

# United States Sentencing Commission Quarterly Data Report



**Fiscal Year 2022**

## 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.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2022 are available at the Commission's website, [www.ussc.gov](http://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*.

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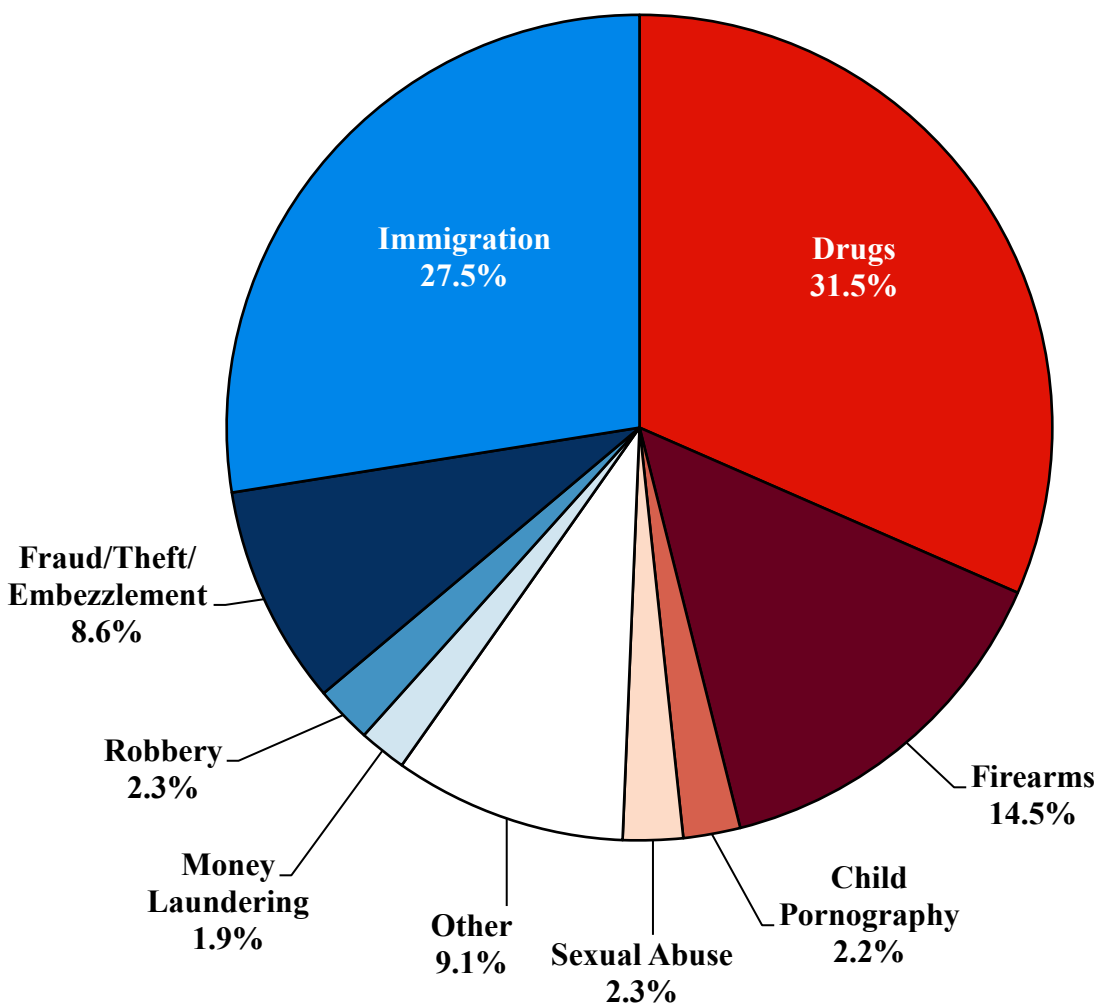
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**Figure 1**  
**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**



<sup>1</sup> This figure includes the 64,142 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, 2022 Datafile, USSCFY22.

Table 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	N	%
<b>TOTAL</b>	<b>64,142</b>	<b>100.0</b>
Administration of Justice	652	1.0
Antitrust	8	0.0
Arson	106	0.2
Assault	850	1.3
Bribery/Corruption	360	0.6
Burglary/Trespass	112	0.2
Child Pornography	1,435	2.2
Commercialized Vice	73	0.1
Drug Possession	296	0.5
Drug Trafficking	19,938	31.1
Environmental	153	0.2
Extortion/Racketeering	121	0.2
Firearms	9,318	14.5
Food and Drug	40	0.1
Forgery/Counter/Copyright	111	0.2
Fraud/Theft/Embezzlement	5,520	8.6
Immigration	17,652	27.5
Individual Rights	92	0.1
Kidnapping	128	0.2
Manslaughter	80	0.1
Money Laundering	1,192	1.9
Murder	410	0.6
National Defense	180	0.3
Obscenity/Other Sex Offenses	344	0.5
Prison Offenses	499	0.8
Robbery	1,444	2.3
Sexual Abuse	1,499	2.3
Stalking/Harassing	266	0.4
Tax	496	0.8
Other	767	1.2

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 2

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2022**

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>TOTAL</b>	<b>64,142</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>312</b>	<b>0.5</b>	<b>FIFTH CIRCUIT</b>	<b>16,837</b>	<b>26.2</b>
District of Columbia	312	0.5	Louisiana		
			Eastern	300	0.5
			Middle	103	0.2
<b>FIRST CIRCUIT</b>	<b>1,750</b>	<b>2.7</b>	Western	318	0.5
Maine	180	0.3	Mississippi		
Massachusetts	466	0.7	Northern	133	0.2
New Hampshire	180	0.3	Southern	324	0.5
Puerto Rico	815	1.3	Texas		
Rhode Island	109	0.2	Eastern	674	1.1
			Northern	1,652	2.6
<b>SECOND CIRCUIT</b>	<b>3,271</b>	<b>5.1</b>	Southern	7,274	11.3
Connecticut	335	0.5	Western	6,059	9.4
New York			<b>SIXTH CIRCUIT</b>	<b>4,943</b>	<b>7.7</b>
Eastern	693	1.1	Kentucky		
Northern	400	0.6	Eastern	497	0.8
Southern	1,297	2.0	Western	263	0.4
Western	411	0.6	Michigan		
Vermont	135	0.2	Eastern	719	1.1
			Western	265	0.4
<b>THIRD CIRCUIT</b>	<b>2,351</b>	<b>3.7</b>	Ohio		
Delaware	81	0.1	Northern	1,141	1.8
New Jersey	641	1.0	Southern	583	0.9
Pennsylvania			Tennessee		
Eastern	501	0.8	Eastern	754	1.2
Middle	438	0.7	Middle	289	0.5
Western	634	1.0	Western	432	0.7
Virgin Islands	56	0.1	<b>SEVENTH CIRCUIT</b>	<b>2,483</b>	<b>3.9</b>
			Illinois		
<b>FOURTH CIRCUIT</b>	<b>4,688</b>	<b>7.3</b>	Central	279	0.4
Maryland	579	0.9	Northern	621	1.0
North Carolina			Southern	261	0.4
Eastern	761	1.2	Indiana		
Middle	403	0.6	Northern	327	0.5
Western	553	0.9	Southern	515	0.8
South Carolina	602	0.9	Wisconsin		
Virginia			Eastern	337	0.5
Eastern	919	1.4	Western	143	0.2
Western	279	0.4			
West Virginia					
Northern	323	0.5			
Southern	269	0.4			



Table 2 (cont.)

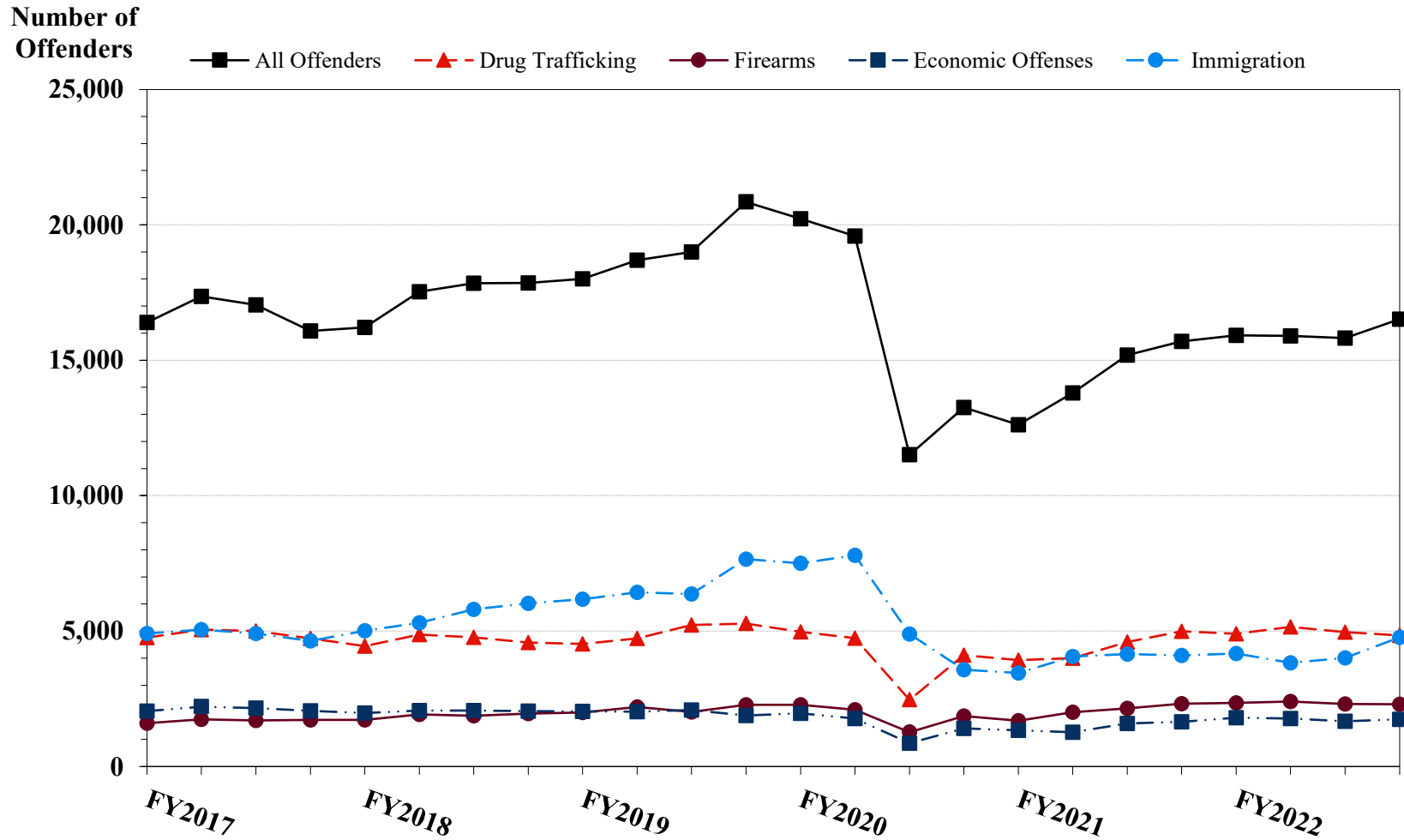
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>5,102</b>	<b>8.0</b>	<b>TENTH CIRCUIT</b>	<b>4,767</b>	<b>7.4</b>
Arkansas			Colorado	389	0.6
Eastern	555	0.9	Kansas	371	0.6
Western	219	0.3	New Mexico	2,075	3.2
Iowa			Oklahoma		
Northern	333	0.5	Eastern	179	0.3
Southern	454	0.7	Northern	439	0.7
Minnesota	325	0.5	Western	424	0.7
Missouri			Utah	741	1.2
Eastern	1,032	1.6	Wyoming	149	0.2
Western	810	1.3			
Nebraska	471	0.7	<b>ELEVENTH CIRCUIT</b>	<b>5,479</b>	<b>8.5</b>
North Dakota	345	0.5	Alabama		
South Dakota	558	0.9	Middle	164	0.3
			Northern	442	0.7
<b>NINTH CIRCUIT</b>	<b>12,159</b>	<b>19.0</b>	Southern	308	0.5
Alaska	140	0.2	Florida		
Arizona	4,454	6.9	Middle	1,018	1.6
California			Northern	266	0.4
Central	1,128	1.8	Southern	1,719	2.7
Eastern	366	0.6	Georgia		
Northern	377	0.6	Middle	453	0.7
Southern	3,474	5.4	Northern	609	0.9
Guam	26	0.0	Southern	500	0.8
Hawaii	140	0.2			
Idaho	337	0.5			
Montana	348	0.5			
Nevada	387	0.6			
Northern Mariana Islands	17	0.0			
Oregon	378	0.6			
Washington					
Eastern	213	0.3			
Western	374	0.6			

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Figure 2

**NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES<sup>1</sup>**  
**Fiscal Years 2017 - 2022**



<sup>1</sup> 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, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.

