

United States Sentencing Commission Quarterly Data Report



Fiscal Year 2021

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² Additional information on Commission data can be found through the Commission's "Interactive Data Analyzer" at <https://ida.ussc.gov>.

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015. In fiscal year 2016, the Commission revised the format for its *Quarterly Data Reports*, to include information not previously reported on a quarterly basis, and to make it easier to understand the data that was presented.

Beginning in 2018, the Commission again updated the way it presents quarterly data. Now, all analyses that involve a comparison of the sentence imposed relative to the guideline range that applied in the case are presented in a new way. Sentences are now grouped into two broad categories: Sentences Under the Guidelines Manual and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the range, where the court indicated that one or more of the departure reasons in the Commission's *Guidelines Manual* was a basis for the sentence. Variance cases are those where the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

This report reflects other methodological changes that began with fiscal year 2018 data. Principal among them is the way cases are assigned to a "type of crime" (previously called offense type). Beginning with fiscal year 2018, the guideline (or guidelines) that the court applied in determining the sentence largely determines the crime type category to which a case is assigned. Previously, the maximum penalty provided under the statute of conviction was used for this categorization. Also, the names of some of the crime type categories have been revised and some outdated categories have been removed from the tables and figures.

Additionally, cases involving the production of child pornography have been assigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography offense type in the *Sourcebook*. This change reflects the way in which the production of child

¹ In each federal felony or Class A misdemeanor case, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2021 are available at the Commission's website, www.ussc.gov.

pornography is treated under the sentencing guidelines.

Another important methodological change is that sentences are capped at 470 months for all analyses. This is consistent with the Commission's long-standing practice of assigning a value of 470 months to any life imprisonment sentence.

Because of these methodological changes, direct comparisons between data for fiscal year 2018 and later years cannot always be made to data reported in the *Quarterly Data Reports* released before the Final Fiscal Year 2018 *Quarterly Data Report*.

CONTENTS

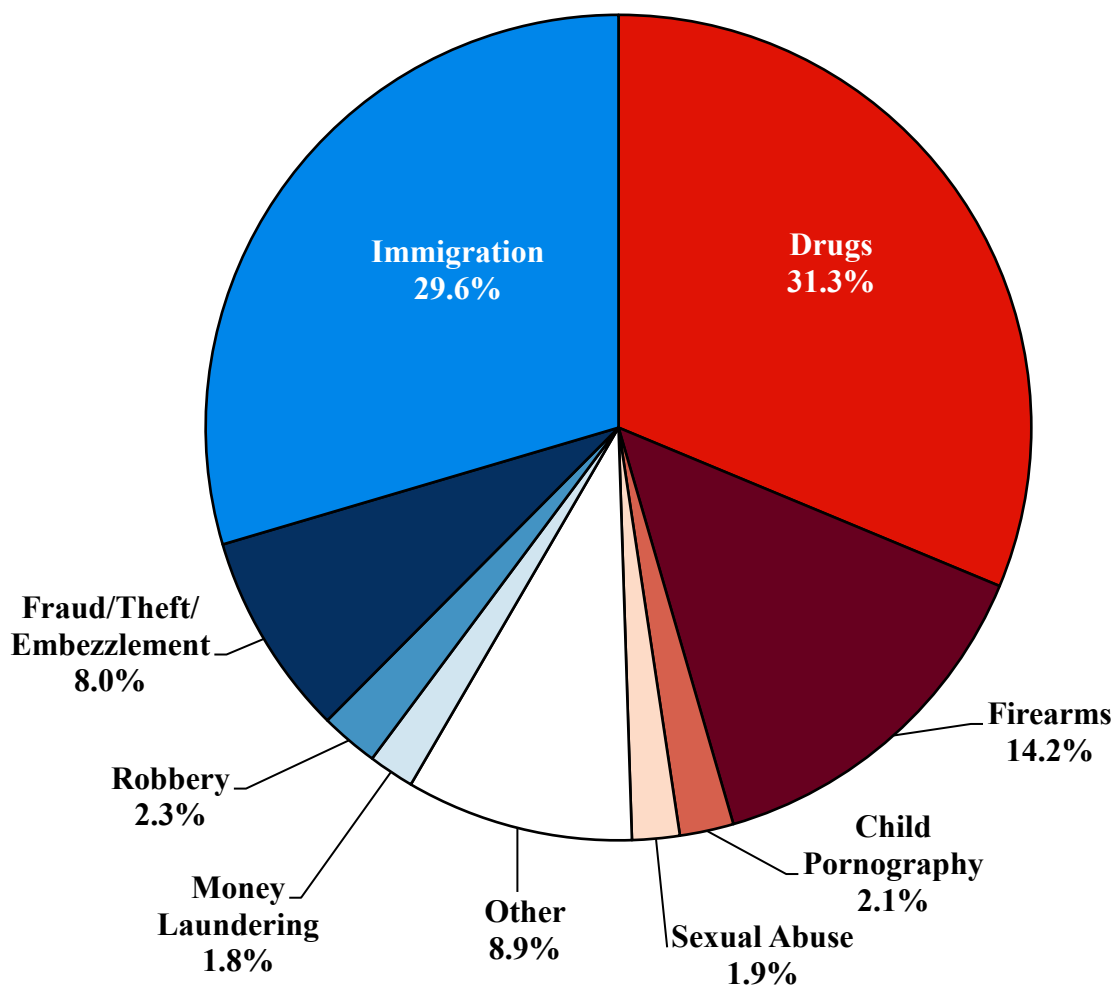
Figure 1: Federal Offenders by Type of Crime	1
Table 1: Federal Offenders by Type of Crime.....	2
Table 2: Federal Offenders in Each Circuit and District	3
Figure 2: Number of Federal Offenders by Selected Primary Guidelines.....	5
Table 3: Race of Federal Offenders by Type of Crime	6
Table 4: Gender of Federal Offenders by Type of Crime.....	7
Table 5: Citizenship of Federal Offenders by Type of Crime	8
Table 6: Sentence Length by Type of Crime.....	9
Table 7: Sentence Type by Type of Crime	10
Table 8: Sentence Imposed Relative to the Guideline Range.....	11
Figure 3: Sentences Under the Guidelines Manual and Variances Quarterly Data.....	12
Figure 4: Sentence Imposed Relative to the Guideline Range Quarterly Data.....	13
Table 9: Sentence Imposed Relative to the Guideline Range In Each Circuit and District.....	14
Table 10: Sentence Imposed Relative to the Guideline Range by Type of Crime	17
Table 11: Sentence Imposed Relative to the Guideline Range by Primary Sentencing Guideline	18
Table 12: Attribution Category for Sentences Outside of the Guideline Range.....	20
Table 13: Extent of Upward Departures by Type of Crime.....	22
Table 14: Extent of Upward Variances by Type of Crime	23
Table 15: Extent of §5K1.1 Substantial Assistance Departures by Type of Crime.....	24
Table 16: Extent of §5K3.1 Early Disposition Program Departures by Type of Crime.....	25
Table 17: Extent of Other Downward Departures by Type of Crime.....	26

Table 18: Extent of Downward Variances by Type of Crime	27
Figure 5: Sentence Length and Guideline Minimum Quarterly Data for All Cases.....	28
Figure 6: Sentence Length and Guideline Minimum Quarterly Data for §2B1.1 Offenders	29
Figure 7: Sentence Length and Guideline Minimum Quarterly Data for §2K2.1 Offenders	30
Figure 8: Sentence Length and Guideline Minimum Quarterly Data for §2L1.1 Offenders.....	31
Figure 9: Sentence Length and Guideline Minimum Quarterly Data for §2L1.2 Offenders.....	32
Figure 10: Sentence Length and Guideline Minimum Quarterly Data for §2D1.1 Offenders	33
Figure 11: Distribution of Primary Drug Type in Federal Drug Cases	34
Figure 12: Sentence Length of Drug Trafficking Offenders by Major Drug Type Quarterly Data	35

Appendix

Appendix A: Descriptions of Datafiles and Variables.....	A-1
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Figure 1
FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021



¹ This figure includes the 57,287 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	N	%
TOTAL	57,287	100.0
Administration of Justice	512	0.9
Antitrust	6	0.0
Arson	79	0.1
Assault	668	1.2
Bribery/Corruption	247	0.4
Burglary/Trespass	64	0.1
Child Pornography	1,215	2.1
Commercialized Vice	114	0.2
Drug Possession	309	0.5
Drug Trafficking	17,608	30.7
Environmental	173	0.3
Extortion/Racketeering	116	0.2
Firearms	8,151	14.2
Food and Drug	47	0.1
Forgery/Counter/Copyright	137	0.2
Fraud/Theft/Embezzlement	4,571	8.0
Immigration	16,937	29.6
Individual Rights	69	0.1
Kidnapping	92	0.2
Manslaughter	56	0.1
Money Laundering	1,028	1.8
Murder	257	0.4
National Defense	217	0.4
Obscenity/Other Sex Offenses	298	0.5
Prison Offenses	532	0.9
Robbery	1,300	2.3
Sexual Abuse	1,062	1.9
Stalking/Harassing	219	0.4
Tax	421	0.7
Other	782	1.4

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	57,287	100.0			
D.C. CIRCUIT	253	0.4	FIFTH CIRCUIT	16,403	28.6
District of Columbia	253	0.4	Louisiana		
			Eastern	205	0.4
			Middle	103	0.2
FIRST CIRCUIT	1,777	3.1	Western	240	0.4
Maine	199	0.3	Mississippi		
Massachusetts	422	0.7	Northern	87	0.2
New Hampshire	197	0.3	Southern	262	0.5
Puerto Rico	884	1.5	Texas		
Rhode Island	75	0.1	Eastern	662	1.2
			Northern	1,549	2.7
SECOND CIRCUIT	2,424	4.2	Southern	8,052	14.1
Connecticut	302	0.5	Western	5,243	9.2
New York			SIXTH CIRCUIT	4,008	7.0
Eastern	498	0.9	Kentucky		
Northern	235	0.4	Eastern	427	0.7
Southern	943	1.6	Western	276	0.5
Western	322	0.6	Michigan		
Vermont	124	0.2	Eastern	489	0.9
			Western	291	0.5
THIRD CIRCUIT	1,900	3.3	Ohio		
Delaware	52	0.1	Northern	819	1.4
New Jersey	629	1.1	Southern	507	0.9
Pennsylvania			Tennessee		
Eastern	446	0.8	Eastern	582	1.0
Middle	310	0.5	Middle	254	0.4
Western	407	0.7	Western	363	0.6
Virgin Islands	56	0.1	SEVENTH CIRCUIT	2,222	3.9
			Illinois		
FOURTH CIRCUIT	4,522	7.9	Central	232	0.4
Maryland	525	0.9	Northern	619	1.1
North Carolina			Southern	221	0.4
Eastern	922	1.6	Indiana		
Middle	365	0.6	Northern	342	0.6
Western	502	0.9	Southern	413	0.7
South Carolina	531	0.9	Wisconsin		
Virginia			Eastern	263	0.5
Eastern	968	1.7	Western	132	0.2
Western	239	0.4			
West Virginia					
Northern	250	0.4			
Southern	220	0.4			

Table 2 (cont.)

