



# Sentencing Decisions for Persons in Federal Prison for Drug Offenses, 2013–2018

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Of the people in Federal Bureau of Prisons (BOP) custody for drug offenses at fiscal yearend 2018, about 22% received mandatory minimum penalties at sentencing for methamphetamine, 15% for powder cocaine, 14% for crack cocaine, 5% for heroin, 4% for marijuana, and less than 1% for opioids (figure 1). A greater share of persons in federal prison for crack cocaine who were subject to mandatory minimum penalties received the penalties (94%) than persons sentenced for marijuana (82%), powder cocaine (81%), heroin (80%), methamphetamine (79%), or opioids (70%).

## About this report

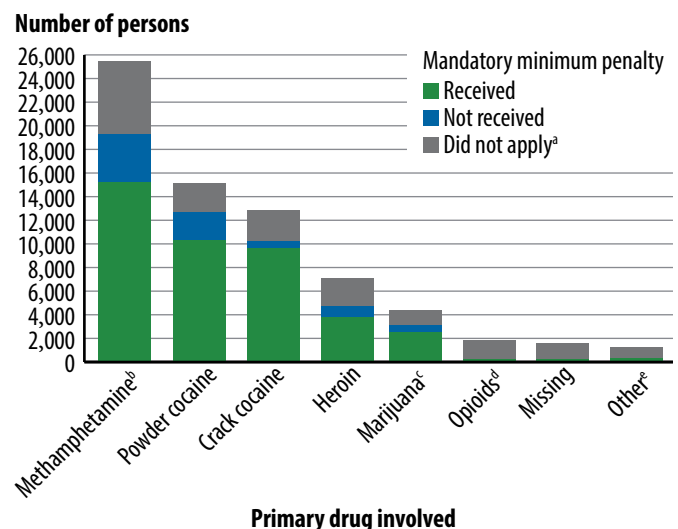
Federal policies, such as the 1980s Sentencing Reform Act and Anti-Drug Abuse Acts, have led to changes in the number and type of people in prisons, especially federal correctional facilities. Though the numerous factors that contribute to such population changes are difficult to measure, the introduction of U.S. laws and agency directives can serve as reference points and inform studies to improve our understanding of the criminal justice system.

## HIGHLIGHTS

- At fiscal yearend 2018, about 47% (71,555) of persons in Federal Bureau of Prisons (BOP) custody were sentenced for drug offenses.
- The number of people in federal prison for drug offenses decreased 24% during the 5-year period from fiscal yearend 2013 to fiscal yearend 2018.
- The number of people in BOP custody decreased from fiscal yearend 2013 to fiscal yearend 2018 for marijuana (down 61%), crack cocaine (down 45%), powder cocaine (down 35%), and opioids (down 4%), while there were increases for heroin (up 13%) and methamphetamine (up 12%).

*continued on page 2*

**FIGURE 1**  
Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved and mandatory minimum penalty received, fiscal yearend 2018



Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Counts exclude missing data on mandatory minimum penalties. In cases involving multiple drugs, the primary drug was the one with the highest weight according to the U.S. Sentencing Commission's drug conversion formulas.

<sup>a</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

<sup>b</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>c</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>d</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>e</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

## HIGHLIGHTS CONTINUED

- The number of people in federal prison for drug offenses who were eligible for mandatory minimum penalties declined 33% during the 5-year period, as did the number who ultimately received penalties (down 26%) and received relief from penalties (down 52%).
- Fifty-eight percent of people in federal prison at fiscal yearend 2018 whose drug offense qualified for mandatory minimum penalties during sentencing in 2018 went on to receive the penalties.
- At fiscal yearend 2018, about 30% of persons who received mandatory minimum penalties had a criminal history designated as category VI (most serious), while 61% of those who received relief from penalties had a criminal history designated as category I (least serious).
- Among persons in BOP custody for drug offenses at fiscal yearend 2018 who received mandatory minimum penalties, 36% received a sentence enhancement for using a gun during their offense.
- At fiscal yearend 2018, about 17% of people in federal prison for drug offenses received an upward adjustment to their offense level for their aggravating role as an organizer, leader, manager, or supervisor, while 7% received a downward adjustment for their mitigating role as a minor or minimal participant.
- Persons in BOP custody for drug offenses at fiscal yearend 2018 who received mandatory minimum penalties had an average sentence of 184 months, while those who received relief from penalties had an average sentence of 76 months.
- At fiscal yearend 2018, people in federal prison for drug offenses who were not subject to mandatory minimum penalties had an average sentence of 89 months.
- More than 30,000 people in BOP custody for drug offenses had their sentence modified during fiscal years 2013–2018.

This report updates *Drug Offenders in Federal Prison: Estimates of Characteristics Based on Linked Data* (NCJ 248648, BJS, October 2015), which examined the size and makeup of persons in federal prison for drug offenses at fiscal yearend 2012, after the Fair Sentencing Act took effect in 2010 and its amendment on crack cocaine offenses was retroactively applied in 2011.<sup>1</sup> This analysis covers persons in federal prison at fiscal yearends 2013–2018, a 5-year period during which drug policies including Smart on Crime, Drugs Minus Two, the Clemency Initiative, and the First Step Act were introduced. (See *Relevant policy changes* for details.) Sentencing outcomes at fiscal yearend 2018 are also examined.

Findings in this report are based on fiscal yearend 2013–2018 prison records from the BOP that were linked to fiscal yearend 1994–2018 sentencing records from the U.S. Sentencing Commission (USSC). These records include people in BOP custody on new U.S. district court commitments and exclude those persons in BOP custody who had been committed for a revocation of a probation or post-conviction supervision term. They also exclude persons sentenced to the BOP by the District of Columbia Superior Court, military prisoners transferred to BOP facilities to serve their sentence, U.S. citizen

prisoners transferred to the United States from another country to serve their sentence closer to home, persons convicted of a state offense but serving time in a federal prison for their security needs, juvenile persons, and persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act. See *Methodology* for details.

### The total BOP population fell 18% from fiscal yearend 2013 to fiscal yearend 2018

The number of persons in BOP custody on new U.S. district court commitments decreased 18% between fiscal yearend 2013 and fiscal yearend 2018, largely due to declines in prisoners whose most serious offense was a drug or immigration offense (**table 1**).<sup>2</sup>

At fiscal yearend 2018, there were 9,903 fewer people in federal prison for immigration offenses, 23,058 fewer for drug offenses, 781 fewer for violent offenses, and 1,084 fewer for weapon offenses than at fiscal yearend 2013. The number of persons in federal prison for sexual offenses increased 34% from fiscal yearend 2013 to fiscal yearend 2018, while the number serving time for public order offenses rose 16%.

<sup>2</sup>Percentages discussed in this report are computed from numbers shown in tables.

<sup>1</sup>See <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/revised-sentencing-guidelines-odag.pdf>.

**TABLE 1****Persons in Federal Bureau of Prisons custody, by most serious offense, fiscal yearends 2013–2018**

Most serious offense <sup>a</sup>	2013		2014		2015		2016		2017		2018	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	183,876	100%	182,294	100%	176,156	100%	163,617	100%	155,429	100%	151,363	100%
<b>Violent</b>	8,570	4.7%	8,508	4.7%	8,271	4.7%	8,059	5.0%	7,934	5.1%	7,789	5.2%
<b>Property</b>	11,136	6.1%	11,212	6.2%	10,869	6.2%	10,254	6.3%	9,466	6.1%	8,804	5.8%
Fraud	9,548	5.2	9,701	5.4	9,384	5.4	8,855	5.4	8,107	5.2	7,507	5.0
Other	1,588	0.9	1,511	0.8	1,485	0.8	1,399	0.9	1,359	0.9	1,297	0.9
<b>Drug</b>	94,613	51.8%	92,959	51.4%	88,911	50.9%	79,142	48.6%	73,892	47.8%	71,555	47.5%
Trafficking	94,065	51.5	92,378	51.1	88,386	50.6	78,992	48.5	73,778	47.7	71,501	47.4
Possession/other drug offense	548	0.3	581	0.3	525	0.3	150	0.1	114	0.1	54	<0.1
<b>Public order</b>	9,350	5.1%	9,771	5.4%	10,074	5.8%	10,551	6.5%	10,701	6.9%	10,889	7.2%
Regulatory	2,653	1.5	2,825	1.6	2,886	1.7	2,941	1.8	2,968	1.9	3,050	2.0
Other	6,697	3.7	6,946	3.8	7,188	4.1	7,610	4.7	7,733	5.0	7,839	5.2
<b>Nonviolent sexual<sup>b</sup></b>	10,962	6.0%	11,879	6.6%	12,505	7.2%	13,486	8.3%	14,189	9.2%	14,678	9.7%
<b>Weapon</b>	28,346	15.5%	28,852	15.9%	28,570	16.3%	27,305	16.8%	26,828	17.3%	27,262	18.1%
<b>Immigration</b>	19,670	10.8%	17,771	9.8%	15,579	8.9%	13,962	8.6%	11,710	7.6%	9,767	6.5%

Note: Includes persons in Federal Bureau of Prisons (BOP) custody on new U.S. district court commitments who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Most serious offense was missing for 2013: 1,229 records; 2014: 1,342 records; 2015: 1,377 records; 2016: 858 records; 2017: 709 records; and 2018: 619 records.

<sup>a</sup>The new commitment offense with the longest sentence, as determined by the BOP.

<sup>b</sup>Excludes sexual abuse, which is included in the Violent category.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearends 2013–2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

## The numbers of people in federal prison for marijuana, crack cocaine, and powder cocaine decreased between 35% and 61% during fiscal years 2013–2018

From fiscal yearend 2013 to fiscal yearend 2018, the number of people in BOP custody for marijuana offenses decreased 61% (table 2). There were also declines in persons imprisoned for crack cocaine (down 45%), powder cocaine (down 35%), and opioids (down 4%) during this 5-year period, while the number in BOP custody for heroin (up 13%) and methamphetamine (up 12%) rose.

