Figure 1. Sex Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Fiscal Year 2016

[N=62,251]

All Other Federal Offenders 95.8% (N=59,618)

Sex Offenders 4.2% (N=2,633)

Sexual Abuse Offenders 40.6% (N=1,055)

Child Pornography Offenders 56.4% (N=1,578)

Both 3.0% (N=180)

Figure 2. Sexual Abuse Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Year 2016

(N=62,251)

All Other Federal Offenders
98.2%  
(N=61,103)

Sexual Abuse Offenders
1.8%  
(N=1,148)

Convicted Under a Statute Carrying a MM Penalty
63.2%  
(N=726)

Not Convicted Under a Statute Carrying a MM Penalty
36.8%  
(N=422)

Figure 3. Number of Offenders Convicted of Sexual Abuse Offenses
Fiscal Years 2004 - 2016

Figure 4. Percentage of Sexual Abuse Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Fiscal Years 2004 - 2016

Table 1. Offense of Conviction for Sexual Abuse Offenders
Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Year 2016

<table>
<thead>
<tr>
<th>Total Number of Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>726</td>
</tr>
<tr>
<td>18 U.S.C. §§ 2251(e) or 2260(c)(1)</td>
<td>373, 51.4%</td>
</tr>
<tr>
<td>18 U.S.C. § 2422(b)</td>
<td>200, 27.6%</td>
</tr>
<tr>
<td>18 U.S.C. § 1591(b)(1)</td>
<td>118, 16.3%</td>
</tr>
<tr>
<td>18 U.S.C. § 2423(a)</td>
<td>68, 9.4%</td>
</tr>
<tr>
<td>18 U.S.C. § 1591(b)(2)</td>
<td>42, 5.8%</td>
</tr>
<tr>
<td>18 U.S.C. § 2241(c)</td>
<td>16, 2.2%</td>
</tr>
<tr>
<td>18 U.S.C. §§ 2251A(a) and (b)</td>
<td>4, 0.6%</td>
</tr>
<tr>
<td>18 U.S.C. § 3559(e)</td>
<td>1, 0.1%</td>
</tr>
</tbody>
</table>

1 Offenders may be convicted under more than one statute, therefore the total percentage is greater than 100.0%.

Table 2. Offenders Whose Primary Guideline was a Sexual Abuse Offense  
Fiscal Year 2016

<table>
<thead>
<tr>
<th>Offense Description</th>
<th>All Sexual Abuse Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Offenders</td>
<td>1,066²</td>
<td>100.0%</td>
</tr>
<tr>
<td>Transportation of a Minor to Participate in a Commercial Sex Act (§2G1.3)</td>
<td>410</td>
<td>38.5%</td>
</tr>
<tr>
<td>Production of Child Pornography (§2G2.1)</td>
<td>363</td>
<td>34.5%</td>
</tr>
<tr>
<td>Criminal Sexual Abuse/Rape (§2A3.1)</td>
<td>142</td>
<td>13.3%</td>
</tr>
<tr>
<td>Promoting a Commercial Sex Act – non Minor (§2G1.1)</td>
<td>66</td>
<td>6.2%</td>
</tr>
<tr>
<td>Abusive Sexual Contact (§2A3.4)</td>
<td>34</td>
<td>3.2%</td>
</tr>
<tr>
<td>Statutory Rape (§2A3.2)</td>
<td>33</td>
<td>3.1%</td>
</tr>
<tr>
<td>Criminal Sexual Abuse of a Ward (§2A3.3)</td>
<td>12</td>
<td>1.1%</td>
</tr>
<tr>
<td>Selling or Buying of Children for Use in Production of Child Pornography (§2G2.3)</td>
<td>1</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

¹ Three offenders' primary guideline was Child Exploitation Enterprises (§2G2.4). These cases are not necessarily sexual abuse in nature and are not included in the analysis for this report. All three of these offenders were convicted under a statute carrying a mandatory minimum penalty.

² Eighty offenders' primary guideline was Trafficking Child Pornography (§2G2.2) and one offender each had a primary guideline of First Degree Murder (§2A1.1) and Kidnapping (§2A4.1) but were also convicted of a sexual abuse offense carrying a mandatory minimum penalty. These offenders are not included in this table, but are included in all other analysis.

