

United States Sentencing Commission Quarterly Data Report



**1st Quarter Release
Preliminary Fiscal Year 2023 Data
Through December 31, 2022**

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.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 2022 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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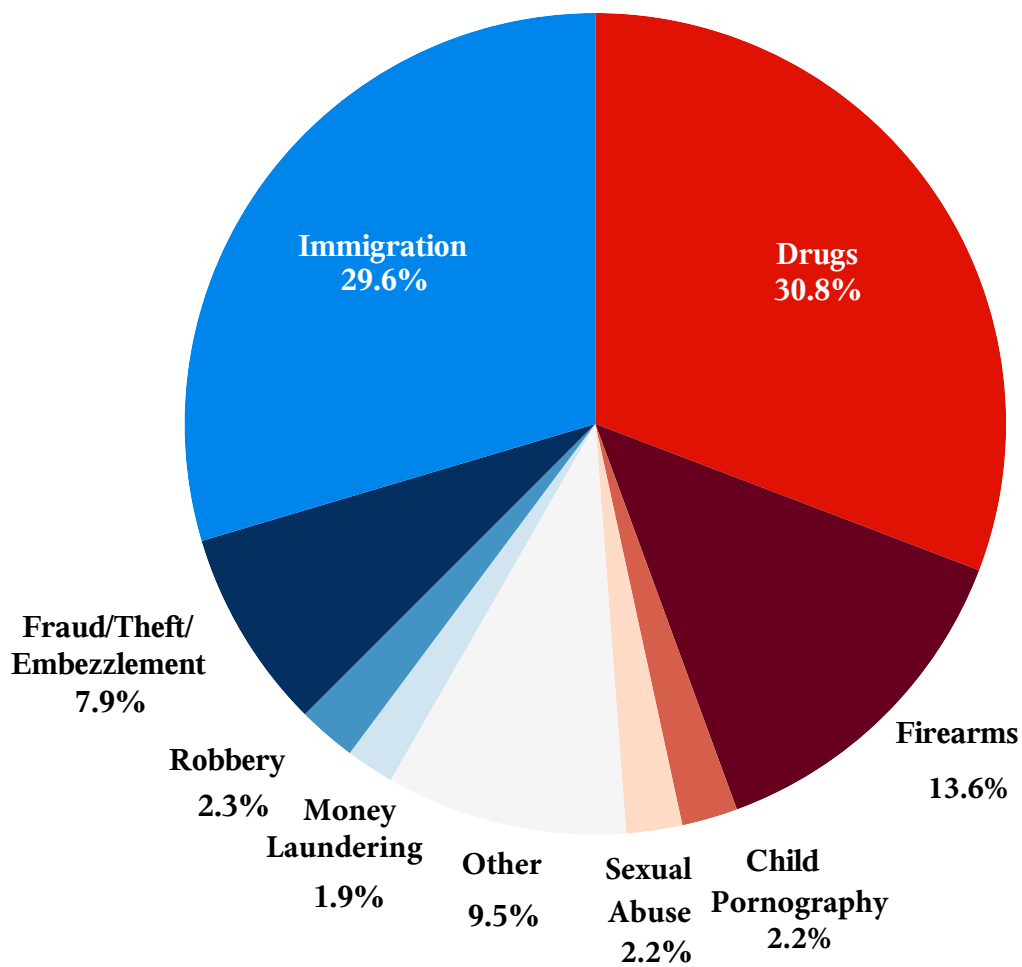
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2023 Preliminary Cumulative Data
(October 1, 2022, through December 31, 2022)



¹ This figure includes the 15,088 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 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | % |
|------------------------------|---------------|--------------|
| TOTAL | 15,088 | 100.0 |
| Administration of Justice | 133 | 0.9 |
| Antitrust | 2 | 0.0 |
| Arson | 28 | 0.2 |
| Assault | 181 | 1.2 |
| Bribery/Corruption | 85 | 0.6 |
| Burglary/Trespass | 21 | 0.1 |
| Child Pornography | 325 | 2.2 |
| Commercialized Vice | 30 | 0.2 |
| Drug Possession | 39 | 0.3 |
| Drug Trafficking | 4,609 | 30.5 |
| Environmental | 31 | 0.2 |
| Extortion/Racketeering | 30 | 0.2 |
| Firearms | 2,051 | 13.6 |
| Food and Drug | 5 | 0.0 |
| Forgery/Counter/Copyright | 25 | 0.2 |
| Fraud/Theft/Embezzlement | 1,195 | 7.9 |
| Immigration | 4,468 | 29.6 |
| Individual Rights | 30 | 0.2 |
| Kidnapping | 35 | 0.2 |
| Manslaughter | 19 | 0.1 |
| Money Laundering | 291 | 1.9 |
| Murder | 127 | 0.8 |
| National Defense | 64 | 0.4 |
| Obscenity/Other Sex Offenses | 72 | 0.5 |
| Prison Offenses | 103 | 0.7 |
| Robbery | 346 | 2.3 |
| Sexual Abuse | 336 | 2.2 |
| Stalking/Harassing | 67 | 0.4 |
| Tax | 124 | 0.8 |
| Other | 216 | 1.4 |

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹

**1st Quarter 2023 Preliminary Cumulative Data
(October 1, 2022, through December 31, 2022)**

| CIRCUIT | | | CIRCUIT | | |
|-----------------------|---------------|--------------|------------------------|--------------|-------------|
| District | N | % | District | N | % |
| TOTAL | 15,088 | 100.0 | | | |
| D.C. CIRCUIT | 99 | 0.7 | FIFTH CIRCUIT | 3,924 | 26.0 |
| District of Columbia | 99 | 0.7 | Louisiana | | |
| FIRST CIRCUIT | 487 | 3.2 | Eastern | 75 | 0.5 |
| Maine | 31 | 0.2 | Middle | 26 | 0.2 |
| Massachusetts | 109 | 0.7 | Western | 52 | 0.3 |
| New Hampshire | 39 | 0.3 | Mississippi | | |
| Puerto Rico | 282 | 1.9 | Northern | 40 | 0.3 |
| Rhode Island | 26 | 0.2 | Southern | 111 | 0.7 |
| SECOND CIRCUIT | 796 | 5.3 | Texas | | |
| Connecticut | 93 | 0.6 | Eastern | 182 | 1.2 |
| New York | | | Northern | 365 | 2.4 |
| Eastern | 179 | 1.2 | Southern | 1,628 | 10.8 |
| Northern | 105 | 0.7 | Western | 1,445 | 9.6 |
| Southern | 295 | 2.0 | SIXTH CIRCUIT | 1,048 | 6.9 |
| Western | 96 | 0.6 | Kentucky | | |
| Vermont | 28 | 0.2 | Eastern | 129 | 0.9 |
| THIRD CIRCUIT | 558 | 3.7 | Western | 59 | 0.4 |
| Delaware | 25 | 0.2 | Michigan | | |
| New Jersey | 149 | 1.0 | Eastern | 155 | 1.0 |
| Pennsylvania | | | Western | 69 | 0.5 |
| Eastern | 122 | 0.8 | Ohio | | |
| Middle | 117 | 0.8 | Northern | 197 | 1.3 |
| Western | 122 | 0.8 | Southern | 159 | 1.1 |
| Virgin Islands | 23 | 0.2 | Tennessee | | |
| FOURTH CIRCUIT | 977 | 6.5 | Eastern | 134 | 0.9 |
| Maryland | 133 | 0.9 | Middle | 43 | 0.3 |
| North Carolina | | | Western | 103 | 0.7 |
| Eastern | 147 | 1.0 | SEVENTH CIRCUIT | 577 | 3.8 |
| Middle | 61 | 0.4 | Illinois | | |
| Western | 97 | 0.6 | Central | 73 | 0.5 |
| South Carolina | 143 | 0.9 | Northern | 167 | 1.1 |
| Virginia | | | Southern | 61 | 0.4 |
| Eastern | 205 | 1.4 | Indiana | | |
| Western | 67 | 0.4 | Northern | 55 | 0.4 |
| West Virginia | | | Southern | 119 | 0.8 |
| Eastern | | | Wisconsin | | |
| Western | | | Eastern | 71 | 0.5 |
| Northern | 76 | 0.5 | Western | 31 | 0.2 |
| Southern | 48 | 0.3 | | | |

Table 2 (cont.)

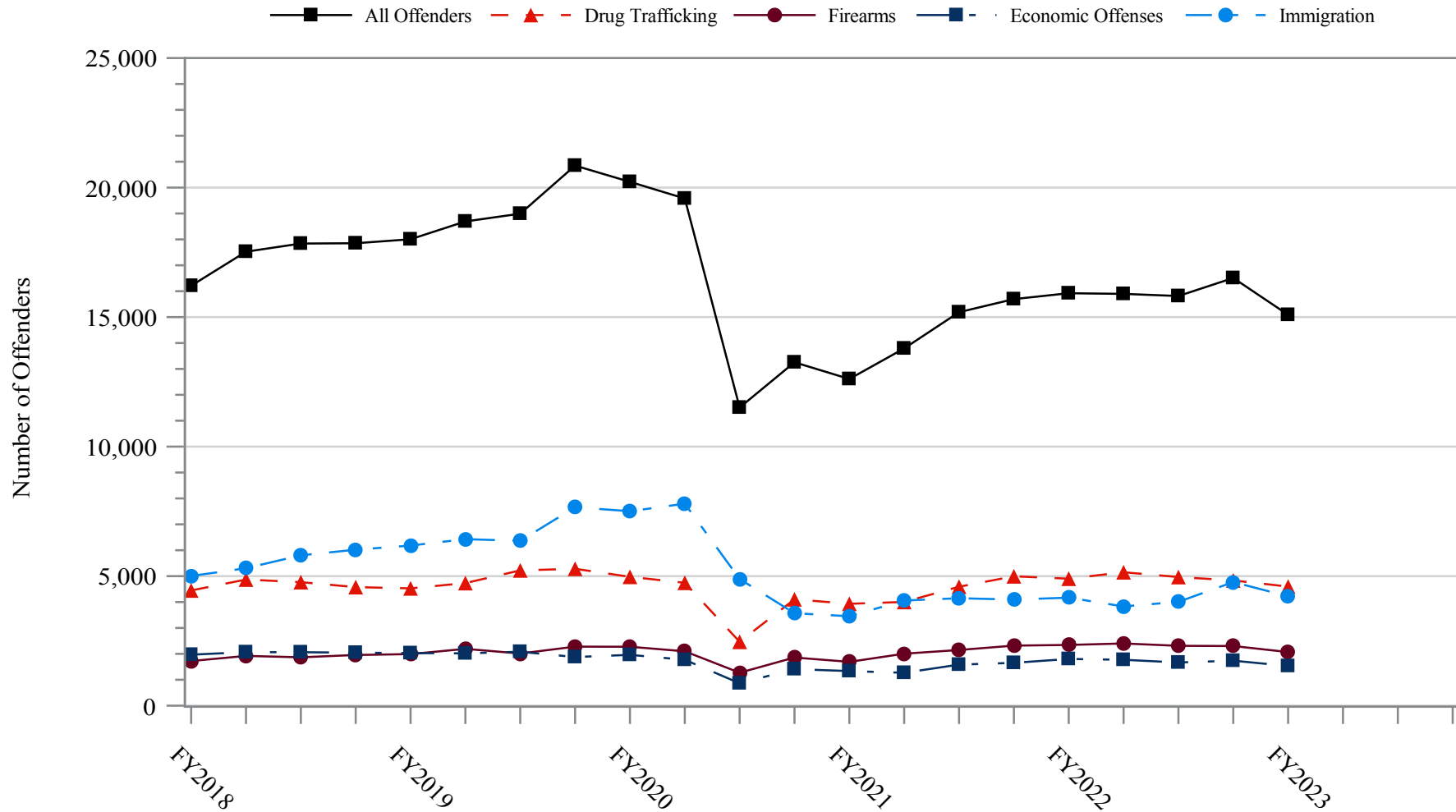
| CIRCUIT | | | CIRCUIT | | |
|--------------------------|--------------|-------------|-------------------------|--------------|------------|
| District | N | % | District | N | % |
| EIGHTH CIRCUIT | 1,133 | 7.5 | TENTH CIRCUIT | 1,145 | 7.6 |
| Arkansas | | | Colorado | 68 | 0.5 |
| Eastern | 118 | 0.8 | Kansas | 78 | 0.5 |
| Western | 47 | 0.3 | New Mexico | 542 | 3.6 |
| Iowa | | | Oklahoma | | |
| Northern | 86 | 0.6 | Eastern | 38 | 0.3 |
| Southern | 107 | 0.7 | Northern | 71 | 0.5 |
| Minnesota | 74 | 0.5 | Western | 153 | 1.0 |
| Missouri | | | Utah | 169 | 1.1 |
| Eastern | 205 | 1.4 | Wyoming | 26 | 0.2 |
| Western | 200 | 1.3 | | | |
| Nebraska | 116 | 0.8 | ELEVENTH CIRCUIT | 1,322 | 8.8 |
| North Dakota | 89 | 0.6 | Alabama | | |
| South Dakota | 91 | 0.6 | Middle | 54 | 0.4 |
| | | | Northern | 87 | 0.6 |
| NINTH CIRCUIT | 3,022 | 20.0 | Southern | 58 | 0.4 |
| Alaska | 38 | 0.3 | Florida | | |
| Arizona | 1,217 | 8.1 | Middle | 301 | 2.0 |
| California | | | Northern | 60 | 0.4 |
| Central | 274 | 1.8 | Southern | 410 | 2.7 |
| Eastern | 89 | 0.6 | Georgia | | |
| Northern | 83 | 0.6 | Middle | 86 | 0.6 |
| Southern | 810 | 5.4 | Northern | 158 | 1.0 |
| Guam | 7 | 0.0 | Southern | 108 | 0.7 |
| Hawaii | 32 | 0.2 | | | |
| Idaho | 60 | 0.4 | | | |
| Montana | 80 | 0.5 | | | |
| Nevada | 95 | 0.6 | | | |
| Northern Mariana Islands | 3 | 0.0 | | | |
| Oregon | 84 | 0.6 | | | |
| Washington | | | | | |
| Eastern | 72 | 0.5 | | | |
| Western | 78 | 0.5 | | | |

