

# United States Sentencing Commission Quarterly Data Report



**2nd Quarter Release  
Preliminary Fiscal Year 2023 Data  
Through March 31, 2023**

## 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.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2022 are available at the Commission's website, [www.ussc.gov](http://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*.<sup>3</sup>

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<sup>3</sup> 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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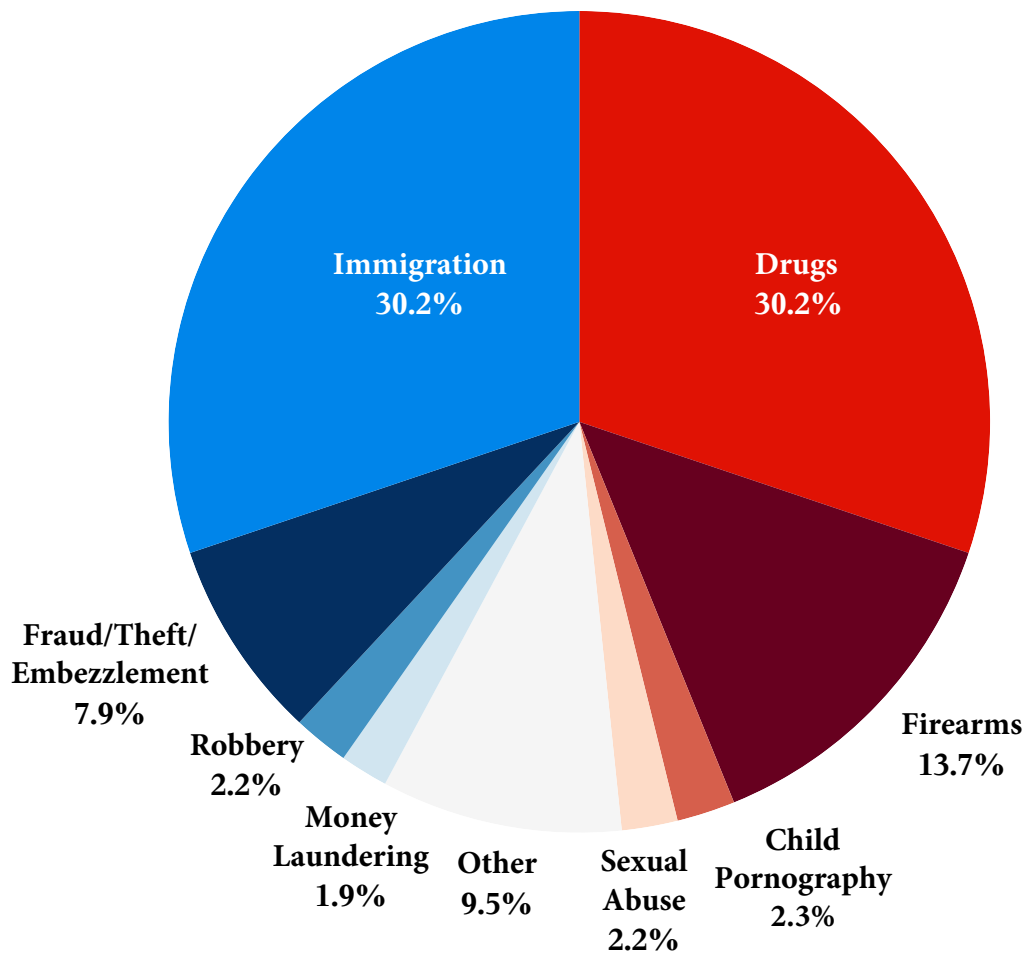
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**Figure 1**

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data**  
**(October 1, 2022, through March 31, 2023)**



<sup>1</sup> This figure includes the 32,023 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>

2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)

TYPE OF CRIME	N	%
<b>TOTAL</b>	<b>32,023</b>	<b>100.0</b>
Administration of Justice	294	0.9
Antitrust	6	0.0
Arson	56	0.2
Assault	429	1.3
Bribery/Corruption	190	0.6
Burglary/Trespass	38	0.1
Child Pornography	721	2.3
Commercialized Vice	49	0.2
Drug Possession	79	0.2
Drug Trafficking	9,580	29.9
Environmental	63	0.2
Extortion/Racketeering	61	0.2
Firearms	4,393	13.7
Food and Drug	29	0.1
Forgery/Counter/Copyright	64	0.2
Fraud/Theft/Embezzlement	2,538	7.9
Immigration	9,657	30.2
Individual Rights	66	0.2
Kidnapping	77	0.2
Manslaughter	36	0.1
Money Laundering	617	1.9
Murder	258	0.8
National Defense	125	0.4
Obscenity/Other Sex Offenses	162	0.5
Prison Offenses	242	0.8
Robbery	704	2.2
Sexual Abuse	707	2.2
Stalking/Harassing	121	0.4
Tax	239	0.7
Other	422	1.3

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

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

Table 2

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data**  
**(October 1, 2022, through March 31, 2023)**

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>TOTAL</b>	<b>32,023</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>210</b>	<b>0.7</b>	<b>FIFTH CIRCUIT</b>	<b>8,648</b>	<b>27.0</b>
District of Columbia	210	0.7	Louisiana		
			Eastern	165	0.5
			Middle	52	0.2
<b>FIRST CIRCUIT</b>	<b>1,029</b>	<b>3.2</b>	Western	139	0.4
Maine	69	0.2	Mississippi		
Massachusetts	230	0.7	Northern	91	0.3
New Hampshire	92	0.3	Southern	199	0.6
Puerto Rico	585	1.8	Texas		
Rhode Island	53	0.2	Eastern	386	1.2
			Northern	828	2.6
<b>SECOND CIRCUIT</b>	<b>1,515</b>	<b>4.7</b>	Southern	3,345	10.4
Connecticut	185	0.6	Western	3,443	10.8
New York			<b>SIXTH CIRCUIT</b>	<b>2,293</b>	<b>7.2</b>
Eastern	342	1.1	Kentucky		
Northern	203	0.6	Eastern	238	0.7
Southern	516	1.6	Western	167	0.5
Western	202	0.6	Michigan		
Vermont	67	0.2	Eastern	342	1.1
<b>THIRD CIRCUIT</b>	<b>1,222</b>	<b>3.8</b>	Western	126	0.4
Delaware	53	0.2	Ohio		
New Jersey	344	1.1	Northern	413	1.3
Pennsylvania			Southern	336	1.0
Eastern	271	0.8	Tennessee		
Middle	239	0.7	Eastern	327	1.0
Western	274	0.9	Middle	125	0.4
Virgin Islands	41	0.1	Western	219	0.7
<b>FOURTH CIRCUIT</b>	<b>2,174</b>	<b>6.8</b>	<b>SEVENTH CIRCUIT</b>	<b>1,149</b>	<b>3.6</b>
Maryland	274	0.9	Illinois		
North Carolina			Central	134	0.4
Eastern	417	1.3	Northern	295	0.9
Middle	134	0.4	Southern	130	0.4
Western	209	0.7	Indiana		
South Carolina	306	1.0	Northern	134	0.4
Virginia			Southern	225	0.7
Eastern	449	1.4	Wisconsin		
Western	116	0.4	Eastern	164	0.5
West Virginia			Western	67	0.2
Northern	149	0.5			
Southern	120	0.4			



Table 2 (cont.)

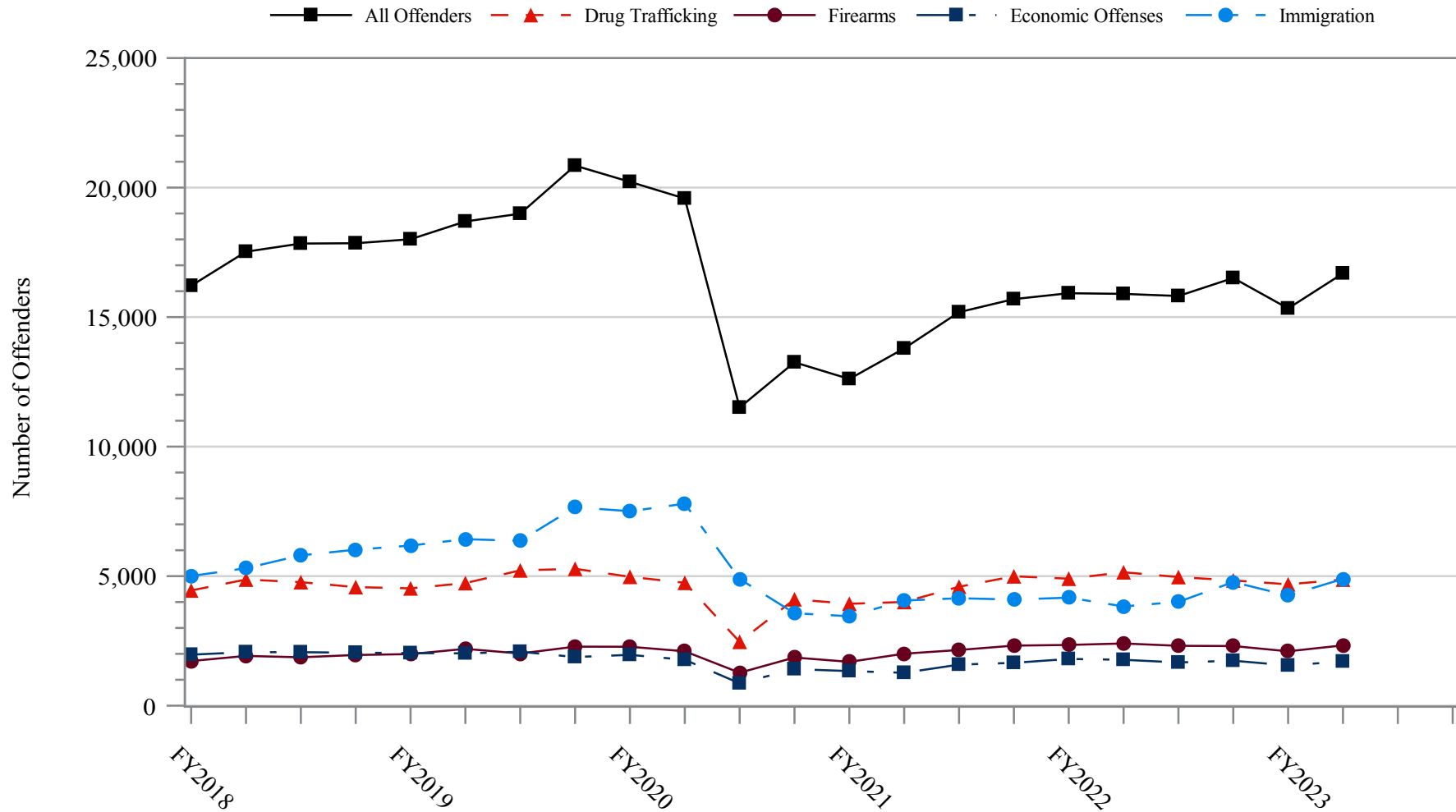
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>2,459</b>	<b>7.7</b>	<b>TENTH CIRCUIT</b>	<b>2,349</b>	<b>7.3</b>
Arkansas			Colorado	152	0.5
Eastern	236	0.7	Kansas	173	0.5
Western	107	0.3	New Mexico	1,021	3.2
Iowa			Oklahoma		
Northern	174	0.5	Eastern	89	0.3
Southern	241	0.8	Northern	155	0.5
Minnesota	152	0.5	Western	341	1.1
Missouri			Utah	365	1.1
Eastern	496	1.5	Wyoming	53	0.2
Western	377	1.2			
Nebraska	259	0.8	<b>ELEVENTH CIRCUIT</b>	<b>2,654</b>	<b>8.3</b>
North Dakota	197	0.6	Alabama		
South Dakota	220	0.7	Middle	98	0.3
			Northern	203	0.6
<b>NINTH CIRCUIT</b>	<b>6,321</b>	<b>19.7</b>	Southern	145	0.5
Alaska	92	0.3	Florida		
Arizona	2,571	8.0	Middle	569	1.8
California			Northern	131	0.4
Central	493	1.5	Southern	840	2.6
Eastern	201	0.6	Georgia		
Northern	194	0.6	Middle	175	0.5
Southern	1,693	5.3	Northern	305	1.0
Guam	11	0.0	Southern	188	0.6
Hawaii	58	0.2			
Idaho	151	0.5			
Montana	182	0.6			
Nevada	189	0.6			
Northern Mariana Islands	11	0.0			
Oregon	167	0.5			
Washington					
Eastern	129	0.4			
Western	179	0.6			

