

United States Sentencing Commission Quarterly Data Report



**2nd Quarter Release
Preliminary Fiscal Year 2021 Data
Through March 31, 2021**

Introduction

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

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

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

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

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

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2020 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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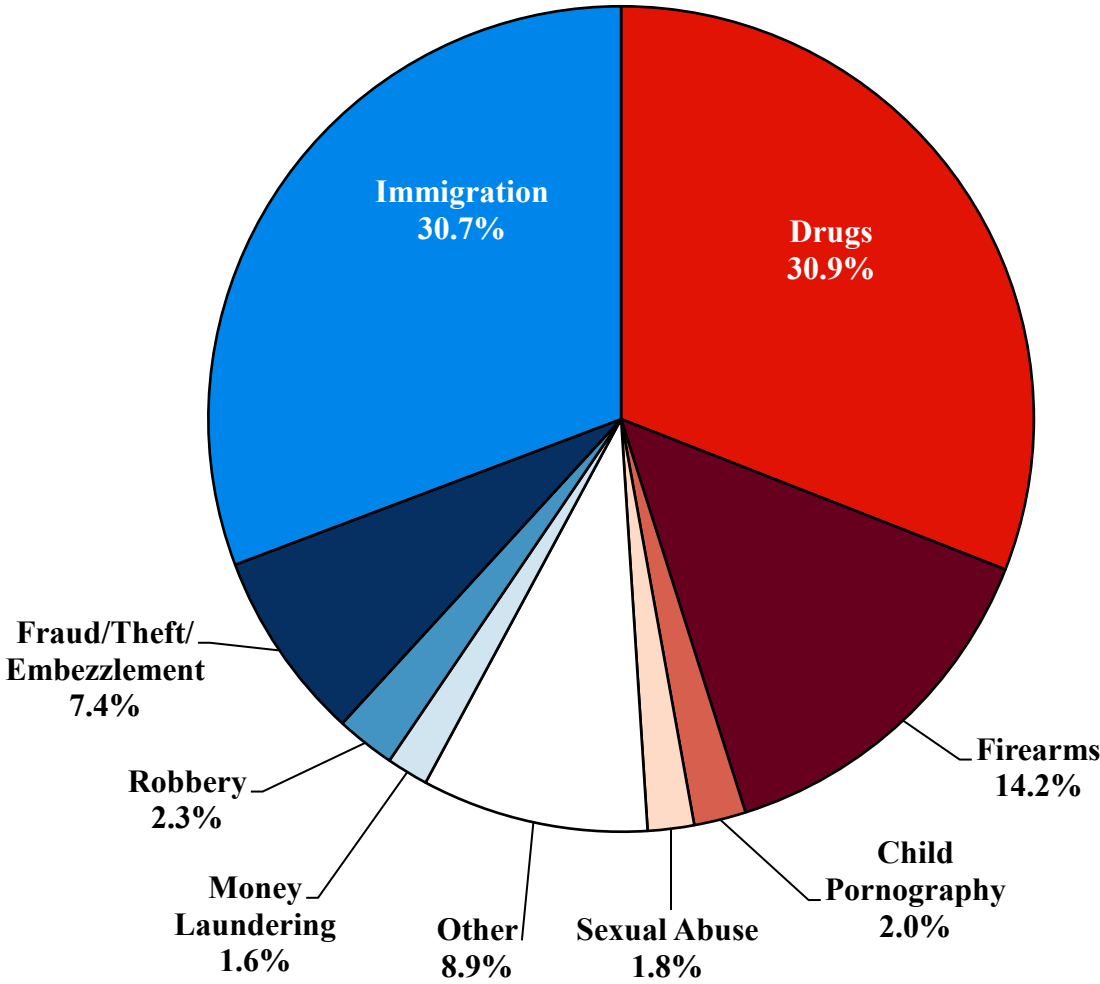
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through March 31, 2021)



¹ This figure includes the 25,841 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	N	%
TOTAL	25,841	100.0
Administration of Justice	247	1.0
Antitrust	3	0.0
Arson	23	0.1
Assault	284	1.1
Bribery/Corruption	119	0.5
Burglary/Trespass	30	0.1
Child Pornography	528	2.0
Commercialized Vice	40	0.2
Drug Possession	139	0.5
Drug Trafficking	7,856	30.4
Environmental	77	0.3
Extortion/Racketeering	58	0.2
Firearms	3,665	14.2
Food and Drug	22	0.1
Forgery/Counter/Copyright	81	0.3
Fraud/Theft/Embezzlement	1,925	7.4
Immigration	7,946	30.7
Individual Rights	31	0.1
Kidnapping	38	0.1
Manslaughter	29	0.1
Money Laundering	423	1.6
Murder	99	0.4
National Defense	92	0.4
Obscenity/Other Sex Offenses	148	0.6
Prison Offenses	263	1.0
Robbery	598	2.3
Sexual Abuse	468	1.8
Stalking/Harassing	104	0.4
Tax	185	0.7
Other	320	1.2

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
2nd Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through March 31, 2021)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	25,841	100.0			
D.C. CIRCUIT	128	0.5	FIFTH CIRCUIT	7,198	27.9
District of Columbia	128	0.5	Louisiana		
			Eastern	65	0.3
			Middle	53	0.2
FIRST CIRCUIT	777	3.0	Western	103	0.4
Maine	93	0.4	Mississippi		
Massachusetts	188	0.7	Northern	48	0.2
New Hampshire	74	0.3	Southern	98	0.4
Puerto Rico	385	1.5	Texas		
Rhode Island	37	0.1	Eastern	310	1.2
			Northern	730	2.8
SECOND CIRCUIT	988	3.8	Southern	3,648	14.1
Connecticut	153	0.6	Western	2,143	8.3
New York			SIXTH CIRCUIT	1,856	7.2
Eastern	196	0.8	Kentucky		
Northern	101	0.4	Eastern	221	0.9
Southern	307	1.2	Western	158	0.6
Western	153	0.6	Michigan		
Vermont	78	0.3	Eastern	168	0.7
			Western	145	0.6
THIRD CIRCUIT	870	3.4	Ohio		
Delaware	25	0.1	Northern	361	1.4
New Jersey	278	1.1	Southern	242	0.9
Pennsylvania			Tennessee		
Eastern	205	0.8	Eastern	285	1.1
Middle	164	0.6	Middle	124	0.5
Western	165	0.6	Western	152	0.6
Virgin Islands	33	0.1			
			SEVENTH CIRCUIT	1,107	4.3
FOURTH CIRCUIT	2,013	7.8	Illinois		
Maryland	248	1.0	Central	110	0.4
North Carolina			Northern	294	1.1
Eastern	407	1.6	Southern	111	0.4
Middle	153	0.6	Indiana		
Western	192	0.7	Northern	160	0.6
South Carolina	246	1.0	Southern	229	0.9
Virginia			Wisconsin		
Eastern	436	1.7	Eastern	136	0.5
Western	131	0.5	Western	67	0.3
West Virginia					
Northern	88	0.3			
Southern	112	0.4			

Table 2 (cont.)

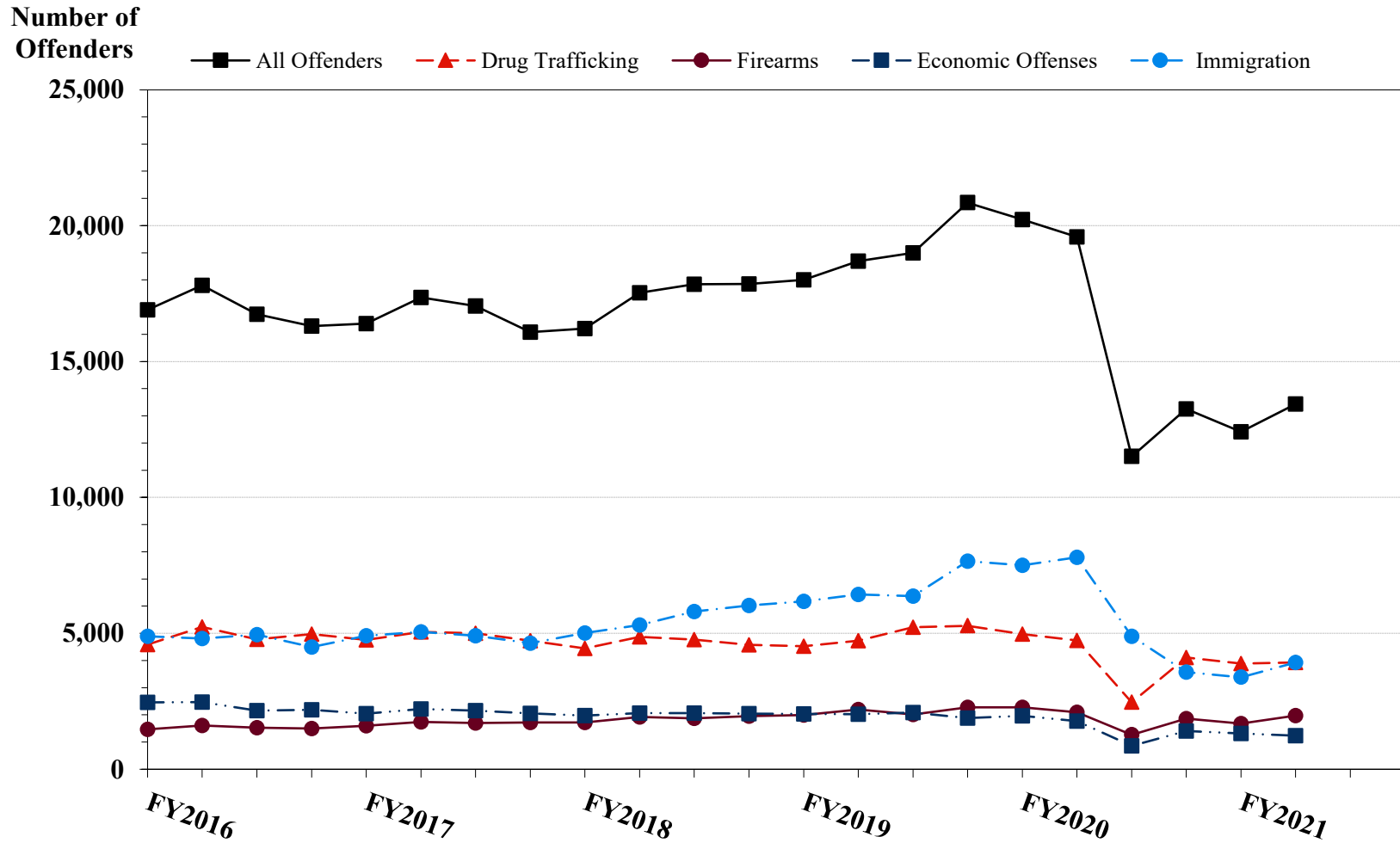
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	2,134	8.3	TENTH CIRCUIT	1,754	6.8
Arkansas			Colorado	158	0.6
Eastern	251	1.0	Kansas	151	0.6
Western	95	0.4	New Mexico	677	2.6
Iowa			Oklahoma		
Northern	151	0.6	Eastern	44	0.2
Southern	248	1.0	Northern	121	0.5
Minnesota	78	0.3	Western	203	0.8
Missouri			Utah	306	1.2
Eastern	525	2.0	Wyoming	94	0.4
Western	237	0.9			
Nebraska	196	0.8	ELEVENTH CIRCUIT	1,886	7.3
North Dakota	141	0.5	Alabama		
South Dakota	212	0.8	Middle	66	0.3
			Northern	218	0.8
NINTH CIRCUIT	5,130	19.9	Southern	94	0.4
Alaska	84	0.3	Florida		
Arizona	2,315	9.0	Middle	481	1.9
California			Northern	103	0.4
Central	413	1.6	Southern	282	1.1
Eastern	135	0.5	Georgia		
Northern	188	0.7	Middle	158	0.6
Southern	1,070	4.1	Northern	281	1.1
Guam	18	0.1	Southern	203	0.8
Hawaii	73	0.3			
Idaho	133	0.5			
Montana	171	0.7			
Nevada	124	0.5			
Northern Mariana Islands	8	0.0			
Oregon	157	0.6			
Washington					
Eastern	104	0.4			
Western	137	0.5			

