

United States Sentencing Commission Quarterly Data Report



Fiscal Year 2023

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 offense type in the *Sourcebook*. This change reflects the way in which the production of child

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 2023 are available at the Commission's website, www.ussc.gov.

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.

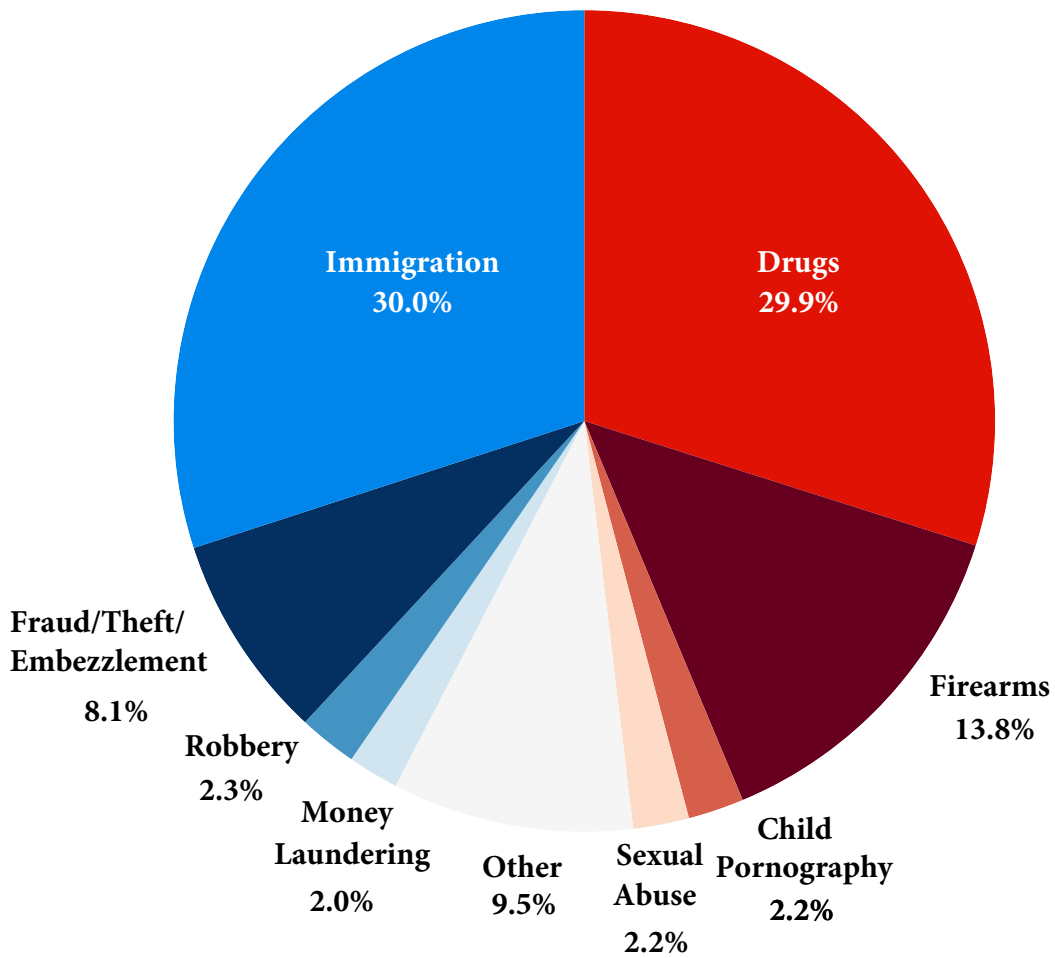
Because of these methodological changes, direct comparisons between data for fiscal year 2018 and later years cannot always be made to data reported in the *Quarterly Data Reports* released before the Final Fiscal Year 2018 *Quarterly Data Report*.

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Figure 1
SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023



¹ This figure includes the 64,124 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

TYPE OF CRIME	N	%
TOTAL	64,124	100.0
Administration of Justice	647	1.0
Antitrust	18	0.0
Arson	106	0.2
Assault	852	1.3
Bribery/Corruption	366	0.6
Burglary/Trespass	85	0.1
Child Pornography	1,408	2.2
Commercialized Vice	84	0.1
Drug Possession	139	0.2
Drug Trafficking	19,007	29.6
Environmental	160	0.2
Extortion/Racketeering	130	0.2
Firearms	8,832	13.8
Food and Drug	55	0.1
Forgery/Counter/Copyright	112	0.2
Fraud/Theft/Embezzlement	5,205	8.1
Immigration	19,226	30.0
Individual Rights	113	0.2
Kidnapping	151	0.2
Manslaughter	86	0.1
Money Laundering	1,312	2.0
Murder	489	0.8
National Defense	237	0.4
Obscenity/Other Sex Offenses	326	0.5
Prison Offenses	455	0.7
Robbery	1,503	2.3
Sexual Abuse	1,395	2.2
Stalking/Harassing	240	0.4
Tax	446	0.7
Other	939	1.5

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

Table 2

SENTENCED INDIVIDUALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

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

Table 2 (cont.)

