Fiscal Year 2018

- IN FY 2018, 69,425 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- 18,964 OF THESE INVOLVED DRUG TRAFFICKING.
- 11.5% OF DRUG TRAFFICKING CASES INVOLVED MARIJUANA.
- MARIJUANA TRAFFICKING OFFENDERS HAVE DECREASED BY 44.9% SINCE FY 2014.

Offender and Offense Characteristics

- 86.8% of marijuana trafficking offenders were men.
- 71.9% of marijuana trafficking offenders were Hispanic, 12.3% were Black, 11.5% were White, and 4.3% were Other races.
- Their average age was 33 years.
- 53.3% were United States citizens.
- 61.1% had little or no prior criminal history (Criminal History Category I); 2.2% were Career Offenders (§4B1.1).
- The median Base Offense Level in these cases was 20, corresponding to between 60 and 80 kilograms of marijuana.
- Sentences were increased for:
  - possessing a weapon (11.4%);
  - having a leadership/supervisory role in the offense (4.2%).
- Sentences were decreased for:
  - having minor or minimal participation in the offense (41.9%);
  - meeting the safety valve criteria in the sentencing guidelines (48.3%).
- The top five districts for marijuana trafficking offenders were:
  - Western District of Texas (613);
  - District of Arizona (375);
  - Southern District of Texas (336);
  - District of New Mexico (107);
  - Eastern District of California (51).

Punishment

- The average sentence for marijuana trafficking offenders was 29 months.
- 91.1% were sentenced to prison.
- 31.8% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 63.6% were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Marijuana Traffickers

- Substantial Assistance: 11.3%
- Safety Valve: 44.9%
- Both: 7.4%

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
Sentences Relative to the Guideline Range

- Of the 80.3% of marijuana trafficking offenders sentenced under the Guidelines Manual:
  - 67.5% were sentenced within the guideline range.
  - 12.2% received a substantial assistance departure. Their average sentence reduction was 52.9%.
  - 14.3% received an Early Disposition Program (EDP) departure. Their average sentence reduction was 53.4%.
  - 19.7% received a variance; of those offenders:
    - 94.9% received a below range variance. Their average sentence reduction was 41.1%.
    - 5.1% received an above range variance. Their average sentence increase was 83.9%.
- The average guideline minimum has decreased and the sentence imposed has remained steady over the past five years.
  - The average guideline minimum decreased from 47 months in fiscal year 2014 to 36 months in fiscal year 2018.
  - The average sentence imposed decreased from 33 months in fiscal year 2014 to 29 months in fiscal year 2018.

Sentence Imposed Relative to the Guideline Range FY 2018

- Under Guidelines Manual: 80.3%
  - Within Range: 54.2%
  - Substantial Assistance: 9.6%
  - EDP: 11.5%
  - Other Downward Departure: 4.1%
  - Upward Departure: 0.6%
  - Variances: 19.7%

1 Drug trafficking offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs).
2 Offenders were 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). Cases with incomplete sentencing information were excluded from the analysis.
3 “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.