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | TOTAL | WHITE | | BLACK | | HISPANIC | | OTHER | |
|------------------------------|---------------|--------------|-------------|--------------|-------------|--------------|-------------|------------|------------|
| | | N | % | N | % | N | % | N | % |
| TOTAL | 14,984 | 3,327 | 22.2 | 3,659 | 24.4 | 7,369 | 49.2 | 629 | 4.2 |
| Administration of Justice | 130 | 48 | 36.9 | 25 | 19.2 | 45 | 34.6 | 12 | 9.2 |
| Antitrust | 2 | 1 | 50.0 | 0 | 0.0 | 1 | 50.0 | 0 | 0.0 |
| Arson | 28 | 6 | 21.4 | 12 | 42.9 | 4 | 14.3 | 6 | 21.4 |
| Assault | 179 | 35 | 19.6 | 57 | 31.8 | 29 | 16.2 | 58 | 32.4 |
| Bribery/Corruption | 85 | 38 | 44.7 | 26 | 30.6 | 11 | 12.9 | 10 | 11.8 |
| Burglary/Trespass | 21 | 8 | 38.1 | 6 | 28.6 | 2 | 9.5 | 5 | 23.8 |
| Child Pornography | 324 | 258 | 79.6 | 16 | 4.9 | 39 | 12.0 | 11 | 3.4 |
| Commercialized Vice | 30 | 19 | 63.3 | 8 | 26.7 | 1 | 3.3 | 2 | 6.7 |
| Drug Possession | 36 | 18 | 50.0 | 7 | 19.4 | 8 | 22.2 | 3 | 8.3 |
| Drug Trafficking | 4,603 | 1,174 | 25.5 | 1,251 | 27.2 | 2,021 | 43.9 | 157 | 3.4 |
| Environmental | 27 | 14 | 51.9 | 5 | 18.5 | 1 | 3.7 | 7 | 25.9 |
| Extortion/Racketeering | 30 | 13 | 43.3 | 7 | 23.3 | 4 | 13.3 | 6 | 20.0 |
| Firearms | 2,045 | 433 | 21.2 | 1,184 | 57.9 | 375 | 18.3 | 53 | 2.6 |
| Food and Drug | 5 | 4 | 80.0 | 0 | 0.0 | 1 | 20.0 | 0 | 0.0 |
| Forgery/Counter/Copyright | 25 | 13 | 52.0 | 11 | 44.0 | 0 | 0.0 | 1 | 4.0 |
| Fraud/Theft/Embezzlement | 1,186 | 472 | 39.8 | 408 | 34.4 | 228 | 19.2 | 78 | 6.6 |
| Immigration | 4,453 | 154 | 3.5 | 111 | 2.5 | 4,157 | 93.4 | 31 | 0.7 |
| Individual Rights | 30 | 13 | 43.3 | 6 | 20.0 | 9 | 30.0 | 2 | 6.7 |
| Kidnapping | 34 | 10 | 29.4 | 7 | 20.6 | 13 | 38.2 | 4 | 11.8 |
| Manslaughter | 19 | 5 | 26.3 | 1 | 5.3 | 1 | 5.3 | 12 | 63.2 |
| Money Laundering | 290 | 82 | 28.3 | 72 | 24.8 | 112 | 38.6 | 24 | 8.3 |
| Murder | 125 | 19 | 15.2 | 47 | 37.6 | 43 | 34.4 | 16 | 12.8 |
| National Defense | 63 | 15 | 23.8 | 8 | 12.7 | 37 | 58.7 | 3 | 4.8 |
| Obscenity/Other Sex Offenses | 72 | 35 | 48.6 | 14 | 19.4 | 10 | 13.9 | 13 | 18.1 |
| Prison Offenses | 100 | 27 | 27.0 | 36 | 36.0 | 30 | 30.0 | 7 | 7.0 |
| Robbery | 345 | 61 | 17.7 | 191 | 55.4 | 81 | 23.5 | 12 | 3.5 |
| Sexual Abuse | 335 | 186 | 55.5 | 56 | 16.7 | 49 | 14.6 | 44 | 13.1 |
| Stalking/Harassing | 66 | 41 | 62.1 | 13 | 19.7 | 8 | 12.1 | 4 | 6.1 |
| Tax | 124 | 59 | 47.6 | 36 | 29.0 | 20 | 16.1 | 9 | 7.3 |
| Other | 172 | 66 | 38.4 | 38 | 22.1 | 29 | 16.9 | 39 | 22.7 |

¹ Of the 15,088 cases, 104 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | TOTAL | MALE | | FEMALE | |
|------------------------------|---------------|---------------|-------------|--------------|-------------|
| | | N | % | N | % |
| TOTAL | 15,077 | 13,191 | 87.5 | 1,886 | 12.5 |
| Administration of Justice | 133 | 106 | 79.7 | 27 | 20.3 |
| Antitrust | 2 | 2 | 100.0 | 0 | 0.0 |
| Arson | 28 | 20 | 71.4 | 8 | 28.6 |
| Assault | 181 | 168 | 92.8 | 13 | 7.2 |
| Bribery/Corruption | 85 | 65 | 76.5 | 20 | 23.5 |
| Burglary/Trespass | 21 | 21 | 100.0 | 0 | 0.0 |
| Child Pornography | 325 | 320 | 98.5 | 5 | 1.5 |
| Commercialized Vice | 30 | 25 | 83.3 | 5 | 16.7 |
| Drug Possession | 39 | 25 | 64.1 | 14 | 35.9 |
| Drug Trafficking | 4,609 | 3,849 | 83.5 | 760 | 16.5 |
| Environmental | 30 | 30 | 100.0 | 0 | 0.0 |
| Extortion/Racketeering | 30 | 25 | 83.3 | 5 | 16.7 |
| Firearms | 2,051 | 1,968 | 96.0 | 83 | 4.0 |
| Food and Drug | 5 | 1 | 20.0 | 4 | 80.0 |
| Forgery/Counter/Copyright | 25 | 24 | 96.0 | 1 | 4.0 |
| Fraud/Theft/Embezzlement | 1,194 | 833 | 69.8 | 361 | 30.2 |
| Immigration | 4,466 | 4,101 | 91.8 | 365 | 8.2 |
| Individual Rights | 30 | 29 | 96.7 | 1 | 3.3 |
| Kidnapping | 35 | 30 | 85.7 | 5 | 14.3 |
| Manslaughter | 19 | 17 | 89.5 | 2 | 10.5 |
| Money Laundering | 291 | 233 | 80.1 | 58 | 19.9 |
| Murder | 127 | 121 | 95.3 | 6 | 4.7 |
| National Defense | 64 | 53 | 82.8 | 11 | 17.2 |
| Obscenity/Other Sex Offenses | 72 | 71 | 98.6 | 1 | 1.4 |
| Prison Offenses | 103 | 93 | 90.3 | 10 | 9.7 |
| Robbery | 346 | 321 | 92.8 | 25 | 7.2 |
| Sexual Abuse | 336 | 317 | 94.3 | 19 | 5.7 |
| Stalking/Harassing | 67 | 64 | 95.5 | 3 | 4.5 |
| Tax | 124 | 86 | 69.4 | 38 | 30.6 |
| Other | 209 | 173 | 82.8 | 36 | 17.2 |

¹ Of the 15,088 cases, 11 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | TOTAL | U.S. CITIZEN | | NON-U.S. CITIZEN | |
|------------------------------|---------------|--------------|-------------|------------------|-------------|
| | | N | % | N | % |
| TOTAL | 15,025 | 9,838 | 65.5 | 5,187 | 34.5 |
| Administration of Justice | 132 | 106 | 80.3 | 26 | 19.7 |
| Antitrust | 2 | 2 | 100.0 | 0 | 0.0 |
| Arson | 28 | 27 | 96.4 | 1 | 3.6 |
| Assault | 180 | 167 | 92.8 | 13 | 7.2 |
| Bribery/Corruption | 85 | 79 | 92.9 | 6 | 7.1 |
| Burglary/Trespass | 21 | 21 | 100.0 | 0 | 0.0 |
| Child Pornography | 325 | 313 | 96.3 | 12 | 3.7 |
| Commercialized Vice | 30 | 26 | 86.7 | 4 | 13.3 |
| Drug Possession | 38 | 38 | 100.0 | 0 | 0.0 |
| Drug Trafficking | 4,607 | 3,728 | 80.9 | 879 | 19.1 |
| Environmental | 28 | 22 | 78.6 | 6 | 21.4 |
| Extortion/Racketeering | 30 | 24 | 80.0 | 6 | 20.0 |
| Firearms | 2,047 | 1,968 | 96.1 | 79 | 3.9 |
| Food and Drug | 5 | 4 | 80.0 | 1 | 20.0 |
| Forgery/Counter/Copyright | 25 | 25 | 100.0 | 0 | 0.0 |
| Fraud/Theft/Embezzlement | 1,190 | 1,006 | 84.5 | 184 | 15.5 |
| Immigration | 4,461 | 730 | 16.4 | 3,731 | 83.6 |
| Individual Rights | 30 | 26 | 86.7 | 4 | 13.3 |
| Kidnapping | 35 | 33 | 94.3 | 2 | 5.7 |
| Manslaughter | 19 | 18 | 94.7 | 1 | 5.3 |
| Money Laundering | 291 | 189 | 64.9 | 102 | 35.1 |
| Murder | 127 | 112 | 88.2 | 15 | 11.8 |
| National Defense | 63 | 44 | 69.8 | 19 | 30.2 |
| Obscenity/Other Sex Offenses | 72 | 72 | 100.0 | 0 | 0.0 |
| Prison Offenses | 101 | 97 | 96.0 | 4 | 4.0 |
| Robbery | 346 | 333 | 96.2 | 13 | 3.8 |
| Sexual Abuse | 336 | 316 | 94.0 | 20 | 6.0 |
| Stalking/Harassing | 67 | 66 | 98.5 | 1 | 1.5 |
| Tax | 124 | 118 | 95.2 | 6 | 4.8 |
| Other | 180 | 128 | 71.1 | 52 | 28.9 |

¹ Of the 15,088 cases, 63 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | Mean Months | Median Months | N |
|------------------------------|----------------|------------------|---------------|
| TOTAL | 52 | 24 | 15,087 |
| Administration of Justice | 17 | 10 | 133 |
| Antitrust | -- | -- | 2 |
| Arson | 46 | 53 | 28 |
| Assault | 74 | 48 | 181 |
| Bribery/Corruption | 25 | 24 | 85 |
| Burglary/Trespass | 10 | 3 | 21 |
| Child Pornography | 108 | 87 | 325 |
| Commercialized Vice | 14 | 10 | 30 |
| Drug Possession | 3 | 0 | 39 |
| Drug Trafficking | 81 | 60 | 4,609 |
| Environmental | 4 | 0 | 31 |
| Extortion/Racketeering | 27 | 21 | 30 |
| Firearms | 49 | 37 | 2,051 |
| Food and Drug | 12 | 0 | 5 |
| Forgery/Counter/Copyright | 16 | 13 | 25 |
| Fraud/Theft/Embezzlement | 23 | 12 | 1,195 |
| Immigration | 11 | 7 | 4,467 |
| Individual Rights | 55 | 14 | 30 |
| Kidnapping | 205 | 180 | 35 |
| Manslaughter | 64 | 48 | 19 |
| Money Laundering | 57 | 30 | 291 |
| Murder | 283 | 288 | 127 |
| National Defense | 49 | 30 | 64 |
| Obscenity/Other Sex Offenses | 25 | 18 | 72 |
| Prison Offenses | 13 | 12 | 103 |
| Robbery | 104 | 90 | 346 |
| Sexual Abuse | 218 | 188 | 336 |
| Stalking/Harassing | 32 | 24 | 67 |
| Tax | 15 | 10 | 124 |
| Other | 6 | 0 | 216 |

¹ Of the 15,088 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | TOTAL | TOTAL RECEIVING IMPRISONMENT | | | | Prison and Alternatives ² | | TOTAL RECEIVING PROBATION | | | | Probation and Alternatives ² | | Probation Only | | TOTAL RECEIVING FINE ONLY | |
|------------------------------|---------------|------------------------------|-------------|---------------|-------------|--------------------------------------|------------|---------------------------|------------|------------|------------|---|------------|----------------|------------|---------------------------|---|
| | | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 15,088 | 13,979 | 92.6 | 13,556 | 89.8 | 423 | 2.8 | 1,049 | 7.0 | 205 | 1.4 | 844 | 5.6 | 60 | 0.4 | | |
| Administration of Justice | 133 | 105 | 78.9 | 100 | 75.2 | 5 | 3.8 | 28 | 21.1 | 8 | 6.0 | 20 | 15.0 | 0 | 0.0 | | |
| Antitrust | 2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 100.0 | 1 | 50.0 | 1 | 50.0 | 0 | 0.0 | | |
| Arson | 28 | 26 | 92.9 | 25 | 89.3 | 1 | 3.6 | 2 | 7.1 | 0 | 0.0 | 2 | 7.1 | 0 | 0.0 | | |
| Assault | 181 | 166 | 91.7 | 165 | 91.2 | 1 | 0.6 | 15 | 8.3 | 5 | 2.8 | 10 | 5.5 | 0 | 0.0 | | |
| Bribery/Corruption | 85 | 70 | 82.4 | 66 | 77.6 | 4 | 4.7 | 15 | 17.6 | 3 | 3.5 | 12 | 14.1 | 0 | 0.0 | | |
| Burglary/Trespass | 21 | 14 | 66.7 | 13 | 61.9 | 1 | 4.8 | 7 | 33.3 | 3 | 14.3 | 4 | 19.0 | 0 | 0.0 | | |
| Child Pornography | 325 | 321 | 98.8 | 316 | 97.2 | 5 | 1.5 | 4 | 1.2 | 0 | 0.0 | 4 | 1.2 | 0 | 0.0 | | |
| Commercialized Vice | 30 | 25 | 83.3 | 22 | 73.3 | 3 | 10.0 | 5 | 16.7 | 2 | 6.7 | 3 | 10.0 | 0 | 0.0 | | |
| Drug Possession | 39 | 21 | 53.8 | 21 | 53.8 | 0 | 0.0 | 12 | 30.8 | 0 | 0.0 | 12 | 30.8 | 6 | 15.4 | | |
| Drug Trafficking | 4,609 | 4,488 | 97.4 | 4,331 | 94.0 | 157 | 3.4 | 121 | 2.6 | 26 | 0.6 | 95 | 2.1 | 0 | 0.0 | | |
| Environmental | 31 | 9 | 29.0 | 9 | 29.0 | 0 | 0.0 | 20 | 64.5 | 0 | 0.0 | 20 | 64.5 | 2 | 6.5 | | |
| Extortion/Racketeering | 30 | 23 | 76.7 | 21 | 70.0 | 2 | 6.7 | 7 | 23.3 | 1 | 3.3 | 6 | 20.0 | 0 | 0.0 | | |
| Firearms | 2,051 | 1,930 | 94.1 | 1,885 | 91.9 | 45 | 2.2 | 121 | 5.9 | 25 | 1.2 | 96 | 4.7 | 0 | 0.0 | | |
| Food and Drug | 5 | 2 | 40.0 | 2 | 40.0 | 0 | 0.0 | 3 | 60.0 | 0 | 0.0 | 3 | 60.0 | 0 | 0.0 | | |
| Forgery/Counter/Copyright | 25 | 20 | 80.0 | 19 | 76.0 | 1 | 4.0 | 5 | 20.0 | 1 | 4.0 | 4 | 16.0 | 0 | 0.0 | | |
| Fraud/Theft/Embezzlement | 1,195 | 895 | 74.9 | 835 | 69.9 | 60 | 5.0 | 293 | 24.5 | 61 | 5.1 | 232 | 19.4 | 7 | 0.6 | | |
| Immigration | 4,468 | 4,270 | 95.6 | 4,193 | 93.8 | 77 | 1.7 | 198 | 4.4 | 34 | 0.8 | 164 | 3.7 | 0 | 0.0 | | |
| Individual Rights | 30 | 25 | 83.3 | 24 | 80.0 | 1 | 3.3 | 5 | 16.7 | 0 | 0.0 | 5 | 16.7 | 0 | 0.0 | | |
| Kidnapping | 35 | 35 | 100.0 | 34 | 97.1 | 1 | 2.9 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | | |
| Manslaughter | 19 | 19 | 100.0 | 19 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | | |
| Money Laundering | 291 | 259 | 89.0 | 246 | 84.5 | 13 | 4.5 | 32 | 11.0 | 9 | 3.1 | 23 | 7.9 | 0 | 0.0 | | |
| Murder | 127 | 127 | 100.0 | 123 | 96.9 | 4 | 3.1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | | |
| National Defense | 64 | 51 | 79.7 | 49 | 76.6 | 2 | 3.1 | 5 | 7.8 | 2 | 3.1 | 3 | 4.7 | 8 | 12.5 | | |
| Obscenity/Other Sex Offenses | 72 | 69 | 95.8 | 63 | 87.5 | 6 | 8.3 | 3 | 4.2 | 1 | 1.4 | 2 | 2.8 | 0 | 0.0 | | |
| Prison Offenses | 103 | 100 | 97.1 | 95 | 92.2 | 5 | 4.9 | 3 | 2.9 | 2 | 1.9 | 1 | 1.0 | 0 | 0.0 | | |
| Robbery | 346 | 343 | 99.1 | 329 | 95.1 | 14 | 4.0 | 3 | 0.9 | 0 | 0.0 | 3 | 0.9 | 0 | 0.0 | | |
| Sexual Abuse | 336 | 335 | 99.7 | 331 | 98.5 | 4 | 1.2 | 1 | 0.3 | 1 | 0.3 | 0 | 0.0 | 0 | 0.0 | | |
| Stalking/Harassing | 67 | 59 | 88.1 | 56 | 83.6 | 3 | 4.5 | 8 | 11.9 | 2 | 3.0 | 6 | 9.0 | 0 | 0.0 | | |
| Tax | 124 | 77 | 62.1 | 69 | 55.6 | 8 | 6.5 | 47 | 37.9 | 11 | 8.9 | 36 | 29.0 | 0 | 0.0 | | |
| Other | 216 | 95 | 44.0 | 95 | 44.0 | 0 | 0.0 | 84 | 38.9 | 7 | 3.2 | 77 | 35.6 | 37 | 17.1 | | |

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.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| | <u>N</u> | <u>%</u> |
|--|---------------|--------------|
| TOTAL CASES | 15,036 | 100.0 |
| SENTENCES UNDER THE GUIDELINES MANUAL | 10,278 | 68.4 |
| Within Guideline Range | 6,351 | 42.2 |
| Upward Departure ² | 81 | 0.5 |
| Downward Departure | | |
| §5K1.1 Substantial Assistance | 1,569 | 10.4 |
| §5K3.1 Early Disposition Program | 1,671 | 11.1 |
| Other Government Motion ³ | 310 | 2.1 |
| Non-Government Departure ⁴ | 296 | 2.0 |
| VARIANCES | 4,758 | 31.6 |
| Upward Variance ⁵ | 382 | 2.5 |
| Downward Variance | | |
| Government Motion ⁶ | 1,416 | 9.4 |
| Non-Government Variance ⁷ | 2,960 | 19.7 |

¹ This table reflects the 15,088 cases sentenced on or after October 1, 2022, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by Mar 31, 2023. Of these, 52 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.

