

# United States Sentencing Commission Quarterly Data Report



**4<sup>th</sup> Quarter Release**  
**Preliminary Fiscal Year 2016 Data**  
**Through September 30, 2016**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <http://isb.ussc.gov>.

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015.

Beginning with the Commission's report on data from cases in which the offender was sentenced during the first two quarters of fiscal year 2016, the Commission has reported quarterly data in a revised format. This new format includes information not previously reported on a quarterly basis, such as sentencing trends. Other tables and figures used previously were updated in order to present data on sentencing practices in a way that was easier to understand. Finally, tables of data that were no longer meaningful when reported quarterly were omitted.

The data in this report is preliminary and subject to change as the Commission collects, analyzes, and reports on data from additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of a fiscal year may change as the Commission receives and analyzes documents in the remaining quarters from additional cases in which the offender was sentenced during the second quarter.<sup>3</sup> Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

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<sup>1</sup> In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. *See* 28 U.S.C. § 994(w).

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2015 are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

<sup>3</sup> Data for previous quarters may change for many reasons. For example, the courts have up to 30 days after the entry of judgment in a case to submit court documents to the Commission. The Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed.

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## *Information on Sentences Relative to the Guideline Range*

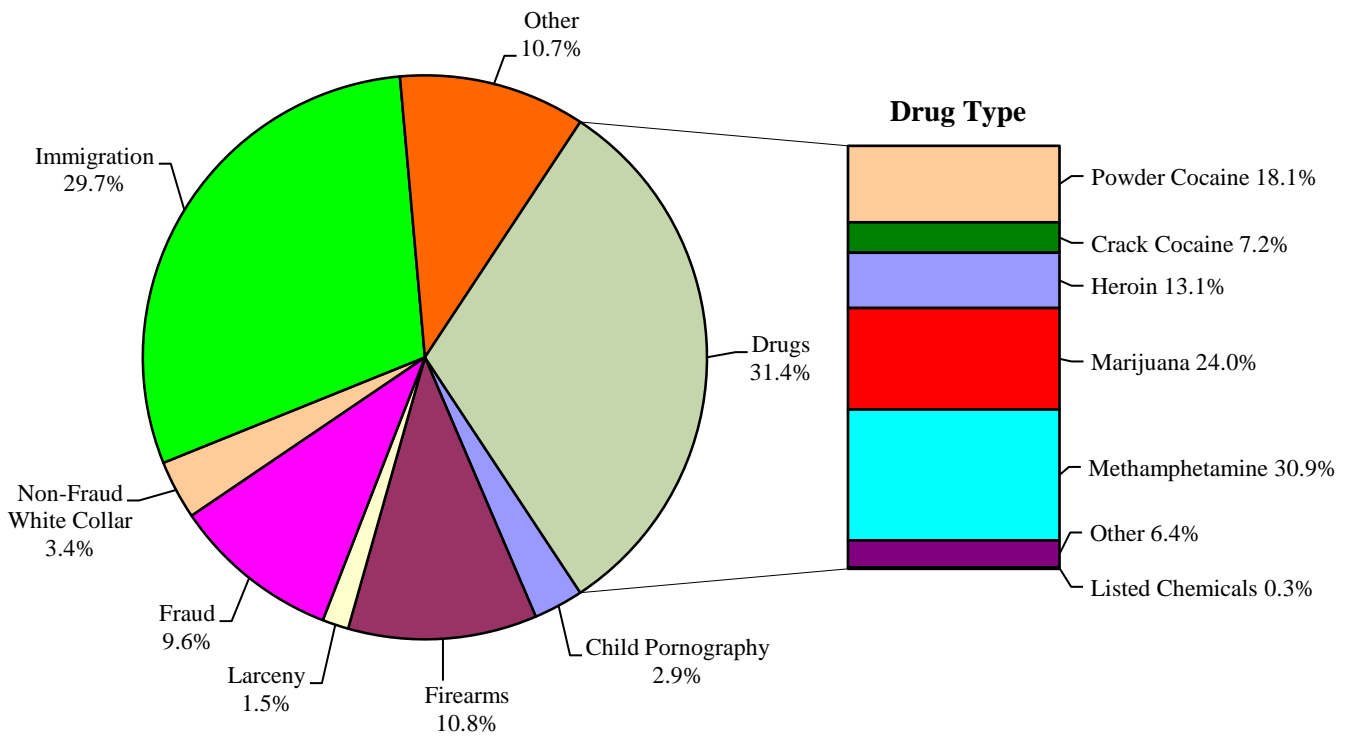
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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**

**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**



<sup>1</sup> Of the 67,291 guideline cases, four drug cases were excluded from this figure due to missing information on drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through September 30, 2016).

Table 1

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>67,291</b>	<b>100.0</b>
<b>Murder</b>	84	0.1
<b>Manslaughter</b>	57	0.1
<b>Kidnapping/Hostage Taking</b>	39	0.1
<b>Sexual Abuse</b>	633	0.9
<b>Assault</b>	802	1.2
<b>Robbery</b>	701	1.0
<b>Arson</b>	48	0.1
<b>Drugs - Trafficking</b>	19,048	28.3
<b>Drugs - Communication Facility</b>	270	0.4
<b>Drugs - Simple Possession</b>	1,833	2.7
<b>Firearms</b>	7,281	10.8
<b>Burglary/B&amp;E</b>	23	0.0
<b>Auto Theft</b>	46	0.1
<b>Larceny</b>	1,013	1.5
<b>Fraud</b>	6,470	9.6
<b>Embezzlement</b>	311	0.5
<b>Forgery/Counterfeiting</b>	445	0.7
<b>Bribery</b>	192	0.3
<b>Tax</b>	521	0.8
<b>Money Laundering</b>	809	1.2
<b>Racketeering/Extortion</b>	891	1.3
<b>Gambling/Lottery</b>	75	0.1
<b>Civil Rights</b>	42	0.1
<b>Immigration</b>	19,975	29.7
<b>Child Pornography</b>	1,923	2.9
<b>Prison Offenses</b>	471	0.7
<b>Administration of Justice Offenses</b>	1,038	1.5
<b>Environmental/Wildlife</b>	150	0.2
<b>National Defense</b>	99	0.1
<b>Antitrust</b>	20	0.0
<b>Food &amp; Drug</b>	118	0.2
<b>Other Miscellaneous Offenses</b>	1,863	2.8

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 2

**GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data**  
**(October 1, 2015, through September 30, 2016)**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
District	N	%	District	N	%
<b>TOTAL</b>	<b>67,291</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>255</b>	<b>0.4</b>	<b>FIFTH CIRCUIT</b>	<b>15,965</b>	<b>23.7</b>
District of Columbia	255	0.4	Louisiana		
			Eastern	340	0.5
<b>FIRST CIRCUIT</b>	<b>2,031</b>	<b>3.0</b>	Middle	163	0.2
Maine	202	0.3	Western	245	0.4
Massachusetts	494	0.7	Mississippi		
New Hampshire	177	0.3	Northern	165	0.2
Puerto Rico	1,068	1.6	Southern	230	0.3
Rhode Island	90	0.1	Texas		
			Eastern	823	1.2
<b>SECOND CIRCUIT</b>	<b>3,346</b>	<b>5.0</b>	Northern	1,374	2.0
Connecticut	296	0.4	Southern	6,461	9.6
New York			Western	6,164	9.2
Eastern	788	1.2	<b>SIXTH CIRCUIT</b>	<b>4,501</b>	<b>6.7</b>
Northern	309	0.5	Kentucky		
Southern	1,301	1.9	Eastern	438	0.7
Western	465	0.7	Western	332	0.5
Vermont	187	0.3	Michigan		
			Eastern	892	1.3
<b>THIRD CIRCUIT</b>	<b>2,084</b>	<b>3.1</b>	Western	329	0.5
Delaware	71	0.1	Ohio		
New Jersey	666	1.0	Northern	583	0.9
Pennsylvania			Southern	502	0.7
Eastern	579	0.9	Tennessee		
Middle	306	0.5	Eastern	748	1.1
Western	404	0.6	Middle	211	0.3
Virgin Islands	58	0.1	Western	466	0.7
			<b>SEVENTH CIRCUIT</b>	<b>2,268</b>	<b>3.4</b>
<b>FOURTH CIRCUIT</b>	<b>5,320</b>	<b>7.9</b>	Illinois		
Maryland	731	1.1	Central	259	0.4
North Carolina			Northern	639	0.9
Eastern	650	1.0	Southern	316	0.5
Middle	421	0.6	Indiana		
Western	656	1.0	Northern	300	0.4
South Carolina	627	0.9	Southern	328	0.5
Virginia			Wisconsin		
Eastern	1,398	2.1	Eastern	301	0.4
Western	311	0.5	Western	125	0.2
West Virginia					
Northern	309	0.5			
Southern	217	0.3			

Table 2 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>4,737</b>	<b>7.0</b>	<b>TENTH CIRCUIT</b>	<b>7,490</b>	<b>11.1</b>
Arkansas			Colorado	483	0.7
Eastern	373	0.6	Kansas	490	0.7
Western	253	0.4	New Mexico	4,977	7.4
Iowa			Oklahoma		
Northern	348	0.5	Eastern	100	0.1
Southern	351	0.5	Northern	213	0.3
Minnesota	494	0.7	Western	330	0.5
Missouri			Utah	682	1.0
Eastern	740	1.1	Wyoming	215	0.3
Western	835	1.2			
Nebraska	542	0.8	<b>ELEVENTH CIRCUIT</b>	<b>6,026</b>	<b>9.0</b>
North Dakota	361	0.5	Alabama		
South Dakota	440	0.7	Middle	157	0.2
			Northern	351	0.5
<b>NINTH CIRCUIT</b>	<b>13,268</b>	<b>19.7</b>	Southern	317	0.5
Alaska	182	0.3	Florida		
Arizona	5,713	8.5	Middle	1,415	2.1
California			Northern	262	0.4
Central	964	1.4	Southern	2,225	3.3
Eastern	671	1.0	Georgia		
Northern	464	0.7	Middle	356	0.5
Southern	2,841	4.2	Northern	538	0.8
Guam	66	0.1	Southern	405	0.6
Hawaii	141	0.2			
Idaho	259	0.4			
Montana	321	0.5			
Nevada	398	0.6			
Northern Mariana Islands	22	0.0			
Oregon	390	0.6			
Washington					
Eastern	304	0.5			
Western	532	0.8			

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

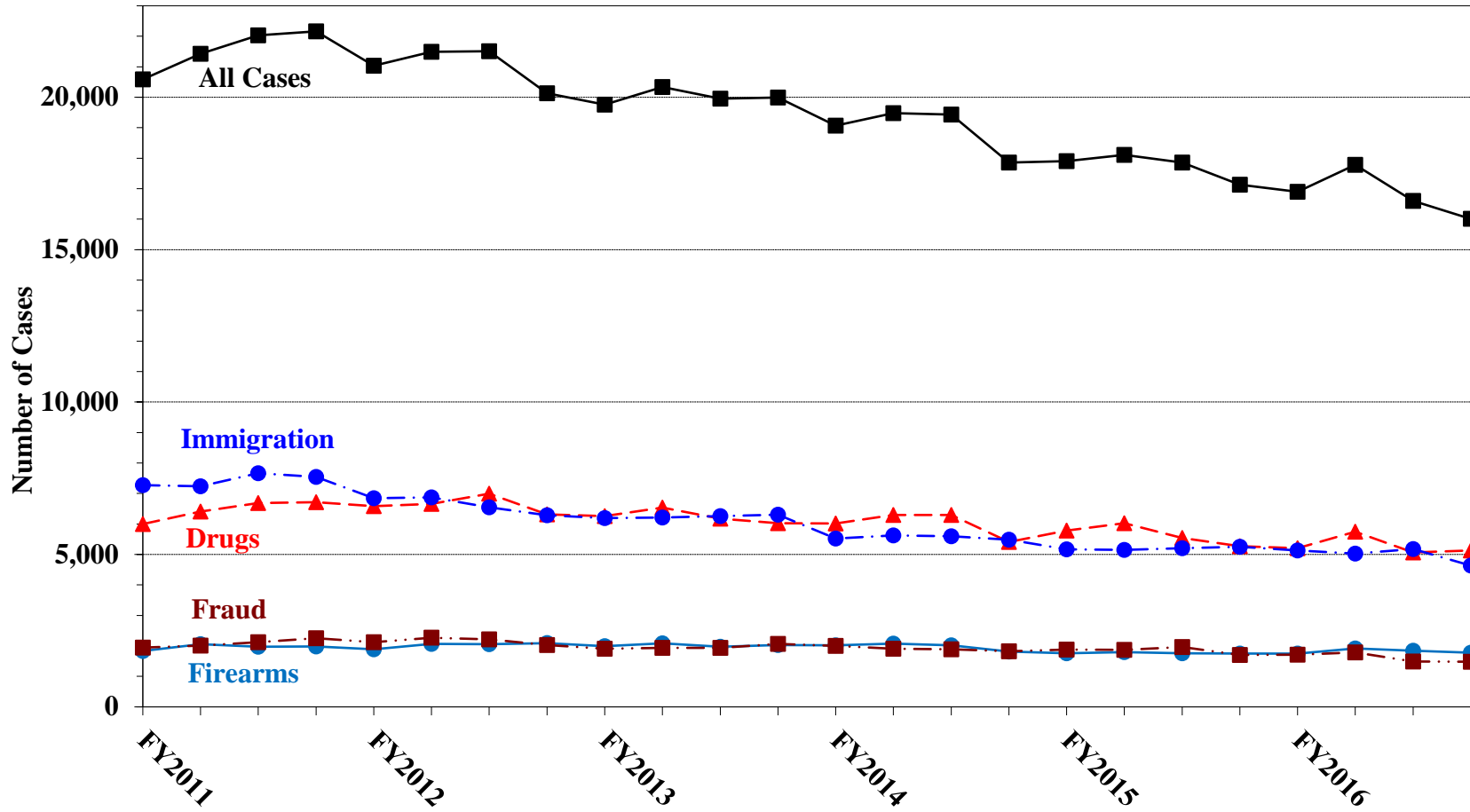
SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through September 30, 2016).