Figure 5. Length of Mandatory Minimum Penalties for Sexual Abuse Offenders
Fiscal Year 2016

[N=726]

20 Years and Greater
7.7%
(N=56)

15 Years
52.3%
(N=380)

10 Years
39.9%
(N=290)

Figure 6. Geographic Distribution of Sexual Abuse Offenders
Fiscal Year 2016

Number of Sexual Abuse Cases in Each District

Number of Sexual Abuse Cases Convicted Under a Statute Carrying a Mandatory Minimum Penalty in Each District

**Figure 7.** Race of Sexual Abuse Offenders  
**Fiscal Year 2016**

- **All Sexual Abuse Offenders**
  - White: 49.1%
  - Black: 23.6%
  - Hispanic: 13.3%
  - Native American: 11.7%
  - Non-NA Other: 2.3%

- **Convicted of an Offense Carrying a Mandatory Minimum Penalty**
  - White: 62.7%
  - Black: 21.1%
  - Hispanic: 12.7%
  - Native American: 2.1%
  - Non-NA Other: 1.5%

- **Non-Mandatory Minimum Offenders**
  - White: 25.6%
  - Black: 28.0%
  - Hispanic: 14.5%
  - Native American: 28.2%
  - Non-NA Other: 3.6%

### Table 3. Gender and Citizenship of Sexual Abuse Offenders

**Fiscal Year 2016**

<table>
<thead>
<tr>
<th></th>
<th>All Sexual Abuse Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Number of Offenders</strong></td>
<td>1,148</td>
<td>726</td>
<td>667</td>
</tr>
<tr>
<td><strong>Male</strong></td>
<td>91.9%</td>
<td>94.2%</td>
<td>95.4%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>8.1%</td>
<td>5.8%</td>
<td>4.6%</td>
</tr>
<tr>
<td><strong>U.S. Citizen</strong></td>
<td>92.8%</td>
<td>94.4%</td>
<td>94.6%</td>
</tr>
<tr>
<td><strong>Non-U.S. Citizen</strong></td>
<td>7.2%</td>
<td>5.6%</td>
<td>5.4%</td>
</tr>
</tbody>
</table>

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSCFY16.
Figure 8. Age of Sexual Abuse Offenders
Fiscal Year 2016

All Sexual Abuse Offenders

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
<th>(N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Older than 50</td>
<td>16.4%</td>
<td>188</td>
</tr>
<tr>
<td>41-50</td>
<td>18.5%</td>
<td>212</td>
</tr>
<tr>
<td>36-40</td>
<td>11.4%</td>
<td>131</td>
</tr>
<tr>
<td>31-35</td>
<td>16.1%</td>
<td>185</td>
</tr>
<tr>
<td>26-30</td>
<td>19.9%</td>
<td>228</td>
</tr>
<tr>
<td>21-25</td>
<td>15.2%</td>
<td>174</td>
</tr>
<tr>
<td>Younger than 21</td>
<td>2.6%</td>
<td>30</td>
</tr>
</tbody>
</table>

Convicted of a Sexual Abuse Offense Carrying a Mandatory Minimum

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
<th>(N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Older than 50</td>
<td>17.6%</td>
<td>128</td>
</tr>
<tr>
<td>41-50</td>
<td>20.5%</td>
<td>149</td>
</tr>
<tr>
<td>36-40</td>
<td>13.5%</td>
<td>98</td>
</tr>
<tr>
<td>31-35</td>
<td>17.4%</td>
<td>126</td>
</tr>
<tr>
<td>26-30</td>
<td>18.7%</td>
<td>126</td>
</tr>
<tr>
<td>21-25</td>
<td>11.0%</td>
<td>80</td>
</tr>
<tr>
<td>Younger than 21</td>
<td>1.2%</td>
<td>9</td>
</tr>
</tbody>
</table>

Table 4. Criminal History of Sexual Abuse Offenders  
Fiscal Year 2016

<table>
<thead>
<tr>
<th>CRIMINAL HISTORY CATEGORY</th>
<th>All Sexual Abuse Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Offenders</td>
<td>1,148</td>
<td>726</td>
<td>667</td>
</tr>
<tr>
<td>I</td>
<td>63.6%</td>
<td>65.2%</td>
<td>66.1%</td>
</tr>
<tr>
<td>II</td>
<td>10.7%</td>
<td>9.1%</td>
<td>8.7%</td>
</tr>
<tr>
<td>III</td>
<td>9.9%</td>
<td>9.2%</td>
<td>8.7%</td>
</tr>
<tr>
<td>IV</td>
<td>5.7%</td>
<td>5.0%</td>
<td>5.0%</td>
</tr>
<tr>
<td>V</td>
<td>4.7%</td>
<td>6.1%</td>
<td>6.3%</td>
</tr>
<tr>
<td>VI</td>
<td>5.4%</td>
<td>5.5%</td>
<td>5.3%</td>
</tr>
</tbody>
</table>

