

United States Sentencing Commission Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2020 Data
Through June 30, 2020**

Introduction

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

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

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

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

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

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2019 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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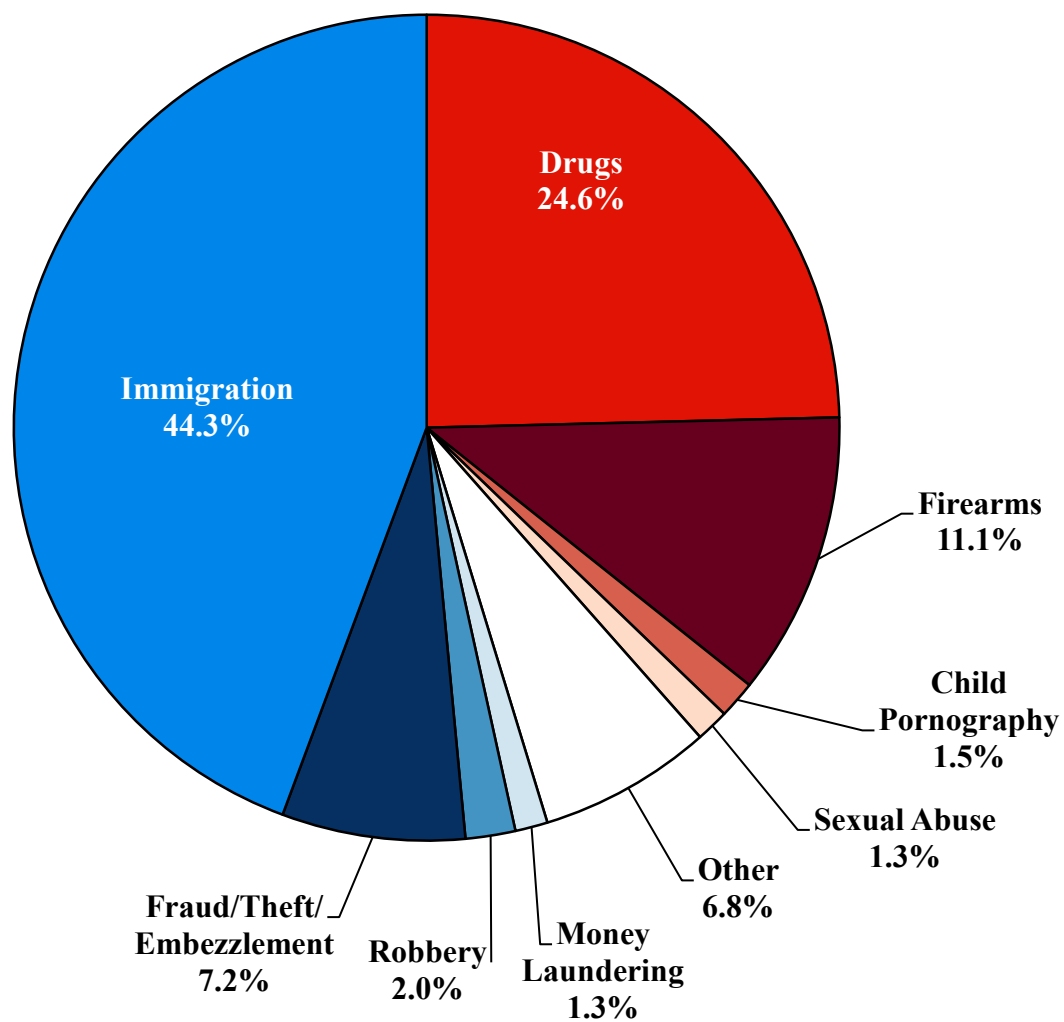
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2020 Preliminary Cumulative Data
(October 1, 2019, through June 30, 2020)



¹ This figure includes the 50,453 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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	N	%
TOTAL	50,453	100.0
Administration of Justice	419	0.8
Antitrust	7	0.0
Arson	33	0.1
Assault	452	0.9
Bribery/Corruption	168	0.3
Burglary/Trespass	30	0.1
Child Pornography	744	1.5
Commercialized Vice	40	0.1
Drug Possession	332	0.7
Drug Trafficking	12,081	23.9
Environmental	94	0.2
Extortion/Racketeering	90	0.2
Firearms	5,605	11.1
Food and Drug	21	0.0
Forgery/Counter/Copyright	154	0.3
Fraud/Theft/Embezzlement	3,620	7.2
Immigration	22,363	44.3
Individual Rights	45	0.1
Kidnapping	48	0.1
Manslaughter	28	0.1
Money Laundering	642	1.3
Murder	222	0.4
National Defense	123	0.2
Obscenity/Other Sex Offenses	254	0.5
Prison Offenses	334	0.7
Robbery	985	2.0
Sexual Abuse	651	1.3
Stalking/Harassing	165	0.3
Tax	265	0.5
Other	438	0.9

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2020 Preliminary Cumulative Data
(October 1, 2019, through June 30, 2020)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	50,453	100.0			
D.C. CIRCUIT	210	0.4	FIFTH CIRCUIT	16,460	32.6
District of Columbia	210	0.4	Louisiana		
FIRST CIRCUIT	1,316	2.6	Eastern	149	0.3
Maine	102	0.2	Middle	95	0.2
Massachusetts	313	0.6	Western	221	0.4
New Hampshire	161	0.3	Mississippi		
Puerto Rico	656	1.3	Northern	111	0.2
Rhode Island	84	0.2	Southern	286	0.6
SECOND CIRCUIT	1,869	3.7	Texas		
Connecticut	247	0.5	Eastern	470	0.9
New York			Northern	1,083	2.1
Eastern	305	0.6	Southern	6,944	13.8
Northern	214	0.4	Western	7,101	14.1
Southern	720	1.4	SIXTH CIRCUIT	3,149	6.2
Western	265	0.5	Kentucky		
Vermont	118	0.2	Eastern	343	0.7
THIRD CIRCUIT	1,416	2.8	Western	267	0.5
Delaware	75	0.1	Michigan		
New Jersey	466	0.9	Eastern	451	0.9
Pennsylvania			Western	265	0.5
Eastern	326	0.6	Ohio		
Middle	262	0.5	Northern	557	1.1
Western	258	0.5	Southern	425	0.8
Virgin Islands	29	0.1	Tennessee		
FOURTH CIRCUIT	3,143	6.2	Eastern	442	0.9
Maryland	365	0.7	Middle	160	0.3
North Carolina			Western	239	0.5
Eastern	537	1.1	SEVENTH CIRCUIT	1,506	3.0
Middle	301	0.6	Illinois		
Western	364	0.7	Central	168	0.3
South Carolina	423	0.8	Northern	352	0.7
Virginia			Southern	155	0.3
Eastern	568	1.1	Indiana		
Western	192	0.4	Northern	211	0.4
West Virginia			Southern	332	0.7
Northern	186	0.4	Wisconsin		
Southern	207	0.4	Eastern	171	0.3
			Western	117	0.2

Table 2 (cont.)

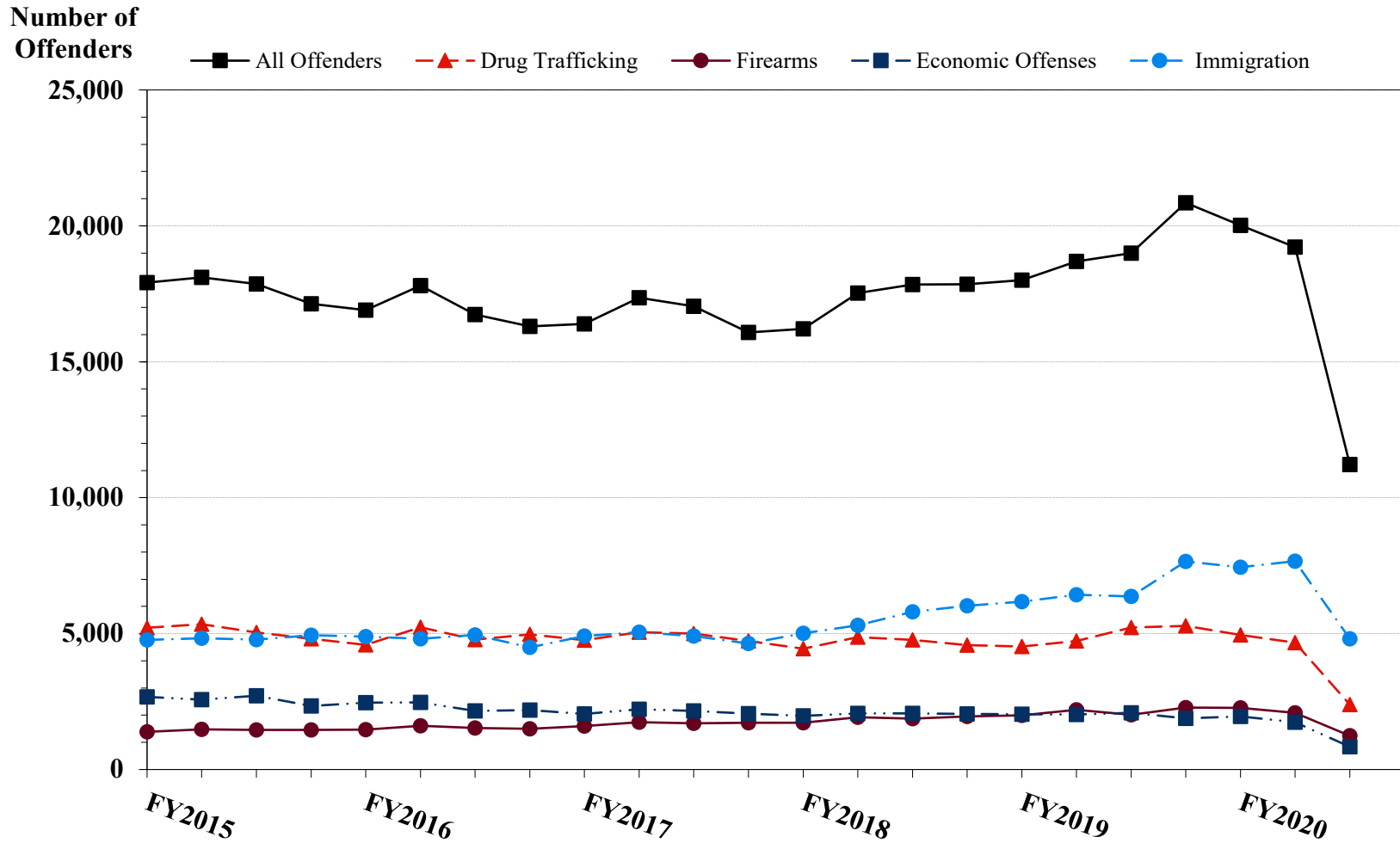
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	3,469	6.9	TENTH CIRCUIT	4,544	9.0
Arkansas			Colorado	308	0.6
Eastern	315	0.6	Kansas	230	0.5
Western	219	0.4	New Mexico	2,762	5.5
Iowa			Oklahoma		
Northern	272	0.5	Eastern	81	0.2
Southern	310	0.6	Northern	184	0.4
Minnesota	243	0.5	Western	342	0.7
Missouri			Utah	516	1.0
Eastern	697	1.4	Wyoming	121	0.2
Western	438	0.9			
Nebraska	379	0.8	ELEVENTH CIRCUIT	3,887	7.7
North Dakota	202	0.4	Alabama		
South Dakota	394	0.8	Middle	109	0.2
			Northern	325	0.6
NINTH CIRCUIT	9,484	18.8	Southern	264	0.5
Alaska	84	0.2	Florida		
Arizona	3,743	7.4	Middle	947	1.9
California			Northern	232	0.5
Central	675	1.3	Southern	1,105	2.2
Eastern	319	0.6	Georgia		
Northern	396	0.8	Middle	256	0.5
Southern	2,754	5.5	Northern	348	0.7
Guam	36	0.1	Southern	301	0.6
Hawaii	96	0.2			
Idaho	249	0.5			
Montana	262	0.5			
Nevada	211	0.4			
Northern Mariana Islands	7	0.0			
Oregon	236	0.5			
Washington					
Eastern	190	0.4			
Western	226	0.4			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)



