

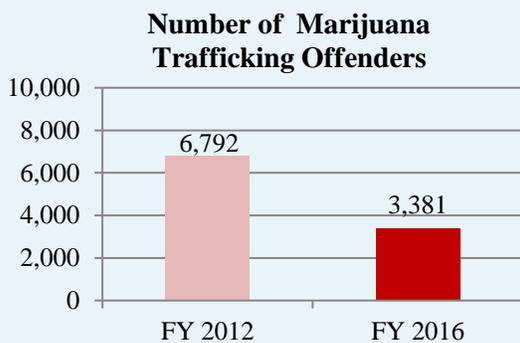


# Quick Facts

- ▶ THERE WERE 67,742 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2016.
- ▶ OF THESE CASES, 19,222 INVOLVED DRUG TRAFFICKING.<sup>1</sup>
- ▶ 17.6% OF DRUG TRAFFICKING OFFENSES INVOLVED MARIJUANA.<sup>2</sup>

## Marijuana Trafficking Offenses

In fiscal year 2016, there were 3,381 marijuana trafficking offenders, who accounted for 17.6% of all offenders sentenced under the drug trafficking guidelines. The number of marijuana offenders has decreased by 50.2% from the 6,792 offenders in fiscal year 2012.

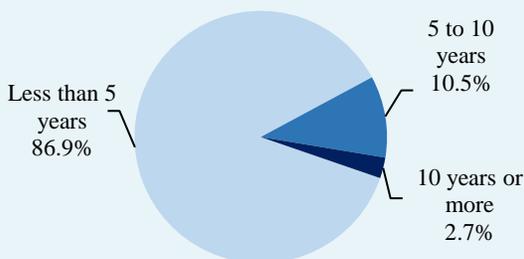


### Offender and Offense Characteristics

- In fiscal year 2016, the majority of marijuana trafficking offenders were male (89.9%).
- More than three-quarters of marijuana trafficking offenders were Hispanic (77.7%) followed by White (11.8%), Black (7.8%), and Other Races (2.8%).
- The average age of these offenders at sentencing was 33 years.
- Less than half of marijuana trafficking offenders were United States citizens (42.4%).
- Nearly two-thirds (65.6%) of marijuana trafficking offenders had little or no prior criminal history (*i.e.*, assigned to Criminal History Category I) while 1.8% were Career Offenders (§4B1.1).
- The median base offense level in these cases was 22. This corresponds to a quantity of drugs between 176 and 220 pounds of marijuana.
- Marijuana trafficking sentences were increased for:
  - ◆ 6.8% of offenders because the offense involved the possession of a weapon;
  - ◆ 5.0% of offenders for having a leadership or supervisory role in the offense.
- Marijuana trafficking sentences were decreased for:
  - ◆ 38.9% of offenders because they were a minor or minimal participant in the offense;
  - ◆ 54.1% of offenders because they met the safety valve criteria in the sentencing guidelines.

Top Five Districts Marijuana Trafficking Offenders FY 2016
Western District of Texas (N=852)
District of Arizona (N=688)
Southern District of Texas (N=596)
District of New Mexico (N=354)
Eastern District of California (N=79)

### Sentence Length of Marijuana Trafficking Offenders FY 2016



### Punishment

- Most marijuana trafficking offenders were sentenced to imprisonment (92.7%).
- The average sentence for marijuana trafficking offenders was 26 months.
- Slightly more than a quarter (27.0%) of all marijuana trafficking offenders were convicted of an offense carrying a mandatory minimum penalty.
  - ◆ However, nearly seventy percent (69.5%) of these offenders were not subject to any mandatory minimum penalty at sentencing because:
    - ◇ 15.0% provided the government with substantial assistance in the investigation or prosecution of other offenders, 45.4% were eligible for relief through the statutory safety valve provision, and 9.1% received both forms of relief.

<sup>1</sup> Drug trafficking offenses include cases with complete guideline application information in which the offender was sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).

