

# **Chapter Three Adjustments, Use of Specific Offense Characteristics, Upward Departures and Trial Rates:**

**FY 2006**



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES<sup>1</sup>**  
**Fiscal Year 2006<sup>2</sup>**

Guideline and SOC	Applied <sup>3</sup>	Percent <sup>4</sup>
<b>ALL OFFENSES</b>		
<b>All Offenses</b>	<b>68,060</b>	<b>100.0</b>
Decided by Trial	3,461	5.1
Upward Departures	733	1.1
Chapter 2 Specific Offense Characteristic Adjustments	39,119	57.5
§3A1.1(a) Hate Crime Adjustment (three levels)	32	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	270	0.4
§3A1.2 Official Victim Adjustment (three or six levels)	233	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	133	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	18	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3,305	4.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5,947	8.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1,421	2.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	330	0.5
§3B1.5 Use of Body Armor in Drug Trafficking or Crimes of Violence (two or four levels) <sup>5</sup>	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1,997	2.9
§3C1.2 Reckless Endangerment During Flight (two levels)	378	0.6

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<sup>1</sup> The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 72,585 cases in which the Commission received, 64,055 contained complete guideline information (88.2 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.

<sup>2</sup> Fiscal Year 2006 data represents guideline application from guidelines effective November 1, 2005 unless otherwise specified.

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

<sup>4</sup> 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.

<sup>5</sup> Since there was no use of this SOC in FY2006 this row will not be shown in the subsequent tables.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part A - Offenses Against Person</b>		
§2A1.1 First Degree Murder	247	0.4
Decided by Trial	921	37.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA <sup>6</sup>	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	8	3.2
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	0.8
§3A1.2 Official Victim Adjustment (three or six levels)	3	1.2
§3A1.3 Restraint of Victim Adjustment (two levels)	17	6.9
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	51	20.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	12	4.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	1.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	3	1.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	34	13.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.4

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<sup>6</sup> NA (not applicable) denotes the guideline in question has no Specific Offense Characteristics.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A1.2 Second Degree Murder	43	0.1
Decided by Trial	10	23.3
Upward Departures	11	25.6
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)	4	9.3
§3A1.2 Official Victim Adjustment (three or six levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.3
§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)	4	9.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.3 Voluntary Manslaughter	19	0.0
Decided by Trial	3	15.8
Upward Departures	2	10.5
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	5.3
§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)	1	5.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	5.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	15.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A1.4 Involuntary Manslaughter	66	0.1
Decided by Trial	5	7.6
Upward Departures	6	11.1
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	3.0
§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)	3	4.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.5 Conspiracy or Solicitation to Commit Murder	27	0.0
Decided by Trial	15	55.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	44.4
§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	18.5
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	3.7
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	14.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.7
§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	7.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	129	0.2
Decided by Trial	38	29.5
Upward Departures	2	1.6
Chapter 2 Specific Offense Characteristic Adjustments	83	64.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	1.6
§3A1.2 Official Victim Adjustment (three or six levels)	13	10.1
§3A1.3 Restraint of Victim Adjustment (two levels)	6	4.6
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	3	2.3
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	16	12.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.8
§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)	1	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	14	10.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.2 Aggravated Assault	382	0.6
Decided by Trial	53	13.9
Upward Departures	27	7.1
Chapter 2 Specific Offense Characteristic Adjustments	378	99.0
§3A1.1(a) Hate Crime Adjustment (three levels)	4	1.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	13	3.4
§3A1.2 Official Victim Adjustment (three or six levels)	58	15.2
§3A1.3 Restraint of Victim Adjustment (two levels)	5	1.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	18	4.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	1.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	26	6.8
§3C1.2 Reckless Endangerment During Flight (two levels)	6	1.6

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.3 Minor Assault	49	0.1
Decided by Trial	2	4.1
Upward Departures	2	4.1
Chapter 2 Specific Offense Characteristic Adjustments	24	49.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	10.2
§3A1.2 Official Victim Adjustment (three or six levels)	4	8.2
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	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)	1	2.0
§2A2.4 Obstructing or Impeding Officers	146	0.2
Decided by Trial	13	8.9
Upward Departures	4	2.7
Chapter 2 Specific Offense Characteristic Adjustments	113	77.4
§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)	3	2.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.7
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	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)	6	4.1
§3C1.2 Reckless Endangerment During Flight (two levels)	11	7.5

