

United States Sentencing Commission Quarterly Data Report



4th Quarter Release
Preliminary Fiscal Year 2017 Data
Through September 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.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <https://isb.ussc.gov>.

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015.

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.³ 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*.

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2016 are available at the Commission's website, www.ussc.gov.

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

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Information on Sentences Relative to the Guideline Range

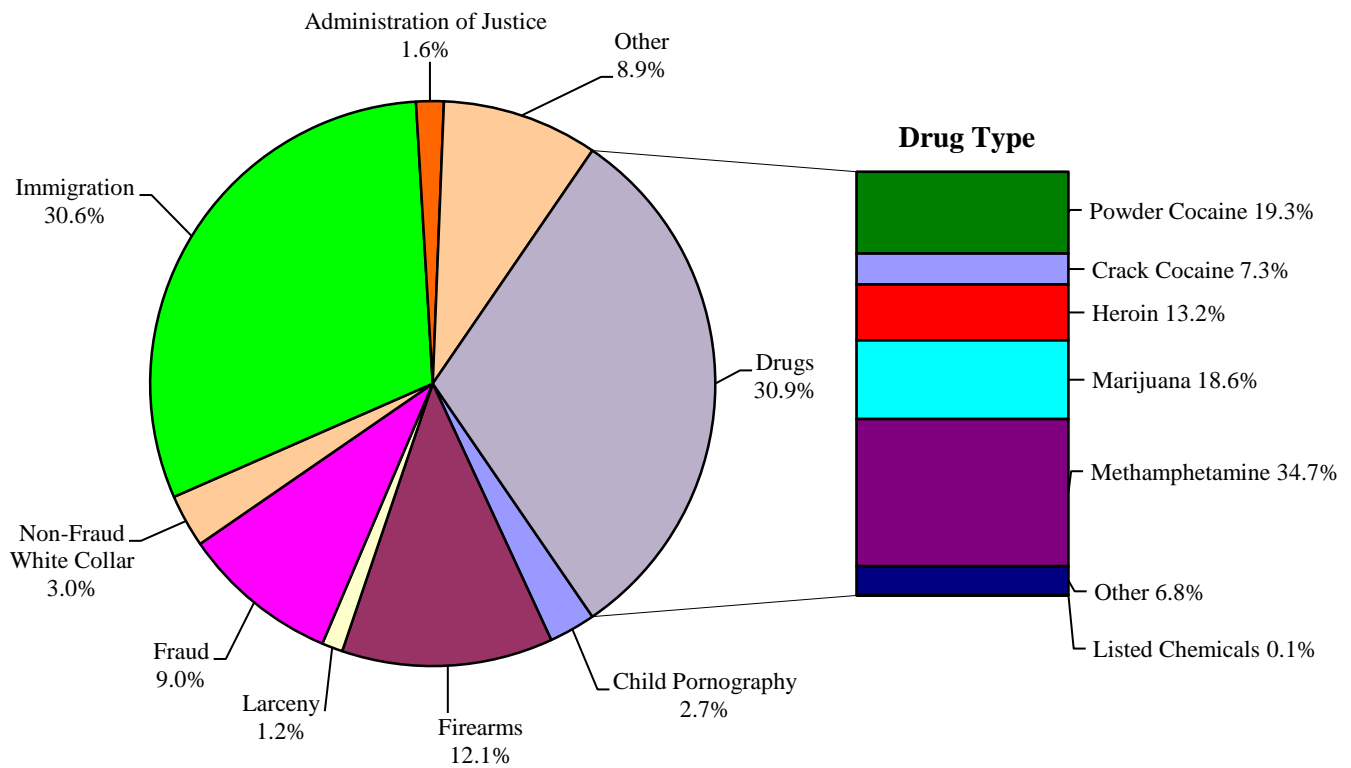
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Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)



¹ Of the 66,412 guideline cases, two drug cases were excluded from this figure due to cases 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 September 30, 2017).

Table 1

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	N	%
TOTAL	66,412	100.0
Murder	72	0.1
Manslaughter	59	0.1
Kidnapping/Hostage Taking	62	0.1
Sexual Abuse	602	0.9
Assault	772	1.2
Robbery	641	1.0
Arson	40	0.1
Drugs - Trafficking	18,981	28.6
Drugs - Communication Facility	262	0.4
Drugs - Simple Possession	1,267	1.9
Firearms	8,024	12.1
Burglary/B&E	32	0.0
Auto Theft	64	0.1
Larceny	796	1.2
Fraud	5,978	9.0
Embezzlement	394	0.6
Forgery/Counterfeiting	370	0.6
Bribery	154	0.2
Tax	428	0.6
Money Laundering	672	1.0
Racketeering/Extortion	932	1.4
Gambling/Lottery	46	0.1
Civil Rights	56	0.1
Immigration	20,334	30.6
Child Pornography	1,773	2.7
Prison Offenses	521	0.8
Administration of Justice Offenses	1,050	1.6
Environmental/Wildlife	104	0.2
National Defense	89	0.1
Antitrust	30	0.0
Food & Drug	84	0.1
Other Miscellaneous Offenses	1,723	2.6

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

Table 2

GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
4th Quarter 2017 Preliminary Cumulative Data
(October 1, 2016, through September 30, 2017)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	66,412	100.0			
D.C. CIRCUIT	232	0.3	FIFTH CIRCUIT	16,608	25.0
District of Columbia	232	0.3	Louisiana		
			Eastern	351	0.5
FIRST CIRCUIT	1,973	3.0	Middle	170	0.3
Maine	197	0.3	Western	271	0.4
Massachusetts	500	0.8	Mississippi		
New Hampshire	211	0.3	Northern	156	0.2
Puerto Rico	966	1.5	Southern	271	0.4
Rhode Island	99	0.1	Texas		
			Eastern	791	1.2
SECOND CIRCUIT	3,480	5.2	Northern	1,429	2.2
Connecticut	342	0.5	Southern	6,624	10.0
New York			Western	6,545	9.9
Eastern	737	1.1	SIXTH CIRCUIT	4,210	6.3
Northern	338	0.5	Kentucky		
Southern	1,430	2.2	Eastern	360	0.5
Western	455	0.7	Western	274	0.4
Vermont	178	0.3	Michigan		
			Eastern	854	1.3
THIRD CIRCUIT	2,179	3.3	Western	368	0.6
Delaware	82	0.1	Ohio		
New Jersey	593	0.9	Northern	543	0.8
Pennsylvania			Southern	537	0.8
Eastern	672	1.0	Tennessee		
Middle	406	0.6	Eastern	636	1.0
Western	353	0.5	Middle	254	0.4
Virgin Islands	73	0.1	Western	384	0.6
			SEVENTH CIRCUIT	2,275	3.4
FOURTH CIRCUIT	4,939	7.4	Illinois		
Maryland	713	1.1	Central	247	0.4
North Carolina			Northern	636	1.0
Eastern	650	1.0	Southern	266	0.4
Middle	404	0.6	Indiana		
Western	554	0.8	Northern	290	0.4
South Carolina	708	1.1	Southern	417	0.6
Virginia			Wisconsin		
Eastern	1,179	1.8	Eastern	303	0.5
Western	276	0.4	Western	116	0.2
West Virginia					
Northern	235	0.4			
Southern	220	0.3			

Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,693	7.1	TENTH CIRCUIT	6,292	9.5
Arkansas			Colorado	432	0.7
Eastern	428	0.6	Kansas	577	0.9
Western	236	0.4	New Mexico	3,756	5.7
Iowa			Oklahoma		
Northern	376	0.6	Eastern	107	0.2
Southern	403	0.6	Northern	168	0.3
Minnesota	412	0.6	Western	291	0.4
Missouri			Utah	732	1.1
Eastern	669	1.0	Wyoming	229	0.3
Western	803	1.2			
Nebraska	551	0.8	ELEVENTH CIRCUIT	6,506	9.8
North Dakota	324	0.5	Alabama		
South Dakota	491	0.7	Middle	203	0.3
			Northern	433	0.7
NINTH CIRCUIT	13,025	19.6	Southern	333	0.5
Alaska	179	0.3	Florida		
Arizona	5,412	8.1	Middle	1,513	2.3
California			Northern	275	0.4
Central	1,012	1.5	Southern	2,355	3.5
Eastern	519	0.8	Georgia		
Northern	512	0.8	Middle	461	0.7
Southern	2,870	4.3	Northern	521	0.8
Guam	55	0.1	Southern	412	0.6
Hawaii	127	0.2			
Idaho	341	0.5			
Montana	317	0.5			
Nevada	480	0.7			
Northern Mariana Islands	13	0.0			
Oregon	394	0.6			
Washington					
Eastern	336	0.5			
Western	458	0.7			

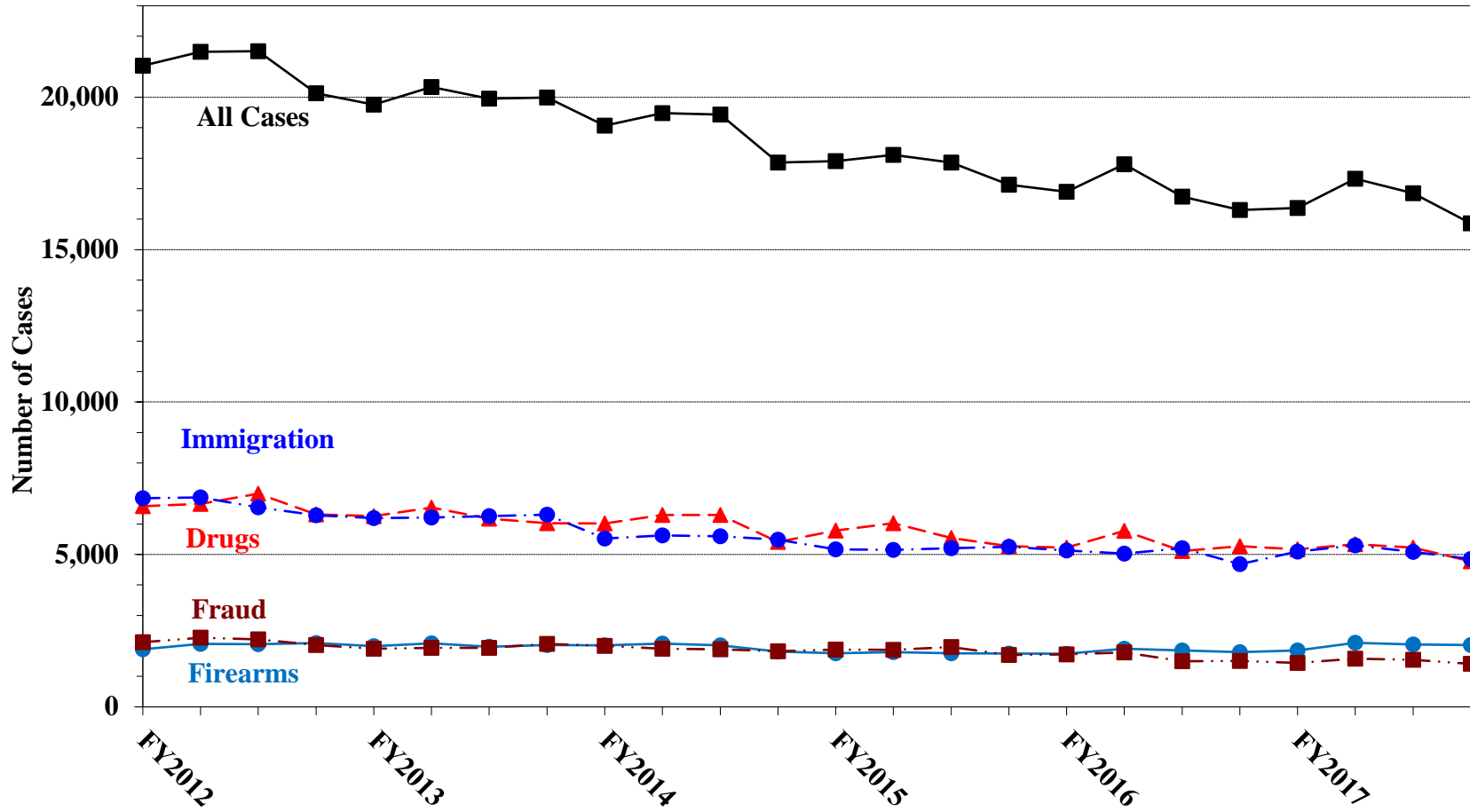
¹ Descriptions of variables used in this table are provided in Appendix A.