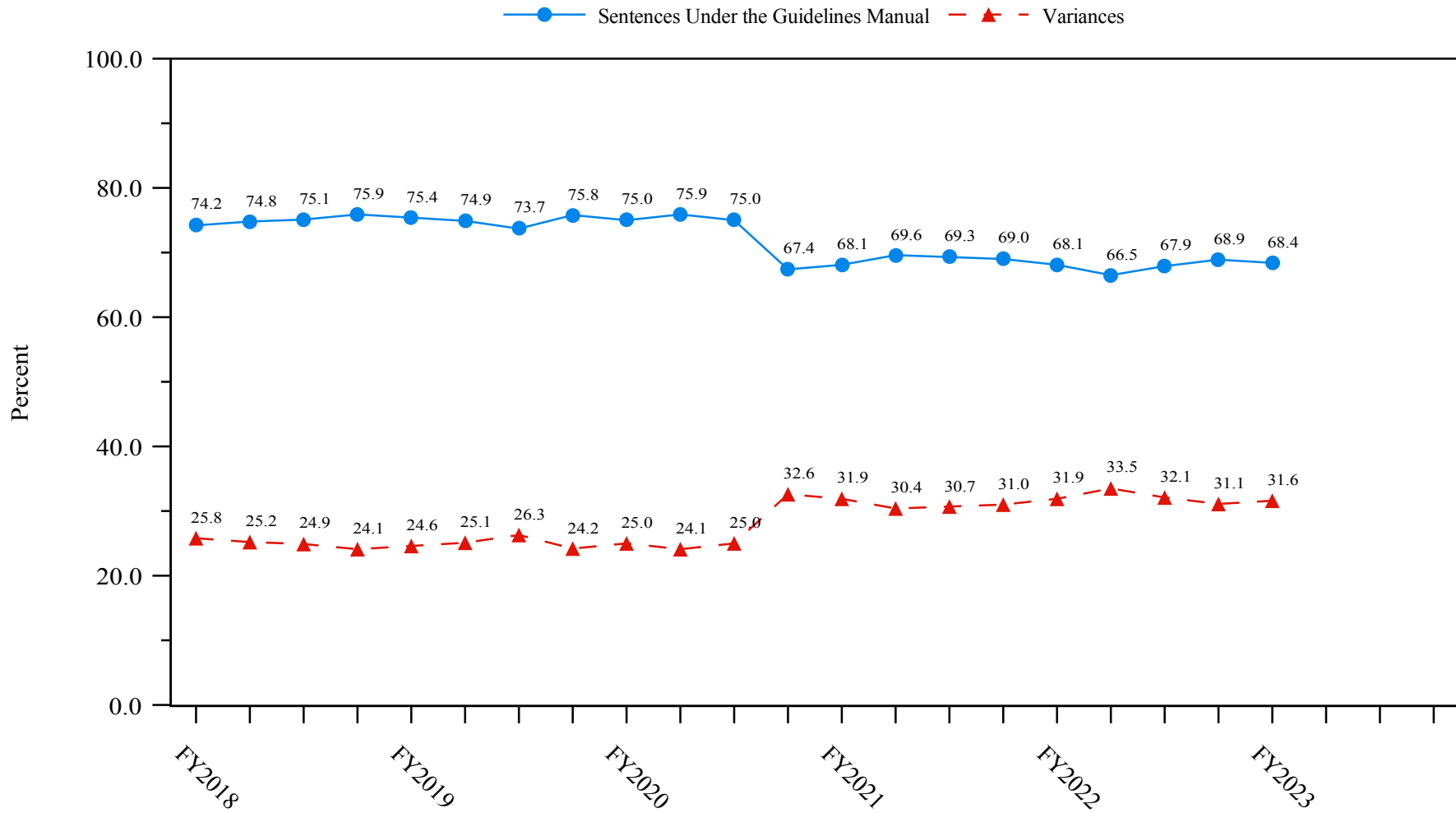
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

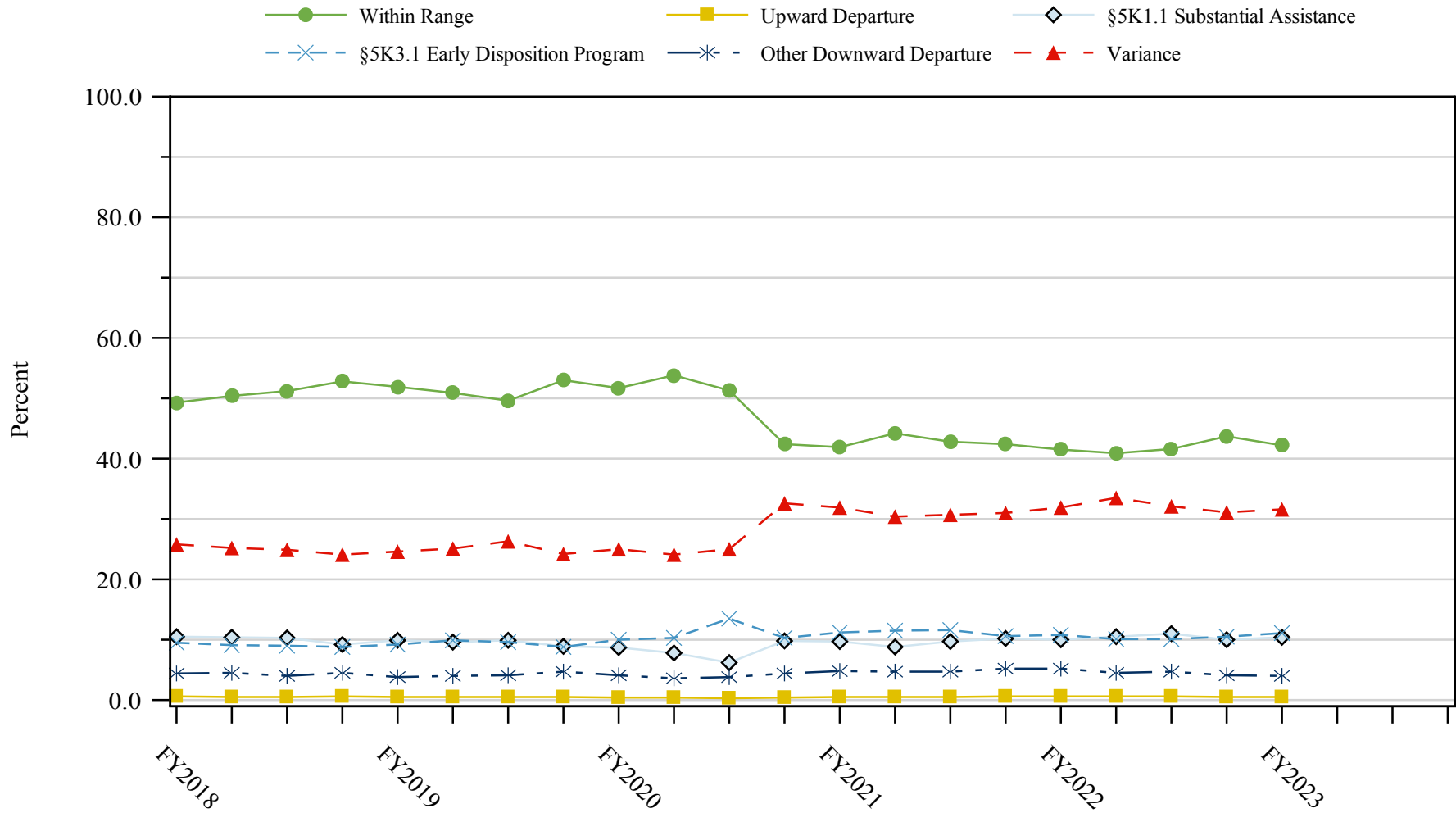


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

Table 9

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| CIRCUIT District | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | VARIANCE | |
|-----------------------|---------------|------------------------------|-------------|-----------|------------|--------------|-------------|--------------|-------------|------------|------------|--------------|-------------|
| | | N | % | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | N | % |
| | | | | N | % | N | % | N | % | N | % | | |
| TOTAL | 15,036 | 6,351 | 42.2 | 81 | 0.5 | 1,569 | 10.4 | 1,671 | 11.1 | 606 | 4.0 | 4,758 | 31.6 |
| D.C. CIRCUIT | 99 | 39 | 39.4 | 0 | 0.0 | 13 | 13.1 | 0 | 0.0 | 7 | 7.1 | 40 | 40.4 |
| District of Columbia | 99 | 39 | 39.4 | 0 | 0.0 | 13 | 13.1 | 0 | 0.0 | 7 | 7.1 | 40 | 40.4 |
| FIRST CIRCUIT | 487 | 189 | 38.8 | 3 | 0.6 | 45 | 9.2 | 0 | 0.0 | 37 | 7.6 | 213 | 43.7 |
| Maine | 31 | 5 | 16.1 | 1 | 3.2 | 9 | 29.0 | 0 | 0.0 | 2 | 6.5 | 14 | 45.2 |
| Massachusetts | 109 | 23 | 21.1 | 0 | 0.0 | 13 | 11.9 | 0 | 0.0 | 9 | 8.3 | 64 | 58.7 |
| New Hampshire | 39 | 8 | 20.5 | 0 | 0.0 | 5 | 12.8 | 0 | 0.0 | 2 | 5.1 | 24 | 61.5 |
| Puerto Rico | 282 | 148 | 52.5 | 2 | 0.7 | 16 | 5.7 | 0 | 0.0 | 23 | 8.2 | 93 | 33.0 |
| Rhode Island | 26 | 5 | 19.2 | 0 | 0.0 | 2 | 7.7 | 0 | 0.0 | 1 | 3.8 | 18 | 69.2 |
| SECOND CIRCUIT | 796 | 226 | 28.4 | 4 | 0.5 | 130 | 16.3 | 2 | 0.3 | 26 | 3.3 | 408 | 51.3 |
| Connecticut | 93 | 20 | 21.5 | 0 | 0.0 | 15 | 16.1 | 0 | 0.0 | 11 | 11.8 | 47 | 50.5 |
| New York | | | | | | | | | | | | | |
| Eastern | 179 | 44 | 24.6 | 1 | 0.6 | 25 | 14.0 | 1 | 0.6 | 9 | 5.0 | 99 | 55.3 |
| Northern | 105 | 54 | 51.4 | 0 | 0.0 | 24 | 22.9 | 0 | 0.0 | 2 | 1.9 | 25 | 23.8 |
| Southern | 295 | 54 | 18.3 | 0 | 0.0 | 40 | 13.6 | 1 | 0.3 | 3 | 1.0 | 197 | 66.8 |
| Western | 96 | 47 | 49.0 | 2 | 2.1 | 20 | 20.8 | 0 | 0.0 | 0 | 0.0 | 27 | 28.1 |
| Vermont | 28 | 7 | 25.0 | 1 | 3.6 | 6 | 21.4 | 0 | 0.0 | 1 | 3.6 | 13 | 46.4 |
| THIRD CIRCUIT | 558 | 212 | 38.0 | 3 | 0.5 | 103 | 18.5 | 2 | 0.4 | 18 | 3.2 | 220 | 39.4 |
| Delaware | 25 | 7 | 28.0 | 0 | 0.0 | 3 | 12.0 | 2 | 8.0 | 2 | 8.0 | 11 | 44.0 |
| New Jersey | 149 | 51 | 34.2 | 1 | 0.7 | 24 | 16.1 | 0 | 0.0 | 3 | 2.0 | 70 | 47.0 |
| Pennsylvania | | | | | | | | | | | | | |
| Eastern | 122 | 37 | 30.3 | 0 | 0.0 | 33 | 27.0 | 0 | 0.0 | 2 | 1.6 | 50 | 41.0 |
| Middle | 117 | 53 | 45.3 | 1 | 0.9 | 22 | 18.8 | 0 | 0.0 | 5 | 4.3 | 36 | 30.8 |
| Western | 122 | 48 | 39.3 | 1 | 0.8 | 18 | 14.8 | 0 | 0.0 | 5 | 4.1 | 50 | 41.0 |
| Virgin Islands | 23 | 16 | 69.6 | 0 | 0.0 | 3 | 13.0 | 0 | 0.0 | 1 | 4.3 | 3 | 13.0 |
| FOURTH CIRCUIT | 973 | 429 | 44.1 | 6 | 0.6 | 160 | 16.4 | 0 | 0.0 | 21 | 2.2 | 357 | 36.7 |
| Maryland | 132 | 33 | 25.0 | 0 | 0.0 | 26 | 19.7 | 0 | 0.0 | 7 | 5.3 | 66 | 50.0 |
| North Carolina | | | | | | | | | | | | | |
| Eastern | 145 | 83 | 57.2 | 2 | 1.4 | 40 | 27.6 | 0 | 0.0 | 1 | 0.7 | 19 | 13.1 |
| Middle | 61 | 25 | 41.0 | 1 | 1.6 | 7 | 11.5 | 0 | 0.0 | 1 | 1.6 | 27 | 44.3 |
| Western | 97 | 50 | 51.5 | 1 | 1.0 | 16 | 16.5 | 0 | 0.0 | 1 | 1.0 | 29 | 29.9 |
| South Carolina | 143 | 40 | 28.0 | 0 | 0.0 | 42 | 29.4 | 0 | 0.0 | 1 | 0.7 | 60 | 42.0 |
| Virginia | | | | | | | | | | | | | |
| Eastern | 204 | 114 | 55.9 | 1 | 0.5 | 3 | 1.5 | 0 | 0.0 | 10 | 4.9 | 76 | 37.3 |
| Western | 67 | 24 | 35.8 | 1 | 1.5 | 18 | 26.9 | 0 | 0.0 | 0 | 0.0 | 24 | 35.8 |
| West Virginia | | | | | | | | | | | | | |
| Northern | 76 | 40 | 52.6 | 0 | 0.0 | 4 | 5.3 | 0 | 0.0 | 0 | 0.0 | 32 | 42.1 |
| Southern | 48 | 20 | 41.7 | 0 | 0.0 | 4 | 8.3 | 0 | 0.0 | 0 | 0.0 | 24 | 50.0 |

Table 9 (cont.)

