

2023 Sourcebook of Federal Sentencing Statistics

UNITED STATES SENTENCING COMMISSION





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2023 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

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INTRODUCTION

Introduction to the *Sourcebook of Federal Sentencing Statistics*

This is the twenty-eighth 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 2023 (October 1, 2022, through September 30, 2023, hereinafter "2023").** This *Sourcebook*, together with the 2023 *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 64,124 federal felony and Class A misdemeanor cases involving individuals sentenced in fiscal year 2023.¹ The Commission coded and edited information from the sentencing documents in these cases into its comprehensive, computerized data collection system.

The Commission first released sentencing data in its 1988 *Annual Report* and reported this data annually until 1996. That year, the Commission compiled sentencing data into a new publication, the *Sourcebook of Federal Sentencing Statistics*. In 2019, the *Sourcebook* edition reporting fiscal year 2018 data was substantially revised and expanded. Existing tables were revised to reflect current sentencing practices. Many figures were updated to make them easier to understand and were presented in color while others were removed and the data on them presented in new ways. Additional analyses regarding drug and immigration crimes were added, and new sections on firearms and economic offenses were included. Trend analyses were added to each of the major sections to show how sentencing patterns had changed over the last ten years. The section on Sentenced Organizations was also expanded. Finally, Appendix B, which provides sentencing data for each judicial district, was completely redesigned to reflect current sentencing practices.

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 Also, the names of some of the crime type categories were revised and some outdated categories were removed from the tables and figures.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

Finally, beginning with the 2018 *Sourcebook*, the methodology used to analyze the sentence imposed relative to the sentencing range for the case as determined under the Commission's *Guidelines Manual* was substantially revised. Sentences now are grouped into two broad categories: Sentences Under the *Guidelines Manual* and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the range, where the court cited one or more of the departure reasons in the *Guidelines Manual* as a basis for the sentence. Variance cases are those in which the sentence was outside the guideline range (either above or below) and where the court did

not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

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

Background

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

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

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

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

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

Datafiles

For each case in its 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 2023 Individual Datafile contains documentation on 64,124 felony and Class A misdemeanor cases in which an individual was sentenced between October 1, 2022,

and September 30, 2023. A “case” is defined as one sentencing event for an individual.

The Organizational Datafile contains documentation on organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in 2023. 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 113 organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in fiscal year 2023.

While the 2023 reporting year includes cases sentenced between October 1, 2022, and September 30, 2023, it is important to note that the individual and organizational data collected and analyzed in the 2023 *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 16, 2024.

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 2023, the Commission gathered information on 6,555 cases decided by the courts of appeals. 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 2023, the Commission received documentation on 2,672 resentencings and other modifications of sentence.

The 2023 *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>.

Commission data can also be found on the Interactive Data Analyzer (IDA) at <https://ida.ussc.gov> where users can explore, filter, customize, and visualize federal sentencing statistics. 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 also narrow their search by filtering for specific fiscal years, jurisdictions, individual characteristics, and more.

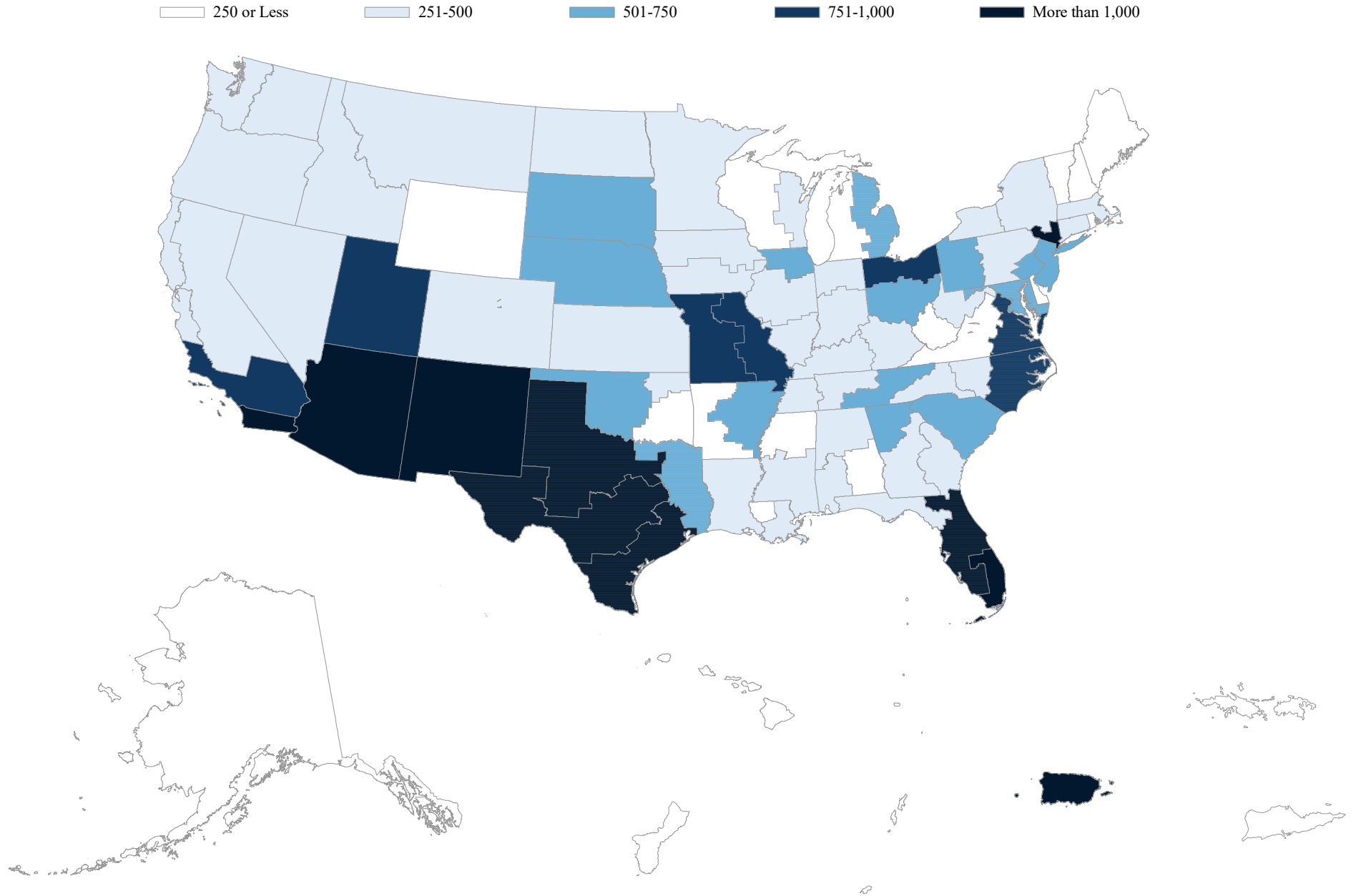
Endnotes

- 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

**SENTENCED INDIVIDUALS IN EACH DISTRICT
Fiscal Year 2023**



SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 1

SENTENCED INDIVIDUALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	64,124	100.0			
D.C. CIRCUIT	503	0.8	FIFTH CIRCUIT	17,542	27.4
District of Columbia	503	0.8	Louisiana		
			Eastern	331	0.5
FIRST CIRCUIT	1,949	3.0	Middle	96	0.1
Maine	116	0.2	Western	340	0.5
Massachusetts	477	0.7	Mississippi		
New Hampshire	160	0.2	Northern	164	0.3
Puerto Rico	1,090	1.7	Southern	372	0.6
Rhode Island	106	0.2	Texas		
			Eastern	716	1.1
SECOND CIRCUIT	3,219	5.0	Northern	1,559	2.4
Connecticut	355	0.6	Southern	6,425	10.0
New York			Western	7,539	11.8
Eastern	709	1.1	SIXTH CIRCUIT	4,613	7.2
Northern	459	0.7	Kentucky		
Southern	1,148	1.8	Eastern	444	0.7
Western	411	0.6	Western	337	0.5
Vermont	137	0.2	Michigan		
			Eastern	696	1.1
THIRD CIRCUIT	2,362	3.7	Western	240	0.4
Delaware	104	0.2	Ohio		
New Jersey	723	1.1	Northern	880	1.4
Pennsylvania			Southern	623	1.0
Eastern	529	0.8	Tennessee		
Middle	409	0.6	Eastern	647	1.0
Western	530	0.8	Middle	288	0.4
Virgin Islands	67	0.1	Western	458	0.7
			SEVENTH CIRCUIT	2,270	3.5
FOURTH CIRCUIT	4,313	6.7	Illinois		
Maryland	503	0.8	Central	260	0.4
North Carolina			Northern	620	1.0
Eastern	847	1.3	Southern	261	0.4
Middle	326	0.5	Indiana		
Western	362	0.6	Northern	262	0.4
South Carolina	644	1.0	Southern	393	0.6
Virginia			Wisconsin		
Eastern	884	1.4	Eastern	328	0.5
Western	210	0.3	Western	146	0.2
West Virginia					
Northern	310	0.5			
Southern	227	0.4			

Table 1 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	5,143	8.0	TENTH CIRCUIT	4,878	7.6
Arkansas			Colorado	340	0.5
Eastern	548	0.9	Kansas	341	0.5
Western	177	0.3	New Mexico	2,006	3.1
Iowa			Oklahoma		
Northern	338	0.5	Eastern	215	0.3
Southern	440	0.7	Northern	400	0.6
Minnesota	353	0.6	Western	677	1.1
Missouri			Utah	761	1.2
Eastern	954	1.5	Wyoming	138	0.2
Western	841	1.3			
Nebraska	567	0.9	ELEVENTH CIRCUIT	5,181	8.1
North Dakota	413	0.6	Alabama		
South Dakota	512	0.8	Middle	218	0.3
			Northern	405	0.6
NINTH CIRCUIT	12,151	18.9	Southern	308	0.5
Alaska	177	0.3	Florida		
Arizona	4,812	7.5	Middle	1,104	1.7
California			Northern	254	0.4
Central	944	1.5	Southern	1,552	2.4
Eastern	392	0.6	Georgia		
Northern	386	0.6	Middle	384	0.6
Southern	3,189	5.0	Northern	585	0.9
Guam	26	0.0	Southern	371	0.6
Hawaii	119	0.2			
Idaho	292	0.5			
Montana	369	0.6			
Nevada	362	0.6			
Northern Mariana Islands	25	0.0			
Oregon	410	0.6			
Washington					
Eastern	289	0.5			
Western	359	0.6			

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 2

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
TOTAL	64,124	302,292	64,124	63,843	48,184	15,916	64,122	62,019	2,092
D.C. CIRCUIT	503	2,386	503	503	375	127	503	502	1
District of Columbia	503	2,386	503	503	375	127	503	502	1
FIRST CIRCUIT	1,949	9,330	1,949	1,949	1,569	380	1,949	1,914	35
Maine	116	540	116	116	76	40	116	116	0
Massachusetts	477	2,189	477	477	289	188	477	469	8
New Hampshire	160	797	160	160	158	2	160	159	1
Puerto Rico	1,090	5,291	1,090	1,090	956	134	1,090	1,065	25
Rhode Island	106	513	106	106	90	16	106	105	1
SECOND CIRCUIT	3,219	15,411	3,219	3,205	2,663	552	3,219	3,105	112
Connecticut	355	1,758	355	355	338	17	355	355	0
New York									
Eastern	709	3,454	709	709	624	84	709	703	6
Northern	459	2,071	459	453	331	128	459	369	90
Southern	1,148	5,417	1,148	1,141	841	304	1,148	1,139	7
Western	411	2,039	411	410	397	14	411	410	1
Vermont	137	672	137	137	132	5	137	129	8
THIRD CIRCUIT	2,362	11,401	2,362	2,356	2,030	330	2,360	2,293	67
Delaware	104	514	104	104	98	6	104	104	0
New Jersey	723	3,556	723	722	672	51	722	717	6
Pennsylvania									
Eastern	529	2,541	529	525	433	94	528	526	1
Middle	409	1,942	409	409	335	74	409	380	29
Western	530	2,523	530	529	435	95	530	499	31
Virgin Islands	67	325	67	67	57	10	67	67	0
FOURTH CIRCUIT	4,313	20,250	4,313	4,273	3,346	966	4,313	4,005	308
Maryland	503	2,409	503	492	444	59	503	467	36
North Carolina									
Eastern	847	3,884	847	825	618	229	847	747	100
Middle	326	1,597	326	326	294	32	326	325	1
Western	362	1,698	362	362	250	112	362	362	0
South Carolina	644	3,084	644	644	510	133	644	642	2
Virginia									
Eastern	884	3,959	884	878	596	288	884	717	167
Western	210	1,028	210	209	190	20	210	209	1
West Virginia									
Northern	310	1,509	310	310	269	41	310	310	0
Southern	227	1,082	227	227	175	52	227	226	1

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	17,542	78,299	17,542	17,489	8,775	8,760	17,542	16,951	589
Louisiana									
Eastern	331	1,505	331	330	193	136	331	320	11
Middle	96	457	96	96	73	23	96	96	0
Western	340	1,637	340	332	308	32	340	317	23
Mississippi									
Northern	164	798	164	160	155	9	164	155	9
Southern	372	1,832	372	372	348	24	372	368	4
Texas									
Eastern	716	3,556	716	714	699	17	716	711	5
Northern	1,559	7,493	1,559	1,557	1,268	291	1,559	1,550	7
Southern	6,425	29,126	6,425	6,424	3,889	2,531	6,425	5,963	462
Western	7,539	31,895	7,539	7,504	1,842	5,697	7,539	7,471	68
SIXTH CIRCUIT	4,613	22,271	4,613	4,572	3,906	704	4,613	4,567	44
Kentucky									
Eastern	444	2,148	444	444	378	66	444	438	6
Western	337	1,653	337	337	307	30	337	335	2
Michigan									
Eastern	696	3,339	696	693	565	131	696	689	5
Western	240	1,141	240	240	187	53	240	234	6
Ohio									
Northern	880	4,180	880	880	667	211	880	873	7
Southern	623	3,077	623	621	591	31	623	619	4
Tennessee									
Eastern	647	3,135	647	640	561	86	647	640	7
Middle	288	1,401	288	262	277	11	288	286	2
Western	458	2,197	458	455	373	85	458	453	5
SEVENTH CIRCUIT	2,270	10,940	2,270	2,267	1,878	389	2,270	2,255	14
Illinois									
Central	260	1,174	260	260	135	124	260	259	1
Northern	620	3,047	620	617	579	41	620	611	8
Southern	261	1,204	261	261	163	98	261	258	3
Indiana									
Northern	262	1,267	262	262	219	42	262	262	0
Southern	393	1,890	393	393	318	74	393	393	0
Wisconsin									
Eastern	328	1,629	328	328	319	9	328	326	2
Western	146	729	146	146	145	1	146	146	0
EIGHTH CIRCUIT	5,143	24,966	5,143	5,139	4,403	740	5,143	5,138	5
Arkansas									
Eastern	548	2,630	548	548	438	110	548	548	0
Western	177	882	177	177	174	3	177	177	0
Iowa									
Northern	338	1,562	338	338	210	128	338	338	0
Southern	440	2,058	440	440	298	142	440	440	0
Minnesota	353	1,747	353	353	336	17	353	352	1
Missouri									
Eastern	954	4,754	954	954	939	15	954	953	1
Western	841	4,074	841	837	716	125	841	839	2
Nebraska	567	2,743	567	567	475	92	567	567	0
North Dakota	413	2,041	413	413	389	24	413	413	0
South Dakota	512	2,475	512	512	428	84	512	511	1

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	12,151	59,347	12,151	12,097	11,489	661	12,151	11,459	691
Alaska	177	850	177	177	151	26	177	168	9
Arizona	4,812	23,774	4,812	4,779	4,703	109	4,812	4,668	144
California									
Central	944	4,578	944	944	815	128	944	931	13
Eastern	392	1,896	392	384	346	46	392	382	10
Northern	386	1,871	386	384	339	47	386	376	10
Southern	3,189	15,478	3,189	3,185	3,134	55	3,189	2,781	408
Guam	26	125	26	26	21	5	26	26	0
Hawaii	119	561	119	119	85	34	119	119	0
Idaho	292	1,412	292	291	245	47	292	292	0
Montana	369	1,775	369	368	301	68	369	368	1
Nevada	362	1,754	362	360	310	52	362	360	2
Northern Mariana Islands	25	124	25	25	24	1	25	25	0
Oregon	410	2,029	410	409	395	15	410	405	4
Washington									
Eastern	289	1,425	289	287	274	15	289	286	3
Western	359	1,695	359	359	346	13	359	272	87
TENTH CIRCUIT	4,878	23,347	4,878	4,859	3,976	900	4,878	4,756	120
Colorado	340	1,650	340	330	315	25	340	325	15
Kansas	341	1,628	341	340	278	63	341	328	13
New Mexico	2,006	9,615	2,006	2,003	1,600	406	2,006	2,000	4
Oklahoma									
Eastern	215	1,011	215	215	151	64	215	215	0
Northern	400	1,895	400	399	298	102	400	398	2
Western	677	3,092	677	673	458	217	677	607	70
Utah	761	3,772	761	761	743	18	761	746	15
Wyoming	138	684	138	138	133	5	138	137	1
ELEVENTH CIRCUIT	5,181	24,344	5,181	5,134	3,774	1,407	5,181	5,074	106
Alabama									
Middle	218	1,020	218	218	149	69	218	217	1
Northern	405	1,898	405	405	309	96	405	374	31
Southern	308	1,507	308	308	275	33	308	308	0
Florida									
Middle	1,104	5,041	1,104	1,102	631	473	1,104	1,100	4
Northern	254	1,218	254	254	206	48	254	250	4
Southern	1,552	7,237	1,552	1,512	1,116	436	1,552	1,505	46
Georgia									
Middle	384	1,780	384	379	256	128	384	377	7
Northern	585	2,812	585	585	481	104	585	576	9
Southern	371	1,831	371	371	351	20	371	367	4

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

² The numbers presented in this table regarding Plea Agreement submission exclude from the analysis 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.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

PRIMARY OFFENSE AND INDIVIDUAL CHARACTERISTICS

Table 3

CONVICTION TYPE IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
TOTAL	63,613	61,757	97.1	1,856	2.9
D.C. CIRCUIT	503	438	87.1	65	12.9
District of Columbia	503	438	87.1	65	12.9
FIRST CIRCUIT	1,931	1,913	99.1	18	0.9
Maine	116	115	99.1	1	0.9
Massachusetts	476	474	99.6	2	0.4
New Hampshire	159	148	93.1	11	6.9
Puerto Rico	1,074	1,071	99.7	3	0.3
Rhode Island	106	105	99.1	1	0.9
SECOND CIRCUIT	3,168	3,077	97.1	91	2.9
Connecticut	355	354	99.7	1	0.3
New York					
Eastern	708	699	98.7	9	1.3
Northern	416	382	91.8	34	8.2
Southern	1,141	1,126	98.7	15	1.3
Western	411	389	94.6	22	5.4
Vermont	137	127	92.7	10	7.3
THIRD CIRCUIT	2,331	2,291	98.3	40	1.7
Delaware	104	103	99.0	1	1.0
New Jersey	722	711	98.5	11	1.5
Pennsylvania					
Eastern	527	521	98.9	6	1.1
Middle	389	373	95.9	16	4.1
Western	522	519	99.4	3	0.6
Virgin Islands	67	64	95.5	3	4.5
FOURTH CIRCUIT	4,277	3,989	93.3	288	6.7
Maryland	503	476	94.6	27	5.4
North Carolina					
Eastern	844	747	88.5	97	11.5
Middle	326	324	99.4	2	0.6
Western	362	359	99.2	3	0.8
South Carolina	643	636	98.9	7	1.1
Virginia					
Eastern	852	709	83.2	143	16.8
Western	210	206	98.1	4	1.9
West Virginia					
Northern	310	308	99.4	2	0.6
Southern	227	224	98.7	3	1.3

Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
FIFTH CIRCUIT	17,244	16,864	97.8	380	2.2
Louisiana					
Eastern	321	316	98.4	5	1.6
Middle	96	96	100.0	0	0.0
Western	340	308	90.6	32	9.4
Mississippi					
Northern	164	158	96.3	6	3.7
Southern	370	364	98.4	6	1.6
Texas					
Eastern	716	710	99.2	6	0.8
Northern	1,559	1,544	99.0	15	1.0
Southern	6,166	6,155	99.8	11	0.2
Western	7,512	7,213	96.0	299	4.0
SIXTH CIRCUIT	4,596	4,489	97.7	107	2.3
Kentucky					
Eastern	442	439	99.3	3	0.7
Western	337	323	95.8	14	4.2
Michigan					
Eastern	689	678	98.4	11	1.6
Western	237	228	96.2	9	3.8
Ohio					
Northern	878	874	99.5	4	0.5
Southern	622	602	96.8	20	3.2
Tennessee					
Eastern	646	637	98.6	9	1.4
Middle	288	263	91.3	25	8.7
Western	457	445	97.4	12	2.6
SEVENTH CIRCUIT	2,270	2,242	98.8	28	1.2
Illinois					
Central	260	256	98.5	4	1.5
Northern	620	606	97.7	14	2.3
Southern	261	257	98.5	4	1.5
Indiana					
Northern	262	261	99.6	1	0.4
Southern	393	392	99.7	1	0.3
Wisconsin					
Eastern	328	326	99.4	2	0.6
Western	146	144	98.6	2	1.4
EIGHTH CIRCUIT	5,141	5,078	98.8	63	1.2
Arkansas					
Eastern	548	538	98.2	10	1.8
Western	175	171	97.7	4	2.3
Iowa					
Northern	338	337	99.7	1	0.3
Southern	440	439	99.8	1	0.2
Minnesota	353	352	99.7	1	0.3
Missouri					
Eastern	954	945	99.1	9	0.9
Western	841	831	98.8	10	1.2
Nebraska	567	551	97.2	16	2.8
North Dakota	413	408	98.8	5	1.2
South Dakota	512	506	98.8	6	1.2

Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
NINTH CIRCUIT	12,136	11,726	96.6	410	3.4
Alaska	175	166	94.9	9	5.1
Arizona	4,809	4,632	96.3	177	3.7
California					
Central	942	918	97.5	24	2.5
Eastern	392	382	97.4	10	2.6
Northern	386	380	98.4	6	1.6
Southern	3,183	3,140	98.6	43	1.4
Guam	26	26	100.0	0	0.0
Hawaii	119	115	96.6	4	3.4
Idaho	292	284	97.3	8	2.7
Montana	369	366	99.2	3	0.8
Nevada	361	351	97.2	10	2.8
Northern Mariana Islands	25	25	100.0	0	0.0
Oregon	409	398	97.3	11	2.7
Washington					
Eastern	289	281	97.2	8	2.8
Western	359	262	73.0	97	27.0
TENTH CIRCUIT	4,862	4,688	96.4	174	3.6
Colorado	340	316	92.9	24	7.1
Kansas	341	318	93.3	23	6.7
New Mexico	2,003	1,996	99.7	7	0.3
Oklahoma					
Eastern	213	213	100.0	0	0.0
Northern	397	380	95.7	17	4.3
Western	670	586	87.5	84	12.5
Utah	760	743	97.8	17	2.2
Wyoming	138	136	98.6	2	1.4
ELEVENTH CIRCUIT	5,154	4,962	96.3	192	3.7
Alabama					
Middle	218	214	98.2	4	1.8
Northern	403	373	92.6	30	7.4
Southern	308	307	99.7	1	0.3
Florida					
Middle	1,103	1,097	99.5	6	0.5
Northern	254	231	90.9	23	9.1
Southern	1,532	1,521	99.3	11	0.7
Georgia					
Middle	383	335	87.5	48	12.5
Northern	582	568	97.6	14	2.4
Southern	371	316	85.2	55	14.8

[†] Of the 64,124 cases, 511 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, 2023 Datafile, USSCFY23.

Table 4

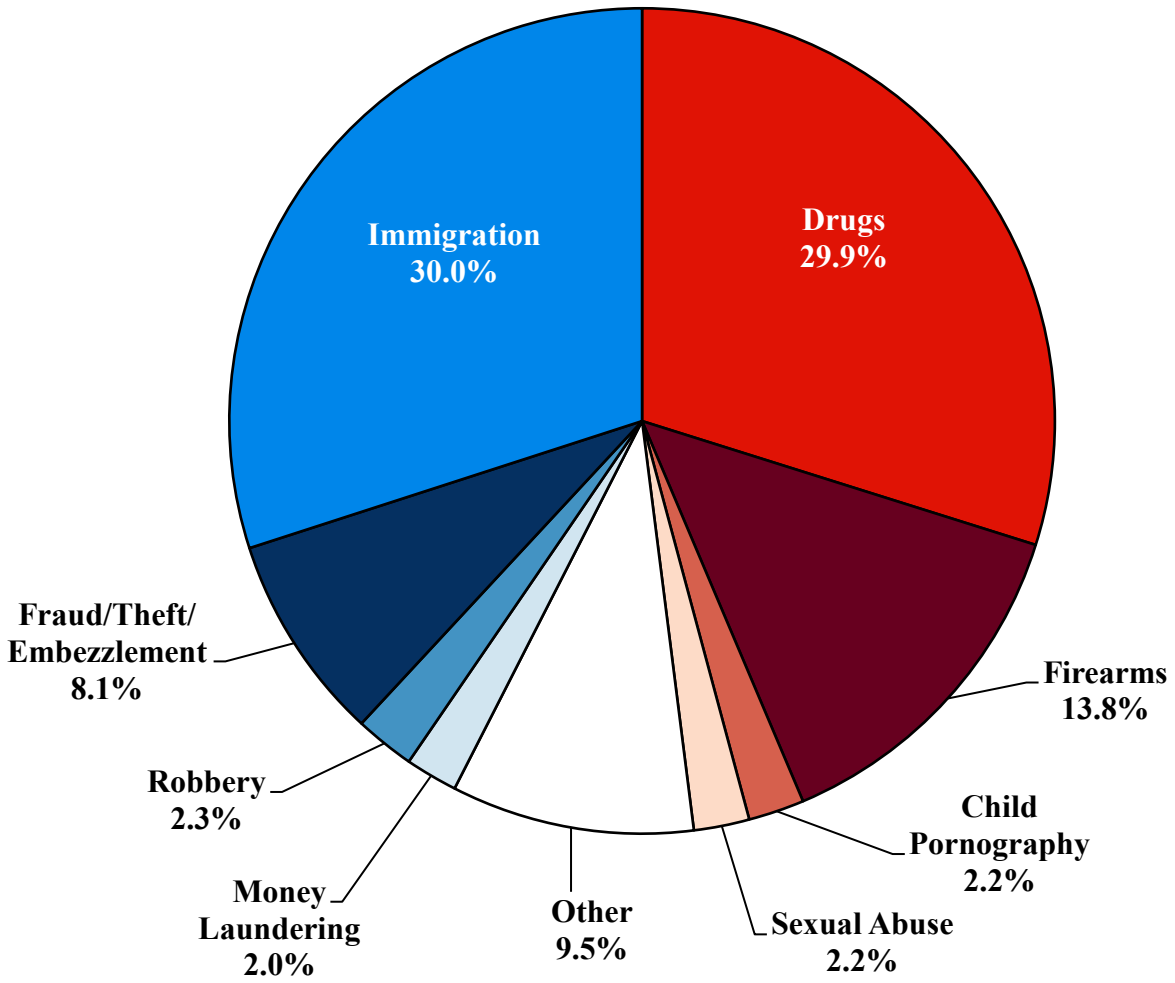
CHANGE IN NUMBER OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Years 2022 - 2023

TYPE OF CRIME	Fiscal Year 2022		Fiscal Year 2023		Number Change
	N	%	N	%	
TOTAL	64,142	100.0	64,124	100.0	-18
Administration of Justice	652	1.0	647	1.0	-5
Antitrust	8	0.0	18	0.0	10
Arson	106	0.2	106	0.2	0
Assault	850	1.3	852	1.3	2
Bribery/Corruption	360	0.6	366	0.6	6
Burglary/Trespass	112	0.2	85	0.1	-27
Child Pornography	1,435	2.2	1,408	2.2	-27
Commercialized Vice	73	0.1	84	0.1	11
Drug Possession	296	0.5	139	0.2	-157
Drug Trafficking	19,938	31.1	19,007	29.6	-931
Environmental	153	0.2	160	0.2	7
Extortion/Racketeering	121	0.2	130	0.2	9
Firearms	9,318	14.5	8,832	13.8	-486
Food and Drug	40	0.1	55	0.1	15
Forgery/Counter/Copyright	111	0.2	112	0.2	1
Fraud/Theft/Embezzlement	5,520	8.6	5,205	8.1	-315
Immigration	17,652	27.5	19,226	30.0	1,574
Individual Rights	92	0.1	113	0.2	21
Kidnapping	128	0.2	151	0.2	23
Manslaughter	80	0.1	86	0.1	6
Money Laundering	1,192	1.9	1,312	2.0	120
Murder	410	0.6	489	0.8	79
National Defense	180	0.3	237	0.4	57
Obscenity/Other Sex Offenses	344	0.5	326	0.5	-18
Prison Offenses	499	0.8	455	0.7	-44
Robbery	1,444	2.3	1,503	2.3	59
Sexual Abuse	1,499	2.3	1,395	2.2	-104
Stalking/Harassing	266	0.4	240	0.4	-26
Tax	496	0.8	446	0.7	-50
Other	767	1.2	939	1.5	172

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

Figure 2

SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023



¹ This figure includes the 64,124 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, 2023 Datafile, USSCFY23.

Table 5

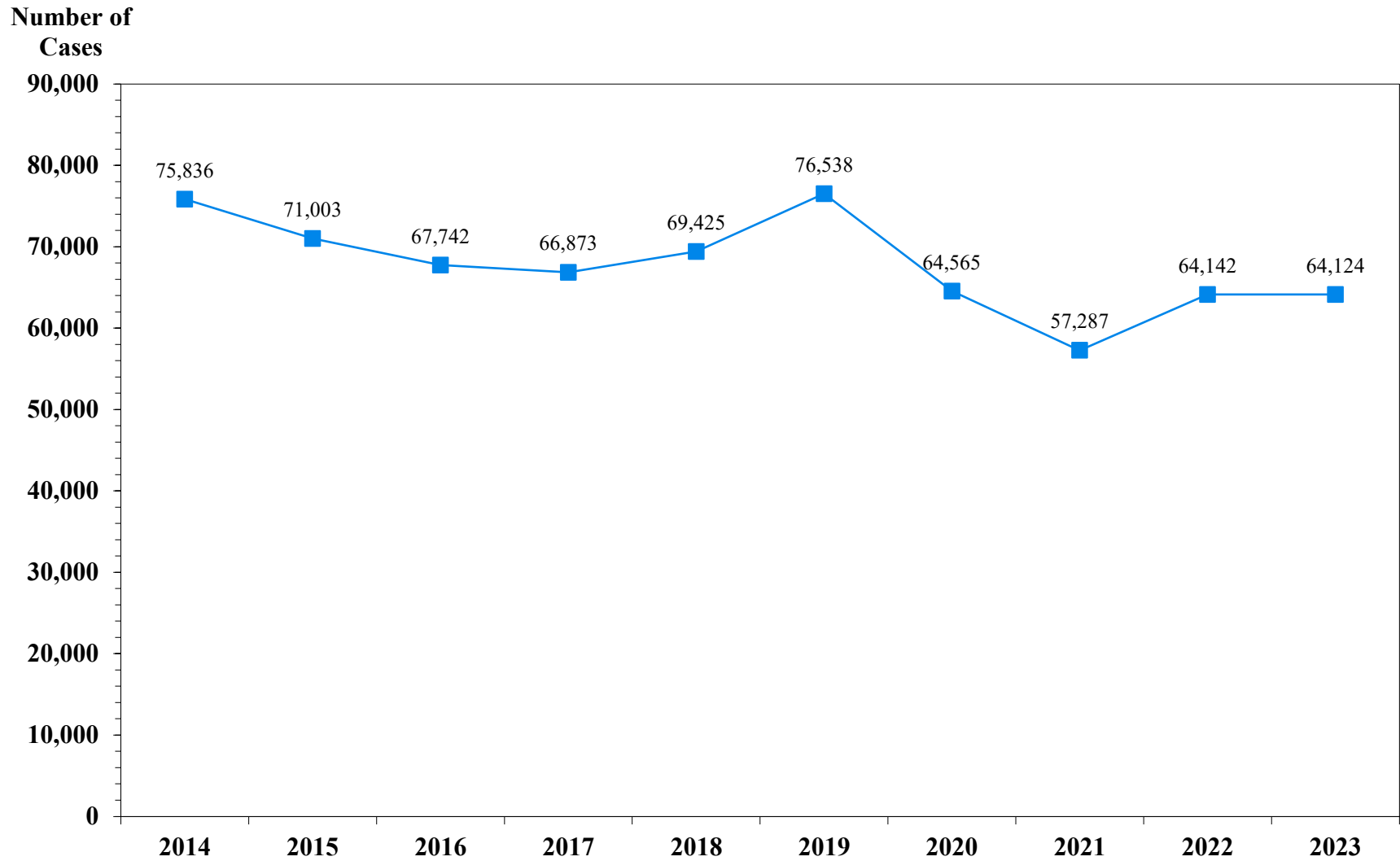
RACE OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	63,650	14,064	22.1	15,694	24.7	31,169	49.0	2,723	4.3
Administration of Justice	642	264	41.1	100	15.6	225	35.0	53	8.3
Antitrust	18	16	88.9	1	5.6	1	5.6	0	0.0
Arson	106	37	34.9	28	26.4	21	19.8	20	18.9
Assault	836	188	22.5	259	31.0	135	16.1	254	30.4
Bribery/Corruption	366	151	41.3	109	29.8	58	15.8	48	13.1
Burglary/Trespass	82	33	40.2	30	36.6	6	7.3	13	15.9
Child Pornography	1,407	1,088	77.3	81	5.8	178	12.7	60	4.3
Commercialized Vice	84	44	52.4	24	28.6	10	11.9	6	7.1
Drug Possession	124	67	54.0	25	20.2	24	19.4	8	6.5
Drug Trafficking	18,971	4,871	25.7	5,260	27.7	8,260	43.5	580	3.1
Environmental	143	79	55.2	9	6.3	35	24.5	20	14.0
Extortion/Racketeering	129	50	38.8	37	28.7	32	24.8	10	7.8
Firearms	8,809	1,899	21.6	5,054	57.4	1,571	17.8	285	3.2
Food and Drug	54	47	87.0	1	1.9	3	5.6	3	5.6
Forgery/Counter/Copyright	112	48	42.9	36	32.1	13	11.6	15	13.4
Fraud/Theft/Embezzlement	5,160	1,969	38.2	1,892	36.7	949	18.4	350	6.8
Immigration	19,139	670	3.5	471	2.5	17,855	93.3	143	0.7
Individual Rights	110	56	50.9	24	21.8	22	20.0	8	7.3
Kidnapping	149	37	24.8	41	27.5	49	32.9	22	14.8
Manslaughter	86	16	18.6	9	10.5	2	2.3	59	68.6
Money Laundering	1,310	361	27.6	312	23.8	532	40.6	105	8.0
Murder	485	81	16.7	185	38.1	145	29.9	74	15.3
National Defense	235	43	18.3	33	14.0	149	63.4	10	4.3
Obscenity/Other Sex Offenses	325	132	40.6	65	20.0	41	12.6	87	26.8
Prison Offenses	448	114	25.4	160	35.7	133	29.7	41	9.2
Robbery	1,499	241	16.1	905	60.4	295	19.7	58	3.9
Sexual Abuse	1,391	770	55.4	224	16.1	200	14.4	197	14.2
Stalking/Harassing	238	157	66.0	39	16.4	19	8.0	23	9.7
Tax	445	225	50.6	105	23.6	72	16.2	43	9.7
Other	747	310	41.5	175	23.4	134	17.9	128	17.1

¹ Of the 64,124 cases, 474 were excluded due to missing information on the sentenced individual's race. Descriptions of variables used in this table are provided in Appendix A.

Figure 3

NUMBER OF SENTENCED INDIVIDUALS OVER TIME¹
Fiscal Years 2014 - 2023



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

Table 6

GENDER OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	64,085	55,806	87.1	8,279	12.9
Administration of Justice	647	504	77.9	143	22.1
Antitrust	18	18	100.0	0	0.0
Arson	106	85	80.2	21	19.8
Assault	852	786	92.3	66	7.7
Bribery/Corruption	366	283	77.3	83	22.7
Burglary/Trespass	85	80	94.1	5	5.9
Child Pornography	1,408	1,392	98.9	16	1.1
Commercialized Vice	84	72	85.7	12	14.3
Drug Possession	139	91	65.5	48	34.5
Drug Trafficking	19,007	15,880	83.5	3,127	16.5
Environmental	159	147	92.5	12	7.5
Extortion/Racketeering	130	105	80.8	25	19.2
Firearms	8,831	8,453	95.7	378	4.3
Food and Drug	55	33	60.0	22	40.0
Forgery/Counter/Copyright	112	94	83.9	18	16.1
Fraud/Theft/Embezzlement	5,204	3,597	69.1	1,607	30.9
Immigration	19,213	17,525	91.2	1,688	8.8
Individual Rights	113	101	89.4	12	10.6
Kidnapping	151	135	89.4	16	10.6
Manslaughter	86	64	74.4	22	25.6
Money Laundering	1,312	992	75.6	320	24.4
Murder	489	456	93.3	33	6.7
National Defense	237	200	84.4	37	15.6
Obscenity/Other Sex Offenses	325	316	97.2	9	2.8
Prison Offenses	455	413	90.8	42	9.2
Robbery	1,502	1,413	94.1	89	5.9
Sexual Abuse	1,394	1,307	93.8	87	6.2
Stalking/Harassing	240	219	91.3	21	8.8
Tax	446	314	70.4	132	29.6
Other	919	731	79.5	188	20.5

¹ Of the 64,124 cases, 39 were excluded due to missing information on the sentenced individual's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 7

AGE OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	Under 21 ²		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60		Mean	Median
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%		
TOTAL	64,076	1,572	2.5	7,266	11.3	9,959	15.5	11,509	18.0	10,781	16.8	14,464	22.6	6,115	9.5	2,410	3.8	38	36
Administration of Justice	647	17	2.6	82	12.7	98	15.1	102	15.8	110	17.0	116	17.9	80	12.4	42	6.5	39	37
Antitrust	18	0	0.0	0	0.0	0	0.0	0	0.0	2	11.1	3	16.7	6	33.3	7	38.9	57	57
Arson	106	0	0.0	21	19.8	15	14.2	26	24.5	13	12.3	20	18.9	8	7.5	3	2.8	35	33
Assault	849	20	2.4	131	15.4	193	22.7	166	19.6	137	16.1	121	14.3	61	7.2	20	2.4	35	33
Bribery/Corruption	366	0	0.0	4	1.1	20	5.5	36	9.8	31	8.5	81	22.1	119	32.5	75	20.5	50	51
Burglary/Trespass	84	2	2.4	18	21.4	16	19.0	15	17.9	14	16.7	8	9.5	8	9.5	3	3.6	35	34
Child Pornography	1,408	14	1.0	127	9.0	170	12.1	231	16.4	231	16.4	308	21.9	186	13.2	141	10.0	41	39
Commercialized Vice	84	0	0.0	1	1.2	6	7.1	9	10.7	20	23.8	23	27.4	17	20.2	8	9.5	45	43
Drug Possession	137	6	4.4	15	10.9	15	10.9	19	13.9	24	17.5	32	23.4	15	10.9	11	8.0	39	38
Drug Trafficking	19,006	345	1.8	1,864	9.8	2,913	15.3	3,550	18.7	3,377	17.8	4,666	24.6	1,729	9.1	562	3.0	38	37
Environmental	157	3	1.9	10	6.4	13	8.3	22	14.0	14	8.9	38	24.2	36	22.9	21	13.4	45	44
Extortion/Racketeering	129	1	0.8	7	5.4	18	14.0	21	16.3	21	16.3	19	14.7	25	19.4	17	13.2	43	40
Firearms	8,831	214	2.4	1,330	15.1	1,924	21.8	1,841	20.8	1,477	16.7	1,519	17.2	397	4.5	129	1.5	34	33
Food and Drug	55	0	0.0	0	0.0	2	3.6	5	9.1	3	5.5	23	41.8	12	21.8	10	18.2	49	48
Forgery/Counter/Copyright	112	0	0.0	9	8.0	13	11.6	25	22.3	23	20.5	28	25.0	11	9.8	3	2.7	39	37
Fraud/Theft/Embezzlement	5,201	56	1.1	375	7.2	571	11.0	744	14.3	738	14.2	1,220	23.5	901	17.3	596	11.5	43	41
Immigration	19,224	701	3.6	2,207	11.5	2,753	14.3	3,399	17.7	3,428	17.8	4,747	24.7	1,661	8.6	328	1.7	37	36
Individual Rights	113	0	0.0	2	1.8	13	11.5	16	14.2	17	15.0	32	28.3	17	15.0	16	14.2	45	44
Kidnapping	151	2	1.3	17	11.3	30	19.9	40	26.5	31	20.5	22	14.6	8	5.3	1	0.7	35	34
Manslaughter	86	4	4.7	16	18.6	13	15.1	16	18.6	13	15.1	18	20.9	4	4.7	2	2.3	35	33
Money Laundering	1,312	8	0.6	73	5.6	161	12.3	217	16.5	210	16.0	361	27.5	195	14.9	87	6.6	41	40
Murder	489	3	0.6	74	15.1	114	23.3	93	19.0	69	14.1	92	18.8	32	6.5	12	2.5	35	33
National Defense	236	14	5.9	50	21.2	40	16.9	34	14.4	21	8.9	50	21.2	17	7.2	10	4.2	35	32
Obscenity/Other Sex Offenses	325	0	0.0	14	4.3	25	7.7	59	18.2	55	16.9	89	27.4	54	16.6	29	8.9	43	41
Prison Offenses	455	2	0.4	41	9.0	92	20.2	95	20.9	85	18.7	100	22.0	29	6.4	11	2.4	37	35
Robbery	1,502	102	6.8	359	23.9	306	20.4	270	18.0	159	10.6	178	11.9	103	6.9	25	1.7	33	30
Sexual Abuse	1,394	15	1.1	176	12.6	222	15.9	252	18.1	236	16.9	254	18.2	171	12.3	68	4.9	38	36
Stalking/Harassing	240	2	0.8	13	5.4	29	12.1	44	18.3	50	20.8	56	23.3	31	12.9	15	6.3	41	39
Tax	446	0	0.0	3	0.7	5	1.1	15	3.4	52	11.7	118	26.5	127	28.5	126	28.3	53	53
Other	913	41	4.5	227	24.9	169	18.5	147	16.1	120	13.1	122	13.4	55	6.0	32	3.5	34	31

¹ Of the 64,124 cases, 48 were excluded due to missing information on the sentenced individual's age. Descriptions of variables used in this table are provided in Appendix A.

² Of the 1,572 sentenced individuals under 21, none were under the age of 18 at the time of sentencing.

Table 8

AGE, RACE, AND GENDER OF SENTENCED INDIVIDUALS¹
Fiscal Year 2023

AGE AND GENDER	TOTAL		WHITE		BLACK		HISPANIC		OTHER		
	N	%	N	%	N	%	N	%	N	%	
Under 21 ²	Total	1,549	100.0	128	100.0	281	100.0	1,084	100.0	56	100.0
	Male	1,355	87.5	103	80.5	269	95.7	934	86.2	49	87.5
	Female	194	12.5	25	19.5	12	4.3	150	13.8	7	12.5
21 - 25	Total	7,181	100.0	878	100.0	2,104	100.0	3,936	100.0	263	100.0
	Male	6,200	86.3	692	78.8	1,925	91.5	3,362	85.4	221	84.0
	Female	981	13.7	186	21.2	179	8.5	574	14.6	42	16.0
26 - 30	Total	9,877	100.0	1,533	100.0	3,021	100.0	4,922	100.0	401	100.0
	Male	8,623	87.3	1,205	78.6	2,738	90.6	4,345	88.3	335	83.5
	Female	1,254	12.7	328	21.4	283	9.4	577	11.7	66	16.5
31 - 35	Total	11,456	100.0	2,090	100.0	3,207	100.0	5,677	100.0	482	100.0
	Male	9,930	86.7	1,580	75.6	2,906	90.6	5,056	89.1	388	80.5
	Female	1,526	13.3	510	24.4	301	9.4	621	10.9	94	19.5
36 - 40	Total	10,714	100.0	2,473	100.0	2,485	100.0	5,290	100.0	466	100.0
	Male	9,378	87.5	1,979	80.0	2,232	89.8	4,797	90.7	370	79.4
	Female	1,336	12.5	494	20.0	253	10.2	493	9.3	96	20.6
41 - 50	Total	14,397	100.0	3,629	100.0	3,018	100.0	7,170	100.0	580	100.0
	Male	12,694	88.2	2,970	81.8	2,710	89.8	6,537	91.2	477	82.2
	Female	1,703	11.8	659	18.2	308	10.2	633	8.8	103	17.8
51 - 60	Total	6,087	100.0	2,099	100.0	1,169	100.0	2,500	100.0	319	100.0
	Male	5,238	86.1	1,729	82.4	987	84.4	2,271	90.8	251	78.7
	Female	849	13.9	370	17.6	182	15.6	229	9.2	68	21.3
Over 60	Total	2,387	100.0	1,232	100.0	409	100.0	590	100.0	156	100.0
	Male	2,009	84.2	1,023	83.0	323	79.0	536	90.8	127	81.4
	Female	378	15.8	209	17.0	86	21.0	54	9.2	29	18.6

¹ Of the 64,124 cases, 476 were excluded due to one or more of the following reasons: missing information on the sentenced individual's age (48), race (474), or gender (39). Descriptions of variables used in this table are provided in Appendix A.

