

# United States Sentencing Commission Quarterly Data Report



**3rd Quarter Release  
Preliminary Fiscal Year 2021 Data  
Through June 30, 2021**

## Introduction

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

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

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

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

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

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

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2020 are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

pornography is treated under the sentencing guidelines.

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

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

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

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

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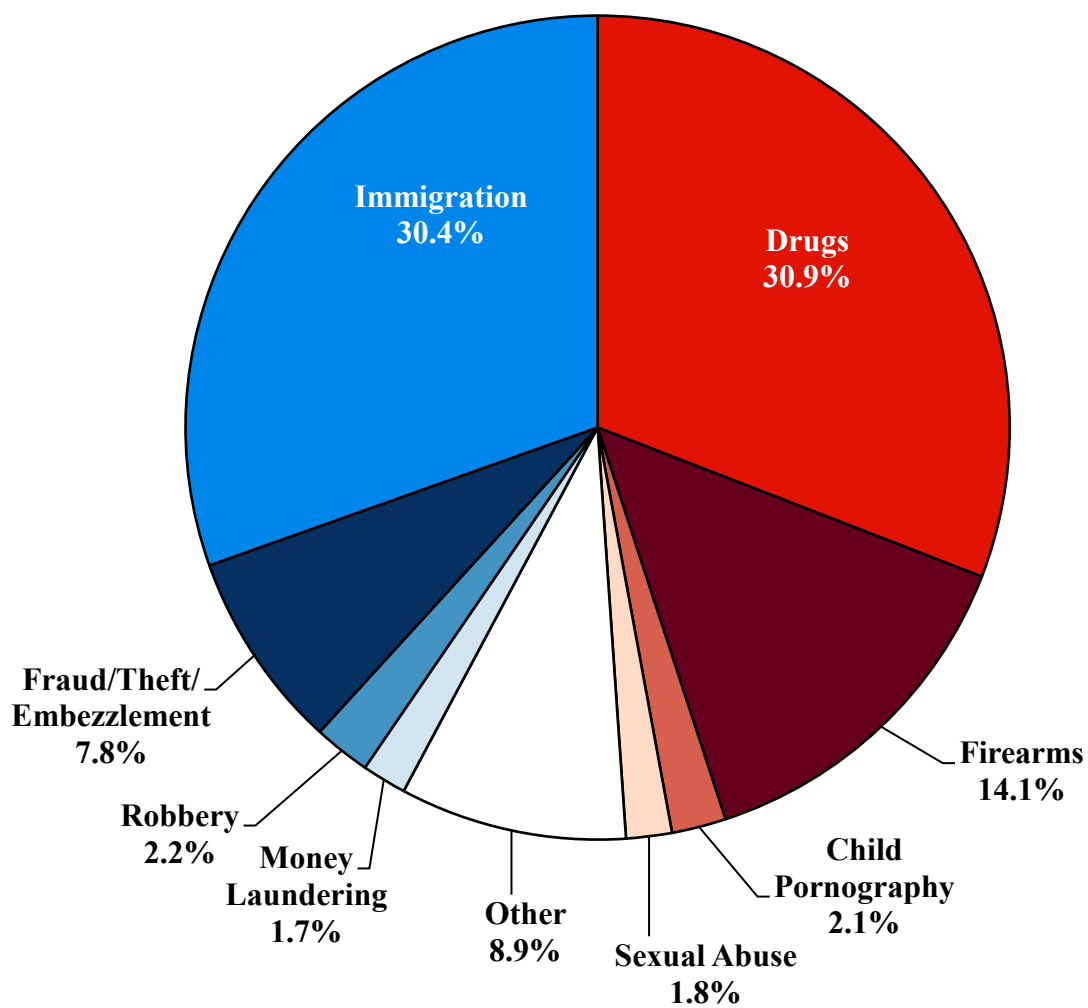
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Figure 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data**  
**(October 1, 2020, through June 30, 2021)**



<sup>1</sup> This figure includes the 41,161 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

Table 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	%
<b>TOTAL</b>	<b>41,161</b>	<b>100.0</b>
Administration of Justice	376	0.9
Antitrust	5	0.0
Arson	52	0.1
Assault	460	1.1
Bribery/Corruption	180	0.4
Burglary/Trespass	46	0.1
Child Pornography	877	2.1
Commercialized Vice	71	0.2
Drug Possession	205	0.5
Drug Trafficking	12,508	30.4
Environmental	123	0.3
Extortion/Racketeering	90	0.2
Firearms	5,799	14.1
Food and Drug	37	0.1
Forgery/Counter/Copyright	114	0.3
Fraud/Theft/Embezzlement	3,207	7.8
Immigration	12,526	30.4
Individual Rights	55	0.1
Kidnapping	62	0.2
Manslaughter	40	0.1
Money Laundering	717	1.7
Murder	172	0.4
National Defense	154	0.4
Obscenity/Other Sex Offenses	209	0.5
Prison Offenses	392	1.0
Robbery	917	2.2
Sexual Abuse	740	1.8
Stalking/Harassing	162	0.4
Tax	308	0.7
Other	557	1.4

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

Table 2

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data**  
**(October 1, 2020, through June 30, 2021)**

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>TOTAL</b>	<b>41,161</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>187</b>	<b>0.5</b>	<b>FIFTH CIRCUIT</b>	<b>11,773</b>	<b>28.6</b>
District of Columbia	187	0.5	Louisiana		
			Eastern	141	0.3
			Middle	88	0.2
<b>FIRST CIRCUIT</b>	<b>1,284</b>	<b>3.1</b>	Western	147	0.4
Maine	134	0.3	Mississippi		
Massachusetts	307	0.7	Northern	69	0.2
New Hampshire	128	0.3	Southern	171	0.4
Puerto Rico	657	1.6	Texas		
Rhode Island	58	0.1	Eastern	488	1.2
			Northern	1,155	2.8
<b>SECOND CIRCUIT</b>	<b>1,679</b>	<b>4.1</b>	Southern	5,865	14.2
Connecticut	236	0.6	Western	3,649	8.9
New York			<b>SIXTH CIRCUIT</b>	<b>2,847</b>	<b>6.9</b>
Eastern	317	0.8	Kentucky		
Northern	166	0.4	Eastern	295	0.7
Southern	627	1.5	Western	210	0.5
Western	228	0.6	Michigan		
Vermont	105	0.3	Eastern	288	0.7
			Western	218	0.5
<b>THIRD CIRCUIT</b>	<b>1,427</b>	<b>3.5</b>	Ohio		
Delaware	41	0.1	Northern	579	1.4
New Jersey	476	1.2	Southern	366	0.9
Pennsylvania			Tennessee		
Eastern	340	0.8	Eastern	442	1.1
Middle	249	0.6	Middle	187	0.5
Western	272	0.7	Western	262	0.6
Virgin Islands	49	0.1			
			<b>SEVENTH CIRCUIT</b>	<b>1,634</b>	<b>4.0</b>
<b>FOURTH CIRCUIT</b>	<b>3,210</b>	<b>7.8</b>	Illinois		
Maryland	375	0.9	Central	168	0.4
North Carolina			Northern	457	1.1
Eastern	669	1.6	Southern	161	0.4
Middle	263	0.6	Indiana		
Western	349	0.8	Northern	236	0.6
South Carolina	366	0.9	Southern	315	0.8
Virginia			Wisconsin		
Eastern	682	1.7	Eastern	197	0.5
Western	180	0.4	Western	100	0.2
West Virginia					
Northern	177	0.4			
Southern	149	0.4			



Table 2 (cont.)

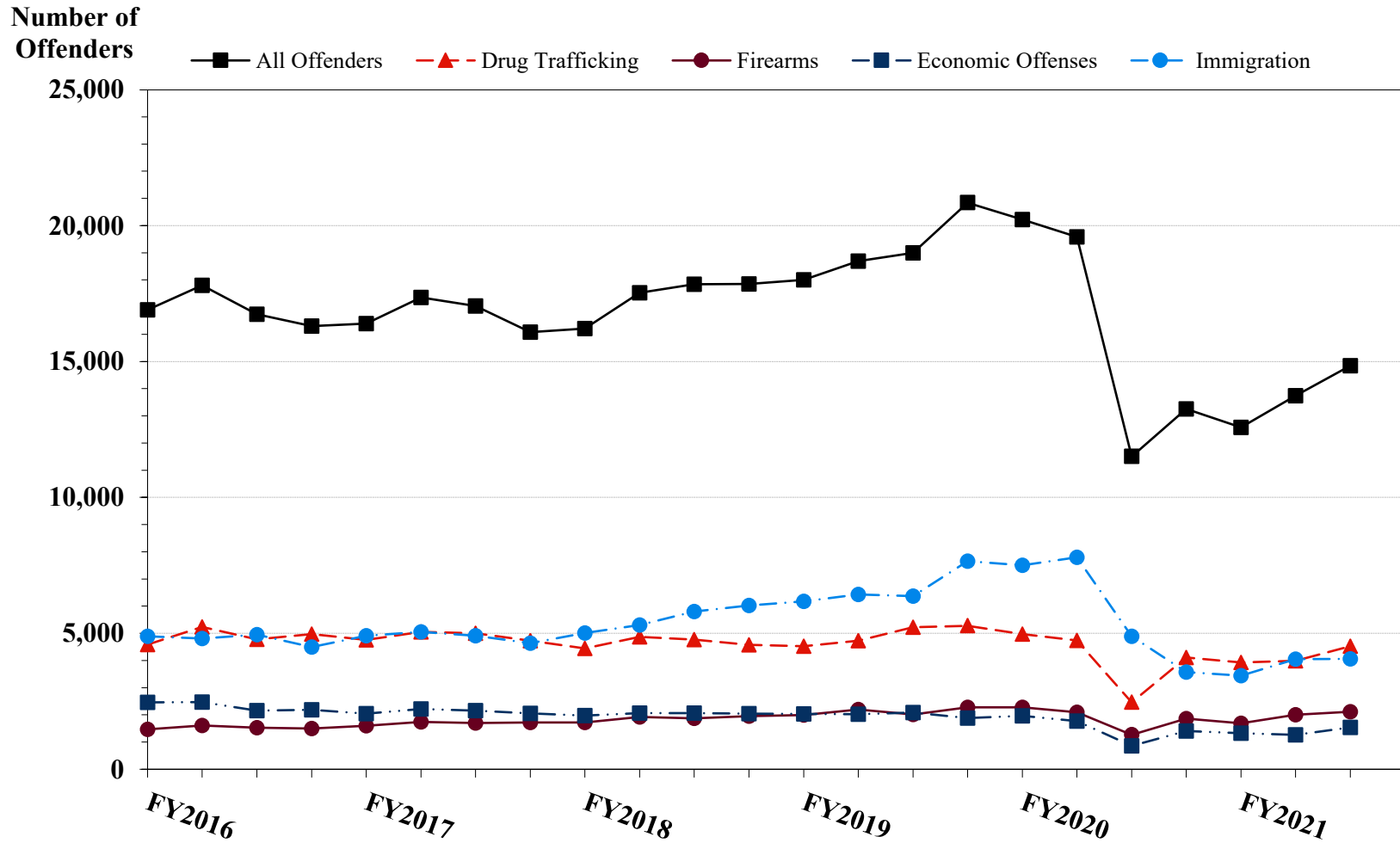
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>3,349</b>	<b>8.1</b>	<b>TENTH CIRCUIT</b>	<b>2,738</b>	<b>6.7</b>
Arkansas			Colorado	248	0.6
Eastern	422	1.0	Kansas	291	0.7
Western	154	0.4	New Mexico	1,040	2.5
Iowa			Oklahoma		
Northern	229	0.6	Eastern	55	0.1
Southern	383	0.9	Northern	219	0.5
Minnesota	177	0.4	Western	288	0.7
Missouri			Utah	457	1.1
Eastern	767	1.9	Wyoming	140	0.3
Western	411	1.0			
Nebraska	291	0.7	<b>ELEVENTH CIRCUIT</b>	<b>2,948</b>	<b>7.2</b>
North Dakota	211	0.5	Alabama		
South Dakota	304	0.7	Middle	93	0.2
			Northern	343	0.8
<b>NINTH CIRCUIT</b>	<b>8,085</b>	<b>19.6</b>	Southern	154	0.4
Alaska	116	0.3	Florida		
Arizona	3,400	8.3	Middle	762	1.9
California			Northern	174	0.4
Central	640	1.6	Southern	468	1.1
Eastern	212	0.5	Georgia		
Northern	287	0.7	Middle	248	0.6
Southern	1,983	4.8	Northern	399	1.0
Guam	26	0.1	Southern	307	0.7
Hawaii	118	0.3			
Idaho	178	0.4			
Montana	250	0.6			
Nevada	196	0.5			
Northern Mariana Islands	11	0.0			
Oregon	270	0.7			
Washington					
Eastern	155	0.4			
Western	243	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 2

**NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES<sup>1</sup>**  
**Fiscal Years 2016 - 2020,**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Table 3

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>40,703</b>	<b>9,114</b>	<b>22.4</b>	<b>9,201</b>	<b>22.6</b>	<b>20,663</b>	<b>50.8</b>	<b>1,725</b>	<b>4.2</b>
Administration of Justice	374	104	27.8	101	27.0	122	32.6	47	12.6
Antitrust	5	5	100.0	0	0.0	0	0.0	0	0.0
Arson	52	18	34.6	20	38.5	9	17.3	5	9.6
Assault	449	70	15.6	95	21.2	72	16.0	212	47.2
Bribery/Corruption	180	84	46.7	38	21.1	35	19.4	23	12.8
Burglary/Trespass	45	14	31.1	17	37.8	8	17.8	6	13.3
Child Pornography	876	708	80.8	35	4.0	103	11.8	30	3.4
Commercialized Vice	59	30	50.8	9	15.3	6	10.2	14	23.7
Drug Possession	164	68	41.5	57	34.8	30	18.3	9	5.5
Drug Trafficking	12,492	3,223	25.8	3,241	25.9	5,625	45.0	403	3.2
Environmental	120	71	59.2	3	2.5	31	25.8	15	12.5
Extortion/Racketeering	90	33	36.7	18	20.0	24	26.7	15	16.7
Firearms	5,788	1,416	24.5	3,118	53.9	1,060	18.3	194	3.4
Food and Drug	35	31	88.6	2	5.7	0	0.0	2	5.7
Forgery/Counter/Copyright	113	55	48.7	28	24.8	18	15.9	12	10.6
Fraud/Theft/Embezzlement	3,176	1,307	41.2	948	29.8	681	21.4	240	7.6
Immigration	12,409	346	2.8	162	1.3	11,821	95.3	80	0.6
Individual Rights	53	29	54.7	9	17.0	8	15.1	7	13.2
Kidnapping	61	21	34.4	16	26.2	16	26.2	8	13.1
Manslaughter	40	4	10.0	4	10.0	3	7.5	29	72.5
Money Laundering	715	203	28.4	147	20.6	304	42.5	61	8.5
Murder	172	9	5.2	88	51.2	61	35.5	14	8.1
National Defense	153	26	17.0	7	4.6	106	69.3	14	9.2
Obscenity/Other Sex Offenses	208	94	45.2	38	18.3	29	13.9	47	22.6
Prison Offenses	383	97	25.3	149	38.9	121	31.6	16	4.2
Robbery	916	162	17.7	546	59.6	160	17.5	48	5.2
Sexual Abuse	739	430	58.2	116	15.7	86	11.6	107	14.5
Stalking/Harassing	162	107	66.0	24	14.8	18	11.1	13	8.0
Tax	307	167	54.4	76	24.8	34	11.1	30	9.8
Other	367	182	49.6	89	24.3	72	19.6	24	6.5

<sup>1</sup> Of the 41,161 cases, 458 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

**GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>41,115</b>	<b>35,736</b>	<b>86.9</b>	<b>5,379</b>	<b>13.1</b>
Administration of Justice	376	258	68.6	118	31.4
Antitrust	5	5	100.0	0	0.0
Arson	52	45	86.5	7	13.5
Assault	460	404	87.8	56	12.2
Bribery/Corruption	180	148	82.2	32	17.8
Burglary/Trespass	46	40	87.0	6	13.0
Child Pornography	877	864	98.5	13	1.5
Commercialized Vice	68	59	86.8	9	13.2
Drug Possession	200	128	64.0	72	36.0
Drug Trafficking	12,508	10,296	82.3	2,212	17.7
Environmental	122	108	88.5	14	11.5
Extortion/Racketeering	90	82	91.1	8	8.9
Firearms	5,799	5,587	96.3	212	3.7
Food and Drug	36	25	69.4	11	30.6
Forgery/Counter/Copyright	114	85	74.6	29	25.4
Fraud/Theft/Embezzlement	3,203	2,189	68.3	1,014	31.7
Immigration	12,512	11,514	92.0	998	8.0
Individual Rights	55	42	76.4	13	23.6
Kidnapping	62	57	91.9	5	8.1
Manslaughter	40	36	90.0	4	10.0
Money Laundering	717	577	80.5	140	19.5
Murder	172	157	91.3	15	8.7
National Defense	154	131	85.1	23	14.9
Obscenity/Other Sex Offenses	209	202	96.7	7	3.3
Prison Offenses	392	361	92.1	31	7.9
Robbery	917	861	93.9	56	6.1
Sexual Abuse	740	696	94.1	44	5.9
Stalking/Harassing	162	154	95.1	8	4.9
Tax	308	216	70.1	92	29.9
Other	539	409	75.9	130	24.1

<sup>1</sup> Of the 41,161 cases, 46 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 CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>40,893</b>	<b>26,821</b>	<b>65.6</b>	<b>14,072</b>	<b>34.4</b>
Administration of Justice	375	310	82.7	65	17.3
Antitrust	5	5	100.0	0	0.0
Arson	52	52	100.0	0	0.0
Assault	450	429	95.3	21	4.7
Bribery/Corruption	180	172	95.6	8	4.4
Burglary/Trespass	44	44	100.0	0	0.0
Child Pornography	877	849	96.8	28	3.2
Commercialized Vice	65	56	86.2	9	13.8
Drug Possession	172	163	94.8	9	5.2
Drug Trafficking	12,502	10,323	82.6	2,179	17.4
Environmental	122	112	91.8	10	8.2
Extortion/Racketeering	90	73	81.1	17	18.9
Firearms	5,796	5,565	96.0	231	4.0
Food and Drug	35	34	97.1	1	2.9
Forgery/Counter/Copyright	114	102	89.5	12	10.5
Fraud/Theft/Embezzlement	3,175	2,659	83.7	516	16.3
Immigration	12,525	2,009	16.0	10,516	84.0
Individual Rights	54	39	72.2	15	27.8
Kidnapping	62	54	87.1	8	12.9
Manslaughter	40	40	100.0	0	0.0
Money Laundering	716	500	69.8	216	30.2
Murder	172	150	87.2	22	12.8
National Defense	152	95	62.5	57	37.5
Obscenity/Other Sex Offenses	208	203	97.6	5	2.4
Prison Offenses	390	375	96.2	15	3.8
Robbery	915	881	96.3	34	3.7
Sexual Abuse	740	714	96.5	26	3.5
Stalking/Harassing	161	155	96.3	6	3.7
Tax	308	295	95.8	13	4.2
Other	396	363	91.7	33	8.3

<sup>1</sup> Of the 41,161 cases, 268 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

**SENTENCE LENGTH BY TYPE OF CRIME<sup>1</sup>****3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

<b>TYPE OF CRIME</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>47</b>	<b>24</b>	<b>41,160</b>
<b>Administration of Justice</b>	14	10	376
<b>Antitrust</b>	4	6	5
<b>Arson</b>	64	48	52
<b>Assault</b>	52	34	460
<b>Bribery/Corruption</b>	20	12	180
<b>Burglary/Trespass</b>	24	13	46
<b>Child Pornography</b>	106	88	877
<b>Commercialized Vice</b>	12	5	71
<b>Drug Possession</b>	1	0	205
<b>Drug Trafficking</b>	73	60	12,508
<b>Environmental</b>	2	0	123
<b>Extortion/Racketeering</b>	24	16	90
<b>Firearms</b>	49	37	5,798
<b>Food and Drug</b>	10	1	37
<b>Forgery/Counter/Copyright</b>	15	12	114
<b>Fraud/Theft/Embezzlement</b>	20	10	3,207
<b>Immigration</b>	13	8	12,526
<b>Individual Rights</b>	30	3	55
<b>Kidnapping</b>	162	125	62
<b>Manslaughter</b>	70	62	40
<b>Money Laundering</b>	59	32	717
<b>Murder</b>	231	204	172
<b>National Defense</b>	40	30	154
<b>Obscenity/Other Sex Offenses</b>	23	18	209
<b>Prison Offenses</b>	11	8	392
<b>Robbery</b>	105	90	917
<b>Sexual Abuse</b>	209	180	740
<b>Stalking/Harassing</b>	26	15	162
<b>Tax</b>	15	12	308
<b>Other</b>	1	0	557

<sup>1</sup> Of the 41,161 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

**SENTENCE TYPE BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>41,161</b>	<b>37,541</b>	<b>91.2</b>	<b>36,430</b>	<b>88.5</b>	<b>1,111</b>	<b>2.7</b>	<b>3,334</b>	<b>8.1</b>	<b>766</b>	<b>1.9</b>	<b>2,568</b>	<b>6.2</b>	<b>286</b>	<b>0.7</b>
Administration of Justice	376	273	72.6	251	66.8	22	5.9	102	27.1	23	6.1	79	21.0	1	0.3
Antitrust	5	1	20.0	1	20.0	0	0.0	3	60.0	3	60.0	0	0.0	1	20.0
Arson	52	51	98.1	49	94.2	2	3.8	1	1.9	1	1.9	0	0.0	0	0.0
Assault	460	410	89.1	394	85.7	16	3.5	46	10.0	5	1.1	41	8.9	4	0.9
Bribery/Corruption	180	131	72.8	119	66.1	12	6.7	49	27.2	21	11.7	28	15.6	0	0.0
Burglary/Trespass	46	41	89.1	37	80.4	4	8.7	5	10.9	2	4.3	3	6.5	0	0.0
Child Pornography	877	865	98.6	848	96.7	17	1.9	12	1.4	4	0.5	8	0.9	0	0.0
Commercialized Vice	71	32	45.1	29	40.8	3	4.2	27	38.0	13	18.3	14	19.7	12	16.9
Drug Possession	205	76	37.1	76	37.1	0	0.0	78	38.0	7	3.4	71	34.6	51	24.9
Drug Trafficking	12,508	12,055	96.4	11,600	92.7	455	3.6	453	3.6	125	1.0	328	2.6	0	0.0
Environmental	123	27	22.0	25	20.3	2	1.6	89	72.4	10	8.1	79	64.2	7	5.7
Extortion/Racketeering	90	65	72.2	62	68.9	3	3.3	25	27.8	4	4.4	21	23.3	0	0.0
Firearms	5,799	5,464	94.2	5,347	92.2	117	2.0	333	5.7	65	1.1	268	4.6	2	0.0
Food and Drug	37	17	45.9	16	43.2	1	2.7	18	48.6	4	10.8	14	37.8	2	5.4
Forgery/Counter/Copyright	114	86	75.4	84	73.7	2	1.8	28	24.6	8	7.0	20	17.5	0	0.0
Fraud/Theft/Embezzlement	3,207	2,227	69.4	2,079	64.8	148	4.6	948	29.6	220	6.9	728	22.7	32	1.0
Immigration	12,526	11,951	95.4	11,775	94.0	176	1.4	574	4.6	138	1.1	436	3.5	1	0.0
Individual Rights	55	23	41.8	22	40.0	1	1.8	21	38.2	6	10.9	15	27.3	11	20.0
Kidnapping	62	61	98.4	60	96.8	1	1.6	1	1.6	0	0.0	1	1.6	0	0.0
Manslaughter	40	39	97.5	35	87.5	4	10.0	1	2.5	1	2.5	0	0.0	0	0.0
Money Laundering	717	629	87.7	607	84.7	22	3.1	88	12.3	24	3.3	64	8.9	0	0.0
Murder	172	171	99.4	167	97.1	4	2.3	1	0.6	0	0.0	1	0.6	0	0.0
National Defense	154	138	89.6	134	87.0	4	2.6	10	6.5	1	0.6	9	5.8	6	3.9
Obscenity/Other Sex Offenses	209	202	96.7	188	90.0	14	6.7	7	3.3	1	0.5	6	2.9	0	0.0
Prison Offenses	392	377	96.2	366	93.4	11	2.8	15	3.8	4	1.0	11	2.8	0	0.0
Robbery	917	898	97.9	872	95.1	26	2.8	19	2.1	3	0.3	16	1.7	0	0.0
Sexual Abuse	740	738	99.7	722	97.6	16	2.2	2	0.3	0	0.0	2	0.3	0	0.0
Stalking/Harassing	162	143	88.3	136	84.0	7	4.3	19	11.7	6	3.7	13	8.0	0	0.0
Tax	308	198	64.3	177	57.5	21	6.8	110	35.7	39	12.7	71	23.1	0	0.0
Other	557	152	27.3	152	27.3	0	0.0	249	44.7	28	5.0	221	39.7	156	28.0

