

United States Sentencing Commission Quarterly Data Report



**2nd Quarter Release
Preliminary Fiscal Year 2022 Data
Through March 31, 2022**

Introduction

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

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

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

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

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

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

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

pornography is treated under the sentencing guidelines.

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

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

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

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

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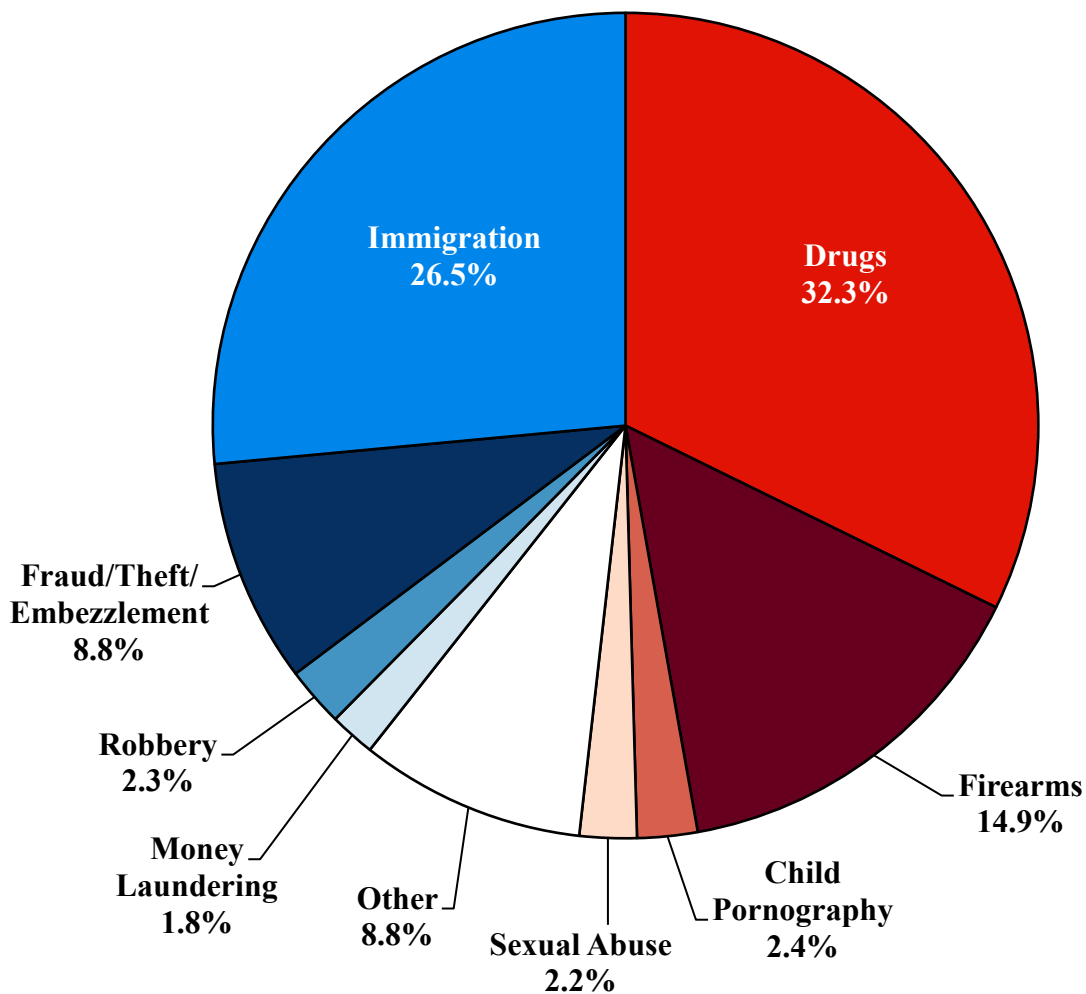
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through March 31, 2022)



¹ This figure includes the 31,120 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	N	%
TOTAL	31,120	100.0
Administration of Justice	287	0.9
Antitrust	5	0.0
Arson	57	0.2
Assault	390	1.3
Bribery/Corruption	163	0.5
Burglary/Trespass	59	0.2
Child Pornography	733	2.4
Commercialized Vice	34	0.1
Drug Possession	127	0.4
Drug Trafficking	9,912	31.9
Environmental	74	0.2
Extortion/Racketeering	66	0.2
Firearms	4,650	14.9
Food and Drug	9	0.0
Forgery/Counter/Copyright	65	0.2
Fraud/Theft/Embezzlement	2,732	8.8
Immigration	8,241	26.5
Individual Rights	35	0.1
Kidnapping	61	0.2
Manslaughter	39	0.1
Money Laundering	556	1.8
Murder	169	0.5
National Defense	85	0.3
Obscenity/Other Sex Offenses	170	0.5
Prison Offenses	264	0.8
Robbery	725	2.3
Sexual Abuse	695	2.2
Stalking/Harassing	131	0.4
Tax	225	0.7
Other	361	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 2022 Preliminary Cumulative Data
(October 1, 2021, through March 31, 2022)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	31,120	100.0			
D.C. CIRCUIT	135	0.4	FIFTH CIRCUIT	7,992	25.7
District of Columbia	135	0.4	Louisiana		
			Eastern	138	0.4
			Middle	56	0.2
FIRST CIRCUIT	852	2.7	Western	165	0.5
Maine	109	0.4	Mississippi		
Massachusetts	229	0.7	Northern	54	0.2
New Hampshire	83	0.3	Southern	148	0.5
Puerto Rico	380	1.2	Texas		
Rhode Island	51	0.2	Eastern	297	1.0
			Northern	790	2.5
SECOND CIRCUIT	1,584	5.1	Southern	3,711	11.9
Connecticut	156	0.5	Western	2,633	8.5
New York			SIXTH CIRCUIT	2,531	8.1
Eastern	329	1.1	Kentucky		
Northern	199	0.6	Eastern	275	0.9
Southern	636	2.0	Western	122	0.4
Western	195	0.6	Michigan		
Vermont	69	0.2	Eastern	354	1.1
THIRD CIRCUIT	1,189	3.8	Western	145	0.5
Delaware	33	0.1	Ohio		
New Jersey	340	1.1	Northern	599	1.9
Pennsylvania			Southern	296	1.0
Eastern	230	0.7	Tennessee		
Middle	216	0.7	Eastern	352	1.1
Western	332	1.1	Middle	158	0.5
Virgin Islands	38	0.1	Western	230	0.7
FOURTH CIRCUIT	2,372	7.6	SEVENTH CIRCUIT	1,216	3.9
Maryland	277	0.9	Illinois		
North Carolina			Central	132	0.4
Eastern	421	1.4	Northern	302	1.0
Middle	203	0.7	Southern	122	0.4
Western	283	0.9	Indiana		
South Carolina	285	0.9	Northern	179	0.6
Virginia			Southern	264	0.8
Eastern	503	1.6	Wisconsin		
Western	150	0.5	Eastern	153	0.5
West Virginia			Western	64	0.2
Northern	146	0.5			
Southern	104	0.3			

Table 2 (cont.)

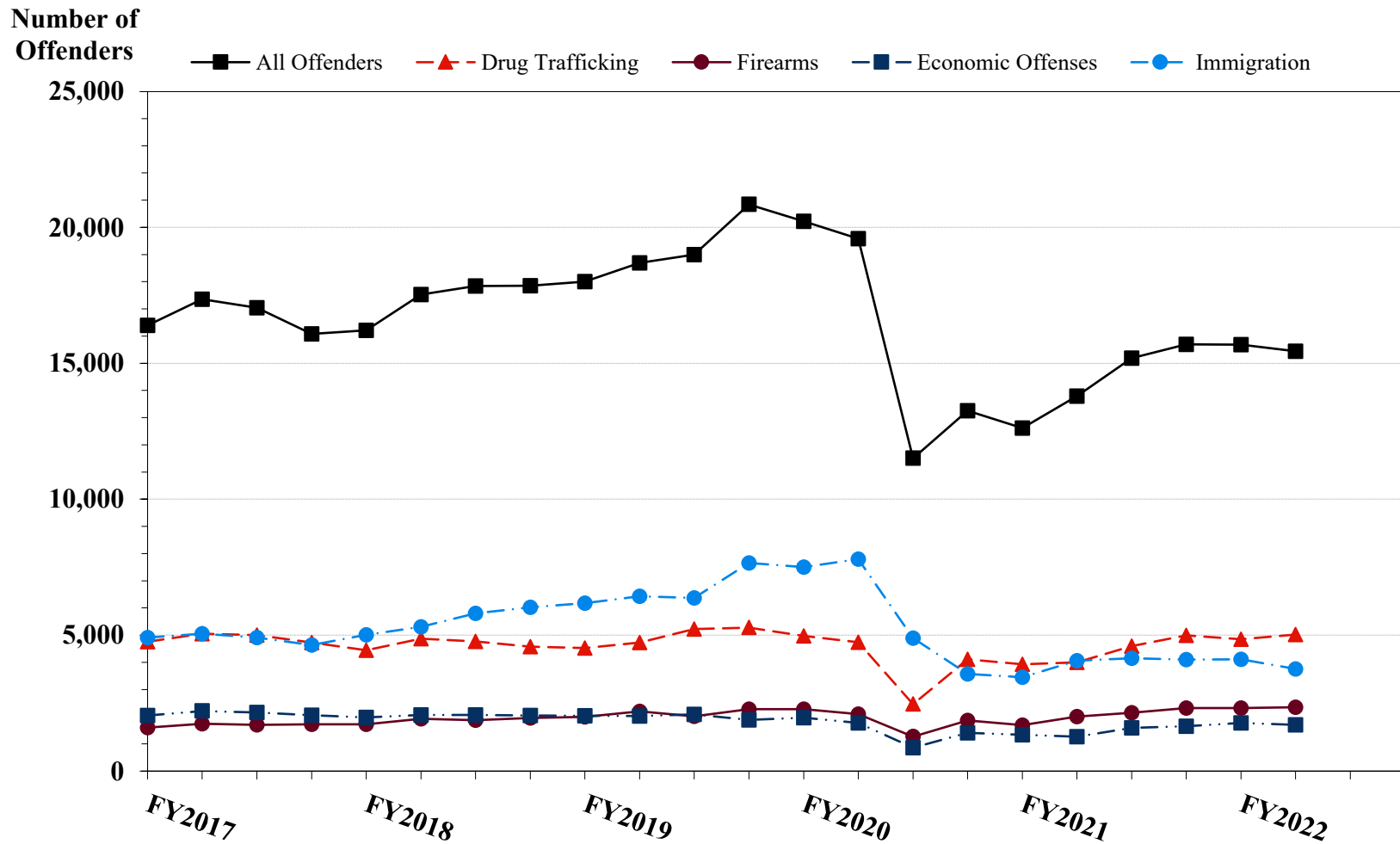
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	2,501	8.0	TENTH CIRCUIT	2,216	7.1
Arkansas			Colorado	190	0.6
Eastern	239	0.8	Kansas	185	0.6
Western	144	0.5	New Mexico	894	2.9
Iowa			Oklahoma		
Northern	165	0.5	Eastern	77	0.2
Southern	243	0.8	Northern	254	0.8
Minnesota	167	0.5	Western	188	0.6
Missouri			Utah	363	1.2
Eastern	511	1.6	Wyoming	65	0.2
Western	386	1.2			
Nebraska	229	0.7	ELEVENTH CIRCUIT	2,694	8.7
North Dakota	167	0.5	Alabama		
South Dakota	250	0.8	Middle	64	0.2
			Northern	213	0.7
NINTH CIRCUIT	5,838	18.8	Southern	148	0.5
Alaska	66	0.2	Florida		
Arizona	2,019	6.5	Middle	487	1.6
California			Northern	138	0.4
Central	519	1.7	Southern	901	2.9
Eastern	174	0.6	Georgia		
Northern	188	0.6	Middle	232	0.7
Southern	1,832	5.9	Northern	246	0.8
Guam	10	0.0	Southern	265	0.9
Hawaii	78	0.3			
Idaho	163	0.5			
Montana	176	0.6			
Nevada	174	0.6			
Northern Mariana Islands	11	0.0			
Oregon	149	0.5			
Washington					
Eastern	90	0.3			
Western	189	0.6			

