

# Use of Guidelines and Specific Offense Characteristics Offender Based

Fiscal Year 2015



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS<sup>1</sup>**  
**Offender Based**  
**Fiscal Year 2015<sup>2</sup>**

Guideline and SOC	Applied <sup>3</sup>	Percent <sup>4</sup>
<b>Part A - Offenses Against The Person</b>		
<b>All Offenses</b>	<b>63,443</b>	<b>100.0</b>
Chapter 2 Specific Offense Characteristic Adjustments	41,238	65.0
§2A1.1 First Degree Murder	218	0.3
Base offense Level 38 <sup>5</sup>	1	0.5
Base Offense Level 40 <sup>5</sup>	1	0.5
Base Offense Level 42 <sup>5</sup>	1	0.5
Base Offense Level 43	215	98.6
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	42	0.1
Base Offense Level 35 <sup>5</sup>	1	2.4
Base Offense Level 38	41	97.6
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	27	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	31	0.0
(a)(1) Criminally negligent (Base offense level 12)	3	9.7
(a)(2)(A) Reckless conduct (Base offense level 18)	9	29.0
(a)(2)(B) Reckless operation of a means of transportation (Base offense level 22)	19	61.3
No Specific Offense Characteristics for this guideline	NA	NA

<sup>1</sup> The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 71,003 cases received by the Commission, 63,460 contained complete guideline information (89.4 percent). There were 17 cases in which the sentencing guideline was missing in the documentation. These cases are not included.

<sup>2</sup> Fiscal Year 2015 data represents guideline application from guidelines effective November 1, 2014 unless otherwise specified.

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

<sup>4</sup> The "Percent" column represents, for each guideline, the portion of all Offenders in which the specific guideline was involved. For each SOC, the percent represents the frequency with which the SOC was used in the calculations for the specific guideline.

<sup>5</sup> This base offense level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A1.5 Conspiracy or Solicitation to Commit Murder	48	0.1
Chapter 2 Specific Offense Characteristic Adjustments	8	16.7
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	8	16.7
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	78	0.1
(a)(1) Offense would have constituted first degree murder (Base offense level 33)	55	70.5
(a)(2) Otherwise (Base offense level 27)	23	29.5
Chapter 2 Specific Offense Characteristic Adjustments	49	62.8
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	24	30.8
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	4	5.1
(b)(1)(C) Serious bodily injury (2 levels)	18	23.1
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	6	7.7
§2A2.2 Aggravated Assault	336	0.5
Chapter 2 Specific Offense Characteristic Adjustments	332	98.8
(b)(1) More than minimal planning (2 levels)	25	7.4
(b)(2)(A) Firearm discharged (5 levels)	39	11.6
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	161	47.9
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	7	2.1
(b)(3)(A) "Simple" bodily injury (3 levels)	85	25.3
(b)(3)(A) "Simple" bodily injury (5 levels) <sup>6</sup>	1	0.3
(b)(3)(B) Serious bodily injury (5 levels)	115	34.2
(b)(3)(C) Permanent or life-threatening injury (5 levels) <sup>6</sup>	1	0.3
(b)(3)(C) Permanent or life-threatening injury (6 levels) <sup>6</sup>	21	6.2
(b)(3)(C) Permanent or life-threatening injury (7 levels)	17	5.1
(b)(3)(D) Between serious and "simple" bodily injury (4 levels)	19	5.6
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (5 levels) <sup>6</sup>	1	0.3
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (6 levels)	28	8.3

<sup>6</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.2 Aggravated Assault (continued)	336	0.5
(b)(4) Offense involved strangulation or suffocating a spouse or partner (3 levels)	11	3.3
(b)(4) Offense involved strangulation or suffocating a spouse or partner (2 levels) <sup>6</sup>	1	0.3
(b)(5) Assault motivated by payment or offer of money or thing of value (2 levels) <sup>7</sup>	4	1.2
(b)(6) Assault involved violation of a court protection order (2 levels) <sup>8</sup>	10	3.0
(b)(6) Assault involved violation of a court protection order (6 levels) <sup>6</sup>	1	0.3
(b)(7) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115 (2 levels) <sup>9</sup>	23	6.8
§2A2.3 Assault	82	0.1
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 7)	80	97.6
(a)(2) Other than the behavior in (a)(1) (Base offense level 4)	2	2.4
Chapter 2 Specific Offense Characteristic Adjustments	60	73.2
(b)(1)(A) Bodily injury to victim (2 levels)	44	53.7
(b)(1)(B) Substantial bodily injury to victim under age of 16 (4 levels)	16	19.5
§2A2.4 Obstructing or Impeding Officers	159	0.2
Chapter 2 Specific Offense Characteristic Adjustments	129	81.1
(b)(1)(a) Physical contact (3 levels)	119	74.8
(b)(1)(b) Dangerous weapon possessed/threatened (3 levels)	10	6.3
(b)(2) Victim sustained bodily injury (2 levels)	55	34.6

<sup>7</sup> SOC was formerly §2A2.2(b)(4) and was redesignated §2A2.2(b)(5) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

<sup>8</sup> SOC was formerly §2A2.2(b)(5) and was redesignated §2A2.2(b)(6) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

<sup>9</sup> SOC was formerly §2A2.2(b)(6) and was redesignated §2A2.2(b)(7) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.1 Criminal Sexual Abuse (Rape)	119	0.2
(a)(1) Conviction under 18 U.S.C. § 2241(c) (Base offense level 38)	9	7.6
(a)(2) Otherwise (Base offense level 30)	102	85.7
(a) Base offense level 27 <sup>10</sup>	7	5.9
(a) Base offense level 12 <sup>5</sup>	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	102	85.7
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	61	51.3
(b)(2)(A) Victim under age of 12 (4 levels)	48	40.3
(b)(2)(B) Victim between 12 and 16 (2 levels)	14	11.8
(b)(3)(A) Victim in custody, care or control (2 levels)	30	25.2
(b)(3)(B) Victim in a correctional facility (2 levels)	3	2.5
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	4	3.4
(b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	2	1.7
(b)(4)(C) Serious bodily injury (2 levels)	14	11.8
(b)(5) Victim abducted (4 levels)	14	11.8
(b)(6)(A) Misrepresentation to persuade a minor (2 levels)	1	0.8
(b)(6)(B) Use of a computer to persuade a minor (2 levels)	14	11.8

<sup>10</sup> Base offense levels were changed on November 1, 2004.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	33	0.0
(a) Base offense level 18	32	97.0
(a)(1) Violation of 18 U.S.C. §117 and the commission of a sexual act (BOL 24) <sup>10</sup>	1	3.0
Chapter 2 Specific Offense Characteristic Adjustments	17	51.5
(b)(1) Victim in custody, care or control of the defendant (4 levels)	8	24.2
(b)(1) Victim in custody, care or control of the defendant (2 levels) <sup>11</sup>	1	3.0
(b)(2)(A) Misrepresentation of identity (4 levels)	0	0.0
(b)(2)(A) Misrepresentation of identity (2 levels) <sup>6</sup>	1	3.0
(b)(2)(B) Undue influence (4 levels)	5	15.2
(b)(3) Use of a computer to persuade the victim to engage in prohibited sexual conduct (2 levels)	3	9.1
§2A3.3 Criminal Sexual Abuse of a Ward	4	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Misrepresentation of identity (2 levels)	0	0.0
(b)(2) Use of a computer (2 levels)	0	0.0

<sup>11</sup> SOC level was increased on November 1, 2004.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.4 Abuse Sexual Contact	44	0.1
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 20)	8	18.2
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 16)	9	20.4
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 12)	27	61.4
Chapter 2 Specific Offense Characteristic Adjustments	26	59.1
(b)(1) Victim under the age of 12 (4 levels, increase to level 22)	17	38.6
(b)(1) Victim under the age of 12 (4 levels, increase to level 20) <sup>12</sup>	2	4.6
(b)(2) Victim between 12 and 16 (2 levels)	5	11.4
(b)(3) Victim was in custody, care or control (2 levels)	10	22.7
(b)(4) Misrepresentation of identity (2 levels)	0	0.0
(b)(5) Use of a computer (2 levels)	0	0.0
§2A3.5 Failure to Register as a Sex Offender	430	0.7
(a)(1) Defendant required to register as a Tier III offender (Base offense level 16)	221	51.4
(a)(2) Defendant required to register as a Tier II offender (Base offense level 14)	130	30.2
(a)(3) Defendant required to register as a Tier I offender (Base offense level 12)	79	18.4
Chapter 2 Specific Offense Characteristic Adjustments	17	4.0
(b)(1)(A) If while in failure to register status, sex offense against non-minor (6 levels)	5	1.2
(b)(1)(B) If while in failure to register status, felony offense against a minor (6 levels)	0	0.0
(b)(1)(C) If while in failure to register status, sex offense against a minor (8 levels)	6	1.4
(b)(2)(A) Defendant voluntarily corrected the failure to register (3 level decrease)	6	1.4
(b)(2)(B) Defendant voluntarily attempted to register but was unable to (3 level decrease)	0	0.0
§2A3.6 Aggravated Offenses Relating to Registration as a Sex Offender	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

<sup>12</sup> Floor level on SOC was increased to level 22 on November 1, 2007.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A4.1 Kidnapping, Abduction or Unlawful Restraint	85	0.1
Chapter 2 Specific Offense Characteristic Adjustments	78	91.8
(b)(1) Ransom demanded or a demand upon the government (6 levels)	30	35.3
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	9	10.6
(b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(2)(C) Serious bodily injury (2 levels)	17	20.0
(b)(3) Dangerous weapon used (2 levels)	51	60.0
(b)(4)(A) Victim not released before 30 days (2 levels)	2	2.4
(b)(4)(B) Victim not release before seven days (1 level)	7	8.2
(b)(4)(C) Victim released before 24 hours (1 level decrease)	0	0.0
(b)(5) Victim sexually exploited (6 levels)	13	15.3
(b)(6) Victim was a minor, and in exchange for money, in custody/care/control (3 levels)	3	3.5
(b)(7)(A) Abduction in connection with another crime (increase to applicable g'line)	1	1.2
(b)(7)(B) Abduction in connection with another crime (4 levels)	4	4.7
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	32	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	1	3.1
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	12	37.5
(a)(3) If an assault occurred, most analogous BOL from §§ 2A2.1-2A2.4	0	0.0
(a)(4) Other than behavior in (a)(1)-(a)(3) (Base offense level 9)	19	59.4
Chapter 2 Specific Offense Characteristic Adjustments	1	3.1
(b)(1)(i) Subsection (a)(1) or (a)(2) applies, firearm discharged (5 levels)	0	0.0
(b)(1)(ii) Subsection (a)(1) or (a)(2) applies, dangerous weapon otherwise used (4 levels)	1	3.1
(b)(1)(iii) Subsection (a)(1) or (a)(2) applies, weapon brandished/threatened (3 levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA



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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A6.1 Threatening or Harassing Communication	122	0.2
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	0	0.0
(a)(1) Conviction other than (a)(2) (Base offense level 12)	121	99.2
(a)(1) Conviction other than (a)(2) (Base offense level 17) <sup>5</sup>	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	85	69.7
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	18	14.8
(b)(2)(A) More than two threats (2 levels)	39	29.5
(b)(2)(B) Convicted under 18 U.S.C. § 1521 and more than 2 false liens (2 levels)	2	1.6
(b)(3) Violation of a court protection order (2 levels)	2	1.6
(b)(4)(A) Disruption of public, governmental, or business functions (4 levels)	23	18.8
(b)(4)(A) Disruption of public, governmental, or business functions (2 levels) <sup>6</sup>	1	0.8
(b)(4)(B) Substantial expenditure of funds to clean or decontaminate (4 levels)	7	5.7
(b)(5)(A) Convicted under 18 U.S.C. § 115 (2 levels)	3	2.5
(b)(5)(B) Made a public threatening communication (2 levels)	0	0.0
(b)(5)(C) Knew that public threatening communication created a substantial risk of inciting others to violate 18 U.S.C. § 115 (2 levels)	0	0.0
(b)(6) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease) <sup>13</sup>	13	10.7
§2A6.2 Stalking or Domestic Violence	34	0.0
Chapter 2 Specific Offense Characteristic Adjustments	33	97.1
(b)(1)(A) Violation of court protection order (2 levels)	1	2.9
(b)(1)(B) Bodily injury (2 levels)	6	17.6
(b)(1)(C) Strangling, suffocating or an attempt to strangle or suffocate (2 levels)	0	0.0
(b)(1)(D) Possession, or threatened use of a dangerous weapon (2 levels)	1	2.9
(b)(1)(E) Pattern of activity stalking, threatening, or assaulting same victim (2 levels)	4	11.8
(b)(1)(A)-(E) Violation of more than one of above (4 levels)	21	61.8

<sup>13</sup> SOC was formerly §2A6.1(b)(5) and was redesignated §2A6.1(b)(6) on November 1, 2009. The statistics reflect all instances of the application of this SOC.

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Guideline and SOC	Applied	Percent
<b>Part B - Basic Economic Offenses</b>		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	7,725	12.2
(a)(1) Statutory maximum of 20 years or more (Base offense level 7)	2,996	38.8
(a)(2) Otherwise (Base offense level 6)	4,727	61.2
(a)(1) Base offense level 6 <sup>14</sup>	1	0.0
(a)(1) Base offense level 4 <sup>15</sup>	1	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7,093	91.8
(b)(1)(A) \$5,000 or less (0 levels)	957	12.4
(b)(1)(B) Between \$5,000 and \$10,000 (2 levels)	341	4.4
(b)(1)(C) Between \$10,000 and \$30,000 (4 levels)	842	10.9
(b)(1)(D) Between \$30,000 and \$70,000 (6 levels)	912	11.8
(b)(1)(E) Between \$70,000 and \$120,000 (7 levels) <sup>16</sup>	1	0.0
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels)	715	9.3
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels)	704	9.1
(b)(1)(G) Between \$20,000 and \$40,000 (6 levels) <sup>17</sup>	1	0.0
(b)(1)(G) Between \$200,000 and \$400,000 (12 levels)	784	10.2
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels)	870	11.3
(b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels)	713	9.2
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels)	448	5.8
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels)	277	3.6
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels)	84	1.0
(b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels)	39	0.5
(b)(1)(N) Between \$100,00,000 and \$200,000,000 (26 levels)	16	0.2

<sup>14</sup> The alternative base offense level of 7 was added on November 1, 2003.

<sup>15</sup> The base offense level of 4 was increased to level 6 on November 1, 2001.