Figure 9. Trial Rate of Sexual Abuse Offenders
Fiscal Year 2016

- All Sexual Abuse Offenders: 12.7% (N=146)
- Convicted of a Sexual Abuse Offense Carrying a Mandatory Minimum: 17.4% (N=126)

Figure 10. Sexual Abuse Offenders Relieved of Mandatory Minimum Penalty
Fiscal Year 2016

Figure 11. Race of Sexual Abuse Offenders Subject to Mandatory Minimum Penalty
Fiscal Year 2016

Subject to a Sexual Abuse Mandatory Minimum Penalty

- White: 64.5%
- Black: 19.0%
- Hispanic: 12.9%
- Native American: 2.1%
- Non-NA Other: 1.7%

Figure 12. Sexual Abuse Offenders Who Were Relieved of the Penalty by Race of Offender
Fiscal Year 2016

Figure 13. Sexual Abuse Offenders Who Were Relieved of the Penalty by Gender and Citizenship
Fiscal Year 2016

**Figure 14.** Average Sentence Length for Sexual Abuse Offenders by Mandatory Minimum Status
*Fiscal Year 2016*

- **All Sexual Abuse (N=1,148)**: 191 mos.
- **Not Convicted of Mandatory Minimum (N=422)**: 86 mos.
- **Convicted of Mandatory Minimum (N=726)**: 252 mos.

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSCFY16.
**Figure 15.** Average Sentence Length for Sexual Abuse Offenders by Status of Relief from the Mandatory Minimum Penalty

*Fiscal Year 2016*

- Relieved of Mandatory Minimum Penalty [N=59]
  - 129 mos.

- Subject to Mandatory Minimum Penalty at Sentencing [N=667]
  - 263 mos.

Figure 16. Average Sentence Length for Sexual Abuse Offenders and Status of Relief from the Mandatory Minimum Penalty by Race
Fiscal Year 2016

Figure 17. Average Sentence Length for Sexual Abuse Offenders and Status of Relief from the Mandatory Minimum Penalty by Gender and Citizenship Status
Fiscal Year 2016

### Table 5. Sentence Relative to the Guideline Range for Sexual Abuse Offenders
**Fiscal Year 2016**

<table>
<thead>
<tr>
<th></th>
<th>All Sexual Abuse Offenders</th>
<th>Convicted of a Statute Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total (# of offenders)</strong></td>
<td>1,148</td>
<td>726</td>
<td>667</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>43.0%</td>
<td>45.6%</td>
<td>49.6%</td>
</tr>
<tr>
<td>Above Range</td>
<td>5.5%</td>
<td>2.9%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Substantial Assistance §5K1.1</td>
<td>8.4%</td>
<td>8.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Other Government Sponsored (no §5K1.1)</td>
<td>18.3%</td>
<td>16.0%</td>
<td>17.4%</td>
</tr>
<tr>
<td>Non-Government Sponsored Below Range</td>
<td>24.8%</td>
<td>27.4%</td>
<td>29.8%</td>
</tr>
</tbody>
</table>

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSCPY16.
Figure 18. Average Guideline Minimum and Sentence for Sexual Abuse Offenders
Fiscal Years 2004 - 2016

MONTHS

Guideline Minimum
Sentence

Figure 19. Average Guideline Minimum and Sentence for Sexual Abuse Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Years 2004 - 2016

Figure 20. Sexual Abuse Offenders in the BOP Population
At the End of Fiscal Year 2016

BOP Population as of September 30, 2016

All Other Offenders
96.5%
(N=161,007)

Sexual Abuse Offenders
3.5%
(N=5,764)

Sexual Abuse Offenders in BOP Population
as of September 30, 2016

Convicted of a Mandatory Minimum Penalty
70.5%
(N=4,055)

Not Convicted of a Mandatory Minimum Penalty
29.5%
(N=1,699)

1 The mandatory minimum status of 10 offenders could not be determined from sentencing documentation.

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafile, USSC/BOP.
Figure 21. Number of Sexual Abuse Offenders in BOP Population
At the End Fiscal Years 2004 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafile, USCBOP.
Figure 22. Child Pornography Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Year 2016

Figure 23. Child Pornography Offenders by Offense Type  
Fiscal Year 2016

[diagram showing distribution of child pornography offenders by offense type]

1 Fifty offenders’ primary guideline was cross referenced from §2G2.2 to §2G2.1 (Production of Child Pornography), and four offenders were cross referenced from §2G3.1 (Transmitting Obscene Matter to a Minor) to §2G2.2. An additional two offenders were sentenced under the 1997 Guidelines Manual, which had lower penalties for these offenses. These 56 offenders are not included in this analysis.