² Of the 1,549 sentenced individuals under 21, none were under the age of 18 at the time of sentencing.

Table 9

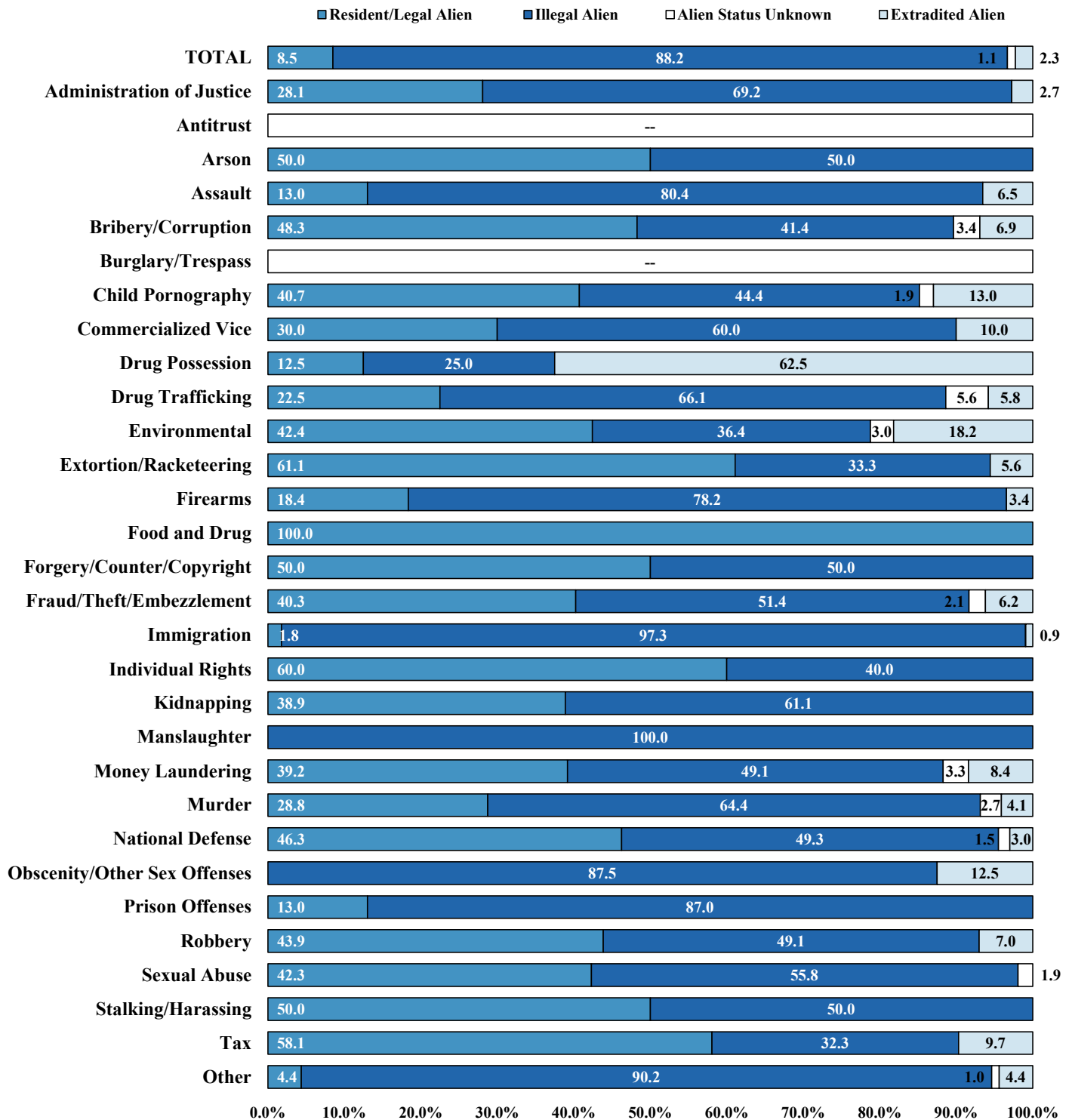
CITIZENSHIP OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	63,799	42,295	66.3	21,504	33.7
Administration of Justice	639	493	77.2	146	22.8
Antitrust	18	18	100.0	0	0.0
Arson	106	102	96.2	4	3.8
Assault	843	797	94.5	46	5.5
Bribery/Corruption	366	337	92.1	29	7.9
Burglary/Trespass	83	83	100.0	0	0.0
Child Pornography	1,407	1,353	96.2	54	3.8
Commercialized Vice	84	74	88.1	10	11.9
Drug Possession	127	119	93.7	8	6.3
Drug Trafficking	18,991	15,562	81.9	3,429	18.1
Environmental	145	112	77.2	33	22.8
Extortion/Racketeering	129	111	86.0	18	14.0
Firearms	8,818	8,497	96.4	321	3.6
Food and Drug	54	51	94.4	3	5.6
Forgery/Counter/Copyright	112	108	96.4	4	3.6
Fraud/Theft/Embezzlement	5,165	4,420	85.6	745	14.4
Immigration	19,206	3,495	18.2	15,711	81.8
Individual Rights	113	103	91.2	10	8.8
Kidnapping	151	133	88.1	18	11.9
Manslaughter	86	84	97.7	2	2.3
Money Laundering	1,311	918	70.0	393	30.0
Murder	489	416	85.1	73	14.9
National Defense	235	168	71.5	67	28.5
Obscenity/Other Sex Offenses	326	318	97.5	8	2.5
Prison Offenses	442	419	94.8	23	5.2
Robbery	1,501	1,444	96.2	57	3.8
Sexual Abuse	1,394	1,342	96.3	52	3.7
Stalking/Harassing	238	234	98.3	4	1.7
Tax	446	415	93.0	31	7.0
Other	774	569	73.5	205	26.5

¹ Of the 64,124 cases, 325 were excluded due to missing information on the sentenced individual's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Figure 4

NON-CITIZEN STATUS OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023



¹ Of the 64,124 cases, in 21,504 the sentenced individual was a non-citizen. Descriptions of variables used in this figure are provided in Appendix A.

Table 10

EDUCATION OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	60,973	25,458	41.8	20,663	33.9	11,139	18.3	3,713	6.1
Administration of Justice	606	157	25.9	192	31.7	183	30.2	74	12.2
Antitrust	18	0	0.0	3	16.7	10	55.6	5	27.8
Arson	106	30	28.3	46	43.4	24	22.6	6	5.7
Assault	785	265	33.8	338	43.1	150	19.1	32	4.1
Bribery/Corruption	363	23	6.3	73	20.1	101	27.8	166	45.7
Burglary/Trespass	81	22	27.2	31	38.3	22	27.2	6	7.4
Child Pornography	1,405	135	9.6	500	35.6	500	35.6	270	19.2
Commercialized Vice	83	19	22.9	30	36.1	26	31.3	8	9.6
Drug Possession	79	20	25.3	30	38.0	22	27.8	7	8.9
Drug Trafficking	18,916	6,479	34.3	7,899	41.8	3,906	20.6	632	3.3
Environmental	114	21	18.4	38	33.3	31	27.2	24	21.1
Extortion/Racketeering	125	30	24.0	51	40.8	27	21.6	17	13.6
Firearms	8,771	3,009	34.3	4,115	46.9	1,492	17.0	155	1.8
Food and Drug	46	0	0.0	3	6.5	18	39.1	25	54.3
Forgery/Counter/Copyright	112	12	10.7	49	43.8	39	34.8	12	10.7
Fraud/Theft/Embezzlement	4,973	693	13.9	1,339	26.9	1,708	34.3	1,233	24.8
Immigration	17,407	12,708	73.0	3,285	18.9	1,211	7.0	203	1.2
Individual Rights	107	11	10.3	27	25.2	40	37.4	29	27.1
Kidnapping	150	62	41.3	55	36.7	28	18.7	5	3.3
Manslaughter	86	30	34.9	37	43.0	18	20.9	1	1.2
Money Laundering	1,301	277	21.3	386	29.7	379	29.1	259	19.9
Murder	479	199	41.5	203	42.4	63	13.2	14	2.9
National Defense	213	73	34.3	54	25.4	48	22.5	38	17.8
Obscenity/Other Sex Offenses	322	88	27.3	158	49.1	67	20.8	9	2.8
Prison Offenses	394	131	33.2	220	55.8	38	9.6	5	1.3
Robbery	1,497	537	35.9	672	44.9	266	17.8	22	1.5
Sexual Abuse	1,394	255	18.3	576	41.3	407	29.2	156	11.2
Stalking/Harassing	233	33	14.2	76	32.6	76	32.6	48	20.6
Tax	446	38	8.5	81	18.2	150	33.6	177	39.7
Other	361	101	28.0	96	26.6	89	24.7	75	20.8

¹ Of the 64,124 cases, 3,151 were excluded due to missing information on the sentenced individual's education. Descriptions of variables used in this table are provided in Appendix A.

SENTENCING INFORMATION

Table 11

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	64,124	62,300	97.2	1,824	2.8
D.C. CIRCUIT	503	388	77.1	115	22.9
District of Columbia	503	388	77.1	115	22.9
FIRST CIRCUIT	1,949	1,905	97.7	44	2.3
Maine	116	115	99.1	1	0.9
Massachusetts	477	449	94.1	28	5.9
New Hampshire	160	159	99.4	1	0.6
Puerto Rico	1,090	1,076	98.7	14	1.3
Rhode Island	106	106	100.0	0	0.0
SECOND CIRCUIT	3,219	3,075	95.5	144	4.5
Connecticut	355	342	96.3	13	3.7
New York					
Eastern	709	663	93.5	46	6.5
Northern	459	452	98.5	7	1.5
Southern	1,148	1,083	94.3	65	5.7
Western	411	399	97.1	12	2.9
Vermont	137	136	99.3	1	0.7
THIRD CIRCUIT	2,362	2,259	95.6	103	4.4
Delaware	104	101	97.1	3	2.9
New Jersey	723	694	96.0	29	4.0
Pennsylvania					
Eastern	529	496	93.8	33	6.2
Middle	409	391	95.6	18	4.4
Western	530	515	97.2	15	2.8
Virgin Islands	67	62	92.5	5	7.5
FOURTH CIRCUIT	4,313	4,127	95.7	186	4.3
Maryland	503	471	93.6	32	6.4
North Carolina					
Eastern	847	825	97.4	22	2.6
Middle	326	317	97.2	9	2.8
Western	362	341	94.2	21	5.8
South Carolina	644	630	97.8	14	2.2
Virginia					
Eastern	884	832	94.1	52	5.9
Western	210	196	93.3	14	6.7
West Virginia					
Northern	310	298	96.1	12	3.9
Southern	227	217	95.6	10	4.4

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	17,542	17,357	98.9	185	1.1
Louisiana					
Eastern	331	318	96.1	13	3.9
Middle	96	93	96.9	3	3.1
Western	340	331	97.4	9	2.6
Mississippi					
Northern	164	159	97.0	5	3.0
Southern	372	358	96.2	14	3.8
Texas					
Eastern	716	706	98.6	10	1.4
Northern	1,559	1,535	98.5	24	1.5
Southern	6,425	6,379	99.3	46	0.7
Western	7,539	7,478	99.2	61	0.8
SIXTH CIRCUIT	4,613	4,442	96.3	171	3.7
Kentucky					
Eastern	444	413	93.0	31	7.0
Western	337	320	95.0	17	5.0
Michigan					
Eastern	696	669	96.1	27	3.9
Western	240	228	95.0	12	5.0
Ohio					
Northern	880	847	96.3	33	3.8
Southern	623	612	98.2	11	1.8
Tennessee					
Eastern	647	632	97.7	15	2.3
Middle	288	278	96.5	10	3.5
Western	458	443	96.7	15	3.3
SEVENTH CIRCUIT	2,270	2,164	95.3	106	4.7
Illinois					
Central	260	239	91.9	21	8.1
Northern	620	587	94.7	33	5.3
Southern	261	239	91.6	22	8.4
Indiana					
Northern	262	250	95.4	12	4.6
Southern	393	382	97.2	11	2.8
Wisconsin					
Eastern	328	322	98.2	6	1.8
Western	146	145	99.3	1	0.7
EIGHTH CIRCUIT	5,143	4,993	97.1	150	2.9
Arkansas					
Eastern	548	531	96.9	17	3.1
Western	177	175	98.9	2	1.1
Iowa					
Northern	338	327	96.7	11	3.3
Southern	440	423	96.1	17	3.9
Minnesota	353	338	95.8	15	4.2
Missouri					
Eastern	954	943	98.8	11	1.2
Western	841	819	97.4	22	2.6
Nebraska	567	552	97.4	15	2.6
North Dakota	413	404	97.8	9	2.2
South Dakota	512	481	93.9	31	6.1

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	12,151	11,909	98.0	242	2.0
Alaska	177	165	93.2	12	6.8
Arizona	4,812	4,790	99.5	22	0.5
California					
Central	944	887	94.0	57	6.0
Eastern	392	381	97.2	11	2.8
Northern	386	365	94.6	21	5.4
Southern	3,189	3,150	98.8	39	1.2
Guam	26	23	88.5	3	11.5
Hawaii	119	109	91.6	10	8.4
Idaho	292	278	95.2	14	4.8
Montana	369	358	97.0	11	3.0
Nevada	362	351	97.0	11	3.0
Northern Mariana Islands	25	24	96.0	1	4.0
Oregon	410	396	96.6	14	3.4
Washington					
Eastern	289	284	98.3	5	1.7
Western	359	348	96.9	11	3.1
TENTH CIRCUIT	4,878	4,756	97.5	122	2.5
Colorado	340	323	95.0	17	5.0
Kansas	341	328	96.2	13	3.8
New Mexico	2,006	1,986	99.0	20	1.0
Oklahoma					
Eastern	215	190	88.4	25	11.6
Northern	400	381	95.3	19	4.8
Western	677	665	98.2	12	1.8
Utah	761	750	98.6	11	1.4
Wyoming	138	133	96.4	5	3.6
ELEVENTH CIRCUIT	5,181	4,925	95.1	256	4.9
Alabama					
Middle	218	212	97.2	6	2.8
Northern	405	394	97.3	11	2.7
Southern	308	296	96.1	12	3.9
Florida					
Middle	1,104	1,025	92.8	79	7.2
Northern	254	236	92.9	18	7.1
Southern	1,552	1,465	94.4	87	5.6
Georgia					
Middle	384	372	96.9	12	3.1
Northern	585	561	95.9	24	4.1
Southern	371	364	98.1	7	1.9

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 12

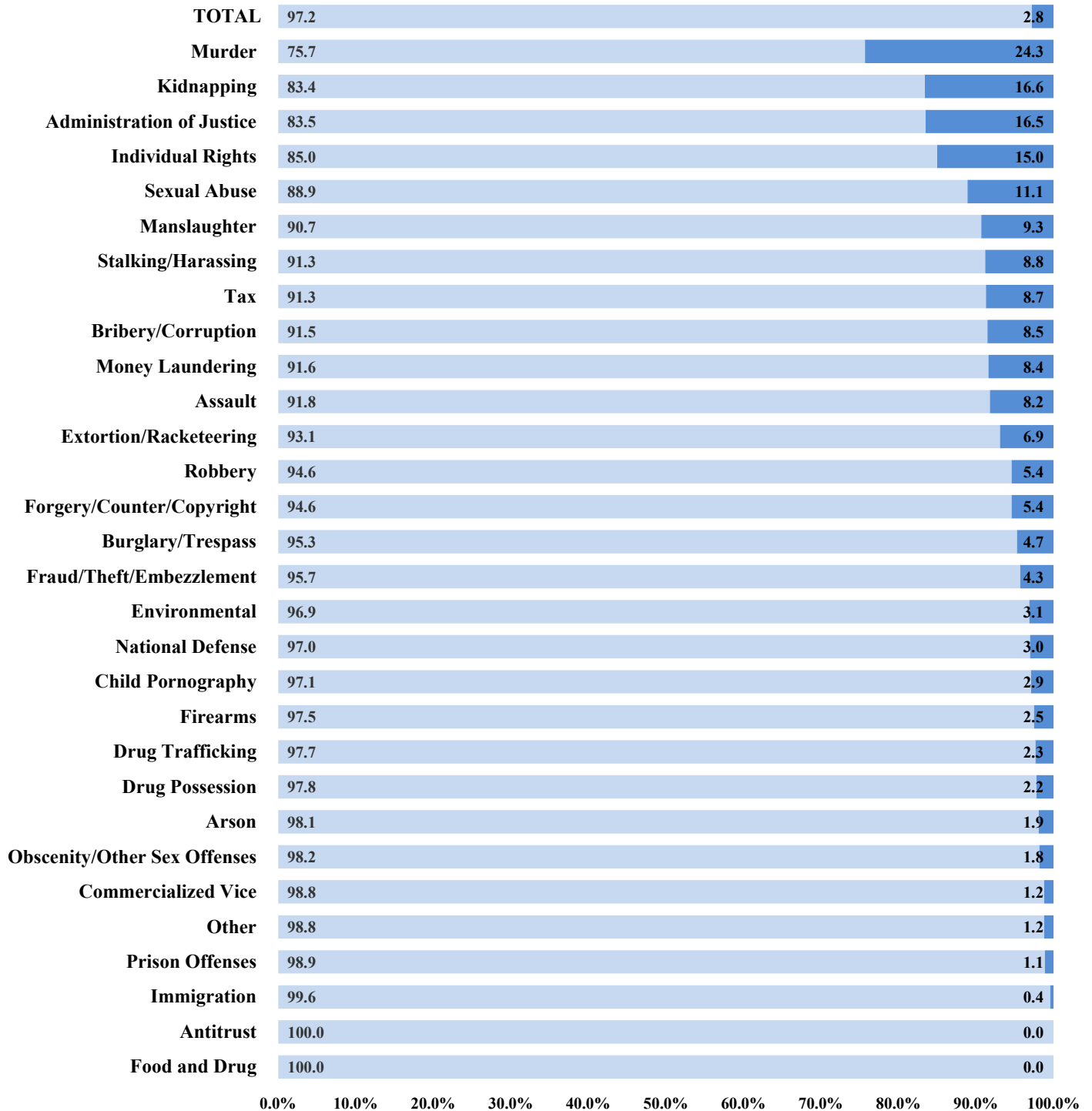
GUILTY PLEAS AND TRIALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	64,124	62,300	97.2	1,824	2.8
Administration of Justice	647	540	83.5	107	16.5
Antitrust	18	18	100.0	0	0.0
Arson	106	104	98.1	2	1.9
Assault	852	782	91.8	70	8.2
Bribery/Corruption	366	335	91.5	31	8.5
Burglary/Trespass	85	81	95.3	4	4.7
Child Pornography	1,408	1,367	97.1	41	2.9
Commercialized Vice	84	83	98.8	1	1.2
Drug Possession	139	136	97.8	3	2.2
Drug Trafficking	19,007	18,576	97.7	431	2.3
Environmental	160	155	96.9	5	3.1
Extortion/Racketeering	130	121	93.1	9	6.9
Firearms	8,832	8,615	97.5	217	2.5
Food and Drug	55	55	100.0	0	0.0
Forgery/Counter/Copyright	112	106	94.6	6	5.4
Fraud/Theft/Embezzlement	5,205	4,980	95.7	225	4.3
Immigration	19,226	19,158	99.6	68	0.4
Individual Rights	113	96	85.0	17	15.0
Kidnapping	151	126	83.4	25	16.6
Manslaughter	86	78	90.7	8	9.3
Money Laundering	1,312	1,202	91.6	110	8.4
Murder	489	370	75.7	119	24.3
National Defense	237	230	97.0	7	3.0
Obscenity/Other Sex Offenses	326	320	98.2	6	1.8
Prison Offenses	455	450	98.9	5	1.1
Robbery	1,503	1,422	94.6	81	5.4
Sexual Abuse	1,395	1,240	88.9	155	11.1
Stalking/Harassing	240	219	91.3	21	8.8
Tax	446	407	91.3	39	8.7
Other	939	928	98.8	11	1.2

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

Figure 5

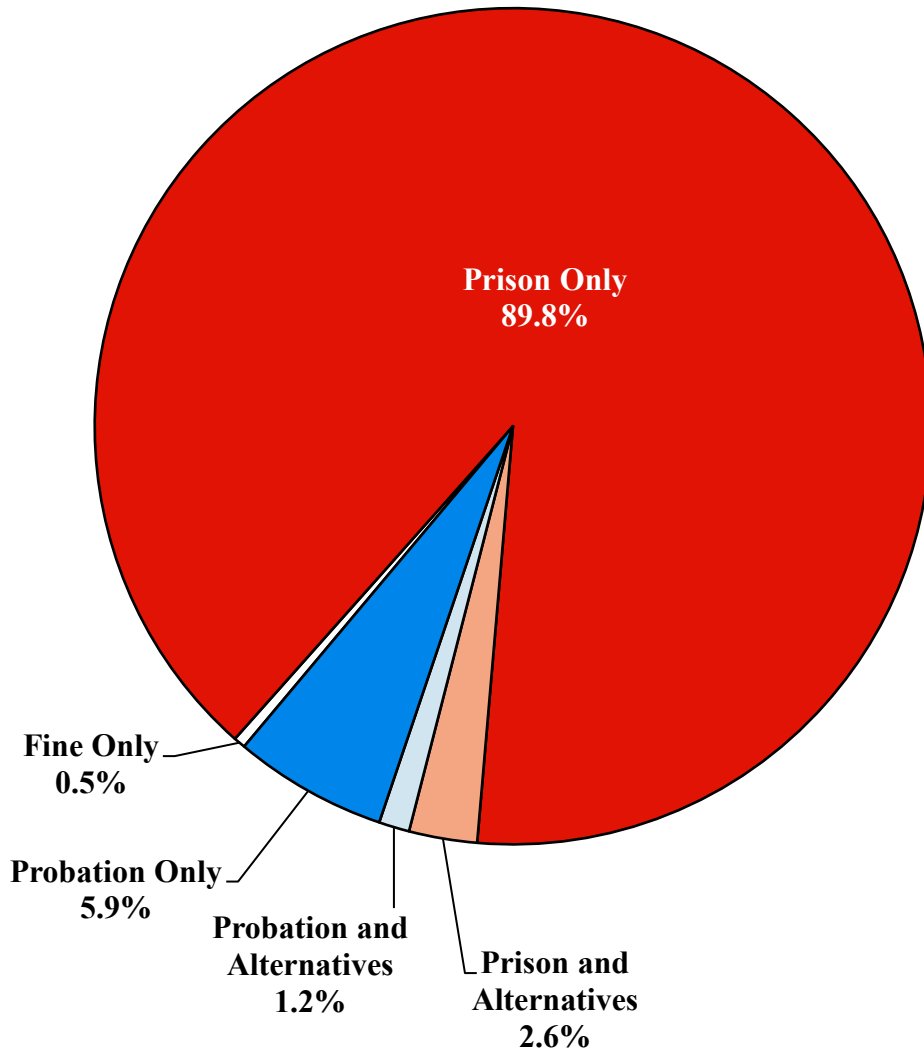
GUILTY PLEAS AND TRIALS BY TYPE OF CRIME¹
Fiscal Year 2023



¹ This figure includes the 64,124 cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

Figure 6

**SENTENCE TYPE FOR SENTENCED INDIVIDUALS¹
Fiscal Year 2023**



¹ This figure includes the 64,124 cases reported to the Commission. Alternatives include all cases in which sentenced individuals 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, 2023 Datafile, USSCFY23.

Table 13

SENTENCE TYPE BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	64,124	59,268	92.4	57,579	89.8	1,689	2.6	4,563	7.1	755	1.2	3,808	5.9	293	0.5
Administration of Justice	647	506	78.2	483	74.7	23	3.6	136	21.0	30	4.6	106	16.4	5	0.8
Antitrust	18	9	50.0	5	27.8	4	22.2	9	50.0	4	22.2	5	27.8	0	0.0
Arson	106	102	96.2	99	93.4	3	2.8	4	3.8	1	0.9	3	2.8	0	0.0
Assault	852	788	92.5	759	89.1	29	3.4	58	6.8	10	1.2	48	5.6	6	0.7
Bribery/Corruption	366	279	76.2	259	70.8	20	5.5	86	23.5	22	6.0	64	17.5	1	0.3
Burglary/Trespass	85	69	81.2	68	80.0	1	1.2	16	18.8	8	9.4	8	9.4	0	0.0
Child Pornography	1,408	1,395	99.1	1,381	98.1	14	1.0	13	0.9	0	0.0	13	0.9	0	0.0
Commercialized Vice	84	73	86.9	69	82.1	4	4.8	11	13.1	4	4.8	7	8.3	0	0.0
Drug Possession	139	70	50.4	70	50.4	0	0.0	51	36.7	0	0.0	51	36.7	18	12.9
Drug Trafficking	19,007	18,475	97.2	17,862	94.0	613	3.2	530	2.8	113	0.6	417	2.2	2	0.0
Environmental	160	43	26.9	38	23.8	5	3.1	108	67.5	6	3.8	102	63.8	9	5.6
Extortion/Racketeering	130	106	81.5	101	77.7	5	3.8	24	18.5	4	3.1	20	15.4	0	0.0
Firearms	8,832	8,257	93.5	8,078	91.5	179	2.0	567	6.4	109	1.2	458	5.2	8	0.1
Food and Drug	55	22	40.0	21	38.2	1	1.8	31	56.4	3	5.5	28	50.9	2	3.6
Forgery/Counter/Copyright	112	82	73.2	74	66.1	8	7.1	30	26.8	5	4.5	25	22.3	0	0.0
Fraud/Theft/Embezzlement	5,205	3,857	74.1	3,656	70.2	201	3.9	1,305	25.1	229	4.4	1,076	20.7	43	0.8
Immigration	19,226	18,452	96.0	18,108	94.2	344	1.8	774	4.0	93	0.5	681	3.5	0	0.0
Individual Rights	113	80	70.8	76	67.3	4	3.5	33	29.2	2	1.8	31	27.4	0	0.0
Kidnapping	151	150	99.3	141	93.4	9	6.0	1	0.7	0	0.0	1	0.7	0	0.0
Manslaughter	86	84	97.7	82	95.3	2	2.3	2	2.3	0	0.0	2	2.3	0	0.0
Money Laundering	1,312	1,172	89.3	1,122	85.5	50	3.8	138	10.5	37	2.8	101	7.7	2	0.2
Murder	489	489	100.0	479	98.0	10	2.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	237	199	84.0	188	79.3	11	4.6	17	7.2	3	1.3	14	5.9	21	8.9
Obscenity/Other Sex Offenses	326	309	94.8	285	87.4	24	7.4	17	5.2	4	1.2	13	4.0	0	0.0
Prison Offenses	455	440	96.7	427	93.8	13	2.9	14	3.1	4	0.9	10	2.2	1	0.2
Robbery	1,503	1,491	99.2	1,450	96.5	41	2.7	12	0.8	0	0.0	12	0.8	0	0.0
Sexual Abuse	1,395	1,388	99.5	1,354	97.1	34	2.4	7	0.5	3	0.2	4	0.3	0	0.0
Stalking/Harassing	240	217	90.4	208	86.7	9	3.8	23	9.6	9	3.8	14	5.8	0	0.0
Tax	446	289	64.8	265	59.4	24	5.4	157	35.2	37	8.3	120	26.9	0	0.0
Other	939	375	39.9	371	39.5	4	0.4	389	41.4	15	1.6	374	39.8	175	18.6

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

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 14

SENTENCE TYPE BY CITIZENSHIP AND SENTENCING ZONE¹
Fiscal Year 2023

	TOTAL	Prison Only		Prison and Alternatives²		Probation and Alternatives²		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
Citizens	41,735	36,075	86.4	1,591	3.8	693	1.7	3,215	7.7	161	0.4
Zone A	1,506	411	27.3	12	0.8	31	2.1	903	60.0	149	9.9
Zone B	2,023	1,155	57.1	139	6.9	199	9.8	524	25.9	6	0.3
Zone C	2,352	1,398	59.4	235	10.0	146	6.2	573	24.4	0	0.0
Zone D	35,854	33,111	92.3	1,205	3.4	317	0.9	1,215	3.4	6	0.0
Non-Citizens	21,368	20,811	97.4	90	0.4	53	0.2	408	1.9	6	0.0
Zone A	4,756	4,524	95.1	3	0.1	2	0.0	221	4.6	6	0.1
Zone B	3,864	3,742	96.8	9	0.2	22	0.6	91	2.4	0	0.0
Zone C	2,161	2,105	97.4	12	0.6	9	0.4	35	1.6	0	0.0
Zone D	10,587	10,440	98.6	66	0.6	20	0.2	61	0.6	0	0.0

¹ Of the 64,124 cases, 1,021 were excluded due to one or both of the following reasons: missing zone (767), or missing information on the individual's citizenship status (325). The zones indicated above correspond to the offense levels and Criminal History Categories established by the court and do not indicate the impact of mandatory minimums penalties or statutory maximums penalties constricting the sentence. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 15

SENTENCE IMPOSED BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	SENTENCE LENGTH ²			LENGTH OF IMPRISONMENT ³		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	52	24	64,123	56	30	59,267
Administration of Justice	16	10	647	20	12	506
Antitrust	6	6	18	6	6	9
Arson	58	57	106	60	60	102
Assault	71	47	852	76	51	788
Bribery/Corruption	21	14	366	26	21	279
Burglary/Trespass	16	8	85	20	16	69
Child Pornography	115	97	1,408	116	97	1,395
Commercialized Vice	21	12	84	24	12	73
Drug Possession	2	0	139	4	0	70
Drug Trafficking	82	63	19,007	84	66	18,475
Environmental	3	0	160	10	6	43
Extortion/Racketeering	32	24	130	38	30	106
Firearms	49	40	8,832	53	44	8,257
Food and Drug	10	0	55	23	21	22
Forgery/Counter/Copyright	18	12	112	23	19	82
Fraud/Theft/Embezzlement	22	12	5,205	28	21	3,857
Immigration	12	8	19,225	12	8	18,451
Individual Rights	55	15	113	78	41	80
Kidnapping	199	168	151	201	168	150
Manslaughter	75	69	86	77	70	84
Money Laundering	63	36	1,312	70	42	1,172
Murder	285	276	489	285	276	489
National Defense	38	24	237	45	30	199
Obscenity/Other Sex Offenses	23	18	326	24	20	309
Prison Offenses	14	12	455	15	12	440
Robbery	110	96	1,503	110	96	1,491
Sexual Abuse	213	180	1,395	214	180	1,388
Stalking/Harassing	29	20	240	32	24	217
Tax	15	12	446	22	15	289
Other	4	0	939	10	7	375

¹ Of the 64,124 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 16

FINE AND RESTITUTION BY TYPE OF CRIME¹
Fiscal Year 2023

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	%
TOTAL	64,124	50,999	79.5	4,254	6.6	8,194	12.8	677	1.1
Administration of Justice	647	416	64.3	66	10.2	136	21.0	29	4.5
Antitrust	18	1	5.6	15	83.3	0	0.0	2	11.1
Arson	106	32	30.2	1	0.9	72	67.9	1	0.9
Assault	852	611	71.7	40	4.7	192	22.5	9	1.1
Bribery/Corruption	366	125	34.2	85	23.2	129	35.2	27	7.4
Burglary/Trespass	85	19	22.4	3	3.5	57	67.1	6	7.1
Child Pornography	1,408	476	33.8	25	1.8	877	62.3	30	2.1
Commercialized Vice	84	58	69.0	20	23.8	5	6.0	1	1.2
Drug Possession	139	85	61.2	52	37.4	0	0.0	2	1.4
Drug Trafficking	19,007	17,554	92.4	1,208	6.4	229	1.2	16	0.1
Environmental	160	42	26.3	72	45.0	25	15.6	21	13.1
Extortion/Racketeering	130	88	67.7	17	13.1	23	17.7	2	1.5
Firearms	8,832	8,071	91.4	540	6.1	210	2.4	11	0.1
Food and Drug	55	23	41.8	20	36.4	8	14.5	4	7.3
Forgery/Counter/Copyright	112	36	32.1	12	10.7	54	48.2	10	8.9
Fraud/Theft/Embezzlement	5,205	865	16.6	258	5.0	3,740	71.9	342	6.6
Immigration	19,226	18,308	95.2	880	4.6	34	0.2	4	0.0
Individual Rights	113	67	59.3	21	18.6	21	18.6	4	3.5
Kidnapping	151	94	62.3	7	4.6	47	31.1	3	2.0
Manslaughter	86	46	53.5	0	0.0	40	46.5	0	0.0
Money Laundering	1,312	801	61.1	124	9.5	371	28.3	16	1.2
Murder	489	308	63.0	23	4.7	153	31.3	5	1.0
National Defense	237	189	79.7	44	18.6	2	0.8	2	0.8
Obscenity/Other Sex Offenses	326	303	92.9	22	6.7	1	0.3	0	0.0
Prison Offenses	455	432	94.9	20	4.4	3	0.7	0	0.0
Robbery	1,503	558	37.1	15	1.0	913	60.7	17	1.1
Sexual Abuse	1,395	825	59.1	60	4.3	495	35.5	15	1.1
Stalking/Harassing	240	189	78.8	19	7.9	31	12.9	1	0.4
Tax	446	29	6.5	31	7.0	296	66.4	90	20.2
Other	939	348	37.1	554	59.0	30	3.2	7	0.7

¹ Of the 64,124 cases, the court sentenced the individual to pay a fine or make restitution in 13,125 cases. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 17

AMOUNT OF FINE AND RESTITUTION ORDERED BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED ²				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	4,430	\$18,207	\$1,500	\$80,657,243	8,019	\$1,628,250	\$48,000	\$13,056,935,136	11,960	\$1,098,461	\$11,000	\$13,137,592,379
Administration of Justice	90	\$7,895	\$2,750	\$710,585	152	\$220,308	\$2,000	\$33,486,783	214	\$159,801	\$2,000	\$34,197,368
Antitrust	17	\$100,544	\$55,000	\$1,709,250	2	.	.	.	17	\$109,838	\$55,000	\$1,867,250
Arson	2	.	.	.	67	\$1,081,041	\$28,589	\$72,429,766	68	\$1,065,350	\$28,589	\$72,443,766
Assault	44	\$2,304	\$1,150	\$101,379	166	\$22,890	\$2,355	\$3,799,738	201	\$19,409	\$2,122	\$3,901,117
Bribery/Corruption	102	\$54,076	\$18,250	\$5,515,721	144	\$3,592,382	\$439,646	\$517,303,052	226	\$2,313,357	\$155,227	\$522,818,773
Burglary/Trespass	7	\$3,268	\$2,500	\$22,876	61	\$24,676	\$911	\$1,505,218	64	\$23,876	\$1,750	\$1,528,094
Child Pornography	53	\$14,055	\$5,000	\$744,928	738	\$31,265	\$18,000	\$23,073,529	771	\$30,893	\$18,000	\$23,818,457
Commercialized Vice	21	\$11,024	\$5,000	\$231,500	5	\$169,403	\$30,906	\$847,016	26	\$41,481	\$5,250	\$1,078,516
Drug Possession	54	\$2,453	\$1,000	\$132,440	2	.	.	.	54	\$3,107	\$1,000	\$167,800
Drug Trafficking	1,077	\$15,563	\$1,400	\$16,761,228	231	\$323,513	\$8,651	\$74,731,415	1,294	\$70,705	\$1,500	\$91,492,643
Environmental	92	\$27,833	\$3,000	\$2,560,624	42	\$65,203	\$4,924	\$2,738,527	115	\$46,080	\$4,000	\$5,299,151
Extortion/Racketeering	16	\$23,563	\$20,000	\$377,000	17	\$296,354	\$70,857	\$5,038,026	31	\$174,678	\$20,000	\$5,415,026
Firearms	494	\$4,674	\$1,000	\$2,309,038	191	\$41,489	\$6,260	\$7,924,381	677	\$15,116	\$1,500	\$10,233,419
Food and Drug	24	\$20,292	\$6,000	\$487,000	11	\$56,227	\$6,168	\$618,502	31	\$35,661	\$7,000	\$1,105,502
Forgery/Counter/Copyright	17	\$16,029	\$10,000	\$272,500	54	\$33,334	\$7,319	\$1,800,032	68	\$30,478	\$7,500	\$2,072,532
Fraud/Theft/Embezzlement	490	\$49,278	\$5,000	\$24,146,448	3,868	\$1,949,419	\$148,139	\$7,540,354,133	4,127	\$1,832,930	\$127,966	\$7,564,500,581
Immigration	793	\$1,894	\$1,500	\$1,502,182	32	\$140,002	\$16,711	\$4,480,071	822	\$7,278	\$1,500	\$5,982,253
Individual Rights	21	\$3,231	\$1,000	\$67,850	21	\$141,780	\$69,854	\$2,977,383	41	\$74,274	\$9,353	\$3,045,233
Kidnapping	9	\$7,333	\$2,500	\$66,000	42	\$162,574	\$5,560	\$6,828,112	50	\$137,882	\$4,179	\$6,894,112
Manslaughter	0	.	.	.	30	\$11,429	\$3,738	\$342,877	30	\$11,429	\$3,738	\$342,877
Money Laundering	123	\$63,996	\$5,500	\$7,871,454	349	\$12,114,357	\$897,173	\$4,227,910,667	467	\$9,070,197	\$422,695	\$4,235,782,121
Murder	25	\$94,108	\$2,000	\$2,352,700	125	\$131,299	\$8,000	\$16,412,400	148	\$126,791	\$7,390	\$18,765,100
National Defense	41	\$14,383	\$500	\$589,700	2	.	.	.	43	\$17,770	\$500	\$764,099
Obscenity/Other Sex Offenses	18	\$4,039	\$2,250	\$72,700	1	.	.	.	19	\$4,247	\$2,500	\$80,700
Prison Offenses	19	\$824	\$1,000	\$15,660	3	\$1,480	\$2,099	\$4,441	22	\$914	\$1,000	\$20,101
Robbery	27	\$1,591	\$1,000	\$42,950	852	\$51,591	\$4,613	\$43,955,485	866	\$50,807	\$4,502	\$43,998,435
Sexual Abuse	68	\$16,293	\$1,000	\$1,107,954	372	\$75,191	\$10,000	\$27,970,880	428	\$67,941	\$9,000	\$29,078,834
Stalking/Harassing	18	\$10,661	\$5,000	\$191,900	24	\$21,986	\$1,801	\$527,652	41	\$17,550	\$4,000	\$719,552
Tax	108	\$43,092	\$11,500	\$4,653,894	383	\$1,146,036	\$326,905	\$438,931,833	412	\$1,076,664	\$297,890	\$443,585,727
Other	560	\$10,760	\$500	\$6,025,782	32	\$17,733	\$7,160	\$567,458	587	\$11,232	\$500	\$6,593,240

¹ Of the 64,124 cases, the court sentenced the individual to pay a fine or make restitution in 13,125 cases. The total number of cases used to calculate the amounts of payment ordered (11,960) is less than the total number of cases receiving fines and/or restitution (13,125) due to the exclusion of cases for which a fine and/or restitution was ordered, but the amount was not specified. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

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

Table 18

SUPERVISED RELEASE BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL	NO SUPERVISED RELEASE ORDERED		SUPERVISED RELEASE ORDERED		LENGTH OF SUPERVISED RELEASE ²	
		N	%	N	%	Mean Months	Median Months
TOTAL	64,124	11,217	17.5	52,907	82.5	47	36
Administration of Justice	647	207	32.0	440	68.0	26	24
Antitrust	18	9	50.0	9	50.0	20	24
Arson	106	5	4.7	101	95.3	36	36
Assault	852	103	12.1	749	87.9	37	36
Bribery/Corruption	366	101	27.6	265	72.4	29	36
Burglary/Trespass	85	20	23.5	65	76.5	29	36
Child Pornography	1,408	13	0.9	1,395	99.1	190	120
Commercialized Vice	84	14	16.7	70	83.3	45	36
Drug Possession	139	96	69.1	43	30.9	12	12
Drug Trafficking	19,007	753	4.0	18,254	96.0	48	48
Environmental	160	126	78.8	34	21.3	20	12
Extortion/Racketeering	130	25	19.2	105	80.8	35	36
Firearms	8,832	646	7.3	8,186	92.7	36	36
Food and Drug	55	36	65.5	19	34.5	30	36
Forgery/Counter/Copyright	112	31	27.7	81	72.3	33	36
Fraud/Theft/Embezzlement	5,205	1,534	29.5	3,671	70.5	34	36
Immigration	19,226	6,153	32.0	13,073	68.0	28	36
Individual Rights	113	38	33.6	75	66.4	38	36
Kidnapping	151	4	2.6	147	97.4	60	60
Manslaughter	86	3	3.5	83	96.5	36	36
Money Laundering	1,312	205	15.6	1,107	84.4	39	36
Murder	489	14	2.9	475	97.1	58	60
National Defense	237	55	23.2	182	76.8	55	36
Obscenity/Other Sex Offenses	326	20	6.1	306	93.9	74	60
Prison Offenses	455	149	32.7	306	67.3	32	36
Robbery	1,503	19	1.3	1,484	98.7	41	36
Sexual Abuse	1,395	11	0.8	1,384	99.2	227	144
Stalking/Harassing	240	27	11.3	213	88.8	33	36
Tax	446	161	36.1	285	63.9	24	24
Other	939	639	68.1	300	31.9	17	12

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

² Length of Supervised Release includes only cases where supervised release was imposed. Of these, two were excluded from the length of supervised release analysis due to missing information on the length of supervision.

