2019 ANNUAL REPORT AND SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

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ANNUAL REPORT

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Introduction

The United States Sentencing Commission ("the Commission") was created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984. The Commission is an independent agency in the Judicial Branch of the federal government, with statutory duties that include:

- promulgating sentencing guidelines to be considered by sentencing judges in all federal criminal cases;
- collecting, analyzing, and reporting sentencing data systematically to detect new criminal trends, assess federal sentencing policies, and serve as a clearinghouse for federal sentencing statistics;
- conducting research on sentencing issues and serving as an information center for the collection, preparation, and dissemination of information on federal sentencing practices; and
- providing specialized training to judges, probation officers, staff attorneys, law clerks, prosecutors, defense attorneys, and other members of the federal criminal justice community on application of the federal sentencing guidelines and federal sentencing.

The Commission continually releases a substantial amount of new and informative sentencing data, research, and training materials. As a result, interest in the work of the Commission by sentencing courts, Congress, the Executive Branch, and the general public continues to increase. For example, in fiscal year 2019, the Commission's website received over 1.5 million hits and averaged approximately 34,000 visitors per month. These numbers reflect an impressive increase in visitors (+22%), sessions (+24%), and pages viewed (+16%) from the previous fiscal year and demonstrate how the Commission disseminates information broadly, efficiently, and cost-effectively.

Agency Overview

Commissioners

The Commission consists of up to seven voting members appointed to staggered six-year terms by the President with the advice and consent of the Senate. By statute, at least three of the commissioners shall be federal judges, and no more than four may be members of the same political party. The Attorney General (or the Attorney General's designee) and the Chairperson of the United States Parole Commission are *ex officio* members of the Commission.

Throughout much of fiscal year 2019 and into fiscal year 2020, the Commission has operated with only two voting commissioners—Chief Judge Danny C. Reeves and Senior Judge Charles R. Breyer. Other commissioners included Patricia K. Cushwa (*ex officio*, U.S. Parole Commission) and David C. Rybicki (*ex officio*, U.S. Department of Justice). As a result, the Commission has lacked the minimum of four affirmative votes required by statute to promulgate amendments to the federal sentencing guidelines, but the Commission's other statutory duties are unaffected by the lack of four voting commissioners.

Organization

In fiscal year 2019, the Commission staff was divided into the Offices of the Staff Director, General Counsel, Education and Sentencing Practice, Research and Data, Legislative and Public Affairs, and Administration.

The **Office of the Staff Director** supervises and coordinates all agency functions. The director of each office reports to the staff director, who in turn reports to the Commission chair.

The **Office of General Counsel** supports the Commission on a variety of legal issues, including the formulation and application of the guidelines and guideline amendments, legislative proposals, and statutory interpretations. Legal staff monitor the district and circuit courts' application and interpretation of the guidelines and advise commissioners about statutes affecting the Commission's work. The legal staff also provides training support in conjunction with the Office of Education and Sentencing Practice.

In addition, the office performs all drafting services for the Commission, prepares the *Guidelines Manual* for printing, formally manages and maintains all papers and exhibits received by the Commission that constitute requests for Commission action on sentencing policy development, and coordinates the Commission's policy initiatives.

The **Office of Education and Sentencing Practice** performs the lead role in teaching guideline application to judges, probation officers, prosecuting and defense attorneys, and other criminal justice professionals. The staff develops training materials, participates in the sentencing guideline segments of training programs sponsored by other agencies, works in conjunction with the Administrative Office of the U.S. Courts and the Federal Judicial Center to create webcasts that are aired on the Commission's website, and helps inform the Commission about current guideline application practices. The office also operates the "HelpLine" to respond to guideline application questions from guideline practitioners.

The **Office of Research and Data** provides statistical and other social science research and analyses on specific sentencing issues and federal crime. The office receives documents from the federal courts concerning the sentences imposed on individual offenders, analyzes and enters information from those documents into the Commission's comprehensive computer database, and creates annual datafiles of sentencing information. Individual offender datafiles (without individual identifiers) from fiscal year 2002 to the present are available on the Commission's website. Working with the Office of the General Counsel, the Office of Research and Data also collects information on organizations convicted of crimes and on appeals filed in individual and organizational cases.

The office studies a variety of sentencing issues, including changes in the types and severity of federal crimes, changes in the demographic characteristics and criminal history of federal offenders, and sentencing trends in the federal courts. The office creates periodic reports on federal sentencing practices and tracks the application of the sentencing guidelines. These reports provide data concerning the types of crimes committed, the offenders who commit those crimes, and how courts sentence offenders and use the guidelines. The office also provides projections of the impact on the federal prison population of proposed legislation and proposed guideline amendments. The reports are distributed to the courts, Congress, the Executive Branch, and the public.

The **Office of Legislative and Public Affairs** serves as the Commission's liaison with Congress on sentencing matters, monitors Congress's criminal law agenda and hearings, analyzes legislative proposals, and takes the lead role in responding to congressional inquiries, including specific requests for federal sentencing data. The office also provides services and information to other external entities, including the judiciary, Executive Branch agencies, academia, and advocacy groups. The office works closely with the Office of General Counsel on analyses of proposed and recently enacted legislation.

The office is also responsible for the agency's public information functions, responding to inquiries and requests for information from the media, the public, Congress, academia, and government agencies. The office plays a primary role in coordinating the production, editing, printing, and dissemination of all Commission publications, including the *Guidelines Manual*, original research publications, and reports to Congress. The unit is also responsible for the Commission's website and social media communications. The office coordinates the Commission's public hearings and meetings.

The **Office of Administration** provides general administrative support to commissioners and staff regarding budget and finance, information technology, contracting, human resources, facilities, and a variety of other office activities. This office also contains the Information Systems unit, which develops and maintains the Commission's extensive information systems applications and the Commission's records management system.

Budget and Expenditures

For fiscal year 2019, the Commission received an annual appropriation of $18,953,000 to continue to fulfill statutory duties envisioned by the Sentencing Reform Act of 1984. The Commission appreciates the funding Congress has provided for the Commission's fulfillment of its statutory responsibilities. The Commission did not request program increases for fiscal year 2020. The Commission continues to maximize its existing resources by prioritizing cost-containment and efficiency.

The Commission did not request program increases for FY20.

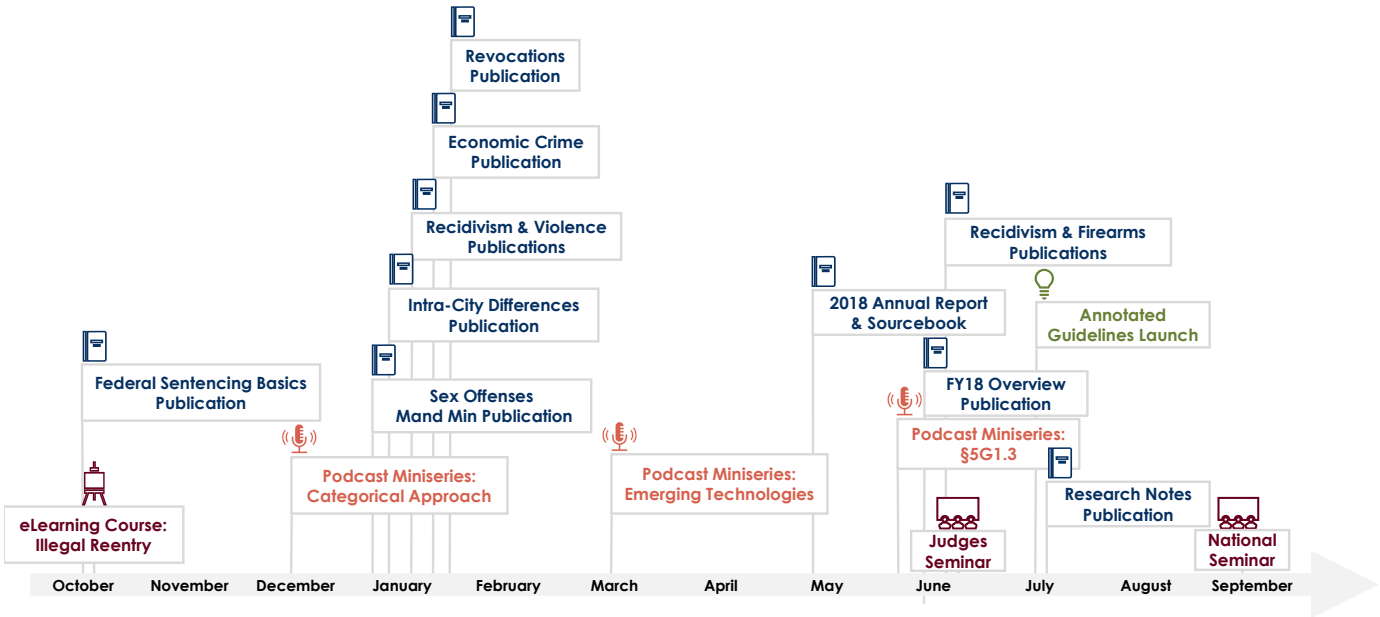
Fiscal Year 2019 Activity Overview

In fiscal year 2019, the Commission took a leading role in providing data and analysis relating to the fairness and effectiveness of sentencing and improving recidivism outcomes, with the goal of using federal resources efficiently and appropriately. The subsequent sections of this report demonstrate the Commission's commitment to these principles and to meeting its statutory requirements:

- Conducting Research
- Collecting and Reporting Sentencing Data
- Sentencing Policy Development
- Training and Outreach

The Commission also has prioritized improving access to the *Guidelines Manual*, its most widely used and essential work product. In fiscal year 2018, the Commission launched a mobile application that enables users to conveniently access the *Guidelines Manual* on a smartphone. This Guidelines App has been well received by practitioners and enhanced features will be added in fiscal year 2020. Building on the success of the app, the Commission unveiled the *Guidelines Manual* Annotated—an enhancement to the online version of the Manual that provides the amendment history of each guideline provision. The product provides more accessibility to and transparent understanding of the policy rationale and sentencing data underlying each guideline provision. An increasing number of guideline users have accessed the *Guidelines Manual* using this new online resource since its launch in July 2019.

Fiscal Year 2019 Major Events and Product Releases



The Commission is in the process of updating and transforming the Interactive Sourcebook (ISB)—an online tool that replicates and customizes the Commission's annual sentencing data. Launching in mid-2020, the Interactive Data Analyzer (IDA) will answer frequently asked data questions and reflect the latest trends in data visualization. The Commission believes IDA will be an online resource used for years to come by judges, Congress, the Executive Branch, probation officers, lawyers, academia, and the media.

Conducting Research

Research is a critical component of the Commission's overall mission. The Commission's research staff regularly analyzes the current and prior fiscal years' data to identify how courts sentence offenders and use the guidelines. The Commission routinely uses these analyses when considering proposed changes to the guidelines. Similarly, the Commission publishes many analyses and data reports as a resource for policymakers and the criminal justice community.

In January of 2019, the Commission released its sixth and final report in its series on federal mandatory minimum penalties titled *Mandatory Minimum Penalties for Federal Sex Offenses*. Each of the reports in this series provides the prevalence of the mandatory minimum penalty studied, how often offenders receive statutory relief from the mandatory minimum penalty, the demographic breakdown of offenders affected, and the impact the mandatory minimum penalty has on sentences imposed and the population of the Federal Bureau of Prisons. The Commission believes these reports are a valuable source of data and information as Congress continues to assess the role of mandatory minimum penalties in the federal criminal justice system.

Fiscal Year 2019 Publications

November 2018

Federal Sentencing: The Basics

January 2019

Mandatory Minimum Penalties for Sex Offenses in the Federal Criminal Justice System

January 2019

Intra-City Differences in Federal Sentencing Practices

January 2019

Recidivism Among Federal Violent Offenders

January 2019

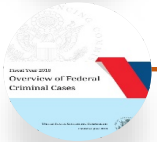
What Does Federal Economic Crime Really Look Like?

January 2019

Revocations Among Federal Offenders

May 2019

2018 Annual Report and Sourcebook of Federal Sentencing Statistics



June 2019

FY 2018 Overview of Federal Criminal Cases

June 2019

Recidivism Among Federal Firearms Offenders

The Commission also continues to focus its research on recidivism, drawing upon partnerships across the federal criminal justice system working to improve recidivism outcomes and public safety. The Commission's ongoing series examines U.S. citizen federal offenders released from prison or placed on probation in calendar year 2005 and studies their recidivism over an eight-year follow-up period. In fiscal year 2019, the Commission released two additional reports in this series, *Recidivism Among Federal Firearms Offenders* and *Recidivism Among Federal Violent Offenders*.

Building upon the Commission's 2012 *Booker Report*, in January of 2019, the Commission released *Intra-City Differences in Federal Sentencing Practices,* which examined demographic differences in the sentencing practices of judges located within 30 large metropolitan areas across the nation, representing judicial districts in every circuit except the D.C. Circuit. This report evaluated variations in sentencing practices among judges within the same city, in other words intra-city variations. The report found overall increasing differences in sentencing practices among judges within the same cities, a consistent finding from the Commission's 2012 *Booker Report*.

In January 2020, the Commission released *Inter-District Differences in Federal Sentencing Practices*, which built upon the *Intra-City* report. This report studied sentencing practices across districts, comparing each district's sentencing practices to the average sentencing practices of all districts in the analysis. Recognizing the potential impact of regional differences in caseload, the analysis was conducted separately for each of the four major offense types—fraud, drug trafficking, firearms, and immigration—and only includes those districts with a minimum of 50 cases sentenced based on the relevant guideline during the period of being sentenced. The report found that, consistent with the findings of the Commission's 2012 *Booker Report*, sentencing outcomes continue to depend at least in part upon the district in which the defendant is sentenced.

The Commission also released important research in other areas. The report *What Does Federal Economic Crime Really Look Like?* examined the wide range of economic crime that accounts for approximately ten percent of the federal criminal caseload. Although these offenses often are grouped under one sentencing guideline, the Commission's report provided data and analysis on 29 specific areas of economic crime. The Commission's report *Revocations Among Federal Offenders* provided information about offenders serving sentences of probation, supervised release, special parole, and mandatory release. The report analyzed how often the courts revoked theses sentences, and the impact of those revocations upon safety valve relief and career offender status in later convictions.

Again in fiscal year 2019, the Commission continued to prioritize making its data and research more easily accessible to Congress, the courts, the public, and the press. For example, the Commission updated and expanded its Quick Facts series, which provides concise facts about a single area of federal crime in an easy-to-read, two-page format. The Quick Facts series includes overviews of offenses carrying mandatory minimum penalties, career offenders, "white-collar" offenders, drug trafficking offenders by drug type, robbery offenders, and many more. In 2019, the Commission added new releases in the series, discussing fentanyl trafficking, child pornography, and sexual abuse cases.

Collecting and Reporting Sentencing Data

To conduct the type of research outlined in the previous section, the Commission collects data regarding every felony and class A misdemeanor offense sentenced each year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document, (2) the plea agreement, (3) the presentence investigation report, (4) the judgment and commitment order, and (5) the statement of reasons form. The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.

The Commission received approximately 353,834 documents for 76,538 individual original sentencings that occurred in fiscal year 2019. Select highlights from fiscal year 2019 data are outlined below:

Approximately 353,000 sentencing-related documents were received and analyzed by the Commission in FY19.

- In fiscal year 2019, the courts reported 76,538 felony and Class A misdemeanor cases to the Commission. This represents an increase of 7,113 cases from the prior fiscal year, and the second consecutive year with an increase.
- The race of federal offenders remained largely unchanged from prior years. In fiscal year 2019, 56.3 percent of all offenders were Hispanic, 20.2 percent were Black, 19.9 percent were White, and 3.6 percent were of another race. Non-U.S. citizens accounted for 44.6 percent of all offenders.
- Immigration cases accounted for the largest single group of offenses in fiscal year 2019, comprising 38.4 percent of all reported cases. Cases involving drugs, firearms, and fraud were the next most common types of offenses after immigration cases. Together these four types of offenses accounted for 84.4 percent of all cases reported to the Commission in fiscal year 2019.
- Among drug cases, offenses involving methamphetamine were most common, accounting for 42.2 percent of all drug cases.
- Drug sentences remained relatively stable across all drug types in fiscal year 2019. The average length of imprisonment in methamphetamine cases was unchanged from fiscal year 2018 at 95 months, as was the average sentence in crack cocaine cases (78 months), but decreased in powder cocaine cases (from 73 to 70 months), and increased in heroin cases (from 69 to 70 months). In fiscal year 2019, 65.0 percent of drug offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 58.0 percent of drug offenders in fiscal year 2018.
- In fiscal year 2019, 75.0 percent of all offenders received sentences under the *Guidelines Manual*, in that the sentence was within the applicable guidelines range, or was outside the applicable guidelines range and the court cited a departure reason from the *Guidelines Manual*. Just over half (51.4%) of all sentences were within the guidelines range, compared to 51.0 percent in fiscal year 2018.

75% of all offenders received sentences under the *Guidelines Manual* in FY19.

The Commission makes its sentencing data available to the public in several ways. Analyses of the data extracted from the sentencing documents are reported in the *Annual Report and Sourcebook of Federal Sentencing Statistics*, which is available both in print and on the Commission's website, and *Interactive Sourcebook of Federal Sentencing Statistics*, which allow users to create and customize tables and figures. The Commission also disseminates on its website key aspects of this data on a quarterly basis and provides trend analyses of the changes in federal sentencing practices over time.

As required by 28 U.S.C. § 994(g) and 18 U.S.C. § 4047, the Commission considers the impact of guideline amendments on the federal prison population. Since fiscal year 2012, the Commission has made its prison and sentencing impact analyses available to the public on its website. The Commission is also often asked by Congress to complete prison and sentencing impact assessments for proposed legislation. In addition, the Commission responds to more general data requests from Congress on issues such as drugs, immigration, fraud, firearms and sex offenses. It provides district, state-wide, and circuit data analyses to House and Senate Judiciary Committee members and, on an as-requested basis, to other members of Congress. The Commission also responds to requests for data analyses from federal judges, including specific data requests relating to pending cases.

Sentencing Policy Development

Established by the Commission, the sentencing guidelines are core to the agency's mission. They provide federal judges with fair and consistent sentencing ranges to consult at sentencing by:

- incorporating the purposes of sentencing (*i.e.*, just punishment, deterrence, incapacitation, and rehabilitation);
- providing certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting sufficient judicial flexibility to take into account relevant aggravating and mitigating factors; and
- reflecting, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

As noted earlier, throughout much of fiscal year 2019, the Commission operated with only two voting commissioners—Chief Judge Danny C. Reeves and Senior Judge Charles R. Breyer. As a result, the Commission lacked the minimum four affirmative votes required to promulgate amendments to the federal sentencing guidelines. The Commission, however, continued to work on several important policy priorities while it awaited appointment of at least two new voting commissioners.

Chief among the Commission's policy priorities was full implementation of the First Step Act, the landmark bipartisan sentencing and prison reform legislation enacted at the end of the 115th Congress. The First Step Act was consistent with several recommendations first set forth in the Commission's 2011 *Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*, and further informed by numerous sentencing and prison impact analyses requested by Members of Congress.

While most of the First Step Act was directed at the Federal Bureau of Prisons and the Attorney General, full implementation of the Act requires action by the Commission in two important areas. First, a newly constituted Commission will need to amend the United States Sentencing Commission *Guidelines Manual* at §1B1.13 to reflect the new authority for a defendant to file a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

Second, the Commission will need to consider amending the *Guidelines Manual* to respond to the broadened eligibility criteria for the statutory safety valve set forth in 18 U.S.C. § 3553(f), which relieves certain drug trafficking defendants from otherwise applicable drug mandatory minimum penalties. The safety valve criteria are incorporated into the *Guidelines Manual* in two ways, in the drug trafficking guideline at §2D1.1 and the guideline instructing the court regarding the statutory safety valve at §5C1.2.

In the meantime, the Commission began collecting data on implementation of another important section of the First Step Act, the retroactive application of the statutory reductions in crack cocaine penalties previously enacted in the Fair Sentencing Act of 2010. The Fair Sentencing Act increased the threshold for the 5- and 10-year mandatory minimum penalties for crack cocaine offenses from 5 and 50 grams, respectively, to 28 and 280 grams. Although the Commission made the guideline amendment implementing the Fair Sentencing Act reductions retroactive in 2011, Congress did not make the statutory reductions retroactive until now. Under the newly enacted law, the defendant, the Director of the Bureau of Prisons, the attorney for the government, or the court itself may make a motion to retroactively apply the statutory reductions for crack cocaine offenses provided in the Fair Sentencing Act of 2010.

In its most recent retroactivity report, First Step Act of 2018 (February 2020), the Commission reported that 2,387 defendants were granted a reduced sentence as a result of retroactive application of the Fair Sentencing Act, with their average sentences reduced by 71 months (26%) from 258 to 187 months.

In addition to the First Step Act, several published proposed amendments await action by a newly constituted Commission. The most significant of these policy initiatives concerns application of the categorical approach to the guideline definition of "crime of violence," which has overwhelmed the federal courts in litigation over whether an offense qualifies as such under the guidelines.

After the Supreme Court's decision in *Johnson v. United States*, the Commission published an analysis of career offenders and made statutory recommendations in its 2016 *Report to the Congress: Career Offender Sentencing Enhancements* and amended the guideline definition of "crime of violence" to delete the residual clause and revise the list of enumerated offenses. The Commission's goal with the revision was to establish a more precise definition that would be easier to apply and reduce litigation.

To some extent, this goal was achieved. However, the Department of Justice has raised as pressing policy concerns to the Commission both discrete application issues, such as ambiguities over the meaning of "robbery" and "extortion," and broader concerns about the "categorical approach" in its entirety. The complexities and odd results stemming at times from the categorical approach is of particular concern given the risk to public safety posed by this category of offenders. The Commission continues to study different approaches to simplify this determination and to ensure more logical and uniform sentencing outcomes.

Another top priority is the Commission's ongoing examination of the overall structure and operation of the guidelines post-*United States v. Booker*, the Supreme Court decision that rendered the guidelines advisory in nature. In fiscal year 2018, the Commission reported on persistent demographic disparities in sentencing, and in fiscal year 2019, the Commission released its second in this series, *Intra-City Differences in Federal Sentencing Practices*. In this report, the Commission analyzed the sentencing practices of federal district judges in 30 major cities throughout the country to determine the extent of the judges' variations in imposing sentences in relation to their particular city's average. In fiscal year 2020, the Commission released the third report in the series, *Inter-District Differences in Federal Sentencing Practices*. On the day of the report's release, the Commission's website received more than 1,300 visits to the report's landing page and more than 1,800 downloads of the report itself.

Training and Outreach

The Commission continues to fulfill its statutory duty to provide specialized seminars, workshops, and training programs for judges, probation officers, law clerks, prosecutors and defense attorneys on application of the guidelines and federal sentencing generally. In fiscal year 2019, Commissioners and staff trained personnel from nearly all 94 federal districts, each program specifically tailored to the needs of the particular audience.

The Commission also has initiated training exclusively for federal judges as they have unique training needs. Approximately 100 judges attended the Commission's 2019 annual judges' seminar in Chicago, Illinois, and similar participation is expected at its 2020 seminar in Boston, Massachusetts. The Commission intends to meet the training needs of judges on an annual basis.

Each year the Commission also holds a national training seminar for a broader array of members of the federal criminal justice system. More than 850 federal probation officers, prosecutors, defense attorneys, and judges attended its 2019 national training seminar in New Orleans, Louisiana, and the Commission is planning a similarly sized 2020 national seminar in Chicago, Illinois.

The Commission is increasingly relying on distance and online learning in order to expand the reach of its training and contain costs. In fiscal year 2019, the Commission expanded significantly its podcast series on frequently recurring sentencing issues, including a ten-episode miniseries on the categorical approach—one of the most common requested training topics and a source of extensive litigation. The Commission will continue to produce podcasts and update its glossary and case law summaries in fiscal years 2020 and 2021.

In FY19 approximately 100 federal judges attended the judges seminar.

More than 850 professionals attended the national seminar.

In fiscal year 2020, the Commission launched an interactive quarterly newsletter as another means of providing sentencing training. The newsletter is available online and distributed electronically to interested constituents. These updates contain guideline application pointers, case law updates, and answers to frequently asked questions.

In addition to these newer resources, the Commission continues to staff a "Helpline" that responds to dozens of questions each day from judges, practitioners, and probation officers regarding proper guideline application.

Summary

The United States Sentencing Commission continues to fulfill its statutory responsibilities, including evaluating the fairness and effectiveness of the sentencing guidelines, advising Congress on federal sentencing policy, and serving as a clearinghouse of timely sentencing research and data. Furthermore, the Commission is committed to providing this current data and guidance to federal judges through training and online information resources.

The Commission's efforts are calibrated to protect public safety and provide that the statutory purposes of sentencing are achieved. The Commission will continue these efforts going forward and is prioritizing ways to make the guidelines work better, thus promoting efficiency and effectiveness and reducing unnecessary litigation.

Resources

- Case Law Concierge
- Case Law Quarterly
- eLearning
- Glossary of Sentencing Terms
- HelpLine
- Insider Express Newsletter
- Primers
- Quick Facts
- Reports-At-A-Glance
- Sentencing Practice Talk Podcast

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INTRODUCTION

Introduction to the *Sourcebook of Federal Sentencing Statistics*

This is the twenty-fourth edition of the United States Sentencing Commission's *Sourcebook of Federal Sentencing Statistics*. This *Sourcebook* contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. **The volume covers fiscal year 2019 (October 1, 2018, through September 30, 2019, hereinafter "2019").** This *Sourcebook*, together with the *2019 Annual Report*, constitutes the annual report referenced in 28 U.S.C. § 997, as well as the analysis, recommendations, and accounting to Congress referenced in 28 U.S.C. § 994(w)(3). The Commission received documentation on 76,538 federal felony and Class A misdemeanor cases involving individual offenders in fiscal year 2019.[1] The Commission coded and edited information from the sentencing documents in these cases into its comprehensive, computerized data collection system.

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

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

Finally, beginning with the 2018 *Sourcebook*, the methodology used to analyze the sentence imposed relative to the sentencing range for the case as determined under the Commission's *Guidelines Manual* was substantially revised. Sentences now are grouped into two broad categories: Sentences Under the *Guidelines Manual* and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline

range or, if outside the range, where the court cited one or more of the departure reasons in the *Guidelines Manual* as a basis for the sentence. Variance cases are those in which the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

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

Background

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

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

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

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

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

Datafiles

For each case in its Offender Datafile, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information. In addition to its standard data collection, the Commission often codes additional variables to study various distinct issues (*e.g.*, type of conduct in fraud offenses, criminal history).

The Commission's 2019 Offender Datafile contains documentation on 76,538 felony and Class A misdemeanor cases in which an individual offender was sentenced between October 1, 2018, and September 30, 2019. A "case" is defined as one sentencing event for an individual offender.

The Organizational Datafile contains documentation on organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in 2019. The Commission collects available data on organizational structure, size, and economic viability; offense of conviction; mode of adjudication; sanctions imposed (including probation and court-ordered compliance and ethics programs); and application of the sentencing guidelines. The Commission received information on 118 organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in fiscal year 2019.

While the 2019 reporting year includes cases sentenced between October 1, 2018, and September 30, 2019, it is important to note that the individual offender and organizational data collected and analyzed in the *2019 Annual Report* and the *2019 Sourcebook of Federal Sentencing Statistics* reflect cases for that fiscal year reported to the Commission (*i.e.*, guidelines cases for which the courts forwarded appropriate documentation to the Commission) by February 21, 2020.

The Appeals Datafile tracks appellate review of sentencing decisions. Information captured in this module includes district, circuit, date of opinion, sentencing issues, and the appellate court's disposition. The Commission also tracks final opinions and orders, both published and unpublished, in federal criminal appeals. In 2019, the Commission gathered information on 6,830 cases decided by the courts of appeal. Cases involving co-appellants are treated as separate appeals for statistical purposes.

The Commission implemented a data collection system to track resentencings and other modifications of sentence in 2008. The information collected includes judicial district, reason for resentencing, new sentence, and guideline application information, if available. Information is collected on eight types of resentencings and other modifications of sentence. In 2019, the Commission received documentation on 5,082 resentencings and other modifications of sentence.

The *2019 Annual Report* and the *2019 Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and analyses of annual data in each federal judicial district, circuit, and state are available on the Commission's website at *https://www.ussc.gov/research*.

Endnotes

1 28 U.S.C. § 994(w); USSG §1B1.9.

2 28 U.S.C. §§ 995(a)(12) and (14) – (16).

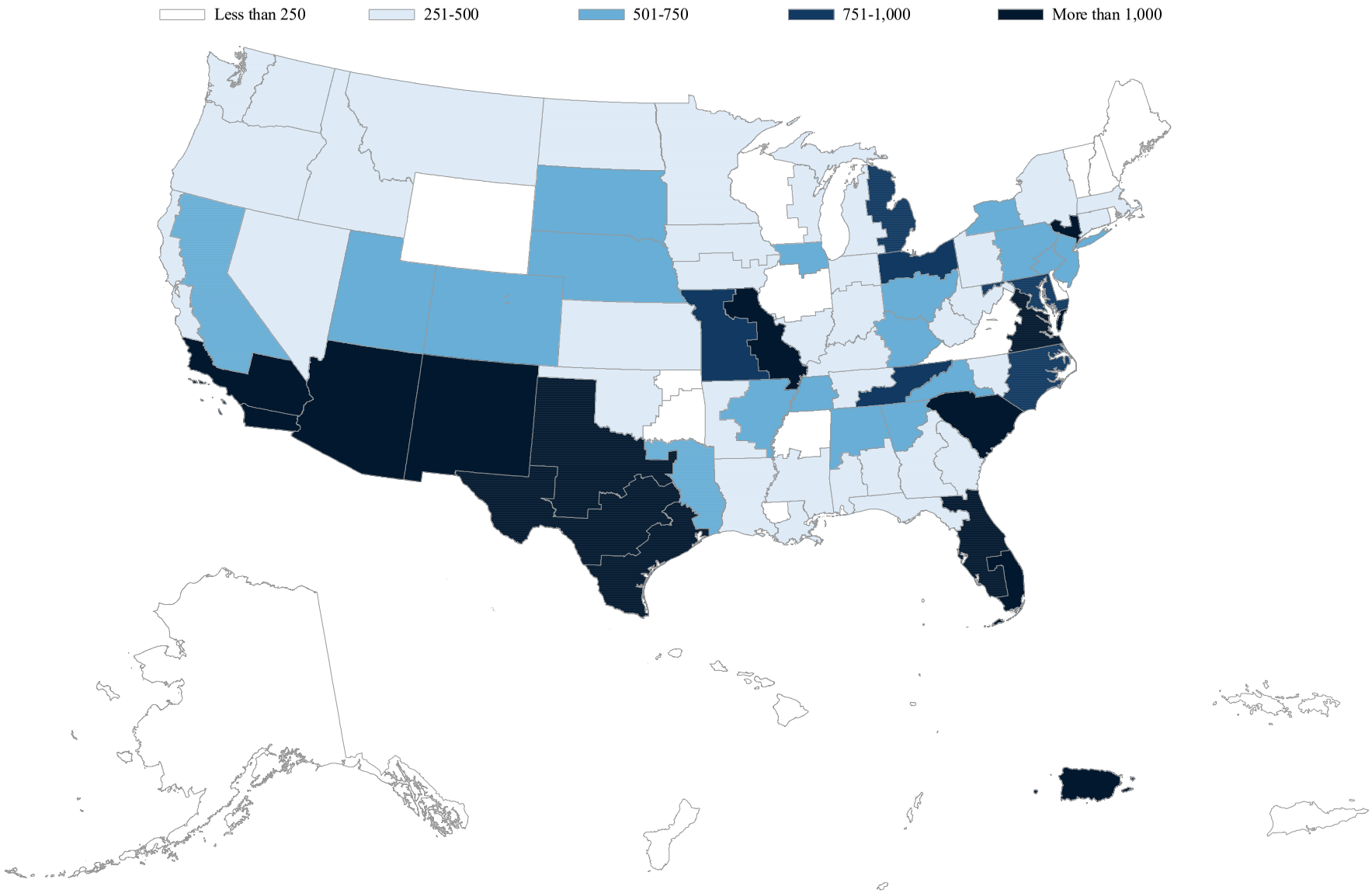
3 The Commission's datafiles can be found at *https://www.ussc.gov/research/datafiles/commission-datafiles*.

4 The Consortium's website address is *http://www.icpsr.umich.edu/icpsrweb/index.jsp*.

CIRCUIT AND DISTRICT STATISTICS

Figure 1

FEDERAL OFFENDERS IN EACH DISTRICT
Fiscal Year 2019



SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 1

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT District	N	%
TOTAL	**76,538**	**100.0**
D.C. CIRCUIT	**331**	**0.4**
District of Columbia	331	0.4
FIRST CIRCUIT	**2,134**	**2.8**
Maine	162	0.2
Massachusetts	476	0.6
New Hampshire	196	0.3
Puerto Rico	1,165	1.5
Rhode Island	135	0.2
SECOND CIRCUIT	**3,564**	**4.7**
Connecticut	349	0.5
New York		
Eastern	622	0.8
Northern	392	0.5
Southern	1,515	2.0
Western	520	0.7
Vermont	166	0.2
THIRD CIRCUIT	**2,343**	**3.1**
Delaware	122	0.2
New Jersey	620	0.8
Pennsylvania		
Eastern	627	0.8
Middle	505	0.7
Western	383	0.5
Virgin Islands	86	0.1
FOURTH CIRCUIT	**5,790**	**7.6**
Maryland	777	1.0
North Carolina		
Eastern	876	1.1
Middle	490	0.6
Western	538	0.7
South Carolina	1,058	1.4
Virginia		
Eastern	1,211	1.6
Western	243	0.3
West Virginia		
Northern	282	0.4
Southern	315	0.4

CIRCUIT District	N	%
FIFTH CIRCUIT	**21,369**	**27.9**
Louisiana		
Eastern	294	0.4
Middle	186	0.2
Western	381	0.5
Mississippi		
Northern	188	0.2
Southern	456	0.6
Texas		
Eastern	724	0.9
Northern	1,556	2.0
Southern	7,815	10.2
Western	9,769	12.8
SIXTH CIRCUIT	**5,321**	**7.0**
Kentucky		
Eastern	557	0.7
Western	349	0.5
Michigan		
Eastern	879	1.1
Western	392	0.5
Ohio		
Northern	901	1.2
Southern	562	0.7
Tennessee		
Eastern	751	1.0
Middle	324	0.4
Western	606	0.8
SEVENTH CIRCUIT	**2,456**	**3.2**
Illinois		
Central	226	0.3
Northern	655	0.9
Southern	286	0.4
Indiana		
Northern	360	0.5
Southern	472	0.6
Wisconsin		
Eastern	269	0.4
Western	188	0.2

Table 1 (cont.)

CIRCUIT District	N	%
EIGHTH CIRCUIT	**5,441**	**7.1**
Arkansas		
Eastern	564	0.7
Western	258	0.3
Iowa		
Northern	415	0.5
Southern	493	0.6
Minnesota	382	0.5
Missouri		
Eastern	1,192	1.6
Western	772	1.0
Nebraska	527	0.7
North Dakota	329	0.4
South Dakota	509	0.7
NINTH CIRCUIT	**14,785**	**19.3**
Alaska	193	0.3
Arizona	5,610	7.3
California		
Central	1,143	1.5
Eastern	511	0.7
Northern	485	0.6
Southern	4,089	5.3
Guam	49	0.1
Hawaii	154	0.2
Idaho	372	0.5
Montana	385	0.5
Nevada	482	0.6
Northern Mariana Islands	11	0.0
Oregon	475	0.6
Washington		
Eastern	360	0.5
Western	466	0.6

CIRCUIT District	N	%
TENTH CIRCUIT	**6,526**	**8.5**
Colorado	529	0.7
Kansas	465	0.6
New Mexico	3,951	5.2
Oklahoma		
Eastern	101	0.1
Northern	217	0.3
Western	407	0.5
Utah	674	0.9
Wyoming	182	0.2
ELEVENTH CIRCUIT	**6,478**	**8.5**
Alabama		
Middle	260	0.3
Northern	545	0.7
Southern	376	0.5
Florida		
Middle	1,594	2.1
Northern	309	0.4
Southern	1,987	2.6
Georgia		
Middle	420	0.5
Northern	513	0.7
Southern	474	0.6

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 2

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT	Number	Total Documents	J & C	Statement of Reasons	Plea Agreement[2]		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
District	of Cases	N	N	N	N	N	N	N	N
TOTAL	**76,538**	**353,834**	**76,538**	**76,050**	**52,553**	**23,962**	**76,522**	**72,171**	**4,356**
D.C. CIRCUIT	**331**	**1,590**	**331**	**330**	**279**	**52**	**331**	**319**	**12**
District of Columbia	**331**	1,590	331	330	279	52	331	319	12
FIRST CIRCUIT	**2,134**	**9,880**	**2,134**	**2,133**	**1,388**	**746**	**2,134**	**2,091**	**43**
Maine	**162**	730	162	162	82	80	162	162	0
Massachusetts	**476**	2,114	476	476	218	258	476	468	8
New Hampshire	**196**	969	196	196	185	11	196	196	0
Puerto Rico	**1,165**	5,422	1,165	1,164	798	367	1,165	1,130	35
Rhode Island	**135**	645	135	135	105	30	135	135	0
SECOND CIRCUIT	**3,564**	**16,944**	**3,564**	**3,549**	**2,833**	**727**	**3,563**	**3,435**	**126**
Connecticut	**349**	1,722	349	349	327	21	348	349	0
New York									
Eastern	**622**	3,028	622	622	543	79	622	619	3
Northern	**392**	1,688	392	381	210	182	392	313	79
Southern	**1,515**	7,123	1,515	1,514	1,094	418	1,515	1,485	27
Western	**520**	2,572	520	518	501	19	520	513	7
Vermont	**166**	811	166	165	158	8	166	156	10
THIRD CIRCUIT	**2,343**	**11,081**	**2,343**	**2,314**	**1,838**	**503**	**2,343**	**2,243**	**99**
Delaware	**122**	602	122	122	114	8	122	122	0
New Jersey	**620**	2,990	620	613	523	97	620	614	6
Pennsylvania									
Eastern	**627**	2,954	627	625	448	179	627	627	0
Middle	**505**	2,318	505	505	373	132	505	430	75
Western	**383**	1,822	383	382	309	72	383	365	18
Virgin Islands	**86**	395	86	67	71	15	86	85	0
FOURTH CIRCUIT	**5,790**	**26,483**	**5,790**	**5,707**	**4,002**	**1,785**	**5,787**	**5,197**	**590**
Maryland	**777**	3,732	777	761	695	82	777	722	54
North Carolina									
Eastern	**876**	3,904	876	820	531	343	874	803	71
Middle	**490**	2,436	490	490	477	13	490	489	1
Western	**538**	2,538	538	538	386	152	538	538	0
South Carolina	**1,058**	4,806	1,058	1,057	585	473	1,058	1,048	10
Virginia									
Eastern	**1,211**	5,070	1,211	1,201	650	560	1,211	797	414
Western	**243**	1,126	243	243	188	55	243	209	34
West Virginia									
Northern	**282**	1,381	282	282	255	27	282	280	2
Southern	**315**	1,490	315	315	235	80	314	311	4

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents Received	J & C Received	Statement of Reasons Received	Plea Agreement[2] Received	Plea Agreement[2] No Written Plea/Trial	Indictment/ Information Received	Presentence Report Received	Presentence Report Waived
		N	N	N	N	N	N	N	N
FIFTH CIRCUIT	**21,369**	**93,854**	**21,369**	**21,309**	**9,530**	**11,835**	**21,365**	**20,281**	**1,088**
Louisiana									
Eastern	**294**	1,334	294	287	199	95	294	260	34
Middle	**186**	848	186	182	112	74	186	182	4
Western	**381**	1,788	381	378	348	32	381	300	81
Mississippi									
Northern	**188**	935	188	188	186	2	188	185	3
Southern	**456**	2,206	456	456	416	40	456	422	34
Texas									
Eastern	**724**	3,594	724	724	698	26	724	724	0
Northern	**1,556**	7,271	1,556	1,556	1,052	504	1,556	1,551	5
Southern	**7,815**	34,462	7,815	7,814	4,010	3,803	7,814	7,009	806
Western	**9,769**	41,416	9,769	9,724	2,509	7,259	9,766	9,648	121
SIXTH CIRCUIT	**5,321**	**25,138**	**5,321**	**5,288**	**4,035**	**1,284**	**5,321**	**5,173**	**148**
Kentucky									
Eastern	**557**	2,638	557	557	425	132	557	542	15
Western	**349**	1,653	349	348	304	45	349	303	46
Michigan									
Eastern	**879**	4,162	879	879	655	223	879	870	9
Western	**392**	1,779	392	392	244	148	392	359	33
Ohio									
Northern	**901**	4,172	901	901	572	328	901	897	4
Southern	**562**	2,768	562	560	529	33	562	555	7
Tennessee									
Eastern	**751**	3,559	751	751	566	185	751	740	11
Middle	**324**	1,563	324	296	301	23	324	318	6
Western	**606**	2,844	606	604	439	167	606	589	17
SEVENTH CIRCUIT	**2,456**	**11,824**	**2,456**	**2,449**	**2,043**	**413**	**2,455**	**2,421**	**35**
Illinois									
Central	**226**	1,043	226	225	142	84	226	224	2
Northern	**655**	3,188	655	654	592	63	654	633	22
Southern	**286**	1,280	286	286	140	146	286	282	4
Indiana									
Northern	**360**	1,761	360	355	327	33	360	359	1
Southern	**472**	2,290	472	472	404	68	472	470	2
Wisconsin									
Eastern	**269**	1,330	269	269	258	11	269	265	4
Western	**188**	932	188	188	180	8	188	188	0
EIGHTH CIRCUIT	**5,441**	**26,115**	**5,441**	**5,382**	**4,436**	**1,002**	**5,439**	**5,417**	**23**
Arkansas									
Eastern	**564**	2,510	564	512	318	245	563	553	11
Western	**258**	1,285	258	258	254	4	258	257	1
Iowa									
Northern	**415**	1,934	415	415	274	141	415	415	0
Southern	**493**	2,322	493	493	350	143	493	493	0
Minnesota	**382**	1,867	382	380	344	38	382	379	3
Missouri									
Eastern	**1,192**	5,937	1,192	1,190	1,176	15	1,192	1,187	5
Western	**772**	3,630	772	770	544	228	772	772	0
Nebraska	**527**	2,517	527	527	409	118	527	527	0
North Dakota	**329**	1,604	329	328	291	37	328	328	0
South Dakota	**509**	2,509	509	509	476	33	509	506	3

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents Received	J & C Received	Statement of Reasons Received	Plea Agreement[2] Received	Plea Agreement[2] No Written Plea/Trial	Indictment/ Information Received	Presentence Report Received	Presentence Report Waived
		N	N	N	N	N	N	N	N
NINTH CIRCUIT	**14,785**	**71,002**	**14,785**	**14,697**	**13,714**	**1,070**	**14,785**	**13,021**	**1,763**
Alaska	**193**	942	193	193	171	22	193	192	1
Arizona	**5,610**	27,373	5,610	5,530	5,408	202	5,610	5,215	394
California									
Central	**1,143**	5,458	1,143	1,141	952	191	1,143	1,079	64
Eastern	**511**	2,495	511	510	453	57	511	510	1
Northern	**485**	2,330	485	483	400	85	485	477	8
Southern	**4,089**	19,222	4,089	4,088	3,974	115	4,089	2,982	1,107
Guam	**49**	238	49	49	42	7	49	49	0
Hawaii	**154**	694	154	154	88	66	154	144	10
Idaho	**372**	1,796	372	372	310	62	372	370	2
Montana	**385**	1,787	385	384	256	129	385	377	8
Nevada	**482**	2,307	482	482	393	89	482	468	14
Northern Mariana Islands	**11**	51	11	11	11	0	11	7	4
Oregon	**475**	2,353	475	475	462	13	475	466	9
Washington									
Eastern	**360**	1,776	360	359	342	18	360	355	5
Western	**466**	2,180	466	466	452	14	466	330	136
TENTH CIRCUIT	**6,526**	**29,818**	**6,526**	**6,521**	**3,895**	**2,629**	**6,522**	**6,354**	**170**
Colorado	**529**	2,610	529	526	511	18	528	516	13
Kansas	**465**	2,257	465	465	428	37	465	434	31
New Mexico	**3,951**	17,437	3,951	3,950	1,650	2,299	3,948	3,938	11
Oklahoma									
Eastern	**101**	449	101	101	45	56	101	101	0
Northern	**217**	1,035	217	217	168	49	217	216	1
Western	**407**	1,829	407	407	274	133	407	334	73
Utah	**674**	3,329	674	674	660	14	674	647	27
Wyoming	**182**	872	182	181	159	23	182	168	14
ELEVENTH CIRCUIT	**6,478**	**30,105**	**6,478**	**6,371**	**4,560**	**1,916**	**6,477**	**6,219**	**259**
Alabama									
Middle	**260**	1,246	260	260	206	54	260	260	0
Northern	**545**	2,589	545	542	460	85	544	498	47
Southern	**376**	1,812	376	376	309	67	376	375	1
Florida									
Middle	**1,594**	7,310	1,594	1,594	937	657	1,594	1,591	3
Northern	**309**	1,465	309	306	250	58	309	291	18
Southern	**1,987**	8,988	1,987	1,901	1,246	741	1,987	1,867	120
Georgia									
Middle	**420**	1,892	420	409	257	163	420	386	34
Northern	**513**	2,500	513	509	470	42	513	495	18
Southern	**474**	2,303	474	474	425	49	474	456	18

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

[2] The numbers presented in this table regarding Plea Agreement submission exclude from the analysis six cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

PRIMARY OFFENSE AND OFFENDER CHARACTERISTICS

Table 3

CONVICTION TYPE IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT		FELONIES		CLASS A MISDEMEANORS	
District	TOTAL	N	%	N	%
TOTAL	**75,108**	**72,416**	**96.4**	**2,692**	**3.6**
D.C. CIRCUIT	**325**	**315**	**96.9**	**10**	**3.1**
District of Columbia	**325**	315	96.9	10	3.1
FIRST CIRCUIT	**2,098**	**2,072**	**98.8**	**26**	**1.2**
Maine	**162**	160	98.8	2	1.2
Massachusetts	**469**	461	98.3	8	1.7
New Hampshire	**196**	190	96.9	6	3.1
Puerto Rico	**1,136**	1,128	99.3	8	0.7
Rhode Island	**135**	133	98.5	2	1.5
SECOND CIRCUIT	**3,482**	**3,400**	**97.6**	**82**	**2.4**
Connecticut	**349**	347	99.4	2	0.6
New York					
Eastern	**621**	613	98.7	8	1.3
Northern	**336**	315	93.8	21	6.3
Southern	**1,492**	1,462	98.0	30	2.0
Western	**519**	502	96.7	17	3.3
Vermont	**165**	161	97.6	4	2.4
THIRD CIRCUIT	**2,265**	**2,203**	**97.3**	**62**	**2.7**
Delaware	**122**	122	100.0	0	0.0
New Jersey	**619**	580	93.7	39	6.3
Pennsylvania					
Eastern	**627**	622	99.2	5	0.8
Middle	**445**	436	98.0	9	2.0
Western	**366**	365	99.7	1	0.3
Virgin Islands	**86**	78	90.7	8	9.3
FOURTH CIRCUIT	**5,647**	**5,192**	**91.9**	**455**	**8.1**
Maryland	**768**	739	96.2	29	3.8
North Carolina					
Eastern	**872**	787	90.3	85	9.7
Middle	**490**	483	98.6	7	1.4
Western	**537**	532	99.1	5	0.9
South Carolina	**1,055**	1,045	99.1	10	0.9
Virginia					
Eastern	**1,113**	806	72.4	307	27.6
Western	**216**	213	98.6	3	1.4
West Virginia					
Northern	**282**	278	98.6	4	1.4
Southern	**314**	309	98.4	5	1.6

Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES N	FELONIES %	CLASS A MISDEMEANORS N	CLASS A MISDEMEANORS %
FIFTH CIRCUIT	**20,527**	**20,097**	**97.9**	**430**	**2.1**
Louisiana					
Eastern	**265**	257	97.0	8	3.0
Middle	**186**	180	96.8	6	3.2
Western	**374**	357	95.5	17	4.5
Mississippi					
Northern	**188**	183	97.3	5	2.7
Southern	**455**	443	97.4	12	2.6
Texas					
Eastern	**724**	720	99.4	4	0.6
Northern	**1,555**	1,533	98.6	22	1.4
Southern	**7,043**	7,020	99.7	23	0.3
Western	**9,737**	9,404	96.6	333	3.4
SIXTH CIRCUIT	**5,256**	**5,080**	**96.7**	**176**	**3.3**
Kentucky					
Eastern	**552**	549	99.5	3	0.5
Western	**348**	292	83.9	56	16.1
Michigan					
Eastern	**868**	844	97.2	24	2.8
Western	**363**	340	93.7	23	6.3
Ohio					
Northern	**900**	896	99.6	4	0.4
Southern	**561**	541	96.4	20	3.6
Tennessee					
Eastern	**738**	730	98.9	8	1.1
Middle	**324**	291	89.8	33	10.2
Western	**602**	597	99.2	5	0.8
SEVENTH CIRCUIT	**2,447**	**2,406**	**98.3**	**41**	**1.7**
Illinois					
Central	**225**	223	99.1	2	0.9
Northern	**655**	628	95.9	27	4.1
Southern	**283**	281	99.3	2	0.7
Indiana					
Northern	**357**	355	99.4	2	0.6
Southern	**472**	472	100.0	0	0.0
Wisconsin					
Eastern	**267**	262	98.1	5	1.9
Western	**188**	185	98.4	3	1.6
EIGHTH CIRCUIT	**5,434**	**5,222**	**96.1**	**212**	**3.9**
Arkansas					
Eastern	**563**	437	77.6	126	22.4
Western	**258**	252	97.7	6	2.3
Iowa					
Northern	**415**	415	100.0	0	0.0
Southern	**493**	490	99.4	3	0.6
Minnesota	**381**	376	98.7	5	1.3
Missouri					
Eastern	**1,191**	1,171	98.3	20	1.7
Western	**772**	768	99.5	4	0.5
Nebraska	**527**	511	97.0	16	3.0
North Dakota	**328**	322	98.2	6	1.8
South Dakota	**506**	480	94.9	26	5.1

Table 3 (cont.)

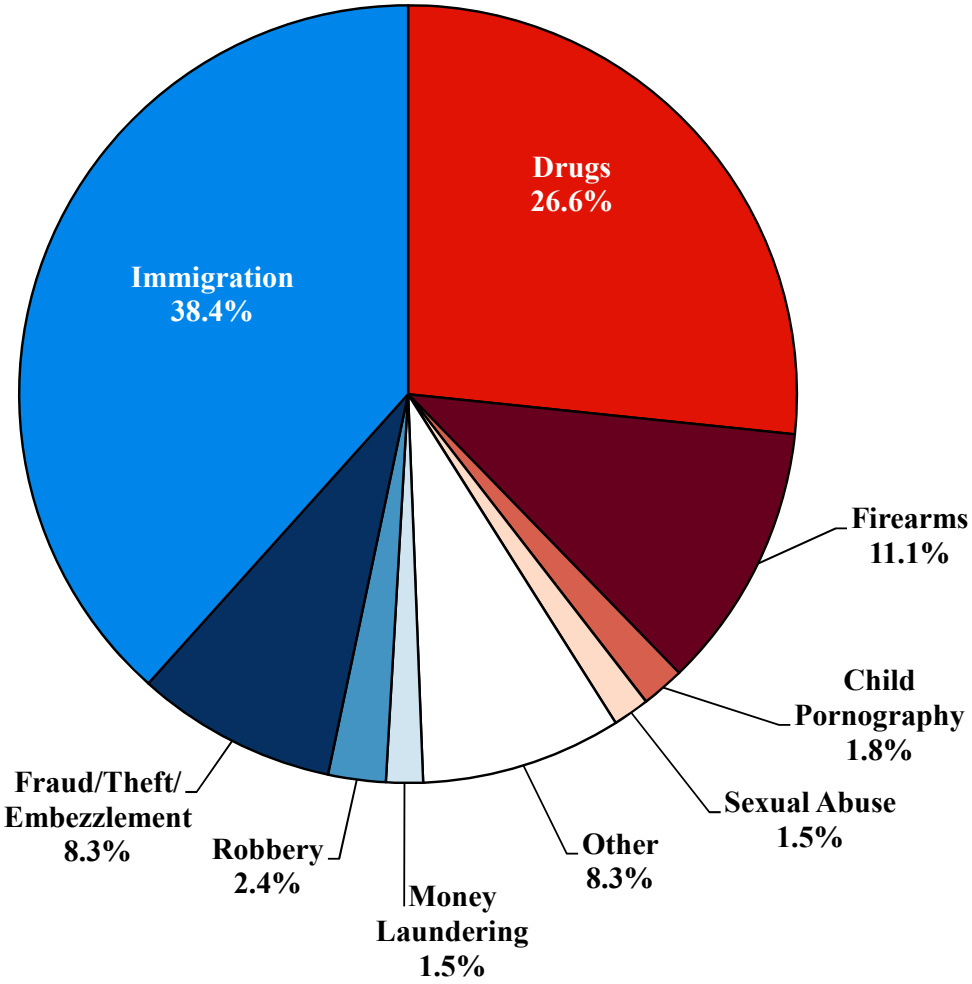
CIRCUIT District	TOTAL	FELONIES N	FELONIES %	CLASS A MISDEMEANORS N	CLASS A MISDEMEANORS %
NINTH CIRCUIT	**14,718**	**13,978**	**95.0**	**740**	**5.0**
Alaska	**193**	183	94.8	10	5.2
Arizona	**5,600**	5,186	92.6	414	7.4
California					
Central	**1,142**	1,065	93.3	77	6.7
Eastern	**511**	507	99.2	4	0.8
Northern	**481**	465	96.7	16	3.3
Southern	**4,054**	4,027	99.3	27	0.7
Guam	**49**	46	93.9	3	6.1
Hawaii	**154**	142	92.2	12	7.8
Idaho	**372**	364	97.8	8	2.2
Montana	**380**	377	99.2	3	0.8
Nevada	**476**	462	97.1	14	2.9
Northern Mariana Islands	**11**	11	100.0	0	0.0
Oregon	**470**	455	96.8	15	3.2
Washington					
Eastern	**360**	354	98.3	6	1.7
Western	**465**	334	71.8	131	28.2
TENTH CIRCUIT	**6,511**	**6,299**	**96.7**	**212**	**3.3**
Colorado	**529**	508	96.0	21	4.0
Kansas	**465**	422	90.8	43	9.2
New Mexico	**3,943**	3,926	99.6	17	0.4
Oklahoma					
Eastern	**100**	97	97.0	3	3.0
Northern	**217**	207	95.4	10	4.6
Western	**405**	312	77.0	93	23.0
Utah	**672**	658	97.9	14	2.1
Wyoming	**180**	169	93.9	11	6.1
ELEVENTH CIRCUIT	**6,398**	**6,152**	**96.2**	**246**	**3.8**
Alabama					
Middle	**258**	249	96.5	9	3.5
Northern	**545**	506	92.8	39	7.2
Southern	**375**	374	99.7	1	0.3
Florida					
Middle	**1,594**	1,577	98.9	17	1.1
Northern	**306**	286	93.5	20	6.5
Southern	**1,928**	1,908	99.0	20	1.0
Georgia					
Middle	**411**	330	80.3	81	19.7
Northern	**507**	495	97.6	12	2.4
Southern	**474**	427	90.1	47	9.9

[1] Of the 76,538 cases, 1,430 were excluded due to missing information on type of conviction. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 2

FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019



[1] This figure includes the 76,538 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, 2019 Datafile, USSCFY19.

