

United States Sentencing Commission Quarterly Data Report



**2nd Quarter Release
Preliminary Fiscal Year 2019 Data
Through March 31, 2019**

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 statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <https://isb.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 2018 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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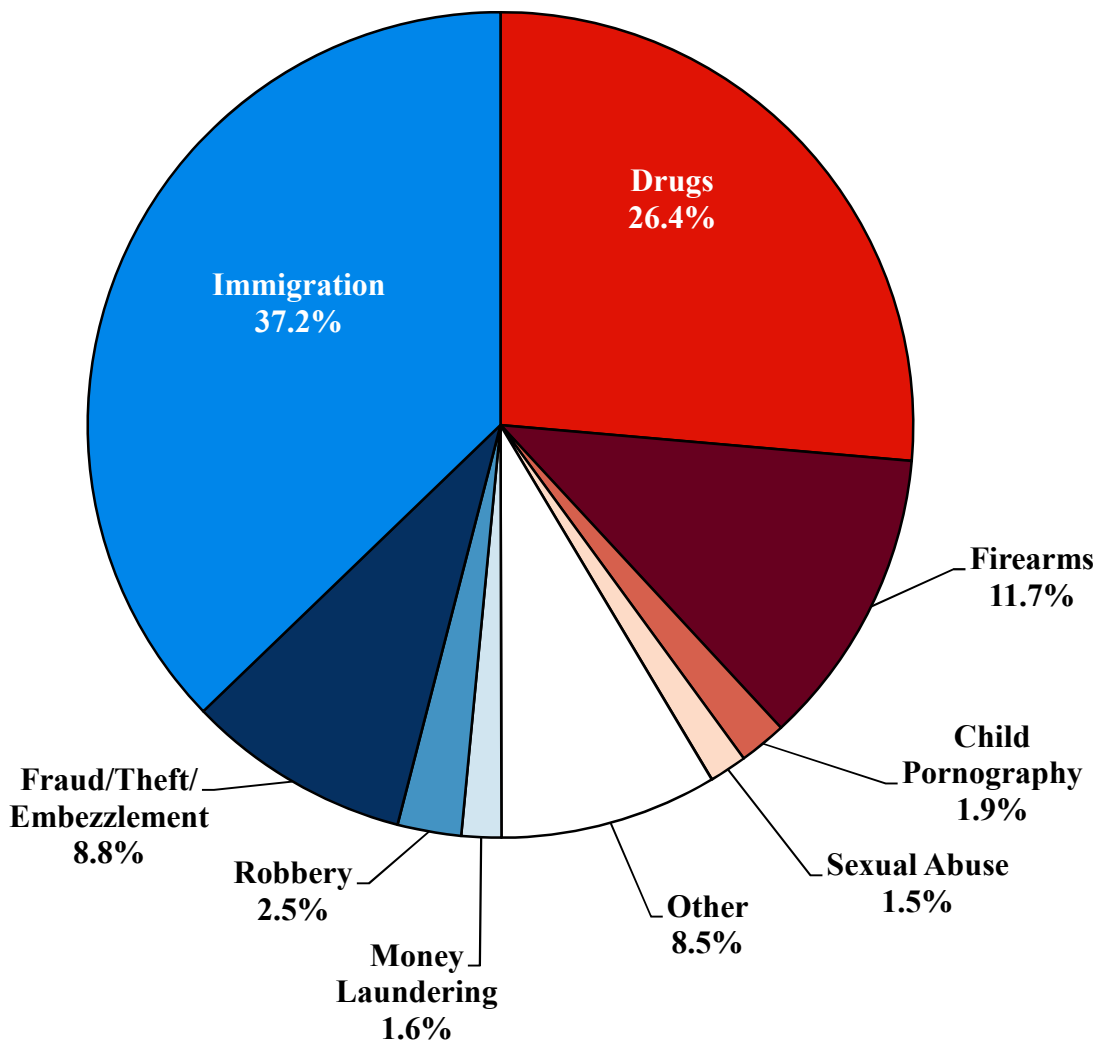
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through March 31, 2019)



¹ This figure includes the 35,114 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 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	%
TOTAL	35,114	100.0
Administration of Justice	369	1.1
Antitrust	14	0.0
Arson	30	0.1
Assault	348	1.0
Bribery/Corruption	162	0.5
Burglary/Trespass	32	0.1
Child Pornography	655	1.9
Commercialized Vice	52	0.1
Drug Possession	236	0.7
Drug Trafficking	9,029	25.7
Environmental	78	0.2
Extortion/Racketeering	90	0.3
Firearms	4,116	11.7
Food and Drug	25	0.1
Forgery/Counter/Copyright	138	0.4
Fraud/Theft/Embezzlement	3,085	8.8
Immigration	13,063	37.2
Individual Rights	35	0.1
Kidnapping	34	0.1
Manslaughter	36	0.1
Money Laundering	547	1.6
Murder	164	0.5
National Defense	85	0.2
Obscenity/Other Sex Offenses	197	0.6
Prison Offenses	279	0.8
Robbery	874	2.5
Sexual Abuse	516	1.5
Stalking/Harassing	109	0.3
Tax	261	0.7
Other	455	1.3

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
2nd Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through March 31, 2019)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	35,114	100.0			
D.C. CIRCUIT	156	0.4	FIFTH CIRCUIT	9,123	26.0
District of Columbia	156	0.4	Louisiana		
			Eastern	129	0.4
			Middle	99	0.3
FIRST CIRCUIT	944	2.7	Western	181	0.5
Maine	74	0.2	Mississippi		
Massachusetts	203	0.6	Northern	85	0.2
New Hampshire	103	0.3	Southern	220	0.6
Puerto Rico	485	1.4	Texas		
Rhode Island	79	0.2	Eastern	338	1.0
			Northern	789	2.2
SECOND CIRCUIT	1,464	4.2	Southern	3,224	9.2
Connecticut	154	0.4	Western	4,058	11.6
New York					
Eastern	298	0.8	SIXTH CIRCUIT	2,499	7.1
Northern	181	0.5	Kentucky		
Southern	471	1.3	Eastern	247	0.7
Western	270	0.8	Western	141	0.4
Vermont	90	0.3	Michigan		
			Eastern	459	1.3
THIRD CIRCUIT	1,070	3.0	Western	194	0.6
Delaware	51	0.1	Ohio		
New Jersey	311	0.9	Northern	422	1.2
Pennsylvania			Southern	221	0.6
Eastern	252	0.7	Tennessee		
Middle	224	0.6	Eastern	364	1.0
Western	184	0.5	Middle	164	0.5
Virgin Islands	48	0.1	Western	287	0.8
FOURTH CIRCUIT	2,785	7.9	SEVENTH CIRCUIT	1,176	3.3
Maryland	373	1.1	Illinois		
North Carolina			Central	111	0.3
Eastern	387	1.1	Northern	300	0.9
Middle	241	0.7	Southern	143	0.4
Western	247	0.7	Indiana		
South Carolina	566	1.6	Northern	167	0.5
Virginia			Southern	232	0.7
Eastern	580	1.7	Wisconsin		
Western	112	0.3	Eastern	136	0.4
West Virginia			Western	87	0.2
Northern	149	0.4			
Southern	130	0.4			

Table 2 (cont.)

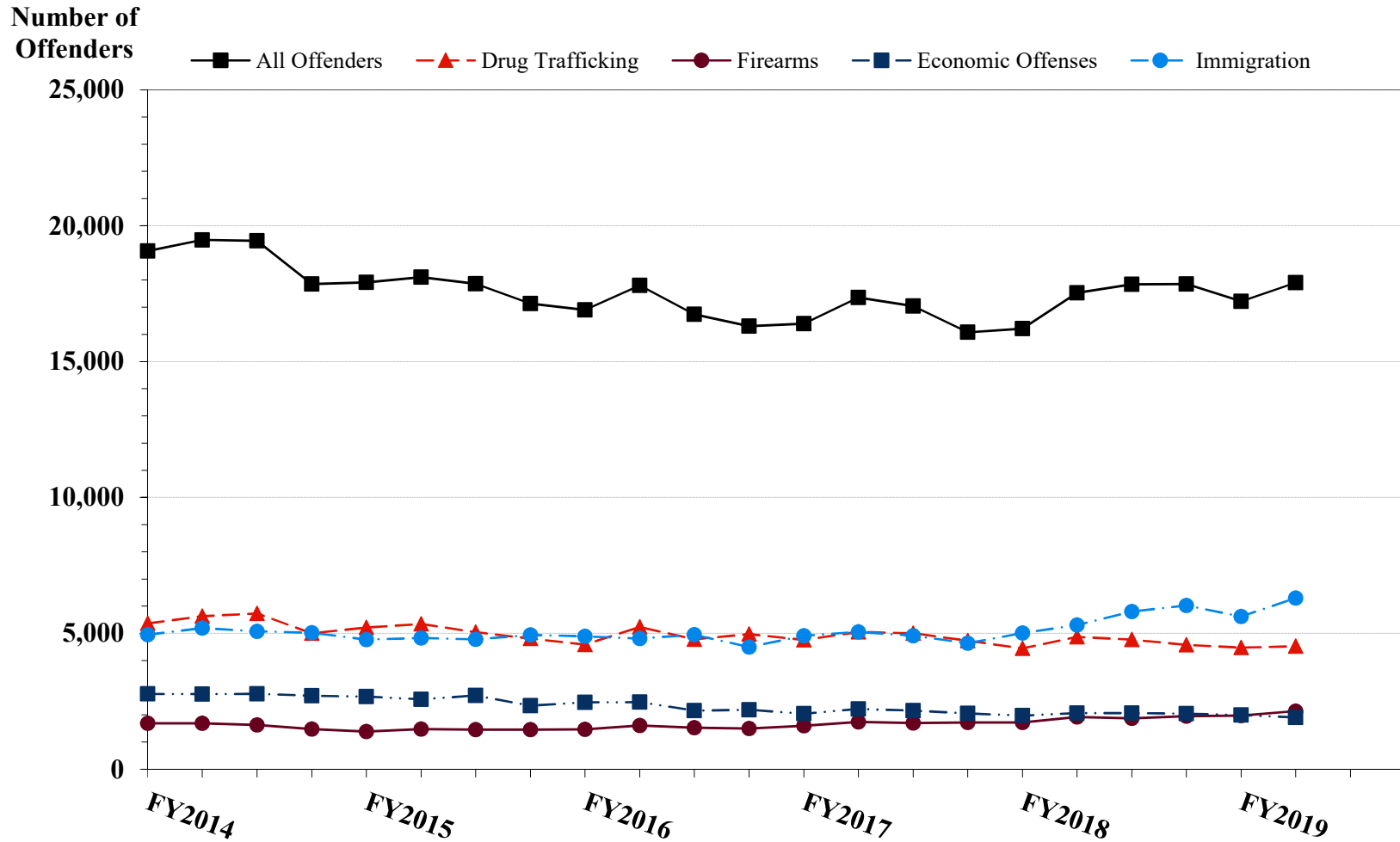
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	2,609	7.4	TENTH CIRCUIT	3,037	8.6
Arkansas			Colorado	244	0.7
Eastern	257	0.7	Kansas	208	0.6
Western	133	0.4	New Mexico	1,846	5.3
Iowa			Oklahoma		
Northern	203	0.6	Eastern	54	0.2
Southern	263	0.7	Northern	111	0.3
Minnesota	187	0.5	Western	172	0.5
Missouri			Utah	314	0.9
Eastern	540	1.5	Wyoming	88	0.3
Western	384	1.1			
Nebraska	268	0.8	ELEVENTH CIRCUIT	3,188	9.1
North Dakota	171	0.5	Alabama		
South Dakota	203	0.6	Middle	141	0.4
			Northern	266	0.8
NINTH CIRCUIT	7,063	20.1	Southern	191	0.5
Alaska	99	0.3	Florida		
Arizona	2,762	7.9	Middle	761	2.2
California			Northern	137	0.4
Central	523	1.5	Southern	1,039	3.0
Eastern	242	0.7	Georgia		
Northern	222	0.6	Middle	202	0.6
Southern	1,955	5.6	Northern	254	0.7
Guam	22	0.1	Southern	197	0.6
Hawaii	54	0.2			
Idaho	177	0.5			
Montana	187	0.5			
Nevada	253	0.7			
Northern Mariana Islands	1	0.0			
Oregon	173	0.5			
Washington					
Eastern	174	0.5			
Western	219	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)



