

United States Sentencing Commission Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2019 Data
Through June 30, 2019**

Introduction

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

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

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

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

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

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2018 are available at the Commission's website, www.ussc.gov.

pornography is treated under the sentencing guidelines.

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

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

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

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

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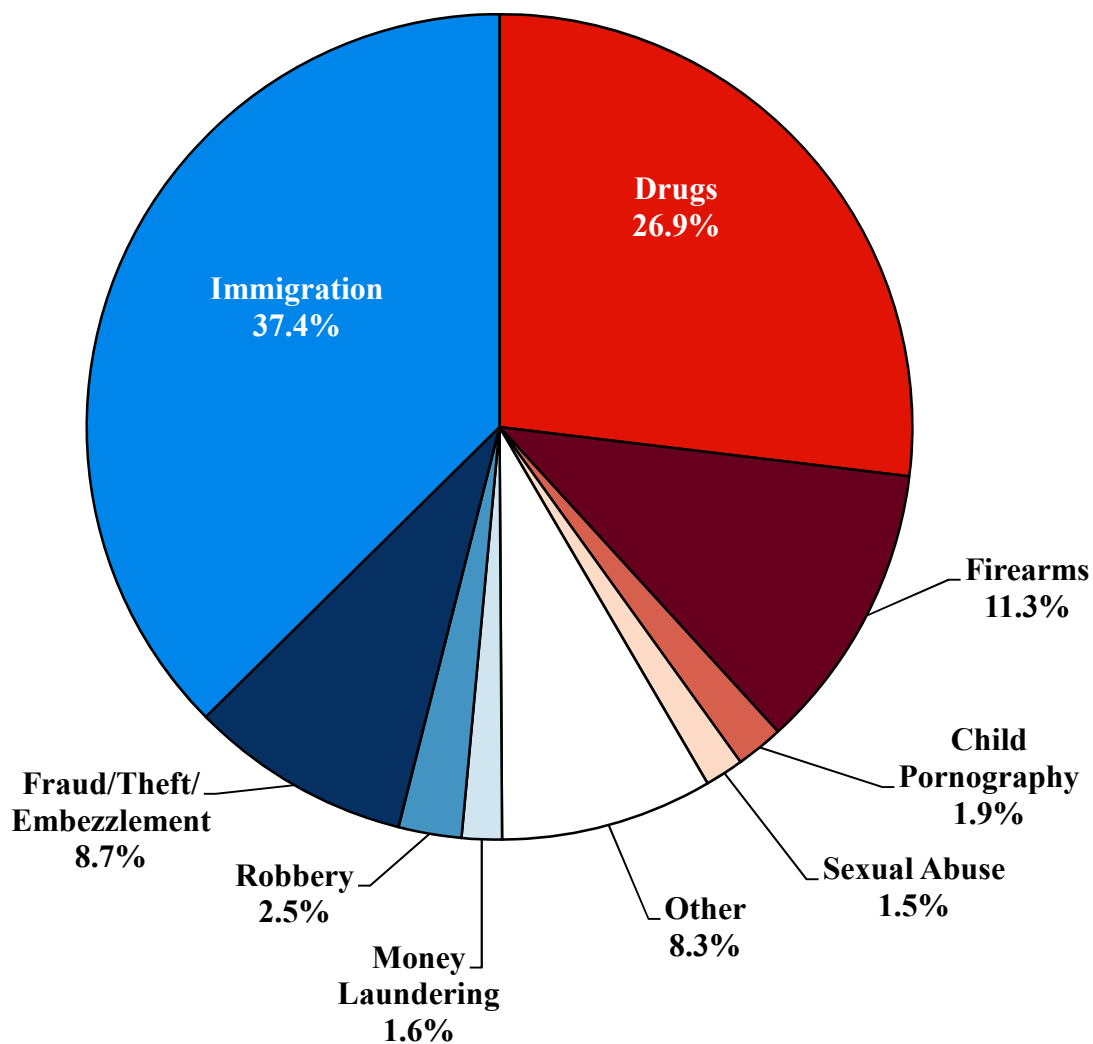
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹**3rd Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through June 30, 2019)**

¹ This figure includes the 54,301 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	N	%
TOTAL	54,301	100.0
Administration of Justice	514	0.9
Antitrust	20	0.0
Arson	50	0.1
Assault	544	1.0
Bribery/Corruption	250	0.5
Burglary/Trespass	42	0.1
Child Pornography	1,013	1.9
Commercialized Vice	69	0.1
Drug Possession	381	0.7
Drug Trafficking	14,232	26.2
Environmental	121	0.2
Extortion/Racketeering	129	0.2
Firearms	6,135	11.3
Food and Drug	36	0.1
Forgery/Counter/Copyright	204	0.4
Fraud/Theft/Embezzlement	4,704	8.7
Immigration	20,306	37.4
Individual Rights	53	0.1
Kidnapping	68	0.1
Manslaughter	57	0.1
Money Laundering	855	1.6
Murder	250	0.5
National Defense	139	0.3
Obscenity/Other Sex Offenses	279	0.5
Prison Offenses	412	0.8
Robbery	1,342	2.5
Sexual Abuse	822	1.5
Stalking/Harassing	166	0.3
Tax	404	0.7
Other	704	1.3

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

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through June 30, 2019)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	54,301	100.0			
D.C. CIRCUIT	242	0.4	FIFTH CIRCUIT	14,674	27.0
District of Columbia	242	0.4	Louisiana		
			Eastern	210	0.4
			Middle	135	0.2
			Western	274	0.5
FIRST CIRCUIT	1,505	2.8	Mississippi		
Maine	107	0.2	Northern	146	0.3
Massachusetts	347	0.6	Southern	329	0.6
New Hampshire	158	0.3	Texas		
Puerto Rico	788	1.5	Eastern	525	1.0
Rhode Island	105	0.2	Northern	1,164	2.1
			Southern	5,030	9.3
SECOND CIRCUIT	2,441	4.5	Western	6,861	12.6
Connecticut	247	0.5			
New York			SIXTH CIRCUIT	3,938	7.3
Eastern	449	0.8	Kentucky		
Northern	287	0.5	Eastern	387	0.7
Southern	925	1.7	Western	244	0.4
Western	404	0.7	Michigan		
Vermont	129	0.2	Eastern	673	1.2
			Western	299	0.6
THIRD CIRCUIT	1,690	3.1	Ohio		
Delaware	92	0.2	Northern	684	1.3
New Jersey	467	0.9	Southern	385	0.7
Pennsylvania			Tennessee		
Eastern	426	0.8	Eastern	567	1.0
Middle	370	0.7	Middle	261	0.5
Western	271	0.5	Western	438	0.8
Virgin Islands	64	0.1			
			SEVENTH CIRCUIT	1,741	3.2
FOURTH CIRCUIT	4,174	7.7	Illinois		
Maryland	572	1.1	Central	162	0.3
North Carolina			Northern	451	0.8
Eastern	607	1.1	Southern	200	0.4
Middle	361	0.7	Indiana		
Western	324	0.6	Northern	259	0.5
South Carolina	829	1.5	Southern	355	0.7
Virginia			Wisconsin		
Eastern	875	1.6	Eastern	190	0.3
Western	172	0.3	Western	124	0.2
West Virginia					
Northern	214	0.4			
Southern	220	0.4			

Table 2 (cont.)

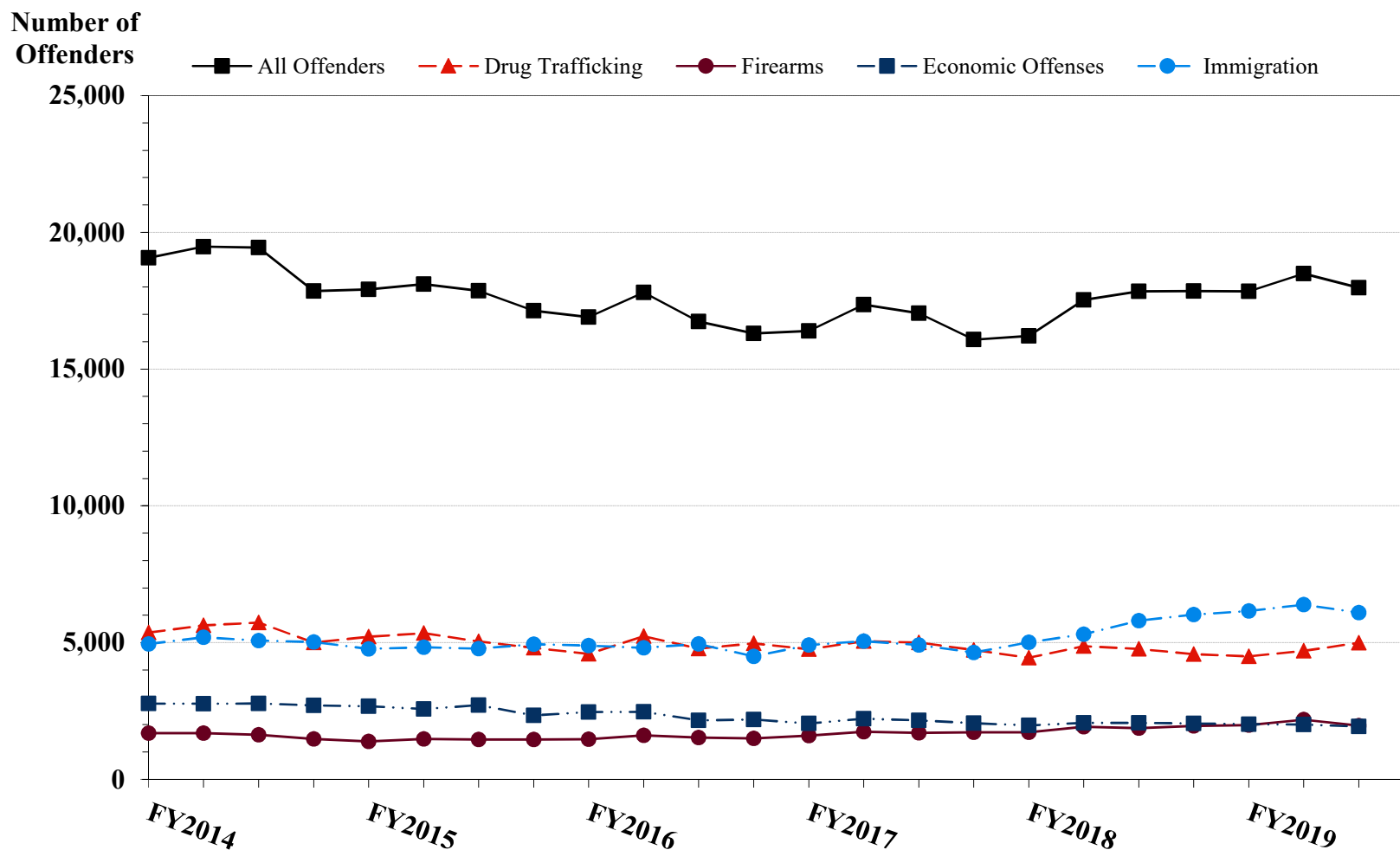
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	3,934	7.2	TENTH CIRCUIT	4,460	8.2
Arkansas			Colorado	391	0.7
Eastern	341	0.6	Kansas	334	0.6
Western	204	0.4	New Mexico	2,616	4.8
Iowa			Oklahoma		
Northern	313	0.6	Eastern	79	0.1
Southern	372	0.7	Northern	154	0.3
Minnesota	277	0.5	Western	287	0.5
Missouri			Utah	471	0.9
Eastern	855	1.6	Wyoming	128	0.2
Western	571	1.1			
Nebraska	399	0.7	ELEVENTH CIRCUIT	4,793	8.8
North Dakota	265	0.5	Alabama		
South Dakota	337	0.6	Middle	189	0.3
			Northern	387	0.7
NINTH CIRCUIT	10,709	19.7	Southern	272	0.5
Alaska	154	0.3	Florida		
Arizona	4,104	7.6	Middle	1,176	2.2
California			Northern	199	0.4
Central	834	1.5	Southern	1,516	2.8
Eastern	371	0.7	Georgia		
Northern	350	0.6	Middle	331	0.6
Southern	2,928	5.4	Northern	400	0.7
Guam	27	0.0	Southern	323	0.6
Hawaii	91	0.2			
Idaho	275	0.5			
Montana	299	0.6			
Nevada	365	0.7			
Northern Mariana Islands	5	0.0			
Oregon	311	0.6			
Washington					
Eastern	266	0.5			
Western	329	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2014 - 2018,
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)



