
2021 ANNUAL REPORT AND SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

Charles R. Breyer

Acting Chair

Patricia K. Cushwa

Ex Officio

Jonathan J. Wroblewski

Ex Officio



UNITED STATES SENTENCING COMMISSION



MEMORANDUM

TO: Members of Congress
Article III Judges
United States Attorneys
Federal Public and Community Defenders
Chief United States Probation Officers

FROM: United States Sentencing Commission

SUBJECT: Fiscal Year 2021 *Annual Report and Sourcebook of Federal Sentencing Statistics*

Enclosed is a copy of the United States Sentencing Commission's 2021 *Annual Report and Sourcebook of Federal Sentencing Statistics*. The *Annual Report* presents an overview of the Commission and highlights for the reader the Commission's major activities and accomplishments during the year. The *Sourcebook* contains detailed descriptive statistics on the implementation of the sentencing guidelines and provides district, circuit, and national sentencing data.

Launched in the fall of 2021, the Judiciary Sentencing INformation (JSIN) tool provides five years of cumulative sentencing data for similarly-situated defendants. The tool expands upon the Commission's longstanding practice of providing specialized sentencing data at the request of federal judges. JSIN now makes this information available to the public at <https://jsin.ussc.gov>.

The 2021 *Annual Report and Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and the Interactive Data Analyzer are also available on the Commission's website at <https://www.ussc.gov/research>.

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ANNUAL REPORT

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Introduction

The United States Sentencing Commission (“the Commission”) was created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984. The Commission is an independent agency in the Judicial Branch of the federal government, with statutory duties that include:

- promulgating sentencing guidelines to be considered by sentencing judges in all federal criminal cases;
- collecting, analyzing, and reporting sentencing data systematically to detect new criminal trends, assess federal sentencing policies, and serve as a clearinghouse for federal sentencing statistics;
- conducting research on sentencing issues and serving as an information center for the collection, preparation, and dissemination of information on federal sentencing practices; and
- providing specialized training to judges, probation officers, staff attorneys, law clerks, prosecutors, defense attorneys, and other members of the federal criminal justice community on application of the federal sentencing guidelines and federal sentencing.

The Commission continually releases a substantial amount of new and informative sentencing data, research, and training materials. As a result, interest in the work of the Commission continues to generate strong interest from sentencing courts, Congress, the Executive Branch, and the general public. For example, in FY 2021, the Commission’s website received approximately 1.9 million hits and averaged approximately 37,000 visitors per month.

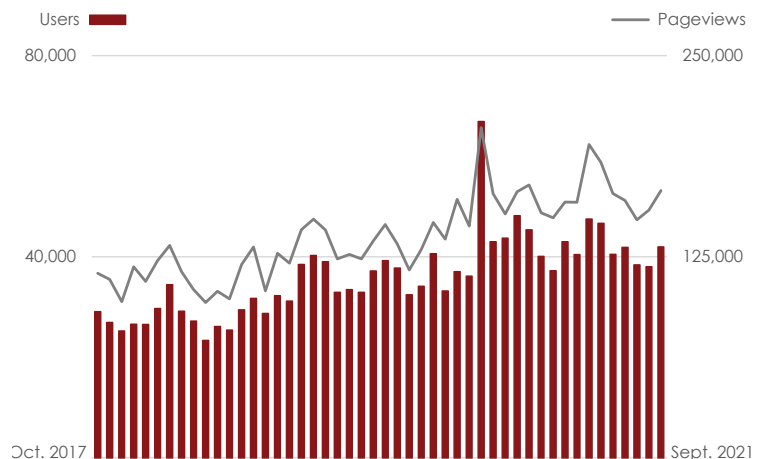
Agency Overview

Commissioners

The Commission consists of up to seven voting members appointed to staggered six-year terms by the President with the advice and consent of the Senate. By statute, at least three of the commissioners shall be federal judges, and no more than four may be members of the same political party. The Attorney General (or the Attorney General’s designee) and the Chairperson of the United States Parole Commission are *ex officio* members of the Commission.

Beginning in FY 2021 and continuing into FY 2022, the Commission has operated with only one voting commissioner, Senior District Judge Charles R. Breyer (N.D. California), and therefore lacked the minimum four affirmative votes required to promulgate amendments to the federal sentencing guidelines. Other commissioners include Patricia K. Cushwa (*ex officio*, U.S. Parole Commission) and Jonathan J. Wroblewski (*ex officio*, U.S. Department of Justice). Although the Commission has lacked the minimum of four affirmative votes required by statute to promulgate amendments to the federal sentencing guidelines, the Commission’s other statutory duties are unaffected by the lack of four voting commissioners.

Monthly Website Traffic (www.ussc.gov)



Commissioners

(Fiscal Year 2021)

EX OFFICIO
U.S. PAROLE COMMISSION



PATRICIA K. CUSHWA

COMMISSIONER

COMMISSIONER

COMMISSIONER

ACTING CHAIR



SENIOR U.S. DISTRICT JUDGE
CHARLES R. BREYER

COMMISSIONER

COMMISSIONER

COMMISSIONER

EX OFFICIO
U.S. DEPARTMENT OF JUSTICE



JONATHAN J. WROBLEWSKI

Organization



Organization

In FY 2021, the Commission staff was divided into the Offices of the Staff Director, General Counsel, Education and Sentencing Practice, Research and Data, Legislative Affairs, and Administration and Technology.

The **Office of the Staff Director** supervises and coordinates all agency functions. The director of each office outlined above reports to the staff director, who in turn reports to the Commission chair. The Office of Public Affairs also falls under the purview of the Office of the Staff Director.

The **Office of General Counsel** supports the Commission on a variety of legal issues, including the formulation and application of the guidelines and guideline amendments, legislative proposals, and statutory interpretations. Legal staff monitor the district and circuit courts’ application and interpretation of the guidelines and advise commissioners about statutes affecting the Commission’s work. The legal staff also provides training support in conjunction with the Office of Education and Sentencing Practice.

In addition, the office performs all drafting services for the Commission, prepares the *Guidelines Manual* for printing, formally manages and maintains all papers and exhibits received by the Commission that constitute requests for Commission action on sentencing policy development, and coordinates the Commission’s policy initiatives.

The **Office of Education and Sentencing Practice** performs the lead role in teaching guideline application to judges, probation officers, prosecuting and defense attorneys, and other criminal justice professionals. The staff develops training materials, participates in the sentencing guideline segments of training programs sponsored by other agencies, works in conjunction with the Administrative Office of the U.S. Courts and the Federal Judicial Center to create webcasts that are aired on the Commission’s website, and helps inform the Commission about current guideline application practices. The office also operates the “HelpLine” to respond to guideline application questions from guideline practitioners.

The **Office of Research and Data** provides statistical and other social science research and analyses on specific sentencing issues and federal crime. The office receives documents from the federal courts concerning the sentences imposed, analyzes, and enters information from those documents into the Commission's comprehensive computer database, and creates annual datafiles of sentencing information. Individual offender datafiles (without individual identifiers) from fiscal year 2002 to the present are available on the Commission's website. Working with the Office of the General Counsel, the Office of Research and Data also collects information on organizations convicted of crimes and on appeals filed in individual and organizational cases.

The office studies a variety of sentencing issues, including changes in the types and severity of federal crimes, changes in the demographic characteristics and criminal history of federal offenders, and sentencing trends in the federal courts. The office creates periodic reports on federal sentencing practices and tracks the application of the sentencing guidelines. These reports provide data concerning the types of crimes committed, the offenders who commit those crimes, and how courts sentence offenders and use the guidelines. The office also provides projections of the impact on the federal prison population of proposed legislation and proposed guideline amendments. The reports are distributed to the courts, Congress, the Executive Branch, and the public.

The **Office of Legislative Affairs** serves as the Commission's liaison with Congress on sentencing matters, monitors Congress's criminal law agenda and hearings, analyzes legislative proposals, and takes the lead role in responding to congressional inquiries, including specific requests for federal sentencing data. The office also provides services and information to other external entities, including the judiciary, Executive Branch agencies, academia, and advocacy groups. The office works closely with the Office of General Counsel on analyses of proposed and recently enacted legislation.

The **Office of Administration and Technology** provides general support to commissioners and staff regarding budget and finance, contracting, human resources, facilities, and a variety of other office activities. This office also contains two technology-related units: the Information Technology unit and the Information Systems unit. Together, these two units provide the Commission the technological support necessary to operate its computer networks, remote capabilities, cybersecurity, website, records management, and its extensive information systems applications.

Budget and Expenditures

For FY 2021, the Commission received an annual appropriation of \$19,965,000 to continue to fulfill statutory duties envisioned by the Sentencing Reform Act of 1984. The Commission did not request program increases for FY 2022 or FY 2023. The Commission continues to maximize its existing resources by prioritizing cost-containment and efficiency.

FY 2021 Activity Overview

In fiscal year 2021, the Commission took a leading role in providing data and analysis relating to the fairness and effectiveness of sentencing and improving recidivism outcomes, with the goal of using federal resources efficiently and appropriately. The subsequent sections of this report demonstrate the Commission's commitment to these principles and to meeting its statutory requirements:

- Conducting Research
- Collecting and Reporting Sentencing Data
- Sentencing Policy Development
- Training and Outreach

The Commission's sustained strategic investment in technology, automation, and cybersecurity enabled it to maintain operations without significant disruption throughout the pandemic by maximizing telework while still protecting personally identifiable information in confidential sentencing documents. The Commission continually audits and updates its cybersecurity measures and expands its technological capacity and must continue investing in these areas to remain current, secure, and agile to respond to changing circumstances.

With these investments, the Commission has met the growing demand for its work product, information, and services. Innovations such as the *Interactive Data Analyzer*, mobile *Guidelines App*, and most recently *Judiciary Sentencing INformation* have made the Commission's guidelines, data, and information more accessible and user friendly. The Commission continually releases sentencing data and publications addressing timely topics from fentanyl offenses to compassionate release in light of the pandemic. The Commission expects this heightened interest in, and use of, its work product to extend through FY 2022 and beyond.

Conducting Research

Research is a critical part of the Commission's mission. The Commission regularly analyzes data to monitor how courts sentence offenders and use the guidelines, and the agency routinely uses these analyses to inform its proposed changes to the guidelines. The Commission publishes many of its analyses as a resource for Congress and the criminal justice community.

In recent years, the Commission has focused on recidivism research to help inform Congress and others on how best to protect public safety while targeting scarce prison resources on the most dangerous offenders.

In FY 2020, the Commission launched a recidivism study of federal offenders released from incarceration or sentenced to a term of probation in 2010, combining data regularly collected by the Commission with data compiled from criminal history records from the Federal Bureau of Investigation (FBI).

In September 2021, the Commission published the first report in this series, *Recidivism of Federal Offenders Released in 2010*, which provides an overview of recidivism for these offenders and information on key offender and offense characteristics related to recidivism. This report found that over an eight-year follow-up period, nearly one-half (49.3%) of federal offenders released in 2010 were rearrested, with a median time to rearrest of 19 months.

These figures are virtually the same as for federal offenders released in 2005 even though two intervening major developments in the federal criminal justice system occurred: the Supreme Court's decision in *United States v. Booker* which rendered the guidelines advisory and increased use of evidence-based practices in federal supervision.

Data Questions?



Research staff can answer general questions from the public about Commission data or datasets.

Contact us at AskORD@ussc.gov.



Additionally, in November 2021 as part of its recidivism series, the Commission published a report entitled *Recidivism of Federal Firearms Offenders Released in 2010*. This report provides an overview of the recidivism of federal firearms offenders released from incarceration or sentenced to a term of probation in 2010, and information on key offender and offense characteristics related to recidivism. The report found that firearms offenders recidivated at a higher rate than all other offenders. Over two-thirds (69.0%) of firearms offenders were rearrested during the eight-year follow-up period compared to less than half of all other offenders (45.1%).

In March 2021, the Commission released a report titled *Federal Armed Career Criminals: Prevalence, Patterns, and Pathways*. In FY 2019, 84 percent of armed career criminals had prior convictions for violent offenses, and 58 percent had three or more such convictions. The recidivism rates for armed career criminals, however, varies significantly depending on whether and how many prior convictions they had for violent offenses. While the recidivism rate was 59 percent for all armed career

criminals released between 2009 and 2011, it was only 36 percent for armed career criminals with prior drug trafficking convictions but no prior violent convictions.

In January 2022, the Commission issued a recidivism report on drug trafficking offenders. This report will be followed by an examination of recidivism of violent offenders.

The Commission also continues to research specific issues of ongoing congressional concern and deliberation. In January 2021, the Commission released a report on the emerging problem of fentanyl and fentanyl analogues. *Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns* notes that since 2015, the number of fentanyl offenders has increased 3,592 percent, to 886 offenders. And since 2016, the number of fentanyl analogue offenders has increased 5,725 percent, to 233 offenders. These are particularly dangerous substances – 30 times more potent than heroin – and they account for more than three-quarters of all drug trafficking offenders whose offense of conviction established that death or serious bodily injury resulted from use of the substance.

In 2021, the Commission released two reports updating its 2012 report to Congress on child pornography offenses. The first, *Federal Sentencing of Child Pornography: Non-Production Offenses*, focuses on offenders sentenced under §2G2.2 for possession, receipt, and distribution of child pornography. The report provides updated data from fiscal year 2019 demonstrating the increasingly voluminous and graphic nature of child pornography collections, the degree of offenders' involvement in internet communities devoted to child pornography, and the offenders' level of engagement in sexually abusive or exploitative conduct.

The report concludes that the guideline sentencing enhancements have not kept pace with technological changes in how these offenses are committed and, as a result, the section 2G2.2 is both overinclusive and underinclusive. For example, in fiscal year 2019, more than 95 percent of non-production child pornography offenders received enhancements for use of a computer and for the age of the victim (images depicting victims under age 12).

Because section 2G2.2 is largely the result of statutory mandatory minimum penalties, congressional directives, and direct amendments to the guidelines by Congress in the PROTECT Act of 2003, the report reiterates the Commission's earlier recommendation for express authorization from Congress to amend the guideline to differentiate among offenders more effectively in terms of the seriousness of the offense and culpability.

The second report, *Federal Sentencing of Child Pornography Production Offenses*, provides the Commission's most in-depth study of child pornography production offenses with a thorough analysis of three primary factors: the offenders' proximity to the victim, participation in the production, and propensity to engage in other abusive behaviors. The report provides new insights into how offenders exploit victims

and technology to produce child pornography, and the factors courts consider in imposing sentences for these offenses.

The Commission also continues to issue research reports of topical interest such as its October 2021 publication, *Federal Offenders Who Served in the Armed Forces*. Over 10,000 veteran offenders were in the custody of the Federal Bureau of Prisons at the end of 2019. This report for the first time analyzes the relatively small number of veterans each year who are sentenced under the guidelines, examines their prior military service, the crimes they committed, and how their military service was considered at sentencing.

Collecting and Reporting Sentencing Data

To conduct the type of research outlined in the previous section, the Commission collects data regarding every felony and class A misdemeanor offense sentenced each year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case:

1. the charging document;
2. the plea agreement;
3. the presentence investigation report;
4. the judgment and commitment order; and
5. the statement of reasons form.

The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.



57,287
Individual Offenders
Sentenced



270,000
Documents
Received, Analyzed



31.3%
Drug
Offenses



69.0%
Sentenced
Under the Manual

Fiscal Year 2021 Data Highlights



In fiscal year 2021, the courts reported 57,287 felony and Class A misdemeanor cases to the Commission. This represents a decrease of 7,278 cases from fiscal year 2020.

The race of federal offenders remained largely unchanged from prior years. In fiscal year 2021, 50.0 percent of all offenders were Hispanic, 23.1 percent were Black, 22.6 percent were White, and 4.3 percent were of another race. Non-U.S. citizens accounted for 33.6 percent of all offenders, a decrease of 13 percentage points from the prior year.

Drug offenses accounted for the largest single group of offenses in fiscal year 2021, comprising 31.3 percent of all reported cases. Immigration cases accounted for the next largest group, at 29.6 percent, but decreased by more than one-third from the total number of those cases in fiscal year 2020. Cases involving firearms, and fraud were the next most common types of offenses after immigration cases. Together these four types of offenses accounted for 83.1 percent of all cases reported to the Commission in fiscal year 2021.

Among drug cases, offenses involving methamphetamine were most common, accounting for 48.0 percent of all drug cases.

The average length of imprisonment in methamphetamine cases was 90 months, a decrease of five months from fiscal year 2020 at 95 months. However, the average sentence imposed varied across the other major drug types: in crack cocaine cases (69 months), powder cocaine cases (68 months), fentanyl cases (60 months), heroin cases (60 months), and marijuana cases (30 months).

In fiscal year 2021, 67.7 percent of drug offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 66.9 percent of drug offenders in fiscal year 2020.

In fiscal year 2021, 69.0 percent of all offenders received sentences under the *Guidelines Manual*, in that the sentence was within the applicable guidelines range or was outside the applicable guidelines range and the court cited a departure reason from the *Guidelines Manual*. Less than half (42.8%) of all sentences were within the guidelines range, compared to 50.4 percent in fiscal year 2020.

The Commission makes its sentencing data available to the public in several ways. Analyses of the data extracted from the sentencing documents are reported in the *Annual Report and Sourcebook of Federal Sentencing Statistics*, which is available both in print and on the Commission's website, and its *Interactive Sourcebook of Federal Sentencing Statistics*, which allows users to create and customize tables and figures. The Commission also disseminates on its website key aspects of this data on a quarterly basis and provides trend analyses of the changes in federal sentencing practices over time.

In June 2020, the Commission launched a new *Interactive Data Analyzer*. Using this tool, Congress, judges, litigants, the media, and the general public can now easily and independently analyze sentencing data by their state, district, or circuit, and can refine their inquiry to data relating to the specific type of crime of interest. This new interactive tool utilizes the most current data visualization techniques and technology that will enable the Commission to easily add features and new data in years to come.

In September 2021, the Commission released a new tool called *Judicial Sentencing Information (JSIN)*. JSIN is an online sentencing data resource specifically developed with the needs of judges in mind, although it is available to prosecutors, defense attorneys, and the public at large through the Commission's website. The platform provides quick and easy online access to sentencing data for similarly situated defendants, including the types of sentences imposed and average and median sentences. JSIN expands upon the Commission's longstanding practice of providing sentencing data at the request of federal judges by making some of the data provided through these special requests more broadly and easily available. JSIN was used more than 3,500 times in the first four months after its launch.

As required by 28 U.S.C. § 994(g) and 18 U.S.C. § 4047, the Commission considers the impact of guideline amendments on the federal prison population. Since FY 2012, the Commission has made its prison and sentencing impact analyses available to the public on its website. The Commission is also often asked by Congress to complete prison and sentencing impact assessments for proposed legislation. In addition, the Commission responds to more general data requests from Congress on issues such as drugs, immigration, fraud, firearms, and sex offenses. It provides district, state-wide, and circuit data analyses to House and Senate Judiciary Committee members and, on an as-requested basis, to other members of Congress. The Commission also responds to requests for data analyses from federal judges, including specific data requests relating to pending cases.

Sentencing Policy Development

Established by the Commission, the sentencing guidelines are core to the agency's mission. They provide federal judges with fair and consistent sentencing ranges to consult at sentencing by:

- incorporating the purposes of sentencing (*i.e.*, just punishment, deterrence, incapacitation, and rehabilitation);
- providing certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting sufficient judicial flexibility to consider relevant aggravating and mitigating factors; and
- reflecting, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

As noted previously, throughout fiscal year 2021, the Commission operated with only one voting commissioner, Senior District Judge Charles R. Breyer. As a result, the Commission lacked the minimum four affirmative votes required to promulgate amendments to the federal sentencing guidelines. The Commission, however, continued to work on several important policy priorities while it awaited appointment of new voting commissioners.

In order to inform a newly constituted Commission and to provide Congress and others a timely assessment of the First Step Act's impact, the Commission is already collecting, analyzing, and reporting data on implementation of the Act. While most of the Act is directed at the Executive Branch, the Commission must implement important statutory changes concerning compassionate release (18 U.S.C. § 3582(c)(1)(A)) and safety valve relief from certain mandatory minimum penalties (18 U.S.C. § 3553(f)).

The Commission has continued collecting, analyzing, and reporting data on the impact of the First Step Act. In August 2020, the Commission released *The First Step Act of 2018: One Year of Implementation*, and throughout FY 2021 the Commission released updated data regarding compassionate release motions filed during the pandemic.

This work will position the Commission to act as soon as possible after it is reconstituted, which is increasingly pressing. The First Step Act expanded the availability of compassionate release by authorizing defendants to file motions under 18 U.S.C. § 3582(c)(1)(A), whereas before only the Director of the Bureau of Prisons could file such motions. Many courts of appeals have since held that the Commission's policy statement governing compassionate release, §1B1.13, does not apply to motions filed by the defendant. This is cause for concern for two reasons. First, in the absence of guidance from the Commission, courts are left to fill the void themselves, a difficult task to accomplish in the uniform manner contemplated by either the Sentencing Reform Act or the First Step Act itself.

Second, this absence of guidance comes at a time when courts could use it the most, as courts have been inundated with compassionate release motions during the pandemic. With the cooperation of the Federal Bureau of Prisons and the courts, the Commission has identified over 20,000 compassionate release motions that were decided by the courts from January 2020 through June 2021. Courts granted 3,608 motions and denied 16,957 motions.

The statutory safety valve expansion also requires action as soon as possible because the two-level reduction in the drug guideline is still tied to outdated statutory criteria. Responding to this aspect of the First Step Act, however, may be complicated by an emerging circuit split between the 9th and 11th Circuit Courts of Appeals interpreting the revised statutory eligibility criteria at 18 U.S.C. § 3553(f) regarding criminal history. The sentencing impact of these two differing interpretations is significant, and the Commission will continue to monitor the ensuing caselaw to inform its response to this part of the First Step Act.

Training and Outreach

The Commission continues to provide specialized seminars, workshops, and training programs for judges, probation officers, law clerks, prosecutors, and defense attorneys on application of the guidelines and federal sentencing generally. In FYs 2020 and 2021, the Commission trained judges, attorneys, probation officers, law clerks, and others from nearly all 94 federal districts.

The Commission's previous investments in eLearning, remote training platforms, and other online resources have provided effective and efficient training throughout the pandemic. In FY 2021, the Commission conducted 115 virtual training sessions and more than 13,000 individuals attended live, online, or on-demand prerecorded training sessions. This three-fold increase over the number of trainees in a typical year could not have been achieved absent the Commission's investments in technology.

In addition, the Commission continues to build its online resources resulting in increased training-related web activity. The interactive quarterly newsletter the Commission launched in FY 2020 garnered more than 2,000 views in FY 2021, and views of the Commission's online caselaw resources more than doubled in FY 2021.

The Commission also maintains its HelpLine that responds to dozens of questions each week from judges, practitioners, and probation officers regarding proper guideline application. In order of frequency in FY 2021, HelpLine was accessed by US Probation Officers, Assistant United States Attorneys, Criminal Justice Act panel attorneys, the private defense bar, assistant federal public defenders, and members and staff of the US Courts, including district court and appellate judges, their law clerks, and circuit staff attorneys.

In FYs 2022 and 2023, the Commission plans to continue expanding its online and remote learning opportunities, while standing ready to resume in-person training offerings when conditions permit.

Additionally, the Commission prioritizes its outreach to Congress, keeping Members of Congress and their staff apprised of the Commission's work and reports, as well as responding to requests for information.

Training Resources

eLearning Courses



The Commission offers self-guided eLearning modules.

Visit <https://www.usc.gov/product-type/elearning>.

HelpLine



The HelpLine assists practitioners in applying the guidelines.

Contact: (202) 502-4545

Hours: 8:30 a.m.- 5:00 p.m. (ET)
Monday – Friday

Virtual Training



We conduct remote training sessions via video conferencing technology.

Our virtual sessions are interactive and tailored to fit your training needs.

Email Training@usc.gov to arrange a remote training session.

Summary

The United States Sentencing Commission continues to fulfill its statutory responsibilities, including evaluating the fairness and effectiveness of the sentencing guidelines, advising Congress on federal sentencing policy, and serving as a clearinghouse of timely sentencing research and data. Furthermore, the Commission is committed to providing this current data and guidance to federal judges through training and online information resources.

The Commission's efforts are calibrated to protect public safety and provide that the statutory purposes of sentencing are achieved. The Commission will continue these efforts going forward and is prioritizing ways to make the guidelines work better, thus promoting efficiency and effectiveness and reducing unnecessary litigation.

Contact Us



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United States Sentencing Commission



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Additional Resources

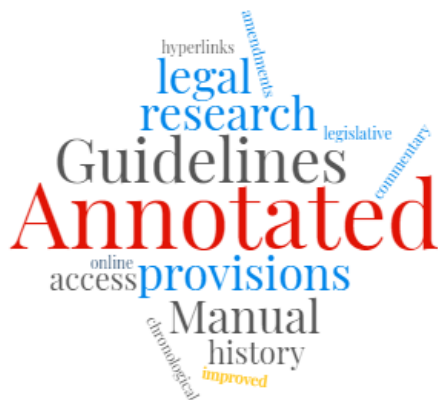
Accessing the Guidelines Manual




PRINTED

Guidelines Manuals are distributed free-of-charge by the Administrative Office of the U.S. Courts and U.S. Department of Justice to federal judges, prosecutors, defenders, and probation officers. If you have questions about how to obtain a copy, please feel free to contact the Public Affairs team at PubAffairs@ussc.gov.

Guidelines Manuals are also publicly available for purchase through the Government Publishing Office's U.S. Government Bookstore.



ANNOTATED

The *Guidelines Manual Annotated* is an online HTML version of the *Guidelines Manual* that provides quick access to the history of specific guideline and commentary provisions. Use the  icon next to a provision to access a list of related amendments. The list is arranged in chronological order and provides hyperlinks to the full text of the amendments.

GUIDELINES APP

The Guidelines App is a web-based app that provides easy access to the full contents of the *Guidelines Manual* on mobile devices, or desktop and laptop computers. Features include:

- quick-search by guideline, amendment, statute, or keyword;
- calculate drug equivalencies and ranges;
- bookmark, highlight text, and take notes; and
- easily share text of the manual.





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INTRODUCTION

Introduction to the Sourcebook of Federal Sentencing Statistics

This is the twenty-sixth edition of the United States Sentencing Commission's *Sourcebook of Federal Sentencing Statistics*. This *Sourcebook* contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. **The volume covers fiscal year 2021 (October 1, 2020, through September 30, 2021, hereinafter "2021").** This *Sourcebook*, together with the 2021 *Annual Report*, constitutes the annual report referenced in 28 U.S.C. § 997, as well as the analysis, recommendations, and accounting to Congress referenced in 28 U.S.C. § 994(w)(3). The Commission received documentation on 57,287 federal felony and Class A misdemeanor cases involving individual offenders in fiscal year 2021.¹ The Commission coded and edited information from the sentencing documents in these cases into its comprehensive, computerized data collection system.

The Commission first released sentencing data in its 1988 *Annual Report* and reported this data annually until 1996. That year, the Commission compiled sentencing data into a new publication, the *Sourcebook of Federal Sentencing Statistics*. In 2019, the *Sourcebook* edition reporting fiscal year 2018 data was substantially revised and expanded. Existing tables were revised to reflect current sentencing practices. Many figures were updated to make them easier to understand and were presented in color while others were removed and the data on them presented in new ways. Additional analyses regarding drug and immigration crimes were added,

and new sections on firearms and economic offenses were included. Trend analyses were added to each of the major sections to show how sentencing patterns had changed over the last ten years. The Organizational Offender section of the *Sourcebook* was also expanded. Finally, Appendix B, which provides sentencing data for each judicial district, was completely redesigned to reflect current sentencing practices.

Beginning with that 2018 *Sourcebook*, important methodological changes were made in the way the data was presented. Principal among them was the way cases were assigned to a "type of crime" (previously called offense type). Beginning with fiscal year 2018 data, the guideline (or guidelines) that the court applied in determining the sentence determines the crime type category to which a case is assigned. Also, the names of some of the crime type categories were revised and some outdated categories were removed from the tables and figures. Another important methodological change was that sentences were capped at 470 months for all analyses. Additionally, cases involving the production of child pornography were reassigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography offense type in the *Sourcebook*.

Finally, beginning with the 2018 *Sourcebook*, the methodology used to analyze the sentence imposed relative to the sentencing range for the case as determined under the Commission's *Guidelines Manual* was substantially revised. Sentences now are grouped into two broad categories: Sentences Under the *Guidelines Manual* and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the

range, where the court cited one or more of the departure reasons in the *Guidelines Manual* as a basis for the sentence. Variance cases are those in which the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

Because of these methodological changes, direct comparisons between data for *Sourcebooks* from fiscal year 2018 and later years cannot always be made to data reported in the *Sourcebook* for years before fiscal year 2018.

Background

The Commission collects and analyzes data on federal sentences to support its various activities. As authorized by Congress, the Commission's numerous research responsibilities include: (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code; and (4) the systematic collection and dissemination of information regarding the effectiveness of sentences imposed.²

The Commission maintains a comprehensive, computerized data collection system which forms the basis for its clearinghouse of federal sentencing information and which contributes to the agency's research mission.

Pursuant to 28 U.S.C. § 994(w), the chief judge of each district is required to ensure that, within 30 days of entry of judgment in a criminal case, the sentencing court submits a report of sentence to the Commission that includes: (1) the Judgment and Commitment Order, (2) the written Statement of Reasons, (3) any plea agreement, (4) the indictment or other charging document, (5) the Presentence Report, and (6) any other information the Commission requests.

Data from these documents are extracted and coded for input into various databases. It should be noted that data collection is a dynamic rather than a static process. When research questions arise, the Commission analyzes its existing data or, when necessary, adds information to its data collection system.

In 2012, the Commission began making its datafiles available through the Commission's website.³ The Commission's computerized datafiles, without individual identifiers, are also available through the Inter-University Consortium for Political and Social Research at the University of Michigan (ICPSR).⁴

Datafiles

For each case in its Offender Datafile, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information. In addition to its standard data collection, the Commission often codes additional variables to study various distinct issues (*e.g.*, type of conduct in fraud offenses, criminal history).

The Commission's 2021 Offender Datafile contains documentation on 57,287 felony and Class A misdemeanor cases in which an individual offender was sentenced between October 1, 2020, and September 30, 2021. A "case" is defined as one sentencing event for an individual offender.

The Organizational Datafile contains documentation on organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in 2021. The Commission collects available data on organizational structure, size, and economic viability; offense of conviction; mode of adjudication; sanctions imposed (including probation and court-ordered compliance and ethics programs); and application of the sentencing guidelines. The Commission received information on 90 organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in fiscal year 2021.

While the 2021 reporting year includes cases sentenced between October 1, 2020, and September 30, 2021, it is important to note that the individual offender and organizational data collected and analyzed in the 2021 *Annual Report* and the 2021 *Sourcebook of Federal Sentencing Statistics* reflect cases for that fiscal year reported to the Commission (*i.e.*, guidelines cases for which the courts forwarded appropriate documentation to the Commission) by February 17, 2022.

The Appeals Datafile tracks appellate review of sentencing decisions. Information captured in this module includes district, circuit, date of opinion, sentencing issues, and the appellate court's disposition. The Commission also tracks final opinions and orders, both published and unpublished, in federal criminal appeals. In 2021, the Commission gathered information on 7,443 cases decided by the courts of appeal. Cases involving co-appellants are treated as separate appeals for statistical purposes.

The Commission implemented a data collection system to track resentencings and other modifications of sentence in 2008. The information collected includes judicial district, reason for resentencing, new sentence, and guideline application information, if available. Information is collected on eight types of resentencings and other modifications of sentence. In 2021, the Commission received documentation on 4,594 resentencings and other modifications of sentence.

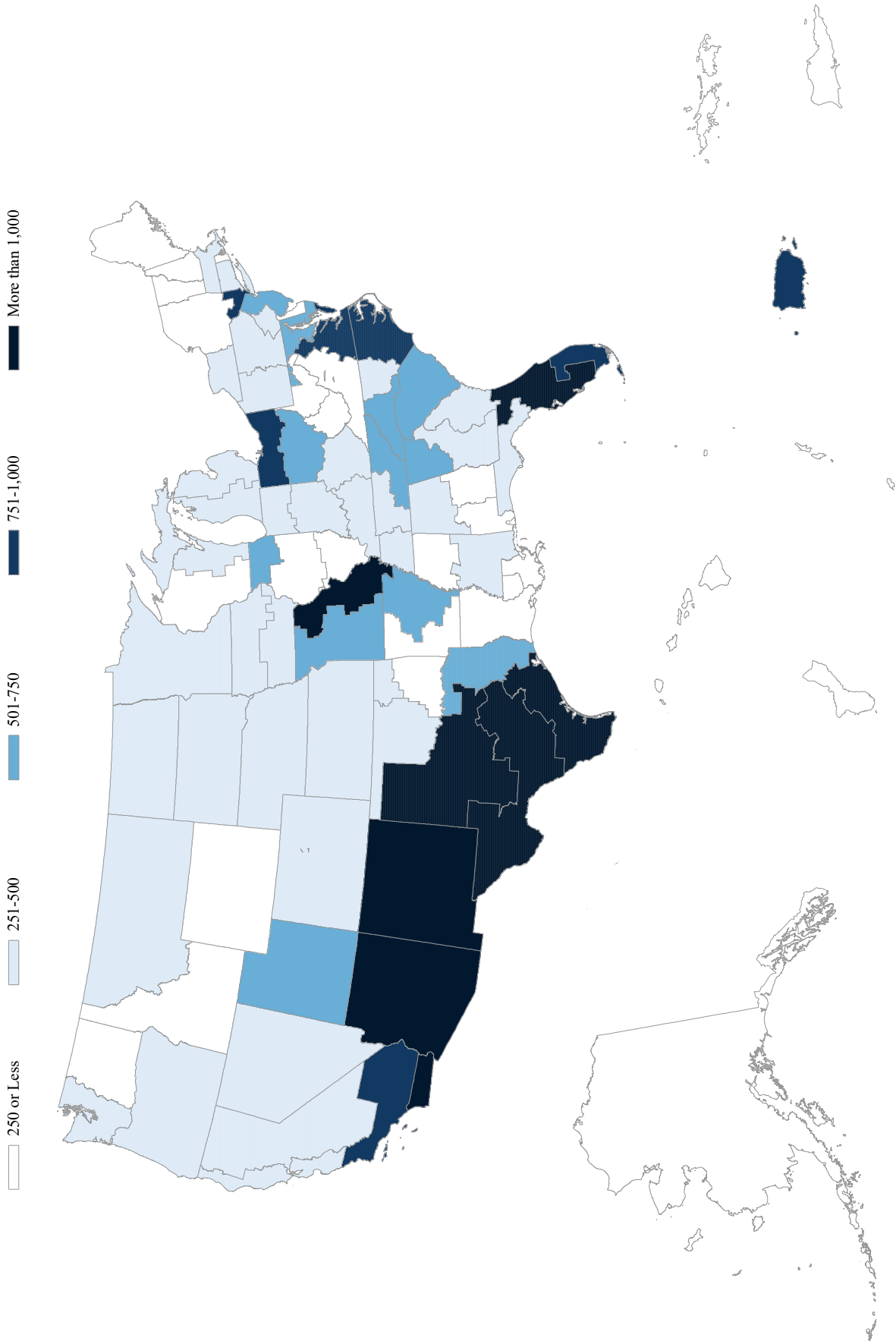
The 2021 *Annual Report* and the 2021 *Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and analyses of annual data in each federal judicial district, circuit, and state are available on the Commission's website at <https://www.ussc.gov/research>.

Endnotes

- 1 28 U.S.C. § 994(w); USSG §1B1.9.
- 2 28 U.S.C. §§ 995(a)(12) and (14) – (16).
- 3 The Commission’s datafiles can be found at <https://www.ussc.gov/research/datafiles/commission-datafiles>.
- 4 The Consortium’s website address is <https://www.icpsr.umich.edu/web/ICPSR/series/83>.

CIRCUIT AND DISTRICT STATISTICS

Figure 1
FEDERAL OFFENDERS IN EACH DISTRICT
Fiscal Year 2021



SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 1

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	57,287	100.0			
D.C. CIRCUIT	253	0.4	FIFTH CIRCUIT	16,403	28.6
District of Columbia	253	0.4	Louisiana		
FIRST CIRCUIT	1,777	3.1	Eastern	205	0.4
Maine	199	0.3	Middle	103	0.2
Massachusetts	422	0.7	Western	240	0.4
New Hampshire	197	0.3	Mississippi		
Puerto Rico	884	1.5	Northern	87	0.2
Rhode Island	75	0.1	Southern	262	0.5
SECOND CIRCUIT	2,424	4.2	Texas		
Connecticut	302	0.5	Eastern	662	1.2
New York			Northern	1,549	2.7
Eastern	498	0.9	Southern	8,052	14.1
Northern	235	0.4	Western	5,243	9.2
Southern	943	1.6	SIXTH CIRCUIT	4,008	7.0
Western	322	0.6	Kentucky		
Vermont	124	0.2	Eastern	427	0.7
THIRD CIRCUIT	1,900	3.3	Western	276	0.5
Delaware	52	0.1	Michigan		
New Jersey	629	1.1	Eastern	489	0.9
Pennsylvania			Western	291	0.5
Eastern	446	0.8	Ohio		
Middle	310	0.5	Northern	819	1.4
Western	407	0.7	Southern	507	0.9
Virgin Islands	56	0.1	Tennessee		
FOURTH CIRCUIT	4,522	7.9	Eastern	582	1.0
Maryland	525	0.9	Middle	254	0.4
North Carolina			Western	363	0.6
Eastern	922	1.6	SEVENTH CIRCUIT	2,222	3.9
Middle	365	0.6	Illinois		
Western	502	0.9	Central	232	0.4
South Carolina	531	0.9	Northern	619	1.1
Virginia			Southern	221	0.4
Eastern	968	1.7	Indiana		
Western	239	0.4	Northern	342	0.6
West Virginia			Southern	413	0.7
Northern	250	0.4	Wisconsin		
Southern	220	0.4	Eastern	263	0.5
			Western	132	0.2

Table 1 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,592	8.0	TENTH CIRCUIT	3,860	6.7
Arkansas			Colorado	370	0.6
Eastern	546	1.0	Kansas	420	0.7
Western	185	0.3	New Mexico	1,415	2.5
Iowa			Oklahoma		
Northern	326	0.6	Eastern	89	0.2
Southern	495	0.9	Northern	328	0.6
Minnesota	258	0.5	Western	409	0.7
Missouri			Utah	658	1.1
Eastern	1,065	1.9	Wyoming	171	0.3
Western	582	1.0			
Nebraska	380	0.7	ELEVENTH CIRCUIT	4,311	7.5
North Dakota	289	0.5	Alabama		
South Dakota	466	0.8	Middle	122	0.2
			Northern	445	0.8
NINTH CIRCUIT	11,015	19.2	Southern	228	0.4
Alaska	148	0.3	Florida		
Arizona	4,371	7.6	Middle	1,066	1.9
California			Northern	264	0.5
Central	876	1.5	Southern	813	1.4
Eastern	282	0.5	Georgia		
Northern	369	0.6	Middle	386	0.7
Southern	2,927	5.1	Northern	544	0.9
Guam	37	0.1	Southern	443	0.8
Hawaii	168	0.3			
Idaho	241	0.4			
Montana	333	0.6			
Nevada	299	0.5			
Northern Mariana Islands	16	0.0			
Oregon	391	0.7			
Washington					
Eastern	199	0.3			
Western	358	0.6			

¹ Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 2

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	57,287	270,528	57,287	57,058	43,940	13,316	57,279	54,964	2,322
D.C. CIRCUIT	253	1,245	253	252	238	15	253	249	4
District of Columbia	253	1,245	253	252	238	15	253	249	4
FIRST CIRCUIT	1,777	8,455	1,777	1,776	1,385	392	1,776	1,741	36
Maine	199	943	199	199	147	52	199	199	0
Massachusetts	422	1,920	422	421	238	184	422	417	5
New Hampshire	197	977	197	197	189	8	197	197	0
Puerto Rico	884	4,251	884	884	747	137	883	853	31
Rhode Island	75	364	75	75	64	11	75	75	0
SECOND CIRCUIT	2,424	11,677	2,424	2,416	2,033	391	2,424	2,380	44
Connecticut	302	1,500	302	301	293	9	302	302	0
New York									
Eastern	498	2,427	498	498	438	60	498	495	3
Northern	235	1,082	235	229	173	62	235	210	25
Southern	943	4,451	943	943	690	253	943	932	11
Western	322	1,602	322	321	317	5	322	320	2
Vermont	124	615	124	124	122	2	124	121	3
THIRD CIRCUIT	1,900	9,203	1,900	1,899	1,648	252	1,900	1,856	44
Delaware	52	257	52	52	49	3	52	52	0
New Jersey	629	3,104	629	628	590	39	629	628	1
Pennsylvania									
Eastern	446	2,132	446	446	348	98	446	446	0
Middle	310	1,492	310	310	272	38	310	290	20
Western	407	1,947	407	407	342	65	407	384	23
Virgin Islands	56	271	56	56	47	9	56	56	0
FOURTH CIRCUIT	4,522	21,007	4,522	4,462	3,416	1,104	4,522	4,085	437
Maryland	525	2,556	525	519	495	30	525	492	33
North Carolina									
Eastern	922	4,197	922	884	625	297	922	844	78
Middle	365	1,778	365	361	329	36	365	358	7
Western	502	2,340	502	502	332	170	502	502	0
South Carolina	531	2,542	531	531	419	111	531	530	1
Virginia									
Eastern	968	4,172	968	957	606	361	968	673	295
Western	239	1,140	239	238	203	36	239	221	18
West Virginia									
Northern	250	1,227	250	250	228	22	250	249	1
Southern	220	1,055	220	220	179	41	220	216	4

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	16,403	73,806	16,403	16,380	9,036	7,345	16,401	15,586	816
Louisiana									
Eastern	205	948	205	199	140	65	205	199	6
Middle	103	482	103	103	70	33	103	103	0
Western	240	1,173	240	235	230	10	240	228	12
Mississippi									
Northern	87	419	87	84	82	5	87	79	8
Southern	262	1,280	262	262	248	14	262	246	16
Texas									
Eastern	662	3,280	662	662	635	27	662	659	3
Northern	1,549	7,487	1,549	1,549	1,295	253	1,548	1,546	3
Southern	8,052	36,086	8,052	8,046	4,599	3,434	8,051	7,338	713
Western	5,243	22,651	5,243	5,240	1,737	3,504	5,243	5,188	55
SIXTH CIRCUIT	4,008	19,303	4,008	3,990	3,318	690	4,007	3,980	28
Kentucky									
Eastern	427	2,067	427	427	366	61	427	420	7
Western	276	1,344	276	275	243	33	276	274	2
Michigan									
Eastern	489	2,340	489	488	386	103	489	488	1
Western	291	1,353	291	291	197	94	291	283	8
Ohio									
Northern	819	3,845	819	818	578	241	818	812	7
Southern	507	2,523	507	506	496	11	507	507	0
Tennessee									
Eastern	582	2,853	582	581	528	54	582	580	2
Middle	254	1,247	254	241	245	9	254	253	1
Western	363	1,731	363	363	279	84	363	363	0
SEVENTH CIRCUIT	2,222	10,792	2,222	2,221	1,930	292	2,221	2,198	24
Illinois									
Central	232	1,050	232	231	124	108	232	231	1
Northern	619	3,048	619	619	586	33	618	606	13
Southern	221	1,014	221	221	133	88	221	218	3
Indiana									
Northern	342	1,675	342	342	307	35	342	342	0
Southern	413	2,046	413	413	395	18	413	412	1
Wisconsin									
Eastern	263	1,304	263	263	258	5	263	257	6
Western	132	655	132	132	127	5	132	132	0
EIGHTH CIRCUIT	4,592	22,165	4,592	4,561	3,850	742	4,591	4,571	21
Arkansas									
Eastern	546	2,496	546	517	346	200	546	541	5
Western	185	923	185	185	183	2	185	185	0
Iowa									
Northern	326	1,529	326	326	226	100	326	325	1
Southern	495	2,336	495	495	356	139	495	495	0
Minnesota	258	1,278	258	258	247	11	258	257	1
Missouri									
Eastern	1,065	5,304	1,065	1,065	1,050	15	1,064	1,060	5
Western	582	2,764	582	581	437	145	582	582	0
Nebraska	380	1,810	380	379	292	88	380	379	1
North Dakota	289	1,425	289	289	273	16	289	285	4
South Dakota	466	2,300	466	466	440	26	466	462	4

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	11,015	53,813	11,015	10,968	10,454	560	11,015	10,361	654
Alaska	148	724	148	148	133	15	148	147	1
Arizona	4,371	21,619	4,371	4,350	4,236	135	4,371	4,291	80
California									
Central	876	4,267	876	861	808	68	876	846	30
Eastern	282	1,381	282	278	259	23	282	280	2
Northern	369	1,770	369	369	299	69	369	364	5
Southern	2,927	14,177	2,927	2,924	2,867	60	2,927	2,532	395
Guam	37	176	37	37	30	7	37	35	2
Hawaii	168	818	168	168	146	22	168	168	0
Idaho	241	1,169	241	241	205	36	241	241	0
Montana	333	1,594	333	333	263	70	333	332	1
Nevada	299	1,461	299	297	272	27	299	294	5
Northern Mariana Islands	16	77	16	16	15	1	16	14	2
Oregon	391	1,948	391	390	387	4	391	389	2
Washington									
Eastern	199	981	199	199	186	13	199	198	1
Western	358	1,651	358	357	348	10	358	230	128
TENTH CIRCUIT	3,860	18,630	3,860	3,852	3,322	538	3,858	3,738	122
Colorado	370	1,840	370	370	365	5	370	365	5
Kansas	420	2,051	420	415	394	26	420	402	18
New Mexico	1,415	6,827	1,415	1,412	1,174	241	1,415	1,411	4
Oklahoma									
Eastern	89	423	89	89	67	22	89	89	0
Northern	328	1,591	328	328	286	42	328	321	7
Western	409	1,781	409	409	225	184	407	331	78
Utah	658	3,270	658	658	648	10	658	648	10
Wyoming	171	847	171	171	163	8	171	171	0
ELEVENTH CIRCUIT	4,311	20,432	4,311	4,281	3,310	995	4,311	4,219	92
Alabama									
Middle	122	591	122	122	103	19	122	122	0
Northern	445	2,127	445	443	379	66	445	415	30
Southern	228	1,111	228	228	200	28	228	227	1
Florida									
Middle	1,066	4,926	1,066	1,065	666	400	1,066	1,063	3
Northern	264	1,260	264	260	216	48	264	256	8
Southern	813	3,881	813	795	663	150	813	797	16
Georgia									
Middle	386	1,811	386	381	282	104	386	376	10
Northern	544	2,596	544	544	425	114	544	539	5
Southern	443	2,129	443	443	376	66	443	424	19

¹ Descriptions of variables used in this table are provided in Appendix A.

² The numbers presented in this table regarding Plea Agreement submission exclude from the analysis two cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.



PRIMARY OFFENSE AND OFFENDER CHARACTERISTICS

Table 3

CONVICTION TYPE IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
TOTAL	56,506	54,693	96.8	1,813	3.2
D.C. CIRCUIT	252	241	95.6	11	4.4
District of Columbia	252	241	95.6	11	4.4
FIRST CIRCUIT	1,759	1,739	98.9	20	1.1
Maine	199	197	99.0	2	1.0
Massachusetts	417	413	99.0	4	1.0
New Hampshire	197	193	98.0	4	2.0
Puerto Rico	871	861	98.9	10	1.1
Rhode Island	75	75	100.0	0	0.0
SECOND CIRCUIT	2,416	2,334	96.6	82	3.4
Connecticut	302	296	98.0	6	2.0
New York					
Eastern	498	492	98.8	6	1.2
Northern	231	206	89.2	25	10.8
Southern	939	922	98.2	17	1.8
Western	322	308	95.7	14	4.3
Vermont	124	110	88.7	14	11.3
THIRD CIRCUIT	1,876	1,844	98.3	32	1.7
Delaware	52	52	100.0	0	0.0
New Jersey	629	615	97.8	14	2.2
Pennsylvania					
Eastern	445	445	100.0	0	0.0
Middle	300	291	97.0	9	3.0
Western	394	386	98.0	8	2.0
Virgin Islands	56	55	98.2	1	1.8
FOURTH CIRCUIT	4,455	4,071	91.4	384	8.6
Maryland	519	499	96.1	20	3.9
North Carolina					
Eastern	920	835	90.8	85	9.2
Middle	365	350	95.9	15	4.1
Western	501	499	99.6	2	0.4
South Carolina	531	523	98.5	8	1.5
Virginia					
Eastern	920	676	73.5	244	26.5
Western	229	223	97.4	6	2.6
West Virginia					
Northern	250	249	99.6	1	0.4
Southern	220	217	98.6	3	1.4

Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
FIFTH CIRCUIT	15,862	15,661	98.7	201	1.3
Louisiana					
Eastern	203	196	96.6	7	3.4
Middle	103	103	100.0	0	0.0
Western	240	226	94.2	14	5.8
Mississippi					
Northern	87	82	94.3	5	5.7
Southern	261	250	95.8	11	4.2
Texas					
Eastern	662	656	99.1	6	0.9
Northern	1,548	1,528	98.7	20	1.3
Southern	7,523	7,508	99.8	15	0.2
Western	5,235	5,112	97.7	123	2.3
SIXTH CIRCUIT	3,996	3,909	97.8	87	2.2
Kentucky					
Eastern	424	420	99.1	4	0.9
Western	276	255	92.4	21	7.6
Michigan					
Eastern	488	478	98.0	10	2.0
Western	286	275	96.2	11	3.8
Ohio					
Northern	817	812	99.4	5	0.6
Southern	506	491	97.0	15	3.0
Tennessee					
Eastern	582	579	99.5	3	0.5
Middle	254	239	94.1	15	5.9
Western	363	360	99.2	3	0.8
SEVENTH CIRCUIT	2,217	2,177	98.2	40	1.8
Illinois					
Central	231	226	97.8	5	2.2
Northern	616	595	96.6	21	3.4
Southern	221	217	98.2	4	1.8
Indiana					
Northern	342	340	99.4	2	0.6
Southern	413	413	100.0	0	0.0
Wisconsin					
Eastern	262	256	97.7	6	2.3
Western	132	130	98.5	2	1.5
EIGHTH CIRCUIT	4,591	4,431	96.5	160	3.5
Arkansas					
Eastern	545	443	81.3	102	18.7
Western	185	184	99.5	1	0.5
Iowa					
Northern	326	324	99.4	2	0.6
Southern	495	494	99.8	1	0.2
Minnesota	258	256	99.2	2	0.8
Missouri					
Eastern	1,065	1,060	99.5	5	0.5
Western	582	577	99.1	5	0.9
Nebraska	380	369	97.1	11	2.9
North Dakota	289	280	96.9	9	3.1
South Dakota	466	444	95.3	22	4.7

Table 3 (cont.)