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, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	34,771	7,150	20.6	7,208	20.7	19,123	55.0	1,290	3.7
Administration of Justice	367	103	28.1	80	21.8	129	35.1	55	15.0
Antitrust	14	12	85.7	0	0.0	0	0.0	2	14.3
Arson	30	12	40.0	11	36.7	4	13.3	3	10.0
Assault	344	55	16.0	73	21.2	56	16.3	160	46.5
Bribery/Corruption	162	53	32.7	49	30.2	40	24.7	20	12.3
Burglary/Trespass	32	11	34.4	5	15.6	4	12.5	12	37.5
Child Pornography	655	530	80.9	30	4.6	70	10.7	25	3.8
Commercialized Vice	52	12	23.1	26	50.0	7	13.5	7	13.5
Drug Possession	215	80	37.2	42	19.5	83	38.6	10	4.7
Drug Trafficking	9,010	2,275	25.2	2,475	27.5	3,981	44.2	279	3.1
Environmental	74	50	67.6	1	1.4	9	12.2	14	18.9
Extortion/Racketeering	90	35	38.9	35	38.9	13	14.4	7	7.8
Firearms	4,109	1,059	25.8	2,199	53.5	746	18.2	105	2.6
Food and Drug	25	22	88.0	0	0.0	2	8.0	1	4.0
Forgery/Counter/Copyright	138	71	51.4	48	34.8	10	7.2	9	6.5
Fraud/Theft/Embezzlement	3,060	1,297	42.4	834	27.3	745	24.3	184	6.0
Immigration	12,928	264	2.0	165	1.3	12,429	96.1	70	0.5
Individual Rights	34	11	32.4	10	29.4	11	32.4	2	5.9
Kidnapping	34	8	23.5	13	38.2	9	26.5	4	11.8
Manslaughter	36	5	13.9	4	11.1	1	2.8	26	72.2
Money Laundering	546	170	31.1	83	15.2	255	46.7	38	7.0
Murder	164	17	10.4	70	42.7	48	29.3	29	17.7
National Defense	84	21	25.0	6	7.1	54	64.3	3	3.6
Obscenity/Other Sex Offenses	197	90	45.7	48	24.4	24	12.2	35	17.8
Prison Offenses	270	67	24.8	118	43.7	71	26.3	14	5.2
Robbery	873	192	22.0	507	58.1	143	16.4	31	3.6
Sexual Abuse	516	292	56.6	85	16.5	59	11.4	80	15.5
Stalking/Harassing	107	58	54.2	16	15.0	9	8.4	24	22.4
Tax	261	118	45.2	87	33.3	37	14.2	19	7.3
Other	344	160	46.5	88	25.6	74	21.5	22	6.4

¹ Of the 35,114 cases, 343 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	35,057	30,578	87.2	4,479	12.8
Administration of Justice	369	268	72.6	101	27.4
Antitrust	14	13	92.9	1	7.1
Arson	30	27	90.0	3	10.0
Assault	347	319	91.9	28	8.1
Bribery/Corruption	162	125	77.2	37	22.8
Burglary/Trespass	32	27	84.4	5	15.6
Child Pornography	655	649	99.1	6	0.9
Commercialized Vice	52	41	78.8	11	21.2
Drug Possession	233	178	76.4	55	23.6
Drug Trafficking	9,029	7,455	82.6	1,574	17.4
Environmental	77	69	89.6	8	10.4
Extortion/Racketeering	90	77	85.6	13	14.4
Firearms	4,115	3,942	95.8	173	4.2
Food and Drug	25	18	72.0	7	28.0
Forgery/Counter/Copyright	138	105	76.1	33	23.9
Fraud/Theft/Embezzlement	3,083	2,126	69.0	957	31.0
Immigration	13,036	12,036	92.3	1,000	7.7
Individual Rights	35	27	77.1	8	22.9
Kidnapping	34	31	91.2	3	8.8
Manslaughter	36	31	86.1	5	13.9
Money Laundering	547	425	77.7	122	22.3
Murder	164	153	93.3	11	6.7
National Defense	85	71	83.5	14	16.5
Obscenity/Other Sex Offenses	197	195	99.0	2	1.0
Prison Offenses	279	251	90.0	28	10.0
Robbery	873	812	93.0	61	7.0
Sexual Abuse	516	485	94.0	31	6.0
Stalking/Harassing	109	102	93.6	7	6.4
Tax	261	183	70.1	78	29.9
Other	434	337	77.6	97	22.4

¹ Of the 35,114 cases, 57 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	34,952	19,821	56.7	15,131	43.3
Administration of Justice	366	269	73.5	97	26.5
Antitrust	14	13	92.9	1	7.1
Arson	30	30	100.0	0	0.0
Assault	344	324	94.2	20	5.8
Bribery/Corruption	162	153	94.4	9	5.6
Burglary/Trespass	31	26	83.9	5	16.1
Child Pornography	655	632	96.5	23	3.5
Commercialized Vice	51	45	88.2	6	11.8
Drug Possession	223	161	72.2	62	27.8
Drug Trafficking	9,014	7,072	78.5	1,942	21.5
Environmental	74	65	87.8	9	12.2
Extortion/Racketeering	90	73	81.1	17	18.9
Firearms	4,114	3,933	95.6	181	4.4
Food and Drug	25	24	96.0	1	4.0
Forgery/Counter/Copyright	138	127	92.0	11	8.0
Fraud/Theft/Embezzlement	3,064	2,509	81.9	555	18.1
Immigration	13,051	1,240	9.5	11,811	90.5
Individual Rights	35	23	65.7	12	34.3
Kidnapping	34	31	91.2	3	8.8
Manslaughter	36	35	97.2	1	2.8
Money Laundering	545	387	71.0	158	29.0
Murder	164	140	85.4	24	14.6
National Defense	84	59	70.2	25	29.8
Obscenity/Other Sex Offenses	197	188	95.4	9	4.6
Prison Offenses	270	262	97.0	8	3.0
Robbery	873	839	96.1	34	3.9
Sexual Abuse	516	495	95.9	21	4.1
Stalking/Harassing	109	108	99.1	1	0.9
Tax	261	238	91.2	23	8.8
Other	382	320	83.8	62	16.2

¹ Of the 35,114 cases, 162 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹**2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	43	18	35,114
Administration of Justice	12	8	369
Antitrust	5	4	14
Arson	91	60	30
Assault	59	30	348
Bribery/Corruption	22	12	162
Burglary/Trespass	16	17	32
Child Pornography	104	84	655
Commercialized Vice	25	21	52
Drug Possession	3	0	236
Drug Trafficking	77	60	9,029
Environmental	5	0	78
Extortion/Racketeering	31	24	90
Firearms	51	37	4,116
Food and Drug	11	0	25
Forgery/Counter/Copyright	15	12	138
Fraud/Theft/Embezzlement	22	12	3,085
Immigration	10	6	13,063
Individual Rights	18	3	35
Kidnapping	179	126	34
Manslaughter	74	62	36
Money Laundering	61	32	547
Murder	252	240	164
National Defense	42	26	85
Obscenity/Other Sex Offenses	20	18	197
Prison Offenses	11	8	279
Robbery	104	87	874
Sexual Abuse	199	180	516
Stalking/Harassing	27	21	109
Tax	16	12	261
Other	4	0	455

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

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	35,114	32,160	91.6	31,177	88.8	983	2.8	2,781	7.9	684	1.9	2,097	6.0	173	0.5
Administration of Justice	369	257	69.6	240	65.0	17	4.6	112	30.4	25	6.8	87	23.6	0	0.0
Antitrust	14	11	78.6	11	78.6	0	0.0	3	21.4	3	21.4	0	0.0	0	0.0
Arson	30	28	93.3	26	86.7	2	6.7	2	6.7	0	0.0	2	6.7	0	0.0
Assault	348	309	88.8	284	81.6	25	7.2	39	11.2	3	0.9	36	10.3	0	0.0
Bribery/Corruption	162	119	73.5	114	70.4	5	3.1	40	24.7	16	9.9	24	14.8	3	1.9
Burglary/Trespass	32	29	90.6	24	75.0	5	15.6	3	9.4	1	3.1	2	6.3	0	0.0
Child Pornography	655	648	98.9	636	97.1	12	1.8	6	0.9	2	0.3	4	0.6	1	0.2
Commercialized Vice	52	43	82.7	41	78.8	2	3.8	9	17.3	3	5.8	6	11.5	0	0.0
Drug Possession	236	132	55.9	127	53.8	5	2.1	67	28.4	2	0.8	65	27.5	37	15.7
Drug Trafficking	9,029	8,671	96.0	8,369	92.7	302	3.3	357	4.0	107	1.2	250	2.8	1	0.0
Environmental	78	19	24.4	17	21.8	2	2.6	50	64.1	15	19.2	35	44.9	9	11.5
Extortion/Racketeering	90	75	83.3	70	77.8	5	5.6	15	16.7	2	2.2	13	14.4	0	0.0
Firearms	4,116	3,875	94.1	3,737	90.8	138	3.4	241	5.9	95	2.3	146	3.5	0	0.0
Food and Drug	25	7	28.0	7	28.0	0	0.0	18	72.0	2	8.0	16	64.0	0	0.0
Forgery/Counter/Copyright	138	109	79.0	104	75.4	5	3.6	29	21.0	15	10.9	14	10.1	0	0.0
Fraud/Theft/Embezzlement	3,085	2,274	73.7	2,103	68.2	171	5.5	779	25.3	201	6.5	578	18.7	32	1.0
Immigration	13,063	12,450	95.3	12,317	94.3	133	1.0	612	4.7	91	0.7	521	4.0	1	0.0
Individual Rights	35	19	54.3	17	48.6	2	5.7	12	34.3	4	11.4	8	22.9	4	11.4
Kidnapping	34	34	100.0	32	94.1	2	5.9	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	36	35	97.2	34	94.4	1	2.8	1	2.8	0	0.0	1	2.8	0	0.0
Money Laundering	547	486	88.8	459	83.9	27	4.9	61	11.2	28	5.1	33	6.0	0	0.0
Murder	164	163	99.4	157	95.7	6	3.7	1	0.6	0	0.0	1	0.6	0	0.0
National Defense	85	77	90.6	73	85.9	4	4.7	8	9.4	4	4.7	4	4.7	0	0.0
Obscenity/Other Sex Offenses	197	190	96.4	172	87.3	18	9.1	7	3.6	2	1.0	5	2.5	0	0.0
Prison Offenses	279	268	96.1	257	92.1	11	3.9	11	3.9	4	1.4	7	2.5	0	0.0
Robbery	874	859	98.3	827	94.6	32	3.7	15	1.7	5	0.6	10	1.1	0	0.0
Sexual Abuse	516	514	99.6	501	97.1	13	2.5	2	0.4	1	0.2	1	0.2	0	0.0
Stalking/Harassing	109	102	93.6	90	82.6	12	11.0	7	6.4	1	0.9	6	5.5	0	0.0
Tax	261	171	65.5	154	59.0	17	6.5	88	33.7	29	11.1	59	22.6	2	0.8
Other	455	186	40.9	177	38.9	9	2.0	186	40.9	23	5.1	163	35.8	83	18.2

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.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

	N	%
TOTAL CASES	34,920	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	26,197	75.0
Within Guideline Range	17,797	51.0
Upward Departure ²	183	0.5
Downward Departure		
§5K1.1 Substantial Assistance	3,444	9.9
§5K3.1 Early Disposition Program	3,404	9.7
Other Government Motion ³	565	1.6
Non-Government Departure ⁴	804	2.3
VARIANCES	8,723	25.0
Upward Variance ⁵	680	1.9
Downward Variance		
Government Motion ⁶	1,875	5.4
Non-Government Variance ⁷	6,168	17.7

¹ This table reflects the 35,114 cases sentenced on or after October 1, 2018, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by March 30, 2019. Of these, 194 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.

