

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES<sup>1</sup>**  
**Fiscal Year 2003<sup>2</sup>**

Guideline and SOC	Applied <sup>3</sup>	Percent <sup>4</sup>
<b>ALL OFFENSES</b>		
<b>All Offenses</b>	<b>63,059</b>	<b>100.0</b>
Decided by Trial	3,238	5.1
Upward Departures	737	1.2
Chapter 2 Specific Offense Characteristic Adjustments	39,127	62.0
§3A1.1(a) Hate Crime Adjustment (three levels)	47	0.1
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	362	0.6
§3A1.2 Official Victim Adjustment (three levels)	243	0.4
§3A1.3 Restraint of Victim Adjustment (two levels)	115	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	8	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3,568	5.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6,254	9.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1,336	2.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	294	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2,358	3.7
§3C1.2 Reckless Endangerment During Flight (two levels)	254	0.4

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<sup>1</sup> The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 70,258 cases in which the Commission received, 58,463 contained complete guideline information (83.2 percent). It is possible for multiple guideline calculations for each case, and this table represents each guideline calculation for cases in which complete information was received.

<sup>2</sup> Fiscal Year 2003 data represents guideline application from guidelines effective November 1, 2002 unless otherwise specified.

<sup>3</sup> This column represents the number of times each guideline or Specific Offense Characteristic is applied.

<sup>4</sup> The “Percent” column represents, for each guideline, the percent of all guideline calculations in which the specific guideline was involved. For each Chapter 3 Adjustment, the percent represents the percentage that the adjustment was used in the calculations for the specific guideline.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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Guideline and SOC	Applied	Percent
<b>Part A - Offenses Against Person</b>		
§2A1.1 First Degree Murder	243	0.4
Decided by Trial	93	38.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA <sup>5</sup>	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	12	4.9
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	6	2.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	52	21.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	17	0.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	1.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	5	2.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	22	9.0
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.4

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<sup>5</sup> NA (not applicable) denotes the guideline in question has no Specific Offense Characteristics.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A1.2 Second Degree Murder	43	0.1
Decided by Trial	6	14.0
Upward Departures	6	14.3
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	1	2.3
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	7.0
§3A1.2 Official Victim Adjustment (three levels)	3	7.0
§3A1.3 Restraint of Victim Adjustment (two levels)	7	16.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	4.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	3	7.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	9.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.3 Voluntary Manslaughter	11	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	9.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A1.4 Involuntary Manslaughter	46	0.1
Decided by Trial	0	0.0
Upward Departures	9	19.6
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	6.5
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.5 Conspiracy or Solicitation to Commit Murder	41	0.1
Decided by Trial	15	36.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	6	14.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	2	4.9
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	4.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	123	0.2
Decided by Trial	22	17.9
Upward Departures	8	6.6
Chapter 2 Specific Offense Characteristic Adjustments	82	66.7
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.8
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	1.6
§3A1.2 Official Victim Adjustment (three levels)	6	4.9
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.8
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	0.8
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	16	13.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	1.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	6	4.9
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	7	5.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.2 Aggravated Assault	308	0.5
Decided by Trial	41	13.3
Upward Departures	18	5.8
Chapter 2 Specific Offense Characteristic Adjustments	291	94.5
§3A1.1(a) Hate Crime Adjustment (three levels)	8	2.6
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	7	2.3
§3A1.2 Official Victim Adjustment (three levels)	43	14.0
§3A1.3 Restraint of Victim Adjustment (two levels)	7	2.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	21	6.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	1.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	3	1.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	23	7.5
§3C1.2 Reckless Endangerment During Flight (two levels)	5	1.6