## Similar percentages of persons in BOP custody at fiscal yearend 2013 (62%) and fiscal yearend 2018 (61%) received mandatory minimum penalties for drug offenses

Mandatory minimum penalties for drug offenses are incorporated into the U.S. sentencing guidelines. The penalties are triggered by the type and quantity of drug involved in the offense and can be enhanced based on the person's criminal history.<sup>3</sup> Of the 94,613 people in BOP custody for drug offenses at fiscal yearend 2013, 62% received mandatory minimum penalties (table 3). The percentage was similar at fiscal yearend 2018 (61%), though there were fewer people (71,555) in BOP custody for drug offenses at that time. From fiscal yearend 2013 to fiscal yearend 2018, the number of people in BOP custody who could have received mandatory minimum penalties for drug offenses (whether they ultimately received them or not) decreased by a third (33%). The number who did receive penalties fell by more than a quarter (26%) during this 5-year period, while the number who received relief from penalties decreased by more than half (52%). The number of persons in federal prison for drug offenses who were not subject to mandatory minimum penalties grew 12% during this time.

People can receive relief from mandatory minimum penalties in two ways: (1) by providing substantial assistance to the federal government or (2) by meeting “safety valve” criteria (less extensive criminal histories

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<sup>3</sup>For triggering thresholds for common controlled substances, see [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171025\\_Drug-Mand-Min.pdf#page=15](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171025_Drug-Mand-Min.pdf#page=15).

that involve nonviolent crimes) for a below-minimum sentence. Among persons in BOP custody for drug offenses, the share who received relief from mandatory minimum penalties decreased from 20% at fiscal yearend 2013 to 13% at fiscal yearend 2018. The share who were not subject to the penalties increased from 18% to 27% during this period. Persons not subject to the penalties include those convicted for a drug offense that did not meet the triggering thresholds.

## The average age of persons in federal prison for drug offenses rose between fiscal yearend 2013 and fiscal yearend 2018

At fiscal yearend 2018, people in BOP custody for drug offenses had an average age of 41, up from 39 at fiscal yearend 2013. (See appendix tables 1, 2, and 3.) Compared to persons who received relief from mandatory minimum penalties or were not subject to them, persons who received the penalties had the largest increase in average age, from 40 at fiscal yearend 2013 to 42 at fiscal yearend 2018. The increase was most pronounced for persons who received mandatory minimum penalties of 20 years in federal prison, whose average age rose from 43 to 46 during the 5-year period.

Between fiscal yearend 2013 and fiscal yearend 2018, the distribution of persons in federal prison for drug offenses by sex (92% male) and citizenship status (76%–80% U.S. citizen) was relatively stable. The number of people who were Asian, Native Hawaiian, or Other Pacific Islander decreased the most (down 31%) during this period, followed by persons who were black (down 28%), Hispanic (down 24%), white (down 18%), and American Indian or Alaska Native (down 13%).

Although fewer people of each race and ethnicity were in federal prison for drug offenses at fiscal yearend 2018 than at fiscal yearend 2013, the population's racial and ethnic distribution remained about the same. Of the 94,613 people in BOP custody for drug offenses at fiscal yearend 2013, 38% were black; 38% were Hispanic; 22% were white; 2% were Asian, Native Hawaiian, or Other Pacific Islander; and 1% were American Indian or Alaska Native. Similarly, of the 71,555 at fiscal yearend 2018, nearly 39% were Hispanic; 36% were black; 23% were white; 1% were Asian, Native Hawaiian, or Other Pacific Islander; and 1% were American Indian or Alaska Native.

**TABLE 2****Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved, fiscal yearends 2013–2018**

Primary drug involved <sup>a</sup>	2013		2014		2015		2016		2017		2018	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	94,613	100%	92,959	100%	88,911	100%	79,142	100%	73,892	100%	71,555	100%
Powder cocaine	23,983	25.7	23,402	25.5	21,814	24.9	18,947	24.3	16,814	23.2	15,566	22.3
Crack cocaine	24,846	26.7	23,123	25.2	20,902	23.8	17,427	22.3	15,388	21.2	13,731	19.6
Heroin	6,323	6.8	6,771	7.4	7,092	8.1	7,070	9.1	7,075	9.8	7,162	10.2
Opioids <sup>b</sup>	1,947	2.1	2,180	2.4	2,174	2.5	1,916	2.5	1,799	2.5	1,861	2.7
Marijuana <sup>c</sup>	11,449	12.3	10,207	11.1	8,823	10.1	6,808	8.7	5,335	7.4	4,507	6.4
Methamphetamine <sup>d</sup>	23,077	24.8	24,439	26.7	25,467	29.0	24,475	31.4	24,689	34.1	25,806	36.9
Other <sup>e</sup>	1,581	1.7	1,510	1.6	1,467	1.7	1,394	1.8	1,316	1.8	1,246	1.8

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Primary drug involved was missing for 2013: 1,407 records; 2014: 1,327 records; 2015: 1,172 records; 2016: 1,105 records; 2017: 1,476 records; and 2018: 1,676 records.

<sup>a</sup>In cases involving multiple drugs, the primary drug was the one with the highest weight according to the U.S. Sentencing Commission’s drug conversion formulas.

<sup>b</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>c</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>d</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>e</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearends 2013–2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

**TABLE 3****Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received, fiscal yearends 2013–2018**

Mandatory minimum penalty	2013		2014		2015		2016		2017		2018	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	94,613	100%	92,959	100%	88,911	100%	79,142	100%	73,892	100%	71,555	100%
<b>Received</b>	57,149	62.1%	55,886	61.8%	53,376	61.7%	47,398	61.6%	44,057	61.3%	42,065	60.5%
5 years in federal prison	17,515	19.0	17,165	19.0	16,403	19.0	14,401	18.7	13,347	18.6	12,655	18.2
10	34,925	37.9	33,980	37.6	32,346	37.4	28,686	37.3	26,631	37.0	25,435	36.6
20	4,709	5.1	4,741	5.2	4,627	5.3	4,311	5.6	4,079	5.7	3,975	5.7
<b>Not received</b>	18,182	19.7%	16,026	17.7%	13,092	15.1%	9,908	12.9%	8,359	11.6%	8,740	12.6%
Substantial assistance <sup>a</sup>	6,974	7.6	6,694	7.4	6,038	7.0	4,608	6.0	4,223	5.9	4,088	5.9
Safety valve <sup>b</sup>	7,509	8.2	6,143	6.8	4,606	5.3	3,500	4.5	2,702	3.8	3,603	5.2
Both	3,699	4.0	3,189	3.5	2,448	2.8	1,800	2.3	1,434	2.0	1,049	1.5
<b>Did not apply<sup>c</sup></b>	16,736	18.2%	18,525	20.5%	20,040	23.2%	19,677	25.6%	19,480	27.1%	18,780	27.0%

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 2013: 2,546 records; 2014: 2,522 records; 2015: 2,403 records; 2016: 2,159 records; 2017: 1,996 records; and 2018: 1,970 records.

<sup>a</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>b</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>c</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearends 2013–2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

## Relevant policy changes

Since 2012, federal policy changes related to both U.S. sentencing guidelines and the use of mandatory minimum penalties have affected the population of people held in Federal Bureau of Prisons (BOP) custody for drug offenses. Four policies are particularly relevant to this population.

**Smart on Crime**—An initiative established by then-U.S. Attorney General Eric Holder in August 2013 that directed a change in U.S. Department of Justice charging policies (see <https://www.justice.gov/archives/ag/attorney-generals-smart-crime-initiative>). Federal prosecutors were restricted from bringing charges with mandatory minimum penalties against persons who had less extensive criminal histories and committed nonviolent or lower-level drug crimes. The U.S. Sentencing Commission (USSC) reported that the percentage of persons convicted of drug offenses who received mandatory minimum penalties dropped from 63% at fiscal yearend 2013 to 50% at fiscal yearend 2014, 46% at fiscal yearend 2015, 45% at fiscal yearend 2016, and 44% at fiscal yearend 2017. In May 2017, then-U.S. Attorney General Jeff Sessions replaced this practice, directing prosecutors to charge defendants with the most serious, readily provable drug offenses.

**Drugs Minus Two** (U.S. Sentencing Commission, Guidelines Manual, App. C, amend. 782)—Amendment 782, which the USSC adopted in 2014. For drug-trafficking offenses, the policy reduced by two levels the offense level assigned for each drug quantity, in effect reducing sentences for most people in BOP custody for drug offenses (see [https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20140718\\_RF\\_Amendment782\\_0.pdf](https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20140718_RF_Amendment782_0.pdf)). In 2014, the USSC also voted to apply the amendment retroactively, although persons who were resentenced could not be released before November 1, 2015. As of

September 2020, nearly 31,000 people in federal prison for drug offenses were granted sentence reductions of 26 months (down 17%) on average.

**Clemency Initiative**—The Obama Administration’s effort to reduce sentences for certain people incarcerated for nonviolent offenses. Announced in 2014, it set six criteria to prioritize petitions for the clemency review process. In response to the large number of petitions that followed, priority was ultimately given to persons convicted of drug-trafficking offenses (see <https://www.justice.gov/archives/pardon/obama-administration-clemency-initiative>). During the initiative, which ended with the Administration in 2017, then-U.S. President Barack Obama commuted the sentences of 1,696 people convicted of drug offenses, with an average sentence reduction of 39% (down 140 months).

**First Step Act** (Public Law No. 115-391)—Bipartisan legislation enacted in December 2018 during the Trump Administration. Among its many provisions, the act curbs several mandatory minimum penalties, broadens the “safety valve” criteria for issuing below-minimum sentences to persons with less extensive criminal histories that involve nonviolent crimes, and revises the calculation for prisoners’ good time credits (see <https://www.bop.gov/inmates/fsa/overview.jsp>). The law applies the 2010 Fair Sentencing Act retroactively, reducing mandatory minimum penalties for crack cocaine offenses to benefit people sentenced before 2010. It also requires a new risk and needs assessment, expands BOP programming, and establishes incentives and rewards to encourage people to avoid recidivism—including, for some, time credits that can be used for early transfer to community supervision. The law also broadens compassionate release policies, prescribes improvements to various policies and conditions of confinement, and includes reporting requirements to improve transparency and accountability.

## About 30,000 persons in BOP custody for drug offenses received sentence modifications during fiscal years 2013–2018, mostly due to Drugs Minus Two

According to BOP data, 30,335 people in federal prison for drug offenses had their sentences modified during fiscal years 2013–2018 (table 4). Most received sentence modifications due to the USSC’s adoption of the Drugs Minus Two amendment (78%), while 16% had their sentences modified by court order, 3% by executive clemency, and 2% by the Fair Sentencing Act’s retroactive application of USSC Amendment 759.<sup>4</sup> These modifications were usually concentrated within a particular year or two. For example, of the 23,618 persons who received Drugs Minus Two sentence reductions, the majority (93%) received them during fiscal years 2015 and 2016. Of the 1,030 persons whose sentences were modified by executive clemency, 95% were granted clemency during fiscal years 2016 and 2017 (with 656 people granted clemency in 2017 alone). Of the 606 people whose sentences were reduced under USSC Amendment 759, 90% received the sentence modifications during fiscal years 2013 and 2014. Amendment 759 took effect November 1, 2011.

