

---

# 2022 ANNUAL REPORT AND SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

---

Carlton W. Reeves  
Chair

Luis Felipe Restrepo  
Vice Chair

Laura E. Mate  
Vice Chair

Claire Murray  
Vice Chair

Claria Horn Boom  
Commissioner

John Gleeson  
Commissioner

Candice C. Wong  
Commissioner

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 2022 *Annual Report and Sourcebook of Federal Sentencing Statistics*

Enclosed is a copy of the United States Sentencing Commission's 2022 *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 2022 *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>.

---

Kenneth P. Cohen  
*Staff Director*

James T. Strawley  
*Deputy Staff Director*

Susan M. Brazel  
*Director of Administration*

Jennifer S. Burita  
*Director of Legislative Affairs*

Kathleen C. Grilli  
*General Counsel*

Glenn R. Schmitt  
*Director of Research and Data*

Raquel K. Wilson  
*Director of Education and Sentencing Practice*





---

# ANNUAL REPORT

---



# ANNUAL REPORT CONTENTS

---

Introduction	2
Agency Overview	2
Commissioners	2
Organization	3
Budget and Expenditures	4
Fiscal Year 2022 Activity Overview	5
Sentencing Policy Development	6
Conducting Research	7
Collecting and Reporting Sentencing Data	8
Training and Outreach	10
Summary	12

---

## 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 2022, the Commission’s website received approximately 1.9 million hits and averaged more than 44,000 visitors per month.

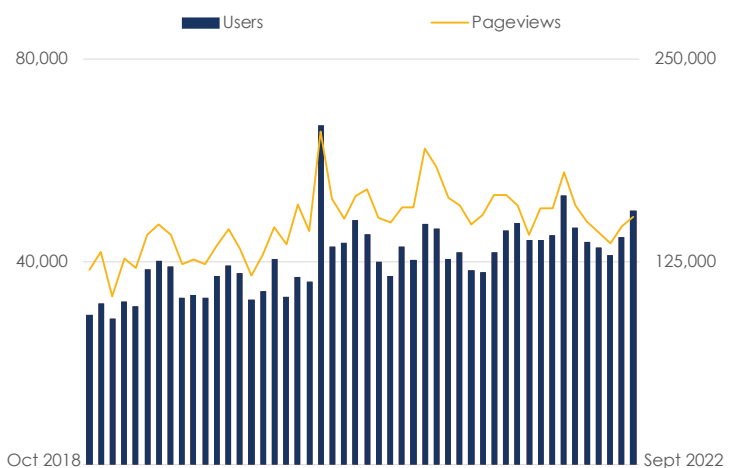
## Agency Overview

### Commissioners

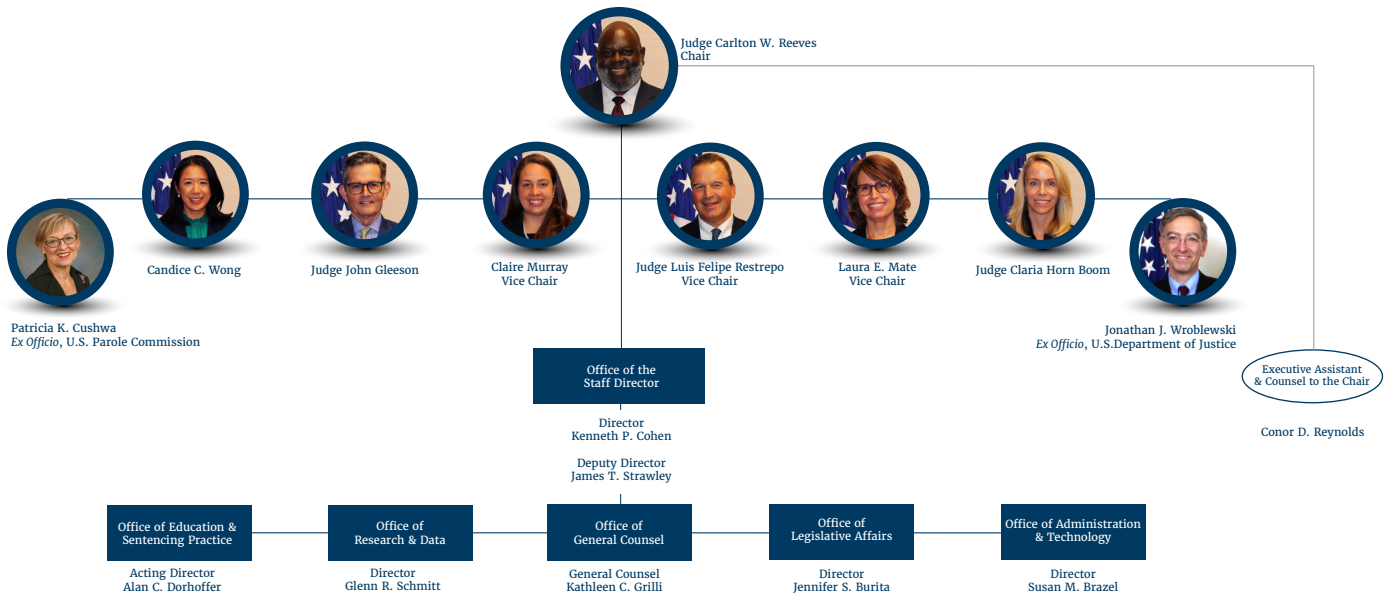
The Commission consists of up to seven voting members appointed to staggered six-year terms by the President with the advice and consent of the Senate. By statute, at least three of the commissioners shall be federal judges, and no more than four may be members of the same political party. The Attorney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

On August 4, 2022, the Senate confirmed a full slate of seven new commissioners—Judge Carlton W. Reeves (Chair), Judge Luis Felipe Restrepo (Vice Chair), Laura Mate (Vice Chair), Claire Murray (Vice Chair), Judge Claria Horn Boom, Judge John Gleeson, and Candice C. Wong. (The commissioners’ bios can be found on the Commission website: [www.usc.gov/commissioners](http://www.usc.gov/commissioners).) The confirmation of these seven commissioners marks the first time since 2018 that the Commission has had a voting quorum—and the first time since 1999 that a full slate of seven voting commissioners was appointed at once. Other commissioners include Patricia K. Cushwa (*ex officio*, U.S. Parole Commission) and Jonathan J. Wroblewski (*ex officio*, U.S. Department of Justice).

### Monthly Website Traffic (www.usc.gov)







## Organization

In FY 2022, 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 works jointly with other offices to respond to requests for information, coordinate public events, and produce, edit, and disseminate Commission work product. The office is also responsible for the Commission’s website and social media communications.

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, coordinates the Commission’s policy initiatives, and oversees the annual guideline amendment cycle, including providing notice to the public of proposed amendments and obtaining witnesses for public hearings.

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 FY 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, demographic characteristics and criminal history of federal offenders, and sentencing trends. 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 and functions. This office has also included 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.

Consistent with its commitment to continuously strengthen and expand its technology and cyber security capabilities, in 2022, the Commission launched plans to separate the technology functions from the administration functions. The Commission decided not to fill the vacant position of Deputy Director of the Office of Administration and Technology and instead create a new position—Director of the Office of Technology—to oversee a separate Office of Technology. The Commission launched an extensive recruiting effort to fill this specialized position, and when the position is filled, the Commission will implement its plan to create the Office of Technology as a separate unit within the agency.

## **Budget and Expenditures**

For FY 2023, the Commission received an annual appropriation of \$21,641,000 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 2022 Activity Overview

In FY 2022, 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:

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

In the absence of a voting quorum for four years, the Commission faces a significant backlog of policy work that directs Commission action in FY 2023 and 2024. The Commission prioritizes implementation of important criminal justice legislation, chief among them the First Step Act (FSA) of 2018 (Pub. L. No. 115-391). Among other provisions, the FSA expanded availability of compassionate release under 18 U.S.C. § 3582(c)(1) as well as the statutory safety valve under 18 U.S.C. § 3553(f). In addition, the Bipartisan Safer Communities Act (Pub. L. No. 117-159), increased penalties for certain firearms offenders.

Public interest in the Commission's work is at historic highs. On September 29, 2022, the newly reconstituted Commission published for comment its notice of proposed priorities for the amendment cycle ending May 1, 2023, and received more than 8,000 letters from members of Congress, the Department of Justice, judges, federal public defenders, probation officers, academics, advocacy groups, federal inmates and their family members, and concerned members of the public. This outpouring represented by far

the most public comment the Commission has ever received in response to proposed priorities.

The Commission continues to expand and strengthen its public outreach efforts in a cost-efficient manner. In 2022, the Commission's website received approximately 1.9 million hits and averaged more than 44,000 users per month. These numbers reflect an increase in users (+15.8%) from the previous year, and an increase in sessions (+9.6%) for the fourth consecutive year. The Commission also leverages social media and uses cloud communication tools to disseminate information broadly and efficiently and to provide frequent electronic public updates on its work.

The Commission's strategic investment in information technology, automation, and cybersecurity enables it to meet the ever-increasing demand for its work product, information, and services. For example, in September 2021, the Commission launched *Judiciary Sentencing Information* (JSIN), an online tool that provides comparative sentencing data, which was not previously publicly available. As of late 2022, JSIN was accessed by more than 1,300 judges, prosecutors, defense attorneys, and others each month and will provide the data for a two-year pilot program authorized by the Judicial Conference of the United States to include comparative sentencing data in presentence reports. In 2022, prior to the pilot launch, JSIN data was cited in more than 1,700 presentence reports.

### Data Questions?



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

Contact us at [AskORD@ussc.gov](mailto:AskORD@ussc.gov).

## Sentencing Policy Development

The sentencing guidelines established by the Commission 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.

By statute, the Commission must submit guideline amendments to Congress for its review no later than May 1 of any given year. The Commission's policy priorities during its initial abbreviated amendment cycle ending May 1, 2023, focused on sentencing legislation signed into law during the four years that the Commission did not have a voting quorum.

The Commission's first priority is implementation of the First Step Act of 2018. The First Step Act expanded the availability of compassionate release by authorizing defendants to file motions on their own 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 appeal 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 primary 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.

The COVID-19 pandemic highlighted the fact that courts would benefit from clearer guidance from the Commission. According to a 2022 Commission report, *Compassionate Release: The Impact of the First Step Act and COVID-19 Pandemic*, courts decided 7,014 compassionate release motions in FY 2020, granting compassionate release to one-quarter (25.7%) of those offenders. The number of offenders granted relief increased more than twelvefold compared to 2019—the year immediately following passage of the First Step Act. The report found, however, that the likelihood of compassionate release motions succeeding varied significantly depending on the circuit or district in which they were filed. In late 2022, the Commission released an updated data report, *Compassionate Release Data Report for Fiscal Years 2020 to 2022*, showing similar findings.

The First Step Act also expanded eligibility for the safety valve to certain offenders with more than one criminal history point. The Commission is working to amend §5C1.2 to recognize this change but must also consider changes to the two-level reduction in the drug trafficking guideline for meeting the safety valve criteria. Responding to this aspect of the First Step Act, however, may be complicated by differing case law among the circuits regarding the scope of the new statutory safety valve criteria.

The Commission also prioritizes implementation of criminal provisions contained in the Bipartisan Safer Communities Act (Pub. L. No. 117-159), signed into law in June 2022. Among other provisions, this Act created two new offenses at 18 U.S.C. §§ 932 and 933 further proscribing straw purchasing and trafficking of firearms. The Act increased the statutory maximum penalties for certain

firearms offenses, and it revised several definitions. The Act also included a directive to the Commission to review and amend the guidelines to ensure that persons convicted of straw purchase violations and firearms trafficking offenses are subject to increased penalties in comparison to those currently provided under the guidelines.

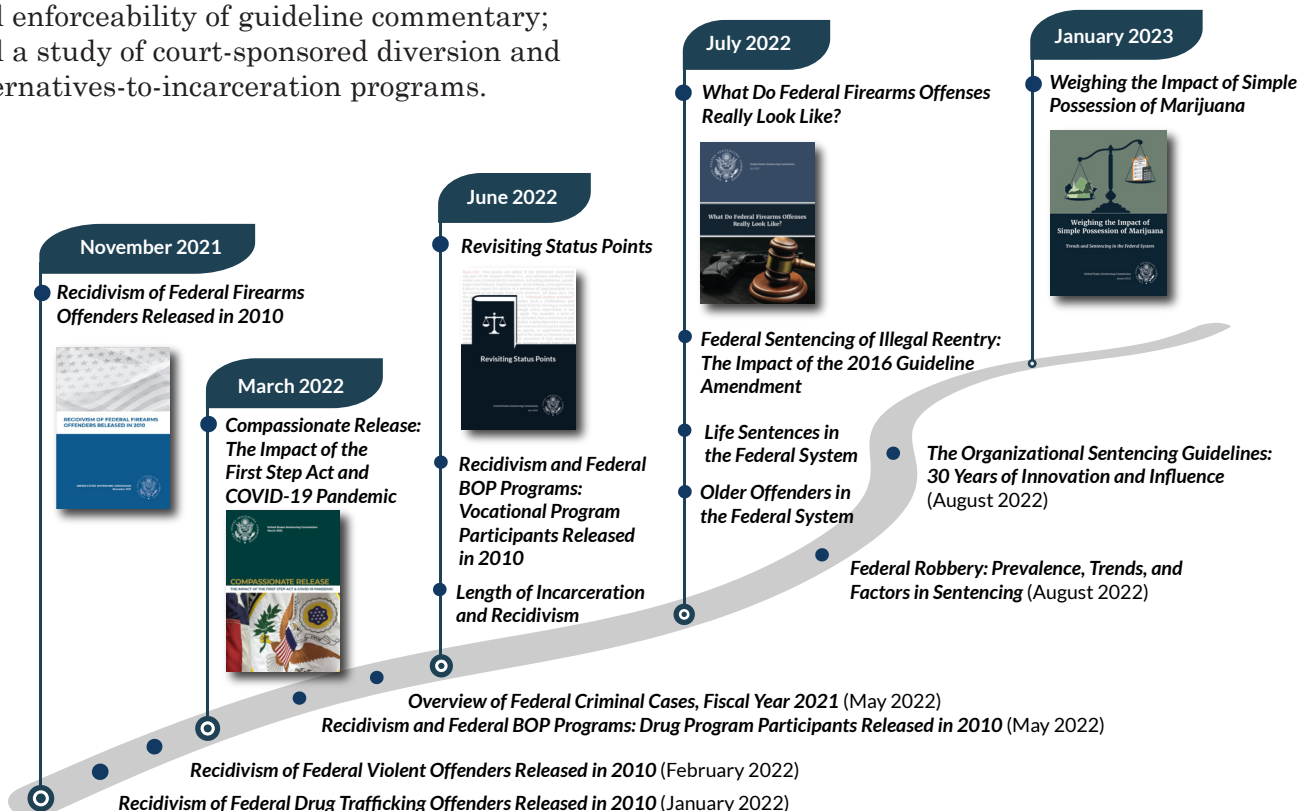
Additional multi-year priorities include continuation of the Commission’s examination of the categorical approach in determining, for example, whether an offense is a crime of violence or a controlled substance offense. Moreover, the Commission is considering amendments to the criminal history guidelines to account for recent recidivism research regarding offenders with zero criminal history points as well as the impact of status points at §4A1.1(d).

Multi-year priorities also include possible amendments to limit the use of acquitted conduct in applying the guidelines; simplification of the guidelines; an examination of conflicting case law concerning the validity and enforceability of guideline commentary; and a study of court-sponsored diversion and alternatives-to-incarceration programs.

## Conducting Research

Research is a critical part of the Commission’s mission and provides a valuable resource to policymakers and the Commission’s stakeholders. 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, the Executive Branch, and the criminal justice community. Despite not having a voting quorum until late FY 2022, the Commission continued its robust research agenda, releasing 14 research reports in 2022 as well as numerous data reports.

Many of the research reports released in FY 2022 are informing the Commission’s policy priorities for the amendment cycle ending May 1, 2023.



For example, in May 2022, the Commission released *Compassionate Release: The Impact of the First Step Act and COVID-19 Pandemic*, which describes trends in compassionate release decisions during FY 2020, focusing on the impact of the First Step Act and the dramatic impact of the COVID-19 Pandemic. The Commission also released two reports relevant to its work implementing firearms legislation, *What Do Firearms Offenses Really Look Like?* (July 2022) and *Recidivism of Federal Firearms Offenders Released in 2010* (November 2021), and two reports relevant to its consideration of the criminal history rules, *Revisiting Status Points* (June 2022) and *Weighing the Impact of Simple Possession of Marijuana* (January 2023).

The Commission also continued its focus on studying recidivism, completing an extensive series of reports examining federal offenders released in 2010. In addition to the reports on firearms offenders and status points, the Commission released *Recidivism of Federal Drug Trafficking Offenders Released in 2010* (January 2022), *Recidivism of Federal Violent Offenders Released in 2010* (February 2022), *Length of Incarceration and Recidivism* (June 2022), *Recidivism and Federal Bureau of Prisons Programs: Drug Program Participants Released in 2010* (May 2022), and *Recidivism of Federal Bureau of Prisons Programs: Vocational Program Participants Released in 2010* (June 2022). The latter two reports are particularly noteworthy as the Commission's first ever studies of the impact programming provided by the Federal Bureau of Prisons has on the recidivism of federal offenders who participate.

The Commission also released several reports of topics of interest to Congress and others, such as *Federal Sentencing of Illegal Reentry: The Impact of the 2016 Guideline Amendment* (July 2022), *Life Sentences in the Federal System* (July 2022), *Older Offenders in the Federal System* (July 2022), *Federal Robbery:*

*Prevalence, Trends, and Factors in Sentencing* (August 2022), and *The Organizational Guidelines: Thirty Years of Innovation and Influence* (August 2022).

The Commission plans to continue its robust research agenda on timely and relevant topics throughout FY 2024 and beyond.

## 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.



**64,142**  
Individual Offenders  
Sentenced



**303,948**  
Documents  
Received, Analyzed



**31.5%**  
Drug  
Offenses



**67.8%**  
Sentenced  
Under the Manual

## Fiscal Year 2022 Data Highlights

- In FY 2022, the courts reported 64,142 felony and Class A misdemeanor cases to the Commission. This represents an increase of 6,855 cases from FY 2021.
- The race of federal offenders remained largely unchanged from prior years. In FY 2022, 47.4 percent of all offenders were Hispanic, 25.2 percent were Black, 23.0 percent were White, and 4.4 percent were of another race.
- Non-U.S. citizens accounted for 31.2 percent of all offenders, a decrease of 2.4 percentage points from the prior year.
- Drug offenses accounted for the largest single group of offenses in FY 2022, comprising 31.5 percent of all reported cases. Immigration cases accounted for the next largest group, at 27.5 percent. Cases involving firearms and fraud, respectively, were the next most common types of offenses after immigration cases. Together these four types of offenses accounted for 82.1 percent of all cases reported to the Commission in FY 2022.
- Among drug cases, offenses involving methamphetamine were most common, accounting for 48.5 percent of all drug cases. The portion of drug cases involving fentanyl increased markedly over the last year, such that fentanyl cases were the third most common among all drug cases.
- The average length of imprisonment in methamphetamine cases was 94 months, an increase of four months from FY 2021. However, the average sentence imposed varied across the other major drug types: in crack cocaine cases (70 months), powder cocaine cases (68 months), fentanyl cases (65 months), heroin cases (66 months), and marijuana cases (33 months).
- In FY 2022, 64.7 percent of drug offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 67.7 percent of drug offenders in FY 2021.
- In FY 2022, 67.8 percent of all offenders received sentences under the *Guidelines Manual*, in that the sentence was within the applicable guideline range or was outside the applicable guideline range and the court cited a departure reason from the *Guidelines Manual*. Of all sentences, 41.9 percent were within the guideline range, compared to 42.8 percent in FY 2021.

The Commission makes 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 Data Analyzer*, which allows users to create and customize tables and figures. As it does each year, the Commission issued short publication providing a broad summary of sentencing data for FY 2021, *Overview of Federal Criminal Cases, Fiscal Year 2021* (April 2022).

The Commission also disseminates on its website key aspects of this data on a quarterly basis, provides trend analyses of the changes in federal sentencing practices over time, and maintains updated data on topics of current concern, such as the *Compassionate Release Data Report for Fiscal Years 2020 to 2022*, which was released in December 2022.

In June 2020, the Commission launched its *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 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 an innovative tool called *Judiciary Sentencing Information* (JSIN). JSIN is an online sentencing data resource specifically developed with the needs of judges in mind and at the request of judges, 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 comparative sentencing data for similarly situated defendants, including the types of sentences imposed and average and

median sentences. As of late FY 2022, JSIN was accessed more than 1,300 times each month, and its data was cited in approximately 1,700 presentence reports during the same period.

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 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.

## 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 2022, 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 consistently provided effective and efficient training, even during the pandemic. In FY 2022, the Commission conducted 22 virtual training sessions. Some of these trainings involved multiple sessions within a day or over the course of several days, and more than 3,300 individuals attended live online.



Online, state-of-the-art resources the Commission has built over the past several years continue to provide training to all those connected to federal sentencing. In FY 2022, the Commission's recorded courses were accessed nearly 2,300 times, and eLearning courses were accessed more than 5,000 times.

In March 2022, the Commission returned to providing in-person training programs. During the fiscal year, the Commission conducted 28 in-person training programs attended by more than 1,100 individuals.

The Commission also maintains its HelpLine, accessible by phone and online, that responds to numerous questions each week from judges, practitioners, and probation officers regarding proper guideline application. In FY 2022, the HelpLine was accessed by United States Probation Officers, Assistant United States Attorneys, Criminal Justice Act panel attorneys, the private defense bar, assistant federal public defenders, and court personnel, including judges and law clerks.

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.ussc.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@ussc.gov](mailto:Training@ussc.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



@TheUSSCGov



[www.ussc.gov](http://www.ussc.gov)



United States Sentencing Commission



[PubAffairs@ussc.gov](mailto:PubAffairs@ussc.gov)

## Additional Resources



### INTERACTIVE DATA ANALYZER

The Interactive Data Analyzer (IDA) is an online tool that can be used to explore, filter, customize, and visualize federal sentencing data. IDA presents annual data that is refreshed periodically with the latest information collected, received, and edited by the Commission.

IDA offers prebuilt data dashboards for the four most common crime types in the federal caseload and for other common areas of interest. Users can filter data by fiscal year, jurisdiction, offender characteristic, and more.

### JUDICIARY SENTENCING INFORMATION

The Judiciary Sentencing Information (JSIN) platform is an online sentencing data resource specifically developed with the needs of judges in mind. The platform provides quick and easy online access to sentencing data for similarly situated defendants, based on five years of cumulative sentencing data for offenders sentenced under the same primary guideline, and with the same Final Offense Level and Criminal History Category.



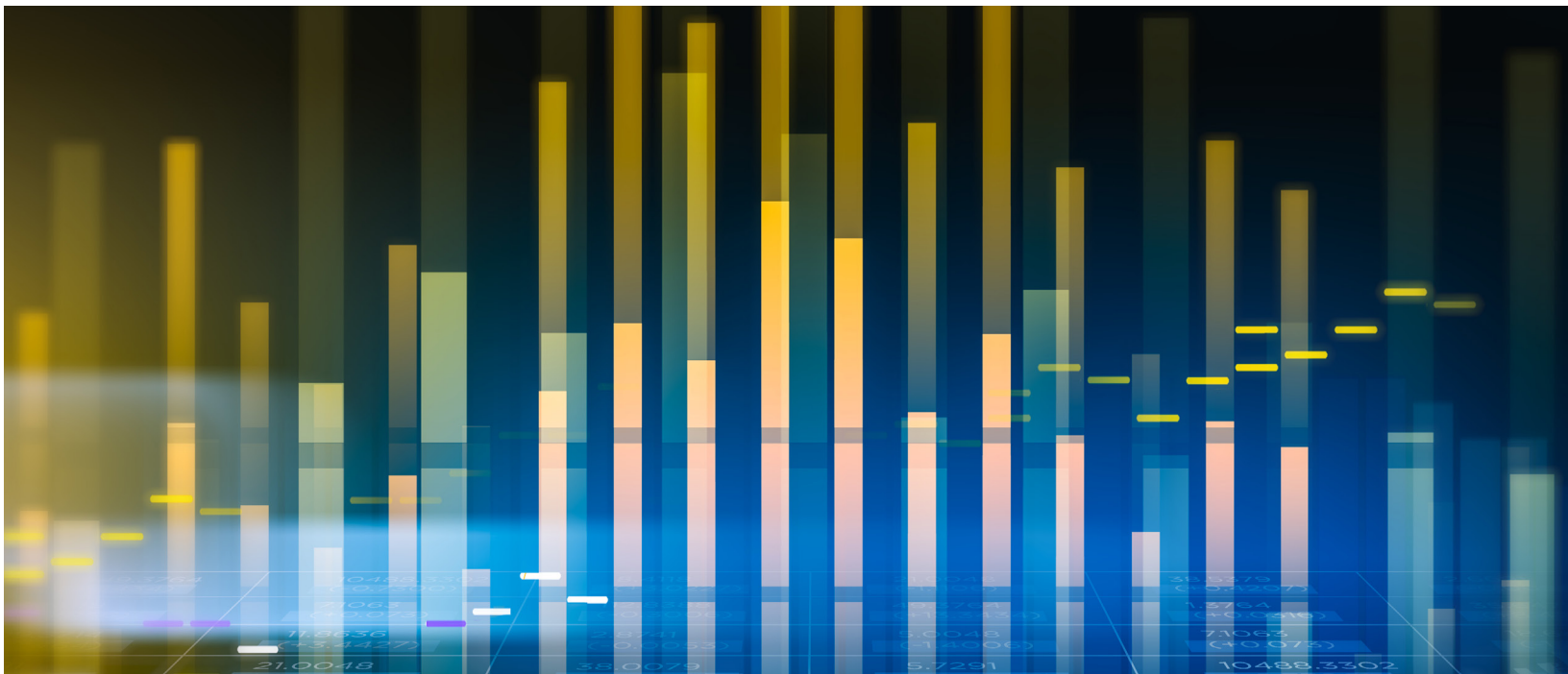
### GUIDELINES APP

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.







---

# SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

---



# SOURCEBOOK CONTENTS

---

Introduction	27
<hr/>	
Individual Offender Sentencing Data	
Circuit and District Statistics	33
Primary Offense and Offender Characteristics	41
Sentencing Information	55
Guideline Application	69
Sentences Under the Guidelines Manual and Variances	83
<hr/>	
Federal Offenders by Type of Crime	
Drug Offenses	107
Immigration Offenses	127
Firearms Offenses	139
Economic Offenses	151
<hr/>	
Organizational Offender Sentencing Data	163
<hr/>	
Sentencing Appeals	175
<hr/>	
Resentencings and Other Modifications of Sentence	191
<hr/>	
<i>Appendix A</i>	<i>197</i>
<hr/>	
<i>Descriptions of Datafiles and Variables</i>	
<hr/>	
<i>Appendix B</i>	<i>215</i>
<hr/>	
<i>Selected National Sentencing Statistics</i>	
<i>Selected Sentencing Statistics by District are available at:</i>	
<i><a href="https://www.ussc.gov/research/sourcebook-2022">https://www.ussc.gov/research/sourcebook-2022</a></i>	

---





# SOURCEBOOK

## FIGURES AND TABLES

### Circuit and District Statistics

<i>Figures</i>		<i>Page</i>
1	Federal Offenders in Each District	34
<i>Tables</i>		
1	Federal Offenders in Each Circuit and District	35
2	Document Submission by Each Circuit and District	37

### Primary Offense and Offender Characteristics

<i>Figures</i>		<i>Page</i>
2	Federal Offenders by Type of Crime	45
3	Number of Federal Offenders Over Time	47
4	Non-Citizen Status of Federal Offenders by Type of Crime	53
<i>Tables</i>		
3	Conviction Type in Each Circuit and District	42
4	Change in Number of Federal Offenders by Type of Crime	46
5	Race of Federal Offenders by Type of Crime	48
6	Gender of Federal Offenders by Type of Crime	49
7	Age of Federal Offenders by Type of Crime	50
8	Age, Race, and Gender of Federal Offenders	51
9	Citizenship of Federal Offenders by Type of Crime	52
10	Education of Federal Offenders by Type of Crime	54

## Sentencing Information

<i>Figures</i>		<i>Page</i>
5	Guilty Pleas and Trials by Type of Crime	60
6	Sentence Type for Federal Offenders	61
<i>Tables</i>		
11	Guilty Pleas and Trials in Each Circuit and District	56
12	Guilty Pleas and Trials by Type of Crime	59
13	Sentence Type by Type of Crime	62
14	Sentence Type by Citizenship and Sentencing Zone	63
15	Sentence Imposed by Type of Crime	64
16	Fine and Restitution by Type of Crime	65
17	Amount of Fine and Restitution Ordered by Type of Crime	66
18	Supervised Release by Type of Crime	67
19	Rate of Non-Prison Sentences for U.S. Citizen Offenders	68

## Guideline Application

<i>Figures</i>		<i>Page</i>
7	Criminal History Category of Federal Offenders	75
<i>Tables</i>		
20	Federal Offenders Sentenced Under Each Chapter Two Guideline	70
21	Federal Offenders Receiving Chapter Three Guideline Adjustments	72
22	Acceptance of Responsibility Reductions by Type of Crime	74
23	Criminal History Points of Federal Offenders	76
24	Federal Offenders in Each Offense Level and Criminal History Category	78
25	Federal Offenders in Each Guideline Sentencing Range	79
26	Number of Career Offenders and Armed Career Criminals by Type of Crime	80
27	Sentence Length in Each Criminal History Category by Type of Crime	81
28	Length of Imprisonment by Criminal History Category and Type of Crime	82

<b>Sentences Under the Guidelines Manual and Variances</b>		
<b>Figures</b>		<b>Page</b>
8	Sentences Under the Guidelines Manual and Variances Over Time	85
9	Sentence Imposed Relative to the Guideline Range Over Time	86
<b>Tables</b>		
29	Sentence Imposed Relative to the Guideline Range	84
30	Sentence Imposed Relative to the Guideline Range in Each Circuit and District	87
31	Sentence Imposed Relative to the Guideline Range by Type of Crime	90
32	Sentence Imposed Relative to the Guideline Range by Primary Sentencing Guideline	91
33	Attribution Category for Sentences Outside of the Guideline Range	93
34	Position of Within Guideline Range Sentences by Type of Crime	95
35	Extent of Upward Departures by Type of Crime	96
36	Extent of Upward Variances by Type of Crime	97
37	Extent of §5K1.1 Substantial Assistance Departures by Type of Crime	98
38	Extent of §5K3.1 Early Disposition Program Departures by Type of Crime	99
39	Extent of Other Downward Departures by Type of Crime	100
40	Extent of Downward Variances by Type of Crime	101
41	Reasons Given by Sentencing Courts for Upward Departures from the Guideline Range	102
42	Reasons Given by Sentencing Courts for Upward Variances from the Guideline Range	103
43	Reasons Given by Sentencing Courts for Downward Departures from the Guideline Range	104
44	Reasons Given by Sentencing Courts for Downward Variances from the Guideline Range	105

## Drug Offenses

<i>Figures</i>		<i>Page</i>
D-1	Distribution of Primary Drug Type in Federal Drug Cases	108
D-2	Mandatory Minimums Penalties in Drug Trafficking Cases	122
D-3	Sentence Length of Drug Trafficking Offenders by Major Drug Type	124
D-4	Number of Drug Trafficking Offenders by Major Drug Type Over Time	125
D-5	Sentence Length of Drug Trafficking Offenders by Major Drug Type Over Time	126
<i>Tables</i>		
D-1	Primary Drug Type of Drug Trafficking Offenders	109
D-2	Race of Drug Trafficking Offenders	110
D-3	Gender of Drug Trafficking Offenders	111
D-4	Age of Drug Trafficking Offenders	112
D-5	Citizenship of Drug Trafficking Offenders	113
D-6	Education of Drug Trafficking Offenders	114
D-7	Criminal History Category of Drug Trafficking Offenders	115
D-8	Weapon Involvement of Drug Trafficking Offenders	116
D-9	Role Adjustment of Drug Trafficking Offenders	117
D-10	Drug Amounts (in Grams) for Selected Base Offense Levels and Drug Types	118
D-11	Length of Mandatory Minimum Penalties in Drug Trafficking Cases	119
D-12	Application of Recidivist Penalties in Drug Trafficking Cases	120
D-13	Drug Trafficking Offenders Receiving Safety Valve and Mandatory Minimums Penalties	121
D-14	Sentence Imposed Relative to the Guideline Range for Drug Trafficking Offenders	123

## Immigration Offenses

<i>Figures</i>		<i>Page</i>
I-1	Distribution of Immigration Offenders by Guideline	128
I-2	Number of Immigration Offenders Over Time	136
I-3	Sentence Length of Immigration Offenders Over Time	137
<i>Tables</i>		
I-1	Race of Immigration Offenders	129
I-2	Gender of Immigration Offenders	130
I-3	Age of Immigration Offenders	131
I-4	Citizenship of Immigration Offenders	132
I-5	Criminal History Category and Citizenship of Immigration Offenders	133
I-6	Education of Immigration Offenders	134
I-7	Sentence Imposed Relative to the Guideline Range for Immigration Offenders	135

## Firearms Offenses

<i>Figures</i>		<i>Page</i>
F-1	Distribution of Firearms Offenders by Guideline	140
F-2	Firearm Mandatory Minimum Penalties	146
F-3	Convictions Under 18 U.S.C. § 924(c)	147
F-4	Number of Firearms Offenders Over Time	149
F-5	Sentence Length of Firearms Offenders Over Time	150
<i>Tables</i>		
F-1	Race of Firearms Offenders	141
F-2	Gender of Firearms Offenders	142
F-3	Age of Firearms Offenders	143
F-4	Citizenship of Firearms Offenders	144
F-5	Education of Firearms Offenders	145
F-6	Sentence Imposed Relative to the Guideline Range for Firearms Offenders	148

## Economic Offenses

<b>Figures</b>		<b>Page</b>
E-1	Distribution of Economic Offense Offenders by Guideline	152
E-2	Number of Offenders in Each §2B1.1 Loss Table Category	160
E-3	Number of Economic Offense Offenders Over Time	161
E-4	Sentence Length of Economic Offense Offenders Over Time	162
<b>Tables</b>		
E-1	Race of Economic Offense Offenders	153
E-2	Gender of Economic Offense Offenders	154
E-3	Age of Economic Offense Offenders	155
E-4	Citizenship of Economic Offense Offenders	156
E-5	Education of Economic Offense Offenders	157
E-6	Loss Amount of Economic Offense Offenders	158
E-7	Sentence Imposed Relative to the Guideline Range for Economic Offense Offenders	159

## Organizational Offender Sentencing Data

<b>Figures</b>		<b>Page</b>
O-1	Organizational Offenders by Type of Crime	164
O-2	Number of Organizational Offenders Over Time	165
O-3	Organizational Offenders by Ownership Structure	166
O-4	Organizational Offenders by Type of Business	167
O-5	Size of Organizational Offenders by Number of Employees	168
O-6	Application of Chapter Eight Fine Guidelines	171
O-7	Culpability Factors Applied to Determine Fines Imposed on Organizational Offenders	173
<b>Tables</b>		
O-1	Fine and Restitution for Organizational Offenders by Type of Crime	169
O-2	Amount of Fine and Restitution Ordered for Organizational Offenders by Type of Crime	170
O-3	Chapter Eight Sentencing Components for Organizational Offenders	172
O-4	Culpability Factors for Organizational Offenders	174

## Sentencing Appeals

<b>Figures</b>		<b>Page</b>
A	Type and Disposition of Appeals Cases	176
<b>Tables</b>		
A-1	Type of Appeal in Each Circuit and District	177
A-2	Disposition of Offender Original Sentencing Appeals in Each Circuit and District	180
A-3	Disposition of Government Original Sentencing Appeals in Each Circuit and District	183
A-4	Guideline Forming the Basis for Reversal or Remand in Offender Appeals of the Original Sentence	186
A-5	Guideline Forming the Basis for Reversal or Remand in Government Appeals of the Original Sentence	187
A-6	Reasonableness Issues Appealed in Cases Where the Original Sentence Was Reversed or Remanded	188
A-7	Offense and Offender Characteristics in Original Sentence Appeals Cases	189
A-8	Sentence Length for Offenders in Original Sentence Appeals Cases by Type of Crime	190

## Resentencings and Other Modifications of Sentence

<b>Figures</b>		<b>Page</b>
R	Distribution of Offenders by Type of Resentencing or Other Modification of Sentence	192
<b>Tables</b>		
R	Type of Resentencing or Other Modification of Sentence in Each Circuit and District	193





# INTRODUCTION

---

## Introduction to the Sourcebook of Federal Sentencing Statistics

This is the twenty-seventh 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 2022 (October 1, 2021, through September 30, 2022, hereinafter "2022").** This *Sourcebook*, together with the *2022 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 64,142 federal felony and Class A misdemeanor cases involving individual offenders in fiscal year 2022.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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).<sup>4</sup>

## 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 2022 Offender Datafile contains documentation on 64,142 felony and Class A misdemeanor cases in which an individual offender was sentenced between October 1, 2021, and September 30, 2022. 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 2022. 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 99 organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in fiscal year 2022.

While the 2022 reporting year includes cases sentenced between October 1, 2021, and September 30, 2022, it is important to note that the individual offender and organizational data collected and analyzed in the *2022 Annual Report and 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, 2023.

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 2022, the Commission gathered information on 7,208 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 2022, the Commission received documentation on 3,054 resentencings and other modifications of sentence.

The *2022 Annual Report* and the *2022 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

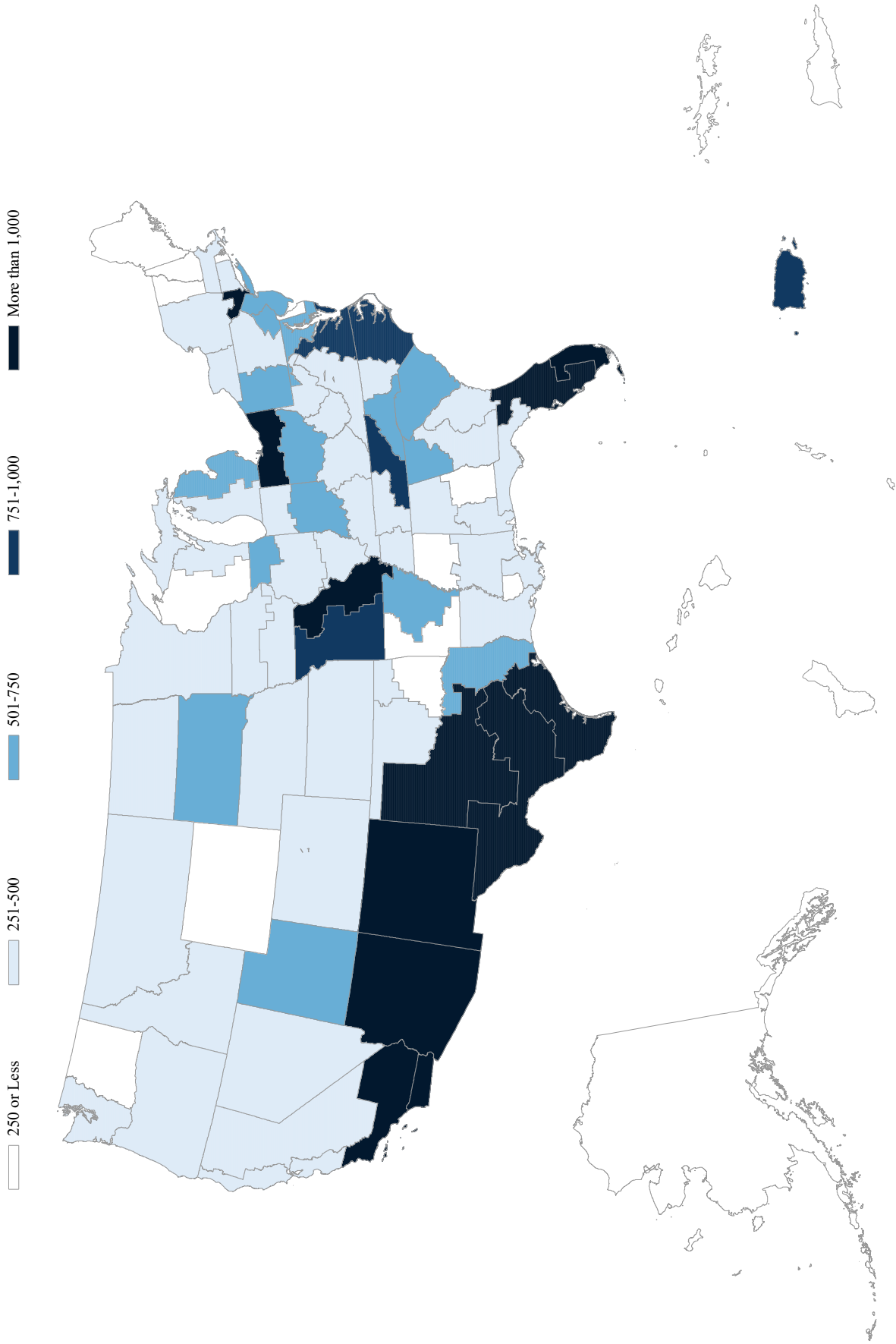
- 1 28 U.S.C. § 994(w); USSG §1B1.9.
- 2 28 U.S.C. §§ 995(a)(12) and (14) – (16).
- 3 The Commission’s datafiles can be found at <https://www.ussc.gov/research/datafiles/commission-datafiles>.
- 4 The Consortium’s website address is <https://www.icpsr.umich.edu/web/ICPSR/series/83>.



# **CIRCUIT AND DISTRICT STATISTICS**

---

**Figure 1**  
**FEDERAL OFFENDERS IN EACH DISTRICT**  
**Fiscal Year 2022**



SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.



Table 1

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2022**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
District	N	%	District	N	%
<b>TOTAL</b>	<b>64,142</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>312</b>	<b>0.5</b>	<b>FIFTH CIRCUIT</b>	<b>16,837</b>	<b>26.2</b>
District of Columbia	312	0.5	Louisiana		
<b>FIRST CIRCUIT</b>	<b>1,750</b>	<b>2.7</b>	Eastern	300	0.5
Maine	180	0.3	Middle	103	0.2
Massachusetts	466	0.7	Western	318	0.5
New Hampshire	180	0.3	Mississippi		
Puerto Rico	815	1.3	Northern	133	0.2
Rhode Island	109	0.2	Southern	324	0.5
<b>SECOND CIRCUIT</b>	<b>3,271</b>	<b>5.1</b>	Texas		
Connecticut	335	0.5	Eastern	674	1.1
New York			Northern	1,652	2.6
Eastern	693	1.1	Southern	7,274	11.3
Northern	400	0.6	Western	6,059	9.4
Southern	1,297	2.0	<b>SIXTH CIRCUIT</b>	<b>4,943</b>	<b>7.7</b>
Western	411	0.6	Kentucky		
Vermont	135	0.2	Eastern	497	0.8
<b>THIRD CIRCUIT</b>	<b>2,351</b>	<b>3.7</b>	Western	263	0.4
Delaware	81	0.1	Michigan		
New Jersey	641	1.0	Eastern	719	1.1
Pennsylvania			Western	265	0.4
Eastern	501	0.8	Ohio		
Middle	438	0.7	Northern	1,141	1.8
Western	634	1.0	Southern	583	0.9
Virgin Islands	56	0.1	Tennessee		
<b>FOURTH CIRCUIT</b>	<b>4,688</b>	<b>7.3</b>	Eastern	754	1.2
Maryland	579	0.9	Middle	289	0.5
North Carolina			Western	432	0.7
Eastern	761	1.2	<b>SEVENTH CIRCUIT</b>	<b>2,483</b>	<b>3.9</b>
Middle	403	0.6	Illinois		
Western	553	0.9	Central	279	0.4
South Carolina	602	0.9	Northern	621	1.0
Virginia			Southern	261	0.4
Eastern	919	1.4	Indiana		
Western	279	0.4	Northern	327	0.5
West Virginia			Southern	515	0.8
Northern	323	0.5	Wisconsin		
Southern	269	0.4	Eastern	337	0.5
			Western	143	0.2

Table 1 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>5,102</b>	<b>8.0</b>	<b>TENTH CIRCUIT</b>	<b>4,767</b>	<b>7.4</b>
Arkansas			Colorado	389	0.6
Eastern	555	0.9	Kansas	371	0.6
Western	219	0.3	New Mexico	2,075	3.2
Iowa			Oklahoma		
Northern	333	0.5	Eastern	179	0.3
Southern	454	0.7	Northern	439	0.7
Minnesota	325	0.5	Western	424	0.7
Missouri			Utah	741	1.2
Eastern	1,032	1.6	Wyoming	149	0.2
Western	810	1.3			
Nebraska	471	0.7	<b>ELEVENTH CIRCUIT</b>	<b>5,479</b>	<b>8.5</b>
North Dakota	345	0.5	Alabama		
South Dakota	558	0.9	Middle	164	0.3
			Northern	442	0.7
<b>NINTH CIRCUIT</b>	<b>12,159</b>	<b>19.0</b>	Southern	308	0.5
Alaska	140	0.2	Florida		
Arizona	4,454	6.9	Middle	1,018	1.6
California			Northern	266	0.4
Central	1,128	1.8	Southern	1,719	2.7
Eastern	366	0.6	Georgia		
Northern	377	0.6	Middle	453	0.7
Southern	3,474	5.4	Northern	609	0.9
Guam	26	0.0	Southern	500	0.8
Hawaii	140	0.2			
Idaho	337	0.5			
Montana	348	0.5			
Nevada	387	0.6			
Northern Mariana Islands	17	0.0			
Oregon	378	0.6			
Washington					
Eastern	213	0.3			
Western	374	0.6			

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

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 2

**DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2022**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>TOTAL</b>	<b>64,142</b>	<b>303,948</b>	<b>64,142</b>	<b>63,915</b>	<b>49,542</b>	<b>14,560</b>	<b>64,142</b>	<b>62,207</b>	<b>1,927</b>
<b>D.C. CIRCUIT</b>	<b>312</b>	<b>1,534</b>	<b>312</b>	<b>312</b>	<b>286</b>	<b>26</b>	<b>312</b>	<b>312</b>	<b>0</b>
District of Columbia	312	1,534	312	312	286	26	312	312	0
<b>FIRST CIRCUIT</b>	<b>1,750</b>	<b>8,401</b>	<b>1,750</b>	<b>1,750</b>	<b>1,422</b>	<b>328</b>	<b>1,750</b>	<b>1,729</b>	<b>21</b>
Maine	180	845	180	180	127	53	180	178	2
Massachusetts	466	2,159	466	466	300	166	466	461	5
New Hampshire	180	894	180	180	174	6	180	180	0
Puerto Rico	815	3,971	815	815	725	90	815	801	14
Rhode Island	109	532	109	109	96	13	109	109	0
<b>SECOND CIRCUIT</b>	<b>3,271</b>	<b>15,813</b>	<b>3,271</b>	<b>3,269</b>	<b>2,792</b>	<b>479</b>	<b>3,271</b>	<b>3,210</b>	<b>61</b>
Connecticut	335	1,660	335	335	320	15	335	335	0
New York									
Eastern	693	3,387	693	693	621	72	693	687	6
Northern	400	1,857	400	399	298	102	400	360	40
Southern	1,297	6,194	1,297	1,296	1,018	279	1,297	1,286	11
Western	411	2,046	411	411	403	8	411	410	1
Vermont	135	669	135	135	132	3	135	132	3
<b>THIRD CIRCUIT</b>	<b>2,351</b>	<b>11,339</b>	<b>2,351</b>	<b>2,349</b>	<b>2,019</b>	<b>331</b>	<b>2,351</b>	<b>2,269</b>	<b>82</b>
Delaware	81	400	81	81	76	5	81	81	0
New Jersey	641	3,157	641	639	598	43	641	638	3
Pennsylvania									
Eastern	501	2,408	501	501	406	94	501	499	2
Middle	438	2,059	438	438	347	91	438	398	40
Western	634	3,045	634	634	546	88	634	597	37
Virgin Islands	56	270	56	56	46	10	56	56	0
<b>FOURTH CIRCUIT</b>	<b>4,688</b>	<b>22,025</b>	<b>4,688</b>	<b>4,638</b>	<b>3,679</b>	<b>1,008</b>	<b>4,688</b>	<b>4,332</b>	<b>354</b>
Maryland	579	2,801	579	563	540	39	579	540	39
North Carolina									
Eastern	761	3,481	761	738	526	235	761	695	66
Middle	403	1,983	403	403	371	32	403	403	0
Western	553	2,608	553	551	400	152	553	551	2
South Carolina	602	2,901	602	602	494	108	602	601	0
Virginia									
Eastern	919	4,007	919	911	579	340	919	679	240
Western	279	1,372	279	278	262	17	279	274	4
West Virginia									
Northern	323	1,581	323	323	291	32	323	321	2
Southern	269	1,291	269	269	216	53	269	268	1

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>FIFTH CIRCUIT</b>	<b>16,837</b>	<b>75,997</b>	<b>16,837</b>	<b>16,822</b>	<b>9,188</b>	<b>7,616</b>	<b>16,837</b>	<b>16,313</b>	<b>520</b>
Louisiana									
Eastern	300	1,384	300	296	194	106	300	294	6
Middle	103	486	103	103	74	29	103	103	0
Western	318	1,543	318	316	288	30	318	303	15
Mississippi									
Northern	133	655	133	131	128	5	133	130	3
Southern	324	1,589	324	324	299	25	324	318	6
Texas									
Eastern	674	3,326	674	674	632	42	674	672	2
Northern	1,652	7,933	1,652	1,652	1,330	322	1,652	1,647	5
Southern	7,274	33,125	7,274	7,273	4,473	2,769	7,274	6,831	441
Western	6,059	25,956	6,059	6,053	1,770	4,288	6,059	6,015	42
<b>SIXTH CIRCUIT</b>	<b>4,943</b>	<b>23,829</b>	<b>4,943</b>	<b>4,918</b>	<b>4,110</b>	<b>832</b>	<b>4,943</b>	<b>4,915</b>	<b>28</b>
Kentucky									
Eastern	497	2,412	497	497	426	71	497	495	2
Western	263	1,288	263	263	237	26	263	262	1
Michigan									
Eastern	719	3,470	719	716	598	121	719	718	1
Western	265	1,249	265	265	195	70	265	259	6
Ohio									
Northern	1,141	5,377	1,141	1,141	817	323	1,141	1,137	4
Southern	583	2,898	583	580	570	13	583	582	1
Tennessee									
Eastern	754	3,681	754	753	674	80	754	746	8
Middle	289	1,409	289	271	274	15	289	286	3
Western	432	2,045	432	432	319	113	432	430	2
<b>SEVENTH CIRCUIT</b>	<b>2,483</b>	<b>11,955</b>	<b>2,483</b>	<b>2,478</b>	<b>2,041</b>	<b>440</b>	<b>2,483</b>	<b>2,470</b>	<b>13</b>
Illinois									
Central	279	1,276	279	277	163	115	279	278	1
Northern	621	3,038	621	618	565	55	621	613	8
Southern	261	1,203	261	261	159	102	261	261	0
Indiana									
Northern	327	1,597	327	327	289	38	327	327	0
Southern	515	2,460	515	515	400	115	515	515	0
Wisconsin									
Eastern	337	1,668	337	337	324	13	337	333	4
Western	143	713	143	143	141	2	143	143	0
<b>EIGHTH CIRCUIT</b>	<b>5,102</b>	<b>24,684</b>	<b>5,102</b>	<b>5,076</b>	<b>4,315</b>	<b>787</b>	<b>5,102</b>	<b>5,089</b>	<b>13</b>
Arkansas									
Eastern	555	2,591	555	535	393	162	555	553	2
Western	219	1,088	219	219	212	7	219	219	0
Iowa									
Northern	333	1,536	333	333	204	129	333	333	0
Southern	454	2,132	454	454	316	138	454	454	0
Minnesota	325	1,590	325	323	294	31	325	323	2
Missouri									
Eastern	1,032	5,133	1,032	1,032	1,007	25	1,032	1,030	2
Western	810	3,898	810	807	664	146	810	807	3
Nebraska	471	2,253	471	471	369	102	471	471	0
North Dakota	345	1,709	345	344	332	13	345	343	2
South Dakota	558	2,754	558	558	524	34	558	556	2

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>NINTH CIRCUIT</b>	<b>12,159</b>	<b>59,514</b>	<b>12,159</b>	<b>12,117</b>	<b>11,492</b>	<b>666</b>	<b>12,159</b>	<b>11,587</b>	<b>572</b>
Alaska	140	668	140	139	112	28	140	137	3
Arizona	4,454	22,027	4,454	4,422	4,308	146	4,454	4,389	65
California									
Central	1,128	5,464	1,128	1,125	982	145	1,128	1,101	27
Eastern	366	1,793	366	364	334	32	366	363	3
Northern	377	1,829	377	377	324	53	377	374	3
Southern	3,474	16,951	3,474	3,472	3,426	48	3,474	3,105	369
Guam	26	125	26	26	21	5	26	26	0
Hawaii	140	676	140	140	117	23	140	139	1
Idaho	337	1,634	337	337	287	50	337	336	1
Montana	348	1,677	348	348	287	61	348	346	2
Nevada	387	1,890	387	387	346	41	387	383	4
Northern Mariana Islands	17	82	17	17	15	2	17	16	1
Oregon	378	1,885	378	377	374	4	378	378	0
Washington									
Eastern	213	1,050	213	212	200	13	213	212	1
Western	374	1,763	374	374	359	15	374	282	92
<b>TENTH CIRCUIT</b>	<b>4,767</b>	<b>22,858</b>	<b>4,767</b>	<b>4,764</b>	<b>3,931</b>	<b>836</b>	<b>4,767</b>	<b>4,629</b>	<b>136</b>
Colorado	389	1,923	389	388	377	12	389	380	9
Kansas	371	1,826	371	371	349	22	371	364	7
New Mexico	2,075	9,914	2,075	2,075	1,618	457	2,075	2,071	2
Oklahoma									
Eastern	179	850	179	179	134	45	179	179	0
Northern	439	2,107	439	439	359	80	439	431	8
Western	424	1,829	424	423	219	205	424	339	85
Utah	741	3,677	741	741	733	8	741	721	20
Wyoming	149	732	149	148	142	7	149	144	5
<b>ELEVENTH CIRCUIT</b>	<b>5,479</b>	<b>25,999</b>	<b>5,479</b>	<b>5,422</b>	<b>4,267</b>	<b>1,211</b>	<b>5,479</b>	<b>5,352</b>	<b>127</b>
Alabama									
Middle	164	796	164	164	140	24	164	164	0
Northern	442	2,071	442	442	350	92	442	395	47
Southern	308	1,505	308	308	273	35	308	308	0
Florida									
Middle	1,018	4,783	1,018	1,017	715	303	1,018	1,015	3
Northern	266	1,262	266	264	212	54	266	254	12
Southern	1,719	8,102	1,719	1,674	1,312	407	1,719	1,678	41
Georgia									
Middle	453	2,128	453	447	331	122	453	444	9
Northern	609	2,901	609	606	479	130	609	598	11
Southern	500	2,451	500	500	455	44	500	496	4

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

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



# **PRIMARY OFFENSE AND OFFENDER CHARACTERISTICS**

---

Table 3

**CONVICTION TYPE IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2022**

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
<b>TOTAL</b>	<b>63,695</b>	<b>61,969</b>	<b>97.3</b>	<b>1,726</b>	<b>2.7</b>
<b>D.C. CIRCUIT</b>	<b>312</b>	<b>267</b>	<b>85.6</b>	<b>45</b>	<b>14.4</b>
District of Columbia	312	267	85.6	45	14.4
<b>FIRST CIRCUIT</b>	<b>1,740</b>	<b>1,728</b>	<b>99.3</b>	<b>12</b>	<b>0.7</b>
Maine	179	177	98.9	2	1.1
Massachusetts	464	461	99.4	3	0.6
New Hampshire	180	177	98.3	3	1.7
Puerto Rico	808	804	99.5	4	0.5
Rhode Island	109	109	100.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,243</b>	<b>3,153</b>	<b>97.2</b>	<b>90</b>	<b>2.8</b>
Connecticut	335	331	98.8	4	1.2
New York					
Eastern	692	679	98.1	13	1.9
Northern	382	355	92.9	27	7.1
Southern	1,289	1,268	98.4	21	1.6
Western	411	394	95.9	17	4.1
Vermont	134	126	94.0	8	6.0
<b>THIRD CIRCUIT</b>	<b>2,322</b>	<b>2,272</b>	<b>97.8</b>	<b>50</b>	<b>2.2</b>
Delaware	81	81	100.0	0	0.0
New Jersey	641	628	98.0	13	2.0
Pennsylvania					
Eastern	501	495	98.8	6	1.2
Middle	420	392	93.3	28	6.7
Western	623	622	99.8	1	0.2
Virgin Islands	56	54	96.4	2	3.6
<b>FOURTH CIRCUIT</b>	<b>4,641</b>	<b>4,322</b>	<b>93.1</b>	<b>319</b>	<b>6.9</b>
Maryland	578	553	95.7	25	4.3
North Carolina					
Eastern	758	687	90.6	71	9.4
Middle	403	401	99.5	2	0.5
Western	551	548	99.5	3	0.5
South Carolina	602	598	99.3	4	0.7
Virginia					
Eastern	879	674	76.7	205	23.3
Western	279	274	98.2	5	1.8
West Virginia					
Northern	322	319	99.1	3	0.9
Southern	269	268	99.6	1	0.4



Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,585</b>	<b>16,362</b>	<b>98.7</b>	<b>223</b>	<b>1.3</b>
Louisiana					
Eastern	294	291	99.0	3	1.0
Middle	103	101	98.1	2	1.9
Western	318	299	94.0	19	6.0
Mississippi					
Northern	133	130	97.7	3	2.3
Southern	324	322	99.4	2	0.6
Texas					
Eastern	674	669	99.3	5	0.7
Northern	1,651	1,637	99.2	14	0.8
Southern	7,034	7,022	99.8	12	0.2
Western	6,054	5,891	97.3	163	2.7
<b>SIXTH CIRCUIT</b>	<b>4,934</b>	<b>4,851</b>	<b>98.3</b>	<b>83</b>	<b>1.7</b>
Kentucky					
Eastern	497	496	99.8	1	0.2
Western	263	250	95.1	13	4.9
Michigan					
Eastern	718	702	97.8	16	2.2
Western	260	256	98.5	4	1.5
Ohio					
Northern	1,140	1,136	99.6	4	0.4
Southern	583	564	96.7	19	3.3
Tennessee					
Eastern	753	749	99.5	4	0.5
Middle	288	268	93.1	20	6.9
Western	432	430	99.5	2	0.5
<b>SEVENTH CIRCUIT</b>	<b>2,482</b>	<b>2,445</b>	<b>98.5</b>	<b>37</b>	<b>1.5</b>
Illinois					
Central	279	275	98.6	4	1.4
Northern	620	598	96.5	22	3.5
Southern	261	260	99.6	1	0.4
Indiana					
Northern	327	325	99.4	2	0.6
Southern	515	513	99.6	2	0.4
Wisconsin					
Eastern	337	332	98.5	5	1.5
Western	143	142	99.3	1	0.7
<b>EIGHTH CIRCUIT</b>	<b>5,099</b>	<b>4,975</b>	<b>97.6</b>	<b>124</b>	<b>2.4</b>
Arkansas					
Eastern	555	496	89.4	59	10.6
Western	219	219	100.0	0	0.0
Iowa					
Northern	333	331	99.4	2	0.6
Southern	454	450	99.1	4	0.9
Minnesota	325	318	97.8	7	2.2
Missouri					
Eastern	1,031	1,021	99.0	10	1.0
Western	810	801	98.9	9	1.1
Nebraska	470	461	98.1	9	1.9
North Dakota	344	332	96.5	12	3.5
South Dakota	558	546	97.8	12	2.2

Table 3 (cont.)