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

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

Figure 2

**NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

Table 3

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>31,801</b>	<b>7,102</b>	<b>22.3</b>	<b>7,711</b>	<b>24.2</b>	<b>15,657</b>	<b>49.2</b>	<b>1,331</b>	<b>4.2</b>
<b>Administration of Justice</b>	<b>290</b>	111	38.3	51	17.6	103	35.5	25	8.6
<b>Antitrust</b>	<b>6</b>	5	83.3	0	0.0	1	16.7	0	0.0
<b>Arson</b>	<b>56</b>	17	30.4	18	32.1	11	19.6	10	17.9
<b>Assault</b>	<b>423</b>	90	21.3	139	32.9	66	15.6	128	30.3
<b>Bribery/Corruption</b>	<b>190</b>	81	42.6	56	29.5	33	17.4	20	10.5
<b>Burglary/Trespass</b>	<b>37</b>	13	35.1	14	37.8	3	8.1	7	18.9
<b>Child Pornography</b>	<b>720</b>	556	77.2	38	5.3	97	13.5	29	4.0
<b>Commercialized Vice</b>	<b>49</b>	30	61.2	13	26.5	3	6.1	3	6.1
<b>Drug Possession</b>	<b>73</b>	38	52.1	13	17.8	16	21.9	6	8.2
<b>Drug Trafficking</b>	<b>9,564</b>	2,457	25.7	2,637	27.6	4,150	43.4	320	3.3
<b>Environmental</b>	<b>58</b>	35	60.3	5	8.6	8	13.8	10	17.2
<b>Extortion/Racketeering</b>	<b>61</b>	21	34.4	15	24.6	17	27.9	8	13.1
<b>Firearms</b>	<b>4,381</b>	945	21.6	2,517	57.5	799	18.2	120	2.7
<b>Food and Drug</b>	<b>29</b>	26	89.7	1	3.4	2	6.9	0	0.0
<b>Forgery/Counter/Copyright</b>	<b>64</b>	33	51.6	20	31.3	5	7.8	6	9.4
<b>Fraud/Theft/Embezzlement</b>	<b>2,519</b>	1,014	40.3	862	34.2	476	18.9	167	6.6
<b>Immigration</b>	<b>9,615</b>	350	3.6	235	2.4	8,955	93.1	75	0.8
<b>Individual Rights</b>	<b>64</b>	27	42.2	17	26.6	12	18.8	8	12.5
<b>Kidnapping</b>	<b>75</b>	21	28.0	19	25.3	28	37.3	7	9.3
<b>Manslaughter</b>	<b>36</b>	8	22.2	2	5.6	2	5.6	24	66.7
<b>Money Laundering</b>	<b>616</b>	170	27.6	150	24.4	256	41.6	40	6.5
<b>Murder</b>	<b>255</b>	43	16.9	97	38.0	81	31.8	34	13.3
<b>National Defense</b>	<b>123</b>	30	24.4	13	10.6	74	60.2	6	4.9
<b>Obscenity/Other Sex Offenses</b>	<b>162</b>	68	42.0	37	22.8	18	11.1	39	24.1
<b>Prison Offenses</b>	<b>237</b>	63	26.6	73	30.8	75	31.6	26	11.0
<b>Robbery</b>	<b>702</b>	118	16.8	406	57.8	154	21.9	24	3.4
<b>Sexual Abuse</b>	<b>704</b>	397	56.4	112	15.9	96	13.6	99	14.1
<b>Stalking/Harassing</b>	<b>120</b>	76	63.3	22	18.3	13	10.8	9	7.5
<b>Tax</b>	<b>238</b>	120	50.4	59	24.8	39	16.4	20	8.4
<b>Other</b>	<b>334</b>	139	41.6	70	21.0	64	19.2	61	18.3

<sup>1</sup> Of the 32,023 cases, 222 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

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

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>

2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>32,002</b>	<b>27,817</b>	<b>86.9</b>	<b>4,185</b>	<b>13.1</b>
Administration of Justice	294	229	77.9	65	22.1
Antitrust	6	6	100.0	0	0.0
Arson	56	45	80.4	11	19.6
Assault	429	397	92.5	32	7.5
Bribery/Corruption	190	149	78.4	41	21.6
Burglary/Trespass	38	37	97.4	1	2.6
Child Pornography	721	712	98.8	9	1.2
Commercialized Vice	49	43	87.8	6	12.2
Drug Possession	79	47	59.5	32	40.5
Drug Trafficking	9,580	7,972	83.2	1,608	16.8
Environmental	62	58	93.5	4	6.5
Extortion/Racketeering	61	48	78.7	13	21.3
Firearms	4,393	4,180	95.2	213	4.8
Food and Drug	29	17	58.6	12	41.4
Forgery/Counter/Copyright	64	55	85.9	9	14.1
Fraud/Theft/Embezzlement	2,537	1,772	69.8	765	30.2
Immigration	9,648	8,759	90.8	889	9.2
Individual Rights	66	58	87.9	8	12.1
Kidnapping	77	67	87.0	10	13.0
Manslaughter	36	31	86.1	5	13.9
Money Laundering	617	480	77.8	137	22.2
Murder	258	237	91.9	21	8.1
National Defense	125	103	82.4	22	17.6
Obscenity/Other Sex Offenses	162	156	96.3	6	3.7
Prison Offenses	242	219	90.5	23	9.5
Robbery	704	657	93.3	47	6.7
Sexual Abuse	707	670	94.8	37	5.2
Stalking/Harassing	121	111	91.7	10	8.3
Tax	239	168	70.3	71	29.7
Other	412	334	81.1	78	18.9

<sup>1</sup> Of the 32,023 cases, 21 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

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

Table 5

**CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>31,886</b>	<b>21,164</b>	<b>66.4</b>	<b>10,722</b>	<b>33.6</b>
Administration of Justice	289	227	78.5	62	21.5
Antitrust	6	6	100.0	0	0.0
Arson	56	53	94.6	3	5.4
Assault	426	401	94.1	25	5.9
Bribery/Corruption	190	178	93.7	12	6.3
Burglary/Trespass	38	38	100.0	0	0.0
Child Pornography	721	693	96.1	28	3.9
Commercialized Vice	49	43	87.8	6	12.2
Drug Possession	75	72	96.0	3	4.0
Drug Trafficking	9,575	7,836	81.8	1,739	18.2
Environmental	59	47	79.7	12	20.3
Extortion/Racketeering	61	49	80.3	12	19.7
Firearms	4,384	4,228	96.4	156	3.6
Food and Drug	29	28	96.6	1	3.4
Forgery/Counter/Copyright	64	63	98.4	1	1.6
Fraud/Theft/Embezzlement	2,522	2,142	84.9	380	15.1
Immigration	9,644	1,818	18.9	7,826	81.1
Individual Rights	66	58	87.9	8	12.1
Kidnapping	77	69	89.6	8	10.4
Manslaughter	36	35	97.2	1	2.8
Money Laundering	617	415	67.3	202	32.7
Murder	258	228	88.4	30	11.6
National Defense	124	91	73.4	33	26.6
Obscenity/Other Sex Offenses	162	159	98.1	3	1.9
Prison Offenses	234	222	94.9	12	5.1
Robbery	704	677	96.2	27	3.8
Sexual Abuse	707	678	95.9	29	4.1
Stalking/Harassing	121	119	98.3	2	1.7
Tax	239	227	95.0	12	5.0
Other	353	264	74.8	89	25.2

<sup>1</sup> Of the 32,023 cases, 137 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 CRIME<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	Mean Months	Median Months	N
<b>TOTAL</b>	52	24	32,022
<b>Administration of Justice</b>	14	9	294
<b>Antitrust</b>	5	4	6
<b>Arson</b>	48	47	56
<b>Assault</b>	68	50	429
<b>Bribery/Corruption</b>	22	15	190
<b>Burglary/Trespass</b>	16	7	38
<b>Child Pornography</b>	112	96	721
<b>Commercialized Vice</b>	16	10	49
<b>Drug Possession</b>	3	0	79
<b>Drug Trafficking</b>	81	62	9,580
<b>Environmental</b>	4	0	63
<b>Extortion/Racketeering</b>	30	18	61
<b>Firearms</b>	50	40	4,393
<b>Food and Drug</b>	10	0	29
<b>Forgery/Counter/Copyright</b>	18	12	64
<b>Fraud/Theft/Embezzlement</b>	22	12	2,538
<b>Immigration</b>	12	8	9,656
<b>Individual Rights</b>	59	18	66
<b>Kidnapping</b>	194	174	77
<b>Manslaughter</b>	70	70	36
<b>Money Laundering</b>	61	37	617
<b>Murder</b>	281	259	258
<b>National Defense</b>	41	24	125
<b>Obscenity/Other Sex Offenses</b>	24	18	162
<b>Prison Offenses</b>	14	12	242
<b>Robbery</b>	105	91	704
<b>Sexual Abuse</b>	213	180	707
<b>Stalking/Harassing</b>	32	24	121
<b>Tax</b>	15	12	239
<b>Other</b>	4	0	422

<sup>1</sup> Of the 32,023 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME<sup>1</sup>

2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT				Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION				Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>32,023</b>	<b>29,689</b>	<b>92.7</b>	<b>28,833</b>	<b>90.0</b>	<b>856</b>	<b>2.7</b>	<b>2,210</b>	<b>6.9</b>	<b>398</b>	<b>1.2</b>	<b>1,812</b>	<b>5.7</b>	<b>124</b>	<b>0.4</b>		
Administration of Justice	294	220	74.8	210	71.4	10	3.4	71	24.1	18	6.1	53	18.0	3	1.0		
Antitrust	6	1	16.7	1	16.7	0	0.0	5	83.3	4	66.7	1	16.7	0	0.0		
Arson	56	54	96.4	53	94.6	1	1.8	2	3.6	0	0.0	2	3.6	0	0.0		
Assault	429	400	93.2	387	90.2	13	3.0	26	6.1	7	1.6	19	4.4	3	0.7		
Bribery/Corruption	190	149	78.4	139	73.2	10	5.3	40	21.1	9	4.7	31	16.3	1	0.5		
Burglary/Trespass	38	29	76.3	28	73.7	1	2.6	9	23.7	4	10.5	5	13.2	0	0.0		
Child Pornography	721	713	98.9	703	97.5	10	1.4	8	1.1	0	0.0	8	1.1	0	0.0		
Commercialized Vice	49	42	85.7	38	77.6	4	8.2	7	14.3	3	6.1	4	8.2	0	0.0		
Drug Possession	79	40	50.6	40	50.6	0	0.0	30	38.0	0	0.0	30	38.0	9	11.4		
Drug Trafficking	9,580	9,329	97.4	9,028	94.2	301	3.1	250	2.6	55	0.6	195	2.0	1	0.0		
Environmental	63	20	31.7	18	28.6	2	3.2	39	61.9	1	1.6	38	60.3	4	6.3		
Extortion/Racketeering	61	46	75.4	43	70.5	3	4.9	15	24.6	1	1.6	14	23.0	0	0.0		
Firearms	4,393	4,114	93.6	4,031	91.8	83	1.9	276	6.3	48	1.1	228	5.2	3	0.1		
Food and Drug	29	12	41.4	11	37.9	1	3.4	16	55.2	1	3.4	15	51.7	1	3.4		
Forgery/Counter/Copyright	64	47	73.4	43	67.2	4	6.3	17	26.6	3	4.7	14	21.9	0	0.0		
Fraud/Theft/Embezzlement	2,538	1,898	74.8	1,791	70.6	107	4.2	628	24.7	119	4.7	509	20.1	12	0.5		
Immigration	9,657	9,267	96.0	9,077	94.0	190	2.0	390	4.0	64	0.7	326	3.4	0	0.0		
Individual Rights	66	50	75.8	49	74.2	1	1.5	16	24.2	0	0.0	16	24.2	0	0.0		
Kidnapping	77	77	100.0	73	94.8	4	5.2	0	0.0	0	0.0	0	0.0	0	0.0		
Manslaughter	36	36	100.0	35	97.2	1	2.8	0	0.0	0	0.0	0	0.0	0	0.0		
Money Laundering	617	560	90.8	534	86.5	26	4.2	57	9.2	20	3.2	37	6.0	0	0.0		
Murder	258	258	100.0	253	98.1	5	1.9	0	0.0	0	0.0	0	0.0	0	0.0		
National Defense	125	102	81.6	96	76.8	6	4.8	10	8.0	2	1.6	8	6.4	13	10.4		
Obscenity/Other Sex Offenses	162	153	94.4	143	88.3	10	6.2	9	5.6	4	2.5	5	3.1	0	0.0		
Prison Offenses	242	237	97.9	226	93.4	11	4.5	4	1.7	2	0.8	2	0.8	1	0.4		
Robbery	704	698	99.1	676	96.0	22	3.1	6	0.9	0	0.0	6	0.9	0	0.0		
Sexual Abuse	707	704	99.6	693	98.0	11	1.6	3	0.4	2	0.3	1	0.1	0	0.0		
Stalking/Harassing	121	111	91.7	107	88.4	4	3.3	10	8.3	4	3.3	6	5.0	0	0.0		
Tax	239	147	61.5	133	55.6	14	5.9	92	38.5	19	7.9	73	30.5	0	0.0		
Other	422	175	41.5	174	41.2	1	0.2	174	41.2	8	1.9	166	39.3	73	17.3		

