Fiscal Year 2019

- In FY 2019, 76,538 cases were reported to the U.S. Sentencing Commission.
- 20,085 cases involved drugs.¹
  - 19,765 involved drug trafficking.²
  - 8.5% of drug trafficking cases involved marijuana.
  - Marijuana trafficking offenders have decreased by 51.6% since FY 2015.

**Number of Marijuana Trafficking Offenders**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2015</td>
<td>3,462</td>
</tr>
<tr>
<td>FY 2019</td>
<td>1,675</td>
</tr>
</tbody>
</table>

**Sentence Length FY 2019**

- Less than 5 years: 79.8%
- 5 to less than 10 years: 16.4%
- 10 years or more: 3.8%

Offender and Offense Characteristics³

- 87.2% of marijuana trafficking offenders were men.
- 67.4% of marijuana trafficking offenders were Hispanic, 14.2% were Black, 13.4% were White, and 5.0% were Other races.
- Their average age was 33 years.
- 56.9% were United States citizens.
- 65.2% had little or no prior criminal history (Criminal History Category I); 3.0% were Career Offenders (§4B1.1).
- The median Base Offense Level in these cases was 22, corresponding to between 80 and 100 kilograms of marijuana.
- Sentences were increased for:
  - possessing a weapon (16.2%);
  - having a leadership/supervisory role in the offense (6.0%).
- Sentences were decreased for:
  - having minor or minimal participation in the offense (38.3%);
  - meeting the safety valve criteria in the sentencing guidelines (51.3%).
- The top five districts for marijuana trafficking offenders were:
  - Western District of Texas (467);
  - Southern District of Texas (258);
  - District of Arizona (180);
  - District of New Mexico (72);
  - District of Puerto Rico (49).

Punishment

- The average sentence for marijuana trafficking offenders was 31 months.
- 89.9% were sentenced to prison.
- 36.8% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 74.7% were relieved of that penalty.

**Means of Relief from Mandatory Minimum Penalty for Marijuana Traffickers**

- Substantial Assistance: 10.9%
- Safety Valve: 54.8%
- Both: 9.1%

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
Marijuana Trafficking Offenses

Sentences Relative to the Guideline Range

- Of the 73.8% of marijuana trafficking offenders sentenced under the Guidelines Manual:
  - 64.7% were sentenced within the guideline range.
  - 16.9% received a substantial assistance departure.
    - Their average sentence reduction was 57.1%.
  - 9.9% received an Early Disposition Program (EDP) departure.\(^4\)
    - Their average sentence reduction was 56.5%.
  - 26.2% received a variance; of those offenders:
    - 91.9% received a below range variance.
      - Their average sentence reduction was 46.3%.
    - 8.1% received an above range variance.
      - Their average sentence increase was 105.5%.
- The average guideline minimum and the sentence imposed has remained steady over the past five years:
  - The average guideline minimum increased from 39 months in fiscal year 2015 to 40 months in fiscal year 2019.
  - The average sentence imposed increased from 29 months in fiscal year 2015 to 31 months in fiscal year 2019.

Sentence Imposed Relative to the Guideline Range FY 2019

- Under Guidelines Manual 73.8%
- Within Range 47.8%
- Substantial Assistance 12.5%
- EDP 7.3%
- Other Downward Departure 5.7%
- Upward Departure 0.6%
- Variances 26.2%


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1. Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 1,734 marijuana offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2019.
2. Drug Trafficking 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).
3. Cases with incomplete guideline application information were excluded from analysis.
4. “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.