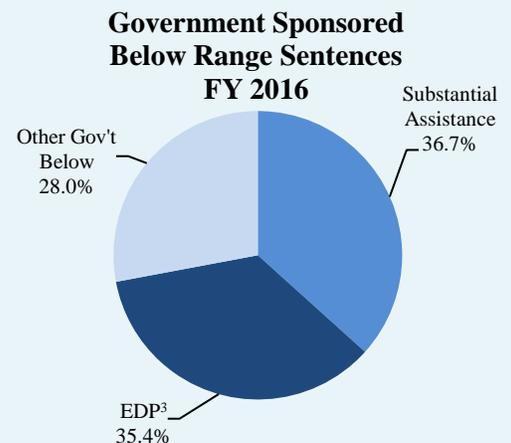
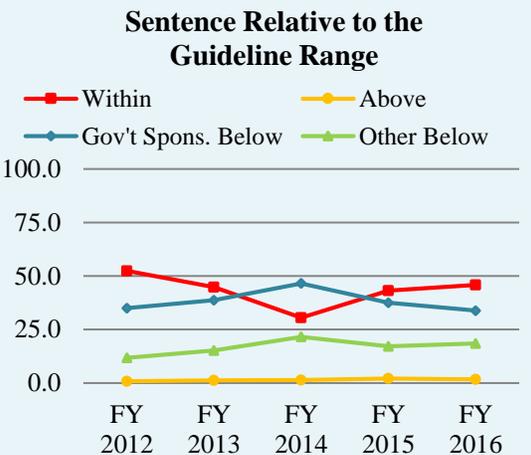
<sup>2</sup> This analysis does not include simple possession offenses, which accounted for 8.9% of all drug offenses reported to the Commission in fiscal year 2016.

# Quick Facts

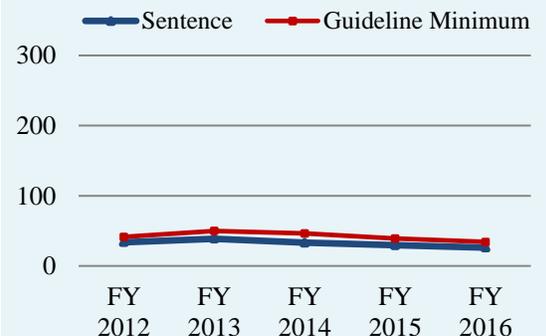
## Marijuana Trafficking Offenses

### Sentences Relative to the Guideline Range

- The rate of within range sentences for marijuana trafficking offenders fell from fiscal year 2012 through fiscal year 2014 before increasing in fiscal years 2015 and 2016. The within-range rate was 45.8 % in fiscal year 2016.
- The rate of government sponsored below range sentences for marijuana trafficking offenders followed an inverse pattern from within range sentences, with the rate increasing from fiscal years 2012 through 2014 before decreasing in each of the past two years. The rate of government sponsored below range sentences was 33.9% in fiscal year 2016.
  - ◆ Substantial assistance departures were granted for 18.5% of marijuana trafficking offenders in fiscal years 2013 and 2014. Since then they have steadily decreased to 16.8% in fiscal year 2015 and 12.4% in fiscal year 2016.
    - ◇ In fiscal year 2016, these offenders received an average reduction in their sentence of 54.0%.
  - ◆ Early Disposition Program (EDP) departures<sup>3</sup> were granted for 12.0% of marijuana trafficking offenders in fiscal year 2016.
    - ◇ In fiscal year 2016, these offenders received an average reduction in their sentence of 50.1%.
  - ◆ The rate of marijuana trafficking offenders receiving a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program increased from fiscal years 2012 through 2014 before decreasing to 9.3% in fiscal year 2015. In 2016, this rate was 9.5%.
    - ◇ In fiscal year 2016, these offenders received an average reduction in their sentence of 39.5%.
- The rate of non-government sponsored below range sentences for marijuana traffickers increased from fiscal years 2012 through 2014 before decreasing to 17.2% in fiscal year 2015. The rate of non-government sponsored below range sentence increased to 18.6% in fiscal year 2016.
  - ◆ In fiscal year 2016, these offenders received an average reduction in their sentence of 43.1%.
- The average guideline minimum and average sentence for marijuana trafficking has decreased since fiscal year 2013.
  - ◆ The average guideline minimum increased from 41 to 50 months between fiscal years 2012 and 2013, and steadily decreased to 34 months by fiscal year 2016;
  - ◆ The average sentence imposed increased from 34 to 39 months between fiscal years 2012 and 2013, and steadily decreased to 26 months by fiscal year 2016.



### Average Sentence and Average Guideline Minimum (in months)



<sup>3</sup> "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.