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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through June 30, 2019).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	53,773	10,919	20.3	11,110	20.7	29,778	55.4	1,966	3.7
Administration of Justice	506	143	28.3	122	24.1	176	34.8	65	12.8
Antitrust	20	12	60.0	0	0.0	2	10.0	6	30.0
Arson	50	17	34.0	19	38.0	8	16.0	6	12.0
Assault	538	84	15.6	132	24.5	95	17.7	227	42.2
Bribery/Corruption	250	84	33.6	85	34.0	56	22.4	25	10.0
Burglary/Trespass	42	12	28.6	8	19.0	7	16.7	15	35.7
Child Pornography	1,010	812	80.4	44	4.4	115	11.4	39	3.9
Commercialized Vice	69	17	24.6	32	46.4	11	15.9	9	13.0
Drug Possession	348	118	33.9	72	20.7	146	42.0	12	3.4
Drug Trafficking	14,208	3,575	25.2	3,930	27.7	6,258	44.0	445	3.1
Environmental	115	75	65.2	2	1.7	18	15.7	20	17.4
Extortion/Racketeering	128	53	41.4	45	35.2	21	16.4	9	7.0
Firearms	6,124	1,575	25.7	3,266	53.3	1,120	18.3	163	2.7
Food and Drug	36	29	80.6	1	2.8	4	11.1	2	5.6
Forgery/Counter/Copyright	204	104	51.0	69	33.8	20	9.8	11	5.4
Fraud/Theft/Embezzlement	4,669	1,968	42.2	1,279	27.4	1,134	24.3	288	6.2
Immigration	20,110	409	2.0	237	1.2	19,352	96.2	112	0.6
Individual Rights	52	20	38.5	14	26.9	14	26.9	4	7.7
Kidnapping	67	14	20.9	32	47.8	14	20.9	7	10.4
Manslaughter	57	7	12.3	5	8.8	1	1.8	44	77.2
Money Laundering	854	264	30.9	141	16.5	383	44.8	66	7.7
Murder	250	31	12.4	100	40.0	78	31.2	41	16.4
National Defense	138	31	22.5	13	9.4	87	63.0	7	5.1
Obscenity/Other Sex Offenses	279	126	45.2	67	24.0	38	13.6	48	17.2
Prison Offenses	401	99	24.7	172	42.9	108	26.9	22	5.5
Robbery	1,341	290	21.6	797	59.4	210	15.7	44	3.3
Sexual Abuse	822	446	54.3	138	16.8	110	13.4	128	15.6
Stalking/Harassing	164	90	54.9	26	15.9	15	9.1	33	20.1
Tax	403	187	46.4	128	31.8	54	13.4	34	8.4
Other	518	227	43.8	134	25.9	123	23.7	34	6.6

¹ Of the 54,301 cases, 528 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 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	54,179	47,334	87.4	6,845	12.6
Administration of Justice	512	364	71.1	148	28.9
Antitrust	20	19	95.0	1	5.0
Arson	50	43	86.0	7	14.0
Assault	544	500	91.9	44	8.1
Bribery/Corruption	250	188	75.2	62	24.8
Burglary/Trespass	42	37	88.1	5	11.9
Child Pornography	1,013	1,006	99.3	7	0.7
Commercialized Vice	69	57	82.6	12	17.4
Drug Possession	371	289	77.9	82	22.1
Drug Trafficking	14,231	11,778	82.8	2,453	17.2
Environmental	119	109	91.6	10	8.4
Extortion/Racketeering	129	111	86.0	18	14.0
Firearms	6,134	5,879	95.8	255	4.2
Food and Drug	36	28	77.8	8	22.2
Forgery/Counter/Copyright	204	162	79.4	42	20.6
Fraud/Theft/Embezzlement	4,700	3,251	69.2	1,449	30.8
Immigration	20,255	18,750	92.6	1,505	7.4
Individual Rights	53	39	73.6	14	26.4
Kidnapping	68	63	92.6	5	7.4
Manslaughter	57	47	82.5	10	17.5
Money Laundering	855	658	77.0	197	23.0
Murder	250	235	94.0	15	6.0
National Defense	139	116	83.5	23	16.5
Obscenity/Other Sex Offenses	279	275	98.6	4	1.4
Prison Offenses	412	374	90.8	38	9.2
Robbery	1,342	1,247	92.9	95	7.1
Sexual Abuse	822	777	94.5	45	5.5
Stalking/Harassing	166	156	94.0	10	6.0
Tax	404	280	69.3	124	30.7
Other	653	496	76.0	157	24.0

¹ Of the 54,301 cases, 122 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	54,027	30,480	56.4	23,547	43.6
Administration of Justice	510	384	75.3	126	24.7
Antitrust	20	18	90.0	2	10.0
Arson	50	49	98.0	1	2.0
Assault	537	509	94.8	28	5.2
Bribery/Corruption	250	232	92.8	18	7.2
Burglary/Trespass	41	35	85.4	6	14.6
Child Pornography	1,013	980	96.7	33	3.3
Commercialized Vice	68	59	86.8	9	13.2
Drug Possession	356	254	71.3	102	28.7
Drug Trafficking	14,205	11,160	78.6	3,045	21.4
Environmental	113	96	85.0	17	15.0
Extortion/Racketeering	129	106	82.2	23	17.8
Firearms	6,133	5,856	95.5	277	4.5
Food and Drug	36	34	94.4	2	5.6
Forgery/Counter/Copyright	204	187	91.7	17	8.3
Fraud/Theft/Embezzlement	4,671	3,805	81.5	866	18.5
Immigration	20,291	1,910	9.4	18,381	90.6
Individual Rights	53	34	64.2	19	35.8
Kidnapping	68	63	92.6	5	7.4
Manslaughter	57	55	96.5	2	3.5
Money Laundering	851	605	71.1	246	28.9
Murder	250	215	86.0	35	14.0
National Defense	137	89	65.0	48	35.0
Obscenity/Other Sex Offenses	279	266	95.3	13	4.7
Prison Offenses	400	385	96.3	15	3.8
Robbery	1,342	1,293	96.3	49	3.7
Sexual Abuse	822	787	95.7	35	4.3
Stalking/Harassing	166	163	98.2	3	1.8
Tax	404	368	91.1	36	8.9
Other	571	483	84.6	88	15.4

¹ Of the 54,301 cases, 274 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹**3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	43	18	54,301
Administration of Justice	12	8	514
Antitrust	6	4	20
Arson	80	60	50
Assault	68	36	544
Bribery/Corruption	23	12	250
Burglary/Trespass	15	15	42
Child Pornography	102	84	1,013
Commercialized Vice	25	20	69
Drug Possession	2	0	381
Drug Trafficking	76	60	14,232
Environmental	4	0	121
Extortion/Racketeering	29	24	129
Firearms	50	40	6,135
Food and Drug	10	0	36
Forgery/Counter/Copyright	15	12	204
Fraud/Theft/Embezzlement	22	12	4,704
Immigration	10	6	20,306
Individual Rights	21	3	53
Kidnapping	180	132	68
Manslaughter	72	63	57
Money Laundering	64	36	855
Murder	254	240	250
National Defense	38	20	139
Obscenity/Other Sex Offenses	20	18	279
Prison Offenses	11	8	412
Robbery	108	90	1,342
Sexual Abuse	205	180	822
Stalking/Harassing	28	23	166
Tax	15	12	404
Other	3	0	704

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

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	54,301	49,798	91.7	48,301	89.0	1,497	2.8	4,240	7.8	999	1.8	3,241	6.0	263	0.5
Administration of Justice	514	366	71.2	340	66.1	26	5.1	148	28.8	27	5.3	121	23.5	0	0.0
Antitrust	20	17	85.0	17	85.0	0	0.0	3	15.0	3	15.0	0	0.0	0	0.0
Arson	50	48	96.0	46	92.0	2	4.0	2	4.0	0	0.0	2	4.0	0	0.0
Assault	544	483	88.8	445	81.8	38	7.0	58	10.7	4	0.7	54	9.9	3	0.6
Bribery/Corruption	250	185	74.0	174	69.6	11	4.4	62	24.8	26	10.4	36	14.4	3	1.2
Burglary/Trespass	42	37	88.1	32	76.2	5	11.9	4	9.5	1	2.4	3	7.1	1	2.4
Child Pornography	1,013	1,003	99.0	983	97.0	20	2.0	9	0.9	3	0.3	6	0.6	1	0.1
Commercialized Vice	69	56	81.2	54	78.3	2	2.9	12	17.4	5	7.2	7	10.1	1	1.4
Drug Possession	381	214	56.2	208	54.6	6	1.6	103	27.0	6	1.6	97	25.5	64	16.8
Drug Trafficking	14,232	13,695	96.2	13,224	92.9	471	3.3	535	3.8	151	1.1	384	2.7	2	0.0
Environmental	121	26	21.5	23	19.0	3	2.5	83	68.6	22	18.2	61	50.4	12	9.9
Extortion/Racketeering	129	103	79.8	95	73.6	8	6.2	26	20.2	3	2.3	23	17.8	0	0.0
Firearms	6,135	5,768	94.0	5,551	90.5	217	3.5	367	6.0	140	2.3	227	3.7	0	0.0
Food and Drug	36	10	27.8	10	27.8	0	0.0	26	72.2	2	5.6	24	66.7	0	0.0
Forgery/Counter/Copyright	204	154	75.5	145	71.1	9	4.4	50	24.5	24	11.8	26	12.7	0	0.0
Fraud/Theft/Embezzlement	4,704	3,485	74.1	3,236	68.8	249	5.3	1,170	24.9	297	6.3	873	18.6	49	1.0
Immigration	20,306	19,360	95.3	19,164	94.4	196	1.0	944	4.6	140	0.7	804	4.0	2	0.0
Individual Rights	53	30	56.6	28	52.8	2	3.8	17	32.1	4	7.5	13	24.5	6	11.3
Kidnapping	68	68	100.0	63	92.6	5	7.4	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	57	55	96.5	53	93.0	2	3.5	2	3.5	0	0.0	2	3.5	0	0.0
Money Laundering	855	764	89.4	721	84.3	43	5.0	91	10.6	36	4.2	55	6.4	0	0.0
Murder	250	249	99.6	236	94.4	13	5.2	1	0.4	0	0.0	1	0.4	0	0.0
National Defense	139	123	88.5	116	83.5	7	5.0	16	11.5	4	2.9	12	8.6	0	0.0
Obscenity/Other Sex Offenses	279	268	96.1	241	86.4	27	9.7	10	3.6	4	1.4	6	2.2	1	0.4
Prison Offenses	412	396	96.1	380	92.2	16	3.9	16	3.9	6	1.5	10	2.4	0	0.0
Robbery	1,342	1,322	98.5	1,276	95.1	46	3.4	20	1.5	6	0.4	14	1.0	0	0.0
Sexual Abuse	822	819	99.6	793	96.5	26	3.2	3	0.4	2	0.2	1	0.1	0	0.0
Stalking/Harassing	166	155	93.4	140	84.3	15	9.0	11	6.6	2	1.2	9	5.4	0	0.0
Tax	404	261	64.6	240	59.4	21	5.2	140	34.7	49	12.1	91	22.5	3	0.7
Other	704	278	39.5	267	37.9	11	1.6	311	44.2	32	4.5	279	39.6	115	16.3

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

² Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

	N	%
TOTAL CASES	54,012	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	40,346	74.7
Within Guideline Range	27,572	51.0
Upward Departure ²	263	0.5
Downward Departure		
§5K1.1 Substantial Assistance	5,296	9.8
§5K3.1 Early Disposition Program	5,080	9.4
Other Government Motion ³	914	1.7
Non-Government Departure ⁴	1,221	2.3
VARIANCES	13,666	25.3
Upward Variance ⁵	1,033	1.9
Downward Variance		
Government Motion ⁶	2,886	5.3
Non-Government Variance ⁷	9,747	18.0