Table 4

CHANGE IN NUMBER OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Years 2018 - 2019

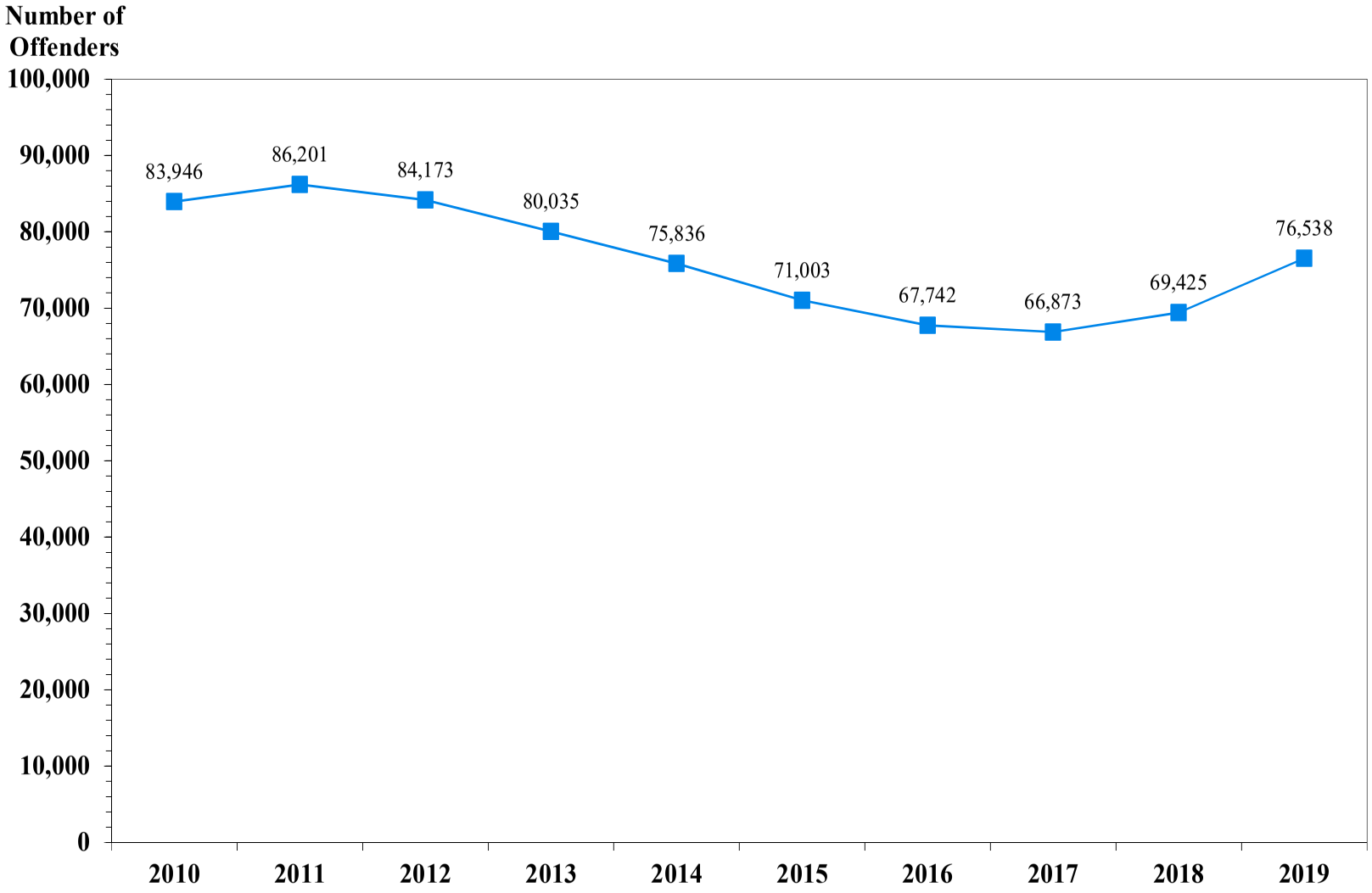
TYPE OF CRIME	Fiscal Year 2018 N	Fiscal Year 2018 %	Fiscal Year 2019 N	Fiscal Year 2019 %	Number Change
TOTAL	**69,425**	**100.0**	**76,538**	**100.0**	**7,113**
Administration of Justice	730	1.1	698	0.9	-32
Antitrust	53	0.1	20	0.0	-33
Arson	55	0.1	68	0.1	13
Assault	692	1.0	787	1.0	95
Bribery/Corruption	317	0.5	341	0.4	24
Burglary/Trespass	41	0.1	64	0.1	23
Child Pornography	1,416	2.0	1,368	1.8	-48
Commercialized Vice	146	0.2	90	0.1	-56
Drug Possession	777	1.1	563	0.7	-214
Drug Trafficking	18,747	27.0	19,830	25.9	1,083
Environmental	203	0.3	179	0.2	-24
Extortion/Racketeering	288	0.4	185	0.2	-103
Firearms	7,512	10.8	8,481	11.1	969
Food and Drug	43	0.1	48	0.1	5
Forgery/Counter/Copyright	298	0.4	276	0.4	-22
Fraud/Theft/Embezzlement	6,620	9.5	6,390	8.3	-230
Immigration	23,883	34.4	29,354	38.4	5,471
Individual Rights	67	0.1	68	0.1	1
Kidnapping	106	0.2	96	0.1	-10
Manslaughter	61	0.1	74	0.1	13
Money Laundering	1,297	1.9	1,177	1.5	-120
Murder	318	0.5	373	0.5	55
National Defense	204	0.3	195	0.3	-9
Obscenity/Other Sex Offenses	384	0.6	393	0.5	9
Prison Offenses	568	0.8	628	0.8	60
Robbery	1,720	2.5	1,825	2.4	105
Sexual Abuse	1,067	1.5	1,165	1.5	98
Stalking/Harassing	213	0.3	223	0.3	10
Tax	577	0.8	547	0.7	-30
Other	1,022	1.5	1,032	1.3	10

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

SOURCE: U.S. Sentencing Commission, 2018 - 2019 Datafiles, USSCFY18 - USSCFY19.

Figure 3

NUMBER OF FEDERAL OFFENDERS OVER TIME[1]
Fiscal Years 2010 - 2019



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

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Table 5

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

		WHITE		BLACK		HISPANIC		OTHER	
TYPE OF CRIME	**TOTAL**	N	%	N	%	N	%	N	%
TOTAL	**75,729**	**15,033**	**19.9**	**15,326**	**20.2**	**42,620**	**56.3**	**2,750**	**3.6**
Administration of Justice	**686**	197	28.7	152	22.2	243	35.4	94	13.7
Antitrust	**20**	12	60.0	0	0.0	2	10.0	6	30.0
Arson	**67**	22	32.8	23	34.3	12	17.9	10	14.9
Assault	**775**	126	16.3	192	24.8	147	19.0	310	40.0
Bribery/Corruption	**340**	125	36.8	103	30.3	79	23.2	33	9.7
Burglary/Trespass	**64**	17	26.6	14	21.9	9	14.1	24	37.5
Child Pornography	**1,365**	1,096	80.3	57	4.2	161	11.8	51	3.7
Commercialized Vice	**90**	18	20.0	44	48.9	18	20.0	10	11.1
Drug Possession	**489**	169	34.6	99	20.2	204	41.7	17	3.5
Drug Trafficking	**19,797**	4,983	25.2	5,419	27.4	8,768	44.3	627	3.2
Environmental	**167**	102	61.1	4	2.4	21	12.6	40	24.0
Extortion/Racketeering	**184**	76	41.3	59	32.1	36	19.6	13	7.1
Firearms	**8,465**	2,156	25.5	4,501	53.2	1,574	18.6	234	2.8
Food and Drug	**47**	36	76.6	1	2.1	6	12.8	4	8.5
Forgery/Counter/Copyright	**273**	131	48.0	97	35.5	30	11.0	15	5.5
Fraud/Theft/Embezzlement	**6,323**	2,611	41.3	1,750	27.7	1,553	24.6	409	6.5
Immigration	**29,079**	565	1.9	322	1.1	28,042	96.4	150	0.5
Individual Rights	**66**	27	40.9	17	25.8	15	22.7	7	10.6
Kidnapping	**95**	20	21.1	40	42.1	25	26.3	10	10.5
Manslaughter	**74**	9	12.2	6	8.1	2	2.7	57	77.0
Money Laundering	**1,173**	373	31.8	206	17.6	511	43.6	83	7.1
Murder	**372**	43	11.6	147	39.5	132	35.5	50	13.4
National Defense	**194**	50	25.8	16	8.2	114	58.8	14	7.2
Obscenity/Other Sex Offenses	**393**	174	44.3	88	22.4	56	14.2	75	19.1
Prison Offenses	**611**	142	23.2	270	44.2	165	27.0	34	5.6
Robbery	**1,821**	395	21.7	1,096	60.2	277	15.2	53	2.9
Sexual Abuse	**1,164**	622	53.4	202	17.4	160	13.7	180	15.5
Stalking/Harassing	**221**	122	55.2	36	16.3	21	9.5	42	19.0
Tax	**546**	266	48.7	166	30.4	68	12.5	46	8.4
Other	**768**	348	45.3	199	25.9	169	22.0	52	6.8

[1] Of the 76,538 cases, 809 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 6

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

		MALE		FEMALE	
TYPE OF CRIME	**TOTAL**	N	%	N	%
TOTAL	**76,427**	**67,037**	**87.7**	**9,390**	**12.3**
Administration of Justice	**698**	496	71.1	202	28.9
Antitrust	**20**	19	95.0	1	5.0
Arson	**68**	60	88.2	8	11.8
Assault	**784**	706	90.1	78	9.9
Bribery/Corruption	**341**	260	76.2	81	23.8
Burglary/Trespass	**64**	54	84.4	10	15.6
Child Pornography	**1,368**	1,359	99.3	9	0.7
Commercialized Vice	**90**	71	78.9	19	21.1
Drug Possession	**547**	429	78.4	118	21.6
Drug Trafficking	**19,830**	16,503	83.2	3,327	16.8
Environmental	**177**	164	92.7	13	7.3
Extortion/Racketeering	**185**	162	87.6	23	12.4
Firearms	**8,481**	8,125	95.8	356	4.2
Food and Drug	**48**	33	68.8	15	31.3
Forgery/Counter/Copyright	**276**	216	78.3	60	21.7
Fraud/Theft/Embezzlement	**6,385**	4,442	69.6	1,943	30.4
Immigration	**29,306**	27,215	92.9	2,091	7.1
Individual Rights	**68**	48	70.6	20	29.4
Kidnapping	**96**	88	91.7	8	8.3
Manslaughter	**74**	62	83.8	12	16.2
Money Laundering	**1,177**	911	77.4	266	22.6
Murder	**373**	354	94.9	19	5.1
National Defense	**195**	164	84.1	31	15.9
Obscenity/Other Sex Offenses	**393**	387	98.5	6	1.5
Prison Offenses	**628**	575	91.6	53	8.4
Robbery	**1,825**	1,700	93.2	125	6.8
Sexual Abuse	**1,165**	1,096	94.1	69	5.9
Stalking/Harassing	**223**	208	93.3	15	6.7
Tax	**547**	377	68.9	170	31.1
Other	**995**	753	75.7	242	24.3

[1] Of the 76,538 cases, 111 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 7

AGE OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

		Under 21[2]		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60			
TYPE OF CRIME	**TOTAL**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	**Mean**	**Median**
TOTAL	**76,485**	**2,398**	**3.1**	**9,816**	**12.8**	**13,817**	**18.1**	**14,090**	**18.4**	**12,591**	**16.5**	**15,169**	**19.8**	**6,198**	**8.1**	**2,406**	**3.1**	**36**	**35**
Administration of Justice	**698**	23	3.3	102	14.6	110	15.8	113	16.2	89	12.8	139	19.9	78	11.2	44	6.3	38	36
Antitrust	**20**	0	0.0	0	0.0	0	0.0	5	25.0	5	25.0	4	20.0	5	25.0	1	5.0	44	43
Arson	**68**	1	1.5	7	10.3	13	19.1	6	8.8	12	17.6	18	26.5	8	11.8	3	4.4	39	38
Assault	**785**	36	4.6	137	17.5	226	28.8	150	19.1	96	12.2	96	12.2	34	4.3	10	1.3	33	30
Bribery/Corruption	**341**	0	0.0	4	1.2	15	4.4	23	6.7	36	10.6	96	28.2	102	29.9	65	19.1	50	50
Burglary/Trespass	**64**	4	6.3	17	26.6	11	17.2	12	18.8	8	12.5	7	10.9	3	4.7	2	3.1	32	31
Child Pornography	**1,368**	16	1.2	104	7.6	178	13.0	243	17.8	198	14.5	282	20.6	204	14.9	143	10.5	42	39
Commercialized Vice	**90**	0	0.0	9	10.0	17	18.9	15	16.7	16	17.8	19	21.1	7	7.8	7	7.8	39	36
Drug Possession	**561**	68	12.1	120	21.4	109	19.4	76	13.5	59	10.5	84	15.0	35	6.2	10	1.8	32	29
Drug Trafficking	**19,830**	522	2.6	2,397	12.1	3,534	17.8	3,745	18.9	3,484	17.6	4,025	20.3	1,637	8.3	486	2.5	36	35
Environmental	**174**	6	3.4	5	2.9	15	8.6	23	13.2	21	12.1	36	20.7	31	17.8	37	21.3	46	46
Extortion/Racketeering	**185**	1	0.5	26	14.1	26	14.1	19	10.3	34	18.4	41	22.2	20	10.8	18	9.7	40	39
Firearms	**8,481**	230	2.7	1,389	16.4	2,070	24.4	1,732	20.4	1,381	16.3	1,168	13.8	391	4.6	120	1.4	34	32
Food and Drug	**48**	0	0.0	1	2.1	5	10.4	6	12.5	3	6.3	12	25.0	10	20.8	11	22.9	48	48
Forgery/Counter/Copyright	**276**	8	2.9	53	19.2	57	20.7	38	13.8	43	15.6	51	18.5	18	6.5	8	2.9	35	33
Fraud/Theft/Embezzlement	**6,387**	108	1.7	513	8.0	835	13.1	872	13.7	838	13.1	1,503	23.5	1,025	16.0	693	10.9	42	41
Immigration	**29,350**	1,133	3.9	3,797	12.9	5,237	17.8	5,801	19.8	5,180	17.6	6,128	20.9	1,765	6.0	309	1.1	35	34
Individual Rights	**67**	1	1.5	1	1.5	7	10.4	12	17.9	9	13.4	13	19.4	14	20.9	10	14.9	45	44
Kidnapping	**96**	4	4.2	16	16.7	16	16.7	23	24.0	13	13.5	16	16.7	5	5.2	3	3.1	35	34
Manslaughter	**74**	4	5.4	10	13.5	24	32.4	17	23.0	8	10.8	9	12.2	0	0.0	2	2.7	33	30
Money Laundering	**1,177**	12	1.0	93	7.9	150	12.7	197	16.7	185	15.7	288	24.5	165	14.0	87	7.4	41	39
Murder	**373**	8	2.1	78	20.9	93	24.9	54	14.5	61	16.4	52	13.9	20	5.4	7	1.9	33	31
National Defense	**195**	10	5.1	47	24.1	26	13.3	24	12.3	18	9.2	36	18.5	23	11.8	11	5.6	36	34
Obscenity/Other Sex Offenses	**393**	1	0.3	24	6.1	46	11.7	57	14.5	69	17.6	96	24.4	71	18.1	29	7.4	42	40
Prison Offenses	**628**	4	0.6	58	9.2	117	18.6	133	21.2	122	19.4	151	24.0	38	6.1	5	0.8	36	36
Robbery	**1,825**	124	6.8	423	23.2	420	23.0	241	13.2	227	12.4	216	11.8	131	7.2	43	2.4	33	30
Sexual Abuse	**1,165**	17	1.5	145	12.4	214	18.4	213	18.3	170	14.6	222	19.1	117	10.0	67	5.8	38	35
Stalking/Harassing	**223**	6	2.7	19	8.5	29	13.0	38	17.0	27	12.1	54	24.2	34	15.2	16	7.2	41	39
Tax	**547**	0	0.0	3	0.5	9	1.6	48	8.8	65	11.9	159	29.1	134	24.5	129	23.6	51	50
Other	**996**	51	5.1	218	21.9	208	20.9	154	15.5	114	11.4	148	14.9	73	7.3	30	3.0	34	31

[1] Of the 76,538 cases, 53 were excluded due to missing information on offender's age. Descriptions of variables used in this table are provided in Appendix A.

[2] Of the 2,398 offenders under 21, one involved an offender under the age of 18 at the time of sentencing.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 8

AGE, RACE, AND GENDER OF FEDERAL OFFENDERS[1]
Fiscal Year 2019

AGE AND GENDER		TOTAL		WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%	N	%
Under 21[2]	**Total**	**2,364**	**100.0**	**185**	**100.0**	**356**	**100.0**	**1,753**	**100.0**	**70**	**100.0**
	Male	2,027	85.7	141	76.2	323	90.7	1,501	85.6	62	88.6
	Female	337	14.3	44	23.8	33	9.3	252	14.4	8	11.4
21 - 25	**Total**	**9,667**	**100.0**	**1,033**	**100.0**	**2,251**	**100.0**	**6,091**	**100.0**	**292**	**100.0**
	Male	8,444	87.3	803	77.7	2,051	91.1	5,343	87.7	247	84.6
	Female	1,223	12.7	230	22.3	200	8.9	748	12.3	45	15.4
26 - 30	**Total**	**13,662**	**100.0**	**1,936**	**100.0**	**3,357**	**100.0**	**7,872**	**100.0**	**497**	**100.0**
	Male	12,068	88.3	1,501	77.5	3,030	90.3	7,145	90.8	392	78.9
	Female	1,594	11.7	435	22.5	327	9.7	727	9.2	105	21.1
31 - 35	**Total**	**13,967**	**100.0**	**2,488**	**100.0**	**2,813**	**100.0**	**8,175**	**100.0**	**491**	**100.0**
	Male	12,395	88.7	1,958	78.7	2,550	90.7	7,486	91.6	401	81.7
	Female	1,572	11.3	530	21.3	263	9.3	689	8.4	90	18.3
36 - 40	**Total**	**12,484**	**100.0**	**2,493**	**100.0**	**2,486**	**100.0**	**7,110**	**100.0**	**395**	**100.0**
	Male	11,083	88.8	1,988	79.7	2,249	90.5	6,526	91.8	320	81.0
	Female	1,401	11.2	505	20.3	237	9.5	584	8.2	75	19.0
41 - 50	**Total**	**15,041**	**100.0**	**3,410**	**100.0**	**2,642**	**100.0**	**8,451**	**100.0**	**538**	**100.0**
	Male	13,162	87.5	2,726	79.9	2,336	88.4	7,677	90.8	423	78.6
	Female	1,879	12.5	684	20.1	306	11.6	774	9.2	115	21.4
51 - 60	**Total**	**6,160**	**100.0**	**2,229**	**100.0**	**1,049**	**100.0**	**2,585**	**100.0**	**297**	**100.0**
	Male	5,266	85.5	1,842	82.6	888	84.7	2,314	89.5	222	74.7
	Female	894	14.5	387	17.4	161	15.3	271	10.5	75	25.3
Over 60	**Total**	**2,382**	**100.0**	**1,257**	**100.0**	**372**	**100.0**	**583**	**100.0**	**170**	**100.0**
	Male	1,982	83.2	1,064	84.6	280	75.3	508	87.1	130	76.5
	Female	400	16.8	193	15.4	92	24.7	75	12.9	40	23.5

[1] Of the 76,538 cases, 811 were excluded due to one or more of the following reasons: missing information on offender's age (53), missing information on offender's race (809), or information on offender's gender (111). Descriptions of variables used in this table are provided in Appendix A.

[2] Of the 2,364 offenders under 21, one involved an offender under the age of 18 at the time of sentencing.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 9

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

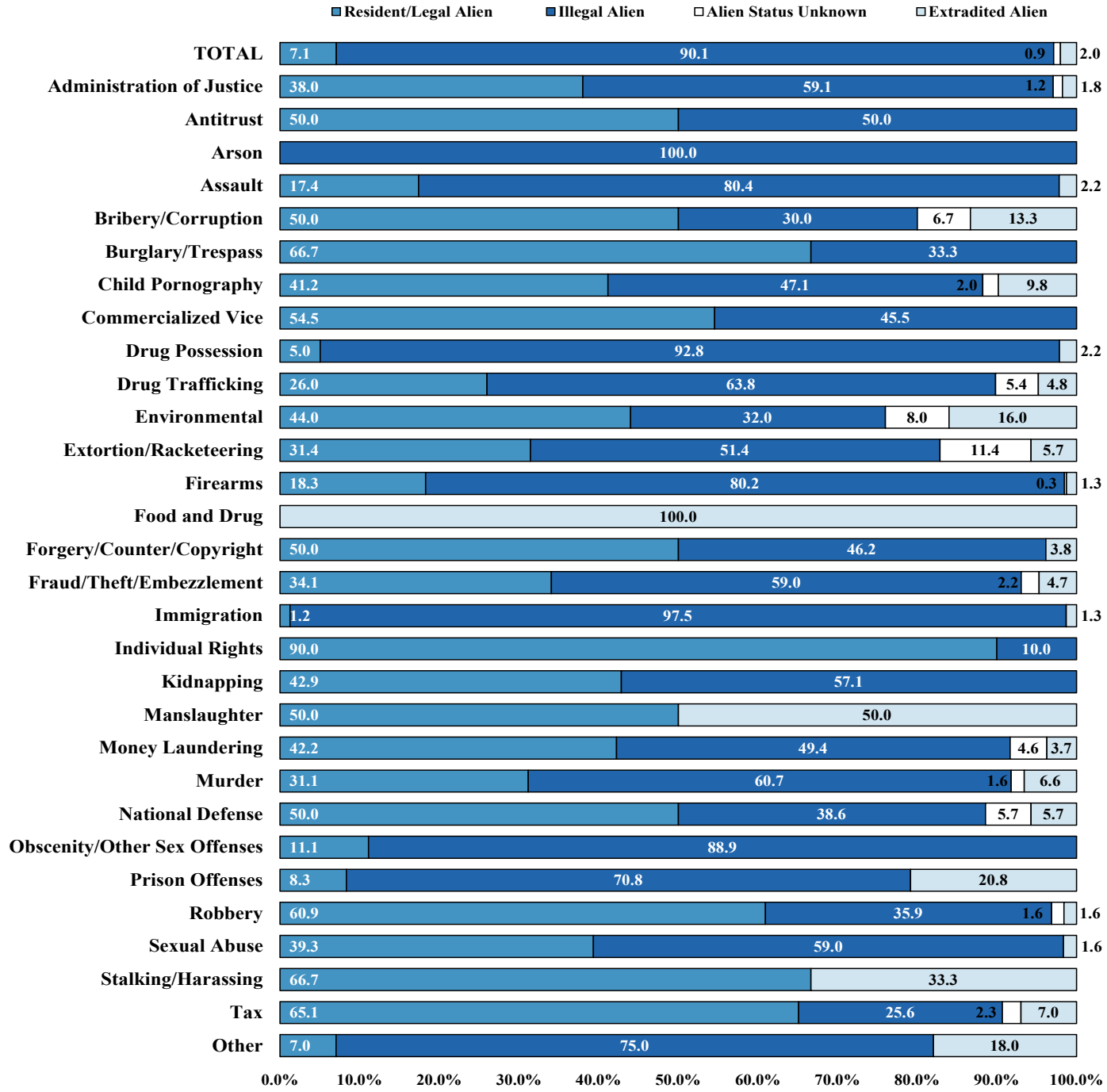
		U.S. CITIZEN		NON-U.S. CITIZEN	
TYPE OF CRIME	**TOTAL**	N	%	N	%
TOTAL	**76,110**	**42,136**	**55.4**	**33,974**	**44.6**
Administration of Justice	**694**	523	75.4	171	24.6
Antitrust	**20**	18	90.0	2	10.0
Arson	**67**	65	97.0	2	3.0
Assault	**771**	725	94.0	46	6.0
Bribery/Corruption	**341**	311	91.2	30	8.8
Burglary/Trespass	**63**	57	90.5	6	9.5
Child Pornography	**1,368**	1,317	96.3	51	3.7
Commercialized Vice	**89**	78	87.6	11	12.4
Drug Possession	**507**	368	72.6	139	27.4
Drug Trafficking	**19,800**	15,602	78.8	4,198	21.2
Environmental	**160**	135	84.4	25	15.6
Extortion/Racketeering	**185**	150	81.1	35	18.9
Firearms	**8,477**	8,083	95.4	394	4.6
Food and Drug	**48**	46	95.8	2	4.2
Forgery/Counter/Copyright	**276**	250	90.6	26	9.4
Fraud/Theft/Embezzlement	**6,328**	5,116	80.8	1,212	19.2
Immigration	**29,338**	2,563	8.7	26,775	91.3
Individual Rights	**67**	47	70.1	20	29.9
Kidnapping	**96**	89	92.7	7	7.3
Manslaughter	**74**	72	97.3	2	2.7
Money Laundering	**1,172**	824	70.3	348	29.7
Murder	**373**	312	83.6	61	16.4
National Defense	**193**	123	63.7	70	36.3
Obscenity/Other Sex Offenses	**393**	375	95.4	18	4.6
Prison Offenses	**614**	590	96.1	24	3.9
Robbery	**1,825**	1,761	96.5	64	3.5
Sexual Abuse	**1,165**	1,104	94.8	61	5.2
Stalking/Harassing	**223**	220	98.7	3	1.3
Tax	**547**	504	92.1	43	7.9
Other	**836**	708	84.7	128	15.3

[1] Of the 76,538 cases, 428 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 4

NON-CITIZEN STATUS OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019



[1] Of the 76,538 cases, in 33,974 the offender was a non-citizen. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 10

EDUCATION OF FEDERAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

		LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
TYPE OF CRIME	**TOTAL**	N	%	N	%	N	%	N	%
TOTAL	**68,067**	**32,996**	**48.5**	**20,465**	**30.1**	**10,836**	**15.9**	**3,770**	**5.5**
Administration of Justice	**663**	212	32.0	209	31.5	158	23.8	84	12.7
Antitrust	**20**	0	0.0	5	25.0	5	25.0	10	50.0
Arson	**67**	21	31.3	23	34.3	18	26.9	5	7.5
Assault	**696**	284	40.8	273	39.2	123	17.7	16	2.3
Bribery/Corruption	**339**	23	6.8	66	19.5	94	27.7	156	46.0
Burglary/Trespass	**56**	26	46.4	16	28.6	11	19.6	3	5.4
Child Pornography	**1,366**	131	9.6	472	34.6	506	37.0	257	18.8
Commercialized Vice	**89**	13	14.6	41	46.1	25	28.1	10	11.2
Drug Possession	**155**	34	21.9	66	42.6	38	24.5	17	11.0
Drug Trafficking	**19,742**	7,542	38.2	7,651	38.8	3,829	19.4	720	3.6
Environmental	**130**	21	16.2	39	30.0	37	28.5	33	25.4
Extortion/Racketeering	**177**	48	27.1	72	40.7	36	20.3	21	11.9
Firearms	**8,436**	3,131	37.1	3,797	45.0	1,334	15.8	174	2.1
Food and Drug	**40**	2	5.0	9	22.5	10	25.0	19	47.5
Forgery/Counter/Copyright	**275**	61	22.2	124	45.1	70	25.5	20	7.3
Fraud/Theft/Embezzlement	**5,856**	999	17.1	1,707	29.1	1,886	32.2	1,264	21.6
Immigration	**23,002**	18,516	80.5	3,297	14.3	976	4.2	213	0.9
Individual Rights	**58**	8	13.8	19	32.8	18	31.0	13	22.4
Kidnapping	**95**	35	36.8	41	43.2	17	17.9	2	2.1
Manslaughter	**74**	31	41.9	26	35.1	15	20.3	2	2.7
Money Laundering	**1,165**	295	25.3	339	29.1	317	27.2	214	18.4
Murder	**367**	176	48.0	129	35.1	54	14.7	8	2.2
National Defense	**185**	58	31.4	45	24.3	36	19.5	46	24.9
Obscenity/Other Sex Offenses	**387**	112	28.9	176	45.5	84	21.7	15	3.9
Prison Offenses	**535**	164	30.7	274	51.2	83	15.5	14	2.6
Robbery	**1,821**	616	33.8	819	45.0	345	18.9	41	2.3
Sexual Abuse	**1,160**	235	20.3	433	37.3	350	30.2	142	12.2
Stalking/Harassing	**218**	51	23.4	76	34.9	57	26.1	34	15.6
Tax	**545**	49	9.0	129	23.7	194	35.6	173	31.7
Other	**348**	102	29.3	92	26.4	110	31.6	44	12.6

[1] Of the 76,538 cases, 8,471 were excluded due to missing education information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

SENTENCING INFORMATION

Table 11

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT		PLEA		TRIAL	
District	TOTAL	N	%	N	%
TOTAL	**76,538**	**74,709**	**97.6**	**1,829**	**2.4**
D.C. CIRCUIT	**331**	**315**	**95.2**	**16**	**4.8**
District of Columbia	**331**	315	95.2	16	4.8
FIRST CIRCUIT	**2,134**	**2,061**	**96.6**	**73**	**3.4**
Maine	**162**	156	96.3	6	3.7
Massachusetts	**476**	442	92.9	34	7.1
New Hampshire	**196**	193	98.5	3	1.5
Puerto Rico	**1,165**	1,137	97.6	28	2.4
Rhode Island	**135**	133	98.5	2	1.5
SECOND CIRCUIT	**3,564**	**3,408**	**95.6**	**156**	**4.4**
Connecticut	**349**	337	96.6	12	3.4
New York					
Eastern	**622**	600	96.5	22	3.5
Northern	**392**	370	94.4	22	5.6
Southern	**1,515**	1,433	94.6	82	5.4
Western	**520**	505	97.1	15	2.9
Vermont	**166**	163	98.2	3	1.8
THIRD CIRCUIT	**2,343**	**2,219**	**94.7**	**124**	**5.3**
Delaware	**122**	117	95.9	5	4.1
New Jersey	**620**	598	96.5	22	3.5
Pennsylvania					
Eastern	**627**	583	93.0	44	7.0
Middle	**505**	476	94.3	29	5.7
Western	**383**	372	97.1	11	2.9
Virgin Islands	**86**	73	84.9	13	15.1
FOURTH CIRCUIT	**5,790**	**5,610**	**96.9**	**180**	**3.1**
Maryland	**777**	737	94.9	40	5.1
North Carolina					
Eastern	**876**	851	97.1	25	2.9
Middle	**490**	482	98.4	8	1.6
Western	**538**	521	96.8	17	3.2
South Carolina	**1,058**	1,034	97.7	24	2.3
Virginia					
Eastern	**1,211**	1,173	96.9	38	3.1
Western	**243**	235	96.7	8	3.3
West Virginia					
Northern	**282**	275	97.5	7	2.5
Southern	**315**	302	95.9	13	4.1

Table 11 (cont.)

CIRCUIT		PLEA		TRIAL	
District	TOTAL	N	%	N	%
FIFTH CIRCUIT	**21,369**	**21,168**	**99.1**	**201**	**0.9**
Louisiana					
Eastern	**294**	283	96.3	11	3.7
Middle	**186**	174	93.5	12	6.5
Western	**381**	369	96.9	12	3.1
Mississippi					
Northern	**188**	187	99.5	1	0.5
Southern	**456**	444	97.4	12	2.6
Texas					
Eastern	**724**	710	98.1	14	1.9
Northern	**1,556**	1,518	97.6	38	2.4
Southern	**7,815**	7,756	99.2	59	0.8
Western	**9,769**	9,727	99.6	42	0.4
SIXTH CIRCUIT	**5,321**	**5,108**	**96.0**	**213**	**4.0**
Kentucky					
Eastern	**557**	510	91.6	47	8.4
Western	**349**	338	96.8	11	3.2
Michigan					
Eastern	**879**	843	95.9	36	4.1
Western	**392**	374	95.4	18	4.6
Ohio					
Northern	**901**	860	95.4	41	4.6
Southern	**562**	553	98.4	9	1.6
Tennessee					
Eastern	**751**	733	97.6	18	2.4
Middle	**324**	308	95.1	16	4.9
Western	**606**	589	97.2	17	2.8
SEVENTH CIRCUIT	**2,456**	**2,364**	**96.3**	**92**	**3.7**
Illinois					
Central	**226**	215	95.1	11	4.9
Northern	**655**	621	94.8	34	5.2
Southern	**286**	279	97.6	7	2.4
Indiana					
Northern	**360**	348	96.7	12	3.3
Southern	**472**	455	96.4	17	3.6
Wisconsin					
Eastern	**269**	262	97.4	7	2.6
Western	**188**	184	97.9	4	2.1
EIGHTH CIRCUIT	**5,441**	**5,278**	**97.0**	**163**	**3.0**
Arkansas					
Eastern	**564**	560	99.3	4	0.7
Western	**258**	257	99.6	1	0.4
Iowa					
Northern	**415**	396	95.4	19	4.6
Southern	**493**	474	96.1	19	3.9
Minnesota	**382**	354	92.7	28	7.3
Missouri					
Eastern	**1,192**	1,178	98.8	14	1.2
Western	**772**	748	96.9	24	3.1
Nebraska	**527**	515	97.7	12	2.3
North Dakota	**329**	318	96.7	11	3.3
South Dakota	**509**	478	93.9	31	6.1

Table 11 (cont.)

CIRCUIT District	TOTAL	PLEA N	PLEA %	TRIAL N	TRIAL %
NINTH CIRCUIT	**14,785**	**14,502**	**98.1**	**283**	**1.9**
Alaska	**193**	186	96.4	7	3.6
Arizona	**5,610**	5,570	99.3	40	0.7
California					
Central	**1,143**	1,071	93.7	72	6.3
Eastern	**511**	490	95.9	21	4.1
Northern	**485**	465	95.9	20	4.1
Southern	**4,089**	4,033	98.6	56	1.4
Guam	**49**	48	98.0	1	2.0
Hawaii	**154**	145	94.2	9	5.8
Idaho	**372**	364	97.8	8	2.2
Montana	**385**	373	96.9	12	3.1
Nevada	**482**	467	96.9	15	3.1
Northern Mariana Islands	**11**	11	100.0	0	0.0
Oregon	**475**	466	98.1	9	1.9
Washington					
Eastern	**360**	355	98.6	5	1.4
Western	**466**	458	98.3	8	1.7
TENTH CIRCUIT	**6,526**	**6,458**	**99.0**	**68**	**1.0**
Colorado	**529**	511	96.6	18	3.4
Kansas	**465**	454	97.6	11	2.4
New Mexico	**3,951**	3,938	99.7	13	0.3
Oklahoma					
Eastern	**101**	94	93.1	7	6.9
Northern	**217**	212	97.7	5	2.3
Western	**407**	401	98.5	6	1.5
Utah	**674**	670	99.4	4	0.6
Wyoming	**182**	178	97.8	4	2.2
ELEVENTH CIRCUIT	**6,478**	**6,218**	**96.0**	**260**	**4.0**
Alabama					
Middle	**260**	249	95.8	11	4.2
Northern	**545**	528	96.9	17	3.1
Southern	**376**	365	97.1	11	2.9
Florida					
Middle	**1,594**	1,517	95.2	77	4.8
Northern	**309**	292	94.5	17	5.5
Southern	**1,987**	1,902	95.7	85	4.3
Georgia					
Middle	**420**	401	95.5	19	4.5
Northern	**513**	497	96.9	16	3.1
Southern	**474**	467	98.5	7	1.5

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 12

GUILTY PLEAS AND TRIALS BY TYPE OF CRIME[1]
Fiscal Year 2019

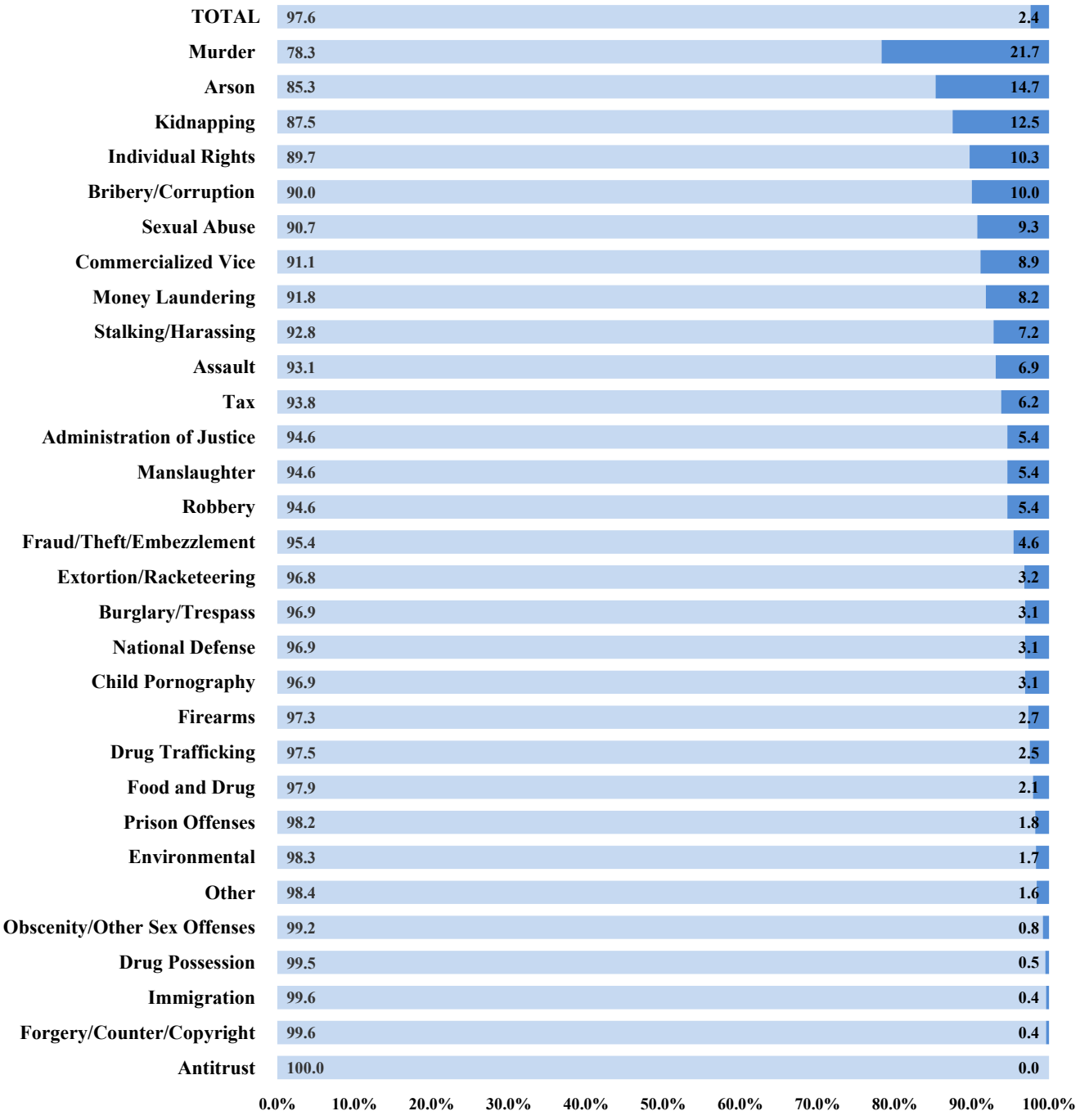
		PLEA		TRIAL	
TYPE OF CRIME	**TOTAL**	N	%	N	%
TOTAL	**76,538**	**74,709**	**97.6**	**1,829**	**2.4**
Administration of Justice	**698**	660	94.6	38	5.4
Antitrust	**20**	20	100.0	0	0.0
Arson	**68**	58	85.3	10	14.7
Assault	**787**	733	93.1	54	6.9
Bribery/Corruption	**341**	307	90.0	34	10.0
Burglary/Trespass	**64**	62	96.9	2	3.1
Child Pornography	**1,368**	1,326	96.9	42	3.1
Commercialized Vice	**90**	82	91.1	8	8.9
Drug Possession	**563**	560	99.5	3	0.5
Drug Trafficking	**19,830**	19,335	97.5	495	2.5
Environmental	**179**	176	98.3	3	1.7
Extortion/Racketeering	**185**	179	96.8	6	3.2
Firearms	**8,481**	8,254	97.3	227	2.7
Food and Drug	**48**	47	97.9	1	2.1
Forgery/Counter/Copyright	**276**	275	99.6	1	0.4
Fraud/Theft/Embezzlement	**6,390**	6,093	95.4	297	4.6
Immigration	**29,354**	29,239	99.6	115	0.4
Individual Rights	**68**	61	89.7	7	10.3
Kidnapping	**96**	84	87.5	12	12.5
Manslaughter	**74**	70	94.6	4	5.4
Money Laundering	**1,177**	1,081	91.8	96	8.2
Murder	**373**	292	78.3	81	21.7
National Defense	**195**	189	96.9	6	3.1
Obscenity/Other Sex Offenses	**393**	390	99.2	3	0.8
Prison Offenses	**628**	617	98.2	11	1.8
Robbery	**1,825**	1,727	94.6	98	5.4
Sexual Abuse	**1,165**	1,057	90.7	108	9.3
Stalking/Harassing	**223**	207	92.8	16	7.2
Tax	**547**	513	93.8	34	6.2
Other	**1,032**	1,015	98.4	17	1.6

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 5

GUILTY PLEAS AND TRIALS BY TYPE OF CRIME[1]
Fiscal Year 2019

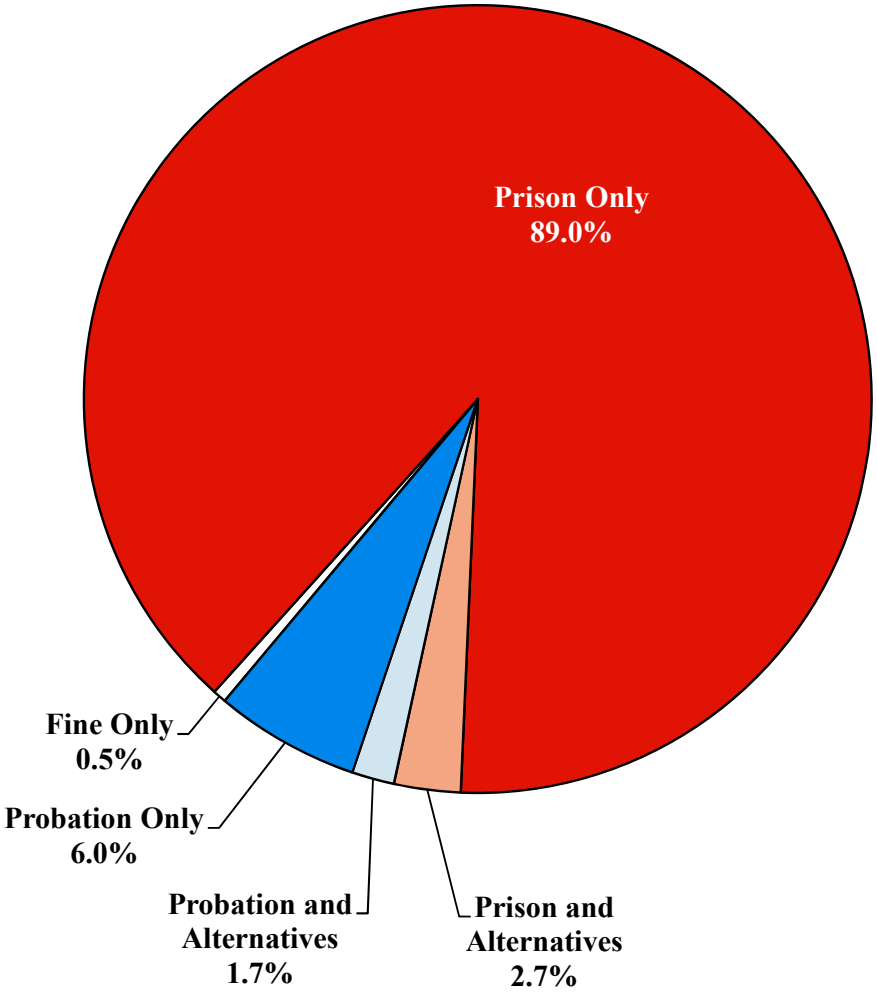


[1] This figure includes the 76,538 cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 6

SENTENCE TYPE FOR FEDERAL OFFENDERS[1]
Fiscal Year 2019



[1] This figure includes the 76,538 cases reported to the Commission. Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 13

SENTENCE TYPE BY TYPE OF CRIME[1]
Fiscal Year 2019

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives[2]		TOTAL RECEIVING PROBATION		Probation and Alternatives[2]		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**76,538**	**70,231**	**91.8**	**68,138**	**89.0**	**2,093**	**2.7**	**5,888**	**7.7**	**1,330**	**1.7**	**4,558**	**6.0**	**419**	**0.5**
Administration of Justice	**698**	504	72.2	459	65.8	45	6.4	194	27.8	37	5.3	157	22.5	0	0.0
Antitrust	**20**	17	85.0	17	85.0	0	0.0	3	15.0	3	15.0	0	0.0	0	0.0
Arson	**68**	66	97.1	62	91.2	4	5.9	2	2.9	0	0.0	2	2.9	0	0.0
Assault	**787**	687	87.3	633	80.4	54	6.9	93	11.8	6	0.8	87	11.1	7	0.9
Bribery/Corruption	**341**	250	73.3	231	67.7	19	5.6	85	24.9	35	10.3	50	14.7	6	1.8
Burglary/Trespass	**64**	56	87.5	46	71.9	10	15.6	7	10.9	1	1.6	6	9.4	1	1.6
Child Pornography	**1,368**	1,354	99.0	1,325	96.9	29	2.1	13	1.0	3	0.2	10	0.7	1	0.1
Commercialized Vice	**90**	75	83.3	72	80.0	3	3.3	14	15.6	6	6.7	8	8.9	1	1.1
Drug Possession	**563**	297	52.8	289	51.3	8	1.4	165	29.3	7	1.2	158	28.1	101	17.9
Drug Trafficking	**19,830**	19,099	96.3	18,458	93.1	641	3.2	729	3.7	208	1.0	521	2.6	2	0.0
Environmental	**179**	47	26.3	42	23.5	5	2.8	111	62.0	27	15.1	84	46.9	21	11.7
Extortion/Racketeering	**185**	151	81.6	140	75.7	11	5.9	34	18.4	6	3.2	28	15.1	0	0.0
Firearms	**8,481**	7,994	94.3	7,700	90.8	294	3.5	487	5.7	181	2.1	306	3.6	0	0.0
Food and Drug	**48**	13	27.1	13	27.1	0	0.0	35	72.9	2	4.2	33	68.8	0	0.0
Forgery/Counter/Copyright	**276**	212	76.8	198	71.7	14	5.1	64	23.2	29	10.5	35	12.7	0	0.0
Fraud/Theft/Embezzlement	**6,390**	4,738	74.1	4,384	68.6	354	5.5	1,573	24.6	381	6.0	1,192	18.7	79	1.2
Immigration	**29,354**	27,991	95.4	27,715	94.4	276	0.9	1,361	4.6	193	0.7	1,168	4.0	2	0.0
Individual Rights	**68**	37	54.4	35	51.5	2	2.9	24	35.3	4	5.9	20	29.4	7	10.3
Kidnapping	**96**	96	100.0	89	92.7	7	7.3	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	**74**	71	95.9	66	89.2	5	6.8	3	4.1	0	0.0	3	4.1	0	0.0
Money Laundering	**1,177**	1,040	88.4	985	83.7	55	4.7	137	11.6	48	4.1	89	7.6	0	0.0
Murder	**373**	372	99.7	353	94.6	19	5.1	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	**195**	170	87.2	160	82.1	10	5.1	23	11.8	5	2.6	18	9.2	2	1.0
Obscenity/Other Sex Offenses	**393**	374	95.2	337	85.8	37	9.4	18	4.6	6	1.5	12	3.1	1	0.3
Prison Offenses	**628**	607	96.7	586	93.3	21	3.3	21	3.3	7	1.1	14	2.2	0	0.0
Robbery	**1,825**	1,800	98.6	1,727	94.6	73	4.0	25	1.4	8	0.4	17	0.9	0	0.0
Sexual Abuse	**1,165**	1,158	99.4	1,125	96.6	33	2.8	7	0.6	3	0.3	4	0.3	0	0.0
Stalking/Harassing	**223**	204	91.5	187	83.9	17	7.6	19	8.5	5	2.2	14	6.3	0	0.0
Tax	**547**	351	64.2	320	58.5	31	5.7	192	35.1	71	13.0	121	22.1	4	0.7
Other	**1,032**	400	38.8	384	37.2	16	1.6	448	43.4	48	4.7	400	38.8	184	17.8

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

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 14

SENTENCE TYPE BY CITIZENSHIP AND SENTENCING ZONE[1]
Fiscal Year 2019

		Prison Only		Prison and Alternatives[2]		Probation and Alternatives[2]		Probation Only		Fine Only	
	TOTAL	N	%	N	%	N	%	N	%	N	%
Citizens	**41,363**	**34,649**	**83.8**	**1,995**	**4.8**	**1,255**	**3.0**	**3,263**	**7.9**	**201**	**0.5**
Zone A	**2,298**	672	29.2	27	1.2	76	3.3	1,340	58.3	183	8.0
Zone B	**2,431**	1,354	55.7	159	6.5	399	16.4	514	21.1	5	0.2
Zone C	**2,642**	1,457	55.1	387	14.6	309	11.7	483	18.3	6	0.2
Zone D	**33,992**	31,166	91.7	1,422	4.2	471	1.4	926	2.7	7	0.0
Non-Citizens	**33,668**	**32,409**	**96.3**	**92**	**0.3**	**56**	**0.2**	**1,088**	**3.2**	**23**	**0.1**
Zone A	**10,857**	10,038	92.5	6	0.1	4	0.0	790	7.3	19	0.2
Zone B	**7,019**	6,819	97.2	18	0.3	24	0.3	157	2.2	1	0.0
Zone C	**3,241**	3,140	96.9	24	0.7	11	0.3	64	2.0	2	0.1
Zone D	**12,551**	12,412	98.9	44	0.4	17	0.1	77	0.6	1	0.0

[1] Of the 76,538 cases, 1,507 were excluded due to one or both of the following reasons: missing zone (1,156) or missing information on offender's citizenship status (428). The zones indicated above correspond to the offense levels and Criminal History Categories established by the court and do not indicate the impact of mandatory minimums penalties or statutory maximums penalties constricting the sentence. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 15