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<sup>4</sup>Data in table 4 may reflect slight undercounts of persons with modified sentences. See *Methodology* for details.

## 83% of people in BOP custody for drug offenses at fiscal yearend 2018 who were subject to mandatory minimum penalties received them

At fiscal yearend 2018, 73% of people in BOP custody for drug offenses were subject to mandatory minimum penalties at sentencing (table 5). Of persons subject to the penalties, 83% received them. Of those subject to penalties, 25% received 5 years in federal prison, 50% received 10 years, and 8% received 20 years. Of people subject to mandatory minimum penalties, 17% received relief from them: 8% for providing substantial assistance to the government, 7% for meeting safety valve criteria, and 2% for both reasons.

## For 16% of persons sentenced for opioids, substantial assistance to the government led to relief from penalties

Among persons in federal prison for drug offenses who did not receive mandatory minimum penalties but could have, the most common reason was because they provided substantial assistance to the government. (See table 5.) Substantial assistance most commonly led to relief from penalties for people sentenced for opioids (16%), methamphetamine (10%), heroin (9%), or crack cocaine (5%). However, among persons in BOP custody for powder cocaine or marijuana who were subject to penalties but received relief, the most common reason was due to meeting safety valve criteria (10% each).

**TABLE 4****Persons in Federal Bureau of Prisons custody for drug offenses who received a sentence modification, by reason, fiscal yearends 2013–2018**

Reason for sentence modification	2013		2014		2015		2016		2017		2018		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	1,625	100%	1,025	100%	16,982	100%	7,018	100%	2,670	100%	1,014	100%	30,335	100%
USSC Amendment 713 Crack Cocaine Resentencing (Reduced Drug Quantities) <sup>a</sup>	20	1.2	10	1.0	5	0.0	4	0.1	2	0.1	8	0.8	49	0.2
USSC Amendment 759 Crack Cocaine (Fair Sentencing Act's Retroactive Application) <sup>b</sup>	398	24.5	148	14.4	36	0.2	9	0.1	5	0.2	10	1.0	606	2.0
USSC Amendment 782 (Drugs Minus Two) <sup>c</sup>	0	0.0	0	0.0	16,144	95.1	5,900	84.1	1,226	45.9	348	34.3	23,618	77.9
Court order	1,183	72.8	844	82.3	748	4.4	776	11.1	773	29.0	644	63.5	4,968	16.4
Grant of executive clemency	8	0.5	0	0.0	41	0.2	322	4.6	656	24.6	3	0.3	1,030	3.4
Rule 35(b) sentencing reduction <sup>d</sup>	16	1.0	25	2.4	8	<0.1	6	0.1	8	0.3	1	0.1	64	0.2

Note: Includes persons in Federal Bureau of Prisons (BOP) custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later and whose prison sentences were modified during the fiscal year, based on BOP records. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Data may represent slight undercounts of persons with modified sentences. See *Methodology*. USSC denotes U.S. Sentencing Commission.

<sup>a</sup>Amendment 713 took effect March 3, 2008.

<sup>b</sup>Amendment 759 took effect November 1, 2011.

<sup>c</sup>Persons whose sentences were reduced by the retroactive application of Amendment 782 could not be released before November 1, 2015.

<sup>d</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearends 2013–2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.



**TABLE 5**  
**Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved and mandatory minimum penalty received, fiscal yearend 2018**

Mandatory minimum penalty	Any drug		Powder cocaine		Crack cocaine		Heroin		Opioids <sup>a</sup>		Marijuana <sup>b</sup>		Methamphetamine <sup>c</sup>		Other <sup>d</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	71,555	100%	15,566	22.3%	13,731	19.6%	7,162	10.2%	1,861	2.7%	4,507	6.4%	26,406	37.8%	1,246	1.8%
<b>Received</b>	42,065	60.5%	10,312	68.3%	9,598	74.5%	3,784	53.5%	194	10.5%	2,521	57.1%	15,777	60.6%	299	24.3%
5 years in federal prison	12,655	18.2	2,475	16.4	2,716	21.1	1,668	23.6	97	5.2	1,163	26.3	4,324	16.6	128	10.4
10	25,435	36.6	6,958	46.1	5,343	41.5	1,801	25.4	59	3.2	1,181	26.7	9,897	38.0	136	11.1
20	3,975	5.7	879	5.8	1,539	11.9	315	4.5	38	2.0	177	4.0	956	3.7	35	2.8
<b>Not received</b>	8,740	12.6%	2,375	15.7%	606	4.7%	939	13.3%	82	4.4%	557	12.6%	4,125	15.9%	45	3.7%
Substantial assistance <sup>e</sup>	4,088	5.9	781	5.2	529	4.1	447	6.3	45	2.4	212	4.8	2,033	7.8	30	2.4
Safety valve <sup>f</sup>	3,603	5.2	1,214	8.0	56	0.4	398	5.6	32	1.7	301	6.8	1,590	6.1	12	1.0
Both	1,049	1.5	380	2.5	21	0.2	94	1.3	5	0.3	44	1.0	502	1.9	3	0.2
<b>Did not apply<sup>g</sup></b>	18,780	27.0%	2,415	16.0%	2,678	20.8%	2,355	33.3%	1,579	85.1%	1,337	30.3%	6,113	23.5%	885	72.0%

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Primary drug involved was missing for 1,676 persons and mandatory minimum penalty for 1,970 persons. In cases involving multiple drugs, the primary drug was the one with the highest weight according to the U.S. Sentencing Commission’s drug conversion formulas.

<sup>a</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>b</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>c</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>d</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

<sup>e</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>f</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>g</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

### **30% of people in BOP custody for drug offenses were in the lowest criminal history category, while 28% were in the highest**

U.S. sentencing guidelines assign sentenced persons to one of six criminal history categories, with category I being the least serious (0 or 1 point) and category VI being the most serious (13 or more points). (See *Methodology*.) Most (58%) people in BOP custody for drug offenses at fiscal yearend 2018 were in either the lowest or the highest criminal history category (30% in category I and 28% in category VI) (**table 6**). About 27% were in category II (11%) or III (15%), while the remaining 16% were in category IV (9%) or V (6%). Of the people in category I, about 24% had no points and 6% had one point based on items in their criminal histories.

Seventy-three percent of people in BOP custody for drugs offenses at fiscal yearend 2018 with the least serious criminal histories (category I) were subject to mandatory minimum penalties. Of those persons in category I, about 66% received penalties: 16% received 5 years in federal prison, 48% received 10 years, and 2% received 20 years. The remaining 34% received relief from penalties: 23% for meeting safety valve criteria, 4% for providing substantial assistance, and 7% for both reasons.

At fiscal yearend 2018, 68% of people in BOP custody for drugs offenses with the most serious criminal histories (category VI) were subject to mandatory minimum penalties. Of those persons in category VI, about 94% received penalties: 31% received 5 years in federal prison, 51% received 10 years, and 12% received 20 years. Of the remaining 6% who received relief from penalties, all received it for providing substantial assistance to the government.

### **Persons in BOP custody for crack cocaine had the most serious criminal histories**

More than half (53%) of people in federal prison at fiscal yearend 2018 for crack cocaine were in the most serious criminal history category (category VI) (**table 7**). In comparison, smaller shares of people in BOP custody for heroin (30%), methamphetamine (21%), opioids (21%), powder cocaine (20%), and marijuana (17%) were in category VI. A lower percentage of persons in federal prison for crack cocaine were in categories I and II (15%) than persons imprisoned for powder cocaine (56%), marijuana (53%), opioids (48%), methamphetamine (46%), and heroin (38%).

**TABLE 6****Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received and criminal history category, fiscal yearend 2018**

Criminal history category <sup>a</sup>	Mandatory minimum penalty received									
	Total		Any penalty		5 years in federal prison		10 years		20 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	71,555	100%	42,065	100%	12,655	100%	25,435	100%	3,975	100%
Category I	21,400	30.0%	10,336	24.6%	2,489	19.7%	7,498	29.5%	349	8.8%
No points	16,949	23.8	8,135	19.4	1,854	14.7	6,051	23.8	230	5.8
1 or more	4,451	6.2	2,201	5.2	635	5.0	1,447	5.7	119	3.0
Category II	8,048	11.3%	5,104	12.2%	1,565	12.4%	3,095	12.2%	444	11.2%
Category III	10,974	15.4%	6,983	16.6%	2,183	17.3%	4,048	16.0%	752	19.0%
Category IV	6,682	9.4%	4,193	10.0%	1,320	10.5%	2,355	9.3%	518	13.1%
Category V	4,382	6.2%	2,755	6.6%	942	7.5%	1,464	5.8%	349	8.8%
Category VI	19,758	27.7%	12,593	30.0%	4,126	32.7%	6,918	27.3%	1,549	39.1%

Criminal history category <sup>a</sup>	Mandatory minimum penalty not received									
	Any reason		Substantial assistance <sup>b</sup>		Safety valve <sup>c</sup>		Both			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent		
Total	8,740	100%	4,088	100%	3,603	100%	1,049	100%		
Category I	5,337	61.1%	704	17.2%	3,590	99.7%	1,043	99.4%		
No points	4,363	50.0	520	12.7	2,994	83.1	849	80.9		
1 or more	974	11.2	184	4.5	596	16.5	194	18.5		
Category II	794	9.1%	786	19.3%	6	0.2%	2	0.2%		
Category III	967	11.1%	963	23.6%	2	0.1%	2	0.2%		
Category IV	527	6.0%	524	12.8%	3	0.1%	0	0.0%		
Category V	255	2.9%	254	6.2%	1	<0.1%	0	0.0%		
Category VI	853	9.8%	851	20.8%	0	0.0%	2	0.2%		

Criminal history category <sup>a</sup>	Mandatory minimum penalty did not apply <sup>d</sup>	
	Number	Percent
Total	18,780	100%
Category I	5,488	29.4%
No points	4,278	22.9
1 or more	1,210	6.5
Category II	2,037	10.9%
Category III	2,780	14.9%
Category IV	1,760	9.4%
Category V	1,228	6.6%
Category VI	5,364	28.8%

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 1,970 persons and criminal history category for 311 types.

