

United States Sentencing Commission Quarterly Data Report



**Fiscal Year 2021 - 1st Quarter
Preliminary Cumulative Data**
(October 1, 2020, through December 31, 2020)

Introduction

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

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

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

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

Additionally, cases involving the production of child pornography have been assigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2020 are available at the Commission’s website, www.ussc.gov.

offense type in the *Sourcebook*. This change reflects the way in which the production of child 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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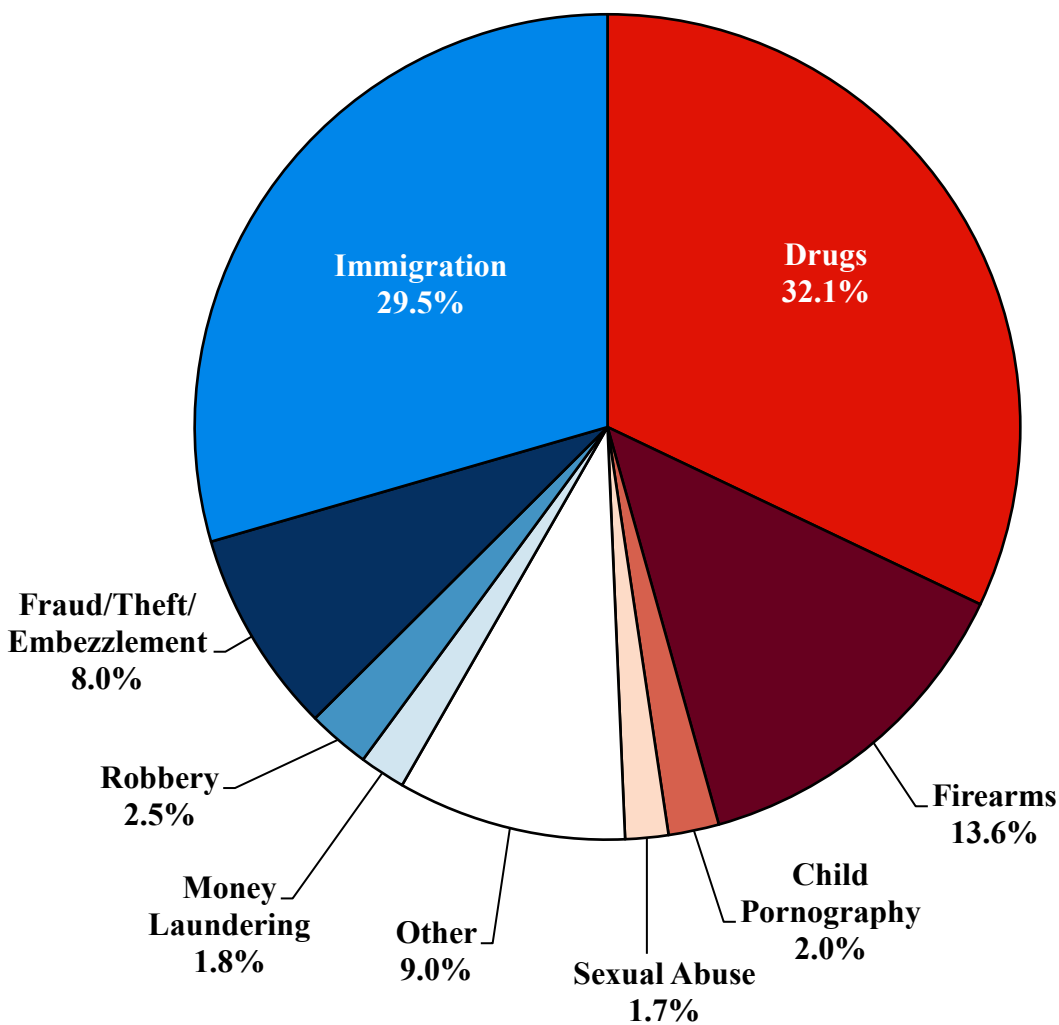
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through December 31, 2020)



¹ This figure includes the 12,375 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, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	N	%
TOTAL	12,375	100.0
Administration of Justice	126	1.0
Antitrust	2	0.0
Arson	9	0.1
Assault	131	1.1
Bribery/Corruption	49	0.4
Burglary/Trespass	17	0.1
Child Pornography	244	2.0
Commercialized Vice	21	0.2
Drug Possession	66	0.5
Drug Trafficking	3,902	31.5
Environmental	41	0.3
Extortion/Racketeering	33	0.3
Firearms	1,682	13.6
Food and Drug	9	0.1
Forgery/Counter/Copyright	48	0.4
Fraud/Theft/Embezzlement	987	8.0
Immigration	3,649	29.5
Individual Rights	18	0.1
Kidnapping	18	0.1
Manslaughter	13	0.1
Money Laundering	222	1.8
Murder	58	0.5
National Defense	44	0.4
Obscenity/Other Sex Offenses	70	0.6
Prison Offenses	97	0.8
Robbery	304	2.5
Sexual Abuse	209	1.7
Stalking/Harassing	54	0.4
Tax	90	0.7
Other	162	1.3

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
1st Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through December 31, 2020)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	12,375	100.0			
D.C. CIRCUIT	70	0.6	FIFTH CIRCUIT	3,298	26.7
District of Columbia	70	0.6	Louisiana		
			Eastern	24	0.2
FIRST CIRCUIT	350	2.8	Middle	35	0.3
Maine	64	0.5	Western	43	0.3
Massachusetts	81	0.7	Mississippi		
New Hampshire	33	0.3	Northern	26	0.2
Puerto Rico	164	1.3	Southern	55	0.4
Rhode Island	8	0.1	Texas		
			Eastern	121	1.0
SECOND CIRCUIT	562	4.5	Northern	303	2.4
Connecticut	64	0.5	Southern	1,715	13.9
New York			Western	976	7.9
Eastern	121	1.0	SIXTH CIRCUIT	947	7.7
Northern	61	0.5	Kentucky		
Southern	176	1.4	Eastern	140	1.1
Western	99	0.8	Western	86	0.7
Vermont	41	0.3	Michigan		
			Eastern	85	0.7
THIRD CIRCUIT	430	3.5	Western	66	0.5
Delaware	12	0.1	Ohio		
New Jersey	159	1.3	Northern	159	1.3
Pennsylvania			Southern	118	1.0
Eastern	92	0.7	Tennessee		
Middle	66	0.5	Eastern	159	1.3
Western	81	0.7	Middle	62	0.5
Virgin Islands	20	0.2	Western	72	0.6
			SEVENTH CIRCUIT	526	4.3
FOURTH CIRCUIT	960	7.8	Illinois		
Maryland	121	1.0	Central	44	0.4
North Carolina			Northern	163	1.3
Eastern	195	1.6	Southern	60	0.5
Middle	54	0.4	Indiana		
Western	97	0.8	Northern	59	0.5
South Carolina	135	1.1	Southern	91	0.7
Virginia			Wisconsin		
Eastern	202	1.6	Eastern	73	0.6
Western	70	0.6	Western	36	0.3
West Virginia					
Northern	33	0.3			
Southern	53	0.4			

Table 2 (cont.)

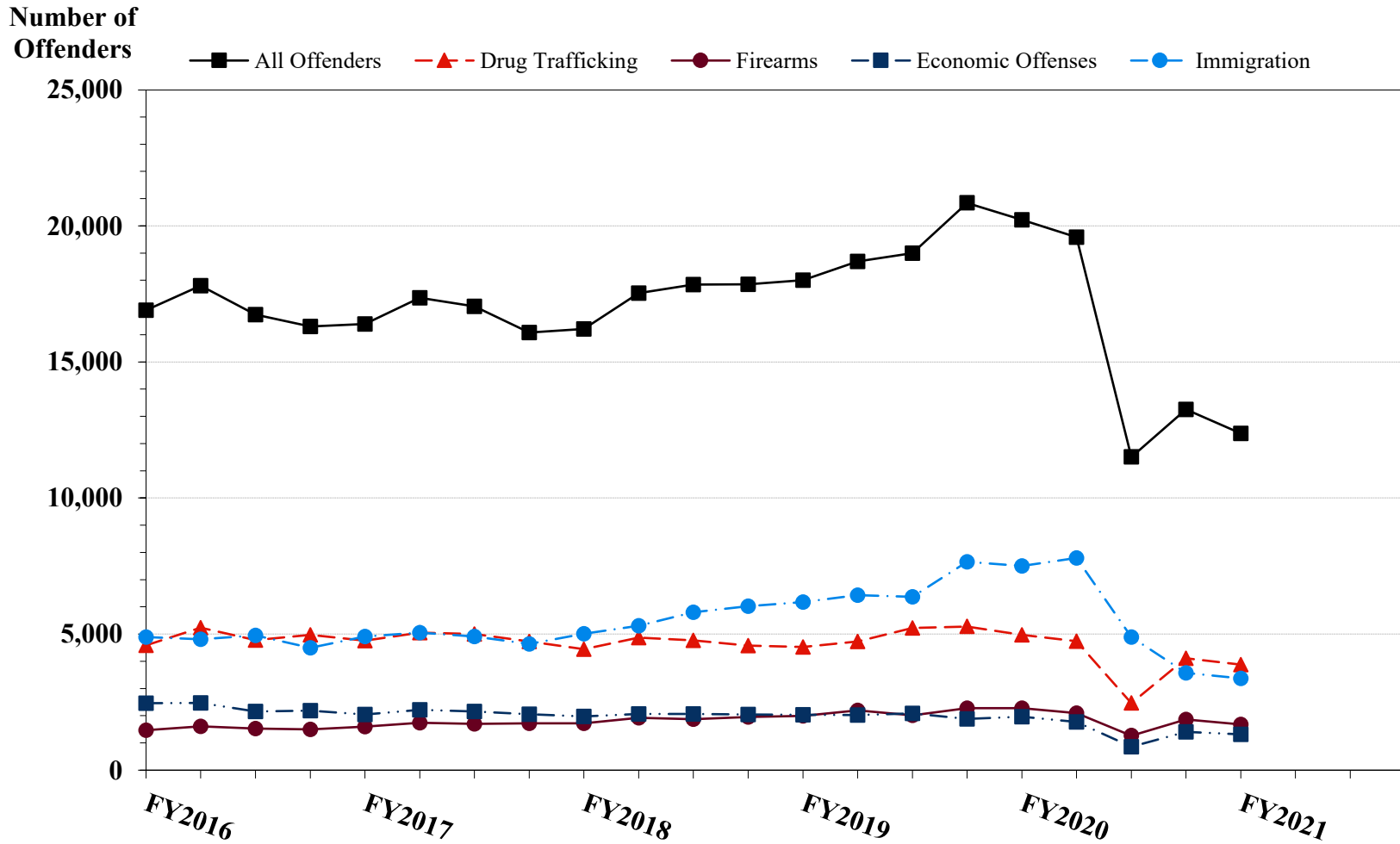
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	1,063	8.6	TENTH CIRCUIT	821	6.6
Arkansas			Colorado	70	0.6
Eastern	101	0.8	Kansas	79	0.6
Western	48	0.4	New Mexico	335	2.7
Iowa			Oklahoma		
Northern	63	0.5	Eastern	10	0.1
Southern	123	1.0	Northern	45	0.4
Minnesota	48	0.4	Western	80	0.6
Missouri			Utah	155	1.3
Eastern	267	2.2	Wyoming	47	0.4
Western	106	0.9			
Nebraska	102	0.8	ELEVENTH CIRCUIT	924	7.5
North Dakota	74	0.6	Alabama		
South Dakota	131	1.1	Middle	34	0.3
			Northern	97	0.8
NINTH CIRCUIT	2,424	19.6	Southern	48	0.4
Alaska	27	0.2	Florida		
Arizona	1,049	8.5	Middle	248	2.0
California			Northern	38	0.3
Central	183	1.5	Southern	148	1.2
Eastern	68	0.5	Georgia		
Northern	94	0.8	Middle	81	0.7
Southern	585	4.7	Northern	143	1.2
Guam	8	0.1	Southern	87	0.7
Hawaii	31	0.3			
Idaho	61	0.5			
Montana	78	0.6			
Nevada	44	0.4			
Northern Mariana Islands	5	0.0			
Oregon	88	0.7			
Washington					
Eastern	51	0.4			
Western	52	0.4			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	12,235	2,795	22.8	2,778	22.7	6,108	49.9	554	4.5
Administration of Justice	125	34	27.2	29	23.2	42	33.6	20	16.0
Antitrust	2	2	100.0	0	0.0	0	0.0	0	0.0
Arson	9	3	33.3	3	33.3	2	22.2	1	11.1
Assault	125	17	13.6	25	20.0	26	20.8	57	45.6
Bribery/Corruption	49	22	44.9	12	24.5	10	20.4	5	10.2
Burglary/Trespass	16	3	18.8	5	31.3	5	31.3	3	18.8
Child Pornography	244	201	82.4	9	3.7	30	12.3	4	1.6
Commercialized Vice	21	9	42.9	3	14.3	1	4.8	8	38.1
Drug Possession	55	23	41.8	18	32.7	11	20.0	3	5.5
Drug Trafficking	3,895	1,030	26.4	1,030	26.4	1,704	43.7	131	3.4
Environmental	39	22	56.4	0	0.0	10	25.6	7	17.9
Extortion/Racketeering	33	9	27.3	4	12.1	10	30.3	10	30.3
Firearms	1,680	400	23.8	910	54.2	315	18.8	55	3.3
Food and Drug	9	8	88.9	0	0.0	0	0.0	1	11.1
Forgery/Counter/Copyright	47	25	53.2	6	12.8	8	17.0	8	17.0
Fraud/Theft/Embezzlement	976	429	44.0	275	28.2	196	20.1	76	7.8
Immigration	3,610	109	3.0	49	1.4	3,418	94.7	34	0.9
Individual Rights	18	10	55.6	2	11.1	2	11.1	4	22.2
Kidnapping	18	4	22.2	4	22.2	6	33.3	4	22.2
Manslaughter	13	2	15.4	2	15.4	2	15.4	7	53.8
Money Laundering	221	61	27.6	45	20.4	95	43.0	20	9.0
Murder	58	4	6.9	28	48.3	22	37.9	4	6.9
National Defense	44	4	9.1	1	2.3	34	77.3	5	11.4
Obscenity/Other Sex Offenses	69	33	47.8	9	13.0	7	10.1	20	29.0
Prison Offenses	93	24	25.8	33	35.5	33	35.5	3	3.2
Robbery	304	52	17.1	183	60.2	59	19.4	10	3.3
Sexual Abuse	209	115	55.0	36	17.2	23	11.0	35	16.7
Stalking/Harassing	54	35	64.8	8	14.8	6	11.1	5	9.3
Tax	90	50	55.6	24	26.7	11	12.2	5	5.6
Other	109	55	50.5	25	22.9	20	18.3	9	8.3