SENTENCE IMPOSED BY TYPE OF CRIME[1]
Fiscal Year 2019

	SENTENCE LENGTH[2]			LENGTH OF IMPRISONMENT[3]		
TYPE OF CRIME	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	**42**	**18**	**76,538**	**46**	**21**	**70,231**
Administration of Justice	12	8	698	16	12	504
Antitrust	6	4	20	6	4	17
Arson	76	60	68	78	60	66
Assault	64	36	787	73	41	687
Bribery/Corruption	22	12	341	29	18	250
Burglary/Trespass	16	14	64	17	15	56
Child Pornography	103	84	1,368	103	84	1,354
Commercialized Vice	24	20	90	28	21	75
Drug Possession	2	0	563	4	3	297
Drug Trafficking	76	60	19,830	79	60	19,099
Environmental	3	0	179	8	2	47
Extortion/Racketeering	32	27	185	38	33	151
Firearms	50	39	8,481	53	41	7,994
Food and Drug	9	0	48	32	24	13
Forgery/Counter/Copyright	15	12	276	18	14	212
Fraud/Theft/Embezzlement	21	12	6,390	28	21	4,738
Immigration	9	6	29,354	10	6	27,991
Individual Rights	29	3	68	52	27	37
Kidnapping	171	120	96	170	120	96
Manslaughter	70	60	74	73	63	71
Money Laundering	61	33	1,177	68	42	1,040
Murder	255	240	373	255	240	372
National Defense	42	24	195	48	27	170
Obscenity/Other Sex Offenses	20	18	393	21	18	374
Prison Offenses	11	8	628	11	8	607
Robbery	109	92	1,825	110	93	1,800
Sexual Abuse	205	180	1,165	206	180	1,158
Stalking/Harassing	29	24	223	31	24	204
Tax	16	12	547	23	18	351
Other	3	0	1,032	7	1	400

[1] Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

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

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 16

FINE AND RESTITUTION BY TYPE OF CRIME[1]
Fiscal Year 2019

TYPE OF CRIME	TOTAL	NO FINE OR RESTITUTION ORDERED		FINE ORDERED/ NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
		N	%	N	%	N	%	N	%
TOTAL	**76,537**	**62,685**	**81.9**	**4,263**	**5.6**	**8,830**	**11.5**	**759**	**1.0**
Administration of Justice	**698**	540	77.4	76	10.9	69	9.9	13	1.9
Antitrust	**20**	2	10.0	14	70.0	0	0.0	4	20.0
Arson	**68**	17	25.0	0	0.0	50	73.5	1	1.5
Assault	**786**	569	72.4	62	7.9	149	19.0	6	0.8
Bribery/Corruption	**341**	124	36.4	82	24.0	114	33.4	21	6.2
Burglary/Trespass	**64**	36	56.3	4	6.3	21	32.8	3	4.7
Child Pornography	**1,368**	590	43.1	47	3.4	692	50.6	39	2.9
Commercialized Vice	**90**	64	71.1	13	14.4	11	12.2	2	2.2
Drug Possession	**563**	350	62.2	211	37.5	1	0.2	1	0.2
Drug Trafficking	**19,830**	18,202	91.8	1,302	6.6	305	1.5	21	0.1
Environmental	**179**	52	29.1	76	42.5	38	21.2	13	7.3
Extortion/Racketeering	**185**	108	58.4	17	9.2	52	28.1	8	4.3
Firearms	**8,481**	7,616	89.8	585	6.9	270	3.2	10	0.1
Food and Drug	**48**	21	43.8	19	39.6	7	14.6	1	2.1
Forgery/Counter/Copyright	**276**	94	34.1	10	3.6	148	53.6	24	8.7
Fraud/Theft/Embezzlement	**6,390**	1,224	19.2	370	5.8	4,381	68.6	415	6.5
Immigration	**29,354**	28,915	98.5	406	1.4	32	0.1	1	0.0
Individual Rights	**68**	30	44.1	24	35.3	12	17.6	2	2.9
Kidnapping	**96**	59	61.5	1	1.0	35	36.5	1	1.0
Manslaughter	**74**	33	44.6	0	0.0	38	51.4	3	4.1
Money Laundering	**1,177**	764	64.9	149	12.7	242	20.6	22	1.9
Murder	**373**	264	70.8	7	1.9	98	26.3	4	1.1
National Defense	**195**	150	76.9	40	20.5	4	2.1	1	0.5
Obscenity/Other Sex Offenses	**393**	377	95.9	14	3.6	2	0.5	0	0.0
Prison Offenses	**628**	602	95.9	21	3.3	4	0.6	1	0.2
Robbery	**1,825**	539	29.5	25	1.4	1,234	67.6	27	1.5
Sexual Abuse	**1,165**	756	64.9	54	4.6	339	29.1	16	1.4
Stalking/Harassing	**223**	168	75.3	13	5.8	36	16.1	6	2.7
Tax	**547**	37	6.8	24	4.4	402	73.5	84	15.4
Other	**1,032**	382	37.0	597	57.8	44	4.3	9	0.9

[1] Of the 76,538 cases, one was excluded due to missing information on type of economic sanction. Of the remaining cases, the court sentenced the offender to pay a fine or make restitution in 13,852 cases. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 17

AMOUNT OF FINE AND RESTITUTION ORDERED BY TYPE OF CRIME[1]
Fiscal Year 2019

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED[2]				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	**4,077**	**$12,823**	**$1,000**	**$52,279,052**	**8,596**	**$899,520**	**$34,909**	**$7,732,272,449**	**12,269**	**$634,489**	**$10,000**	**$7,784,551,501**
Administration of Justice	71	$14,475	$2,400	$1,027,743	69	$249,746	$13,845	$17,232,501	132	$138,335	$4,000	$18,260,244
Antitrust	18	$45,744	$21,500	$823,400	3	$166,667	$160,000	$500,000	18	$73,522	$21,500	$1,323,400
Arson	1	--	--	--	44	$377,438	$139,635	$16,607,271	44	$377,461	$139,635	$16,608,271
Assault	58	$1,428	$500	$82,805	108	$28,705	$3,804	$3,100,153	162	$19,648	$2,500	$3,182,958
Bribery/Corruption	95	$40,497	$10,000	$3,847,215	121	$3,164,998	$220,833	$382,964,794	204	$1,896,137	$61,230	$386,812,009
Burglary/Trespass	3	$1,950	$600	$5,850	22	$8,437	$3,213	$185,621	25	$7,659	$2,653	$191,471
Child Pornography	77	$23,583	$5,000	$1,815,900	544	$19,820	$8,000	$10,781,808	590	$21,352	$8,000	$12,597,708
Commercialized Vice	13	$6,538	$5,500	$85,000	9	$83,492	$10,465	$751,424	21	$39,830	$5,500	$836,424
Drug Possession	212	$1,680	$500	$356,110	2	--	--	--	213	$1,746	$500	$371,910
Drug Trafficking	1,098	$10,288	$1,500	$11,296,539	290	$59,065	$4,393	$17,128,926	1,371	$20,733	$1,500	$28,425,465
Environmental	81	$7,505	$5,000	$607,935	47	$270,045	$16,000	$12,692,107	119	$111,765	$5,400	$13,300,042
Extortion/Racketeering	21	$16,786	$10,000	$352,500	51	$367,633	$32,074	$18,749,282	70	$272,883	$10,000	$19,101,782
Firearms	461	$2,960	$1,500	$1,364,745	259	$23,088	$4,950	$5,979,837	713	$10,301	$1,500	$7,344,582
Food and Drug	20	$4,350	$2,500	$87,000	7	$107,756	$10,000	$754,294	27	$31,159	$5,000	$841,294
Forgery/Counter/Copyright	21	$13,395	$3,000	$281,300	162	$21,485	$2,000	$3,480,598	170	$22,129	$2,050	$3,761,898
Fraud/Theft/Embezzlement	554	$38,013	$2,500	$21,059,267	4,482	$1,361,643	$93,585	$6,102,885,093	4,838	$1,265,801	$78,443	$6,123,944,360
Immigration	255	$2,833	$1,000	$722,480	24	$88,894	$12,183	$2,133,466	278	$10,273	$1,000	$2,855,946
Individual Rights	24	$2,498	$1,200	$59,950	9	$240,255	$251,774	$2,162,294	33	$67,341	$2,000	$2,222,244
Kidnapping	2	--	--	--	28	$136,240	$6,300	$3,814,724	29	$131,818	$6,300	$3,822,724
Manslaughter	1	--	--	--	32	$11,986	$4,114	$383,547	33	$11,668	$4,042	$385,047
Money Laundering	143	$35,960	$5,500	$5,142,273	226	$2,373,493	$562,918	$536,409,372	357	$1,516,951	$150,314	$541,551,645
Murder	8	$9,309	$1,750	$74,473	76	$55,487	$10,767	$4,217,018	82	$52,335	$9,683	$4,291,491
National Defense	30	$5,705	$5,000	$171,150	5	$901,476	$755,281	$4,507,379	35	$133,672	$5,000	$4,678,529
Obscenity/Other Sex Offenses	8	$1,475	$1,000	$11,800	1	--	--	--	9	$2,422	$1,000	$21,800
Prison Offenses	19	$880	$500	$16,725	4	$1,040	$1,040	$4,160	22	$949	$1,000	$20,885
Robbery	37	$2,448	$1,000	$90,578	1,201	$36,804	$4,570	$44,201,970	1,221	$36,276	$4,457	$44,292,548
Sexual Abuse	61	$15,006	$2,000	$915,350	225	$92,968	$10,500	$20,917,872	276	$79,106	$7,575	$21,833,222
Stalking/Harassing	15	$7,313	$5,000	$109,700	28	$64,193	$6,344	$1,797,414	41	$46,515	$5,500	$1,907,114
Tax	70	$19,321	$8,750	$1,352,500	466	$1,109,857	$241,520	$517,193,158	492	$1,053,955	$229,444	$518,545,658
Other	600	$847	$500	$508,264	51	$13,933	$558	$710,566	644	$1,893	$500	$1,218,830

[1] Of the 76,538 cases, the court sentenced the offender to pay a fine or make restitution in 13,852 cases. The total number of cases used to calculate amounts of payment ordered (12,269) is less than the total number of cases receiving fines and/or restitution (13,852) due to the exclusion of cases for which a fine and/or restitution was ordered, but the amount was not specified. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

[2] In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 18

SUPERVISED RELEASE BY TYPE OF CRIME[1]
Fiscal Year 2019

TYPE OF CRIME	TOTAL	NO SUPERVISED RELEASE ORDERED N	NO SUPERVISED RELEASE ORDERED %	SUPERVISED RELEASE ORDERED N	SUPERVISED RELEASE ORDERED %	LENGTH OF SUPERVISED RELEASE[2] Mean Months	LENGTH OF SUPERVISED RELEASE[2] Median Months
TOTAL	**76,537**	**19,277**	**25.2**	**57,260**	**74.8**	**44**	**36**
Administration of Justice	**698**	256	36.7	442	63.3	24	24
Antitrust	**20**	4	20.0	16	80.0	34	36
Arson	**68**	2	2.9	66	97.1	38	36
Assault	**786**	145	18.4	641	81.6	37	36
Bribery/Corruption	**341**	96	28.2	245	71.8	29	36
Burglary/Trespass	**64**	9	14.1	55	85.9	31	36
Child Pornography	**1,368**	14	1.0	1,354	99.0	194	120
Commercialized Vice	**90**	15	16.7	75	83.3	55	36
Drug Possession	**563**	504	89.5	59	10.5	12	12
Drug Trafficking	**19,830**	1,206	6.1	18,624	93.9	49	48
Environmental	**179**	150	83.8	29	16.2	21	24
Extortion/Racketeering	**185**	36	19.5	149	80.5	32	36
Firearms	**8,481**	585	6.9	7,896	93.1	36	36
Food and Drug	**48**	35	72.9	13	27.1	28	36
Forgery/Counter/Copyright	**276**	68	24.6	208	75.4	32	36
Fraud/Theft/Embezzlement	**6,390**	2,089	32.7	4,301	67.3	33	36
Immigration	**29,354**	12,430	42.3	16,924	57.7	24	24
Individual Rights	**68**	31	45.6	37	54.4	28	36
Kidnapping	**96**	1	1.0	95	99.0	51	60
Manslaughter	**74**	3	4.1	71	95.9	35	36
Money Laundering	**1,177**	181	15.4	996	84.6	41	36
Murder	**373**	14	3.8	359	96.2	57	60
National Defense	**195**	61	31.3	134	68.7	63	36
Obscenity/Other Sex Offenses	**393**	25	6.4	368	93.6	79	60
Prison Offenses	**628**	270	43.0	358	57.0	30	36
Robbery	**1,825**	34	1.9	1,791	98.1	42	36
Sexual Abuse	**1,165**	10	0.9	1,155	99.1	211	120
Stalking/Harassing	**223**	21	9.4	202	90.6	33	36
Tax	**547**	196	35.8	351	64.2	24	24
Other	**1,032**	786	76.2	246	23.8	19	12

[1] Of the 76,538 cases, one was excluded due to missing or indeterminable supervised release information. Supervision sentences of 470 months or greater (including life) were included in the supervised release average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

[2] Length of Supervised Release includes only cases where supervised release was imposed. Of these, 11 were excluded from the length of supervised release analysis due to missing information on the length of supervision.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 19

RATE OF NON-PRISON SENTENCES FOR U.S. CITIZEN OFFENDERS[1]
Fiscal Year 2019

TYPE OF CRIME	TOTAL ELIGIBLE	RECEIVED NON-PRISON SENTENCE N	%
TOTAL	**6,929**	**1,303**	**18.8**
Administration of Justice	**278**	51	18.3
Antitrust	**15**	3	20.0
Arson	**1**	0	0.0
Assault	**150**	8	5.3
Bribery/Corruption	**64**	20	31.3
Burglary/Trespass	**21**	5	23.8
Child Pornography	**0**	0	--
Commercialized Vice	**22**	4	18.2
Drug Possession	**321**	13	4.0
Drug Trafficking	**869**	182	20.9
Environmental	**101**	23	22.8
Extortion/Racketeering	**23**	3	13.0
Firearms	**571**	155	27.1
Food and Drug	**35**	1	2.9
Forgery/Counter/Copyright	**108**	23	21.3
Fraud/Theft/Embezzlement	**1,933**	390	20.2
Immigration	**1,094**	259	23.7
Individual Rights	**18**	1	5.6
Kidnapping	**0**	0	--
Manslaughter	**2**	0	0.0
Money Laundering	**103**	30	29.1
Murder	**0**	0	--
National Defense	**21**	6	28.6
Obscenity/Other Sex Offenses	**69**	12	17.4
Prison Offenses	**364**	18	4.9
Robbery	**2**	1	50.0
Sexual Abuse	**19**	3	15.8
Stalking/Harassing	**50**	7	14.0
Tax	**136**	40	29.4
Other	**539**	45	8.3

[1] Of the 76,538 cases, 42,136 involved United States citizens. In 6,929 of these, the offender was eligible for alternative conditions of confinement as described in USSG §5C1.1, was not convicted of a Class A or Class B felony, and was not subject to any mandatory minimum penalty at the time of sentencing. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

GUIDELINE APPLICATION

Table 20

FEDERAL OFFENDERS SENTENCED UNDER EACH CHAPTER TWO GUIDELINE[1]
Fiscal Year 2019

	As Primary Guideline		As Any Guideline			As Primary Guideline		As Any Guideline	
Guideline	N	%	N	%	**Guideline**	N	%	N	%
§2A1.1	260	0.4	286	0.4	**§2D1.10**	7	0.0	7	0.0
§2A1.2	45	0.1	59	0.1	**§2D1.11**	27	0.0	30	0.0
§2A1.3	27	0.0	27	0.0	**§2D1.12**	0	0.0	1	0.0
§2A1.4	47	0.1	47	0.1	**§2D1.13**	3	0.0	3	0.0
§2A1.5	46	0.1	82	0.1	**§2D1.14**	0	0.0	0	0.0
§2A2.1	169	0.2	245	0.3	**§2D2.1**	173	0.2	206	0.3
§2A2.2	413	0.6	507	0.6	**§2D2.2**	111	0.2	120	0.2
§2A2.3	111	0.2	147	0.2	**§2D2.3**	0	0.0	0	0.0
§2A2.4	206	0.3	230	0.3	**§2D3.1**	5	0.0	6	0.0
§2A3.1	137	0.2	149	0.2	**§2D3.2**	0	0.0	0	0.0
§2A3.2	40	0.1	50	0.1	**§2D3.3**	0	0.0	0	0.0
§2A3.3	6	0.0	8	0.0	**§2D3.4**	0	0.0	0	0.0
§2A3.4	44	0.1	78	0.1	**§2D3.5**	0	0.0	0	0.0
§2A3.5	360	0.5	377	0.5	**§2E1.1**	62	0.1	524	0.7
§2A4.1	93	0.1	120	0.2	**§2E1.2**	1	0.0	129	0.2
§2A4.2	1	0.0	1	0.0	**§2E1.3**	1	0.0	115	0.1
§2A5.1	0	0.0	0	0.0	**§2E1.4**	6	0.0	26	0.0
§2A5.2	27	0.0	28	0.0	**§2E1.5**	0	0.0	0	0.0
§2A5.3	0	0.0	1	0.0	**§2E2.1**	16	0.0	19	0.0
§2A6.1	137	0.2	153	0.2	**§2E3.1**	29	0.0	49	0.1
§2A6.2	80	0.1	89	0.1	**§2E3.2**	0	0.0	0	0.0
§2B1.1	5,707	7.9	6,221	7.8	**§2E3.3**	0	0.0	0	0.0
§2B1.2	0	0.0	0	0.0	**§2E4.1**	25	0.0	30	0.0
§2B1.3	0	0.0	0	0.0	**§2E5.1**	7	0.0	8	0.0
§2B1.4	35	0.0	35	0.0	**§2E5.2**	0	0.0	0	0.0
§2B1.5	12	0.0	13	0.0	**§2E5.3**	1	0.0	5	0.0
§2B1.6[2]	141	0.2	--	--	**§2E5.4**	0	0.0	0	0.0
§2B2.1	48	0.1	64	0.1	**§2E5.5**	0	0.0	0	0.0
§2B2.2	0	0.0	0	0.0	**§2E5.6**	0	0.0	0	0.0
§2B2.3	9	0.0	10	0.0	**§2F1.1**	2	0.0	2	0.0
§2B3.1	1,805	2.5	1,987	2.5	**§2F1.2**	0	0.0	0	0.0
§2B3.2	45	0.1	83	0.1	**§2G1.1**	82	0.1	146	0.2
§2B3.3	11	0.0	12	0.0	**§2G1.2**	0	0.0	1	0.0
§2B4.1	78	0.1	88	0.1	**§2G1.3**	375	0.5	474	0.6
§2B5.1	229	0.3	244	0.3	**§2G2.1**	521	0.7	560	0.7
§2B5.2	0	0.0	0	0.0	**§2G2.2**	1,363	1.9	1,531	1.9
§2B5.3	47	0.1	48	0.1	**§2G2.3**	0	0.0	0	0.0
§2B5.4	0	0.0	0	0.0	**§2G2.4**	0	0.0	0	0.0
§2B6.1	1	0.0	1	0.0	**§2G2.5**	0	0.0	0	0.0
§2C1.1	245	0.3	269	0.3	**§2G2.6**	18	0.0	19	0.0
§2C1.2	7	0.0	10	0.0	**§2G3.1**	25	0.0	31	0.0
§2C1.3	7	0.0	9	0.0	**§2G3.2**	1	0.0	1	0.0
§2C1.4	0	0.0	0	0.0	**§2H1.1**	26	0.0	50	0.1
§2C1.5	0	0.0	0	0.0	**§2H1.2**	0	0.0	0	0.0
§2C1.6	0	0.0	0	0.0	**§2H1.3**	0	0.0	0	0.0
§2C1.7	0	0.0	0	0.0	**§2H1.4**	0	0.0	0	0.0
§2C1.8	2	0.0	2	0.0	**§2H1.5**	0	0.0	0	0.0
§2D1.1	19,463	27.1	20,636	26.0	**§2H2.1**	17	0.0	20	0.0
§2D1.2	281	0.4	284	0.4	**§2H3.1**	7	0.0	8	0.0
§2D1.3	0	0.0	0	0.0	**§2H3.2**	0	0.0	0	0.0
§2D1.4	0	0.0	0	0.0	**§2H3.3**	3	0.0	7	0.0
§2D1.5	2	0.0	9	0.0	**§2H4.1**	7	0.0	7	0.0
§2D1.6	0	0.0	189	0.2	**§2H4.2**	0	0.0	0	0.0
§2D1.7	1	0.0	2	0.0	**§2J1.1**	0	0.0	9	0.0
§2D1.8	12	0.0	62	0.1	**§2J1.2**	131	0.2	196	0.2
§2D1.9	0	0.0	0	0.0	**§2J1.3**	21	0.0	32	0.0

Table 20 (cont.)

Guideline	As Primary Guideline N	As Primary Guideline %	As Any Guideline N	As Any Guideline %	Guideline	As Primary Guideline N	As Primary Guideline %	As Any Guideline N	As Any Guideline %
§2J1.4	13	0.0	28	0.0	**§2M6.1**	6	0.0	7	0.0
§2J1.5	0	0.0	0	0.0	**§2M6.2**	0	0.0	0	0.0
§2J1.6	34	0.0	39	0.0	**§2N1.1**	11	0.0	11	0.0
§2J1.7	0	0.0	0	0.0	**§2N1.2**	0	0.0	0	0.0
§2J1.8	0	0.0	0	0.0	**§2N1.3**	1	0.0	1	0.0
§2J1.9	0	0.0	0	0.0	**§2N2.1**	28	0.0	91	0.1
§2K1.1	1	0.0	1	0.0	**§2N3.1**	0	0.0	1	0.0
§2K1.2	0	0.0	0	0.0	**§2P1.1**	298	0.4	314	0.4
§2K1.3	27	0.0	34	0.0	**§2P1.2**	250	0.3	286	0.4
§2K1.4	66	0.1	93	0.1	**§2P1.3**	0	0.0	0	0.0
§2K1.5	0	0.0	0	0.0	**§2P1.4**	0	0.0	0	0.0
§2K1.6	0	0.0	0	0.0	**§2Q1.1**	0	0.0	1	0.0
§2K1.7	0	0.0	0	0.0	**§2Q1.2**	31	0.0	32	0.0
§2K2.1	7,952	11.1	8,413	10.6	**§2Q1.3**	20	0.0	20	0.0
§2K2.2	0	0.0	0	0.0	**§2Q1.4**	0	0.0	0	0.0
§2K2.3	0	0.0	0	0.0	**§2Q1.5**	0	0.0	0	0.0
§2K2.4[3]	413	0.6	--	--	**§2Q1.6**	0	0.0	1	0.0
§2K2.5	17	0.0	21	0.0	**§2Q2.1**	82	0.1	86	0.1
§2K2.6	0	0.0	3	0.0	**§2Q2.2**	0	0.0	0	0.0
§2K3.1	0	0.0	0	0.0	**§2R1.1**	20	0.0	20	0.0
§2K3.2	0	0.0	1	0.0	**§2S1.1**	990	1.4	1,030	1.3
§2L1.1	3,487	4.9	3,546	4.5	**§2S1.2**	0	0.0	0	0.0
§2L1.2	22,077	30.7	22,331	28.2	**§2S1.3**	177	0.2	187	0.2
§2L1.3	0	0.0	0	0.0	**§2S1.4**	0	0.0	0	0.0
§2L2.1	104	0.1	118	0.1	**§2T1.1**	328	0.5	413	0.5
§2L2.2	962	1.3	1,007	1.3	**§2T1.2**	0	0.0	0	0.0
§2L2.3	0	0.0	0	0.0	**§2T1.3**	0	0.0	0	0.0
§2L2.4	0	0.0	0	0.0	**§2T1.4**	166	0.2	170	0.2
§2L2.5	0	0.0	0	0.0	**§2T1.5**	0	0.0	0	0.0
§2M1.1	0	0.0	0	0.0	**§2T1.6**	40	0.1	43	0.1
§2M2.1	0	0.0	0	0.0	**§2T1.7**	0	0.0	0	0.0
§2M2.2	0	0.0	0	0.0	**§2T1.8**	1	0.0	1	0.0
§2M2.3	0	0.0	0	0.0	**§2T1.9**	2	0.0	41	0.1
§2M2.4	0	0.0	0	0.0	**§2T2.1**	3	0.0	5	0.0
§2M3.1	2	0.0	2	0.0	**§2T2.2**	2	0.0	2	0.0
§2M3.2	0	0.0	0	0.0	**§2T3.1**	3	0.0	19	0.0
§2M3.3	2	0.0	2	0.0	**§2T3.2**	0	0.0	0	0.0
§2M3.4	0	0.0	0	0.0	**§2T4.1**	0	0.0	0	0.0
§2M3.5	0	0.0	0	0.0	**§2X1.1**	16	0.0	2,617	3.3
§2M3.6	0	0.0	0	0.0	**§2X2.1**	0	0.0	24	0.0
§2M3.7	0	0.0	0	0.0	**§2X3.1**	88	0.1	109	0.1
§2M3.8	0	0.0	0	0.0	**§2X4.1**	268	0.4	271	0.3
§2M3.9	0	0.0	0	0.0	**§2X5.1**	0	0.0	70	0.1
§2M4.1	0	0.0	0	0.0	**§2X5.2**	214	0.3	217	0.3
§2M5.1	14	0.0	17	0.0	**§2X6.1**	1	0.0	1	0.0
§2M5.2	141	0.2	151	0.2	**§2X7.1**	1	0.0	1	0.0
§2M5.3	17	0.0	17	0.0	**§2X7.2**	0	0.0	0	0.0
					Total number of guidelines applied:				**79,250**
					Number of cases with at least one guideline applied:				**71,886**

[1] Of the 76,538 cases, 4,652 were excluded due to missing guideline applied. The total for any guideline can exceed that for primary guideline because several guidelines may be applied in a case, but only one primary guideline. For the 'As Any Guideline' section, each unique guideline is only counted once in a case. Descriptions of variables used in this table are provided in Appendix A.

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

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 21

FEDERAL OFFENDERS RECEIVING CHAPTER THREE GUIDELINE ADJUSTMENTS[1]
Fiscal Year 2019

VICTIM-RELATED	N	%
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	371	0.5
No vulnerable victim involved	70,080	99.4
Hate crime	18	0.0
Vulnerable victim involved and large number of victims	34	0.0
Vulnerable victim involved and hate crime	5	0.0
Vulnerable victim involved, hate crime, and large number of victims	0	0.0
Official Victim (§3A1.2)		
Official victim involved	26	0.0
Offense against person or involved substantial risk of serious bodily injury	181	0.3
No official victim involved	70,301	99.7
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	96	0.1
Offense did not involve restraint of victim	70,412	99.9
Terrorism (§3A1.4)		
Offense involved a federal crime of terrorism	36	0.1
Offense did not involve a federal crime of terrorism	70,470	99.9
Offense committed before adjustment added to guidelines	2	0.0
Serious Human Rights Offense (§3A1.5)		
Offender convicted of a serious human rights offense	0	0.0
Offender was not convicted of a serious human rights offense	70,458	99.9
Offense committed before adjustment added to guidelines	50	0.1
CHAPTER 3, PART A TOTAL	**70,508**	**100.0**

ROLE IN THE OFFENSE	N	%
Aggravating Role (§3B1.1)		
Organizer or leader	900	1.3
Manager or supervisor	671	1.0
Lesser organizer, leader, manager, or supervisor	1,237	1.8
No aggravating role	67,700	96.0
Mitigating Role (§3B1.2)		
Minimal participant	654	0.9
Less than minor role but not minimal	329	0.5
Minor participant	3,951	5.6
No mitigating role	65,574	93.0
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Offender abused position of trust or used special skill	1,410	2.0
Offender did not abuse position of trust or use special skill	69,098	98.0

Table 21 (cont.)

Use of a Minor to Commit a Crime (§3B1.4)		
Offender used a minor	248	0.4
Offender did not use a minor	70,258	99.6
Offense committed before adjustment added to guidelines	2	0.0
Use of Body Armor to Commit a Crime (§3B1.5)		
Offender used body armor (+2)	4	0.0
Offender used body armor (+4)	6	0.0
Offender did not use body armor	70,482	100.0
Offense committed before adjustment added to guidelines	16	0.0
CHAPTER 3, PART B TOTAL	**70,508**	**100.0**
OBSTRUCTION	N	%
Obstruction of Justice (§3C1.1)[2]		
Offender obstructed justice	1,328	1.9
Offender did not obstruct justice	69,180	98.1
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	727	1.0
Offense did not involve reckless endangerment during flight	69,781	99.0
Offense committed before adjustment added to guidelines	0	0.0
Commission of Offense While on Release (§3C1.3)		
Offense involved commission of offense while on release	68	0.1
Offense did not involve commission of offense while on release	70,420	99.9
Offense committed before adjustment added to guidelines	20	0.0
False Registration of Domain Name (§3C1.4)		
Offense involved false registration of domain name	1	0.0
Offense did not involve false registration of domain name	70,487	100.0
Offense committed before adjustment added to guidelines	20	0.0
CHAPTER 3, PART C TOTAL	**70,508**	**100.0**
ACCEPTANCE OF RESPONSIBILITY	N	%
Acceptance of Responsibility (§3E1.1)		
Offender accepted responsibility (-3)	39,854	56.5
Offender accepted responsibility (-2)	28,085	39.8
Offender did not accept responsibility	2,598	3.7
CHAPTER 3, PART E TOTAL	**70,537**	**100.0**

[1] Of the 76,538 cases, the Commission received complete guideline application information for 70,537 cases. Of these, 29 cases were excluded from the calculations due to missing Chapter Three adjustment information on vulnerable victim, official victim, restraint of victim, terrorism, human rights, aggravating role, mitigating role, abuse of position, use of minor, use of body armor, obstruction of justice, reckless endangerment, commission of offense while on release, and false registration of domain name. Descriptions of each guideline adjustment can be found in USSG Chapter Three.

[2] When an offender uses computer encryption during the commission of an offense or to avoid detection, it may result in the application of the Obstruction of Justice adjustment. Eleven offenders used encryption or scrambling technology and of those, none received an enhancement under §3C1.1.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 22

ACCEPTANCE OF RESPONSIBILITY REDUCTIONS BY TYPE OF CRIME[1]
Fiscal Year 2019

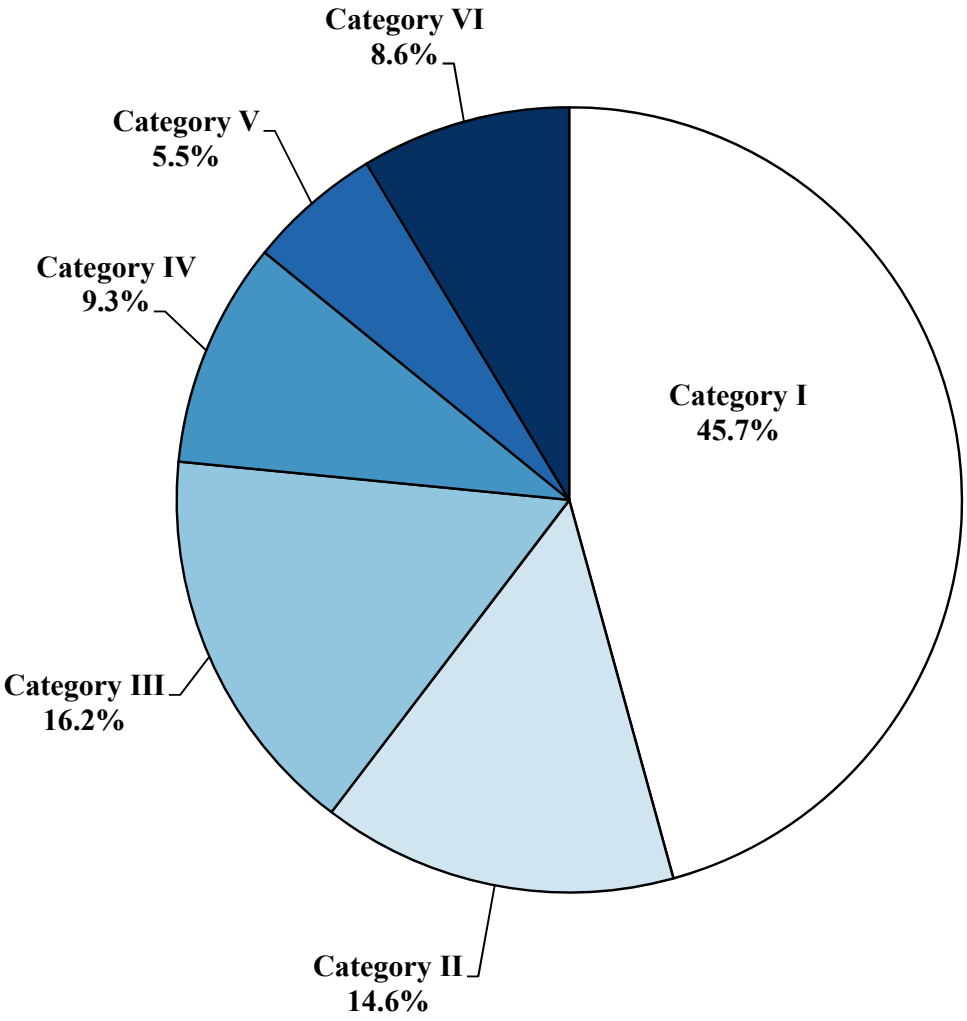
TYPE OF CRIME	TOTAL	NO ACCEPTANCE ADJUSTMENT		2-LEVEL ADJUSTMENT		3-LEVEL ADJUSTMENT	
		N	%	N	%	N	%
TOTAL	**70,537**	**2,598**	**3.7**	**28,085**	**39.8**	**39,854**	**56.5**
Administration of Justice	**669**	52	7.8	441	65.9	176	26.3
Antitrust	**20**	0	0.0	13	65.0	7	35.0
Arson	**66**	10	15.2	3	4.5	53	80.3
Assault	**691**	72	10.4	114	16.5	505	73.1
Bribery/Corruption	**328**	35	10.7	53	16.2	240	73.2
Burglary/Trespass	**57**	4	7.0	33	57.9	20	35.1
Child Pornography	**1,353**	54	4.0	14	1.0	1,285	95.0
Commercialized Vice	**89**	10	11.2	36	40.4	43	48.3
Drug Possession	**166**	14	8.4	152	91.6	0	0.0
Drug Trafficking	**19,449**	753	3.9	1,581	8.1	17,115	88.0
Environmental	**130**	7	5.4	98	75.4	25	19.2
Extortion/Racketeering	**172**	8	4.7	28	16.3	136	79.1
Firearms	**7,990**	349	4.4	1,466	18.3	6,175	77.3
Food and Drug	**40**	1	2.5	29	72.5	10	25.0
Forgery/Counter/Copyright	**274**	15	5.5	202	73.7	57	20.8
Fraud/Theft/Embezzlement	**5,686**	422	7.4	2,497	43.9	2,767	48.7
Immigration	**26,472**	217	0.8	19,901	75.2	6,354	24.0
Individual Rights	**58**	8	13.8	26	44.8	24	41.4
Kidnapping	**96**	16	16.7	1	1.0	79	82.3
Manslaughter	**73**	4	5.5	4	5.5	65	89.0
Money Laundering	**1,140**	115	10.1	146	12.8	879	77.1
Murder	**367**	84	22.9	13	3.5	270	73.6
National Defense	**181**	7	3.9	25	13.8	149	82.3
Obscenity/Other Sex Offenses	**384**	4	1.0	181	47.1	199	51.8
Prison Offenses	**492**	14	2.8	469	95.3	9	1.8
Robbery	**1,797**	115	6.4	29	1.6	1,653	92.0
Sexual Abuse	**1,149**	122	10.6	38	3.3	989	86.1
Stalking/Harassing	**214**	19	8.9	54	25.2	141	65.9
Tax	**541**	46	8.5	99	18.3	396	73.2
Other	**393**	21	5.3	339	86.3	33	8.4

[1] Of the 76,538 cases, the Commission received complete guideline application information for 70,537 cases. Descriptions of variables used in this table are provided in Appendix A. The acceptance of responsibility adjustment can be found in USSG §3E1.1.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 7

CRIMINAL HISTORY CATEGORY OF FEDERAL OFFENDERS[1] Fiscal Year 2019



[1] Of the 76,538 cases, 729 were excluded due to missing Criminal History Category. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 23

CRIMINAL HISTORY POINTS OF FEDERAL OFFENDERS[1]
Fiscal Year 2019

Number of Prior Countable Sentences Greater Than 13 Months (§4A1.1(a)) (3-Point Offenses)	N	%
0	48,257	68.4
1	11,018	15.6
2	5,922	8.4
3 or more	5,340	7.6
TOTAL	**70,537**	**100.0**

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b)) (2-Point Offenses)	N	%
0	50,752	72.0
1	11,424	16.2
2	4,856	6.9
3 or more	3,505	5.0
TOTAL	**70,537**	**100.0**

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c)) (1-Point Offenses)	N	%
0	38,416	54.5
1	17,484	24.8
2	7,328	10.4
3 or more	7,309	10.4
TOTAL	**70,537**	**100.0**

Commission of Offense While Under Criminal Justice Sentence (§4A1.1(d))	N	%
Additional points given for commission of instant offense while under criminal justice sentence	16,864	23.9
No additional criminal history points given	53,673	76.1
TOTAL	**70,537**	**100.0**

Commission of a Prior Crime of Violence Not Receiving Points Under (a), (b), or (c) (§4A1.1(e))	N	%
Additional points given for prior sentences resulting from a crime of violence that did not receive any points under (a), (b), or (c)	515	0.7
No additional criminal history points given	70,022	99.3
TOTAL	**70,537**	**100.0**

Table 23 (cont.)

Total Criminal History Points	N	%
0	23,673	33.6
1	7,666	10.9
2	3,994	5.7
3	6,363	9.0
4	4,006	5.7
5	4,015	5.7
6	3,863	5.5
7	2,398	3.4
8	2,724	3.9
9	2,102	3.0
10	1,515	2.1
11	1,621	2.3
12	1,322	1.9
13 or more	5,275	7.5
TOTAL	**70,537**	**100.0**

Career Offender (§4B1.1)	N	%
Offender found to be career offender	1,737	2.5
Offender found not to be career offender	68,800	97.5
TOTAL	**70,537**	**100.0**

Criminal Livelihood (§4B1.3)	N	%
Offender found to have engaged in criminal livelihood	4	0.0
Offender found not to have engaged in criminal livelihood	70,533	100.0
TOTAL	**70,537**	**100.0**

Armed Career Criminal (§4B1.4)	N	%
Offender found to be armed career criminal	315	0.4
Offender found not to be armed career criminal	70,222	99.6
Offense committed before adjustment was added to guidelines	0	0.0
TOTAL	**70,537**	**100.0**

Repeat and Dangerous Sex Offender Against Minors (§4B1.5)	N	%
Offender found to be a repeat and dangerous sex offender against minors	487	0.7
Offender found not to be a repeat and dangerous sex offender against minors	70,038	99.3
Offense committed before adjustment was added to guidelines	12	0.0
TOTAL	**70,537**	**100.0**

[1] Of the 76,538 cases, the Commission received complete guideline application information for 70,537 cases. Descriptions of each guideline adjustment can be found in USSG Chapter Four.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 24

FEDERAL OFFENDERS IN EACH OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY[1]
Fiscal Year 2019

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	N	%	Cumulative %	I	II	III	IV	V	VI
1	4	0.0	0.0	2	0	0	1	0	1
2	405	0.5	0.5	315	25	35	12	4	14
3	30	0.0	0.6	19	2	4	2	1	2
4	1,822	2.4	3.0	1,245	134	214	98	67	64
5	116	0.2	3.2	70	5	8	11	9	13
6	12,770	16.9	20.1	10,141	1,791	647	118	33	40
7	519	0.7	20.8	180	36	84	60	58	101
8	2,797	3.7	24.5	992	919	605	186	59	36
9	318	0.4	24.9	167	39	55	23	18	16
10	8,293	11.0	35.9	2,168	2,212	2,291	932	392	298
11	583	0.8	36.7	253	49	82	55	61	83
12	3,498	4.6	41.3	1,276	552	682	440	246	302
13	5,211	6.9	48.2	1,334	960	1,416	773	380	348
14	553	0.7	49.0	286	67	76	52	23	49
15	3,647	4.8	53.8	1,321	569	806	444	252	255
16	738	1.0	54.8	431	68	114	52	24	49
17	3,513	4.7	59.5	1,103	308	686	599	391	426
18	648	0.9	60.3	398	61	87	48	20	34
19	2,829	3.8	64.1	1,193	262	458	386	261	269
20	638	0.8	64.9	355	67	90	62	27	37
21	3,494	4.6	69.6	1,031	451	645	525	361	481
22	718	1.0	70.5	395	64	96	61	46	56
23	3,000	4.0	74.5	1,343	278	455	375	265	284
24	805	1.1	75.6	480	71	108	51	45	50
25	2,156	2.9	78.4	1,006	254	280	234	164	218
26	883	1.2	79.6	499	79	129	81	36	59
27	2,944	3.9	83.5	1,493	326	395	296	196	238
28	655	0.9	84.4	357	68	100	51	40	39
29	2,611	3.5	87.8	731	321	415	239	155	750
30	750	1.0	88.8	350	66	70	78	58	128
31	1,989	2.6	91.5	535	229	271	175	99	680
32	425	0.6	92.0	205	43	51	38	21	67
33	1,422	1.9	93.9	727	176	197	113	92	117
34	934	1.2	95.2	330	47	57	31	19	450
35	1,077	1.4	96.6	511	131	158	84	64	129
36	232	0.3	96.9	117	28	27	17	15	28
37	665	0.9	97.8	293	102	89	48	35	98
38	208	0.3	98.0	113	30	23	15	10	17
39	271	0.4	98.4	128	38	28	30	23	24
40	276	0.4	98.8	146	26	35	26	12	31
41	160	0.2	99.0	76	20	20	16	12	16
42	146	0.2	99.2	82	15	23	6	6	14
43	618	0.8	100.0	330	50	67	48	40	83
TOTAL	**75,371**	**--**	**--**	**34,527**	**11,039**	**12,179**	**6,992**	**4,140**	**6,494**
%		**100.0**	**100.0**	**45.8**	**14.6**	**16.2**	**9.3**	**5.5**	**8.6**

[1] Of the 76,538 cases, 1,167 were excluded due to one or both of the following reasons: missing offense level (1,162) or missing Criminal History Category (729). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 25

FEDERAL OFFENDERS IN EACH GUIDELINE SENTENCING RANGE[1]
Fiscal Year 2019

FINAL GUIDELINE RANGE (in months)	N	%	Cumulative %
0-6	13,408	17.8	17.8
1-7	1,814	2.4	20.2
2-8	782	1.0	21.2
3-9	2	0.0	21.2
4-10	1,248	1.7	22.9
6-12	3,003	4.0	26.9
8-14	2,580	3.4	30.3
9-15	46	0.1	30.4
10-16	3,802	5.0	35.4
12-18	2,089	2.8	38.2
15-21	3,020	4.0	42.2
18-24	2,913	3.9	46.0
21-27	1,924	2.6	48.6
24-30	3,109	4.1	52.7
27-33	1,201	1.6	54.3
30-37	3,066	4.1	58.4
33-41	1,127	1.5	59.9
37-46	2,450	3.3	63.1
41-51	1,263	1.7	64.8
46-57	2,878	3.8	68.6
51-63	1,362	1.8	70.4
57-71	2,352	3.1	73.5
63-78	1,218	1.6	75.2
70-87	2,625	3.5	78.6
77-96	573	0.8	79.4
78-97	812	1.1	80.5
84-105	555	0.7	81.2
87-108	1,194	1.6	82.8
92-115	409	0.5	83.3
97-121	771	1.0	84.4
100-125	510	0.7	85.0
108-135	1,016	1.3	86.4
110-137	305	0.4	86.8
120-150	253	0.3	87.1
121-151	743	1.0	88.1
130-162	278	0.4	88.5
135-168	1,119	1.5	90.0
140-175	193	0.3	90.2
151-188	1,488	2.0	92.2
168-210	1,018	1.4	93.6
188-235	1,079	1.4	95.0
210-262	659	0.9	95.9
235-293	460	0.6	96.5
262-327	876	1.2	97.6
292-365	403	0.5	98.2
324-405	208	0.3	98.4
360-Life	555	0.7	99.2
Life	618	0.8	100.0
TOTAL	**75,377**	**100.0**	**--**

[1] Of the 76,538 cases, 1,161 were excluded due to missing sentencing range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 26

NUMBER OF CAREER OFFENDERS AND ARMED CAREER CRIMINALS BY TYPE OF CRIME[1]
Fiscal Year 2019

TYPE OF CRIME	CAREER OFFENDER N	CAREER OFFENDER %	ARMED CAREER CRIMINAL N	ARMED CAREER CRIMINAL %
TOTAL	**1,737**	**100.0**	**315**	**100.0**
Administration of Justice	3	0.2	0	0.0
Antitrust	0	0.0	0	0.0
Arson	2	0.1	0	0.0
Assault	23	1.3	4	1.3
Bribery/Corruption	0	0.0	0	0.0
Burglary/Trespass	0	0.0	0	0.0
Child Pornography	0	0.0	0	0.0
Commercialized Vice	0	0.0	0	0.0
Drug Possession	0	0.0	0	0.0
Drug Trafficking	1,306	75.2	30	9.5
Environmental	0	0.0	0	0.0
Extortion/Racketeering	3	0.2	1	0.3
Firearms	166	9.6	273	86.7
Food and Drug	0	0.0	0	0.0
Forgery/Counter/Copyright	0	0.0	0	0.0
Fraud/Theft/Embezzlement	0	0.0	0	0.0
Immigration	1	0.1	0	0.0
Individual Rights	0	0.0	0	0.0
Kidnapping	7	0.4	0	0.0
Manslaughter	0	0.0	1	0.3
Money Laundering	18	1.0	0	0.0
Murder	25	1.4	0	0.0
National Defense	1	0.1	0	0.0
Obscenity/Other Sex Offenses	0	0.0	0	0.0
Prison Offenses	0	0.0	0	0.0
Robbery	170	9.8	5	1.6
Sexual Abuse	5	0.3	1	0.3
Stalking/Harassing	7	0.4	0	0.0
Tax	0	0.0	0	0.0
Other	0	0.0	0	0.0

[1] Of the 76,538 cases, the Commission received complete guideline application information for 70,537 cases. Of these, 1,737 offenders received the career offender adjustment and 315 received the armed career criminal adjustment. Descriptions of variables used in this table are provided in Appendix A. A description of Career Offender and Armed Career Criminal adjustments can be found in USSG §§4B1.1 and 4B1.4.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 27

SENTENCE LENGTH IN EACH CRIMINAL HISTORY CATEGORY BY TYPE OF CRIME[1]
Fiscal Year 2019

	TOTAL			CRIMINAL HISTORY CATEGORY I			II			III			IV			V			VI		
TYPE OF CRIME	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
TOTAL	**43**	**18**	**75,809**	**30**	**6**	**34,664**	**31**	**10**	**11,095**	**41**	**18**	**12,280**	**56**	**33**	**7,051**	**71**	**48**	**4,174**	**101**	**78**	**6,545**
Administration of Justice	12	8	694	9	6	417	14	8	69	14	12	82	13	12	48	19	20	35	32	30	43
Antitrust	6	4	20	6	4	19	--	--	1	--	--	0	--	--	0	--	--	0	--	--	0
Arson	76	60	68	73	44	34	58	51	10	90	60	10	60	60	5	--	--	2	114	72	7
Assault	65	36	766	39	20	303	50	33	105	69	42	137	101	71	86	90	63	41	121	100	94
Bribery/Corruption	22	12	340	22	12	301	24	16	19	21	18	12	--	--	2	--	--	1	27	24	5
Burglary/Trespass	16	14	63	13	9	29	13	11	9	16	15	7	22	18	9	20	23	4	28	27	5
Child Pornography	103	84	1,367	90	72	1,037	129	120	121	143	120	136	141	120	40	190	180	21	189	162	12
Commercialized Vice	24	20	90	14	12	44	15	15	8	37	23	18	30	24	11	41	32	4	45	40	5
Drug Possession	2	0	485	2	0	350	1	0	42	1	0	47	4	2	19	4	1	8	9	2	19
Drug Trafficking	76	60	19,811	51	36	8,931	72	60	2,417	83	66	2,890	96	84	1,767	109	93	1,118	130	120	2,688
Environmental	4	0	165	3	0	137	6	0	10	6	6	10	10	7	4	--	--	2	--	--	2
Extortion/Racketeering	32	27	182	21	12	96	27	18	17	40	36	25	38	34	16	67	62	10	56	48	18
Firearms	50	38	8,378	22	12	1,412	32	27	801	37	30	1,681	52	46	1,556	63	57	1,143	83	63	1,785
Food and Drug	9	0	48	8	0	43	1	0	4	--	--	0	--	--	0	--	--	0	--	--	1
Forgery/Counter/Copyright	15	12	276	8	6	107	7	8	27	16	12	45	17	18	27	25	27	25	27	26	45
Fraud/Theft/Embezzlement	22	12	6,212	18	7	4,366	23	12	537	26	18	564	34	26	268	35	27	181	40	36	296
Immigration	9	6	29,225	4	2	13,258	7	6	6,163	12	10	5,548	20	18	2,490	29	24	1,080	34	30	686
Individual Rights	31	6	64	30	3	59	29	7	4	--	--	1	--	--	0	--	--	0	--	--	0
Kidnapping	171	120	96	114	96	33	210	188	11	226	160	12	163	159	10	238	180	7	187	120	23
Manslaughter	70	60	74	50	36	29	92	72	12	71	59	22	70	61	4	--	--	2	109	110	5
Money Laundering	61	33	1,174	47	24	861	77	60	116	82	57	94	128	100	44	108	92	17	162	159	42
Murder	255	240	373	242	240	143	230	204	33	236	235	55	285	276	52	279	240	27	278	276	63
National Defense	43	24	188	25	18	155	47	48	8	38	51	3	--	--	1	--	--	0	179	180	21
Obscenity/Other Sex Offenses	20	18	389	18	12	43	15	12	57	16	15	94	20	21	84	24	24	49	27	30	62
Prison Offenses	11	8	621	6	1	29	10	2	11	6	4	165	11	8	128	13	12	118	15	15	170
Robbery	109	92	1,825	83	60	459	95	84	221	100	84	344	112	92	257	118	96	188	151	139	356
Sexual Abuse	205	180	1,165	201	180	750	165	120	129	194	180	115	218	188	59	287	296	64	272	263	48
Stalking/Harassing	29	24	222	22	15	103	22	18	27	32	30	36	42	37	30	37	38	8	47	44	18
Tax	16	12	547	13	8	444	26	17	38	27	21	41	29	26	8	41	41	8	35	39	8
Other	3	0	881	2	0	672	6	2	68	8	0	86	6	4	26	6	1	11	13	6	18

[1] Of the 76,538 cases, 729 cases were excluded due to missing Criminal History Category. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 28

LENGTH OF IMPRISONMENT BY CRIMINAL HISTORY CATEGORY AND TYPE OF CRIME[1]
Fiscal Year 2019

	TOTAL			CRIMINAL HISTORY CATEGORY I			II			III			IV			V			VI		
TYPE OF CRIME	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
TOTAL	**46**	**21**	**69,730**	**34**	**11**	**29,703**	**33**	**11**	**10,559**	**42**	**18**	**11,909**	**57**	**35**	**6,946**	**72**	**48**	**4,126**	**101**	**80**	**6,487**
Administration of Justice	16	12	501	13	12	261	19	11	50	16	15	72	14	12	44	21	24	32	32	30	42
Antitrust	6	4	17	5	4	16	--	--	1	--	--	0	--	--	0	--	--	0	--	--	0
Arson	78	60	66	77	53	32	58	51	10	90	60	10	60	60	5	--	--	2	114	72	7
Assault	74	42	676	49	26	236	55	36	94	75	46	127	102	72	85	90	63	41	122	100	93
Bribery/Corruption	29	18	250	29	18	218	31	28	14	24	18	10	--	--	2	--	--	1	27	24	5
Burglary/Trespass	18	15	55	16	12	21	13	11	9	16	15	7	21	18	9	20	23	4	28	27	5
Child Pornography	103	84	1,353	91	72	1,024	129	120	121	143	120	136	141	120	40	199	180	20	189	162	12
Commercialized Vice	28	21	75	18	15	32	17	18	7	41	26	16	30	24	11	41	32	4	45	40	5
Drug Possession	4	4	257	4	6	185	3	0	15	2	1	21	5	4	13	5	4	6	10	3	17
Drug Trafficking	79	60	19,085	55	37	8,375	74	60	2,325	84	68	2,845	97	84	1,752	110	95	1,111	131	120	2,677
Environmental	8	2	46	8	1	32	18	15	3	7	5	5	14	12	3	--	--	1	--	--	2
Extortion/Racketeering	38	33	150	29	23	68	31	20	14	42	37	24	38	34	16	67	62	10	55	47	18
Firearms	53	41	7,895	27	18	1,119	34	27	732	39	32	1,616	53	46	1,527	63	57	1,130	84	65	1,771
Food and Drug	32	24	13	30	24	12	--	--	0	--	--	0	--	--	0	--	--	0	--	--	1
Forgery/Counter/Copyright	18	14	212	10	7	64	8	9	21	18	18	40	21	18	20	26	29	24	28	30	43
Fraud/Theft/Embezzlement	28	21	4,602	26	16	3,002	29	24	424	31	24	474	36	28	249	37	28	170	41	36	283
Immigration	10	6	27,866	4	3	12,097	8	6	6,042	12	10	5,488	20	18	2,482	29	24	1,076	34	30	681
Individual Rights	52	27	37	51	27	33	39	12	3	--	--	1	--	--	0	--	--	0	--	--	0
Kidnapping	170	120	96	114	96	33	210	188	11	226	160	12	163	159	10	237	180	7	187	120	23
Manslaughter	73	63	71	55	37	26	92	72	12	70	59	22	70	61	4	--	--	2	109	110	5
Money Laundering	68	42	1,038	54	30	735	82	60	108	83	57	92	128	100	44	108	92	17	162	159	42
Murder	255	240	372	242	240	143	237	222	32	236	235	55	285	276	52	279	240	27	278	276	63
National Defense	48	27	167	28	24	135	47	48	8	--	--	2	--	--	1	--	--	0	179	180	21
Obscenity/Other Sex Offenses	20	18	371	20	12	35	15	12	55	17	16	89	20	21	83	24	24	48	28	30	61
Prison Offenses	11	8	600	10	4	15	12	4	9	6	4	165	11	8	126	13	12	117	16	15	168
Robbery	110	93	1,800	85	63	445	96	85	218	101	84	339	112	92	256	118	96	187	151	139	355
Sexual Abuse	206	180	1,158	202	180	746	167	120	127	194	180	115	218	184	59	287	296	64	278	264	47
Stalking/Harassing	31	24	203	25	18	86	22	18	27	33	30	35	44	37	29	37	38	8	47	44	18
Tax	23	18	351	20	15	262	32	26	30	29	24	37	29	26	8	46	51	7	40	41	7
Other	7	2	347	5	1	215	10	6	37	12	6	54	8	5	16	6	1	10	15	8	15

[1] Of the 76,538 cases, 5,888 with zero months of prison ordered were excluded. In addition, 920 cases were excluded due to one or both of the following reasons: missing Criminal History Category (588) or missing or indeterminable sentencing information (419). Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. The information in this table does not include conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE[1]
Fiscal Year 2019

	N	%
TOTAL CASES	**76,034**	**100.0**
SENTENCES UNDER THE GUIDELINES MANUAL	**56,995**	**75.0**
Within Guideline Range	39,078	51.4
Upward Departure[2]	364	0.5
Downward Departure		
§5K1.1 Substantial Assistance	7,272	9.6
§5K3.1 Early Disposition Program	7,119	9.4
Other Government Motion[3]	1,410	1.9
Non-Government Departure[4]	1,752	2.3
VARIANCES	**19,039**	**25.0**
Upward Variance[5]	1,431	1.9
Downward Variance		
Government Motion[6]	4,083	5.4
Non-Government Variance[7]	13,525	17.8

[1] Of the 76,538 cases, 504 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.

