

United States Sentencing Commission Quarterly Data Report



**1st Quarter Release
Preliminary Fiscal Year 2022 Data
Through December 31, 2021**

Introduction

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

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

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

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

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

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

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

pornography is treated under the sentencing guidelines.

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

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

The data in this report is preliminary and subject to change as the Commission collects, analyzes, and reports on data from additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*.³

³ Data for previous quarters may change for many reasons. For example, the courts have up to 30 days after the entry of judgment in a case to submit court documents to the Commission. The Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed.

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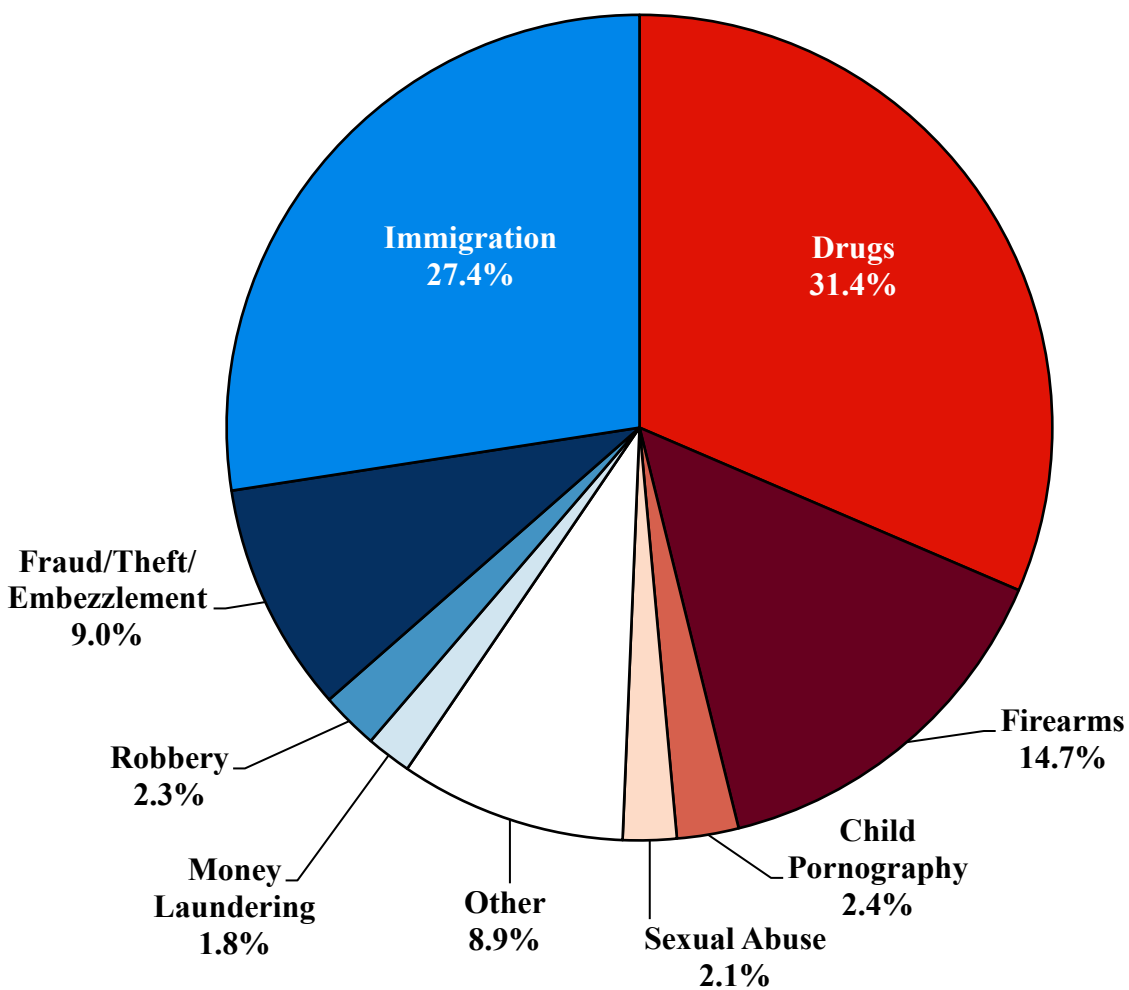
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through December 31, 2021)



¹ This figure includes the 15,549 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 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	N	%
TOTAL	15,549	100.0
Administration of Justice	137	0.9
Antitrust	3	0.0
Arson	34	0.2
Assault	194	1.2
Bribery/Corruption	74	0.5
Burglary/Trespass	23	0.1
Child Pornography	375	2.4
Commercialized Vice	19	0.1
Drug Possession	58	0.4
Drug Trafficking	4,832	31.1
Environmental	37	0.2
Extortion/Racketeering	26	0.2
Firearms	2,284	14.7
Food and Drug	9	0.1
Forgery/Counter/Copyright	30	0.2
Fraud/Theft/Embezzlement	1,402	9.0
Immigration	4,266	27.4
Individual Rights	16	0.1
Kidnapping	29	0.2
Manslaughter	15	0.1
Money Laundering	276	1.8
Murder	85	0.5
National Defense	47	0.3
Obscenity/Other Sex Offenses	96	0.6
Prison Offenses	156	1.0
Robbery	352	2.3
Sexual Abuse	326	2.1
Stalking/Harassing	67	0.4
Tax	103	0.7
Other	178	1.1

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
1st Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through December 31, 2021)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	15,549	100.0			
D.C. CIRCUIT	68	0.4	FIFTH CIRCUIT	4,196	27.0
District of Columbia	68	0.4	Louisiana		
			Eastern	77	0.5
FIRST CIRCUIT	407	2.6	Middle	31	0.2
Maine	56	0.4	Western	96	0.6
Massachusetts	118	0.8	Mississippi		
New Hampshire	41	0.3	Northern	32	0.2
Puerto Rico	169	1.1	Southern	73	0.5
Rhode Island	23	0.1	Texas		
			Eastern	114	0.7
SECOND CIRCUIT	794	5.1	Northern	399	2.6
Connecticut	69	0.4	Southern	1,995	12.8
New York			Western	1,379	8.9
Eastern	171	1.1	SIXTH CIRCUIT	1,123	7.2
Northern	103	0.7	Kentucky		
Southern	311	2.0	Eastern	135	0.9
Western	98	0.6	Western	63	0.4
Vermont	42	0.3	Michigan		
			Eastern	159	1.0
THIRD CIRCUIT	561	3.6	Western	59	0.4
Delaware	15	0.1	Ohio		
New Jersey	172	1.1	Northern	235	1.5
Pennsylvania			Southern	146	0.9
Eastern	106	0.7	Tennessee		
Middle	81	0.5	Eastern	131	0.8
Western	166	1.1	Middle	84	0.5
Virgin Islands	21	0.1	Western	111	0.7
			SEVENTH CIRCUIT	577	3.7
FOURTH CIRCUIT	1,195	7.7	Illinois		
Maryland	140	0.9	Central	61	0.4
North Carolina			Northern	128	0.8
Eastern	231	1.5	Southern	57	0.4
Middle	102	0.7	Indiana		
Western	139	0.9	Northern	79	0.5
South Carolina	152	1.0	Southern	141	0.9
Virginia			Wisconsin		
Eastern	243	1.6	Eastern	78	0.5
Western	66	0.4	Western	33	0.2
West Virginia					
Northern	65	0.4			
Southern	57	0.4			

Table 2 (cont.)

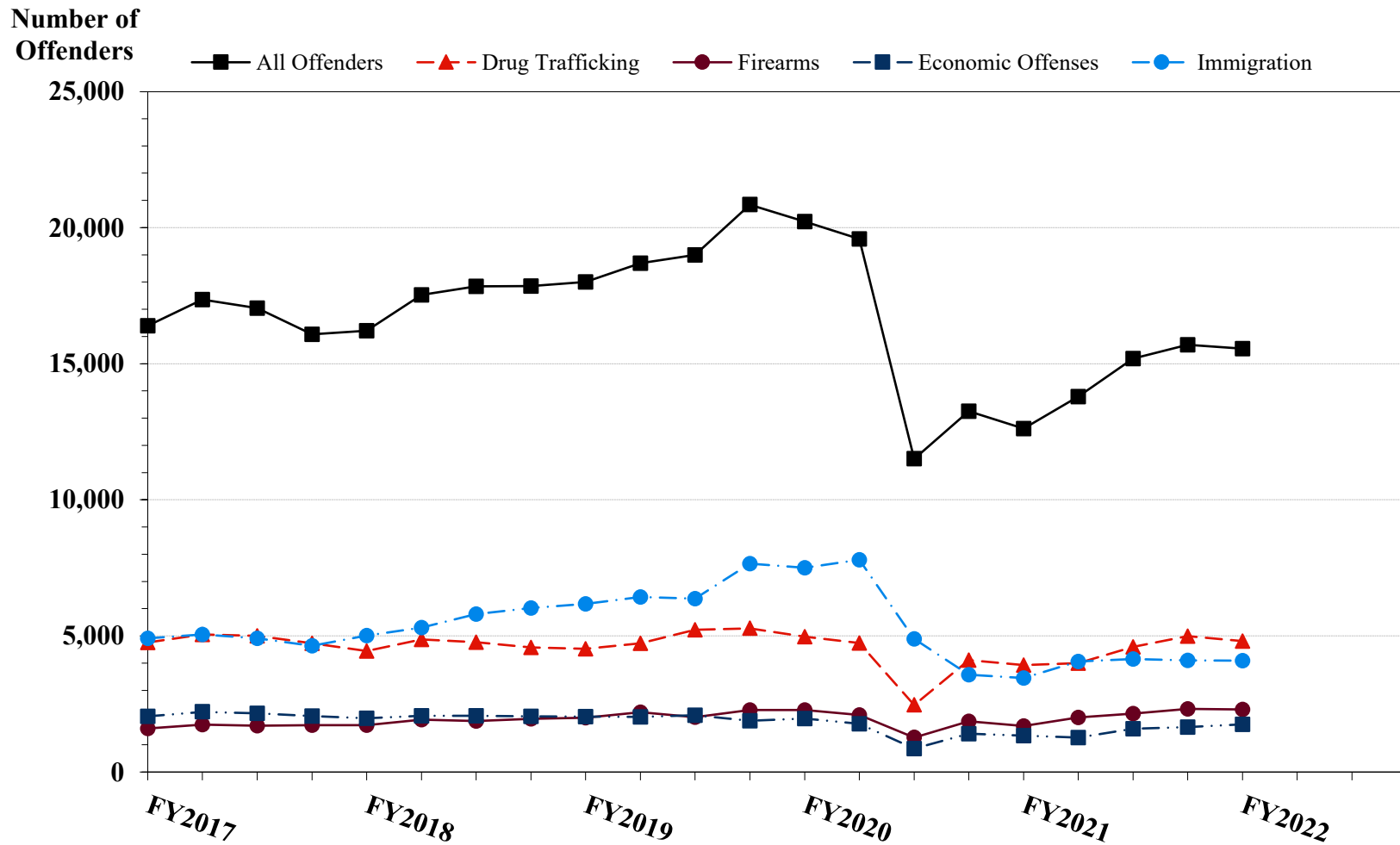
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	1,247	8.0	TENTH CIRCUIT	1,086	7.0
Arkansas			Colorado	104	0.7
Eastern	140	0.9	Kansas	85	0.5
Western	56	0.4	New Mexico	432	2.8
Iowa			Oklahoma		
Northern	85	0.5	Eastern	42	0.3
Southern	130	0.8	Northern	122	0.8
Minnesota	90	0.6	Western	90	0.6
Missouri			Utah	181	1.2
Eastern	249	1.6	Wyoming	30	0.2
Western	193	1.2			
Nebraska	108	0.7	ELEVENTH CIRCUIT	1,341	8.6
North Dakota	76	0.5	Alabama		
South Dakota	120	0.8	Middle	26	0.2
			Northern	98	0.6
NINTH CIRCUIT	2,954	19.0	Southern	77	0.5
Alaska	37	0.2	Florida		
Arizona	984	6.3	Middle	226	1.5
California			Northern	71	0.5
Central	263	1.7	Southern	434	2.8
Eastern	83	0.5	Georgia		
Northern	94	0.6	Middle	136	0.9
Southern	971	6.2	Northern	117	0.8
Guam	6	0.0	Southern	156	1.0
Hawaii	50	0.3			
Idaho	76	0.5			
Montana	81	0.5			
Nevada	87	0.6			
Northern Mariana Islands	9	0.1			
Oregon	67	0.4			
Washington					
Eastern	46	0.3			
Western	100	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)