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, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19, and Preliminary Data from USSCFY20 (October 1, 2019, through June 30, 2020).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	49,926	9,074	18.2	9,017	18.1	30,201	60.5	1,634	3.3
Administration of Justice	417	138	33.1	72	17.3	151	36.2	56	13.4
Antitrust	7	6	85.7	0	0.0	1	14.3	0	0.0
Arson	33	17	51.5	6	18.2	4	12.1	6	18.2
Assault	446	69	15.5	111	24.9	88	19.7	178	39.9
Bribery/Corruption	167	60	35.9	49	29.3	39	23.4	19	11.4
Burglary/Trespass	30	10	33.3	12	40.0	3	10.0	5	16.7
Child Pornography	744	600	80.6	34	4.6	92	12.4	18	2.4
Commercialized Vice	39	16	41.0	13	33.3	0	0.0	10	25.6
Drug Possession	302	88	29.1	48	15.9	150	49.7	16	5.3
Drug Trafficking	12,058	3,146	26.1	3,224	26.7	5,306	44.0	382	3.2
Environmental	92	64	69.6	4	4.3	5	5.4	19	20.7
Extortion/Racketeering	89	30	33.7	20	22.5	24	27.0	15	16.9
Firearms	5,589	1,412	25.3	3,031	54.2	985	17.6	161	2.9
Food and Drug	21	17	81.0	1	4.8	1	4.8	2	9.5
Forgery/Counter/Copyright	154	82	53.2	38	24.7	14	9.1	20	13.0
Fraud/Theft/Embezzlement	3,593	1,474	41.0	908	25.3	991	27.6	220	6.1
Immigration	22,093	384	1.7	177	0.8	21,417	96.9	115	0.5
Individual Rights	45	21	46.7	12	26.7	8	17.8	4	8.9
Kidnapping	48	19	39.6	14	29.2	8	16.7	7	14.6
Manslaughter	28	3	10.7	2	7.1	1	3.6	22	78.6
Money Laundering	639	200	31.3	120	18.8	265	41.5	54	8.5
Murder	222	23	10.4	110	49.5	72	32.4	17	7.7
National Defense	120	29	24.2	7	5.8	71	59.2	13	10.8
Obscenity/Other Sex Offenses	252	129	51.2	54	21.4	29	11.5	40	15.9
Prison Offenses	324	78	24.1	115	35.5	112	34.6	19	5.9
Robbery	982	219	22.3	570	58.0	159	16.2	34	3.5
Sexual Abuse	650	371	57.1	91	14.0	89	13.7	99	15.2
Stalking/Harassing	164	92	56.1	20	12.2	18	11.0	34	20.7
Tax	265	135	50.9	72	27.2	31	11.7	27	10.2
Other	313	142	45.4	82	26.2	67	21.4	22	7.0

¹ Of the 50,453 cases, 527 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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	50,382	44,401	88.1	5,981	11.9
Administration of Justice	419	291	69.5	128	30.5
Antitrust	7	4	57.1	3	42.9
Arson	33	29	87.9	4	12.1
Assault	451	410	90.9	41	9.1
Bribery/Corruption	168	120	71.4	48	28.6
Burglary/Trespass	30	24	80.0	6	20.0
Child Pornography	744	741	99.6	3	0.4
Commercialized Vice	40	28	70.0	12	30.0
Drug Possession	329	253	76.9	76	23.1
Drug Trafficking	12,081	9,977	82.6	2,104	17.4
Environmental	94	86	91.5	8	8.5
Extortion/Racketeering	90	76	84.4	14	15.6
Firearms	5,604	5,369	95.8	235	4.2
Food and Drug	21	12	57.1	9	42.9
Forgery/Counter/Copyright	154	122	79.2	32	20.8
Fraud/Theft/Embezzlement	3,619	2,465	68.1	1,154	31.9
Immigration	22,314	20,763	93.0	1,551	7.0
Individual Rights	45	37	82.2	8	17.8
Kidnapping	48	43	89.6	5	10.4
Manslaughter	28	23	82.1	5	17.9
Money Laundering	642	492	76.6	150	23.4
Murder	222	206	92.8	16	7.2
National Defense	122	106	86.9	16	13.1
Obscenity/Other Sex Offenses	254	247	97.2	7	2.8
Prison Offenses	334	306	91.6	28	8.4
Robbery	984	892	90.7	92	9.3
Sexual Abuse	651	596	91.6	55	8.4
Stalking/Harassing	165	155	93.9	10	6.1
Tax	265	197	74.3	68	25.7
Other	424	331	78.1	93	21.9

¹ Of the 50,453 cases, 71 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 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	50,272	25,524	50.8	24,748	49.2
Administration of Justice	416	323	77.6	93	22.4
Antitrust	7	6	85.7	1	14.3
Arson	33	32	97.0	1	3.0
Assault	446	414	92.8	32	7.2
Bribery/Corruption	168	153	91.1	15	8.9
Burglary/Trespass	30	29	96.7	1	3.3
Child Pornography	744	720	96.8	24	3.2
Commercialized Vice	40	39	97.5	1	2.5
Drug Possession	314	201	64.0	113	36.0
Drug Trafficking	12,066	9,597	79.5	2,469	20.5
Environmental	94	81	86.2	13	13.8
Extortion/Racketeering	90	74	82.2	16	17.8
Firearms	5,599	5,373	96.0	226	4.0
Food and Drug	21	20	95.2	1	4.8
Forgery/Counter/Copyright	154	143	92.9	11	7.1
Fraud/Theft/Embezzlement	3,600	2,748	76.3	852	23.7
Immigration	22,354	1,944	8.7	20,410	91.3
Individual Rights	45	42	93.3	3	6.7
Kidnapping	48	44	91.7	4	8.3
Manslaughter	28	28	100.0	0	0.0
Money Laundering	639	432	67.6	207	32.4
Murder	222	192	86.5	30	13.5
National Defense	123	62	50.4	61	49.6
Obscenity/Other Sex Offenses	252	245	97.2	7	2.8
Prison Offenses	328	309	94.2	19	5.8
Robbery	984	958	97.4	26	2.6
Sexual Abuse	651	623	95.7	28	4.3
Stalking/Harassing	164	157	95.7	7	4.3
Tax	265	246	92.8	19	7.2
Other	347	289	83.3	58	16.7

¹ Of the 50,453 cases, 181 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 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	38	12	50,452
Administration of Justice	11	8	419
Antitrust	9	0	7
Arson	75	60	33
Assault	66	37	452
Bribery/Corruption	16	11	168
Burglary/Trespass	18	15	30
Child Pornography	102	84	744
Commercialized Vice	23	14	40
Drug Possession	3	0	331
Drug Trafficking	76	60	12,081
Environmental	3	0	94
Extortion/Racketeering	25	12	90
Firearms	47	37	5,605
Food and Drug	20	6	21
Forgery/Counter/Copyright	17	12	154
Fraud/Theft/Embezzlement	19	8	3,620
Immigration	8	4	22,363
Individual Rights	42	24	45
Kidnapping	196	168	48
Manslaughter	54	51	28
Money Laundering	58	36	642
Murder	261	238	222
National Defense	42	27	123
Obscenity/Other Sex Offenses	19	18	254
Prison Offenses	11	8	334
Robbery	104	84	985
Sexual Abuse	200	180	651
Stalking/Harassing	28	21	165
Tax	16	12	265
Other	3	0	438

¹ Of the 50,453 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

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	50,453	46,587	92.3	45,328	89.8	1,259	2.5	3,692	7.3	778	1.5	2,914	5.8	174	0.3
Administration of Justice	419	295	70.4	262	62.5	33	7.9	123	29.4	27	6.4	96	22.9	1	0.2
Antitrust	7	4	57.1	4	57.1	0	0.0	3	42.9	0	0.0	3	42.9	0	0.0
Arson	33	31	93.9	31	93.9	0	0.0	2	6.1	0	0.0	2	6.1	0	0.0
Assault	452	406	89.8	380	84.1	26	5.8	45	10.0	4	0.9	41	9.1	1	0.2
Bribery/Corruption	168	110	65.5	107	63.7	3	1.8	58	34.5	21	12.5	37	22.0	0	0.0
Burglary/Trespass	30	23	76.7	21	70.0	2	6.7	7	23.3	0	0.0	7	23.3	0	0.0
Child Pornography	744	739	99.3	731	98.3	8	1.1	5	0.7	3	0.4	2	0.3	0	0.0
Commercialized Vice	40	32	80.0	28	70.0	4	10.0	8	20.0	1	2.5	7	17.5	0	0.0
Drug Possession	332	200	60.2	196	59.0	4	1.2	89	26.8	4	1.2	85	25.6	43	13.0
Drug Trafficking	12,081	11,669	96.6	11,303	93.6	366	3.0	412	3.4	101	0.8	311	2.6	0	0.0
Environmental	94	30	31.9	28	29.8	2	2.1	57	60.6	11	11.7	46	48.9	7	7.4
Extortion/Racketeering	90	58	64.4	54	60.0	4	4.4	31	34.4	4	4.4	27	30.0	1	1.1
Firearms	5,605	5,280	94.2	5,070	90.5	210	3.7	323	5.8	104	1.9	219	3.9	2	0.0
Food and Drug	21	10	47.6	10	47.6	0	0.0	11	52.4	2	9.5	9	42.9	0	0.0
Forgery/Counter/Copyright	154	131	85.1	114	74.0	17	11.0	23	14.9	4	2.6	19	12.3	0	0.0
Fraud/Theft/Embezzlement	3,620	2,651	73.2	2,469	68.2	182	5.0	935	25.8	235	6.5	700	19.3	34	0.9
Immigration	22,363	21,217	94.9	20,991	93.9	226	1.0	1,142	5.1	162	0.7	980	4.4	4	0.0
Individual Rights	45	34	75.6	34	75.6	0	0.0	10	22.2	0	0.0	10	22.2	1	2.2
Kidnapping	48	48	100.0	42	87.5	6	12.5	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	28	25	89.3	23	82.1	2	7.1	3	10.7	0	0.0	3	10.7	0	0.0
Money Laundering	642	564	87.9	544	84.7	20	3.1	78	12.1	27	4.2	51	7.9	0	0.0
Murder	222	222	100.0	218	98.2	4	1.8	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	123	111	90.2	105	85.4	6	4.9	10	8.1	1	0.8	9	7.3	2	1.6
Obscenity/Other Sex Offenses	254	236	92.9	209	82.3	27	10.6	18	7.1	4	1.6	14	5.5	0	0.0
Prison Offenses	334	327	97.9	308	92.2	19	5.7	7	2.1	2	0.6	5	1.5	0	0.0
Robbery	985	971	98.6	937	95.1	34	3.5	14	1.4	6	0.6	8	0.8	0	0.0
Sexual Abuse	651	649	99.7	634	97.4	15	2.3	2	0.3	1	0.2	1	0.2	0	0.0
Stalking/Harassing	165	152	92.1	135	81.8	17	10.3	13	7.9	5	3.0	8	4.8	0	0.0
Tax	265	195	73.6	180	67.9	15	5.7	70	26.4	27	10.2	43	16.2	0	0.0
Other	438	167	38.1	160	36.5	7	1.6	193	44.1	22	5.0	171	39.0	78	17.8

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

	N	%
TOTAL CASES	50,178	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	37,754	75.2
Within Guideline Range	26,309	52.4
Upward Departure ²	207	0.4
Downward Departure		
§5K1.1 Substantial Assistance	3,883	7.7
§5K3.1 Early Disposition Program	5,441	10.8
Other Government Motion ³	820	1.6
Non-Government Departure ⁴	1,094	2.2
VARIANCES	12,424	24.8
Upward Variance ⁵	895	1.8
Downward Variance		
Government Motion ⁶	2,781	5.5
Non-Government Variance ⁷	8,748	17.4

¹ This table reflects the 50,453 cases sentenced on or after October 1, 2019, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by October 15, 2020. Of these, 275 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.