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

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

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2017 - 2021,
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	30,931	7,283	23.5	7,897	25.5	14,416	46.6	1,335	4.3
Administration of Justice	285	86	30.2	66	23.2	101	35.4	32	11.2
Antitrust	5	5	100.0	0	0.0	0	0.0	0	0.0
Arson	57	25	43.9	20	35.1	8	14.0	4	7.0
Assault	388	81	20.9	92	23.7	69	17.8	146	37.6
Bribery/Corruption	163	57	35.0	53	32.5	36	22.1	17	10.4
Burglary/Trespass	59	27	45.8	16	27.1	6	10.2	10	16.9
Child Pornography	733	584	79.7	40	5.5	88	12.0	21	2.9
Commercialized Vice	34	12	35.3	13	38.2	4	11.8	5	14.7
Drug Possession	110	52	47.3	37	33.6	17	15.5	4	3.6
Drug Trafficking	9,903	2,589	26.1	2,782	28.1	4,228	42.7	304	3.1
Environmental	72	46	63.9	1	1.4	19	26.4	6	8.3
Extortion/Racketeering	65	25	38.5	18	27.7	19	29.2	3	4.6
Firearms	4,640	1,111	23.9	2,636	56.8	740	15.9	153	3.3
Food and Drug	9	7	77.8	1	11.1	1	11.1	0	0.0
Forgery/Counter/Copyright	65	34	52.3	20	30.8	6	9.2	5	7.7
Fraud/Theft/Embezzlement	2,716	1,060	39.0	856	31.5	632	23.3	168	6.2
Immigration	8,208	262	3.2	166	2.0	7,692	93.7	88	1.1
Individual Rights	35	24	68.6	5	14.3	5	14.3	1	2.9
Kidnapping	61	22	36.1	21	34.4	15	24.6	3	4.9
Manslaughter	39	6	15.4	4	10.3	2	5.1	27	69.2
Money Laundering	556	174	31.3	123	22.1	203	36.5	56	10.1
Murder	167	15	9.0	54	32.3	66	39.5	32	19.2
National Defense	85	19	22.4	10	11.8	47	55.3	9	10.6
Obscenity/Other Sex Offenses	170	79	46.5	25	14.7	19	11.2	47	27.6
Prison Offenses	260	65	25.0	101	38.8	80	30.8	14	5.4
Robbery	725	109	15.0	463	63.9	110	15.2	43	5.9
Sexual Abuse	694	384	55.3	135	19.5	95	13.7	80	11.5
Stalking/Harassing	130	82	63.1	20	15.4	11	8.5	17	13.1
Tax	225	111	49.3	57	25.3	43	19.1	14	6.2
Other	272	130	47.8	62	22.8	54	19.9	26	9.6

¹ Of the 31,120 cases, 189 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 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	31,099	26,931	86.6	4,168	13.4
Administration of Justice	287	218	76.0	69	24.0
Antitrust	5	5	100.0	0	0.0
Arson	57	49	86.0	8	14.0
Assault	390	354	90.8	36	9.2
Bribery/Corruption	163	122	74.8	41	25.2
Burglary/Trespass	59	48	81.4	11	18.6
Child Pornography	733	724	98.8	9	1.2
Commercialized Vice	34	26	76.5	8	23.5
Drug Possession	125	86	68.8	39	31.2
Drug Trafficking	9,912	8,154	82.3	1,758	17.7
Environmental	73	60	82.2	13	17.8
Extortion/Racketeering	66	58	87.9	8	12.1
Firearms	4,650	4,471	96.2	179	3.8
Food and Drug	9	7	77.8	2	22.2
Forgery/Counter/Copyright	65	45	69.2	20	30.8
Fraud/Theft/Embezzlement	2,732	1,926	70.5	806	29.5
Immigration	8,236	7,500	91.1	736	8.9
Individual Rights	35	31	88.6	4	11.4
Kidnapping	61	51	83.6	10	16.4
Manslaughter	39	33	84.6	6	15.4
Money Laundering	556	427	76.8	129	23.2
Murder	169	162	95.9	7	4.1
National Defense	85	76	89.4	9	10.6
Obscenity/Other Sex Offenses	170	168	98.8	2	1.2
Prison Offenses	263	244	92.8	19	7.2
Robbery	725	677	93.4	48	6.6
Sexual Abuse	695	651	93.7	44	6.3
Stalking/Harassing	131	123	93.9	8	6.1
Tax	225	170	75.6	55	24.4
Other	349	265	75.9	84	24.1

¹ Of the 31,120 cases, 21 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 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	30,998	21,699	70.0	9,299	30.0
Administration of Justice	285	232	81.4	53	18.6
Antitrust	5	5	100.0	0	0.0
Arson	57	54	94.7	3	5.3
Assault	387	360	93.0	27	7.0
Bribery/Corruption	163	149	91.4	14	8.6
Burglary/Trespass	58	53	91.4	5	8.6
Child Pornography	732	715	97.7	17	2.3
Commercialized Vice	34	31	91.2	3	8.8
Drug Possession	123	118	95.9	5	4.1
Drug Trafficking	9,907	8,374	84.5	1,533	15.5
Environmental	73	64	87.7	9	12.3
Extortion/Racketeering	63	54	85.7	9	14.3
Firearms	4,647	4,498	96.8	149	3.2
Food and Drug	8	7	87.5	1	12.5
Forgery/Counter/Copyright	65	61	93.8	4	6.2
Fraud/Theft/Embezzlement	2,718	2,296	84.5	422	15.5
Immigration	8,239	1,521	18.5	6,718	81.5
Individual Rights	35	32	91.4	3	8.6
Kidnapping	61	55	90.2	6	9.8
Manslaughter	39	38	97.4	1	2.6
Money Laundering	556	417	75.0	139	25.0
Murder	168	142	84.5	26	15.5
National Defense	84	61	72.6	23	27.4
Obscenity/Other Sex Offenses	170	165	97.1	5	2.9
Prison Offenses	256	253	98.8	3	1.2
Robbery	725	707	97.5	18	2.5
Sexual Abuse	695	660	95.0	35	5.0
Stalking/Harassing	131	127	96.9	4	3.1
Tax	225	201	89.3	24	10.7
Other	289	249	86.2	40	13.8

¹ Of the 31,120 cases, 122 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 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	51	27	31,120
Administration of Justice	11	8	287
Antitrust	1	0	5
Arson	40	30	57
Assault	62	41	390
Bribery/Corruption	18	12	163
Burglary/Trespass	15	7	59
Child Pornography	108	90	733
Commercialized Vice	22	16	34
Drug Possession	3	0	127
Drug Trafficking	76	60	9,912
Environmental	3	0	74
Extortion/Racketeering	72	28	66
Firearms	49	37	4,650
Food and Drug	10	0	9
Forgery/Counter/Copyright	18	12	65
Fraud/Theft/Embezzlement	22	12	2,732
Immigration	13	9	8,241
Individual Rights	48	12	35
Kidnapping	168	121	61
Manslaughter	85	70	39
Money Laundering	61	34	556
Murder	259	240	169
National Defense	33	14	85
Obscenity/Other Sex Offenses	23	20	170
Prison Offenses	10	7	264
Robbery	107	97	725
Sexual Abuse	207	180	695
Stalking/Harassing	28	19	131
Tax	14	9	225
Other	2	0	361

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

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	31,120	28,687	92.2	27,782	89.3	905	2.9	2,303	7.4	510	1.6	1,793	5.8	130	0.4
Administration of Justice	287	210	73.2	196	68.3	14	4.9	77	26.8	14	4.9	63	22.0	0	0.0
Antitrust	5	1	20.0	1	20.0	0	0.0	4	80.0	0	0.0	4	80.0	0	0.0
Arson	57	53	93.0	52	91.2	1	1.8	4	7.0	1	1.8	3	5.3	0	0.0
Assault	390	362	92.8	351	90.0	11	2.8	27	6.9	4	1.0	23	5.9	1	0.3
Bribery/Corruption	163	123	75.5	113	69.3	10	6.1	40	24.5	14	8.6	26	16.0	0	0.0
Burglary/Trespass	59	39	66.1	39	66.1	0	0.0	20	33.9	6	10.2	14	23.7	0	0.0
Child Pornography	733	727	99.2	715	97.5	12	1.6	6	0.8	2	0.3	4	0.5	0	0.0
Commercialized Vice	34	22	64.7	22	64.7	0	0.0	12	35.3	2	5.9	10	29.4	0	0.0
Drug Possession	127	55	43.3	55	43.3	0	0.0	51	40.2	3	2.4	48	37.8	21	16.5
Drug Trafficking	9,912	9,558	96.4	9,184	92.7	374	3.8	353	3.6	64	0.6	289	2.9	1	0.0
Environmental	74	23	31.1	20	27.0	3	4.1	48	64.9	10	13.5	38	51.4	3	4.1
Extortion/Racketeering	66	54	81.8	52	78.8	2	3.0	11	16.7	4	6.1	7	10.6	1	1.5
Firearms	4,650	4,391	94.4	4,295	92.4	96	2.1	259	5.6	68	1.5	191	4.1	0	0.0
Food and Drug	9	5	55.6	5	55.6	0	0.0	4	44.4	0	0.0	4	44.4	0	0.0
Forgery/Counter/Copyright	65	50	76.9	44	67.7	6	9.2	15	23.1	5	7.7	10	15.4	0	0.0
Fraud/Theft/Embezzlement	2,732	2,085	76.3	1,945	71.2	140	5.1	628	23.0	147	5.4	481	17.6	19	0.7
Immigration	8,241	7,882	95.6	7,740	93.9	142	1.7	358	4.3	101	1.2	257	3.1	1	0.0
Individual Rights	35	20	57.1	19	54.3	1	2.9	14	40.0	1	2.9	13	37.1	1	2.9
Kidnapping	61	59	96.7	58	95.1	1	1.6	2	3.3	0	0.0	2	3.3	0	0.0
Manslaughter	39	38	97.4	36	92.3	2	5.1	1	2.6	0	0.0	1	2.6	0	0.0
Money Laundering	556	486	87.4	475	85.4	11	2.0	70	12.6	24	4.3	46	8.3	0	0.0
Murder	169	168	99.4	165	97.6	3	1.8	1	0.6	0	0.0	1	0.6	0	0.0
National Defense	85	63	74.1	60	70.6	3	3.5	14	16.5	5	5.9	9	10.6	8	9.4
Obscenity/Other Sex Offenses	170	162	95.3	151	88.8	11	6.5	8	4.7	2	1.2	6	3.5	0	0.0
Prison Offenses	264	255	96.6	246	93.2	9	3.4	9	3.4	1	0.4	8	3.0	0	0.0
Robbery	725	714	98.5	699	96.4	15	2.1	11	1.5	2	0.3	9	1.2	0	0.0
Sexual Abuse	695	691	99.4	677	97.4	14	2.0	4	0.6	1	0.1	3	0.4	0	0.0
Stalking/Harassing	131	120	91.6	113	86.3	7	5.3	11	8.4	4	3.1	7	5.3	0	0.0
Tax	225	134	59.6	124	55.1	10	4.4	90	40.0	17	7.6	73	32.4	1	0.4
Other	361	137	38.0	130	36.0	7	1.9	151	41.8	8	2.2	143	39.6	73	20.2

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.

