

United States Sentencing Commission Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2022 Data
Through June 30, 2022**

Introduction

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

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

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

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

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

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

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

pornography is treated under the sentencing guidelines.

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

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

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

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

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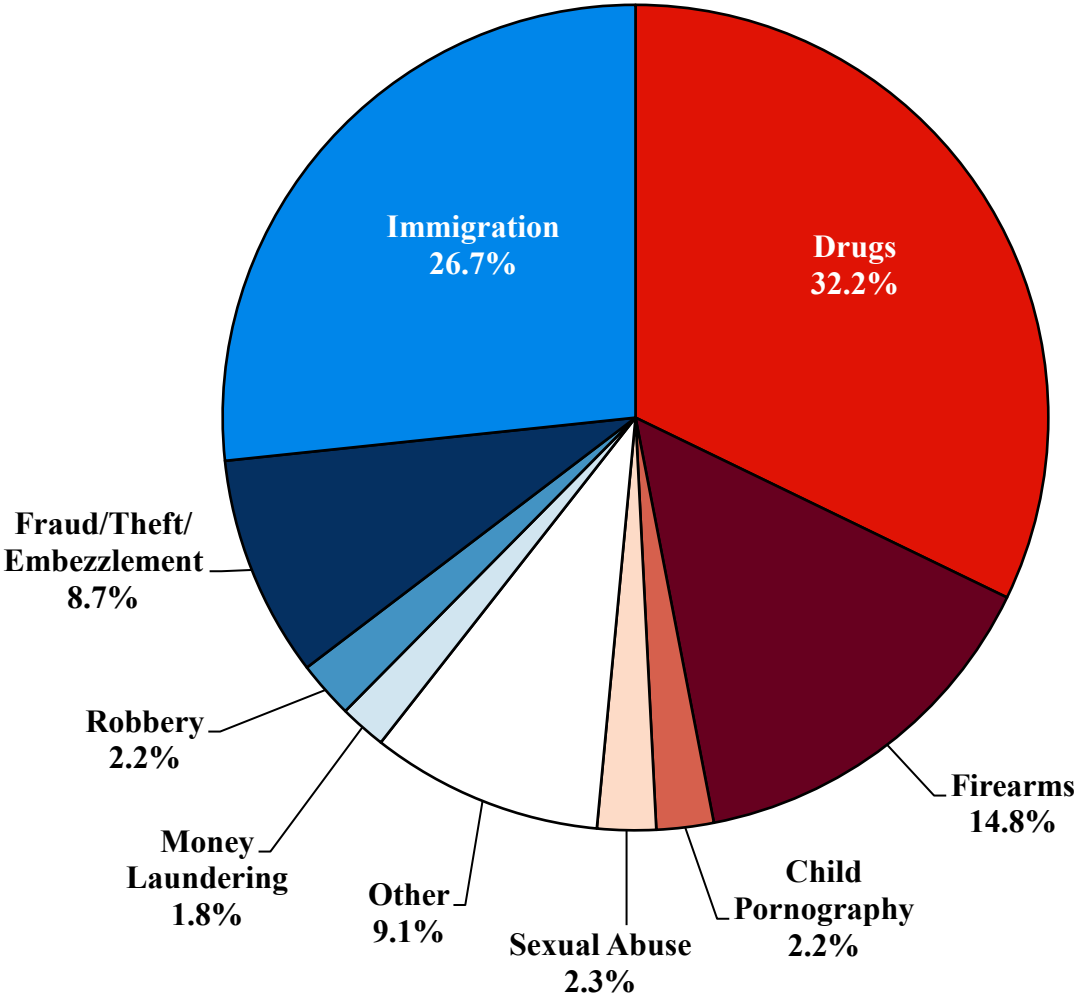
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through June 30, 2022)



¹ This figure includes the 47,002 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	N	%
TOTAL	47,002	100.0
Administration of Justice	474	1.0
Antitrust	6	0.0
Arson	79	0.2
Assault	620	1.3
Bribery/Corruption	272	0.6
Burglary/Trespass	84	0.2
Child Pornography	1,051	2.2
Commercialized Vice	53	0.1
Drug Possession	222	0.5
Drug Trafficking	14,899	31.7
Environmental	116	0.2
Extortion/Racketeering	92	0.2
Firearms	6,952	14.8
Food and Drug	32	0.1
Forgery/Counter/Copyright	92	0.2
Fraud/Theft/Embezzlement	4,077	8.7
Immigration	12,538	26.7
Individual Rights	58	0.1
Kidnapping	91	0.2
Manslaughter	58	0.1
Money Laundering	859	1.8
Murder	277	0.6
National Defense	129	0.3
Obscenity/Other Sex Offenses	261	0.6
Prison Offenses	373	0.8
Robbery	1,051	2.2
Sexual Abuse	1,080	2.3
Stalking/Harassing	196	0.4
Tax	371	0.8
Other	539	1.1

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through June 30, 2022)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	47,002	100.0			
D.C. CIRCUIT	213	0.5	FIFTH CIRCUIT	12,107	25.8
District of Columbia	213	0.5	Louisiana		
			Eastern	232	0.5
FIRST CIRCUIT	1,305	2.8	Middle	74	0.2
Maine	145	0.3	Western	251	0.5
Massachusetts	360	0.8	Mississippi		
New Hampshire	122	0.3	Northern	86	0.2
Puerto Rico	591	1.3	Southern	232	0.5
Rhode Island	87	0.2	Texas		
			Eastern	465	1.0
SECOND CIRCUIT	2,401	5.1	Northern	1,201	2.6
Connecticut	245	0.5	Southern	5,398	11.5
New York			Western	4,168	8.9
Eastern	511	1.1	SIXTH CIRCUIT	3,735	7.9
Northern	278	0.6	Kentucky		
Southern	965	2.1	Eastern	373	0.8
Western	301	0.6	Western	198	0.4
Vermont	101	0.2	Michigan		
			Eastern	532	1.1
THIRD CIRCUIT	1,753	3.7	Western	209	0.4
Delaware	53	0.1	Ohio		
New Jersey	501	1.1	Northern	874	1.9
Pennsylvania			Southern	443	0.9
Eastern	360	0.8	Tennessee		
Middle	321	0.7	Eastern	558	1.2
Western	477	1.0	Middle	217	0.5
Virgin Islands	41	0.1	Western	331	0.7
			SEVENTH CIRCUIT	1,834	3.9
FOURTH CIRCUIT	3,463	7.4	Illinois		
Maryland	431	0.9	Central	199	0.4
North Carolina			Northern	463	1.0
Eastern	607	1.3	Southern	186	0.4
Middle	268	0.6	Indiana		
Western	375	0.8	Northern	255	0.5
South Carolina	449	1.0	Southern	379	0.8
Virginia			Wisconsin		
Eastern	676	1.4	Eastern	245	0.5
Western	212	0.5	Western	107	0.2
West Virginia					
Northern	254	0.5			
Southern	191	0.4			

Table 2 (cont.)