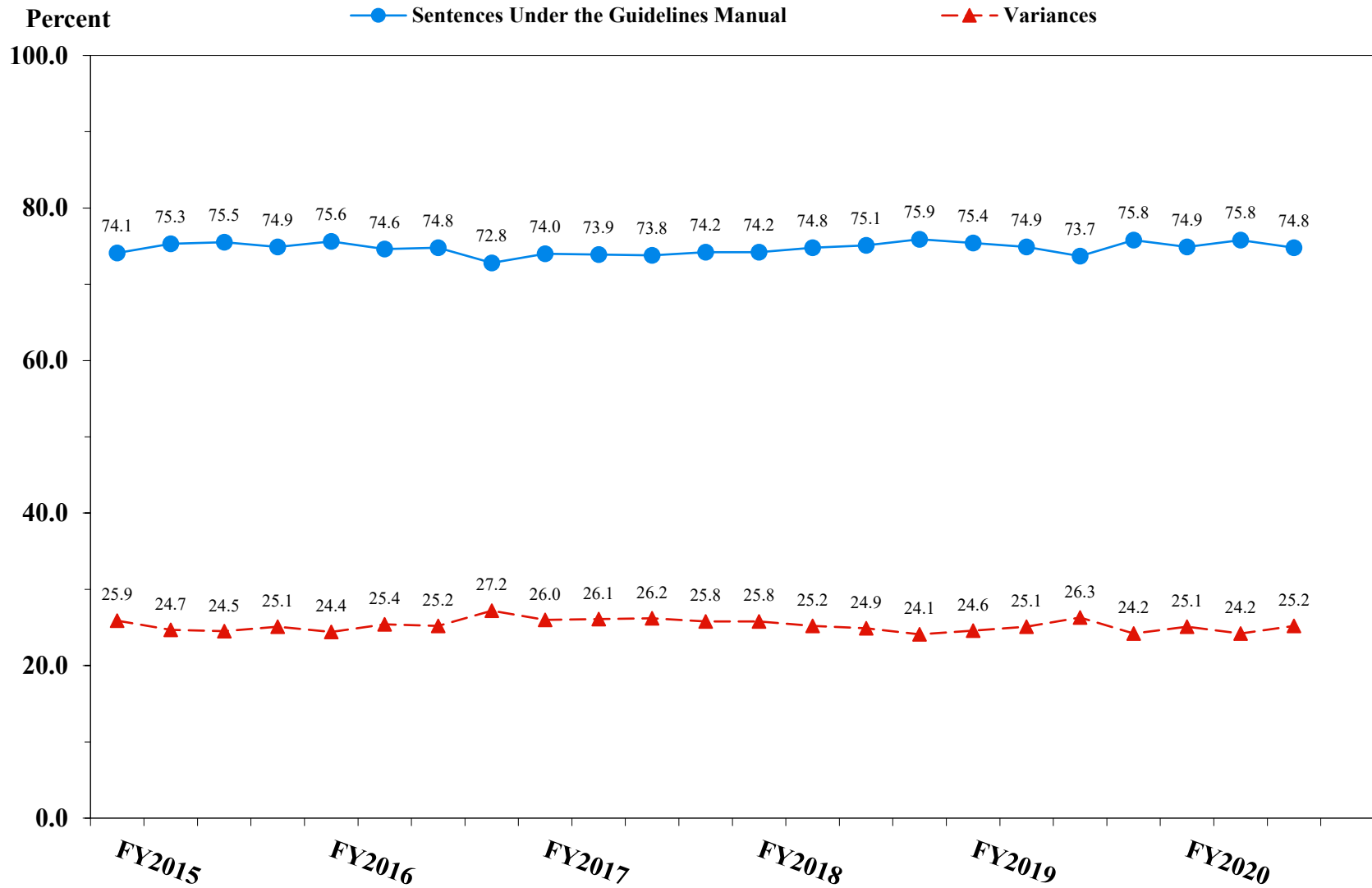
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)



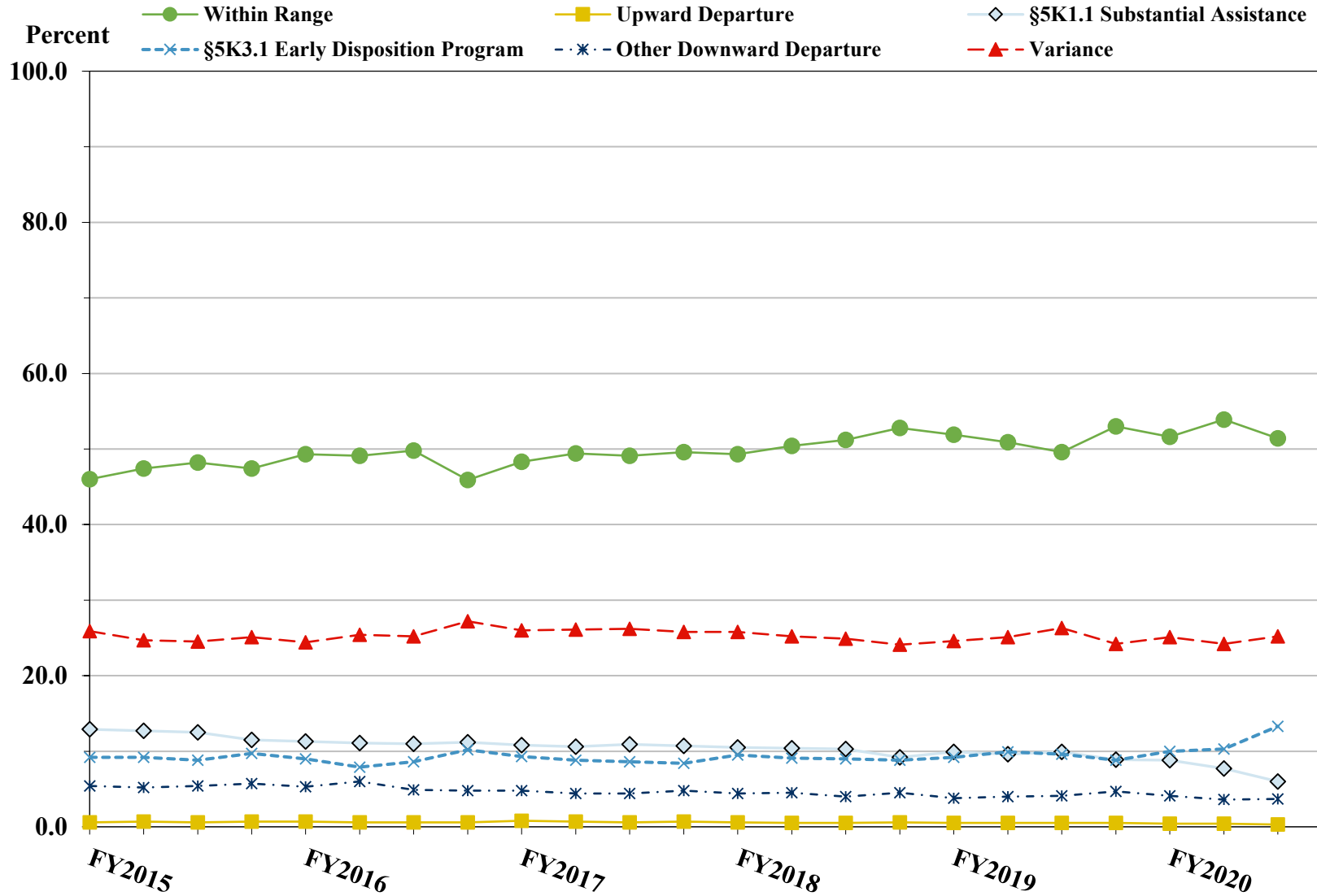
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19, and Preliminary Data from USSCFY20 (October 1, 2019, through June 30, 2020).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)



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

SOURCE: U.S. Sentencing Commission, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19, and Preliminary Data from USSCFY20 (October 1, 2019, through June 30, 2020).

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	50,178	26,309	52.4	207	0.4	3,883	7.7	5,441	10.8	1,914	3.8	12,424	24.8
D.C. CIRCUIT	205	79	38.5	1	0.5	22	10.7	0	0.0	29	14.1	74	36.1
District of Columbia	205	79	38.5	1	0.5	22	10.7	0	0.0	29	14.1	74	36.1
FIRST CIRCUIT	1,314	643	48.9	9	0.7	101	7.7	2	0.2	53	4.0	506	38.5
Maine	101	46	45.5	0	0.0	19	18.8	0	0.0	4	4.0	32	31.7
Massachusetts	312	121	38.8	6	1.9	28	9.0	2	0.6	16	5.1	139	44.6
New Hampshire	161	52	32.3	0	0.0	28	17.4	0	0.0	8	5.0	73	45.3
Puerto Rico	656	405	61.7	1	0.2	20	3.0	0	0.0	25	3.8	205	31.3
Rhode Island	84	19	22.6	2	2.4	6	7.1	0	0.0	0	0.0	57	67.9
SECOND CIRCUIT	1,861	562	30.2	7	0.4	320	17.2	6	0.3	78	4.2	888	47.7
Connecticut	247	95	38.5	2	0.8	32	13.0	0	0.0	28	11.3	90	36.4
New York													
Eastern	305	87	28.5	2	0.7	58	19.0	0	0.0	28	9.2	130	42.6
Northern	208	109	52.4	1	0.5	38	18.3	0	0.0	1	0.5	59	28.4
Southern	718	132	18.4	0	0.0	112	15.6	6	0.8	18	2.5	450	62.7
Western	265	117	44.2	1	0.4	44	16.6	0	0.0	1	0.4	102	38.5
Vermont	118	22	18.6	1	0.8	36	30.5	0	0.0	2	1.7	57	48.3
THIRD CIRCUIT	1,413	617	43.7	6	0.4	250	17.7	9	0.6	33	2.3	498	35.2
Delaware	75	33	44.0	2	2.7	19	25.3	5	6.7	2	2.7	14	18.7
New Jersey	463	208	44.9	1	0.2	80	17.3	0	0.0	6	1.3	168	36.3
Pennsylvania													
Eastern	326	121	37.1	1	0.3	70	21.5	2	0.6	9	2.8	123	37.7
Middle	262	131	50.0	0	0.0	52	19.8	2	0.8	10	3.8	67	25.6
Western	258	100	38.8	2	0.8	28	10.9	0	0.0	5	1.9	123	47.7
Virgin Islands	29	24	82.8	0	0.0	1	3.4	0	0.0	1	3.4	3	10.3
FOURTH CIRCUIT	3,098	1,665	53.7	15	0.5	365	11.8	4	0.1	90	2.9	959	31.0
Maryland	354	125	35.3	2	0.6	49	13.8	0	0.0	35	9.9	143	40.4
North Carolina													
Eastern	511	280	54.8	3	0.6	110	21.5	0	0.0	12	2.3	106	20.7
Middle	301	175	58.1	3	1.0	20	6.6	0	0.0	7	2.3	96	31.9
Western	363	208	57.3	0	0.0	63	17.4	0	0.0	2	0.6	90	24.8
South Carolina	423	215	50.8	1	0.2	64	15.1	0	0.0	7	1.7	136	32.2
Virginia													
Eastern	562	341	60.7	4	0.7	23	4.1	0	0.0	22	3.9	172	30.6
Western	192	80	41.7	2	1.0	20	10.4	2	1.0	3	1.6	85	44.3
West Virginia													
Northern	186	114	61.3	0	0.0	10	5.4	2	1.1	1	0.5	59	31.7
Southern	206	127	61.7	0	0.0	6	2.9	0	0.0	1	0.5	72	35.0