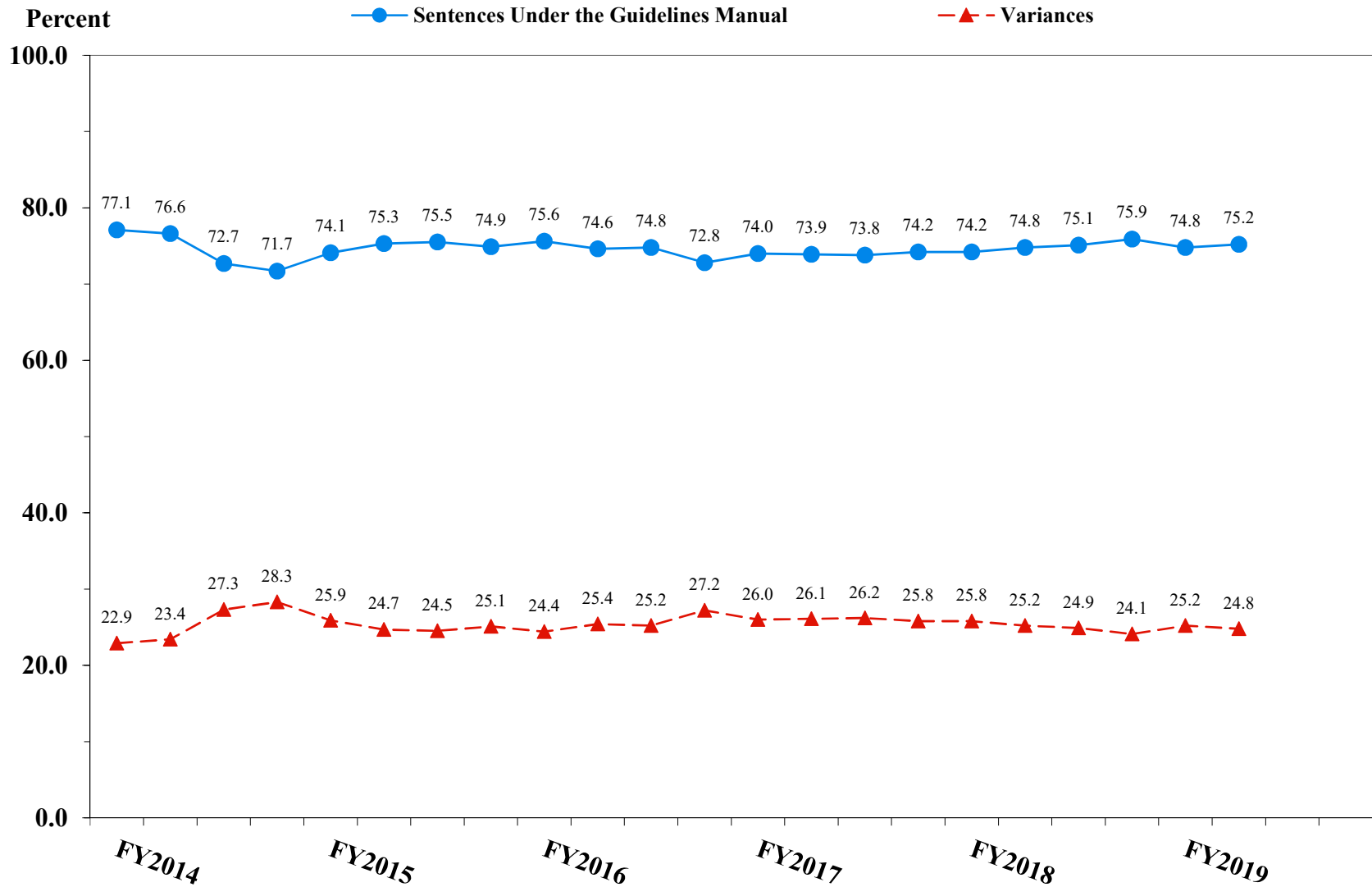
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

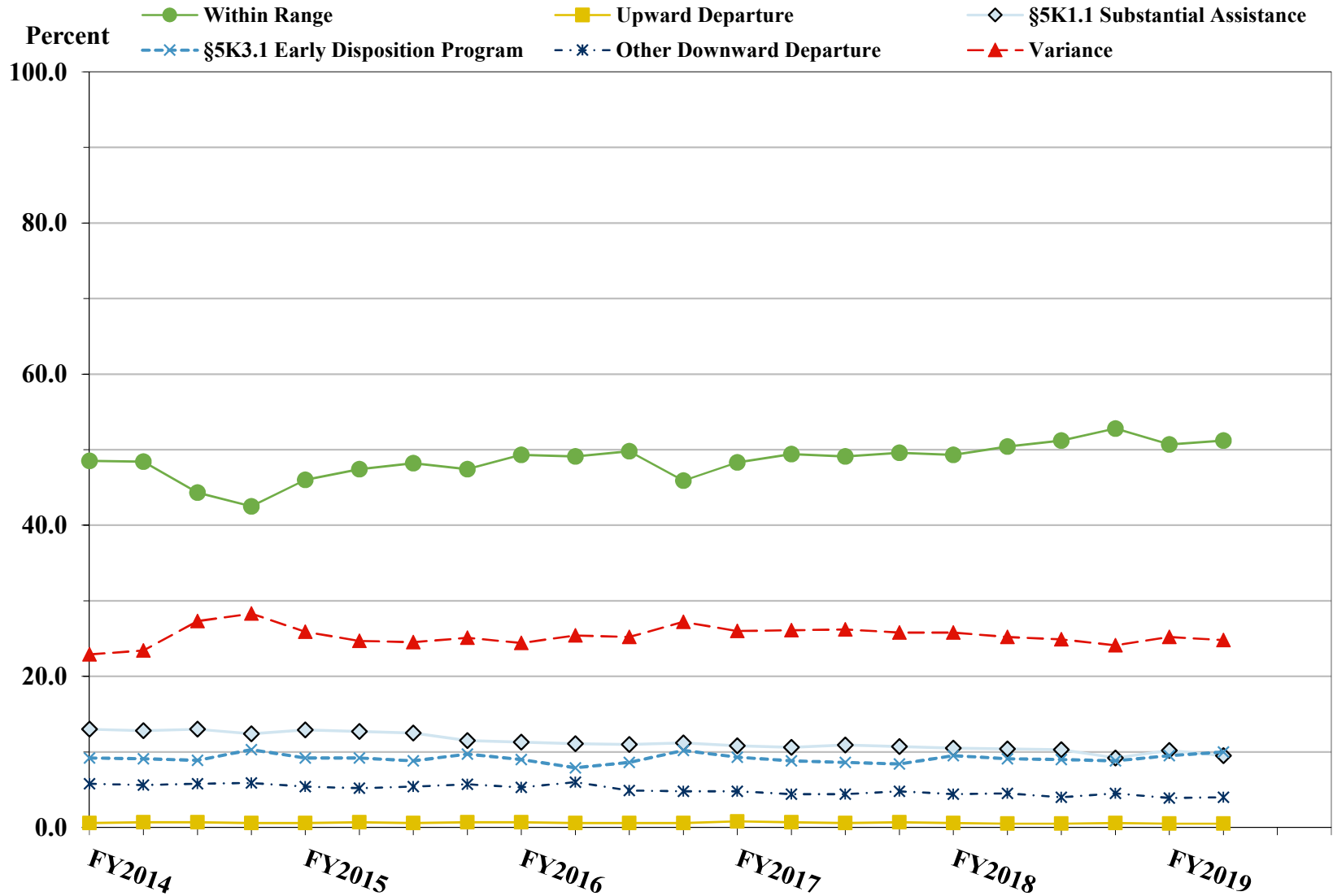


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹
Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)



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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

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

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	34,920	17,797	51.0	183	0.5	3,444	9.9	3,404	9.7	1,369	3.9	8,723	25.0
D.C. CIRCUIT	156	64	41.0	3	1.9	19	12.2	0	0.0	15	9.6	55	35.3
District of Columbia	156	64	41.0	3	1.9	19	12.2	0	0.0	15	9.6	55	35.3
FIRST CIRCUIT	943	459	48.7	8	0.8	90	9.5	1	0.1	39	4.1	346	36.7
Maine	74	26	35.1	2	2.7	18	24.3	0	0.0	2	2.7	26	35.1
Massachusetts	202	68	33.7	2	1.0	26	12.9	1	0.5	17	8.4	88	43.6
New Hampshire	103	40	38.8	0	0.0	15	14.6	0	0.0	1	1.0	47	45.6
Puerto Rico	485	311	64.1	4	0.8	23	4.7	0	0.0	19	3.9	128	26.4
Rhode Island	79	14	17.7	0	0.0	8	10.1	0	0.0	0	0.0	57	72.2
SECOND CIRCUIT	1,457	461	31.6	7	0.5	263	18.1	4	0.3	69	4.7	653	44.8
Connecticut	154	56	36.4	3	1.9	21	13.6	0	0.0	19	12.3	55	35.7
New York													
Eastern	298	74	24.8	1	0.3	54	18.1	0	0.0	32	10.7	137	46.0
Northern	175	84	48.0	0	0.0	31	17.7	1	0.6	6	3.4	53	30.3
Southern	471	114	24.2	0	0.0	70	14.9	3	0.6	7	1.5	277	58.8
Western	269	114	42.4	2	0.7	74	27.5	0	0.0	4	1.5	75	27.9
Vermont	90	19	21.1	1	1.1	13	14.4	0	0.0	1	1.1	56	62.2
THIRD CIRCUIT	1,066	479	44.9	6	0.6	178	16.7	7	0.7	26	2.4	370	34.7
Delaware	51	19	37.3	2	3.9	6	11.8	3	5.9	2	3.9	19	37.3
New Jersey	309	135	43.7	0	0.0	53	17.2	0	0.0	3	1.0	118	38.2
Pennsylvania													
Eastern	251	99	39.4	0	0.0	62	24.7	0	0.0	11	4.4	79	31.5
Middle	224	129	57.6	1	0.4	33	14.7	4	1.8	7	3.1	50	22.3
Western	183	71	38.8	2	1.1	23	12.6	0	0.0	2	1.1	85	46.4
Virgin Islands	48	26	54.2	1	2.1	1	2.1	0	0.0	1	2.1	19	39.6
FOURTH CIRCUIT	2,749	1,552	56.5	21	0.8	338	12.3	1	0.0	92	3.3	745	27.1
Maryland	371	132	35.6	4	1.1	64	17.3	0	0.0	29	7.8	142	38.3
North Carolina													
Eastern	366	224	61.2	8	2.2	74	20.2	0	0.0	5	1.4	55	15.0
Middle	241	139	57.7	3	1.2	29	12.0	0	0.0	1	0.4	69	28.6
Western	247	156	63.2	1	0.4	39	15.8	0	0.0	2	0.8	49	19.8
South Carolina	559	313	56.0	3	0.5	76	13.6	0	0.0	15	2.7	152	27.2
Virginia													
Eastern	575	364	63.3	1	0.2	25	4.3	0	0.0	26	4.5	159	27.7
Western	112	54	48.2	0	0.0	15	13.4	1	0.9	9	8.0	33	29.5
West Virginia													
Northern	149	97	65.1	0	0.0	12	8.1	0	0.0	2	1.3	38	25.5
Southern	129	73	56.6	1	0.8	4	3.1	0	0.0	3	2.3	48	37.2