<sup>a</sup>A U.S. Sentencing Commission measure of persons' criminal histories based on all available information. Category I indicates criminal histories with the fewest (and least serious) offenses, while Category VI indicates criminal histories with the most (and most serious) offenses.

<sup>b</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>c</sup>Includes persons who received relief from mandatory minimum penalties by meeting "safety valve" criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>d</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

**TABLE 7**  
**Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved and criminal history category, fiscal yearend 2018**

Criminal history category <sup>a</sup>	Any drug		Powder cocaine		Crack cocaine		Heroin		Opioids <sup>b</sup>		Marijuana <sup>c</sup>		Methamphetamine <sup>d</sup>		Other <sup>e</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	71,555	100%	15,566	22.3%	13,731	19.6%	7,162	10.2%	1,861	2.7%	4,507	6.4%	25,806	36.9%	1,246	1.8%
<b>Category I</b>	21,400	30.0%	6,757	43.5%	1,071	7.8%	1,881	26.3%	681	36.6%	1,704	38.4%	8,562	33.2%	466	37.6%
No points	16,949	23.8	5,733	36.9	660	4.8	1,490	20.9	521	28.0	1,323	29.8	6,668	25.9	360	29.1
1 or more	4,451	6.2	1,024	6.6	411	3.0	391	5.5	160	8.6	381	8.6	1,894	7.3	106	8.6
<b>Category II</b>	8,048	11.3%	1,885	12.1%	938	6.8%	828	11.6%	207	11.1%	645	14.5%	3,228	12.5%	142	11.5%
<b>Category III</b>	10,974	15.4%	2,182	14.0%	1,895	13.8%	1,171	16.4%	309	16.6%	796	17.9%	4,112	15.9%	175	14.1%
<b>Category IV</b>	6,682	9.4%	1,056	6.8%	1,466	10.7%	659	9.2%	164	8.8%	352	7.9%	2,623	10.2%	91	7.3%
<b>Category V</b>	4,382	6.2%	540	3.5%	1,058	7.7%	472	6.6%	113	6.1%	185	4.2%	1,761	6.8%	76	6.1%
<b>Category VI</b>	19,758	27.7%	3,112	20.0%	7,270	53.1%	2,134	29.9%	385	20.7%	759	17.1%	5,504	21.3%	289	23.3%

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Primary drug involved was missing for 1,676 persons and criminal history category for 311 persons. In cases involving multiple drugs, the primary drug was the one with the highest weight according to the U.S. Sentencing Commission's drug conversion formulas.

<sup>a</sup>A U.S. Sentencing Commission measure of persons' criminal histories based on all available information. Category I indicates criminal histories with the fewest (and least serious) offenses, while Category VI indicates criminal histories with the most (and most serious) offenses.

<sup>b</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>c</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>d</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>e</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

## Less than a third of people in BOP custody for drug offenses at fiscal yearend 2018 received a gun enhancement

Sentence enhancements for gun involvement were examined based on weapon-specific sentencing data that were available for 1998 and later. Of the 70,569 people in federal prison for drug offenses at fiscal yearend 2018 who were sentenced in 1998 or later, 20,297 (29%) received sentence enhancements for gun involvement in their most serious offense, while 50,185 (71%) were not subject to gun enhancements (table 8). Of the 20,297 who received gun enhancements, 73% received them for

possessing a firearm while drug trafficking (under U.S. sentencing guideline 2D1.1(b)(1)) and 26% received them for using a firearm in a violent or drug-trafficking offense (under 18 U.S.C. § 924(c)).

Of the 41,648 people in BOP custody for drug offenses at fiscal yearend 2018 who were sentenced in 1998 or later and received mandatory minimum penalties, 36% received gun enhancements. Of the 8,699 who received relief from mandatory minimum penalties, 15% received gun enhancements: 11% under 2D1.1(b)(1) and 4% under 924(c).

**TABLE 8**  
Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received and sentence enhancement for gun involvement, fiscal yearend 2018

Sentence enhancement	Total		Mandatory minimum penalty received							
	Number	Percent	Any penalty		5 years in federal prison		10 years		20 years	
			Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	70,569	100%	41,648	60.3%	12,591	18.2%	25,171	36.5%	3,886	5.6%
<b>Gun involvement in most serious offense</b>										
No	50,185	71.2%	26,597	64.0%	8,622	68.5%	15,720	62.6%	2,255	58.2%
Yes	20,297	28.8	14,991	36.0	3,961	31.5	9,408	37.4	1,622	41.8
2D1.1(b)(1) <sup>a</sup>	14,916	21.2	10,273	24.7	3,217	25.6	6,134	24.4	922	23.8
924(c) <sup>b</sup>	5,226	7.4	4,588	11.0	717	5.7	3,196	12.7	675	17.4
Both	155	0.2	130	0.3	27	0.2	78	0.3	25	0.6
			Mandatory minimum penalty not received							
Sentence enhancement			Any reason		Substantial assistance <sup>c</sup>		Safety valve <sup>d</sup>		Both	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>			8,699	12.6%	4,047	5.9%	3,603	5.2%	1,049	1.5%
<b>Gun involvement in most serious offense</b>										
No			7,378	84.8%	2,796	69.1%	3,556	98.7%	1,026	97.8%
Yes			1,321	15.2	1,251	30.9	47	1.3	23	2.2
2D1.1(b)(1) <sup>a</sup>			944	10.9	874	21.6	47	1.3	23	2.2
924(c) <sup>b</sup>			370	4.3	370	9.1	0	0.0	0	0.0
Both			7	0.1	7	0.2	0	0.0	0	0.0
			Mandatory minimum penalty did not apply <sup>e</sup>							
Sentence enhancement			Number	Percent						
<b>Total</b>			18,667	27.0%						
<b>Gun involvement in most serious offense</b>										
No			15,219	81.6%						
Yes			3,434	18.4						
2D1.1(b)(1) <sup>a</sup>			3,423	18.4						
924(c) <sup>b</sup>			9	0.0						
Both			2	0.0						

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1998 or later, as weapon-specific sentencing data from the U.S. Sentencing Commission were available from 1998 forward. Excludes 986 persons sentenced prior to 1998, persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 1,555 persons and sentence enhancement for 87 persons.

<sup>a</sup>Section 2D1.1(b)(1) of the U.S. sentencing guidelines provides for a sentence enhancement if a dangerous weapon (including a firearm) is present during a drug-trafficking offense, unless it is clearly improbable that the weapon was connected to the offense.

<sup>b</sup>18 U.S.C. §924(c) requires a mandatory minimum sentence for possessing, brandishing, or discharging a firearm during a violent or drug-trafficking offense.

<sup>c</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>d</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>e</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

**People in BOP custody for drug offenses who received mandatory minimum penalties had longer sentences on average than people who received relief from penalties**

The average sentence of people in BOP custody for drug offenses at fiscal yearend 2018 was 145 months in federal prison (table 9). Among those who received mandatory minimum penalties, the average sentence was 184 months: 121 months after adding a 5-year penalty, 197 months after adding a 10-year penalty, and 300 months after adding a 20-year penalty. In comparison, the average sentence for persons who received relief from mandatory minimum penalties was 76 months: 97 months for those who provided substantial assistance to the government, 57 months for those meeting safety valve criteria, and 58 months for those who did both.

**TABLE 9**  
**Persons in Federal Bureau of Prisons custody for drug offenses, by average sentence and mandatory minimum penalty received, fiscal yearend 2018**

Mandatory minimum penalty	Number	Average sentence <sup>a</sup>	
		Mean	Median
<b>Total</b>	71,555	145 mos.	120 mos.
<b>Received</b>	42,065	184 mos.	160 mos.
5 years in federal prison	12,655	121	97
10	25,435	197	175
20	3,975	300	262
<b>Not received</b>	8,740	76 mos.	70 mos.
Substantial assistance <sup>b</sup>	4,088	97	87
Safety valve <sup>c</sup>	3,603	57	57
Both	1,049	58	54
<b>Did not apply<sup>d</sup></b>	18,780	89 mos.	72 mos.

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Average sentence was missing for 1,970 persons.

<sup>a</sup>Sentences of 470 months or more (including life sentences) were treated as 470 months for calculating average sentences.

<sup>b</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>c</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>d</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

### Most people in BOP custody for drug offenses did not receive an aggravating or mitigating role adjustment to their sentence

Of the 71,555 persons in federal prison for drug offenses at fiscal yearend 2018, 76% did not receive an adjustment to their sentence due to the role they played in the offense (table 10). To qualify for an adjustment, the defendant must have been the organizer, leader, manager, or supervisor of one or more other participants in the offense. Of the 24% who did receive adjustments, 17% received an upward adjustment to their offense level for their aggravating role as an organizer, leader, manager, or supervisor and 7% received a downward adjustment for their mitigating role as a minor or minimal participant.

Of the 42,065 people in BOP custody for drug offenses who received mandatory minimum penalties, a quarter received a role adjustment to their offense: 21% received an upward adjustment for their aggravating role and 3% received a downward adjustment for their mitigating role. Of those who received relief from mandatory minimum penalties, a quarter received role adjustments: 18% received a downward adjustment for their mitigating role and 7% received an upward adjustment for their aggravating role.

### Half of all persons in federal prison for drug offenses had been sentenced within the last 4 years

Of the 71,555 people in BOP custody for drug offenses at fiscal yearend 2018, half (35,613) had been sentenced during the 4 (fiscal) years from 2015 to 2018 (figure 2). The other half had been sentenced during the 20 years from 1994 to 2014: a quarter (18,845) during the 4-year period of 2011–2014 and a quarter (17,097) during the 17-year period of 1994–2010.

In general, persons with newer sentences were less likely to have received mandatory minimum penalties than persons with older sentences. Of the 22,570 people subject to mandatory minimum penalties who were sentenced for federal drug offenses between 2015 and 2018, about 70% received the penalties and 30% did not. In comparison, of the 14,956 persons subject to penalties who were sentenced between 2011 and 2014, about 92% received the penalties and 8% did not. Of the 13,279 people subject to penalties who were sentenced before 2011, about 94% received the penalties and 6% did not.