<sup>16</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

<sup>17</sup> Threshold amount was changed for this SOC on November 1, 2001.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	7,725	12.2
(b)(1)(O) Between \$200,000,000 and \$400,000,000 (28 levels)	5	0.1
(b)(1)(P) More than \$400,000,000 (30 levels)	16	0.2
(b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels)	3	0.0
(b)(2)(A)(i) More than 10 but less than 50 victims (2 levels)	1,009	13.1
(b)(2)(A)(ii) Mass marketing (2 levels)	37	0.5
(b)(2)(B) More than 50 victims but less than 250 victims (4 levels)	659	8.5
(b)(2)(B) More than 50 victims but less than 250 victims (2 levels) <sup>17</sup>	3	0.0
(b)(2)(C) More than 250 victims (6 levels)	443	5.7
(b)(3) Theft was from another person (2 levels) <sup>18</sup>	24	0.3
(b)(4) Receiving stolen property as a business (2 levels)	62	0.8
(b)(5) Theft or damage to a national cemetery (2 levels) <sup>19</sup>	1	0.0
(b)(6) Convicted under (A) 18 U.S.C. §1037 and (B) involved e-mail addresses through improper means (2 levels) <sup>20</sup>	2	0.0
(b)(7)(A)(i) Federal health care offense and loss to the Government was more than \$1,000,000 (2 levels) <sup>21</sup>	79	1.0
(b)(7)(A)(ii) Federal health care offense and loss to the Government was more than \$7,000,000 (3 levels) <sup>21</sup>	32	0.4
(b)(7)(A)(iii) Federal health care offense and loss to the Government was more than \$20,000,000 (4 levels) <sup>21</sup>	12	0.2
(b)(8)(A) Offense involved conduct described in 18 U.S.C. §670 (2 levels)	7	0.1
(b)(8)(B) Offense involved conduct described in 18 U.S.C. §670 and defendant was employed/agent of an organization in the supply chain for the pre-retail medical product (4 levels)	1	0.0

<sup>18</sup> SOC was formerly §2B1.1(b)(2) and redesignated §2B1.1(b)(3) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

<sup>19</sup> SOC was formerly §2B1.1(b)(6) and redesignated §2B1.1(b)(5) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>20</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(6) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>21</sup> SOC was created as §2B1.1(b)(8) on November 1, 2011 and redesignated §2B1.1(b)(7) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

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§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	7,725	12.2
(b)(9)(A) Misrepresentation of acting on behalf of charitable, educational, religious or political organization or a government agency (2 levels, increase to level 10) <sup>22</sup>	83	1.1
(b)(9)(B) Misrepresentation during bankruptcy proceeding (2 levels, increase to lvl 10) <sup>22</sup>	62	0.8
(b)(9)(C) Violation of any prior judicial/administrative order (2 lvls, increase to lvl 10) <sup>22</sup>	82	1.1
(b)(9)(D) Misrepresentation in financial assistance for higher education (2 levels, increase to level 10) <sup>22</sup>	2	0.0
(b)(10)(A) Defendant relocated to evade law enforcement (2 levels, increase to lvl 12) <sup>23</sup>	68	0.9
(b)(10)(B) Most of scheme committed outside of U.S. (2 levels, increase to level 12) <sup>23</sup>	148	1.9
(b)(10)(C) Offense otherwise involved sophisticated means (2 lvls, increase to lvl 12) <sup>23</sup>	1,060	13.7
(b)(11)(A)(i) Possession or use of any device-making equipment (2 levels, increase to level 12) <sup>24</sup>	205	2.6
(b)(11)(A)(ii) Possession or use of any authentication feature (2 lvls, increase to lvl 12) <sup>24</sup>	122	1.6
(b)(11)(B)(i) Production/trafficking of any unauthorized access device (2 levels, increase to level 12) <sup>24</sup>	183	2.4
(b)(11)(B)(ii) Production/trafficking authentication feature (2 lvls, increase to level 12) <sup>24</sup>	17	0.2
(b)(11)(C)(i) Use of means of ID unlawfully to produce/obtain (2 lvls, increase to level 12) <sup>24</sup>	297	3.8
(b)(11)(C)(ii) Possession of five or more means of ID (2 levels, increase to level 12) <sup>24</sup>	97	1.2
(b)(12) Conduct described in 18 U.S.C. § 1040 (2 levels, increase to level 12) <sup>25</sup>	33	0.4
(b)(13)(A) Misappropriation of trade secrets and defendant knew secret would be transported out of the United States (2 levels)	5	0.1
(b)(13)(B) Misappropriation of trade secrets to benefit foreign government (4 levels) <sup>26</sup>	1	0.0
(b)(13)(B) Misappropriation of trade secrets to benefit foreign government (2 levels) <sup>16</sup>	1	0.0

<sup>22</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(8) on November 1, 2004, and subsequently redesignated §2B1.1(b)(9) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>23</sup> SOC was formerly §2B1.1(b)(8) and redesignated §2B1.1(b)(9) on November 1, 2004, and subsequently redesignated §2B1.1(b)(10) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>24</sup> SOC was formerly §2B1.1(b)(9) and redesignated §2B1.1(b)(10) on November 1, 2004, and subsequently redesignated §2B1.1(b)(11) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>25</sup> SOC was promulgated under as an "Emergency Amendment" on May 1, 2008 as §2B1.1(b)(16) and redesignated §2B1.1(b)(11) on November 1, 2008, and subsequently redesignated §2B1.1(b)(12) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>26</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(5) on November 1, 2001 and redesignated §2B1.1(13)(A) as well as increased to four levels on November 1, 2013. The statistics reflect all instances of the application of the four level enhancement for this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	7,725	12.2
(b)(14)(A) Organized scheme to steal vehicles or parts (2 levels, increase to level 14) <sup>27</sup>	42	0.5
(b)(14)(B) Organized scheme to steal goods that are part of a cargo shipment (2 levels, increase to level 14) <sup>28</sup>	21	0.3
(b)(15)(A) Conscious/reckless risk of death/serious bodily injury (2 levels, increase to level 14) <sup>29</sup>	53	0.7
(b)(15)(B) Possession of a dangerous weapon (2 levels, increase to level 14) <sup>29</sup>	38	0.5
(b)(16)(A) More than \$1,000,000 derived from financial institution (2 levels, increase to level 24) <sup>30</sup>	99	1.3
(b)(16)(B)(i) Jeopardized the safety and soundness of financial institution (4 levels, increase to level 24) <sup>31</sup>	19	0.2
(b)(16)(B)(ii) Substantially endangered solvency or financial security, publicly traded or had 1,000 or more employees (4 levels, increase to level 24) <sup>31</sup>	2	0.0
(b)(16)(B)(iii) Substantially endangered solvency or financial security of 100 or more victims (4 levels, increase to level 24) <sup>31</sup>	3	0.0

<sup>27</sup> SOC was formerly §2B1.1(b)(5) and redesignated §2B1.1(b)(10) on November 1, 2001, subsequently redesignated §2B1.1(b)(11) on November 1, 2004, §2B1.1(b)(11)(A) on November 1, 2007, §2B1.1(b)(12)(A) on November 1, 2008, §2B1.1(b)(13)(A) on November 1, 2011, and §2B1.1(b)(14)(A) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>28</sup> SOC was formerly §2B1.1(b)(11)(B) and redesignated §2B1.1(b)(12)(B) on November 1, 2008, and subsequently redesignated §2B1.1(b)(13)(B) on November 1, 2011 and §2B1.1(b)(14)(B) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>29</sup> SOC was formerly §2B1.1(b)(11) and redesignated §2B1.1(b)(12) on November 1, 2004, subsequently redesignated §2B1.1(b)(13) on November 1, 2008, §2B1.1(b)(14) on November 1, 2011, and §2B1.1(b)(15) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>30</sup> SOC was formerly §2B1.1(b)(6)(A) and redesignated §2B1.1(b)(12)(A) on November 1, 2001, subsequently redesignated §2B1.1(b)(13)(A) on November 1, 2004, §2B1.1(b)(14)(A) on November 1, 2008, §2B1.1(b)(15)(A) on November 1, 2011, and §2B1.1(b)(16)(A) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>31</sup> SOC was formerly §2B1.1(b)(12)(B) and redesignated §2B1.1(b)(13)(B) on November 1, 2004, subsequently redesignated §2B1.1(b)(14)(B) on November 1, 2008, §2B1.1(b)(15)(B) on November 1, 2011, and §2B1.1(b)(16)(B) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	7,725	12.2
(b)(17)(A) Convicted of 18 U.S.C. § 1030 and involved an intent to obtain personal information (2 levels) <sup>32</sup>	18	0.2
(b)(17)(A) Convicted of 18 U.S.C. § 1030 and involved an intent to obtain personal information (4 levels) <sup>16</sup>	1	0.0
(b)(17)(B) Involved unauthorized public dissemination of personal information (2 lvls) <sup>32</sup>	15	0.2
(b)(18)(A)(i) Convicted of 18 U.S.C. § 1030 and involved a computer system used to maintain an infrastructure (2 levels) <sup>33</sup>	6	0.1
(b)(18)(A)(ii) Convicted of 18 U.S.C. §1030(a)(5)(A) (4 levels) <sup>34</sup>	13	0.2
(b)(18)(A)(iii) Convicted of 18 U.S.C. §1030 and substantial disruption of a critical infrastructure (6 levels) <sup>35</sup>	1	0.0

<sup>32</sup> SOC was promulgated as §2B1.1(b)(15) on November 1, 2009 and redesignated §2B1.1(b)(16) on November 1, 2011 and §2B1.1(b)(17) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>33</sup> SOC was formerly §2B1.1(b)(13)(A)(i) and redesignated §2B1.1(b)(14)(A)(i) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(i) on November 1, 2008, §2B1.1(b)(16)(A)(i) on November 1, 2009, §2B1.1(b)(17)(A)(i) on November 1, 2011 and §2B1.1(b)(18)(A)(i) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>34</sup> SOC was formerly §2B1.1(b)(13)(A)(ii) and redesignated §2B1.1(b)(14)(A)(ii) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(ii) on November 1, 2008, §2B1.1(b)(16)(A)(ii) on November 1, 2009, §2B1.1(b)(17)(A)(ii) on November 1, 2011 and §2B1.1(b)(18)(A)(ii) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>35</sup> SOC was formerly §2B1.1(b)(13)(A)(iii) and redesignated §2B1.1(b)(14)(A)(iii) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(iii), §2B1.1(b)(16)(A)(iii) on November 1, 2009, §2B1.1(b)(17)(A)(iii) on November 1, 2011, and §2B1.1(b)(18)(A)(iii) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	7,725	12.2
(b)(19)(A)(i) Violation of securities law and defendant was an officer of a publicly traded company (4 levels, increase to 24) <sup>36</sup>	23	0.3
(b)(19)(A)(ii) Violation of securities law and defendant was a registered broker (4 levels, increase to 24) <sup>36</sup>	20	0.3
(b)(19)(A)(iii) Violation of securities law and defendant was an investment advisor (4 levels, increase to 24) <sup>36</sup>	26	0.3
(b)(19)(B)(i) Violation of commodities law and defendant was an officer of a futures commission merchant (4 levels, increase to 24) <sup>36</sup>	3	0.0
(b)(19)(B)(ii) Violation of commodities law and defendant was a commodities advisor (4 levels, increase to 24) <sup>36</sup>	1	0.0
(b)(19)(B)(iii) Violation of commodities law and defendant was a commodity pool operator (4 levels, increase to 24) <sup>36</sup>	6	0.1
§2B1.4 Insider Trading	20	0.0
Chapter 2 Specific Offense Characteristic Adjustments	20	100.0
(b)(1) Loss less than \$5,000 (0 levels)	0	0.0
(b)(1) Loss between \$10,000 and \$30,000 (4 levels)	1	5.0
(b)(1) Loss between \$120,000 and \$200,000 (10 levels)	1	5.0
(b)(1) Loss between \$200,000 and \$400,000 (12 levels)	6	30.0
(b)(1) Loss between \$400,000 and \$1,000,000 (14 levels)	4	20.0
(b)(1) Loss between \$1,000,000 and \$2,500,000 (16 levels)	3	15.0
(b)(1) Loss between \$2,500,000 and \$7,000,000 (18 levels)	4	20.0
(b)(1) Loss between \$20,000,000 and \$50,000,000 (22 levels)	1	5.0
(b)(2) Offense involved an organized scheme to engage in insider trading (increase to 14)	0	0.0

<sup>36</sup> SOC was formerly §2B1.1(b)(14) and redesignated §2B1.1(b)(15) on November 1, 2004, subsequently redesignated §2B1.1(b)(16) on November 1, 2008, §2B1.1(b)(17) on November 1, 2009, §2B1.1(b)(18) on November 1, 2011, and §2B1.1(b)(19) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.5 Theft or Damage of Cultural Heritage Resources	11	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	72.7
(b)(1)(A) Loss less than \$2,000 (0 levels)	5	45.4
(b)(1)(A) Loss between \$2,000 and \$5,000 (1 level)	2	18.2
(b)(1)(B) Loss between \$5,000 and \$10,000 (2 levels)	1	9.1
(b)(1)(B) Loss between \$10,000 and \$30,000 (4 levels)	1	9.1
(b)(1)(B) Loss between \$70,000 and \$120,000 (8 levels)	2	18.2
(b)(2)(A) Offense involved national park system (2 levels)	5	45.4
(b)(2)(B) Offense involved National Historical Landmark (2 levels)	0	0.0
(b)(2)(C) Offense involved national monument or national memorial (2 levels)	0	0.0
(b)(2)(D) Offense involved a national marine sanctuary (2 levels)	0	0.0
(b)(2)(E) Offense involved a national cemetery (2 levels)	0	0.0
(b)(2)(F) Offense involved a museum (2 levels)	0	0.0
(b)(2)(G) Offense involved the World Heritage List (2 levels)	0	0.0
(b)(3)(A) Offense involved human remains (2 levels)	0	0.0
(b)(3)(B) Offense involved a funerary object (2 levels)	0	0.0
(b)(3)(C) Offense involved cultural patrimony (2 levels)	0	0.0
(b)(3)(D) Offense involved a sacred object (2 levels)	0	0.0
(b)(3)(E) Offense involved cultural property (2 levels)	0	0.0
(b)(3)(F) Offense involved designated archaeological or ethnological material (2 levels)	0	0.0
(b)(3)(G) Offense involved a pre-Columbian monumental/architectural mural (2 levels)	0	0.0
(b)(4) Committed for pecuniary gain (2 levels)	4	36.4
(b)(5) Pattern of misconduct involving cultural heritage resources (2 levels)	0	0.0
(b)(6) Dangerous weapon brandished/threatened (2 levels, increase to level 14)	0	0.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.6 Aggravated Identity Theft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2B2.1 Burglary of a Residence	54	0.1
(a)(1) Burglary of a residence (Base offense level 17)	12	22.2
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	42	77.8
Chapter 2 Specific Offense Characteristic Adjustments	40	74.1
(b)(1) More than minimal planning (2 levels)	16	29.6
(b)(2)(A) Loss \$2,500 or less (0 levels)	29	53.7
(b)(2)(B) Between \$2,500 and \$10,000 loss (1 level)	12	22.2
(b)(2)(C) Between \$10,000 and \$50,000 loss (2 levels)	10	18.5
(b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels)	3	5.6
(b)(2)(E) Between \$250,000 and \$800,000 (4 levels)	0	0.0
(b)(2)(F) Between \$800,000 and \$1,500,000 (5 levels)	0	0.0
(b)(2)(G) Between \$1,500,000 and \$2,500,000 (6 levels)	0	0.0
(b)(2)(H) Between \$2,500,000 and \$5,000,000 (7 levels)	0	0.0
(b)(2)(I) More than \$5,000,000 (8 levels)	0	0.0
(b)(3) Firearm, destructive device or controlled substance taken (1 level)	17	31.5
(b)(4) Dangerous weapon possessed (2 levels)	7	13.0
§2B2.3 Trespass	8	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	100.0
(b)(1)(A)(i) Occurred at a secured government facility (2 levels)	0	0.0
(b)(1)(A)(ii) Occurred at a nuclear energy facility (2 levels)	0	0.0
(b)(1)(A)(iii) Occurred on a vessel or aircraft of the United States (2 levels)	1	12.5
(b)(1)(A)(iv) Occurred in a secured area of an airport (2 levels)	4	50.0
(b)(1)(A)(v) Occurred at a residence (2 levels)	0	0.0
(b)(1)(A)(vi) Occurred at a cemetery under the control of National Cemetery Administration (2 levels)	0	0.0
(b)(1)(A)(vii) Any restricted building or grounds (2 levels)	2	25.0
(b)(1)(A)(viii)(I) Occurred on a computer system used to maintain/operate infrastructure (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B2.3 Trespass (continued)	8	0.0
(b)(1)(A)(viii)(II) Occurred on a computer system used by or for a government entity in the administration of justice/national defense/ national security (2 levels)	0	0.0
(b)(1)(B) Occurred at the White House/Vice President's official residence (4 levels)	1	12.5
(b)(2) Dangerous weapon possessed (2 levels)	0	0.0
(b)(3)(A)(B)(i) Invasion of a computer, loss between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(3) Invasion of a computer, loss according to §2B1.1 loss table (between 2 and 26 lev)	0	0.0
§2B3.1 Robbery	1,663	2.6
Chapter 2 Specific Offense Characteristic Adjustments	1,579	95.0
(b)(1) Financial institution or post offense subject of offense (2 levels)	773	46.5
(b)(2)(A) Firearm discharged (7 levels)	53	3.2
(b)(2)(B) Firearm otherwise used (6 levels)	155	9.3
(b)(2)(C) Firearm brandished or possessed (5 levels)	296	17.8
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	108	6.5
(b)(2)(E) Dangerous weapon brandished or possessed (5 levels) <sup>16</sup>	1	0.1
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	142	8.5
(b)(2)(F) Threat of death (2 levels)	220	13.2
(b)(3)(A) Bodily injury occurred (2 levels)	142	8.5
(b)(3)(B) Serious bodily injury (4 levels)	37	2.2
(b)(3)(C) Permanent/life-threatening bodily injury (4 levels) <sup>16</sup>	5	0.3
(b)(3)(C) Permanent/life-threatening bodily injury (5 levels) <sup>16</sup>	2	0.1
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	16	1.0
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	15	0.9
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (4 levels) <sup>16</sup>	2	0.1
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	4	0.2
(b)(4)(A) Person abducted during offense (4 levels)	81	4.9
(b)(4)(B) Person physically restrained during offense (2 levels)	264	15.9
(b)(5) Offense involved carjacking (2 levels)	172	10.3
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense (1 level)	195	11.7

