

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

**3rd Quarter Release  
Preliminary Fiscal Year 2018 Data  
Through June 30, 2018**

## Introduction

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

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

Beginning with this report, the Commission is again updating the way it presents quarterly data. In this report, all analyses that involve a comparison of the position of the sentence imposed to the guideline range that applied in the case are presented in a new way. Sentences are now grouped into two broad categories: Sentences Under the Guidelines Manual and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the range, where the court indicated that one or more of the departure reasons in the Commission's *Guidelines Manual* was a basis for the sentence. Variance cases are those where the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

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

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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 2017 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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## *Information on Sentences Relative to the Guideline Range*

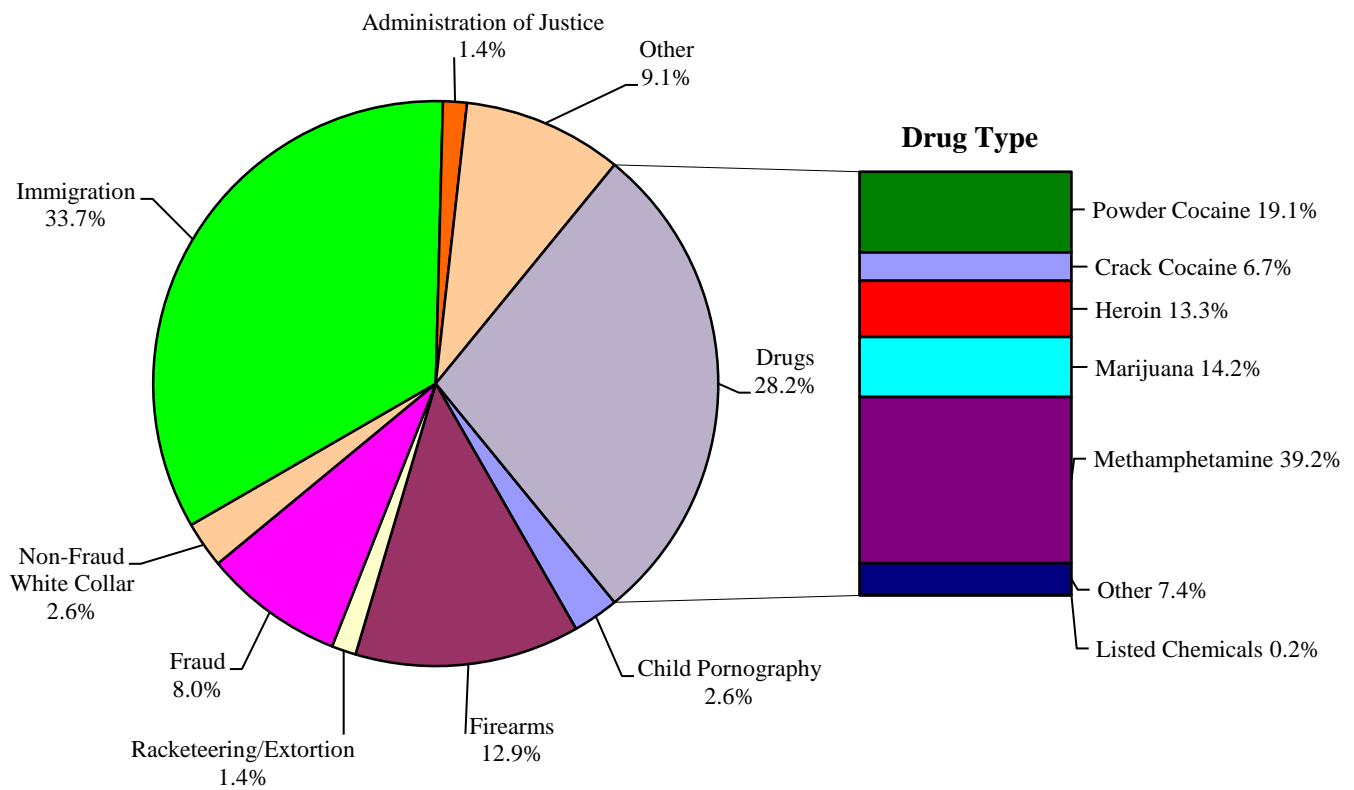
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**Figure A**  
**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**



<sup>1</sup> Of the 50,929 guideline cases, three drug cases were excluded from this figure due to cases missing drug type. The Drugs category includes the following offense types: trafficking, use of a communication facility, and simple possession. The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through June 30, 2018).

Table 1

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>50,929</b>	<b>100.0</b>
<b>Murder</b>	49	0.1
<b>Manslaughter</b>	45	0.1
<b>Kidnapping/Hostage Taking</b>	49	0.1
<b>Sexual Abuse</b>	457	0.9
<b>Assault</b>	638	1.3
<b>Robbery</b>	503	1.0
<b>Arson</b>	34	0.1
<b>Drugs - Trafficking</b>	13,605	26.7
<b>Drugs - Communication Facility</b>	154	0.3
<b>Drugs - Simple Possession</b>	599	1.2
<b>Firearms</b>	6,546	12.9
<b>Burglary/B&amp;E</b>	19	0.0
<b>Auto Theft</b>	36	0.1
<b>Larceny</b>	618	1.2
<b>Fraud</b>	4,089	8.0
<b>Embezzlement</b>	181	0.4
<b>Forgery/Counterfeiting</b>	239	0.5
<b>Bribery</b>	107	0.2
<b>Tax</b>	291	0.6
<b>Money Laundering</b>	531	1.0
<b>Racketeering/Extortion</b>	711	1.4
<b>Gambling/Lottery</b>	54	0.1
<b>Civil Rights</b>	35	0.1
<b>Immigration</b>	17,185	33.7
<b>Child Pornography</b>	1,343	2.6
<b>Prison Offenses</b>	422	0.8
<b>Administration of Justice Offenses</b>	696	1.4
<b>Environmental/Wildlife</b>	118	0.2
<b>National Defense</b>	82	0.2
<b>Antitrust</b>	54	0.1
<b>Food &amp; Drug</b>	76	0.1
<b>Other Miscellaneous Offenses</b>	1,363	2.7

<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 2018 Preliminary Cumulative Data**  
**(October 1, 2017, through June 30, 2018)**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
District	N	%	District	N	%
<b>TOTAL</b>	<b>50,929</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>139</b>	<b>0.3</b>	<b>FIFTH CIRCUIT</b>	<b>12,589</b>	<b>24.7</b>
District of Columbia	139	0.3	Louisiana		
			Eastern	208	0.4
<b>FIRST CIRCUIT</b>	<b>1,256</b>	<b>2.5</b>	Middle	114	0.2
Maine	134	0.3	Western	183	0.4
Massachusetts	398	0.8	Mississippi		
New Hampshire	140	0.3	Northern	134	0.3
Puerto Rico	514	1.0	Southern	232	0.5
Rhode Island	70	0.1	Texas		
			Eastern	600	1.2
<b>SECOND CIRCUIT</b>	<b>2,421</b>	<b>4.8</b>	Northern	1,053	2.1
Connecticut	257	0.5	Southern	4,431	8.7
New York			Western	5,634	11.1
Eastern	518	1.0	<b>SIXTH CIRCUIT</b>	<b>3,406</b>	<b>6.7</b>
Northern	282	0.6	Kentucky		
Southern	879	1.7	Eastern	250	0.5
Western	381	0.7	Western	226	0.4
Vermont	104	0.2	Michigan		
			Eastern	690	1.4
<b>THIRD CIRCUIT</b>	<b>1,567</b>	<b>3.1</b>	Western	259	0.5
Delaware	55	0.1	Ohio		
New Jersey	356	0.7	Northern	534	1.0
Pennsylvania			Southern	417	0.8
Eastern	476	0.9	Tennessee		
Middle	346	0.7	Eastern	480	0.9
Western	309	0.6	Middle	225	0.4
Virgin Islands	25	0.0	Western	325	0.6
			<b>SEVENTH CIRCUIT</b>	<b>1,781</b>	<b>3.5</b>
<b>FOURTH CIRCUIT</b>	<b>4,167</b>	<b>8.2</b>	Illinois		
Maryland	601	1.2	Central	181	0.4
North Carolina			Northern	552	1.1
Eastern	586	1.2	Southern	189	0.4
Middle	322	0.6	Indiana		
Western	413	0.8	Northern	242	0.5
South Carolina	698	1.4	Southern	312	0.6
Virginia			Wisconsin		
Eastern	993	1.9	Eastern	200	0.4
Western	188	0.4	Western	105	0.2
West Virginia					
Northern	195	0.4			
Southern	171	0.3			

Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>3,631</b>	<b>7.1</b>	<b>TENTH CIRCUIT</b>	<b>4,971</b>	<b>9.8</b>
Arkansas			Colorado	392	0.8
Eastern	334	0.7	Kansas	362	0.7
Western	186	0.4	New Mexico	3,035	6.0
Iowa			Oklahoma		
Northern	300	0.6	Eastern	69	0.1
Southern	334	0.7	Northern	131	0.3
Minnesota	227	0.4	Western	288	0.6
Missouri			Utah	522	1.0
Eastern	647	1.3	Wyoming	172	0.3
Western	592	1.2			
Nebraska	362	0.7	<b>ELEVENTH CIRCUIT</b>	<b>4,953</b>	<b>9.7</b>
North Dakota	280	0.5	Alabama		
South Dakota	369	0.7	Middle	164	0.3
			Northern	390	0.8
<b>NINTH CIRCUIT</b>	<b>10,048</b>	<b>19.7</b>	Southern	215	0.4
Alaska	132	0.3	Florida		
Arizona	3,511	6.9	Middle	1,174	2.3
California			Northern	219	0.4
Central	822	1.6	Southern	1,745	3.4
Eastern	331	0.6	Georgia		
Northern	411	0.8	Middle	306	0.6
Southern	2,840	5.6	Northern	398	0.8
Guam	38	0.1	Southern	342	0.7
Hawaii	107	0.2			
Idaho	290	0.6			
Montana	263	0.5			
Nevada	334	0.7			
Northern Mariana Islands	12	0.0			
Oregon	309	0.6			
Washington					
Eastern	257	0.5			
Western	391	0.8			

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

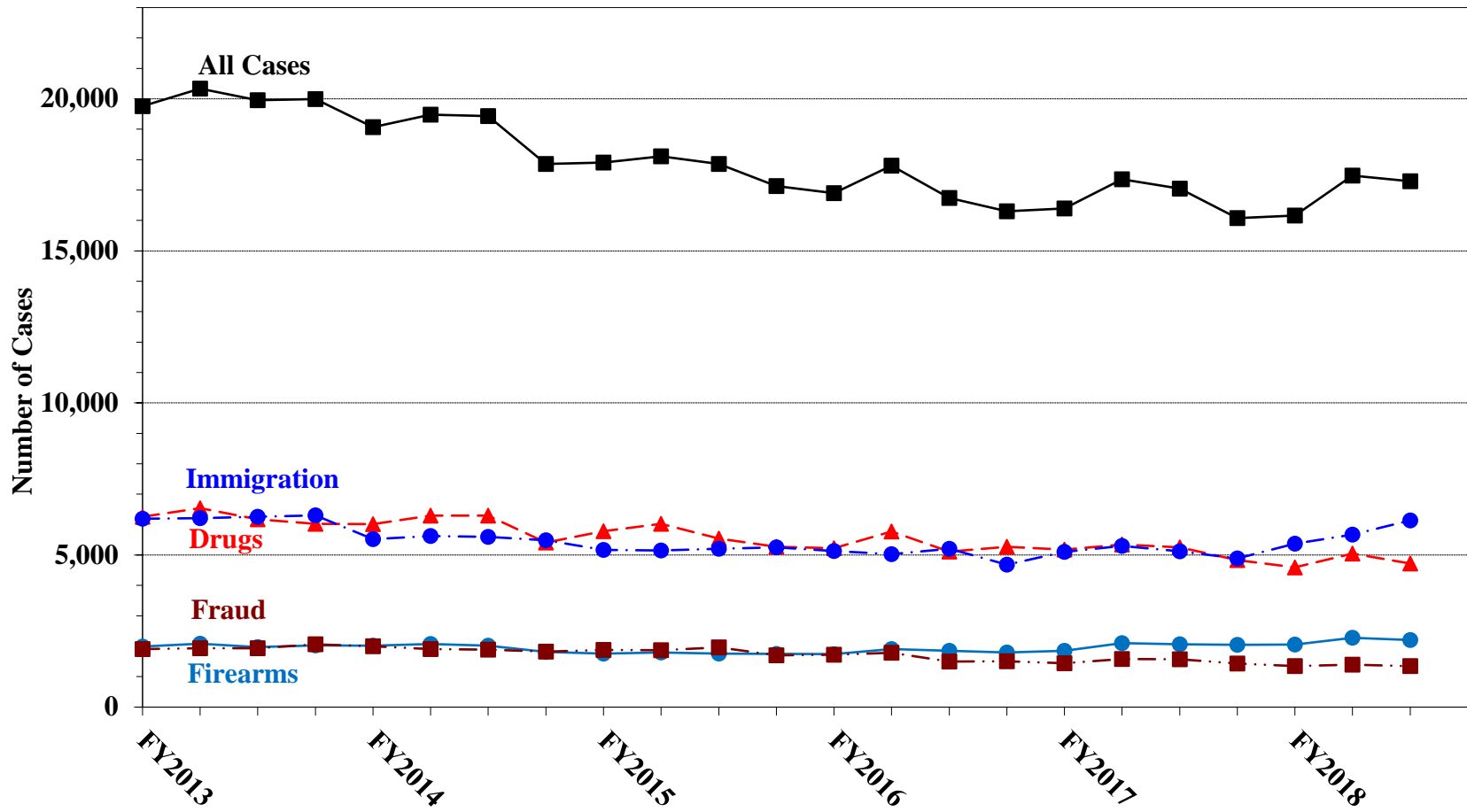
SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through June 30, 2018).