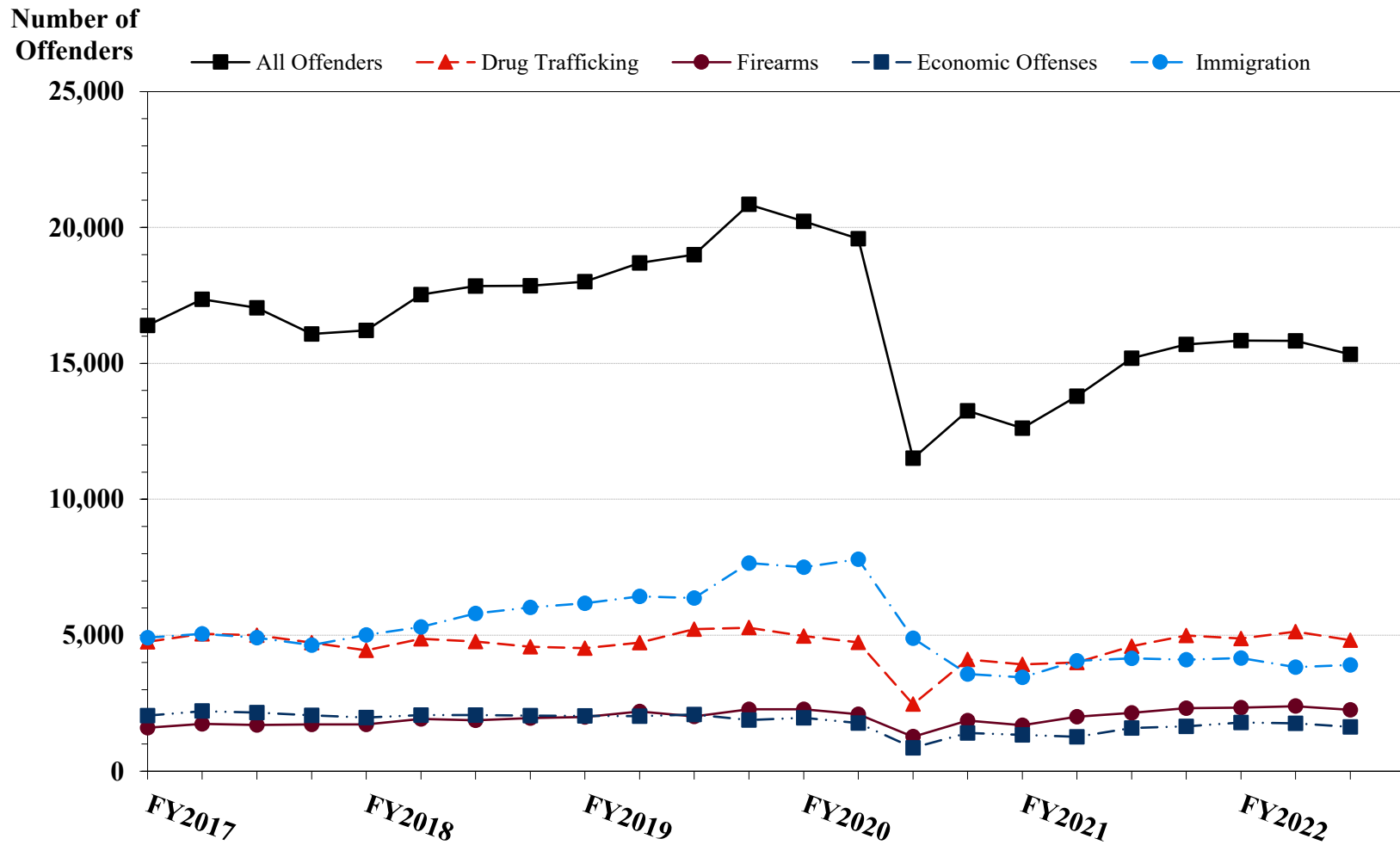
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	3,802	8.1	TENTH CIRCUIT	3,449	7.3
Arkansas			Colorado	282	0.6
Eastern	402	0.9	Kansas	288	0.6
Western	189	0.4	New Mexico	1,468	3.1
Iowa			Oklahoma		
Northern	254	0.5	Eastern	131	0.3
Southern	334	0.7	Northern	357	0.8
Minnesota	243	0.5	Western	303	0.6
Missouri			Utah	519	1.1
Eastern	762	1.6	Wyoming	101	0.2
Western	629	1.3			
Nebraska	331	0.7	ELEVENTH CIRCUIT	4,005	8.5
North Dakota	258	0.5	Alabama		
South Dakota	400	0.9	Middle	116	0.2
			Northern	315	0.7
NINTH CIRCUIT	8,935	19.0	Southern	232	0.5
Alaska	104	0.2	Florida		
Arizona	3,128	6.7	Middle	752	1.6
California			Northern	208	0.4
Central	821	1.7	Southern	1,299	2.8
Eastern	276	0.6	Georgia		
Northern	275	0.6	Middle	338	0.7
Southern	2,672	5.7	Northern	390	0.8
Guam	13	0.0	Southern	355	0.8
Hawaii	109	0.2			
Idaho	250	0.5			
Montana	275	0.6			
Nevada	283	0.6			
Northern Mariana Islands	16	0.0			
Oregon	280	0.6			
Washington					
Eastern	153	0.3			
Western	280	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	46,695	10,951	23.5	11,916	25.5	21,790	46.7	2,038	4.4
Administration of Justice	469	135	28.8	115	24.5	172	36.7	47	10.0
Antitrust	6	6	100.0	0	0.0	0	0.0	0	0.0
Arson	79	35	44.3	28	35.4	10	12.7	6	7.6
Assault	612	119	19.4	154	25.2	111	18.1	228	37.3
Bribery/Corruption	271	105	38.7	80	29.5	61	22.5	25	9.2
Burglary/Trespass	83	40	48.2	21	25.3	9	10.8	13	15.7
Child Pornography	1,051	829	78.9	62	5.9	128	12.2	32	3.0
Commercialized Vice	53	20	37.7	20	37.7	5	9.4	8	15.1
Drug Possession	181	78	43.1	66	36.5	30	16.6	7	3.9
Drug Trafficking	14,885	3,835	25.8	4,236	28.5	6,335	42.6	479	3.2
Environmental	114	71	62.3	1	0.9	34	29.8	8	7.0
Extortion/Racketeering	91	36	39.6	24	26.4	28	30.8	3	3.3
Firearms	6,940	1,654	23.8	3,944	56.8	1,102	15.9	240	3.5
Food and Drug	32	27	84.4	2	6.3	2	6.3	1	3.1
Forgery/Counter/Copyright	92	48	52.2	29	31.5	8	8.7	7	7.6
Fraud/Theft/Embezzlement	4,049	1,639	40.5	1,235	30.5	924	22.8	251	6.2
Immigration	12,486	395	3.2	272	2.2	11,691	93.6	128	1.0
Individual Rights	58	31	53.4	10	17.2	14	24.1	3	5.2
Kidnapping	91	33	36.3	38	41.8	16	17.6	4	4.4
Manslaughter	58	7	12.1	4	6.9	4	6.9	43	74.1
Money Laundering	859	262	30.5	204	23.7	324	37.7	69	8.0
Murder	275	33	12.0	88	32.0	107	38.9	47	17.1
National Defense	128	27	21.1	14	10.9	76	59.4	11	8.6
Obscenity/Other Sex Offenses	260	119	45.8	41	15.8	29	11.2	71	27.3
Prison Offenses	370	97	26.2	138	37.3	114	30.8	21	5.7
Robbery	1,051	178	16.9	657	62.5	157	14.9	59	5.6
Sexual Abuse	1,078	584	54.2	211	19.6	147	13.6	136	12.6
Stalking/Harassing	195	127	65.1	29	14.9	19	9.7	20	10.3
Tax	371	192	51.8	88	23.7	59	15.9	32	8.6
Other	407	189	46.4	105	25.8	74	18.2	39	9.6