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

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

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

	N	%
<b>TOTAL CASES</b>	<b>40,995</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>28,279</b>	<b>69.0</b>
Within Guideline Range	17,615	43.0
Upward Departure <sup>2</sup>	192	0.5
Downward Departure		
§5K1.1 Substantial Assistance	3,852	9.4
§5K3.1 Early Disposition Program	4,696	11.5
Other Government Motion <sup>3</sup>	883	2.2
Non-Government Departure <sup>4</sup>	1,041	2.5
<b>VARIANCES</b>	<b>12,716</b>	<b>31.0</b>
Upward Variance <sup>5</sup>	828	2.0
Downward Variance		
Government Motion <sup>6</sup>	3,434	8.4
Non-Government Variance <sup>7</sup>	8,454	20.6

<sup>1</sup> This table reflects the 41,161 cases sentenced on or after October 1, 2020, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 31, 2021. Of these, 166 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

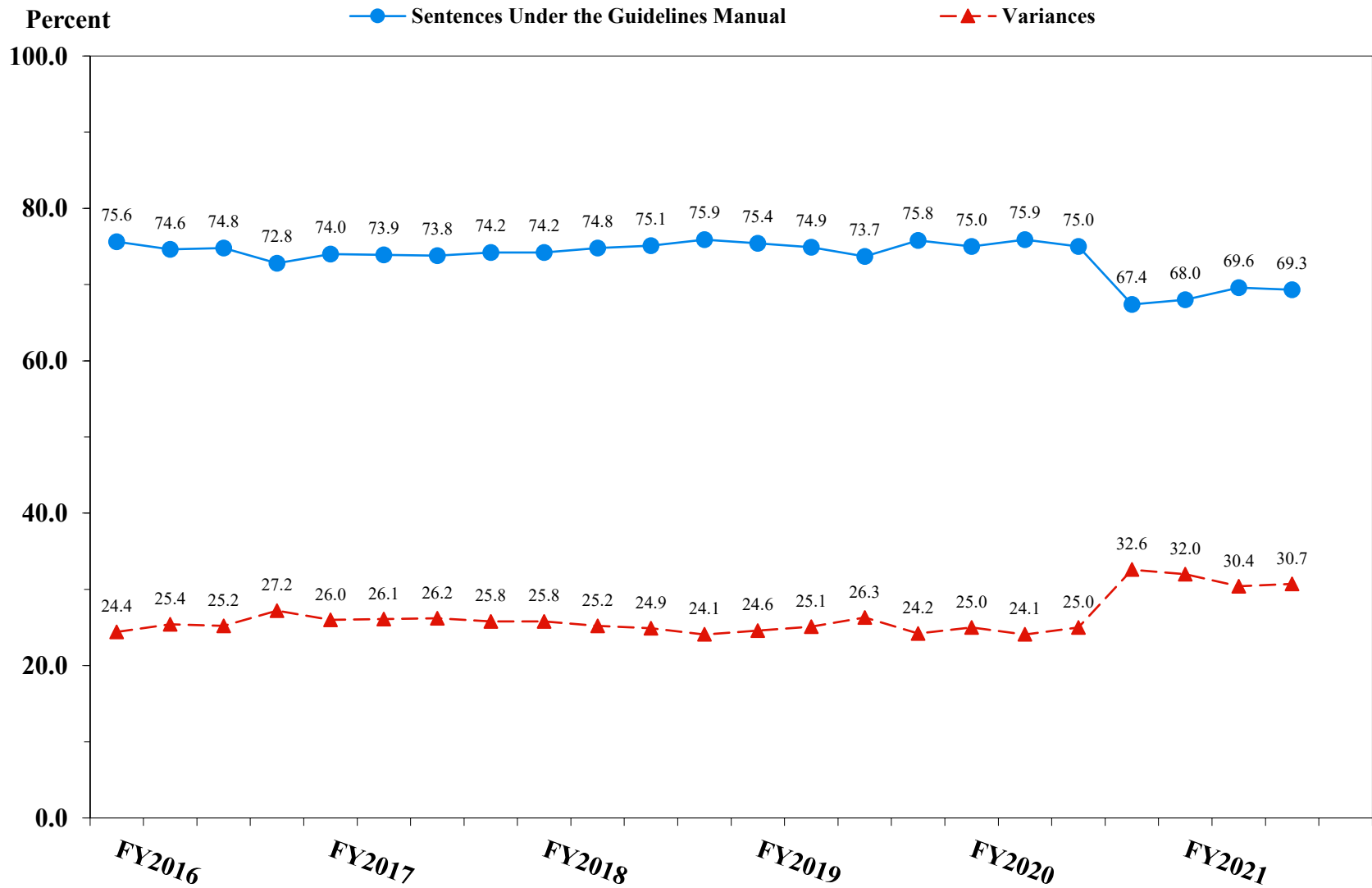
<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).



**Figure 3**

**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2016 - 2020,**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**



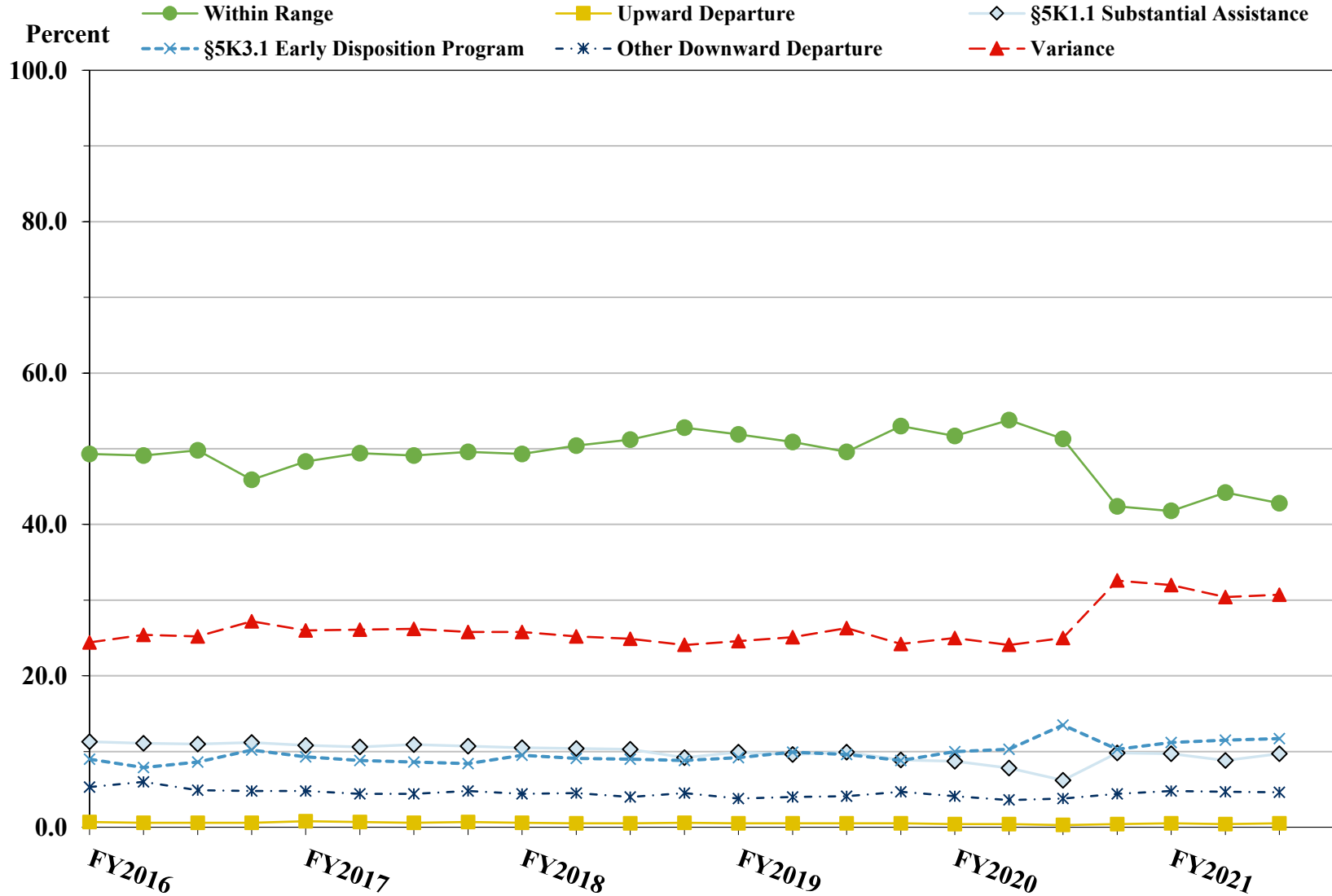
<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA<sup>1</sup>

Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>40,995</b>	<b>17,615</b>	<b>43.0</b>	<b>192</b>	<b>0.5</b>	<b>3,852</b>	<b>9.4</b>	<b>4,696</b>	<b>11.5</b>	<b>1,924</b>	<b>4.7</b>	<b>12,716</b>	<b>31.0</b>
<b>D.C. CIRCUIT</b>	<b>187</b>	<b>55</b>	<b>29.4</b>	<b>0</b>	<b>0.0</b>	<b>15</b>	<b>8.0</b>	<b>0</b>	<b>0.0</b>	<b>15</b>	<b>8.0</b>	<b>102</b>	<b>54.5</b>
District of Columbia	187	55	29.4	0	0.0	15	8.0	0	0.0	15	8.0	102	54.5
<b>FIRST CIRCUIT</b>	<b>1,283</b>	<b>462</b>	<b>36.0</b>	<b>6</b>	<b>0.5</b>	<b>109</b>	<b>8.5</b>	<b>0</b>	<b>0.0</b>	<b>72</b>	<b>5.6</b>	<b>634</b>	<b>49.4</b>
Maine	134	24	17.9	1	0.7	21	15.7	0	0.0	2	1.5	86	64.2
Massachusetts	307	83	27.0	3	1.0	22	7.2	0	0.0	28	9.1	171	55.7
New Hampshire	128	25	19.5	0	0.0	15	11.7	0	0.0	7	5.5	81	63.3
Puerto Rico	656	322	49.1	2	0.3	47	7.2	0	0.0	35	5.3	250	38.1
Rhode Island	58	8	13.8	0	0.0	4	6.9	0	0.0	0	0.0	46	79.3
<b>SECOND CIRCUIT</b>	<b>1,672</b>	<b>460</b>	<b>27.5</b>	<b>2</b>	<b>0.1</b>	<b>273</b>	<b>16.3</b>	<b>3</b>	<b>0.2</b>	<b>67</b>	<b>4.0</b>	<b>867</b>	<b>51.9</b>
Connecticut	235	59	25.1	1	0.4	27	11.5	0	0.0	38	16.2	110	46.8
New York													
Eastern	317	77	24.3	0	0.0	70	22.1	1	0.3	16	5.0	153	48.3
Northern	161	84	52.2	0	0.0	32	19.9	0	0.0	5	3.1	40	24.8
Southern	627	120	19.1	1	0.2	90	14.4	2	0.3	6	1.0	408	65.1
Western	227	95	41.9	0	0.0	36	15.9	0	0.0	1	0.4	95	41.9
Vermont	105	25	23.8	0	0.0	18	17.1	0	0.0	1	1.0	61	58.1
<b>THIRD CIRCUIT</b>	<b>1,426</b>	<b>576</b>	<b>40.4</b>	<b>5</b>	<b>0.4</b>	<b>250</b>	<b>17.5</b>	<b>6</b>	<b>0.4</b>	<b>32</b>	<b>2.2</b>	<b>557</b>	<b>39.1</b>
Delaware	41	14	34.1	1	2.4	9	22.0	1	2.4	1	2.4	15	36.6
New Jersey	476	202	42.4	1	0.2	67	14.1	0	0.0	6	1.3	200	42.0
Pennsylvania													
Eastern	340	113	33.2	0	0.0	78	22.9	3	0.9	12	3.5	134	39.4
Middle	249	101	40.6	0	0.0	53	21.3	2	0.8	6	2.4	87	34.9
Western	271	111	41.0	2	0.7	38	14.0	0	0.0	6	2.2	114	42.1
Virgin Islands	49	35	71.4	1	2.0	5	10.2	0	0.0	1	2.0	7	14.3
<b>FOURTH CIRCUIT</b>	<b>3,152</b>	<b>1,521</b>	<b>48.3</b>	<b>24</b>	<b>0.8</b>	<b>421</b>	<b>13.4</b>	<b>1</b>	<b>0.0</b>	<b>92</b>	<b>2.9</b>	<b>1,093</b>	<b>34.7</b>
Maryland	369	128	34.7	7	1.9	42	11.4	0	0.0	35	9.5	157	42.5
North Carolina													
Eastern	636	343	53.9	6	0.9	158	24.8	0	0.0	8	1.3	121	19.0
Middle	259	116	44.8	3	1.2	34	13.1	0	0.0	5	1.9	101	39.0
Western	349	184	52.7	1	0.3	54	15.5	0	0.0	3	0.9	107	30.7
South Carolina	365	150	41.1	1	0.3	66	18.1	0	0.0	9	2.5	139	38.1
Virginia													
Eastern	672	352	52.4	5	0.7	25	3.7	0	0.0	17	2.5	273	40.6
Western	176	69	39.2	0	0.0	32	18.2	0	0.0	10	5.7	65	36.9
West Virginia													
Northern	177	102	57.6	0	0.0	9	5.1	1	0.6	1	0.6	64	36.2
Southern	149	77	51.7	1	0.7	1	0.7	0	0.0	4	2.7	66	44.3