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.3 Minor Assault	40	0.1
Decided by Trial	3	7.5
Upward Departures	4	10.0
Chapter 2 Specific Offense Characteristic Adjustments	10	25.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	9	22.5
§3A1.2 Official Victim Adjustment (three levels)	2	5.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	5.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.4 Obstructing or Impeding Officers	167	0.3
Decided by Trial	12	7.2
Upward Departures	5	3.0
Chapter 2 Specific Offense Characteristic Adjustments	126	75.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	0.6
§3A1.3 Restraint of Victim Adjustment (two levels)	2	1.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	13	7.8
§3C1.2 Reckless Endangerment During Flight (two levels)	5	3.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.1 Criminal Sexual Abuse (Rape)	163	0.3
Decided by Trial	48	29.4
Upward Departures	9	5.6
Chapter 2 Specific Offense Characteristic Adjustments	148	90.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	17	10.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	6	3.7
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	4.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	1.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	27	16.6
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.6
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	190	0.3
Decided by Trial	14	7.4
Upward Departures	15	7.9
Chapter 2 Specific Offense Characteristic Adjustments	148	90.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	7	3.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	13	6.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.3 Criminal Sexual Abuse of a Ward	9	0.0
Decided by Trial	1	11.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.4 Abuse Sexual Contact	46	0.1
Decided by Trial	10	21.7
Upward Departures	3	6.5
Chapter 2 Specific Offense Characteristic Adjustments	35	76.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	4.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	4.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0



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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A4.1 Kidnaping, Abduction or Unlawful Restraint	86	0.1
Decided by Trial	20	23.3
Upward Departures	3	6.5
Chapter 2 Specific Offense Characteristic Adjustments	85	98.8
§3A1.1(a) Hate Crime Adjustment (three levels)	1	1.2
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	36	41.9
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	1.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	8	9.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	3.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	7.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	5	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	40.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	16	0.0
Decided by Trial	2	12.5
Upward Departures	1	6.2
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	6.2
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A6.1 Threatening or Harassing Communication	262	0.4
Decided by Trial	40	15.3
Upward Departures	21	8.0
Chapter 2 Specific Offense Characteristic Adjustments	108	41.2
§3A1.1(a) Hate Crime Adjustment (three levels)	7	2.7
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	0.8
§3A1.2 Official Victim Adjustment (three levels)	88	33.6
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	1.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	21	8.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A6.2 Stalking or Domestic Violence	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	25.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
<b>Part B - Basic Economic Offenses</b>		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	7,088	11.2
Decided by Trial	201	2.9
Upward Departures	63	0.9
Chapter 2 Specific Offense Characteristic Adjustments	5,524	77.9
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	60	0.8
§3A1.2 Official Victim Adjustment (three levels)	6	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	21	0.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	544	7.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	216	3.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	703	10.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	26	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	270	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	13	0.2

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.3 Property Damage or Destruction <sup>6</sup>	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<sup>6</sup> This guideline was consolidated with §2B1.1 on November 1, 2001.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.4 Insider Trading	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	33.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	66.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	75.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B2.1 Burglary of a Residence	82	0.1
Decided by Trial	5	6.1
Upward Departures	2	2.4
Chapter 2 Specific Offense Characteristic Adjustments	50	61.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	1.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	2	2.4
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	4.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	4.9
§3C1.2 Reckless Endangerment During Flight (two levels)	2	2.4
§2B2.3 Trespass	8	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	62.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery	3,529	5.6
Decided by Trial	303	8.6
Upward Departures	149	4.2
Chapter 2 Specific Offense Characteristic Adjustments	3,423	97.0
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	11	0.3
§3A1.2 Official Victim Adjustment (three levels)	20	0.6
§3A1.3 Restraint of Victim Adjustment (two levels)	6	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	142	4.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	75	2.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	7	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	20	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	211	6.0
§3C1.2 Reckless Endangerment During Flight (two levels)	69	2.0
§2B3.2 Extortion by Force	96	0.2
Decided by Trial	33	34.4
Upward Departures	1	1.0
Chapter 2 Specific Offense Characteristic Adjustments	85	88.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	2.1
§3A1.2 Official Victim Adjustment (three levels)	3	3.1
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	22	22.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	10	10.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	3.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.3 Blackmail and other forms of Extortion	20	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	17	85.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	5.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	10.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	49	0.1
Decided by Trial	1	2.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	43	87.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	8.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	11	22.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.1 Offenses involving Counterfeit Bearer Obligations	591	0.9
Decided by Trial	12	2.0
Upward Departures	3	0.5
Chapter 2 Specific Offense Characteristic Adjustments	427	72.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	21	3.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	29	4.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	0.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	31	5.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B5.3 Criminal Infringement of Copyright or Trademark	101	0.2
Decided by Trial	2	2.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	96	95.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	18	17.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	5.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	7	6.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	1.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	5.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	53	0.1
Decided by Trial	2	3.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	50	94.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	9	17.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	1.9