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

Figure B

NUMBER OF CASES IN SELECTED PRIMARY OFFENSE CATEGORIES¹

Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)



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

Table 3

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	65,713	14,102	21.5	13,845	21.1	35,006	53.3	2,760	4.2
Murder	72	11	15.3	17	23.6	18	25.0	26	36.1
Manslaughter	59	2	3.4	1	1.7	1	1.7	55	93.2
Kidnapping/Hostage Taking	62	13	21.0	12	19.4	29	46.8	8	12.9
Sexual Abuse	602	205	34.1	189	31.4	78	13.0	130	21.6
Assault	761	150	19.7	107	14.1	121	15.9	383	50.3
Robbery	639	265	41.5	275	43.0	77	12.1	22	3.4
Arson	39	24	61.5	5	12.8	3	7.7	7	17.9
Drugs - Trafficking	18,960	4,247	22.4	4,601	24.3	9,508	50.1	604	3.2
Drugs - Communication Facility	262	65	24.8	113	43.1	82	31.3	2	0.8
Drugs - Simple Possession	1,212	181	14.9	132	10.9	849	70.0	50	4.1
Firearms	8,000	1,920	24.0	4,140	51.8	1,694	21.2	246	3.1
Burglary/B&E	32	6	18.8	6	18.8	3	9.4	17	53.1
Auto Theft	64	21	32.8	19	29.7	21	32.8	3	4.7
Larceny	760	312	41.1	244	32.1	132	17.4	72	9.5
Fraud	5,963	2,423	40.6	1,851	31.0	1,294	21.7	395	6.6
Embezzlement	377	189	50.1	100	26.5	47	12.5	41	10.9
Forgery/Counterfeiting	369	145	39.3	136	36.9	61	16.5	27	7.3
Bribery	154	54	35.1	59	38.3	28	18.2	13	8.4
Tax	425	256	60.2	100	23.5	46	10.8	23	5.4
Money Laundering	671	208	31.0	111	16.5	302	45.0	50	7.5
Racketeering/Extortion	932	149	16.0	453	48.6	302	32.4	28	3.0
Gambling/Lottery	45	32	71.1	4	8.9	5	11.1	4	8.9
Civil Rights	56	40	71.4	10	17.9	3	5.4	3	5.4
Immigration	20,150	365	1.8	282	1.4	19,373	96.1	130	0.6
Child Pornography	1,768	1,405	79.5	82	4.6	223	12.6	58	3.3
Prison Offenses	508	129	25.4	180	35.4	146	28.7	53	10.4
Administration of Justice Offenses	1,043	434	41.6	235	22.5	242	23.2	132	12.7
Environmental/Wildlife	99	72	72.7	4	4.0	5	5.1	18	18.2
National Defense	88	25	28.4	14	15.9	36	40.9	13	14.8
Antitrust	30	13	43.3	7	23.3	6	20.0	4	13.3
Food & Drug	82	57	69.5	3	3.7	14	17.1	8	9.8
Other Miscellaneous Offenses	1,429	684	47.9	353	24.7	257	18.0	135	9.4

¹ Of the 66,412 cases, 699 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	66,304	57,469	86.7	8,835	13.3
Murder	72	65	90.3	7	9.7
Manslaughter	59	50	84.7	9	15.3
Kidnapping/Hostage Taking	62	56	90.3	6	9.7
Sexual Abuse	602	552	91.7	50	8.3
Assault	772	667	86.4	105	13.6
Robbery	641	567	88.5	74	11.5
Arson	40	35	87.5	5	12.5
Drugs - Trafficking	18,981	15,907	83.8	3,074	16.2
Drugs - Communication Facility	262	202	77.1	60	22.9
Drugs - Simple Possession	1,261	1,080	85.6	181	14.4
Firearms	8,022	7,765	96.8	257	3.2
Burglary/B&E	32	29	90.6	3	9.4
Auto Theft	64	53	82.8	11	17.2
Larceny	792	494	62.4	298	37.6
Fraud	5,976	4,183	70.0	1,793	30.0
Embezzlement	393	188	47.8	205	52.2
Forgery/Counterfeiting	370	281	75.9	89	24.1
Bribery	154	121	78.6	33	21.4
Tax	428	313	73.1	115	26.9
Money Laundering	672	464	69.0	208	31.0
Racketeering/Extortion	932	829	88.9	103	11.1
Gambling/Lottery	45	40	88.9	5	11.1
Civil Rights	56	50	89.3	6	10.7
Immigration	20,299	18,964	93.4	1,335	6.6
Child Pornography	1,773	1,731	97.6	42	2.4
Prison Offenses	519	464	89.4	55	10.6
Administration of Justice Offenses	1,049	808	77.0	241	23.0
Environmental/Wildlife	103	101	98.1	2	1.9
National Defense	89	79	88.8	10	11.2
Antitrust	30	27	90.0	3	10.0
Food & Drug	83	67	80.7	16	19.3
Other Miscellaneous Offenses	1,671	1,237	74.0	434	26.0

¹ Of the 66,412 cases, 108 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	65,951	39,107	59.3	26,844	40.7
Murder	72	62	86.1	10	13.9
Manslaughter	59	59	100.0	0	0.0
Kidnapping/Hostage Taking	62	52	83.9	10	16.1
Sexual Abuse	602	577	95.8	25	4.2
Assault	758	714	94.2	44	5.8
Robbery	640	627	98.0	13	2.0
Arson	39	37	94.9	2	5.1
Drugs - Trafficking	18,925	13,893	73.4	5,032	26.6
Drugs - Communication Facility	261	221	84.7	40	15.3
Drugs - Simple Possession	1,225	485	39.6	740	60.4
Firearms	8,014	7,542	94.1	472	5.9
Burglary/B&E	32	32	100.0	0	0.0
Auto Theft	64	61	95.3	3	4.7
Larceny	783	728	93.0	55	7.0
Fraud	5,957	4,852	81.5	1,105	18.5
Embezzlement	388	376	96.9	12	3.1
Forgery/Counterfeiting	370	323	87.3	47	12.7
Bribery	154	146	94.8	8	5.2
Tax	427	406	95.1	21	4.9
Money Laundering	668	459	68.7	209	31.3
Racketeering/Extortion	931	810	87.0	121	13.0
Gambling/Lottery	45	43	95.6	2	4.4
Civil Rights	56	54	96.4	2	3.6
Immigration	20,324	1,886	9.3	18,438	90.7
Child Pornography	1,772	1,708	96.4	64	3.6
Prison Offenses	512	494	96.5	18	3.5
Administration of Justice Offenses	1,047	914	87.3	133	12.7
Environmental/Wildlife	97	86	88.7	11	11.3
National Defense	87	53	60.9	34	39.1
Antitrust	30	28	93.3	2	6.7
Food & Drug	82	73	89.0	9	11.0
Other Miscellaneous Offenses	1,468	1,306	89.0	162	11.0

¹ Of the 66,412 cases, 461 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	45	21	66,409
Murder	224	180	72
Manslaughter	69	54	59
Kidnapping/Hostage Taking	230	210	62
Sexual Abuse	138	120	602
Assault	29	18	772
Robbery	74	60	641
Arson	63	60	40
Drugs - Trafficking	70	55	18,980
Drugs - Communication Facility	28	24	262
Drugs - Simple Possession	4	6	1,267
Firearms	71	48	8,024
Burglary/B&E	18	15	32
Auto Theft	72	44	64
Larceny	10	1	796
Fraud	26	15	5,978
Embezzlement	7	3	394
Forgery/Counterfeiting	18	13	370
Bribery	20	15	154
Tax	13	10	428
Money Laundering	33	18	672
Racketeering/Extortion	98	60	932
Gambling/Lottery	4	0	46
Civil Rights	36	10	56
Immigration	12	8	20,333
Child Pornography	146	97	1,773
Prison Offenses	12	10	521
Administration of Justice Offenses	19	12	1,050
Environmental/Wildlife	3	0	104
National Defense	56	27	89
Antitrust	13	8	30
Food & Drug	6	0	84
Other Miscellaneous Offenses	19	0	1,722

¹ Of the 66,412 cases, three 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.

Table 7

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	66,012	60,097	91.0	58,118	88.0	1,979	3.0	5,915	9.0	1,378	2.1	4,537	6.9
Murder	72	72	100.0	67	93.1	5	6.9	0	0.0	0	0.0	0	0.0
Manslaughter	59	57	96.6	53	89.8	4	6.8	2	3.4	0	0.0	2	3.4
Kidnapping/Hostage Taking	62	62	100.0	61	98.4	1	1.6	0	0.0	0	0.0	0	0.0
Sexual Abuse	602	593	98.5	577	95.8	16	2.7	9	1.5	6	1.0	3	0.5
Assault	767	663	86.4	610	79.5	53	6.9	104	13.6	17	2.2	87	11.3
Robbery	641	620	96.7	593	92.5	27	4.2	21	3.3	10	1.6	11	1.7
Arson	40	38	95.0	36	90.0	2	5.0	2	5.0	1	2.5	1	2.5
Drugs - Trafficking	18,978	18,201	95.9	17,591	92.7	610	3.2	777	4.1	242	1.3	535	2.8
Drugs - Communication Facility	262	197	75.2	192	73.3	5	1.9	65	24.8	19	7.3	46	17.6
Drugs - Simple Possession	1,211	972	80.3	970	80.1	2	0.2	239	19.7	8	0.7	231	19.1
Firearms	8,018	7,701	96.0	7,467	93.1	234	2.9	317	4.0	103	1.3	214	2.7
Burglary/B&E	32	29	90.6	19	59.4	10	31.3	3	9.4	0	0.0	3	9.4
Auto Theft	64	57	89.1	53	82.8	4	6.3	7	10.9	3	4.7	4	6.3
Larceny	759	394	51.9	363	47.8	31	4.1	365	48.1	53	7.0	312	41.1
Fraud	5,962	4,721	79.2	4,379	73.4	342	5.7	1,241	20.8	345	5.8	896	15.0
Embezzlement	389	172	44.2	145	37.3	27	6.9	217	55.8	46	11.8	171	44.0
Forgery/Counterfeiting	369	304	82.4	267	72.4	37	10.0	65	17.6	29	7.9	36	9.8
Bribery	154	115	74.7	103	66.9	12	7.8	39	25.3	16	10.4	23	14.9
Tax	426	271	63.6	232	54.5	39	9.2	155	36.4	59	13.8	96	22.5
Money Laundering	672	521	77.5	486	72.3	35	5.2	151	22.5	44	6.5	107	15.9
Racketeering/Extortion	932	879	94.3	852	91.4	27	2.9	53	5.7	21	2.3	32	3.4
Gambling/Lottery	46	16	34.8	11	23.9	5	10.9	30	65.2	5	10.9	25	54.3
Civil Rights	56	33	58.9	31	55.4	2	3.6	23	41.1	8	14.3	15	26.8
Immigration	20,328	19,462	95.7	19,231	94.6	231	1.1	866	4.3	127	0.6	739	3.6
Child Pornography	1,773	1,750	98.7	1,705	96.2	45	2.5	23	1.3	9	0.5	14	0.8
Prison Offenses	521	502	96.4	469	90.0	33	6.3	19	3.6	7	1.3	12	2.3
Administration of Justice Offenses	1,045	811	77.6	740	70.8	71	6.8	234	22.4	55	5.3	179	17.1
Environmental/Wildlife	97	21	21.6	17	17.5	4	4.1	76	78.4	18	18.6	58	59.8
National Defense	89	80	89.9	72	80.9	8	9.0	9	10.1	3	3.4	6	6.7
Antitrust	30	12	40.0	11	36.7	1	3.3	18	60.0	14	46.7	4	13.3
Food & Drug	82	28	34.1	26	31.7	2	2.4	54	65.9	10	12.2	44	53.7
Other Miscellaneous Offenses	1,474	743	50.4	689	46.7	54	3.7	731	49.6	100	6.8	631	42.8