¹ Of the 12,375 cases, 140 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	12,361	10,721	86.7	1,640	13.3
Administration of Justice	126	92	73.0	34	27.0
Antitrust	2	2	100.0	0	0.0
Arson	9	9	100.0	0	0.0
Assault	131	116	88.5	15	11.5
Bribery/Corruption	49	42	85.7	7	14.3
Burglary/Trespass	17	15	88.2	2	11.8
Child Pornography	244	238	97.5	6	2.5
Commercialized Vice	21	17	81.0	4	19.0
Drug Possession	62	36	58.1	26	41.9
Drug Trafficking	3,902	3,236	82.9	666	17.1
Environmental	41	37	90.2	4	9.8
Extortion/Racketeering	33	28	84.8	5	15.2
Firearms	1,682	1,621	96.4	61	3.6
Food and Drug	9	8	88.9	1	11.1
Forgery/Counter/Copyright	48	30	62.5	18	37.5
Fraud/Theft/Embezzlement	986	661	67.0	325	33.0
Immigration	3,643	3,352	92.0	291	8.0
Individual Rights	18	13	72.2	5	27.8
Kidnapping	18	16	88.9	2	11.1
Manslaughter	13	10	76.9	3	23.1
Money Laundering	222	177	79.7	45	20.3
Murder	58	52	89.7	6	10.3
National Defense	44	35	79.5	9	20.5
Obscenity/Other Sex Offenses	70	68	97.1	2	2.9
Prison Offenses	97	88	90.7	9	9.3
Robbery	304	284	93.4	20	6.6
Sexual Abuse	209	197	94.3	12	5.7
Stalking/Harassing	54	52	96.3	2	3.7
Tax	90	69	76.7	21	23.3
Other	159	120	75.5	39	24.5

¹ Of the 12,375 cases, 14 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	12,299	8,071	65.6	4,228	34.4
Administration of Justice	125	103	82.4	22	17.6
Antitrust	2	2	100.0	0	0.0
Arson	9	9	100.0	0	0.0
Assault	126	121	96.0	5	4.0
Bribery/Corruption	49	48	98.0	1	2.0
Burglary/Trespass	16	16	100.0	0	0.0
Child Pornography	244	235	96.3	9	3.7
Commercialized Vice	21	19	90.5	2	9.5
Drug Possession	54	50	92.6	4	7.4
Drug Trafficking	3,897	3,169	81.3	728	18.7
Environmental	41	37	90.2	4	9.8
Extortion/Racketeering	33	27	81.8	6	18.2
Firearms	1,681	1,604	95.4	77	4.6
Food and Drug	9	8	88.9	1	11.1
Forgery/Counter/Copyright	48	41	85.4	7	14.6
Fraud/Theft/Embezzlement	974	830	85.2	144	14.8
Immigration	3,649	582	15.9	3,067	84.1
Individual Rights	17	13	76.5	4	23.5
Kidnapping	18	18	100.0	0	0.0
Manslaughter	13	13	100.0	0	0.0
Money Laundering	222	147	66.2	75	33.8
Murder	58	48	82.8	10	17.2
National Defense	44	20	45.5	24	54.5
Obscenity/Other Sex Offenses	70	68	97.1	2	2.9
Prison Offenses	97	92	94.8	5	5.2
Robbery	303	290	95.7	13	4.3
Sexual Abuse	209	203	97.1	6	2.9
Stalking/Harassing	54	51	94.4	3	5.6
Tax	90	88	97.8	2	2.2
Other	126	119	94.4	7	5.6

¹ Of the 12,375 cases, 76 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹**1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	47	24	12,375
Administration of Justice	17	10	126
Antitrust	--	--	2
Arson	112	78	9
Assault	52	27	131
Bribery/Corruption	21	14	49
Burglary/Trespass	26	13	17
Child Pornography	104	84	244
Commercialized Vice	21	12	21
Drug Possession	1	0	66
Drug Trafficking	73	60	3,902
Environmental	2	0	41
Extortion/Racketeering	18	11	33
Firearms	49	37	1,682
Food and Drug	5	1	9
Forgery/Counter/Copyright	12	10	48
Fraud/Theft/Embezzlement	20	10	987
Immigration	13	9	3,649
Individual Rights	33	6	18
Kidnapping	180	147	18
Manslaughter	68	51	13
Money Laundering	64	37	222
Murder	224	198	58
National Defense	33	24	44
Obscenity/Other Sex Offenses	22	19	70
Prison Offenses	10	8	97
Robbery	106	96	304
Sexual Abuse	208	180	209
Stalking/Harassing	19	12	54
Tax	17	12	90
Other	2	0	162

¹ Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	12,375	11,238	90.8	10,926	88.3	312	2.5	1,070	8.6	230	1.9	840	6.8	67	0.5
Administration of Justice	126	99	78.6	91	72.2	8	6.3	26	20.6	6	4.8	20	15.9	1	0.8
Antitrust	2	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0
Arson	9	9	100.0	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Assault	131	117	89.3	113	86.3	4	3.1	12	9.2	1	0.8	11	8.4	2	1.5
Bribery/Corruption	49	37	75.5	34	69.4	3	6.1	12	24.5	4	8.2	8	16.3	0	0.0
Burglary/Trespass	17	14	82.4	13	76.5	1	5.9	3	17.6	1	5.9	2	11.8	0	0.0
Child Pornography	244	243	99.6	241	98.8	2	0.8	1	0.4	1	0.4	0	0.0	0	0.0
Commercialized Vice	21	12	57.1	11	52.4	1	4.8	9	42.9	2	9.5	7	33.3	0	0.0
Drug Possession	66	20	30.3	20	30.3	0	0.0	34	51.5	2	3.0	32	48.5	12	18.2
Drug Trafficking	3,902	3,755	96.2	3,624	92.9	131	3.4	147	3.8	42	1.1	105	2.7	0	0.0
Environmental	41	8	19.5	7	17.1	1	2.4	32	78.0	4	9.8	28	68.3	1	2.4
Extortion/Racketeering	33	18	54.5	17	51.5	1	3.0	15	45.5	1	3.0	14	42.4	0	0.0
Firearms	1,682	1,589	94.5	1,556	92.5	33	2.0	92	5.5	9	0.5	83	4.9	1	0.1
Food and Drug	9	3	33.3	3	33.3	0	0.0	6	66.7	2	22.2	4	44.4	0	0.0
Forgery/Counter/Copyright	48	32	66.7	32	66.7	0	0.0	16	33.3	4	8.3	12	25.0	0	0.0
Fraud/Theft/Embezzlement	987	678	68.7	633	64.1	45	4.6	301	30.5	77	7.8	224	22.7	8	0.8
Immigration	3,649	3,458	94.8	3,416	93.6	42	1.2	191	5.2	42	1.2	149	4.1	0	0.0
Individual Rights	18	7	38.9	6	33.3	1	5.6	7	38.9	2	11.1	5	27.8	4	22.2
Kidnapping	18	18	100.0	18	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	13	13	100.0	10	76.9	3	23.1	0	0.0	0	0.0	0	0.0	0	0.0
Money Laundering	222	195	87.8	193	86.9	2	0.9	27	12.2	2	0.9	25	11.3	0	0.0
Murder	58	58	100.0	58	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	44	43	97.7	41	93.2	2	4.5	1	2.3	0	0.0	1	2.3	0	0.0
Obscenity/Other Sex Offenses	70	69	98.6	63	90.0	6	8.6	1	1.4	0	0.0	1	1.4	0	0.0
Prison Offenses	97	92	94.8	88	90.7	4	4.1	5	5.2	3	3.1	2	2.1	0	0.0
Robbery	304	297	97.7	285	93.8	12	3.9	7	2.3	1	0.3	6	2.0	0	0.0
Sexual Abuse	209	208	99.5	207	99.0	1	0.5	1	0.5	0	0.0	1	0.5	0	0.0
Stalking/Harassing	54	48	88.9	45	83.3	3	5.6	6	11.1	0	0.0	6	11.1	0	0.0
Tax	90	59	65.6	53	58.9	6	6.7	31	34.4	12	13.3	19	21.1	0	0.0
Other	162	38	23.5	38	23.5	0	0.0	87	53.7	12	7.4	75	46.3	37	22.8