¹ This table reflects the 54,301 cases sentenced on or after October 1, 2018, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 29, 2019. Of these, 289 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

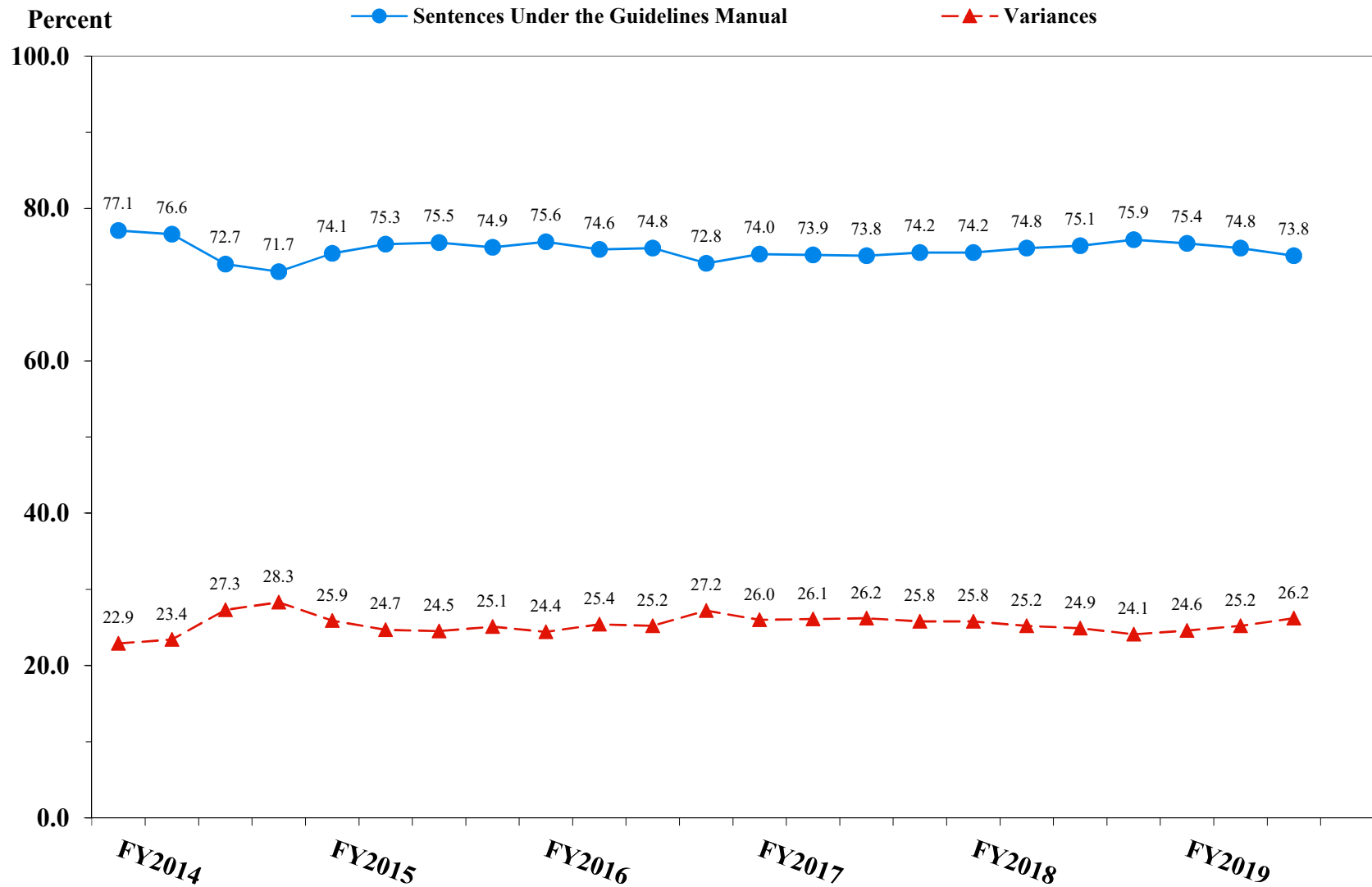
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2014 - 2018,
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)



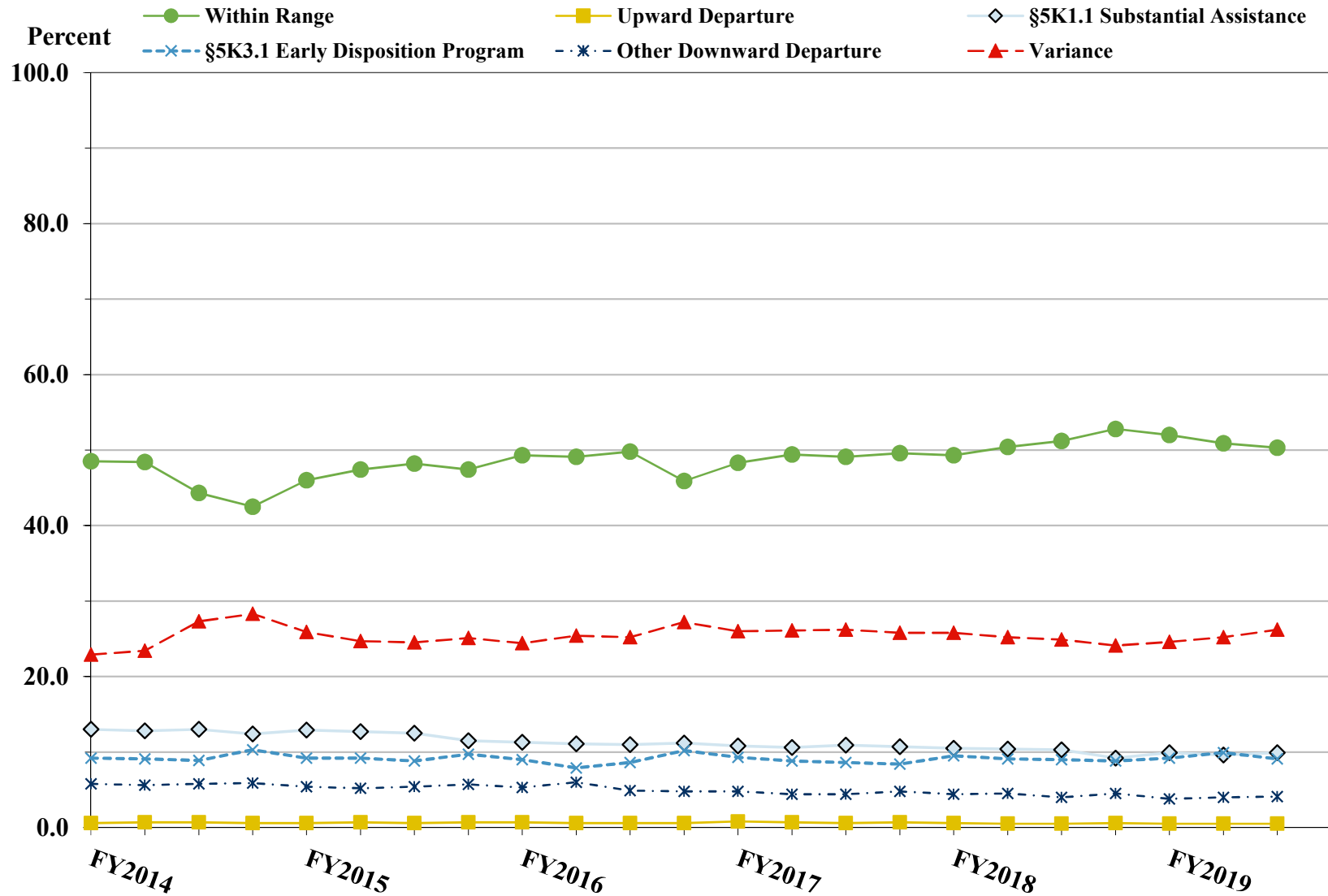
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through June 30, 2019).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2014 - 2018,
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)



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

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

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	54,012	27,572	51.0	263	0.5	5,296	9.8	5,080	9.4	2,135	4.0	13,666	25.3
D.C. CIRCUIT	242	102	42.1	3	1.2	25	10.3	0	0.0	26	10.7	86	35.5
District of Columbia	242	102	42.1	3	1.2	25	10.3	0	0.0	26	10.7	86	35.5
FIRST CIRCUIT	1,504	722	48.0	11	0.7	133	8.8	1	0.1	61	4.1	576	38.3
Maine	107	39	36.4	2	1.9	19	17.8	0	0.0	3	2.8	44	41.1
Massachusetts	346	127	36.7	3	0.9	39	11.3	1	0.3	23	6.6	153	44.2
New Hampshire	158	55	34.8	0	0.0	24	15.2	0	0.0	3	1.9	76	48.1
Puerto Rico	788	482	61.2	6	0.8	41	5.2	0	0.0	32	4.1	227	28.8
Rhode Island	105	19	18.1	0	0.0	10	9.5	0	0.0	0	0.0	76	72.4
SECOND CIRCUIT	2,429	770	31.7	10	0.4	439	18.1	5	0.2	105	4.3	1,100	45.3
Connecticut	247	93	37.7	3	1.2	36	14.6	0	0.0	31	12.6	84	34.0
New York													
Eastern	449	110	24.5	2	0.4	86	19.2	0	0.0	46	10.2	205	45.7
Northern	277	147	53.1	2	0.7	46	16.6	1	0.4	6	2.2	75	27.1
Southern	925	231	25.0	0	0.0	138	14.9	4	0.4	17	1.8	535	57.8
Western	402	162	40.3	2	0.5	116	28.9	0	0.0	4	1.0	118	29.4
Vermont	129	27	20.9	1	0.8	17	13.2	0	0.0	1	0.8	83	64.3
THIRD CIRCUIT	1,686	749	44.4	7	0.4	296	17.6	15	0.9	47	2.8	572	33.9
Delaware	92	40	43.5	3	3.3	8	8.7	10	10.9	3	3.3	28	30.4
New Jersey	464	198	42.7	0	0.0	80	17.2	0	0.0	4	0.9	182	39.2
Pennsylvania													
Eastern	426	171	40.1	0	0.0	112	26.3	0	0.0	25	5.9	118	27.7
Middle	370	198	53.5	1	0.3	63	17.0	5	1.4	11	3.0	92	24.9
Western	270	108	40.0	2	0.7	29	10.7	0	0.0	3	1.1	128	47.4
Virgin Islands	64	34	53.1	1	1.6	4	6.3	0	0.0	1	1.6	24	37.5
FOURTH CIRCUIT	4,113	2,344	57.0	31	0.8	488	11.9	2	0.0	131	3.2	1,117	27.2
Maryland	564	188	33.3	7	1.2	100	17.7	0	0.0	45	8.0	224	39.7
North Carolina													
Eastern	571	346	60.6	11	1.9	115	20.1	0	0.0	8	1.4	91	15.9
Middle	361	205	56.8	4	1.1	40	11.1	0	0.0	3	0.8	109	30.2
Western	324	206	63.6	1	0.3	47	14.5	0	0.0	4	1.2	66	20.4
South Carolina	820	474	57.8	5	0.6	105	12.8	0	0.0	24	2.9	212	25.9
Virginia													
Eastern	869	567	65.2	2	0.2	36	4.1	0	0.0	32	3.7	232	26.7
Western	172	89	51.7	0	0.0	22	12.8	2	1.2	9	5.2	50	29.1
West Virginia													
Northern	213	136	63.8	0	0.0	17	8.0	0	0.0	2	0.9	58	27.2
Southern	219	133	60.7	1	0.5	6	2.7	0	0.0	4	1.8	75	34.2