¹ Of the 47,002 cases, 307 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	46,970	40,523	86.3	6,447	13.7
Administration of Justice	474	338	71.3	136	28.7
Antitrust	6	6	100.0	0	0.0
Arson	79	71	89.9	8	10.1
Assault	619	559	90.3	60	9.7
Bribery/Corruption	272	200	73.5	72	26.5
Burglary/Trespass	84	68	81.0	16	19.0
Child Pornography	1,051	1,041	99.0	10	1.0
Commercialized Vice	53	42	79.2	11	20.8
Drug Possession	219	162	74.0	57	26.0
Drug Trafficking	14,899	12,242	82.2	2,657	17.8
Environmental	115	94	81.7	21	18.3
Extortion/Racketeering	92	76	82.6	16	17.4
Firearms	6,952	6,671	96.0	281	4.0
Food and Drug	32	21	65.6	11	34.4
Forgery/Counter/Copyright	92	65	70.7	27	29.3
Fraud/Theft/Embezzlement	4,077	2,858	70.1	1,219	29.9
Immigration	12,533	11,359	90.6	1,174	9.4
Individual Rights	58	49	84.5	9	15.5
Kidnapping	91	77	84.6	14	15.4
Manslaughter	58	49	84.5	9	15.5
Money Laundering	859	665	77.4	194	22.6
Murder	277	261	94.2	16	5.8
National Defense	129	113	87.6	16	12.4
Obscenity/Other Sex Offenses	261	258	98.9	3	1.1
Prison Offenses	372	338	90.9	34	9.1
Robbery	1,051	980	93.2	71	6.8
Sexual Abuse	1,080	1,009	93.4	71	6.6
Stalking/Harassing	196	184	93.9	12	6.1
Tax	371	277	74.7	94	25.3
Other	518	390	75.3	128	24.7

¹ Of the 47,002 cases, 32 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	46,798	32,668	69.8	14,130	30.2
Administration of Justice	471	377	80.0	94	20.0
Antitrust	6	6	100.0	0	0.0
Arson	79	76	96.2	3	3.8
Assault	614	575	93.6	39	6.4
Bribery/Corruption	272	252	92.6	20	7.4
Burglary/Trespass	83	77	92.8	6	7.2
Child Pornography	1,050	1,022	97.3	28	2.7
Commercialized Vice	53	48	90.6	5	9.4
Drug Possession	205	194	94.6	11	5.4
Drug Trafficking	14,889	12,563	84.4	2,326	15.6
Environmental	113	98	86.7	15	13.3
Extortion/Racketeering	88	76	86.4	12	13.6
Firearms	6,948	6,717	96.7	231	3.3
Food and Drug	31	30	96.8	1	3.2
Forgery/Counter/Copyright	92	87	94.6	5	5.4
Fraud/Theft/Embezzlement	4,054	3,427	84.5	627	15.5
Immigration	12,535	2,343	18.7	10,192	81.3
Individual Rights	58	55	94.8	3	5.2
Kidnapping	91	84	92.3	7	7.7
Manslaughter	58	56	96.6	2	3.4
Money Laundering	859	637	74.2	222	25.8
Murder	276	232	84.1	44	15.9
National Defense	127	92	72.4	35	27.6
Obscenity/Other Sex Offenses	261	252	96.6	9	3.4
Prison Offenses	363	357	98.3	6	1.7
Robbery	1,051	1,016	96.7	35	3.3
Sexual Abuse	1,079	1,021	94.6	58	5.4
Stalking/Harassing	195	190	97.4	5	2.6
Tax	371	337	90.8	34	9.2
Other	426	371	87.1	55	12.9

¹ Of the 47,002 cases, 204 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹**3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	51	27	47,002
Administration of Justice	11	8	474
Antitrust	1	0	6
Arson	41	34	79
Assault	61	41	620
Bribery/Corruption	19	12	272
Burglary/Trespass	14	7	84
Child Pornography	110	96	1,051
Commercialized Vice	28	18	53
Drug Possession	2	0	222
Drug Trafficking	77	60	14,899
Environmental	3	0	116
Extortion/Racketeering	62	23	92
Firearms	48	37	6,952
Food and Drug	12	2	32
Forgery/Counter/Copyright	16	10	92
Fraud/Theft/Embezzlement	22	12	4,077
Immigration	13	9	12,538
Individual Rights	42	14	58
Kidnapping	183	151	91
Manslaughter	85	74	58
Money Laundering	61	32	859
Murder	264	240	277
National Defense	35	16	129
Obscenity/Other Sex Offenses	22	18	261
Prison Offenses	11	8	373
Robbery	105	96	1,051
Sexual Abuse	208	180	1,080
Stalking/Harassing	26	18	196
Tax	13	9	371
Other	2	0	539

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

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	47,002	43,228	92.0	41,801	88.9	1,427	3.0	3,553	7.6	780	1.7	2,773	5.9	221	0.5
Administration of Justice	474	346	73.0	324	68.4	22	4.6	127	26.8	24	5.1	103	21.7	1	0.2
Antitrust	6	1	16.7	1	16.7	0	0.0	5	83.3	0	0.0	5	83.3	0	0.0
Arson	79	74	93.7	71	89.9	3	3.8	5	6.3	1	1.3	4	5.1	0	0.0
Assault	620	579	93.4	561	90.5	18	2.9	38	6.1	5	0.8	33	5.3	3	0.5
Bribery/Corruption	272	205	75.4	190	69.9	15	5.5	67	24.6	22	8.1	45	16.5	0	0.0
Burglary/Trespass	84	58	69.0	58	69.0	0	0.0	26	31.0	9	10.7	17	20.2	0	0.0
Child Pornography	1,051	1,040	99.0	1,017	96.8	23	2.2	11	1.0	2	0.2	9	0.9	0	0.0
Commercialized Vice	53	39	73.6	39	73.6	0	0.0	14	26.4	2	3.8	12	22.6	0	0.0
Drug Possession	222	94	42.3	93	41.9	1	0.5	74	33.3	3	1.4	71	32.0	54	24.3
Drug Trafficking	14,899	14,378	96.5	13,795	92.6	583	3.9	519	3.5	104	0.7	415	2.8	2	0.0
Environmental	116	35	30.2	32	27.6	3	2.6	78	67.2	14	12.1	64	55.2	3	2.6
Extortion/Racketeering	92	79	85.9	75	81.5	4	4.3	12	13.0	4	4.3	8	8.7	1	1.1
Firearms	6,952	6,542	94.1	6,395	92.0	147	2.1	410	5.9	96	1.4	314	4.5	0	0.0
Food and Drug	32	20	62.5	19	59.4	1	3.1	12	37.5	0	0.0	12	37.5	0	0.0
Forgery/Counter/Copyright	92	72	78.3	65	70.7	7	7.6	20	21.7	6	6.5	14	15.2	0	0.0
Fraud/Theft/Embezzlement	4,077	3,087	75.7	2,887	70.8	200	4.9	962	23.6	228	5.6	734	18.0	28	0.7
Immigration	12,538	11,976	95.5	11,741	93.6	235	1.9	561	4.5	155	1.2	406	3.2	1	0.0
Individual Rights	58	35	60.3	34	58.6	1	1.7	22	37.9	1	1.7	21	36.2	1	1.7
Kidnapping	91	88	96.7	87	95.6	1	1.1	3	3.3	1	1.1	2	2.2	0	0.0
Manslaughter	58	57	98.3	51	87.9	6	10.3	1	1.7	0	0.0	1	1.7	0	0.0
Money Laundering	859	747	87.0	730	85.0	17	2.0	112	13.0	36	4.2	76	8.8	0	0.0
Murder	277	276	99.6	271	97.8	5	1.8	1	0.4	0	0.0	1	0.4	0	0.0
National Defense	129	99	76.7	94	72.9	5	3.9	17	13.2	5	3.9	12	9.3	13	10.1
Obscenity/Other Sex Offenses	261	248	95.0	223	85.4	25	9.6	13	5.0	3	1.1	10	3.8	0	0.0
Prison Offenses	373	356	95.4	340	91.2	16	4.3	17	4.6	2	0.5	15	4.0	0	0.0
Robbery	1,051	1,035	98.5	1,011	96.2	24	2.3	16	1.5	4	0.4	12	1.1	0	0.0
Sexual Abuse	1,080	1,075	99.5	1,052	97.4	23	2.1	5	0.5	1	0.1	4	0.4	0	0.0
Stalking/Harassing	196	175	89.3	163	83.2	12	6.1	21	10.7	6	3.1	15	7.7	0	0.0
Tax	371	221	59.6	202	54.4	19	5.1	148	39.9	32	8.6	116	31.3	2	0.5
Other	539	191	35.4	180	33.4	11	2.0	236	43.8	14	2.6	222	41.2	112	20.8