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.<sup>2</sup> Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

Table 8

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>31,905</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>21,747</b>	<b>68.2</b>
Within Guideline Range	13,629	42.7
Upward Departure <sup>2</sup>	163	0.5
Downward Departure		
§5K1.1 Substantial Assistance	3,283	10.3
§5K3.1 Early Disposition Program	3,480	10.9
Other Government Motion <sup>3</sup>	632	2.0
Non-Government Departure <sup>4</sup>	560	1.8
<b>VARIANCES</b>	<b>10,158</b>	<b>31.8</b>
Upward Variance <sup>5</sup>	868	2.7
Downward Variance		
Government Motion <sup>6</sup>	3,068	9.6
Non-Government Variance <sup>7</sup>	6,222	19.5

<sup>1</sup> This table reflects the 32,023 cases sentenced on or after October 1, 2022, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 26, 2023. Of these, 118 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

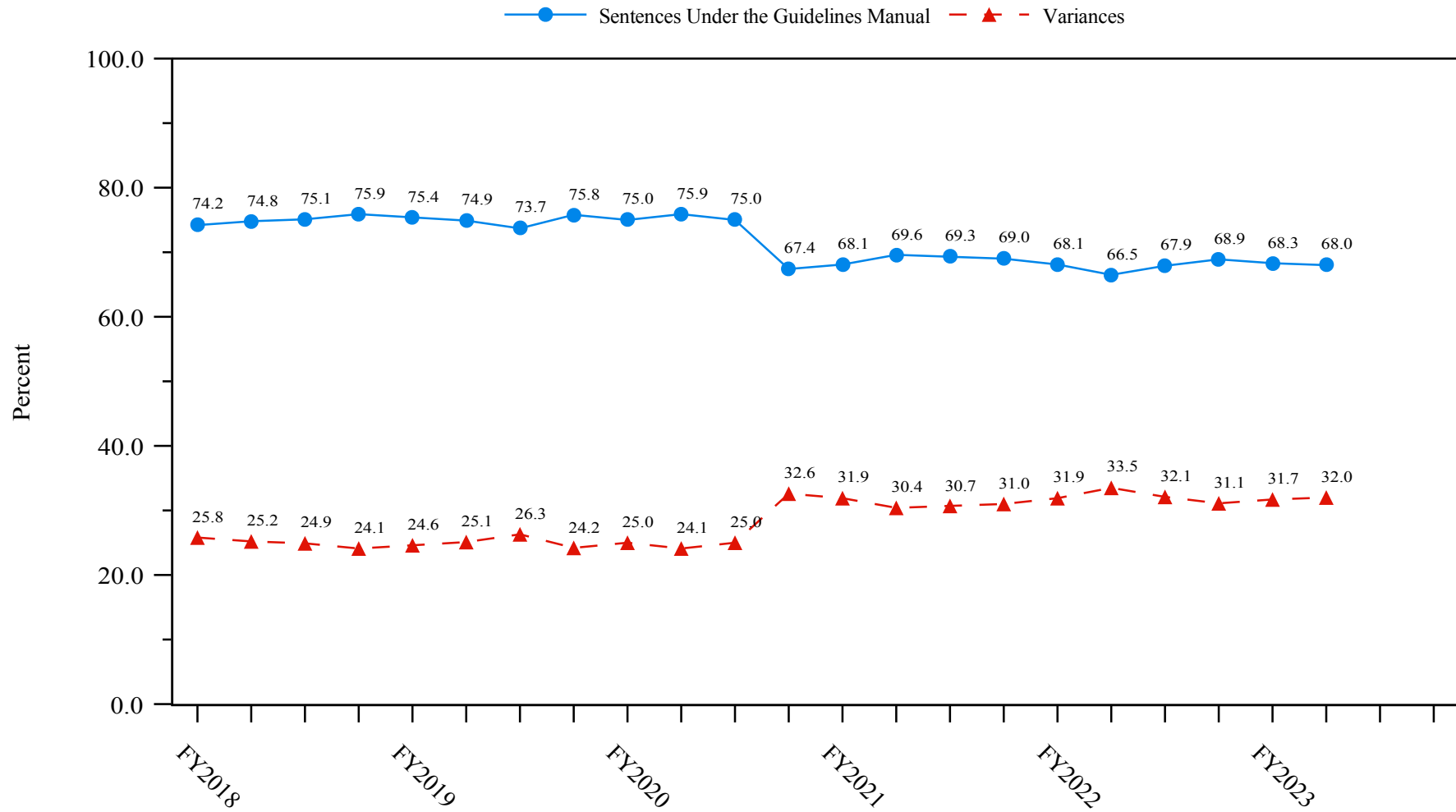
<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

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



**Figure 3**

**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

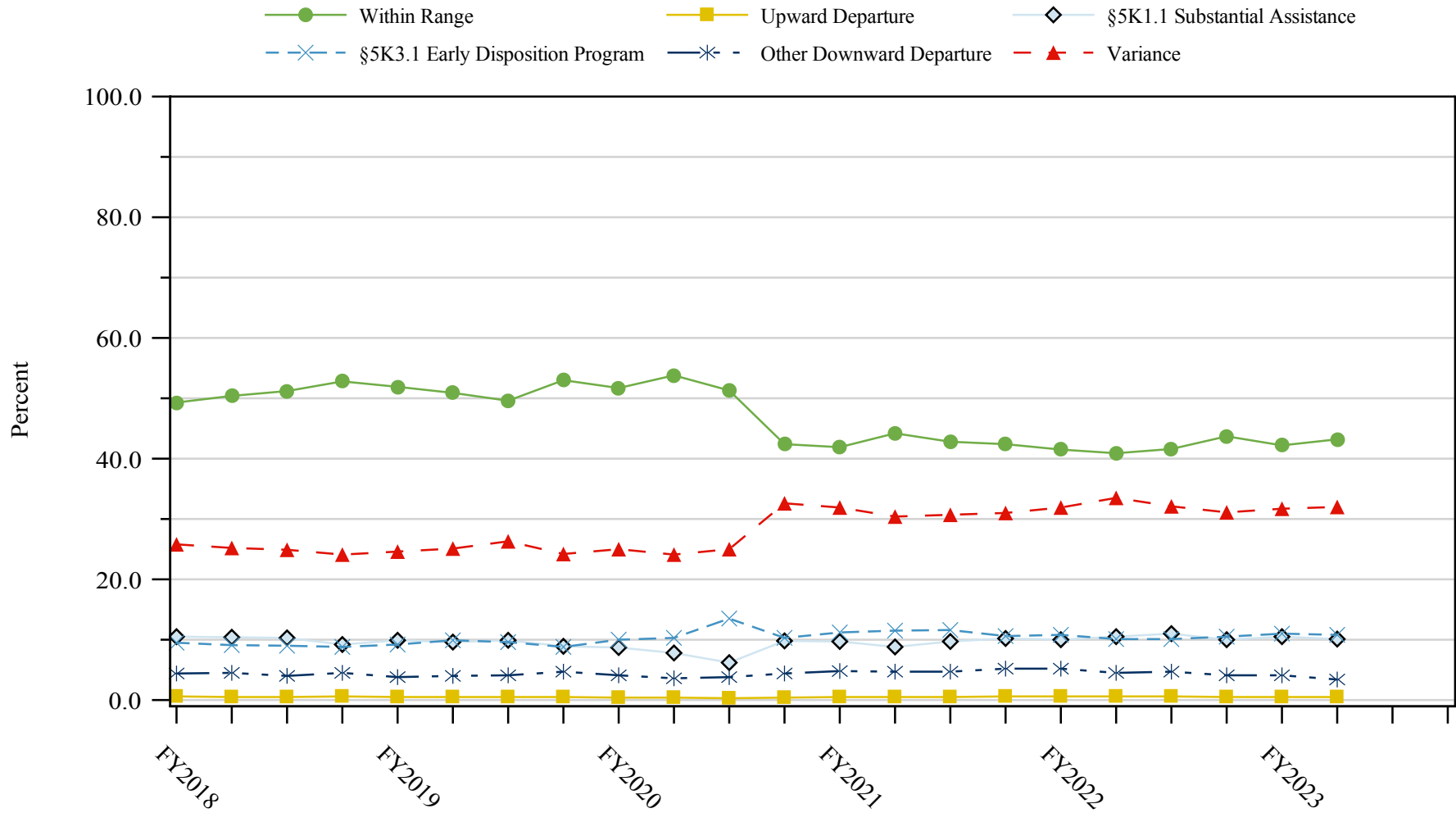


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

Figure 4

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>31,905</b>	<b>13,629</b>	<b>42.7</b>	<b>163</b>	<b>0.5</b>	<b>3,283</b>	<b>10.3</b>	<b>3,480</b>	<b>10.9</b>	<b>1,192</b>	<b>3.7</b>	<b>10,158</b>	<b>31.8</b>
<b>D.C. CIRCUIT</b>	<b>210</b>	<b>91</b>	<b>43.3</b>	<b>1</b>	<b>0.5</b>	<b>23</b>	<b>11.0</b>	<b>0</b>	<b>0.0</b>	<b>13</b>	<b>6.2</b>	<b>82</b>	<b>39.0</b>
District of Columbia	210	91	43.3	1	0.5	23	11.0	0	0.0	13	6.2	82	39.0
<b>FIRST CIRCUIT</b>	<b>1,029</b>	<b>409</b>	<b>39.7</b>	<b>3</b>	<b>0.3</b>	<b>86</b>	<b>8.4</b>	<b>1</b>	<b>0.1</b>	<b>66</b>	<b>6.4</b>	<b>464</b>	<b>45.1</b>
Maine	69	16	23.2	1	1.4	16	23.2	0	0.0	2	2.9	34	49.3
Massachusetts	230	52	22.6	0	0.0	22	9.6	1	0.4	19	8.3	136	59.1
New Hampshire	92	20	21.7	0	0.0	14	15.2	0	0.0	3	3.3	55	59.8
Puerto Rico	585	310	53.0	2	0.3	30	5.1	0	0.0	41	7.0	202	34.5
Rhode Island	53	11	20.8	0	0.0	4	7.5	0	0.0	1	1.9	37	69.8
<b>SECOND CIRCUIT</b>	<b>1,515</b>	<b>426</b>	<b>28.1</b>	<b>6</b>	<b>0.4</b>	<b>253</b>	<b>16.7</b>	<b>3</b>	<b>0.2</b>	<b>45</b>	<b>3.0</b>	<b>782</b>	<b>51.6</b>
Connecticut	185	44	23.8	0	0.0	42	22.7	0	0.0	17	9.2	82	44.3
New York													
Eastern	342	80	23.4	1	0.3	51	14.9	2	0.6	16	4.7	192	56.1
Northern	203	102	50.2	1	0.5	46	22.7	0	0.0	7	3.4	47	23.2
Southern	516	102	19.8	0	0.0	64	12.4	1	0.2	4	0.8	345	66.9
Western	202	83	41.1	3	1.5	39	19.3	0	0.0	0	0.0	77	38.1
Vermont	67	15	22.4	1	1.5	11	16.4	0	0.0	1	1.5	39	58.2
<b>THIRD CIRCUIT</b>	<b>1,221</b>	<b>468</b>	<b>38.3</b>	<b>5</b>	<b>0.4</b>	<b>232</b>	<b>19.0</b>	<b>4</b>	<b>0.3</b>	<b>29</b>	<b>2.4</b>	<b>483</b>	<b>39.6</b>
Delaware	53	18	34.0	0	0.0	6	11.3	4	7.5	4	7.5	21	39.6
New Jersey	343	126	36.7	1	0.3	57	16.6	0	0.0	5	1.5	154	44.9
Pennsylvania													
Eastern	271	73	26.9	0	0.0	87	32.1	0	0.0	4	1.5	107	39.5
Middle	239	106	44.4	2	0.8	46	19.2	0	0.0	6	2.5	79	33.1
Western	274	115	42.0	1	0.4	31	11.3	0	0.0	8	2.9	119	43.4
Virgin Islands	41	30	73.2	1	2.4	5	12.2	0	0.0	2	4.9	3	7.3
<b>FOURTH CIRCUIT</b>	<b>2,149</b>	<b>918</b>	<b>42.7</b>	<b>15</b>	<b>0.7</b>	<b>357</b>	<b>16.6</b>	<b>0</b>	<b>0.0</b>	<b>47</b>	<b>2.2</b>	<b>812</b>	<b>37.8</b>
Maryland	267	64	24.0	2	0.7	51	19.1	0	0.0	17	6.4	133	49.8
North Carolina													
Eastern	404	212	52.5	7	1.7	118	29.2	0	0.0	4	1.0	63	15.6
Middle	134	53	39.6	1	0.7	10	7.5	0	0.0	2	1.5	68	50.7
Western	209	106	50.7	1	0.5	28	13.4	0	0.0	1	0.5	73	34.9
South Carolina	306	95	31.0	0	0.0	86	28.1	0	0.0	2	0.7	123	40.2
Virginia													
Eastern	446	227	50.9	1	0.2	13	2.9	0	0.0	20	4.5	185	41.5
Western	115	40	34.8	2	1.7	27	23.5	0	0.0	0	0.0	46	40.0
West Virginia													
Northern	149	76	51.0	1	0.7	10	6.7	0	0.0	1	0.7	61	40.9
Southern	119	45	37.8	0	0.0	14	11.8	0	0.0	0	0.0	60	50.4

