

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.

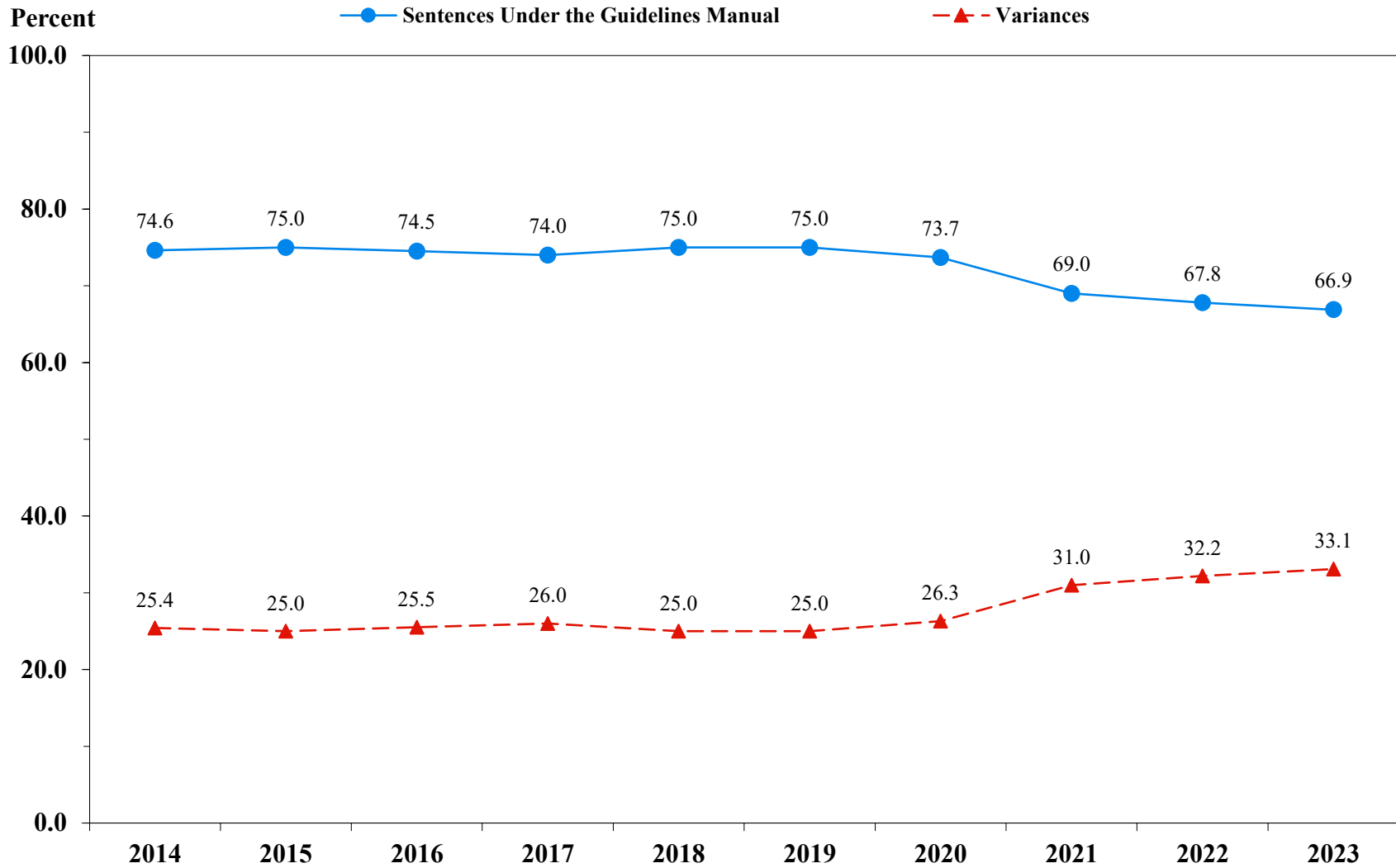
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

