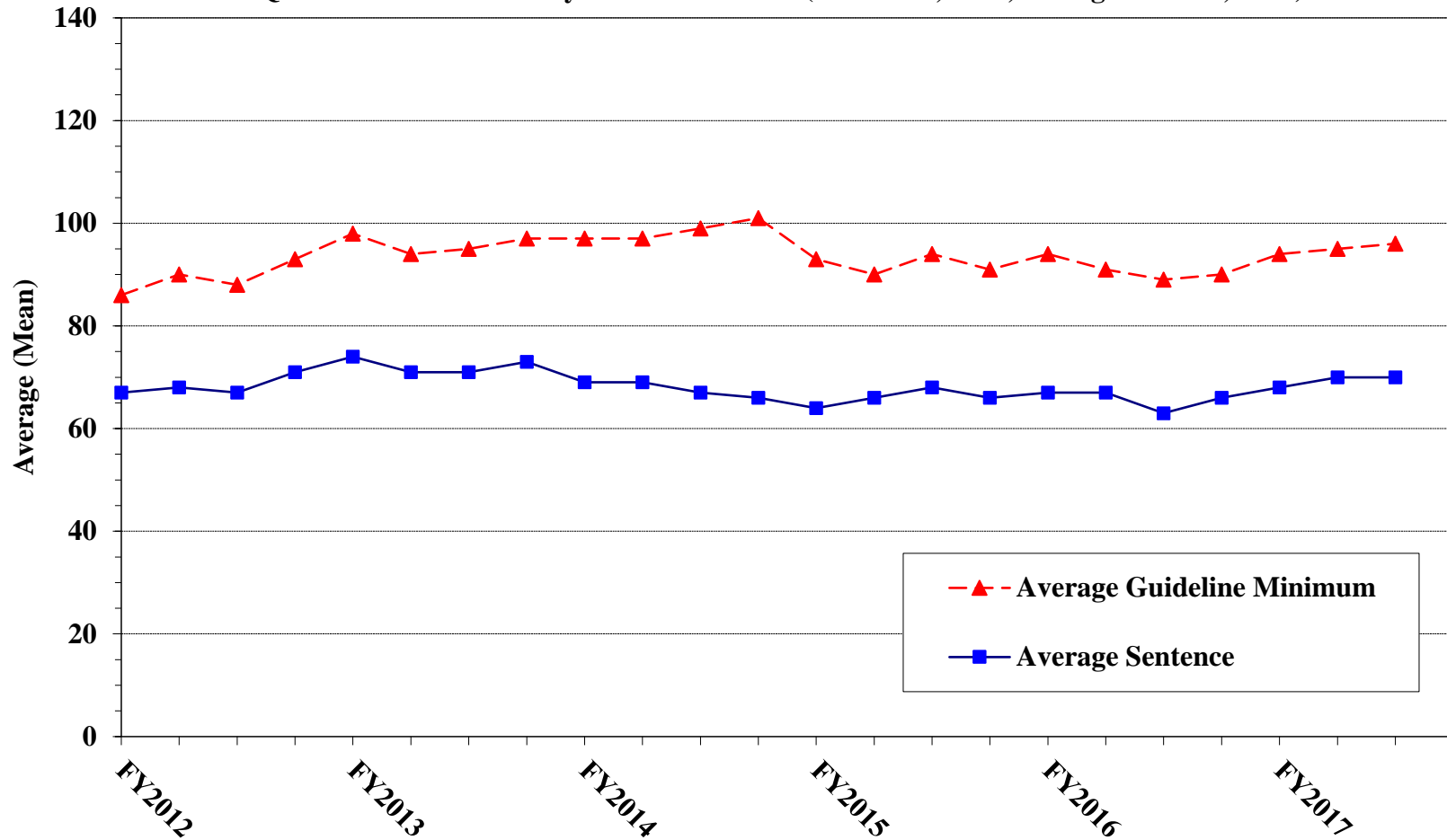


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

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

**Fiscal Years 2012 - 2016,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 2017)**

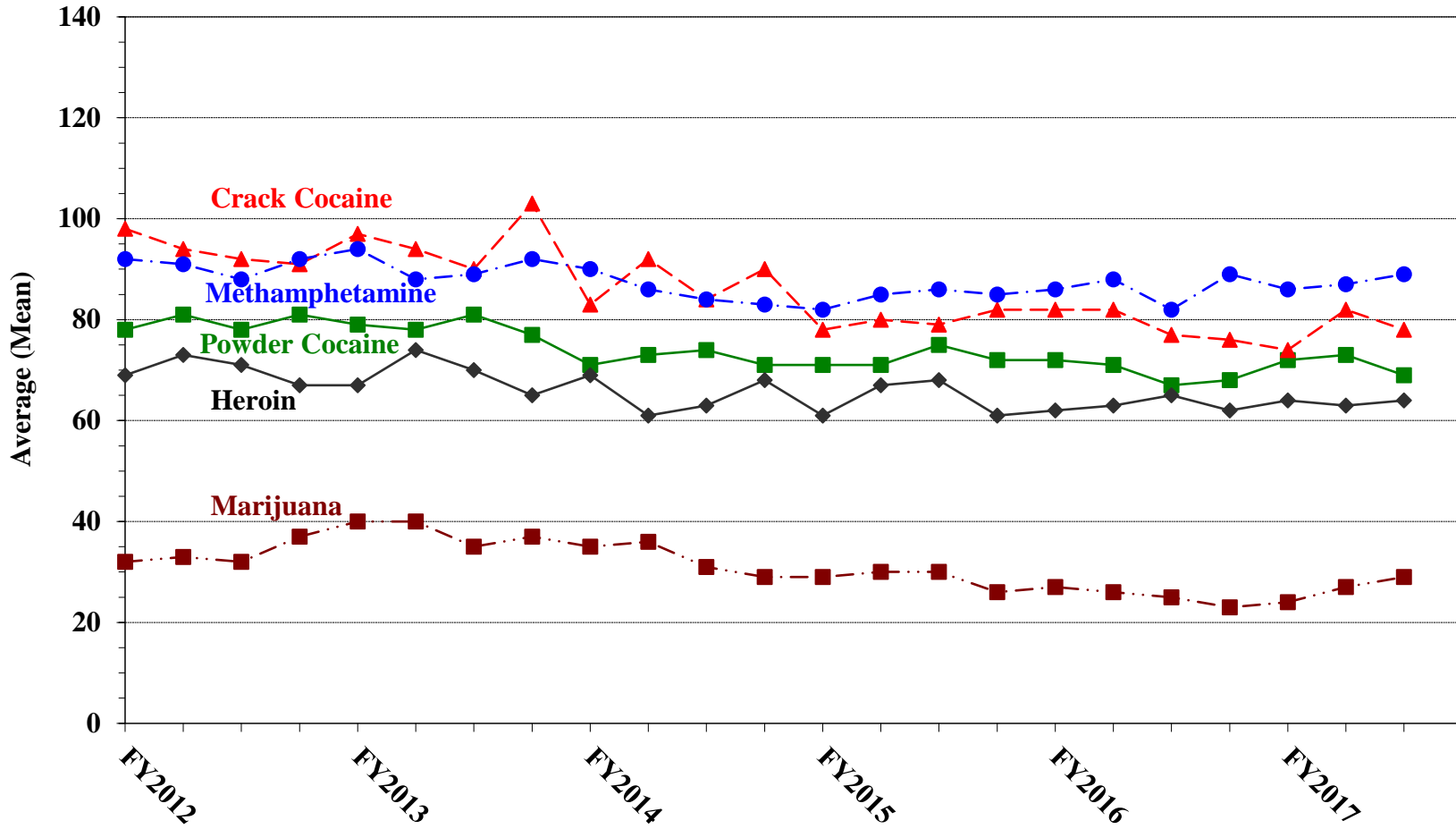


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included 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,  
3rd Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through June 30, 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

---

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.

##### **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.