Table 3

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,666</b>	<b>14,629</b>	<b>23.0</b>	<b>16,061</b>	<b>25.2</b>	<b>30,200</b>	<b>47.4</b>	<b>2,776</b>	<b>4.4</b>
Administration of Justice	646	187	28.9	151	23.4	234	36.2	74	11.5
Antitrust	8	8	100.0	0	0.0	0	0.0	0	0.0
Arson	106	48	45.3	37	34.9	13	12.3	8	7.5
Assault	838	158	18.9	219	26.1	151	18.0	310	37.0
Bribery/Corruption	359	146	40.7	100	27.9	80	22.3	33	9.2
Burglary/Trespass	111	51	45.9	28	25.2	15	13.5	17	15.3
Child Pornography	1,435	1,120	78.0	93	6.5	178	12.4	44	3.1
Commercialized Vice	73	28	38.4	22	30.1	11	15.1	12	16.4
Drug Possession	235	104	44.3	85	36.2	38	16.2	8	3.4
Drug Trafficking	19,912	5,147	25.8	5,611	28.2	8,506	42.7	648	3.3
Environmental	150	94	62.7	2	1.3	36	24.0	18	12.0
Extortion/Racketeering	120	43	35.8	37	30.8	35	29.2	5	4.2
Firearms	9,298	2,129	22.9	5,337	57.4	1,523	16.4	309	3.3
Food and Drug	39	32	82.1	3	7.7	3	7.7	1	2.6
Forgery/Counter/Copyright	111	56	50.5	35	31.5	11	9.9	9	8.1
Fraud/Theft/Embezzlement	5,481	2,196	40.1	1,703	31.1	1,240	22.6	342	6.2
Immigration	17,573	548	3.1	352	2.0	16,496	93.9	177	1.0
Individual Rights	92	44	47.8	23	25.0	21	22.8	4	4.3
Kidnapping	128	46	35.9	47	36.7	29	22.7	6	4.7
Manslaughter	80	12	15.0	5	6.3	4	5.0	59	73.8
Money Laundering	1,191	337	28.3	285	23.9	471	39.5	98	8.2
Murder	405	55	13.6	127	31.4	154	38.0	69	17.0
National Defense	179	41	22.9	20	11.2	104	58.1	14	7.8
Obscenity/Other Sex Offenses	343	148	43.1	56	16.3	45	13.1	94	27.4
Prison Offenses	492	132	26.8	180	36.6	144	29.3	36	7.3
Robbery	1,442	236	16.4	896	62.1	233	16.2	77	5.3
Sexual Abuse	1,497	799	53.4	286	19.1	220	14.7	192	12.8
Stalking/Harassing	264	169	64.0	44	16.7	25	9.5	26	9.8
Tax	495	257	51.9	125	25.3	73	14.7	40	8.1
Other	563	258	45.8	152	27.0	107	19.0	46	8.2

<sup>1</sup> Of the 64,142 cases, 476 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>64,098</b>	<b>55,436</b>	<b>86.5</b>	<b>8,662</b>	<b>13.5</b>
Administration of Justice	652	472	72.4	180	27.6
Antitrust	8	8	100.0	0	0.0
Arson	106	95	89.6	11	10.4
Assault	849	774	91.2	75	8.8
Bribery/Corruption	360	272	75.6	88	24.4
Burglary/Trespass	112	95	84.8	17	15.2
Child Pornography	1,435	1,419	98.9	16	1.1
Commercialized Vice	73	60	82.2	13	17.8
Drug Possession	291	216	74.2	75	25.8
Drug Trafficking	19,937	16,394	82.2	3,543	17.8
Environmental	152	127	83.6	25	16.4
Extortion/Racketeering	121	97	80.2	24	19.8
Firearms	9,318	8,945	96.0	373	4.0
Food and Drug	40	25	62.5	15	37.5
Forgery/Counter/Copyright	111	80	72.1	31	27.9
Fraud/Theft/Embezzlement	5,518	3,856	69.9	1,662	30.1
Immigration	17,647	16,066	91.0	1,581	9.0
Individual Rights	92	79	85.9	13	14.1
Kidnapping	128	107	83.6	21	16.4
Manslaughter	80	63	78.8	17	21.3
Money Laundering	1,192	919	77.1	273	22.9
Murder	410	386	94.1	24	5.9
National Defense	180	158	87.8	22	12.2
Obscenity/Other Sex Offenses	344	340	98.8	4	1.2
Prison Offenses	498	449	90.2	49	9.8
Robbery	1,444	1,342	92.9	102	7.1
Sexual Abuse	1,499	1,404	93.7	95	6.3
Stalking/Harassing	266	252	94.7	14	5.3
Tax	496	369	74.4	127	25.6
Other	739	567	76.7	172	23.3

<sup>1</sup> Of the 64,142 cases, 44 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>63,841</b>	<b>43,947</b>	<b>68.8</b>	<b>19,894</b>	<b>31.2</b>
Administration of Justice	648	523	80.7	125	19.3
Antitrust	8	7	87.5	1	12.5
Arson	106	101	95.3	5	4.7
Assault	842	793	94.2	49	5.8
Bribery/Corruption	360	335	93.1	25	6.9
Burglary/Trespass	111	104	93.7	7	6.3
Child Pornography	1,434	1,399	97.6	35	2.4
Commercialized Vice	73	61	83.6	12	16.4
Drug Possession	262	247	94.3	15	5.7
Drug Trafficking	19,920	16,721	83.9	3,199	16.1
Environmental	149	131	87.9	18	12.1
Extortion/Racketeering	117	103	88.0	14	12.0
Firearms	9,312	9,006	96.7	306	3.3
Food and Drug	39	38	97.4	1	2.6
Forgery/Counter/Copyright	111	105	94.6	6	5.4
Fraud/Theft/Embezzlement	5,489	4,645	84.6	844	15.4
Immigration	17,647	3,146	17.8	14,501	82.2
Individual Rights	92	88	95.7	4	4.3
Kidnapping	128	115	89.8	13	10.2
Manslaughter	80	75	93.8	5	6.3
Money Laundering	1,191	874	73.4	317	26.6
Murder	407	344	84.5	63	15.5
National Defense	178	126	70.8	52	29.2
Obscenity/Other Sex Offenses	343	331	96.5	12	3.5
Prison Offenses	486	478	98.4	8	1.6
Robbery	1,443	1,383	95.8	60	4.2
Sexual Abuse	1,498	1,422	94.9	76	5.1
Stalking/Harassing	264	258	97.7	6	2.3
Tax	496	448	90.3	48	9.7
Other	607	540	89.0	67	11.0

<sup>1</sup> Of the 64,142 cases, 301 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	Mean Months	Median Months	N
<b>TOTAL</b>	<b>51</b>	<b>26</b>	<b>64,141</b>
Administration of Justice	12	8	651
Antitrust	5	0	8
Arson	45	42	106
Assault	64	42	850
Bribery/Corruption	19	12	360
Burglary/Trespass	18	10	112
Child Pornography	110	96	1,435
Commercialized Vice	24	16	73
Drug Possession	2	0	296
Drug Trafficking	78	60	19,938
Environmental	4	0	153
Extortion/Racketeering	61	27	121
Firearms	49	39	9,318
Food and Drug	11	0	40
Forgery/Counter/Copyright	16	12	111
Fraud/Theft/Embezzlement	22	12	5,520
Immigration	12	8	17,652
Individual Rights	41	18	92
Kidnapping	184	160	128
Manslaughter	86	68	80
Money Laundering	61	33	1,192
Murder	261	240	410
National Defense	35	15	180
Obscenity/Other Sex Offenses	22	18	344
Prison Offenses	12	9	499
Robbery	106	96	1,444
Sexual Abuse	207	180	1,499
Stalking/Harassing	26	18	266
Tax	14	9	496
Other	3	0	767

<sup>1</sup> Of the 64,142 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 CRIME<sup>1</sup>**  
**Fiscal Year 2022**

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>64,142</b>	<b>59,070</b>	<b>92.1</b>	<b>57,106</b>	<b>89.0</b>	<b>1,964</b>	<b>3.1</b>	<b>4,738</b>	<b>7.4</b>	<b>1,002</b>	<b>1.6</b>	<b>3,736</b>	<b>5.8</b>	<b>334</b>	<b>0.5</b>
Administration of Justice	652	473	72.5	441	67.6	32	4.9	173	26.5	29	4.4	144	22.1	6	0.9
Antitrust	8	3	37.5	3	37.5	0	0.0	5	62.5	0	0.0	5	62.5	0	0.0
Arson	106	99	93.4	96	90.6	3	2.8	7	6.6	1	0.9	6	5.7	0	0.0
Assault	850	791	93.1	765	90.0	26	3.1	51	6.0	6	0.7	45	5.3	8	0.9
Bribery/Corruption	360	277	76.9	258	71.7	19	5.3	83	23.1	25	6.9	58	16.1	0	0.0
Burglary/Trespass	112	83	74.1	83	74.1	0	0.0	29	25.9	10	8.9	19	17.0	0	0.0
Child Pornography	1,435	1,417	98.7	1,390	96.9	27	1.9	18	1.3	5	0.3	13	0.9	0	0.0
Commercialized Vice	73	53	72.6	51	69.9	2	2.7	20	27.4	3	4.1	17	23.3	0	0.0
Drug Possession	296	124	41.9	123	41.6	1	0.3	91	30.7	4	1.4	87	29.4	81	27.4
Drug Trafficking	19,938	19,261	96.6	18,493	92.8	768	3.9	673	3.4	131	0.7	542	2.7	4	0.0
Environmental	153	47	30.7	44	28.8	3	2.0	101	66.0	14	9.2	87	56.9	5	3.3
Extortion/Racketeering	121	102	84.3	96	79.3	6	5.0	18	14.9	4	3.3	14	11.6	1	0.8
Firearms	9,318	8,775	94.2	8,551	91.8	224	2.4	542	5.8	130	1.4	412	4.4	1	0.0
Food and Drug	40	24	60.0	22	55.0	2	5.0	16	40.0	0	0.0	16	40.0	0	0.0
Forgery/Counter/Copyright	111	86	77.5	79	71.2	7	6.3	25	22.5	8	7.2	17	15.3	0	0.0
Fraud/Theft/Embezzlement	5,520	4,194	76.0	3,910	70.8	284	5.1	1,285	23.3	302	5.5	983	17.8	41	0.7
Immigration	17,652	16,891	95.7	16,562	93.8	329	1.9	760	4.3	192	1.1	568	3.2	1	0.0
Individual Rights	92	60	65.2	59	64.1	1	1.1	30	32.6	1	1.1	29	31.5	2	2.2
Kidnapping	128	124	96.9	122	95.3	2	1.6	4	3.1	1	0.8	3	2.3	0	0.0
Manslaughter	80	78	97.5	70	87.5	8	10.0	2	2.5	0	0.0	2	2.5	0	0.0
Money Laundering	1,192	1,039	87.2	1,006	84.4	33	2.8	152	12.8	47	3.9	105	8.8	1	0.1
Murder	410	409	99.8	404	98.5	5	1.2	1	0.2	0	0.0	1	0.2	0	0.0
National Defense	180	138	76.7	130	72.2	8	4.4	25	13.9	7	3.9	18	10.0	17	9.4
Obscenity/Other Sex Offenses	344	324	94.2	295	85.8	29	8.4	20	5.8	5	1.5	15	4.4	0	0.0
Prison Offenses	499	479	96.0	458	91.8	21	4.2	19	3.8	2	0.4	17	3.4	1	0.2
Robbery	1,444	1,422	98.5	1,381	95.6	41	2.8	22	1.5	6	0.4	16	1.1	0	0.0
Sexual Abuse	1,499	1,492	99.5	1,463	97.6	29	1.9	6	0.4	1	0.1	5	0.3	1	0.1
Stalking/Harassing	266	233	87.6	216	81.2	17	6.4	33	12.4	10	3.8	23	8.6	0	0.0
Tax	496	302	60.9	279	56.3	23	4.6	192	38.7	40	8.1	152	30.6	2	0.4
Other	767	270	35.2	256	33.4	14	1.8	335	43.7	18	2.3	317	41.3	162	21.1

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

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

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2022**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>63,896</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>43,351</b>	<b>67.8</b>
Within Guideline Range	26,785	41.9
Upward Departure <sup>2</sup>	361	0.6
Downward Departure		
§5K1.1 Substantial Assistance	6,626	10.4
§5K3.1 Early Disposition Program	6,623	10.4
Other Government Motion <sup>3</sup>	1,452	2.3
Non-Government Departure <sup>4</sup>	1,504	2.4
<b>VARIANCES</b>	<b>20,545</b>	<b>32.2</b>
Upward Variance <sup>5</sup>	1,477	2.3
Downward Variance		
Government Motion <sup>6</sup>	6,138	9.6
Non-Government Variance <sup>7</sup>	12,930	20.2