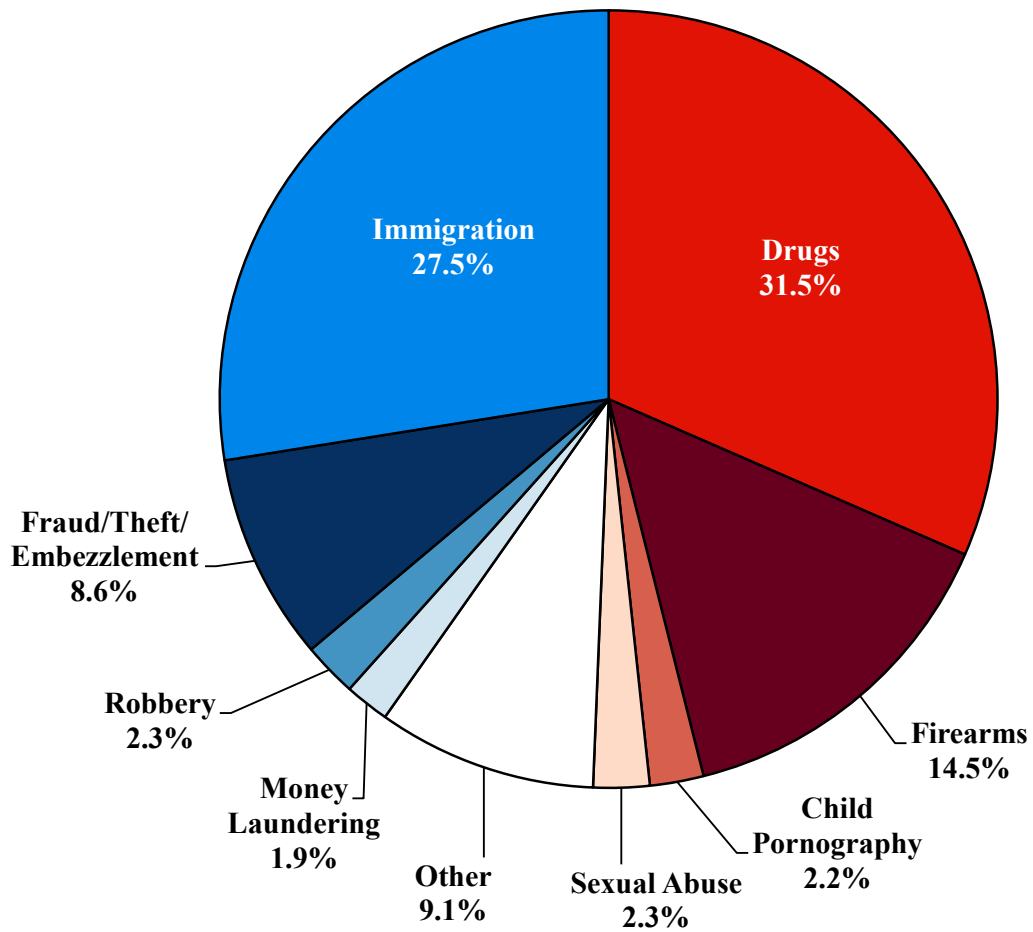
CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,138</b>	<b>11,813</b>	<b>97.3</b>	<b>325</b>	<b>2.7</b>
Alaska	139	134	96.4	5	3.6
Arizona	4,447	4,363	98.1	84	1.9
California					
Central	1,126	1,096	97.3	30	2.7
Eastern	366	362	98.9	4	1.1
Northern	377	372	98.7	5	1.3
Southern	3,465	3,405	98.3	60	1.7
Guam	26	24	92.3	2	7.7
Hawaii	139	139	100.0	0	0.0
Idaho	337	331	98.2	6	1.8
Montana	348	344	98.9	4	1.1
Nevada	387	377	97.4	10	2.6
Northern Mariana Islands	17	16	94.1	1	5.9
Oregon	377	366	97.1	11	2.9
Washington					
Eastern	213	207	97.2	6	2.8
Western	374	277	74.1	97	25.9
<b>TENTH CIRCUIT</b>	<b>4,751</b>	<b>4,563</b>	<b>96.0</b>	<b>188</b>	<b>4.0</b>
Colorado	388	367	94.6	21	5.4
Kansas	371	350	94.3	21	5.7
New Mexico	2,073	2,067	99.7	6	0.3
Oklahoma					
Eastern	179	177	98.9	2	1.1
Northern	432	411	95.1	21	4.9
Western	419	321	76.6	98	23.4
Utah	740	725	98.0	15	2.0
Wyoming	149	145	97.3	4	2.7
<b>ELEVENTH CIRCUIT</b>	<b>5,448</b>	<b>5,218</b>	<b>95.8</b>	<b>230</b>	<b>4.2</b>
Alabama					
Middle	164	154	93.9	10	6.1
Northern	442	393	88.9	49	11.1
Southern	308	307	99.7	1	0.3
Florida					
Middle	1,016	1,008	99.2	8	0.8
Northern	264	238	90.2	26	9.8
Southern	1,697	1,690	99.6	7	0.4
Georgia					
Middle	449	397	88.4	52	11.6
Northern	608	598	98.4	10	1.6
Southern	500	433	86.6	67	13.4

<sup>1</sup> Of the 64,142 cases, 447 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, 2022 Datafile, USSCFY22.

**Figure 2**

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> This figure includes the 64,142 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, 2022 Datafile, USSCFY22.

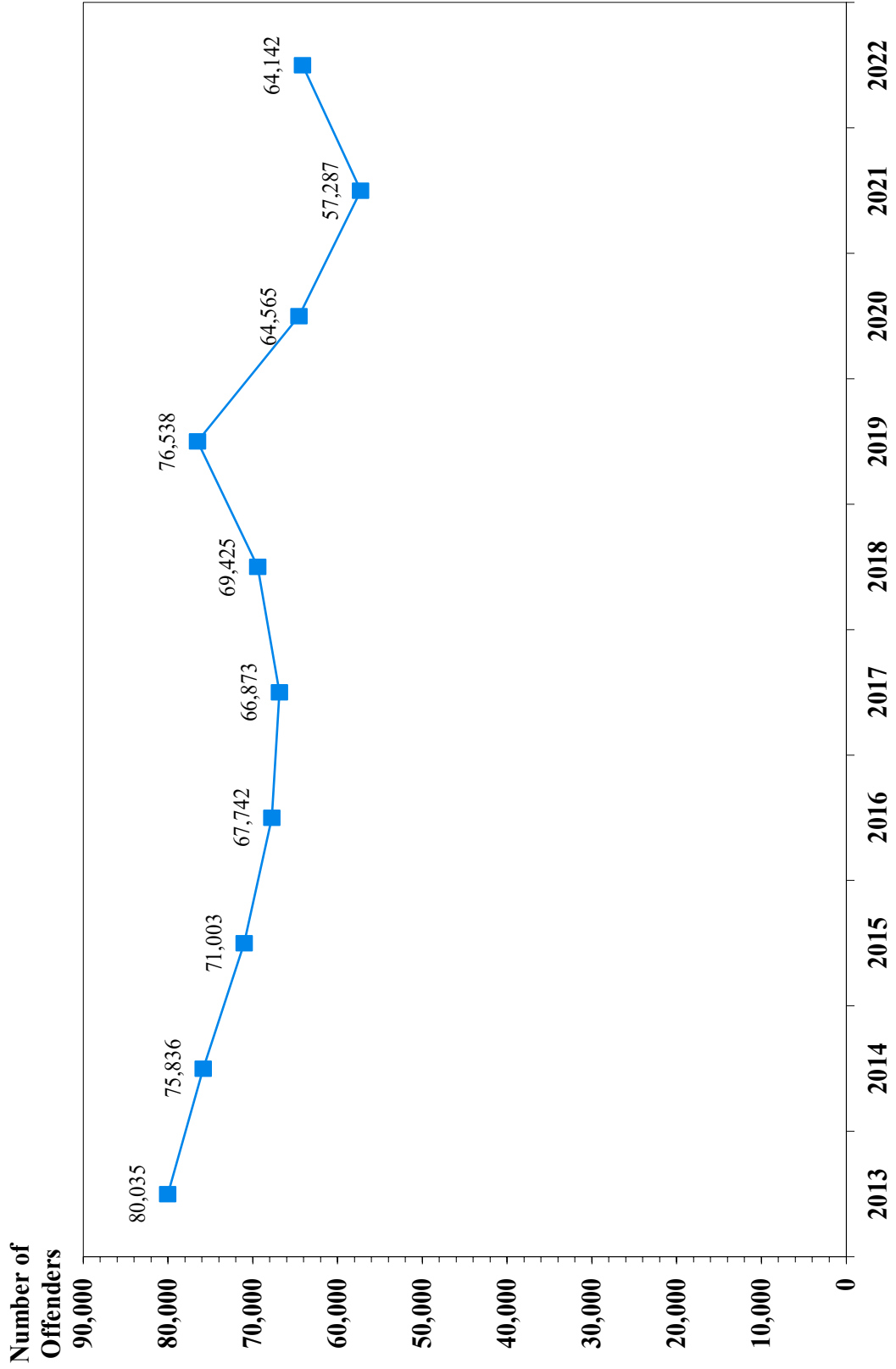
Table 4

**CHANGE IN NUMBER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Years 2021 - 2022**

TYPE OF CRIME	Fiscal Year 2021		Fiscal Year 2022		Number Change
	N	%	N	%	
<b>TOTAL</b>	<b>57,287</b>	<b>100.0</b>	<b>64,142</b>	<b>100.0</b>	<b>6,855</b>
Administration of Justice	512	0.9	652	1.0	140
Antitrust	6	0.0	8	0.0	2
Arson	79	0.1	106	0.2	27
Assault	668	1.2	850	1.3	182
Bribery/Corruption	247	0.4	360	0.6	113
Burglary/Trespass	64	0.1	112	0.2	48
Child Pornography	1,215	2.1	1,435	2.2	220
Commercialized Vice	114	0.2	73	0.1	-41
Drug Possession	309	0.5	296	0.5	-13
Drug Trafficking	17,608	30.7	19,938	31.1	2,330
Environmental	173	0.3	153	0.2	-20
Extortion/Racketeering	116	0.2	121	0.2	5
Firearms	8,151	14.2	9,318	14.5	1,167
Food and Drug	47	0.1	40	0.1	-7
Forgery/Counter/Copyright	137	0.2	111	0.2	-26
Fraud/Theft/Embezzlement	4,571	8.0	5,520	8.6	949
Immigration	16,937	29.6	17,652	27.5	715
Individual Rights	69	0.1	92	0.1	23
Kidnapping	92	0.2	128	0.2	36
Manslaughter	56	0.1	80	0.1	24
Money Laundering	1,028	1.8	1,192	1.9	164
Murder	257	0.4	410	0.6	153
National Defense	217	0.4	180	0.3	-37
Obscenity/Other Sex Offenses	298	0.5	344	0.5	46
Prison Offenses	532	0.9	499	0.8	-33
Robbery	1,300	2.3	1,444	2.3	144
Sexual Abuse	1,062	1.9	1,499	2.3	437
Stalking/Harassing	219	0.4	266	0.4	47
Tax	421	0.7	496	0.8	75
Other	782	1.4	767	1.2	-15

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

**Figure 3**  
**NUMBER OF FEDERAL OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



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

Table 5

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,666</b>	<b>14,629</b>	<b>23.0</b>	<b>16,061</b>	<b>25.2</b>	<b>30,200</b>	<b>47.4</b>	<b>2,776</b>	<b>4.4</b>
Administration of Justice	646	187	28.9	151	23.4	234	36.2	74	11.5
Antitrust	8	8	100.0	0	0.0	0	0.0	0	0.0
Arson	106	48	45.3	37	34.9	13	12.3	8	7.5
Assault	838	158	18.9	219	26.1	151	18.0	310	37.0
Bribery/Corruption	359	146	40.7	100	27.9	80	22.3	33	9.2
Burglary/Trespass	111	51	45.9	28	25.2	15	13.5	17	15.3
Child Pornography	1,435	1,120	78.0	93	6.5	178	12.4	44	3.1
Commercialized Vice	73	28	38.4	22	30.1	11	15.1	12	16.4
Drug Possession	235	104	44.3	85	36.2	38	16.2	8	3.4
Drug Trafficking	19,912	5,147	25.8	5,611	28.2	8,506	42.7	648	3.3
Environmental	150	94	62.7	2	1.3	36	24.0	18	12.0
Extortion/Racketeering	120	43	35.8	37	30.8	35	29.2	5	4.2
Firearms	9,298	2,129	22.9	5,337	57.4	1,523	16.4	309	3.3
Food and Drug	39	32	82.1	3	7.7	3	7.7	1	2.6
Forgery/Counter/Copyright	111	56	50.5	35	31.5	11	9.9	9	8.1
Fraud/Theft/Embezzlement	5,481	2,196	40.1	1,703	31.1	1,240	22.6	342	6.2
Immigration	17,573	548	3.1	352	2.0	16,496	93.9	177	1.0
Individual Rights	92	44	47.8	23	25.0	21	22.8	4	4.3
Kidnapping	128	46	35.9	47	36.7	29	22.7	6	4.7
Manslaughter	80	12	15.0	5	6.3	4	5.0	59	73.8
Money Laundering	1,191	337	28.3	285	23.9	471	39.5	98	8.2
Murder	405	55	13.6	127	31.4	154	38.0	69	17.0
National Defense	179	41	22.9	20	11.2	104	58.1	14	7.8
Obscenity/Other Sex Offenses	343	148	43.1	56	16.3	45	13.1	94	27.4
Prison Offenses	492	132	26.8	180	36.6	144	29.3	36	7.3
Robbery	1,442	236	16.4	896	62.1	233	16.2	77	5.3
Sexual Abuse	1,497	799	53.4	286	19.1	220	14.7	192	12.8
Stalking/Harassing	264	169	64.0	44	16.7	25	9.5	26	9.8
Tax	495	257	51.9	125	25.3	73	14.7	40	8.1
Other	563	258	45.8	152	27.0	107	19.0	46	8.2

<sup>1</sup> Of the 64,142 cases, 476 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>64,098</b>	<b>55,436</b>	<b>86.5</b>	<b>8,662</b>	<b>13.5</b>
Administration of Justice	652	472	72.4	180	27.6
Antitrust	8	8	100.0	0	0.0
Arson	106	95	89.6	11	10.4
Assault	849	774	91.2	75	8.8
Bribery/Corruption	360	272	75.6	88	24.4
Burglary/Trespass	112	95	84.8	17	15.2
Child Pornography	1,435	1,419	98.9	16	1.1
Commercialized Vice	73	60	82.2	13	17.8
Drug Possession	291	216	74.2	75	25.8
Drug Trafficking	19,937	16,394	82.2	3,543	17.8
Environmental	152	127	83.6	25	16.4
Extortion/Racketeering	121	97	80.2	24	19.8
Firearms	9,318	8,945	96.0	373	4.0
Food and Drug	40	25	62.5	15	37.5
Forgery/Counter/Copyright	111	80	72.1	31	27.9
Fraud/Theft/Embezzlement	5,518	3,856	69.9	1,662	30.1
Immigration	17,647	16,066	91.0	1,581	9.0
Individual Rights	92	79	85.9	13	14.1
Kidnapping	128	107	83.6	21	16.4
Manslaughter	80	63	78.8	17	21.3
Money Laundering	1,192	919	77.1	273	22.9
Murder	410	386	94.1	24	5.9
National Defense	180	158	87.8	22	12.2
Obscenity/Other Sex Offenses	344	340	98.8	4	1.2
Prison Offenses	498	449	90.2	49	9.8
Robbery	1,444	1,342	92.9	102	7.1
Sexual Abuse	1,499	1,404	93.7	95	6.3
Stalking/Harassing	266	252	94.7	14	5.3
Tax	496	369	74.4	127	25.6
Other	739	567	76.7	172	23.3

<sup>1</sup> Of the 64,142 cases, 44 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	Under 21 <sup>2</sup>		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	%				
<b>TOTAL</b>	<b>64,113</b>		<b>1,407</b>	<b>2.2</b>	<b>7,460</b>	<b>11.6</b>	<b>10,480</b>	<b>16.3</b>	<b>11,515</b>	<b>18.0</b>	<b>10,593</b>	<b>16.5</b>	<b>14,329</b>	<b>22.3</b>	<b>5,997</b>	<b>9.4</b>	<b>2,332</b>	<b>3.6</b>	<b>37</b>	<b>36</b>
Administration of Justice	652		21	3.2	88	13.5	107	16.4	120	18.4	78	12.0	124	19.0	67	10.3	47	7.2	38	35
Antitrust	8		0	0.0	0	0.0	0	0.0	0	0.0	1	12.5	2	25.0	3	37.5	2	25.0	53	53
Arson	106		4	3.8	29	27.4	21	19.8	19	17.9	15	14.2	14	13.2	4	3.8	0	0.0	32	30
Assault	850		27	3.2	136	16.0	179	21.1	176	20.7	142	16.7	112	13.2	55	6.5	23	2.7	35	33
Bribery/Corruption	360		0	0.0	4	1.1	13	3.6	40	11.1	36	10.0	96	26.7	96	26.7	75	20.8	49	50
Burglary/Trespass	112		4	3.6	16	14.3	28	25.0	13	11.6	17	15.2	26	23.2	6	5.4	2	1.8	35	34
Child Pornography	1,435		11	0.8	155	10.8	176	12.3	221	15.4	205	14.3	301	21.0	221	15.4	145	10.1	41	39
Commercialized Vice	73		0	0.0	0	0.0	8	11.0	7	9.6	16	21.9	24	32.9	9	12.3	9	12.3	45	43
Drug Possession	293		10	3.4	43	14.7	46	15.7	62	21.2	46	15.7	50	17.1	30	10.2	6	2.0	36	34
Drug Trafficking	19,938		354	1.8	2,099	10.5	3,240	16.3	3,769	18.9	3,338	17.7	4,700	23.6	1,713	8.6	525	2.6	37	36
Environmental	152		2	1.3	8	5.3	16	10.5	17	11.2	15	9.9	40	26.3	30	19.7	24	15.8	45	45
Extortion/Racketeering	121		1	0.8	8	6.6	24	19.8	18	14.9	18	14.9	33	27.3	15	12.4	4	3.3	39	38
Firearms	9,318		168	1.8	1,469	15.8	2,172	23.3	1,963	21.1	1,450	15.6	1,549	16.6	439	4.7	108	1.2	34	33
Food and Drug	39		1	2.6	0	0.0	1	2.6	3	7.7	3	7.7	13	33.3	11	28.2	7	17.9	50	48
Forgery/Counter/Copyright	111		1	0.9	9	8.1	23	20.7	19	17.1	19	17.1	26	23.4	11	9.9	3	2.7	38	37
Fraud/Theft/Embezzlement	5,514		78	1.4	408	7.4	639	11.6	751	13.6	776	14.1	1,299	23.6	974	17.7	589	10.7	43	41
Immigration	17,652		520	2.9	1,972	11.2	2,578	14.6	3,176	18.0	3,154	17.9	4,475	25.4	1,478	8.4	299	1.7	37	36
Individual Rights	92		1	1.1	5	5.4	15	16.3	18	19.6	13	14.1	19	20.7	15	16.3	6	6.5	41	38
Kidnapping	128		2	1.6	15	11.7	23	18.0	25	19.5	24	18.8	23	18.0	10	7.8	6	4.7	37	35
Manslaughter	80		3	3.8	10	12.5	23	28.8	10	12.5	17	21.3	8	10.0	8	10.0	1	1.3	34	32
Money Laundering	1,192		8	0.7	75	6.3	153	12.8	203	17.0	181	15.2	302	25.3	180	15.1	90	7.6	41	40
Murder	410		9	2.2	77	18.8	92	22.4	73	17.8	64	15.6	59	14.4	31	7.6	5	1.2	34	32
National Defense	180		9	5.0	33	18.3	44	24.4	19	10.6	23	12.8	22	12.2	18	10.0	12	6.7	36	32
Obscenity/Other Sex Offenses	344		3	0.9	12	3.5	34	9.9	51	14.8	62	18.0	91	26.5	59	17.2	32	9.3	43	41
Prison Offenses	499		4	0.8	41	8.2	89	17.8	113	22.6	103	20.6	109	21.8	32	6.4	8	1.6	37	36
Robbery	1,443		99	6.9	378	26.2	294	20.4	236	16.4	140	9.7	166	11.5	93	6.4	37	2.6	32	30
Sexual Abuse	1,499		18	1.2	157	10.5	262	17.5	251	16.7	250	16.7	320	21.3	145	9.7	96	6.4	39	37
Stalking/Harassing	266		4	1.5	24	9.0	42	15.8	37	13.9	33	12.4	68	25.6	32	12.0	26	9.8	41	39
Tax	496		0	0.0	2	0.4	3	0.6	20	4.0	52	10.5	154	31.0	149	30.0	116	23.4	52	52
Other	750		45	6.0	187	24.9	135	18.0	85	11.3	102	13.6	104	13.9	63	8.4	29	3.9	34	31

<sup>1</sup> Of the 64,142 cases, 29 were excluded due to missing information on offender's age. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Of the 1,407 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 OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

AGE AND GENDER	TOTAL		WHITE		BLACK		HISPANIC		OTHER		
	N	%	N	%	N	%	N	%	N	%	
Under 21 <sup>2</sup>	<b>Total</b>	<b>1,379</b>	<b>100.0</b>	<b>121</b>	<b>100.0</b>	<b>278</b>	<b>100.0</b>	<b>914</b>	<b>100.0</b>	<b>66</b>	<b>100.0</b>
	Male	1,169	84.8	98	81.0	264	95.0	749	81.9	58	87.9
	Female	210	15.2	23	19.0	14	5.0	165	18.1	8	12.1
21 - 25	<b>Total</b>	<b>7,374</b>	<b>100.0</b>	<b>945</b>	<b>100.0</b>	<b>2,228</b>	<b>100.0</b>	<b>3,921</b>	<b>100.0</b>	<b>280</b>	<b>100.0</b>
	Male	6,279	85.2	732	77.5	2,045	91.8	3,287	83.8	215	76.8
	Female	1,095	14.8	213	22.5	183	8.2	634	16.2	65	23.2
26 - 30	<b>Total</b>	<b>10,390</b>	<b>100.0</b>	<b>1,644</b>	<b>100.0</b>	<b>3,314</b>	<b>100.0</b>	<b>4,950</b>	<b>100.0</b>	<b>482</b>	<b>100.0</b>
	Male	8,967	86.3	1,283	78.0	3,008	90.8	4,290	86.7	386	80.1
	Female	1,423	13.7	361	22.0	306	9.2	660	13.3	96	19.9
31 - 35	<b>Total</b>	<b>11,457</b>	<b>100.0</b>	<b>2,298</b>	<b>100.0</b>	<b>3,142</b>	<b>100.0</b>	<b>5,527</b>	<b>100.0</b>	<b>490</b>	<b>100.0</b>
	Male	9,963	87.0	1,821	79.2	2,833	90.2	4,906	88.8	403	82.2
	Female	1,494	13.0	477	20.8	309	9.8	621	11.2	87	17.8
36 - 40	<b>Total</b>	<b>10,530</b>	<b>100.0</b>	<b>2,512</b>	<b>100.0</b>	<b>2,503</b>	<b>100.0</b>	<b>5,069</b>	<b>100.0</b>	<b>446</b>	<b>100.0</b>
	Male	9,179	87.2	1,984	79.0	2,273	90.8	4,570	90.2	352	78.9
	Female	1,351	12.8	528	21.0	230	9.2	499	9.8	94	21.1
41 - 50	<b>Total</b>	<b>14,252</b>	<b>100.0</b>	<b>3,676</b>	<b>100.0</b>	<b>3,099</b>	<b>100.0</b>	<b>6,876</b>	<b>100.0</b>	<b>601</b>	<b>100.0</b>
	Male	12,462	87.4	2,968	80.7	2,788	90.0	6,226	90.5	480	79.9
	Female	1,790	12.6	708	19.3	311	10.0	650	9.5	121	20.1
51 - 60	<b>Total</b>	<b>5,960</b>	<b>100.0</b>	<b>2,195</b>	<b>100.0</b>	<b>1,136</b>	<b>100.0</b>	<b>2,340</b>	<b>100.0</b>	<b>289</b>	<b>100.0</b>
	Male	5,118	85.9	1,820	82.9	979	86.2	2,088	89.2	231	79.9
	Female	842	14.1	375	17.1	157	13.8	252	10.8	58	20.1
Over 60	<b>Total</b>	<b>2,322</b>	<b>100.0</b>	<b>1,238</b>	<b>100.0</b>	<b>361</b>	<b>100.0</b>	<b>601</b>	<b>100.0</b>	<b>122</b>	<b>100.0</b>
	Male	1,928	83.0	1,032	83.4	296	82.0	510	84.9	90	73.8
	Female	394	17.0	206	16.6	65	18.0	91	15.1	32	26.2

<sup>1</sup> Of the 64,142 cases, 478 were excluded due to one or more of the following reasons: missing information on offender's age (29), missing information on offender's race (476), or information on offender's gender (44). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Of the 1,379 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.

Table 9

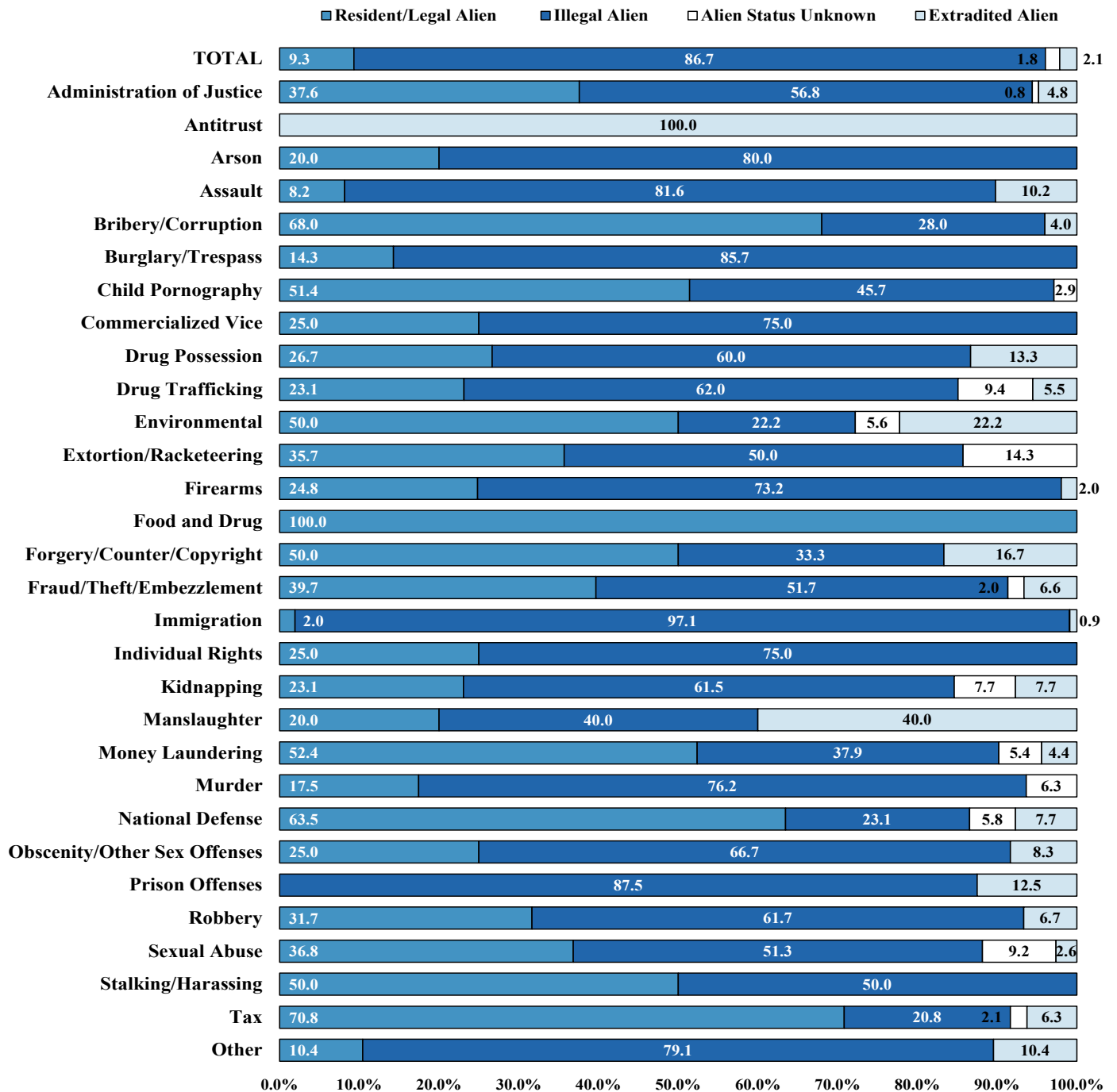
**CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>63,841</b>	<b>43,947</b>	<b>68.8</b>	<b>19,894</b>	<b>31.2</b>
Administration of Justice	648	523	80.7	125	19.3
Antitrust	8	7	87.5	1	12.5
Arson	106	101	95.3	5	4.7
Assault	842	793	94.2	49	5.8
Bribery/Corruption	360	335	93.1	25	6.9
Burglary/Trespass	111	104	93.7	7	6.3
Child Pornography	1,434	1,399	97.6	35	2.4
Commercialized Vice	73	61	83.6	12	16.4
Drug Possession	262	247	94.3	15	5.7
Drug Trafficking	19,920	16,721	83.9	3,199	16.1
Environmental	149	131	87.9	18	12.1
Extortion/Racketeering	117	103	88.0	14	12.0
Firearms	9,312	9,006	96.7	306	3.3
Food and Drug	39	38	97.4	1	2.6
Forgery/Counter/Copyright	111	105	94.6	6	5.4
Fraud/Theft/Embezzlement	5,489	4,645	84.6	844	15.4
Immigration	17,647	3,146	17.8	14,501	82.2
Individual Rights	92	88	95.7	4	4.3
Kidnapping	128	115	89.8	13	10.2
Manslaughter	80	75	93.8	5	6.3
Money Laundering	1,191	874	73.4	317	26.6
Murder	407	344	84.5	63	15.5
National Defense	178	126	70.8	52	29.2
Obscenity/Other Sex Offenses	343	331	96.5	12	3.5
Prison Offenses	486	478	98.4	8	1.6
Robbery	1,443	1,383	95.8	60	4.2
Sexual Abuse	1,498	1,422	94.9	76	5.1
Stalking/Harassing	264	258	97.7	6	2.3
Tax	496	448	90.3	48	9.7
Other	607	540	89.0	67	11.0

<sup>1</sup> Of the 64,142 cases, 301 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, in 19,894 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>61,199</b>	<b>25,347</b>	<b>41.4</b>	<b>21,104</b>	<b>34.5</b>	<b>11,216</b>	<b>18.3</b>	<b>3,532</b>	<b>5.8</b>
Administration of Justice	620	159	25.6	224	36.1	169	27.3	68	11.0
Antitrust	7	0	0.0	1	14.3	3	42.9	3	42.9
Arson	104	30	28.8	49	47.1	19	18.3	6	5.8
Assault	778	269	34.6	363	46.7	135	17.4	11	1.4
Bribery/Corruption	358	16	4.5	69	19.3	115	32.1	158	44.1
Burglary/Trespass	108	25	23.1	42	38.9	33	30.6	8	7.4
Child Pornography	1,433	117	8.2	546	38.1	515	35.9	255	17.8
Commercialized Vice	73	11	15.1	32	43.8	21	28.8	9	12.3
Drug Possession	114	23	20.2	40	35.1	39	34.2	12	10.5
Drug Trafficking	19,823	6,916	34.9	8,219	41.5	4,087	20.6	601	3.0
Environmental	131	24	18.3	41	31.3	31	23.7	35	26.7
Extortion/Racketeering	106	23	21.7	36	34.0	30	28.3	17	16.0
Firearms	9,252	3,226	34.9	4,347	47.0	1,543	16.7	136	1.5
Food and Drug	36	4	11.1	6	16.7	10	27.8	16	44.4
Forgery/Counter/Copyright	111	23	20.7	43	38.7	40	36.0	5	4.5
Fraud/Theft/Embezzlement	5,297	822	15.5	1,511	28.5	1,737	32.8	1,227	23.2
Immigration	16,131	11,900	73.8	2,998	18.6	1,043	6.5	190	1.2
Individual Rights	90	7	7.8	31	34.4	40	44.4	12	13.3
Kidnapping	127	37	29.1	63	49.6	24	18.9	3	2.4
Manslaughter	80	34	42.5	31	38.8	13	16.3	2	2.5
Money Laundering	1,181	255	21.6	375	31.8	343	29.0	208	17.6
Murder	406	202	49.8	151	37.2	43	10.6	10	2.5
National Defense	159	54	34.0	30	18.9	41	25.8	34	21.4
Obscenity/Other Sex Offenses	341	92	27.0	176	51.6	64	18.8	9	2.6
Prison Offenses	427	132	30.9	232	54.3	61	14.3	2	0.5
Robbery	1,438	528	36.7	633	44.0	255	17.7	22	1.5
Sexual Abuse	1,496	296	19.8	571	38.2	432	28.9	197	13.2
Stalking/Harassing	259	34	13.1	81	31.3	92	35.5	52	20.1
Tax	491	36	7.3	102	20.8	173	35.2	180	36.7
Other	222	52	23.4	61	27.5	65	29.3	44	19.8

<sup>1</sup> Of the 64,142 cases, 2,943 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 DISTRICT<sup>1</sup>**  
**Fiscal Year 2022**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>64,142</b>	<b>62,527</b>	<b>97.5</b>	<b>1,615</b>	<b>2.5</b>
<b>D.C. CIRCUIT</b>	<b>312</b>	<b>291</b>	<b>93.3</b>	<b>21</b>	<b>6.7</b>
District of Columbia	312	291	93.3	21	6.7
<b>FIRST CIRCUIT</b>	<b>1,750</b>	<b>1,712</b>	<b>97.8</b>	<b>38</b>	<b>2.2</b>
Maine	180	178	98.9	2	1.1
Massachusetts	466	445	95.5	21	4.5
New Hampshire	180	176	97.8	4	2.2
Puerto Rico	815	807	99.0	8	1.0
Rhode Island	109	106	97.2	3	2.8
<b>SECOND CIRCUIT</b>	<b>3,271</b>	<b>3,159</b>	<b>96.6</b>	<b>112</b>	<b>3.4</b>
Connecticut	335	325	97.0	10	3.0
New York					
Eastern	693	664	95.8	29	4.2
Northern	400	387	96.8	13	3.3
Southern	1,297	1,246	96.1	51	3.9
Western	411	403	98.1	8	1.9
Vermont	135	134	99.3	1	0.7
<b>THIRD CIRCUIT</b>	<b>2,351</b>	<b>2,254</b>	<b>95.9</b>	<b>97</b>	<b>4.1</b>
Delaware	81	78	96.3	3	3.7
New Jersey	641	623	97.2	18	2.8
Pennsylvania					
Eastern	501	470	93.8	31	6.2
Middle	438	411	93.8	27	6.2
Western	634	622	98.1	12	1.9
Virgin Islands	56	50	89.3	6	10.7
<b>FOURTH CIRCUIT</b>	<b>4,688</b>	<b>4,521</b>	<b>96.4</b>	<b>167</b>	<b>3.6</b>
Maryland	579	556	96.0	23	4.0
North Carolina					
Eastern	761	730	95.9	31	4.1
Middle	403	397	98.5	6	1.5
Western	553	534	96.6	19	3.4
South Carolina	602	592	98.3	10	1.7
Virginia					
Eastern	919	866	94.2	53	5.8
Western	279	271	97.1	8	2.9
West Virginia					
Northern	323	318	98.5	5	1.5
Southern	269	257	95.5	12	4.5

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,837</b>	<b>16,636</b>	<b>98.8</b>	<b>201</b>	<b>1.2</b>
Louisiana					
Eastern	300	293	97.7	7	2.3
Middle	103	100	97.1	3	2.9
Western	318	304	95.6	14	4.4
Mississippi					
Northern	133	130	97.7	3	2.3
Southern	324	319	98.5	5	1.5
Texas					
Eastern	674	661	98.1	13	1.9
Northern	1,652	1,616	97.8	36	2.2
Southern	7,274	7,216	99.2	58	0.8
Western	6,059	5,997	99.0	62	1.0
<b>SIXTH CIRCUIT</b>	<b>4,943</b>	<b>4,785</b>	<b>96.8</b>	<b>158</b>	<b>3.2</b>
Kentucky					
Eastern	497	465	93.6	32	6.4
Western	263	254	96.6	9	3.4
Michigan					
Eastern	719	702	97.6	17	2.4
Western	265	253	95.5	12	4.5
Ohio					
Northern	1,141	1,102	96.6	39	3.4
Southern	583	576	98.8	7	1.2
Tennessee					
Eastern	754	731	96.9	23	3.1
Middle	289	281	97.2	8	2.8
Western	432	421	97.5	11	2.5
<b>SEVENTH CIRCUIT</b>	<b>2,483</b>	<b>2,378</b>	<b>95.8</b>	<b>105</b>	<b>4.2</b>
Illinois					
Central	279	266	95.3	13	4.7
Northern	621	584	94.0	37	6.0
Southern	261	249	95.4	12	4.6
Indiana					
Northern	327	318	97.2	9	2.8
Southern	515	495	96.1	20	3.9
Wisconsin					
Eastern	337	325	96.4	12	3.6
Western	143	141	98.6	2	1.4
<b>EIGHTH CIRCUIT</b>	<b>5,102</b>	<b>4,921</b>	<b>96.5</b>	<b>181</b>	<b>3.5</b>
Arkansas					
Eastern	555	540	97.3	15	2.7
Western	219	213	97.3	6	2.7
Iowa					
Northern	333	315	94.6	18	5.4
Southern	454	428	94.3	26	5.7
Minnesota	325	299	92.0	26	8.0
Missouri					
Eastern	1,032	1,011	98.0	21	2.0
Western	810	797	98.4	13	1.6
Nebraska	471	454	96.4	17	3.6
North Dakota	345	336	97.4	9	2.6
South Dakota	558	528	94.6	30	5.4

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,159</b>	<b>11,942</b>	<b>98.2</b>	<b>217</b>	<b>1.8</b>
Alaska	140	126	90.0	14	10.0
Arizona	4,454	4,423	99.3	31	0.7
California					
Central	1,128	1,073	95.1	55	4.9
Eastern	366	357	97.5	9	2.5
Northern	377	361	95.8	16	4.2
Southern	3,474	3,439	99.0	35	1.0
Guam	26	24	92.3	2	7.7
Hawaii	140	134	95.7	6	4.3
Idaho	337	330	97.9	7	2.1
Montana	348	342	98.3	6	1.7
Nevada	387	375	96.9	12	3.1
Northern Mariana Islands	17	16	94.1	1	5.9
Oregon	378	375	99.2	3	0.8
Washington					
Eastern	213	208	97.7	5	2.3
Western	374	359	96.0	15	4.0
<b>TENTH CIRCUIT</b>	<b>4,767</b>	<b>4,675</b>	<b>98.1</b>	<b>92</b>	<b>1.9</b>
Colorado	389	378	97.2	11	2.8
Kansas	371	364	98.1	7	1.9
New Mexico	2,075	2,060	99.3	15	0.7
Oklahoma					
Eastern	179	166	92.7	13	7.3
Northern	439	416	94.8	23	5.2
Western	424	413	97.4	11	2.6
Utah	741	736	99.3	5	0.7
Wyoming	149	142	95.3	7	4.7
<b>ELEVENTH CIRCUIT</b>	<b>5,479</b>	<b>5,253</b>	<b>95.9</b>	<b>226</b>	<b>4.1</b>
Alabama					
Middle	164	154	93.9	10	6.1
Northern	442	430	97.3	12	2.7
Southern	308	300	97.4	8	2.6
Florida					
Middle	1,018	983	96.6	35	3.4
Northern	266	244	91.7	22	8.3
Southern	1,719	1,644	95.6	75	4.4
Georgia					
Middle	453	438	96.7	15	3.3
Northern	609	577	94.7	32	5.3
Southern	500	483	96.6	17	3.4

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

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.



Table 12

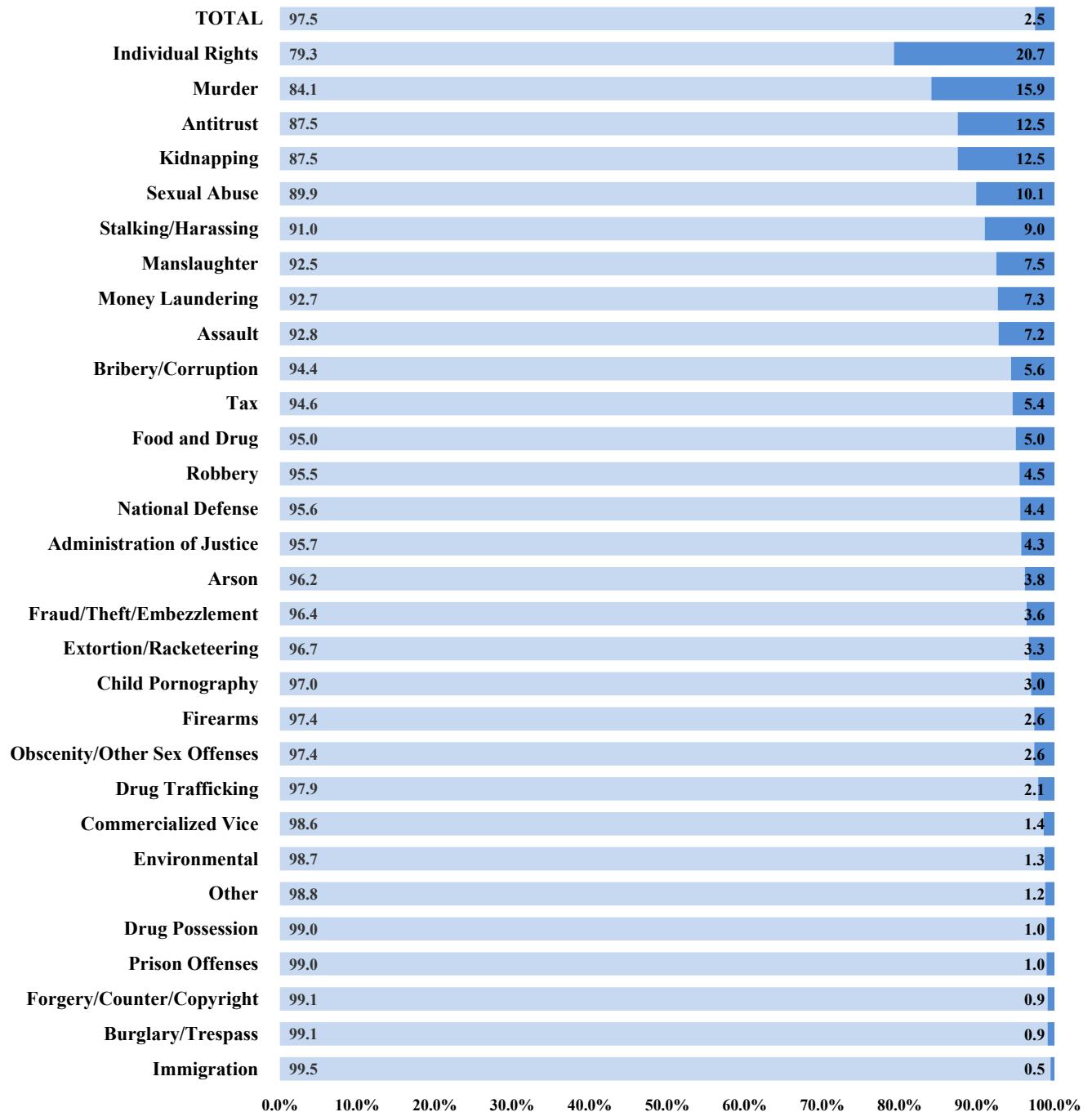
**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>64,142</b>	<b>62,527</b>	<b>97.5</b>	<b>1,615</b>	<b>2.5</b>
Administration of Justice	652	624	95.7	28	4.3
Antitrust	8	7	87.5	1	12.5
Arson	106	102	96.2	4	3.8
Assault	850	789	92.8	61	7.2
Bribery/Corruption	360	340	94.4	20	5.6
Burglary/Trespass	112	111	99.1	1	0.9
Child Pornography	1,435	1,392	97.0	43	3.0
Commercialized Vice	73	72	98.6	1	1.4
Drug Possession	296	293	99.0	3	1.0
Drug Trafficking	19,938	19,517	97.9	421	2.1
Environmental	153	151	98.7	2	1.3
Extortion/Racketeering	121	117	96.7	4	3.3
Firearms	9,318	9,074	97.4	244	2.6
Food and Drug	40	38	95.0	2	5.0
Forgery/Counter/Copyright	111	110	99.1	1	0.9
Fraud/Theft/Embezzlement	5,520	5,319	96.4	201	3.6
Immigration	17,652	17,566	99.5	86	0.5
Individual Rights	92	73	79.3	19	20.7
Kidnapping	128	112	87.5	16	12.5
Manslaughter	80	74	92.5	6	7.5
Money Laundering	1,192	1,105	92.7	87	7.3
Murder	410	345	84.1	65	15.9
National Defense	180	172	95.6	8	4.4
Obscenity/Other Sex Offenses	344	335	97.4	9	2.6
Prison Offenses	499	494	99.0	5	1.0
Robbery	1,444	1,379	95.5	65	4.5
Sexual Abuse	1,499	1,347	89.9	152	10.1
Stalking/Harassing	266	242	91.0	24	9.0
Tax	496	469	94.6	27	5.4
Other	767	758	98.8	9	1.2

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

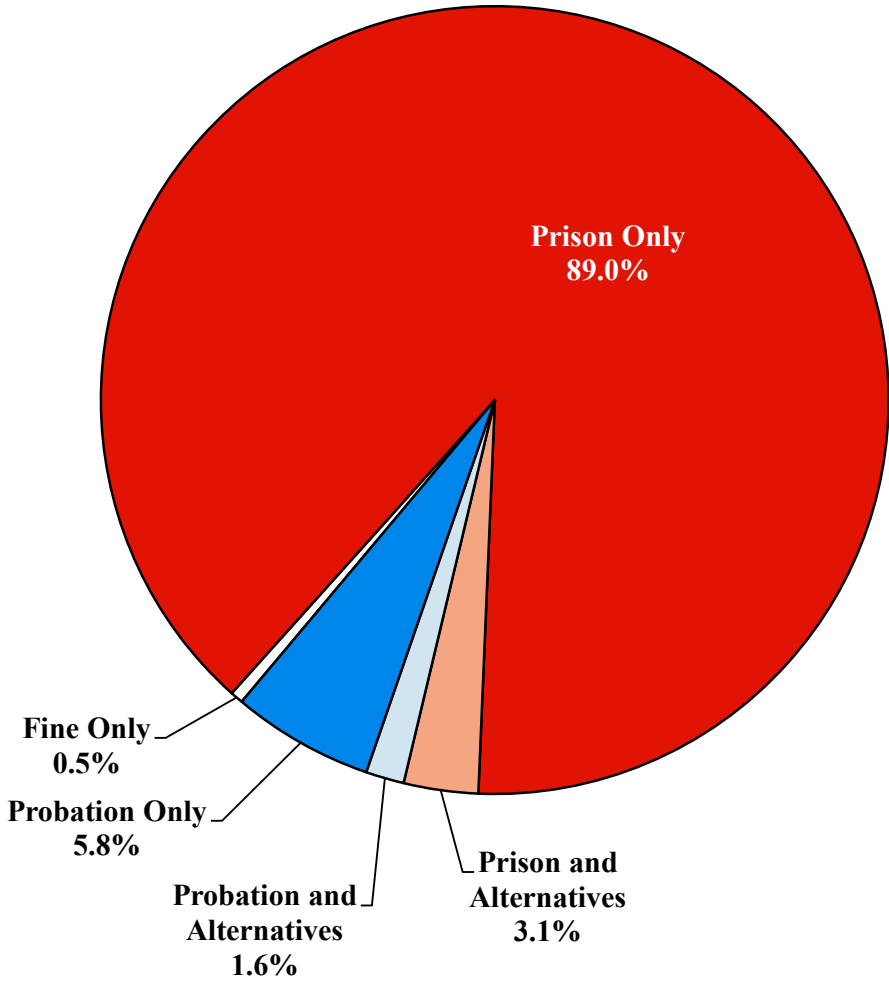
Figure 5

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> This figure includes the 64,142 cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

**Figure 6**  
**SENTENCE TYPE FOR FEDERAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> This figure includes the 64,142 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, 2022 Datafile, USSCFY22.