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,435	11,627	70.7	49	0.3	548	3.3	1,011	6.2	699	4.3	2,501	15.2
Louisiana													
Eastern	145	88	60.7	0	0.0	22	15.2	0	0.0	3	2.1	32	22.1
Middle	92	57	62.0	0	0.0	14	15.2	0	0.0	1	1.1	20	21.7
Western	213	152	71.4	2	0.9	20	9.4	0	0.0	7	3.3	32	15.0
Mississippi													
Northern	106	53	50.0	0	0.0	23	21.7	0	0.0	0	0.0	30	28.3
Southern	286	176	61.5	0	0.0	16	5.6	21	7.3	2	0.7	71	24.8
Texas													
Eastern	468	324	69.2	2	0.4	16	3.4	1	0.2	4	0.9	121	25.9
Northern	1,082	701	64.8	6	0.6	118	10.9	0	0.0	24	2.2	233	21.5
Southern	6,942	4,403	63.4	35	0.5	207	3.0	813	11.7	491	7.1	993	14.3
Western	7,101	5,673	79.9	4	0.1	112	1.6	176	2.5	167	2.4	969	13.6
SIXTH CIRCUIT	3,139	1,420	45.2	18	0.6	552	17.6	6	0.2	155	4.9	988	31.5
Kentucky													
Eastern	343	200	58.3	2	0.6	48	14.0	0	0.0	5	1.5	88	25.7
Western	267	104	39.0	0	0.0	66	24.7	4	1.5	12	4.5	81	30.3
Michigan													
Eastern	449	198	44.1	2	0.4	52	11.6	0	0.0	9	2.0	188	41.9
Western	265	143	54.0	8	3.0	41	15.5	0	0.0	5	1.9	68	25.7
Ohio													
Northern	557	280	50.3	1	0.2	108	19.4	0	0.0	17	3.1	151	27.1
Southern	422	143	33.9	4	0.9	62	14.7	2	0.5	79	18.7	132	31.3
Tennessee													
Eastern	441	197	44.7	0	0.0	127	28.8	0	0.0	12	2.7	105	23.8
Middle	159	44	27.7	1	0.6	16	10.1	0	0.0	12	7.5	86	54.1
Western	236	111	47.0	0	0.0	32	13.6	0	0.0	4	1.7	89	37.7
SEVENTH CIRCUIT	1,504	591	39.3	2	0.1	169	11.2	0	0.0	71	4.7	671	44.6
Illinois													
Central	167	78	46.7	0	0.0	23	13.8	0	0.0	1	0.6	65	38.9
Northern	352	115	32.7	0	0.0	20	5.7	0	0.0	26	7.4	191	54.3
Southern	155	79	51.0	0	0.0	34	21.9	0	0.0	0	0.0	42	27.1
Indiana													
Northern	210	90	42.9	0	0.0	29	13.8	0	0.0	12	5.7	79	37.6
Southern	332	151	45.5	0	0.0	48	14.5	0	0.0	4	1.2	129	38.9
Wisconsin													
Eastern	171	36	21.1	0	0.0	9	5.3	0	0.0	2	1.2	124	72.5
Western	117	42	35.9	2	1.7	6	5.1	0	0.0	26	22.2	41	35.0
EIGHTH CIRCUIT	3,467	1,591	45.9	26	0.7	343	9.9	39	1.1	78	2.2	1,390	40.1
Arkansas													
Eastern	315	196	62.2	0	0.0	5	1.6	0	0.0	4	1.3	110	34.9
Western	219	103	47.0	0	0.0	31	14.2	0	0.0	0	0.0	85	38.8
Iowa													
Northern	272	133	48.9	10	3.7	45	16.5	0	0.0	6	2.2	78	28.7
Southern	310	130	41.9	0	0.0	42	13.5	0	0.0	4	1.3	134	43.2
Minnesota	243	74	30.5	2	0.8	39	16.0	4	1.6	13	5.3	111	45.7
Missouri													
Eastern	696	267	38.4	1	0.1	45	6.5	0	0.0	9	1.3	374	53.7
Western	438	195	44.5	3	0.7	44	10.0	0	0.0	14	3.2	182	41.6
Nebraska	379	183	48.3	0	0.0	8	2.1	31	8.2	2	0.5	155	40.9
North Dakota	202	72	35.6	3	1.5	75	37.1	3	1.5	0	0.0	49	24.3
South Dakota	393	238	60.6	7	1.8	9	2.3	1	0.3	26	6.6	112	28.5

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
District		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	9,381	2,753	29.3	39	0.4	586	6.2	3,665	39.1	367	3.9	1,971	21.0
Alaska	84	24	28.6	0	0.0	5	6.0	0	0.0	1	1.2	54	64.3
Arizona	3,692	1,371	37.1	17	0.5	60	1.6	1,917	51.9	35	0.9	292	7.9
California													
Central	669	213	31.8	3	0.4	83	12.4	28	4.2	66	9.9	276	41.3
Eastern	319	123	38.6	0	0.0	52	16.3	10	3.1	3	0.9	131	41.1
Northern	387	102	26.4	0	0.0	27	7.0	4	1.0	11	2.8	243	62.8
Southern	2,725	391	14.3	19	0.7	132	4.8	1,655	60.7	217	8.0	311	11.4
Guam	36	20	55.6	0	0.0	7	19.4	0	0.0	0	0.0	9	25.0
Hawaii	96	45	46.9	0	0.0	27	28.1	0	0.0	0	0.0	24	25.0
Idaho	249	110	44.2	0	0.0	45	18.1	17	6.8	3	1.2	74	29.7
Montana	261	95	36.4	0	0.0	62	23.8	0	0.0	4	1.5	100	38.3
Nevada	210	60	28.6	0	0.0	13	6.2	2	1.0	16	7.6	119	56.7
Northern Mariana Islands	7	6	85.7	0	0.0	0	0.0	0	0.0	0	0.0	1	14.3
Oregon	236	57	24.2	0	0.0	30	12.7	0	0.0	6	2.5	143	60.6
Washington													
Eastern	189	73	38.6	0	0.0	31	16.4	15	7.9	4	2.1	66	34.9
Western	221	63	28.5	0	0.0	12	5.4	17	7.7	1	0.5	128	57.9
TENTH CIRCUIT	4,529	2,685	59.3	21	0.5	209	4.6	673	14.9	204	4.5	737	16.3
Colorado	304	132	43.4	0	0.0	45	14.8	31	10.2	6	2.0	90	29.6
Kansas	226	95	42.0	0	0.0	40	17.7	5	2.2	9	4.0	77	34.1
New Mexico	2,762	1,945	70.4	4	0.1	22	0.8	523	18.9	76	2.8	192	7.0
Oklahoma													
Eastern	81	54	66.7	0	0.0	8	9.9	0	0.0	0	0.0	19	23.5
Northern	183	78	42.6	12	6.6	29	15.8	0	0.0	27	14.8	37	20.2
Western	340	165	48.5	0	0.0	21	6.2	3	0.9	8	2.4	143	42.1
Utah	513	168	32.7	3	0.6	33	6.4	101	19.7	75	14.6	133	25.9
Wyoming	120	48	40.0	2	1.7	11	9.2	10	8.3	3	2.5	46	38.3
ELEVENTH CIRCUIT	3,832	2,076	54.2	14	0.4	418	10.9	26	0.7	57	1.5	1,241	32.4
Alabama													
Middle	109	55	50.5	0	0.0	17	15.6	0	0.0	1	0.9	36	33.0
Northern	321	174	54.2	1	0.3	49	15.3	0	0.0	2	0.6	95	29.6
Southern	264	141	53.4	5	1.9	44	16.7	1	0.4	7	2.7	66	25.0
Florida													
Middle	946	479	50.6	3	0.3	123	13.0	14	1.5	13	1.4	314	33.2
Northern	232	134	57.8	1	0.4	29	12.5	7	3.0	4	1.7	57	24.6
Southern	1,060	562	53.0	3	0.3	58	5.5	3	0.3	17	1.6	417	39.3
Georgia													
Middle	256	180	70.3	0	0.0	26	10.2	0	0.0	1	0.4	49	19.1
Northern	343	138	40.2	0	0.0	22	6.4	0	0.0	10	2.9	173	50.4
Southern	301	213	70.8	1	0.3	50	16.6	1	0.3	2	0.7	34	11.3

¹ Of the 50,453 cases, 275 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	50,178	26,309	52.4	207	0.4	3,883	7.7	5,441	10.8	1,914	3.8	12,424	24.8
Administration of Justice	414	198	47.8	4	1.0	27	6.5	3	0.7	32	7.7	150	36.2
Antitrust	7	0	0.0	0	0.0	4	57.1	0	0.0	0	0.0	3	42.9
Arson	33	15	45.5	2	6.1	2	6.1	0	0.0	1	3.0	13	39.4
Assault	446	223	50.0	9	2.0	21	4.7	0	0.0	35	7.8	158	35.4
Bribery/Corruption	168	27	16.1	0	0.0	55	32.7	0	0.0	11	6.5	75	44.6
Burglary/Trespass	29	11	37.9	0	0.0	3	10.3	0	0.0	1	3.4	14	48.3
Child Pornography	743	220	29.6	11	1.5	15	2.0	0	0.0	37	5.0	460	61.9
Commercialized Vice	40	16	40.0	0	0.0	4	10.0	1	2.5	2	5.0	17	42.5
Drug Possession	309	271	87.7	1	0.3	2	0.6	0	0.0	0	0.0	35	11.3
Drug Trafficking	12,066	4,002	33.2	38	0.3	2,419	20.0	805	6.7	535	4.4	4,267	35.4
Environmental	88	38	43.2	0	0.0	7	8.0	0	0.0	8	9.1	35	39.8
Extortion/Racketeering	89	29	32.6	0	0.0	19	21.3	0	0.0	4	4.5	37	41.6
Firearms	5,600	2,959	52.8	40	0.7	298	5.3	2	0.0	227	4.1	2,074	37.0
Food and Drug	21	10	47.6	2	9.5	0	0.0	0	0.0	1	4.8	8	38.1
Forgery/Counter/Copyright	154	79	51.3	2	1.3	13	8.4	0	0.0	3	1.9	57	37.0
Fraud/Theft/Embezzlement	3,574	1,769	49.5	16	0.4	380	10.6	22	0.6	109	3.0	1,278	35.8
Immigration	22,262	14,594	65.6	44	0.2	128	0.6	4,600	20.7	694	3.1	2,202	9.9
Individual Rights	45	18	40.0	0	0.0	5	11.1	0	0.0	3	6.7	19	42.2
Kidnapping	48	16	33.3	0	0.0	6	12.5	0	0.0	4	8.3	22	45.8
Manslaughter	28	15	53.6	3	10.7	1	3.6	0	0.0	2	7.1	7	25.0
Money Laundering	640	151	23.6	8	1.3	198	30.9	7	1.1	35	5.5	241	37.7
Murder	222	84	37.8	2	0.9	46	20.7	0	0.0	17	7.7	73	32.9
National Defense	122	42	34.4	0	0.0	19	15.6	1	0.8	11	9.0	49	40.2
Obscenity/Other Sex Offenses	254	138	54.3	4	1.6	3	1.2	0	0.0	14	5.5	95	37.4
Prison Offenses	330	193	58.5	2	0.6	2	0.6	0	0.0	17	5.2	116	35.2
Robbery	985	416	42.2	8	0.8	121	12.3	0	0.0	53	5.4	387	39.3
Sexual Abuse	651	275	42.2	3	0.5	44	6.8	0	0.0	39	6.0	290	44.5
Stalking/Harassing	164	85	51.8	5	3.0	2	1.2	0	0.0	11	6.7	61	37.2
Tax	262	78	29.8	0	0.0	37	14.1	0	0.0	8	3.1	139	53.1
Other	384	337	87.8	3	0.8	2	0.5	0	0.0	0	0.0	42	10.9