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.1 Criminal Sexual Abuse (Rape)	172	0.2
Decided by Trial	37	21.5
Upward Departures	5	2.9
Chapter 2 Specific Offense Characteristic Adjustments	152	88.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	23	13.4
§3A1.2 Official Victim Adjustment (three or six levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	11	6.4
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	14	8.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	18	10.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	98	0.1
Decided by Trial	1	1.0
Upward Departures	6	6.1
Chapter 2 Specific Offense Characteristic Adjustments	63	64.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	3.1
§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)	5	5.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.3 Criminal Sexual Abuse of a Ward	5	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)	1	20.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.4 Abuse Sexual Contact	34	0.0
Decided by Trial	13	38.2
Upward Departures	2	5.9
Chapter 2 Specific Offense Characteristic Adjustments	25	73.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	2.9
§3A1.2 Official Victim Adjustment (three or six levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	2	5.9
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	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)	4	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)	9	26.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A4.1 Kidnaping, Abduction or Unlawful Restraint	126	0.2
Decided by Trial	51	40.5
Upward Departures	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	102	81.0
§3A1.1(a) Hate Crime Adjustment (three levels)	3	2.4
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	17	13.5
§3A1.2 Official Victim Adjustment (three or six levels)	1	0.8
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	1	0.8
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	27	21.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	4.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	6.4
§3C1.2 Reckless Endangerment During Flight (two levels)	3	2.4
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	2	0.0
Decided by Trial	1	50.0
Upward Departures	1	50.0
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**

## Fiscal Year 2006

Guideline and SOC	Applied	Percent
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	21	0.0
Decided by Trial	3	14.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	9.5
§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)	1	4.8
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	19.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A6.1 Threatening or Harassing Communication	222	0.3
Decided by Trial	33	14.9
Upward Departures	6	2.7
Chapter 2 Specific Offense Characteristic Adjustments	143	64.4
§3A1.1(a) Hate Crime Adjustment (three levels)	5	2.2
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three or six levels)	78	35.1
§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)	4	1.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	4.5
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.4
§2A6.2 Stalking or Domestic Violence	13	0.0
Decided by Trial	11	84.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	92.3
§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)	9	69.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part B - Basic Economic Offenses</b>		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	7,369	10.8
Decided by Trial	302	4.1
Upward Departures	88	1.2
Chapter 2 Specific Offense Characteristic Adjustments	5,908	80.2
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	89	1.2
§3A1.2 Official Victim Adjustment (three or six levels)	3	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	6	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	702	9.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	291	4.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	907	12.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	24	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	270	3.7
§3C1.2 Reckless Endangerment During Flight (two levels)	14	0.2