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery (continued)	1,663	2.6
(b)(7)(A) Loss less than \$10,000 (0 levels)	1,248	75.0
(b)(7)(B) Loss between \$10,000 and \$50,000 (1 level)	260	15.6
(b)(7)(C) Loss between \$50,000 and \$250,000 (2 levels)	105	6.3
(b)(7)(D) Loss between \$250,000 and \$800,000 (3 levels)	35	2.1
(b)(7)(E) Loss between \$800,000 and \$1,500,000 (4 levels)	6	0.4
(b)(7)(F) Loss between \$1,500,000 and \$2,500,000 (5 levels)	7	0.4
(b)(7)(G) Loss between \$2,500,000 and \$5,000,000 (6 levels)	2	0.1
(b)(7)(H) Loss more than \$5,000,000 (7 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.2 Extortion by Force	82	0.1
Chapter 2 Specific Offense Characteristic Adjustments	76	92.7
(b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels)	53	64.6
(b)(2) Amount less than \$10,000 (0 levels)	25	30.5
(b)(2) Amount demanded between \$10,000 and \$50,000 (1 level)	16	19.5
(b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels)	22	26.8
(b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels)	11	13.4
(b)(2) Amount demanded between \$800,000 and \$1,500,000 (4 levels)	5	6.1
(b)(2) Amount demanded between \$1,500,000 and \$2,500,000 (5 levels)	1	1.2
(b)(2) Amount demanded more than \$5,000,000 (7 levels)	2	2.4
(b)(3)(A)(i) Firearm discharged (7 levels)	1	1.2
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	0	0.0
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	4	4.9
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	10	12.2
(b)(3)(A)(v) Dangerous weapon brandished or possessed (3 levels)	1	1.2
(b)(3)(B)(i)(I) Offense involved preparation to carry out threat of death (3 levels)	1	1.2
(b)(3)(B)(i)(II) Offense involved preparation to carry out threat of serious bodily injury (3 levels)	4	4.9
(b)(3)(B)(i)(III) Offense involved preparation to carry out threat of kidnaping (3 lvs)	0	0.0
(b)(3)(B)(i)(IV) Offense involved preparation to carry out threat of product tampering (3 lvs)	0	0.0
(b)(3)(B)(i)(V) Offense involved preparation to carry out threat of damage to a computer system used on maintain critical infrastructure (3 levels)	0	0.0
(b)(3)(B)(ii) Participants demonstrated ability to carry out a threat described in (i)(I) through (i)(V) (3 levels)	0	0.0
(b)(4)(A) Bodily injury (2 levels)	5	6.1
(b)(4)(B) Serious bodily injury (4 levels)	6	7.3
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(4)(D) Between bodily injury and serious bodily injury (3 levels)	4	4.9
(b)(4)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	0	0.0
(b)(5)(A) Person abducted to facilitate offense or escape (4 levels)	0	0.0
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	2	2.4

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.3 Blackmail and Other Forms of Extortion	13	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	100.0
(b)(1)(A) Amount demanded less than \$2,000 (0 levels)	0	0.0
(b)(1)(A) Amount demanded between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(1)(B) Amount demanded between \$5,000 and \$10,000 (2 levels)	2	15.4
(b)(1)(B) Amount demanded between \$10,000 and \$30,000 (4 levels)	3	23.1
(b)(1)(B) Amount demanded between \$70,000 and \$120,000 (8 levels)	4	30.8
(b)(1)(B) Amount demanded between \$120,000 and \$200,000 (10 levels)	1	7.7
(b)(1)(B) Amount demanded between \$200,000 and \$400,000 (12 levels)	1	7.7
(b)(1)(B) Amount demanded between \$1,000,000 and \$2,500,000 (16 levels)	1	7.7
(b)(1)(B) Amount demanded between \$2,500,000 and \$7,000,000 (18 levels)	1	7.7
§2B4.1 Bribery in Procurement of Bank Loan and Other Commercial Bribery	113	0.2
Chapter 2 Specific Offense Characteristic Adjustments	111	98.2
(b)(1) Bribe less than \$2,000 (0 levels)	4	3.5
(b)(1) Bribe between \$2,000 and \$5,000 (1 level)	4	3.5
(b)(1) Bribe between \$5,000 and \$10,000 (2 levels)	4	3.5
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	6	5.3
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	11	9.7
(b)(1) Bribe between \$70,000 and \$120,000 (8 levels)	16	14.2
(b)(1) Bribe between \$120,000 and \$200,000 (10 levels)	7	6.2
(b)(1) Bribe between \$200,000 and \$400,000 (12 levels)	18	15.9
(b)(1) Bribe between \$400,000 and \$1,000,000 (14 levels)	27	23.9
(b)(1) Bribe between \$1,000,000 and \$2,500,000 (16 levels)	12	10.6
(b)(1) Bribe between \$2,500,000 and \$7,000,000 (18 levels)	2	1.8
(b)(1) Bribe between \$7,000,000 and \$20,000,000 (20 levels)	2	1.8
(b)(2)(A) Defendant derived more than \$1,000,000 from financial institution (2 levels, increase to level 24)	3	2.6
(b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels, increase to level 24)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.1 Offenses involving Counterfeit Bearer Obligations	363	0.6
Chapter 2 Specific Offense Characteristic Adjustments	295	81.3
(b)(1) Items valued less than \$2,000 (0 levels)	131	36.1
(b)(1) Items valued between \$2,000 and \$5,000 (1 level)	73	20.1
(b)(1) Items valued between \$5,000 and \$10,000 (2 levels)	41	11.3
(b)(1) Items valued between \$10,000 and \$30,000 (4 levels)	65	17.9
(b)(1) Items valued between \$30,000 and \$70,000 (6 levels)	22	6.1
(b)(1) Items valued between \$70,000 and \$120,000 (8 levels)	7	1.9
(b)(1) Items valued between \$120,000 and \$200,000 (10 levels)	12	3.3
(b)(1) Items valued between \$200,000 and \$400,000 (12 levels)	2	0.6
(b)(1) Items valued between \$400,000 and \$1,000,000 (14 levels)	1	0.3
(b)(1) Items valued between \$1,000,000 and \$2,500,000 (16 levels)	2	0.6
(b)(1) Items valued between \$2,500,000 and \$7,000,000 (18 levels)	3	0.8
(b)(1) Items valued between \$7,000,000 and \$20,000,000 (20 levels)	4	1.1
(b)(2)(A) Defendant manufactured/produced any actual counterfeit material (2 levels)	53	14.6
(b)(2)(B)(i) Defendant controlled/possessed counterfeiting paper similar to distinctive paper (2 lvs)	1	0.3
(b)(2)(B)(ii) Defendant controlled/possessed genuine United States currency paper from which the ink has been completely or partially removed (2 levels)	9	2.5
(b)(2)(B)(iii) Defendant controlled/possessed a device identical to a distinctive counterfeit deterrent (2 levels) <sup>37</sup>	1	0.3
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to level 15	111	30.6
(b)(3) Subsection (b)(2)(B)(ii) applies and offense level less than 15, increase to level 15 <sup>16</sup>	2	0.6
(b)(4) Dangerous weapon possessed (2 levels, increase to level 13)	5	1.4
(b)(5) Offense committed outside of United States (2 levels) <sup>38</sup>	16	4.4

<sup>37</sup> SOC was formerly §2B5.1(b)(2)(B)(ii) and redesignated §2B5.1(b)(2)(B)(iii) on November 1, 2009. The statistics reflect all instances of the application of this SOC.

<sup>38</sup> SOC was formerly §2B5.1(b)(4) and redesignated §2B5.1(b)(5) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.3 Criminal Infringement of Copyright or Trademark	95	0.2
Chapter 2 Specific Offense Characteristic Adjustments	94	99.0
(b)(1) Infringement less than \$2,000 (0 levels)	5	5.3
(b)(1) Infringement amount between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels)	6	6.3
(b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels)	15	15.8
(b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels)	13	13.7
(b)(1) Infringement amount between \$70,000 and \$120,000 (8 levels)	14	14.7
(b)(1) Infringement amount between \$120,000 and \$200,000 (10 levels)	9	9.5
(b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels)	11	11.6
(b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels)	11	11.6
(b)(1) Infringement amount between \$1,000,000 and \$2,500,000 (16 levels)	6	6.3
(b)(1) Infringement amount between \$2,500,000 and \$7,000,000 (18 levels)	2	2.1
(b)(1) Infringement amount between \$7,000,000 and \$20,000,000 (20 levels)	3	3.2
(b)(2) Display of a work being prepared for commercial distribution (2 levels)	6	6.3
(b)(3)(A) Manufacturing/importation/uploading infringed items (2 lvls, increase to lvl 12) <sup>39</sup>	50	52.6
(b)(3)(B) Convicted under 17 U.S.C. §§ 1201 and 1204 for trafficking in circumvention devices (2 levels, increase to level 12)	3	3.2
(b)(4) Not committed for commercial advantage or private gain (2 level decrease) <sup>40</sup>	0	0.0
(b)(5) Counterfeit drug involved (2 levels)	5	5.3
(b)(6)(A) Conscious/reckless risk of serious bodily injury (2 lvls, increase to level 14) <sup>41</sup>	2	2.1
(b)(6)(B) Possession of a dangerous weapon (2 levels, increase to level 14) <sup>41</sup>	1	1.0

<sup>39</sup> SOC was formerly §2B5.3(b)(2) and redesignated §2B5.3(b)(3) on November 1, 2005, and subsequently redesignated §2B5.3(b)(3)(A) on November 1, 2007. The statistics reflect all instances of the application of this SOC.

<sup>40</sup> SOC was formerly §2B5.3(b)(3) and redesignated §2B5.3(b)(4) on November 1, 2005. The statistics reflect all instances of the application of this SOC.