Table 19

RATE OF NON-PRISON SENTENCES FOR U.S. CITIZENS¹
Fiscal Year 2023

TYPE OF CRIME	TOTAL ELIGIBLE	RECEIVED NON-PRISON SENTENCE	
		N	%
TOTAL	5,498	718	13.1
Administration of Justice	210	30	14.3
Antitrust	10	8	80.0
Arson	2	0	0.0
Assault	79	6	7.6
Bribery/Corruption	56	14	25.0
Burglary/Trespass	42	7	16.7
Child Pornography	0	0	--
Commercialized Vice	32	4	12.5
Drug Possession	93	0	0.0
Drug Trafficking	429	59	13.8
Environmental	82	9	11.0
Extortion/Racketeering	20	2	10.0
Firearms	569	80	14.1
Food and Drug	29	2	6.9
Forgery/Counter/Copyright	31	3	9.7
Fraud/Theft/Embezzlement	1,457	191	13.1
Immigration	1,312	211	16.1
Individual Rights	34	4	11.8
Kidnapping	0	0	--
Manslaughter	1	0	0.0
Money Laundering	116	21	18.1
Murder	0	0	--
National Defense	36	5	13.9
Obscenity/Other Sex Offenses	48	9	18.8
Prison Offenses	202	12	5.9
Robbery	0	0	--
Sexual Abuse	12	5	41.7
Stalking/Harassing	56	6	10.7
Tax	92	20	21.7
Other	448	10	2.2

¹ Of the 64,124 cases, 42,295 involved United States citizens. In 5,498 of these, the sentenced individual 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

INDIVIDUALS SENTENCED UNDER EACH CHAPTER TWO GUIDELINE¹
Fiscal Year 2023

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2A1.1	338	0.5	361	0.5	§2D1.10	1	0.0	2	0.0
§2A1.2	110	0.2	120	0.2	§2D1.11	2	0.0	2	0.0
§2A1.3	43	0.1	44	0.1	§2D1.12	1	0.0	2	0.0
§2A1.4	42	0.1	43	0.1	§2D1.13	0	0.0	0	0.0
§2A1.5	23	0.0	53	0.1	§2D1.14	0	0.0	0	0.0
§2A2.1	201	0.3	293	0.4	§2D2.1	80	0.1	94	0.1
§2A2.2	525	0.8	627	0.9	§2D2.2	40	0.1	50	0.1
§2A2.3	62	0.1	85	0.1	§2D2.3	0	0.0	0	0.0
§2A2.4	246	0.4	286	0.4	§2D3.1	1	0.0	2	0.0
§2A3.1	133	0.2	154	0.2	§2D3.2	3	0.0	3	0.0
§2A3.2	43	0.1	56	0.1	§2D3.3	0	0.0	0	0.0
§2A3.3	3	0.0	3	0.0	§2D3.4	0	0.0	0	0.0
§2A3.4	46	0.1	91	0.1	§2D3.5	0	0.0	0	0.0
§2A3.5	282	0.5	295	0.4	§2E1.1	47	0.1	402	0.6
§2A4.1	141	0.2	219	0.3	§2E1.2	1	0.0	85	0.1
§2A4.2	0	0.0	0	0.0	§2E1.3	0	0.0	100	0.1
§2A5.1	0	0.0	0	0.0	§2E1.4	6	0.0	46	0.1
§2A5.2	20	0.0	24	0.0	§2E1.5	0	0.0	0	0.0
§2A5.3	0	0.0	5	0.0	§2E2.1	9	0.0	16	0.0
§2A6.1	163	0.3	173	0.2	§2E3.1	64	0.1	83	0.1
§2A6.2	74	0.1	105	0.2	§2E3.2	0	0.0	0	0.0
§2B1.1	4,904	7.9	5,475	7.9	§2E3.3	0	0.0	0	0.0
§2B1.2	0	0.0	0	0.0	§2E4.1	11	0.0	12	0.0
§2B1.3	0	0.0	0	0.0	§2E5.1	9	0.0	9	0.0
§2B1.4	13	0.0	16	0.0	§2E5.2	0	0.0	0	0.0
§2B1.5	12	0.0	12	0.0	§2E5.3	0	0.0	10	0.0
§2B1.6 ²	65	0.1	--	--	§2E5.4	0	0.0	0	0.0
§2B2.1	48	0.1	57	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	33	0.1	40	0.1	§2F1.1	2	0.0	2	0.0
§2B3.1	1,490	2.4	1,657	2.4	§2F1.2	0	0.0	0	0.0
§2B3.2	31	0.1	64	0.1	§2G1.1	46	0.1	102	0.1
§2B3.3	10	0.0	15	0.0	§2G1.2	0	0.0	0	0.0
§2B4.1	112	0.2	116	0.2	§2G1.3	415	0.7	526	0.8
§2B5.1	67	0.1	73	0.1	§2G2.1	710	1.1	750	1.1
§2B5.2	0	0.0	0	0.0	§2G2.2	1,406	2.3	1,647	2.4
§2B5.3	44	0.1	51	0.1	§2G2.3	0	0.0	2	0.0
§2B5.4	0	0.0	0	0.0	§2G2.4	0	0.0	1	0.0
§2B6.1	2	0.0	2	0.0	§2G2.5	0	0.0	0	0.0
§2C1.1	226	0.4	245	0.4	§2G2.6	11	0.0	13	0.0
§2C1.2	12	0.0	13	0.0	§2G3.1	41	0.1	57	0.1
§2C1.3	7	0.0	7	0.0	§2G3.2	0	0.0	0	0.0
§2C1.4	0	0.0	0	0.0	§2H1.1	69	0.1	96	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	1	0.0	1	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	18,640	30.1	19,680	28.4	§2H2.1	8	0.0	8	0.0
§2D1.2	276	0.4	281	0.4	§2H3.1	10	0.0	10	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	6	0.0	11	0.0
§2D1.5	7	0.0	9	0.0	§2H4.1	16	0.0	17	0.0
§2D1.6	0	0.0	188	0.3	§2H4.2	0	0.0	0	0.0
§2D1.7	0	0.0	0	0.0	§2J1.1	0	0.0	5	0.0
§2D1.8	15	0.0	70	0.1	§2J1.2	163	0.3	228	0.3
§2D1.9	0	0.0	0	0.0	§2J1.3	15	0.0	29	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	9	0.0	14	0.0	§2M6.1	3	0.0	3	0.0
§2J1.5	0	0.0	0	0.0	§2M6.2	0	0.0	0	0.0
§2J1.6	31	0.1	32	0.0	§2N1.1	19	0.0	19	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	25	0.0	61	0.1
§2K1.1	1	0.0	1	0.0	§2N3.1	0	0.0	0	0.0
§2K1.2	0	0.0	0	0.0	§2P1.1	303	0.5	327	0.5
§2K1.3	20	0.0	24	0.0	§2P1.2	97	0.2	132	0.2
§2K1.4	105	0.2	125	0.2	§2P1.3	6	0.0	6	0.0
§2K1.5	1	0.0	1	0.0	§2P1.4	0	0.0	0	0.0
§2K1.6	0	0.0	0	0.0	§2Q1.1	0	0.0	0	0.0
§2K1.7	0	0.0	0	0.0	§2Q1.2	31	0.1	32	0.0
§2K2.1	8,393	13.6	8,928	12.9	§2Q1.3	9	0.0	10	0.0
§2K2.2	0	0.0	0	0.0	§2Q1.4	0	0.0	0	0.0
§2K2.3	0	0.0	0	0.0	§2Q1.5	0	0.0	0	0.0
§2K2.4 ³	334	0.5	--	--	§2Q1.6	0	0.0	0	0.0
§2K2.5	21	0.0	26	0.0	§2Q2.1	79	0.1	82	0.1
§2K2.6	0	0.0	2	0.0	§2Q2.2	0	0.0	0	0.0
§2K3.1	0	0.0	0	0.0	§2R1.1	17	0.0	18	0.0
§2K3.2	0	0.0	0	0.0	§2S1.1	1,132	1.8	1,175	1.7
§2L1.1	4,731	7.6	4,778	6.9	§2S1.2	0	0.0	0	0.0
§2L1.2	12,869	20.8	13,004	18.7	§2S1.3	172	0.3	180	0.3
§2L1.3	0	0.0	0	0.0	§2S1.4	0	0.0	0	0.0
§2L2.1	69	0.1	75	0.1	§2T1.1	237	0.4	310	0.4
§2L2.2	437	0.7	459	0.7	§2T1.2	0	0.0	0	0.0
§2L2.3	0	0.0	0	0.0	§2T1.3	0	0.0	0	0.0
§2L2.4	0	0.0	0	0.0	§2T1.4	126	0.2	135	0.2
§2L2.5	0	0.0	0	0.0	§2T1.5	0	0.0	0	0.0
§2M1.1	0	0.0	1	0.0	§2T1.6	70	0.1	78	0.1
§2M2.1	0	0.0	0	0.0	§2T1.7	0	0.0	0	0.0
§2M2.2	0	0.0	0	0.0	§2T1.8	0	0.0	0	0.0
§2M2.3	0	0.0	0	0.0	§2T1.9	3	0.0	46	0.1
§2M2.4	0	0.0	0	0.0	§2T2.1	2	0.0	2	0.0
§2M3.1	2	0.0	2	0.0	§2T2.2	0	0.0	0	0.0
§2M3.2	0	0.0	0	0.0	§2T3.1	7	0.0	73	0.1
§2M3.3	3	0.0	3	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	20	0.0	2,750	4.0
§2M3.6	0	0.0	0	0.0	§2X2.1	0	0.0	25	0.0
§2M3.7	0	0.0	0	0.0	§2X3.1	82	0.1	94	0.1
§2M3.8	0	0.0	0	0.0	§2X4.1	151	0.2	155	0.2
§2M3.9	0	0.0	0	0.0	§2X5.1	0	0.0	89	0.1
§2M4.1	0	0.0	0	0.0	§2X5.2	339	0.5	344	0.5
§2M5.1	14	0.0	15	0.0	§2X6.1	0	0.0	0	0.0
§2M5.2	168	0.3	178	0.3	§2X7.1	0	0.0	0	0.0
§2M5.3	21	0.0	26	0.0	§2X7.2	4	0.0	4	0.0
Total number of guidelines applied:								69,383	
Number of cases with at least one guideline applied:								61,874	

¹ Of the 64,124 cases, 2,250 were excluded due to missing guideline applied. The total for any guideline can exceed that for primary guideline because several guidelines may be applied in a case, but only one primary guideline. For the 'As Any Guideline' section, each unique guideline is only counted once in a case. Descriptions of variables used in this table are provided in Appendix A.

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

³ In these cases, the sentenced individual 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

**SENTENCED INDIVIDUALS RECEIVING
CHAPTER THREE GUIDELINE ADJUSTMENTS¹
Fiscal Year 2023**

VICTIM-RELATED	N	%
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	354	0.6
No vulnerable victim involved	60,461	99.3
Hate crime	36	0.1
Vulnerable victim involved and large number of victims	48	0.1
Vulnerable victim involved and hate crime	2	0.0
Vulnerable victim involved, hate crime, and large number of victims	0	0.0
Official Victim (§3A1.2)		
Official victim involved	34	0.1
Offense against person or involved substantial risk of serious bodily injury	261	0.4
No official victim involved	60,606	99.5
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	69	0.1
Offense did not involve restraint of victim	60,832	99.9
Terrorism (§3A1.4)		
Offense involved a federal crime of terrorism	41	0.1
Offense did not involve a federal crime of terrorism	60,858	99.9
Offense committed before adjustment added to guidelines	2	0.0
Serious Human Rights Offense (§3A1.5)		
Sentenced individual convicted of a serious human rights offense	0	0.0
Sentenced individual was not convicted of a serious human rights offense	60,885	100.0
Offense committed before adjustment added to guidelines	16	0.0
CHAPTER 3, PART A TOTAL	60,901	100.0
ROLE IN THE OFFENSE		
Aggravating Role (§3B1.1)		
Organizer or leader	857	1.4
Manager or supervisor	592	1.0
Lesser organizer, leader, manager, or supervisor	1,092	1.8
No aggravating role	58,360	95.8
Mitigating Role (§3B1.2)		
Minimal participant	536	0.9
Less than minor role but not minimal	245	0.4
Minor participant	3,927	6.4
No mitigating role	56,193	92.3
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Sentenced individual abused position of trust or used special skill	1,039	1.7
Sentenced individual did not abuse position of trust or use special skill	59,862	98.3

Table 21 (cont.)

Use of a Minor to Commit a Crime (§3B1.4)		
Sentenced individual used a minor	258	0.4
Sentenced individual did not use a minor	60,641	99.6
Offense committed before adjustment added to guidelines	2	0.0
Use of Body Armor to Commit a Crime (§3B1.5)		
Sentenced individual used body armor (+2)	7	0.0
Sentenced individual used body armor (+4)	5	0.0
Sentenced individual did not use body armor	60,875	100.0
Offense committed before adjustment added to guidelines	14	0.0
CHAPTER 3, PART B TOTAL	60,901	100.0
OBSTRUCTION	N	%
Obstruction of Justice (§3C1.1)²		
Sentenced individual obstructed justice	1,454	2.4
Sentenced individual did not obstruct justice	59,447	97.6
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	1,096	1.8
Offense did not involve reckless endangerment during flight	59,805	98.2
Offense committed before adjustment added to guidelines	0	0.0
Commission of Offense While on Release (§3C1.3)		
Offense involved commission of offense while on release	98	0.2
Offense did not involve commission of offense while on release	60,787	99.8
Offense committed before adjustment added to guidelines	16	0.0
False Registration of Domain Name (§3C1.4)		
Offense involved false registration of domain name	0	0.0
Offense did not involve false registration of domain name	60,885	100.0
Offense committed before adjustment added to guidelines	16	0.0
CHAPTER 3, PART C TOTAL	60,901	100.0
ACCEPTANCE OF RESPONSIBILITY	N	%
Acceptance of Responsibility (§3E1.1)		
Sentenced individual accepted responsibility (-3)	40,551	66.6
Sentenced individual accepted responsibility (-2)	17,443	28.6
Sentenced individual did not accept responsibility	2,927	4.8
CHAPTER 3, PART E TOTAL	60,921	100.0

¹ Of the 64,124 cases, the Commission received complete guideline application information for 60,922 cases. Of these, 21 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.

² When a sentenced individual 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. In those cases with complete guideline application information, 593 individuals used encryption or scrambling technology and, of those, 41 received an enhancement under §3C1.1.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 22

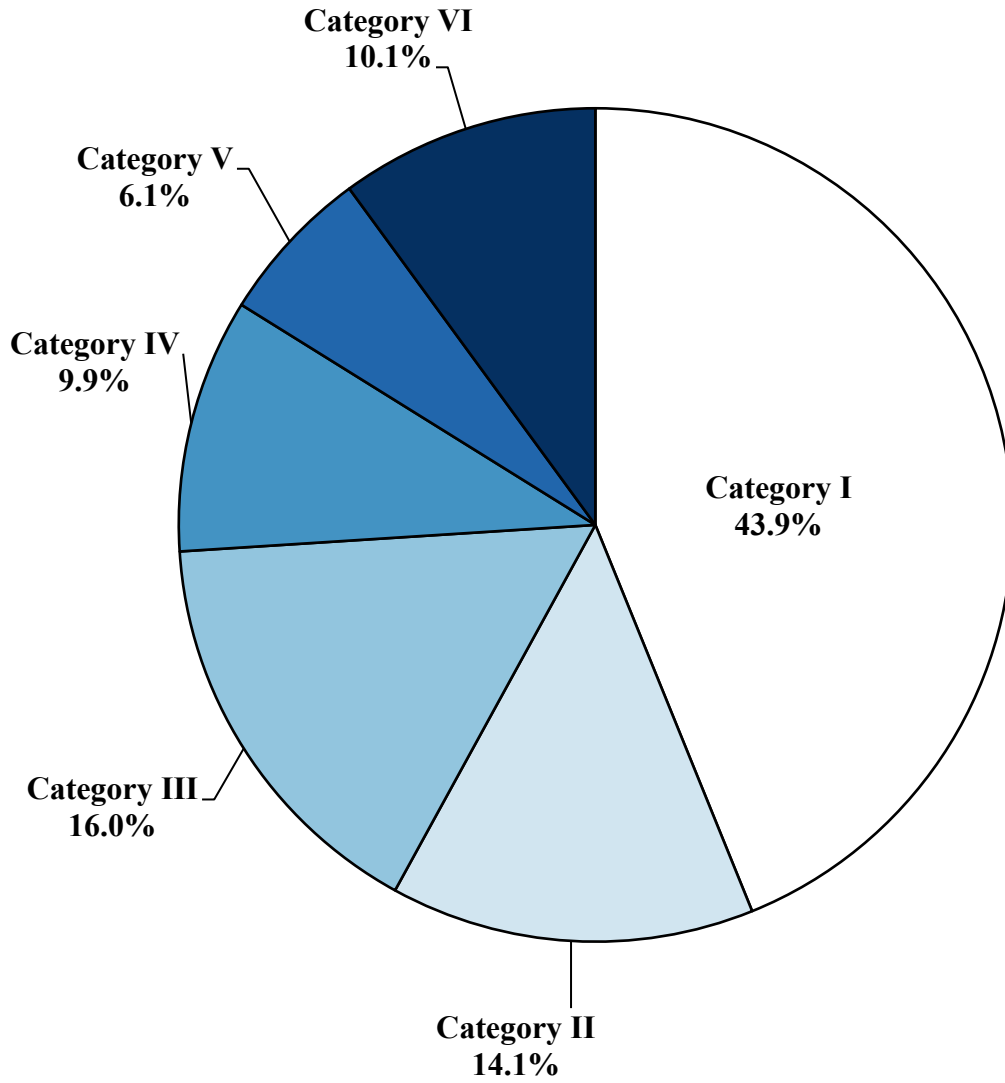
**ACCEPTANCE OF RESPONSIBILITY REDUCTIONS
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	TOTAL	NO ACCEPTANCE ADJUSTMENT		2-LEVEL ADJUSTMENT		3-LEVEL ADJUSTMENT	
		N	%	N	%	N	%
TOTAL	60,921	2,927	4.8	17,443	28.6	40,551	66.6
Administration of Justice	602	105	17.4	335	55.6	162	26.9
Antitrust	18	0	0.0	8	44.4	10	55.6
Arson	105	3	2.9	4	3.8	98	93.3
Assault	788	73	9.3	85	10.8	630	79.9
Bribery/Corruption	360	38	10.6	44	12.2	278	77.2
Burglary/Trespass	81	9	11.1	45	55.6	27	33.3
Child Pornography	1,397	50	3.6	14	1.0	1,333	95.4
Commercialized Vice	82	2	2.4	32	39.0	48	58.5
Drug Possession	78	9	11.5	69	88.5	0	0.0
Drug Trafficking	18,719	738	3.9	829	4.4	17,152	91.6
Environmental	113	8	7.1	78	69.0	27	23.9
Extortion/Racketeering	125	9	7.2	14	11.2	102	81.6
Firearms	8,403	375	4.5	1,319	15.7	6,709	79.8
Food and Drug	45	0	0.0	26	57.8	19	42.2
Forgery/Counter/Copyright	111	8	7.2	64	57.7	39	35.1
Fraud/Theft/Embezzlement	4,892	344	7.0	1,917	39.2	2,631	53.8
Immigration	18,010	475	2.6	11,237	62.4	6,298	35.0
Individual Rights	109	17	15.6	31	28.4	61	56.0
Kidnapping	144	27	18.8	7	4.9	110	76.4
Manslaughter	86	9	10.5	6	7.0	71	82.6
Money Laundering	1,289	133	10.3	140	10.9	1,016	78.8
Murder	481	122	25.4	11	2.3	348	72.3
National Defense	212	10	4.7	34	16.0	168	79.2
Obscenity/Other Sex Offenses	322	8	2.5	148	46.0	166	51.6
Prison Offenses	405	13	3.2	380	93.8	12	3.0
Robbery	1,481	90	6.1	29	2.0	1,362	92.0
Sexual Abuse	1,381	169	12.2	31	2.2	1,181	85.5
Stalking/Harassing	236	25	10.6	71	30.1	140	59.3
Tax	441	47	10.7	53	12.0	341	77.3
Other	405	11	2.7	382	94.3	12	3.0

¹ Of the 64,124 cases, the Commission received complete guideline application information for 60,922 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 SENTENCED INDIVIDUALS¹
Fiscal Year 2023**



¹ Of the 64,124 cases, 419 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, 2023 Datafile, USSCFY23.

Table 23

CRIMINAL HISTORY POINTS OF SENTENCED INDIVIDUALS¹
Fiscal Year 2023

Number of Prior Countable Sentences		
Greater Than 13 Months (§4A1.1(a)) (3-Point Offenses)	N	%
0	38,192	62.7
1	10,891	17.9
2	5,946	9.8
3 or more	5,893	9.7
TOTAL	60,922	100.0

Number of Prior Countable Sentences		
of 60 Days or Greater (§4A1.1(b)) (2-Point Offenses)	N	%
0	45,108	74.0
1	9,383	15.4
2	3,705	6.1
3 or more	2,726	4.5
TOTAL	60,922	100.0

Number of Prior Countable Sentences		
of Less Than 60 Days (§4A1.1(c)) (1-Point Offenses)	N	%
0	36,697	60.2
1	12,100	19.9
2	5,799	9.5
3 or more	6,326	10.4
TOTAL	60,922	100.0

Commission of Offense While Under		
Criminal Justice Sentence (§4A1.1(d))	N	%
Additional points given for commission of instant offense while under criminal justice sentence	15,194	24.9
No additional criminal history points given	45,728	75.1
TOTAL	60,922	100.0

Commission of a Prior Crime of Violence		
Not Receiving Points Under (a), (b), or (c) (§4A1.1(e))	N	%
Additional points given for prior sentences resulting from a crime of violence that did not receive any points under (a), (b), or (c)	683	1.1
No additional criminal history points given	60,239	98.9
TOTAL	60,922	100.0

Table 23 (cont.)

Total Criminal History Points	N	%
0	21,986	36.1
1	4,282	7.0
2	3,108	5.1
3	5,551	9.1
4	3,093	5.1
5	3,424	5.6
6	3,518	5.8
7	2,028	3.3
8	2,451	4.0
9	1,937	3.2
10	1,389	2.3
11	1,473	2.4
12	1,212	2.0
13 or more	5,470	9.0
TOTAL	60,922	100.0

Career Offender (§4B1.1)	N	%
Sentenced individual found to be a career offender	1,351	2.2
Sentenced individual found not to be a career offender	59,571	97.8
TOTAL	60,922	100.0

Criminal Livelihood (§4B1.3)	N	%
Sentenced individual found to have engaged in criminal livelihood	3	0.0
Sentenced individual found not to have engaged in criminal livelihood	60,919	100.0
TOTAL	60,922	100.0

Armed Career Criminal (§4B1.4)	N	%
Sentenced individual found to be an armed career criminal	189	0.3
Sentenced individual found not to be an armed career criminal	60,733	99.7
Offense committed before adjustment was added to guidelines	0	0.0
TOTAL	60,922	100.0

Repeat and Dangerous Sex Offender Against Minors (§4B1.5)	N	%
Sentenced individual found to be a repeat and dangerous sex offender against minors	616	1.0
Sentenced individual found not to be a repeat and dangerous sex offender against minors	60,295	99.0
Offense committed before adjustment was added to guidelines	11	0.0
TOTAL	60,922	100.0

¹ Of the 64,124 cases, the Commission received complete guideline application information for 60,922 cases. Descriptions of each guideline adjustment can be found in USSG Chapter Four.

Table 24

**SENTENCED INDIVIDUALS IN EACH OFFENSE LEVEL
AND CRIMINAL HISTORY CATEGORY¹
Fiscal Year 2023**

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	N	%	Cumulative %	I	II	III	IV	V	VI
1	4	0.0	0.0	1	0	1	2	0	0
2	85	0.1	0.1	56	8	9	7	2	3
3	20	0.0	0.2	13	0	4	3	0	0
4	1,241	2.0	2.1	1,042	68	55	32	24	20
5	75	0.1	2.2	44	5	8	5	1	12
6	5,672	9.0	11.2	4,468	813	292	48	17	34
7	446	0.7	11.9	127	20	80	78	56	85
8	1,088	1.7	13.6	526	253	213	46	25	25
9	246	0.4	14.0	133	23	37	21	11	21
10	6,136	9.7	23.7	1,655	1,814	1,564	626	263	214
11	632	1.0	24.7	340	40	65	69	41	77
12	2,606	4.1	28.8	903	411	500	312	212	268
13	4,233	6.7	35.5	1,382	896	968	473	270	244
14	512	0.8	36.3	275	59	65	38	25	50
15	3,983	6.3	42.6	1,569	791	792	394	199	238
16	680	1.1	43.7	382	76	88	48	32	54
17	3,377	5.3	49.0	1,020	284	651	616	381	425
18	721	1.1	50.1	428	83	83	52	30	45
19	2,717	4.3	54.4	1,034	240	489	399	285	270
20	682	1.1	55.5	408	59	94	46	29	46
21	3,278	5.2	60.7	971	376	609	514	311	497
22	666	1.1	61.7	401	46	83	54	34	48
23	3,084	4.9	66.6	1,336	312	448	374	273	341
24	846	1.3	67.9	483	67	121	78	37	60
25	2,338	3.7	71.6	976	266	355	298	183	260
26	879	1.4	73.0	497	86	114	62	45	75
27	3,019	4.8	77.8	1,585	277	389	269	219	280
28	757	1.2	79.0	408	109	114	54	39	33
29	2,869	4.5	83.5	836	358	422	304	212	737
30	713	1.1	84.6	336	78	76	69	45	109
31	2,280	3.6	88.2	742	252	326	241	142	577
32	403	0.6	88.8	179	56	46	30	19	73
33	1,637	2.6	91.4	741	187	255	158	90	206
34	831	1.3	92.7	291	47	71	22	28	372
35	1,396	2.2	94.9	621	163	204	124	79	205
36	214	0.3	95.3	109	27	29	17	6	26
37	816	1.3	96.6	374	98	110	74	49	111
38	233	0.4	96.9	122	21	31	15	12	32
39	360	0.6	97.5	185	37	54	33	25	26
40	341	0.5	98.0	154	37	49	45	18	38
41	241	0.4	98.4	128	19	35	20	12	27
42	216	0.3	98.8	117	24	36	14	10	15
43	784	1.2	100.0	432	68	91	53	53	87
TOTAL	63,357	--	--	27,830	8,954	10,126	6,237	3,844	6,366
%		100.0	100.0	43.9	14.1	16.0	9.8	6.1	10.0

¹ Of the 64,124 cases, 767 were excluded due to one or both of the following reasons: missing offense level (765) or missing Criminal History Category (419). Descriptions of variables used in this table are provided in Appendix A.

Table 25

SENTENCED INDIVIDUALS IN EACH GUIDELINE SENTENCING RANGE¹
Fiscal Year 2023

FINAL GUIDELINE RANGE (in months)	N	%	Cumulative %
0-6	6,441	10.2	10.2
1-7	824	1.3	11.5
2-8	344	0.5	12.0
3-9	0	0.0	12.0
4-10	495	0.8	12.8
6-12	1,960	3.1	15.9
8-14	2,269	3.6	19.5
9-15	29	0.0	19.5
10-16	2,553	4.0	23.5
12-18	1,969	3.1	26.6
15-21	2,407	3.8	30.4
18-24	2,701	4.3	34.7
21-27	1,834	2.9	37.6
24-30	2,616	4.1	41.7
27-33	1,127	1.8	43.5
30-37	2,700	4.3	47.8
33-41	1,048	1.7	49.4
37-46	2,384	3.8	53.2
41-51	1,193	1.9	55.1
46-57	2,825	4.5	59.5
51-63	1,378	2.2	61.7
57-71	2,335	3.7	65.4
63-78	1,237	2.0	67.3
70-87	2,757	4.4	71.7
77-96	607	1.0	72.7
78-97	799	1.3	73.9
84-105	619	1.0	74.9
87-108	1,334	2.1	77.0
92-115	439	0.7	77.7
97-121	808	1.3	79.0
100-125	512	0.8	79.8
108-135	1,242	2.0	81.7
110-137	358	0.6	82.3
120-150	292	0.5	82.8
121-151	811	1.3	84.0
130-162	318	0.5	84.5
135-168	1,192	1.9	86.4
140-175	245	0.4	86.8
151-188	1,504	2.4	89.2
168-210	1,197	1.9	91.1
188-235	1,063	1.7	92.8
210-262	777	1.2	94.0
235-293	606	1.0	94.9
262-327	867	1.4	96.3
292-365	512	0.8	97.1
324-405	309	0.5	97.6
360-Life	736	1.2	98.8
Life	784	1.2	100.0
TOTAL	63,357	100.0	--

¹ Of the 64,124 cases, 767 were excluded due to missing sentencing range. Descriptions of variables used in this table are provided in Appendix A.

Table 26

**NUMBER OF CAREER OFFENDERS AND ARMED CAREER CRIMINALS
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	N	%	N	%
TOTAL	1,351	100.0	189	100.0
Administration of Justice	3	0.2	0	0.0
Antitrust	0	0.0	0	0.0
Arson	1	0.1	0	0.0
Assault	16	1.2	6	3.2
Bribery/Corruption	1	0.1	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	0	0.0	0	0.0
Drug Trafficking	1,057	78.2	30	15.9
Environmental	0	0.0	0	0.0
Extortion/Racketeering	2	0.1	0	0.0
Firearms	157	11.6	143	75.7
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	0	0.0	0	0.0
Individual Rights	0	0.0	0	0.0
Kidnapping	4	0.3	1	0.5
Manslaughter	0	0.0	0	0.0
Money Laundering	15	1.1	2	1.1
Murder	13	1.0	0	0.0
National Defense	0	0.0	0	0.0
Obscenity/Other Sex Offenses	0	0.0	0	0.0
Prison Offenses	0	0.0	0	0.0
Robbery	75	5.6	7	3.7
Sexual Abuse	3	0.2	0	0.0
Stalking/Harassing	4	0.3	0	0.0
Tax	0	0.0	0	0.0
Other	0	0.0	0	0.0

¹ Of the 64,124 cases, the Commission received complete guideline application information for 60,922 cases. Of these, 1,351 sentenced individuals received the career offender adjustment and 189 received the armed career criminal adjustment. Descriptions of variables used in this table are provided in Appendix A. A description of career offender and armed career criminal adjustments can be found in USSG §§4B1.1 and 4B1.4.

Table 27

SENTENCE LENGTH IN EACH CRIMINAL HISTORY CATEGORY BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL			I			II			III			IV			V			VI		
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
TOTAL	53	24	63,704	39	13	27,948	39	14	8,993	52	24	10,194	64	42	6,282	78	57	3,877	105	84	6,410
Administration of Justice	17	10	643	13	8	424	15	10	55	15	12	69	21	15	47	18	21	16	60	31	32
Antitrust	6	6	18	6	6	18	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Arson	58	57	106	46	41	38	73	54	16	52	55	18	60	61	9	41	45	7	81	84	18
Assault	72	48	837	45	27	320	57	37	86	75	60	154	96	66	97	89	80	65	123	102	115
Bribery/Corruption	21	14	366	20	12	326	27	18	17	33	25	8	24	21	4	37	38	6	43	50	5
Burglary/Trespass	17	8	83	6	1	36	13	12	11	23	18	11	41	21	4	23	26	10	34	37	11
Child Pornography	115	97	1,408	100	78	996	151	120	131	147	120	195	162	120	47	165	142	22	157	151	17
Commercialized Vice	21	12	84	17	10	59	41	24	9	37	37	5	--	--	2	--	--	2	25	21	7
Drug Possession	2	0	124	1	0	64	4	0	21	2	0	19	4	0	9	0	0	3	12	8	8
Drug Trafficking	82	63	19,000	57	41	8,081	72	60	2,250	87	71	2,797	99	84	1,883	109	96	1,151	132	120	2,838
Environmental	4	0	145	3	0	125	2	0	9	6	5	8	--	--	1	--	--	1	--	--	1
Extortion/Racketeering	31	24	129	20	9	77	36	34	11	40	33	11	42	33	9	50	50	8	66	61	13
Firearms	49	40	8,756	22	13	1,604	32	26	823	40	34	1,680	52	46	1,597	60	56	1,194	80	67	1,858
Food and Drug	11	0	51	8	0	44	28	36	3	20	0	3	--	--	1	--	--	0	--	--	0
Forgery/Counter/Copyright	18	12	112	16	6	47	12	6	12	15	12	18	20	23	8	21	21	8	28	33	19
Fraud/Theft/Embezzlement	22	12	5,157	18	8	3,649	26	16	406	26	18	448	29	24	241	36	30	148	42	36	265
Immigration	12	8	19,141	7	4	7,896	10	8	4,451	14	12	3,869	22	18	1,693	30	27	751	35	30	481
Individual Rights	57	18	110	43	13	96	--	--	2	161	124	6	32	36	3	202	240	3	--	--	0
Kidnapping	199	168	151	149	120	39	162	126	29	253	213	31	201	200	15	316	404	12	198	180	25
Manslaughter	75	69	86	60	60	49	93	108	10	95	108	14	51	44	4	133	110	3	111	96	6
Money Laundering	63	36	1,312	47	28	948	69	41	132	89	59	111	121	118	48	171	138	24	189	180	49
Murder	285	276	489	264	240	159	292	282	58	281	264	92	291	297	62	266	240	43	333	420	75
National Defense	39	24	230	25	20	178	38	42	18	33	28	6	--	--	2	81	84	3	140	144	23
Obscenity/Other Sex Offenses	23	18	325	24	18	47	18	12	32	18	16	66	20	18	66	28	24	52	28	30	62
Prison Offenses	14	12	451	7	5	29	4	1	4	8	5	76	11	9	111	17	12	86	19	15	145
Robbery	110	96	1,502	87	72	426	99	84	169	107	85	264	119	103	220	130	120	156	136	120	267
Sexual Abuse	213	180	1,393	207	180	954	198	178	120	220	192	129	223	204	63	270	262	86	233	210	41
Stalking/Harassing	29	20	240	19	13	128	31	22	27	35	27	37	43	24	15	69	53	8	51	40	25
Tax	15	12	445	13	10	376	26	12	43	19	24	16	19	18	6	39	28	4	--	--	0
Other	4	0	810	3	0	715	6	0	38	18	2	33	18	4	15	3	0	5	26	23	4

¹ Of the 64,124 cases, 420 cases were excluded due to one of the following reasons: missing Criminal History Category (419) 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 USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 28

LENGTH OF IMPRISONMENT BY CRIMINAL HISTORY CATEGORY AND TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL			I			II			III			IV			V			VI		
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
TOTAL	57	30	59,009	45	20	24,113	40	15	8,603	53	27	9,925	65	44	6,173	79	57	3,833	105	84	6,362
Administration of Justice	20	12	503	17	11	309	18	12	43	16	12	63	23	18	43	19	21	15	65	33	30
Antitrust	6	6	9	6	6	9	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Arson	60	60	102	51	44	34	73	54	16	52	53	18	60	61	9	41	45	7	81	84	18
Assault	77	51	776	52	32	276	61	40	80	77	63	149	98	68	94	89	80	65	127	110	112
Bribery/Corruption	26	21	279	25	18	241	27	18	16	38	26	7	24	21	4	37	38	6	43	50	5
Burglary/Trespass	20	17	68	8	2	25	15	14	10	23	18	11	54	37	3	29	30	8	34	37	11
Child Pornography	116	97	1,395	101	79	984	151	120	131	148	120	194	161	120	47	165	142	22	157	151	17
Commercialized Vice	24	12	73	19	12	49	44	35	8	37	37	5	--	--	2	--	--	2	25	21	7
Drug Possession	4	0	67	1	0	26	5	1	14	3	1	10	5	3	8	--	--	2	13	9	7
Drug Trafficking	84	66	18,471	59	45	7,714	74	60	2,186	88	72	2,747	100	84	1,866	110	100	1,138	133	120	2,820
Environmental	11	6	41	12	8	31	2	1	3	7	6	5	--	--	0	--	--	1	--	--	1
Extortion/Racketeering	38	30	105	28	18	54	36	34	11	39	33	11	44	34	8	50	50	8	66	61	13
Firearms	53	42	8,186	28	18	1,227	35	27	748	42	36	1,611	53	46	1,565	61	57	1,184	81	68	1,851
Food and Drug	24	24	21	19	15	17	--	--	2	--	--	1	--	--	1	--	--	0	--	--	0
Forgery/Counter/Copyright	23	19	82	27	14	26	13	6	9	16	12	16	25	25	6	21	21	8	31	33	17
Fraud/Theft/Embezzlement	28	21	3,834	26	18	2,477	30	21	338	29	24	399	31	24	222	37	30	143	44	37	255
Immigration	13	8	18,369	8	5	7,287	10	8	4,354	14	12	3,823	22	18	1,682	31	27	744	35	30	479
Individual Rights	79	41	79	62	37	66	--	--	1	161	124	6	28	24	3	202	240	3	--	--	0
Kidnapping	201	168	150	153	120	38	162	126	29	252	213	31	201	200	15	316	404	12	198	180	25
Manslaughter	77	70	84	62	60	48	93	108	10	102	118	13	51	44	4	133	110	3	111	96	6
Money Laundering	70	42	1,172	54	36	818	70	41	130	93	60	106	126	120	46	178	144	23	189	180	49
Murder	285	276	489	263	240	159	292	282	58	281	264	92	291	297	62	266	240	43	333	420	75
National Defense	45	30	198	30	24	148	41	42	17	40	41	5	--	--	2	81	84	3	140	144	23
Obscenity/Other Sex Offenses	24	20	308	29	21	39	20	12	28	18	16	66	22	18	61	28	24	52	27	30	62
Prison Offenses	14	12	436	9	8	19	4	1	4	8	5	75	12	10	108	17	12	86	19	15	144
Robbery	110	96	1,490	87	72	421	100	87	167	108	85	261	119	105	219	130	120	156	137	120	266
Sexual Abuse	214	180	1,386	209	180	947	198	178	120	220	192	129	223	204	63	270	262	86	233	210	41
Stalking/Harassing	32	24	217	22	16	110	32	23	26	37	30	34	43	24	15	69	53	8	54	41	24
Tax	22	15	289	19	15	239	38	33	29	20	24	13	23	24	5	52	40	3	--	--	0
Other	10	7	330	8	7	275	14	3	15	25	6	24	28	8	10	--	--	2	26	23	4

¹ Of the 64,124 cases, 4,563 with zero months of prison ordered were excluded. In addition, 552 cases were excluded due to one or both of the following reasons: missing Criminal History Category (321) or missing or indeterminable sentencing information (294). 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.

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2023

	<u>N</u>	<u>%</u>
TOTAL CASES	63,812	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	42,684	66.9
Within Guideline Range	27,087	42.4
Upward Departure ²	314	0.5
Downward Departure		
§5K1.1 Substantial Assistance	6,499	10.2
§5K3.1 Early Disposition Program	6,363	10.0
Other Government Motion ³	1,310	2.1
Non-Government Departure ⁴	1,111	1.7
VARIANCES	21,128	33.1
Upward Variance ⁵	1,896	3.0
Downward Variance		
Government Motion ⁶	6,384	10.0
Non-Government Variance ⁷	12,848	20.1

¹ Of the 64,124 cases, 312 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

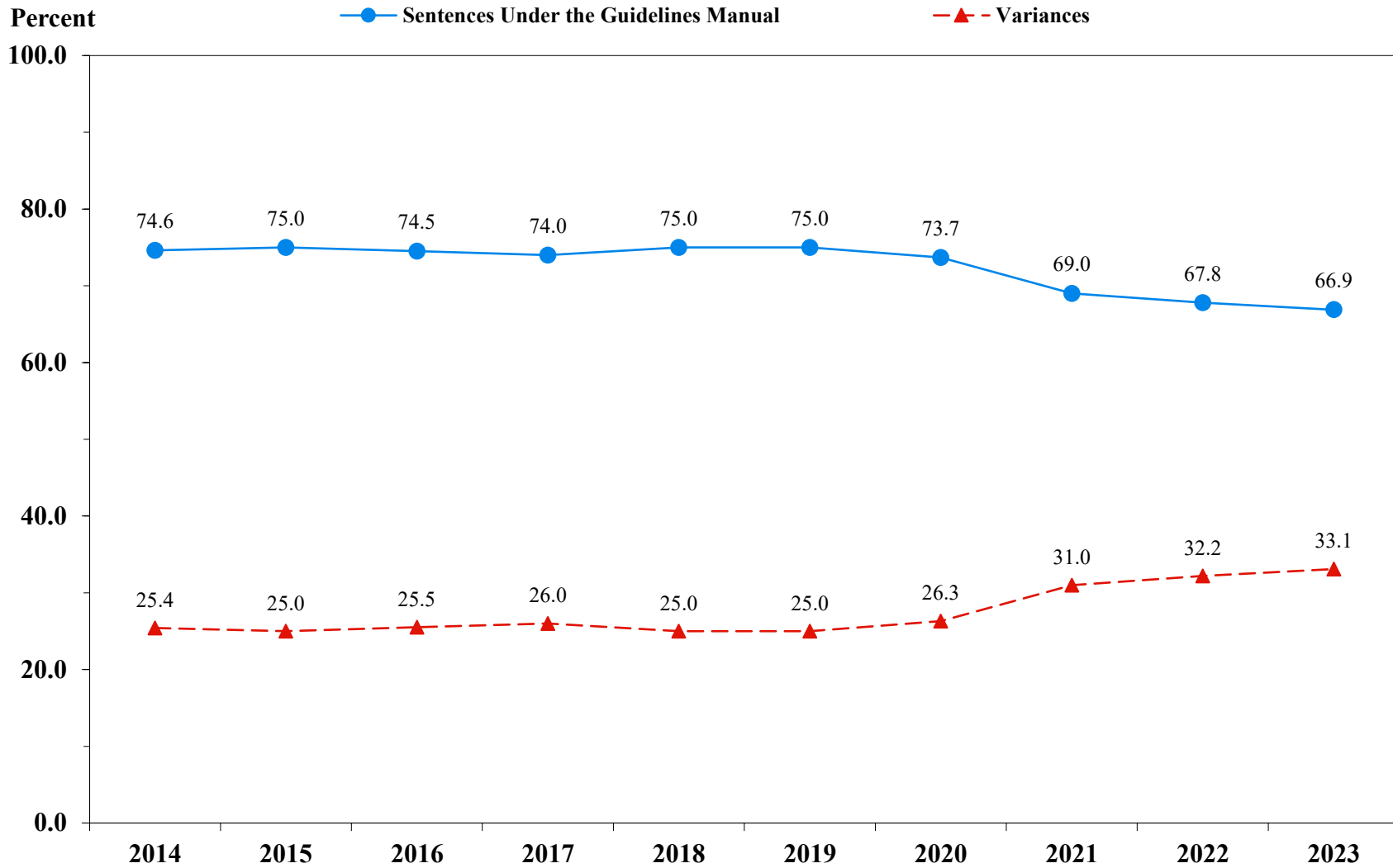
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Figure 8

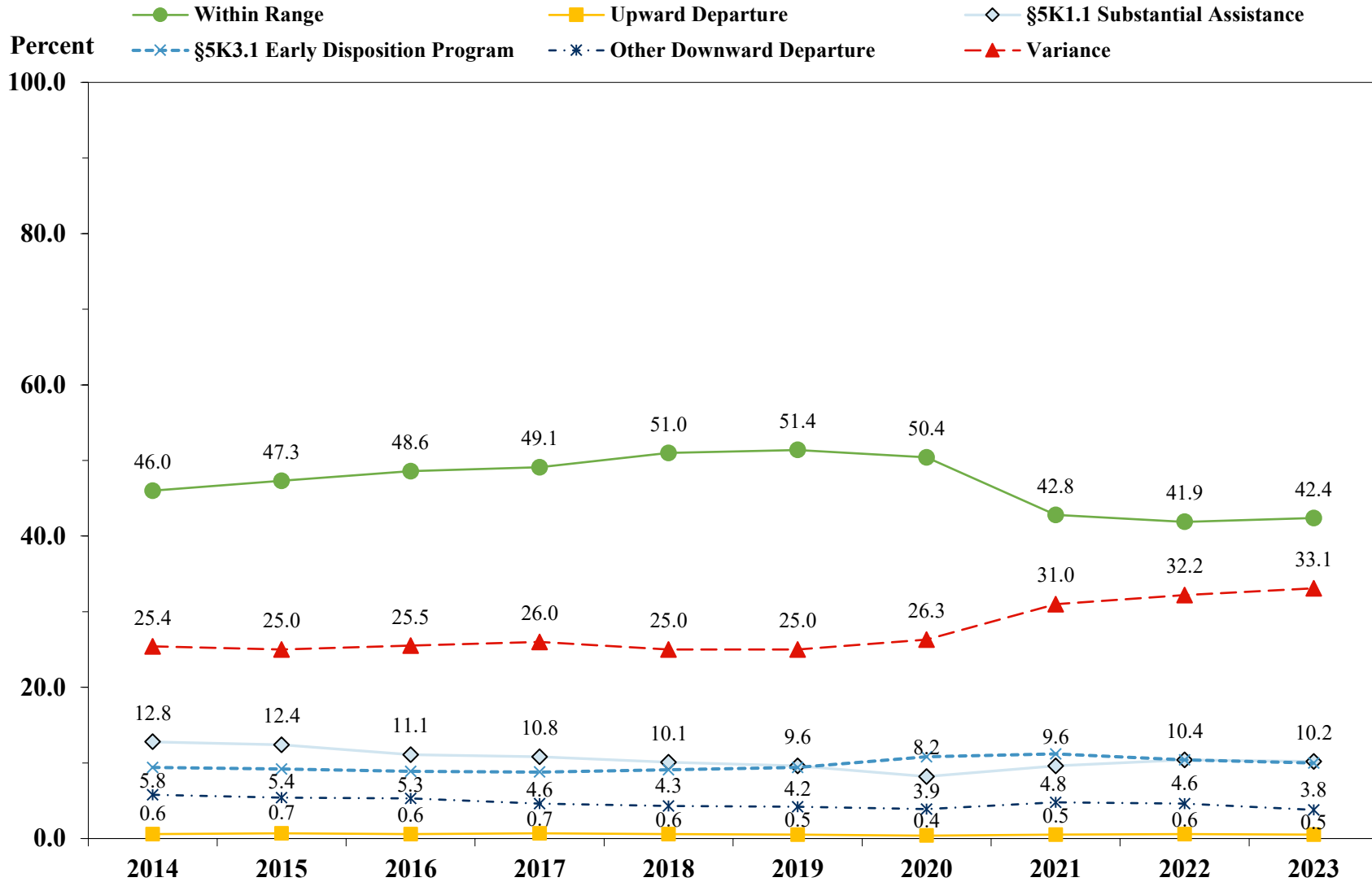
SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME¹
Fiscal Years 2014 - 2023



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

Figure 9

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE OVER TIME¹
Fiscal Years 2014 - 2023