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.3 Property Damage or Destruction <sup>7</sup>	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)	1	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	14.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<sup>7</sup> This guideline was consolidated with §2B1.1 on November 1, 2001.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.4 Insider Trading	13	0.0
Decided by Trial	4	30.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	84.6
§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)	1	7.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	7.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	23.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	46.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	14	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	85.7
§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)	4	28.6
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B2.1 Burglary of a Residence	90	0.1
Decided by Trial	2	2.2
Upward Departures	9	10.0
Chapter 2 Specific Offense Characteristic Adjustments	57	63.3
§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)	13	14.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	3.3
§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)	9	10.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B2.3 Trespass	5	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	60.0
§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**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery	3,223	4.7
Decided by Trial	333	10.3
Upward Departures	89	2.8
Chapter 2 Specific Offense Characteristic Adjustments	3,030	94.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	25	0.8
§3A1.2 Official Victim Adjustment (three or six levels)	9	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	16	0.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	157	4.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	57	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	18	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	104	3.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	115	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	73	2.3
§2B3.2 Extortion by Force	160	0.2
Decided by Trial	36	22.5
Upward Departures	1	0.6
Chapter 2 Specific Offense Characteristic Adjustments	147	91.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	3.1
§3A1.2 Official Victim Adjustment (three or six levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	5	3.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	64	40.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	4.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	3.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	10	6.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	11	6.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.3 Blackmail and other forms of Extortion	24	0.0
Decided by Trial	20	83.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	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)	1	4.2
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	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	4.2
§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
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	27	0.0
Decided by Trial	2	7.4
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	26	96.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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	11.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	14.8
§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)	2	7.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.1 Offenses involving Counterfeit Bearer Obligations	643	0.9
Decided by Trial	11	1.7
Upward Departures	3	0.5
Chapter 2 Specific Offense Characteristic Adjustments	458	71.2
§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)	13	2.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	14	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)	1	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	15	2.3
§3C1.2 Reckless Endangerment During Flight (two levels)	2	0.3
§2B5.3 Criminal Infringement of Copyright or Trademark	186	0.3
Decided by Trial	9	4.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	179	96.2
§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)	11	5.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	19	10.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	2.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	5.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	17	0.0
Decided by Trial	2	11.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	17	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)	4	23.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part C - Offenses Involving Public Officials</b>		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	170	0.2
Decided by Trial	20	11.8
Upward Departures	2	1.2
Chapter 2 Specific Offense Characteristic Adjustments	154	90.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.6
§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)	14	8.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	3.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	13	7.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	35	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	30	85.7
§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)	3	8.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	5.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	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)	2	5.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	12	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	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	8.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	16.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§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 <sup>8</sup>	17	0.0
Decided by Trial	4	23.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	16	94.1
§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	17.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	5.9
§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)	3	17.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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<sup>8</sup> Guideline eliminated and consolidated with §2C1.1 on November 1, 2004.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.8 Making/Receiving/Failure to Report a Contribution in Violation of the Federal Election Campaign Act	7	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	6	85.7
§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	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	14.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part D - Offenses Involving Drugs</b>		
§2D1.1 Drug Trafficking	23,838	35.0
Decided by Trial	1,072	4.5
Upward Departures	67	0.3
Chapter 2 Specific Offense Characteristic Adjustments	8,568	35.9
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.0
§3A1.2 Official Victim Adjustment (three or six levels)	16	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	16	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	2	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1,271	5.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4,691	19.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	112	0.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	124	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	662	2.8
§3C1.2 Reckless Endangerment During Flight (two levels)	122	0.5

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	307	0.4
Decided by Trial	36	11.7
Upward Departures	3	1.0
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)	35	11.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	18	5.9
§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)	6	2.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	14	4.6
§3C1.2 Reckless Endangerment During Flight (two levels)	3	1.0
§2D1.5 Continuing Criminal Enterprise	19	0.0
Decided by Trial	8	42.1
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)	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	10.5
§3C1.2 Reckless Endangerment During Flight (two levels)	1	5.3

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.6 Use of Communication Facility in Committing Drug Offense	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
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	11	0.0
Decided by Trial	1	9.1
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)	1	9.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	9.1
§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

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.8 Renting or Managing a Drug Establishment	67	0.1
Decided by Trial	1	1.5
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)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	7.5
§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)	3	4.5
§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	16	0.0
Decided by Trial	1	6.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	15	93.8
§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	6.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	142	0.2
Decided by Trial	1	0.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	19	13.4
§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	3.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	30	21.1
§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)	3	2.1
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.7
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	53	0.1
Decided by Trial	5	9.4
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	52	98.1
§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)	7	13.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	1	1.9

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	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)	1	100.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D2.1 Unlawful Possession	397	0.6
Decided by Trial	23	5.8
Upward Departures	9	2.3
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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)	5	1.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	2.0
§3C1.2 Reckless Endangerment During Flight (two levels)	2	0.5

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	63	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)	2	3.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	3.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	11	17.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	1.6
§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)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
§2D3.1 Regulatory Offenses Involving Registration Numbers	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)	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
§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**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part E - Offenses Involving Criminal Enterprises and Racketeering</b>		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	47	0.1
Decided by Trial	2	4.3
Upward Departures	1	2.1
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	6.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	14.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	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)	1	2.1
§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	17	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	5.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E1.3 Violent Crimes in Aid of Racketeering Activity	10	0.0
Decided by Trial	4	40.0
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)	1	10.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	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	10.0
§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	14	0.0
Decided by Trial	2	14.3
Upward Departures	1	7.1
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	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	14.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E2.1 Making or Financing an Extortionate Extension of Credit	47	0.1
Decided by Trial	9	19.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	10	21.3
§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)	17	36.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	7	14.9
§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)	1	2.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E3.1 Gambling Offenses	111	0.2
Decided by Trial	1	0.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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)	27	24.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	19	17.1
§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

