

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES¹
Fiscal Year 2004²

Guideline and SOC	Applied ³	Percent ⁴
ALL OFFENSES		
All Offenses	60,736	100.0
Decided by Trial	3,051	5.0
Upward Departures	552	0.9
Chapter 2 Specific Offense Characteristic Adjustments	37,981	62.5
§3A1.1(a) Hate Crime Adjustment (three levels)	43	0.1
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	336	0.6
§3A1.2 Official Victim Adjustment (three levels)	206	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	95	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	22	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3,010	5.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5,794	9.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1,190	2.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	280	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2,029	3.3
§3C1.2 Reckless Endangerment During Flight (two levels)	261	0.4

¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 70,068 cases in which the Commission received, 57,419 contained complete guideline information (81.9 percent). It is possible for multiple guideline calculations for each case, and this table represents each guideline calculation for cases in which complete information was received.

² Fiscal Year 2004 data represents guideline application from guidelines effective November 1, 2003 unless otherwise specified.

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

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

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
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Guideline and SOC	Applied	Percent
Part A - Offenses Against Person		
§2A1.1 First Degree Murder	180	0.3
Decided by Trial	70	38.9
Upward Departures	2	1.1
Chapter 2 Specific Offense Characteristic Adjustments	NA ⁵	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	4	2.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	11	6.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	46	25.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	8	4.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	20	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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

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Guideline and SOC	Applied	Percent
§2A1.2 Second Degree Murder	51	0.1
Decided by Trial	4	7.8
Upward Departures	11	21.6
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	1	2.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	7	13.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	3.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	7.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.3 Voluntary Manslaughter	18	0.0
Decided by Trial	2	11.1
Upward Departures	4	22.2
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	1	5.6
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	11.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	5.6
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	5.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A1.4 Involuntary Manslaughter	58	0.1
Decided by Trial	4	6.9
Upward Departures	11	19.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	1.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.5 Conspiracy or Solicitation to Commit Murder	20	0.0
Decided by Trial	6	30.0
Upward Departures	1	5.0
Chapter 2 Specific Offense Characteristic Adjustments	6	30.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	3	15.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	15.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	118	0.2
Decided by Trial	33	28.0
Upward Departures	2	1.7
Chapter 2 Specific Offense Characteristic Adjustments	70	59.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.8
§3A1.2 Official Victim Adjustment (three levels)	4	3.4
§3A1.3 Restraint of Victim Adjustment (two levels)	2	1.7
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	24	20.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	4.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	5	4.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	15	12.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.2 Aggravated Assault	350	0.6
Decided by Trial	37	10.6
Upward Departures	17	4.8
Chapter 2 Specific Offense Characteristic Adjustments	338	96.6
§3A1.1(a) Hate Crime Adjustment (three levels)	10	2.9
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	14	4.0
§3A1.2 Official Victim Adjustment (three levels)	50	14.3
§3A1.3 Restraint of Victim Adjustment (two levels)	3	0.9
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	10	2.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	0.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	4	1.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	18	5.1
§3C1.2 Reckless Endangerment During Flight (two levels)	6	1.7

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Guideline and SOC	Applied	Percent
§2A2.3 Minor Assault	30	0.0
Decided by Trial	2	6.7
Upward Departures	1	3.3
Chapter 2 Specific Offense Characteristic Adjustments	8	26.7
§3A1.1(a) Hate Crime Adjustment (three levels)	1	3.3
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	6.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	10.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	3.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	3.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.4 Obstructing or Impeding Officers	183	0.3
Decided by Trial	23	12.6
Upward Departures	5	2.7
Chapter 2 Specific Offense Characteristic Adjustments	133	72.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	0.6
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	1.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	4.4
§3C1.2 Reckless Endangerment During Flight (two levels)	4	2.2