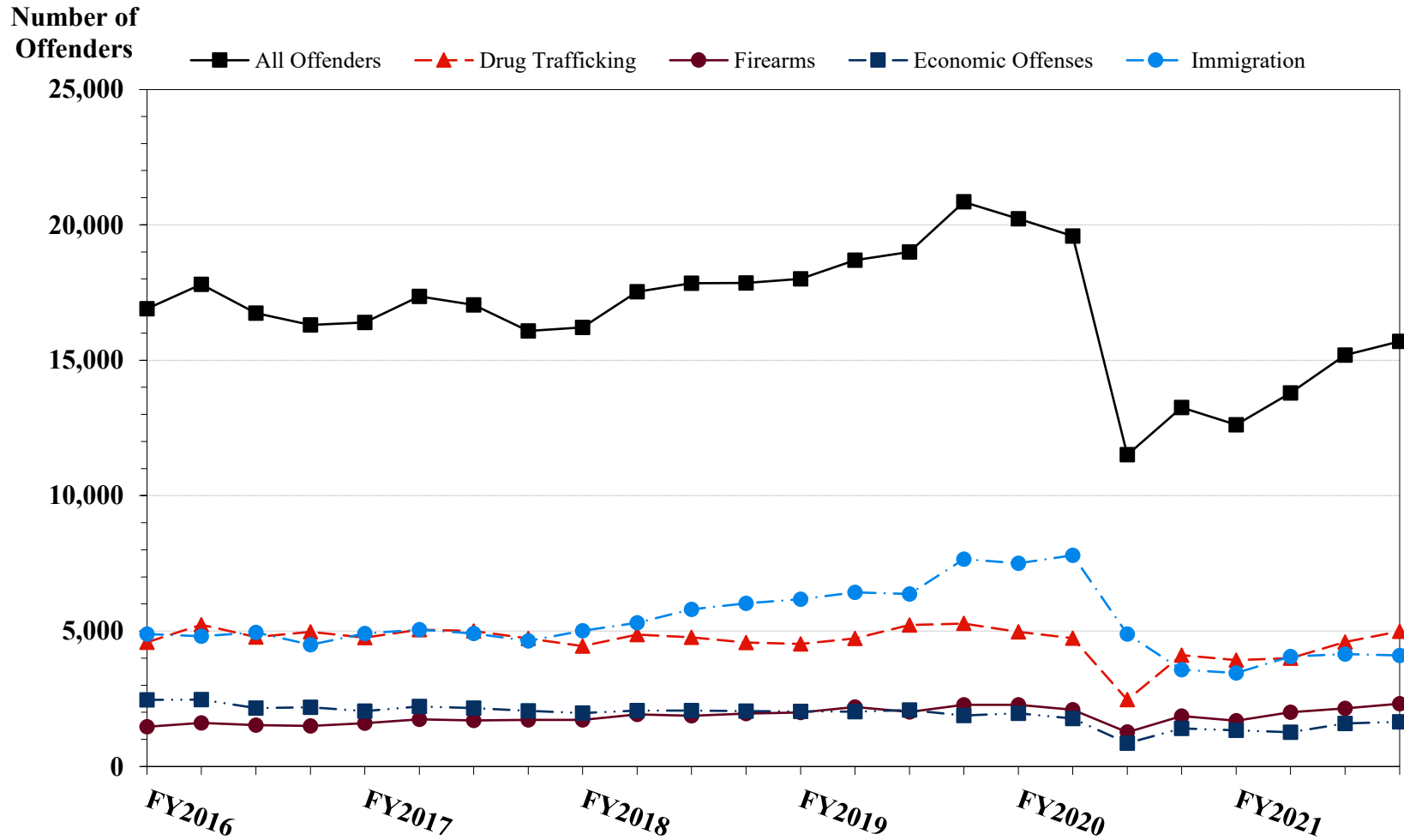
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,592	8.0	TENTH CIRCUIT	3,860	6.7
Arkansas			Colorado	370	0.6
Eastern	546	1.0	Kansas	420	0.7
Western	185	0.3	New Mexico	1,415	2.5
Iowa			Oklahoma		
Northern	326	0.6	Eastern	89	0.2
Southern	495	0.9	Northern	328	0.6
Minnesota	258	0.5	Western	409	0.7
Missouri			Utah	658	1.1
Eastern	1,065	1.9	Wyoming	171	0.3
Western	582	1.0			
Nebraska	380	0.7	ELEVENTH CIRCUIT	4,311	7.5
North Dakota	289	0.5	Alabama		
South Dakota	466	0.8	Middle	122	0.2
			Northern	445	0.8
NINTH CIRCUIT	11,015	19.2	Southern	228	0.4
Alaska	148	0.3	Florida		
Arizona	4,371	7.6	Middle	1,066	1.9
California			Northern	264	0.5
Central	876	1.5	Southern	813	1.4
Eastern	282	0.5	Georgia		
Northern	369	0.6	Middle	386	0.7
Southern	2,927	5.1	Northern	544	0.9
Guam	37	0.1	Southern	443	0.8
Hawaii	168	0.3			
Idaho	241	0.4			
Montana	333	0.6			
Nevada	299	0.5			
Northern Mariana Islands	16	0.0			
Oregon	391	0.7			
Washington					
Eastern	199	0.3			
Western	358	0.6			

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

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2016 - 2021



¹ The *Drug Trafficking* category includes offenders sentenced under §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, or 2D1.14. The *Firearms* category includes offenders sentenced under §§2K1.3, 2K1.4, 2K2.1, 2K2.4, or 2K2.5. The *Economic Offenses* category includes offenders sentenced under §§2B1.1, 2B1.4, 2B1.5, 2B2.1, 2B3.1, 2B3.2, 2B4.1, 2B5.1, or 2B5.3. The *Immigration* category includes offenders sentenced under §§2L1.1, 2L1.2, 2L2.1, or 2L2.2. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	56,677	12,807	22.6	13,114	23.1	28,328	50.0	2,428	4.3
Administration of Justice	510	152	29.8	131	25.7	156	30.6	71	13.9
Antitrust	6	6	100.0	0	0.0	0	0.0	0	0.0
Arson	79	28	35.4	34	43.0	9	11.4	8	10.1
Assault	656	97	14.8	150	22.9	115	17.5	294	44.8
Bribery/Corruption	247	109	44.1	57	23.1	53	21.5	28	11.3
Burglary/Trespass	62	22	35.5	23	37.1	9	14.5	8	12.9
Child Pornography	1,214	972	80.1	53	4.4	147	12.1	42	3.5
Commercialized Vice	102	49	48.0	26	25.5	11	10.8	16	15.7
Drug Possession	243	102	42.0	85	35.0	44	18.1	12	4.9
Drug Trafficking	17,585	4,567	26.0	4,537	25.8	7,908	45.0	573	3.3
Environmental	162	93	57.4	4	2.5	44	27.2	21	13.0
Extortion/Racketeering	116	47	40.5	24	20.7	27	23.3	18	15.5
Firearms	8,138	1,950	24.0	4,501	55.3	1,421	17.5	266	3.3
Food and Drug	45	38	84.4	3	6.7	0	0.0	4	8.9
Forgery/Counter/Copyright	136	64	47.1	36	26.5	20	14.7	16	11.8
Fraud/Theft/Embezzlement	4,525	1,893	41.8	1,350	29.8	942	20.8	340	7.5
Immigration	16,806	483	2.9	227	1.4	15,983	95.1	113	0.7
Individual Rights	67	36	53.7	13	19.4	11	16.4	7	10.4
Kidnapping	91	32	35.2	23	25.3	24	26.4	12	13.2
Manslaughter	56	4	7.1	5	8.9	3	5.4	44	78.6
Money Laundering	1,024	280	27.3	217	21.2	447	43.7	80	7.8
Murder	257	18	7.0	120	46.7	89	34.6	30	11.7
National Defense	214	37	17.3	13	6.1	145	67.8	19	8.9
Obscenity/Other Sex Offenses	297	137	46.1	57	19.2	36	12.1	67	22.6
Prison Offenses	520	132	25.4	201	38.7	159	30.6	28	5.4
Robbery	1,298	236	18.2	771	59.4	223	17.2	68	5.2
Sexual Abuse	1,059	609	57.5	170	16.1	130	12.3	150	14.2
Stalking/Harassing	219	138	63.0	39	17.8	24	11.0	18	8.2
Tax	420	228	54.3	110	26.2	44	10.5	38	9.0
Other	523	248	47.4	134	25.6	104	19.9	37	7.1

¹ Of the 57,287 cases, 610 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	57,230	49,627	86.7	7,603	13.3
Administration of Justice	512	347	67.8	165	32.2
Antitrust	6	6	100.0	0	0.0
Arson	79	69	87.3	10	12.7
Assault	667	599	89.8	68	10.2
Bribery/Corruption	247	202	81.8	45	18.2
Burglary/Trespass	64	56	87.5	8	12.5
Child Pornography	1,215	1,201	98.8	14	1.2
Commercialized Vice	111	96	86.5	15	13.5
Drug Possession	303	194	64.0	109	36.0
Drug Trafficking	17,608	14,439	82.0	3,169	18.0
Environmental	171	149	87.1	22	12.9
Extortion/Racketeering	116	101	87.1	15	12.9
Firearms	8,151	7,847	96.3	304	3.7
Food and Drug	46	31	67.4	15	32.6
Forgery/Counter/Copyright	137	103	75.2	34	24.8
Fraud/Theft/Embezzlement	4,567	3,151	69.0	1,416	31.0
Immigration	16,922	15,559	91.9	1,363	8.1
Individual Rights	69	51	73.9	18	26.1
Kidnapping	92	84	91.3	8	8.7
Manslaughter	56	47	83.9	9	16.1
Money Laundering	1,028	811	78.9	217	21.1
Murder	257	233	90.7	24	9.3
National Defense	217	187	86.2	30	13.8
Obscenity/Other Sex Offenses	298	288	96.6	10	3.4
Prison Offenses	532	487	91.5	45	8.5
Robbery	1,300	1,224	94.2	76	5.8
Sexual Abuse	1,062	994	93.6	68	6.4
Stalking/Harassing	219	209	95.4	10	4.6
Tax	421	297	70.5	124	29.5
Other	757	565	74.6	192	25.4

¹ Of the 57,287 cases, 57 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	56,926	37,805	66.4	19,121	33.6
Administration of Justice	509	422	82.9	87	17.1
Antitrust	6	6	100.0	0	0.0
Arson	79	79	100.0	0	0.0
Assault	656	626	95.4	30	4.6
Bribery/Corruption	246	233	94.7	13	5.3
Burglary/Trespass	61	60	98.4	1	1.6
Child Pornography	1,215	1,181	97.2	34	2.8
Commercialized Vice	108	94	87.0	14	13.0
Drug Possession	266	255	95.9	11	4.1
Drug Trafficking	17,599	14,554	82.7	3,045	17.3
Environmental	167	153	91.6	14	8.4
Extortion/Racketeering	116	95	81.9	21	18.1
Firearms	8,147	7,839	96.2	308	3.8
Food and Drug	45	44	97.8	1	2.2
Forgery/Counter/Copyright	137	123	89.8	14	10.2
Fraud/Theft/Embezzlement	4,524	3,800	84.0	724	16.0
Immigration	16,936	2,776	16.4	14,160	83.6
Individual Rights	68	51	75.0	17	25.0
Kidnapping	92	81	88.0	11	12.0
Manslaughter	56	56	100.0	0	0.0
Money Laundering	1,027	719	70.0	308	30.0
Murder	257	225	87.5	32	12.5
National Defense	214	131	61.2	83	38.8
Obscenity/Other Sex Offenses	297	290	97.6	7	2.4
Prison Offenses	529	508	96.0	21	4.0
Robbery	1,298	1,253	96.5	45	3.5
Sexual Abuse	1,062	1,014	95.5	48	4.5
Stalking/Harassing	218	212	97.2	6	2.8
Tax	421	403	95.7	18	4.3
Other	570	522	91.6	48	8.4

¹ Of the 57,287 cases, 361 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	48	24	57,286
Administration of Justice	13	8	512
Antitrust	3	3	6
Arson	63	48	79
Assault	57	36	668
Bribery/Corruption	20	12	247
Burglary/Trespass	23	14	64
Child Pornography	108	90	1,215
Commercialized Vice	14	11	114
Drug Possession	1	0	309
Drug Trafficking	74	60	17,608
Environmental	2	0	173
Extortion/Racketeering	25	15	116
Firearms	48	37	8,150
Food and Drug	9	1	47
Forgery/Counter/Copyright	16	12	137
Fraud/Theft/Embezzlement	20	12	4,571
Immigration	13	8	16,937
Individual Rights	32	3	69
Kidnapping	166	123	92
Manslaughter	69	59	56
Money Laundering	57	30	1,028
Murder	244	231	257
National Defense	37	26	217
Obscenity/Other Sex Offenses	22	18	298
Prison Offenses	11	8	532
Robbery	104	90	1,300
Sexual Abuse	211	180	1,062
Stalking/Harassing	26	18	219
Tax	14	12	421
Other	2	0	782

¹ Of the 57,287 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
Fiscal Year 2021