**TABLE 10**  
Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received and aggravating or mitigating role adjustment, fiscal yearend 2018

Aggravating/mitigating role adjustment <sup>a</sup>	Total		Mandatory minimum penalty					
	Number	Percent	Received		Not received		Did not apply <sup>b</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	71,555	100%	42,065	60.5%	8,740	12.6%	18,780	27.0%
Neither adjustment	54,489	76.2	31,698	75.4	6,536	74.8	15,004	79.9
Aggravating role adjustment	11,786	16.5	8,962	21.3	622	7.1	1,601	8.5
Mitigating role adjustment	5,276	7.4	1,402	3.3	1,581	18.1	2,175	11.6
Both adjustments	3	<0.1	3	<0.1	0	0.0	0	0.0

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 1,970 persons and aggravating or mitigating role adjustment for 1 person.

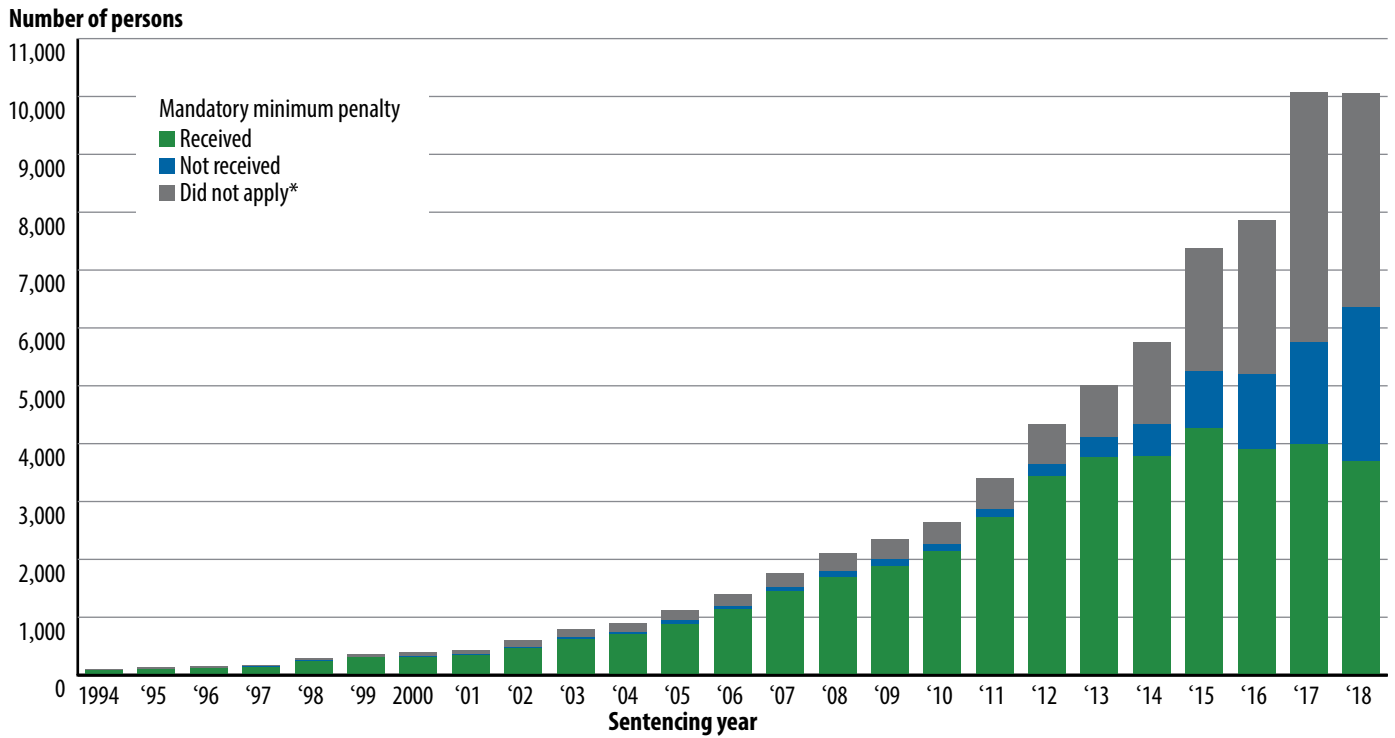
<sup>a</sup>Section 3B1.1 of the U.S. sentencing guidelines increases the base offense level for a person’s aggravating role (i.e., if they served as an organizer, leader, manager, or supervisor in the offense). Section 3B1.1 decreases the base offense level for a person’s mitigating role (i.e., if they served only as a minor or minimal participant). These guidelines were designed to ensure that sentences reflect the defendant’s culpability and conduct during the offense.

<sup>b</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

**FIGURE 2**

**Persons in Federal Bureau of Prisons custody for drug offenses, by sentencing year and mandatory minimum penalty received, fiscal yearend 2018**



Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Counts exclude missing data on mandatory minimum penalties. \*Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence. Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.



## People in federal prison for drug offenses with sentences of 10 years or more

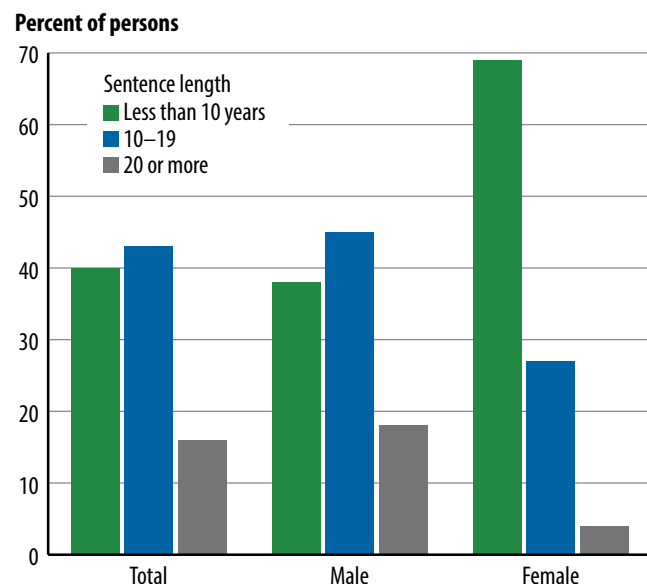
At fiscal yearend 2018, about 60% of people in Federal Bureau of Prisons (BOP) custody for drug offenses were serving sentences of 10 years or more (figure 3). This included the 16% of persons sentenced to 20 years or more in federal prison. Among all males in federal prison for drug offenses at fiscal yearend 2018, about 63% were serving sentences of 10 years or more, while 31% of females were serving such sentences. Eighteen percent of males and 4% of females were serving sentences of 20 years or more.

Sentence lengths differed by persons' race or ethnicity. Similar shares of males in federal prison for drug offenses at fiscal yearend 2018 were black or Hispanic (38% each), while 21% were white (table 11). However, among males serving federal drug sentences of 20 years or more, 53% were black, 27% were Hispanic, and 18% were white (figure 4). In comparison, 45% of females in BOP custody for drug offenses at fiscal yearend 2018 were white, while 39% were Hispanic and 13% were black. Among females

serving federal drug sentences of 20 years or more, 44% were white, 27% were black, and 25% were Hispanic.

Among all males sentenced to 20 years or more for a drug offense at fiscal yearend 2018, about 1 in 3 (34%) were black males serving time for crack cocaine. White males serving time for methamphetamine (12%) and black males serving time for powder cocaine (12%) were next most common, while 11% were Hispanic males serving time for methamphetamine and 10% were Hispanic males serving time for powder cocaine. Among females serving federal drug sentences of 20 years or more at fiscal yearend 2018, about 36% were white females sentenced for methamphetamine, 19% were black females sentenced for crack cocaine, 15% were Hispanic females sentenced for methamphetamine, and 4% were Hispanic females sentenced for powder cocaine.

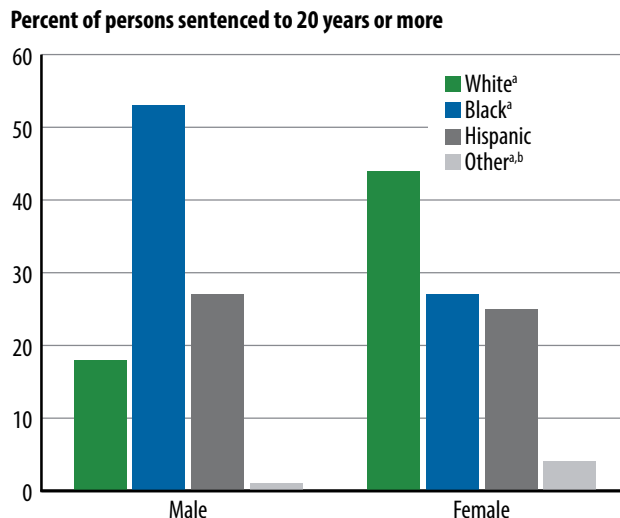
**FIGURE 3**  
Persons in Federal Bureau of Prisons custody for drug offenses, by sex and sentence length, fiscal yearend 2018



Note: Details may not sum to 100% due to rounding. Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Sentence length was missing for 11 persons.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994-2018.

**FIGURE 4**  
Persons in Federal Bureau of Prisons custody for drug offenses sentenced to 20 years or more, by sex and race or ethnicity, fiscal yearend 2018



Note: Details may not sum to 100% due to rounding. Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Sentence length was missing for 11 persons.

<sup>a</sup>Excludes persons of Hispanic origin (e.g., "white" refers to non-Hispanic white persons and "black" refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

<sup>b</sup>Includes Asian, Native Hawaiian, or Other Pacific Islander persons and American Indian or Alaska Native persons.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994-2018.