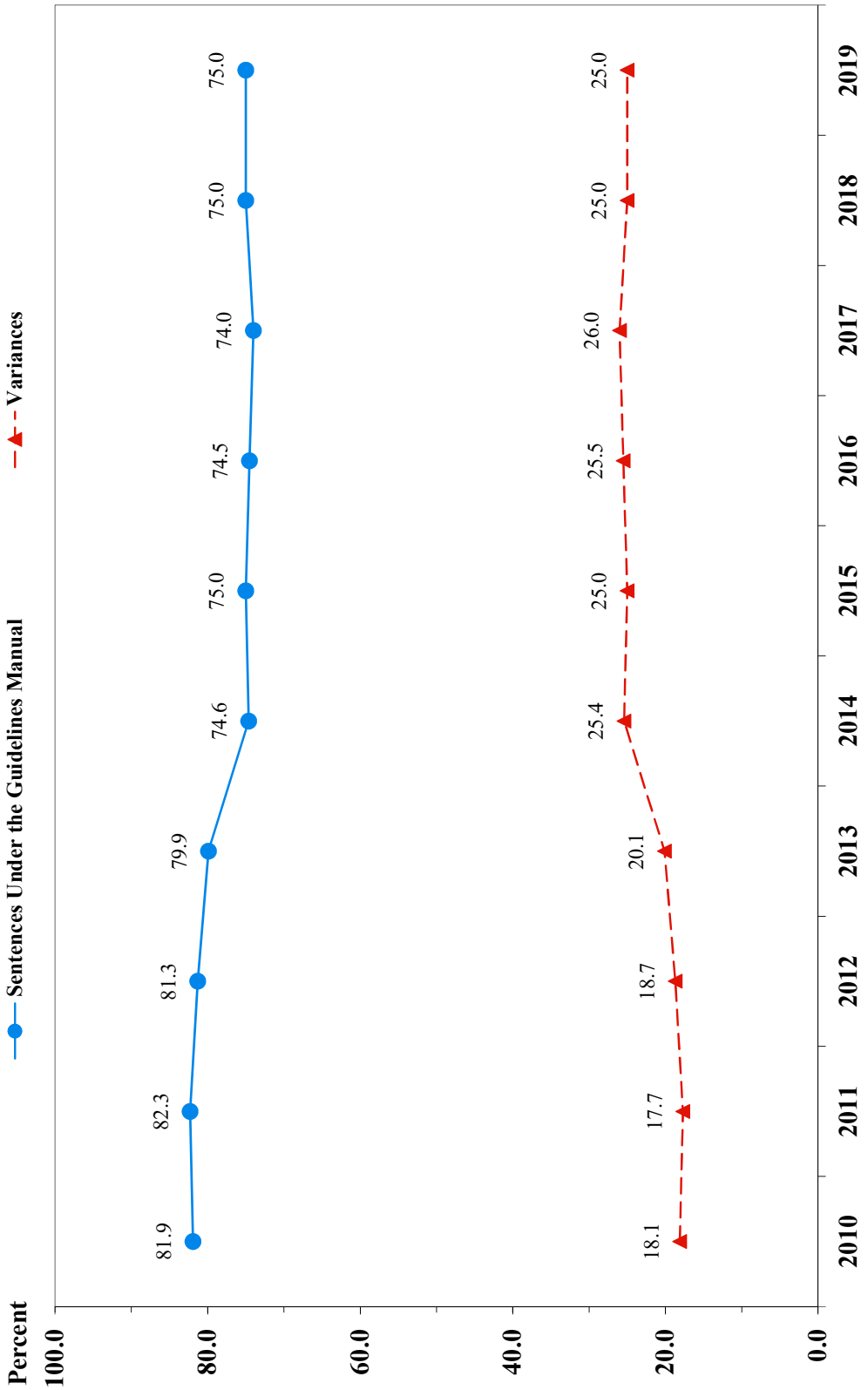
[6] Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

[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, 2019 Datafile, USSCFY19.

Figure 8

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME[1]
Fiscal Years 2010 - 2019

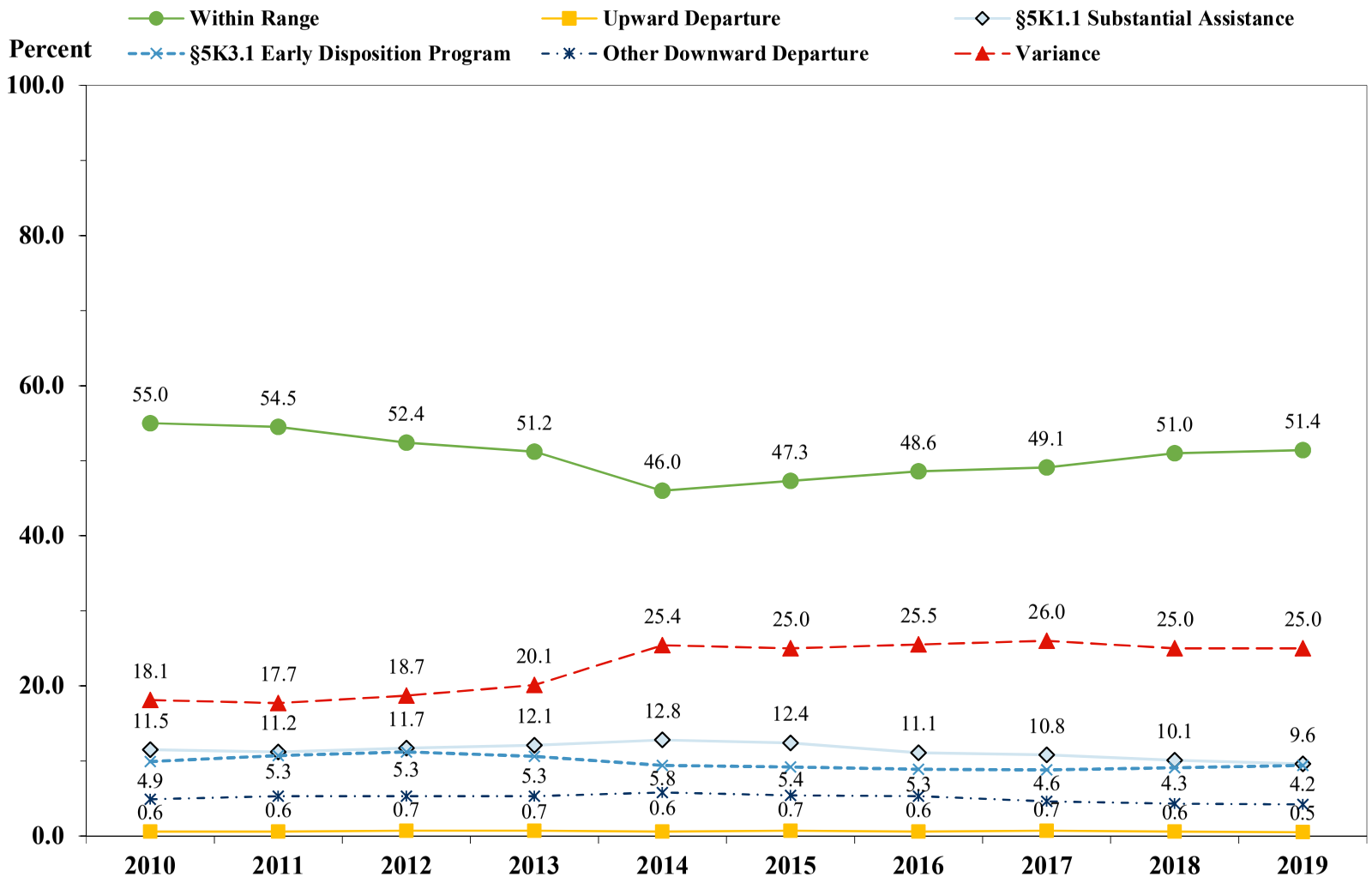


[1] Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Figure 9

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE OVER TIME[1]
Fiscal Years 2010 - 2019



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

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Table 30

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
District	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**76,034**	**39,078**	**51.4**	**364**	**0.5**	**7,272**	**9.6**	**7,119**	**9.4**	**3,162**	**4.2**	**19,039**	**25.0**
D.C. CIRCUIT	**330**	**139**	**42.1**	**3**	**0.9**	**32**	**9.7**	**2**	**0.6**	**35**	**10.6**	**119**	**36.1**
District of Columbia	**330**	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
FIRST CIRCUIT	**2,134**	**1,042**	**48.8**	**15**	**0.7**	**172**	**8.1**	**1**	**0.0**	**85**	**4.0**	**819**	**38.4**
Maine	**162**	58	35.8	2	1.2	25	15.4	0	0.0	6	3.7	71	43.8
Massachusetts	**476**	177	37.2	7	1.5	46	9.7	1	0.2	26	5.5	219	46.0
New Hampshire	**196**	72	36.7	0	0.0	29	14.8	0	0.0	7	3.6	88	44.9
Puerto Rico	**1,165**	708	60.8	6	0.5	59	5.1	0	0.0	46	3.9	346	29.7
Rhode Island	**135**	27	20.0	0	0.0	13	9.6	0	0.0	0	0.0	95	70.4
SECOND CIRCUIT	**3,549**	**1,119**	**31.5**	**10**	**0.3**	**627**	**17.7**	**9**	**0.3**	**150**	**4.2**	**1,634**	**46.0**
Connecticut	**349**	120	34.4	3	0.9	51	14.6	0	0.0	46	13.2	129	37.0
New York													
Eastern	**622**	166	26.7	2	0.3	114	18.3	0	0.0	60	9.6	280	45.0
Northern	**381**	216	56.7	2	0.5	56	14.7	1	0.3	8	2.1	98	25.7
Southern	**1,514**	377	24.9	0	0.0	241	15.9	8	0.5	28	1.8	860	56.8
Western	**518**	204	39.4	2	0.4	142	27.4	0	0.0	7	1.4	163	31.5
Vermont	**165**	36	21.8	1	0.6	23	13.9	0	0.0	1	0.6	104	63.0
THIRD CIRCUIT	**2,336**	**1,019**	**43.6**	**11**	**0.5**	**432**	**18.5**	**19**	**0.8**	**61**	**2.6**	**794**	**34.0**
Delaware	**122**	53	43.4	4	3.3	11	9.0	12	9.8	3	2.5	39	32.0
New Jersey	**615**	261	42.4	0	0.0	107	17.4	0	0.0	8	1.3	239	38.9
Pennsylvania													
Eastern	**627**	248	39.6	2	0.3	163	26.0	2	0.3	31	4.9	181	28.9
Middle	**505**	257	50.9	1	0.2	97	19.2	5	1.0	15	3.0	130	25.7
Western	**382**	150	39.3	3	0.8	49	12.8	0	0.0	3	0.8	177	46.3
Virgin Islands	**85**	50	58.8	1	1.2	5	5.9	0	0.0	1	1.2	28	32.9
FOURTH CIRCUIT	**5,691**	**3,209**	**56.4**	**47**	**0.8**	**700**	**12.3**	**3**	**0.1**	**176**	**3.1**	**1,556**	**27.3**
Maryland	**759**	263	34.7	8	1.1	137	18.1	0	0.0	52	6.9	299	39.4
North Carolina													
Eastern	**822**	501	60.9	14	1.7	161	19.6	1	0.1	10	1.2	135	16.4
Middle	**490**	267	54.5	5	1.0	59	12.0	0	0.0	6	1.2	153	31.2
Western	**538**	317	58.9	2	0.4	102	19.0	0	0.0	6	1.1	111	20.6
South Carolina	**1,049**	587	56.0	8	0.8	128	12.2	0	0.0	38	3.6	288	27.5
Virginia													
Eastern	**1,200**	782	65.2	7	0.6	54	4.5	0	0.0	41	3.4	316	26.3
Western	**241**	124	51.5	1	0.4	27	11.2	2	0.8	14	5.8	73	30.3
West Virginia													
Northern	**280**	182	65.0	0	0.0	26	9.3	0	0.0	4	1.4	68	24.3
Southern	**312**	186	59.6	2	0.6	6	1.9	0	0.0	5	1.6	113	36.2

Table 30 (cont.)

CIRCUIT		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
District	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	**21,294**	**14,911**	**70.0**	**125**	**0.6**	**1,124**	**5.3**	**716**	**3.4**	**1,208**	**5.7**	**3,210**	**15.1**
Louisiana													
Eastern	**288**	169	58.7	2	0.7	44	15.3	0	0.0	6	2.1	67	23.3
Middle	**182**	95	52.2	2	1.1	40	22.0	1	0.5	1	0.5	43	23.6
Western	**372**	266	71.5	4	1.1	36	9.7	0	0.0	3	0.8	63	16.9
Mississippi													
Northern	**185**	69	37.3	1	0.5	50	27.0	0	0.0	4	2.2	61	33.0
Southern	**453**	330	72.8	2	0.4	46	10.2	8	1.8	3	0.7	64	14.1
Texas													
Eastern	**724**	517	71.4	3	0.4	24	3.3	1	0.1	10	1.4	169	23.3
Northern	**1,556**	971	62.4	16	1.0	184	11.8	0	0.0	31	2.0	354	22.8
Southern	**7,809**	4,587	58.7	88	1.1	422	5.4	489	6.3	897	11.5	1,326	17.0
Western	**9,725**	7,907	81.3	7	0.1	278	2.9	217	2.2	253	2.6	1,063	10.9
SIXTH CIRCUIT	**5,297**	**2,444**	**46.1**	**13**	**0.2**	**1,055**	**19.9**	**10**	**0.2**	**198**	**3.7**	**1,577**	**29.8**
Kentucky													
Eastern	**557**	318	57.1	0	0.0	91	16.3	0	0.0	9	1.6	139	25.0
Western	**348**	161	46.3	3	0.9	87	25.0	2	0.6	12	3.4	83	23.9
Michigan													
Eastern	**879**	376	42.8	1	0.1	116	13.2	1	0.1	26	3.0	359	40.8
Western	**392**	201	51.3	2	0.5	68	17.3	0	0.0	4	1.0	117	29.8
Ohio													
Northern	**900**	447	49.7	4	0.4	190	21.1	0	0.0	24	2.7	235	26.1
Southern	**561**	164	29.2	1	0.2	133	23.7	5	0.9	89	15.9	169	30.1
Tennessee													
Eastern	**743**	388	52.2	2	0.3	210	28.3	0	0.0	14	1.9	129	17.4
Middle	**315**	89	28.3	0	0.0	71	22.5	0	0.0	15	4.8	140	44.4
Western	**602**	300	49.8	0	0.0	89	14.8	2	0.3	5	0.8	206	34.2
SEVENTH CIRCUIT	**2,448**	**899**	**36.7**	**5**	**0.2**	**243**	**9.9**	**2**	**0.1**	**127**	**5.2**	**1,172**	**47.9**
Illinois													
Central	**225**	81	36.0	0	0.0	32	14.2	0	0.0	7	3.1	105	46.7
Northern	**655**	192	29.3	2	0.3	46	7.0	2	0.3	50	7.6	363	55.4
Southern	**285**	146	51.2	2	0.7	35	12.3	0	0.0	2	0.7	100	35.1
Indiana													
Northern	**356**	148	41.6	0	0.0	44	12.4	0	0.0	19	5.3	145	40.7
Southern	**472**	219	46.4	0	0.0	51	10.8	0	0.0	5	1.1	197	41.7
Wisconsin													
Eastern	**267**	41	15.4	0	0.0	29	10.9	0	0.0	2	0.7	195	73.0
Western	**188**	72	38.3	1	0.5	6	3.2	0	0.0	42	22.3	67	35.6
EIGHTH CIRCUIT	**5,423**	**2,437**	**44.9**	**35**	**0.6**	**674**	**12.4**	**73**	**1.3**	**116**	**2.1**	**2,088**	**38.5**
Arkansas													
Eastern	**552**	334	60.5	3	0.5	42	7.6	0	0.0	12	2.2	161	29.2
Western	**258**	128	49.6	0	0.0	39	15.1	2	0.8	3	1.2	86	33.3
Iowa													
Northern	**415**	217	52.3	11	2.7	89	21.4	0	0.0	6	1.4	92	22.2
Southern	**493**	196	39.8	1	0.2	73	14.8	0	0.0	5	1.0	218	44.2
Minnesota	**380**	116	30.5	2	0.5	71	18.7	2	0.5	17	4.5	172	45.3
Missouri													
Eastern	**1,190**	465	39.1	4	0.3	87	7.3	0	0.0	9	0.8	625	52.5
Western	**772**	297	38.5	2	0.3	115	14.9	0	0.0	29	3.8	329	42.6
Nebraska	**527**	266	50.5	1	0.2	18	3.4	57	10.8	5	0.9	180	34.2
North Dakota	**328**	100	30.5	0	0.0	130	39.6	10	3.0	4	1.2	84	25.6
South Dakota	**508**	318	62.6	11	2.2	10	2.0	2	0.4	26	5.1	141	27.8

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE N	WITHIN GUIDELINE RANGE %	DEPARTURE UPWARD N	DEPARTURE UPWARD %	DEPARTURE §5K1.1 N	DEPARTURE §5K1.1 %	DEPARTURE §5K3.1 N	DEPARTURE §5K3.1 %	DEPARTURE DOWNWARD N	DEPARTURE DOWNWARD %	VARIANCE N	VARIANCE %
NINTH CIRCUIT	**14,689**	**4,552**	**31.0**	**53**	**0.4**	**1,098**	**7.5**	**5,358**	**36.5**	**581**	**4.0**	**3,047**	**20.7**
Alaska	**193**	56	29.0	2	1.0	25	13.0	0	0.0	4	2.1	106	54.9
Arizona	**5,529**	1,951	35.3	33	0.6	130	2.4	2,735	49.5	88	1.6	592	10.7
California													
Central	**1,138**	386	33.9	1	0.1	147	12.9	94	8.3	87	7.6	423	37.2
Eastern	**510**	228	44.7	1	0.2	80	15.7	21	4.1	17	3.3	163	32.0
Northern	**483**	146	30.2	0	0.0	60	12.4	9	1.9	15	3.1	253	52.4
Southern	**4,087**	746	18.3	8	0.2	235	5.7	2,426	59.4	295	7.2	377	9.2
Guam	**49**	30	61.2	0	0.0	12	24.5	0	0.0	2	4.1	5	10.2
Hawaii	**154**	59	38.3	0	0.0	36	23.4	0	0.0	1	0.6	58	37.7
Idaho	**372**	151	40.6	1	0.3	82	22.0	24	6.5	19	5.1	95	25.5
Montana	**384**	139	36.2	2	0.5	99	25.8	1	0.3	4	1.0	139	36.2
Nevada	**482**	190	39.4	2	0.4	39	8.1	2	0.4	14	2.9	235	48.8
Northern Mariana Islands	**11**	8	72.7	0	0.0	1	9.1	0	0.0	0	0.0	2	18.2
Oregon	**473**	118	24.9	2	0.4	70	14.8	0	0.0	25	5.3	258	54.5
Washington													
Eastern	**358**	153	42.7	0	0.0	64	17.9	14	3.9	4	1.1	123	34.4
Western	**466**	191	41.0	1	0.2	18	3.9	32	6.9	6	1.3	218	46.8
TENTH CIRCUIT	**6,478**	**3,731**	**57.6**	**35**	**0.5**	**368**	**5.7**	**895**	**13.8**	**355**	**5.5**	**1,094**	**16.9**
Colorado	**523**	186	35.6	1	0.2	99	18.9	76	14.5	13	2.5	148	28.3
Kansas	**451**	192	42.6	5	1.1	84	18.6	2	0.4	5	1.1	163	36.1
New Mexico	**3,948**	2,736	69.3	7	0.2	56	1.4	690	17.5	183	4.6	276	7.0
Oklahoma													
Eastern	**100**	60	60.0	1	1.0	18	18.0	0	0.0	0	0.0	21	21.0
Northern	**215**	88	40.9	10	4.7	30	14.0	0	0.0	34	15.8	53	24.7
Western	**407**	227	55.8	0	0.0	24	5.9	4	1.0	3	0.7	149	36.6
Utah	**656**	187	28.5	9	1.4	39	5.9	110	16.8	101	15.4	210	32.0
Wyoming	**178**	55	30.9	2	1.1	18	10.1	13	7.3	16	9.0	74	41.6
ELEVENTH CIRCUIT	**6,365**	**3,576**	**56.2**	**12**	**0.2**	**747**	**11.7**	**31**	**0.5**	**70**	**1.1**	**1,929**	**30.3**
Alabama													
Middle	**260**	145	55.8	0	0.0	43	16.5	2	0.8	5	1.9	65	25.0
Northern	**542**	317	58.5	2	0.4	100	18.5	1	0.2	5	0.9	117	21.6
Southern	**376**	267	71.0	0	0.0	42	11.2	2	0.5	3	0.8	62	16.5
Florida													
Middle	**1,594**	772	48.4	4	0.3	265	16.6	20	1.3	15	0.9	518	32.5
Northern	**302**	144	47.7	2	0.7	54	17.9	6	2.0	3	1.0	93	30.8
Southern	**1,903**	1,128	59.3	1	0.1	106	5.6	0	0.0	14	0.7	654	34.4
Georgia													
Middle	**407**	280	68.8	1	0.2	39	9.6	0	0.0	7	1.7	80	19.7
Northern	**507**	176	34.7	2	0.4	30	5.9	0	0.0	17	3.4	282	55.6
Southern	**474**	347	73.2	0	0.0	68	14.3	0	0.0	1	0.2	58	12.2

[1] Of the 76,538 cases, 504 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, 2019 Datafile, USSCFY19.

Table 31

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY TYPE OF CRIME[1]
Fiscal Year 2019

		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
TYPE OF CRIME	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**76,034**	**39,078**	**51.4**	**364**	**0.5**	**7,272**	**9.6**	**7,119**	**9.4**	**3,162**	**4.2**	**19,039**	**25.0**
Administration of Justice	**695**	357	51.4	12	1.7	36	5.2	6	0.9	43	6.2	241	34.7
Antitrust	**20**	2	10.0	0	0.0	15	75.0	0	0.0	0	0.0	3	15.0
Arson	**68**	35	51.5	2	2.9	9	13.2	0	0.0	2	2.9	20	29.4
Assault	**768**	380	49.5	18	2.3	39	5.1	1	0.1	55	7.2	275	35.8
Bribery/Corruption	**341**	63	18.5	0	0.0	118	34.6	0	0.0	27	7.9	133	39.0
Burglary/Trespass	**64**	40	62.5	1	1.6	1	1.6	0	0.0	2	3.1	20	31.3
Child Pornography	**1,368**	413	30.2	10	0.7	30	2.2	0	0.0	95	6.9	820	59.9
Commercialized Vice	**90**	32	35.6	1	1.1	9	10.0	0	0.0	7	7.8	41	45.6
Drug Possession	**490**	445	90.8	2	0.4	2	0.4	0	0.0	3	0.6	38	7.8
Drug Trafficking	**19,813**	6,734	34.0	64	0.3	4,460	22.5	1,224	6.2	846	4.3	6,485	32.7
Environmental	**173**	82	47.4	0	0.0	10	5.8	0	0.0	14	8.1	67	38.7
Extortion/Racketeering	**183**	88	48.1	2	1.1	21	11.5	0	0.0	9	4.9	63	34.4
Firearms	**8,474**	4,618	54.5	56	0.7	563	6.6	8	0.1	305	3.6	2,924	34.5
Food and Drug	**48**	34	70.8	1	2.1	0	0.0	0	0.0	1	2.1	12	25.0
Forgery/Counter/Copyright	**276**	135	48.9	1	0.4	29	10.5	0	0.0	11	4.0	100	36.2
Fraud/Theft/Embezzlement	**6,273**	2,991	47.7	19	0.3	830	13.2	17	0.3	205	3.3	2,211	35.2
Immigration	**29,239**	19,193	65.6	103	0.4	205	0.7	5,852	20.0	1,141	3.9	2,745	9.4
Individual Rights	**64**	34	53.1	0	0.0	7	10.9	0	0.0	3	4.7	20	31.3
Kidnapping	**96**	30	31.3	2	2.1	18	18.8	0	0.0	9	9.4	37	38.5
Manslaughter	**74**	39	52.7	7	9.5	0	0.0	0	0.0	5	6.8	23	31.1
Money Laundering	**1,174**	289	24.6	4	0.3	333	28.4	7	0.6	67	5.7	474	40.4
Murder	**373**	143	38.3	4	1.1	87	23.3	0	0.0	33	8.8	106	28.4
National Defense	**193**	54	28.0	0	0.0	40	20.7	0	0.0	23	11.9	76	39.4
Obscenity/Other Sex Offenses	**392**	235	59.9	3	0.8	0	0.0	1	0.3	12	3.1	141	36.0
Prison Offenses	**610**	402	65.9	3	0.5	11	1.8	3	0.5	30	4.9	161	26.4
Robbery	**1,825**	711	39.0	29	1.6	262	14.4	0	0.0	100	5.5	723	39.6
Sexual Abuse	**1,165**	458	39.3	14	1.2	58	5.0	0	0.0	77	6.6	558	47.9
Stalking/Harassing	**223**	113	50.7	4	1.8	2	0.9	0	0.0	15	6.7	89	39.9
Tax	**547**	139	25.4	0	0.0	69	12.6	0	0.0	16	2.9	323	59.0
Other	**915**	789	86.2	2	0.2	8	0.9	0	0.0	6	0.7	110	12.0

[1] Of the 76,538 cases, 504 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, 2019 Datafile, USSCFY19.

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE[1]
Fiscal Year 2019

		Within Guideline	Departure				
Guideline	**Total**	**Range**	**Up**	**§5K1.1**	**§5K3.1**	**Down**	**Variance**
§2A1.1	**260**	99	0	70	0	18	73
§2A1.2	**45**	16	4	5	0	4	16
§2A1.3	**27**	15	3	0	0	2	7
§2A1.4	**47**	24	4	0	0	3	16
§2A1.5	**46**	20	0	4	0	8	14
§2A2.1	**169**	72	1	26	0	5	65
§2A2.2	**413**	185	15	10	1	39	163
§2A2.3	**111**	79	1	0	0	4	27
§2A2.4	**206**	113	4	2	4	17	66
§2A3.1	**137**	60	2	3	0	17	55
§2A3.2	**40**	26	2	0	0	1	11
§2A3.3	**6**	3	2	1	0	0	0
§2A3.4	**44**	24	1	0	0	3	16
§2A3.5	**360**	222	2	0	1	12	123
§2A4.1	**93**	29	2	18	0	9	35
§2A4.2	**1**	1	0	0	0	0	0
§2A5.1	**0**	0	0	0	0	0	0
§2A5.2	**27**	16	1	0	0	2	8
§2A5.3	**0**	0	0	0	0	0	0
§2A6.1	**137**	73	1	2	0	7	54
§2A6.2	**80**	38	3	0	0	7	32
§2B1.1	**5,706**	2,503	19	819	10	198	2,157
§2B1.2	**0**	0	0	0	0	0	0
§2B1.3	**0**	0	0	0	0	0	0
§2B1.4	**35**	0	0	7	0	2	26
§2B1.5	**12**	4	0	0	0	0	8
§2B1.6[2]	**138**	134	0	4	0	0	0
§2B2.1	**48**	27	1	1	0	2	17
§2B2.2	**0**	0	0	0	0	0	0
§2B2.3	**9**	7	0	0	0	0	2
§2B3.1	**1,805**	707	29	258	0	99	712
§2B3.2	**45**	22	1	5	0	0	17
§2B3.3	**11**	7	0	0	0	0	4
§2B4.1	**78**	14	0	32	0	1	31
§2B5.1	**229**	123	1	21	0	5	79
§2B5.2	**0**	0	0	0	0	0	0
§2B5.3	**47**	12	0	8	0	6	21
§2B5.4	**0**	0	0	0	0	0	0
§2B6.1	**1**	0	0	0	0	0	1
§2C1.1	**245**	40	0	86	0	25	94
§2C1.2	**7**	3	0	0	0	1	3
§2C1.3	**7**	5	0	0	0	0	2
§2C1.4	**0**	0	0	0	0	0	0
§2C1.5	**0**	0	0	0	0	0	0
§2C1.6	**0**	0	0	0	0	0	0
§2C1.7	**0**	0	0	0	0	0	0
§2C1.8	**2**	0	0	0	0	0	2
§2D1.1	**19,460**	6,574	63	4,403	1,220	821	6,379
§2D1.2	**281**	145	1	48	0	16	71
§2D1.3	**0**	0	0	0	0	0	0
§2D1.4	**0**	0	0	0	0	0	0
§2D1.5	**2**	0	0	2	0	0	0
§2D1.6	**0**	0	0	0	0	0	0
§2D1.7	**1**	1	0	0	0	0	0

		Within Guideline	Departure				
Guideline	**Total**	**Range**	**Up**	**§5K1.1**	**§5K3.1**	**Down**	**Variance**
§2D1.8	**12**	4	0	3	0	0	5
§2D1.9	**0**	0	0	0	0	0	0
§2D1.10	**7**	0	0	1	0	0	6
§2D1.11	**27**	0	0	6	0	0	21
§2D1.12	**0**	0	0	0	0	0	0
§2D1.13	**3**	3	0	0	0	0	0
§2D1.14	**0**	0	0	0	0	0	0
§2D2.1	**172**	149	2	2	0	2	17
§2D2.2	**111**	94	0	1	0	1	15
§2D2.3	**0**	0	0	0	0	0	0
§2D3.1	**5**	5	0	0	0	0	0
§2D3.2	**0**	0	0	0	0	0	0
§2D3.3	**0**	0	0	0	0	0	0
§2D3.4	**0**	0	0	0	0	0	0
§2D3.5	**0**	0	0	0	0	0	0
§2E1.1	**62**	30	1	7	0	6	18
§2E1.2	**1**	0	0	0	0	0	1
§2E1.3	**1**	0	0	0	0	0	1
§2E1.4	**6**	4	0	1	0	0	1
§2E1.5	**0**	0	0	0	0	0	0
§2E2.1	**16**	4	0	1	0	3	8
§2E3.1	**29**	10	0	1	0	4	14
§2E3.2	**0**	0	0	0	0	0	0
§2E3.3	**0**	0	0	0	0	0	0
§2E4.1	**25**	9	0	5	0	0	11
§2E5.1	**7**	4	0	2	0	0	1
§2E5.2	**0**	0	0	0	0	0	0
§2E5.3	**1**	1	0	0	0	0	0
§2E5.4	**0**	0	0	0	0	0	0
§2E5.5	**0**	0	0	0	0	0	0
§2E5.6	**0**	0	0	0	0	0	0
§2F1.1	**2**	0	0	0	0	1	1
§2F1.2	**0**	0	0	0	0	0	0
§2G1.1	**82**	28	1	9	0	6	38
§2G1.2	**0**	0	0	0	0	0	0
§2G1.3	**375**	174	5	34	0	13	149
§2G2.1	**521**	161	2	17	0	39	302
§2G2.2	**1,363**	411	10	29	0	94	819
§2G2.3	**0**	0	0	0	0	0	0
§2G2.4	**0**	0	0	0	0	0	0
§2G2.5	**0**	0	0	0	0	0	0
§2G2.6	**18**	2	0	2	0	0	14
§2G3.1	**25**	8	1	0	0	0	16
§2G3.2	**1**	0	0	0	0	0	1
§2H1.1	**26**	7	0	5	0	3	11
§2H1.2	**0**	0	0	0	0	0	0
§2H1.3	**0**	0	0	0	0	0	0
§2H1.4	**0**	0	0	0	0	0	0
§2H1.5	**0**	0	0	0	0	0	0
§2H2.1	**17**	15	0	0	0	0	2
§2H3.1	**7**	5	0	1	0	0	1
§2H3.2	**0**	0	0	0	0	0	0
§2H3.3	**3**	3	0	0	0	0	0
§2H4.1	**7**	1	0	1	0	0	5

Table 32 (cont.)

Guideline	Total	Within Guideline Range	Departure Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	**0**	0	0	0	0	0	0
§2J1.1	**0**	0	0	0	0	0	0
§2J1.2	**131**	29	3	16	1	11	71
§2J1.3	**21**	10	0	0	0	3	8
§2J1.4	**13**	12	0	0	0	0	1
§2J1.5	**0**	0	0	0	0	0	0
§2J1.6	**34**	21	0	0	0	2	11
§2J1.7	**0**	0	0	0	0	0	0
§2J1.8	**0**	0	0	0	0	0	0
§2J1.9	**0**	0	0	0	0	0	0
§2K1.1	**1**	1	0	0	0	0	0
§2K1.2	**0**	0	0	0	0	0	0
§2K1.3	**27**	5	0	6	0	4	12
§2K1.4	**66**	34	2	9	0	2	19
§2K1.5	**0**	0	0	0	0	0	0
§2K1.6	**0**	0	0	0	0	0	0
§2K1.7	**0**	0	0	0	0	0	0
§2K2.1	**7,952**	4,247	48	511	8	296	2,842
§2K2.2	**0**	0	0	0	0	0	0
§2K2.3	**0**	0	0	0	0	0	0
§2K2.4[3]	**413**	327	8	39	0	0	39
§2K2.5	**17**	14	0	0	0	0	3
§2K2.6	**0**	0	0	0	0	0	0
§2K3.1	**0**	0	0	0	0	0	0
§2K3.2	**0**	0	0	0	0	0	0
§2L1.1	**3,487**	1,412	4	151	1,208	90	622
§2L1.2	**22,071**	15,191	96	29	3,990	977	1,788
§2L1.3	**0**	0	0	0	0	0	0
§2L2.1	**104**	51	0	18	0	5	30
§2L2.2	**961**	697	2	3	54	31	174
§2L2.3	**0**	0	0	0	0	0	0
§2L2.4	**0**	0	0	0	0	0	0
§2L2.5	**0**	0	0	0	0	0	0
§2M1.1	**0**	0	0	0	0	0	0
§2M2.1	**0**	0	0	0	0	0	0
§2M2.2	**0**	0	0	0	0	0	0
§2M2.3	**0**	0	0	0	0	0	0
§2M2.4	**0**	0	0	0	0	0	0
§2M3.1	**2**	0	0	1	0	0	1
§2M3.2	**0**	0	0	0	0	0	0
§2M3.3	**2**	2	0	0	0	0	0
§2M3.4	**0**	0	0	0	0	0	0
§2M3.5	**0**	0	0	0	0	0	0
§2M3.6	**0**	0	0	0	0	0	0
§2M3.7	**0**	0	0	0	0	0	0
§2M3.8	**0**	0	0	0	0	0	0
§2M3.9	**0**	0	0	0	0	0	0
§2M4.1	**0**	0	0	0	0	0	0
§2M5.1	**14**	3	0	6	0	1	4
§2M5.2	**141**	31	0	31	0	19	60
§2M5.3	**17**	4	0	2	0	3	8
§2M6.1	**6**	3	0	0	0	0	3
§2M6.2	**0**	0	0	0	0	0	0
§2N1.1	**11**	0	1	0	0	1	9
§2N1.2	**0**	0	0	0	0	0	0
§2N1.3	**1**	1	0	0	0	0	0
§2N2.1	**28**	27	0	0	0	0	1
§2N3.1	**0**	0	0	0	0	0	0
§2P1.1	**298**	196	3	5	3	16	75
§2P1.2	**238**	158	0	6	0	11	63
§2P1.3	**0**	0	0	0	0	0	0
§2P1.4	**0**	0	0	0	0	0	0
§2Q1.1	**0**	0	0	0	0	0	0
§2Q1.2	**31**	11	0	1	0	6	13
§2Q1.3	**20**	6	0	4	0	4	6
§2Q1.4	**0**	0	0	0	0	0	0
§2Q1.5	**0**	0	0	0	0	0	0
§2Q1.6	**0**	0	0	0	0	0	0
§2Q2.1	**82**	40	0	4	0	2	36
§2Q2.2	**0**	0	0	0	0	0	0
§2R1.1	**20**	2	0	15	0	0	3
§2S1.1	**990**	211	3	324	4	44	404
§2S1.2	**0**	0	0	0	0	0	0
§2S1.3	**177**	72	1	9	3	23	69
§2S1.4	**0**	0	0	0	0	0	0
§2T1.1	**328**	86	0	41	0	6	195
§2T1.2	**0**	0	0	0	0	0	0
§2T1.3	**0**	0	0	0	0	0	0
§2T1.4	**166**	36	0	25	0	7	98
§2T1.5	**0**	0	0	0	0	0	0
§2T1.6	**40**	10	0	2	0	2	26
§2T1.7	**0**	0	0	0	0	0	0
§2T1.8	**1**	1	0	0	0	0	0
§2T1.9	**2**	1	0	1	0	0	0
§2T2.1	**3**	1	0	0	0	1	1
§2T2.2	**2**	2	0	0	0	0	0
§2T3.1	**3**	2	0	0	0	0	1
§2T3.2	**0**	0	0	0	0	0	0
§2T4.1	**0**	0	0	0	0	0	0
§2X1.1	**16**	9	0	0	0	0	7
§2X2.1	**0**	0	0	0	0	0	0
§2X3.1	**88**	28	3	17	0	6	34
§2X4.1	**268**	162	4	18	1	8	75
§2X5.1	**0**	0	0	0	0	0	0
§2X5.2	**214**	169	0	0	0	0	45
§2X6.1	**1**	1	0	0	0	0	0
§2X7.1	**1**	0	0	0	0	0	1
§2X7.2	**0**	0	0	0	0	0	0
TOTAL	**71,859**	**35,901**	**363**	**7,257**	**6,508**	**3,087**	**18,743**

[1] Of the 76,538 cases, 4,679 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 (504) or missing guideline applied (4,652). Descriptions of variables used in this table are provided in Appendix A.

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

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE[1]
Fiscal Year 2019

						Pursuant to a Plea Agreement					
	TOTAL CASES	§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	**36,956**	**7,297**	**19.7**	**7,304**	**19.8**	**5,588**	**15.1**	**8,341**	**22.6**	**821**	**2.2**
Departures	**17,917**	**7,272**	**40.6**	**7,280**	**40.6**	**4,165**	**23.2**	**7,105**	**39.7**	**662**	**3.7**
Upward Departure	**364**	0	0.0	0	0.0	92	25.3	39	10.7	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	**7,272**	7,272	100.0	161	2.2	300	4.1	2,027	27.9	38	0.5
§5K3.1 Early Disposition Program	**7,119**	0	0.0	7,119	100.0	3,198	44.9	4,432	62.3	598	8.4
Other Government Motion	**1,410**	0	0.0	0	0.0	575	40.8	607	43.0	25	1.8
Non-Government Departure	**1,752**	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	**19,039**	**25**	**0.1**	**24**	**0.1**	**1,423**	**7.5**	**1,236**	**6.5**	**159**	**0.8**
Upward Variance	**1,431**	25	1.7	24	1.7	197	13.8	138	9.6	1	0.1
Downward Variance											
Government Motion	**4,083**	0	0.0	0	0.0	1,226	30.0	1,098	26.9	158	3.9
Non-Government Variance	**13,525**	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**5,387**	**14.6**	**6,068**	**16.4**	**7,353**	**19.9**	**1,518**	**4.1**	**5,247**	**14.2**	**2,617**	**7.1**
Departures	**4,678**	**26.1**	**2,234**	**12.5**	**1,780**	**9.9**	**646**	**3.6**	**1,558**	**8.7**	**230**	**1.3**
Upward Departure	116	31.9	0	0.0	3	0.8	8	2.2	108	29.7	26	7.1
Downward Departure												
§5K1.1 Substantial Assistance	4,236	58.3	756	10.4	660	9.1	381	5.2	695	0.0	0	0.0
§5K3.1 Early Disposition Program	187	2.6	479	6.7	685	9.6	130	1.8	297	4.2	0	0.0
Other Government Motion	139	9.9	100	7.1	66	4.7	127	9.0	64	4.5	30	2.1
Non-Government Departure	0	0.0	899	51.3	366	20.9	0	0.0	394	22.5	174	9.9
Variances	**709**	**3.7**	**3,834**	**20.1**	**5,573**	**29.3**	**872**	**4.6**	**3,689**	**19.4**	**2,387**	**12.5**
Upward Variance	239	16.7	7	0.5	5	0.3	25	1.7	592	41.4	263	18.4
Downward Variance												
Government Motion	470	11.5	387	9.5	155	3.8	847	20.7	186	4.6	156	3.8
Non-Government Variance	0	0.0	3,440	25.4	5,413	40.0	0	0.0	2,911	21.5	1,968	14.6

[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, 15,714 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 34

POSITION OF WITHIN GUIDELINE RANGE SENTENCES BY TYPE OF CRIME[1] Fiscal Year 2019

		Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
TYPE OF CRIME	**TOTAL**	N	%	N	%	N	%	N	%	N	%
TOTAL	**35,711**	**13,311**	**37.3**	**10,452**	**29.3**	**3,753**	**10.5**	**4,614**	**12.9**	**3,581**	**10.0**
Administration of Justice	**326**	163	50.0	49	15.0	41	12.6	24	7.4	49	15.0
Antitrust	**2**	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Arson	**22**	14	63.6	2	9.1	2	9.1	3	13.6	1	4.5
Assault	**334**	142	42.5	63	18.9	34	10.2	30	9.0	65	19.5
Bribery/Corruption	**56**	40	71.4	4	7.1	2	3.6	4	7.1	6	10.7
Burglary/Trespass	**38**	19	50.0	9	23.7	4	10.5	3	7.9	3	7.9
Child Pornography	**320**	172	53.8	52	16.3	23	7.2	36	11.3	37	11.6
Commercialized Vice	**31**	14	45.2	3	9.7	4	12.9	1	3.2	9	29.0
Drug Possession	**424**	213	50.2	95	22.4	21	5.0	52	12.3	43	10.1
Drug Trafficking	**5,832**	3,607	61.8	829	14.2	437	7.5	383	6.6	576	9.9
Environmental	**78**	64	82.1	10	12.8	2	2.6	0	0.0	2	2.6
Extortion/Racketeering	**85**	48	56.5	13	15.3	10	11.8	5	5.9	9	10.6
Firearms	**4,122**	1,961	47.6	586	14.2	470	11.4	372	9.0	733	17.8
Food and Drug	**34**	31	91.2	0	0.0	0	0.0	2	5.9	1	2.9
Forgery/Counter/Copyright	**124**	57	46.0	25	20.2	10	8.1	6	4.8	26	21.0
Fraud/Theft/Embezzlement	**2,749**	1,497	54.5	503	18.3	284	10.3	184	6.7	281	10.2
Immigration	**18,149**	3,712	20.5	7,615	42.0	2,198	12.1	3,284	18.1	1,340	7.4
Individual Rights	**31**	20	64.5	8	25.8	0	0.0	1	3.2	2	6.5
Kidnapping	**12**	5	41.7	3	25.0	1	8.3	0	0.0	3	25.0
Manslaughter	**36**	12	33.3	5	13.9	5	13.9	5	13.9	9	25.0
Money Laundering	**268**	170	63.4	30	11.2	21	7.8	18	6.7	29	10.8
Murder	**46**	17	37.0	16	34.8	0	0.0	8	17.4	5	10.9
National Defense	**41**	24	58.5	8	19.5	4	9.8	2	4.9	3	7.3
Obscenity/Other Sex Offenses	**230**	113	49.1	26	11.3	33	14.3	8	3.5	50	21.7
Prison Offenses	**388**	155	39.9	121	31.2	38	9.8	30	7.7	44	11.3
Robbery	**700**	317	45.3	115	16.4	44	6.3	89	12.7	135	19.3
Sexual Abuse	**286**	112	39.2	61	21.3	29	10.1	34	11.9	50	17.5
Stalking/Harassing	**100**	45	45.0	13	13.0	14	14.0	5	5.0	23	23.0
Tax	**127**	77	60.6	21	16.5	10	7.9	9	7.1	10	7.9
Other	**720**	488	67.8	167	23.2	12	1.7	16	2.2	37	5.1

[1] Of the 76,538 cases, 39,078 offenders were sentenced within the applicable guideline range. An additional 3,367 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 35

EXTENT OF UPWARD DEPARTURES BY TYPE OF CRIME[1] Fiscal Year 2019

TYPE OF CRIME	N	Mean Sentence In Months	Mean Increase In Months	Mean Percent Increase	Median Sentence In Months	Median Increase In Months	Median Percent Increase
TOTAL	**360**	**86**	**26**	**71.6**	**60**	**14**	**42.9**
Administration of Justice	12	44	17	78.0	36	12	76.6
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	18	112	40	55.9	84	27	46.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	10	125	30	34.8	89	27	26.4
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	64	112	40	128.7	96	30	57.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	55	77	23	57.7	72	17	39.2
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	18	44	13	59.5	27	9	48.7
Immigration	102	25	9	67.7	24	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	7	125	58	101.3	132	54	69.2
Money Laundering	3	48	5	11.1	42	2	12.5
Murder	4	315	92	43.0	300	64	28.8
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	46	17	59.6	41	11	36.7
Prison Offenses	3	44	14	46.8	40	12	57.1
Robbery	29	185	40	32.1	192	25	23.1
Sexual Abuse	14	189	50	53.4	151	36	26.0
Stalking/Harassing	4	49	12	32.4	46	12	27.4
Tax	0	--	--	--	--	--	--
Other	2	--	--	--	--	--	--

[1] Of the 76,538 cases, in 364 the sentence was an upward departure from the guideline range. Four offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 36

EXTENT OF UPWARD VARIANCES BY TYPE OF CRIME[1] Fiscal Year 2019

		Mean			Median		
TYPE OF CRIME	**N**	**Sentence In Months**	**Increase In Months**	**Percent Increase**	**Sentence In Months**	**Increase In Months**	**Percent Increase**
TOTAL	**1,421**	**79**	**23**	**65.0**	**60**	**12**	**37.5**
Administration of Justice	22	35	9	44.2	30	6	25.8
Antitrust	0	--	--	--	--	--	--
Arson	5	124	49	64.4	120	48	44.4
Assault	29	102	31	56.9	96	18	27.7
Bribery/Corruption	5	36	10	70.3	36	6	100.0
Burglary/Trespass	4	26	7	63.7	23	6	55.8
Child Pornography	20	139	34	35.7	132	24	27.7
Commercialized Vice	15	53	21	68.1	46	10	53.3
Drug Possession	21	10	3	44.4	7	1	16.7
Drug Trafficking	275	104	30	71.7	84	18	33.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	9	51	21	75.6	50	13	81.8
Firearms	310	84	26	54.3	70	18	35.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	7	42	16	64.7	36	19	51.4
Fraud/Theft/Embezzlement	104	56	18	80.8	44	13	50.0
Immigration	328	27	10	75.1	20	6	50.0
Individual Rights	3	74	11	32.0	84	13	18.3
Kidnapping	0	--	--	--	--	--	--
Manslaughter	9	119	44	83.3	96	30	23.7
Money Laundering	10	112	39	61.5	72	24	49.4
Murder	9	381	100	42.3	382	65	25.7
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	14	62	32	117.0	48	21	61.1
Prison Offenses	17	24	9	55.6	20	6	50.0
Robbery	96	185	43	33.6	180	30	22.4
Sexual Abuse	38	167	40	96.7	147	22	19.5
Stalking/Harassing	17	79	35	83.9	60	29	50.0
Tax	9	49	13	37.5	50	10	24.4
Other	44	11	4	52.0	9	3	33.3

[1] Of the 76,538 cases, in 1,431 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, two offenders were excluded from this table. Also, eight offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 37

EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES BY TYPE OF CRIME[1]
Fiscal Year 2019

		Mean			Median		
TYPE OF CRIME	N	Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	**7,134**	**53**	**51**	**52.9**	**38**	**36**	**48.6**
Administration of Justice	36	5	12	73.3	0	10	99.8
Antitrust	15	4	7	63.4	4	8	66.7
Arson	9	42	58	51.4	42	25	50.0
Assault	38	70	123	63.6	47	105	66.1
Bribery/Corruption	118	14	29	65.1	12	21	65.0
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	28	82	56	42.3	70	54	35.9
Commercialized Vice	9	10	10	57.4	12	9	55.6
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	4,409	63	59	50.3	54	47	47.4
Environmental	10	5	9	80.5	0	8	100.0
Extortion/Racketeering	21	14	31	69.7	8	15	72.2
Firearms	560	42	33	49.0	33	23	42.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	29	10	15	68.9	6	15	70.0
Fraud/Theft/Embezzlement	830	18	27	63.5	12	19	63.4
Immigration	205	14	13	52.8	10	11	45.6
Individual Rights	7	13	25	70.7	3	12	93.5
Kidnapping	13	90	116	55.0	84	87	53.7
Manslaughter	0	--	--	--	--	--	--
Money Laundering	322	53	59	56.4	33	40	52.5
Murder	46	110	133	54.9	86	120	53.8
National Defense	40	24	36	59.9	22	27	58.2
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	11	12	12	48.9	6	6	37.5
Robbery	248	70	58	46.9	63	42	42.4
Sexual Abuse	48	108	86	47.7	99	75	40.8
Stalking/Harassing	2	--	--	--	--	--	--
Tax	69	9	17	70.1	6	12	73.3
Other	8	11	39	76.9	4	33	80.0

[1] Of the 76,538 cases, in 7,272 the offender received a §5K1.1 substantial assistance departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 74 offenders were excluded from this table. Also, 64 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively.
The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 38

EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES BY TYPE OF CRIME[1]
Fiscal Year 2019

		Mean			Median		
TYPE OF CRIME	**N**	**Sentence In Months**	**Decrease In Months**	**Percent Decrease**	**Sentence In Months**	**Decrease In Months**	**Percent Decrease**
TOTAL	**7,110**	**14**	**12**	**46.5**	**9**	**6**	**42.0**
Administration of Justice	5	16	2	13.8	20	3	12.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,224	30	40	55.9	30	33	57.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	8	24	20	48.2	17	13	44.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	17	7	7	49.7	4	5	33.3
Immigration	5,845	10	7	44.6	7	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	6	31	14	40.9	39	14	31.0
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	3	13	4	22.2	15	3	25.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

[1] Of the 76,538 cases, in 7,119 the offender received a §5K3.1 early disposition program departure below the guideline range. Nine offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 39