Figure B

NUMBER OF CASES IN SELECTED OFFENSE CATEGORY<sup>1</sup>

Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 3

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,524</b>	<b>14,846</b>	<b>22.3</b>	<b>13,556</b>	<b>20.4</b>	<b>35,458</b>	<b>53.3</b>	<b>2,664</b>	<b>4.0</b>
Murder	84	22	26.2	11	13.1	24	28.6	27	32.1
Manslaughter	57	3	5.3	3	5.3	7	12.3	44	77.2
Kidnapping/Hostage Taking	39	10	25.6	15	38.5	9	23.1	5	12.8
Sexual Abuse	633	214	33.8	193	30.5	86	13.6	140	22.1
Assault	786	174	22.1	110	14.0	135	17.2	367	46.7
Robbery	700	277	39.6	315	45.0	88	12.6	20	2.9
Arson	48	24	50.0	13	27.1	5	10.4	6	12.5
Drugs - Trafficking	19,026	4,335	22.8	4,448	23.4	9,684	50.9	559	2.9
Drugs - Communication Facility	269	97	36.1	86	32.0	78	29.0	8	3.0
Drugs - Simple Possession	1,779	192	10.8	127	7.1	1,428	80.3	32	1.8
Firearms	7,268	1,796	24.7	3,719	51.2	1,543	21.2	210	2.9
Burglary/B&E	23	5	21.7	2	8.7	0	0.0	16	69.6
Auto Theft	46	7	15.2	16	34.8	21	45.7	2	4.3
Larceny	974	427	43.8	318	32.6	153	15.7	76	7.8
Fraud	6,442	2,600	40.4	2,015	31.3	1,404	21.8	423	6.6
Embezzlement	302	171	56.6	87	28.8	19	6.3	25	8.3
Forgery/Counterfeiting	444	171	38.5	173	39.0	83	18.7	17	3.8
Bribery	192	72	37.5	57	29.7	39	20.3	24	12.5
Tax	520	271	52.1	132	25.4	74	14.2	43	8.3
Money Laundering	808	284	35.1	127	15.7	334	41.3	63	7.8
Racketeering/Extortion	889	226	25.4	358	40.3	289	32.5	16	1.8
Gambling/Lottery	75	40	53.3	5	6.7	9	12.0	21	28.0
Civil Rights	40	25	62.5	7	17.5	6	15.0	2	5.0
Immigration	19,777	364	1.8	265	1.3	19,054	96.3	94	0.5
Child Pornography	1,921	1,534	79.9	96	5.0	244	12.7	47	2.4
Prison Offenses	457	110	24.1	156	34.1	133	29.1	58	12.7
Administration of Justice Offenses	1,028	429	41.7	265	25.8	202	19.6	132	12.8
Environmental/Wildlife	141	106	75.2	7	5.0	8	5.7	20	14.2
National Defense	99	37	37.4	12	12.1	34	34.3	16	16.2
Antitrust	20	13	65.0	1	5.0	2	10.0	4	20.0
Food & Drug	117	68	58.1	8	6.8	22	18.8	19	16.2
Other Miscellaneous Offenses	1,520	742	48.8	409	26.9	241	15.9	128	8.4

<sup>1</sup> Of the 67,291 cases, 767 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>67,143</b>	<b>57,859</b>	<b>86.2</b>	<b>9,284</b>	<b>13.8</b>
Murder	84	74	88.1	10	11.9
Manslaughter	57	45	78.9	12	21.1
Kidnapping/Hostage Taking	39	36	92.3	3	7.7
Sexual Abuse	633	581	91.8	52	8.2
Assault	801	672	83.9	129	16.1
Robbery	701	632	90.2	69	9.8
Arson	48	43	89.6	5	10.4
Drugs - Trafficking	19,046	16,130	84.7	2,916	15.3
Drugs - Communication Facility	270	197	73.0	73	27.0
Drugs - Simple Possession	1,828	1,624	88.8	204	11.2
Firearms	7,281	7,055	96.9	226	3.1
Burglary/B&E	23	21	91.3	2	8.7
Auto Theft	46	45	97.8	1	2.2
Larceny	998	601	60.2	397	39.8
Fraud	6,468	4,373	67.6	2,095	32.4
Embezzlement	309	135	43.7	174	56.3
Forgery/Counterfeiting	445	326	73.3	119	26.7
Bribery	192	161	83.9	31	16.1
Tax	521	374	71.8	147	28.2
Money Laundering	809	607	75.0	202	25.0
Racketeering/Extortion	891	797	89.5	94	10.5
Gambling/Lottery	75	65	86.7	10	13.3
Civil Rights	42	35	83.3	7	16.7
Immigration	19,914	18,424	92.5	1,490	7.5
Child Pornography	1,923	1,890	98.3	33	1.7
Prison Offenses	470	415	88.3	55	11.7
Administration of Justice Offenses	1,035	828	80.0	207	20.0
Environmental/Wildlife	149	139	93.3	10	6.7
National Defense	99	92	92.9	7	7.1
Antitrust	20	19	95.0	1	5.0
Food & Drug	118	99	83.9	19	16.1
Other Miscellaneous Offenses	1,808	1,324	73.2	484	26.8

<sup>1</sup> Of the 67,291 cases, 148 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>66,778</b>	<b>38,914</b>	<b>58.3</b>	<b>27,864</b>	<b>41.7</b>
Murder	83	64	77.1	19	22.9
Manslaughter	57	54	94.7	3	5.3
Kidnapping/Hostage Taking	39	37	94.9	2	5.1
Sexual Abuse	632	593	93.8	39	6.2
Assault	786	718	91.3	68	8.7
Robbery	701	678	96.7	23	3.3
Arson	48	47	97.9	1	2.1
Drugs - Trafficking	19,032	13,516	71.0	5,516	29.0
Drugs - Communication Facility	270	231	85.6	39	14.4
Drugs - Simple Possession	1,799	494	27.5	1,305	72.5
Firearms	7,276	6,849	94.1	427	5.9
Burglary/B&E	23	23	100.0	0	0.0
Auto Theft	46	43	93.5	3	6.5
Larceny	980	906	92.4	74	7.6
Fraud	6,443	5,300	82.3	1,143	17.7
Embezzlement	300	291	97.0	9	3.0
Forgery/Counterfeiting	444	401	90.3	43	9.7
Bribery	192	176	91.7	16	8.3
Tax	520	478	91.9	42	8.1
Money Laundering	809	557	68.9	252	31.1
Racketeering/Extortion	891	783	87.9	108	12.1
Gambling/Lottery	75	69	92.0	6	8.0
Civil Rights	41	40	97.6	1	2.4
Immigration	19,962	1,671	8.4	18,291	91.6
Child Pornography	1,922	1,847	96.1	75	3.9
Prison Offenses	453	412	90.9	41	9.1
Administration of Justice Offenses	1,020	909	89.1	111	10.9
Environmental/Wildlife	140	125	89.3	15	10.7
National Defense	99	65	65.7	34	34.3
Antitrust	19	18	94.7	1	5.3
Food & Drug	117	98	83.8	19	16.2
Other Miscellaneous Offenses	1,559	1,421	91.1	138	8.9

<sup>1</sup> Of the 67,291 cases, 513 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>44</b>	<b>21</b>	<b>67,289</b>
<b>Murder</b>	242	210	84
<b>Manslaughter</b>	69	60	57
<b>Kidnapping/Hostage Taking</b>	239	213	39
<b>Sexual Abuse</b>	144	120	633
<b>Assault</b>	29	16	802
<b>Robbery</b>	73	60	701
<b>Arson</b>	63	60	48
<b>Drugs - Trafficking</b>	66	48	19,047
<b>Drugs - Communication Facility</b>	27	24	270
<b>Drugs - Simple Possession</b>	4	6	1,833
<b>Firearms</b>	76	51	7,281
<b>Burglary/B&amp;E</b>	12	10	23
<b>Auto Theft</b>	92	44	46
<b>Larceny</b>	8	0	1,013
<b>Fraud</b>	25	13	6,470
<b>Embezzlement</b>	8	0	311
<b>Forgery/Counterfeiting</b>	17	12	445
<b>Bribery</b>	22	13	192
<b>Tax</b>	13	10	521
<b>Money Laundering</b>	34	21	809
<b>Racketeering/Extortion</b>	85	57	891
<b>Gambling/Lottery</b>	5	0	75
<b>Civil Rights</b>	27	12	42
<b>Immigration</b>	13	8	19,975
<b>Child Pornography</b>	143	97	1,923
<b>Prison Offenses</b>	14	10	471
<b>Administration of Justice Offenses</b>	19	12	1,037
<b>Environmental/Wildlife</b>	3	0	150
<b>National Defense</b>	55	33	99
<b>Antitrust</b>	4	0	20
<b>Food &amp; Drug</b>	8	0	118
<b>Other Miscellaneous Offenses</b>	17	0	1,863

<sup>1</sup> Of the 67,291 cases, two were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,810</b>	<b>60,375</b>	<b>90.4</b>	<b>58,510</b>	<b>87.6</b>	<b>1,865</b>	<b>2.8</b>	<b>6,435</b>	<b>9.6</b>	<b>1,636</b>	<b>2.4</b>	<b>4,799</b>	<b>7.2</b>
Murder	84	84	100.0	80	95.2	4	4.8	0	0.0	0	0.0	0	0.0
Manslaughter	57	56	98.2	53	93.0	3	5.3	1	1.8	1	1.8	0	0.0
Kidnapping/Hostage Taking	39	38	97.4	37	94.9	1	2.6	1	2.6	0	0.0	1	2.6
Sexual Abuse	633	619	97.8	602	95.1	17	2.7	14	2.2	3	0.5	11	1.7
Assault	796	662	83.2	611	76.8	51	6.4	134	16.8	28	3.5	106	13.3
Robbery	701	686	97.9	656	93.6	30	4.3	15	2.1	7	1.0	8	1.1
Arson	48	45	93.8	45	93.8	0	0.0	3	6.3	1	2.1	2	4.2
Drugs - Trafficking	19,045	18,287	96.0	17,746	93.2	541	2.8	758	4.0	253	1.3	505	2.7
Drugs - Communication Facility	270	205	75.9	195	72.2	10	3.7	65	24.1	15	5.6	50	18.5
Drugs - Simple Possession	1,790	1,558	87.0	1,554	86.8	4	0.2	232	13.0	12	0.7	220	12.3
Firearms	7,273	6,964	95.8	6,784	93.3	180	2.5	309	4.2	117	1.6	192	2.6
Burglary/B&E	23	19	82.6	14	60.9	5	21.7	4	17.4	2	8.7	2	8.7
Auto Theft	46	41	89.1	38	82.6	3	6.5	5	10.9	0	0.0	5	10.9
Larceny	967	404	41.8	364	37.6	40	4.1	563	58.2	134	13.9	429	44.4
Fraud	6,445	5,038	78.2	4,627	71.8	411	6.4	1,407	21.8	452	7.0	955	14.8
Embezzlement	305	130	42.6	111	36.4	19	6.2	175	57.4	37	12.1	138	45.2
Forgery/Counterfeiting	444	356	80.2	321	72.3	35	7.9	88	19.8	26	5.9	62	14.0
Bribery	191	148	77.5	135	70.7	13	6.8	43	22.5	21	11.0	22	11.5
Tax	521	312	59.9	273	52.4	39	7.5	209	40.1	62	11.9	147	28.2
Money Laundering	809	653	80.7	616	76.1	37	4.6	156	19.3	38	4.7	118	14.6
Racketeering/Extortion	890	827	92.9	809	90.9	18	2.0	63	7.1	23	2.6	40	4.5
Gambling/Lottery	75	26	34.7	21	28.0	5	6.7	49	65.3	9	12.0	40	53.3
Civil Rights	42	24	57.1	24	57.1	0	0.0	18	42.9	8	19.0	10	23.8
Immigration	19,970	19,129	95.8	18,921	94.7	208	1.0	841	4.2	144	0.7	697	3.5
Child Pornography	1,922	1,902	99.0	1,865	97.0	37	1.9	20	1.0	6	0.3	14	0.7
Prison Offenses	470	452	96.2	423	90.0	29	6.2	18	3.8	5	1.1	13	2.8
Administration of Justice Offenses	1,031	798	77.4	739	71.7	59	5.7	233	22.6	52	5.0	181	17.6
Environmental/Wildlife	132	27	20.5	26	19.7	1	0.8	105	79.5	18	13.6	87	65.9
National Defense	99	90	90.9	86	86.9	4	4.0	9	9.1	1	1.0	8	8.1
Antitrust	20	9	45.0	9	45.0	0	0.0	11	55.0	0	0.0	11	55.0
Food & Drug	114	39	34.2	30	26.3	9	7.9	75	65.8	13	11.4	62	54.4
Other Miscellaneous Offenses	1,558	747	47.9	695	44.6	52	3.3	811	52.1	148	9.5	663	42.6