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>8,635</b>	<b>5,468</b>	<b>63.3</b>	<b>43</b>	<b>0.5</b>	<b>566</b>	<b>6.6</b>	<b>518</b>	<b>6.0</b>	<b>297</b>	<b>3.4</b>	<b>1,743</b>	<b>20.2</b>
Louisiana													
Eastern	165	88	53.3	4	2.4	31	18.8	0	0.0	2	1.2	40	24.2
Middle	52	29	55.8	0	0.0	9	17.3	0	0.0	0	0.0	14	26.9
Western	134	94	70.1	1	0.7	11	8.2	0	0.0	0	0.0	28	20.9
Mississippi													
Northern	88	36	40.9	1	1.1	20	22.7	0	0.0	0	0.0	31	35.2
Southern	199	125	62.8	1	0.5	26	13.1	0	0.0	1	0.5	46	23.1
Texas													
Eastern	384	229	59.6	7	1.8	23	6.0	0	0.0	6	1.6	119	31.0
Northern	827	530	64.1	7	0.8	75	9.1	0	0.0	7	0.8	208	25.2
Southern	3,344	1,771	53.0	20	0.6	213	6.4	497	14.9	224	6.7	619	18.5
Western	3,442	2,566	74.5	2	0.1	158	4.6	21	0.6	57	1.7	638	18.5
<b>SIXTH CIRCUIT</b>	<b>2,287</b>	<b>845</b>	<b>36.9</b>	<b>11</b>	<b>0.5</b>	<b>441</b>	<b>19.3</b>	<b>8</b>	<b>0.3</b>	<b>101</b>	<b>4.4</b>	<b>881</b>	<b>38.5</b>
Kentucky													
Eastern	238	117	49.2	3	1.3	53	22.3	0	0.0	3	1.3	62	26.1
Western	167	44	26.3	1	0.6	41	24.6	7	4.2	22	13.2	52	31.1
Michigan													
Eastern	342	109	31.9	1	0.3	33	9.6	0	0.0	7	2.0	192	56.1
Western	126	64	50.8	1	0.8	22	17.5	0	0.0	5	4.0	34	27.0
Ohio													
Northern	413	182	44.1	0	0.0	80	19.4	0	0.0	10	2.4	141	34.1
Southern	334	69	20.7	1	0.3	85	25.4	1	0.3	47	14.1	131	39.2
Tennessee													
Eastern	327	145	44.3	4	1.2	73	22.3	0	0.0	4	1.2	101	30.9
Middle	121	32	26.4	0	0.0	17	14.0	0	0.0	1	0.8	71	58.7
Western	219	83	37.9	0	0.0	37	16.9	0	0.0	2	0.9	97	44.3
<b>SEVENTH CIRCUIT</b>	<b>1,149</b>	<b>388</b>	<b>33.8</b>	<b>9</b>	<b>0.8</b>	<b>121</b>	<b>10.5</b>	<b>0</b>	<b>0.0</b>	<b>40</b>	<b>3.5</b>	<b>591</b>	<b>51.4</b>
Illinois													
Central	134	39	29.1	0	0.0	18	13.4	0	0.0	1	0.7	76	56.7
Northern	295	91	30.8	1	0.3	19	6.4	0	0.0	9	3.1	175	59.3
Southern	130	63	48.5	5	3.8	20	15.4	0	0.0	6	4.6	36	27.7
Indiana													
Northern	134	63	47.0	0	0.0	18	13.4	0	0.0	0	0.0	53	39.6
Southern	225	89	39.6	0	0.0	33	14.7	0	0.0	1	0.4	102	45.3
Wisconsin													
Eastern	164	30	18.3	2	1.2	10	6.1	0	0.0	2	1.2	120	73.2
Western	67	13	19.4	1	1.5	3	4.5	0	0.0	21	31.3	29	43.3
<b>EIGHTH CIRCUIT</b>	<b>2,458</b>	<b>991</b>	<b>40.3</b>	<b>18</b>	<b>0.7</b>	<b>341</b>	<b>13.9</b>	<b>13</b>	<b>0.5</b>	<b>49</b>	<b>2.0</b>	<b>1,046</b>	<b>42.6</b>
Arkansas													
Eastern	236	110	46.6	0	0.0	30	12.7	0	0.0	2	0.8	94	39.8
Western	107	54	50.5	0	0.0	11	10.3	0	0.0	0	0.0	42	39.3
Iowa													
Northern	174	88	50.6	3	1.7	34	19.5	0	0.0	3	1.7	46	26.4
Southern	241	81	33.6	2	0.8	25	10.4	0	0.0	3	1.2	130	53.9
Minnesota	152	38	25.0	1	0.7	20	13.2	0	0.0	11	7.2	82	53.9
Missouri													
Eastern	495	202	40.8	2	0.4	60	12.1	0	0.0	7	1.4	224	45.3
Western	377	129	34.2	1	0.3	62	16.4	0	0.0	9	2.4	176	46.7
Nebraska	259	114	44.0	0	0.0	9	3.5	9	3.5	1	0.4	126	48.6
North Dakota	197	52	26.4	4	2.0	88	44.7	3	1.5	0	0.0	50	25.4
South Dakota	220	123	55.9	5	2.3	2	0.9	1	0.5	13	5.9	76	34.5

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>6,280</b>	<b>1,419</b>	<b>22.6</b>	<b>24</b>	<b>0.4</b>	<b>409</b>	<b>6.5</b>	<b>2,622</b>	<b>41.8</b>	<b>297</b>	<b>4.7</b>	<b>1,509</b>	<b>24.0</b>
Alaska	91	31	34.1	0	0.0	16	17.6	0	0.0	4	4.4	40	44.0
Arizona	2,553	661	25.9	8	0.3	43	1.7	1,547	60.6	23	0.9	271	10.6
California													
Central	490	139	28.4	5	1.0	61	12.4	9	1.8	30	6.1	246	50.2
Eastern	197	80	40.6	0	0.0	41	20.8	2	1.0	4	2.0	70	35.5
Northern	193	29	15.0	2	1.0	21	10.9	0	0.0	19	9.8	122	63.2
Southern	1,680	179	10.7	6	0.4	73	4.3	1,029	61.3	208	12.4	185	11.0
Guam	11	6	54.5	0	0.0	4	36.4	0	0.0	0	0.0	1	9.1
Hawaii	58	16	27.6	0	0.0	18	31.0	0	0.0	0	0.0	24	41.4
Idaho	151	51	33.8	0	0.0	33	21.9	7	4.6	3	2.0	57	37.7
Montana	182	53	29.1	0	0.0	37	20.3	0	0.0	2	1.1	90	49.5
Nevada	188	31	16.5	1	0.5	8	4.3	26	13.8	3	1.6	119	63.3
Northern Mariana Islands	11	11	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	167	24	14.4	0	0.0	34	20.4	0	0.0	0	0.0	109	65.3
Washington													
Eastern	129	48	37.2	2	1.6	16	12.4	2	1.6	1	0.8	60	46.5
Western	179	60	33.5	0	0.0	4	2.2	0	0.0	0	0.0	115	64.2
<b>TENTH CIRCUIT</b>	<b>2,343</b>	<b>929</b>	<b>39.7</b>	<b>17</b>	<b>0.7</b>	<b>122</b>	<b>5.2</b>	<b>310</b>	<b>13.2</b>	<b>172</b>	<b>7.3</b>	<b>793</b>	<b>33.8</b>
Colorado	151	51	33.8	1	0.7	24	15.9	10	6.6	3	2.0	62	41.1
Kansas	170	82	48.2	1	0.6	19	11.2	0	0.0	5	2.9	63	37.1
New Mexico	1,021	369	36.1	9	0.9	26	2.5	246	24.1	111	10.9	260	25.5
Oklahoma													
Eastern	89	57	64.0	2	2.2	5	5.6	0	0.0	3	3.4	22	24.7
Northern	155	90	58.1	3	1.9	15	9.7	0	0.0	35	22.6	12	7.7
Western	340	198	58.2	0	0.0	11	3.2	1	0.3	1	0.3	129	37.9
Utah	364	65	17.9	0	0.0	21	5.8	52	14.3	12	3.3	214	58.8
Wyoming	53	17	32.1	1	1.9	1	1.9	1	1.9	2	3.8	31	58.5
<b>ELEVENTH CIRCUIT</b>	<b>2,629</b>	<b>1,277</b>	<b>48.6</b>	<b>11</b>	<b>0.4</b>	<b>332</b>	<b>12.6</b>	<b>1</b>	<b>0.0</b>	<b>36</b>	<b>1.4</b>	<b>972</b>	<b>37.0</b>
Alabama													
Middle	98	41	41.8	0	0.0	12	12.2	0	0.0	2	2.0	43	43.9
Northern	203	121	59.6	0	0.0	23	11.3	0	0.0	5	2.5	54	26.6
Southern	145	79	54.5	0	0.0	16	11.0	1	0.7	2	1.4	47	32.4
Florida													
Middle	568	221	38.9	2	0.4	90	15.8	0	0.0	4	0.7	251	44.2
Northern	129	55	42.6	0	0.0	28	21.7	0	0.0	4	3.1	42	32.6
Southern	820	443	54.0	3	0.4	62	7.6	0	0.0	7	0.9	305	37.2
Georgia													
Middle	173	117	67.6	1	0.6	20	11.6	0	0.0	2	1.2	33	19.1
Northern	305	85	27.9	1	0.3	41	13.4	0	0.0	9	3.0	169	55.4
Southern	188	115	61.2	4	2.1	40	21.3	0	0.0	1	0.5	28	14.9

<sup>1</sup> Of the 32,023 cases, 118 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
BY TYPE OF CRIME<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>31,905</b>	<b>13,629</b>	<b>42.7</b>	<b>163</b>	<b>0.5</b>	<b>3,283</b>	<b>10.3</b>	<b>3,480</b>	<b>10.9</b>	<b>1,192</b>	<b>3.7</b>	<b>10,158</b>	<b>31.8</b>
Administration of Justice	293	141	48.1	2	0.7	12	4.1	2	0.7	13	4.4	123	42.0
Antitrust	6	2	33.3	0	0.0	0	0.0	0	0.0	2	33.3	2	33.3
Arson	56	27	48.2	0	0.0	5	8.9	0	0.0	3	5.4	21	37.5
Assault	424	207	48.8	10	2.4	23	5.4	0	0.0	30	7.1	154	36.3
Bribery/Corruption	189	48	25.4	0	0.0	63	33.3	0	0.0	7	3.7	71	37.6
Burglary/Trespass	38	26	68.4	0	0.0	2	5.3	0	0.0	0	0.0	10	26.3
Child Pornography	721	247	34.3	1	0.1	18	2.5	2	0.3	24	3.3	429	59.5
Commercialized Vice	49	15	30.6	0	0.0	6	12.2	0	0.0	6	12.2	22	44.9
Drug Possession	70	62	88.6	1	1.4	1	1.4	0	0.0	0	0.0	6	8.6
Drug Trafficking	9,572	2,649	27.7	36	0.4	2,032	21.2	672	7.0	428	4.5	3,755	39.2
Environmental	59	33	55.9	0	0.0	4	6.8	0	0.0	2	3.4	20	33.9
Extortion/Racketeering	61	14	23.0	0	0.0	8	13.1	1	1.6	2	3.3	36	59.0
Firearms	4,390	2,292	52.2	42	1.0	246	5.6	10	0.2	138	3.1	1,662	37.9
Food and Drug	29	15	51.7	0	0.0	1	3.4	0	0.0	1	3.4	12	41.4
Forgery/Counter/Copyright	64	24	37.5	0	0.0	8	12.5	0	0.0	2	3.1	30	46.9
Fraud/Theft/Embezzlement	2,527	1,067	42.2	13	0.5	350	13.9	0	0.0	71	2.8	1,026	40.6
Immigration	9,627	5,241	54.4	22	0.2	85	0.9	2,785	28.9	290	3.0	1,204	12.5
Individual Rights	64	19	29.7	0	0.0	12	18.8	0	0.0	2	3.1	31	48.4
Kidnapping	77	23	29.9	3	3.9	17	22.1	0	0.0	10	13.0	24	31.2
Manslaughter	36	14	38.9	6	16.7	0	0.0	0	0.0	1	2.8	15	41.7
Money Laundering	616	154	25.0	1	0.2	159	25.8	5	0.8	42	6.8	255	41.4
Murder	258	93	36.0	5	1.9	62	24.0	0	0.0	12	4.7	86	33.3
National Defense	124	50	40.3	0	0.0	15	12.1	2	1.6	7	5.6	50	40.3
Obscenity/Other Sex Offenses	162	84	51.9	0	0.0	1	0.6	0	0.0	7	4.3	70	43.2
Prison Offenses	239	148	61.9	2	0.8	0	0.0	0	0.0	11	4.6	78	32.6
Robbery	704	285	40.5	9	1.3	89	12.6	1	0.1	27	3.8	293	41.6
Sexual Abuse	707	261	36.9	9	1.3	38	5.4	0	0.0	37	5.2	362	51.2
Stalking/Harassing	120	54	45.0	1	0.8	3	2.5	0	0.0	8	6.7	54	45.0
Tax	239	38	15.9	0	0.0	23	9.6	0	0.0	9	3.8	169	70.7
Other	384	296	77.1	0	0.0	0	0.0	0	0.0	0	0.0	88	22.9