**Table 13**  
**SENTENCE TYPE BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<b>TOTAL</b>	<b>64,142</b>	<b>59,070</b>	<b>92.1</b>	<b>57,106</b>	<b>89.0</b>	<b>1,964</b>	<b>3.1</b>	<b>4,738</b>	<b>7.4</b>	<b>1,002</b>	<b>1.6</b>	<b>3,736</b>	<b>5.8</b>	<b>334</b>	<b>0.5</b>
Administration of Justice	652	473	72.5	441	67.6	32	4.9	173	26.5	29	4.4	144	22.1	6	0.9
Antitrust	8	3	37.5	3	37.5	0	0.0	5	62.5	0	0.0	5	62.5	0	0.0
Arson	106	99	93.4	96	90.6	3	2.8	7	6.6	1	0.9	6	5.7	0	0.0
Assault	850	791	93.1	765	90.0	26	3.1	51	6.0	6	0.7	45	5.3	8	0.9
Bribery/Corruption	360	277	76.9	258	71.7	19	5.3	83	23.1	25	6.9	58	16.1	0	0.0
Burglary/Trespass	112	83	74.1	83	74.1	0	0.0	29	25.9	10	8.9	19	17.0	0	0.0
Child Pornography	1,435	1,417	98.7	1,390	96.9	27	1.9	18	1.3	5	0.3	13	0.9	0	0.0
Commercialized Vice	73	53	72.6	51	69.9	2	2.7	20	27.4	3	4.1	17	23.3	0	0.0
Drug Possession	296	124	41.9	123	41.6	1	0.3	91	30.7	4	1.4	87	29.4	81	27.4
Drug Trafficking	19,938	19,261	96.6	18,493	92.8	768	3.9	673	3.4	131	0.7	542	2.7	4	0.0
Environmental	153	47	30.7	44	28.8	3	2.0	101	66.0	14	9.2	87	56.9	5	3.3
Extortion/Racketeering	121	102	84.3	96	79.3	6	5.0	18	14.9	4	3.3	14	11.6	1	0.8
Firearms	9,318	8,775	94.2	8,551	91.8	224	2.4	542	5.8	130	1.4	412	4.4	1	0.0
Food and Drug	40	24	60.0	22	55.0	2	5.0	16	40.0	0	0.0	16	40.0	0	0.0
Forgery/Counter/Copyright	111	86	77.5	79	71.2	7	6.3	25	22.5	8	7.2	17	15.3	0	0.0
Fraud/Theft/Embezzlement	5,520	4,194	76.0	3,910	70.8	284	5.1	1,285	23.3	302	5.5	983	17.8	41	0.7
Immigration	17,652	16,891	95.7	16,562	93.8	329	1.9	760	4.3	192	1.1	568	3.2	1	0.0
Individual Rights	92	60	65.2	59	64.1	1	1.1	30	32.6	1	1.1	29	31.5	2	2.2
Kidnapping	128	124	96.9	122	95.3	2	1.6	4	3.1	1	0.8	3	2.3	0	0.0
Manslaughter	80	78	97.5	70	87.5	8	10.0	2	2.5	0	0.0	2	2.5	0	0.0
Money Laundering	1,192	1,039	87.2	1,006	84.4	33	2.8	152	12.8	47	3.9	105	8.8	1	0.1
Murder	410	409	99.8	404	98.5	5	1.2	1	0.2	0	0.0	1	0.2	0	0.0
National Defense	180	138	76.7	130	72.2	8	4.4	25	13.9	7	3.9	18	10.0	17	9.4
Obscenity/Other Sex Offenses	344	324	94.2	295	85.8	29	8.4	20	5.8	5	1.5	15	4.4	0	0.0
Prison Offenses	499	479	96.0	458	91.8	21	4.2	19	3.8	2	0.4	17	3.4	1	0.2
Robbery	1,444	1,422	98.5	1,381	95.6	41	2.8	22	1.5	6	0.4	16	1.1	0	0.0
Sexual Abuse	1,499	1,492	99.5	1,463	97.6	29	1.9	6	0.4	1	0.1	5	0.3	1	0.1
Stalking/Harassing	266	233	87.6	216	81.2	17	6.4	33	12.4	10	3.8	23	8.6	0	0.0
Tax	496	302	60.9	279	56.3	23	4.6	192	38.7	40	8.1	152	30.6	2	0.4
Other	767	270	35.2	256	33.4	14	1.8	335	43.7	18	2.3	317	41.3	162	21.1

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

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

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table 14**  
**SENTENCE TYPE BY CITIZENSHIP AND SENTENCING ZONE<sup>1</sup>**  
**Fiscal Year 2022**

	Prison Only		Prison and Alternatives <sup>2</sup>		Probation and Alternatives <sup>2</sup>		Probation Only		Fine Only	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>37,121</b>	<b>85.6</b>	<b>1,851</b>	<b>4.3</b>	<b>920</b>	<b>2.1</b>	<b>3,272</b>	<b>7.5</b>	<b>194</b>	<b>0.4</b>
<b>Citizens</b>	<b>43,358</b>									
Zone A	544	30.0	36	2.0	55	3.0	1,003	55.3	177	9.8
Zone B	1,165	56.6	140	6.8	257	12.5	487	23.7	8	0.4
Zone C	1,392	57.0	264	10.8	211	8.6	570	23.4	3	0.1
Zone D	34,020	91.8	1,411	3.8	397	1.1	1,212	3.3	6	0.0
<b>Non-Citizens</b>	<b>19,773</b>	<b>97.4</b>	<b>95</b>	<b>0.5</b>	<b>74</b>	<b>0.4</b>	<b>330</b>	<b>1.7</b>	<b>11</b>	<b>0.1</b>
Zone A	3,573	94.7	4	0.1	9	0.2	179	4.7	8	0.2
Zone B	3,410	97.0	6	0.2	37	1.1	64	1.8	0	0.0
Zone C	2,016	97.1	18	0.9	12	0.6	31	1.5	0	0.0
Zone D	10,264	98.6	67	0.6	16	0.2	56	0.5	3	0.0

<sup>1</sup> Of the 64,142 cases, 1,011 were excluded due to one or both of the following reasons: missing zone (758), or missing information on offender's citizenship status (301). 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.

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

**Table 15**  
**SENTENCE IMPOSED BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	SENTENCE LENGTH <sup>2</sup>			LENGTH OF IMPRISONMENT <sup>3</sup>		
	Mean Months	Median Months	N	Mean Months	Median Months	N
<b>TOTAL</b>	<b>51</b>	<b>26</b>	<b>64,141</b>	<b>56</b>	<b>30</b>	<b>59,068</b>
Administration of Justice	12	8	651	16	12	472
Antitrust	5	0	8	12	15	3
Arson	45	42	106	48	48	99
Assault	64	42	850	69	46	791
Bribery/Corruption	19	12	360	24	17	277
Burglary/Trespass	18	10	112	25	18	83
Child Pornography	110	96	1,435	111	96	1,417
Commercialized Vice	24	16	73	33	20	53
Drug Possession	2	0	296	6	0	124
Drug Trafficking	78	60	19,938	80	60	19,260
Environmental	4	0	153	10	7	47
Extortion/Racketeering	61	27	121	72	33	102
Firearms	49	39	9,318	52	41	8,775
Food and Drug	11	0	40	19	10	24
Forgery/Counter/Copyright	16	12	111	19	18	86
Fraud/Theft/Embezzlement	22	12	5,520	28	21	4,194
Immigration	12	8	17,652	13	9	16,891
Individual Rights	41	18	92	63	36	60
Kidnapping	184	160	128	190	168	124
Manslaughter	86	68	80	88	74	78
Money Laundering	61	33	1,192	69	41	1,039
Murder	261	240	410	261	240	409
National Defense	35	15	180	46	30	138
Obscenity/Other Sex Offenses	22	18	344	23	18	324
Prison Offenses	12	9	499	12	9	479
Robbery	106	96	1,444	107	96	1,422
Sexual Abuse	207	180	1,499	208	180	1,492
Stalking/Harassing	26	18	266	30	24	233
Tax	14	9	496	21	14	302
Other	3	0	767	7	1	270

<sup>1</sup> Of the 64,142 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.

<sup>2</sup> 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.

<sup>3</sup> 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

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	%
<b>TOTAL</b>	<b>64,142</b>	<b>79.6</b>	<b>51,026</b>	<b>6.8</b>	<b>4,350</b>	<b>8,105</b>	<b>12.6</b>	<b>661</b>	<b>1.0</b>	
Administration of Justice	652	73.6	480	12.4	81	80	12.3	11	1.7	
Antitrust	8	12.5	1	37.5	3	1	12.5	3	37.5	
Arson	106	24.5	26	0.0	0	77	72.6	3	2.8	
Assault	850	76.8	653	5.3	45	144	16.9	8	0.9	
Bribery/Corruption	360	41.9	151	21.1	76	106	29.4	27	7.5	
Burglary/Trespass	112	33.0	37	3.6	4	59	52.7	12	10.7	
Child Pornography	1,435	41.2	591	2.4	34	791	55.1	19	1.3	
Commercialized Vice	73	49.3	36	39.7	29	8	11.0	0	0.0	
Drug Possession	296	45.6	135	53.0	157	1	0.3	3	1.0	
Drug Trafficking	19,938	92.0	18,334	6.7	1,330	258	1.3	16	0.1	
Environmental	153	23.5	36	43.1	66	40	26.1	11	7.2	
Extortion/Racketeering	121	75.2	91	5.8	7	21	17.4	2	1.7	
Firearms	9,318	90.3	8,410	7.0	655	236	2.5	17	0.2	
Food and Drug	40	52.5	21	30.0	12	5	12.5	2	5.0	
Forgery/Counter/Copyright	111	37.8	42	7.2	8	57	51.4	4	3.6	
Fraud/Theft/Embezzlement	5,520	18.6	1,026	5.3	295	3,855	69.8	344	6.2	
Immigration	17,652	96.1	16,957	3.7	655	36	0.2	4	0.0	
Individual Rights	92	53.3	49	16.3	15	26	28.3	2	2.2	
Kidnapping	128	63.3	81	5.5	7	39	30.5	1	0.8	
Manslaughter	80	57.5	46	0.0	0	34	42.5	0	0.0	
Money Laundering	1,192	59.6	711	9.3	111	352	29.5	18	1.5	
Murder	410	74.6	306	2.0	8	89	21.7	7	1.7	
National Defense	180	75.6	136	23.9	43	1	0.6	0	0.0	
Obscenity/Other Sex Offenses	344	93.9	323	5.5	19	2	0.6	0	0.0	
Prison Offenses	499	94.2	470	5.0	25	4	0.8	0	0.0	
Robbery	1,444	33.8	488	2.2	32	900	62.3	24	1.7	
Sexual Abuse	1,499	62.9	943	4.0	60	483	32.2	13	0.9	
Stalking/Harassing	266	72.9	194	14.3	38	31	11.7	3	1.1	
Tax	496	7.3	36	5.4	27	339	68.3	94	19.0	
Other	767	28.2	216	66.2	508	30	3.9	13	1.7	

<sup>1</sup> Of the 64,142 cases, the court sentenced the offender to pay a fine or make restitution in 13,116 cases. Descriptions of variables used in this table are provided in Appendix A.  
SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table 17**  
**AMOUNT OF FINE AND RESTITUTION ORDERED BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED <sup>2</sup>				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
<b>TOTAL</b>	<b>4,333</b>	<b>\$403,655</b>	<b>\$1,000</b>	<b>\$1,749,038,374</b>	<b>8,038</b>	<b>\$1,671,037</b>	<b>\$45,868</b>	<b>\$13,431,800,000</b>	<b>11,910</b>	<b>\$1,274,629</b>	<b>\$10,462</b>	<b>\$15,180,800,000</b>
Administration of Justice	79	\$9,035	\$2,000	\$713,800	84	\$761,878	\$3,260	\$63,997,764	153	\$422,951	\$3,000	\$64,711,564
Antitrust	6	\$107,417	\$14,500	\$644,500	4	\$27,760	\$6,729	\$111,040	7	\$107,934	\$10,032	\$755,540
Arson	2	--	--	--	69	\$264,532	\$24,113	\$18,252,720	69	\$264,808	\$24,113	\$18,271,720
Assault	45	\$2,009	\$600	\$90,408	120	\$26,308	\$3,647	\$3,156,965	163	\$19,923	\$2,330	\$3,247,373
Bribery/Corruption	100	\$68,388	\$15,000	\$6,838,812	122	\$2,207,240	\$272,984	\$269,283,248	203	\$1,360,207	\$82,845	\$276,122,060
Burglary/Trespass	16	\$2,341	\$1,000	\$37,450	71	\$15,656	\$1,036	\$1,111,575	75	\$15,320	\$2,000	\$1,149,025
Child Pornography	45	\$7,697	\$2,000	\$346,350	695	\$24,140	\$14,000	\$16,777,422	729	\$23,489	\$13,000	\$17,123,772
Commercialized Vice	28	\$34,295	\$4,000	\$960,250	7	\$22,037	\$7,556	\$154,256	35	\$31,843	\$4,000	\$1,114,506
Drug Possession	160	\$1,573	\$500	\$251,675	3	\$7,982	\$4,500	\$23,947	161	\$1,712	\$500	\$275,622
Drug Trafficking	1,139	\$5,901	\$1,000	\$6,720,888	247	\$93,627	\$5,890	\$23,125,854	1,373	\$21,738	\$1,500	\$29,846,742
Environmental	75	\$16,924	\$5,000	\$1,269,275	46	\$87,149	\$3,893	\$4,008,843	110	\$47,983	\$5,000	\$5,278,118
Extortion/Racketeering	9	\$5,867	\$5,000	\$52,800	22	\$1,018,985	\$61,929	\$22,417,659	29	\$774,843	\$27,583	\$22,470,459
Firearms	589	\$3,036	\$1,000	\$1,788,300	224	\$15,098	\$5,970	\$3,381,859	800	\$6,463	\$1,500	\$5,170,159
Food and Drug	13	\$12,692	\$2,500	\$165,000	7	\$125,408	\$163,800	\$877,859	18	\$57,937	\$5,000	\$1,042,859
Forgery/Counter/Copyright	10	\$4,750	\$4,750	\$47,500	59	\$49,627	\$1,900	\$2,927,991	67	\$44,410	\$3,300	\$2,975,491
Fraud/Theft/Embezzlement	488	\$3,518,743	\$5,000	\$1,717,146,764	3,997	\$2,290,136	\$127,415	\$9,153,673,353	4,273	\$2,544,072	\$107,605	\$10,870,800,000
Immigration	530	\$1,584	\$1,000	\$839,551	35	\$105,539	\$5,000	\$3,693,859	561	\$8,081	\$1,000	\$4,533,410
Individual Rights	16	\$6,156	\$3,600	\$98,500	25	\$56,708	\$7,163	\$1,417,705	39	\$38,877	\$5,000	\$1,516,205
Kidnapping	8	\$3,438	\$4,250	\$27,500	34	\$22,076	\$3,390	\$750,594	41	\$18,978	\$3,500	\$778,094
Manslaughter	0	--	--	--	27	\$35,105	\$4,513	\$947,822	27	\$35,105	\$4,513	\$947,822
Money Laundering	106	\$34,674	\$4,900	\$3,675,450	346	\$5,510,809	\$683,555	\$1,906,739,815	442	\$4,322,206	\$374,055	\$1,910,415,265
Murder	15	\$78,137	\$5,000	\$1,172,050	70	\$120,241	\$9,963	\$8,416,870	78	\$122,935	\$13,272	\$9,588,920
National Defense	41	\$12,135	\$1,000	\$497,545	1	--	--	--	42	\$11,965	\$1,000	\$502,545
Obscenity/Other Sex Offenses	17	\$5,799	\$1,000	\$98,575	1	--	--	--	18	\$7,212	\$1,250	\$129,820
Prison Offenses	21	\$1,365	\$500	\$28,675	4	\$9,310	\$9,704	\$37,238	25	\$2,637	\$1,000	\$65,913
Robbery	51	\$1,912	\$1,000	\$97,516	848	\$34,766	\$4,050	\$29,481,551	879	\$33,651	\$3,697	\$29,579,067
Sexual Abuse	68	\$13,985	\$1,500	\$951,000	378	\$66,406	\$10,000	\$25,101,468	438	\$59,481	\$8,057	\$26,052,468
Stalking/Harassing	32	\$8,656	\$6,250	\$277,000	30	\$24,399	\$4,750	\$731,976	59	\$17,101	\$7,000	\$1,008,976
Tax	105	\$35,080	\$10,000	\$3,683,350	425	\$2,021,295	\$283,378	\$859,050,325	452	\$1,908,703	\$272,686	\$862,733,675
Other	519	\$961	\$500	\$498,890	37	\$27,354,182	\$2,948	\$1,012,104,742	544	\$1,861,404	\$500	\$1,012,603,632

<sup>1</sup> Of the 64,142 cases, the court sentenced the offender to pay a fine or make restitution in 13,116 cases. The total number of cases used to calculate amounts of payment ordered (11,910) is less than the total number of cases receiving fines and/or restitution (13,116) 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.

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



Table 18

**SUPERVISED RELEASE BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	NO SUPERVISED RELEASE ORDERED		SUPERVISED RELEASE ORDERED		LENGTH OF SUPERVISED RELEASE <sup>2</sup>	
		N	%	N	%	Mean Months	Median Months
<b>TOTAL</b>	<b>64,142</b>	<b>11,527</b>	<b>18.0</b>	<b>52,615</b>	<b>82.0</b>	<b>48</b>	<b>36</b>
Administration of Justice	652	225	34.5	427	65.5	24	24
Antitrust	8	6	75.0	2	25.0	--	--
Arson	106	10	9.4	96	90.6	35	36
Assault	850	101	11.9	749	88.1	35	36
Bribery/Corruption	360	89	24.7	271	75.3	29	36
Burglary/Trespass	112	31	27.7	81	72.3	28	36
Child Pornography	1,435	21	1.5	1,414	98.5	192	120
Commercialized Vice	73	20	27.4	53	72.6	42	36
Drug Possession	296	246	83.1	50	16.9	14	12
Drug Trafficking	19,938	954	4.8	18,984	95.2	48	48
Environmental	153	113	73.9	40	26.1	27	30
Extortion/Racketeering	121	22	18.2	99	81.8	35	36
Firearms	9,318	633	6.8	8,685	93.2	35	36
Food and Drug	40	21	52.5	19	47.5	28	36
Forgery/Counter/Copyright	111	29	26.1	82	73.9	32	36
Fraud/Theft/Embezzlement	5,520	1,546	28.0	3,974	72.0	34	36
Immigration	17,652	6,054	34.3	11,598	65.7	28	36
Individual Rights	92	34	37.0	58	63.0	31	36
Kidnapping	128	9	7.0	119	93.0	52	60
Manslaughter	80	3	3.8	77	96.3	36	36
Money Laundering	1,192	196	16.4	996	83.6	39	36
Murder	410	13	3.2	397	96.8	53	60
National Defense	180	49	27.2	131	72.8	61	36
Obscenity/Other Sex Offenses	344	22	6.4	322	93.6	75	60
Prison Offenses	499	200	40.1	299	59.9	30	36
Robbery	1,444	37	2.6	1,407	97.4	40	36
Sexual Abuse	1,499	11	0.7	1,488	99.3	217	120
Stalking/Harassing	266	35	13.2	231	86.8	33	36
Tax	496	194	39.1	302	60.9	24	24
Other	767	603	78.6	164	21.4	18	12

<sup>1</sup> 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.

<sup>2</sup> Length of Supervised Release includes only cases where supervised release was imposed.

Table 19

**RATE OF NON-PRISON SENTENCES FOR U.S. CITIZEN OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL ELIGIBLE	RECEIVED NON-PRISON SENTENCE	
		N	%
<b>TOTAL</b>	<b>5,899</b>	<b>924</b>	<b>15.7</b>
Administration of Justice	255	36	14.1
Antitrust	5	0	0.0
Arson	2	0	0.0
Assault	83	1	1.2
Bribery/Corruption	64	9	14.1
Burglary/Trespass	46	9	19.6
Child Pornography	0	0	--
Commercialized Vice	25	2	8.0
Drug Possession	212	5	2.4
Drug Trafficking	589	90	15.3
Environmental	86	11	12.8
Extortion/Racketeering	10	2	20.0
Firearms	505	95	18.8
Food and Drug	22	0	0.0
Forgery/Counter/Copyright	39	7	17.9
Fraud/Theft/Embezzlement	1,551	288	18.6
Immigration	1,267	247	19.5
Individual Rights	24	2	8.3
Kidnapping	0	0	--
Manslaughter	0	0	--
Money Laundering	139	33	23.7
Murder	0	0	--
National Defense	26	4	15.4
Obscenity/Other Sex Offenses	63	11	17.5
Prison Offenses	265	15	5.7
Robbery	3	1	33.3
Sexual Abuse	22	2	9.1
Stalking/Harassing	53	10	18.9
Tax	117	25	21.4
Other	426	19	4.5

<sup>1</sup> Of the 64,142 cases, 43,947 involved United States citizens. In 5,899 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 GUIDELINE<sup>1</sup>**  
**Fiscal Year 2022**

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2A1.1	286	0.5	311	0.4	§2D1.10	1	0.0	1	0.0
§2A1.2	80	0.1	86	0.1	§2D1.11	1	0.0	3	0.0
§2A1.3	40	0.1	42	0.1	§2D1.12	3	0.0	3	0.0
§2A1.4	39	0.1	44	0.1	§2D1.13	0	0.0	1	0.0
§2A1.5	27	0.0	80	0.1	§2D1.14	0	0.0	0	0.0
§2A2.1	182	0.3	236	0.3	§2D2.1	129	0.2	145	0.2
§2A2.2	524	0.8	610	0.9	§2D2.2	51	0.1	57	0.1
§2A2.3	68	0.1	101	0.1	§2D2.3	1	0.0	1	0.0
§2A2.4	247	0.4	286	0.4	§2D3.1	1	0.0	2	0.0
§2A3.1	139	0.2	162	0.2	§2D3.2	0	0.0	1	0.0
§2A3.2	45	0.1	57	0.1	§2D3.3	0	0.0	0	0.0
§2A3.3	6	0.0	7	0.0	§2D3.4	0	0.0	0	0.0
§2A3.4	48	0.1	87	0.1	§2D3.5	0	0.0	0	0.0
§2A3.5	307	0.5	318	0.5	§2E1.1	48	0.1	361	0.5
§2A4.1	120	0.2	147	0.2	§2E1.2	2	0.0	110	0.2
§2A4.2	2	0.0	2	0.0	§2E1.3	0	0.0	115	0.2
§2A5.1	0	0.0	0	0.0	§2E1.4	9	0.0	28	0.0
§2A5.2	27	0.0	30	0.0	§2E1.5	0	0.0	0	0.0
§2A5.3	0	0.0	1	0.0	§2E2.1	4	0.0	11	0.0
§2A6.1	184	0.3	199	0.3	§2E3.1	39	0.1	54	0.1
§2A6.2	79	0.1	97	0.1	§2E3.2	0	0.0	0	0.0
§2B1.1	5,208	8.4	5,739	8.3	§2E3.3	0	0.0	0	0.0
§2B1.2	0	0.0	0	0.0	§2E4.1	12	0.0	13	0.0
§2B1.3	0	0.0	0	0.0	§2E5.1	1	0.0	1	0.0
§2B1.4	17	0.0	18	0.0	§2E5.2	0	0.0	0	0.0
§2B1.5	7	0.0	7	0.0	§2E5.3	0	0.0	4	0.0
§2B1.6 <sup>2</sup>	90	0.1	--	--	§2E5.4	0	0.0	0	0.0
§2B2.1	69	0.1	80	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	39	0.1	41	0.1	§2F1.1	0	0.0	0	0.0
§2B3.1	1,424	2.3	1,570	2.3	§2F1.2	0	0.0	0	0.0
§2B3.2	23	0.0	44	0.1	§2G1.1	68	0.1	106	0.2
§2B3.3	5	0.0	10	0.0	§2G1.2	0	0.0	0	0.0
§2B4.1	119	0.2	126	0.2	§2G1.3	475	0.8	609	0.9
§2B5.1	86	0.1	93	0.1	§2G2.1	746	1.2	797	1.2
§2B5.2	0	0.0	0	0.0	§2G2.2	1,432	2.3	1,668	2.4
§2B5.3	24	0.0	26	0.0	§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	3	0.0	4	0.0	§2G2.5	0	0.0	0	0.0
§2C1.1	213	0.3	228	0.3	§2G2.6	1	0.0	1	0.0
§2C1.2	15	0.0	17	0.0	§2G3.1	33	0.1	49	0.1
§2C1.3	4	0.0	4	0.0	§2G3.2	0	0.0	0	0.0
§2C1.4	0	0.0	0	0.0	§2H1.1	63	0.1	81	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	7	0.0	7	0.0	§2H1.5	0	0.0	0	0.0
§2D1.1	19,612	31.6	20,595	29.7	§2H2.1	3	0.0	3	0.0
§2D1.2	208	0.3	212	0.3	§2H3.1	4	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	11	0.0	12	0.0
§2D1.5	8	0.0	9	0.0	§2H4.1	9	0.0	10	0.0
§2D1.6	0	0.0	181	0.3	§2H4.2	0	0.0	0	0.0
§2D1.7	0	0.0	1	0.0	§2J1.1	0	0.0	8	0.0
§2D1.8	22	0.0	71	0.1	§2J1.2	111	0.2	183	0.3
§2D1.9	0	0.0	0	0.0	§2J1.3	13	0.0	22	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	8	0.0	13	0.0	§2M6.1	0	0.0	1	0.0
§2J1.5	0	0.0	1	0.0	§2M6.2	0	0.0	0	0.0
§2J1.6	27	0.0	27	0.0	§2N1.1	14	0.0	14	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	1	0.0	1	0.0
§2J1.9	0	0.0	0	0.0	§2N2.1	21	0.0	54	0.1
§2K1.1	1	0.0	1	0.0	§2N3.1	0	0.0	3	0.0
§2K1.2	0	0.0	0	0.0	§2P1.1	280	0.5	297	0.4
§2K1.3	6	0.0	7	0.0	§2P1.2	144	0.2	186	0.3
§2K1.4	103	0.2	126	0.2	§2P1.3	2	0.0	2	0.0
§2K1.5	0	0.0	0	0.0	§2P1.4	0	0.0	0	0.0
§2K1.6	0	0.0	0	0.0	§2Q1.1	2	0.0	2	0.0
§2K1.7	0	0.0	0	0.0	§2Q1.2	49	0.1	53	0.1
§2K2.1	8,875	14.3	9,367	13.5	§2Q1.3	13	0.0	14	0.0
§2K2.2	0	0.0	0	0.0	§2Q1.4	1	0.0	1	0.0
§2K2.3	0	0.0	0	0.0	§2Q1.5	0	0.0	0	0.0
§2K2.4 <sup>3</sup>	361	0.6	--	--	§2Q1.6	0	0.0	0	0.0
§2K2.5	12	0.0	20	0.0	§2Q2.1	69	0.1	71	0.1
§2K2.6	1	0.0	3	0.0	§2Q2.2	0	0.0	0	0.0
§2K3.1	0	0.0	0	0.0	§2R1.1	8	0.0	8	0.0
§2K3.2	0	0.0	1	0.0	§2S1.1	1,001	1.6	1,048	1.5
§2L1.1	4,056	6.5	4,095	5.9	§2S1.2	0	0.0	0	0.0
§2L1.2	11,978	19.3	12,112	17.5	§2S1.3	185	0.3	197	0.3
§2L1.3	0	0.0	0	0.0	§2S1.4	0	0.0	0	0.0
§2L2.1	84	0.1	90	0.1	§2T1.1	262	0.4	335	0.5
§2L2.2	661	1.1	689	1.0	§2T1.2	0	0.0	0	0.0
§2L2.3	0	0.0	0	0.0	§2T1.3	1	0.0	1	0.0
§2L2.4	0	0.0	0	0.0	§2T1.4	139	0.2	150	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	69	0.1	73	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	7	0.0	58	0.1
§2M2.4	0	0.0	0	0.0	§2T2.1	1	0.0	1	0.0
§2M3.1	0	0.0	0	0.0	§2T2.2	1	0.0	1	0.0
§2M3.2	0	0.0	0	0.0	§2T3.1	14	0.0	62	0.1
§2M3.3	0	0.0	0	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	15	0.0	2,744	4.0
§2M3.6	0	0.0	0	0.0	§2X2.1	0	0.0	21	0.0
§2M3.7	0	0.0	0	0.0	§2X3.1	97	0.2	117	0.2
§2M3.8	0	0.0	0	0.0	§2X4.1	213	0.3	213	0.3
§2M3.9	0	0.0	0	0.0	§2X5.1	0	0.0	116	0.2
§2M4.1	0	0.0	0	0.0	§2X5.2	214	0.3	218	0.3
§2M5.1	17	0.0	18	0.0	§2X6.1	0	0.0	0	0.0
§2M5.2	118	0.2	124	0.2	§2X7.1	0	0.0	0	0.0
§2M5.3	19	0.0	22	0.0	§2X7.2	0	0.0	0	0.0

Total number of guidelines applied: 69,230

Number of cases with at least one guideline applied: 62,074

<sup>1</sup> Of the 64,142 cases, 2,068 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.

<sup>2</sup> 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.

<sup>3</sup> 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 ADJUSTMENTS<sup>1</sup>**  
**Fiscal Year 2022**

<b>VICTIM-RELATED</b>	N	%
<b>Vulnerable Victim (§3A1.1)</b>		
Vulnerable victim involved	347	0.6
No vulnerable victim involved	60,568	99.3
Hate crime	21	0.0
Vulnerable victim involved and large number of victims	47	0.1
Vulnerable victim involved and hate crime	1	0.0
Vulnerable victim involved, hate crime, and large number of victims	0	0.0
<b>Official Victim (§3A1.2)</b>		
Official victim involved	36	0.1
Offense against person or involved substantial risk of serious bodily injury	239	0.4
No official victim involved	60,709	99.5
<b>Restraint of Victim (§3A1.3)</b>		
Offense involved restraint of victim	98	0.2
Offense did not involve restraint of victim	60,886	99.8
<b>Terrorism (§3A1.4)</b>		
Offense involved a federal crime of terrorism	29	0.1
Offense did not involve a federal crime of terrorism	60,953	99.9
Offense committed before adjustment added to guidelines	2	0.0
<b>Serious Human Rights Offense (§3A1.5)</b>		
Offender convicted of a serious human rights offense	0	0.0
Offender was not convicted of a serious human rights offense	60,965	100.0
Offense committed before adjustment added to guidelines	19	0.0
<b>CHAPTER 3, PART A TOTAL</b>	<b>60,984</b>	<b>100.0</b>
<b>ROLE IN THE OFFENSE</b>		
<b>Aggravating Role (§3B1.1)</b>		
Organizer or leader	819	1.3
Manager or supervisor	572	0.9
Lesser organizer, leader, manager, or supervisor	1,052	1.7
No aggravating role	58,541	96.0
<b>Mitigating Role (§3B1.2)</b>		
Minimal participant	629	1.0
Less than minor role but not minimal	303	0.5
Minor participant	4,198	6.9
No mitigating role	55,854	91.6
<b>Abuse of Position of Trust or Use of Special Skill (§3B1.3)</b>		
Offender abused position of trust or used special skill	1,140	1.9
Offender did not abuse position of trust or use special skill	59,844	98.1

**Table 21 (cont.)**

<b>Use of a Minor to Commit a Crime (§3B1.4)</b>		
Offender used a minor	223	0.4
Offender did not use a minor	60,759	99.6
Offense committed before adjustment added to guidelines	2	0.0
<b>Use of Body Armor to Commit a Crime (§3B1.5)</b>		
Offender used body armor (+2)	8	0.0
Offender used body armor (+4)	8	0.0
Offender did not use body armor	60,956	100.0
Offense committed before adjustment added to guidelines	12	0.0
<b>CHAPTER 3, PART B TOTAL</b>	<b>60,984</b>	<b>100.0</b>
<b>OBSTRUCTION</b>	<b>N</b>	<b>%</b>
<b>Obstruction of Justice (§3C1.1)<sup>2</sup></b>		
Offender obstructed justice	1,389	2.3
Offender did not obstruct justice	59,595	97.7
<b>Reckless Endangerment During Flight (§3C1.2)</b>		
Offense involved reckless endangerment during flight	1,000	1.6
Offense did not involve reckless endangerment during flight	59,984	98.4
Offense committed before adjustment added to guidelines	0	0.0
<b>Commission of Offense While on Release (§3C1.3)</b>		
Offense involved commission of offense while on release	122	0.2
Offense did not involve commission of offense while on release	60,848	99.8
Offense committed before adjustment added to guidelines	14	0.0
<b>False Registration of Domain Name (§3C1.4)</b>		
Offense involved false registration of domain name	2	0.0
Offense did not involve false registration of domain name	60,968	100.0
Offense committed before adjustment added to guidelines	14	0.0
<b>CHAPTER 3, PART C TOTAL</b>	<b>60,984</b>	<b>100.0</b>
<b>ACCEPTANCE OF RESPONSIBILITY</b>	<b>N</b>	<b>%</b>
<b>Acceptance of Responsibility (§3E1.1)</b>		
Offender accepted responsibility (-3)	41,418	67.9
Offender accepted responsibility (-2)	17,017	27.9
Offender did not accept responsibility	2,570	4.2
<b>CHAPTER 3, PART E TOTAL</b>	<b>61,005</b>	<b>100.0</b>

<sup>1</sup> Of the 64,142 cases, the Commission received complete guideline application information for 61,006 cases. Of these, 22 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, and one case due to missing information on acceptance of responsibility. Descriptions of each guideline adjustment can be found in USSG Chapter Three.

<sup>2</sup> 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. For those cases that received complete guideline application information, 444 offenders used encryption or scrambling technology and of those, twenty-eight also received an enhancement under §3C1.1.

Table 22

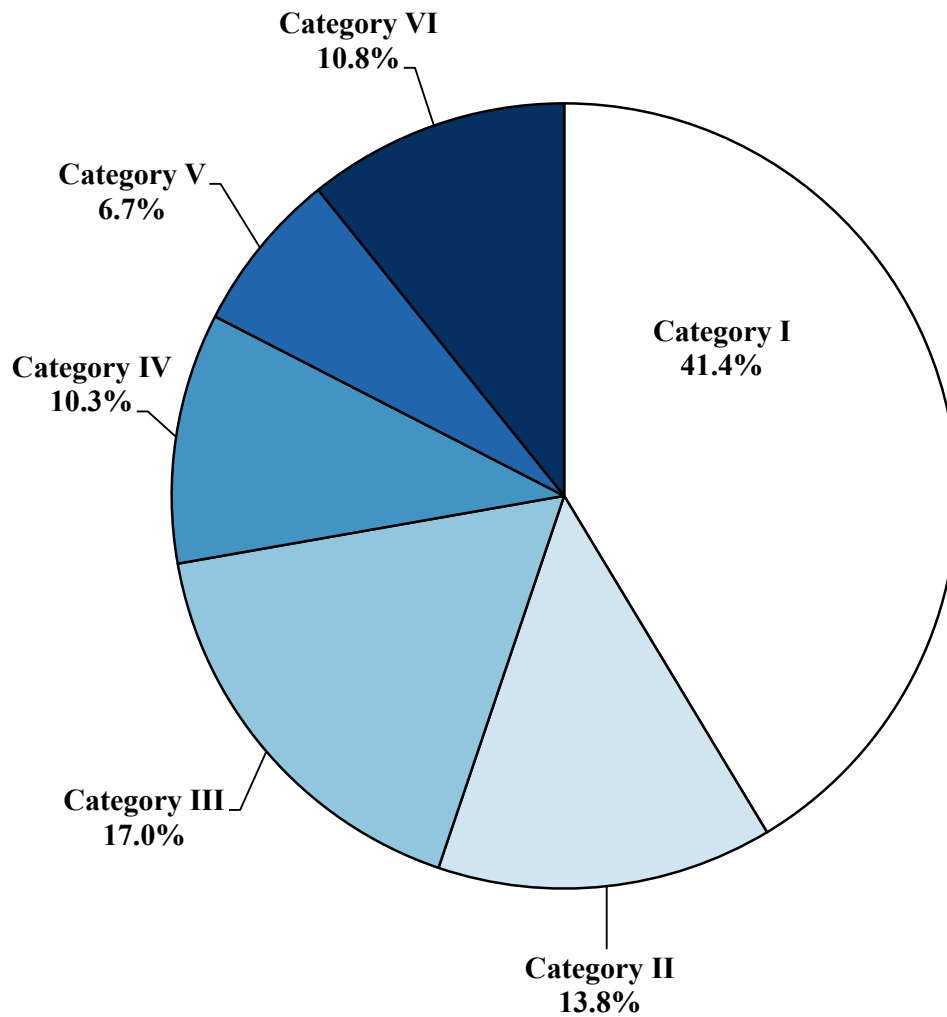
**ACCEPTANCE OF RESPONSIBILITY REDUCTIONS  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	TOTAL	NO ACCEPTANCE ADJUSTMENT		2-LEVEL ADJUSTMENT		3-LEVEL ADJUSTMENT	
		N	%	N	%	N	%
<b>TOTAL</b>	<b>61,005</b>	<b>2,570</b>	<b>4.2</b>	<b>17,017</b>	<b>27.9</b>	<b>41,418</b>	<b>67.9</b>
Administration of Justice	619	39	6.3	395	63.8	185	29.9
Antitrust	8	1	12.5	6	75.0	1	12.5
Arson	102	6	5.9	9	8.8	87	85.3
Assault	774	74	9.6	82	10.6	618	79.8
Bribery/Corruption	352	22	6.3	42	11.9	288	81.8
Burglary/Trespass	107	2	1.9	70	65.4	35	32.7
Child Pornography	1,424	51	3.6	11	0.8	1,362	95.6
Commercialized Vice	72	4	5.6	34	47.2	34	47.2
Drug Possession	124	8	6.5	115	92.7	1	0.8
Drug Trafficking	19,634	750	3.8	1,043	5.3	17,841	90.9
Environmental	132	1	0.8	78	59.1	53	40.2
Extortion/Racketeering	106	4	3.8	10	9.4	92	86.8
Firearms	8,847	398	4.5	1,506	17.0	6,943	78.5
Food and Drug	34	2	5.9	20	58.8	12	35.3
Forgery/Counter/Copyright	110	9	8.2	62	56.4	39	35.5
Fraud/Theft/Embezzlement	5,182	318	6.1	2,219	42.8	2,645	51.0
Immigration	16,677	298	1.8	10,060	60.3	6,319	37.9
Individual Rights	88	20	22.7	22	25.0	46	52.3
Kidnapping	126	22	17.5	2	1.6	102	81.0
Manslaughter	80	6	7.5	3	3.8	71	88.8
Money Laundering	1,159	104	9.0	162	14.0	893	77.0
Murder	400	70	17.5	13	3.3	317	79.3
National Defense	157	11	7.0	23	14.6	123	78.3
Obscenity/Other Sex Offenses	339	8	2.4	178	52.5	153	45.1
Prison Offenses	407	9	2.2	385	94.6	13	3.2
Robbery	1,418	83	5.9	29	2.0	1,306	92.1
Sexual Abuse	1,482	171	11.5	39	2.6	1,272	85.8
Stalking/Harassing	262	33	12.6	68	26.0	161	61.5
Tax	491	37	7.5	60	12.2	394	80.2
Other	292	9	3.1	271	92.8	12	4.1

<sup>1</sup> Of the 64,142 cases, the Commission received complete guideline application information for 61,006 cases. Of these, one was excluded due to missing information on acceptance of responsibility. 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 OFFENDERS<sup>1</sup>  
Fiscal Year 2022**

<sup>1</sup> Of the 64,142 cases, 378 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, 2022 Datafile, USSCFY22.

Table 23

**CRIMINAL HISTORY POINTS OF FEDERAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

<b>Number of Prior Countable Sentences</b>		
<b>Greater Than 13 Months (§4A1.1(a)) (3-Point Offenses)</b>	N	%
0	37,261	61.1
1	11,481	18.8
2	6,157	10.1
3 or more	6,107	10.0
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>
<b>Number of Prior Countable Sentences</b>		
<b>of 60 Days or Greater (§4A1.1(b)) (2-Point Offenses)</b>	N	%
0	43,943	72.0
1	9,903	16.2
2	4,022	6.6
3 or more	3,138	5.1
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>
<b>Number of Prior Countable Sentences</b>		
<b>of Less Than 60 Days (§4A1.1(c)) (1-Point Offenses)</b>	N	%
0	35,590	58.3
1	12,459	20.4
2	6,088	10.0
3 or more	6,869	11.3
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>
<b>Commission of Offense While Under</b>		
<b>Criminal Justice Sentence (§4A1.1(d))</b>	N	%
Additional points given for commission of instant offense while under criminal justice sentence	16,275	26.7
No additional criminal history points given	44,731	73.3
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>
<b>Commission of a Prior Crime of Violence</b>		
<b>Not Receiving Points Under (a), (b), or (c) (§4A1.1(e))</b>	N	%
Additional points given for prior sentences resulting from a crime of violence that did not receive any points under (a), (b), or (c)	661	1.1
No additional criminal history points given	60,345	98.9
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>

Table 23 (cont.)

<b>Total Criminal History Points</b>	N	%
0	20,663	33.9
1	4,217	6.9
2	2,992	4.9
3	5,499	9.0
4	3,342	5.5
5	3,703	6.1
6	3,597	5.9
7	2,065	3.4
8	2,560	4.2
9	2,076	3.4
10	1,471	2.4
11	1,640	2.7
12	1,329	2.2
13 or more	5,852	9.6
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>

<b>Career Offender (§4B1.1)</b>	N	%
Offender found to be career offender	1,356	2.2
Offender found not to be career offender	59,650	97.8
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>

<b>Criminal Livelihood (§4B1.3)</b>	N	%
Offender found to have engaged in criminal livelihood	2	0.0
Offender found not to have engaged in criminal livelihood	61,004	100.0
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>

<b>Armed Career Criminal (§4B1.4)</b>	N	%
Offender found to be armed career criminal	244	0.4
Offender found not to be armed career criminal	60,762	99.6
Offense committed before adjustment was added to guidelines	0	0.0
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>

<b>Repeat and Dangerous Sex Offender Against Minors (§4B1.5)</b>	N	%
Offender found to be a repeat and dangerous sex offender against minors	649	1.1
Offender found not to be a repeat and dangerous sex offender against minors	60,348	98.9
Offense committed before adjustment was added to guidelines	9	0.0
<b>TOTAL</b>	<b>61,006</b>	<b>100.0</b>

<sup>1</sup> Of the 64,142 cases, the Commission received complete guideline application information for 61,006 cases. Descriptions of each guideline adjustment can be found in USSG Chapter Four.

Table 24

**FEDERAL OFFENDERS IN EACH OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY<sup>1</sup>**  
**Fiscal Year 2022**

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	N	%	Cumulative %	I	II	III	IV	V	VI
1	4	0.0	0.0	1	0	0	3	0	0
2	208	0.3	0.3	134	21	25	7	6	15
3	11	0.0	0.4	8	1	1	1	0	0
4	1,398	2.2	2.6	1,026	84	130	56	43	59
5	85	0.1	2.7	48	13	7	2	4	11
6	4,561	7.2	9.9	3,542	613	273	62	37	34
7	413	0.7	10.5	108	30	74	57	53	91
8	1,192	1.9	12.4	618	260	209	46	22	37
9	204	0.3	12.7	94	28	36	13	13	20
10	5,953	9.4	22.1	1,513	1,733	1,551	616	299	241
11	734	1.2	23.3	385	52	83	54	64	96
12	2,895	4.6	27.9	881	457	591	384	257	325
13	4,589	7.2	35.1	1,349	953	1,120	597	290	280
14	533	0.8	35.9	274	71	69	35	28	56
15	3,868	6.1	42.0	1,362	737	829	408	261	271
16	666	1.1	43.1	401	54	87	46	32	46
17	3,719	5.9	49.0	1,016	271	803	703	463	463
18	654	1.0	50.0	377	69	88	52	29	39
19	2,788	4.4	54.4	991	254	505	455	284	299
20	698	1.1	55.5	377	66	97	60	35	63
21	3,484	5.5	61.0	1,015	375	642	544	374	534
22	666	1.1	62.0	355	56	84	54	48	69
23	3,098	4.9	66.9	1,330	315	505	336	230	382
24	855	1.3	68.3	503	78	109	67	38	60
25	2,402	3.8	72.1	995	252	365	301	202	287
26	921	1.5	73.5	488	93	138	67	42	93
27	3,189	5.0	78.6	1,578	316	434	302	230	329
28	669	1.1	79.6	335	92	108	56	36	42
29	2,833	4.5	84.1	814	351	459	319	190	700
30	729	1.2	85.2	334	57	93	72	54	119
31	2,317	3.7	88.9	740	243	344	231	143	616
32	400	0.6	89.5	172	41	60	32	23	72
33	1,574	2.5	92.0	733	170	220	157	111	183
34	786	1.2	93.2	261	48	54	36	24	363
35	1,239	2.0	95.2	526	172	194	96	82	169
36	245	0.4	95.6	125	25	34	19	16	26
37	791	1.2	96.8	367	101	98	48	50	127
38	238	0.4	97.2	127	29	31	14	12	25
39	308	0.5	97.7	164	34	40	29	13	28
40	351	0.6	98.2	161	37	57	31	20	45
41	215	0.3	98.6	111	27	29	14	12	22
42	214	0.3	98.9	130	25	20	11	10	18
43	685	1.1	100.0	387	66	87	41	37	67
<b>TOTAL</b>	<b>63,382</b>	<b>--</b>	<b>--</b>	<b>26,256</b>	<b>8,770</b>	<b>10,783</b>	<b>6,534</b>	<b>4,217</b>	<b>6,822</b>
<b>%</b>		<b>100.0</b>	<b>100.0</b>	<b>41.4</b>	<b>13.8</b>	<b>17.0</b>	<b>10.3</b>	<b>6.7</b>	<b>10.8</b>

<sup>1</sup> Of the 64,142 cases, 760 were excluded due to one or both of the following reasons: missing offense level (757) or missing Criminal History Category (378). Descriptions of variables used in this table are provided in Appendix A.

**Table 25**  
**FEDERAL OFFENDERS IN EACH GUIDELINE SENTENCING RANGE<sup>1</sup>**  
**Fiscal Year 2022**

FINAL GUIDELINE RANGE (in months)	N	%	Cumulative %
0-6	5,778	9.1	9.1
1-7	635	1.0	10.1
2-8	359	0.6	10.7
3-9	0	0.0	10.7
4-10	474	0.7	11.4
6-12	1,875	3.0	14.4
8-14	2,211	3.5	17.9
9-15	48	0.1	18.0
10-16	2,530	4.0	21.9
12-18	1,989	3.1	25.1
15-21	2,547	4.0	29.1
18-24	2,657	4.2	33.3
21-27	1,909	3.0	36.3
24-30	2,801	4.4	40.7
27-33	1,123	1.8	42.5
30-37	2,886	4.6	47.0
33-41	1,073	1.7	48.7
37-46	2,606	4.1	52.9
41-51	1,182	1.9	54.7
46-57	2,992	4.7	59.4
51-63	1,454	2.3	61.7
57-71	2,445	3.9	65.6
63-78	1,237	2.0	67.5
70-87	2,809	4.4	72.0
77-96	649	1.0	73.0
78-97	789	1.2	74.2
84-105	600	0.9	75.2
87-108	1,340	2.1	77.3
92-115	487	0.8	78.1
97-121	793	1.3	79.3
100-125	564	0.9	80.2
108-135	1,256	2.0	82.2
110-137	383	0.6	82.8
120-150	321	0.5	83.3
121-151	827	1.3	84.6
130-162	364	0.6	85.2
135-168	1,190	1.9	87.1
140-175	231	0.4	87.4
151-188	1,438	2.3	89.7
168-210	1,084	1.7	91.4
188-235	1,121	1.8	93.2
210-262	799	1.3	94.4
235-293	562	0.9	95.3
262-327	822	1.3	96.6
292-365	462	0.7	97.3
324-405	278	0.4	97.8
360-Life	719	1.1	98.9
Life	685	1.1	100.0
<b>TOTAL</b>	<b>63,384</b>	<b>100.0</b>	<b>--</b>

<sup>1</sup> Of the 64,142 cases, 758 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 CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	N	%	N	%
<b>TOTAL</b>	<b>1,356</b>	<b>100.0</b>	<b>244</b>	<b>100.0</b>
Administration of Justice	1	0.1	0	0.0
Antitrust	0	0.0	0	0.0
Arson	0	0.0	0	0.0
Assault	24	1.8	3	1.2
Bribery/Corruption	0	0.0	0	0.0
Burglary/Trespass	0	0.0	0	0.0
Child Pornography	0	0.0	0	0.0
Commercialized Vice	0	0.0	0	0.0
Drug Possession	1	0.1	0	0.0
Drug Trafficking	1,084	79.9	28	11.5
Environmental	0	0.0	0	0.0
Extortion/Racketeering	4	0.3	0	0.0
Firearms	124	9.1	205	84.0
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	2	0.8
Manslaughter	2	0.1	2	0.8
Money Laundering	16	1.2	0	0.0
Murder	11	0.8	0	0.0
National Defense	1	0.1	0	0.0
Obscenity/Other Sex Offenses	0	0.0	0	0.0
Prison Offenses	0	0.0	0	0.0
Robbery	77	5.7	4	1.6
Sexual Abuse	4	0.3	0	0.0
Stalking/Harassing	2	0.1	0	0.0
Tax	0	0.0	0	0.0
Other	0	0.0	0	0.0

<sup>1</sup> Of the 64,142 cases, the Commission received complete guideline application information for 61,006 cases. Of these, 1,356 offenders received the career offender adjustment and 244 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

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			
<b>TOTAL</b>	<b>52</b>	<b>27</b>	<b>63,763</b>	<b>40</b>	<b>14</b>	<b>26,377</b>	<b>38</b>	<b>14</b>	<b>8,817</b>	<b>49</b>	<b>24</b>	<b>10,866</b>	<b>60</b>	<b>37</b>	<b>6,580</b>	<b>74</b>	<b>51</b>	<b>4,250</b>	<b>98</b>	<b>77</b>	<b>6,873</b>
Administration of Justice	12	8	647	9	4	415	13	10	53	13	8	71	16	18	31	20	18	35	32	30	42
Antitrust	5	0	8	5	0	7	--	--	0	--	--	1	--	--	0	--	--	0	--	--	0
Arson	45	42	106	34	27	53	55	44	12	43	30	17	59	60	10	60	60	3	76	76	11
Assault	65	43	833	40	24	292	51	36	93	74	42	147	75	60	100	87	68	72	102	84	129
Bribery/Corruption	19	12	360	18	12	327	40	36	9	22	20	12	9	4	4	--	--	2	48	41	6
Burglary/Trespass	19	11	111	5	2	47	23	7	10	15	18	17	22	21	8	28	30	13	51	33	16
Child Pornography	110	96	1,435	96	78	1,016	134	120	126	136	120	190	162	144	51	191	166	28	158	145	24
Commercialized Vice	24	16	73	19	13	42	47	18	7	20	14	12	31	27	3	--	--	1	41	37	8
Drug Possession	3	0	260	0	0	159	2	0	28	2	0	26	7	0	13	1	0	8	15	2	26
Drug Trafficking	78	60	19,930	54	37	8,294	70	60	2,340	81	65	3,052	94	84	1,963	106	92	1,342	126	120	2,939
Environmental	4	0	145	4	0	121	4	0	15	4	2	7	--	--	1	--	--	1	--	--	0
Extortion/Racketeering	44	24	112	24	5	60	17	10	11	68	30	15	49	45	8	86	23	4	107	61	14
Firearms	49	37	9,240	22	14	1,370	31	27	818	38	32	1,856	48	42	1,781	58	48	1,305	76	63	2,110
Food and Drug	12	4	37	9	0	33	37	48	3	--	--	0	--	--	0	--	--	1	--	--	0
Forgery/Counter/Copyright	16	12	111	7	0	43	9	8	12	12	9	15	22	25	12	26	23	10	34	31	19
Fraud/Theft/Embezzlement	22	12	5,456	19	10	3,850	22	14	446	27	19	508	35	26	224	34	24	155	35	30	273
Immigration	12	8	17,615	7	4	6,390	10	8	4,138	14	12	3,968	21	18	1,792	29	27	829	35	30	498
Individual Rights	41	18	91	41	20	82	100	0	3	--	--	2	--	--	0	10	3	3	--	--	1
Kidnapping	182	160	127	144	120	42	139	120	17	180	186	17	178	168	13	198	210	13	271	235	25
Manslaughter	86	68	80	68	60	47	94	87	8	120	97	12	87	87	6	--	--	2	176	180	5
Money Laundering	61	33	1,191	41	24	844	73	51	114	104	72	125	137	99	48	129	108	23	191	180	37
Murder	260	240	408	258	221	152	266	240	54	254	216	77	224	192	39	287	270	28	279	300	58
National Defense	37	17	174	20	12	133	29	34	12	47	40	9	--	--	1	--	--	0	155	180	19
Obscenity/Other Sex Offenses	22	18	342	24	15	45	21	12	42	17	13	91	18	17	58	27	27	48	27	25	58
Prison Offenses	12	9	499	5	2	28	4	2	9	5	4	102	11	8	105	14	12	86	17	15	169
Robbery	106	96	1,443	81	65	369	96	84	171	104	90	280	114	108	197	119	102	135	133	120	291
Sexual Abuse	207	180	1,499	198	180	1,006	201	180	151	212	180	139	211	204	73	268	262	79	284	240	51
Stalking/Harassing	27	18	265	21	16	133	27	20	41	25	17	29	25	24	19	31	21	14	51	51	29
Tax	14	9	496	13	7	424	19	12	38	15	15	20	25	29	4	13	18	3	26	12	7
Other	3	0	669	2	0	553	3	0	36	5	1	49	4	4	16	13	12	7	30	21	8

<sup>1</sup> Of the 64,142 cases, 379 cases were excluded due to one of the following reasons: missing Criminal History Category (378) or missing or indeterminable 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, 2022 Datafile, USSCFY22.