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	14,646	10,203	69.7	94	0.6	825	5.6	487	3.3	736	5.0	2,301	15.7
Louisiana													
Eastern	208	117	56.3	2	1.0	31	14.9	0	0.0	5	2.4	53	25.5
Middle	134	73	54.5	2	1.5	28	20.9	1	0.7	0	0.0	30	22.4
Western	270	191	70.7	0	0.0	29	10.7	0	0.0	1	0.4	49	18.1
Mississippi													
Northern	144	51	35.4	1	0.7	40	27.8	0	0.0	3	2.1	49	34.0
Southern	327	240	73.4	2	0.6	33	10.1	0	0.0	2	0.6	50	15.3
Texas													
Eastern	525	366	69.7	3	0.6	17	3.2	1	0.2	10	1.9	128	24.4
Northern	1,164	719	61.8	15	1.3	139	11.9	0	0.0	22	1.9	269	23.1
Southern	5,025	2,884	57.4	66	1.3	297	5.9	356	7.1	499	9.9	923	18.4
Western	6,849	5,562	81.2	3	0.0	211	3.1	129	1.9	194	2.8	750	11.0
SIXTH CIRCUIT	3,921	1,805	46.0	9	0.2	781	19.9	7	0.2	145	3.7	1,174	29.9
Kentucky													
Eastern	387	212	54.8	0	0.0	67	17.3	0	0.0	6	1.6	102	26.4
Western	243	115	47.3	2	0.8	54	22.2	2	0.8	11	4.5	59	24.3
Michigan													
Eastern	673	281	41.8	1	0.1	93	13.8	0	0.0	20	3.0	278	41.3
Western	299	161	53.8	1	0.3	52	17.4	0	0.0	3	1.0	82	27.4
Ohio													
Northern	683	344	50.4	2	0.3	152	22.3	0	0.0	18	2.6	167	24.5
Southern	385	109	28.3	1	0.3	94	24.4	4	1.0	61	15.8	116	30.1
Tennessee													
Eastern	559	302	54.0	1	0.2	150	26.8	0	0.0	9	1.6	97	17.4
Middle	255	73	28.6	0	0.0	59	23.1	0	0.0	13	5.1	110	43.1
Western	437	208	47.6	1	0.2	60	13.7	1	0.2	4	0.9	163	37.3
SEVENTH CIRCUIT	1,736	656	37.8	3	0.2	174	10.0	2	0.1	83	4.8	818	47.1
Illinois													
Central	162	59	36.4	0	0.0	21	13.0	0	0.0	3	1.9	79	48.8
Northern	451	134	29.7	1	0.2	35	7.8	2	0.4	32	7.1	247	54.8
Southern	200	97	48.5	1	0.5	28	14.0	0	0.0	2	1.0	72	36.0
Indiana													
Northern	255	108	42.4	0	0.0	28	11.0	0	0.0	13	5.1	106	41.6
Southern	355	175	49.3	0	0.0	38	10.7	0	0.0	5	1.4	137	38.6
Wisconsin													
Eastern	189	34	18.0	0	0.0	19	10.1	0	0.0	1	0.5	135	71.4
Western	124	49	39.5	1	0.8	5	4.0	0	0.0	27	21.8	42	33.9
EIGHTH CIRCUIT	3,932	1,771	45.0	21	0.5	510	13.0	56	1.4	77	2.0	1,497	38.1
Arkansas													
Eastern	340	206	60.6	1	0.3	22	6.5	0	0.0	8	2.4	103	30.3
Western	204	96	47.1	0	0.0	34	16.7	2	1.0	3	1.5	69	33.8
Iowa													
Northern	313	163	52.1	7	2.2	72	23.0	0	0.0	4	1.3	67	21.4
Southern	372	139	37.4	1	0.3	52	14.0	0	0.0	5	1.3	175	47.0
Minnesota	277	87	31.4	1	0.4	51	18.4	0	0.0	13	4.7	125	45.1
Missouri													
Eastern	854	361	42.3	4	0.5	58	6.8	0	0.0	5	0.6	426	49.9
Western	571	224	39.2	1	0.2	91	15.9	0	0.0	19	3.3	236	41.3
Nebraska	399	199	49.9	1	0.3	15	3.8	47	11.8	2	0.5	135	33.8
North Dakota	265	81	30.6	0	0.0	106	40.0	5	1.9	3	1.1	70	26.4
South Dakota	337	215	63.8	5	1.5	9	2.7	2	0.6	15	4.5	91	27.0

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10,644	3,333	31.3	40	0.4	789	7.4	3,845	36.1	420	3.9	2,217	20.8
Alaska	154	43	27.9	1	0.6	22	14.3	0	0.0	3	1.9	85	55.2
Arizona	4,052	1,453	35.9	27	0.7	100	2.5	1,955	48.2	65	1.6	452	11.2
California													
Central	831	269	32.4	1	0.1	114	13.7	80	9.6	60	7.2	307	36.9
Eastern	371	168	45.3	1	0.3	47	12.7	19	5.1	14	3.8	122	32.9
Northern	348	102	29.3	0	0.0	43	12.4	7	2.0	14	4.0	182	52.3
Southern	2,922	540	18.5	5	0.2	173	5.9	1,728	59.1	215	7.4	261	8.9
Guam	27	16	59.3	0	0.0	5	18.5	0	0.0	2	7.4	4	14.8
Hawaii	91	36	39.6	0	0.0	20	22.0	0	0.0	1	1.1	34	37.4
Idaho	275	121	44.0	1	0.4	54	19.6	20	7.3	13	4.7	66	24.0
Montana	299	116	38.8	1	0.3	75	25.1	1	0.3	4	1.3	102	34.1
Nevada	365	154	42.2	1	0.3	28	7.7	2	0.5	8	2.2	172	47.1
Northern Mariana Islands	5	2	40.0	0	0.0	1	20.0	0	0.0	0	0.0	2	40.0
Oregon	311	70	22.5	1	0.3	47	15.1	0	0.0	14	4.5	179	57.6
Washington													
Eastern	264	121	45.8	0	0.0	46	17.4	13	4.9	2	0.8	82	31.1
Western	329	122	37.1	1	0.3	14	4.3	20	6.1	5	1.5	167	50.8
TENTH CIRCUIT	4,434	2,470	55.7	28	0.6	274	6.2	642	14.5	250	5.6	770	17.4
Colorado	389	125	32.1	1	0.3	81	20.8	65	16.7	9	2.3	108	27.8
Kansas	324	142	43.8	4	1.2	58	17.9	2	0.6	5	1.5	113	34.9
New Mexico	2,615	1,762	67.4	5	0.2	37	1.4	488	18.7	122	4.7	201	7.7
Oklahoma													
Eastern	79	46	58.2	1	1.3	15	19.0	0	0.0	0	0.0	17	21.5
Northern	153	62	40.5	10	6.5	23	15.0	0	0.0	22	14.4	36	23.5
Western	287	156	54.4	0	0.0	19	6.6	2	0.7	2	0.7	108	37.6
Utah	460	137	29.8	5	1.1	27	5.9	76	16.5	78	17.0	137	29.8
Wyoming	127	40	31.5	2	1.6	14	11.0	9	7.1	12	9.4	50	39.4
ELEVENTH CIRCUIT	4,725	2,647	56.0	6	0.1	562	11.9	18	0.4	54	1.1	1,438	30.4
Alabama													
Middle	189	103	54.5	0	0.0	36	19.0	2	1.1	2	1.1	46	24.3
Northern	386	232	60.1	1	0.3	69	17.9	1	0.3	5	1.3	78	20.2
Southern	272	198	72.8	0	0.0	32	11.8	0	0.0	3	1.1	39	14.3
Florida													
Middle	1,176	563	47.9	2	0.2	193	16.4	11	0.9	12	1.0	395	33.6
Northern	198	88	44.4	1	0.5	42	21.2	4	2.0	4	2.0	59	29.8
Southern	1,456	848	58.2	1	0.1	91	6.3	0	0.0	9	0.6	507	34.8
Georgia													
Middle	330	225	68.2	1	0.3	30	9.1	0	0.0	6	1.8	68	20.6
Northern	395	146	37.0	0	0.0	26	6.6	0	0.0	12	3.0	211	53.4
Southern	323	244	75.5	0	0.0	43	13.3	0	0.0	1	0.3	35	10.8

¹ Of the 54,301 cases, 289 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 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	54,012	27,572	51.0	263	0.5	5,296	9.8	5,080	9.4	2,135	4.0	13,666	25.3
Administration of Justice	513	261	50.9	8	1.6	26	5.1	4	0.8	33	6.4	181	35.3
Antitrust	20	2	10.0	0	0.0	15	75.0	0	0.0	0	0.0	3	15.0
Arson	50	27	54.0	2	4.0	6	12.0	0	0.0	1	2.0	14	28.0
Assault	536	274	51.1	15	2.8	22	4.1	1	0.2	39	7.3	185	34.5
Bribery/Corruption	250	49	19.6	0	0.0	82	32.8	0	0.0	22	8.8	97	38.8
Burglary/Trespass	42	29	69.0	0	0.0	0	0.0	0	0.0	2	4.8	11	26.2
Child Pornography	1,013	312	30.8	6	0.6	21	2.1	0	0.0	75	7.4	599	59.1
Commercialized Vice	69	28	40.6	1	1.4	4	5.8	0	0.0	6	8.7	30	43.5
Drug Possession	334	304	91.0	1	0.3	2	0.6	0	0.0	2	0.6	25	7.5
Drug Trafficking	14,220	4,919	34.6	45	0.3	3,242	22.8	875	6.2	588	4.1	4,551	32.0
Environmental	118	59	50.0	0	0.0	8	6.8	0	0.0	8	6.8	43	36.4
Extortion/Racketeering	127	65	51.2	1	0.8	16	12.6	0	0.0	6	4.7	39	30.7
Firearms	6,130	3,356	54.7	42	0.7	410	6.7	5	0.1	221	3.6	2,096	34.2
Food and Drug	36	25	69.4	1	2.8	0	0.0	0	0.0	0	0.0	10	27.8
Forgery/Counter/Copyright	204	91	44.6	1	0.5	25	12.3	0	0.0	8	3.9	79	38.7
Fraud/Theft/Embezzlement	4,649	2,193	47.2	11	0.2	639	13.7	6	0.1	153	3.3	1,647	35.4
Immigration	20,225	13,131	64.9	79	0.4	138	0.7	4,181	20.7	691	3.4	2,005	9.9
Individual Rights	52	30	57.7	0	0.0	5	9.6	0	0.0	2	3.8	15	28.8
Kidnapping	68	19	27.9	1	1.5	15	22.1	0	0.0	5	7.4	28	41.2
Manslaughter	57	32	56.1	7	12.3	0	0.0	0	0.0	4	7.0	14	24.6
Money Laundering	852	213	25.0	1	0.1	244	28.6	5	0.6	51	6.0	338	39.7
Murder	250	104	41.6	3	1.2	54	21.6	0	0.0	23	9.2	66	26.4
National Defense	138	35	25.4	0	0.0	29	21.0	0	0.0	15	10.9	59	42.8
Obscenity/Other Sex Offenses	278	171	61.5	1	0.4	0	0.0	1	0.4	9	3.2	96	34.5
Prison Offenses	408	264	64.7	2	0.5	11	2.7	2	0.5	24	5.9	105	25.7
Robbery	1,342	528	39.3	23	1.7	185	13.8	0	0.0	68	5.1	538	40.1
Sexual Abuse	822	321	39.1	9	1.1	38	4.6	0	0.0	51	6.2	403	49.0
Stalking/Harassing	166	84	50.6	2	1.2	1	0.6	0	0.0	13	7.8	66	39.8
Tax	404	100	24.8	0	0.0	51	12.6	0	0.0	11	2.7	242	59.9
Other	639	546	85.4	1	0.2	7	1.1	0	0.0	4	0.6	81	12.7

¹ Of the 54,301 cases, 289 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 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