<sup>1</sup> Of the 67,291 cases, 481 were excluded due to one of the following reasons: the offender received neither imprisonment nor probation (480), or missing sentencing information (1). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)

	N	%
<b>TOTAL CASES</b>	<b>66,558</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>32,335</b>	<b>48.6</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,608</b>	<b>2.4</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>417</b>	<b>0.6</b>
Upward Departure From Guideline Range <sup>2</sup>	316	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	101	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>1,191</b>	<b>1.8</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	1,116	1.7
All Remaining Cases Above Guideline Range <sup>5</sup>	75	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>18,763</b>	<b>28.2</b>
§5K1.1 Substantial Assistance Departure	7,404	11.1
§5K3.1 Early Disposition Program Departure	5,944	8.9
Other Government Sponsored Below Range	5,415	8.1
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>13,852</b>	<b>20.8</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,854</b>	<b>2.8</b>
Downward Departure From Guideline Range <sup>2</sup>	1,324	2.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	530	0.8
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>11,998</b>	<b>18.0</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	11,595	17.4
All Remaining Cases Below Guideline Range <sup>5</sup>	403	0.6

<sup>1</sup> This table reflects the 67,291 cases sentenced on or after October 1, 2015, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by December 12, 2016. Of these, 733 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2016 Datafile, USSCFY16 (October 1, 2015, through September 30, 2016).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,558</b>	<b>32,335</b>	<b>48.6</b>	<b>1,608</b>	<b>2.4</b>	<b>18,763</b>	<b>28.2</b>	<b>13,852</b>	<b>20.8</b>
<b>D.C. CIRCUIT</b>	<b>255</b>	<b>71</b>	<b>27.8</b>	<b>4</b>	<b>1.6</b>	<b>106</b>	<b>41.6</b>	<b>74</b>	<b>29.0</b>
District of Columbia	255	71	27.8	4	1.6	106	41.6	74	29.0
<b>FIRST CIRCUIT</b>	<b>2,025</b>	<b>992</b>	<b>49.0</b>	<b>98</b>	<b>4.8</b>	<b>495</b>	<b>24.4</b>	<b>440</b>	<b>21.7</b>
Maine	201	75	37.3	6	3.0	54	26.9	66	32.8
Massachusetts	492	136	27.6	7	1.4	184	37.4	165	33.5
New Hampshire	177	82	46.3	11	6.2	44	24.9	40	22.6
Puerto Rico	1,065	671	63.0	73	6.9	188	17.7	133	12.5
Rhode Island	90	28	31.1	1	1.1	25	27.8	36	40.0
<b>SECOND CIRCUIT</b>	<b>3,337</b>	<b>937</b>	<b>28.1</b>	<b>44</b>	<b>1.3</b>	<b>976</b>	<b>29.2</b>	<b>1,380</b>	<b>41.4</b>
Connecticut	296	81	27.4	7	2.4	78	26.4	130	43.9
New York									
Eastern	788	176	22.3	12	1.5	267	33.9	333	42.3
Northern	304	153	50.3	1	0.3	58	19.1	92	30.3
Southern	1,301	295	22.7	13	1.0	326	25.1	667	51.3
Western	463	196	42.3	11	2.4	164	35.4	92	19.9
Vermont	185	36	19.5	0	0.0	83	44.9	66	35.7
<b>THIRD CIRCUIT</b>	<b>2,080</b>	<b>808</b>	<b>38.8</b>	<b>36</b>	<b>1.7</b>	<b>711</b>	<b>34.2</b>	<b>525</b>	<b>25.2</b>
Delaware	71	18	25.4	0	0.0	30	42.3	23	32.4
New Jersey	664	256	38.6	6	0.9	236	35.5	166	25.0
Pennsylvania									
Eastern	578	171	29.6	11	1.9	237	41.0	159	27.5
Middle	305	158	51.8	4	1.3	73	23.9	70	23.0
Western	404	160	39.6	14	3.5	130	32.2	100	24.8
Virgin Islands	58	45	77.6	1	1.7	5	8.6	7	12.1
<b>FOURTH CIRCUIT</b>	<b>5,188</b>	<b>2,862</b>	<b>55.2</b>	<b>165</b>	<b>3.2</b>	<b>1,130</b>	<b>21.8</b>	<b>1,031</b>	<b>19.9</b>
Maryland	707	216	30.6	40	5.7	317	44.8	134	19.0
North Carolina									
Eastern	569	333	58.5	23	4.0	132	23.2	81	14.2
Middle	421	241	57.2	12	2.9	68	16.2	100	23.8
Western	654	338	51.7	14	2.1	197	30.1	105	16.1
South Carolina	626	341	54.5	17	2.7	142	22.7	126	20.1
Virginia									
Eastern	1,390	949	68.3	31	2.2	98	7.1	312	22.4
Western	309	147	47.6	13	4.2	92	29.8	57	18.4
West Virginia									
Northern	309	184	59.5	8	2.6	51	16.5	66	21.4
Southern	203	113	55.7	7	3.4	33	16.3	50	24.6



Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>15,804</b>	<b>9,989</b>	<b>63.2</b>	<b>402</b>	<b>2.5</b>	<b>2,346</b>	<b>14.8</b>	<b>3,067</b>	<b>19.4</b>
Louisiana									
Eastern	336	182	54.2	6	1.8	70	20.8	78	23.2
Middle	162	76	46.9	6	3.7	27	16.7	53	32.7
Western	225	148	65.8	7	3.1	20	8.9	50	22.2
Mississippi									
Northern	160	85	53.1	8	5.0	34	21.3	33	20.6
Southern	226	155	68.6	4	1.8	38	16.8	29	12.8
Texas									
Eastern	822	553	67.3	29	3.5	201	24.5	39	4.7
Northern	1,372	867	63.2	73	5.3	245	17.9	187	13.6
Southern	6,458	3,705	57.4	113	1.7	923	14.3	1,717	26.6
Western	6,043	4,218	69.8	156	2.6	788	13.0	881	14.6
<b>SIXTH CIRCUIT</b>	<b>4,475</b>	<b>1,921</b>	<b>42.9</b>	<b>99</b>	<b>2.2</b>	<b>1,424</b>	<b>31.8</b>	<b>1,031</b>	<b>23.0</b>
Kentucky									
Eastern	438	264	60.3	13	3.0	67	15.3	94	21.5
Western	332	139	41.9	5	1.5	142	42.8	46	13.9
Michigan									
Eastern	887	299	33.7	12	1.4	251	28.3	325	36.6
Western	329	185	56.2	13	4.0	55	16.7	76	23.1
Ohio									
Northern	581	254	43.7	12	2.1	156	26.9	159	27.4
Southern	500	144	28.8	13	2.6	228	45.6	115	23.0
Tennessee									
Eastern	748	361	48.3	17	2.3	286	38.2	84	11.2
Middle	198	53	26.8	5	2.5	112	56.6	28	14.1
Western	462	222	48.1	9	1.9	127	27.5	104	22.5
<b>SEVENTH CIRCUIT</b>	<b>2,265</b>	<b>814</b>	<b>35.9</b>	<b>53</b>	<b>2.3</b>	<b>529</b>	<b>23.4</b>	<b>869</b>	<b>38.4</b>
Illinois									
Central	259	82	31.7	14	5.4	76	29.3	87	33.6
Northern	639	168	26.3	8	1.3	102	16.0	361	56.5
Southern	313	195	62.3	7	2.2	53	16.9	58	18.5
Indiana									
Northern	300	146	48.7	4	1.3	71	23.7	79	26.3
Southern	328	123	37.5	9	2.7	114	34.8	82	25.0
Wisconsin									
Eastern	301	57	18.9	8	2.7	99	32.9	137	45.5
Western	125	43	34.4	3	2.4	14	11.2	65	52.0
<b>EIGHTH CIRCUIT</b>	<b>4,721</b>	<b>2,090</b>	<b>44.3</b>	<b>151</b>	<b>3.2</b>	<b>1,178</b>	<b>25.0</b>	<b>1,302</b>	<b>27.6</b>
Arkansas									
Eastern	367	177	48.2	14	3.8	52	14.2	124	33.8
Western	253	113	44.7	10	4.0	52	20.6	78	30.8
Iowa									
Northern	348	214	61.5	22	6.3	61	17.5	51	14.7
Southern	351	95	27.1	3	0.9	145	41.3	108	30.8
Minnesota	494	148	30.0	10	2.0	106	21.5	230	46.6
Missouri									
Eastern	740	341	46.1	20	2.7	199	26.9	180	24.3
Western	826	341	41.3	40	4.8	208	25.2	237	28.7
Nebraska	541	276	51.0	11	2.0	125	23.1	129	23.8
North Dakota	361	121	33.5	6	1.7	181	50.1	53	14.7
South Dakota	440	264	60.0	15	3.4	49	11.1	112	25.5

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE		NON-GOVERNMENT SPONSORED BELOW RANGE	
		N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>13,020</b>	<b>4,541</b>	<b>34.9</b>	<b>375</b>	<b>2.9</b>	<b>6,249</b>	<b>48.0</b>	<b>1,855</b>	<b>14.2</b>
Alaska	177	64	36.2	4	2.3	65	36.7	44	24.9
Arizona	5,486	2,374	43.3	249	4.5	2,509	45.7	354	6.5
California									
Central	964	293	30.4	14	1.5	370	38.4	287	29.8
Eastern	668	286	42.8	18	2.7	190	28.4	174	26.0
Northern	464	174	37.5	10	2.2	114	24.6	166	35.8
Southern	2,837	415	14.6	26	0.9	2,092	73.7	304	10.7
Guam	66	39	59.1	0	0.0	23	34.8	4	6.1
Hawaii	141	59	41.8	1	0.7	51	36.2	30	21.3
Idaho	259	112	43.2	3	1.2	74	28.6	70	27.0
Montana	317	105	33.1	7	2.2	80	25.2	125	39.4
Nevada	397	204	51.4	10	2.5	104	26.2	79	19.9
Northern Mariana Islands	22	15	68.2	1	4.5	4	18.2	2	9.1
Oregon	389	124	31.9	6	1.5	176	45.2	83	21.3
Washington									
Eastern	302	105	34.8	14	4.6	131	43.4	52	17.2
Western	531	172	32.4	12	2.3	266	50.1	81	15.3
<b>TENTH CIRCUIT</b>	<b>7,447</b>	<b>4,121</b>	<b>55.3</b>	<b>63</b>	<b>0.8</b>	<b>2,490</b>	<b>33.4</b>	<b>773</b>	<b>10.4</b>
Colorado	482	181	37.6	12	2.5	195	40.5	94	19.5
Kansas	473	201	42.5	12	2.5	204	43.1	56	11.8
New Mexico	4,965	3,165	63.7	17	0.3	1,511	30.4	272	5.5
Oklahoma									
Eastern	100	72	72.0	1	1.0	19	19.0	8	8.0
Northern	211	73	34.6	2	0.9	60	28.4	76	36.0
Western	326	158	48.5	5	1.5	36	11.0	127	39.0
Utah	675	183	27.1	10	1.5	379	56.1	103	15.3
Wyoming	215	88	40.9	4	1.9	86	40.0	37	17.2
<b>ELEVENTH CIRCUIT</b>	<b>5,941</b>	<b>3,189</b>	<b>53.7</b>	<b>118</b>	<b>2.0</b>	<b>1,129</b>	<b>19.0</b>	<b>1,505</b>	<b>25.3</b>
Alabama									
Middle	152	78	51.3	5	3.3	41	27.0	28	18.4
Northern	351	191	54.4	4	1.1	77	21.9	79	22.5
Southern	317	190	59.9	3	0.9	56	17.7	68	21.5
Florida									
Middle	1,414	642	45.4	17	1.2	322	22.8	433	30.6
Northern	253	107	42.3	10	4.0	51	20.2	85	33.6
Southern	2,171	1,273	58.6	58	2.7	221	10.2	619	28.5
Georgia									
Middle	354	248	70.1	5	1.4	57	16.1	44	12.4
Northern	525	147	28.0	12	2.3	248	47.2	118	22.5
Southern	404	313	77.5	4	1.0	56	13.9	31	7.7