Figure B

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

Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)



<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 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>50,395</b>	<b>10,845</b>	<b>21.5</b>	<b>10,338</b>	<b>20.5</b>	<b>27,277</b>	<b>54.1</b>	<b>1,935</b>	<b>3.8</b>
Murder	49	9	18.4	6	12.2	11	22.4	23	46.9
Manslaughter	45	3	6.7	1	2.2	3	6.7	38	84.4
Kidnapping/Hostage Taking	49	13	26.5	14	28.6	16	32.7	6	12.2
Sexual Abuse	457	156	34.1	139	30.4	61	13.3	101	22.1
Assault	630	128	20.3	101	16.0	143	22.7	258	41.0
Robbery	502	231	46.0	184	36.7	56	11.2	31	6.2
Arson	34	13	38.2	9	26.5	4	11.8	8	23.5
Drugs - Trafficking	13,588	3,340	24.6	3,246	23.9	6,610	48.6	392	2.9
Drugs - Communication Facility	151	41	27.2	40	26.5	61	40.4	9	6.0
Drugs - Simple Possession	544	109	20.0	77	14.2	337	61.9	21	3.9
Firearms	6,538	1,590	24.3	3,489	53.4	1,278	19.5	181	2.8
Burglary/B&E	19	5	26.3	5	26.3	1	5.3	8	42.1
Auto Theft	36	5	13.9	14	38.9	17	47.2	0	0.0
Larceny	594	268	45.1	209	35.2	87	14.6	30	5.1
Fraud	4,070	1,641	40.3	1,207	29.7	966	23.7	256	6.3
Embezzlement	176	88	50.0	46	26.1	27	15.3	15	8.5
Forgery/Counterfeiting	238	117	49.2	72	30.3	36	15.1	13	5.5
Bribery	106	29	27.4	32	30.2	29	27.4	16	15.1
Tax	291	160	55.0	76	26.1	34	11.7	21	7.2
Money Laundering	530	170	32.1	79	14.9	230	43.4	51	9.6
Racketeering/Extortion	710	147	20.7	343	48.3	187	26.3	33	4.6
Gambling/Lottery	54	35	64.8	3	5.6	5	9.3	11	20.4
Civil Rights	35	22	62.9	10	28.6	2	5.7	1	2.9
Immigration	17,059	319	1.9	219	1.3	16,421	96.3	100	0.6
Child Pornography	1,340	1,105	82.5	66	4.9	130	9.7	39	2.9
Prison Offenses	419	111	26.5	163	38.9	113	27.0	32	7.6
Administration of Justice Offenses	692	274	39.6	174	25.1	153	22.1	91	13.2
Environmental/Wildlife	116	73	62.9	8	6.9	11	9.5	24	20.7
National Defense	82	23	28.0	9	11.0	44	53.7	6	7.3
Antitrust	54	39	72.2	2	3.7	3	5.6	10	18.5
Food & Drug	76	50	65.8	5	6.6	10	13.2	11	14.5
Other Miscellaneous Offenses	1,111	531	47.8	290	26.1	191	17.2	99	8.9

<sup>1</sup> Of the 50,929 cases, 534 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 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>50,849</b>	<b>44,129</b>	<b>86.8</b>	<b>6,720</b>	<b>13.2</b>
Murder	49	43	87.8	6	12.2
Manslaughter	45	34	75.6	11	24.4
Kidnapping/Hostage Taking	49	41	83.7	8	16.3
Sexual Abuse	457	407	89.1	50	10.9
Assault	636	540	84.9	96	15.1
Robbery	503	462	91.8	41	8.2
Arson	34	27	79.4	7	20.6
Drugs - Trafficking	13,604	11,324	83.2	2,280	16.8
Drugs - Communication Facility	154	105	68.2	49	31.8
Drugs - Simple Possession	591	493	83.4	98	16.6
Firearms	6,546	6,282	96.0	264	4.0
Burglary/B&E	19	17	89.5	2	10.5
Auto Theft	36	34	94.4	2	5.6
Larceny	617	375	60.8	242	39.2
Fraud	4,088	2,896	70.8	1,192	29.2
Embezzlement	180	79	43.9	101	56.1
Forgery/Counterfeiting	239	187	78.2	52	21.8
Bribery	107	89	83.2	18	16.8
Tax	291	211	72.5	80	27.5
Money Laundering	531	380	71.6	151	28.4
Racketeering/Extortion	711	617	86.8	94	13.2
Gambling/Lottery	54	48	88.9	6	11.1
Civil Rights	35	32	91.4	3	8.6
Immigration	17,166	15,890	92.6	1,276	7.4
Child Pornography	1,343	1,315	97.9	28	2.1
Prison Offenses	422	391	92.7	31	7.3
Administration of Justice Offenses	696	543	78.0	153	22.0
Environmental/Wildlife	118	110	93.2	8	6.8
National Defense	82	72	87.8	10	12.2
Antitrust	54	49	90.7	5	9.3
Food & Drug	76	59	77.6	17	22.4
Other Miscellaneous Offenses	1,316	977	74.2	339	25.8

<sup>1</sup> Of the 50,929 cases, 80 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 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>50,574</b>	<b>29,202</b>	<b>57.7</b>	<b>21,372</b>	<b>42.3</b>
Murder	49	41	83.7	8	16.3
Manslaughter	45	43	95.6	2	4.4
Kidnapping/Hostage Taking	49	36	73.5	13	26.5
Sexual Abuse	457	443	96.9	14	3.1
Assault	632	555	87.8	77	12.2
Robbery	502	495	98.6	7	1.4
Arson	34	33	97.1	1	2.9
Drugs - Trafficking	13,595	10,177	74.9	3,418	25.1
Drugs - Communication Facility	154	132	85.7	22	14.3
Drugs - Simple Possession	555	254	45.8	301	54.2
Firearms	6,539	6,175	94.4	364	5.6
Burglary/B&E	19	19	100.0	0	0.0
Auto Theft	36	32	88.9	4	11.1
Larceny	608	565	92.9	43	7.1
Fraud	4,071	3,246	79.7	825	20.3
Embezzlement	176	168	95.5	8	4.5
Forgery/Counterfeiting	239	217	90.8	22	9.2
Bribery	106	100	94.3	6	5.7
Tax	291	276	94.8	15	5.2
Money Laundering	530	364	68.7	166	31.3
Racketeering/Extortion	711	631	88.7	80	11.3
Gambling/Lottery	54	52	96.3	2	3.7
Civil Rights	35	32	91.4	3	8.6
Immigration	17,177	1,496	8.7	15,681	91.3
Child Pornography	1,343	1,305	97.2	38	2.8
Prison Offenses	415	400	96.4	15	3.6
Administration of Justice Offenses	694	610	87.9	84	12.1
Environmental/Wildlife	114	103	90.4	11	9.6
National Defense	82	59	72.0	23	28.0
Antitrust	54	52	96.3	2	3.7
Food & Drug	76	63	82.9	13	17.1
Other Miscellaneous Offenses	1,132	1,028	90.8	104	9.2

<sup>1</sup> Of the 50,929 cases, 355 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 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>45</b>	<b>21</b>	<b>50,928</b>
<b>Murder</b>	300	300	49
<b>Manslaughter</b>	53	37	45
<b>Kidnapping/Hostage Taking</b>	150	120	49
<b>Sexual Abuse</b>	135	120	457
<b>Assault</b>	29	18	638
<b>Robbery</b>	69	60	503
<b>Arson</b>	81	60	34
<b>Drugs - Trafficking</b>	76	60	13,604
<b>Drugs - Communication Facility</b>	27	24	154
<b>Drugs - Simple Possession</b>	3	3	599
<b>Firearms</b>	71	48	6,546
<b>Burglary/B&amp;E</b>	24	20	19
<b>Auto Theft</b>	58	31	36
<b>Larceny</b>	11	3	618
<b>Fraud</b>	27	17	4,089
<b>Embezzlement</b>	10	5	181
<b>Forgery/Counterfeiting</b>	15	12	239
<b>Bribery</b>	21	12	107
<b>Tax</b>	15	12	291
<b>Money Laundering</b>	31	18	531
<b>Racketeering/Extortion</b>	85	57	711
<b>Gambling/Lottery</b>	8	6	54
<b>Civil Rights</b>	34	9	35
<b>Immigration</b>	11	6	17,185
<b>Child Pornography</b>	151	100	1,343
<b>Prison Offenses</b>	12	12	422
<b>Administration of Justice Offenses</b>	19	12	696
<b>Environmental/Wildlife</b>	3	0	118
<b>National Defense</b>	73	37	82
<b>Antitrust</b>	6	3	54
<b>Food &amp; Drug</b>	10	2	76
<b>Other Miscellaneous Offenses</b>	17	0	1,363

<sup>1</sup> Of the 50,929 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

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>50,545</b>	<b>46,188</b>	<b>91.4</b>	<b>44,672</b>	<b>88.4</b>	<b>1,516</b>	<b>3.0</b>	<b>4,357</b>	<b>8.6</b>	<b>1,032</b>	<b>2.0</b>	<b>3,325</b>	<b>6.6</b>
Murder	49	49	100.0	48	98.0	1	2.0	0	0.0	0	0.0	0	0.0
Manslaughter	44	43	97.7	42	95.5	1	2.3	1	2.3	0	0.0	1	2.3
Kidnapping/Hostage Taking	49	49	100.0	49	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	457	445	97.4	435	95.2	10	2.2	12	2.6	3	0.7	9	2.0
Assault	630	544	86.3	495	78.6	49	7.8	86	13.7	17	2.7	69	11.0
Robbery	503	491	97.6	456	90.7	35	7.0	12	2.4	6	1.2	6	1.2
Arson	34	34	100.0	32	94.1	2	5.9	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	13,601	13,116	96.4	12,615	92.8	501	3.7	485	3.6	176	1.3	309	2.3
Drugs - Communication Facility	153	127	83.0	119	77.8	8	5.2	26	17.0	12	7.8	14	9.2
Drugs - Simple Possession	534	390	73.0	388	72.7	2	0.4	144	27.0	9	1.7	135	25.3
Firearms	6,534	6,251	95.7	6,050	92.6	201	3.1	283	4.3	84	1.3	199	3.0
Burglary/B&E	19	16	84.2	14	73.7	2	10.5	3	15.8	0	0.0	3	15.8
Auto Theft	36	31	86.1	29	80.6	2	5.6	5	13.9	4	11.1	1	2.8
Larceny	584	293	50.2	261	44.7	32	5.5	291	49.8	70	12.0	221	37.8
Fraud	4,083	3,325	81.4	3,104	76.0	221	5.4	758	18.6	259	6.3	499	12.2
Embezzlement	172	90	52.3	79	45.9	11	6.4	82	47.7	22	12.8	60	34.9
Forgery/Counterfeiting	239	176	73.6	165	69.0	11	4.6	63	26.4	22	9.2	41	17.2
Bribery	107	85	79.4	72	67.3	13	12.1	22	20.6	10	9.3	12	11.2
Tax	291	188	64.6	173	59.5	15	5.2	103	35.4	34	11.7	69	23.7
Money Laundering	530	419	79.1	393	74.2	26	4.9	111	20.9	36	6.8	75	14.2
Racketeering/Extortion	711	678	95.4	642	90.3	36	5.1	33	4.6	6	0.8	27	3.8
Gambling/Lottery	54	30	55.6	17	31.5	13	24.1	24	44.4	6	11.1	18	33.3
Civil Rights	34	21	61.8	20	58.8	1	2.9	13	38.2	4	11.8	9	26.5
Immigration	17,184	16,282	94.8	16,117	93.8	165	1.0	902	5.2	97	0.6	805	4.7
Child Pornography	1,343	1,330	99.0	1,305	97.2	25	1.9	13	1.0	5	0.4	8	0.6
Prison Offenses	420	411	97.9	394	93.8	17	4.0	9	2.1	5	1.2	4	1.0
Administration of Justice Offenses	696	539	77.4	486	69.8	53	7.6	157	22.6	30	4.3	127	18.2
Environmental/Wildlife	109	34	31.2	31	28.4	3	2.8	75	68.8	7	6.4	68	62.4
National Defense	82	74	90.2	70	85.4	4	4.9	8	9.8	2	2.4	6	7.3
Antitrust	54	20	37.0	19	35.2	1	1.9	34	63.0	17	31.5	17	31.5
Food & Drug	72	38	52.8	34	47.2	4	5.6	34	47.2	3	4.2	31	43.1
Other Miscellaneous Offenses	1,137	569	50.0	518	45.6	51	4.5	568	50.0	86	7.6	482	42.4