<sup>1</sup> This table reflects the 64,142 cases sentenced in fiscal year 2022. 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

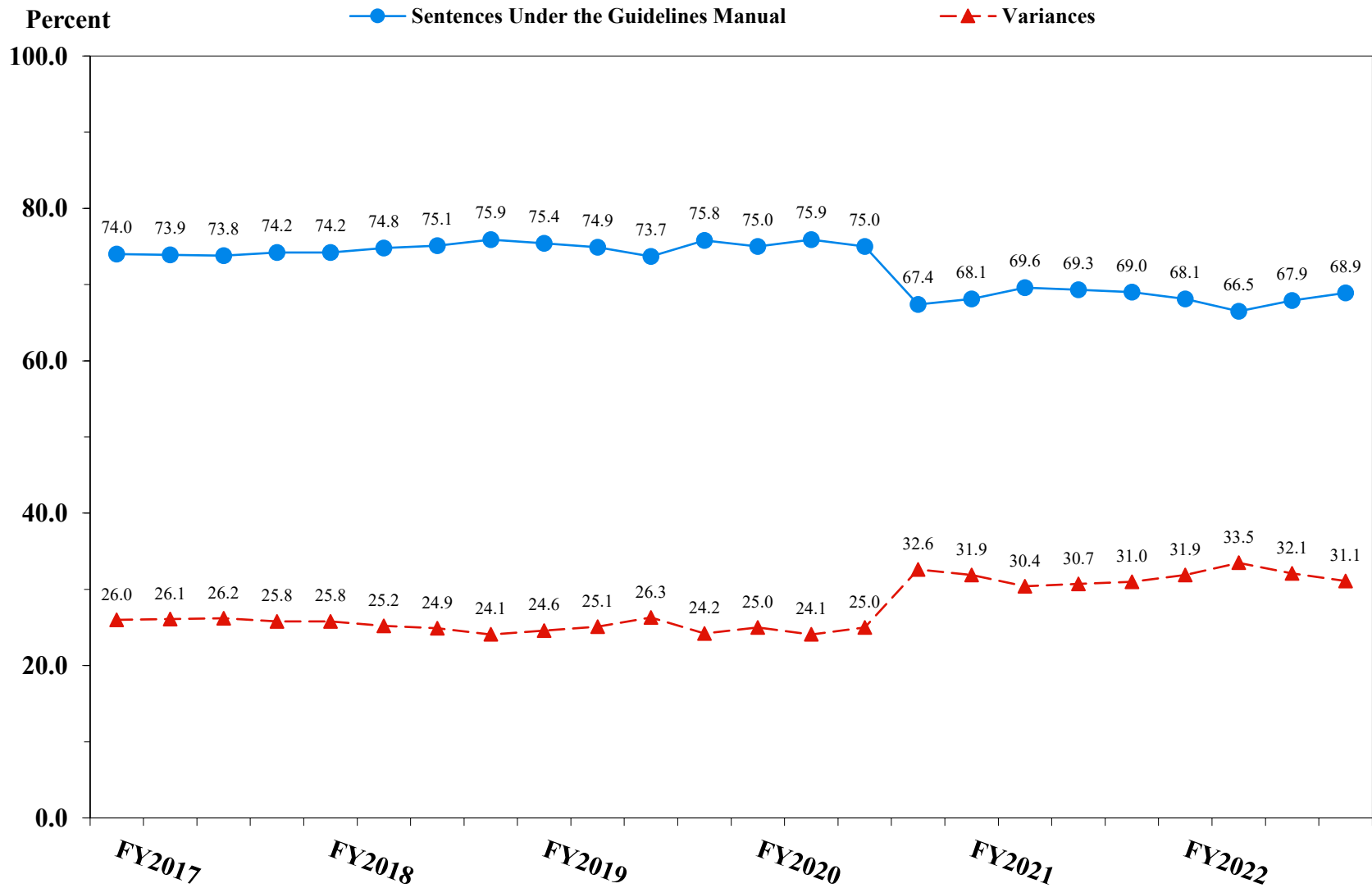
<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.



**Figure 3**

**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2017 - 2022**

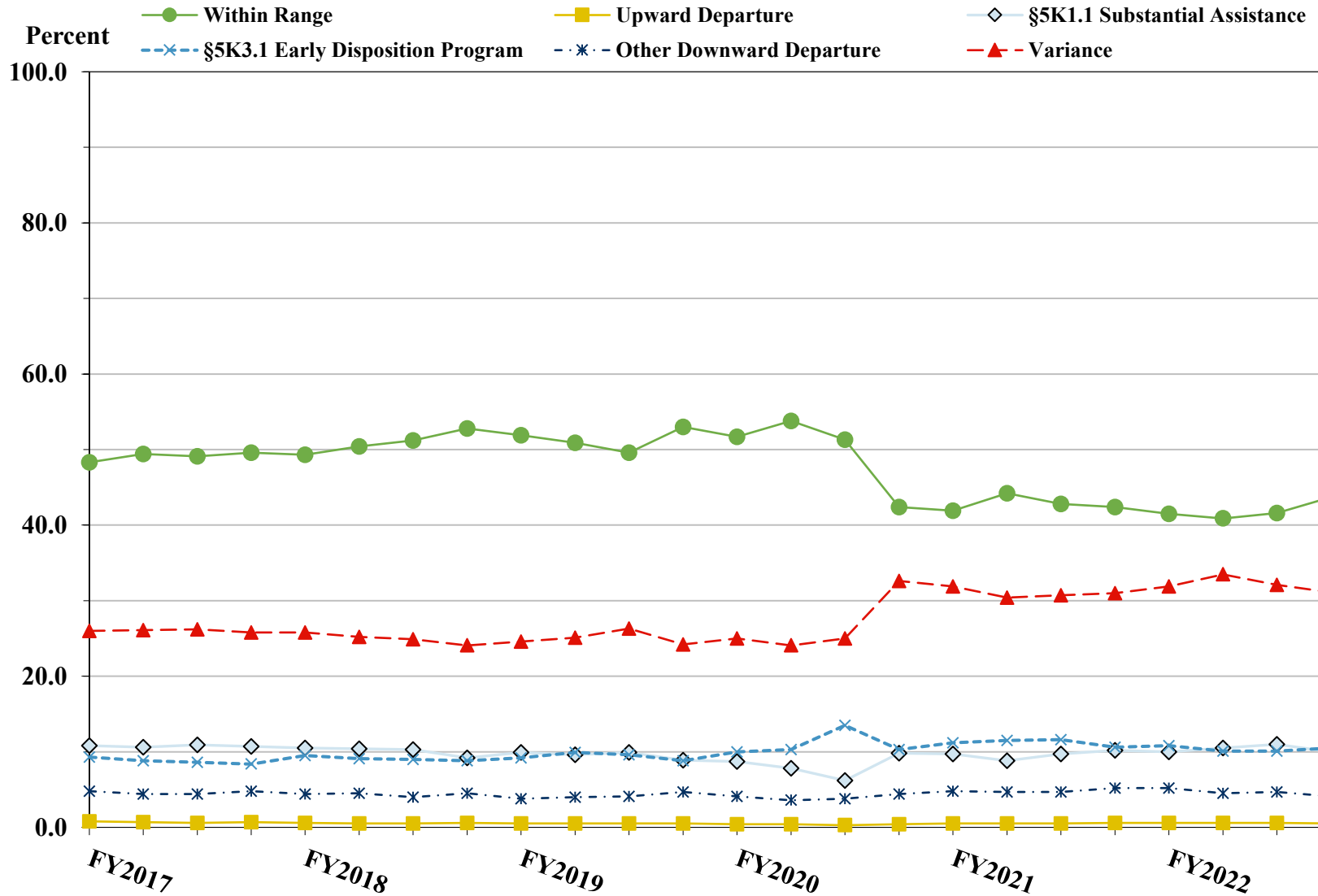


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA<sup>1</sup>  
 Fiscal Years 2017 - 2022



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2022**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>63,896</b>	<b>26,785</b>	<b>41.9</b>	<b>361</b>	<b>0.6</b>	<b>6,626</b>	<b>10.4</b>	<b>6,623</b>	<b>10.4</b>	<b>2,956</b>	<b>4.6</b>	<b>20,545</b>	<b>32.2</b>
<b>D.C. CIRCUIT</b>	<b>311</b>	<b>166</b>	<b>53.4</b>	<b>1</b>	<b>0.3</b>	<b>37</b>	<b>11.9</b>	<b>2</b>	<b>0.6</b>	<b>12</b>	<b>3.9</b>	<b>93</b>	<b>29.9</b>
District of Columbia	311	166	53.4	1	0.3	37	11.9	2	0.6	12	3.9	93	29.9
<b>FIRST CIRCUIT</b>	<b>1,750</b>	<b>546</b>	<b>31.2</b>	<b>4</b>	<b>0.2</b>	<b>185</b>	<b>10.6</b>	<b>0</b>	<b>0.0</b>	<b>102</b>	<b>5.8</b>	<b>913</b>	<b>52.2</b>
Maine	180	33	18.3	1	0.6	44	24.4	0	0.0	4	2.2	98	54.4
Massachusetts	466	120	25.8	1	0.2	64	13.7	0	0.0	37	7.9	244	52.4
New Hampshire	180	37	20.6	0	0.0	15	8.3	0	0.0	8	4.4	120	66.7
Puerto Rico	815	337	41.3	2	0.2	52	6.4	0	0.0	51	6.3	373	45.8
Rhode Island	109	19	17.4	0	0.0	10	9.2	0	0.0	2	1.8	78	71.6
<b>SECOND CIRCUIT</b>	<b>3,267</b>	<b>847</b>	<b>25.9</b>	<b>22</b>	<b>0.7</b>	<b>451</b>	<b>13.8</b>	<b>2</b>	<b>0.1</b>	<b>144</b>	<b>4.4</b>	<b>1,801</b>	<b>55.1</b>
Connecticut	335	97	29.0	0	0.0	36	10.7	0	0.0	43	12.8	159	47.5
New York													
Eastern	691	151	21.9	4	0.6	132	19.1	1	0.1	57	8.2	346	50.1
Northern	399	197	49.4	4	1.0	88	22.1	1	0.3	11	2.8	98	24.6
Southern	1,297	248	19.1	1	0.1	115	8.9	0	0.0	28	2.2	905	69.8
Western	410	131	32.0	13	3.2	58	14.1	0	0.0	2	0.5	206	50.2
Vermont	135	23	17.0	0	0.0	22	16.3	0	0.0	3	2.2	87	64.4
<b>THIRD CIRCUIT</b>	<b>2,349</b>	<b>918</b>	<b>39.1</b>	<b>10</b>	<b>0.4</b>	<b>415</b>	<b>17.7</b>	<b>5</b>	<b>0.2</b>	<b>59</b>	<b>2.5</b>	<b>942</b>	<b>40.1</b>
Delaware	81	34	42.0	1	1.2	6	7.4	2	2.5	6	7.4	32	39.5
New Jersey	639	237	37.1	0	0.0	120	18.8	0	0.0	4	0.6	278	43.5
Pennsylvania													
Eastern	501	145	28.9	1	0.2	131	26.1	0	0.0	16	3.2	208	41.5
Middle	438	207	47.3	3	0.7	78	17.8	3	0.7	22	5.0	125	28.5
Western	634	252	39.7	5	0.8	77	12.1	0	0.0	11	1.7	289	45.6
Virgin Islands	56	43	76.8	0	0.0	3	5.4	0	0.0	0	0.0	10	17.9
<b>FOURTH CIRCUIT</b>	<b>4,631</b>	<b>2,131</b>	<b>46.0</b>	<b>33</b>	<b>0.7</b>	<b>704</b>	<b>15.2</b>	<b>2</b>	<b>0.0</b>	<b>128</b>	<b>2.8</b>	<b>1,633</b>	<b>35.3</b>
Maryland	560	147	26.3	6	1.1	107	19.1	0	0.0	29	5.2	271	48.4
North Carolina													
Eastern	734	378	51.5	5	0.7	179	24.4	0	0.0	10	1.4	162	22.1
Middle	403	206	51.1	3	0.7	34	8.4	0	0.0	4	1.0	156	38.7
Western	551	293	53.2	0	0.0	74	13.4	0	0.0	4	0.7	180	32.7
South Carolina	601	208	34.6	5	0.8	164	27.3	0	0.0	21	3.5	203	33.8
Virginia													
Eastern	911	486	53.3	8	0.9	50	5.5	0	0.0	45	4.9	322	35.3
Western	279	97	34.8	4	1.4	47	16.8	0	0.0	14	5.0	117	41.9
West Virginia													
Northern	323	190	58.8	0	0.0	29	9.0	2	0.6	1	0.3	101	31.3
Southern	269	126	46.8	2	0.7	20	7.4	0	0.0	0	0.0	121	45.0