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	24	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)	2	8.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	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
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	12	0.0
Decided by Trial	2	16.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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	8.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	8.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	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**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part F - Offenses Involving Fraud and Deceit</b>		
§2F1.1 Fraud and Deceit <sup>9</sup>	720	1.1
Decided by Trial	57	7.9
Upward Departures	3	0.4
Chapter 2 Specific Offense Characteristic Adjustments	702	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)	19	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)	158	21.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	46	6.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	124	17.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	3	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	55	7.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2F1.2 Insider Trading <sup>9</sup>	9	0.0
Decided by Trial	1	11.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	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)	3	33.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

<sup>9</sup> Deleted and consolidated with §2B1.1 on November 1, 2001.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity</b>		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	205	0.3
Decided by Trial	14	6.8
Upward Departures	16	7.8
Chapter 2 Specific Offense Characteristic Adjustments	50	24.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	1.0
§3A1.2 Official Victim Adjustment (three or six levels)	1	0.5
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	57	27.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	32	15.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	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)	9	4.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor	194	0.3
Decided by Trial	11	5.7
Upward Departures	10	5.2
Chapter 2 Specific Offense Characteristic Adjustments	185	95.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	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)	1	0.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	1.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.5
§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)	3	1.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G2.1 Production of Pornography	210	0.3
Decided by Trial	10	4.8
Upward Departures	10	4.8
Chapter 2 Specific Offense Characteristic Adjustments	203	96.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	2.4
§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)	3	1.4
§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)	1	0.5
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking in Pornography	731	1.1
Decided by Trial	26	3.6
Upward Departures	21	2.9
Chapter 2 Specific Offense Characteristic Adjustments	730	99.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	0.7
§3A1.2 Official Victim Adjustment (three 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	0.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	0.4
§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)	21	2.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G2.3 Selling or Buying Children for use in the Production of Pornography	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	0.4
§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)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.4 Possession of Pornography <sup>10</sup>	247	0.4
Decided by Trial	2	0.8
Upward Departures	5	2.0
Chapter 2 Specific Offense Characteristic Adjustments	246	99.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.4
§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	0.4
§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

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<sup>10</sup> Guideline eliminated and consolidated with §2G2.2 on November 1, 2004.

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G3.1 Importing/Mailing/Transporting Obscene Matter	14	0.0
Decided by Trial	2	14.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	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	7.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part H - Offenses Involving Individual Rights</b>		
§2H1.1 Offenses Involving Individual Rights	49	0.1
Decided by Trial	11	22.4
Upward Departures	1	2.0
Chapter 2 Specific Offense Characteristic Adjustments	39	79.6
§3A1.1(a) Hate Crime Adjustment (three levels)	2	4.1
§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)	19	38.8
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	6	12.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	4.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.0
§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	10.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H2.1 Obstructing an Election or Registration	26	0.0
Decided by Trial	6	23.1
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)	3	11.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	7	26.9
§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)	4	15.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H3.1 Interception of Communications	16	0.0
Decided by Trial	2	12.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	12.5
§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)	2	12.5
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	6.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	18.8
§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)	1	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	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
§2H3.3 Obstructing Correspondence	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)	4	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)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	15	0.0
Decided by Trial	9	60.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	93.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	11	73.3
§3A1.2 Official Victim Adjustment (three or six levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	2	13.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	9	60.0
§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	13.3
§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)	3	20.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part J - Offenses Involving the Administration of Justice</b>		
§2J1.1 Contempt	0	0.0
§2J1.2 Obstruction of Justice	140	0.2
Decided by Trial	21	15.0
Upward Departures	4	2.8
Chapter 2 Specific Offense Characteristic Adjustments	62	44.3
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.7
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	2.1
§3A1.2 Official Victim Adjustment (three or six levels)	1	0.7
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	5.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	15	10.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.7
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	7.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.3 Perjury or Subornation of Perjury	92	0.1
Decided by Trial	14	15.2
Upward Departures	3	3.3
Chapter 2 Specific Offense Characteristic Adjustments	19	20.6
§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)	2	2.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	8	8.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES  
Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2J1.4 Impersonation	15	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	6.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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	6.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.5 Failure to Appear by Material Witness	0	0.0
§2J1.6 Failure to Appear by Defendant	72	0.1
Decided by Trial	6	8.3
Upward Departures	2	2.8
Chapter 2 Specific Offense Characteristic Adjustments	33	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)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	2.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