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	57,287	52,301	91.3	50,648	88.4	1,653	2.9	4,576	8.0	1,049	1.8	3,527	6.2	410	0.7
Administration of Justice	512	369	72.1	342	66.8	27	5.3	141	27.5	31	6.1	110	21.5	2	0.4
Antitrust	6	1	16.7	1	16.7	0	0.0	4	66.7	3	50.0	1	16.7	1	16.7
Arson	79	77	97.5	74	93.7	3	3.8	2	2.5	1	1.3	1	1.3	0	0.0
Assault	668	601	90.0	574	85.9	27	4.0	62	9.3	9	1.3	53	7.9	5	0.7
Bribery/Corruption	247	179	72.5	158	64.0	21	8.5	67	27.1	27	10.9	40	16.2	1	0.4
Burglary/Trespass	64	57	89.1	53	82.8	4	6.3	6	9.4	2	3.1	4	6.3	1	1.6
Child Pornography	1,215	1,199	98.7	1,179	97.0	20	1.6	16	1.3	4	0.3	12	1.0	0	0.0
Commercialized Vice	114	65	57.0	62	54.4	3	2.6	37	32.5	15	13.2	22	19.3	12	10.5
Drug Possession	309	111	35.9	110	35.6	1	0.3	116	37.5	10	3.2	106	34.3	82	26.5
Drug Trafficking	17,608	16,990	96.5	16,307	92.6	683	3.9	618	3.5	168	1.0	450	2.6	0	0.0
Environmental	173	40	23.1	36	20.8	4	2.3	119	68.8	12	6.9	107	61.8	14	8.1
Extortion/Racketeering	116	88	75.9	83	71.6	5	4.3	28	24.1	4	3.4	24	20.7	0	0.0
Firearms	8,151	7,676	94.2	7,515	92.2	161	2.0	473	5.8	103	1.3	370	4.5	2	0.0
Food and Drug	47	20	42.6	19	40.4	1	2.1	24	51.1	5	10.6	19	40.4	3	6.4
Forgery/Counter/Copyright	137	107	78.1	103	75.2	4	2.9	30	21.9	8	5.8	22	16.1	0	0.0
Fraud/Theft/Embezzlement	4,571	3,202	70.1	2,982	65.2	220	4.8	1,315	28.8	301	6.6	1,014	22.2	54	1.2
Immigration	16,937	16,164	95.4	15,897	93.9	267	1.6	772	4.6	199	1.2	573	3.4	1	0.0
Individual Rights	69	30	43.5	29	42.0	1	1.4	28	40.6	7	10.1	21	30.4	11	15.9
Kidnapping	92	91	98.9	90	97.8	1	1.1	1	1.1	0	0.0	1	1.1	0	0.0
Manslaughter	56	55	98.2	49	87.5	6	10.7	1	1.8	1	1.8	0	0.0	0	0.0
Money Laundering	1,028	908	88.3	867	84.3	41	4.0	120	11.7	32	3.1	88	8.6	0	0.0
Murder	257	256	99.6	248	96.5	8	3.1	1	0.4	0	0.0	1	0.4	0	0.0
National Defense	217	189	87.1	182	83.9	7	3.2	13	6.0	2	0.9	11	5.1	15	6.9
Obscenity/Other Sex Offenses	298	288	96.6	266	89.3	22	7.4	10	3.4	2	0.7	8	2.7	0	0.0
Prison Offenses	532	513	96.4	494	92.9	19	3.6	19	3.6	5	0.9	14	2.6	0	0.0
Robbery	1,300	1,275	98.1	1,245	95.8	30	2.3	25	1.9	5	0.4	20	1.5	0	0.0
Sexual Abuse	1,062	1,057	99.5	1,032	97.2	25	2.4	5	0.5	1	0.1	4	0.4	0	0.0
Stalking/Harassing	219	194	88.6	180	82.2	14	6.4	25	11.4	8	3.7	17	7.8	0	0.0
Tax	421	271	64.4	244	58.0	27	6.4	150	35.6	46	10.9	104	24.7	0	0.0
Other	782	228	29.2	227	29.0	1	0.1	348	44.5	38	4.9	310	39.6	206	26.3

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2021

	<u>N</u>	<u>%</u>
TOTAL CASES	57,041	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	39,372	69.0
Within Guideline Range	24,434	42.8
Upward Departure ²	296	0.5
Downward Departure		
§5K1.1 Substantial Assistance	5,493	9.6
§5K3.1 Early Disposition Program	6,387	11.2
Other Government Motion ³	1,294	2.3
Non-Government Departure ⁴	1,468	2.6
VARIANCES	17,669	31.0
Upward Variance ⁵	1,203	2.1
Downward Variance		
Government Motion ⁶	4,804	8.4
Non-Government Variance ⁷	11,662	20.4

¹ This table reflects the 57,287 cases sentenced in fiscal year 2021. Of these, 246 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

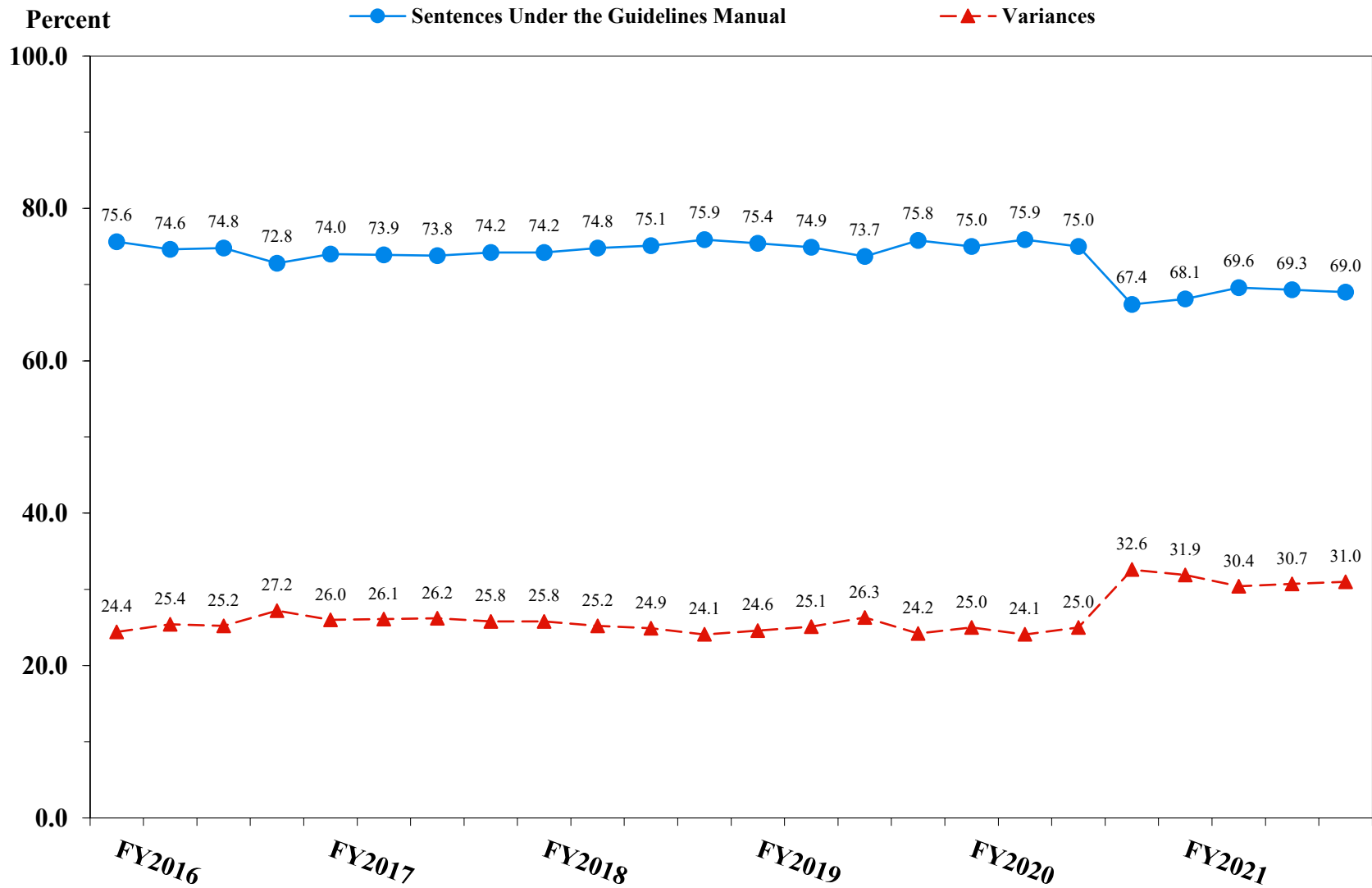
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2016 - 2021