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part C - Offenses Involving Public Officials</b>		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	193	0.3
Decided by Trial	18	9.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	177	91.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.5
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	15	7.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	3.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	1.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	4.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	25	0.0
Decided by Trial	4	16.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	22	88.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	16.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	8.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	5	0.0
Decided by Trial	1	20.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	20.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	20.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.4 Payment or Receipt of Unauthorized Compensation <sup>7</sup>	3	0.0
Decided by Trial	1	33.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	33.3
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	33.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	33.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.5 Payments to Obtain Public Office	0	0.0
§2C1.6 Loan or Gratuity to Bank Examiner or Adjustment of Farm Indebtedness	0	0.0

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<sup>7</sup> Deleted and consolidated with §2C1.3 on November 1, 2001.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials	32	0.0
Decided by Trial	8	25.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	28	87.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	6	18.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	15.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	9.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	12.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part D - Offenses Involving Drugs</b>		
§2D1.1 Drug Trafficking	22,849	36.2
Decided by Trial	1,035	4.5
Upward Departures	45	0.2
Chapter 2 Specific Offense Characteristic Adjustments	11,207	50.1
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	8	0.0
§3A1.2 Official Victim Adjustment (three levels)	27	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	11	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1,491	6.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5,062	22.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	86	0.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	171	0.7
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	828	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	81	0.4



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	350	0.6
Decided by Trial	23	6.6
Upward Departures	2	0.6
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.3
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	26	7.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	9	2.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	9	2.6
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.3
§2D1.5 Continuing Criminal Enterprise	28	0.0
Decided by Trial	10	35.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	3.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	7.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.6 Use of Communication Facility in Committing Drug Offense	22	0.0
Decided by Trial	1	4.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	4.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	9.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	15	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	26.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	6.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.8 Renting or Managing a Drug Establishment	76	0.1
Decided by Trial	1	1.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	1.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	2.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	22	0.0
Decided by Trial	4	18.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	19	86.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	22.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	4.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	106	0.2
Decided by Trial	9	8.5
Upward Departures	1	0.9
Chapter 2 Specific Offense Characteristic Adjustments	11	10.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	20	18.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	4.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	38	0.1
Decided by Trial	0	0.0
Upward Departures	1	2.6
Chapter 2 Specific Offense Characteristic Adjustments	32	84.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	7.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D2.1 Unlawful Possession	767	1.2
Decided by Trial	29	3.8
Upward Departures	97	12.7
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	0.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	0.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	1.0
§3C1.2 Reckless Endangerment During Flight (two levels)	3	0.4

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	42	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	2.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	9	21.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D3.1 Regulatory Offenses Involving Registration Numbers	7	0.0
Decided by Trial	1	14.3
Upward Departures	1	14.3
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	14.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	14.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	7	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part E - Offenses Involving Criminal Enterprises and Racketeering</b>		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	54	0.1
Decided by Trial	11	20.4
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	1.8
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	12	22.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	11.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	5.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	11	0.0
Decided by Trial	3	27.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E1.3 Violent Crimes in Aid of Racketeering Activity	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	14	0.0
Decided by Trial	2	14.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	2	14.3
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E2.1 Making or Financing an Extortionate Extension of Credit	50	0.1
Decided by Trial	1	2.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	6.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	12	24.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	8	16.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	8.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E3.1 Gambling Offenses	110	0.2
Decided by Trial	2	1.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	25	22.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	13	11.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	1.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	5	0.0
Decided by Trial	1	20.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	20.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	20.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	19	0.0
Decided by Trial	1	5.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	18	94.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	10.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	5.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	9	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	11.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	11.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part F - Offenses Involving Fraud and Deceit</b>		
§2F1.1 Fraud and Deceit <sup>8</sup>	2,194	3.5
Decided by Trial	197	9.0
Upward Departures	48	2.2
Chapter 2 Specific Offense Characteristic Adjustments	2,153	98.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	74	3.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	3	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	426	19.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	168	7.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	305	13.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	10	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	140	6.4
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.0