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

	N	%
TOTAL CASES	46,852	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	31,656	67.6
Within Guideline Range	19,391	41.4
Upward Departure ²	271	0.6
Downward Departure		
§5K1.1 Substantial Assistance	4,909	10.5
§5K3.1 Early Disposition Program	4,855	10.4
Other Government Motion ³	1,113	2.4
Non-Government Departure ⁴	1,117	2.4
VARIANCES	15,196	32.4
Upward Variance ⁵	1,055	2.3
Downward Variance		
Government Motion ⁶	4,502	9.6
Non-Government Variance ⁷	9,639	20.6

¹ This table reflects the 47,002 cases sentenced on or after October 1, 2021, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 31, 2022. Of these, 150 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

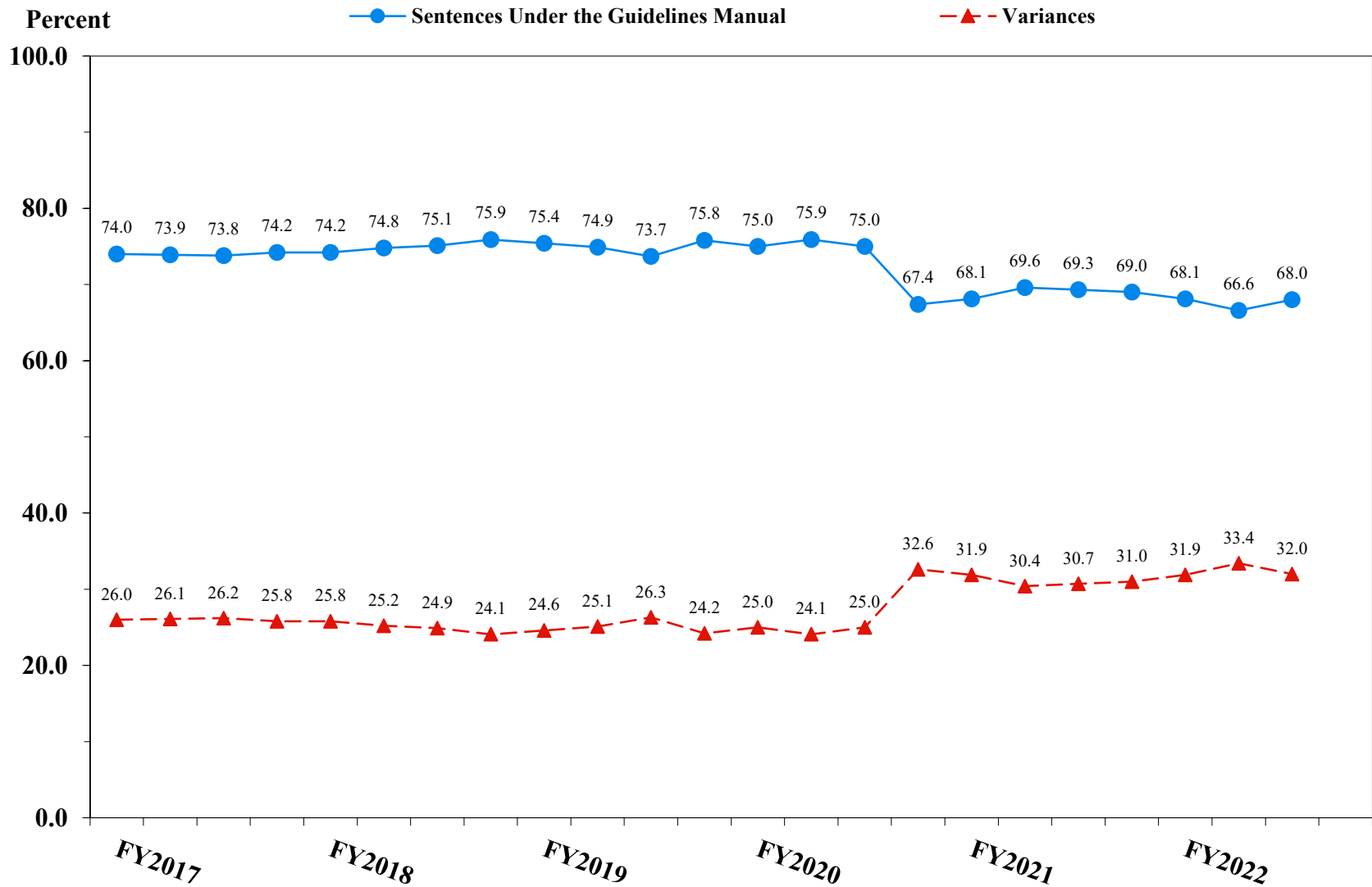
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)