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

	N	%
TOTAL CASES	30,986	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	20,897	67.4
Within Guideline Range	12,799	41.3
Upward Departure ²	179	0.6
Downward Departure		
§5K1.1 Substantial Assistance	3,169	10.2
§5K3.1 Early Disposition Program	3,261	10.5
Other Government Motion ³	740	2.4
Non-Government Departure ⁴	749	2.4
VARIANCES	10,089	32.6
Upward Variance ⁵	673	2.2
Downward Variance		
Government Motion ⁶	2,985	9.6
Non-Government Variance ⁷	6,431	20.8

¹ This table reflects the 31,120 cases sentenced on or after October 1, 2021, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 2, 2022. Of these, 134 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

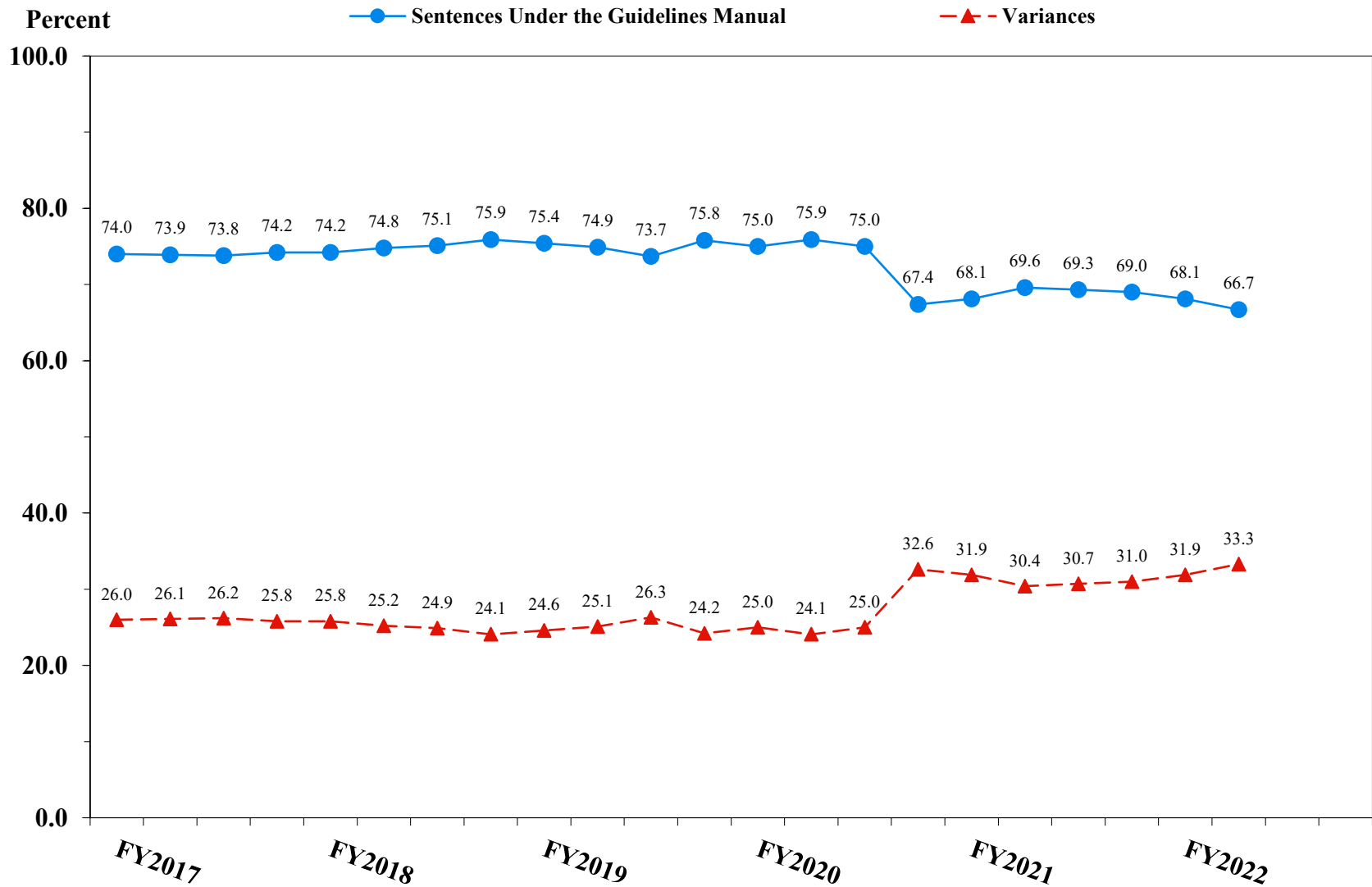
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

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

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2017 - 2021,
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)



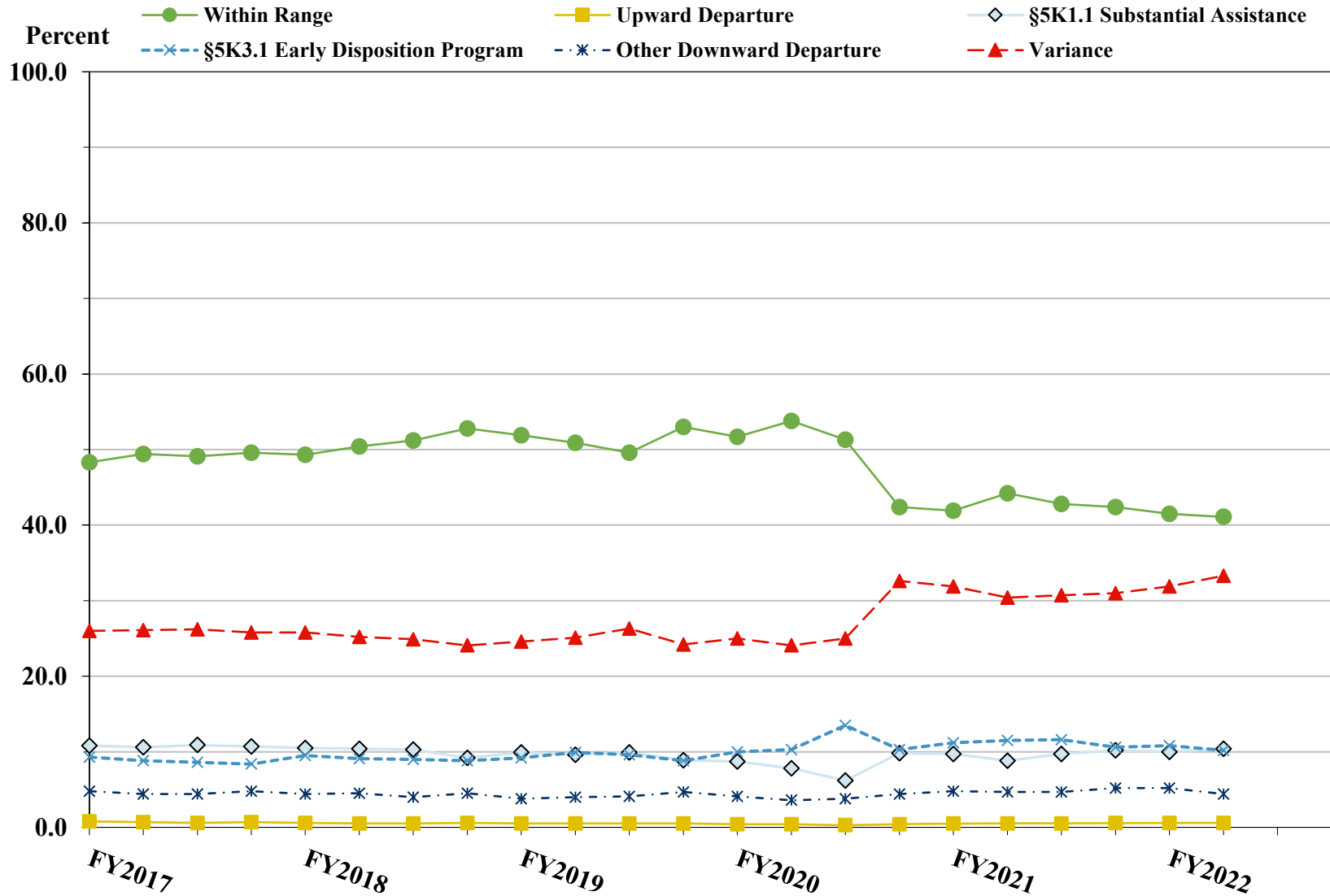
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2017 - 2021,
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

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

2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	30,986	12,799	41.3	179	0.6	3,169	10.2	3,261	10.5	1,489	4.8	10,089	32.6
D.C. CIRCUIT	135	65	48.1	0	0.0	17	12.6	1	0.7	8	5.9	44	32.6
District of Columbia	135	65	48.1	0	0.0	17	12.6	1	0.7	8	5.9	44	32.6
FIRST CIRCUIT	852	263	30.9	3	0.4	92	10.8	0	0.0	44	5.2	450	52.8
Maine	109	18	16.5	1	0.9	27	24.8	0	0.0	1	0.9	62	56.9
Massachusetts	229	58	25.3	1	0.4	37	16.2	0	0.0	21	9.2	112	48.9
New Hampshire	83	16	19.3	0	0.0	6	7.2	0	0.0	3	3.6	58	69.9
Puerto Rico	380	159	41.8	1	0.3	17	4.5	0	0.0	19	5.0	184	48.4
Rhode Island	51	12	23.5	0	0.0	5	9.8	0	0.0	0	0.0	34	66.7
SECOND CIRCUIT	1,581	403	25.5	11	0.7	210	13.3	1	0.1	70	4.4	886	56.0
Connecticut	155	50	32.3	0	0.0	11	7.1	0	0.0	21	13.5	73	47.1
New York													
Eastern	328	77	23.5	1	0.3	57	17.4	0	0.0	27	8.2	166	50.6
Northern	199	96	48.2	2	1.0	45	22.6	1	0.5	4	2.0	51	25.6
Southern	636	116	18.2	0	0.0	52	8.2	0	0.0	16	2.5	452	71.1
Western	194	53	27.3	8	4.1	33	17.0	0	0.0	1	0.5	99	51.0
Vermont	69	11	15.9	0	0.0	12	17.4	0	0.0	1	1.4	45	65.2
THIRD CIRCUIT	1,186	479	40.4	6	0.5	183	15.4	2	0.2	31	2.6	485	40.9
Delaware	33	11	33.3	0	0.0	3	9.1	0	0.0	3	9.1	16	48.5
New Jersey	339	132	38.9	0	0.0	48	14.2	0	0.0	1	0.3	158	46.6
Pennsylvania													
Eastern	230	60	26.1	1	0.4	61	26.5	0	0.0	9	3.9	99	43.0
Middle	214	105	49.1	1	0.5	33	15.4	2	0.9	12	5.6	61	28.5
Western	332	142	42.8	4	1.2	36	10.8	0	0.0	6	1.8	144	43.4
Virgin Islands	38	29	76.3	0	0.0	2	5.3	0	0.0	0	0.0	7	18.4
FOURTH CIRCUIT	2,346	1,096	46.7	22	0.9	359	15.3	1	0.0	73	3.1	795	33.9
Maryland	274	75	27.4	5	1.8	44	16.1	0	0.0	17	6.2	133	48.5
North Carolina													
Eastern	405	200	49.4	4	1.0	107	26.4	0	0.0	5	1.2	89	22.0
Middle	203	101	49.8	3	1.5	22	10.8	0	0.0	2	1.0	75	36.9
Western	282	152	53.9	0	0.0	33	11.7	0	0.0	3	1.1	94	33.3
South Carolina	284	102	35.9	3	1.1	81	28.5	0	0.0	10	3.5	88	31.0
Virginia													
Eastern	498	273	54.8	6	1.2	29	5.8	0	0.0	26	5.2	164	32.9
Western	150	66	44.0	0	0.0	16	10.7	0	0.0	9	6.0	59	39.3
West Virginia													
Northern	146	85	58.2	0	0.0	17	11.6	1	0.7	1	0.7	42	28.8
Southern	104	42	40.4	1	1.0	10	9.6	0	0.0	0	0.0	51	49.0