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

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	15,440	3,605	23.3	3,886	25.2	7,315	47.4	634	4.1
Administration of Justice	135	40	29.6	40	29.6	48	35.6	7	5.2
Antitrust	3	3	100.0	0	0.0	0	0.0	0	0.0
Arson	34	12	35.3	15	44.1	5	14.7	2	5.9
Assault	192	33	17.2	47	24.5	38	19.8	74	38.5
Bribery/Corruption	74	24	32.4	25	33.8	18	24.3	7	9.5
Burglary/Trespass	23	6	26.1	8	34.8	4	17.4	5	21.7
Child Pornography	375	297	79.2	20	5.3	46	12.3	12	3.2
Commercialized Vice	19	5	26.3	12	63.2	1	5.3	1	5.3
Drug Possession	51	27	52.9	17	33.3	6	11.8	1	2.0
Drug Trafficking	4,828	1,281	26.5	1,322	27.4	2,086	43.2	139	2.9
Environmental	35	23	65.7	1	2.9	8	22.9	3	8.6
Extortion/Racketeering	26	11	42.3	9	34.6	4	15.4	2	7.7
Firearms	2,279	559	24.5	1,305	57.3	346	15.2	69	3.0
Food and Drug	9	7	77.8	1	11.1	1	11.1	0	0.0
Forgery/Counter/Copyright	30	12	40.0	11	36.7	4	13.3	3	10.0
Fraud/Theft/Embezzlement	1,390	561	40.4	437	31.4	315	22.7	77	5.5
Immigration	4,248	134	3.2	68	1.6	4,007	94.3	39	0.9
Individual Rights	16	12	75.0	2	12.5	1	6.3	1	6.3
Kidnapping	29	9	31.0	10	34.5	8	27.6	2	6.9
Manslaughter	15	3	20.0	1	6.7	1	6.7	10	66.7
Money Laundering	276	80	29.0	54	19.6	104	37.7	38	13.8
Murder	84	7	8.3	29	34.5	28	33.3	20	23.8
National Defense	47	9	19.1	6	12.8	27	57.4	5	10.6
Obscenity/Other Sex Offenses	96	43	44.8	14	14.6	11	11.5	28	29.2
Prison Offenses	153	37	24.2	66	43.1	45	29.4	5	3.3
Robbery	352	51	14.5	227	64.5	51	14.5	23	6.5
Sexual Abuse	326	174	53.4	68	20.9	49	15.0	35	10.7
Stalking/Harassing	67	42	62.7	12	17.9	5	7.5	8	11.9
Tax	103	45	43.7	26	25.2	23	22.3	9	8.7
Other	125	58	46.4	33	26.4	25	20.0	9	7.2

¹ Of the 15,549 cases, 109 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	15,536	13,466	86.7	2,070	13.3
Administration of Justice	137	101	73.7	36	26.3
Antitrust	3	3	100.0	0	0.0
Arson	34	30	88.2	4	11.8
Assault	194	175	90.2	19	9.8
Bribery/Corruption	74	55	74.3	19	25.7
Burglary/Trespass	23	17	73.9	6	26.1
Child Pornography	375	368	98.1	7	1.9
Commercialized Vice	19	15	78.9	4	21.1
Drug Possession	57	42	73.7	15	26.3
Drug Trafficking	4,832	3,982	82.4	850	17.6
Environmental	36	29	80.6	7	19.4
Extortion/Racketeering	26	23	88.5	3	11.5
Firearms	2,284	2,192	96.0	92	4.0
Food and Drug	9	6	66.7	3	33.3
Forgery/Counter/Copyright	30	19	63.3	11	36.7
Fraud/Theft/Embezzlement	1,402	971	69.3	431	30.7
Immigration	4,262	3,895	91.4	367	8.6
Individual Rights	16	15	93.8	1	6.3
Kidnapping	29	23	79.3	6	20.7
Manslaughter	15	13	86.7	2	13.3
Money Laundering	276	214	77.5	62	22.5
Murder	85	83	97.6	2	2.4
National Defense	47	44	93.6	3	6.4
Obscenity/Other Sex Offenses	96	94	97.9	2	2.1
Prison Offenses	155	147	94.8	8	5.2
Robbery	352	330	93.8	22	6.3
Sexual Abuse	326	307	94.2	19	5.8
Stalking/Harassing	67	64	95.5	3	4.5
Tax	103	81	78.6	22	21.4
Other	172	128	74.4	44	25.6

¹ Of the 15,549 cases, 13 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	15,484	10,692	69.1	4,792	30.9
Administration of Justice	135	108	80.0	27	20.0
Antitrust	3	3	100.0	0	0.0
Arson	34	32	94.1	2	5.9
Assault	191	175	91.6	16	8.4
Bribery/Corruption	74	66	89.2	8	10.8
Burglary/Trespass	23	22	95.7	1	4.3
Child Pornography	375	366	97.6	9	2.4
Commercialized Vice	19	18	94.7	1	5.3
Drug Possession	56	55	98.2	1	1.8
Drug Trafficking	4,831	4,052	83.9	779	16.1
Environmental	36	31	86.1	5	13.9
Extortion/Racketeering	26	23	88.5	3	11.5
Firearms	2,283	2,208	96.7	75	3.3
Food and Drug	8	7	87.5	1	12.5
Forgery/Counter/Copyright	30	29	96.7	1	3.3
Fraud/Theft/Embezzlement	1,396	1,172	84.0	224	16.0
Immigration	4,264	792	18.6	3,472	81.4
Individual Rights	16	16	100.0	0	0.0
Kidnapping	29	25	86.2	4	13.8
Manslaughter	15	14	93.3	1	6.7
Money Laundering	276	205	74.3	71	25.7
Murder	85	71	83.5	14	16.5
National Defense	47	36	76.6	11	23.4
Obscenity/Other Sex Offenses	96	93	96.9	3	3.1
Prison Offenses	150	148	98.7	2	1.3
Robbery	352	342	97.2	10	2.8
Sexual Abuse	326	313	96.0	13	4.0
Stalking/Harassing	67	64	95.5	3	4.5
Tax	103	86	83.5	17	16.5
Other	138	120	87.0	18	13.0

¹ Of the 15,549 cases, 65 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	50	25	15,549
Administration of Justice	9	5	137
Antitrust	1	0	3
Arson	47	48	34
Assault	56	38	194
Bribery/Corruption	18	12	74
Burglary/Trespass	18	18	23
Child Pornography	107	84	375
Commercialized Vice	27	18	19
Drug Possession	3	0	58
Drug Trafficking	75	60	4,832
Environmental	2	0	37
Extortion/Racketeering	55	28	26
Firearms	49	40	2,284
Food and Drug	19	6	9
Forgery/Counter/Copyright	17	10	30
Fraud/Theft/Embezzlement	21	12	1,402
Immigration	13	9	4,266
Individual Rights	47	2	16
Kidnapping	172	144	29
Manslaughter	60	60	15
Money Laundering	52	35	276
Murder	255	240	85
National Defense	39	18	47
Obscenity/Other Sex Offenses	21	21	96
Prison Offenses	9	6	156
Robbery	104	96	352
Sexual Abuse	198	180	326
Stalking/Harassing	29	24	67
Tax	14	6	103
Other	2	0	178

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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	15,549	14,304	92.0	13,870	89.2	434	2.8	1,167	7.5	272	1.7	895	5.8	78	0.5
Administration of Justice	137	95	69.3	88	64.2	7	5.1	42	30.7	7	5.1	35	25.5	0	0.0
Antitrust	3	1	33.3	1	33.3	0	0.0	2	66.7	0	0.0	2	66.7	0	0.0
Arson	34	34	100.0	34	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Assault	194	175	90.2	171	88.1	4	2.1	18	9.3	2	1.0	16	8.2	1	0.5
Bribery/Corruption	74	56	75.7	50	67.6	6	8.1	18	24.3	9	12.2	9	12.2	0	0.0
Burglary/Trespass	23	19	82.6	19	82.6	0	0.0	4	17.4	1	4.3	3	13.0	0	0.0
Child Pornography	375	371	98.9	363	96.8	8	2.1	4	1.1	2	0.5	2	0.5	0	0.0
Commercialized Vice	19	14	73.7	14	73.7	0	0.0	5	26.3	1	5.3	4	21.1	0	0.0
Drug Possession	58	24	41.4	24	41.4	0	0.0	19	32.8	0	0.0	19	32.8	15	25.9
Drug Trafficking	4,832	4,642	96.1	4,465	92.4	177	3.7	189	3.9	37	0.8	152	3.1	1	0.0
Environmental	37	9	24.3	8	21.6	1	2.7	25	67.6	3	8.1	22	59.5	3	8.1
Extortion/Racketeering	26	20	76.9	20	76.9	0	0.0	6	23.1	3	11.5	3	11.5	0	0.0
Firearms	2,284	2,157	94.4	2,112	92.5	45	2.0	127	5.6	33	1.4	94	4.1	0	0.0
Food and Drug	9	7	77.8	7	77.8	0	0.0	2	22.2	0	0.0	2	22.2	0	0.0
Forgery/Counter/Copyright	30	21	70.0	19	63.3	2	6.7	9	30.0	4	13.3	5	16.7	0	0.0
Fraud/Theft/Embezzlement	1,402	1,064	75.9	999	71.3	65	4.6	328	23.4	76	5.4	252	18.0	10	0.7
Immigration	4,266	4,074	95.5	4,000	93.8	74	1.7	192	4.5	63	1.5	129	3.0	0	0.0
Individual Rights	16	7	43.8	6	37.5	1	6.3	8	50.0	1	6.3	7	43.8	1	6.3
Kidnapping	29	28	96.6	27	93.1	1	3.4	1	3.4	0	0.0	1	3.4	0	0.0
Manslaughter	15	15	100.0	14	93.3	1	6.7	0	0.0	0	0.0	0	0.0	0	0.0
Money Laundering	276	241	87.3	236	85.5	5	1.8	35	12.7	12	4.3	23	8.3	0	0.0
Murder	85	84	98.8	84	98.8	0	0.0	1	1.2	0	0.0	1	1.2	0	0.0
National Defense	47	37	78.7	36	76.6	1	2.1	6	12.8	3	6.4	3	6.4	4	8.5
Obscenity/Other Sex Offenses	96	91	94.8	86	89.6	5	5.2	5	5.2	1	1.0	4	4.2	0	0.0
Prison Offenses	156	151	96.8	146	93.6	5	3.2	5	3.2	1	0.6	4	2.6	0	0.0
Robbery	352	347	98.6	340	96.6	7	2.0	5	1.4	1	0.3	4	1.1	0	0.0
Sexual Abuse	326	326	100.0	321	98.5	5	1.5	0	0.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	67	59	88.1	55	82.1	4	6.0	8	11.9	3	4.5	5	7.5	0	0.0
Tax	103	65	63.1	59	57.3	6	5.8	37	35.9	8	7.8	29	28.2	1	1.0
Other	178	70	39.3	66	37.1	4	2.2	66	37.1	1	0.6	65	36.5	42	23.6

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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

	N	%
TOTAL CASES	15,486	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	10,560	68.2
Within Guideline Range	6,441	41.6
Upward Departure ²	87	0.6
Downward Departure		
§5K1.1 Substantial Assistance	1,550	10.0
§5K3.1 Early Disposition Program	1,681	10.9
Other Government Motion ³	391	2.5
Non-Government Departure ⁴	410	2.6
VARIANCES	4,926	31.8
Upward Variance ⁵	309	2.0
Downward Variance		
Government Motion ⁶	1,484	9.6
Non-Government Variance ⁷	3,133	20.2

¹ This table reflects the 15,549 cases sentenced on or after October 1, 2021, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by April 12, 2022. Of these, 63 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.