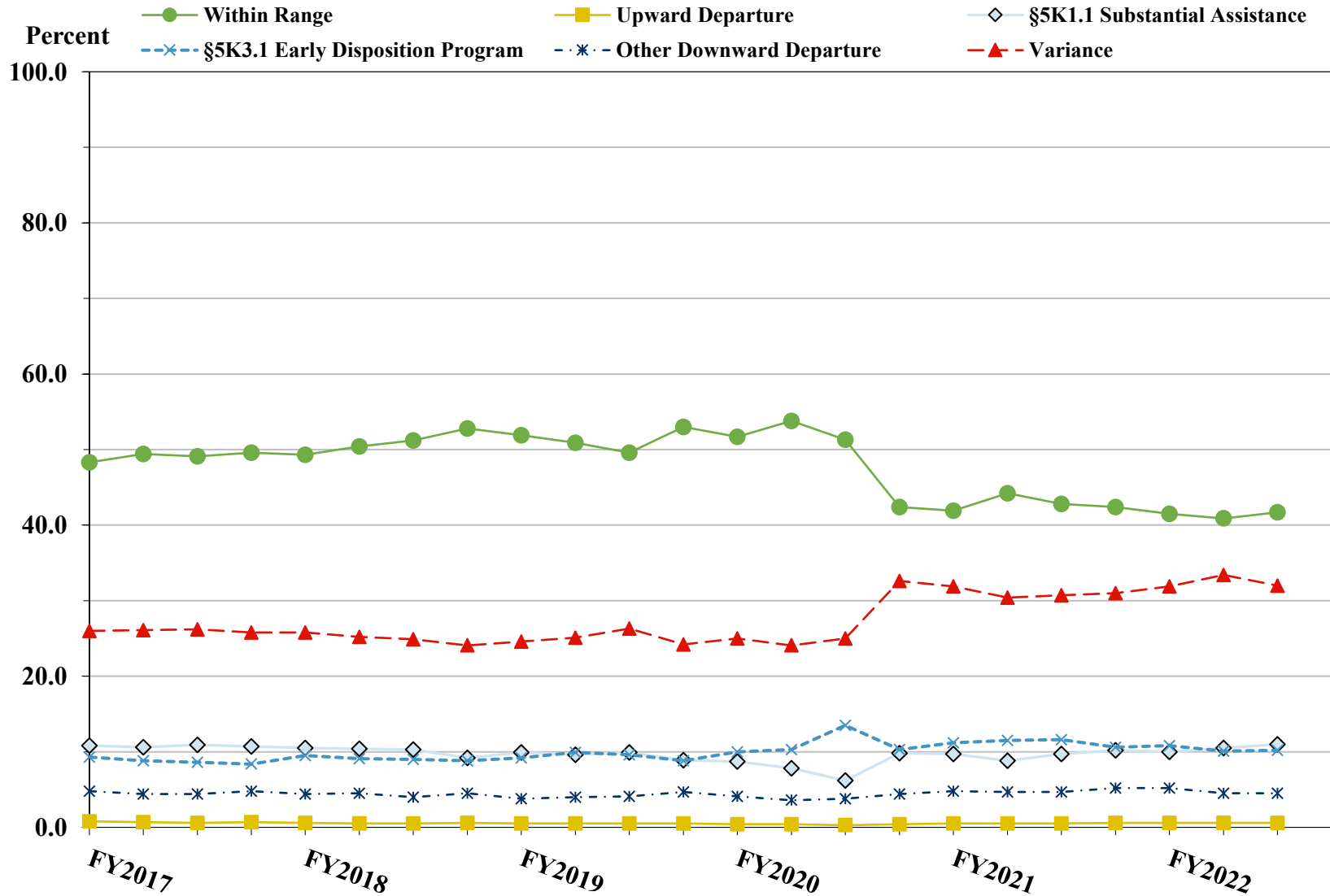
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	46,852	19,391	41.4	271	0.6	4,909	10.5	4,855	10.4	2,230	4.8	15,196	32.4
D.C. CIRCUIT	213	111	52.1	0	0.0	25	11.7	2	0.9	11	5.2	64	30.0
District of Columbia	213	111	52.1	0	0.0	25	11.7	2	0.9	11	5.2	64	30.0
FIRST CIRCUIT	1,305	409	31.3	3	0.2	135	10.3	0	0.0	75	5.7	683	52.3
Maine	145	25	17.2	1	0.7	36	24.8	0	0.0	2	1.4	81	55.9
Massachusetts	360	93	25.8	1	0.3	53	14.7	0	0.0	30	8.3	183	50.8
New Hampshire	122	25	20.5	0	0.0	9	7.4	0	0.0	6	4.9	82	67.2
Puerto Rico	591	249	42.1	1	0.2	29	4.9	0	0.0	35	5.9	277	46.9
Rhode Island	87	17	19.5	0	0.0	8	9.2	0	0.0	2	2.3	60	69.0
SECOND CIRCUIT	2,398	597	24.9	16	0.7	332	13.8	2	0.1	106	4.4	1,345	56.1
Connecticut	245	73	29.8	0	0.0	28	11.4	0	0.0	34	13.9	110	44.9
New York													
Eastern	509	110	21.6	2	0.4	96	18.9	1	0.2	41	8.1	259	50.9
Northern	278	135	48.6	2	0.7	61	21.9	1	0.4	7	2.5	72	25.9
Southern	965	174	18.0	1	0.1	83	8.6	0	0.0	21	2.2	686	71.1
Western	300	88	29.3	11	3.7	47	15.7	0	0.0	2	0.7	152	50.7
Vermont	101	17	16.8	0	0.0	17	16.8	0	0.0	1	1.0	66	65.3
THIRD CIRCUIT	1,752	694	39.6	6	0.3	305	17.4	3	0.2	42	2.4	702	40.1
Delaware	53	22	41.5	0	0.0	5	9.4	0	0.0	4	7.5	22	41.5
New Jersey	500	198	39.6	0	0.0	86	17.2	0	0.0	3	0.6	213	42.6
Pennsylvania													
Eastern	360	93	25.8	1	0.3	100	27.8	0	0.0	13	3.6	153	42.5
Middle	321	158	49.2	1	0.3	54	16.8	3	0.9	12	3.7	93	29.0
Western	477	193	40.5	4	0.8	58	12.2	0	0.0	10	2.1	212	44.4
Virgin Islands	41	30	73.2	0	0.0	2	4.9	0	0.0	0	0.0	9	22.0
FOURTH CIRCUIT	3,429	1,593	46.5	27	0.8	512	14.9	1	0.0	97	2.8	1,199	35.0
Maryland	422	105	24.9	5	1.2	80	19.0	0	0.0	22	5.2	210	49.8
North Carolina													
Eastern	591	308	52.1	5	0.8	147	24.9	0	0.0	6	1.0	125	21.2
Middle	268	143	53.4	3	1.1	22	8.2	0	0.0	2	0.7	98	36.6
Western	373	201	53.9	0	0.0	45	12.1	0	0.0	4	1.1	123	33.0
South Carolina	448	157	35.0	3	0.7	120	26.8	0	0.0	14	3.1	154	34.4
Virginia													
Eastern	670	358	53.4	7	1.0	40	6.0	0	0.0	38	5.7	227	33.9
Western	212	84	39.6	3	1.4	22	10.4	0	0.0	10	4.7	93	43.9
West Virginia													
Northern	254	155	61.0	0	0.0	21	8.3	1	0.4	1	0.4	76	29.9
Southern	191	82	42.9	1	0.5	15	7.9	0	0.0	0	0.0	93	48.7

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	12,081	7,221	59.8	38	0.3	784	6.5	908	7.5	681	5.6	2,449	20.3
Louisiana													
Eastern	231	135	58.4	1	0.4	24	10.4	0	0.0	2	0.9	69	29.9
Middle	74	35	47.3	1	1.4	13	17.6	0	0.0	0	0.0	25	33.8
Western	242	150	62.0	2	0.8	36	14.9	0	0.0	4	1.7	50	20.7
Mississippi													
Northern	83	32	38.6	0	0.0	19	22.9	0	0.0	0	0.0	32	38.6
Southern	231	163	70.6	0	0.0	18	7.8	0	0.0	0	0.0	50	21.6
Texas													
Eastern	463	265	57.2	0	0.0	32	6.9	0	0.0	4	0.9	162	35.0
Northern	1,199	737	61.5	8	0.7	115	9.6	0	0.0	22	1.8	317	26.4
Southern	5,392	2,536	47.0	20	0.4	350	6.5	854	15.8	529	9.8	1,103	20.5
Western	4,166	3,168	76.0	6	0.1	177	4.2	54	1.3	120	2.9	641	15.4
SIXTH CIRCUIT	3,732	1,408	37.7	15	0.4	716	19.2	3	0.1	141	3.8	1,449	38.8
Kentucky													
Eastern	373	178	47.7	0	0.0	62	16.6	0	0.0	3	0.8	130	34.9
Western	198	60	30.3	2	1.0	59	29.8	2	1.0	13	6.6	62	31.3
Michigan													
Eastern	532	162	30.5	0	0.0	71	13.3	0	0.0	15	2.8	284	53.4
Western	209	105	50.2	3	1.4	40	19.1	1	0.5	9	4.3	51	24.4
Ohio													
Northern	872	368	42.2	6	0.7	168	19.3	0	0.0	21	2.4	309	35.4
Southern	442	107	24.2	2	0.5	108	24.4	0	0.0	62	14.0	163	36.9
Tennessee													
Eastern	558	249	44.6	2	0.4	137	24.6	0	0.0	11	2.0	159	28.5
Middle	217	39	18.0	0	0.0	19	8.8	0	0.0	4	1.8	155	71.4
Western	331	140	42.3	0	0.0	52	15.7	0	0.0	3	0.9	136	41.1
SEVENTH CIRCUIT	1,832	690	37.7	6	0.3	181	9.9	1	0.1	88	4.8	866	47.3
Illinois													
Central	199	72	36.2	1	0.5	35	17.6	1	0.5	2	1.0	88	44.2
Northern	462	134	29.0	2	0.4	41	8.9	0	0.0	28	6.1	257	55.6
Southern	186	102	54.8	2	1.1	23	12.4	0	0.0	4	2.2	55	29.6
Indiana													
Northern	255	128	50.2	0	0.0	21	8.2	0	0.0	7	2.7	99	38.8
Southern	379	169	44.6	0	0.0	36	9.5	0	0.0	2	0.5	172	45.4
Wisconsin													
Eastern	244	54	22.1	0	0.0	19	7.8	0	0.0	8	3.3	163	66.8
Western	107	31	29.0	1	0.9	6	5.6	0	0.0	37	34.6	32	29.9
EIGHTH CIRCUIT	3,795	1,621	42.7	28	0.7	434	11.4	11	0.3	59	1.6	1,642	43.3
Arkansas													
Eastern	401	235	58.6	0	0.0	32	8.0	0	0.0	4	1.0	130	32.4
Western	189	71	37.6	0	0.0	22	11.6	0	0.0	0	0.0	96	50.8
Iowa													
Northern	254	122	48.0	9	3.5	46	18.1	0	0.0	5	2.0	72	28.3
Southern	334	123	36.8	2	0.6	38	11.4	0	0.0	1	0.3	170	50.9
Minnesota	241	72	29.9	3	1.2	28	11.6	2	0.8	9	3.7	127	52.7
Missouri													
Eastern	761	310	40.7	2	0.3	58	7.6	0	0.0	0	0.0	391	51.4
Western	627	238	38.0	0	0.0	82	13.1	0	0.0	8	1.3	299	47.7
Nebraska	331	153	46.2	0	0.0	19	5.7	9	2.7	8	2.4	142	42.9
North Dakota	257	78	30.4	4	1.6	107	41.6	0	0.0	2	0.8	66	25.7
South Dakota	400	219	54.8	8	2.0	2	0.5	0	0.0	22	5.5	149	37.3