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,805</b>	<b>10,277</b>	<b>61.2</b>	<b>49</b>	<b>0.3</b>	<b>1,070</b>	<b>6.4</b>	<b>1,204</b>	<b>7.2</b>	<b>913</b>	<b>5.4</b>	<b>3,292</b>	<b>19.6</b>
Louisiana													
Eastern	298	173	58.1	1	0.3	32	10.7	0	0.0	4	1.3	88	29.5
Middle	103	54	52.4	1	1.0	15	14.6	0	0.0	0	0.0	33	32.0
Western	306	194	63.4	4	1.3	45	14.7	0	0.0	5	1.6	58	19.0
Mississippi													
Northern	130	56	43.1	0	0.0	29	22.3	0	0.0	0	0.0	45	34.6
Southern	323	223	69.0	0	0.0	29	9.0	1	0.3	1	0.3	69	21.4
Texas													
Eastern	672	369	54.9	2	0.3	53	7.9	0	0.0	5	0.7	243	36.2
Northern	1,650	1,008	61.1	11	0.7	154	9.3	0	0.0	25	1.5	452	27.4
Southern	7,267	3,501	48.2	24	0.3	483	6.6	1,132	15.6	729	10.0	1,398	19.2
Western	6,056	4,699	77.6	6	0.1	230	3.8	71	1.2	144	2.4	906	15.0
<b>SIXTH CIRCUIT</b>	<b>4,933</b>	<b>1,889</b>	<b>38.3</b>	<b>21</b>	<b>0.4</b>	<b>935</b>	<b>19.0</b>	<b>8</b>	<b>0.2</b>	<b>180</b>	<b>3.6</b>	<b>1,900</b>	<b>38.5</b>
Kentucky													
Eastern	497	246	49.5	1	0.2	80	16.1	0	0.0	3	0.6	167	33.6
Western	263	77	29.3	2	0.8	78	29.7	6	2.3	18	6.8	82	31.2
Michigan													
Eastern	716	228	31.8	0	0.0	86	12.0	0	0.0	19	2.7	383	53.5
Western	265	131	49.4	5	1.9	47	17.7	1	0.4	9	3.4	72	27.2
Ohio													
Northern	1,140	482	42.3	8	0.7	222	19.5	0	0.0	22	1.9	406	35.6
Southern	582	140	24.1	3	0.5	143	24.6	0	0.0	89	15.3	207	35.6
Tennessee													
Eastern	753	344	45.7	2	0.3	187	24.8	1	0.1	13	1.7	206	27.4
Middle	285	60	21.1	0	0.0	25	8.8	0	0.0	4	1.4	196	68.8
Western	432	181	41.9	0	0.0	67	15.5	0	0.0	3	0.7	181	41.9
<b>SEVENTH CIRCUIT</b>	<b>2,479</b>	<b>929</b>	<b>37.5</b>	<b>7</b>	<b>0.3</b>	<b>237</b>	<b>9.6</b>	<b>1</b>	<b>0.0</b>	<b>117</b>	<b>4.7</b>	<b>1,188</b>	<b>47.9</b>
Illinois													
Central	278	104	37.4	1	0.4	43	15.5	1	0.4	3	1.1	126	45.3
Northern	619	181	29.2	3	0.5	48	7.8	0	0.0	32	5.2	355	57.4
Southern	261	149	57.1	2	0.8	38	14.6	0	0.0	5	1.9	67	25.7
Indiana													
Northern	327	163	49.8	0	0.0	31	9.5	0	0.0	10	3.1	123	37.6
Southern	515	226	43.9	0	0.0	48	9.3	0	0.0	2	0.4	239	46.4
Wisconsin													
Eastern	336	70	20.8	0	0.0	23	6.8	0	0.0	11	3.3	232	69.0
Western	143	36	25.2	1	0.7	6	4.2	0	0.0	54	37.8	46	32.2
<b>EIGHTH CIRCUIT</b>	<b>5,094</b>	<b>2,181</b>	<b>42.8</b>	<b>45</b>	<b>0.9</b>	<b>586</b>	<b>11.5</b>	<b>15</b>	<b>0.3</b>	<b>80</b>	<b>1.6</b>	<b>2,187</b>	<b>42.9</b>
Arkansas													
Eastern	553	313	56.6	0	0.0	48	8.7	0	0.0	4	0.7	188	34.0
Western	219	78	35.6	0	0.0	24	11.0	0	0.0	1	0.5	116	53.0
Iowa													
Northern	333	163	48.9	14	4.2	53	15.9	0	0.0	6	1.8	97	29.1
Southern	454	163	35.9	4	0.9	56	12.3	0	0.0	2	0.4	229	50.4
Minnesota	323	99	30.7	3	0.9	39	12.1	2	0.6	11	3.4	169	52.3
Missouri													
Eastern	1,031	422	40.9	4	0.4	91	8.8	0	0.0	3	0.3	511	49.6
Western	808	296	36.6	0	0.0	112	13.9	0	0.0	11	1.4	389	48.1
Nebraska	471	231	49.0	0	0.0	24	5.1	12	2.5	8	1.7	196	41.6
North Dakota	344	110	32.0	5	1.5	137	39.8	1	0.3	2	0.6	89	25.9
South Dakota	558	306	54.8	15	2.7	2	0.4	0	0.0	32	5.7	203	36.4

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,114</b>	<b>2,673</b>	<b>22.1</b>	<b>103</b>	<b>0.9</b>	<b>903</b>	<b>7.5</b>	<b>4,782</b>	<b>39.5</b>	<b>589</b>	<b>4.9</b>	<b>3,064</b>	<b>25.3</b>
Alaska	139	38	27.3	0	0.0	27	19.4	0	0.0	0	0.0	74	53.2
Arizona	4,419	1,154	26.1	18	0.4	71	1.6	2,646	59.9	54	1.2	476	10.8
California													
Central	1,125	271	24.1	7	0.6	151	13.4	25	2.2	89	7.9	582	51.7
Eastern	364	129	35.4	1	0.3	59	16.2	8	2.2	8	2.2	159	43.7
Northern	377	61	16.2	1	0.3	32	8.5	2	0.5	19	5.0	262	69.5
Southern	3,471	411	11.8	68	2.0	172	5.0	2,069	59.6	385	11.1	366	10.5
Guam	26	15	57.7	1	3.8	7	26.9	0	0.0	0	0.0	3	11.5
Hawaii	140	39	27.9	0	0.0	42	30.0	0	0.0	1	0.7	58	41.4
Idaho	337	103	30.6	0	0.0	90	26.7	6	1.8	10	3.0	128	38.0
Montana	348	104	29.9	3	0.9	100	28.7	0	0.0	6	1.7	135	38.8
Nevada	387	93	24.0	0	0.0	17	4.4	25	6.5	5	1.3	247	63.8
Northern Mariana Islands	17	9	52.9	0	0.0	6	35.3	0	0.0	0	0.0	2	11.8
Oregon	378	59	15.6	2	0.5	79	20.9	0	0.0	8	2.1	230	60.8
Washington													
Eastern	213	64	30.0	1	0.5	42	19.7	1	0.5	3	1.4	102	47.9
Western	373	123	33.0	1	0.3	8	2.1	0	0.0	1	0.3	240	64.3
<b>TENTH CIRCUIT</b>	<b>4,736</b>	<b>1,629</b>	<b>34.4</b>	<b>49</b>	<b>1.0</b>	<b>399</b>	<b>8.4</b>	<b>597</b>	<b>12.6</b>	<b>502</b>	<b>10.6</b>	<b>1,560</b>	<b>32.9</b>
Colorado	387	129	33.3	0	0.0	88	22.7	9	2.3	11	2.8	150	38.8
Kansas	363	152	41.9	1	0.3	59	16.3	3	0.8	6	1.7	142	39.1
New Mexico	2,073	753	36.3	9	0.4	53	2.6	514	24.8	295	14.2	449	21.7
Oklahoma													
Eastern	179	81	45.3	0	0.0	44	24.6	0	0.0	8	4.5	46	25.7
Northern	433	174	40.2	33	7.6	50	11.5	0	0.0	126	29.1	50	11.5
Western	421	200	47.5	3	0.7	27	6.4	0	0.0	5	1.2	186	44.2
Utah	734	114	15.5	0	0.0	50	6.8	68	9.3	45	6.1	457	62.3
Wyoming	146	26	17.8	3	2.1	28	19.2	3	2.1	6	4.1	80	54.8
<b>ELEVENTH CIRCUIT</b>	<b>5,427</b>	<b>2,599</b>	<b>47.9</b>	<b>17</b>	<b>0.3</b>	<b>704</b>	<b>13.0</b>	<b>5</b>	<b>0.1</b>	<b>130</b>	<b>2.4</b>	<b>1,972</b>	<b>36.3</b>
Alabama													
Middle	164	64	39.0	0	0.0	44	26.8	0	0.0	0	0.0	56	34.1
Northern	442	243	55.0	2	0.5	86	19.5	0	0.0	8	1.8	103	23.3
Southern	308	139	45.1	2	0.6	67	21.8	2	0.6	8	2.6	90	29.2
Florida													
Middle	1,017	417	41.0	2	0.2	169	16.6	0	0.0	13	1.3	416	40.9
Northern	263	99	37.6	2	0.8	70	26.6	2	0.8	2	0.8	88	33.5
Southern	1,680	862	51.3	0	0.0	99	5.9	0	0.0	27	1.6	692	41.2
Georgia													
Middle	447	263	58.8	3	0.7	40	8.9	0	0.0	46	10.3	95	21.3
Northern	606	198	32.7	1	0.2	53	8.7	1	0.2	15	2.5	338	55.8
Southern	500	314	62.8	5	1.0	76	15.2	0	0.0	11	2.2	94	18.8

<sup>1</sup> Of the 64,142 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 CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,896</b>	<b>26,785</b>	<b>41.9</b>	<b>361</b>	<b>0.6</b>	<b>6,626</b>	<b>10.4</b>	<b>6,623</b>	<b>10.4</b>	<b>2,956</b>	<b>4.6</b>	<b>20,545</b>	<b>32.2</b>
Administration of Justice	651	315	48.4	10	1.5	29	4.5	6	0.9	32	4.9	259	39.8
Antitrust	8	0	0.0	0	0.0	3	37.5	0	0.0	0	0.0	5	62.5
Arson	106	44	41.5	2	1.9	15	14.2	0	0.0	6	5.7	39	36.8
Assault	837	388	46.4	25	3.0	33	3.9	3	0.4	76	9.1	312	37.3
Bribery/Corruption	360	64	17.8	0	0.0	106	29.4	0	0.0	16	4.4	174	48.3
Burglary/Trespass	111	79	71.2	5	4.5	5	4.5	0	0.0	6	5.4	16	14.4
Child Pornography	1,435	489	34.1	10	0.7	28	2.0	3	0.2	68	4.7	837	58.3
Commercialized Vice	73	30	41.1	7	9.6	9	12.3	0	0.0	6	8.2	21	28.8
Drug Possession	265	232	87.5	1	0.4	1	0.4	0	0.0	0	0.0	31	11.7
Drug Trafficking	19,923	5,468	27.4	68	0.3	4,104	20.6	1,638	8.2	973	4.9	7,672	38.5
Environmental	145	70	48.3	0	0.0	17	11.7	1	0.7	5	3.4	52	35.9
Extortion/Racketeering	115	37	32.2	0	0.0	14	12.2	1	0.9	10	8.7	53	46.1
Firearms	9,310	4,753	51.1	73	0.8	482	5.2	9	0.1	350	3.8	3,643	39.1
Food and Drug	38	23	60.5	0	0.0	0	0.0	0	0.0	1	2.6	14	36.8
Forgery/Counter/Copyright	111	52	46.8	1	0.9	12	10.8	0	0.0	4	3.6	42	37.8
Fraud/Theft/Embezzlement	5,488	2,303	42.0	63	1.1	714	13.0	9	0.2	179	3.3	2,220	40.5
Immigration	17,597	9,334	53.0	23	0.1	204	1.2	4,933	28.0	887	5.0	2,216	12.6
Individual Rights	91	38	41.8	0	0.0	15	16.5	0	0.0	5	5.5	33	36.3
Kidnapping	128	43	33.6	0	0.0	24	18.8	0	0.0	7	5.5	54	42.2
Manslaughter	80	33	41.3	10	12.5	1	1.3	0	0.0	4	5.0	32	40.0
Money Laundering	1,191	310	26.0	12	1.0	315	26.4	11	0.9	58	4.9	485	40.7
Murder	410	133	32.4	10	2.4	113	27.6	0	0.0	18	4.4	136	33.2
National Defense	177	71	40.1	0	0.0	27	15.3	4	2.3	16	9.0	59	33.3
Obscenity/Other Sex Offenses	343	165	48.1	4	1.2	0	0.0	0	0.0	12	3.5	162	47.2
Prison Offenses	498	322	64.7	3	0.6	6	1.2	3	0.6	25	5.0	139	27.9
Robbery	1,444	542	37.5	8	0.6	181	12.5	0	0.0	75	5.2	638	44.2
Sexual Abuse	1,499	610	40.7	16	1.1	85	5.7	0	0.0	75	5.0	713	47.6
Stalking/Harassing	263	112	42.6	4	1.5	2	0.8	1	0.4	19	7.2	125	47.5
Tax	496	105	21.2	6	1.2	78	15.7	1	0.2	18	3.6	288	58.1
Other	703	620	88.2	0	0.0	3	0.4	0	0.0	5	0.7	75	10.7

