### Triggering Thresholds for Common Controlled Substances

<table>
<thead>
<tr>
<th>Substance</th>
<th>5-year Mandatory Minimum</th>
<th>10-year Mandatory Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heroin</strong></td>
<td>100 G</td>
<td>1 KG</td>
</tr>
<tr>
<td><strong>Powder Cocaine</strong></td>
<td>500 G</td>
<td>5 KG</td>
</tr>
<tr>
<td><strong>Cocaine Base (crack)</strong></td>
<td>28 G</td>
<td>280 G</td>
</tr>
<tr>
<td><strong>Marijuana</strong></td>
<td>100 KG</td>
<td>1,000 KG</td>
</tr>
<tr>
<td><strong>Methamphetamine (pure)</strong></td>
<td>5 G</td>
<td>50 G</td>
</tr>
<tr>
<td><strong>Methamphetamine (mixture)</strong></td>
<td>50 G</td>
<td>500 G</td>
</tr>
</tbody>
</table>
**Figure 1.** Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Fiscal Year 2016

- Not Convicted of an Offense Carrying a Mandatory Minimum Penalty: 78.1% (N=48,647)
- Convicted of an Offense Carrying a Mandatory Minimum Penalty: 21.9% (N=13,604)

**Source:** U.S. Sentencing Commission, 2016 Datafile, USSCFY16.
**Figure 2.** Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty and Offenders Subject to a Mandatory Minimum Penalty at Sentencing Fiscal Years 1991 - 2016

- Convicted of an Offense Carrying a Mandatory Minimum Penalty
- Subject to a Mandatory Minimum Penalty at Sentencing

Figure 3. Comparison of Selected Sentencing Data Related to the Smart on Crime Initiative Fiscal Years 2010 and 2016

- 2010 - Convicted of a Drug Trafficking Offense Carrying a Mandatory Minimum Penalty
- 2016 - Convicted of a Drug Trafficking Offense Carrying a Mandatory Minimum Penalty
- 2010 - Subject to a Mandatory Minimum Penalty at Sentencing
- 2016 - Subject to a Mandatory Minimum Penalty at Sentencing

Figure 4. Length of Mandatory Minimum Penalty for Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Fiscal Years 2010 and 2016

Figure 5. Number of Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty by District Fiscal Year 2016

Figure 6. Percentage of Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty by District Fiscal Year 2016

Figure 7. Primary Offense of Conviction for Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty

**1990**
(N = 6,313)
- Drugs: 91.1%
- Firearms: 4.5%
- Violent: 3.6%
- Other: 0.8%

**2010**
(N = 19,896)
- Drugs: 80.0%
- Sexual Abuse: 1.7%
- Pornography: 4.2%
- Firearms: 5.1%
- Other: 9.0%

**2016**
(N = 13,604)
- Drugs: 67.3%
- Sexual Abuse: 5.2%
- Pornography: 6.9%
- Firearms: 5.7%
- Other: 15.0%

Table 1. Number of Convictions for Most Frequently Used Statutes Carrying a Mandatory Minimum Penalty Fiscal Year 2016

<table>
<thead>
<tr>
<th>STATUTE</th>
<th>Total Number of Counts of Convictions</th>
<th>Percentage of Counts of Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 U.S.C. § 846</td>
<td>5,982</td>
<td>24.9%</td>
</tr>
<tr>
<td>21 U.S.C. § 841(b)(1)(B)</td>
<td>2,478</td>
<td>10.3%</td>
</tr>
<tr>
<td>21 U.S.C. § 841(b)(1)(A)</td>
<td>2,224</td>
<td>9.3%</td>
</tr>
<tr>
<td>18 U.S.C. § 924(c)(1)(A)(i)</td>
<td>1,974</td>
<td>8.2%</td>
</tr>
<tr>
<td>18 U.S.C. § 924(c)(1)(A)(ii)</td>
<td>1,019</td>
<td>4.2%</td>
</tr>
</tbody>
</table>

Figure 8. Offenders in Select Offense Types Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Years 1991 - 2016

### Table 2. Demographic Characteristics of Offenders
Fiscal Year 2016

<table>
<thead>
<tr>
<th></th>
<th>All Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Relieved of Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty at Sentencing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total (# of offenders)</strong></td>
<td>62,251</td>
<td>13,604</td>
<td>5,262</td>
<td>8,342</td>
</tr>
<tr>
<td><strong>RACE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>22.7%</td>
<td>27.2%</td>
<td>21.1%</td>
<td>31.1%</td>
</tr>
<tr>
<td>Black</td>
<td>20.9%</td>
<td>29.7%</td>
<td>20.6%</td>
<td>35.5%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>52.4%</td>
<td>40.4%</td>
<td>55.5%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Other</td>
<td>4.0%</td>
<td>2.7%</td>
<td>2.8%</td>
<td>2.5%</td>
</tr>
<tr>
<td><strong>CITIZENSHIP</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Citizen</td>
<td>59.6%</td>
<td>77.9%</td>
<td>64.2%</td>
<td>86.5%</td>
</tr>
<tr>
<td>Non-U.S. Citizen</td>
<td>40.4%</td>
<td>22.1%</td>
<td>35.8%</td>
<td>13.5%</td>
</tr>
<tr>
<td><strong>GENDER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>86.4%</td>
<td>90.0%</td>
<td>85.3%</td>
<td>93.0%</td>
</tr>
<tr>
<td>Female</td>
<td>13.6%</td>
<td>10.0%</td>
<td>14.7%</td>
<td>7.0%</td>
</tr>
</tbody>
</table>