<sup>1</sup> Of the 32,023 cases, 118 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>

2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)

Guideline	TOTAL	Within Guideline		Departure				Variance	Guideline	TOTAL	Within Guideline		Departure				Variance
		Range	Up	\$5K1.1	\$5K3.1	Down	Up				\$5K1.1	\$5K3.1	Down				
§2A1.1	191	68	0	53	0	10	60	§2D1.8	8	2	0	2	1	1	2		
§2A1.2	46	16	5	5	0	1	19	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	18	8	5	0	0	0	5	§2D1.10	0	0	0	0	0	0	0		
§2A1.4	17	6	1	0	0	1	9	§2D1.11	1	0	0	0	0	0	1		
§2A1.5	9	3	0	1	0	0	5	§2D1.12	1	1	0	0	0	0	0		
§2A2.1	106	45	0	15	0	4	42	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	263	125	9	5	0	24	100	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	31	23	1	0	0	2	5	§2D2.1	42	35	1	1	0	0	5		
§2A2.4	104	58	1	0	0	5	40	§2D2.2	27	22	0	0	0	0	5		
§2A3.1	67	22	2	3	0	3	37	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	20	9	2	1	0	3	5	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	1	0	0	0	0	0	1	§2D3.2	2	2	0	0	0	0	0		
§2A3.4	21	8	0	0	0	1	12	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	143	74	0	1	0	7	61	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	71	18	3	17	0	9	24	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	25	7	0	3	0	2	13		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0		
§2A5.2	10	7	0	0	0	0	3	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	3	1	0	0	0	0	2		
§2A6.1	79	42	0	0	0	5	32	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	41	12	1	3	0	3	22	§2E2.1	5	2	0	0	0	0	3		
§2B1.1	2,378	957	13	345	0	70	993	§2E3.1	37	10	0	5	0	6	16		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	7	1	0	0	0	0	6	§2E4.1	9	0	0	4	0	0	5		
§2B1.5	7	3	0	0	0	0	4	§2E5.1	5	1	0	0	0	0	4		
§2B1.6 <sup>2</sup>	40	37	0	3	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	23	13	0	2	0	0	8	§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	15	13	0	0	0	0	2	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	694	282	9	88	1	26	288	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	11	3	0	1	1	0	6	§2F1.1	1	1	0	0	0	0	0		
§2B3.3	2	0	0	0	0	0	2	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	72	20	0	26	0	3	23	§2G1.1	21	7	0	4	0	1	9		
§2B5.1	36	17	0	2	0	2	15	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	223	100	2	17	0	4	100		
§2B5.3	28	7	0	6	0	0	15	§2G2.1	362	120	3	12	0	25	202		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	720	246	1	18	2	24	429		
§2B6.1	1	0	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	108	26	0	35	0	4	43	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	7	1	0	2	0	0	4	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	0	0	0	0	0	0	0	§2G2.6	0	0	0	0	0	0	0		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	18	9	0	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	40	8	0	5	0	2	25		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	1	1	0	0	0	0	0	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	9,405	2,577	36	2,023	670	400	3,699	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	128	56	0	5	0	26	41	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	6	1	0	3	0	0	2		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	3	1	0	2	0	0	0		
§2D1.5	4	3	0	1	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	11	5	0	2	0	0	4		

Table 11 (cont.)

Guideline	Within Guideline		Departure					Variance	Guideline	Within Guideline		Departure					Variance
	TOTAL	Range	Up	§5K1.1	§5K3.1	Down	TOTAL			Range	Up	§5K1.1	§5K3.1	Down			
§2H4.2	0	0	0	0	0	0	0	§2M5.2	83	29	0	8	2	7	37		
§2J1.1	0	0	0	0	0	0	0	§2M5.3	14	3	0	2	0	0	9		
§2J1.2	63	20	1	3	0	0	39	§2M6.1	1	0	0	0	0	0	1		
§2J1.3	8	2	0	0	0	0	6	§2M6.2	0	0	0	0	0	0	0		
§2J1.4	4	3	0	0	0	0	1	§2N1.1	12	0	0	1	0	1	10		
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0		
§2J1.6	16	10	0	0	0	1	5	§2N1.3	1	0	0	0	0	0	1		
§2J1.7	0	0	0	0	0	0	0	§2N2.1	14	14	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	172	120	2	0	0	5	45		
§2K1.1	0	0	0	0	0	0	0	§2P1.2	41	18	0	0	0	0	23		
§2K1.2	0	0	0	0	0	0	0	§2P1.3	4	3	0	0	0	0	1		
§2K1.3	11	3	0	2	0	0	6	§2P1.4	0	0	0	0	0	0	0		
§2K1.4	55	27	0	5	0	3	20	§2Q1.1	0	0	0	0	0	0	0		
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	15	2	0	2	0	1	10		
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	0	0	0	0	0	0	0		
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0		
§2K2.1	4,181	2,140	37	232	10	138	1,624	§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	36	23	0	2	0	1	10		
§2K2.4 <sup>3</sup>	168	133	3	9	0	0	23	§2Q2.2	0	0	0	0	0	0	0		
§2K2.5	10	5	2	0	0	0	3	§2R1.1	5	1	0	0	0	2	2		
§2K2.6	0	0	0	0	0	0	0	§2S1.1	536	117	0	152	5	34	228		
§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	76	36	1	7	0	7	25		
§2L1.1	2,430	901	3	65	1,083	47	331	§2S1.4	0	0	0	0	0	0	0		
§2L1.2	6,430	3,833	18	13	1,565	230	771	§2T1.1	121	20	0	9	0	5	87		
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0		
§2L2.1	33	15	0	7	1	0	10	§2T1.3	0	0	0	0	0	0	0		
§2L2.2	250	195	0	0	1	7	47	§2T1.4	69	10	0	12	0	0	47		
§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	44	7	0	1	0	4	32		
§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	1	0	0	0	0	0	1		
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	0	0	1	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	3	1	0	0	0	0	2		
§2M3.1	2	2	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0		
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0		
§2M3.3	0	0	0	0	0	0	0	§2X1.1	12	8	0	0	0	1	3		
§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	49	14	0	10	0	2	23		
§2M3.6	0	0	0	0	0	0	0	§2X4.1	81	39	0	7	2	5	28		
§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	160	90	0	0	0	0	70		
§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	9	1	0	5	0	0	3	§2X7.2	2	2	0	0	0	0	0		
TOTAL									31,003	12,994	162	3,276	3,344	1,175	10,052		

<sup>1</sup> Of the 32,023 cases, 1,020 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 (118) or missing guideline applied (1,002). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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.

<sup>3</sup> 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 RANGE<sup>1</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>18,276</b>	<b>3,289</b>	<b>18.0</b>	<b>3,518</b>	<b>19.2</b>	<b>3,179</b>	<b>17.4</b>	<b>4,001</b>	<b>21.9</b>	<b>262</b>	<b>1.4</b>
<b>Departures</b>	<b>8,118</b>	<b>3,283</b>	<b>40.4</b>	<b>3,516</b>	<b>43.3</b>	<b>2,111</b>	<b>26.0</b>	<b>3,098</b>	<b>38.2</b>	<b>167</b>	<b>2.1</b>
Upward Departure	163	0	0.0	0	0.0	42	25.8	20	12.3	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	3,283	3,283	100.0	36	1.1	124	3.8	777	23.7	12	0.4
§5K3.1 Early Disposition Program	3,480	0	0.0	3,480	100.0	1,687	48.5	2,052	59.0	151	4.3
Other Government Motion	632	0	0.0	0	0.0	258	40.8	249	39.4	4	0.6
Non-Government Departure	560	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>10,158</b>	<b>6</b>	<b>0.1</b>	<b>2</b>	<b>0.0</b>	<b>1,068</b>	<b>10.5</b>	<b>903</b>	<b>8.9</b>	<b>95</b>	<b>0.9</b>
Upward Variance	868	6	0.7	2	0.2	112	12.9	69	7.9	2	0.2
Downward Variance											
Government Motion	3,068	0	0.0	0	0.0	956	31.2	834	27.2	93	3.0
Non-Government Variance	6,222	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	%
<b>TOTAL</b>	<b>3,025</b>	<b>16.6</b>	<b>2,840</b>	<b>15.5</b>	<b>3,861</b>	<b>21.1</b>	<b>1,132</b>	<b>6.2</b>	<b>2,488</b>	<b>13.6</b>	<b>1,208</b>	<b>6.6</b>
<b>Departures</b>	<b>2,532</b>	<b>31.2</b>	<b>1,174</b>	<b>14.5</b>	<b>931</b>	<b>11.5</b>	<b>484</b>	<b>6.0</b>	<b>622</b>	<b>7.7</b>	<b>112</b>	<b>1.4</b>
Upward Departure	35	21.5	1	0.6	1	0.6	3	1.8	56	34.4	15	9.2
Downward Departure												
§5K1.1 Substantial Assistance	2,194	66.8	399	12.2	383	11.7	202	6.2	283	8.6	0	0.0
§5K3.1 Early Disposition Program	210	6.0	468	13.4	370	10.6	205	5.9	115	3.3	0	0.0
Other Government Motion	93	14.7	50	7.9	47	7.4	74	11.7	36	5.7	17	2.7
Non-Government Departure	0	0.0	256	45.7	130	23.2	0	0.0	132	23.6	80	14.3
<b>Variations</b>	<b>493</b>	<b>4.9</b>	<b>1,666</b>	<b>16.4</b>	<b>2,930</b>	<b>28.8</b>	<b>648</b>	<b>6.4</b>	<b>1,866</b>	<b>18.4</b>	<b>1,096</b>	<b>10.8</b>
Upward Variance	144	16.6	1	0.1	2	0.2	20	2.3	383	44.1	161	18.5
Downward Variance												
Government Motion	349	11.4	302	9.8	169	5.5	628	20.5	141	4.6	69	2.2
Non-Government Variance	0	0.0	1,363	21.9	2,759	44.3	0	0.0	1,342	21.6	866	13.9

<sup>1</sup> 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, 7,742 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.