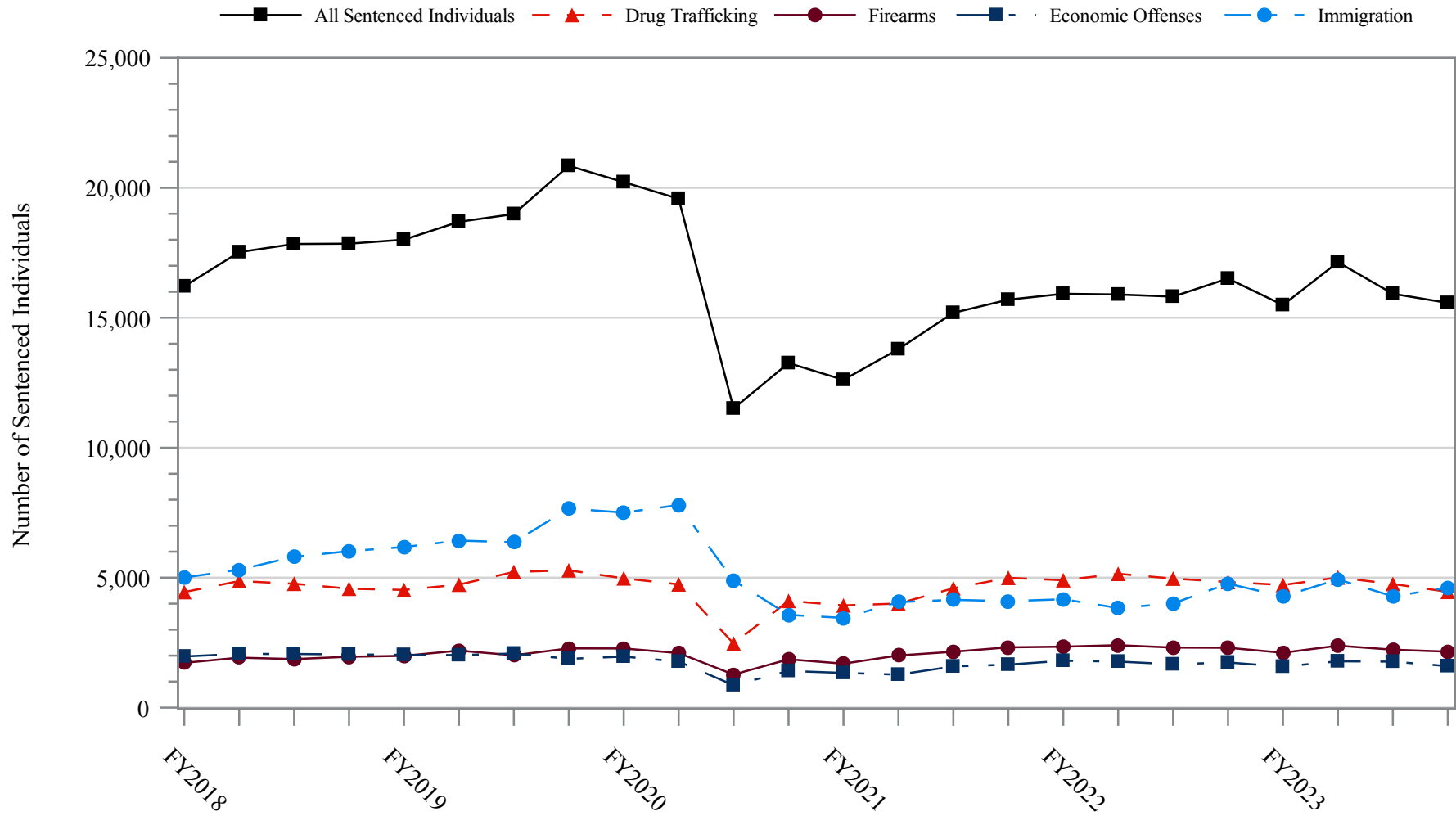
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	5,143	8.0	TENTH CIRCUIT	4,878	7.6
Arkansas			Colorado	340	0.5
Eastern	548	0.9	Kansas	341	0.5
Western	177	0.3	New Mexico	2,006	3.1
Iowa			Oklahoma		
Northern	338	0.5	Eastern	215	0.3
Southern	440	0.7	Northern	400	0.6
Minnesota	353	0.6	Western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

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

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

Figure 2

NUMBER OF SENTENCED INDIVIDUALS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2018 - 2023



¹ The *Drug Trafficking* category includes individuals sentenced under §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, or 2D1.14. The *Firearms* category includes individuals sentenced under §§2K1.3, 2K1.4, 2K2.1, 2K2.4, or 2K2.5. The *Economic Offenses* category includes individuals 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 individuals 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, 2018 - 2023 Datafiles, USSCFY18 - USSCFY23.

Table 3

RACE OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

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

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

Table 4

GENDER OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

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

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

Table 5

CITIZENSHIP OF SENTENCED INDIVIDUALS BY TYPE OF CRIME¹
Fiscal Year 2023

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

¹ Of the 64,124 cases, 325 were excluded due to missing information on sentenced individual'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 2023

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	52	24	64,123
Administration of Justice	16	10	647
Antitrust	6	6	18
Arson	58	57	106
Assault	71	47	852
Bribery/Corruption	21	14	366
Burglary/Trespass	16	8	85
Child Pornography	115	97	1,408
Commercialized Vice	21	12	84
Drug Possession	2	0	139
Drug Trafficking	82	63	19,007
Environmental	3	0	160
Extortion/Racketeering	32	24	130
Firearms	49	40	8,832
Food and Drug	10	0	55
Forgery/Counter/Copyright	18	12	112
Fraud/Theft/Embezzlement	22	12	5,205
Immigration	12	8	19,225
Individual Rights	55	15	113
Kidnapping	199	168	151
Manslaughter	75	69	86
Money Laundering	63	36	1,312
Murder	285	276	489
National Defense	38	24	237
Obscenity/Other Sex Offenses	23	18	326
Prison Offenses	14	12	455
Robbery	110	96	1,503
Sexual Abuse	213	180	1,395
Stalking/Harassing	29	20	240
Tax	15	12	446
Other	4	0	939

¹ Of the 64,124 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 2023

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

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

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

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2023

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

¹ This table reflects the 64,124 cases sentenced in fiscal year 2023. Of these, 312 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.

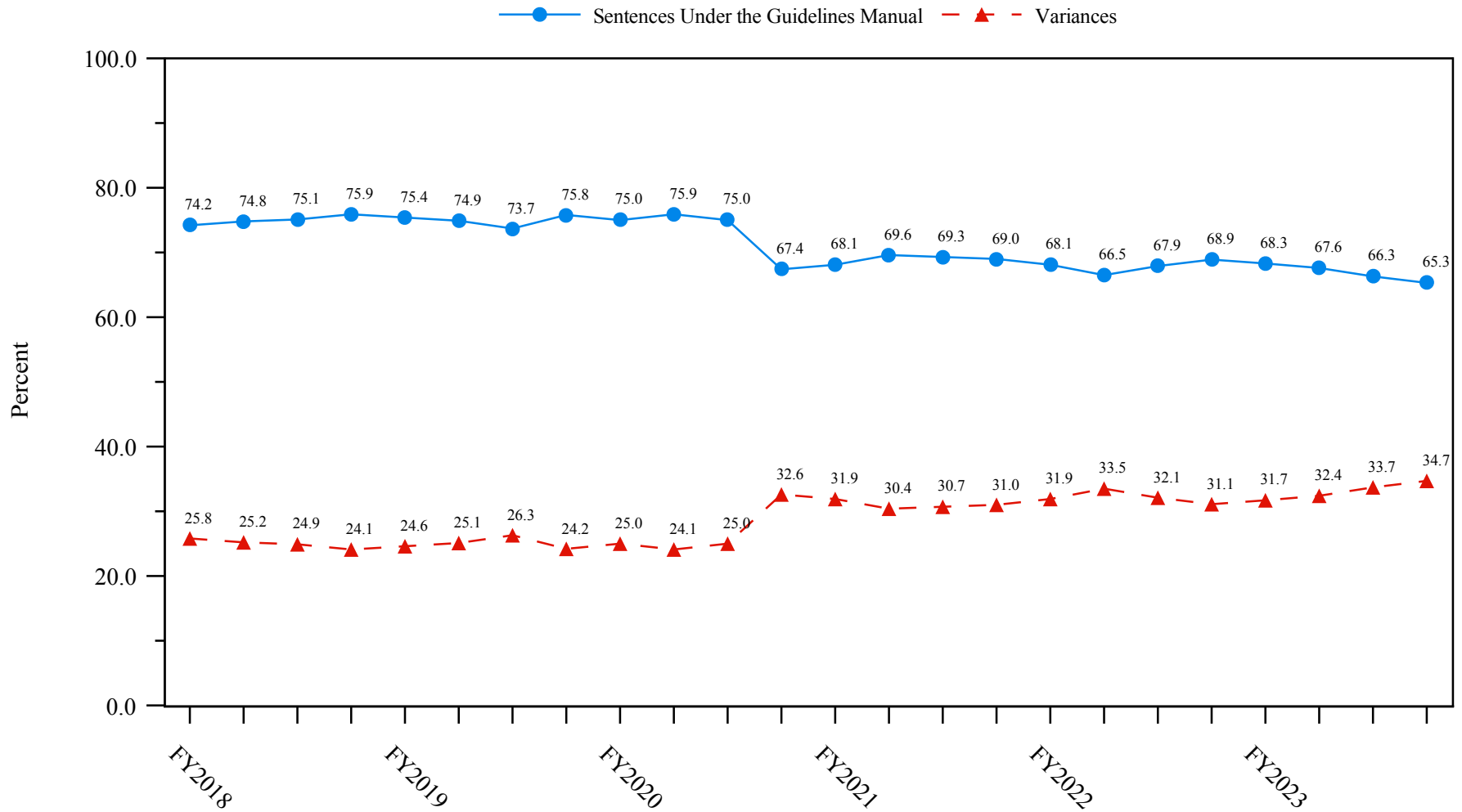
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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, 2023 Datafile, USSCFY23.