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	8,901	1,919	21.6	83	0.9	680	7.6	3,540	39.8	422	4.7	2,257	25.4
Alaska	104	31	29.8	0	0.0	18	17.3	0	0.0	0	0.0	55	52.9
Arizona	3,111	792	25.5	16	0.5	50	1.6	1,872	60.2	36	1.2	345	11.1
California													
Central	814	185	22.7	4	0.5	107	13.1	19	2.3	62	7.6	437	53.7
Eastern	276	102	37.0	1	0.4	46	16.7	7	2.5	5	1.8	115	41.7
Northern	275	40	14.5	1	0.4	25	9.1	0	0.0	11	4.0	198	72.0
Southern	2,662	304	11.4	56	2.1	121	4.5	1,618	60.8	282	10.6	281	10.6
Guam	13	8	61.5	0	0.0	4	30.8	0	0.0	0	0.0	1	7.7
Hawaii	109	29	26.6	0	0.0	35	32.1	0	0.0	1	0.9	44	40.4
Idaho	250	81	32.4	0	0.0	66	26.4	5	2.0	9	3.6	89	35.6
Montana	275	79	28.7	3	1.1	81	29.5	0	0.0	4	1.5	108	39.3
Nevada	283	76	26.9	0	0.0	15	5.3	18	6.4	3	1.1	171	60.4
Northern Mariana Islands	16	8	50.0	0	0.0	6	37.5	0	0.0	0	0.0	2	12.5
Oregon	280	43	15.4	1	0.4	64	22.9	0	0.0	6	2.1	166	59.3
Washington													
Eastern	153	50	32.7	1	0.7	35	22.9	1	0.7	2	1.3	64	41.8
Western	280	91	32.5	0	0.0	7	2.5	0	0.0	1	0.4	181	64.6
TENTH CIRCUIT	3,436	1,196	34.8	35	1.0	318	9.3	379	11.0	404	11.8	1,104	32.1
Colorado	282	85	30.1	0	0.0	68	24.1	7	2.5	6	2.1	116	41.1
Kansas	284	116	40.8	1	0.4	48	16.9	3	1.1	6	2.1	110	38.7
New Mexico	1,466	552	37.7	8	0.5	39	2.7	321	21.9	231	15.8	315	21.5
Oklahoma													
Eastern	131	61	46.6	0	0.0	35	26.7	0	0.0	5	3.8	30	22.9
Northern	353	138	39.1	22	6.2	45	12.7	0	0.0	108	30.6	40	11.3
Western	301	142	47.2	1	0.3	22	7.3	0	0.0	4	1.3	132	43.9
Utah	519	89	17.1	0	0.0	38	7.3	46	8.9	41	7.9	305	58.8
Wyoming	100	13	13.0	3	3.0	23	23.0	2	2.0	3	3.0	56	56.0
ELEVENTH CIRCUIT	3,978	1,932	48.6	14	0.4	487	12.2	5	0.1	104	2.6	1,436	36.1
Alabama													
Middle	116	46	39.7	0	0.0	30	25.9	0	0.0	0	0.0	40	34.5
Northern	315	179	56.8	2	0.6	55	17.5	0	0.0	6	1.9	73	23.2
Southern	232	110	47.4	2	0.9	53	22.8	2	0.9	5	2.2	60	25.9
Florida													
Middle	752	300	39.9	2	0.3	122	16.2	0	0.0	13	1.7	315	41.9
Northern	205	79	38.5	2	1.0	53	25.9	2	1.0	2	1.0	67	32.7
Southern	1,277	657	51.4	0	0.0	67	5.2	0	0.0	20	1.6	533	41.7
Georgia													
Middle	336	197	58.6	3	0.9	27	8.0	0	0.0	44	13.1	65	19.3
Northern	390	134	34.4	0	0.0	31	7.9	1	0.3	5	1.3	219	56.2
Southern	355	230	64.8	3	0.8	49	13.8	0	0.0	9	2.5	64	18.0

¹ Of the 47,002 cases, 150 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	46,852	19,391	41.4	271	0.6	4,909	10.5	4,855	10.4	2,230	4.8	15,196	32.4
Administration of Justice	472	230	48.7	5	1.1	18	3.8	5	1.1	23	4.9	191	40.5
Antitrust	6	0	0.0	0	0.0	3	50.0	0	0.0	0	0.0	3	50.0
Arson	79	29	36.7	2	2.5	13	16.5	0	0.0	4	5.1	31	39.2
Assault	613	274	44.7	17	2.8	26	4.2	3	0.5	62	10.1	231	37.7
Bribery/Corruption	272	47	17.3	0	0.0	79	29.0	0	0.0	13	4.8	133	48.9
Burglary/Trespass	83	60	72.3	1	1.2	5	6.0	0	0.0	4	4.8	13	15.7
Child Pornography	1,049	370	35.3	6	0.6	17	1.6	2	0.2	58	5.5	596	56.8
Commercialized Vice	53	21	39.6	7	13.2	7	13.2	0	0.0	0	0.0	18	34.0
Drug Possession	202	178	88.1	1	0.5	0	0.0	0	0.0	0	0.0	23	11.4
Drug Trafficking	14,889	4,096	27.5	54	0.4	3,055	20.5	1,320	8.9	746	5.0	5,618	37.7
Environmental	108	58	53.7	0	0.0	10	9.3	1	0.9	4	3.7	35	32.4
Extortion/Racketeering	86	25	29.1	0	0.0	11	12.8	1	1.2	8	9.3	41	47.7
Firearms	6,945	3,541	51.0	52	0.7	360	5.2	9	0.1	245	3.5	2,738	39.4
Food and Drug	32	21	65.6	0	0.0	0	0.0	0	0.0	1	3.1	10	31.3
Forgery/Counter/Copyright	92	45	48.9	1	1.1	12	13.0	0	0.0	1	1.1	33	35.9
Fraud/Theft/Embezzlement	4,064	1,690	41.6	55	1.4	523	12.9	7	0.2	136	3.3	1,653	40.7
Immigration	12,504	6,458	51.6	18	0.1	146	1.2	3,493	27.9	684	5.5	1,705	13.6
Individual Rights	57	27	47.4	0	0.0	4	7.0	0	0.0	4	7.0	22	38.6
Kidnapping	91	27	29.7	0	0.0	19	20.9	0	0.0	5	5.5	40	44.0
Manslaughter	58	24	41.4	6	10.3	1	1.7	0	0.0	2	3.4	25	43.1
Money Laundering	858	228	26.6	11	1.3	229	26.7	7	0.8	35	4.1	348	40.6
Murder	277	94	33.9	6	2.2	73	26.4	0	0.0	15	5.4	89	32.1
National Defense	126	51	40.5	0	0.0	21	16.7	3	2.4	11	8.7	40	31.7
Obscenity/Other Sex Offenses	259	128	49.4	3	1.2	0	0.0	0	0.0	10	3.9	118	45.6
Prison Offenses	372	250	67.2	2	0.5	5	1.3	3	0.8	20	5.4	92	24.7
Robbery	1,051	381	36.3	6	0.6	138	13.1	0	0.0	56	5.3	470	44.7
Sexual Abuse	1,080	436	40.4	12	1.1	66	6.1	0	0.0	55	5.1	511	47.3
Stalking/Harassing	195	86	44.1	2	1.0	0	0.0	0	0.0	15	7.7	92	47.2
Tax	371	73	19.7	4	1.1	66	17.8	1	0.3	11	3.0	216	58.2
Other	508	443	87.2	0	0.0	2	0.4	0	0.0	2	0.4	61	12.0