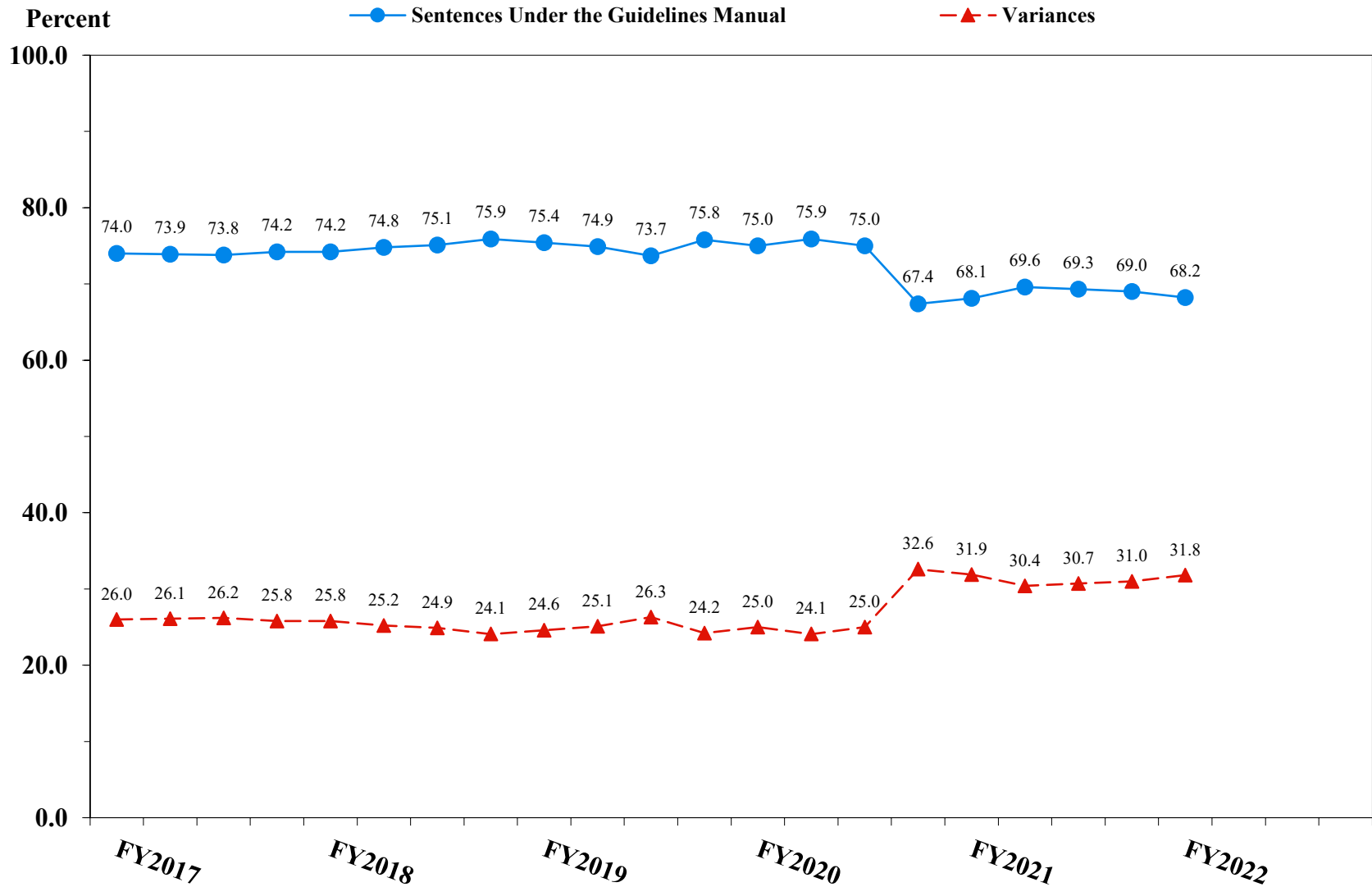
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)



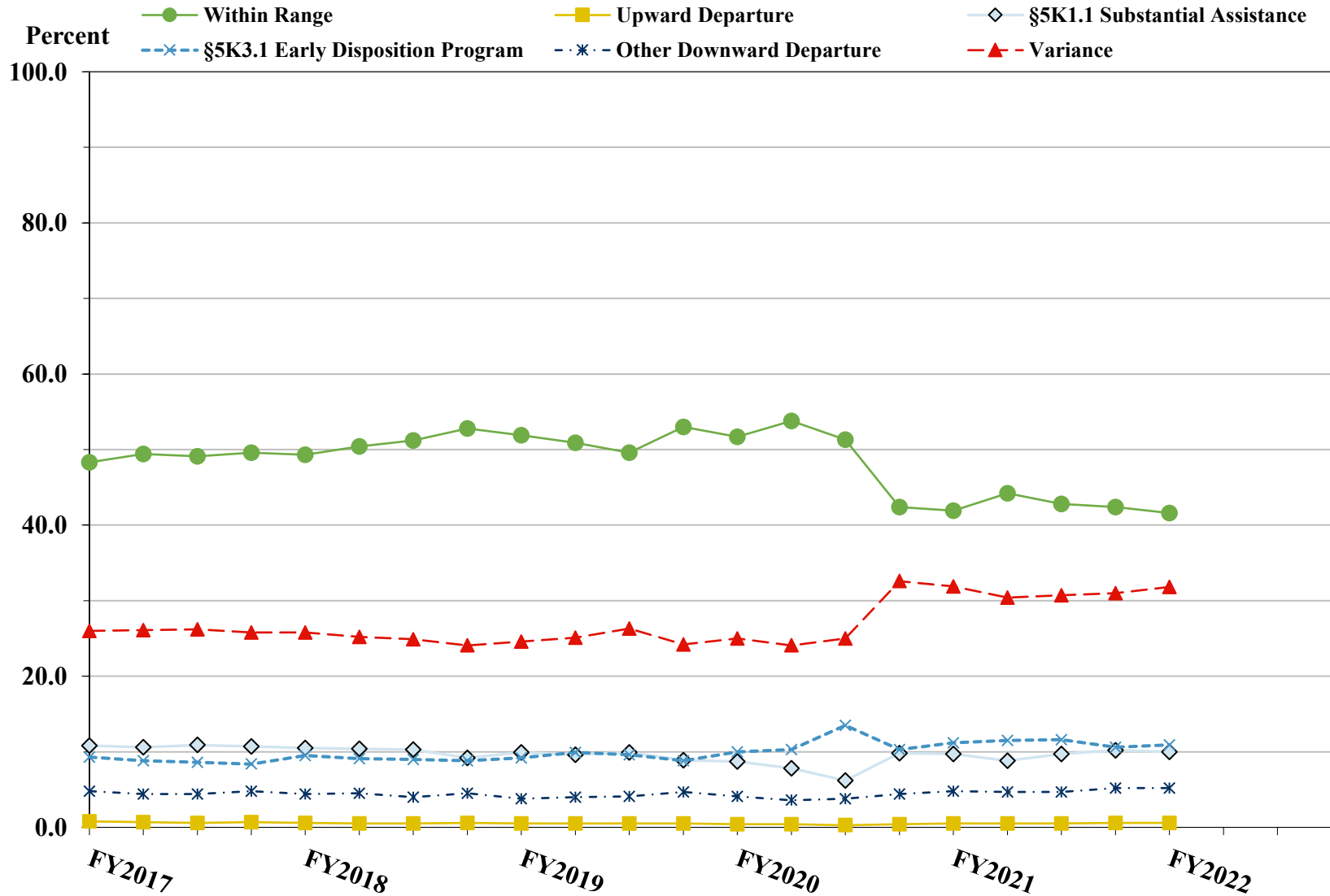
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

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

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	15,486	6,441	41.6	87	0.6	1,550	10.0	1,681	10.9	801	5.2	4,926	31.8
D.C. CIRCUIT	68	32	47.1	0	0.0	11	16.2	0	0.0	6	8.8	19	27.9
District of Columbia	68	32	47.1	0	0.0	11	16.2	0	0.0	6	8.8	19	27.9
FIRST CIRCUIT	407	131	32.2	1	0.2	45	11.1	0	0.0	20	4.9	210	51.6
Maine	56	5	8.9	1	1.8	17	30.4	0	0.0	1	1.8	32	57.1
Massachusetts	118	32	27.1	0	0.0	21	17.8	0	0.0	10	8.5	55	46.6
New Hampshire	41	7	17.1	0	0.0	2	4.9	0	0.0	0	0.0	32	78.0
Puerto Rico	169	80	47.3	0	0.0	4	2.4	0	0.0	9	5.3	76	45.0
Rhode Island	23	7	30.4	0	0.0	1	4.3	0	0.0	0	0.0	15	65.2
SECOND CIRCUIT	793	197	24.8	4	0.5	103	13.0	0	0.0	33	4.2	456	57.5
Connecticut	69	22	31.9	0	0.0	4	5.8	0	0.0	8	11.6	35	50.7
New York													
Eastern	170	43	25.3	1	0.6	22	12.9	0	0.0	12	7.1	92	54.1
Northern	103	45	43.7	1	1.0	27	26.2	0	0.0	3	2.9	27	26.2
Southern	311	55	17.7	0	0.0	27	8.7	0	0.0	9	2.9	220	70.7
Western	98	29	29.6	2	2.0	15	15.3	0	0.0	1	1.0	51	52.0
Vermont	42	3	7.1	0	0.0	8	19.0	0	0.0	0	0.0	31	73.8
THIRD CIRCUIT	558	228	40.9	3	0.5	87	15.6	0	0.0	17	3.0	223	40.0
Delaware	15	2	13.3	0	0.0	2	13.3	0	0.0	1	6.7	10	66.7
New Jersey	171	66	38.6	0	0.0	27	15.8	0	0.0	0	0.0	78	45.6
Pennsylvania													
Eastern	106	25	23.6	1	0.9	28	26.4	0	0.0	6	5.7	46	43.4
Middle	79	48	60.8	0	0.0	13	16.5	0	0.0	5	6.3	13	16.5
Western	166	71	42.8	2	1.2	16	9.6	0	0.0	5	3.0	72	43.4
Virgin Islands	21	16	76.2	0	0.0	1	4.8	0	0.0	0	0.0	4	19.0
FOURTH CIRCUIT	1,184	570	48.1	7	0.6	175	14.8	1	0.1	32	2.7	399	33.7
Maryland	139	45	32.4	2	1.4	22	15.8	0	0.0	7	5.0	63	45.3
North Carolina													
Eastern	223	118	52.9	2	0.9	56	25.1	0	0.0	3	1.3	44	19.7
Middle	102	52	51.0	1	1.0	11	10.8	0	0.0	2	2.0	36	35.3
Western	139	76	54.7	0	0.0	19	13.7	0	0.0	1	0.7	43	30.9
South Carolina	151	60	39.7	0	0.0	36	23.8	0	0.0	4	2.6	51	33.8
Virginia													
Eastern	242	132	54.5	2	0.8	14	5.8	0	0.0	10	4.1	84	34.7
Western	66	30	45.5	0	0.0	4	6.1	0	0.0	4	6.1	28	42.4
West Virginia													
Northern	65	37	56.9	0	0.0	7	10.8	1	1.5	1	1.5	19	29.2
Southern	57	20	35.1	0	0.0	6	10.5	0	0.0	0	0.0	31	54.4