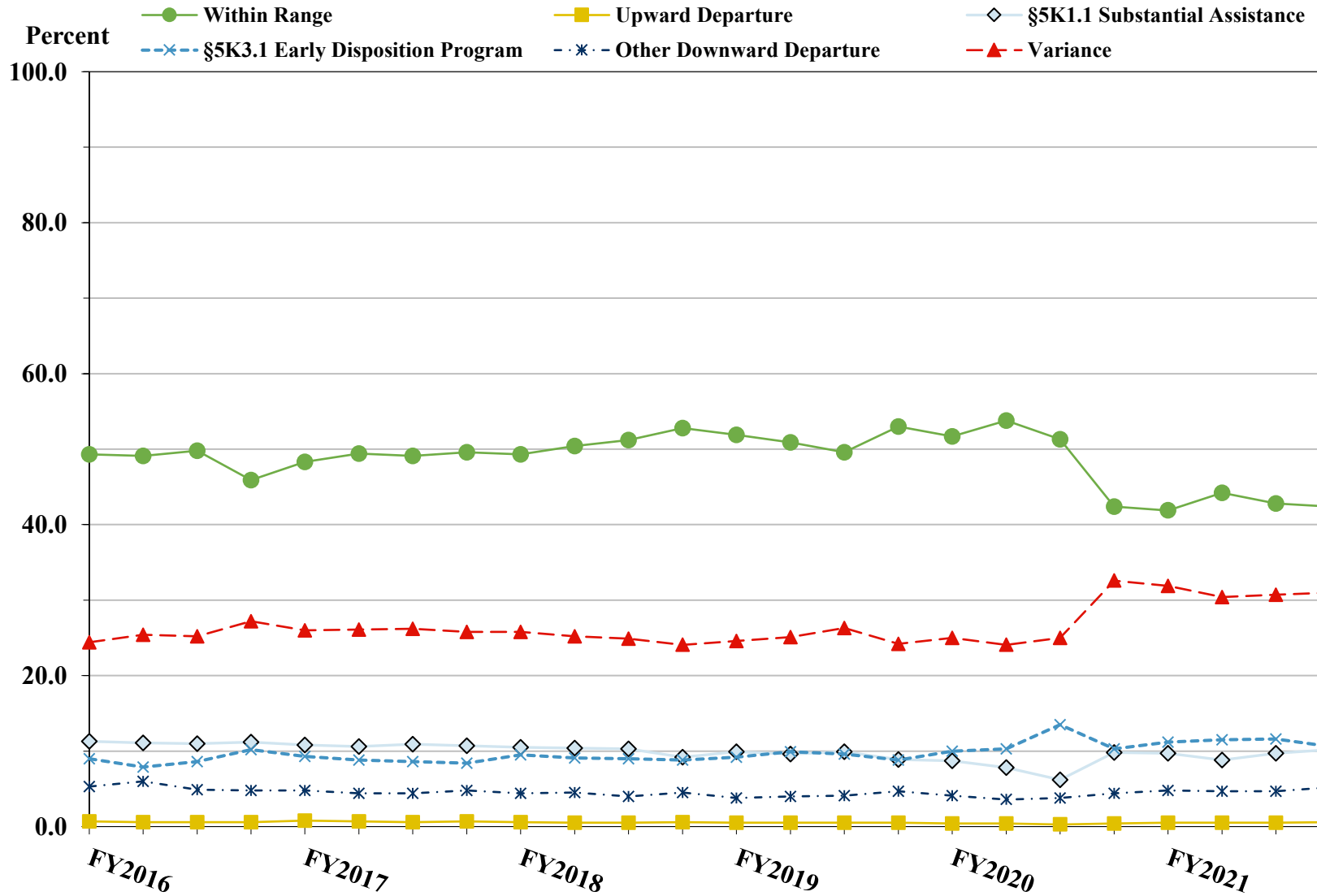


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹
Fiscal Years 2016 - 2021



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

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	57,041	24,434	42.8	296	0.5	5,493	9.6	6,387	11.2	2,762	4.8	17,669	31.0
D.C. CIRCUIT	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
District of Columbia	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
FIRST CIRCUIT	1,775	650	36.6	8	0.5	145	8.2	1	0.1	92	5.2	879	49.5
Maine	199	32	16.1	1	0.5	37	18.6	0	0.0	5	2.5	124	62.3
Massachusetts	421	112	26.6	4	1.0	32	7.6	1	0.2	34	8.1	238	56.5
New Hampshire	197	45	22.8	0	0.0	23	11.7	0	0.0	8	4.1	121	61.4
Puerto Rico	883	448	50.7	3	0.3	49	5.5	0	0.0	45	5.1	338	38.3
Rhode Island	75	13	17.3	0	0.0	4	5.3	0	0.0	0	0.0	58	77.3
SECOND CIRCUIT	2,416	655	27.1	5	0.2	375	15.5	5	0.2	95	3.9	1,281	53.0
Connecticut	301	78	25.9	1	0.3	32	10.6	0	0.0	46	15.3	144	47.8
New York													
Eastern	498	123	24.7	1	0.2	95	19.1	2	0.4	30	6.0	247	49.6
Northern	229	113	49.3	1	0.4	50	21.8	0	0.0	5	2.2	60	26.2
Southern	943	187	19.8	1	0.1	114	12.1	3	0.3	10	1.1	628	66.6
Western	321	125	38.9	1	0.3	63	19.6	0	0.0	2	0.6	130	40.5
Vermont	124	29	23.4	0	0.0	21	16.9	0	0.0	2	1.6	72	58.1
THIRD CIRCUIT	1,899	764	40.2	5	0.3	338	17.8	7	0.4	43	2.3	742	39.1
Delaware	52	18	34.6	1	1.9	12	23.1	1	1.9	1	1.9	19	36.5
New Jersey	628	270	43.0	1	0.2	91	14.5	0	0.0	6	1.0	260	41.4
Pennsylvania													
Eastern	446	150	33.6	0	0.0	106	23.8	4	0.9	16	3.6	170	38.1
Middle	310	126	40.6	0	0.0	71	22.9	2	0.6	9	2.9	102	32.9
Western	407	159	39.1	2	0.5	53	13.0	0	0.0	10	2.5	183	45.0
Virgin Islands	56	41	73.2	1	1.8	5	8.9	0	0.0	1	1.8	8	14.3
FOURTH CIRCUIT	4,452	2,194	49.3	34	0.8	582	13.1	1	0.0	129	2.9	1,512	34.0
Maryland	513	175	34.1	11	2.1	61	11.9	0	0.0	45	8.8	221	43.1
North Carolina													
Eastern	885	486	54.9	9	1.0	215	24.3	0	0.0	11	1.2	164	18.5
Middle	361	172	47.6	3	0.8	40	11.1	0	0.0	7	1.9	139	38.5
Western	502	270	53.8	1	0.2	71	14.1	0	0.0	4	0.8	156	31.1
South Carolina	530	214	40.4	1	0.2	103	19.4	0	0.0	17	3.2	195	36.8
Virginia													
Eastern	957	523	54.6	8	0.8	39	4.1	0	0.0	28	2.9	359	37.5
Western	235	101	43.0	0	0.0	38	16.2	0	0.0	12	5.1	84	35.7
West Virginia													
Northern	250	144	57.6	0	0.0	13	5.2	1	0.4	1	0.4	91	36.4
Southern	219	109	49.8	1	0.5	2	0.9	0	0.0	4	1.8	103	47.0

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,374	9,786	59.8	61	0.4	831	5.1	1,470	9.0	952	5.8	3,274	20.0
Louisiana													
Eastern	199	121	60.8	1	0.5	21	10.6	0	0.0	1	0.5	55	27.6
Middle	103	51	49.5	0	0.0	22	21.4	0	0.0	2	1.9	28	27.2
Western	234	137	58.5	4	1.7	19	8.1	0	0.0	10	4.3	64	27.4
Mississippi													
Northern	79	31	39.2	1	1.3	11	13.9	0	0.0	1	1.3	35	44.3
Southern	262	168	64.1	1	0.4	22	8.4	9	3.4	2	0.8	60	22.9
Texas													
Eastern	662	425	64.2	7	1.1	25	3.8	0	0.0	13	2.0	192	29.0
Northern	1,547	912	59.0	17	1.1	168	10.9	1	0.1	17	1.1	432	27.9
Southern	8,046	3,977	49.4	27	0.3	341	4.2	1,352	16.8	779	9.7	1,570	19.5
Western	5,242	3,964	75.6	3	0.1	202	3.9	108	2.1	127	2.4	838	16.0
SIXTH CIRCUIT	3,997	1,616	40.4	11	0.3	749	18.7	9	0.2	160	4.0	1,452	36.3
Kentucky													
Eastern	427	216	50.6	3	0.7	78	18.3	0	0.0	2	0.5	128	30.0
Western	275	97	35.3	3	1.1	75	27.3	7	2.5	14	5.1	79	28.7
Michigan													
Eastern	488	183	37.5	0	0.0	29	5.9	1	0.2	17	3.5	258	52.9
Western	291	161	55.3	0	0.0	59	20.3	0	0.0	10	3.4	61	21.0
Ohio													
Northern	817	338	41.4	0	0.0	161	19.7	0	0.0	15	1.8	303	37.1
Southern	506	133	26.3	2	0.4	111	21.9	1	0.2	72	14.2	187	37.0
Tennessee													
Eastern	581	272	46.8	3	0.5	152	26.2	0	0.0	6	1.0	148	25.5
Middle	249	51	20.5	0	0.0	31	12.4	0	0.0	15	6.0	152	61.0
Western	363	165	45.5	0	0.0	53	14.6	0	0.0	9	2.5	136	37.5
SEVENTH CIRCUIT	2,221	856	38.5	5	0.2	199	9.0	1	0.0	106	4.8	1,054	47.5
Illinois													
Central	231	84	36.4	2	0.9	19	8.2	0	0.0	2	0.9	124	53.7
Northern	619	202	32.6	2	0.3	34	5.5	1	0.2	45	7.3	335	54.1
Southern	221	121	54.8	0	0.0	27	12.2	0	0.0	2	0.9	71	32.1
Indiana													
Northern	342	178	52.0	0	0.0	36	10.5	0	0.0	5	1.5	123	36.0
Southern	413	190	46.0	0	0.0	50	12.1	0	0.0	4	1.0	169	40.9
Wisconsin													
Eastern	263	44	16.7	0	0.0	28	10.6	0	0.0	11	4.2	180	68.4
Western	132	37	28.0	1	0.8	5	3.8	0	0.0	37	28.0	52	39.4
EIGHTH CIRCUIT	4,583	1,917	41.8	40	0.9	521	11.4	29	0.6	88	1.9	1,988	43.4
Arkansas													
Eastern	541	326	60.3	1	0.2	28	5.2	0	0.0	4	0.7	182	33.6
Western	185	71	38.4	1	0.5	25	13.5	0	0.0	1	0.5	87	47.0
Iowa													
Northern	326	136	41.7	19	5.8	77	23.6	0	0.0	4	1.2	90	27.6
Southern	495	164	33.1	1	0.2	78	15.8	1	0.2	3	0.6	248	50.1
Minnesota	257	60	23.3	2	0.8	40	15.6	6	2.3	14	5.4	135	52.5
Missouri													
Eastern	1,065	418	39.2	2	0.2	85	8.0	1	0.1	5	0.5	554	52.0
Western	581	228	39.2	2	0.3	69	11.9	0	0.0	9	1.5	273	47.0
Nebraska	379	181	47.8	1	0.3	6	1.6	14	3.7	6	1.6	171	45.1
North Dakota	289	100	34.6	8	2.8	110	38.1	6	2.1	4	1.4	61	21.1
South Dakota	465	233	50.1	3	0.6	3	0.6	1	0.2	38	8.2	187	40.2

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
District		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10,959	2,518	23.0	80	0.7	780	7.1	4,445	40.6	465	4.2	2,671	24.4
Alaska	148	29	19.6	2	1.4	21	14.2	0	0.0	4	2.7	92	62.2
Arizona	4,349	1,221	28.1	16	0.4	68	1.6	2,489	57.2	101	2.3	454	10.4
California													
Central	861	210	24.4	1	0.1	95	11.0	40	4.6	72	8.4	443	51.5
Eastern	279	103	36.9	2	0.7	54	19.4	2	0.7	6	2.2	112	40.1
Northern	369	63	17.1	1	0.3	36	9.8	2	0.5	14	3.8	253	68.6
Southern	2,923	282	9.6	49	1.7	165	5.6	1,855	63.5	227	7.8	345	11.8
Guam	37	18	48.6	0	0.0	13	35.1	0	0.0	1	2.7	5	13.5
Hawaii	168	63	37.5	0	0.0	49	29.2	0	0.0	0	0.0	56	33.3
Idaho	241	95	39.4	2	0.8	54	22.4	5	2.1	8	3.3	77	32.0
Montana	333	100	30.0	3	0.9	90	27.0	0	0.0	11	3.3	129	38.7
Nevada	295	61	20.7	0	0.0	19	6.4	42	14.2	6	2.0	167	56.6
Northern Mariana Islands	16	12	75.0	0	0.0	2	12.5	0	0.0	0	0.0	2	12.5
Oregon	387	60	15.5	1	0.3	53	13.7	0	0.0	7	1.8	266	68.7
Washington													
Eastern	199	49	24.6	3	1.5	54	27.1	3	1.5	6	3.0	84	42.2
Western	354	152	42.9	0	0.0	7	2.0	7	2.0	2	0.6	186	52.5
TENTH CIRCUIT	3,831	1,437	37.5	33	0.9	327	8.5	409	10.7	438	11.4	1,187	31.0
Colorado	370	127	34.3	0	0.0	74	20.0	18	4.9	12	3.2	139	37.6
Kansas	405	172	42.5	2	0.5	51	12.6	6	1.5	8	2.0	166	41.0
New Mexico	1,411	581	41.2	8	0.6	40	2.8	299	21.2	181	12.8	302	21.4
Oklahoma													
Eastern	89	49	55.1	0	0.0	12	13.5	0	0.0	2	2.2	26	29.2
Northern	320	118	36.9	19	5.9	37	11.6	0	0.0	97	30.3	49	15.3
Western	407	202	49.6	0	0.0	29	7.1	0	0.0	3	0.7	173	42.5
Utah	658	131	19.9	4	0.6	68	10.3	77	11.7	130	19.8	248	37.7
Wyoming	171	57	33.3	0	0.0	16	9.4	9	5.3	5	2.9	84	49.1
ELEVENTH CIRCUIT	4,282	1,968	46.0	13	0.3	615	14.4	10	0.2	174	4.1	1,502	35.1
Alabama													
Middle	122	46	37.7	0	0.0	29	23.8	0	0.0	1	0.8	46	37.7
Northern	443	226	51.0	0	0.0	91	20.5	0	0.0	9	2.0	117	26.4
Southern	228	106	46.5	0	0.0	57	25.0	0	0.0	2	0.9	63	27.6
Florida													
Middle	1,065	440	41.3	4	0.4	165	15.5	3	0.3	8	0.8	445	41.8
Northern	259	91	35.1	1	0.4	65	25.1	6	2.3	3	1.2	93	35.9
Southern	797	356	44.7	2	0.3	63	7.9	1	0.1	13	1.6	362	45.4
Georgia													
Middle	381	193	50.7	0	0.0	39	10.2	0	0.0	114	29.9	35	9.2
Northern	544	184	33.8	5	0.9	47	8.6	0	0.0	12	2.2	296	54.4
Southern	443	326	73.6	1	0.2	59	13.3	0	0.0	12	2.7	45	10.2