EXTENT OF OTHER DOWNWARD DEPARTURES BY TYPE OF CRIME[1] Fiscal Year 2019

		Mean			Median		
TYPE OF CRIME	N	Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	**3,107**	**38**	**25**	**42.4**	**18**	**12**	**36.7**
Administration of Justice	43	9	9	53.9	8	8	49.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	53	33	18	44.4	24	9	37.7
Bribery/Corruption	27	12	16	61.7	8	10	55.6
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	93	70	61	48.0	60	54	48.9
Commercialized Vice	7	6	7	77.6	0	6	100.0
Drug Possession	3	3	2	74.5	0	2	100.0
Drug Trafficking	834	64	40	41.2	48	27	36.4
Environmental	12	6	12	76.5	0	12	100.0
Extortion/Racketeering	8	37	25	39.1	40	13	34.7
Firearms	305	37	20	39.8	27	13	31.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	11	8	10	61.5	8	7	55.6
Fraud/Theft/Embezzlement	203	20	17	56.1	12	11	52.9
Immigration	1,140	14	9	38.4	12	6	33.3
Individual Rights	3	24	12	52.1	12	12	33.3
Kidnapping	6	144	126	47.2	136	133	48.0
Manslaughter	5	54	11	22.0	15	4	14.8
Money Laundering	66	27	34	61.7	10	17	59.4
Murder	25	127	89	39.3	132	64	36.7
National Defense	23	35	38	46.5	26	19	43.5
Obscenity/Other Sex Offenses	12	11	9	48.0	12	9	31.0
Prison Offenses	30	8	8	51.3	7	6	40.9
Robbery	100	70	38	37.3	60	27	31.7
Sexual Abuse	59	153	71	34.1	138	60	26.7
Stalking/Harassing	14	17	18	56.0	21	16	47.4
Tax	15	14	16	57.0	9	12	57.1
Other	5	4	4	53.6	3	5	46.7

[1] Of the 76,538 cases, in 3,162 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,410) or a non-government departure (1,752). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 16 offenders were excluded from this table. Also, 39 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 40

EXTENT OF DOWNWARD VARIANCES BY TYPE OF CRIME[1] Fiscal Year 2019

		Mean			Median		
TYPE OF CRIME	**N**	**Sentence In Months**	**Decrease In Months**	**Percent Decrease**	**Sentence In Months**	**Decrease In Months**	**Percent Decrease**
TOTAL	**17,108**	**50**	**26**	**42.9**	**28**	**14**	**34.8**
Administration of Justice	217	7	11	67.2	4	9	74.8
Antitrust	2	--	--	--	--	--	--
Arson	15	21	21	56.6	24	22	47.8
Assault	233	51	22	44.1	26	12	33.6
Bribery/Corruption	127	24	19	55.2	12	12	50.0
Burglary/Trespass	16	9	10	54.7	9	6	44.1
Child Pornography	782	80	51	40.5	71	43	38.1
Commercialized Vice	26	11	8	49.3	12	6	48.9
Drug Possession	17	1	4	85.8	0	2	100.0
Drug Trafficking	6,113	73	36	37.8	60	24	31.0
Environmental	64	3	11	84.2	0	9	99.8
Extortion/Racketeering	52	20	20	58.5	11	13	55.2
Firearms	2,582	39	19	40.0	27	12	31.4
Food and Drug	12	25	21	58.7	18	21	61.8
Forgery/Counter/Copyright	91	8	12	60.9	6	8	55.6
Fraud/Theft/Embezzlement	2,061	20	14	54.4	12	10	48.9
Immigration	2,406	12	7	43.6	8	6	33.3
Individual Rights	14	32	26	50.5	16	11	49.1
Kidnapping	31	121	61	33.4	108	48	31.0
Manslaughter	14	35	16	43.4	24	13	22.6
Money Laundering	438	50	33	48.3	30	19	39.8
Murder	51	169	91	34.7	150	81	33.3
National Defense	71	39	37	53.9	20	26	51.4
Obscenity/Other Sex Offenses	123	10	11	53.5	9	9	48.7
Prison Offenses	142	9	7	50.7	6	6	48.3
Robbery	597	86	29	28.1	76	21	21.7
Sexual Abuse	364	154	65	32.5	156	55	28.9
Stalking/Harassing	72	16	14	49.9	12	10	49.8
Tax	311	11	13	61.6	8	12	55.4
Other	64	11	23	77.8	0	8	99.3

[1] Of the 76,538 cases, in 17,608 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,083) or a non-government variance (13,525). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 167 offenders were excluded from this table. Also, 333 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 41

REASONS GIVEN BY SENTENCING COURTS FOR UPWARD DEPARTURES FROM THE GUIDELINE RANGE[1]
Fiscal Year 2019

REASONS	N	%
Criminal history issues	313	27.9
Dismissed and uncharged conduct (§5K2.21)	85	7.6
General aggravating circumstances (§5K2.0)	75	6.7
Pursuant to plea agreement	61	5.4
Reflect seriousness of offense/promotes respect for law/just punishment	59	5.3
Protect public from further crimes	56	5.0
Afford adequate deterrence to criminal conduct	53	4.7
The nature and circumstance of the offense	36	3.2
The history and characteristics of the defendant	36	3.2
Criminal history issues in application of §2L1.2	32	2.9
Extreme conduct (§5K2.8)	26	2.3
Death (§5K2.1)	20	1.8
Weapons/dangerous instrumentalities (§5K2.6)	16	1.4
Physical injury (§5K2.2)	11	1.0
Propensity for violence	11	1.0
Role in the offense	10	0.9
Victim impact	9	0.8
Nature or seriousness of the offense	9	0.8
Conduct while on release, bond, or supervision	9	0.8
Provide educational or vocational training	8	0.7
General guideline adequacy issues	8	0.7
Avoid unwarranted sentencing disparity	7	0.6
Drug dependence and alcohol abuse (§5H1.4)	5	0.4
Provide medical care	5	0.4
Provide correctional treatment	5	0.4
Increase over similar prior's sentence	5	0.4
Deterrence	4	0.4
Acceptance of responsibility	4	0.4
Other	143	12.8
TOTAL	**1,121**	**100.0**

[1] Of the 76,538 cases, in 364 the sentence was an upward departure. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 1,121 reasons were cited for the 364 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and 30 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 42

REASONS GIVEN BY SENTENCING COURTS FOR UPWARD VARIANCES FROM THE GUIDELINE RANGE[1]
Fiscal Year 2019

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	950	14.0
Afford adequate deterrence to criminal conduct	794	11.7
Protect public from further crimes	734	10.8
The history and characteristics of the defendant	678	10.0
The nature and circumstance of the offense	650	9.6
Criminal history issues	641	9.5
General aggravating circumstances (§5K2.0)	182	2.7
Pursuant to plea agreement	168	2.5
Dismissed and uncharged conduct (§5K2.21)	139	2.1
Avoid unwarranted sentencing disparity	118	1.7
Victim impact	107	1.6
Extreme conduct (§5K2.8)	99	1.5
Role in the offense	92	1.4
Provide correctional treatment	83	1.2
Provide educational or vocational training	62	0.9
Propensity for violence	62	0.9
Drug dependence and alcohol abuse (§5H1.4)	60	0.9
Lack of remorse	59	0.9
Provide medical care	46	0.7
Conduct while on release, bond, or supervision	39	0.6
Acceptance of responsibility	38	0.6
Age (§5H1.1)	36	0.5
Weapons/dangerous instrumentalities (§5K2.6)	33	0.5
Mental and emotional conditions	26	0.4
Provide restitution to any victims	25	0.4
Nature and circumstance of offense/history of defendant	24	0.4
Lack of youthful guidance/tragic or troubled childhood	20	0.3
General guideline adequacy issues	20	0.3
Previous employment record (§5H1.5)	19	0.3
Family ties and responsibilities (§5H1.6)	19	0.3
Mens Rea	19	0.3
Increase over similar prior's sentence	19	0.3
Other	717	10.6
TOTAL	**6,778**	**100.0**

[1] Of the 76,538 cases, in 1,431 the sentence was a variance above the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 6,778 reasons were cited for the 1,431 cases. The 'Other' category includes all reasons cited fewer than 19 times among relevant cases and 139 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 43

REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD DEPARTURES FROM THE GUIDELINE RANGE[1]
Fiscal Year 2019

REASONS	N	%
Early disposition program (EDP) (§5K3.1)	7,280	15.5
Substantial assistance with government motion (§5K1.1)	7,272	15.5
The history and characteristics of the defendant	2,819	6.0
Criminal history issues	2,768	5.9
General mitigating circumstances (§5K2.0)	1,870	4.0
Family ties and responsibilities (§5H1.6)	1,792	3.8
Reflect seriousness of offense/promotes respect for law/just punishment	1,730	3.7
Afford adequate deterrence to criminal conduct	1,534	3.3
The nature and circumstance of the offense	1,506	3.2
Avoid unwarranted sentencing disparity	1,129	2.4
Age (§5H1.1)	1,085	2.3
Protect public from further crimes	929	2.0
Drug dependence/alcohol abuse (§5H1.4)	875	1.9
Mental and emotional conditions	789	1.7
Rehabilitation	739	1.6
Previous employment record (§5H1.5)	731	1.6
Pursuant to plea agreement	710	1.5
Role in the offense	653	1.4
Acceptance of responsibility	647	1.4
Remorse	582	1.2
Lack of youthful guidance/tragic or troubled childhood	550	1.2
Physical condition (§5H1.4)	507	1.1
Aberrant behavior (§5K2.20)	453	1.0
Conduct while on release, bond, or supervision	396	0.8
First Step Act safety valve expansion	351	0.7
Waiver of appeal	320	0.7
Nonviolent offense/offender	311	0.7
Provide correctional treatment	294	0.6
Early plea	278	0.6
Time served/*U.S. v. Barrera-Saucedo*	232	0.5
Provide educational or vocational training	217	0.5
Cooperation without motion (not §5K1.1)	204	0.4
Educational and vocational skills (§5H1.2)	200	0.4
Community ties (§5H1.6)	182	0.4
Other	4,945	10.5
TOTAL	**46,880**	**100.0**

[1] Of the 76,538 cases, in 17,553 the sentence was a downward departure from the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 46,880 reasons were cited for the 17,553 cases. The 'Other' category includes all reasons cited fewer than 182 times among relevant cases and 383 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 44

REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD VARIANCES FROM THE GUIDELINE RANGE[1]
Fiscal Year 2019

REASONS	N	%
The history and characteristics of the defendant	10,847	11.5
Reflect seriousness of offense/promotes respect for law/just punishment	8,312	8.8
Afford adequate deterrence to criminal conduct	6,920	7.3
The nature and circumstance of the offense	6,273	6.6
Criminal history issues	5,707	6.0
Protect public from further crimes	4,511	4.8
Family ties and responsibilities (§5H1.6)	3,996	4.2
Avoid unwarranted sentencing disparity	3,769	4.0
Age (§5H1.1)	2,718	2.9
Drug dependence/alcohol abuse (§5H1.4)	2,531	2.7
Acceptance of responsibility	2,187	2.3
Mental and emotional conditions	2,155	2.3
Previous employment record (§5H1.5)	2,132	2.3
Remorse	2,077	2.2
Role in the offense	2,034	2.1
Lack of youthful guidance/tragic or troubled childhood	1,837	1.9
Rehabilitation	1,761	1.9
Nonviolent offense/offender	1,441	1.5
General mitigating circumstances (§5K2.0)	1,365	1.4
Provide correctional treatment	1,356	1.4
Provide educational or vocational training	1,105	1.2
Conduct while on release, bond, or supervision	1,020	1.1
Physical condition (§5H1.4)	1,010	1.1
Cooperation without motion (not §5K1.1)	829	0.9
Community ties (§5H1.6)	812	0.9
Pursuant to plea agreement	810	0.9
Aberrant behavior (§5K2.20)	756	0.8
Provide restitution to any victims	748	0.8
Time served/*U.S. v. Barrera-Saucedo*	658	0.7
Provide medical care	632	0.7
Low likelihood of recidivism/not a risk to community	497	0.5
First Step Act safety valve expansion	478	0.5
Charitable service/good works	458	0.5
Other	10,930	11.5
TOTAL	**94,672**	**100.0**

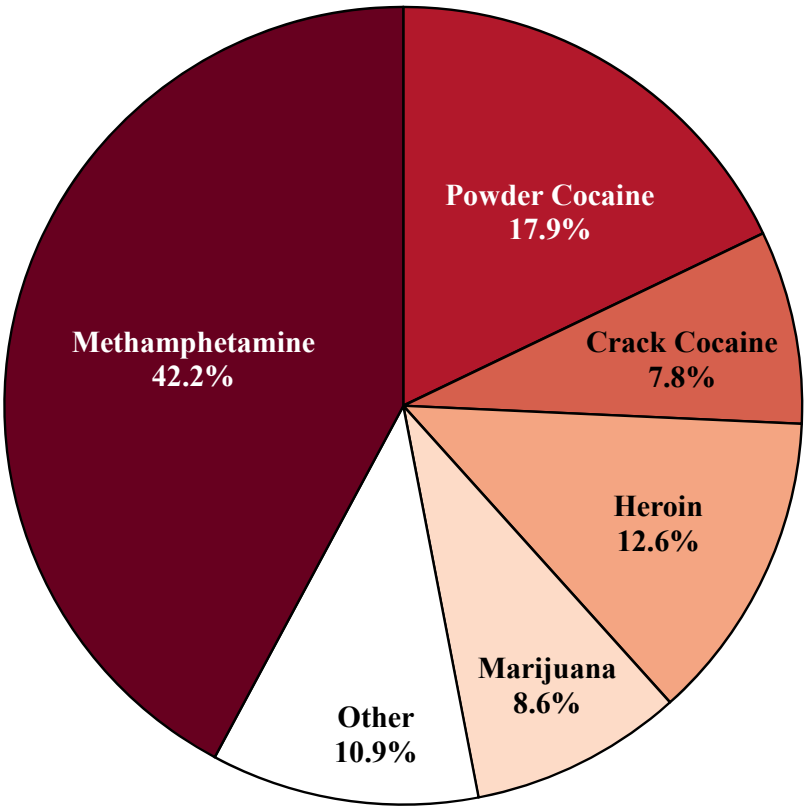
[1] Of the 76,538 cases, in 17,608 the sentence was a variance below the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 94,672 reasons were cited for the 17,608 cases. The 'Other' category includes all reasons cited fewer than 458 times among relevant cases and 1,295 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

DRUG OFFENSES

Figure D-1

DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES[1, 2]
Fiscal Year 2019



[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

[2] The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (900), Oxycodone/Oxycontin (464), Fentanyl Analogue (101), MDMA/Ecstasy/MDA (93), Hydrocodone (90), and Synthetic Cannabinoid (63).

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-1

PRIMARY DRUG TYPE OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

		§2D1.1 Drug Trafficking		§2D1.2 Protected Locations		§2D1.5 Continuing Criminal Enterprise		§2D1.6 Communication Facility		§2D1.8 Rent/Manage Drug Establishment		§2D1.10 Endangering Human Life While Manufacturing		§2D1.14 Narco-Terrorism	
DRUG TYPE	**TOTAL**	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**19,765**	**19,463**	**98.5**	**281**	**1.4**	**2**	**0.0**	**0**	**0.0**	**12**	**0.1**	**7**	**0.0**	**0**	**0.0**
Powder Cocaine	**3,581**	3,430	95.8	149	4.2	1	0.0	0	0.0	1	0.0	0	0.0	0	0.0
Crack Cocaine	**1,565**	1,506	96.2	57	3.6	0	0.0	0	0.0	2	0.1	0	0.0	0	0.0
Heroin	**2,509**	2,484	99.0	25	1.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Marijuana	**1,675**	1,665	99.4	4	0.2	0	0.0	0	0.0	0	0.0	6	0.4	0	0.0
Methamphetamine	**8,435**	8,394	99.5	32	0.4	1	0.0	0	0.0	8	0.1	0	0.0	0	0.0
Other	**2,000**	1,984	99.2	14	0.7	0	0.0	0	0.0	1	0.1	1	0.1	0	0.0

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-2

RACE OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

		WHITE		BLACK		HISPANIC		OTHER	
DRUG TYPE	**TOTAL**	N	%	N	%	N	%	N	%
TOTAL	**19,734**	**4,968**	**25.2**	**5,406**	**27.4**	**8,737**	**44.3**	**623**	**3.2**
Powder Cocaine	**3,575**	229	6.4	968	27.1	2,345	65.6	33	0.9
Crack Cocaine	**1,560**	82	5.3	1,265	81.1	197	12.6	16	1.0
Heroin	**2,506**	389	15.5	1,068	42.6	1,022	40.8	27	1.1
Marijuana	**1,672**	224	13.4	235	14.1	1,130	67.6	83	5.0
Methamphetamine	**8,427**	3,346	39.7	1,122	13.3	3,580	42.5	379	4.5
Other	**1,994**	698	35.0	748	37.5	463	23.2	85	4.3

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 19,765 cases, 31 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-3

GENDER OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

DRUG TYPE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	**19,765**	**16,450**	**83.2**	**3,315**	**16.8**
Powder Cocaine	**3,581**	3,187	89.0	394	11.0
Crack Cocaine	**1,565**	1,438	91.9	127	8.1
Heroin	**2,509**	2,155	85.9	354	14.1
Marijuana	**1,675**	1,460	87.2	215	12.8
Methamphetamine	**8,435**	6,575	77.9	1,860	22.1
Other	**2,000**	1,635	81.8	365	18.3

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-4

AGE OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

		Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
DRUG TYPE	**TOTAL**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**19,765**	**517**	**2.6**	**2,392**	**12.1**	**3,523**	**17.8**	**3,734**	**18.9**	**3,477**	**17.6**	**4,012**	**20.3**	**1,628**	**8.2**	**482**	**2.4**
Powder Cocaine	**3,581**	52	1.5	337	9.4	610	17.0	653	18.2	654	18.3	871	24.3	315	8.8	89	2.5
Crack Cocaine	**1,565**	20	1.3	162	10.4	310	19.8	328	21.0	306	19.6	292	18.7	116	7.4	31	2.0
Heroin	**2,509**	43	1.7	317	12.6	515	20.5	460	18.3	402	16.0	494	19.7	196	7.8	82	3.3
Marijuana	**1,675**	138	8.2	359	21.4	319	19.0	283	16.9	193	11.5	237	14.1	113	6.7	33	2.0
Methamphetamine	**8,435**	218	2.6	959	11.4	1,403	16.6	1,640	19.4	1,608	19.1	1,732	20.5	721	8.5	154	1.8
Other	**2,000**	46	2.3	258	12.9	366	18.3	370	18.5	314	15.7	386	19.3	167	8.4	93	4.7

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-5

CITIZENSHIP OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

DRUG TYPE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	**19,743**	**15,556**	**78.8**	**4,187**	**21.2**
Powder Cocaine	**3,567**	2,302	64.5	1,265	35.5
Crack Cocaine	**1,565**	1,537	98.2	28	1.8
Heroin	**2,509**	2,055	81.9	454	18.1
Marijuana	**1,674**	949	56.7	725	43.3
Methamphetamine	**8,428**	6,916	82.1	1,512	17.9
Other	**2,000**	1,797	89.9	203	10.2

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 19,765 cases, 22 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-6

EDUCATION OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

DRUG TYPE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	**19,715**	**7,530**	**38.2**	**7,641**	**38.8**	**3,826**	**19.4**	**718**	**3.6**
Powder Cocaine	**3,568**	1,474	41.3	1,267	35.5	679	19.0	148	4.1
Crack Cocaine	**1,563**	631	40.4	692	44.3	220	14.1	20	1.3
Heroin	**2,502**	967	38.6	1,016	40.6	450	18.0	69	2.8
Marijuana	**1,672**	836	50.0	462	27.6	302	18.1	72	4.3
Methamphetamine	**8,415**	3,052	36.3	3,467	41.2	1,679	20.0	217	2.6
Other	**1,995**	570	28.6	737	36.9	496	24.9	192	9.6

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 19,765 cases, 50 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-7

CRIMINAL HISTORY CATEGORY OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

		CRIMINAL HISTORY CATEGORY											
		I		II		III		IV		V		VI	
DRUG TYPE	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**19,765**	**8,898**	**45.0**	**2,416**	**12.2**	**2,885**	**14.6**	**1,764**	**8.9**	**1,117**	**5.7**	**2,685**	**13.6**
Powder Cocaine	**3,581**	2,231	62.3	394	11.0	434	12.1	197	5.5	89	2.5	236	6.6
Crack Cocaine	**1,565**	294	18.8	212	13.5	315	20.1	206	13.2	135	8.6	403	25.8
Heroin	**2,509**	942	37.5	343	13.7	419	16.7	247	9.8	156	6.2	402	16.0
Marijuana	**1,675**	1,092	65.2	205	12.2	181	10.8	88	5.3	34	2.0	75	4.5
Methamphetamine	**8,435**	3,379	40.1	972	11.5	1,245	14.8	870	10.3	614	7.3	1,355	16.1
Other	**2,000**	960	48.0	290	14.5	291	14.6	156	7.8	89	4.5	214	10.7

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-8

WEAPON INVOLVEMENT OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

DRUG TYPE	TOTAL	NO WEAPON INVOLVED		WEAPON INVOLVED	
		N	%	N	%
TOTAL	**19,434**	**14,853**	**76.4**	**4,581**	**23.6**
Powder Cocaine	**3,512**	2,867	81.6	645	18.4
Crack Cocaine	**1,551**	959	61.8	592	38.2
Heroin	**2,468**	1,948	78.9	520	21.1
Marijuana	**1,651**	1,385	83.9	266	16.1
Methamphetamine	**8,281**	6,122	73.9	2,159	26.1
Other	**1,971**	1,572	79.8	399	20.2

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 19,434 cases contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-9

ROLE ADJUSTMENT OF DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

		No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
DRUG TYPE	**TOTAL**	N	%	N	%	N	%
TOTAL	**19,434**	**14,252**	**73.3**	**3,756**	**19.3**	**1,426**	**7.3**
Powder Cocaine	**3,512**	2,539	72.3	638	18.2	335	9.5
Crack Cocaine	**1,551**	1,392	89.7	59	3.8	100	6.4
Heroin	**2,468**	1,856	75.2	378	15.3	234	9.5
Marijuana	**1,651**	919	55.7	633	38.3	99	6.0
Methamphetamine	**8,281**	5,961	72.0	1,845	22.3	475	5.7
Other	**1,971**	1,585	80.4	203	10.3	183	9.3

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 19,434 contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-10

DRUG AMOUNTS (IN GRAMS) FOR SELECTED BASE OFFENSE LEVELS AND DRUG TYPES[1]
Fiscal Year 2019

	Base Offense Level and Quantity Range			
DRUG TYPE	**12**	**24**	**30**	**38**
Powder Cocaine	**Less than 50G**	**500G - 1,999G**	**5,000G - 14,999G**	**At least 450,000G**
N	100	317	381	300
Mean	18.7	1,095.8	8,982.5	1,348,435.3
Median	18.2	1,000.0	9,040.0	1,004,700.0
Crack Cocaine	**Less than 2.8G**	**28G - 111G**	**280G - 839G**	**At least 25,200G**
N	48	156	32	3
Mean	1.4	61.9	465.0	51,723.3
Median	1.4	60.3	436.0	29,540.0
Heroin	**Less than 10G**	**100G - 399G**	**1,000G - 2,999G**	**At least 90,000G**
N	101	205	191	9
Mean	2.9	216.9	1,719.4	130,787.8
Median	2.0	203.1	1,800.0	116,000.0
Marijuana	**5,000G - 9,999G**	**100,000G - 399,999G**	**1,000,000G - 2,999,999G**	**At least 90,000,000G**
N	29	423	50	0
Mean	7,261.6	172,785.2	1,825,496.4	--
Median	6,900.0	145,000.0	1,945,000.0	--
Methamphetamine Mix	**Less than 5G**	**50G - 199G**	**500G - 1,499G**	**At least 45,000G**
N	33	198	218	56
Mean	2.9	107.5	939.0	108,233.3
Median	3.4	106.8	907.2	65,330.0
Methamphetamine Actual	**Less than 0.5G**	**5G - 19G**	**50G - 149G**	**At least 4,500G**
N	2	160	507	387
Mean	--	11.6	87.4	18,217.8
Median	--	11.9	82.4	10,000.0

[1] Of the 76,538 cases, 19,463 were sentenced under §2D1.1 (Drug Trafficking). Of these, 19,142 cases had complete guideline application information. Of these 19,142 cases, 17,095 involved powder cocaine, crack cocaine, heroin, marijuana, methamphetamine actual or mix. Of these 17,095 cases, 7,086 had a base offense level of 12, 24, 30, or 38. Of these 7,086 cases, 3,180 were excluded due to one or more of the following reasons: involvement of more than one drug type (1,694), missing drug amount or range (1,577), amendment year earlier than 2014 (6), or logical criteria (10). The methamphetamine actual category also includes ICE. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-11

LENGTH OF MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES[1]
Fiscal Year 2019

DRUG TYPE	TOTAL	No Drug Mandatory Minimum[2]		Five-Year Drug Mandatory Minimum		Ten-Year or More Drug Mandatory Minimum[3]	
		N	%	N	%	N	%
TOTAL	**19,757**	**6,906**	**35.0**	**4,867**	**24.6**	**7,984**	**40.4**
Powder Cocaine	**3,581**	932	26.0	1,037	29.0	1,612	45.0
Crack Cocaine	**1,565**	838	53.5	478	30.5	249	15.9
Heroin	**2,509**	1,056	42.1	653	26.0	800	31.9
Marijuana	**1,675**	1,059	63.2	516	30.8	100	6.0
Methamphetamine	**8,427**	1,626	19.3	1,898	22.5	4,903	58.2
Other	**2,000**	1,395	69.8	285	14.3	320	16.0

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of the remaining cases, eight were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this table are provided in Appendix A.

[2] Includes 121 offenders whose drug mandatory minimum penalty was 12 months or less.

[3] Includes 402 offenders whose drug mandatory minimum penalty was greater than ten years.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-12

APPLICATION OF RECIDIVIST PENALTIES IN DRUG TRAFFICKING CASES[1]
Fiscal Year 2019

DRUG TYPE	ENHANCEMENT FILED	ENHANCEMENT WITHDRAWN[2]		ENHANCEMENT NOT WITHDRAWN	
	N	N	%	N	%
TOTAL	**1,705**	**702**	**41.2**	**1,003**	**58.8**
Powder Cocaine	**267**	95	35.6	172	64.4
Crack Cocaine	**265**	104	39.2	161	60.8
Heroin	**298**	102	34.2	196	65.8
Marijuana	**85**	20	23.5	65	76.5
Methamphetamine	**648**	341	52.6	307	47.4
Other	**142**	40	28.2	102	71.8

[1] Of the 1,714 cases in which notice of an enhanced penalty was given under 21 U.S.C. § 851, nine were excluded due to missing or undetermined withdrawal information. Descriptions of variables used in this table are provided in Appendix A.

[2] Includes 120 cases in which the enhancement was not formally withdrawn but where the court determined that the enhancement did not apply at the time of sentencing.

SOURCE: U.S. Sentencing Commission, 2019 851 Datafile, DRUG851FY19.

Table D-13

DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUM PENALTIES[1, 5]
Fiscal Year 2019

		NO SAFETY VALVE				SAFETY VALVE			
		No Drug Mandatory Minimum[2]		Drug Mandatory Minimum[3]		No Drug Mandatory Minimum		Drug Mandatory Minimum[4]	
DRUG TYPE	**TOTAL**	N	%	N	%	N	%	N	%
TOTAL	**19,428**	**5,306**	**27.3**	**7,472**	**38.5**	**1,487**	**7.7**	**5,163**	**26.6**
Powder Cocaine	**3,512**	746	21.2	1,178	33.5	173	4.9	1,415	40.3
Crack Cocaine	**1,551**	792	51.1	646	41.7	34	2.2	79	5.1
Heroin	**2,468**	886	35.9	890	36.1	155	6.3	537	21.8
Marijuana	**1,646**	580	35.2	219	13.3	459	27.9	388	23.6
Methamphetamine	**8,280**	1,286	15.5	4,160	50.2	305	3.7	2,529	30.5
Other	**1,971**	1,016	51.5	379	19.2	361	18.3	215	10.9

[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 19,434 cases contained complete guideline application information. Of these 19,434 cases, six were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

[2] This column includes 197 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the offender was not eligible to receive the guideline safety valve reduction.

[3] For offenders with no drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court indicated that the two-level reduction at §2D1.1 applied because the offender met the criteria set forth at §5C1.2.

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

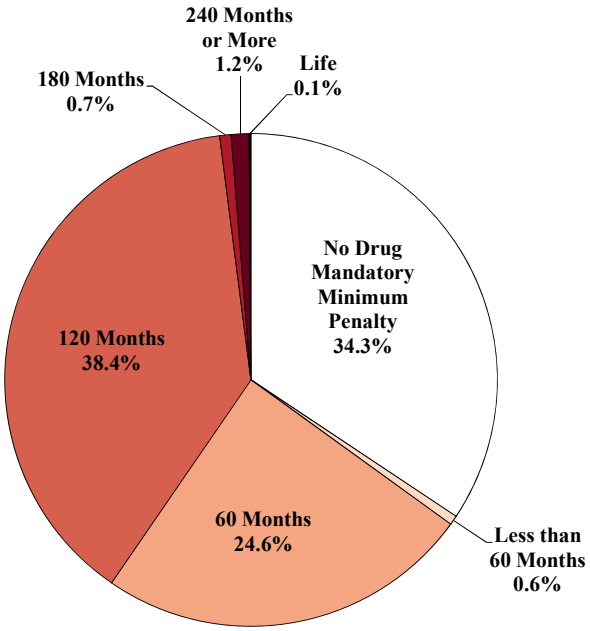
[5] Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were 27 offenders sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these cases, the safety valve reduction was applied for eight offenders.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

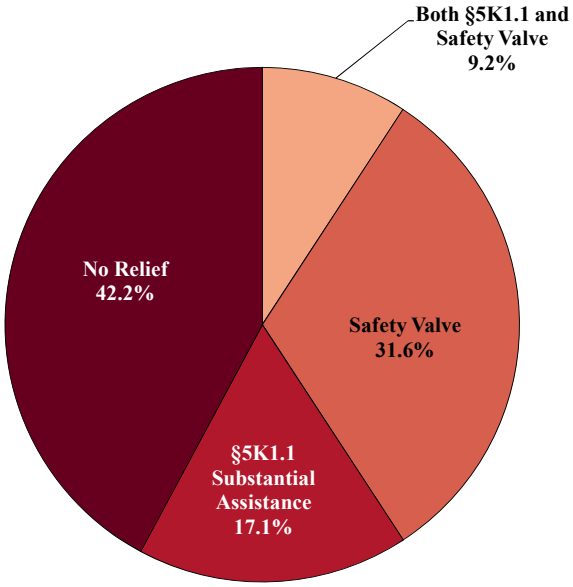
Figure D-2

MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES[1]
Fiscal Year 2019

LENGTH OF MANDATORY MINIMUM PENALTIES



RELIEF FROM MANDATORY MINIMUM PENALTIES



[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 19,765 cases, eight were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table D-14

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENDERS[1]
Fiscal Year 2019

		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE[2]	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
DRUG TYPE	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**19,762**	**6,723**	**34.0**	**64**	**0.3**	**4,457**	**22.6**	**1,220**	**6.2**	**837**	**4.2**	**6,461**	**32.7**
Powder Cocaine	**3,580**	1,405	39.2	6	0.2	787	22.0	140	3.9	134	3.7	1,108	30.9
Crack Cocaine	**1,564**	628	40.2	10	0.6	247	15.8	0	0.0	74	4.7	605	38.7
Heroin	**2,508**	915	36.5	20	0.8	539	21.5	91	3.6	104	4.1	839	33.5
Marijuana	**1,675**	804	48.0	9	0.5	209	12.5	122	7.3	94	5.6	437	26.1
Methamphetamine	**8,435**	2,335	27.7	8	0.1	2,186	25.9	832	9.9	358	4.2	2,716	32.2
Other	**2,000**	636	31.8	11	0.6	489	24.5	35	1.8	73	3.7	756	37.8

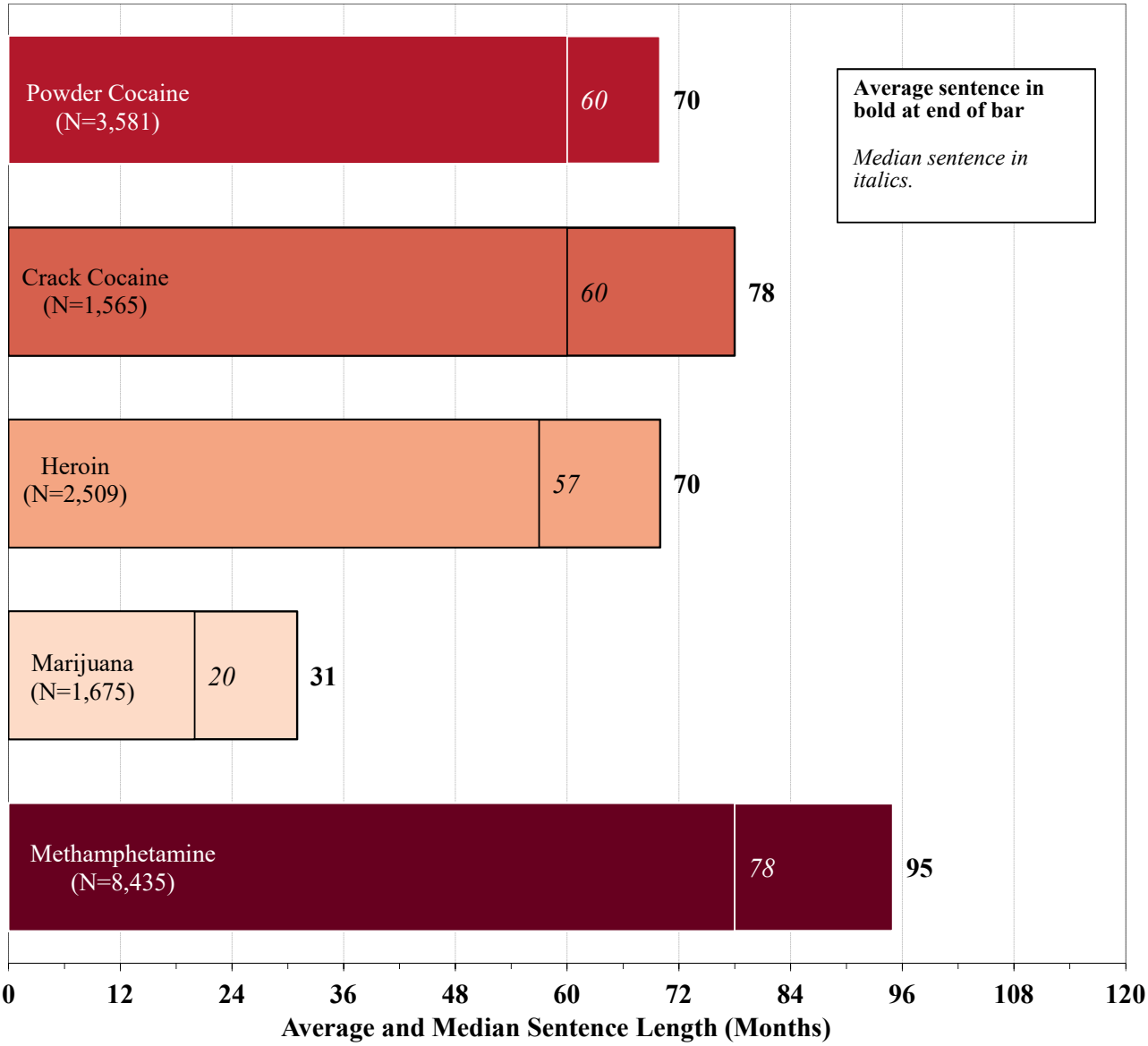
[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 19,765 cases, three 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] Of the 6,461 variance cases, in 470 cases the court cited First Step Act safety valve expansion as a reason for the sentence.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure D-3

SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS BY MAJOR DRUG TYPE[1]
Fiscal Year 2019

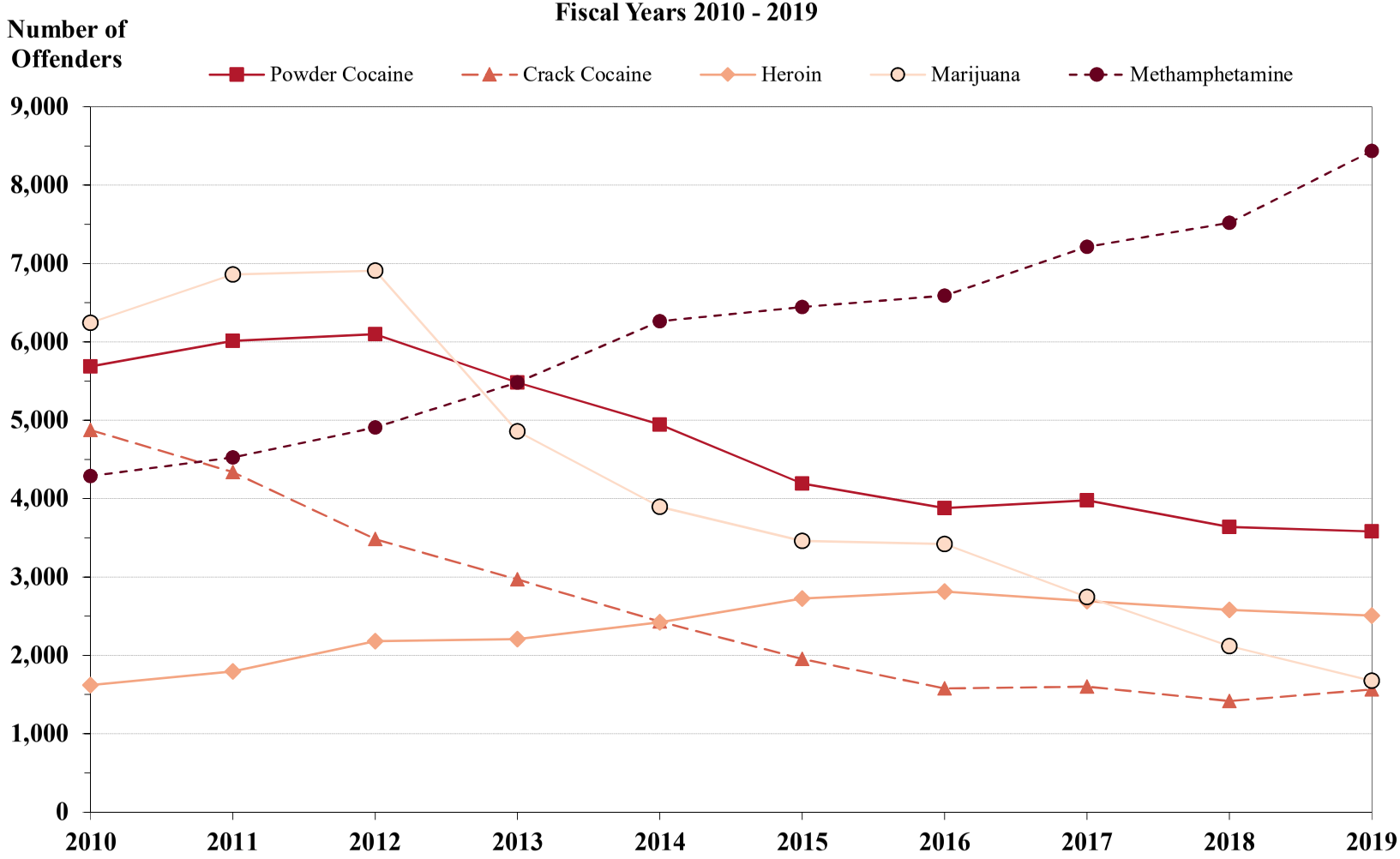


[1] Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSG §5C1.1. Italicized numbers depict median values and the bolded numbers at the end of the bar indicate average values. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure D-4

NUMBER OF DRUG TRAFFICKING OFFENDERS BY MAJOR DRUG TYPE OVER TIME[1]
Fiscal Years 2010 - 2019

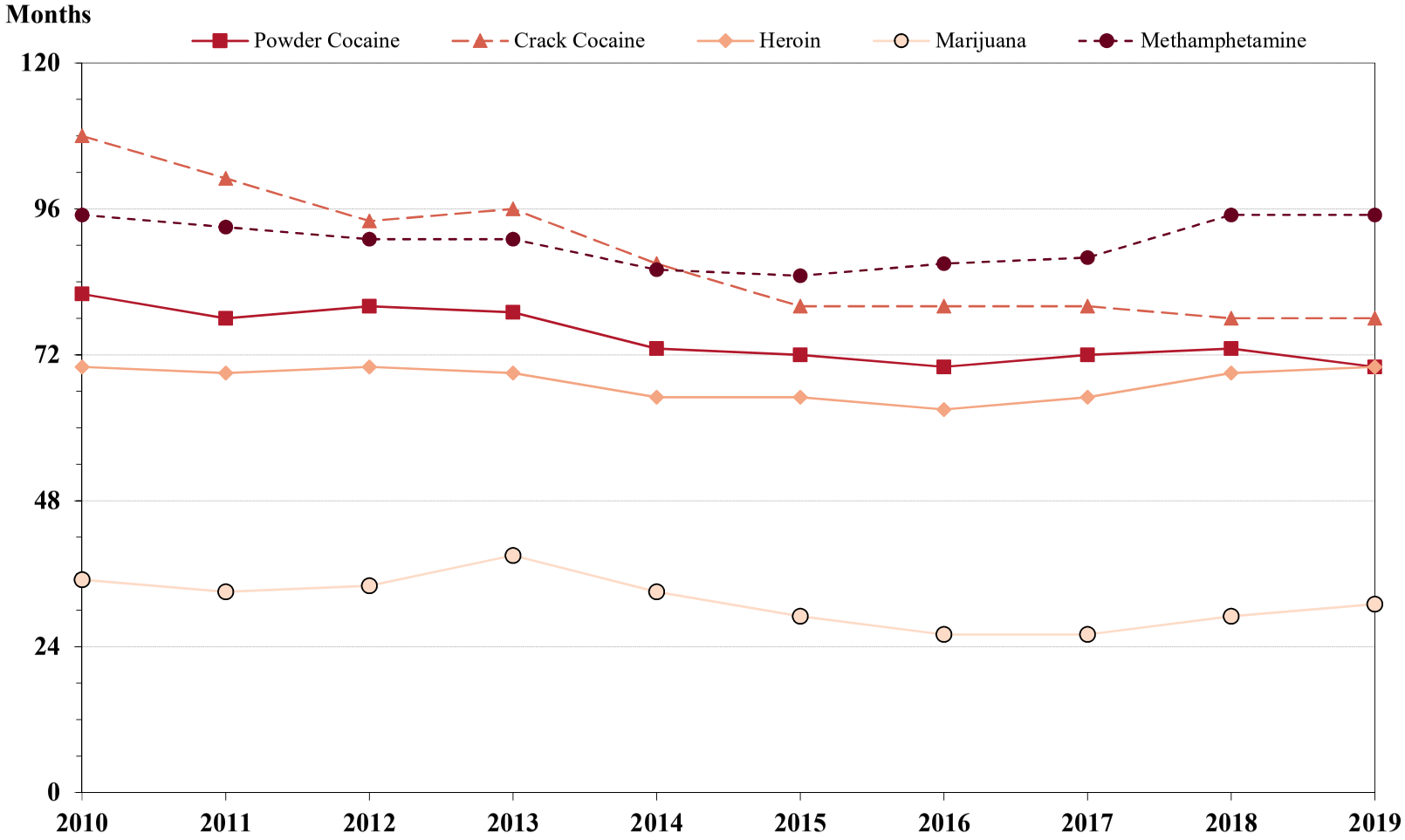


[1] Only offenders sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted in this figure. Additional cases were excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Figure D-5

SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS BY MAJOR DRUG TYPE OVER TIME[1]
Fiscal Years 2010 - 2019



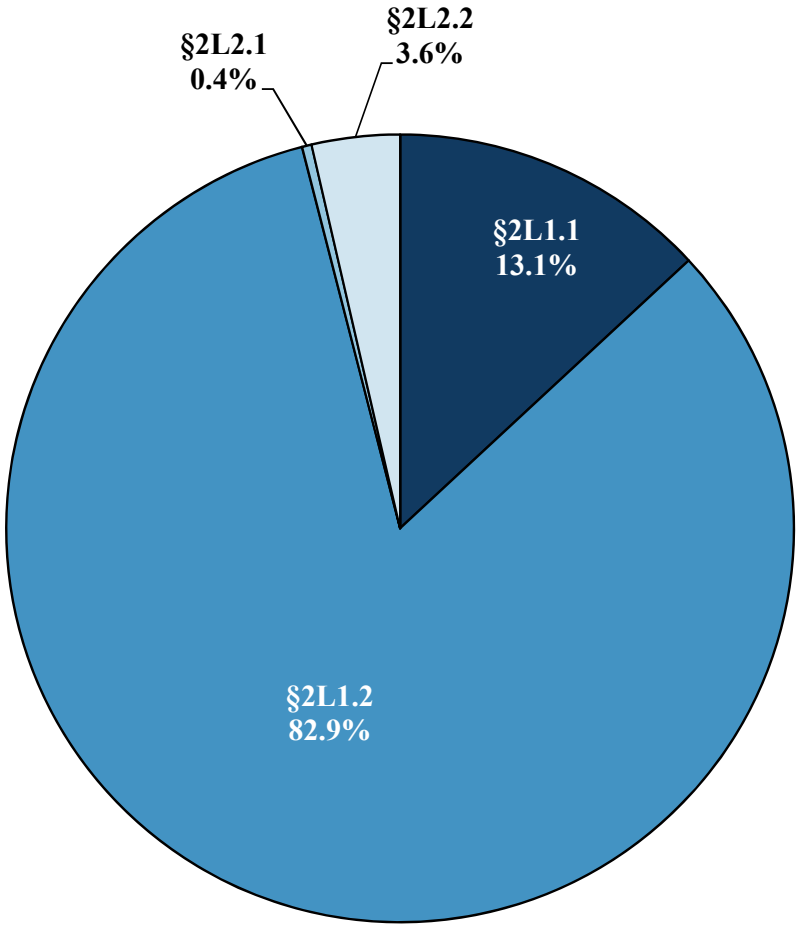
[1] Only offenders sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism) are depicted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

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

IMMIGRATION OFFENSES

Figure I-1

DISTRIBUTION OF IMMIGRATION OFFENDERS BY GUIDELINE[1]
Fiscal Year 2019



[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-1

RACE OF IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

		WHITE		BLACK		HISPANIC		OTHER	
GUIDELINE	**TOTAL**	N	%	N	%	N	%	N	%
TOTAL	**26,460**	**511**	**1.9**	**297**	**1.1**	**25,513**	**96.4**	**139**	**0.5**
§2L1.1	**3,480**	293	8.4	154	4.4	2,940	84.5	93	2.7
§2L1.2	**21,934**	156	0.7	64	0.3	21,702	98.9	12	0.1
§2L2.1	**103**	15	14.6	13	12.6	64	62.1	11	10.7
§2L2.2	**943**	47	5.0	66	7.0	807	85.6	23	2.4

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, 170 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-2

GENDER OF IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	MALE N	MALE %	FEMALE N	FEMALE %
TOTAL	**26,613**	**24,748**	**93.0**	**1,865**	**7.0**
§2L1.1	**3,486**	2,592	74.4	894	25.6
§2L1.2	**22,070**	21,289	96.5	781	3.5
§2L2.1	**104**	71	68.3	33	31.7
§2L2.2	**953**	796	83.5	157	16.5

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, 17 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-3

AGE OF IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

		Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
GUIDELINE	**TOTAL**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**26,630**	**1,034**	**3.9**	**3,398**	**12.8**	**4,724**	**17.7**	**5,251**	**19.7**	**4,756**	**17.9**	**5,549**	**20.8**	**1,627**	**6.1**	**291**	**1.1**
§2L1.1	**3,487**	384	11.0	772	22.1	643	18.4	491	14.1	431	12.4	494	14.2	218	6.3	54	1.5
§2L1.2	**22,077**	592	2.7	2,480	11.2	3,928	17.8	4,597	20.8	4,162	18.9	4,810	21.8	1,314	6.0	194	0.9
§2L2.1	**104**	1	1.0	4	3.8	16	15.4	17	16.3	15	14.4	30	28.8	18	17.3	3	2.9
§2L2.2	**962**	57	5.9	142	14.8	137	14.2	146	15.2	148	15.4	215	22.3	77	8.0	40	4.2

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-4

CITIZENSHIP OF IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN		Resident/ Legal Alien	Illegal Alien	Extradited Alien	Alien Status Unknown
		N	%	N	%	N	N	N	N
TOTAL	**26,629**	**2,481**	**9.3**	**24,148**	**90.7**	**318**	**23,684**	**2**	**144**
§2L1.1	**3,486**	2,379	68.2	1,107	31.8	177	904	2	24
§2L1.2	**22,077**	0	0.0	22,077	100.0	92	21,904	0	81
§2L2.1	**104**	40	38.5	64	61.5	12	49	0	3
§2L2.2	**962**	62	6.4	900	93.6	37	827	0	36

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, one was excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-5

CRIMINAL HISTORY CATEGORY AND CITIZENSHIP OF IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

CHC		Total		§2L1.1		§2L1.2		§2L2.1		§2L2.2	
		N	%	N	%	N	%	N	%	N	%
I	**Total**	**11,551**	**100.0**	**2,028**	**100.0**	**8,661**	**100.0**	**88**	**100.0**	**774**	**100.0**
	U.S. Citizen	**1,253**	**10.8**	1,186	58.5	0	0.0	31	35.2	36	4.7
	Non-U.S. Citizen	**10,298**	**89.2**	842	41.5	8,661	100.0	57	64.8	738	95.3
II	**Total**	**5,646**	**100.0**	**446**	**100.0**	**5,117**	**100.0**	**8**	**100.0**	**75**	**100.0**
	U.S. Citizen	**344**	**6.1**	327	73.3	0	0.0	3	37.5	14	18.7
	Non-U.S. Citizen	**5,302**	**93.9**	119	26.7	5,117	100.0	5	62.5	61	81.3
III	**Total**	**5,275**	**100.0**	**511**	**100.0**	**4,689**	**100.0**	**4**	**100.0**	**71**	**100.0**
	U.S. Citizen	**426**	**8.1**	418	81.8	0	0.0	2	50.0	6	8.5
	Non-U.S. Citizen	**4,849**	**91.9**	93	18.2	4,689	100.0	2	50.0	65	91.5
IV	**Total**	**2,420**	**100.0**	**237**	**100.0**	**2,155**	**100.0**	**0**	**100.0**	**28**	**100.0**
	U.S. Citizen	**205**	**8.5**	203	85.7	0	0.0	0	--	2	7.1
	Non-U.S. Citizen	**2,215**	**91.5**	34	14.3	2,155	100.0	0	--	26	92.9
V	**Total**	**1,058**	**100.0**	**137**	**100.0**	**910**	**100.0**	**2**	**100.0**	**9**	**100.0**
	U.S. Citizen	**126**	**11.9**	123	89.8	0	0.0	2	100.0	1	11.1
	Non-U.S. Citizen	**932**	**88.1**	14	10.2	910	100.0	0	0.0	8	88.9
VI	**Total**	**679**	**100.0**	**127**	**100.0**	**545**	**100.0**	**2**	**100.0**	**5**	**100.0**
	U.S. Citizen	**127**	**18.7**	122	96.1	0	0.0	2	100.0	3	60.0
	Non-U.S. Citizen	**552**	**81.3**	5	3.9	545	100.0	0	0.0	2	40.0

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, one was excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-6

EDUCATION OF IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	**22,993**	**18,512**	**80.5**	**3,293**	**14.3**	**975**	**4.2**	**213**	**0.9**
§2L1.1	**3,464**	1,895	54.7	1,030	29.7	483	13.9	56	1.6
§2L1.2	**18,815**	16,202	86.1	2,106	11.2	410	2.2	97	0.5
§2L2.1	**99**	40	40.4	26	26.3	11	11.1	22	22.2
§2L2.2	**615**	375	61.0	131	21.3	71	11.5	38	6.2

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, 3,637 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table I-7

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS[1]
Fiscal Year 2019

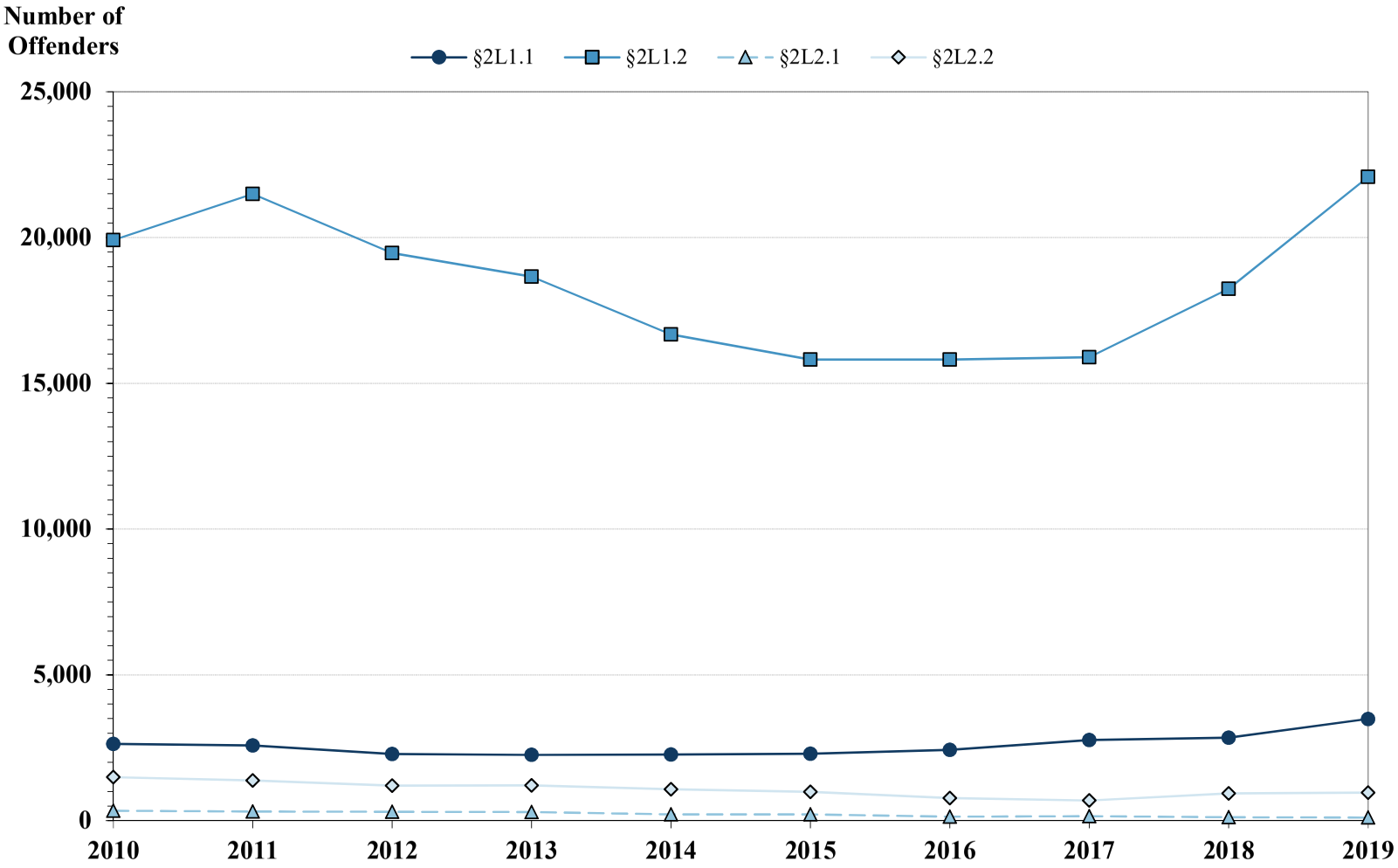
		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
GUIDELINE	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**26,623**	**17,351**	**65.2**	**102**	**0.4**	**201**	**0.8**	**5,252**	**19.7**	**1,103**	**4.1**	**2,614**	**9.8**
§2L1.1	**3,487**	1,412	40.5	4	0.1	151	4.3	1,208	34.6	90	2.6	622	17.8
§2L1.2	**22,071**	15,191	68.8	96	0.4	29	0.1	3,990	18.1	977	4.4	1,788	8.1
§2L2.1	**104**	51	49.0	0	0.0	18	17.3	0	0.0	5	4.8	30	28.8
§2L2.2	**961**	697	72.5	2	0.2	3	0.3	54	5.6	31	3.2	174	18.1

[1] Of the 76,538 cases, 26,630 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, seven 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, 2019 Datafile, USSCFY19.