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

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

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2016 - 2020,
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	25,539	5,743	22.5	5,773	22.6	12,943	50.7	1,080	4.2
Administration of Justice	246	69	28.0	62	25.2	85	34.6	30	12.2
Antitrust	3	3	100.0	0	0.0	0	0.0	0	0.0
Arson	23	9	39.1	9	39.1	4	17.4	1	4.3
Assault	275	43	15.6	55	20.0	45	16.4	132	48.0
Bribery/Corruption	119	54	45.4	27	22.7	24	20.2	14	11.8
Burglary/Trespass	29	7	24.1	10	34.5	8	27.6	4	13.8
Child Pornography	528	443	83.9	21	4.0	50	9.5	14	2.7
Commercialized Vice	33	16	48.5	7	21.2	1	3.0	9	27.3
Drug Possession	114	52	45.6	38	33.3	19	16.7	5	4.4
Drug Trafficking	7,846	2,052	26.2	2,088	26.6	3,461	44.1	245	3.1
Environmental	75	40	53.3	3	4.0	20	26.7	12	16.0
Extortion/Racketeering	58	17	29.3	12	20.7	16	27.6	13	22.4
Firearms	3,657	889	24.3	1,961	53.6	679	18.6	128	3.5
Food and Drug	22	21	95.5	0	0.0	0	0.0	1	4.5
Forgery/Counter/Copyright	80	39	48.8	16	20.0	13	16.3	12	15.0
Fraud/Theft/Embezzlement	1,908	817	42.8	553	29.0	402	21.1	136	7.1
Immigration	7,853	220	2.8	96	1.2	7,481	95.3	56	0.7
Individual Rights	29	16	55.2	5	17.2	3	10.3	5	17.2
Kidnapping	38	13	34.2	7	18.4	12	31.6	6	15.8
Manslaughter	29	3	10.3	4	13.8	3	10.3	19	65.5
Money Laundering	422	115	27.3	89	21.1	183	43.4	35	8.3
Murder	99	5	5.1	52	52.5	35	35.4	7	7.1
National Defense	92	14	15.2	4	4.3	65	70.7	9	9.8
Obscenity/Other Sex Offenses	147	67	45.6	23	15.6	22	15.0	35	23.8
Prison Offenses	254	68	26.8	94	37.0	83	32.7	9	3.5
Robbery	597	105	17.6	357	59.8	108	18.1	27	4.5
Sexual Abuse	468	270	57.7	70	15.0	55	11.8	73	15.6
Stalking/Harassing	104	67	64.4	16	15.4	11	10.6	10	9.6
Tax	185	103	55.7	46	24.9	17	9.2	19	10.3
Other	206	106	51.5	48	23.3	38	18.4	14	6.8

¹ Of the 25,841 cases, 302 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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	25,814	22,440	86.9	3,374	13.1
Administration of Justice	247	175	70.9	72	29.1
Antitrust	3	3	100.0	0	0.0
Arson	23	21	91.3	2	8.7
Assault	284	251	88.4	33	11.6
Bribery/Corruption	119	97	81.5	22	18.5
Burglary/Trespass	30	28	93.3	2	6.7
Child Pornography	528	520	98.5	8	1.5
Commercialized Vice	38	32	84.2	6	15.8
Drug Possession	135	81	60.0	54	40.0
Drug Trafficking	7,856	6,455	82.2	1,401	17.8
Environmental	77	69	89.6	8	10.4
Extortion/Racketeering	58	51	87.9	7	12.1
Firearms	3,665	3,525	96.2	140	3.8
Food and Drug	22	14	63.6	8	36.4
Forgery/Counter/Copyright	81	59	72.8	22	27.2
Fraud/Theft/Embezzlement	1,923	1,310	68.1	613	31.9
Immigration	7,934	7,295	91.9	639	8.1
Individual Rights	31	24	77.4	7	22.6
Kidnapping	38	33	86.8	5	13.2
Manslaughter	29	25	86.2	4	13.8
Money Laundering	423	340	80.4	83	19.6
Murder	99	90	90.9	9	9.1
National Defense	92	76	82.6	16	17.4
Obscenity/Other Sex Offenses	148	144	97.3	4	2.7
Prison Offenses	263	243	92.4	20	7.6
Robbery	598	567	94.8	31	5.2
Sexual Abuse	468	443	94.7	25	5.3
Stalking/Harassing	104	99	95.2	5	4.8
Tax	185	134	72.4	51	27.6
Other	313	236	75.4	77	24.6

¹ Of the 25,841 cases, 27 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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	25,683	16,708	65.1	8,975	34.9
Administration of Justice	246	208	84.6	38	15.4
Antitrust	3	3	100.0	0	0.0
Arson	23	23	100.0	0	0.0
Assault	277	265	95.7	12	4.3
Bribery/Corruption	119	117	98.3	2	1.7
Burglary/Trespass	29	29	100.0	0	0.0
Child Pornography	528	514	97.3	14	2.7
Commercialized Vice	36	32	88.9	4	11.1
Drug Possession	117	112	95.7	5	4.3
Drug Trafficking	7,851	6,450	82.2	1,401	17.8
Environmental	77	69	89.6	8	10.4
Extortion/Racketeering	58	51	87.9	7	12.1
Firearms	3,664	3,510	95.8	154	4.2
Food and Drug	22	21	95.5	1	4.5
Forgery/Counter/Copyright	81	70	86.4	11	13.6
Fraud/Theft/Embezzlement	1,903	1,604	84.3	299	15.7
Immigration	7,946	1,198	15.1	6,748	84.9
Individual Rights	30	21	70.0	9	30.0
Kidnapping	38	33	86.8	5	13.2
Manslaughter	29	29	100.0	0	0.0
Money Laundering	423	297	70.2	126	29.8
Murder	99	83	83.8	16	16.2
National Defense	91	56	61.5	35	38.5
Obscenity/Other Sex Offenses	147	144	98.0	3	2.0
Prison Offenses	262	250	95.4	12	4.6
Robbery	596	575	96.5	21	3.5
Sexual Abuse	468	454	97.0	14	3.0
Stalking/Harassing	104	99	95.2	5	4.8
Tax	185	180	97.3	5	2.7
Other	231	211	91.3	20	8.7

¹ Of the 25,841 cases, 158 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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	47	24	25,841
Administration of Justice	14	9	247
Antitrust	2	0	3
Arson	88	60	23
Assault	51	30	284
Bribery/Corruption	19	12	119
Burglary/Trespass	21	12	30
Child Pornography	109	90	528
Commercialized Vice	15	6	40
Drug Possession	1	0	139
Drug Trafficking	74	60	7,856
Environmental	2	0	77
Extortion/Racketeering	23	12	58
Firearms	48	37	3,665
Food and Drug	11	3	22
Forgery/Counter/Copyright	14	12	81
Fraud/Theft/Embezzlement	20	10	1,925
Immigration	12	8	7,946
Individual Rights	35	3	31
Kidnapping	154	125	38
Manslaughter	71	51	29
Money Laundering	62	36	423
Murder	220	198	99
National Defense	35	30	92
Obscenity/Other Sex Offenses	21	18	148
Prison Offenses	11	8	263
Robbery	106	95	598
Sexual Abuse	207	180	468
Stalking/Harassing	27	16	104
Tax	16	12	185
Other	2	0	320

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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	25,841	23,591	91.3	22,953	88.8	638	2.5	2,089	8.1	437	1.7	1,652	6.4	161	0.6
Administration of Justice	247	182	73.7	172	69.6	10	4.0	64	25.9	14	5.7	50	20.2	1	0.4
Antitrust	3	1	33.3	1	33.3	0	0.0	1	33.3	1	33.3	0	0.0	1	33.3
Arson	23	23	100.0	23	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Assault	284	253	89.1	244	85.9	9	3.2	29	10.2	3	1.1	26	9.2	2	0.7
Bribery/Corruption	119	84	70.6	74	62.2	10	8.4	35	29.4	11	9.2	24	20.2	0	0.0
Burglary/Trespass	30	26	86.7	24	80.0	2	6.7	4	13.3	1	3.3	3	10.0	0	0.0
Child Pornography	528	521	98.7	514	97.3	7	1.3	7	1.3	3	0.6	4	0.8	0	0.0
Commercialized Vice	40	22	55.0	21	52.5	1	2.5	12	30.0	4	10.0	8	20.0	6	15.0
Drug Possession	139	52	37.4	52	37.4	0	0.0	55	39.6	6	4.3	49	35.3	32	23.0
Drug Trafficking	7,856	7,575	96.4	7,306	93.0	269	3.4	281	3.6	75	1.0	206	2.6	0	0.0
Environmental	77	18	23.4	17	22.1	1	1.3	55	71.4	8	10.4	47	61.0	4	5.2
Extortion/Racketeering	58	37	63.8	35	60.3	2	3.4	21	36.2	3	5.2	18	31.0	0	0.0
Firearms	3,665	3,453	94.2	3,387	92.4	66	1.8	211	5.8	34	0.9	177	4.8	1	0.0
Food and Drug	22	10	45.5	10	45.5	0	0.0	11	50.0	3	13.6	8	36.4	1	4.5
Forgery/Counter/Copyright	81	58	71.6	58	71.6	0	0.0	23	28.4	6	7.4	17	21.0	0	0.0
Fraud/Theft/Embezzlement	1,925	1,320	68.6	1,224	63.6	96	5.0	588	30.5	128	6.6	460	23.9	17	0.9
Immigration	7,946	7,578	95.4	7,493	94.3	85	1.1	368	4.6	71	0.9	297	3.7	0	0.0
Individual Rights	31	13	41.9	12	38.7	1	3.2	10	32.3	3	9.7	7	22.6	8	25.8
Kidnapping	38	38	100.0	38	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	29	29	100.0	26	89.7	3	10.3	0	0.0	0	0.0	0	0.0	0	0.0
Money Laundering	423	372	87.9	366	86.5	6	1.4	51	12.1	15	3.5	36	8.5	0	0.0
Murder	99	98	99.0	96	97.0	2	2.0	1	1.0	0	0.0	1	1.0	0	0.0
National Defense	92	86	93.5	83	90.2	3	3.3	5	5.4	0	0.0	5	5.4	1	1.1
Obscenity/Other Sex Offenses	148	143	96.6	132	89.2	11	7.4	5	3.4	1	0.7	4	2.7	0	0.0
Prison Offenses	263	252	95.8	244	92.8	8	3.0	11	4.2	4	1.5	7	2.7	0	0.0
Robbery	598	586	98.0	567	94.8	19	3.2	12	2.0	2	0.3	10	1.7	0	0.0
Sexual Abuse	468	467	99.8	457	97.6	10	2.1	1	0.2	0	0.0	1	0.2	0	0.0
Stalking/Harassing	104	94	90.4	88	84.6	6	5.8	10	9.6	1	1.0	9	8.7	0	0.0
Tax	185	118	63.8	107	57.8	11	5.9	67	36.2	23	12.4	44	23.8	0	0.0
Other	320	82	25.6	82	25.6	0	0.0	151	47.2	17	5.3	134	41.9	87	27.2

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 2021 Datafile, USSCFY21 (October 1, 2020, through March 31, 2021).