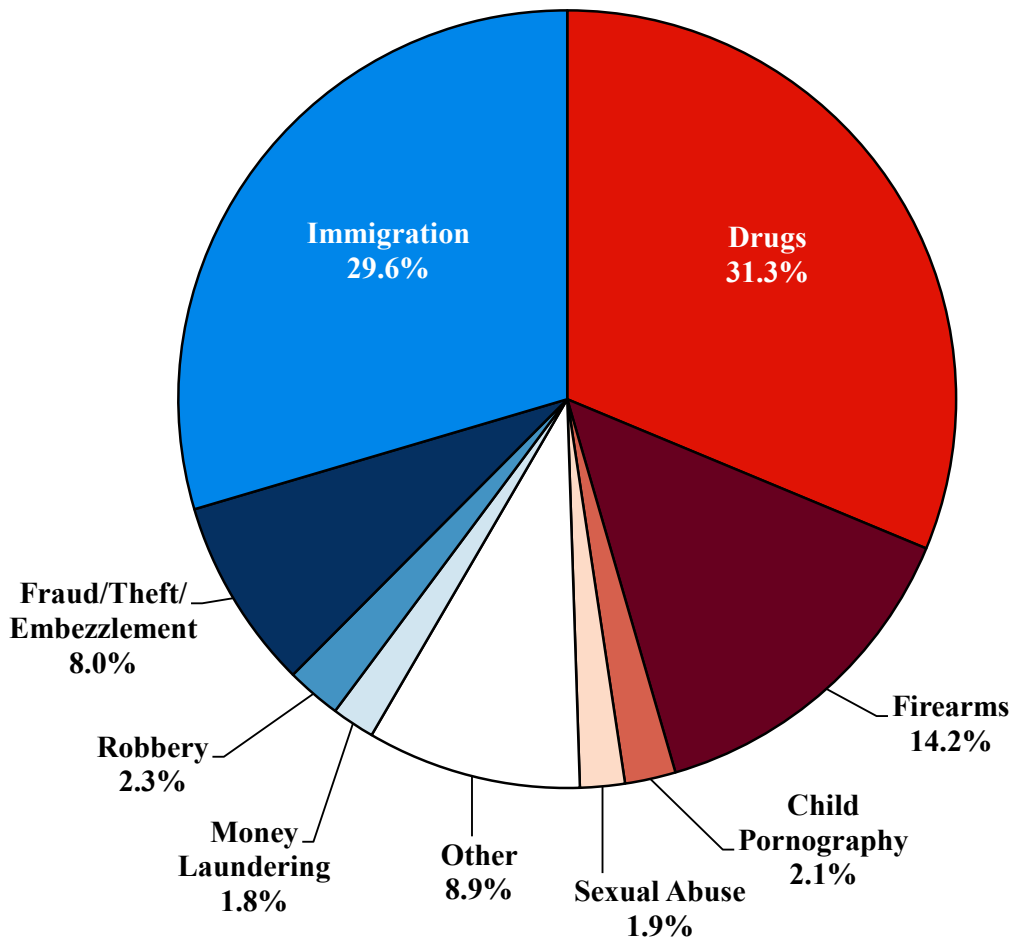
CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
NINTH CIRCUIT	10,941	10,591	96.8	350	3.2
Alaska	148	143	96.6	5	3.4
Arizona	4,360	4,307	98.8	53	1.2
California					
Central	875	835	95.4	40	4.6
Eastern	282	276	97.9	6	2.1
Northern	366	360	98.4	6	1.6
Southern	2,877	2,810	97.7	67	2.3
Guam	37	36	97.3	1	2.7
Hawaii	168	167	99.4	1	0.6
Idaho	241	233	96.7	8	3.3
Montana	333	327	98.2	6	1.8
Nevada	298	291	97.7	7	2.3
Northern Mariana Islands	16	14	87.5	2	12.5
Oregon	387	370	95.6	17	4.4
Washington					
Eastern	197	195	99.0	2	1.0
Western	356	227	63.8	129	36.2
TENTH CIRCUIT	3,848	3,658	95.1	190	4.9
Colorado	369	357	96.7	12	3.3
Kansas	420	380	90.5	40	9.5
New Mexico	1,414	1,403	99.2	11	0.8
Oklahoma					
Eastern	87	87	100.0	0	0.0
Northern	322	308	95.7	14	4.3
Western	407	308	75.7	99	24.3
Utah	658	645	98.0	13	2.0
Wyoming	171	170	99.4	1	0.6
ELEVENTH CIRCUIT	4,293	4,037	94.0	256	6.0
Alabama					
Middle	122	118	96.7	4	3.3
Northern	445	414	93.0	31	7.0
Southern	228	227	99.6	1	0.4
Florida					
Middle	1,063	1,052	99.0	11	1.0
Northern	264	242	91.7	22	8.3
Southern	805	798	99.1	7	0.9
Georgia					
Middle	381	316	82.9	65	17.1
Northern	543	534	98.3	9	1.7
Southern	442	336	76.0	106	24.0

¹ Of the 57,287 cases, 781 were excluded due to missing information on type of conviction. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure 2

FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021



¹ This figure includes the 57,287 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

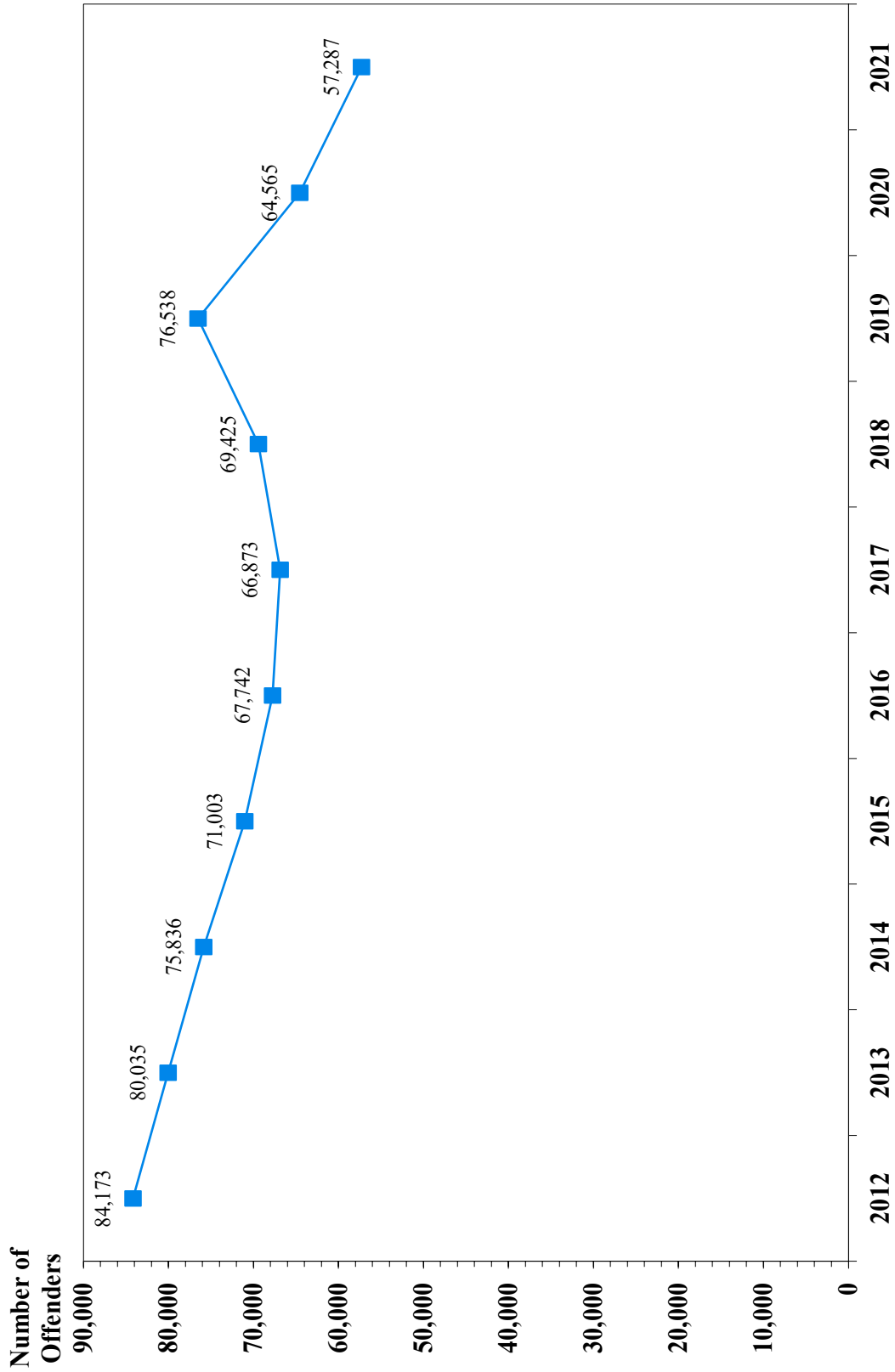
Table 4

CHANGE IN NUMBER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Years 2020 - 2021

TYPE OF CRIME	Fiscal Year 2020		Fiscal Year 2021		Number Change
	N	%	N	%	
TOTAL	64,565	100.0	57,287	100.0	-7,278
Administration of Justice	542	0.8	512	0.9	-30
Antitrust	11	0.0	6	0.0	-5
Arson	48	0.1	79	0.1	31
Assault	618	1.0	668	1.2	50
Bribery/Corruption	240	0.4	247	0.4	7
Burglary/Trespass	39	0.1	64	0.1	25
Child Pornography	1,023	1.6	1,215	2.1	192
Commercialized Vice	53	0.1	114	0.2	61
Drug Possession	439	0.7	309	0.5	-130
Drug Trafficking	16,390	25.4	17,608	30.7	1,218
Environmental	137	0.2	173	0.3	36
Extortion/Racketeering	120	0.2	116	0.2	-4
Firearms	7,539	11.7	8,151	14.2	612
Food and Drug	33	0.1	47	0.1	14
Forgery/Counter/Copyright	198	0.3	137	0.2	-61
Fraud/Theft/Embezzlement	4,823	7.5	4,571	8.0	-252
Immigration	26,561	41.1	16,937	29.6	-9,624
Individual Rights	70	0.1	69	0.1	-1
Kidnapping	66	0.1	92	0.2	26
Manslaughter	38	0.1	56	0.1	18
Money Laundering	880	1.4	1,028	1.8	148
Murder	294	0.5	257	0.4	-37
National Defense	165	0.3	217	0.4	52
Obscenity/Other Sex Offenses	318	0.5	298	0.5	-20
Prison Offenses	457	0.7	532	0.9	75
Robbery	1,316	2.0	1,300	2.3	-16
Sexual Abuse	881	1.4	1,062	1.9	181
Stalking/Harassing	225	0.3	219	0.4	-6
Tax	366	0.6	421	0.7	55
Other	675	1.0	782	1.4	107

¹ Descriptions of variables used in this table are provided in Appendix A.

Figure 3
NUMBER OF FEDERAL OFFENDERS OVER TIME¹
Fiscal Years 2012 - 2021



¹ Descriptions of variables used in this figure are provided in Appendix A.

Table 5

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	56,677	12,807	22.6	13,114	23.1	28,328	50.0	2,428	4.3
Administration of Justice	510	152	29.8	131	25.7	156	30.6	71	13.9
Antitrust	6	6	100.0	0	0.0	0	0.0	0	0.0
Arson	79	28	35.4	34	43.0	9	11.4	8	10.1
Assault	656	97	14.8	150	22.9	115	17.5	294	44.8
Bribery/Corruption	247	109	44.1	57	23.1	53	21.5	28	11.3
Burglary/Trespass	62	22	35.5	23	37.1	9	14.5	8	12.9
Child Pornography	1,214	972	80.1	53	4.4	147	12.1	42	3.5
Commercialized Vice	102	49	48.0	26	25.5	11	10.8	16	15.7
Drug Possession	243	102	42.0	85	35.0	44	18.1	12	4.9
Drug Trafficking	17,585	4,567	26.0	4,537	25.8	7,908	45.0	573	3.3
Environmental	162	93	57.4	4	2.5	44	27.2	21	13.0
Extortion/Racketeering	116	47	40.5	24	20.7	27	23.3	18	15.5
Firearms	8,138	1,950	24.0	4,501	55.3	1,421	17.5	266	3.3
Food and Drug	45	38	84.4	3	6.7	0	0.0	4	8.9
Forgery/Counter/Copyright	136	64	47.1	36	26.5	20	14.7	16	11.8
Fraud/Theft/Embezzlement	4,525	1,893	41.8	1,350	29.8	942	20.8	340	7.5
Immigration	16,806	483	2.9	227	1.4	15,983	95.1	113	0.7
Individual Rights	67	36	53.7	13	19.4	11	16.4	7	10.4
Kidnapping	91	32	35.2	23	25.3	24	26.4	12	13.2
Manslaughter	56	4	7.1	5	8.9	3	5.4	44	78.6
Money Laundering	1,024	280	27.3	217	21.2	447	43.7	80	7.8
Murder	257	18	7.0	120	46.7	89	34.6	30	11.7
National Defense	214	37	17.3	13	6.1	145	67.8	19	8.9
Obscenity/Other Sex Offenses	297	137	46.1	57	19.2	36	12.1	67	22.6
Prison Offenses	520	132	25.4	201	38.7	159	30.6	28	5.4
Robbery	1,298	236	18.2	771	59.4	223	17.2	68	5.2
Sexual Abuse	1,059	609	57.5	170	16.1	130	12.3	150	14.2
Stalking/Harassing	219	138	63.0	39	17.8	24	11.0	18	8.2
Tax	420	228	54.3	110	26.2	44	10.5	38	9.0
Other	523	248	47.4	134	25.6	104	19.9	37	7.1

¹ Of the 57,287 cases, 610 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 6

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	57,230	49,627	86.7	7,603	13.3
Administration of Justice	512	347	67.8	165	32.2
Antitrust	6	6	100.0	0	0.0
Arson	79	69	87.3	10	12.7
Assault	667	599	89.8	68	10.2
Bribery/Corruption	247	202	81.8	45	18.2
Burglary/Trespass	64	56	87.5	8	12.5
Child Pornography	1,215	1,201	98.8	14	1.2
Commercialized Vice	111	96	86.5	15	13.5
Drug Possession	303	194	64.0	109	36.0
Drug Trafficking	17,608	14,439	82.0	3,169	18.0
Environmental	171	149	87.1	22	12.9
Extortion/Racketeering	116	101	87.1	15	12.9
Firearms	8,151	7,847	96.3	304	3.7
Food and Drug	46	31	67.4	15	32.6
Forgery/Counter/Copyright	137	103	75.2	34	24.8
Fraud/Theft/Embezzlement	4,567	3,151	69.0	1,416	31.0
Immigration	16,922	15,559	91.9	1,363	8.1
Individual Rights	69	51	73.9	18	26.1
Kidnapping	92	84	91.3	8	8.7
Manslaughter	56	47	83.9	9	16.1
Money Laundering	1,028	811	78.9	217	21.1
Murder	257	233	90.7	24	9.3
National Defense	217	187	86.2	30	13.8
Obscenity/Other Sex Offenses	298	288	96.6	10	3.4
Prison Offenses	532	487	91.5	45	8.5
Robbery	1,300	1,224	94.2	76	5.8
Sexual Abuse	1,062	994	93.6	68	6.4
Stalking/Harassing	219	209	95.4	10	4.6
Tax	421	297	70.5	124	29.5
Other	757	565	74.6	192	25.4

¹ Of the 57,287 cases, 57 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 7
AGE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	Under 21 ²		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60		Mean Median		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%			
TOTAL	57,249	1,550	2.7	6,921	12.1	10,021	17.5	10,392	18.2	9,482	16.6	11,898	20.8	5,034	8.8	1,951	3.4	37	35
Administration of Justice	512	14	2.7	62	12.1	92	18.0	91	17.8	75	14.6	96	18.8	55	10.7	27	5.3	38	35
Antitrust	6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7	2	33.3	3	50.0	58	58
Arson	79	5	6.3	23	29.1	14	17.7	16	20.3	7	8.9	9	11.4	4	5.1	1	1.3	32	29
Assault	668	30	4.5	117	17.5	163	24.4	137	20.5	101	15.1	77	11.5	32	4.8	11	1.6	33	31
Bribery/Corruption	247	0	0.0	4	1.6	17	6.9	16	6.5	23	9.3	67	27.1	60	24.3	60	24.3	50	50
Burglary/Trespass	64	3	4.7	8	12.5	21	32.8	14	21.9	12	18.8	2	3.1	3	4.7	1	1.6	32	31
Child Pornography	1,215	11	0.9	114	9.4	168	13.8	176	14.5	204	16.8	260	21.4	174	14.3	108	8.9	41	39
Commercialized Vice	114	0	0.0	4	3.5	8	7.0	20	17.5	16	14.0	33	28.9	22	19.3	11	9.6	44	44
Drug Possession	304	20	6.6	51	16.8	56	18.4	48	15.8	43	14.1	55	18.1	19	6.3	12	3.9	35	32
Drug Trafficking	17,608	382	2.2	1,958	11.1	3,216	18.3	3,307	18.8	3,028	17.2	3,785	21.5	1,465	8.3	467	2.7	37	35
Environmental	169	1	0.6	12	7.1	22	13.0	22	13.0	13	7.7	34	20.1	33	19.5	32	18.9	45	44
Extortion/Racketeering	116	2	1.7	8	6.9	21	18.1	18	15.5	17	14.7	19	16.4	21	18.1	10	8.6	41	37
Firearms	8,150	219	2.7	1,368	16.8	1,919	23.5	1,709	21.0	1,253	15.4	1,203	14.8	369	4.5	110	1.3	34	32
Food and Drug	45	0	0.0	0	0.0	2	4.4	4	8.9	9	20.0	11	24.4	10	22.2	9	20.0	49	47
Forgery/Counter/Copyright	137	0	0.0	21	15.3	20	14.6	23	16.8	19	13.9	37	27.0	12	8.8	5	3.6	38	37
Fraud/Theft/Embezzlement	4,570	85	1.9	321	7.0	544	11.9	643	14.1	629	13.8	1,077	23.6	771	16.9	500	10.9	43	41
Immigration	16,937	589	3.5	1,924	11.4	2,690	15.9	3,168	18.7	3,161	18.7	3,943	23.3	1,237	7.3	225	1.3	36	36
Individual Rights	69	0	0.0	2	2.9	6	8.7	11	15.9	7	10.1	19	27.5	17	24.6	7	10.1	45	42
Kidnapping	92	2	2.2	25	27.2	17	18.5	14	15.2	13	14.1	13	14.1	7	7.6	1	1.1	33	31
Manslaughter	56	2	3.6	9	16.1	14	25.0	10	17.9	7	12.5	10	17.9	3	5.4	1	1.8	34	32
Money Laundering	1,028	12	1.2	87	8.5	138	13.4	162	15.8	180	17.5	241	23.4	141	13.7	67	6.5	40	39
Murder	257	7	2.7	48	18.7	70	27.2	47	18.3	37	14.4	33	12.8	11	4.3	4	1.6	33	31
National Defense	217	10	4.6	31	14.3	42	19.4	32	14.7	26	12.0	39	18.0	22	10.1	15	6.9	38	34
Obscenity/Other Sex Offenses	298	1	0.3	10	3.4	40	13.4	53	17.8	48	16.1	87	29.2	41	13.8	18	6.0	41	40
Prison Offenses	532	3	0.6	46	8.6	79	14.8	124	23.3	96	18.0	138	25.9	36	6.8	10	1.9	37	36
Robbery	1,300	90	6.9	312	24.0	300	23.1	172	13.2	150	11.5	146	11.2	99	7.6	31	2.4	33	30
Sexual Abuse	1,062	14	1.3	126	11.9	168	15.8	201	18.9	169	15.9	209	19.7	120	11.3	55	5.2	38	36
Stalking/Harassing	219	5	2.3	24	11.0	29	13.2	30	13.7	34	15.5	42	19.2	35	16.0	20	9.1	40	38
Tax	421	0	0.0	0	0.0	2	0.5	19	4.5	33	7.8	123	29.2	146	34.7	98	23.3	53	52
Other	757	43	5.7	206	27.2	143	18.9	105	13.9	72	9.5	89	11.8	67	8.9	32	4.2	34	30

¹ Of the 57,287 cases, 38 were excluded due to missing information on offender's age. Descriptions of variables used in this table are provided in Appendix A.

² Of the 1,550 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.

Table 8
AGE, RACE, AND GENDER OF FEDERAL OFFENDERS¹
Fiscal Year 2021

AGE AND GENDER	TOTAL		WHITE		BLACK		HISPANIC		OTHER		
	N	%	N	%	N	%	N	%	N	%	
Under 21 ²	Total	1,520	100.0	137	100.0	281	100.0	1,039	100.0	63	100.0
	Male	1,307	86.0	114	83.2	269	95.7	870	83.7	54	85.7
	Female	213	14.0	23	16.8	12	4.3	169	16.3	9	14.3
21 - 25	Total	6,797	100.0	884	100.0	1,895	100.0	3,785	100.0	233	100.0
	Male	5,837	85.9	687	77.7	1,739	91.8	3,217	85.0	194	83.3
	Female	960	14.1	197	22.3	156	8.2	568	15.0	39	16.7
26 - 30	Total	9,905	100.0	1,568	100.0	2,847	100.0	5,099	100.0	391	100.0
	Male	8,661	87.4	1,246	79.5	2,627	92.3	4,476	87.8	312	79.8
	Female	1,244	12.6	322	20.5	220	7.7	623	12.2	79	20.2
31 - 35	Total	10,308	100.0	2,074	100.0	2,590	100.0	5,195	100.0	449	100.0
	Male	9,009	87.4	1,602	77.2	2,376	91.7	4,672	89.9	359	80.0
	Female	1,299	12.6	472	22.8	214	8.3	523	10.1	90	20.0
36 - 40	Total	9,412	100.0	2,211	100.0	1,948	100.0	4,828	100.0	425	100.0
	Male	8,193	87.0	1,731	78.3	1,759	90.3	4,351	90.1	352	82.8
	Female	1,219	13.0	480	21.7	189	9.7	477	9.9	73	17.2
41 - 50	Total	11,813	100.0	2,975	100.0	2,384	100.0	5,962	100.0	492	100.0
	Male	10,294	87.1	2,366	79.5	2,139	89.7	5,398	90.5	391	79.5
	Female	1,519	12.9	609	20.5	245	10.3	564	9.5	101	20.5
51 - 60	Total	4,986	100.0	1,905	100.0	864	100.0	1,970	100.0	247	100.0
	Male	4,254	85.3	1,557	81.7	733	84.8	1,767	89.7	197	79.8
	Female	732	14.7	348	18.3	131	15.2	203	10.3	50	20.2
Over 60	Total	1,935	100.0	1,053	100.0	305	100.0	449	100.0	128	100.0
	Male	1,623	83.9	886	84.1	250	82.0	379	84.4	108	84.4
	Female	312	16.1	167	15.9	55	18.0	70	15.6	20	15.6

¹ Of the 57,287 cases, 611 were excluded due to one or more of the following reasons: missing information on offender's age (38), missing information on offender's race (610), or information on offender's gender (57). Descriptions of variables used in this table are provided in Appendix A.

² Of the 1,520 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.

Table 9

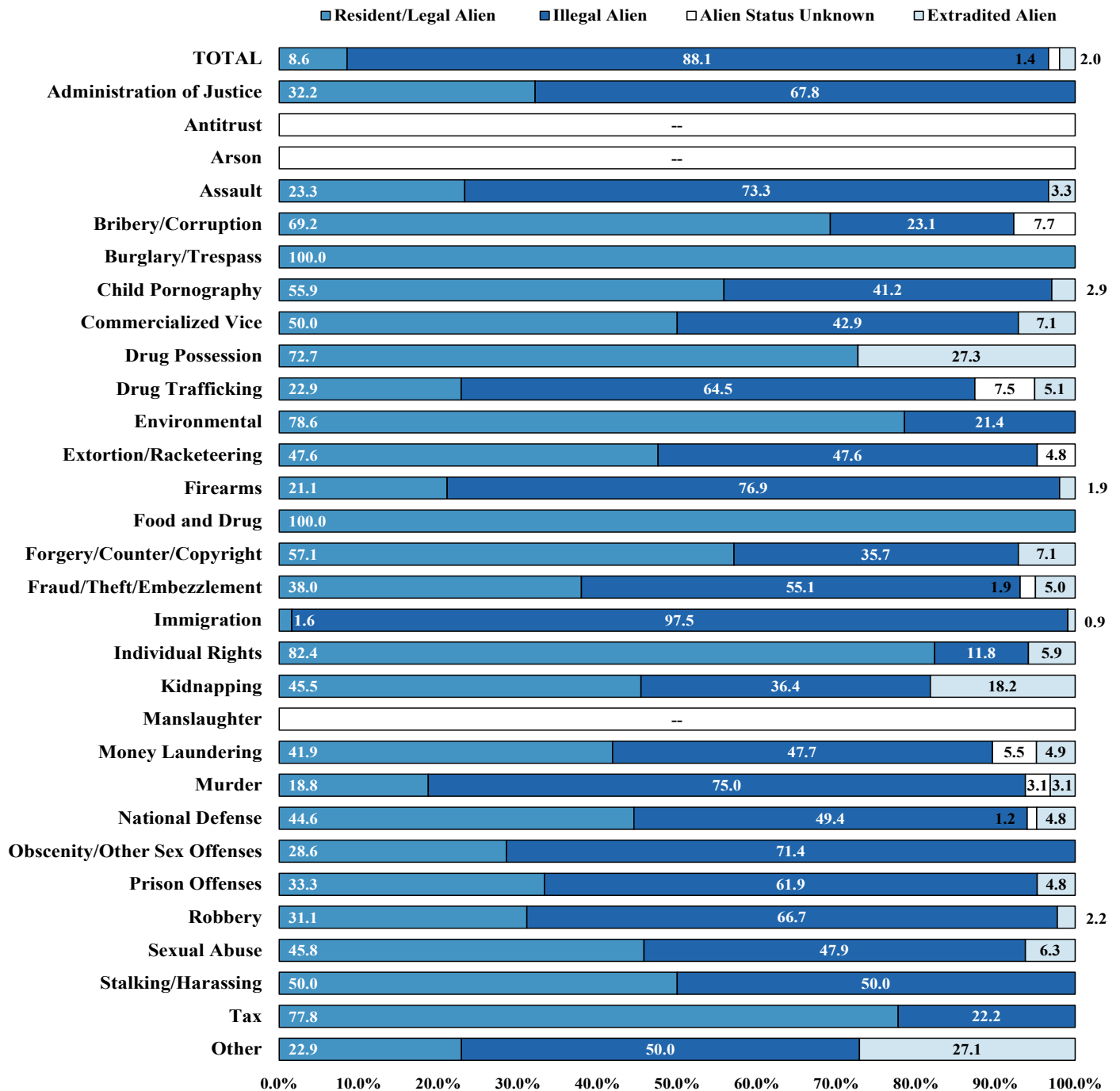
CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	56,926	37,805	66.4	19,121	33.6
Administration of Justice	509	422	82.9	87	17.1
Antitrust	6	6	100.0	0	0.0
Arson	79	79	100.0	0	0.0
Assault	656	626	95.4	30	4.6
Bribery/Corruption	246	233	94.7	13	5.3
Burglary/Trespass	61	60	98.4	1	1.6
Child Pornography	1,215	1,181	97.2	34	2.8
Commercialized Vice	108	94	87.0	14	13.0
Drug Possession	266	255	95.9	11	4.1
Drug Trafficking	17,599	14,554	82.7	3,045	17.3
Environmental	167	153	91.6	14	8.4
Extortion/Racketeering	116	95	81.9	21	18.1
Firearms	8,147	7,839	96.2	308	3.8
Food and Drug	45	44	97.8	1	2.2
Forgery/Counter/Copyright	137	123	89.8	14	10.2
Fraud/Theft/Embezzlement	4,524	3,800	84.0	724	16.0
Immigration	16,936	2,776	16.4	14,160	83.6
Individual Rights	68	51	75.0	17	25.0
Kidnapping	92	81	88.0	11	12.0
Manslaughter	56	56	100.0	0	0.0
Money Laundering	1,027	719	70.0	308	30.0
Murder	257	225	87.5	32	12.5
National Defense	214	131	61.2	83	38.8
Obscenity/Other Sex Offenses	297	290	97.6	7	2.4
Prison Offenses	529	508	96.0	21	4.0
Robbery	1,298	1,253	96.5	45	3.5
Sexual Abuse	1,062	1,014	95.5	48	4.5
Stalking/Harassing	218	212	97.2	6	2.8
Tax	421	403	95.7	18	4.3
Other	570	522	91.6	48	8.4

¹ Of the 57,287 cases, 361 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Figure 4

NON-CITIZEN STATUS OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021



¹ Of the 57,287 cases, in 19,121 the offender was a non-citizen. Descriptions of variables used in this figure are provided in Appendix A.

Table 10

EDUCATION OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	53,419	23,228	43.5	17,884	33.5	9,304	17.4	3,003	5.6
Administration of Justice	493	157	31.8	165	33.5	102	20.7	69	14.0
Antitrust	6	0	0.0	0	0.0	0	0.0	6	100.0
Arson	79	21	26.6	32	40.5	21	26.6	5	6.3
Assault	599	220	36.7	266	44.4	103	17.2	10	1.7
Bribery/Corruption	245	16	6.5	46	18.8	82	33.5	101	41.2
Burglary/Trespass	56	24	42.9	24	42.9	7	12.5	1	1.8
Child Pornography	1,211	115	9.5	434	35.8	449	37.1	213	17.6
Commercialized Vice	98	16	16.3	40	40.8	32	32.7	10	10.2
Drug Possession	103	19	18.4	39	37.9	39	37.9	6	5.8
Drug Trafficking	17,473	6,335	36.3	7,034	40.3	3,523	20.2	581	3.3
Environmental	135	24	17.8	47	34.8	38	28.1	26	19.3
Extortion/Racketeering	112	28	25.0	39	34.8	28	25.0	17	15.2
Firearms	8,103	2,896	35.7	3,765	46.5	1,307	16.1	135	1.7
Food and Drug	39	0	0.0	2	5.1	15	38.5	22	56.4
Forgery/Counter/Copyright	137	27	19.7	65	47.4	34	24.8	11	8.0
Fraud/Theft/Embezzlement	4,261	630	14.8	1,239	29.1	1,405	33.0	987	23.2
Immigration	14,683	11,247	76.6	2,464	16.8	801	5.5	171	1.2
Individual Rights	60	7	11.7	20	33.3	21	35.0	12	20.0
Kidnapping	92	33	35.9	36	39.1	20	21.7	3	3.3
Manslaughter	56	27	48.2	18	32.1	11	19.6	0	0.0
Money Laundering	1,017	232	22.8	302	29.7	290	28.5	193	19.0
Murder	257	112	43.6	102	39.7	39	15.2	4	1.6
National Defense	200	69	34.5	53	26.5	41	20.5	37	18.5
Obscenity/Other Sex Offenses	292	76	26.0	151	51.7	58	19.9	7	2.4
Prison Offenses	443	131	29.6	248	56.0	58	13.1	6	1.4
Robbery	1,296	462	35.6	586	45.2	226	17.4	22	1.7
Sexual Abuse	1,060	187	17.6	442	41.7	311	29.3	120	11.3
Stalking/Harassing	214	43	20.1	80	37.4	60	28.0	31	14.5
Tax	419	32	7.6	85	20.3	141	33.7	161	38.4
Other	180	42	23.3	60	33.3	42	23.3	36	20.0

¹ Of the 57,287 cases, 3,868 were excluded due to missing education information. Descriptions of variables used in this table are provided in Appendix A.

SENTENCING INFORMATION

Table 11

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	57,287	56,324	98.3	963	1.7
D.C. CIRCUIT	253	247	97.6	6	2.4
District of Columbia	253	247	97.6	6	2.4
FIRST CIRCUIT	1,777	1,744	98.1	33	1.9
Maine	199	193	97.0	6	3.0
Massachusetts	422	413	97.9	9	2.1
New Hampshire	197	191	97.0	6	3.0
Puerto Rico	884	872	98.6	12	1.4
Rhode Island	75	75	100.0	0	0.0
SECOND CIRCUIT	2,424	2,349	96.9	75	3.1
Connecticut	302	295	97.7	7	2.3
New York					
Eastern	498	475	95.4	23	4.6
Northern	235	235	100.0	0	0.0
Southern	943	904	95.9	39	4.1
Western	322	317	98.4	5	1.6
Vermont	124	123	99.2	1	0.8
THIRD CIRCUIT	1,900	1,841	96.9	59	3.1
Delaware	52	51	98.1	1	1.9
New Jersey	629	619	98.4	10	1.6
Pennsylvania					
Eastern	446	418	93.7	28	6.3
Middle	310	303	97.7	7	2.3
Western	407	400	98.3	7	1.7
Virgin Islands	56	50	89.3	6	10.7
FOURTH CIRCUIT	4,522	4,411	97.5	111	2.5
Maryland	525	511	97.3	14	2.7
North Carolina					
Eastern	922	907	98.4	15	1.6
Middle	365	361	98.9	4	1.1
Western	502	480	95.6	22	4.4
South Carolina	531	526	99.1	5	0.9
Virginia					
Eastern	968	933	96.4	35	3.6
Western	239	234	97.9	5	2.1
West Virginia					
Northern	250	245	98.0	5	2.0
Southern	220	214	97.3	6	2.7

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	16,403	16,239	99.0	164	1.0
Louisiana					
Eastern	205	199	97.1	6	2.9
Middle	103	101	98.1	2	1.9
Western	240	236	98.3	4	1.7
Mississippi					
Northern	87	86	98.9	1	1.1
Southern	262	257	98.1	5	1.9
Texas					
Eastern	662	649	98.0	13	2.0
Northern	1,549	1,511	97.5	38	2.5
Southern	8,052	8,006	99.4	46	0.6
Western	5,243	5,194	99.1	49	0.9
SIXTH CIRCUIT	4,008	3,924	97.9	84	2.1
Kentucky					
Eastern	427	410	96.0	17	4.0
Western	276	273	98.9	3	1.1
Michigan					
Eastern	489	481	98.4	8	1.6
Western	291	274	94.2	17	5.8
Ohio					
Northern	819	809	98.8	10	1.2
Southern	507	502	99.0	5	1.0
Tennessee					
Eastern	582	575	98.8	7	1.2
Middle	254	250	98.4	4	1.6
Western	363	350	96.4	13	3.6
SEVENTH CIRCUIT	2,222	2,165	97.4	57	2.6
Illinois					
Central	232	225	97.0	7	3.0
Northern	619	596	96.3	23	3.7
Southern	221	217	98.2	4	1.8
Indiana					
Northern	342	333	97.4	9	2.6
Southern	413	405	98.1	8	1.9
Wisconsin					
Eastern	263	261	99.2	2	0.8
Western	132	128	97.0	4	3.0
EIGHTH CIRCUIT	4,592	4,478	97.5	114	2.5
Arkansas					
Eastern	546	537	98.4	9	1.6
Western	185	184	99.5	1	0.5
Iowa					
Northern	326	323	99.1	3	0.9
Southern	495	474	95.8	21	4.2
Minnesota	258	251	97.3	7	2.7
Missouri					
Eastern	1,065	1,055	99.1	10	0.9
Western	582	573	98.5	9	1.5
Nebraska	380	361	95.0	19	5.0
North Dakota	289	279	96.5	10	3.5
South Dakota	466	441	94.6	25	5.4

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	11,015	10,905	99.0	110	1.0
Alaska	148	146	98.6	2	1.4
Arizona	4,371	4,354	99.6	17	0.4
California					
Central	876	861	98.3	15	1.7
Eastern	282	276	97.9	6	2.1
Northern	369	361	97.8	8	2.2
Southern	2,927	2,909	99.4	18	0.6
Guam	37	36	97.3	1	2.7
Hawaii	168	161	95.8	7	4.2
Idaho	241	237	98.3	4	1.7
Montana	333	322	96.7	11	3.3
Nevada	299	293	98.0	6	2.0
Northern Mariana Islands	16	15	93.8	1	6.3
Oregon	391	388	99.2	3	0.8
Washington					
Eastern	199	194	97.5	5	2.5
Western	358	352	98.3	6	1.7
TENTH CIRCUIT	3,860	3,827	99.1	33	0.9
Colorado	370	365	98.6	5	1.4
Kansas	420	415	98.8	5	1.2
New Mexico	1,415	1,406	99.4	9	0.6
Oklahoma					
Eastern	89	88	98.9	1	1.1
Northern	328	327	99.7	1	0.3
Western	409	404	98.8	5	1.2
Utah	658	654	99.4	4	0.6
Wyoming	171	168	98.2	3	1.8
ELEVENTH CIRCUIT	4,311	4,194	97.3	117	2.7
Alabama					
Middle	122	117	95.9	5	4.1
Northern	445	437	98.2	8	1.8
Southern	228	215	94.3	13	5.7
Florida					
Middle	1,066	1,022	95.9	44	4.1
Northern	264	246	93.2	18	6.8
Southern	813	807	99.3	6	0.7
Georgia					
Middle	386	382	99.0	4	1.0
Northern	544	535	98.3	9	1.7
Southern	443	433	97.7	10	2.3

[†] Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 12

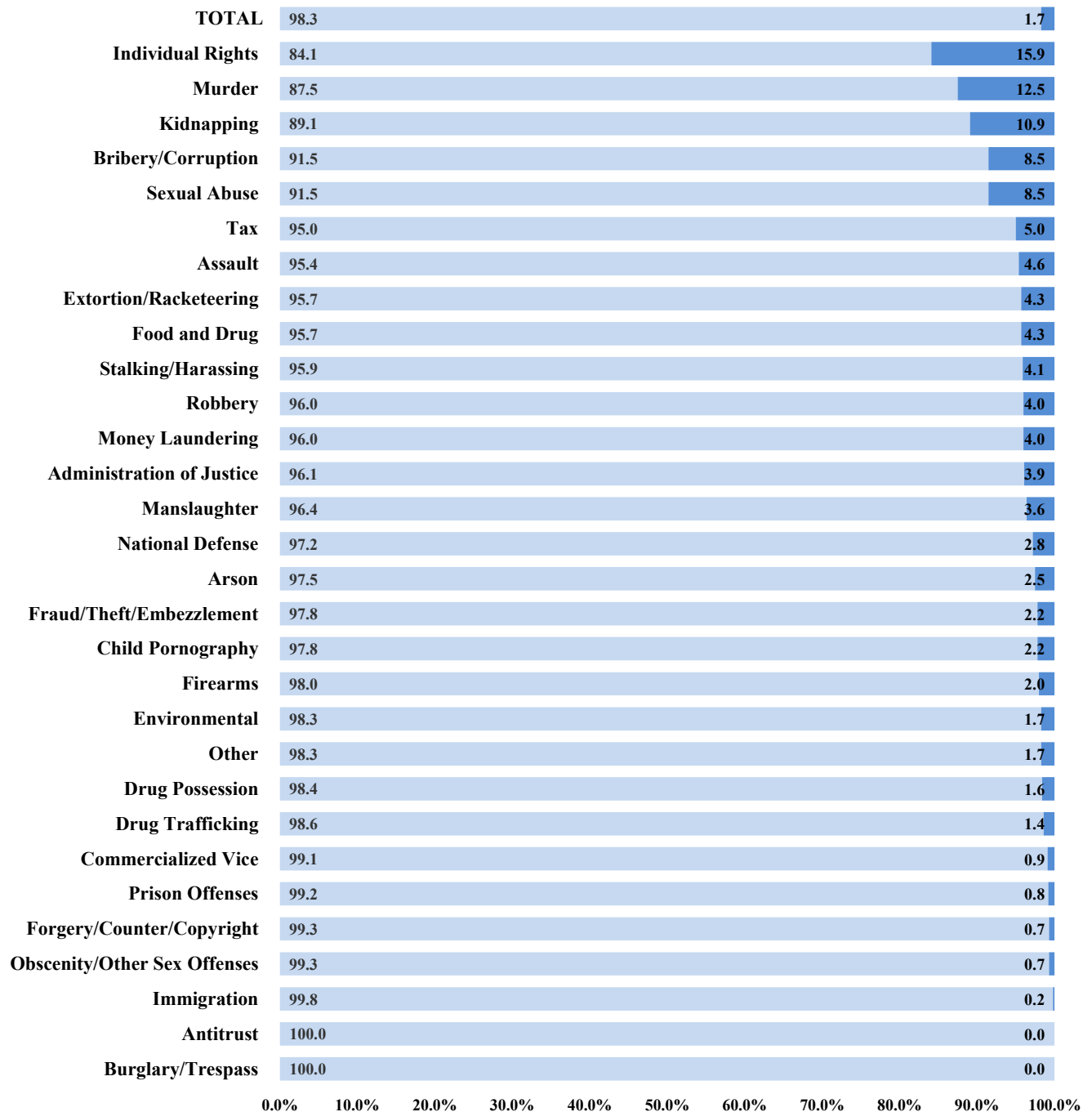
GUILTY PLEAS AND TRIALS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	57,287	56,324	98.3	963	1.7
Administration of Justice	512	492	96.1	20	3.9
Antitrust	6	6	100.0	0	0.0
Arson	79	77	97.5	2	2.5
Assault	668	637	95.4	31	4.6
Bribery/Corruption	247	226	91.5	21	8.5
Burglary/Trespass	64	64	100.0	0	0.0
Child Pornography	1,215	1,188	97.8	27	2.2
Commercialized Vice	114	113	99.1	1	0.9
Drug Possession	309	304	98.4	5	1.6
Drug Trafficking	17,608	17,358	98.6	250	1.4
Environmental	173	170	98.3	3	1.7
Extortion/Racketeering	116	111	95.7	5	4.3
Firearms	8,151	7,988	98.0	163	2.0
Food and Drug	47	45	95.7	2	4.3
Forgery/Counter/Copyright	137	136	99.3	1	0.7
Fraud/Theft/Embezzlement	4,571	4,469	97.8	102	2.2
Immigration	16,937	16,900	99.8	37	0.2
Individual Rights	69	58	84.1	11	15.9
Kidnapping	92	82	89.1	10	10.9
Manslaughter	56	54	96.4	2	3.6
Money Laundering	1,028	987	96.0	41	4.0
Murder	257	225	87.5	32	12.5
National Defense	217	211	97.2	6	2.8
Obscenity/Other Sex Offenses	298	296	99.3	2	0.7
Prison Offenses	532	528	99.2	4	0.8
Robbery	1,300	1,248	96.0	52	4.0
Sexual Abuse	1,062	972	91.5	90	8.5
Stalking/Harassing	219	210	95.9	9	4.1
Tax	421	400	95.0	21	5.0
Other	782	769	98.3	13	1.7

¹ Descriptions of variables used in this table are provided in Appendix A.

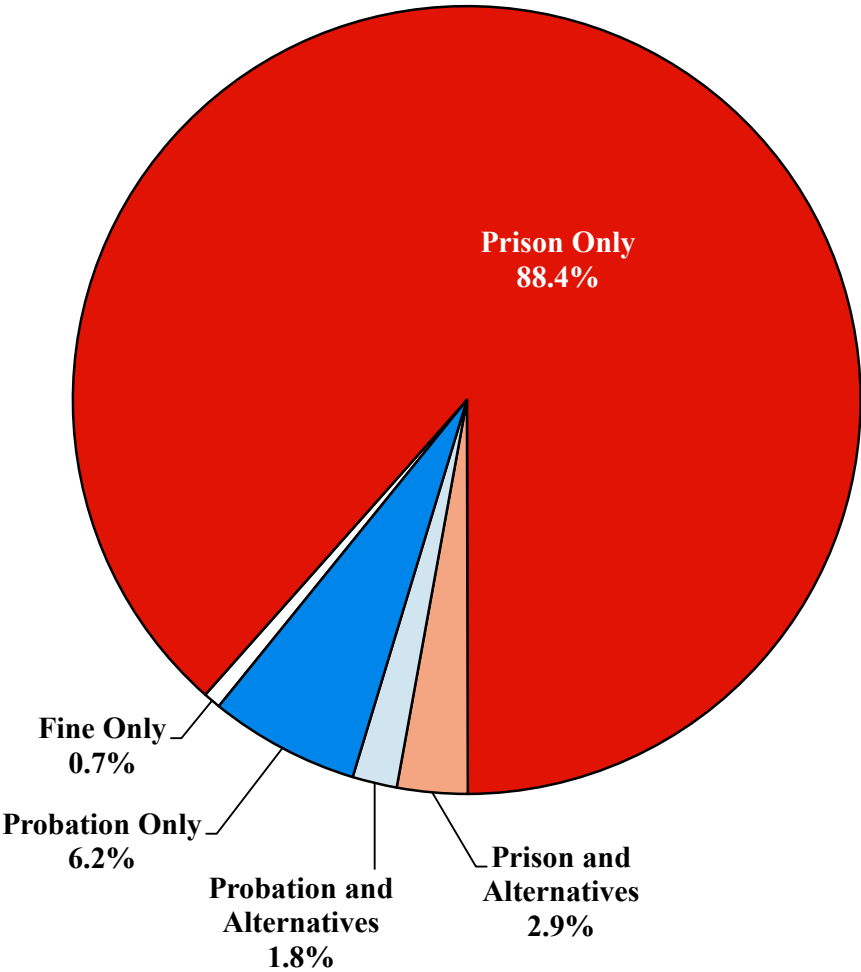
Figure 5

GUILTY PLEAS AND TRIALS BY TYPE OF CRIME¹
Fiscal Year 2021



¹ This figure includes the 57,287 cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

Figure 6
SENTENCE TYPE FOR FEDERAL OFFENDERS¹
Fiscal Year 2021



¹ This figure includes the 57,287 cases reported to the Commission. Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 13
SENTENCE TYPE BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	57,287	91.3	50,648	88.4	1,653	2.9	4,576	8.0	1,049	1.8	3,527	6.2	410	0.7
Administration of Justice	512	72.1	342	66.8	27	5.3	141	27.5	31	6.1	110	21.5	2	0.4
Antitrust	6	16.7	1	16.7	0	0.0	4	66.7	3	50.0	1	16.7	1	16.7
Arson	79	77.5	74	93.7	3	3.8	2	2.5	1	1.3	1	1.3	0	0.0
Assault	668	601	574	85.9	27	4.0	62	9.3	9	1.3	53	7.9	5	0.7
Bribery/Corruption	247	179	158	64.0	21	8.5	67	27.1	27	10.9	40	16.2	1	0.4
Burglary/Trespass	64	57	53	82.8	4	6.3	6	9.4	2	3.1	4	6.3	1	1.6
Child Pornography	1,215	1,199	1,179	97.0	20	1.6	16	1.3	4	0.3	12	1.0	0	0.0
Commercialized Vice	114	65	62	54.4	3	2.6	37	32.5	15	13.2	22	19.3	12	10.5
Drug Possession	309	111	110	35.6	1	0.3	116	37.5	10	3.2	106	34.3	82	26.5
Drug Trafficking	17,608	16,990	16,307	92.6	683	3.9	618	3.5	168	1.0	450	2.6	0	0.0
Environmental	173	40	36	20.8	4	2.3	119	68.8	12	6.9	107	61.8	14	8.1
Extortion/Racketeering	116	88	83	71.6	5	4.3	28	24.1	4	3.4	24	20.7	0	0.0
Firearms	8,151	7,676	7,515	92.2	161	2.0	473	5.8	103	1.3	370	4.5	2	0.0
Food and Drug	47	20	19	40.4	1	2.1	24	51.1	5	10.6	19	40.4	3	6.4
Forgery/Counter/Copyright	137	107	103	75.2	4	2.9	30	21.9	8	5.8	22	16.1	0	0.0
Fraud/Theft/Embezzlement	4,571	3,202	2,982	65.2	220	4.8	1,315	28.8	301	6.6	1,014	22.2	54	1.2
Immigration	16,937	16,164	15,897	93.9	267	1.6	772	4.6	199	1.2	573	3.4	1	0.0
Individual Rights	69	30	29	42.0	1	1.4	28	40.6	7	10.1	21	30.4	11	15.9
Kidnapping	92	91	90	97.8	1	1.1	1	1.1	0	0.0	1	1.1	0	0.0
Manslaughter	56	55	49	87.5	6	10.7	1	1.8	1	1.8	0	0.0	0	0.0
Money Laundering	1,028	908	867	84.3	41	4.0	120	11.7	32	3.1	88	8.6	0	0.0
Murder	257	256	248	96.5	8	3.1	1	0.4	0	0.0	1	0.4	0	0.0
National Defense	217	189	182	83.9	7	3.2	13	6.0	2	0.9	11	5.1	15	6.9
Obscenity/Other Sex Offenses	298	288	266	89.3	22	7.4	10	3.4	2	0.7	8	2.7	0	0.0
Prison Offenses	532	513	494	92.9	19	3.6	19	3.6	5	0.9	14	2.6	0	0.0
Robbery	1,300	1,275	1,245	95.8	30	2.3	25	1.9	5	0.4	20	1.5	0	0.0
Sexual Abuse	1,062	1,057	1,032	97.2	25	2.4	5	0.5	1	0.1	4	0.4	0	0.0
Stalking/Harassing	219	194	180	82.2	14	6.4	25	11.4	8	3.7	17	7.8	0	0.0
Tax	421	271	244	58.0	27	6.4	150	35.6	46	10.9	104	24.7	0	0.0
Other	782	228	227	29.0	1	0.1	348	44.5	38	4.9	310	39.6	206	26.3

¹ Descriptions of variables used in this table are provided in Appendix A.

² Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 14
SENTENCE TYPE BY CITIZENSHIP AND SENTENCING ZONE¹
Fiscal Year 2021

	Prison Only		Prison and Alternatives ²		Probation and Alternatives ²		Probation Only		Fine Only			
	N	%	N	%	N	%	N	%	N	%		
TOTAL												
Citizens	37,219		31,465	84.5	1,580	4.2	976	2.6	3,019	8.1	179	0.5
Zone A	1,788		500	28.0	22	1.2	73	4.1	1,020	57.0	173	9.7
Zone B	2,038		1,074	52.7	135	6.6	324	15.9	503	24.7	2	0.1
Zone C	2,141		1,201	56.1	279	13.0	205	9.6	453	21.2	3	0.1
Zone D	31,252		28,690	91.8	1,144	3.7	374	1.2	1,043	3.3	1	0.0
Non-Citizens	19,054		18,555	97.4	70	0.4	59	0.3	346	1.8	24	0.1
Zone A	3,325		3,106	93.4	4	0.1	6	0.2	187	5.6	22	0.7
Zone B	3,415		3,315	97.1	11	0.3	23	0.7	65	1.9	1	0.0
Zone C	2,020		1,963	97.2	16	0.8	10	0.5	31	1.5	0	0.0
Zone D	10,294		10,171	98.8	39	0.4	20	0.2	63	0.6	1	0.0

¹ Of the 57,287 cases, 1,014 were excluded due to one or both of the following reasons: missing zone (696), or missing information on offender's citizenship status (361). The zones indicated above correspond to the offense levels and Criminal History Categories established by the court and do not indicate the impact of mandatory minimums penalties or statutory maximums penalties constricting the sentence. Descriptions of variables used in this table are provided in Appendix A.

² Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 15
SENTENCE IMPOSED BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	SENTENCE LENGTH ²			LENGTH OF IMPRISONMENT ³		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	48	24	57,286	52	29	52,300
Administration of Justice	13	8	512	17	12	369
Antitrust	3	3	6	--	--	1
Arson	63	48	79	64	48	77
Assault	57	36	668	63	39	601
Bribery/Corruption	20	12	247	26	18	179
Burglary/Trespass	23	14	64	25	18	57
Child Pornography	108	90	1,215	109	92	1,199
Commercialized Vice	14	11	114	23	18	65
Drug Possession	1	0	309	3	0	111
Drug Trafficking	74	60	17,608	76	60	16,990
Environmental	2	0	173	5	2	40
Extortion/Racketeering	25	15	116	32	24	88
Firearms	48	37	8,150	51	40	7,675
Food and Drug	9	1	47	20	14	20
Forgery/Counter/Copyright	16	12	137	19	15	107
Fraud/Theft/Embezzlement	20	12	4,571	28	18	3,202
Immigration	13	8	16,937	13	9	16,164
Individual Rights	32	3	69	72	46	30
Kidnapping	166	123	92	168	124	91
Manslaughter	69	59	56	70	60	55
Money Laundering	57	30	1,028	64	37	908
Murder	244	231	257	245	233	256
National Defense	37	26	217	42	30	189
Obscenity/Other Sex Offenses	22	18	298	23	19	288
Prison Offenses	11	8	532	11	8	513
Robbery	104	90	1,300	106	93	1,275
Sexual Abuse	211	180	1,062	212	180	1,057
Stalking/Harassing	26	18	219	29	21	194
Tax	14	12	421	20	15	271
Other	2	0	782	5	1	228

¹ Of the 57,287 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

² Sentences of probation only are included here as zero months of imprisonment. In addition, the information presented in this column includes conditions of confinement as described in USSG §5C1.1.

³ Length of imprisonment does not include probation or any conditions of confinement as described in USSG §5C1.1.

Table 16
FINE AND RESTITUTION BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL		NO FINE OR RESTITUTION ORDERED		FINE ORDERED/NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
	N	%	N	%	N	%	N	%	N	%
TOTAL	57,287	81.1	46,434	3,731	6.5	6,558	11.4	564	1.0	
Administration of Justice	512	80.5	412	58	11.3	37	7.2	5	1.0	
Antitrust	6	0.0	0	6	100.0	0	0.0	0	0.0	
Arson	79	22.8	18	1	1.3	60	75.9	0	0.0	
Assault	668	78.3	523	30	4.5	107	16.0	8	1.2	
Bribery/Corruption	247	32.0	79	65	26.3	87	35.2	16	6.5	
Burglary/Trespass	64	32.8	21	2	3.1	39	60.9	2	3.1	
Child Pornography	1,215	44.1	536	35	2.9	632	52.0	12	1.0	
Commercialized Vice	114	53.5	61	45	39.5	7	6.1	1	0.9	
Drug Possession	309	44.7	138	169	54.7	0	0.0	2	0.6	
Drug Trafficking	17,608	92.8	16,338	1,034	5.9	224	1.3	12	0.1	
Environmental	173	19.1	33	75	43.4	43	24.9	22	12.7	
Extortion/Racketeering	116	59.5	69	13	11.2	31	26.7	3	2.6	
Firearms	8,151	91.0	7,418	524	6.4	202	2.5	7	0.1	
Food and Drug	47	40.4	19	22	46.8	4	8.5	2	4.3	
Forgery/Counter/Copyright	137	29.2	40	4	2.9	89	65.0	4	2.9	
Fraud/Theft/Embezzlement	4,571	19.6	896	267	5.8	3,091	67.6	317	6.9	
Immigration	16,937	96.9	16,407	503	3.0	25	0.1	2	0.0	
Individual Rights	69	42.0	29	23	33.3	14	20.3	3	4.3	
Kidnapping	92	60.9	56	3	3.3	33	35.9	0	0.0	
Manslaughter	56	39.3	22	3	5.4	29	51.8	2	3.6	
Money Laundering	1,028	62.9	647	89	8.7	276	26.8	16	1.6	
Murder	257	68.5	176	3	1.2	74	28.8	4	1.6	
National Defense	217	80.2	174	41	18.9	2	0.9	0	0.0	
Obscenity/Other Sex Offenses	298	95.3	284	10	3.4	4	1.3	0	0.0	
Prison Offenses	532	94.9	505	25	4.7	2	0.4	0	0.0	
Robbery	1,300	34.3	446	23	1.8	806	62.0	25	1.9	
Sexual Abuse	1,062	65.7	698	56	5.3	298	28.1	10	0.9	
Stalking/Harassing	219	76.3	167	19	8.7	30	13.7	3	1.4	
Tax	421	7.6	32	28	6.7	286	67.9	75	17.8	
Other	782	24.3	190	555	71.0	26	3.3	11	1.4	

¹ Of the 57,287 cases, the court sentenced the offender to pay a fine or make restitution in 10,853 cases. Descriptions of variables used in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 17
AMOUNT OF FINE AND RESTITUTION ORDERED BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED ²				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	3,604	\$1,271,484	\$1,000	\$4,582,428,061	6,547	\$1,293,211	\$41,250	\$8,466,655,419	9,766	\$1,336,175	\$10,000	\$13,049,100,000
Administration of Justice	52	\$11,523	\$2,500	\$599,201	36	\$1,383,580	\$9,106	\$49,808,897	85	\$593,036	\$3,750	\$50,408,098
Antitrust	6	\$82,500	\$25,000	\$495,000	0	--	--	--	6	\$82,500	\$25,000	\$495,000
Arson	1	--	--	--	48	\$2,234,486	\$87,236	\$107,255,313	49	\$2,189,904	\$69,300	\$107,305,313
Assault	32	\$1,497	\$534	\$47,917	83	\$19,181	\$4,981	\$1,592,051	110	\$14,909	\$1,803	\$1,639,968
Bribery/Corruption	68	\$31,144	\$10,000	\$2,117,758	97	\$4,791,718	\$190,623	\$464,796,619	155	\$3,012,351	\$65,000	\$466,914,377
Burglary/Trespass	3	\$867	\$500	\$2,600	38	\$33,868	\$4,345	\$1,286,979	40	\$32,239	\$4,345	\$1,289,579
Child Pornography	45	\$11,014	\$5,000	\$495,645	533	\$40,066	\$11,000	\$21,355,043	570	\$38,335	\$10,000	\$21,850,688
Commercialized Vice	39	\$5,804	\$1,500	\$226,350	6	\$50,862	\$13,000	\$305,173	44	\$12,080	\$1,930	\$531,523
Drug Possession	167	\$804	\$400	\$134,340	2	--	--	--	167	\$1,315	\$400	\$219,623
Drug Trafficking	811	\$8,871	\$1,500	\$7,194,573	215	\$129,398	\$4,140	\$27,820,652	1,020	\$34,329	\$1,500	\$35,015,225
Environmental	96	\$19,290	\$4,500	\$1,851,841	63	\$11,569	\$2,558	\$728,851	137	\$18,837	\$4,000	\$2,580,692
Extortion/Racketeering	15	\$26,573	\$10,000	\$398,600	33	\$435,600	\$50,000	\$14,374,793	45	\$328,298	\$36,150	\$14,773,393
Firearms	460	\$2,620	\$1,000	\$1,205,172	192	\$16,902	\$5,000	\$3,245,218	646	\$6,889	\$1,500	\$4,450,390
Food and Drug	23	\$100,509	\$5,000	\$2,311,700	6	\$15,318	\$1,901	\$91,905	28	\$85,843	\$3,898	\$2,403,605
Forgery/Counter/Copyright	6	\$47,217	\$5,900	\$283,300	88	\$167,139	\$2,537	\$14,708,205	92	\$162,951	\$2,512	\$14,991,505
Fraud/Theft/Embezzlement	453	\$10,050,406	\$3,000	\$4,552,834,059	3,251	\$1,919,484	\$100,149	\$6,240,243,904	3,511	\$3,074,075	\$89,011	\$10,793,100,000
Immigration	374	\$2,837	\$1,000	\$1,061,204	22	\$91,794	\$20,937	\$2,019,467	395	\$7,799	\$1,000	\$3,080,671
Individual Rights	23	\$1,910	\$500	\$43,925	11	\$37,866	\$15,657	\$416,526	33	\$13,953	\$1,000	\$460,451
Kidnapping	3	\$25,833	\$25,000	\$77,500	29	\$95,480	\$4,409	\$2,768,934	32	\$88,951	\$4,409	\$2,846,434
Manslaughter	2	--	--	--	21	\$43,108	\$4,610	\$905,276	23	\$39,555	\$4,500	\$909,776
Money Laundering	87	\$28,846	\$7,500	\$2,509,600	269	\$4,036,792	\$587,367	\$1,085,897,018	343	\$3,173,197	\$277,827	\$1,088,406,618
Murder	6	\$2,850	\$850	\$17,100	71	\$39,621	\$10,612	\$2,813,122	73	\$38,770	\$10,240	\$2,830,222
National Defense	38	\$27,233	\$1,000	\$1,034,850	1	--	--	--	39	\$26,724	\$1,000	\$1,042,230
Obscenity/Other Sex Offenses	8	\$1,113	\$1,200	\$8,900	2	--	--	--	10	\$1,404	\$1,200	\$14,040
Prison Offenses	15	\$570	\$300	\$8,550	2	--	--	--	17	\$560	\$300	\$9,520
Robbery	40	\$1,240	\$1,000	\$49,600	782	\$29,647	\$3,338	\$23,183,992	803	\$28,933	\$3,235	\$23,233,592
Sexual Abuse	60	\$38,848	\$1,200	\$2,330,900	228	\$70,005	\$10,000	\$15,961,227	282	\$64,866	\$9,583	\$18,292,127
Stalking/Harassing	17	\$4,753	\$1,500	\$80,800	27	\$50,951	\$3,840	\$1,375,675	41	\$35,524	\$3,600	\$1,456,475
Tax	93	\$45,204	\$15,000	\$4,203,937	358	\$1,066,506	\$284,314	\$381,809,267	383	\$1,007,867	\$266,964	\$386,013,204
Other	561	\$1,334	\$500	\$748,639	33	\$54,319	\$8,733	\$1,792,539	587	\$4,329	\$500	\$2,541,178

¹ Of the 57,287 cases, the court sentenced the offender to pay a fine or make restitution in 10,853 cases. The total number of cases used to calculate amounts of payment ordered (9,766) is less than the total number of cases receiving fines and/or restitution (10,853) due to the exclusion of cases for which a fine and/or restitution was ordered, but the amount was not specified. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

² In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.

Table 18
SUPERVISED RELEASE BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	NO SUPERVISED RELEASE ORDERED		SUPERVISED RELEASE ORDERED		LENGTH OF SUPERVISED RELEASE ²	
		N	%	N	%	Mean Months	Median Months
TOTAL	57,287	11,573	20.2	45,714	79.8	47	36
Administration of Justice	512	174	34.0	338	66.0	23	24
Antitrust	6	4	66.7	2	33.3	--	--
Arson	79	2	2.5	77	97.5	39	36
Assault	668	107	16.0	561	84.0	36	36
Bribery/Corruption	247	71	28.7	176	71.3	29	36
Burglary/Trespass	64	12	18.8	52	81.3	33	36
Child Pornography	1,215	17	1.4	1,198	98.6	192	120
Commercialized Vice	114	53	46.5	61	53.5	45	36
Drug Possession	309	256	82.8	53	17.2	12	12
Drug Trafficking	17,608	891	5.1	16,717	94.9	48	48
Environmental	173	138	79.8	35	20.2	25	24
Extortion/Racketeering	116	33	28.4	83	71.6	31	36
Firearms	8,151	550	6.7	7,601	93.3	35	36
Food and Drug	47	30	63.8	17	36.2	29	36
Forgery/Counter/Copyright	137	35	25.5	102	74.5	31	36
Fraud/Theft/Embezzlement	4,571	1,583	34.6	2,988	65.4	34	36
Immigration	16,937	6,195	36.6	10,742	63.4	28	36
Individual Rights	69	40	58.0	29	42.0	31	36
Kidnapping	92	4	4.3	88	95.7	54	36
Manslaughter	56	1	1.8	55	98.2	35	36
Money Laundering	1,028	165	16.1	863	83.9	40	36
Murder	257	3	1.2	254	98.8	54	60
National Defense	217	52	24.0	165	76.0	46	36
Obscenity/Other Sex Offenses	298	13	4.4	285	95.6	69	60
Prison Offenses	532	258	48.5	274	51.5	31	36
Robbery	1,300	33	2.5	1,267	97.5	40	36
Sexual Abuse	1,062	9	0.8	1,053	99.2	218	120
Stalking/Harassing	219	31	14.2	188	85.8	34	36
Tax	421	157	37.3	264	62.7	24	24
Other	782	656	83.9	126	16.1	18	12

¹ Supervision sentences of 470 months or greater (including life) were included in the supervised release average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

² Length of Supervised Release includes only cases where supervised release was imposed.

Table 19

RATE OF NON-PRISON SENTENCES FOR U.S. CITIZEN OFFENDERS¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL ELIGIBLE	RECEIVED NON-PRISON SENTENCE	
		N	%
TOTAL	5,674	1,002	17.7
Administration of Justice	209	34	16.3
Antitrust	0	0	--
Arson	0	0	--
Assault	104	12	11.5
Bribery/Corruption	40	17	42.5
Burglary/Trespass	18	2	11.1
Child Pornography	0	0	--
Commercialized Vice	59	15	25.4
Drug Possession	225	9	4.0
Drug Trafficking	595	122	20.5
Environmental	122	11	9.0
Extortion/Racketeering	13	1	7.7
Firearms	499	80	16.0
Food and Drug	27	4	14.8
Forgery/Counter/Copyright	43	7	16.3
Fraud/Theft/Embezzlement	1,459	285	19.5
Immigration	1,148	265	23.1
Individual Rights	21	4	19.0
Kidnapping	0	0	--
Manslaughter	2	2	100.0
Money Laundering	113	29	25.7
Murder	0	0	--
National Defense	25	7	28.0
Obscenity/Other Sex Offenses	56	8	14.3
Prison Offenses	323	19	5.9
Robbery	1	0	0.0
Sexual Abuse	10	3	30.0
Stalking/Harassing	68	11	16.2
Tax	101	31	30.7
Other	393	24	6.1

¹ Of the 57,287 cases, 37,805 involved United States citizens. In 5,674 of these, the offender was eligible for alternative conditions of confinement as described in USSG §5C1.1, was not convicted of a Class A or Class B felony, and was not subject to any mandatory minimum penalty at the time of sentencing. Descriptions of variables used in this table are provided in Appendix A.

GUIDELINE APPLICATION

Table 20

FEDERAL OFFENDERS SENTENCED UNDER EACH CHAPTER TWO GUIDELINE¹
Fiscal Year 2021

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2A1.1	176	0.3	193	0.3	§2D1.10	1	0.0	1	0.0
§2A1.2	45	0.1	49	0.1	§2D1.11	2	0.0	3	0.0
§2A1.3	28	0.1	30	0.0	§2D1.12	4	0.0	6	0.0
§2A1.4	28	0.1	34	0.1	§2D1.13	1	0.0	1	0.0
§2A1.5	22	0.0	39	0.1	§2D1.14	0	0.0	0	0.0
§2A2.1	115	0.2	160	0.3	§2D2.1	113	0.2	132	0.2
§2A2.2	406	0.7	457	0.8	§2D2.2	48	0.1	57	0.1
§2A2.3	76	0.1	110	0.2	§2D2.3	0	0.0	0	0.0
§2A2.4	177	0.3	192	0.3	§2D3.1	2	0.0	2	0.0
§2A3.1	108	0.2	117	0.2	§2D3.2	0	0.0	0	0.0
§2A3.2	39	0.1	47	0.1	§2D3.3	0	0.0	0	0.0
§2A3.3	2	0.0	3	0.0	§2D3.4	0	0.0	0	0.0
§2A3.4	26	0.0	65	0.1	§2D3.5	0	0.0	0	0.0
§2A3.5	257	0.5	279	0.5	§2E1.1	31	0.1	284	0.5
§2A4.1	88	0.2	102	0.2	§2E1.2	3	0.0	101	0.2
§2A4.2	0	0.0	0	0.0	§2E1.3	0	0.0	66	0.1
§2A5.1	0	0.0	0	0.0	§2E1.4	7	0.0	17	0.0
§2A5.2	25	0.0	26	0.0	§2E1.5	0	0.0	0	0.0
§2A5.3	0	0.0	0	0.0	§2E2.1	9	0.0	12	0.0
§2A6.1	159	0.3	170	0.3	§2E3.1	59	0.1	77	0.1
§2A6.2	55	0.1	71	0.1	§2E3.2	0	0.0	0	0.0
§2B1.1	4,235	7.7	4,633	7.7	§2E3.3	0	0.0	0	0.0
§2B1.2	0	0.0	0	0.0	§2E4.1	21	0.0	23	0.0
§2B1.3	0	0.0	0	0.0	§2E5.1	2	0.0	2	0.0
§2B1.4	7	0.0	8	0.0	§2E5.2	0	0.0	0	0.0
§2B1.5	7	0.0	8	0.0	§2E5.3	0	0.0	4	0.0
§2B1.6 ²	83	0.2	--	--	§2E5.4	0	0.0	0	0.0
§2B2.1	54	0.1	59	0.1	§2E5.5	0	0.0	0	0.0
§2B2.2	0	0.0	0	0.0	§2E5.6	0	0.0	0	0.0
§2B2.3	3	0.0	3	0.0	§2F1.1	2	0.0	2	0.0
§2B3.1	1,290	2.4	1,403	2.3	§2F1.2	0	0.0	0	0.0
§2B3.2	28	0.1	45	0.1	§2G1.1	58	0.1	94	0.2
§2B3.3	10	0.0	15	0.0	§2G1.2	0	0.0	0	0.0
§2B4.1	86	0.2	90	0.1	§2G1.3	336	0.6	423	0.7
§2B5.1	98	0.2	112	0.2	§2G2.1	523	1.0	556	0.9
§2B5.2	0	0.0	0	0.0	§2G2.2	1,214	2.2	1,364	2.3
§2B5.3	36	0.1	40	0.1	§2G2.3	0	0.0	0	0.0
§2B5.4	0	0.0	0	0.0	§2G2.4	0	0.0	0	0.0
§2B6.1	2	0.0	2	0.0	§2G2.5	0	0.0	0	0.0
§2C1.1	143	0.3	164	0.3	§2G2.6	2	0.0	2	0.0
§2C1.2	13	0.0	14	0.0	§2G3.1	37	0.1	49	0.1
§2C1.3	1	0.0	1	0.0	§2G3.2	0	0.0	0	0.0
§2C1.4	0	0.0	0	0.0	§2H1.1	30	0.1	49	0.1
§2C1.5	0	0.0	0	0.0	§2H1.2	0	0.0	0	0.0
§2C1.6	0	0.0	0	0.0	§2H1.3	0	0.0	0	0.0
§2C1.7	0	0.0	0	0.0	§2H1.4	0	0.0	0	0.0
§2C1.8	1	0.0	2	0.0	§2H1.5	0	0.0	0	0.0
§2D1.1	17,241	31.5	18,143	30.1	§2H2.1	14	0.0	15	0.0
§2D1.2	252	0.5	254	0.4	§2H3.1	6	0.0	6	0.0
§2D1.3	0	0.0	0	0.0	§2H3.2	0	0.0	0	0.0
§2D1.4	0	0.0	0	0.0	§2H3.3	5	0.0	8	0.0
§2D1.5	4	0.0	7	0.0	§2H4.1	7	0.0	8	0.0
§2D1.6	0	0.0	174	0.3	§2H4.2	0	0.0	0	0.0
§2D1.7	2	0.0	2	0.0	§2J1.1	0	0.0	6	0.0
§2D1.8	22	0.0	67	0.1	§2J1.2	85	0.2	130	0.2
§2D1.9	0	0.0	0	0.0	§2J1.3	18	0.0	26	0.0

Table 20 (cont.)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2J1.4	13	0.0	22	0.0	§2M6.1	4	0.0	4	0.0
§2J1.5	1	0.0	1	0.0	§2M6.2	0	0.0	0	0.0
§2J1.6	24	0.0	30	0.0	§2N1.1	15	0.0	15	0.0
§2J1.7	0	0.0	0	0.0	§2N1.2	0	0.0	0	0.0
§2J1.8	0	0.0	0	0.0	§2N1.3	0	0.0	0	0.0
§2J1.9	0	0.0	0	0.0	§2N2.1	26	0.0	56	0.1
§2K1.1	1	0.0	2	0.0	§2N3.1	0	0.0	0	0.0
§2K1.2	0	0.0	0	0.0	§2P1.1	265	0.5	280	0.5
§2K1.3	17	0.0	19	0.0	§2P1.2	198	0.4	223	0.4
§2K1.4	78	0.1	92	0.2	§2P1.3	0	0.0	0	0.0
§2K1.5	2	0.0	2	0.0	§2P1.4	0	0.0	0	0.0
§2K1.6	0	0.0	0	0.0	§2Q1.1	0	0.0	0	0.0
§2K1.7	0	0.0	0	0.0	§2Q1.2	54	0.1	56	0.1
§2K2.1	7,735	14.1	8,137	13.5	§2Q1.3	11	0.0	11	0.0
§2K2.2	0	0.0	0	0.0	§2Q1.4	0	0.0	0	0.0
§2K2.3	0	0.0	0	0.0	§2Q1.5	0	0.0	0	0.0
§2K2.4 ³	324	0.6	--	--	§2Q1.6	1	0.0	1	0.0
§2K2.5	10	0.0	13	0.0	§2Q2.1	73	0.1	75	0.1
§2K2.6	1	0.0	1	0.0	§2Q2.2	0	0.0	0	0.0
§2K3.1	0	0.0	0	0.0	§2R1.1	6	0.0	6	0.0
§2K3.2	0	0.0	0	0.0	§2S1.1	831	1.5	859	1.4
§2L1.1	3,551	6.5	3,585	5.9	§2S1.2	0	0.0	0	0.0
§2L1.2	11,565	21.1	11,739	19.5	§2S1.3	190	0.3	197	0.3
§2L1.3	0	0.0	0	0.0	§2S1.4	0	0.0	0	0.0
§2L2.1	57	0.1	67	0.1	§2T1.1	232	0.4	308	0.5
§2L2.2	582	1.1	607	1.0	§2T1.2	0	0.0	0	0.0
§2L2.3	0	0.0	0	0.0	§2T1.3	0	0.0	0	0.0
§2L2.4	0	0.0	0	0.0	§2T1.4	138	0.3	143	0.2
§2L2.5	0	0.0	0	0.0	§2T1.5	0	0.0	0	0.0
§2M1.1	0	0.0	0	0.0	§2T1.6	39	0.1	40	0.1
§2M2.1	0	0.0	0	0.0	§2T1.7	0	0.0	0	0.0
§2M2.2	0	0.0	0	0.0	§2T1.8	0	0.0	0	0.0
§2M2.3	0	0.0	0	0.0	§2T1.9	3	0.0	41	0.1
§2M2.4	0	0.0	0	0.0	§2T2.1	2	0.0	2	0.0
§2M3.1	2	0.0	2	0.0	§2T2.2	0	0.0	0	0.0
§2M3.2	0	0.0	0	0.0	§2T3.1	6	0.0	34	0.1
§2M3.3	2	0.0	2	0.0	§2T3.2	0	0.0	0	0.0
§2M3.4	0	0.0	0	0.0	§2T4.1	0	0.0	0	0.0
§2M3.5	0	0.0	0	0.0	§2X1.1	16	0.0	2,024	3.4
§2M3.6	0	0.0	0	0.0	§2X2.1	0	0.0	26	0.0
§2M3.7	0	0.0	0	0.0	§2X3.1	71	0.1	85	0.1
§2M3.8	0	0.0	0	0.0	§2X4.1	173	0.3	174	0.3
§2M3.9	0	0.0	0	0.0	§2X5.1	0	0.0	52	0.1
§2M4.1	0	0.0	0	0.0	§2X5.2	175	0.3	176	0.3
§2M5.1	22	0.0	25	0.0	§2X6.1	0	0.0	0	0.0
§2M5.2	159	0.3	163	0.3	§2X7.1	0	0.0	0	0.0
§2M5.3	10	0.0	12	0.0	§2X7.2	0	0.0	0	0.0

Total number of guidelines applied: 60,325

Number of cases with at least one guideline applied: 54,775

¹ Of the 57,287 cases, 2,512 were excluded due to missing guideline applied. The total for any guideline can exceed that for primary guideline because several guidelines may be applied in a case, but only one primary guideline. For the 'As Any Guideline' section, each unique guideline is only counted once in a case. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

³ In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Table 21
FEDERAL OFFENDERS RECEIVING
CHAPTER THREE GUIDELINE ADJUSTMENTS¹
Fiscal Year 2021

VICTIM-RELATED	N	%
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	291	0.5
No vulnerable victim involved	53,402	99.3
Hate crime	29	0.1
Vulnerable victim involved and large number of victims	34	0.1
Vulnerable victim involved and hate crime	4	0.0
Vulnerable victim involved, hate crime, and large number of victims	0	0.0
Official Victim (§3A1.2)		
Official victim involved	20	0.0
Offense against person or involved substantial risk of serious bodily injury	161	0.3
No official victim involved	53,579	99.7
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	59	0.1
Offense did not involve restraint of victim	53,701	99.9
Terrorism (§3A1.4)		
Offense involved a federal crime of terrorism	21	0.0
Offense did not involve a federal crime of terrorism	53,736	100.0
Offense committed before adjustment added to guidelines	3	0.0
Serious Human Rights Offense (§3A1.5)		
Offender convicted of a serious human rights offense	0	0.0
Offender was not convicted of a serious human rights offense	53,742	100.0
Offense committed before adjustment added to guidelines	18	0.0
CHAPTER 3, PART A TOTAL	53,760	100.0
ROLE IN THE OFFENSE		
Aggravating Role (§3B1.1)		
Organizer or leader	594	1.1
Manager or supervisor	515	1.0
Lesser organizer, leader, manager, or supervisor	945	1.8
No aggravating role	51,706	96.2
Mitigating Role (§3B1.2)		
Minimal participant	505	0.9
Less than minor role but not minimal	232	0.4
Minor participant	3,774	7.0
No mitigating role	49,249	91.6
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Offender abused position of trust or used special skill	1,143	2.1
Offender did not abuse position of trust or use special skill	52,617	97.9

Table 21 (cont.)

Use of a Minor to Commit a Crime (§3B1.4)		
Offender used a minor	233	0.4
Offender did not use a minor	53,524	99.6
Offense committed before adjustment added to guidelines	3	0.0
Use of Body Armor to Commit a Crime (§3B1.5)		
Offender used body armor (+2)	11	0.0
Offender used body armor (+4)	5	0.0
Offender did not use body armor	53,734	100.0
Offense committed before adjustment added to guidelines	10	0.0
CHAPTER 3, PART B TOTAL	53,760	100.0
OBSTRUCTION	N	%
Obstruction of Justice (§3C1.1)²		
Offender obstructed justice	1,015	1.9
Offender did not obstruct justice	52,745	98.1
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	773	1.4
Offense did not involve reckless endangerment during flight	52,987	98.6
Offense committed before adjustment added to guidelines	0	0.0
Commission of Offense While on Release (§3C1.3)		
Offense involved commission of offense while on release	74	0.1
Offense did not involve commission of offense while on release	53,672	99.8
Offense committed before adjustment added to guidelines	14	0.0
False Registration of Domain Name (§3C1.4)		
Offense involved false registration of domain name	4	0.0
Offense did not involve false registration of domain name	53,742	100.0
Offense committed before adjustment added to guidelines	14	0.0
CHAPTER 3, PART C TOTAL	53,760	100.0
ACCEPTANCE OF RESPONSIBILITY	N	%
Acceptance of Responsibility (§3E1.1)		
Offender accepted responsibility (-3)	36,310	67.5
Offender accepted responsibility (-2)	15,774	29.3
Offender did not accept responsibility	1,695	3.2
CHAPTER 3, PART E TOTAL	53,779	100.0

¹ Of the 57,287 cases, the Commission received complete guideline application information for 53,779 cases. Of these, 19 cases were excluded from the calculations due to missing Chapter Three adjustment information on vulnerable victim, official victim, restraint of victim, terrorism, human rights, aggravating role, mitigating role, abuse of position, use of minor, use of body armor, obstruction of justice, reckless endangerment, commission of offense while on release, and false registration of domain name. Descriptions of each guideline adjustment can be found in USSG Chapter Three.

² When an offender uses computer encryption during the commission of an offense or to avoid detection, it may result in the application of the Obstruction of Justice adjustment. Seventy-one offenders used encryption or scrambling technology and of those, three also received an enhancement under §3C1.1.

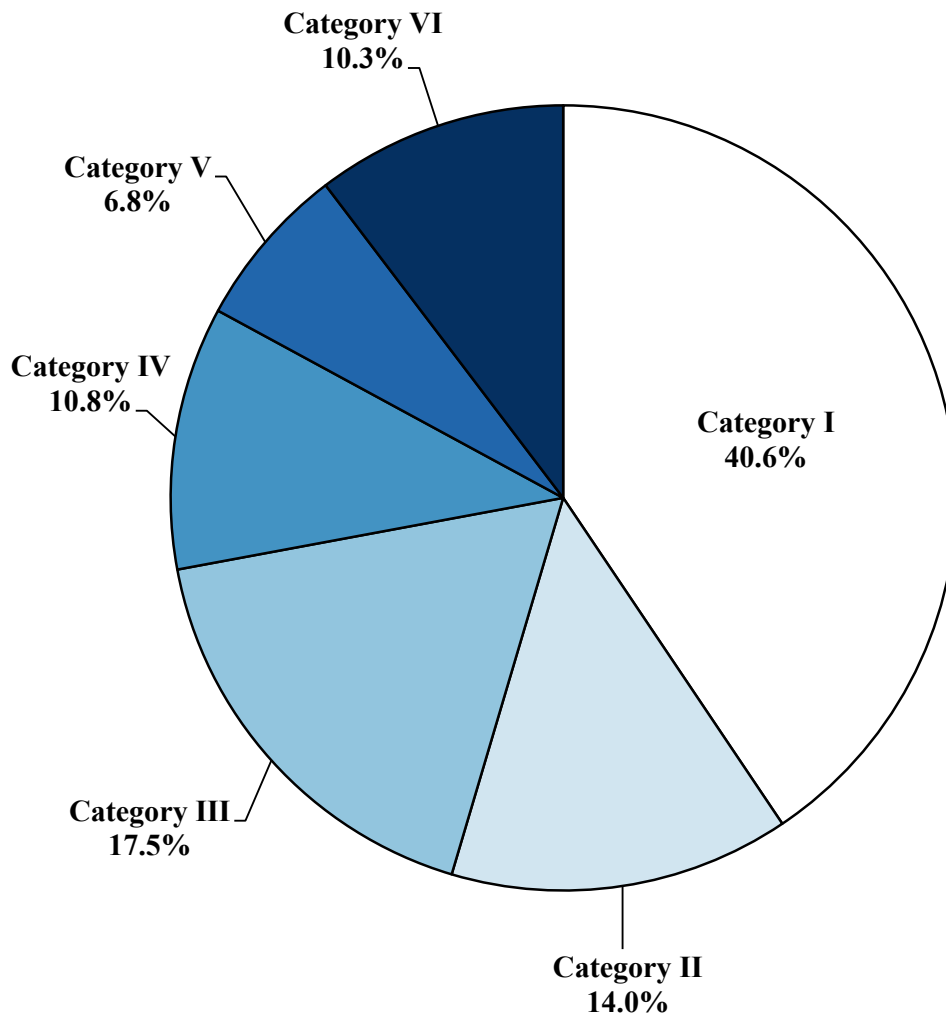
Table 22

**ACCEPTANCE OF RESPONSIBILITY REDUCTIONS
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	TOTAL	NO ACCEPTANCE ADJUSTMENT		2-LEVEL ADJUSTMENT		3-LEVEL ADJUSTMENT	
		N	%	N	%	N	%
TOTAL	53,779	1,695	3.2	15,774	29.3	36,310	67.5
Administration of Justice	485	27	5.6	315	64.9	143	29.5
Antitrust	6	0	0.0	0	0.0	6	100.0
Arson	79	4	5.1	2	2.5	73	92.4
Assault	596	43	7.2	84	14.1	469	78.7
Bribery/Corruption	240	20	8.3	30	12.5	190	79.2
Burglary/Trespass	57	0	0.0	30	52.6	27	47.4
Child Pornography	1,211	37	3.1	11	0.9	1,163	96.0
Commercialized Vice	98	6	6.1	48	49.0	44	44.9
Drug Possession	111	11	9.9	100	90.1	0	0.0
Drug Trafficking	17,217	478	2.8	1,068	6.2	15,671	91.0
Environmental	133	2	1.5	105	78.9	26	19.5
Extortion/Racketeering	109	6	5.5	16	14.7	87	79.8
Firearms	7,754	281	3.6	1,411	18.2	6,062	78.2
Food and Drug	41	2	4.9	24	58.5	15	36.6
Forgery/Counter/Copyright	136	4	2.9	87	64.0	45	33.1
Fraud/Theft/Embezzlement	4,207	198	4.7	1,897	45.1	2,112	50.2
Immigration	15,682	213	1.4	9,352	59.6	6,117	39.0
Individual Rights	62	10	16.1	32	51.6	20	32.3
Kidnapping	91	11	12.1	3	3.3	77	84.6
Manslaughter	56	3	5.4	3	5.4	50	89.3
Money Laundering	1,008	54	5.4	151	15.0	803	79.7
Murder	254	40	15.7	7	2.8	207	81.5
National Defense	198	13	6.6	39	19.7	146	73.7
Obscenity/Other Sex Offenses	292	3	1.0	135	46.2	154	52.7
Prison Offenses	430	7	1.6	416	96.7	7	1.6
Robbery	1,286	62	4.8	20	1.6	1,204	93.6
Sexual Abuse	1,050	105	10.0	26	2.5	919	87.5
Stalking/Harassing	214	13	6.1	78	36.4	123	57.5
Tax	418	30	7.2	47	11.2	341	81.6
Other	258	12	4.7	237	91.9	9	3.5

¹ Of the 57,287 cases, the Commission received complete guideline application information for 53,779 cases. Descriptions of variables used in this table are provided in Appendix A. The acceptance of responsibility adjustment can be found in USSG §3E1.1.

Figure 7

**CRIMINAL HISTORY CATEGORY
OF FEDERAL OFFENDERS¹
Fiscal Year 2021**

¹ Of the 57,287 cases, 355 were excluded due to missing Criminal History Category. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 23

CRIMINAL HISTORY POINTS OF FEDERAL OFFENDERS¹
Fiscal Year 2021

Number of Prior Countable Sentences		
Greater Than 13 Months (§4A1.1(a)) (3-Point Offenses)	N	%
0	33,226	61.8
1	10,085	18.8
2	5,427	10.1
3 or more	5,041	9.4
TOTAL	53,779	100.0
Number of Prior Countable Sentences		
of 60 Days or Greater (§4A1.1(b)) (2-Point Offenses)	N	%
0	38,095	70.8
1	8,854	16.5
2	3,835	7.1
3 or more	2,995	5.6
TOTAL	53,779	100.0
Number of Prior Countable Sentences		
of Less Than 60 Days (§4A1.1(c)) (1-Point Offenses)	N	%
0	30,542	56.8
1	11,538	21.5
2	5,460	10.2
3 or more	6,239	11.6
TOTAL	53,779	100.0
Commission of Offense While Under		
Criminal Justice Sentence (§4A1.1(d))	N	%
Additional points given for commission of instant offense while under criminal justice sentence	14,955	27.8
No additional criminal history points given	38,824	72.2
TOTAL	53,779	100.0
Commission of a Prior Crime of Violence		
Not Receiving Points Under (a), (b), or (c) (§4A1.1(e))	N	%
Additional points given for prior sentences resulting from a crime of violence that did not receive any points under (a), (b), or (c)	398	0.7
No additional criminal history points given	53,381	99.3
TOTAL	53,779	100.0

Table 23 (cont.)

Total Criminal History Points	N	%
0	17,543	32.6
1	3,789	7.0
2	2,598	4.8
3	4,922	9.2
4	3,052	5.7
5	3,379	6.3
6	3,291	6.1
7	1,939	3.6
8	2,384	4.4
9	1,921	3.6
10	1,391	2.6
11	1,427	2.7
12	1,194	2.2
13 or more	4,945	9.2
TOTAL	53,775	100.0

Career Offender (§4B1.1)	N	%
Offender found to be career offender	1,246	2.3
Offender found not to be career offender	52,533	97.7
TOTAL	53,779	100.0

Criminal Livelihood (§4B1.3)	N	%
Offender found to have engaged in criminal livelihood	6	0.0
Offender found not to have engaged in criminal livelihood	53,773	100.0
TOTAL	53,779	100.0

Armed Career Criminal (§4B1.4)	N	%
Offender found to be armed career criminal	264	0.5
Offender found not to be armed career criminal	53,515	99.5
Offense committed before adjustment was added to guidelines	0	0.0
TOTAL	53,779	100.0

Repeat and Dangerous Sex Offender Against Minors (§4B1.5)	N	%
Offender found to be a repeat and dangerous sex offender against minors	464	0.9
Offender found not to be a repeat and dangerous sex offender against minors	53,307	99.1
Offense committed before adjustment was added to guidelines	8	0.0
TOTAL	53,779	100.0

¹ Of the 57,287 cases, the Commission received complete guideline application information for 53,779 cases. Descriptions of each guideline adjustment can be found in USSG Chapter Four.

Table 24

FEDERAL OFFENDERS IN EACH OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY¹
Fiscal Year 2021

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	N	%	Cumulative %	I	II	III	IV	V	VI
1	3	0.0	0.0	2	0	0	1	0	0
2	187	0.3	0.3	106	21	15	16	13	16
3	13	0.0	0.4	9	3	0	0	0	1
4	1,466	2.6	2.9	1,053	116	126	68	41	62
5	84	0.1	3.1	51	4	10	8	6	5
6	4,274	7.6	10.7	3,130	732	288	66	29	29
7	423	0.7	11.4	120	27	93	52	52	79
8	1,269	2.2	13.6	599	278	265	70	31	26
9	214	0.4	14.0	115	22	32	17	11	17
10	5,787	10.2	24.2	1,527	1,482	1,536	648	348	246
11	526	0.9	25.2	249	33	76	58	38	72
12	2,733	4.8	30.0	810	459	547	386	233	298
13	4,318	7.6	37.6	1,086	863	1,153	606	297	313
14	443	0.8	38.4	223	64	51	42	23	40
15	3,517	6.2	44.6	1,159	662	784	423	253	236
16	562	1.0	45.6	326	61	69	45	21	40
17	3,391	6.0	51.6	916	250	703	658	422	442
18	550	1.0	52.6	308	59	64	52	31	36
19	2,606	4.6	57.2	978	231	491	415	229	262
20	549	1.0	58.2	277	56	83	55	36	42
21	3,002	5.3	63.5	870	325	595	483	303	426
22	509	0.9	64.4	260	59	68	47	36	39
23	2,785	4.9	69.3	1,196	304	429	305	242	309
24	731	1.3	70.6	461	63	78	51	29	49
25	2,141	3.8	74.4	863	223	353	260	193	249
26	820	1.4	75.8	460	69	118	63	52	58
27	2,711	4.8	80.6	1,451	245	363	236	167	249
28	560	1.0	81.6	282	84	92	50	22	30
29	2,492	4.4	86.0	684	332	369	256	192	659
30	576	1.0	87.0	263	47	55	60	46	105
31	1,792	3.2	90.2	520	177	254	177	113	551
32	326	0.6	90.8	170	36	43	18	18	41
33	1,245	2.2	93.0	612	148	161	126	66	132
34	698	1.2	94.2	236	27	54	26	24	331
35	1,031	1.8	96.0	513	109	157	88	48	116
36	192	0.3	96.4	86	22	29	20	16	19
37	651	1.2	97.5	292	87	85	57	42	88
38	191	0.3	97.8	90	24	30	19	10	18
39	245	0.4	98.3	114	36	28	19	18	30
40	226	0.4	98.7	116	21	33	22	15	19
41	135	0.2	98.9	62	16	19	14	10	14
42	143	0.3	99.2	80	13	19	8	9	14
43	470	0.8	100.0	267	43	58	35	27	40
TOTAL	56,587	--	--	22,992	7,933	9,876	6,126	3,812	5,848
%		100.0	100.0	40.6	14.0	17.5	10.8	6.7	10.3

¹ Of the 57,287 cases, 700 were excluded due to one or both of the following reasons: missing offense level (699) or missing Criminal History Category (355). Descriptions of variables used in this table are provided in Appendix A.

Table 25
FEDERAL OFFENDERS IN EACH GUIDELINE SENTENCING RANGE¹
Fiscal Year 2021

FINAL GUIDELINE RANGE (in months)	N	%	Cumulative %
0-6	5,386	9.5	9.5
1-7	758	1.3	10.9
2-8	383	0.7	11.5
3-9	1	0.0	11.5
4-10	535	0.9	12.5
6-12	1,949	3.4	15.9
8-14	1,815	3.2	19.1
9-15	34	0.1	19.2
10-16	2,449	4.3	23.5
12-18	1,719	3.0	26.6
15-21	2,391	4.2	30.8
18-24	2,471	4.4	35.1
21-27	1,790	3.2	38.3
24-30	2,651	4.7	43.0
27-33	974	1.7	44.7
30-37	2,758	4.9	49.6
33-41	953	1.7	51.3
37-46	2,366	4.2	55.5
41-51	976	1.7	57.2
46-57	2,727	4.8	62.0
51-63	1,361	2.4	64.4
57-71	2,103	3.7	68.1
63-78	1,106	2.0	70.1
70-87	2,523	4.5	74.5
77-96	512	0.9	75.4
78-97	645	1.1	76.6
84-105	541	1.0	77.5
87-108	1,131	2.0	79.5
92-115	401	0.7	80.2
97-121	687	1.2	81.5
100-125	478	0.8	82.3
108-135	936	1.7	84.0
110-137	349	0.6	84.6
120-150	223	0.4	85.0
121-151	658	1.2	86.1
130-162	271	0.5	86.6
135-168	962	1.7	88.3
140-175	221	0.4	88.7
151-188	1,274	2.3	91.0
168-210	935	1.7	92.6
188-235	919	1.6	94.2
210-262	601	1.1	95.3
235-293	450	0.8	96.1
262-327	689	1.2	97.3
292-365	371	0.7	98.0
324-405	191	0.3	98.3
360-Life	495	0.9	99.2
Life	470	0.8	100.0
TOTAL	56,589	100.0	--

¹ Of the 57,287 cases, 698 were excluded due to missing sentencing range. Descriptions of variables used in this table are provided in Appendix A.

Table 26

**NUMBER OF CAREER OFFENDERS AND ARMED CAREER CRIMINALS
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	N	%	N	%
TOTAL	1,246	100.0	264	100.0
Administration of Justice	1	0.1	0	0.0
Antitrust	0	0.0	0	0.0
Arson	2	0.2	0	0.0
Assault	23	1.8	4	1.5
Bribery/Corruption	0	0.0	0	0.0
Burglary/Trespass	0	0.0	1	0.4
Child Pornography	0	0.0	0	0.0
Commercialized Vice	0	0.0	0	0.0
Drug Possession	0	0.0	0	0.0
Drug Trafficking	969	77.8	34	12.9
Environmental	0	0.0	0	0.0
Extortion/Racketeering	1	0.1	0	0.0
Firearms	115	9.2	219	83.0
Food and Drug	0	0.0	0	0.0
Forgery/Counter/Copyright	0	0.0	0	0.0
Fraud/Theft/Embezzlement	0	0.0	0	0.0
Immigration	1	0.1	0	0.0
Individual Rights	0	0.0	0	0.0
Kidnapping	4	0.3	1	0.4
Manslaughter	0	0.0	0	0.0
Money Laundering	9	0.7	1	0.4
Murder	7	0.6	0	0.0
National Defense	0	0.0	0	0.0
Obscenity/Other Sex Offenses	0	0.0	0	0.0
Prison Offenses	1	0.1	0	0.0
Robbery	105	8.4	3	1.1
Sexual Abuse	2	0.2	0	0.0
Stalking/Harassing	4	0.3	1	0.4
Tax	0	0.0	0	0.0
Other	2	0.2	0	0.0

¹ Of the 57,287 cases, the Commission received complete guideline application information for 53,779 cases. Of these, 1,246 offenders received the career offender adjustment and 264 received the armed career criminal adjustment. Descriptions of variables used in this table are provided in Appendix A. A description of Career Offender and Armed Career Criminal adjustments can be found in USSG §§4B1.1 and 4B1.4.