Table 28

**LENGTH OF IMPRISONMENT BY CRIMINAL HISTORY CATEGORY AND TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL						CRIMINAL HISTORY CATEGORY														
	I		II		III		IV		V		VI										
	Mean Mths	Median Mths	Mean Mths	Median Mths	Mean Mths	Median Mths	Mean Mths	Median Mths	Mean Mths	Median Mths	Mean Mths	Median Mths									
<b>TOTAL</b>	<b>56</b>	<b>30</b>	<b>58,815</b>	<b>46</b>	<b>24</b>	<b>22,366</b>	<b>40</b>	<b>15</b>	<b>8,420</b>	<b>50</b>	<b>24</b>	<b>10,538</b>	<b>61</b>	<b>40</b>	<b>6,481</b>	<b>75</b>	<b>51</b>	<b>4,190</b>	<b>99</b>	<b>77</b>	<b>6,820</b>
Administration of Justice	16	12	469	13	9	258	14	12	45	16	12	60	16	18	30	20	18	34	32	30	42
Antitrust	12	15	3	12	15	3	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Arson	48	48	99	38	35	46	55	44	12	43	30	17	59	60	10	60	60	3	76	72	11
Assault	69	46	782	46	27	255	57	42	84	76	42	143	76	60	99	87	68	72	102	84	129
Bribery/Corruption	24	17	277	23	15	246	45	39	8	23	21	11	8	2	4	--	--	2	48	41	6
Burglary/Trespass	25	18	82	9	5	26	43	14	5	16	19	15	22	21	8	30	31	12	51	33	16
Child Pornography	111	96	1,417	98	78	1,000	135	120	125	136	120	189	162	144	51	191	166	28	158	145	24
Commercialized Vice	33	20	53	31	18	25	65	60	5	22	15	11	31	27	3	--	--	1	41	37	8
Drug Possession	6	0	105	2	0	36	3	0	17	3	0	16	13	1	7	2	0	6	17	7	23
Drug Trafficking	80	60	19,254	56	42	7,833	72	60	2,243	82	66	2,990	95	84	1,936	107	96	1,328	126	120	2,924
Environmental	10	7	47	10	7	40	12	8	4	9	11	3	--	--	0	--	--	0	--	--	0
Extortion/Racketeering	52	30	93	33	21	43	17	2	9	68	30	15	49	45	8	86	23	4	107	61	14
Firearms	51	41	8,698	28	21	1,030	33	27	756	40	33	1,778	49	42	1,749	58	50	1,287	77	63	2,098
Food and Drug	19	10	24	14	7	20	37	48	3	--	--	0	--	--	0	--	--	1	--	--	0
Forgery/Counter/Copyright	19	18	86	10	8	27	9	9	10	14	15	12	25	26	10	27	34	9	35	32	18
Fraud/Theft/Embezzlement	28	21	4,157	26	18	2,744	26	20	362	31	24	437	36	27	211	36	27	146	37	30	257
Immigration	13	9	16,854	7	4	5,738	10	8	4,082	14	12	3,927	21	18	1,785	29	27	825	35	30	497
Individual Rights	63	36	60	60	36	56	--	--	1	--	--	1	--	--	0	--	--	1	--	--	1
Kidnapping	188	168	123	159	121	38	139	120	17	180	186	17	178	168	13	198	210	13	271	235	25
Manslaughter	88	74	78	71	60	45	94	87	8	120	97	12	87	87	6	--	--	2	176	180	5
Money Laundering	69	41	1,038	49	30	702	78	57	107	107	78	121	137	99	48	129	108	23	191	180	37
Murder	260	240	407	258	221	152	266	240	54	254	216	77	224	192	39	287	270	28	284	300	57
National Defense	46	30	136	26	24	97	35	40	10	47	40	9	--	--	1	--	--	0	155	180	19
Obscenity/Other Sex Offenses	23	18	324	29	18	38	22	12	39	18	13	87	17	16	56	27	27	47	28	25	57
Prison Offenses	12	9	479	8	6	15	4	2	9	6	4	100	11	8	104	13	12	84	18	15	167
Robbery	107	96	1,421	84	72	352	97	84	169	105	90	278	113	108	197	120	103	134	133	120	291
Sexual Abuse	208	180	1,492	199	180	999	200	180	151	212	180	139	211	204	73	268	262	79	284	240	51
Stalking/Harassing	30	24	232	26	20	104	28	21	38	24	15	29	26	24	18	31	21	14	51	51	29
Tax	21	14	302	20	13	248	24	15	30	22	20	13	29	30	3	--	--	2	30	24	6
Other	8	2	223	7	1	150	6	2	17	7	5	31	5	5	12	15	12	5	30	21	8

<sup>1</sup> Of the 64,142 cases, 4,738 with zero months of prison ordered were excluded. In addition, 589 cases were excluded due to one or both of the following reasons: missing Criminal History Category (305) or missing or indeterminate sentencing information (336). 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, 2022 Datafile, USSCFY22.



# **SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES**

---

Table 29

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2022**

	N	%
<b>TOTAL CASES</b>	<b>63,896</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>43,351</b>	<b>67.8</b>
Within Guideline Range	26,785	41.9
Upward Departure <sup>2</sup>	361	0.6
Downward Departure		
§5K1.1 Substantial Assistance	6,626	10.4
§5K3.1 Early Disposition Program	6,623	10.4
Other Government Motion <sup>3</sup>	1,452	2.3
Non-Government Departure <sup>4</sup>	1,504	2.4
<b>VARIANCES</b>	<b>20,545</b>	<b>32.2</b>
Upward Variance <sup>5</sup>	1,477	2.3
Downward Variance		
Government Motion <sup>6</sup>	6,138	9.6
Non-Government Variance <sup>7</sup>	12,930	20.2

<sup>1</sup> Of the 64,142 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

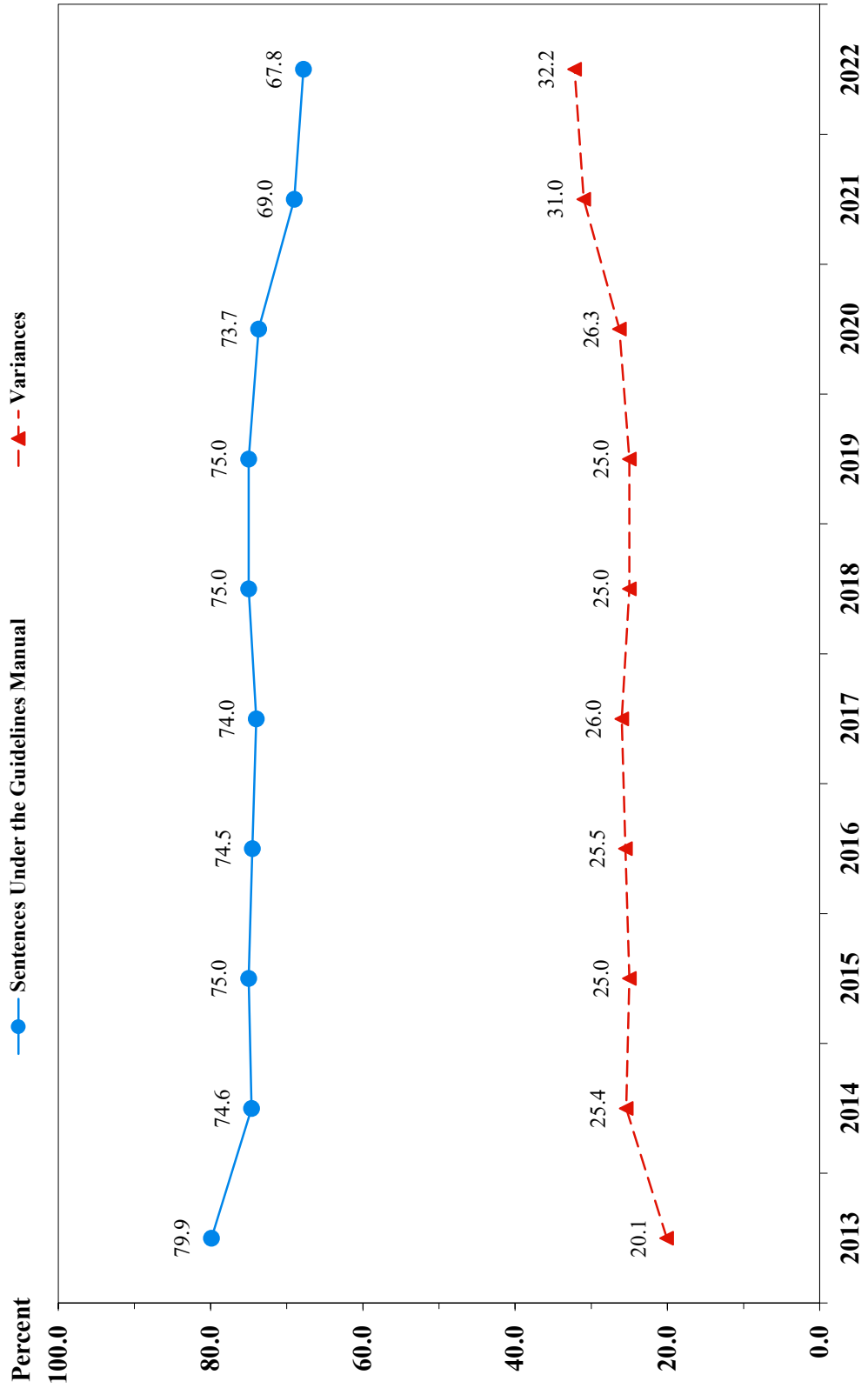
<sup>5</sup> Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

<sup>6</sup> 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.

<sup>7</sup> 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, 2022 Datafile, USSCFY22.

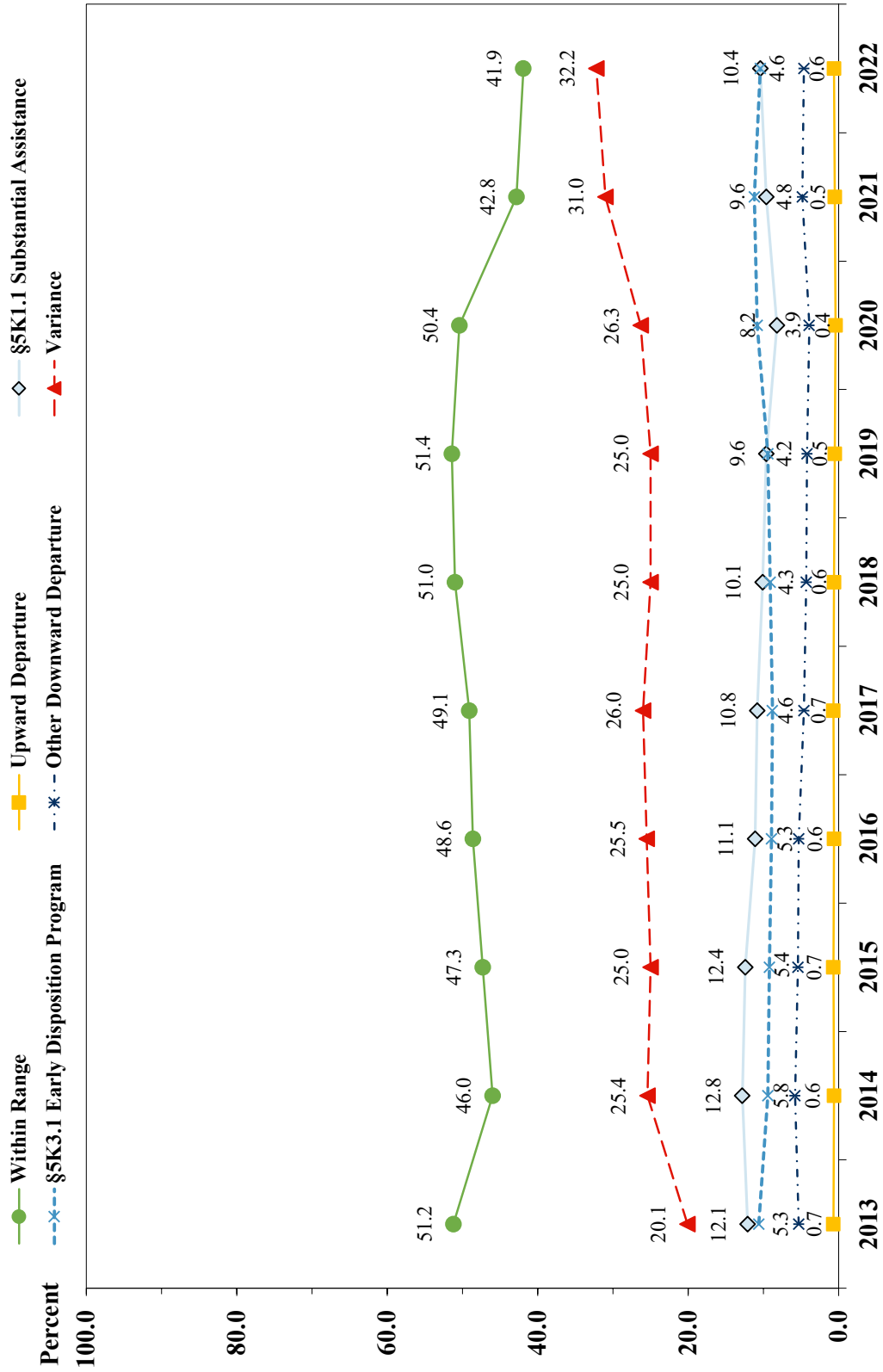
**Figure 8**  
**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



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

SOURCE: U.S. Sentencing Commission, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

**Figure 9**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



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

SOURCE: U.S. Sentencing Commission, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

Table 30

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2022**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>63,896</b>	<b>26,785</b>	<b>41.9</b>	<b>361</b>	<b>0.6</b>	<b>6,626</b>	<b>10.4</b>	<b>6,623</b>	<b>10.4</b>	<b>2,956</b>	<b>4.6</b>	<b>20,545</b>	<b>32.2</b>
<b>D.C. CIRCUIT</b>	<b>311</b>	<b>166</b>	<b>53.4</b>	<b>1</b>	<b>0.3</b>	<b>37</b>	<b>11.9</b>	<b>2</b>	<b>0.6</b>	<b>12</b>	<b>3.9</b>	<b>93</b>	<b>29.9</b>
District of Columbia	311	166	53.4	1	0.3	37	11.9	2	0.6	12	3.9	93	29.9
<b>FIRST CIRCUIT</b>	<b>1,750</b>	<b>546</b>	<b>31.2</b>	<b>4</b>	<b>0.2</b>	<b>185</b>	<b>10.6</b>	<b>0</b>	<b>0.0</b>	<b>102</b>	<b>5.8</b>	<b>913</b>	<b>52.2</b>
Maine	180	33	18.3	1	0.6	44	24.4	0	0.0	4	2.2	98	54.4
Massachusetts	466	120	25.8	1	0.2	64	13.7	0	0.0	37	7.9	244	52.4
New Hampshire	180	37	20.6	0	0.0	15	8.3	0	0.0	8	4.4	120	66.7
Puerto Rico	815	337	41.3	2	0.2	52	6.4	0	0.0	51	6.3	373	45.8
Rhode Island	109	19	17.4	0	0.0	10	9.2	0	0.0	2	1.8	78	71.6
<b>SECOND CIRCUIT</b>	<b>3,267</b>	<b>847</b>	<b>25.9</b>	<b>22</b>	<b>0.7</b>	<b>451</b>	<b>13.8</b>	<b>2</b>	<b>0.1</b>	<b>144</b>	<b>4.4</b>	<b>1,801</b>	<b>55.1</b>
Connecticut	335	97	29.0	0	0.0	36	10.7	0	0.0	43	12.8	159	47.5
New York													
Eastern	691	151	21.9	4	0.6	132	19.1	1	0.1	57	8.2	346	50.1
Northern	399	197	49.4	4	1.0	88	22.1	1	0.3	11	2.8	98	24.6
Southern	1,297	248	19.1	1	0.1	115	8.9	0	0.0	28	2.2	905	69.8
Western	410	131	32.0	13	3.2	58	14.1	0	0.0	2	0.5	206	50.2
Vermont	135	23	17.0	0	0.0	22	16.3	0	0.0	3	2.2	87	64.4
<b>THIRD CIRCUIT</b>	<b>2,349</b>	<b>918</b>	<b>39.1</b>	<b>10</b>	<b>0.4</b>	<b>415</b>	<b>17.7</b>	<b>5</b>	<b>0.2</b>	<b>59</b>	<b>2.5</b>	<b>942</b>	<b>40.1</b>
Delaware	81	34	42.0	1	1.2	6	7.4	2	2.5	6	7.4	32	39.5
New Jersey	639	237	37.1	0	0.0	120	18.8	0	0.0	4	0.6	278	43.5
Pennsylvania													
Eastern	501	145	28.9	1	0.2	131	26.1	0	0.0	16	3.2	208	41.5
Middle	438	207	47.3	3	0.7	78	17.8	3	0.7	22	5.0	125	28.5
Western	634	252	39.7	5	0.8	77	12.1	0	0.0	11	1.7	289	45.6
Virgin Islands	56	43	76.8	0	0.0	3	5.4	0	0.0	0	0.0	10	17.9
<b>FOURTH CIRCUIT</b>	<b>4,631</b>	<b>2,131</b>	<b>46.0</b>	<b>33</b>	<b>0.7</b>	<b>704</b>	<b>15.2</b>	<b>2</b>	<b>0.0</b>	<b>128</b>	<b>2.8</b>	<b>1,633</b>	<b>35.3</b>
Maryland	560	147	26.3	6	1.1	107	19.1	0	0.0	29	5.2	271	48.4
North Carolina													
Eastern	734	378	51.5	5	0.7	179	24.4	0	0.0	10	1.4	162	22.1
Middle	403	206	51.1	3	0.7	34	8.4	0	0.0	4	1.0	156	38.7
Western	551	293	53.2	0	0.0	74	13.4	0	0.0	4	0.7	180	32.7
South Carolina	601	208	34.6	5	0.8	164	27.3	0	0.0	21	3.5	203	33.8
Virginia													
Eastern	911	486	53.3	8	0.9	50	5.5	0	0.0	45	4.9	322	35.3
Western	279	97	34.8	4	1.4	47	16.8	0	0.0	14	5.0	117	41.9
West Virginia													
Northern	323	190	58.8	0	0.0	29	9.0	2	0.6	1	0.3	101	31.3
Southern	269	126	46.8	2	0.7	20	7.4	0	0.0	0	0.0	121	45.0

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,805</b>	<b>10,277</b>	<b>61.2</b>	<b>49</b>	<b>0.3</b>	<b>1,070</b>	<b>6.4</b>	<b>1,204</b>	<b>7.2</b>	<b>913</b>	<b>5.4</b>	<b>3,292</b>	<b>19.6</b>
Louisiana													
Eastern	298	173	58.1	1	0.3	32	10.7	0	0.0	4	1.3	88	29.5
Middle	103	54	52.4	1	1.0	15	14.6	0	0.0	0	0.0	33	32.0
Western	306	194	63.4	4	1.3	45	14.7	0	0.0	5	1.6	58	19.0
Mississippi													
Northern	130	56	43.1	0	0.0	29	22.3	0	0.0	0	0.0	45	34.6
Southern	323	223	69.0	0	0.0	29	9.0	1	0.3	1	0.3	69	21.4
Texas													
Eastern	672	369	54.9	2	0.3	53	7.9	0	0.0	5	0.7	243	36.2
Northern	1,650	1,008	61.1	11	0.7	154	9.3	0	0.0	25	1.5	452	27.4
Southern	7,267	3,501	48.2	24	0.3	483	6.6	1,132	15.6	729	10.0	1,398	19.2
Western	6,056	4,699	77.6	6	0.1	230	3.8	71	1.2	144	2.4	906	15.0
<b>SIXTH CIRCUIT</b>	<b>4,933</b>	<b>1,889</b>	<b>38.3</b>	<b>21</b>	<b>0.4</b>	<b>935</b>	<b>19.0</b>	<b>8</b>	<b>0.2</b>	<b>180</b>	<b>3.6</b>	<b>1,900</b>	<b>38.5</b>
Kentucky													
Eastern	497	246	49.5	1	0.2	80	16.1	0	0.0	3	0.6	167	33.6
Western	263	77	29.3	2	0.8	78	29.7	6	2.3	18	6.8	82	31.2
Michigan													
Eastern	716	228	31.8	0	0.0	86	12.0	0	0.0	19	2.7	383	53.5
Western	265	131	49.4	5	1.9	47	17.7	1	0.4	9	3.4	72	27.2
Ohio													
Northern	1,140	482	42.3	8	0.7	222	19.5	0	0.0	22	1.9	406	35.6
Southern	582	140	24.1	3	0.5	143	24.6	0	0.0	89	15.3	207	35.6
Tennessee													
Eastern	753	344	45.7	2	0.3	187	24.8	1	0.1	13	1.7	206	27.4
Middle	285	60	21.1	0	0.0	25	8.8	0	0.0	4	1.4	196	68.8
Western	432	181	41.9	0	0.0	67	15.5	0	0.0	3	0.7	181	41.9
<b>SEVENTH CIRCUIT</b>	<b>2,479</b>	<b>929</b>	<b>37.5</b>	<b>7</b>	<b>0.3</b>	<b>237</b>	<b>9.6</b>	<b>1</b>	<b>0.0</b>	<b>117</b>	<b>4.7</b>	<b>1,188</b>	<b>47.9</b>
Illinois													
Central	278	104	37.4	1	0.4	43	15.5	1	0.4	3	1.1	126	45.3
Northern	619	181	29.2	3	0.5	48	7.8	0	0.0	32	5.2	355	57.4
Southern	261	149	57.1	2	0.8	38	14.6	0	0.0	5	1.9	67	25.7
Indiana													
Northern	327	163	49.8	0	0.0	31	9.5	0	0.0	10	3.1	123	37.6
Southern	515	226	43.9	0	0.0	48	9.3	0	0.0	2	0.4	239	46.4
Wisconsin													
Eastern	336	70	20.8	0	0.0	23	6.8	0	0.0	11	3.3	232	69.0
Western	143	36	25.2	1	0.7	6	4.2	0	0.0	54	37.8	46	32.2
<b>EIGHTH CIRCUIT</b>	<b>5,094</b>	<b>2,181</b>	<b>42.8</b>	<b>45</b>	<b>0.9</b>	<b>586</b>	<b>11.5</b>	<b>15</b>	<b>0.3</b>	<b>80</b>	<b>1.6</b>	<b>2,187</b>	<b>42.9</b>
Arkansas													
Eastern	553	313	56.6	0	0.0	48	8.7	0	0.0	4	0.7	188	34.0
Western	219	78	35.6	0	0.0	24	11.0	0	0.0	1	0.5	116	53.0
Iowa													
Northern	333	163	48.9	14	4.2	53	15.9	0	0.0	6	1.8	97	29.1
Southern	454	163	35.9	4	0.9	56	12.3	0	0.0	2	0.4	229	50.4
Minnesota	323	99	30.7	3	0.9	39	12.1	2	0.6	11	3.4	169	52.3
Missouri													
Eastern	1,031	422	40.9	4	0.4	91	8.8	0	0.0	3	0.3	511	49.6
Western	808	296	36.6	0	0.0	112	13.9	0	0.0	11	1.4	389	48.1
Nebraska	471	231	49.0	0	0.0	24	5.1	12	2.5	8	1.7	196	41.6
North Dakota	344	110	32.0	5	1.5	137	39.8	1	0.3	2	0.6	89	25.9
South Dakota	558	306	54.8	15	2.7	2	0.4	0	0.0	32	5.7	203	36.4

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,114</b>	<b>2,673</b>	<b>22.1</b>	<b>103</b>	<b>0.9</b>	<b>903</b>	<b>7.5</b>	<b>4,782</b>	<b>39.5</b>	<b>589</b>	<b>4.9</b>	<b>3,064</b>	<b>25.3</b>
Alaska	139	38	27.3	0	0.0	27	19.4	0	0.0	0	0.0	74	53.2
Arizona	4,419	1,154	26.1	18	0.4	71	1.6	2,646	59.9	54	1.2	476	10.8
California													
Central	1,125	271	24.1	7	0.6	151	13.4	25	2.2	89	7.9	582	51.7
Eastern	364	129	35.4	1	0.3	59	16.2	8	2.2	8	2.2	159	43.7
Northern	377	61	16.2	1	0.3	32	8.5	2	0.5	19	5.0	262	69.5
Southern	3,471	411	11.8	68	2.0	172	5.0	2,069	59.6	385	11.1	366	10.5
Guam	26	15	57.7	1	3.8	7	26.9	0	0.0	0	0.0	3	11.5
Hawaii	140	39	27.9	0	0.0	42	30.0	0	0.0	1	0.7	58	41.4
Idaho	337	103	30.6	0	0.0	90	26.7	6	1.8	10	3.0	128	38.0
Montana	348	104	29.9	3	0.9	100	28.7	0	0.0	6	1.7	135	38.8
Nevada	387	93	24.0	0	0.0	17	4.4	25	6.5	5	1.3	247	63.8
Northern Mariana Islands	17	9	52.9	0	0.0	6	35.3	0	0.0	0	0.0	2	11.8
Oregon	378	59	15.6	2	0.5	79	20.9	0	0.0	8	2.1	230	60.8
Washington													
Eastern	213	64	30.0	1	0.5	42	19.7	1	0.5	3	1.4	102	47.9
Western	373	123	33.0	1	0.3	8	2.1	0	0.0	1	0.3	240	64.3
<b>TENTH CIRCUIT</b>	<b>4,736</b>	<b>1,629</b>	<b>34.4</b>	<b>49</b>	<b>1.0</b>	<b>399</b>	<b>8.4</b>	<b>597</b>	<b>12.6</b>	<b>502</b>	<b>10.6</b>	<b>1,560</b>	<b>32.9</b>
Colorado	387	129	33.3	0	0.0	88	22.7	9	2.3	11	2.8	150	38.8
Kansas	363	152	41.9	1	0.3	59	16.3	3	0.8	6	1.7	142	39.1
New Mexico	2,073	753	36.3	9	0.4	53	2.6	514	24.8	295	14.2	449	21.7
Oklahoma													
Eastern	179	81	45.3	0	0.0	44	24.6	0	0.0	8	4.5	46	25.7
Northern	433	174	40.2	33	7.6	50	11.5	0	0.0	126	29.1	50	11.5
Western	421	200	47.5	3	0.7	27	6.4	0	0.0	5	1.2	186	44.2
Utah	734	114	15.5	0	0.0	50	6.8	68	9.3	45	6.1	457	62.3
Wyoming	146	26	17.8	3	2.1	28	19.2	3	2.1	6	4.1	80	54.8
<b>ELEVENTH CIRCUIT</b>	<b>5,427</b>	<b>2,599</b>	<b>47.9</b>	<b>17</b>	<b>0.3</b>	<b>704</b>	<b>13.0</b>	<b>5</b>	<b>0.1</b>	<b>130</b>	<b>2.4</b>	<b>1,972</b>	<b>36.3</b>
Alabama													
Middle	164	64	39.0	0	0.0	44	26.8	0	0.0	0	0.0	56	34.1
Northern	442	243	55.0	2	0.5	86	19.5	0	0.0	8	1.8	103	23.3
Southern	308	139	45.1	2	0.6	67	21.8	2	0.6	8	2.6	90	29.2
Florida													
Middle	1,017	417	41.0	2	0.2	169	16.6	0	0.0	13	1.3	416	40.9
Northern	263	99	37.6	2	0.8	70	26.6	2	0.8	2	0.8	88	33.5
Southern	1,680	862	51.3	0	0.0	99	5.9	0	0.0	27	1.6	692	41.2
Georgia													
Middle	447	263	58.8	3	0.7	40	8.9	0	0.0	46	10.3	95	21.3
Northern	606	198	32.7	1	0.2	53	8.7	1	0.2	15	2.5	338	55.8
Southern	500	314	62.8	5	1.0	76	15.2	0	0.0	11	2.2	94	18.8

<sup>1</sup> Of the 64,142 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE										VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD					
		N	%	N	%	N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>63,896</b>	<b>26,785</b>	<b>41.9</b>	<b>361</b>	<b>0.6</b>	<b>6,626</b>	<b>10.4</b>	<b>6,623</b>	<b>10.4</b>	<b>2,956</b>	<b>4.6</b>	<b>20,545</b>	<b>32.2</b>		
Administration of Justice	651	315	48.4	10	1.5	29	4.5	6	0.9	32	4.9	259	39.8		
Antitrust	8	0	0.0	0	0.0	3	37.5	0	0.0	0	0.0	5	62.5		
Arson	106	44	41.5	2	1.9	15	14.2	0	0.0	6	5.7	39	36.8		
Assault	837	388	46.4	25	3.0	33	3.9	3	0.4	76	9.1	312	37.3		
Bribery/Corruption	360	64	17.8	0	0.0	106	29.4	0	0.0	16	4.4	174	48.3		
Burglary/Trespass	111	79	71.2	5	4.5	5	4.5	0	0.0	6	5.4	16	14.4		
Child Pornography	1,435	489	34.1	10	0.7	28	2.0	3	0.2	68	4.7	837	58.3		
Commercialized Vice	73	30	41.1	7	9.6	9	12.3	0	0.0	6	8.2	21	28.8		
Drug Possession	265	232	87.5	1	0.4	1	0.4	0	0.0	0	0.0	31	11.7		
Drug Trafficking	19,923	5,468	27.4	68	0.3	4,104	20.6	1,638	8.2	973	4.9	7,672	38.5		
Environmental	145	70	48.3	0	0.0	17	11.7	1	0.7	5	3.4	52	35.9		
Extortion/Racketeering	115	37	32.2	0	0.0	14	12.2	1	0.9	10	8.7	53	46.1		
Firearms	9,310	4,753	51.1	73	0.8	482	5.2	9	0.1	350	3.8	3,643	39.1		
Food and Drug	38	23	60.5	0	0.0	0	0.0	0	0.0	1	2.6	14	36.8		
Forgery/Counter/Copyright	111	52	46.8	1	0.9	12	10.8	0	0.0	4	3.6	42	37.8		
Fraud/Theft/Embezzlement	5,488	2,303	42.0	63	1.1	714	13.0	9	0.2	179	3.3	2,220	40.5		
Immigration	17,597	9,334	53.0	23	0.1	204	1.2	4,933	28.0	887	5.0	2,216	12.6		
Individual Rights	91	38	41.8	0	0.0	15	16.5	0	0.0	5	5.5	33	36.3		
Kidnapping	128	43	33.6	0	0.0	24	18.8	0	0.0	7	5.5	54	42.2		
Manslaughter	80	33	41.3	10	12.5	1	1.3	0	0.0	4	5.0	32	40.0		
Money Laundering	1,191	310	26.0	12	1.0	315	26.4	11	0.9	58	4.9	485	40.7		
Murder	410	133	32.4	10	2.4	113	27.6	0	0.0	18	4.4	136	33.2		
National Defense	177	71	40.1	0	0.0	27	15.3	4	2.3	16	9.0	59	33.3		
Obscenity/Other Sex Offenses	343	165	48.1	4	1.2	0	0.0	0	0.0	12	3.5	162	47.2		
Prison Offenses	498	322	64.7	3	0.6	6	1.2	3	0.6	25	5.0	139	27.9		
Robbery	1,444	542	37.5	8	0.6	181	12.5	0	0.0	75	5.2	638	44.2		
Sexual Abuse	1,499	610	40.7	16	1.1	85	5.7	0	0.0	75	5.0	713	47.6		
Stalking/Harassing	263	112	42.6	4	1.5	2	0.8	1	0.4	19	7.2	125	47.5		
Tax	496	105	21.2	6	1.2	78	15.7	1	0.2	18	3.6	288	58.1		
Other	703	620	88.2	0	0.0	3	0.4	0	0.0	5	0.7	75	10.7		

<sup>1</sup> Of the 64,142 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 GUIDELINE<sup>1</sup>**  
**Fiscal Year 2022**

Guideline	Total	Within Guideline						Variance	Guideline	Total	Within Guideline						Variance
		Range	Departure			Range	Departure										
		Up	§5K1.1	§5K3.1	Down					Up	§5K1.1	§5K3.1	Down				
§2A1.1	286	84	1	91	0	14	96	§2D1.8	22	5	0	3	0	1	13		
§2A1.2	80	38	8	4	0	4	26	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	40	17	6	0	0	1	16	§2D1.10	1	0	0	1	0	0	0		
§2A1.4	39	16	3	1	0	3	16	§2D1.11	1	0	0	0	0	0	1		
§2A1.5	27	8	0	8	0	0	11	§2D1.12	3	1	0	0	0	0	2		
§2A2.1	182	63	2	23	0	7	87	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	524	232	22	9	3	61	197	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	68	53	1	0	0	3	11	§2D2.1	129	105	1	1	0	0	22		
§2A2.4	247	134	1	1	2	23	86	§2D2.2	51	41	0	3	0	1	6		
§2A3.1	139	61	1	0	0	19	58	§2D2.3	1	0	0	0	0	0	1		
§2A3.2	45	30	2	0	0	2	11	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	6	2	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	48	29	1	0	0	2	16	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	307	157	3	0	0	12	135	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	120	39	0	23	0	6	52	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	2	2	0	0	0	0	0	§2E1.1	48	16	0	9	0	6	17		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0		
§2A5.2	27	14	0	0	0	1	12	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	9	4	0	0	0	0	5		
§2A6.1	183	79	3	1	0	10	90	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	78	31	1	1	1	9	35	§2E2.1	4	0	0	0	0	2	2		
§2B1.1	5,206	2,086	61	703	7	174	2,175	§2E3.1	39	15	4	3	0	6	11		
§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	17	1	0	1	0	1	14	§2E4.1	12	1	0	2	0	0	9		
§2B1.5	7	1	0	0	0	1	5	§2E5.1	1	0	0	0	0	0	1		
§2B1.6 <sup>2</sup>	90	81	0	9	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	69	39	5	5	0	6	14	§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	39	39	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,424	536	8	179	0	75	626	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	23	6	0	3	1	1	12	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	5	1	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	119	15	0	56	0	4	44	§2G1.1	68	26	4	11	0	5	22		
§2B5.1	86	49	1	5	0	4	27	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	475	212	7	42	0	18	196		
§2B5.3	24	3	0	7	0	0	14	§2G2.1	746	265	3	38	0	28	412		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,432	489	10	28	3	68	834		
§2B6.1	3	1	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	213	41	0	45	0	12	115	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	15	2	0	4	0	0	9	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	4	3	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	33	8	1	0	0	0	24		
§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	63	20	0	12	0	4	27		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	7	2	0	1	0	0	4	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	19,603	5,337	66	4,072	1,634	938	7,556	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	208	102	2	18	0	26	60	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	2	0	2	0	0	0		
§2D1.5	8	1	0	4	0	2	1	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	11	10	0	0	0	0	1		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	9	4	0	1	0	1	3		

Table 32 (cont.)

Guideline	Within Guideline			Departure				Variance	Guideline	Within Guideline			Departure				Variance
	Total	Range	Up	§5K1.1	§5K3.1	Down	§5K1.1			§5K3.1	Down	Total	Range	Up	§5K1.1	§5K3.1	
§2H4.2	0	0	0	0	0	0	0	0	§2M5.2	118	38	0	14	4	14	48	
§2J1.1	0	0	0	0	0	0	0	0	§2M5.3	19	8	0	5	0	1	5	
§2J1.2	111	39	3	7	0	4	58	0	§2M6.1	0	0	0	0	0	0	0	
§2J1.3	13	6	0	1	0	0	6	0	§2M6.2	0	0	0	0	0	0	0	
§2J1.4	8	7	0	0	0	0	1	0	§2N1.1	14	2	0	0	0	0	12	
§2J1.5	0	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0	
§2J1.6	27	15	0	0	0	1	11	0	§2N1.3	1	0	0	0	0	0	1	
§2J1.7	0	0	0	0	0	0	0	0	§2N2.1	21	19	0	0	0	1	1	
§2J1.8	0	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	0	§2P1.1	280	186	2	2	0	5	85	
§2K1.1	1	1	0	0	0	0	0	0	§2P1.2	143	95	1	4	0	8	35	
§2K1.2	0	0	0	0	0	0	0	0	§2P1.3	2	1	0	0	0	0	1	
§2K1.3	6	3	0	1	0	0	2	0	§2P1.4	0	0	0	0	0	0	0	
§2K1.4	103	44	2	14	0	5	38	0	§2Q1.1	2	0	0	0	0	0	2	
§2K1.5	0	0	0	0	0	0	0	0	§2Q1.2	48	23	0	10	0	3	12	
§2K1.6	0	0	0	0	0	0	0	0	§2Q1.3	13	4	0	1	0	1	7	
§2K1.7	0	0	0	0	0	0	0	0	§2Q1.4	1	0	0	0	0	0	1	
§2K2.1	8,872	4,436	65	454	9	343	3,565	0	§2Q1.5	0	0	0	0	0	0	0	
§2K2.2	0	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0	
§2K2.3	0	0	0	0	0	0	0	0	§2Q2.1	69	35	0	6	1	1	26	
§2K2.4 <sup>3</sup>	361	284	6	25	0	1	45	0	§2Q2.2	0	0	0	0	0	0	0	
§2K2.5	12	7	2	0	0	0	3	0	§2R1.1	8	0	0	3	0	0	5	
§2K2.6	1	1	0	0	0	0	0	0	§2S1.1	1,001	226	1	299	7	46	422	
§2K3.1	0	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	0	§2S1.3	185	81	11	16	4	11	62	
§2L1.1	4,052	1,559	1	126	1,634	106	626	0	§2S1.4	0	0	0	0	0	0	0	
§2L1.2	11,963	6,631	22	34	3,123	747	1,406	0	§2T1.1	262	54	0	46	0	10	152	
§2L1.3	0	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0	
§2L2.1	84	22	0	41	0	0	21	0	§2T1.3	1	1	0	0	0	0	0	
§2L2.2	660	546	0	2	6	23	83	0	§2T1.4	139	26	0	30	0	3	80	
§2L2.3	0	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	0	§2T1.6	69	12	0	2	0	4	51	
§2L2.5	0	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	0	§2T1.8	0	0	0	0	0	0	0	
§2M2.1	0	0	0	0	0	0	0	0	§2T1.9	7	2	1	0	0	0	4	
§2M2.2	0	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0	
§2M2.3	0	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0	
§2M2.4	0	0	0	0	0	0	0	0	§2T3.1	14	7	5	0	1	0	1	
§2M3.1	0	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0	
§2M3.2	0	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0	
§2M3.3	0	0	0	0	0	0	0	0	§2X1.1	15	2	0	0	0	1	12	
§2M3.4	0	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	0	§2X3.1	97	27	2	22	0	2	44	
§2M3.6	0	0	0	0	0	0	0	0	§2X4.1	213	99	5	17	4	4	84	
§2M3.7	0	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	0	§2X5.2	214	178	0	0	0	0	36	
§2M3.9	0	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	0	§2X7.1	0	0	0	0	0	0	0	
§2M5.1	17	5	0	7	0	1	4	0	§2X7.2	0	0	0	0	0	0	0	
<b>TOTAL</b>									<b>62,036</b>	<b>25,398</b>	<b>358</b>	<b>6,620</b>	<b>6,444</b>	<b>2,907</b>	<b>20,309</b>		

<sup>1</sup> Of the 64,142 cases, 2,106 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 (2,068). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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.

<sup>3</sup> 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 RANGE<sup>1</sup>**  
**Fiscal Year 2022**

	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		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 CASES		TOTAL CASES		TOTAL CASES		TOTAL CASES	
<b>TOTAL</b>	<b>37,111</b>	<b>17.9</b>	<b>6,725</b>	<b>18.1</b>	<b>5,958</b>	<b>16.1</b>	<b>8,328</b>	<b>22.4</b>	<b>521</b>	<b>1.4</b>
<b>Departures</b>	<b>16,566</b>	<b>40.0</b>	<b>6,716</b>	<b>40.5</b>	<b>3,822</b>	<b>23.1</b>	<b>6,378</b>	<b>38.5</b>	<b>334</b>	<b>2.0</b>
Upward Departure	361	0.0	0	0.0	98	27.1	84	23.3	0	0.0
Downward Departure										
§5K1.1 Substantial Assistance	6,626	100.0	93	1.4	225	3.4	1,747	26.4	36	0.5
§5K3.1 Early Disposition Program	6,623	0	6,623	100.0	2,850	43.0	4,014	60.6	285	4.3
Other Government Motion	1,452	0	0	0.0	649	44.7	533	36.7	13	0.9
Non-Government Departure	1,504	0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>20,545</b>	<b>17</b>	<b>9</b>	<b>0.0</b>	<b>2,136</b>	<b>10.4</b>	<b>1,950</b>	<b>9.5</b>	<b>187</b>	<b>0.9</b>
Upward Variance	1,477	17	9	0.6	225	15.2	137	9.3	1	0.1
Downward Variance										
Government Motion	6,138	0	0	0.0	1,911	31.1	1,813	29.5	186	3.0
Non-Government Variance	12,930	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	%
<b>TOTAL</b>	<b>5,805</b>	<b>15.6</b>	<b>6,297</b>	<b>17.0</b>	<b>7,456</b>	<b>20.1</b>	<b>2,051</b>	<b>5.5</b>	<b>4,952</b>	<b>13.3</b>	<b>2,427</b>	<b>6.5</b>
<b>Departures</b>	<b>4,905</b>	<b>29.6</b>	<b>2,584</b>	<b>15.6</b>	<b>1,623</b>	<b>9.8</b>	<b>869</b>	<b>5.2</b>	<b>1,276</b>	<b>7.7</b>	<b>251</b>	<b>1.5</b>
Upward Departure	86	23.8	0	0.0	7	1.9	14	3.9	70	19.4	38	10.5
Downward Departure												
§5K1.1 Substantial Assistance	4,259	64.3	842	12.7	705	10.6	433	6.5	630	9.5	0	0.0
§5K3.1 Early Disposition Program	368	5.6	813	12.3	551	8.3	268	4.0	176	2.7	0	0.0
Other Government Motion	192	13.2	102	7.0	73	5.0	154	10.6	91	6.3	46	3.2
Non-Government Departure	0	0.0	827	55.0	287	19.1	0	0.0	309	20.5	167	11.1
<b>Variations</b>	<b>900</b>	<b>4.4</b>	<b>3,713</b>	<b>18.1</b>	<b>5,833</b>	<b>28.4</b>	<b>1,182</b>	<b>5.8</b>	<b>3,676</b>	<b>17.9</b>	<b>2,176</b>	<b>10.6</b>
Upward Variance	272	18.4	7	0.5	12	0.8	27	1.8	623	42.2	226	15.3
Downward Variance												
Government Motion	628	10.2	584	9.5	273	4.4	1,155	18.8	279	4.5	219	3.6
Non-Government Variance	0	0.0	3,122	24.1	5,548	42.9	0	0.0	2,774	21.5	1,731	13.4

<sup>1</sup> 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, 14,982 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.

<sup>2</sup> 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>23,836</b>	<b>10,290</b>	<b>43.2</b>	<b>4,793</b>	<b>20.1</b>	<b>2,602</b>	<b>10.9</b>	<b>2,879</b>	<b>12.1</b>	<b>3,272</b>	<b>13.7</b>
Administration of Justice	280	133	47.5	65	23.2	23	8.2	27	9.6	32	11.4
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	26	13	50.0	4	15.4	3	11.5	1	3.8	5	19.2
Assault	341	145	42.5	73	21.4	26	7.6	34	10.0	63	18.5
Bribery/Corruption	56	35	62.5	10	17.9	3	5.4	4	7.1	4	7.1
Burglary/Trespass	77	24	31.2	25	32.5	11	14.3	7	9.1	10	13.0
Child Pornography	363	175	48.2	71	19.6	22	6.1	47	12.9	48	13.2
Commercialized Vice	29	6	20.7	3	10.3	7	24.1	3	10.3	10	34.5
Drug Possession	217	148	68.2	54	24.9	3	1.4	6	2.8	6	2.8
Drug Trafficking	4,690	2,891	61.6	708	15.1	313	6.7	326	7.0	452	9.6
Environmental	68	54	79.4	12	17.6	1	1.5	0	0.0	1	1.5
Extortion/Racketeering	29	14	48.3	5	17.2	4	13.8	3	10.3	3	10.3
Firearms	4,276	1,876	43.9	661	15.5	549	12.8	407	9.5	783	18.3
Food and Drug	22	13	59.1	6	27.3	0	0.0	1	4.5	2	9.1
Forgery/Counter/Copyright	46	21	45.7	4	8.7	5	10.9	7	15.2	9	19.6
Fraud/Theft/Embezzlement	2,095	1,078	51.5	418	20.0	165	7.9	152	7.3	282	13.5
Immigration	8,631	2,277	26.4	2,171	25.2	1,280	14.8	1,652	19.1	1,251	14.5
Individual Rights	35	24	68.6	3	8.6	1	2.9	5	14.3	2	5.7
Kidnapping	23	10	43.5	4	17.4	2	8.7	3	13.0	4	17.4
Manslaughter	33	14	42.4	2	6.1	3	9.1	3	9.1	11	33.3
Money Laundering	272	154	56.6	48	17.6	20	7.4	23	8.5	27	9.9
Murder	39	9	23.1	12	30.8	1	2.6	10	25.6	7	17.9
National Defense	61	43	70.5	9	14.8	3	4.9	4	6.6	2	3.3
Obscenity/Other Sex Offenses	160	65	40.6	22	13.8	28	17.5	13	8.1	32	20.0
Prison Offenses	304	132	43.4	79	26.0	36	11.8	20	6.6	37	12.2
Robbery	526	245	46.6	99	18.8	43	8.2	63	12.0	76	14.4
Sexual Abuse	388	165	42.5	88	22.7	29	7.5	35	9.0	71	18.3
Stalking/Harassing	99	40	40.4	16	16.2	8	8.1	10	10.1	25	25.3
Tax	96	67	69.8	14	14.6	3	3.1	5	5.2	7	7.3
Other	554	419	75.6	107	19.3	10	1.8	8	1.4	10	1.8

<sup>1</sup> Of the 64,142 cases, 26,785 offenders were sentenced within the applicable guideline range. An additional 2,949 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, 2022 Datafile, USSCFY22.

Table 35

**EXTENT OF UPWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>357</b>	<b>86</b>	<b>29</b>	<b>99.3</b>	<b>70</b>	<b>17</b>	<b>50.0</b>
Administration of Justice	10	25	9	78.4	13	6	66.7
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	25	98	35	55.1	78	23	51.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	5	102	54	94.2	72	21	41.2
Child Pornography	10	123	23	25.0	102	21	28.3
Commercialized Vice	7	71	45	161.6	60	27	100.0
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	68	110	44	125.3	99	30	44.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	73	85	27	73.9	80	17	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	62	34	16	183.3	20	11	121.1
Immigration	23	28	8	45.3	30	8	33.7
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	10	151	45	50.3	161	29	39.5
Money Laundering	11	26	12	90.0	18	7	70.7
Murder	9	319	90	39.9	252	42	28.4
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	4	80	42	110.2	78	41	113.3
Prison Offenses	3	28	7	35.4	21	6	39.4
Robbery	8	126	21	24.5	103	21	20.1
Sexual Abuse	15	181	36	43.7	120	33	27.7
Stalking/Harassing	4	65	19	47.0	59	22	48.5
Tax	6	34	16	256.1	28	19	308.3
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 64,142 cases, in 361 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, one offender was excluded from this table. Also, three 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, 2022 Datafile, USSCFY22.

Table 36

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>1,469</b>	<b>82</b>	<b>24</b>	<b>61.9</b>	<b>60</b>	<b>13</b>	<b>34.0</b>
Administration of Justice	18	39	19	86.0	30	11	66.7
Antitrust	0	--	--	--	--	--	--
Arson	7	89	27	39.5	76	12	27.5
Assault	45	96	29	46.2	84	21	30.4
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	41	163	36	35.3	144	30	24.8
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	8	22	10	101.5	21	9	100.0
Drug Trafficking	235	99	27	80.2	84	18	30.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	6	98	11	16.7	54	8	11.6
Firearms	430	81	23	48.0	72	15	33.3
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	66	13	60.4	41	14	13.2
Fraud/Theft/Embezzlement	150	48	17	83.8	31	9	38.2
Immigration	247	29	11	70.8	20	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	5	217	37	19.8	180	24	15.9
Manslaughter	20	121	44	72.4	120	27	58.0
Money Laundering	17	62	16	46.2	40	6	33.3
Murder	11	375	116	60.6	420	83	28.8
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	23	58	26	94.4	51	21	70.4
Prison Offenses	10	40	15	57.4	34	8	46.4
Robbery	75	178	42	38.2	162	30	25.0
Sexual Abuse	52	185	49	46.0	144	31	27.1
Stalking/Harassing	16	56	21	77.1	52	13	41.9
Tax	1	--	--	--	--	--	--
Other	41	12	4	57.3	9	3	33.3

<sup>1</sup> Of the 64,142 cases, in 1,477 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, two offenders were excluded from this table. Also, six 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, 2022 Datafile, USSCFY22.

Table 37

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,495</b>	<b>52</b>	<b>55</b>	<b>55.8</b>	<b>37</b>	<b>38</b>	<b>50.0</b>
Administration of Justice	29	6	21	78.6	0	15	98.7
Antitrust	3	1	6	83.3	0	6	100.0
Arson	15	31	47	62.5	30	42	70.0
Assault	30	74	98	51.3	49	58	48.1
Bribery/Corruption	106	11	20	69.9	8	18	67.1
Burglary/Trespass	5	9	16	66.2	6	17	60.0
Child Pornography	27	84	61	42.1	87	40	30.2
Commercialized Vice	9	9	13	72.2	0	10	99.7
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	4,058	63	63	53.1	54	48	48.6
Environmental	17	3	14	89.0	0	12	100.0
Extortion/Racketeering	14	16	26	73.4	5	23	82.1
Firearms	481	36	32	52.7	27	21	46.6
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	12	6	19	73.3	1	15	86.8
Fraud/Theft/Embezzlement	714	17	27	65.1	12	19	64.0
Immigration	204	11	14	59.7	8	11	52.4
Individual Rights	15	17	21	61.4	18	18	59.9
Kidnapping	22	106	122	55.6	108	97	51.8
Manslaughter	1	--	--	--	--	--	--
Money Laundering	300	43	65	62.4	27	45	58.6
Murder	68	132	143	50.5	120	144	50.0
National Defense	27	27	62	65.1	18	34	69.6
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	6	9	16	67.7	11	12	60.9
Robbery	175	70	66	48.3	60	51	42.9
Sexual Abuse	75	101	92	45.5	87	60	38.3
Stalking/Harassing	2	--	--	--	--	--	--
Tax	76	8	19	78.1	0	18	100.0
Other	3	2	8	91.6	0	6	100.0

<sup>1</sup> Of the 64,142 cases, in 6,626 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, 76 offenders were excluded from this table. Also, 55 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.



Table 38

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,617</b>	<b>15</b>	<b>20</b>	<b>49.9</b>	<b>12</b>	<b>8</b>	<b>47.4</b>
Administration of Justice	6	8	17	74.5	5	20	86.1
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	3	36	22	41.6	18	15	45.5
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	3	85	61	36.0	75	31	23.1
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,637	30	56	64.2	26	46	64.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	9	26	17	39.9	21	13	41.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	9	8	20	74.6	6	21	71.4
Immigration	4,928	11	8	45.0	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	11	25	58	66.3	17	26	70.6
Murder	0	--	--	--	--	--	--
National Defense	4	9	20	59.0	8	20	58.0
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	3	3	3	58.3	1	3	50.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 64,142 cases, in 6,623 the offender received a §5K3.1 early disposition program departure below the guideline range. Six 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, 2022 Datafile, USSCFY22.

Table 39

**EXTENT OF OTHER DOWNWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>2,898</b>	<b>40</b>	<b>30</b>	<b>47.1</b>	<b>20</b>	<b>16</b>	<b>43.0</b>
Administration of Justice	32	10	12	60.4	6	9	54.2
Antitrust	0	--	--	--	--	--	--
Arson	5	31	54	59.3	26	33	57.1
Assault	76	33	23	50.3	24	15	44.2
Bribery/Corruption	16	7	22	81.2	0	21	99.8
Burglary/Trespass	6	14	12	47.2	16	12	39.8
Child Pornography	64	79	50	40.6	72	37	38.1
Commercialized Vice	6	10	7	45.1	12	5	25.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	957	63	48	46.7	50	35	46.3
Environmental	5	2	19	94.8	0	12	100.0
Extortion/Racketeering	9	17	14	51.0	18	12	41.3
Firearms	346	35	23	46.0	24	15	39.6
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	22	9	43.5	30	10	21.7
Fraud/Theft/Embezzlement	173	18	18	59.7	12	12	55.4
Immigration	887	13	11	44.5	10	8	42.1
Individual Rights	5	5	20	89.0	0	18	100.0
Kidnapping	7	122	63	33.1	144	33	42.4
Manslaughter	4	31	23	47.6	28	18	41.5
Money Laundering	56	49	48	58.5	17	27	50.5
Murder	13	177	94	33.5	170	96	29.8
National Defense	16	34	28	51.7	19	26	56.4
Obscenity/Other Sex Offenses	12	15	10	42.8	14	7	30.9
Prison Offenses	25	7	6	48.9	6	6	40.0
Robbery	74	75	35	36.0	60	27	31.4
Sexual Abuse	61	135	78	38.7	121	67	33.8
Stalking/Harassing	18	24	12	46.1	18	12	37.6
Tax	18	9	14	62.6	7	12	49.9
Other	3	20	6	68.3	0	4	100.0

<sup>1</sup> Of the 64,142 cases, in 2,956 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,452) or a non-government departure (1,504). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 28 offenders were excluded from this table. Also, 30 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, 2022 Datafile, USSCFY22.

**Table 40**  
**EXTENT OF DOWNWARD VARIANCES**  
**BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>18,594</b>	<b>54</b>	<b>29</b>	<b>43.7</b>	<b>33</b>	<b>17</b>	<b>35.1</b>
Administration of Justice	235	7	12	68.7	3	10	85.0
Antitrust	5	7	12	76.7	0	9	100.0
Arson	32	29	20	45.3	24	18	39.8
Assault	252	54	28	42.4	30	17	33.3
Bribery/Corruption	171	20	24	58.7	12	13	59.9
Burglary/Trespass	15	7	7	62.9	9	7	57.1
Child Pornography	765	79	50	40.2	72	42	38.1
Commercialized Vice	19	7	10	76.8	0	9	100.0
Drug Possession	21	10	7	79.1	0	1	97.0
Drug Trafficking	7,337	75	40	38.8	60	27	31.4
Environmental	52	5	13	78.5	0	12	99.9
Extortion/Racketeering	47	31	29	62.0	12	22	66.5
Firearms	3,187	35	19	42.1	27	13	31.4
Food and Drug	13	25	30	52.8	18	27	53.9
Forgery/Counter/Copyright	39	9	14	71.2	2	12	80.0
Fraud/Theft/Embezzlement	2,048	20	17	58.0	12	12	50.8
Immigration	1,966	13	9	43.9	11	6	34.8
Individual Rights	30	43	27	59.3	18	18	53.1
Kidnapping	38	122	77	41.5	120	60	35.9
Manslaughter	12	46	14	35.2	25	8	20.1
Money Laundering	450	50	38	51.2	29	22	45.1
Murder	75	184	74	29.4	180	54	25.0
National Defense	58	25	31	62.2	11	33	66.1
Obscenity/Other Sex Offenses	136	13	10	50.3	12	9	42.2
Prison Offenses	128	10	9	49.8	8	6	44.4
Robbery	552	90	31	28.8	85	24	22.8
Sexual Abuse	483	163	69	30.9	168	57	26.7
Stalking/Harassing	109	15	14	55.6	12	11	45.5
Tax	286	10	16	68.2	6	12	67.5
Other	33	4	9	76.4	0	6	99.3

<sup>1</sup> Of the 64,142 cases, in 19,068 the sentence was a variance below the guideline range, either due to a government motion for a variance (6,138) or a non-government variance (12,930). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 195 offenders were excluded from this table. Also, 279 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, 2022 Datafile, USSCFY22.