<sup>1</sup> Of the 67,291 cases, 733 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Eastern North Carolina (12.5%), Western Louisiana (8.2%), Southern West Virginia (6.5%), and Middle Tennessee (6.2%). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW RANGE						NON-GOV'T SPONSORED BELOW RANGE	
		N	%	N	%	\$5K1.1		\$5K3.1		OTHER		N	%
						N	%	N	%	N	%		
<b>TOTAL</b>	<b>66,558</b>	<b>32,335</b>	<b>48.6</b>	<b>1,608</b>	<b>2.4</b>	<b>7,404</b>	<b>11.1</b>	<b>5,944</b>	<b>8.9</b>	<b>5,415</b>	<b>8.1</b>	<b>13,852</b>	<b>20.8</b>
Murder	84	36	42.9	1	1.2	23	27.4	0	0.0	17	20.2	7	8.3
Manslaughter	57	26	45.6	18	31.6	0	0.0	0	0.0	7	12.3	6	10.5
Kidnapping/Hostage Taking	39	18	46.2	2	5.1	4	10.3	0	0.0	9	23.1	6	15.4
Sexual Abuse	631	270	42.8	46	7.3	60	9.5	0	0.0	123	19.5	132	20.9
Assault	779	420	53.9	55	7.1	8	1.0	4	0.5	139	17.8	153	19.6
Robbery	700	365	52.1	37	5.3	57	8.1	0	0.0	69	9.9	172	24.6
Arson	48	26	54.2	3	6.3	13	27.1	0	0.0	4	8.3	2	4.2
Drugs - Trafficking	19,037	6,888	36.2	227	1.2	4,286	22.5	1,276	6.7	1,998	10.5	4,362	22.9
Drugs - Communication Facility	270	138	51.1	8	3.0	29	10.7	7	2.6	23	8.5	65	24.1
Drugs - Simple Possession	1,580	1,426	90.3	141	8.9	1	0.1	1	0.1	4	0.3	7	0.4
Firearms	7,268	3,831	52.7	344	4.7	713	9.8	9	0.1	706	9.7	1,665	22.9
Burglary/B&E	23	10	43.5	1	4.3	0	0.0	0	0.0	2	8.7	10	43.5
Auto Theft	46	28	60.9	2	4.3	5	10.9	1	2.2	2	4.3	8	17.4
Larceny	961	559	58.2	20	2.1	56	5.8	0	0.0	108	11.2	218	22.7
Fraud	6,346	2,717	42.8	136	2.1	1,063	16.8	13	0.2	569	9.0	1,848	29.1
Embezzlement	303	174	57.4	6	2.0	8	2.6	0	0.0	33	10.9	82	27.1
Forgery/Counterfeiting	444	250	56.3	14	3.2	45	10.1	1	0.2	41	9.2	93	20.9
Bribery	192	34	17.7	4	2.1	65	33.9	0	0.0	22	11.5	67	34.9
Tax	518	120	23.2	8	1.5	67	12.9	5	1.0	74	14.3	244	47.1
Money Laundering	807	217	26.9	10	1.2	234	29.0	8	1.0	129	16.0	209	25.9
Racketeering/Extortion	891	337	37.8	45	5.1	182	20.4	0	0.0	126	14.1	201	22.6
Gambling/Lottery	75	23	30.7	0	0.0	11	14.7	1	1.3	14	18.7	26	34.7
Civil Rights	40	14	35.0	1	2.5	8	20.0	0	0.0	6	15.0	11	27.5
Immigration	19,897	11,566	58.1	322	1.6	212	1.1	4,610	23.2	455	2.3	2,732	13.7
Child Pornography	1,923	561	29.2	38	2.0	54	2.8	0	0.0	403	21.0	867	45.1
Prison Offenses	460	306	66.5	13	2.8	12	2.6	2	0.4	63	13.7	64	13.9
Administration of Justice Offenses	1,027	521	50.7	56	5.5	53	5.2	4	0.4	106	10.3	287	27.9
Environmental/Wildlife	134	78	58.2	0	0.0	10	7.5	0	0.0	22	16.4	24	17.9
National Defense	99	29	29.3	3	3.0	26	26.3	0	0.0	17	17.2	24	24.2
Antitrust	20	1	5.0	0	0.0	14	70.0	0	0.0	2	10.0	3	15.0
Food & Drug	115	67	58.3	2	1.7	14	12.2	0	0.0	15	13.0	17	14.8
Other Miscellaneous Offenses	1,744	1,279	73.3	45	2.6	71	4.1	2	0.1	107	6.1	240	13.8

<sup>1</sup> Of the 67,291 cases, 733 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11

**SENTENCES RELATIVE TO THE GUIDELINE RANGE IN EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

Guideline	Total	Within		Gov't Sponsored			Non-Gov	Guideline	Total	Within		Gov't Sponsored			Non-Gov
		Gdln	Above	Below	Below	Below	Below			Gdln	Above	Below	Below	Below	
		Range	Range	§5K1.1	§5K3.1	Other	Range			Range	Range	§5K1.1	§5K3.1	Other	Range
§2A1.1	223	86	5	76	0	36	20	§2D1.8	18	5	0	6	0	0	7
§2A1.2	50	23	5	6	0	10	6	§2D1.9	0	0	0	0	0	0	0
§2A1.3	27	14	10	0	0	2	1	§2D1.10	12	2	0	1	0	4	5
§2A1.4	41	18	11	0	0	6	6	§2D1.11	76	21	0	17	0	19	19
§2A1.5	37	6	2	7	0	13	9	§2D1.12	6	3	0	0	0	2	1
§2A2.1	80	34	5	11	0	11	19	§2D1.13	2	2	0	0	0	0	0
§2A2.2	362	160	44	6	1	75	76	§2D1.14	0	0	0	0	0	0	0
§2A2.3	77	55	5	0	0	5	12	§2D2.1	225	214	5	1	0	1	4
§2A2.4	177	98	6	1	2	33	37	§2D2.2	53	40	1	6	0	1	5
§2A3.1	146	65	6	12	0	38	25	§2D2.3	0	0	0	0	0	0	0
§2A3.2	33	10	10	0	0	7	6	§2D3.1	2	2	0	0	0	0	0
§2A3.3	12	8	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0
§2A3.4	33	18	6	0	0	3	6	§2D3.3	0	0	0	0	0	0	0
§2A3.5	426	247	22	3	1	35	118	§2D3.4	0	0	0	0	0	0	0
§2A4.1	71	32	4	14	0	12	9	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	57	22	1	15	0	4	15
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	0	1	0	0	0	2
§2A5.2	32	17	2	0	0	3	10	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	11	3	0	3	0	4	1
§2A6.1	132	70	6	1	0	17	38	§2E1.5	0	0	0	0	0	0	0
§2A6.2	36	14	2	1	0	10	9	§2E2.1	11	5	0	3	0	1	2
§2B1.1	7,051	3,144	164	1,035	9	675	2,024	§2E3.1	80	27	0	10	1	14	28
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0
§2B1.4	18	2	0	6	0	3	7	§2E4.1	28	5	0	9	0	1	13
§2B1.5	21	9	1	2	0	4	5	§2E5.1	0	0	0	0	0	0	0
§2B1.6 <sup>2</sup>	--	--	--	--	--	--	--	§2E5.2	0	0	0	0	0	0	0
§2B2.1	40	22	2	1	0	2	13	§2E5.3	5	5	0	0	0	0	0
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0
§2B2.3	6	6	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,576	714	103	242	0	162	355	§2E5.6	0	0	0	0	0	0	0
§2B3.2	62	16	2	9	0	3	32	§2F1.1	2	1	0	0	0	1	0
§2B3.3	17	6	2	4	0	3	2	§2F1.2	0	0	0	0	0	0	0
§2B4.1	83	34	0	19	0	2	28	§2G1.1	70	34	10	10	0	6	10
§2B5.1	280	163	8	31	0	20	58	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	415	172	22	51	0	71	99
§2B5.3	84	20	0	16	0	14	34	§2G2.1	421	165	10	27	0	102	117
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,580	427	31	28	0	323	771
§2B6.1	2	1	0	0	0	0	1	§2G2.3	1	1	0	0	0	0	0
§2C1.1	258	50	4	83	0	40	81	§2G2.4	0	0	0	0	0	0	0
§2C1.2	24	4	0	13	0	0	7	§2G2.5	0	0	0	0	0	0	0
§2C1.3	4	4	0	0	0	0	0	§2G2.6	4	2	0	1	0	1	0
§2C1.4	0	0	0	0	0	0	0	§2G3.1	25	17	6	0	0	0	2
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	§2H1.1	47	11	0	13	0	5	18
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	4	0	0	3	0	0	1	§2H1.3	0	0	0	0	0	0	0
§2D1.1	19,116	6,916	261	4,267	1,286	1,978	4,408	§2H1.4	0	0	0	0	0	0	0
§2D1.2	321	211	3	28	1	30	48	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1
§2D1.4	0	0	0	0	0	0	0	§2H3.1	3	1	0	0	0	0	2
§2D1.5	12	3	0	6	0	1	2	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	6	6	0	0	0	0	0
§2D1.7	5	1	0	3	0	0	1	§2H4.1	9	0	4	2	0	1	2

Table 11 (cont.)

Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov	Guideline	Total	Within	Above	Gov't Sponsored			Non-Gov
		Gdln	Gdln	Below	Below	Other	Below			Gdln	Gdln	Below	Below	Other	Below
		Range	Range	\$5K1.1	\$5K3.1	Other	Range			Range	Range	\$5K1.1	\$5K3.1	Other	Range
§2H4.2	0	0	0	0	0	0	0	§2M5.2	100	30	2	26	4	15	23
§2J1.1	0	0	0	0	0	0	0	§2M5.3	18	4	0	1	0	4	9
§2J1.2	131	43	10	15	1	14	48	§2M6.1	3	2	0	0	0	0	1
§2J1.3	40	10	1	2	0	5	22	§2M6.2	0	0	0	0	0	0	0
§2J1.4	17	14	2	0	0	0	1	§2N1.1	4	1	0	0	0	2	1
§2J1.5	1	0	1	0	0	0	0	§2N1.2	1	0	0	0	0	0	1
§2J1.6	41	26	2	0	0	2	11	§2N1.3	1	1	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	43	40	1	1	0	1	0
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	262	180	6	1	1	23	51
§2K1.1	4	4	0	0	0	0	0	§2P1.2	117	71	6	4	0	29	7
§2K1.2	0	0	0	0	0	0	0	§2P1.3	11	4	1	6	0	0	0
§2K1.3	19	9	1	2	0	2	5	§2P1.4	0	0	0	0	0	0	0
§2K1.4	63	32	2	13	0	5	11	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	25	6	0	4	0	8	7
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	24	4	1	5	0	9	5
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	5,677	3,091	224	394	7	533	1,428	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	1	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	84	41	0	8	0	12	23
§2K2.4 <sup>3</sup>	--	--	--	--	--	--	--	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	10	8	2	0	0	0	0	§2R1.1	19	0	0	16	0	1	2
§2K2.6	3	3	0	0	0	0	0	§2S1.1	1,074	264	11	349	3	175	272
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	253	89	5	44	6	49	60
§2L1.1	2,415	1,039	32	141	813	103	287	§2S1.4	0	0	0	0	0	0	0
§2L1.2	15,757	9,326	267	61	3,563	309	2,231	§2T1.1	412	94	4	57	0	57	200
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	130	62	0	13	1	12	42	§2T1.3	0	0	0	0	0	0	0
§2L2.2	763	559	15	5	44	16	124	§2T1.4	178	50	3	31	0	19	75
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	47	8	1	2	0	7	29
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	9	3	0	2	0	3	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	10	4	1	4	0	1	0
§2M3.1	1	0	0	0	0	1	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	1	§2X1.1	13	7	0	2	0	1	3
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	80	27	6	14	0	12	21
§2M3.6	0	0	0	0	0	0	0	§2X4.1	283	128	16	27	2	38	72
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	175	160	10	0	0	0	5
§2M3.9	0	0	0	0	0	0	0	§2X6.1	1	0	0	1	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	2	0	0	0	0	2	0
§2M5.1	11	1	1	4	0	3	2	§2X7.2	4	3	0	0	0	0	1
<b>TOTAL</b>	<b>62,495</b>	<b>28,947</b>	<b>1,427</b>	<b>7,364</b>	<b>5,746</b>	<b>5,288</b>	<b>13,723</b>								

<sup>1</sup> Of the 67,291 cases, 4,796 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (733) or missing guideline applied (4,779). Descriptions of variables used in this table are provided in Appendix A.