<sup>41</sup> SOC was formerly §2B5.3(b)(4) and redesignated §2B5.3(b)(5) on November 1, 2005, and subsequently redesignated §2B5.3(b)(6) on November 1, 2013. The statistics reflect all instances of the application of this SOC. The floor was increased from level 13 to level 14 on November 1, 2010.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.3 Criminal Infringement of Copyright or Trademark (continued)	95	0.2
(b)(7)(A) Counterfeit military goods or services, the use of which likely to cause disclosure of classified information (2 levels, increase to level 14)	0	0.0
(b)(7)(B) Counterfeit military goods or services, the use of which likely to cause impairment of combat operations (2 levels, increase to level 14)	0	0.0
(b)(7)(C)(i) Counterfeit military goods or services, the use of which likely to cause other significant harm to combat operations (2 levels, increase to level 14)	0	0.0
(b)(7)(C)(ii) Counterfeit military goods or services, the use of which likely to cause other significant harm to a member of the Armed Forces (2 levels, increase to level 14)	0	0.0
(b)(7)(C)(iii) Counterfeit military goods or services, the use of which likely to cause other significant harm to national security (2 levels, increase to level 14)	0	0.0
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	100.0
(b)(1) Retail value less than \$2,000 (0 levels)	0	0.0
(b)(1) Retail value between \$200,000 and \$400,000 (12 levels)	1	50.0
(b)(1) Retail value between \$400,000 and \$1,000,000 (14 levels)	1	50.0
(b)(1) Retail value between \$2,500,000 and \$7,000,000 (18 levels)	0	0.0
(b)(2) Defendant in the business of receiving and selling stolen property (2 levels)	2	100.0
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	0	0.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part C - Offenses Involving Public Officials</b>		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	292	0.5
(a)(1) If the defendant was a public official (Base offense level 14)	162	55.5
(a)(2) Otherwise (Base offense level 12)	130	44.5
Chapter 2 Specific Offense Characteristic Adjustments	272	93.2
(b)(1) Offense involved more than one bribe or extortion (2 levels)	210	71.9
(b)(2) Value of payment or loss less than \$5,000 (0 levels)	59	20.2
(b)(2) Value of payment or loss between \$5,000 and \$10,000 (2 levels)	37	12.7
(b)(2) Value of payment or loss between \$10,000 and \$30,000 (4 levels)	44	15.1
(b)(2) Value of payment or loss between \$30,000 and \$70,000 (6 levels)	29	9.9
(b)(2) Value of payment or loss between \$70,000 and \$120,000 (8 levels)	19	6.5
(b)(2) Value of payment or loss between \$120,000 and \$200,000 (10 levels)	25	8.6
(b)(2) Value of payment or loss between \$200,000 and \$400,000 (12 levels)	21	7.2
(b)(2) Value of payment or loss between \$400,000 and \$1,000,000 (14 levels)	23	7.9
(b)(2) Value of payment or loss between \$1,000,000 and \$2,500,000 (16 levels)	16	5.5
(b)(2) Value of payment or loss between \$2,500,000 and \$7,000,000 (18 levels)	8	2.7
(b)(2) Value of payment or loss between \$7,000,000 and \$20,000,000 (20 levels)	8	2.7
(b)(2) Value of payment or loss between \$20,000,000 and \$50,000,000 (22 levels)	1	0.3
(b)(2) Value of payment or loss between \$20,000,000 and \$100,000,000 (24 levels)	2	0.7
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	129	44.2
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 levels)	0	0.0
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 levels)	3	1.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 levels)	3	1.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	19	0.0
(a)(2) Defendant was a public official (Base offense level 11)	11	57.9
(a)(2) Otherwise (Base offense level 9)	8	42.1
Chapter 2 Specific Offense Characteristic Adjustments	18	94.7
(b)(1) More than one gratuity (2 levels)	17	89.5
(b)(2)(A) Gratuity less than \$5,000 (0 levels)	6	31.6
(b)(2)(A) Gratuity between \$5,000 and \$10,000 (2 levels)	4	21.0
(b)(2)(A) Gratuity between \$10,000 and \$30,000 (4 levels)	2	10.5
(b)(2)(A) Gratuity between \$30,000 and \$70,000 (6 levels)	2	10.5
(b)(2)(A) Gratuity between \$200,000 and \$400,000 (12 levels)	2	10.5
(b)(2)(A) Gratuity between \$400,000 and \$1,000,000 (14 levels)	3	15.8
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 15)	8	42.1
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 levels)	0	0.0
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 levels)	0	0.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 levels)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	4	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	50.0
(b)(1) Actual or planned harm to the government (4 levels)	2	50.0
§2C1.5 Payments to Obtain Public Office	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<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	12	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	100.0
(b)(1) Contribution less than \$5,000 (0 levels)	1	8.3
(b)(1) Contribution between \$5,000 and \$10,000 (2 levels)	2	16.7
(b)(1) Contribution between \$10,000 and \$30,000 (4 levels)	1	8.3
(b)(1) Contribution between \$30,000 and \$70,000 (6 levels)	4	33.3
(b)(1) Contribution between \$120,000 and \$200,000 (10 levels)	1	8.3
(b)(1) Contribution between \$200,000 and \$400,000 (12 levels)	1	8.3
(b)(1) Contribution between \$400,000 and \$1,000,000 (14 levels)	1	8.3
(b)(1) Contribution between \$2,500,000 and \$7,000,000 (18 levels)	1	8.3
(b)(2)(A) Offense involved an illegal transaction made/received by/from a foreign national (2 levels)	0	0.0
(b)(2)(B) Offense involved an illegal transaction made/received by/from a government of a foreign country (4 levels)	0	0.0
(b)(3)(A) Offense involved contribution/donation/receipt of government funds (2 levels)	0	0.0
(b)(3)(B) Defendant committed the offense for the purpose of receiving non-monetary Federal benefit (2 levels)	0	0.0
(b)(4) Defendant engaged in 30 or more transactions (2 levels)	3	25.0
(b)(5) Offense involved contribution/donation made/obtained through intimidation/coercion (4 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part D - Offenses Involving Drugs</b>		
§2D1.1 Drug Trafficking	19,184	30.2
(a)(1) Convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C) or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3) and death/serious bodily injury after more than one prior conviction for similar offense (Base offense level 43)	5	0.0
(a)(2) Convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C) or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3) and death/serious bodily injury (Base offense level 38)	43	0.2
(a)(3) Convicted under 21 U.S.C. § 841(b)(1)(E) or 21 U.S.C. § 960(b)(5) and death/serious bodily injury after more than one prior conviction for similar offense (Base offense level 30)	11	0.1
(a)(4) Convicted under 21 U.S.C. §§ 841(b)(1)(E) or 960(b)(5) and death/serious bodily injury resulted from use of substance (Base offense level 26)	15	0.1
(a)(5) Base offense level 38	810	4.2
(a)(5) Base offense level 36	766	4.0
(a)(5) Base offense level 34	1,206	6.3
(a)(5)(B)(ii) Mitigating role received and BOL 36, decrease by two levels to BOL 34 <sup>42</sup>	2	0.0
(a)(5)(B)(iii) Mitigating role received and BOL 38, decrease by four levels to BOL 34	365	1.9
(a)(5)(B)(ii) Mitigating role received and BOL 36, decrease by three levels to BOL 33	224	1.2
(a)(5) Base offense level 32	1,950	10.2
(a)(5)(B)(ii) Mitigating role received and BOL is 34, decrease by two levels to BOL 32 <sup>42</sup>	1	0.0
(a)(5)(B)(iv) Minimal participant role received, decrease to BOL 32	38	0.2
(a)(5)(B)(ii) Mitigating role received and BOL is 34, decrease by three levels to BOL 31	266	1.4
(a)(5) Base offense level 30	2,871	15.0
(a)(5)(B)(i) Mitigating role received and BOL is 32, decrease by two levels to BOL 30	382	2.0
(a)(5) Base offense level 29 <sup>42</sup>	1	0.0
(a)(5) Base offense level 28	1,086	5.7
(a)(5) Base offense level 26	1,682	8.8
(a)(5) Base offense level 24	3,172	16.5
(a)(5) Base offense level 22	615	3.2
(a)(5) Base offense level 20	595	3.1

<sup>42</sup> This base offense level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	19,184	30.2
(a)(5) Base offense level 18	745	3.9
(a)(5) Base offense level 16	1,013	5.3
(a)(5) Base offense level 14	539	2.8
(a)(5) Base offense level 13 <sup>42</sup>	1	0.0
(a)(5) Base offense level 12	542	2.8
(a)(5) Base offense level 10	62	0.3
(a)(5) Base offense level 8	60	0.3
(a)(5) Base offense level 6	116	0.6
Chapter 2 Specific Offense Characteristic Adjustments	9,758	50.9
(b)(1) Dangerous weapon possessed (two levels)	2,491	13.0
(b)(2) Defendant used violence, threat of violence or directed violence (2 levels)	186	1.0
(b)(3)(A) Aircraft used to import or export the controlled substance (2 lvls, increase to lvl 26) <sup>43</sup>	15	0.1
(b)(3)(B) A submersible/semi-submersible vessel was used (2 levels, increase to level 26) <sup>43</sup>	3	0.0
(b)(3)(C) Defendant acted as pilot or any operation officer (2 levels, increase to level 26) <sup>44</sup>	33	0.2
(b)(4) Distribution in a prison (2 levels) <sup>45</sup>	85	0.4
(b)(5) Importation of methamphetamine from unlawfully imported material (2 levels) <sup>46</sup>	608	3.2
(b)(6) Defendant convicted under 21 U.S.C. § 865 (2 levels) <sup>47</sup>	0	0.0
(b)(7) Defendant distributed through mass marketing (2 levels) <sup>48</sup>	41	0.2

<sup>43</sup> SOC was formerly §2D1.1(b)(2) and redesignated §2D1.1(b)(3) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>44</sup> SOC was formerly §2D1.1(b)(2)(B) and redesignated §2D1.1(b)(2)(C) on November 1, 2009 and subsequently redesignated §2D1.1(b)(3)(C) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>45</sup> SOC was formerly §2D1.1(b)(3) and redesignated §2D1.1(b)(4) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>46</sup> SOC was formerly §2D1.1(b)(4) and redesignated §2D1.1(b)(5) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>47</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>48</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on March 1, 2007, and subsequently redesignated §2D1.1(b)(7) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	19,184	30.2
(b)(8) Distribution of an anabolic steroid and a masking agent (2 levels) <sup>49</sup>	9	0.0
(b)(9) Distribution of an anabolic steroid to an athlete (2 levels) <sup>50</sup>	8	0.0
(b)(10) Defendant convicted under 21 U.S.C. §841(g)(1)(A) (2 levels) <sup>51</sup>	0	0.0
(b)(11) Bribed or attempted to bribe law enforcement to facilitate offense (2 levels)	17	0.1
(b)(12) Maintained a premises to manufacture/distribute controlled substance (2 levels)	970	5.1
(b)(13)(A)(i) Unlawful discharge of hazardous waste into the environment (2 levels) <sup>52</sup>	10	0.0
(b)(13)(A)(ii) Unlawful transportation of hazardous waste (2 levels) <sup>52</sup>	11	0.1
(b)(13)(B) Convicted under 21 U.S.C. § 860a with minor present (2 levels, increase to level 14)	2	0.0
(b)(13)(C)(i) Convicted of meth under 21 U.S.C. § 860a with minor present (3 levels, increase to level 27) <sup>53</sup>	2	0.0
(b)(13)(C)(ii) Manufacturing of meth creating substantial risk to humans/environment (3 levels, increase to level 27) <sup>54</sup>	82	0.4
(b)(13)(D) Manufacturing of meth creating substantial risk to minor (6 levels, increase to level 30) <sup>55</sup>	23	0.1

<sup>49</sup> SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(7) on March 1, 2007, and subsequently redesignated §2D1.1(b)(8) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>50</sup> SOC was formerly §2D1.1(b)(7) and redesignated §2D1.1(b)(8) on March 1, 2007, and subsequently redesignated §2D1.1(b)(9) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>51</sup> SOC was formerly §2D1.1(b)(9) and redesignated §2D1.1(b)(10) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>52</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10) on March 1, 2007, and §2D1.1(b)(13) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>53</sup> SOC was created as §2D1.1(b)(10)(C)(i) on November 1, 2007 and subsequently redesignated §2D1.1(b)(13)(C)(i) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>54</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10)(C)(ii) on March 1, 2007, and §2D1.1(b)(13)(C)(ii) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>55</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10)(C) on March 1, 2007, §2D1.1(b)(10)(D) on November 1, 2007, and §2D1.1(b)(13)(D) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	19,184	30.2
(b)(14) Aggravating Role and offense involved cultivation of marihuana on state or federal land (2 levels)	0	0.0
(b)(15)(A) Aggravating Role and defendant used fear, received little compensation and had minimal knowledge (2 levels) <sup>56</sup>	12	0.1
(b)(15)(B)(i) Aggravating Role, defendant knew an individual was less than 18 (2 lvls) <sup>56</sup>	19	0.1
(b)(15)(B)(ii) Aggravating Role and defendant knew an individual was 65 or more year of age (2 levels) <sup>56</sup>	0	0.0
(b)(15)(B)(iii) Aggravating Role and defendant knew an individual was pregnant (2 levels) <sup>56</sup>	2	0.0
(b)(15)(B)(iv) Aggravating Role and defendant knew an individual was unusually vulnerable (2 levels) <sup>56</sup>	1	0.0
(b)(15)(C) Aggravating Role and defendant directly imported substance (2 levels) <sup>56</sup>	63	0.3
(b)(15)(D) Aggravating Role and defendant engaged in witness intimidation (2 levels) <sup>56</sup>	11	0.1
(b)(15)(E) Aggravating Role and defendant committed the offense as part of a pattern of criminal conduct as a livelihood (2 levels) <sup>56</sup>	71	0.4
(b)(16) Minimal Participant and defendant was motivated by familial relationships and received no compensation and had minimal knowledge (2 level decrease) <sup>57</sup>	46	0.2
(b)(17) Safety Valve (2 level decrease) <sup>58</sup>	6,290	32.8

<sup>56</sup> SOC was formerly §2D1.1(b)(14) and redesignated §2D1.1(b)(15) on November 1, 2014. The statistics reflect all instances of the application of the SOC.

<sup>57</sup> SOC was formerly §2D1.1(b)(15) and redesignated §2D1.1(b)(16) on November 1, 2014. The statistics reflect all instances of the application of the SOC.

<sup>58</sup> SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(7) on November 1, 2004, subsequently redesignated §2D1.1(b)(9) on March 1, 2006, §2D1.1(b)(11) on March 1, 2007, §2D1.1(b)(16) on November 1, 2010, and §2D1.1(b)(17) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug Offenses Occurring Near Protected Location or Involving Underage or Pregnant Individuals	560	0.9
(a)(1) Base offense level 40	4	0.7
(a)(2) Base offense level 39	3	0.5
(a)(1) Base offense level 38	5	0.9
(a)(2) Base offense level 37	1	0.2
(a)(1) Base offense level 36	14	2.5
(a)(2) Base offense level 35	4	0.7
(a)(1) Base offense level 34	27	4.8
(a)(2) Base offense level 33	9	1.6
(a)(1) Base offense level 32	30	5.4
(a)(2) Base offense level 31	19	3.4
(a)(1) Base offense level 30	72	13.0
(a)(2) Base offense level 29	7	1.2
(a)(1) Base offense level 28	89	15.9
(a)(2) Base offense level 27	6	1.1
(a)(1) Base offense level 26	90	16.1
(a)(3) Offense involved a person less than 18 years of age (Base offense level 26)	5	0.9
(a)(2) Base offense level 25	11	2.0
(a)(1) Base offense level 24	44	7.9
(a)(2) Base offense level 23	8	1.4
(a)(1) Base offense level 22	34	6.1
(a)(2) Base offense level 21	3	0.5
(a)(1) Base offense level 20	10	1.8
(a)(2) Base offense level 19	5	0.9
(a)(1) Base offense level 18	10	1.8
(a)(2) Base offense level 17	7	1.2
(a)(1) Base offense level 16	3	0.5
(a)(1) Base offense level 15	3	0.5
(a)(1) Base offense level 14	22	3.9



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug Offenses Occurring Near Protected Location or Involving Underage or Pregnant Individuals	560	0.9
(a)(2) Base offense level 13	1	0.2
(a)(4) Otherwise (Base offense level 13)	6	1.1
(a) Base offense level 12 <sup>42</sup>	3	0.5
(a) Base offense level 10 <sup>42</sup>	2	0.4
(a) Base offense level 8 <sup>42</sup>	2	0.4
(a) Base offense level 7 <sup>42</sup>	1	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.5 Continuing Criminal Enterprise	11	0.0
(a)(1) Base offense level 46	1	9.1
(a)(1) Base offense level 44	3	27.3
(a)(1) Base offense level 40	2	18.2
(a)(1) Base offense level 38	0	0.0
(a)(2) Base offense level 38	5	45.4
No Specific Characteristics for this guideline	NA	NA
§2D1.6 Use of Communication Facility in Committing Drug Offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.8 Renting or Managing a Drug Establishment	27	0.0
(a)(1) Base offense level 26	2	7.4
(a)(2) Base offense level 26	11	40.7
(a)(2) Base offense level 24	2	7.4
(a)(2) Base offense level 22	1	3.7
(a)(2) Base offense level 20	2	7.4
(a)(2) Base offense level 18	2	7.4
(a)(2) Base offense level 16	2	7.4
(a)(2) Base offense level 14	2	7.4
(a)(2) Base offense level 12	2	7.4
(a)(2) Base offense level 8	1	3.7
(a)(2) Base offense level 2	1	4.4
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	10	0.0
(a)(1) Base offense level 29	1	10.0
(a)(2) Base offense level 20	9	90.0
Chapter 2 Specific Offense Characteristic Adjustments	2	20.0
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels, increase to level 27)	2	20.0
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels, increase to level 30)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	117	0.2
(a) Base offense level 38	5	4.3
(a) Base offense level 34	1	0.8
(a)(B)(iii) Mitigating role received and BOL is 38, decrease four levels to BOL 34	0	0.0
(a) Base offense level 32	8	6.8
(a)(B)(ii) Mitigating role received and BOL is 34, decrease three levels to BOL 31	1	0.8
(a) Base offense level 30	27	23.1
(a)(B)(i) Mitigating role received and BOL is 32, decrease two levels to BOL 30	0	0.0
(a) Base offense level 28	18	15.4
(a) Base offense level 26	20	17.1
(a) Base offense level 24	20	17.1
(a) Base offense level 22	2	1.7
(a) Base offense level 20	3	2.6
(a) Base offense level 18	5	4.3
(a) Base offense level 16	6	5.1
(a) Base offense level 12	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	45	38.5
(b)(1) Dangerous weapon possessed (2 levels)	6	5.1
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	2	1.7
(b)(3)(A) Unlawful discharge/emission/release into environment of hazardous substance (2 levels)	4	0.3
(b)(3)(B) Unlawful transportation of hazardous substance (2 levels)	1	0.8
(b)(4) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(5) Convicted under 21 U.S.C. § 865 (2 levels)	0	0.0
(b)(6) Safety Valve (2 level decrease)	35	29.9