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<sup>8</sup> Deleted and consolidated with §2B1.1 on November 1, 2001.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2F1.2 Insider Trading <sup>27</sup>	15	0.0
Decided by Trial	3	20.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	15	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	6.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	13.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	53.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity</b>		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	279	0.4
Decided by Trial	28	10.0
Upward Departures	1	0.4
Chapter 2 Specific Offense Characteristic Adjustments	58	20.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	16	5.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	150	53.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	21	7.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.1 Production of Pornography	183	0.3
Decided by Trial	22	12.0
Upward Departures	33	18.3
Chapter 2 Specific Offense Characteristic Adjustments	175	95.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	24	13.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	8	4.4
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	3	1.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	15	8.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G2.2 Trafficking in Pornography	291	0.5
Decided by Trial	14	4.8
Upward Departures	12	4.1
Chapter 2 Specific Offense Characteristic Adjustments	288	99.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	2	0.7
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	0.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	1.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	12	4.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
§2G2.4 Possession of Pornography	259	0.4
Decided by Trial	3	1.2
Upward Departures	6	2.3
Chapter 2 Specific Offense Characteristic Adjustments	259	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	1.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
§2G3.1 Importing/Mailing/Transporting Obscene Matter	26	0.0
Decided by Trial	1	3.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	50.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part H - Offenses Involving Individual Rights</b>		
§2H1.1 Offenses Involving Individual Rights	62	0.1
Decided by Trial	15	24.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	33	53.2
§3A1.1(a) Hate Crime Adjustment (three levels)	22	35.5
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	10	16.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	9	14.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	8	12.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	11.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	1.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	14	22.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H1.3 Use of Force or Threat of Force to Deny Benefits or Rights in Furtherance of Discrimination: Damage to Religious Real Property <sup>9</sup>	1	0.0
Decided by Trial	1	100.0
Upward Departures	1	100.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	100.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H2.1 Obstructing an Election or Registration	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	100.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	100.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

<sup>9</sup> Deleted and consolidated with §2H1.1 on November 1, 1995

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H3.1 Interception of Communications	5	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	20.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	20.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	5	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H3.3 Obstructing Correspondence	10	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	20.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	10.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part J - Offenses Involving the Administration of Justice</b>		
§2J1.1 Contempt	0	0.0
§2J1.2 Obstruction of Justice	122	0.2
Decided by Trial	18	14.8
Upward Departures	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	47	38.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.8
§3A1.2 Official Victim Adjustment (three levels)	1	0.8
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	8	6.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	13	10.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	9	7.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.3 Perjury or Subornation of Perjury	80	0.1
Decided by Trial	18	22.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	10	12.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	1.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	2.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	7	8.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2J1.4 Impersonation	23	0.0
Decided by Trial	2	8.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	4.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	21.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	2	8.7
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	8.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.5 Failure to Appear by Material Witness	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	33.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	33.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2J1.6 Failure to Appear by Defendant	92	0.2
Decided by Trial	5	5.4
Upward Departures	2	2.2
Chapter 2 Specific Offense Characteristic Adjustments	55	59.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.7 Commission of Offense While on Release	107	0.2
Decided by Trial	8	7.5
Upward Departures	2	1.9
Chapter 2 Specific Offense Characteristic Adjustments	5	4.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	11	10.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	1.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	5.6
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.9
§2J1.9 Payment to a Witness	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part K - Offenses Involving Public Safety</b>		
§2K1.1 Failure to Report Theft of Explosive Materials	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	37	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	22	59.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	5.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	2.7
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	1	2.7