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2018 - 2023

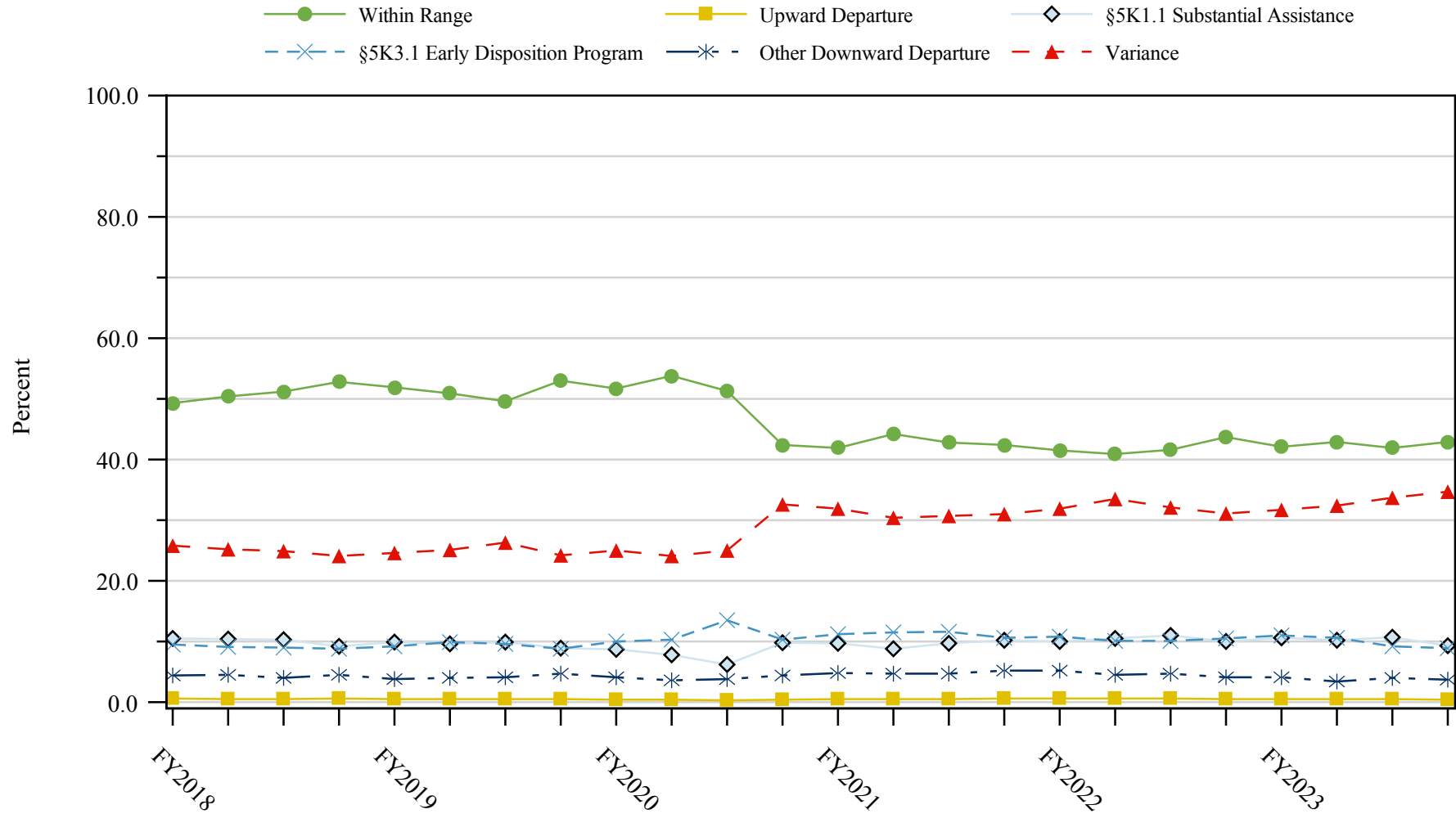


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2023 Datafiles, USSCFY18 - USSCFY23.

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹
Fiscal Years 2018 - 2023



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

SOURCE: U.S. Sentencing Commission, 2018 - 2023 Datafiles, USSCFY18 - USSCFY23.

Table 9

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

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

Table 9 (cont.)

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

Table 9 (cont.)

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

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

Table 10

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

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

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

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

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹

Fiscal Year 2023

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

Table 11 (cont.)

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

¹ Of the 64,124 cases, 2,282 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (312) or missing guideline applied (2,250). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

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

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

Table 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	5,986	16.3	5,939	16.2	7,547	20.6	2,459	6.7	5,291	14.4	2,567	7.0
Departures	5,006	32.1	2,352	15.1	1,745	11.2	1,063	6.8	1,294	8.3	223	1.4
Upward Departure	73	23.2	2	0.6	9	2.9	5	1.6	89	28.3	34	10.8
Downward Departure												
§5K1.1 Substantial Assistance	4,347	66.9	886	13.6	761	11.7	458	7.0	601	9.2	0	0.0
§5K3.1 Early Disposition Program	400	6.3	821	12.9	630	9.9	428	6.7	271	4.3	0	0.0
Other Government Motion	186	14.2	102	7.8	97	7.4	172	13.1	79	6.0	30	2.3
Non-Government Departure	0	0.0	541	48.7	248	22.3	0	0.0	254	22.9	159	14.3
Variations	980	4.6	3,587	17.0	5,802	27.5	1,396	6.6	3,997	18.9	2,344	11.1
Upward Variance	303	16.0	3	0.2	8	0.4	36	1.9	920	48.5	316	16.7
Downward Variance												
Government Motion	677	10.6	594	9.3	305	4.8	1,360	21.3	290	4.5	177	2.8
Non-Government Variance	0	0.0	2,990	23.3	5,489	42.7	0	0.0	2,787	21.7	1,851	14.4

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

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

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

Table 13

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

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

¹ Of the 64,124 cases, in 314 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four cases were excluded from this table. Also, nine cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 14

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

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

¹ Of the 64,124 cases, in 1,896 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, seven cases were excluded from this table. Also, 16 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 15