¹ Of the 66,412 cases, 400 were excluded because the offender received neither imprisonment nor probation. Descriptions of variables used in this table are provided in Appendix A.

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

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

	N	%
TOTAL CASES	65,879	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	32,377	49.1
CASES SENTENCED ABOVE GUIDELINE RANGE	1,919	2.9
DEPARTURE ABOVE GUIDELINE RANGE	453	0.7
Upward Departure From Guideline Range ²	350	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	103	0.2
OTHERWISE ABOVE GUIDELINE RANGE	1,466	2.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,388	2.1
All Remaining Cases Above Guideline Range ⁵	78	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	18,315	27.8
§5K1.1 Substantial Assistance Departure	7,096	10.8
§5K3.1 Early Disposition Program Departure	5,812	8.8
Other Government Sponsored Below Range	5,407	8.2
NON-GOVERNMENT SPONSORED BELOW RANGE	13,268	20.1
DEPARTURE BELOW GUIDELINE RANGE	1,556	2.4
Downward Departure From Guideline Range ²	1,139	1.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	417	0.6
OTHERWISE BELOW GUIDELINE RANGE	11,712	17.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,386	17.3
All Remaining Cases Below Guideline Range ⁵	326	0.5

¹ This table reflects the 66,412 cases sentenced on or after October 1, 2016, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by January 4, 2018. Of these, 533 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² 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*.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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 September 30, 2017).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
TOTAL	65,879	32,377	49.1	1,919	2.9	18,315	27.8	13,268	20.1
D.C. CIRCUIT	230	73	31.7	4	1.7	93	40.4	60	26.1
District of Columbia	230	73	31.7	4	1.7	93	40.4	60	26.1
FIRST CIRCUIT	1,972	976	49.5	90	4.6	519	26.3	387	19.6
Maine	197	64	32.5	3	1.5	75	38.1	55	27.9
Massachusetts	499	156	31.3	11	2.2	197	39.5	135	27.1
New Hampshire	211	92	43.6	10	4.7	69	32.7	40	19.0
Puerto Rico	966	638	66.0	65	6.7	149	15.4	114	11.8
Rhode Island	99	26	26.3	1	1.0	29	29.3	43	43.4
SECOND CIRCUIT	3,470	1,075	31.0	61	1.8	895	25.8	1,439	41.5
Connecticut	341	111	32.6	12	3.5	93	27.3	125	36.7
New York									
Eastern	737	169	22.9	15	2.0	222	30.1	331	44.9
Northern	329	174	52.9	6	1.8	58	17.6	91	27.7
Southern	1,430	357	25.0	18	1.3	295	20.6	760	53.1
Western	455	230	50.5	6	1.3	145	31.9	74	16.3
Vermont	178	34	19.1	4	2.2	82	46.1	58	32.6
THIRD CIRCUIT	2,166	826	38.1	39	1.8	796	36.7	505	23.3
Delaware	82	25	30.5	1	1.2	33	40.2	23	28.0
New Jersey	588	219	37.2	3	0.5	213	36.2	153	26.0
Pennsylvania									
Eastern	667	218	32.7	13	1.9	293	43.9	143	21.4
Middle	404	211	52.2	6	1.5	109	27.0	78	19.3
Western	353	105	29.7	14	4.0	135	38.2	99	28.0
Virgin Islands	72	48	66.7	2	2.8	13	18.1	9	12.5
FOURTH CIRCUIT	4,809	2,616	54.4	175	3.6	1,025	21.3	993	20.6
Maryland	692	236	34.1	31	4.5	302	43.6	123	17.8
North Carolina									
Eastern	564	289	51.2	20	3.5	138	24.5	117	20.7
Middle	404	234	57.9	24	5.9	67	16.6	79	19.6
Western	553	305	55.2	10	1.8	167	30.2	71	12.8
South Carolina	705	404	57.3	23	3.3	127	18.0	151	21.4
Virginia									
Eastern	1,173	778	66.3	33	2.8	79	6.7	283	24.1
Western	273	123	45.1	17	6.2	75	27.5	58	21.2
West Virginia									
Northern	235	137	58.3	10	4.3	43	18.3	45	19.1
Southern	210	110	52.4	7	3.3	27	12.9	66	31.4

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,521	10,751	65.1	650	3.9	2,312	14.0	2,808	17.0
Louisiana									
Eastern	344	167	48.5	13	3.8	101	29.4	63	18.3
Middle	170	73	42.9	9	5.3	32	18.8	56	32.9
Western	254	143	56.3	3	1.2	39	15.4	69	27.2
Mississippi									
Northern	153	63	41.2	7	4.6	55	35.9	28	18.3
Southern	270	205	75.9	20	7.4	18	6.7	27	10.0
Texas									
Eastern	790	491	62.2	27	3.4	230	29.1	42	5.3
Northern	1,427	886	62.1	79	5.5	221	15.5	241	16.9
Southern	6,618	4,231	63.9	251	3.8	875	13.2	1,261	19.1
Western	6,495	4,492	69.2	241	3.7	741	11.4	1,021	15.7
SIXTH CIRCUIT	4,181	1,786	42.7	101	2.4	1,303	31.2	991	23.7
Kentucky									
Eastern	360	193	53.6	18	5.0	69	19.2	80	22.2
Western	274	129	47.1	4	1.5	106	38.7	35	12.8
Michigan									
Eastern	850	325	38.2	10	1.2	202	23.8	313	36.8
Western	368	202	54.9	11	3.0	67	18.2	88	23.9
Ohio									
Northern	541	233	43.1	21	3.9	156	28.8	131	24.2
Southern	535	160	29.9	10	1.9	250	46.7	115	21.5
Tennessee									
Eastern	634	304	47.9	17	2.7	229	36.1	84	13.2
Middle	235	57	24.3	5	2.1	117	49.8	56	23.8
Western	384	183	47.7	5	1.3	107	27.9	89	23.2
SEVENTH CIRCUIT	2,268	815	35.9	55	2.4	571	25.2	827	36.5
Illinois									
Central	246	101	41.1	16	6.5	61	24.8	68	27.6
Northern	636	179	28.1	9	1.4	117	18.4	331	52.0
Southern	266	140	52.6	9	3.4	66	24.8	51	19.2
Indiana									
Northern	289	141	48.8	4	1.4	81	28.0	63	21.8
Southern	417	178	42.7	11	2.6	123	29.5	105	25.2
Wisconsin									
Eastern	300	36	12.0	3	1.0	101	33.7	160	53.3
Western	114	40	35.1	3	2.6	22	19.3	49	43.0
EIGHTH CIRCUIT	4,688	2,210	47.1	192	4.1	1,059	22.6	1,227	26.2
Arkansas									
Eastern	428	249	58.2	16	3.7	69	16.1	94	22.0
Western	236	110	46.6	4	1.7	32	13.6	90	38.1
Iowa									
Northern	376	213	56.6	25	6.6	71	18.9	67	17.8
Southern	403	171	42.4	9	2.2	106	26.3	117	29.0
Minnesota	412	155	37.6	4	1.0	89	21.6	164	39.8
Missouri									
Eastern	669	304	45.4	19	2.8	151	22.6	195	29.1
Western	801	307	38.3	76	9.5	212	26.5	206	25.7
Nebraska	551	278	50.5	7	1.3	136	24.7	130	23.6
North Dakota	322	124	38.5	12	3.7	139	43.2	47	14.6
South Dakota	490	299	61.0	20	4.1	54	11.0	117	23.9

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
NINTH CIRCUIT	12,951	4,483	34.6	340	2.6	6,383	49.3	1,745	13.5
Alaska	178	71	39.9	9	5.1	52	29.2	46	25.8
Arizona	5,356	2,334	43.6	204	3.8	2,523	47.1	295	5.5
California									
Central	1,008	330	32.7	14	1.4	378	37.5	286	28.4
Eastern	515	217	42.1	13	2.5	158	30.7	127	24.7
Northern	510	187	36.7	8	1.6	120	23.5	195	38.2
Southern	2,868	428	14.9	22	0.8	2,188	76.3	230	8.0
Guam	55	22	40.0	2	3.6	25	45.5	6	10.9
Hawaii	127	52	40.9	3	2.4	28	22.0	44	34.6
Idaho	341	149	43.7	4	1.2	99	29.0	89	26.1
Montana	317	91	28.7	9	2.8	86	27.1	131	41.3
Nevada	480	233	48.5	13	2.7	144	30.0	90	18.8
Northern Mariana Islands	13	6	46.2	0	0.0	7	53.8	0	0.0
Oregon	393	110	28.0	15	3.8	192	48.9	76	19.3
Washington									
Eastern	336	120	35.7	14	4.2	140	41.7	62	18.5
Western	454	133	29.3	10	2.2	243	53.5	68	15.0
TENTH CIRCUIT	6,258	3,306	52.8	90	1.4	2,121	33.9	741	11.8
Colorado	430	184	42.8	17	4.0	138	32.1	91	21.2
Kansas	563	223	39.6	23	4.1	244	43.3	73	13.0
New Mexico	3,748	2,340	62.4	16	0.4	1,136	30.3	256	6.8
Oklahoma									
Eastern	107	72	67.3	4	3.7	20	18.7	11	10.3
Northern	167	60	35.9	3	1.8	55	32.9	49	29.3
Western	291	145	49.8	5	1.7	29	10.0	112	38.5
Utah	724	207	28.6	16	2.2	401	55.4	100	13.8
Wyoming	228	75	32.9	6	2.6	98	43.0	49	21.5
ELEVENTH CIRCUIT	6,365	3,460	54.4	122	1.9	1,238	19.5	1,545	24.3
Alabama									
Middle	199	109	54.8	11	5.5	35	17.6	44	22.1
Northern	427	226	52.9	8	1.9	112	26.2	81	19.0
Southern	333	200	60.1	4	1.2	68	20.4	61	18.3
Florida									
Middle	1,513	781	51.6	19	1.3	308	20.4	405	26.8
Northern	261	114	43.7	8	3.1	67	25.7	72	27.6
Southern	2,273	1,257	55.3	43	1.9	301	13.2	672	29.6
Georgia									
Middle	437	298	68.2	5	1.1	75	17.2	59	13.5
Northern	510	156	30.6	16	3.1	226	44.3	112	22.0
Southern	412	319	77.4	8	1.9	46	11.2	39	9.5

