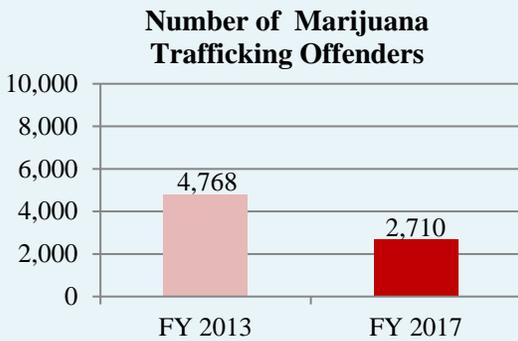




# Quick Facts

- ▶ THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.
- ▶ OF THESE CASES, 19,240 INVOLVED DRUG TRAFFICKING.<sup>1</sup>
- ▶ 14.1% OF DRUG TRAFFICKING OFFENSES INVOLVED MARIJUANA.<sup>2</sup>

## Marijuana Trafficking Offenses



In fiscal year 2017, there were 2,710 marijuana trafficking offenders, who accounted for 14.1% of all offenders sentenced under the drug trafficking guidelines. The number of marijuana offenders has decreased by 43.2% from the 4,768 offenders in fiscal year 2013.

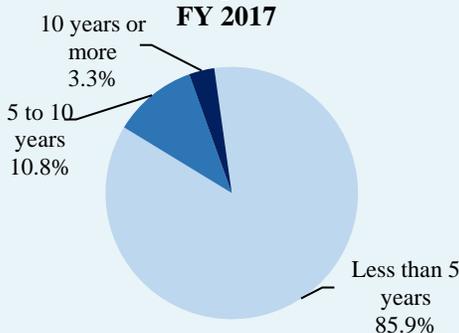
**Top Five Districts Marijuana Trafficking Offenders FY 2017**

Western District of Texas (N=711)
District of Arizona (N=647)
Southern District of Texas (N=395)
District of New Mexico (N=246)
Eastern District of California (N=61)

### Offender and Offense Characteristics

- In fiscal year 2017, the majority of marijuana trafficking offenders were men (86.3%).
- Three-quarters of marijuana trafficking offenders were Hispanic (75.1%) followed by White (10.8%), Black (10.1%), and Other Races (4.0%).
- The average age of these offenders at sentencing was 33 years.
- Half of marijuana trafficking offenders were United States citizens (50.3%).
- Less than two-thirds (62.9%) of marijuana trafficking offenders had little or no prior criminal history (*i.e.*, assigned to Criminal History Category I) while 2.1% 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:
  - ◆ 9.4% of offenders because the offense involved the possession of a weapon;
  - ◆ 4.7% of offenders for having a leadership or supervisory role in the offense.
- Marijuana trafficking sentences were decreased for:
  - ◆ 41.0% of offenders because they were a minor or minimal participant in the offense;
  - ◆ 50.6% of offenders because they met the safety valve criteria in the sentencing guidelines.

### Sentence Length of Marijuana Trafficking Offenders FY 2017



### Punishment

- Most marijuana trafficking offenders were sentenced to imprisonment (91.0%).
- The average sentence for marijuana trafficking offenders was 27 months.
- One-quarter (25.6%) of all marijuana trafficking offenders were convicted of an offense carrying a mandatory minimum penalty.
  - ◆ However, nearly 70 percent (68.4%) of these offenders were not subject to any mandatory minimum penalty at sentencing because:
    - ◇ 15.9% provided the government with substantial assistance in the investigation or prosecution of other offenders, 43.1% were eligible for relief through the statutory safety valve provision, and 9.5% 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).