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	9,103	6,274	68.9	68	0.7	559	6.1	335	3.7	444	4.9	1,423	15.6
Louisiana													
Eastern	126	67	53.2	2	1.6	22	17.5	0	0.0	3	2.4	32	25.4
Middle	99	53	53.5	2	2.0	20	20.2	1	1.0	0	0.0	23	23.2
Western	178	123	69.1	0	0.0	18	10.1	0	0.0	0	0.0	37	20.8
Mississippi													
Northern	83	28	33.7	0	0.0	23	27.7	0	0.0	3	3.6	29	34.9
Southern	220	163	74.1	1	0.5	28	12.7	0	0.0	0	0.0	28	12.7
Texas													
Eastern	338	239	70.7	1	0.3	8	2.4	0	0.0	8	2.4	82	24.3
Northern	789	472	59.8	11	1.4	103	13.1	0	0.0	13	1.6	190	24.1
Southern	3,219	1,900	59.0	48	1.5	183	5.7	249	7.7	296	9.2	543	16.9
Western	4,051	3,229	79.7	3	0.1	154	3.8	85	2.1	121	3.0	459	11.3
SIXTH CIRCUIT	2,486	1,166	46.9	8	0.3	474	19.1	6	0.2	89	3.6	743	29.9
Kentucky													
Eastern	247	127	51.4	0	0.0	48	19.4	0	0.0	3	1.2	69	27.9
Western	140	69	49.3	2	1.4	34	24.3	2	1.4	4	2.9	29	20.7
Michigan													
Eastern	459	195	42.5	1	0.2	67	14.6	0	0.0	13	2.8	183	39.9
Western	194	108	55.7	0	0.0	33	17.0	0	0.0	1	0.5	52	26.8
Ohio													
Northern	421	213	50.6	2	0.5	90	21.4	0	0.0	14	3.3	102	24.2
Southern	221	68	30.8	1	0.5	46	20.8	3	1.4	37	16.7	66	29.9
Tennessee													
Eastern	356	203	57.0	2	0.6	86	24.2	0	0.0	4	1.1	61	17.1
Middle	161	47	29.2	0	0.0	33	20.5	0	0.0	11	6.8	70	43.5
Western	287	136	47.4	0	0.0	37	12.9	1	0.3	2	0.7	111	38.7
SEVENTH CIRCUIT	1,172	427	36.4	2	0.2	115	9.8	1	0.1	52	4.4	575	49.1
Illinois													
Central	111	47	42.3	0	0.0	10	9.0	0	0.0	2	1.8	52	46.8
Northern	300	76	25.3	1	0.3	27	9.0	1	0.3	19	6.3	176	58.7
Southern	143	71	49.7	1	0.7	19	13.3	0	0.0	2	1.4	50	35.0
Indiana													
Northern	163	64	39.3	0	0.0	16	9.8	0	0.0	6	3.7	77	47.2
Southern	232	114	49.1	0	0.0	23	9.9	0	0.0	2	0.9	93	40.1
Wisconsin													
Eastern	136	19	14.0	0	0.0	16	11.8	0	0.0	1	0.7	100	73.5
Western	87	36	41.4	0	0.0	4	4.6	0	0.0	20	23.0	27	31.0
EIGHTH CIRCUIT	2,609	1,209	46.3	11	0.4	337	12.9	41	1.6	52	2.0	959	36.8
Arkansas													
Eastern	257	159	61.9	1	0.4	15	5.8	0	0.0	4	1.6	78	30.4
Western	133	63	47.4	0	0.0	24	18.0	2	1.5	2	1.5	42	31.6
Iowa													
Northern	203	107	52.7	5	2.5	46	22.7	0	0.0	2	1.0	43	21.2
Southern	263	99	37.6	0	0.0	44	16.7	0	0.0	5	1.9	115	43.7
Minnesota	187	63	33.7	0	0.0	32	17.1	0	0.0	10	5.3	82	43.9
Missouri													
Eastern	540	239	44.3	1	0.2	34	6.3	0	0.0	3	0.6	263	48.7
Western	384	160	41.7	1	0.3	54	14.1	0	0.0	13	3.4	156	40.6
Nebraska	268	135	50.4	0	0.0	8	3.0	37	13.8	2	0.7	86	32.1
North Dakota	171	50	29.2	0	0.0	73	42.7	1	0.6	1	0.6	46	26.9
South Dakota	203	134	66.0	3	1.5	7	3.4	1	0.5	10	4.9	48	23.6

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	7,020	2,221	31.6	27	0.4	501	7.1	2,532	36.1	281	4.0	1,458	20.8
Alaska	99	24	24.2	1	1.0	14	14.1	0	0.0	3	3.0	57	57.6
Arizona	2,747	1,009	36.7	19	0.7	66	2.4	1,292	47.0	45	1.6	316	11.5
California													
Central	522	163	31.2	1	0.2	60	11.5	55	10.5	45	8.6	198	37.9
Eastern	242	115	47.5	0	0.0	25	10.3	13	5.4	13	5.4	76	31.4
Northern	222	67	30.2	0	0.0	29	13.1	4	1.8	8	3.6	114	51.4
Southern	1,932	361	18.7	3	0.2	122	6.3	1,135	58.7	136	7.0	175	9.1
Guam	22	14	63.6	0	0.0	3	13.6	0	0.0	2	9.1	3	13.6
Hawaii	54	20	37.0	0	0.0	12	22.2	0	0.0	0	0.0	22	40.7
Idaho	177	75	42.4	0	0.0	36	20.3	13	7.3	10	5.6	43	24.3
Montana	187	72	38.5	0	0.0	51	27.3	0	0.0	2	1.1	62	33.2
Nevada	251	96	38.2	1	0.4	19	7.6	1	0.4	7	2.8	127	50.6
Northern Mariana Islands	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	173	37	21.4	1	0.6	24	13.9	0	0.0	5	2.9	106	61.3
Washington													
Eastern	172	79	45.9	0	0.0	29	16.9	9	5.2	2	1.2	53	30.8
Western	219	88	40.2	1	0.5	11	5.0	10	4.6	3	1.4	106	48.4
TENTH CIRCUIT	3,019	1,711	56.7	19	0.6	174	5.8	465	15.4	171	5.7	479	15.9
Colorado	243	80	32.9	1	0.4	43	17.7	43	17.7	5	2.1	71	29.2
Kansas	201	93	46.3	3	1.5	34	16.9	1	0.5	4	2.0	66	32.8
New Mexico	1,845	1,262	68.4	4	0.2	26	1.4	358	19.4	79	4.3	116	6.3
Oklahoma													
Eastern	54	31	57.4	1	1.9	10	18.5	0	0.0	0	0.0	12	22.2
Northern	110	47	42.7	5	4.5	17	15.5	0	0.0	18	16.4	23	20.9
Western	172	95	55.2	0	0.0	12	7.0	0	0.0	1	0.6	64	37.2
Utah	307	80	26.1	3	1.0	21	6.8	55	17.9	55	17.9	93	30.3
Wyoming	87	23	26.4	2	2.3	11	12.6	8	9.2	9	10.3	34	39.1
ELEVENTH CIRCUIT	3,140	1,774	56.5	3	0.1	396	12.6	11	0.4	39	1.2	917	29.2
Alabama													
Middle	141	76	53.9	0	0.0	28	19.9	1	0.7	1	0.7	35	24.8
Northern	265	160	60.4	0	0.0	54	20.4	1	0.4	4	1.5	46	17.4
Southern	191	140	73.3	0	0.0	21	11.0	0	0.0	2	1.0	28	14.7
Florida													
Middle	761	379	49.8	2	0.3	123	16.2	6	0.8	8	1.1	243	31.9
Northern	136	60	44.1	0	0.0	36	26.5	3	2.2	3	2.2	34	25.0
Southern	997	585	58.7	1	0.1	73	7.3	0	0.0	8	0.8	330	33.1
Georgia													
Middle	199	129	64.8	0	0.0	23	11.6	0	0.0	4	2.0	43	21.6
Northern	253	96	37.9	0	0.0	14	5.5	0	0.0	8	3.2	135	53.4
Southern	197	149	75.6	0	0.0	24	12.2	0	0.0	1	0.5	23	11.7

¹ Of the 35,114 cases, 194 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	34,920	17,797	51.0	183	0.5	3,444	9.9	3,404	9.7	1,369	3.9	8,723	25.0
Administration of Justice	368	184	50.0	7	1.9	18	4.9	3	0.8	24	6.5	132	35.9
Antitrust	14	1	7.1	0	0.0	11	78.6	0	0.0	0	0.0	2	14.3
Arson	30	15	50.0	2	6.7	3	10.0	0	0.0	0	0.0	10	33.3
Assault	342	170	49.7	10	2.9	15	4.4	1	0.3	28	8.2	118	34.5
Bribery/Corruption	162	36	22.2	0	0.0	57	35.2	0	0.0	12	7.4	57	35.2
Burglary/Trespass	32	22	68.8	0	0.0	0	0.0	0	0.0	2	6.3	8	25.0
Child Pornography	655	205	31.3	2	0.3	15	2.3	0	0.0	48	7.3	385	58.8
Commercialized Vice	52	20	38.5	1	1.9	4	7.7	0	0.0	5	9.6	22	42.3
Drug Possession	212	193	91.0	1	0.5	1	0.5	0	0.0	2	0.9	15	7.1
Drug Trafficking	9,017	3,185	35.3	35	0.4	2,065	22.9	546	6.1	379	4.2	2,807	31.1
Environmental	77	36	46.8	0	0.0	4	5.2	0	0.0	6	7.8	31	40.3
Extortion/Racketeering	89	46	51.7	1	1.1	11	12.4	0	0.0	2	2.2	29	32.6
Firearms	4,113	2,255	54.8	28	0.7	265	6.4	4	0.1	146	3.5	1,415	34.4
Food and Drug	25	17	68.0	1	4.0	0	0.0	0	0.0	0	0.0	7	28.0
Forgery/Counter/Copyright	138	63	45.7	0	0.0	20	14.5	0	0.0	6	4.3	49	35.5
Fraud/Theft/Embezzlement	3,067	1,448	47.2	6	0.2	457	14.9	5	0.2	105	3.4	1,046	34.1
Immigration	12,979	8,293	63.9	61	0.5	94	0.7	2,841	21.9	432	3.3	1,258	9.7
Individual Rights	35	22	62.9	0	0.0	5	14.3	0	0.0	1	2.9	7	20.0
Kidnapping	34	9	26.5	1	2.9	8	23.5	0	0.0	2	5.9	14	41.2
Manslaughter	36	21	58.3	4	11.1	0	0.0	0	0.0	2	5.6	9	25.0
Money Laundering	545	152	27.9	1	0.2	144	26.4	2	0.4	36	6.6	210	38.5
Murder	164	66	40.2	1	0.6	35	21.3	0	0.0	15	9.1	47	28.7
National Defense	85	26	30.6	0	0.0	15	17.6	0	0.0	8	9.4	36	42.4
Obscenity/Other Sex Offenses	196	122	62.2	0	0.0	0	0.0	1	0.5	5	2.6	68	34.7
Prison Offenses	278	182	65.5	2	0.7	9	3.2	1	0.4	16	5.8	68	24.5
Robbery	874	354	40.5	13	1.5	124	14.2	0	0.0	35	4.0	348	39.8
Sexual Abuse	516	196	38.0	5	1.0	25	4.8	0	0.0	35	6.8	255	49.4
Stalking/Harassing	109	55	50.5	1	0.9	1	0.9	0	0.0	9	8.3	43	39.4
Tax	261	63	24.1	0	0.0	32	12.3	0	0.0	4	1.5	162	62.1
Other	415	340	81.9	0	0.0	6	1.4	0	0.0	4	1.0	65	15.7