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

Table 30

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	63,812	27,087	42.4	314	0.5	6,499	10.2	6,363	10.0	2,421	3.8	21,128	33.1
D.C. CIRCUIT	503	231	45.9	12	2.4	37	7.4	0	0.0	21	4.2	202	40.2
District of Columbia	503	231	45.9	12	2.4	37	7.4	0	0.0	21	4.2	202	40.2
FIRST CIRCUIT	1,947	712	36.6	6	0.3	178	9.1	1	0.1	126	6.5	924	47.5
Maine	116	28	24.1	1	0.9	24	20.7	0	0.0	2	1.7	61	52.6
Massachusetts	477	93	19.5	1	0.2	62	13.0	1	0.2	43	9.0	277	58.1
New Hampshire	158	33	20.9	0	0.0	20	12.7	0	0.0	8	5.1	97	61.4
Puerto Rico	1,090	541	49.6	4	0.4	67	6.1	0	0.0	69	6.3	409	37.5
Rhode Island	106	17	16.0	0	0.0	5	4.7	0	0.0	4	3.8	80	75.5
SECOND CIRCUIT	3,204	882	27.5	10	0.3	521	16.3	5	0.2	102	3.2	1,684	52.6
Connecticut	355	78	22.0	1	0.3	64	18.0	0	0.0	41	11.5	171	48.2
New York													
Eastern	709	159	22.4	1	0.1	138	19.5	2	0.3	36	5.1	373	52.6
Northern	453	238	52.5	3	0.7	87	19.2	2	0.4	11	2.4	112	24.7
Southern	1,142	224	19.6	1	0.1	124	10.9	1	0.1	11	1.0	781	68.4
Western	410	153	37.3	3	0.7	82	20.0	0	0.0	1	0.2	171	41.7
Vermont	135	30	22.2	1	0.7	26	19.3	0	0.0	2	1.5	76	56.3
THIRD CIRCUIT	2,358	862	36.6	9	0.4	432	18.3	8	0.3	51	2.2	996	42.2
Delaware	104	48	46.2	1	1.0	11	10.6	6	5.8	6	5.8	32	30.8
New Jersey	722	237	32.8	1	0.1	133	18.4	0	0.0	9	1.2	342	47.4
Pennsylvania													
Eastern	526	145	27.6	0	0.0	149	28.3	0	0.0	8	1.5	224	42.6
Middle	409	176	43.0	4	1.0	71	17.4	2	0.5	13	3.2	143	35.0
Western	530	206	38.9	2	0.4	60	11.3	0	0.0	13	2.5	249	47.0
Virgin Islands	67	50	74.6	1	1.5	8	11.9	0	0.0	2	3.0	6	9.0
FOURTH CIRCUIT	4,263	1,789	42.0	30	0.7	718	16.8	4	0.1	91	2.1	1,631	38.3
Maryland	484	120	24.8	4	0.8	99	20.5	2	0.4	26	5.4	233	48.1
North Carolina													
Eastern	825	434	52.6	10	1.2	240	29.1	0	0.0	5	0.6	136	16.5
Middle	326	137	42.0	4	1.2	17	5.2	0	0.0	5	1.5	163	50.0
Western	362	166	45.9	1	0.3	61	16.9	0	0.0	3	0.8	131	36.2
South Carolina	644	190	29.5	0	0.0	173	26.9	0	0.0	12	1.9	269	41.8
Virginia													
Eastern	877	430	49.0	7	0.8	33	3.8	2	0.2	38	4.3	367	41.8
Western	209	65	31.1	3	1.4	49	23.4	0	0.0	0	0.0	92	44.0
West Virginia													
Northern	310	150	48.4	1	0.3	28	9.0	0	0.0	1	0.3	130	41.9
Southern	226	97	42.9	0	0.0	18	8.0	0	0.0	1	0.4	110	48.7

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,480	11,170	63.9	68	0.4	1,079	6.2	917	5.2	588	3.4	3,658	20.9
Louisiana													
Eastern	331	168	50.8	9	2.7	66	19.9	0	0.0	5	1.5	83	25.1
Middle	96	49	51.0	0	0.0	18	18.8	0	0.0	1	1.0	28	29.2
Western	324	224	69.1	2	0.6	24	7.4	0	0.0	3	0.9	71	21.9
Mississippi													
Northern	157	61	38.9	2	1.3	35	22.3	0	0.0	0	0.0	59	37.6
Southern	372	232	62.4	2	0.5	48	12.9	0	0.0	3	0.8	87	23.4
Texas													
Eastern	714	421	59.0	9	1.3	33	4.6	0	0.0	10	1.4	241	33.8
Northern	1,557	931	59.8	10	0.6	148	9.5	0	0.0	13	0.8	455	29.2
Southern	6,422	3,417	53.2	31	0.5	408	6.4	886	13.8	449	7.0	1,231	19.2
Western	7,507	5,667	75.5	3	0.0	299	4.0	31	0.4	104	1.4	1,403	18.7
SIXTH CIRCUIT	4,586	1,684	36.7	19	0.4	822	17.9	10	0.2	179	3.9	1,872	40.8
Kentucky													
Eastern	444	220	49.5	3	0.7	90	20.3	0	0.0	6	1.4	125	28.2
Western	337	96	28.5	1	0.3	90	26.7	7	2.1	24	7.1	119	35.3
Michigan													
Eastern	694	225	32.4	1	0.1	65	9.4	0	0.0	14	2.0	389	56.1
Western	239	119	49.8	3	1.3	40	16.7	0	0.0	6	2.5	71	29.7
Ohio													
Northern	880	345	39.2	2	0.2	171	19.4	1	0.1	21	2.4	340	38.6
Southern	621	141	22.7	3	0.5	132	21.3	1	0.2	90	14.5	254	40.9
Tennessee													
Eastern	640	293	45.8	5	0.8	138	21.6	0	0.0	9	1.4	195	30.5
Middle	276	70	25.4	1	0.4	29	10.5	1	0.4	4	1.4	171	62.0
Western	455	175	38.5	0	0.0	67	14.7	0	0.0	5	1.1	208	45.7
SEVENTH CIRCUIT	2,267	755	33.3	14	0.6	231	10.2	1	0.0	80	3.5	1,186	52.3
Illinois													
Central	260	77	29.6	0	0.0	32	12.3	0	0.0	3	1.2	148	56.9
Northern	617	182	29.5	2	0.3	53	8.6	1	0.2	19	3.1	360	58.3
Southern	261	132	50.6	9	3.4	35	13.4	0	0.0	14	5.4	71	27.2
Indiana													
Northern	262	126	48.1	0	0.0	33	12.6	0	0.0	1	0.4	102	38.9
Southern	393	153	38.9	0	0.0	49	12.5	0	0.0	2	0.5	189	48.1
Wisconsin													
Eastern	328	50	15.2	2	0.6	23	7.0	0	0.0	4	1.2	249	75.9
Western	146	35	24.0	1	0.7	6	4.1	0	0.0	37	25.3	67	45.9
EIGHTH CIRCUIT	5,141	2,070	40.3	32	0.6	696	13.5	23	0.4	114	2.2	2,206	42.9
Arkansas													
Eastern	548	251	45.8	1	0.2	65	11.9	0	0.0	3	0.5	228	41.6
Western	177	82	46.3	0	0.0	20	11.3	0	0.0	1	0.6	74	41.8
Iowa													
Northern	338	169	50.0	11	3.3	63	18.6	0	0.0	5	1.5	90	26.6
Southern	440	146	33.2	2	0.5	66	15.0	0	0.0	4	0.9	222	50.5
Minnesota	353	96	27.2	1	0.3	47	13.3	2	0.6	25	7.1	182	51.6
Missouri													
Eastern	953	389	40.8	2	0.2	95	10.0	0	0.0	24	2.5	443	46.5
Western	840	280	33.3	1	0.1	154	18.3	0	0.0	13	1.5	392	46.7
Nebraska	567	252	44.4	0	0.0	20	3.5	17	3.0	4	0.7	274	48.3
North Dakota	413	139	33.7	6	1.5	160	38.7	3	0.7	3	0.7	102	24.7
South Dakota	512	266	52.0	8	1.6	6	1.2	1	0.2	32	6.3	199	38.9

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	12,091	2,723	22.5	48	0.4	895	7.4	4,728	39.1	640	5.3	3,057	25.3
Alaska	177	55	31.1	0	0.0	31	17.5	0	0.0	7	4.0	84	47.5
Arizona	4,776	1,253	26.2	16	0.3	104	2.2	2,748	57.5	65	1.4	590	12.4
California													
Central	941	247	26.2	8	0.9	123	13.1	12	1.3	68	7.2	483	51.3
Eastern	383	158	41.3	0	0.0	76	19.8	3	0.8	7	1.8	139	36.3
Northern	384	45	11.7	3	0.8	48	12.5	2	0.5	31	8.1	255	66.4
Southern	3,184	339	10.6	13	0.4	172	5.4	1,906	59.9	428	13.4	326	10.2
Guam	26	10	38.5	0	0.0	8	30.8	0	0.0	0	0.0	8	30.8
Hawaii	119	32	26.9	0	0.0	37	31.1	0	0.0	1	0.8	49	41.2
Idaho	291	98	33.7	0	0.0	62	21.3	12	4.1	9	3.1	110	37.8
Montana	368	113	30.7	1	0.3	79	21.5	0	0.0	8	2.2	167	45.4
Nevada	360	63	17.5	1	0.3	16	4.4	41	11.4	9	2.5	230	63.9
Northern Mariana Islands	25	19	76.0	0	0.0	3	12.0	0	0.0	0	0.0	3	12.0
Oregon	409	66	16.1	2	0.5	78	19.1	0	0.0	2	0.5	261	63.8
Washington													
Eastern	289	103	35.6	4	1.4	46	15.9	4	1.4	3	1.0	129	44.6
Western	359	122	34.0	0	0.0	12	3.3	0	0.0	2	0.6	223	62.1
TENTH CIRCUIT	4,835	1,811	37.5	42	0.9	272	5.6	664	13.7	356	7.4	1,690	35.0
Colorado	328	97	29.6	2	0.6	66	20.1	20	6.1	4	1.2	139	42.4
Kansas	330	149	45.2	2	0.6	45	13.6	2	0.6	6	1.8	126	38.2
New Mexico	2,003	701	35.0	21	1.0	50	2.5	535	26.7	208	10.4	488	24.4
Oklahoma													
Eastern	213	136	63.8	3	1.4	8	3.8	0	0.0	5	2.3	61	28.6
Northern	398	207	52.0	10	2.5	31	7.8	0	0.0	100	25.1	50	12.6
Western	669	355	53.1	2	0.3	21	3.1	1	0.1	6	0.9	284	42.5
Utah	757	135	17.8	0	0.0	40	5.3	102	13.5	22	2.9	458	60.5
Wyoming	137	31	22.6	2	1.5	11	8.0	4	2.9	5	3.6	84	61.3
ELEVENTH CIRCUIT	5,137	2,398	46.7	24	0.5	618	12.0	2	0.0	73	1.4	2,022	39.4
Alabama													
Middle	218	79	36.2	0	0.0	29	13.3	0	0.0	5	2.3	105	48.2
Northern	405	228	56.3	1	0.2	54	13.3	0	0.0	6	1.5	116	28.6
Southern	308	154	50.0	6	1.9	36	11.7	1	0.3	8	2.6	103	33.4
Florida													
Middle	1,102	448	40.7	3	0.3	162	14.7	0	0.0	9	0.8	480	43.6
Northern	254	100	39.4	1	0.4	61	24.0	1	0.4	5	2.0	86	33.9
Southern	1,514	745	49.2	4	0.3	108	7.1	0	0.0	16	1.1	641	42.3
Georgia													
Middle	380	248	65.3	2	0.5	38	10.0	0	0.0	3	0.8	89	23.4
Northern	585	165	28.2	3	0.5	62	10.6	0	0.0	19	3.2	336	57.4
Southern	371	231	62.3	4	1.1	68	18.3	0	0.0	2	0.5	66	17.8

¹ Of the 64,124 cases, 312 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, 2023 Datafile, USSCFY23.

Table 31

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	63,812	27,087	42.4	314	0.5	6,499	10.2	6,363	10.0	2,421	3.8	21,128	33.1
Administration of Justice	643	295	45.9	14	2.2	29	4.5	2	0.3	30	4.7	273	42.5
Antitrust	18	4	22.2	0	0.0	8	44.4	0	0.0	2	11.1	4	22.2
Arson	106	48	45.3	6	5.7	14	13.2	0	0.0	5	4.7	33	31.1
Assault	841	379	45.1	17	2.0	37	4.4	1	0.1	66	7.8	341	40.5
Bribery/Corruption	366	85	23.2	0	0.0	123	33.6	0	0.0	12	3.3	146	39.9
Burglary/Trespass	83	54	65.1	2	2.4	3	3.6	1	1.2	2	2.4	21	25.3
Child Pornography	1,408	484	34.4	4	0.3	32	2.3	2	0.1	47	3.3	839	59.6
Commercialized Vice	84	22	26.2	4	4.8	12	14.3	0	0.0	8	9.5	38	45.2
Drug Possession	124	111	89.5	1	0.8	1	0.8	0	0.0	0	0.0	11	8.9
Drug Trafficking	18,999	5,060	26.6	59	0.3	3,947	20.8	1,238	6.5	883	4.6	7,812	41.1
Environmental	146	86	58.9	0	0.0	16	11.0	0	0.0	3	2.1	41	28.1
Extortion/Racketeering	129	29	22.5	0	0.0	17	13.2	1	0.8	7	5.4	75	58.1
Firearms	8,820	4,438	50.3	76	0.9	457	5.2	13	0.1	290	3.3	3,546	40.2
Food and Drug	53	29	54.7	0	0.0	1	1.9	0	0.0	2	3.8	21	39.6
Forgery/Counter/Copyright	112	42	37.5	0	0.0	16	14.3	0	0.0	4	3.6	50	44.6
Fraud/Theft/Embezzlement	5,173	2,033	39.3	22	0.4	760	14.7	3	0.1	147	2.8	2,208	42.7
Immigration	19,140	10,769	56.3	39	0.2	192	1.0	5,076	26.5	572	3.0	2,492	13.0
Individual Rights	110	37	33.6	0	0.0	16	14.5	0	0.0	6	5.5	51	46.4
Kidnapping	151	47	31.1	3	2.0	44	29.1	0	0.0	15	9.9	42	27.8
Manslaughter	86	37	43.0	12	14.0	0	0.0	0	0.0	4	4.7	33	38.4
Money Laundering	1,311	320	24.4	3	0.2	342	26.1	19	1.4	80	6.1	547	41.7
Murder	487	195	40.0	13	2.7	105	21.6	1	0.2	19	3.9	154	31.6
National Defense	231	88	38.1	0	0.0	28	12.1	3	1.3	15	6.5	97	42.0
Obscenity/Other Sex Offenses	325	166	51.1	2	0.6	1	0.3	0	0.0	15	4.6	141	43.4
Prison Offenses	451	269	59.6	2	0.4	2	0.4	0	0.0	21	4.7	157	34.8
Robbery	1,501	597	39.8	14	0.9	174	11.6	3	0.2	51	3.4	662	44.1
Sexual Abuse	1,393	538	38.6	17	1.2	72	5.2	0	0.0	74	5.3	692	49.7
Stalking/Harassing	239	101	42.3	4	1.7	4	1.7	0	0.0	20	8.4	110	46.0
Tax	446	74	16.6	0	0.0	44	9.9	0	0.0	20	4.5	308	69.1
Other	836	650	77.8	0	0.0	2	0.2	0	0.0	1	0.1	183	21.9

¹ Of the 64,124 cases, 312 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, 2023 Datafile, USSCFY23.

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2023

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure			
		Range	Up	§5K1.1	§5K3.1	Down	Variance				Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	337	135	3	87	1	15	96	§2D1.8	15	3	0	4	1	3	4	
§2A1.2	109	49	10	9	0	2	39	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	43	19	10	0	0	2	12	§2D1.10	1	0	0	0	0	0	1	
§2A1.4	42	18	2	0	0	2	20	§2D1.11	2	0	0	0	0	0	2	
§2A1.5	23	5	0	5	0	1	12	§2D1.12	1	1	0	0	0	0	0	
§2A2.1	201	79	2	22	0	8	90	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	525	226	14	11	1	51	222	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	61	42	1	0	0	4	14	§2D2.1	78	67	1	1	0	0	9	
§2A2.4	245	140	3	1	0	16	85	§2D2.2	40	33	0	1	0	0	6	
§2A3.1	133	46	3	4	0	15	65	§2D2.3	0	0	0	0	0	0	0	
§2A3.2	43	21	2	1	0	3	16	§2D3.1	1	1	0	0	0	0	0	
§2A3.3	3	1	0	0	0	0	2	§2D3.2	3	3	0	0	0	0	0	
§2A3.4	46	23	2	0	0	1	20	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	282	147	0	1	0	15	119	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	141	41	3	41	0	14	42	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	0	0	0	0	0	0	0	§2E1.1	47	13	0	7	0	3	24	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	1	0	0	0	0	0	
§2A5.2	20	12	0	0	0	0	8	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	2	0	0	0	0	4	
§2A6.1	162	78	1	1	0	12	70	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	74	23	3	3	0	8	37	§2E2.1	9	2	0	2	0	0	5	
§2B1.1	4,896	1,818	22	751	3	144	2,158	§2E3.1	64	17	3	10	0	8	26	
§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	13	1	0	1	0	0	11	§2E4.1	11	0	0	5	0	1	5	
§2B1.5	12	6	0	1	0	0	5	§2E5.1	9	1	0	0	0	0	8	
§2B1.6 ²	65	61	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	48	25	2	3	0	1	17	§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	33	29	0	0	0	1	3	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	1,489	593	14	173	3	50	656	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	31	6	0	2	1	1	21	§2F1.1	2	1	0	0	0	0	1	
§2B3.3	10	3	0	0	0	1	6	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	112	25	0	46	0	3	38	§2G1.1	46	13	2	7	0	2	22	
§2B5.1	67	32	0	5	0	3	27	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	414	179	3	36	0	13	183	
§2B5.3	44	10	0	10	0	1	23	§2G2.1	710	254	6	18	0	40	392	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,406	482	4	32	2	47	839	
§2B6.1	2	1	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	226	45	0	73	0	9	99	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	12	4	0	2	0	0	6	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	7	7	0	0	0	0	0	§2G2.6	11	3	0	6	0	0	2	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	41	18	2	0	0	0	21	
§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	69	16	0	8	0	6	39	
§2C1.7	1	1	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	7	3	0	2	0	0	2	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	18,635	4,915	59	3,918	1,236	836	7,671	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	276	117	0	17	0	43	99	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	8	2	0	3	0	0	3	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	10	5	0	3	0	0	2	
§2D1.5	7	4	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	6	6	0	0	0	0	0	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	16	7	0	2	0	0	7	

Table 32 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	168	58	0	19	3	13	75
§2J1.1	0	0	0	0	0	0	0	§2M5.3	21	3	0	3	0	0	15
§2J1.2	163	51	10	8	0	3	91	§2M6.1	3	1	0	0	0	1	1
§2J1.3	15	4	0	0	0	0	11	§2M6.2	0	0	0	0	0	0	0
§2J1.4	9	8	0	0	0	0	1	§2N1.1	19	0	0	1	0	1	17
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	31	18	0	0	0	3	10	§2N1.3	1	0	0	0	0	0	1
§2J1.7	0	0	0	0	0	0	0	§2N2.1	25	23	0	0	0	0	2
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	302	202	2	2	0	10	86
§2K1.1	1	1	0	0	0	0	0	§2P1.2	97	49	0	0	0	1	47
§2K1.2	0	0	0	0	0	0	0	§2P1.3	6	3	0	0	0	0	3
§2K1.3	20	5	0	3	0	0	12	§2P1.4	0	0	0	0	0	0	0
§2K1.4	105	48	6	14	0	5	32	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	31	10	0	3	0	1	17
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	9	4	0	1	0	0	4
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	8,388	4,129	66	428	13	288	3,464	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	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	§2Q2.1	79	53	0	6	0	2	18
§2K2.4 ³	334	269	7	21	0	0	37	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	21	11	3	0	0	0	7	§2R1.1	17	3	0	8	0	2	4
§2K2.6	0	0	0	0	0	0	0	§2S1.1	1,132	240	0	325	18	63	486
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	171	78	3	17	1	15	57
§2L1.1	4,731	1,894	8	150	1,920	92	667	§2S1.4	0	0	0	0	0	0	0
§2L1.2	12,867	7,885	28	29	2,897	460	1,568	§2T1.1	237	38	0	21	0	9	169
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	69	29	0	12	1	0	27	§2T1.3	0	0	0	0	0	0	0
§2L2.2	437	319	2	0	2	9	105	§2T1.4	126	22	0	18	0	3	83
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	70	11	0	3	0	8	48
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	0	0	1	0	0	2
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	1	0	0	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	7	3	0	0	0	0	4
§2M3.1	2	2	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	3	2	0	0	0	0	1	§2X1.1	20	11	0	1	0	2	6
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	82	20	0	17	0	2	43
§2M3.6	0	0	0	0	0	0	0	§2X4.1	151	59	1	17	2	5	67
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	338	186	0	0	0	0	152
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	14	3	0	6	0	1	4	§2X7.2	4	4	0	0	0	0	0
TOTAL								61,842	25,701	313	6,477	6,105	2,384	20,862	

¹ Of the 64,124 cases, 2,282 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 (312) or missing guideline applied (2,250). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2023

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	36,725	6,514	17.7	6,465	17.6	6,171	16.8	7,632	20.8	516	1.4
Departures	15,597	6,499	41.7	6,462	41.4	3,967	25.4	5,746	36.8	310	2.0
Upward Departure	314	0	0.0	0	0.0	86	27.4	38	12.1	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	6,499	6,499	100.0	99	1.5	271	4.2	1,506	23.2	27	0.4
§5K3.1 Early Disposition Program	6,363	0	0.0	6,363	100.0	3,084	48.5	3,658	57.5	270	4.2
Other Government Motion	1,310	0	0.0	0	0.0	526	40.2	544	41.5	12	0.9
Non-Government Departure	1,111	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	21,128	15	0.1	3	0.0	2,204	10.4	1,886	8.9	206	1.0
Upward Variance	1,896	15	0.8	3	0.2	229	12.1	133	7.0	2	0.1
Downward Variance											
Government Motion	6,384	0	0.0	0	0.0	1,975	30.9	1,753	27.5	204	3.2
Non-Government Variance	12,848	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,986	16.3	5,939	16.2	7,547	20.6	2,459	6.7	5,291	14.4	2,567	7.0
Departures	5,006	32.1	2,352	15.1	1,745	11.2	1,063	6.8	1,294	8.3	223	1.4
Upward Departure	73	23.2	2	0.6	9	2.9	5	1.6	89	28.3	34	10.8
Downward Departure												
§5K1.1 Substantial Assistance	4,347	66.9	886	13.6	761	11.7	458	7.0	601	9.2	0	0.0
§5K3.1 Early Disposition Program	400	6.3	821	12.9	630	9.9	428	6.7	271	4.3	0	0.0
Other Government Motion	186	14.2	102	7.8	97	7.4	172	13.1	79	6.0	30	2.3
Non-Government Departure	0	0.0	541	48.7	248	22.3	0	0.0	254	22.9	159	14.3
Variations	980	4.6	3,587	17.0	5,802	27.5	1,396	6.6	3,997	18.9	2,344	11.1
Upward Variance	303	16.0	3	0.2	8	0.4	36	1.9	920	48.5	316	16.7
Downward Variance												
Government Motion	677	10.6	594	9.3	305	4.8	1,360	21.3	290	4.5	177	2.8
Non-Government Variance	0	0.0	2,990	23.3	5,489	42.7	0	0.0	2,787	21.7	1,851	14.4

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 14,945 cases indicated more than one attribution. Only sentenced individuals whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

Table 34

**POSITION OF WITHIN GUIDELINE RANGE SENTENCES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	24,210	9,566	39.5	5,094	21.0	2,777	11.5	3,139	13.0	3,634	15.0
Administration of Justice	268	102	38.1	66	24.6	28	10.4	19	7.1	53	19.8
Antitrust	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Arson	35	15	42.9	5	14.3	6	17.1	1	2.9	8	22.9
Assault	326	114	35.0	66	20.2	28	8.6	48	14.7	70	21.5
Bribery/Corruption	77	47	61.0	14	18.2	5	6.5	4	5.2	7	9.1
Burglary/Trespass	51	13	25.5	23	45.1	4	7.8	7	13.7	4	7.8
Child Pornography	368	166	45.1	71	19.3	37	10.1	38	10.3	56	15.2
Commercialized Vice	18	4	22.2	7	38.9	4	22.2	2	11.1	1	5.6
Drug Possession	92	56	60.9	28	30.4	4	4.3	2	2.2	2	2.2
Drug Trafficking	4,452	2,631	59.1	698	15.7	297	6.7	372	8.4	454	10.2
Environmental	82	65	79.3	12	14.6	1	1.2	3	3.7	1	1.2
Extortion/Racketeering	26	11	42.3	7	26.9	1	3.8	3	11.5	4	15.4
Firearms	3,978	1,761	44.3	637	16.0	447	11.2	406	10.2	727	18.3
Food and Drug	28	23	82.1	3	10.7	1	3.6	0	0.0	1	3.6
Forgery/Counter/Copyright	36	16	44.4	8	22.2	2	5.6	3	8.3	7	19.4
Fraud/Theft/Embezzlement	1,860	993	53.4	361	19.4	161	8.7	127	6.8	218	11.7
Immigration	9,893	2,186	22.1	2,641	26.7	1,568	15.8	1,854	18.7	1,644	16.6
Individual Rights	30	17	56.7	8	26.7	1	3.3	1	3.3	3	10.0
Kidnapping	28	9	32.1	7	25.0	0	0.0	8	28.6	4	14.3
Manslaughter	37	13	35.1	7	18.9	3	8.1	4	10.8	10	27.0
Money Laundering	298	144	48.3	59	19.8	22	7.4	44	14.8	29	9.7
Murder	53	14	26.4	12	22.6	2	3.8	15	28.3	10	18.9
National Defense	83	47	56.6	15	18.1	11	13.3	5	6.0	5	6.0
Obscenity/Other Sex Offenses	160	71	44.4	24	15.0	18	11.3	9	5.6	38	23.8
Prison Offenses	261	105	40.2	50	19.2	30	11.5	22	8.4	54	20.7
Robbery	586	269	45.9	99	16.9	34	5.8	73	12.5	111	18.9
Sexual Abuse	322	119	37.0	58	18.0	38	11.8	46	14.3	61	18.9
Stalking/Harassing	94	31	33.0	14	14.9	11	11.7	11	11.7	27	28.7
Tax	69	49	71.0	11	15.9	5	7.2	0	0.0	4	5.8
Other	595	471	79.2	83	13.9	8	1.3	12	2.0	21	3.5

¹ Of the 64,124 cases, 27,087 individuals were sentenced within the applicable guideline range. An additional 2,877 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, 2023 Datafile, USSCFY23.

Table 35

**EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	301	104	34	84.3	79	20	42.9
Administration of Justice	6	77	28	60.4	33	8	26.4
Antitrust	0	--	--	--	--	--	--
Arson	6	120	59	83.1	114	55	52.2
Assault	17	123	45	69.8	90	29	40.4
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	4	145	21	25.8	153	17	10.9
Commercialized Vice	4	69	43	161.4	55	28	105.0
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	59	106	46	181.2	96	35	72.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	76	83	24	58.3	77	21	37.5
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	22	56	17	76.4	30	12	80.9
Immigration	39	29	8	62.5	18	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	12	134	34	34.2	126	25	23.4
Money Laundering	3	14	5	70.8	12	5	83.3
Murder	10	314	90	53.3	300	60	21.4
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	2	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	14	198	61	39.4	171	25	27.0
Sexual Abuse	16	220	50	40.7	199	43	26.6
Stalking/Harassing	4	63	25	81.2	54	22	77.6
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 64,124 cases, in 314 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four sentenced individuals were excluded from this table. Also, nine individuals 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, 2023 Datafile, USSCFY23.

Table 36

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,873	73	21	66.0	48	11	37.0
Administration of Justice	21	37	16	74.7	36	9	50.0
Antitrust	0	--	--	--	--	--	--
Arson	6	101	27	39.9	90	27	45.3
Assault	63	109	33	67.5	90	17	35.2
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	4	41	18	83.0	36	14	60.7
Child Pornography	41	166	39	36.2	150	30	33.3
Commercialized Vice	8	80	50	161.8	66	27	111.1
Drug Possession	4	27	16	192.0	29	14	117.3
Drug Trafficking	251	109	34	97.3	96	21	35.1
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	3	68	6	10.9	60	7	10.3
Firearms	427	80	24	55.1	72	16	31.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	96	63	19	82.5	48	12	42.9
Immigration	530	23	8	71.3	15	6	50.0
Individual Rights	5	48	21	73.9	42	14	50.0
Kidnapping	4	399	64	22.1	383	67	18.6
Manslaughter	14	105	39	65.6	113	28	39.6
Money Laundering	19	53	14	54.8	48	11	29.7
Murder	13	360	76	32.5	360	53	15.1
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	24	70	34	104.1	60	33	96.7
Prison Offenses	20	32	11	58.8	38	6	47.7
Robbery	78	187	45	38.8	178	30	24.7
Sexual Abuse	58	186	44	35.3	180	30	24.4
Stalking/Harassing	23	73	26	57.9	60	14	46.0
Tax	7	75	22	46.1	36	12	20.0
Other	149	9	3	43.1	8	2	33.3

¹ Of the 64,124 cases, in 1,896 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, seven sentenced individuals were excluded from this table. Also, 16 individuals 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, 2023 Datafile, USSCFY23.

Table 37

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,354	54	56	56.3	38	41	51.4
Administration of Justice	29	8	21	80.3	0	21	99.9
Antitrust	8	4	11	72.3	3	12	85.7
Arson	14	48	43	54.2	40	35	45.5
Assault	34	59	88	57.2	46	48	50.1
Bribery/Corruption	123	15	32	71.6	9	22	75.7
Burglary/Trespass	3	8	9	73.3	0	10	100.0
Child Pornography	31	95	57	37.6	84	54	34.3
Commercialized Vice	12	4	11	79.3	0	8	99.8
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	3,905	65	65	52.9	55	52	48.9
Environmental	16	2	11	86.5	0	9	100.0
Extortion/Racketeering	17	23	41	62.0	12	15	56.9
Firearms	456	36	34	57.1	21	23	51.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	16	8	22	79.3	0	19	99.9
Fraud/Theft/Embezzlement	757	16	30	68.9	10	21	71.4
Immigration	191	16	13	53.2	12	9	42.7
Individual Rights	14	27	43	78.3	0	13	100.0
Kidnapping	40	95	106	52.0	96	92	49.5
Manslaughter	0	--	--	--	--	--	--
Money Laundering	324	48	71	62.2	31	46	59.9
Murder	48	114	164	58.2	115	170	60.1
National Defense	28	31	36	52.0	24	21	47.9
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	171	80	59	44.6	70	48	41.2
Sexual Abuse	62	102	94	46.9	87	65	41.6
Stalking/Harassing	4	20	16	41.4	18	12	40.0
Tax	44	9	18	75.9	4	16	83.8
Other	2	--	--	--	--	--	--

¹ Of the 64,124 cases, in 6,499 the sentenced individual 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, 87 sentenced individuals were excluded from this table. Also, 58 individuals 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, 2023 Datafile, USSCFY23.

Table 38

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,360	13	16	51.1	10	8	48.6
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,238	26	50	66.0	24	45	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	13	26	20	51.4	18	15	47.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	3	27	16	54.6	40	16	35.7
Immigration	5,073	10	8	47.3	8	6	40.5
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	19	16	27	80.3	0	15	100.0
Murder	1	--	--	--	--	--	--
National Defense	3	14	26	66.4	18	22	51.4
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	3	54	24	34.0	37	24	34.8
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 64,124 cases, in 6,363 the sentenced individual received a §5K3.1 early disposition program departure below the guideline range. Three individuals 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, 2023 Datafile, USSCFY23.

Table 39

**EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,371	44	33	45.8	24	18	41.5
Administration of Justice	29	8	11	64.3	6	8	66.7
Antitrust	2	--	--	--	--	--	--
Arson	5	24	22	51.2	30	25	47.4
Assault	64	40	22	45.4	24	15	35.2
Bribery/Corruption	12	18	28	62.1	17	29	67.9
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	45	81	46	36.1	66	37	31.1
Commercialized Vice	7	13	8	33.9	12	3	19.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	876	65	51	47.0	52	40	47.1
Environmental	3	1	11	77.8	0	12	100.0
Extortion/Racketeering	7	13	27	53.5	9	9	39.8
Firearms	290	35	20	42.6	24	14	34.0
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	4	10	21	83.7	0	19	100.0
Fraud/Theft/Embezzlement	146	19	22	63.2	10	14	66.6
Immigration	571	13	8	38.6	12	6	33.3
Individual Rights	4	45	39	80.8	0	32	95.9
Kidnapping	12	126	69	34.4	120	57	37.2
Manslaughter	4	34	20	33.9	29	11	35.0
Money Laundering	77	44	47	58.1	27	24	59.5
Murder	9	165	136	48.3	180	116	48.5
National Defense	14	24	19	43.3	27	16	37.4
Obscenity/Other Sex Offenses	15	11	11	54.5	13	10	40.0
Prison Offenses	21	8	8	54.9	5	6	50.0
Robbery	51	75	29	28.8	57	17	22.5
Sexual Abuse	59	131	84	40.1	120	60	36.4
Stalking/Harassing	20	12	14	63.4	7	12	60.0
Tax	20	10	16	64.1	11	15	60.0
Other	0	--	--	--	--	--	--

¹ Of the 64,124 cases, in 2,421 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,310) or a non-government departure (1,111). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 26 sentenced individuals were excluded from this table. Also, 24 individuals 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, 2023 Datafile, USSCFY23.

Table 40

**EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2023**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	18,758	55	30	43.7	36	18	35.1
Administration of Justice	247	14	14	64.7	6	10	67.5
Antitrust	4	6	11	70.2	3	12	83.2
Arson	27	37	27	45.7	27	16	36.6
Assault	271	60	28	37.7	37	15	28.5
Bribery/Corruption	144	20	21	56.9	12	15	56.4
Burglary/Trespass	17	13	14	55.7	12	12	45.5
Child Pornography	774	85	50	38.8	72	42	36.0
Commercialized Vice	30	10	10	62.8	8	9	59.7
Drug Possession	5	2	4	82.7	0	2	97.0
Drug Trafficking	7,446	79	42	38.8	63	30	31.8
Environmental	41	5	13	84.2	0	12	100.0
Extortion/Racketeering	72	27	19	51.7	18	12	44.0
Firearms	3,110	36	20	43.1	27	12	33.2
Food and Drug	19	24	26	58.0	18	21	64.7
Forgery/Counter/Copyright	48	15	19	64.9	6	9	80.0
Fraud/Theft/Embezzlement	2,081	19	16	57.8	12	11	51.4
Immigration	1,954	12	8	46.2	8	6	37.3
Individual Rights	38	34	21	58.7	12	12	47.4
Kidnapping	25	140	83	34.1	150	59	28.1
Manslaughter	19	35	15	40.6	24	15	23.8
Money Laundering	493	52	36	48.2	30	21	41.7
Murder	105	194	68	28.0	204	60	23.4
National Defense	96	35	36	57.2	23	22	53.1
Obscenity/Other Sex Offenses	115	13	11	47.4	12	9	40.0
Prison Offenses	136	10	8	45.8	11	6	38.9
Robbery	572	91	30	27.3	84	22	20.7
Sexual Abuse	452	155	72	33.9	144	60	28.6
Stalking/Harassing	86	13	13	54.2	12	10	41.4
Tax	299	12	16	65.1	6	12	66.7
Other	32	7	10	78.5	0	6	98.2

¹ Of the 64,124 cases, in 19,232 the sentence was a variance below the guideline range, either due to a government motion for a variance (6,384) or a non-government variance (12,848). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 204 sentenced individuals were excluded from this table. Also, 269 individuals were excluded due to several logical criteria. Of the remaining 18,759 cases, one was excluded due to missing sentence information. 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, 2023 Datafile, USSCFY23.

Table 41
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2023

REASONS	N	%
Criminal history issues	158	20.6
Dismissed and uncharged conduct (§5K2.21)	61	8.0
Pursuant to plea agreement	59	7.7
General aggravating circumstances (§5K2.0)	56	7.3
Reflect seriousness of offense/promotes respect for law/just punishment	41	5.3
Afford adequate deterrence to criminal conduct	36	4.7
Protect public from further crimes	34	4.4
The nature and circumstance of the offense	29	3.8
The history and characteristics of the defendant	29	3.8
Death (§5K2.1)	27	3.5
Extreme conduct (§5K2.8)	26	3.4
Physical injury (§5K2.2)	14	1.8
Role in the offense	14	1.8
Victim impact	13	1.7
Avoid unwarranted sentencing disparity	11	1.4
Weapons/dangerous instrumentalities (§5K2.6)	9	1.2
Age (§5H1.1)	7	0.9
Advisory nature of guidelines	6	0.8
Party motion/agreement/consent (reason unspecified)	5	0.7
Mental and emotional conditions	5	0.7
Extreme psychological injury (§5K2.3)	4	0.5
Provide educational or vocational training	4	0.5
Nature or seriousness of the offense	4	0.5
Conduct while on release, bond, or supervision	4	0.5
Lack of remorse	4	0.5
Provide restitution to any victims	3	0.4
Drug dependence and alcohol abuse (§5H1.4)	3	0.4
Disruption of government function (§5K2.7)	3	0.4
Public welfare (§5K2.14)	3	0.4
Aberrant behavior (§5K2.20)	3	0.4
Age or health of person sentenced for sex offense (§5K2.22)	3	0.4
Mens Rea	3	0.4
Lack of youthful guidance/tragic or troubled childhood	3	0.4
General guideline adequacy issues	3	0.4
Other	80	10.4
TOTAL	767	100.0

¹ Of the 64,124 cases, in 314 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, 767 reasons were cited for the 314 cases. The 'Other' category includes all reasons cited fewer than three times among relevant cases and six cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 42
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2023

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	1,467	17.8
Afford adequate deterrence to criminal conduct	986	12.0
The nature and circumstance of the offense	951	11.5
The history and characteristics of the defendant	942	11.4
Protect public from further crimes	863	10.5
Criminal history issues	495	6.0
General aggravating circumstances (§5K2.0)	265	3.2
Avoid unwarranted sentencing disparity	161	2.0
Pursuant to plea agreement	143	1.7
Extreme conduct (§5K2.8)	142	1.7
Dismissed and uncharged conduct (§5K2.21)	139	1.7
Victim impact	127	1.5
Role in the offense	123	1.5
Provide correctional treatment	94	1.1
Provide educational or vocational training	81	1.0
Drug dependence and alcohol abuse (§5H1.4)	76	0.9
Lack of remorse	74	0.9
Party motion/agreement/consent (reason unspecified)	59	0.7
Age (§5H1.1)	55	0.7
Mental and emotional conditions	55	0.7
Acceptance of responsibility	49	0.6
Propensity for violence	46	0.6
Conduct while on release, bond, or supervision	44	0.5
Lack of youthful guidance/tragic or troubled childhood	35	0.4
Family ties and responsibilities (§5H1.6)	32	0.4
Provide medical care	30	0.4
General guideline adequacy issues	22	0.3
Provide restitution to any victims	20	0.2
Mens Rea	18	0.2
Aberrant behavior (§5K2.20)	17	0.2
Previous employment record (§5H1.5)	16	0.2
Death (§5K2.1)	15	0.2
Policy disagreement with the Guidelines (<i>Kimbrough v. U.S.</i> 552 U.S. 85 (2007))	15	0.2
Advisory nature of guidelines	15	0.2
Other	563	6.8
TOTAL	8,235	100.0

¹ Of the 64,124 cases, in 1,896 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, 8,235 reasons were cited for the 1,896 cases. The 'Other' category includes all reasons cited fewer than 15 times among relevant cases and 102 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, 2023 Datafile, USSCFY23.

Table 43

**REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2023**

REASONS	N	%
Substantial assistance with government motion (§5K1.1)	6,499	13.2
Early disposition program (EDP) (§5K3.1)	6,462	13.2
The history and characteristics of the defendant	4,255	8.7
Family ties and responsibilities (§5H1.6)	2,119	4.3
Reflect seriousness of offense/promotes respect for law/just punishment	2,015	4.1
The nature and circumstance of the offense	1,871	3.8
Criminal history issues	1,841	3.7
Afford adequate deterrence to criminal conduct	1,813	3.7
General mitigating circumstances (§5K2.0)	1,419	2.9
Avoid unwarranted sentencing disparity	1,303	2.7
Age (§5H1.1)	1,293	2.6
Drug dependence and alcohol abuse (§5H1.4)	1,195	2.4
Protect public from further crimes	1,028	2.1
Rehabilitation	1,024	2.1
Remorse	1,024	2.1
Previous employment record (§5H1.5)	986	2.0
Mental and emotional conditions	879	1.8
Acceptance of responsibility	844	1.7
Lack of youthful guidance/tragic or troubled childhood	806	1.6
Pursuant to plea agreement	710	1.4
First Step Act safety valve expansion	688	1.4
Role in the offense	627	1.3
Aberrant behavior (§5K2.20)	561	1.1
Physical condition (§5H1.4)	544	1.1
Conduct while on release, bond, or supervision	512	1.0
Waiver of appeal	510	1.0
Nonviolent offense	448	0.9
Applied proposed guideline amendment (Amendment 821)	406	0.8
Waiver of indictment	286	0.6
Provide correctional treatment	239	0.5
Early plea	201	0.4
Party motion/agreement/consent (reason unspecified)	201	0.4
Community ties (§5H1.6)	200	0.4
Other	4,316	8.8
TOTAL	49,125	100.0

¹ Of the 64,124 cases, in 15,283 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, 49,125 reasons were cited for the 15,283 cases. The 'Other' category includes all reasons cited fewer than 200 times among relevant cases and 229 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, 2023 Datafile, USSCFY23.

Table 44

**REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2023**

REASONS	N	%
The history and characteristics of the defendant	12,434	12.1
Reflect seriousness of offense/promotes respect for law/just punishment	9,030	8.8
Afford adequate deterrence to criminal conduct	7,532	7.3
The nature and circumstance of the offense	7,050	6.9
Protect public from further crimes	5,219	5.1
Family ties and responsibilities (§5H1.6)	4,454	4.3
Avoid unwarranted sentencing disparity	4,342	4.2
Criminal history issues	4,167	4.1
Drug dependence and alcohol abuse (§5H1.4)	2,905	2.8
Acceptance of responsibility	2,881	2.8
Age (§5H1.1)	2,827	2.8
Remorse	2,693	2.6
Mental and emotional conditions	2,537	2.5
Lack of youthful guidance/tragic or troubled childhood	2,297	2.2
Previous employment record (§5H1.5)	2,255	2.2
Rehabilitation	2,103	2.1
Role in the offense	2,057	2.0
Provide correctional treatment	1,562	1.5
Nonviolent offense	1,456	1.4
General mitigating circumstances (§5K2.0)	1,344	1.3
Conduct while on release, bond, or supervision	1,300	1.3
Physical condition (§5H1.4)	1,237	1.2
Provide educational or vocational training	1,230	1.2
Pursuant to plea agreement	1,034	1.0
Community ties (§5H1.6)	878	0.9
Cooperation without motion (not §5K1.1)	833	0.8
Applied proposed guideline amendment (Amendment 821)	828	0.8
Provide restitution to any victims	756	0.7
First Step Act safety valve expansion	753	0.7
Provide medical care	732	0.7
Aberrant behavior (§5K2.20)	724	0.7
Early plea	710	0.7
Waiver of appeal	705	0.7
Charitable service/good works	519	0.5
Other	9,129	8.9
TOTAL	102,513	100.0

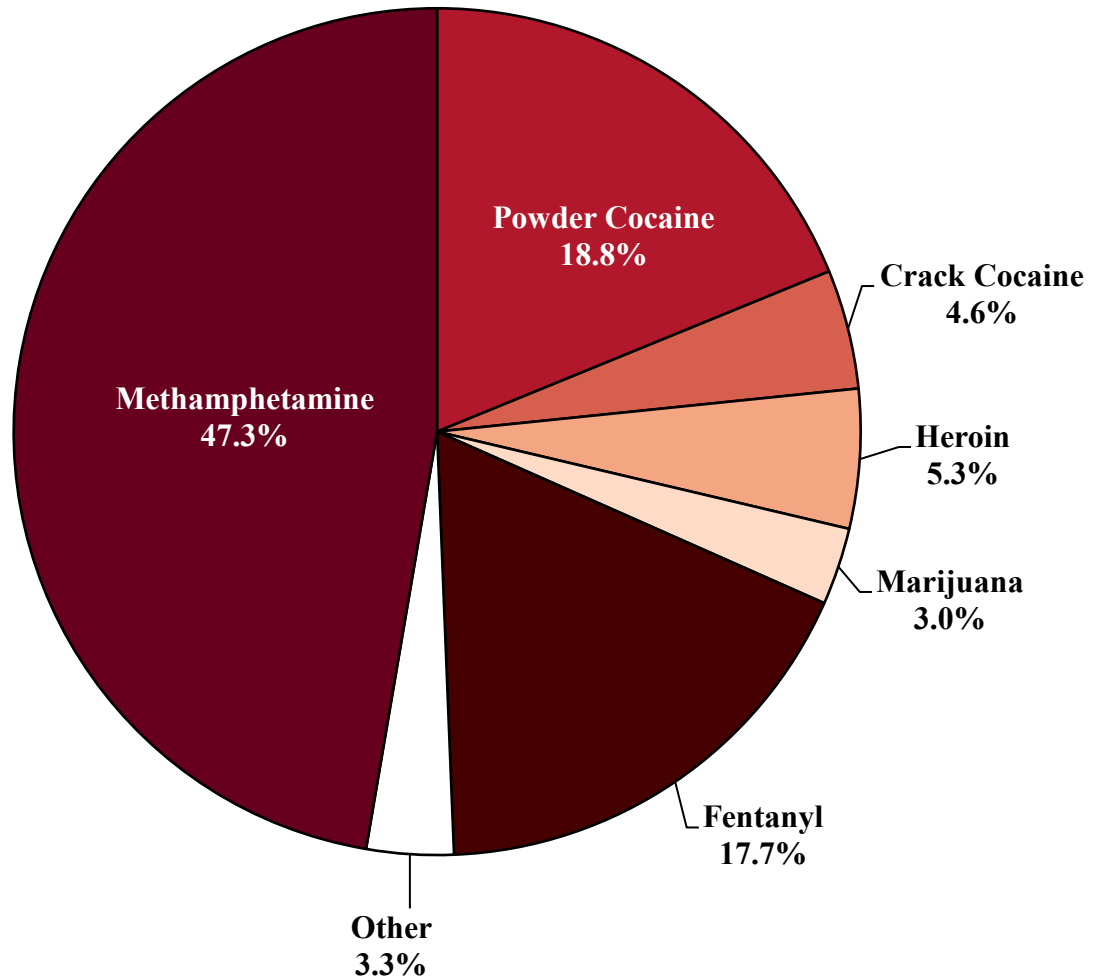
¹ Of the 64,124 cases, in 19,232 the sentence was a variance below the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 102,513 reasons were cited for the 19,232 cases. The 'Other' category includes all reasons cited fewer than 515 times among relevant cases and 999 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, 2023 Datafile, USSCFY23.