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

	<u>N</u>	<u>%</u>
TOTAL CASES	12,309	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	8,356	67.9
Within Guideline Range	5,142	41.8
Upward Departure ²	60	0.5
Downward Departure		
§5K1.1 Substantial Assistance	1,200	9.7
§5K3.1 Early Disposition Program	1,373	11.2
Other Government Motion ³	264	2.1
Non-Government Departure ⁴	317	2.6
VARIANCES	3,953	32.1
Upward Variance ⁵	231	1.9
Downward Variance		
Government Motion ⁶	1,058	8.6
Non-Government Variance ⁷	2,664	21.6

¹ This table reflects the 12,375 cases sentenced on or after October 1, 2020, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by April 20, 2021. Of these, 66 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

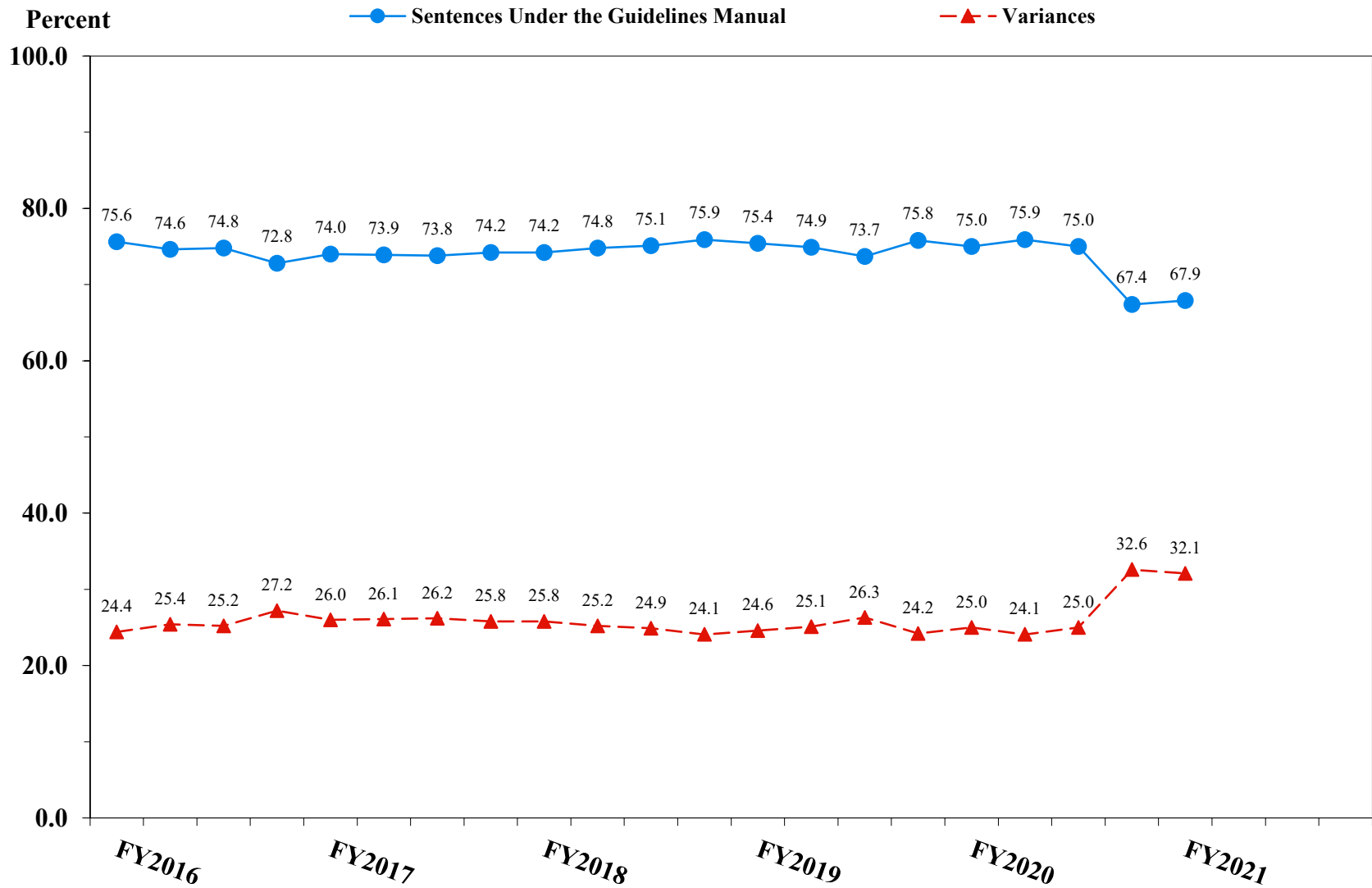
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)



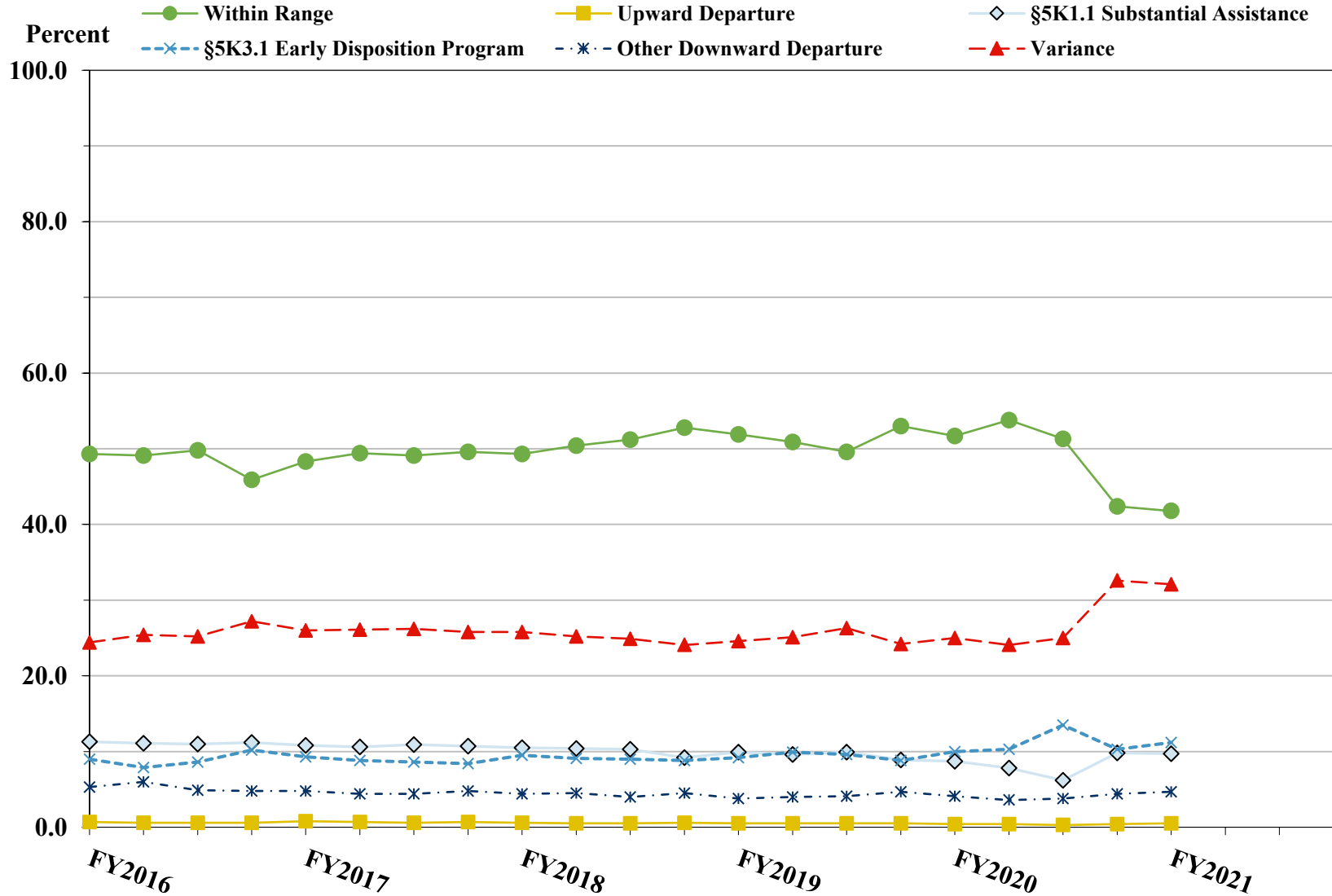
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

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

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	12,309	5,142	41.8	60	0.5	1,200	9.7	1,373	11.2	581	4.7	3,953	32.1
D.C. CIRCUIT	68	20	29.4	0	0.0	8	11.8	0	0.0	6	8.8	34	50.0
District of Columbia	68	20	29.4	0	0.0	8	11.8	0	0.0	6	8.8	34	50.0
FIRST CIRCUIT	350	137	39.1	2	0.6	34	9.7	0	0.0	21	6.0	156	44.6
Maine	64	13	20.3	1	1.6	10	15.6	0	0.0	1	1.6	39	60.9
Massachusetts	81	21	25.9	1	1.2	8	9.9	0	0.0	7	8.6	44	54.3
New Hampshire	33	6	18.2	0	0.0	5	15.2	0	0.0	2	6.1	20	60.6
Puerto Rico	164	96	58.5	0	0.0	11	6.7	0	0.0	11	6.7	46	28.0
Rhode Island	8	1	12.5	0	0.0	0	0.0	0	0.0	0	0.0	7	87.5
SECOND CIRCUIT	561	173	30.8	0	0.0	97	17.3	2	0.4	15	2.7	274	48.8
Connecticut	64	20	31.3	0	0.0	5	7.8	0	0.0	7	10.9	32	50.0
New York													
Eastern	121	29	24.0	0	0.0	23	19.0	1	0.8	4	3.3	64	52.9
Northern	60	34	56.7	0	0.0	11	18.3	0	0.0	3	5.0	12	20.0
Southern	176	39	22.2	0	0.0	34	19.3	1	0.6	0	0.0	102	58.0
Western	99	38	38.4	0	0.0	19	19.2	0	0.0	1	1.0	41	41.4
Vermont	41	13	31.7	0	0.0	5	12.2	0	0.0	0	0.0	23	56.1
THIRD CIRCUIT	430	166	38.6	0	0.0	74	17.2	2	0.5	10	2.3	178	41.4
Delaware	12	2	16.7	0	0.0	2	16.7	1	8.3	1	8.3	6	50.0
New Jersey	159	64	40.3	0	0.0	23	14.5	0	0.0	0	0.0	72	45.3
Pennsylvania													
Eastern	92	26	28.3	0	0.0	24	26.1	1	1.1	6	6.5	35	38.0
Middle	66	27	40.9	0	0.0	15	22.7	0	0.0	0	0.0	24	36.4
Western	81	30	37.0	0	0.0	10	12.3	0	0.0	3	3.7	38	46.9
Virgin Islands	20	17	85.0	0	0.0	0	0.0	0	0.0	0	0.0	3	15.0
FOURTH CIRCUIT	934	436	46.7	9	1.0	143	15.3	0	0.0	27	2.9	319	34.2
Maryland	119	42	35.3	3	2.5	10	8.4	0	0.0	10	8.4	54	45.4
North Carolina													
Eastern	184	100	54.3	2	1.1	54	29.3	0	0.0	1	0.5	27	14.7
Middle	50	27	54.0	0	0.0	3	6.0	0	0.0	0	0.0	20	40.0
Western	97	45	46.4	0	0.0	20	20.6	0	0.0	1	1.0	31	32.0
South Carolina	134	46	34.3	0	0.0	30	22.4	0	0.0	4	3.0	54	40.3
Virginia													
Eastern	197	102	51.8	3	1.5	12	6.1	0	0.0	5	2.5	75	38.1
Western	67	33	49.3	0	0.0	12	17.9	0	0.0	4	6.0	18	26.9
West Virginia													
Northern	33	14	42.4	0	0.0	2	6.1	0	0.0	0	0.0	17	51.5
Southern	53	27	50.9	1	1.9	0	0.0	0	0.0	2	3.8	23	43.4