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

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

¹ Of the 64,124 cases, in 6,499 the sentenced individual received a §5K1.1 substantial assistance departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 87 cases were excluded from this table. Also, 58 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 16

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

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

¹ Of the 64,124 cases, in 6,363 the sentenced individual received a §5K3.1 early disposition program departure below the guideline range. Of these, three cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 17

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

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

¹ Of the 64,124 cases, in 2,421 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,310) or a non-government departure (1,111). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 26 cases were excluded from this table. Also, 24 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

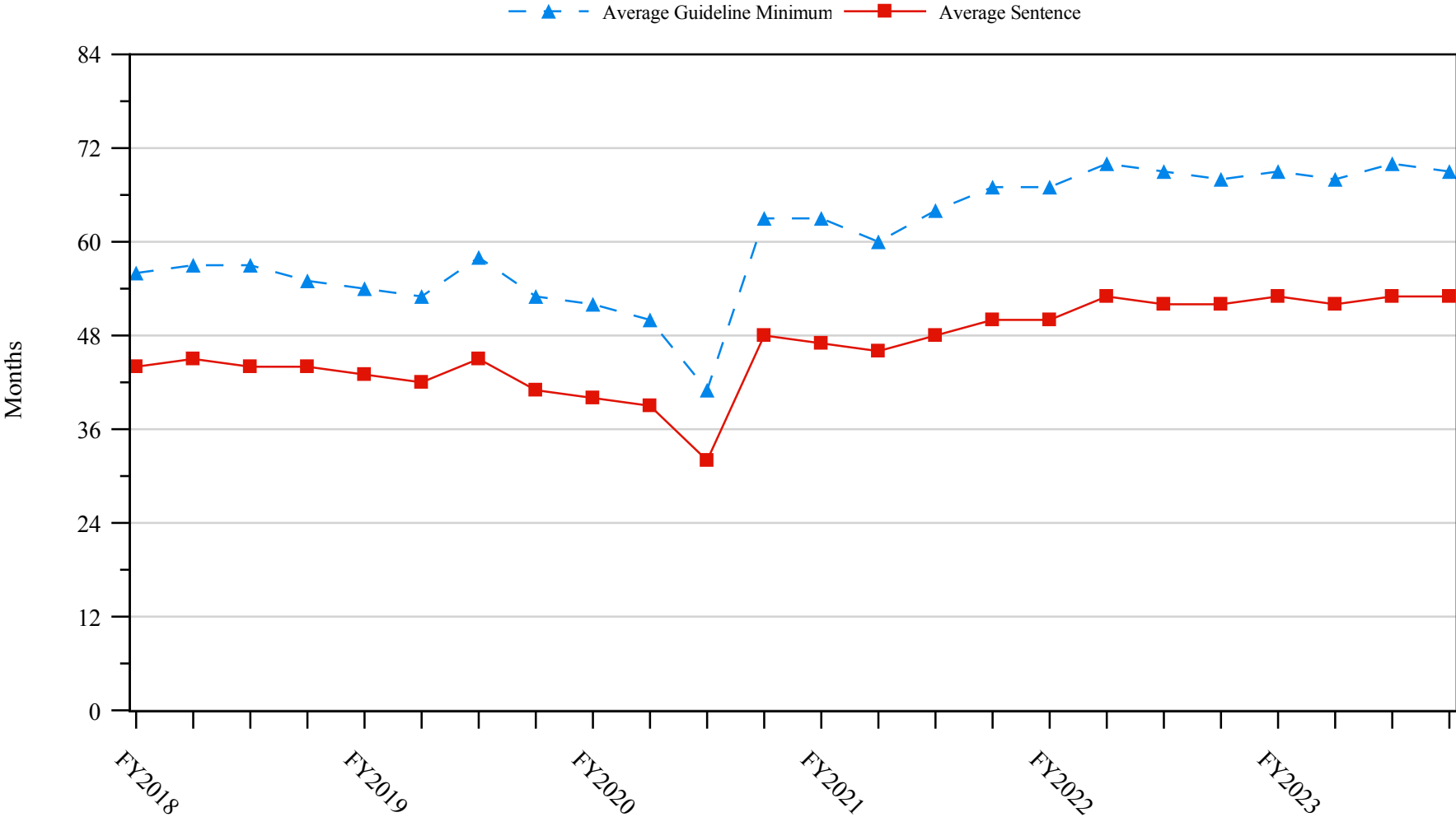
Table 18

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

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

¹ Of the 64,124 cases, in 19,232 the sentence was a variance below the guideline range, either due to a government motion for a variance (6,384) or a non-government variance (12,848). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 204 cases were excluded from this table. Also, 269 cases were excluded due to several logical criteria. Of the remaining 18,759 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

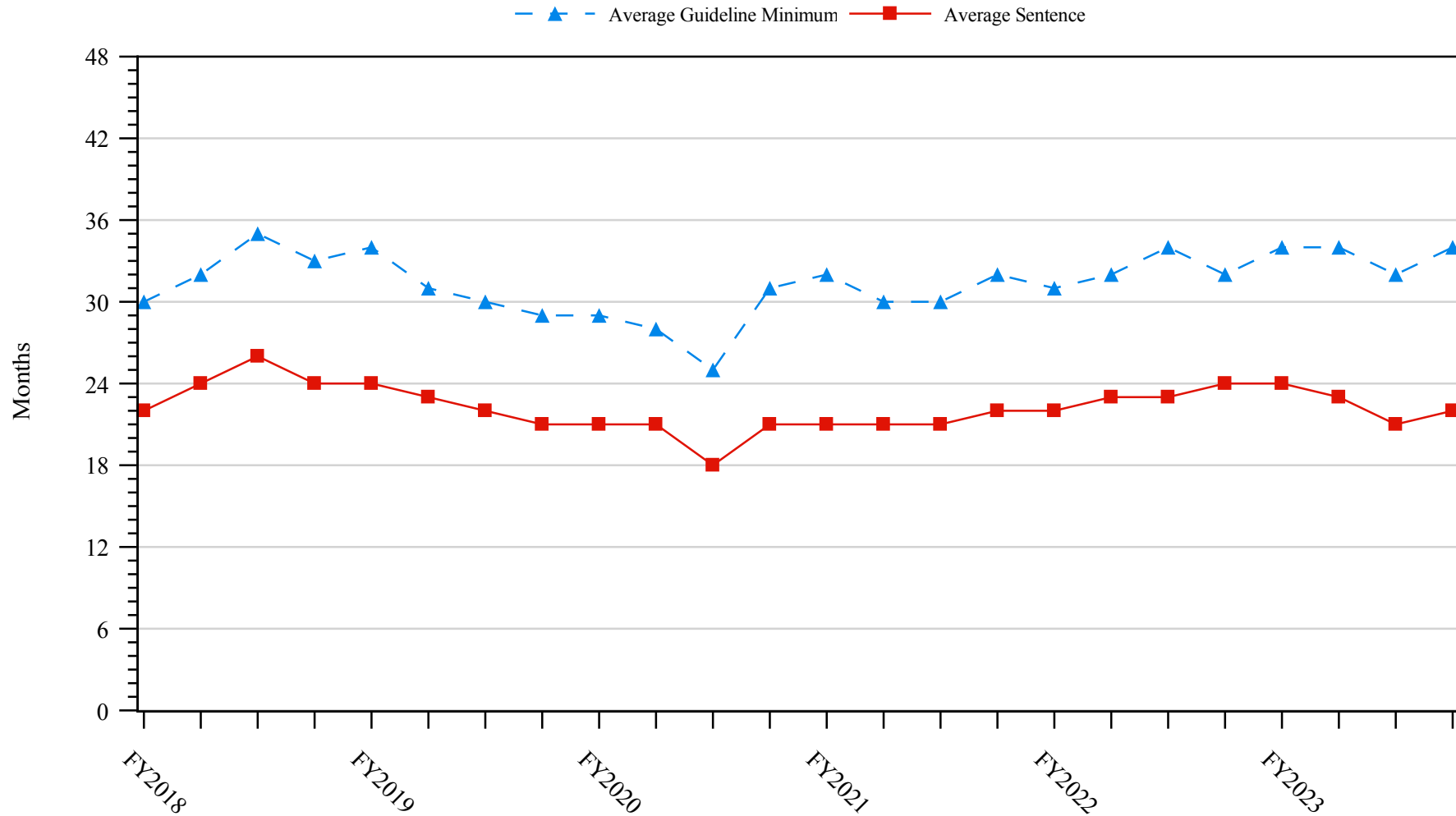
Figure 5
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR SENTENCED INDIVIDUALS¹
Fiscal Years 2018 - 2023