**Table 9 (cont.)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>11,761</b>	<b>7,020</b>	<b>59.7</b>	<b>42</b>	<b>0.4</b>	<b>569</b>	<b>4.8</b>	<b>1,091</b>	<b>9.3</b>	<b>668</b>	<b>5.7</b>	<b>2,371</b>	<b>20.2</b>
Louisiana													
Eastern	137	84	61.3	1	0.7	18	13.1	0	0.0	0	0.0	34	24.8
Middle	88	41	46.6	0	0.0	21	23.9	0	0.0	1	1.1	25	28.4
Western	147	86	58.5	1	0.7	13	8.8	0	0.0	7	4.8	40	27.2
Mississippi													
Northern	65	23	35.4	1	1.5	9	13.8	0	0.0	1	1.5	31	47.7
Southern	171	110	64.3	1	0.6	14	8.2	5	2.9	2	1.2	39	22.8
Texas													
Eastern	488	321	65.8	5	1.0	16	3.3	0	0.0	12	2.5	134	27.5
Northern	1,153	658	57.1	13	1.1	125	10.8	0	0.0	14	1.2	343	29.7
Southern	5,864	2,933	50.0	18	0.3	221	3.8	1,009	17.2	559	9.5	1,124	19.2
Western	3,648	2,764	75.8	2	0.1	132	3.6	77	2.1	72	2.0	601	16.5
<b>SIXTH CIRCUIT</b>	<b>2,841</b>	<b>1,170</b>	<b>41.2</b>	<b>8</b>	<b>0.3</b>	<b>541</b>	<b>19.0</b>	<b>5</b>	<b>0.2</b>	<b>101</b>	<b>3.6</b>	<b>1,016</b>	<b>35.8</b>
Kentucky													
Eastern	295	163	55.3	3	1.0	43	14.6	0	0.0	2	0.7	84	28.5
Western	209	81	38.8	2	1.0	57	27.3	5	2.4	6	2.9	58	27.8
Michigan													
Eastern	288	121	42.0	0	0.0	14	4.9	0	0.0	8	2.8	145	50.3
Western	218	119	54.6	0	0.0	46	21.1	0	0.0	8	3.7	45	20.6
Ohio													
Northern	576	234	40.6	0	0.0	126	21.9	0	0.0	11	1.9	205	35.6
Southern	366	95	26.0	1	0.3	84	23.0	0	0.0	45	12.3	141	38.5
Tennessee													
Eastern	442	205	46.4	2	0.5	112	25.3	0	0.0	4	0.9	119	26.9
Middle	185	35	18.9	0	0.0	25	13.5	0	0.0	11	5.9	114	61.6
Western	262	117	44.7	0	0.0	34	13.0	0	0.0	6	2.3	105	40.1
<b>SEVENTH CIRCUIT</b>	<b>1,633</b>	<b>630</b>	<b>38.6</b>	<b>2</b>	<b>0.1</b>	<b>145</b>	<b>8.9</b>	<b>1</b>	<b>0.1</b>	<b>75</b>	<b>4.6</b>	<b>780</b>	<b>47.8</b>
Illinois													
Central	167	56	33.5	0	0.0	13	7.8	0	0.0	1	0.6	97	58.1
Northern	457	150	32.8	1	0.2	24	5.3	1	0.2	35	7.7	246	53.8
Southern	161	88	54.7	0	0.0	19	11.8	0	0.0	1	0.6	53	32.9
Indiana													
Northern	236	121	51.3	0	0.0	27	11.4	0	0.0	3	1.3	85	36.0
Southern	315	150	47.6	0	0.0	36	11.4	0	0.0	4	1.3	125	39.7
Wisconsin													
Eastern	197	37	18.8	0	0.0	21	10.7	0	0.0	6	3.0	133	67.5
Western	100	28	28.0	1	1.0	5	5.0	0	0.0	25	25.0	41	41.0
<b>EIGHTH CIRCUIT</b>	<b>3,342</b>	<b>1,403</b>	<b>42.0</b>	<b>23</b>	<b>0.7</b>	<b>357</b>	<b>10.7</b>	<b>24</b>	<b>0.7</b>	<b>68</b>	<b>2.0</b>	<b>1,467</b>	<b>43.9</b>
Arkansas													
Eastern	418	263	62.9	1	0.2	19	4.5	0	0.0	1	0.2	134	32.1
Western	154	57	37.0	1	0.6	21	13.6	0	0.0	0	0.0	75	48.7
Iowa													
Northern	229	101	44.1	10	4.4	51	22.3	0	0.0	4	1.7	63	27.5
Southern	383	119	31.1	1	0.3	63	16.4	1	0.3	3	0.8	196	51.2
Minnesota	177	40	22.6	1	0.6	26	14.7	5	2.8	12	6.8	93	52.5
Missouri													
Eastern	767	299	39.0	1	0.1	54	7.0	1	0.1	5	0.7	407	53.1
Western	410	166	40.5	1	0.2	48	11.7	0	0.0	9	2.2	186	45.4
Nebraska	290	132	45.5	1	0.3	2	0.7	10	3.4	3	1.0	142	49.0
North Dakota	211	78	37.0	3	1.4	72	34.1	6	2.8	3	1.4	49	23.2
South Dakota	303	148	48.8	3	1.0	1	0.3	1	0.3	28	9.2	122	40.3

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
District		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>8,042</b>	<b>1,893</b>	<b>23.5</b>	<b>51</b>	<b>0.6</b>	<b>565</b>	<b>7.0</b>	<b>3,243</b>	<b>40.3</b>	<b>352</b>	<b>4.4</b>	<b>1,938</b>	<b>24.1</b>
Alaska	116	20	17.2	0	0.0	15	12.9	0	0.0	3	2.6	78	67.2
Arizona	3,380	975	28.8	13	0.4	52	1.5	1,903	56.3	91	2.7	346	10.2
California													
Central	630	150	23.8	1	0.2	68	10.8	31	4.9	53	8.4	327	51.9
Eastern	209	71	34.0	1	0.5	46	22.0	1	0.5	5	2.4	85	40.7
Northern	287	50	17.4	0	0.0	26	9.1	2	0.7	10	3.5	199	69.3
Southern	1,979	190	9.6	27	1.4	107	5.4	1,258	63.6	159	8.0	238	12.0
Guam	26	11	42.3	0	0.0	11	42.3	0	0.0	1	3.8	3	11.5
Hawaii	118	47	39.8	0	0.0	38	32.2	0	0.0	0	0.0	33	28.0
Idaho	178	68	38.2	2	1.1	42	23.6	4	2.2	7	3.9	55	30.9
Montana	250	82	32.8	3	1.2	67	26.8	0	0.0	8	3.2	90	36.0
Nevada	194	32	16.5	0	0.0	9	4.6	35	18.0	3	1.5	115	59.3
Northern Mariana Islands	11	8	72.7	0	0.0	1	9.1	0	0.0	0	0.0	2	18.2
Oregon	268	41	15.3	1	0.4	37	13.8	0	0.0	4	1.5	185	69.0
Washington													
Eastern	155	34	21.9	3	1.9	43	27.7	3	1.9	6	3.9	66	42.6
Western	241	114	47.3	0	0.0	3	1.2	6	2.5	2	0.8	116	48.1
<b>TENTH CIRCUIT</b>	<b>2,725</b>	<b>1,039</b>	<b>38.1</b>	<b>20</b>	<b>0.7</b>	<b>206</b>	<b>7.6</b>	<b>313</b>	<b>11.5</b>	<b>288</b>	<b>10.6</b>	<b>859</b>	<b>31.5</b>
Colorado	248	81	32.7	0	0.0	42	16.9	13	5.2	11	4.4	101	40.7
Kansas	290	129	44.5	1	0.3	33	11.4	4	1.4	7	2.4	116	40.0
New Mexico	1,037	420	40.5	5	0.5	31	3.0	224	21.6	112	10.8	245	23.6
Oklahoma													
Eastern	55	30	54.5	0	0.0	4	7.3	0	0.0	2	3.6	19	34.5
Northern	212	87	41.0	10	4.7	22	10.4	0	0.0	60	28.3	33	15.6
Western	286	148	51.7	0	0.0	21	7.3	0	0.0	2	0.7	115	40.2
Utah	457	97	21.2	4	0.9	44	9.6	63	13.8	90	19.7	159	34.8
Wyoming	140	47	33.6	0	0.0	9	6.4	9	6.4	4	2.9	71	50.7
<b>ELEVENTH CIRCUIT</b>	<b>2,931</b>	<b>1,386</b>	<b>47.3</b>	<b>9</b>	<b>0.3</b>	<b>401</b>	<b>13.7</b>	<b>9</b>	<b>0.3</b>	<b>94</b>	<b>3.2</b>	<b>1,032</b>	<b>35.2</b>
Alabama													
Middle	93	36	38.7	0	0.0	23	24.7	0	0.0	1	1.1	33	35.5
Northern	342	169	49.4	0	0.0	75	21.9	0	0.0	5	1.5	93	27.2
Southern	154	79	51.3	0	0.0	30	19.5	0	0.0	1	0.6	44	28.6
Florida													
Middle	761	333	43.8	3	0.4	114	15.0	3	0.4	4	0.5	304	39.9
Northern	171	56	32.7	0	0.0	42	24.6	5	2.9	2	1.2	66	38.6
Southern	461	193	41.9	2	0.4	31	6.7	1	0.2	7	1.5	227	49.2
Georgia													
Middle	243	143	58.8	0	0.0	17	7.0	0	0.0	57	23.5	26	10.7
Northern	399	139	34.8	3	0.8	35	8.8	0	0.0	9	2.3	213	53.4
Southern	307	238	77.5	1	0.3	34	11.1	0	0.0	8	2.6	26	8.5

<sup>1</sup> Of the 41,161 cases, 166 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 CRIME<sup>1</sup>  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>40,995</b>	<b>17,615</b>	<b>43.0</b>	<b>192</b>	<b>0.5</b>	<b>3,852</b>	<b>9.4</b>	<b>4,696</b>	<b>11.5</b>	<b>1,924</b>	<b>4.7</b>	<b>12,716</b>	<b>31.0</b>
Administration of Justice	373	183	49.1	0	0.0	19	5.1	2	0.5	20	5.4	149	39.9
Antitrust	5	0	0.0	0	0.0	4	80.0	0	0.0	0	0.0	1	20.0
Arson	52	24	46.2	0	0.0	7	13.5	0	0.0	4	7.7	17	32.7
Assault	453	220	48.6	9	2.0	16	3.5	0	0.0	41	9.1	167	36.9
Bribery/Corruption	180	32	17.8	1	0.6	58	32.2	0	0.0	7	3.9	82	45.6
Burglary/Trespass	46	25	54.3	2	4.3	3	6.5	0	0.0	7	15.2	9	19.6
Child Pornography	877	283	32.3	4	0.5	11	1.3	1	0.1	43	4.9	535	61.0
Commercialized Vice	71	32	45.1	0	0.0	7	9.9	0	0.0	4	5.6	28	39.4
Drug Possession	193	179	92.7	0	0.0	0	0.0	0	0.0	0	0.0	14	7.3
Drug Trafficking	12,496	3,613	28.9	38	0.3	2,438	19.5	1,229	9.8	560	4.5	4,618	37.0
Environmental	115	60	52.2	0	0.0	17	14.8	0	0.0	4	3.5	34	29.6
Extortion/Racketeering	90	30	33.3	1	1.1	21	23.3	0	0.0	5	5.6	33	36.7
Firearms	5,796	2,904	50.1	44	0.8	292	5.0	7	0.1	236	4.1	2,313	39.9
Food and Drug	35	21	60.0	0	0.0	0	0.0	0	0.0	0	0.0	14	40.0
Forgery/Counter/Copyright	114	58	50.9	1	0.9	9	7.9	0	0.0	4	3.5	42	36.8
Fraud/Theft/Embezzlement	3,182	1,370	43.1	30	0.9	399	12.5	9	0.3	124	3.9	1,250	39.3
Immigration	12,505	6,659	53.3	23	0.2	95	0.8	3,438	27.5	661	5.3	1,629	13.0
Individual Rights	51	28	54.9	0	0.0	8	15.7	0	0.0	0	0.0	15	29.4
Kidnapping	62	13	21.0	0	0.0	16	25.8	0	0.0	6	9.7	27	43.5
Manslaughter	40	15	37.5	6	15.0	1	2.5	0	0.0	5	12.5	13	32.5
Money Laundering	717	168	23.4	5	0.7	186	25.9	4	0.6	39	5.4	315	43.9
Murder	172	53	30.8	2	1.2	43	25.0	0	0.0	11	6.4	63	36.6
National Defense	153	64	41.8	1	0.7	17	11.1	2	1.3	12	7.8	57	37.3
Obscenity/Other Sex Offenses	209	100	47.8	4	1.9	0	0.0	1	0.5	13	6.2	91	43.5
Prison Offenses	387	253	65.4	1	0.3	8	2.1	1	0.3	6	1.6	118	30.5
Robbery	917	355	38.7	10	1.1	101	11.0	1	0.1	42	4.6	408	44.5
Sexual Abuse	740	281	38.0	6	0.8	43	5.8	0	0.0	37	5.0	373	50.4
Stalking/Harassing	162	69	42.6	4	2.5	1	0.6	1	0.6	13	8.0	74	45.7
Tax	308	66	21.4	0	0.0	30	9.7	0	0.0	18	5.8	194	63.0
Other	494	457	92.5	0	0.0	2	0.4	0	0.0	2	0.4	33	6.7

<sup>1</sup> Of the 41,161 cases, 166 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.