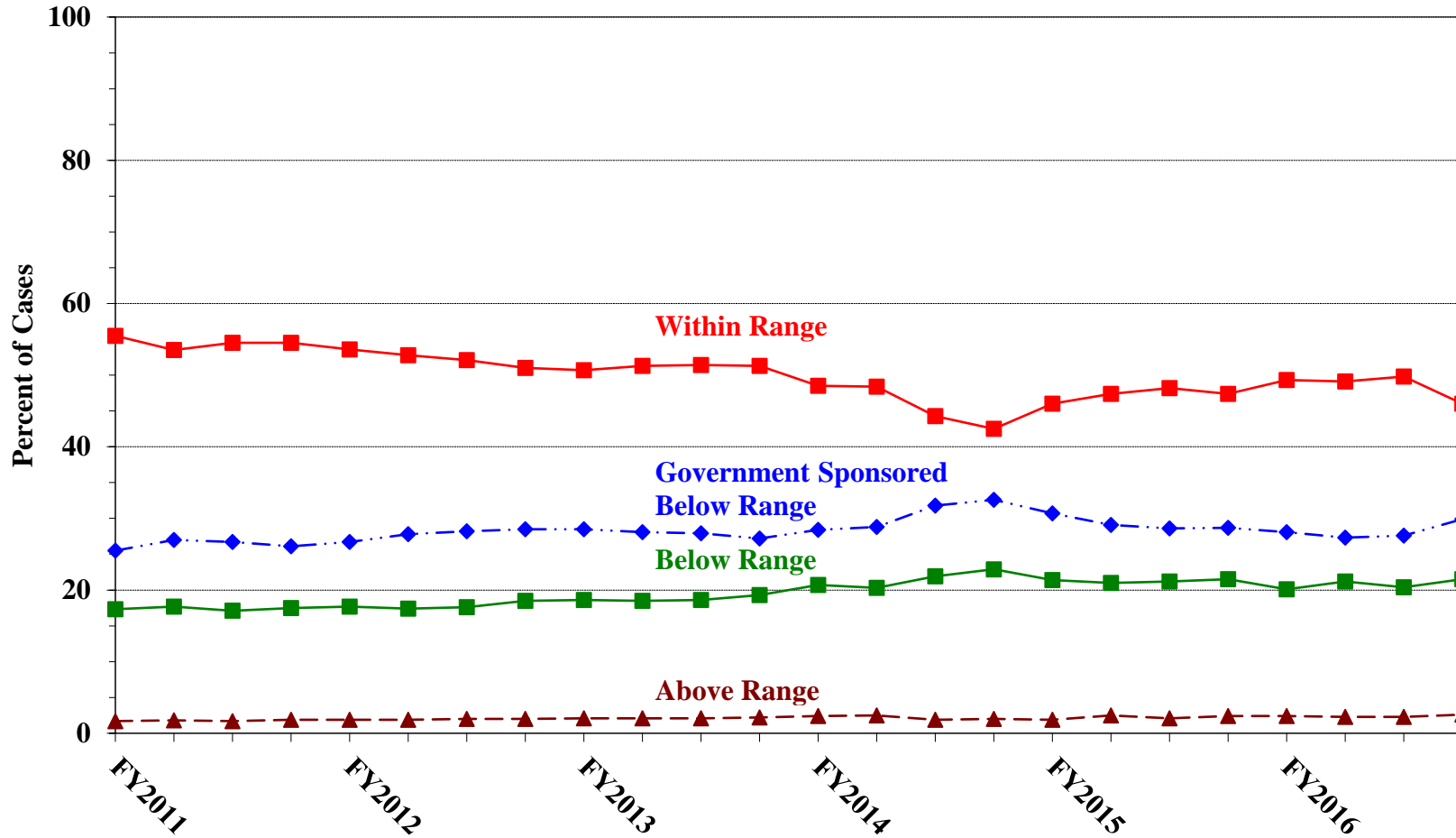
<sup>2</sup> In 994 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 994 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 2,001 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,001 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Figure C

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>

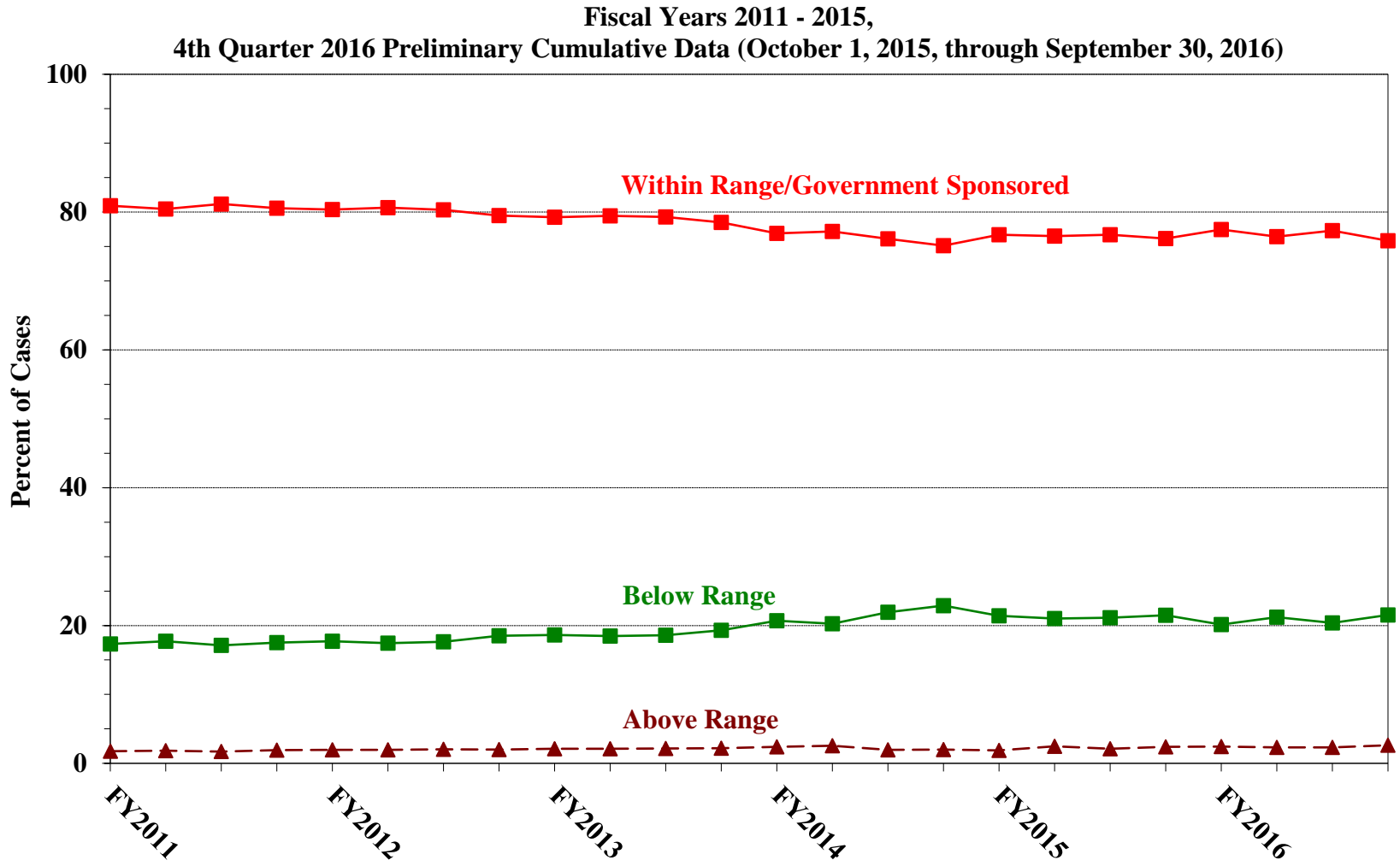
Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Figure D

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>**



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 12

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2011 - 2015,**  
**4th Quarter 2016 Preliminary Cumulative Data**  
**(October 1, 2015, through September 30, 2016)**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2011</b>				
1st Quarter	55.5	25.5	17.3	1.7
2nd Quarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
<b>FY2012</b>				
1st Quarter	53.6	26.7	17.7	1.9
2nd Quarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
<b>FY2013</b>				
1st Quarter	50.7	28.5	18.6	2.1
2nd Quarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2
<b>FY2014</b>				
1st Quarter	48.5	28.4	20.7	2.4
2nd Quarter	48.4	28.8	20.3	2.5
3rd Quarter	44.3	31.8	21.9	1.9
4th Quarter	42.5	32.6	22.9	2.0
<b>FY2015</b>				
1st Quarter	46.0	30.7	21.4	1.9
2nd Quarter	47.4	29.1	21.0	2.5
3rd Quarter	48.2	28.6	21.2	2.1
4th Quarter	47.4	28.7	21.5	2.4
<b>FY2016</b>				
1st Quarter	49.3	28.1	20.1	2.4
2nd Quarter	49.1	27.3	21.2	2.3
3rd Quarter	49.8	27.6	20.4	2.3
4th Quarter	46.0	29.9	21.5	2.6

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.



Table 13

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>34,223</b>	<b>7,420</b>	<b>21.7</b>	<b>6,099</b>	<b>17.8</b>	<b>5,435</b>	<b>15.9</b>	<b>6,323</b>	<b>18.5</b>	<b>778</b>	<b>2.3</b>
<b>Above Range</b>	<b>1,608</b>	<b>16</b>	<b>1.0</b>	<b>9</b>	<b>0.6</b>	<b>308</b>	<b>19.2</b>	<b>138</b>	<b>8.6</b>	<b>7</b>	<b>0.4</b>
Upward Departure From Guideline Range	316	0	0.0	0	0.0	125	39.6	53	16.8	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	101	0	0.0	0	0.0	11	10.9	8	7.9	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,116	0	0.0	0	0.0	162	14.5	72	6.5	6	0.5
All Remaining Cases Above Guideline Range	75	16	21.3	9	12.0	10	13.3	5	6.7	0	0.0
<b>Government Sponsored Below Range</b>	<b>18,763</b>	<b>7,404</b>	<b>39.5</b>	<b>6,090</b>	<b>32.5</b>	<b>5,127</b>	<b>27.3</b>	<b>6,185</b>	<b>33.0</b>	<b>771</b>	<b>4.1</b>
§5K1.1 Substantial Assistance Departure	7,404	7,404	100.0	146	2.0	353	4.8	2,077	28.1	38	0.5
§5K3.1 Early Disposition Program Departure	5,944	0	0.0	5,944	100.0	2,737	46.0	2,583	43.5	371	6.2
Other Government Sponsored Below Range	5,415	0	0.0	0	0.0	2,037	37.6	1,525	28.2	362	6.7
<b>Non-Government Sponsored Below Range</b>	<b>13,852</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,324	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	530	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	11,595	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	403	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 13 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>4,763</b>	<b>13.9</b>	<b>5,789</b>	<b>16.9</b>	<b>5,655</b>	<b>16.5</b>	<b>955</b>	<b>2.8</b>	<b>4,962</b>	<b>14.5</b>	<b>2,834</b>	<b>8.3</b>
<b>Above Range</b>	<b>249</b>	<b>15.5</b>	<b>10</b>	<b>0.6</b>	<b>10</b>	<b>0.6</b>	<b>15</b>	<b>0.9</b>	<b>580</b>	<b>36.1</b>	<b>361</b>	<b>22.5</b>
Upward Departure From Guideline Range	48	15.2	1	0.3	2	0.6	4	1.3	77	24.4	35	11.1
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	36	35.6	1	1.0	3	3.0	1	1.0	52	51.5	6	5.9
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	160	14.3	6	0.5	5	0.4	9	0.8	445	39.9	274	24.6
All Remaining Cases Above Guideline Range	5	6.7	2	2.7	0	0.0	1	1.3	6	8.0	46	61.3
<b>Government Sponsored Below Range</b>	<b>4,514</b>	<b>24.1</b>	<b>1,636</b>	<b>8.7</b>	<b>1,178</b>	<b>6.3</b>	<b>940</b>	<b>5.0</b>	<b>1,141</b>	<b>6.1</b>	<b>170</b>	<b>0.9</b>
§5K1.1 Substantial Assistance Departure	3,487	47.1	712	9.6	478	6.5	240	3.2	563	7.6	0	0.0
§5K3.1 Early Disposition Program Departure	178	3.0	426	7.2	462	7.8	68	1.1	360	6.1	0	0.0
Other Government Sponsored Below Range	849	15.7	498	9.2	238	4.4	632	11.7	218	4.0	170	3.1
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>4,143</b>	<b>29.9</b>	<b>4,467</b>	<b>32.2</b>	<b>0</b>	<b>0.0</b>	<b>3,241</b>	<b>23.4</b>	<b>2,303</b>	<b>16.6</b>
Downward Departure From Guideline Range	0	0.0	631	47.7	259	19.6	0	0.0	262	19.8	192	14.5
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	165	31.1	205	38.7	0	0.0	179	33.8	66	12.5
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	3,347	28.9	4,000	34.5	0	0.0	2,791	24.1	1,654	14.3
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	3	0.7	0	0.0	9	2.2	391	97.0

<sup>1</sup> Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 13,249 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> For cases in which the court submitted a Statement of Reasons (SOR) form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted a prior version of the SOR form, the information was taken from Part V.B. of the SOR form.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>7,136</b>	<b>36</b>	<b>32</b>	<b>50.0</b>
<b>Murder</b>	8	162	120	50.9
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	3	179	78	33.3
<b>Sexual Abuse</b>	58	79	72	44.4
<b>Assault</b>	8	31	8	18.6
<b>Robbery</b>	56	46	31	35.9
<b>Arson</b>	13	28	24	51.2
<b>Drugs - Trafficking</b>	4,158	47	41	47.1
<b>Drugs - Communication Facility</b>	28	0	33	100.0
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	668	54	37	48.9
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	5	38	14	59.5
<b>Larceny</b>	55	4	12	89.1
<b>Fraud</b>	1,028	8	21	75.0
<b>Embezzlement</b>	7	12	10	42.7
<b>Forgery/Counterfeiting</b>	43	9	10	47.6
<b>Bribery</b>	62	12	21	67.0
<b>Tax</b>	65	0	12	100.0
<b>Money Laundering</b>	228	21	28	55.3
<b>Racketeering/Extortion</b>	164	36	33	50.3
<b>Gambling/Lottery</b>	11	0	9	100.0
<b>Civil Rights</b>	8	12	17	61.0
<b>Immigration</b>	211	12	12	50.0
<b>Child Pornography</b>	52	120	76	36.6
<b>Prison Offenses</b>	12	23	22	42.8
<b>Administration of Justice Offenses</b>	53	0	15	100.0
<b>Environmental/Wildlife</b>	10	0	12	100.0
<b>National Defense</b>	25	15	31	67.4
<b>Antitrust</b>	14	0	8	100.0
<b>Food &amp; Drug</b>	14	0	32	100.0
<b>Other Miscellaneous Offenses</b>	68	1	18	95.8