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	4,190	2,471	59.0	12	0.3	240	5.7	376	9.0	268	6.4	823	19.6
Louisiana													
Eastern	77	46	59.7	0	0.0	10	13.0	0	0.0	0	0.0	21	27.3
Middle	31	15	48.4	0	0.0	6	19.4	0	0.0	0	0.0	10	32.3
Western	93	58	62.4	1	1.1	10	10.8	0	0.0	2	2.2	22	23.7
Mississippi													
Northern	31	16	51.6	0	0.0	4	12.9	0	0.0	0	0.0	11	35.5
Southern	73	52	71.2	0	0.0	4	5.5	0	0.0	0	0.0	17	23.3
Texas													
Eastern	114	78	68.4	0	0.0	7	6.1	0	0.0	1	0.9	28	24.6
Northern	398	249	62.6	3	0.8	39	9.8	0	0.0	6	1.5	101	25.4
Southern	1,994	904	45.3	7	0.4	100	5.0	350	17.6	214	10.7	419	21.0
Western	1,379	1,053	76.4	1	0.1	60	4.4	26	1.9	45	3.3	194	14.1
SIXTH CIRCUIT	1,118	429	38.4	3	0.3	234	20.9	2	0.2	45	4.0	405	36.2
Kentucky													
Eastern	135	67	49.6	0	0.0	28	20.7	0	0.0	2	1.5	38	28.1
Western	63	23	36.5	1	1.6	22	34.9	1	1.6	1	1.6	15	23.8
Michigan													
Eastern	158	45	28.5	0	0.0	33	20.9	0	0.0	7	4.4	73	46.2
Western	59	36	61.0	0	0.0	7	11.9	1	1.7	1	1.7	14	23.7
Ohio													
Northern	234	89	38.0	2	0.9	57	24.4	0	0.0	10	4.3	76	32.5
Southern	146	41	28.1	0	0.0	37	25.3	0	0.0	15	10.3	53	36.3
Tennessee													
Eastern	131	65	49.6	0	0.0	31	23.7	0	0.0	4	3.1	31	23.7
Middle	81	12	14.8	0	0.0	5	6.2	0	0.0	3	3.7	61	75.3
Western	111	51	45.9	0	0.0	14	12.6	0	0.0	2	1.8	44	39.6
SEVENTH CIRCUIT	577	218	37.8	2	0.3	53	9.2	1	0.2	30	5.2	273	47.3
Illinois													
Central	61	20	32.8	0	0.0	12	19.7	1	1.6	1	1.6	27	44.3
Northern	128	36	28.1	2	1.6	11	8.6	0	0.0	13	10.2	66	51.6
Southern	57	32	56.1	0	0.0	5	8.8	0	0.0	0	0.0	20	35.1
Indiana													
Northern	79	41	51.9	0	0.0	9	11.4	0	0.0	0	0.0	29	36.7
Southern	141	60	42.6	0	0.0	10	7.1	0	0.0	0	0.0	71	50.4
Wisconsin													
Eastern	78	20	25.6	0	0.0	4	5.1	0	0.0	2	2.6	52	66.7
Western	33	9	27.3	0	0.0	2	6.1	0	0.0	14	42.4	8	24.2
EIGHTH CIRCUIT	1,245	528	42.4	9	0.7	127	10.2	5	0.4	18	1.4	558	44.8
Arkansas													
Eastern	140	93	66.4	0	0.0	5	3.6	0	0.0	3	2.1	39	27.9
Western	56	16	28.6	0	0.0	10	17.9	0	0.0	0	0.0	30	53.6
Iowa													
Northern	85	44	51.8	3	3.5	12	14.1	0	0.0	1	1.2	25	29.4
Southern	130	44	33.8	0	0.0	16	12.3	0	0.0	0	0.0	70	53.8
Minnesota	90	25	27.8	2	2.2	3	3.3	2	2.2	3	3.3	55	61.1
Missouri													
Eastern	248	99	39.9	0	0.0	15	6.0	0	0.0	0	0.0	134	54.0
Western	193	76	39.4	0	0.0	26	13.5	0	0.0	2	1.0	89	46.1
Nebraska	108	46	42.6	0	0.0	2	1.9	3	2.8	3	2.8	54	50.0
North Dakota	75	16	21.3	1	1.3	37	49.3	0	0.0	1	1.3	20	26.7
South Dakota	120	69	57.5	3	2.5	1	0.8	0	0.0	5	4.2	42	35.0

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	2,928	581	19.8	26	0.9	215	7.3	1,206	41.2	134	4.6	766	26.2
Alaska	37	9	24.3	0	0.0	5	13.5	0	0.0	0	0.0	23	62.2
Arizona	982	220	22.4	3	0.3	23	2.3	610	62.1	8	0.8	118	12.0
California													
Central	256	53	20.7	2	0.8	37	14.5	3	1.2	19	7.4	142	55.5
Eastern	83	29	34.9	0	0.0	7	8.4	3	3.6	2	2.4	42	50.6
Northern	94	16	17.0	0	0.0	6	6.4	0	0.0	6	6.4	66	70.2
Southern	956	102	10.7	20	2.1	50	5.2	586	61.3	92	9.6	106	11.1
Guam	6	4	66.7	0	0.0	2	33.3	0	0.0	0	0.0	0	0.0
Hawaii	50	12	24.0	0	0.0	14	28.0	0	0.0	0	0.0	24	48.0
Idaho	76	27	35.5	0	0.0	19	25.0	0	0.0	2	2.6	28	36.8
Montana	81	25	30.9	0	0.0	18	22.2	0	0.0	2	2.5	36	44.4
Nevada	87	22	25.3	0	0.0	4	4.6	3	3.4	1	1.1	57	65.5
Northern Mariana Islands	9	5	55.6	0	0.0	3	33.3	0	0.0	0	0.0	1	11.1
Oregon	67	10	14.9	0	0.0	12	17.9	0	0.0	2	3.0	43	64.2
Washington													
Eastern	46	16	34.8	1	2.2	13	28.3	1	2.2	0	0.0	15	32.6
Western	98	31	31.6	0	0.0	2	2.0	0	0.0	0	0.0	65	66.3
TENTH CIRCUIT	1,082	373	34.5	16	1.5	119	11.0	90	8.3	148	13.7	336	31.1
Colorado	104	31	29.8	0	0.0	27	26.0	2	1.9	2	1.9	42	40.4
Kansas	84	26	31.0	1	1.2	20	23.8	0	0.0	3	3.6	34	40.5
New Mexico	432	186	43.1	2	0.5	12	2.8	72	16.7	80	18.5	80	18.5
Oklahoma													
Eastern	42	21	50.0	0	0.0	13	31.0	0	0.0	0	0.0	8	19.0
Northern	120	43	35.8	12	10.0	15	12.5	0	0.0	38	31.7	12	10.0
Western	89	30	33.7	0	0.0	11	12.4	0	0.0	2	2.2	46	51.7
Utah	181	33	18.2	0	0.0	13	7.2	14	7.7	20	11.0	101	55.8
Wyoming	30	3	10.0	1	3.3	8	26.7	2	6.7	3	10.0	13	43.3
ELEVENTH CIRCUIT	1,336	683	51.1	4	0.3	141	10.6	0	0.0	50	3.7	458	34.3
Alabama													
Middle	26	14	53.8	0	0.0	4	15.4	0	0.0	0	0.0	8	30.8
Northern	98	57	58.2	0	0.0	16	16.3	0	0.0	2	2.0	23	23.5
Southern	77	46	59.7	2	2.6	11	14.3	0	0.0	1	1.3	17	22.1
Florida													
Middle	226	82	36.3	0	0.0	41	18.1	0	0.0	4	1.8	99	43.8
Northern	70	24	34.3	1	1.4	19	27.1	0	0.0	0	0.0	26	37.1
Southern	430	232	54.0	0	0.0	15	3.5	0	0.0	5	1.2	178	41.4
Georgia													
Middle	136	76	55.9	1	0.7	7	5.1	0	0.0	30	22.1	22	16.2
Northern	117	47	40.2	0	0.0	5	4.3	0	0.0	2	1.7	63	53.8
Southern	156	105	67.3	0	0.0	23	14.7	0	0.0	6	3.8	22	14.1

¹ Of the 15,549 cases, 63 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	15,486	6,441	41.6	87	0.6	1,550	10.0	1,681	10.9	801	5.2	4,926	31.8
Administration of Justice	136	64	47.1	0	0.0	4	2.9	1	0.7	6	4.4	61	44.9
Antitrust	3	0	0.0	0	0.0	1	33.3	0	0.0	0	0.0	2	66.7
Arson	34	15	44.1	1	2.9	7	20.6	0	0.0	1	2.9	10	29.4
Assault	189	87	46.0	7	3.7	7	3.7	1	0.5	20	10.6	67	35.4
Bribery/Corruption	74	20	27.0	0	0.0	15	20.3	0	0.0	6	8.1	33	44.6
Burglary/Trespass	23	17	73.9	0	0.0	2	8.7	0	0.0	1	4.3	3	13.0
Child Pornography	374	133	35.6	4	1.1	7	1.9	1	0.3	23	6.1	206	55.1
Commercialized Vice	19	10	52.6	2	10.5	1	5.3	0	0.0	0	0.0	6	31.6
Drug Possession	55	49	89.1	1	1.8	0	0.0	0	0.0	0	0.0	5	9.1
Drug Trafficking	4,824	1,260	26.1	9	0.2	993	20.6	504	10.4	265	5.5	1,793	37.2
Environmental	32	20	62.5	0	0.0	0	0.0	0	0.0	2	6.3	10	31.3
Extortion/Racketeering	26	7	26.9	0	0.0	2	7.7	0	0.0	5	19.2	12	46.2
Firearms	2,278	1,214	53.3	22	1.0	114	5.0	3	0.1	91	4.0	834	36.6
Food and Drug	9	6	66.7	0	0.0	0	0.0	0	0.0	0	0.0	3	33.3
Forgery/Counter/Copyright	30	12	40.0	0	0.0	5	16.7	0	0.0	1	3.3	12	40.0
Fraud/Theft/Embezzlement	1,396	604	43.3	20	1.4	166	11.9	3	0.2	41	2.9	562	40.3
Immigration	4,252	2,164	50.9	5	0.1	38	0.9	1,166	27.4	263	6.2	616	14.5
Individual Rights	16	7	43.8	0	0.0	0	0.0	0	0.0	0	0.0	9	56.3
Kidnapping	29	11	37.9	0	0.0	6	20.7	0	0.0	1	3.4	11	37.9
Manslaughter	15	6	40.0	1	6.7	1	6.7	0	0.0	0	0.0	7	46.7
Money Laundering	276	70	25.4	5	1.8	71	25.7	1	0.4	15	5.4	114	41.3
Murder	85	25	29.4	2	2.4	23	27.1	0	0.0	6	7.1	29	34.1
National Defense	47	20	42.6	0	0.0	9	19.1	1	2.1	3	6.4	14	29.8
Obscenity/Other Sex Offenses	96	49	51.0	1	1.0	0	0.0	0	0.0	3	3.1	43	44.8
Prison Offenses	154	107	69.5	0	0.0	1	0.6	0	0.0	9	5.8	37	24.0
Robbery	352	140	39.8	2	0.6	48	13.6	0	0.0	14	4.0	148	42.0
Sexual Abuse	326	118	36.2	2	0.6	15	4.6	0	0.0	21	6.4	170	52.1
Stalking/Harassing	66	33	50.0	2	3.0	0	0.0	0	0.0	2	3.0	29	43.9
Tax	103	24	23.3	1	1.0	14	13.6	0	0.0	2	1.9	62	60.2
Other	167	149	89.2	0	0.0	0	0.0	0	0.0	0	0.0	18	10.8