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

	<u>N</u>	<u>%</u>
TOTAL CASES	25,717	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	17,676	68.7
Within Guideline Range	11,083	43.1
Upward Departure ²	118	0.5
Downward Departure		
§5K1.1 Substantial Assistance	2,372	9.2
§5K3.1 Early Disposition Program	2,906	11.3
Other Government Motion ³	550	2.1
Non-Government Departure ⁴	647	2.5
VARIANCES	8,041	31.3
Upward Variance ⁵	519	2.0
Downward Variance		
Government Motion ⁶	2,163	8.4
Non-Government Variance ⁷	5,359	20.8

¹ This table reflects the 25,841 cases sentenced on or after October 1, 2020, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 2, 2021. Of these, 124 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

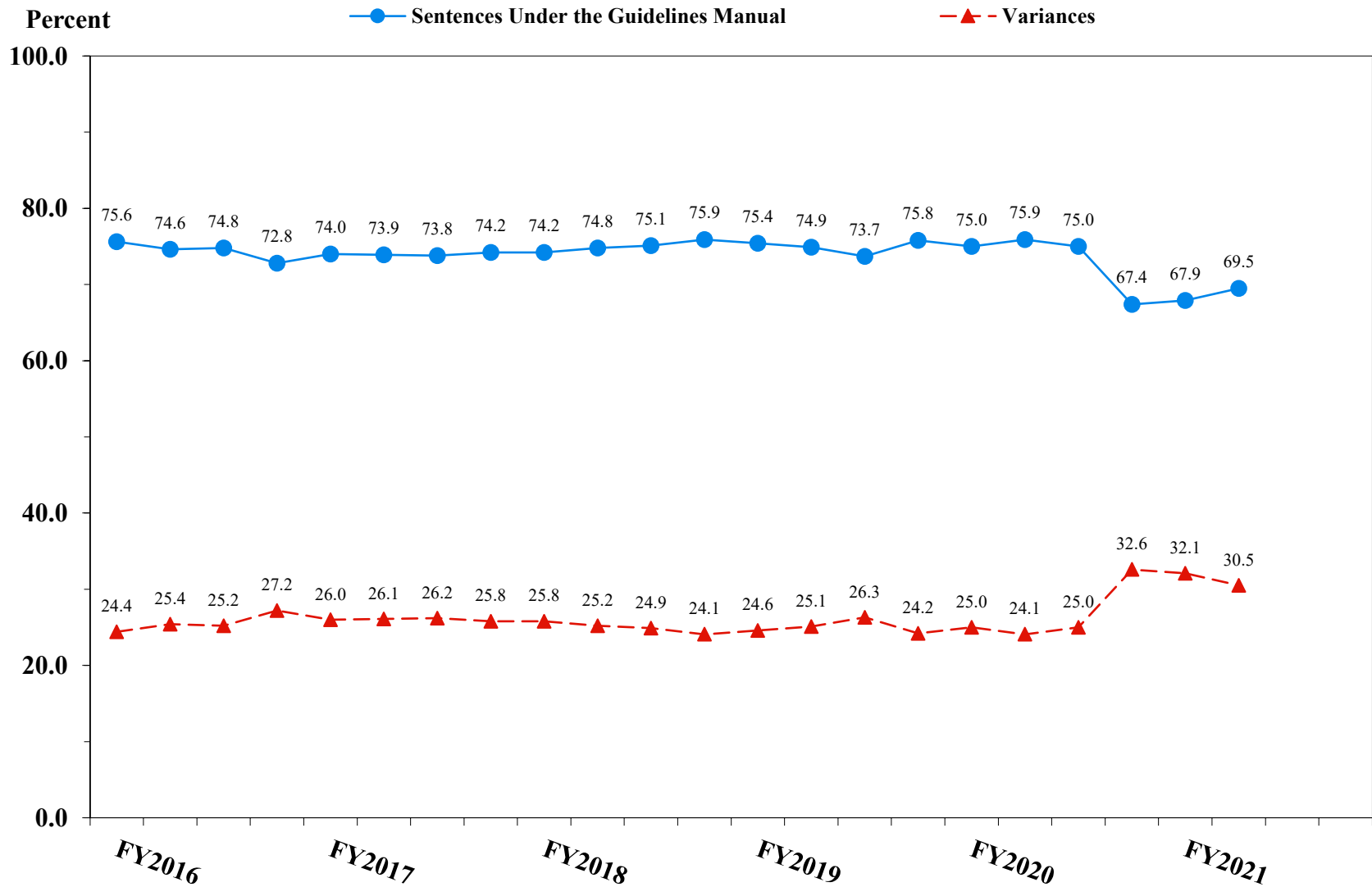
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

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

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2016 - 2020,
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)



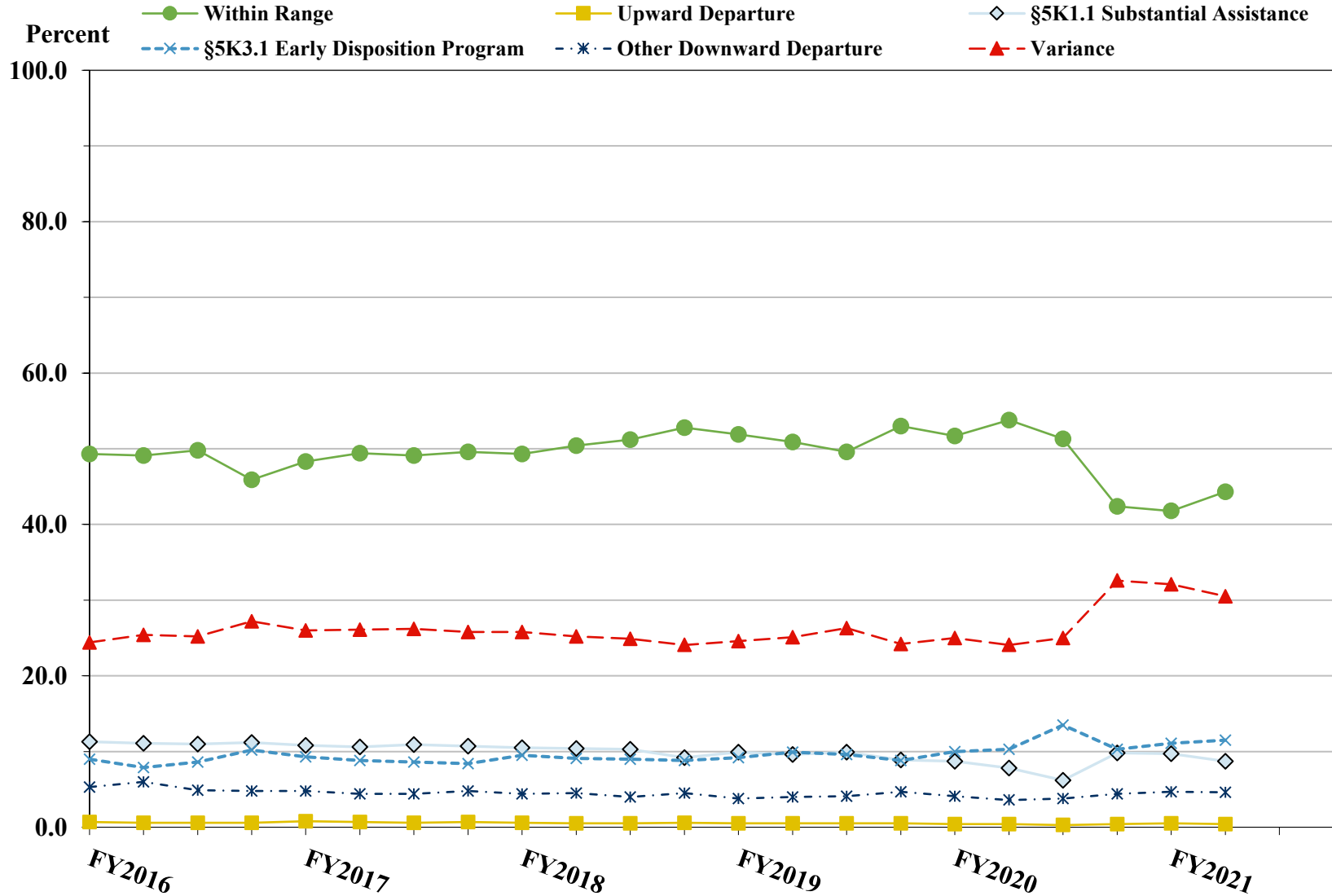
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2016 - 2020,
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

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

2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	25,717	11,083	43.1	118	0.5	2,372	9.2	2,906	11.3	1,197	4.7	8,041	31.3
D.C. CIRCUIT	126	33	26.2	0	0.0	10	7.9	0	0.0	12	9.5	71	56.3
District of Columbia	126	33	26.2	0	0.0	10	7.9	0	0.0	12	9.5	71	56.3
FIRST CIRCUIT	777	298	38.4	3	0.4	60	7.7	0	0.0	45	5.8	371	47.7
Maine	93	16	17.2	1	1.1	15	16.1	0	0.0	1	1.1	60	64.5
Massachusetts	188	53	28.2	2	1.1	11	5.9	0	0.0	14	7.4	108	57.4
New Hampshire	74	15	20.3	0	0.0	7	9.5	0	0.0	6	8.1	46	62.2
Puerto Rico	385	209	54.3	0	0.0	25	6.5	0	0.0	24	6.2	127	33.0
Rhode Island	37	5	13.5	0	0.0	2	5.4	0	0.0	0	0.0	30	81.1
SECOND CIRCUIT	983	285	29.0	1	0.1	161	16.4	2	0.2	36	3.7	498	50.7
Connecticut	153	41	26.8	1	0.7	15	9.8	0	0.0	21	13.7	75	49.0
New York													
Eastern	196	46	23.5	0	0.0	44	22.4	1	0.5	8	4.1	97	49.5
Northern	97	54	55.7	0	0.0	17	17.5	0	0.0	4	4.1	22	22.7
Southern	307	60	19.5	0	0.0	48	15.6	1	0.3	1	0.3	197	64.2
Western	152	65	42.8	0	0.0	25	16.4	0	0.0	1	0.7	61	40.1
Vermont	78	19	24.4	0	0.0	12	15.4	0	0.0	1	1.3	46	59.0
THIRD CIRCUIT	870	349	40.1	1	0.1	146	16.8	5	0.6	17	2.0	352	40.5
Delaware	25	8	32.0	0	0.0	6	24.0	1	4.0	1	4.0	9	36.0
New Jersey	278	111	39.9	0	0.0	37	13.3	0	0.0	2	0.7	128	46.0
Pennsylvania													
Eastern	205	73	35.6	0	0.0	43	21.0	3	1.5	8	3.9	78	38.0
Middle	164	70	42.7	0	0.0	32	19.5	1	0.6	1	0.6	60	36.6
Western	165	59	35.8	1	0.6	26	15.8	0	0.0	5	3.0	74	44.8
Virgin Islands	33	28	84.8	0	0.0	2	6.1	0	0.0	0	0.0	3	9.1
FOURTH CIRCUIT	1,973	936	47.4	15	0.8	255	12.9	1	0.1	55	2.8	711	36.0
Maryland	242	85	35.1	4	1.7	25	10.3	0	0.0	21	8.7	107	44.2
North Carolina													
Eastern	387	217	56.1	5	1.3	84	21.7	0	0.0	4	1.0	77	19.9
Middle	149	72	48.3	2	1.3	20	13.4	0	0.0	2	1.3	53	35.6
Western	192	102	53.1	0	0.0	31	16.1	0	0.0	1	0.5	58	30.2
South Carolina	245	95	38.8	0	0.0	49	20.0	0	0.0	6	2.4	95	38.8
Virginia													
Eastern	431	206	47.8	3	0.7	17	3.9	0	0.0	9	2.1	196	45.5
Western	127	51	40.2	0	0.0	25	19.7	0	0.0	8	6.3	43	33.9
West Virginia													
Northern	88	47	53.4	0	0.0	4	4.5	1	1.1	1	1.1	35	39.8
Southern	112	61	54.5	1	0.9	0	0.0	0	0.0	3	2.7	47	42.0