| CIRCUIT District | TOTAL | WITHIN GUIDELINE | | DEPARTURE | | | | | | | | VARIANCE | |
|------------------------|--------------|---------------------|-------------|-----------|------------|------------|-------------|------------|------------|------------|------------|------------|-------------|
| | | RANGE | | UPWARD | | \$5K1.1 | | \$5K3.1 | | DOWNWARD | | N | % |
| | | N | % | N | % | N | % | N | % | N | % | N | % |
| FIFTH CIRCUIT | 3,915 | 2,449 | 62.6 | 17 | 0.4 | 265 | 6.8 | 226 | 5.8 | 165 | 4.2 | 793 | 20.3 |
| Louisiana | | | | | | | | | | | | | |
| Eastern | 75 | 42 | 56.0 | 1 | 1.3 | 13 | 17.3 | 0 | 0.0 | 1 | 1.3 | 18 | 24.0 |
| Middle | 26 | 18 | 69.2 | 0 | 0.0 | 4 | 15.4 | 0 | 0.0 | 0 | 0.0 | 4 | 15.4 |
| Western | 50 | 35 | 70.0 | 0 | 0.0 | 4 | 8.0 | 0 | 0.0 | 0 | 0.0 | 11 | 22.0 |
| Mississippi | | | | | | | | | | | | | |
| Northern | 37 | 17 | 45.9 | 1 | 2.7 | 12 | 32.4 | 0 | 0.0 | 0 | 0.0 | 7 | 18.9 |
| Southern | 111 | 69 | 62.2 | 0 | 0.0 | 20 | 18.0 | 0 | 0.0 | 0 | 0.0 | 22 | 19.8 |
| Texas | | | | | | | | | | | | | |
| Eastern | 181 | 107 | 59.1 | 5 | 2.8 | 12 | 6.6 | 0 | 0.0 | 4 | 2.2 | 53 | 29.3 |
| Northern | 364 | 229 | 62.9 | 1 | 0.3 | 36 | 9.9 | 0 | 0.0 | 4 | 1.1 | 94 | 25.8 |
| Southern | 1,627 | 875 | 53.8 | 8 | 0.5 | 94 | 5.8 | 214 | 13.2 | 128 | 7.9 | 308 | 18.9 |
| Western | 1,444 | 1,057 | 73.2 | 1 | 0.1 | 70 | 4.8 | 12 | 0.8 | 28 | 1.9 | 276 | 19.1 |
| SIXTH CIRCUIT | 1,044 | 386 | 37.0 | 7 | 0.7 | 204 | 19.5 | 3 | 0.3 | 49 | 4.7 | 395 | 37.8 |
| Kentucky | | | | | | | | | | | | | |
| Eastern | 129 | 58 | 45.0 | 3 | 2.3 | 26 | 20.2 | 0 | 0.0 | 2 | 1.6 | 40 | 31.0 |
| Western | 59 | 10 | 16.9 | 0 | 0.0 | 18 | 30.5 | 3 | 5.1 | 10 | 16.9 | 18 | 30.5 |
| Michigan | | | | | | | | | | | | | |
| Eastern | 155 | 56 | 36.1 | 0 | 0.0 | 13 | 8.4 | 0 | 0.0 | 2 | 1.3 | 84 | 54.2 |
| Western | 69 | 35 | 50.7 | 1 | 1.4 | 10 | 14.5 | 0 | 0.0 | 2 | 2.9 | 21 | 30.4 |
| Ohio | | | | | | | | | | | | | |
| Northern | 197 | 92 | 46.7 | 0 | 0.0 | 36 | 18.3 | 0 | 0.0 | 6 | 3.0 | 63 | 32.0 |
| Southern | 158 | 27 | 17.1 | 1 | 0.6 | 39 | 24.7 | 0 | 0.0 | 26 | 16.5 | 65 | 41.1 |
| Tennessee | | | | | | | | | | | | | |
| Eastern | 134 | 58 | 43.3 | 2 | 1.5 | 34 | 25.4 | 0 | 0.0 | 1 | 0.7 | 39 | 29.1 |
| Middle | 40 | 12 | 30.0 | 0 | 0.0 | 8 | 20.0 | 0 | 0.0 | 0 | 0.0 | 20 | 50.0 |
| Western | 103 | 38 | 36.9 | 0 | 0.0 | 20 | 19.4 | 0 | 0.0 | 0 | 0.0 | 45 | 43.7 |
| SEVENTH CIRCUIT | 577 | 205 | 35.5 | 4 | 0.7 | 58 | 10.1 | 0 | 0.0 | 20 | 3.5 | 290 | 50.3 |
| Illinois | | | | | | | | | | | | | |
| Central | 73 | 23 | 31.5 | 0 | 0.0 | 12 | 16.4 | 0 | 0.0 | 0 | 0.0 | 38 | 52.1 |
| Northern | 167 | 56 | 33.5 | 0 | 0.0 | 8 | 4.8 | 0 | 0.0 | 7 | 4.2 | 96 | 57.5 |
| Southern | 61 | 27 | 44.3 | 3 | 4.9 | 10 | 16.4 | 0 | 0.0 | 3 | 4.9 | 18 | 29.5 |
| Indiana | | | | | | | | | | | | | |
| Northern | 55 | 29 | 52.7 | 0 | 0.0 | 3 | 5.5 | 0 | 0.0 | 0 | 0.0 | 23 | 41.8 |
| Southern | 119 | 46 | 38.7 | 0 | 0.0 | 18 | 15.1 | 0 | 0.0 | 1 | 0.8 | 54 | 45.4 |
| Wisconsin | | | | | | | | | | | | | |
| Eastern | 71 | 15 | 21.1 | 1 | 1.4 | 5 | 7.0 | 0 | 0.0 | 1 | 1.4 | 49 | 69.0 |
| Western | 31 | 9 | 29.0 | 0 | 0.0 | 2 | 6.5 | 0 | 0.0 | 8 | 25.8 | 12 | 38.7 |
| EIGHTH CIRCUIT | 1,132 | 458 | 40.5 | 9 | 0.8 | 174 | 15.4 | 8 | 0.7 | 21 | 1.9 | 462 | 40.8 |
| Arkansas | | | | | | | | | | | | | |
| Eastern | 118 | 57 | 48.3 | 0 | 0.0 | 12 | 10.2 | 0 | 0.0 | 1 | 0.8 | 48 | 40.7 |
| Western | 47 | 18 | 38.3 | 0 | 0.0 | 5 | 10.6 | 0 | 0.0 | 0 | 0.0 | 24 | 51.1 |
| Iowa | | | | | | | | | | | | | |
| Northern | 86 | 43 | 50.0 | 1 | 1.2 | 19 | 22.1 | 0 | 0.0 | 2 | 2.3 | 21 | 24.4 |
| Southern | 107 | 34 | 31.8 | 1 | 0.9 | 8 | 7.5 | 0 | 0.0 | 2 | 1.9 | 62 | 57.9 |
| Minnesota | 74 | 18 | 24.3 | 1 | 1.4 | 12 | 16.2 | 0 | 0.0 | 6 | 8.1 | 37 | 50.0 |
| Missouri | | | | | | | | | | | | | |
| Eastern | 204 | 88 | 43.1 | 1 | 0.5 | 27 | 13.2 | 0 | 0.0 | 0 | 0.0 | 88 | 43.1 |
| Western | 200 | 68 | 34.0 | 1 | 0.5 | 43 | 21.5 | 0 | 0.0 | 1 | 0.5 | 87 | 43.5 |
| Nebraska | 116 | 56 | 48.3 | 0 | 0.0 | 2 | 1.7 | 5 | 4.3 | 0 | 0.0 | 53 | 45.7 |
| North Dakota | 89 | 23 | 25.8 | 2 | 2.2 | 44 | 49.4 | 3 | 3.4 | 0 | 0.0 | 17 | 19.1 |
| South Dakota | 91 | 53 | 58.2 | 2 | 2.2 | 2 | 2.2 | 0 | 0.0 | 9 | 9.9 | 25 | 27.5 |

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 | 3,002 | 655 | 21.8 | 14 | 0.5 | 182 | 6.1 | 1,273 | 42.4 | 141 | 4.7 | 737 | 24.6 |
| Alaska | 37 | 7 | 18.9 | 0 | 0.0 | 8 | 21.6 | 0 | 0.0 | 1 | 2.7 | 21 | 56.8 |
| Arizona | 1,210 | 313 | 25.9 | 4 | 0.3 | 15 | 1.2 | 742 | 61.3 | 9 | 0.7 | 127 | 10.5 |
| California | | | | | | | | | | | | | |
| Central | 271 | 67 | 24.7 | 3 | 1.1 | 33 | 12.2 | 4 | 1.5 | 24 | 8.9 | 140 | 51.7 |
| Eastern | 87 | 36 | 41.4 | 0 | 0.0 | 18 | 20.7 | 0 | 0.0 | 3 | 3.4 | 30 | 34.5 |
| Northern | 82 | 13 | 15.9 | 2 | 2.4 | 10 | 12.2 | 0 | 0.0 | 8 | 9.8 | 49 | 59.8 |
| Southern | 804 | 84 | 10.4 | 3 | 0.4 | 31 | 3.9 | 509 | 63.3 | 90 | 11.2 | 87 | 10.8 |
| Guam | 7 | 2 | 28.6 | 0 | 0.0 | 4 | 57.1 | 0 | 0.0 | 0 | 0.0 | 1 | 14.3 |
| Hawaii | 32 | 8 | 25.0 | 0 | 0.0 | 10 | 31.3 | 0 | 0.0 | 0 | 0.0 | 14 | 43.8 |
| Idaho | 60 | 19 | 31.7 | 0 | 0.0 | 12 | 20.0 | 3 | 5.0 | 1 | 1.7 | 25 | 41.7 |
| Montana | 80 | 19 | 23.8 | 0 | 0.0 | 13 | 16.3 | 0 | 0.0 | 2 | 2.5 | 46 | 57.5 |
| Nevada | 95 | 21 | 22.1 | 0 | 0.0 | 3 | 3.2 | 13 | 13.7 | 2 | 2.1 | 56 | 58.9 |
| Northern Mariana Islands | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 84 | 15 | 17.9 | 0 | 0.0 | 16 | 19.0 | 0 | 0.0 | 0 | 0.0 | 53 | 63.1 |
| Washington | | | | | | | | | | | | | |
| Eastern | 72 | 24 | 33.3 | 2 | 2.8 | 8 | 11.1 | 2 | 2.8 | 1 | 1.4 | 35 | 48.6 |
| Western | 78 | 24 | 30.8 | 0 | 0.0 | 1 | 1.3 | 0 | 0.0 | 0 | 0.0 | 53 | 67.9 |
| TENTH CIRCUIT | 1,143 | 444 | 38.8 | 8 | 0.7 | 63 | 5.5 | 157 | 13.7 | 89 | 7.8 | 382 | 33.4 |
| Colorado | 68 | 22 | 32.4 | 0 | 0.0 | 13 | 19.1 | 3 | 4.4 | 2 | 2.9 | 28 | 41.2 |
| Kansas | 76 | 39 | 51.3 | 1 | 1.3 | 9 | 11.8 | 0 | 0.0 | 1 | 1.3 | 26 | 34.2 |
| New Mexico | 542 | 188 | 34.7 | 5 | 0.9 | 15 | 2.8 | 132 | 24.4 | 58 | 10.7 | 144 | 26.6 |
| Oklahoma | | | | | | | | | | | | | |
| Eastern | 38 | 26 | 68.4 | 1 | 2.6 | 1 | 2.6 | 0 | 0.0 | 2 | 5.3 | 8 | 21.1 |
| Northern | 71 | 38 | 53.5 | 0 | 0.0 | 9 | 12.7 | 0 | 0.0 | 19 | 26.8 | 5 | 7.0 |
| Western | 153 | 91 | 59.5 | 0 | 0.0 | 5 | 3.3 | 1 | 0.7 | 1 | 0.7 | 55 | 35.9 |
| Utah | 169 | 30 | 17.8 | 0 | 0.0 | 11 | 6.5 | 21 | 12.4 | 5 | 3.0 | 102 | 60.4 |
| Wyoming | 26 | 10 | 38.5 | 1 | 3.8 | 0 | 0.0 | 0 | 0.0 | 1 | 3.8 | 14 | 53.8 |
| ELEVENTH CIRCUIT | 1,310 | 659 | 50.3 | 6 | 0.5 | 172 | 13.1 | 0 | 0.0 | 12 | 0.9 | 461 | 35.2 |
| Alabama | | | | | | | | | | | | | |
| Middle | 54 | 21 | 38.9 | 0 | 0.0 | 7 | 13.0 | 0 | 0.0 | 1 | 1.9 | 25 | 46.3 |
| Northern | 87 | 55 | 63.2 | 0 | 0.0 | 9 | 10.3 | 0 | 0.0 | 3 | 3.4 | 20 | 23.0 |
| Southern | 58 | 34 | 58.6 | 0 | 0.0 | 8 | 13.8 | 0 | 0.0 | 1 | 1.7 | 15 | 25.9 |
| Florida | | | | | | | | | | | | | |
| Middle | 300 | 121 | 40.3 | 2 | 0.7 | 50 | 16.7 | 0 | 0.0 | 2 | 0.7 | 125 | 41.7 |
| Northern | 60 | 28 | 46.7 | 0 | 0.0 | 14 | 23.3 | 0 | 0.0 | 0 | 0.0 | 18 | 30.0 |
| Southern | 401 | 233 | 58.1 | 1 | 0.2 | 24 | 6.0 | 0 | 0.0 | 2 | 0.5 | 141 | 35.2 |
| Georgia | | | | | | | | | | | | | |
| Middle | 84 | 57 | 67.9 | 1 | 1.2 | 12 | 14.3 | 0 | 0.0 | 1 | 1.2 | 13 | 15.5 |
| Northern | 158 | 45 | 28.5 | 1 | 0.6 | 24 | 15.2 | 0 | 0.0 | 1 | 0.6 | 87 | 55.1 |
| Southern | 108 | 65 | 60.2 | 1 | 0.9 | 24 | 22.2 | 0 | 0.0 | 1 | 0.9 | 17 | 15.7 |

¹ Of the 15,088 cases, 52 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 10

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | TOTAL | WITHIN GUIDELINE | | DEPARTURE | | | | | | | | VARIANCE | |
|------------------------------|---------------|---------------------|-------------|-----------|------------|--------------|-------------|--------------|-------------|------------|------------|--------------|-------------|
| | | RANGE | | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | N | % |
| | | N | % | N | % | N | % | N | % | N | % | | |
| TOTAL | 15,036 | 6,351 | 42.2 | 81 | 0.5 | 1,569 | 10.4 | 1,671 | 11.1 | 606 | 4.0 | 4,758 | 31.6 |
| Administration of Justice | 133 | 60 | 45.1 | 1 | 0.8 | 9 | 6.8 | 0 | 0.0 | 5 | 3.8 | 58 | 43.6 |
| Antitrust | 2 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 50.0 |
| Arson | 28 | 12 | 42.9 | 0 | 0.0 | 1 | 3.6 | 0 | 0.0 | 3 | 10.7 | 12 | 42.9 |
| Assault | 180 | 89 | 49.4 | 6 | 3.3 | 12 | 6.7 | 0 | 0.0 | 13 | 7.2 | 60 | 33.3 |
| Bribery/Corruption | 84 | 24 | 28.6 | 0 | 0.0 | 28 | 33.3 | 0 | 0.0 | 3 | 3.6 | 29 | 34.5 |
| Burglary/Trespass | 21 | 13 | 61.9 | 0 | 0.0 | 2 | 9.5 | 0 | 0.0 | 0 | 0.0 | 6 | 28.6 |
| Child Pornography | 325 | 110 | 33.8 | 0 | 0.0 | 8 | 2.5 | 0 | 0.0 | 11 | 3.4 | 196 | 60.3 |
| Commercialized Vice | 30 | 10 | 33.3 | 0 | 0.0 | 6 | 20.0 | 0 | 0.0 | 4 | 13.3 | 10 | 33.3 |
| Drug Possession | 36 | 32 | 88.9 | 0 | 0.0 | 1 | 2.8 | 0 | 0.0 | 0 | 0.0 | 3 | 8.3 |
| Drug Trafficking | 4,605 | 1,279 | 27.8 | 20 | 0.4 | 984 | 21.4 | 324 | 7.0 | 215 | 4.7 | 1,783 | 38.7 |
| Environmental | 28 | 16 | 57.1 | 0 | 0.0 | 3 | 10.7 | 0 | 0.0 | 1 | 3.6 | 8 | 28.6 |
| Extortion/Racketeering | 30 | 7 | 23.3 | 0 | 0.0 | 6 | 20.0 | 0 | 0.0 | 1 | 3.3 | 16 | 53.3 |
| Firearms | 2,049 | 1,058 | 51.6 | 18 | 0.9 | 109 | 5.3 | 5 | 0.2 | 65 | 3.2 | 794 | 38.8 |
| Food and Drug | 5 | 2 | 40.0 | 0 | 0.0 | 1 | 20.0 | 0 | 0.0 | 1 | 20.0 | 1 | 20.0 |
| Forgery/Counter/Copyright | 25 | 8 | 32.0 | 0 | 0.0 | 3 | 12.0 | 0 | 0.0 | 1 | 4.0 | 13 | 52.0 |
| Fraud/Theft/Embezzlement | 1,190 | 521 | 43.8 | 5 | 0.4 | 150 | 12.6 | 0 | 0.0 | 37 | 3.1 | 477 | 40.1 |
| Immigration | 4,453 | 2,368 | 53.2 | 10 | 0.2 | 36 | 0.8 | 1,342 | 30.1 | 160 | 3.6 | 537 | 12.1 |
| Individual Rights | 29 | 9 | 31.0 | 0 | 0.0 | 6 | 20.7 | 0 | 0.0 | 0 | 0.0 | 14 | 48.3 |
| Kidnapping | 35 | 14 | 40.0 | 1 | 2.9 | 10 | 28.6 | 0 | 0.0 | 3 | 8.6 | 7 | 20.0 |
| Manslaughter | 19 | 8 | 42.1 | 3 | 15.8 | 0 | 0.0 | 0 | 0.0 | 1 | 5.3 | 7 | 36.8 |
| Money Laundering | 291 | 77 | 26.5 | 1 | 0.3 | 78 | 26.8 | 0 | 0.0 | 20 | 6.9 | 115 | 39.5 |
| Murder | 127 | 44 | 34.6 | 2 | 1.6 | 31 | 24.4 | 0 | 0.0 | 9 | 7.1 | 41 | 32.3 |
| National Defense | 64 | 27 | 42.2 | 0 | 0.0 | 7 | 10.9 | 0 | 0.0 | 4 | 6.3 | 26 | 40.6 |
| Obscenity/Other Sex Offenses | 72 | 36 | 50.0 | 0 | 0.0 | 1 | 1.4 | 0 | 0.0 | 5 | 6.9 | 30 | 41.7 |
| Prison Offenses | 102 | 71 | 69.6 | 1 | 1.0 | 0 | 0.0 | 0 | 0.0 | 2 | 2.0 | 28 | 27.5 |
| Robbery | 346 | 141 | 40.8 | 8 | 2.3 | 40 | 11.6 | 0 | 0.0 | 15 | 4.3 | 142 | 41.0 |
| Sexual Abuse | 336 | 119 | 35.4 | 4 | 1.2 | 21 | 6.3 | 0 | 0.0 | 16 | 4.8 | 176 | 52.4 |
| Stalking/Harassing | 66 | 30 | 45.5 | 1 | 1.5 | 3 | 4.5 | 0 | 0.0 | 6 | 9.1 | 26 | 39.4 |
| Tax | 124 | 19 | 15.3 | 0 | 0.0 | 13 | 10.5 | 0 | 0.0 | 5 | 4.0 | 87 | 70.2 |
| Other | 201 | 146 | 72.6 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 55 | 27.4 |