¹ Of the 50,453 cases, 275 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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure			
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Variance			
§2A1.1	172	63	1	41	0	13	54	§2D1.8	14	3	0	4	0	0	7	
§2A1.2	20	13	1	0	0	2	4	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	8	6	0	0	0	1	1	§2D1.10	2	0	0	2	0	0	0	
§2A1.4	20	9	3	1	0	1	6	§2D1.11	4	0	0	0	0	0	4	
§2A1.5	26	6	0	3	0	2	15	§2D1.12	3	2	0	0	0	0	1	
§2A2.1	98	39	0	15	0	7	37	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	256	123	8	6	0	23	96	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	57	45	1	0	0	4	7	§2D2.1	112	96	0	2	0	0	14	
§2A2.4	147	87	1	0	2	16	41	§2D2.2	46	39	0	1	0	0	6	
§2A3.1	72	32	2	4	0	5	29	§2D2.3	0	0	0	0	0	0	0	
§2A3.2	21	15	0	0	0	2	4	§2D3.1	3	2	0	0	0	0	1	
§2A3.3	1	0	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	18	8	0	0	0	1	9	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	235	129	2	3	0	14	87	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	46	16	0	5	0	3	22	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	0	0	0	0	0	0	0	§2E1.1	23	10	0	3	0	1	9	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	2	0	1	0	0	0	
§2A5.2	13	9	0	0	0	0	4	§2E1.3	1	0	0	0	0	0	1	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	4	2	0	0	0	0	2	
§2A6.1	112	56	5	0	0	9	42	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	48	25	0	2	0	2	19	§2E2.1	4	0	0	0	0	1	3	
§2B1.1	3,280	1,538	14	373	2	104	1,249	§2E3.1	14	3	0	2	0	0	9	
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0	
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0	
§2B1.4	9	1	0	1	0	1	6	§2E4.1	23	2	0	12	0	0	9	
§2B1.5	3	1	0	0	0	0	2	§2E5.1	1	1	0	0	0	0	0	
§2B1.6 ²	60	56	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	27	10	0	3	0	1	13	§2E5.3	0	0	0	0	0	0	0	
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0	
§2B2.3	2	1	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	972	413	8	116	0	52	383	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	15	4	0	3	0	0	8	§2F1.1	0	0	0	0	0	0	0	
§2B3.3	8	4	0	0	0	1	3	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	61	11	0	24	0	3	23	§2G1.1	30	13	0	4	1	1	11	
§2B5.1	120	74	2	7	0	2	35	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	224	111	1	20	0	10	82	
§2B5.3	33	5	0	6	0	1	21	§2G2.1	307	108	0	18	0	21	160	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	741	220	11	15	0	37	458	
§2B6.1	1	0	0	1	0	0	0	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	89	10	0	28	0	6	45	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	7	0	0	1	0	0	6	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	5	5	0	0	0	0	0	§2G2.6	2	0	0	0	0	0	2	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	15	6	2	0	0	0	7	
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0	
§2C1.6	0	0	0	0	0	0	0	§2H1.1	30	7	0	4	0	2	17	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	5	0	0	2	0	2	1	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	11,802	3,882	36	2,386	794	521	4,183	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	175	101	2	22	0	10	40	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	2	1	0	0	0	1	0	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	3	2	0	0	0	0	1	
§2D1.5	3	0	0	2	0	0	1	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	6	4	0	1	0	0	1	

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	89	31	0	13	1	8	36
§2J1.1	0	0	0	0	0	0	0	§2M5.3	9	3	0	1	0	1	4
§2J1.2	80	22	0	12	1	4	41	§2M6.1	1	1	0	0	0	0	0
§2J1.3	15	7	0	0	0	2	6	§2M6.2	0	0	0	0	0	0	0
§2J1.4	12	9	0	0	0	0	3	§2N1.1	8	0	0	0	0	1	7
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	18	9	2	0	0	2	5	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	12	9	2	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	179	111	2	2	0	7	57
§2K1.1	3	3	0	0	0	0	0	§2P1.2	116	69	0	0	0	4	43
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	15	3	1	1	0	0	10	§2P1.4	0	0	0	0	0	0	0
§2K1.4	33	15	2	2	0	1	13	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	14	4	0	1	0	3	6
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	10	5	0	1	0	0	4
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	5,271	2,719	38	280	2	220	2,012	§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	58	23	0	5	0	5	25
§2K2.4 ³	251	205	0	16	0	0	30	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	8	1	0	0	0	3	§2R1.1	6	0	0	4	0	0	2
§2K2.6	3	2	0	0	0	0	1	§2S1.1	555	116	3	195	5	28	208
§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	81	32	5	3	1	7	33
§2L1.1	2,548	1,079	14	83	828	73	471	§2S1.4	0	0	0	0	0	0	0
§2L1.2	16,753	11,411	28	24	3,233	574	1,483	§2T1.1	137	40	0	20	0	2	75
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	59	23	1	15	0	1	19	§2T1.3	0	0	0	0	0	0	0
§2L2.2	536	406	1	3	28	13	85	§2T1.4	92	30	0	14	0	6	42
§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	23	1	0	1	0	0	21
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	1	1	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	7	5	0	2	0	0	0
§2M3.1	1	0	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	1	0	0	0	0	0	1	§2T4.1	0	0	0	0	0	0	0
§2M3.3	0	0	0	0	0	0	0	§2X1.1	9	5	0	1	0	2	1
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	38	15	0	9	0	1	13
§2M3.6	0	0	0	0	0	0	0	§2X4.1	118	55	1	13	0	6	43
§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	103	82	1	0	0	0	20
§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	1	1	0	0	0	0	0
§2M5.1	12	0	0	5	0	2	5	§2X7.2	0	0	0	0	0	0	0
TOTAL									46,959	23,996	202	3,874	4,898	1,856	12,133

¹ Of the 50,453 cases, 3,494 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 (275) or missing guideline applied (3,450). 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 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	23,869	3,890	16.3	5,530	23.2	3,776	15.8	5,768	24.2	520	2.2
Departures	11,445	3,883	33.9	5,523	48.3	2,786	24.3	4,961	43.3	438	3.8
Upward Departure	207	0	0.0	0	0.0	58	28.0	28	13.5	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	3,883	3,883	100.0	82	2.1	147	3.8	1,071	27.6	18	0.5
§5K3.1 Early Disposition Program	5,441	0	0.0	5,441	100.0	2,226	40.9	3,532	64.9	410	7.5
Other Government Motion	820	0	0.0	0	0.0	355	43.3	330	40.2	10	1.2
Non-Government Departure	1,094	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	12,424	7	0.1	7	0.1	990	8.0	807	6.5	82	0.7
Upward Variance	895	7	0.8	7	0.8	141	15.8	71	7.9	0	0.0
Downward Variance											
Government Motion	2,781	0	0.0	0	0.0	849	30.5	736	26.5	82	2.9
Non-Government Variance	8,748	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

Pursuant to a Motion Not in a Plea Agreement

	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	3,169	13.3	4,003	16.8	4,594	19.2	1,059	4.4	3,195	13.4	1,795	7.5
Departures	2,686	23.5	1,425	12.5	1,034	9.0	460	4.0	1,031	9.0	159	1.4
Upward Departure	54	26.1	3	1.4	2	1.0	3	1.4	51	24.6	18	8.7
Downward Departure												
§5K1.1 Substantial Assistance	2,366	60.9	443	11.4	376	9.7	163	4.2	405	0.0	0	0.0
§5K3.1 Early Disposition Program	191	3.5	381	7.0	395	7.3	222	4.1	279	5.1	0	0.0
Other Government Motion	75	9.1	51	6.2	22	2.7	72	8.8	45	5.5	23	2.8
Non-Government Departure	0	0.0	547	50.0	239	21.8	0	0.0	251	22.9	118	10.8
Variations	483	3.9	2,578	20.8	3,560	28.7	599	4.8	2,164	17.4	1,636	13.2
Upward Variance	154	17.2	8	0.9	2	0.2	10	1.1	365	40.8	167	18.7
Downward Variance												
Government Motion	329	11.8	214	7.7	84	3.0	589	21.2	144	5.2	95	3.4
Non-Government Variance	0	0.0	2,356	26.9	3,474	39.7	0	0.0	1,655	18.9	1,374	15.7

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, 10,159 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 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	205	77	22	71.3	60	13	37.5
Administration of Justice	4	47	29	178.7	44	24	167.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	9	64	19	54.6	54	13	18.3
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	11	110	32	43.8	87	27	45.0
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	38	129	35	107.6	108	21	29.9
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	40	80	25	66.6	60	21	42.8
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	16	34	9	76.2	23	7	41.7
Immigration	44	32	9	51.2	24	6	33.3
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	3	76	36	101.1	72	35	94.6
Money Laundering	8	21	9	78.7	17	5	50.0
Murder	1	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	4	60	33	115.4	69	34	107.5
Prison Offenses	2	--	--	--	--	--	--
Robbery	8	156	33	35.3	162	22	12.5
Sexual Abuse	3	185	64	52.6	180	72	66.7
Stalking/Harassing	5	51	12	39.6	48	11	37.5
Tax	0	--	--	--	--	--	--
Other	2	--	--	--	--	--	--

¹ Of the 50,453 cases, in 207 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Also, one case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

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

3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	884	79	23	63.9	60	12	33.3
Administration of Justice	11	32	12	75.9	30	9	62.2
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	26	117	30	46.3	99	26	28.7
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	17	185	65	73.2	156	37	32.5
Commercialized Vice	3	95	47	99.4	120	49	69.0
Drug Possession	18	9	3	42.6	7	1	15.8
Drug Trafficking	160	106	33	100.2	84	19	39.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	5	62	22	62.4	60	27	78.4
Firearms	225	84	24	52.2	72	15	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	3	44	5	14.4	60	3	17.6
Fraud/Theft/Embezzlement	84	63	20	64.4	48	12	38.5
Immigration	202	23	8	63.9	18	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	4	261	55	26.2	252	55	30.5
Manslaughter	2	--	--	--	--	--	--
Money Laundering	3	55	13	31.4	42	12	27.3
Murder	3	340	43	22.5	420	55	15.1
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	8	34	7	28.7	36	6	27.8
Prison Offenses	5	61	20	108.8	36	22	100.0
Robbery	37	197	37	28.6	180	23	20.0
Sexual Abuse	27	188	47	34.2	180	33	25.0
Stalking/Harassing	12	60	25	99.2	55	19	60.7
Tax	0	--	--	--	--	--	--
Other	22	12	3	42.2	8	2	33.3