2 Eighty offenders were sentenced under §2G2.2 (Trafficking in Child Pornography), but were also convicted under a sexual abuse statute such as production of child pornography. These offenders are included in this analysis and also the sexual abuse analysis.

Figure 24. Number of Offenders Convicted of Child Pornography Offenses
Fiscal Years 2004 - 2016

**Figure 25.** Number of Child Pornography Offenders by Type of Offense  
*Fiscal Years 2004 - 2016*

Figure 26. Percentage of Child Pornography Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Fiscal Years 2004 - 2016

Figure 27. Length of Mandatory Minimum Penalties for Child Pornography Offenders
Fiscal Year 2016

Figure 28. Geographic Distribution of Child Pornography Offenders
Fiscal Year 2016

Number of Child Pornography Cases in Each District

Number of Child Pornography Offenders Convicted Under a Statute Carrying a Mandatory Minimum Penalty in Each District

Figure 29. Possession of Child Pornography Offenders
Fiscal Year 2016

Figure 30. Receipt of Child Pornography Offenders
Fiscal Year 2016

Figure 31. Distribution of Child Pornography Offenders
Fiscal Year 2016

Figure 32. Race of Child Pornography Offenders
Fiscal Year 2016

All Child Pornography Offenders
- White: 80.9%
- Black: 3.8%
- Hispanic: 12.9%
- Other: 2.4%

Convicted of an Offense Carrying a Mandatory Minimum Penalty
- White: 83.0%
- Black: 4.2%
- Hispanic: 11.3%
- Other: 1.5%

Subject to Mandatory Minimum Penalty at Sentencing
- White: 83.2%
- Black: 4.1%
- Hispanic: 11.3%
- Other: 1.4%

Figure 33. Race of Child Pornography Offenders by Type of Offense
Fiscal Year 2016

**Possession**

- **White**: 77.9%
- **Black**: 3.2%
- **Hispanic**: 15.4%
- **Other**: 3.6%

**Receipt**

- **White**: 86.3%
- **Black**: 5.4%
- **Hispanic**: 7.5%
- **Other**: 0.8%

**Distribution**

- **White**: 81.9%
- **Black**: 3.8%
- **Hispanic**: 12.6%
- **Other**: 1.7%

<table>
<thead>
<tr>
<th>Gender and Citizenship of Child Pornography Offenders</th>
<th>Fiscal Year 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Offenders</td>
<td>1,565</td>
</tr>
<tr>
<td>Convicted of an Offense Carrying a Mandatory Minimum Penalty</td>
<td>932</td>
</tr>
<tr>
<td>Subject to Mandatory Minimum Penalty</td>
<td>911</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Male</th>
<th>99.7%</th>
<th>99.8%</th>
<th>99.9%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>0.3%</td>
<td>0.2%</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>U.S. Citizen</th>
<th>96.2%</th>
<th>96.2%</th>
<th>96.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-U.S. Citizen</td>
<td>3.8%</td>
<td>3.8%</td>
<td>3.8%</td>
</tr>
</tbody>
</table>

Figure 34. Age of Child Pornography Offenders
Fiscal Year 2016

Table 7. Criminal History of Child Pornography Offenders
Fiscal Year 2016

<table>
<thead>
<tr>
<th>CRIMINAL HISTORY CATEGORY</th>
<th>All Child Pornography Offenders</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>78.3%</td>
<td>70.2%</td>
<td>70.6%</td>
</tr>
<tr>
<td>II</td>
<td>9.1%</td>
<td>12.0%</td>
<td>12.0%</td>
</tr>
<tr>
<td>III</td>
<td>7.5%</td>
<td>10.4%</td>
<td>10.2%</td>
</tr>
<tr>
<td>IV</td>
<td>2.6%</td>
<td>3.9%</td>
<td>3.7%</td>
</tr>
<tr>
<td>V</td>
<td>1.4%</td>
<td>2.0%</td>
<td>2.0%</td>
</tr>
<tr>
<td>VI</td>
<td>1.2%</td>
<td>1.5%</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