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 figure 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, 2018 - 2023 Datafiles, USSCFY18 - USSCFY23.

Figure 6
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR INDIVIDUALS SENTENCED UNDER §2B1.1(THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2018 - 2023

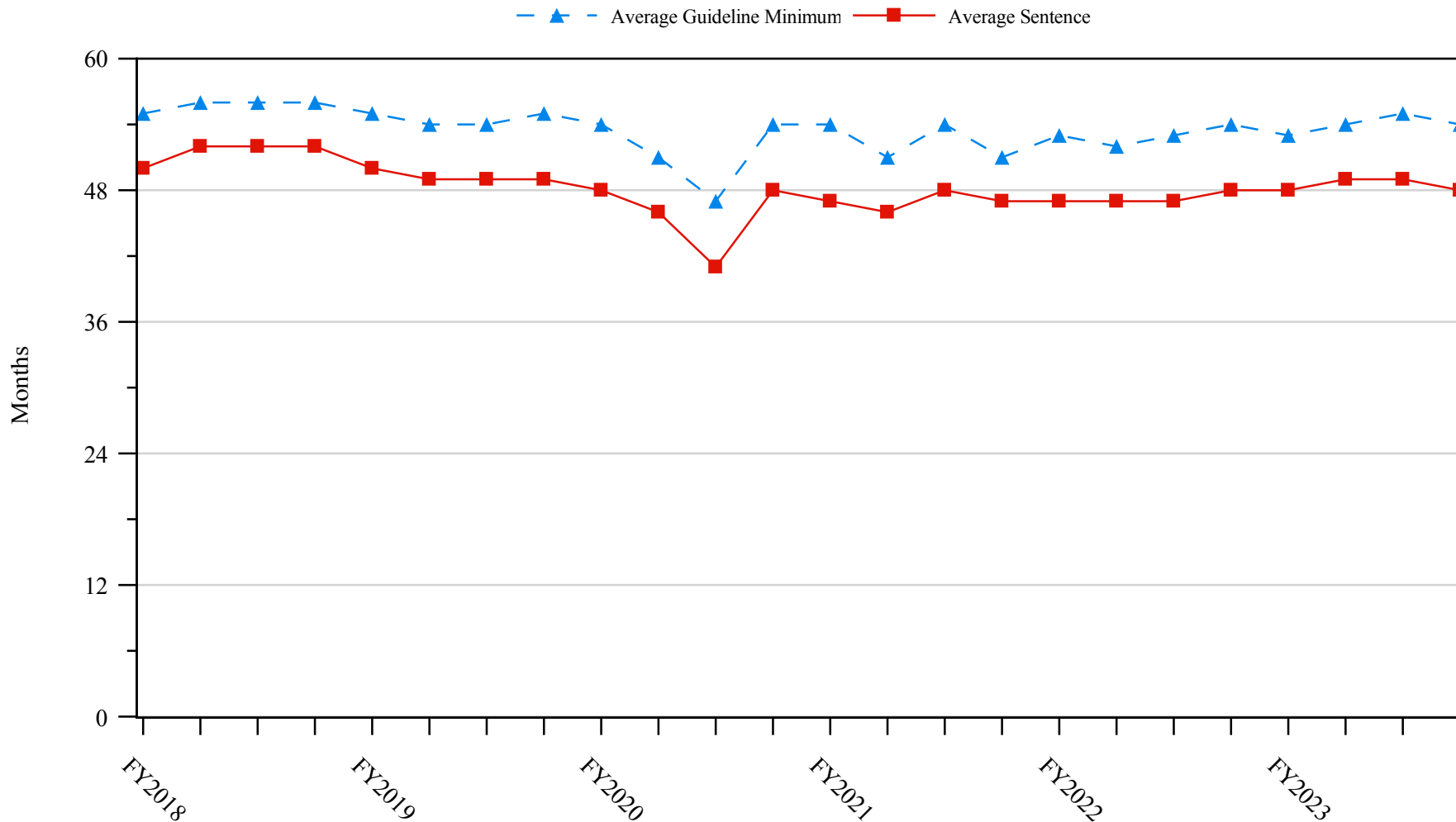


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 figure 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, 2018 - 2023 Datafiles, USSCFY18 - USSCFY23.