**TABLE 11****Persons in Federal Bureau of Prisons custody for drug offenses, by sex, sentence length, race or ethnicity, and primary drug involved, fiscal yearend 2018**

Race/ethnicity and primary drug involved	Male				Female			
	All males	Sentence length			All females	Sentence length		
		Less than 10 years	10–19 years	20 years or more		Less than 10 years	10–19 years	20 years or more
<b>Total</b>	65,512	24,631	29,379	11,492	6,043	4,165	1,634	243
<b>White<sup>a</sup></b>	14,028	22.8%	21.2%	18.4%	2,705	42.6%	49.7%	44.4%
Powder cocaine	1,236	1.6	2.0	2.6	71	1.0	1.4	2.5
Crack cocaine	326	0.4	0.6	0.5	88	1.4	1.7	1.7
Heroin	779	1.9	0.9	0.7	200	4.0	2.3	0.4
Opioids <sup>b</sup>	753	1.8	0.9	0.5	183	3.4	2.4	2.5
Marijuana <sup>c</sup>	834	1.6	1.1	1.3	34	0.6	0.6	0.8
Methamphetamine <sup>d</sup>	9,195	14.2	15.3	12.3	2,022	31.3	40.5	36.4
Other <sup>e</sup>	512	1.4	0.5	0.5	56	1.1	0.8	0.0
<b>Black<sup>a</sup></b>	25,026	30.0%	39.6%	53.2%	790	12.0%	13.9%	26.8%
Powder cocaine	5,673	6.9	9.4	11.7	159	2.6	2.5	5.0
Crack cocaine	12,112	10.4	20.3	33.9	242	2.3	6.3	18.8
Heroin	3,436	6.5	5.1	3.7	115	2.0	1.7	1.7
Opioids <sup>b</sup>	545	1.3	0.7	0.4	68	1.5	0.5	0.0
Marijuana <sup>c</sup>	793	1.3	1.1	1.5	37	0.7	0.6	0.0
Methamphetamine <sup>d</sup>	1,565	3.0	2.5	1.4	138	2.5	1.9	1.3
Other <sup>e</sup>	434	0.8	0.6	0.7	22	0.4	0.3	0.0
<b>Hispanic</b>	25,195	44.9%	37.4%	27.0%	2,327	41.5%	33.4%	25.1%
Powder cocaine	7,864	12.7	12.9	10.0	472	8.6	6.9	3.8
Crack cocaine	862	1.1	1.2	2.1	33	0.4	0.7	2.1
Heroin	2,319	5.3	2.9	1.9	252	5.0	2.5	3.4
Opioids <sup>b</sup>	232	0.7	0.2	0.1	31	0.7	0.3	0.0
Marijuana <sup>c</sup>	2,546	6.1	3.0	2.2	126	2.5	1.3	0.8
Methamphetamine <sup>d</sup>	10,589	18.7	17.1	10.6	1,377	24.2	21.7	15.1
Other <sup>e</sup>	108	0.3	0.1	0.1	6	0.2	0.0	0.0
<b>Other<sup>a,f</sup></b>	1,263	2.3%	1.8%	1.4%	221	3.9%	3.0%	3.8%
Powder cocaine	84	0.1	0.1	0.2	7	0.1	0.1	0.0
Crack cocaine	59	0.1	0.1	0.2	9	0.1	0.3	0.4
Heroin	48	0.1	0.0	<0.1	13	0.2	0.2	0.0
Opioids <sup>b</sup>	41	0.1	0.1	<0.1	8	0.2	0.0	0.4
Marijuana <sup>c</sup>	115	0.3	0.1	0.1	22	0.5	0.1	0.0
Methamphetamine <sup>d</sup>	772	1.3	1.3	0.9	149	2.6	2.2	2.9
Other <sup>e</sup>	98	0.2	0.1	0.1	9	0.2	0.1	0.0

Note: Details may not sum to 100% due to rounding. Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Counts and percentages exclude missing data. Sentence length was missing for 11 persons and primary drug involved for 1,676 persons. In cases involving multiple drugs, the primary drug was the one with the highest weight according to the U.S. Sentencing Commission's drug conversion formulas.

<sup>a</sup>Excludes persons of Hispanic origin (e.g., "white" refers to non-Hispanic white persons and "black" refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

<sup>b</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>c</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>d</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>e</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

<sup>f</sup>Includes Asian, Native Hawaiian, or Other Pacific Islander persons and American Indian or Alaska Native persons.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

# Methodology

## Universe

Six datasets were developed from Federal Bureau of Prisons (BOP) records and U.S. Sentencing Commission (USSC) records collected by the Federal Justice Statistics Program (FJSP), which is administered by the Bureau of Justice Statistics. The FJSP tracks persons processed through the criminal justice system by collecting data from the U.S. Marshals Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, USSC, and BOP. Among these agencies, data can be linked between certain pairs (such as the BOP and USSC) through the FJSP’s dyad-based linking system.<sup>5</sup> The datasets included persons in BOP custody on new U.S. district court commitments at fiscal yearend (September 30), for each year from 2013 to 2018. These persons made up approximately 87%–88% of the total BOP population each year. Persons who were (1) admitted to prison before they were sentenced, (2) convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, or (3) not committed to prison by a U.S. district court (such as persons serving time for violating their probation or supervised release, D.C. Superior Court commitments, and state boarders) were excluded from analysis. People in BOP custody on sentences imposed before 1994 were further excluded because their BOP prison records could not be linked to USSC sentencing records in the FJSP, which includes data for fiscal year 1994 forward.

The universe of people analyzed for this report was a product of (1) the data linking and (2) the definition of drug offenses for which people were sentenced. The majority of this report focuses on the subset of 71,555 persons in BOP custody at fiscal yearend 2018 whose most serious offense for their new commitment to federal prison was a drug offense.

## Data linking

Probabilistic linking methods were used to link each person’s BOP record to a USSC record that corresponded with the person’s BOP-shared identifying information. USSC records from fiscal yearend 1994 to fiscal yearend 2018 were used for these purposes. USSC records contain information that supplement BOP records on persons in federal prison, including their criminal history, offense

<sup>5</sup>For details, see Kelly, J. A. (2012). *Federal Justice Statistics Program data linking system* (NCJ 239536). Urban Institute. <https://www.ojp.gov/pdffiles1/bjs/grants/239536.pdf>.

characteristics, and sentencing details (such as role adjustments, weapon enhancements, whether they were convicted of an offense carrying a mandatory minimum penalty, and whether that penalty was imposed at sentencing). For people whose most recent sentence to BOP custody was for a drug offense, USSC records also had information about the primary drug involved.<sup>6</sup>

Probabilistic matching techniques were applied across personally identifiable information (such as name, date of birth, and sentencing year) to link people’s BOP and USSC records, as was done for the report *Drug Offenders in Federal Prison: Estimates of Characteristics Based on Linked Data* (NCJ 248648, BJS, October 2015).<sup>7</sup> Of the 156,630 federally sentenced people in BOP custody at fiscal yearend 2018, about 97% had valid matches in USSC records (table 12). The link rates for the fiscal yearend 2013 to fiscal yearend 2017 BOP populations were similarly in the 96%–98% range. Some persons in BOP custody were not matched to USSC records because they were (1) in prison for Class B or C misdemeanors not covered by U.S. sentencing guidelines, (2) sentenced before 1994, or less commonly (3) sentenced to BOP

<sup>6</sup>In cases involving multiple drugs, the primary drug was the one with the highest weight according to the USSC’s drug conversion formulas because this would incur the highest penalty, or base offense level. See [https://www.ussc.gov/sites/default/files/pdf/training/primers/2019\\_Primer\\_Drugs.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2019_Primer_Drugs.pdf).

<sup>7</sup>For details about the linking methodology, see Kelly, J. A. (2012). *Federal Justice Statistics Program data linking system* (NCJ 239536). Urban Institute. <https://www.ojp.gov/pdffiles1/bjs/grants/239536.pdf>.

**TABLE 12**  
**Persons in Federal Bureau of Prisons custody, by linking of prison and sentencing records, fiscal yearends 2013–2018**

Fiscal yearend	Persons in federal prison	With linked records*	
		Number	Percent
2013	191,238	184,906	96.7%
2014	187,882	182,384	97.1
2015	180,947	176,156	97.4
2016	167,312	163,617	97.8
2017	161,130	155,429	96.5
2018	156,630	151,363	96.7

Note: Includes persons in Federal Bureau of Prisons (BOP) custody on new U.S. district court commitments. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. \*Persons whose fiscal yearend 2013–2018 BOP records linked to fiscal yearend 1994–2018 U.S. Sentencing Commission records.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearends 2013–2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

custody as juveniles, who are not subject to U.S. sentencing guidelines.<sup>8</sup>

A Jaro-Winkler score threshold of 0.7 was used for the matching algorithm, with records scoring below 0.7 classified as unlinked.<sup>9</sup> A small share of records scored below 1.0, with 1.0 representing a complete match between a person’s BOP and USSC records. To check for bias, linked and unlinked records were compared by the most serious offense for persons in BOP custody at fiscal yearend 2013–2018. Three offense types—violent, drug, and immigration offenses—were overrepresented in the unlinked records relative to the linked records for fiscal yearend 2018 (table 13). This may have been due to violent and drug offenses resulting in long prison sentences, as persons given such sentences prior to 1994 could still be in BOP custody but would be unlinked to USSC records. Further, a share of immigration offenses may have been Class B or C misdemeanors not sentenced in U.S. district court under U.S. sentencing guidelines and would therefore be excluded from the USSC records and linked records. Missing data were not imputed for unlinked records because they accounted for a small proportion of all the records analyzed.

### Offenses and criminal histories

This report used the BOP’s classification of the most serious offense (the offense for which the person received the longest sentence). This differs from the USSC’s classification, which defines the most serious offense as the one with the most severe potential sentence. As such, the USSC classification would have yielded a population of persons in BOP custody for drug offenses that differed from the one examined in this report.

This report used the USSC measure for persons’ criminal histories. USSC category I indicates criminal histories with the fewest (and least serious) offenses, while Category VI indicates criminal histories with the most (and most serious) offenses. The USSC aggregates available criminal history information into broader criminal history categories to be used at sentencing. This information includes items such as whether the person was previously sentenced to prison, the length of each previous sentence imposed, whether the most

<sup>8</sup>U.S. sentencing guidelines do not apply to Class B and C misdemeanor offenses handled by U.S. magistrate judges; however, people charged with such misdemeanors can receive short prison terms and therefore be in BOP records.

<sup>9</sup>See Winkler, W. E. (1990). String comparator metrics and enhanced decision rules in the Fellegi-Sunter model of record linkage. In *JSM Proceedings*, Survey Research Methods Section (pp. 354–359). American Statistical Association. <http://www.asasrms.org/Proceedings/y1990f.html>.

**TABLE 13**  
Persons in Federal Bureau of Prisons custody, by linking of prison and sentencing records and most serious offense, fiscal yearend 2018

Most serious offense <sup>a</sup>	Persons in federal prison			
	With unlinked records		With linked records <sup>b</sup>	
	Number	Percent	Number	Percent
<b>Total</b>	5,267	100%	151,363	100%
<b>Violent</b>	384	7.3%	7,789	5.2%
<b>Property</b>	167	3.2%	8,804	5.8%
Fraud	144	2.7	7,507	5.0
Other	23	0.4	1,297	0.9
<b>Drug</b>	3,203	61.1%	71,555	47.5%
<b>Public order</b>	388	7.4%	23,868	15.8%
Regulatory	63	1.2	2,299	1.5
Other	325	6.2	21,569	14.3
<b>Nonviolent sexual<sup>c</sup></b>	32	0.6%	1,699	1.1%
<b>Weapon</b>	307	5.9%	27,262	18.1%
<b>Immigration</b>	765	14.6%	9,767	6.5%

Note: Includes persons in Federal Bureau of Prisons (BOP) custody on new U.S. district court commitments. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Most serious offense was missing for 21 persons with unlinked records and 619 persons with linked records.