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	6	0.0
(a)(1) Defendant intended to manufacture a controlled substance (BOL 12)	6	100.0
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	66.7
(b)(1)(A) Defendant intended to manufacture methamphetamine (2 levels)	1	16.7
(b)(1)(B) Defendant knew material was used to manufacture methamphetamine (2 lvls)	3	50.0
(b)(2)(A) Offense involved discharge of a hazardous substance (2 levels)	0	0.0
(b)(2)(B) Unlawful transportation of a hazardous substance (2 levels)	0	0.0
(b)(3) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(4) Offense involved stealing or transporting stolen anhydrous ammonia (6 levels)	0	0.0
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	1	0.0
(a)(1) Offense level from §2D1.11 if defendant knew chemical was to be used to manufacture a controlled substance	0	0.0
(a)(2) Offense level from §2D1.11 reduced by 3 levels if defendant had no reason to believe chemical was to be used to manufacture a controlled substance (BOL 15)	1	100.0
(a)(3) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.14 Narco-Terrorism	0	0.0
(a)(1) Base offense level 40	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) if §3A1.4 (Terrorism) does not apply (6 levels)	0	0.0
§2D2.1 Unlawful Possession	177	0.3
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	47	26.6
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	15	8.5
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	115	65.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	51	0.1
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0
(a)(1) Death resulted (Base Offense Level 26)	0	0.0
(a)(2) Serious bodily injury resulted (Base Offense Level 21)	0	0.0
(a)(3) Otherwise (Base Offense Level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.1 Regulatory Offenses Involving Registration Numbers	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part E - Offenses Involving Criminal Enterprises and Racketeering</b>		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	72	0.1
(a)(1) Base offense level 19	72	100.0
(a)(2) Base 19 - Offense level from applicable underlying racketeering offense	0	0.0
(a)(2) Other Base Offense level based on applicable underlying racketeering offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	4	0.0
(a)(1) Base offense level 6	4	100.0
(a)(2) Base offense level applicable to underlying crime of violence - Level 32	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.3 Violent Crimes in Aid of Racketeering Activity	1	0.0
(a)(1) Base offense level 12	1	100.0
(a)(2) Base offense level applicable to the underlying crime or racketeering activity	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	6	0.0
(a)(1) Base offense level 32	6	100.0
(a)(2) Base offense level applicable to the underlying unlawful conduct	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E2.1 Making or Financing an Extortionate Extension of Credit	20	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	20.0
(b)(1)(A) Firearm discharged (5 levels)	1	5.0
(b)(1)(B) Dangerous weapon otherwise used (4 levels)	2	10.0
(b)(1)(C) Dangerous weapon brandished or possessed (3 levels)	1	5.0
(b)(2)(A) Bodily injury (2 levels)	0	0.0
(b)(2)(B) Serious bodily injury (4 level)	0	0.0
(b)(2)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
b)(2)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(2)(E) Between serious bodily injury and permanent/life-threatening injury (5 levels)	0	0.0
(b)(3)(A) Person abducted to facilitate commission of the offense (4 levels)	0	0.0
(b)(3)(B) Person physically restrained to facilitate commission (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E3.1 Gambling Offenses	102	0.2
(a)(1) Offense involved a gambling business (Base offense level 12)	82	80.4
(a)(2) Offense involved an animal fighting venture (Base offense level 10)	20	19.6
(a)(3) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	21	0.0
(a)(1) Base offense level 9	2	9.5
(a)(2) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	4.8
(a)(2) Loss between \$80,000 and \$200,000 (Base offense level 16)	4	19.0
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	2	9.5
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	5	23.8
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	4	19.0
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	4.8
(a)(2) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	1	4.8
(a)(2) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	4.8
No Specific Offense Characteristics for this guideline	NA	NA
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	4	0.0
(a)(1) Bribe involved (Base offense level 10)	1	25.0
(a)(2) Gratuity involved (Base offense level 6)	3	75.0
Chapter 2 Specific Offense Characteristic Adjustments	4	100.0
(b)(1) Defendant was a fiduciary of the benefit plan or labor organization (2 levels)	2	50.0
(b)(2)(A) Value of prohibited payment less than \$2,000 (0 levels)	0	0.0
(b)(2)(A) Value of prohibited payment between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(2)(B) Value of prohibited payment between \$5,000 and \$10,000 (2 levels)	1	25.0
(b)(2)(B) Value of prohibited payment between \$10,000 and \$30,000 (4 levels)	2	50.0
(b)(2)(B) Value of prohibited payment between \$30,000 and \$70,000 (6 levels)	1	25.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	0	0.0
(a)(1) Base offense level 6	0	0.0
(a)(2) Theft or embezzlement concealed (BOL applicable from §§2B1.1 or 2E5.1)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part F - Offenses Involving Fraud and Deceit</b>		
§2F1.1 Fraud and Deceit <sup>59</sup>	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
(b)(1)(A) Loss less than \$2,000 (0 levels)	0	0.0
(b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels)	3	60.0
(b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels)	1	20.0
(b)(1)(P) Loss between \$10,000,000 and \$20,000,000 (15 levels)	1	20.0
(b)(2)(A) Offense involved more than minimal planning (2 levels)	2	40.0
(b)(2)(B) Offense involved a scheme to defraud more than one victim (2 levels)	3	60.0
(b)(3) Mass marketing (2 levels)	2	40.0
(b)(4)(A) Offense involved misrepresentation of acting on behalf of charity (2 levels) <sup>60</sup>	0	0.0
(b)(4)(B) Offense involved misrepresentation during bankruptcy proceedings (2 levels) <sup>60</sup>	0	0.0
(b)(4)(C) Offense involved a violation of judicial order (2 levels) <sup>60</sup>	0	0.0
(b)(5)(A) Possession/use of any device making equipment (2 levels, increase to level 12)	0	0.0
(b)(5)(B) Production/trafficking of unauthorized device (2 levels, increase to level 12)	0	0.0
(b)(5)(C)(i) Unauthorized transfer/use of means of ID (2 levels, increase to level 12)	0	0.0
(b)(5)(C)(ii) Possession of 5 or more means of ID (2 levels, increase to level 12)	0	0.0
(b)(6)(A) Defendant relocated to evade law enforcement(2 levels, increase to level 12) <sup>61</sup>	0	0.0
(b)(6)(B) Fraud committed outside of U.S. (2 levels, increase to level 12) <sup>61</sup>	1	20.0
(b)(6)(C) Offense involved sophisticated means (2 levels, increase to level 12) <sup>61</sup>	1	20.0
(b)(7)(A) Offense involve risk of serious bodily injury (2 levels, increase to level 13) <sup>62</sup>	0	0.0
(b)(7)(B) Offense involved possession of dangerous weapon (2 lvs, increase to lvl 13) <sup>62</sup>	0	0.0

<sup>59</sup> Guideline eliminated and consolidated with §2B1.1 on November 1, 2001.

<sup>60</sup> SOC was formerly §2F1.1(b)(3) and redesignated §2F1.1(b)(4) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

<sup>61</sup> SOC was formerly §2F1.1(b)(5)(A), (B), and (C) and redesignated §2F1.1(b)(6)(A), (B), and (C) on November 1, 2000. The statistics reflect all instances of the application of this SOC.

<sup>62</sup> SOC was formerly §2F1.1(b)(4)(A) and (B) and redesignated §2F1.1(b)(7)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
§2F1.1 Fraud and Deceit (continued)	5	0.0
(b)(8)(A) Offense jeopardized the safety of financial institution (4 levels or level 24) <sup>63</sup>	0	0.0
(b)(8)(B) Offense affected a financial institution and derived \$1,000,000 in receipts (4 levels or level 24) <sup>63</sup>	0	0.0

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<sup>63</sup> SOC was formerly §2F1.1(b)(6)(A) and (B) and redesignated §2F1.1(b)(8)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

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	79	0.1
(a)(1) Offense of conviction for 18 U.S.C. § 1591(b)(1) (Base offense level 34)	13	16.5
(a)(2) Otherwise (Base offense level 14)	66	83.5
Chapter 2 Specific Offense Characteristic Adjustments	13	16.5
(b)(1) Offense involved fraud or coercion (4 levels)	13	16.5
§2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor	341	0.5
(a)(1) Conviction under 18 U.S.C. § 1591(b)(1) (Base offense level 34)	18	5.3
(a)(2) Conviction under 18 U.S.C. § 1591(b)(2) (Base offense level 30)	79	23.2
(a)(3) Conviction under 18 U.S.C. § 2422(b) or § 2423(a) (Base offense level 28)	142	41.6
(a)(4) Otherwise (Base offense level 24)	102	29.9
Chapter 2 Specific Offense Characteristic Adjustments	330	96.8
(b)(1)(A) Defendant was a parent/relative/guardian of the minor (2 levels)	2	0.8
(b)(1)(B) Defendant was in custody, care or control of victim (2 levels)	24	7.0
(b)(2)(A) Misrepresentation of identity to persuade minor to engage in prohibited sexual conduct (2 levels)	20	5.9
(b)(2)(B) Defendant used undue influence on minor to engage in prohibited sexual conduct (2 levels)	121	35.5
(b)(3)(A) Use of a computer to persuade a minor to engage in prohibited sexual conduct (2 levels)	122	35.8
(b)(3)(B) Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor (2 levels)	155	45.4
(b)(4)(A) Offense involved commission of sexual act or contact (2 levels)	168	49.3
(b)(4)(B) Offense involved a commercial sex act (2 levels)	51	15.0
(b)(5) Victim under the age of 12 (8 levels)	28	8.2
(b)(5) Victim under the age of 12 (2 levels) <sup>64</sup>	1	0.3

<sup>64</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.1 Production of Pornography	412	0.6
(a) Base offense level 32	406	98.5
(a) Base offense level 27 <sup>65</sup>	5	1.2
(a) Base offense level 25 <sup>66</sup>	1	0.2
Chapter 2 Specific Offense Characteristic Adjustments	408	99.0
(b)(1)(A) Victim under the age of 12 (4 levels)	215	52.2
(b)(1)(A) Victim under the age of 12 (2 levels) <sup>64</sup>	3	0.7
(b)(1)(B) Victim between 12 and 16 (2 levels)	149	36.2
(b)(1)(B) Victim between 12 and 16 (4 levels) <sup>64</sup>	1	0.2
(b)(2)(A) Offense involved the commission of a sexual act or sexual contact (2 levels)	272	66.0
(b)(2)(B) Offense involved (I) the commission of a sexual act and (ii) conduct as described in 18 U.S.C. § 2241(a) or (b) (4 levels)	21	5.1
(b)(3) Offense involved distribution (2 levels)	161	39.2
(b)(3) Offense involved distribution (4 levels) <sup>64</sup>	1	0.2
(b)(4) Offense involved portrayal of sadistic/masochistic conduct or violence (4 levels)	82	19.9
(b)(4) Offense involved portrayal of sadistic/masochistic conduct of violence (2 levels) <sup>66</sup>	1	0.2
(b)(5) Defendant was a parent/relative/legal guardian or custody/care/control (2 levels) <sup>67</sup>	214	50.8
(b)(6)(A) Misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) <sup>68</sup>	18	4.3
(b)(6)(B)(i) Use of a computer to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) <sup>68</sup>	54	12.8
(b)(6)(B)(ii) Use of a computer to solicit participation with a minor in sexually explicit conduct (2 levels) <sup>68</sup>	67	15.9

<sup>65</sup> Base offense level increased on November 1, 2004.

<sup>66</sup> Base offense level increased on November 1, 1997.

<sup>67</sup> SOC was formerly §2G2.1(b)(2) and redesignated §2G2.1(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>68</sup> SOC was formerly §2G2.1(b)(3) and redesignated §2G2.1(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking in Pornography	1,537	2.4
(a)(1) Defendant convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5) (BOL 18)	704	45.8
(a)(2) Otherwise (Base offense level 22)	830	54.0
(a)(2) Otherwise (Base offense level 20) <sup>69</sup>	2	0.1
(a) Base offense level 17 <sup>65</sup>	1	0.1
Chapter 2 Specific Offense Characteristic Adjustments	1,533	99.7
(b)(1)(A) If (a)(2) applies (B) defendant only received material and (C) did not traffic material (decrease 2 levels)	1,402	91.2
(b)(1)(A) If (a)(2) applies (B) defendant only received material and (C) did not traffic material (increase 2 levels) <sup>66</sup>	1	0.1
(b)(2) Victim under the age of 12 (2 levels) <sup>70</sup>	1,464	95.2
(b)(2)(A) Offense involved distribution (§2F1.1 loss table level, but at least 5 levels) <sup>71</sup>	1	0.1
(b)(3)(A) Done for pecuniary gain (§2B1.1 loss table level, but at least 5 levels) <sup>72</sup>	14	0.9
(b)(3)(A) Done for pecuniary gain (2 levels) <sup>64</sup>	1	0.1
(b)(3)(A) Done for pecuniary gain (3 levels) <sup>64</sup>	1	0.1
(b)(3)(A) Done for pecuniary gain (4 levels) <sup>64</sup>	1	0.1
(b)(3)(B) In exchange for thing of value (5 levels) <sup>72</sup>	291	18.9
(b)(3)(B) In exchange for thing of value (3 levels) <sup>64</sup>	2	0.1
(b)(3)(C) Distribution to a minor (5 levels) <sup>72</sup>	13	0.8
(b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (6 levels)	8	0.5
(b)(3)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) <sup>72</sup>	4	0.3
(b)(3)(F) Distribution other than in (b)(3)(A)-(D) (2 levels) <sup>72</sup>	624	40.6

<sup>69</sup> This base offense level is not available under the guidelines, but court documentation reflected the courts' findings that this was the proper level for this offense.

<sup>70</sup> SOC was formerly §2G2.2(b)(1) and redesignated §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>71</sup> SOC was changed to "pecuniary gain" on November 1, 2000. SOC was referred to the §2B1.1 loss table on November 1, 2001. This total represents those cases referred to §2F1.1.