<sup>1</sup> Of the 50,929 cases, 384 were excluded because the offender received neither imprisonment nor probation. 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 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

	N	%
<b>TOTAL CASES</b>	<b>50,583</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>37,880</b>	<b>74.9</b>
Within Guideline Range	25,545	50.5
Upward Departure <sup>2</sup>	284	0.6
Downward Departure		
§5K1.1 Substantial Assistance	5,242	10.4
§5K3.1 Early Disposition Program	4,656	9.2
Other Government Motion <sup>3</sup>	960	1.9
Non-Government Departure <sup>4</sup>	1,193	2.4
<b>VARIANCES</b>	<b>12,703</b>	<b>25.1</b>
Upward Variance <sup>5</sup>	1,036	2.0
Downward Variance		
Government Motion <sup>6</sup>	2,781	5.5
Non-Government Variance <sup>7</sup>	8,886	17.6

<sup>1</sup> This table reflects the 50,929 cases sentenced on or after October 1, 2017, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by September 17, 2018. Of these, 346 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through June 30, 2018).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
<b>TOTAL</b>	<b>50,583</b>	<b>25,545</b>	<b>50.5</b>	<b>284</b>	<b>0.6</b>	<b>5,242</b>	<b>10.4</b>	<b>4,656</b>	<b>9.2</b>	<b>2,153</b>	<b>4.3</b>	<b>12,703</b>	<b>25.1</b>
<b>D.C. CIRCUIT</b>	<b>138</b>	<b>48</b>	<b>34.8</b>	<b>1</b>	<b>0.7</b>	<b>16</b>	<b>11.6</b>	<b>0</b>	<b>0.0</b>	<b>16</b>	<b>11.6</b>	<b>57</b>	<b>41.3</b>
District of Columbia	138	48	34.8	1	0.7	16	11.6	0	0.0	16	11.6	57	41.3
<b>FIRST CIRCUIT</b>	<b>1,253</b>	<b>552</b>	<b>44.1</b>	<b>8</b>	<b>0.6</b>	<b>115</b>	<b>9.2</b>	<b>9</b>	<b>0.7</b>	<b>62</b>	<b>4.9</b>	<b>507</b>	<b>40.5</b>
Maine	134	46	34.3	2	1.5	35	26.1	0	0.0	6	4.5	45	33.6
Massachusetts	396	128	32.3	4	1.0	39	9.8	9	2.3	32	8.1	184	46.5
New Hampshire	140	53	37.9	0	0.0	11	7.9	0	0.0	4	2.9	72	51.4
Puerto Rico	513	311	60.6	2	0.4	24	4.7	0	0.0	20	3.9	156	30.4
Rhode Island	70	14	20.0	0	0.0	6	8.6	0	0.0	0	0.0	50	71.4
<b>SECOND CIRCUIT</b>	<b>2,411</b>	<b>799</b>	<b>33.1</b>	<b>13</b>	<b>0.5</b>	<b>426</b>	<b>17.7</b>	<b>10</b>	<b>0.4</b>	<b>107</b>	<b>4.4</b>	<b>1,056</b>	<b>43.8</b>
Connecticut	257	101	39.3	1	0.4	36	14.0	0	0.0	24	9.3	95	37.0
New York													
Eastern	517	132	25.5	0	0.0	116	22.4	1	0.2	49	9.5	219	42.4
Northern	273	139	50.9	2	0.7	52	19.0	2	0.7	7	2.6	71	26.0
Southern	879	230	26.2	2	0.2	115	13.1	7	0.8	18	2.0	507	57.7
Western	381	175	45.9	8	2.1	86	22.6	0	0.0	5	1.3	107	28.1
Vermont	104	22	21.2	0	0.0	21	20.2	0	0.0	4	3.8	57	54.8
<b>THIRD CIRCUIT</b>	<b>1,562</b>	<b>655</b>	<b>41.9</b>	<b>5</b>	<b>0.3</b>	<b>347</b>	<b>22.2</b>	<b>10</b>	<b>0.6</b>	<b>49</b>	<b>3.1</b>	<b>496</b>	<b>31.8</b>
Delaware	55	21	38.2	0	0.0	6	10.9	2	3.6	1	1.8	25	45.5
New Jersey	354	141	39.8	1	0.3	81	22.9	2	0.6	6	1.7	123	34.7
Pennsylvania													
Eastern	474	167	35.2	1	0.2	155	32.7	1	0.2	15	3.2	135	28.5
Middle	346	198	57.2	1	0.3	51	14.7	5	1.4	17	4.9	74	21.4
Western	308	108	35.1	2	0.6	49	15.9	0	0.0	10	3.2	139	45.1
Virgin Islands	25	20	80.0	0	0.0	5	20.0	0	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>4,103</b>	<b>2,310</b>	<b>56.3</b>	<b>50</b>	<b>1.2</b>	<b>538</b>	<b>13.1</b>	<b>5</b>	<b>0.1</b>	<b>170</b>	<b>4.1</b>	<b>1,030</b>	<b>25.1</b>
Maryland	588	217	36.9	11	1.9	99	16.8	0	0.0	49	8.3	212	36.1
North Carolina													
Eastern	544	307	56.4	12	2.2	139	25.6	0	0.0	11	2.0	75	13.8
Middle	321	189	58.9	6	1.9	31	9.7	0	0.0	4	1.2	91	28.3
Western	412	240	58.3	2	0.5	89	21.6	0	0.0	5	1.2	76	18.4
South Carolina	697	413	59.3	7	1.0	95	13.6	1	0.1	24	3.4	157	22.5
Virginia													
Eastern	990	641	64.7	9	0.9	34	3.4	0	0.0	58	5.9	248	25.1
Western	186	86	46.2	2	1.1	35	18.8	0	0.0	12	6.5	51	27.4
West Virginia													
Northern	195	122	62.6	0	0.0	10	5.1	0	0.0	3	1.5	60	30.8
Southern	170	95	55.9	1	0.6	6	3.5	4	2.4	4	2.4	60	35.3



Table 9A (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
<b>FIFTH CIRCUIT</b>	<b>12,551</b>	<b>8,651</b>	<b>68.9</b>	<b>90</b>	<b>0.7</b>	<b>688</b>	<b>5.5</b>	<b>498</b>	<b>4.0</b>	<b>598</b>	<b>4.8</b>	<b>2,026</b>	<b>16.1</b>
Louisiana													
Eastern	208	102	49.0	2	1.0	30	14.4	2	1.0	8	3.8	64	30.8
Middle	114	65	57.0	2	1.8	17	14.9	0	0.0	0	0.0	30	26.3
Western	180	116	64.4	1	0.6	18	10.0	0	0.0	0	0.0	45	25.0
Mississippi													
Northern	124	59	47.6	0	0.0	26	21.0	0	0.0	2	1.6	37	29.8
Southern	230	188	81.7	1	0.4	10	4.3	0	0.0	0	0.0	31	13.5
Texas													
Eastern	600	430	71.7	1	0.2	11	1.8	0	0.0	5	0.8	153	25.5
Northern	1,049	680	64.8	7	0.7	127	12.1	1	0.1	38	3.6	196	18.7
Southern	4,429	2,636	59.5	68	1.5	263	5.9	297	6.7	420	9.5	745	16.8
Western	5,617	4,375	77.9	8	0.1	186	3.3	198	3.5	125	2.2	725	12.9
<b>SIXTH CIRCUIT</b>	<b>3,381</b>	<b>1,449</b>	<b>42.9</b>	<b>12</b>	<b>0.4</b>	<b>667</b>	<b>19.7</b>	<b>12</b>	<b>0.4</b>	<b>185</b>	<b>5.5</b>	<b>1,056</b>	<b>31.2</b>
Kentucky													
Eastern	250	137	54.8	1	0.4	36	14.4	0	0.0	9	3.6	67	26.8
Western	226	113	50.0	1	0.4	39	17.3	3	1.3	13	5.8	57	25.2
Michigan													
Eastern	687	279	40.6	1	0.1	115	16.7	3	0.4	10	1.5	279	40.6
Western	259	140	54.1	5	1.9	46	17.8	0	0.0	11	4.2	57	22.0
Ohio													
Northern	534	214	40.1	2	0.4	142	26.6	0	0.0	19	3.6	157	29.4
Southern	417	110	26.4	0	0.0	69	16.5	4	1.0	99	23.7	135	32.4
Tennessee													
Eastern	464	225	48.5	0	0.0	136	29.3	0	0.0	5	1.1	98	21.1
Middle	223	73	32.7	1	0.4	50	22.4	1	0.4	17	7.6	81	36.3
Western	321	158	49.2	1	0.3	34	10.6	1	0.3	2	0.6	125	38.9
<b>SEVENTH CIRCUIT</b>	<b>1,774</b>	<b>653</b>	<b>36.8</b>	<b>10</b>	<b>0.6</b>	<b>233</b>	<b>13.1</b>	<b>2</b>	<b>0.1</b>	<b>109</b>	<b>6.1</b>	<b>767</b>	<b>43.2</b>
Illinois													
Central	178	75	42.1	0	0.0	19	10.7	0	0.0	5	2.8	79	44.4
Northern	552	156	28.3	3	0.5	56	10.1	2	0.4	53	9.6	282	51.1
Southern	189	111	58.7	3	1.6	19	10.1	0	0.0	6	3.2	50	26.5
Indiana													
Northern	240	106	44.2	0	0.0	44	18.3	0	0.0	5	2.1	85	35.4
Southern	312	124	39.7	2	0.6	63	20.2	0	0.0	6	1.9	117	37.5
Wisconsin													
Eastern	199	39	19.6	1	0.5	28	14.1	0	0.0	1	0.5	130	65.3
Western	104	42	40.4	1	1.0	4	3.8	0	0.0	33	31.7	24	23.1
<b>EIGHTH CIRCUIT</b>	<b>3,628</b>	<b>1,585</b>	<b>43.7</b>	<b>26</b>	<b>0.7</b>	<b>531</b>	<b>14.6</b>	<b>42</b>	<b>1.2</b>	<b>106</b>	<b>2.9</b>	<b>1,338</b>	<b>36.9</b>
Arkansas													
Eastern	331	201	60.7	0	0.0	29	8.8	0	0.0	6	1.8	95	28.7
Western	186	80	43.0	0	0.0	19	10.2	0	0.0	1	0.5	86	46.2
Iowa													
Northern	300	178	59.3	4	1.3	59	19.7	0	0.0	1	0.3	58	19.3
Southern	334	137	41.0	0	0.0	57	17.1	0	0.0	2	0.6	138	41.3
Minnesota	227	76	33.5	3	1.3	38	16.7	0	0.0	14	6.2	96	42.3
Missouri													
Eastern	647	242	37.4	2	0.3	87	13.4	0	0.0	5	0.8	311	48.1
Western	592	201	34.0	4	0.7	98	16.6	0	0.0	44	7.4	245	41.4
Nebraska	362	170	47.0	0	0.0	13	3.6	33	9.1	3	0.8	143	39.5
North Dakota	280	80	28.6	1	0.4	117	41.8	8	2.9	10	3.6	64	22.9
South Dakota	369	220	59.6	12	3.3	14	3.8	1	0.3	20	5.4	102	27.6