¹ Of the 66,412 cases, 533 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 (13.2%), Middle Tennessee (7.5%), Western Louisiana (6.3%), Middle Georgia (5.2%), and Northern Florida (5.1%). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE						NON-GOV'T SPONSORED BELOW RANGE	
		N	%	N	%	\$5K1.1		\$5K3.1		OTHER		N	%
						N	%	N	%	N	%		
TOTAL	65,879	32,377	49.1	1,919	2.9	7,096	10.8	5,812	8.8	5,407	8.2	13,268	20.1
Murder	72	36	50.0	6	8.3	12	16.7	0	0.0	12	16.7	6	8.3
Manslaughter	59	21	35.6	23	39.0	0	0.0	1	1.7	5	8.5	9	15.3
Kidnapping/Hostage Taking	62	27	43.5	1	1.6	16	25.8	0	0.0	8	12.9	10	16.1
Sexual Abuse	602	265	44.0	31	5.1	64	10.6	0	0.0	113	18.8	129	21.4
Assault	750	385	51.3	69	9.2	6	0.8	4	0.5	147	19.6	139	18.5
Robbery	641	306	47.7	38	5.9	58	9.0	0	0.0	60	9.4	179	27.9
Arson	40	16	40.0	5	12.5	10	25.0	0	0.0	4	10.0	5	12.5
Drugs - Trafficking	18,959	6,630	35.0	280	1.5	4,253	22.4	1,359	7.2	2,031	10.7	4,406	23.2
Drugs - Communication Facility	261	124	47.5	5	1.9	34	13.0	0	0.0	32	12.3	66	25.3
Drugs - Simple Possession	1,176	1,049	89.2	102	8.7	2	0.2	1	0.1	7	0.6	15	1.3
Firearms	8,016	4,209	52.5	431	5.4	665	8.3	7	0.1	780	9.7	1,924	24.0
Burglary/B&E	32	13	40.6	2	6.3	2	6.3	0	0.0	7	21.9	8	25.0
Auto Theft	64	31	48.4	6	9.4	14	21.9	2	3.1	3	4.7	8	12.5
Larceny	765	458	59.9	10	1.3	45	5.9	2	0.3	71	9.3	179	23.4
Fraud	5,921	2,534	42.8	120	2.0	998	16.9	4	0.1	601	10.2	1,664	28.1
Embezzlement	388	218	56.2	3	0.8	20	5.2	0	0.0	29	7.5	118	30.4
Forgery/Counterfeiting	368	189	51.4	14	3.8	34	9.2	0	0.0	28	7.6	103	28.0
Bribery	154	36	23.4	0	0.0	34	22.1	0	0.0	24	15.6	60	39.0
Tax	425	107	25.2	7	1.6	50	11.8	3	0.7	52	12.2	206	48.5
Money Laundering	669	170	25.4	4	0.6	182	27.2	2	0.3	107	16.0	204	30.5
Racketeering/Extortion	932	346	37.1	38	4.1	147	15.8	0	0.0	140	15.0	261	28.0
Gambling/Lottery	46	16	34.8	0	0.0	7	15.2	0	0.0	11	23.9	12	26.1
Civil Rights	56	16	28.6	2	3.6	13	23.2	0	0.0	14	25.0	11	19.6
Immigration	20,247	12,569	62.1	574	2.8	188	0.9	4,420	21.8	356	1.8	2,140	10.6
Child Pornography	1,772	516	29.1	44	2.5	37	2.1	0	0.0	428	24.2	747	42.2
Prison Offenses	510	336	65.9	13	2.5	8	1.6	2	0.4	59	11.6	92	18.0
Administration of Justice Offenses	1,039	551	53.0	45	4.3	71	6.8	1	0.1	114	11.0	257	24.7
Environmental/Wildlife	89	40	44.9	0	0.0	16	18.0	0	0.0	12	13.5	21	23.6
National Defense	88	23	26.1	0	0.0	21	23.9	0	0.0	12	13.6	32	36.4
Antitrust	30	7	23.3	0	0.0	17	56.7	0	0.0	1	3.3	5	16.7
Food & Drug	82	40	48.8	2	2.4	11	13.4	0	0.0	11	13.4	18	22.0
Other Miscellaneous Offenses	1,564	1,093	69.9	44	2.8	61	3.9	4	0.3	128	8.2	234	15.0

¹ Of the 66,412 cases, 533 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 GUIDELINE¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 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	239	116	0	56	0	41	26	§2D1.8	24	6	0	7	0	3	8
§2A1.2	45	25	8	3	0	4	5	§2D1.9	0	0	0	0	0	0	0
§2A1.3	29	10	14	1	1	2	1	§2D1.10	4	0	0	0	0	1	3
§2A1.4	40	17	10	0	0	5	8	§2D1.11	22	7	0	3	0	9	3
§2A1.5	48	10	0	4	0	23	11	§2D1.12	5	5	0	0	0	0	0
§2A2.1	128	56	3	21	0	19	29	§2D1.13	1	1	0	0	0	0	0
§2A2.2	379	161	47	7	1	80	83	§2D1.14	0	0	0	0	0	0	0
§2A2.3	104	72	10	0	0	8	14	§2D2.1	208	190	6	2	0	4	6
§2A2.4	162	87	9	4	3	30	29	§2D2.2	56	45	3	2	0	1	5
§2A3.1	131	52	4	3	0	44	28	§2D2.3	0	0	0	0	0	0	0
§2A3.2	28	17	2	0	0	4	5	§2D3.1	2	2	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	38	17	4	0	0	7	10	§2D3.3	0	0	0	0	0	0	0
§2A3.5	381	230	25	5	0	28	93	§2D3.4	0	0	0	0	0	0	0
§2A4.1	111	44	1	30	0	14	22	§2D3.5	0	0	0	0	0	0	0
§2A4.2	1	0	0	0	0	0	1	§2E1.1	68	20	2	1	0	16	29
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	1	0	0	0	0	0
§2A5.2	19	12	1	0	0	0	6	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	11	7	0	3	0	1	0
§2A6.1	117	58	7	1	0	21	30	§2E1.5	0	0	0	0	0	0	0
§2A6.2	43	23	4	1	0	8	7	§2E2.1	14	2	1	1	0	3	7
§2B1.1	6,318	2,795	130	926	6	648	1,813	§2E3.1	64	24	5	8	1	12	14
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0
§2B1.4	11	0	0	3	0	2	6	§2E4.1	28	8	0	7	0	2	11
§2B1.5	17	4	0	1	0	3	9	§2E5.1	6	0	0	1	0	0	5
§2B1.6 ²	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	57	30	3	6	0	4	14	§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	5	5	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,528	604	116	245	0	148	415	§2E5.6	0	0	0	0	0	0	0
§2B3.2	41	14	2	8	0	6	11	§2F1.1	6	2	2	1	0	0	1
§2B3.3	6	4	1	1	0	0	0	§2F1.2	0	0	0	0	0	0	0
§2B4.1	105	26	1	25	0	20	33	§2G1.1	72	38	10	5	0	4	15
§2B5.1	237	130	5	13	0	21	68	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	399	176	19	58	0	61	85
§2B5.3	82	14	2	20	0	10	36	§2G2.1	455	168	8	13	0	120	146
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,386	371	35	22	0	329	629
§2B6.1	4	2	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0
§2C1.1	203	45	1	60	0	33	64	§2G2.4	0	0	0	0	0	0	0
§2C1.2	13	2	0	2	0	1	8	§2G2.5	0	0	0	0	0	0	0
§2C1.3	3	3	0	0	0	0	0	§2G2.6	9	0	0	4	0	1	4
§2C1.4	0	0	0	0	0	0	0	§2G3.1	25	7	8	0	0	2	8
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	§2H1.1	54	12	1	13	0	15	13
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	6	0	0	2	0	0	4	§2H1.3	0	0	0	0	0	0	0
§2D1.1	19,157	6,717	305	4,193	1,354	2,049	4,539	§2H1.4	0	0	0	0	0	0	0
§2D1.2	283	159	5	40	0	33	46	§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	7	3	0	2	0	0	2
§2D1.5	3	1	0	2	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	2	2	0	0	0	0	0
§2D1.7	2	0	0	0	0	2	0	§2H4.1	11	3	1	0	0	3	4

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	108	33	0	22	1	12	40
§2J1.1	0	0	0	0	0	0	0	§2M5.3	21	3	0	4	0	1	13
§2J1.2	128	45	7	22	0	22	32	§2M6.1	5	2	0	1	0	1	1
§2J1.3	36	10	1	5	0	7	13	§2M6.2	1	1	0	0	0	0	0
§2J1.4	7	6	0	0	0	0	1	§2N1.1	8	0	1	1	0	4	2
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	38	23	3	0	0	5	7	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	28	25	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	320	217	6	6	2	28	61
§2K1.1	1	1	0	0	0	0	0	§2P1.2	133	85	6	2	0	26	14
§2K1.2	0	0	0	0	0	0	0	§2P1.3	1	1	0	0	0	0	0
§2K1.3	30	13	2	2	0	3	10	§2P1.4	0	0	0	0	0	0	0
§2K1.4	53	20	5	12	0	5	11	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	22	6	0	4	0	4	8
§2K1.6	1	1	0	0	0	0	0	§2Q1.3	32	12	0	5	0	5	10
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	6,345	3,466	320	370	8	597	1,584	§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	63	24	0	12	0	12	15
§2K2.4 ³	--	--	--	--	--	--	0	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	11	1	0	0	0	0	§2R1.1	26	6	0	16	0	0	4
§2K2.6	3	2	0	1	0	0	0	§2S1.1	1,075	270	6	344	4	162	289
§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	173	65	2	29	2	27	48
§2L1.1	2,750	1,225	48	145	901	86	345	§2S1.4	0	0	0	0	0	0	0
§2L1.2	15,849	10,300	510	31	3,184	211	1,613	§2T1.1	430	121	8	52	1	52	196
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	152	76	3	27	0	13	33	§2T1.3	0	0	0	0	0	0	0
§2L2.2	687	511	17	2	42	13	102	§2T1.4	160	36	2	36	0	14	72
§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	47	10	0	4	0	3	30
§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	6	2	1	1	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	14	5	1	2	0	2	4
§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	97	38	2	18	0	14	25
§2M3.6	0	0	0	0	0	0	0	§2X4.1	304	158	5	27	0	33	81
§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	162	151	5	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	19	1	0	9	0	4	5	§2X7.2	0	0	0	0	0	0	0
TOTAL									62,432	29,657	1,786	7,050	5,511	5,276	13,152

¹ Of the 66,412 cases, 3,980 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 (533) or missing guideline applied (3,965). Descriptions of variables used in this table are provided in Appendix A.