Figure I-2

NUMBER OF IMMIGRATION OFFENDERS OVER TIME[1]
Fiscal Years 2010 - 2019

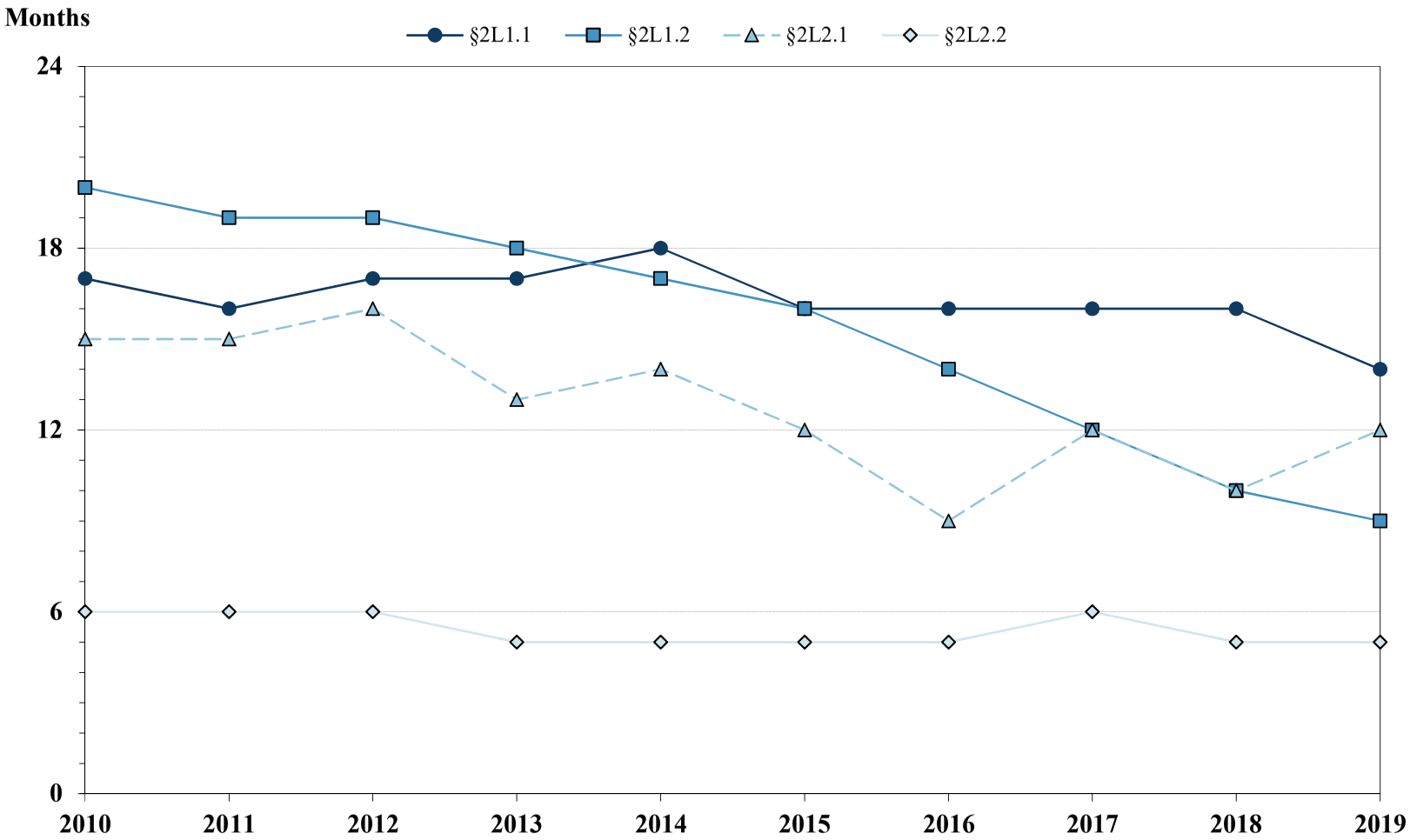


[1] Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure.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

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Figure I-3

SENTENCE LENGTH OF IMMIGRATION OFFENDERS OVER TIME[1]
Fiscal Years 2010 - 2019



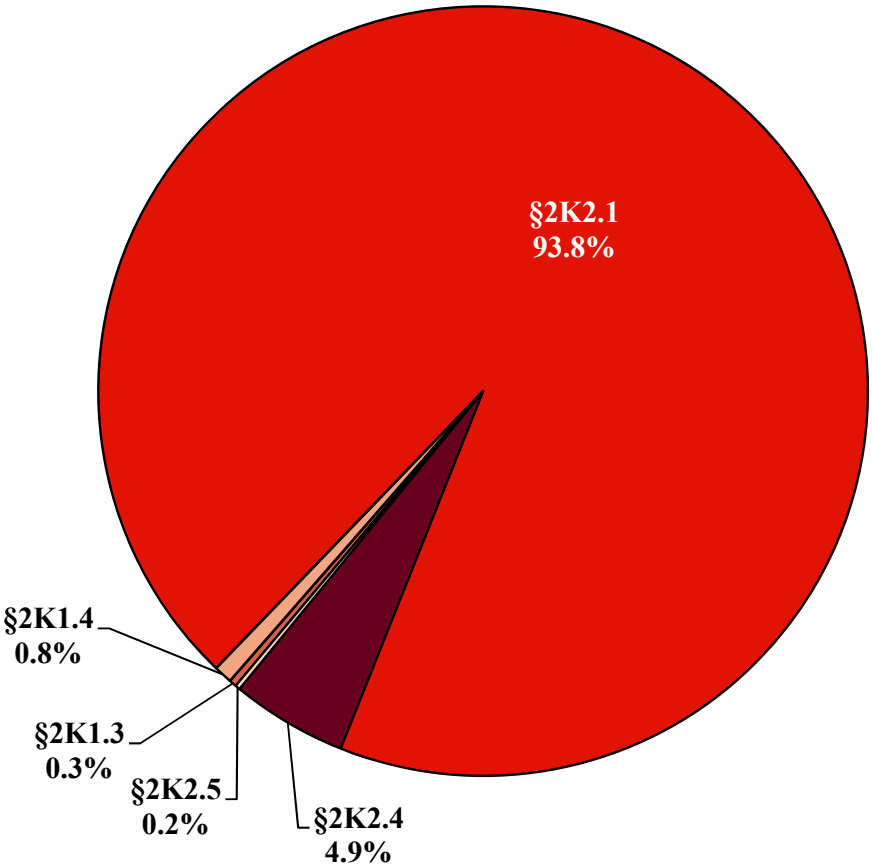
[1] Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

FIREARMS OFFENSES

Figure F-1

DISTRIBUTION OF FIREARMS OFFENDERS BY GUIDELINE[1, 2]
Fiscal Year 2019



[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table F-1

RACE OF FIREARMS OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	**8,461**	**2,155**	**25.5**	**4,486**	**53.0**	**1,580**	**18.7**	**240**	**2.8**
§2K1.3	**27**	18	66.7	2	7.4	7	25.9	0	0.0
§2K1.4	**66**	22	33.3	22	33.3	12	18.2	10	15.2
§2K2.1	**7,940**	2,032	25.6	4,223	53.2	1,472	18.5	213	2.7
§2K2.4[2]	**411**	76	18.5	232	56.4	87	21.2	16	3.9
§2K2.5	**17**	7	41.2	7	41.2	2	11.8	1	5.9

[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,475 cases, 14 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table F-2

GENDER OF FIREARMS OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	**8,475**	**8,118**	**95.8**	**357**	**4.2**
§2K1.3	**27**	26	96.3	1	3.7
§2K1.4	**66**	58	87.9	8	12.1
§2K2.1	**7,952**	7,623	95.9	329	4.1
§2K2.4[2]	**413**	395	95.6	18	4.4
§2K2.5	**17**	16	94.1	1	5.9

[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table F-3

AGE OF FIREARMS OFFENDERS[1]
Fiscal Year 2019

		Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
GUIDELINE	**TOTAL**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**8,475**	**229**	**2.7**	**1,389**	**16.4**	**2,065**	**24.4**	**1,726**	**20.4**	**1,383**	**16.3**	**1,168**	**13.8**	**394**	**4.6**	**121**	**1.4**
§2K1.3	**27**	0	0.0	4	14.8	5	18.5	5	18.5	5	18.5	3	11.1	3	11.1	2	7.4
§2K1.4	**66**	1	1.5	7	10.6	13	19.7	5	7.6	11	16.7	18	27.3	8	12.1	3	4.5
§2K2.1	**7,952**	204	2.6	1,284	16.1	1,930	24.3	1,634	20.5	1,311	16.5	1,106	13.9	370	4.7	113	1.4
§2K2.4[2]	**413**	24	5.8	92	22.3	114	27.6	80	19.4	55	13.3	38	9.2	9	2.2	1	0.2
§2K2.5	**17**	0	0.0	2	11.8	3	17.6	2	11.8	1	5.9	3	17.6	4	23.5	2	11.8

[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table F-4

CITIZENSHIP OF FIREARMS OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	**8,473**	**8,079**	**95.3**	**394**	**4.7**
§2K1.3	**27**	27	100.0	0	0.0
§2K1.4	**66**	64	97.0	2	3.0
§2K2.1	**7,951**	7,568	95.2	383	4.8
§2K2.4[2]	**412**	403	97.8	9	2.2
§2K2.5	**17**	17	100.0	0	0.0

[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,475 cases, two were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table F-5

EDUCATION OF FIREARMS OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	**8,457**	**3,136**	**37.1**	**3,800**	**44.9**	**1,343**	**15.9**	**178**	**2.1**
§2K1.3	**27**	7	25.9	12	44.4	6	22.2	2	7.4
§2K1.4	**66**	21	31.8	22	33.3	18	27.3	5	7.6
§2K2.1	**7,937**	2,941	37.1	3,580	45.1	1,253	15.8	163	2.1
§2K2.4[2]	**410**	162	39.5	177	43.2	65	15.9	6	1.5
§2K2.5	**17**	5	29.4	9	52.9	1	5.9	2	11.8

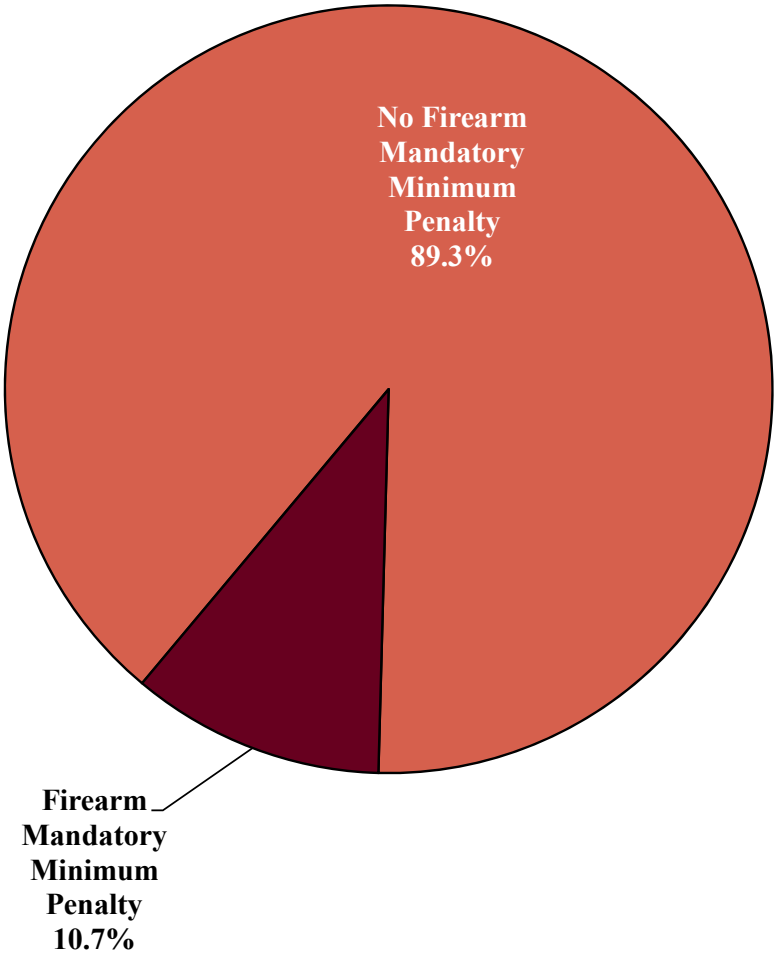
[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 8,475 cases, 18 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure F-2

FIREARM MANDATORY MINIMUM PENALTIES[1]
Fiscal Year 2019



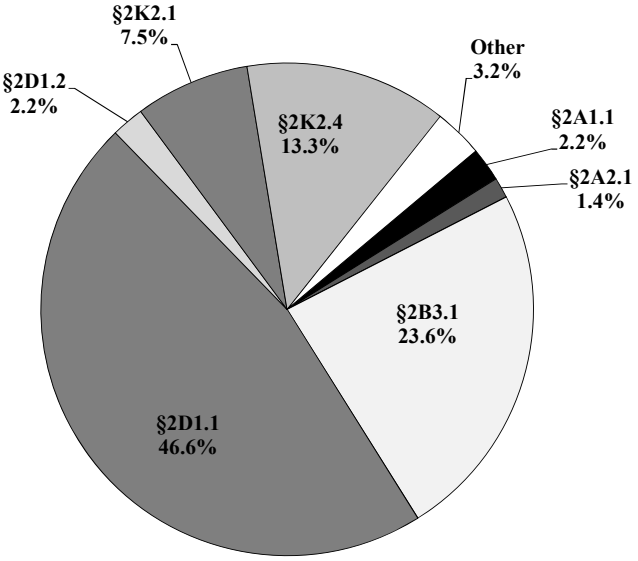
[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). This figure is limited to mandatory minimum penalties for violating 18 U.S.C. § 924(c) or 18 U.S.C. § 924(e). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

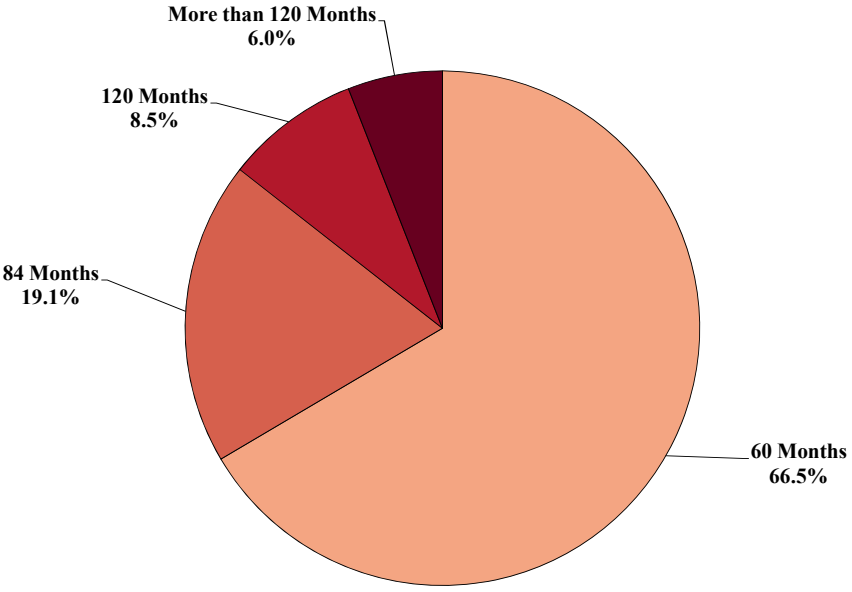
Figure F-3

CONVICTIONS UNDER 18 U.S.C. § 924(c)[1]
Fiscal Year 2019

DISTRIBUTION OF APPLICABLE GUIDELINES[2]



LENGTH OF MANDATORY MINIMUM PENALTY



[1] Of the 76,538 cases, in 3,142 the offenders were convicted of one or more counts of violating 18 U.S.C. § 924(c). Of these, one was missing mandatory minimum penalty information. Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table F-6

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR FIREARMS OFFENDERS[1]
Fiscal Year 2019

		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
GUIDELINE	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**8,475**	**4,627**	**54.6**	**58**	**0.7**	**565**	**6.7**	**8**	**0.1**	**302**	**3.6**	**2,915**	**34.4**
§2K1.3	**27**	5	18.5	0	0.0	6	22.2	0	0.0	4	14.8	12	44.4
§2K1.4	**66**	34	51.5	2	3.0	9	13.6	0	0.0	2	3.0	19	28.8
§2K2.1	**7,952**	4,247	53.4	48	0.6	511	6.4	8	0.1	296	3.7	2,842	35.7
§2K2.4[2]	**413**	327	79.2	8	1.9	39	9.4	0	0.0	0	0.0	39	9.4
§2K2.5	**17**	14	82.4	0	0.0	0	0.0	0	0.0	0	0.0	3	17.6

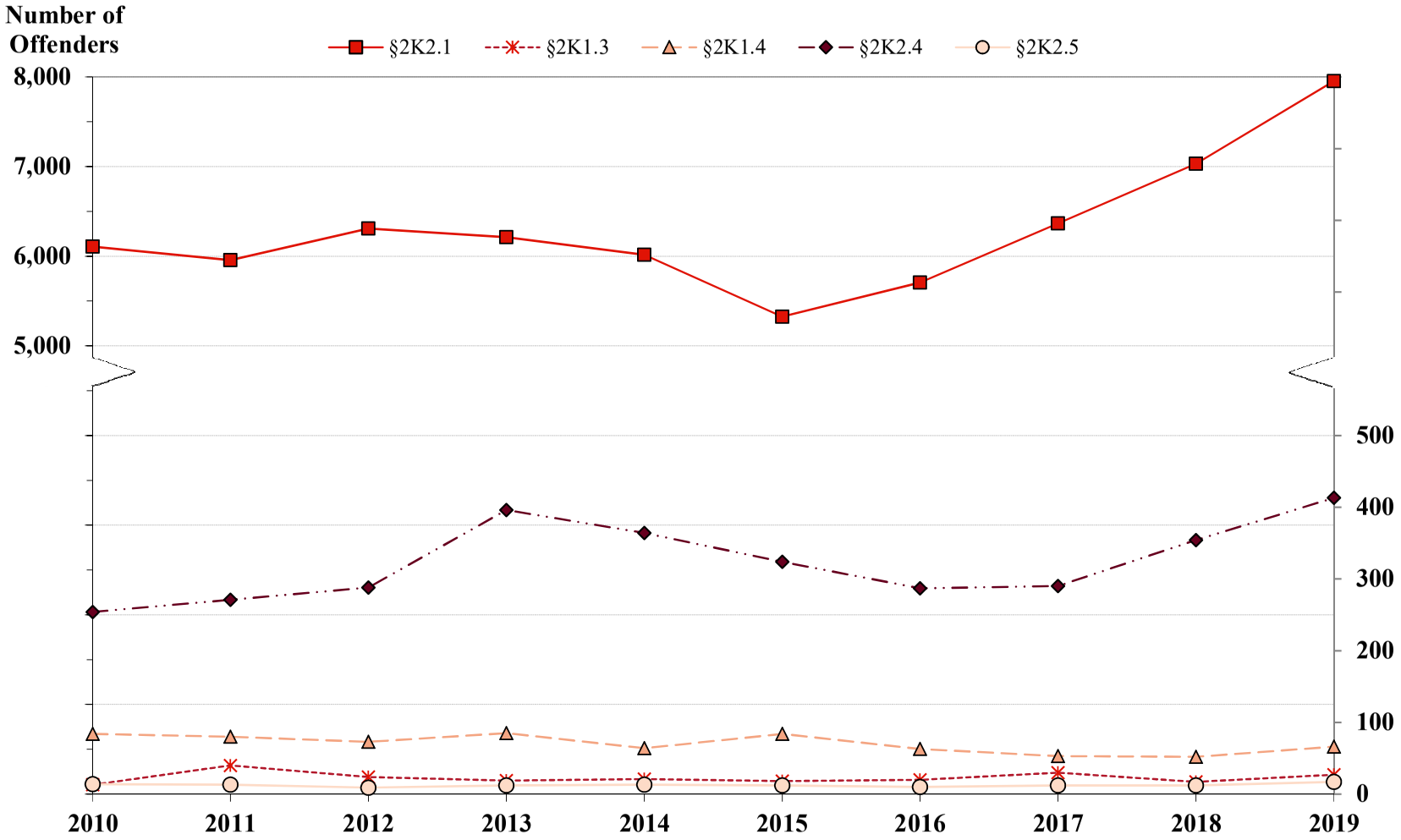
[1] Of the 76,538 cases, in 8,476 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 8,475 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure F-4

NUMBER OF FIREARMS OFFENDERS OVER TIME[1, 2]
Fiscal Years 2010 - 2019



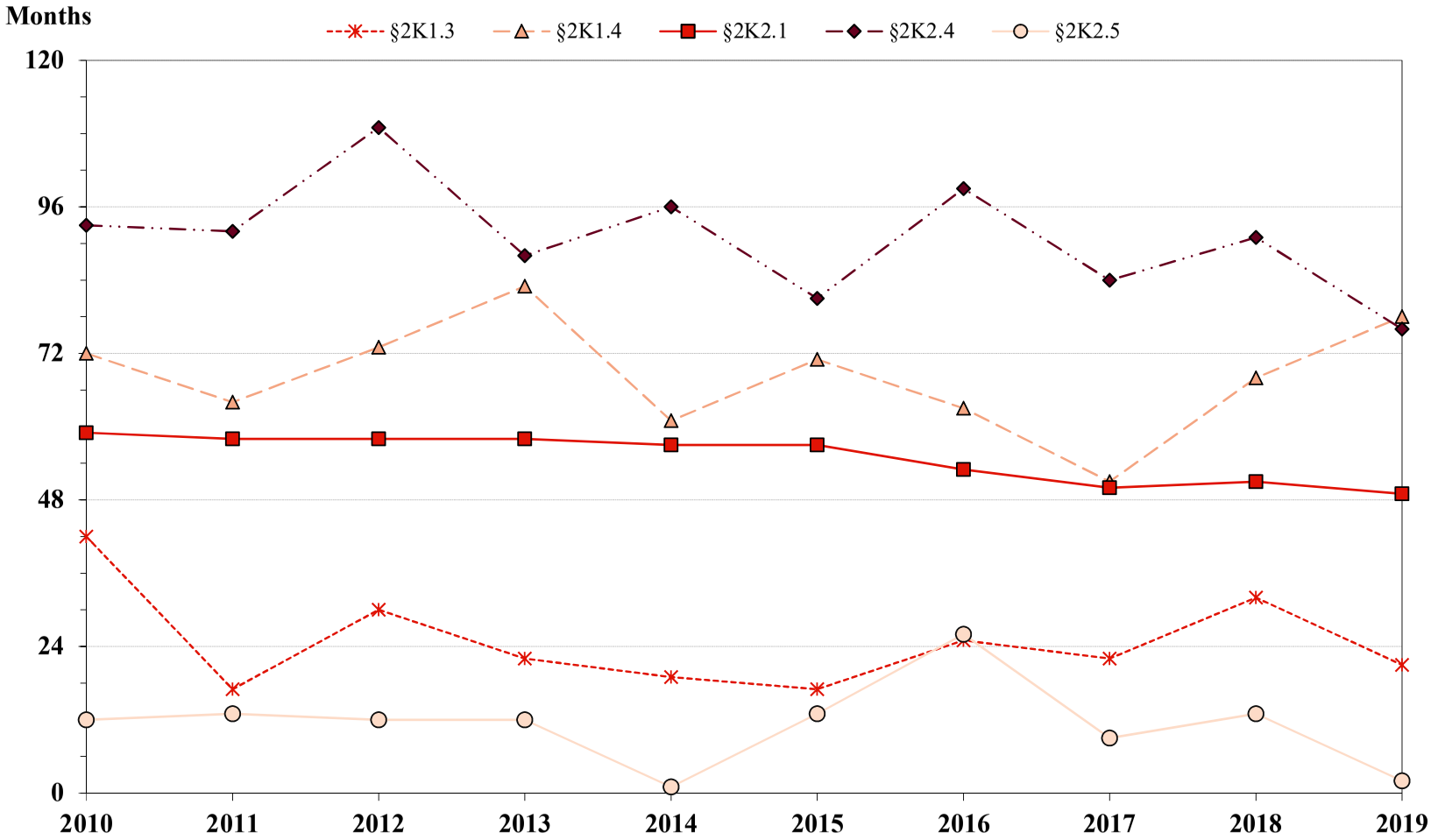
[1] Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to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

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

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Figure F-5

SENTENCE LENGTH OF FIREARMS OFFENDERS OVER TIME[1, 2]
Fiscal Years 2010 - 2019



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

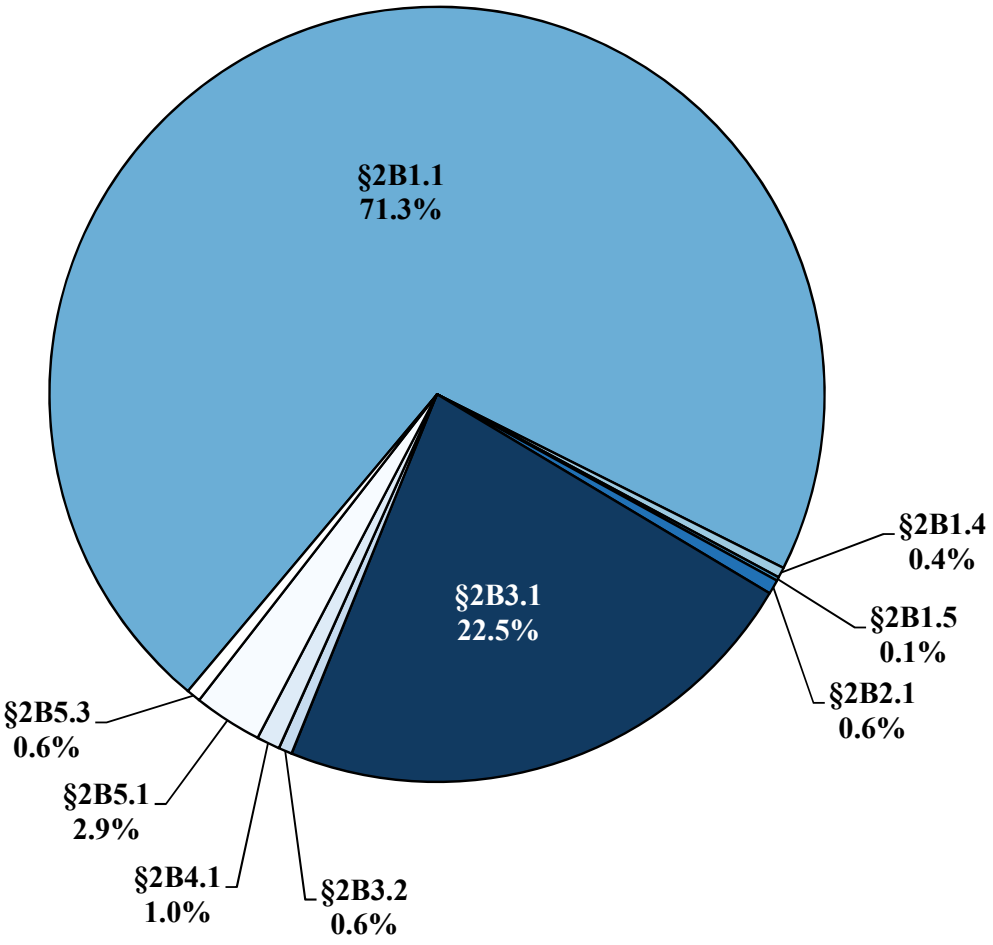
[2] In the §2K2.4 cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under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

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

ECONOMIC OFFENSES

Figure E-1

DISTRIBUTION OF ECONOMIC OFFENSE OFFENDERS BY GUIDELINE[1]
Fiscal Year 2019



[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-1

RACE OF ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

		WHITE		BLACK		HISPANIC		OTHER	
GUIDELINE	**TOTAL**	N	%	N	%	N	%	N	%
TOTAL	**7,986**	**3,066**	**38.4**	**2,855**	**35.8**	**1,581**	**19.8**	**484**	**6.1**
§2B1.1	**5,694**	2,450	43.0	1,650	29.0	1,215	21.3	379	6.7
§2B1.4	**35**	21	60.0	1	2.9	6	17.1	7	20.0
§2B1.5	**12**	9	75.0	0	0.0	3	25.0	0	0.0
§2B2.1	**48**	10	20.8	10	20.8	5	10.4	23	47.9
§2B3.1	**1,801**	390	21.7	1,085	60.2	273	15.2	53	2.9
§2B3.2	**45**	21	46.7	4	8.9	19	42.2	1	2.2
§2B4.1	**78**	34	43.6	8	10.3	30	38.5	6	7.7
§2B5.1	**227**	113	49.8	93	41.0	19	8.4	2	0.9
§2B5.3	**46**	18	39.1	4	8.7	11	23.9	13	28.3

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,006 cases, 20 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-2

GENDER OF ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	MALE N	MALE %	FEMALE N	FEMALE %
TOTAL	**8,006**	**6,028**	**75.3**	**1,978**	**24.7**
§2B1.1	**5,707**	3,949	69.2	1,758	30.8
§2B1.4	**35**	33	94.3	2	5.7
§2B1.5	**12**	10	83.3	2	16.7
§2B2.1	**48**	42	87.5	6	12.5
§2B3.1	**1,805**	1,688	93.5	117	6.5
§2B3.2	**45**	40	88.9	5	11.1
§2B4.1	**78**	50	64.1	28	35.9
§2B5.1	**229**	178	77.7	51	22.3
§2B5.3	**47**	38	80.9	9	19.1

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-3

AGE OF ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

		Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
GUIDELINE	**TOTAL**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**8,006**	**205**	**2.6**	**898**	**11.2**	**1,213**	**15.2**	**1,079**	**13.5**	**1,033**	**12.9**	**1,690**	**21.1**	**1,151**	**14.4**	**737**	**9.2**
§2B1.1	**5,707**	68	1.2	407	7.1	724	12.7	774	13.6	747	13.1	1,374	24.1	959	16.8	654	11.5
§2B1.4	**35**	0	0.0	0	0.0	1	2.9	9	25.7	4	11.4	8	22.9	10	28.6	3	8.6
§2B1.5	**12**	1	8.3	2	16.7	0	0.0	0	0.0	1	8.3	4	33.3	2	16.7	2	16.7
§2B2.1	**48**	3	6.3	15	31.3	7	14.6	8	16.7	6	12.5	5	10.4	3	6.3	1	2.1
§2B3.1	**1,805**	124	6.9	418	23.2	417	23.1	239	13.2	222	12.3	215	11.9	127	7.0	43	2.4
§2B3.2	**45**	1	2.2	3	6.7	5	11.1	7	15.6	9	20.0	10	22.2	5	11.1	5	11.1
§2B4.1	**78**	0	0.0	0	0.0	2	2.6	4	5.1	1	1.3	23	29.5	27	34.6	21	26.9
§2B5.1	**229**	8	3.5	48	21.0	52	22.7	33	14.4	40	17.5	38	16.6	7	3.1	3	1.3
§2B5.3	**47**	0	0.0	5	10.6	5	10.6	5	10.6	3	6.4	13	27.7	11	23.4	5	10.6

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-4

CITIZENSHIP OF ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

		U.S. CITIZEN		NON-U.S. CITIZEN	
GUIDELINE	**TOTAL**	N	%	N	%
TOTAL	**8,002**	**6,990**	**87.4**	**1,012**	**12.6**
§2B1.1	**5,703**	4,810	84.3	893	15.7
§2B1.4	**35**	31	88.6	4	11.4
§2B1.5	**12**	12	100.0	0	0.0
§2B2.1	**48**	45	93.8	3	6.3
§2B3.1	**1,805**	1,743	96.6	62	3.4
§2B3.2	**45**	30	66.7	15	33.3
§2B4.1	**78**	69	88.5	9	11.5
§2B5.1	**229**	218	95.2	11	4.8
§2B5.3	**47**	32	68.1	15	31.9

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,006 cases, four were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-5

EDUCATION OF ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
TOTAL	**7,955**	**1,673**	**21.0**	**2,626**	**33.0**	**2,298**	**28.9**	**1,358**	**17.1**
§2B1.1	**5,661**	956	16.9	1,646	29.1	1,831	32.3	1,228	21.7
§2B1.4	**35**	1	2.9	3	8.6	6	17.1	25	71.4
§2B1.5	**12**	2	16.7	6	50.0	4	33.3	0	0.0
§2B2.1	**48**	24	50.0	14	29.2	10	20.8	0	0.0
§2B3.1	**1,801**	608	33.8	807	44.8	345	19.2	41	2.3
§2B3.2	**45**	17	37.8	15	33.3	8	17.8	5	11.1
§2B4.1	**78**	4	5.1	11	14.1	24	30.8	39	50.0
§2B5.1	**228**	57	25.0	107	46.9	52	22.8	12	5.3
§2B5.3	**47**	4	8.5	17	36.2	18	38.3	8	17.0

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,006 cases, 51 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-6

LOSS AMOUNT OF ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

GUIDELINE	TOTAL	NO GUIDELINE INCREASE FOR LOSS AMOUNT[2]		GUIDELINE INCREASE FOR LOSS AMOUNT		AMOUNT OF LOSS[3]		
		N	%	N	%	N	Mean	Median
TOTAL	**7,897**	**2,599**	**32.9**	**5,298**	**67.1**	**6,041**	**$6,211,930**	**$59,027**
§2B1.1	**5,632**	968	17.2	4,664	82.8	4,397	$8,435,296	$137,500
§2B1.4	**34**	0	0.0	34	100.0	23	$867,700	$298,386
§2B1.5	**12**	1	8.3	11	91.7	9	$123,798	$10,483
§2B2.1	**48**	34	70.8	14	29.2	30	$9,620	$823
§2B3.1	**1,777**	1,491	83.9	286	16.1	1,301	$31,165	$2,076
§2B3.2	**44**	23	52.3	21	47.7	26	$581,840	$14,050
§2B4.1	**76**	1	1.3	75	98.7	53	$851,192	$256,872
§2B5.1	**228**	78	34.2	150	65.8	169	$30,508	$6,600
§2B5.3	**46**	3	6.5	43	93.5	33	$9,362,716	$236,600

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these, the Commission received complete guideline application information for 7,897 cases. In 5,298 cases the guideline range was enhanced due to the amount of loss involved in the case. Descriptions of variables used in this table are provided in Appendix A.

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

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table E-7

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR ECONOMIC OFFENSE OFFENDERS[1]
Fiscal Year 2019

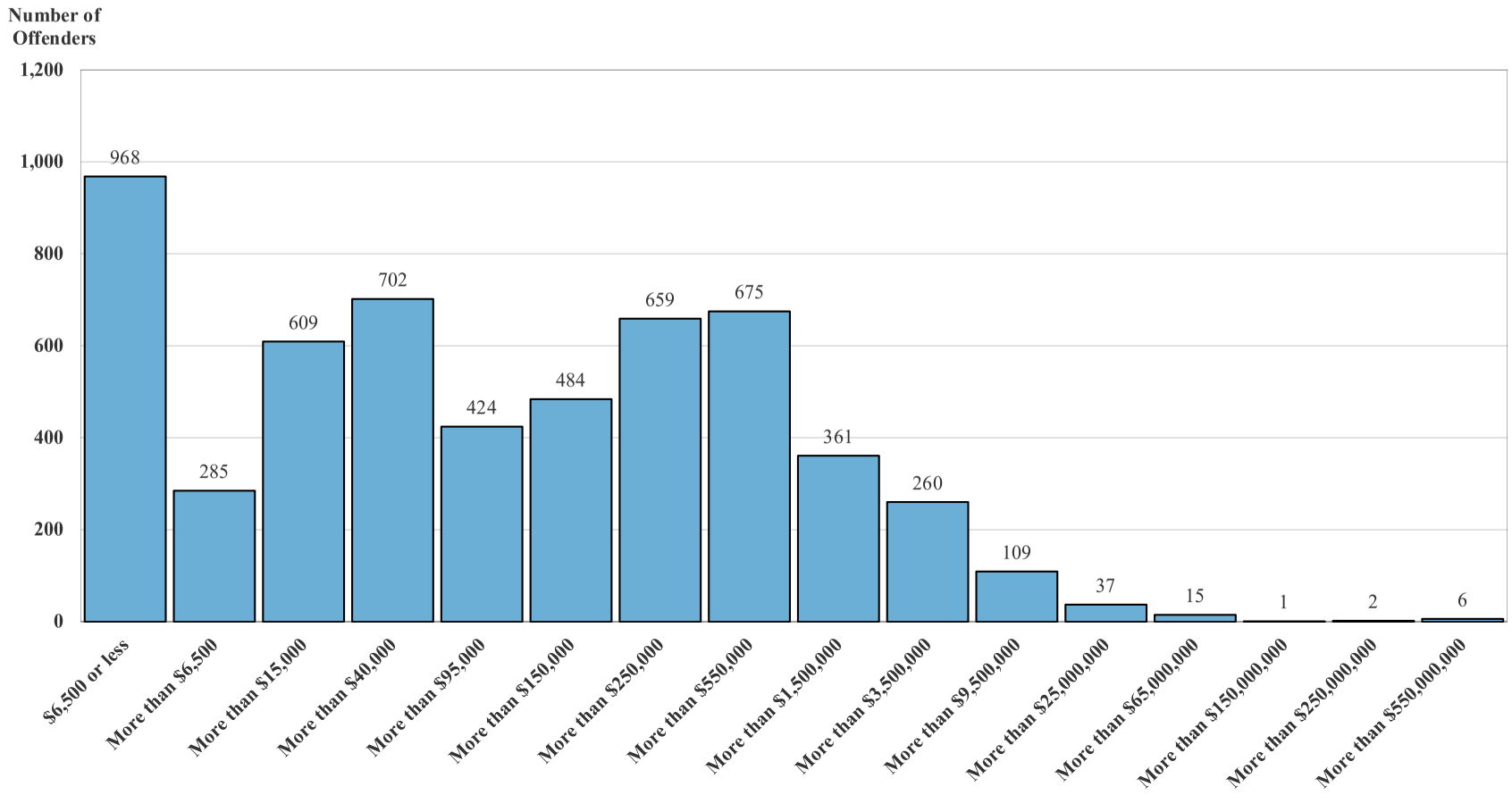
		WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
GUIDELINE	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**8,005**	**3,412**	**42.6**	**51**	**0.6**	**1,151**	**14.4**	**10**	**0.1**	**313**	**3.9**	**3,068**	**38.3**
§2B1.1	**5,706**	2,503	43.9	19	0.3	819	14.4	10	0.2	198	3.5	2,157	37.8
§2B1.4	**35**	0	0.0	0	0.0	7	20.0	0	0.0	2	5.7	26	74.3
§2B1.5	**12**	4	33.3	0	0.0	0	0.0	0	0.0	0	0.0	8	66.7
§2B2.1	**48**	27	56.3	1	2.1	1	2.1	0	0.0	2	4.2	17	35.4
§2B3.1	**1,805**	707	39.2	29	1.6	258	14.3	0	0.0	99	5.5	712	39.4
§2B3.2	**45**	22	48.9	1	2.2	5	11.1	0	0.0	0	0.0	17	37.8
§2B4.1	**78**	14	17.9	0	0.0	32	41.0	0	0.0	1	1.3	31	39.7
§2B5.1	**229**	123	53.7	1	0.4	21	9.2	0	0.0	5	2.2	79	34.5
§2B5.3	**47**	12	25.5	0	0.0	8	17.0	0	0.0	6	12.8	21	44.7

[1] Of the 76,538 cases, in 8,168 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 8,006 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 8,006 cases, one was 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, 2019 Datafile, USSCFY19.

Figure E-2

NUMBER OF OFFENDERS IN EACH §2B1.1 LOSS TABLE CATEGORY[1]
Fiscal Year 2019

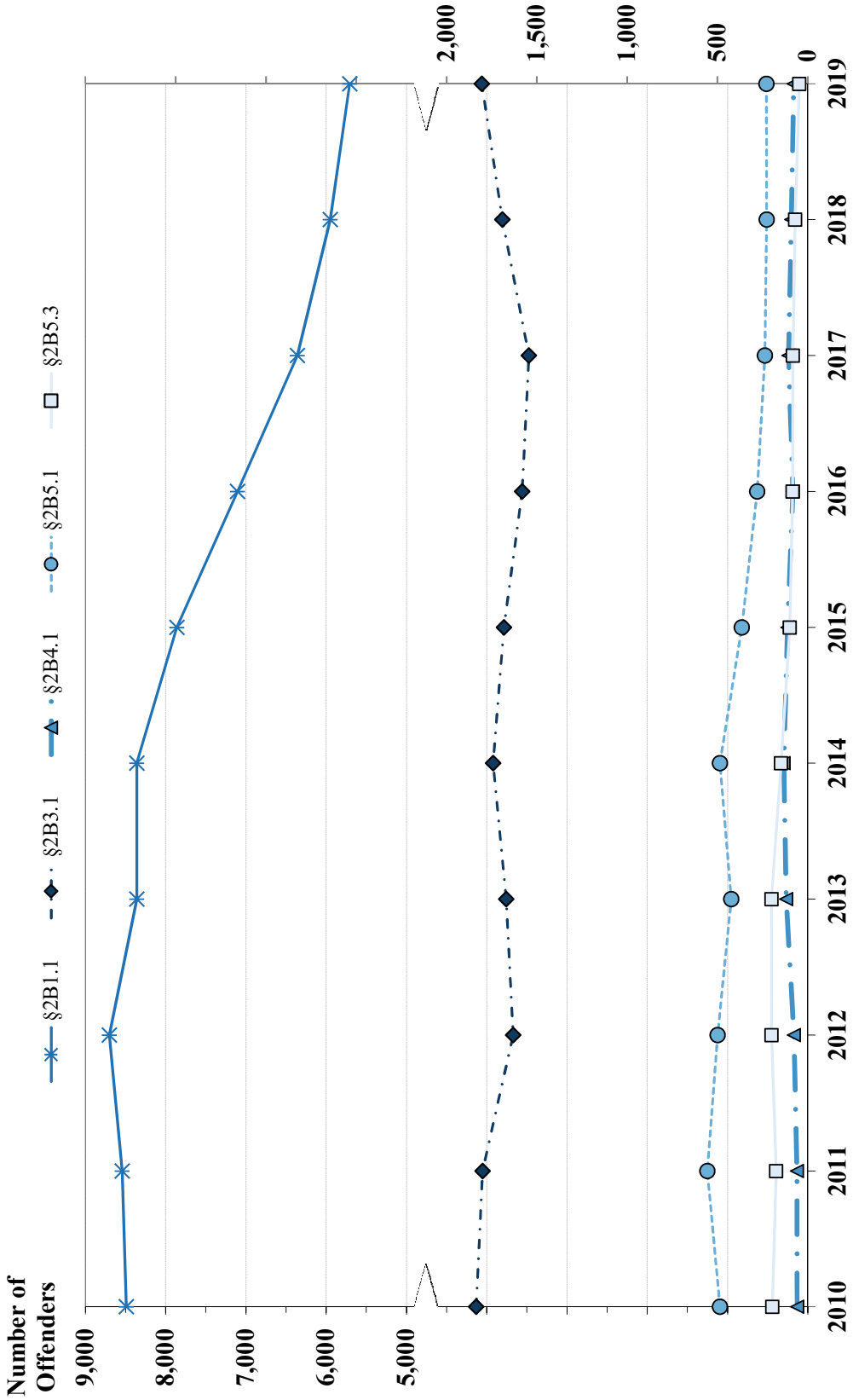


[1] Of the 76,538 cases, the Commission received complete guideline application information for 70,537 cases. Of these, 5,632 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses). An additional 35 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2015. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure E-3

NUMBER OF ECONOMIC OFFENSE OFFENDERS OVER TIME[1]
Fiscal Years 2010 - 2019

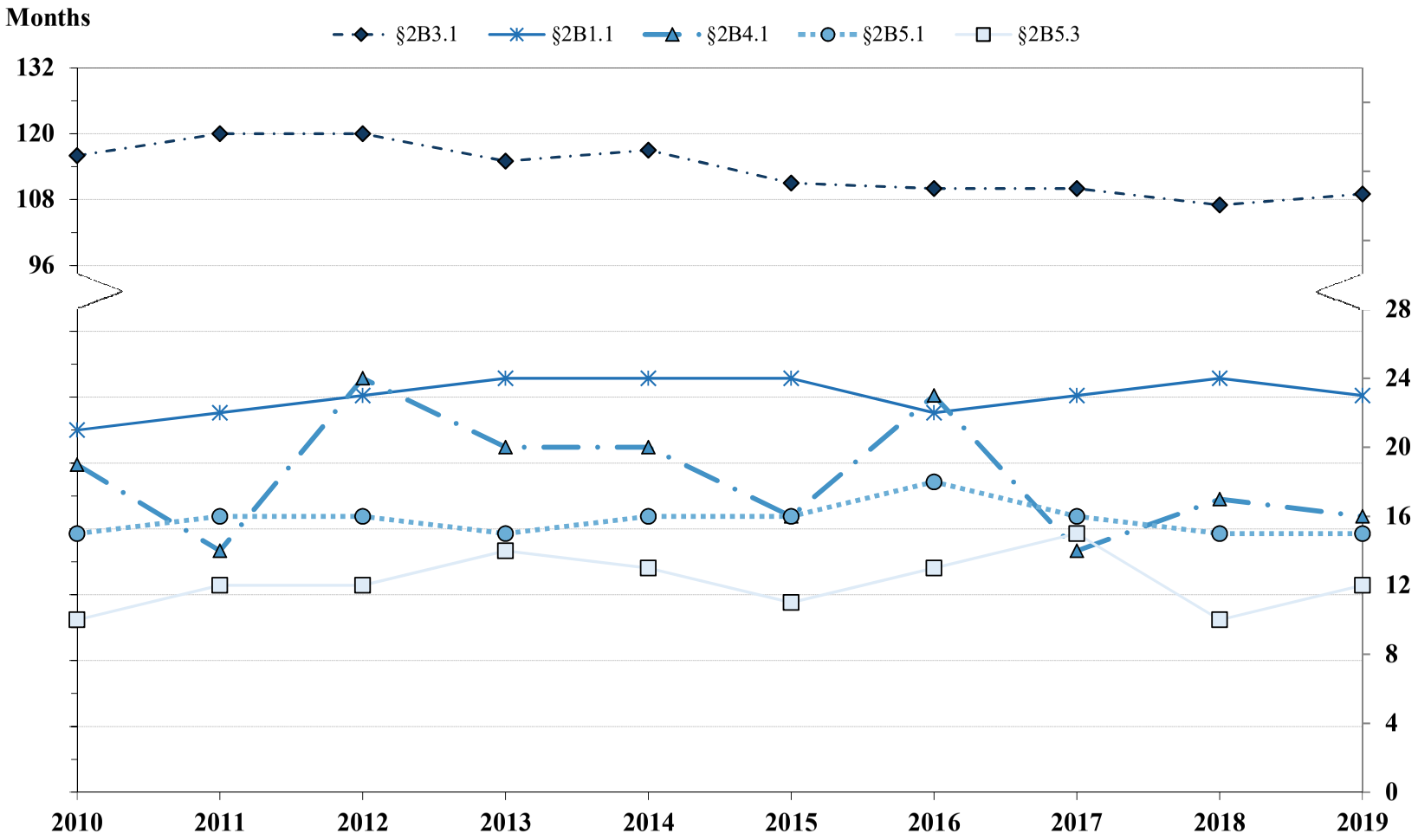


[1] Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

Figure E-4

SENTENCE LENGTH OF ECONOMIC OFFENSE OFFENDERS OVER TIME[1]
Fiscal Years 2010 - 2019



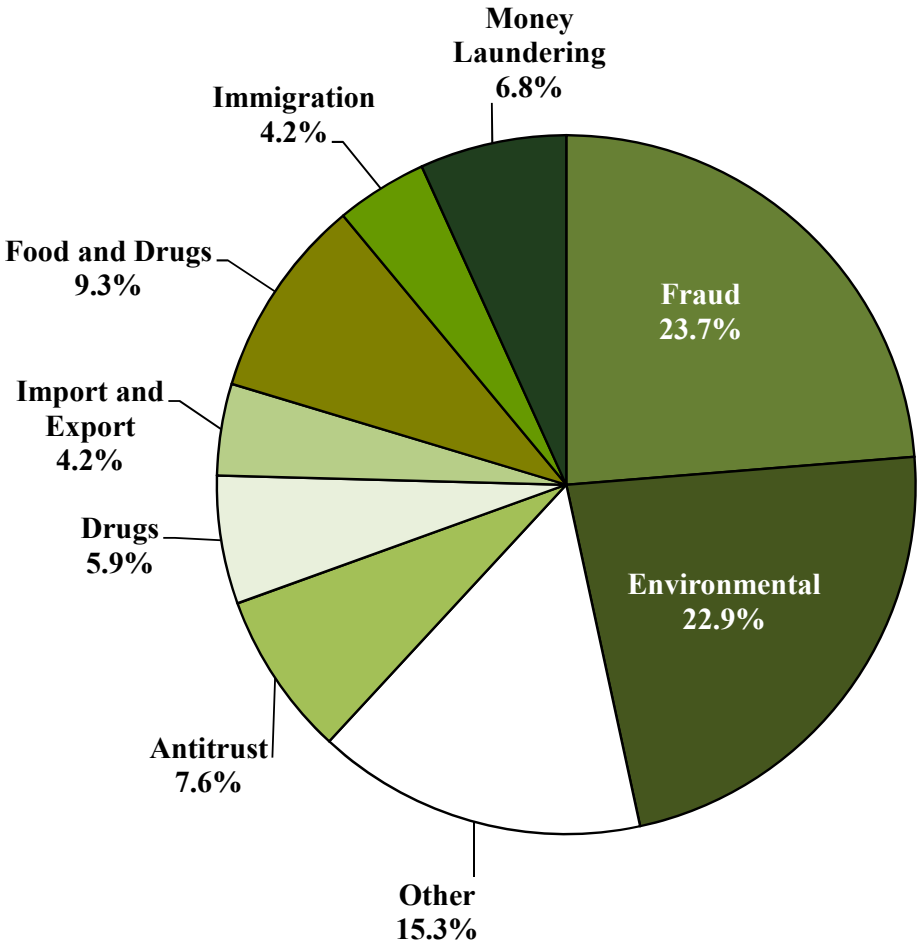
[1] Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this figure includes conditions of confinement as described in USSG §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Datafiles, USSCFY10 - USSCFY19.