Table 9A (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
						N	%	N	%	N	%		
<b>NINTH CIRCUIT</b>	<b>9,968</b>	<b>3,195</b>	<b>32.1</b>	<b>49</b>	<b>0.5</b>	<b>797</b>	<b>8.0</b>	<b>3,353</b>	<b>33.6</b>	<b>463</b>	<b>4.6</b>	<b>2,111</b>	<b>21.2</b>
Alaska	131	45	34.4	0	0.0	24	18.3	0	0.0	1	0.8	61	46.6
Arizona	3,453	1,346	39.0	34	1.0	88	2.5	1,469	42.5	78	2.3	438	12.7
California													
Central	815	257	31.5	1	0.1	107	13.1	84	10.3	67	8.2	299	36.7
Eastern	330	135	40.9	0	0.0	63	19.1	15	4.5	19	5.8	98	29.7
Northern	407	135	33.2	2	0.5	80	19.7	2	0.5	15	3.7	173	42.5
Southern	2,835	448	15.8	5	0.2	150	5.3	1,710	60.3	222	7.8	300	10.6
Guam	38	21	55.3	0	0.0	10	26.3	0	0.0	0	0.0	7	18.4
Hawaii	107	50	46.7	0	0.0	32	29.9	0	0.0	1	0.9	24	22.4
Idaho	290	156	53.8	0	0.0	58	20.0	10	3.4	7	2.4	59	20.3
Montana	263	99	37.6	1	0.4	64	24.3	0	0.0	2	0.8	97	36.9
Nevada	333	155	46.5	1	0.3	26	7.8	10	3.0	11	3.3	130	39.0
Northern Mariana Islands	12	4	33.3	0	0.0	4	33.3	0	0.0	0	0.0	4	33.3
Oregon	308	82	26.6	3	1.0	36	11.7	0	0.0	21	6.8	166	53.9
Washington													
Eastern	257	110	42.8	0	0.0	41	16.0	12	4.7	10	3.9	84	32.7
Western	389	152	39.1	2	0.5	14	3.6	41	10.5	9	2.3	171	44.0
<b>TENTH CIRCUIT</b>	<b>4,952</b>	<b>2,930</b>	<b>59.2</b>	<b>14</b>	<b>0.3</b>	<b>267</b>	<b>5.4</b>	<b>703</b>	<b>14.2</b>	<b>223</b>	<b>4.5</b>	<b>815</b>	<b>16.5</b>
Colorado	388	168	43.3	1	0.3	59	15.2	44	11.3	14	3.6	102	26.3
Kansas	356	140	39.3	2	0.6	73	20.5	0	0.0	6	1.7	135	37.9
New Mexico	3,031	2,155	71.1	9	0.3	35	1.2	518	17.1	110	3.6	204	6.7
Oklahoma													
Eastern	69	48	69.6	0	0.0	4	5.8	0	0.0	1	1.4	16	23.2
Northern	131	43	32.8	0	0.0	32	24.4	0	0.0	21	16.0	35	26.7
Western	288	151	52.4	0	0.0	21	7.3	0	0.0	6	2.1	110	38.2
Utah	517	169	32.7	1	0.2	25	4.8	124	24.0	50	9.7	148	28.6
Wyoming	172	56	32.6	1	0.6	18	10.5	17	9.9	15	8.7	65	37.8
<b>ELEVENTH CIRCUIT</b>	<b>4,862</b>	<b>2,718</b>	<b>55.9</b>	<b>6</b>	<b>0.1</b>	<b>617</b>	<b>12.7</b>	<b>12</b>	<b>0.2</b>	<b>65</b>	<b>1.3</b>	<b>1,444</b>	<b>29.7</b>
Alabama													
Middle	164	84	51.2	0	0.0	29	17.7	0	0.0	2	1.2	49	29.9
Northern	386	223	57.8	1	0.3	80	20.7	0	0.0	4	1.0	78	20.2
Southern	215	124	57.7	0	0.0	37	17.2	0	0.0	6	2.8	48	22.3
Florida													
Middle	1,172	613	52.3	1	0.1	185	15.8	7	0.6	17	1.5	349	29.8
Northern	214	118	55.1	0	0.0	38	17.8	4	1.9	1	0.5	53	24.8
Southern	1,673	946	56.5	2	0.1	155	9.3	1	0.1	19	1.1	550	32.9
Georgia													
Middle	301	229	76.1	0	0.0	21	7.0	0	0.0	2	0.7	49	16.3
Northern	395	114	28.9	1	0.3	34	8.6	0	0.0	13	3.3	233	59.0
Southern	342	267	78.1	1	0.3	38	11.1	0	0.0	1	0.3	35	10.2

<sup>1</sup> Of the 50,929 cases, 346 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: Northern Mississippi (7.5%) and Eastern North Carolina (7.2%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through June 30, 2018).

Table 10A

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		DOWNWARD DEPARTURE						VARIANCE	
		N	%	N	%	§5K1.1		§5K3.1		OTHER		N	%
<b>TOTAL</b>	<b>50,583</b>	<b>25,545</b>	<b>50.5</b>	<b>284</b>	<b>0.6</b>	<b>5,242</b>	<b>10.4</b>	<b>4,656</b>	<b>9.2</b>	<b>2,153</b>	<b>4.3</b>	<b>12,703</b>	<b>25.1</b>
Murder	49	27	55.1	5	10.2	2	4.1	0	0.0	7	14.3	8	16.3
Manslaughter	45	28	62.2	3	6.7	0	0.0	0	0.0	4	8.9	10	22.2
Kidnapping/Hostage Taking	49	15	30.6	0	0.0	11	22.4	0	0.0	3	6.1	20	40.8
Sexual Abuse	457	197	43.1	2	0.4	52	11.4	1	0.2	31	6.8	174	38.1
Assault	624	340	54.5	19	3.0	5	0.8	4	0.6	46	7.4	210	33.7
Robbery	502	229	45.6	6	1.2	37	7.4	1	0.2	38	7.6	191	38.0
Arson	34	17	50.0	2	5.9	3	8.8	0	0.0	2	5.9	10	29.4
Drugs - Trafficking	13,595	4,775	35.1	50	0.4	3,045	22.4	1,019	7.5	679	5.0	4,027	29.6
Drugs - Communication Facility	154	72	46.8	0	0.0	25	16.2	1	0.6	8	5.2	48	31.2
Drugs - Simple Possession	535	481	89.9	0	0.0	4	0.7	0	0.0	0	0.0	50	9.3
Firearms	6,534	3,465	53.0	46	0.7	610	9.3	3	0.0	279	4.3	2,131	32.6
Burglary/B&E	18	11	61.1	1	5.6	2	11.1	0	0.0	0	0.0	4	22.2
Auto Theft	36	24	66.7	1	2.8	3	8.3	0	0.0	2	5.6	6	16.7
Larceny	607	311	51.2	1	0.2	39	6.4	2	0.3	28	4.6	226	37.2
Fraud	4,054	1,722	42.5	23	0.6	693	17.1	3	0.1	162	4.0	1,451	35.8
Embezzlement	175	108	61.7	0	0.0	7	4.0	0	0.0	6	3.4	54	30.9
Forgery/Counterfeiting	239	126	52.7	0	0.0	31	13.0	1	0.4	12	5.0	69	28.9
Bribery	107	24	22.4	0	0.0	36	33.6	1	0.9	8	7.5	38	35.5
Tax	289	73	25.3	0	0.0	27	9.3	2	0.7	18	6.2	169	58.5
Money Laundering	531	141	26.6	1	0.2	133	25.0	2	0.4	35	6.6	219	41.2
Racketeering/Extortion	711	297	41.8	10	1.4	114	16.0	1	0.1	40	5.6	249	35.0
Gambling/Lottery	54	15	27.8	1	1.9	10	18.5	0	0.0	1	1.9	27	50.0
Civil Rights	35	15	42.9	0	0.0	0	0.0	0	0.0	3	8.6	17	48.6
Immigration	17,098	10,993	64.3	88	0.5	134	0.8	3,611	21.1	545	3.2	1,727	10.1
Child Pornography	1,343	390	29.0	3	0.2	39	2.9	0	0.0	87	6.5	824	61.4
Prison Offenses	416	269	64.7	1	0.2	4	1.0	2	0.5	19	4.6	121	29.1
Administration of Justice Offenses	690	334	48.4	9	1.3	40	5.8	2	0.3	37	5.4	268	38.8
Environmental/Wildlife	110	54	49.1	0	0.0	18	16.4	0	0.0	4	3.6	34	30.9
National Defense	82	22	26.8	1	1.2	13	15.9	0	0.0	8	9.8	38	46.3
Antitrust	54	8	14.8	0	0.0	41	75.9	0	0.0	1	1.9	4	7.4
Food & Drug	76	28	36.8	0	0.0	18	23.7	0	0.0	0	0.0	30	39.5
Other Miscellaneous Offenses	1,280	934	73.0	11	0.9	46	3.6	0	0.0	40	3.1	249	19.5

<sup>1</sup> Of the 50,929 cases, 346 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11A

**SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

Guideline	Total	Within Gdln			Downward Departure			Variance	Guideline	Total	Within Gdln			Downward Departure			Variance
		Range	Upward	Dep	§5K1.1	§5K3.1	Other				Range	Upward	Dep	§5K1.1	§5K3.1	Other	
§2A1.1	163	57	0	44	0	13	49	§2D1.8	15	6	0	7	0	0	2		
§2A1.2	36	20	5	4	0	1	6	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	18	9	2	0	0	4	3	§2D1.10	7	1	0	0	0	0	6		
§2A1.4	32	20	2	0	0	1	9	§2D1.11	26	4	0	6	0	0	16		
§2A1.5	13	6	0	1	0	3	3	§2D1.12	4	3	0	0	0	0	1		
§2A2.1	86	32	0	10	0	10	34	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	278	141	8	9	0	23	97	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	64	43	3	0	0	2	16	§2D2.1	148	138	0	4	0	0	6		
§2A2.4	174	94	5	0	3	15	57	§2D2.2	50	42	0	0	0	1	7		
§2A3.1	75	26	1	6	1	9	32	§2D2.3	2	2	0	0	0	0	0		
§2A3.2	29	13	0	0	0	4	12	§2D3.1	2	2	0	0	0	0	0		
§2A3.3	4	4	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	31	14	1	0	0	4	12	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	266	155	1	2	0	13	95	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	73	26	1	15	0	6	25	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	83	47	0	7	1	4	24		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	3	0	0	0	0	0		
§2A5.2	11	9	0	0	0	1	1	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	8	0	0	4	0	0	4		
§2A6.1	107	58	2	1	0	7	39	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	45	20	4	0	0	5	16	§2E2.1	8	3	2	0	0	0	3		
§2B1.1	4,394	1,880	24	676	2	177	1,635	§2E3.1	61	17	1	11	0	1	31		
§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	19	1	0	7	0	2	9	§2E4.1	32	12	0	3	0	0	17		
§2B1.5	7	2	0	1	0	0	4	§2E5.1	3	1	0	2	0	0	0		
§2B1.6 <sup>2</sup>	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	23	13	1	2	0	0	7	§2E5.3	0	0	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	3	3	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,214	472	16	201	2	70	453	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	36	13	0	1	0	3	19	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	13	7	1	0	0	0	5	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	77	18	0	29	0	2	28	§2G1.1	65	29	2	8	0	3	23		
§2B5.1	161	91	0	16	0	3	51	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	310	139	0	42	0	12	117		
§2B5.3	62	7	0	12	0	6	37	§2G2.1	337	111	0	20	0	29	177		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,058	291	3	24	0	62	678		
§2B6.1	1	0	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	153	43	0	44	1	8	57	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	6	1	0	2	0	1	2	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	2	2	0	0	0	0	0	§2G2.6	2	1	0	0	0	0	1		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	18	10	1	0	0	0	7		
§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	30	10	0	0	0	3	17		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	5	1	0	1	0	1	2	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	13,723	4,884	45	3,003	1,016	677	4,098	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	166	98	2	16	0	6	44	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	4	4	0	0	0	0	0		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	1	1	0	0	0	0	0		
§2D1.5	4	1	0	2	0	0	1	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0		
§2D1.7	2	1	0	0	0	0	1	§2H4.1	8	3	0	0	0	2	3		

Table 11A (cont.)

Guideline	Total	Within		Downward			Variance	Guideline	Total	Within		Downward			Variance
		Gdln	Upward	Dep	\$5K1.1	\$5K3.1				Other	Gdln	Upward	Dep	\$5K1.1	
§2H4.2	0	0	0	0	0	0	0	§2M5.2	100	30	1	10	0	20	39
§2J1.1	0	0	0	0	0	0	0	§2M5.3	22	6	0	6	0	0	10
§2J1.2	95	36	0	9	0	5	45	§2M6.1	4	2	0	1	0	0	1
§2J1.3	25	6	2	3	0	1	13	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	9	1	0	0	1	2	§2N1.1	6	0	0	0	0	0	6
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	23	16	0	0	0	0	7	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	21	19	0	0	0	0	2
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	1	1	0	0	0	0	0	§2P1.1	231	142	1	3	2	6	77
§2K1.1	4	3	0	0	0	0	1	§2P1.2	141	96	0	1	0	13	31
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	14	6	0	4	0	0	4	§2P1.4	0	0	0	0	0	0	0
§2K1.4	34	15	2	3	0	4	10	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	19	6	0	2	0	1	10
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	18	5	0	3	0	2	8
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	5,162	2,842	43	355	1	223	1,698	§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	90	47	0	15	0	4	24
§2K2.4 <sup>3</sup>	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	11	9	0	0	0	1	1	§2R1.1	51	6	0	40	0	1	4
§2K2.6	1	1	0	0	0	0	0	§2S1.1	828	170	0	271	2	50	335
§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	129	60	1	15	0	11	42
§2L1.1	2,131	836	11	82	799	60	343	§2S1.4	0	0	0	0	0	0	0
§2L1.2	13,132	9,001	75	28	2,390	448	1,190	§2T1.1	231	49	0	39	0	16	127
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	98	47	0	21	0	8	22	§2T1.3	0	0	0	0	0	0	0
§2L2.2	671	486	3	3	61	19	99	§2T1.4	144	45	0	16	1	6	76
§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	32	5	0	1	0	3	23
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	4	2	0	0	0	0	2
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	4	1	0	3	0	0	0
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	1	0	0	0	0	0	§2X1.1	15	6	1	0	0	2	6
§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	77	33	3	7	0	3	31
§2M3.6	0	0	0	0	0	0	0	§2X4.1	174	71	2	19	1	12	69
§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	135	130	0	0	0	1	4
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	3	0	0	1	0	2	0
§2M5.1	13	1	0	4	0	1	7	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>								<b>47,774</b>	<b>23,417</b>	<b>279</b>	<b>5,208</b>	<b>4,283</b>	<b>2,118</b>	<b>12,469</b>	

<sup>1</sup> Of the 50,929 cases, 3,155 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 (346) or missing guideline applied (3,145). Descriptions of variables used in this table are provided in Appendix A.