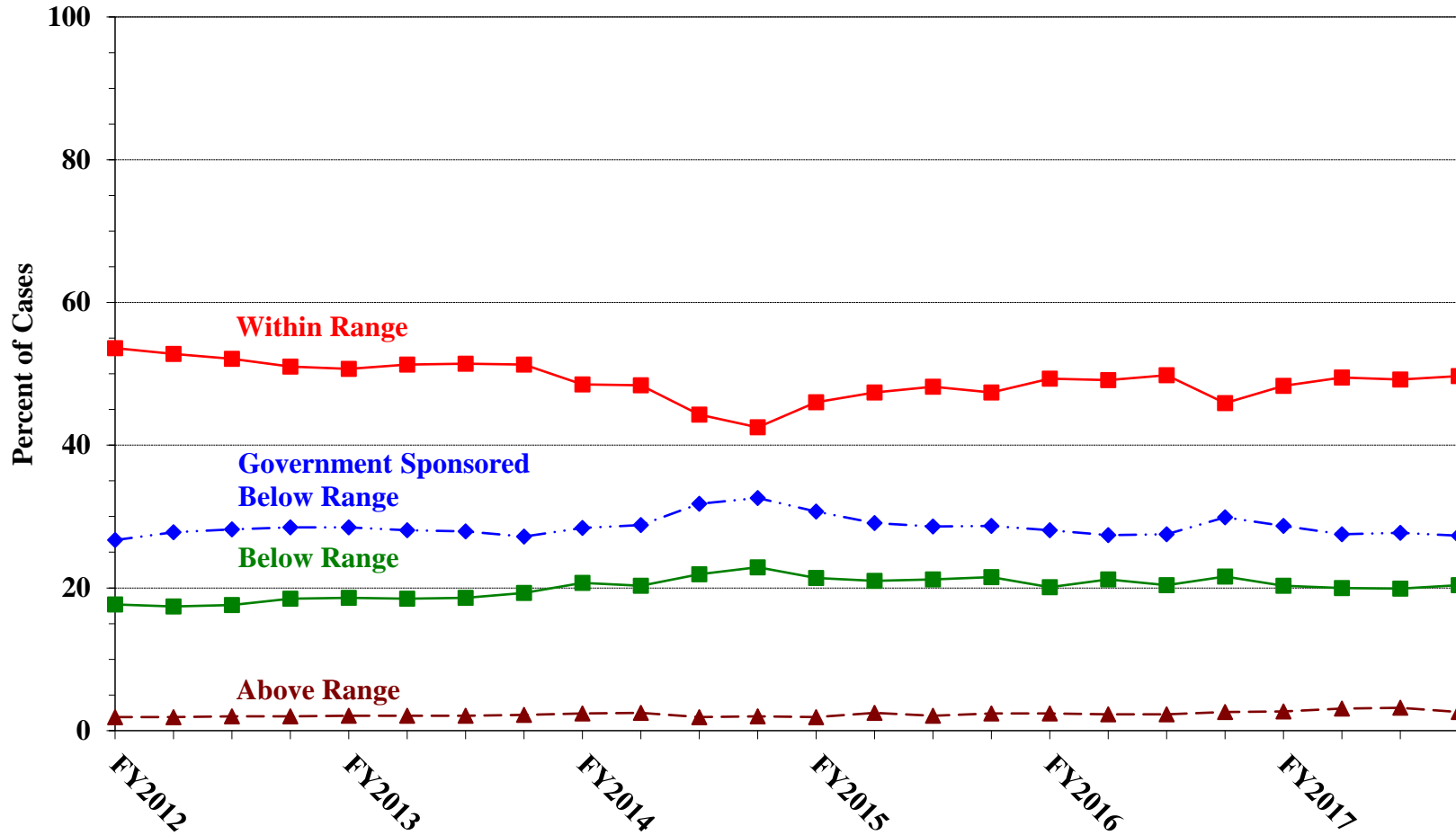
² In 1,061 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 1,061 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,090 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 2,090 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 SENTENCES¹

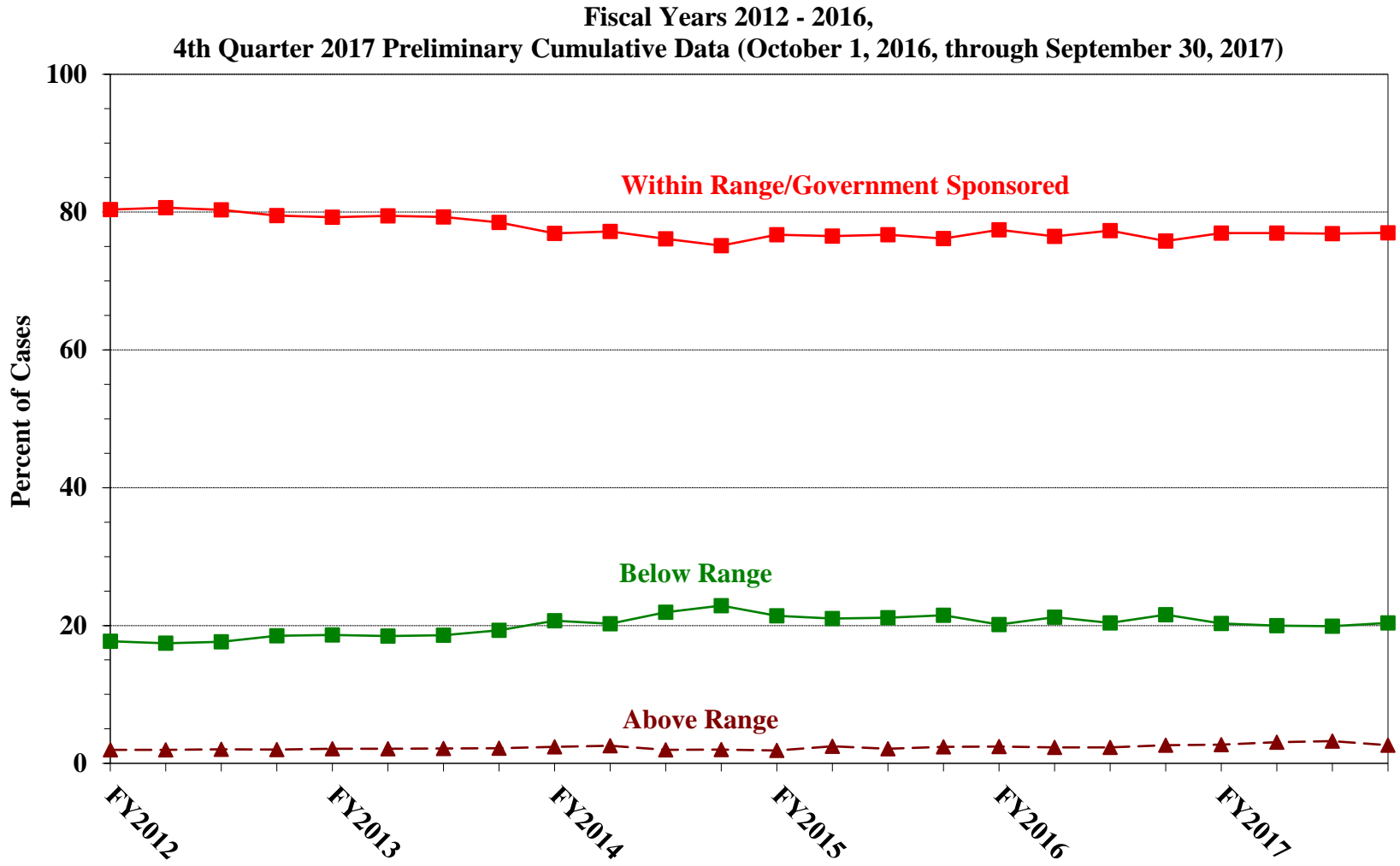
Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)



¹ 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 SENTENCES¹**



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

Table 12

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2012 - 2016, 4th Quarter 2017 Preliminary
Cumulative Data (October 1, 2016, through September 30, 2017)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2012				
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
FY2013				
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
FY2014				
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
FY2015				
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
FY2016				
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
FY2017				
1st Quarter	48.3	28.7	20.3	2.7
2nd Quarter	49.5	27.5	20.0	3.1
3rd Quarter	49.2	27.7	19.9	3.2
4th Quarter	49.7	27.3	20.4	2.6

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

Table 13

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	33,502	7,117	21.2	5,953	17.8	5,191	15.5	6,883	20.5	730	2.2
Above Range	1,919	21	1.1	12	0.6	291	15.2	158	8.2	6	0.3
Upward Departure From Guideline Range	350	0	0.0	0	0.0	105	30.0	51	14.6	3	0.9
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	103	0	0.0	0	0.0	9	8.7	12	11.7	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,388	0	0.0	0	0.0	171	12.3	83	6.0	1	0.1
All Remaining Cases Above Guideline Range	78	21	26.9	12	15.4	6	7.7	12	15.4	2	2.6
Government Sponsored Below Range	18,315	7,096	38.7	5,941	32.4	4,900	26.8	6,725	36.7	724	4.0
§5K1.1 Substantial Assistance Departure	7,096	7,096	100.0	129	1.8	297	4.2	2,166	30.5	27	0.4
§5K3.1 Early Disposition Program Departure	5,812	0	0.0	5,812	100.0	2,618	45.0	3,169	54.5	394	6.8
Other Government Sponsored Below Range	5,407	0	0.0	0	0.0	1,985	36.7	1,390	25.7	303	5.6
Non-Government Sponsored Below Range	13,268	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,139	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	417	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	11,386	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	326	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	%
TOTAL	5,291	15.8	5,129	15.3	5,812	17.3	1,207	3.6	4,926	14.7	2,575	7.7
Above Range	360	18.8	6	0.3	8	0.4	18	0.9	789	41.1	378	19.7
Upward Departure From Guideline Range	82	23.4	1	0.3	1	0.3	4	1.1	114	32.6	26	7.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	47	45.6	1	1.0	1	1.0	1	1.0	38	36.9	10	9.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	218	15.7	4	0.3	5	0.4	12	0.9	620	44.7	302	21.8
All Remaining Cases Above Guideline Range	13	16.7	0	0.0	1	1.3	1	1.3	17	21.8	40	51.3
Government Sponsored Below Range	4,931	26.9	1,372	7.5	1,160	6.3	1,189	6.5	1,022	5.6	177	1.0
§5K1.1 Substantial Assistance Departure	3,931	55.4	680	9.6	492	6.9	246	3.5	589	8.3	0	0.0
§5K3.1 Early Disposition Program Departure	189	3.3	331	5.7	439	7.6	109	1.9	174	3.0	0	0.0
Other Government Sponsored Below Range	811	15.0	361	6.7	229	4.2	834	15.4	259	4.8	177	3.3
Non-Government Sponsored Below Range	0	0.0	3,751	28.3	4,644	35.0	0	0.0	3,115	23.5	2,020	15.2
Downward Departure From Guideline Range	0	0.0	555	48.7	195	17.1	0	0.0	276	24.2	122	10.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	122	29.3	160	38.4	0	0.0	139	33.3	59	14.1
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	3,074	27.0	4,288	37.7	0	0.0	2,684	23.6	1,530	13.4
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	1	0.3	0	0.0	16	4.9	309	94.8

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 13,938 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.