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSCFY16.
### Table 3. Criminal History of Offenders
Fiscal Year 2016

<table>
<thead>
<tr>
<th>CRIMINAL HISTORY CATEGORY</th>
<th>All Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Relieved of Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty at Sentencing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total (# of offenders)</strong></td>
<td>N=62,251</td>
<td>N=13,604</td>
<td>N=5,262</td>
<td>N=8,342</td>
</tr>
<tr>
<td>Category I</td>
<td>45.2%</td>
<td>45.7%</td>
<td>63.1%</td>
<td>34.6%</td>
</tr>
<tr>
<td>Category II</td>
<td>13.8%</td>
<td>11.7%</td>
<td>8.6%</td>
<td>13.7%</td>
</tr>
<tr>
<td>Category III</td>
<td>16.4%</td>
<td>14.7%</td>
<td>10.3%</td>
<td>17.5%</td>
</tr>
<tr>
<td>Category IV</td>
<td>9.6%</td>
<td>8.6%</td>
<td>5.5%</td>
<td>10.6%</td>
</tr>
<tr>
<td>Category V</td>
<td>5.5%</td>
<td>5.1%</td>
<td>3.2%</td>
<td>6.4%</td>
</tr>
<tr>
<td>Category VI</td>
<td>9.5%</td>
<td>14.1%</td>
<td>9.3%</td>
<td>17.2%</td>
</tr>
</tbody>
</table>

Figure 9. Offenders Relieved of a Mandatory Minimum Penalty Fiscal Year 2016

- Relieved of Mandatory Minimum Penalty: 38.7% (N=5,262)
- No Relief: 61.3% (N=8,342)

Figure 10. Offenders Relieved of a Mandatory Minimum Penalty by Relief Type
Fiscal Year 2016

- No Relief: 61.3%
- Substantial Assistance: 18.8%
- Safety Valve: 14.3%
- Substantial Assistance & Safety Valve: 5.5%

Figure 11. Demographics of Offenders Relieved of a Mandatory Minimum Penalty by Race Fiscal Year 2016

**Figure 12.** Demographics of Offenders Who Remained Subject to a Mandatory Minimum Penalty at Sentencing by Race
Fiscal Years 2010 and 2016

<table>
<thead>
<tr>
<th>Race</th>
<th>2010 - No Relief</th>
<th>2016 - No Relief</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>53.5%</td>
<td>70.0%</td>
</tr>
<tr>
<td>Black</td>
<td>65.1%</td>
<td>73.2%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>44.3%</td>
<td>46.9%</td>
</tr>
<tr>
<td>Other</td>
<td>41.1%</td>
<td>58.9%</td>
</tr>
</tbody>
</table>

Figure 13. Demographics of Offenders Relieved of a Mandatory Minimum Penalty by Citizenship Status and Gender Fiscal Year 2016

- **Figure 13.** Demographics of Offenders Relieved of a Mandatory Minimum Penalty by Citizenship Status and Gender Fiscal Year 2016

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSC FY16.
Figure 14. Percentage of Offenders Receiving Substantial Assistance Fiscal Year 2016

Figure 15. Average Sentence Length
Fiscal Year 2016

- Not Convicted of Mandatory Minimum: 28 mos.
- Convicted of Mandatory Minimum: 110 mos.
- Subject to Mandatory Minimum: 138 mos.
- Relieved of Mandatory Minimum: 67 mos.
- Substantial Assistance: 83 mos.
- Safety Valve: 57 mos.
- Substantial Assistance & Safety Valve: 41 mos.

Figure 16. Average Sentence Length by Race
Fiscal Year 2016

Figure 17. Comparison of Average Sentence of White and Black Offenders Fiscal Years 2010 and 2016
### Table 4. Average Sentence by Citizenship and Gender
Fiscal Year 2016

<table>
<thead>
<tr>
<th>Citizenship</th>
<th>All Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Relieved of Mandatory Minimum Penalty</th>
<th>Subject to a Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total (# of offenders)</strong></td>
<td>N=62,251</td>
<td>N=13,604</td>
<td>N=5,262</td>
<td>N=8,342</td>
</tr>
<tr>
<td><strong>U.S. Citizen</strong></td>
<td>59 months</td>
<td>117 months</td>
<td>68 months</td>
<td>140 months</td>
</tr>
<tr>
<td><strong>Non-U.S. Citizen</strong></td>
<td>26 months</td>
<td>87 months</td>
<td>66 months</td>
<td>124 months</td>
</tr>
</tbody>
</table>