<sup>1</sup> Of the 67,291 cases, 7,404 received a §5K1.1 substantial assistance departure. Of these, 7,205 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 61 cases were also excluded from this table. Of the remaining 7,144 cases, eight were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>5,660</b>	<b>12</b>	<b>8</b>	<b>47.1</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	5	6	44.8
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,218	24	28	54.3
Drugs - Communication Facility	7	24	24	50.0
Drugs - Simple Possession	1	--	--	--
Firearms	9	24	11	42.9
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	12	18	6	44.1
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	5	30	24	57.1
Money Laundering	8	6	11	45.1
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	4,385	9	6	42.3
Child Pornography	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	4	6	9	71.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

<sup>1</sup> Of the 67,291 cases, 5,944 received a §5K3.1 early disposition program departure. Of these, 5,660 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>5,173</b>	<b>32</b>	<b>20</b>	<b>42.7</b>
<b>Murder</b>	16	144	54	25.8
<b>Manslaughter</b>	7	24	9	37.5
<b>Kidnapping/Hostage Taking</b>	6	138	114	39.6
<b>Sexual Abuse</b>	108	96	44	32.4
<b>Assault</b>	130	18	12	46.7
<b>Robbery</b>	69	49	22	31.4
<b>Arson</b>	4	0	25	99.9
<b>Drugs - Trafficking</b>	1,927	60	31	37.5
<b>Drugs - Communication Facility</b>	23	6	24	75.0
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	686	47	18	32.0
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	97	0	10	100.0
<b>Fraud</b>	551	12	12	60.9
<b>Embezzlement</b>	31	0	9	99.9
<b>Forgery/Counterfeiting</b>	40	9	9	53.2
<b>Bribery</b>	22	11	12	75.5
<b>Tax</b>	70	0	12	100.0
<b>Money Laundering</b>	126	9	19	67.5
<b>Racketeering/Extortion</b>	119	72	31	34.9
<b>Gambling/Lottery</b>	14	0	6	100.0
<b>Civil Rights</b>	5	1	12	83.3
<b>Immigration</b>	426	12	10	44.4
<b>Child Pornography</b>	396	77	54	40.0
<b>Prison Offenses</b>	52	13	7	33.3
<b>Administration of Justice Offenses</b>	101	0	12	100.0
<b>Environmental/Wildlife</b>	18	0	10	100.0
<b>National Defense</b>	17	24	24	40.0
<b>Antitrust</b>	1	--	--	--
<b>Food &amp; Drug</b>	13	0	24	100.0
<b>Other Miscellaneous Offenses</b>	93	0	10	100.0

<sup>1</sup> Of the 67,291 cases, 5,415 received an other government sponsored downward departure. Of these, 5,217 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 39 cases were also excluded from this table. Of the remaining 5,178 cases, five were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**NON-GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>13,471</b>	<b>24</b>	<b>15</b>	<b>36.8</b>
<b>Murder</b>	7	102	24	19.8
<b>Manslaughter</b>	6	16	14	46.6
<b>Kidnapping/Hostage Taking</b>	6	121	66	33.3
<b>Sexual Abuse</b>	109	96	31	30.6
<b>Assault</b>	142	12	9	42.8
<b>Robbery</b>	168	40	15	26.6
<b>Arson</b>	2	--	--	--
<b>Drugs - Trafficking</b>	4,268	42	18	31.4
<b>Drugs - Communication Facility</b>	64	3	12	86.9
<b>Drugs - Simple Possession</b>	6	1	3	95.2
<b>Firearms</b>	1,633	36	14	26.3
<b>Burglary/B&amp;E</b>	10	5	8	77.7
<b>Auto Theft</b>	8	42	7	18.3
<b>Larceny</b>	211	0	10	100.0
<b>Fraud</b>	1,801	12	12	50.0
<b>Embezzlement</b>	82	0	10	99.8
<b>Forgery/Counterfeiting</b>	90	7	9	58.1
<b>Bribery</b>	67	12	12	53.8
<b>Tax</b>	239	0	12	100.0
<b>Money Laundering</b>	200	15	15	51.4
<b>Racketeering/Extortion</b>	193	36	17	33.3
<b>Gambling/Lottery</b>	26	0	8	100.0
<b>Civil Rights</b>	9	0	18	100.0
<b>Immigration</b>	2,641	15	10	40.0
<b>Child Pornography</b>	857	72	52	38.5
<b>Prison Offenses</b>	58	6	7	50.0
<b>Administration of Justice Offenses</b>	280	7	10	50.2
<b>Environmental/Wildlife</b>	19	0	10	100.0
<b>National Defense</b>	24	38	38	40.2
<b>Antitrust</b>	3	6	6	40.0
<b>Food &amp; Drug</b>	17	12	23	63.9
<b>Other Miscellaneous Offenses</b>	225	0	10	99.7

<sup>1</sup> Of the 67,291 cases, 13,852 were otherwise sentenced below the guideline range. Of these, 13,536 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 55 cases were also excluded from this table. Of the remaining 13,481 cases, ten were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

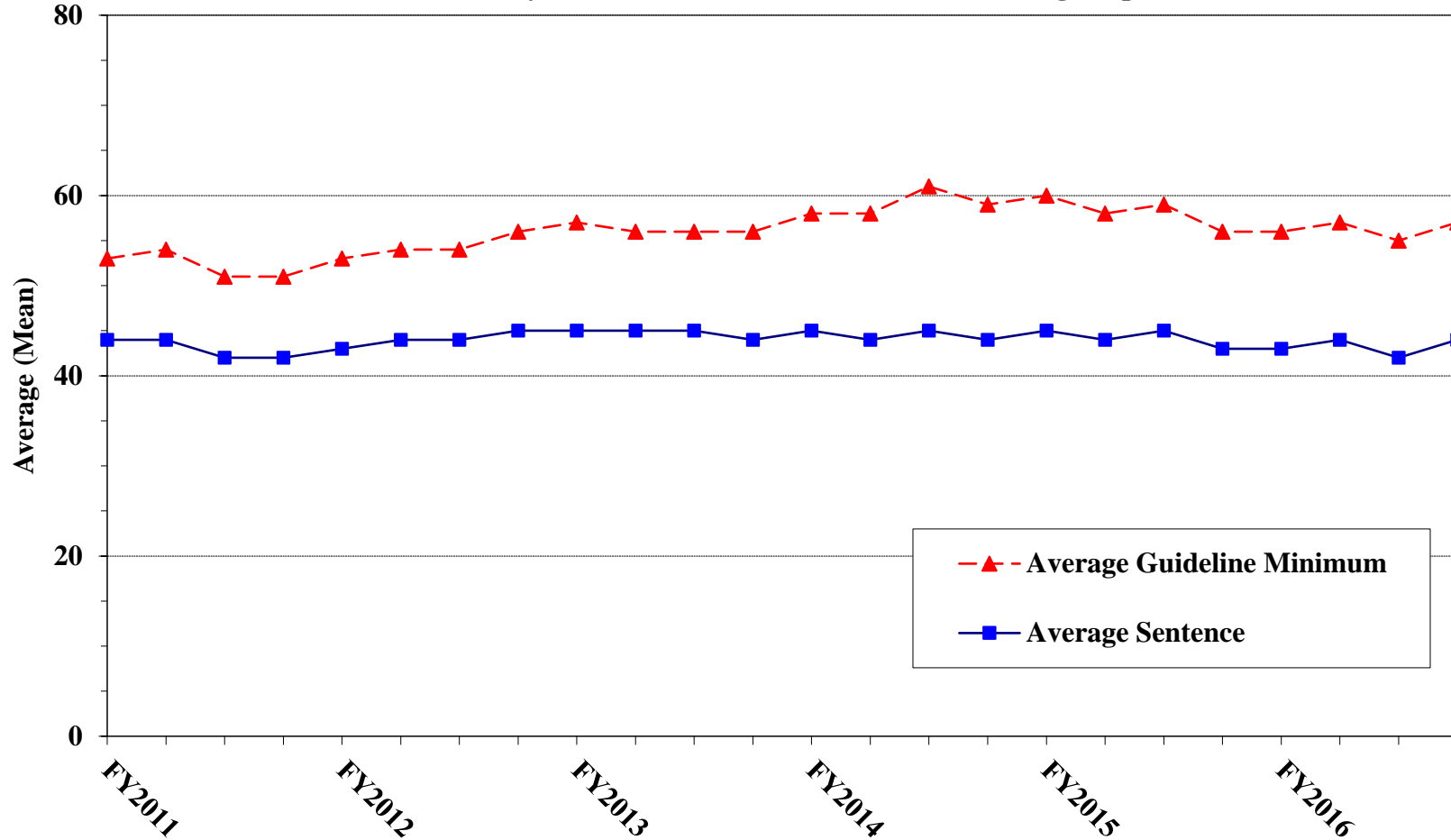
<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>1,363</b>	<b>57</b>	<b>14</b>	<b>36.7</b>
<b>Murder</b>	1	--	--	--
<b>Manslaughter</b>	18	108	35	53.8
<b>Kidnapping/Hostage Taking</b>	2	--	--	--
<b>Sexual Abuse</b>	44	141	25	32.8
<b>Assault</b>	49	78	21	40.7
<b>Robbery</b>	35	127	29	31.4
<b>Arson</b>	3	121	50	70.4
<b>Drugs - Trafficking</b>	219	66	13	26.3
<b>Drugs - Communication Facility</b>	7	42	12	29.7
<b>Drugs - Simple Possession</b>	5	12	5	71.9
<b>Firearms</b>	296	96	21	30.4
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	19	36	10	50.0
<b>Fraud</b>	124	48	14	44.2
<b>Embezzlement</b>	5	24	3	50.0
<b>Forgery/Counterfeiting</b>	14	48	17	74.6
<b>Bribery</b>	4	93	21	30.5
<b>Tax</b>	8	44	12	41.4
<b>Money Laundering</b>	10	53	13	53.2
<b>Racketeering/Extortion</b>	44	114	29	30.0
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	310	24	7	50.0
<b>Child Pornography</b>	32	162	24	19.0
<b>Prison Offenses</b>	11	36	10	71.4
<b>Administration of Justice Offenses</b>	52	39	13	50.0
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	3	97	26	36.6
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	42	39	9	61.1

<sup>1</sup> Of the 67,291 cases, 1,608 were sentenced above the guideline range. Of these, 1,413 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, 48 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure E

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR ALL CASES<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**



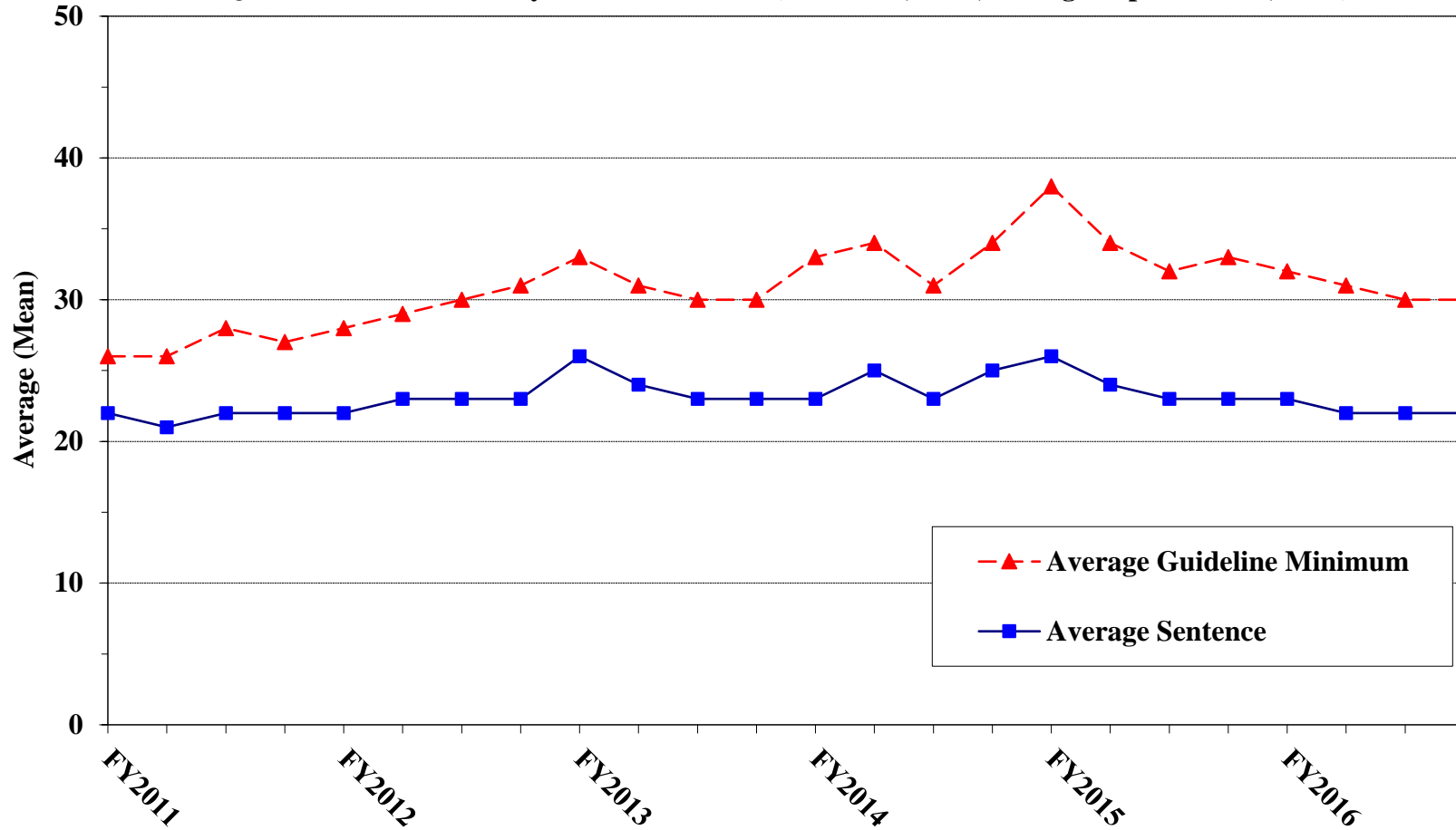
<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.



Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

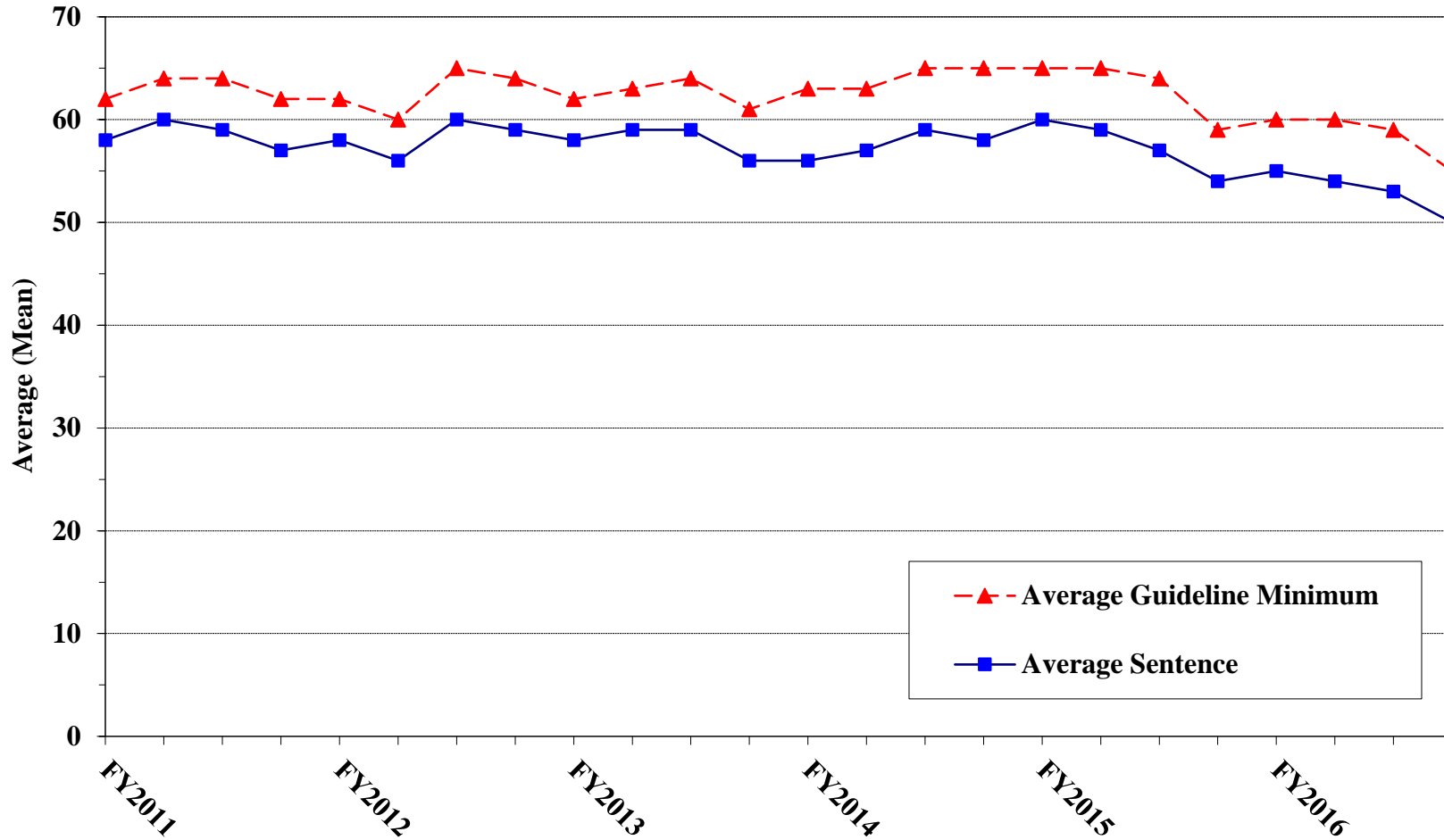


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure G

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

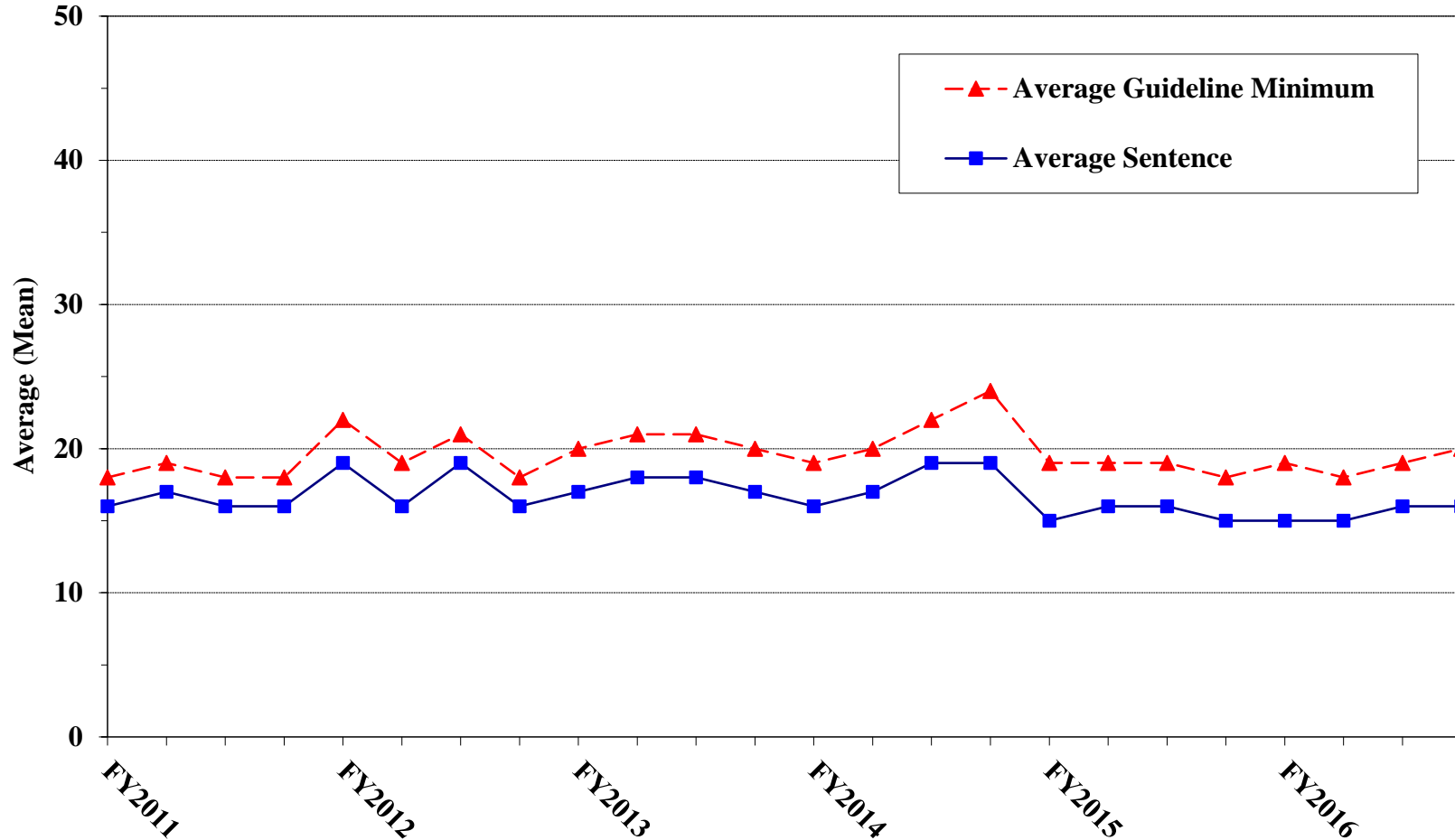


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure H

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**

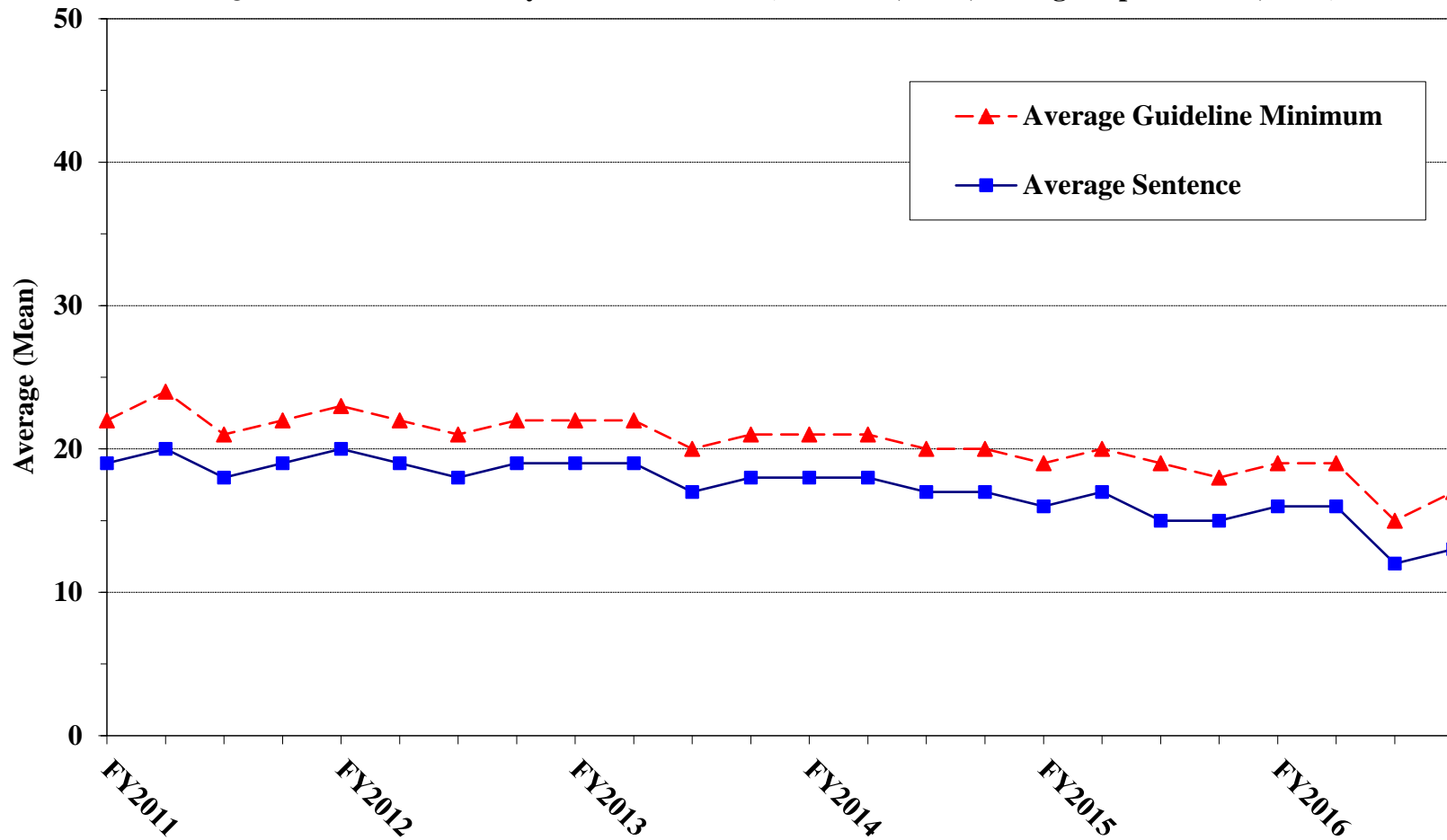


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure I

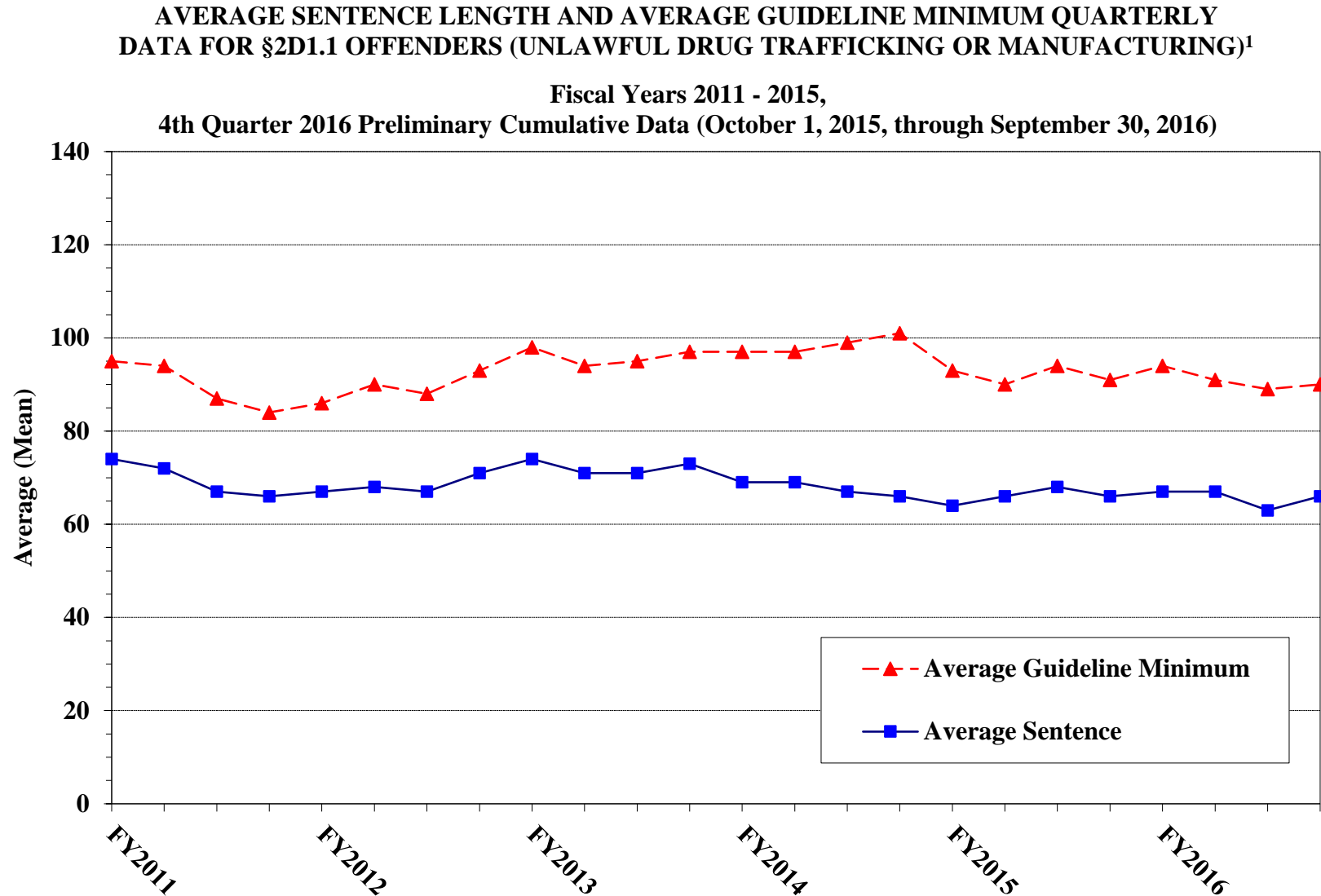
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>**

**Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure J

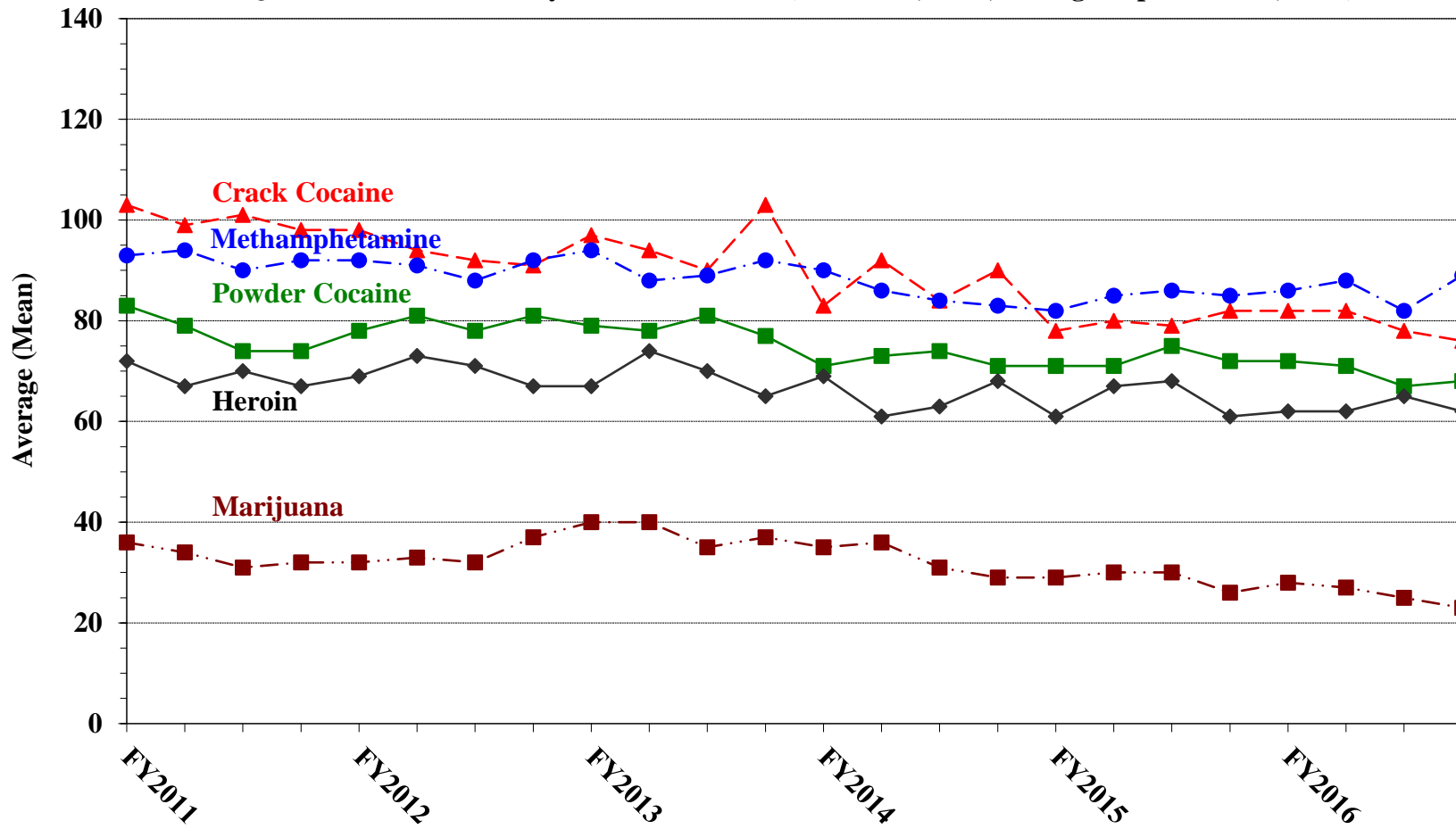


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure K

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>

Fiscal Years 2011 - 2015,  
4th Quarter 2016 Preliminary Cumulative Data (October 1, 2015, through September 30, 2016)



<sup>1</sup> Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

#### Variables

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The following section describes the variables used in this report.

##### **Above Guideline Range with *Booker*/18 U.S.C. § 3553**

*Above Guideline Range with Booker/18 U.S.C. § 3553* consists of cases with a sentence above the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

##### **All Remaining Cases Above Guideline Range**

*All Remaining Cases Above Guideline Range* consists of cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes, for example, cases in which no reason is provided for a sentence above the guideline range.

##### **All Remaining Cases Below Guideline Range**

*All Remaining Cases Below Guideline Range* consists of cases sentenced below the guideline range that cannot be classified into any of the other three below the range categories. This category includes, for example, cases in which no reason is provided for a sentence below the guideline range.

##### **Below Guideline Range with *Booker*/18 U.S.C. § 3553**

*Below Guideline Range with Booker/18 U.S.C. § 3553* consists of cases with a sentence below the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

##### **Circuit**

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

##### **Citizenship Status**

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” “extradited alien,”

and “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

### **Degree of Decrease**

*Degree of Decrease* is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: downward departure from guideline range, downward departure with *Booker/18 U.S.C. § 3553*, below guideline range with *Booker/18 U.S.C. § 3553*, all remaining cases below guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

### **Degree of Increase**

*Degree of Increase* is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) for the following categories of above range cases: upward departure from guideline range, upward departure with *Booker/18 U.S.C. § 3553*, above guideline range with *Booker/18 U.S.C. § 3553*, all remaining cases above guideline range. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

### **District**

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

### **Document Submission Rates**

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals. The total requested documents received column is derived from adding the total number of received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The total requested documents not received column is derived from adding the total number of not received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). Cases where the PSR is waived, there is no written plea agreement/trial, and where the Commission was unable to definitively determine whether the offender’s guilty plea was entered pursuant to a written plea agreement are all excluded from the calculations for the total received documents column.

### **Downward Departure From Guideline Range**

*Downward Departure From Guideline Range* consists of cases with departures below the guideline range that do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

### **Downward Departures with *Booker/18 U.S.C. § 3553***

*Downward Departures with Booker/18 U.S.C. § 3553* consists of cases with a sentence below the guideline range that include both a departure (see Downward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline range.



### **Drug Offense Guideline**

*Drug Offense Guideline* information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (USSG §2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

### **Drug Type**

Information on *Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “ICE,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). The category *Listed Chemicals* includes any chemicals listed under USSG §2D1.11. All drug types not listed separately in this report are collapsed into the “other” drug category.

### **Gender**

*Gender* of the defendant is obtained from the Presentence Report.

### **Government Sponsored Below Range**

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. All cases in which a reason for a sentence below the range was substantial assistance (USSG §5K1.1) or Early Disposition Program (USSG §5K3.1) were attributed to the government. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government unless the court indicated on the SOR that the government opposed the motion: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year.