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	3,295	1,890	57.4	11	0.3	150	4.6	287	8.7	221	6.7	736	22.3
Louisiana													
Eastern	24	14	58.3	0	0.0	4	16.7	0	0.0	0	0.0	6	25.0
Middle	35	14	40.0	0	0.0	10	28.6	0	0.0	1	2.9	10	28.6
Western	43	25	58.1	1	2.3	6	14.0	0	0.0	2	4.7	9	20.9
Mississippi													
Northern	24	13	54.2	0	0.0	2	8.3	0	0.0	0	0.0	9	37.5
Southern	55	32	58.2	0	0.0	2	3.6	5	9.1	0	0.0	16	29.1
Texas													
Eastern	121	81	66.9	2	1.7	5	4.1	0	0.0	8	6.6	25	20.7
Northern	302	193	63.9	2	0.7	23	7.6	0	0.0	3	1.0	81	26.8
Southern	1,715	845	49.3	6	0.3	57	3.3	260	15.2	181	10.6	366	21.3
Western	976	673	69.0	0	0.0	41	4.2	22	2.3	26	2.7	214	21.9
SIXTH CIRCUIT	945	406	43.0	5	0.5	172	18.2	2	0.2	28	3.0	332	35.1
Kentucky													
Eastern	140	73	52.1	1	0.7	24	17.1	0	0.0	1	0.7	41	29.3
Western	85	36	42.4	2	2.4	20	23.5	2	2.4	1	1.2	24	28.2
Michigan													
Eastern	85	41	48.2	0	0.0	3	3.5	0	0.0	2	2.4	39	45.9
Western	66	39	59.1	0	0.0	10	15.2	0	0.0	1	1.5	16	24.2
Ohio													
Northern	159	59	37.1	0	0.0	38	23.9	0	0.0	4	2.5	58	36.5
Southern	118	28	23.7	1	0.8	36	30.5	0	0.0	11	9.3	42	35.6
Tennessee													
Eastern	159	82	51.6	1	0.6	25	15.7	0	0.0	1	0.6	50	31.4
Middle	61	15	24.6	0	0.0	8	13.1	0	0.0	6	9.8	32	52.5
Western	72	33	45.8	0	0.0	8	11.1	0	0.0	1	1.4	30	41.7
SEVENTH CIRCUIT	526	180	34.2	1	0.2	52	9.9	0	0.0	19	3.6	274	52.1
Illinois													
Central	44	14	31.8	0	0.0	3	6.8	0	0.0	0	0.0	27	61.4
Northern	163	44	27.0	0	0.0	11	6.7	0	0.0	12	7.4	96	58.9
Southern	60	34	56.7	0	0.0	8	13.3	0	0.0	0	0.0	18	30.0
Indiana													
Northern	59	24	40.7	0	0.0	9	15.3	0	0.0	0	0.0	26	44.1
Southern	91	41	45.1	0	0.0	11	12.1	0	0.0	2	2.2	37	40.7
Wisconsin													
Eastern	73	12	16.4	0	0.0	8	11.0	0	0.0	0	0.0	53	72.6
Western	36	11	30.6	1	2.8	2	5.6	0	0.0	5	13.9	17	47.2
EIGHTH CIRCUIT	1,062	428	40.3	8	0.8	136	12.8	8	0.8	29	2.7	453	42.7
Arkansas													
Eastern	101	63	62.4	0	0.0	6	5.9	0	0.0	0	0.0	32	31.7
Western	48	14	29.2	0	0.0	9	18.8	0	0.0	0	0.0	25	52.1
Iowa													
Northern	63	25	39.7	3	4.8	18	28.6	0	0.0	1	1.6	16	25.4
Southern	123	40	32.5	0	0.0	20	16.3	0	0.0	1	0.8	62	50.4
Minnesota	48	12	25.0	1	2.1	10	20.8	2	4.2	2	4.2	21	43.8
Missouri													
Eastern	266	107	40.2	1	0.4	22	8.3	0	0.0	3	1.1	133	50.0
Western	106	41	38.7	1	0.9	15	14.2	0	0.0	4	3.8	45	42.5
Nebraska	102	42	41.2	0	0.0	1	1.0	4	3.9	0	0.0	55	53.9
North Dakota	74	22	29.7	0	0.0	34	45.9	1	1.4	3	4.1	14	18.9
South Dakota	131	62	47.3	2	1.5	1	0.8	1	0.8	15	11.5	50	38.2

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	2,403	567	23.6	19	0.8	164	6.8	947	39.4	104	4.3	602	25.1
Alaska	27	7	25.9	0	0.0	2	7.4	0	0.0	0	0.0	18	66.7
Arizona	1,038	281	27.1	7	0.7	19	1.8	586	56.5	20	1.9	125	12.0
California													
Central	181	52	28.7	0	0.0	21	11.6	7	3.9	17	9.4	84	46.4
Eastern	68	30	44.1	0	0.0	14	20.6	0	0.0	0	0.0	24	35.3
Northern	93	15	16.1	0	0.0	7	7.5	0	0.0	1	1.1	70	75.3
Southern	578	54	9.3	6	1.0	37	6.4	342	59.2	51	8.8	88	15.2
Guam	8	6	75.0	0	0.0	2	25.0	0	0.0	0	0.0	0	0.0
Hawaii	31	14	45.2	0	0.0	5	16.1	0	0.0	0	0.0	12	38.7
Idaho	61	25	41.0	1	1.6	11	18.0	2	3.3	4	6.6	18	29.5
Montana	78	22	28.2	2	2.6	24	30.8	0	0.0	5	6.4	25	32.1
Nevada	44	9	20.5	0	0.0	1	2.3	8	18.2	3	6.8	23	52.3
Northern Mariana Islands	5	2	40.0	0	0.0	1	20.0	0	0.0	0	0.0	2	40.0
Oregon	88	16	18.2	0	0.0	11	12.5	0	0.0	2	2.3	59	67.0
Washington													
Eastern	51	15	29.4	3	5.9	8	15.7	1	2.0	1	2.0	23	45.1
Western	52	19	36.5	0	0.0	1	1.9	1	1.9	0	0.0	31	59.6
TENTH CIRCUIT	820	308	37.6	4	0.5	55	6.7	122	14.9	86	10.5	245	29.9
Colorado	70	24	34.3	0	0.0	10	14.3	5	7.1	4	5.7	27	38.6
Kansas	79	32	40.5	1	1.3	9	11.4	2	2.5	2	2.5	33	41.8
New Mexico	335	130	38.8	0	0.0	10	3.0	86	25.7	34	10.1	75	22.4
Oklahoma													
Eastern	10	7	70.0	0	0.0	0	0.0	0	0.0	2	20.0	1	10.0
Northern	44	20	45.5	1	2.3	3	6.8	0	0.0	16	36.4	4	9.1
Western	80	43	53.8	0	0.0	8	10.0	0	0.0	0	0.0	29	36.3
Utah	155	36	23.2	2	1.3	10	6.5	26	16.8	27	17.4	54	34.8
Wyoming	47	16	34.0	0	0.0	5	10.6	3	6.4	1	2.1	22	46.8
ELEVENTH CIRCUIT	915	431	47.1	1	0.1	115	12.6	3	0.3	15	1.6	350	38.3
Alabama													
Middle	34	14	41.2	0	0.0	9	26.5	0	0.0	0	0.0	11	32.4
Northern	95	47	49.5	0	0.0	17	17.9	0	0.0	1	1.1	30	31.6
Southern	48	26	54.2	0	0.0	10	20.8	0	0.0	0	0.0	12	25.0
Florida													
Middle	248	107	43.1	1	0.4	33	13.3	2	0.8	2	0.8	103	41.5
Northern	36	11	30.6	0	0.0	9	25.0	1	2.8	0	0.0	15	41.7
Southern	146	61	41.8	0	0.0	10	6.8	0	0.0	3	2.1	72	49.3
Georgia													
Middle	78	54	69.2	0	0.0	4	5.1	0	0.0	2	2.6	18	23.1
Northern	143	54	37.8	0	0.0	9	6.3	0	0.0	4	2.8	76	53.1
Southern	87	57	65.5	0	0.0	14	16.1	0	0.0	3	3.4	13	14.9

¹ Of the 12,375 cases, 66 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	12,309	5,142	41.8	60	0.5	1,200	9.7	1,373	11.2	581	4.7	3,953	32.1
Administration of Justice	123	56	45.5	0	0.0	6	4.9	2	1.6	6	4.9	53	43.1
Antitrust	2	0	0.0	0	0.0	2	100.0	0	0.0	0	0.0	0	0.0
Arson	9	5	55.6	0	0.0	0	0.0	0	0.0	0	0.0	4	44.4
Assault	131	66	50.4	6	4.6	3	2.3	0	0.0	11	8.4	45	34.4
Bribery/Corruption	49	11	22.4	0	0.0	11	22.4	0	0.0	3	6.1	24	49.0
Burglary/Trespass	17	11	64.7	0	0.0	0	0.0	0	0.0	5	29.4	1	5.9
Child Pornography	243	75	30.9	1	0.4	3	1.2	1	0.4	13	5.3	150	61.7
Commercialized Vice	21	6	28.6	0	0.0	2	9.5	0	0.0	0	0.0	13	61.9
Drug Possession	60	58	96.7	0	0.0	0	0.0	0	0.0	0	0.0	2	3.3
Drug Trafficking	3,897	1,138	29.2	16	0.4	758	19.5	337	8.6	167	4.3	1,481	38.0
Environmental	41	25	61.0	0	0.0	4	9.8	0	0.0	2	4.9	10	24.4
Extortion/Racketeering	33	9	27.3	0	0.0	12	36.4	0	0.0	0	0.0	12	36.4
Firearms	1,682	846	50.3	11	0.7	85	5.1	2	0.1	72	4.3	666	39.6
Food and Drug	9	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0	2	22.2
Forgery/Counter/Copyright	48	21	43.8	0	0.0	4	8.3	0	0.0	2	4.2	21	43.8
Fraud/Theft/Embezzlement	980	408	41.6	10	1.0	133	13.6	8	0.8	41	4.2	380	38.8
Immigration	3,636	1,846	50.8	8	0.2	27	0.7	1,019	28.0	207	5.7	529	14.5
Individual Rights	14	7	50.0	0	0.0	2	14.3	0	0.0	0	0.0	5	35.7
Kidnapping	18	4	22.2	0	0.0	5	27.8	0	0.0	0	0.0	9	50.0
Manslaughter	13	5	38.5	1	7.7	1	7.7	0	0.0	1	7.7	5	38.5
Money Laundering	222	54	24.3	0	0.0	59	26.6	1	0.5	7	3.2	101	45.5
Murder	58	16	27.6	1	1.7	13	22.4	0	0.0	4	6.9	24	41.4
National Defense	43	18	41.9	0	0.0	5	11.6	1	2.3	6	14.0	13	30.2
Obscenity/Other Sex Offenses	70	35	50.0	2	2.9	0	0.0	1	1.4	3	4.3	29	41.4
Prison Offenses	95	59	62.1	0	0.0	4	4.2	0	0.0	1	1.1	31	32.6
Robbery	304	110	36.2	1	0.3	37	12.2	0	0.0	12	3.9	144	47.4
Sexual Abuse	209	81	38.8	2	1.0	16	7.7	0	0.0	8	3.8	102	48.8
Stalking/Harassing	54	21	38.9	1	1.9	0	0.0	1	1.9	5	9.3	26	48.1
Tax	89	22	24.7	0	0.0	7	7.9	0	0.0	4	4.5	56	62.9
Other	139	122	87.8	0	0.0	1	0.7	0	0.0	1	0.7	15	10.8