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Guideline and SOC	Applied	Percent
§2A3.1 Criminal Sexual Abuse (Rape)	212	0.4
Decided by Trial	58	27.4
Upward Departures	2	0.9
Chapter 2 Specific Offense Characteristic Adjustments	196	92.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	21	9.9
§3A1.2 Official Victim Adjustment (three levels)	1	0.5
§3A1.3 Restraint of Victim Adjustment (two levels)	7	3.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	18	8.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	6	2.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	21	9.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	153	0.2
Decided by Trial	26	17.0
Upward Departures	12	7.8
Chapter 2 Specific Offense Characteristic Adjustments	127	83.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	2.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.6
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	15	9.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A3.3 Criminal Sexual Abuse of a Ward	9	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	22.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.4 Abuse Sexual Contact	38	0.1
Decided by Trial	9	23.7
Upward Departures	2	5.3
Chapter 2 Specific Offense Characteristic Adjustments	35	92.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.6
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	10.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A4.1 Kidnaping, Abduction or Unlawful Restraint	127	0.2
Decided by Trial	10	7.9
Upward Departures	3	2.4
Chapter 2 Specific Offense Characteristic Adjustments	123	96.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	80	63.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.8
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	12	9.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	2.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	2.4
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.8
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	7	0.0
Decided by Trial	7	100.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	28.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	15	0.0
Decided by Trial	0	0.0
Upward Departures	1	6.7
Chapter 2 Specific Offense Characteristic Adjustments	1	6.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0

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Guideline and SOC	Applied	Percent
§2A6.1 Threatening or Harassing Communication	209	0.3
Decided by Trial	29	13.9
Upward Departures	2	0.1
Chapter 2 Specific Offense Characteristic Adjustments	124	59.3
§3A1.1(a) Hate Crime Adjustment (three levels)	2	1.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.5
§3A1.2 Official Victim Adjustment (three levels)	55	26.3
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	2.4
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.5
§2A6.2 Stalking or Domestic Violence	15	0.0
Decided by Trial	4	26.7
Upward Departures	1	6.7
Chapter 2 Specific Offense Characteristic Adjustments	12	80.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	13.3
§3A1.2 Official Victim Adjustment (three levels)	1	6.7
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	6.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	20.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
Part B - Basic Economic Offenses		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	7,066	11.6
Decided by Trial	222	3.1
Upward Departures	72	1.0
Chapter 2 Specific Offense Characteristic Adjustments	5,620	79.5
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	87	1.2
§3A1.2 Official Victim Adjustment (three levels)	3	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	13	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	547	7.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	282	4.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	686	9.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	29	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	241	3.4
§3C1.2 Reckless Endangerment During Flight (two levels)	11	0.2

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Guideline and SOC	Applied	Percent
§2B1.3 Property Damage or Destruction ⁶	10	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	10	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	10.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	30.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

⁶ This guideline was consolidated with §2B1.1 on November 1, 2001.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2B1.4 Insider Trading	0	0.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	7	0.0
Decided by Trial	3	42.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	71.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2B2.1 Burglary of a Residence	125	0.2
Decided by Trial	3	2.4
Upward Departures	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	81	64.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.8
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	5.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	4.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	1.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	2.4
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.8
§2B2.3 Trespass	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	50.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	16.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2B3.1 Robbery	2,980	4.9
Decided by Trial	241	8.1
Upward Departures	99	3.3
Chapter 2 Specific Offense Characteristic Adjustments	2,846	95.5
§3A1.1(a) Hate Crime Adjustment (three levels)	7	0.2
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	10	0.3
§3A1.2 Official Victim Adjustment (three levels)	15	0.5
§3A1.3 Restraint of Victim Adjustment (two levels)	12	0.4
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	90	3.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	55	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	10	0.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	22	0.7
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	147	4.9
§3C1.2 Reckless Endangerment During Flight (two levels)	63	2.1
§2B3.2 Extortion by Force	82	0.1
Decided by Trial	43	4.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	79	96.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	1.2
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	6	7.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	7.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	2.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	6.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2B3.3 Blackmail and other forms of Extortion	38	0.1
Decided by Trial	4	10.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	27	71.0
§3A1.1(a) Hate Crime Adjustment (three levels)	1	2.6
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	10	26.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	7.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	46	0.1
Decided by Trial	1	2.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	42	91.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	8	17.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	4.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	8	17.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	4.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2B5.1 Offenses involving Counterfeit Bearer Obligations	509	0.8
Decided by Trial	7	1.4
Upward Departures	3	0.6
Chapter 2 Specific Offense Characteristic Adjustments	359	70.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	15	3.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	33	6.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	25	4.9
§3C1.2 Reckless Endangerment During Flight (two levels)	2	0.4
§2B5.3 Criminal Infringement of Copyright or Trademark	129	0.2
Decided by Trial	5	3.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	124	96.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	14	10.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	13	10.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	6	4.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	0.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.8