¹ Of the 57,287 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	57,041	24,434	42.8	296	0.5	5,493	9.6	6,387	11.2	2,762	4.8	17,669	31.0
Administration of Justice	509	261	51.3	0	0.0	24	4.7	3	0.6	28	5.5	193	37.9
Antitrust	6	0	0.0	0	0.0	4	66.7	0	0.0	0	0.0	2	33.3
Arson	79	36	45.6	2	2.5	10	12.7	0	0.0	6	7.6	25	31.6
Assault	657	321	48.9	15	2.3	20	3.0	0	0.0	57	8.7	244	37.1
Bribery/Corruption	247	48	19.4	1	0.4	81	32.8	0	0.0	9	3.6	108	43.7
Burglary/Trespass	62	31	50.0	3	4.8	4	6.5	0	0.0	7	11.3	17	27.4
Child Pornography	1,215	400	32.9	7	0.6	16	1.3	2	0.2	59	4.9	731	60.2
Commercialized Vice	114	57	50.0	0	0.0	11	9.6	0	0.0	7	6.1	39	34.2
Drug Possession	280	256	91.4	0	0.0	1	0.4	0	0.0	2	0.7	21	7.5
Drug Trafficking	17,595	4,994	28.4	56	0.3	3,487	19.8	1,741	9.9	838	4.8	6,479	36.8
Environmental	161	88	54.7	0	0.0	18	11.2	0	0.0	7	4.3	48	29.8
Extortion/Racketeering	116	34	29.3	1	0.9	24	20.7	0	0.0	6	5.2	51	44.0
Firearms	8,145	4,130	50.7	65	0.8	413	5.1	12	0.1	339	4.2	3,186	39.1
Food and Drug	45	28	62.2	0	0.0	0	0.0	0	0.0	0	0.0	17	37.8
Forgery/Counter/Copyright	137	68	49.6	1	0.7	11	8.0	0	0.0	4	2.9	53	38.7
Fraud/Theft/Embezzlement	4,527	1,942	42.9	48	1.1	556	12.3	18	0.4	170	3.8	1,793	39.6
Immigration	16,906	9,000	53.2	34	0.2	148	0.9	4,594	27.2	907	5.4	2,223	13.1
Individual Rights	65	34	52.3	0	0.0	10	15.4	0	0.0	0	0.0	21	32.3
Kidnapping	92	22	23.9	0	0.0	19	20.7	0	0.0	9	9.8	42	45.7
Manslaughter	56	22	39.3	10	17.9	1	1.8	0	0.0	8	14.3	15	26.8
Money Laundering	1,028	240	23.3	12	1.2	274	26.7	9	0.9	57	5.5	436	42.4
Murder	257	81	31.5	5	1.9	59	23.0	0	0.0	23	8.9	89	34.6
National Defense	216	96	44.4	1	0.5	26	12.0	2	0.9	19	8.8	72	33.3
Obscenity/Other Sex Offenses	298	147	49.3	6	2.0	1	0.3	1	0.3	18	6.0	125	41.9
Prison Offenses	523	328	62.7	1	0.2	9	1.7	2	0.4	22	4.2	161	30.8
Robbery	1,300	503	38.7	10	0.8	157	12.1	1	0.1	62	4.8	567	43.6
Sexual Abuse	1,061	419	39.5	11	1.0	63	5.9	1	0.1	56	5.3	511	48.2
Stalking/Harassing	219	94	42.9	7	3.2	2	0.9	1	0.5	17	7.8	98	44.7
Tax	421	98	23.3	0	0.0	42	10.0	0	0.0	22	5.2	259	61.5
Other	704	656	93.2	0	0.0	2	0.3	0	0.0	3	0.4	43	6.1

¹ Of the 57,287 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹

Fiscal Year 2021

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Range	Up	§5K1.1	§5K3.1	
§2A1.1	176	58	0	50	0	12	56	§2D1.8	22	6	0	3	0	2	11		
§2A1.2	45	16	5	4	0	6	14	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	28	10	7	1	0	3	7	§2D1.10	1	0	0	0	0	0	1		
§2A1.4	28	12	3	0	0	5	8	§2D1.11	2	0	0	0	0	0	2		
§2A1.5	22	6	0	2	0	3	11	§2D1.12	4	2	0	0	0	0	2		
§2A2.1	115	48	0	13	0	10	44	§2D1.13	1	1	0	0	0	0	0		
§2A2.2	404	183	12	7	0	42	160	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	76	53	3	0	0	1	19	§2D2.1	112	91	0	1	0	2	18		
§2A2.4	177	107	0	0	3	9	58	§2D2.2	48	38	0	1	0	0	9		
§2A3.1	108	40	0	3	1	15	49	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	39	23	2	0	0	2	12	§2D3.1	2	1	0	0	0	0	1		
§2A3.3	2	0	1	0	0	0	1	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	26	11	3	0	0	3	9	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	257	133	2	1	1	16	104	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	88	21	0	18	0	9	40	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	31	13	0	2	0	0	16		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	1	0	1	0	0	1		
§2A5.2	25	17	0	0	0	0	8	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	7	3	0	1	0	0	3		
§2A6.1	159	73	6	2	1	13	64	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	55	21	1	0	0	3	30	§2E2.1	9	2	0	2	0	1	4		
§2B1.1	4,230	1,698	44	544	8	166	1,770	§2E3.1	59	25	0	10	0	5	19		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	7	2	0	3	0	0	2	§2E4.1	21	4	0	10	0	0	7		
§2B1.5	7	2	0	0	0	0	5	§2E5.1	2	0	0	2	0	0	0		
§2B1.6 ²	77	69	0	7	0	1	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	54	25	3	4	0	6	16	§2E5.3	0	0	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	3	2	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,290	500	10	156	1	62	561	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	28	8	0	2	0	4	14	§2F1.1	2	0	0	0	0	0	2		
§2B3.3	10	3	1	1	0	0	5	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	86	13	0	38	0	2	33	§2G1.1	58	23	0	6	0	1	28		
§2B5.1	98	61	0	7	0	3	27	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	335	149	3	27	0	8	148		
§2B5.3	36	7	0	2	0	1	26	§2G2.1	523	186	2	27	0	28	280		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,214	400	7	16	2	59	730		
§2B6.1	2	0	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	143	31	1	38	0	6	67	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	13	2	0	5	0	1	5	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	1	1	0	0	0	0	0	§2G2.6	2	0	0	0	0	0	2		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	37	14	4	0	0	1	18		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	30	5	0	6	0	0	19		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	1	0	0	0	0	0	1	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	17,237	4,824	54	3,452	1,732	803	6,372	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	252	139	2	24	0	22	65	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	14	12	0	2	0	0	0		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	6	6	0	0	0	0	0		
§2D1.5	4	1	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	4	0	0	0	0	1		
§2D1.7	2	2	0	0	0	0	0	§2H4.1	7	4	0	2	0	0	1		

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	159	70	0	19	2	14	54
§2J1.1	0	0	0	0	0	0	0	§2M5.3	10	2	0	2	0	1	5
§2J1.2	85	22	0	8	0	3	52	§2M6.1	4	1	1	1	0	0	1
§2J1.3	18	6	0	3	0	1	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	1	2	§2N1.1	15	0	0	0	0	0	15
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	24	20	0	0	0	0	4	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	26	24	0	0	0	0	2
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	263	173	0	6	0	9	75
§2K1.1	1	1	0	0	0	0	0	§2P1.2	195	130	1	2	0	4	58
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	17	8	0	0	0	1	8	§2P1.4	0	0	0	0	0	0	0
§2K1.4	78	36	2	10	0	6	24	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	54	31	0	8	0	2	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	11	1	0	2	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,732	3,827	58	386	12	334	3,115	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	0	1
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	72	35	0	8	0	4	25
§2K2.4 ³	324	260	6	24	0	1	33	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	10	9	0	0	0	0	1	§2R1.1	6	0	0	4	0	0	2
§2K2.6	1	1	0	0	0	0	0	§2S1.1	831	165	0	256	6	40	364
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	190	73	12	18	2	16	69
§2L1.1	3,550	1,536	6	111	1,202	120	575	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,559	6,227	26	27	3,122	737	1,420	§2T1.1	232	50	0	20	0	17	145
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	57	22	0	9	0	4	22	§2T1.3	0	0	0	0	0	0	0
§2L2.2	582	443	1	0	5	26	107	§2T1.4	138	31	0	20	0	4	83
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	39	12	0	1	0	1	25
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	1	0	1	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	0	0	0	2
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	6	4	0	0	0	0	2
§2M3.1	2	1	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	2	1	0	0	0	1	0	§2X1.1	16	6	1	3	0	2	4
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	71	17	1	10	0	6	37
§2M3.6	0	0	0	0	0	0	0	§2X4.1	173	85	0	13	0	14	61
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	175	159	0	0	0	1	15
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	22	5	0	4	0	3	10	§2X7.2	0	0	0	0	0	0	0
TOTAL									54,740	22,720	291	5,483	6,100	2,711	17,435

¹ Of the 57,287 cases, 2,547 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (246) or missing guideline applied (2,512). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2021

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	32,607	5,505	16.9	6,502	19.9	5,113	15.7	7,764	23.8	498	1.5
Departures	14,938	5,493	36.8	6,497	43.5	3,520	23.6	6,187	41.4	313	2.1
Upward Departure	296	0	0.0	0	0.0	82	27.7	61	20.6	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,493	5,493	100.0	110	2.0	218	4.0	1,443	26.3	23	0.4
§5K3.1 Early Disposition Program	6,387	0	0.0	6,387	100.0	2,574	40.3	4,238	66.4	274	4.3
Other Government Motion	1,294	0	0.0	0	0.0	646	49.9	445	34.4	16	1.2
Non-Government Departure	1,468	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	17,669	12	0.1	5	0.0	1,593	9.0	1,577	8.9	185	1.0
Upward Variance	1,203	12	1.0	5	0.4	206	17.1	132	11.0	0	0.0
Downward Variance											
Government Motion	4,804	0	0.0	0	0.0	1,387	28.9	1,445	30.1	185	3.9
Non-Government Variance	11,662	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,024	15.4	5,659	17.4	6,589	20.2	1,748	5.4	4,432	13.6	1,978	6.1
Departures	4,251	28.5	2,172	14.5	1,458	9.8	787	5.3	1,266	8.5	180	1.2
Upward Departure	69	23.3	1	0.3	7	2.4	14	4.7	74	25.0	22	7.4
Downward Departure												
§5K1.1 Substantial Assistance	3,491	63.6	636	11.6	633	11.5	288	5.2	569	0.0	0	0.0
§5K3.1 Early Disposition Program	494	7.7	620	9.7	480	7.5	376	5.9	253	4.0	0	0.0
Other Government Motion	197	15.2	86	6.6	58	4.5	109	8.4	72	5.6	25	1.9
Non-Government Departure	0	0.0	829	56.5	280	19.1	0	0.0	298	20.3	133	9.1
Variations	773	4.4	3,487	19.7	5,131	29.0	961	5.4	3,166	17.9	1,798	10.2
Upward Variance	219	18.2	3	0.2	11	0.9	34	2.8	479	39.8	161	13.4
Downward Variance												
Government Motion	554	11.5	440	9.2	250	5.2	927	19.3	221	4.6	166	3.5
Non-Government Variance	0	0.0	3,044	26.1	4,870	41.8	0	0.0	2,466	21.1	1,471	12.6

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 13,530 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	290	79	24	90.4	60	15	43.4
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	15	79	30	77.3	60	19	54.6
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	3	41	17	67.5	33	9	42.9
Child Pornography	7	158	47	48.1	144	42	33.3
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	56	115	35	147.6	96	30	37.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	64	80	23	47.7	83	18	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	48	30	11	138.2	16	9	100.5
Immigration	34	31	11	67.8	26	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	10	108	28	34.1	114	23	23.7
Money Laundering	12	26	16	172.6	24	12	125.3
Murder	4	364	107	43.7	360	106	40.3
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	6	53	24	88.4	52	21	79.8
Prison Offenses	1	--	--	--	--	--	--
Robbery	9	148	34	30.5	144	31	24.8
Sexual Abuse	10	110	22	30.6	108	10	26.3
Stalking/Harassing	6	60	21	56.6	56	12	31.9
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 57,287 cases, in 296 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four offenders were excluded from this table. Also, two offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,179	81	24	68.1	60	14	33.3
Administration of Justice	18	70	33	104.8	41	14	33.3
Antitrust	0	--	--	--	--	--	--
Arson	6	154	52	63.6	120	24	28.6
Assault	34	78	17	39.1	68	13	27.8
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	4	58	18	50.5	38	15	54.7
Child Pornography	36	152	28	26.3	144	23	23.7
Commercialized Vice	3	100	60	166.3	70	52	185.7
Drug Possession	5	22	10	124.0	24	6	100.0
Drug Trafficking	238	96	29	101.4	84	18	31.1
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	3	63	8	23.7	48	7	17.1
Firearms	354	79	24	50.1	72	14	30.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	98	48	20	92.5	36	12	69.1
Immigration	193	31	12	72.2	24	8	54.2
Individual Rights	5	104	29	39.3	28	12	33.3
Kidnapping	2	--	--	--	--	--	--
Manslaughter	4	177	20	16.3	180	21	10.1
Money Laundering	9	47	13	79.1	42	12	40.0
Murder	10	292	52	28.8	312	24	12.7
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	15	69	41	151.5	60	30	150.0
Prison Offenses	15	36	14	63.1	36	9	45.5
Robbery	39	153	39	37.9	132	24	23.2
Sexual Abuse	48	181	36	25.4	172	28	18.2
Stalking/Harassing	18	77	32	70.0	53	14	32.9
Tax	3	57	4	6.7	60	3	5.3
Other	15	13	4	45.1	8	2	33.3