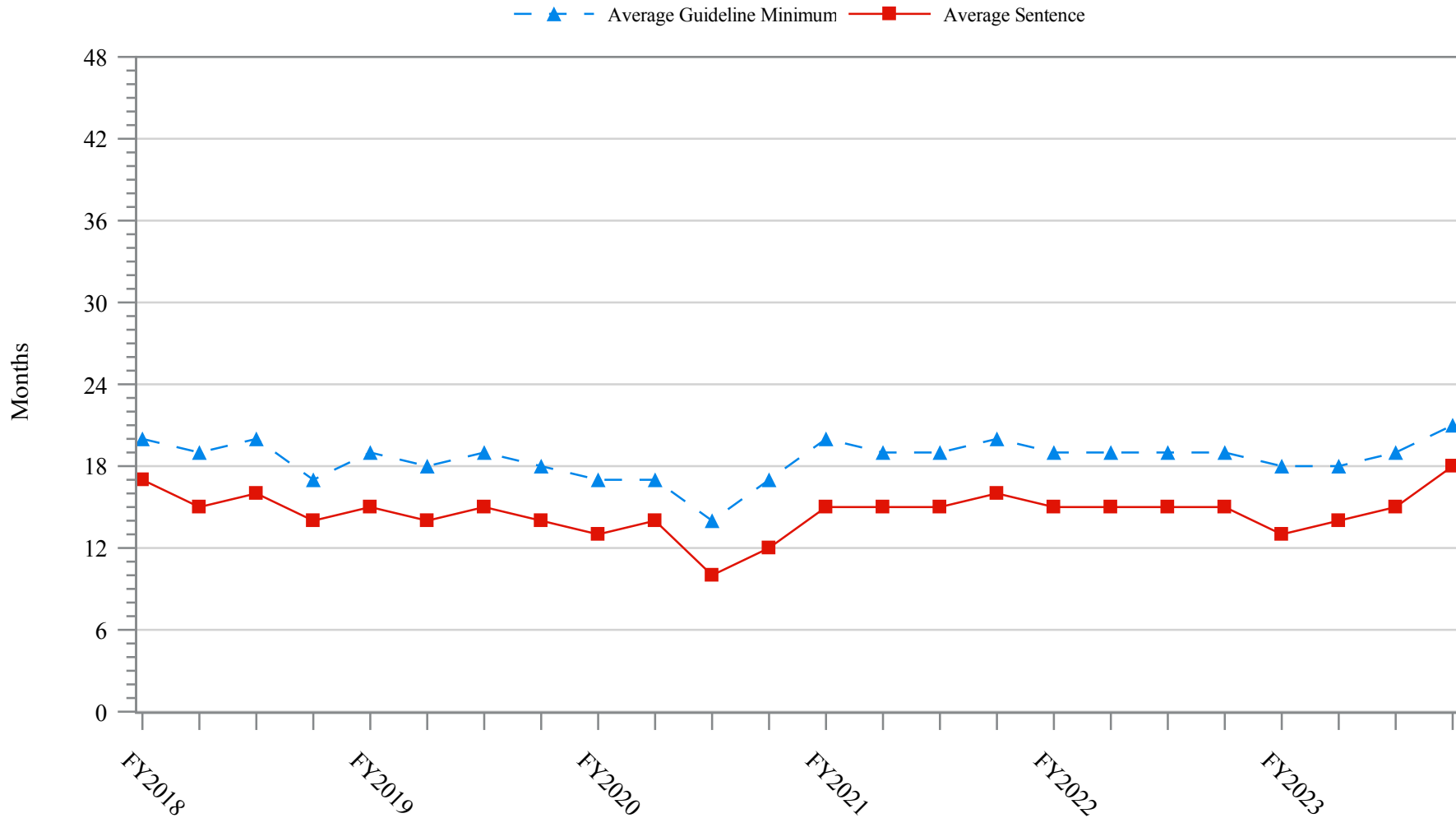
Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR INDIVIDUALS SENTENCED UNDER §2K2.1(UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2018 - 2023**



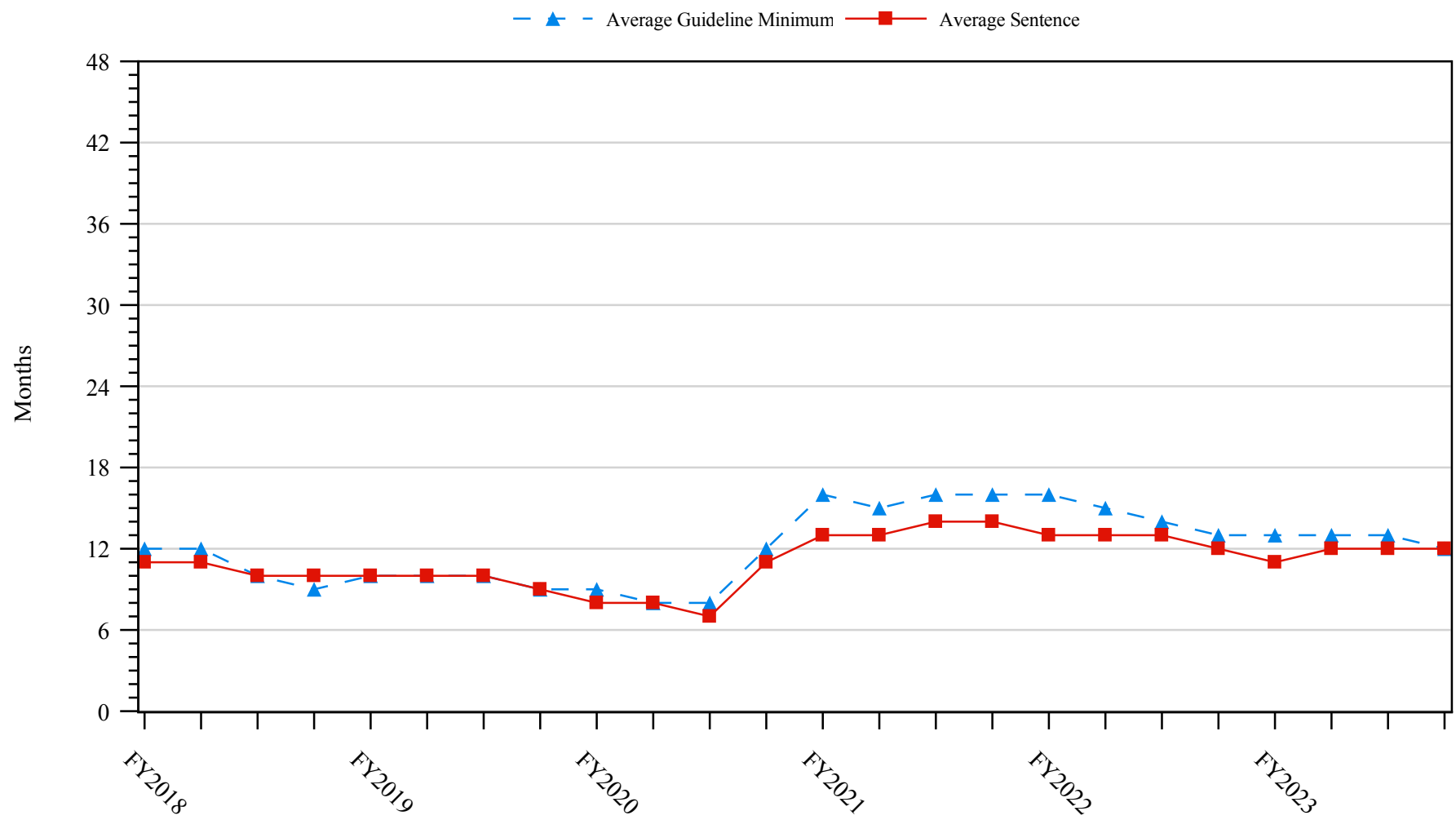
¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 figure 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 INDIVIDUALS SENTENCED UNDER §2L1.1(ALIEN SMUGGLING)¹
Fiscal Years 2018 - 2023



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 figure 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.