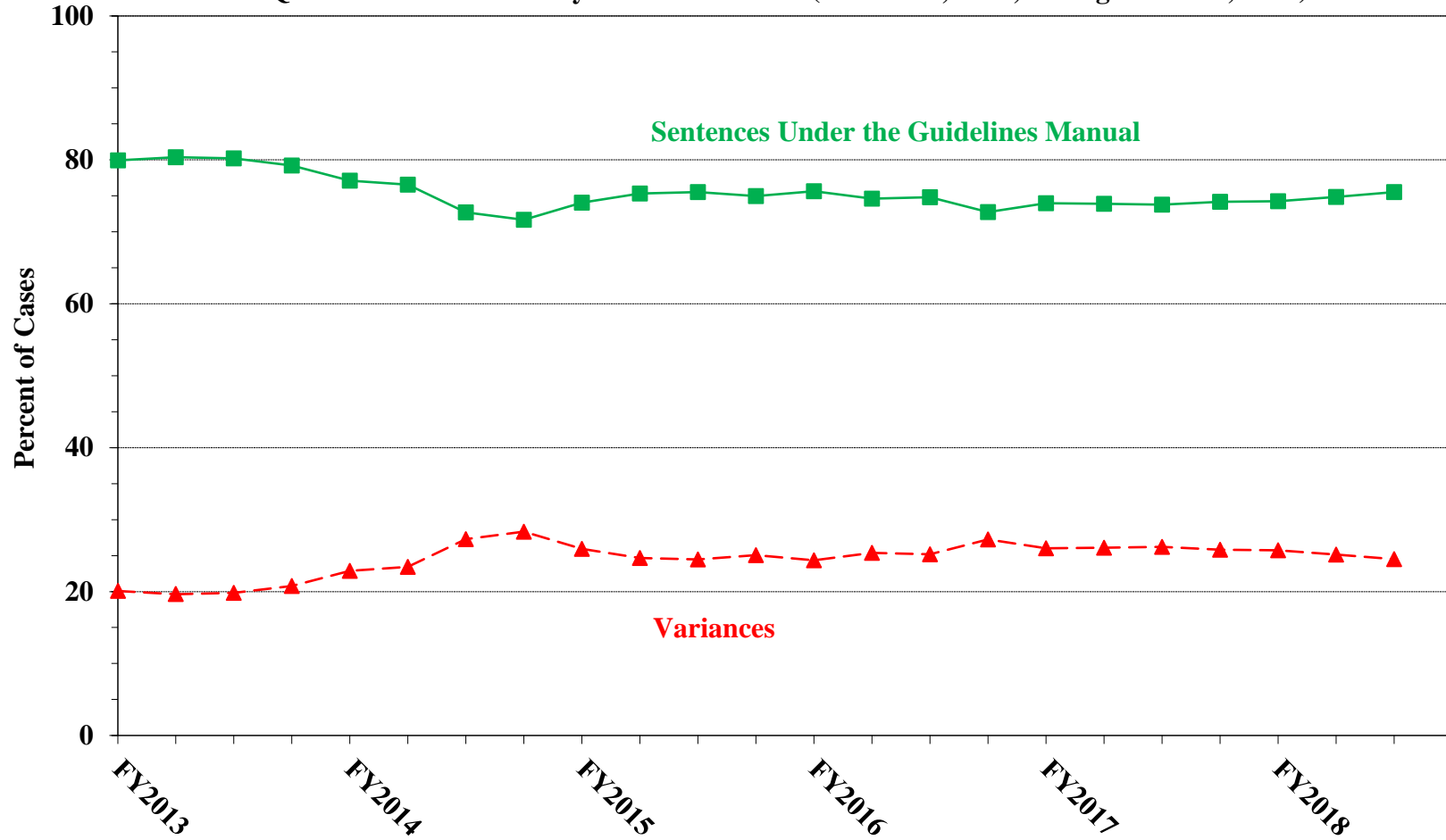
<sup>2</sup> In 760 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 760 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 1,818 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 1,818 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Figure C-1

**QUARTERLY DATA FOR SENTENCES UNDER THE GUIDELINES MANUAL AND FOR VARIANCES <sup>1</sup>**

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**



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

Table 12A

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>25,038</b>	<b>5,263</b>	<b>21.0</b>	<b>4,767</b>	<b>19.0</b>	<b>3,732</b>	<b>14.9</b>	<b>5,524</b>	<b>22.1</b>	<b>514</b>	<b>2.1</b>
<b>Departures</b>	<b>12,335</b>	<b>5,242</b>	<b>42.5</b>	<b>4,750</b>	<b>38.5</b>	<b>2,657</b>	<b>21.5</b>	<b>4,737</b>	<b>38.4</b>	<b>361</b>	<b>2.9</b>
Upward Departure	284	0	0.0	0	0.0	66	23.2	37	13.0	1	0.4
Downward Departure											
§5K1.1 Substantial Assistance	5,242	5,242	100.0	94	1.8	223	4.3	1,621	30.9	12	0.2
§5K3.1 Early Disposition Program	4,656	0	0.0	4,656	100.0	1,904	40.9	2,776	59.6	332	7.1
Other Government Motion	960	0	0.0	0	0.0	464	48.3	303	31.6	16	1.7
Non-Government Departure	1,193	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>12,703</b>	<b>21</b>	<b>0.2</b>	<b>17</b>	<b>0.1</b>	<b>1,075</b>	<b>8.5</b>	<b>787</b>	<b>6.2</b>	<b>153</b>	<b>1.2</b>
Upward Variance	1,036	21	2.0	17	1.6	157	15.2	83	8.0	1	0.1
Downward Variance											
Government Motion	2,781	0	0.0	0	0.0	918	33.0	704	25.3	152	5.5
Non-Government Variance	8,886	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12A (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>3,977</b>	<b>15.9</b>	<b>3,742</b>	<b>14.9</b>	<b>4,951</b>	<b>19.8</b>	<b>882</b>	<b>3.5</b>	<b>3,569</b>	<b>14.3</b>	<b>1,860</b>	<b>7.4</b>
<b>Departures</b>	<b>3,438</b>	<b>27.9</b>	<b>1,367</b>	<b>11.1</b>	<b>1,287</b>	<b>10.4</b>	<b>360</b>	<b>2.9</b>	<b>1,014</b>	<b>8.2</b>	<b>192</b>	<b>1.6</b>
Upward Departure	99	34.9	2	0.7	2	0.7	3	1.1	81	28.5	23	8.1
Downward Departure												
§5K1.1 Substantial Assistance	3,039	58.0	484	9.2	426	8.1	215	4.1	478	0.0	0	0.0
§5K3.1 Early Disposition Program	135	2.9	258	5.5	531	11.4	61	1.3	143	3.1	0	0.0
Other Government Motion	165	17.2	62	6.5	41	4.3	81	8.4	68	7.1	16	1.7
Non-Government Departure	0	0.0	561	47.0	287	24.1	0	0.0	244	20.5	153	12.8
<b>Variances</b>	<b>539</b>	<b>4.2</b>	<b>2,375</b>	<b>18.7</b>	<b>3,664</b>	<b>28.8</b>	<b>522</b>	<b>4.1</b>	<b>2,555</b>	<b>20.1</b>	<b>1,668</b>	<b>13.1</b>
Upward Variance	177	17.1	7	0.7	3	0.3	17	1.6	430	41.5	186	18.0
Downward Variance												
Government Motion	362	13.0	210	7.6	124	4.5	505	18.2	124	4.5	116	4.2
Non-Government Variance	0	0.0	2,158	24.3	3,537	39.8	0	0.0	2,001	22.5	1,366	15.4

<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, 10,773 cases indicated more than one attribution. Only cases in which the sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

<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.

SOURCE: U.S. Sentencing Commission, Preliminary 2018 Datafile, USSCFY18 (October 1, 2017, through June 30, 2018).



**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)

PRIMARY OFFENSE	N	Mean			Median		
		Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum	Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>5,155</b>	<b>53</b>	<b>51</b>	<b>52.6</b>	<b>37</b>	<b>34</b>	<b>48.6</b>
Murder	2	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Kidnapping/Hostage Taking	10	92	99	49.1	74	75	58.6
Sexual Abuse	48	96	87	49.6	84	61	44.8
Assault	5	18	31	68.5	15	24	62.7
Robbery	35	57	29	35.5	56	22	34.0
Arson	3	29	48	67.4	14	48	77.8
Drugs - Trafficking	3,010	64	57	48.8	57	45	45.8
Drugs - Communication Facility	24	17	21	60.5	15	17	59.3
Drugs - Simple Possession	4	0	2	100.0	0	2	100.0
Firearms	590	64	66	47.2	48	30	43.0
Burglary/B&E	2	--	--	--	--	--	--
Auto Theft	3	29	14	32.8	24	13	33.3
Larceny	38	21	22	60.0	12	13	53.1
Fraud	685	19	28	62.5	12	19	60.0
Embezzlement	7	19	9	37.0	18	9	33.3
Forgery/Counterfeiting	30	10	24	64.3	6	12	83.6
Bribery	36	16	26	62.3	12	19	59.9
Tax	26	5	15	79.1	0	12	100.0
Money Laundering	133	23	30	62.2	12	24	57.9
Racketeering/Extortion	102	47	55	54.3	36	30	50.0
Gambling/Lottery	10	3	7	71.7	1	6	91.7
Civil Rights	0	--	--	--	--	--	--
Immigration	133	13	13	57.0	10	11	50.0
Child Pornography	39	136	104	40.2	108	65	30.0
Prison Offenses	4	8	4	30.7	6	2	30.1
Administration of Justice Offenses	40	7	15	77.5	0	13	100.0
Environmental/Wildlife	18	2	17	93.9	0	13	100.0
National Defense	13	66	75	56.1	31	46	47.8
Antitrust	41	3	11	81.2	1	12	91.7
Food & Drug	18	5	32	88.7	0	27	100.0
Other Miscellaneous Offenses	46	13	29	76.2	1	22	95.3

<sup>1</sup> Of the 50,929 cases, in 5,242 the offender received a §5K1.1 substantial assistance departure. 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. Furthermore, 33 cases were excluded due to several logical criteria. Of the remaining 5,156 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)

PRIMARY OFFENSE	N	Mean			Median		
		Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum	Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>4,653</b>	<b>15</b>	<b>13</b>	<b>46.9</b>	<b>10</b>	<b>6</b>	<b>44.4</b>
Murder	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Kidnapping/Hostage Taking	0	--	--	--	--	--	--
Sexual Abuse	1	--	--	--	--	--	--
Assault	4	12	8	38.4	9	7	40.7
Robbery	1	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Drugs - Trafficking	1,018	32	37	53.1	29	30	52.4
Drugs - Communication Facility	1	--	--	--	--	--	--
Drugs - Simple Possession	0	--	--	--	--	--	--
Firearms	3	31	23	67.0	10	27	76.8
Burglary/B&E	0	--	--	--	--	--	--
Auto Theft	0	--	--	--	--	--	--
Larceny	2	--	--	--	--	--	--
Fraud	3	26	37	58.6	24	36	60.0
Embezzlement	0	--	--	--	--	--	--
Forgery/Counterfeiting	1	--	--	--	--	--	--
Bribery	1	--	--	--	--	--	--
Tax	2	--	--	--	--	--	--
Money Laundering	2	--	--	--	--	--	--
Racketeering/Extortion	1	--	--	--	--	--	--
Gambling/Lottery	0	--	--	--	--	--	--
Civil Rights	0	--	--	--	--	--	--
Immigration	3,609	10	7	45.1	8	6	40.0
Child Pornography	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Administration of Justice Offenses	2	--	--	--	--	--	--
Environmental/Wildlife	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Food & Drug	0	--	--	--	--	--	--
Other Miscellaneous Offenses	0	--	--	--	--	--	--

<sup>1</sup> Of the 50,929 cases, in 4,656 the offender received a §5K3.1 early disposition program departure. Of these, three cases were excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER DOWNWARD DEPARTURE CASES: DEGREE OF DECREASE  
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