Table 27

SENTENCE LENGTH IN EACH CRIMINAL HISTORY CATEGORY BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																													
	TOTAL						I				II				III				IV				V				VI			
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N			
TOTAL	48	24	56,931	36	12	23,103	35	13	7,978	44	22	9,954	56	36	6,164	70	48	3,845	93	72	5,887									
Administration of Justice	13	8	509	10	5	298	10	11	58	15	12	44	17	14	47	20	18	27	33	24	35									
Antitrust	3	3	6	3	3	6	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0									
Arson	63	48	79	67	30	33	34	36	9	67	54	16	60	51	10	45	30	3	82	78	8									
Assault	58	36	657	30	18	243	42	27	70	66	44	106	74	51	89	76	70	51	106	74	98									
Bribery/Corruption	20	12	247	19	12	222	20	11	8	20	12	12	--	--	2	--	--	0	40	16	3									
Burglary/Trespass	23	14	62	10	7	22	12	12	7	36	24	9	21	18	5	54	28	8	26	27	11									
Child Pornography	108	90	1,215	92	78	879	131	120	102	149	121	141	153	135	55	187	180	26	211	204	12									
Commercialized Vice	14	11	114	10	6	81	24	14	15	17	21	11	13	15	4	--	--	0	73	51	3									
Drug Possession	1	0	274	1	0	173	1	0	28	0	0	21	0	0	14	2	0	19	5	1	19									
Drug Trafficking	74	60	17,599	50	36	7,674	65	57	2,064	77	60	2,664	92	80	1,641	107	96	1,071	123	120	2,485									
Environmental	2	0	161	2	0	135	2	0	11	3	0	10	3	3	3	--	--	1	--	--	1									
Extortion/Racketeering	25	15	116	21	8	78	12	12	7	33	30	16	17	12	5	--	--	2	46	48	8									
Firearms	48	37	8,079	21	12	1,217	30	24	772	37	30	1,724	50	41	1,510	59	54	1,112	76	60	1,744									
Food and Drug	9	1	45	8	1	41	28	12	3	--	--	1	--	--	0	--	--	0	--	--	0									
Forgery/Counter/Copyright	16	12	137	9	4	56	7	4	11	13	9	21	22	25	10	22	18	18	31	33	21									
Fraud/Theft/Embezzlement	20	12	4,512	17	6	3,211	21	12	378	24	16	396	32	24	178	39	30	116	37	33	233									
Immigration	13	8	16,911	6	4	5,505	9	7	3,856	13	12	3,958	22	18	2,031	29	24	991	35	30	570									
Individual Rights	34	6	65	36	4	61	--	--	1	--	--	2	--	--	0	--	--	1	--	--	0									
Kidnapping	166	123	92	151	110	34	177	163	15	150	114	16	165	121	14	239	288	5	195	180	8									
Manslaughter	69	59	56	61	37	31	87	53	6	70	70	11	70	80	5	108	84	3	--	--	0									
Money Laundering	57	30	1,028	44	24	761	78	58	100	77	59	78	137	84	35	110	60	17	125	120	37									
Murder	244	231	257	212	184	88	280	240	31	258	240	43	252	240	34	269	240	23	249	258	38									
National Defense	37	27	215	26	23	174	48	44	16	46	43	6	48	44	4	--	--	0	149	130	15									
Obscenity/Other Sex Offenses	22	18	297	23	12	34	16	12	29	18	15	76	20	18	63	28	26	48	32	30	47									
Prison Offenses	11	8	529	4	0	22	5	1	10	5	4	133	9	7	117	12	12	90	17	15	157									
Robbery	104	90	1,300	82	71	349	89	78	154	99	92	241	114	90	187	117	101	120	137	120	249									
Sexual Abuse	211	180	1,062	202	180	676	201	180	108	233	228	109	233	210	55	263	240	70	215	184	44									
Stalking/Harassing	26	18	219	15	12	113	20	18	27	33	30	21	31	27	22	36	33	17	74	46	19									
Tax	14	12	421	12	8	347	17	14	37	22	18	28	45	27	5	--	--	2	--	--	2									
Other	2	0	667	1	0	539	2	0	45	5	0	40	11	6	19	8	4	4	15	12	20									

¹ Of the 57,287 cases, 356 cases were excluded due to one of the following reasons: missing Criminal History Category (355) or missing or indeterminate sentencing information (1). Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSC §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 28

LENGTH OF IMPRISONMENT BY CRIMINAL HISTORY CATEGORY AND TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL			I			II			III			IV			V			VI		
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
TOTAL	52	29	52,099	43	21	19,228	36	14	7,544	45	24	9,673	57	36	6,052	71	48	3,789	95	75	5,813
Administration of Justice	17	12	368	15	10	183	12	12	46	16	12	39	19	16	43	21	18	25	36	24	32
Antitrust	--	--	1	--	--	1	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Arson	64	48	77	71	31	31	34	36	9	67	54	16	60	51	10	45	30	3	82	78	8
Assault	64	40	596	38	24	192	44	30	66	68	45	104	77	51	86	76	70	51	107	75	97
Bribery/Corruption	26	18	179	25	18	157	20	3	6	21	12	11	--	--	2	--	--	0	40	16	3
Burglary/Trespass	26	18	56	11	7	19	14	13	6	36	24	9	21	18	5	62	30	7	28	33	10
Child Pornography	109	92	1,199	93	78	865	134	120	100	149	121	141	153	135	55	187	180	26	211	204	12
Commercialized Vice	23	18	65	18	15	37	27	15	13	23	27	8	13	15	4	--	--	0	73	51	3
Drug Possession	2	0	104	2	0	46	1	0	12	1	0	13	1	0	6	4	0	10	6	1	17
Drug Trafficking	76	60	16,985	53	37	7,252	67	60	1,985	79	63	2,595	93	84	1,621	107	96	1,066	124	120	2,466
Environmental	5	2	40	5	2	29	--	--	2	5	7	5	--	--	2	--	--	1	--	--	1
Extortion/Racketeering	32	24	88	32	21	51	13	12	6	33	30	16	17	12	5	--	--	2	46	48	8
Firearms	51	40	7,607	26	18	965	33	27	700	38	32	1,662	51	42	1,471	60	57	1,089	77	60	1,720
Food and Drug	20	14	20	17	12	19	--	--	1	--	--	0	--	--	0	--	--	0	--	--	0
Forgery/Counter/Copyright	19	15	107	14	12	33	9	7	8	14	10	20	22	25	10	24	18	17	33	33	19
Fraud/Theft/Embezzlement	28	18	3,173	26	16	2,068	27	18	289	28	24	330	35	24	162	43	32	106	39	36	218
Immigration	13	9	16,138	7	4	4,840	9	7	3,781	13	12	3,937	22	18	2,022	29	24	990	35	30	568
Individual Rights	72	46	30	79	57	27	--	--	0	--	--	2	--	--	0	--	--	1	--	--	0
Kidnapping	168	124	91	156	118	33	177	163	15	150	114	16	165	121	14	239	288	5	195	180	8
Manslaughter	70	60	55	62	37	30	87	53	6	70	70	11	70	80	5	108	84	3	--	--	0
Money Laundering	64	37	908	51	30	653	83	60	93	80	60	75	145	96	33	110	60	17	125	120	37
Murder	245	233	256	215	188	87	280	240	31	258	240	43	252	240	34	269	240	23	249	258	38
National Defense	42	30	188	30	28	148	50	46	15	46	43	6	48	44	4	--	--	0	149	130	15
Obscenity/Other Sex Offenses	23	19	287	27	13	29	14	12	28	18	15	73	20	18	62	28	26	48	32	30	47
Prison Offenses	11	8	510	7	7	10	5	1	10	5	4	129	9	7	116	12	12	89	17	15	156
Robbery	106	93	1,275	85	72	336	93	82	147	100	93	240	116	91	184	117	101	120	137	120	248
Sexual Abuse	212	180	1,057	203	180	673	203	180	107	235	228	108	233	210	55	263	240	70	215	184	44
Stalking/Harassing	29	21	194	18	13	92	21	18	25	33	30	21	33	30	21	38	41	16	74	46	19
Tax	20	15	271	18	13	214	22	21	27	25	24	23	56	50	4	--	--	2	--	--	1
Other	6	2	174	3	0	108	9	4	10	9	4	20	13	7	16	--	--	2	16	12	18

¹ Of the 57,287 cases, 4,576 with zero months of prison ordered were excluded. In addition, 612 cases were excluded due to one or both of the following reasons: missing Criminal History Category (260) or missing or indeterminate sentencing information (411). Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. The information in this table does not include conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2021

	N	%
TOTAL CASES	57,041	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	39,372	69.0
Within Guideline Range	24,434	42.8
Upward Departure ²	296	0.5
Downward Departure		
§5K1.1 Substantial Assistance	5,493	9.6
§5K3.1 Early Disposition Program	6,387	11.2
Other Government Motion ³	1,294	2.3
Non-Government Departure ⁴	1,468	2.6
VARIANCES	17,669	31.0
Upward Variance ⁵	1,203	2.1
Downward Variance		
Government Motion ⁶	4,804	8.4
Non-Government Variance ⁷	11,662	20.4

¹ Of the 57,287 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

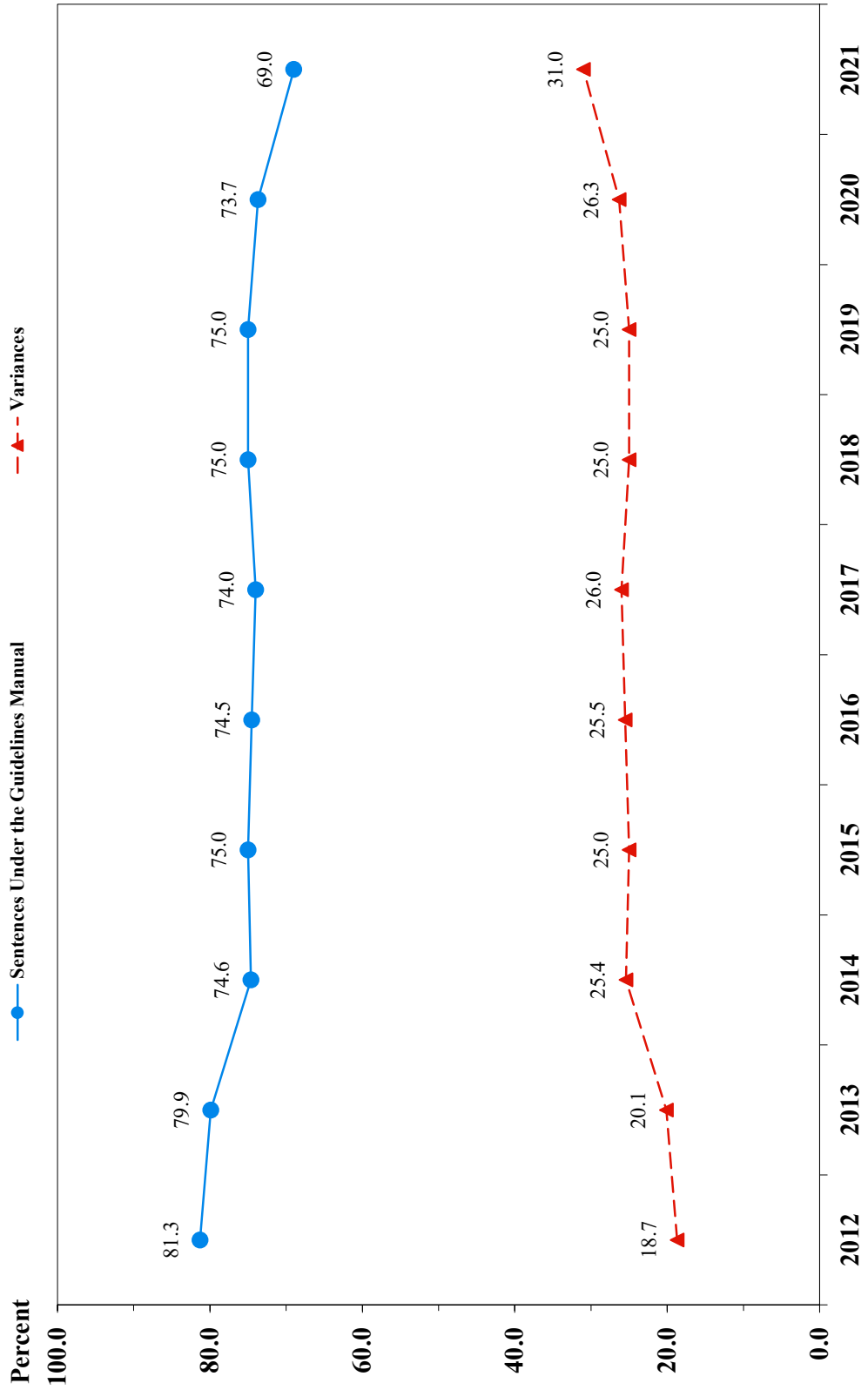
⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

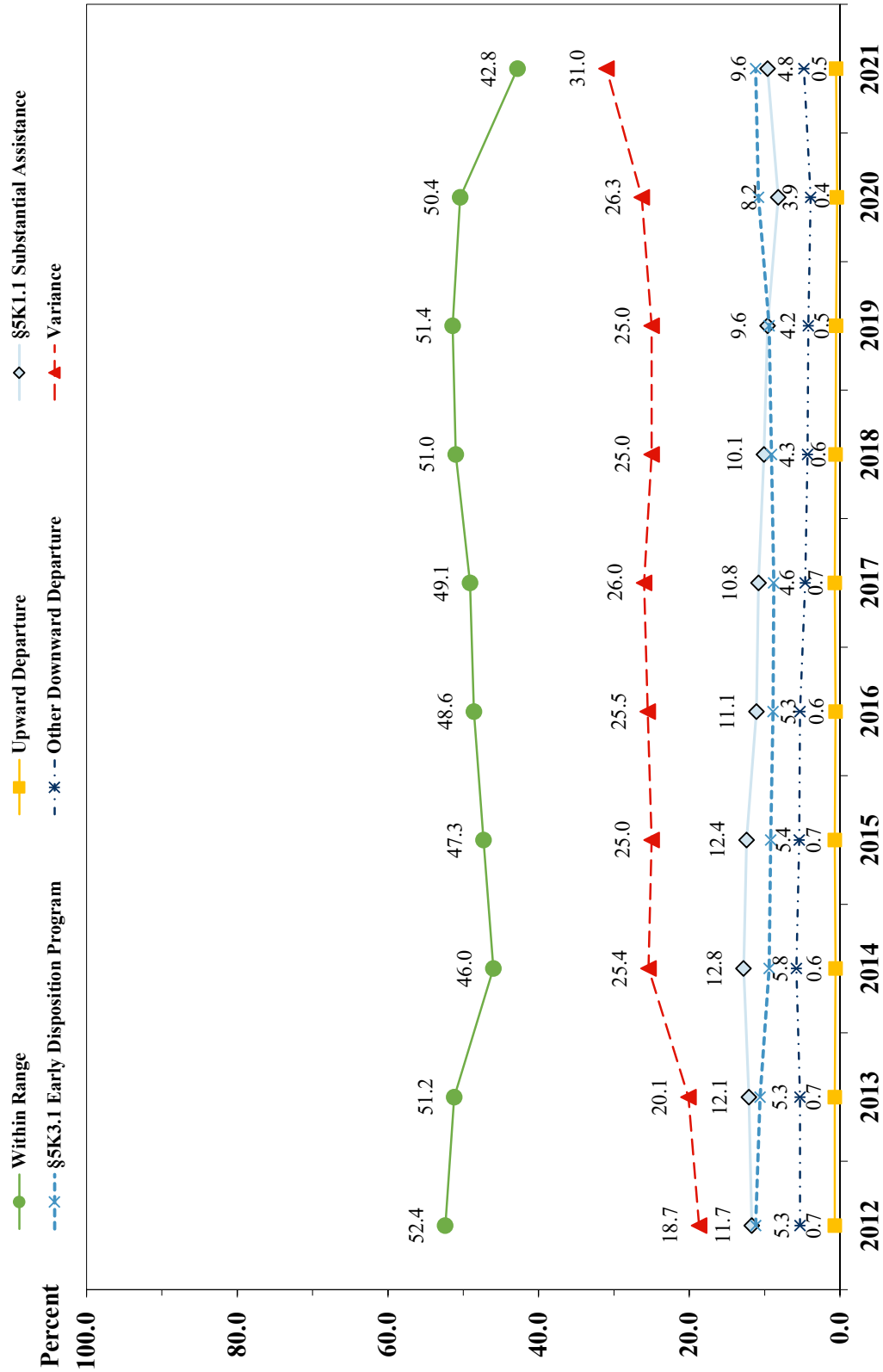
Figure 8
SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME¹
Fiscal Years 2012 - 2021



¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

Figure 9
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE OVER TIME¹
Fiscal Years 2012 - 2021



¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

Table 30

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	57,041	24,434	42.8	296	0.5	5,493	9.6	6,387	11.2	2,762	4.8	17,669	31.0
D.C. CIRCUIT	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
District of Columbia	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
FIRST CIRCUIT	1,775	650	36.6	8	0.5	145	8.2	1	0.1	92	5.2	879	49.5
Maine	199	32	16.1	1	0.5	37	18.6	0	0.0	5	2.5	124	62.3
Massachusetts	421	112	26.6	4	1.0	32	7.6	1	0.2	34	8.1	238	56.5
New Hampshire	197	45	22.8	0	0.0	23	11.7	0	0.0	8	4.1	121	61.4
Puerto Rico	883	448	50.7	3	0.3	49	5.5	0	0.0	45	5.1	338	38.3
Rhode Island	75	13	17.3	0	0.0	4	5.3	0	0.0	0	0.0	58	77.3
SECOND CIRCUIT	2,416	655	27.1	5	0.2	375	15.5	5	0.2	95	3.9	1,281	53.0
Connecticut	301	78	25.9	1	0.3	32	10.6	0	0.0	46	15.3	144	47.8
New York													
Eastern	498	123	24.7	1	0.2	95	19.1	2	0.4	30	6.0	247	49.6
Northern	229	113	49.3	1	0.4	50	21.8	0	0.0	5	2.2	60	26.2
Southern	943	187	19.8	1	0.1	114	12.1	3	0.3	10	1.1	628	66.6
Western	321	125	38.9	1	0.3	63	19.6	0	0.0	2	0.6	130	40.5
Vermont	124	29	23.4	0	0.0	21	16.9	0	0.0	2	1.6	72	58.1
THIRD CIRCUIT	1,899	764	40.2	5	0.3	338	17.8	7	0.4	43	2.3	742	39.1
Delaware	52	18	34.6	1	1.9	12	23.1	1	1.9	1	1.9	19	36.5
New Jersey	628	270	43.0	1	0.2	91	14.5	0	0.0	6	1.0	260	41.4
Pennsylvania													
Eastern	446	150	33.6	0	0.0	106	23.8	4	0.9	16	3.6	170	38.1
Middle	310	126	40.6	0	0.0	71	22.9	2	0.6	9	2.9	102	32.9
Western	407	159	39.1	2	0.5	53	13.0	0	0.0	10	2.5	183	45.0
Virgin Islands	56	41	73.2	1	1.8	5	8.9	0	0.0	1	1.8	8	14.3
FOURTH CIRCUIT	4,452	2,194	49.3	34	0.8	582	13.1	1	0.0	129	2.9	1,512	34.0
Maryland	513	175	34.1	11	2.1	61	11.9	0	0.0	45	8.8	221	43.1
North Carolina													
Eastern	885	486	54.9	9	1.0	215	24.3	0	0.0	11	1.2	164	18.5
Middle	361	172	47.6	3	0.8	40	11.1	0	0.0	7	1.9	139	38.5
Western	502	270	53.8	1	0.2	71	14.1	0	0.0	4	0.8	156	31.1
South Carolina	530	214	40.4	1	0.2	103	19.4	0	0.0	17	3.2	195	36.8
Virginia													
Eastern	957	523	54.6	8	0.8	39	4.1	0	0.0	28	2.9	359	37.5
Western	235	101	43.0	0	0.0	38	16.2	0	0.0	12	5.1	84	35.7
West Virginia													
Northern	250	144	57.6	0	0.0	13	5.2	1	0.4	1	0.4	91	36.4
Southern	219	109	49.8	1	0.5	2	0.9	0	0.0	4	1.8	103	47.0

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,374	9,786	59.8	61	0.4	831	5.1	1,470	9.0	952	5.8	3,274	20.0
Louisiana													
Eastern	199	121	60.8	1	0.5	21	10.6	0	0.0	1	0.5	55	27.6
Middle	103	51	49.5	0	0.0	22	21.4	0	0.0	2	1.9	28	27.2
Western	234	137	58.5	4	1.7	19	8.1	0	0.0	10	4.3	64	27.4
Mississippi													
Northern	79	31	39.2	1	1.3	11	13.9	0	0.0	1	1.3	35	44.3
Southern	262	168	64.1	1	0.4	22	8.4	9	3.4	2	0.8	60	22.9
Texas													
Eastern	662	425	64.2	7	1.1	25	3.8	0	0.0	13	2.0	192	29.0
Northern	1,547	912	59.0	17	1.1	168	10.9	1	0.1	17	1.1	432	27.9
Southern	8,046	3,977	49.4	27	0.3	341	4.2	1,352	16.8	779	9.7	1,570	19.5
Western	5,242	3,964	75.6	3	0.1	202	3.9	108	2.1	127	2.4	838	16.0
SIXTH CIRCUIT	3,997	1,616	40.4	11	0.3	749	18.7	9	0.2	160	4.0	1,452	36.3
Kentucky													
Eastern	427	216	50.6	3	0.7	78	18.3	0	0.0	2	0.5	128	30.0
Western	275	97	35.3	3	1.1	75	27.3	7	2.5	14	5.1	79	28.7
Michigan													
Eastern	488	183	37.5	0	0.0	29	5.9	1	0.2	17	3.5	258	52.9
Western	291	161	55.3	0	0.0	59	20.3	0	0.0	10	3.4	61	21.0
Ohio													
Northern	817	338	41.4	0	0.0	161	19.7	0	0.0	15	1.8	303	37.1
Southern	506	133	26.3	2	0.4	111	21.9	1	0.2	72	14.2	187	37.0
Tennessee													
Eastern	581	272	46.8	3	0.5	152	26.2	0	0.0	6	1.0	148	25.5
Middle	249	51	20.5	0	0.0	31	12.4	0	0.0	15	6.0	152	61.0
Western	363	165	45.5	0	0.0	53	14.6	0	0.0	9	2.5	136	37.5
SEVENTH CIRCUIT	2,221	856	38.5	5	0.2	199	9.0	1	0.0	106	4.8	1,054	47.5
Illinois													
Central	231	84	36.4	2	0.9	19	8.2	0	0.0	2	0.9	124	53.7
Northern	619	202	32.6	2	0.3	34	5.5	1	0.2	45	7.3	335	54.1
Southern	221	121	54.8	0	0.0	27	12.2	0	0.0	2	0.9	71	32.1
Indiana													
Northern	342	178	52.0	0	0.0	36	10.5	0	0.0	5	1.5	123	36.0
Southern	413	190	46.0	0	0.0	50	12.1	0	0.0	4	1.0	169	40.9
Wisconsin													
Eastern	263	44	16.7	0	0.0	28	10.6	0	0.0	11	4.2	180	68.4
Western	132	37	28.0	1	0.8	5	3.8	0	0.0	37	28.0	52	39.4
EIGHTH CIRCUIT	4,583	1,917	41.8	40	0.9	521	11.4	29	0.6	88	1.9	1,988	43.4
Arkansas													
Eastern	541	326	60.3	1	0.2	28	5.2	0	0.0	4	0.7	182	33.6
Western	185	71	38.4	1	0.5	25	13.5	0	0.0	1	0.5	87	47.0
Iowa													
Northern	326	136	41.7	19	5.8	77	23.6	0	0.0	4	1.2	90	27.6
Southern	495	164	33.1	1	0.2	78	15.8	1	0.2	3	0.6	248	50.1
Minnesota	257	60	23.3	2	0.8	40	15.6	6	2.3	14	5.4	135	52.5
Missouri													
Eastern	1,065	418	39.2	2	0.2	85	8.0	1	0.1	5	0.5	554	52.0
Western	581	228	39.2	2	0.3	69	11.9	0	0.0	9	1.5	273	47.0
Nebraska	379	181	47.8	1	0.3	6	1.6	14	3.7	6	1.6	171	45.1
North Dakota	289	100	34.6	8	2.8	110	38.1	6	2.1	4	1.4	61	21.1
South Dakota	465	233	50.1	3	0.6	3	0.6	1	0.2	38	8.2	187	40.2

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10,959	2,518	23.0	80	0.7	780	7.1	4,445	40.6	465	4.2	2,671	24.4
Alaska	148	29	19.6	2	1.4	21	14.2	0	0.0	4	2.7	92	62.2
Arizona	4,349	1,221	28.1	16	0.4	68	1.6	2,489	57.2	101	2.3	454	10.4
California													
Central	861	210	24.4	1	0.1	95	11.0	40	4.6	72	8.4	443	51.5
Eastern	279	103	36.9	2	0.7	54	19.4	2	0.7	6	2.2	112	40.1
Northern	369	63	17.1	1	0.3	36	9.8	2	0.5	14	3.8	253	68.6
Southern	2,923	282	9.6	49	1.7	165	5.6	1,855	63.5	227	7.8	345	11.8
Guam	37	18	48.6	0	0.0	13	35.1	0	0.0	1	2.7	5	13.5
Hawaii	168	63	37.5	0	0.0	49	29.2	0	0.0	0	0.0	56	33.3
Idaho	241	95	39.4	2	0.8	54	22.4	5	2.1	8	3.3	77	32.0
Montana	333	100	30.0	3	0.9	90	27.0	0	0.0	11	3.3	129	38.7
Nevada	295	61	20.7	0	0.0	19	6.4	42	14.2	6	2.0	167	56.6
Northern Mariana Islands	16	12	75.0	0	0.0	2	12.5	0	0.0	0	0.0	2	12.5
Oregon	387	60	15.5	1	0.3	53	13.7	0	0.0	7	1.8	266	68.7
Washington													
Eastern	199	49	24.6	3	1.5	54	27.1	3	1.5	6	3.0	84	42.2
Western	354	152	42.9	0	0.0	7	2.0	7	2.0	2	0.6	186	52.5
TENTH CIRCUIT	3,831	1,437	37.5	33	0.9	327	8.5	409	10.7	438	11.4	1,187	31.0
Colorado	370	127	34.3	0	0.0	74	20.0	18	4.9	12	3.2	139	37.6
Kansas	405	172	42.5	2	0.5	51	12.6	6	1.5	8	2.0	166	41.0
New Mexico	1,411	581	41.2	8	0.6	40	2.8	299	21.2	181	12.8	302	21.4
Oklahoma													
Eastern	89	49	55.1	0	0.0	12	13.5	0	0.0	2	2.2	26	29.2
Northern	320	118	36.9	19	5.9	37	11.6	0	0.0	97	30.3	49	15.3
Western	407	202	49.6	0	0.0	29	7.1	0	0.0	3	0.7	173	42.5
Utah	658	131	19.9	4	0.6	68	10.3	77	11.7	130	19.8	248	37.7
Wyoming	171	57	33.3	0	0.0	16	9.4	9	5.3	5	2.9	84	49.1
ELEVENTH CIRCUIT	4,282	1,968	46.0	13	0.3	615	14.4	10	0.2	174	4.1	1,502	35.1
Alabama													
Middle	122	46	37.7	0	0.0	29	23.8	0	0.0	1	0.8	46	37.7
Northern	443	226	51.0	0	0.0	91	20.5	0	0.0	9	2.0	117	26.4
Southern	228	106	46.5	0	0.0	57	25.0	0	0.0	2	0.9	63	27.6
Florida													
Middle	1,065	440	41.3	4	0.4	165	15.5	3	0.3	8	0.8	445	41.8
Northern	259	91	35.1	1	0.4	65	25.1	6	2.3	3	1.2	93	35.9
Southern	797	356	44.7	2	0.3	63	7.9	1	0.1	13	1.6	362	45.4
Georgia													
Middle	381	193	50.7	0	0.0	39	10.2	0	0.0	114	29.9	35	9.2
Northern	544	184	33.8	5	0.9	47	8.6	0	0.0	12	2.2	296	54.4
Southern	443	326	73.6	1	0.2	59	13.3	0	0.0	12	2.7	45	10.2

¹ Of the 57,287 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 31
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	WITHIN		DEPARTURE									
		GUIDELINE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	57,041	24,434	42.8	296	0.5	5,493	9.6	6,387	11.2	2,762	4.8	17,669	31.0
Administration of Justice	509	261	51.3	0	0.0	24	4.7	3	0.6	28	5.5	193	37.9
Antitrust	6	0	0.0	0	0.0	4	66.7	0	0.0	0	0.0	2	33.3
Arson	79	36	45.6	2	2.5	10	12.7	0	0.0	6	7.6	25	31.6
Assault	657	321	48.9	15	2.3	20	3.0	0	0.0	57	8.7	244	37.1
Bribery/Corruption	247	48	19.4	1	0.4	81	32.8	0	0.0	9	3.6	108	43.7
Burglary/Trespass	62	31	50.0	3	4.8	4	6.5	0	0.0	7	11.3	17	27.4
Child Pornography	1,215	400	32.9	7	0.6	16	1.3	2	0.2	59	4.9	731	60.2
Commercialized Vice	114	57	50.0	0	0.0	11	9.6	0	0.0	7	6.1	39	34.2
Drug Possession	280	256	91.4	0	0.0	1	0.4	0	0.0	2	0.7	21	7.5
Drug Trafficking	17,595	4,994	28.4	56	0.3	3,487	19.8	1,741	9.9	838	4.8	6,479	36.8
Environmental	161	88	54.7	0	0.0	18	11.2	0	0.0	7	4.3	48	29.8
Extortion/Racketeering	116	34	29.3	1	0.9	24	20.7	0	0.0	6	5.2	51	44.0
Firearms	8,145	4,130	50.7	65	0.8	413	5.1	12	0.1	339	4.2	3,186	39.1
Food and Drug	45	28	62.2	0	0.0	0	0.0	0	0.0	0	0.0	17	37.8
Forgery/Counter/Copyright	137	68	49.6	1	0.7	11	8.0	0	0.0	4	2.9	53	38.7
Fraud/Theft/Embezzlement	4,527	1,942	42.9	48	1.1	556	12.3	18	0.4	170	3.8	1,793	39.6
Immigration	16,906	9,000	53.2	34	0.2	148	0.9	4,594	27.2	907	5.4	2,223	13.1
Individual Rights	65	34	52.3	0	0.0	10	15.4	0	0.0	0	0.0	21	32.3
Kidnapping	92	22	23.9	0	0.0	19	20.7	0	0.0	9	9.8	42	45.7
Manslaughter	56	22	39.3	10	17.9	1	1.8	0	0.0	8	14.3	15	26.8
Money Laundering	1,028	240	23.3	12	1.2	274	26.7	9	0.9	57	5.5	436	42.4
Murder	257	81	31.5	5	1.9	59	23.0	0	0.0	23	8.9	89	34.6
National Defense	216	96	44.4	1	0.5	26	12.0	2	0.9	19	8.8	72	33.3
Obscenity/Other Sex Offenses	298	147	49.3	6	2.0	1	0.3	1	0.3	18	6.0	125	41.9
Prison Offenses	523	328	62.7	1	0.2	9	1.7	2	0.4	22	4.2	161	30.8
Robbery	1,300	503	38.7	10	0.8	157	12.1	1	0.1	62	4.8	567	43.6
Sexual Abuse	1,061	419	39.5	11	1.0	63	5.9	1	0.1	56	5.3	511	48.2
Stalking/Harassing	219	94	42.9	7	3.2	2	0.9	1	0.5	17	7.8	98	44.7
Tax	421	98	23.3	0	0.0	42	10.0	0	0.0	22	5.2	259	61.5
Other	704	656	93.2	0	0.0	2	0.3	0	0.0	3	0.4	43	6.1

¹ Of the 57,287 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2021

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	Up				§5K1.1	§5K3.1	Down				
§2A1.1	176	58	0	50	0	12	56	§2D1.8	22	6	0	3	0	2	11		
§2A1.2	45	16	5	4	0	6	14	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	28	10	7	1	0	3	7	§2D1.10	1	0	0	0	0	0	1		
§2A1.4	28	12	3	0	0	5	8	§2D1.11	2	0	0	0	0	0	2		
§2A1.5	22	6	0	2	0	3	11	§2D1.12	4	2	0	0	0	0	2		
§2A2.1	115	48	0	13	0	10	44	§2D1.13	1	1	0	0	0	0	0		
§2A2.2	404	183	12	7	0	42	160	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	76	53	3	0	0	1	19	§2D2.1	112	91	0	1	0	2	18		
§2A2.4	177	107	0	0	3	9	58	§2D2.2	48	38	0	1	0	0	9		
§2A3.1	108	40	0	3	1	15	49	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	39	23	2	0	0	2	12	§2D3.1	2	1	0	0	0	0	1		
§2A3.3	2	0	1	0	0	0	1	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	26	11	3	0	0	3	9	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	257	133	2	1	1	16	104	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	88	21	0	18	0	9	40	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	31	13	0	2	0	0	16		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	1	0	1	0	0	1		
§2A5.2	25	17	0	0	0	0	8	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	7	3	0	1	0	0	3		
§2A6.1	159	73	6	2	1	13	64	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	55	21	1	0	0	3	30	§2E2.1	9	2	0	2	0	1	4		
§2B1.1	4,230	1,698	44	544	8	166	1,770	§2E3.1	59	25	0	10	0	5	19		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	7	2	0	3	0	0	2	§2E4.1	21	4	0	10	0	0	7		
§2B1.5	7	2	0	0	0	0	5	§2E5.1	2	0	0	2	0	0	0		
§2B1.6 ²	77	69	0	7	0	1	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	54	25	3	4	0	6	16	§2E5.3	0	0	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	3	2	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,290	500	10	156	1	62	561	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	28	8	0	2	0	4	14	§2F1.1	2	0	0	0	0	0	2		
§2B3.3	10	3	1	1	0	0	5	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	86	13	0	38	0	2	33	§2G1.1	58	23	0	6	0	1	28		
§2B5.1	98	61	0	7	0	3	27	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	335	149	3	27	0	8	148		
§2B5.3	36	7	0	2	0	1	26	§2G2.1	523	186	2	27	0	28	280		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,214	400	7	16	2	59	730		
§2B6.1	2	0	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	143	31	1	38	0	6	67	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	13	2	0	5	0	1	5	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	1	1	0	0	0	0	0	§2G2.6	2	0	0	0	0	0	2		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	37	14	4	0	0	1	18		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	30	5	0	6	0	0	19		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	1	0	0	0	0	0	1	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	17,237	4,824	54	3,452	1,732	803	6,372	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	252	139	2	24	0	22	65	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	14	12	0	2	0	0	0		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	6	6	0	0	0	0	0		
§2D1.5	4	1	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	4	0	0	0	0	1		
§2D1.7	2	2	0	0	0	0	0	§2H4.1	7	4	0	2	0	0	1		

Table 32 (cont.)

Guideline	Within Guideline			Departure				Guideline	Within Guideline			Departure			
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	159	70	0	19	2	14	54
§2J1.1	0	0	0	0	0	0	0	§2M5.3	10	2	0	2	0	1	5
§2J1.2	85	22	0	8	0	3	52	§2M6.1	4	1	1	1	0	0	1
§2J1.3	18	6	0	3	0	1	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	1	2	§2N1.1	15	0	0	0	0	0	15
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	24	20	0	0	0	0	4	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	26	24	0	0	0	0	2
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	263	173	0	6	0	9	75
§2K1.1	1	1	0	0	0	0	0	§2P1.2	195	130	1	2	0	4	58
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	17	8	0	0	0	1	8	§2P1.4	0	0	0	0	0	0	0
§2K1.4	78	36	2	10	0	6	24	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	54	31	0	8	0	2	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	11	1	0	2	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,732	3,827	58	386	12	334	3,115	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	0	1
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	72	35	0	8	0	4	25
§2K2.4 ³	324	260	6	24	0	1	33	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	10	9	0	0	0	0	1	§2R1.1	6	0	0	4	0	0	2
§2K2.6	1	1	0	0	0	0	0	§2S1.1	831	165	0	256	6	40	364
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	190	73	12	18	2	16	69
§2L1.1	3,550	1,536	6	111	1,202	120	575	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,559	6,227	26	27	3,122	737	1,420	§2T1.1	232	50	0	20	0	17	145
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	57	22	0	9	0	4	22	§2T1.3	0	0	0	0	0	0	0
§2L2.2	582	443	1	0	5	26	107	§2T1.4	138	31	0	20	0	4	83
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	39	12	0	1	0	1	25
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	1	0	1	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	0	0	0	2
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	6	4	0	0	0	0	2
§2M3.1	2	1	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	2	1	0	0	0	1	0	§2X1.1	16	6	1	3	0	2	4
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	71	17	1	10	0	6	37
§2M3.6	0	0	0	0	0	0	0	§2X4.1	173	85	0	13	0	14	61
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	175	159	0	0	0	1	15
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	22	5	0	4	0	3	10	§2X7.2	0	0	0	0	0	0	0
TOTAL									54,740	22,720	291	5,483	6,100	2,711	17,435

¹ Of the 57,287 cases, 2,547 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (246) or missing guideline applied (2,512). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

³ In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2021

	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose		
	N	%	N	%	N	%	N	%	N	%	
	TOTAL CASES										
TOTAL	32,607	5,505	16.9	6,502	19.9	5,113	15.7	7,764	23.8	498	1.5
Departures	14,938	5,493	36.8	6,497	43.5	3,520	23.6	6,187	41.4	313	2.1
Upward Departure	296	0	0.0	0	0.0	82	27.7	61	20.6	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,493	5,493	100.0	110	2.0	218	4.0	1,443	26.3	23	0.4
§5K3.1 Early Disposition Program	6,387	0	0.0	6,387	100.0	2,574	40.3	4,238	66.4	274	4.3
Other Government Motion	1,294	0	0.0	0	0.0	646	49.9	445	34.4	16	1.2
Non-Government Departure	1,468	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	17,669	12	0.1	5	0.0	1,593	9.0	1,577	8.9	185	1.0
Upward Variance	1,203	12	1.0	5	0.4	206	17.1	132	11.0	0	0.0
Downward Variance											
Government Motion	4,804	0	0.0	0	0.0	1,387	28.9	1,445	30.1	185	3.9
Non-Government Variance	11,662	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,024	15.4	5,659	17.4	6,589	20.2	1,748	5.4	4,432	13.6	1,978	6.1
Departures	4,251	28.5	2,172	14.5	1,458	9.8	787	5.3	1,266	8.5	180	1.2
Upward Departure	69	23.3	1	0.3	7	2.4	14	4.7	74	25.0	22	7.4
Downward Departure												
§5K1.1 Substantial Assistance	3,491	63.6	636	11.6	633	11.5	288	5.2	569	0.0	0	0.0
§5K3.1 Early Disposition Program	494	7.7	620	9.7	480	7.5	376	5.9	253	4.0	0	0.0
Other Government Motion	197	15.2	86	6.6	58	4.5	109	8.4	72	5.6	25	1.9
Non-Government Departure	0	0.0	829	56.5	280	19.1	0	0.0	298	20.3	133	9.1
Variances	773	4.4	3,487	19.7	5,131	29.0	961	5.4	3,166	17.9	1,798	10.2
Upward Variance	219	18.2	3	0.2	11	0.9	34	2.8	479	39.8	161	13.4
Downward Variance												
Government Motion	554	11.5	440	9.2	250	5.2	927	19.3	221	4.6	166	3.5
Non-Government Variance	0	0.0	3,044	26.1	4,870	41.8	0	0.0	2,466	21.1	1,471	12.6

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 13,530 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

Table 34
POSITION OF WITHIN GUIDELINE RANGE SENTENCES
BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	21,983	9,697	44.1	4,469	20.3	2,356	10.7	2,494	11.3	2,967	13.5
Administration of Justice	231	103	44.6	49	21.2	17	7.4	20	8.7	42	18.2
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	25	10	40.0	4	16.0	6	24.0	2	8.0	3	12.0
Assault	280	122	43.6	52	18.6	24	8.6	40	14.3	42	15.0
Bribery/Corruption	46	26	56.5	8	17.4	5	10.9	2	4.3	5	10.9
Burglary/Trespass	28	10	35.7	7	25.0	5	17.9	3	10.7	3	10.7
Child Pornography	317	149	47.0	67	21.1	25	7.9	28	8.8	48	15.1
Commercialized Vice	57	30	52.6	6	10.5	7	12.3	2	3.5	12	21.1
Drug Possession	233	159	68.2	59	25.3	7	3.0	3	1.3	5	2.1
Drug Trafficking	4,358	2,705	62.1	674	15.5	286	6.6	273	6.3	420	9.6
Environmental	85	66	77.6	13	15.3	2	2.4	3	3.5	1	1.2
Extortion/Racketeering	29	18	62.1	7	24.1	0	0.0	0	0.0	4	13.8
Firearms	3,699	1,663	45.0	513	13.9	432	11.7	374	10.1	717	19.4
Food and Drug	27	18	66.7	4	14.8	1	3.7	1	3.7	3	11.1
Forgery/Counter/Copyright	65	33	50.8	12	18.5	5	7.7	8	12.3	7	10.8
Fraud/Theft/Embezzlement	1,784	1,009	56.6	295	16.5	152	8.5	148	8.3	180	10.1
Immigration	8,324	2,312	27.8	2,215	26.6	1,207	14.5	1,402	16.8	1,188	14.3
Individual Rights	34	25	73.5	6	17.6	0	0.0	1	2.9	2	5.9
Kidnapping	18	6	33.3	8	44.4	0	0.0	2	11.1	2	11.1
Manslaughter	22	7	31.8	4	18.2	2	9.1	2	9.1	7	31.8
Money Laundering	221	122	55.2	43	19.5	17	7.7	12	5.4	27	12.2
Murder	23	1	4.3	12	52.2	0	0.0	6	26.1	4	17.4
National Defense	82	52	63.4	17	20.7	4	4.9	5	6.1	4	4.9
Obscenity/Other Sex Offenses	145	62	42.8	19	13.1	23	15.9	11	7.6	30	20.7
Prison Offenses	312	113	36.2	92	29.5	34	10.9	28	9.0	45	14.4
Robbery	492	225	45.7	93	18.9	37	7.5	57	11.6	80	16.3
Sexual Abuse	275	97	35.3	60	21.8	28	10.2	37	13.5	53	19.3
Stalking/Harassing	84	31	36.9	12	14.3	10	11.9	15	17.9	16	19.0
Tax	89	63	70.8	11	12.4	3	3.4	3	3.4	9	10.1
Other	598	460	76.9	107	17.9	17	2.8	6	1.0	8	1.3

¹ Of the 57,287 cases, 24,434 offenders were sentenced within the applicable guideline range. An additional 2,451 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 35

**EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	290	79	24	90.4	60	15	43.4
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	15	79	30	77.3	60	19	54.6
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	3	41	17	67.5	33	9	42.9
Child Pornography	7	158	47	48.1	144	42	33.3
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	56	115	35	147.6	96	30	37.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	64	80	23	47.7	83	18	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	48	30	11	138.2	16	9	100.5
Immigration	34	31	11	67.8	26	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	10	108	28	34.1	114	23	23.7
Money Laundering	12	26	16	172.6	24	12	125.3
Murder	4	364	107	43.7	360	106	40.3
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	6	53	24	88.4	52	21	79.8
Prison Offenses	1	--	--	--	--	--	--
Robbery	9	148	34	30.5	144	31	24.8
Sexual Abuse	10	110	22	30.6	108	10	26.3
Stalking/Harassing	6	60	21	56.6	56	12	31.9
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 57,287 cases, in 296 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four offenders were excluded from this table. Also, two offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 36

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,179	81	24	68.1	60	14	33.3
Administration of Justice	18	70	33	104.8	41	14	33.3
Antitrust	0	--	--	--	--	--	--
Arson	6	154	52	63.6	120	24	28.6
Assault	34	78	17	39.1	68	13	27.8
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	4	58	18	50.5	38	15	54.7
Child Pornography	36	152	28	26.3	144	23	23.7
Commercialized Vice	3	100	60	166.3	70	52	185.7
Drug Possession	5	22	10	124.0	24	6	100.0
Drug Trafficking	238	96	29	101.4	84	18	31.1
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	3	63	8	23.7	48	7	17.1
Firearms	354	79	24	50.1	72	14	30.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	98	48	20	92.5	36	12	69.1
Immigration	193	31	12	72.2	24	8	54.2
Individual Rights	5	104	29	39.3	28	12	33.3
Kidnapping	2	--	--	--	--	--	--
Manslaughter	4	177	20	16.3	180	21	10.1
Money Laundering	9	47	13	79.1	42	12	40.0
Murder	10	292	52	28.8	312	24	12.7
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	15	69	41	151.5	60	30	150.0
Prison Offenses	15	36	14	63.1	36	9	45.5
Robbery	39	153	39	37.9	132	24	23.2
Sexual Abuse	48	181	36	25.4	172	28	18.2
Stalking/Harassing	18	77	32	70.0	53	14	32.9
Tax	3	57	4	6.7	60	3	5.3
Other	15	13	4	45.1	8	2	33.3

¹ Of the 57,287 cases, in 1,203 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four offenders were excluded from this table. Also, 20 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 37

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,406	54	54	54.5	40	39	50.0
Administration of Justice	23	2	13	88.7	0	10	100.0
Antitrust	4	3	25	90.0	3	25	89.9
Arson	10	22	43	64.8	26	35	57.5
Assault	18	50	101	63.3	42	58	69.1
Bribery/Corruption	80	11	29	73.5	6	21	76.1
Burglary/Trespass	4	16	12	45.6	16	12	43.3
Child Pornography	15	115	55	35.9	84	48	35.5
Commercialized Vice	9	5	8	63.8	0	6	99.5
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	3,463	64	61	51.7	54	49	47.8
Environmental	18	2	13	91.2	0	10	100.0
Extortion/Racketeering	24	2	40	95.4	0	18	100.0
Firearms	413	39	33	52.0	30	21	46.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	11	16	13	46.4	12	11	37.4
Fraud/Theft/Embezzlement	554	18	27	64.8	12	21	62.0
Immigration	148	16	14	54.5	12	10	49.7
Individual Rights	10	28	50	62.9	13	15	59.5
Kidnapping	16	110	101	50.1	103	89	51.7
Manslaughter	1	--	--	--	--	--	--
Money Laundering	262	50	70	60.9	33	46	57.5
Murder	31	128	147	56.2	108	138	63.0
National Defense	25	23	38	64.0	22	28	60.9
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	9	9	22	51.2	9	6	33.3
Robbery	154	72	56	44.2	72	43	39.9
Sexual Abuse	56	110	85	46.9	114	71	45.3
Stalking/Harassing	2	--	--	--	--	--	--
Tax	42	10	20	75.1	3	18	79.2
Other	2	--	--	--	--	--	--

¹ Of the 57,287 cases, in 5,493 the offender received a §5K1.1 substantial assistance departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 46 offenders were excluded from this table. Also, 41 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 38
EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,386	16	20	51.5	12	9	49.9
Administration of Justice	3	7	9	56.2	7	6	60.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,741	28	53	66.0	24	46	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	12	25	12	33.3	26	10	27.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	17	4	14	83.4	0	6	99.5
Immigration	4,594	11	8	45.9	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	9	58	76	66.8	12	57	65.5
Murder	0	--	--	--	--	--	--
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	1	--	--	--	--	--	--
Sexual Abuse	1	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 57,287 cases, in 6,387 the offender received a §5K3.1 early disposition program departure below the guideline range. One offender was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 39

**EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,727	40	26	45.5	20	15	41.2
Administration of Justice	28	5	12	76.9	0	11	99.6
Antitrust	0	--	--	--	--	--	--
Arson	6	21	19	56.7	17	18	51.0
Assault	57	34	25	42.2	27	17	40.2
Bribery/Corruption	9	14	11	53.7	12	11	41.7
Burglary/Trespass	7	12	6	41.2	12	6	33.0
Child Pornography	56	97	49	37.1	78	40	32.3
Commercialized Vice	7	9	7	53.2	5	3	50.0
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	832	67	41	42.2	60	28	36.4
Environmental	7	0	13	99.9	0	12	100.0
Extortion/Racketeering	6	25	14	36.9	21	7	23.3
Firearms	338	32	18	43.2	28	13	35.1
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	4	9	12	52.2	6	6	50.0
Fraud/Theft/Embezzlement	166	21	18	59.1	12	12	55.1
Immigration	907	14	13	45.8	11	9	43.2
Individual Rights	0	--	--	--	--	--	--
Kidnapping	9	109	64	39.5	120	68	38.4
Manslaughter	8	43	23	40.3	24	22	41.3
Money Laundering	54	44	35	51.1	29	16	43.1
Murder	18	155	61	29.7	180	51	21.6
National Defense	19	26	25	56.8	18	16	48.3
Obscenity/Other Sex Offenses	17	12	9	46.0	8	7	31.9
Prison Offenses	21	7	6	53.9	6	5	50.0
Robbery	61	81	36	36.6	63	28	28.2
Sexual Abuse	49	135	70	36.4	121	55	33.3
Stalking/Harassing	16	12	17	65.6	12	13	51.3
Tax	22	7	14	66.8	5	12	68.7
Other	1	--	--	--	--	--	--

¹ Of the 57,287 cases, in 2,762 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,294) or a non-government departure (1,468). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 13 offenders were excluded from this table. Also, 22 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 40
EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	16,096	50	28	44.4	30	16	35.9
Administration of Justice	174	7	10	69.2	2	9	78.4
Antitrust	2	--	--	--	--	--	--
Arson	19	46	25	34.8	21	12	35.1
Assault	199	48	22	40.7	27	13	31.0
Bribery/Corruption	106	20	21	59.0	12	15	54.7
Burglary/Trespass	13	13	13	60.3	6	15	65.6
Child Pornography	683	81	50	40.4	70	43	38.1
Commercialized Vice	35	9	8	64.4	3	6	66.7
Drug Possession	12	1	4	88.6	0	3	99.1
Drug Trafficking	6,172	71	38	39.5	60	27	32.1
Environmental	47	3	10	83.3	0	6	100.0
Extortion/Racketeering	48	25	19	53.6	12	15	50.0
Firearms	2,813	37	19	41.6	27	12	31.4
Food and Drug	16	23	28	60.2	18	32	69.4
Forgery/Counter/Copyright	51	8	14	71.5	4	12	77.8
Fraud/Theft/Embezzlement	1,672	19	17	59.8	10	10	55.4
Immigration	2,017	13	9	46.1	12	6	38.1
Individual Rights	15	24	22	62.3	12	15	62.1
Kidnapping	32	109	48	31.9	97	38	30.5
Manslaughter	11	29	19	47.0	18	19	51.4
Money Laundering	409	47	35	50.7	24	20	45.6
Murder	45	165	77	33.6	180	58	31.0
National Defense	70	31	26	50.4	27	21	46.6
Obscenity/Other Sex Offenses	110	12	9	47.3	12	8	33.3
Prison Offenses	146	8	7	48.8	6	4	47.8
Robbery	510	88	31	30.7	84	24	23.1
Sexual Abuse	311	148	73	34.5	144	60	33.3
Stalking/Harassing	80	14	17	62.4	8	12	66.7
Tax	253	10	14	65.2	6	12	66.7
Other	25	5	14	80.9	0	6	99.8

¹ Of the 57,287 cases, in 16,466 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,804) or a non-government variance (11,662). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 136 offenders were excluded from this table. Also, 234 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 41
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2021

REASONS	N	%
Criminal history issues	111	14.9
Dismissed and uncharged conduct (§5K2.21)	96	12.9
General aggravating circumstances (§5K2.0)	76	10.2
Pursuant to plea agreement	61	8.2
Afford adequate deterrence to criminal conduct	34	4.6
The history and characteristics of the defendant	31	4.2
Reflect seriousness of offense/promotes respect for law/just punishment	29	3.9
Protect public from further crimes	29	3.9
The nature and circumstance of the offense	26	3.5
Extreme conduct (§5K2.8)	18	2.4
Death (§5K2.1)	17	2.3
Weapons/dangerous instrumentalities (§5K2.6)	11	1.5
Avoid unwarranted sentencing disparity	10	1.3
Victim impact	8	1.1
Advisory nature of guidelines	8	1.1
Physical injury (§5K2.2)	7	0.9
Provide correctional treatment	7	0.9
Criminal history issues in application of §2L1.2	7	0.9
Mental and emotional conditions	7	0.9
Role in the offense	6	0.8
Previous employment record (§5H1.5)	5	0.7
Family ties and responsibilities (§5H1.6)	5	0.7
Provide medical care	5	0.7
Conduct while on release, bond, or supervision	5	0.7
Lack of remorse	5	0.7
Public welfare (§5K2.14)	4	0.5
Aberrant behavior (§5K2.20)	4	0.5
Unspecified government motion (not §5K1.1 or §5K3.1)	4	0.5
Provide educational or vocational training	4	0.5
18 U.S.C. § 3553(a)	4	0.5
Lack of youthful guidance/tragic or troubled childhood	4	0.5
Other	97	13.0
TOTAL	745	100.0

¹ Of the 57,287 cases, in 296 the sentence was an upward departure. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 745 reasons were cited for the 296 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and six cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 42
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2021

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	808	14.4
Afford adequate deterrence to criminal conduct	689	12.3
Protect public from further crimes	642	11.4
The history and characteristics of the defendant	596	10.6
The nature and circumstance of the offense	589	10.5
Criminal history issues	398	7.1
General aggravating circumstances (§5K2.0)	190	3.4
Dismissed and uncharged conduct (§5K2.21)	133	2.4
Pursuant to plea agreement	125	2.2
Role in the offense	115	2.0
Avoid unwarranted sentencing disparity	113	2.0
Extreme conduct (§5K2.8)	101	1.8
Victim impact	99	1.8
Lack of remorse	60	1.1
Drug dependence and alcohol abuse (§5H1.4)	59	1.1
Provide correctional treatment	59	1.1
Provide educational or vocational training	51	0.9
Mental and emotional conditions	41	0.7
Age (§5H1.1)	34	0.6
Acceptance of responsibility	33	0.6
Propensity for violence	30	0.5
Provide restitution to any victims	29	0.5
Conduct while on release, bond, or supervision	29	0.5
Lack of youthful guidance/tragic or troubled childhood	25	0.4
Family ties and responsibilities (§5H1.6)	23	0.4
Provide medical care	22	0.4
Aberrant behavior (§5K2.20)	18	0.3
Weapons/dangerous instrumentalities (§5K2.6)	17	0.3
Mens Rea	17	0.3
Previous employment record (§5H1.5)	13	0.2
Rehabilitation	13	0.2
Death (§5K2.1)	12	0.2
Reckless behavior	12	0.2
Other	421	7.5
TOTAL	5,616	100.0

¹ Of the 57,287 cases, in 1,203 the sentence was a variance above the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 5,616 reasons were cited for the 1,203 cases. The 'Other' category includes all reasons cited fewer than 12 times among relevant cases and 58 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 43
REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2021

REASONS	N	%
Early disposition program (EDP) (§5K3.1)	6,497	15.0
Substantial assistance with government motion (§5K1.1)	5,493	12.7
The history and characteristics of the defendant	2,866	6.6
Criminal history issues	1,849	4.3
General mitigating circumstances (§5K2.0)	1,744	4.0
Family ties and responsibilities (§5H1.6)	1,722	4.0
Reflect seriousness of offense/promotes respect for law/just punishment	1,653	3.8
Afford adequate deterrence to criminal conduct	1,611	3.7
COVID-19/pandemic	1,551	3.6
The nature and circumstance of the offense	1,401	3.2
Avoid unwarranted sentencing disparity	1,010	2.3
Drug dependence/alcohol abuse (§5H1.4)	960	2.2
Age (§5H1.1)	944	2.2
Protect public from further crimes	936	2.2
Mental and emotional conditions	791	1.8
Rehabilitation	746	1.7
Pursuant to plea agreement	730	1.7
Physical condition (§5H1.4)	685	1.6
Acceptance of responsibility	681	1.6
Previous employment record (§5H1.5)	655	1.5
First Step Act safety valve expansion	647	1.5
Remorse	629	1.5
Lack of youthful guidance/tragic or troubled childhood	520	1.2
Role in the offense	511	1.2
Conduct while on release, bond, or supervision	401	0.9
Nonviolent offense/offender	388	0.9
Aberrant behavior (§5K2.20)	375	0.9
Waiver of appeal	342	0.8
Early plea	301	0.7
Waiver of indictment	276	0.6
Provide correctional treatment	228	0.5
Provide educational or vocational training	178	0.4
Cooperation without motion (not §5K1.1)	159	0.4
Community ties (§5H1.6)	155	0.4
Other	3,668	8.5
TOTAL	43,303	100.0

¹ Of the 57,287 cases, in 14,642 the sentence was a downward departure from the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 43,303 reasons were cited for the 14,642 cases. The 'Other' category includes all reasons cited fewer than 150 times among relevant cases and 186 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 44
REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2021

REASONS	N	%
The history and characteristics of the defendant	10,378	12.2
Reflect seriousness of offense/promotes respect for law/just punishment	7,728	9.1
Afford adequate deterrence to criminal conduct	6,521	7.7
The nature and circumstance of the offense	5,706	6.7
Protect public from further crimes	4,379	5.1
Criminal history issues	3,751	4.4
Family ties and responsibilities (§5H1.6)	3,549	4.2
Avoid unwarranted sentencing disparity	3,182	3.7
Drug dependence/alcohol abuse (§5H1.4)	2,429	2.9
Age (§5H1.1)	2,425	2.9
Acceptance of responsibility	2,367	2.8
Mental and emotional conditions	2,121	2.5
Remorse	2,076	2.4
Lack of youthful guidance/tragic or troubled childhood	1,852	2.2
Previous employment record (§5H1.5)	1,844	2.2
Role in the offense	1,657	1.9
Rehabilitation	1,584	1.9
General mitigating circumstances (§5K2.0)	1,204	1.4
Provide correctional treatment	1,202	1.4
Nonviolent offense/offender	1,198	1.4
COVID-19/pandemic	1,124	1.3
Physical condition (§5H1.4)	1,122	1.3
Conduct while on release, bond, or supervision	1,083	1.3
Provide educational or vocational training	978	1.1
Pursuant to plea agreement	829	1.0
Cooperation without motion (not §5K1.1)	701	0.8
Community ties (§5H1.6)	690	0.8
Aberrant behavior (§5K2.20)	637	0.7
First Step Act safety valve expansion	607	0.7
Provide restitution to any victims	606	0.7
Provide medical care	577	0.7
Early plea	519	0.6
Time served/ <i>U.S. v. Barrera-Saucedo</i>	495	0.6
Waiver of appeal	491	0.6
Other	7,469	8.8
TOTAL	85,081	100.0

¹ Of the 57,287 cases, in 16,466 the sentence was a variance below the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 85,081 reasons were cited for the 16,466 cases. The 'Other' category includes all reasons cited fewer than 450 times among relevant cases and 736 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

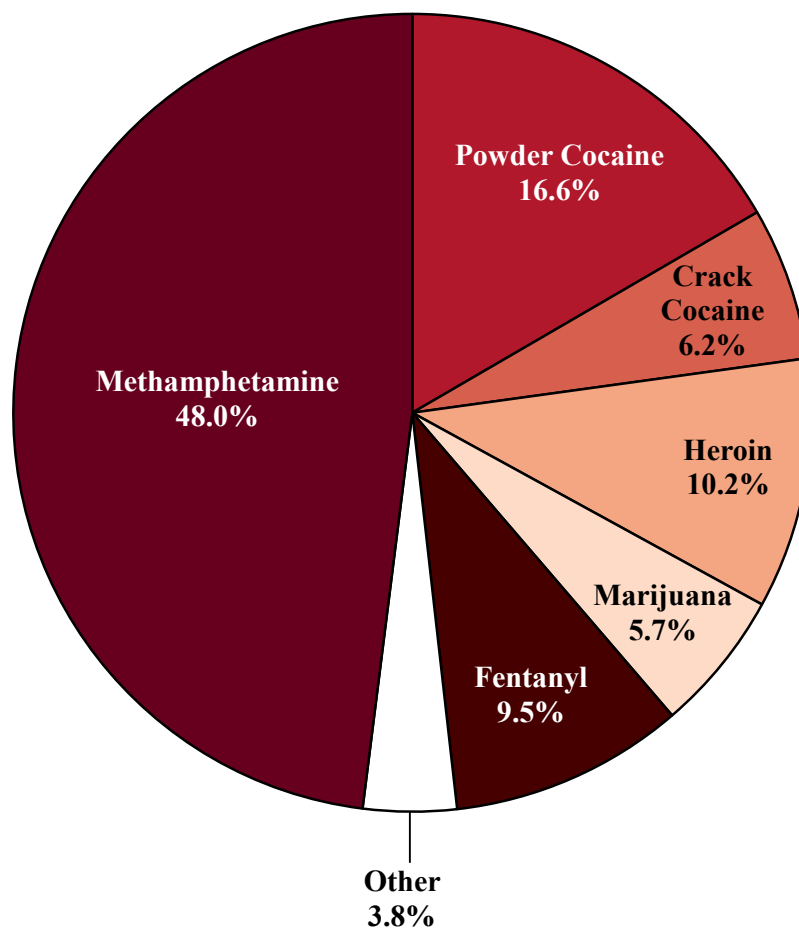
SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.