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	22	0.0
Decided by Trial	2	9.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	21	95.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	13.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	13.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part C - Offenses Involving Public Officials		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	173	0.3
Decided by Trial	23	13.3
Upward Departures	3	1.7
Chapter 2 Specific Offense Characteristic Adjustments	163	94.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	16	9.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	4.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	1.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	14	8.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	21	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	17	81.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	4.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	4.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	9	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	22.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2C1.4 Payment or Receipt of Unauthorized Compensation ⁷	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	16.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.5 Payments to Obtain Public Office	0	0.0
§2C1.6 Loan or Gratuity to Bank Examiner or Adjustment of Farm Indebtedness	0	0.0

⁷ Deleted and consolidated with §2C1.3 on November 1, 2001.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials	27	0.0
Decided by Trial	8	29.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	18	66.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	3.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	7.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	3.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	7	25.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part D - Offenses Involving Drugs		
§2D1.1 Drug Trafficking	21,524	35.4
Decided by Trial	987	4.6
Upward Departures	47	0.2
Chapter 2 Specific Offense Characteristic Adjustments	10,872	50.5
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	7	0.0
§3A1.2 Official Victim Adjustment (three levels)	27	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	9	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1,311	6.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4,590	21.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	75	0.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	155	0.7
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	724	3.4
§3C1.2 Reckless Endangerment During Flight (two levels)	74	0.3

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	389	0.6
Decided by Trial	29	7.4
Upward Departures	3	0.8
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	24	6.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	39	10.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	19	4.9
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.3
§2D1.5 Continuing Criminal Enterprise	21	0.0
Decided by Trial	5	23.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	4.8
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D1.6 Use of Communication Facility in Committing Drug Offense	29	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	3.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	36	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	16.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D1.8 Renting or Managing a Drug Establishment	55	0.1
Decided by Trial	1	1.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	1.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	3.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	5.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	15	0.0
Decided by Trial	2	13.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	73.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	157	0.3
Decided by Trial	15	9.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	25	15.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	6	3.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	13	8.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	1.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	1.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	30	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	30	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	13.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	3.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D2.1 Unlawful Possession	475	0.8
Decided by Trial	26	34.7
Upward Departures	16	3.4
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	0.2
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	0.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	0.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	9	1.9
§3C1.2 Reckless Endangerment During Flight (two levels)	3	0.6

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	30	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	6.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	6	20.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2D3.1 Regulatory Offenses Involving Registration Numbers	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	33.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	33.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004**

Guideline and SOC	Applied	Percent
Part E - Offenses Involving Criminal Enterprises and Racketeering		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	28	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	21.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	14.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	7	0.0
Decided by Trial	1	14.3
Upward Departures	1	14.3
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2E1.3 Violent Crimes in Aid of Racketeering Activity	0	0.0
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	12	0.0
Decided by Trial	5	41.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	8.3
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	25.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2E2.1 Making or Financing an Extortionate Extension of Credit	54	0.1
Decided by Trial	4	7.4
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	22.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	13.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	13.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	5.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E3.1 Gambling Offenses	106	0.2
Decided by Trial	1	0.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	14	13.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	22	20.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	0.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	16	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	25.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	25.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	10	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	80.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	10.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	20.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	7	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	28.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	14.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part F - Offenses Involving Fraud and Deceit		
§2F1.1 Fraud and Deceit ⁸	1,384	2.3
Decided by Trial	114	8.2
Upward Departures	17	1.2
Chapter 2 Specific Offense Characteristic Adjustments	1,358	98.1
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.1
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	25	1.8
§3A1.2 Official Victim Adjustment (three levels)	1	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	268	19.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	89	6.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	233	16.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	4	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	91	6.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2F1.2 Insider Trading ²⁷	12	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	8.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	25.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	25.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