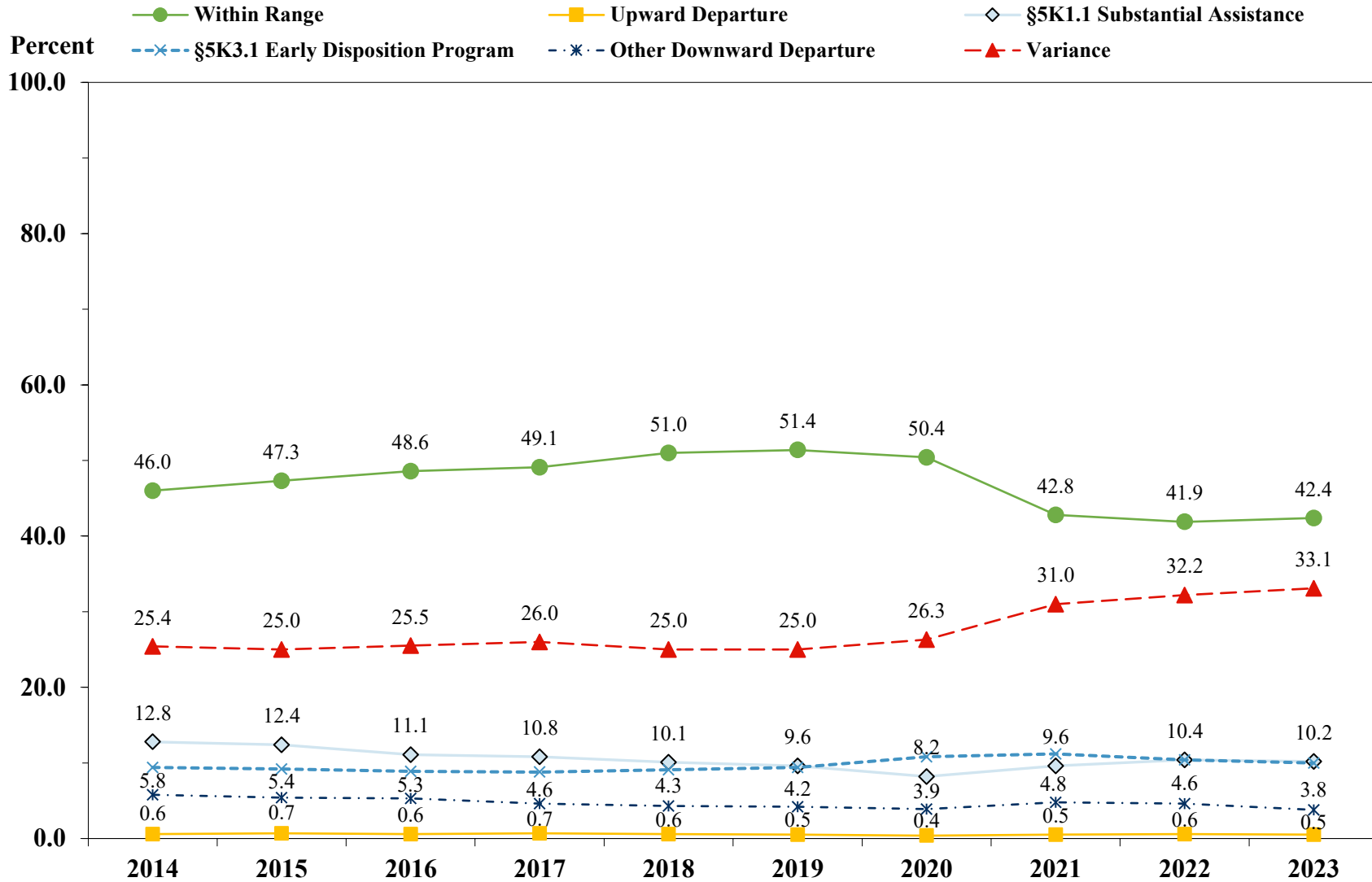
SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME¹
Fiscal Years 2014 - 2023



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	%	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 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
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					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						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.