

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES¹
Pre-Booker 2005²

| Guideline and SOC | Applied ³ | Percent ⁴ |
|--|----------------------|----------------------|
| ALL OFFENSES | | |
| All Offenses | 16,043 | 100.0 |
| Decided by Trial | 792 | 4.9 |
| Upward Departures | 133 | 0.8 |
| Chapter 2 Specific Offense Characteristic Adjustments | 9,859 | 38.6 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 9 | 0.1 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 77 | 0.5 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 51 | 0.3 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 25 | 0.2 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 1 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 617 | 3.8 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1,503 | 9.4 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 303 | 1.9 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 52 | 0.3 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 402 | 2.5 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 59 | 0.4 |

¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 72,462 cases in which the Commission received, 61,464 contained complete guideline information (84.8 percent). Of the 72,462 cases the Commission received, 18,788 were sentenced before the United States Supreme Court decision in *United States v Booker and Fan Fan* (decision date: January 12, 2005) during fiscal year 2005. Of the 18,788 cases, 15,212 contained complete guideline information (81.0 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 Pre-Booker 2005 data represents guideline application from guidelines effective November 1, 2004 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 | 44 | 0.3 |
| Decided by Trial | 22 | 50.0 |
| Upward Departures | 0 | 0.0 |
| 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) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 2 | 4.6 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 4 | 9.1 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 13 | 29.6 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 3 | 6.8 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 2.3 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 5 | 11.4 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 12 | 27.3 |
| §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 | 11 | 0.1 |
| Decided by Trial | 3 | 27.3 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 9.1 |
| §3A1.2 Official Victim Adjustment (three or six 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 |
| §2A1.3 Voluntary Manslaughter | 1 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 1 | 100.0 |
| 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A1.4 Involuntary Manslaughter | 8 | 0.0 |
| Decided by Trial | 2 | 25.0 |
| Upward Departures | 2 | 25.0 |
| 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 or six 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 |
| §2A1.5 Conspiracy or Solicitation to Commit Murder | 4 | 0.0 |
| Decided by Trial | 2 | 50.0 |
| Upward Departures | 2 | 50.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1 | 25.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 1 | 25.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 1 | 25.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 2 | 25.0 |
| §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 | 28 | 0.2 |
| Decided by Trial | 11 | 39.3 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 11 | 39.3 |
| §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 or six levels) | 2 | 7.1 |
| §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) | 6 | 21.4 |
| §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) | 7 | 25.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 7 | 25.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2A2.2 Aggravated Assault | 69 | 0.4 |
| Decided by Trial | 10 | 14.5 |
| Upward Departures | 4 | 5.8 |
| Chapter 2 Specific Offense Characteristic Adjustments | 63 | 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) | 4 | 5.8 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 11 | 15.9 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 3 | 4.4 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 2 | 2.9 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 2 | 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) | 4 | 5.8 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 1.4 |

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A2.3 Minor Assault | 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 or six 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 |
| §2A2.4 Obstructing or Impeding Officers | 34 | 0.2 |
| Decided by Trial | 1 | 2.9 |
| Upward Departures | 1 | 2.9 |
| Chapter 2 Specific Offense Characteristic Adjustments | 22 | 64.7 |
| §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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A3.1 Criminal Sexual Abuse (Rape) | 59 | 0.4 |
| Decided by Trial | 7 | 11.9 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 51 | 86.4 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 1.7 |
| §3A1.2 Official Victim Adjustment (three or six 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) | 3 | 5.1 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape) | 56 | 0.4 |
| Decided by Trial | 5 | 8.9 |
| Upward Departures | 1 | 1.8 |
| Chapter 2 Specific Offense Characteristic Adjustments | 41 | 73.2 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 1.8 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 1.8 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 1.8 |