¹ Of the 15,088 cases, 52 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| Guideline | TOTAL | Within Guideline | | Departure | | | | Variance | Guideline | TOTAL | Within Guideline | | Departure | | | | Variance |
|---------------------|-------|------------------|----|-----------|---------|------|-------|----------|-----------|-------|------------------|---------|-----------|----|-----|--|----------|
| | | Range | Up | \$5K1.1 | \$5K3.1 | Down | Up | | | | \$5K1.1 | \$5K3.1 | Down | | | | |
| §2A1.1 | 99 | 33 | 0 | 27 | 0 | 7 | 32 | §2D1.8 | 3 | 0 | 0 | 0 | 0 | 1 | 2 | | |
| §2A1.2 | 20 | 9 | 2 | 2 | 0 | 1 | 6 | §2D1.9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A1.3 | 8 | 3 | 2 | 0 | 0 | 0 | 3 | §2D1.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A1.4 | 10 | 5 | 1 | 0 | 0 | 1 | 3 | §2D1.11 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | | |
| §2A1.5 | 3 | 0 | 0 | 1 | 0 | 0 | 2 | §2D1.12 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | | |
| §2A2.1 | 45 | 23 | 0 | 8 | 0 | 1 | 13 | §2D1.13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A2.2 | 109 | 52 | 5 | 1 | 0 | 11 | 40 | §2D1.14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A2.3 | 18 | 12 | 1 | 0 | 0 | 1 | 4 | §2D2.1 | 22 | 18 | 0 | 1 | 0 | 0 | 3 | | |
| §2A2.4 | 46 | 27 | 0 | 0 | 0 | 2 | 17 | §2D2.2 | 14 | 10 | 0 | 0 | 0 | 0 | 4 | | |
| §2A3.1 | 29 | 10 | 2 | 2 | 0 | 1 | 14 | §2D2.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A3.2 | 10 | 4 | 0 | 0 | 0 | 2 | 4 | §2D3.1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | | |
| §2A3.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2D3.2 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | | |
| §2A3.4 | 10 | 3 | 0 | 0 | 0 | 1 | 6 | §2D3.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A3.5 | 62 | 31 | 0 | 1 | 0 | 5 | 25 | §2D3.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A4.1 | 33 | 12 | 1 | 10 | 0 | 3 | 7 | §2D3.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A4.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2E1.1 | 9 | 4 | 0 | 1 | 0 | 1 | 3 | | |
| §2A5.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2E1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A5.2 | 4 | 3 | 0 | 0 | 0 | 0 | 1 | §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 | 43 | 23 | 0 | 0 | 0 | 4 | 16 | §2E1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2A6.2 | 23 | 7 | 1 | 3 | 0 | 2 | 10 | §2E2.1 | 3 | 1 | 0 | 0 | 0 | 0 | 2 | | |
| §2B1.1 | 1,105 | 461 | 5 | 148 | 0 | 37 | 454 | §2E3.1 | 23 | 6 | 0 | 5 | 0 | 4 | 8 | | |
| §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 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | §2E4.1 | 8 | 0 | 0 | 4 | 0 | 0 | 4 | | |
| §2B1.5 | 7 | 3 | 0 | 0 | 0 | 0 | 4 | §2E5.1 | 3 | 1 | 0 | 0 | 0 | 0 | 2 | | |
| §2B1.6 ² | 20 | 18 | 0 | 2 | 0 | 0 | 0 | §2E5.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2B2.1 | 12 | 6 | 0 | 2 | 0 | 0 | 4 | §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 | 9 | 7 | 0 | 0 | 0 | 0 | 2 | §2E5.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2B3.1 | 341 | 140 | 8 | 39 | 0 | 15 | 139 | §2E5.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2B3.2 | 5 | 1 | 0 | 1 | 0 | 0 | 3 | §2F1.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2B3.3 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | §2F1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2B4.1 | 33 | 11 | 0 | 9 | 0 | 2 | 11 | §2G1.1 | 15 | 6 | 0 | 3 | 0 | 0 | 6 | | |
| §2B5.1 | 17 | 8 | 0 | 1 | 0 | 1 | 7 | §2G1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2B5.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2G1.3 | 103 | 39 | 1 | 10 | 0 | 2 | 51 | | |
| §2B5.3 | 8 | 0 | 0 | 2 | 0 | 0 | 6 | §2G2.1 | 174 | 61 | 1 | 6 | 0 | 10 | 96 | | |
| §2B5.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2G2.2 | 325 | 110 | 0 | 8 | 0 | 11 | 196 | | |
| §2B6.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2G2.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2C1.1 | 46 | 12 | 0 | 18 | 0 | 1 | 15 | §2G2.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2C1.2 | 5 | 1 | 0 | 1 | 0 | 0 | 3 | §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 | 10 | 5 | 0 | 0 | 0 | 0 | 5 | | |
| §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 | 17 | 5 | 0 | 1 | 0 | 0 | 11 | | |
| §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 | 4,518 | 1,243 | 20 | 979 | 324 | 199 | 1,753 | §2H1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2D1.2 | 71 | 32 | 0 | 4 | 0 | 15 | 20 | §2H1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2D1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H2.1 | 3 | 0 | 0 | 1 | 0 | 0 | 2 | | |
| §2D1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H3.1 | 3 | 1 | 0 | 2 | 0 | 0 | 0 | | |
| §2D1.5 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | §2H3.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2D1.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H3.3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | | |
| §2D1.7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H4.1 | 5 | 2 | 0 | 2 | 0 | 0 | 1 | | |

Table 11 (cont.)

| Guideline | Within Guideline | | Departure | | | | | Variance | Guideline | Within Guideline | | Departure | | | | | Variance |
|---------------------|------------------|-------|-----------|--------|--------|------|-------|----------|-----------|------------------|----|-----------|--------|------|-------|--|----------|
| | TOTAL | Range | Up | §5K1.1 | §5K3.1 | Down | TOTAL | | | Range | Up | §5K1.1 | §5K3.1 | Down | | | |
| §2H4.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2M5.2 | 42 | 13 | 0 | 4 | 0 | 4 | 21 | | |
| §2J1.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2M5.3 | 8 | 2 | 0 | 2 | 0 | 0 | 4 | | |
| §2J1.2 | 35 | 12 | 1 | 2 | 0 | 0 | 20 | §2M6.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2J1.3 | 3 | 0 | 0 | 0 | 0 | 0 | 3 | §2M6.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2J1.4 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | §2N1.1 | 2 | 0 | 0 | 1 | 0 | 1 | 0 | | |
| §2J1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2N1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2J1.6 | 7 | 5 | 0 | 0 | 0 | 0 | 2 | §2N1.3 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | | |
| §2J1.7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2N2.1 | 2 | 2 | 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 | 75 | 61 | 1 | 0 | 0 | 0 | 13 | | |
| §2K1.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2P1.2 | 17 | 7 | 0 | 0 | 0 | 0 | 10 | | |
| §2K1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2P1.3 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | | |
| §2K1.3 | 9 | 2 | 0 | 2 | 0 | 0 | 5 | §2P1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2K1.4 | 28 | 12 | 0 | 1 | 0 | 3 | 12 | §2Q1.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2K1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2Q1.2 | 5 | 0 | 0 | 1 | 0 | 0 | 4 | | |
| §2K1.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2Q1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2K1.7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2Q1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2K2.1 | 1,958 | 995 | 17 | 104 | 5 | 65 | 772 | §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 | 20 | 13 | 0 | 2 | 0 | 1 | 4 | | |
| §2K2.4 ³ | 72 | 56 | 1 | 2 | 0 | 0 | 13 | §2Q2.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2K2.5 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | §2R1.1 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | | |
| §2K2.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2S1.1 | 244 | 56 | 0 | 76 | 0 | 15 | 97 | | |
| §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 | 46 | 20 | 1 | 2 | 0 | 5 | 18 | | |
| §2L1.1 | 955 | 284 | 1 | 23 | 485 | 19 | 143 | §2S1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2L1.2 | 3,123 | 1,825 | 9 | 8 | 799 | 131 | 351 | §2T1.1 | 65 | 8 | 0 | 8 | 0 | 3 | 46 | | |
| §2L1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2T1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2L2.1 | 17 | 5 | 0 | 5 | 1 | 0 | 6 | §2T1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2L2.2 | 126 | 99 | 0 | 0 | 1 | 5 | 21 | §2T1.4 | 37 | 8 | 0 | 4 | 0 | 0 | 25 | | |
| §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 | 20 | 3 | 0 | 1 | 0 | 2 | 14 | | |
| §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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2M2.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2T2.1 | 0 | 0 | 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 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | | |
| §2M3.1 | 2 | 2 | 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 | 3 | 2 | 0 | 0 | 0 | 0 | 1 | | |
| §2M3.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2X2.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| §2M3.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2X3.1 | 25 | 3 | 0 | 7 | 0 | 1 | 14 | | |
| §2M3.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2X4.1 | 32 | 11 | 0 | 5 | 0 | 1 | 15 | | |
| §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 | 83 | 39 | 0 | 0 | 0 | 0 | 44 | | |
| §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 | 3 | 1 | 0 | 1 | 0 | 0 | 1 | §2X7.2 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | | |
| TOTAL | | | | | | | | | 14,598 | 6,027 | 81 | 1,567 | 1,615 | 597 | 4,711 | | |

¹ Of the 15,088 cases, 490 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 (52) or missing guideline applied (481). 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| | TOTAL CASES | Pursuant to a Plea Agreement | | | | | | | | | |
|----------------------------------|----------------|--|-------------|---|-------------|--------------------------------------|-------------|--|-------------|--------------------------------------|------------|
| | | §5K1.1 Substantial Assistance ² | | §5K3.1 Early Disposition ² | | Binding Plea Accepted by Court | | Plea with Departure Court Finds Reasonable | | Plea States Gov't Will Not Oppose | |
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 8,685 | 1,573 | 18.1 | 1,685 | 19.4 | 1,503 | 17.3 | 1,903 | 21.9 | 125 | 1.4 |
| Departures | 3,927 | 1,569 | 40.0 | 1,684 | 42.9 | 1,030 | 26.2 | 1,475 | 37.6 | 79 | 2.0 |
| Upward Departure | 81 | 0 | 0.0 | 0 | 0.0 | 23 | 28.4 | 9 | 11.1 | 0 | 0.0 |
| Downward Departure | | | | | | | | | | | |
| §5K1.1 Substantial Assistance | 1,569 | 1,569 | 100.0 | 13 | 0.8 | 57 | 3.6 | 382 | 24.3 | 6 | 0.4 |
| §5K3.1 Early Disposition Program | 1,671 | 0 | 0.0 | 1,671 | 100.0 | 824 | 49.3 | 957 | 57.3 | 73 | 4.4 |
| Other Government Motion | 310 | 0 | 0.0 | 0 | 0.0 | 126 | 40.6 | 127 | 41.0 | 0 | 0.0 |
| Non-Government Departure | 296 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Variances | 4,758 | 4 | 0.1 | 1 | 0.0 | 473 | 9.9 | 428 | 9.0 | 46 | 1.0 |
| Upward Variance | 382 | 4 | 1.0 | 1 | 0.3 | 49 | 12.8 | 31 | 8.1 | 2 | 0.5 |
| Downward Variance | | | | | | | | | | | |
| Government Motion | 1,416 | 0 | 0.0 | 0 | 0.0 | 424 | 29.9 | 397 | 28.0 | 44 | 3.1 |
| Non-Government Variance | 2,960 | 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 | 1,432 | 16.5 | 1,372 | 15.8 | 1,859 | 21.4 | 527 | 6.1 | 1,108 | 12.8 | 574 | 6.6 |
| Departures | 1,204 | 30.7 | 595 | 15.2 | 448 | 11.4 | 211 | 5.4 | 285 | 7.3 | 54 | 1.4 |
| Upward Departure | 22 | 27.2 | 1 | 1.2 | 1 | 1.2 | 1 | 1.2 | 25 | 30.9 | 7 | 8.6 |
| Downward Departure | | | | | | | | | | | | |
| §5K1.1 Substantial Assistance | 1,036 | 66.0 | 182 | 11.6 | 197 | 12.6 | 96 | 6.1 | 118 | 7.5 | 0 | 0.0 |
| §5K3.1 Early Disposition Program | 103 | 6.2 | 241 | 14.4 | 164 | 9.8 | 82 | 4.9 | 64 | 3.8 | 0 | 0.0 |
| Other Government Motion | 43 | 13.9 | 28 | 9.0 | 21 | 6.8 | 32 | 10.3 | 13 | 4.2 | 7 | 2.3 |
| Non-Government Departure | 0 | 0.0 | 143 | 48.3 | 65 | 22.0 | 0 | 0.0 | 65 | 22.0 | 40 | 13.5 |
| Variations | 228 | 4.8 | 777 | 16.3 | 1,411 | 29.7 | 316 | 6.6 | 823 | 17.3 | 520 | 10.9 |
| Upward Variance | 74 | 19.4 | 0 | 0.0 | 0 | 0.0 | 13 | 3.4 | 145 | 38.0 | 81 | 21.2 |
| Downward Variance | | | | | | | | | | | | |
| Government Motion | 154 | 10.9 | 124 | 8.8 | 69 | 4.9 | 303 | 21.4 | 68 | 4.8 | 33 | 2.3 |
| Non-Government Variance | 0 | 0.0 | 653 | 22.1 | 1,342 | 45.3 | 0 | 0.0 | 610 | 20.6 | 406 | 13.7 |

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, 3,693 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 13