<sup>72</sup> SOC was formerly §G2.2(b)(2) and redesignated §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking in Pornography (continued)	1,537	2.4
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) <sup>73</sup>	1,286	83.7
(b)(4) Sadistic or masochistic conduct or other forms of violence (3 levels) <sup>64</sup>	5	0.3
(b)(5) Defendant engaged in a pattern of activity involving sexual exploitation (5 lvl's) <sup>74</sup>	193	12.6
(b)(6) Use of a computer (2 levels) <sup>75</sup>	1,452	94.5
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) <sup>76</sup>	128	8.3
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) <sup>76</sup>	74	4.8
(b)(7)(B) At least 150 images, but fewer than 300 (2 levels) <sup>64</sup>	1	0.1
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) <sup>76</sup>	87	5.7
(b)(7)(D) 600 images or more (5 levels) <sup>76</sup>	1,185	77.1
(b)(7)(D) 600 images or more (4 levels) <sup>64</sup>	1	0.1
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G2.6 Child Exploitation Enterprises	11	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	100.0
(b)(1)(A) Victim not attained the age of 12 years (4 levels)	11	100.0
(b)(1)(B) Victim between the ages of 12 and 16 (2 levels)	0	0.0
(b)(2)(A) Defendant was parent, relative, or legal guardian (2 levels)	0	0.0
(b)(2)(B) Minor was otherwise in custody, care, or supervisory control (2 levels)	0	0.0
(b)(3) Offense involved conduct described in 18 U.S.C. § 2241(a) or (b) (2 levels)	1	9.1
(b)(4) Computer or interactive computer service used (2 levels)	10	90.9

<sup>73</sup> SOC was formerly §2G2.2(b)(3) and redesignated §2G2.2(b)(4) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>74</sup> SOC was formerly §2G2.2(b)(4) and redesignated §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>75</sup> SOC was formerly §2G2.2(b)(5) and redesignated §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>76</sup> SOC was formerly §2G2.2(b)(6) and redesignated §2G2.2(b)(7) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G3.1 Importing/Mailing/Transporting Obscene Matter	29	0.0
Chapter 2 Specific Offense Characteristic Adjustments	28	96.6
(b)(1)(A) Distribution for pecuniary gain (§2B1.1 loss table level, but at least 5 levels)	1	3.4
(b)(1)(B) Distribution in exchange for thing of value (5 levels)	0	0.0
(b)(1)(C) Distribution to a minor (5 levels)	4	13.8
(b)(1)(D) Distribution to a minor to coerce to engage in illegal activity (6 levels)	4	13.8
(b)(1)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels)	16	55.2
(b)(1)(F) Distribution other than in (b)(1)(A)-(E) (2 levels)	1	3.4
(b)(2)(A) Offense involved misleading domain name on the Internet (2 levels)	0	0.0
(b)(2)(B) Offense involved embedded words or digital images in source code or website (2 levels)	0	0.0
(b)(3) Offense involved use of a computer (2 levels)	28	96.6
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels)	0	0.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Victim under 18 and broadcast between 6AM and 11PM (4 levels)	0	0.0
(b)(2) Six plus the level in §2B1.1	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part H - Offenses Involving Individual Rights</b>		
§2H1.1 Offenses Involving Individual Rights	50	0.1
(a)(1) Other Offense level from the offense guideline applicable to underlying offense	20	40.0
(a)(2) Offense involved two or more participants (Base offense level 12)	12	24.0
(a)(3)(A) Offense involved use/threat of force (Base Offense Level 10)	14	28.0
(a)(3)(B) Offense involved property damage (Base Offense Level 10)	2	4.0
(a)(4) Otherwise (Base offense level 6)	2	4.0
Chapter 2 Specific Offense Characteristic Adjustments	40	80.0
(b)(1)(A) Defendant was a public official at the time of the offense (6 levels)	8	16.0
(b)(1)(B) Offense committed under color of law (6 levels)	32	64.0
§2H2.1 Obstructing an Election or Registration	7	0.0
(a)(1) Obstruction occurred by use of force or threat against property (BOL 18)	0	0.0
(a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12)	7	100.0
(a)(3)(A) Solicited or accepted value to vote, refrain from voting, or register to vote (BOL 6)	0	0.0
(a)(3)(B) Gave false information to establish eligibility to vote (BOL 6)	0	0.0
(a)(3)(C) Voted more than once in federal election (BOL 6)	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2H3.1 Interception of Communications	2	0.0
(a)(1) Base offense level 9	2	100.0
(a)(2) Defendant convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	50.0
(b)(1)(A) Convicted under 18 U.S.C. § 1039(d) or (e) (3 levels)	0	0.0
(b)(1)(B) Purpose was to obtain direct/indirect commercial advantage (3 levels)	1	50.0
(b)(2)(A) Convicted under 18 U.S.C. § 119 (8 levels)	0	0.0
(b)(2)(B) Convicted under 18 U.S.C. §119 and involved the use of a computer to make restricted personal information of a covered person public (10 levels)	0	0.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense committed for pecuniary gain (3 levels)	0	0.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H3.3 Obstructing Correspondence	3	0.0
(a)(1) Base offense level 6	3	100.0
(a)(2) Conduct was theft or destruction of mail, level from §2B1.1	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	8	0.0
(a)(1) Base offense level 22	8	100.0
(a)(2)(A) Defendant convicted of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
(a)(2)(B) Defendant convicted of 18 U.S.C. § 1593A based on violation of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	62.5
(b)(1)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Victim sustained bodily injury (2 levels)	0	0.0
(b)(2)(A) Dangerous weapon used (4 levels)	0	0.0
(b)(2)(B) Dangerous weapon brandished or threatened (2 levels)	0	0.0
(b)(3)(A) Victim held in peonage/involuntary servitude for more than one year (3 levels)	0	0.0
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	0	0.0
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (1 level)	2	25.0
(b)(4)(A) Other felony committed during offense (2 levels)	4	50.0
(b)(4)(B) Other felony committed during offense (2 levels above applicable offense)	1	12.5
§2H4.2 Willful Violations of the Migrant and Seasonal Agricultural Worker Protection Act	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(i) Serious bodily injury (4 levels)	0	0.0
(b)(1)(ii) Bodily injury (2 levels)	0	0.0
(b)(2) Offense committed after sustaining civil adjudication for similar act (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part J - Offenses Involving the Administration of Justice</b>		
§2J1.1 Contempt	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.2 Obstruction of Justice	132	0.2
(a) Base offense level 14	130	98.5
(a) Base offense level 12 <sup>77</sup>	2	1.5
Chapter 2 Specific Offense Characteristic Adjustments	48	36.4
(b)(1)(A) Convicted under 18 U.S.C. § 1001, and stat max of 8 years because of sex offense (4 levels)	3	2.3
(b)(1)(B) Causing/threatening to cause physical injury (8 levels) <sup>78</sup>	8	6.1
(b)(1)(C) Convicted under 18 U.S.C. § 1001 or § 1505 and stat max of 8 years because of terrorism (12 levels)	2	1.5
(b)(2) Offense resulted in substantial influence with the administration of justice (3 lvls)	20	15.2
(b)(3)(A) Offense involved destruction of records (2 levels)	9	6.8
(b)(3)(B) Offense involved selection of any essential document to destroy (2 levels)	5	3.8
(b)(3)(C) Offense involved otherwise extensive in scope or planning (2 levels)	4	3.0
§2J1.3 Perjury or Subornation of Perjury	31	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	16.1
(b)(1) Causing/threatening to cause physical injury (8 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 lvls)	5	16.1
§2J1.4 Impersonation	16	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	18.8
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	3	18.8

<sup>77</sup> Base offense level was increased on November 1, 2003.

<sup>78</sup> SOC was formerly §2J1.2(b)(1) and was redesignated on November 1, 2007. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2J1.5 Failure to Appear by Material Witness	1	0.0
(a)(1) In respect to a felony (Base offense level 6)	1	100.0
(a)(2) In respect to a misdemeanor (Base offense level 4)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 lvls)	0	0.0
§2J1.6 Failure to Appear by Defendant	53	0.1
(a)(1) Failure to report for service of sentence (Base offense level 11)	25	47.2
(a)(2) Otherwise (Base offense level 6)	28	52.8
Chapter 2 Specific Offense Characteristic Adjustments	28	52.8
(b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease)	1	1.9
(b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease)	0	0.0
(b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels)	16	30.2
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	10	18.9
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	1	1.9
§2J1.9 Payment to a Witness	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
Payment made/offered for refusing to testify (4 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part K - Offenses Involving Public Safety</b>		
§2K1.1 Failure to Report Theft of Explosive Materials	2	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	18	0.0
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	2	11.1
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	3	16.7
(a)(3) Defendant convicted under 18 U.S.C. § 842(p)(2) (Base offense level 18)	0	0.0
(a)(4)(A) Prohibited person (Base offense level 16)	3	16.7
(a)(4)(B) Knowingly distributed explosive materials to prohibited person (BOL 16)	0	0.0
(a)(5) Otherwise (Base offense level 12)	10	55.6
Chapter 2 Specific Offense Characteristic Adjustments	8	44.4
(b)(1)(A) Weight of explosives 25 to 100 pounds (1 level)	1	5.6
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	1	5.6
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	0	0.0
(b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels)	3	16.7
(b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels)	0	0.0
(b)(2) Offense involved stolen explosives (2 levels)	2	11.1
(b)(3)(A) Convicted under 18 U.S.C. § 842(p)(2) (4 levels, increase to level 18)	0	0.0
(b)(3)(B) Use of explosives in connection with another felony offense (4 levels, increase to level 18)	3	16.7

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.4 Arson	83	0.1
(a)(1)(A) Substantial risk of death/serious bodily injury (Base offense Level 24)	24	28.9
(a)(1)(B) Destruction of dwelling (Base offense Level 24)	23	27.7
(a)(2)(A) Substantial risk of death/serious injury of other participant (BOL 20)	6	7.2
(a)(2)(B) Destruction of structure other than a dwelling (Base offense level 20)	10	12.0
(a)(2)(C) Endangered a dwelling (Base offense level 20)	4	4.8
(a)(3) Involved the destruction of or tampering with aids to maritime navigation (BOL 16)	0	0.0
(a)(4) Base offense Level 16 based on 2 plus the level from §2B1.1	0	0.0
(a)(4) Other, 2 plus the level from §2B1.1	16	19.3
Chapter 2 Specific Offense Characteristic Adjustments	10	12.0
(b)(1) Committed to conceal another offense (2 levels)	10	12.0
(b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels)	0	0.0
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Committed without regard for safety of human life (15 levels)	0	0.0
(b)(2) Defendant prohibited under federal law from possession weapon (2 levels)	0	0.0
(b)(3) Defendant's possession lawful but for 49 U.S.C. §46505 (3 level decrease)	0	0.0
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	5,274	8.3
(a)(1)(A)(i) Two prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 26)	121	2.3
(a)(1)(A)(ii) Two prior convictions and firearm described in 26 U.S.C. §5845(a) (BOL 26)	32	0.6
(a)(1)(B) Offense committed subsequent to sustaining at least two felony convictions of a crime of violence or controlled substance (Base Offense Level 26)	0	0.0
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	1,011	19.2
(a)(3)(A)(i) One prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 22)	246	4.7
(a)(3)(A)(ii) One prior convictions and firearm described in 26 U.S.C. §5845(a) (BOL 22)	81	1.5
(a)(4)(A) Offense committed after a felony conviction for a crime of violence or a controlled substance offense (Base offense level 20)	1,689	32.0
(a)(4)(B)(i)(I) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and was a prohibited person (Base offense level 20)	165	3.1
(a)(4)(B)(i)(II) Offense involved a firearm described in 20 U.S.C. § 5845(a) and defendant was a prohibited person (Base offense level 20)	17	0.3
(a)(4)(B)(II) Convicted under 18 U.S.C. § 922(d) and offense committed with the knowledge that the offense would result in the transfer to a prohibited person (BOL 20)	81	1.5
(a)(4)(B)(III) Convicted under 18 U.S.C. § 922(a)(6) or §924(a)(1)(A) and offense committed with the knowledge that the offense would result in the transfer to a prohibited person (Base Offense Level 20)	1	0.0
(a)(5) Firearm described in 26 U.S.C. §5845(a) (Base offense level 18)	186	3.5
(a)(6)(A) Defendant prohibited person (Base offense level 14)	1,227	23.3
(a)(6)(B) Defendant convicted under 18 U.S.C. § 922(d) (Base offense level 14)	15	0.3
(a)(6)(C) Defendant convicted under 18 U.S.C. § 922(a)(6) or § 924(a)(1)(A) and committed offense with knowledge/intent/reason to believe a transfer in firearm/ammunition to a prohibited person (Base offense level 14)	58	1.1
(a)(7) Except as provided in (a)(8) (Base offense level 12)	330	6.3
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6)	14	0.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition (cont.)	5,274	8.3
Chapter 2 Specific Offense Characteristic Adjustments	3,149	59.7
(b)(1)(A) 3-7 firearms (two levels)	811	15.4
(b)(1)(B) 8-24 firearms (four levels)	294	5.6
(b)(1)(B) 8-24 firearms (three levels) <sup>79</sup>	1	0.0
(b)(1)(C) 25-99 firearms (six levels)	108	2.0
(b)(1)(D) 100-199 firearms (eight levels)	13	0.2
(b)(1)(E) 200 or more firearms (10 levels)	7	0.1
(b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6)	21	0.4
(b)(3)(A) Destructive device that is a portable rocket or missile (15 levels)	2	0.0
(b)(3)(B) Destructive device (2 levels)	82	1.6
(b)(4)(A) Firearm stolen (2 levels)	1,211	23.0
(b)(4)(A) Firearm stolen (3 levels) <sup>79</sup>	1	0.0
(b)(4)(B) Firearm had altered/obliterated serial number (4 levels)	405	7.7
(b)(4)(B) Firearm had altered/obliterated serial number (5 levels) <sup>79</sup>	1	0.0
(b)(4)(B) Firearm had altered/obliterated serial number (6 levels) <sup>79</sup>	3	0.1
(b)(5) Defendant engaged in trafficking of firearms (4 levels)	267	5.1
(b)(5) Defendant engaged in trafficking of firearms (1 level) <sup>79</sup>	1	0.0
(b)(6)(A) Firearms possessed while leaving or attempting to leave the United States (4 levels, increase to level 18)	85	1.6
(b)(6)(B) Firearms used in connection with another offense (4 lvls, increase to lvl 18) <sup>80</sup>	1,437	27.2
(b)(6)(B) Firearms used in connection with another offense (2 levels) <sup>79</sup>	1	0.0
(b)(7) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense) <sup>81</sup>	0	0.0

<sup>79</sup> SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

<sup>80</sup> SOC was formerly §2K2.1(b)(5) and redesignated §2K2.1(b)(6) on November 1, 2006, and subsequently redesignated §2K2.1(b)(6)(B) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>81</sup> SOC was formerly §2K2.1(b)(6) and redesignated §2K2.1(b)(7) on November 1, 2006. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	12	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	25.0
(b)(1)(A) Unlawful possession of firearm in a federal court facility (2 levels)	0	0.0
(b)(1)(B) Firearm in school zone (2 levels)	3	25.0
§2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons	6	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Body armor used in connection with another felony (4 levels)	0	0.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part L - Offenses Involving Immigration, Naturalization, and Passports</b>		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	2,267	3.6
(a)(1) Convicted under 8 U.S.C. § 1327 for inadmissible alien under 8 U.S.C. § 1182(a)(3) (Base offense level 25)	0	0.0
(a)(2) Convicted under 8 U.S.C. § 1327 after being previously deported (BOL 23)	9	0.4
(a)(3) Otherwise (Base offense level 12)	2,258	99.6
Chapter 2 Specific Offense Characteristic Adjustments	1,637	72.2
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease)	58	2.6
(b)(2)(A) 6-24 aliens smuggled (3 levels)	916	40.4
(b)(2)(A) 6-24 aliens smuggled (2 levels) <sup>82</sup>	2	0.1
(b)(2)(B) 25-99 aliens smuggled (6 levels)	172	7.6
(b)(2)(C) 100 or more aliens smuggled (9 levels)	55	2.4
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	145	6.4
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	48	2.1
(b)(4) Smuggled, transported, or harbored an unaccompanied minor (2 levels)	250	11.0
(b)(5)(A) Firearm discharged (6 levels, increase to 22) <sup>83</sup>	7	0.3
(b)(5)(B) Weapon brandished or otherwise used (4 levels, increase to 20) <sup>83</sup>	22	1.0
(b)(5)(C) Weapon possessed (2 levels, increase to 18) <sup>83</sup>	32	1.4
(b)(6) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18) <sup>84</sup>	645	28.4
(b)(7)(A) Bodily injury (2 levels) <sup>85</sup>	15	0.7
(b)(7)(B) Serious bodily injury (4 levels) <sup>85</sup>	27	1.2
(b)(7)(C) Permanent or life-threatening bodily injury (6 levels) <sup>85</sup>	3	0.1
(b)(7)(D) Death (10 levels)	17	0.8

<sup>82</sup> This SOC level is not available under the guidelines, but court documents reflected the court's findings that this was the proper level for this offense.