¹ Of the 50,453 cases, in 895 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two cases were excluded from this table. Also, nine cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,809	53	53	54.2	38	37	50.0
Administration of Justice	26	3	14	86.4	0	12	100.0
Antitrust	4	3	9	83.3	0	8	99.9
Arson	2	--	--	--	--	--	--
Assault	18	84	102	52.0	36	60	41.6
Bribery/Corruption	55	10	33	77.4	4	21	88.5
Burglary/Trespass	3	13	7	36.5	13	6	35.2
Child Pornography	15	91	58	43.9	84	36	31.3
Commercialized Vice	4	2	13	90.0	0	12	99.9
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	2,396	64	61	50.7	57	47	47.4
Environmental	7	1	13	91.2	0	12	100.0
Extortion/Racketeering	19	8	25	87.3	0	22	100.0
Firearms	295	38	33	53.0	24	23	47.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	13	6	31	75.3	3	25	89.2
Fraud/Theft/Embezzlement	377	16	26	64.7	12	21	63.6
Immigration	128	12	14	58.9	10	10	50.7
Individual Rights	5	43	31	44.2	48	13	35.1
Kidnapping	6	115	105	42.8	129	83	34.6
Manslaughter	1	--	--	--	--	--	--
Money Laundering	193	50	67	61.4	36	42	61.2
Murder	20	118	150	56.4	132	136	54.7
National Defense	19	21	30	54.5	18	22	51.4
Obscenity/Other Sex Offenses	3	22	7	24.3	19	5	20.8
Prison Offenses	2	--	--	--	--	--	--
Robbery	117	71	64	48.4	57	45	47.1
Sexual Abuse	39	119	105	47.5	108	98	48.9
Stalking/Harassing	2	--	--	--	--	--	--
Tax	36	10	18	66.3	7	13	62.6
Other	2	--	--	--	--	--	--

¹ Of the 50,453 cases, in 3,883 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, 40 cases were excluded from this table. Also, 34 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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹**
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,439	12	12	50.4	6	6	46.7
Administration of Justice	3	10	6	38.1	10	5	33.3
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	805	30	44	58.5	27	37	57.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	2	--	--	--	--	--	--
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	22	3	5	62.9	4	4	47.2
Immigration	4,598	8	7	49.0	6	5	42.6
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	7	39	38	60.0	12	14	55.6
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 50,453 cases, in 5,441 the offender received a §5K3.1 early disposition program departure below 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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

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

3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,884	37	24	45.0	18	12	39.1
Administration of Justice	32	7	9	63.6	5	8	61.8
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	34	41	17	35.3	29	12	27.9
Bribery/Corruption	11	12	19	61.2	11	19	63.6
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	36	79	56	44.0	62	49	42.6
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	530	63	36	40.6	55	24	34.7
Environmental	8	3	9	79.6	1	10	91.8
Extortion/Racketeering	4	10	24	76.5	8	25	79.2
Firearms	223	35	21	42.4	24	13	34.3
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	8	22	77.0	12	21	67.6
Fraud/Theft/Embezzlement	107	17	18	64.8	6	12	64.3
Immigration	694	12	10	45.1	9	6	40.0
Individual Rights	3	9	23	81.8	3	12	80.0
Kidnapping	4	117	64	28.7	114	32	27.3
Manslaughter	2	--	--	--	--	--	--
Money Laundering	34	67	52	48.1	47	32	46.8
Murder	10	139	141	49.2	132	140	46.6
National Defense	11	37	33	45.2	24	15	40.0
Obscenity/Other Sex Offenses	14	11	12	49.8	14	6	22.5
Prison Offenses	17	6	6	61.3	4	6	53.3
Robbery	53	80	39	31.1	60	25	27.0
Sexual Abuse	31	118	73	35.0	120	60	28.6
Stalking/Harassing	10	16	14	49.5	19	11	39.3
Tax	8	9	18	74.1	7	16	72.2
Other	0	--	--	--	--	--	--

¹ Of the 50,453 cases, in 1,914 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (820) or a non-government departure (1,094). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 13 cases were excluded from this table. Also, 17 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 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

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

3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)

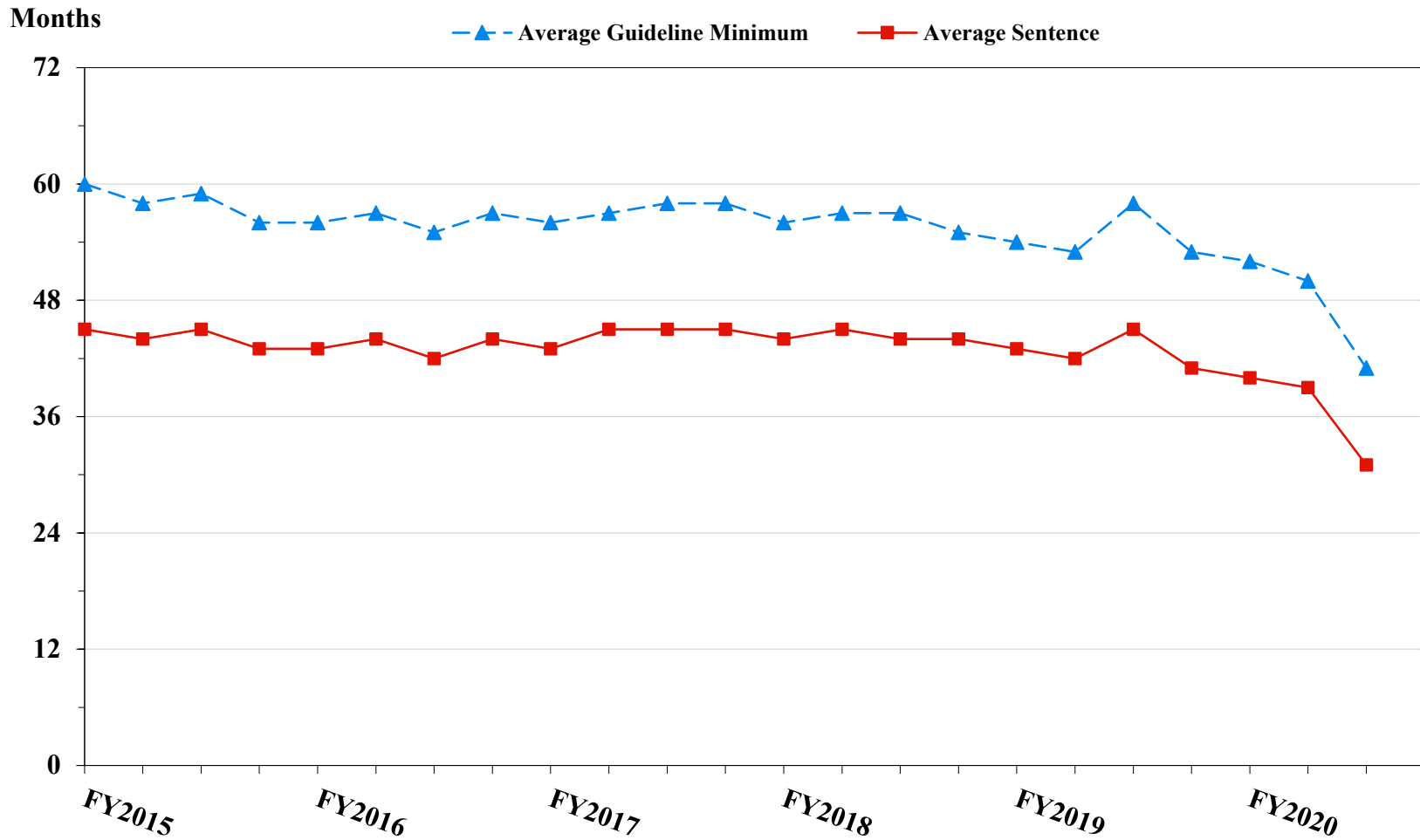
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	11,316	46	25	44.7	24	13	36.2
Administration of Justice	138	8	13	66.8	4	9	70.5
Antitrust	3	18	25	68.8	14	19	57.6
Arson	10	53	24	39.1	29	21	32.1
Assault	124	42	18	44.9	24	12	34.1
Bribery/Corruption	73	18	22	62.3	10	12	66.7
Burglary/Trespass	12	7	10	76.0	0	9	99.7
Child Pornography	437	79	49	39.0	72	40	38.1
Commercialized Vice	14	11	8	55.7	6	6	49.4
Drug Possession	16	0	2	94.0	0	2	100.0
Drug Trafficking	4,067	72	36	38.2	60	24	31.0
Environmental	35	3	12	82.0	1	10	95.9
Extortion/Racketeering	32	20	21	60.4	11	12	64.8
Firearms	1,836	34	18	42.6	24	12	33.3
Food and Drug	8	31	24	53.4	39	19	35.9
Forgery/Counter/Copyright	53	9	14	65.1	6	11	67.5
Fraud/Theft/Embezzlement	1,176	18	16	57.7	12	10	51.4
Immigration	1,994	10	7	49.5	6	6	40.5
Individual Rights	18	28	34	68.8	14	12	67.0
Kidnapping	14	100	113	46.9	84	66	45.5
Manslaughter	5	18	24	67.5	18	22	64.7
Money Laundering	233	52	39	50.0	30	22	42.1
Murder	36	166	86	33.4	172	72	29.8
National Defense	48	36	32	54.1	24	22	50.4
Obscenity/Other Sex Offenses	87	10	10	52.4	9	8	46.7
Prison Offenses	111	9	8	52.2	6	6	50.0
Robbery	338	82	29	30.5	65	21	22.9
Sexual Abuse	196	151	66	31.9	147	54	28.6
Stalking/Harassing	48	17	10	46.0	14	6	33.3
Tax	135	11	13	62.5	6	12	61.1
Other	19	6	16	87.0	0	4	100.0

¹ Of the 50,453 cases, in 11,529 the sentence was a variance below the guideline range, either due to a government motion for a variance (2,781) or a non-government variance (8,748). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 87 cases were excluded from this table. Also, 125 cases were excluded due to several logical criteria. Of the remaining 11,317 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**



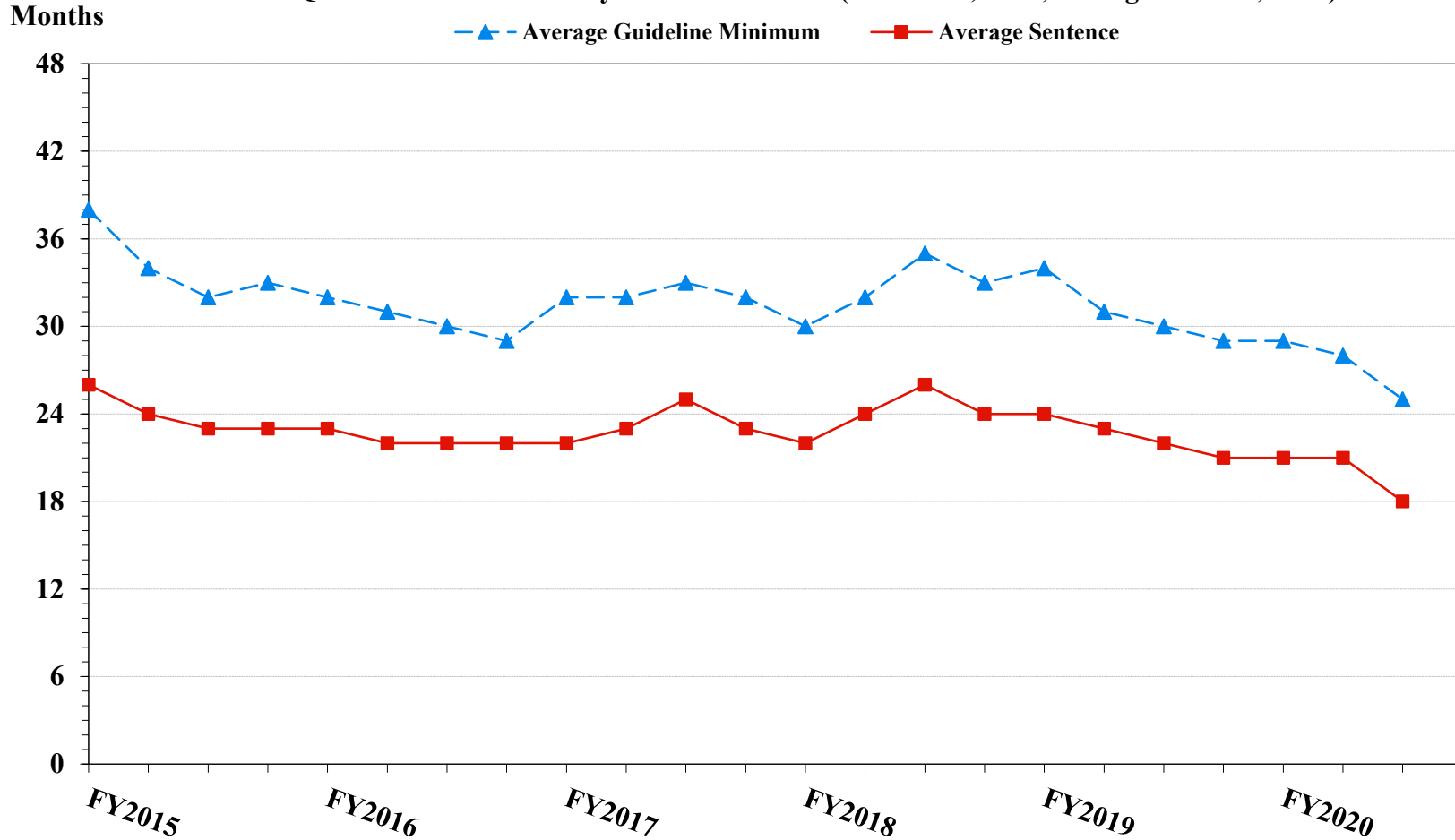
¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and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