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	7,194	4,275	59.4	27	0.4	333	4.6	640	8.9	434	6.0	1,485	20.6
Louisiana													
Eastern	64	41	64.1	1	1.6	7	10.9	0	0.0	0	0.0	15	23.4
Middle	53	23	43.4	0	0.0	13	24.5	0	0.0	1	1.9	16	30.2
Western	103	57	55.3	1	1.0	9	8.7	0	0.0	4	3.9	32	31.1
Mississippi													
Northern	46	17	37.0	1	2.2	8	17.4	0	0.0	0	0.0	20	43.5
Southern	98	61	62.2	0	0.0	8	8.2	5	5.1	2	2.0	22	22.4
Texas													
Eastern	310	204	65.8	4	1.3	9	2.9	0	0.0	9	2.9	84	27.1
Northern	729	447	61.3	8	1.1	65	8.9	0	0.0	8	1.1	201	27.6
Southern	3,648	1,860	51.0	11	0.3	134	3.7	595	16.3	351	9.6	697	19.1
Western	2,143	1,565	73.0	1	0.0	80	3.7	40	1.9	59	2.8	398	18.6
SIXTH CIRCUIT	1,854	788	42.5	6	0.3	349	18.8	3	0.2	73	3.9	635	34.3
Kentucky													
Eastern	221	127	57.5	2	0.9	30	13.6	0	0.0	2	0.9	60	27.1
Western	157	60	38.2	2	1.3	40	25.5	3	1.9	4	2.5	48	30.6
Michigan													
Eastern	168	83	49.4	0	0.0	8	4.8	0	0.0	4	2.4	73	43.5
Western	145	81	55.9	0	0.0	27	18.6	0	0.0	6	4.1	31	21.4
Ohio													
Northern	361	144	39.9	0	0.0	79	21.9	0	0.0	8	2.2	130	36.0
Southern	242	57	23.6	1	0.4	62	25.6	0	0.0	33	13.6	89	36.8
Tennessee													
Eastern	285	141	49.5	1	0.4	64	22.5	0	0.0	2	0.7	77	27.0
Middle	123	24	19.5	0	0.0	17	13.8	0	0.0	11	8.9	71	57.7
Western	152	71	46.7	0	0.0	22	14.5	0	0.0	3	2.0	56	36.8
SEVENTH CIRCUIT	1,106	413	37.3	2	0.2	104	9.4	0	0.0	40	3.6	547	49.5
Illinois													
Central	109	39	35.8	0	0.0	5	4.6	0	0.0	0	0.0	65	59.6
Northern	294	88	29.9	1	0.3	19	6.5	0	0.0	21	7.1	165	56.1
Southern	111	67	60.4	0	0.0	11	9.9	0	0.0	0	0.0	33	29.7
Indiana													
Northern	160	75	46.9	0	0.0	20	12.5	0	0.0	3	1.9	62	38.8
Southern	229	101	44.1	0	0.0	29	12.7	0	0.0	3	1.3	96	41.9
Wisconsin													
Eastern	136	27	19.9	0	0.0	15	11.0	0	0.0	0	0.0	94	69.1
Western	67	16	23.9	1	1.5	5	7.5	0	0.0	13	19.4	32	47.8
EIGHTH CIRCUIT	2,127	875	41.1	14	0.7	240	11.3	17	0.8	46	2.2	935	44.0
Arkansas													
Eastern	247	164	66.4	1	0.4	11	4.5	0	0.0	0	0.0	71	28.7
Western	95	38	40.0	0	0.0	14	14.7	0	0.0	0	0.0	43	45.3
Iowa													
Northern	151	62	41.1	5	3.3	38	25.2	0	0.0	2	1.3	44	29.1
Southern	248	77	31.0	1	0.4	47	19.0	1	0.4	2	0.8	120	48.4
Minnesota	78	18	23.1	1	1.3	12	15.4	4	5.1	3	3.8	40	51.3
Missouri													
Eastern	523	198	37.9	1	0.2	36	6.9	0	0.0	5	1.0	283	54.1
Western	237	99	41.8	1	0.4	27	11.4	0	0.0	8	3.4	102	43.0
Nebraska	196	79	40.3	1	0.5	2	1.0	7	3.6	0	0.0	107	54.6
North Dakota	141	44	31.2	1	0.7	52	36.9	4	2.8	3	2.1	37	26.2
South Dakota	211	96	45.5	2	0.9	1	0.5	1	0.5	23	10.9	88	41.7

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
District		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	5,091	1,289	25.3	29	0.6	344	6.8	2,004	39.4	213	4.2	1,212	23.8
Alaska	84	14	16.7	0	0.0	9	10.7	0	0.0	3	3.6	58	69.0
Arizona	2,294	687	29.9	10	0.4	31	1.4	1,297	56.5	59	2.6	210	9.2
California													
Central	408	102	25.0	1	0.2	44	10.8	21	5.1	35	8.6	205	50.2
Eastern	135	52	38.5	0	0.0	25	18.5	1	0.7	2	1.5	55	40.7
Northern	184	32	17.4	0	0.0	16	8.7	0	0.0	6	3.3	130	70.7
Southern	1,062	106	10.0	11	1.0	60	5.6	652	61.4	87	8.2	146	13.7
Guam	18	9	50.0	0	0.0	6	33.3	0	0.0	1	5.6	2	11.1
Hawaii	73	28	38.4	0	0.0	22	30.1	0	0.0	0	0.0	23	31.5
Idaho	133	50	37.6	1	0.8	32	24.1	4	3.0	5	3.8	41	30.8
Montana	171	58	33.9	3	1.8	46	26.9	0	0.0	6	3.5	58	33.9
Nevada	123	20	16.3	0	0.0	5	4.1	25	20.3	3	2.4	70	56.9
Northern Mariana Islands	8	5	62.5	0	0.0	1	12.5	0	0.0	0	0.0	2	25.0
Oregon	157	26	16.6	0	0.0	20	12.7	0	0.0	3	1.9	108	68.8
Washington													
Eastern	104	26	25.0	3	2.9	26	25.0	2	1.9	3	2.9	44	42.3
Western	137	74	54.0	0	0.0	1	0.7	2	1.5	0	0.0	60	43.8
TENTH CIRCUIT	1,750	648	37.0	14	0.8	125	7.1	230	13.1	176	10.1	557	31.8
Colorado	158	54	34.2	0	0.0	25	15.8	10	6.3	8	5.1	61	38.6
Kansas	151	74	49.0	1	0.7	13	8.6	3	2.0	3	2.0	57	37.7
New Mexico	677	245	36.2	3	0.4	24	3.5	160	23.6	75	11.1	170	25.1
Oklahoma													
Eastern	44	25	56.8	0	0.0	2	4.5	0	0.0	2	4.5	15	34.1
Northern	117	45	38.5	8	6.8	9	7.7	0	0.0	33	28.2	22	18.8
Western	203	101	49.8	0	0.0	16	7.9	0	0.0	2	1.0	84	41.4
Utah	306	69	22.5	2	0.7	28	9.2	50	16.3	51	16.7	106	34.6
Wyoming	94	35	37.2	0	0.0	8	8.5	7	7.4	2	2.1	42	44.7
ELEVENTH CIRCUIT	1,866	894	47.9	6	0.3	245	13.1	4	0.2	50	2.7	667	35.7
Alabama													
Middle	66	26	39.4	0	0.0	17	25.8	0	0.0	0	0.0	23	34.8
Northern	216	115	53.2	0	0.0	35	16.2	0	0.0	3	1.4	63	29.2
Southern	94	47	50.0	0	0.0	21	22.3	0	0.0	1	1.1	25	26.6
Florida													
Middle	479	212	44.3	1	0.2	73	15.2	2	0.4	2	0.4	189	39.5
Northern	100	36	36.0	0	0.0	18	18.0	2	2.0	1	1.0	43	43.0
Southern	273	106	38.8	2	0.7	17	6.2	0	0.0	5	1.8	143	52.4
Georgia													
Middle	154	97	63.0	0	0.0	12	7.8	0	0.0	25	16.2	20	13.0
Northern	281	108	38.4	3	1.1	22	7.8	0	0.0	7	2.5	141	50.2
Southern	203	147	72.4	0	0.0	30	14.8	0	0.0	6	3.0	20	9.9

¹ Of the 25,841 cases, 124 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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	25,717	11,083	43.1	118	0.5	2,372	9.2	2,906	11.3	1,197	4.7	8,041	31.3
Administration of Justice	244	118	48.4	0	0.0	13	5.3	2	0.8	14	5.7	97	39.8
Antitrust	3	0	0.0	0	0.0	2	66.7	0	0.0	0	0.0	1	33.3
Arson	23	10	43.5	0	0.0	4	17.4	0	0.0	0	0.0	9	39.1
Assault	281	129	45.9	8	2.8	9	3.2	0	0.0	25	8.9	110	39.1
Bribery/Corruption	119	24	20.2	0	0.0	37	31.1	0	0.0	4	3.4	54	45.4
Burglary/Trespass	30	19	63.3	0	0.0	0	0.0	0	0.0	7	23.3	4	13.3
Child Pornography	527	168	31.9	3	0.6	6	1.1	1	0.2	25	4.7	324	61.5
Commercialized Vice	40	15	37.5	0	0.0	4	10.0	0	0.0	2	5.0	19	47.5
Drug Possession	130	119	91.5	0	0.0	0	0.0	0	0.0	0	0.0	11	8.5
Drug Trafficking	7,845	2,347	29.9	25	0.3	1,518	19.3	678	8.6	345	4.4	2,932	37.4
Environmental	76	41	53.9	0	0.0	7	9.2	0	0.0	4	5.3	24	31.6
Extortion/Racketeering	58	21	36.2	1	1.7	13	22.4	0	0.0	2	3.4	21	36.2
Firearms	3,661	1,852	50.6	24	0.7	182	5.0	3	0.1	145	4.0	1,455	39.7
Food and Drug	21	12	57.1	0	0.0	0	0.0	0	0.0	0	0.0	9	42.9
Forgery/Counter/Copyright	81	36	44.4	1	1.2	7	8.6	0	0.0	3	3.7	34	42.0
Fraud/Theft/Embezzlement	1,911	806	42.2	15	0.8	243	12.7	8	0.4	87	4.6	752	39.4
Immigration	7,923	4,184	52.8	15	0.2	58	0.7	2,209	27.9	410	5.2	1,047	13.2
Individual Rights	27	15	55.6	0	0.0	2	7.4	0	0.0	0	0.0	10	37.0
Kidnapping	38	8	21.1	0	0.0	10	26.3	0	0.0	3	7.9	17	44.7
Manslaughter	29	12	41.4	4	13.8	1	3.4	0	0.0	1	3.4	11	37.9
Money Laundering	422	102	24.2	1	0.2	106	25.1	1	0.2	22	5.2	190	45.0
Murder	99	24	24.2	1	1.0	24	24.2	0	0.0	9	9.1	41	41.4
National Defense	91	37	40.7	1	1.1	10	11.0	2	2.2	9	9.9	32	35.2
Obscenity/Other Sex Offenses	148	71	48.0	3	2.0	0	0.0	1	0.7	9	6.1	64	43.2
Prison Offenses	257	167	65.0	1	0.4	7	2.7	0	0.0	3	1.2	79	30.7
Robbery	597	229	38.4	7	1.2	63	10.6	0	0.0	25	4.2	273	45.7
Sexual Abuse	467	186	39.8	4	0.9	28	6.0	0	0.0	23	4.9	226	48.4
Stalking/Harassing	104	42	40.4	4	3.8	0	0.0	1	1.0	8	7.7	49	47.1
Tax	184	37	20.1	0	0.0	17	9.2	0	0.0	10	5.4	120	65.2
Other	281	252	89.7	0	0.0	1	0.4	0	0.0	2	0.7	26	9.3