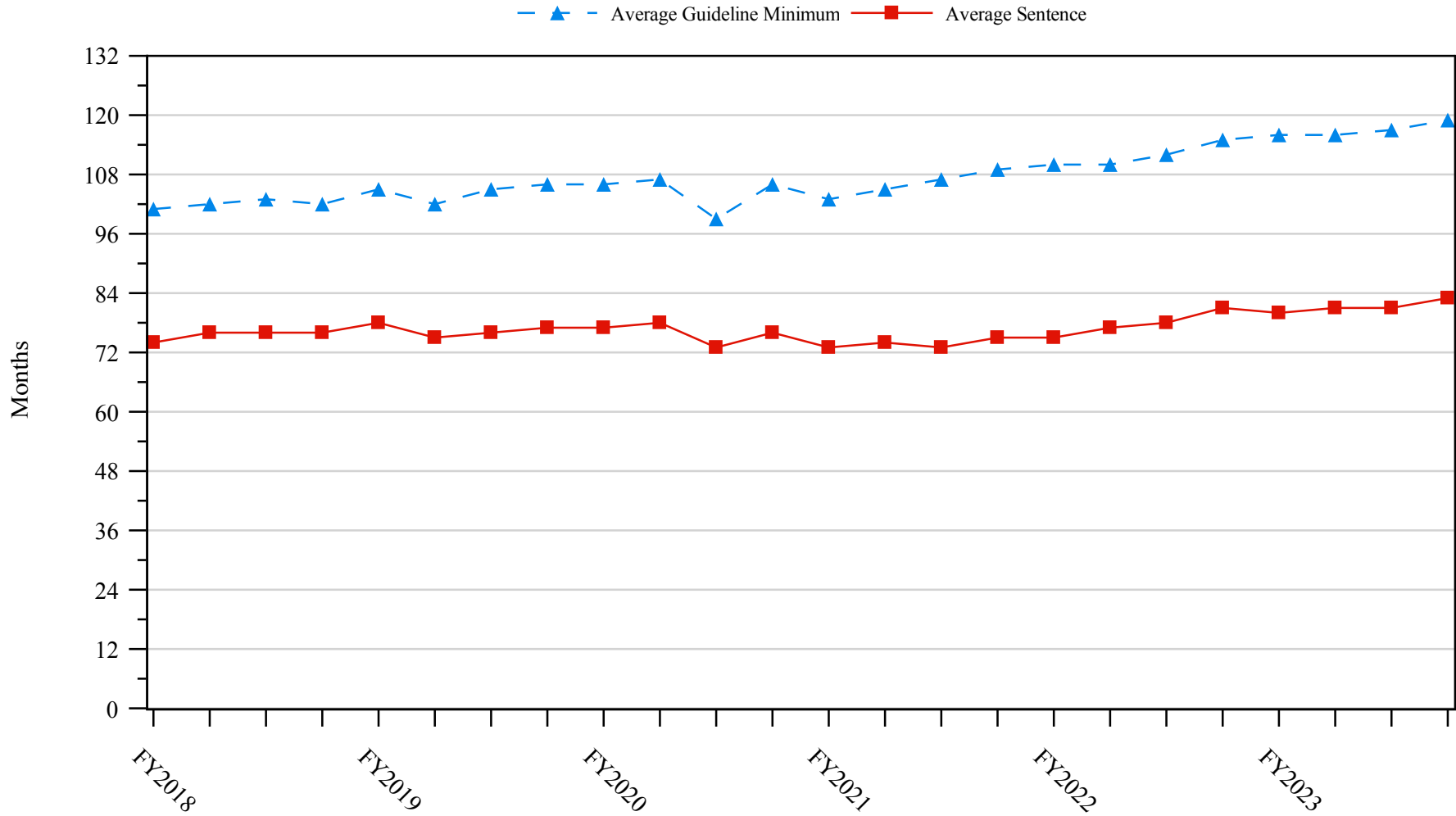
Figure 9
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR INDIVIDUALS SENTENCED UNDER §2L1.2 (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2018 - 2023



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 figure 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.

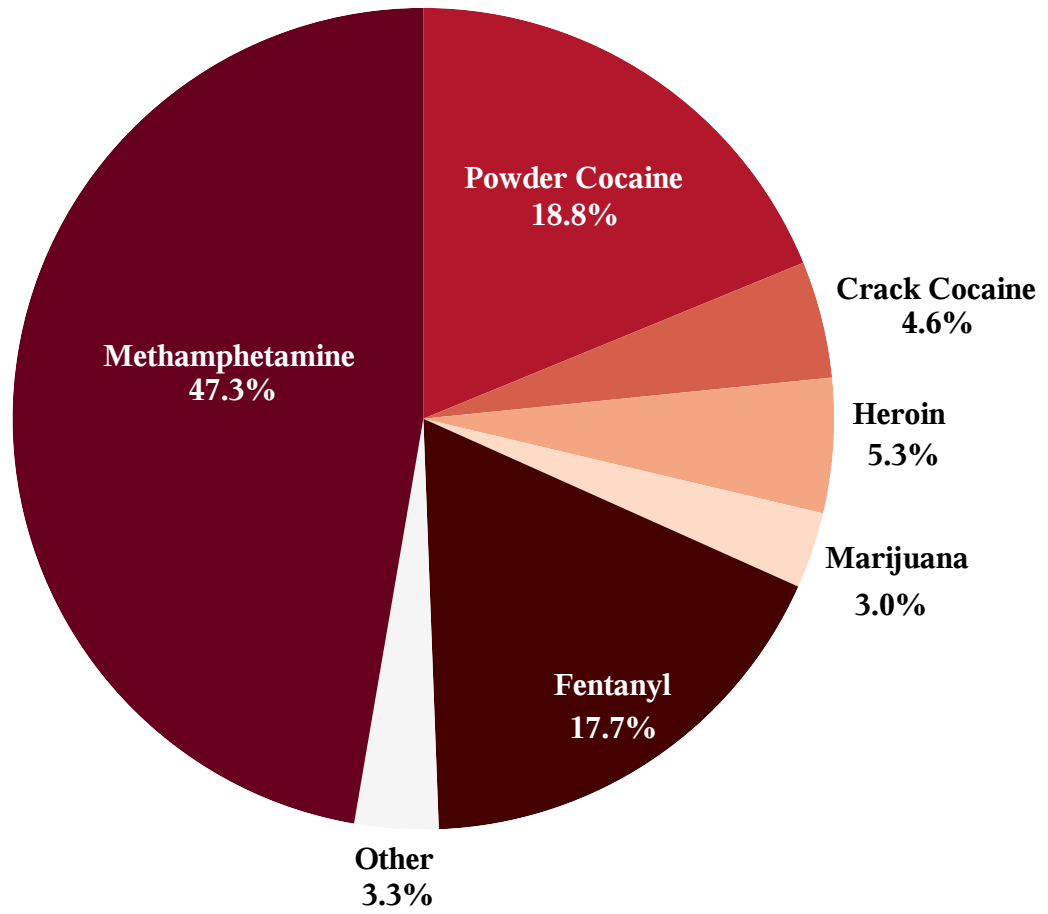
SOURCE: U.S. Sentencing Commission, 2018 - 2023 Datafiles, USSCFY18 - USSCFY23.