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.4 Arson	122	0.2
Decided by Trial	24	19.7
Upward Departures	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	25	20.5
§3A1.1(a) Hate Crime Adjustment (three levels)	2	1.6
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	2.5
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	3	2.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	2	1.6
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	24	19.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	1.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	17	13.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	23	0.0
Decided by Trial	2	8.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	17.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	5,701	9.0
Decided by Trial	442	7.8
Upward Departures	66	1.2
Chapter 2 Specific Offense Characteristic Adjustments	2,951	51.8
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	4	0.1
§3A1.2 Official Victim Adjustment (three levels)	26	0.5
§3A1.3 Restraint of Victim Adjustment (two levels)	10	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	61	1.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	69	1.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	11	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	15	2.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	280	4.9
§3C1.2 Reckless Endangerment During Flight (two levels)	42	0.7
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	2	0.0
Decided by Trial	1	50.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

## Fiscal Year 2003

Guideline and SOC	Applied	Percent
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	22	0.0
Decided by Trial	1	4.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	63.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	1	4.6
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part L - Offenses Involving Immigration, Naturalization, and Passports</b>		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	2,071	3.3
Decided by Trial	44	2.1
Upward Departures	9	0.4
Chapter 2 Specific Offense Characteristic Adjustments	1,693	81.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	6	0.3
§3A1.2 Official Victim Adjustment (three levels)	6	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	91	4.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	257	12.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	12	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	45	2.2
§3C1.2 Reckless Endangerment During Flight (two levels)	19	0.9
§2L1.2 Unlawfully Entering or Remaining in the United States	8,821	14.0
Decided by Trial	80	0.9
Upward Departures	32	0.4
Chapter 2 Specific Offense Characteristic Adjustments	7,038	79.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	3	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	46	0.5
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L2.1 Trafficking in Documents Relating to Naturalization	327	0.5
Decided by Trial	14	4.3
Upward Departures	3	0.9
Chapter 2 Specific Offense Characteristic Adjustments	200	61.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	4	1.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	38	11.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	33	10.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	8	2.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	12	3.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	979	1.6
Decided by Trial	17	1.7
Upward Departures	7	0.7
Chapter 2 Specific Offense Characteristic Adjustments	231	23.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	0.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	0.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	17	1.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**



**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part M - Offenses Involving National Defense and Weapons of Mass Destruction</b>		
§2M1.1 Treason	0	0.0
§2M2.1 Destruction of, or Production of Defective War Material	0	0
§2M2.3 Destruction of , or Production of Detective, National Defense Material	3	0
Decided by Trial	2	66.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	100.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M3.2 Gathering National Defense Information	0	0.0
§2M3.3 Transmitting National Defense Information	0	0.0
§2M3.4 Losing National Defense Information	0	0.0
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M5.1 Evasion of Export Controls; Financial Transactions with Countries Supporting Terrorism	8	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	12.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	13	0.0
Decided by Trial	3	23.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	7.7
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	23.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	15.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	0	0.0
§2M6.1 Unlawful Production of Nuclear Material	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	83.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	16.7
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	16.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	33.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws</b>		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	18	0.0
Decided by Trial	0	0.0
Upward Departures	9	50.0
Chapter 2 Specific Offense Characteristic Adjustments	14	77.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	9	50.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	11.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	10	55.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	2	0.0
Decided by Trial	1	50.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	50.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2N1.3 Tampering with Intent to Injure Business	0	0.0
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	29	0.0
Decided by Trial	2	6.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	13.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	13.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N3.1 Odometer Laws and Regulations	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part P - Offenses Involving Prisons and Correctional Facilities</b>		
§2P1.1 Escape, Instigating or Assisting Escape	209	0.3
Decided by Trial	5	2.4
Upward Departures	6	2.9
Chapter 2 Specific Offense Characteristic Adjustments	112	53.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	0.5
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	1.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	1.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	1.4
§3C1.2 Reckless Endangerment During Flight (two levels)	2	1.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2P1.2 Providing or Possessing Contraband in Prison	110	0.2
Decided by Trial	5	4.6
Upward Departures	3	2.7
Chapter 2 Specific Offense Characteristic Adjustments	3	2.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	1.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	2.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2P1.3 Engaging in a Riot Involving Persons in a Facility	1	0.0