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

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

Table 13

**EXTENT OF UPWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>162</b>	<b>104</b>	<b>33</b>	<b>78.4</b>	<b>84</b>	<b>20</b>	<b>41.5</b>
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	10	98	33	74.1	84	22	39.8
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	36	121	49	152.8	114	39	76.2
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	42	72	21	57.8	71	16	38.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	13	56	16	87.3	30	12	87.5
Immigration	22	32	8	42.6	26	6	33.3
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	6	114	30	32.6	108	21	23.4
Money Laundering	1	--	--	--	--	--	--
Murder	5	315	118	80.2	300	90	42.9
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	9	208	54	32.9	180	27	23.1
Sexual Abuse	9	198	42	30.7	180	37	24.5
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 32,023 cases, in 163 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 14

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>854</b>	<b>73</b>	<b>22</b>	<b>68.1</b>	<b>54</b>	<b>12</b>	<b>35.2</b>
Administration of Justice	15	37	14	64.5	36	9	50.0
Antitrust	0	--	--	--	--	--	--
Arson	3	88	30	52.7	84	33	60.0
Assault	29	122	42	77.4	96	16	35.2
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	26	161	40	36.7	162	34	40.0
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	4	27	16	192.0	29	14	117.3
Drug Trafficking	116	103	30	82.8	84	18	27.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	208	77	24	55.0	72	16	33.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	49	70	22	107.2	57	12	43.7
Immigration	204	22	9	83.7	16	6	50.0
Individual Rights	2	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	6	91	29	62.0	92	20	30.4
Money Laundering	11	55	17	49.9	42	11	33.3
Murder	3	455	128	52.2	450	85	23.3
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	10	90	45	136.6	81	39	122.2
Prison Offenses	10	35	13	75.5	39	9	64.4
Robbery	35	170	42	39.8	168	27	27.7
Sexual Abuse	30	177	35	27.2	174	25	20.2
Stalking/Harassing	12	77	29	60.5	59	13	48.0
Tax	2	--	--	--	--	--	--
Other	68	8	2	37.0	8	2	33.3

<sup>1</sup> Of the 32,023 cases, in 868 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, five cases were excluded from this table. Also, nine cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 15

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>3,215</b>	<b>54</b>	<b>56</b>	<b>55.8</b>	<b>40</b>	<b>41</b>	<b>50.8</b>
Administration of Justice	12	3	20	87.4	0	19	100.0
Antitrust	0	--	--	--	--	--	--
Arson	5	40	70	71.0	36	48	71.3
Assault	21	62	94	53.3	50	78	44.4
Bribery/Corruption	63	11	29	74.8	6	22	80.5
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	18	87	53	36.8	81	48	34.2
Commercialized Vice	6	1	10	86.5	0	9	99.8
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	2,014	64	65	52.7	52	52	48.6
Environmental	4	3	22	93.5	0	23	100.0
Extortion/Racketeering	8	29	23	49.1	31	12	43.6
Firearms	245	34	34	57.5	20	20	54.2
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	8	10	22	75.1	6	21	77.0
Fraud/Theft/Embezzlement	349	15	30	70.3	8	19	73.0
Immigration	85	15	13	52.2	12	9	42.7
Individual Rights	10	37	56	75.4	2	15	92.3
Kidnapping	16	107	109	49.8	102	98	51.5
Manslaughter	0	--	--	--	--	--	--
Money Laundering	153	48	61	58.0	31	39	54.6
Murder	29	111	171	59.3	120	180	60.0
National Defense	15	26	49	60.5	24	33	57.9
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	89	83	53	41.8	70	40	40.0
Sexual Abuse	34	120	85	39.2	100	63	35.5
Stalking/Harassing	3	18	20	48.5	12	18	60.0
Tax	23	11	17	72.9	2	15	91.8
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 32,023 cases, in 3,283 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, 45 cases were excluded from this table. Also, 23 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 16

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>3,478</b>	<b>14</b>	<b>16</b>	<b>50.9</b>	<b>10</b>	<b>8</b>	<b>47.8</b>
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	672	27	50	65.0	24	45	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	10	19	14	52.5	14	10	50.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	0	--	--	--	--	--	--
Immigration	2,783	10	8	47.4	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	5	4	14	87.5	0	15	99.8
Murder	0	--	--	--	--	--	--
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	1	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 32,023 cases, in 3,480 the offender received a §5K3.1 early disposition program departure below the guideline range. Of these, two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 17

**EXTENT OF OTHER DOWNWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>1,163</b>	<b>44</b>	<b>32</b>	<b>45.2</b>	<b>24</b>	<b>18</b>	<b>41.3</b>
Administration of Justice	13	4	11	69.7	4	10	71.4
Antitrust	2	--	--	--	--	--	--
Arson	3	27	24	54.0	30	25	47.4
Assault	30	43	22	43.6	24	15	35.3
Bribery/Corruption	7	17	26	66.1	12	24	71.4
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	23	71	41	37.3	60	36	35.5
Commercialized Vice	5	15	6	25.5	18	3	16.7
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	423	65	49	45.1	60	38	44.4
Environmental	2	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	138	36	20	43.2	24	15	34.8
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	70	22	28	62.9	12	20	64.0
Immigration	290	13	8	39.3	12	6	35.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	7	133	81	41.1	126	90	42.9
Manslaughter	1	--	--	--	--	--	--
Money Laundering	40	56	57	52.9	42	36	52.9
Murder	4	209	93	40.2	256	88	29.0
National Defense	7	29	20	40.8	33	16	34.8
Obscenity/Other Sex Offenses	7	11	11	50.8	14	10	40.0
Prison Offenses	11	4	9	60.9	5	8	70.0
Robbery	27	63	35	35.2	48	20	31.4
Sexual Abuse	30	144	88	41.3	138	60	40.9
Stalking/Harassing	8	15	15	63.3	10	15	59.3
Tax	9	10	16	66.3	12	12	78.9
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 32,023 cases, in 1,192 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (632) or a non-government departure (560). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 17 cases were excluded from this table. Also, 12 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Table 18

**EXTENT OF DOWNWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>**

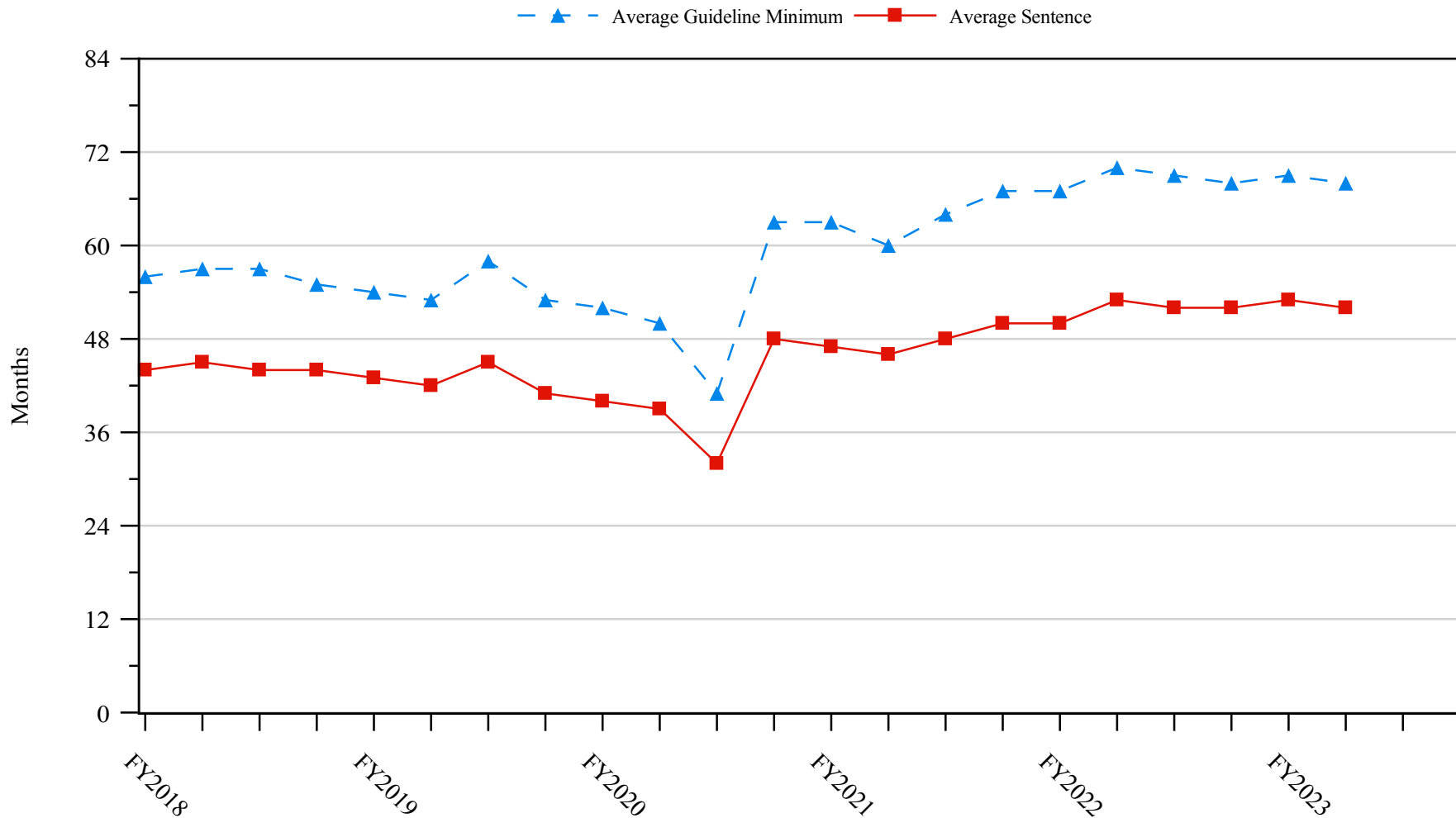
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>9,054</b>	<b>55</b>	<b>30</b>	<b>43.7</b>	<b>36</b>	<b>18</b>	<b>35.1</b>
Administration of Justice	105	10	12	63.0	6	10	67.5
Antitrust	2	--	--	--	--	--	--
Arson	18	37	32	49.1	26	17	36.7
Assault	125	55	28	36.6	38	12	27.3
Bribery/Corruption	70	21	23	58.3	13	15	56.4
Burglary/Trespass	8	11	11	51.1	9	10	33.8
Child Pornography	392	83	50	40.1	72	42	36.6
Commercialized Vice	20	8	9	64.2	6	7	63.1
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	3,578	79	42	38.6	63	30	31.4
Environmental	20	5	15	83.6	0	12	100.0
Extortion/Racketeering	34	24	23	65.6	6	12	70.9
Firearms	1,450	36	19	43.2	27	12	33.2
Food and Drug	11	21	29	64.5	12	33	76.5
Forgery/Counter/Copyright	29	17	22	62.2	8	8	69.4
Fraud/Theft/Embezzlement	959	19	16	58.2	12	11	51.9
Immigration	996	12	8	45.9	8	6	36.8
Individual Rights	25	42	24	52.2	15	12	42.9
Kidnapping	14	128	87	37.8	126	59	27.9
Manslaughter	9	42	16	34.1	33	17	23.8
Money Laundering	226	49	35	46.6	30	20	41.5
Murder	63	189	68	27.8	180	60	25.0
National Defense	49	39	35	52.6	24	21	45.0
Obscenity/Other Sex Offenses	58	13	11	48.4	13	11	40.0
Prison Offenses	67	9	7	45.4	7	5	40.0
Robbery	254	87	31	29.7	78	24	23.7
Sexual Abuse	244	163	72	31.8	156	56	28.6
Stalking/Harassing	42	15	12	52.0	13	8	37.5
Tax	167	11	16	66.6	6	12	70.0
Other	18	10	8	78.0	0	6	99.8

<sup>1</sup> Of the 32,023 cases, in 9,290 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,068) or a non-government variance (6,222). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 110 cases were excluded from this table. Also, 125 cases were excluded due to several logical criteria. Of the remaining 9,055 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.



**Figure 5**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR ALL CASES<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



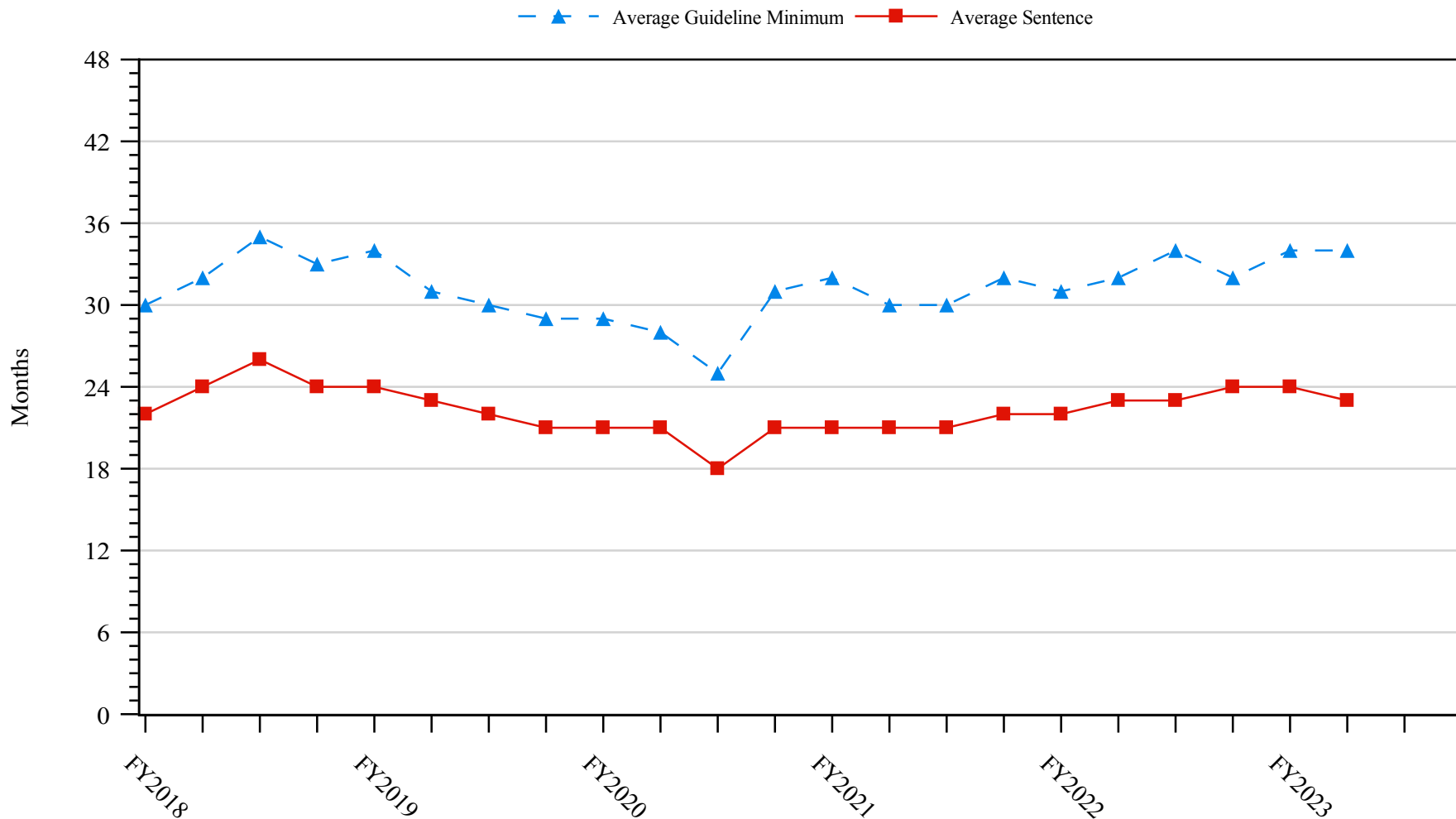
<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