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | Mean | | | Median | | |
|------------------------------|-----------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| | | Sentence In Months | Increase In Months | Percent Increase | Sentence In Months | Increase In Months | Percent Increase |
| TOTAL | 80 | 104 | 32 | 76.7 | 82 | 23 | 39.8 |
| Administration of Justice | 1 | -- | -- | -- | -- | -- | -- |
| Antitrust | 0 | -- | -- | -- | -- | -- | -- |
| Arson | 0 | -- | -- | -- | -- | -- | -- |
| Assault | 6 | 78 | 27 | 95.8 | 76 | 22 | 41.9 |
| Bribery/Corruption | 0 | -- | -- | -- | -- | -- | -- |
| Burglary/Trespass | 0 | -- | -- | -- | -- | -- | -- |
| Child Pornography | 0 | -- | -- | -- | -- | -- | -- |
| Commercialized Vice | 0 | -- | -- | -- | -- | -- | -- |
| Drug Possession | 0 | -- | -- | -- | -- | -- | -- |
| Drug Trafficking | 20 | 113 | 46 | 133.3 | 114 | 40 | 67.7 |
| Environmental | 0 | -- | -- | -- | -- | -- | -- |
| Extortion/Racketeering | 0 | -- | -- | -- | -- | -- | -- |
| Firearms | 18 | 76 | 24 | 57.9 | 75 | 23 | 35.2 |
| Food and Drug | 0 | -- | -- | -- | -- | -- | -- |
| Forgery/Counter/Copyright | 0 | -- | -- | -- | -- | -- | -- |
| Fraud/Theft/Embezzlement | 5 | 54 | 15 | 75.0 | 60 | 12 | 81.8 |
| Immigration | 10 | 34 | 8 | 46.3 | 31 | 8 | 28.4 |
| Individual Rights | 0 | -- | -- | -- | -- | -- | -- |
| Kidnapping | 0 | -- | -- | -- | -- | -- | -- |
| Manslaughter | 3 | 91 | 14 | 18.1 | 84 | 13 | 22.8 |
| Money Laundering | 1 | -- | -- | -- | -- | -- | -- |
| Murder | 2 | -- | -- | -- | -- | -- | -- |
| National Defense | 0 | -- | -- | -- | -- | -- | -- |
| Obscenity/Other Sex Offenses | 0 | -- | -- | -- | -- | -- | -- |
| Prison Offenses | 1 | -- | -- | -- | -- | -- | -- |
| Robbery | 8 | 217 | 57 | 34.1 | 180 | 36 | 26.0 |
| Sexual Abuse | 4 | 211 | 40 | 18.6 | 157 | 27 | 20.1 |
| Stalking/Harassing | 1 | -- | -- | -- | -- | -- | -- |
| Tax | 0 | -- | -- | -- | -- | -- | -- |
| Other | 0 | -- | -- | -- | -- | -- | -- |

¹ Of the 15,088 cases, in 81 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 14

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | Mean | | | Median | | |
|------------------------------|------------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| | | Sentence In Months | Increase In Months | Percent Increase | Sentence In Months | Increase In Months | Percent Increase |
| TOTAL | 374 | 70 | 20 | 58.1 | 49 | 12 | 33.3 |
| Administration of Justice | 7 | 33 | 12 | 55.6 | 24 | 6 | 42.9 |
| Antitrust | 0 | -- | -- | -- | -- | -- | -- |
| Arson | 1 | -- | -- | -- | -- | -- | -- |
| Assault | 11 | 110 | 44 | 72.5 | 96 | 25 | 50.0 |
| Bribery/Corruption | 0 | -- | -- | -- | -- | -- | -- |
| Burglary/Trespass | 1 | -- | -- | -- | -- | -- | -- |
| Child Pornography | 13 | 150 | 43 | 41.6 | 144 | 42 | 42.9 |
| Commercialized Vice | 0 | -- | -- | -- | -- | -- | -- |
| Drug Possession | 2 | -- | -- | -- | -- | -- | -- |
| Drug Trafficking | 48 | 102 | 24 | 48.4 | 84 | 18 | 27.3 |
| Environmental | 0 | -- | -- | -- | -- | -- | -- |
| Extortion/Racketeering | 0 | -- | -- | -- | -- | -- | -- |
| Firearms | 101 | 74 | 21 | 51.0 | 66 | 15 | 30.4 |
| Food and Drug | 0 | -- | -- | -- | -- | -- | -- |
| Forgery/Counter/Copyright | 0 | -- | -- | -- | -- | -- | -- |
| Fraud/Theft/Embezzlement | 21 | 59 | 19 | 72.9 | 24 | 9 | 50.0 |
| Immigration | 74 | 24 | 9 | 83.2 | 15 | 6 | 46.4 |
| Individual Rights | 0 | -- | -- | -- | -- | -- | -- |
| Kidnapping | 1 | -- | -- | -- | -- | -- | -- |
| Manslaughter | 2 | -- | -- | -- | -- | -- | -- |
| Money Laundering | 5 | 49 | 16 | 44.5 | 24 | 6 | 33.3 |
| Murder | 1 | -- | -- | -- | -- | -- | -- |
| National Defense | 0 | -- | -- | -- | -- | -- | -- |
| Obscenity/Other Sex Offenses | 6 | 97 | 50 | 148.0 | 81 | 42 | 122.2 |
| Prison Offenses | 3 | 46 | 19 | 71.7 | 42 | 20 | 80.0 |
| Robbery | 15 | 164 | 44 | 42.4 | 144 | 38 | 29.2 |
| Sexual Abuse | 12 | 128 | 27 | 31.0 | 80 | 13 | 14.0 |
| Stalking/Harassing | 6 | 95 | 40 | 65.0 | 87 | 16 | 37.3 |
| Tax | 2 | -- | -- | -- | -- | -- | -- |
| Other | 42 | 8 | 2 | 32.5 | 7 | 1 | 16.7 |

¹ Of the 15,088 cases, in 382 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, three 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.

Table 15

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | Mean | | | Median | | |
|------------------------------|--------------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| | | Sentence In Months | Decrease In Months | Percent Decrease | Sentence In Months | Decrease In Months | Percent Decrease |
| TOTAL | 1,537 | 54 | 58 | 55.6 | 41 | 43 | 50.3 |
| Administration of Justice | 9 | 4 | 21 | 83.2 | 0 | 18 | 99.8 |
| Antitrust | 0 | -- | -- | -- | -- | -- | -- |
| Arson | 1 | -- | -- | -- | -- | -- | -- |
| Assault | 11 | 50 | 92 | 60.0 | 50 | 70 | 58.3 |
| Bribery/Corruption | 28 | 12 | 25 | 70.1 | 9 | 18 | 75.7 |
| Burglary/Trespass | 2 | -- | -- | -- | -- | -- | -- |
| Child Pornography | 8 | 88 | 40 | 28.7 | 78 | 34 | 31.0 |
| Commercialized Vice | 6 | 1 | 10 | 86.5 | 0 | 9 | 99.8 |
| Drug Possession | 1 | -- | -- | -- | -- | -- | -- |
| Drug Trafficking | 973 | 64 | 66 | 52.3 | 57 | 53 | 48.6 |
| Environmental | 3 | 4 | 25 | 91.3 | 0 | 30 | 100.0 |
| Extortion/Racketeering | 6 | 35 | 27 | 50.9 | 47 | 13 | 38.1 |
| Firearms | 108 | 32 | 35 | 58.5 | 18 | 21 | 54.3 |
| Food and Drug | 1 | -- | -- | -- | -- | -- | -- |
| Forgery/Counter/Copyright | 3 | 19 | 26 | 66.9 | 16 | 18 | 54.0 |
| Fraud/Theft/Embezzlement | 149 | 15 | 29 | 68.4 | 12 | 20 | 69.6 |
| Immigration | 36 | 13 | 12 | 52.5 | 15 | 10 | 45.7 |
| Individual Rights | 6 | 31 | 45 | 69.4 | 2 | 10 | 77.8 |
| Kidnapping | 9 | 98 | 127 | 56.0 | 56 | 115 | 53.7 |
| Manslaughter | 0 | -- | -- | -- | -- | -- | -- |
| Money Laundering | 75 | 40 | 59 | 60.7 | 30 | 39 | 59.9 |
| Murder | 19 | 116 | 180 | 60.4 | 121 | 180 | 63.3 |
| National Defense | 7 | 36 | 76 | 61.8 | 36 | 46 | 57.9 |
| Obscenity/Other Sex Offenses | 1 | -- | -- | -- | -- | -- | -- |
| Prison Offenses | 0 | -- | -- | -- | -- | -- | -- |
| Robbery | 40 | 94 | 51 | 38.6 | 82 | 40 | 39.3 |
| Sexual Abuse | 19 | 108 | 106 | 47.2 | 96 | 96 | 43.3 |
| Stalking/Harassing | 3 | 18 | 20 | 48.5 | 12 | 18 | 60.0 |
| Tax | 13 | 5 | 17 | 83.6 | 0 | 15 | 100.0 |
| Other | 0 | -- | -- | -- | -- | -- | -- |

¹ Of the 15,088 cases, in 1,569 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, 19 cases were excluded from this table. Also, 13 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.

Table 16

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | Mean | | | Median | | |
|------------------------------|--------------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| | | Sentence In Months | Decrease In Months | Percent Decrease | Sentence In Months | Decrease In Months | Percent Decrease |
| TOTAL | 1,671 | 14 | 17 | 51.0 | 10 | 8 | 47.8 |
| Administration of Justice | 0 | -- | -- | -- | -- | -- | -- |
| Antitrust | 0 | -- | -- | -- | -- | -- | -- |
| Arson | 0 | -- | -- | -- | -- | -- | -- |
| Assault | 0 | -- | -- | -- | -- | -- | -- |
| Bribery/Corruption | 0 | -- | -- | -- | -- | -- | -- |
| Burglary/Trespass | 0 | -- | -- | -- | -- | -- | -- |
| Child Pornography | 0 | -- | -- | -- | -- | -- | -- |
| Commercialized Vice | 0 | -- | -- | -- | -- | -- | -- |
| Drug Possession | 0 | -- | -- | -- | -- | -- | -- |
| Drug Trafficking | 324 | 27 | 51 | 64.9 | 24 | 45 | 65.7 |
| Environmental | 0 | -- | -- | -- | -- | -- | -- |
| Extortion/Racketeering | 0 | -- | -- | -- | -- | -- | -- |
| Firearms | 5 | 22 | 12 | 58.7 | 12 | 10 | 59.9 |
| Food and Drug | 0 | -- | -- | -- | -- | -- | -- |
| Forgery/Counter/Copyright | 0 | -- | -- | -- | -- | -- | -- |
| Fraud/Theft/Embezzlement | 0 | -- | -- | -- | -- | -- | -- |
| Immigration | 1,342 | 10 | 8 | 47.6 | 8 | 6 | 41.3 |
| Individual Rights | 0 | -- | -- | -- | -- | -- | -- |
| Kidnapping | 0 | -- | -- | -- | -- | -- | -- |
| Manslaughter | 0 | -- | -- | -- | -- | -- | -- |
| Money Laundering | 0 | -- | -- | -- | -- | -- | -- |
| Murder | 0 | -- | -- | -- | -- | -- | -- |
| National Defense | 0 | -- | -- | -- | -- | -- | -- |
| Obscenity/Other Sex Offenses | 0 | -- | -- | -- | -- | -- | -- |
| Prison Offenses | 0 | -- | -- | -- | -- | -- | -- |
| Robbery | 0 | -- | -- | -- | -- | -- | -- |
| Sexual Abuse | 0 | -- | -- | -- | -- | -- | -- |
| Stalking/Harassing | 0 | -- | -- | -- | -- | -- | -- |
| Tax | 0 | -- | -- | -- | -- | -- | -- |
| Other | 0 | -- | -- | -- | -- | -- | -- |

¹ Of the 15,088 cases, in 1,671 the offender received a §5K3.1 early disposition program departure below the guideline range. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 17

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

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | Mean | | | Median | | |
|------------------------------|------------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| | | Sentence In Months | Decrease In Months | Percent Decrease | Sentence In Months | Decrease In Months | Percent Decrease |
| TOTAL | 593 | 43 | 31 | 46.0 | 24 | 18 | 41.5 |
| Administration of Justice | 5 | 5 | 8 | 51.8 | 6 | 6 | 50.0 |
| Antitrust | 0 | -- | -- | -- | -- | -- | -- |
| Arson | 3 | 27 | 24 | 54.0 | 30 | 25 | 47.4 |
| Assault | 13 | 31 | 14 | 43.8 | 24 | 14 | 41.5 |
| Bribery/Corruption | 3 | 20 | 38 | 83.5 | 0 | 30 | 100.0 |
| Burglary/Trespass | 0 | -- | -- | -- | -- | -- | -- |
| Child Pornography | 11 | 65 | 42 | 40.5 | 60 | 37 | 38.1 |
| Commercialized Vice | 4 | 14 | 6 | 28.7 | 14 | 4 | 20.8 |
| Drug Possession | 0 | -- | -- | -- | -- | -- | -- |
| Drug Trafficking | 213 | 68 | 51 | 45.2 | 60 | 40 | 42.8 |
| Environmental | 1 | -- | -- | -- | -- | -- | -- |
| Extortion/Racketeering | 1 | -- | -- | -- | -- | -- | -- |
| Firearms | 65 | 32 | 17 | 44.5 | 21 | 14 | 36.4 |
| Food and Drug | 1 | -- | -- | -- | -- | -- | -- |
| Forgery/Counter/Copyright | 1 | -- | -- | -- | -- | -- | -- |
| Fraud/Theft/Embezzlement | 36 | 20 | 30 | 66.6 | 12 | 19 | 67.1 |
| Immigration | 160 | 12 | 8 | 40.8 | 9 | 6 | 38.8 |
| Individual Rights | 0 | -- | -- | -- | -- | -- | -- |
| Kidnapping | 2 | -- | -- | -- | -- | -- | -- |
| Manslaughter | 1 | -- | -- | -- | -- | -- | -- |
| Money Laundering | 18 | 48 | 47 | 54.5 | 32 | 29 | 55.7 |
| Murder | 3 | 209 | 75 | 39.7 | 300 | 60 | 16.7 |
| National Defense | 4 | 30 | 16 | 35.3 | 32 | 15 | 31.5 |
| Obscenity/Other Sex Offenses | 5 | 10 | 13 | 60.2 | 14 | 12 | 40.0 |
| Prison Offenses | 2 | -- | -- | -- | -- | -- | -- |
| Robbery | 15 | 65 | 28 | 35.4 | 51 | 20 | 34.2 |
| Sexual Abuse | 15 | 145 | 86 | 41.1 | 126 | 90 | 42.9 |
| Stalking/Harassing | 6 | 11 | 16 | 70.2 | 6 | 15 | 80.0 |
| Tax | 5 | 9 | 14 | 70.7 | 6 | 12 | 80.0 |
| Other | 0 | -- | -- | -- | -- | -- | -- |

¹ Of the 15,088 cases, in 606 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (310) or a non-government departure (296). 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, four 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 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Table 18

