

United States Sentencing Commission Quarterly Data Report



Fiscal Year 2020

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² Additional information on Commission data can be found through the Commission's "Interactive Data Analyzer" at <https://ida.ussc.gov>.

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015. In fiscal year 2016, the Commission revised the format for its *Quarterly Data Reports*, to include information not previously reported on a quarterly basis, and to make it easier to understand the data that was presented.

Beginning in 2018, the Commission again updated the way it presents quarterly data. Now, all analyses that involve a comparison of the sentence imposed relative to the guideline range that applied in the case are presented in a new way. Sentences are now grouped into two broad categories: Sentences Under the Guidelines Manual and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the range, where the court indicated that one or more of the departure reasons in the Commission's *Guidelines Manual* was a basis for the sentence. Variance cases are those where the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

This report reflects other methodological changes that began with fiscal year 2018 data. Principal among them is the way cases are assigned to a "type of crime" (previously called offense type). Beginning with fiscal year 2018, the guideline (or guidelines) that the court applied in determining the sentence largely determines the crime type category to which a case is assigned. Previously, the maximum penalty provided under the statute of conviction was used for this categorization. Also, the names of some of the crime type categories have been revised and some outdated categories have been removed from the tables and figures.

Additionally, cases involving the production of child pornography have been assigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography

¹ In each federal felony or Class A misdemeanor case, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2020 are available at the Commission's website, www.ussc.gov.

offense type in the *Sourcebook*. This change reflects the way in which the production of child pornography is treated under the sentencing guidelines.

Another important methodological change is that sentences are capped at 470 months for all analyses. This is consistent with the Commission's long-standing practice of assigning a value of 470 months to any life imprisonment sentence.

Because of these methodological changes, direct comparisons between data for fiscal year 2018 and later years cannot always be made to data reported in the *Quarterly Data Reports* released before the Final Fiscal Year 2018 *Quarterly Data Report*.

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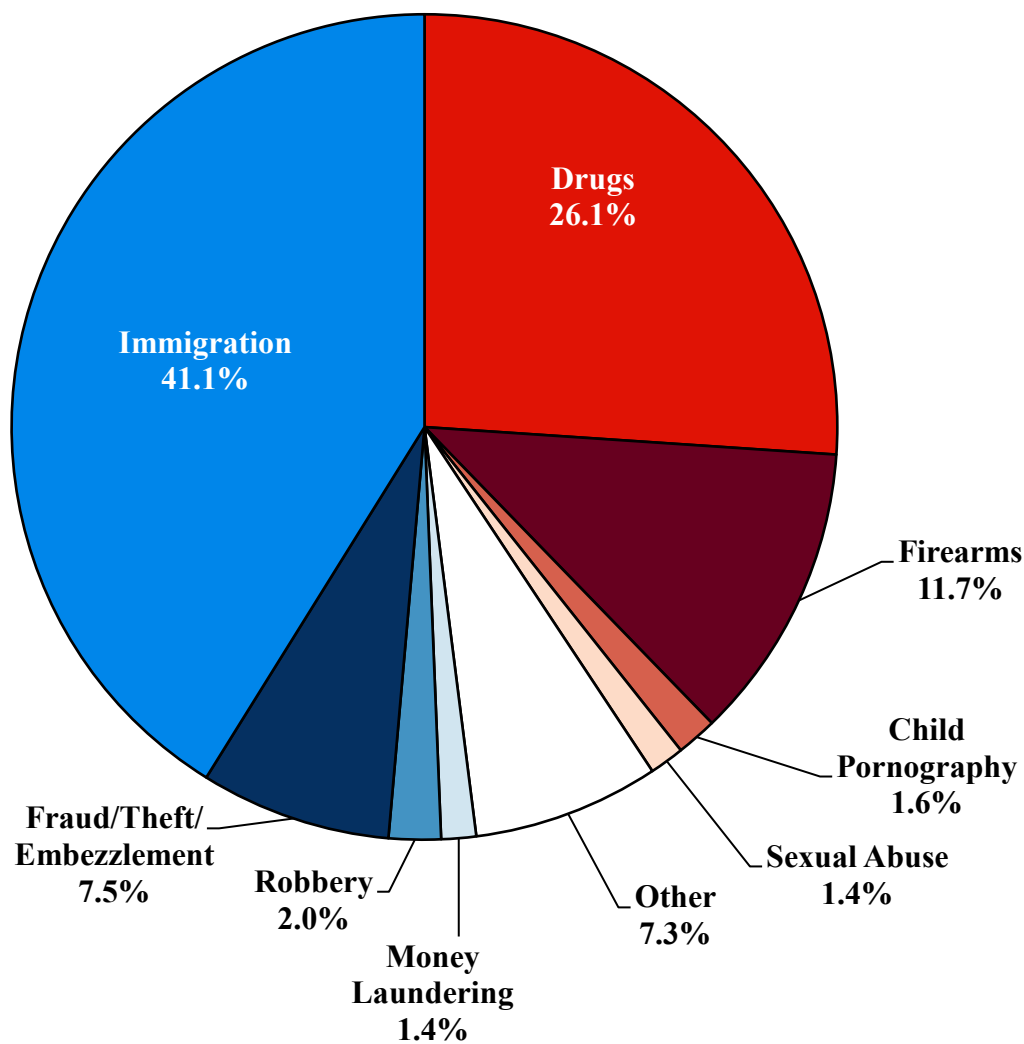
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Figure 1
FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2020



¹ This figure includes the 64,565 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2020

TYPE OF CRIME	N	%
TOTAL	64,565	100.0
Administration of Justice	542	0.8
Antitrust	11	0.0
Arson	48	0.1
Assault	618	1.0
Bribery/Corruption	240	0.4
Burglary/Trespass	39	0.1
Child Pornography	1,023	1.6
Commercialized Vice	53	0.1
Drug Possession	439	0.7
Drug Trafficking	16,390	25.4
Environmental	137	0.2
Extortion/Racketeering	120	0.2
Firearms	7,539	11.7
Food and Drug	33	0.1
Forgery/Counter/Copyright	198	0.3
Fraud/Theft/Embezzlement	4,823	7.5
Immigration	26,561	41.1
Individual Rights	70	0.1
Kidnapping	66	0.1
Manslaughter	38	0.1
Money Laundering	880	1.4
Murder	294	0.5
National Defense	165	0.3
Obscenity/Other Sex Offenses	318	0.5
Prison Offenses	457	0.7
Robbery	1,316	2.0
Sexual Abuse	881	1.4
Stalking/Harassing	225	0.3
Tax	366	0.6
Other	675	1.0

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2020

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	64,565	100.0			
D.C. CIRCUIT	272	0.4	FIFTH CIRCUIT	20,229	31.3
District of Columbia	272	0.4	Louisiana		
			Eastern	184	0.3
			Middle	123	0.2
FIRST CIRCUIT	1,727	2.7	Western	292	0.5
Maine	118	0.2	Mississippi		
Massachusetts	387	0.6	Northern	136	0.2
New Hampshire	200	0.3	Southern	386	0.6
Puerto Rico	922	1.4	Texas		
Rhode Island	100	0.2	Eastern	698	1.1
			Northern	1,380	2.1
SECOND CIRCUIT	2,449	3.8	Southern	8,538	13.2
Connecticut	353	0.5	Western	8,492	13.2
New York					
Eastern	360	0.6	SIXTH CIRCUIT	4,152	6.4
Northern	305	0.5	Kentucky		
Southern	926	1.4	Eastern	431	0.7
Western	350	0.5	Western	347	0.5
Vermont	155	0.2	Michigan		
			Eastern	533	0.8
THIRD CIRCUIT	1,931	3.0	Western	320	0.5
Delaware	89	0.1	Ohio		
New Jersey	595	0.9	Northern	787	1.2
Pennsylvania			Southern	552	0.9
Eastern	493	0.8	Tennessee		
Middle	360	0.6	Eastern	605	0.9
Western	357	0.6	Middle	235	0.4
Virgin Islands	37	0.1	Western	342	0.5
FOURTH CIRCUIT	4,266	6.6	SEVENTH CIRCUIT	2,270	3.5
Maryland	469	0.7	Illinois		
North Carolina			Central	227	0.4
Eastern	708	1.1	Northern	540	0.8
Middle	404	0.6	Southern	234	0.4
Western	513	0.8	Indiana		
South Carolina	575	0.9	Northern	316	0.5
Virginia			Southern	537	0.8
Eastern	813	1.3	Wisconsin		
Western	287	0.4	Eastern	265	0.4
West Virginia			Western	151	0.2
Northern	235	0.4			
Southern	262	0.4			

Table 2 (cont.)

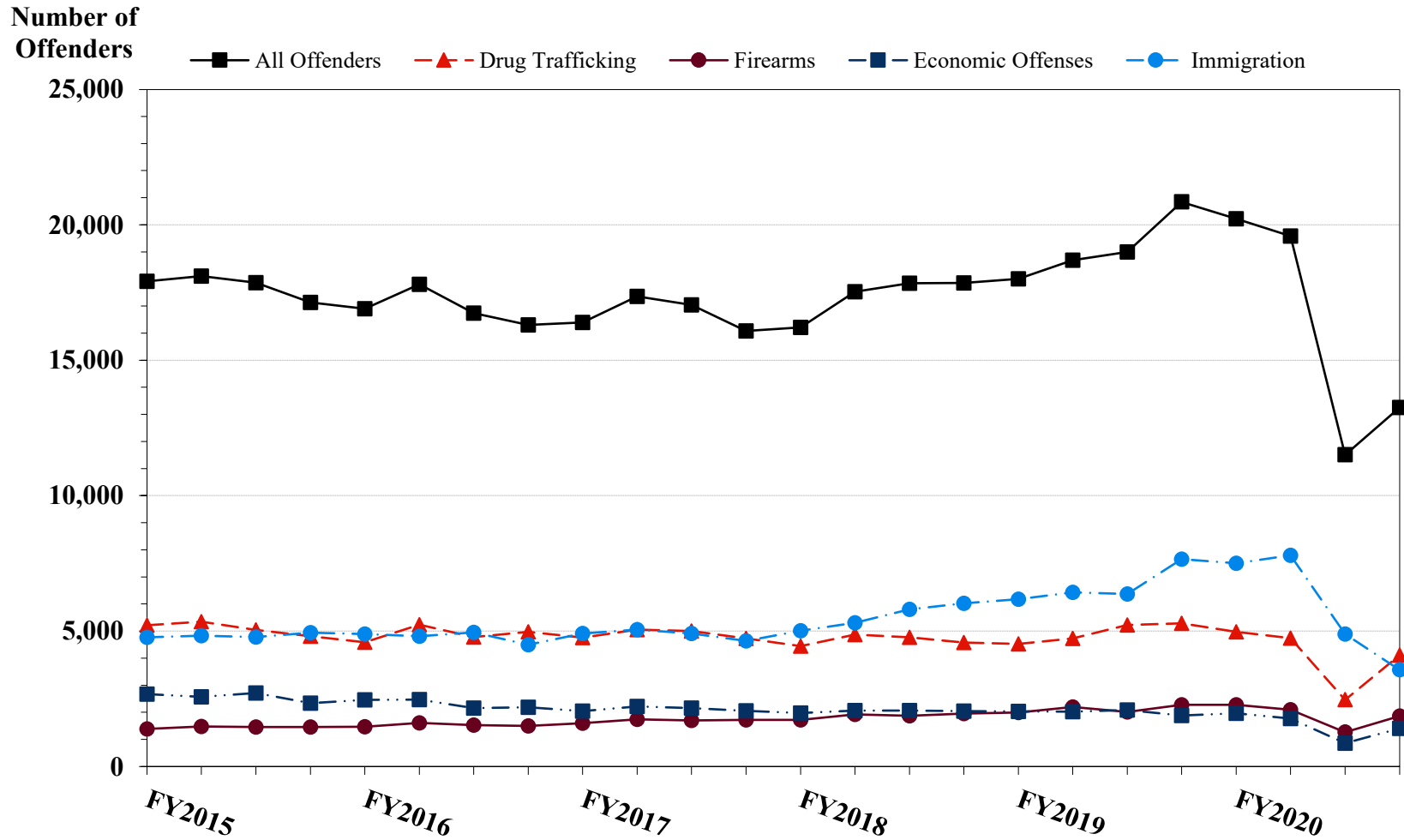
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,694	7.3	TENTH CIRCUIT	5,566	8.6
Arkansas			Colorado	400	0.6
Eastern	474	0.7	Kansas	311	0.5
Western	247	0.4	New Mexico	3,192	4.9
Iowa			Oklahoma		
Northern	365	0.6	Eastern	105	0.2
Southern	421	0.7	Northern	240	0.4
Minnesota	334	0.5	Western	473	0.7
Missouri			Utah	685	1.1
Eastern	925	1.4	Wyoming	160	0.2
Western	697	1.1			
Nebraska	482	0.7	ELEVENTH CIRCUIT	4,970	7.7
North Dakota	252	0.4	Alabama		
South Dakota	497	0.8	Middle	140	0.2
			Northern	453	0.7
NINTH CIRCUIT	12,039	18.6	Southern	301	0.5
Alaska	108	0.2	Florida		
Arizona	4,566	7.1	Middle	1,222	1.9
California			Northern	275	0.4
Central	918	1.4	Southern	1,326	2.1
Eastern	408	0.6	Georgia		
Northern	557	0.9	Middle	355	0.5
Southern	3,499	5.4	Northern	490	0.8
Guam	42	0.1	Southern	408	0.6
Hawaii	124	0.2			
Idaho	321	0.5			
Montana	324	0.5			
Nevada	293	0.5			
Northern Mariana Islands	10	0.0			
Oregon	362	0.6			
Washington					
Eastern	238	0.4			
Western	269	0.4			