<sup>1</sup> Of the 64,142 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 GUIDELINE<sup>1</sup>

Fiscal Year 2022

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure			
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Variance			
§2A1.1	286	84	1	91	0	14	96	§2D1.8	22	5	0	3	0	1	13	
§2A1.2	80	38	8	4	0	4	26	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	40	17	6	0	0	1	16	§2D1.10	1	0	0	1	0	0	0	
§2A1.4	39	16	3	1	0	3	16	§2D1.11	1	0	0	0	0	0	1	
§2A1.5	27	8	0	8	0	0	11	§2D1.12	3	1	0	0	0	0	2	
§2A2.1	182	63	2	23	0	7	87	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	524	232	22	9	3	61	197	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	68	53	1	0	0	3	11	§2D2.1	129	105	1	1	0	0	22	
§2A2.4	247	134	1	1	2	23	86	§2D2.2	51	41	0	3	0	1	6	
§2A3.1	139	61	1	0	0	19	58	§2D2.3	1	0	0	0	0	0	1	
§2A3.2	45	30	2	0	0	2	11	§2D3.1	1	1	0	0	0	0	0	
§2A3.3	6	2	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	48	29	1	0	0	2	16	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	307	157	3	0	0	12	135	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	120	39	0	23	0	6	52	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	2	2	0	0	0	0	0	§2E1.1	48	16	0	9	0	6	17	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0	
§2A5.2	27	14	0	0	0	1	12	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	9	4	0	0	0	0	5	
§2A6.1	183	79	3	1	0	10	90	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	78	31	1	1	1	9	35	§2E2.1	4	0	0	0	0	2	2	
§2B1.1	5,206	2,086	61	703	7	174	2,175	§2E3.1	39	15	4	3	0	6	11	
§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	17	1	0	1	0	1	14	§2E4.1	12	1	0	2	0	0	9	
§2B1.5	7	1	0	0	0	1	5	§2E5.1	1	0	0	0	0	0	1	
§2B1.6 <sup>2</sup>	90	81	0	9	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	69	39	5	5	0	6	14	§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	39	39	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	1,424	536	8	179	0	75	626	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	23	6	0	3	1	1	12	§2F1.1	0	0	0	0	0	0	0	
§2B3.3	5	1	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	119	15	0	56	0	4	44	§2G1.1	68	26	4	11	0	5	22	
§2B5.1	86	49	1	5	0	4	27	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	475	212	7	42	0	18	196	
§2B5.3	24	3	0	7	0	0	14	§2G2.1	746	265	3	38	0	28	412	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,432	489	10	28	3	68	834	
§2B6.1	3	1	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	213	41	0	45	0	12	115	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	15	2	0	4	0	0	9	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	4	3	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	33	8	1	0	0	0	24	
§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	63	20	0	12	0	4	27	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	7	2	0	1	0	0	4	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	19,603	5,337	66	4,072	1,634	938	7,556	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	208	102	2	18	0	26	60	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	2	0	2	0	0	0	
§2D1.5	8	1	0	4	0	2	1	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	11	10	0	0	0	0	1	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	9	4	0	1	0	1	3	

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	118	38	0	14	4	14	48
§2J1.1	0	0	0	0	0	0	0	§2M5.3	19	8	0	5	0	1	5
§2J1.2	111	39	3	7	0	4	58	§2M6.1	0	0	0	0	0	0	0
§2J1.3	13	6	0	1	0	0	6	§2M6.2	0	0	0	0	0	0	0
§2J1.4	8	7	0	0	0	0	1	§2N1.1	14	2	0	0	0	0	12
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	27	15	0	0	0	1	11	§2N1.3	1	0	0	0	0	0	1
§2J1.7	0	0	0	0	0	0	0	§2N2.1	21	19	0	0	0	1	1
§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	280	186	2	2	0	5	85
§2K1.1	1	1	0	0	0	0	0	§2P1.2	143	95	1	4	0	8	35
§2K1.2	0	0	0	0	0	0	0	§2P1.3	2	1	0	0	0	0	1
§2K1.3	6	3	0	1	0	0	2	§2P1.4	0	0	0	0	0	0	0
§2K1.4	103	44	2	14	0	5	38	§2Q1.1	2	0	0	0	0	0	2
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	48	23	0	10	0	3	12
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	4	0	1	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	1	0	0	0	0	0	1
§2K2.1	8,872	4,436	65	454	9	343	3,565	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	69	35	0	6	1	1	26
§2K2.4 <sup>3</sup>	361	284	6	25	0	1	45	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	7	2	0	0	0	3	§2R1.1	8	0	0	3	0	0	5
§2K2.6	1	1	0	0	0	0	0	§2S1.1	1,001	226	1	299	7	46	422
§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	185	81	11	16	4	11	62
§2L1.1	4,052	1,559	1	126	1,634	106	626	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,963	6,631	22	34	3,123	747	1,406	§2T1.1	262	54	0	46	0	10	152
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	84	22	0	41	0	0	21	§2T1.3	1	1	0	0	0	0	0
§2L2.2	660	546	0	2	6	23	83	§2T1.4	139	26	0	30	0	3	80
§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	69	12	0	2	0	4	51
§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	7	2	1	0	0	0	4
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	14	7	5	0	1	0	1
§2M3.1	0	0	0	0	0	0	0	§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	0	0	0	0	0	0	0	§2X1.1	15	2	0	0	0	1	12
§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	97	27	2	22	0	2	44
§2M3.6	0	0	0	0	0	0	0	§2X4.1	213	99	5	17	4	4	84
§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	214	178	0	0	0	0	36
§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	17	5	0	7	0	1	4	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>62,036</b>	<b>25,398</b>	<b>358</b>	<b>6,620</b>	<b>6,444</b>	<b>2,907</b>	<b>20,309</b>

<sup>1</sup> Of the 64,142 cases, 2,106 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 (2,068). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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.

<sup>3</sup> 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 RANGE<sup>1</sup>**  
**Fiscal Year 2022**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
<b>TOTAL</b>	<b>37,111</b>	<b>6,643</b>	<b>17.9</b>	<b>6,725</b>	<b>18.1</b>	<b>5,958</b>	<b>16.1</b>	<b>8,328</b>	<b>22.4</b>	<b>521</b>	<b>1.4</b>
<b>Departures</b>	<b>16,566</b>	<b>6,626</b>	<b>40.0</b>	<b>6,716</b>	<b>40.5</b>	<b>3,822</b>	<b>23.1</b>	<b>6,378</b>	<b>38.5</b>	<b>334</b>	<b>2.0</b>
Upward Departure	361	0	0.0	0	0.0	98	27.1	84	23.3	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	6,626	6,626	100.0	93	1.4	225	3.4	1,747	26.4	36	0.5
§5K3.1 Early Disposition Program	6,623	0	0.0	6,623	100.0	2,850	43.0	4,014	60.6	285	4.3
Other Government Motion	1,452	0	0.0	0	0.0	649	44.7	533	36.7	13	0.9
Non-Government Departure	1,504	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>20,545</b>	<b>17</b>	<b>0.1</b>	<b>9</b>	<b>0.0</b>	<b>2,136</b>	<b>10.4</b>	<b>1,950</b>	<b>9.5</b>	<b>187</b>	<b>0.9</b>
Upward Variance	1,477	17	1.2	9	0.6	225	15.2	137	9.3	1	0.1
Downward Variance											
Government Motion	6,138	0	0.0	0	0.0	1,911	31.1	1,813	29.5	186	3.0
Non-Government Variance	12,930	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	%
<b>TOTAL</b>	<b>5,805</b>	<b>15.6</b>	<b>6,297</b>	<b>17.0</b>	<b>7,456</b>	<b>20.1</b>	<b>2,051</b>	<b>5.5</b>	<b>4,952</b>	<b>13.3</b>	<b>2,427</b>	<b>6.5</b>
<b>Departures</b>	<b>4,905</b>	<b>29.6</b>	<b>2,584</b>	<b>15.6</b>	<b>1,623</b>	<b>9.8</b>	<b>869</b>	<b>5.2</b>	<b>1,276</b>	<b>7.7</b>	<b>251</b>	<b>1.5</b>
Upward Departure	86	23.8	0	0.0	7	1.9	14	3.9	70	19.4	38	10.5
Downward Departure												
§5K1.1 Substantial Assistance	4,259	64.3	842	12.7	705	10.6	433	6.5	630	9.5	0	0.0
§5K3.1 Early Disposition Program	368	5.6	813	12.3	551	8.3	268	4.0	176	2.7	0	0.0
Other Government Motion	192	13.2	102	7.0	73	5.0	154	10.6	91	6.3	46	3.2
Non-Government Departure	0	0.0	827	55.0	287	19.1	0	0.0	309	20.5	167	11.1
<b>Variations</b>	<b>900</b>	<b>4.4</b>	<b>3,713</b>	<b>18.1</b>	<b>5,833</b>	<b>28.4</b>	<b>1,182</b>	<b>5.8</b>	<b>3,676</b>	<b>17.9</b>	<b>2,176</b>	<b>10.6</b>
Upward Variance	272	18.4	7	0.5	12	0.8	27	1.8	623	42.2	226	15.3
Downward Variance												
Government Motion	628	10.2	584	9.5	273	4.4	1,155	18.8	279	4.5	219	3.6
Non-Government Variance	0	0.0	3,122	24.1	5,548	42.9	0	0.0	2,774	21.5	1,731	13.4

<sup>1</sup> 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, 14,982 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.

<sup>2</sup> 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 CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>357</b>	<b>86</b>	<b>29</b>	<b>99.3</b>	<b>70</b>	<b>17</b>	<b>50.0</b>
Administration of Justice	10	25	9	78.4	13	6	66.7
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	25	98	35	55.1	78	23	51.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	5	102	54	94.2	72	21	41.2
Child Pornography	10	123	23	25.0	102	21	28.3
Commercialized Vice	7	71	45	161.6	60	27	100.0
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	68	110	44	125.3	99	30	44.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	73	85	27	73.9	80	17	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	62	34	16	183.3	20	11	121.1
Immigration	23	28	8	45.3	30	8	33.7
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	10	151	45	50.3	161	29	39.5
Money Laundering	11	26	12	90.0	18	7	70.7
Murder	9	319	90	39.9	252	42	28.4
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	4	80	42	110.2	78	41	113.3
Prison Offenses	3	28	7	35.4	21	6	39.4
Robbery	8	126	21	24.5	103	21	20.1
Sexual Abuse	15	181	36	43.7	120	33	27.7
Stalking/Harassing	4	65	19	47.0	59	22	48.5
Tax	6	34	16	256.1	28	19	308.3
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 64,142 cases, in 361 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, one offender was excluded from this table. Also, three 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, 2022 Datafile, USSCFY22.

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>1,469</b>	<b>82</b>	<b>24</b>	<b>61.9</b>	<b>60</b>	<b>13</b>	<b>34.0</b>
Administration of Justice	18	39	19	86.0	30	11	66.7
Antitrust	0	--	--	--	--	--	--
Arson	7	89	27	39.5	76	12	27.5
Assault	45	96	29	46.2	84	21	30.4
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	41	163	36	35.3	144	30	24.8
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	8	22	10	101.5	21	9	100.0
Drug Trafficking	235	99	27	80.2	84	18	30.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	6	98	11	16.7	54	8	11.6
Firearms	430	81	23	48.0	72	15	33.3
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	66	13	60.4	41	14	13.2
Fraud/Theft/Embezzlement	150	48	17	83.8	31	9	38.2
Immigration	247	29	11	70.8	20	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	5	217	37	19.8	180	24	15.9
Manslaughter	20	121	44	72.4	120	27	58.0
Money Laundering	17	62	16	46.2	40	6	33.3
Murder	11	375	116	60.6	420	83	28.8
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	23	58	26	94.4	51	21	70.4
Prison Offenses	10	40	15	57.4	34	8	46.4
Robbery	75	178	42	38.2	162	30	25.0
Sexual Abuse	52	185	49	46.0	144	31	27.1
Stalking/Harassing	16	56	21	77.1	52	13	41.9
Tax	1	--	--	--	--	--	--
Other	41	12	4	57.3	9	3	33.3

<sup>1</sup> Of the 64,142 cases, in 1,477 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, two offenders were excluded from this table. Also, six 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, 2022 Datafile, USSCFY22.