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A3.3 Criminal Sexual Abuse of a Ward | 2 | 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) | 1 | 50.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 50.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 50.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2A3.4 Abuse Sexual Contact | 24 | 0.2 |
| Decided by Trial | 14 | 58.3 |
| 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 or six 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 | 4.2 |
| §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 | 61 | 0.4 |
| Decided by Trial | 4 | 6.6 |
| Upward Departures | 1 | 1.6 |
| Chapter 2 Specific Offense Characteristic Adjustments | 58 | 95.1 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 22 | 36.1 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 3.3 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 1.6 |
| §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) | 2 | 3.3 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 1.6 |
| §2A4.2 Demanding or Receiving Ransom Money | 0 | 0.0 |
| §2A5.1 Aircraft Piracy or Attempted Aircraft Piracy | 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 | 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 or six 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 | 50 | 0.3 |
| Decided by Trial | 2 | 4.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 31 | 64.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 1 | 2.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 13 | 26.0 |
| §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 | 4.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2A6.2 Stalking or Domestic Violence | 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 100.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

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| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part B - Basic Economic Offenses | | |
| §2B1.1 Larceny, Embezzlement, Theft, and Fraud | 1,709 | 10.6 |
| Decided by Trial | 68 | 4.0 |
| Upward Departures | 16 | 0.9 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1,361 | 79.6 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 1 | 0.1 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 26 | 1.5 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 2 | 0.1 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 7 | 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) | 122 | 7.1 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 66 | 3.9 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 200 | 11.7 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 4 | 0.2 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 55 | 3.2 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 4 | 0.2 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B1.3 Property Damage or Destruction ⁶ | 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 or six 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 |
| §2B1.4 Insider Trading | 0 | 0.0 |

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

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B1.5 Theft or Damage of Cultural Heritage Resources | 3 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 3 | 100.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 100.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2B2.1 Burglary of a Residence | 22 | 0.1 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 10 | 45.4 |
| §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 or six levels) | 1 | 4.6 |
| §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) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 3 | 13.6 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 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 | 4.6 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B2.3 Trespass | 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 or six 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 |
| §2B3.1 Robbery | 728 | 4.5 |
| Decided by Trial | 45 | 6.2 |
| Upward Departures | 7 | 1.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 703 | 96.6 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 0.1 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 3 | 0.4 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 2 | 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) | 34 | 4.7 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 13 | 1.8 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 0.1 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 2 | 0.3 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 16 | 2.2 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 6 | 0.8 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B3.2 Extortion by Force | 38 | 0.2 |
| Decided by Trial | 2 | 5.3 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 23 | 60.5 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 2.6 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 8.9 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 13 | 34.2 |
| §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) | 1 | 2.6 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 2.6 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2B3.3 Blackmail and other forms of Extortion | 12 | 0.1 |
| Decided by Trial | 8 | 66.7 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 8 | 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 or six 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 | 8.3 |
| §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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery | 17 | 0.1 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 15 | 88.2 |
| §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 or six 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 | 5.9 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 2 | 11.8 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2B5.1 Offenses involving Counterfeit Bearer Obligations | 125 | 0.8 |
| Decided by Trial | 1 | 0.8 |
| Upward Departures | 1 | 0.8 |
| Chapter 2 Specific Offense Characteristic Adjustments | 87 | 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 or six 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 | 3.2 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 5 | 4.0 |
| §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) | 6 | 4.8 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 0.8 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B5.3 Criminal Infringement of Copyright or Trademark | 41 | 0.3 |
| Decided by Trial | 1 | 2.4 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 39 | 95.1 |
| §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 or six 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 | 7.3 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 2 | 4.9 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 2.4 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2B6.1 Altering or Removing Motor Vehicle ID Numbers | 5 | 0.0 |
| Decided by Trial | 1 | 20.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 5 | 100.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 20.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part C - Offenses Involving Public Officials | | |
| §2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe | 36 | 0.2 |
| Decided by Trial | 2 | 5.6 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 34 | 94.4 |
| §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 or six 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 | 13.9 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 2.8 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 2 | 5.6 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity | 4 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 1 | 25.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 4 | 100.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 |
| §2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation | 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2C1.4 Payment or Receipt of Unauthorized Compensation ⁷ | 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 |
| §2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials ⁸ | 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 or six 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 | 100.0 |
| §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 |