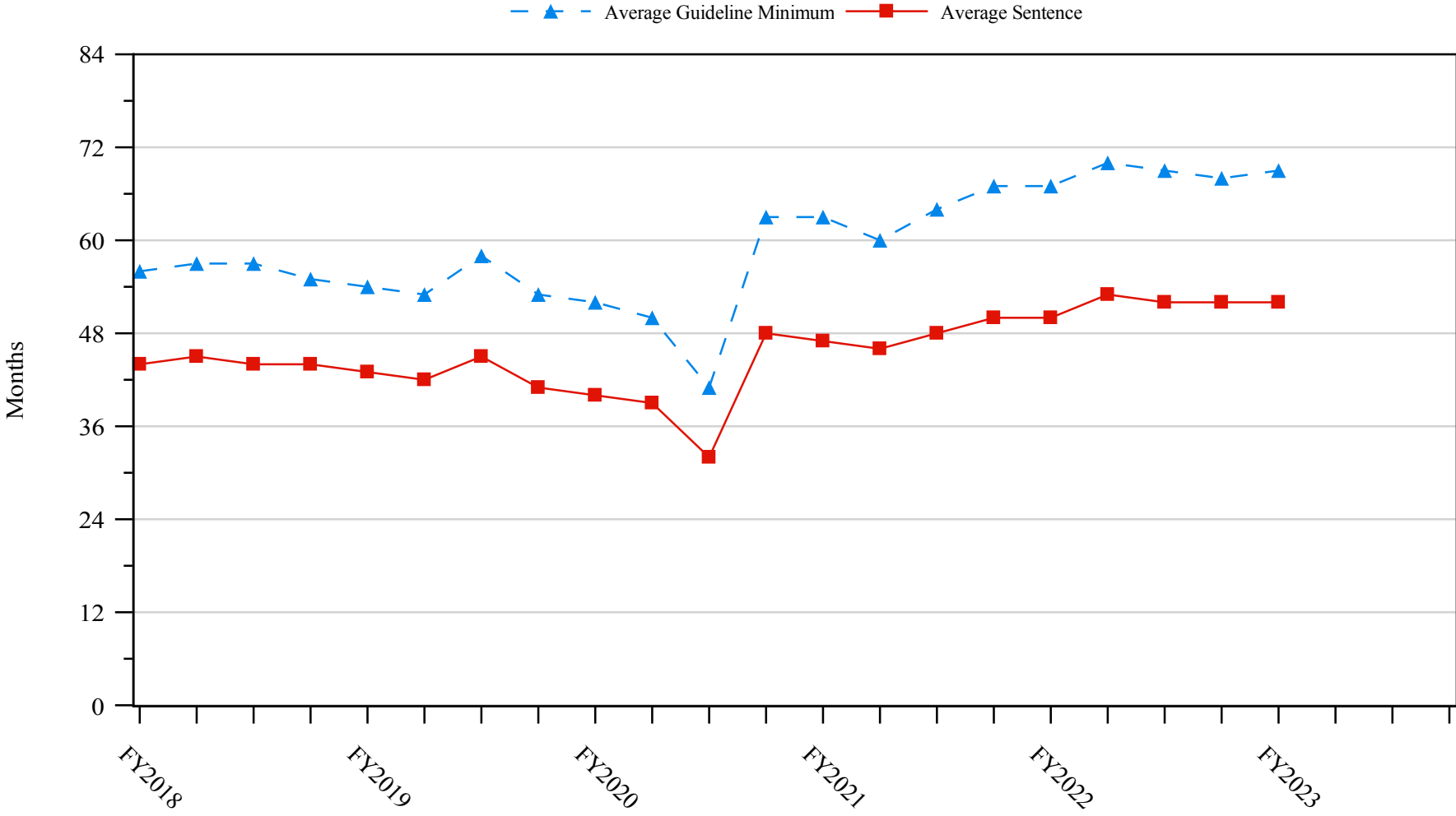
**EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹**

1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)

| TYPE OF CRIME | N | Mean | | | Median | | |
|------------------------------|--------------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| | | Sentence In Months | Decrease In Months | Percent Decrease | Sentence In Months | Decrease In Months | Percent Decrease |
| TOTAL | 4,257 | 55 | 30 | 43.8 | 36 | 18 | 35.1 |
| Administration of Justice | 49 | 11 | 12 | 61.7 | 6 | 10 | 66.7 |
| Antitrust | 1 | -- | -- | -- | -- | -- | -- |
| Arson | 11 | 28 | 40 | 51.6 | 26 | 15 | 36.6 |
| Assault | 49 | 58 | 21 | 39.2 | 32 | 12 | 27.8 |
| Bribery/Corruption | 29 | 25 | 26 | 53.4 | 24 | 18 | 50.5 |
| Burglary/Trespass | 5 | 4 | 12 | 63.9 | 3 | 12 | 83.2 |
| Child Pornography | 181 | 81 | 50 | 40.7 | 72 | 41 | 37.8 |
| Commercialized Vice | 10 | 10 | 10 | 61.3 | 8 | 7 | 49.7 |
| Drug Possession | 0 | -- | -- | -- | -- | -- | -- |
| Drug Trafficking | 1,705 | 78 | 40 | 38.3 | 63 | 29 | 31.3 |
| Environmental | 8 | 7 | 18 | 82.9 | 1 | 12 | 94.4 |
| Extortion/Racketeering | 16 | 24 | 16 | 57.0 | 12 | 13 | 52.7 |
| Firearms | 690 | 34 | 18 | 43.9 | 27 | 12 | 33.3 |
| Food and Drug | 1 | -- | -- | -- | -- | -- | -- |
| Forgery/Counter/Copyright | 13 | 14 | 9 | 58.4 | 5 | 8 | 55.6 |
| Fraud/Theft/Embezzlement | 447 | 19 | 16 | 57.8 | 12 | 12 | 51.5 |
| Immigration | 461 | 12 | 9 | 46.8 | 8 | 6 | 38.4 |
| Individual Rights | 12 | 29 | 15 | 52.1 | 12 | 11 | 42.9 |
| Kidnapping | 4 | 110 | 69 | 38.2 | 126 | 35 | 21.2 |
| Manslaughter | 5 | 41 | 15 | 30.5 | 33 | 15 | 23.8 |
| Money Laundering | 99 | 31 | 25 | 51.5 | 18 | 15 | 44.4 |
| Murder | 29 | 198 | 74 | 28.1 | 204 | 60 | 20.0 |
| National Defense | 26 | 45 | 29 | 47.5 | 29 | 21 | 40.6 |
| Obscenity/Other Sex Offenses | 23 | 12 | 10 | 48.2 | 12 | 12 | 40.0 |
| Prison Offenses | 24 | 10 | 9 | 44.6 | 10 | 5 | 36.7 |
| Robbery | 126 | 83 | 32 | 32.2 | 72 | 25 | 25.7 |
| Sexual Abuse | 116 | 163 | 74 | 32.2 | 168 | 60 | 28.6 |
| Stalking/Harassing | 20 | 19 | 9 | 44.2 | 15 | 7 | 26.7 |
| Tax | 85 | 10 | 13 | 65.7 | 6 | 12 | 67.6 |
| Other | 12 | 12 | 9 | 80.0 | 0 | 7 | 100.0 |

¹ Of the 15,088 cases, in 4,376 the sentence was a variance below the guideline range, either due to a government motion for a variance (1,416) or a non-government variance (2,960). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 60 cases were excluded from this table. Also, 58 cases were excluded due to several logical criteria. Of the remaining 4,258 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure 5
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



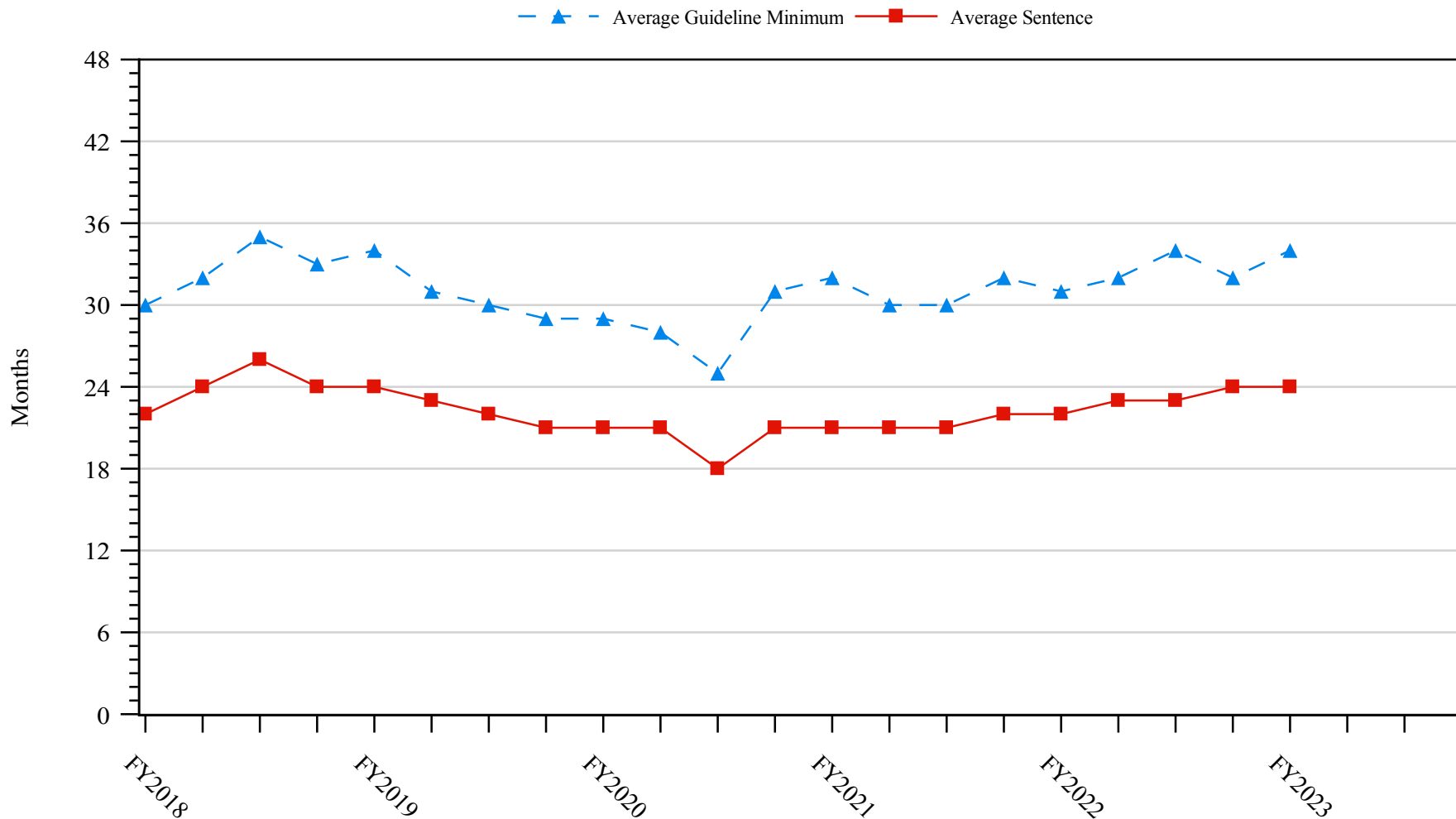
¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 6

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

**Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)**

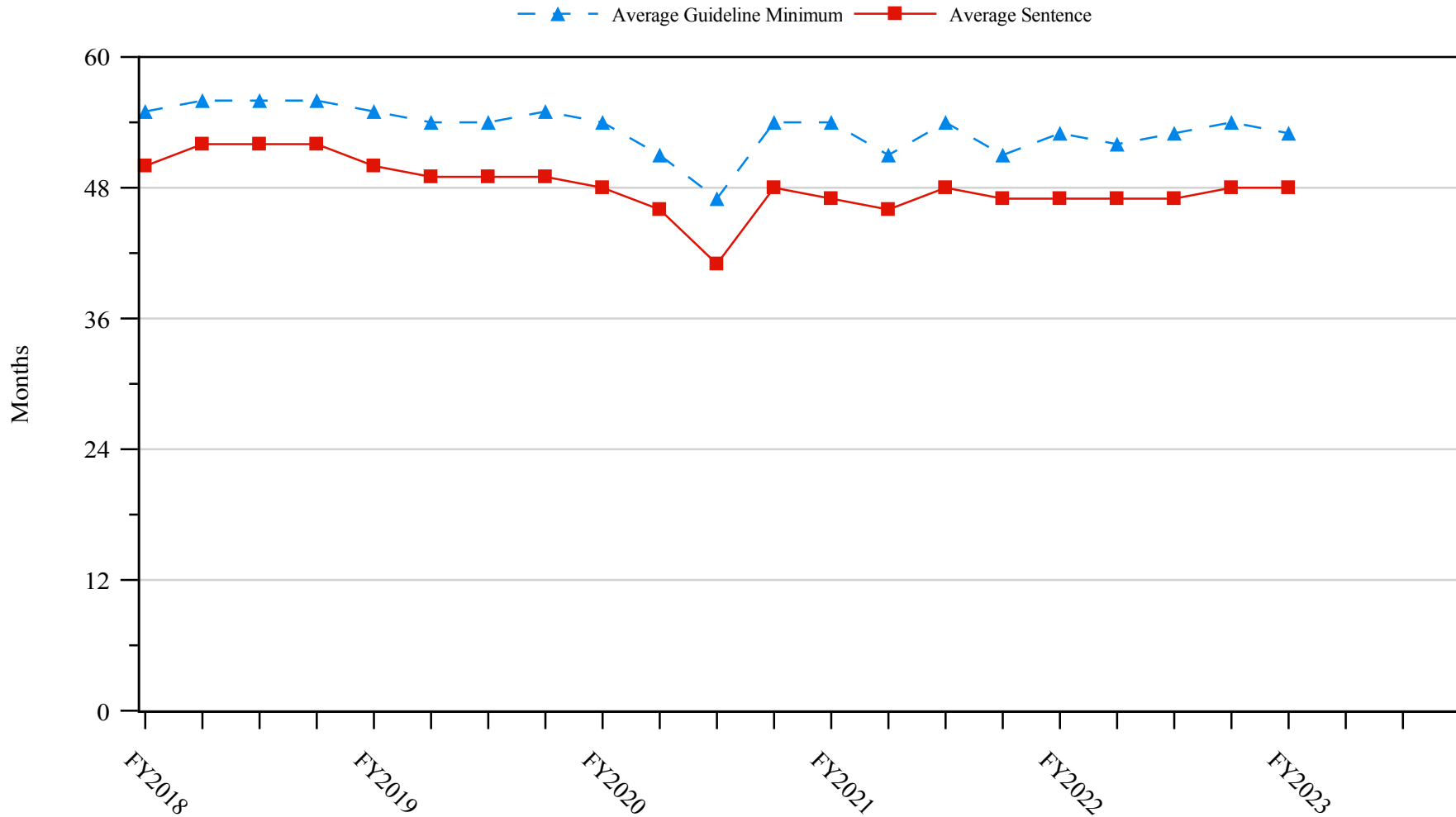


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 figure includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 7

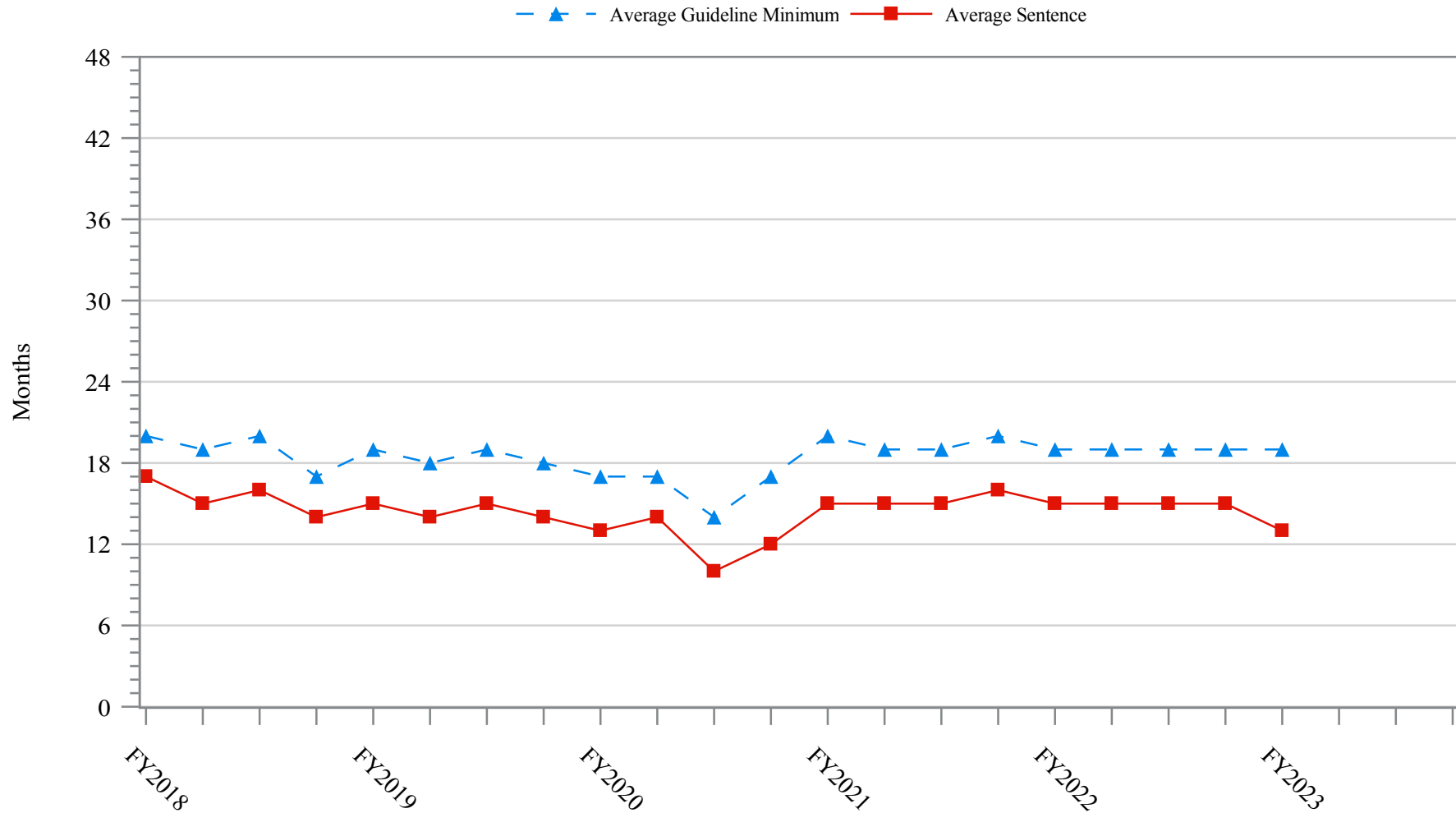
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)**