Table 11

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

Guideline	Within Guideline							Variance	Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Departure			Total	Range	Up	§5K1.1	§5K3.1	Down	Departure
§2A1.1	119	41	0	36	0	5	37	§2D1.8	14	2	0	2	0	1	9	
§2A1.2	27	10	2	3	0	3	9	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	21	6	3	1	0	3	8	§2D1.10	1	0	0	0	0	0	1	
§2A1.4	19	9	3	0	0	2	5	§2D1.11	2	0	0	0	0	0	2	
§2A1.5	14	1	0	2	0	1	10	§2D1.12	4	2	0	0	0	0	2	
§2A2.1	70	30	0	10	0	5	25	§2D1.13	1	1	0	0	0	0	0	
§2A2.2	289	127	8	6	0	32	116	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	49	38	1	0	0	1	9	§2D2.1	74	64	0	0	0	0	10	
§2A2.4	131	78	0	0	2	7	44	§2D2.2	35	29	0	1	0	0	5	
§2A3.1	74	21	0	2	0	11	40	§2D2.3	0	0	0	0	0	0	0	
§2A3.2	34	21	2	0	0	1	10	§2D3.1	1	1	0	0	0	0	0	
§2A3.3	0	0	0	0	0	0	0	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	16	8	0	0	0	2	6	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	174	87	1	0	1	12	73	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	61	13	0	16	0	6	26	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	0	0	0	0	0	0	0	§2E1.1	25	11	0	3	0	0	11	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	1	0	0	0	0	1	
§2A5.2	17	10	0	0	0	0	7	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	4	3	0	0	0	0	1	
§2A6.1	119	55	4	1	1	9	49	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	38	14	0	0	0	3	21	§2E2.1	7	2	0	2	0	1	2	
§2B1.1	2,972	1,193	27	395	3	120	1,234	§2E3.1	30	9	0	6	0	2	13	
§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	4	1	0	1	0	0	2	§2E4.1	20	4	0	10	0	0	6	
§2B1.5	4	1	0	0	0	0	3	§2E5.1	1	0	0	1	0	0	0	
§2B1.6 <sup>2</sup>	51	48	0	2	0	1	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	39	20	2	3	0	6	8	§2E5.3	0	0	0	0	0	0	0	
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0	
§2B2.3	2	1	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	907	352	10	100	1	42	402	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	20	6	0	1	0	3	10	§2F1.1	2	0	0	0	0	0	2	
§2B3.3	7	3	1	1	0	0	2	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	69	10	0	28	0	2	29	§2G1.1	39	13	0	5	0	1	20	
§2B5.1	82	52	0	6	0	3	21	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	241	101	2	19	0	5	114	
§2B5.3	29	6	0	1	0	1	21	§2G2.1	357	123	2	17	0	18	197	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	876	283	4	11	1	43	534	
§2B6.1	2	0	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	97	20	1	25	0	4	47	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	11	0	0	5	0	1	5	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	1	1	0	0	0	0	0	§2G2.6	1	0	0	0	0	0	1	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	31	13	3	0	0	0	15	
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0	
§2C1.6	0	0	0	0	0	0	0	§2H1.1	23	5	0	5	0	0	13	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	0	0	0	0	0	0	0	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	12,230	3,489	36	2,410	1,221	534	4,540	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	186	103	2	19	0	17	45	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	12	10	0	2	0	0	0	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	5	5	0	0	0	0	0	
§2D1.5	3	0	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	3	2	0	0	0	0	1	
§2D1.7	1	1	0	0	0	0	0	§2H4.1	5	3	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	115	48	0	13	2	10	42
§2J1.1	0	0	0	0	0	0	0	§2M5.3	5	2	0	0	0	0	3
§2J1.2	62	15	0	6	0	1	40	§2M6.1	4	1	1	1	0	0	1
§2J1.3	16	5	0	3	0	1	7	§2M6.2	0	0	0	0	0	0	0
§2J1.4	7	4	0	0	0	1	2	§2N1.1	12	0	0	0	0	0	12
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	16	11	0	0	0	0	5	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	19	17	0	0	0	0	2
§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	188	128	0	5	0	1	54
§2K1.1	1	1	0	0	0	0	0	§2P1.2	155	110	1	2	0	1	41
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	10	3	0	0	0	1	6	§2P1.4	0	0	0	0	0	0	0
§2K1.4	51	24	0	7	0	4	16	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	37	18	0	8	0	1	10
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	9	1	0	2	0	1	5
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	5,499	2,695	38	271	7	232	2,256	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	0	1
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	55	29	0	7	0	2	17
§2K2.4 <sup>3</sup>	233	181	6	18	0	1	27	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	9	8	0	0	0	0	1	§2R1.1	5	0	0	4	0	0	1
§2K2.6	1	1	0	0	0	0	0	§2S1.1	594	118	0	178	3	26	269
§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	117	48	5	8	1	12	43
§2L1.1	2,515	1,063	5	69	864	89	425	§2S1.4	0	0	0	0	0	0	0
§2L1.2	8,598	4,643	16	18	2,350	542	1,029	§2T1.1	177	33	0	15	0	14	115
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	40	17	0	8	0	2	13	§2T1.3	0	0	0	0	0	0	0
§2L2.2	401	296	1	0	2	14	88	§2T1.4	94	21	0	13	0	4	56
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	28	9	0	1	0	0	18
§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	3	1	0	1	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	0	0	0	0	0	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	4	2	0	0	0	0	2
§2M3.1	2	1	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	1	0	0	0	0	0	§2X1.1	11	4	1	3	0	1	2
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	49	10	0	6	0	6	27
§2M3.6	0	0	0	0	0	0	0	§2X4.1	127	60	0	10	0	10	47
§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	127	114	0	0	0	0	13
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	18	4	0	3	0	2	9	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>39,224</b>	<b>16,312</b>	<b>188</b>	<b>3,843</b>	<b>4,459</b>	<b>1,888</b>	<b>12,534</b>

<sup>1</sup> Of the 41,161 cases, 1,937 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 (166) or missing guideline applied (1,912). Descriptions of variables used in this table are provided in Appendix A.

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

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



Table 12

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
<b>TOTAL</b>	<b>23,380</b>	<b>3,861</b>	<b>16.5</b>	<b>4,766</b>	<b>20.4</b>	<b>3,772</b>	<b>16.1</b>	<b>5,484</b>	<b>23.5</b>	<b>370</b>	<b>1.6</b>
<b>Departures</b>	<b>10,664</b>	<b>3,852</b>	<b>36.1</b>	<b>4,763</b>	<b>44.7</b>	<b>2,636</b>	<b>24.7</b>	<b>4,373</b>	<b>41.0</b>	<b>232</b>	<b>2.2</b>
Upward Departure	192	0	0.0	0	0.0	54	28.1	37	19.3	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	3,852	3,852	100.0	67	1.7	154	4.0	989	25.7	17	0.4
§5K3.1 Early Disposition Program	4,696	0	0.0	4,696	100.0	1,976	42.1	3,054	65.0	202	4.3
Other Government Motion	883	0	0.0	0	0.0	452	51.2	293	33.2	13	1.5
Non-Government Departure	1,041	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>12,716</b>	<b>9</b>	<b>0.1</b>	<b>3</b>	<b>0.0</b>	<b>1,136</b>	<b>8.9</b>	<b>1,111</b>	<b>8.7</b>	<b>138</b>	<b>1.1</b>
Upward Variance	828	9	1.1	3	0.4	139	16.8	90	10.9	0	0.0
Downward Variance											
Government Motion	3,434	0	0.0	0	0.0	997	29.0	1,021	29.7	138	4.0
Non-Government Variance	8,454	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>3,553</b>	<b>15.2</b>	<b>4,043</b>	<b>17.3</b>	<b>4,788</b>	<b>20.5</b>	<b>1,231</b>	<b>5.3</b>	<b>3,141</b>	<b>13.4</b>	<b>1,439</b>	<b>6.2</b>
<b>Departures</b>	<b>2,984</b>	<b>28.0</b>	<b>1,539</b>	<b>14.4</b>	<b>1,039</b>	<b>9.7</b>	<b>549</b>	<b>5.1</b>	<b>901</b>	<b>8.4</b>	<b>136</b>	<b>1.3</b>
Upward Departure	42	21.9	0	0.0	2	1.0	7	3.6	47	24.5	19	9.9
Downward Departure												
§5K1.1 Substantial Assistance	2,458	63.8	429	11.1	448	11.6	181	4.7	409	0.0	0	0.0
§5K3.1 Early Disposition Program	364	7.8	461	9.8	343	7.3	282	6.0	195	4.2	0	0.0
Other Government Motion	120	13.6	66	7.5	43	4.9	79	8.9	43	4.9	18	2.0
Non-Government Departure	0	0.0	583	56.0	203	19.5	0	0.0	207	19.9	99	9.5
<b>Variations</b>	<b>569</b>	<b>4.5</b>	<b>2,504</b>	<b>19.7</b>	<b>3,749</b>	<b>29.5</b>	<b>682</b>	<b>5.4</b>	<b>2,240</b>	<b>17.6</b>	<b>1,303</b>	<b>10.2</b>
Upward Variance	168	20.3	2	0.2	6	0.7	20	2.4	324	39.1	110	13.3
Downward Variance												
Government Motion	401	11.7	287	8.4	189	5.5	662	19.3	167	4.9	119	3.5
Non-Government Variance	0	0.0	2,215	26.2	3,554	42.0	0	0.0	1,749	20.7	1,074	12.7

<sup>1</sup> Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 9,719 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

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

**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>188</b>	<b>79</b>	<b>23</b>	<b>85.9</b>	<b>60</b>	<b>15</b>	<b>38.8</b>
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	9	66	30	75.6	60	18	71.4
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	4	185	57	51.7	190	47	40.8
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	38	123	35	149.7	120	30	25.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	43	79	24	50.8	78	17	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	30	34	11	136.2	16	8	66.7
Immigration	23	30	10	66.9	27	7	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	6	96	18	21.2	98	16	20.7
Money Laundering	5	22	10	89.2	21	6	100.0
Murder	1	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	4	46	18	73.8	43	18	79.8
Prison Offenses	1	--	--	--	--	--	--
Robbery	9	148	34	30.5	144	31	24.8
Sexual Abuse	5	111	16	18.2	72	13	12.5
Stalking/Harassing	4	45	12	35.4	49	12	31.9
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 41,161 cases, in 192 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, four cases were excluded from this table. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>820</b>	<b>84</b>	<b>25</b>	<b>67.9</b>	<b>62</b>	<b>15</b>	<b>33.3</b>
Administration of Justice	15	76	38	123.4	46	18	50.0
Antitrust	0	--	--	--	--	--	--
Arson	6	154	52	63.6	120	24	28.6
Assault	20	72	15	37.0	60	12	28.0
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	27	146	28	27.8	131	23	23.7
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	159	93	29	101.0	80	18	33.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	259	81	24	50.6	72	15	30.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	60	56	22	87.2	37	12	60.6
Immigration	135	32	12	70.1	24	8	50.0
Individual Rights	4	125	36	42.0	86	24	38.1
Kidnapping	1	--	--	--	--	--	--
Manslaughter	5	166	25	24.1	144	23	10.6
Money Laundering	6	52	11	70.9	42	12	26.8
Murder	6	299	35	13.6	330	17	7.6
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	14	71	43	160.2	66	38	158.3
Prison Offenses	10	41	17	72.6	45	14	56.1
Robbery	28	148	34	35.5	132	25	20.4
Sexual Abuse	33	203	39	25.1	180	30	20.0
Stalking/Harassing	14	87	39	80.0	59	16	34.8
Tax	0	--	--	--	--	--	--
Other	11	13	4	50.9	9	3	50.0