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

⁸ Guideline eliminated and consolidated with §2C1.1 on November 1, 2004.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part D - Offenses Involving Drugs | | |
| §2D1.1 Drug Trafficking | 5,405 | 33.7 |
| Decided by Trial | 265 | 4.9 |
| Upward Departures | 13 | 0.2 |
| Chapter 2 Specific Offense Characteristic Adjustments | 2,616 | 48.4 |
| §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 or six levels) | 5 | 0.1 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 3 | 0.1 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 270 | 5.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1,161 | 21.5 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 22 | 0.4 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 21 | 0.4 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 134 | 2.5 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 15 | 0.3 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D1.2 Drug offenses near protected location/involving underage/pregnant individuals | 84 | 0.5 |
| Decided by Trial | 10 | 11.9 |
| 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 or six 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 | 3.6 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 3 | 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) | 5 | 6.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 1.2 |
| §2D1.5 Continuing Criminal Enterprise | 11 | 0.1 |
| Decided by Trial | 5 | 45.4 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D1.6 Use of Communication Facility in Committing Drug Offense | 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 or six 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 |
| §2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia | 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D1.8 Renting or Managing a Drug Establishment | 12 | 0.8 |
| Decided by Trial | 1 | 8.3 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 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 |
| §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 | 3 | 0.0 |
| Decided by Trial | 2 | 66.7 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 3 | 100.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical | 34 | 0.2 |
| Decided by Trial | 3 | 8.8 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 3 | 8.8 |
| §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 or six 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) | 5 | 14.7 |
| §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) | 2 | 5.9 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 2.9 |
| §2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment | 19 | 0.1 |
| Decided by Trial | 5 | 26.3 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 16 | 84.2 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 5.3 |
| §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 | 5.3 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements | 0 | 0.0 |
| §2D2.1 Unlawful Possession | 121 | 0.8 |
| Decided by Trial | 5 | 4.1 |
| Upward Departures | 8 | 6.6 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 3 | 2.5 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 2.5 |
| §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) | 2 | 1.6 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge | 6 | 0.0 |
| Decided by Trial | 1 | 16.7 |
| 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 16.7 |
| §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) | 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 | 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 or six 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 | 100.0 |
| §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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D3.1 Regulatory Offenses Involving Registration Numbers | 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part E - Offenses Involving Criminal Enterprises and Racketeering | | |
| §2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations | 9 | 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 or six 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 | 44.4 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 11.1 |
| §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 |
| §2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise | 5 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 1 | 20.0 |
| 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 or six 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

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2E1.3 Violent Crimes in Aid of Racketeering Activity | 3 | 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 or six 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 | 100.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire | 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 or six 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 | 14.3 |
| §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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2E2.1 Making or Financing an Extortionate Extension of Credit | 7 | 0.0 |
| Decided by Trial | 2 | 28.6 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1 | 14.3 |
| §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 or six 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) | 1 | 14.3 |
| §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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2E3.1 Gambling Offenses | 23 | 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 or six 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 | 26.1 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 3 | 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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2E4.1 Unlawful Conduct Relating to Contraband Cigarettes | 9 | 0.1 |
| Decided by Trial | 1 | 11.1 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 11.1 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit | 2 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 2 | 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 50.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 50.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act | 1 | 0.0 |
| Decided by Trial | 1 | 100.0 |
| 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part F - Offenses Involving Fraud and Deceit | | |
| §2F1.1 Fraud and Deceit ⁹ | 277 | 1.7 |
| Decided by Trial | 18 | 6.5 |
| Upward Departures | 3 | 1.1 |
| Chapter 2 Specific Offense Characteristic Adjustments | 270 | 97.5 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 6 | 2.2 |
| §3A1.2 Official Victim Adjustment (three or six 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) | 40 | 14.4 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 18 | 6.5 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 40 | 14.4 |
| §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) | 17 | 6.1 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 0.4 |
| §2F1.2 Insider Trading ⁹ | 4 | 0.0 |
| Decided by Trial | 1 | 25.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 4 | 100.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 |

⁹ Deleted and consolidated with §2B1.1 on November 1, 2001.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| 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 | 48 | 0.3 |
| Decided by Trial | 6 | 12.5 |
| Upward Departures | 2 | 4.2 |
| Chapter 2 Specific Offense Characteristic Adjustments | 32 | 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) | 3 | 6.2 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 20.8 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 2 | 4.2 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 3 | 6.2 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 2 | 4.2 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2G1.2 Transportation of a Minor for Prostitution or Prohibited Sexual Conduct ¹⁰ | 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 or six 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 |
| §2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor | 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 or six 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 |