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	7,972	4,713	59.1	22	0.3	483	6.1	650	8.2	471	5.9	1,633	20.5
Louisiana													
Eastern	137	83	60.6	0	0.0	15	10.9	0	0.0	1	0.7	38	27.7
Middle	56	26	46.4	0	0.0	10	17.9	0	0.0	0	0.0	20	35.7
Western	159	95	59.7	2	1.3	23	14.5	0	0.0	4	2.5	35	22.0
Mississippi													
Northern	52	20	38.5	0	0.0	9	17.3	0	0.0	0	0.0	23	44.2
Southern	147	102	69.4	0	0.0	14	9.5	0	0.0	0	0.0	31	21.1
Texas													
Eastern	297	177	59.6	0	0.0	16	5.4	0	0.0	1	0.3	103	34.7
Northern	788	497	63.1	7	0.9	64	8.1	0	0.0	15	1.9	205	26.0
Southern	3,704	1,712	46.2	11	0.3	214	5.8	610	16.5	375	10.1	782	21.1
Western	2,632	2,001	76.0	2	0.1	118	4.5	40	1.5	75	2.8	396	15.0
SIXTH CIRCUIT	2,527	980	38.8	5	0.2	493	19.5	2	0.1	91	3.6	956	37.8
Kentucky													
Eastern	275	130	47.3	0	0.0	50	18.2	0	0.0	2	0.7	93	33.8
Western	121	39	32.2	1	0.8	39	32.2	1	0.8	6	5.0	35	28.9
Michigan													
Eastern	353	114	32.3	0	0.0	54	15.3	0	0.0	8	2.3	177	50.1
Western	145	77	53.1	0	0.0	27	18.6	1	0.7	3	2.1	37	25.5
Ohio													
Northern	597	256	42.9	3	0.5	123	20.6	0	0.0	18	3.0	197	33.0
Southern	296	74	25.0	0	0.0	76	25.7	0	0.0	40	13.5	106	35.8
Tennessee													
Eastern	352	166	47.2	1	0.3	81	23.0	0	0.0	8	2.3	96	27.3
Middle	158	27	17.1	0	0.0	13	8.2	0	0.0	4	2.5	114	72.2
Western	230	97	42.2	0	0.0	30	13.0	0	0.0	2	0.9	101	43.9
SEVENTH CIRCUIT	1,214	471	38.8	4	0.3	114	9.4	1	0.1	56	4.6	568	46.8
Illinois													
Central	132	46	34.8	0	0.0	21	15.9	1	0.8	1	0.8	63	47.7
Northern	301	88	29.2	2	0.7	29	9.6	0	0.0	24	8.0	158	52.5
Southern	122	67	54.9	2	1.6	13	10.7	0	0.0	1	0.8	39	32.0
Indiana													
Northern	179	88	49.2	0	0.0	16	8.9	0	0.0	2	1.1	73	40.8
Southern	264	124	47.0	0	0.0	25	9.5	0	0.0	1	0.4	114	43.2
Wisconsin													
Eastern	152	40	26.3	0	0.0	7	4.6	0	0.0	5	3.3	100	65.8
Western	64	18	28.1	0	0.0	3	4.7	0	0.0	22	34.4	21	32.8
EIGHTH CIRCUIT	2,497	1,078	43.2	19	0.8	262	10.5	7	0.3	44	1.8	1,087	43.5
Arkansas													
Eastern	239	156	65.3	0	0.0	14	5.9	0	0.0	3	1.3	66	27.6
Western	144	57	39.6	0	0.0	16	11.1	0	0.0	0	0.0	71	49.3
Iowa													
Northern	165	82	49.7	6	3.6	27	16.4	0	0.0	5	3.0	45	27.3
Southern	243	84	34.6	0	0.0	30	12.3	0	0.0	1	0.4	128	52.7
Minnesota	167	48	28.7	3	1.8	14	8.4	2	1.2	5	3.0	95	56.9
Missouri													
Eastern	509	200	39.3	2	0.4	36	7.1	0	0.0	0	0.0	271	53.2
Western	385	149	38.7	0	0.0	48	12.5	0	0.0	7	1.8	181	47.0
Nebraska	229	106	46.3	0	0.0	7	3.1	5	2.2	7	3.1	104	45.4
North Dakota	166	53	31.9	3	1.8	69	41.6	0	0.0	2	1.2	39	23.5
South Dakota	250	143	57.2	5	2.0	1	0.4	0	0.0	14	5.6	87	34.8

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	5,792	1,169	20.2	51	0.9	432	7.5	2,391	41.3	250	4.3	1,499	25.9
Alaska	66	19	28.8	0	0.0	8	12.1	0	0.0	0	0.0	39	59.1
Arizona	2,012	470	23.4	7	0.3	37	1.8	1,247	62.0	18	0.9	233	11.6
California													
Central	507	108	21.3	2	0.4	71	14.0	10	2.0	35	6.9	281	55.4
Eastern	174	64	36.8	1	0.6	23	13.2	7	4.0	4	2.3	75	43.1
Northern	186	24	12.9	0	0.0	16	8.6	0	0.0	9	4.8	137	73.7
Southern	1,810	197	10.9	38	2.1	87	4.8	1,110	61.3	173	9.6	205	11.3
Guam	10	6	60.0	0	0.0	3	30.0	0	0.0	0	0.0	1	10.0
Hawaii	78	21	26.9	0	0.0	23	29.5	0	0.0	0	0.0	34	43.6
Idaho	163	55	33.7	0	0.0	44	27.0	3	1.8	3	1.8	58	35.6
Montana	176	51	29.0	1	0.6	50	28.4	0	0.0	4	2.3	70	39.8
Nevada	174	41	23.6	0	0.0	10	5.7	13	7.5	1	0.6	109	62.6
Northern Mariana Islands	11	5	45.5	0	0.0	5	45.5	0	0.0	0	0.0	1	9.1
Oregon	149	19	12.8	1	0.7	29	19.5	0	0.0	2	1.3	98	65.8
Washington													
Eastern	90	32	35.6	1	1.1	21	23.3	1	1.1	1	1.1	34	37.8
Western	186	57	30.6	0	0.0	5	2.7	0	0.0	0	0.0	124	66.7
TENTH CIRCUIT	2,205	754	34.2	25	1.1	216	9.8	204	9.3	277	12.6	729	33.1
Colorado	190	55	28.9	0	0.0	45	23.7	5	2.6	3	1.6	82	43.2
Kansas	183	70	38.3	1	0.5	33	18.0	2	1.1	5	2.7	72	39.3
New Mexico	892	353	39.6	3	0.3	21	2.4	166	18.6	158	17.7	191	21.4
Oklahoma													
Eastern	77	38	49.4	0	0.0	21	27.3	0	0.0	2	2.6	16	20.8
Northern	250	99	39.6	19	7.6	35	14.0	0	0.0	68	27.2	29	11.6
Western	185	73	39.5	0	0.0	19	10.3	0	0.0	3	1.6	90	48.6
Utah	363	60	16.5	0	0.0	26	7.2	29	8.0	35	9.6	213	58.7
Wyoming	65	6	9.2	2	3.1	16	24.6	2	3.1	3	4.6	36	55.4
ELEVENTH CIRCUIT	2,679	1,328	49.6	11	0.4	308	11.5	1	0.0	74	2.8	957	35.7
Alabama													
Middle	64	32	50.0	0	0.0	15	23.4	0	0.0	0	0.0	17	26.6
Northern	213	122	57.3	2	0.9	35	16.4	0	0.0	2	0.9	52	24.4
Southern	148	80	54.1	2	1.4	25	16.9	0	0.0	3	2.0	38	25.7
Florida													
Middle	487	196	40.2	1	0.2	80	16.4	0	0.0	8	1.6	202	41.5
Northern	137	50	36.5	2	1.5	35	25.5	1	0.7	1	0.7	48	35.0
Southern	889	461	51.9	0	0.0	43	4.8	0	0.0	12	1.3	373	42.0
Georgia													
Middle	232	133	57.3	2	0.9	17	7.3	0	0.0	39	16.8	41	17.7
Northern	244	83	34.0	0	0.0	22	9.0	0	0.0	3	1.2	136	55.7
Southern	265	171	64.5	2	0.8	36	13.6	0	0.0	6	2.3	50	18.9

¹ Of the 31,120 cases, 134 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 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	30,986	12,799	41.3	179	0.6	3,169	10.2	3,261	10.5	1,489	4.8	10,089	32.6
Administration of Justice	286	144	50.3	1	0.3	10	3.5	4	1.4	9	3.1	118	41.3
Antitrust	5	0	0.0	0	0.0	3	60.0	0	0.0	0	0.0	2	40.0
Arson	57	23	40.4	1	1.8	11	19.3	0	0.0	2	3.5	20	35.1
Assault	379	165	43.5	12	3.2	15	4.0	2	0.5	37	9.8	148	39.1
Bribery/Corruption	163	32	19.6	0	0.0	41	25.2	0	0.0	11	6.7	79	48.5
Burglary/Trespass	58	42	72.4	1	1.7	4	6.9	0	0.0	4	6.9	7	12.1
Child Pornography	731	249	34.1	5	0.7	10	1.4	1	0.1	42	5.7	424	58.0
Commercialized Vice	34	12	35.3	3	8.8	5	14.7	0	0.0	0	0.0	14	41.2
Drug Possession	119	103	86.6	1	0.8	1	0.8	0	0.0	0	0.0	14	11.8
Drug Trafficking	9,896	2,683	27.1	36	0.4	2,029	20.5	938	9.5	486	4.9	3,724	37.6
Environmental	68	38	55.9	0	0.0	7	10.3	1	1.5	3	4.4	19	27.9
Extortion/Racketeering	60	19	31.7	0	0.0	4	6.7	0	0.0	8	13.3	29	48.3
Firearms	4,641	2,439	52.6	37	0.8	216	4.7	6	0.1	168	3.6	1,775	38.2
Food and Drug	9	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0	2	22.2
Forgery/Counter/Copyright	65	34	52.3	0	0.0	7	10.8	0	0.0	1	1.5	23	35.4
Fraud/Theft/Embezzlement	2,717	1,143	42.1	38	1.4	345	12.7	6	0.2	80	2.9	1,105	40.7
Immigration	8,209	4,134	50.4	11	0.1	90	1.1	2,295	28.0	486	5.9	1,193	14.5
Individual Rights	35	19	54.3	0	0.0	1	2.9	0	0.0	1	2.9	14	40.0
Kidnapping	61	16	26.2	0	0.0	12	19.7	0	0.0	3	4.9	30	49.2
Manslaughter	39	16	41.0	3	7.7	1	2.6	0	0.0	2	5.1	17	43.6
Money Laundering	556	163	29.3	9	1.6	134	24.1	4	0.7	17	3.1	229	41.2
Murder	169	49	29.0	3	1.8	44	26.0	0	0.0	12	7.1	61	36.1
National Defense	85	34	40.0	0	0.0	16	18.8	1	1.2	7	8.2	27	31.8
Obscenity/Other Sex Offenses	170	89	52.4	3	1.8	0	0.0	0	0.0	7	4.1	71	41.8
Prison Offenses	262	181	69.1	0	0.0	2	0.8	2	0.8	15	5.7	62	23.7
Robbery	724	276	38.1	4	0.6	94	13.0	0	0.0	35	4.8	315	43.5
Sexual Abuse	695	282	40.6	8	1.2	35	5.0	0	0.0	35	5.0	335	48.2
Stalking/Harassing	130	61	46.9	2	1.5	0	0.0	0	0.0	10	7.7	57	43.8
Tax	225	52	23.1	1	0.4	31	13.8	1	0.4	6	2.7	134	59.6
Other	338	294	87.0	0	0.0	1	0.3	0	0.0	2	0.6	41	12.1