## Fiscal Year 2006

Guideline and SOC	Applied	Percent
§2J1.7 Commission of Offense While on Release	137	0.2
Decided by Trial	16	11.7
Upward Departures	8	5.8
Chapter 2 Specific Offense Characteristic Adjustments	8	5.8
§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)	4	2.9
§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)	12	8.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	1.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	1.5
§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)	8	5.8
§3C1.2 Reckless Endangerment During Flight (two levels)	2	1.5
§2J1.9 Payment to a Witness	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part K - Offenses Involving Public Safety</b>		
§2K1.1 Failure to Report Theft of Explosive Materials	7	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	56	0.1
Decided by Trial	1	1.8
Upward Departures	4	7.1
Chapter 2 Specific Offense Characteristic Adjustments	34	60.7
§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)	2	3.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.8
§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)	1	1.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	1.8

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.4 Arson	124	0.2
Decided by Trial	18	14.5
Upward Departures	8	6.4
Chapter 2 Specific Offense Characteristic Adjustments	11	8.9
§3A1.1(a) Hate Crime Adjustment (three levels)	3	2.4
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.8
§3A1.2 Official Victim Adjustment (three or six levels)	2	2.9
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	2	2.9
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	20	16.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	1.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	28	22.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	10	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	6	60.0
§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**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	6,651	9.8
Decided by Trial	437	6.6
Upward Departures	97	1.5
Chapter 2 Specific Offense Characteristic Adjustments	3,352	50.4
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.0
§3A1.2 Official Victim Adjustment (three or six levels)	22	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	4	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)	52	0.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	35	0.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	9	0.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	254	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	82	1.2
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	9	0.0
Decided by Trial	3	33.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	55.6
§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)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	1	11.1
§2K2.6 Possessing, Purchasing, or Owning Body Armor by Violent Felons	10	0.0
Decided by Trial	2	20.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	10.0
§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
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part L - Offenses Involving Immigration, Naturalization, and Passports</b>		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	3,321	4.9
Decided by Trial	82	2.5
Upward Departures	70	2.1
Chapter 2 Specific Offense Characteristic Adjustments	2,587	77.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	9	0.3
§3A1.2 Official Victim Adjustment (three or six levels)	2	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	13	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)	124	3.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	404	12.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	27	0.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	26	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	59	1.8
§3C1.2 Reckless Endangerment During Flight (two levels)	38	1.1
§2L1.2 Unlawfully Entering or Remaining in the United States	11,194	16.4
Decided by Trial	111	1.0
Upward Departures	55	0.5
Chapter 2 Specific Offense Characteristic Adjustments	8,745	78.1
§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)	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)	23	0.2
§3C1.2 Reckless Endangerment During Flight (two levels)	5	0.0



**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L2.1 Trafficking in Documents Relating to Naturalization	343	0.5
Decided by Trial	6	1.8
Upward Departures	11	3.2
Chapter 2 Specific Offense Characteristic Adjustments	219	63.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	6	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)	28	8.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	14	4.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	17	5.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	3	0.9
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	1.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.3
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	973	1.4
Decided by Trial	21	2.2
Upward Departures	21	2.2
Chapter 2 Specific Offense Characteristic Adjustments	192	19.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.1
§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	0.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	0.2
§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)	1	0.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	15	1.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
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**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part M - Offenses Involving National Defense and Weapons of Mass Destruction</b>		
§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	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)	1	100.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M3.3 Transmitting National Defense Information	3	0.0
Decided by Trial	1	33.3
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)	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
§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