Figure 6

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

Fiscal Years 2015 - 2019,

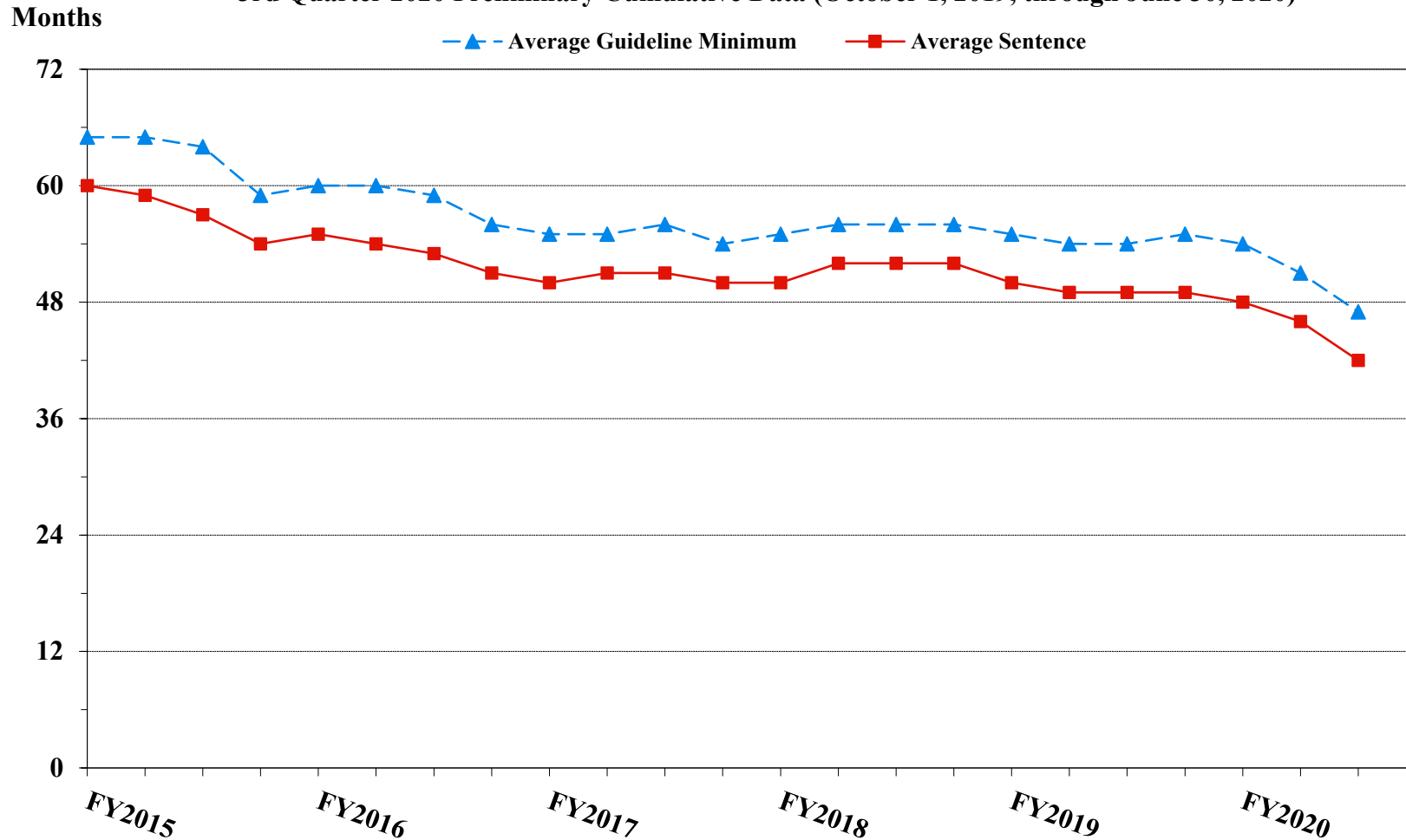
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)



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

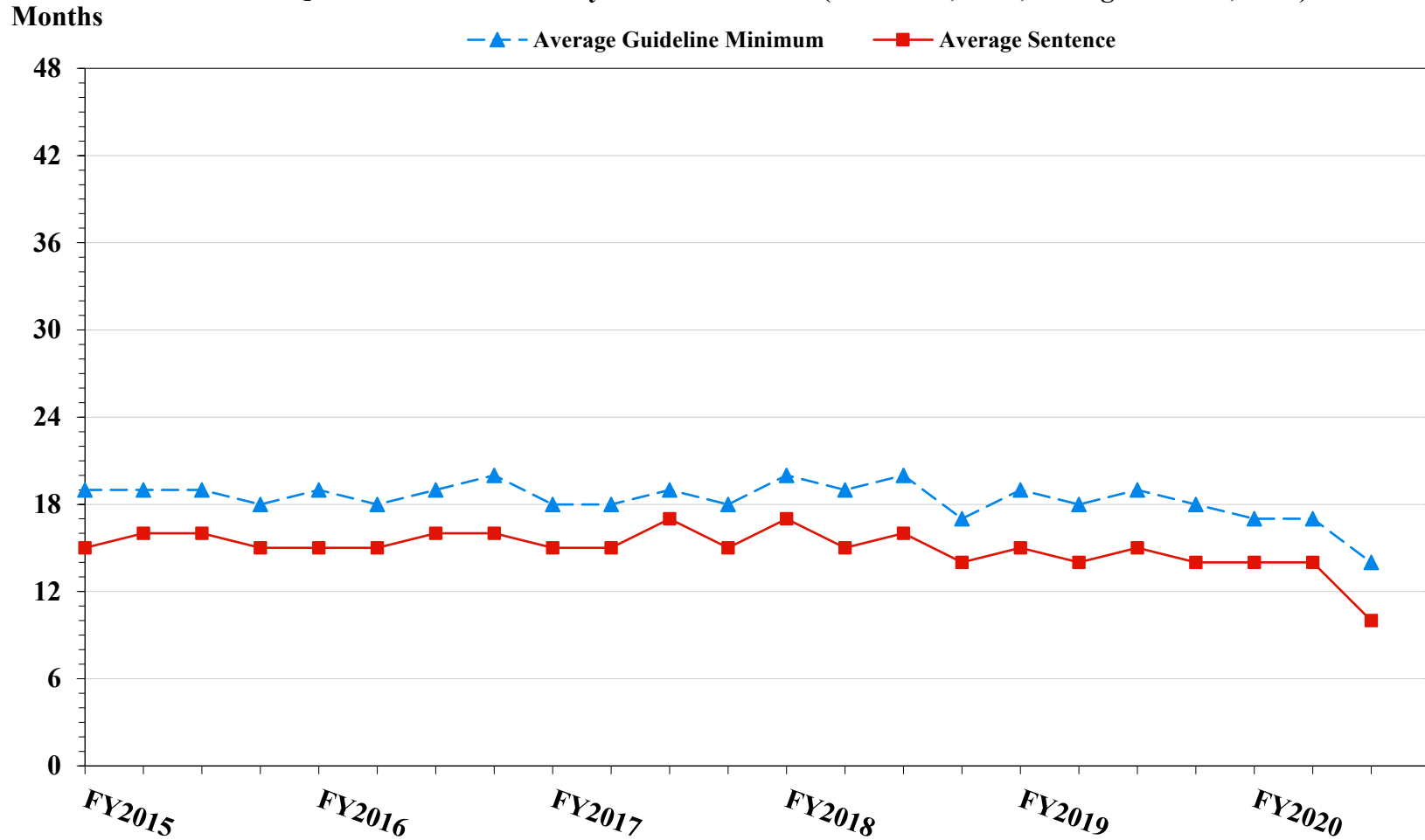
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**



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

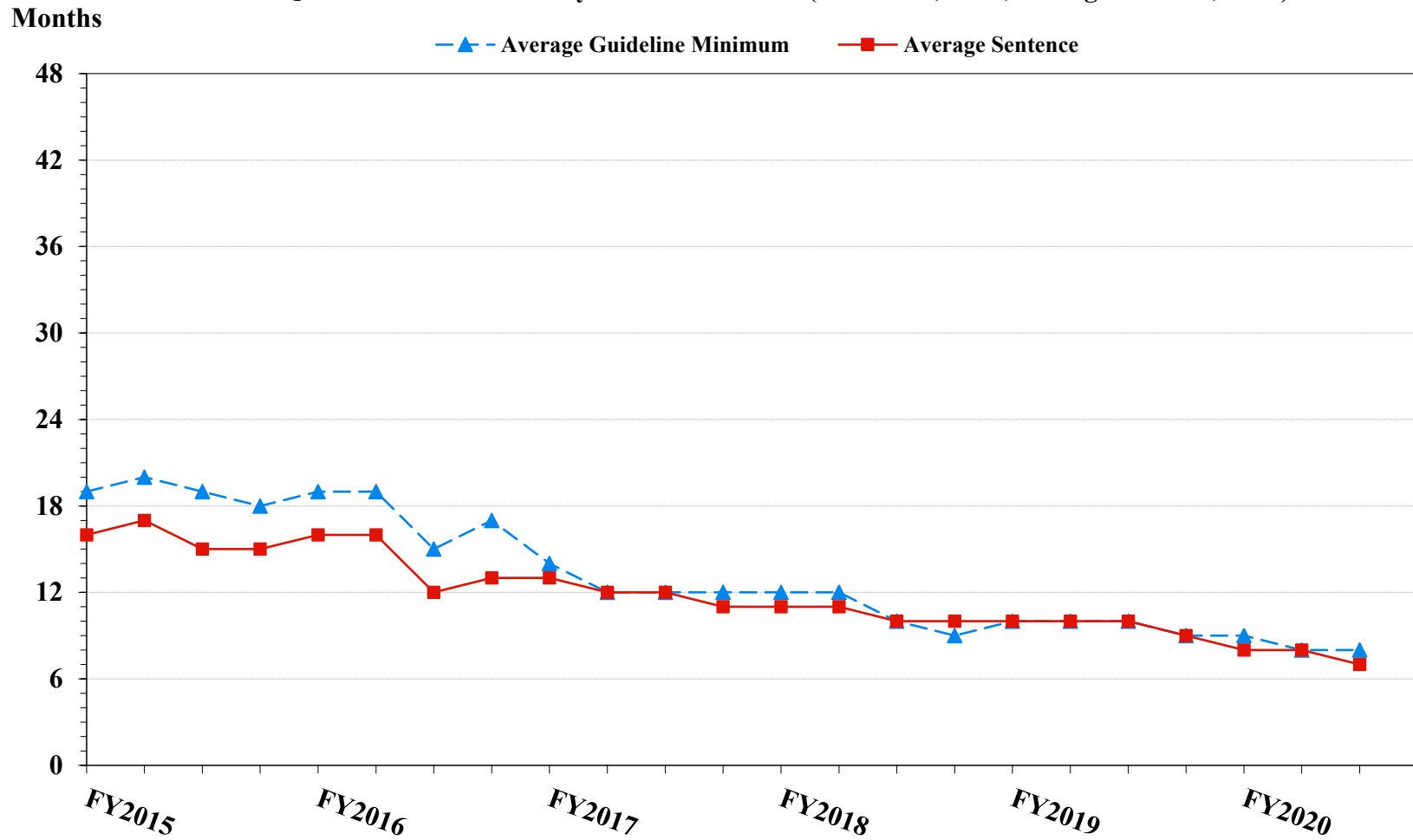
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**



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.