⁸ Deleted and consolidated with §2B1.1 on November 1, 2001.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	124	0.2
Decided by Trial	27	21.8
Upward Departures	2	1.6
Chapter 2 Specific Offense Characteristic Adjustments	77	62.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	1.6
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	43	34.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	11	8.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	15	12.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2G2.1 Production of Pornography	160	0.3
Decided by Trial	7	4.3
Upward Departures	13	8.3
Chapter 2 Specific Offense Characteristic Adjustments	152	95.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	10	6.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	4	2.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	11	6.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	3.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	1.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G2.2 Trafficking in Pornography	332	0.6
Decided by Trial	18	5.4
Upward Departures	13	3.9
Chapter 2 Specific Offense Characteristic Adjustments	329	99.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	1.5
§3A1.2 Official Victim Adjustment (three levels)	1	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	0.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	3.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
§2G2.4 Possession of Pornography	296	0.5
Decided by Trial	5	1.7
Upward Departures	11	3.7
Chapter 2 Specific Offense Characteristic Adjustments	293	99.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	1.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
§2G3.1 Importing/Mailing/Transporting Obscene Matter	23	0.0
Decided by Trial	3	13.0
Upward Departures	1	4.4
Chapter 2 Specific Offense Characteristic Adjustments	16	69.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	4.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part H - Offenses Involving Individual Rights		
§2H1.1 Offenses Involving Individual Rights	43	0.1
Decided by Trial	13	30.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	33	76.7
§3A1.1(a) Hate Crime Adjustment (three levels)	8	18.6
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	14	32.6
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	12	27.9
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	9.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	4.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	14	32.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2H1.3 Use of Force or Threat of Force to Deny Benefits or Rights in Furtherance of Discrimination: Damage to Religious Real Property ⁹	0	0.0
§2H2.1 Obstructing an Election or Registration	7	0.0
Decided by Trial	2	28.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	28.6
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	57.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	14.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	28.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

⁹ Deleted and consolidated with §2H1.1 on November 1, 1995

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2H3.1 Interception of Communications	13	0.0
Decided by Trial	1	7.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	15.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	23.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	66.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2H3.3 Obstructing Correspondence	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	15	0.0
Decided by Trial	9	60.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	15	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	7	46.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	13.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	6.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	6.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part J - Offenses Involving the Administration of Justice		
§2J1.1 Contempt	0	0.0
§2J1.2 Obstruction of Justice	138	0.2
Decided by Trial	29	21.0
Upward Departures	2	1.4
Chapter 2 Specific Offense Characteristic Adjustments	42	30.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.7
§3A1.2 Official Victim Adjustment (three levels)	8	5.8
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	6	4.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	3.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	10	7.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	7.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.3 Perjury or Subornation of Perjury	59	0.1
Decided by Trial	5	8.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	13.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	3.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	6.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2J1.4 Impersonation	19	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	26.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.5 Failure to Appear by Material Witness	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004**

Guideline and SOC	Applied	Percent
§2J1.6 Failure to Appear by Defendant	88	0.1
Decided by Trial	5	5.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	46	52.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	1.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.7 Commission of Offense While on Release	117	0.2
Decided by Trial	6	5.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	50	42.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	0.8
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	10	8.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	3.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	8.6
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.8
§2J1.9 Payment to a Witness	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part K - Offenses Involving Public Safety		
§2K1.1 Failure to Report Theft of Explosive Materials	13	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	34	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	19	55.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	2.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	1	2.9