Figure 6

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

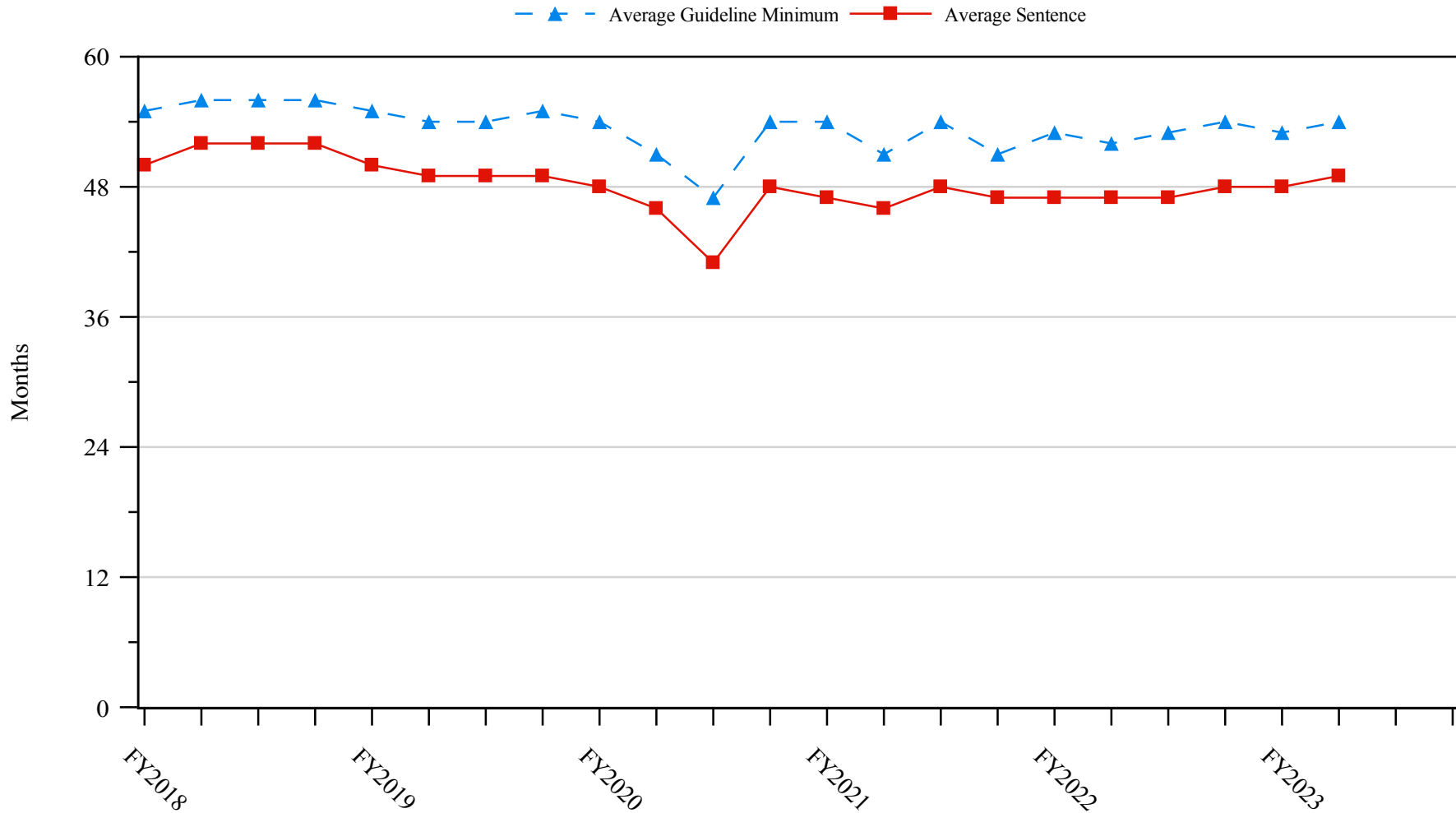
**Fiscal Years 2018 - 2022,  
2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

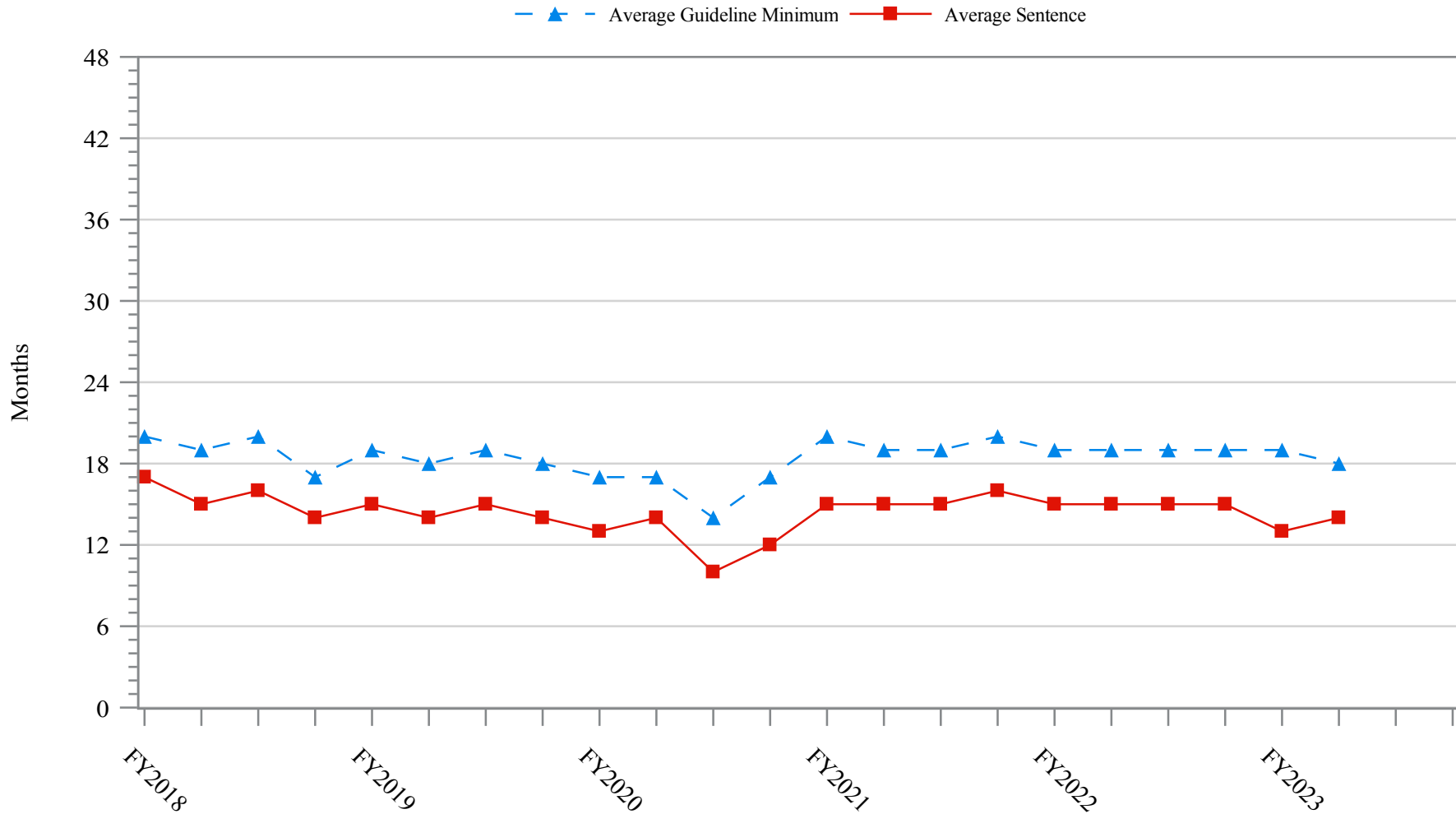
**Figure 7**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

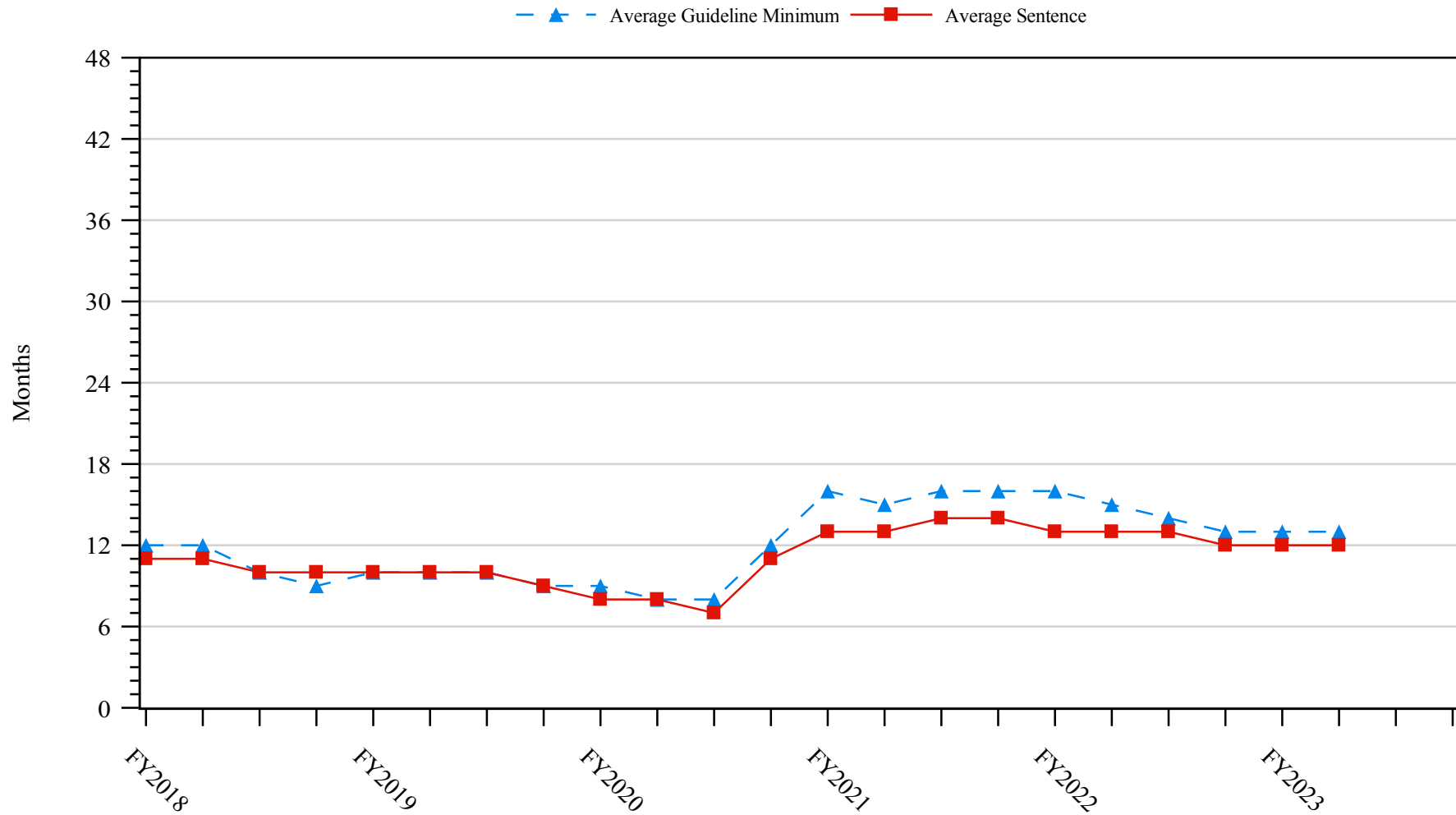
**Figure 8**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