<sup>83</sup> SOC was formerly §2L1.1(b)(4) and redesignated §2L1.1(b)(5) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>84</sup> SOC was formerly §2L1.1(b)(5) and redesignated §2L1.1(b)(6) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>85</sup> SOC was formerly §2L1.1(b)(6) and redesignated §2L1.1(b)(7) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien (continued)	2,267	3.6
(b)(8)(A)(i) Alien involuntarily detained, demand for payment after smuggled into U.S. (2 levels, increase to 18) <sup>86</sup>	26	0.1
(b)(8)(A)(ii) Alien involuntarily detained, demand for payment while smuggled into U.S. (2 levels, increase to 18) <sup>87</sup>	7	0.3
(b)(8)(B)(i) Convicted of alien harboring for the purpose of prostitution (2 levels)	1	0.0
(b)(8)(B)(ii) Convicted of alien harboring for the purposes of prostitution, alien under 18 (6 lvls)	2	0.1
(b)(9) Defendant convicted under 8 U.S.C. §1324(a)(4) (2 levels)	2	0.1
§2L1.2 Unlawfully Entering or Remaining in the United States	15,715	24.8
Chapter 2 Specific Offense Characteristic Adjustments	10,887	69.3
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months (16 levels)	1,423	9.1
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months - no criminal history points (12 levels)	332	2.1
(b)(1)(A)(ii) Previously deported and conviction for crime of violence (16 levels)	1,599	10.2
(b)(1)(A)(ii) Previously deported and conviction for crime of violence - no criminal history points (12 levels)	399	2.5
(b)(1)(A)(iii) Previously deported and conviction for firearms offense (16 levels)	18	0.1
(b)(1)(A)(iii) Previously deported and conviction for firearms offense - no criminal history points (12 levels)	2	0.0
(b)(1)(A)(iv) Previously deported and conviction for a child pornography offense (16 lvls)	10	0.1
(b)(1)(A)(iv) Previously deported and conviction for a child pornography offense - no criminal history points (12 levels)	3	0.0
(b)(1)(A)(v) Previously deported and conviction for a national security/terrorism offense (16 lvls)	0	0.0
(b)(1)(A)(v) Previously deported and conviction for a national security/terrorism offense - no criminal history points (12 levels)	0	0.0
(b)(1)(A)(vi) Previously deported and conviction for a human trafficking offense (16 lvls)	24	0.2
(b)(1)(A)(vi) Previously deported and conviction for a human trafficking offense - no criminal history points (12 levels)	6	0.0
(b)(1)(A)(vii) Previously deported and conviction for an alien smuggling offense (16 lvls)	274	1.7

<sup>86</sup> SOC was formerly §2L1.1(b)(8)(A) and redesignated §2L1.1(b)(8)(A)(i) on November 1, 2009. The statistics reflect all instances of the application of the SOC.

<sup>87</sup> SOC was formerly §2L1.1(b)(8)(B) and redesignated §2L1.1(b)(8)(A)(ii) on November 1, 2009. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L1.2 Unlawfully Entering or Remaining in the United States (continued)	15,715	24.8
(b)(1)(A)(vii) Previously deported and conviction for an alien smuggling offense - no criminal history points (12 levels)	61	0.4
(b)(1)(B) Previously deported, drug offense sentence less than 13 months (12 levels)	384	2.4
(b)(1)(B) Previously deported, drug offense sentence less than 13 months, no criminal history points (8 levels)	238	1.5
(b)(1)(C) Previously deported and aggravated felony conviction (8 levels)	1,106	7.0
(b)(1)(D) Previously deported and any other felony conviction (4 levels)	4,992	31.8
(b)(1)(E) Previously deported and three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels)	16	0.1
§2L2.1 Trafficking in Documents Relating to Naturalization	205	0.3
Chapter 2 Specific Offense Characteristic Adjustments	143	69.8
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	6	2.9
(b)(2)(A) 6-24 Documents/Passports (3 levels)	42	20.5
(b)(2)(B) 25-99 Documents/Passports (6 levels)	31	15.1
(b)(2)(C) 100 or more Documents/Passports (9 levels)	59	28.8
(b)(3) Defendant knew passport or visa facilitated a felony offense (4 levels)	5	2.4
(b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels)	3	1.5
(b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls)	0	0.0
(b)(5)(A) Defendant fraudulently obtained or used a United States passport (4 levels)	8	3.9
(b)(5)(B) Defendant fraudulently obtained or used a foreign passport (2 levels)	5	2.4

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	971	1.5
Chapter 2 Specific Offense Characteristic Adjustments	611	62.9
(b)(1) Defendant an unlawful alien, previously deported (2 levels)	304	31.3
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	18	1.8
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	11	1.1
(b)(3)(A) Defendant fraudulently obtained or used a United States passport (4 levels)	304	31.3
(b)(3)(B) Defendant fraudulently obtained or used a foreign passport (2 levels)	146	15.0
(b)(4)(A) Committed offense to conceal membership in military/police that was involved in a serious human rights offense (2 levels, increase to level 13)	3	0.3
(b)(4)(B)(i) Committed offense to conceal participation in incitement to genocide (6 lvs)	0	0.0
(b)(4)(B)(ii) Committed offense to conceal participation in other serious human rights offense (10 levels, increase to level 25)	0	0.0
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part M - Offenses Involving National Defense and Weapons of Mass Destruction</b>		
§2M1.1 Treason	0	0.0
(a)(1) Conduct tantamount to waging war against the United States (BOL 43)	0	0.0
(a)(2) Offense level applicable to most analogous offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.1 Destruction of, or Production of Defective War Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.3 Destruction of , or Production of Detective, National Defense Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Government	1	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	0	0.0
(a)(2) Otherwise (Base offense level 37)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	2	0.0
(a)(1) Top secret information gathered (Base offense level 35)	1	50.0
(a)(2) Otherwise (Base offense level 30)	1	50.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.3 Transmitting National Defense Information	0	0.0
(a)(1) Top secret information (Base offense level 29)	0	0.0
(a)(2) Otherwise (Base offense level 24)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.4 Losing National Defense Information	0	0.0
(a)(1) Top secret information was lost (Base offense level 18)	0	0.0
(a)(2) Otherwise (Base offense level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
(a)(1) Information disclosed by person with access to classified material identifying a covert agent (Base Offense Level 30)	0	0.0
(a)(2) Information disclosed by person with access to classified material (BOL 25)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Occurred by person being inducted for compulsory military service (6 levels)	0	0.0
§2M5.1 Evasion of Export Controls	21	0.0
(a)(1)(A) National security controls relating to the proliferation of nuclear, biological, or chemical weapons were evaded (Base offense level 26)	9	42.9
(a)(1)(B) Offense involved financial transactions with a country supporting terrorism (Base offense level 26)	5	23.8
(a)(2) Otherwise (Base offense level 14)	7	33.3
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	94	0.2
(a)(1) Except as provided in (a)(2) (Base offense level 26)	84	89.4
(a)(2)(A) Involved only two or less non-fully automatic small arms (BOL 14)	5	5.3
(a)(2)(B) Involved only ammunition for non-fully automatic small arms, less than 500 rounds (Base Offense Level 14)	1	1.1
(a)(2)(C) Weapons and ammunition described in both (a)(2)(A) and (a)(2)(B) (BOL 14)	4	4.2
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	16	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	68.8
(b)(1)(A) Offense involved the provision of dangerous weapons (2 levels)	0	0.0
(b)(1)(B) Offense involved the provision of firearms (2 levels)	1	6.2
(b)(1)(C) Offense involved the provision of explosives (2 levels)	0	0.0
(b)(1)(D) Offense involved the provisions of funds to purchase (A)-(C) (2 levels)	2	12.5
(b)(1)(E) Offense involved the provisions of funds used with the intent to commit a violent act (2 levels)	8	50.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M6.1 Unlawful Production of Nuclear Material	9	0.0
(a)(1)(A) Offense committed with the intent to injure the United States (BOL 42)	3	33.3
(a)(1)(B) Offense committed to aid a foreign nation (Base offense level 42)	1	11.1
(a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28)	2	22.2
(a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22)	1	11.1
(a)(4)(A) Convicted under 18 U.S.C. §175(b) but did not intend to carry out threat (BOL 20)	1	11.1
(a)(4)(B) Offense involved a threat to use nuclear weapon but did not intend to carry out threat (Base Offense Level 20)	1	11.1
Chapter 2 Specific Offense Characteristic Adjustments	3	33.3
(b)(1)(A)(i) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels)	3	33.3
(b)(1)(A)(ii) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of a listed precursor (2 levels)	0	0.0
(b)(1)(A)(iii) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of nuclear material (2 levels)	0	0.0
(b)(1)(A)(iv) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of weapon of mass destruction (2 levels)	0	0.0
(b)(2)(A) Subsections (a)(2)-(a)(4) applies and (B)(i) victim died or permanent life-threatening bodily injury (4 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (ii) serious bodily injury (2 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (iii) injury between (i) and (ii) (3 levels)	0	0.0
(b)(3)(A) Subsection (a)(2)-(a)(5) applies and (B) disruption of government services (4 levels)	2	22.2
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	0.0
(a)(1) Committed with intent to injure the United States (Base offense level 30)	0	0.0
(a)(2) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristic for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

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	3	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Serious bodily injury (2 levels)	0	0.0
(b)(1)(C) Degree of injury between serious and permanent/life-threatening (3 levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N1.3 Tampering with Intent to Injure Business	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, Biological Product, Device, Cosmetic, Agricultural Product, or Consumer Product	64	0.1
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Convicted under 21 § U.S.C. 331 after prior conviction under 21 § U.S.C. 331 (4 levels)	0	0.0
§2N3.1 Odometer Laws and Regulations	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part P - Offenses Involving Prisons and Correctional Facilities</b>		
§2P1.1 Escape, Instigating or Assisting Escape	273	0.4
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (Base Offense Level 13)	270	98.9
(a)(2) Otherwise (Base offense level 8)	3	1.1
Chapter 2 Specific Offense Characteristic Adjustments	221	81.0
(b)(1) Use of threat of force against any person (5 levels)	2	0.7
(b)(2) Escaped from non-secure custody, (a)(1) applies, return in 96 hours (7 level decrease)	4	1.5
(b)(2) Escaped from non-secure custody, (a)(2) applies, return in 96 hours (4 level decrease)	26	9.5
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	189	69.2
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	1	0.4
(b)(4) Defendant was a law enforcement officer (2 levels)	0	0.0
§2P1.2 Providing or Possessing Contraband in Prison	110	0.2
(a) Object was distribution of a controlled substance, apply §2D1.1 offense level (minimum base offense level 26)	8	7.3
(a)(1) Object was a firearm or destructive device (Base offense level 23)	0	0.0
(a)(2) Object was a weapon, ammunition, LSD, or a narcotic drug (BOL 13)	50	45.4
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	51	46.4
(a)(4) Other object threatened order of facility (Base offense level 4)	1	0.9
Chapter 2 Specific Offense Characteristic Adjustments	7	6.4
(b)(1) Defendant was a law enforcement officer (2 levels)	7	6.4
§2P1.3 Engaging in a Riot Involving Persons in a Facility	0	0.0
(a)(1) Substantial risk of death or serious bodily injury (Base offense level 22)	0	0.0
(a)(2) Caused a major disruption to the operation of an institution (Base offense level 16)	0	0.0
(a)(3) Otherwise (Base offense level 10)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

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
No Specific Offense Characteristics for this guideline	NA	NA
§2Q1.2 Mishandling of Hazardous Substances	31	0.0
Chapter 2 Specific Offense Characteristic Adjustments	27	87.1
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	15	48.4
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	7	22.6
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	6	19.4
(b)(3) Disruption of public utilities or evacuation (4 levels)	10	32.3
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	11	35.5
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
(b)(6) Simple recordkeeping or reporting violation (2 level decrease)	0	0.0
(b)(7) Convicted under 49 U.S.C. § 5124 or § 46312 (2 levels)	2	6.4
§2Q1.3 Mishandling of Other Environmental Pollutants	28	0.0
Chapter 2 Specific Offense Characteristic Adjustments	26	92.9
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	13	46.4
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	9	32.1
(b)(2) Substantial likelihood of death or serious bodily injury (11 levels)	0	0.0
(b)(3) Resulted in disruption of public utilities or evacuation (4 levels)	2	7.1
(b)(4) Discharge without permit or in violation of a permit (4 levels)	20	71.4
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0
(a)(1) Base offense level 26	0	0.0
(a)(2) Threat with intent to carry out tampering with public water (Base offense level 22)	0	0.0
(a)(3) Threat without intent to carry out tampering with public water (BOL 16)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Victim sustained permanent/life threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Victim sustained serious bodily injury (2 levels)	0	0.0
(b)(1)(C) The degree of injury is between subdivisions (A) and (B) (3 levels)	0	0.0
(b)(2)(A) Offense resulted in disruption of public functions/services (4 levels)	0	0.0
(b)(2)(B) Disruption resulted in expenditure of funds to clean up in response to offense (4 levels)	0	0.0
(b)(3) Ongoing release of contaminant into public water system (2 levels)	0	0.0
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	0	0.0
(a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9)	0	0.0
(a)(2) Obstruct harvesting of timber and property destruction (apply §2B1.1)	0	0.0
(a)(3) Reckless disregard to risk to another person (apply §2A2.2)	0	0.0
(a)(4) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	104	0.2
Chapter 2 Specific Offense Characteristic Adjustments	93	89.4
(b)(1)(A) Offense committed for pecuniary gain (2 levels)	72	69.2
(b)(1)(B) Offense involved a pattern of similar violations (2 levels)	14	13.5
(b)(2)(A) Offense involved wildlife not quarantined (2 levels)	3	2.9
(b)(2)(B) Offense involved significant risk of infestation/disease to human/wildlife (2 levels)	12	11.5
(b)(3)(A) Value of wildlife less than \$2,000 (0 levels)	25	24.0
(b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (1 level)	5	4.8
(b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels)	3	2.9
(b)(3)(A) Value of wildlife between \$10,000 and \$30,000 (4 levels)	11	10.6
(b)(3)(A) Value of wildlife between \$30,000 and \$70,000 (6 levels)	11	10.6
(b)(3)(A) Value of wildlife between \$70,000 and \$120,000 (8 levels)	5	4.8
(b)(3)(A) Value of wildlife between \$120,000 and \$200,000 (10 levels)	2	1.9
(b)(3)(A) Value of wildlife between \$800,000 and \$1,500,000 (11 levels) <sup>88</sup>	1	1.0
(b)(3)(A) Value of wildlife between \$200,000 and \$400,000 (12 levels)	5	4.8
(b)(3)(A) Value of wildlife between \$400,000 and \$1,000,000 (14 levels)	17	16.4
(b)(3)(A) Value of wildlife between \$1,000,000 and \$2,500,000 (16 levels)	3	2.9
(b)(3)(B)(i) Offense involved protected marine mammals (4 levels)	3	2.9
(b)(3)(B)(ii) Offense involved fish/wildlife/plants listed as endangered (4 levels)	10	9.6
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (4 levels)	1	1.0
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (8 lvls) <sup>89</sup>	1	1.0
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (10 lvls) <sup>89</sup>	1	1.0

<sup>88</sup> Threshold amounts were changed effective November 1, 2001.