Within								Within							
Guideline				Departure				Guideline				Departure			
Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance	Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2A1.1	159	68	0	38	0	12	41	§2D1.8	7	3	0	2	0	0	2
§2A1.2	32	11	3	4	0	3	11	§2D1.9	0	0	0	0	0	0	0
§2A1.3	20	12	3	0	0	1	4	§2D1.10	2	0	0	1	0	0	1
§2A1.4	37	20	4	0	0	3	10	§2D1.11	24	0	0	6	0	0	18
§2A1.5	38	18	0	4	0	5	11	§2D1.12	0	0	0	0	0	0	0
§2A2.1	115	52	1	13	0	4	45	§2D1.13	3	3	0	0	0	0	0
§2A2.2	294	140	12	8	1	27	106	§2D1.14	0	0	0	0	0	0	0
§2A2.3	82	57	1	0	0	3	21	§2D2.1	120	104	1	2	0	1	12
§2A2.4	142	74	3	1	3	12	49	§2D2.2	72	64	0	0	0	1	7
§2A3.1	82	40	1	3	0	8	30	§2D2.3	0	0	0	0	0	0	0
§2A3.2	26	15	2	0	0	1	8	§2D3.1	4	4	0	0	0	0	0
§2A3.3	5	3	2	0	0	0	0	§2D3.2	0	0	0	0	0	0	0
§2A3.4	35	18	0	0	0	2	15	§2D3.3	0	0	0	0	0	0	0
§2A3.5	253	161	1	0	1	9	81	§2D3.4	0	0	0	0	0	0	0
§2A4.1	65	18	1	15	0	5	26	§2D3.5	0	0	0	0	0	0	0
§2A4.2	1	1	0	0	0	0	0	§2E1.1	48	27	0	4	0	5	12
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0
§2A5.2	20	12	1	0	0	2	5	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	4	2	0	1	0	0	1
§2A6.1	106	56	1	1	0	7	41	§2E1.5	0	0	0	0	0	0	0
§2A6.2	56	27	1	0	0	5	23	§2E2.1	11	3	0	1	0	1	6
§2B1.1	4,260	1,857	11	630	6	147	1,609	§2E3.1	26	10	0	0	0	4	12
§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	25	0	0	5	0	2	18	§2E4.1	19	9	0	5	0	0	5
§2B1.5	8	2	0	0	0	0	6	§2E5.1	6	3	0	2	0	0	1
§2B1.6 ²	108	104	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	31	19	0	0	0	2	10	§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	5	4	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,326	525	23	181	0	67	530	§2E5.6	0	0	0	0	0	0	0
§2B3.2	24	11	1	3	0	0	9	§2F1.1	2	0	0	0	0	1	1
§2B3.3	8	4	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0
§2B4.1	60	11	0	25	0	1	23	§2G1.1	60	24	1	5	0	5	25
§2B5.1	170	84	1	18	0	4	63	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	272	123	3	25	0	9	112
§2B5.3	34	7	0	7	0	4	16	§2G2.1	369	114	1	8	0	27	219
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,009	311	6	20	0	74	598
§2B6.1	0	0	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0
§2C1.1	176	30	0	57	0	20	69	§2G2.4	0	0	0	0	0	0	0
§2C1.2	6	3	0	0	0	1	2	§2G2.5	0	0	0	0	0	0	0
§2C1.3	5	4	0	0	0	0	1	§2G2.6	13	0	0	1	0	0	12
§2C1.4	0	0	0	0	0	0	0	§2G3.1	20	7	0	0	0	0	13
§2C1.5	0	0	0	0	0	0	0	§2G3.2	1	0	0	0	0	0	1
§2C1.6	0	0	0	0	0	0	0	§2H1.1	20	7	0	4	0	2	7
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	1	0	0	0	0	0	1	§2H1.3	0	0	0	0	0	0	0
§2D1.1	13,982	4,807	45	3,200	871	574	4,485	§2H1.4	0	0	0	0	0	0	0
§2D1.2	187	101	0	36	0	7	43	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	16	14	0	0	0	0	2
§2D1.4	0	0	0	0	0	0	0	§2H3.1	5	4	0	0	0	0	1
§2D1.5	0	0	0	0	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	3	3	0	0	0	0	0
§2D1.7	1	1	0	0	0	0	0	§2H4.1	6	1	0	1	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	108	22	0	25	0	12	49	
§2J1.1	0	0	0	0	0	0	0		§2M5.3	11	2	0	1	0	2	6	
§2J1.2	103	24	1	13	1	10	54		§2M6.1	2	1	0	0	0	0	1	
§2J1.3	18	8	0	0	0	3	7		§2M6.2	0	0	0	0	0	0	0	
§2J1.4	11	10	0	0	0	0	1		§2N1.1	8	0	1	0	0	0	7	
§2J1.5	0	0	0	0	0	0	0		§2N1.2	0	0	0	0	0	0	0	
§2J1.6	28	17	0	0	0	1	10		§2N1.3	1	1	0	0	0	0	0	
§2J1.7	0	0	0	0	0	0	0		§2N2.1	22	21	0	0	0	0	1	
§2J1.8	0	0	0	0	0	0	0		§2N3.1	0	0	0	0	0	0	0	
§2J1.9	0	0	0	0	0	0	0		§2P1.1	217	139	2	5	2	13	56	
§2K1.1	1	1	0	0	0	0	0		§2P1.2	140	89	0	6	0	8	37	
§2K1.2	0	0	0	0	0	0	0		§2P1.3	0	0	0	0	0	0	0	
§2K1.3	22	4	0	5	0	4	9		§2P1.4	0	0	0	0	0	0	0	
§2K1.4	49	26	2	6	0	1	14		§2Q1.1	0	0	0	0	0	0	0	
§2K1.5	0	0	0	0	0	0	0		§2Q1.2	21	9	0	1	0	1	10	
§2K1.6	0	0	0	0	0	0	0		§2Q1.3	16	6	0	2	0	4	4	
§2K1.7	0	0	0	0	0	0	0		§2Q1.4	0	0	0	0	0	0	0	
§2K2.1	5,759	3,099	35	372	5	214	2,034		§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	62	30	0	4	0	1	27	
§2K2.4 ³	291	228	6	30	0	0	27		§2Q2.2	0	0	0	0	0	0	0	
§2K2.5	13	10	1	0	0	0	2		§2R1.1	20	2	0	15	0	0	3	
§2K2.6	0	0	0	0	0	0	0		§2S1.1	726	157	1	237	2	33	296	
§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	123	54	0	7	3	18	41	
§2L1.1	2,560	1,065	3	101	878	74	439		§2S1.4	0	0	0	0	0	0	0	
§2L1.2	15,297	10,469	74	20	2,848	560	1,326		§2T1.1	245	64	0	32	0	2	147	
§2L1.3	0	0	0	0	0	0	0		§2T1.2	0	0	0	0	0	0	0	
§2L2.1	79	41	0	13	0	4	21		§2T1.3	0	0	0	0	0	0	0	
§2L2.2	691	489	1	1	42	25	133		§2T1.4	121	23	0	19	0	6	73	
§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	28	7	0	0	0	2	19	
§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	1	1	0	0	0	0	0	
§2M2.1	0	0	0	0	0	0	0		§2T1.9	0	0	0	0	0	0	0	
§2M2.2	0	0	0	0	0	0	0		§2T2.1	3	1	0	0	0	1	1	
§2M2.3	0	0	0	0	0	0	0		§2T2.2	2	2	0	0	0	0	0	
§2M2.4	0	0	0	0	0	0	0		§2T3.1	2	2	0	0	0	0	0	
§2M3.1	1	0	0	0	0	0	1		§2T3.2	0	0	0	0	0	0	0	
§2M3.2	0	0	0	0	0	0	0		§2T4.1	0	0	0	0	0	0	0	
§2M3.3	1	1	0	0	0	0	0		§2X1.1	12	8	0	0	0	0	4	
§2M3.4	0	0	0	0	0	0	0		§2X2.1	0	0	0	0	0	0	0	
§2M3.5	0	0	0	0	0	0	0		§2X3.1	75	23	2	15	0	5	30	
§2M3.6	0	0	0	0	0	0	0		§2X4.1	198	121	3	12	0	7	55	
§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	153	120	0	0	0	0	33	
§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	7	1	0	3	0	1	2		§2X7.2	0	0	0	0	0	0	0	
TOTAL									51,375 25,615 262 5,286 4,663 2,080 13,469								

¹ Of the 54,301 cases, 2,926 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (289) or missing guideline applied (2,912). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	26,440	5,316	20.1	5,216	19.7	3,993	15.1	5,985	22.6	608	2.3
Departures	12,774	5,296	41.5	5,199	40.7	2,951	23.1	5,110	40.0	498	3.9
Upward Departure	263	0	0.0	0	0.0	65	24.7	27	10.3	1	0.4
Downward Departure											
§5K1.1 Substantial Assistance	5,296	5,296	100.0	119	2.2	210	4.0	1,532	28.9	29	0.5
§5K3.1 Early Disposition Program	5,080	0	0.0	5,080	100.0	2,267	44.6	3,196	62.9	449	8.8
Other Government Motion	914	0	0.0	0	0.0	409	44.7	355	38.8	19	2.1
Non-Government Departure	1,221	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	13,666	20	0.1	17	0.1	1,042	7.6	875	6.4	110	0.8
Upward Variance	1,033	20	1.9	17	1.6	146	14.1	100	9.7	1	0.1
Downward Variance											
Government Motion	2,886	0	0.0	0	0.0	896	31.0	775	26.9	109	3.8
Non-Government Variance	9,747	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 than a Plea/Motion by Parties		No Information Available	
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion					
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	3,848	14.6	4,245	16.1	5,340	20.2	1,083	4.1	3,764	14.2	1,895	7.2
Departures	3,360	26.3	1,535	12.0	1,298	10.2	448	3.5	1,136	8.9	172	1.3
Upward Departure	85	32.3	0	0.0	3	1.1	5	1.9	77	29.3	20	7.6
Downward Departure												
§5K1.1 Substantial Assistance	3,034	57.3	565	10.7	480	9.1	276	5.2	501	0.0	0	0.0
§5K3.1 Early Disposition Program	144	2.8	336	6.6	507	10.0	87	1.7	215	4.2	0	0.0
Other Government Motion	97	10.6	51	5.6	45	4.9	80	8.8	41	4.5	20	2.2
Non-Government Departure	0	0.0	583	47.7	263	21.5	0	0.0	302	24.7	132	10.8
Variances	488	3.6	2,710	19.8	4,042	29.6	635	4.6	2,628	19.2	1,723	12.6
Upward Variance	168	16.3	5	0.5	3	0.3	20	1.9	425	41.1	191	18.5
Downward Variance												
Government Motion	320	11.1	254	8.8	108	3.7	615	21.3	126	4.4	103	3.6
Non-Government Variance	0	0.0	2,451	25.1	3,931	40.3	0	0.0	2,077	21.3	1,429	14.7

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 11,268 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

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

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	261	83	25	72.6	54	13	45.5
Administration of Justice	8	37	13	66.7	36	11	55.7
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	15	108	37	53.1	84	27	46.3
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	6	121	32	38.8	122	27	37.5
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	45	101	34	122.2	96	26	50.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	42	79	23	57.7	72	15	35.0
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	10	45	10	59.2	27	10	39.9
Immigration	78	25	9	70.4	24	8	58.5
Individual Rights	0	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	7	125	58	101.3	132	54	69.2
Money Laundering	1	--	--	--	--	--	--
Murder	3	320	110	52.5	300	90	42.9
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	23	183	41	34.8	192	25	23.1
Sexual Abuse	9	161	45	63.0	120	19	24.4
Stalking/Harassing	2	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	1	--	--	--	--	--	--

¹ Of the 54,301 cases, in 263 the sentence was an upward departure from the guideline range. Two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

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

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,027	78	23	63.8	60	13	37.5
Administration of Justice	18	32	8	39.7	30	4	25.8
Antitrust	0	--	--	--	--	--	--
Arson	3	118	42	58.1	120	48	44.4
Assault	22	94	38	92.5	82	24	38.9
Bribery/Corruption	3	36	9	68.4	36	6	100.0
Burglary/Trespass	3	30	7	40.5	27	4	18.8
Child Pornography	17	139	34	35.1	144	24	26.3
Commercialized Vice	10	58	25	79.6	46	12	62.4
Drug Possession	14	10	4	53.5	8	2	31.3
Drug Trafficking	185	105	29	71.3	84	19	32.1
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	4	36	9	36.7	34	8	30.1
Firearms	227	84	26	54.0	70	18	37.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	5	40	16	70.3	36	20	75.6
Fraud/Theft/Embezzlement	75	57	18	81.3	48	14	50.0
Immigration	240	28	10	77.3	24	6	50.0
Individual Rights	3	74	11	32.0	84	13	18.3
Kidnapping	0	--	--	--	--	--	--
Manslaughter	6	146	57	103.0	108	50	78.9
Money Laundering	8	132	44	58.1	84	40	45.8
Murder	6	370	114	51.7	394	72	26.6
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	9	65	35	122.2	60	27	122.2
Prison Offenses	17	24	9	55.6	20	6	50.0
Robbery	76	181	43	33.7	180	30	22.4
Sexual Abuse	25	141	28	28.4	112	19	25.0
Stalking/Harassing	9	85	34	66.6	60	9	33.3
Tax	8	46	10	32.7	43	10	23.2
Other	33	11	4	55.0	9	3	33.3