PRIMARY OFFENSE	N	Mean			Median		
		Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum	Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>2,120</b>	<b>46</b>	<b>31</b>	<b>42.8</b>	<b>24</b>	<b>15</b>	<b>36.3</b>
Murder	3	214	113	33.3	210	52	40.0
Manslaughter	4	35	21	37.7	28	18	37.1
Kidnapping/Hostage Taking	3	106	56	35.5	80	55	34.5
Sexual Abuse	28	92	44	35.0	66	24	20.3
Assault	46	26	16	43.2	15	9	34.2
Robbery	37	50	33	36.0	36	17	27.3
Arson	2	--	--	--	--	--	--
Drugs - Trafficking	671	69	42	40.2	60	27	35.1
Drugs - Communication Facility	8	28	13	34.0	20	12	33.5
Drugs - Simple Possession	0	--	--	--	--	--	--
Firearms	275	56	26	38.0	36	15	28.9
Burglary/B&E	0	--	--	--	--	--	--
Auto Theft	2	--	--	--	--	--	--
Larceny	28	8	11	71.0	5	10	65.7
Fraud	162	25	34	52.4	13	12	42.4
Embezzlement	5	5	28	69.4	6	15	66.7
Forgery/Counterfeiting	12	14	22	59.7	12	12	55.4
Bribery	7	13	13	47.3	12	9	50.0
Tax	17	11	11	57.7	8	12	61.9
Money Laundering	35	14	27	69.9	8	18	69.1
Racketeering/Extortion	38	50	33	38.8	41	19	31.4
Gambling/Lottery	1	--	--	--	--	--	--
Civil Rights	2	--	--	--	--	--	--
Immigration	545	16	11	41.9	12	7	37.0
Child Pornography	86	121	115	40.8	84	55	38.3
Prison Offenses	19	14	7	33.5	12	6	26.3
Administration of Justice Offenses	34	12	12	52.5	12	6	39.1
Environmental/Wildlife	3	2	18	83.3	0	12	100.0
National Defense	8	51	36	34.7	40	13	27.2
Antitrust	1	--	--	--	--	--	--
Food & Drug	0	--	--	--	--	--	--
Other Miscellaneous Offenses	38	36	22	54.2	8	9	48.9

<sup>1</sup> Of the 50,929 cases, in 2,153 the sentence was a downward departure, either due to a government motion for a departure (960) or a non-government departure (1,193). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 22 cases were excluded from this table. Furthermore, 11 cases were excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD VARIANCE CASES: DEGREE OF DECREASE  
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)

PRIMARY OFFENSE	N	Mean			Median		
		Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum	Sentence In Months	Decrease From Guideline Minimum	Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>11,476</b>	<b>53</b>	<b>32</b>	<b>43.0</b>	<b>30</b>	<b>15</b>	<b>34.8</b>
Murder	5	121	48	30.7	90	30	25.0
Manslaughter	5	12	9	57.7	15	10	50.0
Kidnapping/Hostage Taking	18	118	44	29.1	118	33	21.1
Sexual Abuse	123	102	64	40.0	102	42	33.3
Assault	176	19	12	53.5	12	9	46.6
Robbery	169	51	23	34.0	40	17	28.5
Arson	8	77	43	36.5	40	28	30.0
Drugs - Trafficking	3,839	73	36	36.7	60	22	31.0
Drugs - Communication Facility	46	17	24	62.2	12	24	61.2
Drugs - Simple Possession	8	1	2	80.5	0	1	91.8
Firearms	1,825	62	24	36.9	38	14	26.8
Burglary/B&E	2	--	--	--	--	--	--
Auto Theft	5	39	13	50.2	12	9	50.0
Larceny	197	9	10	68.3	3	7	75.0
Fraud	1,360	26	24	50.4	18	12	41.5
Embezzlement	52	11	10	56.6	7	7	50.0
Forgery/Counterfeiting	66	10	9	55.7	8	6	44.8
Bribery	37	24	19	50.3	15	12	40.0
Tax	159	11	13	61.9	9	12	58.3
Money Laundering	215	34	29	55.2	15	16	49.9
Racketeering/Extortion	220	71	50	37.9	47	19	33.2
Gambling/Lottery	21	3	4	68.5	0	6	100.0
Civil Rights	16	27	36	71.4	7	13	73.9
Immigration	1,440	13	8	45.3	10	6	35.1
Child Pornography	801	119	110	40.6	78	52	38.1
Prison Offenses	106	10	6	41.5	11	6	33.3
Administration of Justice Offenses	246	12	13	59.2	8	10	51.3
Environmental/Wildlife	32	2	11	84.7	0	10	100.0
National Defense	36	73	80	51.1	31	32	47.2
Antitrust	4	8	16	66.7	8	16	66.7
Food & Drug	29	16	21	63.9	12	18	53.3
Other Miscellaneous Offenses	210	24	18	64.4	4	10	66.7

<sup>1</sup> Of the 50,929 cases, in 11,667 the sentence was a below the guideline range variance, either due to a government motion for a variance (2,781) or a non-government variance (8,886). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 98 cases were excluded from this table. Furthermore, 93 cases were excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURE CASES: DEGREE OF INCREASE  
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)

PRIMARY OFFENSE	N	Mean			Median		
		Sentence In Months	Increase From Guideline Minimum	Percent Increase From Guideline Minimum	Sentence In Months	Increase From Guideline Minimum	Percent Increase From Guideline Minimum
<b>TOTAL</b>	<b>279</b>	<b>76</b>	<b>25</b>	<b>74.5</b>	<b>51</b>	<b>12</b>	<b>40.5</b>
Murder	5	340	76	29.0	320	65	22.9
Manslaughter	3	136	49	71.8	156	35	94.6
Kidnapping/Hostage Taking	0	--	--	--	--	--	--
Sexual Abuse	2	--	--	--	--	--	--
Assault	19	66	27	79.5	63	14	56.5
Robbery	6	166	34	37.9	178	21	17.0
Arson	2	--	--	--	--	--	--
Drugs - Trafficking	50	91	32	102.1	78	18	34.7
Drugs - Communication Facility	0	--	--	--	--	--	--
Drugs - Simple Possession	0	--	--	--	--	--	--
Firearms	41	93	29	45.8	71	12	24.6
Burglary/B&E	1	--	--	--	--	--	--
Auto Theft	1	--	--	--	--	--	--
Larceny	1	--	--	--	--	--	--
Fraud	23	48	15	73.4	30	7	39.0
Embezzlement	0	--	--	--	--	--	--
Forgery/Counterfeiting	0	--	--	--	--	--	--
Bribery	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Money Laundering	1	--	--	--	--	--	--
Racketeering/Extortion	10	155	48	48.0	132	34	33.4
Gambling/Lottery	1	--	--	--	--	--	--
Civil Rights	0	--	--	--	--	--	--
Immigration	88	31	13	81.2	24	8	50.0
Child Pornography	3	97	16	26.1	96	9	20.0
Prison Offenses	1	--	--	--	--	--	--
Administration of Justice Offenses	9	90	23	38.7	82	10	30.2
Environmental/Wildlife	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Food & Drug	0	--	--	--	--	--	--
Other Miscellaneous Offenses	11	74	30	69.3	36	9	33.5

<sup>1</sup> Of the 50,929 cases, in 284 the sentence was an upward departure. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Furthermore, four 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.

**UPWARD VARIANCE CASES: DEGREE OF INCREASE  
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

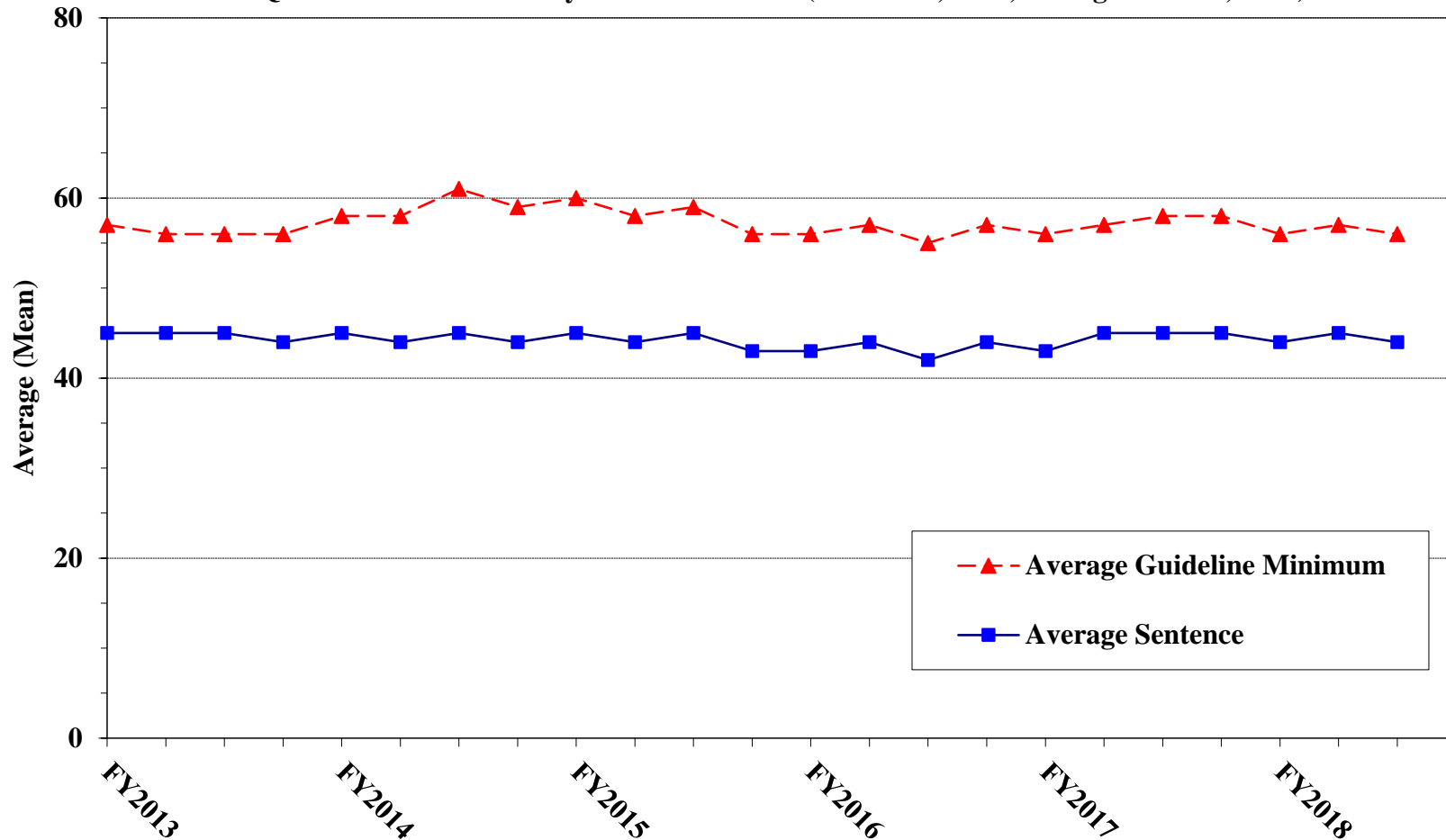
PRIMARY OFFENSE	N	Mean			Median		
		Sentence In Months	Increase From Guideline Minimum	Percent Increase From Guideline Minimum	Sentence In Months	Increase From Guideline Minimum	Percent Increase From Guideline Minimum
<b>TOTAL</b>	<b>1,005</b>	<b>74</b>	<b>22</b>	<b>64.6</b>	<b>48</b>	<b>12</b>	<b>40.0</b>
Murder	3	240	19	9.3	300	12	11.1
Manslaughter	5	73	25	57.0	48	21	69.2
Kidnapping/Hostage Taking	2	--	--	--	--	--	--
Sexual Abuse	20	99	25	60.4	72	17	44.6
Assault	32	68	25	60.4	60	14	41.2
Robbery	20	144	46	48.7	120	32	30.5
Arson	2	--	--	--	--	--	--
Drugs - Trafficking	143	105	28	85.3	72	18	38.5
Drugs - Communication Facility	2	--	--	--	--	--	--
Drugs - Simple Possession	42	7	1	20.9	7	1	15.0
Firearms	247	102	28	49.8	84	19	34.6
Burglary/B&E	2	--	--	--	--	--	--
Auto Theft	1	--	--	--	--	--	--
Larceny	22	56	26	76.3	44	14	55.0
Fraud	69	88	31	63.1	60	12	48.5
Embezzlement	0	--	--	--	--	--	--
Forgery/Counterfeiting	3	58	11	22.7	60	6	25.0
Bribery	1	--	--	--	--	--	--
Tax	6	43	8	52.6	36	8	21.8
Money Laundering	3	58	13	40.0	30	10	25.0
Racketeering/Extortion	19	113	25	33.4	96	21	19.2
Gambling/Lottery	5	24	8	74.1	18	6	60.0
Civil Rights	1	--	--	--	--	--	--
Immigration	282	28	11	75.8	24	8	50.0
Child Pornography	17	188	38	34.1	156	30	20.0
Prison Offenses	12	31	15	90.6	24	8	75.0
Administration of Justice Offenses	18	43	14	63.9	38	11	41.1
Environmental/Wildlife	2	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Food & Drug	1	--	--	--	--	--	--
Other Miscellaneous Offenses	22	71	26	106.7	44	12	80.2