<sup>1</sup> Of the 41,161 cases, in 828 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. Also, seven cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>3,794</b>	<b>53</b>	<b>53</b>	<b>54.7</b>	<b>39</b>	<b>38</b>	<b>50.0</b>
Administration of Justice	18	2	13	88.0	0	10	100.0
Antitrust	4	3	25	90.0	3	25	89.9
Arson	7	24	44	61.9	27	33	55.0
Assault	15	52	113	67.2	44	84	74.6
Bribery/Corruption	57	12	30	73.4	6	21	72.4
Burglary/Trespass	3	15	13	49.7	14	15	53.3
Child Pornography	11	117	58	37.7	84	60	38.1
Commercialized Vice	5	1	12	83.2	0	6	99.9
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	2,420	63	60	51.7	54	48	47.7
Environmental	17	2	13	90.7	0	10	100.0
Extortion/Racketeering	21	5	54	94.5	0	18	100.0
Firearms	292	41	35	51.0	32	23	44.6
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	9	13	13	49.5	11	8	37.4
Fraud/Theft/Embezzlement	398	17	25	65.0	12	21	61.3
Immigration	95	14	13	55.6	12	10	50.0
Individual Rights	8	29	48	61.2	13	12	59.5
Kidnapping	13	117	103	50.0	108	84	50.0
Manslaughter	1	--	--	--	--	--	--
Money Laundering	180	52	67	60.3	33	48	55.8
Murder	26	118	161	61.1	108	147	65.5
National Defense	16	16	30	67.7	19	28	62.8
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	8	8	24	55.1	9	6	41.7
Robbery	99	69	56	46.8	71	44	41.2
Sexual Abuse	38	114	77	44.6	114	58	40.6
Stalking/Harassing	1	--	--	--	--	--	--
Tax	30	12	21	74.0	5	18	76.7
Other	2	--	--	--	--	--	--

<sup>1</sup> Of the 41,161 cases, in 3,852 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, 33 cases were excluded from this table. Also, 25 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>4,696</b>	<b>15</b>	<b>20</b>	<b>51.3</b>	<b>11</b>	<b>9</b>	<b>48.9</b>
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	1	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,229	28	52	65.9	24	45	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	7	20	9	34.5	24	6	20.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	9	1	19	91.3	0	6	99.5
Immigration	3,438	11	8	46.0	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	4	48	108	77.8	5	85	86.4
Murder	0	--	--	--	--	--	--
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	1	--	--	--	--	--	--
Robbery	1	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 41,161 cases, in 4,696 the offender received a §5K3.1 early disposition program departure below the guideline range. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

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

**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>1,898</b>	<b>38</b>	<b>26</b>	<b>45.8</b>	<b>18</b>	<b>15</b>	<b>41.3</b>
Administration of Justice	20	7	11	71.1	2	10	85.8
Antitrust	0	--	--	--	--	--	--
Arson	4	16	18	54.5	17	14	51.0
Assault	41	31	23	42.3	24	17	37.0
Bribery/Corruption	7	16	10	46.2	14	10	40.4
Burglary/Trespass	7	12	6	41.2	12	6	33.0
Child Pornography	41	101	53	36.2	84	44	28.6
Commercialized Vice	4	5	5	66.5	2	4	74.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	555	65	42	42.7	60	28	36.8
Environmental	4	0	15	100.0	0	11	100.0
Extortion/Racketeering	5	27	14	32.3	24	6	21.6
Firearms	235	31	19	44.9	24	15	37.5
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	4	9	12	52.2	6	6	50.0
Fraud/Theft/Embezzlement	122	20	18	61.6	9	12	57.7
Immigration	661	14	13	45.5	12	9	42.8
Individual Rights	0	--	--	--	--	--	--
Kidnapping	6	112	69	40.4	120	79	37.3
Manslaughter	5	58	27	38.5	24	26	35.1
Money Laundering	36	42	34	49.1	26	13	42.0
Murder	8	139	53	31.2	159	51	21.6
National Defense	12	17	21	61.9	14	16	60.0
Obscenity/Other Sex Offenses	12	11	9	49.7	8	8	30.2
Prison Offenses	6	9	8	61.3	8	6	57.4
Robbery	42	87	33	32.9	64	26	27.0
Sexual Abuse	31	133	70	34.7	120	48	31.3
Stalking/Harassing	12	10	19	66.0	12	14	51.3
Tax	18	7	15	65.5	5	14	63.7
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 41,161 cases, in 1,924 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (883) or a non-government departure (1,041). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 11 cases were excluded from this table. Also, 15 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

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

**3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>11,631</b>	<b>50</b>	<b>28</b>	<b>44.5</b>	<b>30</b>	<b>16</b>	<b>35.7</b>
Administration of Justice	133	8	10	66.9	3	9	70.7
Antitrust	1	--	--	--	--	--	--
Arson	11	61	29	33.7	24	13	35.1
Assault	144	45	22	41.2	26	15	31.9
Bribery/Corruption	82	21	20	58.4	12	13	52.3
Burglary/Trespass	8	14	13	64.1	6	15	76.4
Child Pornography	500	80	50	40.5	70	42	38.1
Commercialized Vice	25	10	8	59.8	4	6	50.0
Drug Possession	10	1	5	89.4	0	4	98.5
Drug Trafficking	4,412	71	38	39.6	60	27	32.0
Environmental	33	3	10	84.4	0	6	100.0
Extortion/Racketeering	32	22	17	54.2	12	15	50.0
Firearms	2,042	37	19	42.1	27	12	32.4
Food and Drug	13	23	27	59.6	15	23	70.6
Forgery/Counter/Copyright	41	7	13	74.9	0	12	99.3
Fraud/Theft/Embezzlement	1,176	19	17	59.5	12	10	55.0
Immigration	1,487	13	9	47.0	12	6	38.4
Individual Rights	11	26	20	59.6	12	15	60.0
Kidnapping	21	114	43	29.5	96	38	30.0
Manslaughter	8	35	18	43.9	18	18	49.0
Money Laundering	294	47	36	49.9	27	20	43.7
Murder	34	163	81	35.4	180	59	33.3
National Defense	56	33	28	49.6	29	22	45.0
Obscenity/Other Sex Offenses	77	13	8	44.9	12	6	33.3
Prison Offenses	108	8	7	48.8	6	4	45.2
Robbery	365	86	31	31.6	84	24	23.4
Sexual Abuse	235	147	72	34.1	144	60	31.3
Stalking/Harassing	60	15	17	61.1	8	12	57.8
Tax	191	11	14	62.7	6	12	66.6
Other	21	6	15	77.2	0	6	97.0

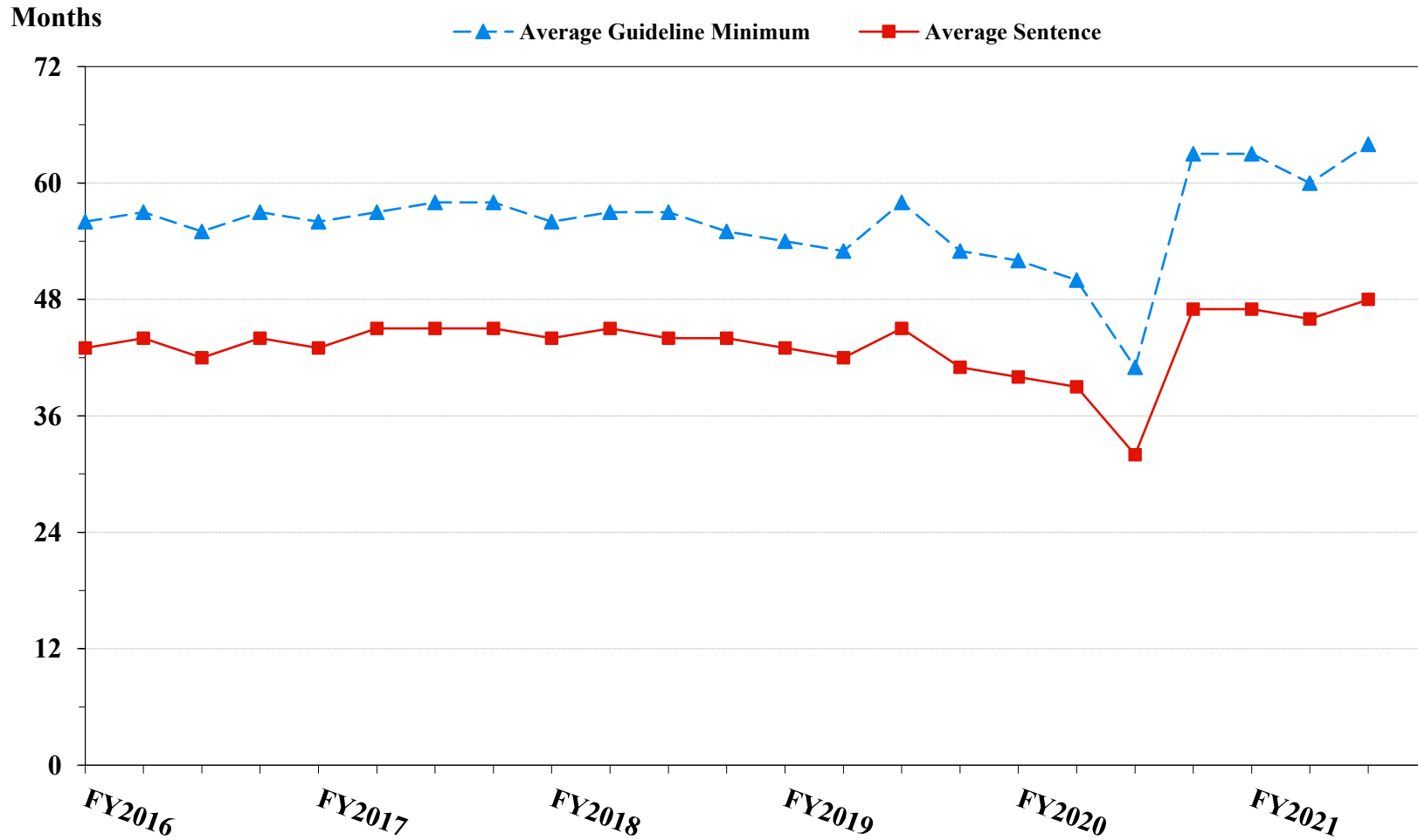
<sup>1</sup> Of the 41,161 cases, in 11,888 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,434) or a non-government variance (8,454). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 101 cases were excluded from this table. Also, 156 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).



Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR ALL CASES<sup>1</sup>  
Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

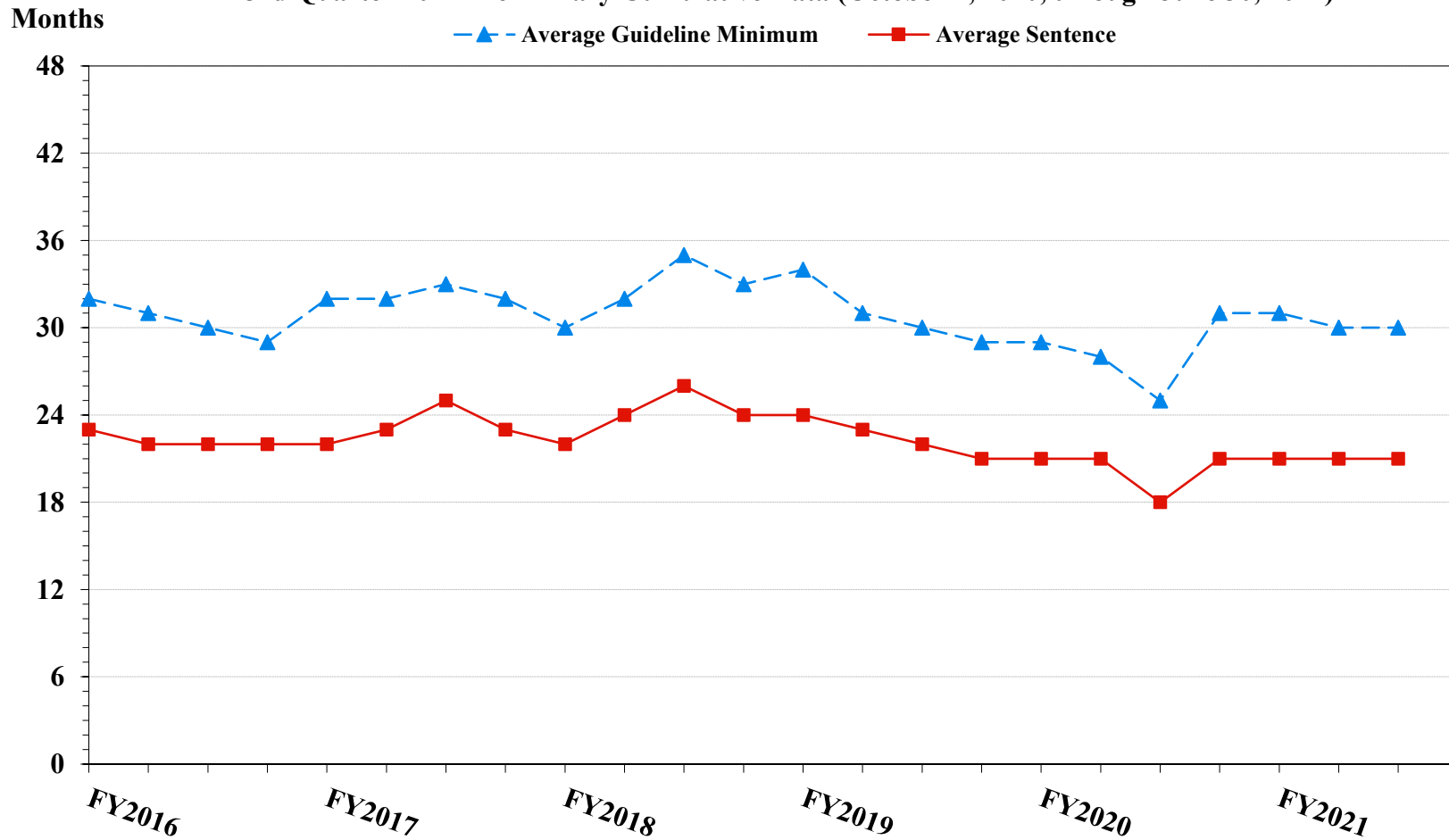


<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 6

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>  
Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

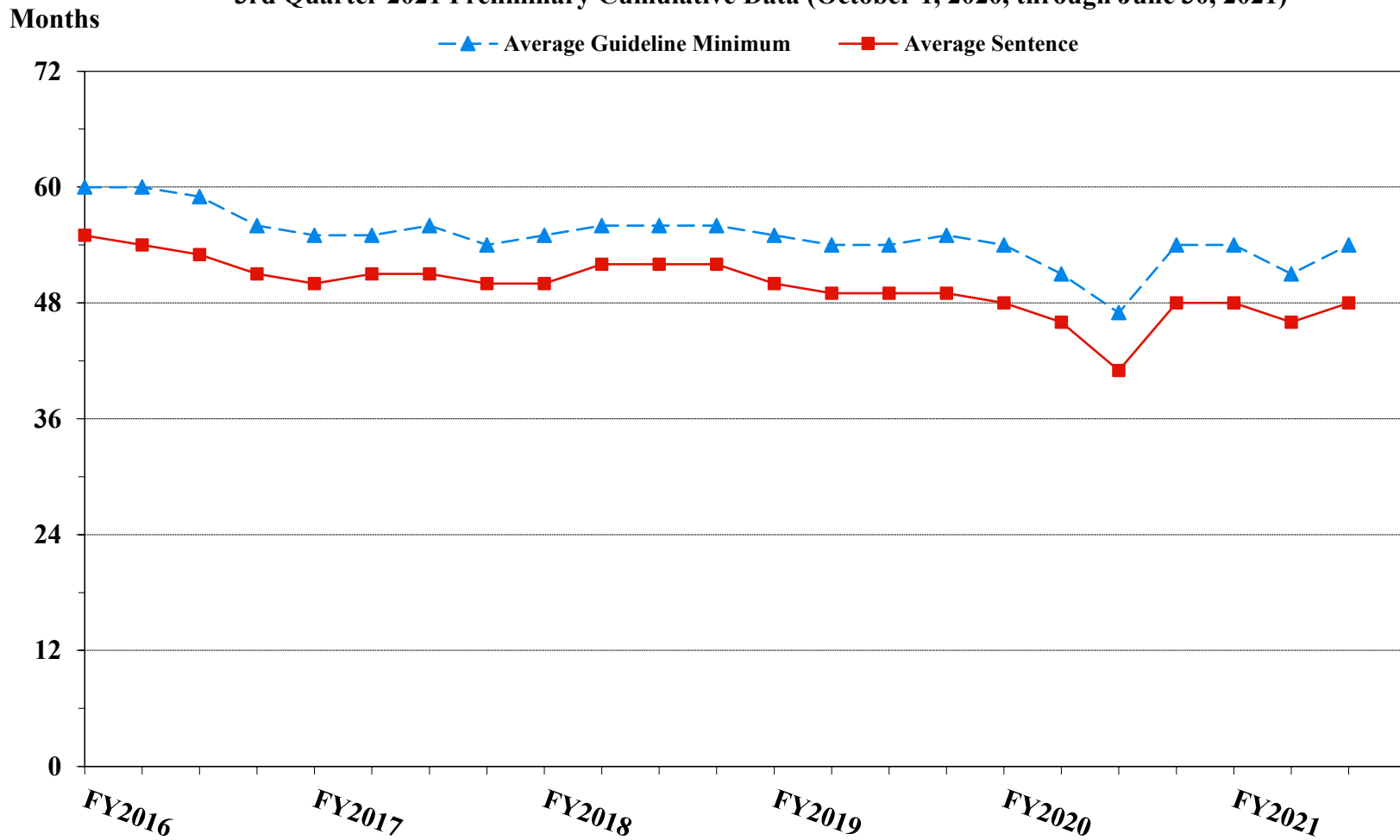


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>  
Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

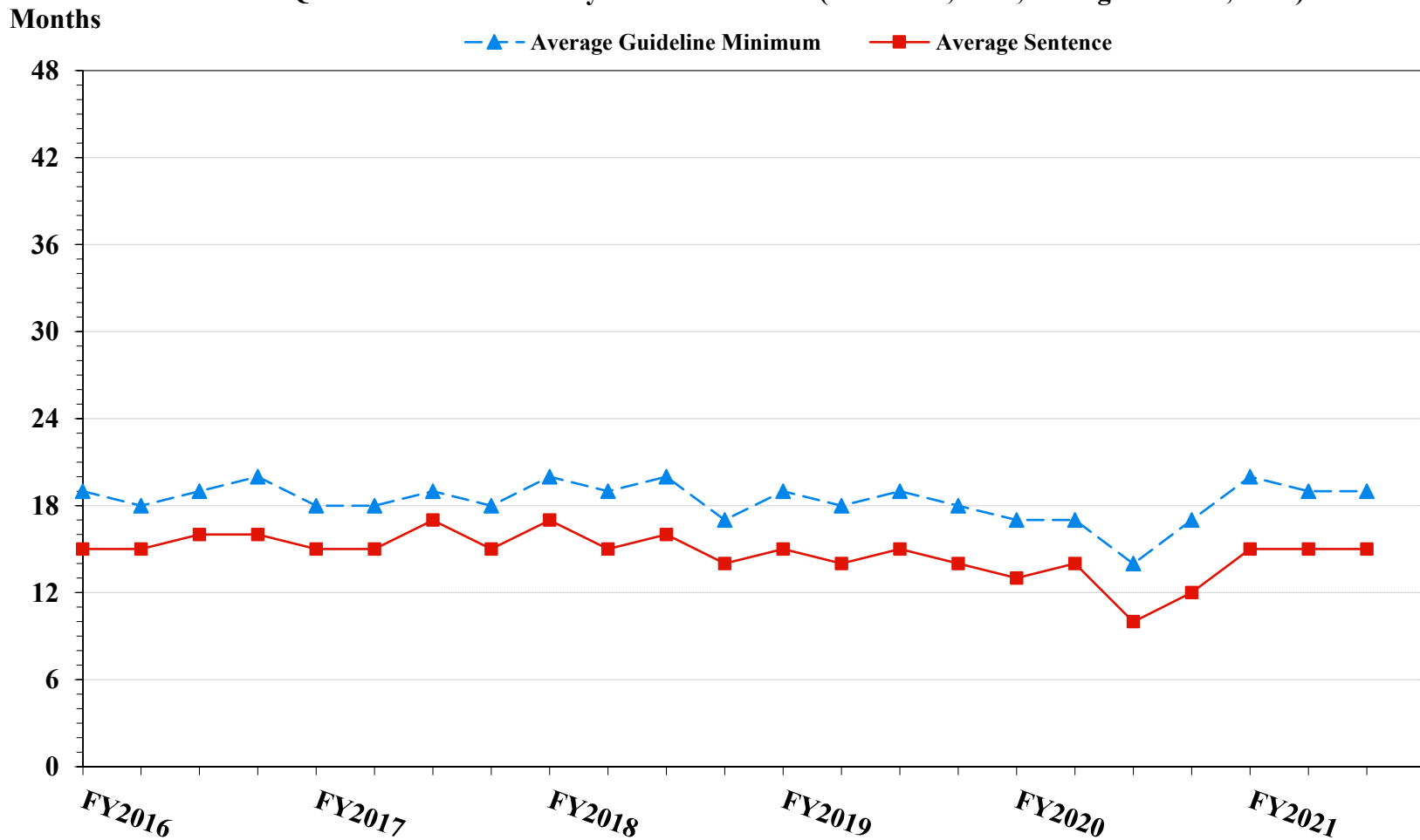


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. The information presented in this 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)<sup>1</sup>**

**Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

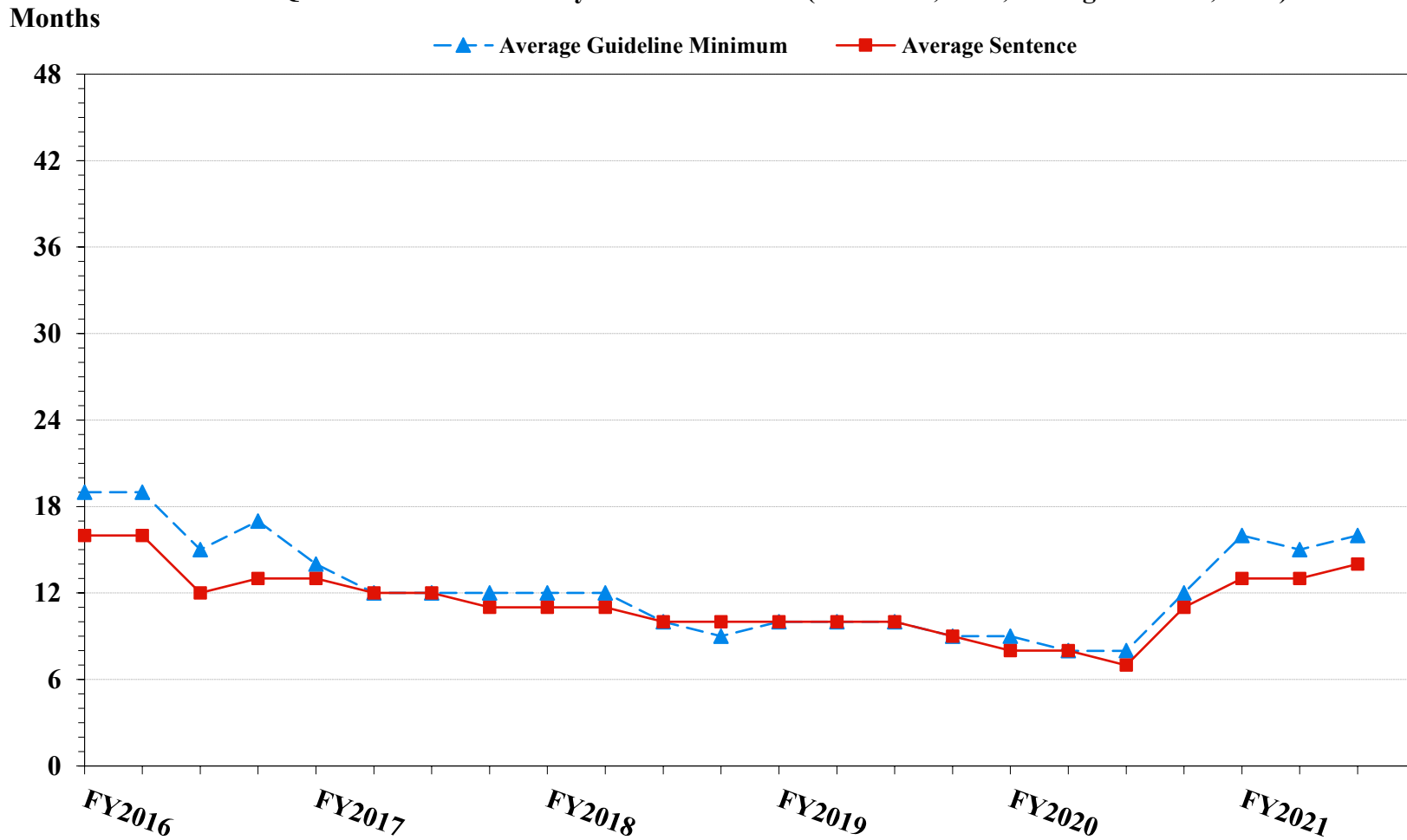


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>  
Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