¹ Of the 31,120 cases, 134 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 PRIMARY SENTENCING GUIDELINE¹
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

Guideline	Within Guideline							Variance	Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Departure			Total	Range	Up	§5K1.1	§5K3.1	Down	Departure
§2A1.1	122	31	1	38	0	9	43	§2D1.8	9	2	0	2	0	0	5	
§2A1.2	35	16	2	2	0	3	12	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	20	9	2	0	0	0	9	§2D1.10	0	0	0	0	0	0	0	
§2A1.4	19	7	1	1	0	2	8	§2D1.11	0	0	0	0	0	0	0	
§2A1.5	6	1	0	1	0	0	4	§2D1.12	1	0	0	0	0	0	1	
§2A2.1	77	27	0	11	0	3	36	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	245	99	12	3	2	31	98	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	34	28	0	0	0	3	3	§2D2.1	74	58	1	1	0	0	14	
§2A2.4	110	61	0	0	1	7	41	§2D2.2	22	18	0	1	0	0	3	
§2A3.1	66	32	1	0	0	10	23	§2D2.3	0	0	0	0	0	0	0	
§2A3.2	18	13	0	0	0	1	4	§2D3.1	1	1	0	0	0	0	0	
§2A3.3	2	1	1	0	0	0	0	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	19	13	0	0	0	0	6	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	155	84	2	0	0	7	62	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	58	15	0	12	0	2	29	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	0	0	0	0	0	0	0	§2E1.1	24	9	0	3	0	6	6	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0	
§2A5.2	11	5	0	0	0	0	6	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	4	2	0	0	0	0	2	
§2A6.1	89	43	2	0	0	5	39	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	40	17	0	0	0	5	18	§2E2.1	4	0	0	0	0	1	3	
§2B1.1	2,586	1,044	37	343	4	78	1,080	§2E3.1	20	7	2	3	0	0	8	
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0	
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0	
§2B1.4	9	0	0	0	0	0	9	§2E4.1	8	1	0	1	0	0	6	
§2B1.5	4	1	0	0	0	1	2	§2E5.1	1	0	0	0	0	0	1	
§2B1.6 ²	43	41	0	2	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	35	20	1	4	0	4	6	§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	20	20	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	712	274	4	93	0	35	306	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	8	1	0	0	0	0	7	§2F1.1	0	0	0	0	0	0	0	
§2B3.3	4	1	0	0	0	0	3	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	48	7	0	21	0	2	18	§2G1.1	29	8	2	5	0	2	12	
§2B5.1	53	34	0	3	0	1	15	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	244	114	4	12	0	11	103	
§2B5.3	11	0	0	4	0	0	7	§2G2.1	326	106	1	20	0	10	189	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	728	248	5	10	1	42	422	
§2B6.1	0	0	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	106	23	0	20	0	9	54	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	4	1	0	0	0	0	3	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	2	1	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	15	5	1	0	0	0	9	
§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	23	9	0	1	0	1	12	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	2	0	0	0	0	0	2	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	9,759	2,631	35	2,014	934	470	3,675	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	84	40	1	7	0	10	26	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	1	1	0	0	0	0	0	
§2D1.5	3	0	0	1	0	1	1	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	4	0	0	0	0	1	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	3	3	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	56	17	0	9	1	6	23
§2J1.1	0	0	0	0	0	0	0	§2M5.3	7	3	0	2	0	1	1
§2J1.2	44	18	0	3	0	1	22	§2M6.1	0	0	0	0	0	0	0
§2J1.3	7	3	0	0	0	0	4	§2M6.2	0	0	0	0	0	0	0
§2J1.4	5	4	0	0	0	0	1	§2N1.1	2	0	0	0	0	0	2
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	15	10	0	0	0	0	5	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	6	6	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	122	83	0	0	0	2	37
§2K1.1	1	1	0	0	0	0	0	§2P1.2	93	71	0	2	0	5	15
§2K1.2	0	0	0	0	0	0	0	§2P1.3	1	1	0	0	0	0	0
§2K1.3	3	2	0	0	0	0	1	§2P1.4	0	0	0	0	0	0	0
§2K1.4	55	23	1	10	0	2	19	§2Q1.1	1	0	0	0	0	0	1
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	28	11	0	6	0	2	9
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	7	4	0	0	0	0	3
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	4,422	2,264	32	204	6	166	1,750	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	28	20	0	1	1	1	5
§2K2.4 ³	180	153	3	12	0	0	12	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	6	2	2	0	0	0	2	§2R1.1	5	0	0	3	0	0	2
§2K2.6	0	0	0	0	0	0	0	§2S1.1	462	124	1	127	1	12	197
§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	92	38	8	7	3	5	31
§2L1.1	1,965	750	0	61	747	56	351	§2S1.4	0	0	0	0	0	0	0
§2L1.2	5,527	2,870	11	14	1,468	408	756	§2T1.1	121	31	0	17	0	2	71
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	33	8	0	12	0	0	13	§2T1.3	0	0	0	0	0	0	0
§2L2.2	329	271	0	2	1	14	41	§2T1.4	61	10	0	13	0	3	35
§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	34	6	0	1	0	1	26
§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	4	2	1	0	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	4	2	0	0	1	0	1
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	0	0	0	0	0	0	0	§2X1.1	9	0	0	0	0	1	8
§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	52	18	0	10	0	1	23
§2M3.6	0	0	0	0	0	0	0	§2X4.1	88	40	1	6	3	1	37
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	99	73	0	0	0	0	26
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	8	1	0	5	0	0	2	§2X7.2	0	0	0	0	0	0	0
TOTAL									30,148	12,180	178	3,166	3,174	1,462	9,988

¹ Of the 31,120 cases, 972 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 (134) or missing guideline applied (928). 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 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

	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	18,187	3,176	17.5	3,311	18.2	2,800	15.4	4,178	23.0	259	1.4
Departures	8,098	3,169	39.1	3,306	40.8	1,780	22.0	3,219	39.8	185	2.3
Upward Departure	179	0	0.0	0	0.0	49	27.4	49	27.4	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	3,169	3,169	100.0	45	1.4	119	3.8	830	26.2	17	0.5
§5K3.1 Early Disposition Program	3,261	0	0.0	3,261	100.0	1,264	38.8	2,087	64.0	162	5.0
Other Government Motion	740	0	0.0	0	0.0	348	47.0	253	34.2	6	0.8
Non-Government Departure	749	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	10,089	7	0.1	5	0.0	1,020	10.1	959	9.5	74	0.7
Upward Variance	673	7	1.0	5	0.7	119	17.7	61	9.1	0	0.0
Downward Variance											
Government Motion	2,985	0	0.0	0	0.0	901	30.2	898	30.1	74	2.5
Non-Government Variance	6,431	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	2,823	15.5	3,149	17.3	3,638	20.0	968	5.3	2,460	13.5	1,143	6.3
Departures	2,399	29.6	1,263	15.6	773	9.5	378	4.7	631	7.8	108	1.3
Upward Departure	40	22.3	0	0.0	3	1.7	9	5.0	33	18.4	16	8.9
Downward Departure												
§5K1.1 Substantial Assistance	2,066	65.2	396	12.5	326	10.3	183	5.8	318	10.0	0	0.0
§5K3.1 Early Disposition Program	193	5.9	388	11.9	278	8.5	113	3.5	79	2.4	0	0.0
Other Government Motion	100	13.5	51	6.9	27	3.6	73	9.9	48	6.5	24	3.2
Non-Government Departure	0	0.0	428	57.1	139	18.6	0	0.0	153	20.4	68	9.1
Variations	424	4.2	1,886	18.7	2,865	28.4	590	5.8	1,829	18.1	1,035	10.3
Upward Variance	126	18.7	4	0.6	6	0.9	9	1.3	296	44.0	82	12.2
Downward Variance												
Government Motion	298	10.0	298	10.0	118	4.0	581	19.5	143	4.8	110	3.7
Non-Government Variance	0	0.0	1,584	24.6	2,741	42.6	0	0.0	1,390	21.6	843	13.1

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 7,231 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 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	177	89	31	107.3	70	20	50.0
Administration of Justice	1	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	12	98	41	73.9	86	31	56.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	5	118	24	24.1	82	18	27.7
Commercialized Vice	3	87	59	181.3	60	27	81.8
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	36	107	41	132.9	100	27	43.8
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	37	83	29	66.9	72	21	36.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	38	36	16	191.2	18	11	129.7
Immigration	11	32	9	45.1	36	9	33.3
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	3	139	64	76.7	177	83	85.6
Money Laundering	8	31	14	89.3	21	11	60.4
Murder	3	453	144	52.4	470	105	28.8
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	92	54	139.8	78	45	136.4
Prison Offenses	0	--	--	--	--	--	--
Robbery	4	157	25	22.2	128	25	19.6
Sexual Abuse	7	238	46	43.7	235	48	30.6
Stalking/Harassing	2	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 31,120 cases, in 179 the sentence was an upward departure from the guideline range. Also, two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	669	81	24	69.0	60	14	37.9
Administration of Justice	10	37	21	101.0	24	6	66.7
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	17	102	34	46.1	100	19	23.7
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	18	149	33	32.6	140	29	24.8
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	4	26	12	94.8	27	12	85.9
Drug Trafficking	116	94	27	104.5	84	18	36.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	194	83	24	52.0	72	15	32.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	68	47	18	96.4	36	13	60.0
Immigration	107	35	13	75.2	24	9	60.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	11	142	55	75.7	132	36	78.6
Money Laundering	3	69	14	84.2	16	10	66.7
Murder	5	316	73	37.5	360	72	24.6
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	10	47	20	82.0	49	17	70.9
Prison Offenses	5	35	13	63.1	36	6	62.2
Robbery	33	150	31	32.1	135	26	25.0
Sexual Abuse	23	207	58	41.6	180	30	30.6
Stalking/Harassing	10	60	22	60.3	50	12	55.2
Tax	0	--	--	--	--	--	--
Other	26	9	3	42.3	8	2	33.3