¹ Of the 15,549 cases, 63 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

Guideline	Within Guideline			Departure				Variance	Guideline	Within Guideline			Departure				Variance
	Total	Range	Up	§5K1.1	§5K3.1	Down	§5K1.1			§5K3.1	Up	§5K1.1	§5K3.1	Down	Variance		
§2A1.1	59	16	0	20	0	4	19	§2D1.8	4	2	0	0	0	0	2		
§2A1.2	22	9	2	2	0	2	7	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	4	3	0	0	0	0	1	§2D1.10	0	0	0	0	0	0	0		
§2A1.4	11	3	1	1	0	0	6	§2D1.11	0	0	0	0	0	0	0		
§2A1.5	3	0	0	1	0	0	2	§2D1.12	0	0	0	0	0	0	0		
§2A2.1	34	10	0	7	0	1	16	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	119	52	7	0	1	17	42	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	22	18	0	0	0	2	2	§2D2.1	27	21	1	0	0	0	5		
§2A2.4	48	22	0	0	1	5	20	§2D2.2	12	10	0	0	0	0	2		
§2A3.1	35	12	0	0	0	8	15	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	9	6	0	0	0	0	3	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	1	1	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	9	4	0	0	0	0	5	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	89	45	1	0	0	3	40	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	28	10	0	6	0	1	11	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	9	4	0	2	0	3	0		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0		
§2A5.2	5	1	0	0	0	0	4	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	1	0	0	0	0	0	1		
§2A6.1	44	23	2	0	0	0	19	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	22	10	0	0	0	2	10	§2E2.1	3	0	0	0	0	1	2		
§2B1.1	1,322	553	20	165	2	40	542	§2E3.1	12	7	1	1	0	0	3		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	7	0	0	0	0	0	7	§2E4.1	3	1	0	0	0	0	2		
§2B1.5	4	1	0	0	0	1	2	§2E5.1	0	0	0	0	0	0	0		
§2B1.6 ²	20	19	0	1	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	17	11	0	2	0	1	3	§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	5	5	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	344	139	2	47	0	14	142	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	5	1	0	0	0	0	4	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	2	0	0	0	0	0	2	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	21	5	0	8	0	1	7	§2G1.1	13	4	2	0	0	2	5		
§2B5.1	25	12	0	2	0	1	10	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	112	51	0	5	0	5	51		
§2B5.3	5	0	0	3	0	0	2	§2G2.1	151	43	1	10	0	5	92		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	373	133	4	7	1	23	205		
§2B6.1	0	0	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	51	14	0	7	0	5	25	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	2	1	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	7	4	0	0	0	0	3		
§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	10	3	0	0	0	0	7		
§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	4,751	1,230	9	984	503	254	1,771	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	44	23	0	4	0	6	11	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	1	0	0	0	0	0	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	0	0	0	0	0	0	0		
§2D1.5	2	0	0	0	0	1	1	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	4	0	0	0	0	1		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	0	0	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	33	11	0	5	1	3	13
§2J1.1	0	0	0	0	0	0	0	§2M5.3	4	2	0	1	0	0	1
§2J1.2	19	6	0	2	0	1	10	§2M6.1	0	0	0	0	0	0	0
§2J1.3	2	1	0	0	0	0	1	§2M6.2	0	0	0	0	0	0	0
§2J1.4	3	2	0	0	0	0	1	§2N1.1	4	1	0	0	0	0	3
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	10	7	0	0	0	0	3	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	4	4	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	62	38	0	0	0	1	23
§2K1.1	1	1	0	0	0	0	0	§2P1.2	70	54	0	1	0	4	11
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	0	0	0	0	0	0	0	§2P1.4	0	0	0	0	0	0	0
§2K1.4	33	15	1	6	0	1	10	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	15	6	0	0	0	2	7
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	4	3	0	0	0	0	1
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	2,171	1,133	19	105	3	91	820	§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	11	9	0	0	0	0	2
§2K2.4 ³	91	71	3	9	0	0	8	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	1	1	0	0	0	0	0	§2R1.1	3	0	0	1	0	0	2
§2K2.6	0	0	0	0	0	0	0	§2S1.1	231	57	1	66	0	11	96
§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	45	13	4	5	1	4	18
§2L1.1	1,023	397	0	27	392	30	177	§2S1.4	0	0	0	0	0	0	0
§2L1.2	2,872	1,504	5	6	736	223	398	§2T1.1	54	12	0	8	0	0	34
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	17	3	0	5	0	0	9	§2T1.3	0	0	0	0	0	0	0
§2L2.2	171	141	0	0	1	7	22	§2T1.4	30	6	0	5	0	2	17
§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	14	4	0	1	0	0	9
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	1	1	0	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	1	0	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	5	0	0	0	0	0	5
§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	26	10	0	5	0	1	10
§2M3.6	0	0	0	0	0	0	0	§2X4.1	44	22	0	2	0	0	20
§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	41	32	0	0	0	0	9
§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	4	1	0	3	0	0	0	§2X7.2	0	0	0	0	0	0	0
TOTAL									15,058	6,116	87	1,548	1,642	789	4,876

¹ Of the 15,549 cases, 491 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 (63) or missing guideline applied (470). 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	9,045	1,554	17.2	1,709	18.9	1,365	15.1	2,134	23.6	140	1.5
Departures	4,119	1,550	37.6	1,707	41.4	866	21.0	1,660	40.3	101	2.5
Upward Departure	87	0	0.0	0	0.0	21	24.1	23	26.4	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	1,550	1,550	100.0	26	1.7	58	3.7	387	25.0	9	0.6
§5K3.1 Early Disposition Program	1,681	0	0.0	1,681	100.0	618	36.8	1,097	65.3	86	5.1
Other Government Motion	391	0	0.0	0	0.0	169	43.2	153	39.1	6	1.5
Non-Government Departure	410	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	4,926	4	0.1	2	0.0	499	10.1	474	9.6	39	0.8
Upward Variance	309	4	1.3	2	0.6	59	19.1	24	7.8	0	0.0
Downward Variance											
Government Motion	1,484	0	0.0	0	0.0	440	29.6	450	30.3	39	2.6
Non-Government Variance	3,133	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	1,423	15.7	1,569	17.3	1,771	19.6	489	5.4	1,151	12.7	589	6.5
Departures	1,210	29.4	623	15.1	376	9.1	198	4.8	317	7.7	56	1.4
Upward Departure	19	21.8	0	0.0	2	2.3	8	9.2	18	20.7	6	6.9
Downward Departure												
§5K1.1 Substantial Assistance	1,034	66.7	175	11.3	166	10.7	92	5.9	150	0.0	0	0.0
§5K3.1 Early Disposition Program	98	5.8	184	10.9	124	7.4	66	3.9	36	2.1	0	0.0
Other Government Motion	59	15.1	21	5.4	13	3.3	32	8.2	32	8.2	11	2.8
Non-Government Departure	0	0.0	243	59.3	71	17.3	0	0.0	81	19.8	39	9.5
Variations	213	4.3	946	19.2	1,395	28.3	291	5.9	834	16.9	533	10.8
Upward Variance	65	21.0	3	1.0	3	1.0	4	1.3	130	42.1	37	12.0
Downward Variance												
Government Motion	148	10.0	162	10.9	62	4.2	287	19.3	68	4.6	55	3.7
Non-Government Variance	0	0.0	781	24.9	1,330	42.5	0	0.0	636	20.3	441	14.1

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, 3,641 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	86	88	28	95.6	60	15	39.7
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	7	99	47	84.0	78	18	60.0
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	4	88	17	23.3	80	15	25.0
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	9	133	39	104.3	150	25	33.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	22	78	21	40.1	75	20	30.1
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	20	35	16	199.1	18	11	129.7
Immigration	5	37	12	62.2	36	11	40.7
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	1	--	--	--	--	--	--
Money Laundering	4	31	13	98.9	20	11	60.4
Murder	2	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	2	--	--	--	--	--	--
Sexual Abuse	2	--	--	--	--	--	--
Stalking/Harassing	2	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 15,549 cases, in 87 the sentence was an upward departure from the guideline range. Of these, one case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

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

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	307	85	26	75.7	60	15	40.0
Administration of Justice	5	27	13	78.0	17	7	70.0
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	9	78	18	28.1	65	18	23.7
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	7	121	37	48.8	120	30	46.7
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	52	101	34	162.6	89	24	47.6
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	93	82	24	45.8	72	13	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	31	42	15	85.5	30	10	56.3
Immigration	42	41	17	76.8	29	9	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	3	84	45	118.4	60	36	150.0
Money Laundering	2	--	--	--	--	--	--
Murder	4	304	73	40.8	291	77	35.9
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	57	25	83.7	60	24	70.4
Prison Offenses	4	29	9	53.9	24	6	47.7
Robbery	14	163	41	41.9	161	36	30.1
Sexual Abuse	17	199	62	46.5	144	30	23.7
Stalking/Harassing	4	80	37	75.4	53	14	55.2
Tax	0	--	--	--	--	--	--
Other	9	8	2	35.2	7	1	16.7

¹ Of the 15,549 cases, in 309 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two cases were 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 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