<sup>a</sup>The new commitment offense with the longest sentence, as determined by the BOP.

<sup>b</sup>Persons whose fiscal yearend 2018 BOP records linked to fiscal yearend 1994–2018 U.S. Sentencing Commission records.

<sup>c</sup>Excludes sexual abuse, which is included in the Violent category.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

recent offense was committed soon after a release from incarceration, whether the most recent offense was committed while under community supervision (e.g., probation), and whether there were any crimes of violence that had not been captured in lower criminal history categories. Criminal history points are assigned based on those items, and the points are collapsed into the six categories. No points indicates there is no history in any of the items, and higher point totals reflect more extensive criminal histories.<sup>10</sup>

### Drug sentence modifications

Table 4 in this report examines persons in BOP custody for drug offenses who received sentence modifications, based on information recorded in the BOP records for fiscal yearends 2013–2018. The BOP flagged cases that had a sentence modification and recorded the reason

<sup>10</sup>For details, see Office of the General Counsel. (2017.) *Primer: Criminal history*. U.S. Sentencing Commission. [https://www.ussc.gov/sites/default/files/pdf/training/primers/2017\\_Primer\\_Criminal\\_History.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2017_Primer_Criminal_History.pdf).

for it, such as executive clemency, court order, Rule 35(b) sentencing reduction for substantial assistance, or USSC Amendment 782 (Drugs Minus Two). Records for persons with sentence modifications were compared across years and unduplicated so that only unique sentence modifications were reported for each year in table 4.

However, this compared only the fiscal yearend populations from 2013 through 2018 to identify sentence modifications that appeared from one year to the next. It is possible for a person in federal prison to receive a sentence modification at one point in the fiscal year (e.g., January) that results in their being released from federal prison several months later, before fiscal yearend (September 30). Such instances of a sentence modification and prison release occurring in the same fiscal year would not be captured in this analysis because sentence modifications at fiscal yearend in 1 year are compared to those at fiscal yearend in another. As such, table 4 may slightly undercount the number of modifications that occurred each fiscal year.

**APPENDIX TABLE 1**

**Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received and demographic characteristics, fiscal yearend 2018**

Demographic characteristic	Mandatory minimum penalty received									
	Total		Any penalty		5 years in federal prison		10 years		20 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male	65,512	91.6%	39,852	94.7%	11,817	93.4%	24,159	95.0%	3,876	97.5%
Female	6,043	8.4	2,213	5.3	838	6.6	1,276	5.0	99	2.5
<b>Race/ethnicity</b>										
White <sup>a</sup>	16,733	23.4%	8,926	21.2%	3,024	23.9%	5,105	20.1%	797	20.1%
Black <sup>a</sup>	25,816	36.1	16,287	38.7	5,094	40.3	8,953	35.2	2,240	56.4
Hispanic	27,522	38.5	16,087	38.2	4,317	34.1	10,897	42.8	873	22.0
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>	955	1.3	516	1.2	125	1.0	342	1.3	49	1.2
American Indian/Alaska Native <sup>a</sup>	529	0.7	249	0.6	95	0.8	138	0.5	16	0.4
<b>Citizenship</b>										
U.S. citizen	57,536	80.4%	33,583	79.8%	11,113	87.8%	19,004	74.7%	3,466	87.2%
Non-U.S. citizen	14,019	19.6	8,482	20.2	1,542	12.2	6,431	25.3	509	12.8
<b>Average age</b>	41 yrs.		42 yrs.		40 yrs.		43 yrs.		46 yrs.	
Demographic characteristic	Mandatory minimum penalty not received									
			Any reason		Substantial assistance <sup>b</sup>		Safety valve <sup>c</sup>		Both	
			Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male			7,268	83.2%	3,519	86.1%	2,921	81.1%	828	78.9%
Female			1,472	16.8	569	13.9	682	18.9	221	21.1
<b>Race/ethnicity</b>										
White <sup>a</sup>			2,087	23.9%	1,525	37.3%	354	9.8%	208	19.8%
Black <sup>a</sup>			1,609	18.4	1,212	29.6	306	8.5	91	8.7
Hispanic			4,832	55.3	1,243	30.4	2,879	79.9	710	67.7
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>			149	1.7	72	1.8	49	1.4	28	2.7
American Indian/Alaska Native <sup>a</sup>			63	0.7	36	0.9	15	0.4	12	1.1
<b>Citizenship</b>										
U.S. citizen			6,214	71.1%	3,587	87.7%	2,033	56.4%	594	56.6%
Non-U.S. citizen			2,526	28.9	501	12.3	1,570	43.6	455	43.4
<b>Average age</b>			38 yrs.		40 yrs.		37 yrs.		38 yrs.	
Demographic characteristic	Mandatory minimum penalty did not apply <sup>d</sup>									
			Number		Percent					
<b>Sex</b>										
Male			16,490		87.8%					
Female			2,290		12.2					
<b>Race/ethnicity</b>										
White <sup>a</sup>			5,359		28.5%					
Black <sup>a</sup>			6,720		35.8					
Hispanic			6,218		33.1					
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>			273		1.5					
American Indian/Alaska Native <sup>a</sup>			210		1.1					
<b>Citizenship</b>										
U.S. citizen			16,027		85.3%					
Non-U.S. citizen			2,753		14.7					
<b>Average age</b>			39 yrs.							

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 1,902 persons.

<sup>a</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

<sup>b</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>c</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>d</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

**APPENDIX TABLE 2**
**Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received and demographic characteristics, fiscal yearend 2015**

Demographic characteristic	Mandatory minimum penalty received									
	Total		Any penalty		5 years in federal prison		10 years		20 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male	81,926	92.1%	50,655	94.9%	15,392	93.8%	30,772	95.1%	4,491	97.1%
Female	6,985	7.9	2,721	5.1	1,011	6.2	1,574	4.9	136	2.9
<b>Race/ethnicity</b>										
White <sup>a</sup>	19,384	21.8%	10,367	19.4%	3,423	20.9%	6,042	18.7%	902	19.5%
Black <sup>a</sup>	33,114	37.2	21,957	41.1	6,415	39.1	12,810	39.6	2,732	59.0
Hispanic	34,580	38.9	20,133	37.7	6,297	38.4	12,915	39.9	921	19.9
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>	1,283	1.4	634	1.2	165	1.0	413	1.3	56	1.2
American Indian/Alaska Native <sup>a</sup>	550	0.6	285	0.5	103	0.6	166	0.5	16	0.3
<b>Citizenship</b>										
U.S. citizen	68,633	77.2%	41,776	78.3%	13,836	84.4%	23,884	73.8%	4,056	87.7%
Non-U.S. citizen	20,278	22.8	11,600	21.7	2,567	15.6	8,462	26.2	571	12.3
<b>Average age</b>	40 yrs.		41 yrs.		39 yrs.		42 yrs.		44 yrs.	
Demographic characteristic	Mandatory minimum penalty not received									
			Any reason		Substantial assistance <sup>b</sup>		Safety valve <sup>c</sup>		Both	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male			11,308	86.4%	5,335	88.4%	3,950	85.8%	2,023	82.6%
Female			1,784	13.6	703	11.6	656	14.2	425	17.4
<b>Race/ethnicity</b>										
White <sup>a</sup>			2,809	21.5%	1,838	30.4%	503	10.9%	468	19.1%
Black <sup>a</sup>			2,746	21.0	2,105	34.9	405	8.8	236	9.6
Hispanic			7,222	55.2	1,920	31.8	3,617	78.5	1,685	68.8
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>			242	1.8	121	2.0	69	1.5	52	2.1
American Indian/Alaska Native <sup>a</sup>			73	0.6	54	0.9	12	0.3	7	0.3
<b>Citizenship</b>										
U.S. citizen			8,571	65.5%	5,153	85.3%	2,084	45.2%	1,334	54.5%
Non-U.S. citizen			4,521	34.5	885	14.7	2,522	54.8	1,114	45.5
<b>Average age</b>			38 yrs.		39 yrs.		37 yrs.		38 yrs.	
Demographic characteristic			Mandatory minimum penalty did not apply <sup>d</sup>							
			Number		Percent					
			Number	Percent	Number	Percent				
<b>Sex</b>										
Male			17,647		88.1%					
Female			2,393		11.9					
<b>Race/ethnicity</b>										
White <sup>a</sup>			5,790		28.9%					
Black <sup>a</sup>			6,881		34.3					
Hispanic			6,807		34.0					
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>			379		1.9					
American Indian/Alaska Native <sup>a</sup>			183		0.9					
<b>Citizenship</b>										
U.S. citizen			16,155		80.6%					
Non-U.S. citizen			3,885		19.4					
<b>Average age</b>			38 yrs.							

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 2,316 persons.

<sup>a</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

<sup>b</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>c</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>d</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2015; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2015.