<sup>1</sup> Of the 50,929 cases, in 1,036 the sentence was an above the guideline range variance. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were excluded from this table. Furthermore, 29 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**Figure D**

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

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

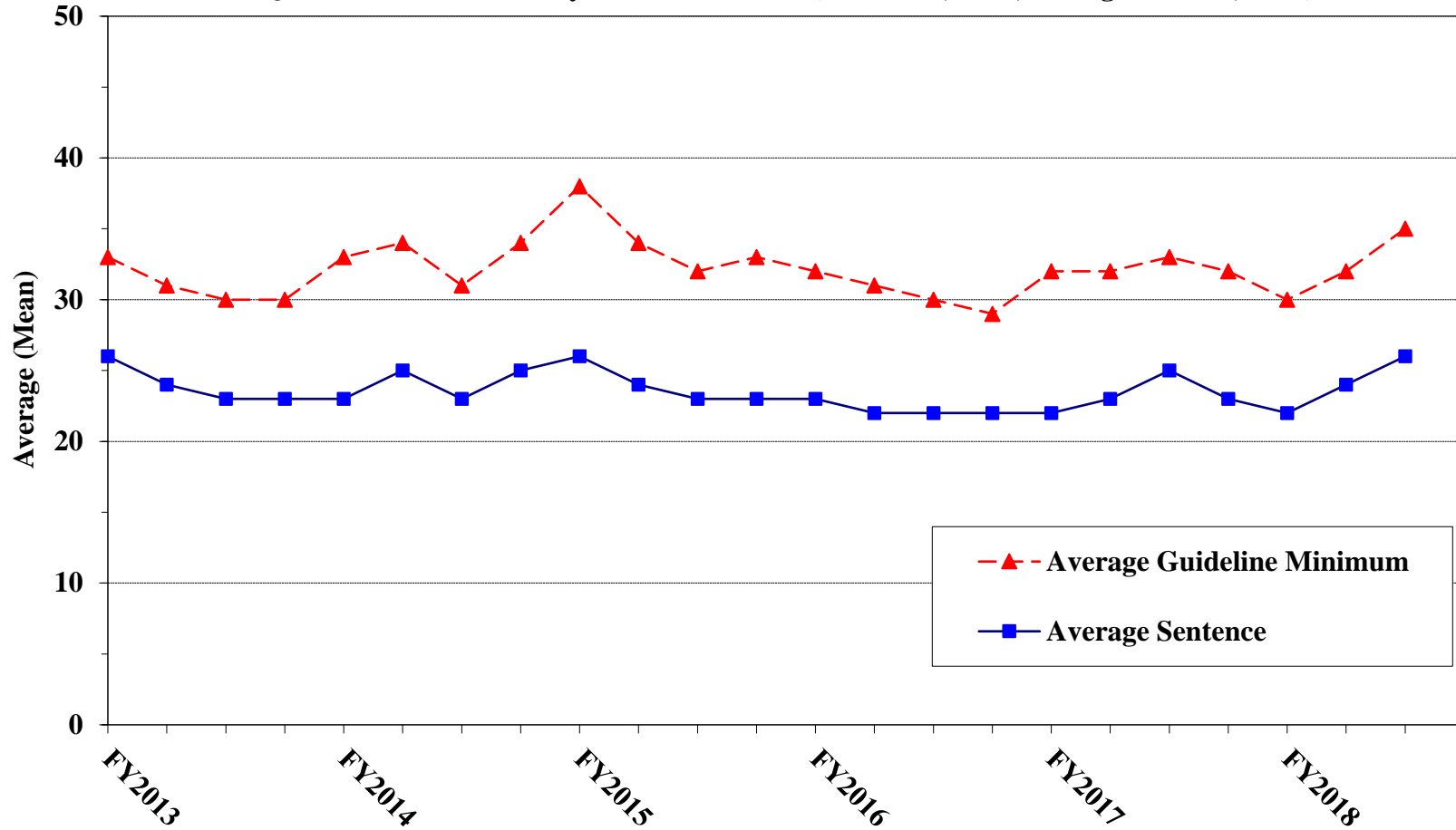


<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

Figure E

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

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**



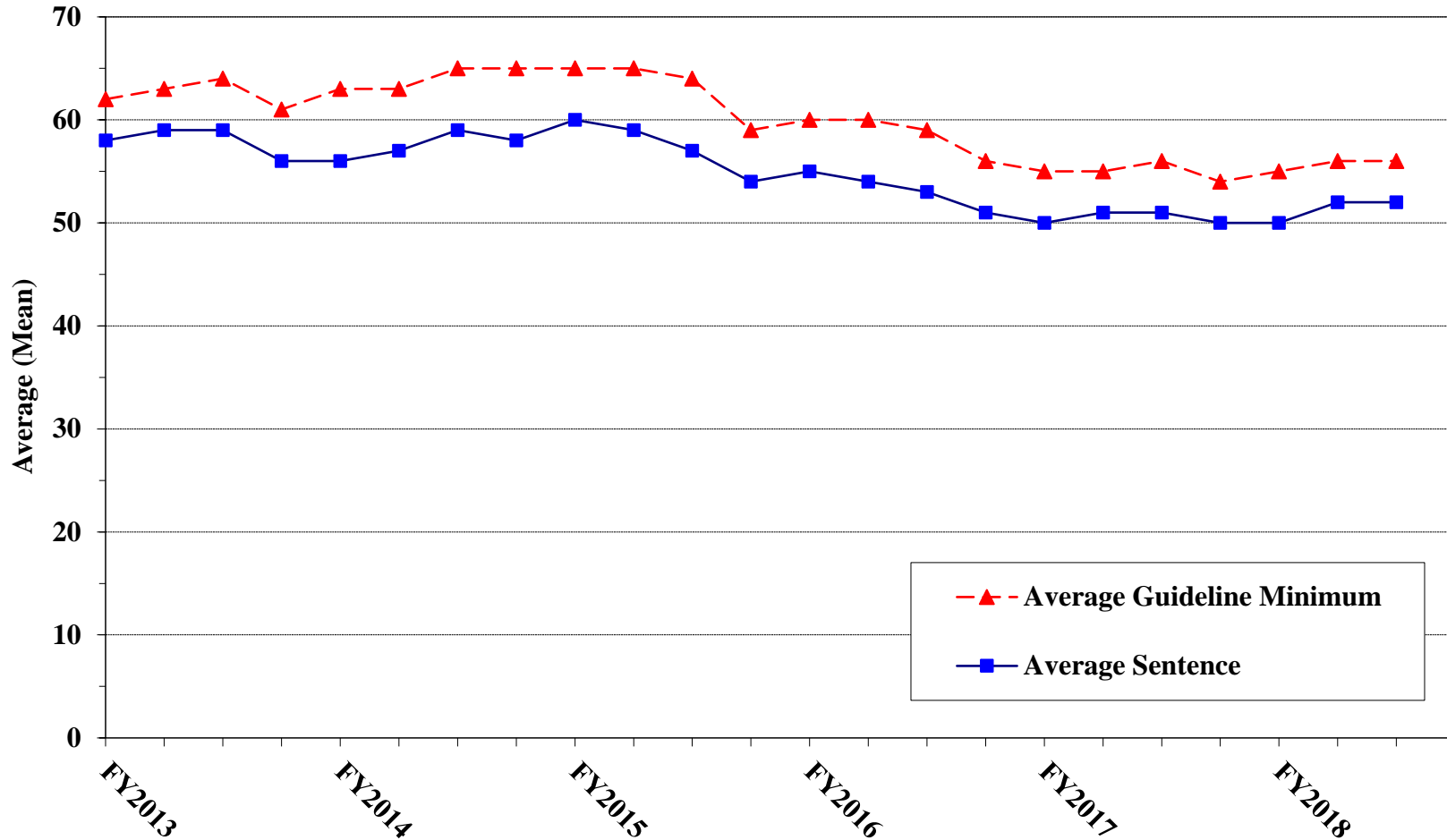
<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than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



Figure F

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

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

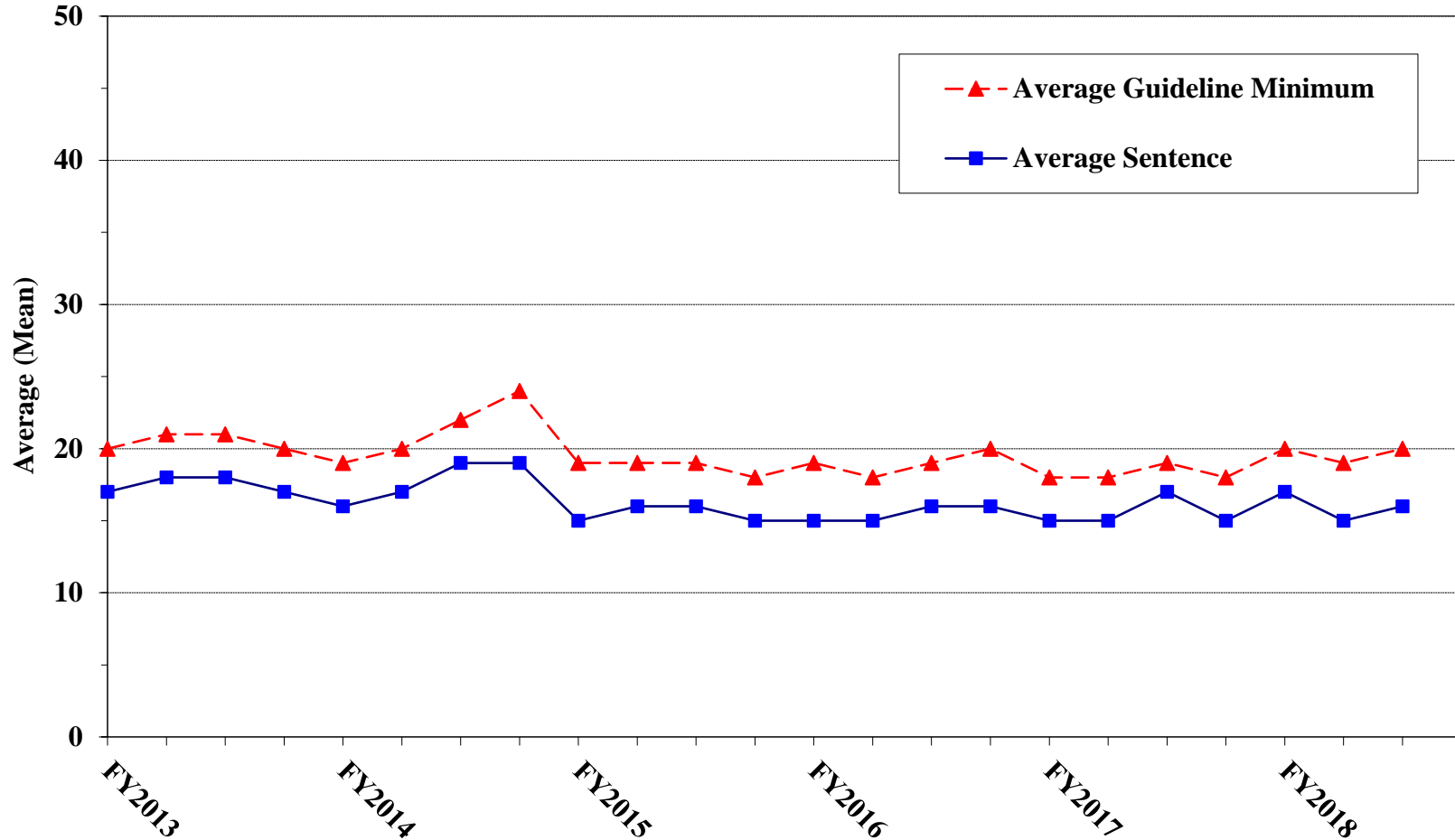


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline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