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 figure includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

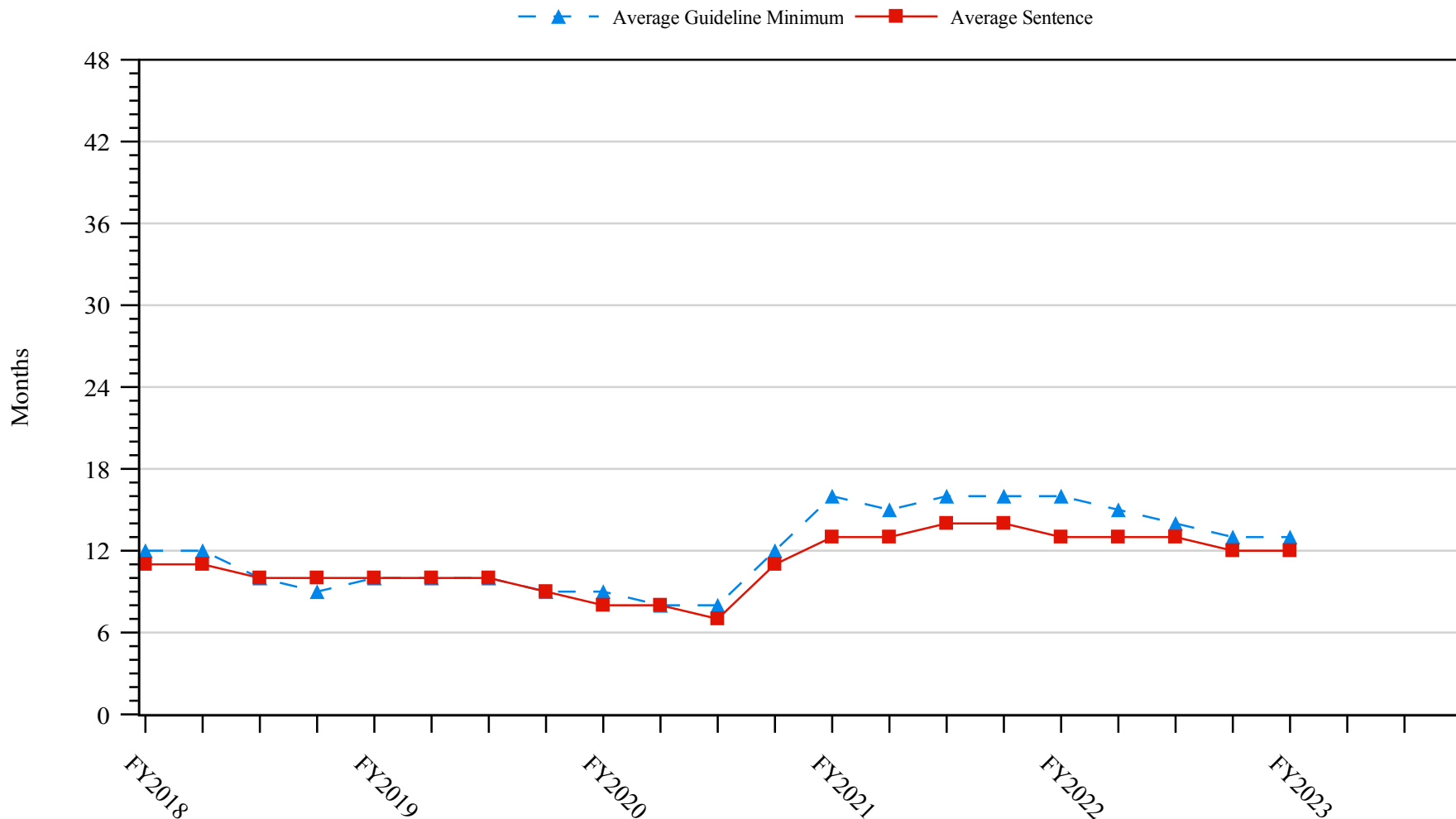
Figure 8
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



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 figure includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

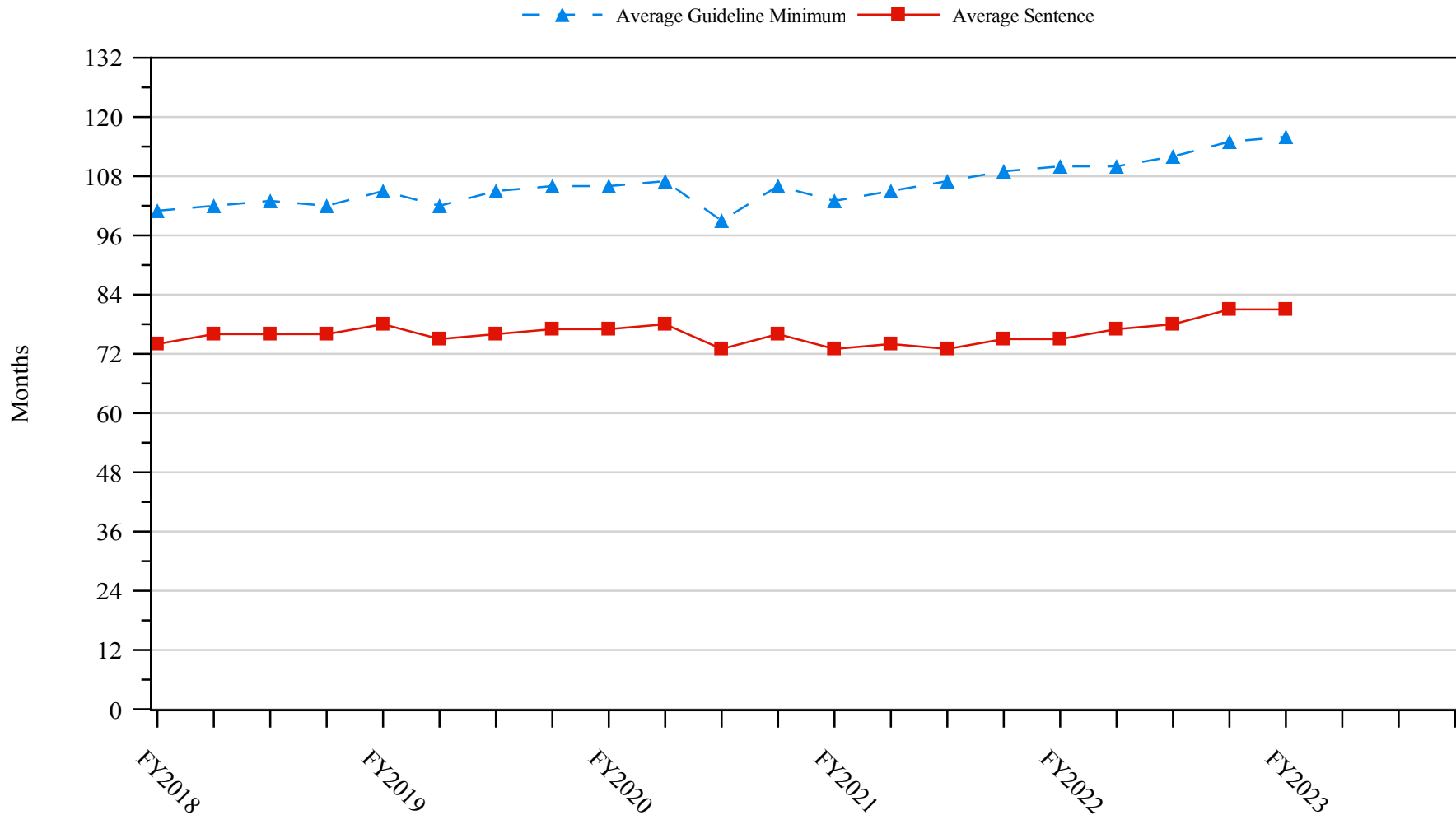
Figure 9
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



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 figure includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

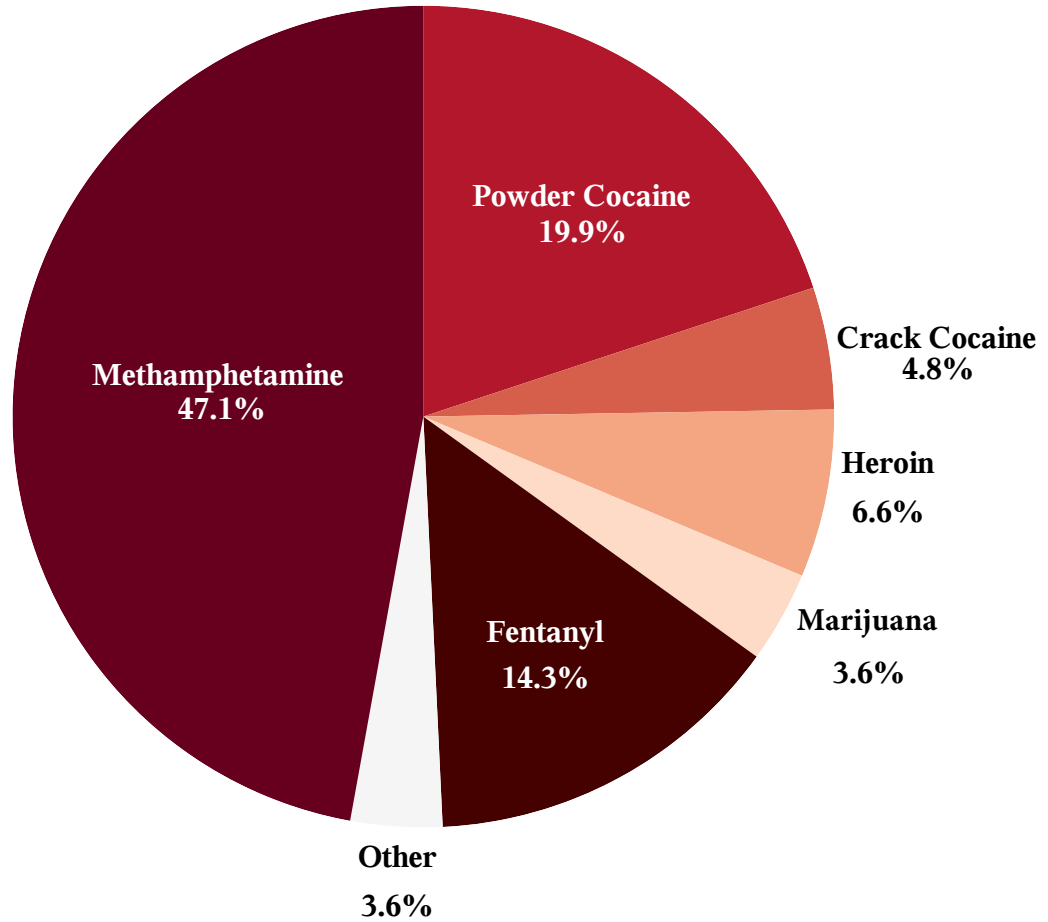
Figure 10
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



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 figure includes conditions of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 11
DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
1st Quarter 2023 Preliminary Cumulative Data
(October 1, 2022, through December 31, 2022)

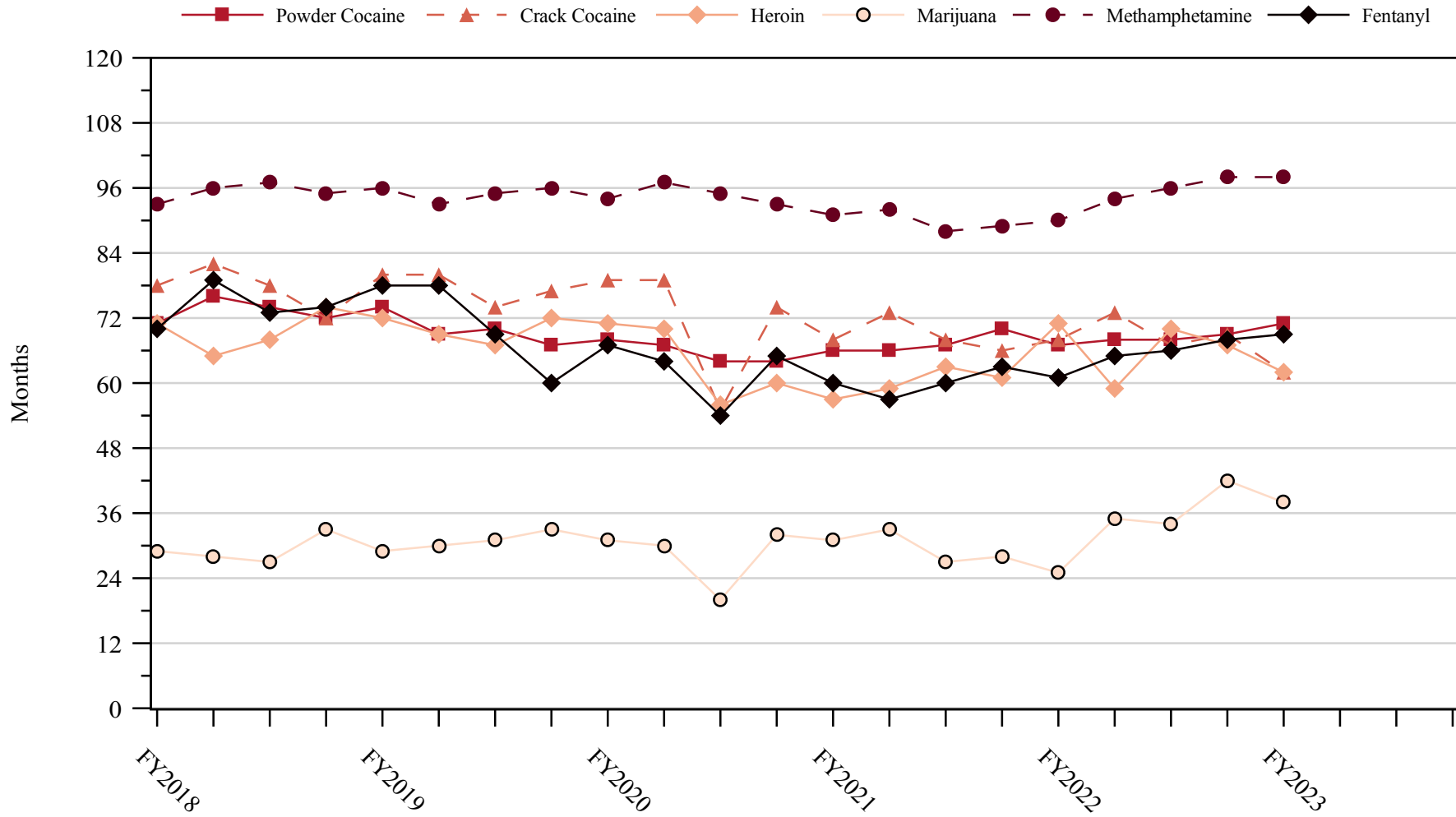


¹ Of the 15,088 cases, in 4,638 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions 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 (61).

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through December 31, 2022).

Figure 12
SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE QUARTERLY DATA¹
Fiscal Years 2018 - 2022,
1st Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through December 31, 2022)



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through December 31, 2022).

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (i.e., the type that produces the highest base offense level).

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

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

Upward Variance

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

Within Guideline Range

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

Year

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