¹ Of the 35,114 cases, 194 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	100	40	0	26	0	6	28	§2D1.8	4	1	0	2	0	0	1
§2A1.2	22	9	1	2	0	2	8	§2D1.9	0	0	0	0	0	0	0
§2A1.3	12	7	1	0	0	1	3	§2D1.10	1	0	0	0	0	0	1
§2A1.4	24	14	3	0	0	1	6	§2D1.11	24	0	0	6	0	0	18
§2A1.5	24	11	0	1	0	4	8	§2D1.12	0	0	0	0	0	0	0
§2A2.1	55	25	1	9	0	3	17	§2D1.13	2	2	0	0	0	0	0
§2A2.2	198	91	8	6	1	18	74	§2D1.14	0	0	0	0	0	0	0
§2A2.3	61	42	0	0	0	3	16	§2D2.1	82	71	1	1	0	1	8
§2A2.4	112	59	2	0	2	8	41	§2D2.2	53	46	0	0	0	1	6
§2A3.1	52	25	0	3	0	5	19	§2D2.3	0	0	0	0	0	0	0
§2A3.2	19	10	1	0	0	0	8	§2D3.1	2	2	0	0	0	0	0
§2A3.3	4	2	2	0	0	0	0	§2D3.2	0	0	0	0	0	0	0
§2A3.4	23	11	0	0	0	2	10	§2D3.3	0	0	0	0	0	0	0
§2A3.5	179	115	0	0	1	5	58	§2D3.4	0	0	0	0	0	0	0
§2A4.1	32	9	1	8	0	2	12	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	38	24	0	1	0	2	11
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	1	0	0	0	0	0
§2A5.2	14	7	0	0	0	2	5	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	3	2	0	0	0	0	1
§2A6.1	66	32	0	1	0	5	28	§2E1.5	0	0	0	0	0	0	0
§2A6.2	40	22	1	0	0	2	15	§2E2.1	8	3	0	0	0	0	5
§2B1.1	2,803	1,220	6	451	5	100	1,021	§2E3.1	19	8	0	0	0	3	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	18	0	0	4	0	2	12	§2E4.1	14	6	0	5	0	0	3
§2B1.5	3	0	0	0	0	0	3	§2E5.1	4	1	0	2	0	0	1
§2B1.6 ²	75	73	0	2	0	0	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	24	15	0	0	0	2	7	§2E5.3	1	1	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	4	3	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0
§2B3.1	861	351	13	121	0	35	341	§2E5.6	0	0	0	0	0	0	0
§2B3.2	14	4	1	3	0	0	6	§2F1.1	1	0	0	0	0	0	1
§2B3.3	5	3	0	0	0	0	2	§2F1.2	0	0	0	0	0	0	0
§2B4.1	41	7	0	15	0	1	18	§2G1.1	44	16	1	5	0	3	19
§2B5.1	116	58	0	16	0	2	40	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	160	79	2	13	0	5	61
§2B5.3	22	5	0	4	0	4	9	§2G2.1	235	63	0	7	0	21	144
§2B5.4	0	0	0	0	0	0	0	§2G2.2	652	204	2	14	0	48	384
§2B6.1	0	0	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0
§2C1.1	112	23	0	42	0	10	37	§2G2.4	0	0	0	0	0	0	0
§2C1.2	4	2	0	0	0	1	1	§2G2.5	0	0	0	0	0	0	0
§2C1.3	3	3	0	0	0	0	0	§2G2.6	9	0	0	1	0	0	8
§2C1.4	0	0	0	0	0	0	0	§2G3.1	14	5	0	0	0	0	9
§2C1.5	0	0	0	0	0	0	0	§2G3.2	1	0	0	0	0	0	1
§2C1.6	0	0	0	0	0	0	0	§2H1.1	14	6	0	4	0	1	3
§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	8,873	3,117	35	2,042	544	369	2,766	§2H1.4	0	0	0	0	0	0	0
§2D1.2	115	62	0	19	0	6	28	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	11	10	0	0	0	0	1
§2D1.4	0	0	0	0	0	0	0	§2H3.1	3	2	0	0	0	0	1
§2D1.5	0	0	0	0	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	2	2	0	0	0	0	0
§2D1.7	1	1	0	0	0	0	0	§2H4.1	3	1	0	1	0	0	1

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	64	17	0	13	0	6	28
§2J1.1	0	0	0	0	0	0	0	§2M5.3	7	1	0	0	0	1	5
§2J1.2	70	16	1	6	1	8	38	§2M6.1	3	2	0	0	0	0	1
§2J1.3	9	3	0	0	0	3	3	§2M6.2	0	0	0	0	0	0	0
§2J1.4	7	6	0	0	0	0	1	§2N1.1	6	0	1	0	0	0	5
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	19	10	0	0	0	0	9	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	15	14	0	0	0	0	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	137	84	2	5	1	9	36
§2K1.1	1	1	0	0	0	0	0	§2P1.2	104	72	0	4	0	4	24
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	13	3	0	3	0	1	6	§2P1.4	0	0	0	0	0	0	0
§2K1.4	29	14	2	3	0	0	10	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	15	5	0	0	0	1	9
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	9	1	0	1	0	4	3
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	3,886	2,095	26	244	4	143	1,374	§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	43	22	0	3	0	1	17
§2K2.4 ³	175	141	2	17	0	0	15	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	9	7	0	0	0	0	2	§2R1.1	14	1	0	11	0	0	2
§2K2.6	0	0	0	0	0	0	0	§2S1.1	464	112	1	139	1	28	183
§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	78	38	0	5	1	8	26
§2L1.1	1,637	667	3	68	576	53	270	§2S1.4	0	0	0	0	0	0	0
§2L1.2	9,773	6,580	57	15	1,948	341	832	§2T1.1	155	39	0	19	0	1	96
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	57	31	0	8	0	4	14	§2T1.3	0	0	0	0	0	0	0
§2L2.2	437	302	0	1	28	13	93	§2T1.4	84	15	0	13	0	2	54
§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	19	6	0	0	0	1	12
§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	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	2	2	0	0	0	0	0
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	1	0	0	0	0	0	§2X1.1	11	7	0	0	0	0	4
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	54	16	2	9	0	3	24
§2M3.6	0	0	0	0	0	0	0	§2X4.1	144	87	3	12	0	5	37
§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	94	69	0	0	0	0	25
§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	6	1	0	2	0	1	2	§2X7.2	0	0	0	0	0	0	0
TOTAL									33,188	16,523	182	3,438	3,113	1,327	8,605

¹ Of the 35,114 cases, 1,926 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 (194) or missing guideline applied (1,912). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	17,123	3,462	20.2	3,489	20.4	2,648	15.5	3,814	22.3	403	2.4
Departures	8,400	3,444	41.0	3,479	41.4	1,984	23.6	3,266	38.9	328	3.9
Upward Departure	183	0	0.0	0	0.0	39	21.3	14	7.7	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	3,444	3,444	100.0	75	2.2	127	3.7	964	28.0	20	0.6
§5K3.1 Early Disposition Program	3,404	0	0.0	3,404	100.0	1,542	45.3	2,093	61.5	292	8.6
Other Government Motion	565	0	0.0	0	0.0	276	48.8	195	34.5	16	2.8
Non-Government Departure	804	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	8,723	18	0.2	10	0.1	664	7.6	548	6.3	75	0.9
Upward Variance	680	18	2.6	10	1.5	90	13.2	61	9.0	0	0.0
Downward Variance											
Government Motion	1,875	0	0.0	0	0.0	574	30.6	487	26.0	75	4.0
Non-Government Variance	6,168	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	2,531	14.8	2,693	15.7	3,328	19.4	665	3.9	2,385	13.9	1,284	7.5
Departures	2,215	26.4	986	11.7	818	9.7	260	3.1	698	8.3	111	1.3
Upward Departure	58	31.7	0	0.0	2	1.1	3	1.6	62	33.9	16	8.7
Downward Departure												
§5K1.1 Substantial Assistance	2,004	58.2	342	9.9	321	9.3	166	4.8	298	0.0	0	0.0
§5K3.1 Early Disposition Program	86	2.5	214	6.3	305	9.0	51	1.5	116	3.4	0	0.0
Other Government Motion	67	11.9	32	5.7	25	4.4	40	7.1	26	4.6	11	1.9
Non-Government Departure	0	0.0	398	49.5	165	20.5	0	0.0	196	24.4	84	10.4
Variations	316	3.6	1,707	19.6	2,510	28.8	405	4.6	1,687	19.3	1,173	13.4
Upward Variance	113	16.6	3	0.4	3	0.4	16	2.4	285	41.9	121	17.8
Downward Variance												
Government Motion	203	10.8	175	9.3	71	3.8	389	20.7	85	4.5	74	3.9
Non-Government Variance	0	0.0	1,529	24.8	2,436	39.5	0	0.0	1,317	21.4	978	15.9

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, 7,390 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	181	79	26	72.8	48	12	45.5
Administration of Justice	7	37	11	47.6	36	10	40.0
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	10	129	46	56.9	96	33	46.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	35	89	31	112.7	84	26	50.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	28	80	23	61.3	75	14	35.0
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	5	45	12	65.8	36	12	29.7
Immigration	60	27	8	62.4	24	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	4	123	58	103.6	120	40	63.8
Money Laundering	1	--	--	--	--	--	--
Murder	1	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	13	209	60	45.2	240	37	32.7
Sexual Abuse	5	115	51	96.9	90	18	60.0
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 35,114 cases, in 183 the sentence was an upward departure from the guideline range. Two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

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

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	679	80	24	65.5	57	13	38.5
Administration of Justice	18	30	7	43.4	30	4	25.8
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	15	75	28	100.6	72	24	37.9
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	3	30	7	40.5	27	4	18.8
Child Pornography	10	141	30	29.1	132	21	28.7
Commercialized Vice	6	57	27	72.2	36	11	51.7
Drug Possession	9	12	5	61.9	8	2	31.3
Drug Trafficking	116	115	32	82.5	84	21	33.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	3	39	8	25.1	38	6	25.0
Firearms	143	84	27	54.4	65	15	34.1
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	49	55	19	75.1	42	18	50.0
Immigration	165	29	11	76.8	24	7	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	5	156	58	96.8	120	45	23.7
Money Laundering	4	117	34	30.0	102	31	28.6
Murder	4	372	93	40.2	394	54	18.0
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	5	83	50	160.6	84	57	163.4
Prison Offenses	13	23	9	57.1	15	5	50.0
Robbery	52	190	46	34.4	180	31	19.0
Sexual Abuse	18	158	33	32.9	141	27	28.4
Stalking/Harassing	4	90	55	111.1	86	50	106.6
Tax	5	54	13	35.3	51	10	24.4
Other	25	11	4	52.0	9	3	33.3