DRUG OFFENSES

Figure D-1

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
Fiscal Year 2023**



¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (234), and MDMA/Ecstasy/MDA (53).

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-1

PRIMARY DRUG TYPE OF DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	§2D1.1 Drug Trafficking		§2D1.2 Protected Locations		§2D1.5 Continuing Criminal Enterprise		§2D1.6 Communication Facility		§2D1.8 Rent/Manage Drug Establishment		§2D1.10 Endangering Human Life While Manufacturing		§2D1.14 Narco- Terrorism	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	18,939	18,640	98.4	276	1.5	7	0.0	0	0.0	15	0.1	1	0.0	0	0.0
Powder Cocaine	3,577	3,347	93.6	226	6.3	3	0.1	0	0.0	1	0.0	0	0.0	0	0.0
Crack Cocaine	862	855	99.2	6	0.7	0	0.0	0	0.0	1	0.1	0	0.0	0	0.0
Heroin	1,011	1,005	99.4	5	0.5	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Marijuana	561	557	99.3	4	0.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Methamphetamine	8,991	8,961	99.7	21	0.2	0	0.0	0	0.0	9	0.1	0	0.0	0	0.0
Fentanyl	3,354	3,338	99.5	12	0.4	1	0.0	0	0.0	3	0.1	0	0.0	0	0.0
Other	583	577	99.0	2	0.3	2	0.3	0	0.0	1	0.2	1	0.2	0	0.0

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 2023 Datafile, USSCFY23.

Table D-2

RACE OF SENTENCED INDIVIDUALS IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	18,906	4,857	25.7	5,233	27.7	8,240	43.6	576	3.0
Powder Cocaine	3,573	191	5.3	801	22.4	2,544	71.2	37	1.0
Crack Cocaine	862	55	6.4	681	79.0	122	14.2	4	0.5
Heroin	1,010	186	18.4	349	34.6	462	45.7	13	1.3
Marijuana	560	120	21.4	155	27.7	233	41.6	52	9.3
Methamphetamine	8,972	3,412	38.0	1,734	19.3	3,498	39.0	328	3.7
Fentanyl	3,348	656	19.6	1,326	39.6	1,282	38.3	84	2.5
Other	581	237	40.8	187	32.2	99	17.0	58	10.0

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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 18,939 cases, 33 were excluded due to missing information on the individual's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-3**GENDER OF SENTENCED INDIVIDUALS IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023**

DRUG TYPE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	18,939	15,829	83.6	3,110	16.4
Powder Cocaine	3,577	3,281	91.7	296	8.3
Crack Cocaine	862	789	91.5	73	8.5
Heroin	1,011	842	83.3	169	16.7
Marijuana	561	512	91.3	49	8.7
Methamphetamine	8,991	7,166	79.7	1,825	20.3
Fentanyl	3,354	2,770	82.6	584	17.4
Other	583	469	80.4	114	19.6

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 2023 Datafile, USSCFY23.

Table D-4

AGE OF SENTENCED INDIVIDUALS IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	18,939	342	1.8	1,856	9.8	2,906	15.3	3,536	18.7	3,373	17.8	4,650	24.6	1,717	9.1	559	3.0
Powder Cocaine	3,577	56	1.6	302	8.4	510	14.3	633	17.7	615	17.2	995	27.8	345	9.6	121	3.4
Crack Cocaine	862	3	0.3	57	6.6	127	14.7	173	20.1	146	16.9	240	27.8	87	10.1	29	3.4
Heroin	1,011	7	0.7	70	6.9	173	17.1	171	16.9	215	21.3	240	23.7	106	10.5	29	2.9
Marijuana	561	30	5.3	88	15.7	97	17.3	102	18.2	83	14.8	101	18.0	46	8.2	14	2.5
Methamphetamine	8,991	128	1.4	724	8.1	1,195	13.3	1,661	18.5	1,720	19.1	2,404	26.7	905	10.1	254	2.8
Fentanyl	3,354	115	3.4	554	16.5	698	20.8	715	21.3	510	15.2	553	16.5	167	5.0	42	1.3
Other	583	3	0.5	61	10.5	106	18.2	81	13.9	84	14.4	117	20.1	61	10.5	70	12.0

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 2023 Datafile, USSCFY23.

Table D-5**CITIZENSHIP OF SENTENCED INDIVIDUALS IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023**

DRUG TYPE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	18,932	15,514	81.9	3,418	18.1
Powder Cocaine	3,575	2,349	65.7	1,226	34.3
Crack Cocaine	862	848	98.4	14	1.6
Heroin	1,010	795	78.7	215	21.3
Marijuana	561	399	71.1	162	28.9
Methamphetamine	8,989	7,670	85.3	1,319	14.7
Fentanyl	3,353	2,905	86.6	448	13.4
Other	582	548	94.2	34	5.8

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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 18,939 cases, seven were excluded due to missing information on the individual's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-6

EDUCATION OF SENTENCED INDIVIDUALS IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	18,891	6,476	34.3	7,885	41.7	3,900	20.6	630	3.3
Powder Cocaine	3,563	1,439	40.4	1,365	38.3	626	17.6	133	3.7
Crack Cocaine	860	305	35.5	412	47.9	128	14.9	15	1.7
Heroin	1,006	366	36.4	431	42.8	182	18.1	27	2.7
Marijuana	558	232	41.6	178	31.9	118	21.1	30	5.4
Methamphetamine	8,976	2,908	32.4	3,880	43.2	1,960	21.8	228	2.5
Fentanyl	3,345	1,131	33.8	1,426	42.6	709	21.2	79	2.4
Other	583	95	16.3	193	33.1	177	30.4	118	20.2

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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 18,939 cases, 48 were excluded due to missing information on the individual's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-7

CRIMINAL HISTORY CATEGORY OF SENTENCED INDIVIDUALS IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	CRIMINAL HISTORY CATEGORY											
		I		II		III		IV		V		VI	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	18,939	8,050	42.5	2,247	11.9	2,789	14.7	1,876	9.9	1,145	6.0	2,832	15.0
Powder Cocaine	3,577	2,265	63.3	423	11.8	405	11.3	194	5.4	92	2.6	198	5.5
Crack Cocaine	862	178	20.6	117	13.6	185	21.5	127	14.7	61	7.1	194	22.5
Heroin	1,011	400	39.6	130	12.9	157	15.5	108	10.7	65	6.4	151	14.9
Marijuana	561	363	64.7	60	10.7	65	11.6	28	5.0	22	3.9	23	4.1
Methamphetamine	8,991	3,157	35.1	1,006	11.2	1,352	15.0	1,016	11.3	675	7.5	1,785	19.9
Fentanyl	3,354	1,352	40.3	441	13.1	553	16.5	359	10.7	206	6.1	443	13.2
Other	583	335	57.5	70	12.0	72	12.3	44	7.5	24	4.1	38	6.5

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 2023 Datafile, USSCFY23.

Table D-8**WEAPON INVOLVEMENT IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023**

DRUG TYPE	TOTAL	NO WEAPON INVOLVED		WEAPON INVOLVED	
		N	%	N	%
TOTAL	18,699	13,385	71.6	5,314	28.4
Powder Cocaine	3,535	2,844	80.5	691	19.5
Crack Cocaine	847	504	59.5	343	40.5
Heroin	998	773	77.5	225	22.5
Marijuana	552	381	69.0	171	31.0
Methamphetamine	8,874	6,119	69.0	2,755	31.0
Fentanyl	3,318	2,304	69.4	1,014	30.6
Other	575	460	80.0	115	20.0

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 18,699 cases contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-9

ROLE ADJUSTMENT IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
		N	%	N	%	N	%
TOTAL	18,699	14,101	75.4	3,420	18.3	1,178	6.3
Powder Cocaine	3,535	2,595	73.4	602	17.0	338	9.6
Crack Cocaine	847	745	88.0	41	4.8	61	7.2
Heroin	998	750	75.2	159	15.9	89	8.9
Marijuana	552	406	73.6	105	19.0	41	7.4
Methamphetamine	8,874	6,676	75.2	1,777	20.0	421	4.7
Fentanyl	3,318	2,475	74.6	682	20.6	161	4.9
Other	575	454	79.0	54	9.4	67	11.7

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 18,699 contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-10

**DRUG AMOUNTS (IN GRAMS) FOR SELECTED
BASE OFFENSE LEVELS AND DRUG TYPES¹
Fiscal Year 2023**

Base Offense Level and Quantity Range

DRUG TYPE	12	24	30	38
Powder Cocaine	Less than 50G	500G - 1,999G	5,000G - 14,999G	At least 450,000G
N	64	412	590	325
Mean	20.6	2,144.6	7,953.9	1,178,951.6
Median	20.2	983.8	7,000.0	623,000.0
Crack Cocaine	Less than 2.8G	28G - 111G	280G - 839G	At least 25,200G
N	24	98	48	1
Mean	1.5	51.6	395.6	--
Median	1.2	37.6	313.5	--
Heroin	Less than 10G	100G - 399G	1,000G - 2,999G	At least 90,000G
N	21	129	126	4
Mean	4.2	161.2	1,564.6	93,070.0
Median	3.6	119.7	1,290.0	90,000.0
Marijuana	5,000G - 9,999G	100,000G - 399,999G	1,000,000G - 2,999,999G	At least 90,000,000G
N	17	143	43	3
Mean	7,205.1	170,640.7	1,630,453.4	83,133,526.7
Median	6,790.0	150,250.0	1,709,400.0	100,000.0
Methamphetamine Mix	Less than 5G	50G - 199G	500G - 1,499G	At least 45,000G
N	9	265	290	88
Mean	2.6	94.9	793.3	158,168.0
Median	2.4	84.0	687.1	69,855.0
Methamphetamine Actual	Less than 0.5G	5G - 19G	50G - 149G	At least 4,500G
N	1	103	539	539
Mean	--	11.5	94.3	22,794.5
Median	--	12.0	81.2	9,600.0
Fentanyl²	Less than 4G	40G - 159G	400G - 1,199G	At least 36,000G
N	40	448	272	19
Mean	1.6	72.8	636.6	48,447.4
Median	1.1	57.8	538.4	36,000.0

¹ Of the 64,124 cases, in 18,640 the individual was sentenced under §2D1.1 (Drug Trafficking). Of these, 18,405 cases had complete guideline application information. Of these 18,405 cases, 14,506 involved powder cocaine, crack cocaine, heroin, marijuana, methamphetamine actual or mix or fentanyl n-phenyl. Of these 14,506 cases, 5,773 had a base offense level of 12, 24, 30, or 38. Of these 5,773 cases, 1,891 were excluded due to one or more of the following reasons: involvement of more than one drug type (1,805), missing drug amount or range (123), or logical criteria (7). The methamphetamine actual category also includes ICE. Descriptions of variables used in this table are provided in Appendix A.

² Does not include cases involving Fentanyl Analogue.

Table D-11

LENGTH OF MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	No Drug Mandatory Minimum ²		Five-Year Drug Mandatory Minimum		Ten-Year or More Drug Mandatory Minimum ³	
		N	%	N	%	N	%
TOTAL	18,936	7,301	38.6	4,525	23.9	7,110	37.5
Powder Cocaine	3,577	1,157	32.3	925	25.9	1,495	41.8
Crack Cocaine	862	583	67.6	199	23.1	80	9.3
Heroin	1,011	440	43.5	286	28.3	285	28.2
Marijuana	561	360	64.2	141	25.1	60	10.7
Methamphetamine	8,988	2,691	29.9	1,957	21.8	4,340	48.3
Fentanyl	3,354	1,560	46.5	969	28.9	825	24.6
Other	583	510	87.5	48	8.2	25	4.3

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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 individual was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this table are provided in Appendix A.

² Includes 130 sentenced individuals whose drug mandatory minimum penalty was less than 60 months.

³ Includes 331 sentenced individuals whose drug mandatory minimum penalty was greater than ten years.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table D-12

APPLICATION OF RECIDIVIST PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

DRUG TYPE	ENHANCEMENT FILED	ENHANCEMENT WITHDRAWN²		ENHANCEMENT NOT WITHDRAWN	
	N	N	%	N	%
TOTAL	758	242	31.9	516	68.1
Powder Cocaine	123	36	29.3	87	70.7
Crack Cocaine	56	16	28.6	40	71.4
Heroin	75	24	32.0	51	68.0
Marijuana	14	2	14.3	12	85.7
Methamphetamine	344	125	36.3	219	63.7
Fentanyl	137	38	27.7	99	72.3
Other	9	1	11.1	8	88.9

¹ Of the 765 cases in which notice of an enhanced penalty was given under 21 U.S.C. § 851, seven were excluded due to missing or undetermined withdrawal information. Descriptions of variables used in this table are provided in Appendix A.

² Includes 23 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, 2023 851 Datafile, DRUG851FY23.

Table D-13

**DRUG TRAFFICKING CASES RECEIVING SAFETY VALVE AND
MANDATORY MINIMUM PENALTIES^{1,5}
Fiscal Year 2023**

DRUG TYPE	TOTAL	NO SAFETY VALVE				SAFETY VALVE			
		No Drug Mandatory Minimum ²		Drug Mandatory Minimum		No Drug Mandatory Minimum ³		Drug Mandatory Minimum ⁴	
		N	%	N	%	N	%	N	%
TOTAL	18,688	5,389	28.8	7,078	37.9	1,819	9.7	4,402	23.6
Powder Cocaine	3,533	874	24.7	1,100	31.1	267	7.6	1,292	36.6
Crack Cocaine	847	540	63.8	228	26.9	33	3.9	46	5.4
Heroin	998	360	36.1	338	33.9	76	7.6	224	22.4
Marijuana	550	241	43.8	71	12.9	110	20.0	128	23.3
Methamphetamine	8,873	1,826	20.6	4,177	47.1	837	9.4	2,033	22.9
Fentanyl	3,312	1,204	36.4	1,116	33.7	336	10.1	656	19.8
Other	575	344	59.8	48	8.3	160	27.8	23	4.0

¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 18,699 cases contained complete guideline application information. Of these 18,699 cases, 11 were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

² This column includes 380 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the sentenced individual was not eligible to receive the guideline safety valve reduction.

³ For sentenced individuals 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 individual met the criteria set forth at §5C1.2.

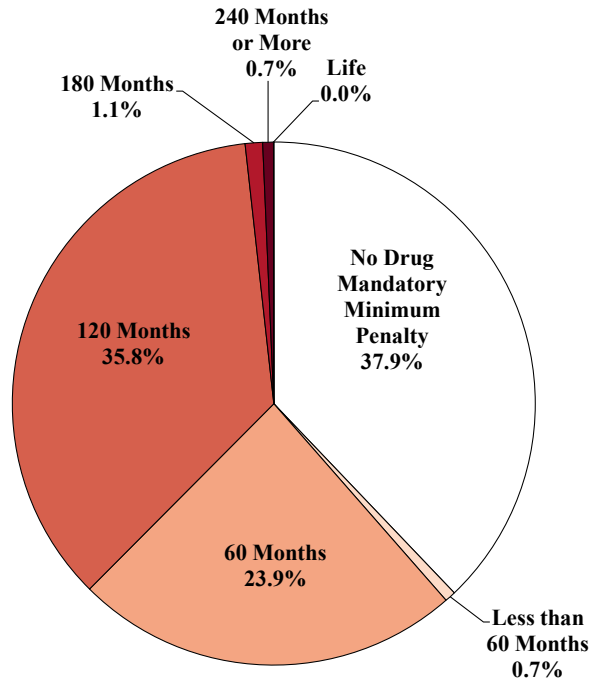
⁴ For sentenced individuals with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court sentenced the individual without regard to any applicable mandatory minimum penalty (in accordance with the 'safety valve' provision of 18 U.S.C. § 3553(f), incorporated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

⁵ Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were two individuals sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these, the safety valve reduction was applied to both sentenced individuals.

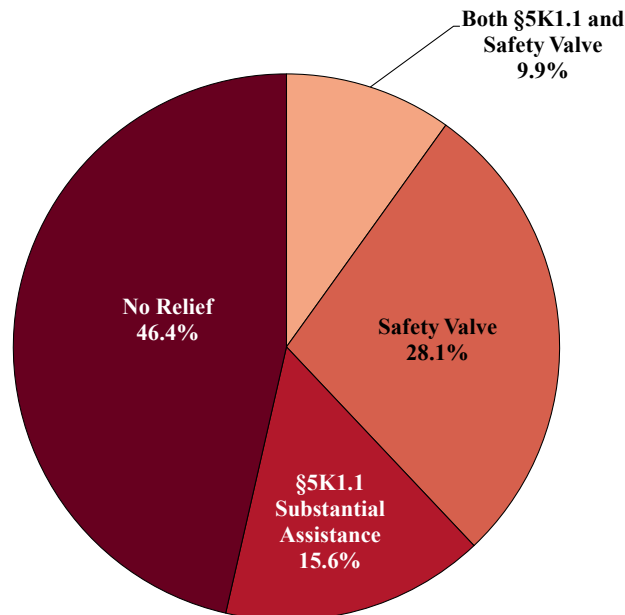
Figure D-2

MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES¹
Fiscal Year 2023

LENGTH OF MANDATORY MINIMUM PENALTIES



RELIEF FROM MANDATORY MINIMUM PENALTIES



¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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 18,939 cases, three were excluded because the sentenced individual 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 CASES¹
Fiscal Year 2023

DRUG TYPE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE ²	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	18,934	5,039	26.6	59	0.3	3,942	20.8	1,237	6.5	882	4.7	7,775	41.1
Powder Cocaine	3,575	1,137	31.8	2	0.1	656	18.3	145	4.1	189	5.3	1,446	40.4
Crack Cocaine	862	213	24.7	4	0.5	144	16.7	0	0.0	25	2.9	476	55.2
Heroin	1,011	310	30.7	5	0.5	215	21.3	34	3.4	43	4.3	404	40.0
Marijuana	561	241	43.0	6	1.1	104	18.5	4	0.7	16	2.9	190	33.9
Methamphetamine	8,989	2,043	22.7	10	0.1	2,052	22.8	759	8.4	461	5.1	3,664	40.8
Fentanyl	3,353	942	28.1	30	0.9	622	18.6	292	8.7	132	3.9	1,335	39.8
Other	583	153	26.2	2	0.3	149	25.6	3	0.5	16	2.7	260	44.6

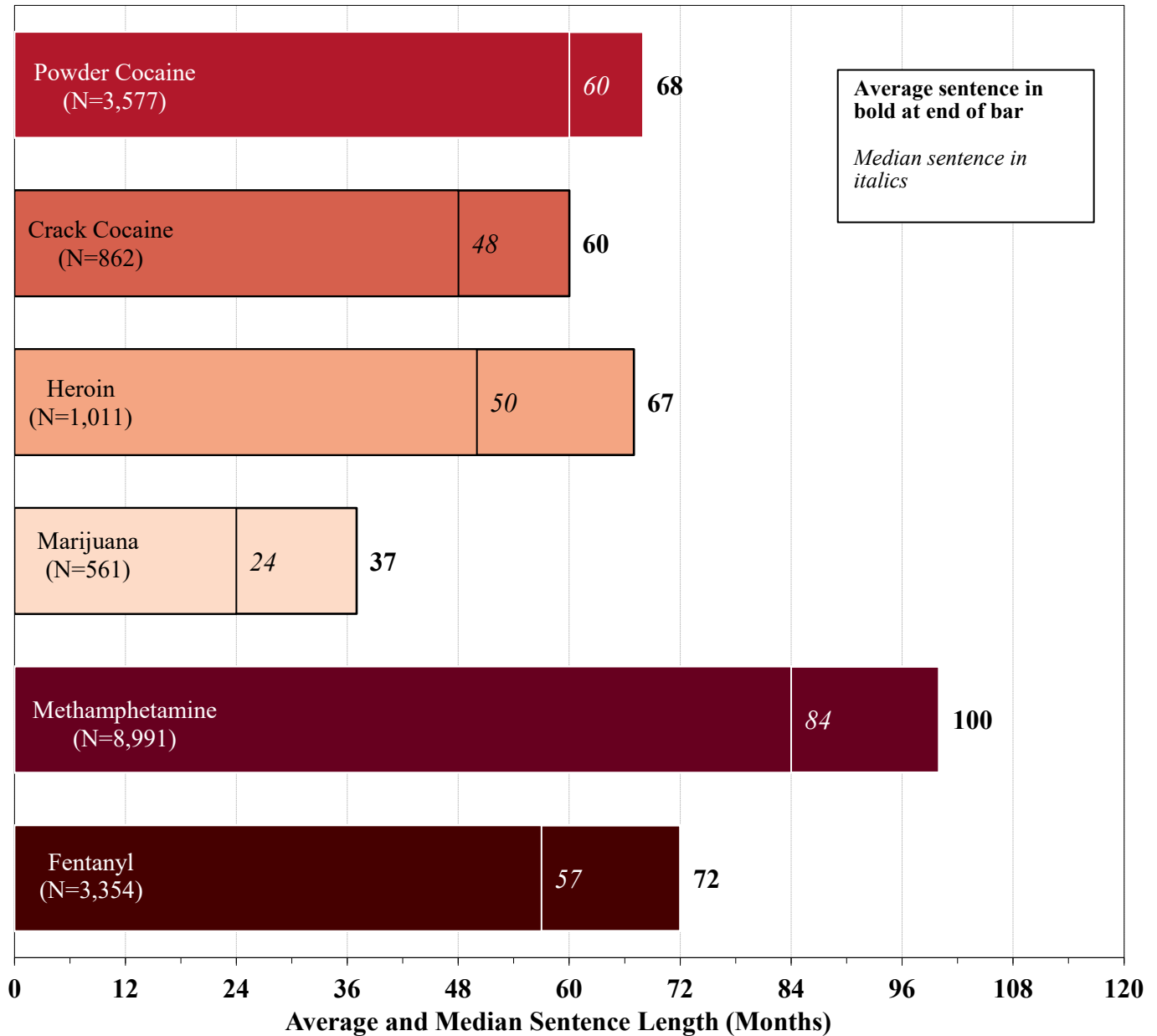
¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 18,939 cases, five were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² Of the 7,775 variance cases, in 745 cases the court cited First Step Act safety valve expansion as a reason for the sentence.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Figure D-3

**SENTENCE LENGTH IN DRUG TRAFFICKING CASES
BY MAJOR DRUG TYPE¹
Fiscal Year 2023**



¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 2023 Datafile, USSCFY23.

Figure D-4

**NUMBER OF DRUG TRAFFICKING CASES
BY MAJOR DRUG TYPE OVER TIME¹
Fiscal Years 2014 - 2023**

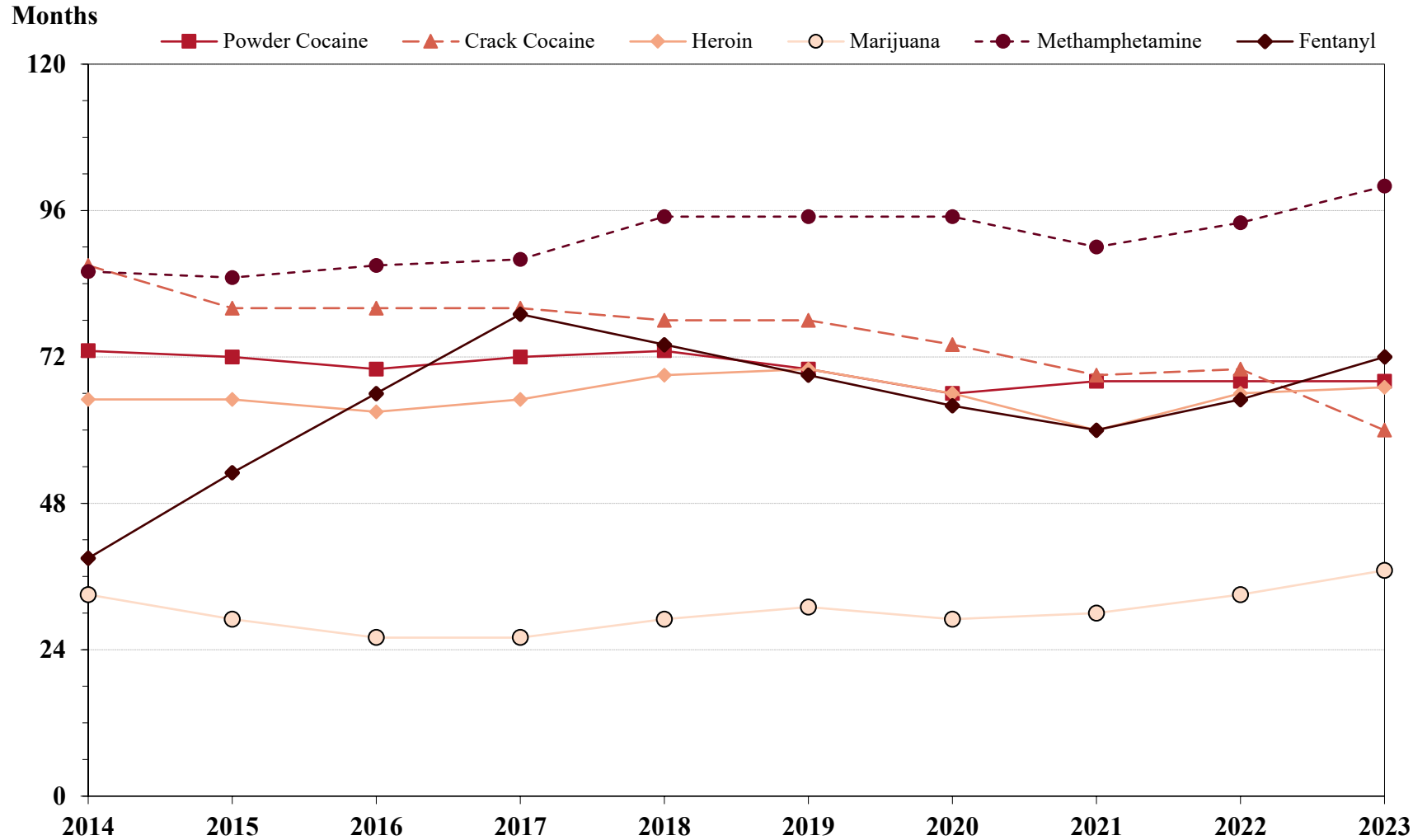


¹ Only individuals sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted 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, 2014 - 2023 Datafiles, USSCFY14 - USSCFY23.

Figure D-5

**SENTENCE LENGTH IN DRUG TRAFFICKING CASES
BY MAJOR DRUG TYPE OVER TIME¹**
Fiscal Years 2014 - 2023

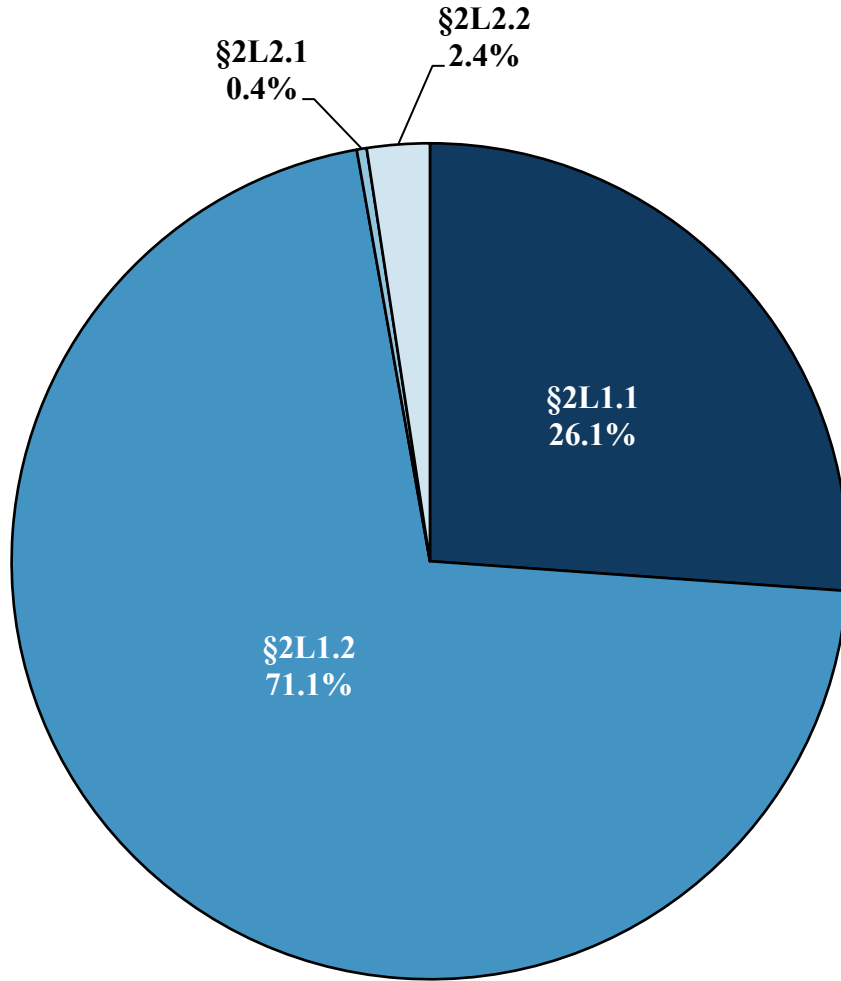


¹ Only individuals sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted 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.

IMMIGRATION OFFENSES

Figure I-1

**DISTRIBUTION OF IMMIGRATION CASES
BY GUIDELINE¹
Fiscal Year 2023**



¹ Of the 64,124 cases, in 18,106 the individual was 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, 2023 Datafile, USSCFY23.

Table I-1**RACE OF SENTENCED INDIVIDUALS IN IMMIGRATION CASES¹
Fiscal Year 2023**

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	18,048	613	3.4	455	2.5	16,854	93.4	126	0.7
§2L1.1	4,725	517	10.9	352	7.4	3,765	79.7	91	1.9
§2L1.2	12,820	68	0.5	65	0.5	12,672	98.8	15	0.1
§2L2.1	68	17	25.0	5	7.4	39	57.4	7	10.3
§2L2.2	435	11	2.5	33	7.6	378	86.9	13	3.0

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 cases, 58 were excluded due to missing information on the individual's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table I-2

GENDER OF SENTENCED INDIVIDUALS IN IMMIGRATION CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	18,101	16,507	91.2	1,594	8.8
§2L1.1	4,729	3,631	76.8	1,098	23.2
§2L1.2	12,866	12,550	97.5	316	2.5
§2L2.1	69	47	68.1	22	31.9
§2L2.2	437	279	63.8	158	36.2

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 cases, five were excluded due to missing information on the individual's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table I-3

AGE OF SENTENCED INDIVIDUALS IN IMMIGRATION CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	18,106	651	3.6	2,049	11.3	2,583	14.3	3,212	17.7	3,248	17.9	4,495	24.8	1,560	8.6	308	1.7
§2L1.1	4,731	484	10.2	1,087	23.0	856	18.1	743	15.7	552	11.7	647	13.7	275	5.8	87	1.8
§2L1.2	12,869	130	1.0	875	6.8	1,648	12.8	2,406	18.7	2,620	20.4	3,750	29.1	1,244	9.7	196	1.5
§2L2.1	69	1	1.4	1	1.4	9	13.0	11	15.9	14	20.3	19	27.5	9	13.0	5	7.2
§2L2.2	437	36	8.2	86	19.7	70	16.0	52	11.9	62	14.2	79	18.1	32	7.3	20	4.6

¹ Of the 64,124 cases, in 18,106 the individual was 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, 2023 Datafile, USSCFY23.

Table I-4

CITIZENSHIP OF SENTENCED INDIVIDUALS IN IMMIGRATION CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN		Resident/ Legal Alien	Illegal Alien	Extradited Alien	Alien Status Unknown
		N	%	N	%	N	N	N	N
TOTAL	18,103	3,381	18.7	14,722	81.3	268	14,421	1	32
§2L1.1	4,728	3,319	70.2	1,409	29.8	217	1,175	0	17
§2L1.2	12,869	0	0.0	12,869	100.0	23	12,837	0	9
§2L2.1	69	34	49.3	35	50.7	7	26	1	1
§2L2.2	437	28	6.4	409	93.6	21	383	0	5

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 cases, three were excluded due to missing information on the individual's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table I-5

**CRIMINAL HISTORY CATEGORY AND CITIZENSHIP OF SENTENCED INDIVIDUALS
IN IMMIGRATION CASES¹
Fiscal Year 2023**

CHC		Total		§2L1.1		§2L1.2		§2L2.1		§2L2.2	
		N	%	N	%	N	%	N	%	N	%
I	Total	7,189	100.0	3,028	100.0	3,707	100.0	63	100.0	391	100.0
	U.S. Citizen	1,840	25.6	1,802	59.5	0	0.0	29	46.0	9	2.3
	Non-U.S. Citizen	5,349	74.4	1,226	40.5	3,707	100.0	34	54.0	382	97.7
II	Total	4,246	100.0	566	100.0	3,657	100.0	1	100.0	22	100.0
	U.S. Citizen	487	11.5	477	84.3	0	0.0	1	100.0	9	40.9
	Non-U.S. Citizen	3,759	88.5	89	15.7	3,657	100.0	0	0.0	13	59.1
III	Total	3,778	100.0	515	100.0	3,243	100.0	5	100.0	15	100.0
	U.S. Citizen	463	12.3	454	88.2	0	0.0	4	80.0	5	33.3
	Non-U.S. Citizen	3,315	87.7	61	11.8	3,243	100.0	1	20.0	10	66.7
IV	Total	1,676	100.0	289	100.0	1,382	100.0	0	100.0	5	100.0
	U.S. Citizen	276	16.5	274	94.8	0	0.0	0	--	2	40.0
	Non-U.S. Citizen	1,400	83.5	15	5.2	1,382	100.0	0	--	3	60.0
V	Total	743	100.0	163	100.0	577	100.0	0	100.0	3	100.0
	U.S. Citizen	153	20.6	151	92.6	0	0.0	0	--	2	66.7
	Non-U.S. Citizen	590	79.4	12	7.4	577	100.0	0	--	1	33.3
VI	Total	471	100.0	167	100.0	303	100.0	0	100.0	1	100.0
	U.S. Citizen	162	34.4	161	96.4	0	0.0	0	--	1	100.0
	Non-U.S. Citizen	309	65.6	6	3.6	303	100.0	0	--	0	0.0

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 cases, three were excluded due to missing information on the individual's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table I-6

EDUCATION OF SENTENCED INDIVIDUALS IN IMMIGRATION CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	17,404	12,706	73.0	3,284	18.9	1,211	7.0	203	1.2
§2L1.1	4,703	2,277	48.4	1,562	33.2	784	16.7	80	1.7
§2L1.2	12,212	10,168	83.3	1,611	13.2	358	2.9	75	0.6
§2L2.1	67	28	41.8	15	22.4	13	19.4	11	16.4
§2L2.2	422	233	55.2	96	22.7	56	13.3	37	8.8

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 cases, 702 were excluded due to missing information on the individual's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table I-7

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION CASES¹
Fiscal Year 2023

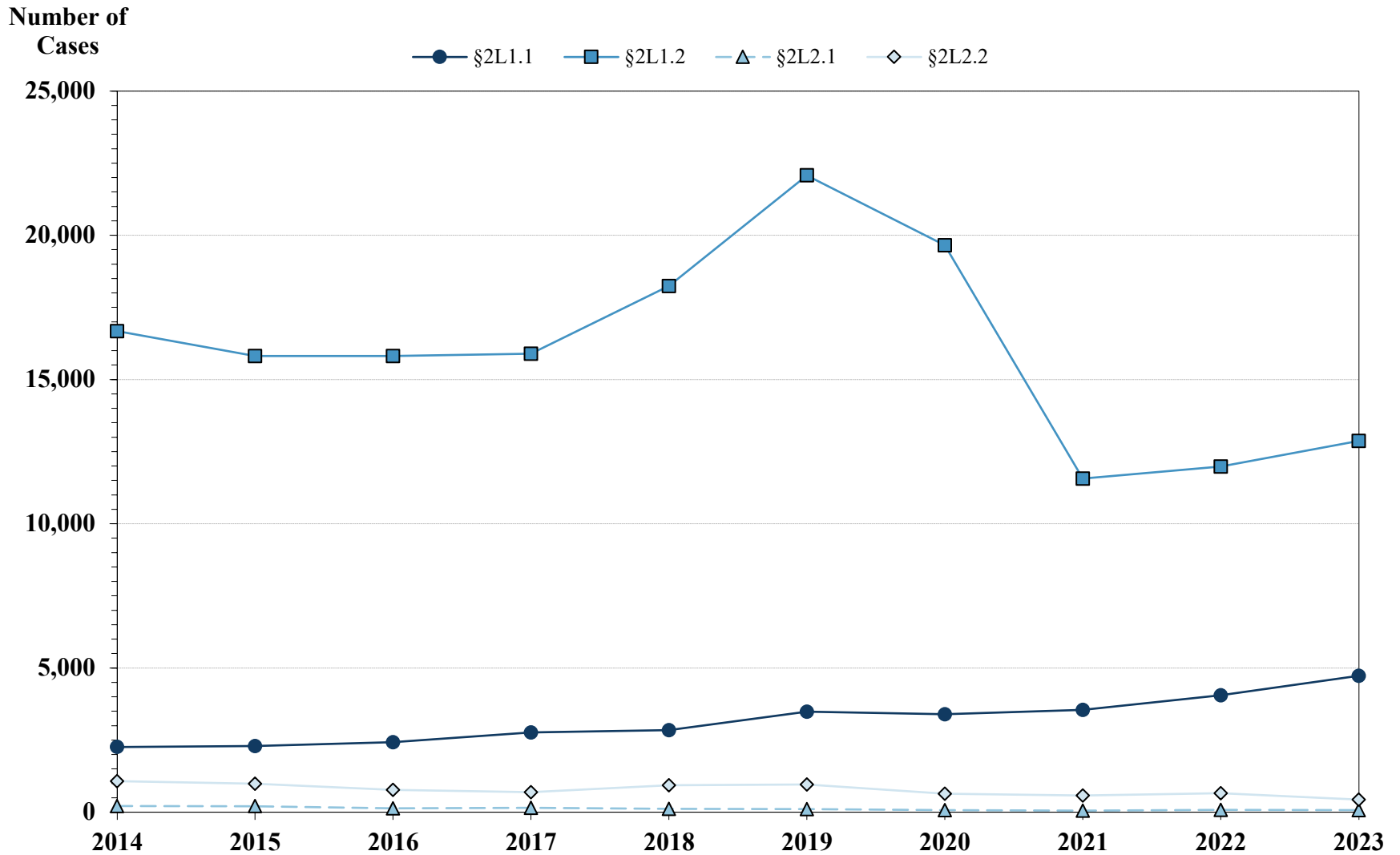
GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	18,104	10,127	55.9	38	0.2	191	1.1	4,820	26.6	561	3.1	2,367	13.1
§2L1.1	4,731	1,894	40.0	8	0.2	150	3.2	1,920	40.6	92	1.9	667	14.1
§2L1.2	12,867	7,885	61.3	28	0.2	29	0.2	2,897	22.5	460	3.6	1,568	12.2
§2L2.1	69	29	42.0	0	0.0	12	17.4	1	1.4	0	0.0	27	39.1
§2L2.2	437	319	73.0	2	0.5	0	0.0	2	0.5	9	2.1	105	24.0

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 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, 2023 Datafile, USSCFY23.

Figure I-2

NUMBER OF IMMIGRATION CASES OVER TIME¹
Fiscal Years 2014 - 2023

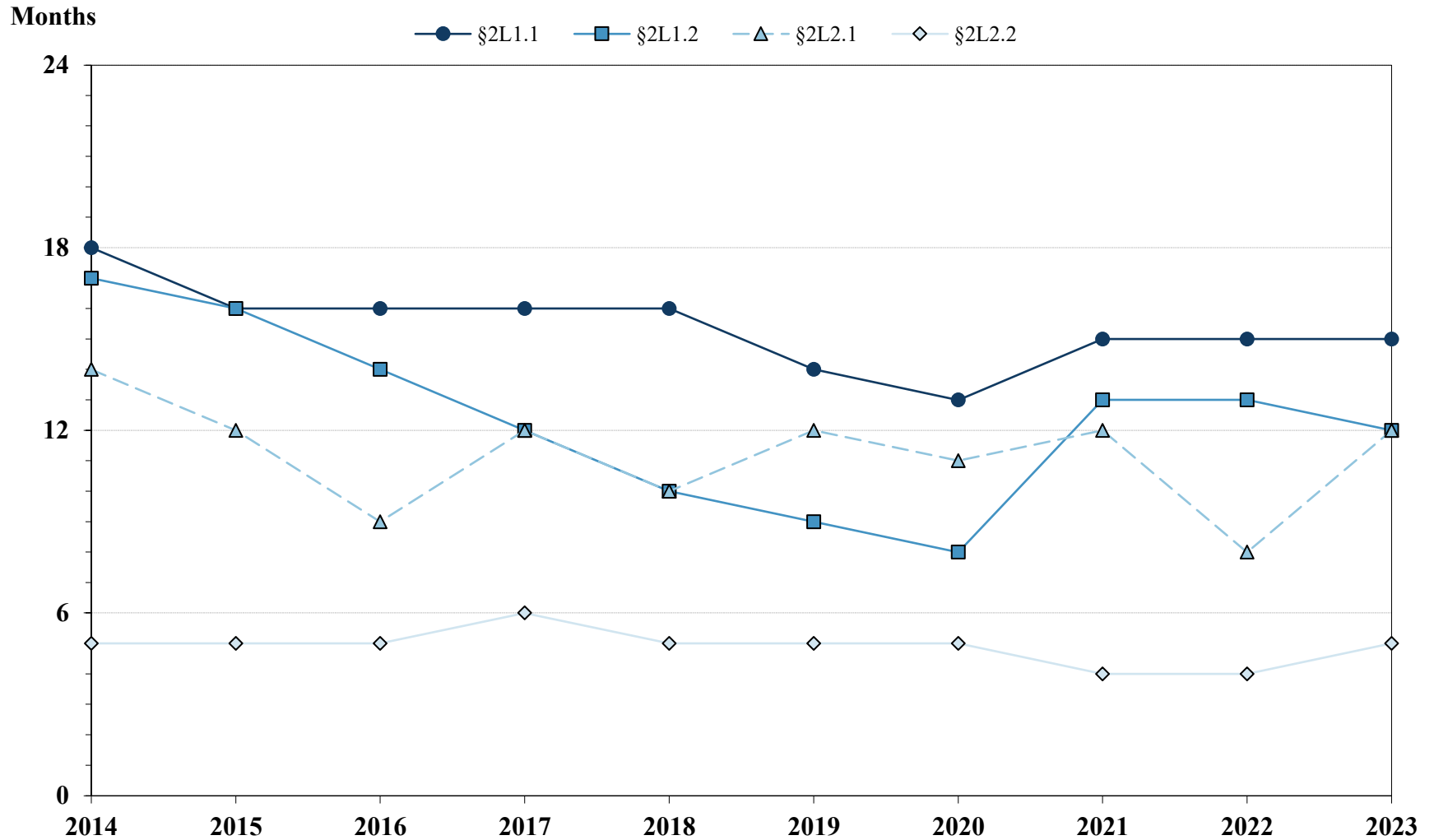


¹ Only individuals sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure.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

SOURCE: U.S. Sentencing Commission, 2014 - 2023 Datafiles, USSCFY14 - USSCFY23.