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2K1.4 Arson	116	0.2
Decided by Trial	14	12.1
Upward Departures	1	0.9
Chapter 2 Specific Offense Characteristic Adjustments	12	10.3
§3A1.1(a) Hate Crime Adjustment (three levels)	7	6.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.9
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	14	12.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	1.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	4	3.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	6.9
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.9
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	29	0.0
Decided by Trial	3	10.3
Upward Departures	2	6.9
Chapter 2 Specific Offense Characteristic Adjustments	12	41.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	3.4
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	6,419	10.6
Decided by Trial	468	7.3
Upward Departures	68	1.0
Chapter 2 Specific Offense Characteristic Adjustments	3,227	50.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	4	0.1
§3A1.2 Official Victim Adjustment (three levels)	27	0.4
§3A1.3 Restraint of Victim Adjustment (two levels)	6	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	64	1.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	46	0.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	7	0.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	9	0.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	248	3.9
§3C1.2 Reckless Endangerment During Flight (two levels)	61	1.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	21	0.0
Decided by Trial	1	4.8
Upward Departures	1	4.8
Chapter 2 Specific Offense Characteristic Adjustments	13	61.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K2.6 Possessing, Purchasing, or Owning Body Armor by Violent Felons	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	33.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part L - Offenses Involving Immigration, Naturalization, and Passports		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	2,126	3.5
Decided by Trial	59	2.8
Upward Departures	18	0.8
Chapter 2 Specific Offense Characteristic Adjustments	1,652	77.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	9	0.4
§3A1.2 Official Victim Adjustment (three levels)	4	0.2
§3A1.3 Restraint of Victim Adjustment (two levels)	4	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	98	4.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	284	13.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	8	0.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	18	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	53	2.5
§3C1.2 Reckless Endangerment During Flight (two levels)	19	0.9
§2L1.2 Unlawfully Entering or Remaining in the United States	9,106	15.0
Decided by Trial	97	1.1
Upward Departures	27	0.3
Chapter 2 Specific Offense Characteristic Adjustments	7,311	80.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	22	0.2
§3C1.2 Reckless Endangerment During Flight (two levels)	8	0.1