¹ Of the 47,002 cases, 150 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Range	Up	§5K1.1	§5K3.1	
§2A1.1	204	64	1	64	0	12	63	§2D1.8	15	2	0	3	0	0	10		
§2A1.2	51	24	5	2	0	3	17	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	31	14	4	0	0	0	13	§2D1.10	0	0	0	0	0	0	0		
§2A1.4	27	10	2	1	0	2	12	§2D1.11	0	0	0	0	0	0	0		
§2A1.5	13	5	0	1	0	0	7	§2D1.12	2	0	0	0	0	0	2		
§2A2.1	132	43	2	19	0	5	63	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	388	166	15	6	3	51	147	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	50	39	0	0	0	3	8	§2D2.1	103	84	1	0	0	0	18		
§2A2.4	182	98	1	0	1	18	64	§2D2.2	31	26	0	2	0	0	3		
§2A3.1	99	48	1	0	0	16	34	§2D2.3	1	0	0	0	0	0	1		
§2A3.2	36	26	0	0	0	2	8	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	2	1	1	0	0	0	0	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	33	20	1	0	0	1	11	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	232	122	2	0	0	10	98	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	88	26	0	19	0	4	39	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	36	10	0	7	0	6	13		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0		
§2A5.2	21	12	0	0	0	0	9	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	2	0	0	0	0	4		
§2A6.1	136	60	2	0	0	8	66	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	57	24	0	0	0	7	26	§2E2.1	4	0	0	0	0	1	3		
§2B1.1	3,865	1,543	53	518	5	133	1,613	§2E3.1	28	12	4	3	0	0	9		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	16	1	0	1	0	0	14	§2E4.1	10	1	0	2	0	0	7		
§2B1.5	7	1	0	0	0	1	5	§2E5.1	1	0	0	0	0	0	1		
§2B1.6 ²	63	59	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	49	28	1	5	0	4	11	§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	30	30	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,038	379	6	136	0	56	461	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	15	4	0	2	1	0	8	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	5	1	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	92	10	0	47	0	2	33	§2G1.1	53	18	4	9	0	4	18		
§2B5.1	72	44	1	5	0	1	21	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	349	159	6	29	0	13	142		
§2B5.3	19	1	0	7	0	0	11	§2G2.1	527	173	2	32	0	18	302		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,045	369	6	17	2	58	593		
§2B6.1	1	1	0	0	0	0	0	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	165	33	0	31	0	11	90	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	7	1	0	1	0	0	5	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	3	2	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	25	6	1	0	0	0	18		
§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	36	14	0	3	0	3	16		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	3	0	0	0	0	0	3	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	14,668	4,010	52	3,032	1,316	722	5,536	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	139	70	2	10	0	16	41	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	3	2	0	1	0	0	0		
§2D1.5	7	0	0	4	0	2	1	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	6	5	0	0	0	0	1		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	8	4	0	0	0	1	3		

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	85	28	0	11	3	9	34
§2J1.1	0	0	0	0	0	0	0	§2M5.3	12	5	0	4	0	1	2
§2J1.2	75	24	1	4	0	3	43	§2M6.1	0	0	0	0	0	0	0
§2J1.3	12	5	0	1	0	0	6	§2M6.2	0	0	0	0	0	0	0
§2J1.4	7	6	0	0	0	0	1	§2N1.1	10	2	0	0	0	0	8
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	19	13	0	0	0	0	6	§2N1.3	1	0	0	0	0	0	1
§2J1.7	0	0	0	0	0	0	0	§2N2.1	19	17	0	0	0	1	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	191	131	1	1	0	4	54
§2K1.1	1	1	0	0	0	0	0	§2P1.2	121	87	1	4	0	5	24
§2K1.2	0	0	0	0	0	0	0	§2P1.3	1	1	0	0	0	0	0
§2K1.3	5	2	0	1	0	0	2	§2P1.4	0	0	0	0	0	0	0
§2K1.4	76	29	2	12	0	3	30	§2Q1.1	1	0	0	0	0	0	1
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	42	21	0	7	0	2	12
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	10	4	0	0	0	1	5
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	1	0	0	0	0	0	1
§2K2.1	6,653	3,315	47	339	9	244	2,699	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	49	29	0	3	1	1	15
§2K2.4 ³	250	203	3	19	0	0	25	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	8	4	2	0	0	0	2	§2R1.1	6	0	0	3	0	0	3
§2K2.6	0	0	0	0	0	0	0	§2S1.1	719	164	1	219	3	27	305
§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	135	62	10	10	4	7	42
§2L1.1	3,017	1,166	0	94	1,164	87	506	§2S1.4	0	0	0	0	0	0	0
§2L1.2	8,326	4,457	18	25	2,194	567	1,065	§2T1.1	203	41	0	40	0	6	116
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	56	15	0	24	0	0	17	§2T1.3	0	0	0	0	0	0	0
§2L2.2	482	399	0	2	4	19	58	§2T1.4	99	17	0	25	0	3	54
§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	56	9	0	1	0	2	44
§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	1	0	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	9	4	3	0	1	0	1
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	0	0	0	0	0	0	0	§2X1.1	11	1	0	0	0	1	9
§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	72	20	0	17	0	2	33
§2M3.6	0	0	0	0	0	0	0	§2X4.1	151	71	3	10	4	2	61
§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	152	117	0	0	0	0	35
§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	11	2	0	5	0	1	3	§2X7.2	0	0	0	0	0	0	0
TOTAL									45,498	18,384	269	4,904	4,715	2,192	15,034

¹ Of the 47,002 cases, 1,504 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 (150) or missing guideline applied (1,471). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	27,461	4,921	17.9	4,931	18.0	4,273	15.6	6,263	22.8	389	1.4
Departures	12,265	4,909	40.0	4,923	40.1	2,729	22.3	4,816	39.3	262	2.1
Upward Departure	271	0	0.0	0	0.0	70	25.8	72	26.6	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	4,909	4,909	100.0	68	1.4	173	3.5	1,314	26.8	25	0.5
§5K3.1 Early Disposition Program	4,855	0	0.0	4,855	100.0	1,966	40.5	3,043	62.7	227	4.7
Other Government Motion	1,113	0	0.0	0	0.0	520	46.7	387	34.8	10	0.9
Non-Government Departure	1,117	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	15,196	12	0.1	8	0.1	1,544	10.2	1,447	9.5	127	0.8
Upward Variance	1,055	12	1.1	8	0.8	175	16.6	101	9.6	1	0.1
Downward Variance											
Government Motion	4,502	0	0.0	0	0.0	1,369	30.4	1,346	29.9	126	2.8
Non-Government Variance	9,639	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,298	15.7	4,678	17.0	5,560	20.2	1,496	5.4	3,688	13.4	1,764	6.4
Departures	3,642	29.7	1,895	15.5	1,229	10.0	630	5.1	953	7.8	180	1.5
Upward Departure	64	23.6	0	0.0	6	2.2	11	4.1	54	19.9	25	9.2
Downward Departure												
§5K1.1 Substantial Assistance	3,146	64.1	618	12.6	514	10.5	305	6.2	473	9.6	0	0.0
§5K3.1 Early Disposition Program	292	6.0	599	12.3	435	9.0	196	4.0	119	2.5	0	0.0
Other Government Motion	140	12.6	72	6.5	51	4.6	118	10.6	78	7.0	34	3.1
Non-Government Departure	0	0.0	606	54.3	223	20.0	0	0.0	229	20.5	121	10.8
Variations	656	4.3	2,783	18.3	4,331	28.5	866	5.7	2,735	18.0	1,584	10.4
Upward Variance	199	18.9	6	0.6	10	0.9	18	1.7	437	41.4	146	13.8
Downward Variance												
Government Motion	457	10.2	437	9.7	199	4.4	848	18.8	214	4.8	162	3.6
Non-Government Variance	0	0.0	2,340	24.3	4,122	42.8	0	0.0	2,084	21.6	1,276	13.2