Figure I-3

SENTENCE LENGTH IN IMMIGRATION CASES OVER TIME¹
Fiscal Years 2014 - 2023

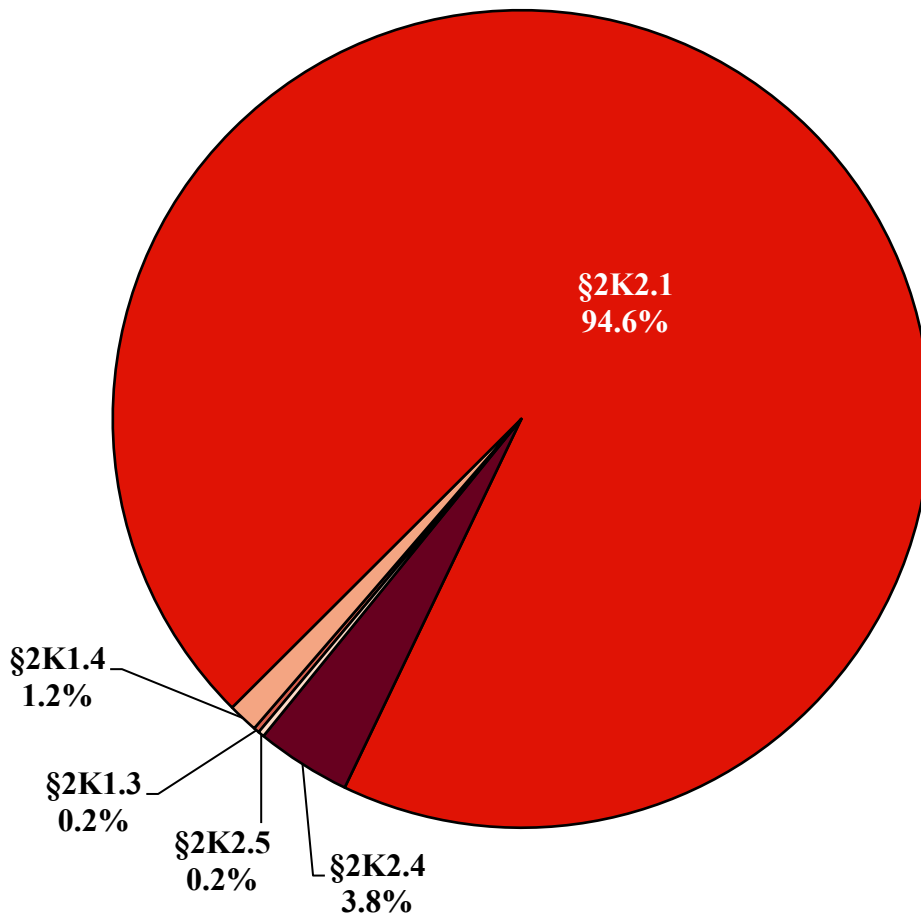


¹ Only individuals sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. 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.

FIREARMS OFFENSES

Figure F-1

**DISTRIBUTION OF FIREARMS CASES
BY GUIDELINE^{1,2}
Fiscal Year 2023**



¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this figure are provided in Appendix A.

² In the §2K2.4 cases, the sentenced individual 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, 2023 Datafile, USSCFY23.

Table F-1

RACE OF SENTENCED INDIVIDUALS IN FIREARMS CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	8,855	1,920	21.7	5,047	57.0	1,585	17.9	303	3.4
§2K1.3	20	15	75.0	1	5.0	4	20.0	0	0.0
§2K1.4	105	36	34.3	28	26.7	21	20.0	20	19.0
§2K2.1	8,377	1,813	21.6	4,814	57.5	1,484	17.7	266	3.2
§2K2.4²	334	53	15.9	192	57.5	72	21.6	17	5.1
§2K2.5	19	3	15.8	12	63.2	4	21.1	0	0.0

¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,873 cases, 18 were excluded due to missing information on the individual's race. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the sentenced individual 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, 2023 Datafile, USSCFY23.

Table F-2

GENDER OF SENTENCED INDIVIDUALS IN FIREARMS CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	8,872	8,481	95.6	391	4.4
§2K1.3	20	19	95.0	1	5.0
§2K1.4	105	85	81.0	20	19.0
§2K2.1	8,393	8,031	95.7	362	4.3
§2K2.4²	334	326	97.6	8	2.4
§2K2.5	20	20	100.0	0	0.0

¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,873 cases, one was excluded due to missing information on the individual's gender. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the sentenced individual 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, 2023 Datafile, USSCFY23.

Table F-3

AGE OF SENTENCED INDIVIDUALS IN FIREARMS CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	8,873	213	2.4	1,341	15.1	1,927	21.7	1,857	20.9	1,475	16.6	1,524	17.2	404	4.6	132	1.5
§2K1.3	20	0	0.0	1	5.0	1	5.0	5	25.0	5	25.0	3	15.0	3	15.0	2	10.0
§2K1.4	105	0	0.0	20	19.0	15	14.3	26	24.8	13	12.4	20	19.0	8	7.6	3	2.9
§2K2.1	8,393	186	2.2	1,228	14.6	1,837	21.9	1,777	21.2	1,413	16.8	1,446	17.2	384	4.6	122	1.5
§2K2.4²	334	26	7.8	91	27.2	71	21.3	42	12.6	39	11.7	52	15.6	8	2.4	5	1.5
§2K2.5	21	1	4.8	1	4.8	3	14.3	7	33.3	5	23.8	3	14.3	1	4.8	0	0.0

¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the sentenced individual 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, 2023 Datafile, USSCFY23.

Table F-4

**CITIZENSHIP OF SENTENCED INDIVIDUALS IN FIREARMS CASES¹
Fiscal Year 2023**

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	8,869	8,547	96.4	322	3.6
§2K1.3	20	20	100.0	0	0.0
§2K1.4	105	101	96.2	4	3.8
§2K2.1	8,391	8,095	96.5	296	3.5
§2K2.4²	333	311	93.4	22	6.6
§2K2.5	20	20	100.0	0	0.0

¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,873 cases, four were excluded due to missing information on the individual's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the sentenced individual 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, 2023 Datafile, USSCFY23.

Table F-5

EDUCATION OF SENTENCED INDIVIDUALS IN FIREARMS CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	8,845	3,026	34.2	4,146	46.9	1,512	17.1	161	1.8
§2K1.3	20	3	15.0	10	50.0	7	35.0	0	0.0
§2K1.4	105	30	28.6	46	43.8	23	21.9	6	5.7
§2K2.1	8,368	2,861	34.2	3,933	47.0	1,424	17.0	150	1.8
§2K2.4²	333	129	38.7	149	44.7	51	15.3	4	1.2
§2K2.5	19	3	15.8	8	42.1	7	36.8	1	5.3

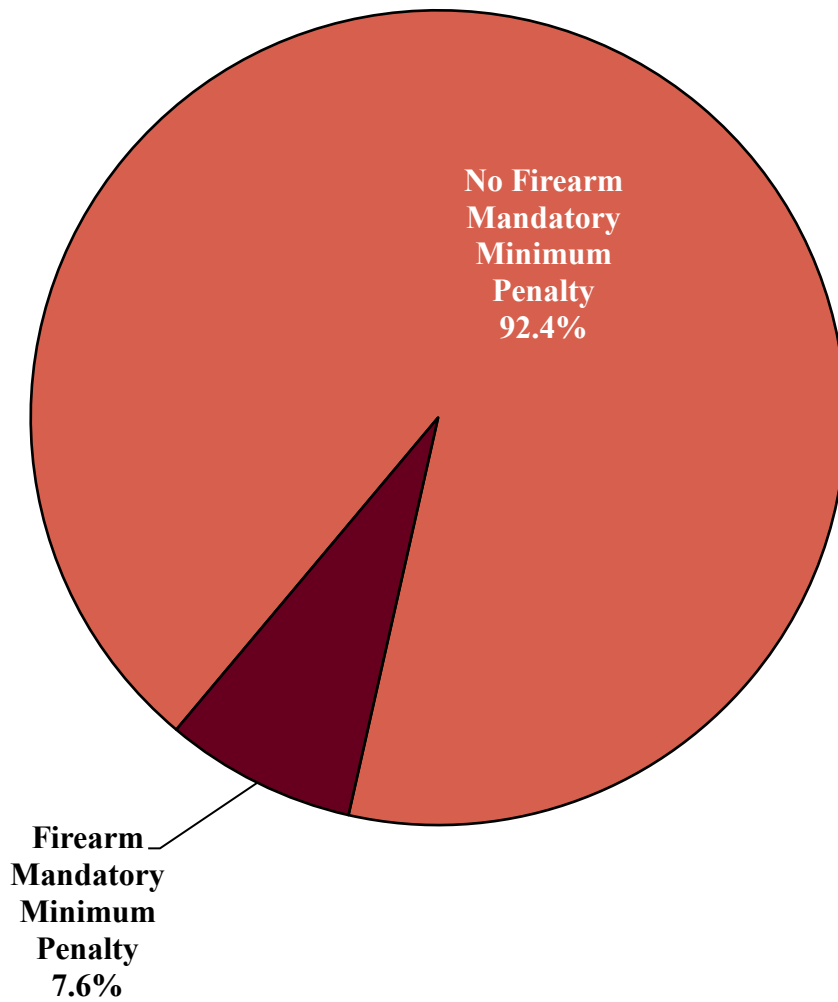
¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,873 cases, 28 were excluded due to missing information on the individual's education. Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the sentenced individual 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, 2023 Datafile, USSCFY23.

Figure F-2

FIREARM MANDATORY MINIMUM PENALTIES¹
Fiscal Year 2023



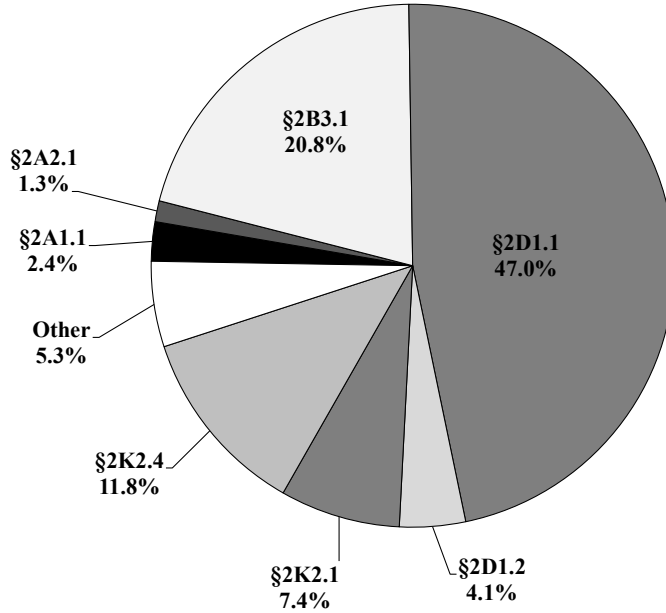
¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful 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, 2023 Datafile, USSCFY23.

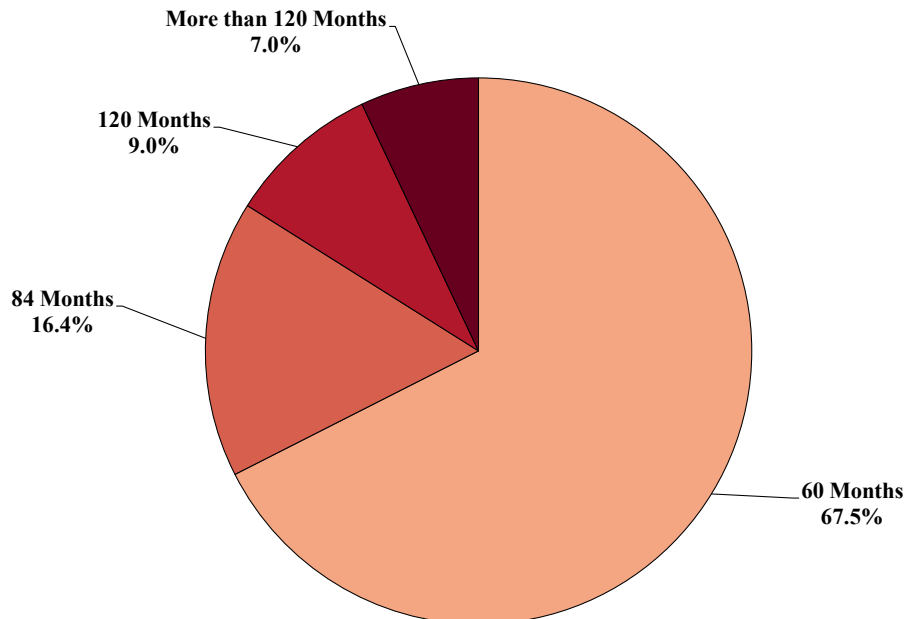
Figure F-3

**CONVICTIONS UNDER 18 U.S.C. § 924(c)¹
Fiscal Year 2023**

DISTRIBUTION OF APPLICABLE GUIDELINES²



LENGTH OF MANDATORY MINIMUM PENALTY



¹ Of the 64,124 cases, in 2,864 the sentenced individuals were convicted of one or more counts of violating 18 U.S.C. § 924(c). Descriptions of variables used in this figure are provided in Appendix A.

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

Table F-6

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR FIREARMS CASES¹
Fiscal Year 2023**

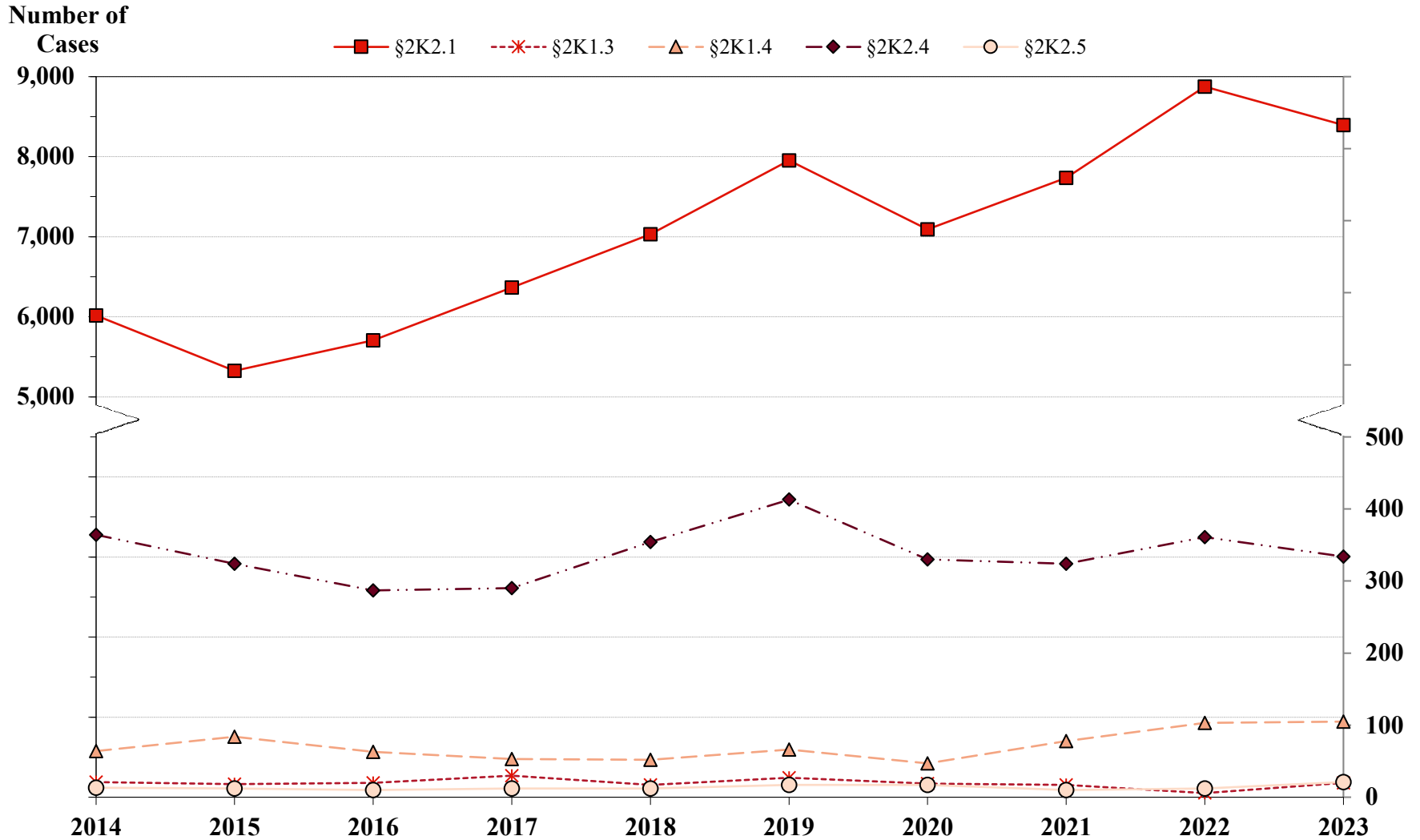
GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	8,868	4,462	50.3	82	0.9	466	5.3	13	0.1	293	3.3	3,552	40.1
§2K1.3	20	5	25.0	0	0.0	3	15.0	0	0.0	0	0.0	12	60.0
§2K1.4	105	48	45.7	6	5.7	14	13.3	0	0.0	5	4.8	32	30.5
§2K2.1	8,388	4,129	49.2	66	0.8	428	5.1	13	0.2	288	3.4	3,464	41.3
§2K2.4 ²	334	269	80.5	7	2.1	21	6.3	0	0.0	0	0.0	37	11.1
§2K2.5	21	11	52.4	3	14.3	0	0.0	0	0.0	0	0.0	7	33.3

¹ Of the 64,124 cases, in 8,875 the individual was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,873 individuals were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,873 cases, five were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Figure F-4

NUMBER OF FIREARMS CASES OVER TIME^{1,2}
Fiscal Years 2014 - 2023



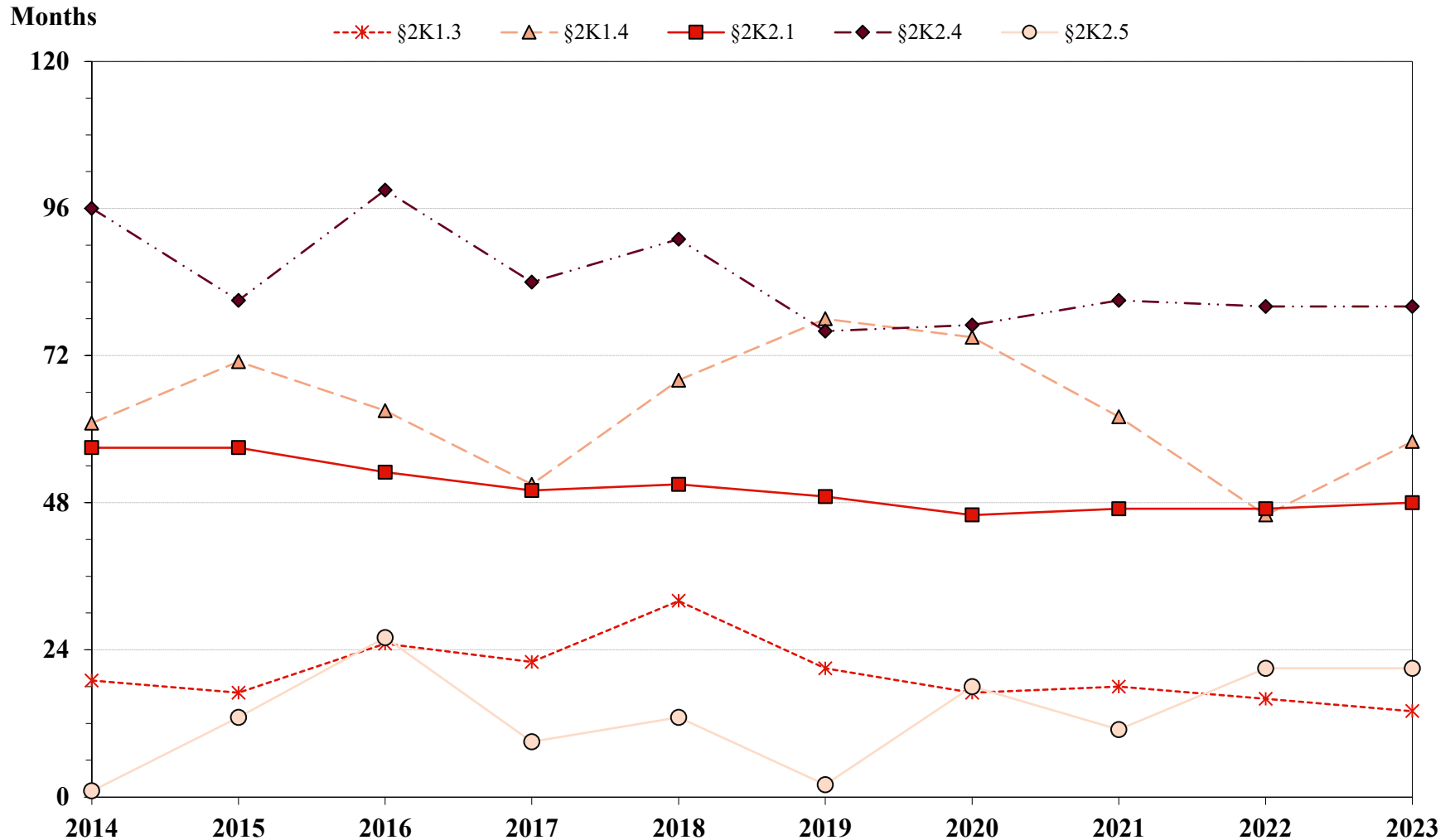
¹ Only individuals sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to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

² In the §2K2.4 cases, the sentenced individual 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, 2014 - 2023 Datafiles, USSCFY14 - USSCFY23.

Figure F-5

SENTENCE LENGTH IN FIREARMS CASES OVER TIME^{1,2}
Fiscal Years 2014 - 2023



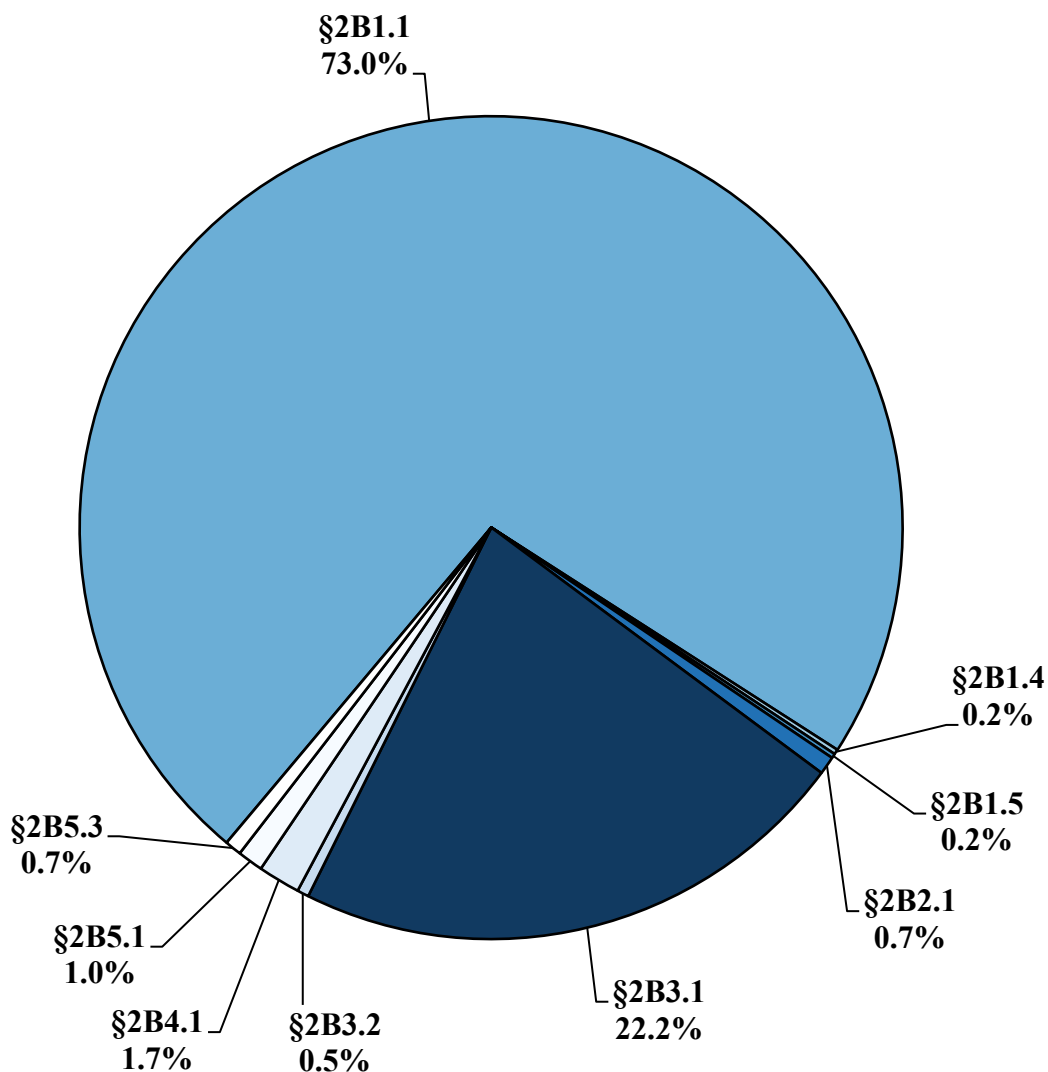
¹ Only individuals sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to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

² In the §2K2.4 cases, the sentenced individual 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.

ECONOMIC OFFENSES

Figure E-1

**DISTRIBUTION OF ECONOMIC OFFENSE CASES
BY GUIDELINE¹
Fiscal Year 2023**



¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals 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, 2023 Datafile, USSCFY23.

Table E-1

RACE OF SENTENCED INDIVIDUALS IN ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	6,696	2,258	33.7	2,825	42.2	1,185	17.7	428	6.4
§2B1.1	4,883	1,886	38.6	1,822	37.3	849	17.4	326	6.7
§2B1.4	12	8	66.7	1	8.3	0	0.0	3	25.0
§2B1.5	12	8	66.7	0	0.0	3	25.0	1	8.3
§2B2.1	48	6	12.5	26	54.2	5	10.4	11	22.9
§2B3.1	1,487	237	15.9	899	60.5	294	19.8	57	3.8
§2B3.2	31	15	48.4	8	25.8	7	22.6	1	3.2
§2B4.1	112	51	45.5	33	29.5	14	12.5	14	12.5
§2B5.1	67	28	41.8	28	41.8	8	11.9	3	4.5
§2B5.3	44	19	43.2	8	18.2	5	11.4	12	27.3

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals 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 6,721 cases, 25 were excluded due to missing information on the individual's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table E-2

GENDER OF SENTENCED INDIVIDUALS IN ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	6,721	5,063	75.3	1,658	24.7
§2B1.1	4,904	3,381	68.9	1,523	31.1
§2B1.4	13	12	92.3	1	7.7
§2B1.5	12	12	100.0	0	0.0
§2B2.1	48	47	97.9	1	2.1
§2B3.1	1,490	1,403	94.2	87	5.8
§2B3.2	31	29	93.5	2	6.5
§2B4.1	112	86	76.8	26	23.2
§2B5.1	67	56	83.6	11	16.4
§2B5.3	44	37	84.1	7	15.9

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table E-3

AGE OF SENTENCED INDIVIDUALS IN ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	6,721	145	2.2	725	10.8	877	13.0	1,017	15.1	909	13.5	1,419	21.1	1,017	15.1	612	9.1
§2B1.1	4,904	42	0.9	344	7.0	533	10.9	694	14.2	697	14.2	1,175	24.0	860	17.5	559	11.4
§2B1.4	13	0	0.0	0	0.0	1	7.7	2	15.4	5	38.5	2	15.4	0	0.0	3	23.1
§2B1.5	12	0	0.0	0	0.0	6	50.0	3	25.0	0	0.0	1	8.3	1	8.3	1	8.3
§2B2.1	48	2	4.2	13	27.1	13	27.1	10	20.8	6	12.5	3	6.3	1	2.1	0	0.0
§2B3.1	1,490	100	6.7	358	24.0	304	20.4	268	18.0	157	10.5	175	11.7	103	6.9	25	1.7
§2B3.2	31	1	3.2	1	3.2	6	19.4	6	19.4	3	9.7	4	12.9	5	16.1	5	16.1
§2B4.1	112	0	0.0	0	0.0	1	0.9	9	8.0	18	16.1	31	27.7	37	33.0	16	14.3
§2B5.1	67	0	0.0	5	7.5	12	17.9	17	25.4	17	25.4	12	17.9	4	6.0	0	0.0
§2B5.3	44	0	0.0	4	9.1	1	2.3	8	18.2	6	13.6	16	36.4	6	13.6	3	6.8

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table E-4

CITIZENSHIP OF SENTENCED INDIVIDUALS IN ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	6,710	5,986	89.2	724	10.8
§2B1.1	4,893	4,241	86.7	652	13.3
§2B1.4	13	10	76.9	3	23.1
§2B1.5	12	12	100.0	0	0.0
§2B2.1	48	48	100.0	0	0.0
§2B3.1	1,490	1,434	96.2	56	3.8
§2B3.2	31	27	87.1	4	12.9
§2B4.1	112	107	95.5	5	4.5
§2B5.1	67	66	98.5	1	1.5
§2B5.3	44	41	93.2	3	6.8

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals 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 6,721 cases, 11 were excluded due to missing information on the individual's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table E-5

EDUCATION OF SENTENCED INDIVIDUALS IN ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	6,684	1,262	18.9	2,074	31.0	2,019	30.2	1,329	19.9
§2B1.1	4,870	678	13.9	1,309	26.9	1,671	34.3	1,212	24.9
§2B1.4	13	1	7.7	1	7.7	2	15.4	9	69.2
§2B1.5	12	2	16.7	2	16.7	7	58.3	1	8.3
§2B2.1	48	21	43.8	20	41.7	7	14.6	0	0.0
§2B3.1	1,487	536	36.0	664	44.7	265	17.8	22	1.5
§2B3.2	31	9	29.0	16	51.6	3	9.7	3	9.7
§2B4.1	112	3	2.7	13	11.6	25	22.3	71	63.4
§2B5.1	67	9	13.4	33	49.3	24	35.8	1	1.5
§2B5.3	44	3	6.8	16	36.4	15	34.1	10	22.7

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals 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 6,721 cases, 37 were excluded due to missing information on the individual's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table E-6

LOSS AMOUNT IN ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	NO GUIDELINE INCREASE FOR LOSS AMOUNT ²		GUIDELINE INCREASE FOR LOSS AMOUNT		AMOUNT OF LOSS ³		
		N	%	N	%	N	Mean	Median
TOTAL	6,652	1,945	29.2	4,707	70.8	5,181	\$3,321,161	\$109,900
§2B1.1	4,855	632	13.0	4,223	87.0	3,955	\$4,164,603	\$200,000
§2B1.4	13	0	0.0	13	100.0	8	\$1,910,728	\$266,662
§2B1.5	12	4	33.3	8	66.7	8	\$17,878	\$4,751
§2B2.1	48	28	58.3	20	41.7	31	\$50,811	\$6,808
§2B3.1	1,471	1,245	84.6	226	15.4	994	\$36,579	\$1,886
§2B3.2	31	14	45.2	17	54.8	15	\$725,123	\$198,000
§2B4.1	112	1	0.9	111	99.1	95	\$3,405,538	\$572,724
§2B5.1	66	19	28.8	47	71.2	43	\$31,114	\$9,600
§2B5.3	44	2	4.5	42	95.5	32	\$10,838,267	\$422,454

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals 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 6,652 cases. In 4,707 cases the guideline range was enhanced due to the amount of loss involved in the case. Descriptions of variables used in this table are provided in Appendix A.

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

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

Table E-7

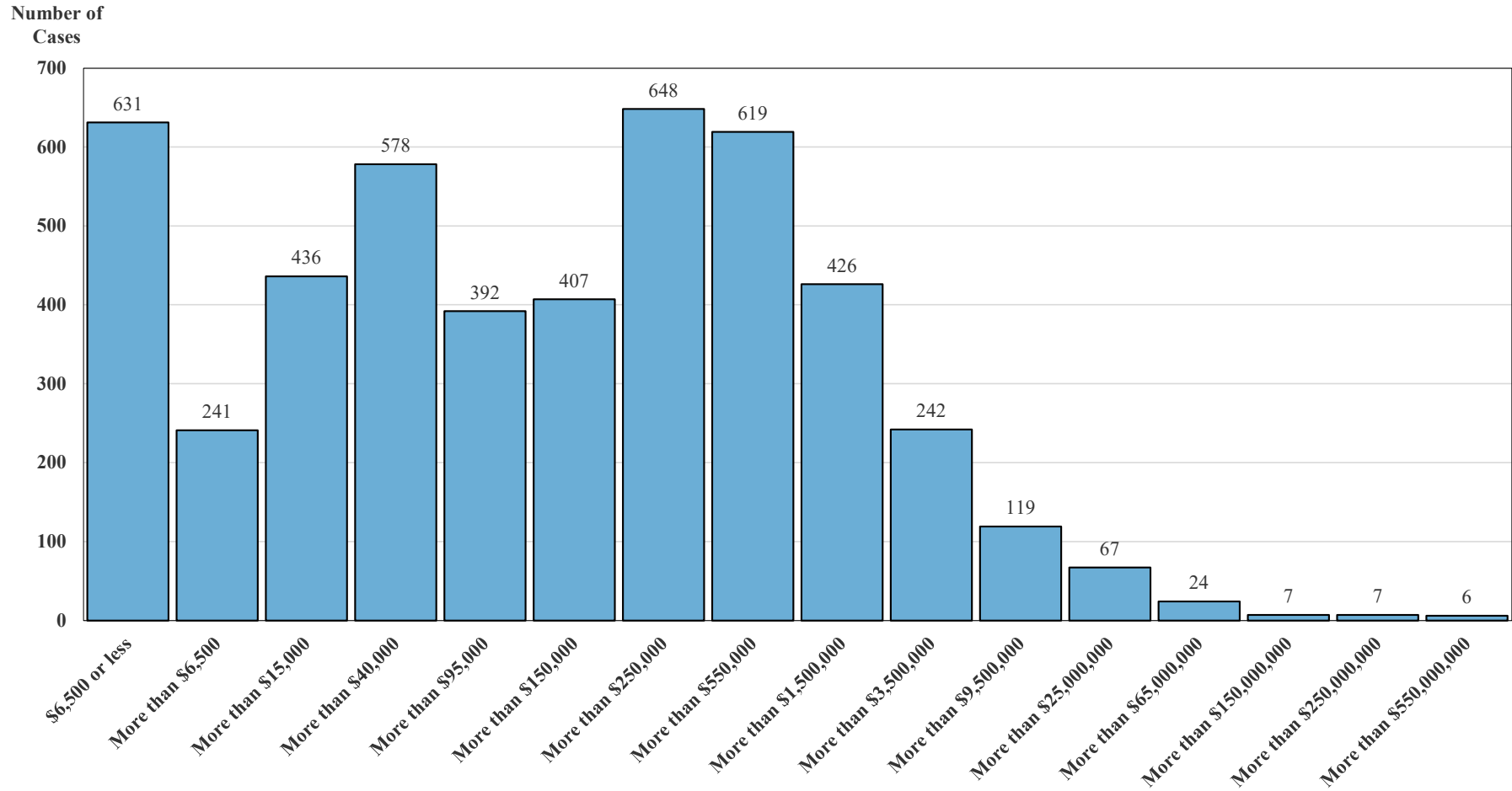
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR ECONOMIC OFFENSE CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	6,712	2,516	37.5	38	0.6	992	14.8	7	0.1	203	3.0	2,956	44.0
§2B1.1	4,896	1,818	37.1	22	0.4	751	15.3	3	0.1	144	2.9	2,158	44.1
§2B1.4	13	1	7.7	0	0.0	1	7.7	0	0.0	0	0.0	11	84.6
§2B1.5	12	6	50.0	0	0.0	1	8.3	0	0.0	0	0.0	5	41.7
§2B2.1	48	25	52.1	2	4.2	3	6.3	0	0.0	1	2.1	17	35.4
§2B3.1	1,489	593	39.8	14	0.9	173	11.6	3	0.2	50	3.4	656	44.1
§2B3.2	31	6	19.4	0	0.0	2	6.5	1	3.2	1	3.2	21	67.7
§2B4.1	112	25	22.3	0	0.0	46	41.1	0	0.0	3	2.7	38	33.9
§2B5.1	67	32	47.8	0	0.0	5	7.5	0	0.0	3	4.5	27	40.3
§2B5.3	44	10	22.7	0	0.0	10	22.7	0	0.0	1	2.3	23	52.3

¹ Of the 64,124 cases, in 6,831 the individual was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,721 individuals 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 6,721 cases, nine 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.

Figure E-2

NUMBER OF SENTENCED INDIVIDUALS IN EACH §2B1.1 LOSS TABLE CATEGORY¹
Fiscal Year 2023

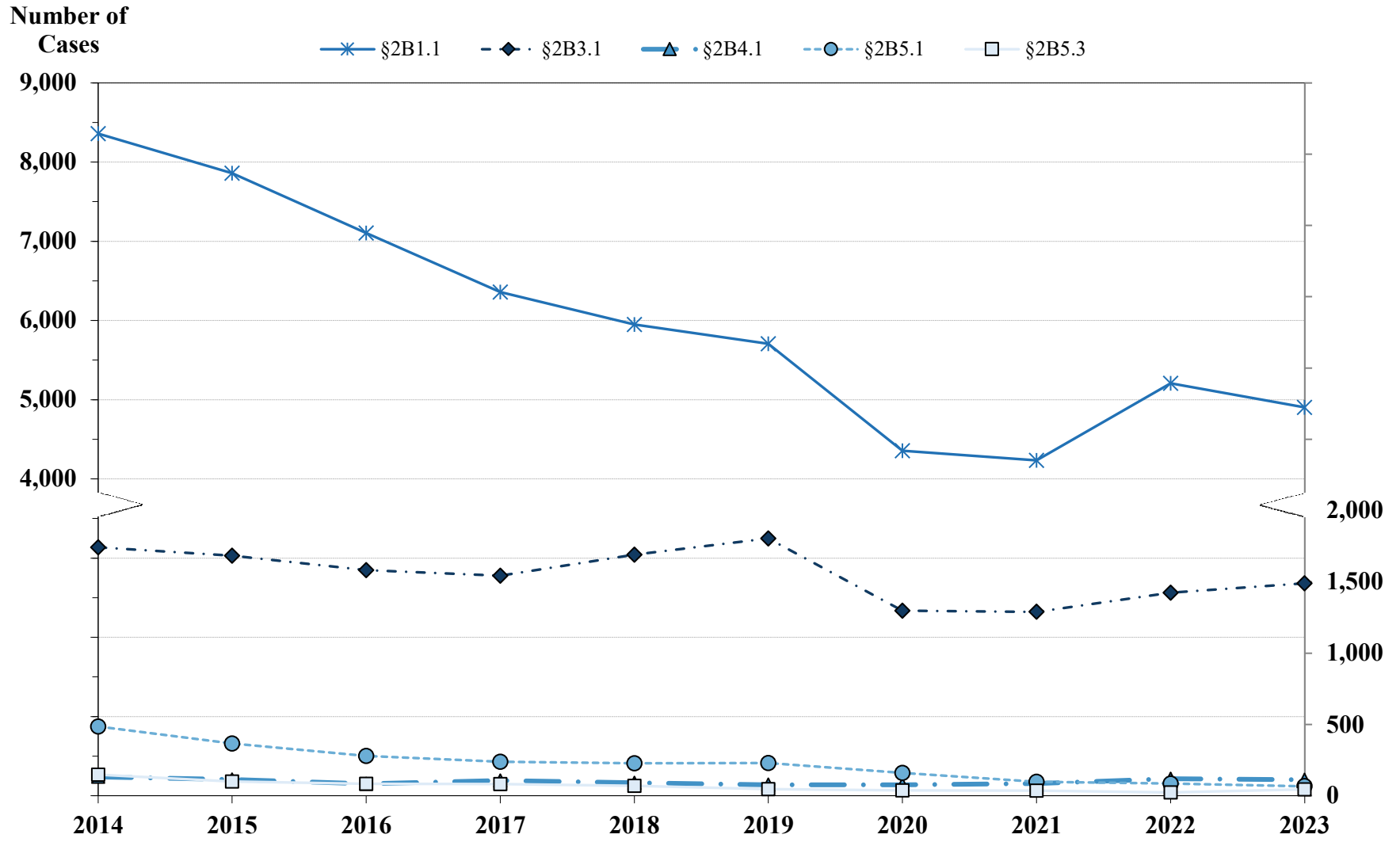


¹ Of the 64,124 cases, the Commission received complete guideline application information for 60,922 cases. Of these, 4,855 individuals were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses). An additional five were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2015. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Figure E-3

NUMBER OF ECONOMIC OFFENSE CASES OVER TIME¹
Fiscal Years 2014 - 2023

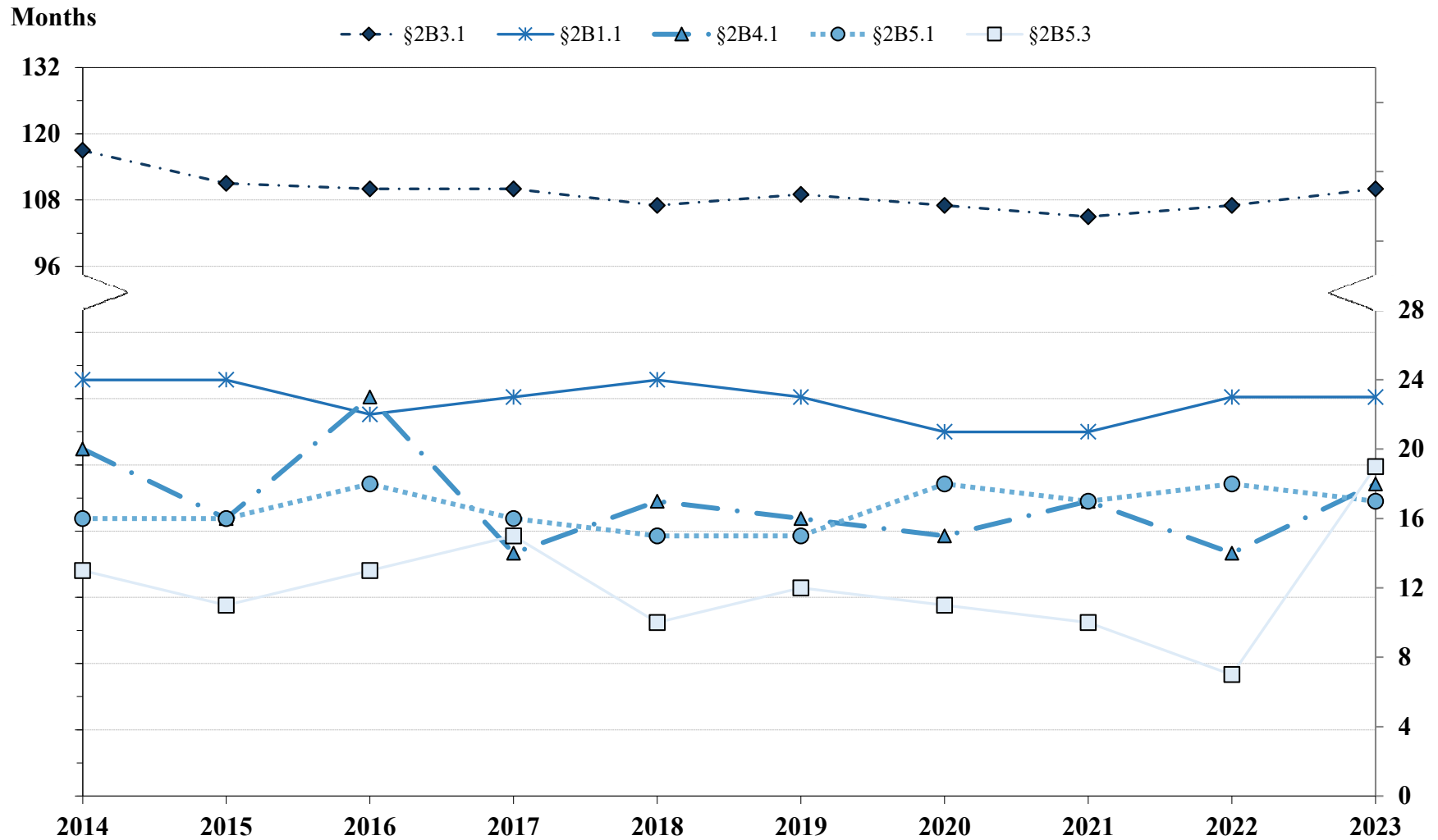


¹ Only individuals sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2014 - 2023 Datafiles, USSCFY14 - USSCFY23.