¹ Of the 31,120 cases, in 673 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two cases were excluded from this table. Also, two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,111	52	54	55.3	37	38	50.0
Administration of Justice	10	5	25	85.3	0	21	99.2
Antitrust	3	1	6	83.3	0	6	100.0
Arson	11	24	34	59.8	30	30	50.0
Assault	13	75	100	51.8	70	56	54.0
Bribery/Corruption	41	11	20	73.5	6	18	78.9
Burglary/Trespass	4	6	16	71.2	3	16	79.9
Child Pornography	10	91	74	46.6	80	60	39.4
Commercialized Vice	5	11	10	70.3	0	8	99.7
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	2,010	63	61	52.8	54	48	47.9
Environmental	7	4	15	80.2	6	12	74.5
Extortion/Racketeering	4	10	24	76.8	6	21	83.7
Firearms	216	37	29	50.8	28	18	43.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	7	4	20	81.9	0	12	100.0
Fraud/Theft/Embezzlement	345	18	27	63.1	12	20	60.0
Immigration	90	12	14	57.3	9	10	50.2
Individual Rights	1	--	--	--	--	--	--
Kidnapping	10	109	122	52.8	112	104	50.0
Manslaughter	1	--	--	--	--	--	--
Money Laundering	127	41	61	63.5	24	37	57.1
Murder	25	143	144	49.4	168	138	48.8
National Defense	16	28	56	67.5	21	37	66.3
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	91	66	70	50.2	60	51	44.4
Sexual Abuse	29	96	86	47.8	90	60	42.2
Stalking/Harassing	0	--	--	--	--	--	--
Tax	31	6	19	79.4	0	18	100.0
Other	1	--	--	--	--	--	--

¹ Of the 31,120 cases, in 3,169 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, 32 cases were excluded from this table. Also, 26 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹**
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,259	16	22	50.4	12	9	48.6
Administration of Justice	4	12	18	61.8	14	20	61.1
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	2	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	938	30	56	64.0	26	46	64.1
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	6	31	20	38.5	26	14	40.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	6	7	22	74.6	8	23	74.3
Immigration	2,293	11	8	44.7	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	4	12	13	57.2	10	14	67.0
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 31,120 cases, in 3,261 the offender received a §5K3.1 early disposition program departure below the guideline range. Also, two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,458	40	29	46.5	19	15	42.1
Administration of Justice	9	5	12	74.3	0	8	99.6
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	37	33	19	47.6	27	13	35.3
Bribery/Corruption	11	10	22	72.7	12	24	67.5
Burglary/Trespass	4	15	14	53.0	18	16	43.5
Child Pornography	40	82	37	32.6	69	31	30.6
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	481	67	47	45.3	57	34	42.9
Environmental	3	0	16	100.0	0	12	100.0
Extortion/Racketeering	7	17	14	49.8	18	12	41.3
Firearms	166	32	22	48.1	24	16	41.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	76	15	16	63.2	8	12	61.0
Immigration	486	13	11	44.6	10	7	41.7
Individual Rights	1	--	--	--	--	--	--
Kidnapping	3	91	90	50.0	100	88	50.7
Manslaughter	2	--	--	--	--	--	--
Money Laundering	16	52	48	58.3	12	49	50.0
Murder	8	171	121	41.9	175	117	38.6
National Defense	7	52	29	43.3	36	27	41.2
Obscenity/Other Sex Offenses	7	16	8	34.8	12	6	33.2
Prison Offenses	15	5	6	51.5	4	4	50.0
Robbery	34	73	34	34.9	60	26	30.1
Sexual Abuse	28	128	81	37.9	120	64	35.9
Stalking/Harassing	9	32	13	52.7	18	15	34.8
Tax	6	4	16	79.2	0	15	100.0
Other	0	--	--	--	--	--	--

¹ Of the 31,120 cases, in 1,489 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (740) or a non-government departure (749). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 15 cases were excluded from this table. Also, 16 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)

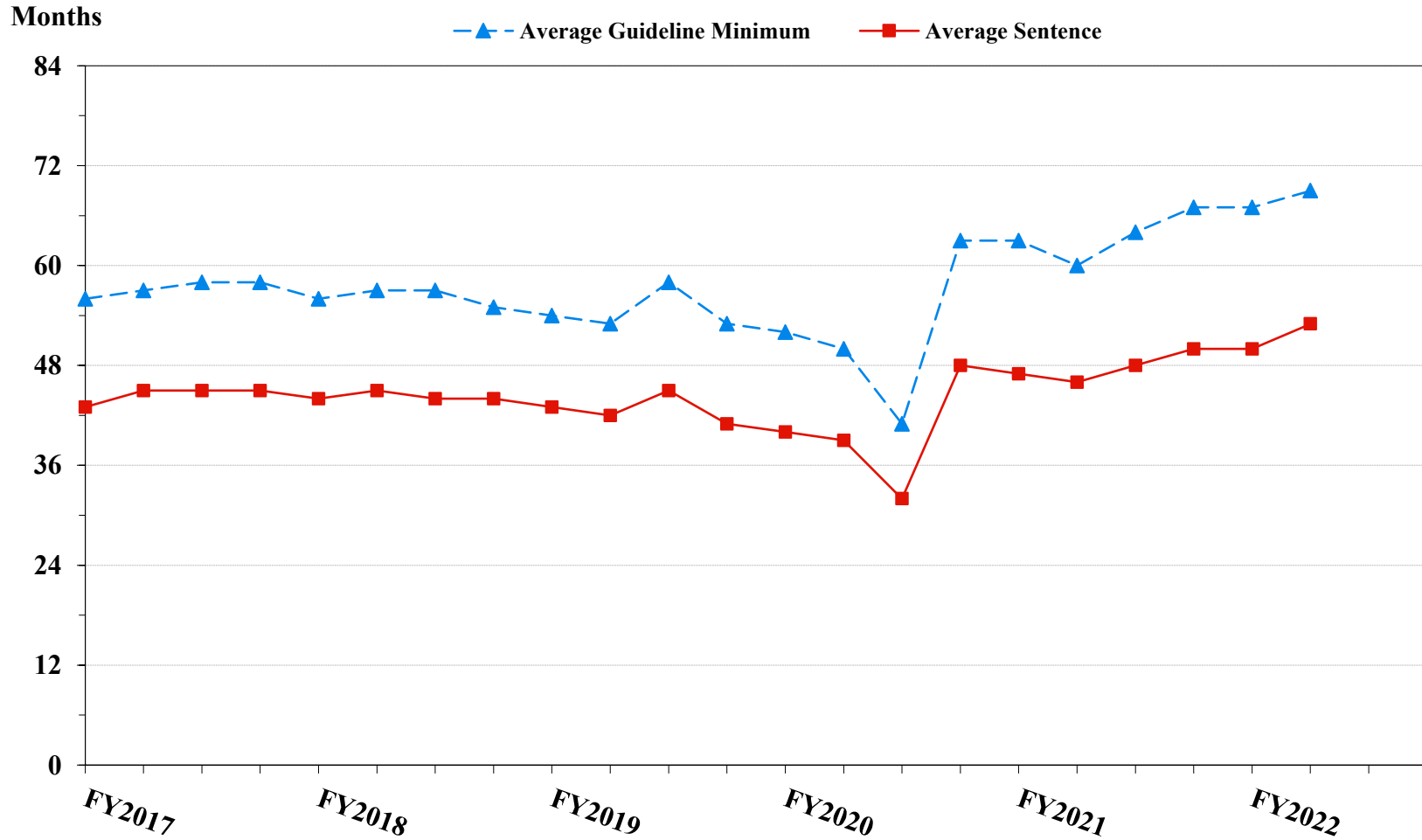
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	9,184	52	29	43.8	32	17	35.1
Administration of Justice	106	7	12	70.7	1	10	96.3
Antitrust	2	--	--	--	--	--	--
Arson	19	33	20	40.8	24	17	38.1
Assault	123	46	20	41.9	24	15	30.0
Bribery/Corruption	77	16	21	63.6	12	13	62.2
Burglary/Trespass	7	6	7	67.6	7	8	57.1
Child Pornography	392	78	51	40.6	71	44	38.1
Commercialized Vice	13	7	10	77.0	0	9	100.0
Drug Possession	10	1	3	87.5	0	1	97.0
Drug Trafficking	3,559	74	40	39.2	60	27	31.4
Environmental	19	5	12	73.4	0	12	95.7
Extortion/Racketeering	27	23	25	63.0	6	18	84.6
Firearms	1,566	36	18	41.6	27	12	31.0
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	21	10	18	74.0	2	15	80.0
Fraud/Theft/Embezzlement	1,026	19	17	58.9	12	11	51.4
Immigration	1,085	13	9	42.6	12	6	33.3
Individual Rights	13	25	26	69.8	3	18	90.0
Kidnapping	24	118	78	43.1	120	64	35.9
Manslaughter	6	45	12	34.8	23	11	23.9
Money Laundering	218	45	36	50.8	27	19	45.2
Murder	31	186	67	27.7	180	46	20.0
National Defense	27	21	24	61.7	6	27	50.0
Obscenity/Other Sex Offenses	60	14	10	53.4	12	9	47.7
Prison Offenses	57	9	7	46.6	8	5	40.0
Robbery	276	93	31	27.9	90	25	22.8
Sexual Abuse	223	161	69	30.3	150	60	26.7
Stalking/Harassing	47	15	15	57.0	12	12	51.4
Tax	133	10	16	68.7	6	12	74.1
Other	15	2	9	84.3	0	6	99.9

¹ Of the 31,120 cases, in 9,416 the sentence was a variance below the guideline range, either due to a government motion for a variance (2,985) or a non-government variance (6,431). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 93 cases were excluded from this table. Also, 139 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Figure 5

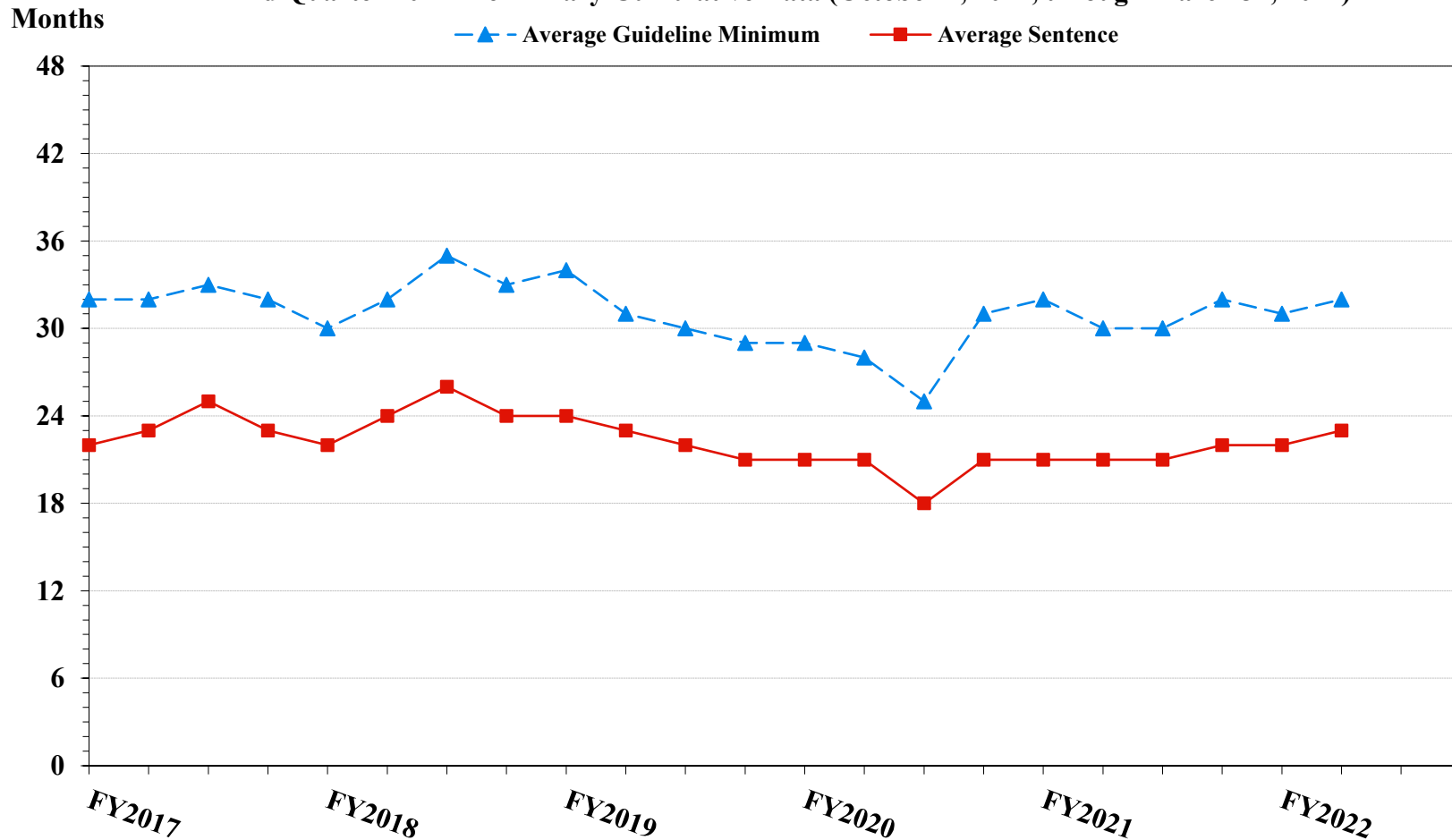
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2017 - 2021,
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)**



¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this 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 6

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2017 - 2021,
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)**

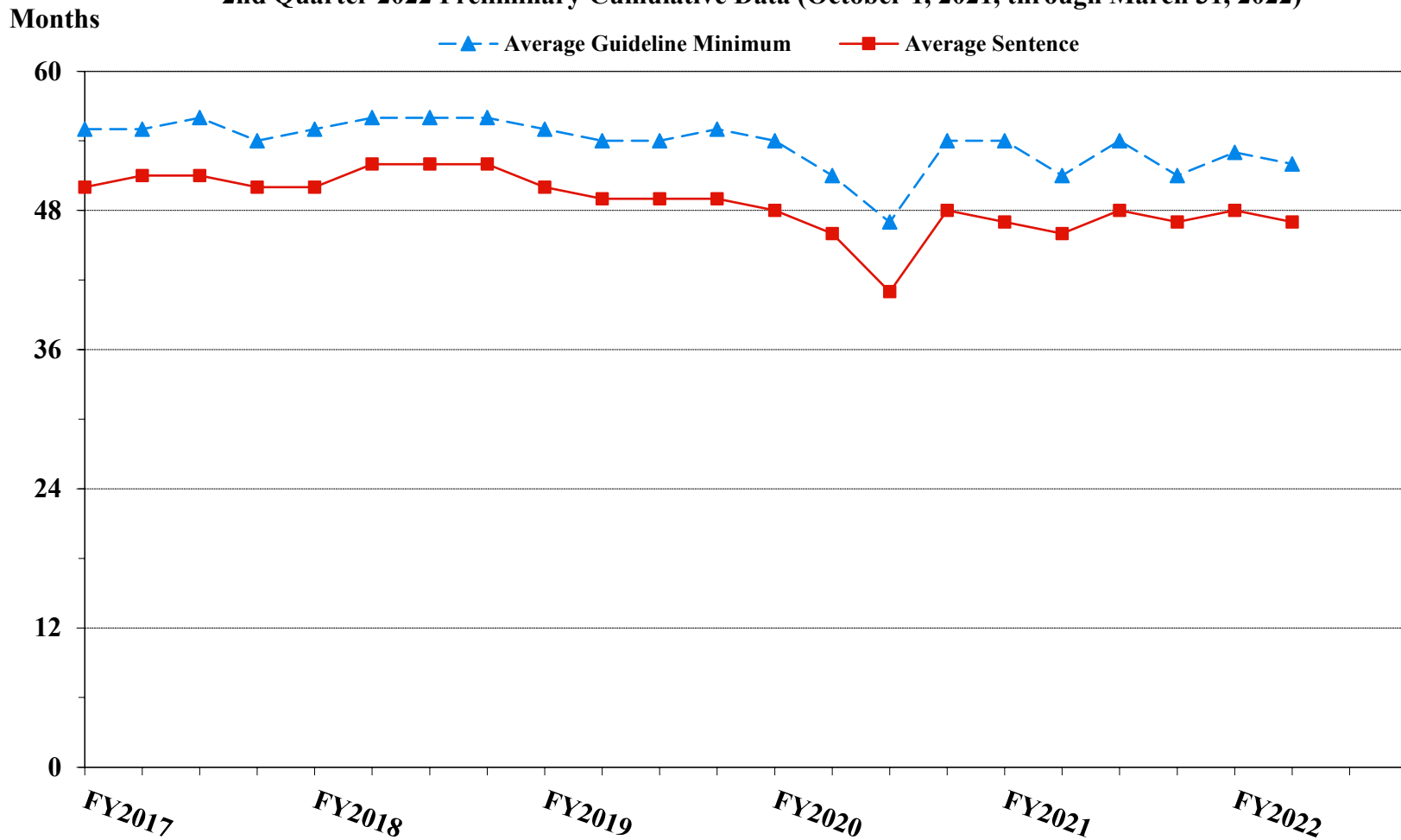


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Figure 7

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

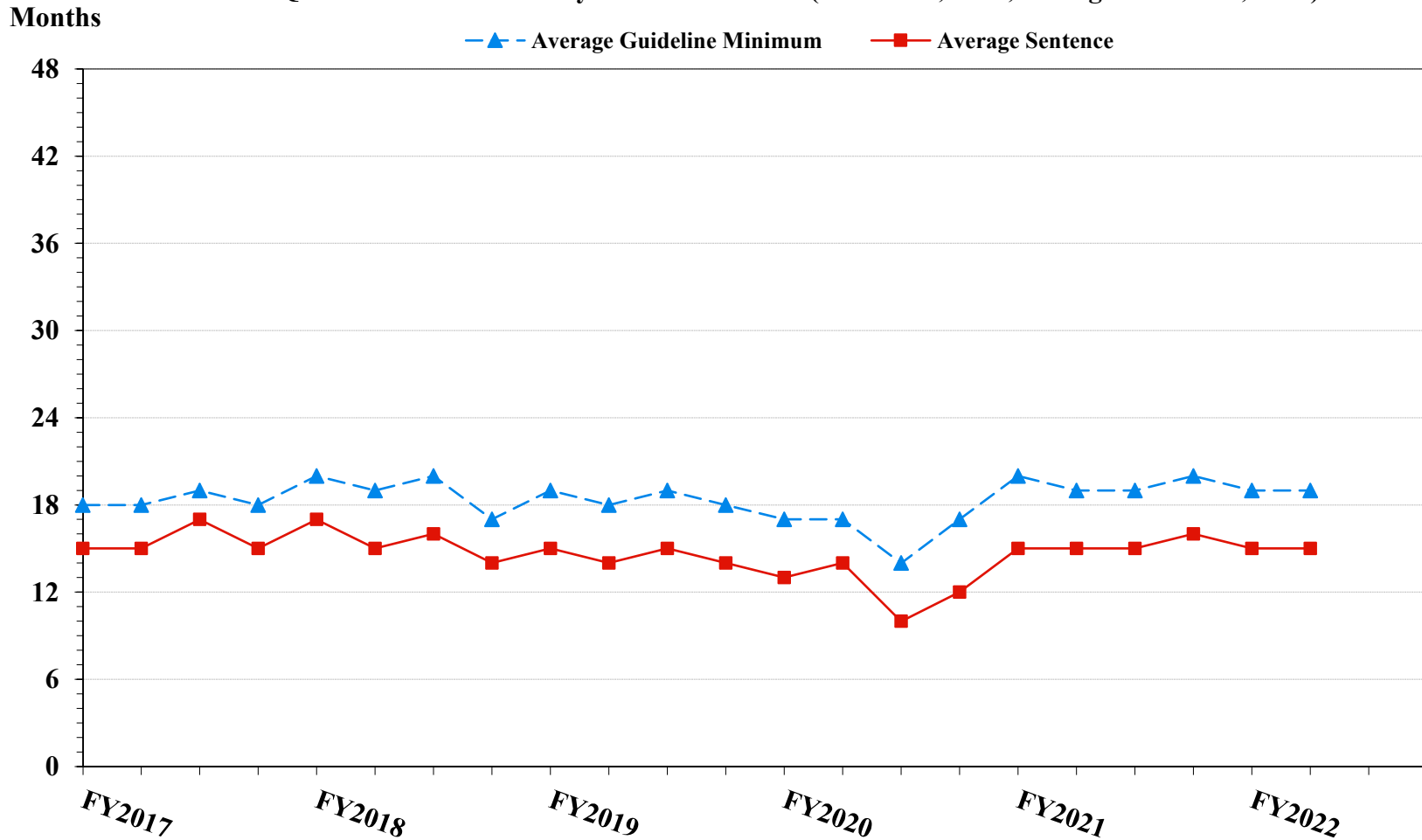


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2017 - 2021,
2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)**