¹ Of the 57,287 cases, in 1,203 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four offenders were excluded from this table. Also, 20 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,406	54	54	54.5	40	39	50.0
Administration of Justice	23	2	13	88.7	0	10	100.0
Antitrust	4	3	25	90.0	3	25	89.9
Arson	10	22	43	64.8	26	35	57.5
Assault	18	50	101	63.3	42	58	69.1
Bribery/Corruption	80	11	29	73.5	6	21	76.1
Burglary/Trespass	4	16	12	45.6	16	12	43.3
Child Pornography	15	115	55	35.9	84	48	35.5
Commercialized Vice	9	5	8	63.8	0	6	99.5
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	3,463	64	61	51.7	54	49	47.8
Environmental	18	2	13	91.2	0	10	100.0
Extortion/Racketeering	24	2	40	95.4	0	18	100.0
Firearms	413	39	33	52.0	30	21	46.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	11	16	13	46.4	12	11	37.4
Fraud/Theft/Embezzlement	554	18	27	64.8	12	21	62.0
Immigration	148	16	14	54.5	12	10	49.7
Individual Rights	10	28	50	62.9	13	15	59.5
Kidnapping	16	110	101	50.1	103	89	51.7
Manslaughter	1	--	--	--	--	--	--
Money Laundering	262	50	70	60.9	33	46	57.5
Murder	31	128	147	56.2	108	138	63.0
National Defense	25	23	38	64.0	22	28	60.9
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	9	9	22	51.2	9	6	33.3
Robbery	154	72	56	44.2	72	43	39.9
Sexual Abuse	56	110	85	46.9	114	71	45.3
Stalking/Harassing	2	--	--	--	--	--	--
Tax	42	10	20	75.1	3	18	79.2
Other	2	--	--	--	--	--	--

¹ Of the 57,287 cases, in 5,493 the offender received a §5K1.1 substantial assistance departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 46 offenders were excluded from this table. Also, 41 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,386	16	20	51.5	12	9	49.9
Administration of Justice	3	7	9	56.2	7	6	60.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,741	28	53	66.0	24	46	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	12	25	12	33.3	26	10	27.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	17	4	14	83.4	0	6	99.5
Immigration	4,594	11	8	45.9	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	9	58	76	66.8	12	57	65.5
Murder	0	--	--	--	--	--	--
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	1	--	--	--	--	--	--
Sexual Abuse	1	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 57,287 cases, in 6,387 the offender received a §5K3.1 early disposition program departure below the guideline range. One offender was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

**EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,727	40	26	45.5	20	15	41.2
Administration of Justice	28	5	12	76.9	0	11	99.6
Antitrust	0	--	--	--	--	--	--
Arson	6	21	19	56.7	17	18	51.0
Assault	57	34	25	42.2	27	17	40.2
Bribery/Corruption	9	14	11	53.7	12	11	41.7
Burglary/Trespass	7	12	6	41.2	12	6	33.0
Child Pornography	56	97	49	37.1	78	40	32.3
Commercialized Vice	7	9	7	53.2	5	3	50.0
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	832	67	41	42.2	60	28	36.4
Environmental	7	0	13	99.9	0	12	100.0
Extortion/Racketeering	6	25	14	36.9	21	7	23.3
Firearms	338	32	18	43.2	28	13	35.1
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	4	9	12	52.2	6	6	50.0
Fraud/Theft/Embezzlement	166	21	18	59.1	12	12	55.1
Immigration	907	14	13	45.8	11	9	43.2
Individual Rights	0	--	--	--	--	--	--
Kidnapping	9	109	64	39.5	120	68	38.4
Manslaughter	8	43	23	40.3	24	22	41.3
Money Laundering	54	44	35	51.1	29	16	43.1
Murder	18	155	61	29.7	180	51	21.6
National Defense	19	26	25	56.8	18	16	48.3
Obscenity/Other Sex Offenses	17	12	9	46.0	8	7	31.9
Prison Offenses	21	7	6	53.9	6	5	50.0
Robbery	61	81	36	36.6	63	28	28.2
Sexual Abuse	49	135	70	36.4	121	55	33.3
Stalking/Harassing	16	12	17	65.6	12	13	51.3
Tax	22	7	14	66.8	5	12	68.7
Other	1	--	--	--	--	--	--

¹ Of the 57,287 cases, in 2,762 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,294) or a non-government departure (1,468). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 13 offenders were excluded from this table. Also, 22 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

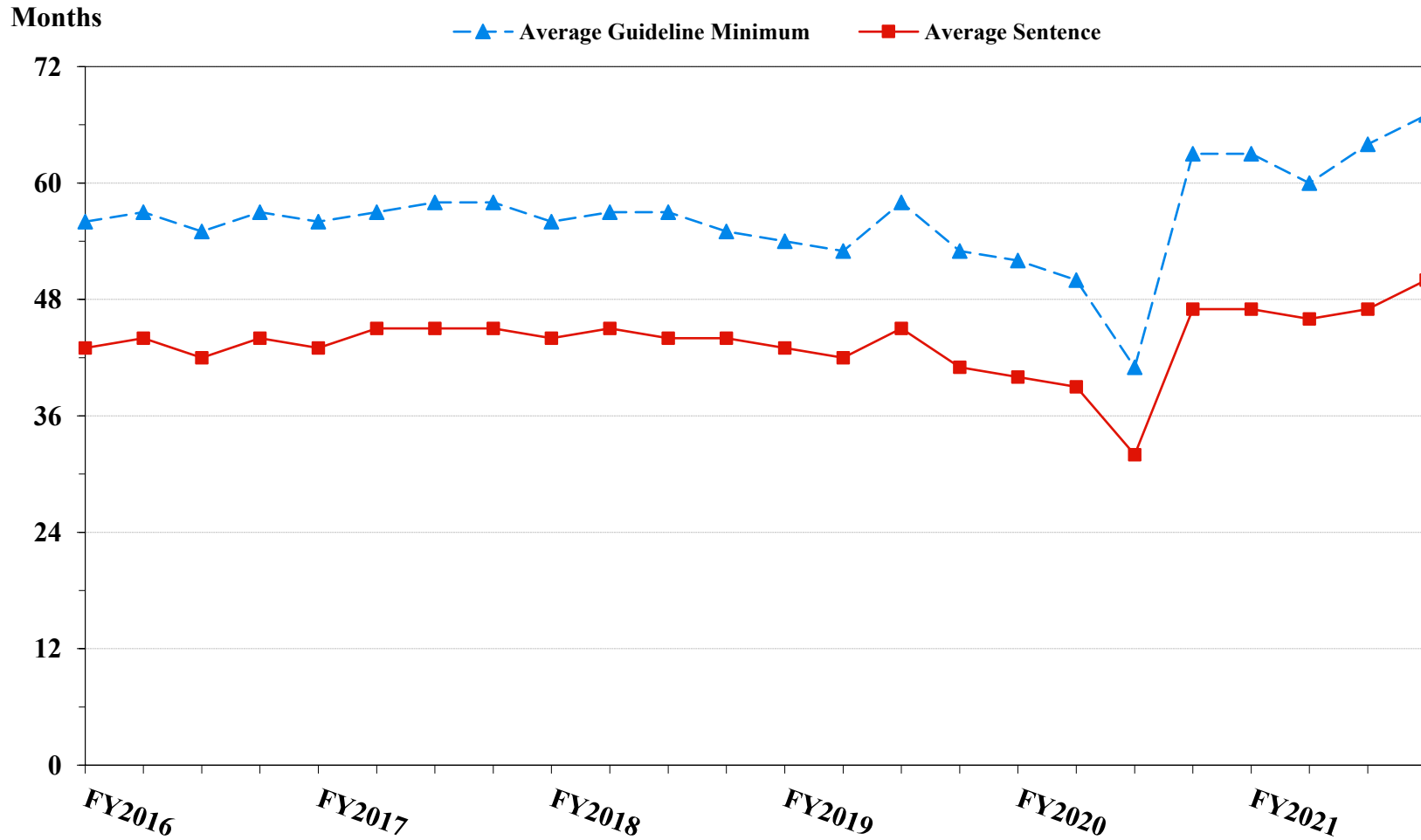
**EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2021**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	16,096	50	28	44.4	30	16	35.9
Administration of Justice	174	7	10	69.2	2	9	78.4
Antitrust	2	--	--	--	--	--	--
Arson	19	46	25	34.8	21	12	35.1
Assault	199	48	22	40.7	27	13	31.0
Bribery/Corruption	106	20	21	59.0	12	15	54.7
Burglary/Trespass	13	13	13	60.3	6	15	65.6
Child Pornography	683	81	50	40.4	70	43	38.1
Commercialized Vice	35	9	8	64.4	3	6	66.7
Drug Possession	12	1	4	88.6	0	3	99.1
Drug Trafficking	6,172	71	38	39.5	60	27	32.1
Environmental	47	3	10	83.3	0	6	100.0
Extortion/Racketeering	48	25	19	53.6	12	15	50.0
Firearms	2,813	37	19	41.6	27	12	31.4
Food and Drug	16	23	28	60.2	18	32	69.4
Forgery/Counter/Copyright	51	8	14	71.5	4	12	77.8
Fraud/Theft/Embezzlement	1,672	19	17	59.8	10	10	55.4
Immigration	2,017	13	9	46.1	12	6	38.1
Individual Rights	15	24	22	62.3	12	15	62.1
Kidnapping	32	109	48	31.9	97	38	30.5
Manslaughter	11	29	19	47.0	18	19	51.4
Money Laundering	409	47	35	50.7	24	20	45.6
Murder	45	165	77	33.6	180	58	31.0
National Defense	70	31	26	50.4	27	21	46.6
Obscenity/Other Sex Offenses	110	12	9	47.3	12	8	33.3
Prison Offenses	146	8	7	48.8	6	4	47.8
Robbery	510	88	31	30.7	84	24	23.1
Sexual Abuse	311	148	73	34.5	144	60	33.3
Stalking/Harassing	80	14	17	62.4	8	12	66.7
Tax	253	10	14	65.2	6	12	66.7
Other	25	5	14	80.9	0	6	99.8

¹ Of the 57,287 cases, in 16,466 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,804) or a non-government variance (11,662). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 136 offenders were excluded from this table. Also, 234 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure 5

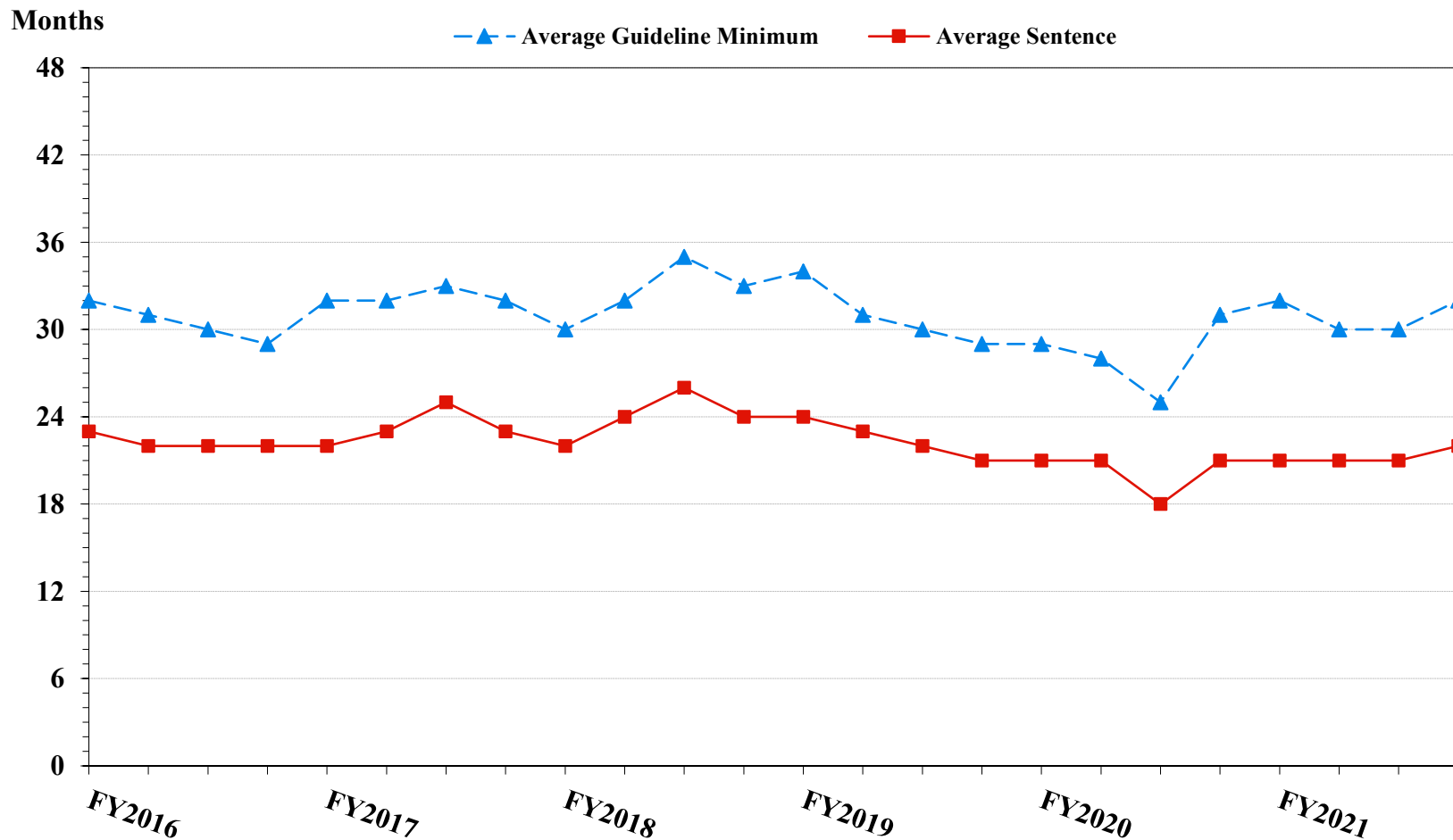
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2016 - 2021**



¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 6

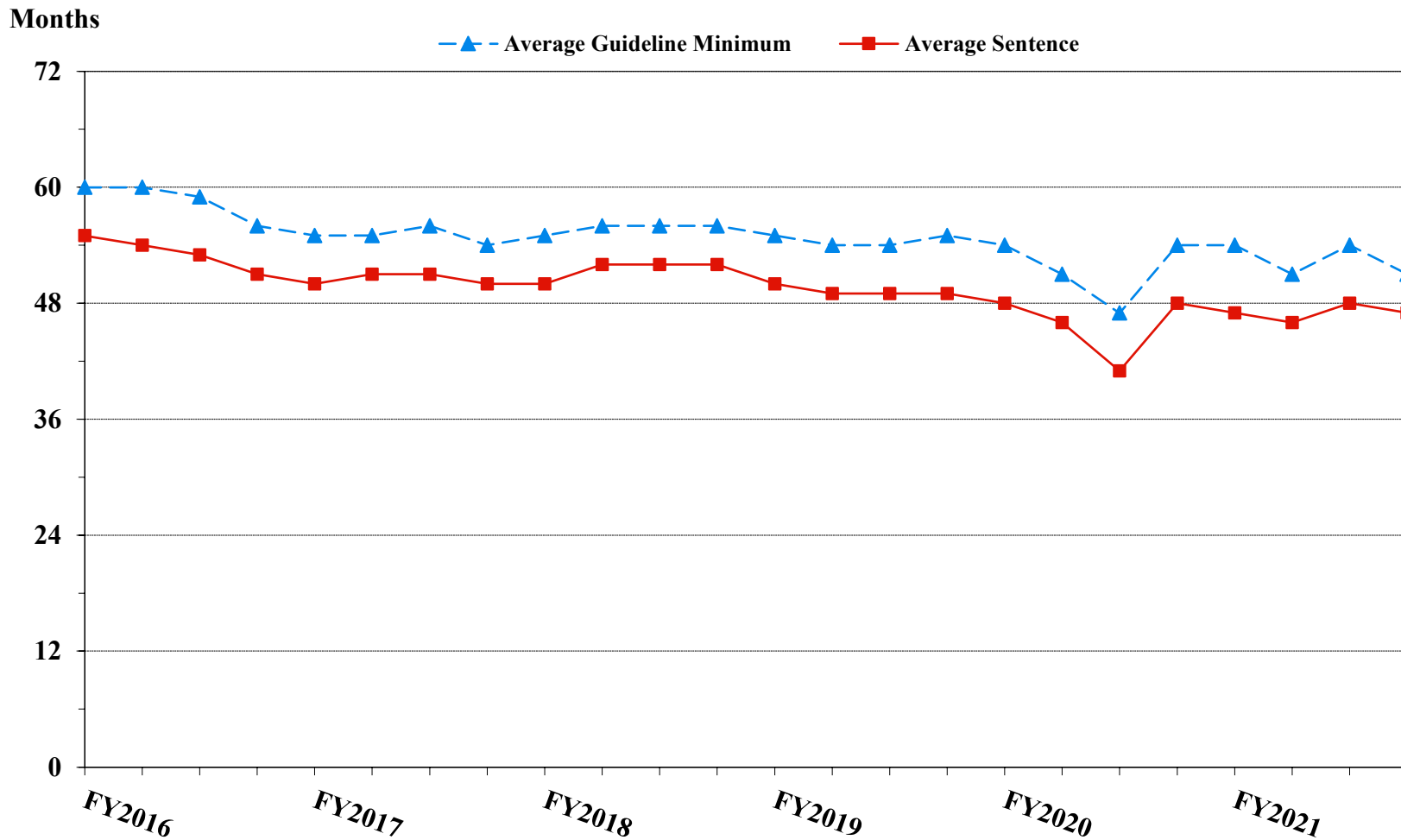
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2016 - 2021**



¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 7

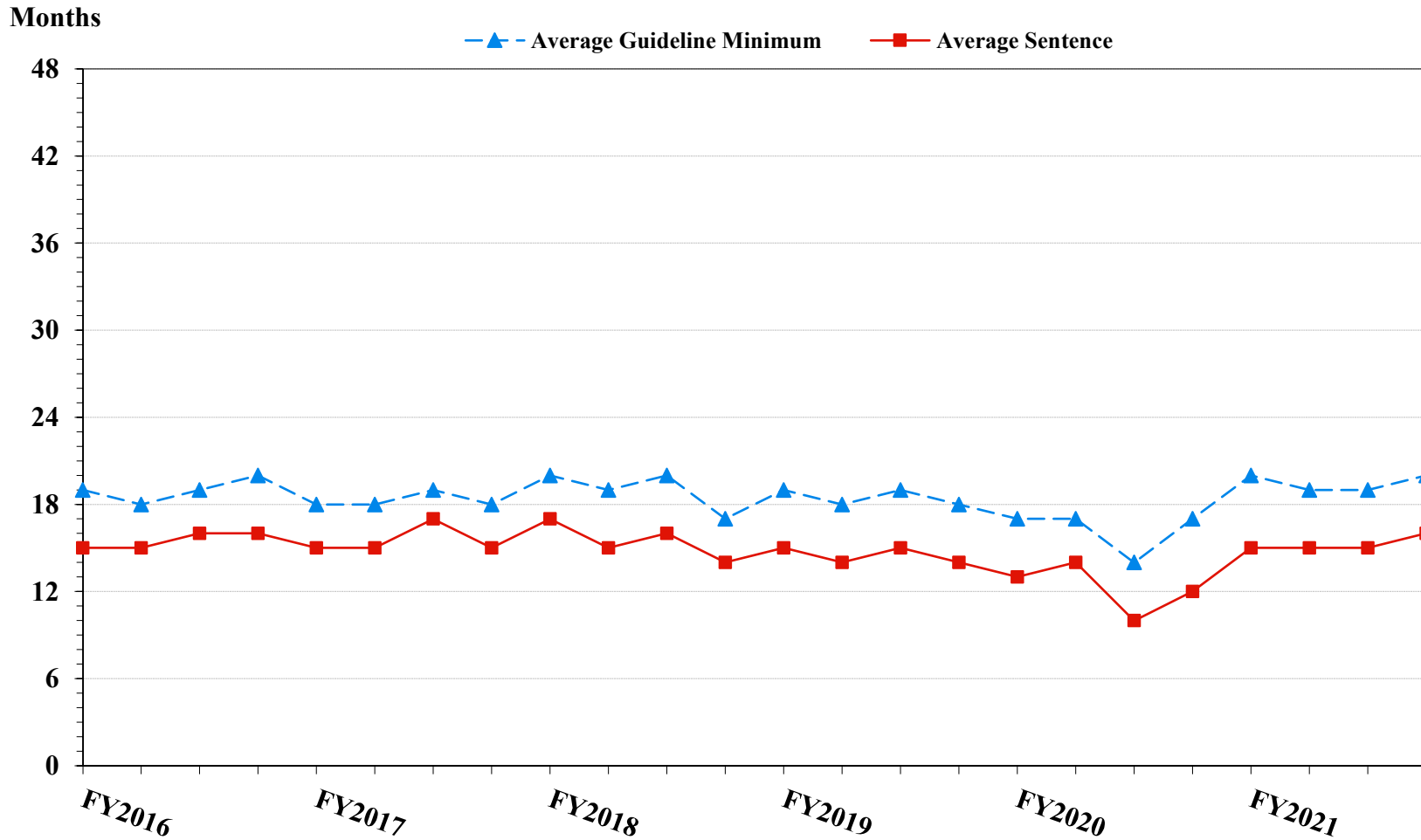
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2016 - 2021**



¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure 8

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
Fiscal Years 2016 - 2021**

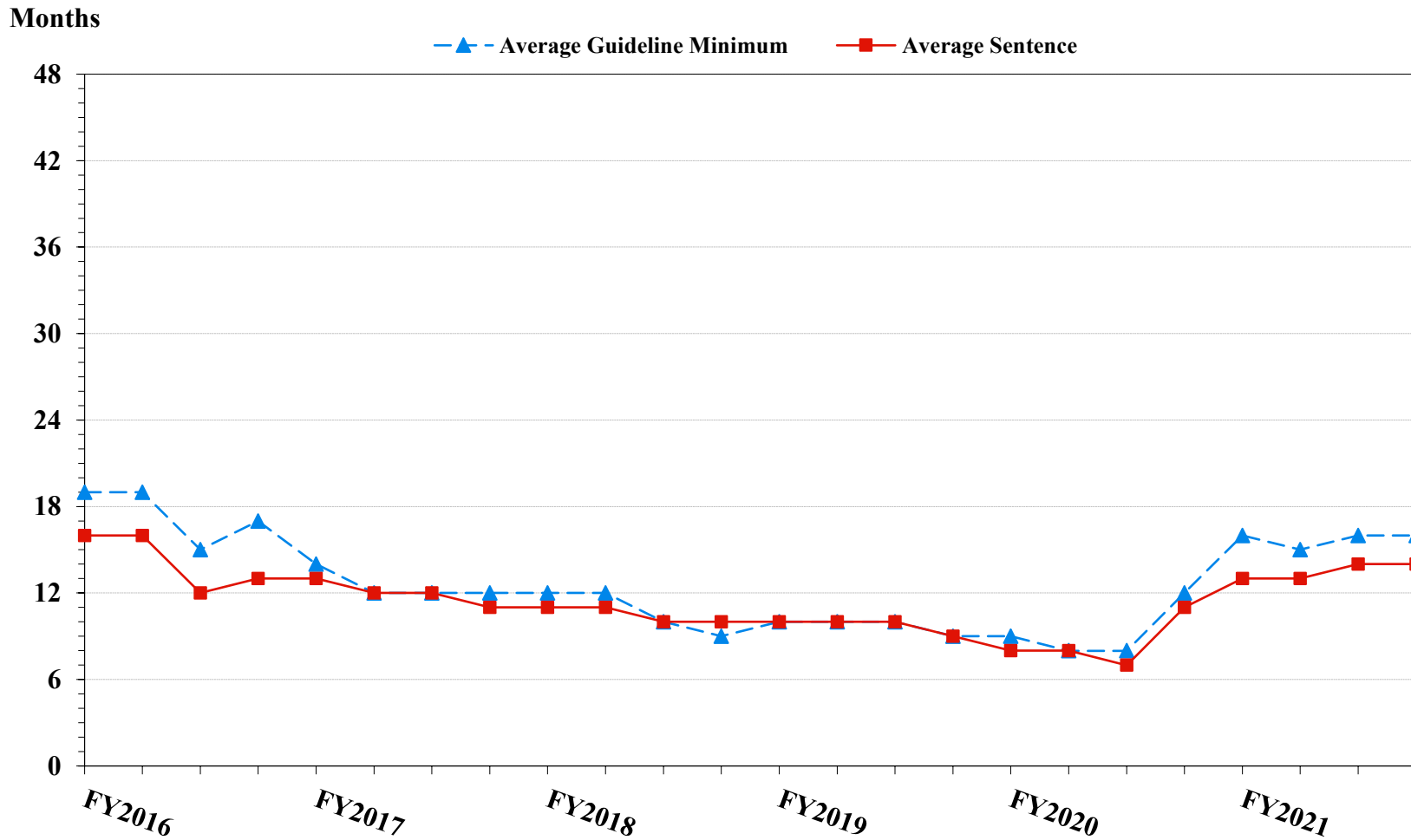


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2016 - 2021**

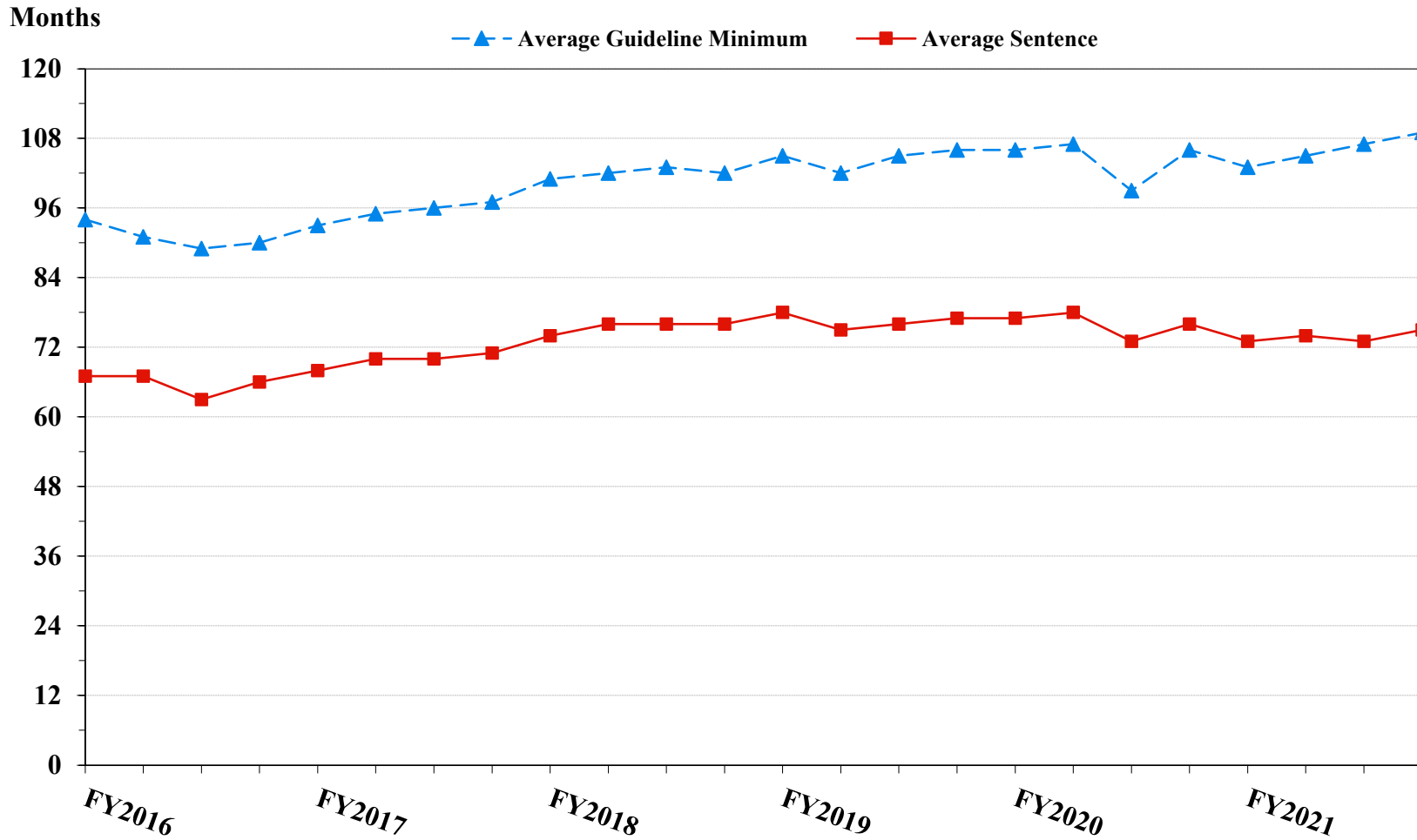


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2016 - 2021**

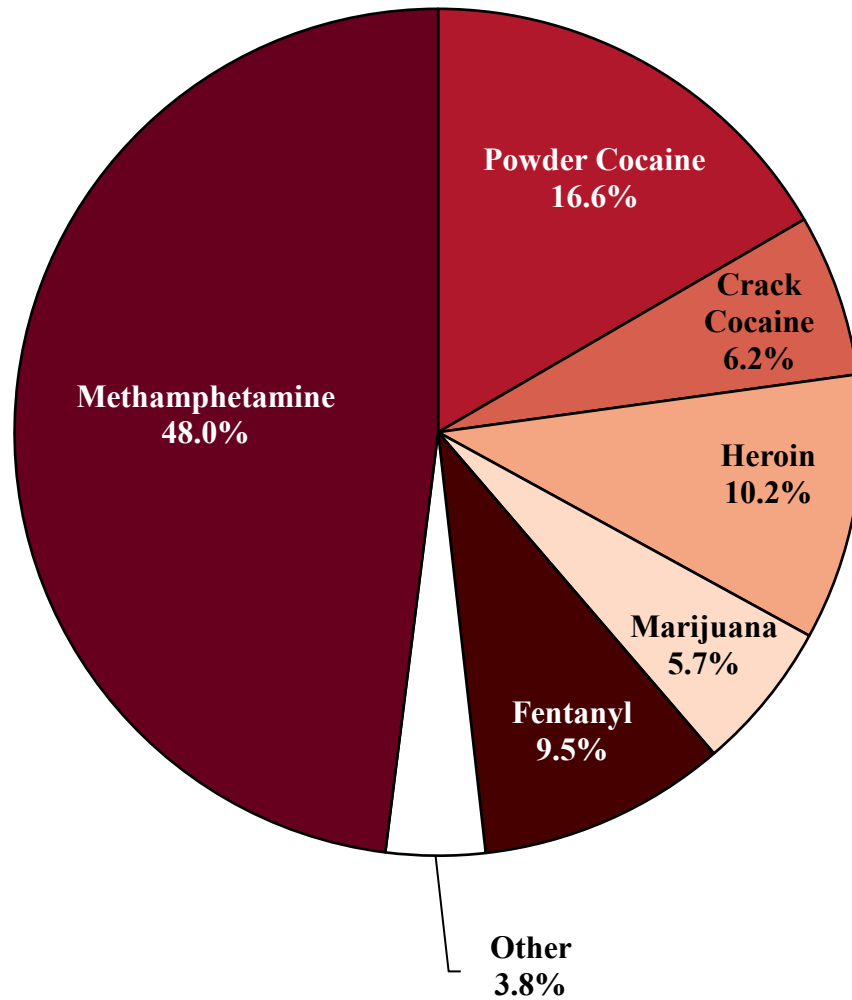


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this table includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
Fiscal Year 2021**



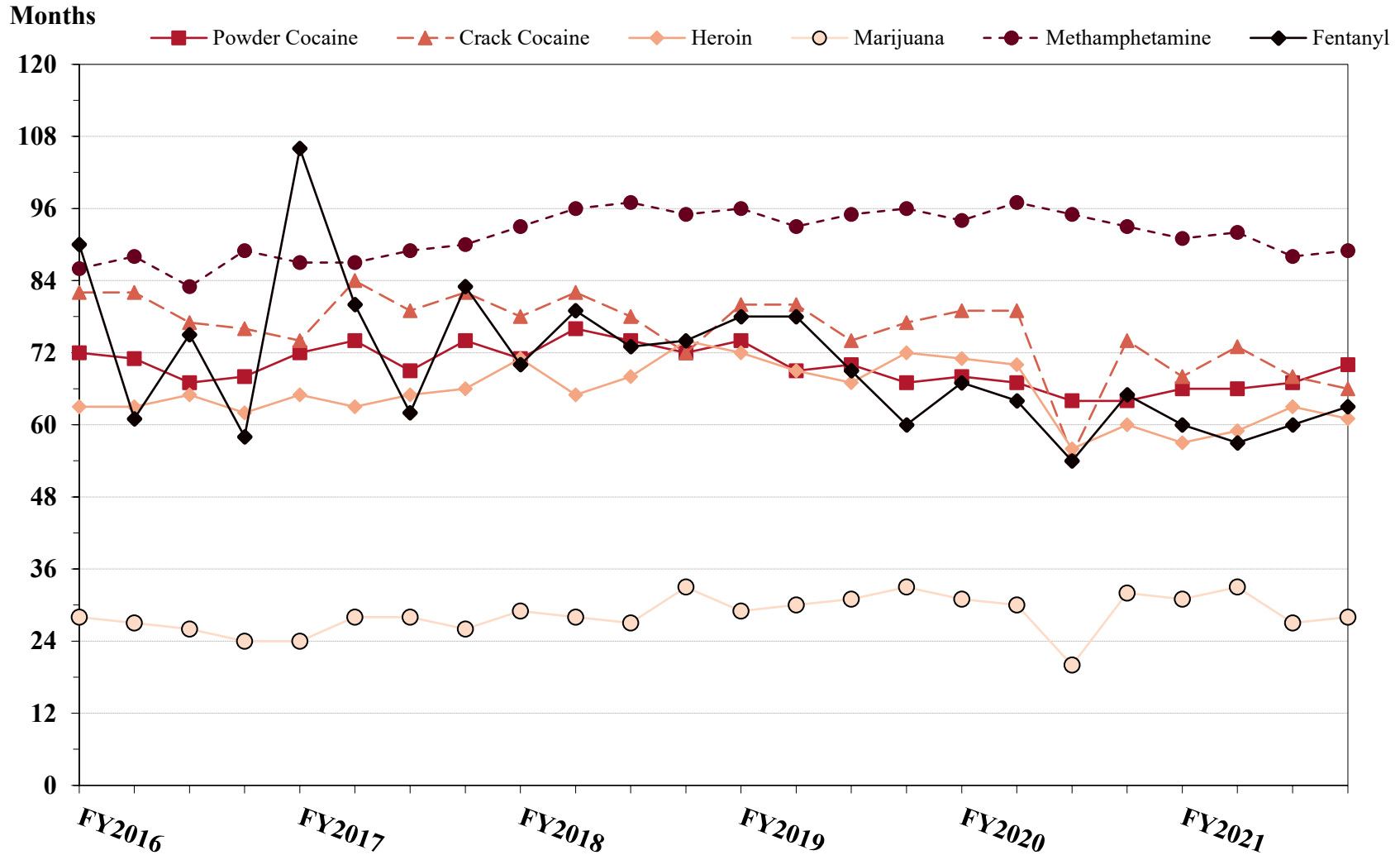
¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (233), Hydrocodone (79), and MDMA/Ecstasy/MDA (57).

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE QUARTERLY DATA¹**
Fiscal Years 2016 - 2021



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

SOURCE: U.S. Sentencing Commission, 2016 - 2021 Datafiles, USSCFY16 - USSCFY21.

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

Pursuant to 28 U.S.C. § 994(w), the chief judge of each district is required to ensure that within 30 days of entry of judgment in a criminal case, the sentencing court submits a report of sentence to the Commission that includes (1) the judgment and commitment order; (2) the written statement of reasons; (3) any plea agreement; (4) the indictment or other charging document; (5) the presentence report; and (6) any other information the Commission requests. Information on minor and petty offenses are not reported to the Commission as the sentencing guidelines do not apply in those cases.² Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.³

Standard information on each case is extracted from sentencing documents received and computerized for analysis. Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

² See U.S. SENTENCING COMM'N, *Guidelines Manual*, §1B1.9 (Nov. 2018).

³ See 18 U.S.C. §§ 3591-99 for the sentencing procedures that apply in death penalty cases.

Reasons forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when

the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (i.e., the type that produces the highest base offense level).

The category *Fentanyl* includes cases in which the drug involved is Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and cases in which the court determined the substance involved to be a Fentanyl analogue, as defined in the *Guidelines Manual*. The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “Ice,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug trafficking guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “Other” drug category.

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

If there is no primary guideline provided, then information about the type of crime category is obtained from the statutes of conviction listed on the Judgment and Commitment Order. When the “type of crime” for the case is determined from the statutes of conviction, the offense applicable to the count of conviction with the highest statutory maximum becomes the “type of crime.” If two or more counts are found to have the same statutory maximum, the “type of crime” is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the “type of crime” that best represented the nature of the criminal behavior is chosen.

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

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

Antitrust includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under §2R1.1 of the *Guidelines Manual*.

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

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

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

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

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

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

Drug Possession includes simple possession of all drug types. This category includes offenders sentenced under §2D2.1 of the *Guidelines Manual*.

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

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

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

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

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

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

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

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

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

Kidnapping includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under §§2A4.1, 2A4.2, and 2A5.1 of the *Guidelines Manual*.

Manslaughter includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under §§2A1.3 and 2A1.4 of the *Guidelines Manual*.

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

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

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

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

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

Robbery includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under §2B3.1 of the *Guidelines Manual*.

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

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

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

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

Upward Departure

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

Upward Variance

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

Within Guideline Range

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

Year

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