ORGANIZATIONAL OFFENDER SENTENCING DATA

Figure O-1

ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

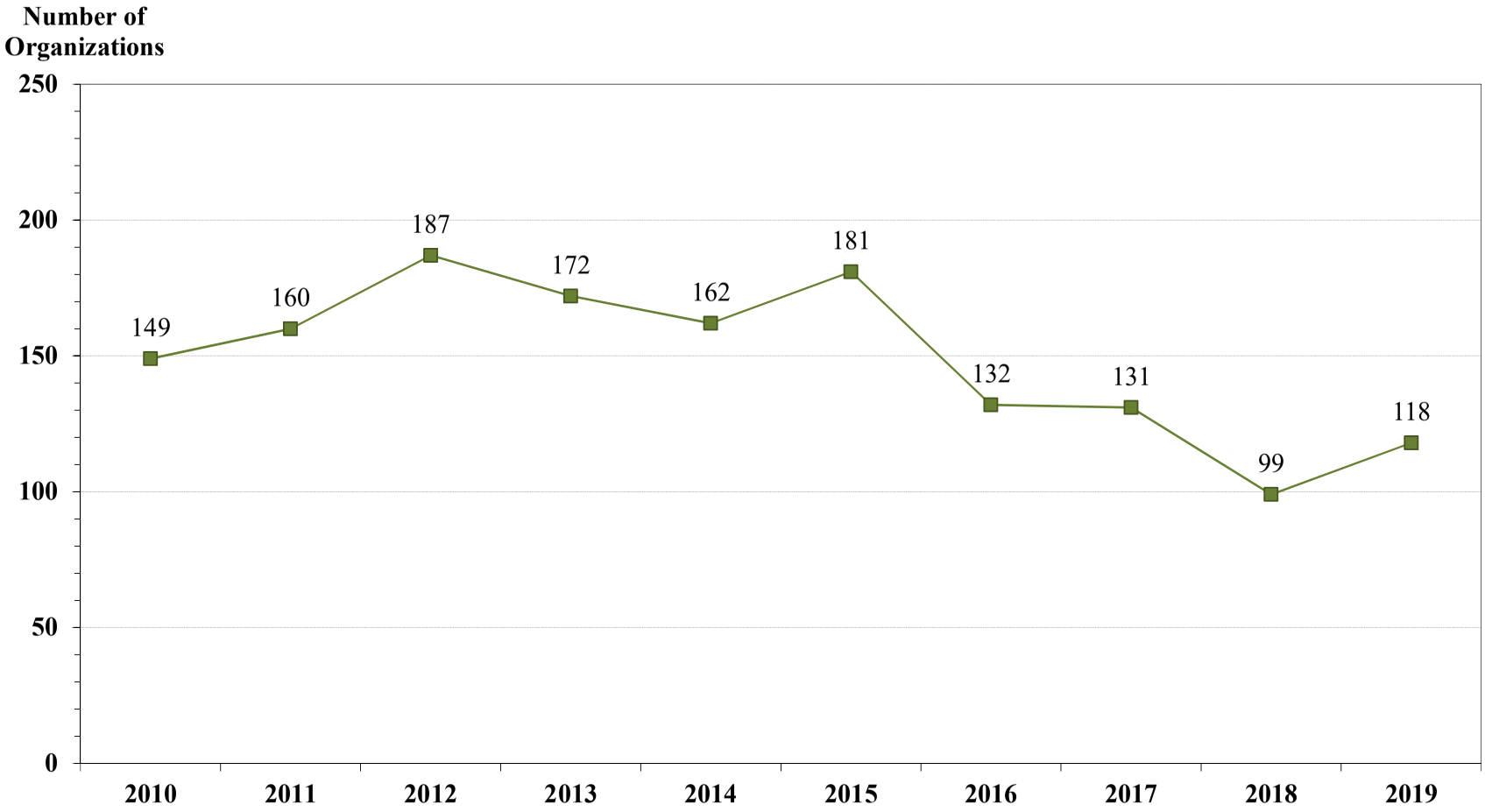


[1] This figure includes the 118 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Figure O-2

NUMBER OF ORGANIZATIONAL OFFENDERS OVER TIME[1]
Fiscal Years 2010-2019

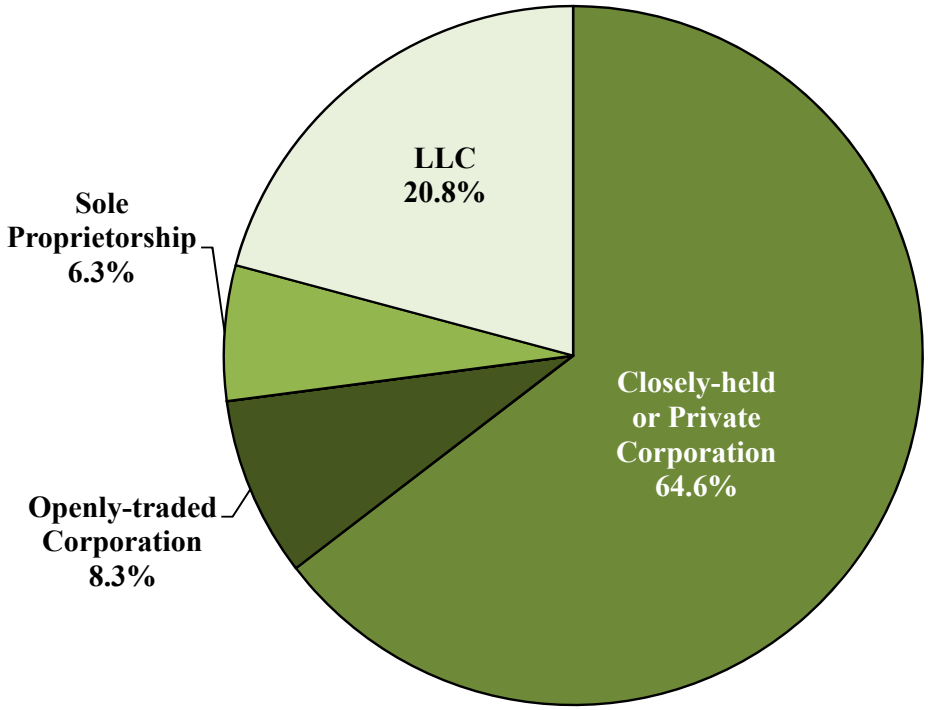


[1] Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 - 2019 Organizational Datafiles, CORPFY10-CORPFY19.

Figure O-3

ORGANIZATIONAL OFFENDERS BY OWNERSHIP STRUCTURE[1]
Fiscal Year 2019

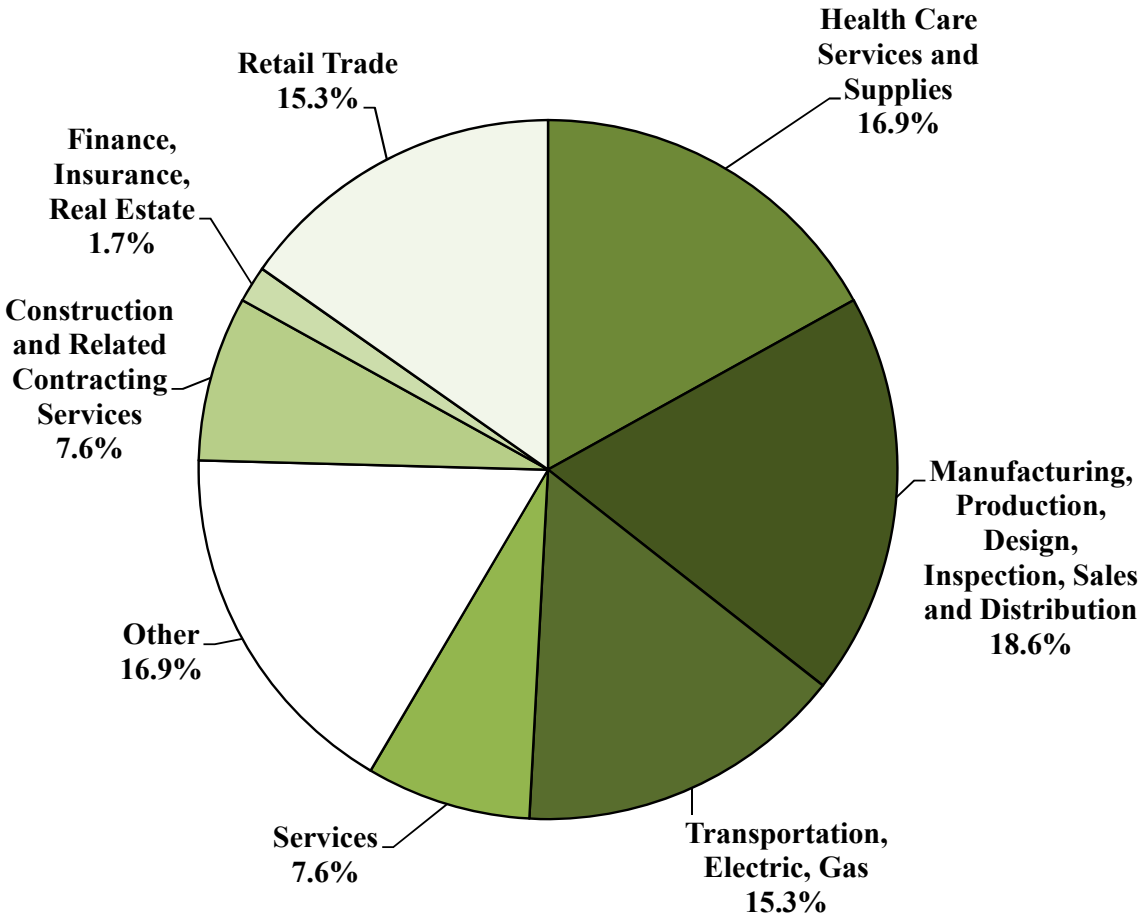


[1] Of the 118 organizational cases, 20 were missing information on the ownership structure of the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Figure O-4

ORGANIZATIONAL OFFENDERS BY TYPE OF BUSINESS[1]
Fiscal Year 2019

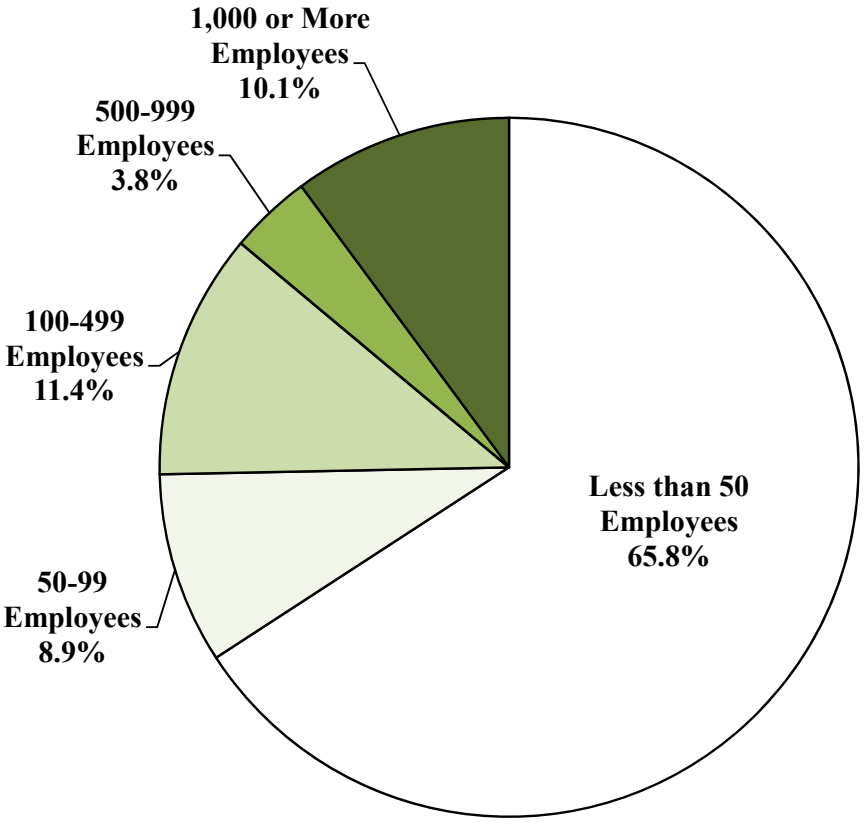


[1] This figure includes the 118 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Figure O-5

SIZE OF ORGANIZATIONAL OFFENDERS BY NUMBER OF EMPLOYEES[1]
Fiscal Year 2019



[1] Of the 118 organizational cases, 39 were missing information on the number of employees in the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Table O-1

FINE AND RESTITUTION FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

TYPE OF CRIME	TOTAL	NO FINE OR RESTITUTION ORDERED		FINE ORDERED/ NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
		N	%	N	%	N	%	N	%
TOTAL	**118**	**11**	**9.3**	**74**	**62.7**	**17**	**14.4**	**16**	**13.6**
Administration of Justice Offenses	**6**	0	0.0	4	66.7	2	33.3	0	0.0
Antitrust	**9**	0	0.0	9	100.0	0	0.0	0	0.0
Archeological Damage	**0**	0	--	0	--	0	--	0	--
Public Corruption: Bribery/Gratuity/Extortion	**4**	0	0.0	3	75.0	0	0.0	1	25.0
Civil Rights	**0**	0	--	0	--	0	--	0	--
Contraband	**0**	0	--	0	--	0	--	0	--
Copyright/Trademark	**2**	1	50.0	0	0.0	0	0.0	1	50.0
Drugs	**7**	2	28.6	3	42.9	2	28.6	0	0.0
Environmental - Water	**14**	0	0.0	13	92.9	0	0.0	1	7.1
Environmental - Air	**4**	0	0.0	4	100.0	0	0.0	0	0.0
Environmental - Hazardous/Toxic Pollutants	**8**	0	0.0	4	50.0	3	37.5	1	12.5
Environmental - Wildlife	**1**	0	0.0	0	0.0	0	0.0	1	100.0
Import and Export	**5**	1	20.0	4	80.0	0	0.0	0	0.0
Firearms	**0**	0	--	0	--	0	--	0	--
Food, Drugs, Agricultural and Consumer Products	**11**	0	0.0	8	72.7	1	9.1	2	18.2
Food Stamps	**2**	0	0.0	0	0.0	1	50.0	1	50.0
Forgery	**0**	0	--	0	--	0	--	0	--
Fraud	**28**	2	7.1	14	50.0	7	25.0	5	17.9
Gambling	**0**	0	--	0	--	0	--	0	--
Immigration	**5**	2	40.0	2	40.0	0	0.0	1	20.0
Larceny/Theft/Embezzlement	**1**	0	0.0	1	100.0	0	0.0	0	0.0
Motor Vehicles	**0**	0	--	0	--	0	--	0	--
Money Laundering	**8**	3	37.5	3	37.5	0	0.0	2	25.0
Obscenity	**0**	0	--	0	--	0	--	0	--
Racketeering/Extortion	**1**	0	0.0	1	100.0	0	0.0	0	0.0
Tax	**2**	0	0.0	1	50.0	1	50.0	0	0.0
Other	**0**	0	--	0	--	0	--	0	--

[1] Of the 118 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 107 cases. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Table O-2

AMOUNT OF FINE AND RESTITUTION ORDERED FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME[1]
Fiscal Year 2019

	FINE ORDERED				RESTITUTION ORDERED[2]				FINE OR RESTITUTION ORDERED			
TYPE OF CRIME	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
TOTAL	**90**	**$10,528,428**	**$500,000**	**$947,558,533**	**33**	**$4,799,934**	**$644,690**	**$158,397,822**	**107**	**$10,336,041**	**$600,000**	**$1,105,956,355**
Administration of Justice Offenses	4	$926,250	$250,000	$3,705,000	2	--	--	--	6	$737,560	$250,000	$4,425,357
Antitrust	9	$33,053,503	$34,079,185	$297,481,527	0	--	--	--	9	$33,053,503	$34,079,185	$297,481,527
Archeological Damage	0	--	--	--	0	--	--	--	0	--	--	--
Public Corruption: Bribery/Gratuity/Extortion	4	$508,750	$612,449	$2,034,998	1	--	--	--	4	$661,252	$667,504	$2,645,007
Civil	0	--	--	--	0	--	--	--	0	--	--	--
Contraband	0	--	--	--	0	--	--	--	0	--	--	--
Copyright/Trademark	1	--	--	--	1	--	--	--	1	--	--	--
Drugs	3	$89,655	$100,000	$268,966	2	--	--	--	5	$251,737	$115,485	$1,258,683
Environmental - Water	14	$1,380,429	$1,000,000	$19,326,000	1	--	--	--	14	$1,398,729	$1,078,603	$19,582,206
Environmental - Air	4	$1,240,000	$1,500,000	$4,960,000	0	--	--	--	4	$1,240,000	$1,500,000	$4,960,000
Environmental - Hazardous/Toxic Pollutants	5	$909,000	$500,000	$4,545,000	4	$1,000,000	$1,222,532	$4,000,001	8	$1,068,125	$972,532	$8,545,001
Environmental - Wildlife	1	--	--	--	1	--	--	--	1	--	--	--
Import and Export	4	$117,191,955	$148,910	$468,767,820	0	--	--	--	4	$117,191,955	$148,910	$468,767,820
Firearms	0	--	--	--	0	--	--	--	0	--	--	--
Food, Drugs, Agricultural & Consumer Products	10	$9,536,712	$100,000	$95,367,122	3	$2,025,916	$1,500,000	$6,077,747	11	$9,222,261	$215,122	$101,444,869
Food Stamps	1	--	--	--	2	--	--	--	2	--	--	--
Forgery	0	--	--	--	0	--	--	--	0	--	--	--
Fraud	19	$2,347,532	$500,000	$44,603,100	12	$11,920,985	$1,084,618	$143,051,815	26	$7,217,497	$740,193	$187,654,915
Gambling	0	--	--	--	0	--	--	--	0	--	--	--
Immigration	3	$333,333	$250,000	$1,000,000	1	--	--	--	3	$391,568	$424,705	$1,174,705
Larceny/Theft/Embezzlement	1	--	--	--	0	--	--	--	1	--	--	--
Motor Vehicles	0	--	--	--	0	--	--	--	0	--	--	--
Money Laundering	5	$880,000	$500,000	$4,400,000	2	--	--	--	5	$1,228,000	$500,000	$6,140,000
Obscenity	0	--	--	--	0	--	--	--	0	--	--	--
Racketeering/Extortion	1	--	--	--	0	--	--	--	1	--	--	--
Tax	1	--	--	--	1	--	--	--	2	--	--	--
Other	0	--	--	--	0	--	--	--	0	--	--	--

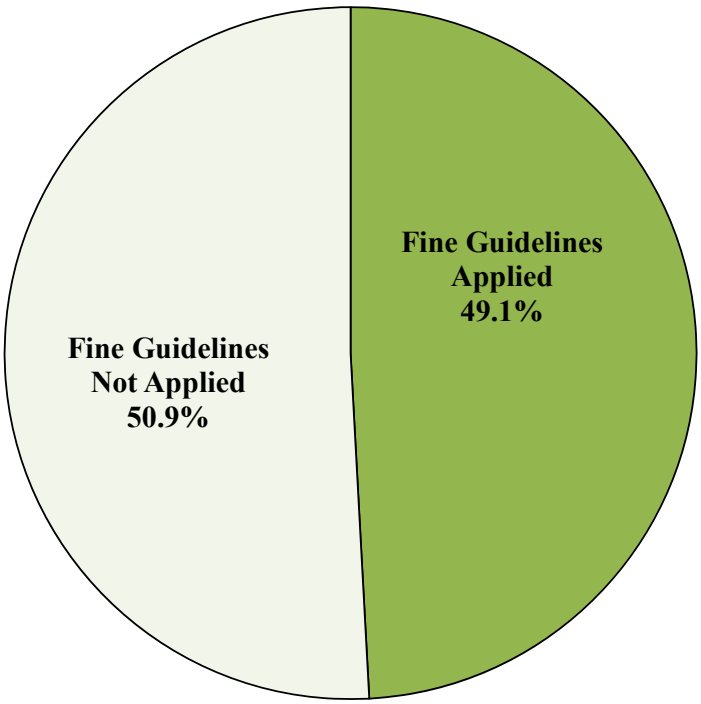
[1] Of the 118 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 107 cases. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

[2] In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Figure O-6

APPLICATION OF CHAPTER EIGHT FINE GUIDELINES[1]
Fiscal Year 2019



[1] Of the 118 organizational cases, two were missing information on the Chapter Eight fine application. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Table O-3

CHAPTER EIGHT SENTENCING COMPONENTS FOR ORGANIZATIONAL OFFENDERS[1]
Fiscal Year 2019

SENTENCING COMPONENTS		
Disposition	N	%
Guilty Plea	111	94.1
Nolo Contendere	0	0.0
Bench Trial	1	0.8
Trial By Jury	6	5.1
TOTAL	**118**	**100.0**
Probation[2]		
Probation Ordered	80	67.8
Probation Not Ordered	38	32.2
TOTAL	**118**	**100.0**
Court Ordered Compliance/Ethics		
Program Ordered	22	18.6
No Program Ordered	96	81.4
TOTAL	**118**	**100.0**
Inability to Pay		
Fine Reduced - Organization Unable to Pay[3]	32	27.4
Organization Able to Pay	85	72.6
TOTAL	**117**	**100.0**

[1] The total for each component may add up to less than the total number of organizational offenders due to missing information for that variable. Descriptions of variables used in this table are provided in Appendix A. A discussion of a compliance and ethics program can be found in USSG §8C2.5.

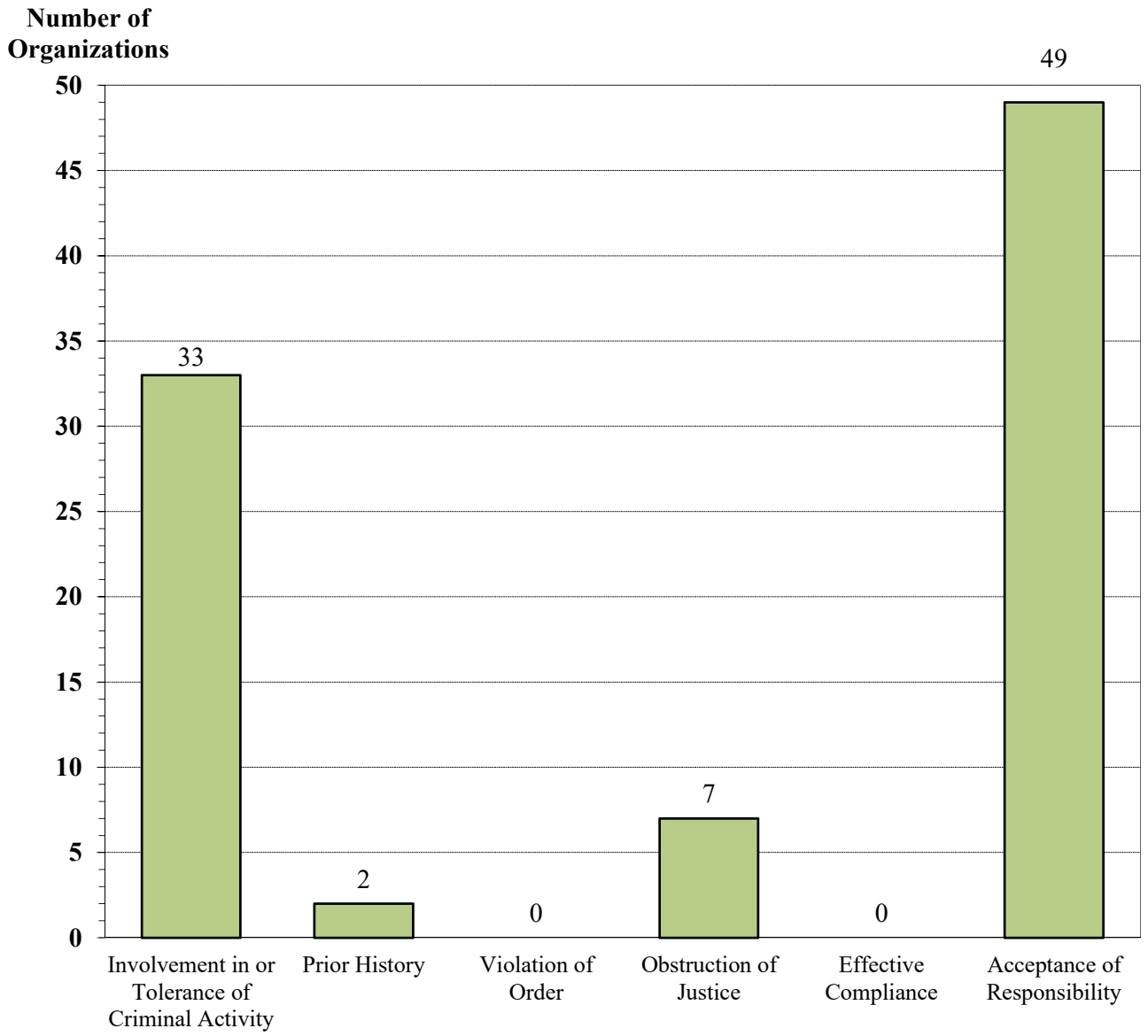
[2] The 'Probation Ordered' category consists of cases in which at least one month of probation was ordered. The 'Probation Not Ordered' category consists of cases in which less than one month of probation was ordered, or no probation was ordered.

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

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Figure O-7

CULPABILITY FACTORS APPLIED TO DETERMINE FINES IMPOSED ON ORGANIZATIONAL OFFENDERS[1]
Fiscal Year 2019



[1] Of the 118 organizational cases, the fine guideline was applied in 57 cases. Courts may apply multiple factors, so the total number of factors may exceed the number of cases in which a culpability factor was applied. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

Table O-4

CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS[1]
Fiscal Year 2019

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	3	5.3
Involvement/tolerance in an organization/unit of 1,000+ employees	1	1.8
Involvement/tolerance in an organization/unit of 200+ employees	4	7.0
Involvement/tolerance in an organization/unit of 50+ employees	9	15.8
Involvement/tolerance in an organization/unit of ten or more employees	16	28.1
No involvement/tolerance OR fewer than ten employees	24	42.1
TOTAL	**57**	**100.0**

Prior History - §8C2.5(c)	N	%
One similar criminal/two similar administrative violations within ten years	0	0.0
One similar criminal/two similar administrative violations within five years	2	3.5
Organization had no prior record	55	96.5
TOTAL	**57**	**100.0**

Violation of an Order - §8C2.5(d)	N	%
Organization violated a judicial order or condition of probation for similar conduct	0	0.0
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	57	100.0
TOTAL	**57**	**100.0**

Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	7	12.3
Organization did not obstruct justice	50	87.7
TOTAL	**57**	**100.0**

Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance and ethics program	0	0.0
Organization had no compliance and ethics program	57	100.0
TOTAL	**57**	**100.0**

Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Reported offense to governmental authorities	0	0.0
Cooperated with investigation	30	52.6
Accepted responsibility	19	33.3
Organization did not self-report, cooperate, or accept responsibility	8	14.0
TOTAL	**57**	**100.0**

[1] Of the 118 organizational cases, the fine guideline was applied in 57 cases. For the remaining 61 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. The total for each factor may add up to less than the total number of cases in which the fine guidelines were applied due to missing information for that specific variable. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this table are provided in Appendix A.

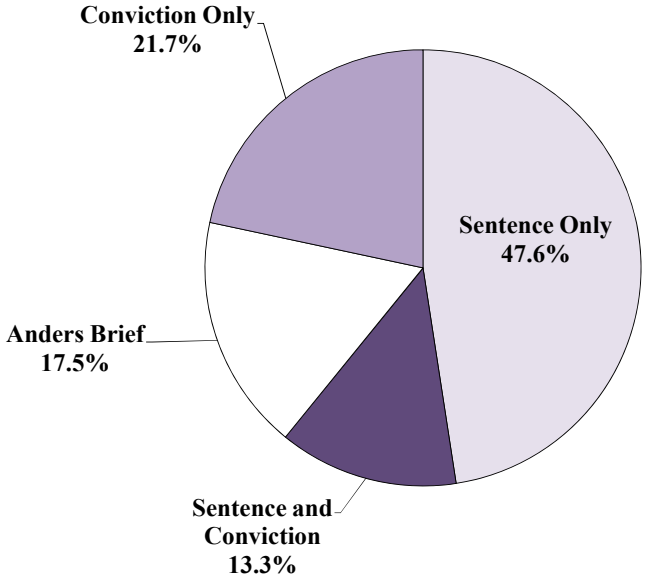
SOURCE: U.S. Sentencing Commission, 2019 Organizational Datafile, CORPFY19.

SENTENCING APPEALS

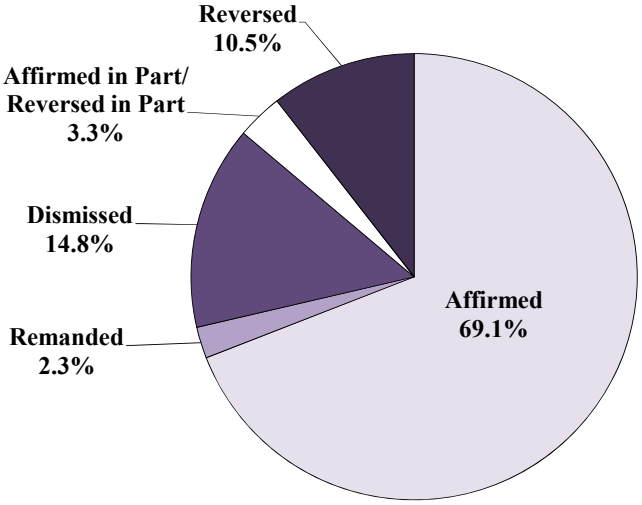
Figure A

TYPE AND DISPOSITION OF APPEALS CASES[1]
Fiscal Year 2019

TYPE OF APPEAL



DISPOSITION OF SENTENCING APPEALS[2,3]



[1] Of the 6,830 appeals cases, 37 were excluded because the type of appeal was 'unknown'. Of these, 6,714 involved an appeal by the offender, 57 involved an appeal by the government, and 22 involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

[2] Of the 137 cases affirmed in part and reversed in part, 123 (89.8%) cases were remanded to the district court.

[3] Of the 436 cases reversed, 436 (100.0%) were remanded to the district court.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-1

TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT	Total	Sentence Only		Sentence and Conviction		Conviction Only		*Anders* Brief	
District	N	N	%	N	%	N	%	N	%
TOTAL	**6,793**	**3,232**	**47.6**	**903**	**13.3**	**1,471**	**21.7**	**1,187**	**17.5**
D.C. CIRCUIT	**39**	**12**	**30.8**	**11**	**28.2**	**16**	**41.0**	**0**	**0.0**
District of Columbia	**39**	12	30.8	11	28.2	16	41.0	0	0.0
FIRST CIRCUIT	**236**	**112**	**47.5**	**31**	**13.1**	**61**	**25.8**	**32**	**13.6**
Maine	**24**	15	62.5	6	25.0	3	12.5	0	0.0
Massachusetts	**61**	23	37.7	9	14.8	25	41.0	4	6.6
New Hampshire	**14**	4	28.6	1	7.1	6	42.9	3	21.4
Puerto Rico	**133**	68	51.1	15	11.3	25	18.8	25	18.8
Rhode Island	**4**	2	50.0	0	0.0	2	50.0	0	0.0
SECOND CIRCUIT	**430**	**196**	**45.6**	**82**	**19.1**	**115**	**26.7**	**37**	**8.6**
Connecticut	**35**	18	51.4	6	17.1	9	25.7	2	5.7
New York									
Eastern	**99**	41	41.4	23	23.2	28	28.3	7	7.1
Northern	**77**	44	57.1	11	14.3	19	24.7	3	3.9
Southern	**173**	69	39.9	34	19.7	49	28.3	21	12.1
Western	**34**	18	52.9	7	20.6	7	20.6	2	5.9
Vermont	**12**	6	50.0	1	8.3	3	25.0	2	16.7
THIRD CIRCUIT	**254**	**120**	**47.2**	**45**	**17.7**	**72**	**28.3**	**17**	**6.7**
Delaware	**3**	1	33.3	0	0.0	2	66.7	0	0.0
New Jersey	**39**	21	53.8	8	20.5	7	17.9	3	7.7
Pennsylvania									
Eastern	**95**	45	47.4	14	14.7	33	34.7	3	3.2
Middle	**70**	34	48.6	13	18.6	15	21.4	8	11.4
Western	**31**	14	45.2	6	19.4	8	25.8	3	9.7
Virgin Islands	**16**	5	31.3	4	25.0	7	43.8	0	0.0
FOURTH CIRCUIT	**800**	**405**	**50.6**	**109**	**13.6**	**162**	**20.3**	**124**	**15.5**
Maryland	**82**	27	32.9	25	30.5	25	30.5	5	6.1
North Carolina									
Eastern	**162**	125	77.2	11	6.8	15	9.3	11	6.8
Middle	**91**	39	42.9	11	12.1	9	9.9	32	35.2
Western	**91**	39	42.9	12	13.2	22	24.2	18	19.8
South Carolina	**136**	64	47.1	18	13.2	22	16.2	32	23.5
Virginia									
Eastern	**120**	49	40.8	20	16.7	47	39.2	4	3.3
Western	**34**	13	38.2	6	17.6	13	38.2	2	5.9
West Virginia									
Northern	**44**	22	50.0	1	2.3	5	11.4	16	36.4
Southern	**40**	27	67.5	5	12.5	4	10.0	4	10.0

Table A-1 (cont.)

CIRCUIT	Total	Sentence Only		Sentence and Conviction		Conviction Only		*Anders* Brief	
District	N	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	**1,520**	**661**	**43.5**	**107**	**7.0**	**176**	**11.6**	**576**	**37.9**
Louisiana									
Eastern	**31**	14	45.2	3	9.7	13	41.9	1	3.2
Middle	**23**	8	34.8	4	17.4	5	21.7	6	26.1
Western	**54**	29	53.7	4	7.4	9	16.7	12	22.2
Mississippi									
Northern	**10**	9	90.0	1	10.0	0	0.0	0	0.0
Southern	**44**	29	65.9	7	15.9	2	4.5	6	13.6
Texas									
Eastern	**90**	33	36.7	12	13.3	9	10.0	36	40.0
Northern	**481**	239	49.7	33	6.9	31	6.4	178	37.0
Southern	**501**	155	30.9	32	6.4	76	15.2	238	47.5
Western	**286**	145	50.7	11	3.8	31	10.8	99	34.6
SIXTH CIRCUIT	**631**	**335**	**53.1**	**97**	**15.4**	**129**	**20.4**	**70**	**11.1**
Kentucky									
Eastern	**104**	55	52.9	14	13.5	24	23.1	11	10.6
Western	**15**	7	46.7	1	6.7	7	46.7	0	0.0
Michigan									
Eastern	**73**	26	35.6	18	24.7	24	32.9	5	6.8
Western	**78**	45	57.7	10	12.8	8	10.3	15	19.2
Ohio									
Northern	**137**	82	59.9	23	16.8	19	13.9	13	9.5
Southern	**48**	17	35.4	9	18.8	18	37.5	4	8.3
Tennessee									
Eastern	**57**	38	66.7	8	14.0	6	10.5	5	8.8
Middle	**33**	22	66.7	2	6.1	7	21.2	2	6.1
Western	**86**	43	50.0	12	14.0	16	18.6	15	17.4
SEVENTH CIRCUIT	**302**	**135**	**44.7**	**27**	**8.9**	**79**	**26.2**	**61**	**20.2**
Illinois									
Central	**40**	10	25.0	5	12.5	12	30.0	13	32.5
Northern	**104**	45	43.3	9	8.7	33	31.7	17	16.3
Southern	**33**	14	42.4	4	12.1	4	12.1	11	33.3
Indiana									
Northern	**30**	17	56.7	4	13.3	7	23.3	2	6.7
Southern	**34**	17	50.0	2	5.9	7	20.6	8	23.5
Wisconsin									
Eastern	**27**	10	37.0	1	3.7	12	44.4	4	14.8
Western	**34**	22	64.7	2	5.9	4	11.8	6	17.6
EIGHTH CIRCUIT	**655**	**370**	**56.5**	**66**	**10.1**	**108**	**16.5**	**111**	**16.9**
Arkansas									
Eastern	**54**	36	66.7	6	11.1	11	20.4	1	1.9
Western	**46**	27	58.7	0	0.0	3	6.5	16	34.8
Iowa									
Northern	**84**	46	54.8	8	9.5	13	15.5	17	20.2
Southern	**83**	46	55.4	6	7.2	12	14.5	19	22.9
Minnesota	**86**	53	61.6	15	17.4	9	10.5	9	10.5
Missouri									
Eastern	**60**	38	63.3	4	6.7	13	21.7	5	8.3
Western	**144**	79	54.9	14	9.7	19	13.2	32	22.2
Nebraska	**31**	12	38.7	5	16.1	10	32.3	4	12.9
North Dakota	**19**	8	42.1	1	5.3	6	31.6	4	21.1
South Dakota	**48**	25	52.1	7	14.6	12	25.0	4	8.3

Table A-1 (cont.)

CIRCUIT	Total	Sentence Only		Sentence and Conviction		Conviction Only		*Anders* Brief	
District	N	N	%	N	%	N	%	N	%
NINTH CIRCUIT	**907**	**393**	**43.3**	**168**	**18.5**	**291**	**32.1**	**55**	**6.1**
Alaska	**25**	10	40.0	9	36.0	4	16.0	2	8.0
Arizona	**126**	39	31.0	20	15.9	37	29.4	30	23.8
California									
Central	**187**	77	41.2	47	25.1	60	32.1	3	1.6
Eastern	**80**	33	41.3	17	21.3	26	32.5	4	5.0
Northern	**62**	26	41.9	7	11.3	29	46.8	0	0.0
Southern	**120**	64	53.3	16	13.3	39	32.5	1	0.8
Guam	**7**	1	14.3	1	14.3	5	71.4	0	0.0
Hawaii	**29**	13	44.8	3	10.3	12	41.4	1	3.4
Idaho	**28**	16	57.1	6	21.4	5	17.9	1	3.6
Montana	**39**	17	43.6	2	5.1	16	41.0	4	10.3
Nevada	**70**	29	41.4	19	27.1	18	25.7	4	5.7
Northern Mariana Islands	**5**	2	40.0	0	0.0	3	60.0	0	0.0
Oregon	**40**	28	70.0	4	10.0	8	20.0	0	0.0
Washington									
Eastern	**44**	18	40.9	9	20.5	14	31.8	3	6.8
Western	**45**	20	44.4	8	17.8	15	33.3	2	4.4
TENTH CIRCUIT	**268**	**132**	**49.3**	**29**	**10.8**	**82**	**30.6**	**25**	**9.3**
Colorado	**66**	41	62.1	6	9.1	16	24.2	3	4.5
Kansas	**41**	16	39.0	4	9.8	18	43.9	3	7.3
New Mexico	**61**	30	49.2	8	13.1	17	27.9	6	9.8
Oklahoma									
Eastern	**13**	7	53.8	1	7.7	3	23.1	2	15.4
Northern	**13**	5	38.5	3	23.1	3	23.1	2	15.4
Western	**36**	15	41.7	4	11.1	11	30.6	6	16.7
Utah	**17**	7	41.2	1	5.9	6	35.3	3	17.6
Wyoming	**21**	11	52.4	2	9.5	8	38.1	0	0.0
ELEVENTH CIRCUIT	**751**	**361**	**48.1**	**131**	**17.4**	**180**	**24.0**	**79**	**10.5**
Alabama									
Middle	**28**	18	64.3	4	14.3	6	21.4	0	0.0
Northern	**39**	24	61.5	3	7.7	9	23.1	3	7.7
Southern	**20**	7	35.0	4	20.0	7	35.0	2	10.0
Florida									
Middle	**223**	87	39.0	43	19.3	53	23.8	40	17.9
Northern	**49**	20	40.8	6	12.2	13	26.5	10	20.4
Southern	**271**	136	50.2	60	22.1	63	23.2	12	4.4
Georgia									
Middle	**31**	16	51.6	2	6.5	10	32.3	3	9.7
Northern	**63**	40	63.5	7	11.1	14	22.2	2	3.2
Southern	**27**	13	48.1	2	7.4	5	18.5	7	25.9

[1] Of the 6,830 appeals cases, 37 were excluded because the type of appeal was 'unknown'. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-2

DISPOSITION OF OFFENDER ORIGINAL SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT		Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
District	Total	N	%	N	R^2	%	N	R^2	%	N	%	N	%
TOTAL	**3,347**	**2,267**	**67.7**	**325**	**325**	**9.7**	**125**	**115**	**3.7**	**557**	**16.6**	**73**	**2.2**
D.C. CIRCUIT	**17**	**9**	**52.9**	**5**	**5**	**29.4**	**0**	**0**	**0.0**	**2**	**11.8**	**1**	**5.9**
District of Columbia	**17**	9	52.9	5	5	29.4	0	0	0.0	2	11.8	1	5.9
FIRST CIRCUIT	**112**	**87**	**77.7**	**7**	**7**	**6.3**	**1**	**1**	**0.9**	**12**	**10.7**	**5**	**4.5**
Maine	**17**	16	94.1	0	0	0.0	0	0	0.0	1	5.9	0	0.0
Massachusetts	**28**	23	82.1	0	0	0.0	1	1	3.6	3	10.7	1	3.6
New Hampshire	**4**	3	75.0	0	0	0.0	0	0	0.0	1	25.0	0	0.0
Puerto Rico	**61**	43	70.5	7	7	11.5	0	0	0.0	7	11.5	4	6.6
Rhode Island	**2**	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	**239**	**139**	**58.2**	**23**	**23**	**9.6**	**23**	**22**	**9.6**	**38**	**15.9**	**16**	**6.7**
Connecticut	**21**	12	57.1	2	2	9.5	3	3	14.3	4	19.0	0	0.0
New York													
Eastern	**54**	28	51.9	8	8	14.8	5	4	9.3	8	14.8	5	9.3
Northern	**45**	28	62.2	3	3	6.7	5	5	11.1	3	6.7	6	13.3
Southern	**90**	53	58.9	8	8	8.9	7	7	7.8	18	20.0	4	4.4
Western	**22**	12	54.5	2	2	9.1	2	2	9.1	5	22.7	1	4.5
Vermont	**7**	6	85.7	0	0	0.0	1	1	14.3	0	0.0	0	0.0
THIRD CIRCUIT	**129**	**104**	**80.6**	**14**	**14**	**10.9**	**0**	**0**	**0.0**	**9**	**7.0**	**2**	**1.6**
Delaware	**1**	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	**21**	18	85.7	1	1	4.8	0	0	0.0	2	9.5	0	0.0
Pennsylvania													
Eastern	**47**	35	74.5	8	8	17.0	0	0	0.0	4	8.5	0	0.0
Middle	**39**	29	74.4	5	5	12.8	0	0	0.0	3	7.7	2	5.1
Western	**14**	14	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virgin Islands	**7**	7	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	**371**	**232**	**62.5**	**22**	**22**	**5.9**	**3**	**3**	**0.8**	**114**	**30.7**	**0**	**0.0**
Maryland	**45**	22	48.9	2	2	4.4	0	0	0.0	21	46.7	0	0.0
North Carolina													
Eastern	**94**	61	64.9	4	4	4.3	0	0	0.0	29	30.9	0	0.0
Middle	**37**	26	70.3	3	3	8.1	1	1	2.7	7	18.9	0	0.0
Western	**37**	26	70.3	2	2	5.4	1	1	2.7	8	21.6	0	0.0
South Carolina	**58**	36	62.1	5	5	8.6	0	0	0.0	17	29.3	0	0.0
Virginia													
Eastern	**45**	26	57.8	2	2	4.4	0	0	0.0	17	37.8	0	0.0
Western	**11**	9	81.8	1	1	9.1	0	0	0.0	1	9.1	0	0.0
West Virginia													
Northern	**20**	17	85.0	1	1	5.0	0	0	0.0	2	10.0	0	0.0
Southern	**24**	9	37.5	2	2	8.3	1	1	4.2	12	50.0	0	0.0

Table A-2 (cont.)

CIRCUIT		Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
District	**Total**	N	%	N	R^2	%	N	R^2	%	N	%	N	%
FIFTH CIRCUIT	**660**	**466**	**70.6**	**75**	**75**	**11.4**	**14**	**7**	**2.1**	**86**	**13.0**	**19**	**2.9**
Louisiana													
Eastern	**12**	6	50.0	2	2	16.7	0	0	0.0	4	33.3	0	0.0
Middle	**12**	8	66.7	3	3	25.0	0	0	0.0	1	8.3	0	0.0
Western	**31**	26	83.9	2	2	6.5	1	1	3.2	1	3.2	1	3.2
Mississippi													
Northern	**8**	6	75.0	0	0	0.0	1	1	12.5	1	12.5	0	0.0
Southern	**33**	20	60.6	1	1	3.0	1	1	3.0	11	33.3	0	0.0
Texas													
Eastern	**37**	20	54.1	4	4	10.8	0	0	0.0	11	29.7	2	5.4
Northern	**233**	184	79.0	17	17	7.3	4	0	1.7	25	10.7	3	1.3
Southern	**166**	120	72.3	16	16	9.6	5	2	3.0	14	8.4	11	6.6
Western	**128**	76	59.4	30	30	23.4	2	2	1.6	18	14.1	2	1.6
SIXTH CIRCUIT	**331**	**241**	**72.8**	**38**	**38**	**11.5**	**7**	**7**	**2.1**	**43**	**13.0**	**2**	**0.6**
Kentucky													
Eastern	**56**	43	76.8	7	7	12.5	0	0	0.0	6	10.7	0	0.0
Western	**4**	3	75.0	0	0	0.0	0	0	0.0	1	25.0	0	0.0
Michigan													
Eastern	**36**	25	69.4	0	0	0.0	0	0	0.0	11	30.6	0	0.0
Western	**43**	37	86.0	2	2	4.7	0	0	0.0	4	9.3	0	0.0
Ohio													
Northern	**83**	58	69.9	16	16	19.3	3	3	3.6	5	6.0	1	1.2
Southern	**18**	11	61.1	2	2	11.1	1	1	5.6	4	22.2	0	0.0
Tennessee													
Eastern	**35**	31	88.6	3	3	8.6	0	0	0.0	1	2.9	0	0.0
Middle	**17**	12	70.6	3	3	17.6	1	1	5.9	1	5.9	0	0.0
Western	**39**	21	53.8	5	5	12.8	2	2	5.1	10	25.6	1	2.6
SEVENTH CIRCUIT	**145**	**96**	**66.2**	**20**	**20**	**13.8**	**6**	**6**	**4.1**	**16**	**11.0**	**7**	**4.8**
Illinois													
Central	**14**	13	92.9	1	1	7.1	0	0	0.0	0	0.0	0	0.0
Northern	**50**	34	68.0	4	4	8.0	3	3	6.0	5	10.0	4	8.0
Southern	**15**	10	66.7	3	3	20.0	1	1	6.7	1	6.7	0	0.0
Indiana													
Northern	**20**	14	70.0	2	2	10.0	0	0	0.0	4	20.0	0	0.0
Southern	**18**	7	38.9	5	5	27.8	0	0	0.0	5	27.8	1	5.6
Wisconsin													
Eastern	**9**	7	77.8	0	0	0.0	1	1	11.1	0	0.0	1	11.1
Western	**19**	11	57.9	5	5	26.3	1	1	5.3	1	5.3	1	5.3
EIGHTH CIRCUIT	**361**	**270**	**74.8**	**17**	**17**	**4.7**	**4**	**3**	**1.1**	**67**	**18.6**	**3**	**0.8**
Arkansas													
Eastern	**39**	28	71.8	4	4	10.3	2	2	5.1	5	12.8	0	0.0
Western	**26**	19	73.1	0	0	0.0	1	1	3.8	6	23.1	0	0.0
Iowa													
Northern	**33**	27	81.8	1	1	3.0	0	0	0.0	5	15.2	0	0.0
Southern	**41**	39	95.1	2	2	4.9	0	0	0.0	0	0.0	0	0.0
Minnesota	**58**	52	89.7	4	4	6.9	0	0	0.0	2	3.4	0	0.0
Missouri													
Eastern	**35**	28	80.0	1	1	2.9	0	0	0.0	5	14.3	1	2.9
Western	**79**	44	55.7	4	4	5.1	1	0	1.3	28	35.4	2	2.5
Nebraska	**11**	11	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	**8**	3	37.5	0	0	0.0	0	0	0.0	5	62.5	0	0.0
South Dakota	**31**	19	61.3	1	1	3.2	0	0	0.0	11	35.5	0	0.0

Table A-2 (cont.)