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

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,521	53	53	54.2	39	38	49.9
Administration of Justice	4	3	19	85.3	0	19	99.2
Antitrust	1	--	--	--	--	--	--
Arson	7	23	36	60.9	18	42	70.0
Assault	5	137	115	38.7	120	56	23.7
Bribery/Corruption	15	14	27	73.8	12	21	73.9
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	7	75	77	51.3	70	65	48.2
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	985	61	60	52.4	52	48	47.6
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	114	38	32	49.4	30	18	43.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	5	4	24	84.0	0	18	100.0
Fraud/Theft/Embezzlement	166	18	26	61.0	12	20	59.7
Immigration	38	12	14	58.5	12	12	54.9
Individual Rights	0	--	--	--	--	--	--
Kidnapping	5	96	123	55.9	114	108	60.3
Manslaughter	1	--	--	--	--	--	--
Money Laundering	69	41	52	61.5	30	37	55.6
Murder	11	160	128	47.3	170	120	43.3
National Defense	9	22	47	68.4	18	37	71.7
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	1	--	--	--	--	--	--
Robbery	47	71	65	46.8	60	48	42.0
Sexual Abuse	12	125	77	38.2	120	60	33.3
Stalking/Harassing	0	--	--	--	--	--	--
Tax	14	6	20	80.4	0	21	100.0
Other	0	--	--	--	--	--	--

¹ Of the 15,549 cases, in 1,550 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, 14 cases were excluded from this table. Also, 15 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 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,679	17	23	50.5	12	9	47.8
Administration of Justice	1	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	504	30	59	65.3	24	46	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	3	39	24	36.2	30	12	40.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	3	9	24	62.9	10	23	69.7
Immigration	1,164	11	8	44.2	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	1	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 15,549 cases, in 1,681 the offender received a §5K3.1 early disposition program departure below 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 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

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

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	787	40	29	46.3	20	15	41.7
Administration of Justice	6	7	11	69.8	3	7	79.0
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	20	22	16	54.1	22	12	40.4
Bribery/Corruption	6	12	18	68.6	9	18	67.1
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	22	69	38	38.0	63	34	31.3
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	261	66	46	44.6	60	33	42.9
Environmental	2	--	--	--	--	--	--
Extortion/Racketeering	4	24	13	34.2	24	10	37.3
Firearms	91	29	21	47.9	21	15	40.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	40	19	15	59.6	10	12	49.4
Immigration	263	13	12	44.9	10	8	42.7
Individual Rights	0	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	14	59	51	56.7	16	52	50.0
Murder	4	161	123	40.7	141	99	39.2
National Defense	3	32	14	31.2	36	10	21.7
Obscenity/Other Sex Offenses	3	20	6	27.0	24	6	20.0
Prison Offenses	9	5	4	48.5	4	3	33.3
Robbery	14	79	29	31.5	41	26	28.3
Sexual Abuse	18	143	99	41.0	132	98	41.6
Stalking/Harassing	2	--	--	--	--	--	--
Tax	2	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 15,549 cases, in 801 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (391) or a non-government departure (410). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, nine cases were excluded from this table. Also, 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 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

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

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

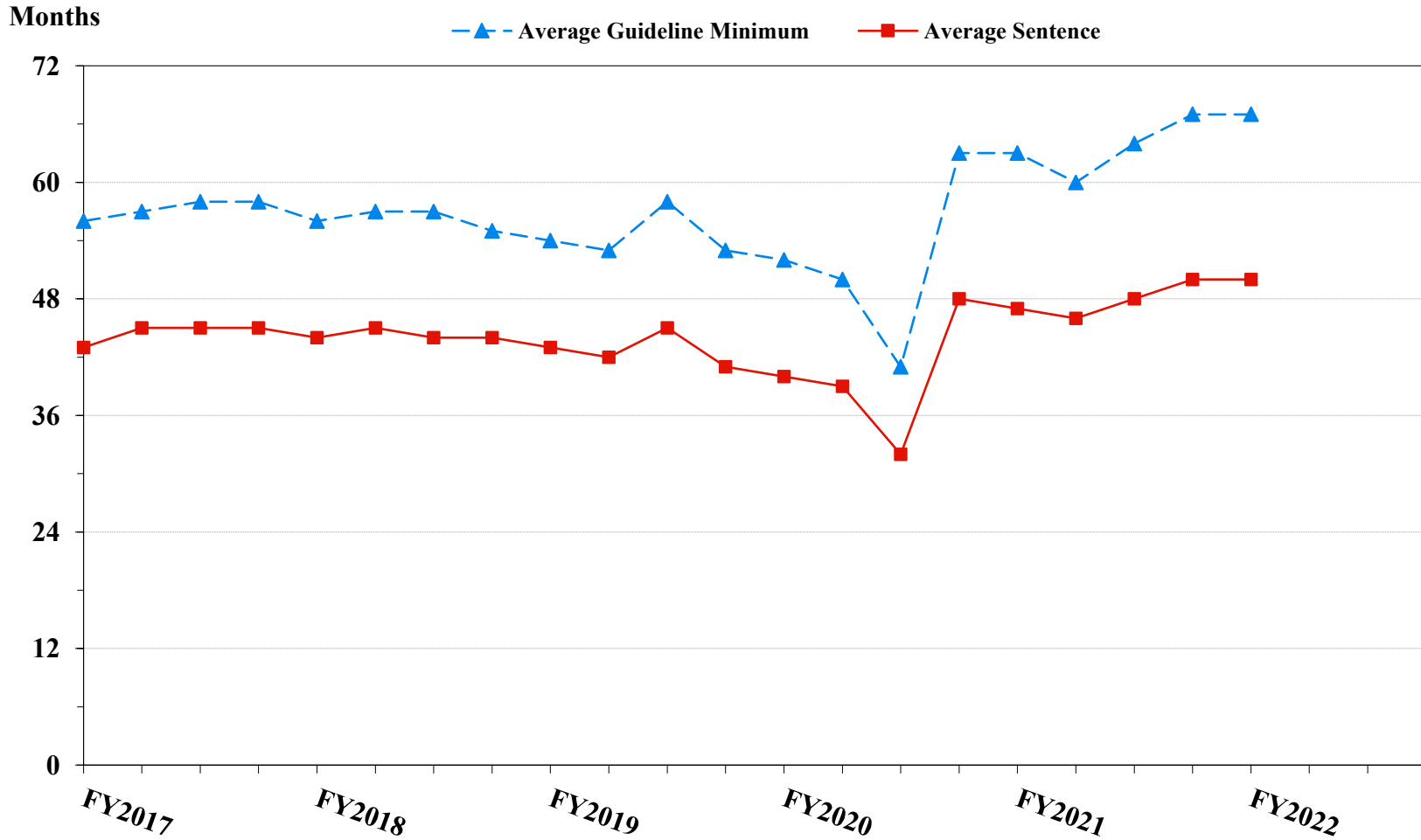
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	4,513	52	29	44.1	30	17	35.1
Administration of Justice	55	5	13	75.5	0	10	99.8
Antitrust	2	--	--	--	--	--	--
Arson	9	42	24	29.9	27	17	31.4
Assault	55	44	21	42.8	24	12	30.0
Bribery/Corruption	33	15	17	63.2	12	12	62.2
Burglary/Trespass	3	11	8	39.9	12	9	42.7
Child Pornography	190	78	50	39.9	72	43	38.1
Commercialized Vice	5	5	10	81.2	0	9	100.0
Drug Possession	3	2	3	64.7	1	2	83.5
Drug Trafficking	1,713	75	40	39.0	60	28	31.4
Environmental	10	3	16	89.7	0	16	100.0
Extortion/Racketeering	11	31	34	62.3	6	24	84.6
Firearms	736	36	19	42.8	30	13	31.4
Food and Drug	3	36	30	46.3	36	21	36.8
Forgery/Counter/Copyright	10	11	17	70.7	6	15	73.9
Fraud/Theft/Embezzlement	526	19	17	59.4	12	12	50.9
Immigration	574	13	8	42.4	10	6	33.7
Individual Rights	8	28	32	76.9	2	20	95.0
Kidnapping	8	103	64	45.4	110	61	33.2
Manslaughter	4	61	10	20.5	25	10	18.9
Money Laundering	111	38	38	54.0	24	23	50.0
Murder	16	202	68	25.5	208	45	22.5
National Defense	14	30	30	63.8	17	31	64.1
Obscenity/Other Sex Offenses	40	15	11	52.7	12	9	44.6
Prison Offenses	33	9	7	44.4	8	4	35.6
Robbery	132	93	32	28.1	90	26	23.8
Sexual Abuse	113	166	69	28.9	150	60	25.0
Stalking/Harassing	25	16	18	63.6	12	15	55.4
Tax	62	9	19	71.0	5	12	80.0
Other	9	4	8	75.6	0	6	91.8

¹ Of the 15,549 cases, in 4,617 the sentence was a variance below the guideline range, either due to a government motion for a variance (1,484) or a non-government variance (3,133). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 40 cases were excluded from this table. Also, 64 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 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**



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

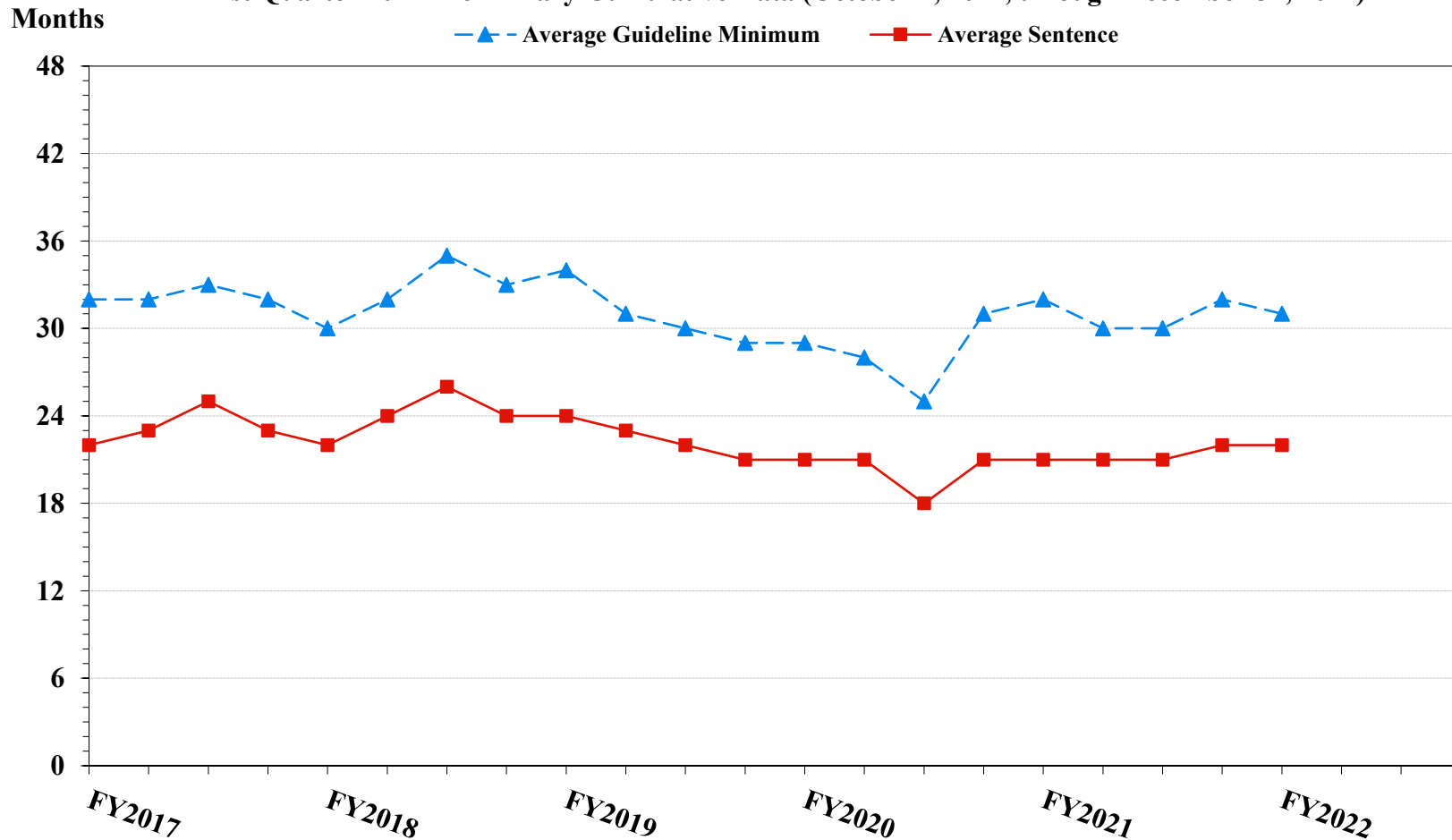
SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 6