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M5.1 Evasion of Export Controls; Financial Transactions with Countries Supporting Terrorism	17	0.0
Decided by Trial	6	35.3
Upward Departures	1	5.9
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	5.9
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	5.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	35.3
§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)	5	29.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	25	0.0
Decided by Trial	1	4.0
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	12.0
§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	12.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	12	0.0
Decided by Trial	3	25.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	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)	7	58.3
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M6.1 Unlawful Production of Nuclear Material	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	50.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	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**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws</b>		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	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)	2	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)	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	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**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2N1.3 Tampering with Intent to Injure Business	0	0.0
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	28	0.0
Decided by Trial	3	10.7
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)	5	17.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	17.9
§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	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N3.1 Odometer Laws and Regulations	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part P - Offenses Involving Prisons and Correctional Facilities</b>		
§2P1.1 Escape, Instigating or Assisting Escape	232	0.3
Decided by Trial	8	3.4
Upward Departures	2	0.9
Chapter 2 Specific Offense Characteristic Adjustments	153	66.0
§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)	4	1.7
§3A1.3 Restraint of Victim Adjustment (two levels)	3	1.3
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	2.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	1.7
§3C1.2 Reckless Endangerment During Flight (two levels)	2	0.9
§2P1.2 Providing or Possessing Contraband in Prison	94	0.1
Decided by Trial	3	3.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	4.3
§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	1.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	1.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2P1.3 Engaging in a Riot Involving Persons in a Facility	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part Q -Offenses Involving the Environment</b>		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
§2Q1.2 Mishandling of Hazardous Substances	54	0.1
Decided by Trial	9	16.7
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	48	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)	23	42.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	17	31.5
§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)	7	13.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.3 Mishandling of Other Environmental Pollutants	28	0.0
Decided by Trial	2	7.1
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	24	85.7
§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)	11	39.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	10.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	14.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	3	10.7
§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**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	89	0.1
Decided by Trial	5	5.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	69	77.5
§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)	6	6.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	3.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	5.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part R - Antitrust Offenses</b>		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	14	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	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)	2	14.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	7.1
§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	7.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part S - Money Laundering and Monetary Transactions Reporting</b>		
§2S1.1 Laundering of Monetary Instruments	944	1.4
Decided by Trial	111	11.8
Upward Departures	10	1.1
Chapter 2 Specific Offense Characteristic Adjustments	926	98.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	0.5
§3A1.2 Official Victim Adjustment (three or six levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	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)	166	17.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	119	12.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	39	4.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	60	6.4
§3C1.2 Reckless Endangerment During Flight (two levels)	3	0.3

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity <sup>11</sup>	19	0.0
Decided by Trial	6	31.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	19	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)	7	36.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	10.5
§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)	3	15.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2S1.3 Structuring Transactions to Evade Reporting Requirements	260	0.4
Decided by Trial	11	4.2
Upward Departures	2	0.8
Chapter 2 Specific Offense Characteristic Adjustments	197	75.8
§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)	13	5.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	17	6.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	0.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	2.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

<sup>11</sup> Guideline was deleted and consolidated with §2S1.1 on November 1, 2001.

## Fiscal Year 2006

Guideline and SOC	Applied	Percent
<b>Part T - Offenses Involving Taxation</b>		
§2T1.1 Tax Evasion	524	0.8
Decided by Trial	57	10.9
Upward Departures	4	0.8
Chapter 2 Specific Offense Characteristic Adjustments	179	34.2
§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)	1	0.2
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	26	5.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	8	1.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	19	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)	29	5.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.3 Fraud and False Statements Under Penalty of Perjury <sup>12</sup>	2	0.0
Decided by Trial	1	50.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	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
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	123	0.2
Decided by Trial	18	14.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	97	78.9
§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)	17	13.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	3.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	3.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	13	10.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**

<sup>12</sup> This guideline was consolidated with §2T1.1 on November 1, 1993

**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	15	0.0
Decided by Trial	1	6.7
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)	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	6.7
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	6.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
§2T1.8 Offenses Relating to Withholding Statements	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.9 Conspiracy to Impede, Impair, Obstruct	24	0.0
Decided by Trial	5	20.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	37.5
§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)	3	12.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	4.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	4.2
§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)	4	16.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T2.1 Non-payment of Taxes	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)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T2.2 Regulatory Offenses	0	0.0
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	36	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	11.1
§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)	4	11.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	11.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.8
§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)	1	2.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	2.8

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

Guideline and SOC	Applied	Percent
<b>Part X - Other Offenses</b>		
§2X1.1 Attempt, Solicitation, or Conspiracy	220	0.3
Decided by Trial	22	10.0
Upward Departures	1	0.4
Chapter 2 Specific Offense Characteristic Adjustments	40	18.2
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.4
§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	0.4
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	15	6.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	1.4
§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)	8	3.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X2.1 Aiding and Abetting	0	0.0

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X3.1 Accessory After the Fact	132	0.2
Decided by Trial	3	2.3
Upward Departures	3	2.3
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three 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	3.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	4	3.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	1.5
§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)	4	3.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X4.1 Misprision of a Felony	524	0.8
Decided by Trial	0	0.0
Upward Departures	13	2.5
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.2
§3A1.2 Official Victim Adjustment (three or six levels)	1	0.2
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	6	1.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	0.8
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	7	1.3
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.2

**CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES**  
**Fiscal Year 2006**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X5.1 Other Offenses	0	0.0
§2X6.1 Use of a Minor in a Crime of Violence	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