Table 15

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,495</b>	<b>52</b>	<b>55</b>	<b>55.8</b>	<b>37</b>	<b>38</b>	<b>50.0</b>
Administration of Justice	29	6	21	78.6	0	15	98.7
Antitrust	3	1	6	83.3	0	6	100.0
Arson	15	31	47	62.5	30	42	70.0
Assault	30	74	98	51.3	49	58	48.1
Bribery/Corruption	106	11	20	69.9	8	18	67.1
Burglary/Trespass	5	9	16	66.2	6	17	60.0
Child Pornography	27	84	61	42.1	87	40	30.2
Commercialized Vice	9	9	13	72.2	0	10	99.7
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	4,058	63	63	53.1	54	48	48.6
Environmental	17	3	14	89.0	0	12	100.0
Extortion/Racketeering	14	16	26	73.4	5	23	82.1
Firearms	481	36	32	52.7	27	21	46.6
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	12	6	19	73.3	1	15	86.8
Fraud/Theft/Embezzlement	714	17	27	65.1	12	19	64.0
Immigration	204	11	14	59.7	8	11	52.4
Individual Rights	15	17	21	61.4	18	18	59.9
Kidnapping	22	106	122	55.6	108	97	51.8
Manslaughter	1	--	--	--	--	--	--
Money Laundering	300	43	65	62.4	27	45	58.6
Murder	68	132	143	50.5	120	144	50.0
National Defense	27	27	62	65.1	18	34	69.6
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	6	9	16	67.7	11	12	60.9
Robbery	175	70	66	48.3	60	51	42.9
Sexual Abuse	75	101	92	45.5	87	60	38.3
Stalking/Harassing	2	--	--	--	--	--	--
Tax	76	8	19	78.1	0	18	100.0
Other	3	2	8	91.6	0	6	100.0

<sup>1</sup> Of the 64,142 cases, in 6,626 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, 76 offenders were excluded from this table. Also, 55 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 §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,617</b>	<b>15</b>	<b>20</b>	<b>49.9</b>	<b>12</b>	<b>8</b>	<b>47.4</b>
Administration of Justice	6	8	17	74.5	5	20	86.1
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	3	36	22	41.6	18	15	45.5
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	3	85	61	36.0	75	31	23.1
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,637	30	56	64.2	26	46	64.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	9	26	17	39.9	21	13	41.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	9	8	20	74.6	6	21	71.4
Immigration	4,928	11	8	45.0	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	11	25	58	66.3	17	26	70.6
Murder	0	--	--	--	--	--	--
National Defense	4	9	20	59.0	8	20	58.0
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	3	3	3	58.3	1	3	50.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 64,142 cases, in 6,623 the offender received a §5K3.1 early disposition program departure below the guideline range. Six 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, 2022 Datafile, USSCFY22.

**EXTENT OF OTHER DOWNWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>2,898</b>	<b>40</b>	<b>30</b>	<b>47.1</b>	<b>20</b>	<b>16</b>	<b>43.0</b>
Administration of Justice	32	10	12	60.4	6	9	54.2
Antitrust	0	--	--	--	--	--	--
Arson	5	31	54	59.3	26	33	57.1
Assault	76	33	23	50.3	24	15	44.2
Bribery/Corruption	16	7	22	81.2	0	21	99.8
Burglary/Trespass	6	14	12	47.2	16	12	39.8
Child Pornography	64	79	50	40.6	72	37	38.1
Commercialized Vice	6	10	7	45.1	12	5	25.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	957	63	48	46.7	50	35	46.3
Environmental	5	2	19	94.8	0	12	100.0
Extortion/Racketeering	9	17	14	51.0	18	12	41.3
Firearms	346	35	23	46.0	24	15	39.6
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	22	9	43.5	30	10	21.7
Fraud/Theft/Embezzlement	173	18	18	59.7	12	12	55.4
Immigration	887	13	11	44.5	10	8	42.1
Individual Rights	5	5	20	89.0	0	18	100.0
Kidnapping	7	122	63	33.1	144	33	42.4
Manslaughter	4	31	23	47.6	28	18	41.5
Money Laundering	56	49	48	58.5	17	27	50.5
Murder	13	177	94	33.5	170	96	29.8
National Defense	16	34	28	51.7	19	26	56.4
Obscenity/Other Sex Offenses	12	15	10	42.8	14	7	30.9
Prison Offenses	25	7	6	48.9	6	6	40.0
Robbery	74	75	35	36.0	60	27	31.4
Sexual Abuse	61	135	78	38.7	121	67	33.8
Stalking/Harassing	18	24	12	46.1	18	12	37.6
Tax	18	9	14	62.6	7	12	49.9
Other	3	20	6	68.3	0	4	100.0

<sup>1</sup> Of the 64,142 cases, in 2,956 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,452) or a non-government departure (1,504). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 28 offenders were excluded from this table. Also, 30 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 CRIME<sup>1</sup>  
Fiscal Year 2022**

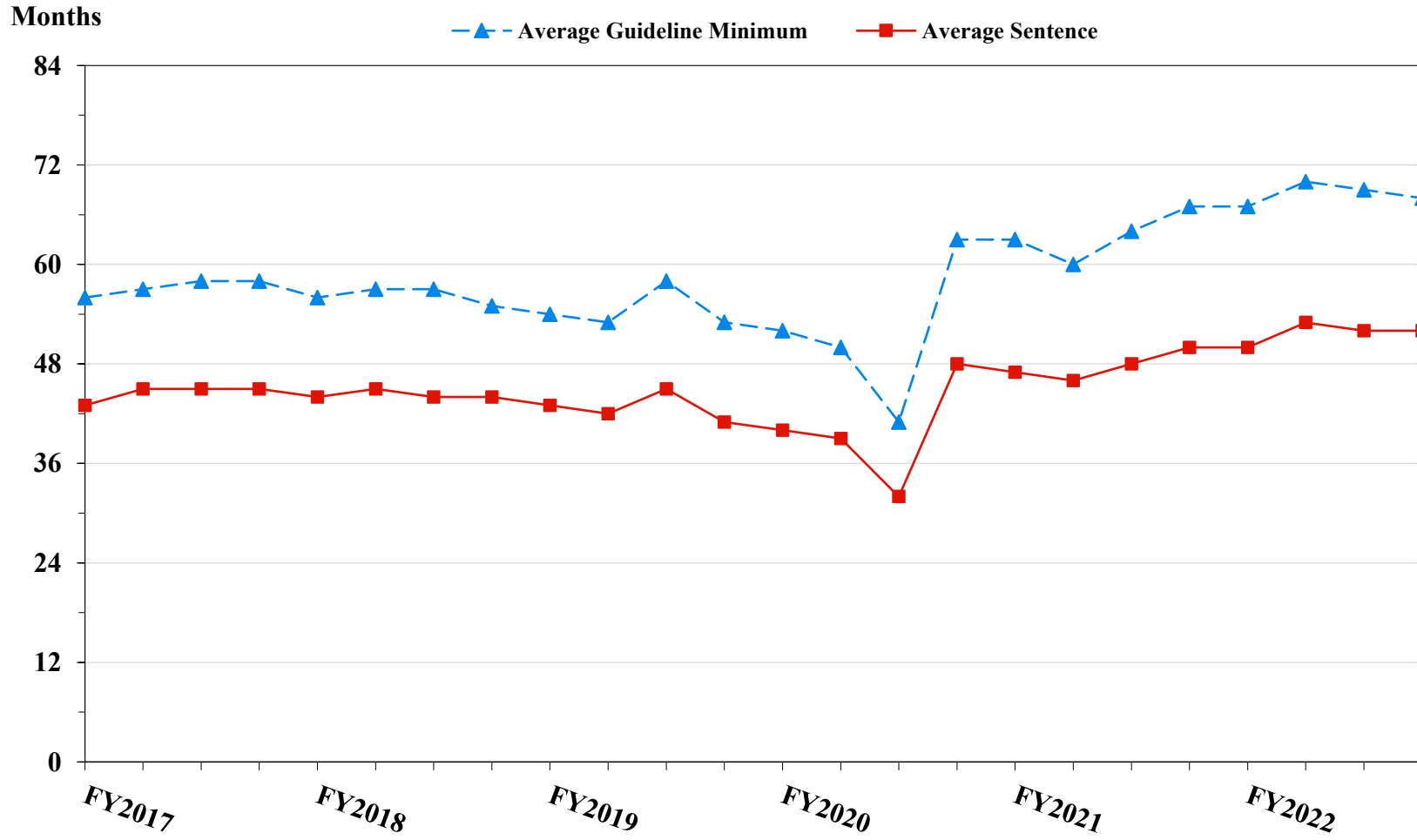
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>18,594</b>	<b>54</b>	<b>29</b>	<b>43.7</b>	<b>33</b>	<b>17</b>	<b>35.1</b>
Administration of Justice	235	7	12	68.7	3	10	85.0
Antitrust	5	7	12	76.7	0	9	100.0
Arson	32	29	20	45.3	24	18	39.8
Assault	252	54	28	42.4	30	17	33.3
Bribery/Corruption	171	20	24	58.7	12	13	59.9
Burglary/Trespass	15	7	7	62.9	9	7	57.1
Child Pornography	765	79	50	40.2	72	42	38.1
Commercialized Vice	19	7	10	76.8	0	9	100.0
Drug Possession	21	10	7	79.1	0	1	97.0
Drug Trafficking	7,337	75	40	38.8	60	27	31.4
Environmental	52	5	13	78.5	0	12	99.9
Extortion/Racketeering	47	31	29	62.0	12	22	66.5
Firearms	3,187	35	19	42.1	27	13	31.4
Food and Drug	13	25	30	52.8	18	27	53.9
Forgery/Counter/Copyright	39	9	14	71.2	2	12	80.0
Fraud/Theft/Embezzlement	2,048	20	17	58.0	12	12	50.8
Immigration	1,966	13	9	43.9	11	6	34.8
Individual Rights	30	43	27	59.3	18	18	53.1
Kidnapping	38	122	77	41.5	120	60	35.9
Manslaughter	12	46	14	35.2	25	8	20.1
Money Laundering	450	50	38	51.2	29	22	45.1
Murder	75	184	74	29.4	180	54	25.0
National Defense	58	25	31	62.2	11	33	66.1
Obscenity/Other Sex Offenses	136	13	10	50.3	12	9	42.2
Prison Offenses	128	10	9	49.8	8	6	44.4
Robbery	552	90	31	28.8	85	24	22.8
Sexual Abuse	483	163	69	30.9	168	57	26.7
Stalking/Harassing	109	15	14	55.6	12	11	45.5
Tax	286	10	16	68.2	6	12	67.5
Other	33	4	9	76.4	0	6	99.3

<sup>1</sup> Of the 64,142 cases, in 19,068 the sentence was a variance below the guideline range, either due to a government motion for a variance (6,138) or a non-government variance (12,930). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 195 offenders were excluded from this table. Also, 279 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