¹ Of the 25,841 cases, 124 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

Guideline	Within Guideline			Departure				Variance	Guideline	Within Guideline			Departure				Variance
	Total	Range	Up	§5K1.1	§5K3.1	Down	§5K1.1			§5K3.1	Up	§5K1.1	§5K3.1	Down			
§2A1.1	65	19	0	19	0	4	23	§2D1.8	11	2	0	2	0	1	6		
§2A1.2	15	4	1	2	0	2	6	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	14	3	2	1	0	1	7	§2D1.10	0	0	0	0	0	0	0		
§2A1.4	15	9	2	0	0	0	4	§2D1.11	2	0	0	0	0	0	2		
§2A1.5	9	1	0	1	0	1	6	§2D1.12	1	0	0	0	0	0	1		
§2A2.1	38	14	0	4	0	2	18	§2D1.13	1	1	0	0	0	0	0		
§2A2.2	175	71	7	5	0	21	71	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	36	28	1	0	0	0	7	§2D2.1	53	45	0	0	0	0	8		
§2A2.4	82	48	0	0	2	5	27	§2D2.2	32	26	0	1	0	0	5		
§2A3.1	46	14	0	1	0	4	27	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	25	14	2	0	0	1	8	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	0	0	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	12	8	0	0	0	2	2	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	119	61	0	0	1	8	49	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	37	8	0	10	0	3	16	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	18	8	0	2	0	0	8		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	0	0	0	0	0	1		
§2A5.2	14	7	0	0	0	0	7	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	4	3	0	0	0	0	1		
§2A6.1	79	36	4	0	1	6	32	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	23	6	0	0	0	1	16	§2E2.1	2	1	0	1	0	0	0		
§2B1.1	1,786	702	14	241	2	84	743	§2E3.1	13	2	0	4	0	0	7		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	1	0	0	0	0	0	1	§2E4.1	15	3	0	8	0	0	4		
§2B1.5	1	0	0	0	0	0	1	§2E5.1	1	0	0	1	0	0	0		
§2B1.6 ²	31	30	0	1	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	25	15	0	0	0	6	4	§2E5.3	0	0	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	2	1	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	590	226	7	63	0	25	269	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	13	4	0	1	0	2	6	§2F1.1	2	0	0	0	0	0	2		
§2B3.3	4	2	1	0	0	0	1	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	51	7	0	20	0	2	22	§2G1.1	27	9	0	3	0	1	14		
§2B5.1	57	33	0	5	0	3	16	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	151	67	2	10	0	4	68		
§2B5.3	21	3	0	0	0	0	18	§2G2.1	221	78	0	13	0	12	118		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	527	168	3	6	1	25	324		
§2B6.1	1	0	0	1	0	0	0	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	57	15	0	13	0	2	27	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	8	0	0	4	0	0	4	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	1	1	0	0	0	0	0	§2G2.6	1	0	0	0	0	0	1		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	26	10	3	0	0	0	13		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	16	5	0	1	0	0	10		
§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	7,674	2,265	23	1,500	672	325	2,889	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	121	68	2	12	0	14	25	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	5	4	0	1	0	0	0		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	2	2	0	0	0	0	0		
§2D1.5	2	0	0	2	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	0	0	0	0	0	0	0		
§2D1.7	1	1	0	0	0	0	0	§2H4.1	2	2	0	0	0	0	0		

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	70	29	0	8	2	7	24
§2J1.1	0	0	0	0	0	0	0	§2M5.3	3	1	0	0	0	0	2
§2J1.2	45	11	0	5	0	1	28	§2M6.1	1	0	1	0	0	0	0
§2J1.3	10	4	0	2	0	0	4	§2M6.2	0	0	0	0	0	0	0
§2J1.4	6	3	0	0	0	1	2	§2N1.1	9	0	0	0	0	0	9
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	6	4	0	0	0	0	2	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	11	11	0	0	0	0	0
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	124	86	0	4	0	1	33
§2K1.1	0	0	0	0	0	0	0	§2P1.2	105	73	1	2	0	1	28
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	7	2	0	0	0	1	4	§2P1.4	0	0	0	0	0	0	0
§2K1.4	22	10	0	4	0	0	8	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	23	12	0	2	0	1	8
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	4	0	0	2	0	1	1
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	3,495	1,735	23	169	3	143	1,422	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	0	1
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	35	17	0	3	0	2	13
§2K2.4 ³	130	101	1	10	0	0	18	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	5	5	0	0	0	0	0	§2R1.1	3	0	0	2	0	0	1
§2K2.6	1	1	0	0	0	0	0	§2S1.1	355	73	0	101	1	15	165
§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	63	27	1	5	0	7	23
§2L1.1	1,483	624	3	41	514	61	240	§2S1.4	0	0	0	0	0	0	0
§2L1.2	5,522	2,921	10	10	1,570	327	684	§2T1.1	110	19	0	10	0	8	73
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	29	13	0	7	0	1	8	§2T1.3	0	0	0	0	0	0	0
§2L2.2	271	199	1	0	2	11	58	§2T1.4	51	10	0	6	0	2	33
§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	16	5	0	1	0	0	10
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	2	1	0	0	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	0	0	0	0	0	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	4	2	0	0	0	0	2
§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	8	2	1	3	0	1	1
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	32	6	0	3	0	5	18
§2M3.6	0	0	0	0	0	0	0	§2X4.1	87	43	0	6	0	7	31
§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	69	60	0	0	0	0	9
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	13	4	0	2	0	2	5	§2X7.2	0	0	0	0	0	0	0
TOTAL									24,621	10,278	116	2,367	2,771	1,174	7,915

¹ Of the 25,841 cases, 1,220 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 (124) or missing guideline applied (1,187). 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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

	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	14,634	2,378	16.2	2,954	20.2	2,517	17.2	3,385	23.1	236	1.6
Departures	6,593	2,372	36.0	2,952	44.8	1,768	26.8	2,669	40.5	152	2.3
Upward Departure	118	0	0.0	0	0.0	37	31.4	19	16.1	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	2,372	2,372	100.0	46	1.9	96	4.0	627	26.4	9	0.4
§5K3.1 Early Disposition Program	2,906	0	0.0	2,906	100.0	1,342	46.2	1,837	63.2	133	4.6
Other Government Motion	550	0	0.0	0	0.0	293	53.3	186	33.8	10	1.8
Non-Government Departure	647	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	8,041	6	0.1	2	0.0	749	9.3	716	8.9	84	1.0
Upward Variance	519	6	1.2	2	0.4	88	17.0	57	11.0	0	0.0
Downward Variance											
Government Motion	2,163	0	0.0	0	0.0	661	30.6	659	30.5	84	3.9
Non-Government Variance	5,359	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	2,145	14.7	2,524	17.2	3,005	20.5	706	4.8	2,015	13.8	915	6.3
Departures	1,796	27.2	936	14.2	652	9.9	292	4.4	594	9.0	84	1.3
Upward Departure	23	19.5	0	0.0	2	1.7	5	4.2	30	25.4	10	8.5
Downward Departure												
§5K1.1 Substantial Assistance	1,502	63.3	243	10.2	285	12.0	104	4.4	270	0.0	0	0.0
§5K3.1 Early Disposition Program	211	7.3	292	10.0	221	7.6	138	4.7	133	4.6	0	0.0
Other Government Motion	60	10.9	38	6.9	25	4.5	45	8.2	29	5.3	9	1.6
Non-Government Departure	0	0.0	363	56.1	119	18.4	0	0.0	132	20.4	65	10.0
Variations	349	4.3	1,588	19.7	2,353	29.3	414	5.1	1,421	17.7	831	10.3
Upward Variance	100	19.3	2	0.4	6	1.2	14	2.7	213	41.0	66	12.7
Downward Variance												
Government Motion	249	11.5	166	7.7	125	5.8	400	18.5	97	4.5	73	3.4
Non-Government Variance	0	0.0	1,420	26.5	2,222	41.5	0	0.0	1,111	20.7	692	12.9

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, 6,033 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 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	115	84	25	90.3	60	15	39.2
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	8	62	28	72.4	56	17	63.0
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	3	187	66	62.6	200	52	53.9
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	25	128	40	188.0	120	30	50.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	23	82	26	52.5	81	18	31.6
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	15	50	12	119.6	24	11	40.9
Immigration	15	30	11	59.6	27	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	4	102	17	17.8	104	16	17.6
Money Laundering	1	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	47	23	93.9	44	23	109.5
Prison Offenses	1	--	--	--	--	--	--
Robbery	6	149	35	33.4	144	35	32.0
Sexual Abuse	4	82	16	20.6	61	8	22.9
Stalking/Harassing	4	45	12	35.4	49	12	31.9
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 25,841 cases, in 118 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, three cases were excluded from this table. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	513	82	24	68.6	60	14	33.3
Administration of Justice	9	83	36	107.0	84	21	50.0
Antitrust	0	--	--	--	--	--	--
Arson	4	177	66	81.1	184	44	23.1
Assault	16	81	17	34.7	60	13	27.7
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	19	145	31	31.7	126	24	24.0
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	91	82	25	108.9	72	17	33.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	156	82	27	56.3	72	15	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	38	57	20	77.2	39	9	41.3
Immigration	93	34	13	74.2	24	8	50.0
Individual Rights	2	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	5	166	25	24.1	144	23	10.6
Money Laundering	5	39	11	82.8	42	12	40.0
Murder	4	254	33	13.8	240	13	7.6
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	8	55	28	105.7	51	23	90.9
Prison Offenses	5	28	11	64.9	30	9	66.7
Robbery	19	147	30	32.6	132	18	14.3
Sexual Abuse	18	213	44	24.6	205	29	21.3
Stalking/Harassing	10	94	41	70.5	53	13	30.1
Tax	0	--	--	--	--	--	--
Other	6	8	2	38.9	9	3	41.7