<sup>89</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part R - Antitrust Offenses</b>		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
(b)(1) Involved participation in agreement to submit non-competitive bid (1 level)	5	100.0
(b)(2)(A) Volume of commerce between \$1,000,000 and \$10,000,000 (2 levels)	1	20.0
(b)(2)(B) Volume of commerce between \$10,000,000 and \$40,000,000 (4 levels)	0	0.0
(b)(2)(C) Volume of commerce between \$40,000,000 and \$100,000,000 (6 levels)	2	40.0
(b)(2)(D) Volume of commerce between \$100,000,000 and \$250,000,000 (8 levels)	2	40.0
(b)(2)(E) Volume of commerce between \$250,000,000 and \$500,000,000 (10 levels)	0	0.0
(b)(2)(F) Volume of commerce between \$500,000,000 and \$1,000,000,000 (12 levels)	0	0.0
(b)(2)(G) Volume of commerce between \$1,000,000,000 and \$1,500,000,000 (14 levels)	0	0.0
(b)(2)(H) Volume of commerce more than \$1,500,000,000 (16 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part S - Money Laundering and Monetary Transactions Reporting</b>		
§2S1.1 Laundering of Monetary Instruments	1,027	1.6
(a)(1) Underlying offense - Base offense level 6	2	0.2
(a)(1) Underlying offense - Base offense level 7	1	0.1
(a)(1) Underlying offense - Base offense level 8	1	0.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 8	12	1.2
(a)(1) Underlying offense - Base offense level 10	2	0.2
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 10	14	1.4
(a)(1) Underlying offense - Base offense level 11	1	0.1
(a)(1) Underlying offense - Base offense level 12	13	1.3
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 12	34	3.3
(a)(1) Underlying offense - Base offense level 13	3	0.3
(a)(1) Underlying offense - Base offense level 14	12	1.2
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 14	38	3.7
(a)(1) Underlying offense - Base offense level 15	5	0.5
(a)(1) Underlying offense - Base offense level 16	14	1.4
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 16	33	3.2
(a)(1) Underlying offense - Base offense level 17	6	0.6
(a)(1) Underlying offense - Base offense level 18	20	1.9
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 18	33	3.2
(a)(1) Underlying offense - Base offense level 19	15	1.5
(a)(1) Underlying offense - Base offense level 20	26	2.5
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 20	43	4.2
(a)(1) Underlying offense - Base offense level 21	12	1.2
(a)(1) Underlying offense - Base offense level 22	19	1.8
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 22	45	4.4
(a)(1) Underlying offense - Base offense level 23	32	3.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 23	1	0.1
(a)(1) Underlying offense - Base offense level 24	50	4.9
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 24	24	2.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.1 Laundering of Monetary Instruments (continued)	1,027	1.6
(a)(1) Underlying offense - Base offense level 25	27	2.6
(a)(1) Underlying offense - Base offense level 26	41	4.0
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 26	9	0.9
(a)(1) Underlying offense - Base offense level 27	38	3.7
(a)(1) Underlying offense - Base offense level 28	52	5.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 28	3	0.3
(a)(1) Underlying offense - Base offense level 29	12	1.2
(a)(1) Underlying offense - Base offense level 30	57	5.6
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 30	1	0.1
(a)(1) Underlying offense - Base offense level 31	17	1.7
(a)(1) Underlying offense - Base offense level 32	66	6.4
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 32	1	0.1
(a)(1) Underlying offense - Base offense level 33	12	1.2
(a)(1) Underlying offense - Base offense level 34	51	5.0
(a)(1) Underlying offense - Base offense level 35	9	0.9
(a)(1) Underlying offense - Base offense level 36	46	4.5
(a)(1) Underlying offense - Base offense level 37	9	0.9
(a)(1) Underlying offense - Base offense level 38	29	2.8
(a)(1) Underlying offense - Base offense level 39	2	0.2
(a)(1) Underlying offense - Base offense level 40	14	1.4
(a)(1) Underlying offense - Base offense level 41	3	0.3
(a)(1) Underlying offense - Base offense level 42	10	1.0
(a)(1) Underlying offense - Base offense level 43	2	0.2
(a)(1) Underlying offense - Base offense level 44	3	0.3
(a)(1) Underlying offense - Base offense level 45	1	0.1
(a)(1) Underlying offense - Base offense level 46	1	0.1

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.1 Laundering of Monetary Instruments (continued)	1,027	1.6
Chapter 2 Specific Offense Characteristic Adjustments	1,014	98.7
(b)(1)(B)(i) Subsection (a)(2) applies and defendant knew proceeds intended for distribution of a controlled substance (6 levels)	182	17.7
(b)(1)(B)(ii) Subsection (a)(2) applies and defendant knew proceeds were intended for a crime of violence (6 levels)	13	1.3
(b)(1)(B)(ii) Subsection (a)(2) applies and defendant knew proceeds were intended for a crime of violence (2 levels) <sup>90</sup>	1	0.1
(b)(1)(B)(iii) Subsection (a)(2) applies and defendant knew proceeds intended for firearms explosives (6 levels)	2	0.2
(b)(2)(A) Defendant convicted under 18 U.S.C. §1957 (1 level)	188	18.3
(b)(2)(B) Defendant convicted under 18 U.S.C. §1956 (2 levels)	798	77.7
(b)(2)(B) Defendant convicted under 18 U.S.C. §1956 (1 level) <sup>90</sup>	1	0.1
(b)(2)(C) Subsection (a)(1) applies and defendant in business of laundering money (4 levels)	12	1.2
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	33	3.2

<sup>90</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.3 Structuring Transactions to Evade Reporting Requirements	203	0.3
(a)(1) Defendant convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	2	1.0
(a)(2) Loss less than \$5,000 (Base offense level 6)	1	0.5
(a)(2) Loss between \$5,000 and \$10,000 (Base offense level 8)	1	0.5
(a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10)	27	13.3
(a) 6 plus loss level from §2F1.1 (loss between \$20,000 and \$40,000) (BOL 10) <sup>91</sup>	1	0.5
(a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12)	39	19.2
(a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14)	27	13.3
(a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16)	20	9.8
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	33	16.3
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	29	14.3
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	13	6.4
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	2	1.0
(a)(2) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	5	2.5
(a)(2) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	0.5
(a)(2) Loss between \$100,000,000 and \$200,000,000 (Base offense level 32)	1	0.5
(a)(2) Loss between \$200,000,000 and \$400,000,000 (Base offense level 34)	2	1.0
Chapter 2 Specific Offense Characteristic Adjustments	172	84.7
(b)(1)(A) Defendant knew proceeds were for unlawful activity (2 levels)	63	31.0
(b)(1)(B) Offense involved bulk cash smuggling (2 levels)	70	34.5
(b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12 month period (2 levels)	57	28.1
(b)(3) Subsection (b)(1) does not apply (B) defendant did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes (decrease to lvl 6)	12	5.9

<sup>91</sup> Base offense threshold amounts were changed effective November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

Guideline and SOC	Applied	Percent
<b>Part T - Offenses Involving Taxation</b>		
§2T1.1 Tax Evasion	456	0.7
(a)(1) Loss less than \$2,000 (Base offense level 6)	0	0.0
(a)(2) No tax loss (Base offense level 6)	7	1.5
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	6	1.3
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	12	2.6
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	26	5.7
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	62	13.6
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	115	25.2
(a)(1) Loss between \$325,000 and \$550,000 (Base offense level 17) <sup>92</sup>	1	0.2
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	102	22.4
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	61	13.4
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	42	9.2
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	15	3.3
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	2	0.4
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	5	1.1
Chapter 2 Specific Offense Characteristic Adjustments	156	34.2
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, increase to level 12)	94	20.6
(b)(2) Sophisticated means (2 levels, increase to level 12)	74	16.2

<sup>92</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	194	0.3
(a)(1) Loss less than \$2,000 (Base offense level 6)	0	0.0
(a)(2) No tax loss (Base offense level 6)	1	0.5
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	1	0.5
(a)(1) Loss between \$13,500 and \$23,500 (Base offense level 11) <sup>92</sup>	1	0.5
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	8	4.1
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	23	11.9
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	56	28.9
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	34	17.5
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	34	17.5
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	17	8.8
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	11	5.7
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	6	3.1
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	0.5
(a)(1) Loss between \$50,000,000 and \$100,000,000 (Base offense level 30)	1	0.5
Chapter 2 Specific Offense Characteristic Adjustments	158	81.4
(b)(1)(A) As part of scheme, defendant derived substantial portion of income (2 levels)	21	10.8
(b)(1)(B) Defendant was in business of preparing tax returns (2 levels)	126	65.0
(b)(2) Sophisticated means (2 levels, increase to level 12)	18	9.3
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	44	0.1
(a) Loss between \$12,500 and \$30,000 (Base offense level 12)	2	4.6
(a) Loss between \$80,000 and \$200,000 (Base offense level 16)	4	9.1
(a) Loss between \$200,000 and \$400,000 (Base offense level 18)	16	36.4
(a) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	12	27.3
(a) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	5	11.4
(a) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	5	11.4
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.8 Offenses Relating to Withholding Statements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.9 Conspiracy to Impede, Impair, Obstruct	14	0.0
(a)(1) Offense level from §2T1.1 or §2T1.4 of 10	1	7.1
(a)(2) Base offense level 10	1	7.1
(a)(1) Offense level from §2T1.1 or §2T1.4 of 16	3	21.4
(a)(1) Offense level from §2T1.1 or §2T1.4 of 18	2	14.3
(a)(1) Offense level from §2T1.1 or §2T1.4 of 20	1	7.1
(a)(1) Offense level from §2T1.1 or §2T1.4 of 24	2	14.3
(a)(1) Offense level from §2T1.1 or §2T1.4 of 26	3	21.4
(a)(1) Offense level from §2T1.1 or §2T1.4 of 28	1	7.1
Chapter 2 Specific Offense Characteristic Adjustments	10	71.4
(b)(1) Planned or threat of violence to impede the collection of revenue (4 levels)	0	0.0
(b)(2) Conduct was to encourage others to impede collection of revenue (2 levels)	10	71.4
§2T2.1 Non-payment of Taxes	5	0.0
(a) Loss between \$5,000 and \$12,500 (Base offense level 10)	1	20.0
(a) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	20.0
(a) Loss between \$200,000 and \$400,000 (Base offense level 18)	3	60.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T2.2 Regulatory Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	21	0.0
(a)(3) Loss less than \$100 (Base offense level 4)	5	23.8
(a)(2) Loss between \$100 and \$1,000 (Base offense level 5)	0	0.0
(a)(2) Loss between \$2,000 and \$5,000 (Base offense level 8)	5	23.8
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	2	9.5
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	4	19.0
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	2	9.5
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	2	9.5
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	4.8
Chapter 2 Specific Offense Characteristic Adjustments	5	23.8
(b)(1) Sophisticated means (2 levels, increase to level 12)	5	23.8

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X1.1 Attempt, Solicitation, or Conspiracy	27	0.0
(a) Base offense level 10	1	3.7
(a) Base offense level 12	3	11.1
(a) Base offense level 15	1	3.7
(a) Base offense level 19	2	7.4
(a) Base offense level 20	1	3.7
(a) Base offense level 21	3	11.1
(a) Base offense level 22	2	7.4
(a) Base offense level 26	2	7.4
(a) Base offense level 28	2	7.4
(a) Base offense level 30	3	11.1
(a) Base offense level 31	1	3.7
(a) Base offense level 33	2	7.4
(a) Base offense level 34	4	14.8
Chapter 2 Specific Offense Characteristic Adjustments	27	100.0
(b)(1) If an attempt (3 level decrease)	4	14.8
(b)(2) If a conspiracy (3 level decrease)	23	85.2
(b)(3)(A) Solicitation (3 level decrease)	0	0.0
§2X2.1 Aiding and Abetting	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**

**Offender Based  
Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X3.1 Accessory After the Fact	122	0.2
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 4	0	0.0
(a)(2) Base offense level 4	11	9.0
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 5	2	1.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 6	5	4.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 7	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 8	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 10	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 12	2	1.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 13	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 14	5	4.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 15	2	1.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 16	9	7.4
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 17	6	4.9
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 18	7	5.7
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 19	2	1.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 20	2	1.6
(a)(3) Conduct limited to harboring a fugitive and defendant convicted of 18 U.S.C. § 2339 or §2339(A), or harboring a fugitive who committed an offense listed in the above statutes or who committed any offense involving or intending to promote a federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5) - Base offense level 20	2	1.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 21	3	2.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 22	3	2.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 23	3	2.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 24	7	5.7
(a)(3) Conduct limited to harboring a fugitive and defendant convicted of 18 U.S.C. § 2339 or §2339(A), or harboring a fugitive who committed an offense listed in the above statutes or who committed any offense involving or intending to promote a federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5) - Base offense level 24	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 25	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 26	3	2.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 27	3	2.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 28	1	0.8

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X3.1 Accessory After the Fact (continued)	122	0.2
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 30	5	4.1
(a)(2) Conduct limited to harboring a fugitive - Base offense level 30	0	0.0
(a)(3) Conduct limited to harboring a fugitive and defendant convicted of 18 U.S.C. § 2339 or §2339(A), or harboring a fugitive who committed an offense listed in the above statutes or who committed any offense involving or intending to promote a federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5) - Base offense level 30	31	25.4
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 31 <sup>93</sup>	1	0.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 37 <sup>93</sup>	1	0.8
No Specific Offense Characteristics for this guideline	NA	NA
§2X4.1 Misprision of a Felony	342	0.5
(a) Base offense level 4	46	13.4
(a) Base offense level 5	28	8.2
(a) Base offense level 6	5	1.5
(a) Base offense level 7	16	4.7
(a) Base offense level 8	3	0.9
(a) Base offense level 9	21	6.1
(a) Base offense level 10	4	1.2
(a) Base offense level 11	29	8.5
(a) Base offense level 12	2	0.6
(a) Base offense level 13	28	8.2
(a) Base offense level 14	4	1.2
(a) Base offense level 15	29	8.5
(a) Base offense level 16	1	0.3
(a) Base offense level 17	16	4.7
(a) Base offense level 18	4	1.2
(a) Base offense level 19	105	30.7
(a) Base offense level 21 <sup>93</sup>	1	0.3
No Specific Offense Characteristics for this guideline	NA	NA

<sup>93</sup> This base offense level is not available under the guidelines, but the court documents reflected the court's findings that this was the proper offense level for this offense.



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2015**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X5.1 Other Felony Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.2 Other Class A Misdemeanors	178	0.3
No Specific Offense Characteristics for this guideline	NA	NA
§2X6.1 Use of a Minor in Crime of Violence	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X7.1 Border Tunnels and Subterranean Passages	2	0.0
(a)(1) Convicted under 18 U.S.C. § 555(c) (4 plus underlying smuggling offense, increase to level 16)	2	100.0
(a)(2) Convicted under 18 U.S.C. § 555(a) (Base offense level 16)	0	0.0
(a)(3) Convicted under 18 U.S.C. § 555(b) (Base offense level 8)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X7.2 Submersible and Semi-Submersible Vessels	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Failure to heave to when directed by law enforcement (2 levels)	0	0.0
(b)(1)(B) Attempt to sink the vessel (4 levels)	0	0.0
(b)(1)(C) Sinking of the vessel (8 levels)	0	0.0