Figure 35. Trial Rate of Child Pornography Offenders
Fiscal Year 2016

- All Child Pornography Offenders: 2.6% (N=41)
- Convicted of a Child Pornography Offense Carrying a Mandatory Minimum: 3.9% (N=36)

Figure 36. Plea and Trial Rate of Child Pornography Offenders by the Type of Offense
Fiscal Year 2016

**Figure 37.** Child Pornography Offenders Relieved of Mandatory Minimum Penalty

Fiscal Year 2016

Relieved of Mandatory Minimum Penalty
- 2.3%
- (N=21)

No Relief
- 97.7%
- (N=911)

Figure 38. Child Pornography Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Who Were Relieved of the Penalty by Type of Pornography Offense
Fiscal Year 2016

- Possession offenders (no prior sex offense) are not subject to mandatory minimum penalties at sentencing. These statistics reflect the rate for all possession of child pornography offenders.

Figure 39. Child Pornography Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty Who Were Relieved of the Penalty by Race of Offender
Fiscal Year 2016

Figure 40. Average Sentence Length for All Child Pornography Offenders and by Type of Child Pornography Offense
Fiscal Year 2016

- All Child Pornography (N=1,565) 101 mos.
- Possession of Child Pornography (N=752) 67 mos.
- Receipt of Child Pornography (N=123) 93 mos.
- Distribution of Child Pornography (N=690) 140 mos.

Figure 41. Average Sentence Length for Child Pornography Offenders by Type of Pornography Offense and Race Fiscal Year 2016

- **All Child Pornography Offenders**
  - White: 102 months
  - Black: 100 months
  - Hispanic: 103 months
  - Other: 91 months

- **Possession of Child Pornography**
  - White: 69 months
  - Black: 76 months
  - Hispanic: 60 months
  - Other: 61 months

- **Receipt of Child Pornography**
  - White: 95 months
  - Black: 81 months
  - Hispanic: 79 months
  - Other: NA

- **Distribution of Child Pornography**
  - White: 138 months
  - Black: 129 months
  - Hispanic: 156 months
  - Other: 153 months
### Table 8. Average Sentence Length for Child Pornography Offenders by Gender and Citizenship Status
**Fiscal Year 2016**

<table>
<thead>
<tr>
<th></th>
<th>All Child Pornography Offenders</th>
<th>Possession of Child Pornography</th>
<th>Receipt of Child Pornography</th>
<th>Distribution of Child Pornography</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AVERAGE SENTENCE (Months)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>102</td>
<td>68</td>
<td>93</td>
<td>140</td>
</tr>
<tr>
<td>Female</td>
<td>77</td>
<td>33</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>U.S. Citizen</td>
<td>101</td>
<td>67</td>
<td>94</td>
<td>139</td>
</tr>
<tr>
<td>Non-U.S. Citizen</td>
<td>106</td>
<td>58</td>
<td>65</td>
<td>153</td>
</tr>
</tbody>
</table>

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSCFY16.
Figure 42. Average Sentence Length for Possession of Child Pornography Offenders
Fiscal Year 2016

- Possession - No Mandatory Minimum (N=633) - 55 mos.
- Possession - Prior Sex Offense (N=119) - 136 mos.

**Figure 43.** Impact of Relief on Average Sentence Length of Child Pornography Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Year 2016

- **Convicted of an Offense Carrying a Mandatory Minimum Penalty:** 136 mos.
- **Relieved of Mandatory Minimum Penalty:** 100 mos.
- **Subject to Mandatory Minimum Penalty at Sentencing:** 137 mos.