DRUG OFFENSES

Figure D-1

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
Fiscal Year 2021**



¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (233), Hydrocodone (79), and MDMA/Ecstasy/MDA (57).

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-1
PRIMARY DRUG TYPE OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	§2D1.1 Drug Trafficking		§2D1.2 Protected Locations		§2D1.5 Continuing Criminal Enterprise		§2D1.6 Communication Facility		§2D1.8 Rent/Manage Drug Establishment		§2D1.10 Endangering Human Life While Manufacturing		§2D1.14 Narco- Terrorism	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	17,520	17,241	252	1.4	4	0.0	0	0.0	22	0.1	1	0.0	0	0.0
Powder Cocaine	2,935	2,763	168	5.7	1	0.0	0	0.0	3	0.1	0	0.0	0	0.0
Crack Cocaine	1,088	1,049	33	3.0	0	0.0	0	0.0	6	0.6	0	0.0	0	0.0
Heroin	1,784	1,771	11	0.6	0	0.0	0	0.0	2	0.1	0	0.0	0	0.0
Marijuana	996	986	8	0.8	0	0.0	0	0.0	1	0.1	1	0.1	0	0.0
Methamphetamine	8,456	8,427	22	0.3	0	0.0	0	0.0	7	0.1	0	0.0	0	0.0
Fentanyl	1,658	1,648	7	0.4	2	0.1	0	0.0	1	0.1	0	0.0	0	0.0
Other	603	597	3	0.5	1	0.2	0	0.0	2	0.3	0	0.0	0	0.0

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-2
RACE OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	17,502	26.0	4,551	25.8	7,877	45.0	564	3.2		
Powder Cocaine	2,932	6.9	202	25.0	1,963	67.0	35	1.2		
Crack Cocaine	1,086	6.0	65	77.7	164	15.1	13	1.2		
Heroin	1,783	19.0	338	37.4	667	42.5	21	1.2		
Marijuana	994	13.5	134	16.8	636	64.0	57	5.7		
Methamphetamine	8,449	38.5	3,255	14.8	1,253	42.4	361	4.3		
Fentanyl	1,655	19.3	319	38.9	643	40.1	29	1.8		
Other	603	39.5	238	33.8	204	18.7	48	8.0		

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 17,520 cases, 18 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-3
GENDER OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	17,520	14,375	82.0	3,145	18.0
Powder Cocaine	2,935	2,642	90.0	293	10.0
Crack Cocaine	1,088	994	91.4	94	8.6
Heroin	1,784	1,488	83.4	296	16.6
Marijuana	996	897	90.1	99	9.9
Methamphetamine	8,456	6,492	76.8	1,964	23.2
Fentanyl	1,658	1,378	83.1	280	16.9
Other	603	484	80.3	119	19.7

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-4
AGE OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60				
	TOTAL	N	%	TOTAL	N	%	TOTAL	N	%	TOTAL	N	%	TOTAL	N	%	TOTAL	N	%	
TOTAL	17,520	379	2.2	1,949	11.1	3,194	18.2	3,288	18.8	3,018	17.2	3,773	21.5	1,458	8.3	461	2.6		
Powder Cocaine	2,935	46	1.6	250	8.5	462	15.7	516	17.6	552	18.8	775	26.4	271	9.2	63	2.1		
Crack Cocaine	1,088	8	0.7	120	11.0	196	18.0	204	18.8	188	17.3	244	22.4	99	9.1	29	2.7		
Heroin	1,784	32	1.8	177	9.9	379	21.2	361	20.2	274	15.4	375	21.0	143	8.0	43	2.4		
Marijuana	996	61	6.1	199	20.0	196	19.7	178	17.9	124	12.4	151	15.2	66	6.6	21	2.1		
Methamphetamine	8,456	178	2.1	896	10.6	1,483	17.5	1,579	18.7	1,558	18.4	1,835	21.7	732	8.7	195	2.3		
Fentanyl	1,658	47	2.8	262	15.8	376	22.7	346	20.9	247	14.9	264	15.9	83	5.0	33	2.0		
Other	603	7	1.2	45	7.5	102	16.9	104	17.2	75	12.4	129	21.4	64	10.6	77	12.8		

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-5
CITIZENSHIP OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	17,518	14,483	82.7	3,035	17.3
Powder Cocaine	2,934	1,981	67.5	953	32.5
Crack Cocaine	1,088	1,064	97.8	24	2.2
Heroin	1,784	1,501	84.1	283	15.9
Marijuana	996	598	60.0	398	40.0
Methamphetamine	8,455	7,343	86.8	1,112	13.2
Fentanyl	1,658	1,432	86.4	226	13.6
Other	603	564	93.5	39	6.5

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 17,520 cases, two were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-6
EDUCATION OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	17,445	36.3	7,022	40.3	3,514	20.1	579	3.3
Powder Cocaine	1,160	39.7	1,114	38.1	534	18.3	113	3.9
Crack Cocaine	406	37.4	528	48.6	141	13.0	11	1.0
Heroin	1,779	37.3	703	39.5	363	20.4	49	2.8
Marijuana	987	52.3	266	27.0	169	17.1	36	3.6
Methamphetamine	8,423	33.8	3,562	42.3	1,813	21.5	204	2.4
Fentanyl	1,648	38.5	643	39.0	330	20.0	40	2.4
Other	601	17.5	206	34.3	164	27.3	126	21.0

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 17,520 cases, 75 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-7
CRIMINAL HISTORY CATEGORY OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL	CRIMINAL HISTORY CATEGORY																	
		I		II		III		IV		V		VI							
		N	%	N	%	N	%	N	%	N	%	N	%						
TOTAL	17,520	7,636	43.6	2,054	11.7	2,654	15.1	1,630	9.3	1,065	6.1	2,481	14.2						
Powder Cocaine	2,935	1,864	63.5	326	11.1	349	11.9	150	5.1	73	2.5	173	5.9						
Crack Cocaine	1,088	206	18.9	149	13.7	214	19.7	152	14.0	113	10.4	254	23.3						
Heroin	1,784	690	38.7	228	12.8	321	18.0	188	10.5	95	5.3	262	14.7						
Marijuana	996	666	66.9	121	12.1	101	10.1	50	5.0	15	1.5	43	4.3						
Methamphetamine	8,456	3,168	37.5	970	11.5	1,300	15.4	884	10.5	654	7.7	1,480	17.5						
Fentanyl	1,658	696	42.0	188	11.3	282	17.0	168	10.1	87	5.2	237	14.3						
Other	603	346	57.4	72	11.9	87	14.4	38	6.3	28	4.6	32	5.3						

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-8
WEAPON INVOLVEMENT OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL	NO WEAPON INVOLVED		WEAPON INVOLVED	
		N	%	N	%
TOTAL	17,197	13,081	76.1	4,116	23.9
Powder Cocaine	2,891	2,307	79.8	584	20.2
Crack Cocaine	1,078	660	61.2	418	38.8
Heroin	1,757	1,423	81.0	334	19.0
Marijuana	982	798	81.3	184	18.7
Methamphetamine	8,266	6,117	74.0	2,149	26.0
Fentanyl	1,624	1,287	79.2	337	20.8
Other	599	489	81.6	110	18.4

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 17,197 cases contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-9
ROLE ADJUSTMENT OF DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL		No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
	N	%	N	%	N	%	N	%
TOTAL	17,197		12,675	73.7	3,511	20.4	1,011	5.9
Powder Cocaine	2,891		2,134	73.8	487	16.8	270	9.3
Crack Cocaine	1,078		966	89.6	45	4.2	67	6.2
Heroin	1,757		1,357	77.2	305	17.4	95	5.4
Marijuana	982		613	62.4	315	32.1	54	5.5
Methamphetamine	8,266		5,868	71.0	2,008	24.3	390	4.7
Fentanyl	1,624		1,230	75.7	311	19.2	83	5.1
Other	599		507	84.6	40	6.7	52	8.7

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 17,197 contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-10
DRUG AMOUNTS (IN GRAMS) FOR SELECTED
BASE OFFENSE LEVELS AND DRUG TYPES¹
Fiscal Year 2021

DRUG TYPE	Base Offense Level and Quantity Range			
	12	24	30	38
Powder Cocaine	Less than 50G	500G - 1,999G	5,000G - 14,999G	At least 450,000G
N	54	259	293	194
Mean	15.8	1,095.5	9,185.0	2,776,527.8
Median	13.9	1,000.0	9,400.0	810,000.0
Crack Cocaine	Less than 2.8G	28G - 111G	280G - 839G	At least 25,200G
N	37	91	25	1
Mean	0.8	59.4	434.1	--
Median	0.5	54.1	400.0	--
Heroin	Less than 10G	100G - 399G	1,000G - 2,999G	At least 90,000G
N	44	138	132	1
Mean	4.3	218.1	1,743.3	--
Median	4.1	200.2	1,740.5	--
Marijuana	5,000G - 9,999G	100,000G - 399,999G	1,000,000G - 2,999,999G	At least 90,000,000G
N	14	222	35	1
Mean	7,717.5	190,921.9	1,687,339.1	--
Median	7,647.5	172,035.0	1,665,000.0	--
Methamphetamine Mix	Less than 5G	50G - 199G	500G - 1,499G	At least 45,000G
N	17	180	206	58
Mean	2.1	105.4	944.3	190,580.1
Median	1.5	103.7	907.2	63,804.6
Methamphetamine Actual	Less than 0.5G	5G - 19G	50G - 149G	At least 4,500G
N	3	127	440	426
Mean	0.4	11.2	91.9	58,938.8
Median	0.4	10.9	89.9	12,123.6
Fentanyl²	Less than 4G	40G - 159G	400G - 1,199G	At least 36,000G
N	40	131	112	8
Mean	1.7	92.5	732.8	111,669.9
Median	1.4	95.2	651.9	43,100.0

¹ Of the 57,287 cases, 17,241 were sentenced under §2D1.1 (Drug Trafficking). Of these, 16,922 cases had complete guideline application information. Of these 16,922 cases, 14,656 involved powder cocaine, crack cocaine, heroin, marijuana, methamphetamine actual or mix or fentanyl n-phenyl. Of these 14,656 cases, 5,917 had a base offense level of 12, 24, 30, or 38. Of these 5,917 cases, 2,919 were excluded due to one or more of the following reasons: involvement of more than one drug type (1,663), missing drug amount or range (1,388), amendment year earlier than 2014 (1), or logical criteria (4). The methamphetamine actual category also includes ICE. Descriptions of variables used in this table are provided in Appendix A.

² Does not include cases involving Fentanyl Analogue.

Table D-11
LENGTH OF MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2021

DRUG TYPE	TOTAL		No Drug Mandatory Minimum ²		Five-Year Drug Mandatory Minimum		Ten-Year or More Drug Mandatory Minimum ³	
	N	%	N	%	N	%	N	%
TOTAL	17,510	33.0	5,774	33.0	4,507	25.7	7,229	41.3
Powder Cocaine	2,935	28.5	837	28.5	818	27.9	1,280	43.6
Crack Cocaine	1,088	60.4	657	60.4	322	29.6	109	10.0
Heroin	1,784	41.5	741	41.5	537	30.1	506	28.4
Marijuana	996	63.3	630	63.3	281	28.2	85	8.5
Methamphetamine	8,446	19.9	1,679	19.9	2,025	24.0	4,742	56.1
Fentanyl	1,658	40.6	673	40.6	498	30.0	487	29.4
Other	603	92.4	557	92.4	26	4.3	20	3.3

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of the remaining cases, ten were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this table are provided in Appendix A.

² Includes 126 offenders whose drug mandatory minimum penalty was 12 months or less.

³ Includes 281 offenders whose drug mandatory minimum penalty was greater than ten years.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-12
APPLICATION OF RECIDIVIST PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2021

DRUG TYPE	ENHANCEMENT FILED		ENHANCEMENT WITHDRAWN ²		ENHANCEMENT NOT WITHDRAWN	
	N	%	N	%	N	%
TOTAL	827	29.6	245	29.6	582	70.4
Powder Cocaine	121	23.1	28	23.1	93	76.9
Crack Cocaine	96	26.0	25	26.0	71	74.0
Heroin	108	32.4	35	32.4	73	67.6
Marijuana	29	24.1	7	24.1	22	75.9
Methamphetamine	341	35.5	121	35.5	220	64.5
Fentanyl	121	24.0	29	24.0	92	76.0
Other	11	0.0	0	0.0	11	100.0

¹ Of the 833 cases in which notice of an enhanced penalty was given under 21 U.S.C. § 851, six were excluded due to missing or undetermined withdrawal information. Descriptions of variables used in this table are provided in Appendix A.

² Includes 24 cases in which the enhancement was not formally withdrawn but where the court determined that the enhancement did not apply at the time of sentencing.

SOURCE: U.S. Sentencing Commission, 2021 851 Datafile, DRUG851FY21.

Table D-13
DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND
MANDATORY MINIMUM PENALTIES^{1,5}
Fiscal Year 2021

DRUG TYPE	TOTAL	NO SAFETY VALVE				SAFETY VALVE			
		No Drug		Drug		No Drug		Drug	
		Mandatory Minimum ²	%	Mandatory Minimum	%	Mandatory Minimum ³	%	Mandatory Minimum ⁴	%
		N	%	N	%	N	%	N	%
TOTAL	17,192	4,562	26.5	6,319	36.8	1,096	6.4	5,215	30.3
Powder Cocaine	2,891	682	23.6	894	30.9	139	4.8	1,176	40.7
Crack Cocaine	1,078	616	57.1	363	33.7	34	3.2	65	6.0
Heroin	1,757	621	35.3	553	31.5	111	6.3	472	26.9
Marijuana	980	367	37.4	128	13.1	254	25.9	231	23.6
Methamphetamine	8,265	1,321	16.0	3,854	46.6	302	3.7	2,788	33.7
Fentanyl	1,622	564	34.8	495	30.5	92	5.7	471	29.0
Other	599	391	65.3	32	5.3	164	27.4	12	2.0

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 17,197 cases contained complete guideline application information. Of these 17,197 cases, five were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

² This column includes 244 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the offender was not eligible to receive the guideline safety valve reduction.

³ For offenders with no drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court indicated that the two-level reduction at §2D1.1 applied because the offender met the criteria set forth at §5C1.2.

⁴ For offenders with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court sentenced the offender without regard to any applicable mandatory minimum penalty (in accordance with the 'safety valve' provision of 18 U.S.C. § 3553(f), incorporated into the guidelines at §5C1.2).

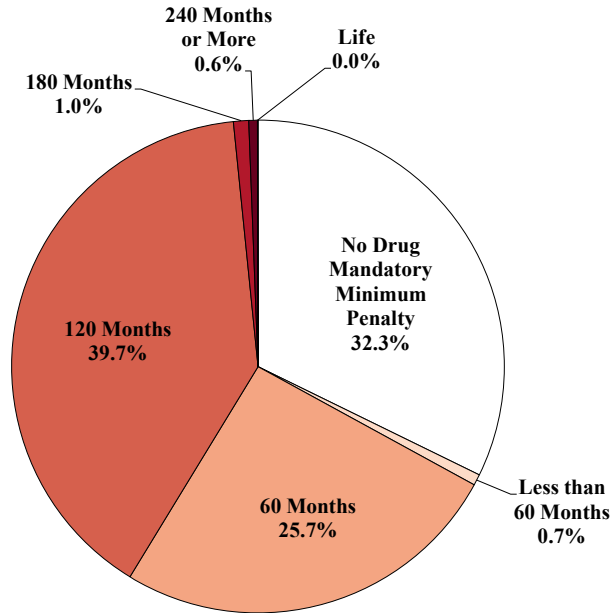
⁵ Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were two offenders sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these cases, the safety valve reduction was not applied to any offenders.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

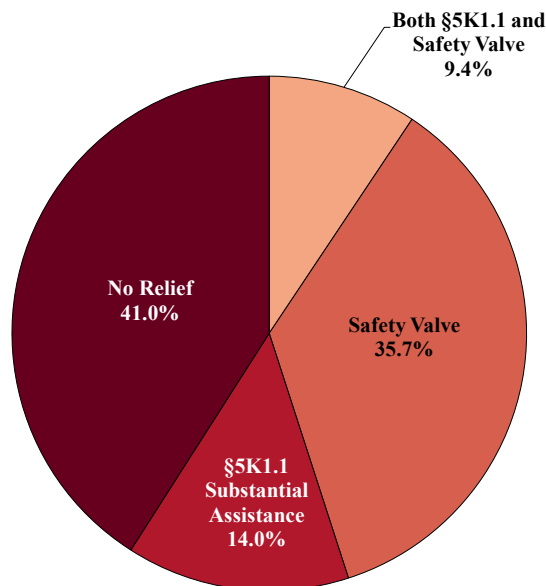
Figure D-2

MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2021

LENGTH OF MANDATORY MINIMUM PENALTIES



RELIEF FROM MANDATORY MINIMUM PENALTIES



¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 17,520 cases, ten were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table D-14
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENDERS¹
Fiscal Year 2021

DRUG TYPE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE						VARIANCE ²			
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	17,516	4,970	28.4	56	0.3	3,482	19.9	1,732	9.9	827	4.7	6,449	36.8
Powder Cocaine	2,934	1,035	35.3	7	0.2	557	19.0	130	4.4	124	4.2	1,081	36.8
Crack Cocaine	1,088	351	32.3	3	0.3	164	15.1	0	0.0	50	4.6	520	47.8
Heroin	1,783	547	30.7	16	0.9	359	20.1	110	6.2	84	4.7	667	37.4
Marijuana	996	443	44.5	2	0.2	110	11.0	47	4.7	38	3.8	356	35.7
Methamphetamine	8,455	1,992	23.6	12	0.1	1,867	22.1	1,260	14.9	431	5.1	2,893	34.2
Fentanyl	1,657	447	27.0	12	0.7	282	17.0	176	10.6	73	4.4	667	40.3
Other	603	155	25.7	4	0.7	143	23.7	9	1.5	27	4.5	265	43.9

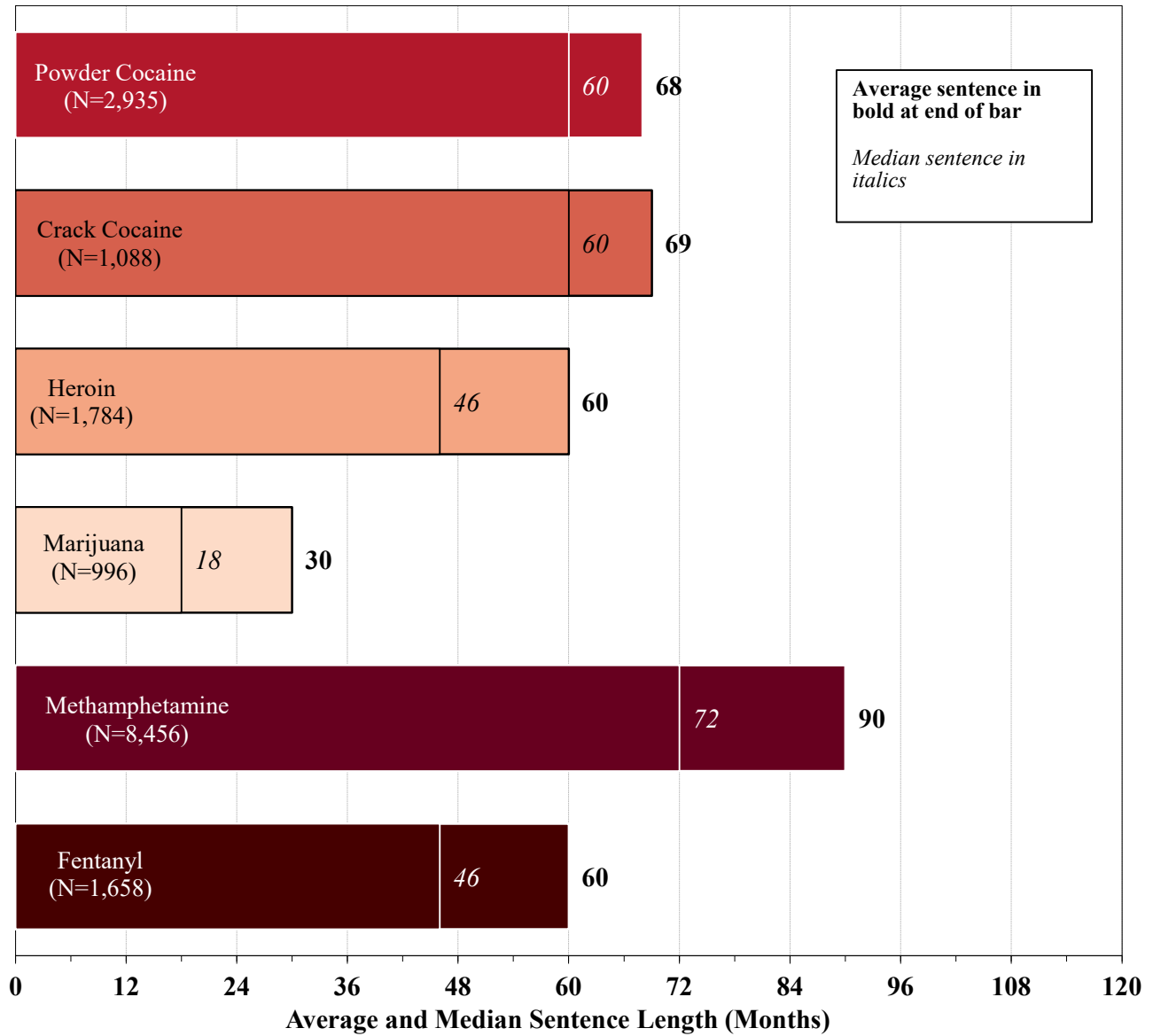
¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 17,520 cases, four were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² Of the 6,449 variance cases, in 593 cases the court cited First Step Act safety valve expansion as a reason for the sentence.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure D-3

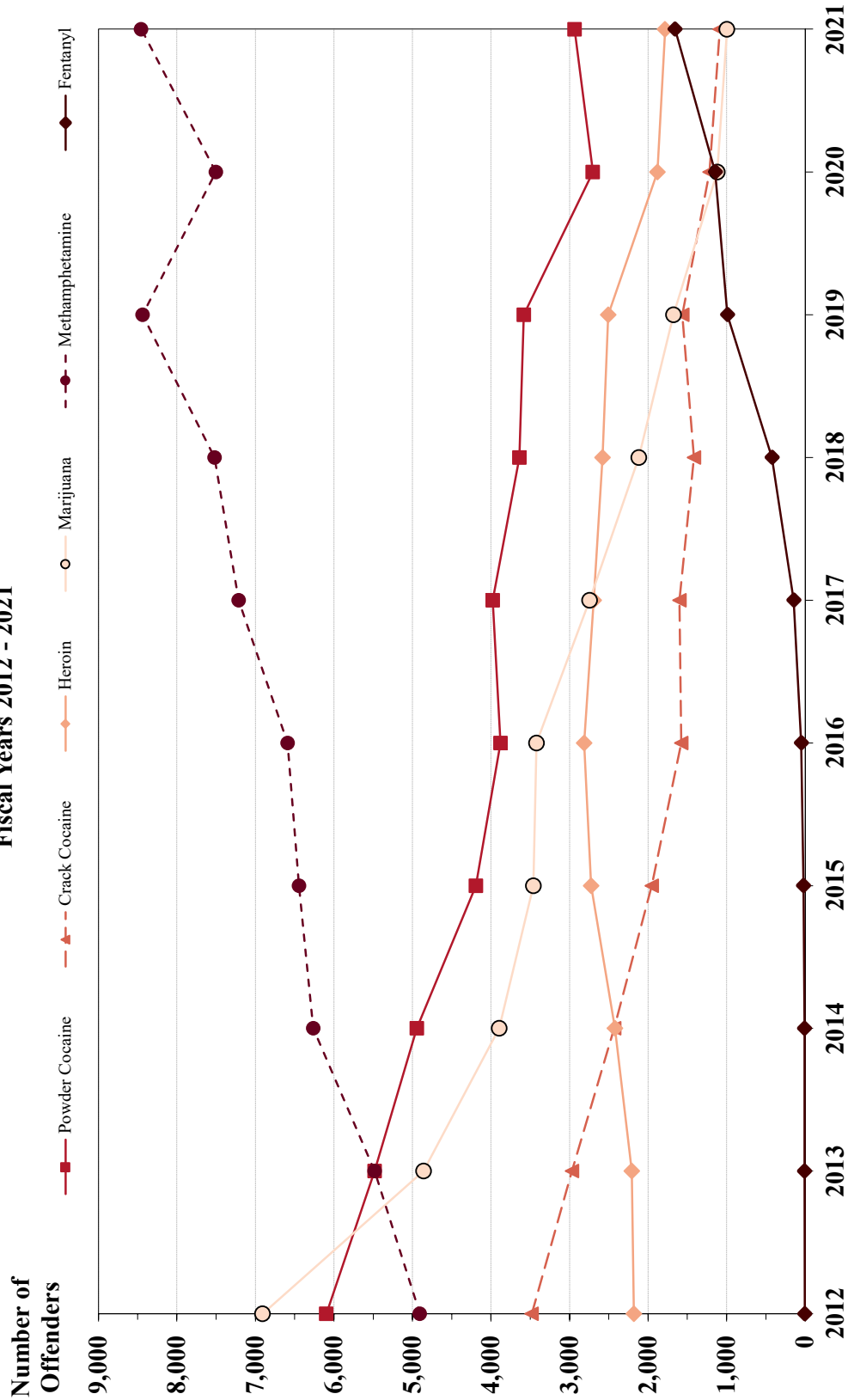
**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE¹
Fiscal Year 2021**



¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSG §5C1.1. Italicized numbers depict median values and the bolded numbers at the end of the bar indicate average values. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

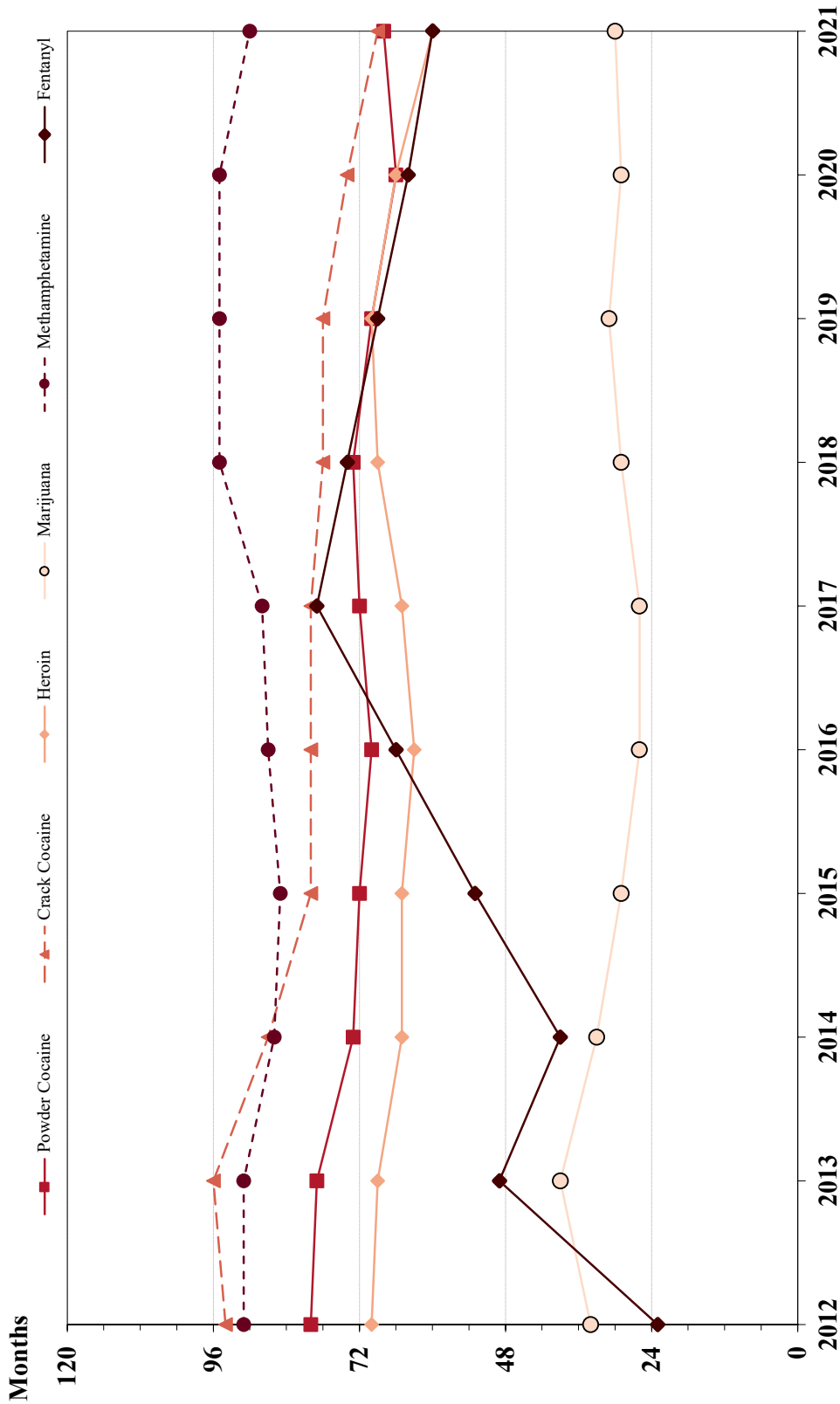
Figure D-4
NUMBER OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE OVER TIME¹
Fiscal Years 2012 - 2021



¹ Only offenders sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted in this figure. Additional cases were excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

Figure D-5
SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE OVER TIME¹
Fiscal Years 2012 - 2021



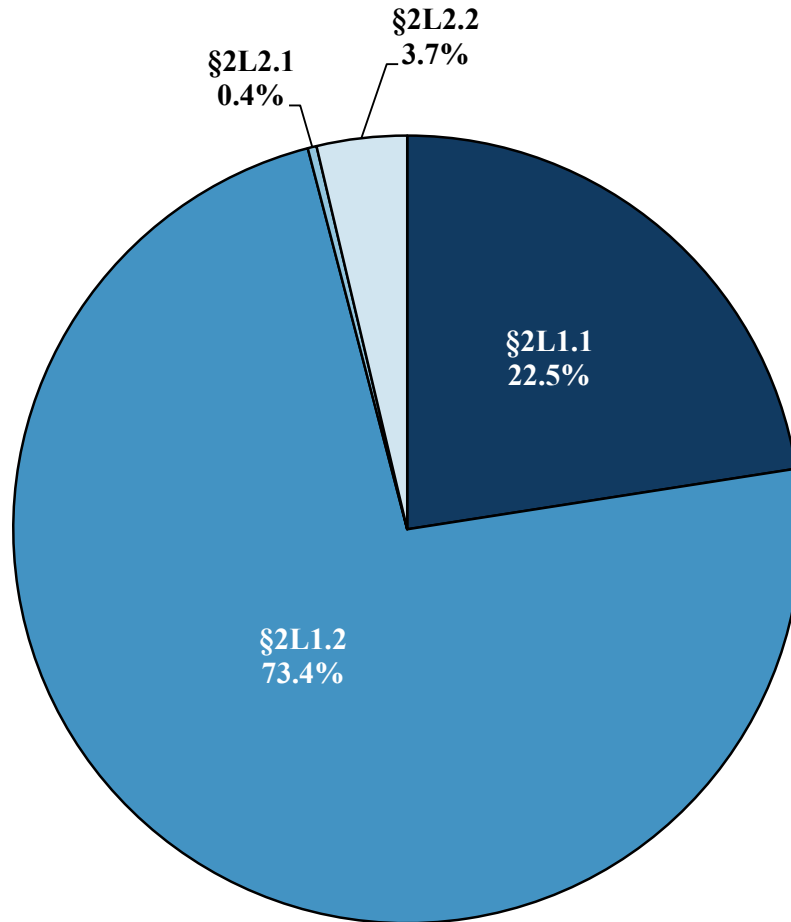
¹ Only offenders sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSC §5C1.1. Cases missing drug type or sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

IMMIGRATION OFFENSES

Figure I-1

**DISTRIBUTION OF IMMIGRATION OFFENDERS
BY GUIDELINE¹
Fiscal Year 2021**



¹ Of the 57,287 cases, 15,755 offenders were sentenced under §2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table I-1
RACE OF IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	15,649	2.9	452	1.4	221	1.4	14,863	95.0	113	0.7
§2L1.1	3,546	10.1	359	10.1	151	4.3	2,949	83.2	87	2.5
§2L1.2	11,465	0.6	64	0.6	39	0.3	11,353	99.0	9	0.1
§2L2.1	57	19.3	11	19.3	9	15.8	28	49.1	9	15.8
§2L2.2	581	3.1	18	3.1	22	3.8	533	91.7	8	1.4

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 15,755 offenders, 106 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table I-2
GENDER OF IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	15,745	14,453	91.8	1,292	8.2
§2L1.1	3,550	2,704	76.2	846	23.8
§2L1.2	11,556	11,296	97.8	260	2.2
§2L2.1	57	39	68.4	18	31.6
§2L2.2	582	414	71.1	168	28.9

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 15,755 offenders, ten were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table I-3
AGE OF IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	535	3.4	1,755	11.1	2,479	15.7	2,931	18.6	2,969	18.8	3,697	23.5	1,172	7.4	217	1.4
§2L1.1	387	10.9	776	21.9	694	19.5	497	14.0	409	11.5	532	15.0	200	5.6	56	1.6
§2L1.2	108	0.9	885	7.7	1,686	14.6	2,342	20.3	2,481	21.5	3,013	26.1	914	7.9	136	1.2
§2L2.1	57	0.0	4	7.0	4	7.0	5	8.8	10	17.5	22	38.6	9	15.8	3	5.3
§2L2.2	582	6.9	90	15.5	95	16.3	87	14.9	69	11.9	130	22.3	49	8.4	22	3.8

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table I-4
CITIZENSHIP OF IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	U.S. CITIZEN			NON-U.S. CITIZEN			Resident/ Legal Alien		Illegal Alien		Extradited Alien		Alien Status Unknown	
	TOTAL	N	%	N	%	N	%	N	N	N	N	N	N	
TOTAL	15,755	2,726	17.3	13,029	82.7	223	223	12,781	2	23				
§2L1.1	3,551	2,658	74.9	893	25.1	182	182	705	1	5				
§2L1.2	11,565	0	0.0	11,565	100.0	16	16	11,540	0	9				
§2L2.1	57	28	49.1	29	50.9	8	8	19	1	1				
§2L2.2	582	40	6.9	542	93.1	17	17	517	0	8				

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table I-5

CRIMINAL HISTORY CATEGORY AND CITIZENSHIP OF IMMIGRATION OFFENDERS¹
Fiscal Year 2021

CHC		Total		§2L1.1		§2L1.2		§2L2.1		§2L2.2	
		N	%	N	%	N	%	N	%	N	%
I	Total	4,827	100.0	2,077	100.0	2,201	100.0	48	100.0	501	100.0
	U.S. Citizen	1,418	29.4	1,371	66.0	0	0.0	23	47.9	24	4.8
	Non-U.S. Citizen	3,409	70.6	706	34.0	2,201	100.0	25	52.1	477	95.2
II	Total	3,592	100.0	489	100.0	3,064	100.0	3	100.0	36	100.0
	U.S. Citizen	407	11.3	395	80.8	0	0.0	1	33.3	11	30.6
	Non-U.S. Citizen	3,185	88.7	94	19.2	3,064	100.0	2	66.7	25	69.4
III	Total	3,816	100.0	465	100.0	3,320	100.0	3	100.0	28	100.0
	U.S. Citizen	415	10.9	411	88.4	0	0.0	2	66.7	2	7.1
	Non-U.S. Citizen	3,401	89.1	54	11.6	3,320	100.0	1	33.3	26	92.9
IV	Total	1,978	100.0	264	100.0	1,705	100.0	0	100.0	9	100.0
	U.S. Citizen	242	12.2	241	91.3	0	0.0	0	--	1	11.1
	Non-U.S. Citizen	1,736	87.8	23	8.7	1,705	100.0	0	--	8	88.9
V	Total	978	100.0	138	100.0	835	100.0	1	100.0	4	100.0
	U.S. Citizen	130	13.3	128	92.8	0	0.0	1	100.0	1	25.0
	Non-U.S. Citizen	848	86.7	10	7.2	835	100.0	0	0.0	3	75.0
VI	Total	564	100.0	118	100.0	440	100.0	2	100.0	4	100.0
	U.S. Citizen	114	20.2	112	94.9	0	0.0	1	50.0	1	25.0
	Non-U.S. Citizen	450	79.8	6	5.1	440	100.0	1	50.0	3	75.0

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table I-6
EDUCATION OF IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	11,244	76.6	2,462	16.8	800	5.5	170	1.2
§2L1.1	1,838	52.1	1,167	33.1	472	13.4	49	1.4
§2L1.2	9,172	85.3	1,215	11.3	284	2.6	80	0.7
§2L2.1	23	41.8	5	9.1	10	18.2	17	30.9
§2L2.2	211	61.3	75	21.8	34	9.9	24	7.0

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 15,755 offenders, 1,079 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

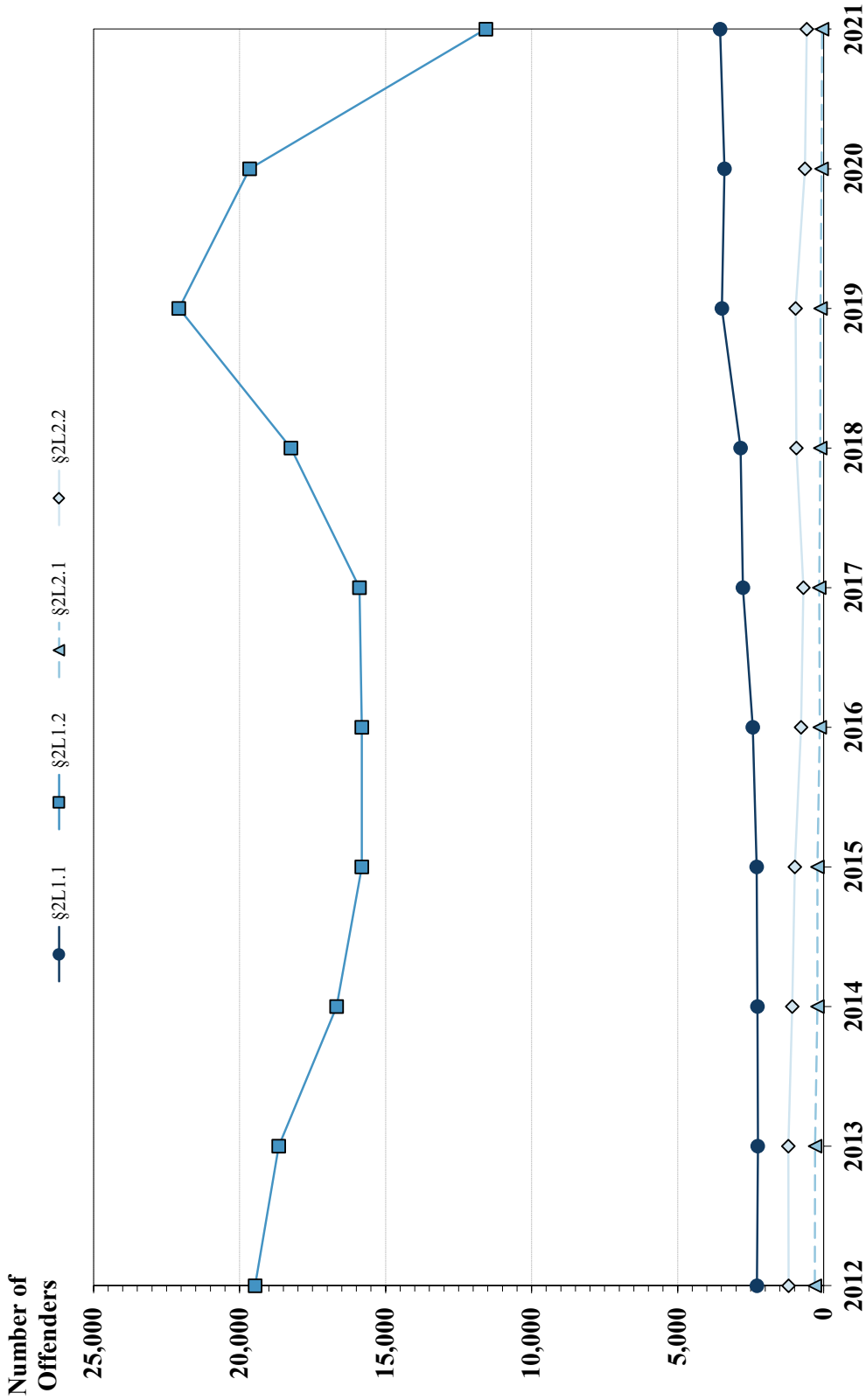
Table I-7
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE						VARIANCE			
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
				N	%	N	%	N	%	N	%		
TOTAL	15,748	8,228	52.2	33	0.2	147	0.9	4,329	27.5	887	5.6	2,124	13.5
\$2L1.1	3,550	1,536	43.3	6	0.2	111	3.1	1,202	33.9	120	3.4	575	16.2
\$2L1.2	11,559	6,227	53.9	26	0.2	27	0.2	3,122	27.0	737	6.4	1,420	12.3
\$2L2.1	57	22	38.6	0	0.0	9	15.8	0	0.0	4	7.0	22	38.6
\$2L2.2	582	443	76.1	1	0.2	0	0.0	5	0.9	26	4.5	107	18.4

¹ Of the 57,287 cases, 15,755 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 15,755 offenders, seven were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

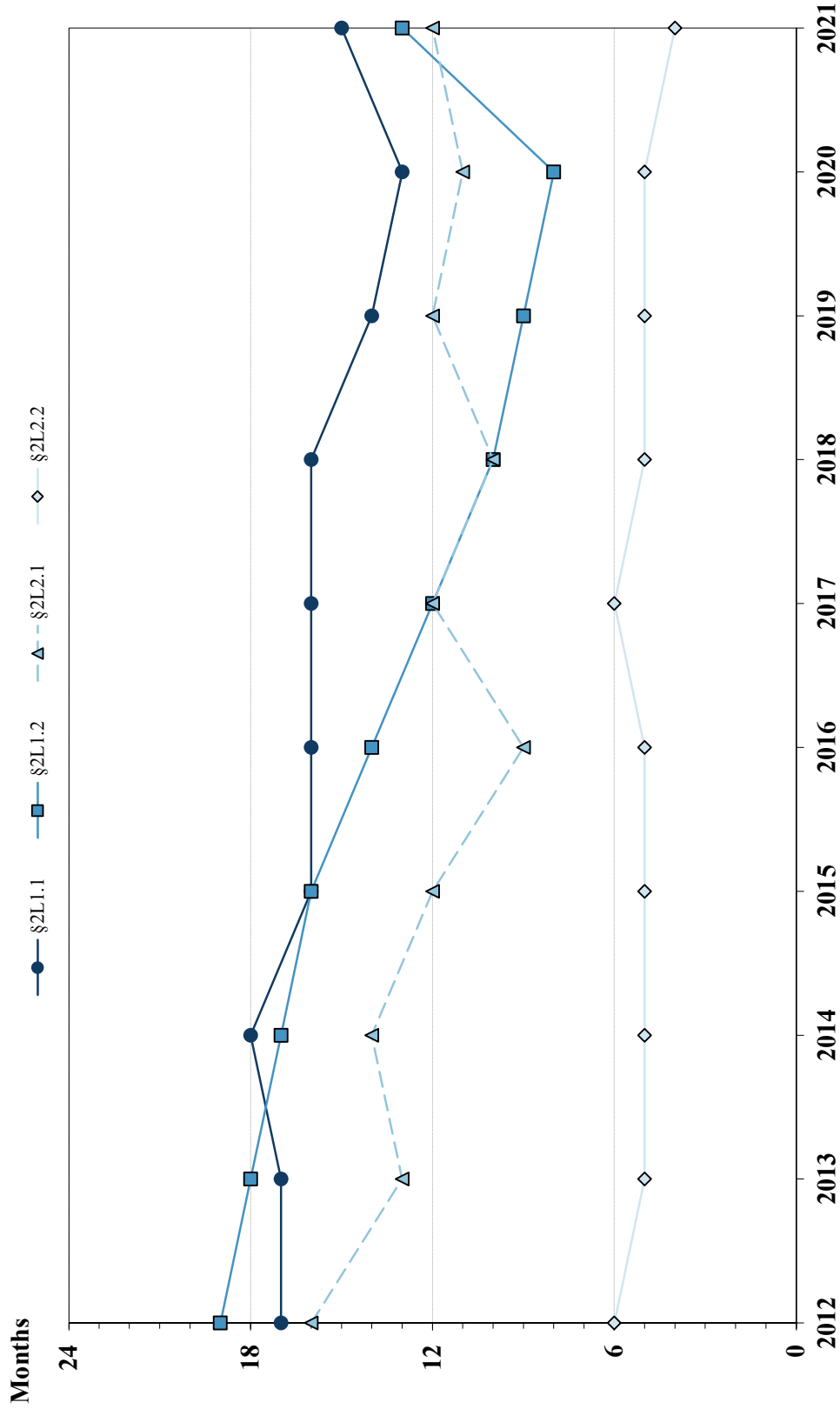
Figure I-2
NUMBER OF IMMIGRATION OFFENDERS OVER TIME¹
Fiscal Years 2012 - 2021



¹ Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

Figure I-3
SENTENCE LENGTH OF IMMIGRATION OFFENDERS OVER TIME¹
Fiscal Years 2012 - 2021



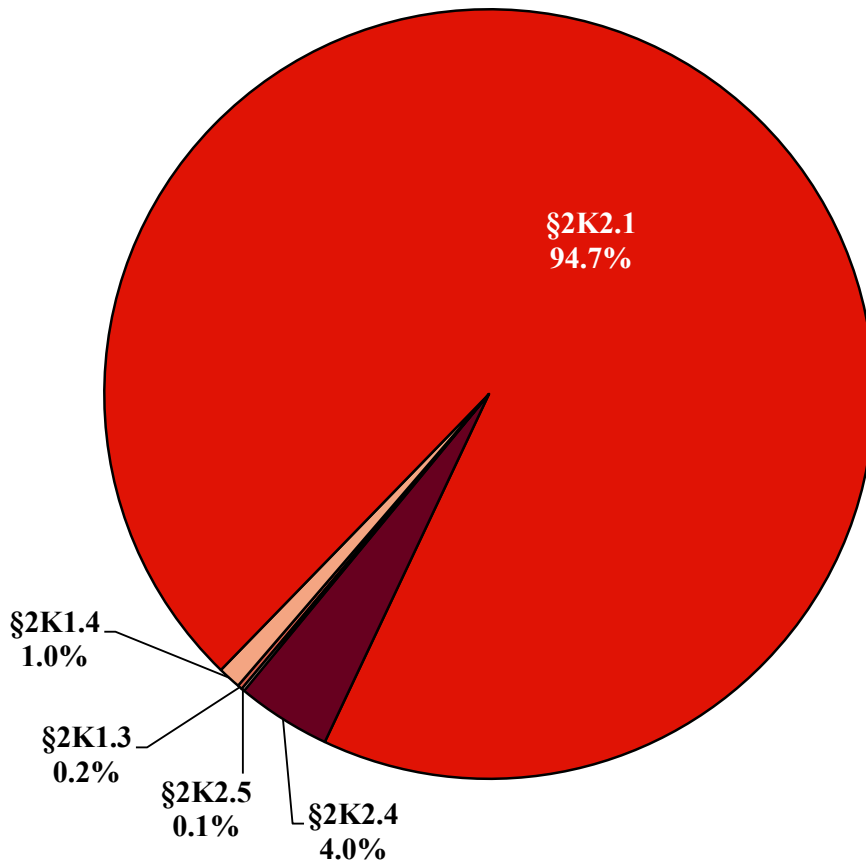
¹ Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