¹ Of the 35,114 cases, in 680 the sentence was a variance above the guideline range. One case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,391	52	48	52.3	37	34	47.8
Administration of Justice	18	4	12	77.1	0	10	91.8
Antitrust	11	4	6	59.7	4	6	50.0
Arson	3	52	78	44.5	44	20	33.3
Assault	15	81	97	60.1	52	82	65.0
Bribery/Corruption	57	14	23	60.8	12	16	54.3
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	14	77	63	46.0	67	58	40.1
Commercialized Vice	4	14	10	39.1	12	7	38.1
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	2,048	65	58	49.8	57	46	46.3
Environmental	4	9	7	65.1	5	6	66.7
Extortion/Racketeering	11	7	18	72.9	5	13	73.8
Firearms	265	42	33	49.2	33	23	41.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	20	12	12	62.0	7	12	59.9
Fraud/Theft/Embezzlement	457	19	26	62.2	12	19	60.9
Immigration	94	13	11	51.5	10	9	43.3
Individual Rights	5	26	26	48.2	36	36	46.2
Kidnapping	6	79	54	43.2	74	49	35.1
Manslaughter	0	--	--	--	--	--	--
Money Laundering	140	46	53	56.2	30	36	52.6
Murder	21	112	112	50.8	96	120	50.0
National Defense	15	20	26	56.1	20	22	51.4
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	9	14	9	40.4	7	5	35.1
Robbery	112	64	52	46.1	53	39	42.0
Sexual Abuse	22	122	103	47.1	116	83	35.9
Stalking/Harassing	1	--	--	--	--	--	--
Tax	32	8	15	69.5	9	12	60.0
Other	6	14	51	74.8	11	50	80.0

¹ Of the 35,114 cases, in 3,444 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, 26 cases were excluded from this table. Also, 27 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 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹**
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,397	13	12	45.7	9	6	40.0
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	546	28	37	55.7	27	33	56.5
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	4	22	17	57.2	17	14	44.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	5	16	9	47.3	15	6	49.9
Immigration	2,836	10	7	43.8	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	1	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	1	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 35,114 cases, in 3,404 the offender received a §5K3.1 early disposition program departure below the guideline range. Seven 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 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

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

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,344	38	25	44.2	18	12	40.0
Administration of Justice	24	10	10	55.9	8	11	51.2
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	27	27	19	50.6	18	9	41.0
Bribery/Corruption	12	9	13	57.7	9	8	52.0
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	48	69	58	47.5	60	44	39.2
Commercialized Vice	5	5	7	85.5	0	6	100.0
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	374	62	40	42.6	46	26	37.5
Environmental	6	8	17	87.5	0	12	100.0
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	146	38	18	37.7	30	12	30.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	6	5	11	69.4	4	9	75.0
Fraud/Theft/Embezzlement	104	22	17	51.1	17	11	42.5
Immigration	432	14	11	41.7	10	6	40.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	2	--	--	--	--	--	--
Money Laundering	35	27	37	62.7	7	19	61.4
Murder	12	133	47	28.8	130	53	24.2
National Defense	8	36	24	34.4	29	12	30.0
Obscenity/Other Sex Offenses	5	6	10	63.6	8	11	52.5
Prison Offenses	16	7	7	48.6	6	6	37.5
Robbery	35	65	45	42.3	60	33	44.3
Sexual Abuse	25	134	72	39.8	120	60	42.6
Stalking/Harassing	8	16	19	59.2	17	19	47.4
Tax	3	14	11	56.0	12	10	34.8
Other	3	5	6	62.7	7	6	46.7

¹ Of the 35,114 cases, in 1,369 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (565) or a non-government departure (804). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, five cases were excluded from this table. Also, 20 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 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

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

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	7,822	49	25	43.3	27	13	35.0
Administration of Justice	114	6	11	67.4	4	10	73.2
Antitrust	1	--	--	--	--	--	--
Arson	9	16	22	63.4	12	24	67.5
Assault	98	41	21	47.0	21	13	39.2
Bribery/Corruption	55	22	16	57.6	12	12	60.0
Burglary/Trespass	5	10	13	50.7	11	4	33.3
Child Pornography	365	79	51	41.1	70	45	38.5
Commercialized Vice	16	11	8	50.0	12	6	47.1
Drug Possession	6	2	3	64.6	3	2	55.6
Drug Trafficking	2,652	73	36	37.4	60	23	31.0
Environmental	29	4	10	81.1	0	7	100.0
Extortion/Racketeering	25	28	23	55.2	13	15	55.0
Firearms	1,260	39	19	40.2	27	12	33.2
Food and Drug	7	28	19	57.8	12	15	70.7
Forgery/Counter/Copyright	46	9	14	60.8	6	9	50.0
Fraud/Theft/Embezzlement	976	20	14	55.6	12	10	49.0
Immigration	1,087	12	7	44.4	8	5	34.8
Individual Rights	5	18	7	43.0	12	6	33.2
Kidnapping	14	109	50	30.8	84	29	30.0
Manslaughter	4	33	7	35.7	33	6	17.1
Money Laundering	193	48	32	45.8	30	18	39.4
Murder	23	159	76	31.4	144	50	33.3
National Defense	34	45	34	48.4	24	22	48.9
Obscenity/Other Sex Offenses	61	11	11	51.8	10	10	48.0
Prison Offenses	54	8	6	51.6	6	6	50.0
Robbery	284	82	28	29.8	70	20	22.8
Sexual Abuse	165	160	66	32.3	180	60	28.6
Stalking/Harassing	39	14	13	50.6	12	10	50.0
Tax	156	11	14	63.2	7	12	58.9
Other	39	14	28	78.4	0	8	98.5

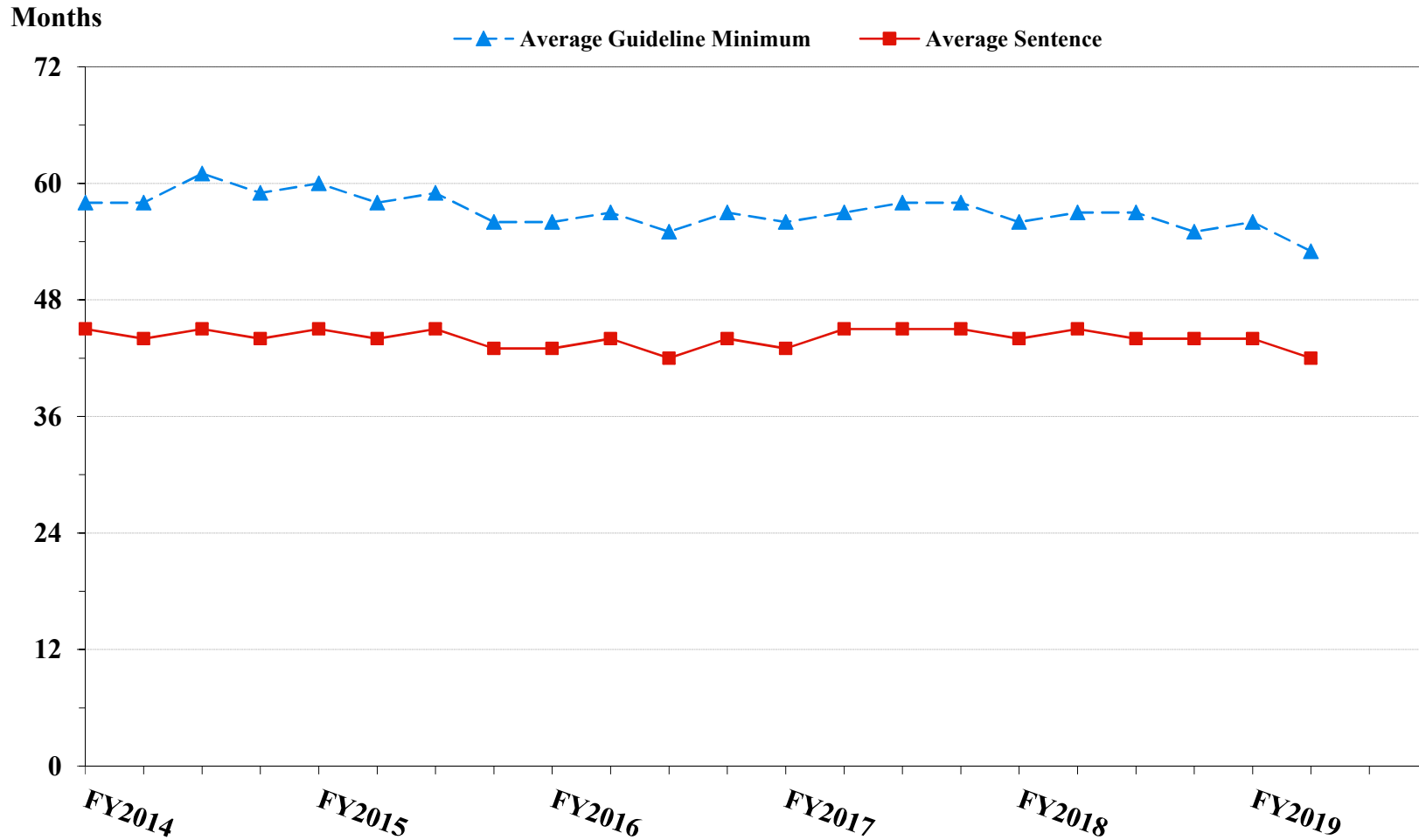
¹ Of the 35,114 cases, in 8,043 the sentence was a variance below the guideline range, either due to a government motion for a variance (1,875) or a non-government variance (6,168). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 71 cases were excluded from this table. Also, 150 case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹**

**Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**



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

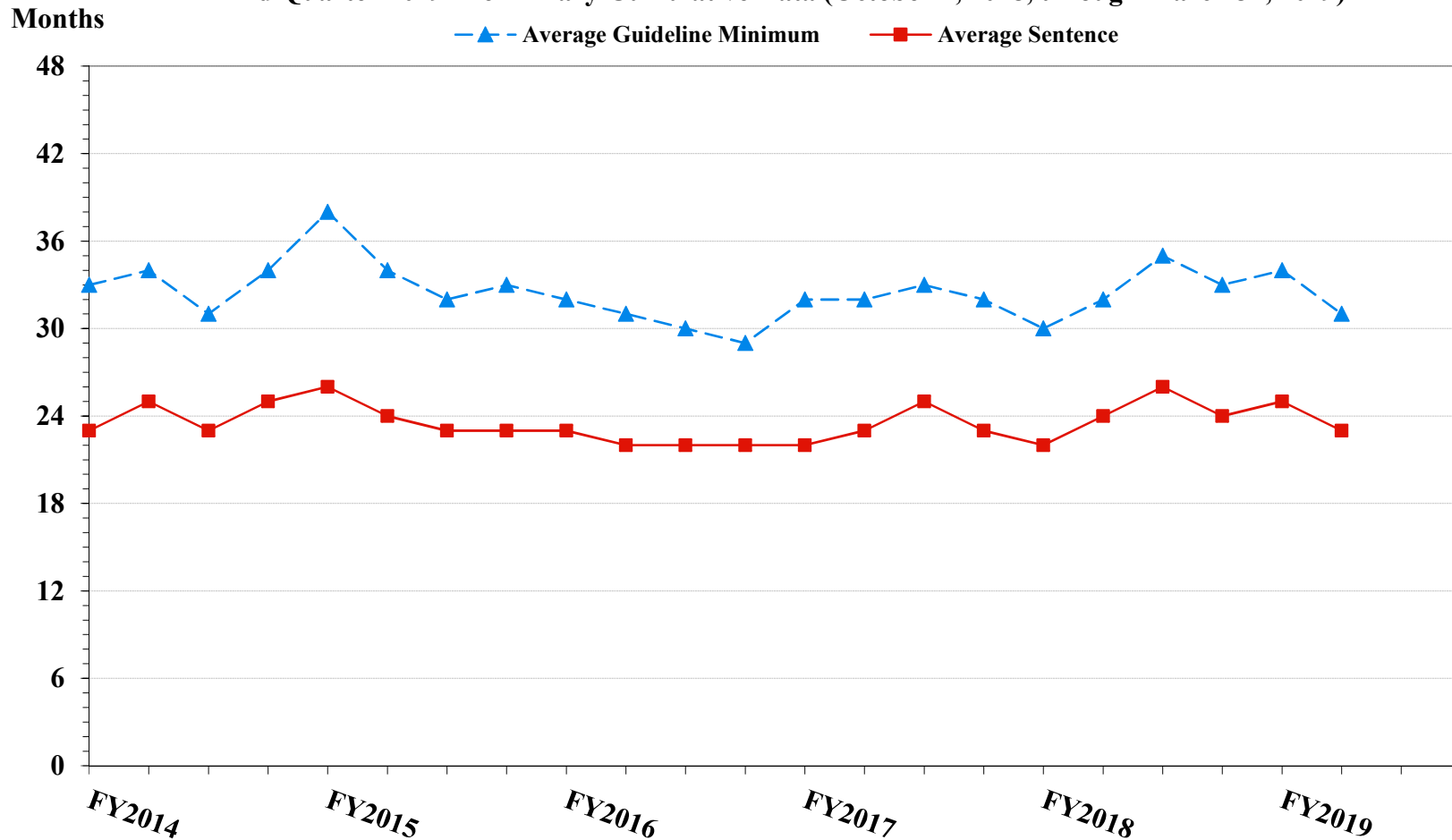
SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 6