CIRCUIT		Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
District	**Total**	N	%	N	R^2	%	N	R^2	%	N	%	N	%
NINTH CIRCUIT	**428**	**251**	**58.6**	**62**	**62**	**14.5**	**53**	**52**	**12.4**	**51**	**11.9**	**11**	**2.6**
Alaska	**16**	8	50.0	4	4	25.0	1	1	6.3	3	18.8	0	0.0
Arizona	**44**	25	56.8	6	6	13.6	5	5	11.4	6	13.6	2	4.5
California													
Central	**108**	58	53.7	14	14	13.0	25	24	23.1	7	6.5	4	3.7
Eastern	**33**	26	78.8	1	1	3.0	2	2	6.1	3	9.1	1	3.0
Northern	**24**	18	75.0	3	3	12.5	0	0	0.0	3	12.5	0	0.0
Southern	**63**	39	61.9	10	10	15.9	13	13	20.6	1	1.6	0	0.0
Guam	**2**	1	50.0	1	1	50.0	0	0	0.0	0	0.0	0	0.0
Hawaii	**13**	9	69.2	2	2	15.4	0	0	0.0	2	15.4	0	0.0
Idaho	**21**	9	42.9	2	2	9.5	0	0	0.0	10	47.6	0	0.0
Montana	**13**	8	61.5	1	1	7.7	0	0	0.0	4	30.8	0	0.0
Nevada	**37**	20	54.1	8	8	21.6	3	3	8.1	4	10.8	2	5.4
Northern Mariana Islands	**1**	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	**8**	3	37.5	2	2	25.0	0	0	0.0	3	37.5	0	0.0
Washington													
Eastern	**20**	11	55.0	4	4	20.0	2	2	10.0	3	15.0	0	0.0
Western	**25**	15	60.0	4	4	16.0	2	2	8.0	2	8.0	2	8.0
TENTH CIRCUIT	**131**	**63**	**48.1**	**17**	**17**	**13.0**	**4**	**4**	**3.1**	**45**	**34.4**	**2**	**1.5**
Colorado	**44**	21	47.7	5	5	11.4	1	1	2.3	17	38.6	0	0.0
Kansas	**14**	3	21.4	3	3	21.4	1	1	7.1	6	42.9	1	7.1
New Mexico	**33**	18	54.5	4	4	12.1	2	2	6.1	8	24.2	1	3.0
Oklahoma													
Eastern	**5**	3	60.0	1	1	20.0	0	0	0.0	1	20.0	0	0.0
Northern	**5**	3	60.0	2	2	40.0	0	0	0.0	0	0.0	0	0.0
Western	**16**	8	50.0	1	1	6.3	0	0	0.0	7	43.8	0	0.0
Utah	**5**	1	20.0	1	1	20.0	0	0	0.0	3	60.0	0	0.0
Wyoming	**9**	6	66.7	0	0	0.0	0	0	0.0	3	33.3	0	0.0
ELEVENTH CIRCUIT	**423**	**309**	**73.0**	**25**	**25**	**5.9**	**10**	**10**	**2.4**	**74**	**17.5**	**5**	**1.2**
Alabama													
Middle	**18**	10	55.6	1	1	5.6	0	0	0.0	6	33.3	1	5.6
Northern	**24**	19	79.2	1	1	4.2	0	0	0.0	4	16.7	0	0.0
Southern	**6**	5	83.3	0	0	0.0	0	0	0.0	1	16.7	0	0.0
Florida													
Middle	**115**	85	73.9	5	5	4.3	3	3	2.6	20	17.4	2	1.7
Northern	**26**	23	88.5	2	2	7.7	1	1	3.8	0	0.0	0	0.0
Southern	**170**	127	74.7	12	12	7.1	5	5	2.9	24	14.1	2	1.2
Georgia													
Middle	**16**	10	62.5	0	0	0.0	0	0	0.0	6	37.5	0	0.0
Northern	**34**	21	61.8	3	3	8.8	1	1	2.9	9	26.5	0	0.0
Southern	**14**	9	64.3	1	1	7.1	0	0	0.0	4	28.6	0	0.0

[1] Of the 6,830 appeals cases, 3,347 involved an appeal of the original sentence by the offender. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,471), 'Anders Brief' (1,187), 'unknown' (37), the appeal was by the government only (47), the appeal was of an issue related to a post sentencing matter (317), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (428). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-3

DISPOSITION OF GOVERNMENT ORIGINAL SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT		Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
District	**Total**	N	%	N	R^2	%	N	R^2	%	N	%	N	%
TOTAL	**62**	**7**	**11.3**	**47**	**47**	**75.8**	**3**	**3**	**4.8**	**1**	**1.6**	**4**	**6.5**
D.C. CIRCUIT	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0.0**	**0**	**0.0**
District of Columbia	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FIRST CIRCUIT	**2**	**1**	**50.0**	**1**	**1**	**50.0**	**0**	**0**	**0.0**	**0**	**0.0**	**0**	**0.0**
Maine	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Hampshire	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	**1**	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Rhode Island	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	**6**	**1**	**16.7**	**3**	**3**	**50.0**	**1**	**1**	**16.7**	**0**	**0.0**	**1**	**16.7**
Connecticut	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New York													
Eastern	**3**	1	33.3	2	2	66.7	0	0	0.0	0	0.0	0	0.0
Northern	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Southern	**2**	0	0.0	0	0	0.0	1	1	50.0	0	0.0	1	50.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Vermont	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	**2**	**1**	**50.0**	**1**	**1**	**50.0**	**0**	**0**	**0.0**	**0**	**0.0**	**0**	**0.0**
Delaware	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	**1**	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virgin Islands	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	**3**	**0**	**0.0**	**3**	**3**	**100.0**	**0**	**0**	**0.0**	**0**	**0.0**	**0**	**0.0**
Maryland	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Carolina													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Carolina	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Virginia													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
West Virginia													
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT		Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
District	**Total**	N	%	N	R^2	%	N	R^2	%	N	%	N	%
FIFTH CIRCUIT	**6**	**1**	**16.7**	**4**	**4**	**66.7**	**0**	**0**	**0.0**	**1**	**16.7**	**0**	**0.0**
Louisiana													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Texas													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**3**	1	33.3	1	1	33.3	0	0	0.0	1	33.3	0	0.0
Southern	**2**	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Western	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
SIXTH CIRCUIT	**28**	**0**	**0.0**	**27**	**27**	**96.4**	**1**	**1**	**3.6**	**0**	**0.0**	**0**	**0.0**
Kentucky													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**2**	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Ohio													
Northern	**2**	0	0.0	1	1	50.0	1	1	50.0	0	0.0	0	0.0
Southern	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Tennessee													
Eastern	**3**	0	0.0	3	3	100.0	0	0	0.0	0	0.0	0	0.0
Middle	**7**	0	0.0	7	7	100.0	0	0	0.0	0	0.0	0	0.0
Western	**13**	0	0.0	13	13	100.0	0	0	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	**1**	**1**	**100.0**	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0.0**	**0**	**0.0**
Illinois													
Central	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**1**	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wisconsin													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	**1**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0.0**	**1**	**100.0**
Arkansas													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Minnesota	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Missouri													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**1**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	1	100.0
Nebraska	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Dakota	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT		Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
District	**Total**	N	%	N	R^2	%	N	R^2	%	N	%	N	%
NINTH CIRCUIT	**5**	**0**	**0.0**	**3**	**3**	**60.0**	**0**	**0**	**0.0**	**0**	**0.0**	**2**	**40.0**
Alaska	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
California													
Central	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Guam	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Idaho	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Montana	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nevada	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**2**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	2	100.0
TENTH CIRCUIT	**7**	**2**	**28.6**	**4**	**4**	**57.1**	**1**	**1**	**14.3**	**0**	**0.0**	**0**	**0.0**
Colorado	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	**2**	0	0.0	1	1	50.0	1	1	50.0	0	0.0	0	0.0
New Mexico	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Oklahoma													
Eastern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	**1**	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Utah	**3**	1	33.3	2	2	66.7	0	0	0.0	0	0.0	0	0.0
Wyoming	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	**1**	**0**	**0.0**	**1**	**1**	**100.0**	**0**	**0**	**0.0**	**0**	**0.0**	**0**	**0.0**
Alabama													
Middle	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**1**	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Georgia													
Middle	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	**0**	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

[1] Of the 6,830 appeals cases, 62 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,471), 'Anders Brief' (1,187), 'unknown' (37), the appeal was by the offender only (4,069), the appeal was of an issue related to a post sentencing matter (317), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (428). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-4

GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN OFFENDER APPEALS OF THE ORIGINAL SENTENCE[1]
Fiscal Year 2019

GUIDELINE	N	%
NUMBER OF OFFENDER APPEALS	**513**	**--**
§5D1.3 (Conditions of Supervised Release)	107	20.9
§2K2.1 (Firearms)	29	5.7
§5E1.1 (Restitution)	24	4.7
§2D1.1 (Drug Trafficking)	23	4.5
§4B1.4 (Armed Career Criminal)	22	4.3
§2L1.2 (Unlawfully Entering or Remaining in the United States)	18	3.5
§2B1.1 (Larceny, Embezzlement, and Theft)	14	2.7
§5D1.2 (Terms of Supervised Release)	12	2.3
§6A1.3 (Resolution of Disputed Factors)	12	2.3
§5E1.4 (Forfeiture)	12	2.3
§4B1.2 (Definitions for Career Offender)	12	2.3
§4B1.1 (Career Offender)	10	1.9
§1B1.3 (Relevant Conduct)	9	1.8
§1B1.11 (Use of Guideline Manual in Effect at Sentencing)	8	1.6
§4A1.1 (Criminal History Category)	8	1.6
§4A1.2 (Definitions and Instructions of Criminal History)	8	1.6
§5G1.2 (Sentencing on Multiple Counts of Conviction)	8	1.6
§3B1.2 (Mitigating Role)	7	1.4
§3C1.1 (Obstruction of Justice)	7	1.4
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	6	1.2
§3E1.1 (Acceptance of Responsibility)	6	1.2
§3B1.1 (Aggravating Role)	4	0.8
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	4	0.8
§3D1.4 (Determining the Combined Offense Level)	4	0.8
§5C1.2 (Limitation on Applicability of Statutory Minimums)	3	0.6
§5K2.23 (Discharged Terms of Imprisonment)	3	0.6
§3B1.3 (Abuse of Position of Trust or Use of Special Skill)	3	0.6
§2B3.1 (Robbery)	3	0.6
Reasonableness Issues	401	78.2
Other Non-guideline Issues	231	45.0
Other Guidelines	41	8.0
Constitutional Issues	5	1.0

[1] Based on 3,347 appeals by offenders of the original sentence. Of these 3,347 appeals, 2,834 were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. The 'Other Guideline' category includes all guidelines appealed less than three times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-5

GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE[1]
Fiscal Year 2019

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	**54**	**--**
§4B1.4 (Armed Career Criminal)	27	50.0
§2K2.1 (Firearms)	5	9.3
§2B1.1 (Larceny, Embezzlement, and Theft)	3	5.6
§5E1.4 (Forfeiture)	2	3.7
§5D1.2 (Terms of Supervised Release)	1	1.9
§5E1.1 (Restitution)	1	1.9
§2G1.3 (Transportation of a Minor to Engage in Prohibited Sexual Conduct)	1	1.9
§5D1.3 (Conditions of Supervised Release)	1	1.9
§4B1.2 (Definitions for Career Offender)	1	1.9
§2H1.1 (Offenses Involving Individual Rights)	1	1.9
§2B1.6 (Aggravated Identity Theft)	1	1.9
§3C1.1 (Obstruction of Justice)	1	1.9
§3A1.4 (Terrorism)	1	1.9
Reasonableness Issues	48	88.9
Other Non-guideline Issues	29	53.7

[1] Based on 62 appeals by the government of the original sentence. Of these 62 appeals, eight were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-6

REASONABLENESS ISSUES APPEALED IN CASES WHERE THE ORIGINAL SENTENCE WAS REVERSED OR REMANDED[1]
Fiscal Year 2019

ISSUE	N	%
REASONABLENESS ISSUES	**357**	**100.0**
Procedural: Court improperly calculated guidelines range	308	86.3
Procedural: Court did not adequately explain the chosen sentence	15	4.2
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	13	3.6
Procedural: Court selected a sentence based on clearly erroneous facts	12	3.4
Substantive: Unreasonable weighing decision	6	1.7
Procedural: Court did not treat the guidelines as advisory	3	0.8

[1] Based on 4,135 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,135 cases, 3,390 were appeals of the original sentence. Of these 3,390 appeals of the original sentence, 562 were reversed or remanded. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals that were reversed or remanded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-7

OFFENSE AND OFFENDER CHARACTERISTICS IN ORIGINAL SENTENCE APPEALS CASES
Fiscal Year 2019

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES[1]		DISTRICT COURT CASES[2]	
	N	%	N	%
Race				
White	903	26.8	15,033	19.9
Black	1,340	39.7	15,326	20.2
Hispanic	1,011	30.0	42,620	56.3
Other	119	3.5	2,750	3.6
TOTAL	**3,373**	**100.0**	**75,729**	**100.0**
Gender				
Male	3,136	92.9	67,037	87.7
Female	240	7.1	9,390	12.3
TOTAL	**3,376**	**100.0**	**76,427**	**100.0**
Education				
Less than High School Graduate	1,159	34.6	32,996	48.5
High School Graduate	1,237	37.0	20,465	30.1
Some College	670	20.0	10,836	15.9
College Graduate	281	8.4	3,770	5.5
TOTAL	**3,347**	**100.0**	**68,067**	**100.0**
Citizenship				
U.S. Citizen	2,652	78.6	42,136	55.4
Non-U.S. Citizen	722	21.4	33,974	44.6
TOTAL	**3,374**	**100.0**	**76,110**	**100.0**
Criminal History Category				
Category I	1,009	29.9	34,664	45.7
Category II	322	9.5	11,095	14.6
Category III	518	15.4	12,280	16.2
Category IV	426	12.6	7,051	9.3
Category V	311	9.2	4,174	5.5
Category VI	788	23.4	6,545	8.6
TOTAL	**3,374**	**100.0**	**75,809**	**100.0**
Mandatory Minimum				
No Mandatory Minimum	1,947	57.6	57,716	75.4
Gun Mandatory Minimum	340	10.1	2,465	3.2
Drug Mandatory Minimum	605	17.9	12,480	16.3
Gun and Drug Mandatory Minimum	80	2.4	956	1.2
Other Mandatory Minimum	406	12.0	2,921	3.8
TOTAL	**3,378**	**100.0**	**76,538**	**100.0**

[1] Based on 4,135 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,135 cases, 3,390 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2019 (MONFY89, MONFY90, USSCFY91-USSCFY19). Of the 3,390 cases, 12 could not be matched with its original case.

[2] All individual offender original sentencings in fiscal year 2019. Totals may vary slightly due to the different numbers of missing cases by specific variables. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

Table A-8

SENTENCE LENGTH FOR OFFENDERS IN ORIGINAL SENTENCE APPEALS CASES BY TYPE OF CRIME
Fiscal Year 2019

	APPELLATE COURT CASES[1]				DISTRICT COURT CASES[2]			
TYPE OF CRIME	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
TOTAL	**3,376**	**100.0**	**139**	**108**	**76,538**	**100.0**	**42**	**18**
Administration of Justice	17	0.5	40	24	698	0.9	12	8
Antitrust	0	0.0	--	--	20	0.0	6	4
Arson	3	0.1	65	57	68	0.1	76	60
Assault	42	1.2	154	120	787	1.0	64	36
Bribery/Corruption	15	0.4	64	51	341	0.4	22	12
Burglary/Trespass	2	0.1	--	--	64	0.1	16	14
Child Pornography	141	4.2	160	136	1,368	1.8	103	84
Commercialized Vice	10	0.3	37	32	90	0.1	24	20
Drug Possession	0	0.0	--	--	563	0.7	2	0
Drug Trafficking	998	29.6	171	151	19,830	25.9	76	60
Environmental	4	0.1	24	20	179	0.2	3	0
Extortion/Racketeering	9	0.3	143	121	185	0.2	32	27
Firearms	685	20.3	113	92	8,481	11.1	50	39
Food and Drug	0	0.0	--	--	48	0.1	9	0
Forgery/Counter/Copyright	2	0.1	--	--	276	0.4	15	12
Fraud/Theft/Embezzlement	390	11.6	83	61	6,390	8.3	21	12
Immigration	388	11.5	39	36	29,354	38.4	9	6
Individual Rights	7	0.2	91	87	68	0.1	29	3
Kidnapping	22	0.7	321	324	96	0.1	171	120
Manslaughter	4	0.1	93	97	74	0.1	70	60
Money Laundering	107	3.2	141	111	1,177	1.5	61	33
Murder	77	2.3	397	470	373	0.5	255	240
National Defense	10	0.3	154	52	195	0.3	42	24
Obscenity/Other Sex Offenses	17	0.5	26	27	393	0.5	20	18
Prison Offenses	24	0.7	20	17	628	0.8	11	8
Robbery	158	4.7	195	154	1,825	2.4	109	92
Sexual Abuse	167	4.9	298	300	1,165	1.5	205	180
Stalking/Harassing	29	0.9	63	57	223	0.3	29	24
Tax	41	1.2	55	48	547	0.7	16	12
Other	7	0.2	31	18	1,032	1.3	3	0

[1] Based on 4,135 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,135 cases, 3,390 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2019 (MONFY89, MONFY90, USSCFY91-USSCFY19). Of the 3,390 cases, 12 could not be matched with its original case. Of 3,378 matched cases, two were excluded due to missing type of crime. Descriptions of variables used in this table are provided in Appendix A.

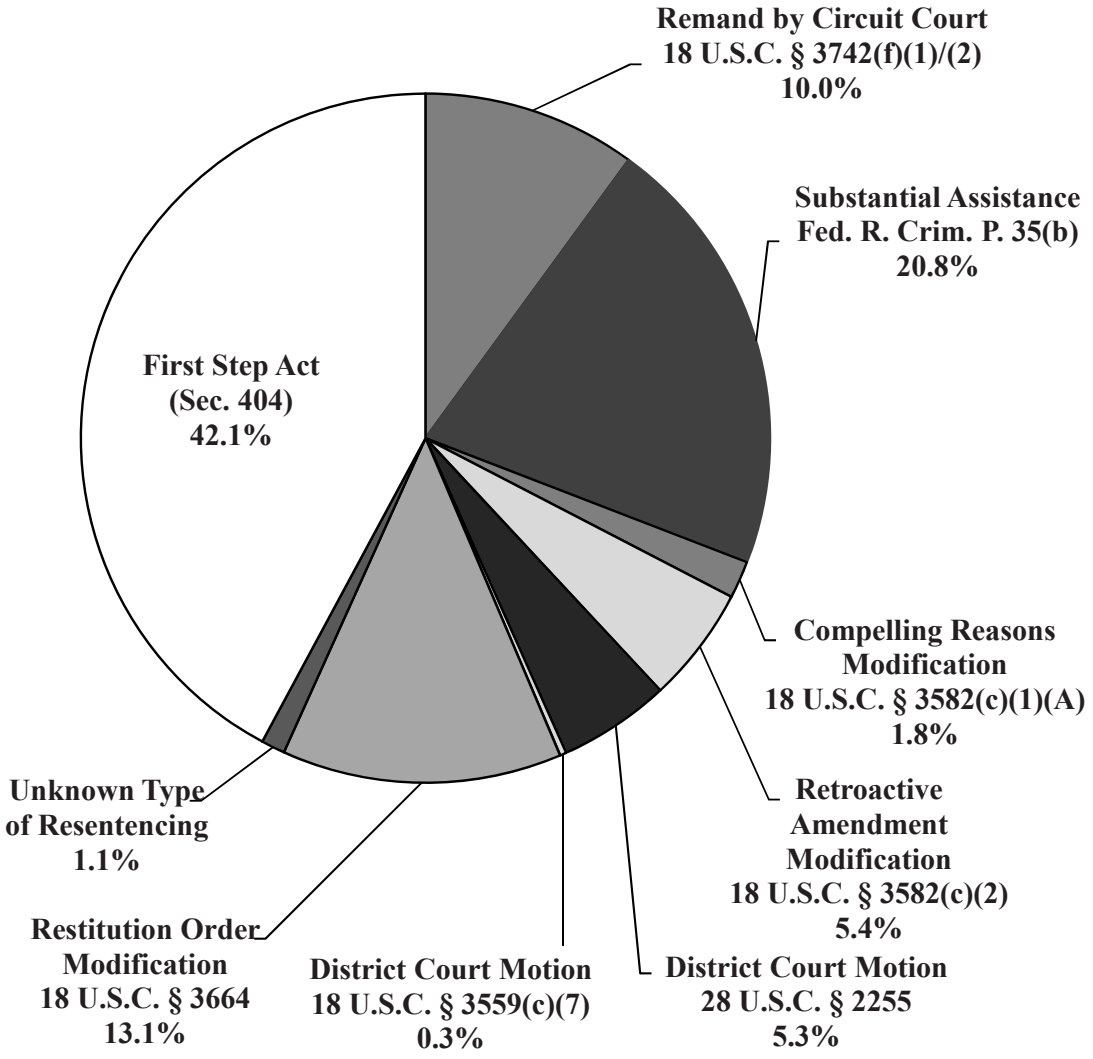
[2] All individual offender original sentencings in fiscal year 2019.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.

RESENTENCINGS AND OTHER MODIFICATIONS OF SENTENCE

Figure R

DISTRIBUTION OF OFFENDERS BY TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE[1]
Fiscal Year 2019



[1] This figure includes the 5,139 resentencing cases reported to the Commission. Modification of supervision conditions is a type of resentencing, but information was not collected for this type of case. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Resentencing Datafile, RESENTFY19.

Table R

TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE IN EACH CIRCUIT AND DISTRICT[1]
Fiscal Year 2019

CIRCUIT		Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		Fist Step Act (Sec. 404)	
District	**Total**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**5,082**	**1,070**	**21.1**	**675**	**13.3**	**516**	**10.2**	**15**	**0.3**	**270**	**5.3**	**90**	**1.8**	**280**	**5.5**	**2,166**	**42.6**
D.C. CIRCUIT	**51**	**0**	**0.0**	**5**	**9.8**	**16**	**31.4**	**0**	**0.0**	**13**	**25.5**	**0**	**0.0**	**5**	**9.8**	**12**	**23.5**
District of Columbia	**51**	0	0.0	5	9.8	16	31.4	0	0.0	13	25.5	0	0.0	5	9.8	12	23.5
FIRST CIRCUIT	**151**	**12**	**7.9**	**24**	**15.9**	**17**	**11.3**	**1**	**0.7**	**16**	**10.6**	**1**	**0.7**	**17**	**11.3**	**63**	**41.7**
Maine	**23**	1	4.3	3	13.0	2	8.7	0	0.0	0	0.0	0	0.0	0	0.0	17	73.9
Massachusetts	**39**	3	7.7	6	15.4	2	5.1	0	0.0	5	12.8	0	0.0	1	2.6	22	56.4
New Hampshire	**16**	1	6.3	6	37.5	0	0.0	0	0.0	6	37.5	0	0.0	0	0.0	3	18.8
Puerto Rico	**46**	7	15.2	2	4.3	13	28.3	1	2.2	5	10.9	1	2.2	16	34.8	1	2.2
Rhode Island	**27**	0	0.0	7	25.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	20	74.1
SECOND CIRCUIT	**234**	**20**	**8.5**	**52**	**22.2**	**49**	**20.9**	**0**	**0.0**	**21**	**9.0**	**4**	**1.7**	**16**	**6.8**	**72**	**30.8**
Connecticut	**27**	0	0.0	0	0.0	1	3.7	0	0.0	4	14.8	0	0.0	1	3.7	21	77.8
New York																	
Eastern	**54**	3	5.6	16	29.6	17	31.5	0	0.0	2	3.7	4	7.4	5	9.3	7	13.0
Northern	**29**	3	10.3	5	17.2	10	34.5	0	0.0	0	0.0	0	0.0	0	0.0	11	37.9
Southern	**93**	10	10.8	29	31.2	13	14.0	0	0.0	14	15.1	0	0.0	6	6.5	21	22.6
Western	**26**	4	15.4	0	0.0	6	23.1	0	0.0	1	3.8	0	0.0	4	15.4	11	42.3
Vermont	**5**	0	0.0	2	40.0	2	40.0	0	0.0	0	0.0	0	0.0	0	0.0	1	20.0
THIRD CIRCUIT	**180**	**8**	**4.4**	**17**	**9.4**	**26**	**14.4**	**0**	**0.0**	**15**	**8.3**	**4**	**2.2**	**9**	**5.0**	**101**	**56.1**
Delaware	**3**	0	0.0	1	33.3	1	33.3	0	0.0	0	0.0	0	0.0	1	33.3	0	0.0
New Jersey	**31**	1	3.2	7	22.6	5	16.1	0	0.0	2	6.5	2	6.5	3	9.7	11	35.5
Pennsylvania																	
Eastern	**63**	3	4.8	5	7.9	13	20.6	0	0.0	8	12.7	1	1.6	0	0.0	33	52.4
Middle	**45**	2	4.4	0	0.0	3	6.7	0	0.0	4	8.9	0	0.0	2	4.4	34	75.6
Western	**33**	2	6.1	1	3.0	2	6.1	0	0.0	1	3.0	1	3.0	3	9.1	23	69.7
Virgin Islands	**5**	0	0.0	3	60.0	2	40.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	**1,078**	**282**	**26.2**	**59**	**5.5**	**38**	**3.5**	**3**	**0.3**	**49**	**4.5**	**9**	**0.8**	**35**	**3.2**	**603**	**55.9**
Maryland	**63**	10	15.9	10	15.9	5	7.9	0	0.0	6	9.5	0	0.0	9	14.3	23	36.5
North Carolina																	
Eastern	**155**	7	4.5	0	0.0	7	4.5	0	0.0	8	5.2	2	1.3	3	1.9	128	82.6
Middle	**57**	6	10.5	0	0.0	2	3.5	0	0.0	9	15.8	3	5.3	1	1.8	36	63.2
Western	**104**	23	22.1	24	23.1	5	4.8	0	0.0	8	7.7	2	1.9	1	1.0	41	39.4
South Carolina	**232**	52	22.4	10	4.3	8	3.4	3	1.3	8	3.4	0	0.0	11	4.7	140	60.3
Virginia																	
Eastern	**284**	150	52.8	2	0.7	8	2.8	0	0.0	4	1.4	1	0.4	6	2.1	113	39.8
Western	**155**	31	20.0	6	3.9	0	0.0	0	0.0	5	3.2	1	0.6	4	2.6	108	69.7
West Virginia																	
Northern	**17**	2	11.8	6	35.3	2	11.8	0	0.0	0	0.0	0	0.0	0	0.0	7	41.2
Southern	**11**	1	9.1	1	9.1	1	9.1	0	0.0	1	9.1	0	0.0	0	0.0	7	63.6

Table R (cont.)

CIRCUIT		Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		Fist Step Act (Sec. 404)	
District	**Total**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	**502**	**109**	**21.7**	**54**	**10.8**	**85**	**16.9**	**0**	**0.0**	**20**	**4.0**	**13**	**2.6**	**46**	**9.2**	**175**	**34.9**
Louisiana																	
Eastern	**73**	3	4.1	3	4.1	1	1.4	0	0.0	1	1.4	1	1.4	2	2.7	62	84.9
Middle	**23**	4	17.4	6	26.1	3	13.0	0	0.0	1	4.3	0	0.0	1	4.3	8	34.8
Western	**27**	2	7.4	0	0.0	2	7.4	0	0.0	0	0.0	1	3.7	0	0.0	22	81.5
Mississippi																	
Northern	**8**	3	37.5	0	0.0	2	25.0	0	0.0	0	0.0	0	0.0	1	12.5	2	25.0
Southern	**41**	24	58.5	10	24.4	1	2.4	0	0.0	2	4.9	0	0.0	0	0.0	4	9.8
Texas																	
Eastern	**84**	33	39.3	4	4.8	1	1.2	0	0.0	2	2.4	2	2.4	11	13.1	31	36.9
Northern	**52**	8	15.4	7	13.5	14	26.9	0	0.0	8	15.4	2	3.8	5	9.6	8	15.4
Southern	**107**	13	12.1	21	19.6	42	39.3	0	0.0	1	0.9	5	4.7	14	13.1	11	10.3
Western	**87**	19	21.8	3	3.4	19	21.8	0	0.0	5	5.7	2	2.3	12	13.8	27	31.0
SIXTH CIRCUIT	**457**	**78**	**17.1**	**43**	**9.4**	**49**	**10.7**	**0**	**0.0**	**16**	**3.5**	**12**	**2.6**	**30**	**6.6**	**229**	**50.1**
Kentucky																	
Eastern	**45**	6	13.3	11	24.4	10	22.2	0	0.0	2	4.4	0	0.0	1	2.2	15	33.3
Western	**16**	2	12.5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	6.3	13	81.3
Michigan																	
Eastern	**82**	20	24.4	18	22.0	3	3.7	0	0.0	4	4.9	0	0.0	4	4.9	33	40.2
Western	**51**	11	21.6	3	5.9	3	5.9	0	0.0	1	2.0	1	2.0	2	3.9	30	58.8
Ohio																	
Northern	**76**	2	2.6	7	9.2	15	19.7	0	0.0	2	2.6	1	1.3	2	2.6	47	61.8
Southern	**31**	8	25.8	1	3.2	2	6.5	0	0.0	0	0.0	2	6.5	0	0.0	18	58.1
Tennessee																	
Eastern	**109**	16	14.7	1	0.9	7	6.4	0	0.0	5	4.6	7	6.4	18	16.5	55	50.5
Middle	**12**	2	16.7	2	16.7	3	25.0	0	0.0	0	0.0	1	8.3	1	8.3	3	25.0
Western	**35**	11	31.4	0	0.0	6	17.1	0	0.0	2	5.7	0	0.0	1	2.9	15	42.9
SEVENTH CIRCUIT	**520**	**68**	**13.1**	**57**	**11.0**	**40**	**7.7**	**5**	**1.0**	**22**	**4.2**	**9**	**1.7**	**47**	**9.0**	**272**	**52.3**
Illinois																	
Central	**110**	12	10.9	5	4.5	3	2.7	0	0.0	4	3.6	2	1.8	1	0.9	83	75.5
Northern	**110**	2	1.8	17	15.5	16	14.5	0	0.0	4	3.6	3	2.7	7	6.4	61	55.5
Southern	**76**	35	46.1	7	9.2	2	2.6	0	0.0	3	3.9	2	2.6	1	1.3	26	34.2
Indiana																	
Northern	**37**	4	10.8	1	2.7	1	2.7	0	0.0	0	0.0	0	0.0	3	8.1	28	75.7
Southern	**93**	4	4.3	15	16.1	8	8.6	1	1.1	5	5.4	1	1.1	35	37.6	24	25.8
Wisconsin																	
Eastern	**41**	4	9.8	10	24.4	5	12.2	4	9.8	4	9.8	0	0.0	0	0.0	14	34.1
Western	**53**	7	13.2	2	3.8	5	9.4	0	0.0	2	3.8	1	1.9	0	0.0	36	67.9
EIGHTH CIRCUIT	**454**	**145**	**31.9**	**59**	**13.0**	**33**	**7.3**	**0**	**0.0**	**30**	**6.6**	**5**	**1.1**	**8**	**1.8**	**174**	**38.3**
Arkansas																	
Eastern	**48**	19	39.6	0	0.0	4	8.3	0	0.0	0	0.0	2	4.2	1	2.1	22	45.8
Western	**11**	5	45.5	1	9.1	0	0.0	0	0.0	0	0.0	0	0.0	1	9.1	4	36.4
Iowa																	
Northern	**34**	12	35.3	0	0.0	4	11.8	0	0.0	1	2.9	0	0.0	0	0.0	17	50.0
Southern	**58**	4	6.9	10	17.2	5	8.6	0	0.0	0	0.0	0	0.0	1	1.7	38	65.5
Minnesota	**50**	2	4.0	24	48.0	7	14.0	0	0.0	1	2.0	1	2.0	0	0.0	15	30.0
Missouri																	
Eastern	**69**	9	13.0	6	8.7	1	1.4	0	0.0	14	20.3	0	0.0	0	0.0	39	56.5
Western	**46**	2	4.3	1	2.2	6	13.0	0	0.0	9	19.6	0	0.0	4	8.7	24	52.2
Nebraska	**65**	43	66.2	7	10.8	1	1.5	0	0.0	1	1.5	1	1.5	1	1.5	11	16.9
North Dakota	**14**	1	7.1	1	7.1	4	28.6	0	0.0	4	28.6	1	7.1	0	0.0	3	21.4
South Dakota	**59**	48	81.4	9	15.3	1	1.7	0	0.0	0	0.0	0	0.0	0	0.0	1	1.7

Table R (cont.)

CIRCUIT		Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		Fist Step Act (Sec. 404)	
District	**Total**	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	**383**	**25**	**6.5**	**141**	**36.8**	**98**	**25.6**	**3**	**0.8**	**30**	**7.8**	**8**	**2.1**	**18**	**4.7**	**60**	**15.7**
Alaska	**6**	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7	5	83.3
Arizona	**25**	1	4.0	9	36.0	11	44.0	0	0.0	0	0.0	1	4.0	2	8.0	1	4.0
California																	
Central	**76**	2	2.6	11	14.5	26	34.2	0	0.0	3	3.9	4	5.3	9	11.8	21	27.6
Eastern	**41**	2	4.9	15	36.6	7	17.1	0	0.0	0	0.0	0	0.0	3	7.3	14	34.1
Northern	**44**	3	6.8	29	65.9	3	6.8	0	0.0	3	6.8	1	2.3	2	4.5	3	6.8
Southern	**38**	5	13.2	4	10.5	18	47.4	3	7.9	6	15.8	1	2.6	0	0.0	1	2.6
Guam	**5**	0	0.0	2	40.0	2	40.0	0	0.0	1	20.0	0	0.0	0	0.0	0	0.0
Hawaii	**7**	5	71.4	1	14.3	1	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Idaho	**8**	2	25.0	4	50.0	1	12.5	0	0.0	0	0.0	0	0.0	0	0.0	1	12.5
Montana	**13**	2	15.4	3	23.1	2	15.4	0	0.0	5	38.5	0	0.0	1	7.7	0	0.0
Nevada	**31**	0	0.0	15	48.4	12	38.7	0	0.0	3	9.7	0	0.0	0	0.0	1	3.2
Northern Mariana Islands	**1**	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	**51**	0	0.0	38	74.5	3	5.9	0	0.0	7	13.7	0	0.0	0	0.0	3	5.9
Washington																	
Eastern	**7**	2	28.6	0	0.0	2	28.6	0	0.0	1	14.3	0	0.0	0	0.0	2	28.6
Western	**30**	1	3.3	10	33.3	9	30.0	0	0.0	1	3.3	1	3.3	0	0.0	8	26.7
TENTH CIRCUIT	**185**	**42**	**22.7**	**34**	**18.4**	**27**	**14.6**	**0**	**0.0**	**9**	**4.9**	**5**	**2.7**	**27**	**14.6**	**41**	**22.2**
Colorado	**17**	2	11.8	5	29.4	6	35.3	0	0.0	0	0.0	0	0.0	0	0.0	4	23.5
Kansas	**53**	7	13.2	2	3.8	4	7.5	0	0.0	4	7.5	1	1.9	10	18.9	25	47.2
New Mexico	**14**	0	0.0	5	35.7	6	42.9	0	0.0	0	0.0	0	0.0	1	7.1	2	14.3
Oklahoma																	
Eastern	**7**	4	57.1	0	0.0	2	28.6	0	0.0	0	0.0	0	0.0	0	0.0	1	14.3
Northern	**8**	2	25.0	1	12.5	2	25.0	0	0.0	0	0.0	0	0.0	0	0.0	3	37.5
Western	**21**	3	14.3	6	28.6	2	9.5	0	0.0	3	14.3	0	0.0	2	9.5	5	23.8
Utah	**26**	1	3.8	10	38.5	4	15.4	0	0.0	1	3.8	1	3.8	8	30.8	1	3.8
Wyoming	**39**	23	59.0	5	12.8	1	2.6	0	0.0	1	2.6	3	7.7	6	15.4	0	0.0
ELEVENTH CIRCUIT	**887**	**281**	**31.7**	**130**	**14.7**	**38**	**4.3**	**3**	**0.3**	**29**	**3.3**	**20**	**2.3**	**22**	**2.5**	**364**	**41.0**
Alabama																	
Middle	**9**	1	11.1	5	55.6	0	0.0	0	0.0	1	11.1	0	0.0	1	11.1	1	11.1
Northern	**28**	4	14.3	4	14.3	1	3.6	0	0.0	0	0.0	1	3.6	3	10.7	15	53.6
Southern	**21**	0	0.0	0	0.0	0	0.0	0	0.0	5	23.8	0	0.0	0	0.0	16	76.2
Florida																	
Middle	**261**	87	33.3	12	4.6	14	5.4	0	0.0	8	3.1	5	1.9	5	1.9	130	49.8
Northern	**75**	13	17.3	1	1.3	3	4.0	0	0.0	4	5.3	4	5.3	0	0.0	50	66.7
Southern	**405**	167	41.2	99	24.4	15	3.7	3	0.7	8	2.0	6	1.5	4	1.0	103	25.4
Georgia																	
Middle	**34**	2	5.9	9	26.5	1	2.9	0	0.0	0	0.0	1	2.9	0	0.0	21	61.8
Northern	**26**	3	11.5	0	0.0	4	15.4	0	0.0	3	11.5	2	7.7	9	34.6	5	19.2
Southern	**28**	4	14.3	0	0.0	0	0.0	0	0.0	0	0.0	1	3.6	0	0.0	23	82.1

[1] Of the 5,139 cases, 57 were excluded due to missing type of resentencing or modification of sentence. Modification of supervision conditions is a type of resentencing, but information was not collected for this type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Resentencing Datafile, RESENTFY19.

APPENDIX A

Descriptions of Datafiles and Variables

Introduction

The Commission's research program is based on data from the Federal courts. The Commission collects data regarding every felony and class A misdemeanor offense sentenced each year. To facilitate this data collection, the courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document (information/indictment), (2) the plea agreement (if any), (3) the Presentence Report (if any), (4) the Judgment and Commitment Order, and (5) the Statement of Reasons form. The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.

Tables in this report use the Commission's datafile, USSCFY19, which includes information on the 76,538 individual offenders sentenced between October 1, 2018, through September 30, 2019, for whom sentencing documents were received as of February 21, 2020. This report also provides data on 118 organizational offenders sentenced during that period. Also, this report provides data on 5,082 offenders resentenced by the district court or whose sentence was modified in some other way during that period. Finally, this report provides data on 6,830 appeals cases decided during fiscal year 2019.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted but who have not been sentenced, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Cases in which a sentence of death was imposed also are not available in this dataset as the sentencing guidelines do not apply to those cases.

Note that for all tables, total percentages may not add up to 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Age

The *Age* of the offender on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the offender's date of birth as reported either in the Presentence Report or in the case submission information provided by the court when submitting the case to the Commission. Offenders under the age of 18 at the time of sentencing were charged as adults for a federal felony or Class A misdemeanor.

Anders Brief

Anders Brief cases are those in which the defendant's counsel files a motion for leave to withdraw from representation, and asserts that counsel has reviewed the case and concludes there are no non-frivolous grounds for appeal; whereupon the appellate court, after independently reviewing the record and agreeing that the case is wholly frivolous, affirms the sentence and dismisses the appeal, and grants counsel's motion to withdraw. *See* Anders v. California, 386 U.S. 738 (1967).

Any Guideline

The Commission collects guideline application information on up to four guidelines in a single computation (more than one guideline can be applied through the cross-reference application in the *Guidelines Manual*). If a guideline is recorded in any of the four collected fields, then it is reported as "any guideline." Note that counts for this category may exceed the total number of offenders in any fiscal year because each offender may have multiple guideline computations and/or multiple reference guidelines applied.

Appeals

Appeals data are derived from analyses of opinions and orders from the courts of appeals. For purposes of the appeals data, an appeals case is one in which a federal court of appeals has issued an opinion or order. Opinions and orders submitted by the courts are collected and coded. All appeals cases are coded for identifying data, such as parties, disposition, date, and circuit. In cases in which the appellate court reverses or remands a sentencing issue, the sentencing issue is coded. Conviction issues are not coded.

Attribution Category for Sentences Outside the Range

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

Circuit

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

Citizenship Status

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

Conviction Type

Sentencing classification is defined in 18 U.S.C. § 3559(a). The federal sentencing guidelines apply to felony cases and Class A Misdemeanors (see USSG §1B1.9). For this reason, no information about petty offenses is recorded in the Commission's datafiles.

Criminal History Category

Criminal History Category is derived from the Statement of Reasons provided by the sentencing court. *Criminal History Category* is taken from the Presentence Report when the Statement of Reasons is not available. While the court may disagree with Presentence Report information, the *Criminal History Category* is the same in the vast majority of cases for which both documents were received.

District

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

Document Submission Rates

Five documents are represented in the document submission table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), indictment/information (Ind), and plea agreements (Plea). The J&C, SOR, and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the SORs are most frequently submitted; however, transcripts or partial SORs and/or transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea totals. The total documents received column is derived from adding the total number of received documents from the J&C, PSR, SOR, Ind, and Plea columns.

Downward Departure

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

Downward Variance

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

Drug Trafficking Guidelines

Drug Trafficking Guidelines information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The seven guidelines (USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14) represent the guidelines in Chapter Two, Part D that utilize the drug quantity table in USSG §2D1.1 (Drug Trafficking) to determine the base offense level.

Education

Information on *Education* of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Fines and Restitution

Fines and Restitution information is obtained from the Judgment and Commitment Order (J&C). Fine information may also include cost of supervision. Cases that receive no fine or restitution are not included in the calculation of the means. The number of cases upon which the mean is based may not equal the number of offenders ordered to pay fines and/or restitution; this is due to the failure of some J&Cs to specify the dollar amount ordered. The median of payments ordered reflects the amount located at the fiftieth percentile of all amounts ordered, excluding cases in which the amount was indeterminable or zero.

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons (SOR) form (Court Determination for a Variance). These cases are determined by a yearly case review by Commission staff of both the reasons for the below range sentence and the coding by Commission staff of any indication of government sponsorship as indicated on the SOR form for below range cases. The SOR form has specific checkboxes to indicate the origins of the variance, but cases that do not use this form may also indicate in writing the origins of the variance. Additionally, all cases with one or

more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. This category does not include cases with USSG §5K1.1 Substantial Assistance departures or USSG §5K3.1 Early Disposition Program (EDP) departures.

Guideline Sentencing Range

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

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

Length of Imprisonment

For cases in which a term of imprisonment was imposed, *Length of Imprisonment* reports the mean and median terms of imprisonment imposed in months. Length of imprisonment also includes any time served amounts and imprisonment under USSG §5G1.3. This information is obtained from the Judgment and Commitment Order (J&C). Mean and median imprisonment lengths are rounded to the nearest month.

Any portion of a sentence that is an alternative confinement as described in USSG §5C1.1 is excluded. Cases in which a term of imprisonment is ordered, but where the length is indeterminable, also are excluded. When sentences are expressed as "time served" on the J&C, Commission staff uses the dates in federal custody to determine the length of time served provided the offender has been in custody the entire time. If the offender has been in and out of custody, or the start date is unclear or missing, then the Commission assigns a value of one day as a minimal time served amount for these cases.

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

Length of Supervised Release

For cases in which a term of supervised release was imposed, *Length of Supervised Release* reports the mean and median terms of supervised release imposed in months. This information is obtained from the Judgment and Commitment Order. Cases in which a term of supervised release is ordered, but where the length is indeterminable, are excluded. In cases where the court imposes a supervised release term of lifetime supervision, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life terms of supervised release are reported as 470 months, a length consistent with the Commission's assignment of 470 months for life imprisonment sentences.

Mandatory Minimum Penalties

Information on *Mandatory Minimum Penalties* is obtained from the Presentence Report and represents the assessment of the probation officer. The sentencing court may alter this mandatory minimum penalty information; occasionally, such changes are not reflected in the documents received by the Commission.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Trial* category.

Non-Government Departure

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

Non-Government Variance

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

Non-Prison Sentence

Non-Prison Sentence includes sentences including probation and/or any alternative confinement, as described in USSG §5C1.1 (*i.e.,* the entire sentence was not incarceration in jail/prison only).

Number of Employees

The *Number of Employees* identifies the number of persons employed by an organizational offender. This information is obtained from the Presentence Report. The number includes full-time workers, part-time workers, hourly workers, seasonal workers, and contractors. If the organization has undergone a significant down-sizing since the offense was detected by the authorities, the number of employees at the time of the offense is used for this variable.

Offense Level

The final *Offense Level* used in these tables is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, the offense level is taken from the Presentence Report.

Organizations

Organization is a "person other than an individual." *See* 18 U.S.C. § 18. The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.

Other Government Motion (Downward Departure)

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

Ownership Structure

The *Ownership Structure* identifies the legal status of an organizational offender. This information is obtained from the Presentence Report. If an organization is incorporated but is not openly traded, it is classified as "Closely-held or Private." If the financial statements in the presentence investigation report are termed "unaudited," then the company is also classified as "Closely-held or Private."

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Guideline range information is taken from the Statement of Reasons form and sentence information is taken from the Judgement and Commitment Order.

The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the lower-half of the range (when not at the guideline minimum); the exact midpoint of the range; the upper-half of the range (when not at the guideline maximum) and the guideline maximum. The "available range" is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. For cases in which USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the minimum of the range are removed according to 18 U.S.C. § 3553(f).

In cases in which the sentence is located outside the available sentencing range, departure and/or variance information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each category may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Drug Type

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or plea agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level).

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

Primary Guideline

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

Race

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

Reasons for Sentences Outside the Guideline Range

Reasons for Sentences Outside the Guideline Range are obtained from the Statement of Reasons when available. Because courts often provide more than one reason for sentencing outside the guideline range, the frequencies on these tables may add up to more than the number of cases.

Resentencings and Other Modification of Sentence

Using information submitted by the district courts, *Resentencings and Other Modifications of Sentence* are classified into eight different categories:

Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2)): Cases in which the original sentence is remanded to the district court by a court of appeals. The possible grounds for this include: (1) the sentence violated the law, (2) the guidelines were incorrectly applied, (3) the sentence is outside the applicable guideline range and the court failed to adequately explain why, (4) the sentence is outside the applicable guideline range and the court relied upon an impermissible reason, (5) the sentence is outside the applicable guideline range and the court departed to an unreasonable degree, or (6) there was no applicable guideline and the sentence is plainly unreasonable;

Direct Motion to District Court Pursuant to 18 U.S.C. § 3559(c)(7): Cases in which an offender received an aggravated penalty imposed under 18 U.S.C. § 3559(c)(7) at the time of original sentence and where a prior conviction for a serious violent felony or serious drug offense that triggered the aggravated penalty was overturned because it was (1) unconstitutional, (2) the offender was actually innocent, or (3) the offender was pardoned because of innocence;

Direct Motion to District Court Pursuant to 28 U.S.C. § 2255: Cases in which a district court determines that (1) the original sentence was imposed in violation of the Constitution or the law, (2) the court lacked jurisdiction to impose the sentence, (3) the sentence was greater than the maximum sentence allowed by the law, or (4) the sentence is otherwise subject to collateral attack;

Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1)): Cases in which the district court reduces an original sentence for extraordinary and compelling reasons or because the offender is at least 70 years old, has served at least 30 years for the offense for which the offender is currently imprisoned, and the Federal Bureau of Prisons (BOP) has determined that the offender is not a danger to the safety of any person or the community;

Modification of Imposed Term of Imprisonment for Retroactive Amendments to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2)): Cases in which a district court reduces the sentence for an offender who was sentenced based on a sentencing range that later was lowered by the United States Sentencing Commission and where the Commission voted to apply the lowered penalty retroactively. This reduction can occur through a motion filed by the offender, the director of the BOP, or upon the court's own motion;

Modification of Restitution Order (18 U.S.C. § 3664): Cases in which the court modifies any part of a judgment ordering restitution be paid to victims;

Reduction of Sentence for Changed Circumstances (Federal Rule of Criminal Procedure 35(b)): Cases in which the government files a motion after the original sentence is imposed requesting the court to reduce that sentence because the offender provided substantial assistance to the government; and

Unknown Type of Resentencing: Cases in which a resentencing has occurred but where the type of resentencing cannot be determined.

Safety Valve

Safety Valve cases are identified based upon the application of the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2 as described in the Statement of Reasons or Presentence Report. These criteria are considered as a specific offense characteristic in cases where USSG §2D1.1 or USSG §2D1.11 is the sentencing guideline.

The application of this specific offense characteristic requires that the offender meet the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2, which are the same criteria as in 18 U.S.C. § 3553(f). Section 3553(f) requires courts to sentence an offender without regard to any otherwise applicable mandatory minimum penalty when the criteria are met. Additionally, offenders meeting this criteria receive a reduction of two offense levels pursuant to USSG §2D1.1(b)(18) or USSG §2D1.11(b)(6). This two-level reduction can occur even if no mandatory minimum penalty might otherwise apply in the case. Both types of *Safety Valve* application are accounted for in the *Sourcebook* tables. In a small number of cases the court may not give the two-level reduction but does sentence the offender without regard to an otherwise applicable mandatory minimum penalty.

Because of the continuing refinement of the guidelines, the position of this specific offense characteristic notation within USSG §2D1.1 may vary from year to year.

Sentence Appeals Disposition

Data is derived from analysis of opinions and orders from the courts of appeals. The appeals disposition code indicates the disposition of the case. *Affirmed* cases are cases in which an appellate court holds that the judgment of the court below is correct and should stand. *Reversed* cases are those in which an appellate court sets aside, annuls, vacates, or changes to the contrary the decision of a lower court. *Affirmed and Reversed* cases are cases in which an appellate court affirmed one or more issues and reversed one or more of the issues that were appealed. *Remanded* cases are those in which the appellate court sent the case back to the lower court to address the issue under appeal. *Dismissed* cases are those an appellate court terminates without a complete trial and without issuing a holding. A dismissal of an appeal places the parties in the same condition as if no appeal had been taken or allowed, and thus acts as a confirmation of the judgment of the court below.

Sentencing Issues Appealed

Data about the issue or issues appealed are derived from analyses of opinions and orders from the courts of appeals. Each sentencing issue that is reversed or remanded by the appellate court is coded by the guideline involved and description of the particular issue addressed within that guideline. Challenges related to sentencing, but not to guideline application, are coded under categories reserved for "constitutional issues" or "other general sentencing issues."

Sentence Imposed or Sentence Length

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

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

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

Sentences Under the Guidelines Manual

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

Type of Appeal

Data are derived from analyses of opinions and orders from the courts of appeals. The type of appeals code indicates the types of issues that are raised in the case. The types of appeals codes are: (1) sentencing issues only, (2) sentencing and conviction issues, (3) conviction issues only, (4) *Anders* Brief, and (5) unknown.

For coding purposes, an appeal involves sentencing issues when the appellant either argues that the district court erred during the sentencing phase or raises issues concerning the applicability of the guidelines to the case at hand. In some cases, the appellant is challenging some part of the plea agreement involving sentencing. These issues are also considered sentencing issues. An appeal involves conviction issues when the appellant claims some sort of error occurred during the investigation, trial, or jury deliberations that did not involve sentencing or the sentencing guidelines. *Anders* Brief cases are those where the counsel for the appellant has advised the court of appeals that he or she has conscientiously examined the case but finds the appeal to be wholly frivolous and has requested permission to withdraw. *See Anders v. California*, 386 U.S. 738 (1967). This disposition code was added in fiscal year 2010.

Type of Business

The *Type of Business* identifies the primary industry in which an organizational offender conducted business. This information is obtained from the Presentence Report.

Type of Crime

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

If there is no primary guideline provided, then information about the type of crime category is obtained from the statutes of conviction listed on the Judgment and Commitment Order. When the "type of crime" for the case is determined from the statutes of conviction, the offense applicable to the count of conviction with the highest statutory maximum becomes the "type of crime." If two or more counts are found to have the same statutory maximum, the "type of crime" is selected according to which count of conviction has the highest statutory

minimum. Finally, in the event of a small number of cases still tied, the "type of crime" that best represented the nature of the criminal behavior is chosen.

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

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

Antitrust includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under USSG §2R1.1.

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

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

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

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

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

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

Drug Possession includes simple possession of all drug types. This category includes offenders sentenced under USSG §2D2.1.

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

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

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

Firearms includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, *etc.*, in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; use of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under USSG §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2.

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

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

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

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

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

Kidnapping includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under USSG §§2A4.1, 2A4.2, and 2A5.1.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under USSG §§2A1.3 and 2A1.4.

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

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

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

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

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

Robbery includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under USSG §2B3.1.

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

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

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

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

Sentence Type

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

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

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

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

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

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

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

Upward Departure

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

Upward Variance

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

Weapon Involvement

Weapon Involvement in a case is identified either by the application of a guideline enhancement for weapon involvement or a conviction under 18 U.S.C. § 924(c), or both. This variable does not identify cases in which a weapon is present in the offense, but the offender was not convicted of 18 U.S.C. § 924(c) or did not receive a weapon-related sentencing enhancement. It does not identify cases in which the specific enhancement can be applied for multiple reasons; for example, the specific enhancement can be applied if the offense involved either physical contact or if a dangerous weapon was possessed. Finally, this variable does not identify cases sentenced as weapon offenses under USSG Chapter Two, Part K, unless they were convicted of 18 U.S.C. § 924(c).

Within Guideline Range

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

Year

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

Zone

The Sentencing Table is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones. See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they apply.

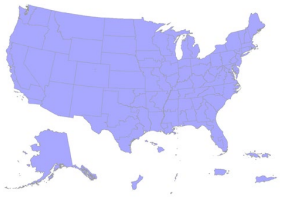
APPENDIX B

Selected National Sentencing Statistics

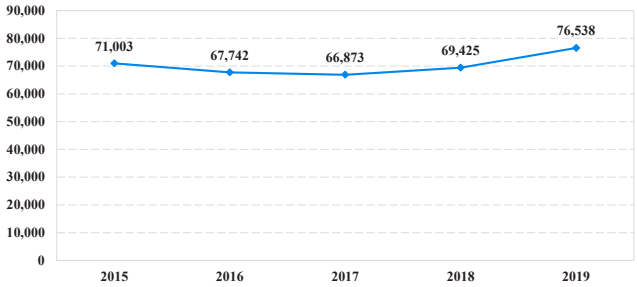
District at a Glance

National

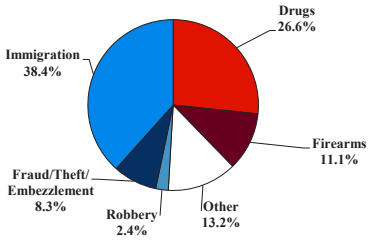
Fiscal Year 2019



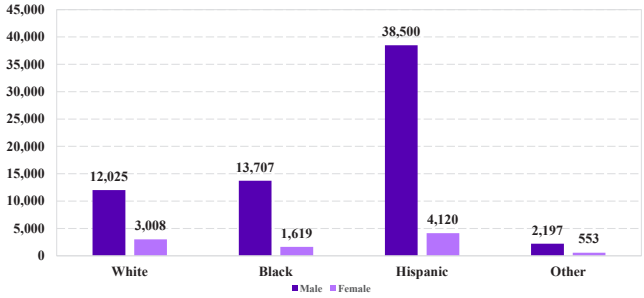
Number of Federal Offenders Over Time



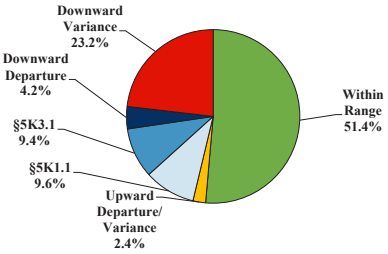
Type of Crime



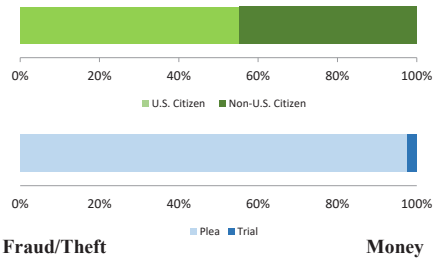
Race and Gender



Sentence Imposed Relative to the Guideline Range



Citizenship, Guilty Pleas, and Trials



SENTENCING INFORMATION BY TYPE OF CRIME

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
	76,538	**29,354**	**19,830**	**8,481**	**6,390**	**1,825**	**1,368**	**1,177**	**8,113**
Mean Sentence (months)	42	9	76	50	21	109	103	61	60
Median Sentence (months)	18	6	60	39	12	92	84	33	12
IMPRISONMENT									
Total Receiving Imprisonment	**70,231**	**27,991**	**19,099**	**7,994**	**4,738**	**1,800**	**1,354**	**1,040**	**6,215**
Prison Only	68,138	27,715	18,458	7,700	4,384	1,727	1,325	985	5,844
Up to 12 Months	24,869	19,835	1,252	487	1,357	36	27	152	1,723
13 to 60 Months	27,136	7,730	8,088	5,048	2,566	502	404	466	2,332
61 to 120 Months	9,799	144	5,599	1,736	382	601	553	198	586
Over 120 Months	6,334	6	3,519	429	79	588	341	169	1,203
Prison and Alternatives	2,093	276	641	294	354	73	29	55	371
PROBATION									
Total Receiving Probation	**5,888**	**1,361**	**729**	**487**	**1,573**	**25**	**13**	**137**	**1,563**
Probation Only	4,558	1,168	521	306	1,192	17	10	89	1,255
Probation and Alternatives	1,330	193	208	181	381	8	3	48	308
FINE ONLY	**419**	**2**	**2**	**0**	**79**	**0**	**1**	**0**	**335**

Cases with indeterminable sentence terms are excluded from the calculation of the Mean Sentence or Median Sentence category. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. Cases in the Total Receiving Imprisonment, Total Receiving Probation, and Fine Only categories total 100 percent of all cases. Cases missing information required for a specific analysis were excluded from that analysis. Descriptions of variables used in this analysis are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19.

Selected Sentencing Statistics by District are available on the U.S. Sentencing Commission's website.

https://www.ussc.gov/research/sourcebook-2019