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

Guideline and SOC	Applied	Percent
<b>Part Q -Offenses Involving the Environment</b>		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
§2Q1.2 Mishandling of Hazardous Substances	49	0.1
Decided by Trial	3	6.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	45	91.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	15	30.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	4.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	6.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.3 Mishandling of Other Environmental Pollutants	34	0.0
Decided by Trial	2	5.9
Upward Departures	1	2.9
Chapter 2 Specific Offense Characteristic Adjustments	31	91.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.9
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	20.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	5.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	8.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0
§2Q1.5 Threatened Tampering with Public Water System	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	61	0.1
Decided by Trial	8	13.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	51	83.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	8.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	4.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	1.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	8.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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Guideline and SOC	Applied	Percent
<b>Part R - Antitrust Offenses</b>		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	13	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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Guideline and SOC	Applied	Percent
<b>Part S - Money Laundering and Monetary Transactions Reporting</b>		
§2S1.1 Laundering of Monetary Instruments	755	1.2
Decided by Trial	101	13.4
Upward Departures	6	0.8
Chapter 2 Specific Offense Characteristic Adjustments	682	90.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	6	0.8
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	0.1
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	146	19.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	108	14.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	45	6.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	66	8.7
§3C1.2 Reckless Endangerment During Flight (two levels)	3	0.4

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity <sup>10</sup>	47	0.1
Decided by Trial	9	19.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	43	91.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	4.3
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	8	17.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	6	12.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	17.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<sup>10</sup> Guideline was deleted and consolidated with §2S1.1 on November 1, 2001.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.3 Structuring Transactions to Evade Reporting Requirements	159	0.2
Decided by Trial	8	5.0
Upward Departures	1	0.6
Chapter 2 Specific Offense Characteristic Adjustments	84	52.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	0.6
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	12	7.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	12	7.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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Guideline and SOC	Applied	Percent
<b>Part T - Offenses Involving Taxation</b>		
§2T1.1 Tax Evasion	502	0.8
Decided by Trial	43	8.6
Upward Departures	1	0.2
Chapter 2 Specific Offense Characteristic Adjustments	200	39.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	0.4
§3A1.2 Official Victim Adjustment (three levels)	1	0.2
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	29	5.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	16	3.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	12	2.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	31	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.2
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	65	0.1
Decided by Trial	3	4.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	47	72.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	1.5
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	1.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	10	15.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	6.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	7.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0



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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	8	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	25.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
§2T1.8 Offenses Relating to Withholding Statements	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.9 Conspiracy to Impede, Impair, Obstruct	12	0.0
Decided by Trial	6	50.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	41.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	33.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T2.1 Non-payment of Taxes	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	50.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T2.2 Regulatory Offenses	0	0.0
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	20	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	15.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	15.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	15.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
<b>Part X - Other Offenses</b>		
§2X1.1 Attempt, Solicitation, or Conspiracy	185	0.3
Decided by Trial	13	7.0
Upward Departures	5	2.7
Chapter 2 Specific Offense Characteristic Adjustments	38	20.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	1.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	2	1.1
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	10	5.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	2.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	1.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X2.1 Aiding and Abetting	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2003**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X3.1 Accessory After the Fact	111	0.2
Decided by Trial	12	10.8
Upward Departures	2	1.8
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.9
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X4.1 Misprision of a Felony	467	0.7
Decided by Trial	0	0.0
Upward Departures	11	2.4
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	0.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	1.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	6	1.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	1.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X1.5 Other Offenses	0	0.0