Figure 9

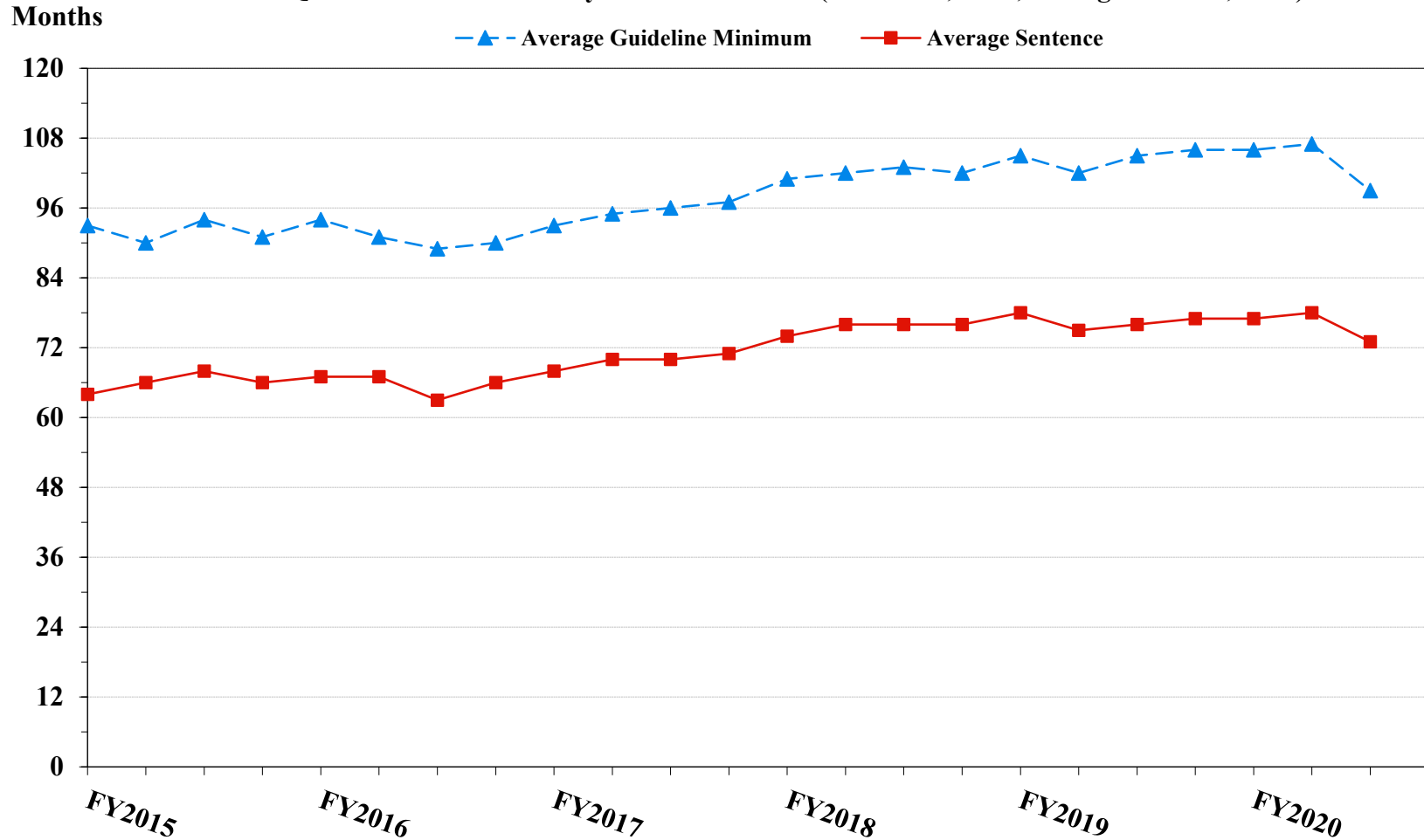
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**



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

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)**

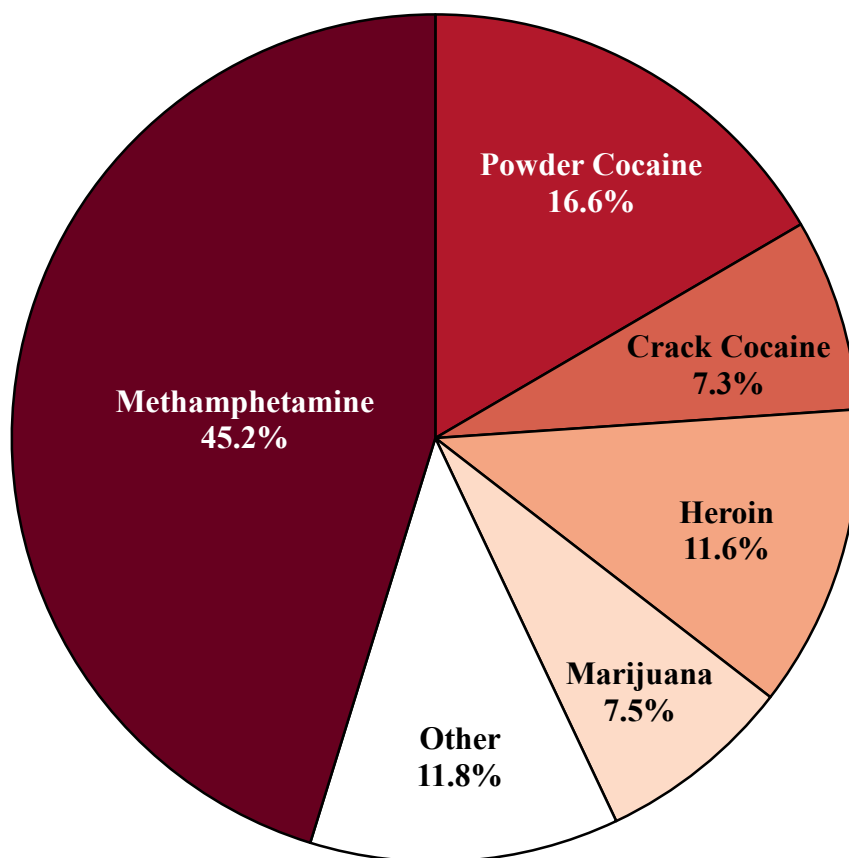


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19, and Preliminary Data from USSCFY20 (October 1, 2019, through June 30, 2020).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}**
3rd Quarter 2020 Preliminary Cumulative Data
(October 1, 2019, through June 30, 2020)



¹ Of the 50,453 cases, in 12,170 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

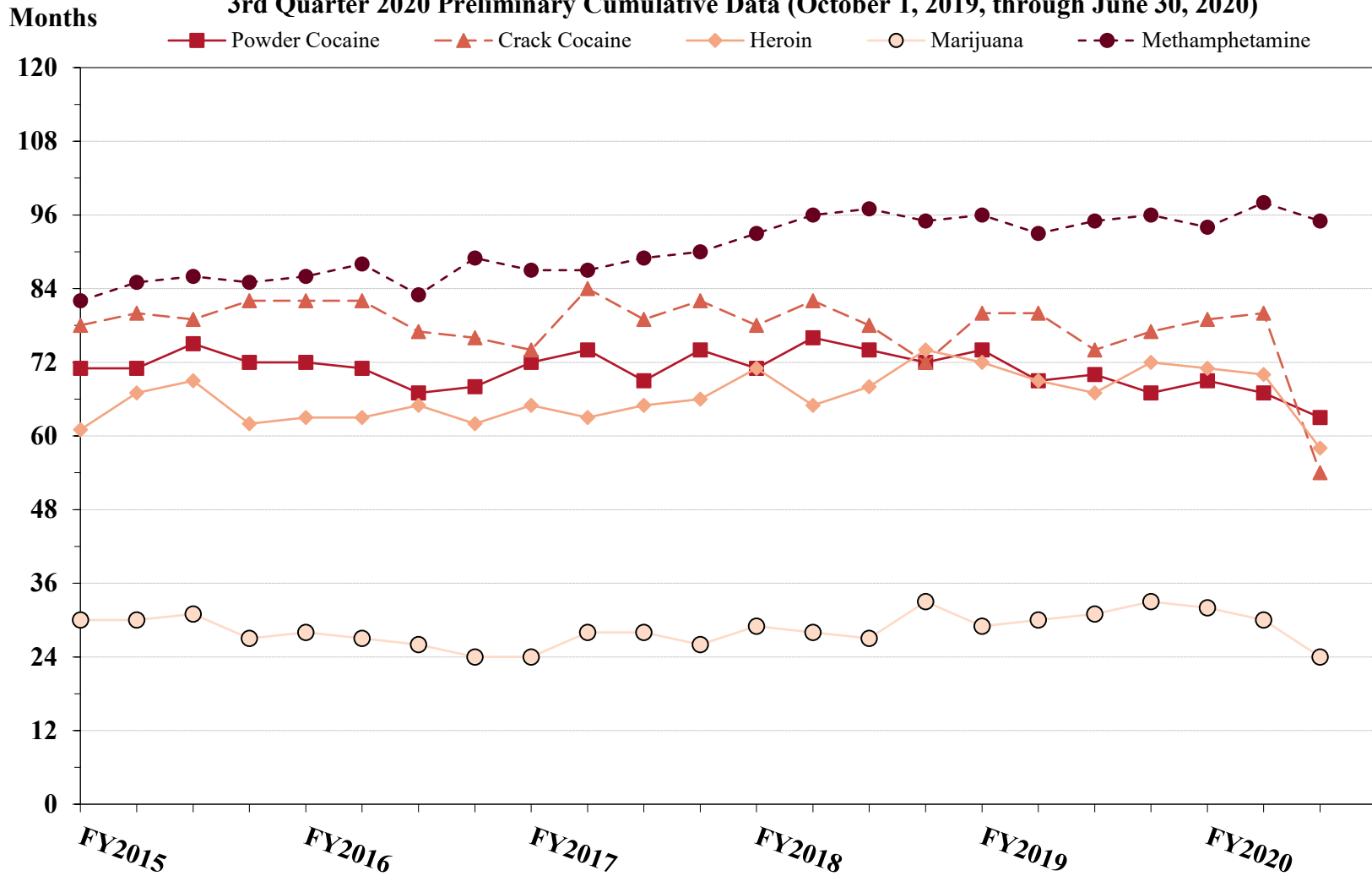
² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (717), Oxycodone/Oxycontin (254), Fentanyl Analogue (101), MDMA/Ecstasy/MDA (57), and Hydrocodone (53).

SOURCE: U.S. Sentencing Commission, Preliminary 2020 Datafile, USSCFY20 (October 1, 2019, through June 30, 2020).

Figure 12

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

Fiscal Years 2015 - 2019,
3rd Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through June 30, 2020)



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, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19, and Preliminary Data from USSCFY20 (October 1, 2019, through June 30, 2020).

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 the drugs in the text and tables

is derived from the primary drug type involved in each case. In cases involving more than one drug, the primary drug type is the drug of a quantity producing the highest converted drug weight (as described in USSG §2D1.1, Application note 8).

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.