¹ Of the 25,841 cases, in 519 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Also, five cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,340	54	52	54.4	40	38	50.0
Administration of Justice	12	4	12	81.9	0	10	100.0
Antitrust	2	--	--	--	--	--	--
Arson	4	32	29	48.1	30	32	51.2
Assault	9	35	88	66.7	30	35	61.4
Bribery/Corruption	37	10	22	74.5	6	18	75.0
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	6	154	49	28.6	144	48	27.5
Commercialized Vice	4	1	5	79.0	0	6	99.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,505	63	59	51.5	54	48	47.8
Environmental	7	4	16	83.1	2	16	88.9
Extortion/Racketeering	13	1	26	96.1	0	18	100.0
Firearms	182	39	33	50.9	32	21	43.1
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	7	17	10	36.3	12	8	33.3
Fraud/Theft/Embezzlement	242	16	26	66.5	12	21	62.5
Immigration	58	14	11	54.5	12	9	49.4
Individual Rights	2	--	--	--	--	--	--
Kidnapping	9	98	110	50.1	108	84	50.0
Manslaughter	1	--	--	--	--	--	--
Money Laundering	104	55	74	59.8	36	54	54.2
Murder	15	107	173	63.6	97	162	66.8
National Defense	10	15	30	69.4	14	32	74.5
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	7	7	27	61.7	8	6	50.0
Robbery	61	75	58	46.2	74	47	40.8
Sexual Abuse	25	128	65	37.4	127	50	34.7
Stalking/Harassing	0	--	--	--	--	--	--
Tax	17	15	24	76.6	0	22	100.0
Other	1	--	--	--	--	--	--

¹ Of the 25,841 cases, in 2,372 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, 17 cases were excluded from this table. Also, 15 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹**
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,906	15	18	51.1	10	9	47.8
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	678	27	49	65.2	24	43	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	3	20	3	13.3	24	3	10.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	8	2	9	90.2	0	6	99.5
Immigration	2,209	11	8	46.6	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	1	--	--	--	--	--	--
Murder	0	--	--	--	--	--	--
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 25,841 cases, in 2,906 the offender received a §5K3.1 early disposition program departure below the guideline range. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,184	39	24	45.0	18	14	40.0
Administration of Justice	14	8	10	68.1	2	8	77.6
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	25	36	18	34.9	36	15	32.0
Bribery/Corruption	4	13	9	48.3	12	10	34.4
Burglary/Trespass	7	12	6	41.2	12	6	33.0
Child Pornography	24	101	51	36.3	76	37	28.5
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	344	66	37	40.3	60	24	34.8
Environmental	4	0	15	100.0	0	11	100.0
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	144	29	18	46.3	21	14	39.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	3	10	6	41.7	6	6	50.0
Fraud/Theft/Embezzlement	86	22	19	60.7	10	12	57.2
Immigration	410	14	12	44.8	11	9	41.8
Individual Rights	0	--	--	--	--	--	--
Kidnapping	3	110	79	49.5	151	108	38.4
Manslaughter	1	--	--	--	--	--	--
Money Laundering	20	52	40	46.2	26	14	41.4
Murder	7	140	55	32.6	186	52	21.7
National Defense	9	17	21	65.3	12	16	73.9
Obscenity/Other Sex Offenses	8	12	9	49.8	10	8	30.2
Prison Offenses	3	4	8	68.9	6	3	74.7
Robbery	25	109	37	31.7	84	29	28.2
Sexual Abuse	21	127	70	35.0	120	39	28.9
Stalking/Harassing	8	9	18	67.5	6	12	74.8
Tax	10	8	14	63.6	5	10	65.0
Other	0	--	--	--	--	--	--

¹ Of the 25,841 cases, in 1,197 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (550) or a non-government departure (647). 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, eight cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)

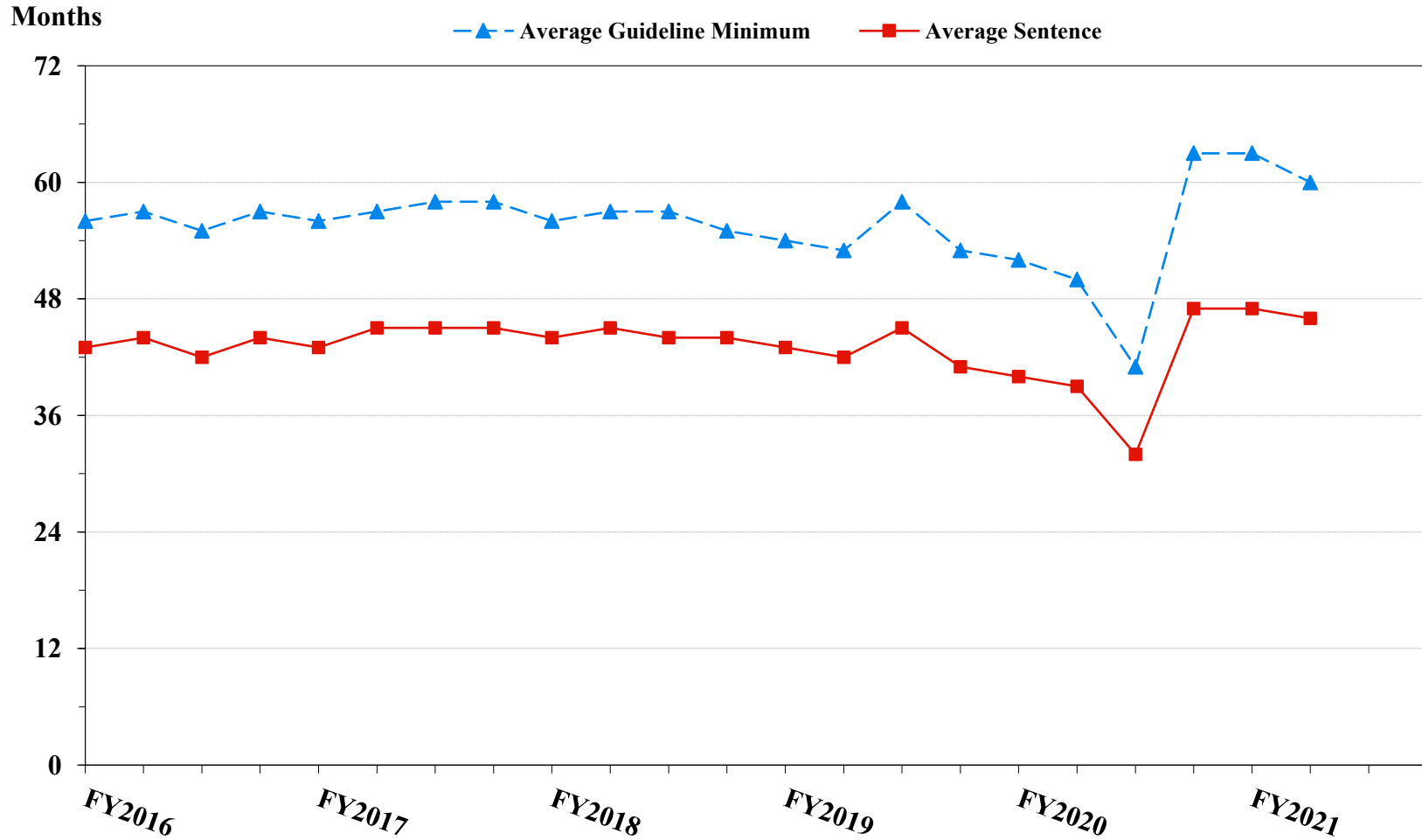
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	7,355	49	27	44.4	29	15	35.1
Administration of Justice	88	8	9	68.8	2	8	71.0
Antitrust	1	--	--	--	--	--	--
Arson	5	81	27	29.1	18	12	33.3
Assault	92	48	21	39.3	24	15	31.9
Bribery/Corruption	54	20	22	59.3	12	13	50.7
Burglary/Trespass	4	19	12	54.3	6	14	50.9
Child Pornography	300	81	51	40.1	72	44	38.1
Commercialized Vice	16	10	8	61.6	8	6	51.7
Drug Possession	9	1	4	88.3	0	2	98.5
Drug Trafficking	2,809	71	37	39.0	60	24	31.4
Environmental	23	3	10	83.4	0	6	100.0
Extortion/Racketeering	20	22	16	56.8	12	15	54.6
Firearms	1,290	37	19	42.8	27	12	32.9
Food and Drug	9	25	31	61.3	15	36	70.6
Forgery/Counter/Copyright	33	8	13	72.8	0	12	99.3
Fraud/Theft/Embezzlement	703	18	17	60.4	9	10	55.4
Immigration	949	12	9	48.0	12	6	38.4
Individual Rights	8	24	25	64.7	9	18	67.5
Kidnapping	14	121	36	24.6	99	32	24.2
Manslaughter	6	34	19	43.6	18	18	49.0
Money Laundering	174	47	35	46.6	30	18	38.4
Murder	22	174	72	31.9	205	52	31.2
National Defense	32	31	24	49.2	27	17	41.3
Obscenity/Other Sex Offenses	56	13	9	44.5	12	8	33.3
Prison Offenses	74	9	7	47.2	8	4	39.5
Robbery	243	86	31	31.2	84	23	22.2
Sexual Abuse	145	151	70	33.7	144	60	29.8
Stalking/Harassing	39	15	18	58.9	12	13	53.3
Tax	117	12	13	60.6	6	12	66.5
Other	20	6	16	76.3	0	6	92.4

¹ Of the 25,841 cases, in 7,522 the sentence was a variance below the guideline range, either due to a government motion for a variance (2,163) or a non-government variance (5,359). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 66 cases were excluded from this table. Also, 101 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2016 - 2020,
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)**



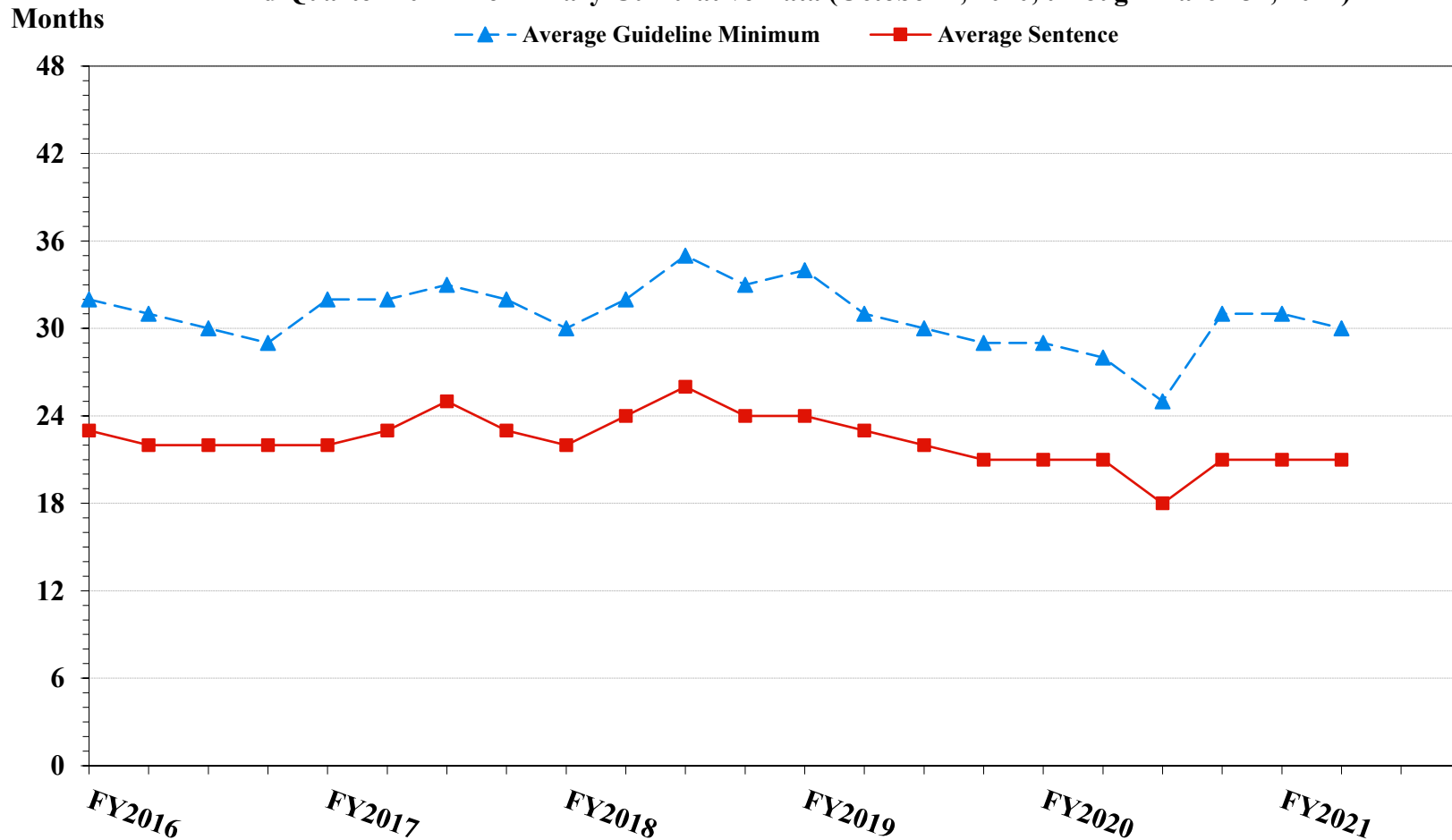
¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 6