**SOURCE:** U.S. Sentencing Commission, 2016 Datafile, USSCFY16.
Table 9. Average Sentence Length for Possession of Child Pornography Offenders Carrying a Mandatory Minimum Penalty by Race
Fiscal Year 2016

<table>
<thead>
<tr>
<th>Possession of Child Pornography</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AVERAGE SENTENCE (Months)</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>135</td>
<td>137</td>
</tr>
<tr>
<td>Black</td>
<td>140</td>
<td>140</td>
</tr>
<tr>
<td>Hispanic</td>
<td>146</td>
<td>146</td>
</tr>
<tr>
<td>Other</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

Figure 44. Impact of Relief on Average Sentence Length of Child Pornography Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Year 2016

**Table 10.** Average Sentence Length for Receipt and Distribution of Child Pornography Offenders by Race  
**Fiscal Year 2016**

<table>
<thead>
<tr>
<th>Receipt of Child Pornography</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AVERAGE SENTENCE (Months)</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>95</td>
<td>95</td>
</tr>
<tr>
<td>Black</td>
<td>81</td>
<td>81</td>
</tr>
<tr>
<td>Hispanic</td>
<td>79</td>
<td>79</td>
</tr>
<tr>
<td>Other</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distribution of Child Pornography</th>
<th>Convicted of an Offense Carrying a Mandatory Minimum Penalty</th>
<th>Subject to Mandatory Minimum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>138</td>
<td>138</td>
</tr>
<tr>
<td>Black</td>
<td>129</td>
<td>133</td>
</tr>
<tr>
<td>Hispanic</td>
<td>156</td>
<td>157</td>
</tr>
<tr>
<td>Other</td>
<td>153</td>
<td>156</td>
</tr>
</tbody>
</table>

Figure 45. Average Sentence Length for Possession and Receipt of Child Pornography Offenders
Fiscal Year 2016

- Possession of Child Pornography - No Prior Sex Offense (N=633) - 55 mos.
- Receipt of Child Pornography - No Prior Sex Offense (N=113) - 85 mos.

In the 2011 Mandatory Minimum Report and the 2012 Child Pornography Report, the Commission found that "there appears to be little difference in the offense seriousness between typical receipt cases and typical possession cases."

Table 11. Sentence Relative to the Guideline Range for Child Pornography Offenders by Type of Pornography Offense
Fiscal Year 2016

<table>
<thead>
<tr>
<th>Total (# of offenders)</th>
<th>All Child Pornography Offenders</th>
<th>Possession of Child Pornography</th>
<th>Receipt of Child Pornography</th>
<th>Distribution of Child Pornography</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,565</td>
<td>752</td>
<td>123</td>
<td>690</td>
</tr>
<tr>
<td>SENTENCE RELATIVE TO THE GUIDELINE RANGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within Range</td>
<td>26.8%</td>
<td>28.3%</td>
<td>27.6%</td>
<td>24.9%</td>
</tr>
<tr>
<td>Above Range</td>
<td>1.9%</td>
<td>2.1%</td>
<td>4.9%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Substantial Assistance §5K1.1</td>
<td>1.7%</td>
<td>1.3%</td>
<td>0.0%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Other Government Sponsored (no §5K1.1)</td>
<td>20.8%</td>
<td>23.9%</td>
<td>16.3%</td>
<td>18.3%</td>
</tr>
<tr>
<td>Non-Government Sponsored Below Range</td>
<td>48.8%</td>
<td>44.3%</td>
<td>51.2%</td>
<td>53.2%</td>
</tr>
</tbody>
</table>

Figure 46. Average Guideline Minimum and Sentence for Child Pornography Offenders
Fiscal Years 2004 - 2016

Figure 47. Average Guideline Minimum and Sentence for Possession of Child Pornography Offenses
Fiscal Years 2004 - 2016

Guideline Minimum
Possession (No Mandatory Minimum)

Guideline Minimum
Possession with Prior Sex Offense (10-Year MM)

Sentence
Possession (No Mandatory Minimum)

Sentence
Possession with Prior Sex Offense (10-Year MM)

Figure 48. Average Guideline Minimum and Sentence for Receipt of Child Pornography Offenses
Fiscal Years 2005 - 2016

1 There were no receipt cases in fiscal year 2004.

Figure 49. Average Guideline Minimum and Sentence for Distribution of Child Pornography Offenses
Fiscal Years 2004 - 2016

Figure 50. Child Pornography Offenders in Federal Prison
At the End of Fiscal Year 2016

BOP Population
as of September 30, 2016

Child Pornography
5.1%
(N=8,508)

Not Convicted
Under a MM
Penalty
25.9%
(N=2,203)

Convicted Under a MM Penalty
74.1%
(N=6,303)

All Other Offenders
94.9%
(N=158,263)

1 The mandatory minimum status of two offenders could not be determined from sentencing documentation.

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Dataset, USSCBO.
Figure 51. Number of Child Pornography Offenders in Federal Prison
At the End Fiscal Years 2004 - 2016

SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafile, USSCBOP.