**Table 41**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2022**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	150	15.2
Dismissed and uncharged conduct (§5K2.21)	125	12.6
General aggravating circumstances (§5K2.0)	101	10.2
Pursuant to plea agreement	63	6.4
Reflect seriousness of offense/promotes respect for law/just punishment	49	4.9
The history and characteristics of the defendant	49	4.9
Afford adequate deterrence to criminal conduct	45	4.5
The nature and circumstance of the offense	38	3.8
Protect public from further crimes	37	3.7
Physical injury (§5K2.2)	22	2.2
Extreme conduct (§5K2.8)	22	2.2
Death (§5K2.1)	21	2.1
Weapons/dangerous instrumentalities (§5K2.6)	15	1.5
Age (§5H1.1)	11	1.1
Drug dependence and alcohol abuse (§5H1.4)	10	1.0
Victim impact	10	1.0
Avoid unwarranted sentencing disparity	10	1.0
Previous employment record (§5H1.5)	9	0.9
Waiver of appeal	9	0.9
Mental and emotional conditions	9	0.9
Family ties and responsibilities (§5H1.6)	8	0.8
Role in the offense	8	0.8
Aberrant behavior (§5K2.20)	7	0.7
Extreme psychological injury (§5K2.3)	6	0.6
Drug quantity	5	0.5
Deterrence	5	0.5
Rehabilitation	5	0.5
Nature or seriousness of the offense	5	0.5
Lack of remorse	5	0.5
Physical condition (§5H1.4)	4	0.4
Public welfare (§5K2.14)	4	0.4
Acceptance of responsibility	4	0.4
Waiver of indictment	4	0.4
Lack of youthful guidance/tragic or troubled childhood	4	0.4
Other	111	11.2
<b>TOTAL</b>	<b>990</b>	<b>100.0</b>

<sup>1</sup> Of the 64,142 cases, in 361 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, 990 reasons were cited for the 361 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and two 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, 2022 Datafile, USSCFY22.

**Table 42**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2022**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Reflect seriousness of offense/promotes respect for law/just punishment	1,056	15.4
Afford adequate deterrence to criminal conduct	854	12.4
Protect public from further crimes	794	11.6
The history and characteristics of the defendant	739	10.8
The nature and circumstance of the offense	729	10.6
Criminal history issues	446	6.5
General aggravating circumstances (§5K2.0)	224	3.3
Dismissed and uncharged conduct (§5K2.21)	162	2.4
Pursuant to plea agreement	131	1.9
Avoid unwarranted sentencing disparity	125	1.8
Role in the offense	115	1.7
Victim impact	113	1.6
Extreme conduct (§5K2.8)	110	1.6
Drug dependence and alcohol abuse (§5H1.4)	77	1.1
Provide correctional treatment	73	1.1
Lack of remorse	63	0.9
Provide educational or vocational training	60	0.9
Mental and emotional conditions	52	0.8
Propensity for violence	46	0.7
Acceptance of responsibility	39	0.6
Conduct while on release, bond, or supervision	38	0.6
Age (§5H1.1)	37	0.5
Lack of youthful guidance/tragic or troubled childhood	29	0.4
Aberrant behavior (§5K2.20)	28	0.4
Family ties and responsibilities (§5H1.6)	25	0.4
Provide medical care	24	0.3
Provide restitution to any victims	23	0.3
Previous employment record (§5H1.5)	22	0.3
Weapons/dangerous instrumentalities (§5K2.6)	19	0.3
General guideline adequacy issues	18	0.3
Physical condition (§5H1.4)	16	0.2
Mens Rea	16	0.2
Defendant absconded/evaded/fled arrest	14	0.2
Time served	14	0.2
Other	534	7.8
<b>TOTAL</b>	<b>6,865</b>	<b>100.0</b>

<sup>1</sup> Of the 64,142 cases, in 1,477 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, 6,865 reasons were cited for the 1,477 cases. The 'Other' category includes all reasons cited fewer than 14 times among relevant cases and 77 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, 2022 Datafile, USSCFY22.

**Table 43**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**DOWNWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2022**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Early disposition program (EDP) (§5K3.1)	6,716	13.6
Substantial assistance with government motion (§5K1.1)	6,626	13.4
The history and characteristics of the defendant	3,738	7.6
Family ties and responsibilities (§5H1.6)	2,019	4.1
Criminal history issues	1,981	4.0
Reflect seriousness of offense/promotes respect for law/just punishment	1,949	4.0
Afford adequate deterrence to criminal conduct	1,846	3.7
The nature and circumstance of the offense	1,819	3.7
General mitigating circumstances (§5K2.0)	1,784	3.6
Avoid unwarranted sentencing disparity	1,274	2.6
Drug dependence and alcohol abuse (§5H1.4)	1,200	2.4
Age (§5H1.1)	1,168	2.4
Protect public from further crimes	1,056	2.1
Rehabilitation	960	1.9
Mental and emotional conditions	926	1.9
Pursuant to plea agreement	876	1.8
First Step Act safety valve expansion	838	1.7
Previous employment record (§5H1.5)	831	1.7
Physical condition (§5H1.4)	818	1.7
Acceptance of responsibility	789	1.6
Remorse	784	1.6
COVID-19/pandemic	758	1.5
Lack of youthful guidance/tragic or troubled childhood	745	1.5
Role in the offense	642	1.3
Conduct while on release, bond, or supervision	502	1.0
Nonviolent offense/offender	488	1.0
Waiver of appeal	455	0.9
Aberrant behavior (§5K2.20)	409	0.8
Early plea	353	0.7
Waiver of indictment	272	0.6
Provide correctional treatment	268	0.5
Community ties (§5H1.6)	214	0.4
Provide educational or vocational training	205	0.4
Other	3,967	8.1
<b>TOTAL</b>	<b>49,276</b>	<b>100.0</b>

<sup>1</sup> Of the 64,142 cases, in 16,205 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, 49,276 reasons were cited for the 16,205 cases. The 'Other' category includes all reasons cited fewer than 160 times among relevant cases and 194 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.

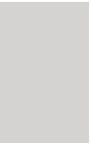
SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table 44**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**DOWNWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2022**

<b>REASONS</b>	<b>N</b>	<b>%</b>
The history and characteristics of the defendant	12,238	12.0
Reflect seriousness of offense/promotes respect for law/just punishment	9,114	8.9
Afford adequate deterrence to criminal conduct	7,737	7.6
The nature and circumstance of the offense	7,299	7.2
Protect public from further crimes	5,238	5.1
Family ties and responsibilities (§5H1.6)	4,287	4.2
Avoid unwarranted sentencing disparity	4,129	4.1
Criminal history issues	3,974	3.9
Acceptance of responsibility	2,921	2.9
Drug dependence and alcohol abuse (§5H1.4)	2,877	2.8
Age (§5H1.1)	2,869	2.8
Remorse	2,768	2.7
Mental and emotional conditions	2,517	2.5
Previous employment record (§5H1.5)	2,347	2.3
Lack of youthful guidance/tragic or troubled childhood	2,278	2.2
Role in the offense	2,166	2.1
Rehabilitation	1,996	2.0
Provide correctional treatment	1,505	1.5
Nonviolent offense/offender	1,484	1.5
General mitigating circumstances (§5K2.0)	1,414	1.4
Provide educational or vocational training	1,349	1.3
Conduct while on release, bond, or supervision	1,299	1.3
Physical condition (§5H1.4)	1,221	1.2
Pursuant to plea agreement	946	0.9
Community ties (§5H1.6)	868	0.9
Cooperation without motion (not §5K1.1)	818	0.8
Aberrant behavior (§5K2.20)	809	0.8
Provide medical care	794	0.8
Provide restitution to any victims	776	0.8
Early plea	753	0.7
First Step Act safety valve expansion	743	0.7
Waiver of appeal	685	0.7
COVID-19/pandemic	625	0.6
Other	9,099	8.9
<b>TOTAL</b>	<b>101,943</b>	<b>100.0</b>

<sup>1</sup> Of the 64,142 cases, in 19,068 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, 101,943 reasons were cited for the 19,068 cases. The 'Other' category includes all reasons cited fewer than 500 times among relevant cases and 933 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, 2022 Datafile, USSCFY22.



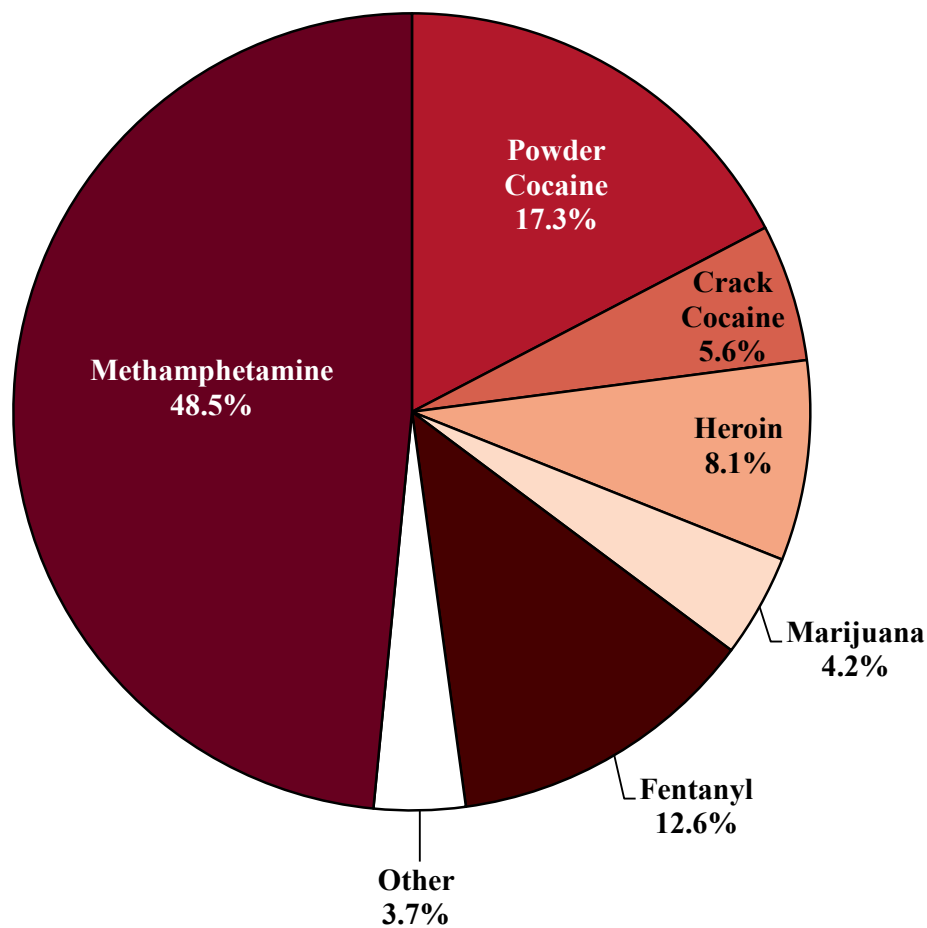


# DRUG OFFENSES

---

**Figure D-1**

**DISTRIBUTION OF PRIMARY DRUG TYPE  
IN FEDERAL DRUG CASES<sup>1,2</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, in 20,037 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.

<sup>2</sup> The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (301), MDMA/Ecstasy/MDA (72), and Synthetic Cannabinoid (59).

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table D-1**  
**PRIMARY DRUG TYPE OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

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	%
<b>TOTAL</b>	<b>19,851</b>	<b>98.8</b>	<b>208</b>	<b>1.0</b>	<b>8</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>22</b>	<b>0.1</b>	<b>1</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Powder Cocaine</b>	<b>3,303</b>	<b>95.5</b>	<b>149</b>	<b>4.3</b>	<b>2</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Crack Cocaine</b>	<b>1,086</b>	<b>98.3</b>	<b>16</b>	<b>1.4</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Heroin</b>	<b>1,598</b>	<b>98.9</b>	<b>11</b>	<b>0.7</b>	<b>2</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>5</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Marijuana</b>	<b>796</b>	<b>98.8</b>	<b>7</b>	<b>0.9</b>	<b>1</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.1</b>	<b>1</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>
<b>Methamphetamine</b>	<b>9,653</b>	<b>99.7</b>	<b>17</b>	<b>0.2</b>	<b>2</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>9</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Fentanyl</b>	<b>2,501</b>	<b>99.6</b>	<b>8</b>	<b>0.3</b>	<b>1</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Other</b>	<b>675</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 2022 Datafile, USSCFY22.

**Table D-2**  
**RACE OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,827</b>		<b>5,134</b>	<b>25.9</b>	<b>5,574</b>	<b>28.1</b>	<b>8,475</b>	<b>42.7</b>	<b>644</b>	<b>3.2</b>
<b>Powder Cocaine</b>	<b>3,455</b>		192	5.6	901	26.1	2,319	67.1	43	1.2
<b>Crack Cocaine</b>	<b>1,104</b>		81	7.3	870	78.8	147	13.3	6	0.5
<b>Heroin</b>	<b>1,614</b>		321	19.9	583	36.1	686	42.5	24	1.5
<b>Marijuana</b>	<b>804</b>		139	17.3	230	28.6	392	48.8	43	5.3
<b>Methamphetamine</b>	<b>9,668</b>		3,684	38.1	1,717	17.8	3,867	40.0	400	4.1
<b>Fentanyl</b>	<b>2,508</b>		471	18.8	1,038	41.4	954	38.0	45	1.8
<b>Other</b>	<b>674</b>		246	36.5	235	34.9	110	16.3	83	12.3

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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 19,851 cases, 24 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, 2022 Datafile, USSCFY22.

**Table D-3**  
**GENDER OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>19,850</b>	<b>16,320</b>	<b>82.2</b>	<b>3,530</b>	<b>17.8</b>
<b>Powder Cocaine</b>	<b>3,457</b>	<b>3,109</b>	<b>89.9</b>	<b>348</b>	<b>10.1</b>
<b>Crack Cocaine</b>	<b>1,105</b>	<b>991</b>	<b>89.7</b>	<b>114</b>	<b>10.3</b>
<b>Heroin</b>	<b>1,616</b>	<b>1,334</b>	<b>82.5</b>	<b>282</b>	<b>17.5</b>
<b>Marijuana</b>	<b>805</b>	<b>728</b>	<b>90.4</b>	<b>77</b>	<b>9.6</b>
<b>Methamphetamine</b>	<b>9,681</b>	<b>7,560</b>	<b>78.1</b>	<b>2,121</b>	<b>21.9</b>
<b>Fentanyl</b>	<b>2,511</b>	<b>2,068</b>	<b>82.4</b>	<b>443</b>	<b>17.6</b>
<b>Other</b>	<b>675</b>	<b>530</b>	<b>78.5</b>	<b>145</b>	<b>21.5</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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 19,851 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, 2022 Datafile, USSCFY22.

**Table D-4**  
**AGE OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

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	%	N	%	N	%	N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>19,851</b>	<b>354</b>	<b>1.8</b>	<b>2,094</b>	<b>10.5</b>	<b>3,229</b>	<b>16.3</b>	<b>3,746</b>	<b>18.9</b>	<b>3,516</b>	<b>17.7</b>	<b>4,680</b>	<b>23.6</b>	<b>1,709</b>	<b>8.6</b>	<b>523</b>	<b>2.6</b>
<b>Powder Cocaine</b>	<b>3,457</b>	<b>53</b>	<b>1.5</b>	<b>297</b>	<b>8.6</b>	<b>512</b>	<b>14.8</b>	<b>620</b>	<b>17.9</b>	<b>612</b>	<b>17.7</b>	<b>928</b>	<b>26.8</b>	<b>346</b>	<b>10.0</b>	<b>89</b>	<b>2.6</b>
<b>Crack Cocaine</b>	<b>1,105</b>	<b>16</b>	<b>1.4</b>	<b>95</b>	<b>8.6</b>	<b>195</b>	<b>17.6</b>	<b>216</b>	<b>19.5</b>	<b>219</b>	<b>19.8</b>	<b>257</b>	<b>23.3</b>	<b>85</b>	<b>7.7</b>	<b>22</b>	<b>2.0</b>
<b>Heroin</b>	<b>1,616</b>	<b>15</b>	<b>0.9</b>	<b>136</b>	<b>8.4</b>	<b>301</b>	<b>18.6</b>	<b>318</b>	<b>19.7</b>	<b>294</b>	<b>18.2</b>	<b>375</b>	<b>23.2</b>	<b>132</b>	<b>8.2</b>	<b>45</b>	<b>2.8</b>
<b>Marijuana</b>	<b>806</b>	<b>31</b>	<b>3.8</b>	<b>157</b>	<b>19.5</b>	<b>144</b>	<b>17.9</b>	<b>122</b>	<b>15.1</b>	<b>126</b>	<b>15.6</b>	<b>155</b>	<b>19.2</b>	<b>49</b>	<b>6.1</b>	<b>22</b>	<b>2.7</b>
<b>Methamphetamine</b>	<b>9,681</b>	<b>149</b>	<b>1.5</b>	<b>947</b>	<b>9.8</b>	<b>1,433</b>	<b>14.8</b>	<b>1,875</b>	<b>19.4</b>	<b>1,770</b>	<b>18.3</b>	<b>2,393</b>	<b>24.7</b>	<b>860</b>	<b>8.9</b>	<b>254</b>	<b>2.6</b>
<b>Fentanyl</b>	<b>2,511</b>	<b>85</b>	<b>3.4</b>	<b>385</b>	<b>15.3</b>	<b>519</b>	<b>20.7</b>	<b>494</b>	<b>19.7</b>	<b>382</b>	<b>15.2</b>	<b>446</b>	<b>17.8</b>	<b>169</b>	<b>6.7</b>	<b>31</b>	<b>1.2</b>
<b>Other</b>	<b>675</b>	<b>5</b>	<b>0.7</b>	<b>77</b>	<b>11.4</b>	<b>125</b>	<b>18.5</b>	<b>101</b>	<b>15.0</b>	<b>113</b>	<b>16.7</b>	<b>126</b>	<b>18.7</b>	<b>68</b>	<b>10.1</b>	<b>60</b>	<b>8.9</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 2022 Datafile, USSCFY22.

**Table D-5**  
**CITIZENSHIP OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>19,843</b>	<b>16,662</b>	<b>84.0</b>	<b>3,181</b>	<b>16.0</b>
<b>Powder Cocaine</b>	<b>3,452</b>	<b>2,338</b>	<b>67.7</b>	<b>1,114</b>	<b>32.3</b>
<b>Crack Cocaine</b>	<b>1,105</b>	<b>1,088</b>	<b>98.5</b>	<b>17</b>	<b>1.5</b>
<b>Heroin</b>	<b>1,616</b>	<b>1,340</b>	<b>82.9</b>	<b>276</b>	<b>17.1</b>
<b>Marijuana</b>	<b>805</b>	<b>565</b>	<b>70.2</b>	<b>240</b>	<b>29.8</b>
<b>Methamphetamine</b>	<b>9,680</b>	<b>8,485</b>	<b>87.7</b>	<b>1,195</b>	<b>12.3</b>
<b>Fentanyl</b>	<b>2,510</b>	<b>2,214</b>	<b>88.2</b>	<b>296</b>	<b>11.8</b>
<b>Other</b>	<b>675</b>	<b>632</b>	<b>93.6</b>	<b>43</b>	<b>6.4</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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 19,851 cases, eight 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, 2022 Datafile, USSCFY22.

**Table D-6**  
**EDUCATION OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,791</b>	<b>34.9</b>	<b>8,207</b>	<b>41.5</b>	<b>4,076</b>	<b>20.6</b>	<b>600</b>	<b>3.0</b>
<b>Powder Cocaine</b>	1,414	41.0	1,297	37.6	630	18.3	106	3.1
<b>Crack Cocaine</b>	408	37.1	521	47.3	160	14.5	12	1.1
<b>Heroin</b>	595	36.9	655	40.6	318	19.7	44	2.7
<b>Marijuana</b>	325	40.6	261	32.6	171	21.4	43	5.4
<b>Methamphetamine</b>	3,138	32.5	4,210	43.6	2,085	21.6	218	2.3
<b>Fentanyl</b>	897	35.8	1,050	41.9	514	20.5	47	1.9
<b>Other</b>	131	19.5	213	31.7	198	29.5	130	19.3

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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 19,851 cases, 60 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, 2022 Datafile, USSCFY22.



**Table D-7**  
**CRIMINAL HISTORY CATEGORY OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL	CRIMINAL HISTORY CATEGORY																	
		I		II		III		IV		V		VI							
		N	%	N	%	N	%	N	%	N	%	N	%						
<b>TOTAL</b>	<b>19,851</b>	<b>8,268</b>	<b>41.7</b>	<b>2,332</b>	<b>11.7</b>	<b>3,038</b>	<b>15.3</b>	<b>1,951</b>	<b>9.8</b>	<b>1,334</b>	<b>6.7</b>	<b>2,928</b>	<b>14.7</b>						
<b>Powder Cocaine</b>	<b>3,457</b>	2,153	62.3	420	12.1	373	10.8	193	5.6	122	3.5	196	5.7						
<b>Crack Cocaine</b>	<b>1,105</b>	237	21.4	132	11.9	236	21.4	153	13.8	110	10.0	237	21.4						
<b>Heroin</b>	<b>1,616</b>	618	38.2	186	11.5	289	17.9	173	10.7	106	6.6	244	15.1						
<b>Marijuana</b>	<b>806</b>	503	62.4	110	13.6	83	10.3	48	6.0	28	3.5	34	4.2						
<b>Methamphetamine</b>	<b>9,681</b>	3,371	34.8	1,106	11.4	1,522	15.7	1,076	11.1	768	7.9	1,838	19.0						
<b>Fentanyl</b>	<b>2,511</b>	980	39.0	308	12.3	439	17.5	258	10.3	175	7.0	351	14.0						
<b>Other</b>	<b>675</b>	406	60.1	70	10.4	96	14.2	50	7.4	25	3.7	28	4.1						

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 2022 Datafile, USSCFY22.

**Table D-8**  
**WEAPON INVOLVEMENT OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL	NO WEAPON INVOLVED		WEAPON INVOLVED	
		N	%	N	%
<b>TOTAL</b>	<b>19,611</b>	<b>14,487</b>	<b>73.9</b>	<b>5,124</b>	<b>26.1</b>
<b>Powder Cocaine</b>	<b>3,419</b>	<b>2,775</b>	<b>81.2</b>	<b>644</b>	<b>18.8</b>
<b>Crack Cocaine</b>	<b>1,087</b>	<b>658</b>	<b>60.5</b>	<b>429</b>	<b>39.5</b>
<b>Heroin</b>	<b>1,599</b>	<b>1,200</b>	<b>75.0</b>	<b>399</b>	<b>25.0</b>
<b>Marijuana</b>	<b>802</b>	<b>601</b>	<b>74.9</b>	<b>201</b>	<b>25.1</b>
<b>Methamphetamine</b>	<b>9,553</b>	<b>6,827</b>	<b>71.5</b>	<b>2,726</b>	<b>28.5</b>
<b>Fentanyl</b>	<b>2,484</b>	<b>1,893</b>	<b>76.2</b>	<b>591</b>	<b>23.8</b>
<b>Other</b>	<b>667</b>	<b>533</b>	<b>79.9</b>	<b>134</b>	<b>20.1</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 19,611 cases contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table D-9**  
**ROLE ADJUSTMENT OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL		No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,611</b>	<b>74.3</b>	<b>14,573</b>	<b>74.3</b>	<b>3,829</b>	<b>19.5</b>	<b>1,209</b>	<b>6.2</b>
<b>Powder Cocaine</b>	<b>3,419</b>	<b>74.4</b>	<b>2,544</b>	<b>74.4</b>	<b>590</b>	<b>17.3</b>	<b>285</b>	<b>8.3</b>
<b>Crack Cocaine</b>	<b>1,087</b>	<b>86.8</b>	<b>943</b>	<b>86.8</b>	<b>55</b>	<b>5.1</b>	<b>89</b>	<b>8.2</b>
<b>Heroin</b>	<b>1,599</b>	<b>75.8</b>	<b>1,212</b>	<b>75.8</b>	<b>285</b>	<b>17.8</b>	<b>102</b>	<b>6.4</b>
<b>Marijuana</b>	<b>802</b>	<b>68.2</b>	<b>547</b>	<b>68.2</b>	<b>202</b>	<b>25.2</b>	<b>53</b>	<b>6.6</b>
<b>Methamphetamine</b>	<b>9,553</b>	<b>72.8</b>	<b>6,958</b>	<b>72.8</b>	<b>2,117</b>	<b>22.2</b>	<b>478</b>	<b>5.0</b>
<b>Fentanyl</b>	<b>2,484</b>	<b>74.5</b>	<b>1,851</b>	<b>74.5</b>	<b>510</b>	<b>20.5</b>	<b>123</b>	<b>5.0</b>
<b>Other</b>	<b>667</b>	<b>77.7</b>	<b>518</b>	<b>77.7</b>	<b>70</b>	<b>10.5</b>	<b>79</b>	<b>11.8</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 19,611 contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table D-10**  
**DRUG AMOUNTS (IN GRAMS) FOR SELECTED**  
**BASE OFFENSE LEVELS AND DRUG TYPES<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	Base Offense Level and Quantity Range			
	12	24	30	38
<b>Powder Cocaine</b>	<b>Less than 50G</b>	<b>500G - 1,999G</b>	<b>5,000G - 14,999G</b>	<b>At least 450,000G</b>
N	66	274	390	259
Mean	17.5	1,088.8	8,852.5	1,568,852.3
Median	14.0	1,000.0	8,525.3	1,092,000.0
<b>Crack Cocaine</b>	<b>Less than 2.8G</b>	<b>28G - 111G</b>	<b>280G - 839G</b>	<b>At least 25,200G</b>
N	26	99	23	0
Mean	1.5	58.3	419.7	--
Median	1.6	53.8	372.8	--
<b>Heroin</b>	<b>Less than 10G</b>	<b>100G - 399G</b>	<b>1,000G - 2,999G</b>	<b>At least 90,000G</b>
N	38	120	120	1
Mean	3.7	199.1	1,746.7	--
Median	3.8	190.5	1,620.6	--
<b>Marijuana</b>	<b>5,000G - 9,999G</b>	<b>100,000G - 399,999G</b>	<b>1,000,000G - 2,999,999G</b>	<b>At least 90,000,000G</b>
N	16	137	38	0
Mean	6,759.9	179,136.1	1,645,277.8	--
Median	6,615.0	161,481.6	1,578,500.0	--
<b>Methamphetamine Mix</b>	<b>Less than 5G</b>	<b>50G - 199G</b>	<b>500G - 1,499G</b>	<b>At least 45,000G</b>
N	16	227	238	62
Mean	2.6	112.7	916.5	112,664.1
Median	3.4	110.6	907.1	88,375.0
<b>Methamphetamine Actual</b>	<b>Less than 0.5G</b>	<b>5G - 19G</b>	<b>50G - 149G</b>	<b>At least 4,500G</b>
N	1	103	497	481
Mean	--	12.0	92.4	25,072.4
Median	--	12.4	91.8	10,760.0
<b>Fentanyl<sup>2</sup></b>	<b>Less than 4G</b>	<b>40G - 159G</b>	<b>400G - 1,199G</b>	<b>At least 36,000G</b>
N	43	258	202	3
Mean	1.9	88.9	769.8	39,174.1
Median	1.9	89.3	745.9	36,000.0

<sup>1</sup> Of the 64,142 cases, 19,612 were sentenced under §2D1.1 (Drug Trafficking). Of these, 19,377 cases had complete guideline application information. Of these 19,377 cases, 16,163 involved powder cocaine, crack cocaine, heroin, marijuana, methamphetamine actual or mix or fentanyl n-phenyl. Of these 16,163 cases, 6,351 had a base offense level of 12, 24, 30, or 38. Of these 6,351 cases, 3,119 were excluded due to one or more of the following reasons: involvement of more than one drug type (2,000), missing drug amount or range (1,264), or logical criteria (9). The methamphetamine actual category also includes ICE. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Does not include cases involving Fentanyl Analogue.

Table D-11

**LENGTH OF MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL		No Drug Mandatory Minimum <sup>2</sup>		Five-Year Drug Mandatory Minimum		Ten-Year or More Drug Mandatory Minimum <sup>3</sup>	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,848</b>	<b>35.8</b>	<b>7,115</b>	<b>35.8</b>	<b>4,975</b>	<b>25.1</b>	<b>7,758</b>	<b>39.1</b>
<b>Powder Cocaine</b>	<b>3,457</b>	<b>28.3</b>	<b>980</b>	<b>28.3</b>	<b>940</b>	<b>27.2</b>	<b>1,537</b>	<b>44.5</b>
<b>Crack Cocaine</b>	<b>1,105</b>	<b>60.9</b>	<b>673</b>	<b>60.9</b>	<b>300</b>	<b>27.1</b>	<b>132</b>	<b>11.9</b>
<b>Heroin</b>	<b>1,616</b>	<b>40.6</b>	<b>656</b>	<b>40.6</b>	<b>456</b>	<b>28.2</b>	<b>504</b>	<b>31.2</b>
<b>Marijuana</b>	<b>806</b>	<b>63.2</b>	<b>509</b>	<b>63.2</b>	<b>211</b>	<b>26.2</b>	<b>86</b>	<b>10.7</b>
<b>Methamphetamine</b>	<b>9,678</b>	<b>26.9</b>	<b>2,604</b>	<b>26.9</b>	<b>2,233</b>	<b>23.1</b>	<b>4,841</b>	<b>50.0</b>
<b>Fentanyl</b>	<b>2,511</b>	<b>42.7</b>	<b>1,071</b>	<b>42.7</b>	<b>805</b>	<b>32.1</b>	<b>635</b>	<b>25.3</b>
<b>Other</b>	<b>675</b>	<b>92.1</b>	<b>622</b>	<b>92.1</b>	<b>30</b>	<b>4.4</b>	<b>23</b>	<b>3.4</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, three 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.

<sup>2</sup> Includes 102 offenders whose drug mandatory minimum penalty was less than 60 months.

<sup>3</sup> Includes 322 offenders whose drug mandatory minimum penalty was greater than ten years.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table D-12**  
**APPLICATION OF RECIDIVIST PENALTIES IN DRUG TRAFFICKING CASES<sup>1</sup>**  
**Fiscal Year 2022**

DRUG TYPE	ENHANCEMENT FILED		ENHANCEMENT WITHDRAWN <sup>2</sup>		ENHANCEMENT NOT WITHDRAWN	
	N	%	N	%	N	%
<b>TOTAL</b>	<b>817</b>	<b>27.5</b>	<b>225</b>	<b>27.5</b>	<b>592</b>	<b>72.5</b>
<b>Powder Cocaine</b>	<b>143</b>	<b>20.3</b>	<b>29</b>	<b>20.3</b>	<b>114</b>	<b>79.7</b>
<b>Crack Cocaine</b>	<b>78</b>	<b>25.6</b>	<b>20</b>	<b>25.6</b>	<b>58</b>	<b>74.4</b>
<b>Heroin</b>	<b>77</b>	<b>36.4</b>	<b>28</b>	<b>36.4</b>	<b>49</b>	<b>63.6</b>
<b>Marijuana</b>	<b>23</b>	<b>13.0</b>	<b>3</b>	<b>13.0</b>	<b>20</b>	<b>87.0</b>
<b>Methamphetamine</b>	<b>368</b>	<b>32.1</b>	<b>118</b>	<b>32.1</b>	<b>250</b>	<b>67.9</b>
<b>Fentanyl</b>	<b>106</b>	<b>21.7</b>	<b>23</b>	<b>21.7</b>	<b>83</b>	<b>78.3</b>
<b>Other</b>	<b>22</b>	<b>18.2</b>	<b>4</b>	<b>18.2</b>	<b>18</b>	<b>81.8</b>

<sup>1</sup> Of the 820 cases in which notice of an enhanced penalty was given under 21 U.S.C. § 851, three were excluded due to missing or undetermined withdrawal information. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Includes 15 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, 2022 851 Datafile, DRUG851FY22.

**Table D-13**  
**DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND**  
**MANDATORY MINIMUM PENALTIES<sup>1, 5</sup>**  
**Fiscal Year 2022**

DRUG TYPE	TOTAL	NO SAFETY VALVE				SAFETY VALVE			
		No Drug		Drug		No Drug		Drug	
		Mandatory Minimum <sup>2</sup>	%	Mandatory Minimum	%	Mandatory Minimum <sup>3</sup>	%	Mandatory Minimum <sup>4</sup>	%
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,605</b>	<b>5,260</b>	<b>26.8</b>	<b>7,543</b>	<b>38.5</b>	<b>1,756</b>	<b>9.0</b>	<b>5,046</b>	<b>25.7</b>
<b>Powder Cocaine</b>	<b>3,419</b>	<b>751</b>	<b>22.0</b>	<b>1,113</b>	<b>32.6</b>	<b>214</b>	<b>6.3</b>	<b>1,341</b>	<b>39.2</b>
<b>Crack Cocaine</b>	<b>1,087</b>	<b>635</b>	<b>58.4</b>	<b>366</b>	<b>33.7</b>	<b>31</b>	<b>2.9</b>	<b>55</b>	<b>5.1</b>
<b>Heroin</b>	<b>1,598</b>	<b>522</b>	<b>32.7</b>	<b>576</b>	<b>36.0</b>	<b>127</b>	<b>7.9</b>	<b>373</b>	<b>23.3</b>
<b>Marijuana</b>	<b>798</b>	<b>345</b>	<b>43.2</b>	<b>124</b>	<b>15.5</b>	<b>158</b>	<b>19.8</b>	<b>171</b>	<b>21.4</b>
<b>Methamphetamine</b>	<b>9,553</b>	<b>1,770</b>	<b>18.5</b>	<b>4,513</b>	<b>47.2</b>	<b>794</b>	<b>8.3</b>	<b>2,476</b>	<b>25.9</b>
<b>Fentanyl</b>	<b>2,483</b>	<b>837</b>	<b>33.7</b>	<b>819</b>	<b>33.0</b>	<b>218</b>	<b>8.8</b>	<b>609</b>	<b>24.5</b>
<b>Other</b>	<b>667</b>	<b>400</b>	<b>60.0</b>	<b>32</b>	<b>4.8</b>	<b>214</b>	<b>32.1</b>	<b>21</b>	<b>3.1</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 19,611 cases contained complete guideline application information. Of these 19,611 cases, six were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> This column includes 407 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.

<sup>3</sup> 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.

<sup>4</sup> 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).

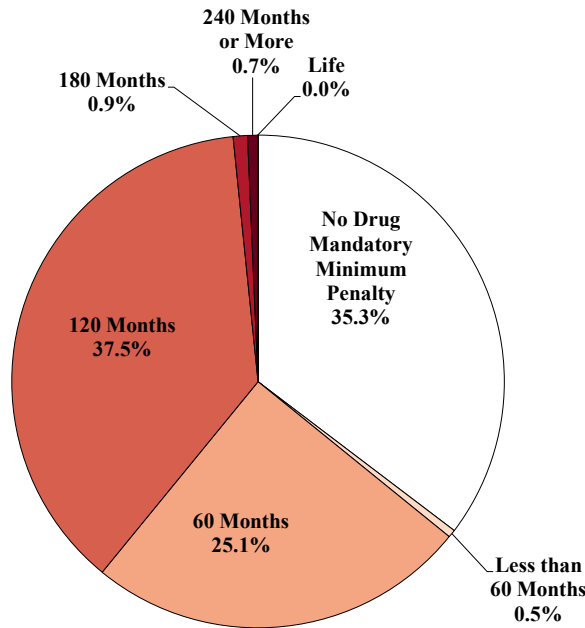
<sup>5</sup> Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There was one offender sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. The safety valve reduction was applied for this one offender.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

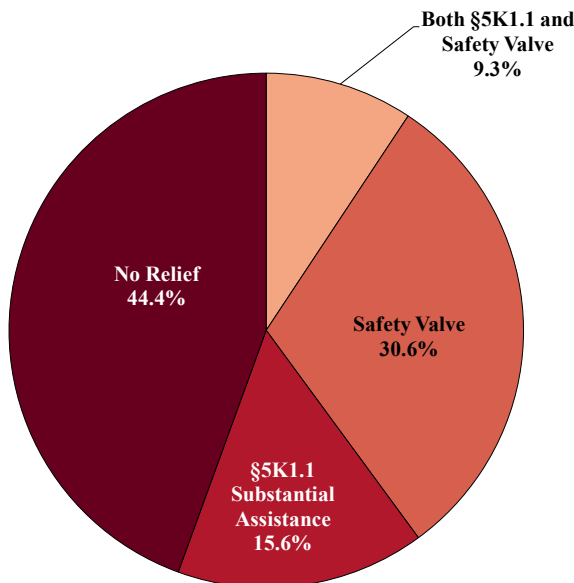
**Figure D-2**

**MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES<sup>1</sup>**  
**Fiscal Year 2022**

**LENGTH OF MANDATORY MINIMUM PENALTIES**



**RELIEF FROM MANDATORY MINIMUM PENALTIES**



<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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 19,851 cases, three 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.



**Table D-14**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

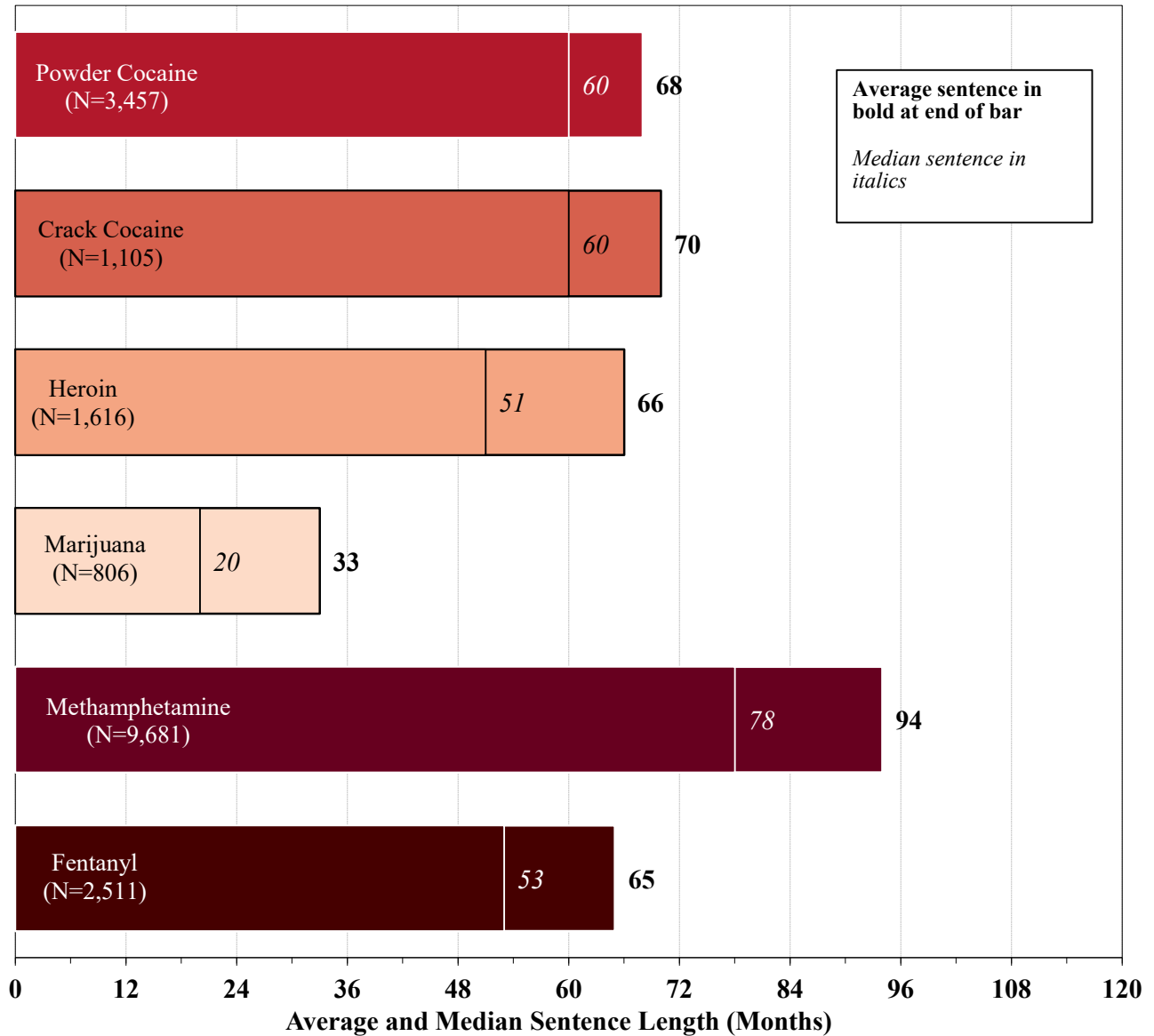
DRUG TYPE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE						VARIANCE <sup>2</sup>			
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>19,842</b>	<b>5,445</b>	<b>27.4</b>	<b>68</b>	<b>0.3</b>	<b>4,098</b>	<b>20.7</b>	<b>1,634</b>	<b>8.2</b>	<b>967</b>	<b>4.9</b>	<b>7,630</b>	<b>38.5</b>
<b>Powder Cocaine</b>	<b>3,456</b>	<b>1,139</b>	<b>33.0</b>	<b>9</b>	<b>0.3</b>	<b>646</b>	<b>18.7</b>	<b>140</b>	<b>4.1</b>	<b>161</b>	<b>4.7</b>	<b>1,361</b>	<b>39.4</b>
<b>Crack Cocaine</b>	<b>1,104</b>	<b>339</b>	<b>30.7</b>	<b>5</b>	<b>0.5</b>	<b>140</b>	<b>12.7</b>	<b>1</b>	<b>0.1</b>	<b>42</b>	<b>3.8</b>	<b>577</b>	<b>52.3</b>
<b>Heroin</b>	<b>1,614</b>	<b>497</b>	<b>30.8</b>	<b>10</b>	<b>0.6</b>	<b>345</b>	<b>21.4</b>	<b>78</b>	<b>4.8</b>	<b>71</b>	<b>4.4</b>	<b>613</b>	<b>38.0</b>
<b>Marijuana</b>	<b>805</b>	<b>332</b>	<b>41.2</b>	<b>3</b>	<b>0.4</b>	<b>150</b>	<b>18.6</b>	<b>18</b>	<b>2.2</b>	<b>18</b>	<b>2.2</b>	<b>284</b>	<b>35.3</b>
<b>Methamphetamine</b>	<b>9,678</b>	<b>2,298</b>	<b>23.7</b>	<b>9</b>	<b>0.1</b>	<b>2,220</b>	<b>22.9</b>	<b>1,090</b>	<b>11.3</b>	<b>541</b>	<b>5.6</b>	<b>3,520</b>	<b>36.4</b>
<b>Fentanyl</b>	<b>2,510</b>	<b>694</b>	<b>27.6</b>	<b>30</b>	<b>1.2</b>	<b>399</b>	<b>15.9</b>	<b>303</b>	<b>12.1</b>	<b>110</b>	<b>4.4</b>	<b>974</b>	<b>38.8</b>
<b>Other</b>	<b>675</b>	<b>146</b>	<b>21.6</b>	<b>2</b>	<b>0.3</b>	<b>198</b>	<b>29.3</b>	<b>4</b>	<b>0.6</b>	<b>24</b>	<b>3.6</b>	<b>301</b>	<b>44.6</b>

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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 19,851 cases, nine 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.

<sup>2</sup> Of the 7,630 variance cases, in 733 cases the court cited First Step Act safety valve expansion as a reason for the sentence.

Figure D-3

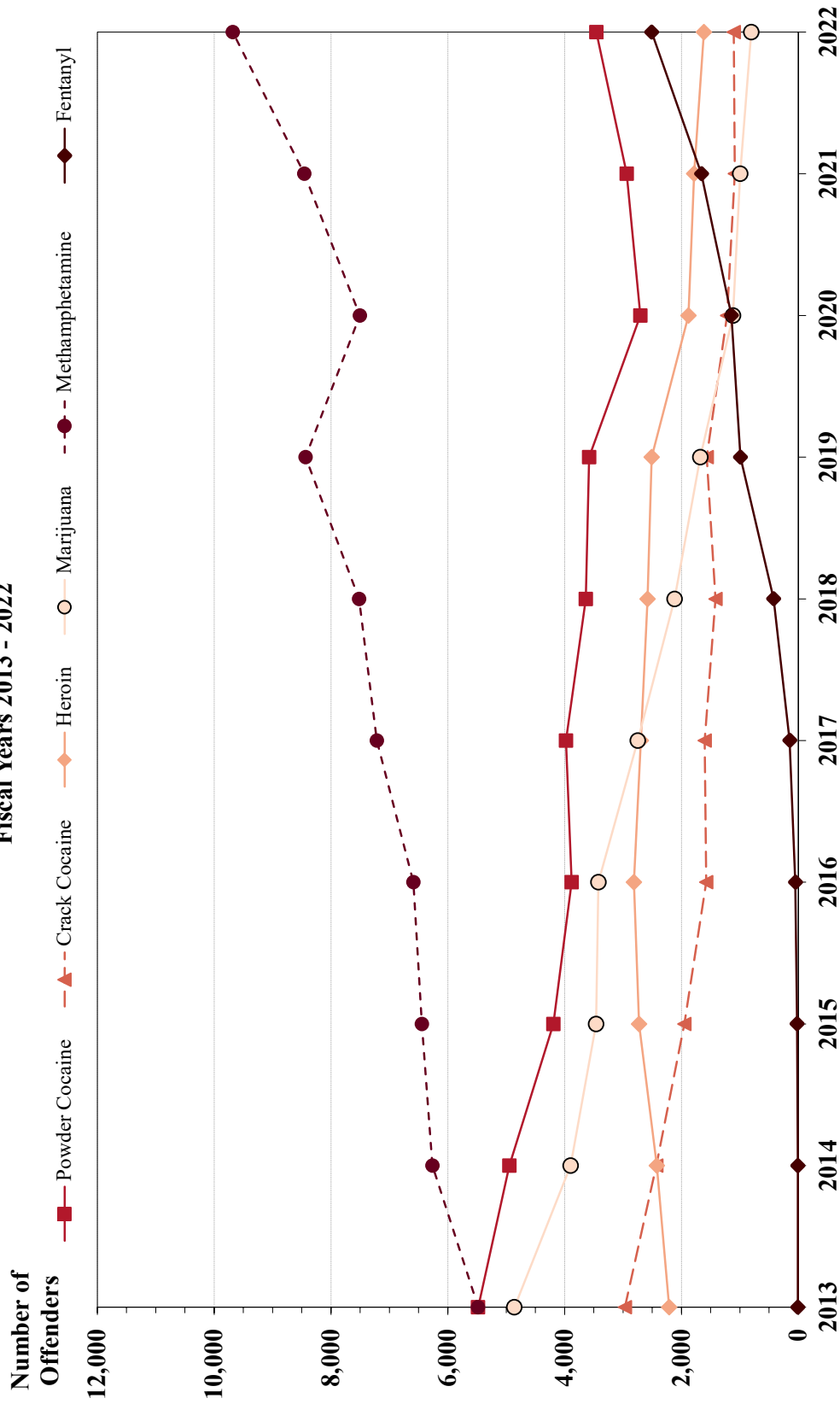
**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS  
BY MAJOR DRUG TYPE<sup>1</sup>**  
Fiscal Year 2022



<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 2022 Datafile, USSCFY22.

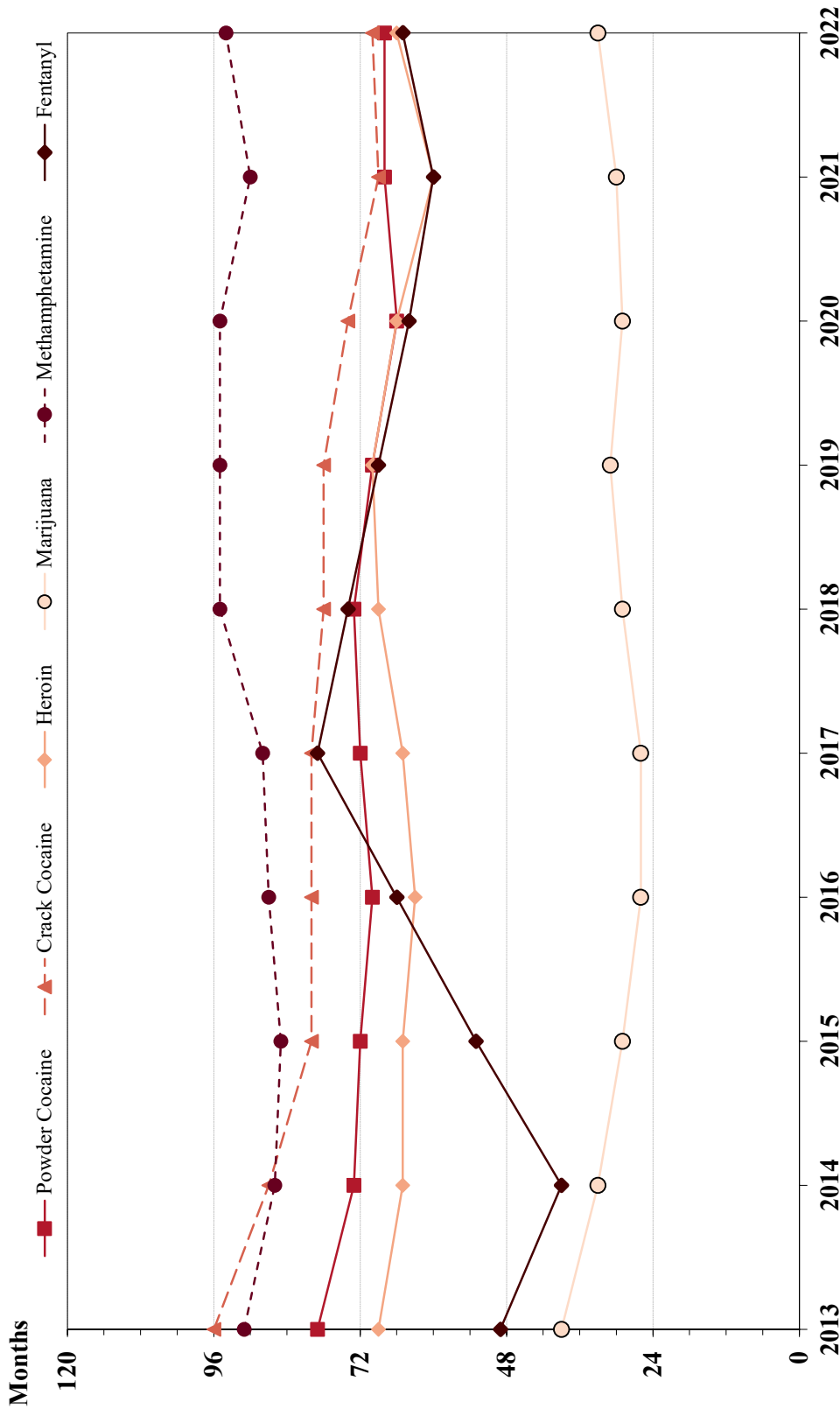
**Figure D-4**  
**NUMBER OF DRUG TRAFFICKING OFFENDERS**  
**BY MAJOR DRUG TYPE OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

**Figure D-5**  
**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS**  
**BY MAJOR DRUG TYPE OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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 USSG §5C1.1. Cases missing drug type or sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

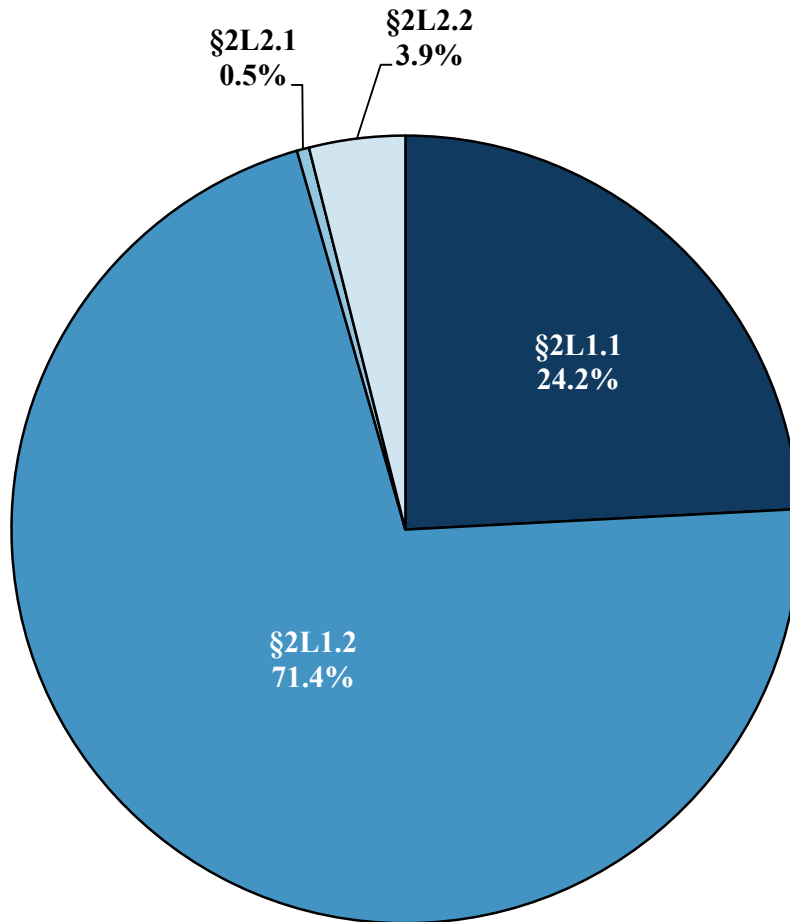
SOURCE: U.S. Sentencing Commission, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

# **IMMIGRATION OFFENSES**

---

Figure I-1

**DISTRIBUTION OF IMMIGRATION OFFENDERS  
BY GUIDELINE<sup>1</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, 16,779 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, 2022 Datafile, USSCFY22.