² For cases in which the court submitted a Statement of Reasons (SOR) form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted a prior version of the SOR form, the information was taken from Part V.B. of the SOR form.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,838	36	33	49.2
Murder	6	120	86	45.4
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	12	120	109	46.1
Sexual Abuse	61	63	60	47.5
Assault	6	16	19	47.1
Robbery	55	47	27	34.6
Arson	10	34	26	44.2
Drugs - Trafficking	4,142	50	41	45.0
Drugs - Communication Facility	33	0	24	99.9
Drugs - Simple Possession	1	--	--	--
Firearms	616	49	33	41.7
Burglary/B&E	2	--	--	--
Auto Theft	14	35	32	45.1
Larceny	44	6	18	72.1
Fraud	958	6	21	77.1
Embezzlement	20	0	12	100.0
Forgery/Counterfeiting	34	0	16	100.0
Bribery	34	6	26	87.9
Tax	48	0	18	100.0
Money Laundering	177	18	28	63.4
Racketeering/Extortion	131	40	44	48.8
Gambling/Lottery	7	0	6	100.0
Civil Rights	13	24	30	54.0
Immigration	180	12	11	49.9
Child Pornography	32	120	64	38.5
Prison Offenses	8	7	5	40.0
Administration of Justice Offenses	71	0	12	100.0
Environmental/Wildlife	16	0	17	100.0
National Defense	20	19	32	67.4
Antitrust	17	0	12	100.0
Food & Drug	11	0	10	100.0
Other Miscellaneous Offenses	59	0	17	100.0

¹ Of the 66,412 cases, 7,096 received a §5K1.1 substantial assistance departure. Of these, 6,913 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 72 cases were also excluded from this table. Of the remaining 6,841 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 CATEGORY¹**
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,431	11	6	42.9
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	21	11	34.2
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,311	24	28	52.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	7	30	12	34.8
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	1	--	--	--
Fraud	3	6	12	66.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	3	36	33	48.6
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	4,091	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	4	1	21	96.2

¹ Of the 66,412 cases, 5,812 received a §5K3.1 early disposition program departure. Of these, 5,433 cases had complete guideline application information. Of the remaining 5,433 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,153	34	21	43.2
Murder	9	90	33	27.5
Manslaughter	5	34	14	10.4
Kidnapping/Hostage Taking	6	105	52	26.0
Sexual Abuse	104	99	48	33.3
Assault	128	18	12	48.7
Robbery	59	57	30	31.0
Arson	4	48	14	25.6
Drugs - Trafficking	1,983	57	32	40.8
Drugs - Communication Facility	30	2	20	95.4
Drugs - Simple Possession	6	0	6	95.9
Firearms	757	46	18	29.4
Burglary/B&E	5	6	12	66.7
Auto Theft	3	18	15	28.6
Larceny	68	0	10	100.0
Fraud	576	9	15	66.7
Embezzlement	26	0	10	100.0
Forgery/Counterfeiting	28	8	12	59.7
Bribery	24	3	19	86.9
Tax	51	0	12	100.0
Money Laundering	102	6	18	76.2
Racketeering/Extortion	124	60	27	40.7
Gambling/Lottery	11	0	6	100.0
Civil Rights	13	0	12	100.0
Immigration	318	12	6	39.3
Child Pornography	421	70	55	44.4
Prison Offenses	53	12	6	33.3
Administration of Justice Offenses	103	0	12	100.0
Environmental/Wildlife	12	0	12	100.0
National Defense	10	19	30	60.8
Antitrust	1	--	--	--
Food & Drug	9	0	12	100.0
Other Miscellaneous Offenses	104	0	10	100.0

¹ Of the 66,412 cases, 5,407 received an other government sponsored downward departure. Of these, 5,210 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 57 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 CATEGORY¹**
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	12,894	24	13	34.9
Murder	5	132	19	12.6
Manslaughter	9	18	12	29.9
Kidnapping/Hostage Taking	8	192	48	18.2
Sexual Abuse	111	96	30	31.3
Assault	134	12	9	42.7
Robbery	174	46	16	23.7
Arson	5	16	21	56.7
Drugs - Trafficking	4,305	48	20	31.4
Drugs - Communication Facility	64	17	15	52.2
Drugs - Simple Possession	11	0	6	100.0
Firearms	1,892	36	13	26.8
Burglary/B&E	8	18	11	42.9
Auto Theft	8	30	14	55.4
Larceny	174	1	6	95.6
Fraud	1,618	16	12	47.8
Embezzlement	117	0	9	99.8
Forgery/Counterfeiting	102	8	10	46.1
Bribery	59	15	15	50.0
Tax	202	1	12	97.3
Money Laundering	200	12	15	50.9
Racketeering/Extortion	248	36	19	35.0
Gambling/Lottery	12	0	9	100.0
Civil Rights	10	3	18	92.4
Immigration	2,059	12	6	33.3
Child Pornography	735	72	49	38.1
Prison Offenses	78	7	6	43.1
Administration of Justice Offenses	253	9	10	51.8
Environmental/Wildlife	21	0	12	100.0
National Defense	32	36	35	55.9
Antitrust	5	14	10	43.2
Food & Drug	18	10	15	78.7
Other Miscellaneous Offenses	217	0	10	99.3

¹ Of the 66,412 cases, 13,268 were otherwise sentenced below the guideline range. Of these, 12,972 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 74 cases were also excluded from this table. Of the remaining 12,898 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 CATEGORY¹**
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)

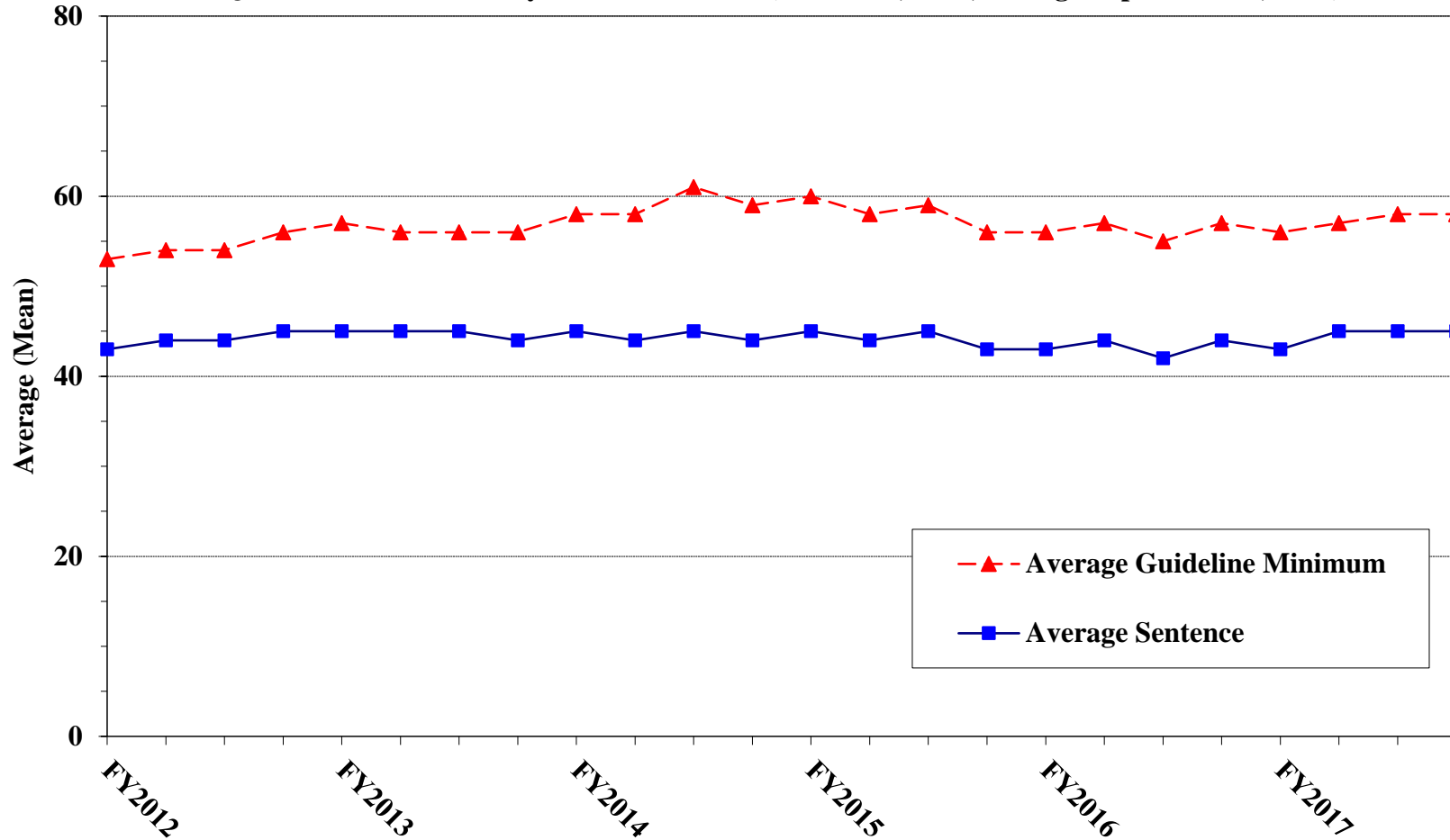
PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	1,716	48	13	42.9
Murder	6	270	34	14.4
Manslaughter	23	120	35	52.4
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	30	116	39	44.9
Assault	66	58	12	46.2
Robbery	38	123	24	28.9
Arson	5	84	36	53.8
Drugs - Trafficking	264	72	18	36.6
Drugs - Communication Facility	5	34	18	66.7
Drugs - Simple Possession	4	18	8	80.0
Firearms	385	84	19	30.4
Burglary/B&E	1	--	--	--
Auto Theft	6	77	14	24.0
Larceny	7	40	18	114.3
Fraud	111	60	14	37.9
Embezzlement	3	21	3	20.0
Forgery/Counterfeiting	12	48	12	44.6
Bribery	0	--	--	--
Tax	7	45	9	20.0
Money Laundering	3	20	4	25.0
Racketeering/Extortion	38	129	25	25.5
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	559	24	8	50.0
Child Pornography	44	174	32	23.7
Prison Offenses	12	36	18	70.0
Administration of Justice Offenses	41	48	15	50.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	41	60	23	100.0

¹ Of the 66,412 cases, 1,919 were sentenced above the guideline range. Of these, 1,759 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, 42 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 E