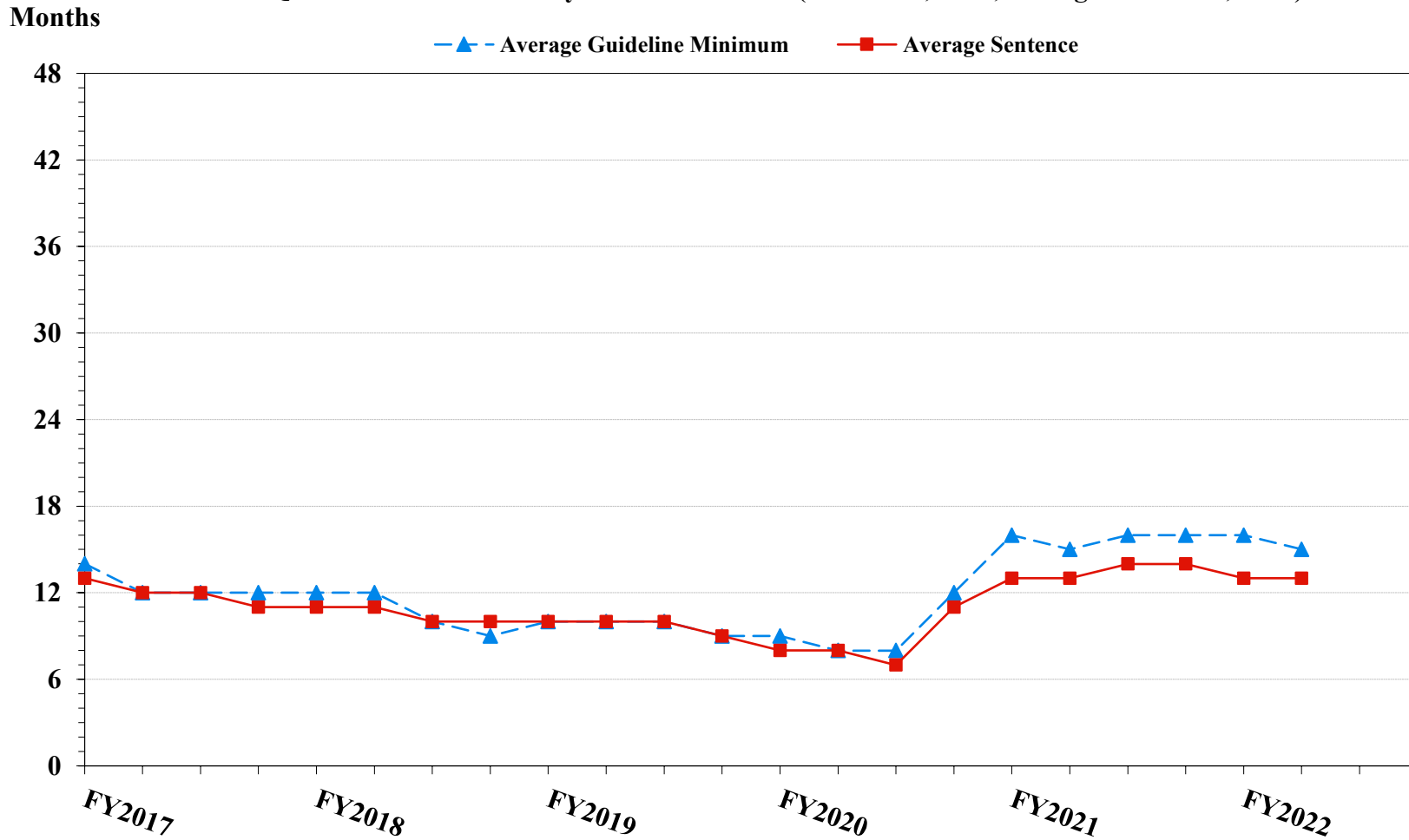


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Figure 9

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

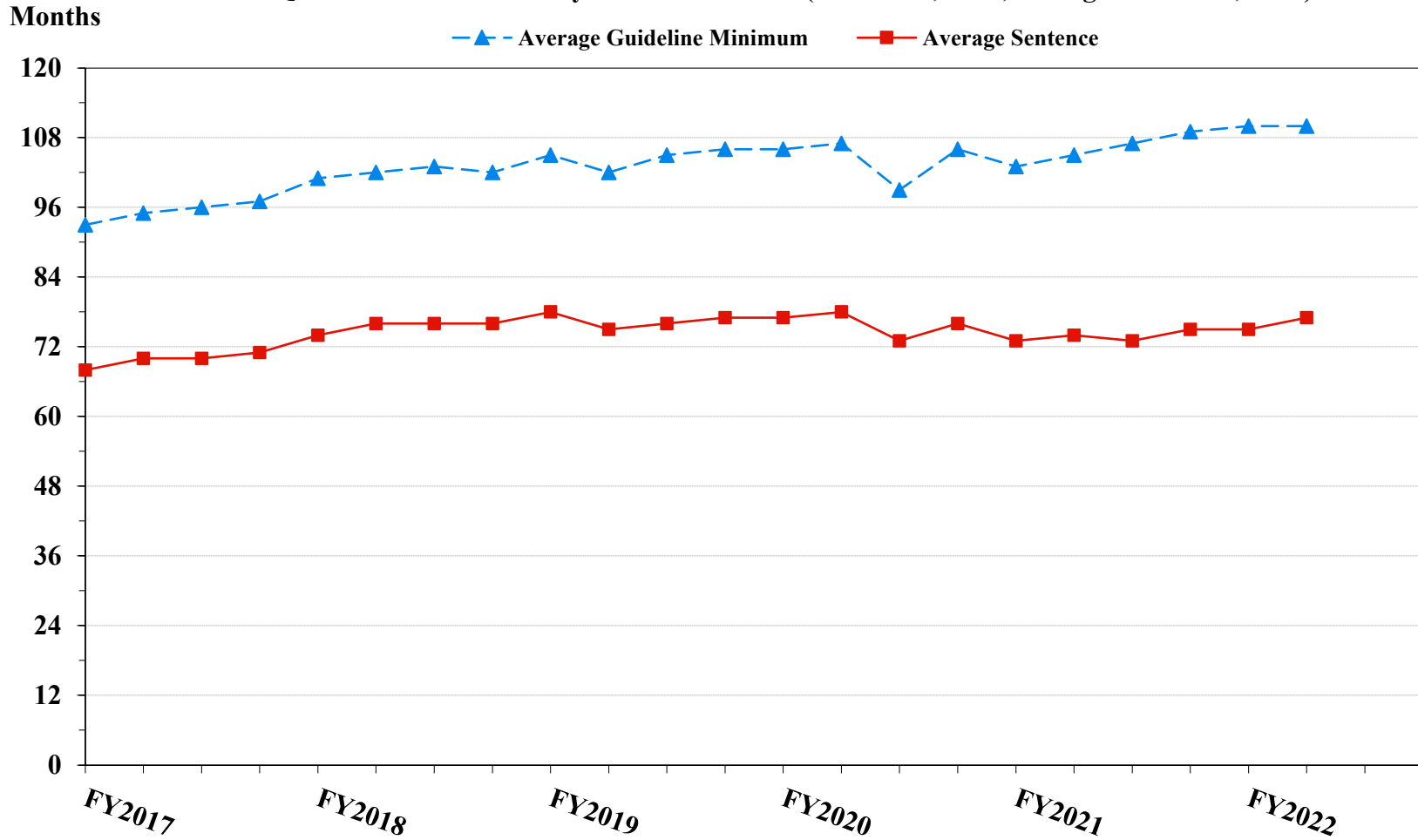


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Figure 10

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

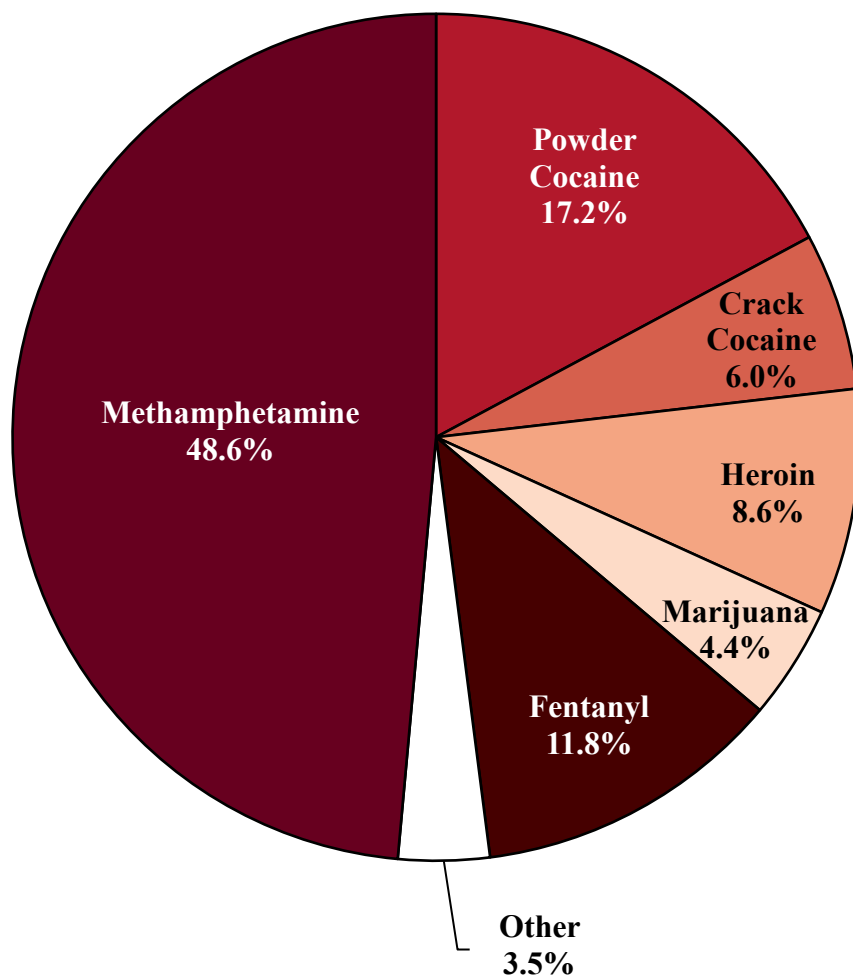


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Figure 11

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



¹ Of the 31,120 cases, in 9,967 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (142).

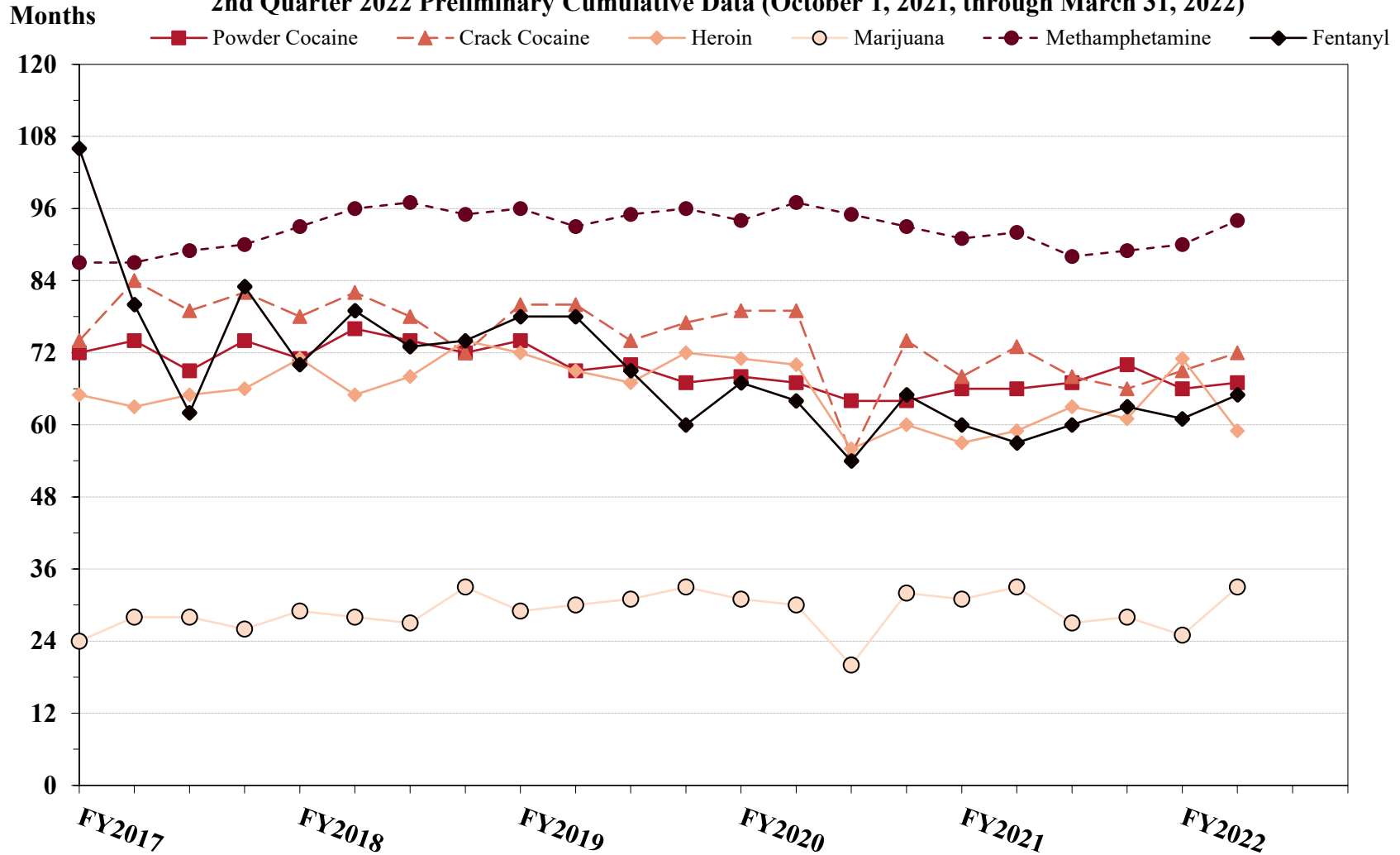
SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through March 31, 2022).

Figure 12

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

Fiscal Years 2017 - 2021,

2nd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through March 31, 2022)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through March 31, 2022).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

Upward Variance

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

Within Guideline Range

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

Year

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