**Table I-1**  
**RACE OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,709</b>	<b>3.1</b>	<b>524</b>	<b>2.0</b>	<b>338</b>	<b>2.0</b>	<b>15,680</b>	<b>93.8</b>	<b>167</b>	<b>1.0</b>
<b>§2L1.1</b>	<b>4,053</b>	<b>10.6</b>	<b>430</b>	<b>6.3</b>	<b>254</b>	<b>6.3</b>	<b>3,276</b>	<b>80.8</b>	<b>93</b>	<b>2.3</b>
<b>§2L1.2</b>	<b>11,913</b>	<b>0.5</b>	<b>60</b>	<b>0.4</b>	<b>50</b>	<b>0.4</b>	<b>11,795</b>	<b>99.0</b>	<b>8</b>	<b>0.1</b>
<b>§2L2.1</b>	<b>84</b>	<b>14.3</b>	<b>12</b>	<b>8.3</b>	<b>7</b>	<b>8.3</b>	<b>44</b>	<b>52.4</b>	<b>21</b>	<b>25.0</b>
<b>§2L2.2</b>	<b>659</b>	<b>3.3</b>	<b>22</b>	<b>4.1</b>	<b>27</b>	<b>4.1</b>	<b>565</b>	<b>85.7</b>	<b>45</b>	<b>6.8</b>

<sup>1</sup> Of the 64,142 cases, 16,779 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 16,779 offenders, 70 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, 2022 Datafile, USSCFY22.

**Table I-2**  
**GENDER OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>16,775</b>	<b>15,271</b>	<b>91.0</b>	<b>1,504</b>	<b>9.0</b>
<b>§2L1.1</b>	<b>4,056</b>	3,095	76.3	961	23.7
<b>§2L1.2</b>	<b>11,974</b>	11,684	97.6	290	2.4
<b>§2L2.1</b>	<b>84</b>	49	58.3	35	41.7
<b>§2L2.2</b>	<b>661</b>	443	67.0	218	33.0

<sup>1</sup> Of the 64,142 cases, 16,779 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 16,779 offenders, four 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, 2022 Datafile, USSCFY22.



**Table I-3**  
**AGE OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

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	%
<b>TOTAL</b>	<b>491</b>	<b>2.9</b>	<b>1,863</b>	<b>11.1</b>	<b>2,464</b>	<b>14.7</b>	<b>3,023</b>	<b>18.0</b>	<b>2,989</b>	<b>17.8</b>	<b>4,259</b>	<b>25.4</b>	<b>1,408</b>	<b>8.4</b>	<b>282</b>	<b>1.7</b>
<b>§2L1.1</b>	<b>377</b>	<b>9.3</b>	<b>973</b>	<b>24.0</b>	<b>734</b>	<b>18.1</b>	<b>586</b>	<b>14.4</b>	<b>472</b>	<b>11.6</b>	<b>595</b>	<b>14.7</b>	<b>258</b>	<b>6.4</b>	<b>61</b>	<b>1.5</b>
<b>§2L1.2</b>	<b>69</b>	<b>0.6</b>	<b>771</b>	<b>6.4</b>	<b>1,582</b>	<b>13.2</b>	<b>2,329</b>	<b>19.4</b>	<b>2,432</b>	<b>20.3</b>	<b>3,519</b>	<b>29.4</b>	<b>1,085</b>	<b>9.1</b>	<b>191</b>	<b>1.6</b>
<b>§2L2.1</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>3.6</b>	<b>22</b>	<b>26.2</b>	<b>14</b>	<b>16.7</b>	<b>12</b>	<b>14.3</b>	<b>16</b>	<b>19.0</b>	<b>10</b>	<b>11.9</b>	<b>7</b>	<b>8.3</b>
<b>§2L2.2</b>	<b>45</b>	<b>6.8</b>	<b>116</b>	<b>17.5</b>	<b>126</b>	<b>19.1</b>	<b>94</b>	<b>14.2</b>	<b>73</b>	<b>11.0</b>	<b>129</b>	<b>19.5</b>	<b>55</b>	<b>8.3</b>	<b>23</b>	<b>3.5</b>

<sup>1</sup> Of the 64,142 cases, 16,779 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, 2022 Datafile, USSCFY22.

**Table I-4**  
**CITIZENSHIP OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

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	
<b>TOTAL</b>	<b>16,779</b>	<b>3,096</b>	<b>18.5</b>	<b>13,683</b>	<b>81.5</b>	<b>279</b>	<b>13,365</b>	<b>1</b>	<b>38</b>			
<b>§2L1.1</b>	<b>4,056</b>	2,992	73.8	1,064	26.2	212	837	0	15			
<b>§2L1.2</b>	<b>11,978</b>	0	0.0	11,978	100.0	26	11,939	0	13			
<b>§2L2.1</b>	<b>84</b>	58	69.0	26	31.0	10	14	1	1			
<b>§2L2.2</b>	<b>661</b>	46	7.0	615	93.0	31	575	0	9			

<sup>1</sup> Of the 64,142 cases, 16,779 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, 2022 Datafile, USSCFY22.

Table I-5

**CRIMINAL HISTORY CATEGORY AND CITIZENSHIP OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

CHC		Total		§2L1.1		§2L1.2		§2L2.1		§2L2.2	
		N	%	N	%	N	%	N	%	N	%
I	<b>Total</b>	<b>5,875</b>	<b>100.0</b>	<b>2,479</b>	<b>100.0</b>	<b>2,739</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>	<b>599</b>	<b>100.0</b>
	U.S. Citizen	1,662	28.3	1,597	64.4	0	0.0	35	60.3	30	5.0
	Non-U.S. Citizen	4,213	71.7	882	35.6	2,739	100.0	23	39.7	569	95.0
II	<b>Total</b>	<b>3,956</b>	<b>100.0</b>	<b>483</b>	<b>100.0</b>	<b>3,431</b>	<b>100.0</b>	<b>11</b>	<b>100.0</b>	<b>31</b>	<b>100.0</b>
	U.S. Citizen	408	10.3	392	81.2	0	0.0	9	81.8	7	22.6
	Non-U.S. Citizen	3,548	89.7	91	18.8	3,431	100.0	2	18.2	24	77.4
III	<b>Total</b>	<b>3,879</b>	<b>100.0</b>	<b>523</b>	<b>100.0</b>	<b>3,332</b>	<b>100.0</b>	<b>6</b>	<b>100.0</b>	<b>18</b>	<b>100.0</b>
	U.S. Citizen	476	12.3	465	88.9	0	0.0	6	100.0	5	27.8
	Non-U.S. Citizen	3,403	87.7	58	11.1	3,332	100.0	0	0.0	13	72.2
IV	<b>Total</b>	<b>1,766</b>	<b>100.0</b>	<b>292</b>	<b>100.0</b>	<b>1,467</b>	<b>100.0</b>	<b>2</b>	<b>100.0</b>	<b>5</b>	<b>100.0</b>
	U.S. Citizen	273	15.5	270	92.5	0	0.0	2	100.0	1	20.0
	Non-U.S. Citizen	1,493	84.5	22	7.5	1,467	100.0	0	0.0	4	80.0
V	<b>Total</b>	<b>815</b>	<b>100.0</b>	<b>147</b>	<b>100.0</b>	<b>660</b>	<b>100.0</b>	<b>4</b>	<b>100.0</b>	<b>4</b>	<b>100.0</b>
	U.S. Citizen	145	17.8	141	95.9	0	0.0	3	75.0	1	25.0
	Non-U.S. Citizen	670	82.2	6	4.1	660	100.0	1	25.0	3	75.0
VI	<b>Total</b>	<b>488</b>	<b>100.0</b>	<b>132</b>	<b>100.0</b>	<b>349</b>	<b>100.0</b>	<b>3</b>	<b>100.0</b>	<b>4</b>	<b>100.0</b>
	U.S. Citizen	132	27.0	127	96.2	0	0.0	3	100.0	2	50.0
	Non-U.S. Citizen	356	73.0	5	3.8	349	100.0	0	0.0	2	50.0

<sup>1</sup> Of the 64,142 cases, 16,779 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, 2022 Datafile, USSCFY22.

**Table I-6**  
**EDUCATION OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>11,898</b>	<b>73.8</b>	<b>2,995</b>	<b>18.6</b>	<b>1,043</b>	<b>6.5</b>	<b>189</b>	<b>1.2</b>
<b>§2L1.1</b>	1,940	47.9	1,413	34.9	640	15.8	53	1.3
<b>§2L1.2</b>	9,562	84.2	1,410	12.4	317	2.8	73	0.6
<b>§2L2.1</b>	26	31.3	35	42.2	10	12.0	12	14.5
<b>§2L2.2</b>	370	58.4	137	21.6	76	12.0	51	8.0

<sup>1</sup> Of the 64,142 cases, 16,779 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 16,779 offenders, 654 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, 2022 Datafile, USSCFY22.

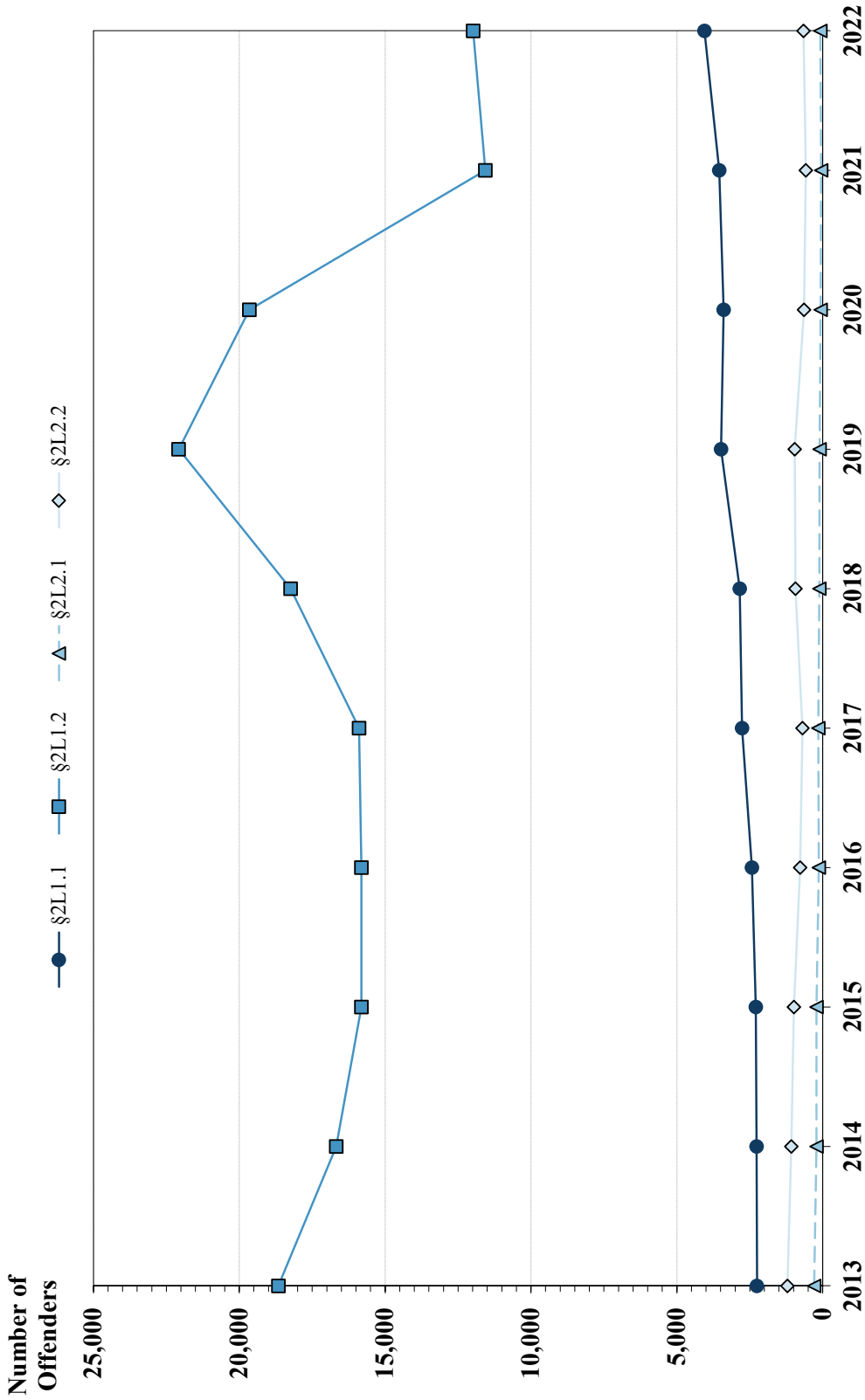
**Table I-7**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE						VARIANCE			
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>16,759</b>	<b>8,758</b>	<b>52.3</b>	<b>23</b>	<b>0.1</b>	<b>203</b>	<b>1.2</b>	<b>4,763</b>	<b>28.4</b>	<b>876</b>	<b>5.2</b>	<b>2,136</b>	<b>12.7</b>
<b>\$2L1.1</b>	<b>4,052</b>	<b>1,559</b>	<b>38.5</b>	<b>1</b>	<b>0.0</b>	<b>126</b>	<b>3.1</b>	<b>1,634</b>	<b>40.3</b>	<b>106</b>	<b>2.6</b>	<b>626</b>	<b>15.4</b>
<b>\$2L1.2</b>	<b>11,963</b>	<b>6,631</b>	<b>55.4</b>	<b>22</b>	<b>0.2</b>	<b>34</b>	<b>0.3</b>	<b>3,123</b>	<b>26.1</b>	<b>747</b>	<b>6.2</b>	<b>1,406</b>	<b>11.8</b>
<b>\$2L2.1</b>	<b>84</b>	<b>22</b>	<b>26.2</b>	<b>0</b>	<b>0.0</b>	<b>41</b>	<b>48.8</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>21</b>	<b>25.0</b>
<b>\$2L2.2</b>	<b>660</b>	<b>546</b>	<b>82.7</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>0.3</b>	<b>6</b>	<b>0.9</b>	<b>23</b>	<b>3.5</b>	<b>83</b>	<b>12.6</b>

<sup>1</sup> Of the 64,142 cases, 16,779 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 16,779 offenders, 20 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, 2022 Datafile, USSCFY22.

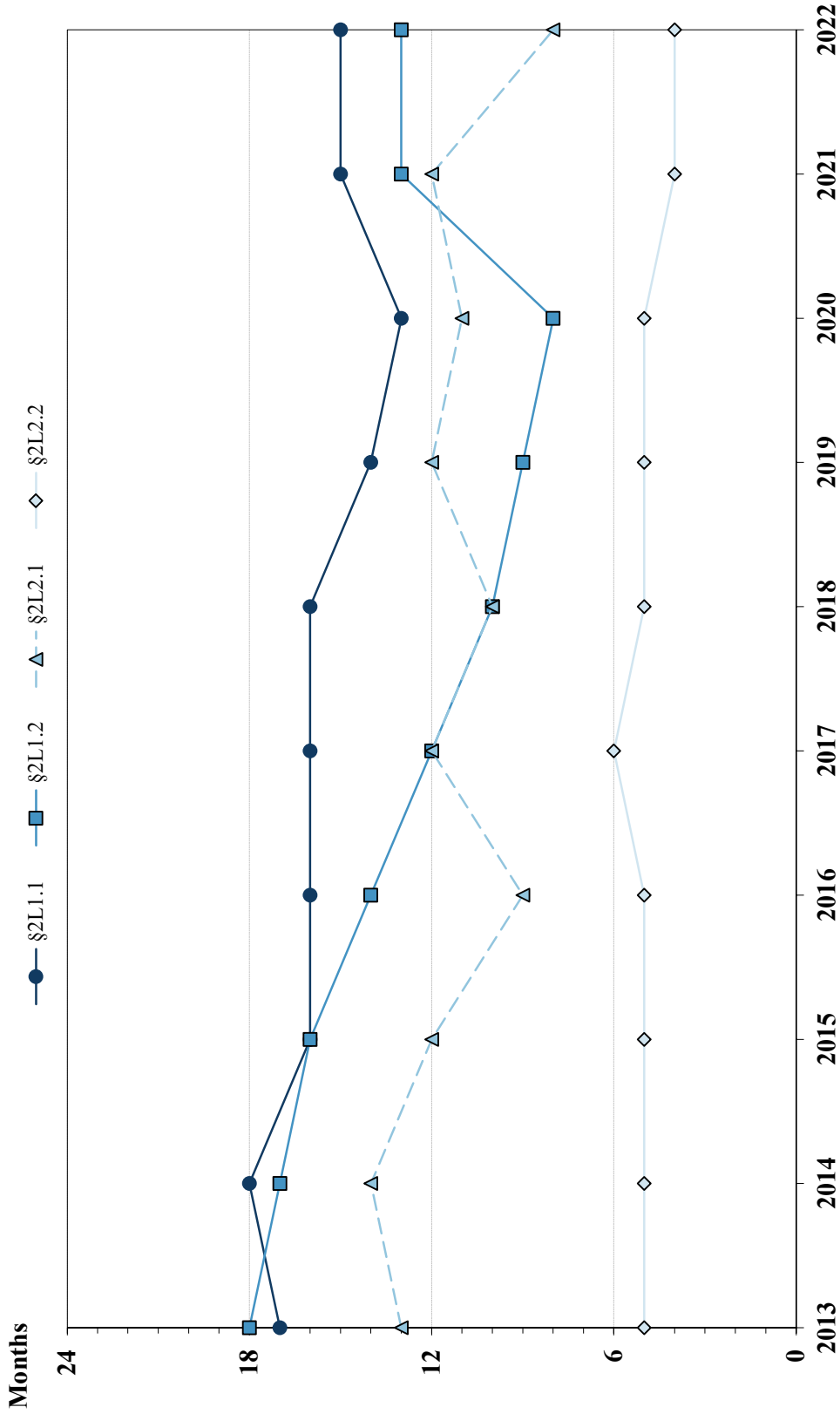
**Figure I-2**  
**NUMBER OF IMMIGRATION OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

**Figure I-3**  
**SENTENCE LENGTH OF IMMIGRATION OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.



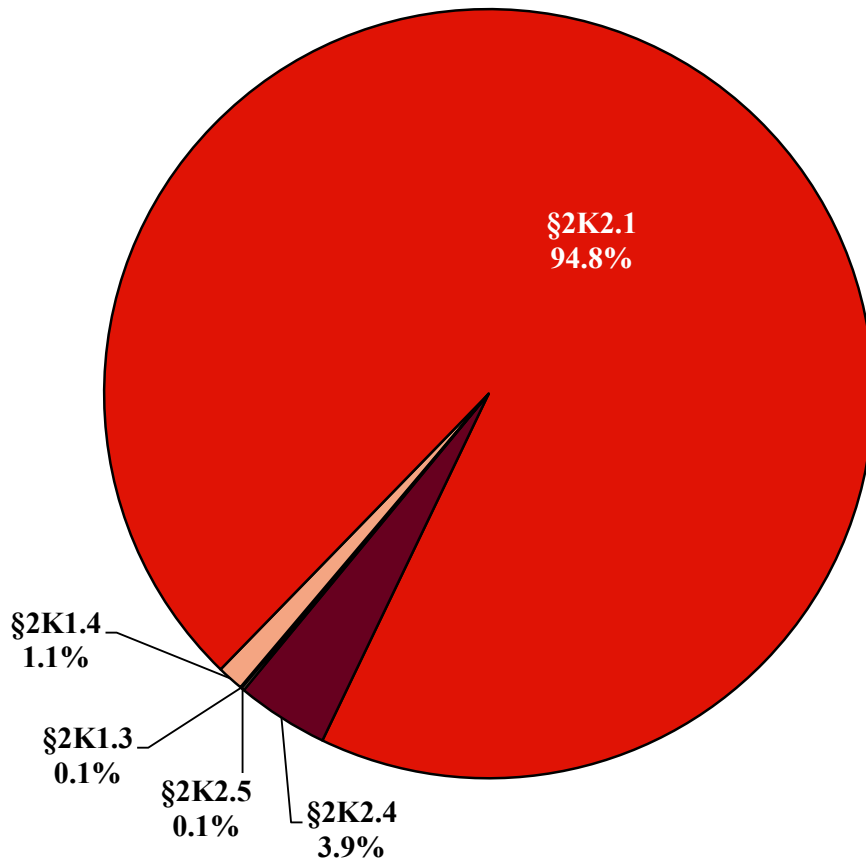


# **FIREARMS OFFENSES**

---

**Figure F-1**

**DISTRIBUTION OF FIREARMS OFFENDERS  
BY GUIDELINE<sup>1,2</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Table F-1**  
**RACE OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,341</b>	<b>2,163</b>	<b>23.2</b>	<b>5,336</b>	<b>57.1</b>	<b>1,531</b>	<b>16.4</b>	<b>311</b>	<b>3.3</b>
<b>§2K1.3</b>	<b>6</b>	<b>4</b>	<b>66.7</b>	<b>1</b>	<b>16.7</b>	<b>1</b>	<b>16.7</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>103</b>	<b>47</b>	<b>45.6</b>	<b>36</b>	<b>35.0</b>	<b>12</b>	<b>11.7</b>	<b>8</b>	<b>7.8</b>
<b>§2K2.1</b>	<b>8,859</b>	<b>2,052</b>	<b>23.2</b>	<b>5,074</b>	<b>57.3</b>	<b>1,442</b>	<b>16.3</b>	<b>291</b>	<b>3.3</b>
<b>§2K2.4<sup>2</sup></b>	<b>361</b>	<b>59</b>	<b>16.3</b>	<b>215</b>	<b>59.6</b>	<b>75</b>	<b>20.8</b>	<b>12</b>	<b>3.3</b>
<b>§2K2.5</b>	<b>12</b>	<b>1</b>	<b>8.3</b>	<b>10</b>	<b>83.3</b>	<b>1</b>	<b>8.3</b>	<b>0</b>	<b>0.0</b>

<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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 9,357 cases, 16 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Table F-2**  
**GENDER OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,357</b>	<b>96.0</b>	<b>8,979</b>	<b>96.0</b>	<b>378</b>	<b>4.0</b>
<b>§2K1.3</b>	<b>6</b>	<b>100.0</b>	<b>6</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>103</b>	<b>90.3</b>	<b>93</b>	<b>90.3</b>	<b>10</b>	<b>9.7</b>
<b>§2K2.1</b>	<b>8,875</b>	<b>96.1</b>	<b>8,529</b>	<b>96.1</b>	<b>346</b>	<b>3.9</b>
<b>§2K2.4<sup>2</sup></b>	<b>361</b>	<b>94.5</b>	<b>341</b>	<b>94.5</b>	<b>20</b>	<b>5.5</b>
<b>§2K2.5</b>	<b>12</b>	<b>83.3</b>	<b>10</b>	<b>83.3</b>	<b>2</b>	<b>16.7</b>

<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Table F-3**  
**AGE OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

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	%		
<b>TOTAL</b>	<b>9,357</b>		<b>171</b>	<b>1.8</b>	<b>1,491</b>	<b>15.9</b>	<b>2,179</b>	<b>23.3</b>	<b>1,964</b>	<b>21.0</b>	<b>1,452</b>	<b>15.5</b>	<b>1,551</b>	<b>16.6</b>	<b>443</b>	<b>4.7</b>	<b>106</b>	<b>1.1</b>
<b>§2K1.3</b>	<b>6</b>		<b>0</b>	<b>0.0</b>	<b>2</b>	<b>33.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>33.3</b>	<b>1</b>	<b>16.7</b>	<b>1</b>	<b>16.7</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>103</b>		<b>4</b>	<b>3.9</b>	<b>29</b>	<b>28.2</b>	<b>21</b>	<b>20.4</b>	<b>19</b>	<b>18.4</b>	<b>15</b>	<b>14.6</b>	<b>11</b>	<b>10.7</b>	<b>4</b>	<b>3.9</b>	<b>0</b>	<b>0.0</b>
<b>§2K2.1</b>	<b>8,875</b>		<b>150</b>	<b>1.7</b>	<b>1,378</b>	<b>15.5</b>	<b>2,069</b>	<b>23.3</b>	<b>1,872</b>	<b>21.1</b>	<b>1,387</b>	<b>15.6</b>	<b>1,493</b>	<b>16.8</b>	<b>423</b>	<b>4.8</b>	<b>103</b>	<b>1.2</b>
<b>§2K2.4<sup>2</sup></b>	<b>361</b>		<b>17</b>	<b>4.7</b>	<b>82</b>	<b>22.7</b>	<b>87</b>	<b>24.1</b>	<b>70</b>	<b>19.4</b>	<b>46</b>	<b>12.7</b>	<b>42</b>	<b>11.6</b>	<b>14</b>	<b>3.9</b>	<b>3</b>	<b>0.8</b>
<b>§2K2.5</b>	<b>12</b>		<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>16.7</b>	<b>3</b>	<b>25.0</b>	<b>2</b>	<b>16.7</b>	<b>4</b>	<b>33.3</b>	<b>1</b>	<b>8.3</b>	<b>0</b>	<b>0.0</b>

<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Table F-4**  
**CITIZENSHIP OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>9,355</b>	<b>9,051</b>	<b>96.8</b>	<b>304</b>	<b>3.2</b>
<b>§2K1.3</b>	<b>6</b>	<b>6</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>103</b>	<b>99</b>	<b>96.1</b>	<b>4</b>	<b>3.9</b>
<b>§2K2.1</b>	<b>8,873</b>	<b>8,594</b>	<b>96.9</b>	<b>279</b>	<b>3.1</b>
<b>§2K2.4<sup>2</sup></b>	<b>361</b>	<b>340</b>	<b>94.2</b>	<b>21</b>	<b>5.8</b>
<b>§2K2.5</b>	<b>12</b>	<b>12</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>

<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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 9,357 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.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Table F-5**  
**EDUCATION OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,321</b>	<b>3,243</b>	<b>34.8</b>	<b>4,379</b>	<b>47.0</b>	<b>1,559</b>	<b>16.7</b>	<b>140</b>	<b>1.5</b>
<b>§2K1.3</b>	<b>5</b>	<b>2</b>	<b>40.0</b>	<b>1</b>	<b>20.0</b>	<b>2</b>	<b>40.0</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>103</b>	<b>30</b>	<b>29.1</b>	<b>49</b>	<b>47.6</b>	<b>19</b>	<b>18.4</b>	<b>5</b>	<b>4.9</b>
<b>§2K2.1</b>	<b>8,841</b>	<b>3,073</b>	<b>34.8</b>	<b>4,159</b>	<b>47.0</b>	<b>1,479</b>	<b>16.7</b>	<b>130</b>	<b>1.5</b>
<b>§2K2.4<sup>2</sup></b>	<b>360</b>	<b>136</b>	<b>37.8</b>	<b>164</b>	<b>45.6</b>	<b>56</b>	<b>15.6</b>	<b>4</b>	<b>1.1</b>
<b>§2K2.5</b>	<b>12</b>	<b>2</b>	<b>16.7</b>	<b>6</b>	<b>50.0</b>	<b>3</b>	<b>25.0</b>	<b>1</b>	<b>8.3</b>

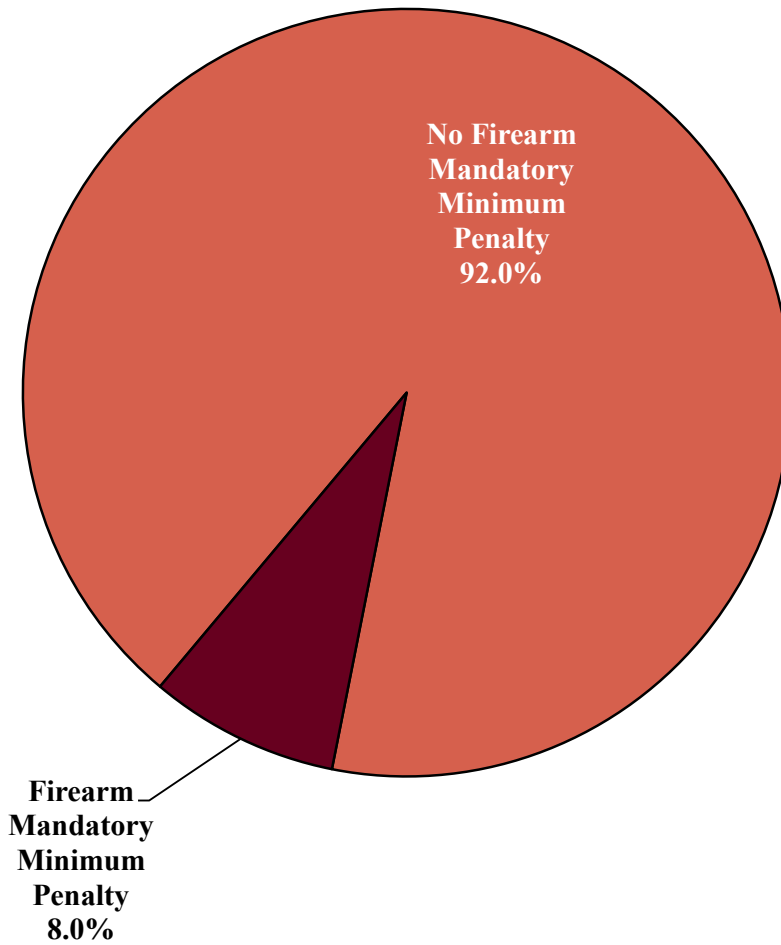
<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (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 9,357 cases, 36 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Figure F-2**

**FIREARM MANDATORY MINIMUM PENALTIES<sup>1</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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.

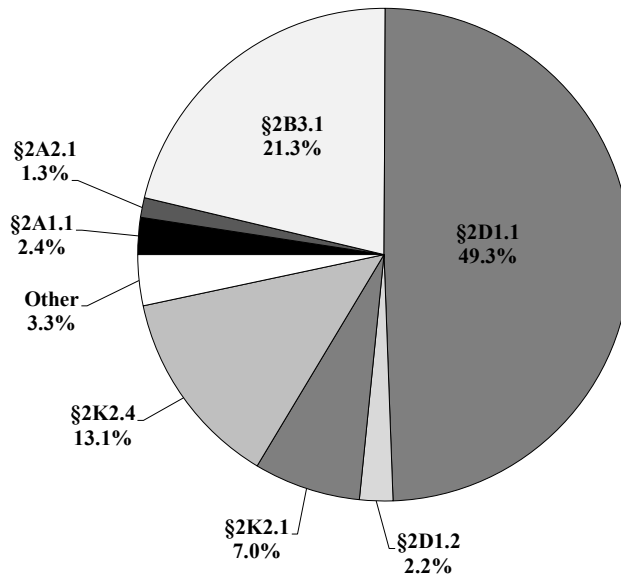
SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.



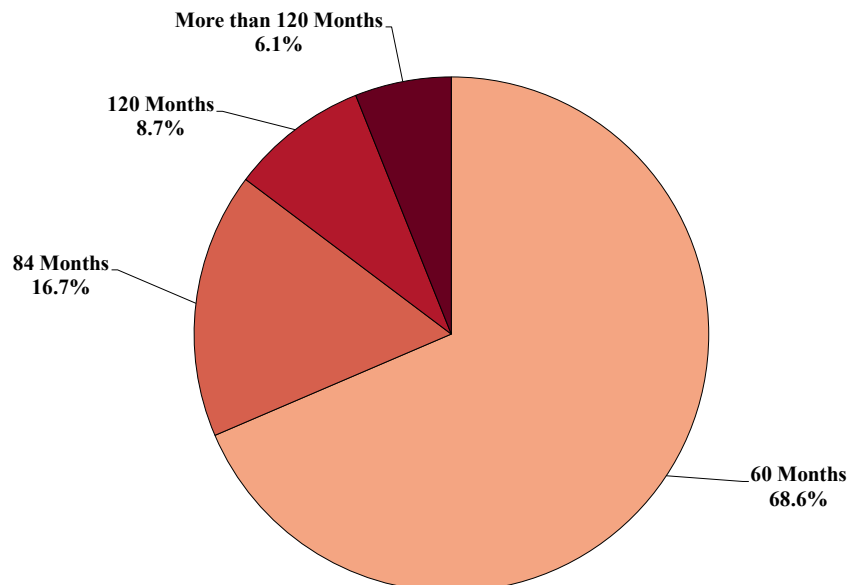
Figure F-3

**CONVICTIONS UNDER 18 U.S.C. § 924(c)<sup>1</sup>**  
**Fiscal Year 2022**

**DISTRIBUTION OF APPLICABLE GUIDELINES<sup>2</sup>**



**LENGTH OF MANDATORY MINIMUM PENALTY**



<sup>1</sup> Of the 64,142 cases, in 2,790 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.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

**Table F-6**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

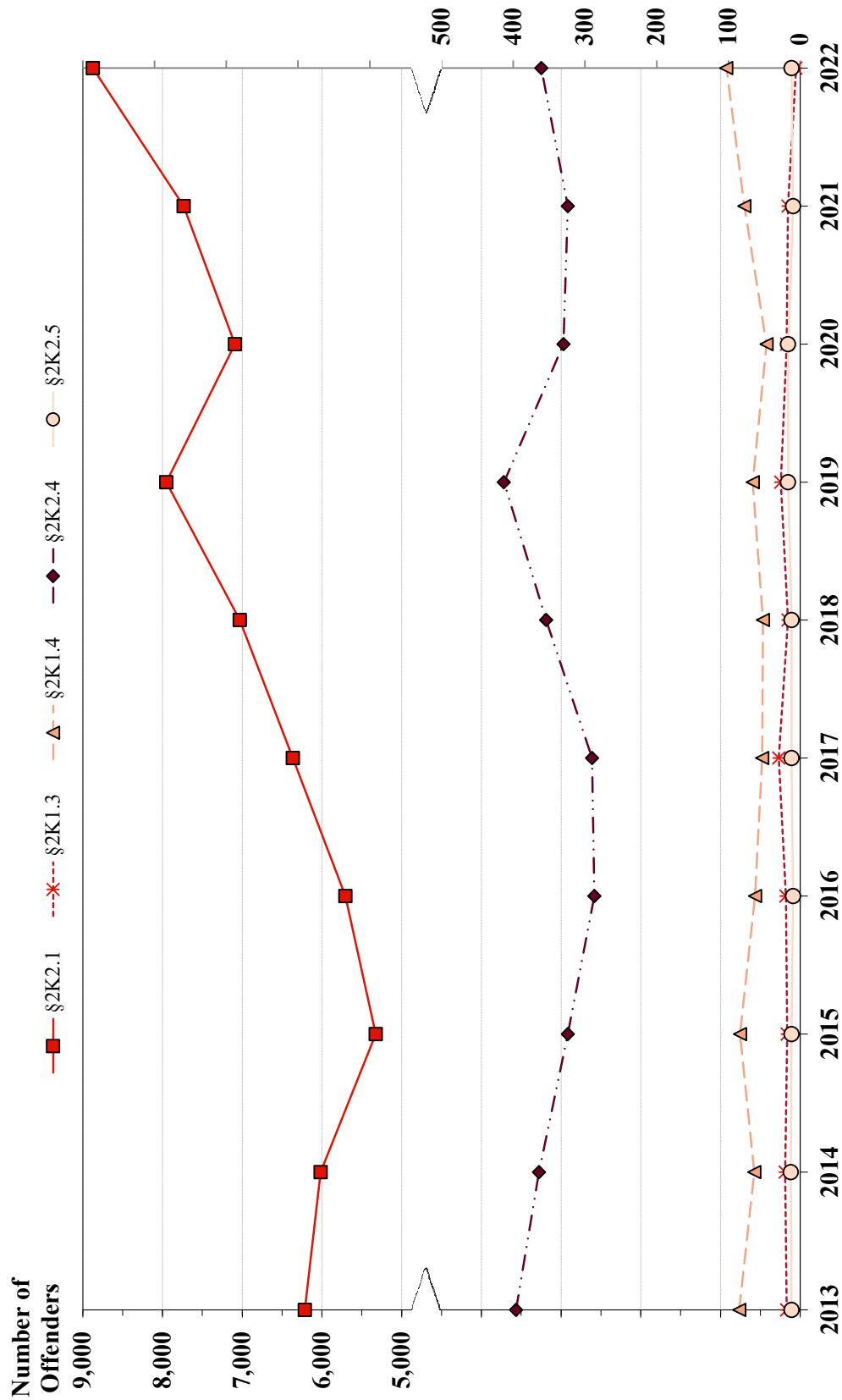
GUIDELINE	WITHIN GUIDELINE RANGE			DEPARTURE														
	TOTAL			UPWARD			§5K1.1			§5K3.1			DOWNWARD			VARIANCE		
	N	%		N	%		N	%		N	%		N	%		N	%	
<b>TOTAL</b>	<b>9,354</b>	<b>4,774</b>	<b>51.0</b>	<b>75</b>	<b>0.8</b>	<b>494</b>	<b>5.3</b>	<b>9</b>	<b>0.1</b>	<b>349</b>	<b>3.7</b>	<b>3,653</b>	<b>39.1</b>					
<b>§2K1.3</b>	<b>6</b>	<b>3</b>	<b>50.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>16.7</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>33.3</b>					
<b>§2K1.4</b>	<b>103</b>	<b>44</b>	<b>42.7</b>	<b>2</b>	<b>1.9</b>	<b>14</b>	<b>13.6</b>	<b>0</b>	<b>0.0</b>	<b>5</b>	<b>4.9</b>	<b>38</b>	<b>36.9</b>					
<b>§2K2.1</b>	<b>8,872</b>	<b>4,436</b>	<b>50.0</b>	<b>65</b>	<b>0.7</b>	<b>454</b>	<b>5.1</b>	<b>9</b>	<b>0.1</b>	<b>343</b>	<b>3.9</b>	<b>3,565</b>	<b>40.2</b>					
<b>§2K2.4<sup>2</sup></b>	<b>361</b>	<b>284</b>	<b>78.7</b>	<b>6</b>	<b>1.7</b>	<b>25</b>	<b>6.9</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.3</b>	<b>45</b>	<b>12.5</b>					
<b>§2K2.5</b>	<b>12</b>	<b>7</b>	<b>58.3</b>	<b>2</b>	<b>16.7</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>25.0</b>					

<sup>1</sup> Of the 64,142 cases, in 9,359 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 9,357 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 9,357 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.

<sup>2</sup> 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, 2022 Datafile, USSCFY22.

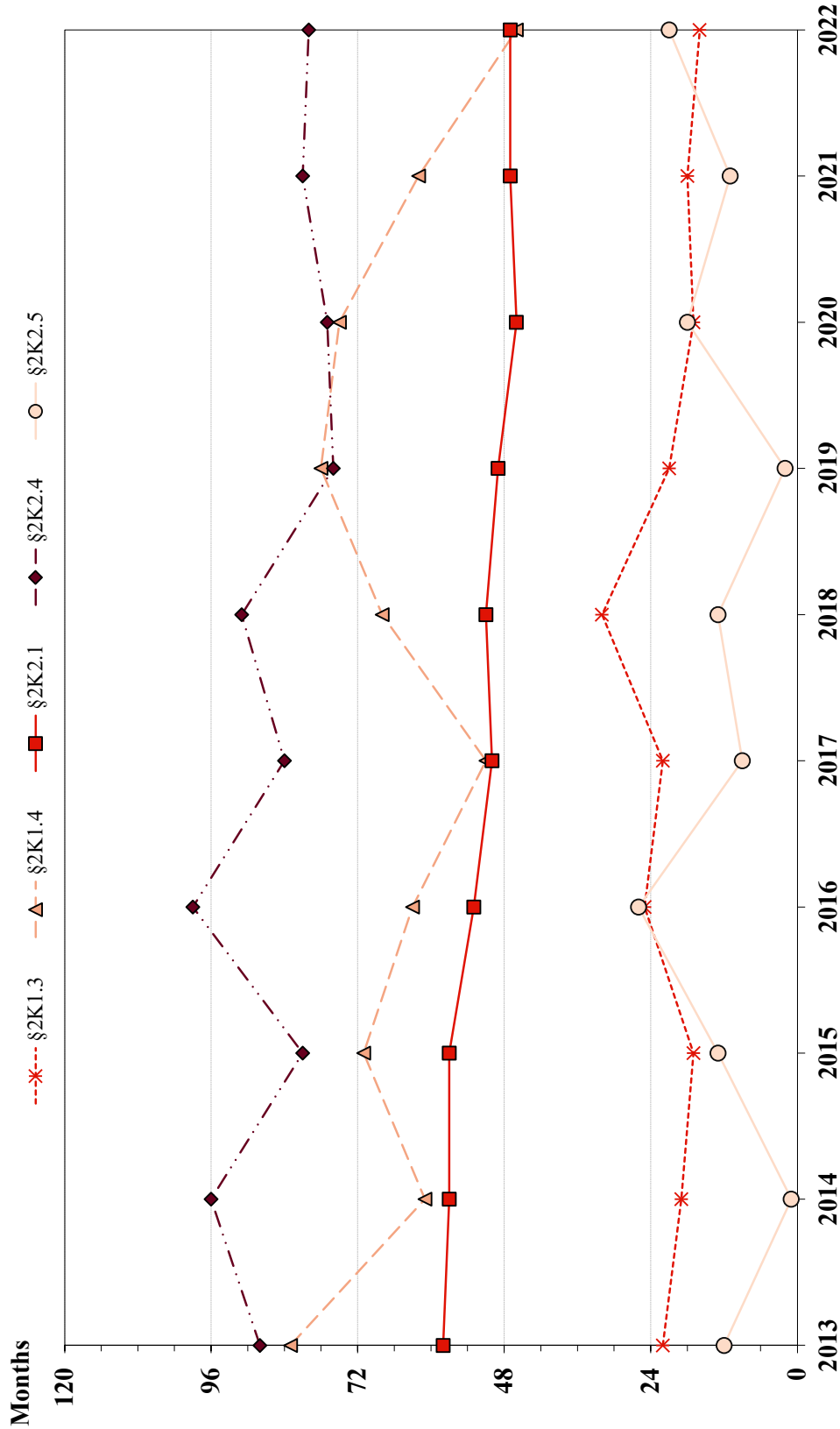
**Figure F-4**  
**NUMBER OF FIREARMS OFFENDERS OVER TIME<sup>1,2</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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.

<sup>2</sup> 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, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

**Figure F-5**  
**SENTENCE LENGTH OF FIREARMS OFFENDERS OVER TIME<sup>1,2</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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.

<sup>2</sup> 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.

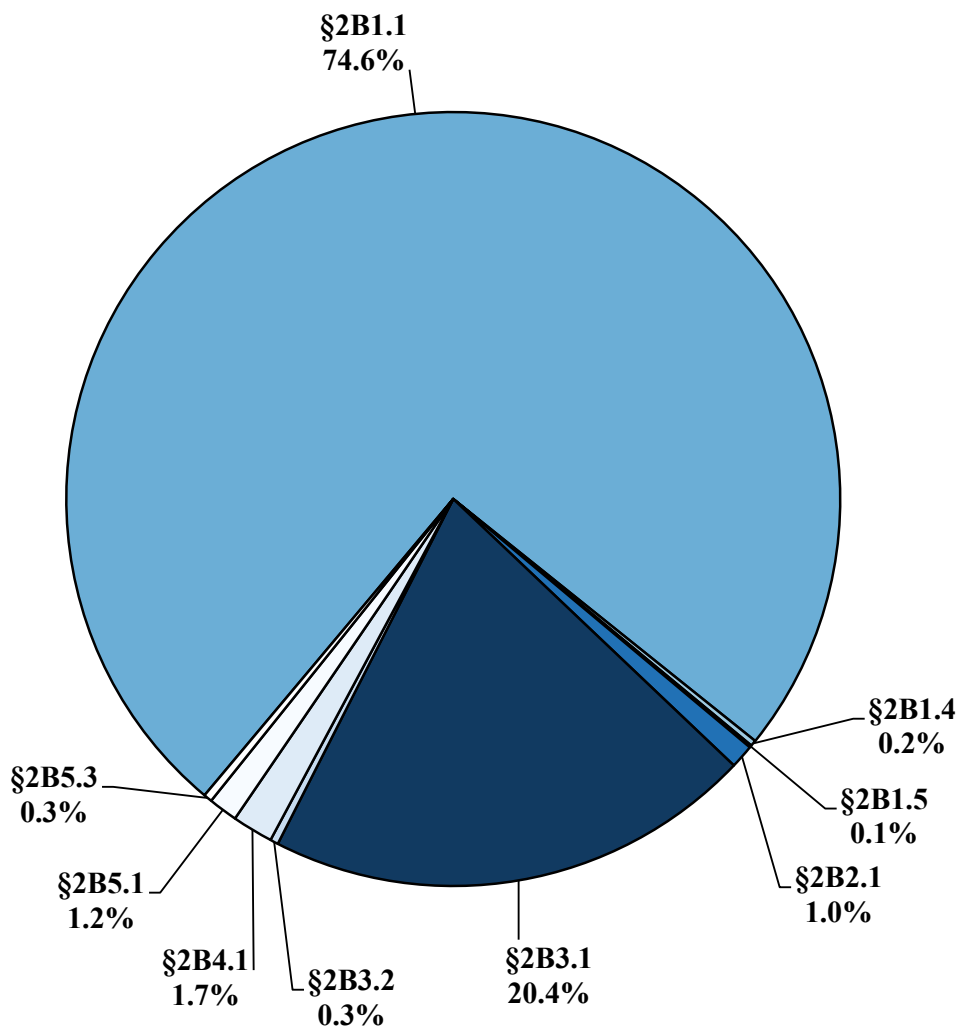
SOURCE: U.S. Sentencing Commission, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

# **ECONOMIC OFFENSES**

---

Figure E-1

**DISTRIBUTION OF ECONOMIC OFFENSE OFFENDERS  
BY GUIDELINE<sup>1</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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, 2022 Datafile, USSCFY22.

**Table E-1**  
**RACE OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>6,949</b>		<b>2,496</b>	<b>35.9</b>	<b>2,609</b>	<b>37.5</b>	<b>1,396</b>	<b>20.1</b>	<b>448</b>	<b>6.4</b>
§2B1.1	5,181		2,112	40.8	1,636	31.6	1,111	21.4	322	6.2
§2B1.4	17		7	41.2	1	5.9	3	17.6	6	35.3
§2B1.5	7		5	71.4	0	0.0	1	14.3	1	14.3
§2B2.1	69		20	29.0	24	34.8	8	11.6	17	24.6
§2B3.1	1,423		230	16.2	887	62.3	231	16.2	75	5.3
§2B3.2	23		12	52.2	5	21.7	6	26.1	0	0.0
§2B4.1	119		55	46.2	21	17.6	25	21.0	18	15.1
§2B5.1	86		44	51.2	30	34.9	11	12.8	1	1.2
§2B5.3	24		11	45.8	5	20.8	0	0.0	8	33.3

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,977 cases, 28 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, 2022 Datafile, USSCFY22.

**Table E-2**  
**GENDER OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
<b>TOTAL</b>	<b>6,976</b>	<b>75.0</b>	<b>5,232</b>	<b>75.0</b>	<b>1,744</b>	<b>25.0</b>
<b>§2B1.1</b>	<b>5,207</b>	<b>69.8</b>	<b>3,633</b>	<b>69.8</b>	<b>1,574</b>	<b>30.2</b>
<b>§2B1.4</b>	<b>17</b>	<b>88.2</b>	<b>15</b>	<b>88.2</b>	<b>2</b>	<b>11.8</b>
<b>§2B1.5</b>	<b>7</b>	<b>85.7</b>	<b>6</b>	<b>85.7</b>	<b>1</b>	<b>14.3</b>
<b>§2B2.1</b>	<b>69</b>	<b>88.4</b>	<b>61</b>	<b>88.4</b>	<b>8</b>	<b>11.6</b>
<b>§2B3.1</b>	<b>1,424</b>	<b>93.4</b>	<b>1,330</b>	<b>93.4</b>	<b>94</b>	<b>6.6</b>
<b>§2B3.2</b>	<b>23</b>	<b>91.3</b>	<b>21</b>	<b>91.3</b>	<b>2</b>	<b>8.7</b>
<b>§2B4.1</b>	<b>119</b>	<b>73.1</b>	<b>87</b>	<b>73.1</b>	<b>32</b>	<b>26.9</b>
<b>§2B5.1</b>	<b>86</b>	<b>70.9</b>	<b>61</b>	<b>70.9</b>	<b>25</b>	<b>29.1</b>
<b>§2B5.3</b>	<b>24</b>	<b>75.0</b>	<b>18</b>	<b>75.0</b>	<b>6</b>	<b>25.0</b>

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,977 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, 2022 Datafile, USSCFY22.



**Table E-3**  
**AGE OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

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	%		
<b>TOTAL</b>	<b>6,976</b>		<b>172</b>	<b>2.5</b>	<b>764</b>	<b>11.0</b>	<b>940</b>	<b>13.5</b>	<b>977</b>	<b>14.0</b>	<b>920</b>	<b>13.2</b>	<b>1,480</b>	<b>21.2</b>	<b>1,088</b>	<b>15.6</b>	<b>635</b>	<b>9.1</b>
<b>§2B1.1</b>	<b>5,207</b>		<b>69</b>	<b>1.3</b>	<b>372</b>	<b>7.1</b>	<b>592</b>	<b>11.4</b>	<b>700</b>	<b>13.4</b>	<b>742</b>	<b>14.3</b>	<b>1,233</b>	<b>23.7</b>	<b>934</b>	<b>17.9</b>	<b>565</b>	<b>10.9</b>
<b>§2B1.4</b>	<b>17</b>		<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>5.9</b>	<b>3</b>	<b>17.6</b>	<b>0</b>	<b>0.0</b>	<b>7</b>	<b>41.2</b>	<b>6</b>	<b>35.3</b>	<b>0</b>	<b>0.0</b>
<b>§2B1.5</b>	<b>7</b>		<b>0</b>	<b>0.0</b>	<b>2</b>	<b>28.6</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>28.6</b>	<b>1</b>	<b>14.3</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>14.3</b>	<b>1</b>	<b>14.3</b>
<b>§2B2.1</b>	<b>69</b>		<b>3</b>	<b>4.3</b>	<b>8</b>	<b>11.6</b>	<b>22</b>	<b>31.9</b>	<b>9</b>	<b>13.0</b>	<b>9</b>	<b>13.0</b>	<b>15</b>	<b>21.7</b>	<b>2</b>	<b>2.9</b>	<b>1</b>	<b>1.4</b>
<b>§2B3.1</b>	<b>1,424</b>		<b>99</b>	<b>7.0</b>	<b>373</b>	<b>26.2</b>	<b>293</b>	<b>20.6</b>	<b>232</b>	<b>16.3</b>	<b>138</b>	<b>9.7</b>	<b>162</b>	<b>11.4</b>	<b>91</b>	<b>6.4</b>	<b>36</b>	<b>2.5</b>
<b>§2B3.2</b>	<b>23</b>		<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>26.1</b>	<b>5</b>	<b>21.7</b>	<b>2</b>	<b>8.7</b>	<b>6</b>	<b>26.1</b>	<b>2</b>	<b>8.7</b>	<b>2</b>	<b>8.7</b>
<b>§2B4.1</b>	<b>119</b>		<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>2.5</b>	<b>7</b>	<b>5.9</b>	<b>9</b>	<b>7.6</b>	<b>31</b>	<b>26.1</b>	<b>41</b>	<b>34.5</b>	<b>28</b>	<b>23.5</b>
<b>§2B5.1</b>	<b>86</b>		<b>1</b>	<b>1.2</b>	<b>8</b>	<b>9.3</b>	<b>21</b>	<b>24.4</b>	<b>17</b>	<b>19.8</b>	<b>12</b>	<b>14.0</b>	<b>20</b>	<b>23.3</b>	<b>6</b>	<b>7.0</b>	<b>1</b>	<b>1.2</b>
<b>§2B5.3</b>	<b>24</b>		<b>0</b>	<b>0.0</b>	<b>1</b>	<b>4.2</b>	<b>2</b>	<b>8.3</b>	<b>2</b>	<b>8.3</b>	<b>7</b>	<b>29.2</b>	<b>6</b>	<b>25.0</b>	<b>5</b>	<b>20.8</b>	<b>1</b>	<b>4.2</b>

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,977 cases, one was excluded due to missing information on offender's age. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

**Table E-4**  
**CITIZENSHIP OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>6,973</b>	<b>6,148</b>	<b>88.2</b>	<b>825</b>	<b>11.8</b>
<b>§2B1.1</b>	<b>5,204</b>	<b>4,458</b>	<b>85.7</b>	<b>746</b>	<b>14.3</b>
<b>§2B1.4</b>	<b>17</b>	<b>15</b>	<b>88.2</b>	<b>2</b>	<b>11.8</b>
<b>§2B1.5</b>	<b>7</b>	<b>7</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2B2.1</b>	<b>69</b>	<b>65</b>	<b>94.2</b>	<b>4</b>	<b>5.8</b>
<b>§2B3.1</b>	<b>1,424</b>	<b>1,366</b>	<b>95.9</b>	<b>58</b>	<b>4.1</b>
<b>§2B3.2</b>	<b>23</b>	<b>21</b>	<b>91.3</b>	<b>2</b>	<b>8.7</b>
<b>§2B4.1</b>	<b>119</b>	<b>112</b>	<b>94.1</b>	<b>7</b>	<b>5.9</b>
<b>§2B5.1</b>	<b>86</b>	<b>84</b>	<b>97.7</b>	<b>2</b>	<b>2.3</b>
<b>§2B5.3</b>	<b>24</b>	<b>20</b>	<b>83.3</b>	<b>4</b>	<b>16.7</b>

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,977 cases, four 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, 2022 Datafile, USSCFY22.

Table E-5

**EDUCATION OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL		LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>6,941</b>		<b>1,374</b>	<b>19.8</b>	<b>2,189</b>	<b>31.5</b>	<b>2,058</b>	<b>29.6</b>	<b>1,320</b>	<b>19.0</b>
<b>§2B1.1</b>	<b>5,175</b>		798	15.4	1,469	28.4	1,707	33.0	1,201	23.2
<b>§2B1.4</b>	<b>17</b>		1	5.9	0	0.0	2	11.8	14	82.4
<b>§2B1.5</b>	<b>7</b>		0	0.0	2	28.6	4	57.1	1	14.3
<b>§2B2.1</b>	<b>69</b>		22	31.9	29	42.0	18	26.1	0	0.0
<b>§2B3.1</b>	<b>1,421</b>		521	36.7	627	44.1	251	17.7	22	1.5
<b>§2B3.2</b>	<b>23</b>		5	21.7	8	34.8	7	30.4	3	13.0
<b>§2B4.1</b>	<b>119</b>		4	3.4	11	9.2	30	25.2	74	62.2
<b>§2B5.1</b>	<b>86</b>		21	24.4	34	39.5	31	36.0	0	0.0
<b>§2B5.3</b>	<b>24</b>		2	8.3	9	37.5	8	33.3	5	20.8

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,977 cases, 36 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, 2022 Datafile, USSCFY22.