¹ Of the 12,375 cases, 66 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	39	14	0	10	0	1	14	§2D1.8	6	2	0	0	0	1	3
§2A1.2	7	2	1	1	0	0	3	§2D1.9	0	0	0	0	0	0	0
§2A1.3	7	1	0	1	0	1	4	§2D1.10	0	0	0	0	0	0	0
§2A1.4	6	4	1	0	0	0	1	§2D1.11	2	0	0	0	0	0	2
§2A1.5	7	0	0	1	0	1	5	§2D1.12	1	0	0	0	0	0	1
§2A2.1	16	5	0	2	0	0	9	§2D1.13	1	1	0	0	0	0	0
§2A2.2	81	37	6	1	0	10	27	§2D1.14	0	0	0	0	0	0	0
§2A2.3	15	14	0	0	0	0	1	§2D2.1	28	26	0	0	0	0	2
§2A2.4	45	20	0	0	2	4	19	§2D2.2	21	17	0	1	0	0	3
§2A3.1	21	7	0	1	0	1	12	§2D2.3	0	0	0	0	0	0	0
§2A3.2	10	4	1	0	0	1	4	§2D3.1	0	0	0	0	0	0	0
§2A3.3	0	0	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0
§2A3.4	6	3	0	0	0	1	2	§2D3.3	0	0	0	0	0	0	0
§2A3.5	54	29	0	0	1	2	22	§2D3.4	0	0	0	0	0	0	0
§2A4.1	18	4	0	5	0	0	9	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	10	4	0	2	0	0	4
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0
§2A5.2	5	2	0	0	0	0	3	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	2	1	0	0	0	0	1
§2A6.1	45	19	1	0	1	4	20	§2E1.5	0	0	0	0	0	0	0
§2A6.2	9	2	0	0	0	1	6	§2E2.1	1	0	0	1	0	0	0
§2B1.1	920	362	10	132	2	39	375	§2E3.1	10	1	0	2	0	0	7
§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	1	0	0	0	0	0	1	§2E4.1	13	1	0	8	0	0	4
§2B1.5	0	0	0	0	0	0	0	§2E5.1	0	0	0	0	0	0	0
§2B1.6 ²	13	13	0	0	0	0	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	13	8	0	0	0	4	1	§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	2	1	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	301	109	1	37	0	12	142	§2E5.6	0	0	0	0	0	0	0
§2B3.2	5	1	0	1	0	0	3	§2F1.1	2	0	0	0	0	0	2
§2B3.3	2	2	0	0	0	0	0	§2F1.2	0	0	0	0	0	0	0
§2B4.1	23	2	0	9	0	1	11	§2G1.1	15	6	0	2	0	0	7
§2B5.1	37	20	0	4	0	2	11	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	68	30	1	6	0	2	29
§2B5.3	11	1	0	0	0	0	10	§2G2.1	99	35	0	7	0	3	54
§2B5.4	0	0	0	0	0	0	0	§2G2.2	243	75	1	3	1	13	150
§2B6.1	1	0	0	1	0	0	0	§2G2.3	0	0	0	0	0	0	0
§2C1.1	24	8	0	2	0	2	12	§2G2.4	0	0	0	0	0	0	0
§2C1.2	1	0	0	0	0	0	1	§2G2.5	0	0	0	0	0	0	0
§2C1.3	0	0	0	0	0	0	0	§2G2.6	0	0	0	0	0	0	0
§2C1.4	0	0	0	0	0	0	0	§2G3.1	15	6	2	0	0	0	7
§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	8	2	0	1	0	0	5
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	0	0	0	0	0	0	0	§2H1.3	0	0	0	0	0	0	0
§2D1.1	3,813	1,096	16	750	333	156	1,462	§2H1.4	0	0	0	0	0	0	0
§2D1.2	55	31	0	6	0	8	10	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	2	1	0	1	0	0	0
§2D1.4	0	0	0	0	0	0	0	§2H3.1	2	2	0	0	0	0	0
§2D1.5	1	0	0	1	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	0	0	0	0	0	0	0
§2D1.7	1	1	0	0	0	0	0	§2H4.1	2	2	0	0	0	0	0

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	32	13	0	4	1	4	10
§2J1.1	0	0	0	0	0	0	0	§2M5.3	1	1	0	0	0	0	0
§2J1.2	23	8	0	3	0	0	12	§2M6.1	0	0	0	0	0	0	0
§2J1.3	4	1	0	1	0	0	2	§2M6.2	0	0	0	0	0	0	0
§2J1.4	4	3	0	0	0	0	1	§2N1.1	2	0	0	0	0	0	2
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	1	1	0	0	0	0	0	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	7	7	0	0	0	0	0
§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	55	40	0	2	0	0	13
§2K1.1	0	0	0	0	0	0	0	§2P1.2	23	14	0	2	0	0	7
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	4	1	0	0	0	0	3	§2P1.4	0	0	0	0	0	0	0
§2K1.4	8	5	0	0	0	0	3	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	10	6	0	0	0	0	4
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	2	0	0	2	0	0	0
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	1,612	795	10	80	2	72	653	§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	19	9	0	2	0	2	6
§2K2.4 ³	52	42	1	4	0	0	5	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	3	3	0	0	0	0	0	§2R1.1	2	0	0	2	0	0	0
§2K2.6	0	0	0	0	0	0	0	§2S1.1	194	39	0	57	1	7	90
§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	27	14	0	2	0	0	11
§2L1.1	715	298	2	20	236	34	125	§2S1.4	0	0	0	0	0	0	0
§2L1.2	2,510	1,282	5	1	717	164	341	§2T1.1	54	11	0	6	0	4	33
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	16	5	0	6	0	1	4	§2T1.3	0	0	0	0	0	0	0
§2L2.2	126	93	0	0	2	2	29	§2T1.4	21	6	0	1	0	0	14
§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	9	3	0	0	0	0	6
§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	2	1	0	0	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	0	0	0	0	0	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	2	1	0	0	0	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	2	1	0	0	0	0	1
§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	13	3	0	2	0	2	6
§2M3.6	0	0	0	0	0	0	0	§2X4.1	44	23	0	2	0	2	17
§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	25	21	0	0	0	0	4
§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	8	3	0	1	0	2	2	§2X7.2	0	0	0	0	0	0	0
TOTAL									11,799	4,787	59	1,199	1,299	567	3,888

¹ Of the 12,375 cases, 576 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 (66) or missing guideline applied (560). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		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	%
TOTAL	7,167	1,204	16.8	1,407	19.6	1,154	16.1	1,615	22.5	121	1.7
Departures	3,214	1,200	37.3	1,405	43.7	808	25.1	1,282	39.9	78	2.4
Upward Departure	60	0	0.0	0	0.0	18	30.0	6	10.0	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	1,200	1,200	100.0	32	2.7	46	3.8	296	24.7	3	0.3
§5K3.1 Early Disposition Program	1,373	0	0.0	1,373	100.0	610	44.4	882	64.2	69	5.0
Other Government Motion	264	0	0.0	0	0.0	134	50.8	98	37.1	6	2.3
Non-Government Departure	317	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	3,953	4	0.1	2	0.1	346	8.8	333	8.4	43	1.1
Upward Variance	231	4	1.7	2	0.9	39	16.9	26	11.3	0	0.0
Downward Variance											
Government Motion	1,058	0	0.0	0	0.0	307	29.0	307	29.0	43	4.1
Non-Government Variance	2,664	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	1,143	15.9	1,304	18.2	1,523	21.3	319	4.5	973	13.6	429	6.0
Departures	950	29.6	472	14.7	335	10.4	119	3.7	302	9.4	41	1.3
Upward Departure	16	26.7	0	0.0	2	3.3	4	6.7	14	23.3	4	6.7
Downward Departure												
§5K1.1 Substantial Assistance	785	65.4	117	9.8	142	11.8	37	3.1	142	0.0	0	0.0
§5K3.1 Early Disposition Program	120	8.7	156	11.4	120	8.7	57	4.2	73	5.3	0	0.0
Other Government Motion	29	11.0	16	6.1	12	4.5	21	8.0	9	3.4	6	2.3
Non-Government Departure	0	0.0	183	57.7	59	18.6	0	0.0	64	20.2	31	9.8
Variations	193	4.9	832	21.0	1,188	30.1	200	5.1	671	17.0	388	9.8
Upward Variance	47	20.3	2	0.9	2	0.9	6	2.6	95	41.1	30	13.0
Downward Variance												
Government Motion	146	13.8	97	9.2	67	6.3	194	18.3	46	4.3	36	3.4
Non-Government Variance	0	0.0	733	27.5	1,119	42.0	0	0.0	530	19.9	322	12.1

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 2,904 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹**

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	59	84	25	103.2	60	15	50.0
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	6	72	34	84.1	69	28	90.1
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	16	123	34	182.3	93	30	51.2
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	11	91	28	48.7	102	24	25.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	10	67	14	127.0	26	14	38.8
Immigration	8	32	12	59.9	29	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	1	--	--	--	--	--	--
Money Laundering	0	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	2	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	1	--	--	--	--	--	--
Sexual Abuse	2	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 12,375 cases, in 60 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 case was excluded from this table. 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, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹**

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	229	81	22	60.7	60	14	33.3
Administration of Justice	7	86	33	92.8	84	21	33.3
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	4	152	32	29.0	150	25	30.1
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	4	164	33	27.9	108	24	26.9
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	47	86	24	94.3	72	17	33.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	65	83	27	50.5	72	15	30.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	13	56	13	42.8	50	11	33.3
Immigration	46	31	10	63.5	24	8	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	3	164	21	18.6	144	23	10.6
Money Laundering	2	--	--	--	--	--	--
Murder	1	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	47	25	116.7	42	24	100.0
Prison Offenses	2	--	--	--	--	--	--
Robbery	10	148	32	35.1	131	19	13.0
Sexual Abuse	8	214	38	23.3	205	31	18.5
Stalking/Harassing	3	50	12	30.7	48	11	29.7
Tax	0	--	--	--	--	--	--
Other	4	8	2	37.5	9	3	41.7

¹ Of the 12,375 cases, in 231 the sentence was a variance above the guideline range. Of these, two cases 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, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