¹⁰ Guideline eliminated and consolidated with §2G1.1 on November 1, 2006.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2G2.1 Production of Pornography | 49 | 0.3 |
| Decided by Trial | 1 | 2.0 |
| Upward Departures | 5 | 10.2 |
| Chapter 2 Specific Offense Characteristic Adjustments | 46 | 93.9 |
| §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 or six 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 | 2.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 2.0 |
| §2G2.2 Trafficking in Pornography | 107 | 0.7 |
| Decided by Trial | 4 | 3.7 |
| Upward Departures | 3 | 2.8 |
| Chapter 2 Specific Offense Characteristic Adjustments | 101 | 94.4 |
| §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 or six 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 | 1.9 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| 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 ¹¹ | 108 | 0.7 |
| Decided by Trial | 3 | 2.8 |
| Upward Departures | 5 | 4.6 |
| Chapter 2 Specific Offense Characteristic Adjustments | 102 | 94.4 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.4 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 0.9 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials | 0 | 0.0 |

¹¹ Guideline eliminated and consolidated with §2G2.2 on November 1, 2004.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2G3.1 Importing/Mailing/Transporting Obscene Matter | 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2G3.2 Obscene Telephone Communication for Commercial Purposes | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part H - Offenses Involving Individual Rights | | |
| §2H1.1 Offenses Involving Individual Rights | 15 | 0.1 |
| Decided by Trial | 1 | 6.7 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 7 | 46.7 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 7 | 46.7 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 1 | 6.7 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 6.7 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 6.7 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 1 | 6.7 |
| §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
Pre-Booker 2005

| 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 ¹² | 0 | 0.0 |
| §2H2.1 Obstructing an Election or Registration | 8 | 0.0 |
| Decided by Trial | 3 | 37.5 |
| 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 2 | 25.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 12.5 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 12.5 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

¹² Deleted and consolidated with §2H1.1 on November 1, 1995

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2H3.1 Interception of Communications | 6 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1 | 16.7 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 16.7 |
| §3A1.2 Official Victim Adjustment (three or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 0 | 0.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 16.7 |
| §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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| 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 or six 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 | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part J - Offenses Involving the Administration of Justice | | |
| §2J1.1 Contempt | 0 | 0.0 |
| §2J1.2 Obstruction of Justice | 39 | 0.2 |
| Decided by Trial | 9 | 23.1 |
| Upward Departures | 1 | 2.6 |
| Chapter 2 Specific Offense Characteristic Adjustments | 14 | 35.9 |
| §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 or six 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 | 7.7 |
| §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) | 2 | 5.1 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2J1.3 Perjury or Subornation of Perjury | 11 | 0.1 |
| Decided by Trial | 1 | 9.1 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 2 | 18.2 |
| §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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2J1.4 Impersonation | 4 | 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 or six 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 | 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2J1.6 Failure to Appear by Defendant | 24 | 0.2 |
| Decided by Trial | 2 | 8.3 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 11 | 45.8 |
| §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 or six 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 | 4.2 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2J1.7 Commission of Offense While on Release | 25 | 0.2 |
| Decided by Trial | 1 | 4.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 4 | 16.0 |
| §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 or six 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 | 8.0 |
| §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 | 4.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 4.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2J1.9 Payment to a 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part K - Offenses Involving Public Safety | | |
| §2K1.1 Failure to Report Theft of Explosive Materials | 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 or six 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 | 12 | 0.1 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 7 | 58.3 |
| §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 or six 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 | 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2K1.4 Arson | 13 | 0.1 |
| Decided by Trial | 3 | 23.1 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 0 | 0.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 7.7 |
| §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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft | 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 or six 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 |
| §2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition | 1,731 | 10.8 |
| Decided by Trial | 128 | 7.4 |
| Upward Departures | 14 | 0.8 |
| Chapter 2 Specific Offense Characteristic Adjustments | 823 | 47.5 |
| §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 or six levels) | 6 | 0.4 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 2 | 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) | 12 | 0.7 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 19 | 1.1 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 3 | 0.2 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 3 | 0.2 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 56 | 3.2 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 17 | 1.0 |
| §2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility | 4 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1 | 25.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 |
| §2K2.6 Possessing, Purchasing, or Owning Body Armor by Violent Felons | 0 | 0.0 |
| §2K3.2 Feloniously Mailing Injurious Articles | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part L - Offenses Involving Immigration, Naturalization, and Passports | | |
| §2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien | 801 | 5.0 |
| Decided by Trial | 14 | 1.8 |
| Upward Departures | 17 | 2.1 |
| Chapter 2 Specific Offense Characteristic Adjustments | 588 | 73.4 |
| §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 or six levels) | 2 | 0.2 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 3 | 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) | 15 | 1.9 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 107 | 13.4 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 0.1 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 5 | 0.6 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 18 | 2.2 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 6 | 0.8 |
| §2L1.2 Unlawfully Entering or Remaining in the United States | 2,653 | 16.5 |
| Decided by Trial | 37 | 1.4 |
| Upward Departures | 16 | 0.6 |
| Chapter 2 Specific Offense Characteristic Adjustments | 2,132 | 80.4 |
| §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 or six levels) | 1 | 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) | 7 | 0.3 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2L2.1 Trafficking in Documents Relating to Naturalization | 107 | 0.7 |
| Decided by Trial | 2 | 1.9 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 63 | 58.9 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 0.9 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 5.6 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 5 | 4.7 |
| §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) | 2 | 1.9 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2L2.2 Fraudulent Acquiring Documents Relating to Citizenship | 271 | 1.7 |
| Decided by Trial | 5 | 1.8 |
| Upward Departures | 1 | 0.4 |
| Chapter 2 Specific Offense Characteristic Adjustments | 32 | 11.8 |
| §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 or six 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 | 0.4 |
| §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 | 1.1 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2L2.5 Failure to Surrender Canceled Naturalization Certificate | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Pre-Booker 2005