**Table E-6**  
**LOSS AMOUNT OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	TOTAL	NO GUIDELINE INCREASE FOR LOSS AMOUNT <sup>2</sup>		GUIDELINE INCREASE FOR LOSS AMOUNT		AMOUNT OF LOSS <sup>3</sup>		
		N	%	N	%	N	Mean	Median
<b>TOTAL</b>	<b>6,890</b>	<b>2,201</b>	<b>31.9</b>	<b>4,689</b>	<b>68.1</b>	<b>5,272</b>	<b>\$5,002,193</b>	<b>\$93,335</b>
<b>§2B1.1</b>	<b>5,148</b>	876	17.0	4,272	83.0	4,098	\$6,373,648	\$160,737
<b>§2B1.4</b>	<b>17</b>	0	0.0	17	100.0	14	\$2,129,749	\$973,580
<b>§2B1.5</b>	<b>7</b>	1	14.3	6	85.7	7	\$92,613	\$90,292
<b>§2B2.1</b>	<b>68</b>	45	66.2	23	33.8	42	\$42,120	\$3,865
<b>§2B3.1</b>	<b>1,402</b>	1,234	88.0	168	12.0	931	\$24,694	\$1,700
<b>§2B3.2</b>	<b>23</b>	14	60.9	9	39.1	10	\$484,350	\$51,429
<b>§2B4.1</b>	<b>116</b>	1	0.9	115	99.1	93	\$2,010,563	\$427,000
<b>§2B5.1</b>	<b>86</b>	30	34.9	56	65.1	61	\$19,867	\$5,580
<b>§2B5.3</b>	<b>23</b>	0	0.0	23	100.0	16	\$255,744	\$120,000

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,890 cases. In 4,689 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.

<sup>2</sup> 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.

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

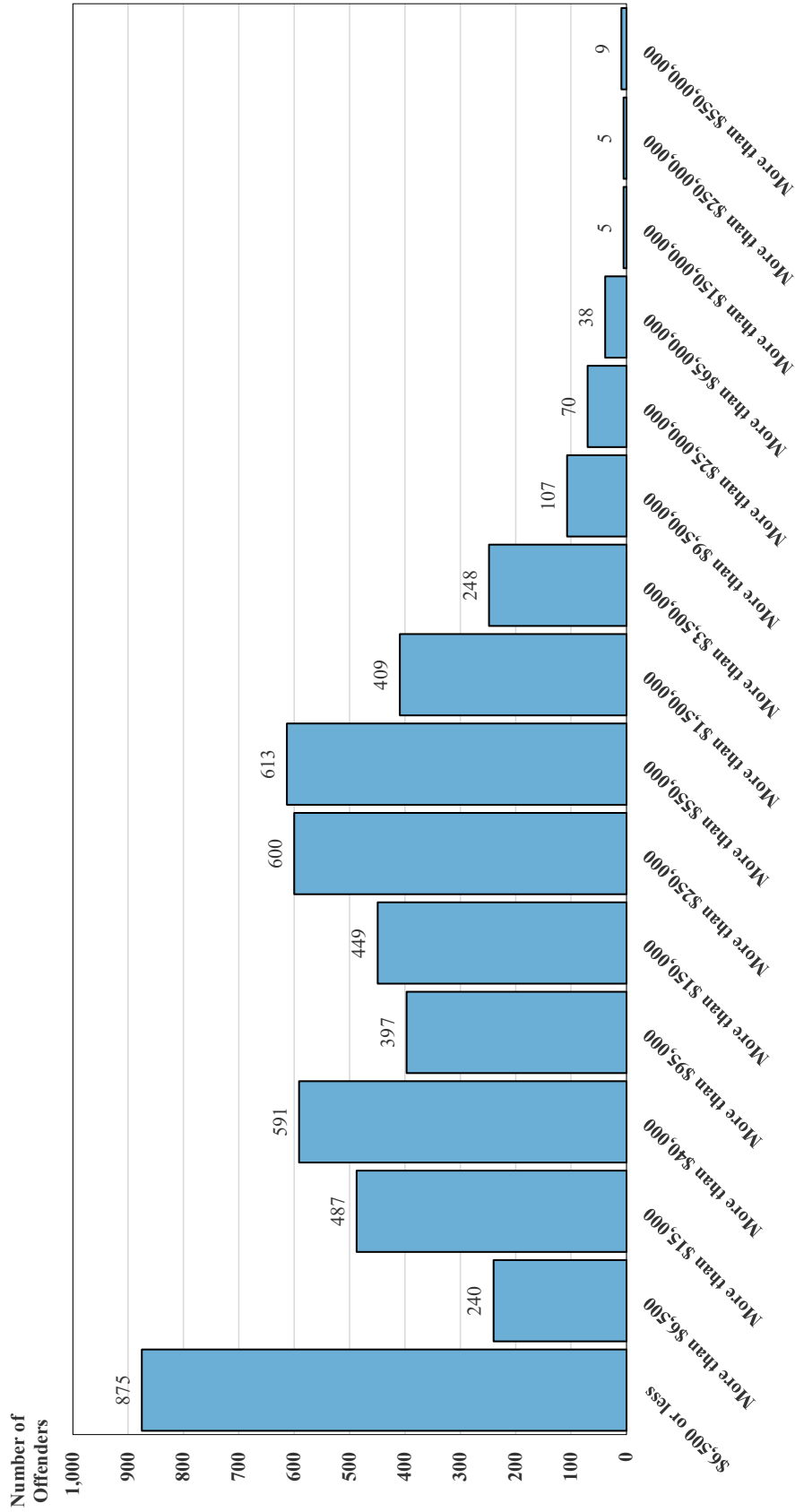
**Table E-7**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

GUIDELINE	WITHIN GUIDELINE RANGE			UPWARD			\$5K1.1			\$5K3.1			DOWNWARD			VARIANCE		
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<b>TOTAL</b>	<b>6,975</b>	<b>2,736</b>	<b>39.2</b>	<b>75</b>	<b>1.1</b>	<b>959</b>	<b>13.7</b>	<b>8</b>	<b>0.1</b>	<b>266</b>	<b>3.8</b>	<b>2,931</b>	<b>42.0</b>					
<b>§2B1.1</b>	<b>5,206</b>	<b>2,086</b>	<b>40.1</b>	<b>61</b>	<b>1.2</b>	<b>703</b>	<b>13.5</b>	<b>7</b>	<b>0.1</b>	<b>174</b>	<b>3.3</b>	<b>2,175</b>	<b>41.8</b>					
<b>§2B1.4</b>	<b>17</b>	<b>1</b>	<b>5.9</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>5.9</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>5.9</b>	<b>14</b>	<b>82.4</b>					
<b>§2B1.5</b>	<b>7</b>	<b>1</b>	<b>14.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>14.3</b>	<b>5</b>	<b>71.4</b>					
<b>§2B2.1</b>	<b>69</b>	<b>39</b>	<b>56.5</b>	<b>5</b>	<b>7.2</b>	<b>5</b>	<b>7.2</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>8.7</b>	<b>14</b>	<b>20.3</b>					
<b>§2B3.1</b>	<b>1,424</b>	<b>536</b>	<b>37.6</b>	<b>8</b>	<b>0.6</b>	<b>179</b>	<b>12.6</b>	<b>0</b>	<b>0.0</b>	<b>75</b>	<b>5.3</b>	<b>626</b>	<b>44.0</b>					
<b>§2B3.2</b>	<b>23</b>	<b>6</b>	<b>26.1</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>13.0</b>	<b>1</b>	<b>4.3</b>	<b>1</b>	<b>4.3</b>	<b>12</b>	<b>52.2</b>					
<b>§2B4.1</b>	<b>119</b>	<b>15</b>	<b>12.6</b>	<b>0</b>	<b>0.0</b>	<b>56</b>	<b>47.1</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>3.4</b>	<b>44</b>	<b>37.0</b>					
<b>§2B5.1</b>	<b>86</b>	<b>49</b>	<b>57.0</b>	<b>1</b>	<b>1.2</b>	<b>5</b>	<b>5.8</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>4.7</b>	<b>27</b>	<b>31.4</b>					
<b>§2B5.3</b>	<b>24</b>	<b>3</b>	<b>12.5</b>	<b>0</b>	<b>0.0</b>	<b>7</b>	<b>29.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>14</b>	<b>58.3</b>					

<sup>1</sup> Of the 64,142 cases, in 7,114 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,977 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 6,977 cases, two 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, 2022 Datafile, USSCFY22.

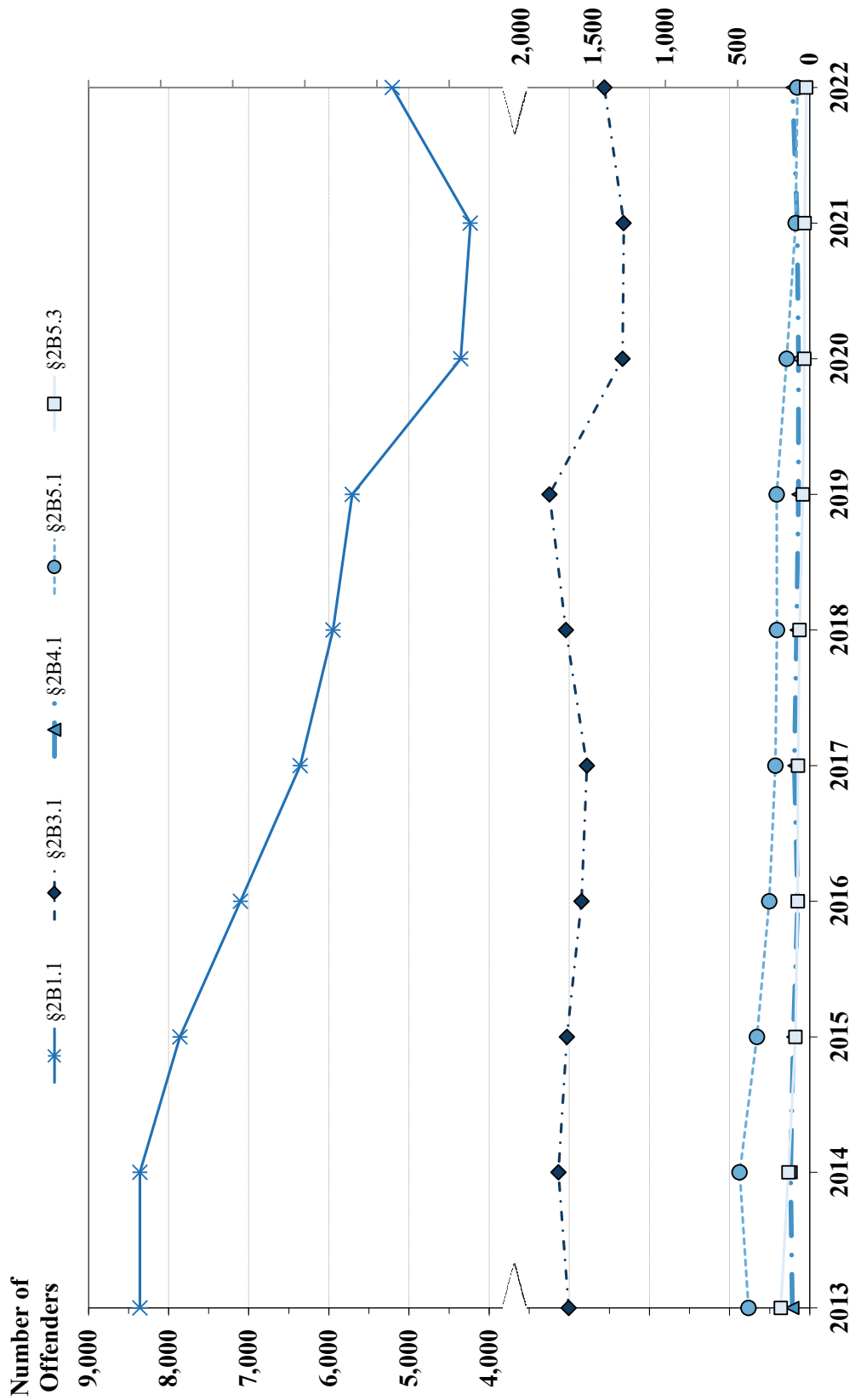
**Figure E-2**  
**NUMBER OF OFFENDERS IN EACH §2B1.1 LOSS TABLE CATEGORY<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> Of the 64,142 cases, the Commission received complete guideline application information for 61,006 cases. Of these, 5,148 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses). An additional five 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, 2022 Datafile, USSCFY22.

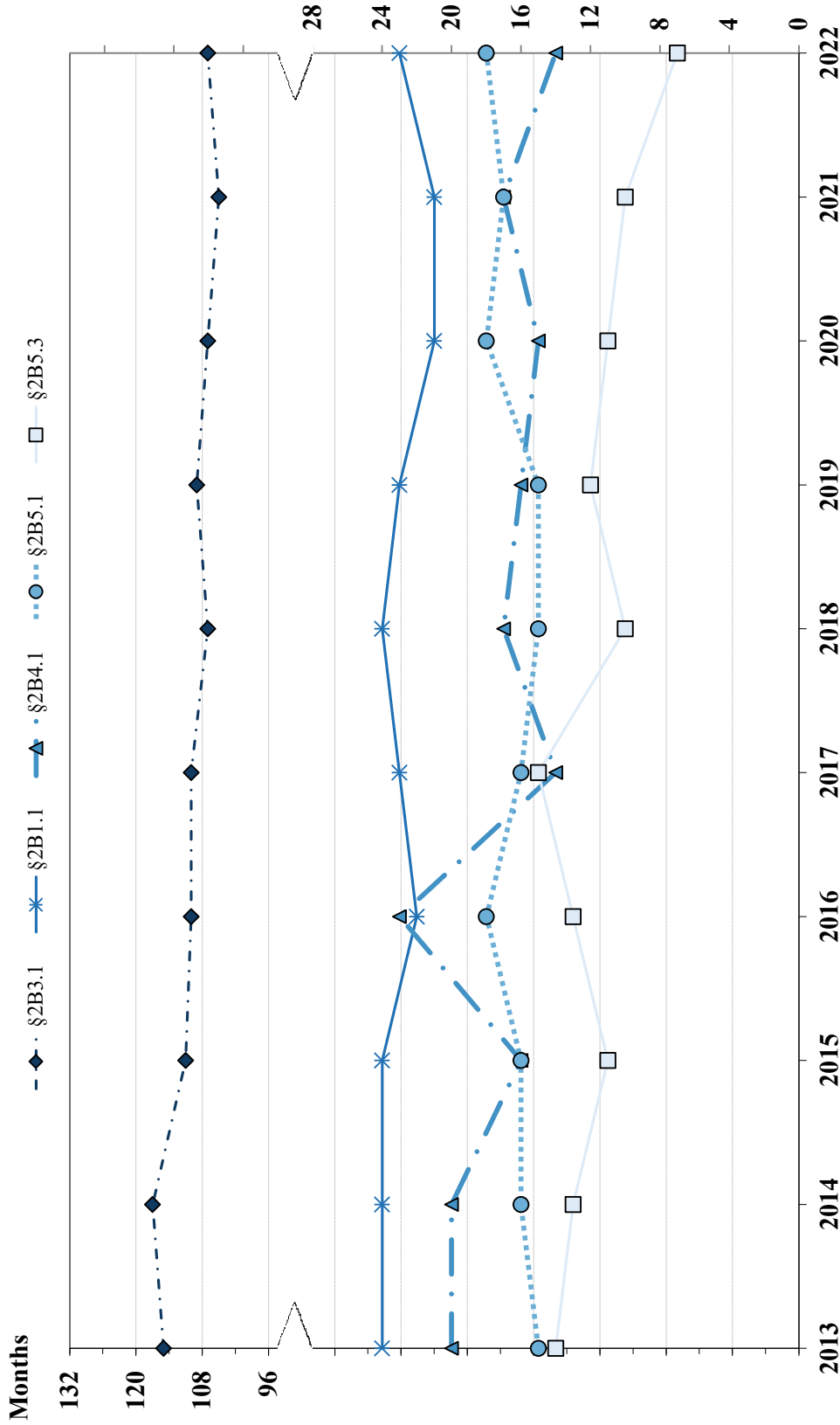
**Figure E-3**  
**NUMBER OF ECONOMIC OFFENSE OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

**Figure E-4**  
**SENTENCE LENGTH OF ECONOMIC OFFENSE OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**



<sup>1</sup> 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 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, 2013 - 2022 Datafiles, USSCFY13 - USSCFY22.

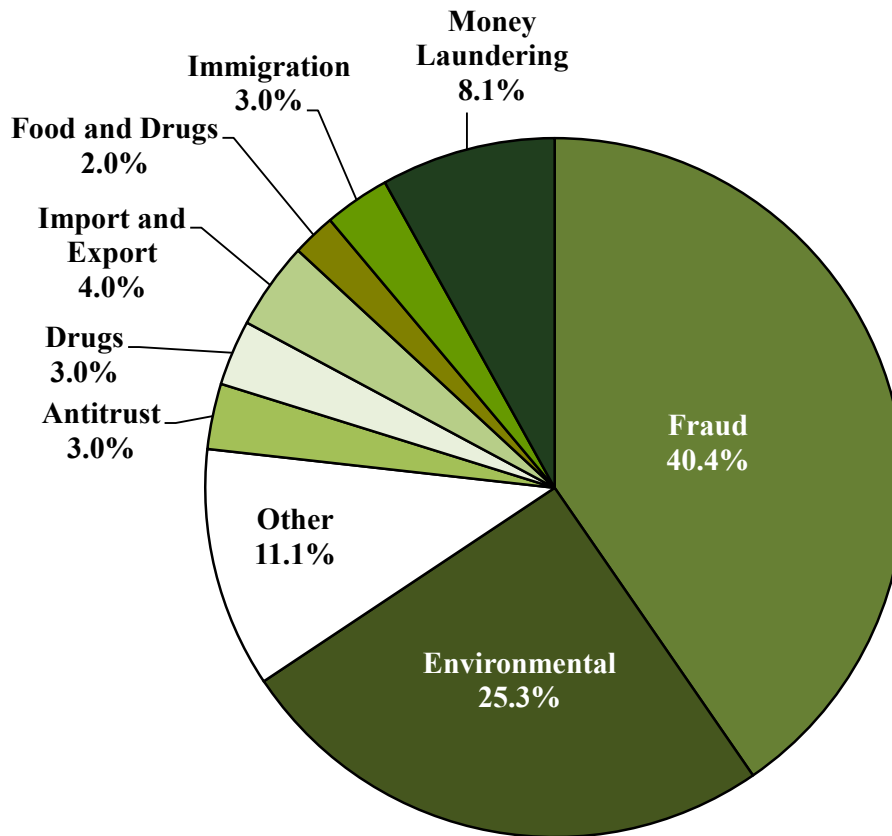


# **ORGANIZATIONAL OFFENDER SENTENCING DATA**

---

Figure O-1

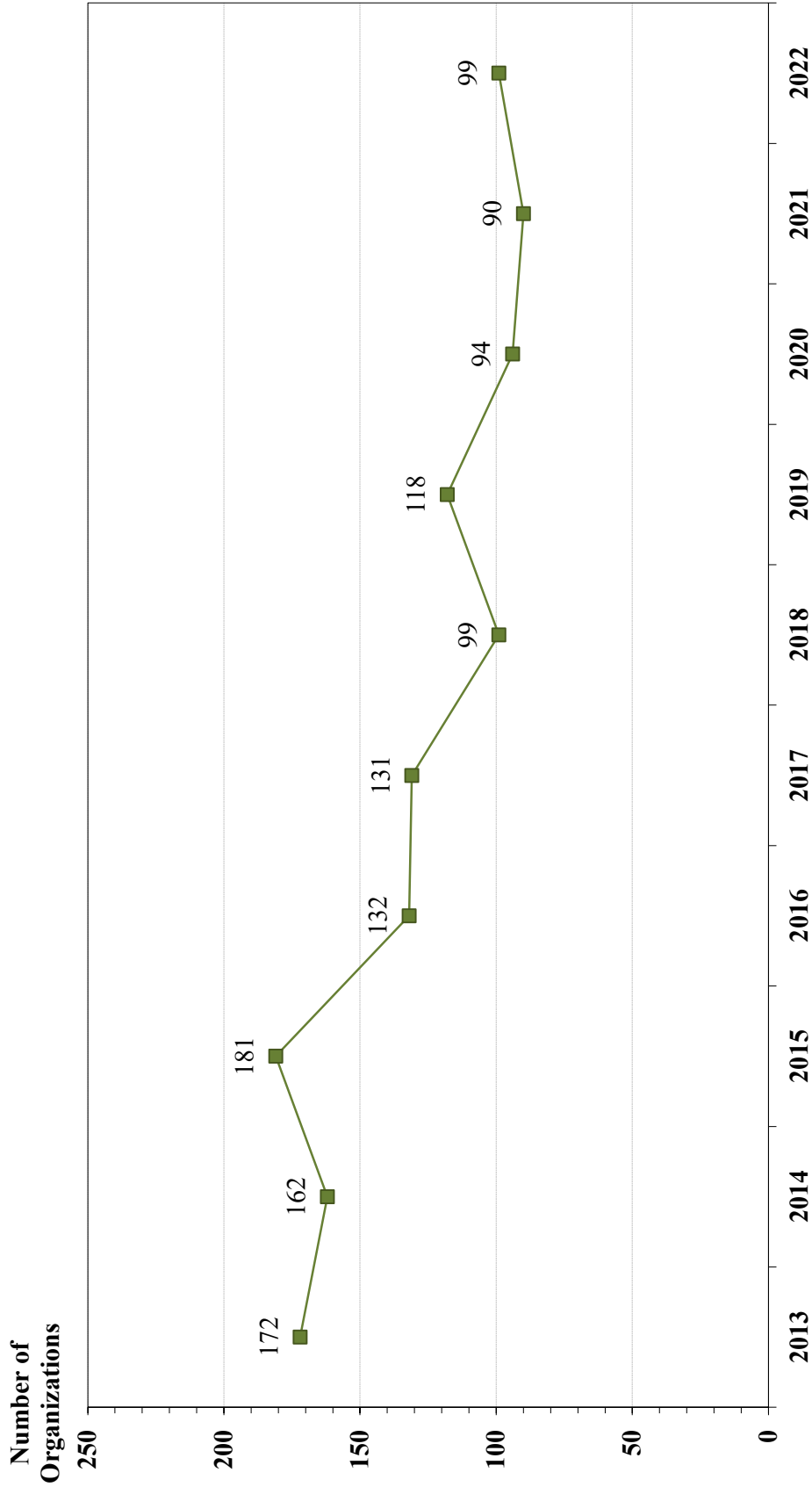
**ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> This figure includes the 99 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Organizational Datafile, CORPFY22.

**Figure O-2**  
**NUMBER OF ORGANIZATIONAL OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2013 - 2022**

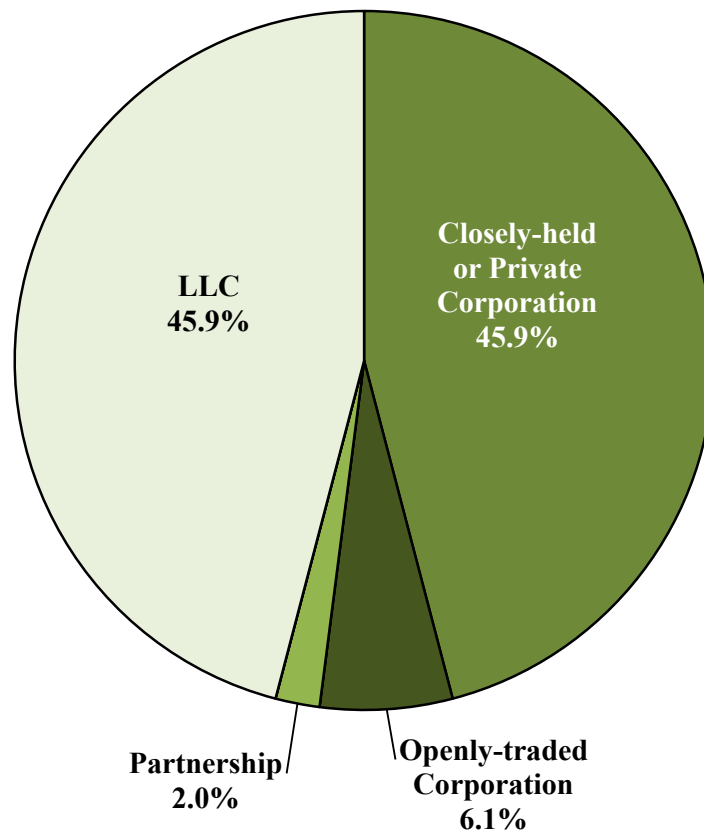


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2013 - 2022 Organizational Datafiles, CORPFY13 - CORPFY22.

**Figure O-3**

**ORGANIZATIONAL OFFENDERS BY OWNERSHIP STRUCTURE<sup>1</sup>**  
**Fiscal Year 2022**

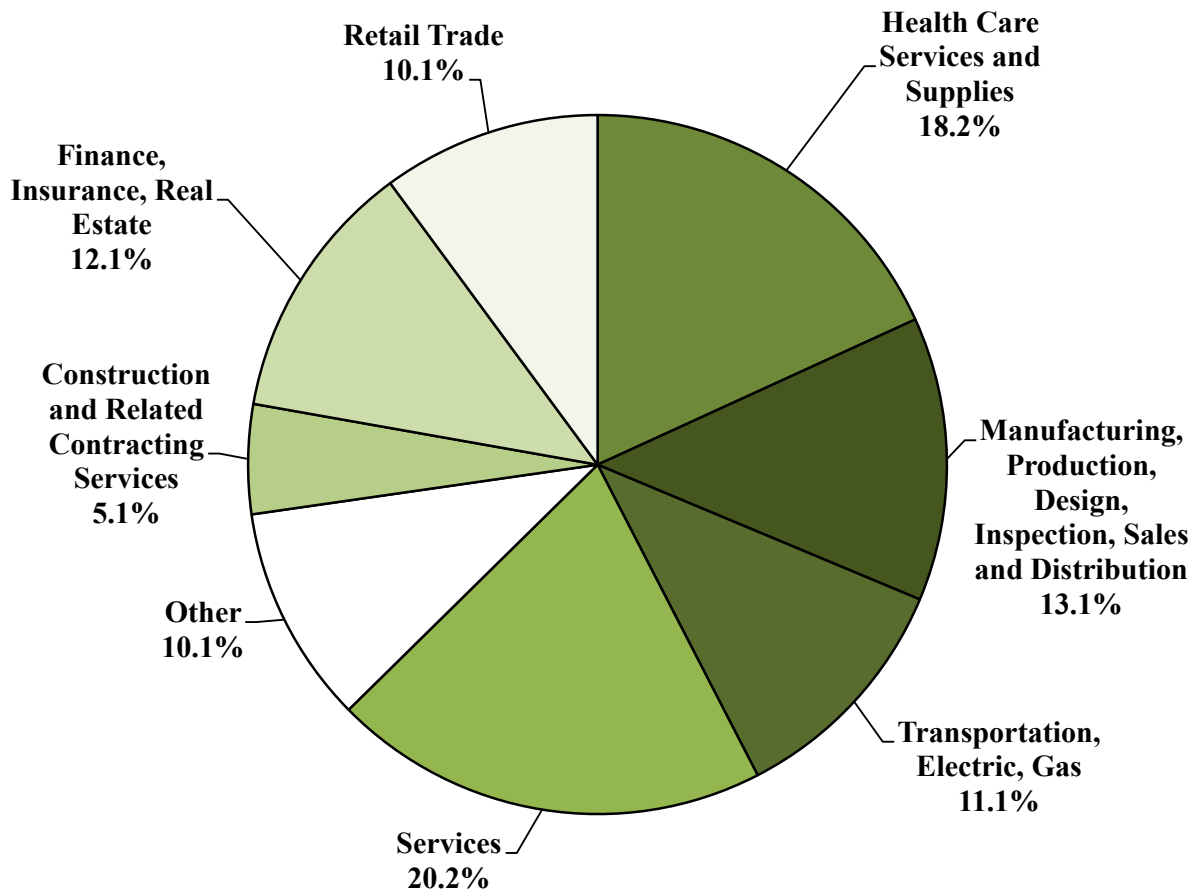


<sup>1</sup> Of the 99 organizational cases, one was missing information on the ownership structure of the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Organizational Datafile, CORPFY22.

Figure O-4

**ORGANIZATIONAL OFFENDERS BY TYPE OF BUSINESS<sup>1</sup>**  
**Fiscal Year 2022**

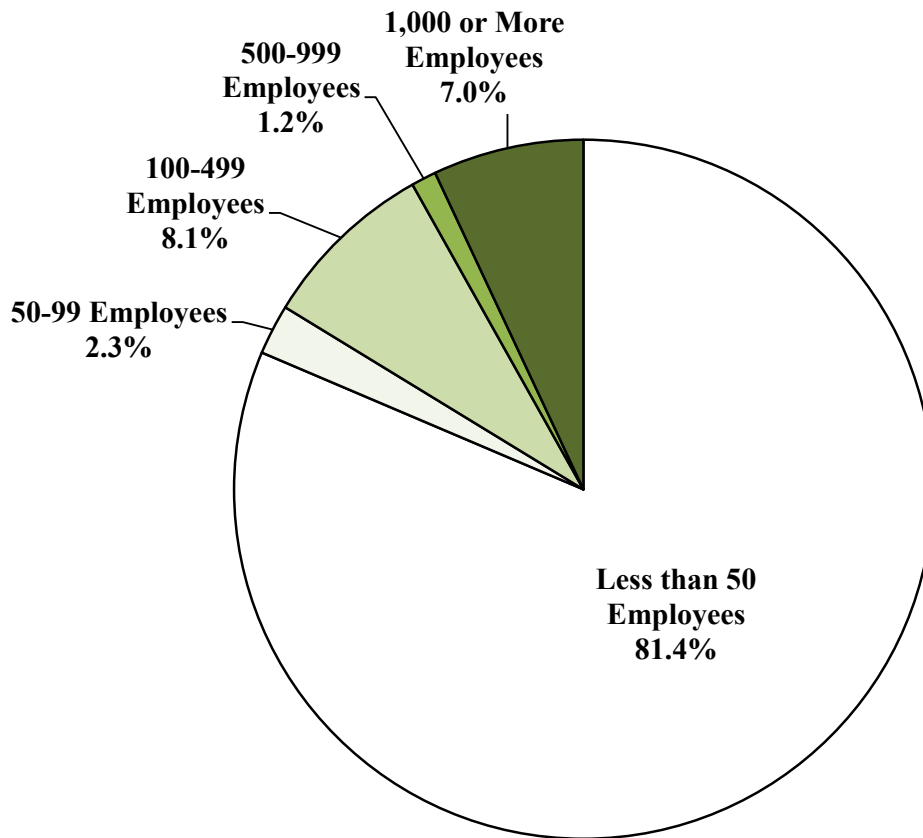


<sup>1</sup> This figure includes the 99 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Organizational Datafile, CORPFY22.

**Figure O-5**

**SIZE OF ORGANIZATIONAL OFFENDERS  
BY NUMBER OF EMPLOYEES<sup>1</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 99 organizational cases, 13 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, 2022 Organizational Datafile, CORPFY22.

**Table O-1**  
**FINE AND RESTITUTION FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

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	%
<b>TOTAL</b>	<b>99</b>	<b>9.1</b>	<b>9</b>	<b>9.1</b>	<b>46</b>	<b>46.5</b>	<b>30</b>	<b>30.3</b>	<b>14</b>	<b>14.1</b>
Administration of Justice	1	0.0	0	0.0	1	100.0	0	0.0	0	0.0
Antitrust	3	0.0	0	0.0	2	66.7	0	0.0	1	33.3
Archaeological Damage	0	--	0	--	0	--	0	--	0	--
Public Corruption: Bribery/Gratuity/Extortion	2	0.0	0	0.0	1	50.0	0	0.0	1	50.0
Civil Rights	0	--	0	--	0	--	0	--	0	--
Contraband	0	--	0	--	0	--	0	--	0	--
Copyright/Trademark	3	33.3	1	33.3	1	33.3	0	0.0	1	33.3
Drugs	3	0.0	0	0.0	2	66.7	1	33.3	0	0.0
Environmental - Water	10	0.0	0	0.0	9	90.0	0	0.0	1	10.0
Environmental - Air	7	0.0	0	0.0	7	100.0	0	0.0	0	0.0
Environmental - Hazardous/Toxic Pollutants	5	20.0	1	20.0	2	40.0	1	20.0	1	20.0
Environmental - Wildlife	3	0.0	0	0.0	2	66.7	0	0.0	1	33.3
Import and Export	4	25.0	1	25.0	2	50.0	0	0.0	1	25.0
Firearms	0	--	0	--	0	--	0	--	0	--
Food, Drugs, Agricultural and Consumer Products	2	50.0	1	50.0	0	0.0	1	50.0	0	0.0
Food Stamps	0	--	0	--	0	--	0	--	0	--
Forgery	0	--	0	--	0	--	0	--	0	--
Fraud	40	5.0	2	5.0	10	25.0	22	55.0	6	15.0
Gambling	0	--	0	--	0	--	0	--	0	--
Immigration	3	0.0	0	0.0	3	100.0	0	0.0	0	0.0
Larceny/Theft/Embezzlement	2	0.0	0	0.0	0	0.0	2	100.0	0	0.0
Motor Vehicles	0	--	0	--	0	--	0	--	0	--
Money Laundering	8	37.5	3	37.5	3	37.5	2	25.0	0	0.0
Obscenity	1	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Racketeering/Extortion	0	--	0	--	0	--	0	--	0	--
Tax	0	--	0	--	0	--	0	--	0	--
Other	2	0.0	0	0.0	1	50.0	0	0.0	1	50.0

<sup>1</sup> Of the 99 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 90 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED <sup>2</sup>				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
<b>TOTAL</b>	<b>60</b>	<b>\$9,368,282</b>	<b>\$262,500</b>	<b>\$562,096,918</b>	<b>44</b>	<b>\$255,786,196</b>	<b>\$1,480,283</b>	<b>\$11,254,592,626</b>	<b>90</b>	<b>\$131,296,550</b>	<b>\$719,219</b>	<b>\$11,816,689,544</b>
Administration of Justice	1	--	--	--	0	--	--	--	1	--	--	--
Antitrust	3	\$114,190,561	\$1,200,000	\$342,571,682	1	--	--	--	3	\$114,350,861	\$1,200,000	\$343,052,582
Archaeological Damage	0	--	--	--	0	--	--	--	0	--	--	--
Public Corruption: Bribery/Gratuity/Extortion	2	--	--	--	1	--	--	--	2	--	--	--
Civil	0	--	--	--	0	--	--	--	0	--	--	--
Contraband	0	--	--	--	0	--	--	--	0	--	--	--
Copyright/Trademark	2	--	--	--	1	--	--	--	2	--	--	--
Drugs	2	--	--	--	1	--	--	--	2	--	--	--
Environmental - Water	10	\$4,222,100	\$1,550,000	\$42,221,000	1	--	--	--	3	\$1,826,307	\$500,000	\$5,478,921
Environmental - Air	7	\$574,921	\$100,000	\$4,024,450	0	--	--	--	10	\$4,222,854	\$1,550,000	\$42,228,538
Environmental - Hazardous/Toxic Pollutants	3	\$1,698,333	\$50,000	\$5,095,000	2	--	--	--	7	\$574,921	\$100,000	\$4,024,450
Environmental - Wildlife	3	\$70,000	\$50,000	\$210,000	1	--	--	--	4	\$1,282,228	\$60,741	\$5,128,911
Import and Export	3	\$55,667	\$42,000	\$167,000	1	--	--	--	3	\$73,699	\$50,000	\$221,097
Firearms	0	--	--	--	0	--	--	--	3	\$84,585	\$100,000	\$253,754
Food, Drugs, Agricultural & Consumer Products	0	--	--	--	0	--	--	--	0	--	--	--
Food Stamps	0	--	--	--	1	--	--	--	1	--	--	--
Forgery	0	--	--	--	0	--	--	--	0	--	--	--
Fraud	16	\$9,876,730	\$250,000	\$158,027,686	28	\$401,578,952	\$13,871,877	\$11,244,210,649	38	\$300,058,904	\$2,902,985	\$11,402,238,335
Gambling	0	--	--	--	0	--	--	--	0	--	--	--
Immigration	3	\$121,667	\$100,000	\$365,000	0	--	--	--	3	\$121,667	\$100,000	\$365,000
Larceny/Theft/Embezzlement	0	--	--	--	2	--	--	--	2	--	--	--
Motor Vehicles	0	--	--	--	0	--	--	--	0	--	--	--
Money Laundering	3	\$918,333	\$1,100,000	\$2,755,000	2	--	--	--	5	\$1,288,413	\$1,100,000	\$6,442,063
Obscenity	0	--	--	--	1	--	--	--	1	--	--	--
Racketeering/Extortion	0	--	--	--	0	--	--	--	0	--	--	--
Tax	0	--	--	--	0	--	--	--	0	--	--	--
Other	2	--	--	--	1	--	--	--	2	--	--	--

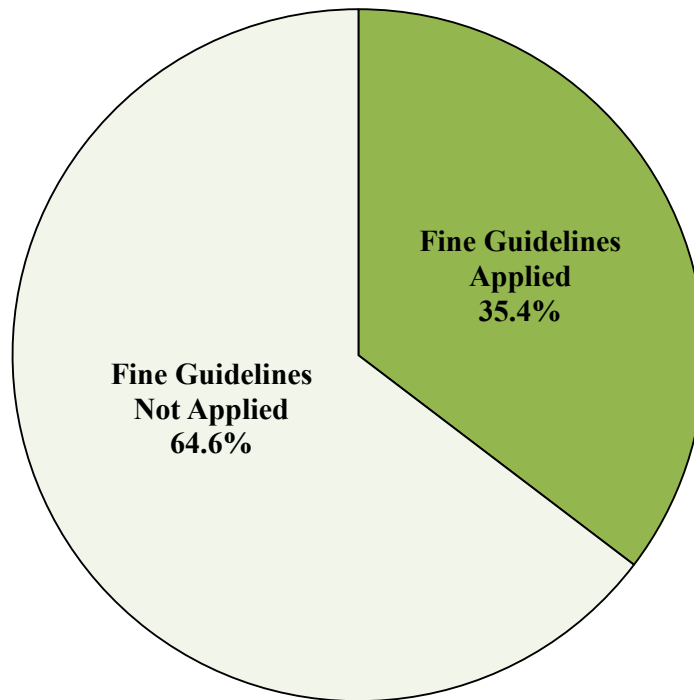
<sup>1</sup> Of the 99 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 90 cases. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

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



**Figure O-6**

**APPLICATION OF CHAPTER EIGHT FINE GUIDELINES<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> This figure includes the 99 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Organizational Datafile, CORPFY22.

**Table O-3**

**CHAPTER EIGHT SENTENCING COMPONENTS  
FOR ORGANIZATIONAL OFFENDERS<sup>1</sup>  
Fiscal Year 2022**

<b>SENTENCING COMPONENTS</b>		
<b>Disposition</b>	<b>N</b>	<b>%</b>
Guilty Plea	91	91.9
Nolo Contendere	0	0.0
Bench Trial	1	1.0
Trial By Jury	7	7.1
<b>TOTAL</b>	<b>99</b>	<b>100.0</b>
<b>Probation<sup>2</sup></b>		
Probation Ordered	74	74.7
Probation Not Ordered	25	25.3
<b>TOTAL</b>	<b>99</b>	<b>100.0</b>
<b>Court Ordered Compliance/Ethics</b>		
Program Ordered	21	21.2
No Program Ordered	78	78.8
<b>TOTAL</b>	<b>99</b>	<b>100.0</b>
<b>Inability to Pay</b>		
Fine Reduced - Organization Unable to Pay <sup>3</sup>	35	35.4
Organization Able to Pay	64	64.6
<b>TOTAL</b>	<b>99</b>	<b>100.0</b>

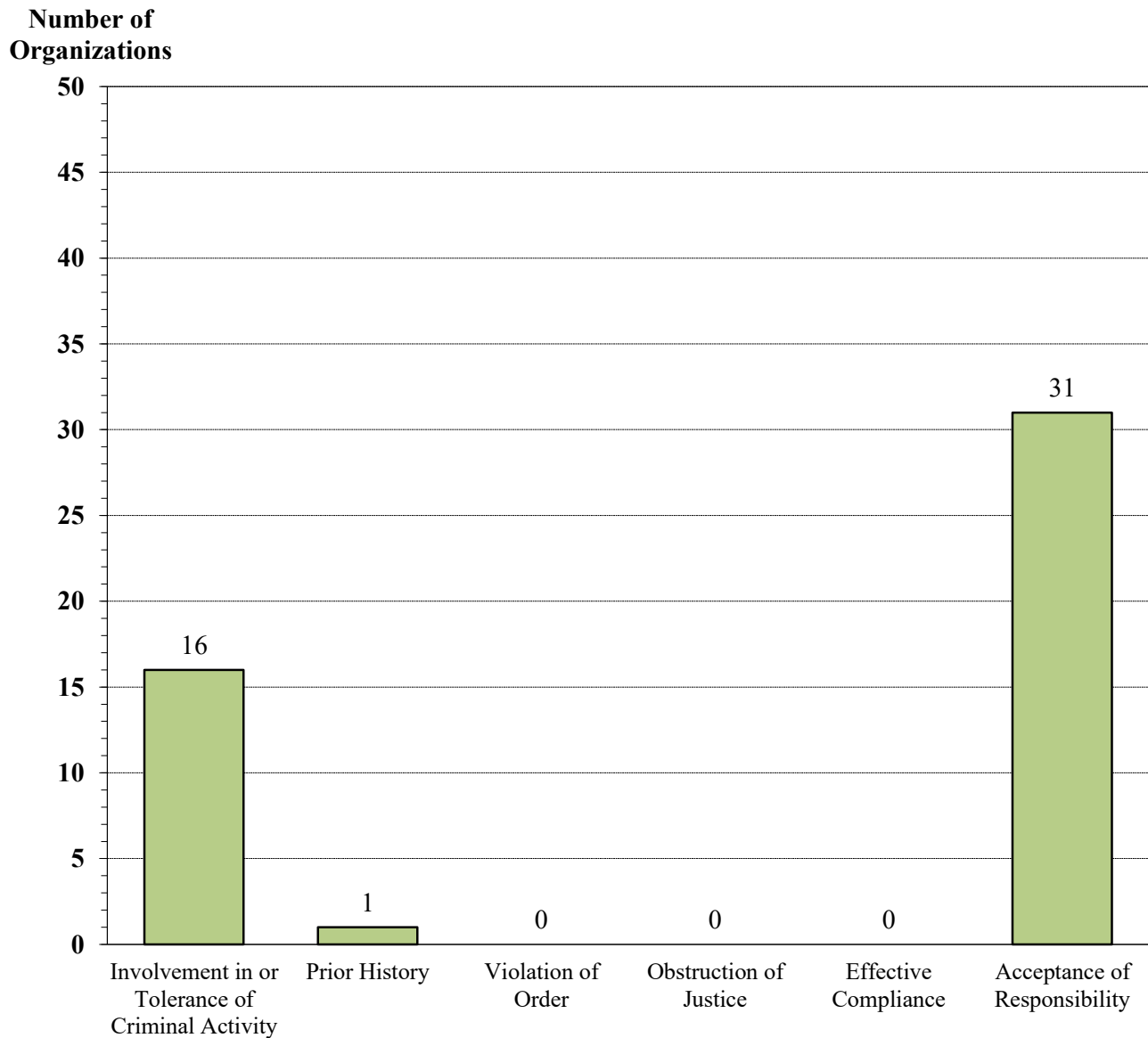
<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A. A discussion of a compliance and ethics program can be found in USSG §8C2.5.

<sup>2</sup> 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.

<sup>3</sup> 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 OFFENDERS<sup>1</sup>  
Fiscal Year 2022**



<sup>1</sup> Of the 99 organizational cases, the fine guideline was applied in 35 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, 2022 Organizational Datafile, CORPFY22.

Table O-4

**CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2022**

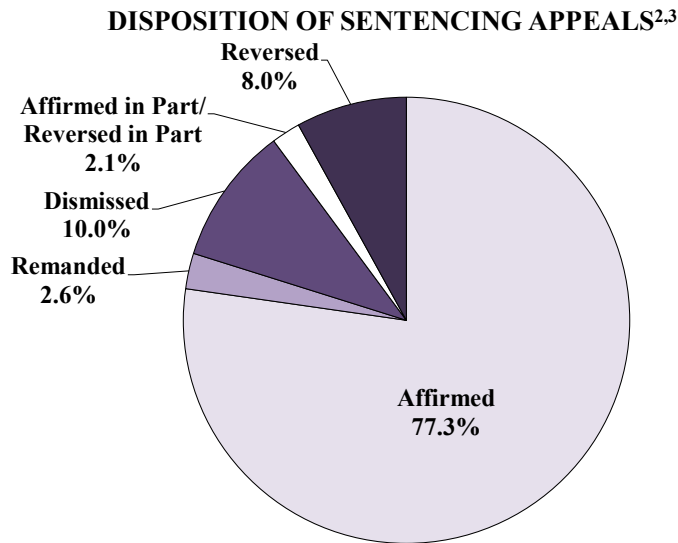
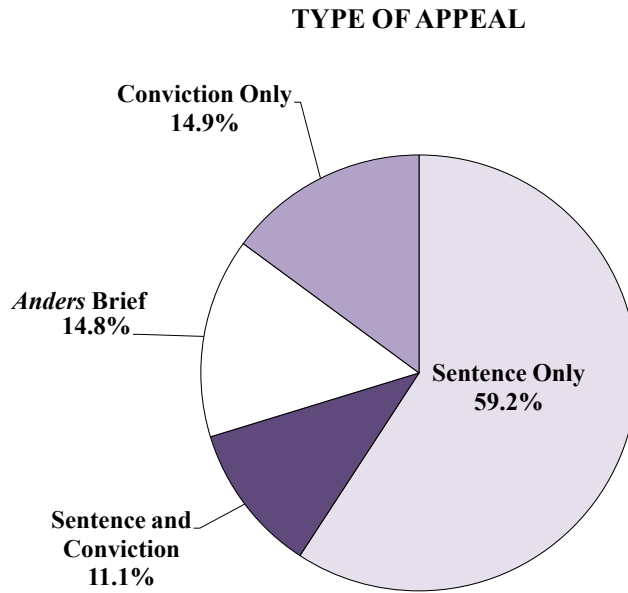
<b>Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)</b>	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	0	0.0
Involvement/tolerance in an organization/unit of 1,000+ employees	1	2.9
Involvement/tolerance in an organization/unit of 200+ employees	2	5.7
Involvement/tolerance in an organization/unit of 50+ employees	4	11.4
Involvement/tolerance in an organization/unit of ten or more employees	9	25.7
No involvement/tolerance OR fewer than ten employees	19	54.3
<b>TOTAL</b>	<b>35</b>	<b>100.0</b>
<b>Prior History - §8C2.5(c)</b>	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	2.9
Organization had no prior record	34	97.1
<b>TOTAL</b>	<b>35</b>	<b>100.0</b>
<b>Violation of an Order - §8C2.5(d)</b>	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	35	100.0
<b>TOTAL</b>	<b>35</b>	<b>100.0</b>
<b>Obstruction of Justice - §8C2.5(e)</b>	N	%
Organization obstructed justice	0	0.0
Organization did not obstruct justice	35	100.0
<b>TOTAL</b>	<b>35</b>	<b>100.0</b>
<b>Effective Compliance and Ethics Program - §8C2.5(f)</b>	N	%
Organization did have an effective compliance and ethics program	0	0.0
Organization had no compliance and ethics program	35	100.0
<b>TOTAL</b>	<b>35</b>	<b>100.0</b>
<b>Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)</b>	N	%
Reported offense to governmental authorities	2	5.7
Cooperated with investigation	17	48.6
Accepted responsibility	12	34.3
Organization did not self-report, cooperate, or accept responsibility	4	11.4
<b>TOTAL</b>	<b>35</b>	<b>100.0</b>

<sup>1</sup> Of the 99 organizational cases, the fine guideline was applied in 35 cases. For the remaining 64 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 CASES<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> Of the 7,208 appeals cases, 168 were excluded because the type of appeal was 'unknown'. Of these, 7,001 involved an appeal by the offender, 27 involved an appeal by the government, and 12 involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Of the 104 cases affirmed in part and reversed in part, 100 (96.2%) cases were remanded to the district court.

<sup>3</sup> Of the 398 cases reversed, 398 (100.0%) cases were remanded to the district court.

SOURCE: U.S. Sentencing Commission, 2022 Appeals Datafile, APPFY22.

Table A-1

**TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2022**

CIRCUIT District	Total	Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,040</b>	<b>4,167</b>	<b>59.2</b>	<b>779</b>	<b>11.1</b>	<b>1,049</b>	<b>14.9</b>	<b>1,045</b>	<b>14.8</b>
<b>D.C. CIRCUIT</b>	<b>31</b>	<b>21</b>	<b>67.7</b>	<b>3</b>	<b>9.7</b>	<b>7</b>	<b>22.6</b>	<b>0</b>	<b>0.0</b>
District of Columbia	31	21	67.7	3	9.7	7	22.6	0	0.0
<b>FIRST CIRCUIT</b>	<b>226</b>	<b>131</b>	<b>58.0</b>	<b>22</b>	<b>9.7</b>	<b>48</b>	<b>21.2</b>	<b>25</b>	<b>11.1</b>
Maine	34	20	58.8	2	5.9	11	32.4	1	2.9
Massachusetts	52	28	53.8	6	11.5	18	34.6	0	0.0
New Hampshire	8	4	50.0	0	0.0	3	37.5	1	12.5
Puerto Rico	125	75	60.0	12	9.6	15	12.0	23	18.4
Rhode Island	7	4	57.1	2	28.6	1	14.3	0	0.0
<b>SECOND CIRCUIT</b>	<b>358</b>	<b>222</b>	<b>62.0</b>	<b>40</b>	<b>11.2</b>	<b>73</b>	<b>20.4</b>	<b>23</b>	<b>6.4</b>
Connecticut	42	20	47.6	10	23.8	5	11.9	7	16.7
New York									
Eastern	78	41	52.6	14	17.9	17	21.8	6	7.7
Northern	48	39	81.3	5	10.4	4	8.3	0	0.0
Southern	128	83	64.8	7	5.5	30	23.4	8	6.3
Western	58	37	63.8	4	6.9	16	27.6	1	1.7
Vermont	4	2	50.0	0	0.0	1	25.0	1	25.0
<b>THIRD CIRCUIT</b>	<b>299</b>	<b>182</b>	<b>60.9</b>	<b>35</b>	<b>11.7</b>	<b>71</b>	<b>23.7</b>	<b>11</b>	<b>3.7</b>
Delaware	9	1	11.1	5	55.6	2	22.2	1	11.1
New Jersey	62	42	67.7	6	9.7	14	22.6	0	0.0
Pennsylvania									
Eastern	110	75	68.2	10	9.1	22	20.0	3	2.7
Middle	68	41	60.3	4	5.9	18	26.5	5	7.4
Western	40	21	52.5	7	17.5	10	25.0	2	5.0
Virgin Islands	10	2	20.0	3	30.0	5	50.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>1,074</b>	<b>730</b>	<b>68.0</b>	<b>139</b>	<b>12.9</b>	<b>117</b>	<b>10.9</b>	<b>88</b>	<b>8.2</b>
Maryland	97	68	70.1	13	13.4	13	13.4	3	3.1
North Carolina									
Eastern	252	168	66.7	47	18.7	20	7.9	17	6.7
Middle	142	81	57.0	17	12.0	12	8.5	32	22.5
Western	120	73	60.8	22	18.3	11	9.2	14	11.7
South Carolina	156	119	76.3	16	10.3	11	7.1	10	6.4
Virginia									
Eastern	165	130	78.8	11	6.7	20	12.1	4	2.4
Western	56	37	66.1	5	8.9	14	25.0	0	0.0
West Virginia									
Northern	38	25	65.8	4	10.5	5	13.2	4	10.5
Southern	48	29	60.4	4	8.3	11	22.9	4	8.3

Table A-1 (cont.)

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		Anders Brief			
	N	%	N	%	N	%	N	%		
<b>FIFTH CIRCUIT</b>	<b>1,673</b>		<b>789</b>	<b>47.2</b>	<b>145</b>	<b>8.7</b>	<b>168</b>	<b>10.0</b>	<b>571</b>	<b>34.1</b>
Louisiana										
Eastern	33	36.4	12	36.4	4	12.1	14	42.4	3	9.1
Middle	19	26.3	5	26.3	1	5.3	3	15.8	10	52.6
Western	67	64.2	43	64.2	6	9.0	9	13.4	9	13.4
Mississippi										
Northern	11	100.0	11	100.0	0	0.0	0	0.0	0	0.0
Southern	54	72.2	39	72.2	5	9.3	6	11.1	4	7.4
Texas										
Eastern	85	41.2	35	41.2	6	7.1	15	17.6	29	34.1
Northern	466	37.3	174	37.3	27	5.8	40	8.6	225	48.3
Southern	351	33.3	117	33.3	23	6.6	34	9.7	177	50.4
Western	587	60.1	353	60.1	73	12.4	47	8.0	114	19.4
<b>SIXTH CIRCUIT</b>	<b>690</b>		<b>446</b>	<b>64.6</b>	<b>75</b>	<b>10.9</b>	<b>117</b>	<b>17.0</b>	<b>52</b>	<b>7.5</b>
Kentucky										
Eastern	105	66.7	70	66.7	14	13.3	16	15.2	5	4.8
Western	25	40.0	10	40.0	4	16.0	9	36.0	2	8.0
Michigan										
Eastern	79	81.0	64	81.0	4	5.1	5	6.3	6	7.6
Western	103	59.2	61	59.2	16	15.5	15	14.6	11	10.7
Ohio										
Northern	149	65.8	98	65.8	17	11.4	23	15.4	11	7.4
Southern	36	52.8	19	52.8	1	2.8	12	33.3	4	11.1
Tennessee										
Eastern	87	74.7	65	74.7	7	8.0	12	13.8	3	3.4
Middle	30	70.0	21	70.0	4	13.3	5	16.7	0	0.0
Western	76	50.0	38	50.0	8	10.5	20	26.3	10	13.2
<b>SEVENTH CIRCUIT</b>	<b>376</b>		<b>234</b>	<b>62.2</b>	<b>33</b>	<b>8.8</b>	<b>58</b>	<b>15.4</b>	<b>51</b>	<b>13.6</b>
Illinois										
Central	66	75.8	50	75.8	2	3.0	9	13.6	5	7.6
Northern	101	58.4	59	58.4	11	10.9	21	20.8	10	9.9
Southern	49	67.3	33	67.3	4	8.2	4	8.2	8	16.3
Indiana										
Northern	47	59.6	28	59.6	5	10.6	5	10.6	9	19.1
Southern	60	58.3	35	58.3	9	15.0	5	8.3	11	18.3
Wisconsin										
Eastern	15	40.0	6	40.0	0	0.0	7	46.7	2	13.3
Western	38	60.5	23	60.5	2	5.3	7	18.4	6	15.8
<b>EIGHTH CIRCUIT</b>	<b>792</b>		<b>509</b>	<b>64.3</b>	<b>78</b>	<b>9.8</b>	<b>96</b>	<b>12.1</b>	<b>109</b>	<b>13.8</b>
Arkansas										
Eastern	56	73.2	41	73.2	8	14.3	6	10.7	1	1.8
Western	54	64.8	35	64.8	1	1.9	2	3.7	16	29.6
Iowa										
Northern	99	60.6	60	60.6	10	10.1	10	10.1	19	19.2
Southern	190	60.5	115	60.5	23	12.1	15	7.9	37	19.5
Minnesota	69	66.7	46	66.7	7	10.1	12	17.4	4	5.8
Missouri										
Eastern	63	73.0	46	73.0	1	1.6	9	14.3	7	11.1
Western	121	75.2	91	75.2	6	5.0	11	9.1	13	10.7
Nebraska	49	59.2	29	59.2	8	16.3	8	16.3	4	8.2
North Dakota	43	65.1	28	65.1	6	14.0	7	16.3	2	4.7
South Dakota	48	37.5	18	37.5	8	16.7	16	33.3	6	12.5



Table A-1 (cont.)