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

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2015 - 2020



¹ The *Drug Trafficking* category includes offenders sentenced under §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, or 2D1.14. The *Firearms* category includes offenders sentenced under §§2K1.3, 2K1.4, 2K2.1, 2K2.4, or 2K2.5. The *Economic Offenses* category includes offenders sentenced under §§2B1.1, 2B1.4, 2B1.5, 2B2.1, 2B3.1, 2B3.2, 2B4.1, 2B5.1, or 2B5.3. The *Immigration* category includes offenders sentenced under §§2L1.1, 2L1.2, 2L2.1, or 2L2.2. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2020

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	63,834	12,333	19.3	12,210	19.1	37,105	58.1	2,186	3.4
Administration of Justice	535	174	32.5	104	19.4	190	35.5	67	12.5
Antitrust	10	8	80.0	0	0.0	1	10.0	1	10.0
Arson	48	25	52.1	10	20.8	5	10.4	8	16.7
Assault	609	103	16.9	147	24.1	126	20.7	233	38.3
Bribery/Corruption	239	95	39.7	71	29.7	49	20.5	24	10.0
Burglary/Trespass	39	12	30.8	14	35.9	5	12.8	8	20.5
Child Pornography	1,023	832	81.3	42	4.1	123	12.0	26	2.5
Commercialized Vice	52	23	44.2	18	34.6	0	0.0	11	21.2
Drug Possession	396	120	30.3	61	15.4	194	49.0	21	5.3
Drug Trafficking	16,358	4,266	26.1	4,399	26.9	7,181	43.9	512	3.1
Environmental	129	82	63.6	7	5.4	15	11.6	25	19.4
Extortion/Racketeering	119	44	37.0	25	21.0	30	25.2	20	16.8
Firearms	7,520	1,953	26.0	4,051	53.9	1,291	17.2	225	3.0
Food and Drug	32	26	81.3	2	6.3	2	6.3	2	6.3
Forgery/Counter/Copyright	198	104	52.5	52	26.3	17	8.6	25	12.6
Fraud/Theft/Embezzlement	4,776	1,984	41.5	1,236	25.9	1,247	26.1	309	6.5
Immigration	26,230	498	1.9	220	0.8	25,368	96.7	144	0.5
Individual Rights	70	37	52.9	17	24.3	10	14.3	6	8.6
Kidnapping	66	25	37.9	20	30.3	12	18.2	9	13.6
Manslaughter	38	5	13.2	3	7.9	1	2.6	29	76.3
Money Laundering	877	280	31.9	170	19.4	352	40.1	75	8.6
Murder	294	34	11.6	138	46.9	97	33.0	25	8.5
National Defense	162	35	21.6	13	8.0	96	59.3	18	11.1
Obscenity/Other Sex Offenses	316	153	48.4	75	23.7	35	11.1	53	16.8
Prison Offenses	440	102	23.2	161	36.6	148	33.6	29	6.6
Robbery	1,312	292	22.3	764	58.2	214	16.3	42	3.2
Sexual Abuse	878	501	57.1	126	14.4	129	14.7	122	13.9
Stalking/Harassing	224	124	55.4	31	13.8	24	10.7	45	20.1
Tax	365	188	51.5	100	27.4	40	11.0	37	10.1
Other	479	208	43.4	133	27.8	103	21.5	35	7.3

¹ Of the 64,565 cases, 731 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2020

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	64,456	56,559	87.7	7,897	12.3
Administration of Justice	540	378	70.0	162	30.0
Antitrust	11	8	72.7	3	27.3
Arson	48	43	89.6	5	10.4
Assault	617	558	90.4	59	9.6
Bribery/Corruption	240	181	75.4	59	24.6
Burglary/Trespass	39	32	82.1	7	17.9
Child Pornography	1,023	1,020	99.7	3	0.3
Commercialized Vice	53	36	67.9	17	32.1
Drug Possession	435	332	76.3	103	23.7
Drug Trafficking	16,390	13,535	82.6	2,855	17.4
Environmental	133	120	90.2	13	9.8
Extortion/Racketeering	120	101	84.2	19	15.8
Firearms	7,538	7,240	96.0	298	4.0
Food and Drug	33	21	63.6	12	36.4
Forgery/Counter/Copyright	198	155	78.3	43	21.7
Fraud/Theft/Embezzlement	4,821	3,263	67.7	1,558	32.3
Immigration	26,498	24,589	92.8	1,909	7.2
Individual Rights	70	60	85.7	10	14.3
Kidnapping	66	59	89.4	7	10.6
Manslaughter	38	32	84.2	6	15.8
Money Laundering	880	667	75.8	213	24.2
Murder	294	275	93.5	19	6.5
National Defense	164	141	86.0	23	14.0
Obscenity/Other Sex Offenses	318	311	97.8	7	2.2
Prison Offenses	457	420	91.9	37	8.1
Robbery	1,316	1,197	91.0	119	9.0
Sexual Abuse	881	813	92.3	68	7.7
Stalking/Harassing	225	209	92.9	16	7.1
Tax	366	268	73.2	98	26.8
Other	644	495	76.9	149	23.1

¹ Of the 64,565 cases, 109 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2020

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	64,284	34,616	53.8	29,668	46.2
Administration of Justice	536	421	78.5	115	21.5
Antitrust	11	8	72.7	3	27.3
Arson	48	47	97.9	1	2.1
Assault	608	569	93.6	39	6.4
Bribery/Corruption	240	220	91.7	20	8.3
Burglary/Trespass	39	37	94.9	2	5.1
Child Pornography	1,023	991	96.9	32	3.1
Commercialized Vice	53	51	96.2	2	3.8
Drug Possession	413	269	65.1	144	34.9
Drug Trafficking	16,372	13,088	79.9	3,284	20.1
Environmental	130	109	83.8	21	16.2
Extortion/Racketeering	120	101	84.2	19	15.8
Firearms	7,532	7,216	95.8	316	4.2
Food and Drug	32	31	96.9	1	3.1
Forgery/Counter/Copyright	198	181	91.4	17	8.6
Fraud/Theft/Embezzlement	4,789	3,721	77.7	1,068	22.3
Immigration	26,549	2,604	9.8	23,945	90.2
Individual Rights	70	67	95.7	3	4.3
Kidnapping	66	61	92.4	5	7.6
Manslaughter	38	38	100.0	0	0.0
Money Laundering	877	599	68.3	278	31.7
Murder	294	252	85.7	42	14.3
National Defense	165	88	53.3	77	46.7
Obscenity/Other Sex Offenses	316	308	97.5	8	2.5
Prison Offenses	443	419	94.6	24	5.4
Robbery	1,315	1,269	96.5	46	3.5
Sexual Abuse	881	839	95.2	42	4.8
Stalking/Harassing	224	216	96.4	8	3.6
Tax	366	339	92.6	27	7.4
Other	536	457	85.3	79	14.7

¹ Of the 64,565 cases, 281 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹
Fiscal Year 2020

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	40	14	64,564
Administration of Justice	11	8	542
Antitrust	8	6	11
Arson	78	60	48
Assault	64	36	618
Bribery/Corruption	15	8	240
Burglary/Trespass	19	15	39
Child Pornography	102	84	1,023
Commercialized Vice	20	12	53
Drug Possession	3	0	438
Drug Trafficking	76	60	16,390
Environmental	3	0	137
Extortion/Racketeering	23	12	120
Firearms	48	37	7,539
Food and Drug	17	4	33
Forgery/Counter/Copyright	17	12	198
Fraud/Theft/Embezzlement	19	8	4,823
Immigration	8	5	26,561
Individual Rights	55	24	70
Kidnapping	195	168	66
Manslaughter	56	47	38
Money Laundering	58	34	880
Murder	255	228	294
National Defense	38	24	165
Obscenity/Other Sex Offenses	19	18	318
Prison Offenses	11	8	457
Robbery	105	87	1,316
Sexual Abuse	201	180	881
Stalking/Harassing	29	21	225
Tax	15	12	366
Other	2	0	675

¹ Of the 64,565 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
Fiscal Year 2020

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	64,565	59,301	91.8	57,550	89.1	1,751	2.7	4,943	7.7	1,098	1.7	3,845	6.0	321	0.5
Administration of Justice	542	384	70.8	346	63.8	38	7.0	152	28.0	33	6.1	119	22.0	6	1.1
Antitrust	11	7	63.6	6	54.5	1	9.1	4	36.4	0	0.0	4	36.4	0	0.0
Arson	48	46	95.8	45	93.8	1	2.1	2	4.2	0	0.0	2	4.2	0	0.0
Assault	618	543	87.9	508	82.2	35	5.7	68	11.0	7	1.1	61	9.9	7	1.1
Bribery/Corruption	240	154	64.2	149	62.1	5	2.1	84	35.0	34	14.2	50	20.8	2	0.8
Burglary/Trespass	39	31	79.5	26	66.7	5	12.8	8	20.5	0	0.0	8	20.5	0	0.0
Child Pornography	1,023	1,015	99.2	1,003	98.0	12	1.2	8	0.8	3	0.3	5	0.5	0	0.0
Commercialized Vice	53	42	79.2	36	67.9	6	11.3	11	20.8	1	1.9	10	18.9	0	0.0
Drug Possession	439	255	58.1	251	57.2	4	0.9	125	28.5	5	1.1	120	27.3	59	13.4
Drug Trafficking	16,390	15,820	96.5	15,299	93.3	521	3.2	566	3.5	150	0.9	416	2.5	4	0.0
Environmental	137	41	29.9	37	27.0	4	2.9	83	60.6	17	12.4	66	48.2	13	9.5
Extortion/Racketeering	120	80	66.7	74	61.7	6	5.0	39	32.5	5	4.2	34	28.3	1	0.8
Firearms	7,539	7,084	94.0	6,800	90.2	284	3.8	453	6.0	139	1.8	314	4.2	2	0.0
Food and Drug	33	13	39.4	13	39.4	0	0.0	20	60.6	4	12.1	16	48.5	0	0.0
Forgery/Counter/Copyright	198	167	84.3	150	75.8	17	8.6	31	15.7	6	3.0	25	12.6	0	0.0
Fraud/Theft/Embezzlement	4,823	3,472	72.0	3,234	67.1	238	4.9	1,295	26.9	331	6.9	964	20.0	56	1.2
Immigration	26,561	25,189	94.8	24,865	93.6	324	1.2	1,368	5.2	215	0.8	1,153	4.3	4	0.0
Individual Rights	70	55	78.6	54	77.1	1	1.4	14	20.0	1	1.4	13	18.6	1	1.4
Kidnapping	66	66	100.0	58	87.9	8	12.1	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	38	34	89.5	32	84.2	2	5.3	4	10.5	0	0.0	4	10.5	0	0.0
Money Laundering	880	763	86.7	731	83.1	32	3.6	117	13.3	41	4.7	76	8.6	0	0.0
Murder	294	293	99.7	283	96.3	10	3.4	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	165	146	88.5	139	84.2	7	4.2	14	8.5	3	1.8	11	6.7	5	3.0
Obscenity/Other Sex Offenses	318	299	94.0	264	83.0	35	11.0	19	6.0	4	1.3	15	4.7	0	0.0
Prison Offenses	457	442	96.7	420	91.9	22	4.8	15	3.3	4	0.9	11	2.4	0	0.0
Robbery	1,316	1,294	98.3	1,242	94.4	52	4.0	22	1.7	10	0.8	12	0.9	0	0.0
Sexual Abuse	881	877	99.5	857	97.3	20	2.3	4	0.5	1	0.1	3	0.3	0	0.0
Stalking/Harassing	225	204	90.7	177	78.7	27	12.0	21	9.3	7	3.1	14	6.2	0	0.0
Tax	366	253	69.1	231	63.1	22	6.0	112	30.6	40	10.9	72	19.7	1	0.3
Other	675	232	34.4	220	32.6	12	1.8	283	41.9	37	5.5	246	36.4	160	23.7