**Gender**

<table>
<thead>
<tr>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
</tbody>
</table>

- Male: 49 months, 115 months, 70 months, 141 months
- Female: 26 months, 69 months, 50 months, 95 months

Table 5. Position of Sentence Relative to the Guideline Range
Fiscal Year 2016

<table>
<thead>
<tr>
<th></th>
<th>All Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to a Mandatory Minimum Penalty at Sentencing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total (# of offenders)</strong></td>
<td>N=62,251</td>
<td>N=13,604</td>
<td>N=8,342</td>
</tr>
<tr>
<td><strong>SENTENCE RELATIVE TO THE GUIDELINE RANGE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within Range</td>
<td>46.6%</td>
<td>41.4%</td>
<td>54.7%</td>
</tr>
<tr>
<td>Above Range</td>
<td>2.3%</td>
<td>2.0%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Substantial Assistance §5K1.1</td>
<td>11.7%</td>
<td>24.4%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Other Government Sponsored (no §5K1.1)</td>
<td>17.5%</td>
<td>10.4%</td>
<td>14.9%</td>
</tr>
<tr>
<td>Non-Government Sponsored Below Range</td>
<td>21.8%</td>
<td>21.8%</td>
<td>27.4%</td>
</tr>
</tbody>
</table>

**Figure 18.** Position of Sentence Relative to the Guideline Range for Offenders Subject to a Mandatory Minimum Penalty at Sentencing Fiscal Year 2016

- **Guideline Minimum Below or Equal to Statutory Minimum:** 24.9% (N=2,077)
- **Guideline Minimum Above Statutory Minimum:** 75.1% (N=6,265)
- **Within Range:** 41.7%
- **Non-Gov't Sponsored Below Range:** 36.3%
- **Gov't Sponsored Below Range:** 19.4%
- **Above Range:** 2.0%

Figure 19. Number of Offenders in Federal Prison as of December 31 1991 - 2015

**Figure 20.** Percentage of Offenders in Prison Not Convicted of an Offense Carrying a Mandatory Minimum Penalty, Convicted of an Offense Carrying a Mandatory Minimum Penalty, and Subject to a Mandatory Minimum Penalty at Sentencing By End of Fiscal Year 2016

- Not Convicted of Offense Carrying a Mandatory Minimum Penalty: 44.3% (N=73,901)
- Convicted - Subject to Mandatory Minimum Penalty at Sentencing: 42.7% (N=71,278)
- Convicted - Relieved of Mandatory Minimum Penalty: 13.0% (N=21,592)

*Source: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.*
**Figure 21.** Number of Offenders in Prison Not Convicted of an Offense Carrying a Mandatory Minimum Penalty, Convicted of an Offense Carrying a Mandatory Minimum Penalty, and Subject to a Mandatory Minimum Penalty at Sentencing By End of Fiscal Years 1995 - 2016

- Not Convicted of an Offense Carrying a Mandatory Minimum Penalty
- Convicted - Relieved of Mandatory Minimum Penalty
- Convicted - Subject to Mandatory Minimum Penalty at Sentencing

Figure 22. Percentage Offenders in Prison Not Convicted of an Offense Carrying a Mandatory Minimum Penalty, Convicted of an Offense Carrying a Mandatory Minimum Penalty, and Subject to a Mandatory Minimum Penalty at Sentencing By End of Fiscal Years 1995 - 2016

- Not Convicted of an Offense Carrying a Mandatory Minimum Penalty
- Convicted - Relieved of Mandatory Minimum Penalty
- Convicted - Subject to Mandatory Minimum Penalty at Sentencing

Figure 23. Number of Offenders in Federal Prison by Race
By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.
Figure 24. Percentage of Offenders in Federal Prison Convicted of an Offense Carrying a Mandatory Minimum Penalty by Race
By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSC BOP.
**Figure 25.** Percentage of Offenders in Federal Prison Subject to a Mandatory Minimum Penalty at Sentencing by Race
By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSC BOP.
Figure 26. Number of Offenders in Federal Prison by Gender
By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSC BOP.
Figure 27. Percentage of Offenders in Federal Prison Convicted of an Offense Carrying a Mandatory Minimum Penalty by Gender By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.
Figure 28. Percentage of Offenders in Federal Prison Subject to a Mandatory Minimum Penalty at Sentencing by Gender
By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSC BOP.
**Figure 29.** Number of Offenders in Federal Prison by Citizenship
By End of Fiscal Years 1995 - 2016

- **U.S. Citizen**
- **Non-U.S. Citizen**

**SOURCE:** U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.
Figure 30. Percentage of Offenders in Federal Prison Convicted of an Offense Carrying a Mandatory Minimum Penalty by Citizenship By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.
Figure 31. Percentage of Offenders in Federal Prison Subject to a Mandatory Minimum Penalty at Sentencing by Citizenship
By End of Fiscal Years 1995 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.
Figure B-1. Percentage of Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty By District: Immigration Offenders Excluded Fiscal Year 2016