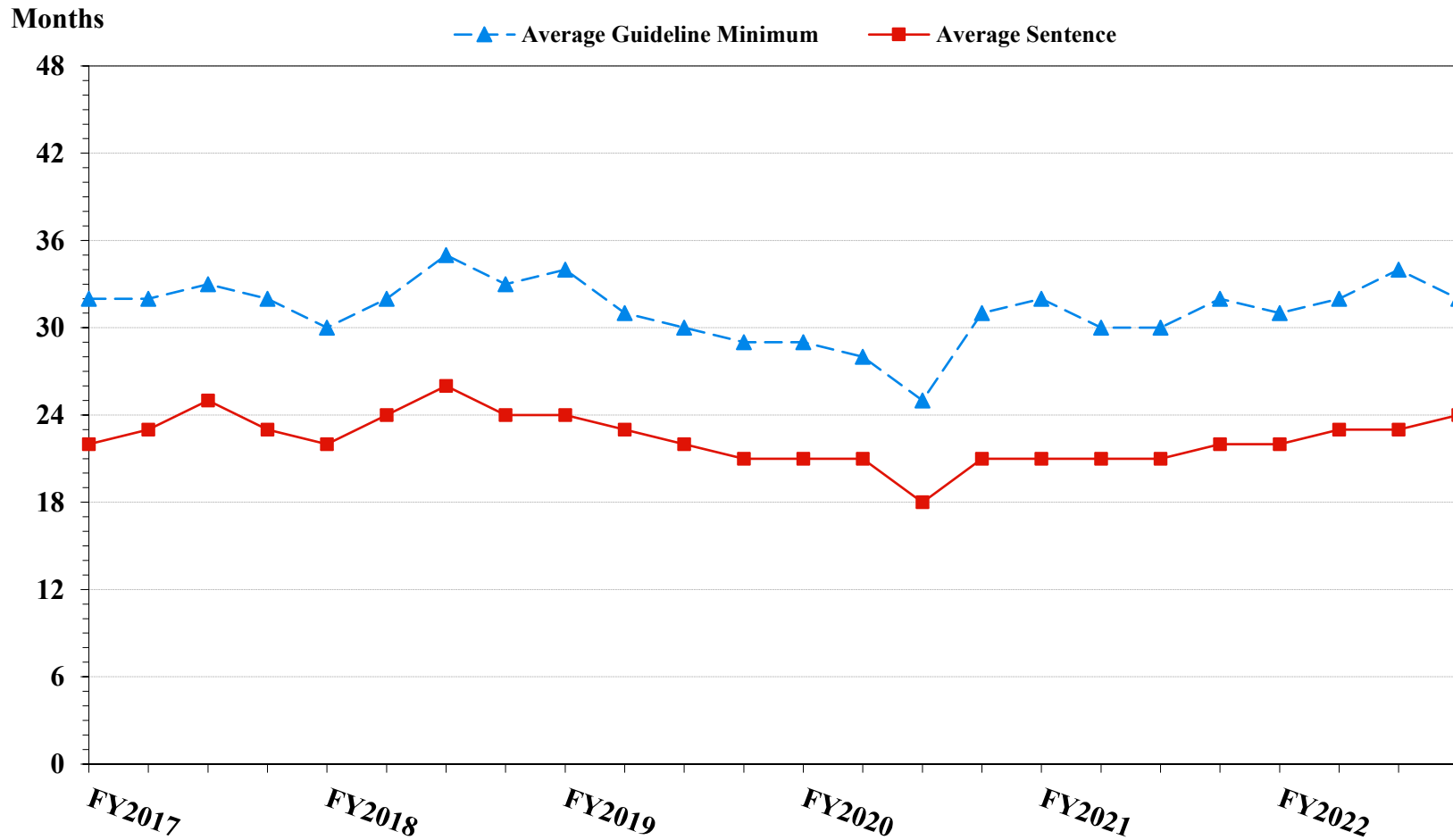
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR ALL CASES<sup>1</sup>  
Fiscal Years 2017 - 2022**



<sup>1</sup> 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 figure 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

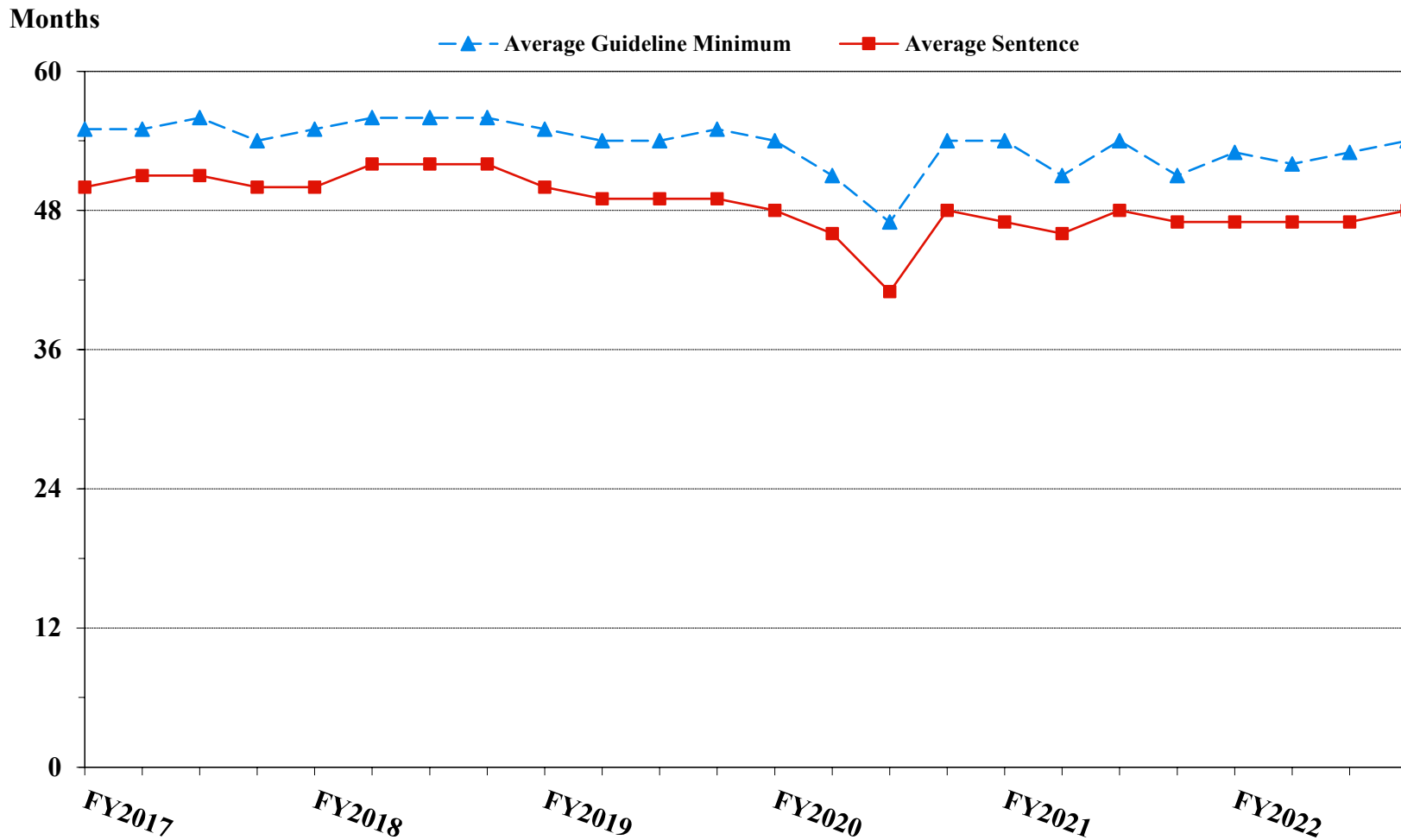
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>  
Fiscal Years 2017 - 2022**



<sup>1</sup> 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 figure 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

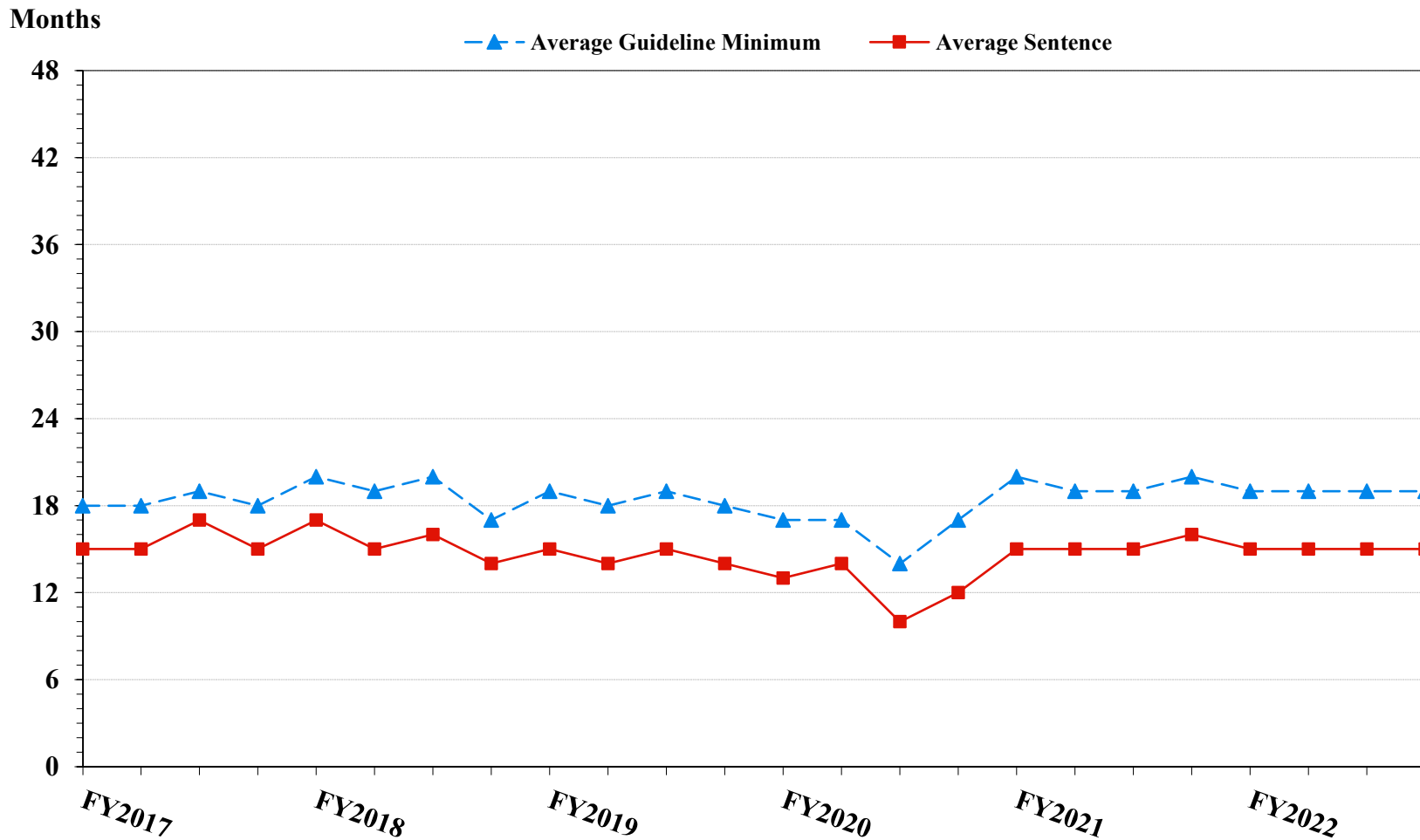
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>  
Fiscal Years 2017 - 2022**



<sup>1</sup> 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 figure 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)<sup>1</sup>  
Fiscal Years 2017 - 2022**

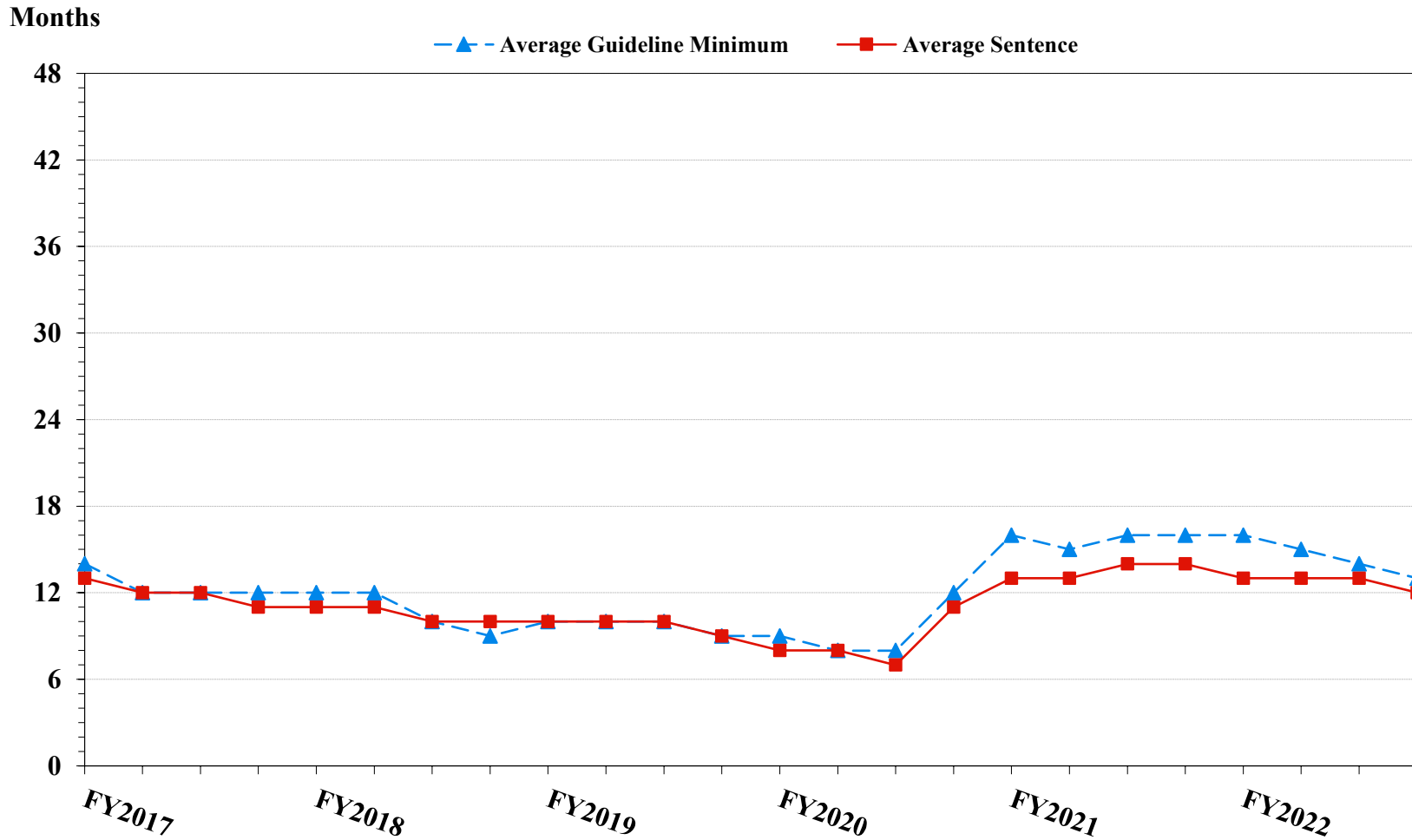


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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 figure 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, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>  
Fiscal Years 2017 - 2022**