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

Fiscal Years 2017 - 2021,

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)

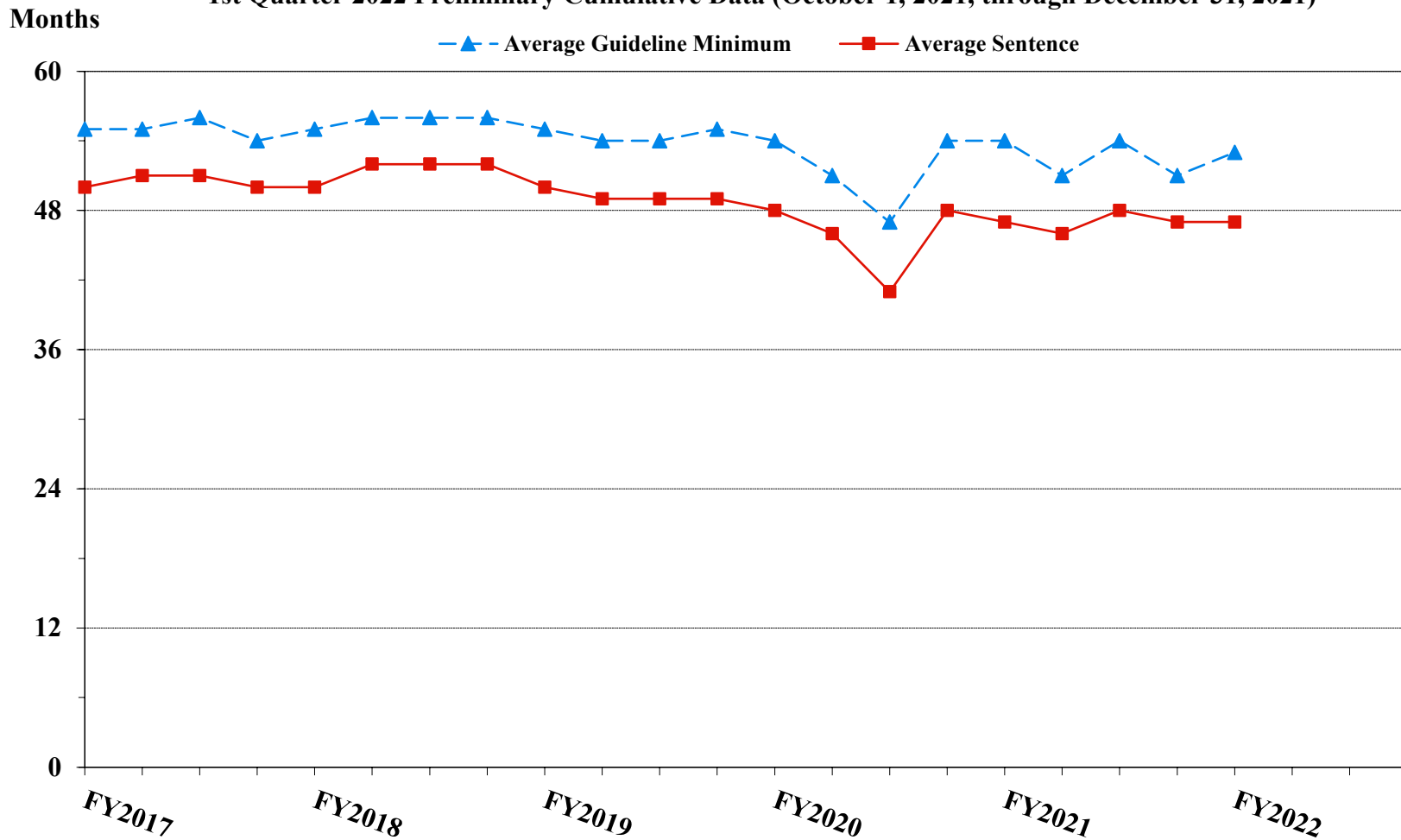


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**

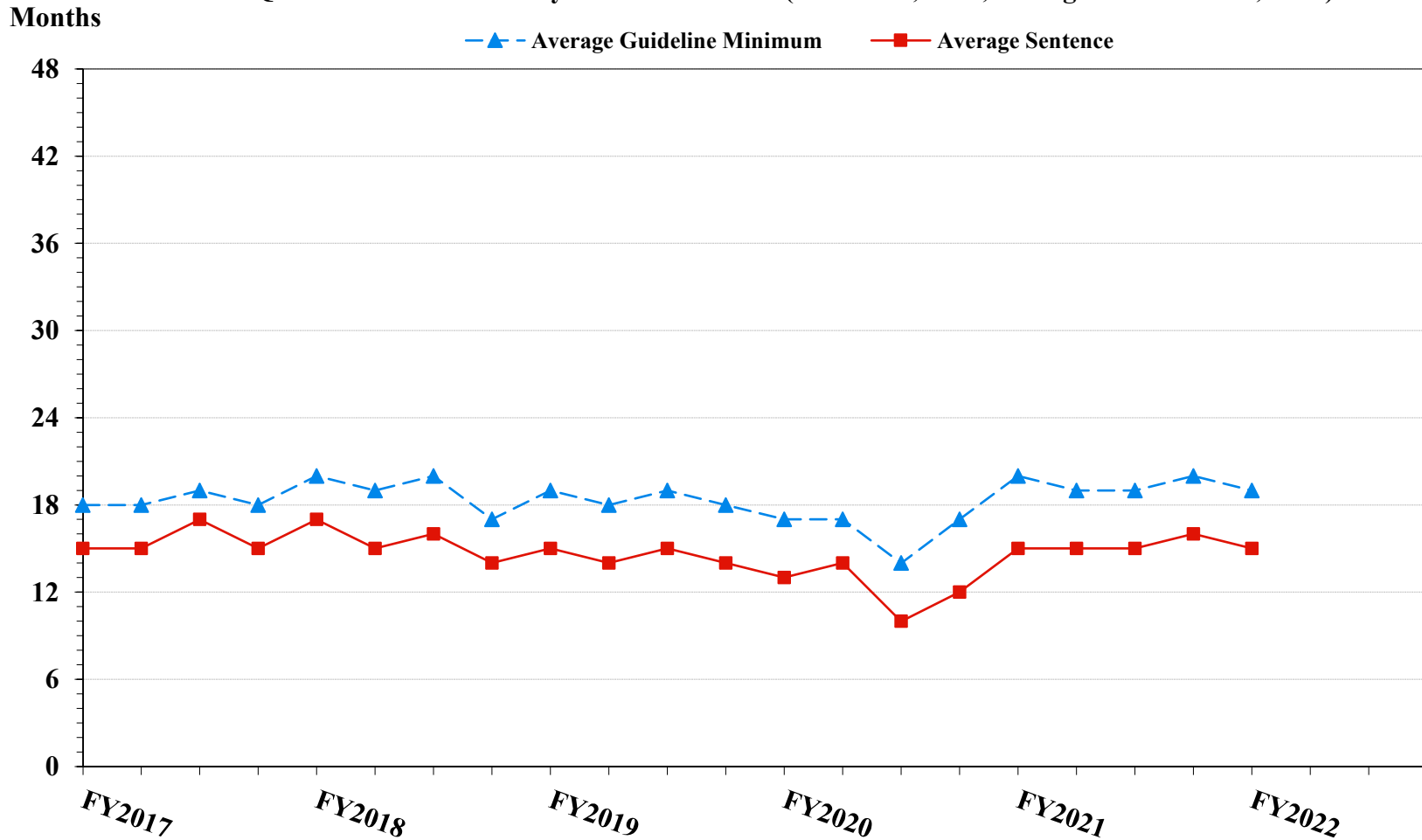


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**

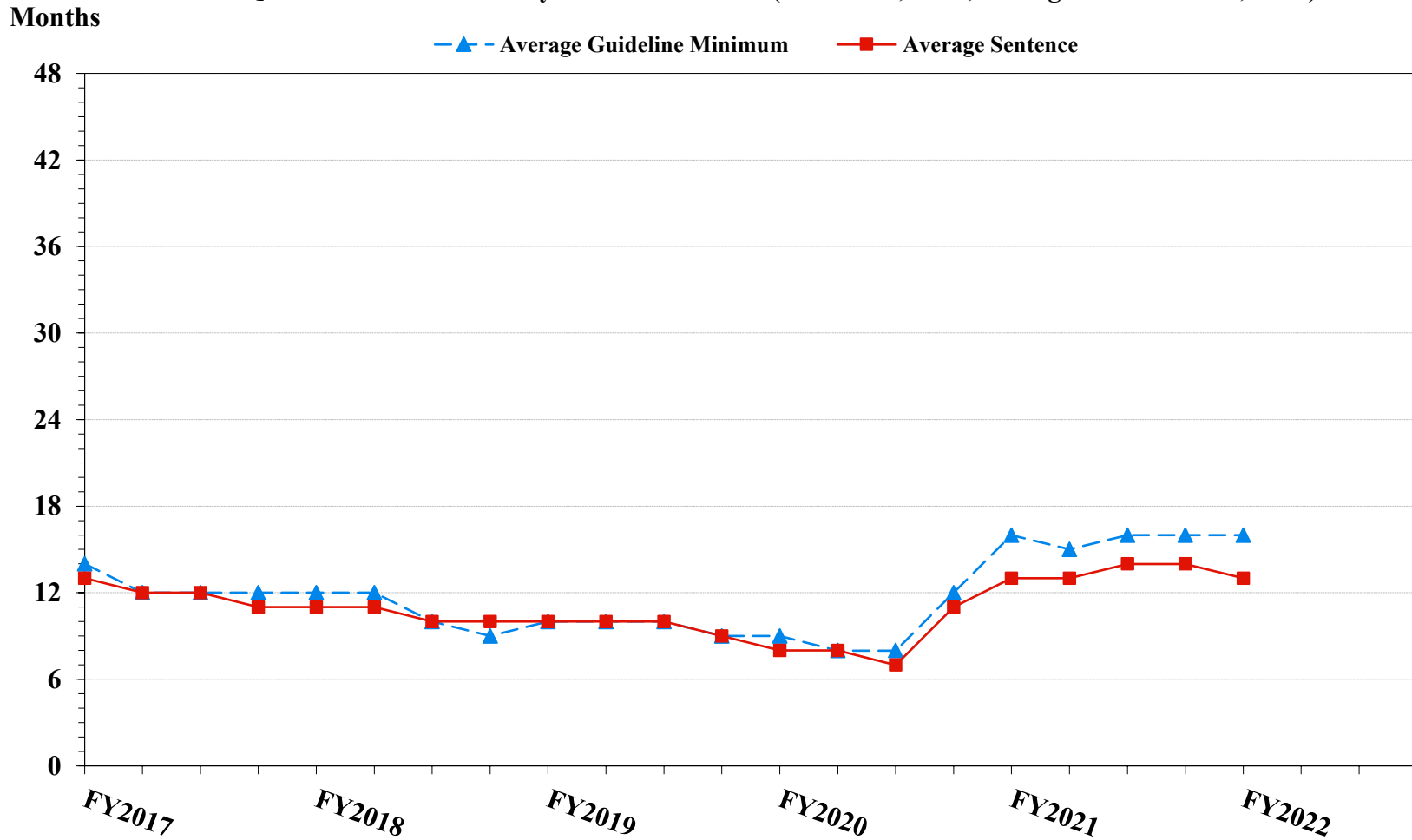


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**

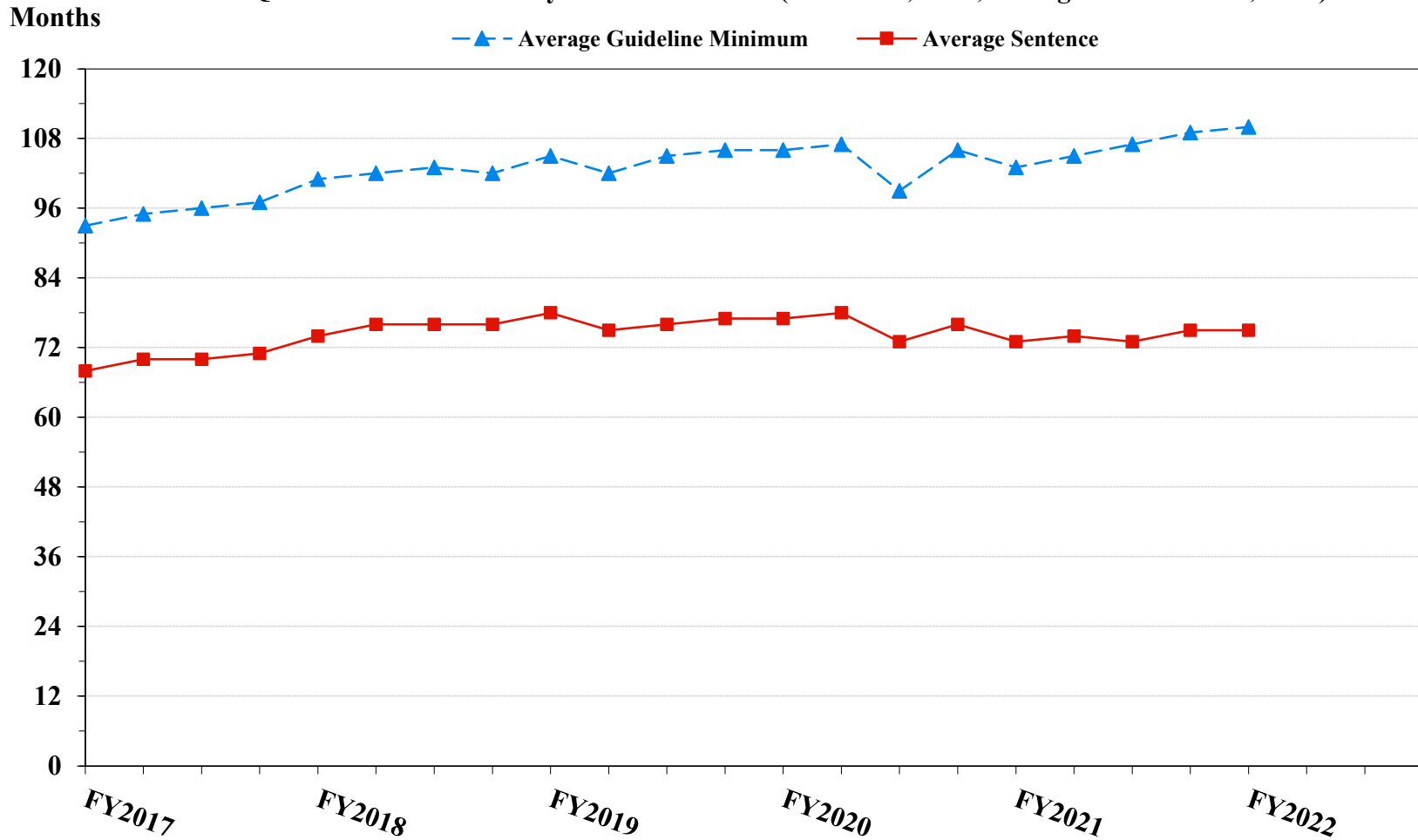


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2017 - 2021,
1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)**

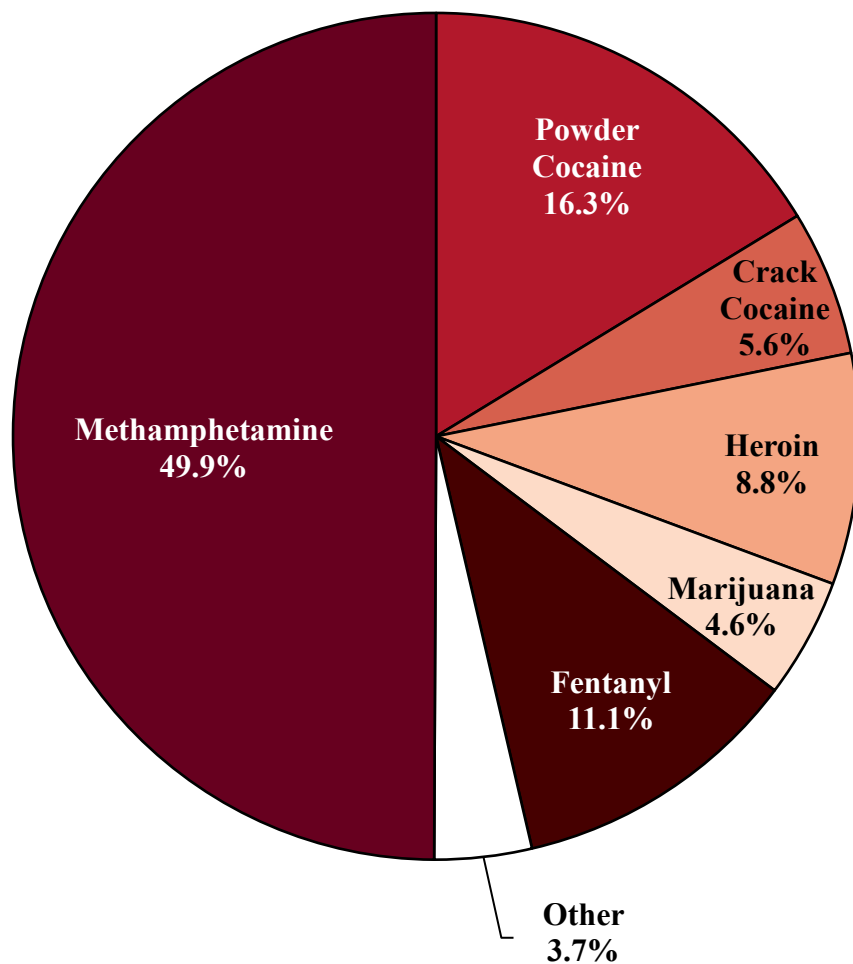


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}**