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2020

	<u>N</u>	<u>%</u>
TOTAL CASES	64,233	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	47,341	73.7
Within Guideline Range	32,358	50.4
Upward Departure ²	261	0.4
Downward Departure		
§5K1.1 Substantial Assistance	5,270	8.2
§5K3.1 Early Disposition Program	6,918	10.8
Other Government Motion ³	1,149	1.8
Non-Government Departure ⁴	1,385	2.2
VARIANCES	16,892	26.3
Upward Variance ⁵	1,182	1.8
Downward Variance		
Government Motion ⁶	3,774	5.9
Non-Government Variance ⁷	11,936	18.6

¹ This table reflects the 64,565 cases sentenced in fiscal year 2020. Of these, 332 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

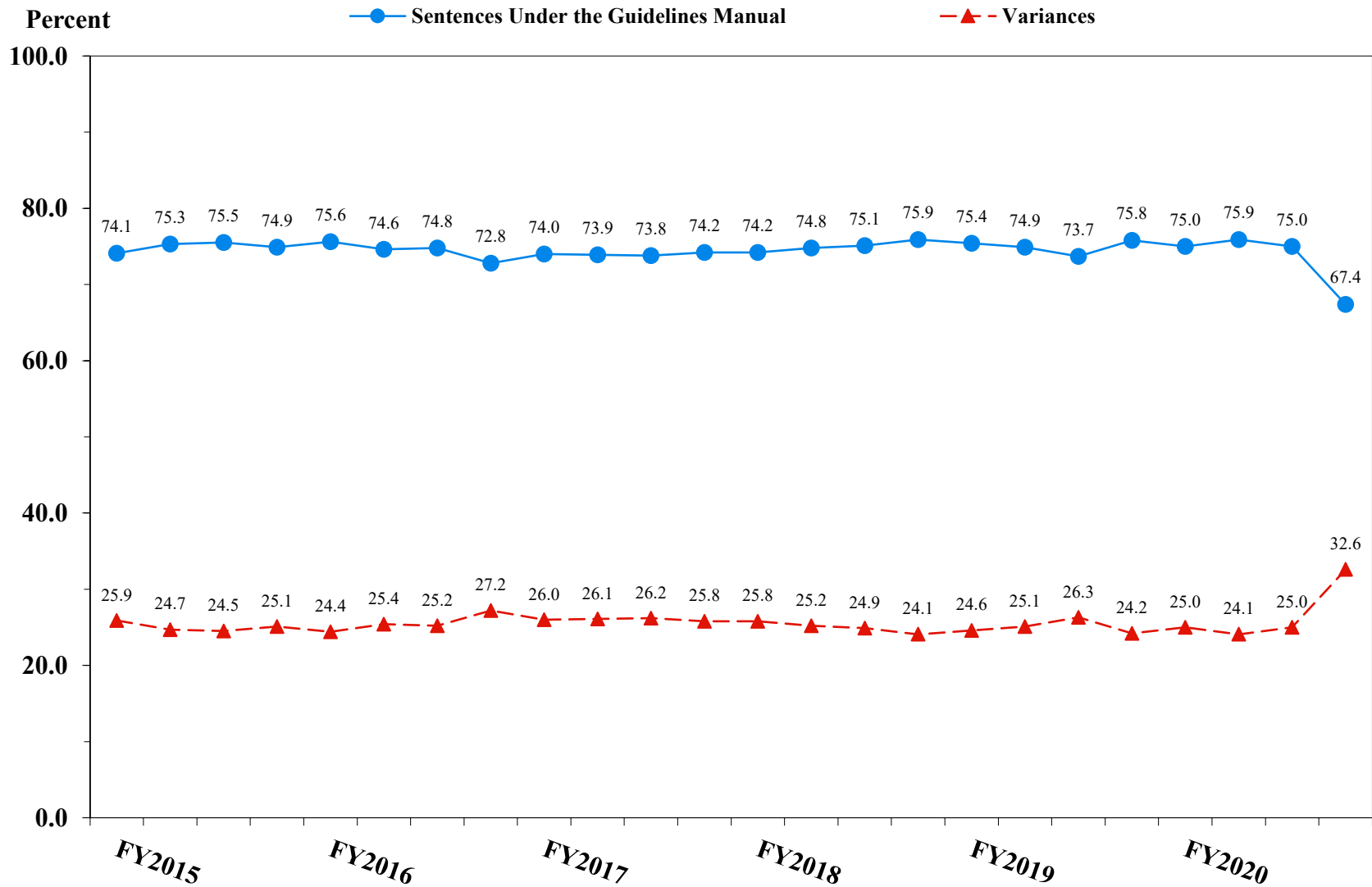
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2015 - 2020

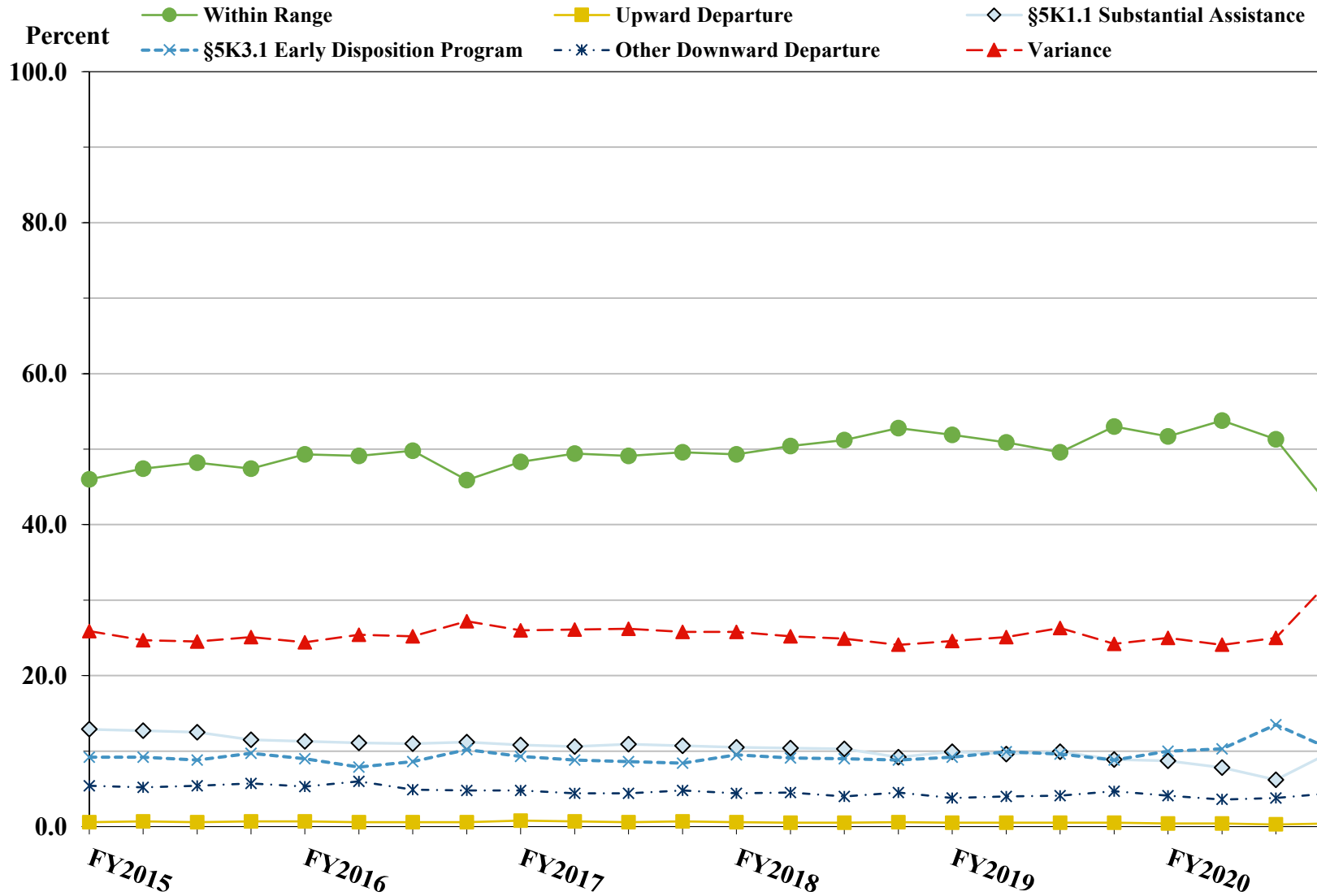


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹
Fiscal Years 2015 - 2020



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

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2020**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	64,233	32,358	50.4	261	0.4	5,270	8.2	6,918	10.8	2,534	3.9	16,892	26.3
D.C. CIRCUIT	270	96	35.6	2	0.7	31	11.5	0	0.0	36	13.3	105	38.9
District of Columbia	270	96	35.6	2	0.7	31	11.5	0	0.0	36	13.3	105	38.9
FIRST CIRCUIT	1,725	825	47.8	12	0.7	129	7.5	2	0.1	82	4.8	675	39.1
Maine	117	50	42.7	0	0.0	23	19.7	0	0.0	5	4.3	39	33.3
Massachusetts	386	145	37.6	6	1.6	35	9.1	2	0.5	23	6.0	175	45.3
New Hampshire	200	61	30.5	0	0.0	35	17.5	0	0.0	8	4.0	96	48.0
Puerto Rico	922	547	59.3	4	0.4	28	3.0	0	0.0	46	5.0	297	32.2
Rhode Island	100	22	22.0	2	2.0	8	8.0	0	0.0	0	0.0	68	68.0
SECOND CIRCUIT	2,439	727	29.8	9	0.4	431	17.7	7	0.3	94	3.9	1,171	48.0
Connecticut	353	135	38.2	2	0.6	48	13.6	0	0.0	35	9.9	133	37.7
New York													
Eastern	360	93	25.8	2	0.6	73	20.3	1	0.3	32	8.9	159	44.2
Northern	297	153	51.5	2	0.7	51	17.2	0	0.0	3	1.0	88	29.6
Southern	924	168	18.2	0	0.0	163	17.6	6	0.6	21	2.3	566	61.3
Western	350	152	43.4	2	0.6	54	15.4	0	0.0	1	0.3	141	40.3
Vermont	155	26	16.8	1	0.6	42	27.1	0	0.0	2	1.3	84	54.2
THIRD CIRCUIT	1,927	815	42.3	8	0.4	349	18.1	9	0.5	46	2.4	700	36.3
Delaware	89	39	43.8	2	2.2	20	22.5	5	5.6	3	3.4	20	22.5
New Jersey	592	259	43.8	1	0.2	97	16.4	0	0.0	7	1.2	228	38.5
Pennsylvania													
Eastern	492	169	34.3	1	0.2	114	23.2	2	0.4	15	3.0	191	38.8
Middle	360	167	46.4	1	0.3	77	21.4	2	0.6	11	3.1	102	28.3
Western	357	151	42.3	3	0.8	39	10.9	0	0.0	8	2.2	156	43.7
Virgin Islands	37	30	81.1	0	0.0	2	5.4	0	0.0	2	5.4	3	8.1
FOURTH CIRCUIT	4,200	2,182	52.0	20	0.5	544	13.0	5	0.1	126	3.0	1,323	31.5
Maryland	456	153	33.6	4	0.9	66	14.5	0	0.0	45	9.9	188	41.2
North Carolina													
Eastern	665	365	54.9	3	0.5	155	23.3	0	0.0	12	1.8	130	19.5
Middle	404	225	55.7	3	0.7	34	8.4	0	0.0	9	2.2	133	32.9
Western	512	275	53.7	1	0.2	96	18.8	0	0.0	3	0.6	137	26.8
South Carolina	575	277	48.2	1	0.2	95	16.5	0	0.0	11	1.9	191	33.2
Virginia													
Eastern	805	486	60.4	6	0.7	33	4.1	0	0.0	36	4.5	244	30.3
Western	287	107	37.3	2	0.7	39	13.6	3	1.0	7	2.4	129	44.9
West Virginia													
Northern	235	138	58.7	0	0.0	18	7.7	2	0.9	1	0.4	76	32.3
Southern	261	156	59.8	0	0.0	8	3.1	0	0.0	2	0.8	95	36.4