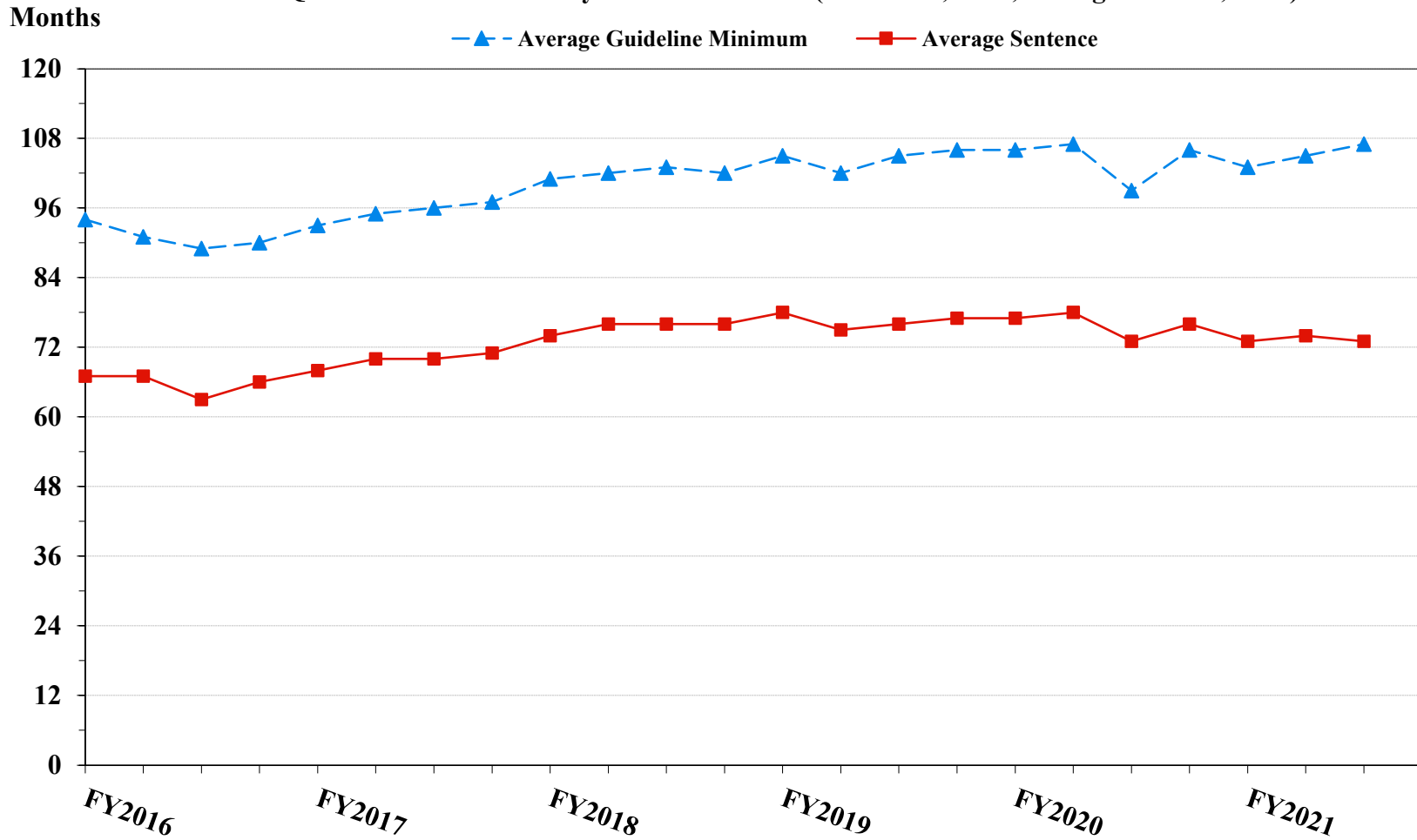


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>  
Fiscal Years 2016 - 2020,  
3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)**

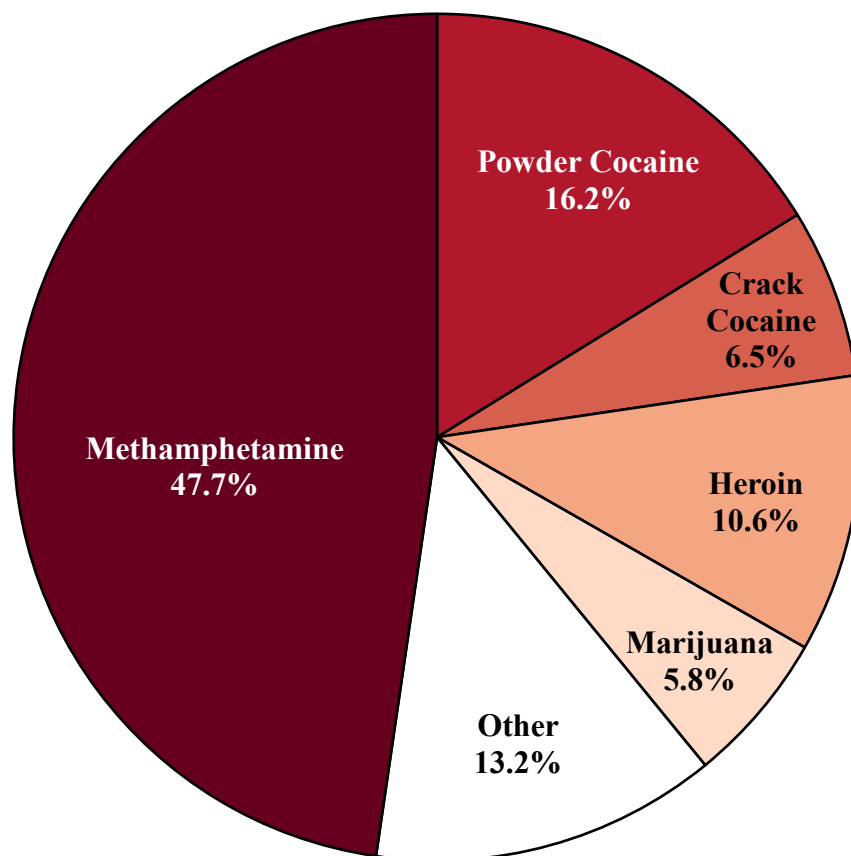


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE  
IN FEDERAL DRUG CASES<sup>1,2</sup>**  
**3rd Quarter 2021 Preliminary Cumulative Data  
(October 1, 2020, through June 30, 2021)**



<sup>1</sup> Of the 41,161 cases, in 12,558 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (1,054), Oxycodone/Oxycontin (176), Fentanyl Analogue (100), and Hydrocodone (67).

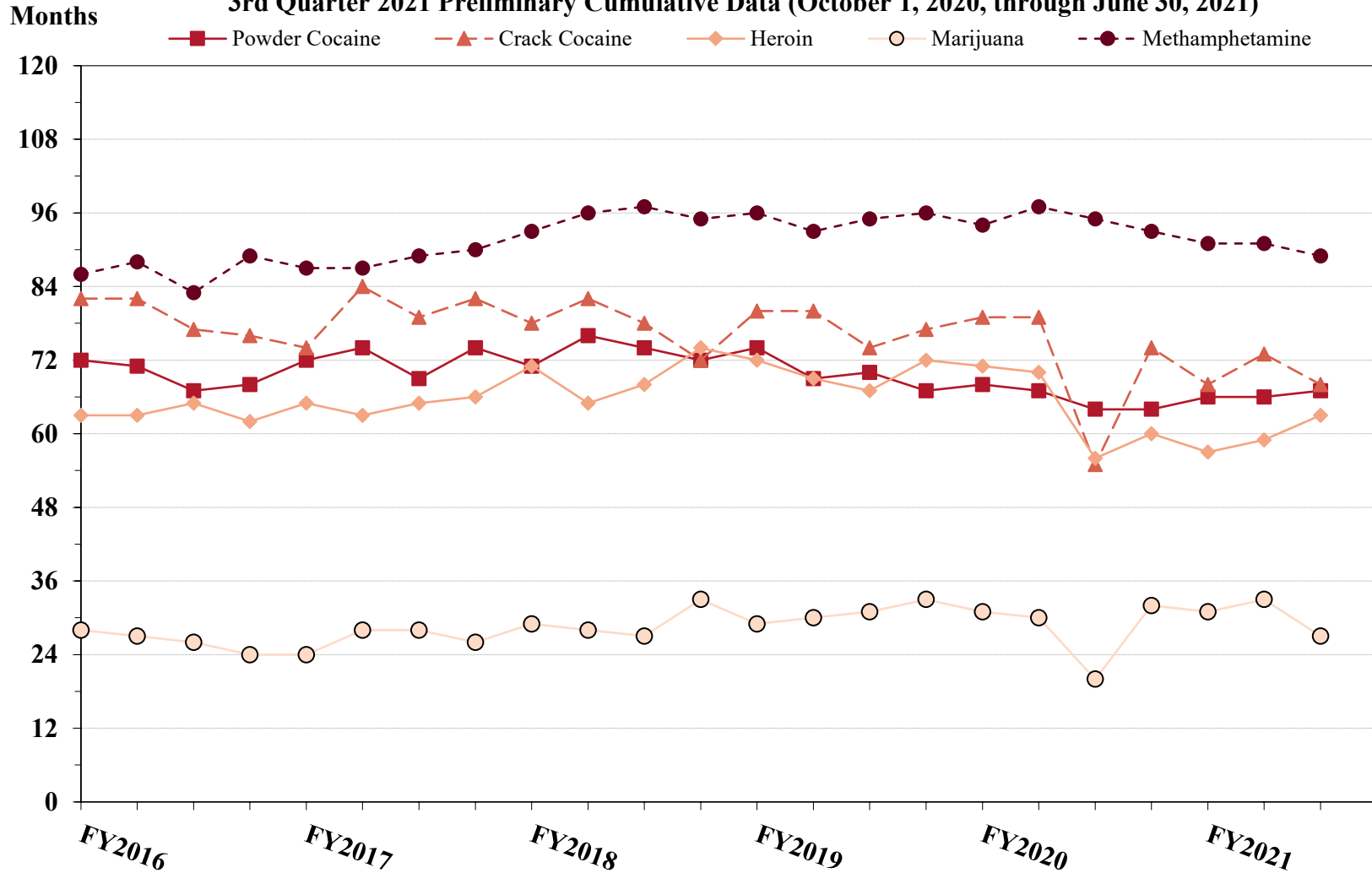
SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through June 30, 2021).

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS  
BY MAJOR DRUG TYPE QUARTERLY DATA<sup>1</sup>**

Fiscal Years 2016 - 2020,

3rd Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through June 30, 2021)



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

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through June 30, 2021).



## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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

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

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

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

#### Variables

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The following section describes the variables used in this report.

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

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

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

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

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

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

**Circuit**

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

**Citizenship Status**

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

**District**

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

**Downward Departure**

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

**Downward Variance**

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

**Extent of Decrease**

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

**Extent of Increase**

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

**Federal Offenders Sentenced**

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

**Gender**

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

### **Government Motion (Variance)**

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

### **Guideline Sentencing Range**

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

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

### **Non-Government Departure**

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

### **Non-Government Variance**

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

### **Other Government Motion (Downward Departure)**

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

### **Primary Drug Type**

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

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

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

### **Primary Guideline**

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

### **Race**

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

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

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

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

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

### **Sentence Type**

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

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

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

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

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

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

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

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

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

### **Type of Crime**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Upward Departure**

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



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

**Upward Variance**

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

**Within Guideline Range**

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

**Year**

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