¹ Of the 54,301 cases, in 1,033 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Also, five cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,213	52	50	53.0	37	36	48.8
Administration of Justice	26	5	11	71.0	2	8	75.1
Antitrust	15	4	7	63.4	4	8	66.7
Arson	6	43	56	46.6	42	22	36.8
Assault	22	75	102	58.6	45	80	60.4
Bribery/Corruption	82	15	27	62.5	12	19	57.7
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	20	70	59	48.0	67	55	41.1
Commercialized Vice	4	14	10	39.1	12	7	38.1
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	3,209	63	59	50.8	52	47	47.5
Environmental	8	6	8	76.3	0	8	100.0
Extortion/Racketeering	16	11	31	72.8	7	14	73.0
Firearms	409	42	33	49.1	33	23	42.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	25	10	14	68.7	6	13	70.0
Fraud/Theft/Embezzlement	639	18	27	63.5	12	19	63.8
Immigration	138	13	13	53.0	10	10	44.4
Individual Rights	5	18	31	58.9	8	36	46.2
Kidnapping	11	92	103	48.7	84	75	41.7
Manslaughter	0	--	--	--	--	--	--
Money Laundering	237	55	57	54.4	37	39	50.0
Murder	32	101	111	53.9	77	103	56.1
National Defense	29	21	34	60.7	20	28	58.3
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	11	12	12	48.9	6	6	37.5
Robbery	174	73	55	45.8	70	41	40.5
Sexual Abuse	34	113	94	46.9	99	78	38.3
Stalking/Harassing	1	--	--	--	--	--	--
Tax	51	9	16	70.0	8	12	66.7
Other	7	13	44	73.6	6	35	68.6

¹ Of the 54,301 cases, in 5,296 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, 44 cases were excluded from this table. Also, 39 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,072	14	12	46.7	9	6	42.5
Administration of Justice	3	19	3	13.9	21	3	12.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	875	29	39	56.4	27	33	57.1
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	5	25	28	58.9	18	15	45.5
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	6	14	9	56.1	14	9	49.9
Immigration	4,175	10	7	44.7	7	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	4	25	12	46.9	24	12	31.0
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 54,301 cases, in 5,080 the offender received a §5K3.1 early disposition program departure below the guideline range. Eight cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

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

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,097	38	25	43.2	18	12	37.5
Administration of Justice	33	10	9	51.3	8	10	41.7
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	38	31	17	43.3	24	8	33.3
Bribery/Corruption	22	10	14	61.6	7	10	54.8
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	73	66	59	48.5	60	45	44.8
Commercialized Vice	6	4	7	87.8	0	6	100.0
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	581	62	39	41.7	46	25	36.8
Environmental	6	8	17	87.5	0	12	100.0
Extortion/Racketeering	6	39	29	39.5	40	24	34.7
Firearms	221	37	18	38.8	27	12	31.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	8	9	11	61.7	10	10	52.8
Fraud/Theft/Embezzlement	152	22	17	54.2	12	10	48.6
Immigration	691	15	10	39.3	12	6	33.3
Individual Rights	2	--	--	--	--	--	--
Kidnapping	4	187	88	32.8	217	71	21.1
Manslaughter	4	29	7	23.8	14	4	15.0
Money Laundering	50	22	33	61.3	9	13	53.7
Murder	17	119	67	37.0	121	60	31.4
National Defense	15	37	31	48.1	24	20	46.0
Obscenity/Other Sex Offenses	9	9	9	55.1	11	10	45.8
Prison Offenses	24	8	9	51.3	6	6	39.6
Robbery	68	62	40	41.0	56	28	36.8
Sexual Abuse	37	136	75	38.5	120	60	38.4
Stalking/Harassing	12	17	18	55.2	21	16	47.4
Tax	10	13	15	54.8	11	11	46.0
Other	3	5	6	62.7	7	6	46.7

¹ Of the 54,301 cases, in 2,135 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (914) or a non-government departure (1,221). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, ten cases were excluded from this table. Also, 28 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

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

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)

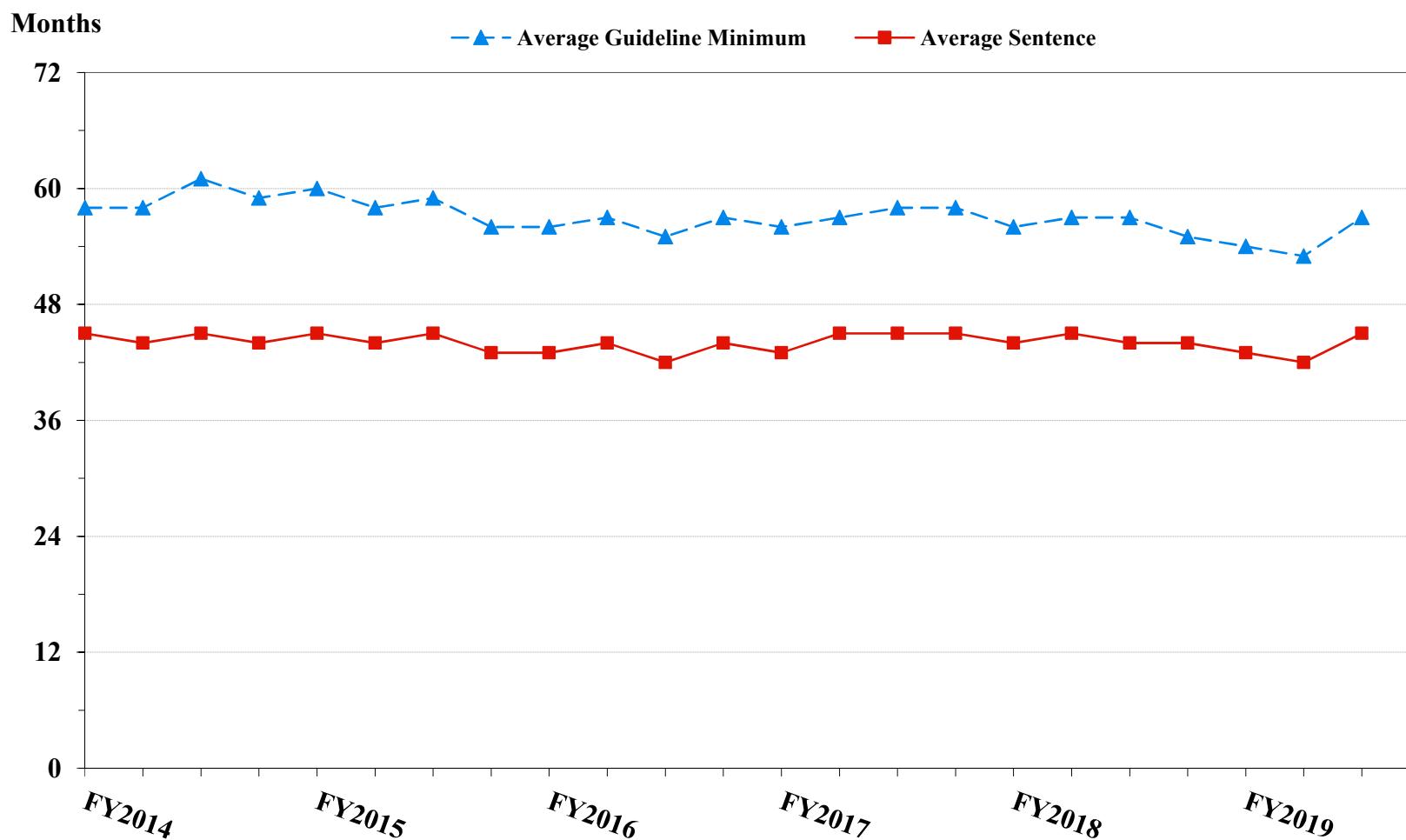
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	12,283	50	26	42.6	28	14	34.4
Administration of Justice	162	8	11	67.5	3	10	76.7
Antitrust	2	--	--	--	--	--	--
Arson	11	19	21	57.7	24	22	47.8
Assault	152	56	24	42.9	27	12	34.1
Bribery/Corruption	94	25	20	55.1	12	12	52.2
Burglary/Trespass	8	9	10	49.1	9	5	31.7
Child Pornography	571	79	50	40.7	70	43	38.1
Commercialized Vice	20	9	8	53.0	12	6	50.0
Drug Possession	11	1	4	79.1	0	3	100.0
Drug Trafficking	4,300	74	35	37.1	60	22	30.6
Environmental	40	4	9	77.3	0	6	97.2
Extortion/Racketeering	33	18	23	62.7	12	18	67.4
Firearms	1,851	39	19	40.4	27	12	33.2
Food and Drug	10	26	18	57.0	18	13	61.8
Forgery/Counter/Copyright	72	9	13	61.2	6	8	52.3
Fraud/Theft/Embezzlement	1,543	20	14	54.4	12	10	47.7
Immigration	1,755	12	7	43.5	9	6	33.3
Individual Rights	11	26	32	59.4	12	12	60.0
Kidnapping	22	126	66	32.8	117	47	30.0
Manslaughter	8	29	7	37.0	27	6	20.0
Money Laundering	310	53	33	46.0	30	19	36.8
Murder	33	156	87	34.5	144	60	33.3
National Defense	56	38	32	52.9	18	25	51.4
Obscenity/Other Sex Offenses	83	11	10	50.0	10	9	42.7
Prison Offenses	86	9	7	46.4	9	6	43.3
Robbery	440	85	29	28.7	72	21	22.1
Sexual Abuse	264	160	66	31.5	168	55	28.6
Stalking/Harassing	57	15	14	51.4	12	12	50.0
Tax	231	12	13	61.1	8	12	53.3
Other	47	11	26	79.2	0	12	99.3

¹ Of the 54,301 cases, in 12,633 the sentence was a variance below the guideline range, either due to a government motion for a variance (2,886) or a non-government variance (9,747). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 113 case was excluded from this table. Also, 237 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

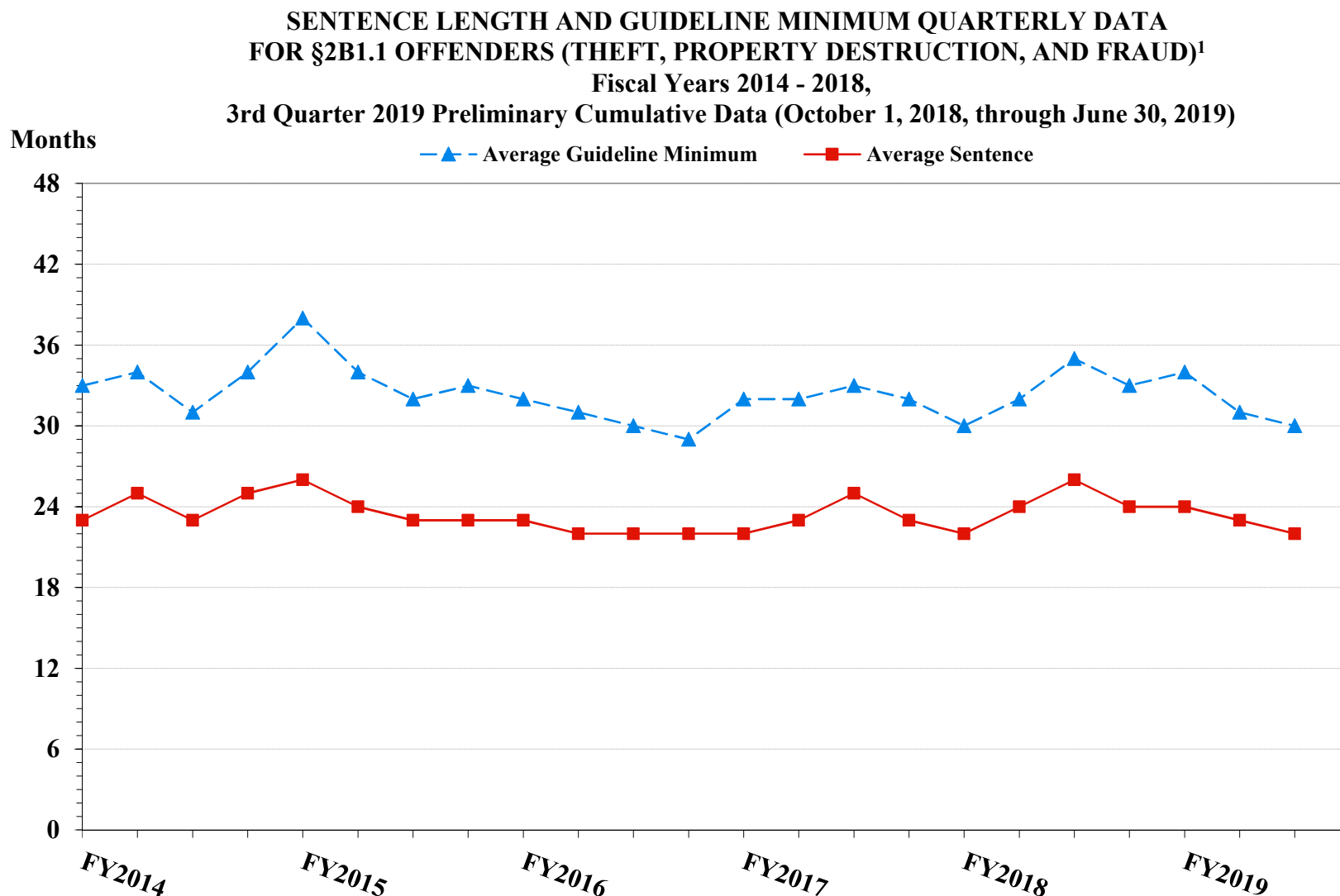
Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2014 - 2018,
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)**