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	20,196	13,910	68.9	59	0.3	713	3.5	1,356	6.7	857	4.2	3,301	16.3
Louisiana													
Eastern	177	106	59.9	0	0.0	28	15.8	0	0.0	4	2.3	39	22.0
Middle	120	71	59.2	0	0.0	20	16.7	0	0.0	1	0.8	28	23.3
Western	284	201	70.8	5	1.8	27	9.5	0	0.0	8	2.8	43	15.1
Mississippi													
Northern	130	65	50.0	0	0.0	26	20.0	0	0.0	1	0.8	38	29.2
Southern	386	234	60.6	0	0.0	25	6.5	31	8.0	3	0.8	93	24.1
Texas													
Eastern	698	494	70.8	3	0.4	20	2.9	1	0.1	6	0.9	174	24.9
Northern	1,377	888	64.5	8	0.6	152	11.0	0	0.0	29	2.1	300	21.8
Southern	8,535	5,170	60.6	38	0.4	257	3.0	1,104	12.9	595	7.0	1,371	16.1
Western	8,489	6,681	78.7	5	0.1	158	1.9	220	2.6	210	2.5	1,215	14.3
SIXTH CIRCUIT	4,134	1,831	44.3	20	0.5	739	17.9	8	0.2	211	5.1	1,325	32.1
Kentucky													
Eastern	431	249	57.8	3	0.7	62	14.4	0	0.0	5	1.2	112	26.0
Western	347	129	37.2	1	0.3	90	25.9	4	1.2	21	6.1	102	29.4
Michigan													
Eastern	528	231	43.8	2	0.4	57	10.8	0	0.0	9	1.7	229	43.4
Western	320	175	54.7	8	2.5	52	16.3	0	0.0	5	1.6	80	25.0
Ohio													
Northern	787	374	47.5	1	0.1	159	20.2	0	0.0	26	3.3	227	28.8
Southern	548	168	30.7	4	0.7	83	15.1	4	0.7	106	19.3	183	33.4
Tennessee													
Eastern	604	273	45.2	0	0.0	168	27.8	0	0.0	16	2.6	147	24.3
Middle	230	63	27.4	1	0.4	27	11.7	0	0.0	19	8.3	120	52.2
Western	339	169	49.9	0	0.0	41	12.1	0	0.0	4	1.2	125	36.9
SEVENTH CIRCUIT	2,268	883	38.9	3	0.1	246	10.8	0	0.0	98	4.3	1,038	45.8
Illinois													
Central	226	98	43.4	0	0.0	31	13.7	0	0.0	1	0.4	96	42.5
Northern	540	171	31.7	0	0.0	31	5.7	0	0.0	37	6.9	301	55.7
Southern	234	118	50.4	0	0.0	43	18.4	0	0.0	1	0.4	72	30.8
Indiana													
Northern	315	138	43.8	0	0.0	41	13.0	0	0.0	15	4.8	121	38.4
Southern	537	247	46.0	0	0.0	73	13.6	0	0.0	4	0.7	213	39.7
Wisconsin													
Eastern	265	56	21.1	0	0.0	19	7.2	0	0.0	2	0.8	188	70.9
Western	151	55	36.4	3	2.0	8	5.3	0	0.0	38	25.2	47	31.1
EIGHTH CIRCUIT	4,691	2,073	44.2	31	0.7	469	10.0	47	1.0	103	2.2	1,968	42.0
Arkansas													
Eastern	474	271	57.2	0	0.0	12	2.5	0	0.0	5	1.1	186	39.2
Western	247	116	47.0	0	0.0	33	13.4	0	0.0	0	0.0	98	39.7
Iowa													
Northern	365	179	49.0	13	3.6	54	14.8	0	0.0	6	1.6	113	31.0
Southern	421	156	37.1	0	0.0	59	14.0	0	0.0	5	1.2	201	47.7
Minnesota	334	93	27.8	2	0.6	54	16.2	8	2.4	15	4.5	162	48.5
Missouri													
Eastern	925	352	38.1	1	0.1	57	6.2	0	0.0	12	1.3	503	54.4
Western	695	287	41.3	4	0.6	90	12.9	0	0.0	20	2.9	294	42.3
Nebraska	482	233	48.3	0	0.0	12	2.5	35	7.3	3	0.6	199	41.3
North Dakota	252	88	34.9	4	1.6	89	35.3	3	1.2	4	1.6	64	25.4
South Dakota	496	298	60.1	7	1.4	9	1.8	1	0.2	33	6.7	148	29.8

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	11,949	3,361	28.1	50	0.4	793	6.6	4,636	38.8	490	4.1	2,619	21.9
Alaska	108	28	25.9	0	0.0	9	8.3	0	0.0	1	0.9	70	64.8
Arizona	4,511	1,629	36.1	17	0.4	74	1.6	2,389	53.0	48	1.1	354	7.8
California													
Central	909	265	29.2	4	0.4	128	14.1	37	4.1	81	8.9	394	43.3
Eastern	398	156	39.2	0	0.0	64	16.1	10	2.5	6	1.5	162	40.7
Northern	552	141	25.5	0	0.0	41	7.4	4	0.7	14	2.5	352	63.8
Southern	3,495	459	13.1	29	0.8	181	5.2	2,131	61.0	296	8.5	399	11.4
Guam	42	24	57.1	0	0.0	8	19.0	0	0.0	0	0.0	10	23.8
Hawaii	124	58	46.8	0	0.0	34	27.4	0	0.0	0	0.0	32	25.8
Idaho	321	146	45.5	0	0.0	57	17.8	18	5.6	6	1.9	94	29.3
Montana	323	115	35.6	0	0.0	85	26.3	1	0.3	4	1.2	118	36.5
Nevada	292	74	25.3	0	0.0	16	5.5	12	4.1	21	7.2	169	57.9
Northern Mariana Islands	10	7	70.0	0	0.0	1	10.0	0	0.0	0	0.0	2	20.0
Oregon	362	87	24.0	0	0.0	46	12.7	0	0.0	8	2.2	221	61.0
Washington													
Eastern	237	87	36.7	0	0.0	36	15.2	15	6.3	4	1.7	95	40.1
Western	265	85	32.1	0	0.0	13	4.9	19	7.2	1	0.4	147	55.5
TENTH CIRCUIT	5,544	3,062	55.2	29	0.5	281	5.1	819	14.8	323	5.8	1,030	18.6
Colorado	393	159	40.5	0	0.0	60	15.3	41	10.4	7	1.8	126	32.1
Kansas	307	127	41.4	0	0.0	54	17.6	8	2.6	12	3.9	106	34.5
New Mexico	3,189	2,114	66.3	5	0.2	39	1.2	630	19.8	133	4.2	268	8.4
Oklahoma													
Eastern	105	66	62.9	0	0.0	10	9.5	0	0.0	0	0.0	29	27.6
Northern	239	96	40.2	15	6.3	32	13.4	0	0.0	40	16.7	56	23.4
Western	471	234	49.7	0	0.0	25	5.3	3	0.6	11	2.3	198	42.0
Utah	681	200	29.4	7	1.0	48	7.0	125	18.4	116	17.0	185	27.2
Wyoming	159	66	41.5	2	1.3	13	8.2	12	7.5	4	2.5	62	39.0
ELEVENTH CIRCUIT	4,890	2,593	53.0	18	0.4	545	11.1	29	0.6	68	1.4	1,637	33.5
Alabama													
Middle	140	72	51.4	0	0.0	23	16.4	0	0.0	1	0.7	44	31.4
Northern	448	234	52.2	1	0.2	70	15.6	0	0.0	8	1.8	135	30.1
Southern	301	166	55.1	5	1.7	50	16.6	1	0.3	7	2.3	72	23.9
Florida													
Middle	1,220	606	49.7	6	0.5	163	13.4	17	1.4	12	1.0	416	34.1
Northern	273	153	56.0	1	0.4	36	13.2	7	2.6	4	1.5	72	26.4
Southern	1,271	649	51.1	3	0.2	72	5.7	3	0.2	19	1.5	525	41.3
Georgia													
Middle	347	246	70.9	1	0.3	30	8.6	0	0.0	1	0.3	69	19.9
Northern	482	183	38.0	0	0.0	31	6.4	0	0.0	12	2.5	256	53.1
Southern	408	284	69.6	1	0.2	70	17.2	1	0.2	4	1.0	48	11.8

¹ Of the 64,565 cases, 332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	64,233	32,358	50.4	261	0.4	5,270	8.2	6,918	10.8	2,534	3.9	16,892	26.3
Administration of Justice	537	257	47.9	4	0.7	39	7.3	3	0.6	37	6.9	197	36.7
Antitrust	11	1	9.1	0	0.0	5	45.5	0	0.0	0	0.0	5	45.5
Arson	48	22	45.8	2	4.2	3	6.3	0	0.0	1	2.1	20	41.7
Assault	605	301	49.8	9	1.5	26	4.3	2	0.3	46	7.6	221	36.5
Bribery/Corruption	240	32	13.3	0	0.0	81	33.8	0	0.0	16	6.7	111	46.3
Burglary/Trespass	38	17	44.7	0	0.0	3	7.9	0	0.0	2	5.3	16	42.1
Child Pornography	1,022	313	30.6	11	1.1	22	2.2	0	0.0	55	5.4	621	60.8
Commercialized Vice	53	21	39.6	0	0.0	6	11.3	1	1.9	2	3.8	23	43.4
Drug Possession	399	352	88.2	2	0.5	2	0.5	0	0.0	1	0.3	42	10.5
Drug Trafficking	16,372	5,298	32.4	57	0.3	3,297	20.1	1,176	7.2	734	4.5	5,810	35.5
Environmental	126	56	44.4	0	0.0	9	7.1	0	0.0	12	9.5	49	38.9
Extortion/Racketeering	119	38	31.9	0	0.0	26	21.8	0	0.0	6	5.0	49	41.2
Firearms	7,533	3,899	51.8	54	0.7	407	5.4	4	0.1	304	4.0	2,865	38.0
Food and Drug	31	16	51.6	2	6.5	0	0.0	0	0.0	2	6.5	11	35.5
Forgery/Counter/Copyright	198	103	52.0	2	1.0	17	8.6	0	0.0	3	1.5	73	36.9
Fraud/Theft/Embezzlement	4,767	2,258	47.4	20	0.4	512	10.7	33	0.7	156	3.3	1,788	37.5
Immigration	26,479	16,832	63.6	49	0.2	173	0.7	5,688	21.5	862	3.3	2,875	10.9
Individual Rights	70	26	37.1	0	0.0	10	14.3	0	0.0	7	10.0	27	38.6
Kidnapping	66	25	37.9	1	1.5	7	10.6	0	0.0	8	12.1	25	37.9
Manslaughter	38	22	57.9	3	7.9	2	5.3	0	0.0	3	7.9	8	21.1
Money Laundering	878	203	23.1	14	1.6	268	30.5	7	0.8	48	5.5	338	38.5
Murder	294	108	36.7	2	0.7	64	21.8	1	0.3	25	8.5	94	32.0
National Defense	165	60	36.4	0	0.0	21	12.7	1	0.6	13	7.9	70	42.4
Obscenity/Other Sex Offenses	318	164	51.6	5	1.6	3	0.9	0	0.0	18	5.7	128	40.3
Prison Offenses	453	266	58.7	2	0.4	4	0.9	2	0.4	20	4.4	159	35.1
Robbery	1,315	554	42.1	9	0.7	157	11.9	0	0.0	71	5.4	524	39.8
Sexual Abuse	881	373	42.3	4	0.5	56	6.4	0	0.0	49	5.6	399	45.3
Stalking/Harassing	224	119	53.1	5	2.2	3	1.3	0	0.0	17	7.6	80	35.7
Tax	365	101	27.7	0	0.0	45	12.3	0	0.0	14	3.8	205	56.2
Other	588	521	88.6	4	0.7	2	0.3	0	0.0	2	0.3	59	10.0