| 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 | 0.0 |
| §2M2.3 Destruction of , or Production of Detective, National Defense Material | 0 | 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 | 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 or six 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 | 100.0 |
| §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 | 100.0 |
| §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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| §2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License | 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 or six 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 |
| §2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2M6.1 Unlawful Production of Nuclear Material | 4 | 0.0 |
| Decided by Trial | 1 | 25.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 2 | 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 or six 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 |
| §2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| 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 | 3 | 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) | 1 | 33.3 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2N1.2 Providing False Information or Threatening to Tamper with Consumer Products | 1 | 0.0 |
| Decided by Trial | 1 | 100.0 |
| 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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2N1.3 Tampering with Intent to Injure Business | 0 | 0.0 |
| §2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc | 8 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 |
| §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 or six 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

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| Part P - Offenses Involving Prisons and Correctional Facilities | | |
| §2P1.1 Escape, Instigating or Assisting Escape | 46 | 0.3 |
| Decided by Trial | 2 | 4.4 |
| Upward Departures | 1 | 2.2 |
| Chapter 2 Specific Offense Characteristic Adjustments | 29 | 43.5 |
| §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 or six 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 | 2.2 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 2.2 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2P1.2 Providing or Possessing Contraband in Prison | 28 | 0.2 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 1 | 3.6 |
| 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 or six 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 |
| §2P1.3 Engaging in a Riot Involving Persons in a Facility | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| 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 | 9 | 0.1 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 8 | 88.9 |
| §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 or six 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 | 44.4 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 11.1 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 11.1 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 11.1 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2Q1.3 Mishandling of Other Environmental Pollutants | 6 | 0.0 |
| Decided by Trial | 1 | 16.7 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 5 | 83.3 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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) | 1 | 16.7 |
| §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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2Q1.4 Tampering or Attempted Tampering with Public Water System | 0 | 0.0 |
| §2Q1.6 Hazardous or Injurious Devices on Federal Lands | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2Q2.1 Offenses Involving Fish, Wildlife and Plants | 28 | 0.2 |
| Decided by Trial | 1 | 3.6 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 21 | 75.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 3.6 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 3.6 |
| §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 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part R - Antitrust Offenses | | |
| §2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors | 2 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 2 | 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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 0 | 0.0 |
| §3A1.4 Terrorism Adjustment (12 levels, or increase to level 32) | 0 | 0.0 |
| §3B1.1 Aggravating Role Adjustment (two, three or four levels) | 0 | 0.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 50.0 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part S - Money Laundering and Monetary Transactions Reporting | | |
| §2S1.1 Laundering of Monetary Instruments | 193 | 1.2 |
| Decided by Trial | 20 | 10.4 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 187 | 96.9 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 0.5 |
| §3A1.2 Official Victim Adjustment (three or six 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) | 32 | 16.6 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 35 | 18.1 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 4 | 2.1 |
| §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) | 15 | 7.8 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ¹³ | 4 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 4 | 100.0 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 25.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 1 | 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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2S1.3 Structuring Transactions to Evade Reporting Requirements | 78 | 0.5 |
| Decided by Trial | 4 | 5.1 |
| Upward Departures | 2 | 2.6 |
| Chapter 2 Specific Offense Characteristic Adjustments | 52 | 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 or six levels) | 2 | 2.6 |
| §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 | 2.6 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 5 | 6.4 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 1 | 1.3 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 1 | 1.3 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 1 | 1.3 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