Figure E-4

SENTENCE LENGTH IN ECONOMIC OFFENSE CASES OVER TIME¹
Fiscal Years 2014 - 2023

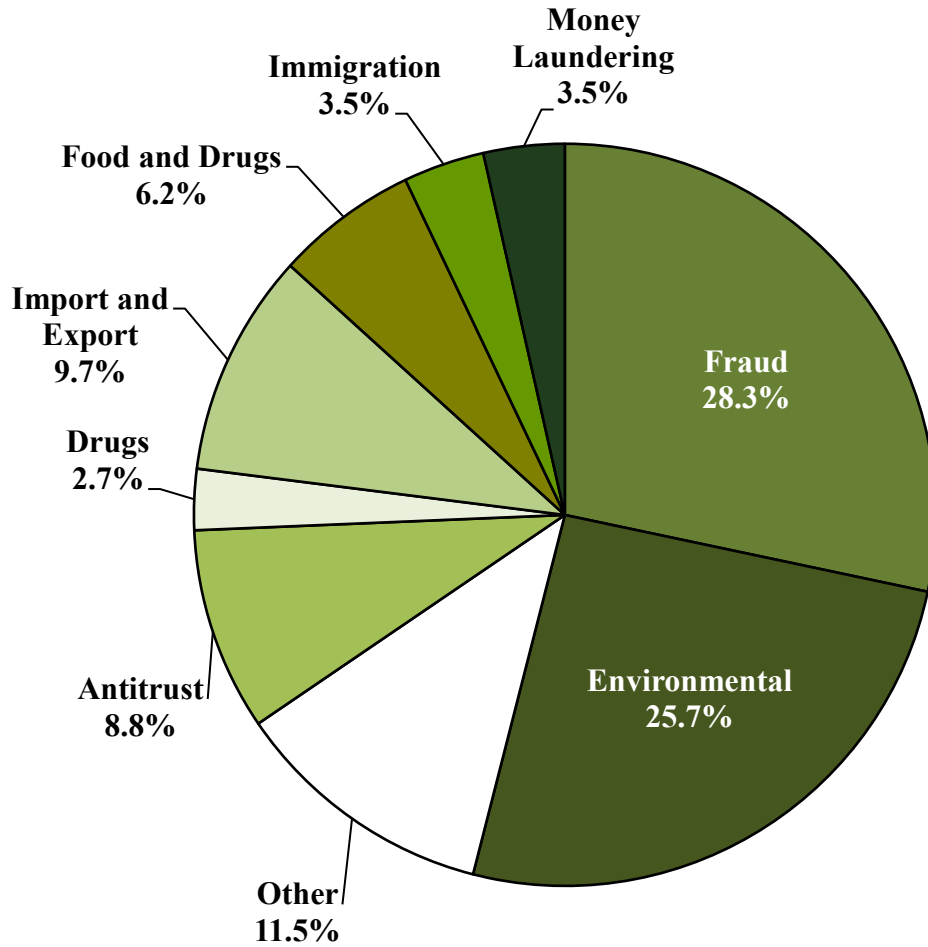


¹ Only individuals sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average 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.

SENTENCED ORGANIZATIONS

Figure O-1

SENTENCED ORGANIZATIONS BY TYPE OF CRIME¹
Fiscal Year 2023

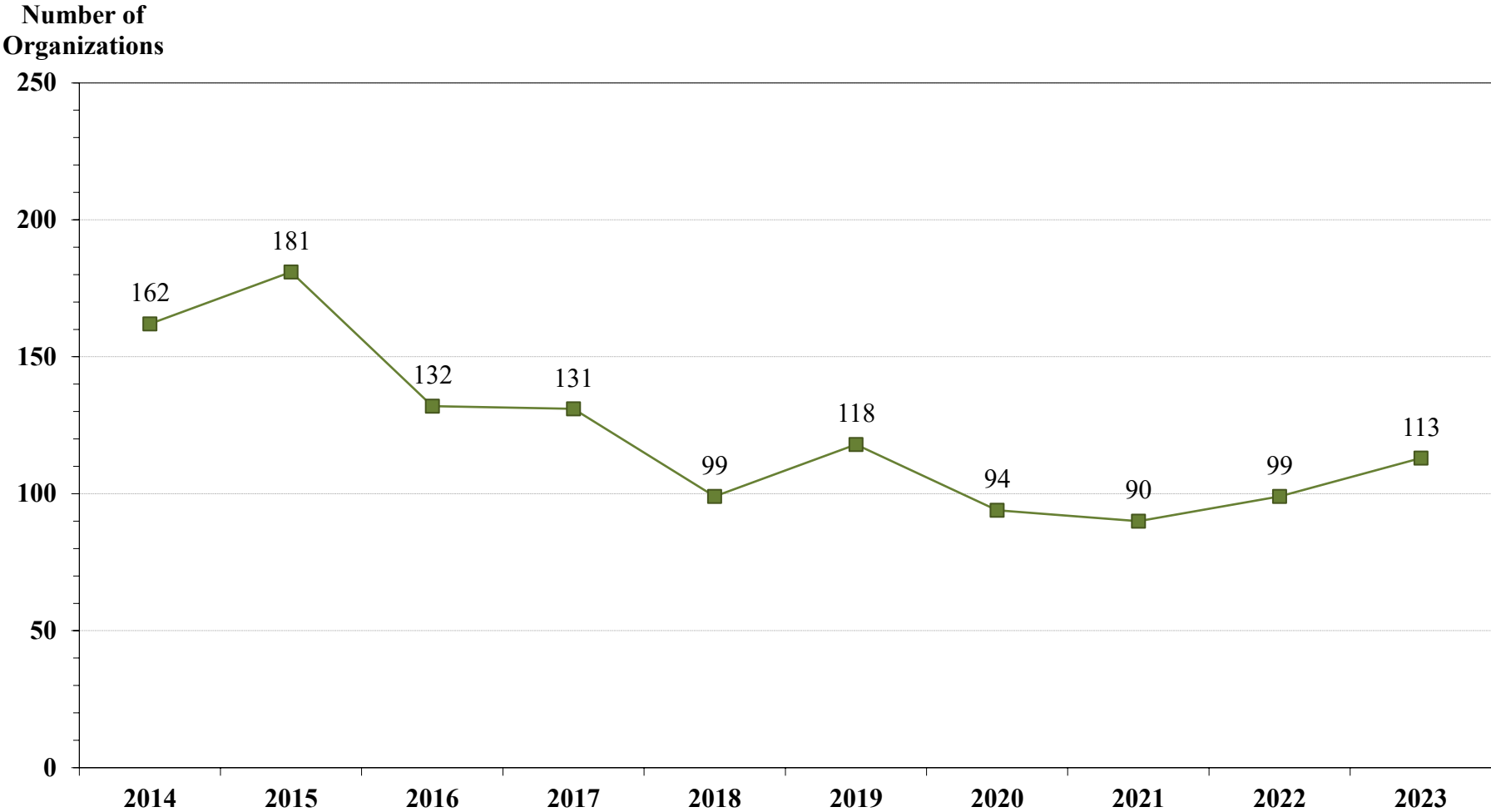


¹ This figure includes the 113 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Organizational Datafile, CORPFY23.

Figure O-2

NUMBER OF SENTENCED ORGANIZATIONS OVER TIME¹
Fiscal Years 2014 - 2023

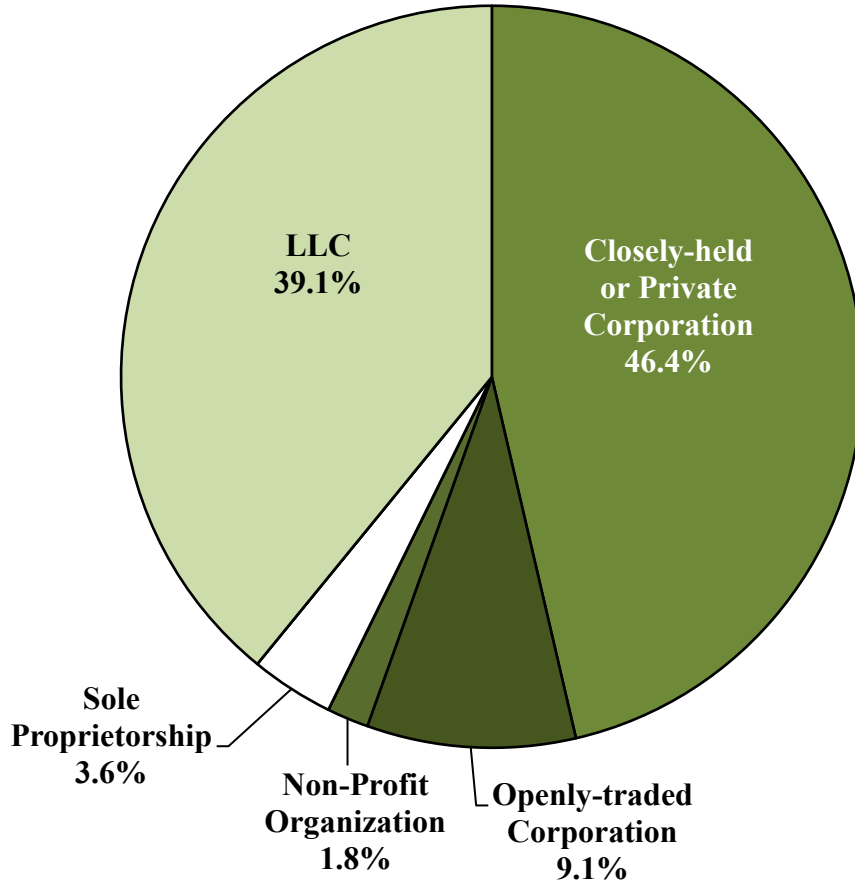


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2014 - 2023 Organizational Datafiles, CORPFY14 - CORPFY23.

Figure O-3

SENTENCED ORGANIZATIONS BY OWNERSHIP STRUCTURE¹
Fiscal Year 2023

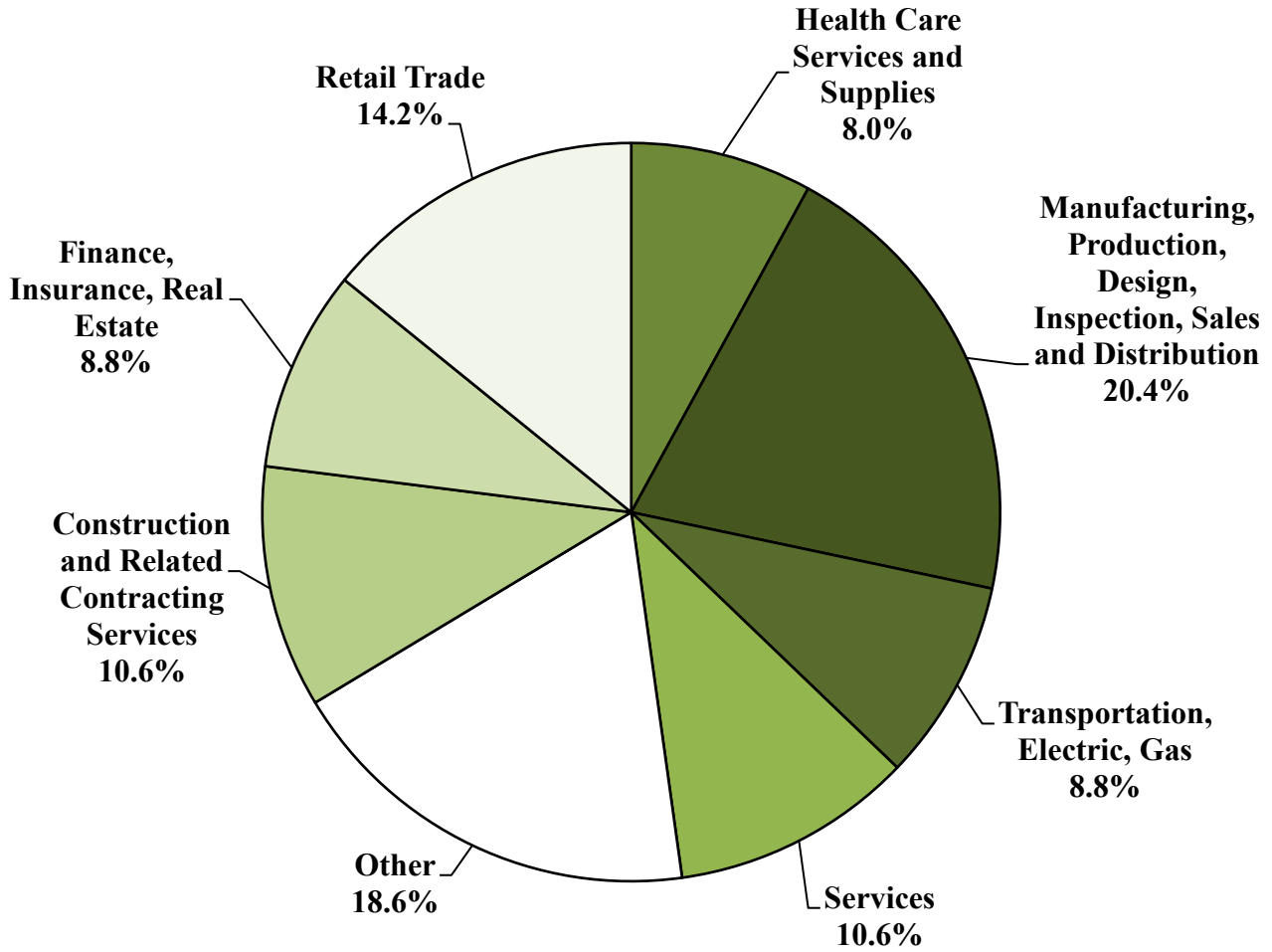


¹ Of the 113 organizational cases, three were missing information on the ownership structure of the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Organizational Datafile, CORPFY23.

Figure O-4

SENTENCED ORGANIZATIONS BY TYPE OF BUSINESS¹
Fiscal Year 2023

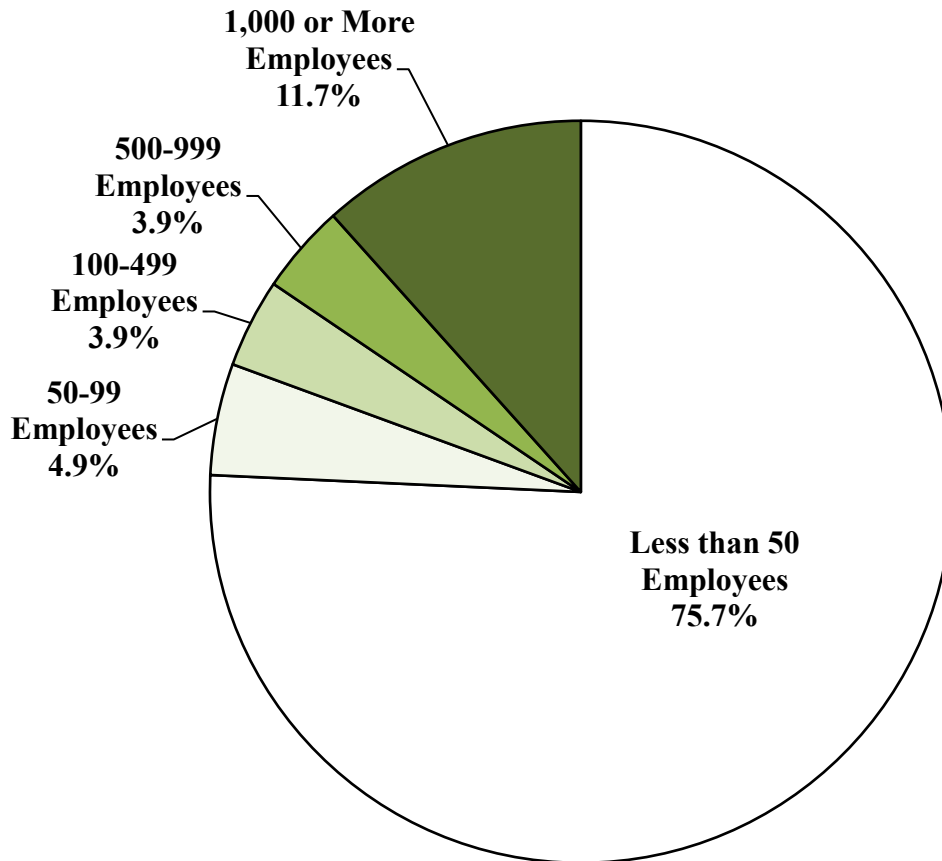


¹ This figure includes the 113 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Organizational Datafile, CORPFY23.

Figure O-5

**SENTENCED ORGANIZATION SIZE
BY NUMBER OF EMPLOYEES¹
Fiscal Year 2023**



¹ Of the 113 organizational cases, ten 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, 2023 Organizational Datafile, CORPFY23.

Table O-1

FINE AND RESTITUTION FOR SENTENCED ORGANIZATIONS BY TYPE OF CRIME¹
Fiscal Year 2023

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	%
TOTAL	113	17	15.0	58	51.3	14	12.4	24	21.2
Administration of Justice	0	0	--	0	--	0	--	0	--
Antitrust	10	0	0.0	6	60.0	0	0.0	4	40.0
Archaeological Damage	0	0	--	0	--	0	--	0	--
Public Corruption: Bribery/Gratuity/Extortion	4	0	0.0	3	75.0	0	0.0	1	25.0
Civil Rights	0	0	--	0	--	0	--	0	--
Contraband	0	0	--	0	--	0	--	0	--
Copyright/Trademark	2	0	0.0	2	100.0	0	0.0	0	0.0
Drugs	3	0	0.0	3	100.0	0	0.0	0	0.0
Environmental - Water	14	1	7.1	12	85.7	0	0.0	1	7.1
Environmental - Air	6	4	66.7	2	33.3	0	0.0	0	0.0
Environmental - Hazardous/Toxic Pollutants	7	2	28.6	2	28.6	1	14.3	2	28.6
Environmental - Wildlife	2	0	0.0	1	50.0	0	0.0	1	50.0
Import and Export	11	0	0.0	9	81.8	1	9.1	1	9.1
Firearms	0	0	--	0	--	0	--	0	--
Food, Drugs, Agricultural and Consumer Products	7	0	0.0	4	57.1	1	14.3	2	28.6
Food Stamps	0	0	--	0	--	0	--	0	--
Forgery	0	0	--	0	--	0	--	0	--
Fraud	32	6	18.8	9	28.1	7	21.9	10	31.3
Gambling	1	1	100.0	0	0.0	0	0.0	0	0.0
Immigration	4	0	0.0	2	50.0	1	25.0	1	25.0
Larceny/Theft/Embezzlement	2	0	0.0	0	0.0	2	100.0	0	0.0
Motor Vehicles	0	0	--	0	--	0	--	0	--
Money Laundering	4	3	75.0	0	0.0	1	25.0	0	0.0
Obscenity	0	0	--	0	--	0	--	0	--
Racketeering/Extortion	0	0	--	0	--	0	--	0	--
Tax	0	0	--	0	--	0	--	0	--
Other	4	0	0.0	3	75.0	0	0.0	1	25.0

¹ Of the 113 organizational cases, the court sentenced the organization to pay a fine or make restitution in 96 cases. Descriptions of variables used in this table are provided in Appendix A.

Table O-2

AMOUNT OF FINE AND RESTITUTION ORDERED FOR SENTENCED ORGANIZATIONS BY TYPE OF CRIME¹
Fiscal Year 2023

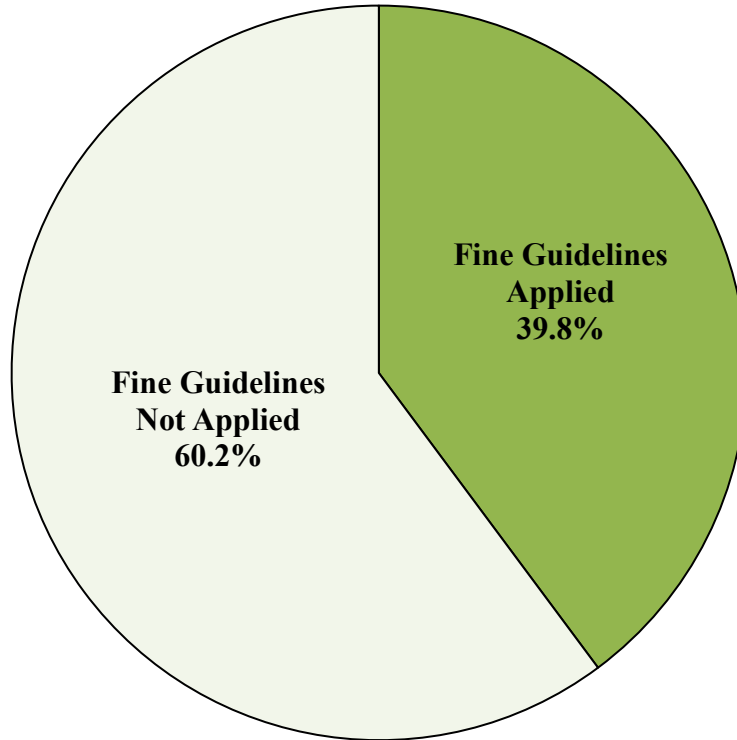
TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED ²				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	82	\$49,940,679	\$250,000	\$4,095,135,647	38	\$95,760,420	\$603,247	\$3,638,895,968	96	\$80,562,829	\$500,000	\$7,734,031,615
Administration of Justice	0	--	--	--	0	--	--	--	0	--	--	--
Antitrust	10	\$887,052	\$242,625	\$8,870,518	4	\$1,261,819	\$687,638	\$5,047,276	10	\$1,391,779	\$381,239	\$13,917,794
Archaeological Damage	0	--	--	--	0	--	--	--	0	--	--	--
Public Corruption: Bribery/Gratuity/Extortion	4	\$289,225,113	\$214,510,587	\$1,156,900,453	1	--	--	--	4	\$296,647,905	\$229,356,169	\$1,186,591,618
Civil	0	--	--	--	0	--	--	--	0	--	--	--
Contraband	0	--	--	--	0	--	--	--	0	--	--	--
Copyright/Trademark	2	--	--	--	0	--	--	--	2	--	--	--
Drugs	3	\$833,667	\$500	\$2,501,000	0	--	--	--	3	\$833,667	\$500	\$2,501,000
Environmental - Water	13	\$1,004,231	\$937,500	\$13,055,000	1	--	--	--	13	\$1,004,555	\$937,500	\$13,059,212
Environmental - Air	2	--	--	--	0	--	--	--	2	--	--	--
Environmental - Hazardous/Toxic Pollutants	4	\$3,158,750	\$312,500	\$12,635,000	3	\$203,927	\$60,880	\$611,780	5	\$2,649,356	\$175,000	\$13,246,780
Environmental - Wildlife	2	--	--	--	1	--	--	--	2	--	--	--
Import and Export	10	\$368,501	\$130,000	\$3,685,006	2	--	--	--	11	\$503,623	\$120,000	\$5,539,853
Firearms	0	--	--	--	0	--	--	--	0	--	--	--
Food, Drugs, Agricultural & Consumer Products	6	\$2,017,363	\$375,000	\$12,104,178	3	\$749,960	\$1,000,000	\$2,249,880	7	\$2,050,580	\$657,678	\$14,354,058
Food Stamps	0	--	--	--	0	--	--	--	0	--	--	--
Forgery	0	--	--	--	0	--	--	--	0	--	--	--
Fraud	19	\$146,858,214	\$500,000	\$2,790,306,075	17	\$211,444,797	\$823,669	\$3,594,561,555	26	\$245,571,832	\$1,039,063	\$6,384,867,630
Gambling	0	--	--	--	0	--	--	--	0	--	--	--
Immigration	3	\$1,179,000	\$500,000	\$3,537,000	2	--	--	--	4	\$889,769	\$271,000	\$3,559,075
Larceny/Theft/Embezzlement	0	--	--	--	2	--	--	--	2	--	--	--
Motor Vehicles	0	--	--	--	0	--	--	--	0	--	--	--
Money Laundering	0	--	--	--	1	--	--	--	1	--	--	--
Obscenity	0	--	--	--	0	--	--	--	0	--	--	--
Racketeering/Extortion	0	--	--	--	0	--	--	--	0	--	--	--
Tax	0	--	--	--	0	--	--	--	0	--	--	--
Other	4	\$22,799,604	\$22,804,209	\$91,198,417	1	--	--	--	4	\$22,799,704	\$22,804,209	\$91,198,817

¹ Of the 113 organizational cases, the court sentenced the organization to pay a fine or make restitution in 96 cases. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

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

Figure O-6

APPLICATION OF CHAPTER EIGHT FINE GUIDELINES¹
Fiscal Year 2023



¹ This figure includes the 113 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Organizational Datafile, CORPFY23.

Table O-3

**CHAPTER EIGHT SENTENCING COMPONENTS
FOR SENTENCED ORGANIZATIONS¹
Fiscal Year 2023**

SENTENCING COMPONENTS

Disposition	N	%
Guilty Plea	108	95.6
Nolo Contendere	0	0.0
Bench Trial	0	0.0
Trial By Jury	5	4.4
TOTAL	113	100.0
Probation²		
Probation Ordered	90	79.6
Probation Not Ordered	23	20.4
TOTAL	113	100.0
Court Ordered Compliance/Ethics		
Program Ordered	29	25.7
No Program Ordered	84	74.3
TOTAL	113	100.0
Inability to Pay		
Fine Reduced - Organization Unable to Pay ³	26	23.0
Organization Able to Pay	87	77.0
TOTAL	113	100.0

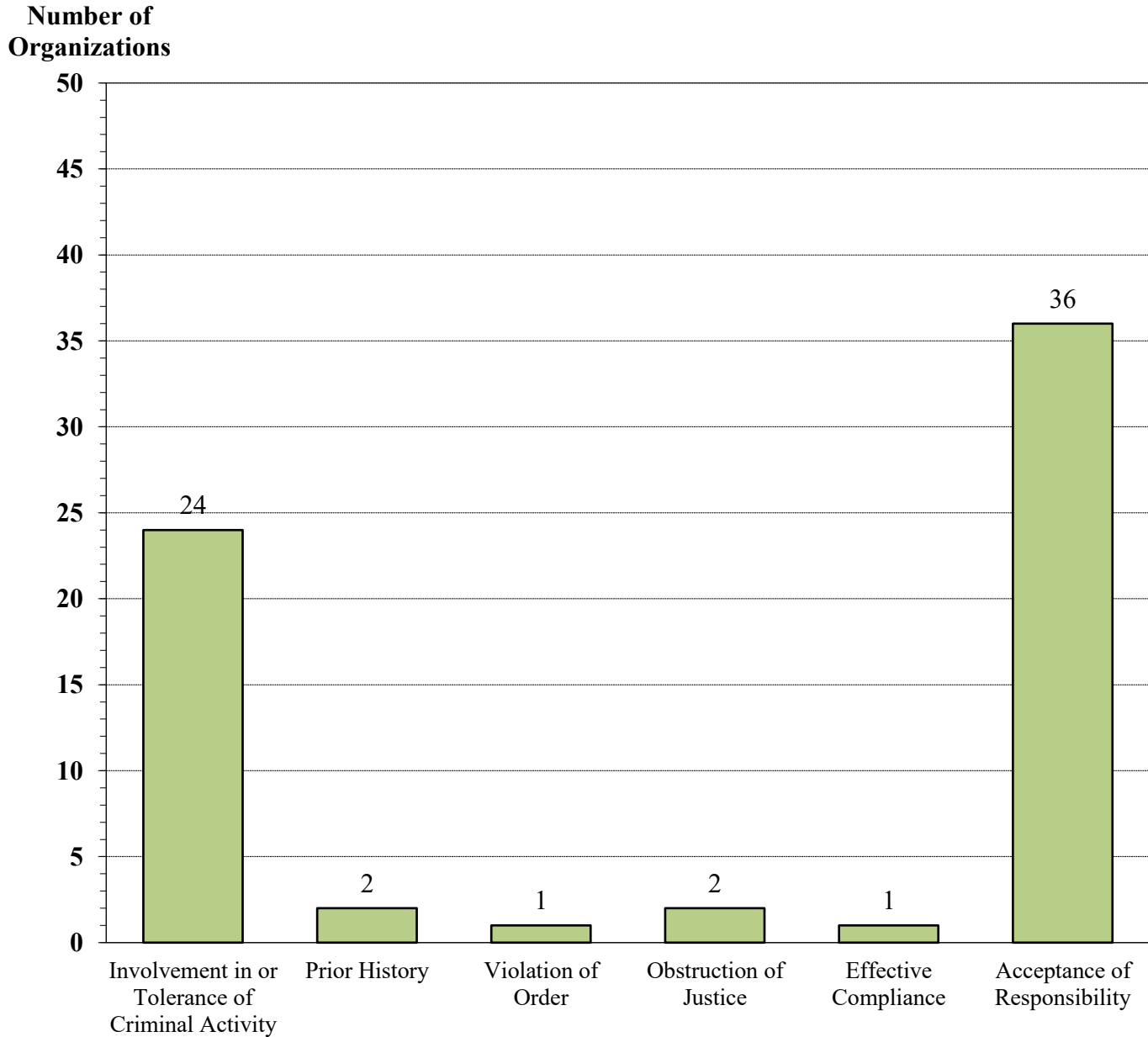
¹ Descriptions of variables used in this table are provided in Appendix A. A discussion of a compliance and ethics program can be found in USSG §8C2.5.

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

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

Figure O-7

**CULPABILITY FACTORS APPLIED TO DETERMINE FINES IMPOSED
ON SENTENCED ORGANIZATIONS¹
Fiscal Year 2023**



¹ Of the 113 organizational cases, the fine guideline was applied in 45 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, 2023 Organizational Datafile, CORPFY23.

Table O-4

CULPABILITY FACTORS FOR SENTENCED ORGANIZATIONS¹
Fiscal Year 2023

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	2	4.4
Involvement/tolerance in an organization/unit of 1,000+ employees	1	2.2
Involvement/tolerance in an organization/unit of 200+ employees	4	8.9
Involvement/tolerance in an organization/unit of 50+ employees	4	8.9
Involvement/tolerance in an organization/unit of ten or more employees	13	28.9
No involvement/tolerance OR fewer than ten employees	21	46.7
TOTAL	45	100.0
<hr/>		
Prior History - §8C2.5(c)	N	%
One similar criminal/two similar administrative violations within ten years	1	2.2
One similar criminal/two similar administrative violations within five years	1	2.2
Organization had no prior record	43	95.6
TOTAL	45	100.0
<hr/>		
Violation of an Order - §8C2.5(d)	N	%
Organization violated a judicial order or condition of probation for similar conduct	1	2.2
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	44	97.8
TOTAL	45	100.0
<hr/>		
Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	2	4.4
Organization did not obstruct justice	43	95.6
TOTAL	45	100.0
<hr/>		
Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance and ethics program	1	2.2
Organization had no compliance and ethics program	44	97.8
TOTAL	45	100.0
<hr/>		
Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Reported offense to governmental authorities	1	2.2
Cooperated with investigation	18	40.0
Accepted responsibility	17	37.8
Organization did not self-report, cooperate, or accept responsibility	9	20.0
TOTAL	45	100.0

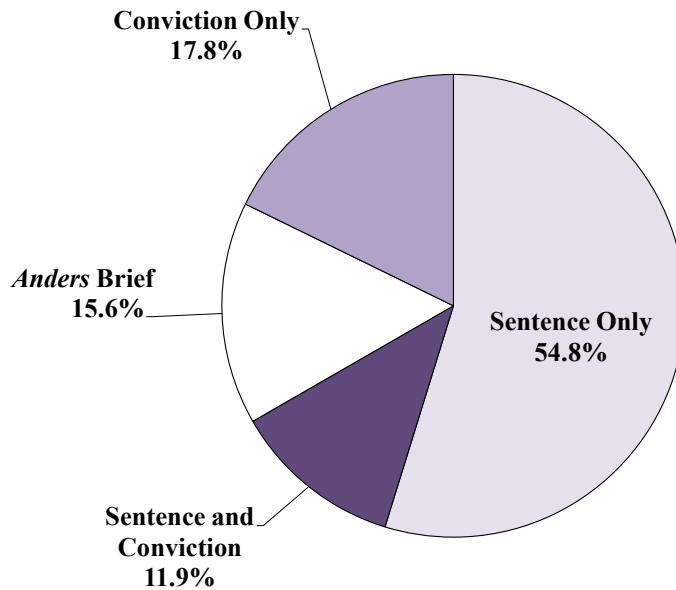
¹ Of the 113 organizational cases, the fine guideline was applied in 45 cases. For the remaining 68 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this table are provided in Appendix A.

SENTENCING APPEALS

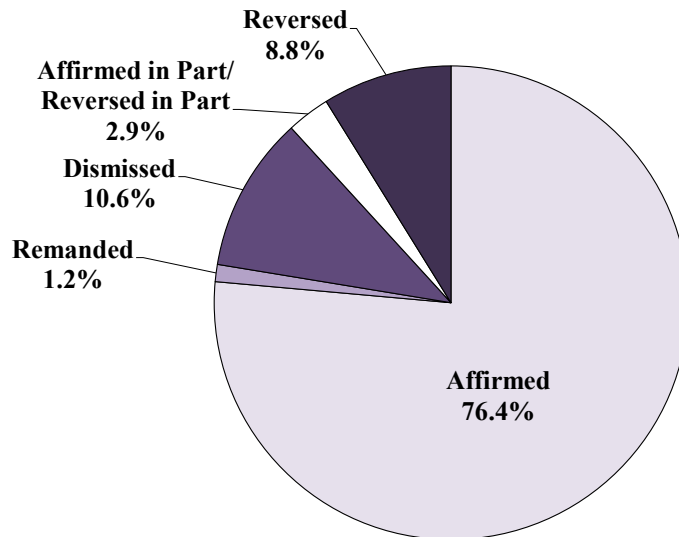
Figure A

TYPE AND DISPOSITION OF APPEALS CASES¹
Fiscal Year 2023

TYPE OF APPEAL



DISPOSITION OF SENTENCING APPEALS^{2,3}



¹ Of the 6,555 appeals cases, 184 were excluded because the type of appeal was 'unknown'. Of the remaining cases, 6,340 involved an appeal by the individual sentenced, 24 involved an appeal by the government, and seven involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

² Of the 125 cases affirmed in part and reversed in part, 121 (96.8%) cases were remanded to the district court.

³ Of the 376 cases reversed, 376 (100.0%) cases were remanded to the district court.

Table A-1

TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

CIRCUIT District	Total	Sentence Only		Sentence and Conviction		Conviction Only		<i>Anders</i> Brief	
	N	N	%	N	%	N	%	N	%
TOTAL	6,371	3,490	54.8	759	11.9	1,131	17.8	991	15.6
D.C. CIRCUIT	20	11	55.0	3	15.0	6	30.0	0	0.0
District of Columbia	20	11	55.0	3	15.0	6	30.0	0	0.0
FIRST CIRCUIT	196	112	57.1	24	12.2	38	19.4	22	11.2
Maine	26	18	69.2	4	15.4	3	11.5	1	3.8
Massachusetts	41	17	41.5	6	14.6	14	34.1	4	9.8
New Hampshire	12	3	25.0	2	16.7	7	58.3	0	0.0
Puerto Rico	108	66	61.1	11	10.2	14	13.0	17	15.7
Rhode Island	9	8	88.9	1	11.1	0	0.0	0	0.0
SECOND CIRCUIT	340	193	56.8	52	15.3	83	24.4	12	3.5
Connecticut	30	16	53.3	5	16.7	6	20.0	3	10.0
New York									
Eastern	69	39	56.5	11	15.9	18	26.1	1	1.4
Northern	38	29	76.3	6	15.8	2	5.3	1	2.6
Southern	155	80	51.6	24	15.5	44	28.4	7	4.5
Western	40	24	60.0	6	15.0	10	25.0	0	0.0
Vermont	8	5	62.5	0	0.0	3	37.5	0	0.0
THIRD CIRCUIT	284	172	60.6	54	19.0	48	16.9	10	3.5
Delaware	13	8	61.5	2	15.4	3	23.1	0	0.0
New Jersey	48	33	68.8	8	16.7	5	10.4	2	4.2
Pennsylvania									
Eastern	96	57	59.4	24	25.0	15	15.6	0	0.0
Middle	81	50	61.7	7	8.6	16	19.8	8	9.9
Western	31	22	71.0	6	19.4	3	9.7	0	0.0
Virgin Islands	15	2	13.3	7	46.7	6	40.0	0	0.0
FOURTH CIRCUIT	901	587	65.1	108	12.0	115	12.8	91	10.1
Maryland	64	41	64.1	8	12.5	13	20.3	2	3.1
North Carolina									
Eastern	241	161	66.8	43	17.8	21	8.7	16	6.6
Middle	112	70	62.5	8	7.1	11	9.8	23	20.5
Western	119	74	62.2	15	12.6	15	12.6	15	12.6
South Carolina	106	76	71.7	9	8.5	9	8.5	12	11.3
Virginia									
Eastern	139	97	69.8	15	10.8	24	17.3	3	2.2
Western	32	23	71.9	2	6.3	6	18.8	1	3.1
West Virginia									
Northern	52	23	44.2	3	5.8	9	17.3	17	32.7
Southern	36	22	61.1	5	13.9	7	19.4	2	5.6

Table A-1 (cont.)

CIRCUIT District	Total	Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,515	678	44.8	113	7.5	187	12.3	537	35.4
Louisiana									
Eastern	42	26	61.9	7	16.7	4	9.5	5	11.9
Middle	18	5	27.8	1	5.6	2	11.1	10	55.6
Western	66	32	48.5	10	15.2	16	24.2	8	12.1
Mississippi									
Northern	15	7	46.7	2	13.3	6	40.0	0	0.0
Southern	50	37	74.0	6	12.0	6	12.0	1	2.0
Texas									
Eastern	56	18	32.1	3	5.4	13	23.2	22	39.3
Northern	478	135	28.2	28	5.9	52	10.9	263	55.0
Southern	297	108	36.4	15	5.1	38	12.8	136	45.8
Western	493	310	62.9	41	8.3	50	10.1	92	18.7
SIXTH CIRCUIT	652	391	60.0	89	13.7	120	18.4	52	8.0
Kentucky									
Eastern	115	56	48.7	21	18.3	27	23.5	11	9.6
Western	21	15	71.4	4	19.0	1	4.8	1	4.8
Michigan									
Eastern	72	49	68.1	8	11.1	9	12.5	6	8.3
Western	81	47	58.0	13	16.0	18	22.2	3	3.7
Ohio									
Northern	184	113	61.4	22	12.0	34	18.5	15	8.2
Southern	38	20	52.6	1	2.6	11	28.9	6	15.8
Tennessee									
Eastern	69	47	68.1	9	13.0	9	13.0	4	5.8
Middle	28	19	67.9	3	10.7	4	14.3	2	7.1
Western	44	25	56.8	8	18.2	7	15.9	4	9.1
SEVENTH CIRCUIT	289	141	48.8	35	12.1	63	21.8	50	17.3
Illinois									
Central	43	24	55.8	3	7.0	14	32.6	2	4.7
Northern	73	43	58.9	7	9.6	12	16.4	11	15.1
Southern	34	14	41.2	1	2.9	10	29.4	9	26.5
Indiana									
Northern	30	13	43.3	6	20.0	6	20.0	5	16.7
Southern	69	25	36.2	18	26.1	14	20.3	12	17.4
Wisconsin									
Eastern	22	10	45.5	0	0.0	3	13.6	9	40.9
Western	18	12	66.7	0	0.0	4	22.2	2	11.1
EIGHTH CIRCUIT	769	437	56.8	85	11.1	148	19.2	99	12.9
Arkansas									
Eastern	53	32	60.4	7	13.2	13	24.5	1	1.9
Western	39	19	48.7	5	12.8	5	12.8	10	25.6
Iowa									
Northern	97	59	60.8	11	11.3	9	9.3	18	18.6
Southern	152	87	57.2	14	9.2	25	16.4	26	17.1
Minnesota	73	46	63.0	10	13.7	13	17.8	4	5.5
Missouri									
Eastern	99	50	50.5	10	10.1	20	20.2	19	19.2
Western	109	73	67.0	12	11.0	12	11.0	12	11.0
Nebraska	55	25	45.5	5	9.1	21	38.2	4	7.3
North Dakota	34	23	67.6	2	5.9	6	17.6	3	8.8
South Dakota	58	23	39.7	9	15.5	24	41.4	2	3.4

Table A-1 (cont.)

CIRCUIT	Total		Sentence and Conviction		Conviction Only		Anders Brief			
	N	%	N	%	N	%	N	%		
NINTH CIRCUIT	480		244	50.8	80	16.7	134	27.9	22	4.6
Alaska	11		3	27.3	2	18.2	5	45.5	1	9.1
Arizona	57		22	38.6	11	19.3	15	26.3	9	15.8
California										
Central	111		56	50.5	18	16.2	33	29.7	4	3.6
Eastern	40		26	65.0	4	10.0	9	22.5	1	2.5
Northern	42		22	52.4	4	9.5	15	35.7	1	2.4
Southern	52		30	57.7	6	11.5	16	30.8	0	0.0
Guam	3		1	33.3	0	0.0	2	66.7	0	0.0
Hawaii	24		19	79.2	4	16.7	0	0.0	1	4.2
Idaho	13		6	46.2	3	23.1	3	23.1	1	7.7
Montana	33		17	51.5	6	18.2	6	18.2	4	12.1
Nevada	35		14	40.0	13	37.1	8	22.9	0	0.0
Northern Mariana Islands	0		0	0.0	0	0.0	0	0.0	0	0.0
Oregon	8		7	87.5	1	12.5	0	0.0	0	0.0
Washington										
Eastern	28		9	32.1	4	14.3	15	53.6	0	0.0
Western	23		12	52.2	4	17.4	7	30.4	0	0.0
TENTH CIRCUIT	274		153	55.8	31	11.3	71	25.9	19	6.9
Colorado	42		21	50.0	4	9.5	13	31.0	4	9.5
Kansas	42		31	73.8	1	2.4	7	16.7	3	7.1
New Mexico	56		24	42.9	6	10.7	21	37.5	5	8.9
Oklahoma										
Eastern	14		6	42.9	4	28.6	4	28.6	0	0.0
Northern	39		20	51.3	7	17.9	10	25.6	2	5.1
Western	46		30	65.2	6	13.0	7	15.2	3	6.5
Utah	11		6	54.5	1	9.1	3	27.3	1	9.1
Wyoming	24		15	62.5	2	8.3	6	25.0	1	4.2
ELEVENTH CIRCUIT	651		371	57.0	85	13.1	118	18.1	77	11.8
Alabama										
Middle	24		10	41.7	4	16.7	10	41.7	0	0.0
Northern	39		23	59.0	2	5.1	5	12.8	9	23.1
Southern	47		19	40.4	5	10.6	12	25.5	11	23.4
Florida										
Middle	165		93	56.4	15	9.1	25	15.2	32	19.4
Northern	67		35	52.2	4	6.0	18	26.9	10	14.9
Southern	186		118	63.4	38	20.4	24	12.9	6	3.2
Georgia										
Middle	38		25	65.8	1	2.6	8	21.1	4	10.5
Northern	60		33	55.0	14	23.3	12	20.0	1	1.7
Southern	25		15	60.0	2	8.0	4	16.0	4	16.0

¹ Of the 6,555 appeals cases, 184 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, 2023 Appeals Datafile, APPFY23.