¹ Of the 64,565 cases, 332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹

Fiscal Year 2020

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure			
		Range	Up	§5K1.1	§5K3.1	Down	Variance				Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	226	81	0	58	1	18	68	§2D1.8	17	3	0	5	0	0	9	
§2A1.2	27	17	2	0	0	2	6	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	12	8	0	1	0	2	1	§2D1.10	2	0	0	2	0	0	0	
§2A1.4	26	14	3	1	0	1	7	§2D1.11	5	0	0	0	0	0	5	
§2A1.5	34	8	0	4	0	3	19	§2D1.12	3	2	0	0	0	0	1	
§2A2.1	126	49	0	19	0	8	50	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	341	157	8	7	2	31	136	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	78	61	1	0	0	4	12	§2D2.1	140	118	1	2	0	0	19	
§2A2.4	183	105	1	0	2	18	57	§2D2.2	63	54	0	1	0	1	7	
§2A3.1	92	41	2	5	0	9	35	§2D2.3	0	0	0	0	0	0	0	
§2A3.2	28	18	0	0	0	2	8	§2D3.1	3	2	0	0	0	0	1	
§2A3.3	2	1	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	25	13	0	0	0	1	11	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	291	152	2	3	0	17	117	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	64	25	1	6	0	7	25	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	0	0	0	0	0	0	0	§2E1.1	25	9	0	3	0	1	12	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0	
§2A5.2	16	11	0	0	0	0	5	§2E1.3	1	0	0	0	0	0	1	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	3	0	1	0	0	2	
§2A6.1	154	80	5	1	0	13	55	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	63	32	0	2	0	4	25	§2E2.1	7	0	0	0	0	2	5	
§2B1.1	4,353	1,930	18	502	3	151	1,749	§2E3.1	22	6	0	2	0	0	14	
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0	
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0	
§2B1.4	10	1	0	1	0	1	7	§2E4.1	28	2	0	17	0	0	9	
§2B1.5	8	1	0	0	0	0	7	§2E5.1	3	2	0	1	0	0	0	
§2B1.6 ²	81	77	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	36	16	0	3	0	2	15	§2E5.3	1	1	0	0	0	0	0	
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0	
§2B2.3	2	1	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	1,296	551	9	152	0	68	516	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	23	7	0	3	0	0	13	§2F1.1	0	0	0	0	0	0	0	
§2B3.3	13	7	0	1	0	1	4	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	78	12	0	32	0	4	30	§2G1.1	38	16	0	6	1	1	14	
§2B5.1	160	98	2	11	0	2	47	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	305	153	1	25	0	12	114	
§2B5.3	37	5	0	6	0	1	25	§2G2.1	415	145	1	22	0	25	222	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,020	313	11	22	0	55	619	
§2B6.1	2	0	0	2	0	0	0	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	139	13	0	45	0	10	71	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	8	0	0	1	0	0	7	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	5	5	0	0	0	0	0	§2G2.6	5	0	0	2	0	0	3	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	21	9	3	0	0	0	9	
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0	
§2C1.6	0	0	0	0	0	0	0	§2H1.1	50	11	0	9	0	6	24	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	9	1	0	3	0	2	3	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	15,960	5,104	53	3,250	1,163	710	5,680	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	297	167	3	34	0	20	73	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	4	2	0	0	0	1	1	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	3	0	0	0	0	1	
§2D1.5	6	0	0	2	0	0	4	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	8	6	0	1	0	0	1	

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	119	42	0	15	1	10	51
§2J1.1	0	0	0	0	0	0	0	§2M5.3	11	3	0	1	0	1	6
§2J1.2	107	29	0	16	1	4	57	§2M6.1	2	1	0	0	0	0	1
§2J1.3	20	9	0	1	0	2	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	0	3	§2N1.1	13	1	0	0	0	2	10
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	24	14	2	0	0	2	6	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	17	14	2	0	0	0	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	234	147	2	3	0	8	74
§2K1.1	4	4	0	0	0	0	0	§2P1.2	162	95	0	1	0	4	62
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	19	5	1	2	0	0	11	§2P1.4	0	0	0	0	0	0	0
§2K1.4	47	21	2	3	0	1	20	§2Q1.1	1	0	0	0	0	0	1
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	18	5	0	1	0	4	8
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	6	0	2	0	1	4
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,090	3,578	48	382	4	295	2,783	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	1	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	80	32	0	5	0	7	36
§2K2.4 ³	330	272	2	21	0	0	35	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	17	11	3	0	0	0	3	§2R1.1	9	0	0	5	0	0	4
§2K2.6	3	2	0	0	0	0	1	§2S1.1	754	156	3	262	5	38	290
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	113	42	11	6	1	8	45
§2L1.1	3,391	1,405	15	109	1,109	113	640	§2S1.4	0	0	0	0	0	0	0
§2L1.2	19,643	13,017	32	38	3,952	690	1,914	§2T1.1	203	59	0	26	0	5	113
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	71	28	1	17	0	1	24	§2T1.3	0	0	0	0	0	0	0
§2L2.2	642	478	1	5	29	17	112	§2T1.4	121	32	0	15	0	9	65
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	28	1	0	1	0	0	26
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	1	1	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	9	6	0	3	0	0	0
§2M3.1	1	0	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	1	0	0	0	0	0	1	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	1	§2X1.1	13	7	0	1	0	2	3
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	55	20	0	11	0	5	19
§2M3.6	0	0	0	0	0	0	0	§2X4.1	155	73	1	19	0	9	53
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	142	114	1	0	0	0	27
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	1	1	0	0	0	0	0
§2M5.1	16	2	0	5	0	2	7	§2X7.2	0	0	0	0	0	0	0
TOTAL									60,230	29,481	254	5,256	6,274	2,456	16,509

¹ Of the 64,565 cases, 4,335 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (332) or missing guideline applied (4,305). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2020

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	31,875	5,279	16.6	7,041	22.1	4,870	15.3	7,573	23.8	636	2.0
Departures	14,983	5,270	35.2	7,033	46.9	3,550	23.7	6,456	43.1	517	3.5
Upward Departure	261	0	0.0	0	0.0	71	27.2	45	17.2	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,270	5,270	100.0	115	2.2	200	3.8	1,443	27.4	24	0.5
§5K3.1 Early Disposition Program	6,918	0	0.0	6,918	100.0	2,751	39.8	4,529	65.5	481	7.0
Other Government Motion	1,149	0	0.0	0	0.0	528	46.0	439	38.2	12	1.0
Non-Government Departure	1,385	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	16,892	9	0.1	8	0.0	1,320	7.8	1,117	6.6	119	0.7
Upward Variance	1,182	9	0.8	8	0.7	186	15.7	107	9.1	0	0.0
Downward Variance											
Government Motion	3,774	0	0.0	0	0.0	1,134	30.0	1,010	26.8	119	3.2
Non-Government Variance	11,936	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,320	13.6	5,368	16.8	6,393	20.1	1,422	4.5	4,402	13.8	2,344	7.4
Departures	3,679	24.6	1,872	12.5	1,447	9.7	611	4.1	1,409	9.4	227	1.5
Upward Departure	62	23.8	3	1.1	3	1.1	5	1.9	62	23.8	26	10.0
Downward Departure												
§5K1.1 Substantial Assistance	3,238	61.4	592	11.2	545	10.3	228	4.3	560	0.0	0	0.0
§5K3.1 Early Disposition Program	264	3.8	543	7.8	560	8.1	278	4.0	382	5.5	0	0.0
Other Government Motion	115	10.0	66	5.7	40	3.5	100	8.7	74	6.4	35	3.0
Non-Government Departure	0	0.0	668	48.2	299	21.6	0	0.0	331	23.9	166	12.0
Variations	641	3.8	3,496	20.7	4,946	29.3	811	4.8	2,993	17.7	2,117	12.5
Upward Variance	196	16.6	11	0.9	6	0.5	14	1.2	479	40.5	212	17.9
Downward Variance												
Government Motion	445	11.8	281	7.4	130	3.4	797	21.1	198	5.2	139	3.7
Non-Government Variance	0	0.0	3,204	26.8	4,810	40.3	0	0.0	2,316	19.4	1,766	14.8

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 13,338 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	259	76	22	72.6	57	13	38.1
Administration of Justice	4	47	29	178.7	44	24	167.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	9	64	19	54.6	54	13	18.3
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	11	110	32	43.8	87	27	45.0
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	57	114	31	90.7	96	19	37.9
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	54	77	25	71.9	60	20	35.1
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	20	34	10	81.4	20	7	58.3
Immigration	49	34	9	48.1	27	6	33.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	3	76	36	101.1	72	35	94.6
Money Laundering	14	17	8	93.3	14	6	66.7
Murder	1	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	5	68	41	146.4	87	57	190.0
Prison Offenses	2	--	--	--	--	--	--
Robbery	9	149	33	35.2	144	29	14.9
Sexual Abuse	4	196	53	41.6	204	45	40.0
Stalking/Harassing	5	51	12	39.6	48	11	37.5
Tax	0	--	--	--	--	--	--
Other	3	15	3	21.5	13	2	25.0

¹ Of the 64,565 cases, in 261 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. An additional case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,167	83	23	61.9	60	12	33.3
Administration of Justice	15	34	14	91.2	30	14	63.6
Antitrust	0	--	--	--	--	--	--
Arson	3	133	58	94.9	144	84	140.0
Assault	35	129	38	51.2	100	29	28.9
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	24	192	65	64.0	168	36	31.1
Commercialized Vice	4	83	37	78.8	84	31	52.7
Drug Possession	21	9	3	42.8	7	1	16.7
Drug Trafficking	221	106	30	86.6	92	18	35.2
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	6	62	21	57.1	60	21	54.4
Firearms	314	84	24	51.9	72	15	32.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	3	44	5	14.4	60	3	17.6
Fraud/Theft/Embezzlement	106	60	19	65.0	48	12	40.6
Immigration	241	23	8	65.8	18	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	5	257	45	21.4	240	45	27.7
Manslaughter	2	--	--	--	--	--	--
Money Laundering	7	132	27	30.3	42	9	28.8
Murder	4	345	41	19.4	390	44	12.6
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	11	43	14	44.4	36	9	33.3
Prison Offenses	8	51	16	80.1	36	16	58.3
Robbery	54	201	42	31.6	195	28	21.2
Sexual Abuse	32	202	49	33.3	180	39	24.9
Stalking/Harassing	16	71	29	87.0	60	19	54.3
Tax	1	--	--	--	--	--	--
Other	29	12	4	49.8	8	2	33.3

¹ Of the 64,565 cases, in 1,182 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, three offenders were excluded from this table. Also, 12 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,165	53	53	54.4	37	37	50.0
Administration of Justice	38	2	12	84.9	0	12	100.0
Antitrust	5	2	10	86.6	0	8	100.0
Arson	3	21	28	64.3	26	27	56.3
Assault	21	77	116	56.6	35	67	50.0
Bribery/Corruption	81	10	32	77.1	3	22	94.5
Burglary/Trespass	3	13	7	36.5	13	6	35.2
Child Pornography	22	98	60	40.9	91	45	32.0
Commercialized Vice	6	3	15	86.1	0	12	99.9
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	3,265	64	61	51.0	54	48	47.6
Environmental	9	2	12	87.0	0	8	100.0
Extortion/Racketeering	26	7	27	87.8	0	16	100.0
Firearms	404	36	32	53.7	24	23	47.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	17	9	27	67.3	8	21	67.5
Fraud/Theft/Embezzlement	509	16	26	64.2	12	21	63.5
Immigration	173	13	13	57.5	11	10	51.4
Individual Rights	10	38	40	52.9	36	29	55.0
Kidnapping	7	99	117	51.0	120	94	34.9
Manslaughter	2	--	--	--	--	--	--
Money Laundering	262	47	61	61.4	36	37	60.3
Murder	25	109	170	60.4	121	144	56.7
National Defense	21	21	29	54.8	18	22	56.2
Obscenity/Other Sex Offenses	3	22	7	24.3	19	5	20.8
Prison Offenses	4	4	7	73.2	3	8	83.1
Robbery	152	74	63	47.4	60	46	44.0
Sexual Abuse	47	113	101	47.8	105	96	48.9
Stalking/Harassing	3	22	15	59.3	12	12	50.0
Tax	43	10	19	66.3	8	15	66.6
Other	2	--	--	--	--	--	--

¹ Of the 64,565 cases, in 5,270 the offender received a §5K1.1 substantial assistance departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 57 offenders were excluded from this table. Also, 48 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,913	12	14	51.0	7	6	47.4
Administration of Justice	3	10	6	38.1	10	5	33.3
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	2	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,175	30	46	59.8	26	39	58.9
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	4	22	11	49.8	21	11	43.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	33	3	5	73.4	0	6	99.5
Immigration	5,685	8	7	49.1	6	5	42.5
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	7	39	38	60.0	12	14	55.6
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 64,565 cases, in 6,918 the offender received a §5K3.1 early disposition program departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one offender was excluded from this table. Also, four offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

**EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,488	38	25	45.4	18	12	40.0
Administration of Justice	37	7	9	65.9	4	8	75.0
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	44	38	16	37.2	24	11	27.9
Bribery/Corruption	16	9	18	68.5	6	16	68.6
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	54	75	50	41.6	62	42	41.4
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	727	65	39	41.0	60	25	35.6
Environmental	12	5	10	79.7	0	10	100.0
Extortion/Racketeering	5	15	20	63.4	12	22	70.7
Firearms	300	34	21	43.4	24	13	34.7
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	3	8	22	77.0	12	21	67.6
Fraud/Theft/Embezzlement	153	16	18	65.2	6	12	64.3
Immigration	862	12	10	45.3	9	6	40.0
Individual Rights	5	14	25	79.1	3	12	80.0
Kidnapping	8	125	81	36.2	114	60	31.2
Manslaughter	3	81	15	30.4	51	12	19.0
Money Laundering	46	58	46	52.1	33	27	48.5
Murder	15	130	138	52.1	129	120	47.8
National Defense	13	34	28	41.3	24	13	35.1
Obscenity/Other Sex Offenses	17	12	11	46.1	16	6	23.8
Prison Offenses	20	6	6	61.0	5	6	52.4
Robbery	70	84	35	30.0	60	25	26.4
Sexual Abuse	41	116	71	35.5	120	60	31.4
Stalking/Harassing	16	17	13	45.9	19	10	39.3
Tax	13	6	15	79.0	1	15	94.4
Other	1	--	--	--	--	--	--

¹ Of the 64,565 cases, in 2,534 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,149) or a non-government departure (1,385). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 19 offenders were excluded from this table. Also, 27 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

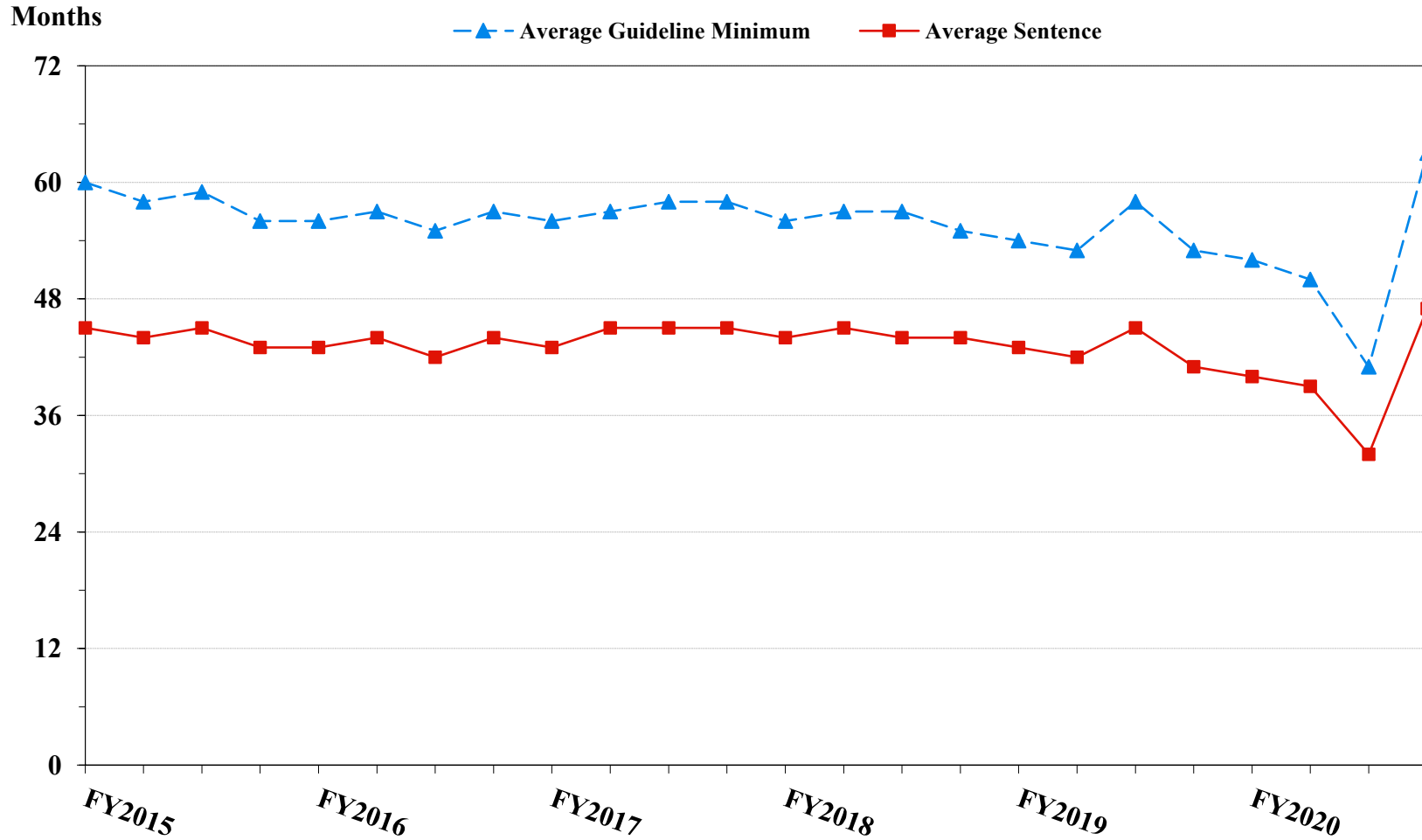
**EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2020**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	15,404	47	25	44.8	24	14	36.1
Administration of Justice	181	8	13	66.5	4	9	71.4
Antitrust	5	14	25	72.5	8	21	77.7
Arson	16	65	29	39.6	33	23	32.1
Assault	175	42	19	45.4	24	12	35.1
Bribery/Corruption	107	16	22	64.3	9	12	66.7
Burglary/Trespass	14	7	11	73.7	0	9	99.7
Child Pornography	591	79	49	38.9	72	41	38.1
Commercialized Vice	19	9	9	63.8	6	6	50.0
Drug Possession	20	0	3	95.2	0	2	100.0
Drug Trafficking	5,528	73	36	38.1	60	24	31.0
Environmental	48	3	12	81.3	1	10	88.2
Extortion/Racketeering	43	19	20	58.3	12	12	63.0
Firearms	2,533	35	18	42.6	24	12	33.3
Food and Drug	11	26	29	60.8	33	30	52.9
Forgery/Counter/Copyright	69	8	14	68.0	4	11	82.8
Fraud/Theft/Embezzlement	1,660	18	15	58.5	12	10	51.6
Immigration	2,627	10	8	48.7	7	6	40.0
Individual Rights	26	35	28	56.2	21	12	51.2
Kidnapping	16	108	113	46.4	85	69	45.5
Manslaughter	6	15	25	72.9	9	26	82.4
Money Laundering	320	50	38	51.2	24	21	44.6
Murder	45	166	80	32.1	176	67	28.6
National Defense	69	35	31	52.8	24	22	50.0
Obscenity/Other Sex Offenses	117	11	10	51.9	10	9	46.7
Prison Offenses	151	8	8	52.9	6	6	50.0
Robbery	454	82	29	30.6	65	21	22.7
Sexual Abuse	264	153	68	32.6	151	57	28.6
Stalking/Harassing	62	18	11	50.7	12	8	39.2
Tax	198	10	14	64.8	6	12	66.7
Other	29	9	13	82.9	0	6	100.0

¹ Of the 64,565 cases, in 15,710 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,774) or a non-government variance (11,936). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 128 offenders were excluded from this table. Also, 177 offenders were excluded due to several logical criteria. Of the remaining 15,405 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure 5

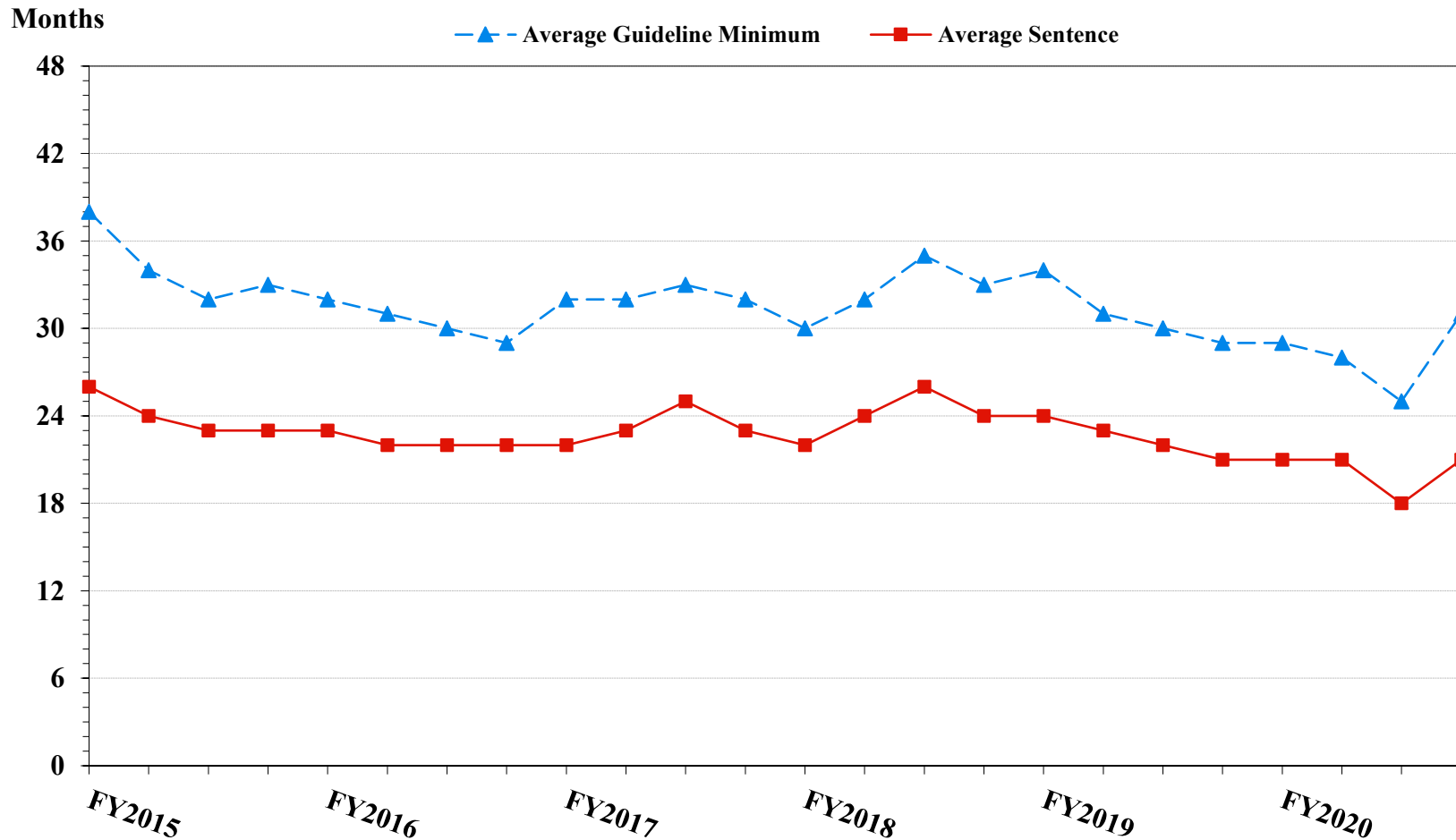
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2015 - 2020**



¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 6

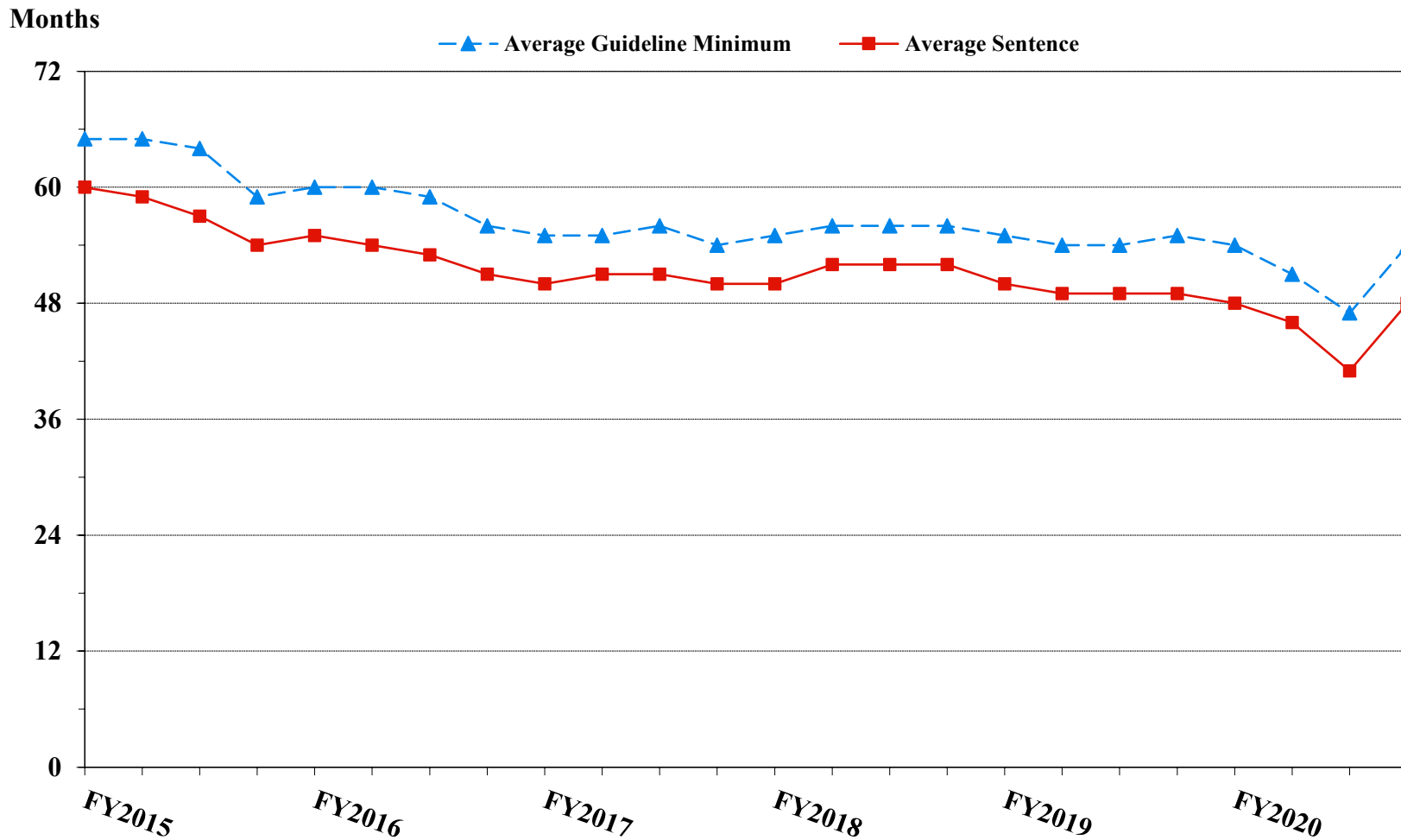
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2015 - 2020**



¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 7

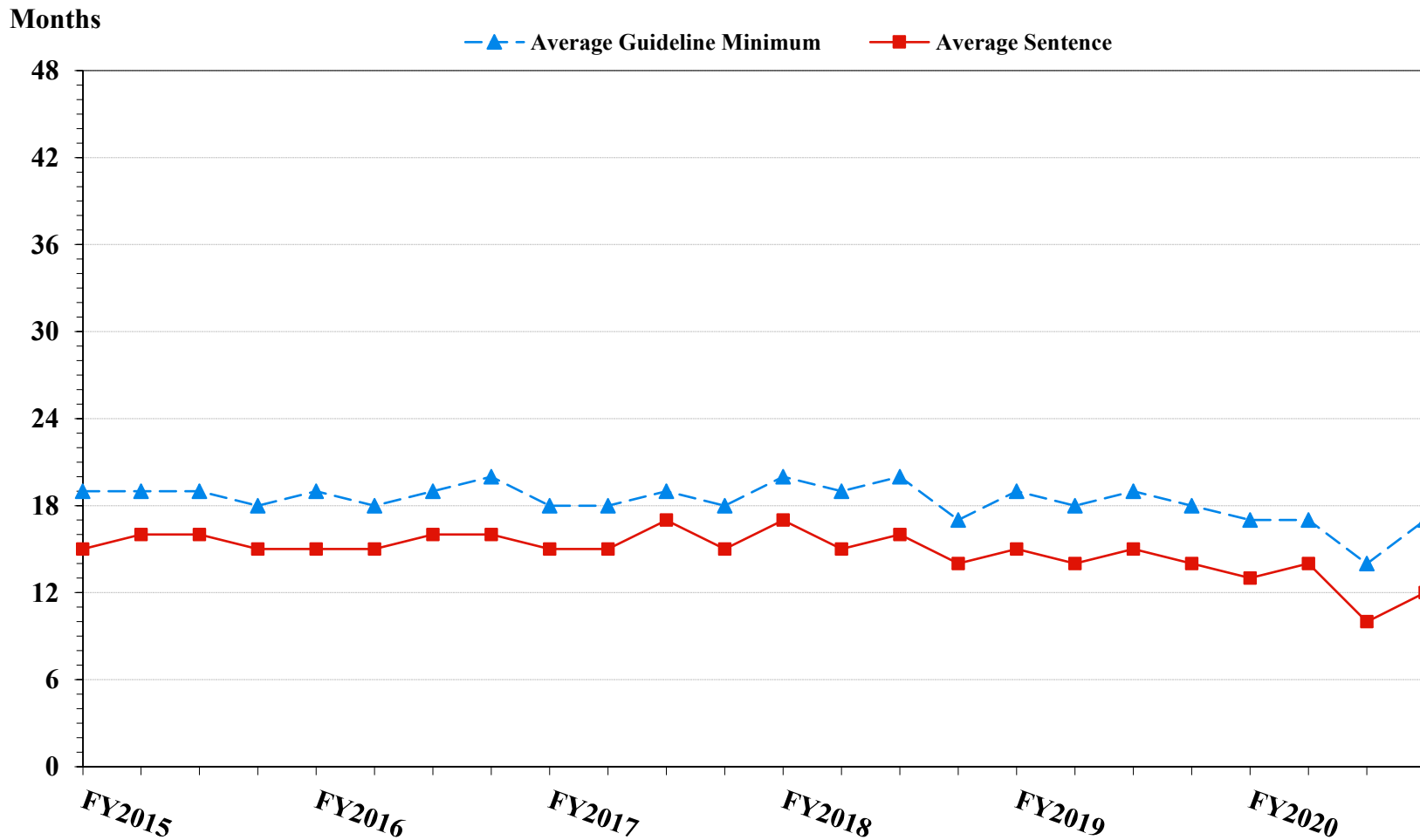
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2015 - 2020**



¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 8

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
Fiscal Years 2015 - 2020**

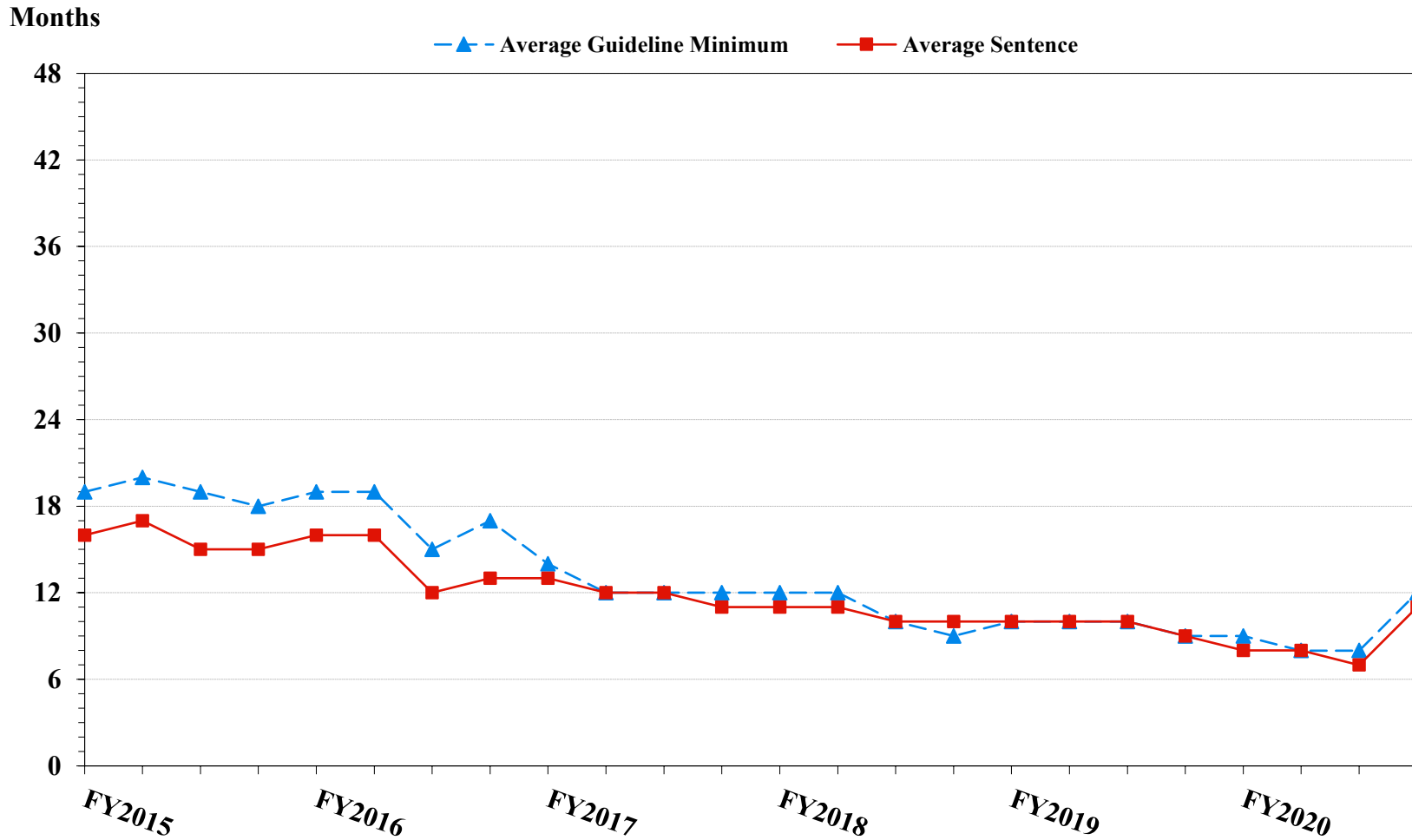


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2015 - 2020**

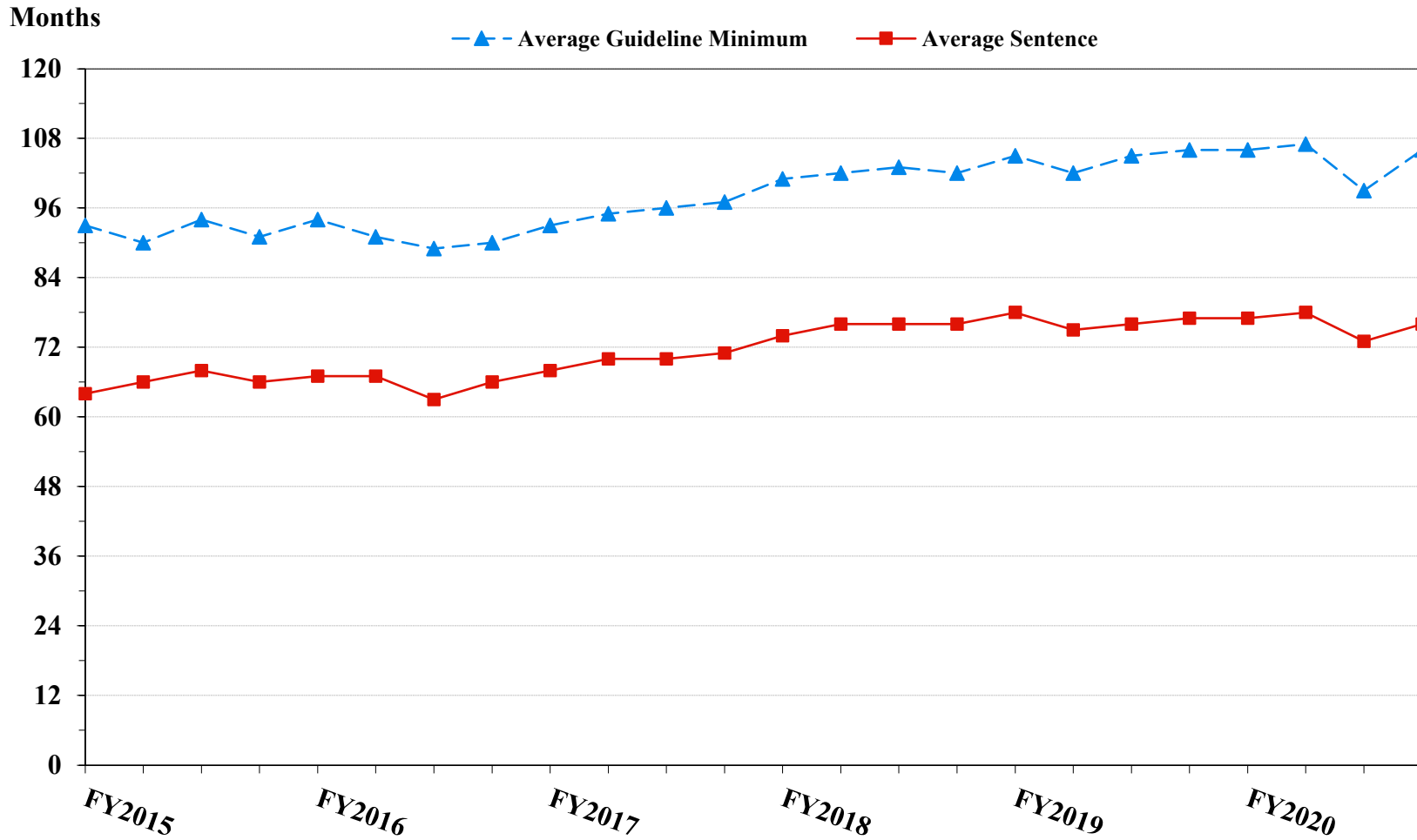


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

Figure 10

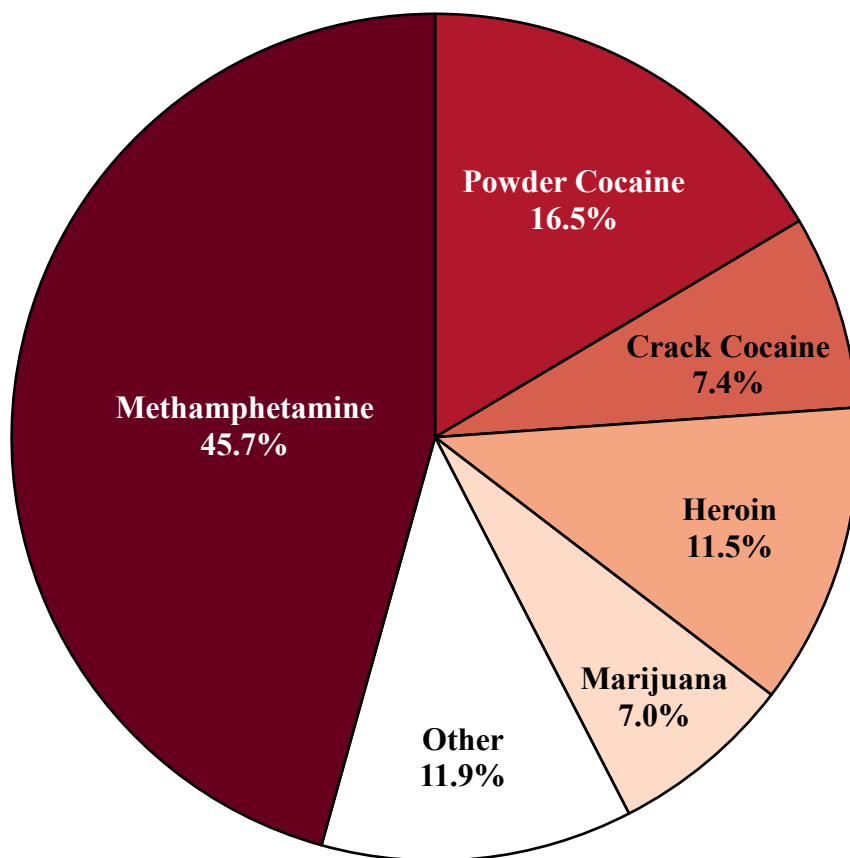
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2015 - 2020**



¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

Figure 11
DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
Fiscal Year 2020



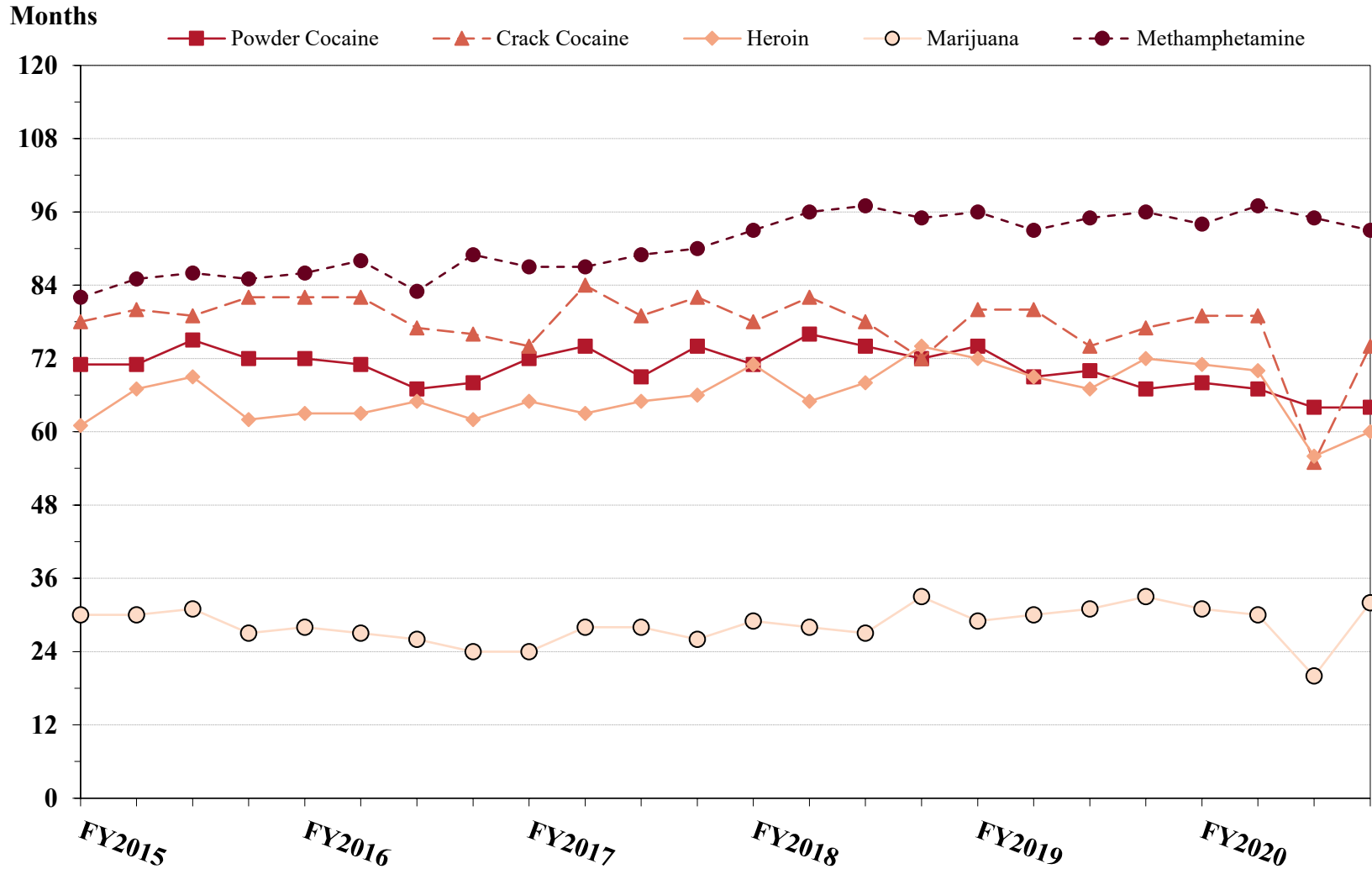
¹ Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (1,024), Oxycodone/Oxycontin (317), Fentanyl Analogue (132), MDMA/Ecstasy/MDA (78), Synthetic Cannabinoid (67), and Hydrocodone (67).

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE QUARTERLY DATA¹
Fiscal Years 2015 - 2020**



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

SOURCE: U.S. Sentencing Commission, 2015 - 2020 Datafiles, USSCFY15 - USSCFY20.

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

Pursuant to 28 U.S.C. § 994(w), the chief judge of each district is required to ensure that within 30 days of entry of judgment in a criminal case, the sentencing court submits a report of sentence to the Commission that includes (1) the judgment and commitment order; (2) the written statement of reasons; (3) any plea agreement; (4) the indictment or other charging document; (5) the presentence report; and (6) any other information the Commission requests. Information on minor and petty offenses are not reported to the Commission as the sentencing guidelines do not apply in those cases.² Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.³

Standard information on each case is extracted from sentencing documents received and computerized for analysis. Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

¹ 28 U.S.C. §§ 995(a)(12) and (14) – (16).

² See U.S. SENTENCING COMM'N, *Guidelines Manual*, §1B1.9 (Nov. 2018).

³ See 18 U.S.C. §§ 3591-99 for the sentencing procedures that apply in death penalty cases.

Reasons forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons (SOR) form (Court Determination for a Variance). These cases are determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific checkboxes to indicate the origins of the variance, but cases that do not use this form may also indicate in writing the origins of the variance. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and a large number of immigration cases. This category does not include cases with USSG §5K1.1 Substantial Assistance departures or USSG §5K3.1 Early Disposition Program (EDP) departures.

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when

the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (i.e., the type that produces the highest base offense level).

The category *Fentanyl* are those cases that involve fentanyl n-phenyl. The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “Ice,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug trafficking guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “Other” drug category.

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentences Under the Guidelines Manual

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

Sentence Type

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

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

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

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

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

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

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

Type of Crime

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

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

For convenience in analysis, a summary variable describing “type of crime” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that the crime categories differ between the individual and organizational offender datafiles. Listed below are the type of crimes that are grouped into each of the crime categories used in the individual offender datafile tables for this report:

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

Antitrust includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under §2R1.1 of the *Guidelines Manual*.

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

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

Bribery/Corruption includes offenses involving public officials and violations of federal election campaign laws, bribe involving officials, bribery — bank loan/commercial, loan or gratuity to bank examiner, *etc.*, gratuity involving officials, bribe or gratuity affecting employee plan, conflict of interest, payment or receipt of unauthorized compensation, and making, receiving, or failing to report a contribution, donation, or expenditure in violation of the Federal Election Campaign Act. This category includes offenders sentenced under §§2B4.1, 2C1.1, 2C1.2, 2C1.3, 2C1.4 (deleted), 2C1.5, 2C1.6 (deleted), 2C1.7 (deleted), and 2C1.8 of the *Guidelines Manual*.

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

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

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

Drug Possession includes simple possession of all drug types. This category includes offenders sentenced under §2D2.1 of the *Guidelines Manual*.

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

Environmental includes waste discharge; specially protected fish, wildlife, and plants; recordkeeping; tampering; and falsification; tampering with a public water system; mishandling of environmental pollutants; and hazardous devices on federal lands. This category includes offenders sentenced under §§2K3.1 (deleted), 2Q1.1, 2Q1.2, 2Q1.3, 2Q1.4, 2Q1.5 (deleted), 2Q1.6, 2Q2.1, and 2Q2.2 (deleted) of the *Guidelines Manual*.

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

Firearms includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, *etc.*, in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; use

of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2 of the *Guidelines Manual*.

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

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

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

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

Individual Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. — eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights. This category includes offenders sentenced under §§2H1.1, 2H1.2 (deleted), 2H1.3 (deleted), 2H1.4 (deleted), 2H1.5 (deleted), 2H2.1, 2H3.1, 2H3.2, 2H3.3, 2H4.1, and 2H4.2 of the *Guidelines Manual*.

Kidnapping includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under §§2A4.1, 2A4.2, and 2A5.1 of the *Guidelines Manual*.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under §§2A1.3 and 2A1.4 of the *Guidelines Manual*.

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

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

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

Obscenity/Other Sex Offenses includes failure to register as a sex offender, recordkeeping offenses involving production of sexually explicit material, and importing, mailing, transporting, or broadcasting obscene material. This category includes offenders sentenced under §§2A3.5, 2A3.6, 2G2.5, 2G3.1, and 2G3.2 of the *Guidelines Manual*.

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

Robbery includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under §2B3.1 of the *Guidelines Manual*.

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

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

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

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

Upward Departure

Upward Departure consists of cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures

Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the parties.

Upward Variance

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

Within Guideline Range

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

Year

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