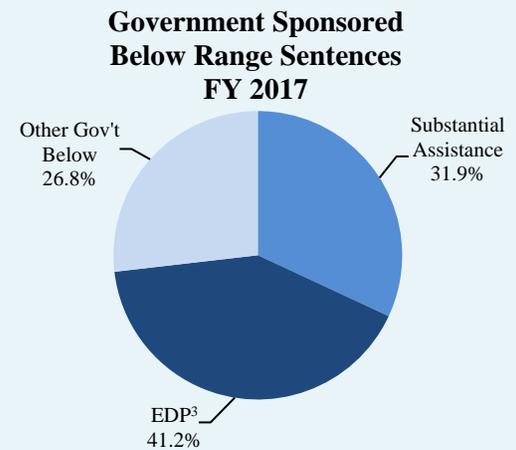
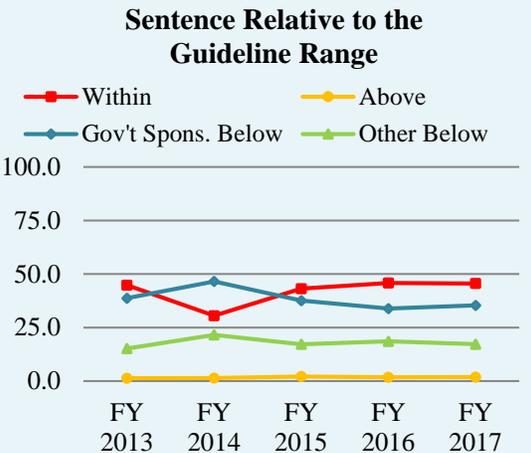
<sup>2</sup> This analysis does not include simple possession offenses, which accounted for 6.4% of all drug offenses reported to the Commission in fiscal year 2017.

# Quick Facts

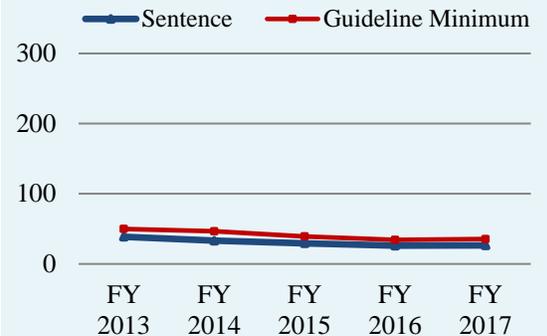
## Marijuana Trafficking Offenses

### Sentences Relative to the Guideline Range

- The rate of within range sentences for marijuana trafficking offenders fell from fiscal year 2013 to fiscal year 2014 before increasing in fiscal years 2015 and 2016. The rate remained stable in fiscal year 2017 at 45.6%.
- The rate of government sponsored below range sentences for marijuana trafficking offenders increased from fiscal year 2013 to 2014, decreased in each of the following two years, and increased slightly in fiscal year 2017. The rate of government sponsored below range sentences was 35.4% in fiscal year 2017.
  - ◆ The rate of substantial assistance departures granted for marijuana trafficking offenders has decreased over the past five years from 18.5% in fiscal years 2013 and 2014 to 11.3% in fiscal year 2017.
    - ◇ In fiscal year 2017, these offenders received an average reduction in their sentence of 54.5%.
  - ◆ Early Disposition Program (EDP) departures<sup>3</sup> were granted for 14.6% of marijuana trafficking offenders in fiscal year 2017. This is approximately the same rate granted in fiscal year 2013.
    - ◇ In fiscal year 2017, these offenders received an average reduction in their sentence of 52.8%.
  - ◆ 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 EDP increased from fiscal year 2013 to 2014 before decreasing to 9.3% in fiscal year 2015 and remaining relatively stable. In 2017, this rate was 9.5%.
    - ◇ In fiscal year 2017, these offenders received an average reduction in their sentence of 47.1%.
- The rate of non-government sponsored below range sentences for marijuana traffickers increased from fiscal year 2013 to 2014 before decreasing and remaining relatively stable. The rate in fiscal year 2017 was 17.2%.
  - ◆ In fiscal year 2017, these offenders received an average reduction in their sentence of 45.3%.
- The average guideline minimum and average sentence for marijuana trafficking decreased from fiscal year 2013 through 2016, and increased by one month in fiscal year 2017.
  - ◆ The average guideline minimum decreased from 50 to 34 months between fiscal years 2013 and 2016, and increased to 35 months in fiscal year 2017;
  - ◆ The average sentence imposed decreased from 39 to 26 months between fiscal years 2013 and 2016, and increased to 27 months in fiscal year 2017.



### 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.