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

Fiscal Years 2014 - 2018,

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)



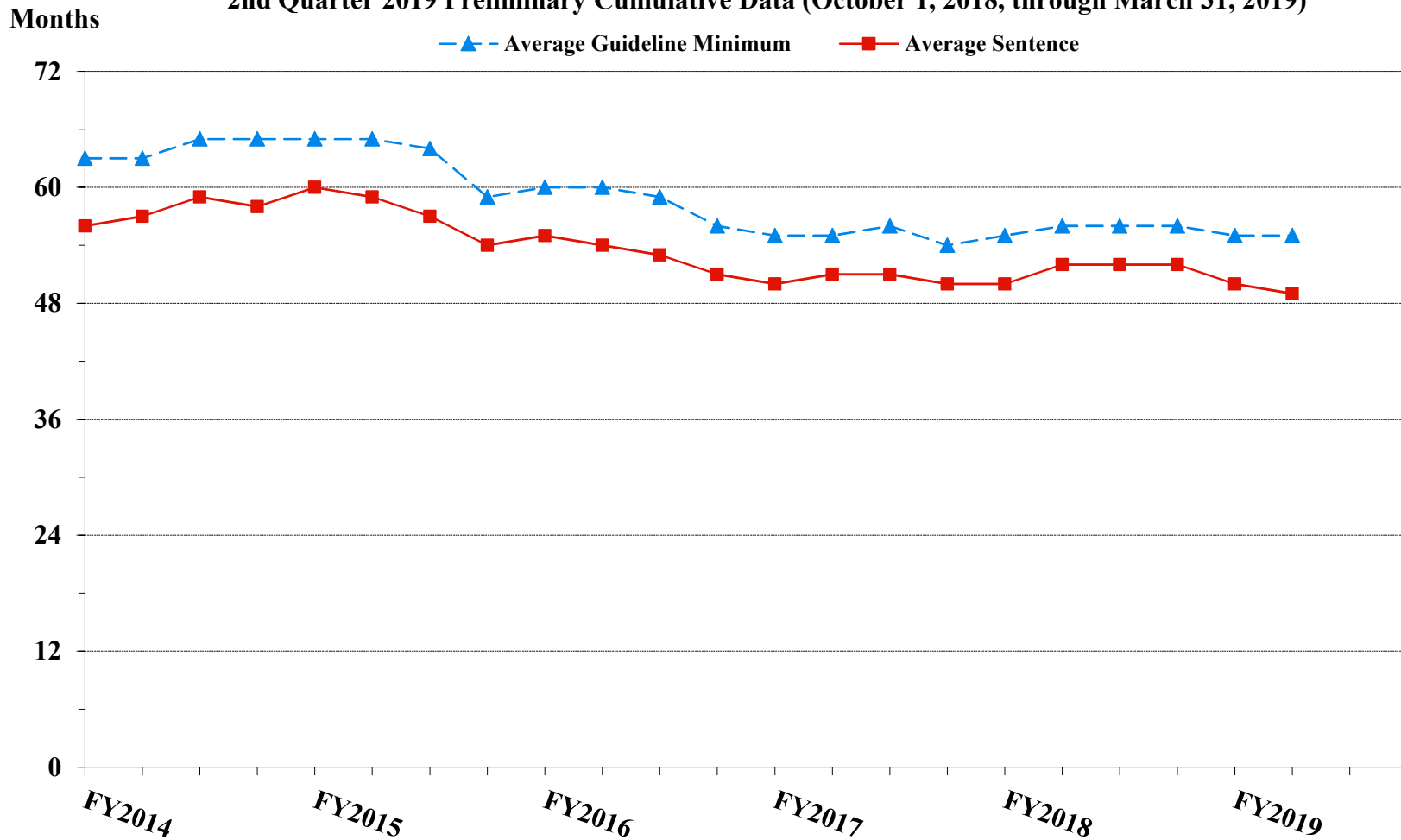
¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 7