**1st Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through December 31, 2021)**



¹ Of the 15,549 cases, in 4,848 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (73).

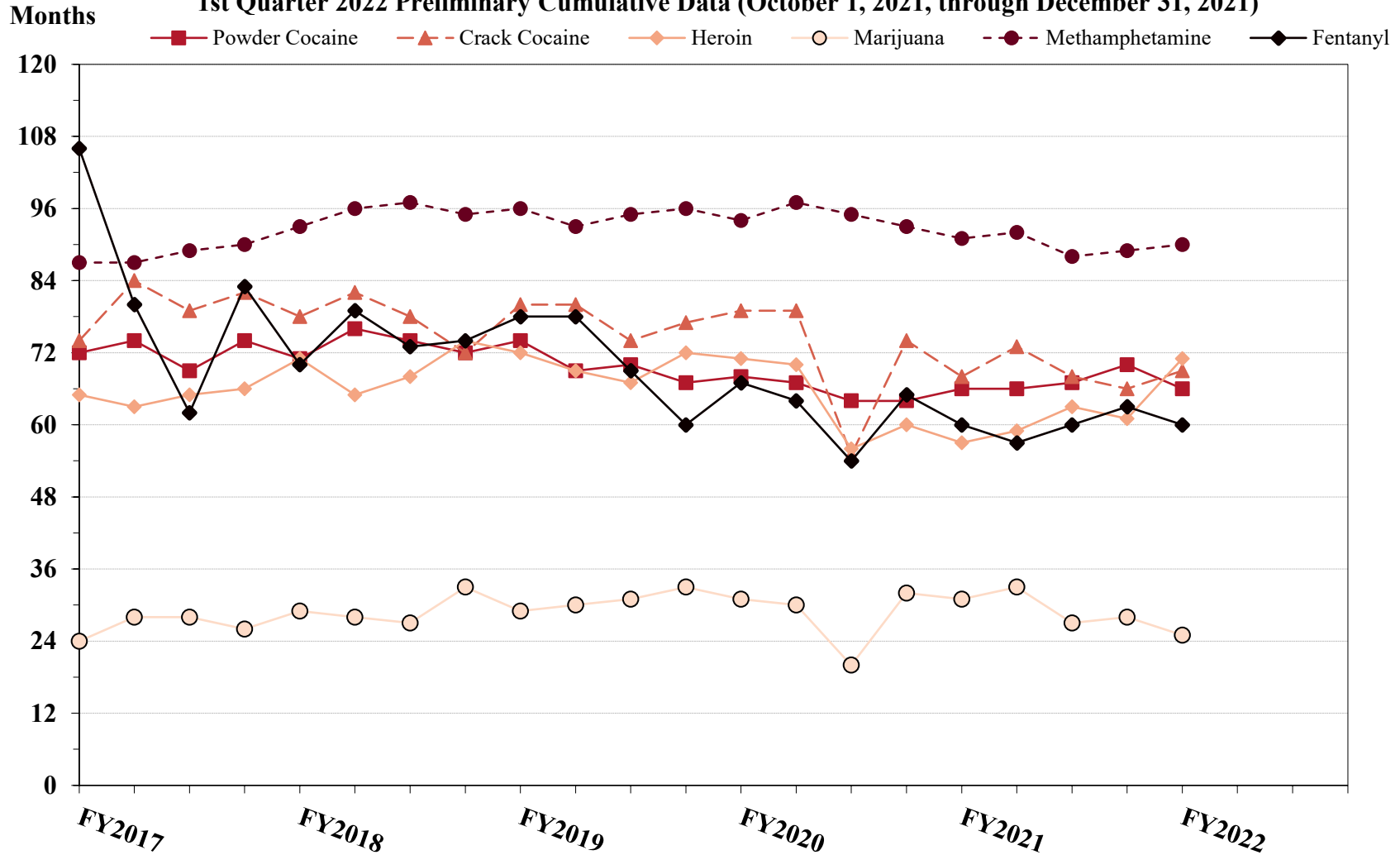
SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through December 31, 2021).

Figure 12

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

Fiscal Years 2017 - 2021,

1st Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through December 31, 2021)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through December 31, 2021).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

Upward Variance

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

Within Guideline Range

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

Year

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