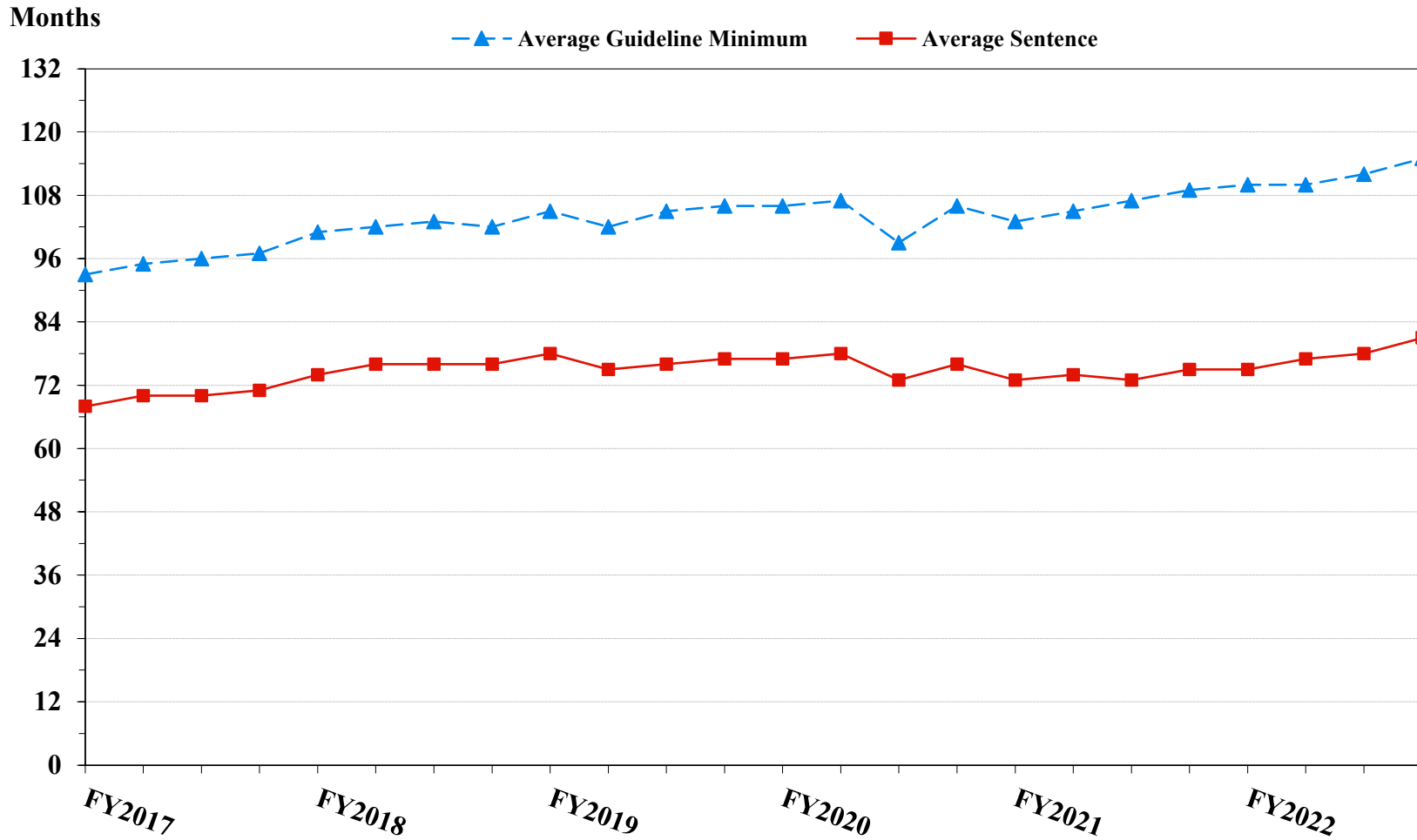


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. 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 figure 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, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.

Figure 10

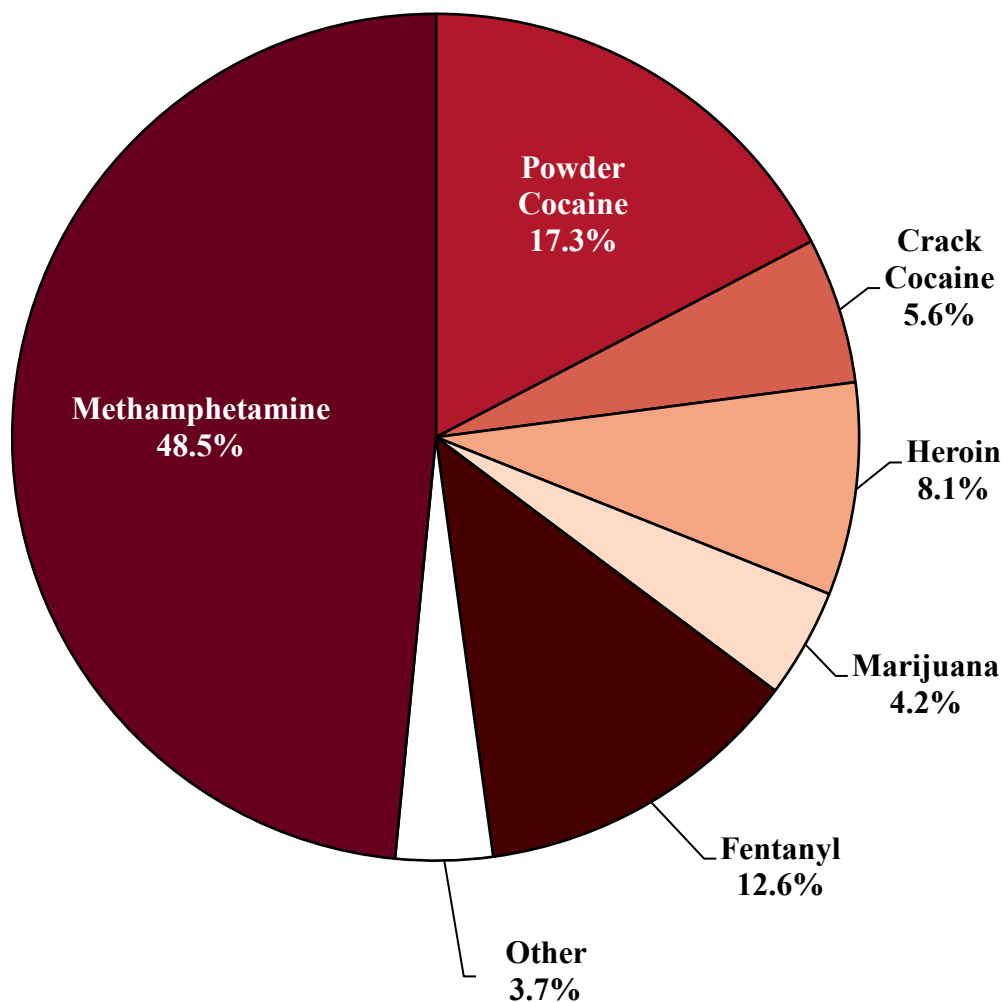
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>  
Fiscal Years 2017 - 2022**



<sup>1</sup> 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 figure 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, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.

**Figure 11**  
**DISTRIBUTION OF PRIMARY DRUG TYPE**  
**IN FEDERAL DRUG CASES<sup>1,2</sup>**  
**Fiscal Year 2022**



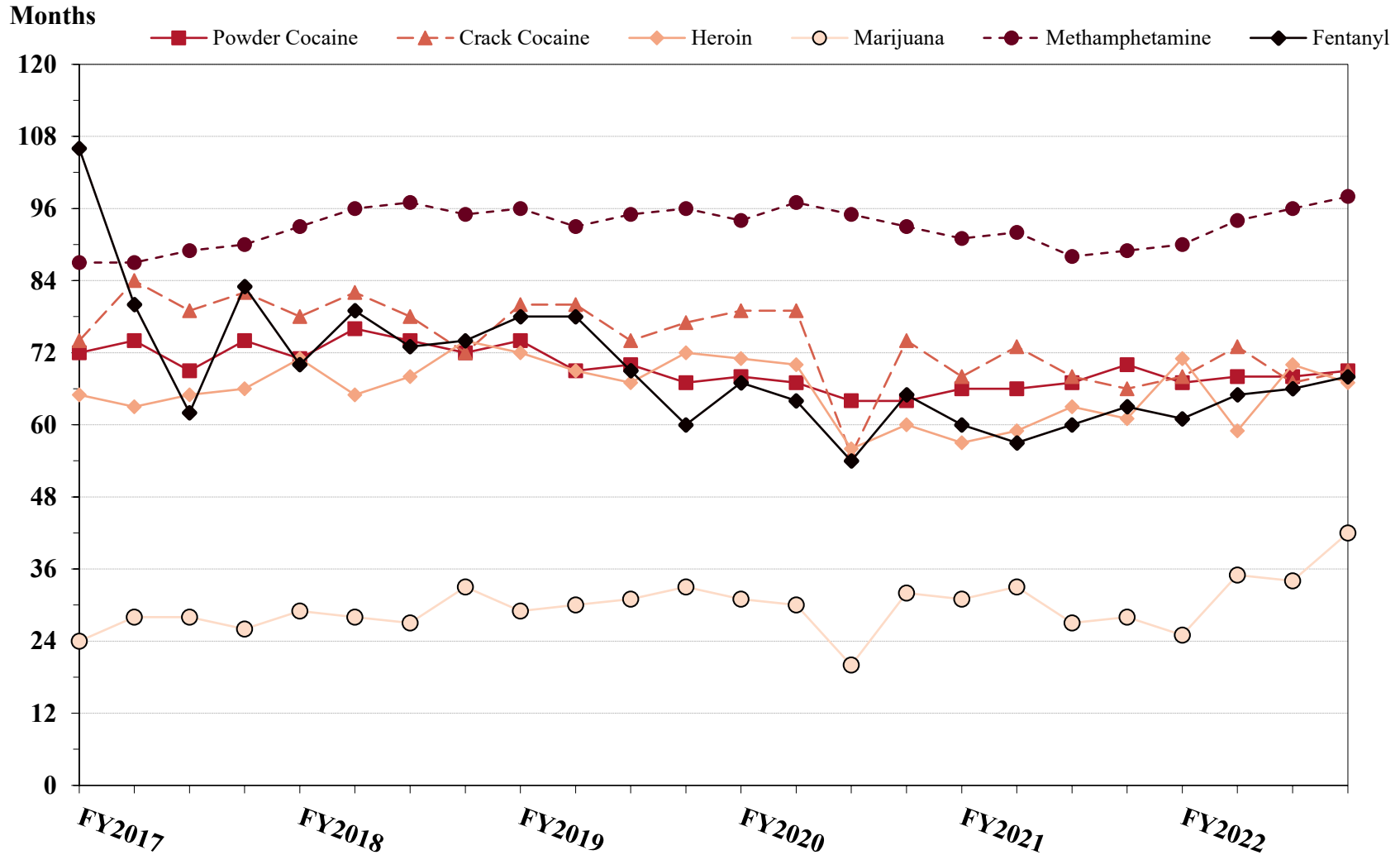
<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (301), MDMA/Ecstasy/MDA (72), and Synthetic Cannabinoid (59).

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS  
BY MAJOR DRUG TYPE QUARTERLY DATA<sup>1</sup>**  
Fiscal Years 2017 - 2022



<sup>1</sup> 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, 2017 - 2022 Datafiles, USSCFY17 - USSCFY22.



## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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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.<sup>1</sup>

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.<sup>2</sup> Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.<sup>3</sup>

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

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

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

<sup>2</sup> See U.S. SENTENCING COMM'N, *Guidelines Manual*, §1B1.9 (Nov. 2021).

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

**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.

The *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* 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.