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>593</b>	<b>55.3</b>	<b>328</b>	<b>16.2</b>	<b>142</b>	<b>23.9</b>	<b>27</b>	<b>4.6</b>
Alaska	25	80.0	20	4.0	4	16.0	0	0.0
Arizona	74	51.4	38	12.2	17	23.0	10	13.5
California								
Central	96	52.1	50	15.6	28	29.2	3	3.1
Eastern	49	65.3	32	16.3	7	14.3	2	4.1
Northern	53	39.6	21	15.1	22	41.5	2	3.8
Southern	73	54.8	40	23.3	15	20.5	1	1.4
Guam	3	33.3	1	33.3	1	33.3	0	0.0
Hawaii	41	78.0	32	4.9	4	9.8	3	7.3
Idaho	26	69.2	18	19.2	3	11.5	0	0.0
Montana	45	51.1	23	6.7	18	40.0	1	2.2
Nevada	42	45.2	19	38.1	5	11.9	2	4.8
Northern Mariana Islands	1	0.0	0	0.0	1	100.0	0	0.0
Oregon	17	47.1	8	0.0	9	52.9	0	0.0
Washington								
Eastern	24	58.3	14	29.2	3	12.5	0	0.0
Western	24	50.0	12	16.7	5	20.8	3	12.5
<b>TENTH CIRCUIT</b>	<b>249</b>	<b>60.6</b>	<b>151</b>	<b>10.4</b>	<b>56</b>	<b>22.5</b>	<b>16</b>	<b>6.4</b>
Colorado	45	62.2	28	8.9	12	26.7	1	2.2
Kansas	45	57.8	26	4.4	10	22.2	7	15.6
New Mexico	45	51.1	23	20.0	11	24.4	2	4.4
Oklahoma								
Eastern	19	63.2	12	0.0	7	36.8	0	0.0
Northern	20	60.0	12	20.0	3	15.0	1	5.0
Western	46	69.6	32	10.9	5	10.9	4	8.7
Utah	11	63.6	7	9.1	3	27.3	0	0.0
Wyoming	18	61.1	11	5.6	5	27.8	1	5.6
<b>ELEVENTH CIRCUIT</b>	<b>679</b>	<b>62.4</b>	<b>424</b>	<b>12.8</b>	<b>96</b>	<b>14.1</b>	<b>72</b>	<b>10.6</b>
Alabama								
Middle	15	60.0	9	13.3	4	26.7	0	0.0
Northern	43	39.5	17	9.3	10	23.3	12	27.9
Southern	36	55.6	20	16.7	7	19.4	3	8.3
Florida								
Middle	219	61.2	134	11.4	29	13.2	31	14.2
Northern	72	72.2	52	11.1	6	8.3	6	8.3
Southern	153	73.9	113	14.4	14	9.2	4	2.6
Georgia								
Middle	46	63.0	29	6.5	8	17.4	6	13.0
Northern	61	57.4	35	14.8	14	23.0	3	4.9
Southern	34	44.1	15	23.5	4	11.8	7	20.6

<sup>1</sup> Of the 7,208 appeals cases, 168 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, 2022 Appeals Datafile, APPFY22.

Table A-2

**DISPOSITION OF OFFENDER ORIGINAL SENTENCING APPEALS  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2022**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>TOTAL</b>	<b>2,585</b>	<b>1,816</b>	<b>70.3</b>	<b>255</b>	<b>255</b>	<b>9.9</b>	<b>85</b>	<b>81</b>	<b>3.3</b>	<b>361</b>	<b>14.0</b>	<b>68</b>	<b>2.6</b>
<b>D.C. CIRCUIT</b>	<b>12</b>	<b>9</b>	<b>75.0</b>	<b>2</b>	<b>2</b>	<b>16.7</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>8.3</b>	<b>0</b>	<b>0.0</b>
District of Columbia	12	9	75.0	2	2	16.7	0	0	0.0	1	8.3	0	0.0
<b>FIRST CIRCUIT</b>	<b>88</b>	<b>62</b>	<b>70.5</b>	<b>12</b>	<b>12</b>	<b>13.6</b>	<b>1</b>	<b>1</b>	<b>1.1</b>	<b>11</b>	<b>12.5</b>	<b>2</b>	<b>2.3</b>
Maine	15	15	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	17	14	82.4	1	1	5.9	0	0	0.0	1	5.9	1	5.9
New Hampshire	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	51	28	54.9	11	11	21.6	1	1	2.0	10	19.6	1	2.0
Rhode Island	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>142</b>	<b>82</b>	<b>57.7</b>	<b>13</b>	<b>13</b>	<b>9.2</b>	<b>10</b>	<b>10</b>	<b>7.0</b>	<b>31</b>	<b>21.8</b>	<b>6</b>	<b>4.2</b>
Connecticut	23	15	65.2	1	1	4.3	2	2	8.7	5	21.7	0	0.0
New York													
Eastern	30	18	60.0	3	3	10.0	3	3	10.0	3	10.0	3	10.0
Northern	23	8	34.8	7	7	30.4	2	2	8.7	5	21.7	1	4.3
Southern	44	25	56.8	2	2	4.5	2	2	4.5	13	29.5	2	4.5
Western	21	15	71.4	0	0	0.0	1	1	4.8	5	23.8	0	0.0
Vermont	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>77</b>	<b>53</b>	<b>68.8</b>	<b>10</b>	<b>10</b>	<b>13.0</b>	<b>6</b>	<b>5</b>	<b>7.8</b>	<b>5</b>	<b>6.5</b>	<b>3</b>	<b>3.9</b>
Delaware	6	1	16.7	2	2	33.3	1	0	16.7	0	0.0	2	33.3
New Jersey	14	11	78.6	2	2	14.3	0	0	0.0	1	7.1	0	0.0
Pennsylvania													
Eastern	22	13	59.1	4	4	18.2	4	4	18.2	0	0.0	1	4.5
Middle	17	13	76.5	2	2	11.8	1	1	5.9	1	5.9	0	0.0
Western	14	12	85.7	0	0	0.0	0	0	0.0	2	14.3	0	0.0
Virgin Islands	4	3	75.0	0	0	0.0	0	0	0.0	1	25.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>366</b>	<b>196</b>	<b>53.6</b>	<b>74</b>	<b>74</b>	<b>20.2</b>	<b>10</b>	<b>10</b>	<b>2.7</b>	<b>80</b>	<b>21.9</b>	<b>6</b>	<b>1.6</b>
Maryland	27	13	48.1	6	6	22.2	1	1	3.7	7	25.9	0	0.0
North Carolina													
Eastern	126	53	42.1	35	35	27.8	4	4	3.2	33	26.2	1	0.8
Middle	57	40	70.2	9	9	15.8	1	1	1.8	7	12.3	0	0.0
Western	45	26	57.8	4	4	8.9	1	1	2.2	12	26.7	2	4.4
South Carolina	40	26	65.0	9	9	22.5	0	0	0.0	5	12.5	0	0.0
Virginia													
Eastern	27	14	51.9	4	4	14.8	2	2	7.4	6	22.2	1	3.7
Western	15	13	86.7	0	0	0.0	0	0	0.0	2	13.3	0	0.0
West Virginia													
Northern	14	5	35.7	5	5	35.7	1	1	7.1	3	21.4	0	0.0
Southern	15	6	40.0	2	2	13.3	0	0	0.0	5	33.3	2	13.3

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>649</b>	<b>496</b>	<b>76.4</b>	<b>43</b>	<b>43</b>	<b>6.6</b>	<b>18</b>	<b>17</b>	<b>2.8</b>	<b>60</b>	<b>9.2</b>	<b>32</b>	<b>4.9</b>
Louisiana													
Eastern	8	3	37.5	0	0	0.0	2	2	25.0	3	37.5	0	0.0
Middle	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	37	32	86.5	3	3	8.1	0	0	0.0	1	2.7	1	2.7
Mississippi													
Northern	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	21	7	33.3	1	1	4.8	0	0	0.0	13	61.9	0	0.0
Texas													
Eastern	22	13	59.1	0	0	0.0	0	0	0.0	6	27.3	3	13.6
Northern	154	108	70.1	9	9	5.8	1	1	0.6	29	18.8	7	4.5
Southern	106	71	67.0	13	13	12.3	6	6	5.7	5	4.7	11	10.4
Western	296	257	86.8	17	17	5.7	9	8	3.0	3	1.0	10	3.4
<b>SIXTH CIRCUIT</b>	<b>242</b>	<b>194</b>	<b>80.2</b>	<b>16</b>	<b>16</b>	<b>6.6</b>	<b>5</b>	<b>5</b>	<b>2.1</b>	<b>26</b>	<b>10.7</b>	<b>1</b>	<b>0.4</b>
Kentucky													
Eastern	38	33	86.8	3	3	7.9	0	0	0.0	2	5.3	0	0.0
Western	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	15	11	73.3	1	1	6.7	0	0	0.0	3	20.0	0	0.0
Western	46	41	89.1	2	2	4.3	0	0	0.0	2	4.3	1	2.2
Ohio													
Northern	57	42	73.7	2	2	3.5	5	5	8.8	8	14.0	0	0.0
Southern	7	5	71.4	0	0	0.0	0	0	0.0	2	28.6	0	0.0
Tennessee													
Eastern	40	32	80.0	5	5	12.5	0	0	0.0	3	7.5	0	0.0
Middle	11	11	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	25	16	64.0	3	3	12.0	0	0	0.0	6	24.0	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>112</b>	<b>78</b>	<b>69.6</b>	<b>20</b>	<b>20</b>	<b>17.9</b>	<b>2</b>	<b>1</b>	<b>1.8</b>	<b>10</b>	<b>8.9</b>	<b>2</b>	<b>1.8</b>
Illinois													
Central	18	12	66.7	3	3	16.7	0	0	0.0	3	16.7	0	0.0
Northern	35	27	77.1	7	7	20.0	1	1	2.9	0	0.0	0	0.0
Southern	12	9	75.0	0	0	0.0	0	0	0.0	2	16.7	1	8.3
Indiana													
Northern	12	7	58.3	3	3	25.0	0	0	0.0	1	8.3	1	8.3
Southern	22	13	59.1	5	5	22.7	1	0	4.5	3	13.6	0	0.0
Wisconsin													
Eastern	2	1	50.0	0	0	0.0	0	0	0.0	1	50.0	0	0.0
Western	11	9	81.8	2	2	18.2	0	0	0.0	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>322</b>	<b>257</b>	<b>79.8</b>	<b>11</b>	<b>11</b>	<b>3.4</b>	<b>4</b>	<b>3</b>	<b>1.2</b>	<b>44</b>	<b>13.7</b>	<b>6</b>	<b>1.9</b>
Arkansas													
Eastern	31	14	45.2	3	3	9.7	0	0	0.0	12	38.7	2	6.5
Western	27	23	85.2	1	1	3.7	1	0	3.7	2	7.4	0	0.0
Iowa													
Northern	34	30	88.2	0	0	0.0	1	1	2.9	3	8.8	0	0.0
Southern	92	82	89.1	4	4	4.3	1	1	1.1	3	3.3	2	2.2
Minnesota	31	25	80.6	0	0	0.0	0	0	0.0	6	19.4	0	0.0
Missouri													
Eastern	23	19	82.6	0	0	0.0	0	0	0.0	4	17.4	0	0.0
Western	33	24	72.7	1	1	3.0	1	1	3.0	6	18.2	1	3.0
Nebraska	18	15	83.3	1	1	5.6	0	0	0.0	1	5.6	1	5.6
North Dakota	15	10	66.7	1	1	6.7	0	0	0.0	4	26.7	0	0.0
South Dakota	18	15	83.3	0	0	0.0	0	0	0.0	3	16.7	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>201</b>	<b>123</b>	<b>61.2</b>	<b>25</b>	<b>25</b>	<b>12.4</b>	<b>22</b>	<b>22</b>	<b>10.9</b>	<b>25</b>	<b>12.4</b>	<b>6</b>	<b>3.0</b>
Alaska	5	3	60.0	0	0	0.0	0	0	0.0	2	40.0	0	0.0
Arizona	18	11	61.1	2	2	11.1	3	3	16.7	1	5.6	1	5.6
California													
Central	36	22	61.1	6	6	16.7	2	2	5.6	5	13.9	1	2.8
Eastern	19	14	73.7	2	2	10.5	2	2	10.5	1	5.3	0	0.0
Northern	16	9	56.3	5	5	31.3	2	2	12.5	0	0.0	0	0.0
Southern	37	23	62.2	6	6	16.2	5	5	13.5	2	5.4	1	2.7
Guam	2	1	50.0	0	0	0.0	1	1	50.0	0	0.0	0	0.0
Hawaii	8	6	75.0	0	0	0.0	1	1	12.5	1	12.5	0	0.0
Idaho	14	6	42.9	0	0	0.0	0	0	0.0	7	50.0	1	7.1
Montana	6	4	66.7	0	0	0.0	1	1	16.7	1	16.7	0	0.0
Nevada	21	13	61.9	2	2	9.5	2	2	9.5	3	14.3	1	4.8
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	4	3	75.0	1	1	25.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	12	7	58.3	0	0	0.0	2	2	16.7	2	16.7	1	8.3
Western	3	1	33.3	1	1	33.3	1	1	33.3	0	0.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>104</b>	<b>55</b>	<b>52.9</b>	<b>16</b>	<b>16</b>	<b>15.4</b>	<b>3</b>	<b>3</b>	<b>2.9</b>	<b>29</b>	<b>27.9</b>	<b>1</b>	<b>1.0</b>
Colorado	16	7	43.8	0	0	0.0	1	1	6.3	7	43.8	1	6.3
Kansas	12	4	33.3	5	5	41.7	0	0	0.0	3	25.0	0	0.0
New Mexico	24	12	50.0	2	2	8.3	1	1	4.2	9	37.5	0	0.0
Oklahoma													
Eastern	6	4	66.7	2	2	33.3	0	0	0.0	0	0.0	0	0.0
Northern	14	8	57.1	1	1	7.1	0	0	0.0	5	35.7	0	0.0
Western	23	16	69.6	3	3	13.0	1	1	4.3	3	13.0	0	0.0
Utah	4	1	25.0	1	1	25.0	0	0	0.0	2	50.0	0	0.0
Wyoming	5	3	60.0	2	2	40.0	0	0	0.0	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>270</b>	<b>211</b>	<b>78.1</b>	<b>13</b>	<b>13</b>	<b>4.8</b>	<b>4</b>	<b>4</b>	<b>1.5</b>	<b>39</b>	<b>14.4</b>	<b>3</b>	<b>1.1</b>
Alabama													
Middle	8	5	62.5	0	0	0.0	0	0	0.0	3	37.5	0	0.0
Northern	12	9	75.0	0	0	0.0	1	1	8.3	2	16.7	0	0.0
Southern	12	9	75.0	0	0	0.0	1	1	8.3	2	16.7	0	0.0
Florida													
Middle	90	65	72.2	8	8	8.9	1	1	1.1	15	16.7	1	1.1
Northern	38	36	94.7	1	1	2.6	1	1	2.6	0	0.0	0	0.0
Southern	54	45	83.3	3	3	5.6	0	0	0.0	6	11.1	0	0.0
Georgia													
Middle	17	14	82.4	0	0	0.0	0	0	0.0	3	17.6	0	0.0
Northern	24	15	62.5	1	1	4.2	0	0	0.0	6	25.0	2	8.3
Southern	15	13	86.7	0	0	0.0	0	0	0.0	2	13.3	0	0.0

<sup>1</sup> Of the 7,208 appeals cases, 2,585 involved an appeal of the original sentence by the offender. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,049), 'Anders Brief' (1,045), 'unknown' (168), the appeal was by the government only (26), the appeal was of an issue related to a post sentencing matter (1,921), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (420). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 'Remanded' includes cases that were remanded for sentencing purposes.

Table A-3

**DISPOSITION OF GOVERNMENT ORIGINAL SENTENCING APPEALS  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2022**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>TOTAL</b>	<b>27</b>	<b>10</b>	<b>37.0</b>	<b>17</b>	<b>17</b>	<b>63.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>D.C. CIRCUIT</b>	<b>1</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>1</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Maine	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
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
<b>SECOND CIRCUIT</b>	<b>2</b>	<b>1</b>	<b>50.0</b>	<b>1</b>	<b>1</b>	<b>50.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Connecticut	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New York													
Eastern	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	1	1	100.0	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
Vermont	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>3</b>	<b>2</b>	<b>66.7</b>	<b>1</b>	<b>1</b>	<b>33.3</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Delaware	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	2	2	100.0	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
<b>FOURTH CIRCUIT</b>	<b>2</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>2</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Maryland	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Carolina													
Eastern	1	0	0.0	1	1	100.0	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	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
South Carolina	0	0	0.0	0	0	0.0	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 <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>6</b>	<b>1</b>	<b>16.7</b>	<b>5</b>	<b>5</b>	<b>83.3</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
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	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
Texas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	4	1	25.0	3	3	75.0	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
<b>SIXTH CIRCUIT</b>	<b>1</b>	<b>1</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Kentucky													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	1	100.0	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	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
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
<b>SEVENTH CIRCUIT</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Illinois													
Central	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
Indiana													
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
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
<b>EIGHTH CIRCUIT</b>	<b>3</b>	<b>3</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Arkansas													
Eastern	1	1	100.0	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	1	1	100.0	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	1	1	100.0	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 <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>3</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>3</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
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	0	0	0.0	0	0	0.0	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	0	0	0.0	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	3	0	0.0	3	3	100.0	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
<b>TENTH CIRCUIT</b>	<b>1</b>	<b>1</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Colorado	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Mexico	0	0	0.0	0	0	0.0	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	1	1	100.0	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
<b>ELEVENTH CIRCUIT</b>	<b>5</b>	<b>1</b>	<b>20.0</b>	<b>4</b>	<b>4</b>	<b>80.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
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	2	1	50.0	1	1	50.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	2	0	0.0	2	2	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	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

<sup>1</sup> Of the 7,208 appeals cases, 27 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was conviction only' (1,049), 'Anders Brief' (1,045), 'unknown' (168), the appeal was by the offender only (4,913), the appeal was of an issue related to a post sentencing matter (1,921), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (420). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> '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 SENTENCE<sup>1</sup>**

**Fiscal Year 2022**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF OFFENDER APPEALS</b>	<b>406</b>	<b>--</b>
§5D1.3 (Conditions of Supervised Release)	108	26.6
§5E1.1 (Restitution)	33	8.1
§2K2.1 (Firearms)	30	7.4
§4B1.4 (Armed Career Criminal)	27	6.7
§4B1.2 (Definitions for Career Offender)	25	6.2
§2B1.1 (Larceny, Embezzlement, and Theft)	15	3.7
§2D1.1 (Drug Trafficking)	12	3.0
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	9	2.2
§4A1.2 (Definitions and Instructions of Criminal History)	8	2.0
§5C1.1 (Imposition of a Term of Imprisonment)	8	2.0
§5E1.4 (Forfeiture)	8	2.0
§2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien)	8	2.0
§4B1.1 (Career Offender)	6	1.5
§5G1.2 (Sentencing on Multiple Counts of Conviction)	6	1.5
§2L1.2 (Unlawfully Entering or Remaining in the United States)	6	1.5
§4A1.1 (Criminal History Category)	5	1.2
§5C1.2 (Limitation on Applicability of Statutory Minimums)	5	1.2
§1B1.3 (Relevant Conduct)	5	1.2
§3E1.1 (Acceptance of Responsibility)	5	1.2
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	5	1.2
§3C1.1 (Obstruction of Justice)	5	1.2
§5D1.2 (Terms of Supervised Release)	5	1.2
§6A1.3 (Resolution of Disputed Factors)	5	1.2
§2E1.1 (Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations)	4	1.0
§3B1.2 (Mitigating Role)	4	1.0
§5G1.1 (Sentencing on a Single Count of Conviction)	4	1.0
§5D1.1 (Imposition of a Term of Supervised Release)	4	1.0
§1B1.7 (Significance of Commentary)	4	1.0
Reasonableness Issues	367	90.4
Other Non-guideline Issues	209	51.5
Other Guidelines	48	11.8
Constitutional Issues	6	1.5

<sup>1</sup> Based on 2,585 appeals by offenders of the original sentence. Of these 2,585 appeals, 2,179 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 four times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Appeals Datafile, APPFY22.



**Table A-5**  
**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN**  
**GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>**  
**Fiscal Year 2022**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF GOVERNMENT APPEALS</b>	<b>17</b>	<b>--</b>
§4B1.4 (Armed Career Criminal)	4	23.5
§2K1.3 (Unlawful Receipt/Possession/Transportation of Explosive Materials)	3	17.6
§4B1.2 (Definitions for Career Offender)	3	17.6
§5G1.1 (Sentencing on a Single Count of Conviction)	2	11.8
§5E1.4 (Forfeiture)	1	5.9
§5E1.1 (Restitution)	1	5.9
§2B1.6 (Aggravated Identity Theft)	1	5.9
Reasonableness Issues	15	88.2
Other Non-guideline Issues	8	47.1

<sup>1</sup> Based on 27 appeals by the government of the original sentence. Of these 27 appeals, ten 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 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, 2022 Appeals Datafile, APPFY22.

**Table A-6**  
**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE**  
**ORIGINAL SENTENCE WAS REVERSED OR REMANDED<sup>1</sup>**  
**Fiscal Year 2022**

<b>ISSUE</b>	<b>N</b>	<b>%</b>
<b>REASONABLENESS ISSUES</b>	<b>433</b>	<b>100.0</b>
Procedural: Court improperly calculated guideline range	373	86.1
Procedural: Court did not adequately explain the chosen sentence	33	7.6
Procedural: Court selected a sentence based on clearly erroneous facts	12	2.8
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	9	2.1
Substantive: Unreasonable weighing decision	3	0.7
Substantive: General	2	0.5
Procedural: General	1	0.2

<sup>1</sup> Based on 4,946 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,946 cases, 2,605 were appeals of the original sentence. Of these 2,605 appeals of the original sentence, 421 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, 2022 Appeals Datafile, APPFY22.

**Table A-7**  
**OFFENSE AND OFFENDER CHARACTERISTICS IN**  
**ORIGINAL SENTENCE APPEALS CASES**  
**Fiscal Year 2022**

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES <sup>1</sup>		DISTRICT COURT CASES <sup>2</sup>	
	N	%	N	%
<b>Race</b>				
White	678	26.1	14,629	23.0
Black	992	38.2	16,061	25.2
Hispanic	807	31.1	30,200	47.4
Other	117	4.5	2,776	4.4
<b>TOTAL</b>	<b>2,594</b>	<b>100.0</b>	<b>63,666</b>	<b>100.0</b>
<b>Gender</b>				
Male	2,443	94.1	55,436	86.5
Female	154	5.9	8,662	13.5
<b>TOTAL</b>	<b>2,597</b>	<b>100.0</b>	<b>64,098</b>	<b>100.0</b>
<b>Education</b>				
Less than High School Graduate	935	36.5	25,347	41.4
High School Graduate	945	36.9	21,104	34.5
Some College	483	18.9	11,216	18.3
College Graduate	199	7.8	3,532	5.8
<b>TOTAL</b>	<b>2,562</b>	<b>100.0</b>	<b>61,199</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	2,043	78.8	43,947	68.8
Non-U.S. Citizen	551	21.2	19,894	31.2
<b>TOTAL</b>	<b>2,594</b>	<b>100.0</b>	<b>63,841</b>	<b>100.0</b>
<b>Criminal History Category</b>				
Category I	718	27.7	26,378	41.4
Category II	223	8.6	8,817	13.8
Category III	393	15.2	10,866	17.0
Category IV	368	14.2	6,580	10.3
Category V	296	11.4	4,250	6.7
Category VI	592	22.9	6,873	10.8
<b>TOTAL</b>	<b>2,590</b>	<b>100.0</b>	<b>63,764</b>	<b>100.0</b>
<b>Mandatory Minimum</b>				
No Mandatory Minimum	1,381	53.2	45,768	71.4
Gun Mandatory Minimum	299	11.5	2,047	3.2
Drug Mandatory Minimum	541	20.8	12,308	19.2
Gun and Drug Mandatory Minimum	91	3.5	960	1.5
Other Mandatory Minimum	285	11.0	3,059	4.8
<b>TOTAL</b>	<b>2,597</b>	<b>100.0</b>	<b>64,142</b>	<b>100.0</b>

<sup>1</sup> Based on 4,946 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,946 cases, 2,605 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989 - 2022 (MONFY89, MONFY90, USSCFY91 - USSCFY22). Of the 2,605 cases, eight could not be matched with its original case.

<sup>2</sup> All individual offender original sentencings in fiscal year 2022. 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, 2022 Appeals Datafile, APPFY22.

Table A-8

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

**Fiscal Year 2022**

TYPE OF CRIME	APPELLATE COURT CASES <sup>1</sup>				DISTRICT COURT CASES <sup>2</sup>			
	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
<b>TOTAL</b>	<b>2,596</b>	<b>100.0</b>	<b>147</b>	<b>120</b>	<b>64,141</b>	<b>100.0</b>	<b>51</b>	<b>26</b>
Administration of Justice	18	0.7	54	29	651	1.0	12	8
Antitrust	0	0.0	--	--	8	0.0	5	0
Arson	15	0.6	195	174	106	0.2	45	42
Assault	50	1.9	181	144	850	1.3	64	42
Bribery/Corruption	12	0.5	96	94	360	0.6	19	12
Burglary/Trespass	3	0.1	51	48	112	0.2	18	10
Child Pornography	92	3.5	172	154	1,435	2.2	110	96
Commercialized Vice	3	0.1	83	46	73	0.1	24	16
Drug Possession	3	0.1	24	24	296	0.5	2	0
Drug Trafficking	787	30.3	184	168	19,938	31.1	78	60
Environmental	1	0.0	--	--	153	0.2	4	0
Extortion/Racketeering	6	0.2	98	72	121	0.2	61	27
Firearms	562	21.6	113	96	9,318	14.5	49	39
Food and Drug	0	0.0	--	--	40	0.1	11	0
Forgery/Counter/Copyright	7	0.3	42	27	111	0.2	16	12
Fraud/Theft/Embezzlement	199	7.7	83	60	5,520	8.6	22	12
Immigration	329	12.7	37	30	17,652	27.5	12	8
Individual Rights	6	0.2	107	80	92	0.1	41	18
Kidnapping	21	0.8	266	252	128	0.2	184	160
Manslaughter	5	0.2	176	228	80	0.1	86	68
Money Laundering	82	3.2	157	121	1,192	1.9	61	33
Murder	64	2.5	344	360	410	0.6	261	240
National Defense	6	0.2	87	59	180	0.3	35	15
Obscenity/Other Sex Offenses	15	0.6	37	30	344	0.5	22	18
Prison Offenses	11	0.4	24	18	499	0.8	12	9
Robbery	114	4.4	193	153	1,444	2.3	106	96
Sexual Abuse	153	5.9	296	292	1,499	2.3	207	180
Stalking/Harassing	16	0.6	77	48	266	0.4	26	18
Tax	14	0.5	51	37	496	0.8	14	9
Other	2	0.1	--	--	767	1.2	3	0

<sup>1</sup> Based on 4,946 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,946 cases, 2,605 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989 - 2022 (MONFY89, MONFY90, USSCFY91 - USSCFY22). Of the 2,605 cases, eight could not be matched with its original case. Of 2,597 matched cases, one was excluded due to missing information on the sentence imposed. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> All individual offender original sentencings in fiscal year 2022. Of the 64,142 cases, one was excluded due to missing or indeterminable sentencing information.

SOURCE: U.S. Sentencing Commission, 2022 Appeals Datafile, APPFY22.

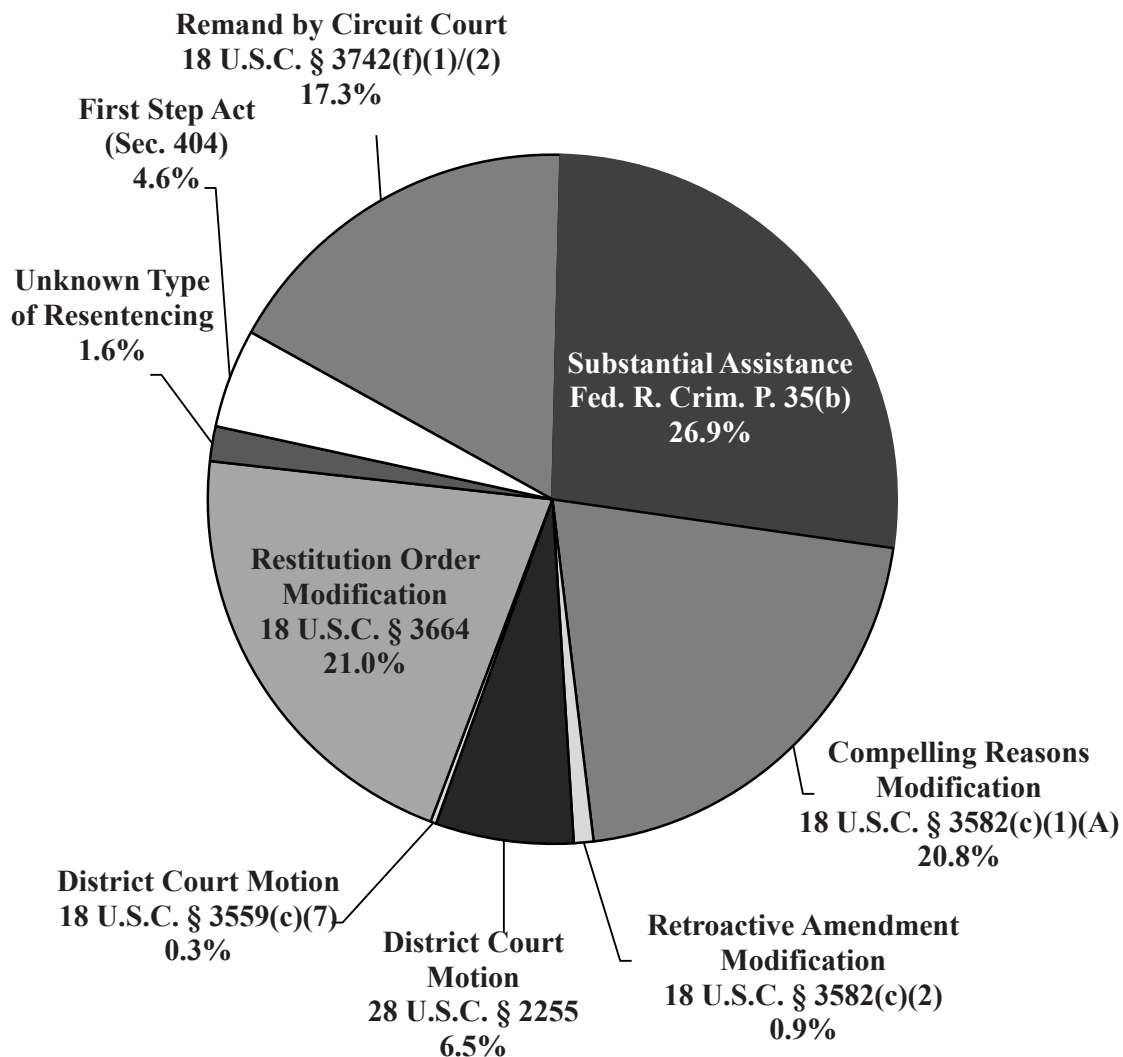
# **RESENTENCINGS AND OTHER MODIFICATIONS OF SENTENCE**

---

**Figure R**

**DISTRIBUTION OF OFFENDERS BY TYPE OF RESENTENCING  
OR OTHER MODIFICATION OF SENTENCE<sup>1</sup>**

**Fiscal Year 2022**



<sup>1</sup> This figure includes the 3,054 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, 2022 Resentencing Datafile, RESENTFY22.

Table R

**TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**

**Fiscal Year 2022**

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	%
<b>TOTAL</b>	<b>3,004</b>	<b>821</b>	<b>27.3</b>	<b>642</b>	<b>21.4</b>	<b>529</b>	<b>17.6</b>	<b>8</b>	<b>0.3</b>	<b>198</b>	<b>6.6</b>	<b>636</b>	<b>21.2</b>	<b>28</b>	<b>0.9</b>	<b>142</b>	<b>4.7</b>
<b>D.C. CIRCUIT</b>	<b>18</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>22.2</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>16.7</b>	<b>8</b>	<b>44.4</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>16.7</b>
District of Columbia	18	0	0.0	0	0.0	4	22.2	0	0.0	3	16.7	8	44.4	0	0.0	3	16.7
<b>FIRST CIRCUIT</b>	<b>73</b>	<b>5</b>	<b>6.8</b>	<b>24</b>	<b>32.9</b>	<b>17</b>	<b>23.3</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>8.2</b>	<b>18</b>	<b>24.7</b>	<b>3</b>	<b>4.1</b>	<b>0</b>	<b>0.0</b>
Maine	6	1	16.7	5	83.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Massachusetts	22	2	9.1	11	50.0	4	18.2	0	0.0	2	9.1	3	13.6	0	0.0	0	0.0
New Hampshire	12	1	8.3	3	25.0	1	8.3	0	0.0	1	8.3	6	50.0	0	0.0	0	0.0
Puerto Rico	28	1	3.6	3	10.7	12	42.9	0	0.0	3	10.7	6	21.4	3	10.7	0	0.0
Rhode Island	5	0	0.0	2	40.0	0	0.0	0	0.0	0	0.0	3	60.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>172</b>	<b>9</b>	<b>5.2</b>	<b>43</b>	<b>25.0</b>	<b>36</b>	<b>20.9</b>	<b>1</b>	<b>0.6</b>	<b>21</b>	<b>12.2</b>	<b>55</b>	<b>32.0</b>	<b>2</b>	<b>1.2</b>	<b>5</b>	<b>2.9</b>
Connecticut	19	0	0.0	0	0.0	4	21.1	0	0.0	2	10.5	11	57.9	0	0.0	2	10.5
New York																	
Eastern	51	3	5.9	8	15.7	15	29.4	0	0.0	4	7.8	18	35.3	2	3.9	1	2.0
Northern	15	0	0.0	6	40.0	5	33.3	1	6.7	1	6.7	2	13.3	0	0.0	0	0.0
Southern	64	6	9.4	21	32.8	9	14.1	0	0.0	13	20.3	14	21.9	0	0.0	1	1.6
Western	14	0	0.0	5	35.7	3	21.4	0	0.0	1	7.1	5	35.7	0	0.0	0	0.0
Vermont	9	0	0.0	3	33.3	0	0.0	0	0.0	0	0.0	5	55.6	0	0.0	1	11.1
<b>THIRD CIRCUIT</b>	<b>126</b>	<b>12</b>	<b>9.5</b>	<b>23</b>	<b>18.3</b>	<b>41</b>	<b>32.5</b>	<b>0</b>	<b>0.0</b>	<b>15</b>	<b>11.9</b>	<b>23</b>	<b>18.3</b>	<b>2</b>	<b>1.6</b>	<b>10</b>	<b>7.9</b>
Delaware	3	0	0.0	0	0.0	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	28	2	7.1	8	28.6	7	25.0	0	0.0	1	3.6	9	32.1	0	0.0	1	3.6
Pennsylvania																	
Eastern	38	2	5.3	3	7.9	9	23.7	0	0.0	12	31.6	6	15.8	0	0.0	6	15.8
Middle	43	4	9.3	11	25.6	18	41.9	0	0.0	1	2.3	6	14.0	2	4.7	1	2.3
Western	12	3	25.0	1	8.3	3	25.0	0	0.0	1	8.3	2	16.7	0	0.0	2	16.7
Virgin Islands	2	1	50.0	0	0.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>689</b>	<b>171</b>	<b>24.8</b>	<b>96</b>	<b>13.9</b>	<b>108</b>	<b>15.7</b>	<b>0</b>	<b>0.0</b>	<b>58</b>	<b>8.4</b>	<b>197</b>	<b>28.6</b>	<b>3</b>	<b>0.4</b>	<b>56</b>	<b>8.1</b>
Maryland	112	2	1.8	23	20.5	10	8.9	0	0.0	14	12.5	57	50.9	0	0.0	6	5.4
North Carolina																	
Eastern	89	7	7.9	1	1.1	47	52.8	0	0.0	14	15.7	17	19.1	0	0.0	3	3.4
Middle	38	4	10.5	2	5.3	8	21.1	0	0.0	6	15.8	7	18.4	0	0.0	11	28.9
Western	83	9	10.8	26	31.3	13	15.7	0	0.0	7	8.4	17	20.5	2	2.4	9	10.8
South Carolina	84	23	27.4	17	20.2	9	10.7	0	0.0	6	7.1	20	23.8	0	0.0	9	10.7
Virginia																	
Eastern	196	114	58.2	5	2.6	9	4.6	0	0.0	9	4.6	46	23.5	0	0.0	13	6.6
Western	60	12	20.0	15	25.0	7	11.7	0	0.0	0	0.0	21	35.0	0	0.0	5	8.3
West Virginia																	
Northern	17	0	0.0	7	41.2	4	23.5	0	0.0	2	11.8	4	23.5	0	0.0	0	0.0
Southern	10	0	0.0	0	0.0	1	10.0	0	0.0	0	0.0	8	80.0	1	10.0	0	0.0

**Table R (cont.)**

CIRCUIT District	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	%
<b>FIFTH CIRCUIT</b>	<b>337</b>	<b>112</b>	<b>33.2</b>	<b>50</b>	<b>14.8</b>	<b>99</b>	<b>29.4</b>	<b>0</b>	<b>0.0</b>	<b>11</b>	<b>3.3</b>	<b>52</b>	<b>15.4</b>	<b>7</b>	<b>2.1</b>	<b>6</b>	<b>1.8</b>
Louisiana																	
Eastern	13	2	15.4	6	46.2	1	7.7	0	0.0	0	0.0	3	23.1	0	0.0	1	7.7
Middle	6	0	0.0	5	83.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7
Western	11	3	27.3	1	9.1	4	36.4	0	0.0	0	0.0	2	18.2	0	0.0	1	9.1
Mississippi																	
Northern	8	5	62.5	1	12.5	1	12.5	0	0.0	0	0.0	1	12.5	0	0.0	0	0.0
Southern	20	14	70.0	0	0.0	1	5.0	0	0.0	2	10.0	2	10.0	1	5.0	0	0.0
Texas																	
Eastern	51	36	70.6	7	13.7	2	3.9	0	0.0	1	2.0	4	7.8	1	2.0	0	0.0
Northern	63	9	14.3	7	11.1	30	47.6	0	0.0	6	9.5	10	15.9	0	0.0	1	1.6
Southern	94	17	18.1	20	21.3	28	29.8	0	0.0	1	1.1	26	27.7	2	2.1	0	0.0
Western	71	26	36.6	3	4.2	32	45.1	0	0.0	1	1.4	4	5.6	3	4.2	2	2.8
<b>SIXTH CIRCUIT</b>	<b>213</b>	<b>47</b>	<b>22.1</b>	<b>71</b>	<b>33.3</b>	<b>41</b>	<b>19.2</b>	<b>0</b>	<b>0.0</b>	<b>18</b>	<b>8.5</b>	<b>23</b>	<b>10.8</b>	<b>3</b>	<b>1.4</b>	<b>10</b>	<b>4.7</b>
Kentucky																	
Eastern	53	7	13.2	39	73.6	5	9.4	0	0.0	0	0.0	2	3.8	0	0.0	0	0.0
Western	6	0	0.0	1	16.7	1	16.7	0	0.0	1	16.7	2	33.3	0	0.0	1	16.7
Michigan																	
Eastern	37	6	16.2	14	37.8	8	21.6	0	0.0	0	0.0	7	18.9	0	0.0	2	5.4
Western	21	8	38.1	6	28.6	3	14.3	0	0.0	3	14.3	0	0.0	0	0.0	1	4.8
Ohio																	
Northern	23	2	8.7	5	21.7	10	43.5	0	0.0	4	17.4	2	8.7	0	0.0	0	0.0
Southern	10	4	40.0	2	20.0	1	10.0	0	0.0	0	0.0	2	20.0	0	0.0	1	10.0
Tennessee																	
Eastern	29	2	6.9	2	6.9	8	27.6	0	0.0	5	17.2	6	20.7	3	10.3	3	10.3
Middle	6	0	0.0	2	33.3	1	16.7	0	0.0	3	50.0	0	0.0	0	0.0	0	0.0
Western	28	18	64.3	0	0.0	4	14.3	0	0.0	2	7.1	2	7.1	0	0.0	2	7.1
<b>SEVENTH CIRCUIT</b>	<b>208</b>	<b>80</b>	<b>38.5</b>	<b>54</b>	<b>26.0</b>	<b>30</b>	<b>14.4</b>	<b>1</b>	<b>0.5</b>	<b>12</b>	<b>5.8</b>	<b>15</b>	<b>7.2</b>	<b>2</b>	<b>1.0</b>	<b>14</b>	<b>6.7</b>
Illinois																	
Central	27	15	55.6	6	22.2	3	11.1	0	0.0	0	0.0	0	0.0	0	0.0	3	11.1
Northern	54	5	9.3	28	51.9	6	11.1	1	1.9	3	5.6	8	14.8	1	1.9	2	3.7
Southern	54	42	77.8	3	5.6	3	5.6	0	0.0	1	1.9	0	0.0	0	0.0	5	9.3
Indiana																	
Northern	19	8	42.1	1	5.3	5	26.3	0	0.0	3	15.8	1	5.3	0	0.0	1	5.3
Southern	22	2	9.1	7	31.8	7	31.8	0	0.0	2	9.1	3	13.6	0	0.0	1	4.5
Wisconsin																	
Eastern	22	6	27.3	9	40.9	1	4.5	0	0.0	2	9.1	2	9.1	0	0.0	2	9.1
Western	10	2	20.0	0	0.0	5	50.0	0	0.0	1	10.0	1	10.0	1	10.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>280</b>	<b>159</b>	<b>56.8</b>	<b>36</b>	<b>12.9</b>	<b>24</b>	<b>8.6</b>	<b>1</b>	<b>0.4</b>	<b>8</b>	<b>2.9</b>	<b>38</b>	<b>13.6</b>	<b>1</b>	<b>0.4</b>	<b>13</b>	<b>4.6</b>
Arkansas																	
Eastern	31	24	77.4	1	3.2	3	9.7	0	0.0	1	3.2	1	3.2	0	0.0	1	3.2
Western	2	0	0.0	0	0.0	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Iowa																	
Northern	20	15	75.0	1	5.0	1	5.0	0	0.0	0	0.0	1	5.0	0	0.0	2	10.0
Southern	27	6	22.2	9	33.3	2	7.4	0	0.0	2	7.4	7	25.9	0	0.0	1	3.7
Minnesota	23	1	4.3	12	52.2	3	13.0	0	0.0	0	0.0	5	21.7	0	0.0	2	8.7
Missouri																	
Eastern	26	7	26.9	4	15.4	2	7.7	1	3.8	0	0.0	11	42.3	0	0.0	1	3.8
Western	26	3	11.5	1	3.8	6	23.1	0	0.0	3	11.5	8	30.8	1	3.8	4	15.4
Nebraska	38	31	81.6	1	2.6	3	7.9	0	0.0	0	0.0	1	2.6	0	0.0	2	5.3
North Dakota	5	3	60.0	0	0.0	0	0.0	0	0.0	0	0.0	2	40.0	0	0.0	0	0.0
South Dakota	82	69	84.1	7	8.5	2	2.4	0	0.0	2	2.4	2	2.4	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	%
<b>NINTH CIRCUIT</b>	<b>359</b>	<b>25</b>	<b>7.0</b>	<b>116</b>	<b>32.3</b>	<b>72</b>	<b>20.1</b>	<b>0</b>	<b>0.0</b>	<b>25</b>	<b>7.0</b>	<b>116</b>	<b>32.3</b>	<b>4</b>	<b>1.1</b>	<b>1</b>	<b>0.3</b>
Alaska	3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	100.0	0	0.0	0	0.0
Arizona	37	2	5.4	18	48.6	12	32.4	0	0.0	3	8.1	2	5.4	0	0.0	0	0.0
California																	
Central	58	3	5.2	12	20.7	15	25.9	0	0.0	8	13.8	20	34.5	0	0.0	0	0.0
Eastern	33	2	6.1	13	39.4	8	24.2	0	0.0	2	6.1	6	18.2	1	3.0	1	3.0
Northern	40	0	0.0	20	50.0	8	20.0	0	0.0	2	5.0	9	22.5	1	2.5	0	0.0
Southern	38	2	5.3	9	23.7	9	23.7	0	0.0	2	5.3	15	39.5	1	2.6	0	0.0
Guam	2	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0	0	0.0	0	0.0
Hawaii	17	4	23.5	0	0.0	0	0.0	0	0.0	0	0.0	13	76.5	0	0.0	0	0.0
Idaho	9	1	11.1	3	33.3	2	22.2	0	0.0	3	33.3	0	0.0	0	0.0	0	0.0
Montana	29	4	13.8	6	20.7	4	13.8	0	0.0	0	0.0	15	51.7	0	0.0	0	0.0
Nevada	12	0	0.0	3	25.0	8	66.7	0	0.0	0	0.0	1	8.3	0	0.0	0	0.0
Northern Mariana Islands	1	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	34	3	8.8	9	26.5	0	0.0	0	0.0	2	5.9	19	55.9	1	2.9	0	0.0
Washington																	
Eastern	7	0	0.0	1	14.3	2	28.6	0	0.0	0	0.0	4	57.1	0	0.0	0	0.0
Western	39	3	7.7	22	56.4	3	7.7	0	0.0	3	7.7	8	20.5	0	0.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>151</b>	<b>22</b>	<b>14.6</b>	<b>30</b>	<b>19.9</b>	<b>21</b>	<b>13.9</b>	<b>0</b>	<b>0.0</b>	<b>8</b>	<b>5.3</b>	<b>62</b>	<b>41.1</b>	<b>0</b>	<b>0.0</b>	<b>8</b>	<b>5.3</b>
Colorado	18	0	0.0	3	16.7	5	27.8	0	0.0	0	0.0	8	44.4	0	0.0	2	11.1
Kansas	43	2	4.7	1	2.3	9	20.9	0	0.0	1	2.3	25	58.1	0	0.0	5	11.6
New Mexico	13	0	0.0	3	23.1	1	7.7	0	0.0	3	23.1	6	46.2	0	0.0	0	0.0
Oklahoma																	
Eastern	5	1	20.0	0	0.0	2	40.0	0	0.0	1	20.0	1	20.0	0	0.0	0	0.0
Northern	32	7	21.9	14	43.8	0	0.0	0	0.0	0	0.0	11	34.4	0	0.0	0	0.0
Western	9	1	11.1	4	44.4	3	33.3	0	0.0	0	0.0	0	0.0	0	0.0	1	11.1
Utah	16	1	6.3	3	18.8	0	0.0	0	0.0	3	18.8	9	56.3	0	0.0	0	0.0
Wyoming	15	10	66.7	2	13.3	1	6.7	0	0.0	0	0.0	2	13.3	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>378</b>	<b>179</b>	<b>47.4</b>	<b>99</b>	<b>26.2</b>	<b>36</b>	<b>9.5</b>	<b>5</b>	<b>1.3</b>	<b>13</b>	<b>3.4</b>	<b>29</b>	<b>7.7</b>	<b>1</b>	<b>0.3</b>	<b>16</b>	<b>4.2</b>
Alabama																	
Middle	9	0	0.0	4	44.4	3	33.3	0	0.0	1	11.1	0	0.0	0	0.0	1	11.1
Northern	6	0	0.0	3	50.0	1	16.7	0	0.0	1	16.7	0	0.0	0	0.0	1	16.7
Southern	6	4	66.7	0	0.0	1	16.7	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7
Florida																	
Middle	84	52	61.9	11	13.1	7	8.3	1	1.2	2	2.4	9	10.7	0	0.0	2	2.4
Northern	14	2	14.3	0	0.0	2	14.3	1	7.1	1	7.1	3	21.4	0	0.0	5	35.7
Southern	222	110	49.5	75	33.8	16	7.2	3	1.4	5	2.3	10	4.5	0	0.0	3	1.4
Georgia																	
Middle	7	3	42.9	0	0.0	1	14.3	0	0.0	2	28.6	0	0.0	0	0.0	1	14.3
Northern	13	3	23.1	1	7.7	3	23.1	0	0.0	1	7.7	4	30.8	1	7.7	0	0.0
Southern	17	5	29.4	5	29.4	2	11.8	0	0.0	0	0.0	3	17.6	0	0.0	2	11.8

<sup>1</sup> Of the 3,054 cases, 50 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, USSCFY22, which includes information on the 64,142 individual offenders sentenced between October 1, 2021, through September 30, 2022, for whom sentencing documents were received as of February 17, 2023. This report also provides data on 99 organizational offenders sentenced during that period. Also, this report provides data on 3,054 offenders resentenced by the district court or whose sentence was modified in some other way during that period. Finally, this report provides data on 7,208 appeals cases decided during fiscal year 2022.

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, 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* 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.

The *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

---

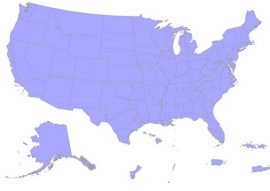
*Selected National Sentencing Statistics*



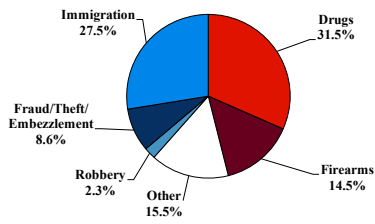
# District at a Glance

## National

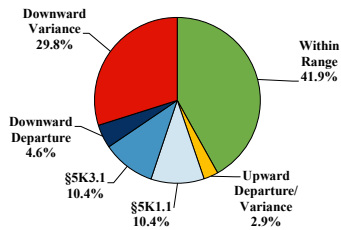
### Fiscal Year 2022



Type of Crime



Sentence Imposed Relative to the Guideline Range



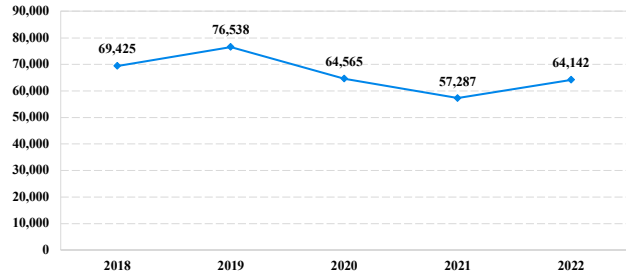
SENTENCING INFORMATION BY TYPE OF CRIME

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
<b>TOTAL</b>	<b>64,142</b>	<b>17,652</b>	<b>19,938</b>	<b>9,318</b>	<b>5,520</b>	<b>1,444</b>	<b>1,435</b>	<b>1,192</b>	<b>7,643</b>
Mean Sentence (months)	51	12	78	49	22	106	110	61	75
Median Sentence (months)	26	8	60	39	12	96	96	33	20
<b>IMPRISONMENT</b>									
<b>Total Receiving Imprisonment</b>	<b>59,070</b>	<b>16,891</b>	<b>19,261</b>	<b>8,775</b>	<b>4,194</b>	<b>1,422</b>	<b>1,417</b>	<b>1,039</b>	<b>6,071</b>
Prison Only	57,106	16,562	18,493	8,551	3,910	1,381	1,390	1,006	5,813
Up to 12 Months	14,434	9,731	1,365	570	1,143	42	32	164	1,387
13 to 60 Months	25,638	6,702	7,635	5,625	2,362	366	348	462	2,138
61 to 120 Months	10,304	126	5,806	2,007	330	496	589	207	743
Over 120 Months	6,730	3	3,687	349	75	477	421	173	1,545
Prison and Alternatives	1,964	329	768	224	284	41	27	33	258
<b>PROBATION</b>									
<b>Total Receiving Probation</b>	<b>4,738</b>	<b>760</b>	<b>673</b>	<b>542</b>	<b>1,285</b>	<b>22</b>	<b>18</b>	<b>152</b>	<b>1,286</b>
Probation Only	3,736	568	542	412	983	16	13	105	1,097
Probation and Alternatives	1,002	192	131	130	302	6	5	47	189
<b>FINE ONLY</b>									
<b>Total Receiving Fine Only</b>	<b>334</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>41</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>286</b>

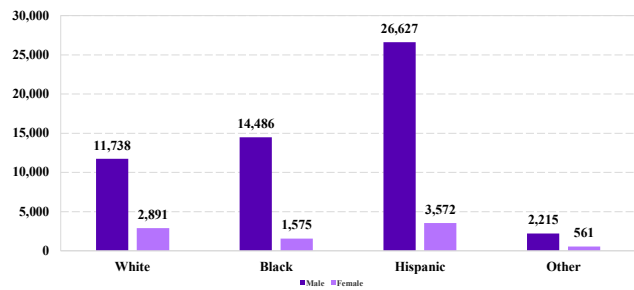
Cases with indeterminable sentence terms are excluded from the calculation of the Mean Sentence or Median Sentence category. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. Cases in the Total Receiving Imprisonment, 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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22.

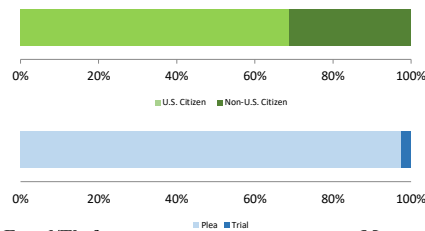
Number of Federal Offenders Over Time



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-2022>*