Figure 10
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR INDIVIDUALS SENTENCED UNDER §2D1.1(UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2018 - 2023



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 figure 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 11
DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
Fiscal Year 2023

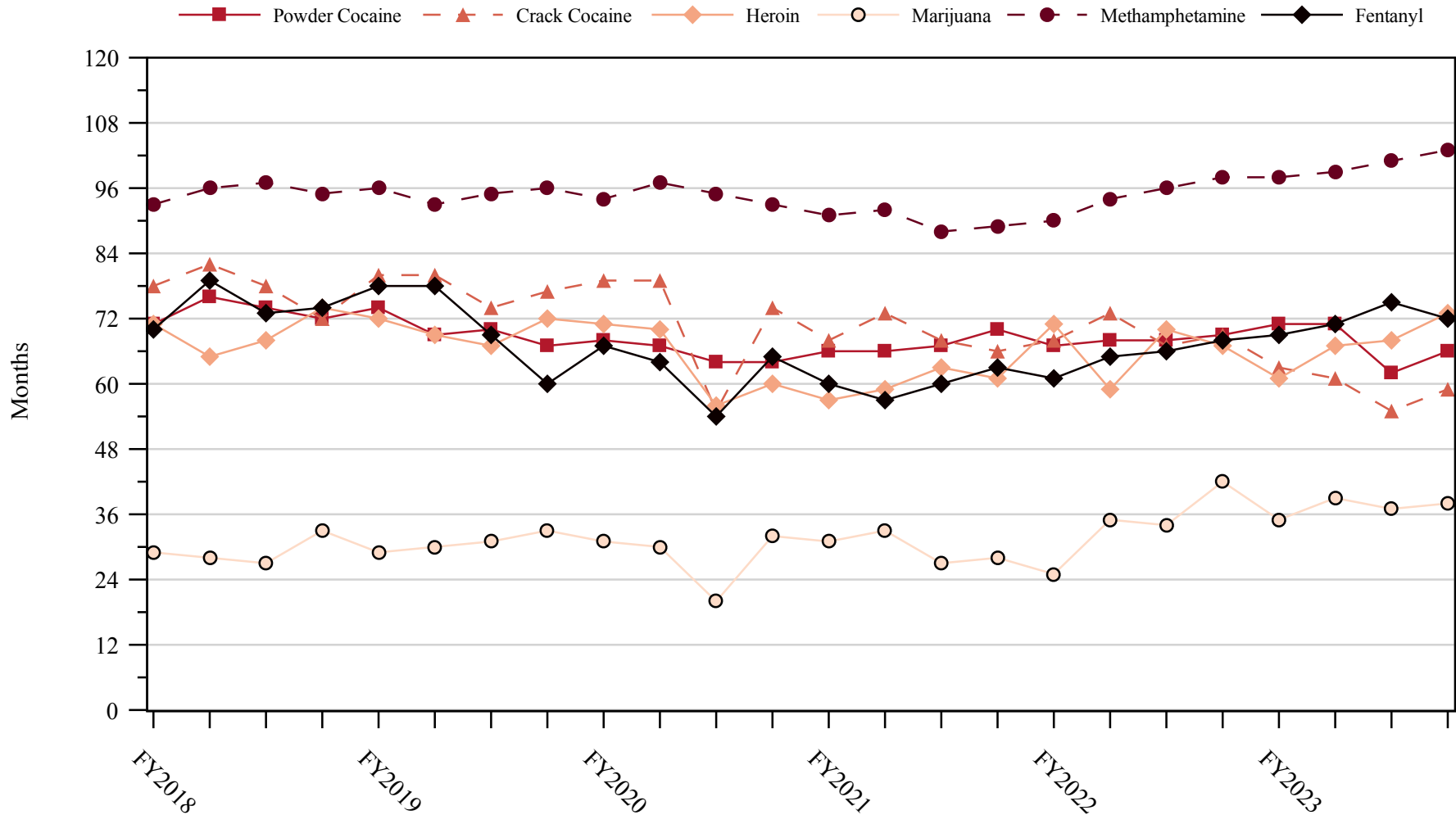


¹ Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix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

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

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

Figure 12
SENTENCE LENGTH IN DRUG TRAFFICKING CASES
BY MAJOR DRUG TYPE QUARTERLY DATA¹
Fiscal Years 2018 - 2023



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

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

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

² See U.S. SENTENCING COMM'N, *Guidelines Manual*, §1B1.9 (Nov. 2021).

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

Circuit

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

Citizenship Status

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

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.

Gender

Gender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons (SOR) form (Court Determination for a Variance). These cases are determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the 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 §5K1.1 Substantial Assistance departures or USSG §5K3.1 Early Disposition Program (EDP) 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* includes cases in which the drug involved is Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and cases in which the court determined the substance involved to be a Fentanyl analogue, as defined in the *Guidelines Manual*. The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “Ice,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug trafficking guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “Other” drug category.

Primary Guideline

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

Race

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

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 individual has been in custody the entire time. If the individual has been in and out of custody, or the start date is unclear/missing, then the Commission assigns a value of one day as a minimal time served amount for these cases. In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of individuals sentenced for federal offenses given the average age of those person. Sentences of greater than 470 months are also reported as 470 months. The footnote in the relevant tables and figures indicates when this occurs.

Sentenced Individuals

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

Sentence Type

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

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

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

The *Prison and Alternatives* category includes all cases in which individuals received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not

limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

Information on *Type of Crime* is obtained from the primary guideline detailed in the Presentence Report. If the primary guideline is an “attempt/conspiracy” guideline such as USSG §2X1.1, then the underlying guideline is used to determine the type of crime category. If there is no primary guideline provided, then information about the type of crime category is obtained from the statutes of conviction listed on the Judgment and Commitment Order. When the “type of crime” for the case is determined from the statutes of conviction, the offense applicable to the count of conviction with the highest statutory maximum becomes the “type of crime.” If two or more counts are found to have the same statutory maximum, the “type of crime” is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the “type of crime” that best represented the nature of the criminal behavior is chosen. For convenience in analysis, a summary variable describing “type of crime” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that the crime categories differ between the individual and organizational datafiles. Listed below are the type of crimes that are grouped into each of the crime categories used in the individual datafile tables for this report:

Administration of Justice includes obstructing or impeding officers, contempt, obstruction of justice, perjury or subornation of perjury, bribery of a witness, impersonation, failure to appear by defendant, failure to appear by material witness, commission of offense while on release, payment of witness, and misprision of a felony. This category includes persons sentenced under §§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 individuals 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 persons 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 persons 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 persons 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 persons 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 persons sentenced under §§2G2.2 and 2G2.4 (deleted) of the *Guidelines Manual*.

Commercialized Vice includes gambling, animal fighting, and prostitution offenses. This category includes persons sentenced under §2G1.1 where the court did NOT apply a Base Offense Level of 34, and all individuals 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons sentenced under §§2A4.1, 2A4.2, and 2A5.1 of the *Guidelines Manual*.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons 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 persons sentenced under §2G1.1 who received a Base Offense Level of 34, and all individuals 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 persons 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 persons 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 persons 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 persons 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 defendant.

Within Guideline Range

Cases 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 individual was sentenced.