Table A-2

**DISPOSITION OF ORIGINAL SENTENCING APPEALS BY THE SENTENCED INDIVIDUAL
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	2,662	1,847	69.4	266	266	10.0	109	105	4.1	408	15.3	32	1.2
D.C. CIRCUIT	7	5	71.4	0	0	0.0	2	2	28.6	0	0.0	0	0.0
District of Columbia	7	5	71.4	0	0	0.0	2	2	28.6	0	0.0	0	0.0
FIRST CIRCUIT	81	64	79.0	7	7	8.6	3	2	3.7	7	8.6	0	0.0
Maine	17	14	82.4	0	0	0.0	2	2	11.8	1	5.9	0	0.0
Massachusetts	19	17	89.5	2	2	10.5	0	0	0.0	0	0.0	0	0.0
New Hampshire	4	4	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	36	29	80.6	5	5	13.9	1	0	2.8	1	2.8	0	0.0
Rhode Island	5	0	0.0	0	0	0.0	0	0	0.0	5	100.0	0	0.0
SECOND CIRCUIT	168	98	58.3	19	19	11.3	8	8	4.8	41	24.4	2	1.2
Connecticut	19	13	68.4	1	1	5.3	0	0	0.0	4	21.1	1	5.3
New York													
Eastern	39	22	56.4	6	6	15.4	4	4	10.3	7	17.9	0	0.0
Northern	22	15	68.2	3	3	13.6	0	0	0.0	4	18.2	0	0.0
Southern	68	34	50.0	8	8	11.8	4	4	5.9	22	32.4	0	0.0
Western	17	11	64.7	1	1	5.9	0	0	0.0	4	23.5	1	5.9
Vermont	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	125	93	74.4	18	18	14.4	6	6	4.8	8	6.4	0	0.0
Delaware	8	6	75.0	1	1	12.5	0	0	0.0	1	12.5	0	0.0
New Jersey	21	17	81.0	2	2	9.5	0	0	0.0	2	9.5	0	0.0
Pennsylvania													
Eastern	47	33	70.2	11	11	23.4	3	3	6.4	0	0.0	0	0.0
Middle	24	17	70.8	2	2	8.3	1	1	4.2	4	16.7	0	0.0
Western	17	14	82.4	2	2	11.8	1	1	5.9	0	0.0	0	0.0
Virgin Islands	8	6	75.0	0	0	0.0	1	1	12.5	1	12.5	0	0.0
FOURTH CIRCUIT	385	206	53.5	48	48	12.5	26	26	6.8	102	26.5	3	0.8
Maryland	26	13	50.0	5	5	19.2	2	2	7.7	6	23.1	0	0.0
North Carolina													
Eastern	141	70	49.6	21	21	14.9	13	13	9.2	34	24.1	3	2.1
Middle	48	29	60.4	1	1	2.1	1	1	2.1	17	35.4	0	0.0
Western	50	30	60.0	4	4	8.0	4	4	8.0	12	24.0	0	0.0
South Carolina	42	21	50.0	8	8	19.0	2	2	4.8	11	26.2	0	0.0
Virginia													
Eastern	34	16	47.1	5	5	14.7	2	2	5.9	11	32.4	0	0.0
Western	9	7	77.8	1	1	11.1	0	0	0.0	1	11.1	0	0.0
West Virginia													
Northern	16	7	43.8	0	0	0.0	1	1	6.3	8	50.0	0	0.0
Southern	19	13	68.4	3	3	15.8	1	1	5.3	2	10.5	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	572	442	77.3	38	38	6.6	21	20	3.7	58	10.1	13	2.3
Louisiana													
Eastern	23	13	56.5	5	5	21.7	0	0	0.0	4	17.4	1	4.3
Middle	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	33	30	90.9	3	3	9.1	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	9	9	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	28	11	39.3	0	0	0.0	0	0	0.0	17	60.7	0	0.0
Texas													
Eastern	15	10	66.7	0	0	0.0	1	1	6.7	4	26.7	0	0.0
Northern	124	98	79.0	5	5	4.0	6	5	4.8	15	12.1	0	0.0
Southern	90	64	71.1	11	11	12.2	8	8	8.9	6	6.7	1	1.1
Western	247	204	82.6	14	14	5.7	6	6	2.4	12	4.9	11	4.5
SIXTH CIRCUIT	294	234	79.6	25	25	8.5	8	8	2.7	26	8.8	1	0.3
Kentucky													
Eastern	54	52	96.3	1	1	1.9	0	0	0.0	1	1.9	0	0.0
Western	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	20	14	70.0	2	2	10.0	2	2	10.0	2	10.0	0	0.0
Western	45	39	86.7	5	5	11.1	1	1	2.2	0	0.0	0	0.0
Ohio													
Northern	97	72	74.2	9	9	9.3	2	2	2.1	14	14.4	0	0.0
Southern	9	5	55.6	2	2	22.2	0	0	0.0	2	22.2	0	0.0
Tennessee													
Eastern	26	22	84.6	2	2	7.7	2	2	7.7	0	0.0	0	0.0
Middle	16	12	75.0	1	1	6.3	1	1	6.3	1	6.3	1	6.3
Western	22	14	63.6	2	2	9.1	0	0	0.0	6	27.3	0	0.0
SEVENTH CIRCUIT	105	79	75.2	11	11	10.5	5	4	4.8	6	5.7	4	3.8
Illinois													
Central	10	8	80.0	1	1	10.0	1	1	10.0	0	0.0	0	0.0
Northern	34	27	79.4	3	3	8.8	2	2	5.9	2	5.9	0	0.0
Southern	5	5	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	13	8	61.5	0	0	0.0	0	0	0.0	1	7.7	4	30.8
Southern	32	24	75.0	5	5	15.6	2	1	6.3	1	3.1	0	0.0
Wisconsin													
Eastern	6	3	50.0	1	1	16.7	0	0	0.0	2	33.3	0	0.0
Western	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	302	221	73.2	19	19	6.3	7	7	2.3	54	17.9	1	0.3
Arkansas													
Eastern	29	15	51.7	1	1	3.4	1	1	3.4	11	37.9	1	3.4
Western	14	11	78.6	0	0	0.0	1	1	7.1	2	14.3	0	0.0
Iowa													
Northern	39	35	89.7	0	0	0.0	0	0	0.0	4	10.3	0	0.0
Southern	61	50	82.0	5	5	8.2	3	3	4.9	3	4.9	0	0.0
Minnesota	26	19	73.1	0	0	0.0	1	1	3.8	6	23.1	0	0.0
Missouri													
Eastern	43	34	79.1	2	2	4.7	1	1	2.3	6	14.0	0	0.0
Western	43	23	53.5	6	6	14.0	0	0	0.0	14	32.6	0	0.0
Nebraska	15	14	93.3	0	0	0.0	0	0	0.0	1	6.7	0	0.0
North Dakota	12	6	50.0	2	2	16.7	0	0	0.0	4	33.3	0	0.0
South Dakota	20	14	70.0	3	3	15.0	0	0	0.0	3	15.0	0	0.0

Table A-2 (cont.)

CIRCUIT	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	191	108	56.5	41	41	21.5	13	12	6.8	22	11.5	7	3.7
Alaska	3	2	66.7	1	1	33.3	0	0	0.0	0	0.0	0	0.0
Arizona	21	9	42.9	7	7	33.3	2	2	9.5	1	4.8	2	9.5
California													
Central	51	29	56.9	10	10	19.6	1	1	2.0	10	19.6	1	2.0
Eastern	15	10	66.7	3	3	20.0	1	1	6.7	0	0.0	1	6.7
Northern	14	7	50.0	4	4	28.6	2	2	14.3	1	7.1	0	0.0
Southern	24	14	58.3	8	8	33.3	1	1	4.2	1	4.2	0	0.0
Guam	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	9	3	33.3	2	2	22.2	1	1	11.1	3	33.3	0	0.0
Idaho	6	5	83.3	1	1	16.7	0	0	0.0	0	0.0	0	0.0
Montana	9	5	55.6	2	2	22.2	0	0	0.0	2	22.2	0	0.0
Nevada	17	9	52.9	1	1	5.9	3	3	17.6	1	5.9	3	17.6
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	4	2	50.0	1	1	25.0	0	0	0.0	1	25.0	0	0.0
Washington													
Eastern	7	4	57.1	1	1	14.3	1	1	14.3	1	14.3	0	0.0
Western	10	8	80.0	0	0	0.0	1	0	10.0	1	10.0	0	0.0
TENTH CIRCUIT	121	65	53.7	15	15	12.4	6	6	5.0	34	28.1	1	0.8
Colorado	20	6	30.0	2	2	10.0	1	1	5.0	11	55.0	0	0.0
Kansas	12	5	41.7	3	3	25.0	0	0	0.0	4	33.3	0	0.0
New Mexico	26	19	73.1	0	0	0.0	1	1	3.8	6	23.1	0	0.0
Oklahoma													
Eastern	9	7	77.8	1	1	11.1	1	1	11.1	0	0.0	0	0.0
Northern	14	5	35.7	5	5	35.7	0	0	0.0	3	21.4	1	7.1
Western	27	15	55.6	4	4	14.8	2	2	7.4	6	22.2	0	0.0
Utah	4	1	25.0	0	0	0.0	1	1	25.0	2	50.0	0	0.0
Wyoming	9	7	77.8	0	0	0.0	0	0	0.0	2	22.2	0	0.0
ELEVENTH CIRCUIT	311	232	74.6	25	25	8.0	4	4	1.3	50	16.1	0	0.0
Alabama													
Middle	11	5	45.5	2	2	18.2	0	0	0.0	4	36.4	0	0.0
Northern	18	14	77.8	2	2	11.1	0	0	0.0	2	11.1	0	0.0
Southern	11	6	54.5	0	0	0.0	1	1	9.1	4	36.4	0	0.0
Florida													
Middle	77	56	72.7	5	5	6.5	1	1	1.3	15	19.5	0	0.0
Northern	28	27	96.4	1	1	3.6	0	0	0.0	0	0.0	0	0.0
Southern	107	85	79.4	7	7	6.5	2	2	1.9	13	12.1	0	0.0
Georgia													
Middle	16	9	56.3	3	3	18.8	0	0	0.0	4	25.0	0	0.0
Northern	33	22	66.7	4	4	12.1	0	0	0.0	7	21.2	0	0.0
Southern	10	8	80.0	1	1	10.0	0	0	0.0	1	10.0	0	0.0

¹ Of the 6,555 appeals cases, 2,662 involved an appeal of the original sentence by the sentenced individual. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,131), 'Anders Brief' (991), 'unknown' (184), the appeal was by the government only (24), the appeal was of an issue related to a post sentencing matter (1,154), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (415). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-3

**DISPOSITION OF ORIGINAL SENTENCING APPEALS BY THE GOVERNMENT
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	23	7	30.4	13	13	56.5	3	3	13.0	0	0.0	0	0.0
D.C. CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
District of Columbia	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FIRST CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
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
SECOND CIRCUIT	5	2	40.0	2	2	40.0	1	1	20.0	0	0.0	0	0.0
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	0	0	0.0	1	1	100.0	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	3	1	33.3	2	2	66.7	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
Vermont	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	5	0	0.0	5	5	100.0	0	0	0.0	0	0.0	0	0.0
Delaware	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	4	0	0.0	4	4	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	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
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Maryland	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Carolina													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	0	0.0	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 ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Louisiana													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Texas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	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	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
SIXTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Kentucky													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Ohio													
Northern	0	0	0.0	0	0	0.0	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
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	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
Illinois													
Central	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	1	0	0.0	0	0	0.0	1	1	100.0	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
EIGHTH CIRCUIT	4	2	50.0	1	1	25.0	1	1	25.0	0	0.0	0	0.0
Arkansas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
Minnesota	2	2	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	0	0.0	1	1	100.0	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	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	2	1	50.0	1	1	50.0	0	0	0.0	0	0.0	0	0.0
Alaska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
California													
Central	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	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	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Montana	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nevada	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
TENTH CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Colorado	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	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	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Utah	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wyoming	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Alabama													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Georgia													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

¹ Of the 6,555 appeals cases, 23 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was conviction only' (1,131), 'Anders Brief' (991), 'unknown' (184), the appeal was by the sentenced individual only (4,219), the appeal was of an issue related to a post sentencing matter (1,154), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (415). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-4

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND
IN SENTENCING APPEALS OF THE ORIGINAL SENTENCE
BY THE SENTENCED INDIVIDUAL¹
Fiscal Year 2023**

GUIDELINE	N	%
NUMBER OF APPEALS	407	--
§5D1.3 (Conditions of Supervised Release)	126	31.0
§5E1.1 (Restitution)	32	7.9
§4B1.2 (Definitions for Career Offender)	27	6.6
§2K2.1 (Firearms)	25	6.1
§4B1.4 (Armed Career Criminal)	25	6.1
§2D1.1 (Drug Trafficking)	20	4.9
§5G1.2 (Sentencing on Multiple Counts of Conviction)	13	3.2
§6A1.3 (Resolution of Disputed Factors)	12	2.9
§2B1.1 (Larceny, Embezzlement, and Theft)	10	2.5
§1B1.3 (Relevant Conduct)	10	2.5
§5E1.3 (Special Assessments)	9	2.2
§4A1.2 (Definitions and Instructions of Criminal History)	9	2.2
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	8	2.0
§5D1.2 (Terms of Supervised Release)	8	2.0
§5E1.4 (Forfeiture)	8	2.0
§5C1.2 (Limitation on Applicability of Statutory Minimums)	8	2.0
§3B1.2 (Mitigating Role)	6	1.5
§4A1.1 (Criminal History Category)	6	1.5
§4B1.1 (Career Offender)	5	1.2
§3E1.1 (Acceptance of Responsibility)	5	1.2
§3C1.1 (Obstruction of Justice)	3	0.7
§1B1.7 (Significance of Commentary)	3	0.7
§2A2.1 (Assault with Intent to Commit Murder; Attempted Murder)	3	0.7
§2B3.1 (Robbery)	3	0.7
§2L1.2 (Unlawfully Entering or Remaining in the United States)	3	0.7
Reasonableness Issues	363	89.2
Other Non-guideline Issues	226	55.5
Other Guidelines	33	8.1
Constitutional Issues	7	1.7

¹ Based on 2,662 appeals of the original sentence by the sentenced individual. Of these 2,662 appeals, 2,255 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 sentenced individual and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. The 'Other Guideline' category includes all guidelines appealed less than three times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-5

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND
IN SENTENCING APPEALS OF THE ORIGINAL SENTENCE
BY THE GOVERNMENT¹
Fiscal Year 2023**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	16	--
§4B1.2 (Definitions for Career Offender)	4	25.0
§5E1.4 (Forfeiture)	3	18.8
§5C1.2 (Limitation on Applicability of Statutory Minimums)	3	18.8
§2A2.2 (Aggravated Assault)	2	12.5
§3D1.1 (Procedure for Determining Offense Level on Multiple Counts)	2	12.5
§3D1.2 (Groups of Closely Related Counts)	2	12.5
§4B1.1 (Career Offender)	1	6.3
§5G1.2 (Sentencing on Multiple Counts of Conviction)	1	6.3
§2K2.1 (Firearms)	1	6.3
§5E1.5 (Cost of Prosecution)	1	6.3
§5K1.1 (Substantial Assistance to Authorities)	1	6.3
Reasonableness Issues	16	100.0
Other Non-guideline Issues	8	50.0

¹ Based on 23 appeals of the original sentence by the government. Of these 23 appeals, seven 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, 2023 Appeals Datafile, APPFY23.

Table A-6

**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE
ORIGINAL SENTENCE WAS REVERSED OR REMANDED¹
Fiscal Year 2023**

ISSUE	N	%
REASONABLENESS ISSUES	433	100.0
Procedural: Court improperly calculated guideline range	352	81.3
Procedural: Court did not adequately explain the chosen sentence	51	11.8
Procedural: Court selected a sentence based on clearly erroneous facts	11	2.5
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	10	2.3
Procedural: General	3	0.7
Substantive: Unreasonable weighing decision	2	0.5
Substantive: General	1	0.2
Procedural: Lack of empirical basis for a guideline	1	0.2
General reasonableness challenge	1	0.2
Procedural: Court did not treat the guidelines as advisory	1	0.2

¹ Based on 4,249 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,249 cases, 2,680 were appeals of the original sentence. Of these 2,680 appeals of the original sentence, 418 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, 2023 Appeals Datafile, APPFY23.

Table A-7

**OFFENSE AND SENTENCED INDIVIDUAL CHARACTERISTICS IN
ORIGINAL SENTENCE APPEALS CASES
Fiscal Year 2023**

OFFENSE AND SENTENCED INDIVIDUAL CHARACTERISTICS	APPELLATE COURT CASES ¹		DISTRICT COURT CASES ²	
	N	%	N	%
Race				
White	668	25.0	14,064	22.1
Black	1,150	43.1	15,694	24.7
Hispanic	738	27.7	31,169	49.0
Other	112	4.2	2,723	4.3
TOTAL	2,668	100.0	63,650	100.0
Gender				
Male	2,517	94.1	55,806	87.1
Female	159	5.9	8,279	12.9
TOTAL	2,676	100.0	64,085	100.0
Education				
Less than High School Graduate	861	32.4	25,458	41.8
High School Graduate	1,072	40.3	20,663	33.9
Some College	516	19.4	11,139	18.3
College Graduate	208	7.8	3,713	6.1
TOTAL	2,657	100.0	60,973	100.0
Citizenship				
U.S. Citizen	2,204	82.4	42,295	66.3
Non-U.S. Citizen	471	17.6	21,504	33.7
TOTAL	2,675	100.0	63,799	100.0
Criminal History Category				
Category I	722	27.1	27,948	43.9
Category II	252	9.4	8,993	14.1
Category III	427	16.0	10,194	16.0
Category IV	364	13.6	6,283	9.9
Category V	273	10.2	3,877	6.1
Category VI	631	23.6	6,410	10.1
TOTAL	2,669	100.0	63,705	100.0
Mandatory Minimum				
No Mandatory Minimum	1,403	52.4	47,044	73.4
Gun Mandatory Minimum	312	11.7	2,019	3.1
Drug Mandatory Minimum	582	21.7	11,208	17.5
Gun and Drug Mandatory Minimum	83	3.1	1,000	1.6
Other Mandatory Minimum	296	11.1	2,853	4.4
TOTAL	2,676	100.0	64,124	100.0

¹ Based on 4,249 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,249 cases, 2,680 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989 - 2023 (MONFY89, MONFY90, USSCFY91 - USSCFY23). Of the 2,680 cases, four could not be matched with its original case.

² All original sentencing of an individual in fiscal year 2023. 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.

Table A-8

**SENTENCE LENGTH IN ORIGINAL SENTENCE APPEALS CASES
BY TYPE OF CRIME
Fiscal Year 2023**

TYPE OF CRIME	APPELLATE COURT CASES ¹				DISTRICT COURT CASES ²			
	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
TOTAL	2,675	100.0	154	120	64,123	100.0	52	24
Administration of Justice	12	0.4	62	36	647	1.0	16	10
Antitrust	0	0.0	--	--	18	0.0	6	6
Arson	4	0.1	159	98	106	0.2	58	57
Assault	57	2.1	177	120	852	1.3	71	47
Bribery/Corruption	11	0.4	48	46	366	0.6	21	14
Burglary/Trespass	0	0.0	--	--	85	0.1	16	8
Child Pornography	102	3.8	182	169	1,408	2.2	115	97
Commercialized Vice	3	0.1	101	91	84	0.1	21	12
Drug Possession	0	0.0	--	--	139	0.2	2	0
Drug Trafficking	815	30.5	183	168	19,007	29.6	82	63
Environmental	1	0.0	--	--	160	0.2	3	0
Extortion/Racketeering	12	0.4	202	154	130	0.2	32	24
Firearms	575	21.5	109	96	8,832	13.8	49	40
Food and Drug	2	0.1	--	--	55	0.1	10	0
Forgery/Counter/Copyright	3	0.1	24	24	112	0.2	18	12
Fraud/Theft/Embezzlement	233	8.7	77	60	5,205	8.1	22	12
Immigration	257	9.6	37	30	19,225	30.0	12	8
Individual Rights	9	0.3	174	144	113	0.2	55	15
Kidnapping	27	1.0	312	300	151	0.2	199	168
Manslaughter	10	0.4	176	120	86	0.1	75	69
Money Laundering	62	2.3	160	132	1,312	2.0	63	36
Murder	69	2.6	369	470	489	0.8	285	276
National Defense	13	0.5	189	150	237	0.4	38	24
Obscenity/Other Sex Offenses	16	0.6	51	35	326	0.5	23	18
Prison Offenses	16	0.6	38	24	455	0.7	14	12
Robbery	144	5.4	207	177	1,503	2.3	110	96
Sexual Abuse	178	6.7	312	332	1,395	2.2	213	180
Stalking/Harassing	25	0.9	59	48	240	0.4	29	20
Tax	13	0.5	40	36	446	0.7	15	12
Other	6	0.2	25	21	939	1.5	4	0

¹ Based on 4,249 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,249 cases, 2,680 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989 - 2023 (MONFY89, MONFY90, USSCFY91 - USSCFY23). Of the 2,680 cases, four could not be matched with its original case. Of 2,676 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.

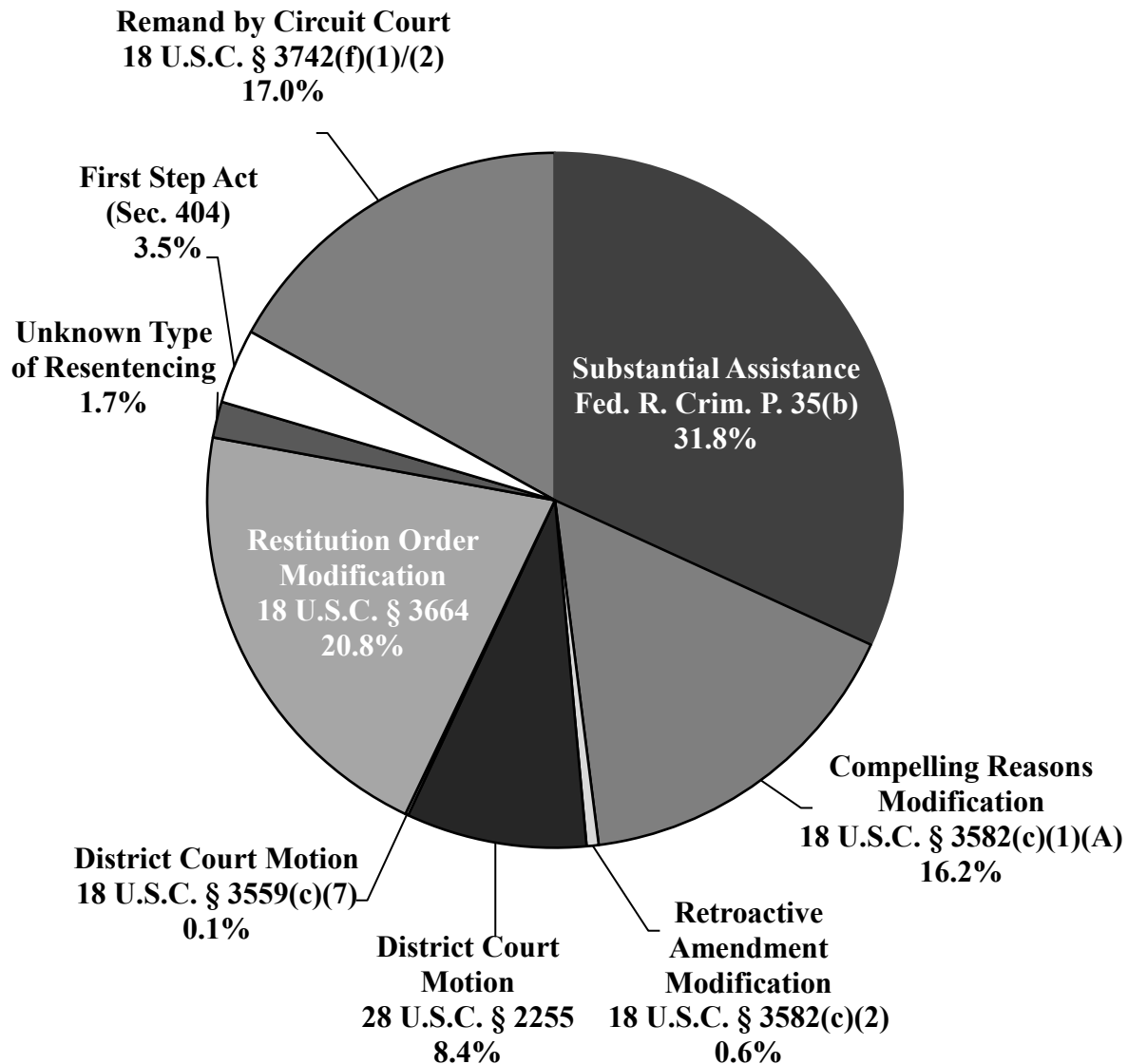
² All original sentencings of an individual in fiscal year 2023. Of the 64,124 cases, one was excluded due to missing or indeterminable sentencing information.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

RESENTENCINGS AND OTHER MODIFICATIONS OF SENTENCE

Figure R

**DISTRIBUTION OF SENTENCED INDIVIDUALS
BY TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE¹
Fiscal Year 2023**



¹ This figure includes the 2,672 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, 2023 Resentencing Datafile, RESENTFY23.

Table R

**TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT	Total	Substantial Assistance Federal R. Crim. P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	2,627	850	32.4	556	21.2	453	17.2	4	0.2	224	8.5	432	16.4	15	0.6	93	3.5
D.C. CIRCUIT	30	4	13.3	5	16.7	6	20.0	0	0.0	3	10.0	5	16.7	1	3.3	6	20.0
District of Columbia	30	4	13.3	5	16.7	6	20.0	0	0.0	3	10.0	5	16.7	1	3.3	6	20.0
FIRST CIRCUIT	67	11	16.4	15	22.4	8	11.9	0	0.0	9	13.4	15	22.4	4	6.0	5	7.5
Maine	7	2	28.6	4	57.1	0	0.0	0	0.0	0	0.0	1	14.3	0	0.0	0	0.0
Massachusetts	17	1	5.9	3	17.6	1	5.9	0	0.0	5	29.4	5	29.4	0	0.0	2	11.8
New Hampshire	3	0	0.0	1	33.3	0	0.0	0	0.0	2	66.7	0	0.0	0	0.0	0	0.0
Puerto Rico	38	8	21.1	7	18.4	7	18.4	0	0.0	2	5.3	7	18.4	4	10.5	3	7.9
Rhode Island	2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	100.0	0	0.0	0	0.0
SECOND CIRCUIT	153	7	4.6	48	31.4	32	20.9	0	0.0	26	17.0	36	23.5	1	0.7	3	2.0
Connecticut	4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	75.0	0	0.0	1	25.0
New York																	
Eastern	54	2	3.7	20	37.0	5	9.3	0	0.0	8	14.8	17	31.5	1	1.9	1	1.9
Northern	7	0	0.0	2	28.6	4	57.1	0	0.0	0	0.0	1	14.3	0	0.0	0	0.0
Southern	65	2	3.1	20	30.8	17	26.2	0	0.0	17	26.2	9	13.8	0	0.0	0	0.0
Western	20	3	15.0	6	30.0	6	30.0	0	0.0	1	5.0	3	15.0	0	0.0	1	5.0
Vermont	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
THIRD CIRCUIT	111	14	12.6	23	20.7	26	23.4	1	0.9	26	23.4	13	11.7	0	0.0	8	7.2
Delaware	4	1	25.0	2	50.0	1	25.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	34	0	0.0	14	41.2	2	5.9	1	2.9	7	20.6	8	23.5	0	0.0	2	5.9
Pennsylvania																	
Eastern	43	5	11.6	4	9.3	16	37.2	0	0.0	17	39.5	0	0.0	0	0.0	1	2.3
Middle	14	4	28.6	2	14.3	3	21.4	0	0.0	1	7.1	2	14.3	0	0.0	2	14.3
Western	15	4	26.7	1	6.7	3	20.0	0	0.0	1	6.7	3	20.0	0	0.0	3	20.0
Virgin 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
FOURTH CIRCUIT	511	172	33.7	70	13.7	98	19.2	1	0.2	32	6.3	110	21.5	1	0.2	27	5.3
Maryland	66	6	9.1	9	13.6	10	15.2	1	1.5	7	10.6	30	45.5	0	0.0	3	4.5
North Carolina																	
Eastern	65	9	13.8	2	3.1	39	60.0	0	0.0	4	6.2	9	13.8	0	0.0	2	3.1
Middle	27	5	18.5	8	29.6	9	33.3	0	0.0	1	3.7	3	11.1	0	0.0	1	3.7
Western	42	6	14.3	5	11.9	6	14.3	0	0.0	2	4.8	15	35.7	0	0.0	8	19.0
South Carolina	76	27	35.5	11	14.5	16	21.1	0	0.0	4	5.3	15	19.7	0	0.0	3	3.9
Virginia																	
Eastern	169	112	66.3	5	3.0	14	8.3	0	0.0	12	7.1	18	10.7	1	0.6	7	4.1
Western	53	6	11.3	27	50.9	1	1.9	0	0.0	2	3.8	15	28.3	0	0.0	2	3.8
West Virginia																	
Northern	8	1	12.5	3	37.5	3	37.5	0	0.0	0	0.0	1	12.5	0	0.0	0	0.0
Southern	5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4	80.0	0	0.0	1	20.0

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	%
FIFTH CIRCUIT	243	106	43.6	34	14.0	66	27.2	0	0.0	9	3.7	19	7.8	1	0.4	8	3.3
Louisiana																	
Eastern	15	1	6.7	8	53.3	3	20.0	0	0.0	0	0.0	3	20.0	0	0.0	0	0.0
Middle	1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0
Western	8	2	25.0	2	25.0	2	25.0	0	0.0	0	0.0	2	25.0	0	0.0	0	0.0
Mississippi																	
Northern	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Southern	18	14	77.8	2	11.1	1	5.6	0	0.0	0	0.0	1	5.6	0	0.0	0	0.0
Texas																	
Eastern	45	33	73.3	6	13.3	2	4.4	0	0.0	1	2.2	3	6.7	0	0.0	0	0.0
Northern	33	10	30.3	3	9.1	9	27.3	0	0.0	3	9.1	3	9.1	0	0.0	5	15.2
Southern	46	17	37.0	4	8.7	20	43.5	0	0.0	2	4.3	2	4.3	0	0.0	1	2.2
Western	73	25	34.2	9	12.3	29	39.7	0	0.0	3	4.1	5	6.8	1	1.4	1	1.4
SIXTH CIRCUIT	167	34	20.4	35	21.0	43	25.7	0	0.0	24	14.4	20	12.0	0	0.0	11	6.6
Kentucky																	
Eastern	24	1	4.2	16	66.7	1	4.2	0	0.0	1	4.2	5	20.8	0	0.0	0	0.0
Western	6	1	16.7	1	16.7	2	33.3	0	0.0	0	0.0	2	33.3	0	0.0	0	0.0
Michigan																	
Eastern	28	3	10.7	13	46.4	2	7.1	0	0.0	1	3.6	5	17.9	0	0.0	4	14.3
Western	17	5	29.4	1	5.9	6	35.3	0	0.0	1	5.9	0	0.0	0	0.0	4	23.5
Ohio																	
Northern	23	2	8.7	3	13.0	12	52.2	0	0.0	5	21.7	0	0.0	0	0.0	1	4.3
Southern	10	5	50.0	0	0.0	3	30.0	0	0.0	1	10.0	1	10.0	0	0.0	0	0.0
Tennessee																	
Eastern	16	5	31.3	0	0.0	6	37.5	0	0.0	1	6.3	2	12.5	0	0.0	2	12.5
Middle	9	0	0.0	0	0.0	5	55.6	0	0.0	4	44.4	0	0.0	0	0.0	0	0.0
Western	34	12	35.3	1	2.9	6	17.6	0	0.0	10	29.4	5	14.7	0	0.0	0	0.0
SEVENTH CIRCUIT	191	84	44.0	33	17.3	23	12.0	1	0.5	20	10.5	21	11.0	1	0.5	8	4.2
Illinois																	
Central	36	25	69.4	4	11.1	2	5.6	1	2.8	3	8.3	1	2.8	0	0.0	0	0.0
Northern	32	1	3.1	7	21.9	6	18.8	0	0.0	2	6.3	13	40.6	1	3.1	2	6.3
Southern	47	45	95.7	0	0.0	1	2.1	0	0.0	0	0.0	1	2.1	0	0.0	0	0.0
Indiana																	
Northern	15	2	13.3	3	20.0	4	26.7	0	0.0	1	6.7	3	20.0	0	0.0	2	13.3
Southern	27	3	11.1	9	33.3	5	18.5	0	0.0	7	25.9	3	11.1	0	0.0	0	0.0
Wisconsin																	
Eastern	24	4	16.7	7	29.2	2	8.3	0	0.0	7	29.2	0	0.0	0	0.0	4	16.7
Western	10	4	40.0	3	30.0	3	30.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	293	183	62.5	41	14.0	20	6.8	0	0.0	14	4.8	29	9.9	0	0.0	6	2.0
Arkansas																	
Eastern	24	18	75.0	1	4.2	3	12.5	0	0.0	0	0.0	2	8.3	0	0.0	0	0.0
Western	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Iowa																	
Northern	23	18	78.3	2	8.7	1	4.3	0	0.0	0	0.0	2	8.7	0	0.0	0	0.0
Southern	36	7	19.4	8	22.2	9	25.0	0	0.0	0	0.0	6	16.7	0	0.0	6	16.7
Minnesota	22	4	18.2	8	36.4	1	4.5	0	0.0	2	9.1	7	31.8	0	0.0	0	0.0
Missouri																	
Eastern	10	2	20.0	2	20.0	1	10.0	0	0.0	5	50.0	0	0.0	0	0.0	0	0.0
Western	16	4	25.0	0	0.0	2	12.5	0	0.0	6	37.5	4	25.0	0	0.0	0	0.0
Nebraska	34	31	91.2	2	5.9	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0	0	0.0
North Dakota	5	2	40.0	0	0.0	1	20.0	0	0.0	1	20.0	1	20.0	0	0.0	0	0.0
South Dakota	122	97	79.5	17	13.9	2	1.6	0	0.0	0	0.0	6	4.9	0	0.0	0	0.0

Table R (cont.)

CIRCUIT	Total	Substantial Assistance Federal R. Crim. P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	363	16	4.4	141	38.8	74	20.4	0	0.0	23	6.3	104	28.7	2	0.6	3	0.8
Alaska	5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	5	100.0	0	0.0	0	0.0
Arizona	29	2	6.9	14	48.3	7	24.1	0	0.0	3	10.3	3	10.3	0	0.0	0	0.0
California																	
Central	45	1	2.2	17	37.8	15	33.3	0	0.0	2	4.4	9	20.0	0	0.0	1	2.2
Eastern	25	0	0.0	10	40.0	5	20.0	0	0.0	3	12.0	5	20.0	0	0.0	2	8.0
Northern	64	2	3.1	35	54.7	15	23.4	0	0.0	1	1.6	10	15.6	1	1.6	0	0.0
Southern	49	2	4.1	10	20.4	15	30.6	0	0.0	1	2.0	21	42.9	0	0.0	0	0.0
Guam	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	11	0	0.0	0	0.0	3	27.3	0	0.0	0	0.0	8	72.7	0	0.0	0	0.0
Idaho	9	1	11.1	5	55.6	1	11.1	0	0.0	0	0.0	2	22.2	0	0.0	0	0.0
Montana	29	3	10.3	2	6.9	1	3.4	0	0.0	2	6.9	20	69.0	1	3.4	0	0.0
Nevada	18	2	11.1	3	16.7	6	33.3	0	0.0	2	11.1	5	27.8	0	0.0	0	0.0
Northern Mariana Islands	0	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Oregon	30	2	6.7	14	46.7	2	6.7	0	0.0	3	10.0	9	30.0	0	0.0	0	0.0
Washington																	
Eastern	11	0	0.0	2	18.2	1	9.1	0	0.0	5	45.5	3	27.3	0	0.0	0	0.0
Western	37	1	2.7	28	75.7	3	8.1	0	0.0	1	2.7	4	10.8	0	0.0	0	0.0
TENTH CIRCUIT	128	17	13.3	30	23.4	24	18.8	0	0.0	13	10.2	41	32.0	2	1.6	1	0.8
Colorado	13	3	23.1	3	23.1	2	15.4	0	0.0	0	0.0	5	38.5	0	0.0	0	0.0
Kansas	32	0	0.0	8	25.0	6	18.8	0	0.0	3	9.4	14	43.8	1	3.1	0	0.0
New Mexico	10	1	10.0	2	20.0	2	20.0	0	0.0	2	20.0	3	30.0	0	0.0	0	0.0
Oklahoma																	
Eastern	12	2	16.7	6	50.0	2	16.7	0	0.0	0	0.0	1	8.3	0	0.0	1	8.3
Northern	23	5	21.7	3	13.0	5	21.7	0	0.0	4	17.4	6	26.1	0	0.0	0	0.0
Western	9	0	0.0	3	33.3	4	44.4	0	0.0	1	11.1	1	11.1	0	0.0	0	0.0
Utah	11	0	0.0	1	9.1	2	18.2	0	0.0	3	27.3	4	36.4	1	9.1	0	0.0
Wyoming	18	6	33.3	4	22.2	1	5.6	0	0.0	0	0.0	7	38.9	0	0.0	0	0.0
ELEVENTH CIRCUIT	370	202	54.6	81	21.9	33	8.9	1	0.3	25	6.8	19	5.1	2	0.5	7	1.9
Alabama																	
Middle	13	2	15.4	4	30.8	4	30.8	0	0.0	1	7.7	2	15.4	0	0.0	0	0.0
Northern	4	1	25.0	1	25.0	2	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Southern	6	2	33.3	0	0.0	2	33.3	0	0.0	0	0.0	0	0.0	0	0.0	2	33.3
Florida																	
Middle	67	37	55.2	9	13.4	6	9.0	1	1.5	5	7.5	8	11.9	1	1.5	0	0.0
Northern	5	2	40.0	0	0.0	1	20.0	0	0.0	0	0.0	1	20.0	0	0.0	1	20.0
Southern	240	145	60.4	59	24.6	14	5.8	0	0.0	13	5.4	6	2.5	0	0.0	3	1.3
Georgia																	
Middle	19	9	47.4	5	26.3	3	15.8	0	0.0	0	0.0	1	5.3	0	0.0	1	5.3
Northern	7	3	42.9	0	0.0	0	0.0	0	0.0	2	28.6	1	14.3	1	14.3	0	0.0
Southern	9	1	11.1	3	33.3	1	11.1	0	0.0	4	44.4	0	0.0	0	0.0	0	0.0

¹ Of the 2,672 cases, 45 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

2023 Sourcebook of Federal Sentencing Statistics

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, USSCFY23, which includes information on the 64,124 individuals sentenced between October 1, 2022, through September 30, 2023, for whom sentencing documents were received as of February 16, 2024. This report also provides data on 113 organizations sentenced during that period. Also, this report provides data on 2,672 individuals resentenced by the district court or whose sentence was modified in some other way during that period. Finally, this report provides data on 6,555 appeals cases decided during fiscal year 2023.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, persons convicted but who have not been sentenced, and persons 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 individual on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the individual'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. Persons 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 defendants sentenced in any fiscal year because multiple guideline computations and/or multiple reference guidelines may have been applied in a single case.

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 person was sentenced.

Citizenship Status

Information on the *Citizenship Status* of sentenced individuals is obtained from the Presentence Report. Persons 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 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* 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.

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 persons 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 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 individual has been in custody the entire time. If the person 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 individuals sentenced for federal offenses given the average age of those persons. 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. Persons sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Persons 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 a sentenced organization. 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 a sentenced organization. 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 imposed is 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* 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 a sentenced individual is of Hispanic origin. For purposes of this report, individuals whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background. The *Other* race category includes individuals 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 the court imposed an aggravated penalty 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 sentenced individual was actually innocent, or (3) the individual 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 individuals convicted of drug trafficking offenses received a reduced sentence through 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 defendant is at least 70 years old, has served at least 30 years for the offense for which the defendant is currently imprisoned, and the Federal Bureau of Prisons (BOP) has determined that the defendant 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 defendant;

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 a defendant 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 defendant, 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 defendant 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 sentenced individual 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 a defendant without regard to any otherwise applicable mandatory minimum penalty when the criteria are met. Additionally, individuals 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 individual 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.

Sentenced Individual

Each *Sentenced Individual* or case, as recorded by the Commission, involves a single sentencing event for a single person. 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. An individual may account for more than one case if the person 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.

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 individual has been in custody the entire time. If the individual 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 individuals sentenced for federal offenses given the average age of those persons. 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 individuals 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 sentenced individual.

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 organization 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 datafiles. Listed below are the offense types that are grouped into each of the crime categories used in the individual 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 defendant, failure to appear by material witness, commission of offense while on release, payment of witness, and misprision of a felony. This category includes persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons sentenced under USSG §§2G2.2 and 2G2.4 (deleted).

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

Drug Possession includes simple possession of all drug types. This category includes persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 a person of civil rights. This category includes persons 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 persons sentenced under USSG §§2A4.1, 2A4.2, and 2A5.1.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons sentenced under USSG §2G1.1 who received a Base Offense Level of 34, and all persons 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 persons 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 persons 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 persons 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 persons 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 individuals 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 individuals 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 individuals 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 individuals 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 individuals who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Alternatives category includes the number of individuals 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 individuals who received no prison, no probation, and no time of alternative confinement as defined in USSG §5C1.1. Most of these individuals 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 defendant.

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 individual was sentenced.

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 individual 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

Cases are classified in this category when the sentence imposed is within both the guideline range and 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.

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 individuals 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.

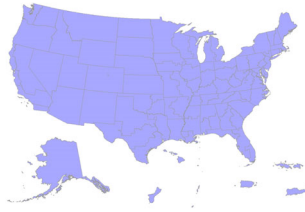
APPENDIX B

Selected National Sentencing Statistics

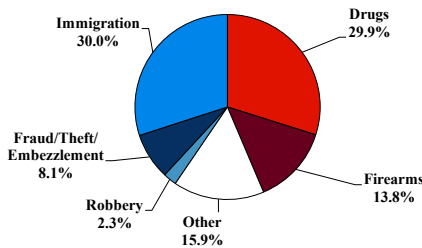
District at a Glance

National

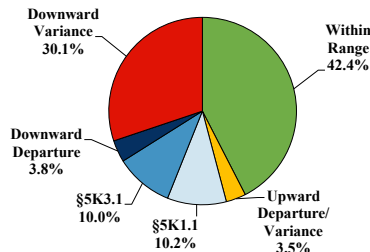
Fiscal Year 2023



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
	64,124	19,226	19,007	8,832	5,205	1,503	1,408	1,312	7,631
Mean Sentence (months)	52	12	82	49	22	110	115	63	81
Median Sentence (months)	24	8	63	40	12	96	97	36	24

IMPRISONMENT

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
Total Receiving Imprisonment	59,268	18,452	18,475	8,257	3,857	1,491	1,395	1,172	6,169
Prison Only	57,579	18,108	17,862	8,078	3,656	1,450	1,381	1,122	5,922
Up to 12 Months	15,344	10,831	1,253	604	1,086	28	31	159	1,352
13 to 60 Months	24,990	7,125	7,118	5,088	2,184	383	324	537	2,231
61 to 120 Months	10,140	138	5,572	2,032	314	533	576	228	747
Over 120 Months	7,104	13	3,919	354	72	506	450	198	1,592
Prison and Alternatives	1,689	344	613	179	201	41	14	50	247

PROBATION

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
Total Receiving Probation	4,563	774	530	567	1,305	12	13	138	1,224
Probation Only	3,808	681	417	458	1,076	12	13	101	1,050
Probation and Alternatives	755	93	113	109	229	0	0	37	174

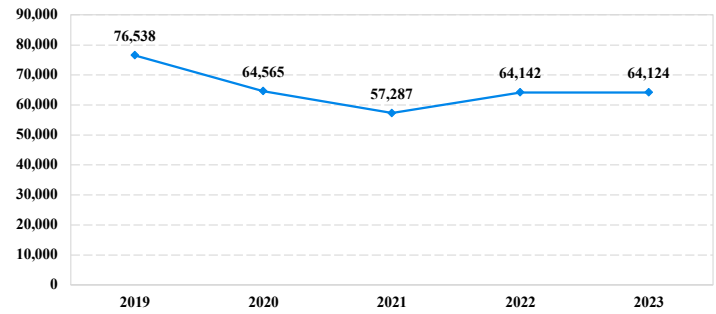
FINE ONLY

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
	293	0	2	8	43	0	0	2	238

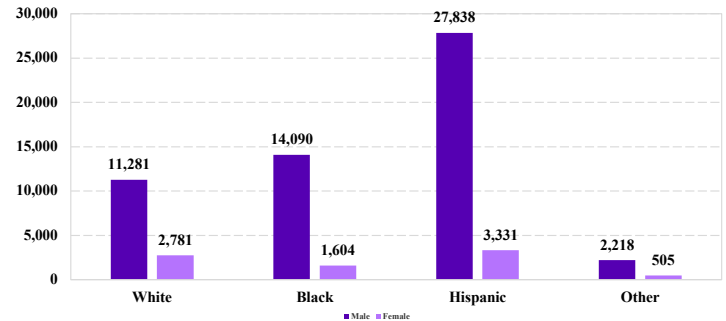
Cases with indeterminable sentence terms are excluded from the calculation of the Mean Sentence or Median Sentence category. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. Cases in the Total Receiving Imprisonment, 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, 2019 - 2023 Datafiles, USSCFY19 - USSCFY23.

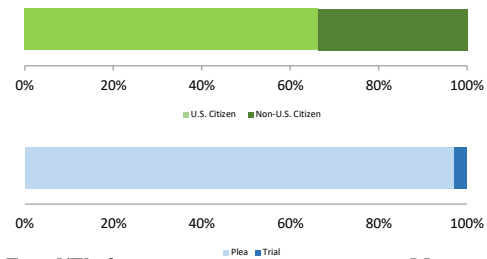
Number of Sentenced Individuals Over Time



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-2023>