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

**Fiscal Years 2016 - 2020,
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)**

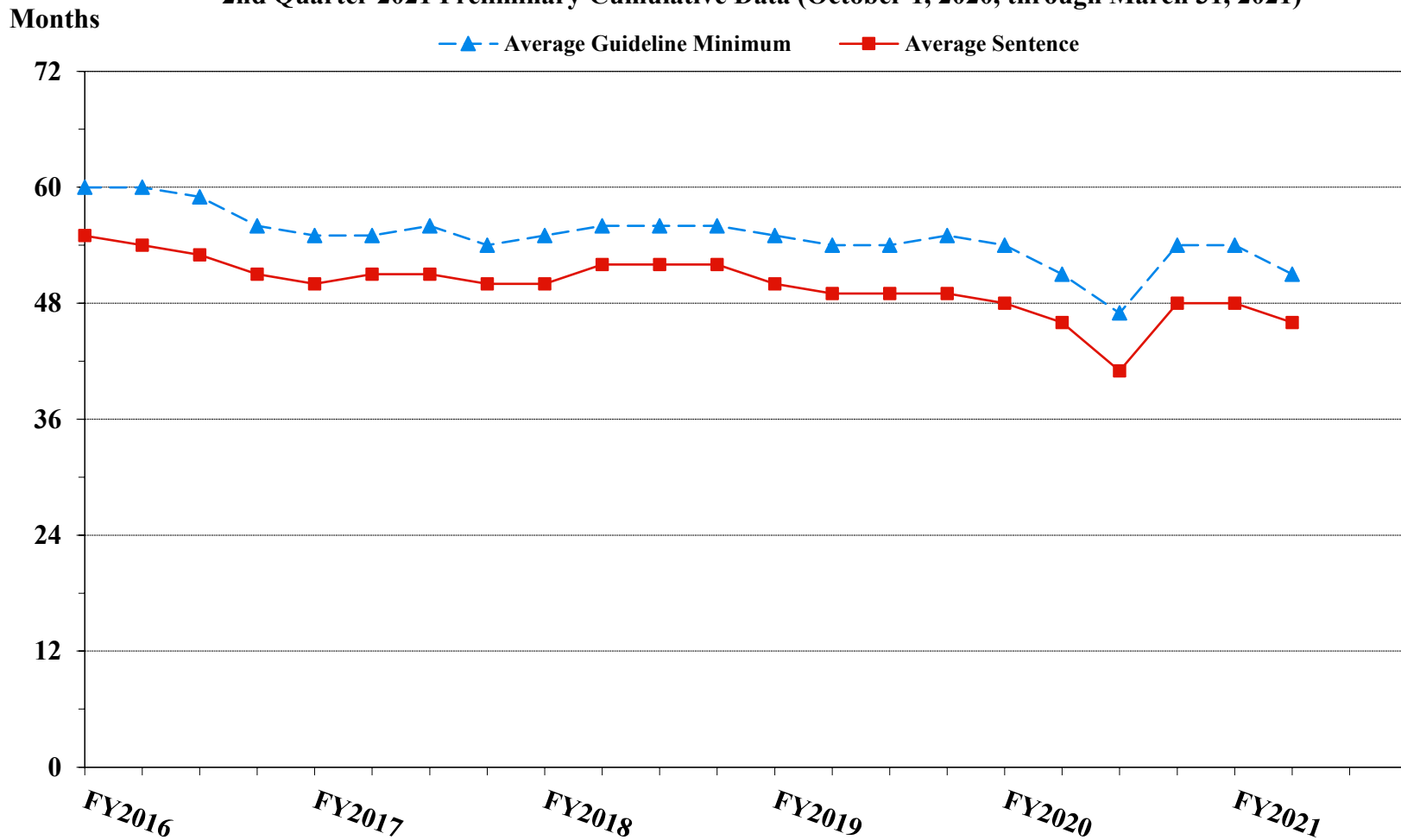


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 7

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

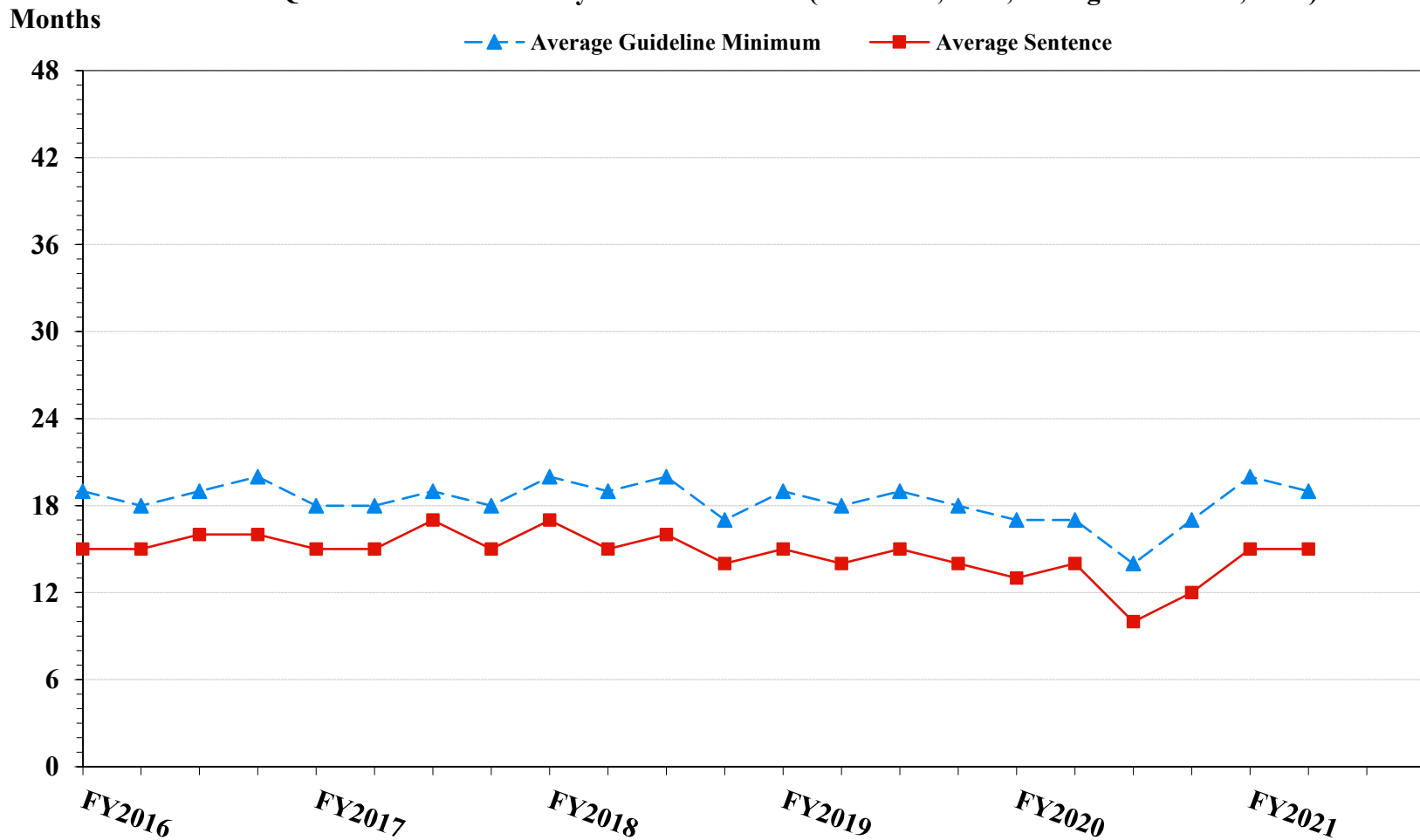


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2016 - 2020,
2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)**