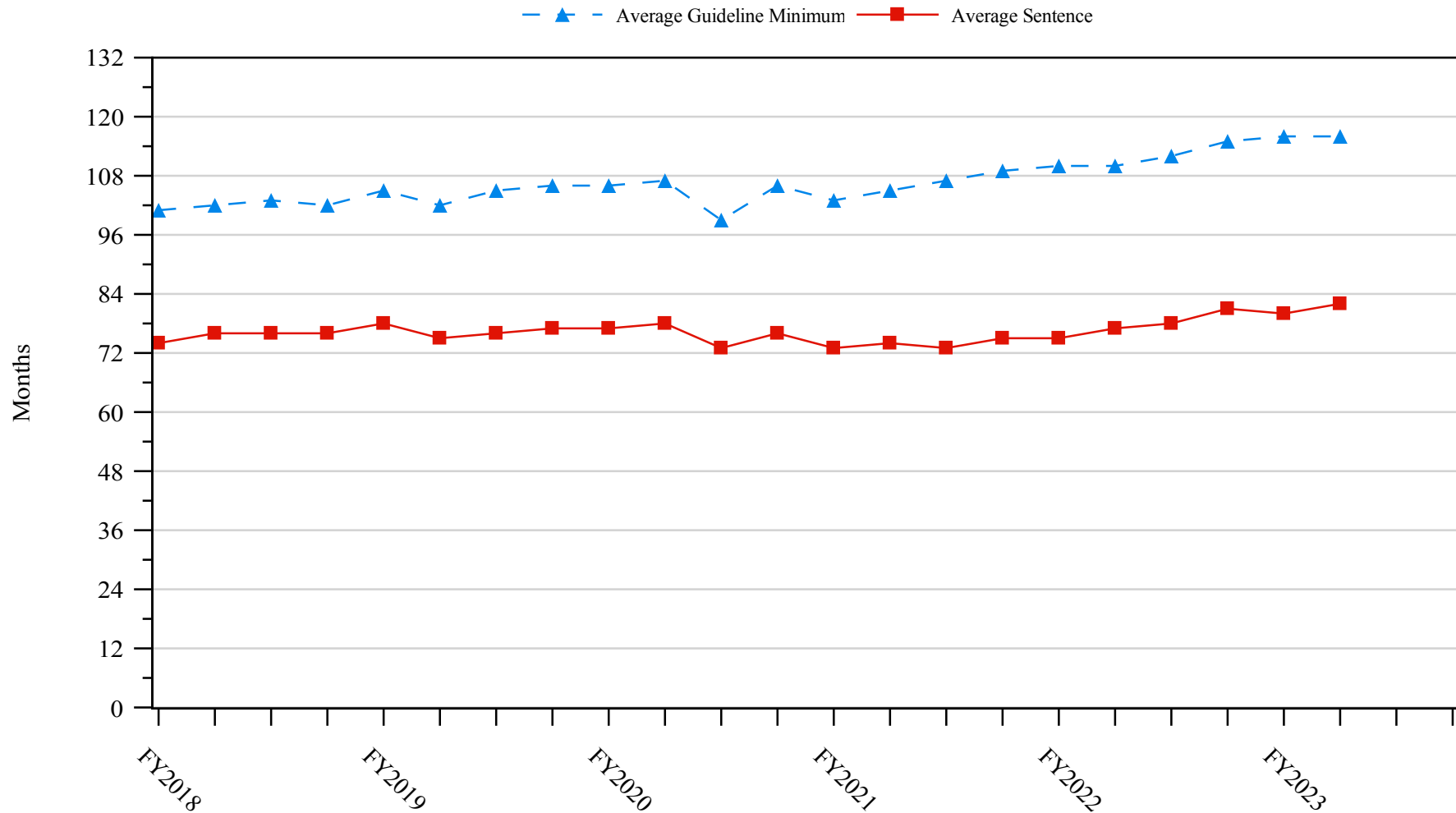
**Figure 9**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

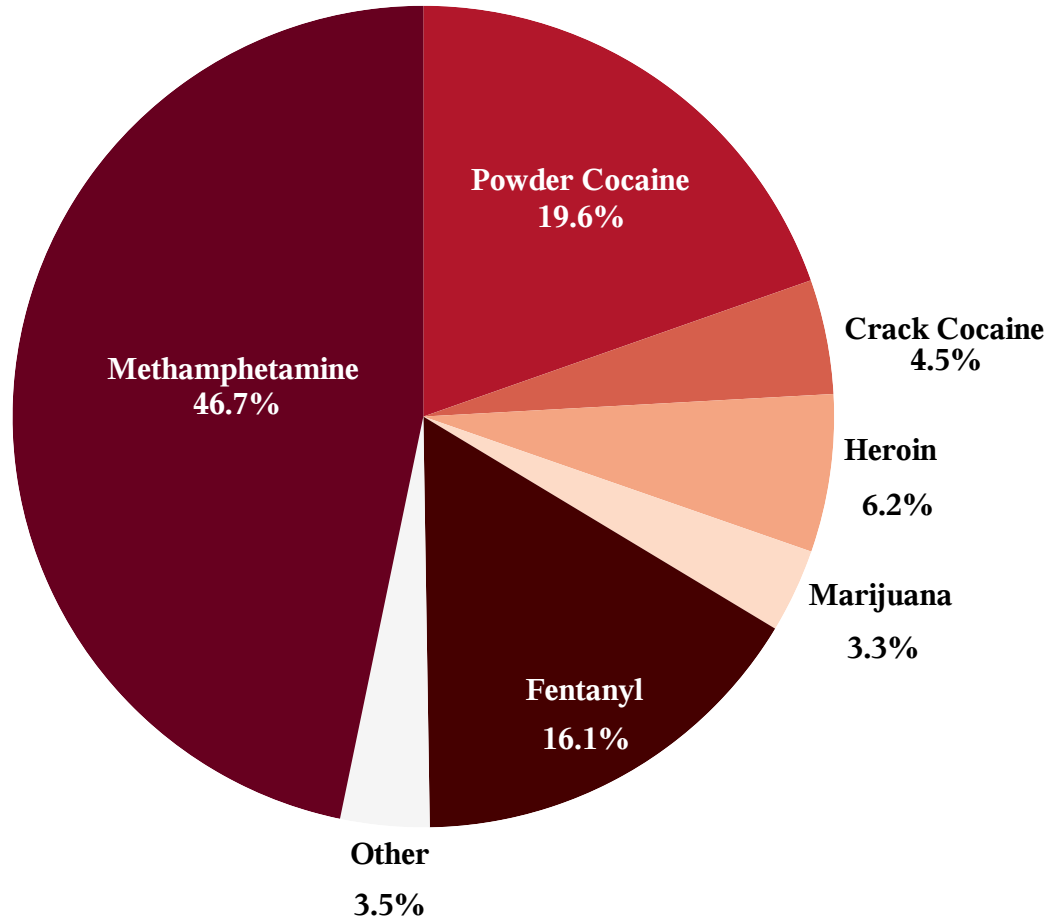
**Figure 10**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).

**Figure 11**  
**DISTRIBUTION OF PRIMARY DRUG TYPE**  
**IN FEDERAL DRUG CASES<sup>1,2</sup>**  
**2nd Quarter 2023 Preliminary Cumulative Data**  
**(October 1, 2022, through March 31, 2023)**

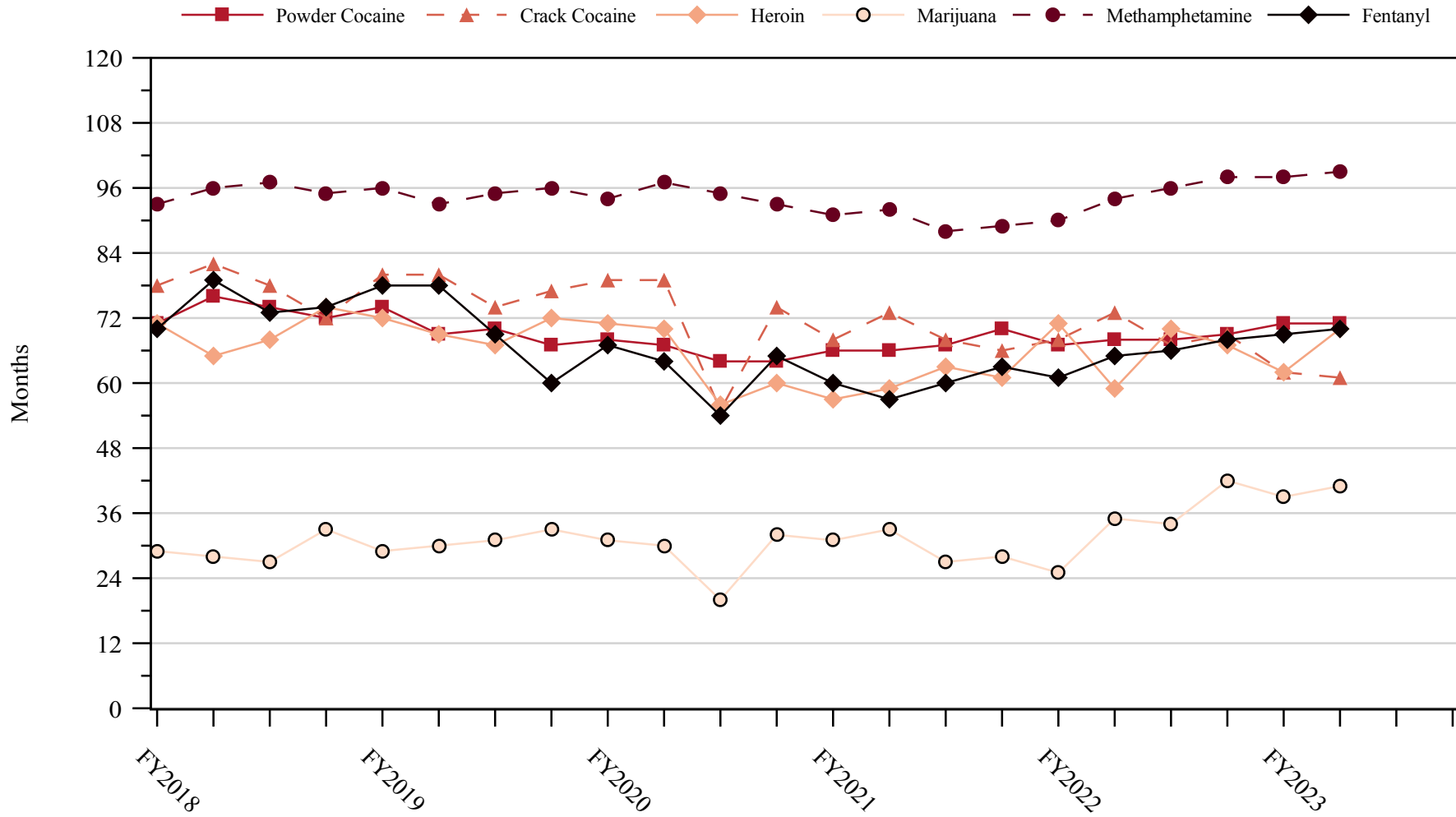


<sup>1</sup> Of the 32,023 cases, in 9,626 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (120).

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

**Figure 12**  
**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS**  
**BY MAJOR DRUG TYPE QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**2nd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through March 31, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through March 31, 2023).



## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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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.<sup>1</sup>

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.<sup>2</sup> Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.<sup>3</sup>

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

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The following section describes the variables used in this report.

##### **Attribution Category for Sentences Outside the Range**

All categories replicate the list of checkboxes available on the Statement of Reasons form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. The Commission uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally, other types of Statement of Reasons forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

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

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

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

**Circuit**

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

**Citizenship Status**

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

**District**

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

**Downward Departure**

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

**Downward Variance**

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

**Extent of Decrease**

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

**Extent of Increase**

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

**Federal Offenders Sentenced**

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

**Gender**

*Gender* of the offender is obtained from the Presentence Report.

**Government Motion (Variance)**

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

**Guideline Sentencing Range**

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

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

**Non-Government Departure**

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

**Non-Government Variance**

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

**Other Government Motion (Downward Departure)**

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

**Primary Drug Type**

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

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

### **Primary Guideline**

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

### **Race**

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

### **Sentence Imposed or Sentence Length**

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

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

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

### **Sentence Type**

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

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

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

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

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

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

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

### **Sentences Under the Guidelines Manual**

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

### **Type of Crime**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Upward Departure**

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



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

**Upward Variance**

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

**Within Guideline Range**

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

**Year**

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