¹³ Guideline was deleted and consolidated with §2S1.1 on November 1, 2001.

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| Part T - Offenses Involving Taxation | | |
| §2T1.1 Tax Evasion | 104 | 0.6 |
| Decided by Trial | 4 | 3.8 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 33 | 31.7 |
| §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 or six levels) | 0 | 0.0 |
| §3A1.3 Restraint of Victim Adjustment (two levels) | 1 | 1.0 |
| §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 | 1.0 |
| §3B1.2 Mitigating Role Adjustment (two, three or four level decrease) | 3 | 2.9 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 3 | 2.9 |
| §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 | 1.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2T1.3 Fraud and False Statements Under Penalty of Perjury ¹⁴ | 0 | 0.0 |

¹⁴ This guideline was consolidated with §2T1.1 on November 1, 1993

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud | 26 | 0.2 |
| Decided by Trial | 1 | 3.8 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 23 | 88.5 |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 7.7 |
| §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) | 3 | 11.5 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax | 4 | 0.0 |
| Decided by Trial | 1 | 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 or six 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 | 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) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §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 |
| §2T1.9 Conspiracy to Impede, Impair, Obstruct | 6 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1 | 16.7 |
| §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 or six 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) | 0 | 0.0 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2T2.1 Non-payment of Taxes | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2T2.2 Regulatory Offenses | 0 | 0.0 |
| §2T3.1 Evading Import Duties or Restrictions (Smuggling) | 7 | 0.0 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 1 | 14.3 |
| §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 or six 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
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part X - Other Offenses | | |
| §2X1.1 Attempt, Solicitation, or Conspiracy | 27 | 0.2 |
| Decided by Trial | 1 | 3.7 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | 9 | 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 or six 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) | 4 | 14.8 |
| §3B1.3 Abuse of Position of Trust Adjustment (two levels) | 2 | 7.4 |
| §3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels) | 0 | 0.0 |
| §3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels) | 0 | 0.0 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2X2.1 Aiding and Abetting | 0 | 0.0 |

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2X3.1 Accessory After the Fact | 32 | 0.2 |
| Decided by Trial | 3 | 9.4 |
| Upward Departures | 0 | 0.0 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 0 | 0.0 |
| §3A1.2 Official Victim Adjustment (three or six 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 | 3.1 |
| §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 | 3.1 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 0 | 0.0 |
| §2X4.1 Misprision of a Felony | 110 | 0.7 |
| Decided by Trial | 0 | 0.0 |
| Upward Departures | 3 | 2.7 |
| Chapter 2 Specific Offense Characteristic Adjustments | NA | NA |
| §3A1.1(a) Hate Crime Adjustment (three levels) | 0 | 0.0 |
| §3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels) | 1 | 0.9 |
| §3A1.2 Official Victim Adjustment (three or six 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) | 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 | 1.8 |
| §3C1.2 Reckless Endangerment During Flight (two levels) | 1 | 0.9 |
| §2X5.1 Other Offenses | 0 | 0.0 |