FIREARMS OFFENSES

Figure F-1

**DISTRIBUTION OF FIREARMS OFFENDERS
BY GUIDELINE^{1,2}
Fiscal Year 2021**



¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table F-1
RACE OF FIREARMS OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	8,154		1,964	24.1	4,498	55.2	1,420	17.4	272	3.3
§2K1.3	17		13	76.5	3	17.6	1	5.9	0	0.0
§2K1.4	78		27	34.6	34	43.6	9	11.5	8	10.3
§2K2.1	7,727		1,876	24.3	4,269	55.2	1,328	17.2	254	3.3
§2K2.4²	323		44	13.6	191	59.1	79	24.5	9	2.8
§2K2.5	9		4	44.4	1	11.1	3	33.3	1	11.1

¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,164 cases, ten were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table F-2
GENDER OF FIREARMS OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
TOTAL	8,164	96.2	7,857	96.2	307	3.8
§2K1.3	17	88.2	15	88.2	2	11.8
§2K1.4	78	87.2	68	87.2	10	12.8
§2K2.1	7,735	96.3	7,451	96.3	284	3.7
§2K2.4²	324	96.6	313	96.6	11	3.4
§2K2.5	10	100.0	10	100.0	0	0.0

¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table F-3
AGE OF FIREARMS OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	8,164	224	2.7	1,385	17.0	1,918	23.5	1,707	20.9	1,247	15.3	1,204	14.7	370	4.5	109	1.3
§2K1.3	17	0	0.0	1	5.9	2	11.8	3	17.6	2	11.8	0	0.0	7	41.2	2	11.8
§2K1.4	78	5	6.4	22	28.2	14	17.9	16	20.5	7	9.0	9	11.5	4	5.1	1	1.3
§2K2.1	7,735	196	2.5	1,270	16.4	1,823	23.6	1,640	21.2	1,199	15.5	1,157	15.0	348	4.5	102	1.3
§2K2.4²	324	21	6.5	90	27.8	78	24.1	47	14.5	38	11.7	37	11.4	9	2.8	4	1.2
§2K2.5	10	2	20.0	2	20.0	1	10.0	1	10.0	1	10.0	1	10.0	2	20.0	0	0.0

¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table F-4
CITIZENSHIP OF FIREARMS OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	8,164	7,861	96.3	303	3.7
§2K1.3	17	17	100.0	0	0.0
§2K1.4	78	78	100.0	0	0.0
§2K2.1	7,735	7,443	96.2	292	3.8
§2K2.4²	324	313	96.6	11	3.4
§2K2.5	10	10	100.0	0	0.0

¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table F-5
EDUCATION OF FIREARMS OFFENDERS¹
Fiscal Year 2021

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
TOTAL	8,145	35.7	3,779	46.4	1,322	16.2	139	1.7
§2K1.3	17	4	9	52.9	4	23.5	0	0.0
§2K1.4	78	21	32	41.0	20	25.6	5	6.4
§2K2.1	7,719	2,753	3,584	46.4	1,252	16.2	130	1.7
§2K2.4²	322	126	150	46.6	42	13.0	4	1.2
§2K2.5	9	1	4	44.4	4	44.4	0	0.0

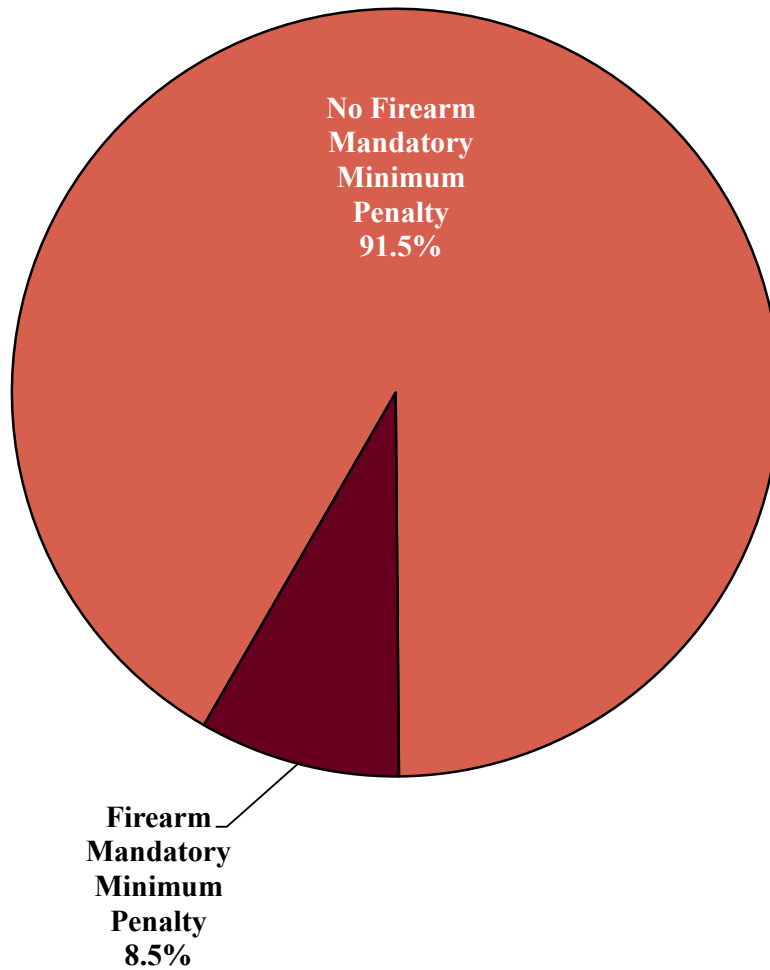
¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,164 cases, 19 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure F-2

**FIREARM MANDATORY MINIMUM PENALTIES¹
Fiscal Year 2021**



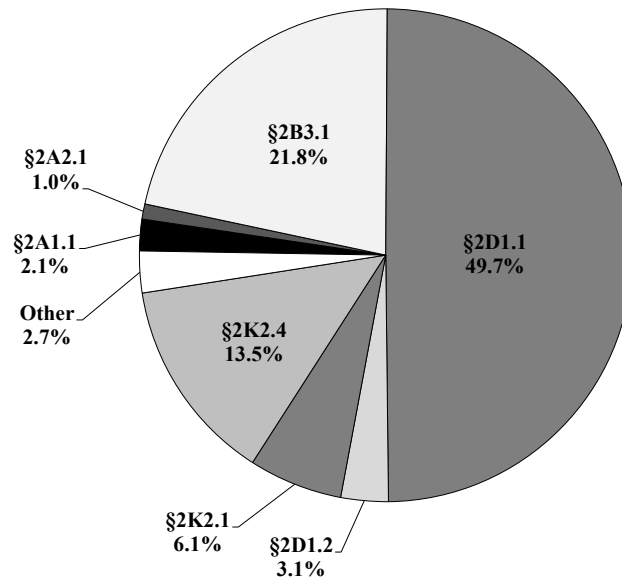
¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). This figure is limited to mandatory minimum penalties for violating 18 U.S.C. § 924(c) or 18 U.S.C. § 924(e). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

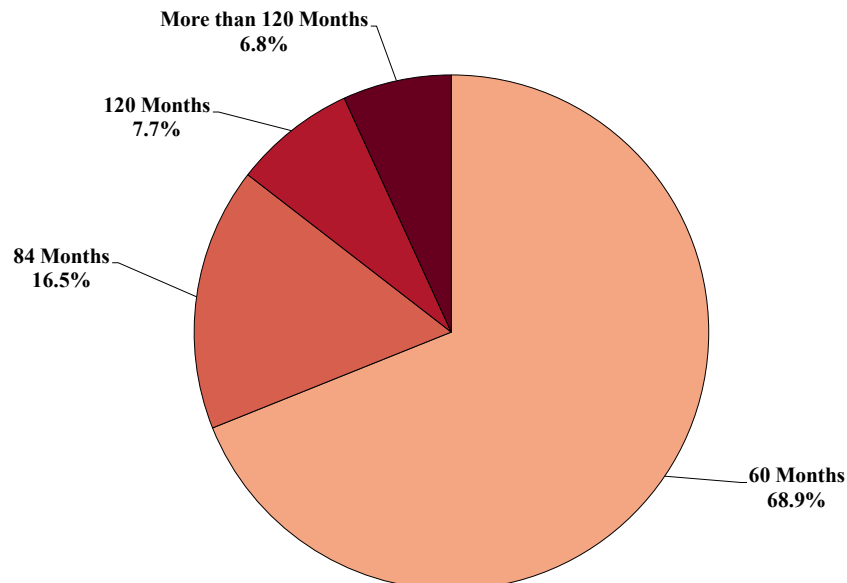
Figure F-3

CONVICTIONS UNDER 18 U.S.C. § 924(c)¹
Fiscal Year 2021

DISTRIBUTION OF APPLICABLE GUIDELINES²



LENGTH OF MANDATORY MINIMUM PENALTY



¹ Of the 57,287 cases, in 2,430 the offenders were convicted of one or more counts of violating 18 U.S.C. § 924(c). Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

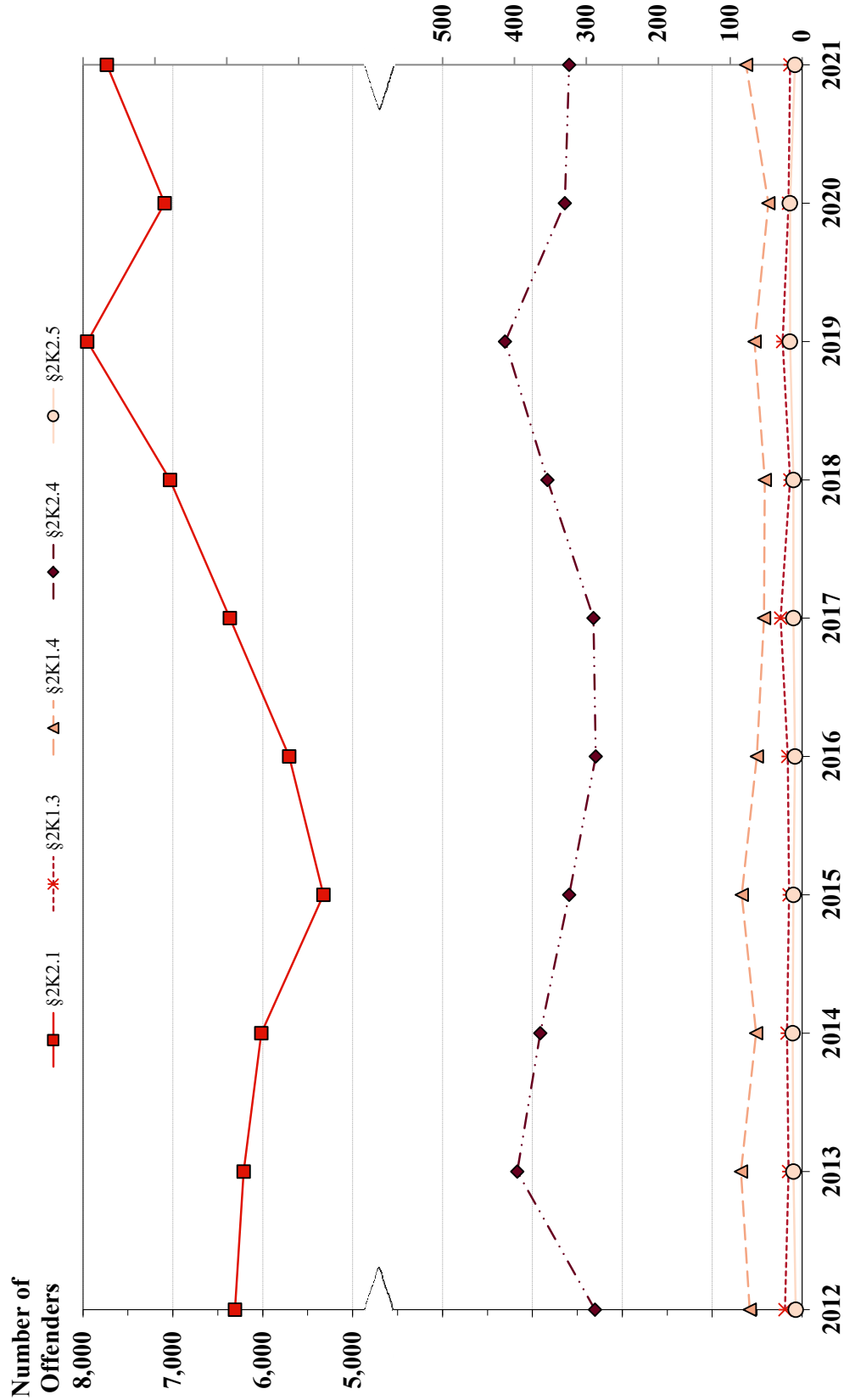
Table F-6
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR FIREARMS OFFENDERS¹
Fiscal Year 2021

GUIDELINE	WITHIN GUIDELINE RANGE			DEPARTURE						VARIANCE			
	TOTAL	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%		
		N	%	N	%	N	%	N	%				
TOTAL	8,161	4,140	50.7	66	0.8	420	5.1	12	0.1	342	4.2	3,181	39.0
§2K1.3	17	8	47.1	0	0.0	0	0.0	0	0.0	1	5.9	8	47.1
§2K1.4	78	36	46.2	2	2.6	10	12.8	0	0.0	6	7.7	24	30.8
§2K2.1	7,732	3,827	49.5	58	0.8	386	5.0	12	0.2	334	4.3	3,115	40.3
§2K2.4²	324	260	80.2	6	1.9	24	7.4	0	0.0	1	0.3	33	10.2
§2K2.5	10	9	90.0	0	0.0	0	0.0	0	0.0	0	0.0	1	10.0

¹ Of the 57,287 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,164 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,164 cases, three were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Figure F-4
NUMBER OF FIREARMS OFFENDERS OVER TIME^{1,2}
Fiscal Years 2012 - 2021

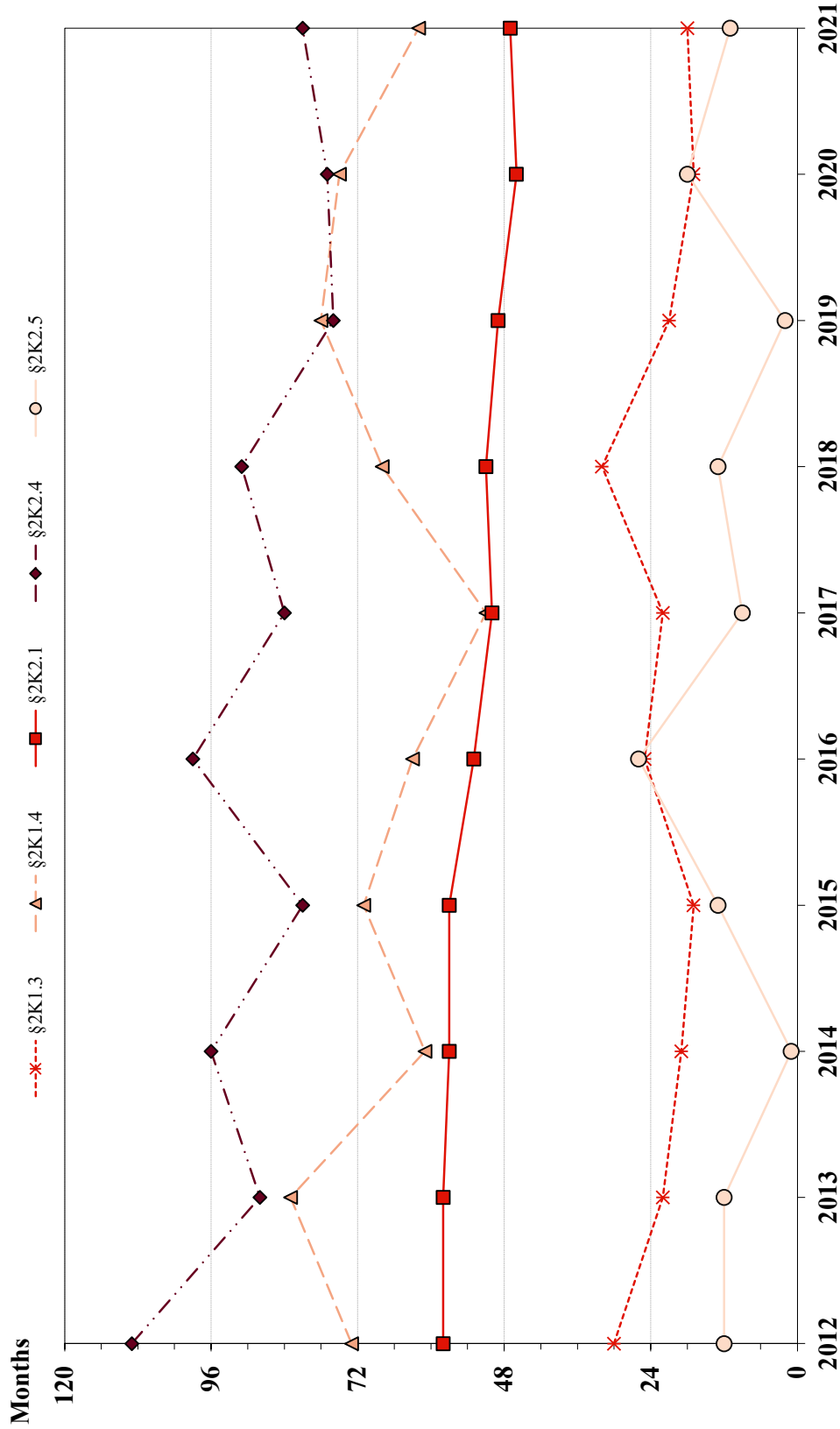


¹ Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

Figure F-5
SENTENCE LENGTH OF FIREARMS OFFENDERS OVER TIME^{1,2}
Fiscal Years 2012 - 2021



¹ Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

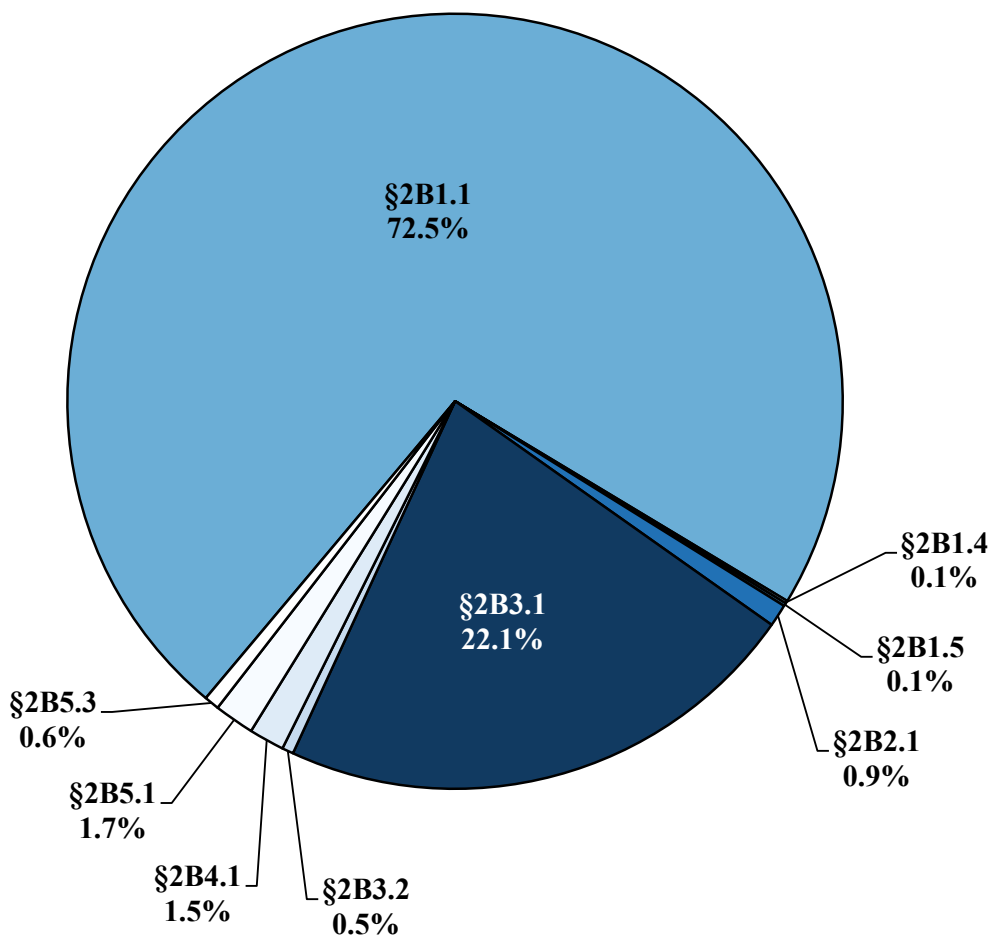
² In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

ECONOMIC OFFENSES

Figure E-1

**DISTRIBUTION OF ECONOMIC OFFENSE OFFENDERS
BY GUIDELINE¹
Fiscal Year 2021**



¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table E-1
RACE OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
TOTAL	5,819		2,194	37.7	2,109	36.2	1,087	18.7	429	7.4
§2B1.1	4,218		1,808	42.9	1,269	30.1	821	19.5	320	7.6
§2B1.4	7		2	28.6	2	28.6	0	0.0	3	42.9
§2B1.5	5		4	80.0	1	20.0	0	0.0	0	0.0
§2B2.1	54		18	33.3	21	38.9	7	13.0	8	14.8
§2B3.1	1,288		235	18.2	766	59.5	220	17.1	67	5.2
§2B3.2	28		12	42.9	5	17.9	9	32.1	2	7.1
§2B4.1	86		54	62.8	9	10.5	10	11.6	13	15.1
§2B5.1	97		51	52.6	32	33.0	12	12.4	2	2.1
§2B5.3	36		10	27.8	4	11.1	8	22.2	14	38.9

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 5,841 cases, 22 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table E-2
GENDER OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	5,840	4,407	75.5	1,433	24.5
§2B1.1	4,234	2,932	69.2	1,302	30.8
§2B1.4	7	7	100.0	0	0.0
§2B1.5	7	7	100.0	0	0.0
§2B2.1	54	49	90.7	5	9.3
§2B3.1	1,290	1,215	94.2	75	5.8
§2B3.2	28	25	89.3	3	10.7
§2B4.1	86	72	83.7	14	16.3
§2B5.1	98	72	73.5	26	26.5
§2B5.3	36	28	77.8	8	22.2

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 5,841 cases, one was excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table E-3
AGE OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60			
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%		
TOTAL	5,841		168	2.9	613	10.5	832	14.2	801	13.7	774	13.3	1,233	21.1	869	14.9	551	9.4
§2B1.1	4,235		74	1.7	274	6.5	483	11.4	586	13.8	583	13.8	1,023	24.2	731	17.3	481	11.4
§2B1.4	7		0	0.0	0	0.0	2	28.6	0	0.0	1	14.3	0	0.0	2	28.6	2	28.6
§2B1.5	7		0	0.0	0	0.0	0	0.0	1	14.3	2	28.6	1	14.3	1	14.3	2	28.6
§2B2.1	54		3	5.6	8	14.8	19	35.2	13	24.1	9	16.7	2	3.7	0	0.0	0	0.0
§2B3.1	1,290		89	6.9	308	23.9	299	23.2	172	13.3	149	11.6	144	11.2	98	7.6	31	2.4
§2B3.2	28		2	7.1	2	7.1	6	21.4	3	10.7	4	14.3	5	17.9	2	7.1	4	14.3
§2B4.1	86		0	0.0	0	0.0	3	3.5	4	4.7	8	9.3	22	25.6	23	26.7	26	30.2
§2B5.1	98		0	0.0	21	21.4	19	19.4	19	19.4	14	14.3	19	19.4	4	4.1	2	2.0
§2B5.3	36		0	0.0	0	0.0	1	2.8	3	8.3	4	11.1	17	47.2	8	22.2	3	8.3

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table E-4
CITIZENSHIP OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	5,836	5,138	88.0	698	12.0
§2B1.1	4,231	3,601	85.1	630	14.9
§2B1.4	7	6	85.7	1	14.3
§2B1.5	7	7	100.0	0	0.0
§2B2.1	54	53	98.1	1	1.9
§2B3.1	1,289	1,245	96.6	44	3.4
§2B3.2	28	21	75.0	7	25.0
§2B4.1	86	83	96.5	3	3.5
§2B5.1	98	93	94.9	5	5.1
§2B5.3	36	29	80.6	7	19.4

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 5,841 cases, five were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table E-5

EDUCATION OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	5,761	1,133	19.7	1,900	33.0	1,662	28.8	1,066	18.5
§2B1.1	4,159	609	14.6	1,207	29.0	1,366	32.8	977	23.5
§2B1.4	7	0	0.0	0	0.0	2	28.6	5	71.4
§2B1.5	5	0	0.0	1	20.0	4	80.0	0	0.0
§2B2.1	54	24	44.4	23	42.6	7	13.0	0	0.0
§2B3.1	1,288	460	35.7	582	45.2	224	17.4	22	1.7
§2B3.2	28	10	35.7	11	39.3	5	17.9	2	7.1
§2B4.1	86	3	3.5	12	14.0	20	23.3	51	59.3
§2B5.1	98	20	20.4	51	52.0	23	23.5	4	4.1
§2B5.3	36	7	19.4	13	36.1	11	30.6	5	13.9

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 5,841 cases, 80 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table E-6
LOSS AMOUNT OF ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL		NO GUIDELINE INCREASE FOR LOSS AMOUNT ²		GUIDELINE INCREASE FOR LOSS AMOUNT		AMOUNT OF LOSS ³		
	N	%	N	%	N	%	N	Mean	Median
TOTAL	5,774		1,945	33.7	3,829	66.3	4,485	\$4,055,877	\$65,112
§2B1.1	4,183		752	18.0	3,431	82.0	3,361	\$5,151,674	\$134,086
§2B1.4	7		0	0.0	7	100.0	6	\$1,111,040	\$969,277
§2B1.5	7		1	14.3	6	85.7	5	\$241,651	\$67,428
§2B2.1	54		32	59.3	22	40.7	41	\$30,766	\$3,690
§2B3.1	1,278		1,104	86.4	174	13.6	915	\$277,603	\$1,558
§2B3.2	28		19	67.9	9	32.1	14	\$102,489	\$6,500
§2B4.1	84		1	1.2	83	98.8	57	\$10,190,875	\$386,196
§2B5.1	98		36	36.7	62	63.3	69	\$17,597	\$5,000
§2B5.3	35		0	0.0	35	100.0	17	\$1,715,311	\$229,302

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these, the Commission received complete guideline application information for 5,774 cases. In 3,829 cases the guideline range was enhanced due to the amount of loss involved in the case. Descriptions of variables used in this table are provided in Appendix A.

² A loss may exist in cases where there was no guideline increase for loss amount and those amounts are included in the amount of loss columns.

³ Cases in which an exact loss amount was not reported were excluded from the amount of loss computation.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

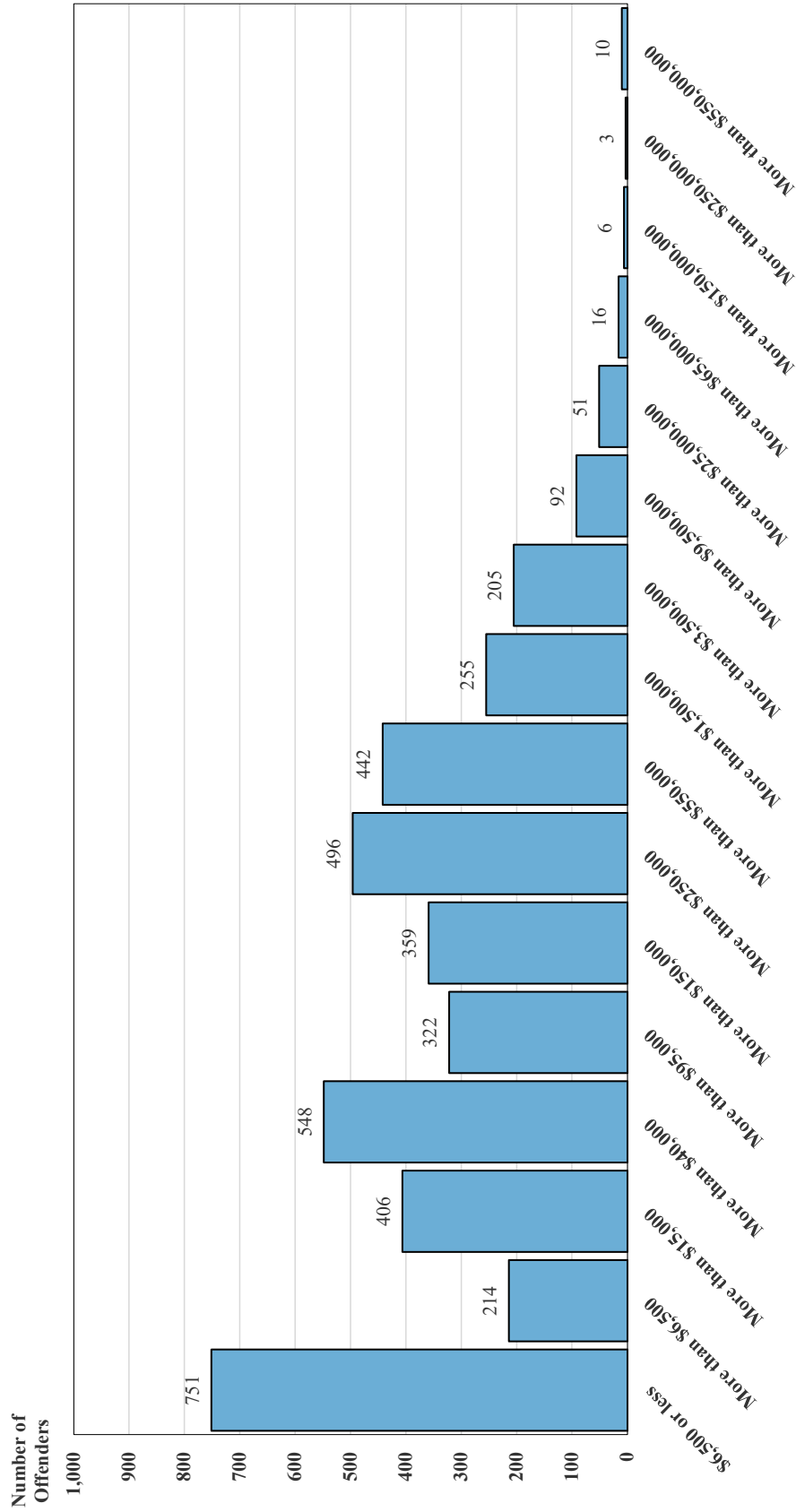
Table E-7
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR ECONOMIC OFFENSE OFFENDERS¹
Fiscal Year 2021

GUIDELINE	WITHIN GUIDELINE RANGE			DEPARTURE														
	TOTAL	N	%	UPWARD			§5K1.1			§5K3.1			DOWNWARD			VARIANCE		
				N	%	N	%	N	%	N	%	N	%	N	%	N	%	
TOTAL	5,836	2,316	39.7	57	1.0	756	13.0	9	0.2	244	4.2	2,454	42.0					
§2B1.1	4,230	1,698	40.1	44	1.0	544	12.9	8	0.2	166	3.9	1,770	41.8					
§2B1.4	7	2	28.6	0	0.0	3	42.9	0	0.0	0	0.0	2	28.6					
§2B1.5	7	2	28.6	0	0.0	0	0.0	0	0.0	0	0.0	5	71.4					
§2B2.1	54	25	46.3	3	5.6	4	7.4	0	0.0	6	11.1	16	29.6					
§2B3.1	1,290	500	38.8	10	0.8	156	12.1	1	0.1	62	4.8	561	43.5					
§2B3.2	28	8	28.6	0	0.0	2	7.1	0	0.0	4	14.3	14	50.0					
§2B4.1	86	13	15.1	0	0.0	38	44.2	0	0.0	2	2.3	33	38.4					
§2B5.1	98	61	62.2	0	0.0	7	7.1	0	0.0	3	3.1	27	27.6					
§2B5.3	36	7	19.4	0	0.0	2	5.6	0	0.0	1	2.8	26	72.2					

¹ Of the 57,287 cases, in 5,939 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 5,841 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 5,841 cases, five were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

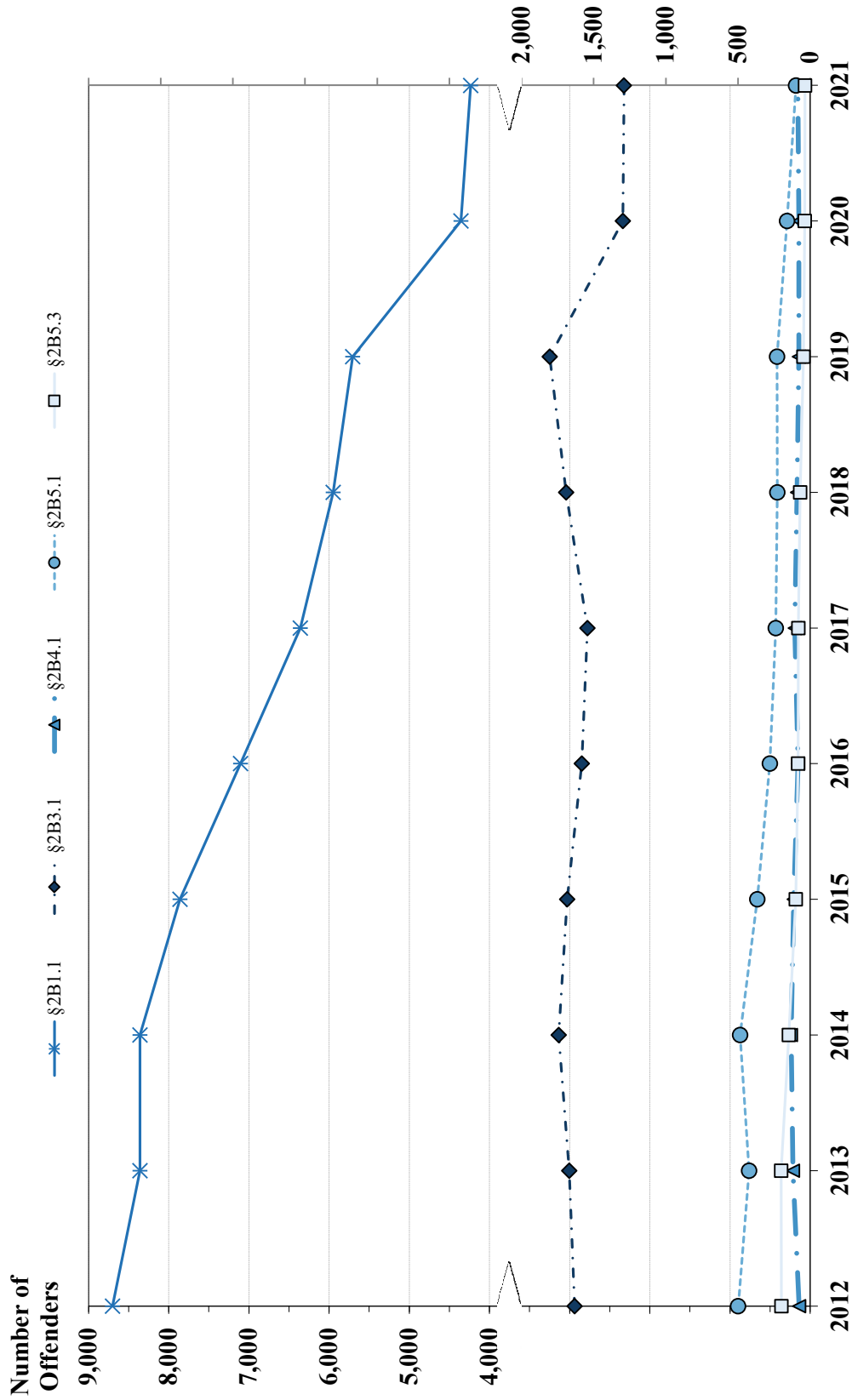
Figure E-2
NUMBER OF OFFENDERS IN EACH §2B1.1 LOSS TABLE CATEGORY¹
Fiscal Year 2021



¹ Of the 57,287 cases, the Commission received complete guideline application information for 53,779 cases. Of these, 4,183 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses). An additional seven cases were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2015. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

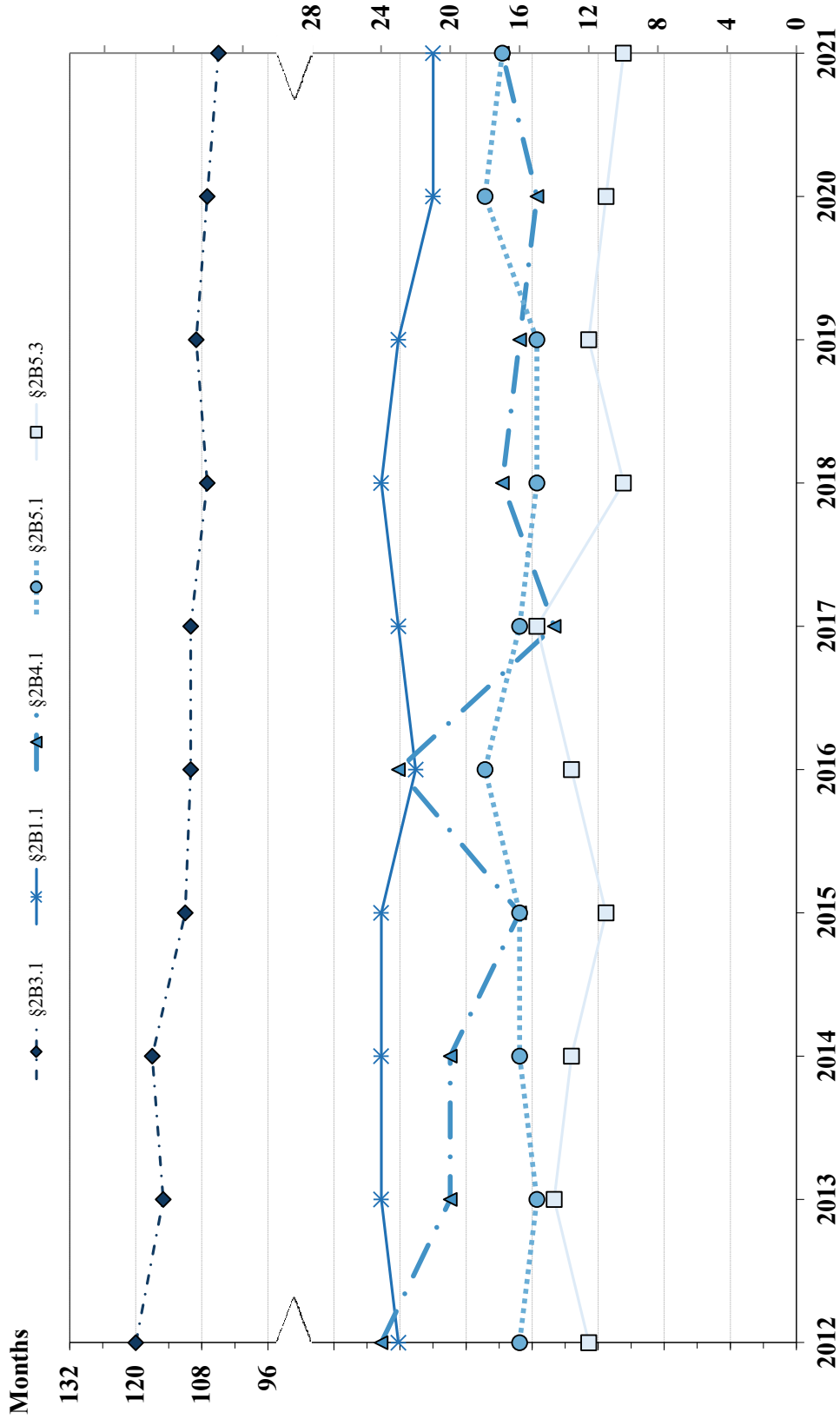
Figure E-3
NUMBER OF ECONOMIC OFFENSE OFFENDERS OVER TIME¹
Fiscal Years 2012 - 2021



¹ Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

Figure E-4
SENTENCE LENGTH OF ECONOMIC OFFENSE OFFENDERS OVER TIME¹
Fiscal Years 2012 - 2021



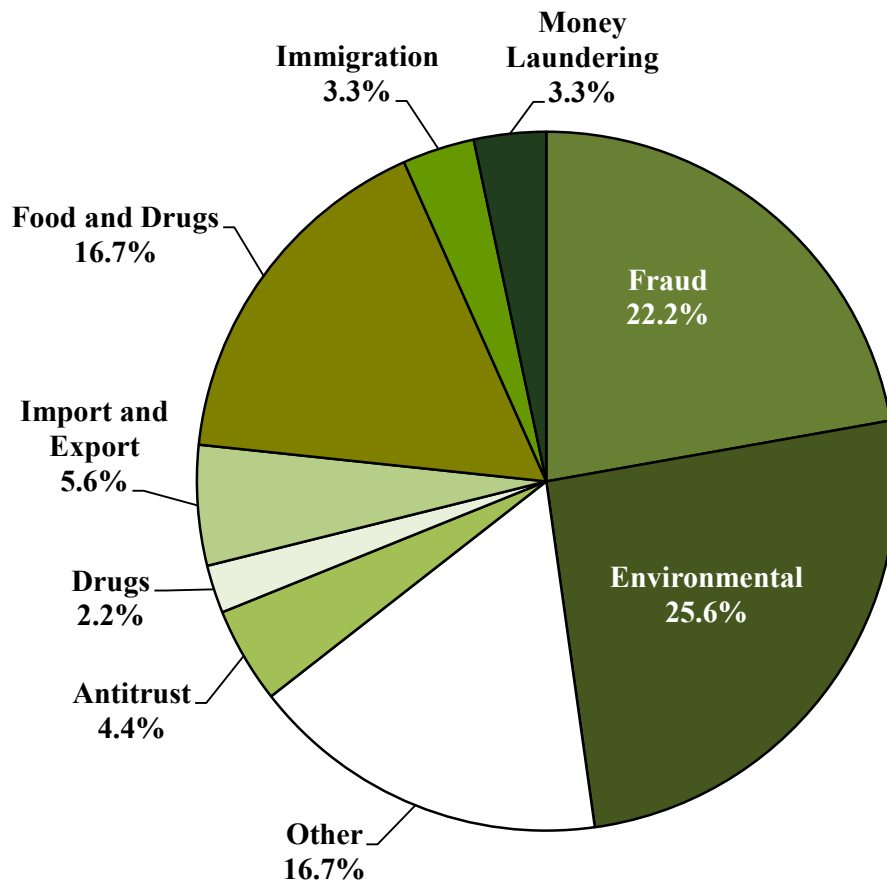
¹ Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Bribery), 2B4.1 (Robbery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSC §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Datafiles, USSCFY12 - USSCFY21.

ORGANIZATIONAL OFFENDER SENTENCING DATA

Figure O-1

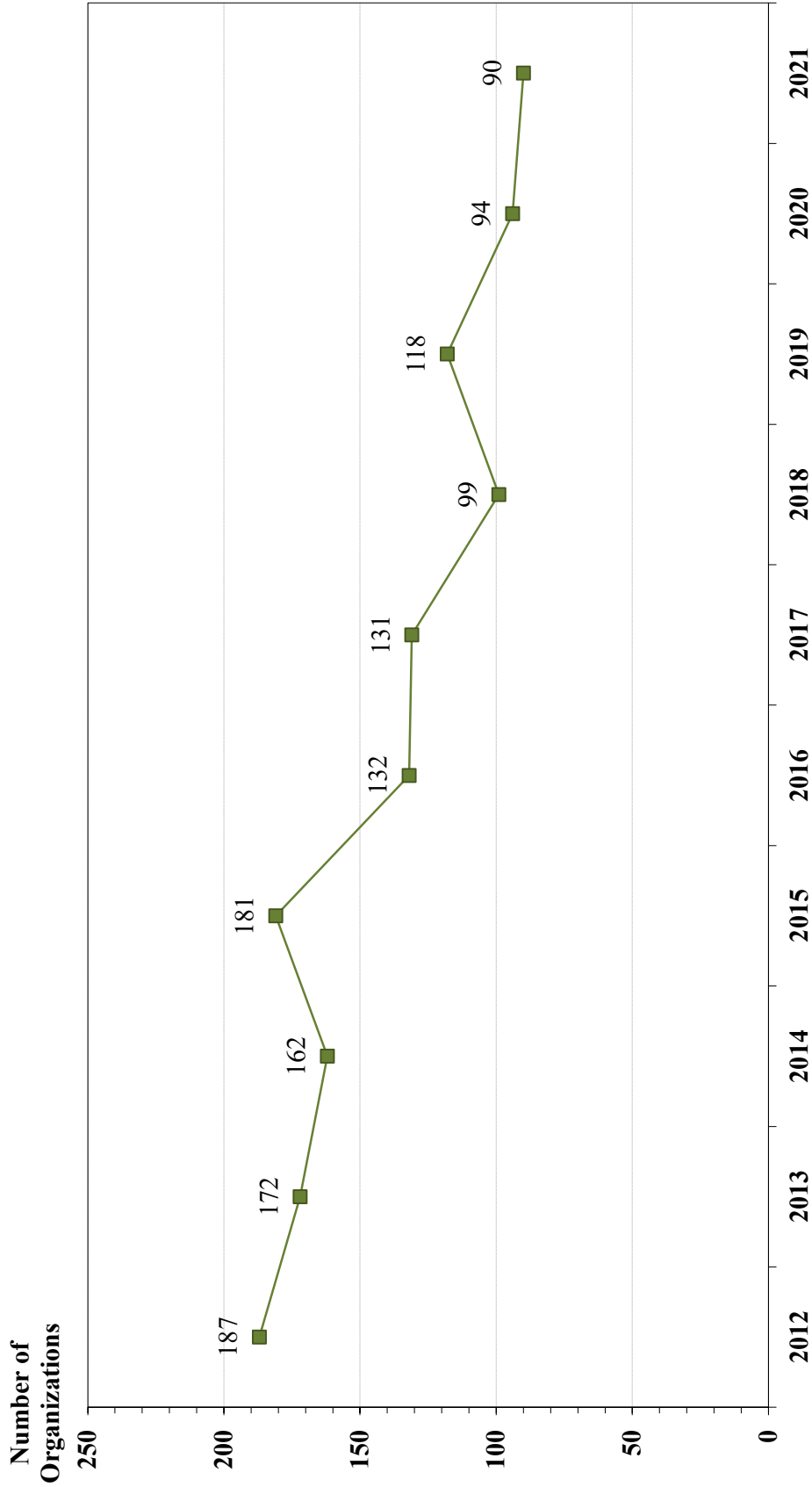
ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021



¹ This figure includes the 90 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Organizational Datafile, CORPFY21.

Figure O-2
NUMBER OF ORGANIZATIONAL OFFENDERS OVER TIME¹
Fiscal Years 2012-2021

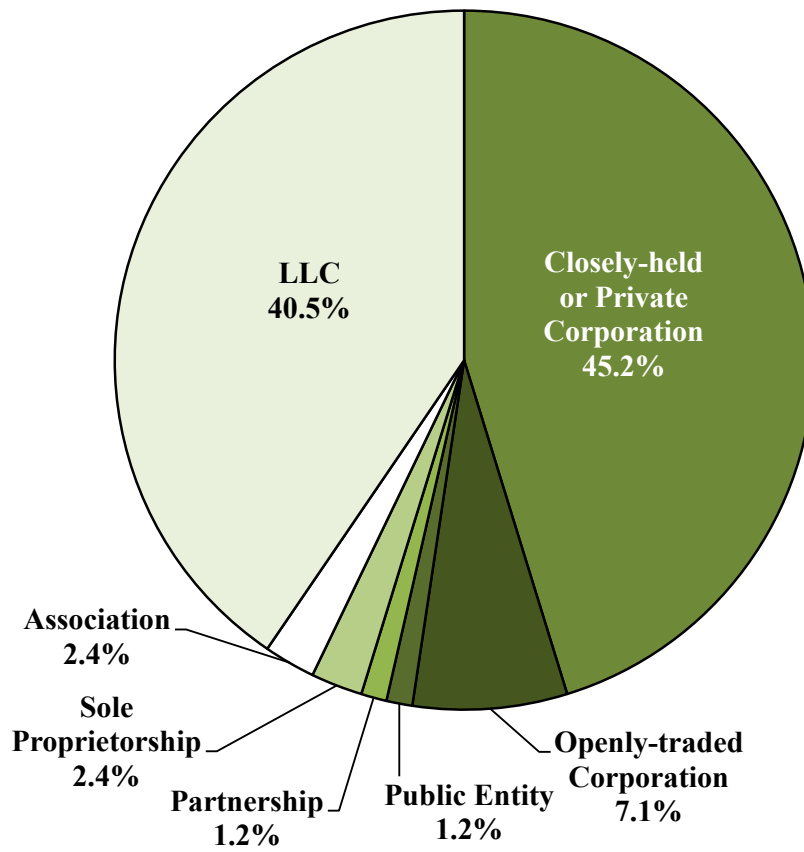


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 - 2021 Organizational Datafiles, CORPFY12-CORPFY21.

Figure O-3

ORGANIZATIONAL OFFENDERS BY OWNERSHIP STRUCTURE¹
Fiscal Year 2021

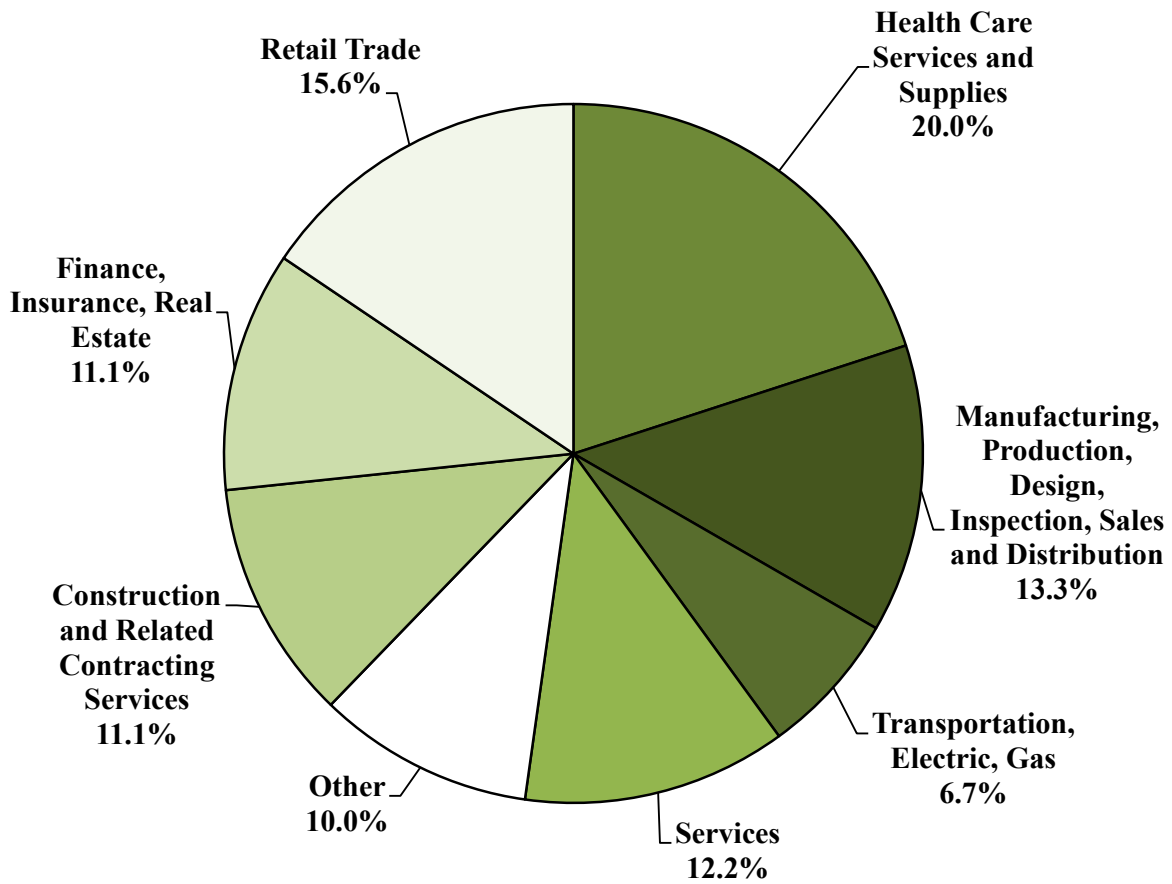


¹ Of the 90 organizational cases, six were missing information on the ownership structure of the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Organizational Datafile, CORPFY21.