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004**

Guideline and SOC	Applied	Percent
§2L2.1 Trafficking in Documents Relating to Naturalization	296	0.5
Decided by Trial	11	3.7
Upward Departures	5	1.7
Chapter 2 Specific Offense Characteristic Adjustments	221	74.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	4	1.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	29	9.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	21	7.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	12	4.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	16	5.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	879	1.4
Decided by Trial	18	2.0
Upward Departures	3	0.3
Chapter 2 Specific Offense Characteristic Adjustments	146	16.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	0.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	0.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	1.1
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.1
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part M - Offenses Involving National Defense and Weapons of Mass Destruction		
§2M1.1 Treason	0	0.0
§2M2.1 Destruction of, or Production of Defective War Material	0	0
§2M2.3 Destruction of , or Production of Detective, National Defense Material	0	0
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	0	0.0
§2M3.2 Gathering National Defense Information	0	0.0
§2M3.3 Transmitting National Defense Information	0	0.0
§2M3.4 Losing National Defense Information	0	0.0
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
§2M5.1 Evasion of Export Controls; Financial Transactions with Countries Supporting Terrorism	2	0.0
Decided by Trial	1	50.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	50.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	50.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	20	0.0
Decided by Trial	0	0.0
Upward Departures	2	10.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	6	30.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	5.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	10.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	3	0.0
Decided by Trial	1	33.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	33.3
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	33.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2M6.1 Unlawful Production of Nuclear Material	28	0.0
Decided by Trial	17	60.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	18	64.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	14	50.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	6	0.0
Decided by Trial	1	16.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	16.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	16.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	66.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	16.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2N1.3 Tampering with Intent to Injure Business	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	33	0.0
Decided by Trial	3	9.1
Upward Departures	1	3.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	6.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	9.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	3.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	3.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2N3.1 Odometer Laws and Regulations	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part P - Offenses Involving Prisons and Correctional Facilities		
§2P1.1 Escape, Instigating or Assisting Escape	219	0.4
Decided by Trial	6	2.7
Upward Departures	7	3.2
Chapter 2 Specific Offense Characteristic Adjustments	126	57.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	1.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	2.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2P1.2 Providing or Possessing Contraband in Prison	112	0.2
Decided by Trial	9	8.0
Upward Departures	2	1.8
Chapter 2 Specific Offense Characteristic Adjustments	3	2.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	0.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2P1.3 Engaging in a Riot Involving Persons in a Facility	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part Q -Offenses Involving the Environment		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
§2Q1.2 Mishandling of Hazardous Substances	50	0.1
Decided by Trial	4	8.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	32	64.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	2.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	14	28.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	6.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	6	12.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2Q1.3 Mishandling of Other Environmental Pollutants	18	0.0
Decided by Trial	2	11.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	15	83.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	16.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	5.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	82	0.1
Decided by Trial	5	6.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	59	72.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	6.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	3.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	7.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part R - Antitrust Offenses		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	7	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	28.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	28.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part S - Money Laundering and Monetary Transactions Reporting		
§2S1.1 Laundering of Monetary Instruments	693	1.1
Decided by Trial	76	11.0
Upward Departures	5	0.7
Chapter 2 Specific Offense Characteristic Adjustments	657	94.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	0.7
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	138	19.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	114	16.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	23	3.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	4	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	63	9.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
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Guideline and SOC	Applied	Percent
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ¹⁰	24	0.0
Decided by Trial	3	12.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	24	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	8.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	12.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2S1.3 Structuring Transactions to Evade Reporting Requirements	232	0.4
Decided by Trial	12	5.2
Upward Departures	1	0.4
Chapter 2 Specific Offense Characteristic Adjustments	161	69.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	11	4.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	23	9.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	3.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

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

Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part T - Offenses Involving Taxation		
§2T1.1 Tax Evasion	457	0.8
Decided by Trial	41	9.0
Upward Departures	5	1.1
Chapter 2 Specific Offense Characteristic Adjustments	187	40.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	19	4.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	1.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	17	3.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	33	7.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2T1.3 Fraud and False Statements Under Penalty of Perjury ¹¹	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	81	0.1
Decided by Trial	11	13.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	56	69.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	2	2.5
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	8.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	6.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	3.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	12	14.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

¹¹ This guideline was consolidated with §2T1.1 on November 1, 1993

Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	12	0.0
Decided by Trial	3	25.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	25.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	8.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	8.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
§2T1.8 Offenses Relating to Withholding Statements	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2T1.9 Conspiracy to Impede, Impair, Obstruct	20	0.0
Decided by Trial	3	15.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	20.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	10.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	20.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	10.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T2.1 Non-payment of Taxes	5	0.0
Decided by Trial	1	20.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2T2.2 Regulatory Offenses	0	0.0
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	25	0.0
Decided by Trial	1	4.0
Upward Departures	5	20.0
Chapter 2 Specific Offense Characteristic Adjustments	2	8.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	12.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	8	32.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
Part X - Other Offenses		
§2X1.1 Attempt, Solicitation, or Conspiracy	114	0.2
Decided by Trial	7	6.2
Upward Departures	1	0.9
Chapter 2 Specific Offense Characteristic Adjustments	27	23.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	1.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	4.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	0.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X2.1 Aiding and Abetting	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Fiscal Year 2004

Guideline and SOC	Applied	Percent
§2X3.1 Accessory After the Fact	131	0.2
Decided by Trial	10	7.6
Upward Departures	2	1.5
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	1.5
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.8
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	1.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	3.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	2.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	11	8.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X4.1 Misprision of a Felony	420	0.7
Decided by Trial	1	0.2
Upward Departures	14	3.3
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	0.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	9	2.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	0.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	1.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2X5.1 Other Offenses	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0