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

**Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**

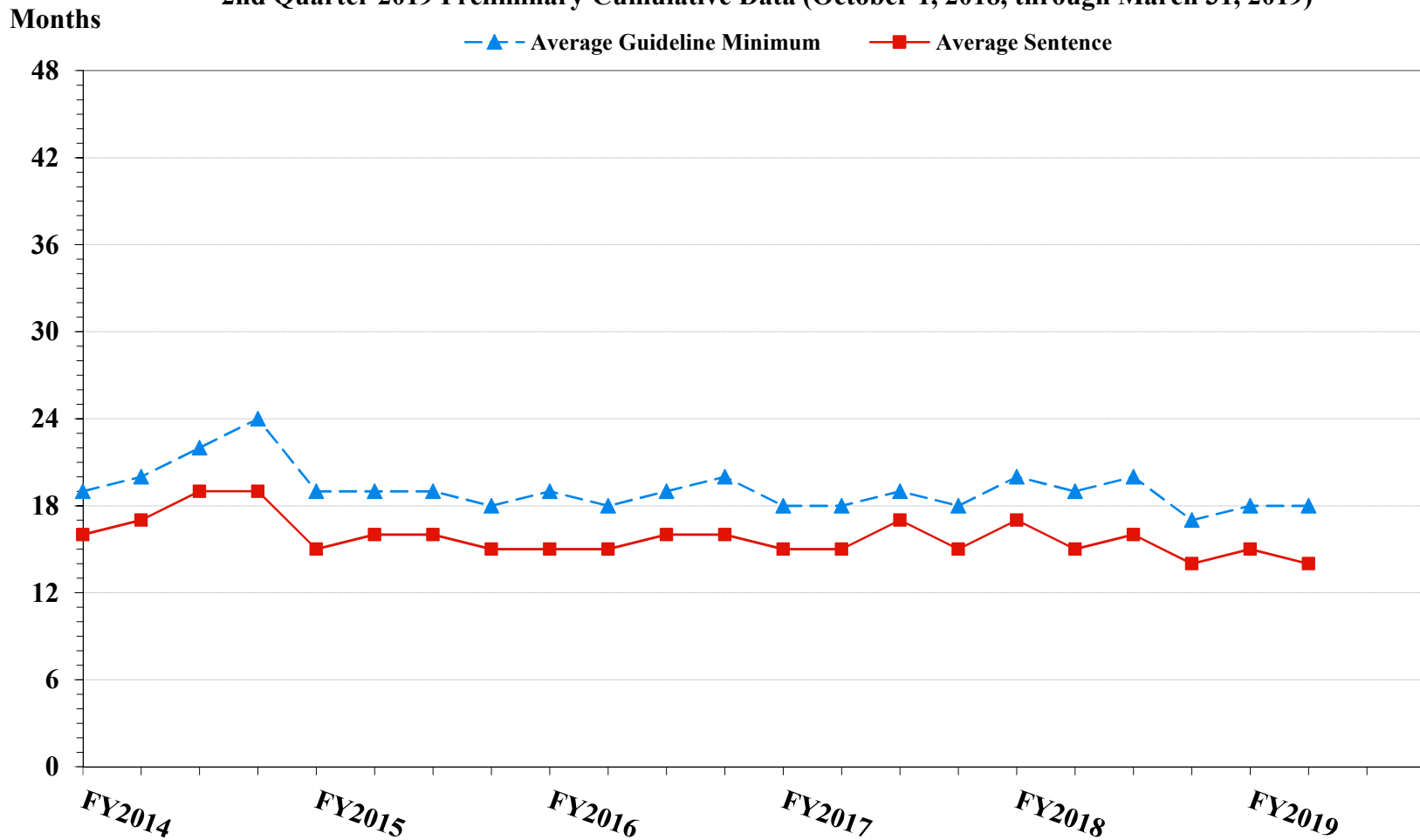


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**

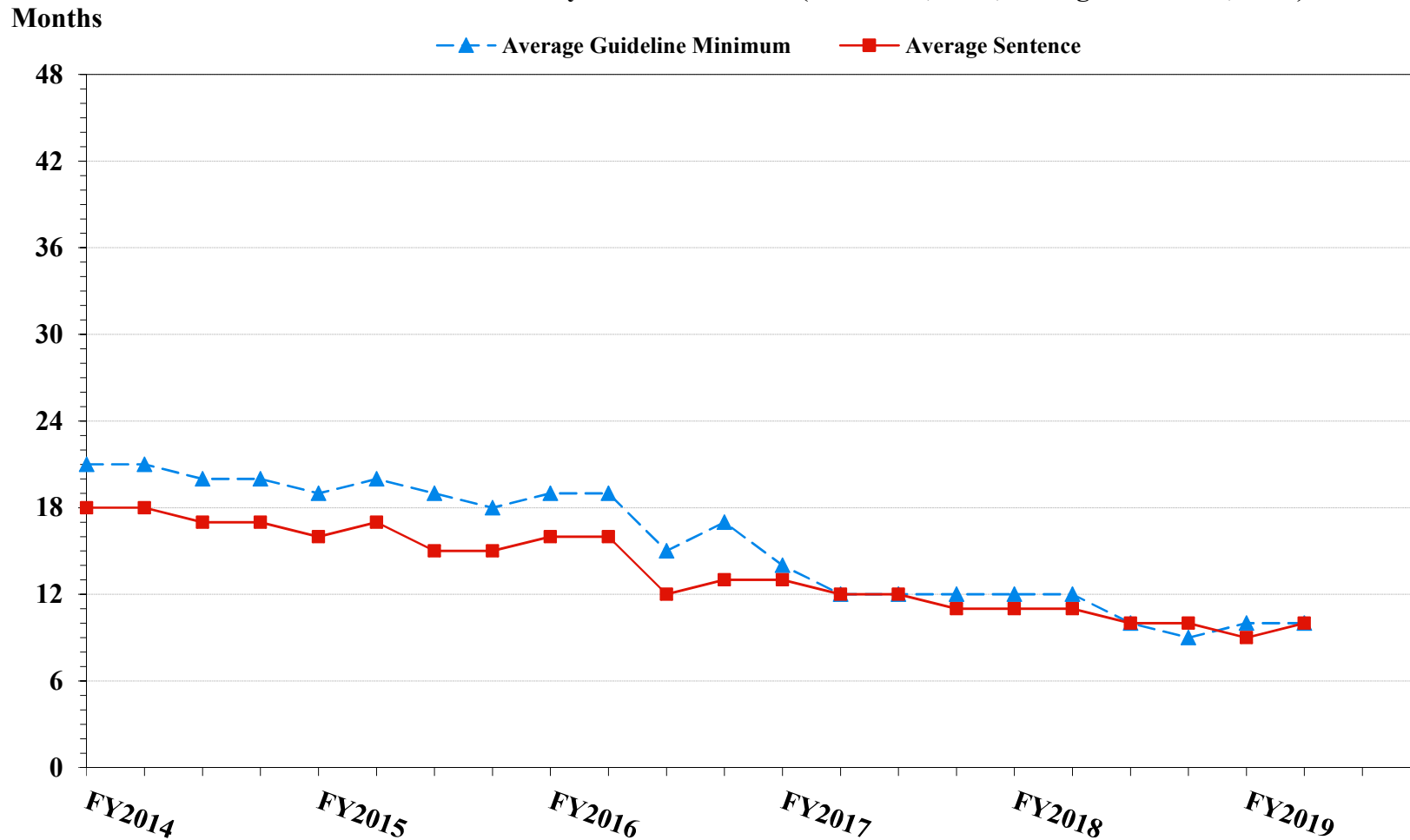


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**

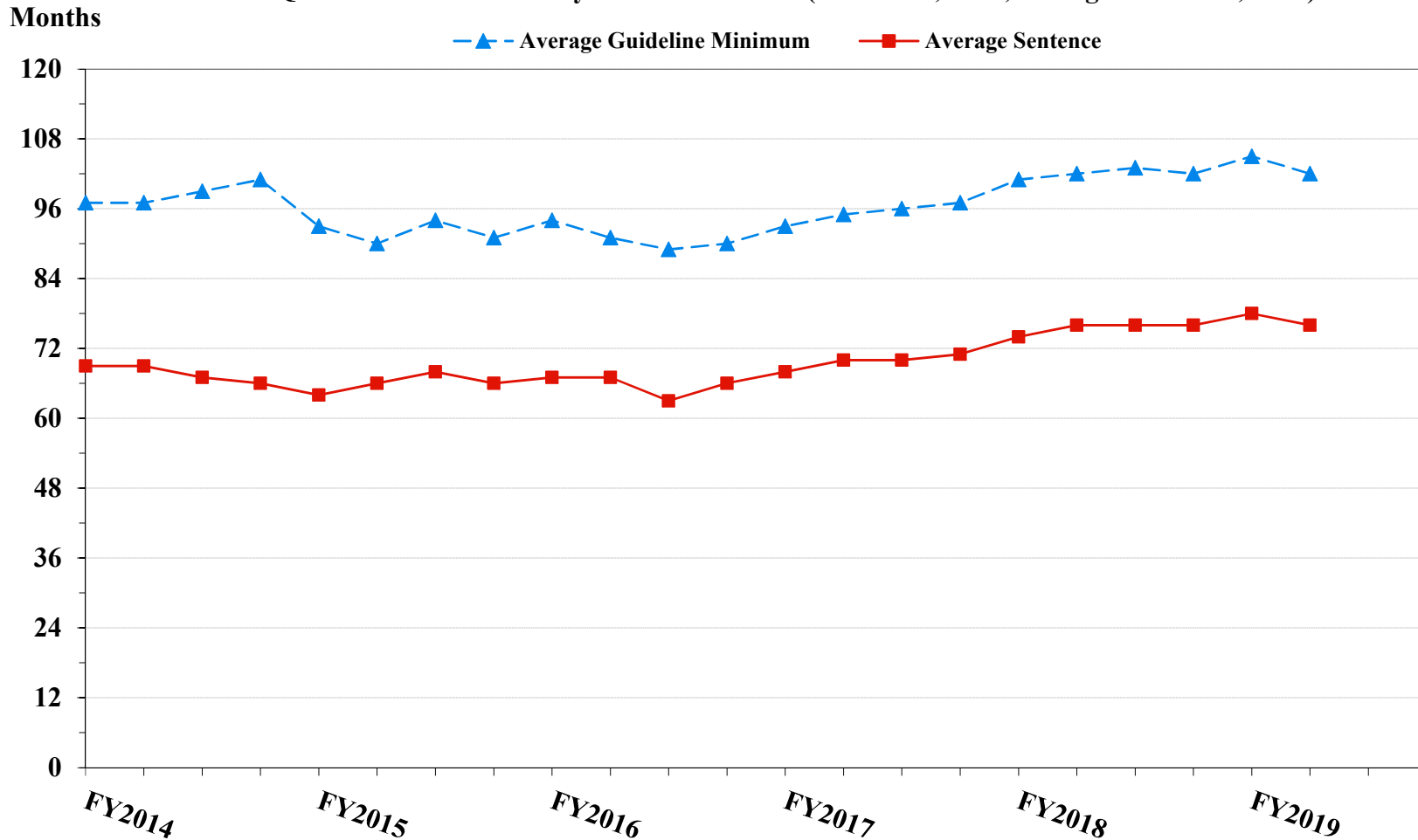


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2014 - 2018,
2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)**

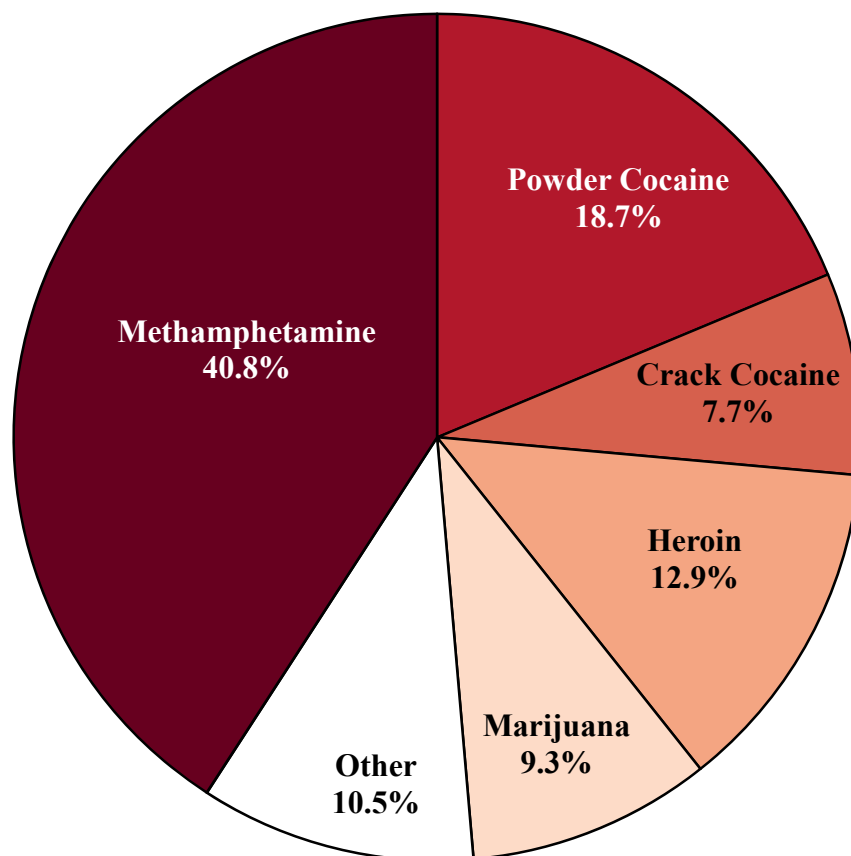


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
2nd Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through March 31, 2019)**



¹ Of the 35,114 cases, in 9,163 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (347), and Oxycodone/Oxycontin (248).

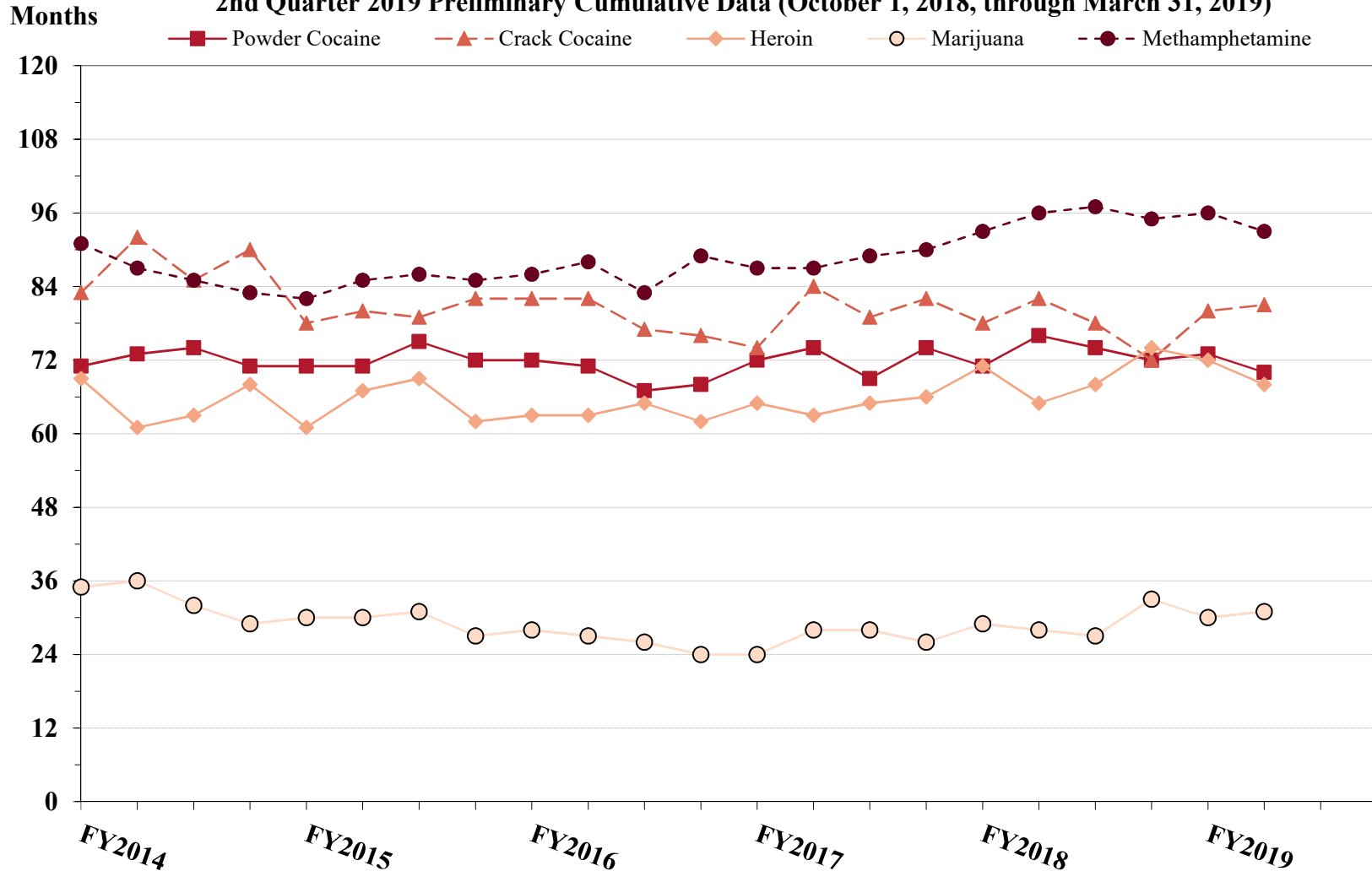
SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through March 31, 2019).

Figure 12

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

Fiscal Years 2014 - 2018,

2nd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through March 31, 2019)



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, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through March 31, 2019).

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 guideline do not apply in those cases.² Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.³

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons 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 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 §5K1.1 or §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 large number of immigration cases. This category does not include cases with USSG §5K3.1 Early Disposition Program (EDP) departures or USSG §5K1.1 Substantial Assistance departures.

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

Sentence Imposed or *Sentence Length* reports the mean and median terms of the sentence imposed in months. It also includes any time served amounts and imprisonment under §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.

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.

Sentence Type

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

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

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

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

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

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

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

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 offense types that are grouped into each of the crime categories used in the individual offender datafile tables for this report:

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

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

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

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

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

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

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

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

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

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

Environmental includes waste discharge; specially protected fish, wildlife, and plants; recordkeeping; tampering; and falsification of hazardous substances; 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 in 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.

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.