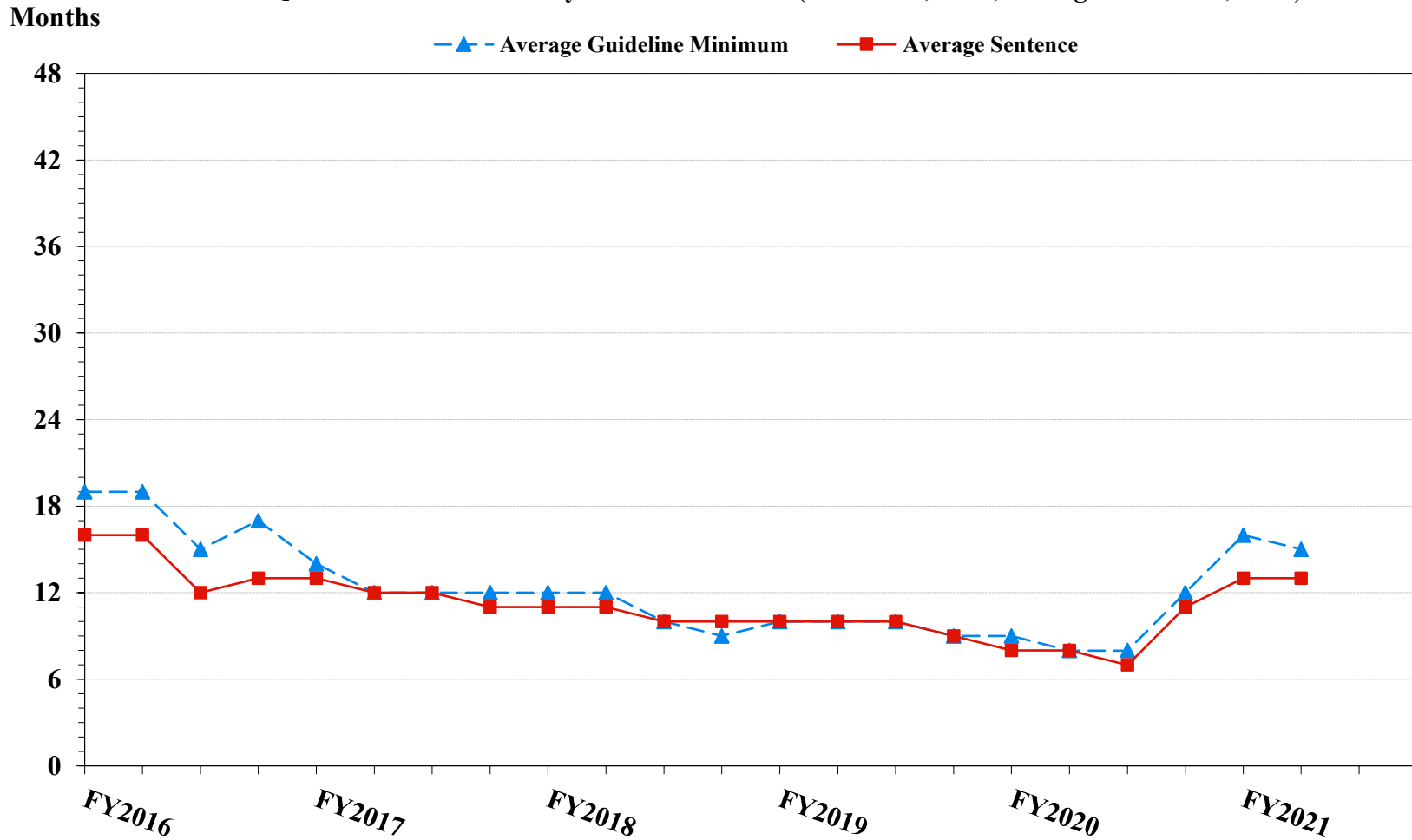


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 9

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

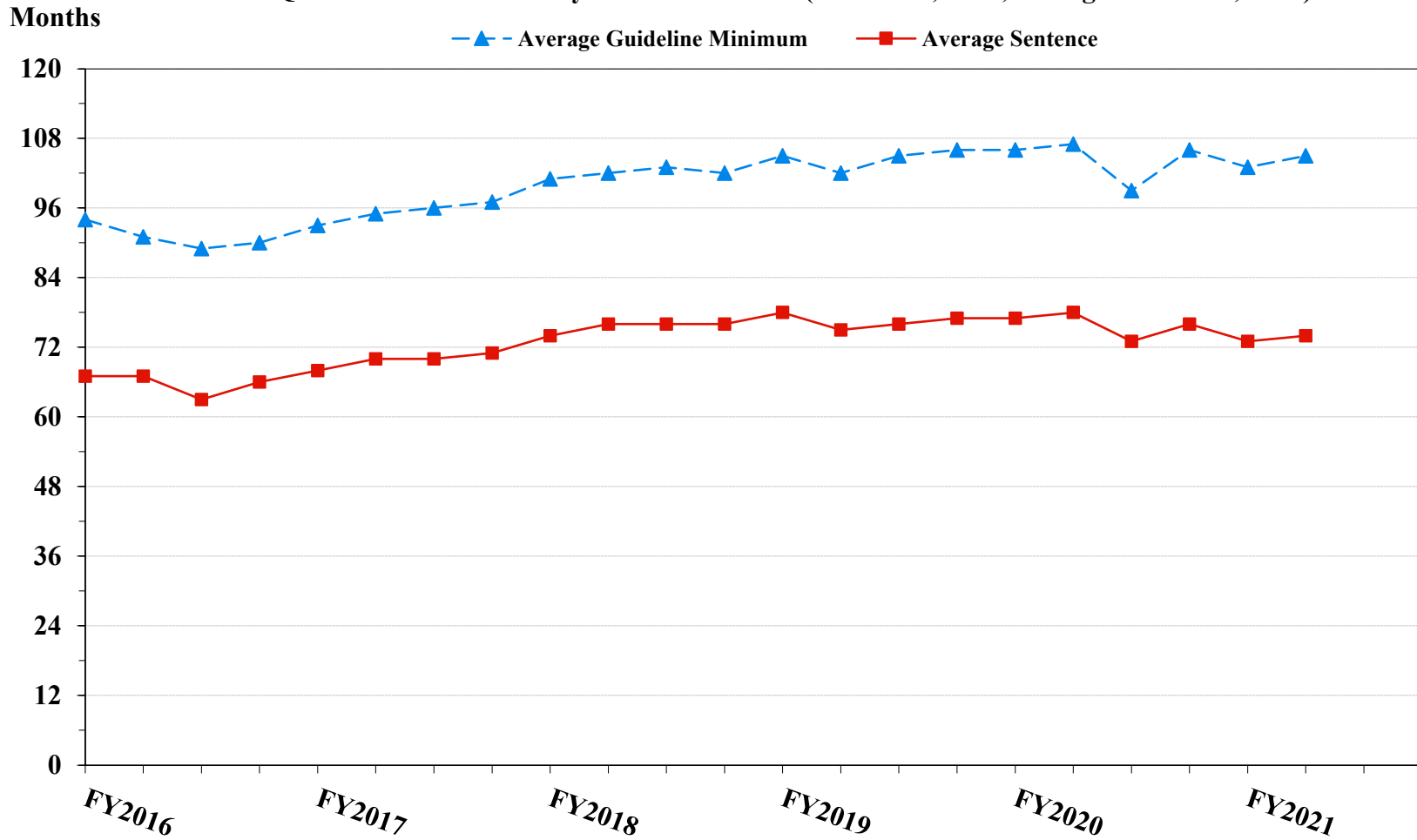


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 10

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

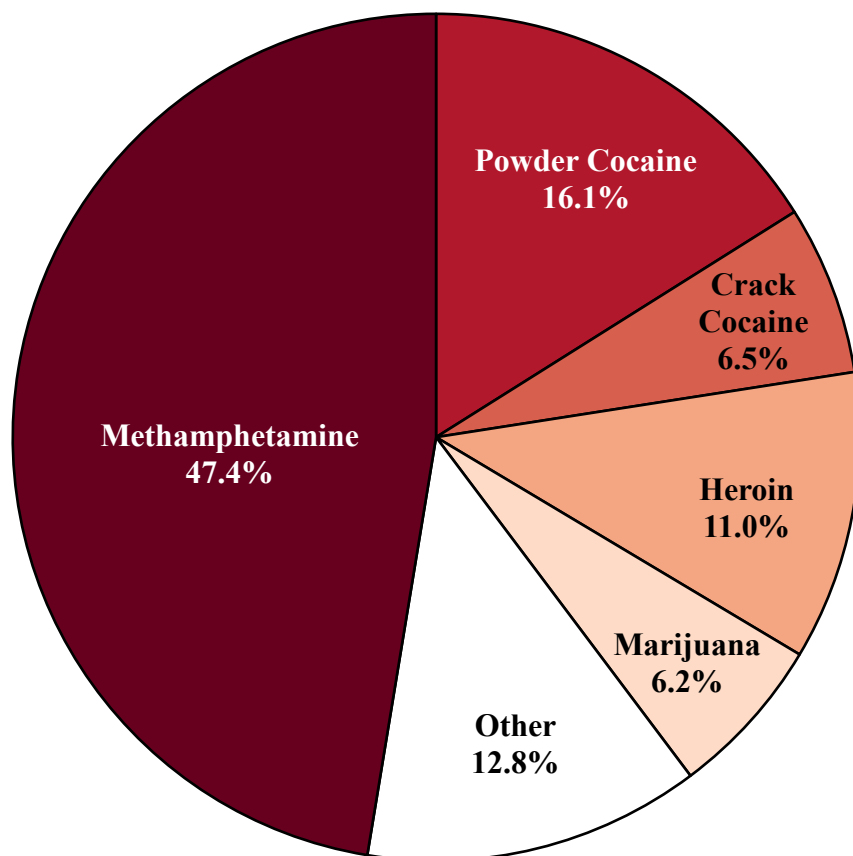


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 11

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



¹ Of the 25,841 cases, in 7,907 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (620), Oxycodone/Oxycontin (119), and Fentanyl Analogue (63).

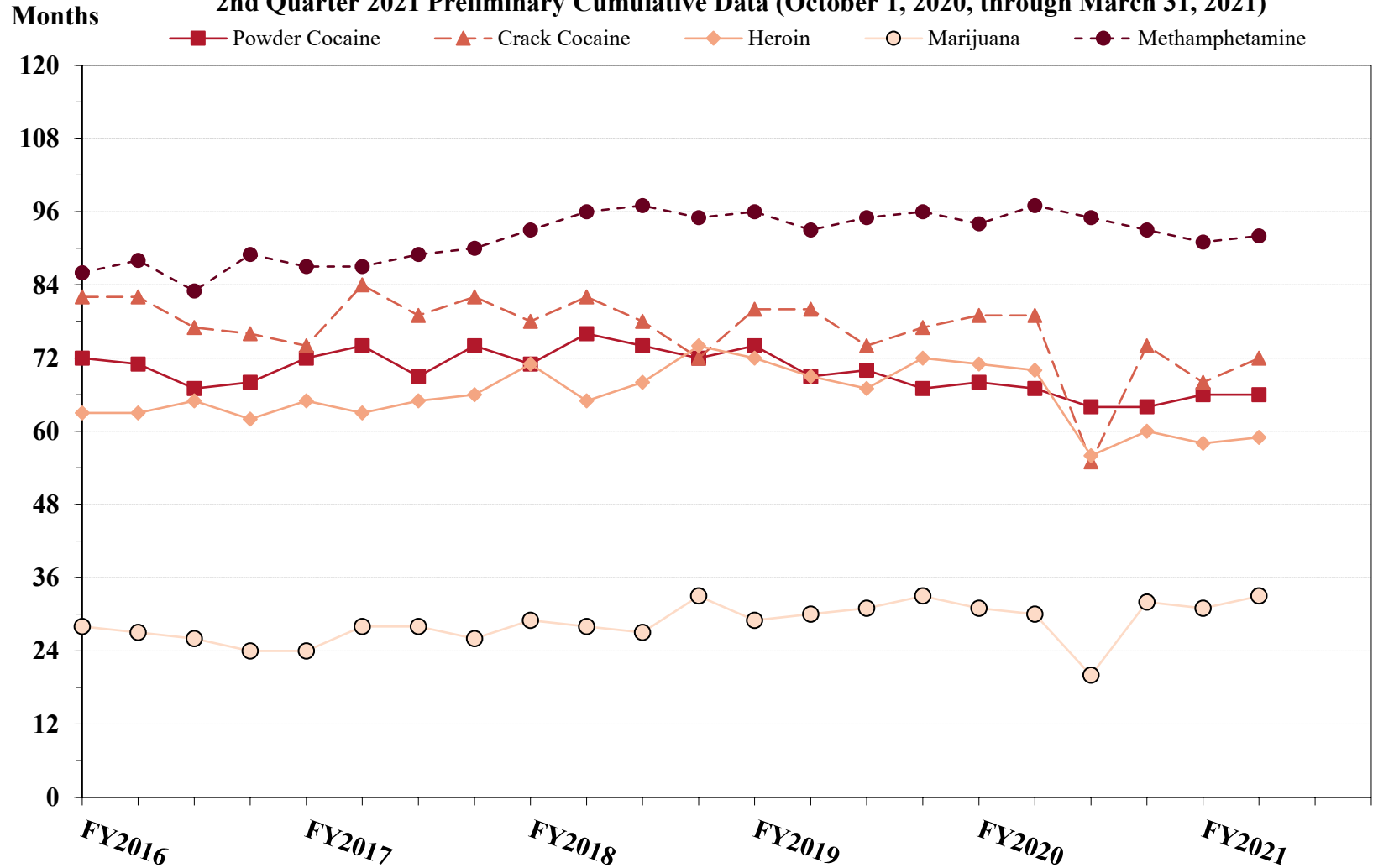
SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through March 31, 2021).

Figure 12

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

Fiscal Years 2016 - 2020,

2nd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through March 31, 2021)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through March 31, 2021).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

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

Upward Variance

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

Within Guideline Range

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

Year

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