Figure O-4

ORGANIZATIONAL OFFENDERS BY TYPE OF BUSINESS¹
Fiscal Year 2021

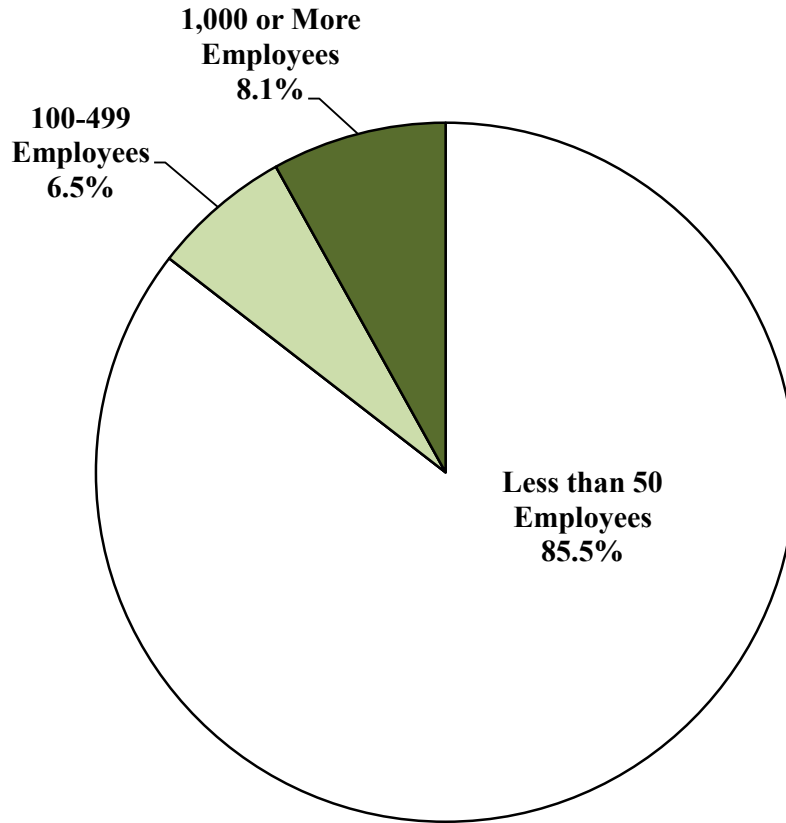


¹ This figure includes the 90 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Organizational Datafile, CORPFY21.

Figure O-5

**SIZE OF ORGANIZATIONAL OFFENDERS
BY NUMBER OF EMPLOYEES¹
Fiscal Year 2021**



¹ Of the 90 organizational cases, 28 were missing information on the number of employees in the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Organizational Datafile, CORPFY21.

Table O-1
FINE AND RESTITUTION FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL		NO FINE OR RESTITUTION ORDERED		FINE ORDERED/NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
	N	%	N	%	N	%	N	%	N	%
TOTAL	90	18.9	17	53.3	48	13.3	12	13.3	13	14.4
Administration of Justice Offenses	1	0.0	0	100.0	1	0.0	0	0.0	0	0.0
Antitrust	4	25.0	1	50.0	2	0.0	0	0.0	1	25.0
Archeological Damage	0	--	0	--	0	--	0	--	0	--
Public Corruption: Bribery/Gratuity/Extortion	7	0.0	0	71.4	5	14.3	1	14.3	1	14.3
Civil Rights	0	--	0	--	0	--	0	--	0	--
Contraband	0	--	0	--	0	--	0	--	0	--
Copyright/Trademark	2	0.0	0	0.0	0	0.0	0	0.0	2	100.0
Drugs	2	0.0	0	100.0	2	0.0	0	0.0	0	0.0
Environmental - Water	12	0.0	0	100.0	12	0.0	0	0.0	0	0.0
Environmental - Air	4	0.0	0	50.0	2	0.0	0	0.0	2	50.0
Environmental - Hazardous/Toxic Pollutants	1	0.0	0	100.0	1	0.0	0	0.0	0	0.0
Environmental - Wildlife	6	0.0	0	50.0	3	16.7	1	16.7	2	33.3
Import and Export	5	40.0	2	20.0	1	40.0	2	40.0	0	0.0
Firearms	1	0.0	0	100.0	1	0.0	0	0.0	0	0.0
Food, Drugs, Agricultural and Consumer Products	15	40.0	6	53.3	8	6.7	1	6.7	0	0.0
Food Stamps	0	--	0	--	0	--	0	--	0	--
Forgery	0	--	0	--	0	--	0	--	0	--
Fraud	20	15.0	3	35.0	7	25.0	5	25.0	5	25.0
Gambling	0	--	0	--	0	--	0	--	0	--
Immigration	3	33.3	1	66.7	2	0.0	0	0.0	0	0.0
Larceny/Theft/Embezzlement	3	0.0	0	33.3	1	66.7	2	66.7	0	0.0
Motor Vehicles	0	--	0	--	0	--	0	--	0	--
Money Laundering	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Obscenity	0	--	0	--	0	--	0	--	0	--
Racketeering/Extortion	0	--	0	--	0	--	0	--	0	--
Tax	1	100.0	1	0.0	0	0.0	0	0.0	0	0.0
Other	0	--	0	--	0	--	0	--	0	--

¹ Of the 90 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 73 cases. Descriptions of variables used in this table are provided in Appendix A.

Table O-2
AMOUNT OF FINE AND RESTITUTION ORDERED FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

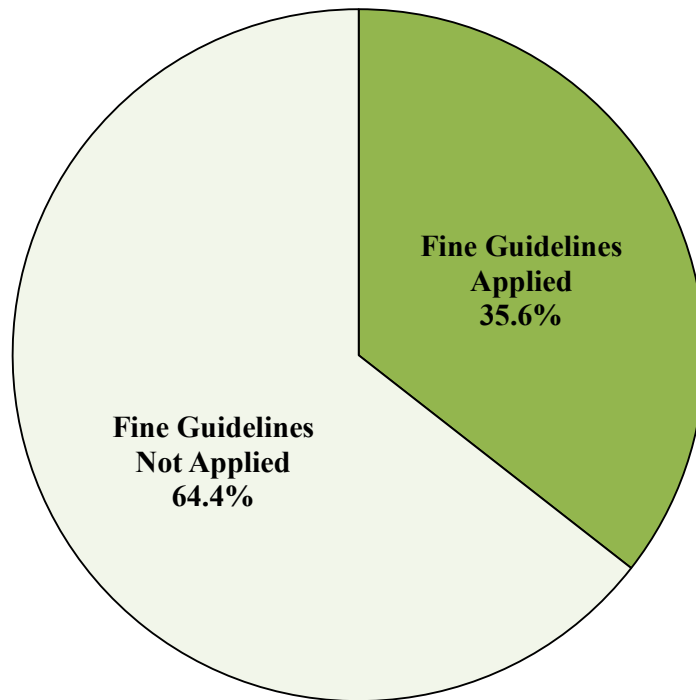
TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED ²				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	61	\$9,523,526	\$150,000	\$580,935,098	25	\$8,824,397	\$881,670	\$220,609,930	73	\$10,980,069	\$500,000	\$801,545,028
Administration of Justice Offenses	1	--	--	--	0	--	--	--	1	--	--	--
Antitrust	3	\$43,307,857	\$15,000,000	\$129,923,572	1	--	--	--	3	\$43,819,187	\$15,000,000	\$131,457,560
Archaeological Damage	0	--	--	--	0	--	--	--	0	--	--	--
Public Corruption: Bribery/Gratuity/Extortion	6	\$47,999,671	\$500,000	\$287,998,026	2	--	--	--	7	\$61,593,218	\$8,114,417	\$431,152,525
Civil	0	--	--	--	0	--	--	--	0	--	--	--
Contraband	0	--	--	--	0	--	--	--	0	--	--	--
Copyright/Trademark	2	--	--	--	2	--	--	--	2	--	--	--
Drugs	2	--	--	--	0	--	--	--	2	--	--	--
Environmental - Water	12	\$1,568,750	\$525,000	\$18,825,000	0	--	--	--	12	\$1,568,750	\$525,000	\$18,825,000
Environmental - Air	4	\$531,250	\$53,750	\$2,125,000	2	--	--	--	4	\$555,277	\$77,777	\$2,221,108
Environmental - Hazardous/Toxic Pollutants	1	--	--	--	0	--	--	--	1	--	--	--
Environmental - Wildlife	5	\$128,200	\$126,000	\$641,000	3	\$154,802	\$200,000	\$464,407	6	\$184,235	\$202,516	\$1,105,407
Import and Export	1	--	--	--	2	--	--	--	3	\$14,351,138	\$7,625,558	\$43,053,413
Firearms	1	--	--	--	0	--	--	--	1	--	--	--
Food, Drugs, Agricultural & Consumer Products	8	\$3,908,875	\$150,000	\$31,271,000	1	--	--	--	9	\$3,544,352	\$200,000	\$31,899,170
Food Stamps	0	--	--	--	0	--	--	--	0	--	--	--
Forgery	0	--	--	--	0	--	--	--	0	--	--	--
Fraud	12	\$4,138,667	\$250,000	\$49,664,000	10	\$3,142,648	\$1,771,273	\$31,426,482	17	\$4,770,028	\$881,670	\$81,090,482
Gambling	0	--	--	--	0	--	--	--	0	--	--	--
Immigration	2	--	--	--	0	--	--	--	2	--	--	--
Larceny/Theft/Embezzlement	1	--	--	--	2	--	--	--	3	\$20,113,196	\$181,489	\$60,339,589
Motor Vehicles	0	--	--	--	0	--	--	--	0	--	--	--
Money Laundering	0	--	--	--	0	--	--	--	0	--	--	--
Obscenity	0	--	--	--	0	--	--	--	0	--	--	--
Racketeering/Extortion	0	--	--	--	0	--	--	--	0	--	--	--
Tax	0	--	--	--	0	--	--	--	0	--	--	--
Other	0	--	--	--	0	--	--	--	0	--	--	--

¹ Of the 90 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 73 cases. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

² In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.

Figure O-6

APPLICATION OF CHAPTER EIGHT FINE GUIDELINES¹
Fiscal Year 2021



¹ This figure includes the 90 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Organizational Datafile, CORPFY21.

Table O-3

**CHAPTER EIGHT SENTENCING COMPONENTS
FOR ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2021**

SENTENCING COMPONENTS		
Disposition	N	%
Guilty Plea	86	95.6
Nolo Contendere	1	1.1
Bench Trial	0	0.0
Trial By Jury	3	3.3
TOTAL	90	100.0
Probation²		
Probation Ordered	58	64.4
Probation Not Ordered	32	35.6
TOTAL	90	100.0
Court Ordered Compliance/Ethics		
Program Ordered	15	16.7
No Program Ordered	75	83.3
TOTAL	90	100.0
Inability to Pay		
Fine Reduced - Organization Unable to Pay ³	29	32.2
Organization Able to Pay	61	67.8
TOTAL	90	100.0

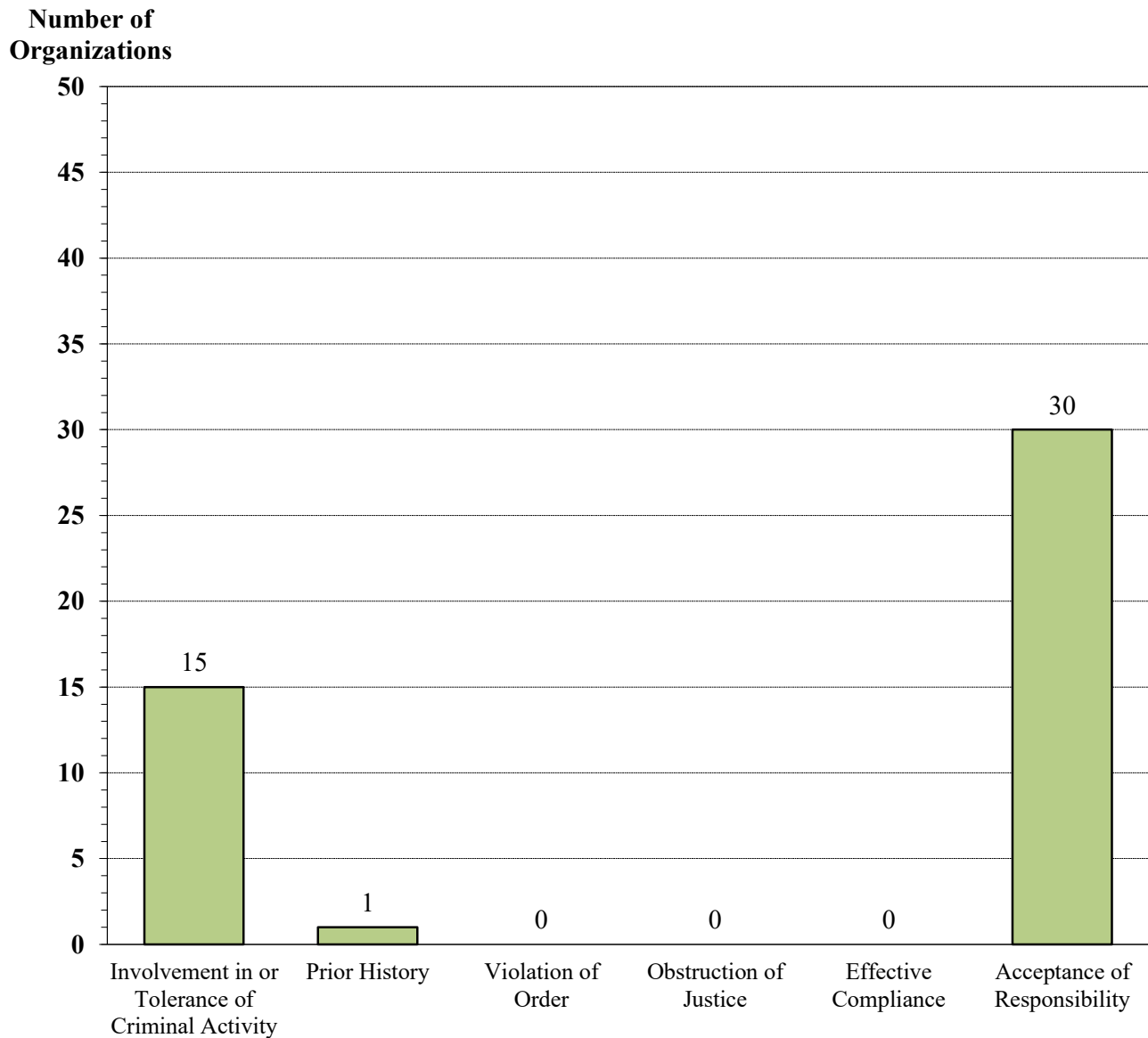
¹ Descriptions of variables used in this table are provided in Appendix A. A discussion of a compliance and ethics program can be found in USSG §8C2.5.

² The 'Probation Ordered' category consists of cases in which at least one month of probation was ordered. The 'Probation Not Ordered' category consists of cases in which less than one month of probation was ordered, or no probation was ordered.

³ Organizations in this category were unable to pay either a portion of the fine or the entire fine.

Figure O-7

**CULPABILITY FACTORS APPLIED TO DETERMINE FINES IMPOSED
ON ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2021**



¹ Of the 90 organizational cases, the fine guideline was applied in 32 cases. Courts may apply multiple factors, so the total number of factors may exceed the number of cases in which a culpability factor was applied. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Organizational Datafile, CORPFY21.

Table O-4

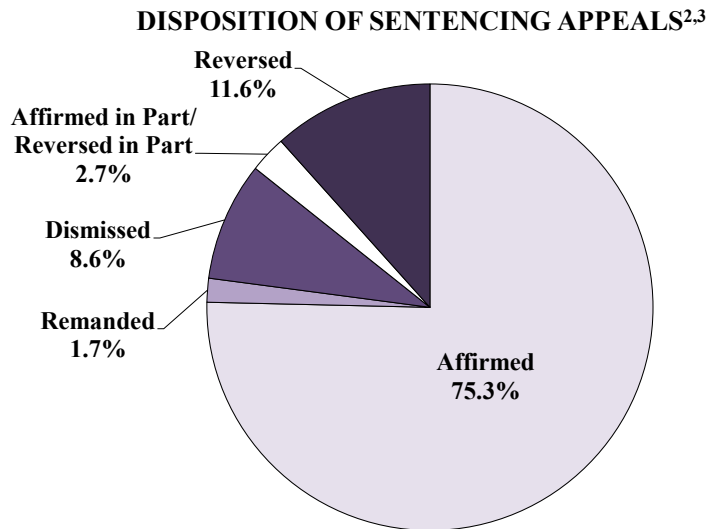
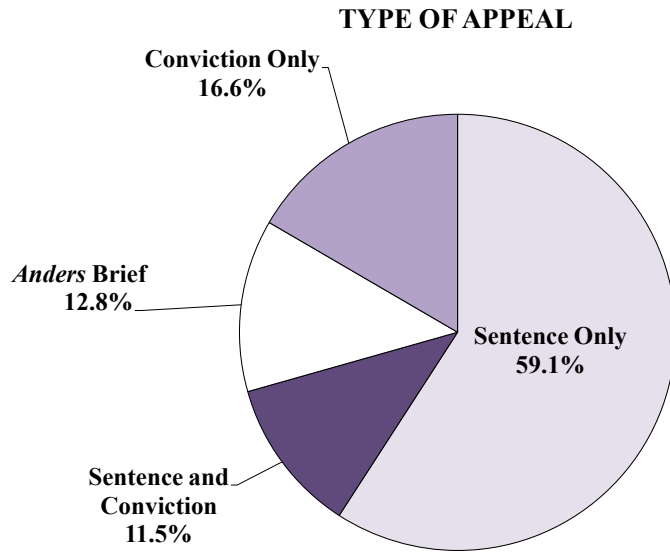
CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2021

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	3	9.4
Involvement/tolerance in an organization/unit of 1,000+ employees	0	0.0
Involvement/tolerance in an organization/unit of 200+ employees	1	3.1
Involvement/tolerance in an organization/unit of 50+ employees	0	0.0
Involvement/tolerance in an organization/unit of ten or more employees	11	34.4
No involvement/tolerance OR fewer than ten employees	17	53.1
TOTAL	32	100.0
Prior History - §8C2.5(c)	N	%
One similar criminal/two similar administrative violations within ten years	0	0.0
One similar criminal/two similar administrative violations within five years	1	3.1
Organization had no prior record	31	96.9
TOTAL	32	100.0
Violation of an Order - §8C2.5(d)	N	%
Organization violated a judicial order or condition of probation for similar conduct	0	0.0
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	32	100.0
TOTAL	32	100.0
Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	0	0.0
Organization did not obstruct justice	32	100.0
TOTAL	32	100.0
Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance and ethics program	0	0.0
Organization had no compliance and ethics program	32	100.0
TOTAL	32	100.0
Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Reported offense to governmental authorities	2	6.3
Cooperated with investigation	17	53.1
Accepted responsibility	11	34.4
Organization did not self-report, cooperate, or accept responsibility	2	6.3
TOTAL	32	100.0

¹ Of the 90 organizational cases, the fine guideline was applied in 32 cases. For the remaining 58 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this table are provided in Appendix A.

SENTENCING APPEALS

Figure A
TYPE AND DISPOSITION OF APPEALS CASES¹
Fiscal Year 2021



¹ Of the 7,443 appeals cases, 206 were excluded because the type of appeal was 'unknown'. Of these, 7,171 involved an appeal by the offender, 46 involved an appeal by the government, and 20 involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

² Of the 136 cases affirmed in part and reversed in part, 134 (98.5%) cases were remanded to the district court.

³ Of the 595 cases reversed, 595 (100.0%) were remanded to the district court.

SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

Table A-1

TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021

CIRCUIT District	Total N	Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
		N	%	N	%	N	%	N	%
TOTAL	7,237	4,279	59.1	832	11.5	1,202	16.6	924	12.8
D.C. CIRCUIT	69	38	55.1	7	10.1	21	30.4	3	4.3
District of Columbia	69	38	55.1	7	10.1	21	30.4	3	4.3
FIRST CIRCUIT	237	110	46.4	47	19.8	57	24.1	23	9.7
Maine	28	14	50.0	4	14.3	10	35.7	0	0.0
Massachusetts	58	15	25.9	28	48.3	14	24.1	1	1.7
New Hampshire	12	3	25.0	1	8.3	8	66.7	0	0.0
Puerto Rico	129	70	54.3	13	10.1	25	19.4	21	16.3
Rhode Island	10	8	80.0	1	10.0	0	0.0	1	10.0
SECOND CIRCUIT	404	195	48.3	63	15.6	115	28.5	31	7.7
Connecticut	39	21	53.8	2	5.1	13	33.3	3	7.7
New York									
Eastern	66	37	56.1	8	12.1	14	21.2	7	10.6
Northern	64	45	70.3	6	9.4	12	18.8	1	1.6
Southern	165	65	39.4	30	18.2	58	35.2	12	7.3
Western	64	26	40.6	16	25.0	15	23.4	7	10.9
Vermont	6	1	16.7	1	16.7	3	50.0	1	16.7
THIRD CIRCUIT	303	182	60.1	34	11.2	68	22.4	19	6.3
Delaware	10	1	10.0	3	30.0	6	60.0	0	0.0
New Jersey	44	23	52.3	7	15.9	13	29.5	1	2.3
Pennsylvania									
Eastern	92	58	63.0	11	12.0	20	21.7	3	3.3
Middle	93	61	65.6	8	8.6	13	14.0	11	11.8
Western	50	35	70.0	5	10.0	8	16.0	2	4.0
Virgin Islands	14	4	28.6	0	0.0	8	57.1	2	14.3
FOURTH CIRCUIT	955	694	72.7	90	9.4	105	11.0	66	6.9
Maryland	58	34	58.6	9	15.5	10	17.2	5	8.6
North Carolina									
Eastern	243	205	84.4	25	10.3	7	2.9	6	2.5
Middle	118	75	63.6	9	7.6	15	12.7	19	16.1
Western	113	68	60.2	13	11.5	19	16.8	13	11.5
South Carolina	106	86	81.1	8	7.5	5	4.7	7	6.6
Virginia									
Eastern	171	132	77.2	11	6.4	26	15.2	2	1.2
Western	51	39	76.5	8	15.7	4	7.8	0	0.0
West Virginia									
Northern	40	21	52.5	2	5.0	6	15.0	11	27.5
Southern	55	34	61.8	5	9.1	13	23.6	3	5.5

Table A-1 (cont.)

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		Anders Brief			
	N	%	N	%	N	%	N	%		
FIFTH CIRCUIT	1,390		674	48.5	114	8.2	148	10.6	454	32.7
Louisiana										
Eastern	36	47.2	17	16.7	6	33.3	12	41.2	1	2.8
Middle	17	35.3	6	5.9	1	17.6	3	11.3	7	41.2
Western	53	56.6	30	15.1	8	17.0	9	6	11.3	
Mississippi										
Northern	9	88.9	8	0.0	0	11.1	1	0	0.0	
Southern	63	73.0	46	14.3	9	12.7	8	0	0.0	
Texas										
Eastern	98	33.7	33	6.1	6	13.3	13	46	46.9	
Northern	449	46.5	209	9.6	43	8.0	36	161	35.9	
Southern	306	32.7	100	5.6	17	8.2	25	164	53.6	
Western	359	62.7	225	6.7	24	11.4	41	69	19.2	
SIXTH CIRCUIT	854		571	66.9	101	11.8	122	14.3	60	7.0
Kentucky										
Eastern	125	59.2	74	16.0	20	14.4	18	13	10.4	
Western	41	61.0	25	4.9	2	31.7	13	1	2.4	
Michigan										
Eastern	127	62.2	79	21.3	27	14.2	18	3	2.4	
Western	131	75.6	99	7.6	10	9.9	13	9	6.9	
Ohio										
Northern	182	72.0	131	6.6	12	14.3	26	13	7.1	
Southern	57	57.9	33	12.3	7	14.0	8	9	15.8	
Tennessee										
Eastern	96	79.2	76	8.3	8	9.4	9	3	3.1	
Middle	35	65.7	23	17.1	6	14.3	5	1	2.9	
Western	60	51.7	31	15.0	9	20.0	12	8	13.3	
SEVENTH CIRCUIT	341		208	61.0	23	6.7	59	17.3	51	15.0
Illinois										
Central	68	72.1	49	5.9	4	16.2	11	4	5.9	
Northern	78	66.7	52	6.4	5	17.9	14	7	9.0	
Southern	37	54.1	20	10.8	4	2.7	1	12	32.4	
Indiana										
Northern	61	60.7	37	4.9	3	13.1	8	13	21.3	
Southern	55	40.0	22	12.7	7	30.9	17	9	16.4	
Wisconsin										
Eastern	16	68.8	11	0.0	0	25.0	4	1	6.3	
Western	26	65.4	17	0.0	0	15.4	4	5	19.2	
EIGHTH CIRCUIT	714		494	69.2	66	9.2	83	11.6	71	9.9
Arkansas										
Eastern	0	0.0	0	0.0	0	0.0	0	0	0.0	
Western	0	0.0	0	0.0	0	0.0	0	0	0.0	
Iowa										
Northern	137	62.8	86	10.2	14	10.2	14	23	16.8	
Southern	186	70.4	131	11.8	22	5.4	10	23	12.4	
Minnesota	130	78.5	102	9.2	12	10.0	13	3	2.3	
Missouri										
Eastern	61	72.1	44	1.6	1	19.7	12	4	6.6	
Western	48	60.4	29	4.2	2	10.4	5	12	25.0	
Nebraska	43	67.4	29	9.3	4	16.3	7	3	7.0	
North Dakota	45	73.3	33	6.7	3	13.3	6	3	6.7	
South Dakota	64	62.5	40	12.5	8	25.0	16	0	0.0	

Table A-1 (cont.)

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		Anders Brief			
	N	%	N	%	N	%	N	%		
NINTH CIRCUIT	680		335	49.3	131	19.3	185	27.2	29	4.3
Alaska	30		14	46.7	3	10.0	10	33.3	3	10.0
Arizona	90		45	50.0	22	24.4	13	14.4	10	11.1
California										
Central	123		48	39.0	39	31.7	33	26.8	3	2.4
Eastern	70		34	48.6	16	22.9	19	27.1	1	1.4
Northern	47		18	38.3	9	19.1	18	38.3	2	4.3
Southern	73		37	50.7	12	16.4	23	31.5	1	1.4
Guam	2		1	50.0	0	0.0	1	50.0	0	0.0
Hawaii	30		26	86.7	2	6.7	2	6.7	0	0.0
Idaho	29		20	69.0	2	6.9	6	20.7	1	3.4
Montana	62		34	54.8	3	4.8	20	32.3	5	8.1
Nevada	46		22	47.8	10	21.7	14	30.4	0	0.0
Northern Mariana Islands	4		3	75.0	1	25.0	0	0.0	0	0.0
Oregon	14		6	42.9	5	35.7	3	21.4	0	0.0
Washington										
Eastern	38		18	47.4	4	10.5	13	34.2	3	7.9
Western	22		9	40.9	3	13.6	10	45.5	0	0.0
TENTH CIRCUIT	497		316	63.6	50	10.1	103	20.7	28	5.6
Colorado	63		37	58.7	7	11.1	18	28.6	1	1.6
Kansas	288		210	72.9	20	6.9	36	12.5	22	7.6
New Mexico	44		15	34.1	9	20.5	17	38.6	3	6.8
Oklahoma										
Eastern	11		6	54.5	1	9.1	3	27.3	1	9.1
Northern	16		7	43.8	2	12.5	7	43.8	0	0.0
Western	43		27	62.8	8	18.6	8	18.6	0	0.0
Utah	16		10	62.5	1	6.3	4	25.0	1	6.3
Wyoming	16		4	25.0	2	12.5	10	62.5	0	0.0
ELEVENTH CIRCUIT	793		462	58.3	106	13.4	136	17.2	89	11.2
Alabama										
Middle	26		10	38.5	4	15.4	10	38.5	2	7.7
Northern	52		31	59.6	6	11.5	10	19.2	5	9.6
Southern	41		18	43.9	6	14.6	12	29.3	5	12.2
Florida										
Middle	252		133	52.8	28	11.1	36	14.3	55	21.8
Northern	63		42	66.7	3	4.8	12	19.0	6	9.5
Southern	225		139	61.8	46	20.4	36	16.0	4	1.8
Georgia										
Middle	37		22	59.5	3	8.1	8	21.6	4	10.8
Northern	56		39	69.6	7	12.5	9	16.1	1	1.8
Southern	41		28	68.3	3	7.3	3	7.3	7	17.1

¹ Of the 7,443 appeals cases, 206 were excluded because the type of appeal was 'unknown'. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

Table A-2

**DISPOSITION OF OFFENDER ORIGINAL SENTENCING APPEALS
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	2,525	1,770	70.1	269	269	10.7	122	120	4.8	332	13.1	32	1.3
D.C. CIRCUIT	24	14	58.3	7	7	29.2	0	0	0.0	2	8.3	1	4.2
District of Columbia	24	14	58.3	7	7	29.2	0	0	0.0	2	8.3	1	4.2
FIRST CIRCUIT	105	81	77.1	11	11	10.5	1	1	1.0	7	6.7	5	4.8
Maine	9	7	77.8	1	1	11.1	0	0	0.0	0	0.0	1	11.1
Massachusetts	33	27	81.8	1	1	3.0	0	0	0.0	1	3.0	4	12.1
New Hampshire	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	57	42	73.7	8	8	14.0	1	1	1.8	6	10.5	0	0.0
Rhode Island	4	3	75.0	1	1	25.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	171	114	66.7	13	13	7.6	18	18	10.5	21	12.3	5	2.9
Connecticut	15	11	73.3	1	1	6.7	1	1	6.7	2	13.3	0	0.0
New York													
Eastern	27	20	74.1	3	3	11.1	2	2	7.4	1	3.7	1	3.7
Northern	37	27	73.0	2	2	5.4	4	4	10.8	2	5.4	2	5.4
Southern	61	36	59.0	3	3	4.9	8	8	13.1	12	19.7	2	3.3
Western	29	18	62.1	4	4	13.8	3	3	10.3	4	13.8	0	0.0
Vermont	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	100	61	61.0	25	25	25.0	5	5	5.0	7	7.0	2	2.0
Delaware	4	3	75.0	0	0	0.0	1	1	25.0	0	0.0	0	0.0
New Jersey	17	8	47.1	5	5	29.4	2	2	11.8	1	5.9	1	5.9
Pennsylvania													
Eastern	40	28	70.0	11	11	27.5	0	0	0.0	1	2.5	0	0.0
Middle	25	14	56.0	6	6	24.0	2	2	8.0	3	12.0	0	0.0
Western	13	8	61.5	3	3	23.1	0	0	0.0	1	7.7	1	7.7
Virgin Islands	1	0	0.0	0	0	0.0	0	0	0.0	1	100.0	0	0.0
FOURTH CIRCUIT	301	150	49.8	82	82	27.2	12	12	4.0	52	17.3	5	1.7
Maryland	18	9	50.0	7	7	38.9	0	0	0.0	2	11.1	0	0.0
North Carolina													
Eastern	115	41	35.7	54	54	47.0	3	3	2.6	14	12.2	3	2.6
Middle	40	29	72.5	6	6	15.0	1	1	2.5	4	10.0	0	0.0
Western	37	16	43.2	4	4	10.8	2	2	5.4	15	40.5	0	0.0
South Carolina	25	12	48.0	5	5	20.0	2	2	8.0	5	20.0	1	4.0
Virginia													
Eastern	28	17	60.7	3	3	10.7	1	1	3.6	6	21.4	1	3.6
Western	13	10	76.9	1	1	7.7	1	1	7.7	1	7.7	0	0.0
West Virginia													
Northern	9	6	66.7	0	0	0.0	1	1	11.1	2	22.2	0	0.0
Southern	16	10	62.5	2	2	12.5	1	1	6.3	3	18.8	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	545	436	80.0	26	26	4.8	21	21	3.9	57	10.5	5	0.9
Louisiana													
Eastern	8	7	87.5	1	1	12.5	0	0	0.0	0	0.0	0	0.0
Middle	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
Western	30	25	83.3	2	2	6.7	0	0	0.0	3	10.0	0	0.0
Mississippi													
Northern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	24	10	41.7	0	0	0.0	0	0	0.0	14	58.3	0	0.0
Texas													
Eastern	23	18	78.3	0	0	0.0	3	3	13.0	2	8.7	0	0.0
Northern	191	156	81.7	5	5	2.6	6	6	3.1	23	12.0	1	0.5
Southern	88	66	75.0	6	6	6.8	9	9	10.2	6	6.8	1	1.1
Western	175	149	85.1	11	11	6.3	3	3	1.7	9	5.1	3	1.7
SIXTH CIRCUIT	275	213	77.5	24	24	8.7	6	6	2.2	30	10.9	2	0.7
Kentucky													
Eastern	48	36	75.0	4	4	8.3	0	0	0.0	8	16.7	0	0.0
Western	10	9	90.0	0	0	0.0	1	1	10.0	0	0.0	0	0.0
Michigan													
Eastern	34	28	82.4	0	0	0.0	1	1	2.9	4	11.8	1	2.9
Western	45	38	84.4	3	3	6.7	0	0	0.0	3	6.7	1	2.2
Ohio													
Northern	59	43	72.9	7	7	11.9	3	3	5.1	6	10.2	0	0.0
Southern	13	7	53.8	2	2	15.4	1	1	7.7	3	23.1	0	0.0
Tennessee													
Eastern	32	28	87.5	2	2	6.3	0	0	0.0	2	6.3	0	0.0
Middle	11	8	72.7	3	3	27.3	0	0	0.0	0	0.0	0	0.0
Western	23	16	69.6	3	3	13.0	0	0	0.0	4	17.4	0	0.0
SEVENTH CIRCUIT	98	72	73.5	14	14	14.3	6	5	6.1	5	5.1	1	1.0
Illinois													
Central	10	7	70.0	2	2	20.0	1	1	10.0	0	0.0	0	0.0
Northern	35	28	80.0	3	3	8.6	2	1	5.7	1	2.9	1	2.9
Southern	9	7	77.8	0	0	0.0	0	0	0.0	2	22.2	0	0.0
Indiana													
Northern	12	8	66.7	2	2	16.7	1	1	8.3	1	8.3	0	0.0
Southern	20	15	75.0	3	3	15.0	1	1	5.0	1	5.0	0	0.0
Wisconsin													
Eastern	4	3	75.0	0	0	0.0	1	1	25.0	0	0.0	0	0.0
Western	8	4	50.0	4	4	50.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	188	142	75.5	7	7	3.7	5	4	2.7	33	17.6	1	0.5
Arkansas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	38	30	78.9	2	2	5.3	2	1	5.3	4	10.5	0	0.0
Southern	58	51	87.9	1	1	1.7	2	2	3.4	3	5.2	1	1.7
Minnesota	33	26	78.8	2	2	6.1	1	1	3.0	4	12.1	0	0.0
Missouri													
Eastern	13	10	76.9	0	0	0.0	0	0	0.0	3	23.1	0	0.0
Western	11	3	27.3	1	1	9.1	0	0	0.0	7	63.6	0	0.0
Nebraska	10	6	60.0	1	1	10.0	0	0	0.0	3	30.0	0	0.0
North Dakota	8	5	62.5	0	0	0.0	0	0	0.0	3	37.5	0	0.0
South Dakota	17	11	64.7	0	0	0.0	0	0	0.0	6	35.3	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	263	173	65.8	22	22	8.4	30	30	11.4	36	13.7	2	0.8
Alaska	4	4	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	35	22	62.9	5	5	14.3	4	4	11.4	3	8.6	1	2.9
California													
Central	61	43	70.5	1	1	1.6	13	13	21.3	4	6.6	0	0.0
Eastern	30	18	60.0	4	4	13.3	2	2	6.7	6	20.0	0	0.0
Northern	16	9	56.3	3	3	18.8	1	1	6.3	2	12.5	1	6.3
Southern	36	28	77.8	4	4	11.1	4	4	11.1	0	0.0	0	0.0
Guam	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	5	3	60.0	1	1	20.0	0	0	0.0	1	20.0	0	0.0
Idaho	14	8	57.1	1	1	7.1	0	0	0.0	5	35.7	0	0.0
Montana	19	11	57.9	1	1	5.3	1	1	5.3	6	31.6	0	0.0
Nevada	18	8	44.4	0	0	0.0	4	4	22.2	6	33.3	0	0.0
Northern Mariana Islands	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	5	4	80.0	0	0	0.0	0	0	0.0	1	20.0	0	0.0
Washington													
Eastern	9	5	55.6	2	2	22.2	1	1	11.1	1	11.1	0	0.0
Western	7	6	85.7	0	0	0.0	0	0	0.0	1	14.3	0	0.0
TENTH CIRCUIT	162	96	59.3	15	15	9.3	4	4	2.5	45	27.8	2	1.2
Colorado	30	14	46.7	3	3	10.0	1	1	3.3	11	36.7	1	3.3
Kansas	78	49	62.8	7	7	9.0	2	2	2.6	20	25.6	0	0.0
New Mexico	20	14	70.0	4	4	20.0	0	0	0.0	2	10.0	0	0.0
Oklahoma													
Eastern	5	3	60.0	0	0	0.0	1	1	20.0	1	20.0	0	0.0
Northern	2	1	50.0	0	0	0.0	0	0	0.0	1	50.0	0	0.0
Western	18	11	61.1	1	1	5.6	0	0	0.0	6	33.3	0	0.0
Utah	5	2	40.0	0	0	0.0	0	0	0.0	3	60.0	0	0.0
Wyoming	4	2	50.0	0	0	0.0	0	0	0.0	1	25.0	1	25.0
ELEVENTH CIRCUIT	293	218	74.4	23	23	7.8	14	14	4.8	37	12.6	1	0.3
Alabama													
Middle	10	5	50.0	0	0	0.0	0	0	0.0	5	50.0	0	0.0
Northern	25	15	60.0	2	2	8.0	3	3	12.0	5	20.0	0	0.0
Southern	10	9	90.0	0	0	0.0	0	0	0.0	1	10.0	0	0.0
Florida													
Middle	93	78	83.9	5	5	5.4	3	3	3.2	7	7.5	0	0.0
Northern	20	17	85.0	3	3	15.0	0	0	0.0	0	0.0	0	0.0
Southern	91	71	78.0	8	8	8.8	6	6	6.6	5	5.5	1	1.1
Georgia													
Middle	12	4	33.3	2	2	16.7	0	0	0.0	6	50.0	0	0.0
Northern	19	12	63.2	1	1	5.3	1	1	5.3	5	26.3	0	0.0
Southern	13	7	53.8	2	2	15.4	1	1	7.7	3	23.1	0	0.0

¹ Of the 7,443 appeals cases, 2,525 involved an appeal of the original sentence by the offender. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,202), *Anders* Brief (924), 'unknown' (206), the appeal was by the government only (35), the appeal was of an issue related to a post sentencing matter (2,197), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (367). Descriptions of variables used in this table are provided in Appendix A.

² 'Remanded' includes cases that were remanded for sentencing purposes.

Table A-3

**DISPOSITION OF GOVERNMENT ORIGINAL SENTENCING APPEALS
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	32	1	3.1	24	24	75.0	1	1	3.1	0	0.0	6	18.8
D.C. CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
District of Columbia	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
FIRST CIRCUIT	5	0	0.0	1	1	20.0	0	0	0.0	0	0.0	4	80.0
Maine	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	5	0	0.0	1	1	20.0	0	0	0.0	0	0.0	4	80.0
New Hampshire	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Rhode Island	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	6	0	0.0	5	5	83.3	0	0	0.0	0	0.0	1	16.7
Connecticut	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New York													
Eastern	3	0	0.0	3	3	100.0	0	0	0.0	0	0.0	0	0.0
Northern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Southern	2	0	0.0	1	1	50.0	0	0	0.0	0	0.0	1	50.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Vermont	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	3	0	0.0	3	3	100.0	0	0	0.0	0	0.0	0	0.0
Delaware	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	3	0	0.0	3	3	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	3	0	0.0	2	2	66.7	0	0	0.0	0	0.0	1	33.3
Maryland	1	0	0.0	0	0	0.0	0	0	0.0	0	0.0	1	100.0
North Carolina													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Carolina	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Virginia													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
West Virginia													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Louisiana													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Texas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SIXTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Kentucky													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Ohio													
Northern	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Tennessee													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	4	0	0.0	4	4	100.0	0	0	0.0	0	0.0	0	0.0
Illinois													
Central	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	3	0	0.0	3	3	100.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wisconsin													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arkansas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Minnesota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Missouri													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nebraska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	3	1	33.3	2	2	66.7	0	0	0.0	0	0.0	0	0.0
Alaska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
California													
Central	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Idaho	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Montana	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nevada	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
TENTH CIRCUIT	2	0	0.0	1	1	50.0	1	1	50.0	0	0.0	0	0.0
Colorado	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
New Mexico	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Oklahoma													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Utah	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wyoming	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Alabama													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Georgia													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

¹ Of the 7,443 appeals cases, 32 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was conviction only' (1,202), 'Anders' Brief' (924), 'unknown' (206), the appeal was by the offender only (5,064), the appeal was of an issue related to a post sentencing matter (2,197), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (367). Descriptions of variables used in this table are provided in Appendix A.

² 'Remanded' includes cases that were remanded for sentencing purposes.

Table A-4

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
OFFENDER APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2021**

GUIDELINE	N	%
NUMBER OF OFFENDER APPEALS	416	--
§5D1.3 (Conditions of Supervised Release)	42	10.1
§5E1.1 (Restitution)	26	6.3
§2K2.1 (Firearms)	23	5.5
§4B1.2 (Definitions for Career Offender)	23	5.5
§4B1.4 (Armed Career Criminal)	21	5.0
§2B1.1 (Larceny, Embezzlement, and Theft)	20	4.8
§4B1.1 (Career Offender)	12	2.9
§3B1.1 (Aggravating Role)	9	2.2
§5E1.4 (Forfeiture)	9	2.2
§2D1.1 (Drug Trafficking)	8	1.9
§4A1.2 (Definitions and Instructions of Criminal History)	5	1.2
§5D1.2 (Terms of Supervised Release)	5	1.2
§3C1.1 (Obstruction of Justice)	5	1.2
§1B1.3 (Relevant Conduct)	5	1.2
§4A1.1 (Criminal History Category)	4	1.0
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	4	1.0
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	4	1.0
§6A1.3 (Resolution of Disputed Factors)	4	1.0
§2L1.2 (Unlawfully Entering or Remaining in the United States)	3	0.7
§3E1.1 (Acceptance of Responsibility)	3	0.7
§5E1.3 (Special Assessments)	3	0.7
§5C1.2 (Limitation on Applicability of Statutory Minimums)	3	0.7
§3B1.2 (Mitigating Role)	3	0.7
§2G2.1 (Production of Pornography)	3	0.7
§3D1.2 (Groups of Closely Related Counts)	3	0.7
Reasonableness Issues	277	66.6
Other Non-guideline Issues	215	51.7
Other Guidelines	34	8.2
Constitutional Issues	5	1.2

¹ Based on 2,525 appeals by offenders of the original sentence. Of these 2,525 appeals, 2,109 were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. The 'Other Guideline' category includes all guidelines appealed less than three times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

Table A-5
GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2021

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	31	--
§4B1.4 (Armed Career Criminal)	7	22.6
§5E1.1 (Restitution)	4	12.9
§5E1.4 (Forfeiture)	4	12.9
§4B1.2 (Definitions for Career Offender)	3	9.7
§2K2.1 (Firearms)	2	6.5
§3C1.1 (Obstruction of Justice)	1	3.2
§3B1.1 (Aggravating Role)	1	3.2
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	1	3.2
§5K1.1 (Substantial Assistance to Authorities)	1	3.2
Reasonableness Issues	26	83.9
Other Non-guideline Issues	6	19.4

¹ Based on 32 appeals by the government of the original sentence. Of these 32 appeals, one was excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the government and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

Table A-6
REASONABLENESS ISSUES APPEALED IN CASES WHERE THE
ORIGINAL SENTENCE WAS REVERSED OR REMANDED¹
Fiscal Year 2021

ISSUE	N	%
REASONABLENESS ISSUES	311	100.0
Procedural: Court improperly calculated guideline range	259	83.3
Procedural: Court did not adequately explain the chosen sentence	21	6.8
Substantive: Unreasonable weighing decision	13	4.2
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	13	4.2
Procedural: Court selected a sentence based on clearly erroneous facts	4	1.3
Substantive: General	1	0.3

¹ Based on 5,111 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 5,111 cases, 2,547 were appeals of the original sentence. Of these 2,547 appeals of the original sentence, 444 were reversed or remanded. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals that were reversed or remanded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

Table A-7
OFFENSE AND OFFENDER CHARACTERISTICS IN
ORIGINAL SENTENCE APPEALS CASES
Fiscal Year 2021

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES ¹		DISTRICT COURT CASES ²	
	N	%	N	%
Race				
White	685	27.2	12,807	22.6
Black	977	38.8	13,114	23.1
Hispanic	735	29.2	28,328	50.0
Other	120	4.8	2,428	4.3
TOTAL	2,517	100.0	56,677	100.0
Gender				
Male	2,357	93.5	49,627	86.7
Female	164	6.5	7,603	13.3
TOTAL	2,521	100.0	57,230	100.0
Education				
Less than High School Graduate	805	32.2	23,228	43.5
High School Graduate	962	38.4	17,884	33.5
Some College	511	20.4	9,304	17.4
College Graduate	224	9.0	3,003	5.6
TOTAL	2,502	100.0	53,419	100.0
Citizenship				
U.S. Citizen	2,046	81.2	37,805	66.4
Non-U.S. Citizen	474	18.8	19,121	33.6
TOTAL	2,520	100.0	56,926	100.0
Criminal History Category				
Category I	779	30.9	23,103	40.6
Category II	228	9.1	7,978	14.0
Category III	382	15.2	9,955	17.5
Category IV	316	12.5	6,164	10.8
Category V	231	9.2	3,845	6.8
Category VI	582	23.1	5,887	10.3
TOTAL	2,518	100.0	56,932	100.0
Mandatory Minimum				
No Mandatory Minimum	1,330	52.8	40,847	71.3
Gun Mandatory Minimum	258	10.2	1,887	3.3
Drug Mandatory Minimum	577	22.9	11,416	19.9
Gun and Drug Mandatory Minimum	70	2.8	789	1.4
Other Mandatory Minimum	286	11.3	2,348	4.1
TOTAL	2,521	100.0	57,287	100.0

¹ Based on 5,111 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 5,111 cases, 2,547 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2021 (MONFY89, MONFY90, USSCFY91-USSCFY21). Of the 2,547 cases, 26 could not be matched with its original case.

² All individual offender original sentencings in fiscal year 2021. Totals may vary slightly due to the different numbers of missing cases by specific variables. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

Table A-8

**SENTENCE LENGTH FOR OFFENDERS IN ORIGINAL SENTENCE
APPEALS CASES BY TYPE OF CRIME**

Fiscal Year 2021

TYPE OF CRIME	APPELLATE COURT CASES ¹				DISTRICT COURT CASES ²			
	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
TOTAL	2,521	100.0	153	120	57,286	100.0	48	24
Administration of Justice	11	0.4	42	46	512	0.9	13	8
Antitrust	0	0.0	--	--	6	0.0	3	3
Arson	3	0.1	194	144	79	0.1	63	48
Assault	52	2.1	177	135	668	1.2	57	36
Bribery/Corruption	14	0.6	65	60	247	0.4	20	12
Burglary/Trespass	3	0.1	69	27	64	0.1	23	14
Child Pornography	109	4.3	175	151	1,215	2.1	108	90
Commercialized Vice	8	0.3	52	31	114	0.2	14	11
Drug Possession	1	0.0	--	--	309	0.5	1	0
Drug Trafficking	846	33.6	185	168	17,608	30.7	74	60
Environmental	0	0.0	--	--	173	0.3	2	0
Extortion/Racketeering	13	0.5	91	77	116	0.2	25	15
Firearms	500	19.8	106	88	8,150	14.2	48	37
Food and Drug	4	0.2	30	36	47	0.1	9	1
Forgery/Counter/Copyright	6	0.2	45	46	137	0.2	16	12
Fraud/Theft/Embezzlement	231	9.2	81	60	4,571	8.0	20	12
Immigration	225	8.9	39	33	16,937	29.6	13	8
Individual Rights	12	0.5	139	110	69	0.1	32	3
Kidnapping	13	0.5	359	360	92	0.2	166	123
Manslaughter	3	0.1	90	90	56	0.1	69	59
Money Laundering	79	3.1	169	144	1,028	1.8	57	30
Murder	53	2.1	363	405	257	0.4	244	231
National Defense	11	0.4	141	78	217	0.4	37	26
Obscenity/Other Sex Offenses	5	0.2	41	24	298	0.5	22	18
Prison Offenses	8	0.3	46	26	532	0.9	11	8
Robbery	131	5.2	215	180	1,300	2.3	104	90
Sexual Abuse	142	5.6	307	300	1,062	1.9	211	180
Stalking/Harassing	17	0.7	68	70	219	0.4	26	18
Tax	18	0.7	49	47	421	0.7	14	12
Other	3	0.1	55	60	782	1.4	2	0

¹ Based on 5,111 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 5,111 cases, 2,547 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2021 (MONFY89, MONFY90, USSCFY91-USSCFY21). Of the 2,547 cases, 26 could not be matched with its original case. Descriptions of variables used in this table are provided in Appendix A.

² All individual offender original sentencings in fiscal year 2021. Of the 57,287 cases, one was excluded due to missing or indeterminable sentencing information.