### **Guideline Offenders Sentenced**

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

### **Guideline Sentencing Range**

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

### **Outside of the Range Attribution Categories**

All categories replicate the list of checkboxes available on the SOR Form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in

which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

### **Primary Offense Category**

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

*Murder* includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

*Manslaughter* includes both involuntary and voluntary manslaughter.

*Kidnapping/Hostage Taking* includes ransom taking and hostage/kidnapping.

*Sexual Abuse* includes sexual abuse of a minor, transportation of minor for sex, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

*Assault* includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

*Robbery* includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

*Arson* also includes damage by explosives.

*Drugs - Trafficking* includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

*Drugs - Communication Facility* includes use of a communication facility in a drug trafficking offense.

*Drugs - Simple Possession* includes distribution of a small amount of marijuana and simple possession.

*Firearms* includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

*Burglary/Breaking & Entering* includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

*Auto Theft* includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

*Larceny* includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

*Fraud* includes odometer laws and regulations, insider trading, and fraud and deceit.

*Embezzlement* includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

*Forgery/Counterfeiting* includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

*Bribery* includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

*Tax* includes receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggling); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

*Money Laundering* includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

*Racketeering/Extortion* includes extortionate extension of credit, blackmail, extortion by force or threat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

*Gambling/Lottery* includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

*Civil Rights* includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

*Immigration* includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering the U.S.

*Pornography/Prostitution* includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was

discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

*Child Pornography* includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

*Prison Offenses* includes contraband in prisons, riots in federal facilities, and escape.

*Administration of Justice Offenses* includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

*Environmental/Wildlife* includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

*National Defense* includes evasion of export controls and exportation of arms, etc., without license.

*Antitrust* includes bid-rigging, price-fixing, and market allocation agreement.

*Food & Drug* includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

*Other Miscellaneous Offenses* includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices on federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

## **Race**

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other"*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other" origin.

### **Sentence Length**

*Sentence Length* reports the mean and median terms of the sentence imposed in months. This information is obtained from the Judgment and Commitment Order. Sentence lengths expressed in days are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence which is an alternative confinement as described in USSG §5C1.1 is included. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. However, sentences in cases where the court imposed a sentence of time served but did not report the amount of time that was served are included as zero months.

In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders. Also, sentences of greater than 470 months are also reported as 470 months for some analyses. The footnote in the relevant tables and figures indicates when this occurs.

### **Type of Guideline Sentence Imposed**

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

*Probation and Confinement* includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

### **Upward Departure From Guideline Range**

*Upward Departure From Guideline Range* consists of cases with departures above the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

**Upward Departure with *Booker*/18 U.S.C. § 3553**

*Upward Departure with Booker/18 U.S.C. § 3553* consists of cases with a sentence above the guideline range that includes both a departure (see Upward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline system.

**Year**

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the defendant was sentenced.