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

**Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

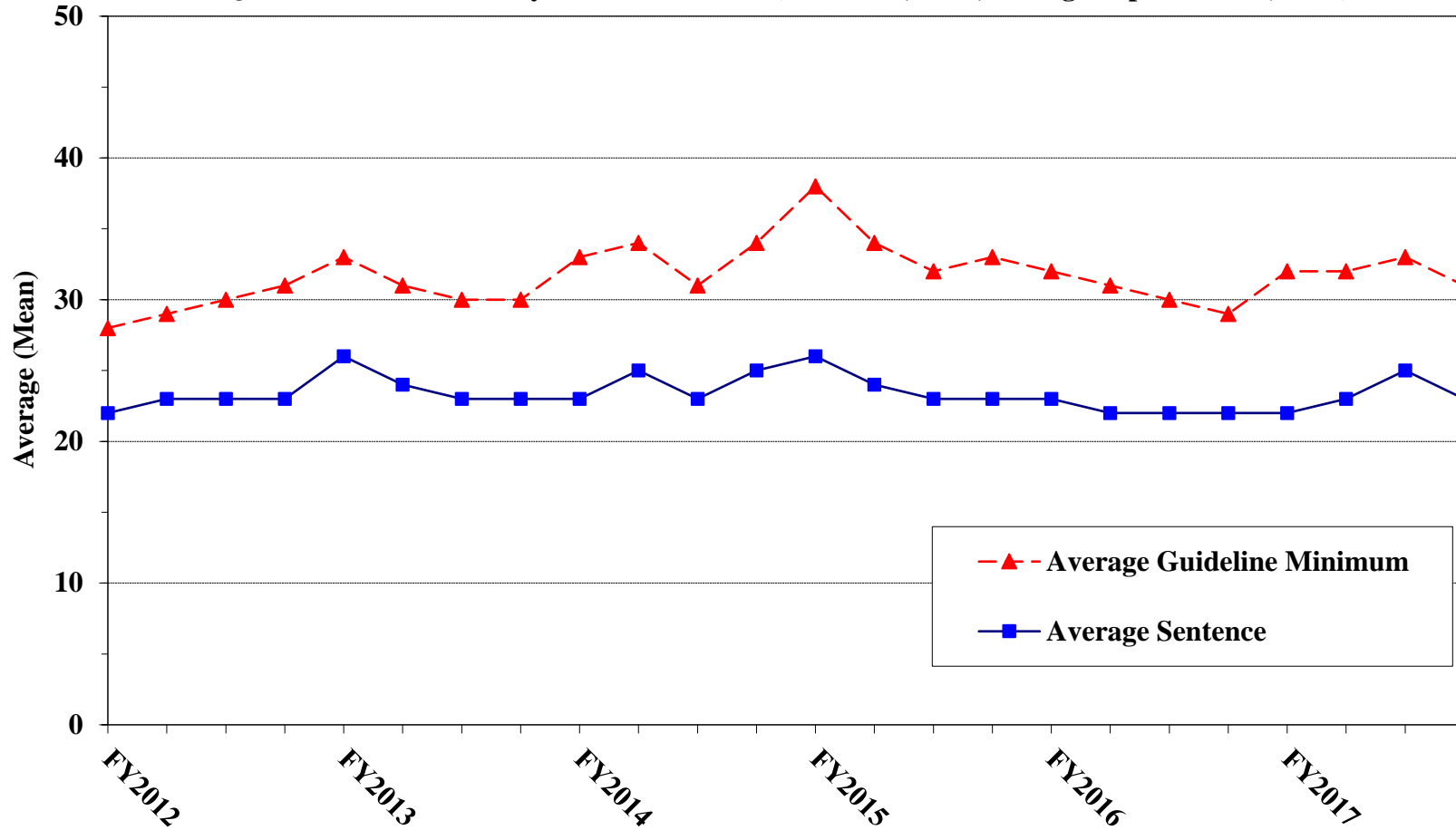


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 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 F

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

**Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

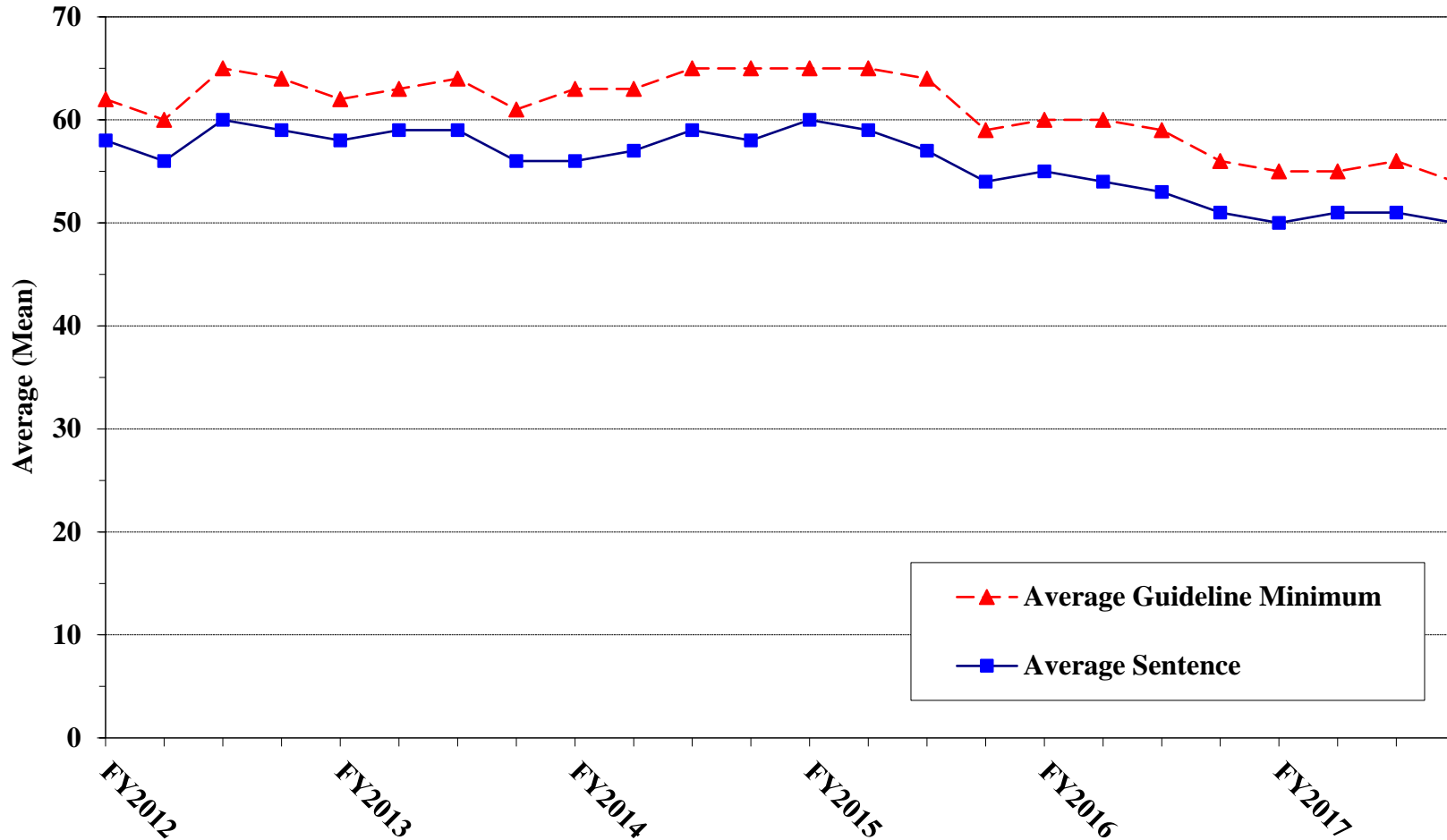


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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)¹

**Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

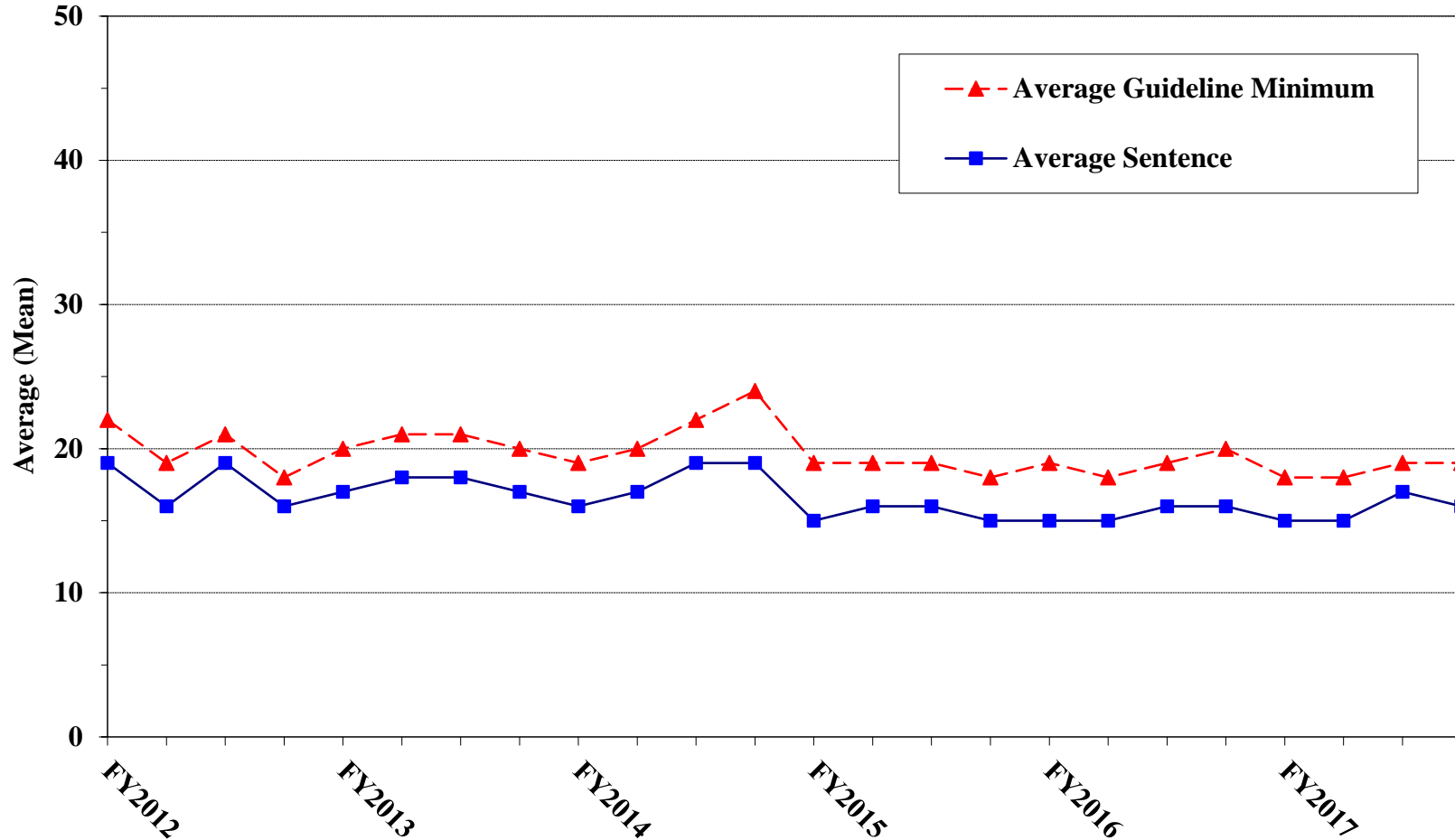


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

**Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

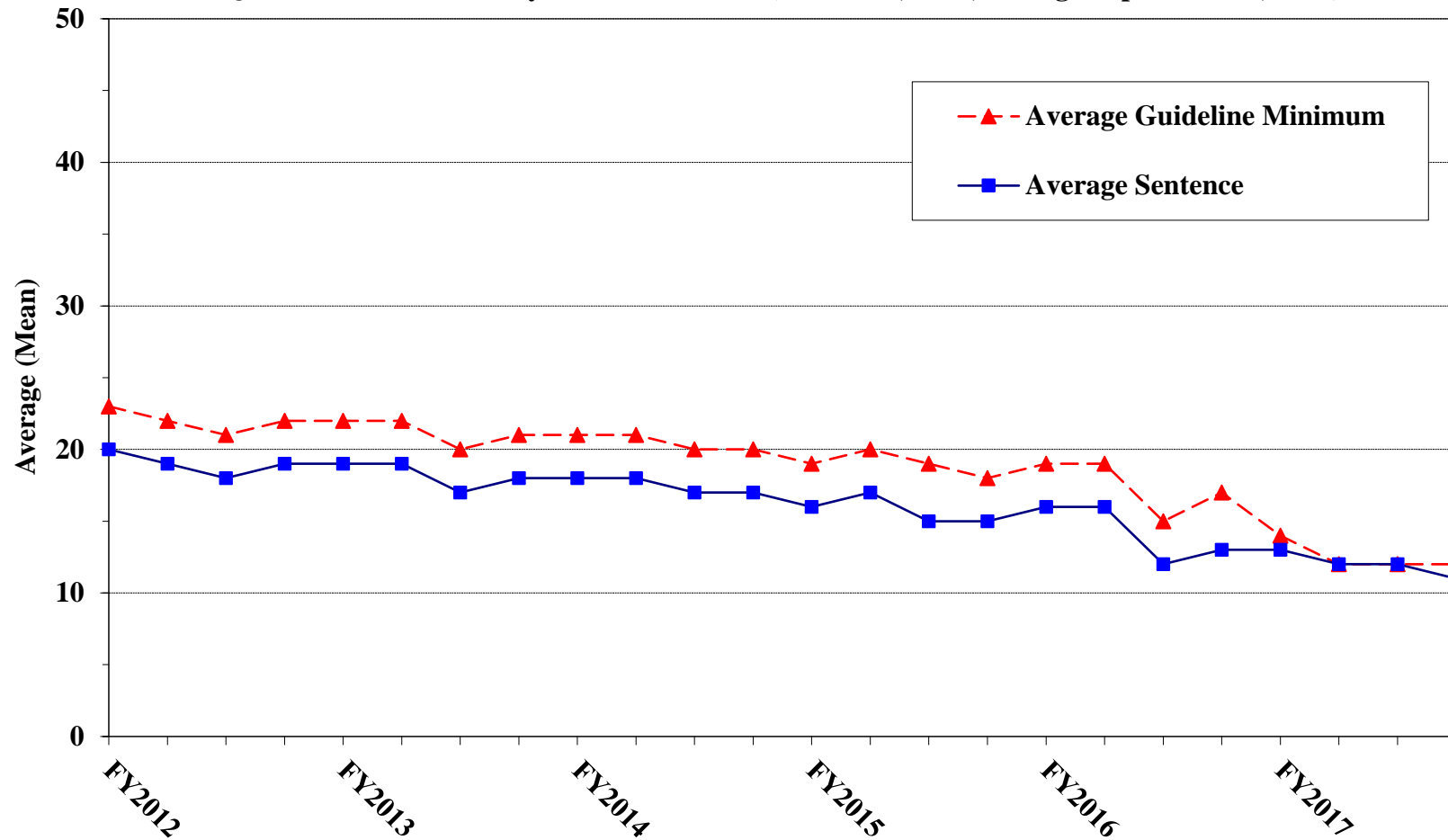


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn,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

**Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

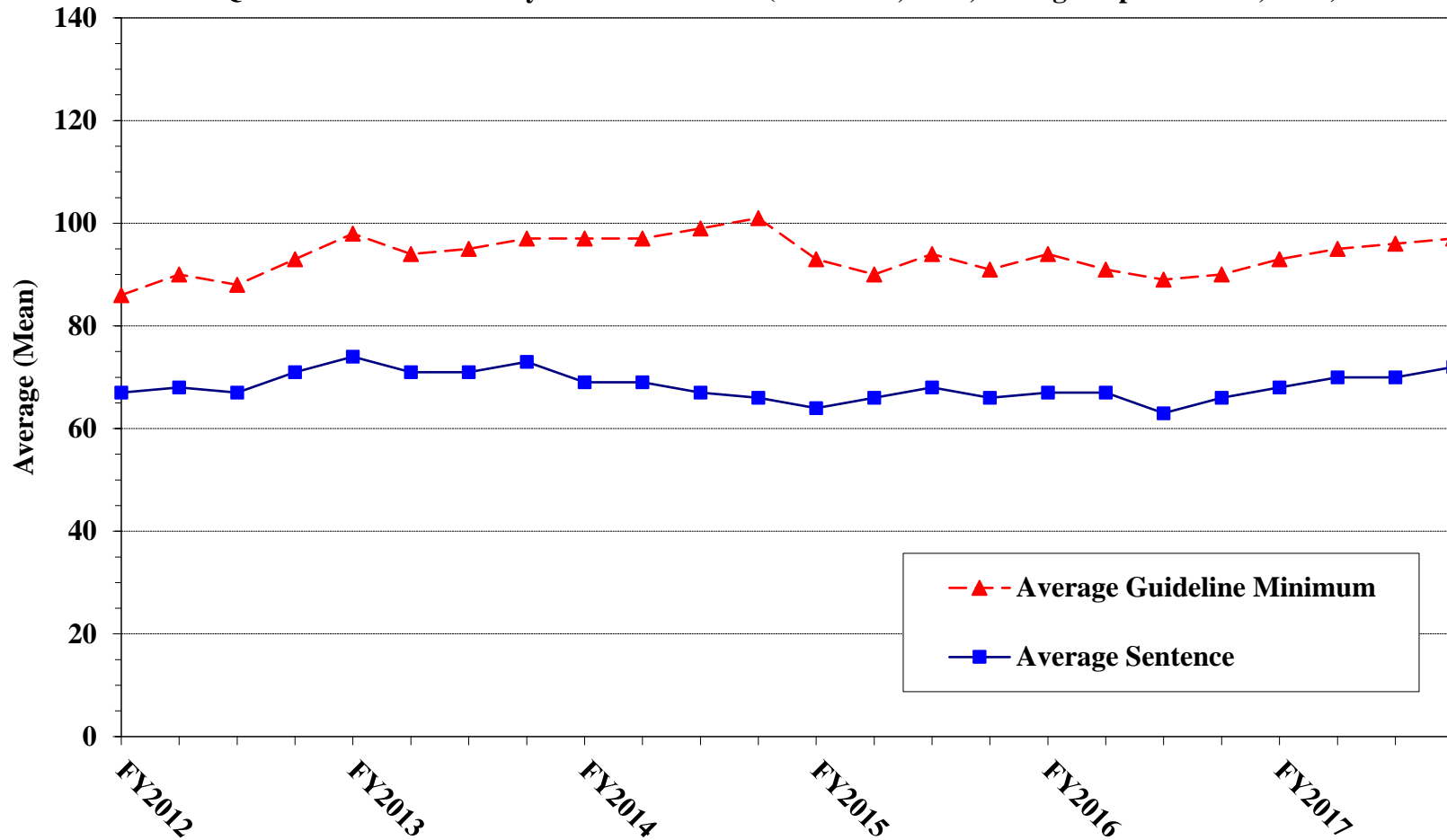


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases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

**Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)**

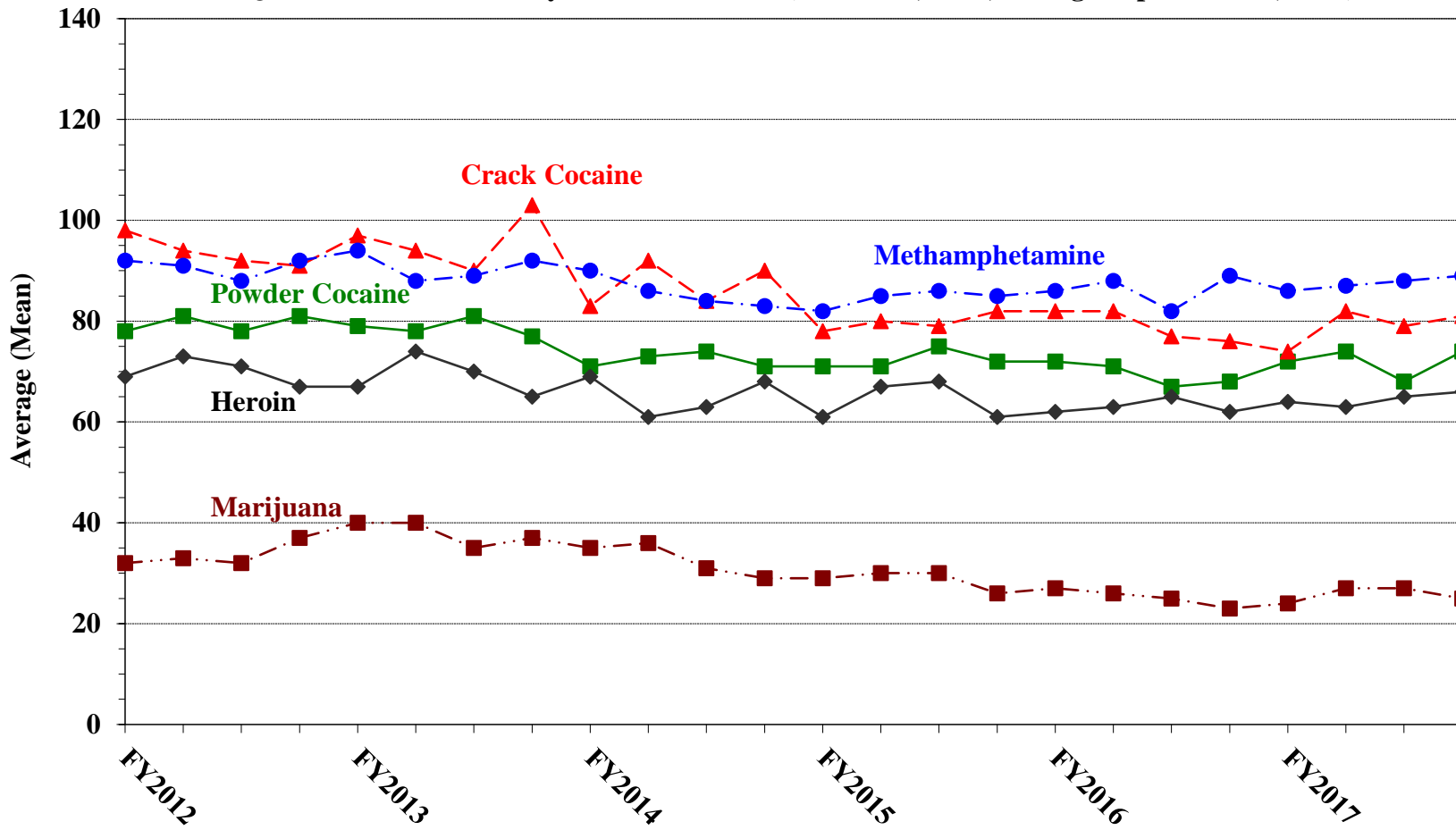


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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 TYPE¹

Fiscal Years 2012 - 2016,
4th Quarter 2017 Preliminary Cumulative Data (October 1, 2016, through September 30, 2017)



¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. 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.