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

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,181	54	52	55.2	38	37	50.0
Administration of Justice	5	2	12	88.6	0	10	100.0
Antitrust	2	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	3	45	154	74.0	30	113	76.7
Bribery/Corruption	11	11	18	66.6	12	18	67.6
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	3	204	41	18.9	176	36	10.0
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	748	62	57	52.1	51	47	48.6
Environmental	4	1	12	93.8	1	13	94.4
Extortion/Racketeering	12	2	27	95.8	0	18	100.0
Firearms	85	40	38	53.4	33	27	46.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	4	16	7	29.4	12	6	30.1
Fraud/Theft/Embezzlement	132	15	27	67.3	11	21	66.7
Immigration	27	12	10	59.0	6	8	48.9
Individual Rights	2	--	--	--	--	--	--
Kidnapping	5	115	65	36.5	124	64	35.7
Manslaughter	1	--	--	--	--	--	--
Money Laundering	57	57	87	60.6	46	73	55.3
Murder	10	119	169	59.6	103	150	64.9
National Defense	5	17	34	64.4	20	37	64.6
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	4	8	43	62.2	6	9	63.3
Robbery	36	84	58	44.1	87	43	40.6
Sexual Abuse	15	120	69	41.2	120	52	36.7
Stalking/Harassing	0	--	--	--	--	--	--
Tax	7	25	22	65.6	18	18	60.9
Other	1	--	--	--	--	--	--

¹ Of the 12,375 cases, in 1,200 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, eight cases were excluded from this table. Also, 11 cases 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 CRIME¹**
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,373	16	19	52.6	12	10	50.0
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	337	30	50	64.0	24	42	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	2	--	--	--	--	--	--
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	8	2	9	90.2	0	6	99.5
Immigration	1,019	11	9	48.6	9	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	1	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 12,375 cases, in 1,373 the offender received a §5K3.1 early disposition program departure below the guideline range. 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, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

**EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹**

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	576	38	24	45.2	18	14	40.0
Administration of Justice	6	10	10	64.3	10	9	68.6
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	11	36	17	35.2	36	12	25.0
Bribery/Corruption	3	17	8	31.2	14	10	27.0
Burglary/Trespass	5	9	6	47.4	4	3	33.0
Child Pornography	13	109	44	33.4	84	30	23.4
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	166	72	38	38.4	66	26	30.3
Environmental	2	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	72	23	20	48.7	16	14	45.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	40	18	19	63.7	9	11	64.7
Immigration	207	14	12	44.6	12	9	40.4
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	1	--	--	--	--	--	--
Money Laundering	7	74	82	55.6	65	55	52.6
Murder	4	92	50	40.3	84	55	32.1
National Defense	6	13	21	74.5	6	17	85.3
Obscenity/Other Sex Offenses	2	--	--	--	--	--	--
Prison Offenses	1	--	--	--	--	--	--
Robbery	12	102	41	34.9	75	32	31.6
Sexual Abuse	7	76	53	39.7	42	30	31.3
Stalking/Harassing	5	9	10	61.0	12	10	49.9
Tax	4	6	8	53.3	5	7	55.0
Other	0	--	--	--	--	--	--

¹ Of the 12,375 cases, in 581 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (264) or a non-government departure (317). Of these, five cases 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, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

**EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹**

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

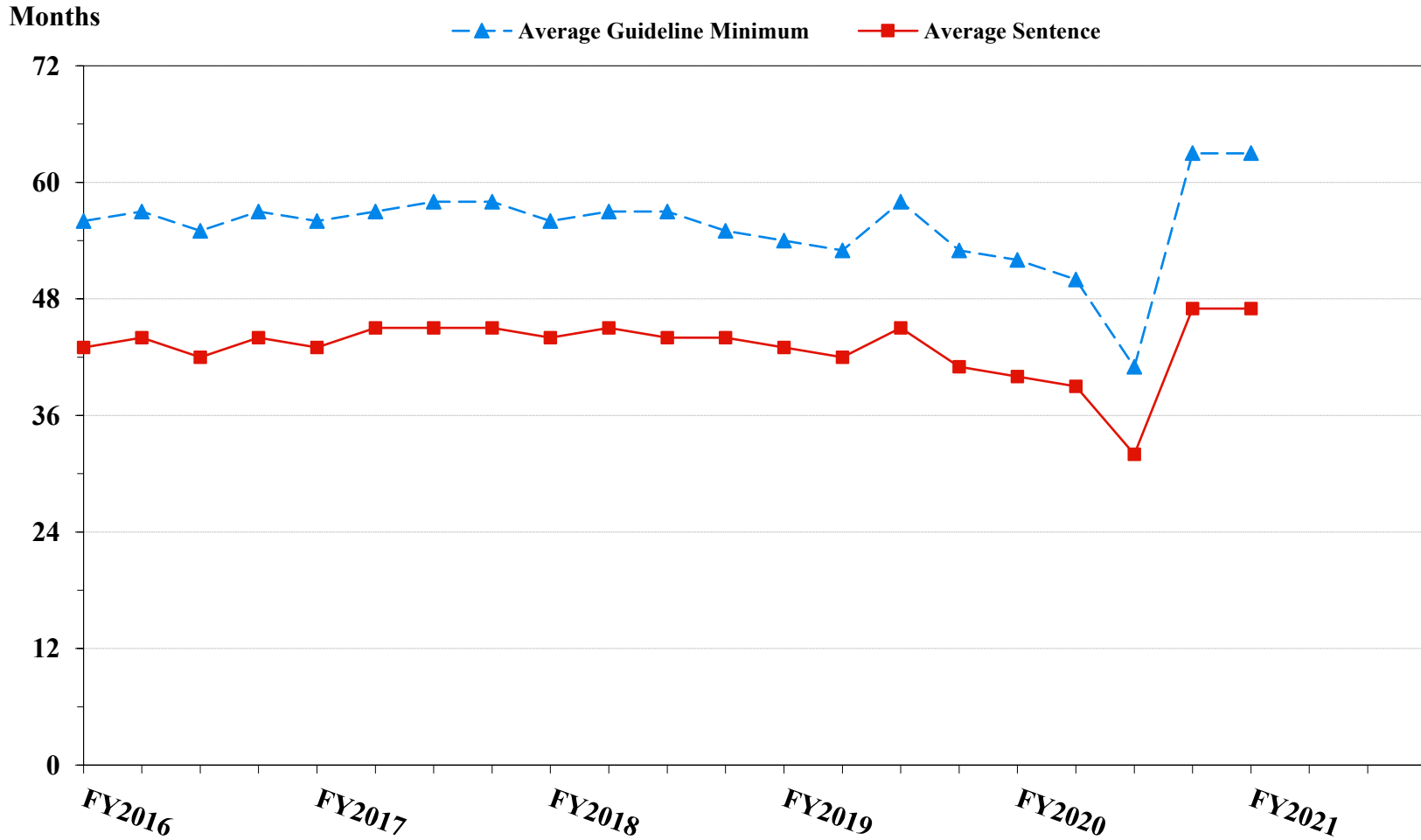
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,643	50	27	44.4	28	15	35.3
Administration of Justice	46	11	9	66.1	5	8	66.8
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	40	50	21	38.5	24	12	34.2
Bribery/Corruption	24	21	26	58.4	12	12	49.9
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	145	80	50	38.9	70	39	36.2
Commercialized Vice	11	7	7	70.0	0	6	99.7
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	1,420	70	37	39.3	60	24	33.1
Environmental	10	4	12	81.4	0	8	100.0
Extortion/Racketeering	11	25	14	54.2	12	14	50.0
Firearms	597	36	19	43.3	27	12	31.4
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	20	6	15	80.8	0	15	99.5
Fraud/Theft/Embezzlement	361	18	18	59.9	10	11	55.4
Immigration	479	13	9	47.0	12	6	37.5
Individual Rights	4	28	23	57.0	26	15	52.2
Kidnapping	7	164	38	18.6	150	28	20.0
Manslaughter	2	--	--	--	--	--	--
Money Laundering	94	46	34	48.7	30	20	39.6
Murder	15	186	73	26.9	210	40	28.6
National Defense	13	29	17	37.9	30	10	35.0
Obscenity/Other Sex Offenses	26	15	8	37.4	15	7	33.3
Prison Offenses	29	7	8	55.8	7	4	50.0
Robbery	128	86	30	31.5	82	23	21.7
Sexual Abuse	67	153	74	32.6	156	60	30.6
Stalking/Harassing	23	14	14	56.6	11	7	51.5
Tax	53	12	15	65.0	6	12	66.7
Other	11	10	22	64.5	7	7	70.9

¹ Of the 12,375 cases, in 3,722 the sentence was a variance below the guideline range, either due to a government motion for a variance (1,058) or a non-government variance (2,664). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 29 cases were excluded from this table. Also, 50 cases 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, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**



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

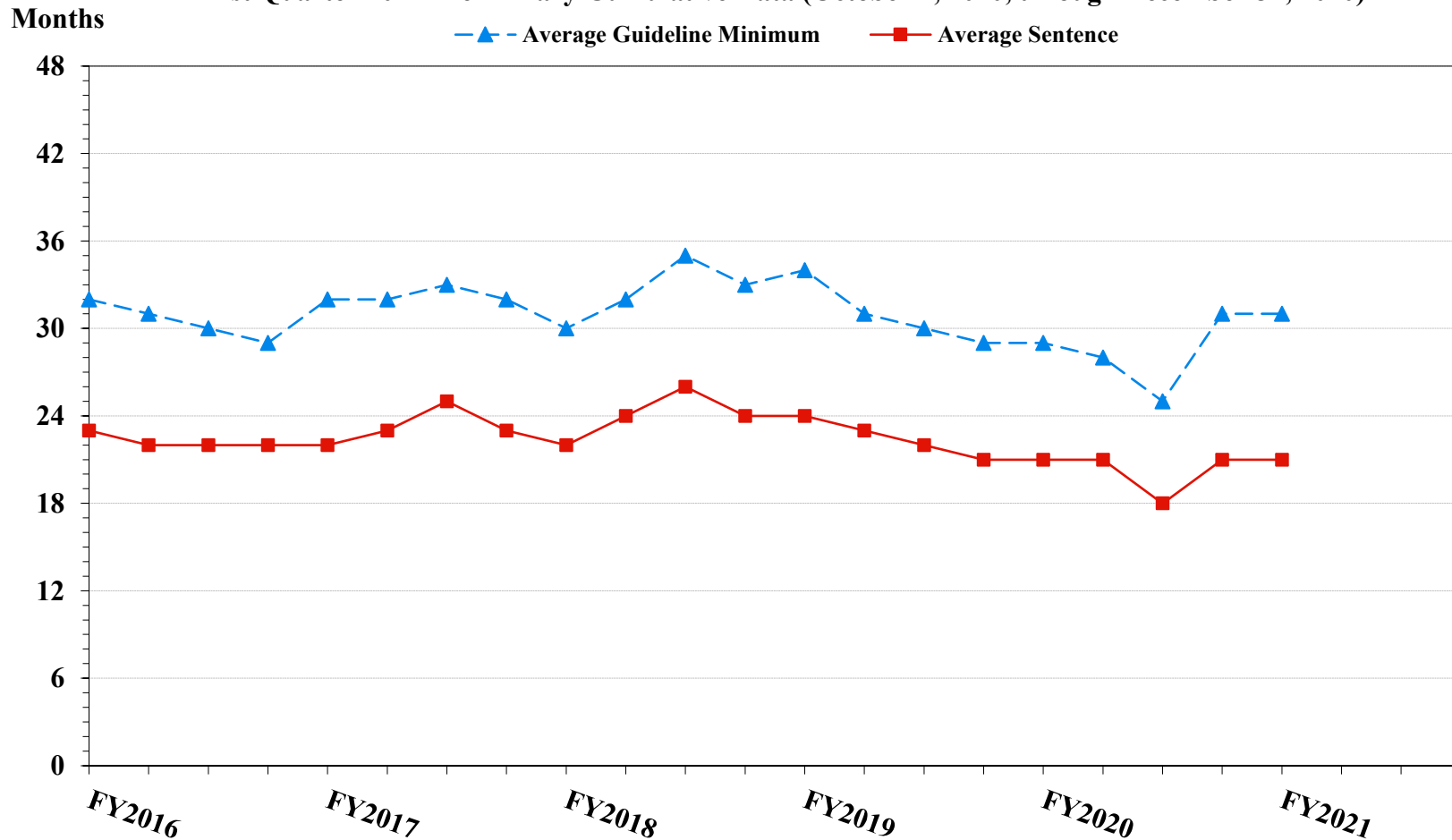
SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 6