Figure G

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

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

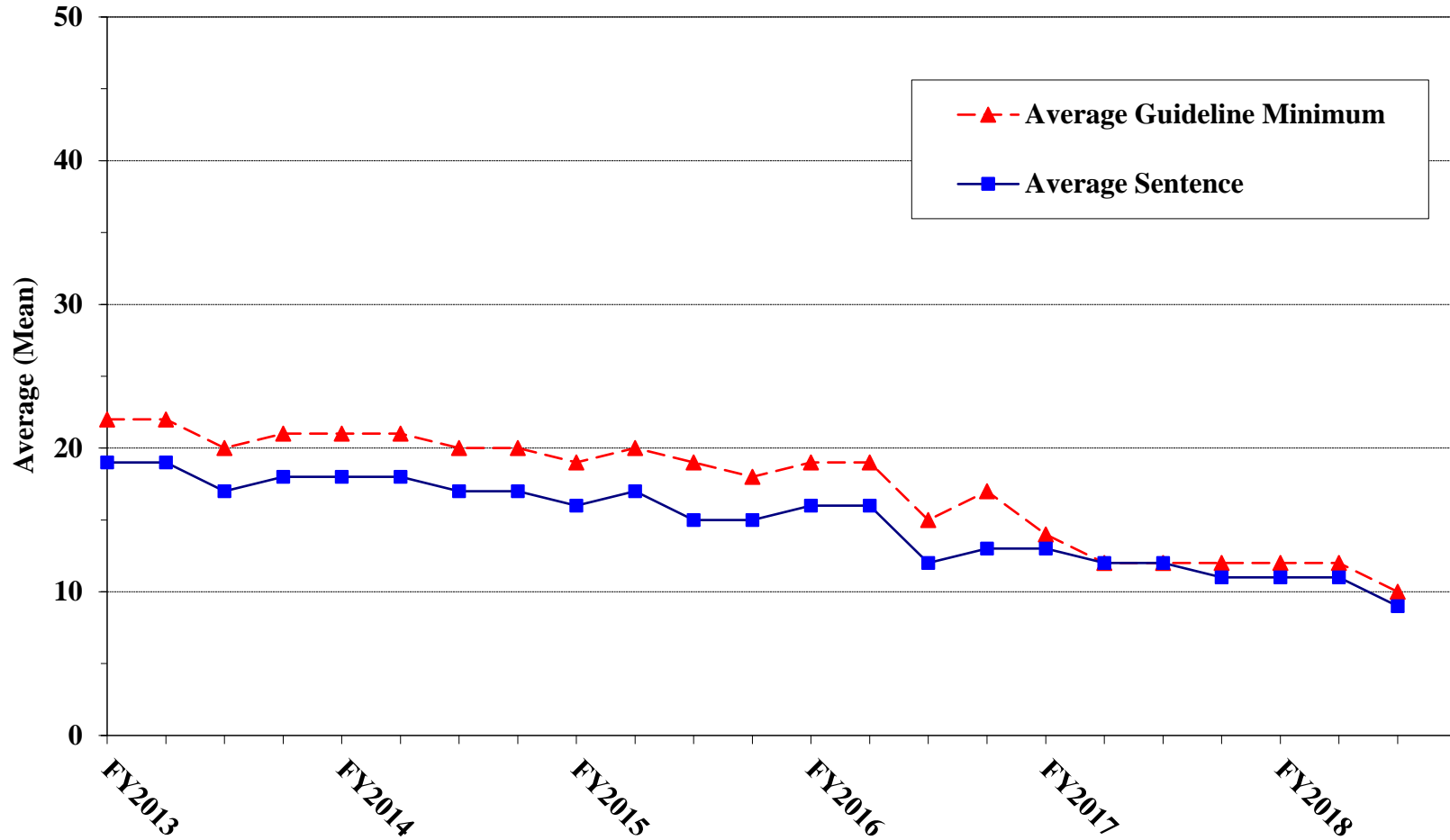


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

**Figure H**

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

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

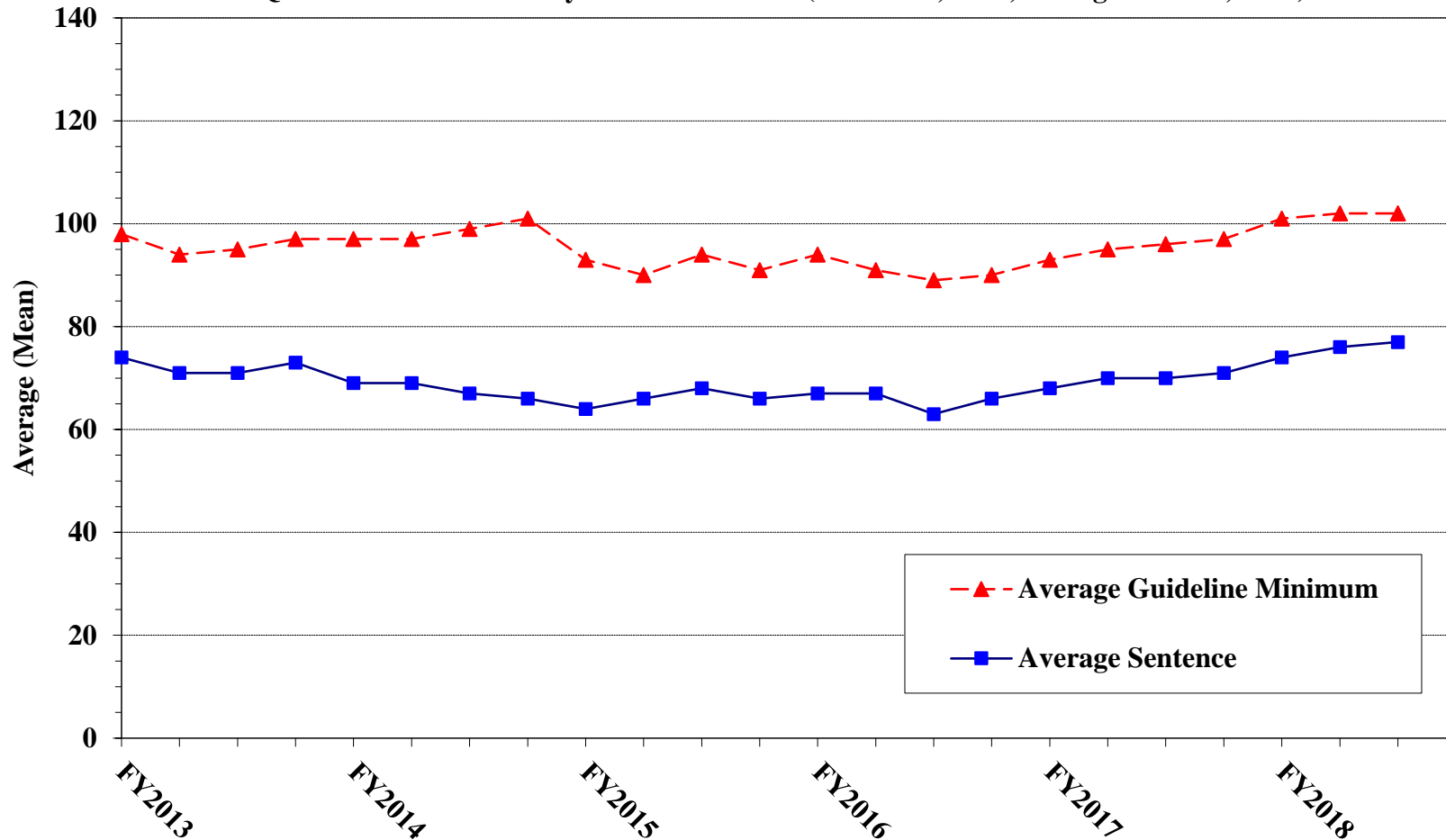


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

Figure I

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

**Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)**

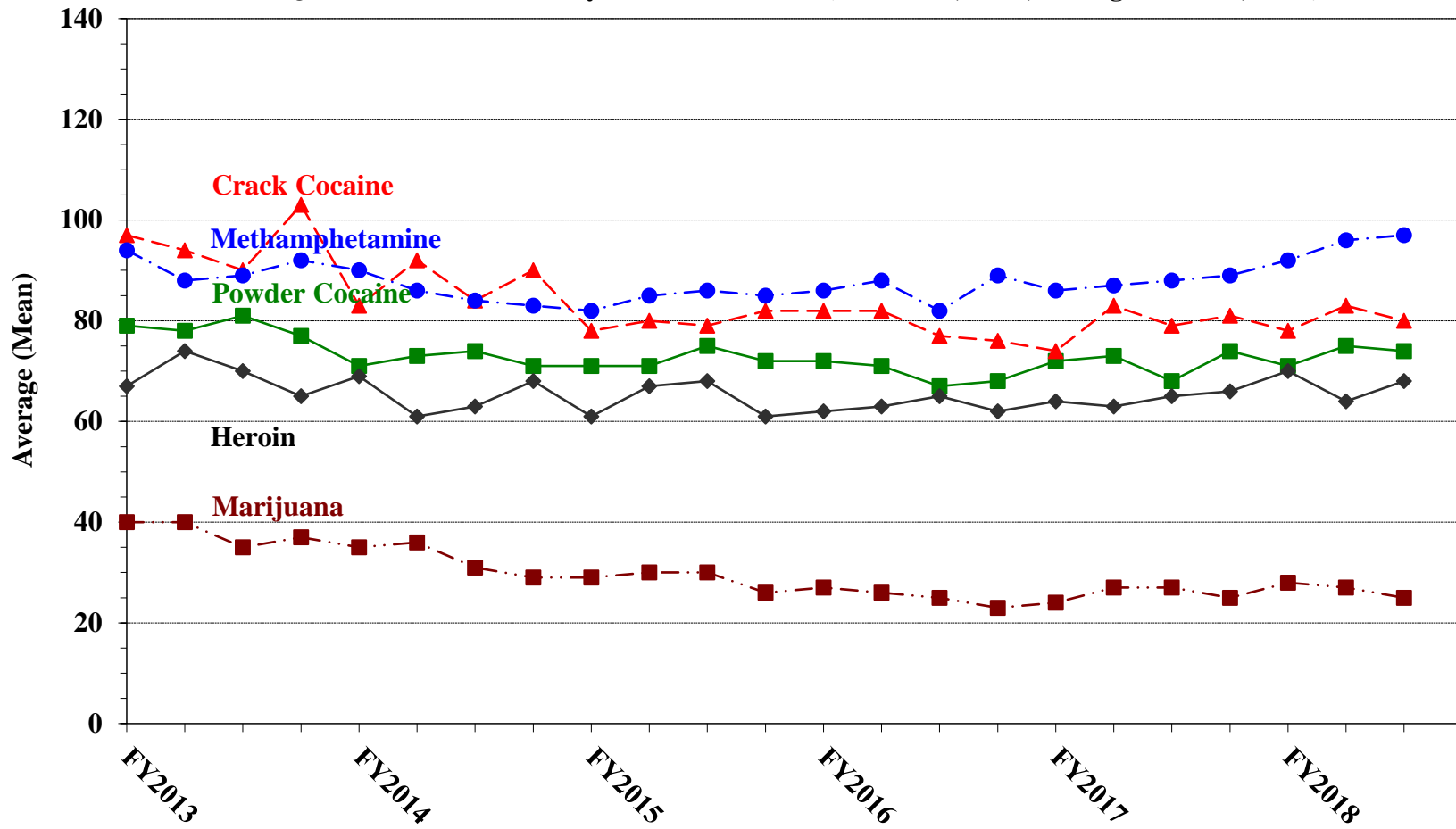


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included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

Figure J

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

Fiscal Years 2013 - 2017,  
3rd Quarter 2018 Preliminary Cumulative Data (October 1, 2017, through June 30, 2018)



<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. The information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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

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

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

#### Variables

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The following section describes the variables used in this report.

##### 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 sentence length (including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: non-government downward departures and variances from guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, other government motion departures and variances. Life sentences and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

##### Degree of Increase

*Degree of Increase* is calculated based on the difference between the guideline maximum and the sentence length (including any months of alternative confinement as defined in USSG §5C1.1) for the following categories: upward departures from the guideline range, upward variances from the guideline range. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

### **District**

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

### **Document Submission Rates**

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

### **Drug Offense Guideline**

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

### **Drug Type**

Information on *Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE," methamphetamine mixture, and methamphetamine precursors sentenced under any drug guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). The category *Listed Chemicals* includes any chemicals listed under USSG §2D1.11. All drug types not listed separately in this report are collapsed into the "other" drug category.

### **Gender**

*Gender* of the defendant is obtained from the Presentence Report.

### **Government Sponsored Below Range**

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. All cases in which a reason for a sentence below the range was substantial assistance (USSG §5K1.1) or Early Disposition Program (USSG §5K3.1) were attributed to the government. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government unless the court indicated on the SOR that the government opposed the motion: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year.

### **Guideline Offenders Sentenced**

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

### **Guideline Sentencing Range**

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

### **Non-Government Downward Departure**

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

### **Non-Government Downward Variance**

*Non-Government Downward Variance* consists of cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form and where the prosecution did not initiate, propose, or stipulate to the sentence.

### **Outside of the Range Attribution Categories**

All categories replicate the list of checkboxes available on the SOR Form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

### **Primary Offense Category**

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

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

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



*Manslaughter* includes both involuntary and voluntary manslaughter.

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

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

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

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

*Arson* also includes damage by explosives.

*Drugs - Trafficking* includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

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

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

*Firearms* includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

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

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

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

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

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

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

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

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

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

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

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

*Civil Rights* includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

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

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

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

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

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

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

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

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

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

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

### **Race**

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, Asian or Pacific Islander, Multiracial, and “Other”*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and “Other” origin.

### **Sentence Length**

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

Probation sentences are included as zero months. Any portion of a sentence which is an alternative confinement as described in USSG §5C1.1 is included. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. However, sentences in cases where the court imposed a sentence of time served but did not report the amount of time that was served are included as zero months.

In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders. Also, sentences of greater than 470 months are also reported as 470 months for some analyses. The footnote in the relevant tables and figures indicates when this occurs.

### **Type of Guideline Sentence Imposed**

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

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

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

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

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

#### **Upward Departure**

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

#### **Upward Variance**

*Upward Variance* consists of cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

#### **Year**

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the defendant was sentenced.