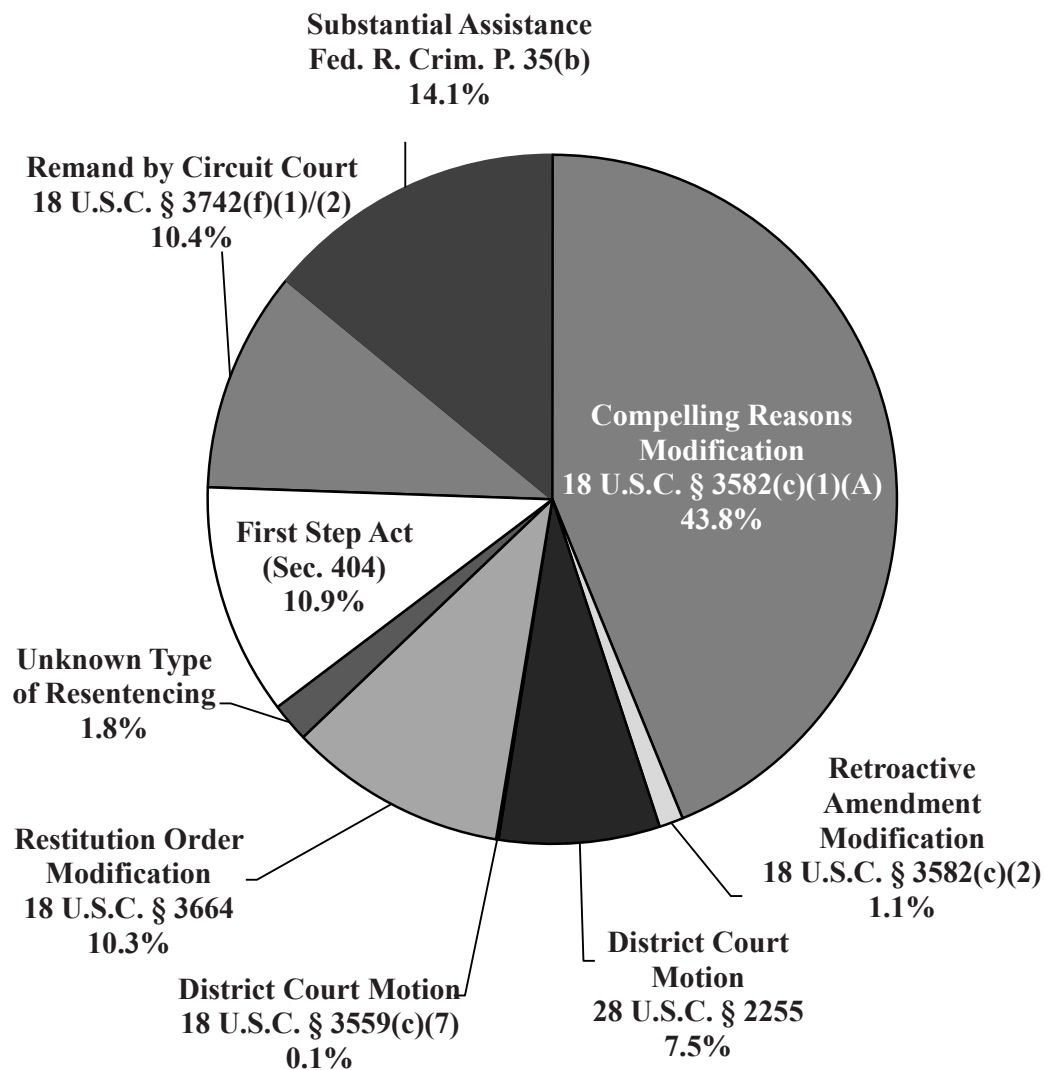
SOURCE: U.S. Sentencing Commission, 2021 Appeals Datafile, APPFY21.

RESENTENCINGS AND OTHER MODIFICATIONS OF SENTENCE

Figure R

**DISTRIBUTION OF OFFENDERS BY TYPE OF RESENTENCING
OR OTHER MODIFICATION OF SENTENCE¹**

Fiscal Year 2021



¹ This figure includes the 4,680 resentencing cases reported to the Commission. Modification of supervision conditions is a type of resentencing, but information was not collected for this type of case. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Resentencing Datafile, RESENTFY21.

Table R

**TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE
IN EACH CIRCUIT AND DISTRICT¹**

Fiscal Year 2021

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,594	658	14.3	480	10.4	487	10.6	5	0.1	353	7.7	2,050	44.6	53	1.2	508	11.1
D.C. CIRCUIT	35	1	2.9	3	8.6	7	20.0	0	0.0	3	8.6	17	48.6	2	5.7	2	5.7
District of Columbia	35	1	2.9	3	8.6	7	20.0	0	0.0	3	8.6	17	48.6	2	5.7	2	5.7
FIRST CIRCUIT	144	8	5.6	33	22.9	25	17.4	0	0.0	2	1.4	69	47.9	6	4.2	1	0.7
Maine	14	2	14.3	3	21.4	4	28.6	0	0.0	0	0.0	5	35.7	0	0.0	0	0.0
Massachusetts	56	2	3.6	10	17.9	4	7.1	0	0.0	0	0.0	40	71.4	0	0.0	0	0.0
New Hampshire	14	1	7.1	3	21.4	0	0.0	0	0.0	2	14.3	8	57.1	0	0.0	0	0.0
Puerto Rico	49	3	6.1	12	24.5	16	32.7	0	0.0	0	0.0	11	22.4	6	12.2	1	2.0
Rhode Island	11	0	0.0	5	45.5	1	9.1	0	0.0	0	0.0	5	45.5	0	0.0	0	0.0
SECOND CIRCUIT	303	7	2.3	28	9.2	49	16.2	1	0.3	46	15.2	157	51.8	1	0.3	14	4.6
Connecticut	42	0	0.0	0	0.0	3	7.1	0	0.0	0	0.0	38	90.5	0	0.0	1	2.4
New York																	
Eastern	76	1	1.3	9	11.8	13	17.1	0	0.0	12	15.8	34	44.7	0	0.0	7	9.2
Northern	28	1	3.6	1	3.6	11	39.3	0	0.0	2	7.1	10	35.7	0	0.0	3	10.7
Southern	113	4	3.5	16	14.2	16	14.2	1	0.9	29	25.7	44	38.9	1	0.9	2	1.8
Western	24	1	4.2	2	8.3	5	20.8	0	0.0	3	12.5	13	54.2	0	0.0	0	0.0
Vermont	20	0	0.0	0	0.0	1	5.0	0	0.0	0	0.0	18	90.0	0	0.0	1	5.0
THIRD CIRCUIT	213	17	8.0	17	8.0	22	10.3	0	0.0	14	6.6	113	53.1	2	0.9	28	13.1
Delaware	10	2	20.0	2	20.0	1	10.0	0	0.0	2	20.0	1	10.0	0	0.0	2	20.0
New Jersey	42	1	2.4	7	16.7	4	9.5	0	0.0	2	4.8	25	59.5	1	2.4	2	4.8
Pennsylvania																	
Eastern	85	4	4.7	3	3.5	6	7.1	0	0.0	5	5.9	49	57.6	1	1.2	17	20.0
Middle	41	8	19.5	2	4.9	8	19.5	0	0.0	5	12.2	13	31.7	0	0.0	5	12.2
Western	35	2	5.7	3	8.6	3	8.6	0	0.0	0	0.0	25	71.4	0	0.0	2	5.7
Virgin Islands	0	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--
FOURTH CIRCUIT	948	136	14.3	59	6.2	72	7.6	0	0.0	84	8.9	429	45.3	3	0.3	165	17.4
Maryland	204	2	1.0	11	5.4	2	1.0	0	0.0	25	12.3	148	72.5	2	1.0	14	6.9
North Carolina																	
Eastern	141	6	4.3	5	3.5	37	26.2	0	0.0	3	2.1	59	41.8	0	0.0	31	22.0
Middle	50	5	10.0	2	4.0	7	14.0	0	0.0	6	12.0	15	30.0	0	0.0	15	30.0
Western	93	9	9.7	9	9.7	8	8.6	0	0.0	8	8.6	14	15.1	0	0.0	45	48.4
South Carolina	155	32	20.6	4	2.6	9	5.8	0	0.0	14	9.0	72	46.5	0	0.0	24	15.5
Virginia																	
Eastern	207	76	36.7	7	3.4	3	1.4	0	0.0	24	11.6	74	35.7	1	0.5	22	10.6
Western	66	2	3.0	18	27.3	0	0.0	0	0.0	3	4.5	34	51.5	0	0.0	9	13.6
West Virginia																	
Northern	13	1	7.7	3	23.1	3	23.1	0	0.0	0	0.0	5	38.5	0	0.0	1	7.7
Southern	19	3	15.8	0	0.0	3	15.8	0	0.0	1	5.3	8	42.1	0	0.0	4	21.1

Table R (cont.)

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	358	82	22.9	41	11.5	55	15.4	3	0.8	42	11.7	90	25.1	11	3.1	34	9.5
Louisiana																	
Eastern	23	2	8.7	2	8.7	0	0.0	0	0.0	0	0.0	11	47.8	0	0.0	8	34.8
Middle	3	1	33.3	0	0.0	1	33.3	0	0.0	0	0.0	1	33.3	0	0.0	0	0.0
Western	22	1	4.5	1	4.5	3	13.6	0	0.0	0	0.0	7	31.8	2	9.1	8	36.4
Mississippi																	
Northern	10	1	10.0	0	0.0	1	10.0	0	0.0	3	30.0	4	40.0	0	0.0	1	10.0
Southern	19	6	31.6	1	5.3	0	0.0	0	0.0	2	10.5	7	36.8	1	5.3	2	10.5
Texas																	
Eastern	50	38	76.0	4	8.0	1	2.0	0	0.0	2	4.0	2	4.0	3	6.0	0	0.0
Northern	80	6	7.5	7	8.8	19	23.8	1	1.3	23	28.8	15	18.8	3	3.8	6	7.5
Southern	87	13	14.9	19	21.8	16	18.4	0	0.0	4	4.6	33	37.9	0	0.0	2	2.3
Western	64	14	21.9	7	10.9	14	21.9	2	3.1	8	12.5	10	15.6	2	3.1	7	10.9
SIXTH CIRCUIT	408	43	10.5	23	5.6	65	15.9	0	0.0	27	6.6	206	50.5	7	1.7	37	9.1
Kentucky																	
Eastern	42	4	9.5	10	23.8	12	28.6	0	0.0	2	4.8	13	31.0	0	0.0	1	2.4
Western	9	1	11.1	0	0.0	1	11.1	0	0.0	0	0.0	7	77.8	0	0.0	0	0.0
Michigan																	
Eastern	116	5	4.3	7	6.0	8	6.9	0	0.0	4	3.4	83	71.6	2	1.7	7	6.0
Western	31	8	25.8	3	9.7	6	19.4	0	0.0	0	0.0	5	16.1	0	0.0	9	29.0
Ohio																	
Northern	58	0	0.0	1	1.7	18	31.0	0	0.0	5	8.6	30	51.7	0	0.0	4	6.9
Southern	44	10	22.7	1	2.3	3	6.8	0	0.0	1	2.3	28	63.6	0	0.0	1	2.3
Tennessee																	
Eastern	61	4	6.6	0	0.0	6	9.8	0	0.0	6	9.8	27	44.3	5	8.2	13	21.3
Middle	19	0	0.0	1	5.3	1	5.3	0	0.0	9	47.4	8	42.1	0	0.0	0	0.0
Western	28	11	39.3	0	0.0	10	35.7	0	0.0	0	0.0	5	17.9	0	0.0	2	7.1
SEVENTH CIRCUIT	367	52	14.2	37	10.1	24	6.5	0	0.0	12	3.3	155	42.2	4	1.1	83	22.6
Illinois																	
Central	65	7	10.8	1	1.5	5	7.7	0	0.0	0	0.0	25	38.5	0	0.0	27	41.5
Northern	98	2	2.0	7	7.1	6	6.1	0	0.0	4	4.1	62	63.3	0	0.0	17	17.3
Southern	57	36	63.2	0	0.0	2	3.5	0	0.0	0	0.0	8	14.0	1	1.8	10	17.5
Indiana																	
Northern	29	3	10.3	2	6.9	2	6.9	0	0.0	0	0.0	8	27.6	3	10.3	11	37.9
Southern	50	0	0.0	13	26.0	4	8.0	0	0.0	7	14.0	23	46.0	0	0.0	3	6.0
Wisconsin																	
Eastern	35	4	11.4	6	17.1	1	2.9	0	0.0	1	2.9	23	65.7	0	0.0	0	0.0
Western	33	0	0.0	8	24.2	4	12.1	0	0.0	0	0.0	6	18.2	0	0.0	15	45.5
EIGHTH CIRCUIT	478	169	35.4	49	10.3	24	5.0	1	0.2	24	5.0	172	36.0	2	0.4	37	7.7
Arkansas																	
Eastern	24	17	70.8	0	0.0	3	12.5	0	0.0	0	0.0	4	16.7	0	0.0	0	0.0
Western	3	0	0.0	0	0.0	0	0.0	0	0.0	2	66.7	1	33.3	0	0.0	0	0.0
Iowa																	
Northern	55	24	43.6	0	0.0	3	5.5	0	0.0	8	14.5	10	18.2	0	0.0	10	18.2
Southern	64	10	15.6	10	15.6	7	10.9	0	0.0	3	4.7	22	34.4	1	1.6	11	17.2
Minnesota	85	0	0.0	20	23.5	5	5.9	0	0.0	3	3.5	55	64.7	0	0.0	2	2.4
Missouri																	
Eastern	35	2	5.7	1	2.9	2	5.7	0	0.0	4	11.4	23	65.7	1	2.9	2	5.7
Western	49	2	4.1	0	0.0	3	6.1	1	2.0	4	8.2	30	61.2	0	0.0	9	18.4
Nebraska	40	26	65.0	2	5.0	0	0.0	0	0.0	0	0.0	9	22.5	0	0.0	3	7.5
North Dakota	11	7	63.6	1	9.1	1	9.1	0	0.0	0	0.0	2	18.2	0	0.0	0	0.0
South Dakota	112	81	72.3	15	13.4	0	0.0	0	0.0	0	0.0	16	14.3	0	0.0	0	0.0

Table R (cont.)

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	599	15	2.5	111	18.5	70	11.7	0	0.0	44	7.3	354	59.1	1	0.2	4	0.7
Alaska	16	1	6.3	0	0.0	6	37.5	0	0.0	0	0.0	9	56.3	0	0.0	0	0.0
Arizona	40	0	0.0	15	37.5	6	15.0	0	0.0	9	22.5	10	25.0	0	0.0	0	0.0
California																	
Central	86	1	1.2	10	11.6	18	20.9	0	0.0	3	3.5	50	58.1	1	1.2	3	3.5
Eastern	70	3	4.3	12	17.1	11	15.7	0	0.0	4	5.7	40	57.1	0	0.0	0	0.0
Northern	80	0	0.0	21	26.3	3	3.8	0	0.0	7	8.8	48	60.0	0	0.0	1	1.3
Southern	59	1	1.7	4	6.8	9	15.3	0	0.0	6	10.2	39	66.1	0	0.0	0	0.0
Guam	8	0	0.0	2	25.0	2	25.0	0	0.0	0	0.0	4	50.0	0	0.0	0	0.0
Hawaii	20	1	5.0	0	0.0	1	5.0	0	0.0	0	0.0	18	90.0	0	0.0	0	0.0
Idaho	15	2	13.3	5	33.3	2	13.3	0	0.0	1	6.7	5	33.3	0	0.0	0	0.0
Montana	32	4	12.5	4	12.5	4	12.5	0	0.0	4	12.5	16	50.0	0	0.0	0	0.0
Nevada	23	0	0.0	2	8.7	3	13.0	0	0.0	2	8.7	16	69.6	0	0.0	0	0.0
Northern Mariana Islands	0	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Oregon	84	0	0.0	24	28.6	2	2.4	0	0.0	6	7.1	52	61.9	0	0.0	0	0.0
Washington																	
Eastern	20	2	10.0	0	0.0	2	10.0	0	0.0	2	10.0	14	70.0	0	0.0	0	0.0
Western	46	0	0.0	12	26.1	1	2.2	0	0.0	0	0.0	33	71.7	0	0.0	0	0.0
TENTH CIRCUIT	186	10	5.4	15	8.1	28	15.1	0	0.0	9	4.8	110	59.1	7	3.8	7	3.8
Colorado	19	0	0.0	0	0.0	6	31.6	0	0.0	3	15.8	9	47.4	0	0.0	1	5.3
Kansas	57	0	0.0	1	1.8	8	14.0	0	0.0	2	3.5	39	68.4	6	10.5	1	1.8
New Mexico	18	0	0.0	5	27.8	4	22.2	0	0.0	0	0.0	8	44.4	0	0.0	1	5.6
Oklahoma																	
Eastern	5	1	20.0	0	0.0	1	20.0	0	0.0	0	0.0	2	40.0	0	0.0	1	20.0
Northern	31	0	0.0	1	3.2	3	9.7	0	0.0	0	0.0	26	83.9	0	0.0	1	3.2
Western	10	1	10.0	1	10.0	4	40.0	0	0.0	0	0.0	2	20.0	0	0.0	2	20.0
Utah	17	0	0.0	3	17.6	0	0.0	0	0.0	2	11.8	11	64.7	1	5.9	0	0.0
Wyoming	29	8	27.6	4	13.8	2	6.9	0	0.0	2	6.9	13	44.8	0	0.0	0	0.0
ELEVENTH CIRCUIT	555	118	21.3	64	11.5	46	8.3	0	0.0	46	8.3	178	32.1	7	1.3	96	17.3
Alabama																	
Middle	15	0	0.0	5	33.3	0	0.0	0	0.0	1	6.7	2	13.3	2	13.3	5	33.3
Northern	24	2	8.3	5	20.8	1	4.2	0	0.0	3	12.5	10	41.7	0	0.0	3	12.5
Southern	25	1	4.0	2	8.0	3	12.0	0	0.0	3	12.0	11	44.0	2	8.0	3	12.0
Florida																	
Middle	135	39	28.9	14	10.4	19	14.1	0	0.0	10	7.4	25	18.5	2	1.5	26	19.3
Northern	75	7	9.3	1	1.3	5	6.7	0	0.0	2	2.7	24	32.0	0	0.0	36	48.0
Southern	197	62	31.5	36	18.3	14	7.1	0	0.0	16	8.1	57	28.9	1	0.5	11	5.6
Georgia																	
Middle	14	0	0.0	0	0.0	1	7.1	0	0.0	5	35.7	0	0.0	0	0.0	8	57.1
Northern	62	5	8.1	0	0.0	2	3.2	0	0.0	5	8.1	48	77.4	0	0.0	2	3.2
Southern	8	2	25.0	1	12.5	1	12.5	0	0.0	1	12.5	1	12.5	0	0.0	2	25.0

¹ Of the 4,680 cases, 86 were excluded due to missing type of resentencing or modification of sentence. Modification of supervision conditions is a type of resentencing, but information was not collected for this type. Descriptions of variables used in this table are provided in Appendix A.

APPENDIX A

Descriptions of Datafiles and Variables

Introduction

The Commission's research program is based on data from the Federal courts. The Commission collects data regarding every felony and Class A misdemeanor offense sentenced each year. To facilitate this data collection, the courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document (information/indictment), (2) the plea agreement (if any), (3) the Presentence Report (if any), (4) the Judgment and Commitment Order, and (5) the Statement of Reasons form. The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.

Tables in this report use the Commission's datafile, USSCFY21, which includes information on the 57,287 individual offenders sentenced between October 1, 2020, through September 30, 2021, for whom sentencing documents were received as of February 17, 2022. This report also provides data on 90 organizational offenders sentenced during that period. Also, this report provides data on 4,594 offenders resentenced by the district court or whose sentence was modified in some other way during that period. Finally, this report provides data on 7,443 appeals cases decided during fiscal year 2021.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted but who have not been sentenced, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Cases in which a sentence of death was imposed also are not available in this dataset as the sentencing guidelines do not apply to those cases.

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

Variables

The following section describes the variables used in this report.

Age

The *Age* of the offender on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the offender's date of birth as reported either in the Presentence Report or in the case submission information provided by the court when submitting the case to the Commission. Offenders under the age of 18 at the time of sentencing were charged as adults for a federal felony or Class A misdemeanor.

Anders Brief

Anders Brief cases are those in which the defendant's counsel files a motion for leave to withdraw from representation, and asserts that counsel has reviewed the case and concludes there are no non-frivolous grounds for appeal; whereupon the appellate court, after independently reviewing the record and agreeing that the case is wholly frivolous, affirms the sentence and dismisses the appeal, and grants counsel's motion to withdraw. See *Anders v. California*, 386 U.S. 738 (1967).

Any Guideline

The Commission collects guideline application information on up to four guidelines in a single computation (more than one guideline can be applied through the cross-reference application in the *Guidelines Manual*). If a guideline is

recorded in any of the four collected fields, then it is reported as “any guideline.” Note that counts for this category may exceed the total number of offenders in any fiscal year because each offender may have multiple guideline computations and/or multiple reference guidelines applied.

Appeals

Appeals data are derived from analyses of opinions and orders from the courts of appeals. For purposes of the appeals data, an appeals case is one in which a federal court of appeals has issued an opinion or order. Opinions and orders submitted by the courts are collected and coded. All appeals cases are coded for identifying data, such as parties, disposition, date, and circuit. In cases in which the appellate court reverses or remands a sentencing issue, the sentencing issue is coded. Conviction issues are not coded.

Attribution Category for Sentences Outside the Range

All categories replicate the list of checkboxes available on the Statement of Reasons (SOR) form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. The Commission uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally, cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government motion categories.

Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Circuit

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

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the Presentence Report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” “extradited alien,” or “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

Conviction Type

Sentencing classification is defined in 18 U.S.C. § 3559(a). The federal sentencing guidelines apply to felony cases and Class A misdemeanors (see USSG §1B1.9). For this reason, no information about petty offenses is recorded in the Commission’s datafiles.

Criminal History Category

Criminal History Category is derived from the Statement of Reasons provided by the sentencing court. *Criminal History Category* is taken from the Presentence Report when the Statement of Reasons is not available. While the court may disagree with Presentence Report information, the *Criminal History Category* is the same in the vast majority of cases for which both documents were received.

District

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

Document Submission Rates

Five documents are represented in the document submission table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), indictment/information (Ind), and plea agreements (Plea). The J&C, SOR, and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the SORs are most frequently submitted; however, transcripts or partial SORs and/or transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea totals. The total documents received column is derived from adding the total number of received documents from the J&C, PSR, SOR, Ind, and Plea columns.

Downward Departure

Downward Departure consists of cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures that result from government motions as well as from motions by the parties.

Downward Variance

Downward Variance consists of cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form (Court Determination for a Variance). This category includes variances which result from government motions as well as from motions by the defendant.

Drug Trafficking Guidelines

Drug Trafficking Guidelines information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The seven guidelines (USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14) represent the guidelines in Chapter Two, Part D that utilize the drug quantity table in USSG §2D1.1 (Drug Trafficking) to determine the base offense level.

Education

Information on *Education* of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Extent of Decrease

Extent of Decrease is calculated based on the difference between the sentence length (including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum (including any statutory trumps) for below range cases. Life imprisonment sentences and cases where the guideline minimum is zero months or life are excluded from all extent of decrease calculations due to the logical difficulty in calculating a decrease

from these values. High values of the guideline minimum are capped at 470 months for analytical purposes.

Extent of Increase

Extent of Increase is calculated based on the difference between the guideline maximum (including any statutory trumps) and the sentence length (including any months of alternative confinement as defined in USSG §5C1.1) for above range cases. Life sentences and cases where the guideline minimum is life are excluded from all extent of increase calculations due to the logical difficulty in calculating an increase from these values. High values of the guideline minimum are capped at 470 months for analytical purposes.

Federal Offenders Sentenced

Each *Federal Offender Sentenced* or case, as recorded by the Commission, involves a single sentencing event for a single offender. Multiple counts of conviction, including counts of conviction charged on multiple indictments, are considered a single sentencing event if a single sentence was imposed for the counts on the same day at the same time by the same judge. A single offender may account for more than one case if the offender was involved in more than one sentencing event during the fiscal year. Data on co-defendants in the same sentencing will appear as separate cases.

Fines and Restitution

Fines and Restitution information is obtained from the Judgment and Commitment Order (J&C). Fine information may also include cost of supervision. Cases that receive no fine or restitution are not included in the

calculation of the means. The number of cases upon which the mean is based may not equal the number of offenders ordered to pay fines and/or restitution; this is due to the failure of some J&Cs to specify the dollar amount ordered. The median of payments ordered reflects the amount located at the fiftieth percentile of all amounts ordered, excluding cases in which the amount was indeterminable or zero.

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons (SOR) form (Court Determination for a Variance). These cases are determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the SOR form for below range cases. The SOR form has specific checkboxes to indicate the origins of the variance, but cases that do not use this form may also indicate in writing the origins of the variance. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation,

and a large number of immigration cases. This category does not include cases with USSG §5K1.1 Substantial Assistance departures or USSG §5K3.1 Early Disposition Program (EDP) departures.

Guideline Sentencing Range

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

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

Length of Imprisonment

For cases in which a term of imprisonment was imposed, *Length of Imprisonment* reports the mean and median terms of imprisonment imposed in months. Length of imprisonment also includes any time served amounts and imprisonment under USSG §5G1.3. This information is obtained from the Judgment and Commitment Order (J&C). Mean and median imprisonment lengths are rounded to the nearest month.

Any portion of a sentence that is an alternative confinement as described in USSG §5C1.1 is excluded. Cases in which a term of imprisonment is ordered, but where the length is indeterminable, also are excluded. When sentences are expressed as “time served” on the J&C, Commission staff uses the dates in federal custody to determine the length of time served provided the offender has been in

custody the entire time. If the offender has been in and out of custody, or the start date is unclear or missing, then the Commission assigns a value of one day as a minimal time served amount for these cases.

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

Length of Supervised Release

For cases in which a term of supervised release was imposed, *Length of Supervised Release* reports the mean and median terms of supervised release imposed in months. This information is obtained from the Judgment and Commitment Order. Cases in which a term of supervised release is ordered, but where the length is indeterminable, are excluded. In cases where the court imposes a supervised release term of lifetime supervision, a numeric value is necessary to include these cases in any supervised release length analysis. Accordingly, life terms of supervised release are reported as 470 months, a length consistent with the Commission’s assignment of 470 months for life imprisonment sentences.

Mandatory Minimum Penalties

Information on *Mandatory Minimum Penalties* is obtained from the Presentence Report and represents the assessment of the probation officer. The sentencing court may alter this

mandatory minimum penalty information; occasionally, such changes are not reflected in the documents received by the Commission.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Trial* category.

Non-Government Departure

Non-Government Departure consists of cases in which the sentence imposed was outside the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures Pursuant to the Guidelines Manual) other than USSG §5K1.1 or USSG §5K3.1, and where the government did not initiate, propose, or stipulate to the sentence.

Non-Government Variance

Non-Government Variance consists of cases in which the sentence imposed was outside the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form (Court Determination for a Variance), and where the government did not initiate, propose, or stipulate to the sentence.

Non-Prison Sentence

Non-Prison Sentence includes sentences including probation and/or any

alternative confinement, as described in USSG §5C1.1 (*i.e.*, the entire sentence was not incarceration in jail/prison only).

Number of Employees

The *Number of Employees* identifies the number of persons employed by an organizational offender. This information is obtained from the Presentence Report. The number includes full-time workers, part-time workers, hourly workers, seasonal workers, and contractors. If the organization has undergone a significant down-sizing since the offense was detected by the authorities, the number of employees at the time of the offense is used for this variable.

Offense Level

The final *Offense Level* used in these tables is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, the offense level is taken from the Presentence Report.

Organizations

Organization is a “person other than an individual.” See 18 U.S.C. § 18. The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.

Other Government Motion (Downward Departure)

Other Government Motion is determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding

by Commission staff of any indication of government sponsorship as indicated on the Statement of Reasons (SOR) for below range cases. The SOR form has specific checkboxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and a large number of immigration cases. This category does not include cases with USSG §5K3.1 Early Disposition Program (EDP) departures or USSG §5K1.1 Substantial Assistance departures.

Ownership Structure

The *Ownership Structure* identifies the legal status of an organizational offender. This information is obtained from the Presentence Report. If an organization is incorporated but is not openly traded, it is classified as “Closely-held or Private.” If the financial statements in the presentence investigation report are termed “unaudited,” then the company is also classified as “Closely-held or Private.”

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Guideline range information is taken from the Statement of Reasons form and sentence information is taken from the Judgement and Commitment Order.

The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the lower-half of the range (when not at the guideline minimum); the exact midpoint of the range; the upper-half of the range (when not at the guideline maximum) and the guideline maximum. The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. For cases in which USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the minimum of the range are removed according to 18 U.S.C. § 3553(f).

In cases in which the sentence is located outside the available sentencing range, departure and/or variance information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each category may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Drug Type

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or plea agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level).

The category *Fentanyl* includes cases in which the drug involved is Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and cases in which the court determined the substance involved to be a Fentanyl analogue, as defined in the *Guidelines Manual*. The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “Ice,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug trafficking guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “Other” drug category.

Primary Guideline

When more than one sentencing guideline is applied in a case, the *Primary Guideline* is the guideline that has the highest adjusted offense level (this includes the Base Offense Level, all applicable Specific Offense Characteristics, and Chapter Three Adjustments prior to the application of Multiple Count Units).

Race

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

Reasons for Sentences Outside the Guideline Range

Reasons for Sentences Outside the Guideline Range are obtained from the Statement of Reasons when available. Because courts often provide more than one reason for sentencing outside the guideline range, the frequencies on these tables may add up to more than the number of cases.

Resentencings and Other Modification of Sentence

Using information submitted by the district courts, *Resentencings and Other Modifications of Sentence* are classified into nine different categories:

Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2)): Cases in which the original sentence is remanded to the district court by a court of appeals. The possible grounds for this include: (1) the sentence violated the law, (2) the guidelines were incorrectly applied, (3) the sentence is outside the applicable guideline range and the court failed to adequately explain why, (4) the sentence is outside the applicable guideline range and the court relied upon an impermissible reason, (5) the sentence is outside the applicable guideline range and the court departed to an unreasonable degree, or (6) there was no applicable guideline and the sentence is plainly unreasonable;

Direct Motion to District Court Pursuant to 18 U.S.C. § 3559(c)(7): Cases in which an offender received an aggravated penalty imposed under 18 U.S.C. § 3559(c)(7) at the time of original sentence and where a prior conviction for a serious violent felony or serious drug offense that triggered the aggravated penalty was overturned because it was (1) unconstitutional, (2) the offender was actually innocent, or (3) the offender was pardoned because of innocence;

Direct Motion to District Court

Pursuant to 28 U.S.C. § 2255: Cases in which a district court determines that (1) the original sentence was imposed in violation of the Constitution or the law, (2) the court lacked jurisdiction to impose the sentence, (3) the sentence was greater than the maximum sentence allowed by the law, or (4) the sentence is otherwise subject to collateral attack;

First Step Act (Sec. 404): Cases in which offenders convicted of drug trafficking offenses received a reduced sentence though retroactive application of the statutory reductions for crack cocaine offenses that were enacted in the Fair Sentencing Act of 2010. These sentence reductions were authorized in section 404 of the First Step Act of 2018.

Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1)(A)): Cases in which the district court reduces an original sentence for extraordinary and compelling reasons, or because the offender is at least 70 years old, has served at least 30 years for the offense for which the offender is currently imprisoned, and the Federal Bureau of Prisons (BOP) has determined that the offender is not a danger to the safety of any person or the community. This reduction can occur through a motion filed by the director of the BOP or by the offender;

Modification of Imposed Term of Imprisonment for Retroactive Amendments to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2)): Cases in which a district court reduces the sentence for an offender who was sentenced based on a sentencing range that later was lowered by the United States Sentencing Commission and where the Commission voted to apply the lowered penalty retroactively. This reduction can occur through a motion filed by the offender, the director of the BOP, or upon the court's own motion;

Modification of Restitution Order (18 U.S.C. § 3664): Cases in which the court modifies any part of a judgment ordering restitution be paid to victims;

Reduction of Sentence for Changed Circumstances (Federal Rule of Criminal Procedure 35(b)): Cases in which the government files a motion after the original sentence is imposed requesting the court to reduce that sentence because the offender provided substantial assistance to the government; and

Unknown Type of Resentencing: Cases in which a resentencing has occurred but where the type of resentencing cannot be determined.

Safety Valve

Safety Valve cases are identified based upon the application of the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2 as described in the Statement of Reasons or Presentence Report. These criteria are considered as a specific offense characteristic in cases where USSG §2D1.1 or USSG §2D1.11 is the sentencing guideline.

The application of this specific offense characteristic requires that the offender meet the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2, which are the same criteria as in 18 U.S.C. § 3553(f). Section 3553(f) requires courts to sentence an offender without regard to any otherwise applicable mandatory minimum penalty when the criteria are met. Additionally, offenders meeting this criteria receive a reduction of two offense levels pursuant to USSG §2D1.1(b)(18) or USSG §2D1.11(b)(6). This two-level reduction can occur even if no mandatory minimum penalty might otherwise apply in the case. Both types of *Safety Valve* application are accounted for in the *Sourcebook* tables. In a small

number of cases the court may not give the two-level reduction but does sentence the offender without regard to an otherwise applicable mandatory minimum penalty.

Because of the continuing refinement of the guidelines, the position of this specific offense characteristic notation within USSG §2D1.1 may vary from year to year.

Sentence Appeals Disposition

Data is derived from analysis of opinions and orders from the courts of appeals. The appeals disposition code indicates the disposition of the case. *Affirmed* cases are cases in which an appellate court holds that the judgment of the court below is correct and should stand. *Reversed* cases are those in which an appellate court sets aside, annuls, vacates, or changes to the contrary the decision of a lower court. *Affirmed and Reversed* cases are cases in which an appellate court affirmed one or more issues and reversed one or more of the issues that were appealed. *Remanded* cases are those in which the appellate court sent the case back to the lower court to address the issue under appeal. *Dismissed* cases are those an appellate court terminates without a complete trial and without issuing a holding. A dismissal of an appeal places the parties in the same condition as if no appeal had been taken or allowed, and thus acts as a confirmation of the judgment of the court below.

Sentencing Issues Appealed

Data about the issue or issues appealed are derived from analyses of opinions and orders from the courts of appeals. Each sentencing issue that is reversed or remanded by the appellate court is coded by the guideline involved and description of the particular issue

addressed within that guideline. Challenges related to sentencing, but not to guideline application, are coded under categories reserved for “constitutional issues” or “other general sentencing issues.”

Sentence Imposed or Sentence Length

Sentence Imposed or Sentence Length reports the mean and median terms of the sentence imposed in months. It also includes any time served amounts and imprisonment under USSG §5G1.3. This information is obtained from the Judgment and Commitment Order (J&C). Mean and median sentence lengths are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence that is an alternative confinement as described in USSG §5C1.1 is included. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. When sentences are expressed as “time served” on the J&C, Commission staff uses the dates in federal custody to determine the length of time served when an offender has been in custody the entire time. If the offender has been in and out of custody, or the start date is unclear/missing, then the Commission assigns a value of one day as a minimal time served amount for these cases.

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

Sentences Under the Guidelines Manual

This category includes offenders whose sentences are determined to be either within the guideline range or outside the guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the offender.

Type of Appeal

Data are derived from analyses of opinions and orders from the courts of appeals. The type of appeals code indicates the types of issues that are raised in the case. The types of appeals codes are: (1) sentencing issues only, (2) sentencing and conviction issues, (3) conviction issues only, (4) *Anders* Brief, and (5) unknown.

For coding purposes, an appeal involves sentencing issues when the appellant either argues that the district court erred during the sentencing phase or raises issues concerning the applicability of the guidelines to the case at hand. In some cases, the appellant is challenging some part of the plea agreement involving sentencing. These issues are also considered sentencing issues. An appeal involves conviction issues when the appellant claims some sort of error occurred during the investigation, trial, or jury deliberations that did not involve sentencing or the sentencing guidelines. *Anders* Brief cases are those where the counsel for the appellant has advised the court of appeals that he or she has conscientiously examined the case but finds

the appeal to be wholly frivolous and has requested permission to withdraw. See *Anders v. California*, 386 U.S. 738 (1967). This disposition code was added in fiscal year 2010.

Type of Business

The *Type of Business* identifies the primary industry in which an organizational offender conducted business. This information is obtained from the Presentence Report.

Type of Crime

Information on *Type of Crime* is obtained from the primary guideline detailed in the Presentence Report. If the primary guideline is an “attempt/ conspiracy” guideline, such as USSG §2X1.1, then the underlying guideline is used to determine the type of crime category.

If there is no primary guideline provided, then information about the type of crime category is obtained from the statutes of conviction listed on the Judgment and Commitment Order. When the “type of crime” for the case is determined from the statutes of conviction, the offense applicable to the count of conviction with the highest statutory maximum becomes the “type of crime.” If two or more counts are found to have the same statutory maximum, the “type of crime” is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the “type of crime” that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “type of crime” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that

the crime categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the crime categories used in the individual offender datafile tables for this report:

Administration of Justice Offenses includes obstructing or impeding officers, contempt, obstruction of justice, perjury or subornation of perjury, bribery of a witness, impersonation, failure to appear by offender, failure to appear by material witness, commission of offense while on release, payment of witness, and misprision of a felony. This category includes offenders sentenced under USSG §§2A2.4, 2J1.1, 2J1.2, 2J1.3, 2J1.4, 2J1.6, 2J1.9, and 2X4.1.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under USSG §2R1.1.

Arson includes property damage by explosives and use of fire or explosives to commit a federal felony. This category includes offenders sentenced under USSG §§2K1.4 and 2K1.7 (deleted).

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, minor assault, and conspiracy that includes assault with attempt to murder. This category includes offenders sentenced under USSG §§2A2.1, 2A2.2, and 2A2.3.

Bribery/Corruption includes offenses involving public officials and violations of federal election campaign laws, bribe involving officials, bribery—bank loan/commercial, loan or gratuity to bank examiner, *etc.*, gratuity involving officials, bribe or gratuity affecting employee plan, conflict of interest, payment or receipt of unauthorized compensation, and making, receiving, or failing to report a contribution, donation, or expenditure in violation of the Federal Election Campaign Act. This

category includes offenders sentenced under USSG §§2B4.1, 2C1.1, 2C1.2, 2C1.3, 2C1.4 (deleted), 2C1.5, 2C1.6 (deleted), 2C1.7 (deleted), and 2C1.8.

Burglary/Trespass includes burglary of a residence and burglary of a structure other than a residence, post office burglary, burglary of DEA premises (pharmacy), bank burglary, and trespass. This category includes offenders sentenced under USSG §§2B2.1, 2B2.2 (deleted), and 2B2.3.

Child Pornography includes the receipt or possession of materials involving the sexual exploitation of minors. This category includes offenders sentenced under USSG §§2G2.2 and 2G2.4 (deleted).

Commercialized Vice includes gambling, animal fighting, and prostitution offenses. This category includes offenders sentenced under USSG §2G1.1 where the court did not apply a Base Offense Level of 34, and all offenders sentenced under USSG §§2E3.1, 2E3.2 (deleted), and 2E3.3 (deleted).

Drug Possession includes simple possession of all drug types. This category includes offenders sentenced under USSG §2D2.1.

Drug Trafficking includes drug distribution/manufacture—conspiracy, continuing criminal enterprise, drug distribution—employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, establish/rent drug operation, endangering human life while manufacturing, and narco-terrorism. This category includes offenders sentenced under USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14.

Environmental includes waste discharge; specially protected fish, wildlife, and plants; recordkeeping, tampering, and falsification; tampering with a public water

system; mishandling of environmental pollutants; and hazardous devices on federal lands. This category includes offenders sentenced under USSG §§2K3.1 (deleted), 2Q1.1, 2Q1.2, 2Q1.3, 2Q1.4, 2Q1.5 (deleted), 2Q1.6, 2Q2.1, and 2Q2.2 (deleted).

Extortion/Racketeering includes extortion by force, or threat of injury or serious damage, extortionate extension of credit, blackmail, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering, unlawful conduct relating to contraband cigarettes, and labor racketeering. This category includes offenders sentenced under USSG §§2B3.2, 2B3.3, 2E1.1, 2E1.2, 2E1.3, 2E1.4, 2E1.5 (deleted), 2E2.1, 2E4.1, 2E5.1, 2E5.2 (deleted), 2E5.3, 2E5.4 (deleted), 2E5.5 (deleted), and 2E5.6 (deleted).

Firearms includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, *etc.*, in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; use of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under USSG §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2.

Food and Drug includes tampering with risk of death or injury, providing false information or tampering with products, tampering to injure business, odometer laws and regulations, and violation of regulations involving food, drugs, *etc.* This category includes offenders sentenced under USSG §§2N1.1, 2N1.2, 2N1.3, 2N2.1, and 2N3.1.

Forgery/Counterfeiting/Copyright includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations) as well as criminal infringement of copyright or trademark. This category includes offenders sentenced under USSG §§2B5.1, 2B5.2 (deleted), 2B5.3, and 2B5.4 (deleted).

Fraud/Theft/Embezzlement includes fraud and deceit, embezzlement—property, embezzlement from labor unions, embezzlement—mail/post office, embezzlement from benefit plans, bank embezzlement, bank larceny, theft from benefit plans, other theft—mail/post office, receipt/possession of stolen property, theft from labor union, theft or damage to cultural heritage resources, insider trading, and aggravated identity theft. This category includes offenders sentenced under USSG §§2B1.1, 2B1.2 (deleted), 2B1.3 (deleted), 2B1.4, 2B1.5, 2B1.6, 2F1.1 (deleted), and 2F1.2 (deleted).

Immigration includes trafficking in U.S. passports, trafficking in entry documents, failure to surrender naturalization certificate, fraudulently acquiring U.S. passports, smuggling, transporting, or harboring an unlawful alien, fraudulently acquiring entry documents, and unlawfully entering or remaining in the U.S. This category includes offenders sentenced under USSG §§2L1.1, 2L1.2, 2L1.3 (deleted), 2L2.1, 2L2.2, 2L2.3 (deleted), 2L2.4 (deleted), and 2L2.5.

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

sentenced under USSG §§2H1.1, 2H1.2 (deleted), 2H1.3 (deleted), 2H1.4 (deleted), 2H1.5 (deleted), 2H2.1, 2H3.1, 2H3.2, 2H3.3, 2H4.1, and 2H4.2.

Kidnapping includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under USSG §§2A4.1, 2A4.2, and 2A5.1.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under USSG §§2A1.3 and 2A1.4.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions. This category includes offenders sentenced under USSG §§2S1.1, 2S1.2 (deleted), 2S1.3, and 2S1.4 (deleted).

Murder includes first degree murder, second degree murder, and conspiracy or solicitation to commit murder. This category includes offenders sentenced under USSG §§2A1.1, 2A1.2, and 2A1.5.

National Defense includes treason, sabotage, espionage, evasion of military service, prohibited financial transactions and exports, providing material support to designated foreign terrorist organizations, nuclear, biological, and chemical weapons, and weapons of mass destruction. This category includes offenders sentenced under USSG §§2M1.1, 2M2.1, 2M2.2 (deleted), 2M2.3, 2M2.4 (deleted), 2M3.1, 2M3.2, 2M3.3, 2M3.4, 2M3.5, 2M3.6 (deleted), 2M3.7 (deleted), 2M3.8 (deleted), 2M3.9, 2M4.1, 2M5.1, 2M5.2, 2M5.3, 2M6.1, and 2M6.2.

Obscenity/Other Sex Offenses includes failure to register as a sex offender, recordkeeping offenses involving production of sexually explicit material, and importing,

mailing, transporting, or broadcasting obscene material. This category includes offenders sentenced under USSG §§2A3.5, 2A3.6, 2G2.5, 2G3.1, and 2G3.2.

Prison Offenses includes contraband in prisons, riots in federal facilities, and escape. This category includes offenders sentenced under USSG §§2P1.1, 2P1.2, 2P1.3, and 2P1.4 (deleted).

Robbery includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under USSG §2B3.1.

Sexual Abuse includes criminal sexual abuse, sexual abuse of a minor, sexual abuse of a ward, abusive sexual contact, transportation of minor for sex, sex trafficking of children, sex trafficking of adults by force, fraud or coercion, child pornography production, and child exploitation enterprises. This category includes offenders sentenced under USSG §2G1.1 who received a Base Offense Level of 34, and all offenders sentenced under USSG §§2A3.1, 2A3.2, 2A3.3, 2A3.4, 2G1.2 (deleted), 2G1.3, 2G2.1, 2G2.3, and 2G2.6.

Stalking/Harassing includes threatening or harassing communications, hoaxes, false liens, stalking, and domestic violence. This category includes offenders sentenced under USSG §§2A6.1 and 2A6.2.

Tax includes non-payment of taxes, conspiracy to avoid taxes, offenses relating to withholding statements, aiding or advising tax fraud, failing to collect or truthfully account for and pay over taxes, failing to deposit collected taxes in required accounts after notice, alcohol and tobacco tax offenses, and customs taxes. This category includes offenders sentenced under USSG §§2T1.1, 2T1.2 (deleted), 2T1.3 (deleted), 2T1.4, 2T1.5 (deleted), 2T1.6, 2T1.7, 2T1.8, 2T1.9, 2T2.1, 2T2.2, 2T3.1, and 2T3.2 (deleted).

Other Miscellaneous Offenses

includes interference with a flight crew, unlawful sale, transportation, possession, manufacturing, or importation of drug paraphernalia, distributing, importing, or exporting listed chemicals, evading reporting or recordkeeping requirements involving chemicals, acquiring a controlled substance by fraud or forgery, border tunnels and subterranean passages, and all other felony and miscellaneous offenses not previously listed in any of the other categories or covered by specific guidelines. This category includes offenders sentenced under USSG §§2A5.2, 2D1.7, 2D1.11, 2D1.12, 2D1.13, 2D2.2, 2D2.3, 2D3.1, 2X5.1, 2X5.2, and 2X7.1. In addition, this category includes offenders sentenced under USSG §§2X1.1, 2X2.1, 2X3.1, 2X6.1, and 2X7.2 if no underlying guideline was provided.

Sentence Type

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

The *Total Receiving Probation* category includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This category is the sum of *Probation Only* and *Probation and Alternatives* categories.

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

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

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

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

The *Fine Only* category includes the number of offenders who received no prison, no probation, and no time of alternative confinement as defined in USSG §5C1.1. Most of these offenders received a fine and/or a special assessment.

Upward Departure

Upward Departure consists of cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the parties.

Upward Variance

Upward Variance consists of cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form (Court Determination for a Variance). This category includes variances which result from government motions as well as from motions by the offender.

Weapon Involvement

Weapon Involvement in a case is identified either by the application of a guideline enhancement for weapon involvement or a conviction under 18 U.S.C. § 924(c), or both. This variable does not identify cases in which a weapon is present in the offense, but the offender was not convicted of 18 U.S.C. § 924(c) or did not receive a weapon-related sentencing enhancement. It does not identify cases in which the specific enhancement can be applied for multiple reasons; for example, the specific enhancement can be applied if the offense involved either physical contact or if a dangerous weapon was possessed. Finally, this variable does not identify cases sentenced as weapon offenses under USSG Chapter Two, Part K, unless they were convicted of 18 U.S.C. § 924(c).

Within Guideline Range

Offenders are classified in this category when the sentence is within both the guideline range and within the statutory minimum and maximum. The sentence must meet minimum zone requirements as well. In rare instances when a very small departure or variance is granted, but the sentence is still within the original guideline range, the sentence is reported as within range.

Year

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

Zone

The Sentencing Table is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones. See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they apply.

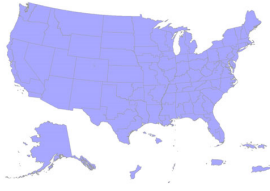
APPENDIX B

Selected National Sentencing Statistics

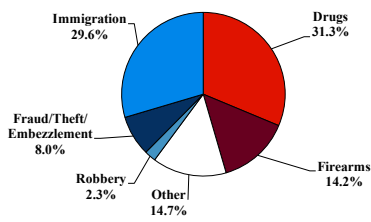
District at a Glance

National

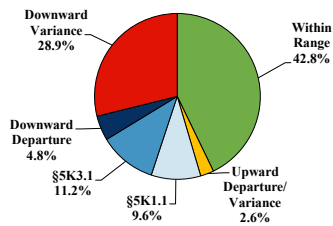
Fiscal Year 2021



Type of Crime



Sentence Imposed Relative to the Guideline Range



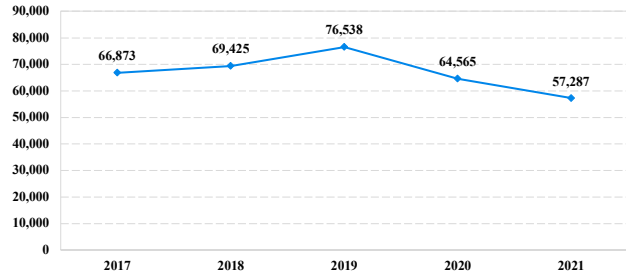
SENTENCING INFORMATION BY TYPE OF CRIME

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
Total	57,287	16,937	17,608	8,151	4,571	1,300	1,215	1,028	6,477
Mean Sentence (months)	48	13	74	48	20	104	108	57	63
Median Sentence (months)	24	8	60	37	12	90	90	30	15
IMPRISONMENT									
Total Receiving Imprisonment	52,301	16,164	16,990	7,676	3,202	1,275	1,199	908	4,887
Prison Only	50,648	15,897	16,307	7,515	2,982	1,245	1,179	867	4,656
Up to 12 Months	13,306	9,091	1,311	567	889	31	21	147	1,249
13 to 60 Months	23,318	6,628	7,023	4,941	1,771	346	325	413	1,871
61 to 120 Months	8,709	170	5,023	1,659	256	477	463	168	493
Over 120 Months	5,315	8	2,950	348	66	391	370	139	1,043
Prison and Alternatives	1,653	267	683	161	220	30	20	41	231
PROBATION									
Total Receiving Probation	4,576	772	618	473	1,315	25	16	120	1,237
Probation Only	3,527	573	450	370	1,014	20	12	88	1,000
Probation and Alternatives	1,049	199	168	103	301	5	4	32	237
FINE ONLY									
Total	410	1	0	2	54	0	0	0	353

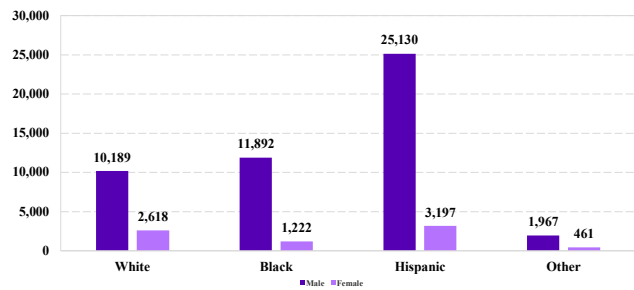
Cases with indeterminate sentence terms are excluded from the calculation of the Mean Sentence or Median Sentence category. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. Cases in the Total Receiving Imprisonment, Total Receiving Probation, and Fine Only categories total 100 percent of all cases. Cases missing information required for a specific analysis were excluded from that analysis. Descriptions of variables used in this analysis are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21.

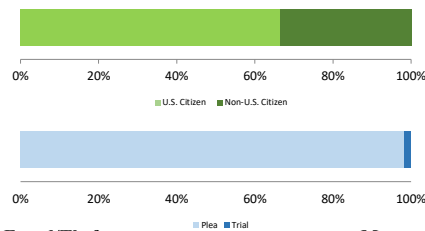
Number of Federal Offenders Over Time



Race and Gender



Citizenship, Guilty Pleas, and Trials



*Selected Sentencing Statistics by District are available on the
U.S. Sentencing Commission's website.*

<https://www.ussc.gov/research/sourcebook-2021>