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

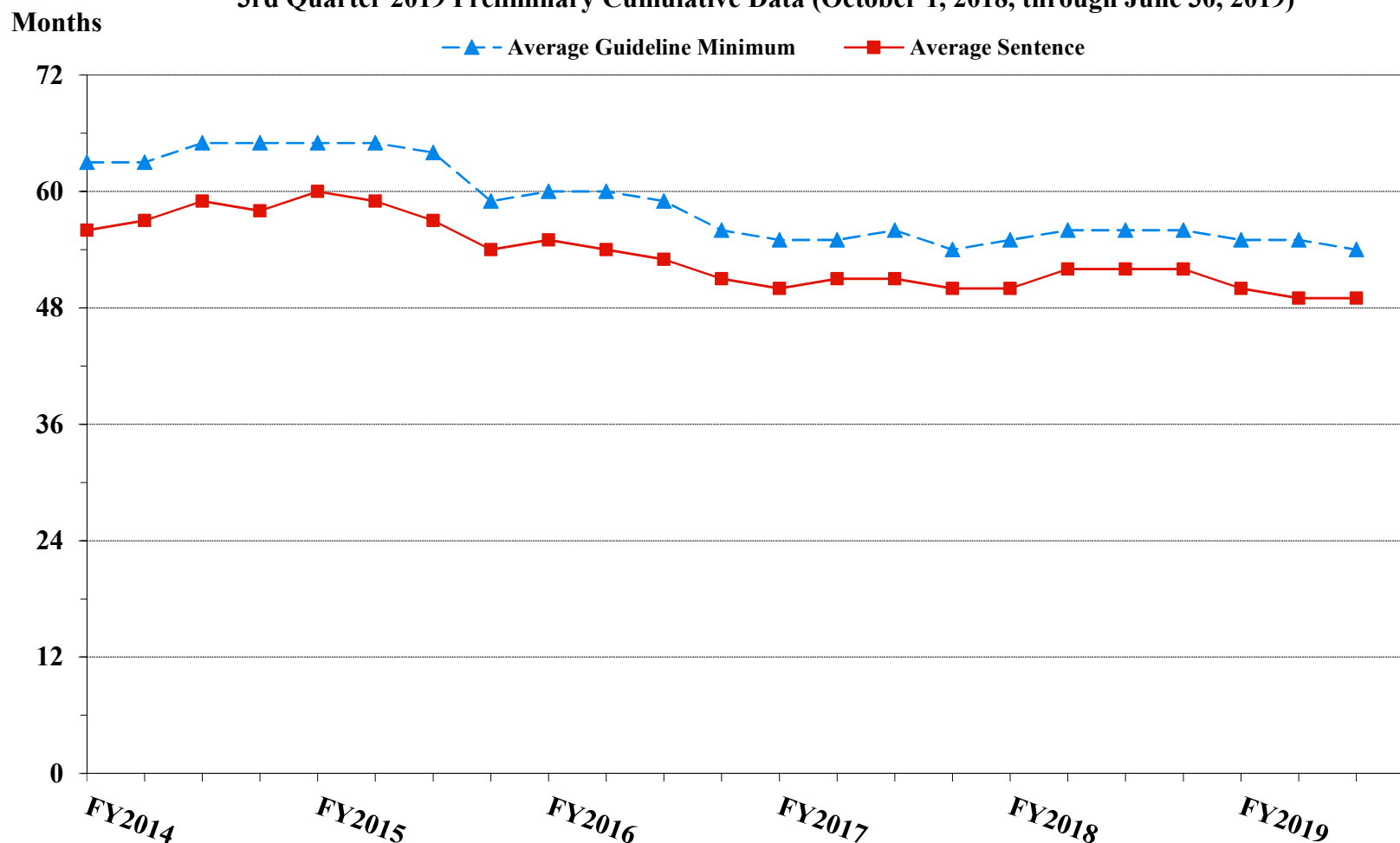
Figure 6



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

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2014 - 2018,
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)**

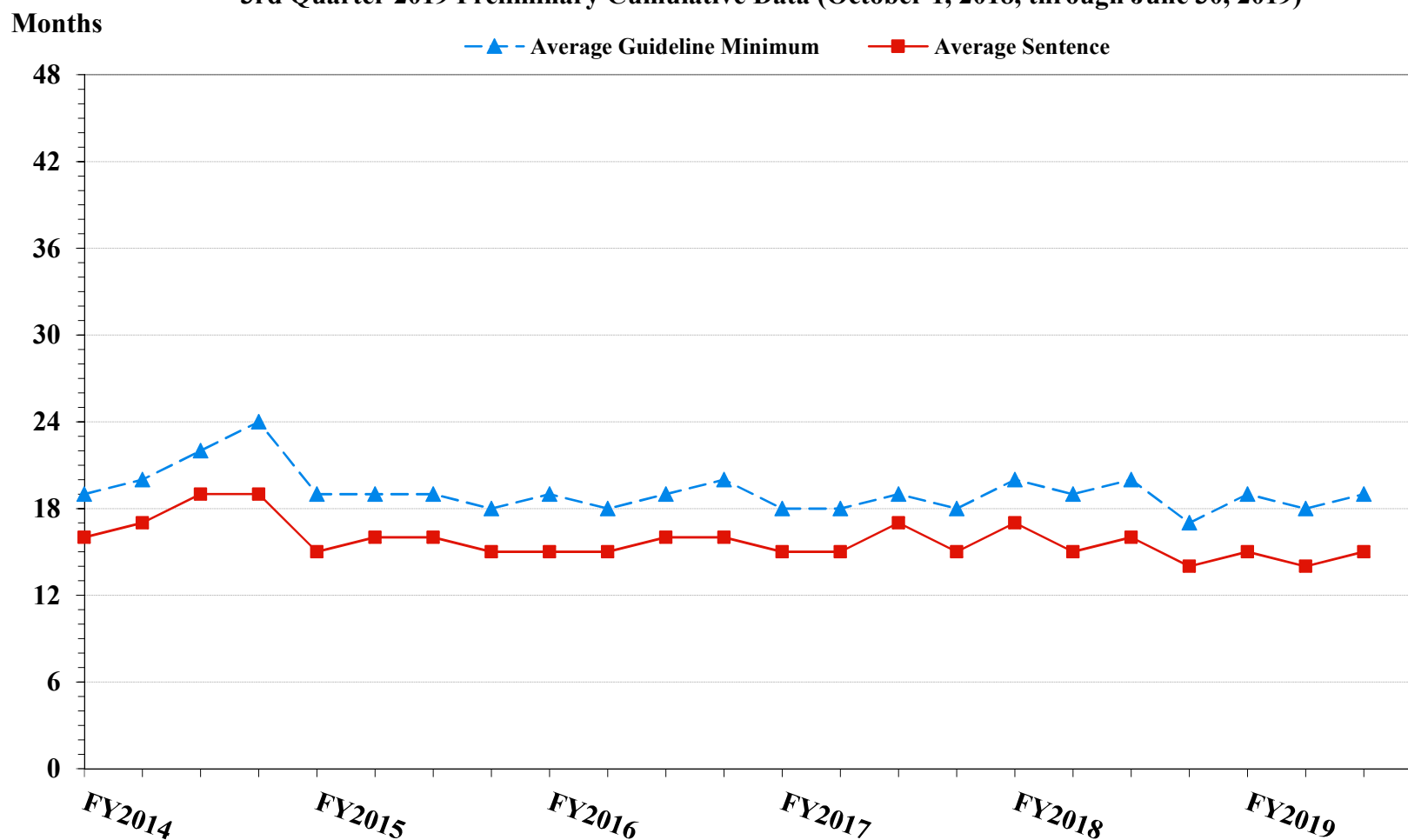


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2014 - 2018,
3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)**



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

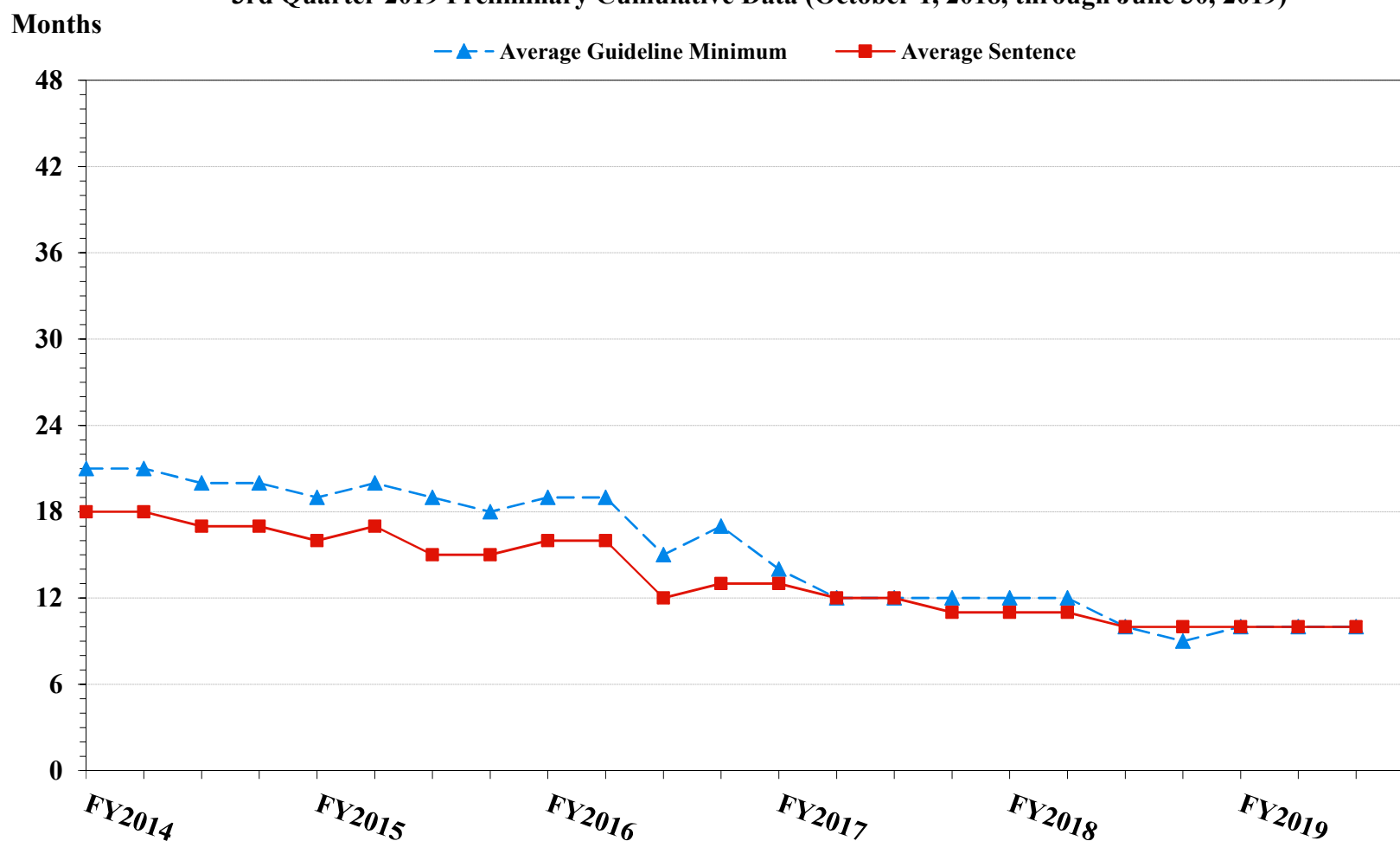
SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through June 30, 2019).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹**