**APPENDIX TABLE 3**
**Persons in Federal Bureau of Prisons custody for drug offenses, by mandatory minimum penalty received and demographic characteristics, fiscal yearend 2013**

Demographic characteristic	Mandatory minimum penalty received									
	Total		Any penalty		5 years in federal prison		10 years		20 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male	87,273	92.2%	54,197	94.8%	16,415	93.7%	33,218	95.1%	4,564	96.9%
Female	7,340	7.8	2,952	5.2	1,100	6.3	1,707	4.9	145	3.1
<b>Race/ethnicity</b>										
White <sup>a</sup>	20,488	21.7%	11,148	19.5%	3,644	20.8%	6,594	18.9%	910	19.3%
Black <sup>a</sup>	36,087	38.1	24,492	42.9	6,953	39.7	14,712	42.1	2,827	60.0
Hispanic	36,044	38.1	20,561	36.0	6,640	37.9	13,017	37.3	904	19.2
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>	1,384	1.5	648	1.1	173	1.0	423	1.2	52	1.1
American Indian/Alaska Native <sup>a</sup>	610	0.6	300	0.5	105	0.6	179	0.5	16	0.3
<b>Citizenship</b>										
U.S. citizen	71,728	75.8%	44,277	77.5%	14,413	82.3%	25,742	73.7%	4,122	87.5%
Non-U.S. citizen	22,885	24.2	12,872	22.5	3,102	17.7	9,183	26.3	587	12.5
<b>Average age</b>	39 yrs.		40 yrs.		38 yrs.		41 yrs.		43 yrs.	
Demographic characteristic	Mandatory minimum penalty not received									
			Any reason		Substantial assistance <sup>b</sup>		Safety valve <sup>c</sup>		Both	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male			15,569	85.6%	6,223	89.2%	6,258	83.3%	3,088	83.5%
Female			2,613	14.4	751	10.8	1,251	16.7	611	16.5
<b>Race/ethnicity</b>										
White <sup>a</sup>			3,679	20.2%	2,046	29.3%	887	11.8%	746	20.2%
Black <sup>a</sup>			3,791	20.9	2,688	38.5	642	8.5	461	12.5
Hispanic			10,261	56.4	2,046	29.3	5,830	77.6	2,385	64.5
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>			342	1.9	136	2.0	113	1.5	93	2.5
American Indian/Alaska Native <sup>a</sup>			109	0.6	58	0.8	37	0.5	14	0.4
<b>Citizenship</b>										
U.S. citizen			11,356	62.5%	5,985	85.8%	3,366	44.8%	2,005	26.7%
Non-U.S. citizen			6,826	37.5	989	14.2	4,143	55.2	1,694	22.6
<b>Average age</b>			37 yrs.		38 yrs.		36 yrs.		37 yrs.	
Demographic characteristic	Mandatory minimum penalty did not apply <sup>d</sup>									
			Number		Percent					
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>										
Male			15,047		89.9%					
Female			1,689		10.1					
<b>Race/ethnicity</b>										
White <sup>a</sup>			5,254		31.4%					
Black <sup>a</sup>			6,143		36.7					
Hispanic			4,779		28.6					
Asian/Native Hawaiian/Other Pacific Islander <sup>a</sup>			367		2.2					
American Indian/Alaska Native <sup>a</sup>			193		1.2					
<b>Citizenship</b>										
U.S. citizen			13,866		82.9%					
Non-U.S. citizen			2,870		17.1					
<b>Average age</b>			38 yrs.							

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Mandatory minimum penalty was missing for 2,460 persons.

<sup>a</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

<sup>b</sup>Includes persons who received relief from mandatory minimum penalties under Federal Rule of Criminal Procedure 35(b) by providing substantial assistance to the federal government.

<sup>c</sup>Includes persons who received relief from mandatory minimum penalties by meeting “safety valve” criteria (less extensive criminal histories that involve nonviolent crimes) for a below-minimum sentence.

<sup>d</sup>Includes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2013; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2013.



## APPENDIX TABLE 4

### Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved, fiscal yearend 2018

Demographic characteristic	Any drug		Powder cocaine		Crack cocaine		Heroin		Opioids <sup>a</sup>		Marijuana <sup>b</sup>		Methamphetamine <sup>c</sup>		Other <sup>d</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>																
Male	65,512	91.6%	14,857	95.4%	13,359	97.3%	6,582	91.9%	1,571	84.4%	4,288	95.1%	22,120	85.7%	1,153	92.5%
Female	6,043	8.4	709	4.6	372	2.7	580	8.1	290	15.6	219	4.9	3,686	14.3	93	7.5
<b>Race/ethnicity</b>																
White <sup>e</sup>	16,733	23.4%	1,307	8.4%	414	3.0%	979	13.7%	936	50.3%	868	19.3%	11,217	43.5%	568	45.6%
Black <sup>e</sup>	25,816	36.1	5,832	37.5	12,354	90.0	3,551	49.6	613	32.9	830	18.4	1,703	6.6	456	36.6
Hispanic	27,522	38.5	8,336	53.6	895	6.5	2,571	35.9	263	14.1	2,672	59.3	11,965	46.4	115	9.2
Asian/Native Hawaiian/Other Pacific Islander <sup>e</sup>	955	1.3	57	0.4	23	0.2	37	0.5	32	1.7	79	1.8	611	2.4	99	7.9
American Indian/Alaska Native <sup>e</sup>	529	0.7	34	0.2	45	0.3	24	0.3	17	0.9	58	1.3	310	1.2	8	0.6
<b>Citizenship</b>																
U.S. citizen	57,536	80.4%	11,041	70.9%	13,372	97.4%	6,038	84.3%	1,752	94.1%	3,157	70.0%	19,853	76.9%	1,141	91.6%
Non-U.S. citizen	14,019	19.6	4,525	29.1	359	2.6	1,124	15.7	109	5.9	1,350	30.0	5,953	23.1	105	8.4
<b>Average age</b>	41 yrs.		43 yrs.		41 yrs.		39 yrs.		42 yrs.		42 yrs.		40 yrs.		41 yrs.	

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Primary drug involved was missing for 1,582 persons. In cases involving multiple drugs, the primary drug was the one with the highest weight according to the U.S. Sentencing Commission's drug conversion formulas.

<sup>a</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>b</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>c</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>d</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

<sup>e</sup>Excludes persons of Hispanic origin (e.g., "white" refers to non-Hispanic white persons and "black" refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

## APPENDIX TABLE 5

### Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved, fiscal yearend 2015

Demographic characteristic	Any drug		Powder cocaine		Crack cocaine		Heroin		Opioids <sup>a</sup>		Marijuana <sup>b</sup>		Methamphetamine <sup>c</sup>		Other <sup>d</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>																
Male	81,926	92.1%	20,703	94.9%	20,189	96.6%	6,464	91.1%	1,795	82.6%	8,440	95.7%	21,978	86.3%	1,347	91.8%
Female	6,985	7.9	1,111	5.1	713	3.4	628	8.9	379	17.4	383	4.3	3,489	13.7	120	8.2
<b>Race/ethnicity</b>																
White <sup>e</sup>	19,384	21.8%	2,178	10.0%	738	3.5%	938	13.2%	1,344	61.8%	1,924	21.8%	11,104	43.6%	569	38.8%
Black <sup>e</sup>	33,114	37.2	7,723	35.4	18,692	89.4	3,080	43.4	609	28.0	1,324	15.0	918	3.6	484	33.0
Hispanic	34,580	38.9	11,752	53.9	1,369	6.5	3,028	42.7	169	7.8	5,354	60.7	12,445	48.9	180	12.3
Asian/Native Hawaiian/Other Pacific Islander <sup>e</sup>	1,283	1.4	95	0.4	45	0.2	33	0.5	29	1.3	151	1.7	702	2.8	218	14.9
American Indian/Alaska Native <sup>e</sup>	550	0.6	66	0.3	58	0.3	13	0.2	23	1.1	70	0.8	298	1.2	16	1.1
<b>Citizenship</b>																
U.S. citizen	68,633	77.2%	15,118	69.3%	20,297	97.1%	5,471	77.1%	2,089	96.1%	5,478	62.1%	18,026	70.8%	1,255	85.5%
Non-U.S. citizen	20,278	22.8	6,696	30.7	605	2.9	1,621	22.9	85	3.9	3,345	37.9	7,441	29.2	212	14.5
<b>Average age</b>	40 yrs.		41 yrs.		39 yrs.		39 yrs.		41 yrs.		39 yrs.		40 yrs.		39 yrs.	

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Primary drug involved was missing for 1,010 persons. In cases involving multiple drugs, the primary drug was the one with the highest marijuana equivalency weight.

<sup>a</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>b</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>c</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>d</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

<sup>e</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2015; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2015.

## APPENDIX TABLE 6

### Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved, fiscal yearend 2013

Demographic characteristic	Any drug		Powder cocaine		Crack cocaine		Heroin		Opioids <sup>a</sup>		Marijuana <sup>b</sup>		Methamphetamine <sup>c</sup>		Other <sup>d</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Sex</b>																
Male	87,273	92.2%	22,587	94.2%	23,823	95.9%	5,720	90.5%	1,585	81.4%	10,809	94.4%	20,070	87.0%	1,477	93.4%
Female	7,340	7.8	1,396	5.8	1,023	4.1	603	9.5	362	18.6	640	5.6	3,007	13.0	104	6.6
<b>Race/ethnicity</b>																
White <sup>e</sup>	20,488	21.7%	2,820	11.8%	993	4.0%	796	12.6%	1,322	67.9%	2,633	23.0%	10,599	45.9%	571	36.1%
Black <sup>e</sup>	36,087	38.1	8,016	33.4	22,011	88.6	2,530	40.0	473	24.3	1,594	13.9	621	2.7	531	33.6
Hispanic	36,044	38.1	12,951	54.0	1,707	6.9	2,956	46.7	112	5.8	6,873	60.0	10,957	47.5	169	10.7
Asian/Native Hawaiian/Other Pacific Islander <sup>e</sup>	1,384	1.5	119	0.5	65	0.3	34	0.5	25	1.3	194	1.7	633	2.7	296	18.7
American Indian/Alaska Native <sup>e</sup>	610	0.6	77	0.3	70	0.3	7	0.1	15	0.8	155	1.4	267	1.2	14	0.9
<b>Citizenship</b>																
U.S. citizen	71,728	75.8%	15,906	66.3%	24,040	96.8%	4,586	72.5%	1,875	96.3%	7,172	62.6%	15,783	68.4%	1,301	82.3%
Non-U.S. citizen	22,885	24.2	8,077	33.7	806	3.2	1,737	27.5	72	3.7	4,277	37.4	7,294	31.6	280	17.7
<b>Average age</b>	39 yrs.		40 yrs.		38 yrs.		39 yrs.		40 yrs.		38 yrs.		39 yrs.		38 yrs.	

Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses who were sentenced in 1994 or later. Excludes persons convicted and sentenced under laws in effect before the 1984 Sentencing Reform Act, presentence admissions, supervision violators, D.C. Superior Court commitments, state boarders, and commitments by other types of courts. Percentages exclude missing data. Primary drug involved was missing for 1,202 persons. In cases involving multiple drugs, the primary drug was the one with the highest marijuana equivalency weight.

<sup>a</sup>Includes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

<sup>b</sup>Includes marijuana plants, hashish, and other marijuana derivatives.

<sup>c</sup>Includes methamphetamine mixtures and methamphetamine precursors such as ephedrine.

<sup>d</sup>Includes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

<sup>e</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons). Defendants self-reported race and ethnicity during the presentence interview. Data were collected for one race and one ethnicity category.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2013; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2013.

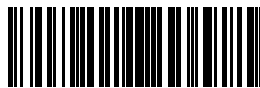


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