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

Fiscal Years 2016 - 2020,

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)

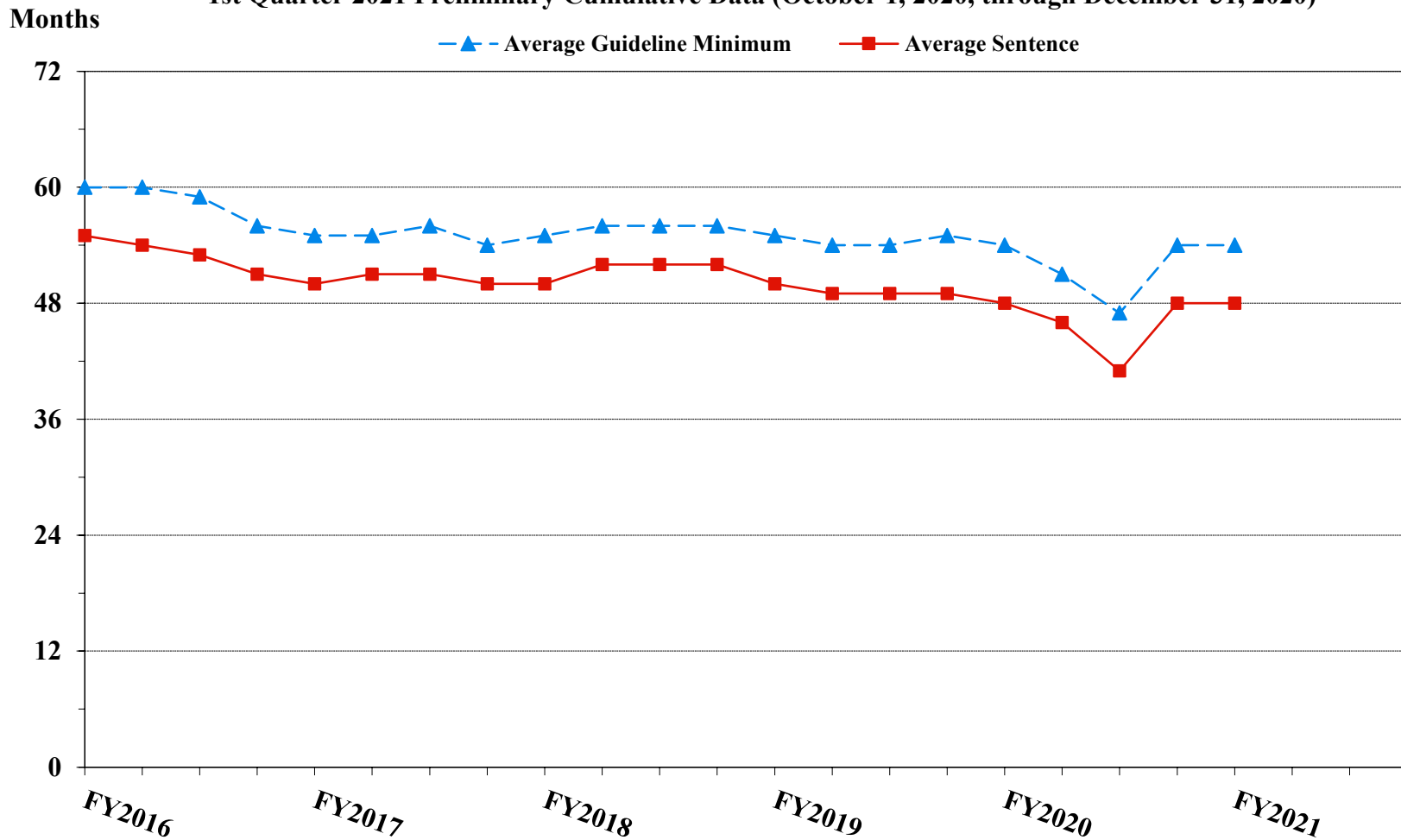


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**

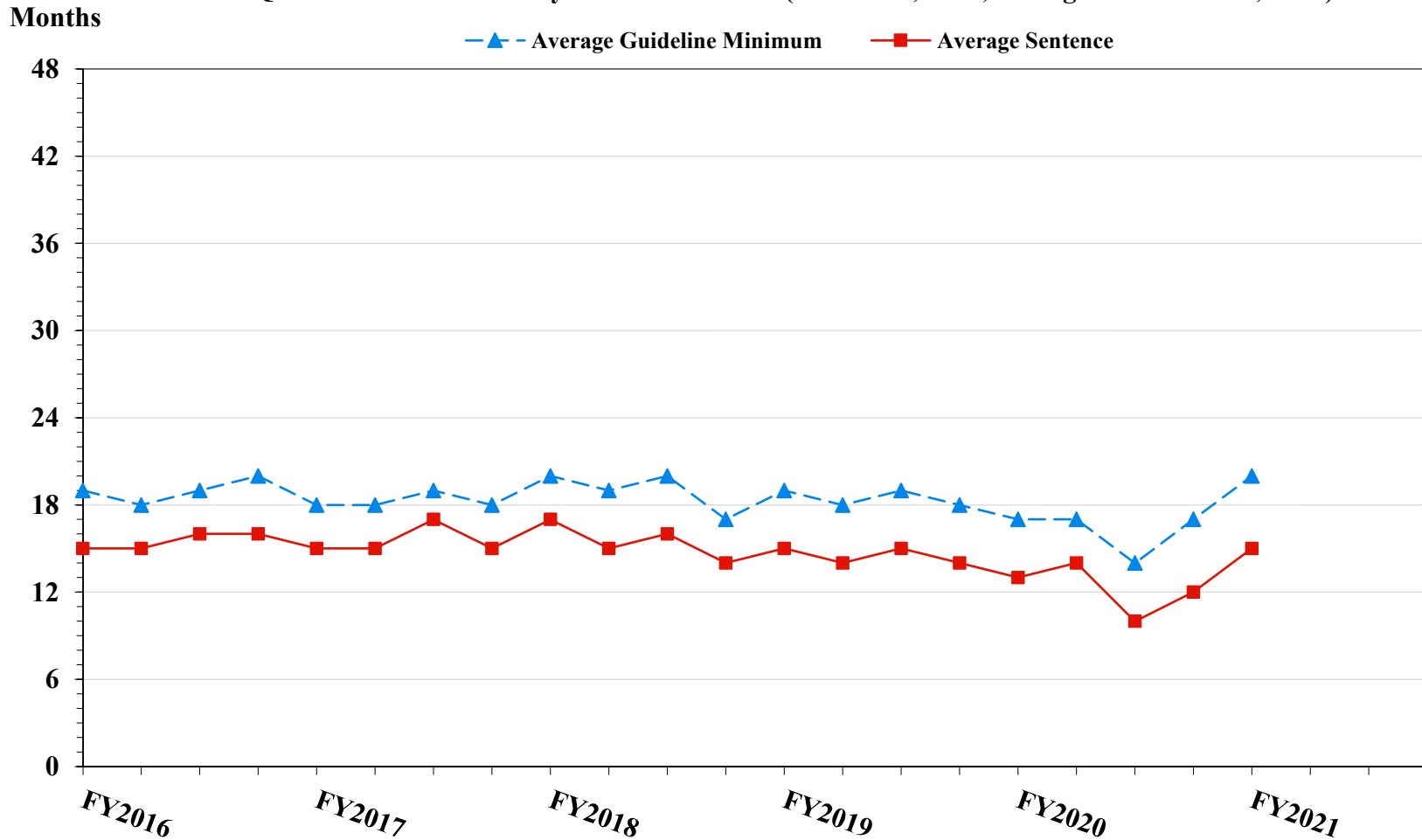


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹**

**Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**

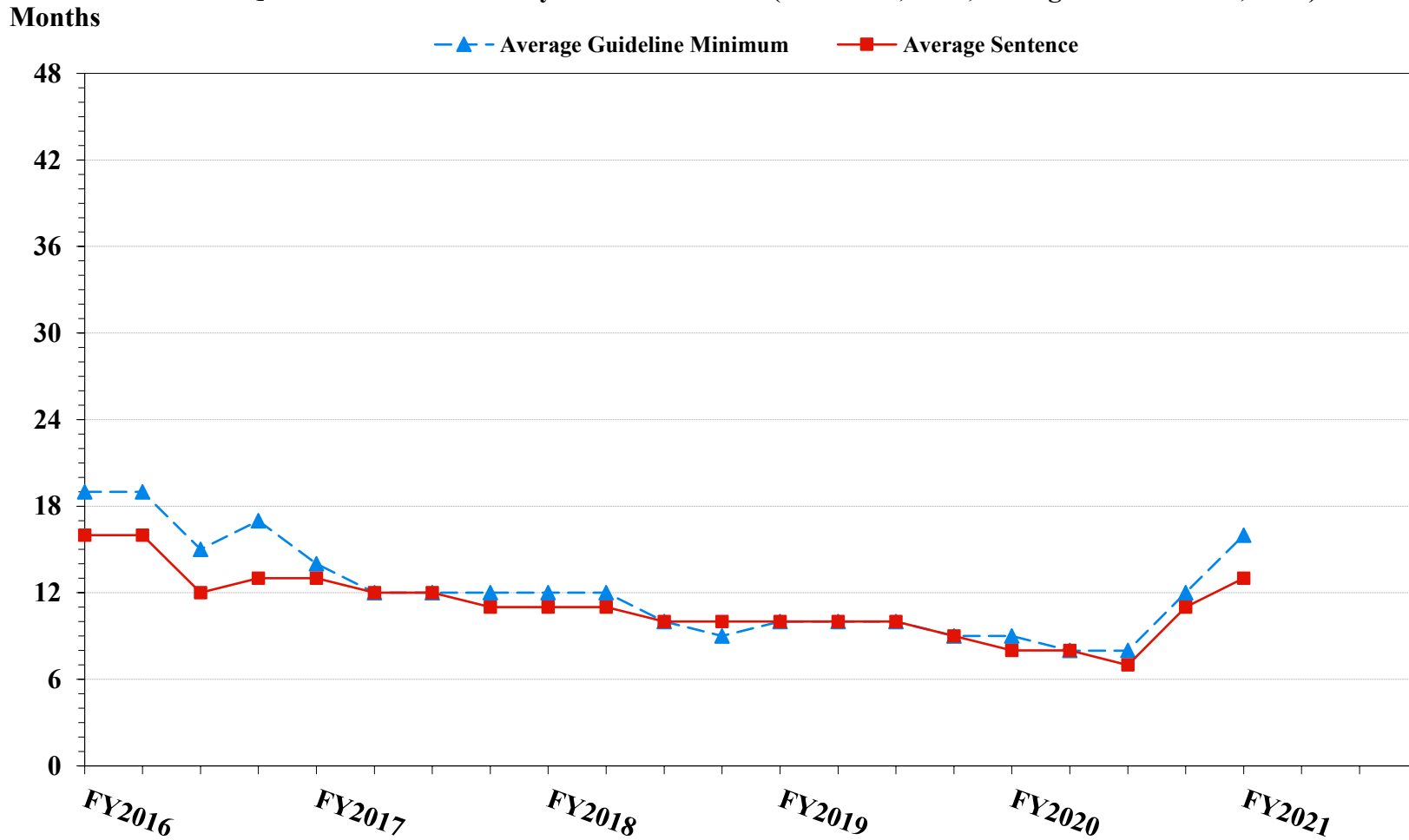


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**

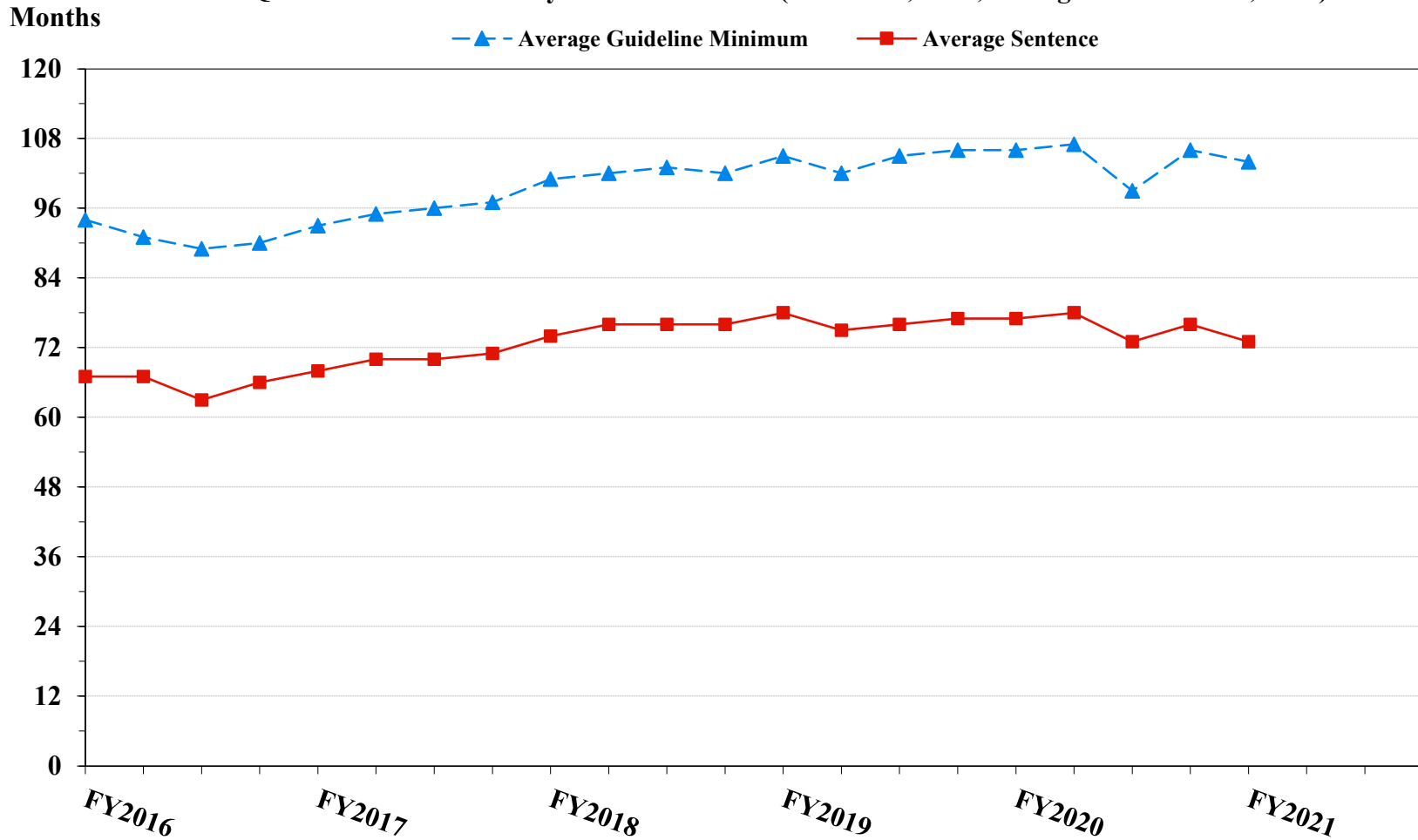


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2016 - 2020,
1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)**

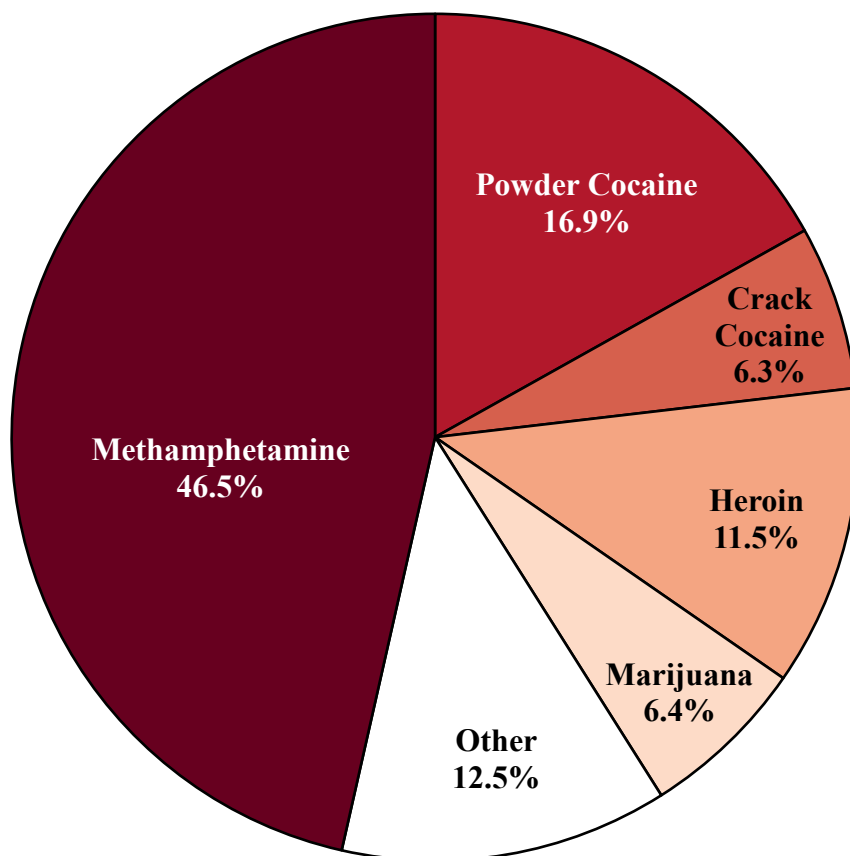


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
1st Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through December 31, 2020)**



¹ Of the 12,375 cases, in 3,933 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (293), and Oxycodone/Oxycontin (68).

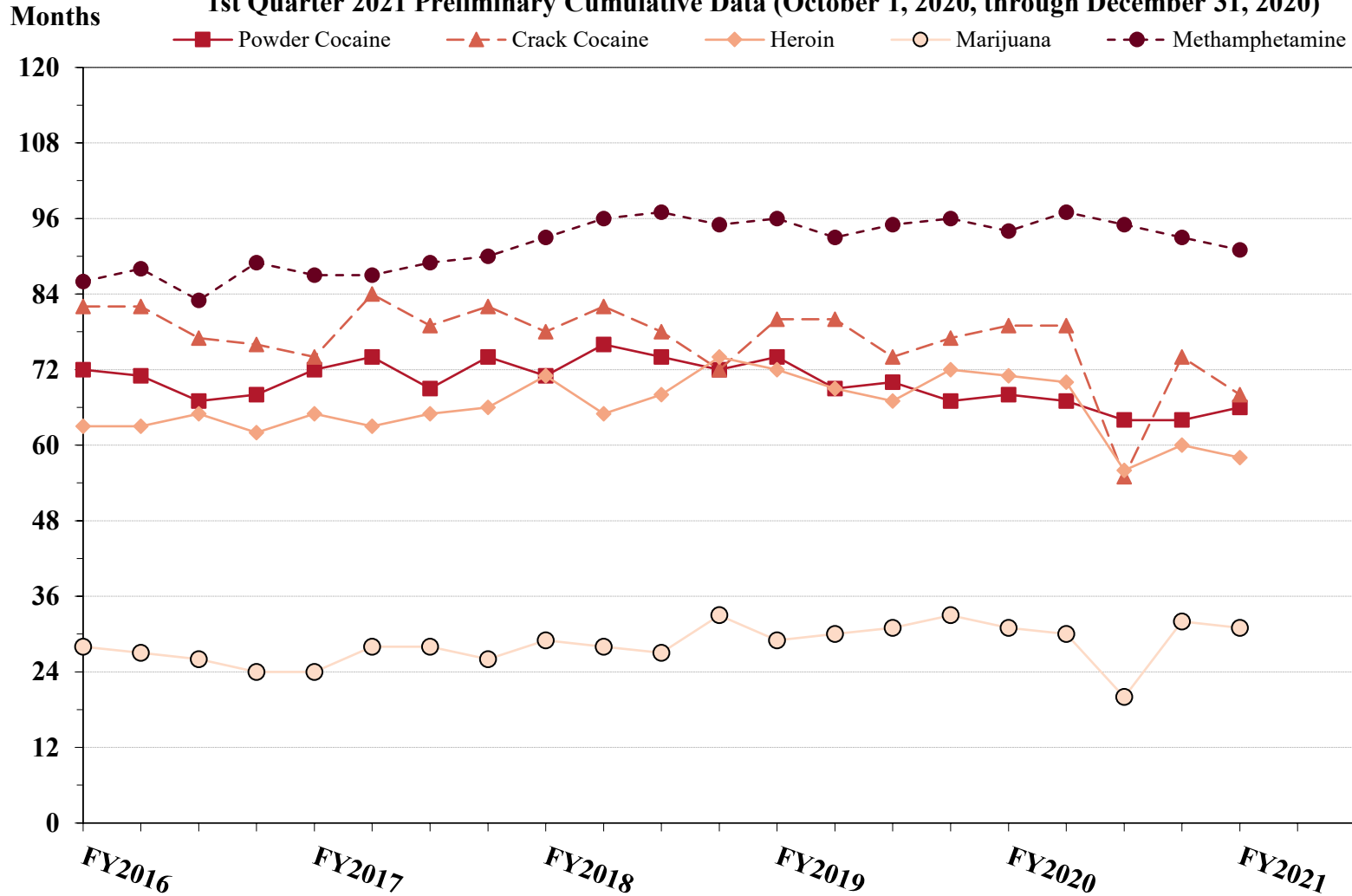
SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through December 31, 2020).

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE QUARTERLY DATA¹**

Fiscal Years 2016 - 2020,

1st Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through December 31, 2020)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through December 31, 2020).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

The category *Fentanyl* are those cases that involve fentanyl n-phenyl. The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “Ice,” methamphetamine mixture, and methamphetamine precursors sentenced under any drug trafficking guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “Other” drug category.

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Firearms includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, *etc.*, in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; use

of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2 of the *Guidelines Manual*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

Upward Departure consists of cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures

Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the parties.

Upward Variance

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

Within Guideline Range

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

Year

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