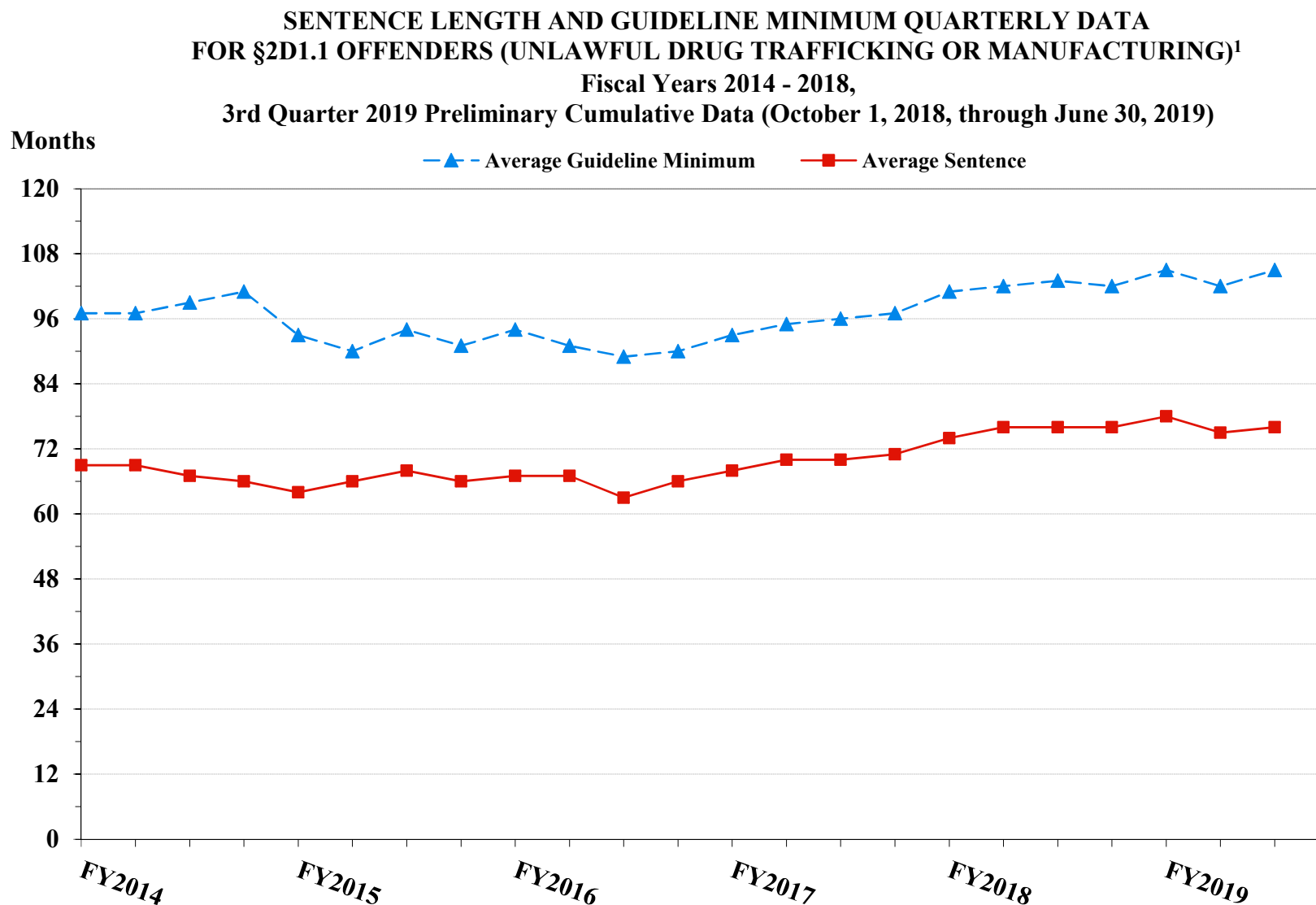
Fiscal Years 2014 - 2018,

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)



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

Figure 10

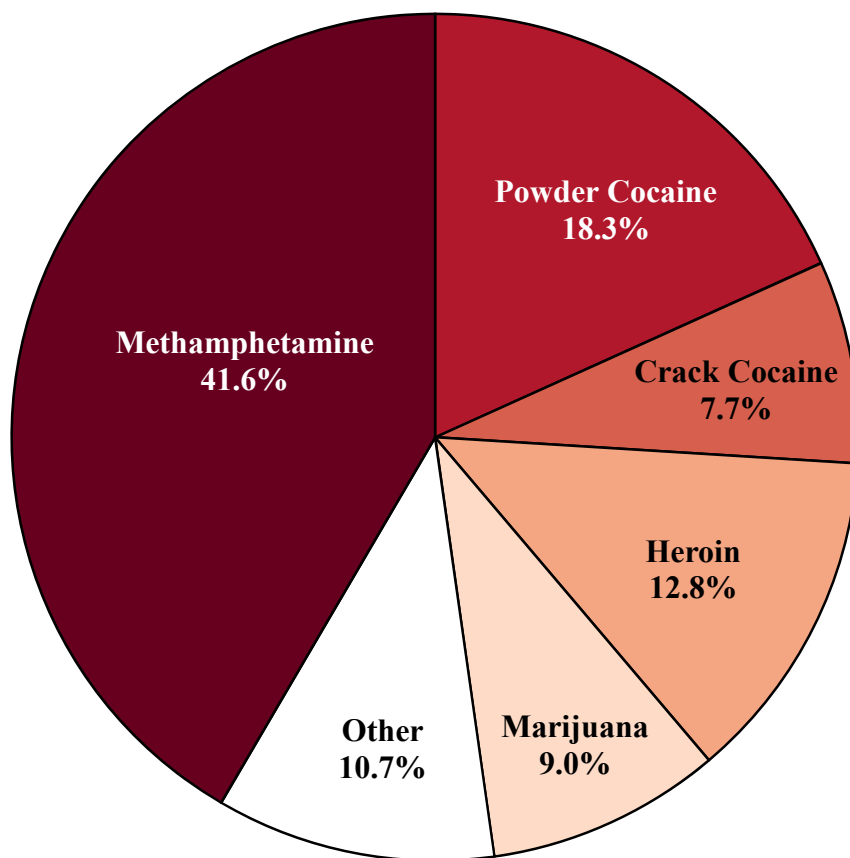


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through June 30, 2019).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}**
3rd Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through June 30, 2019)



¹ Of the 54,301 cases, in 14,405 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (599), Oxycodone/Oxycontin (351), MDMA/Ecstasy/MDA (69), Fentanyl Analogue (66), and Hydrocodone (55).

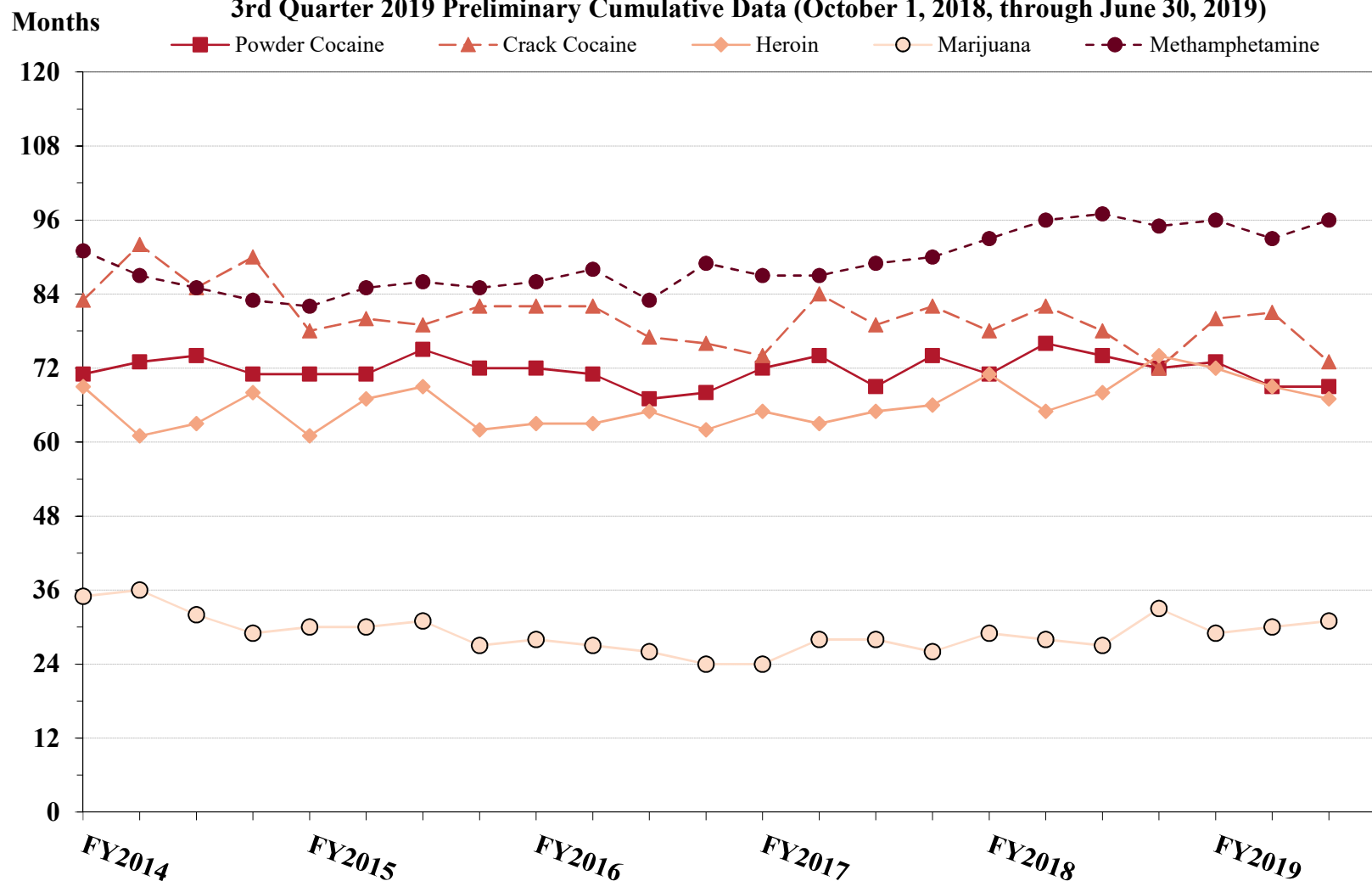
SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through June 30, 2019).

Figure 12

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

Fiscal Years 2014 - 2018,

3rd Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through June 30, 2019)



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

SOURCE: U.S. Sentencing Commission, 2014 - 2018 Datafiles, USSCFY14 - USSCFY18, and Preliminary Data from USSCFY19 (October 1, 2018, through June 30, 2019).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons 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 §5K1.1 or §5K3.1, and where the government did not initiate, propose, or stipulate to the sentence.

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentences Under the Guidelines Manual

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

Sentence Type

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

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

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

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

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

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

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Firearms includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, *etc.*, in explosives; possession of

guns/explosives in federal facility/schools; use of fire or explosives to commit felony; use of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2 of the *Guidelines Manual*.

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

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

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

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

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

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

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.