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 11,006 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

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

3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	268	83	28	104.2	60	15	50.0
Administration of Justice	5	16	5	53.3	11	5	50.0
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	17	94	34	62.7	84	24	52.2
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	6	124	22	21.7	101	16	23.8
Commercialized Vice	7	71	45	161.6	60	27	100.0
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	54	103	39	127.4	96	27	48.2
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	52	81	28	65.9	75	21	36.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	54	34	16	188.1	19	10	121.1
Immigration	18	28	8	47.6	32	8	37.2
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	6	134	52	66.2	161	48	73.4
Money Laundering	10	28	13	98.2	20	8	94.0
Murder	6	341	81	30.5	336	68	24.2
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	92	54	139.8	78	45	136.4
Prison Offenses	2	--	--	--	--	--	--
Robbery	6	143	21	18.6	128	21	14.7
Sexual Abuse	11	195	38	38.3	168	33	27.7
Stalking/Harassing	2	--	--	--	--	--	--
Tax	4	39	14	230.1	30	15	258.3
Other	0	--	--	--	--	--	--

¹ Of the 47,002 cases, in 271 the sentence was an upward departure from the guideline range. Of these, three cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹**
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,048	81	23	65.5	60	14	37.2
Administration of Justice	12	38	21	102.3	30	10	68.3
Antitrust	0	--	--	--	--	--	--
Arson	5	70	16	31.1	72	10	27.5
Assault	35	89	27	44.7	84	19	29.4
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	28	143	34	37.1	136	27	24.8
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	7	23	11	101.8	24	11	100.0
Drug Trafficking	180	95	26	87.4	84	18	31.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	5	106	11	15.7	51	6	11.1
Firearms	303	81	23	48.6	72	14	30.7
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	99	43	17	98.8	30	9	60.0
Immigration	172	33	12	71.9	24	7	55.6
Individual Rights	1	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	16	130	48	75.2	120	30	62.5
Money Laundering	9	77	23	54.9	42	10	33.3
Murder	7	329	104	68.9	360	72	24.6
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	18	52	26	108.4	56	26	99.0
Prison Offenses	4	41	15	53.9	48	15	47.7
Robbery	52	179	41	34.2	156	30	25.0
Sexual Abuse	35	205	53	39.6	180	33	30.6
Stalking/Harassing	12	58	22	76.3	50	12	55.2
Tax	1	--	--	--	--	--	--
Other	38	10	4	59.1	9	3	41.7

¹ Of the 47,002 cases, in 1,055 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two cases were excluded from this table. Also, five cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	4,820	52	55	56.0	36	39	50.4
Administration of Justice	18	5	25	79.7	0	15	99.2
Antitrust	3	1	6	83.3	0	6	100.0
Arson	13	22	36	63.7	18	37	70.0
Assault	23	76	111	52.5	66	56	50.9
Bribery/Corruption	79	11	20	69.9	8	18	66.7
Burglary/Trespass	5	9	16	66.2	6	17	60.0
Child Pornography	17	74	76	51.4	75	62	48.2
Commercialized Vice	7	11	11	64.2	12	9	55.4
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	3,023	62	62	53.2	52	48	48.6
Environmental	10	5	17	81.4	4	14	83.1
Extortion/Racketeering	11	16	25	73.8	0	25	99.8
Firearms	360	35	32	53.4	27	20	47.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	12	6	19	73.3	1	15	86.8
Fraud/Theft/Embezzlement	523	18	27	64.7	12	20	63.6
Immigration	146	10	14	59.7	8	10	51.7
Individual Rights	4	8	29	90.4	0	24	100.0
Kidnapping	17	108	115	53.0	108	100	50.0
Manslaughter	1	--	--	--	--	--	--
Money Laundering	218	44	64	62.9	27	45	58.7
Murder	49	143	141	49.3	144	138	50.0
National Defense	21	31	56	63.2	26	36	60.9
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	5	7	17	73.1	6	12	71.9
Robbery	132	69	71	50.5	60	59	45.7
Sexual Abuse	57	93	99	49.2	87	67	43.7
Stalking/Harassing	0	--	--	--	--	--	--
Tax	64	7	18	78.9	0	18	100.0
Other	2	--	--	--	--	--	--

¹ Of the 47,002 cases, in 4,909 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, 48 cases were excluded from this table. Also, 41 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹**
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	4,850	16	21	50.4	12	9	47.8
Administration of Justice	5	9	18	69.4	10	21	72.2
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	3	36	22	41.6	18	15	45.5
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,319	30	56	64.2	27	46	64.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	9	26	17	39.9	21	13	41.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	7	8	22	73.0	10	22	69.7
Immigration	3,489	11	8	45.1	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	7	25	43	66.0	17	20	77.8
Murder	0	--	--	--	--	--	--
National Defense	3	9	26	71.9	8	30	82.6
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	3	3	3	58.3	1	3	50.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 47,002 cases, in 4,855 the offender received a §5K3.1 early disposition program departure below the guideline range. Of these, five cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

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

3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,186	40	29	47.7	18	15	42.9
Administration of Justice	23	6	13	68.7	4	10	62.5
Antitrust	0	--	--	--	--	--	--
Arson	3	17	21	56.5	21	16	43.8
Assault	62	33	19	48.4	24	15	40.3
Bribery/Corruption	13	8	22	76.9	6	24	70.7
Burglary/Trespass	4	15	14	53.0	18	16	43.5
Child Pornography	54	78	46	38.3	66	37	33.6
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	734	63	48	46.7	48	34	44.4
Environmental	4	0	15	100.0	0	12	100.0
Extortion/Racketeering	7	17	14	49.8	18	12	41.3
Firearms	243	32	23	48.8	22	15	41.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	132	16	18	62.1	9	12	59.9
Immigration	684	12	11	44.9	10	7	41.7
Individual Rights	4	7	21	86.3	2	17	91.7
Kidnapping	5	107	81	42.4	108	88	46.8
Manslaughter	2	--	--	--	--	--	--
Money Laundering	34	46	50	58.5	17	23	50.0
Murder	10	180	114	39.1	185	109	34.6
National Defense	11	38	28	51.3	18	25	58.7
Obscenity/Other Sex Offenses	10	15	9	39.3	14	7	30.9
Prison Offenses	20	7	6	48.4	5	6	40.0
Robbery	55	70	30	37.0	57	27	31.4
Sexual Abuse	46	133	79	39.8	120	70	34.7
Stalking/Harassing	14	26	12	49.5	18	12	37.4
Tax	11	6	16	75.2	0	12	100.0
Other	0	--	--	--	--	--	--

¹ Of the 47,002 cases, in 2,230 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,113) or a non-government departure (1,117). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 25 cases were excluded from this table. Also, 19 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)

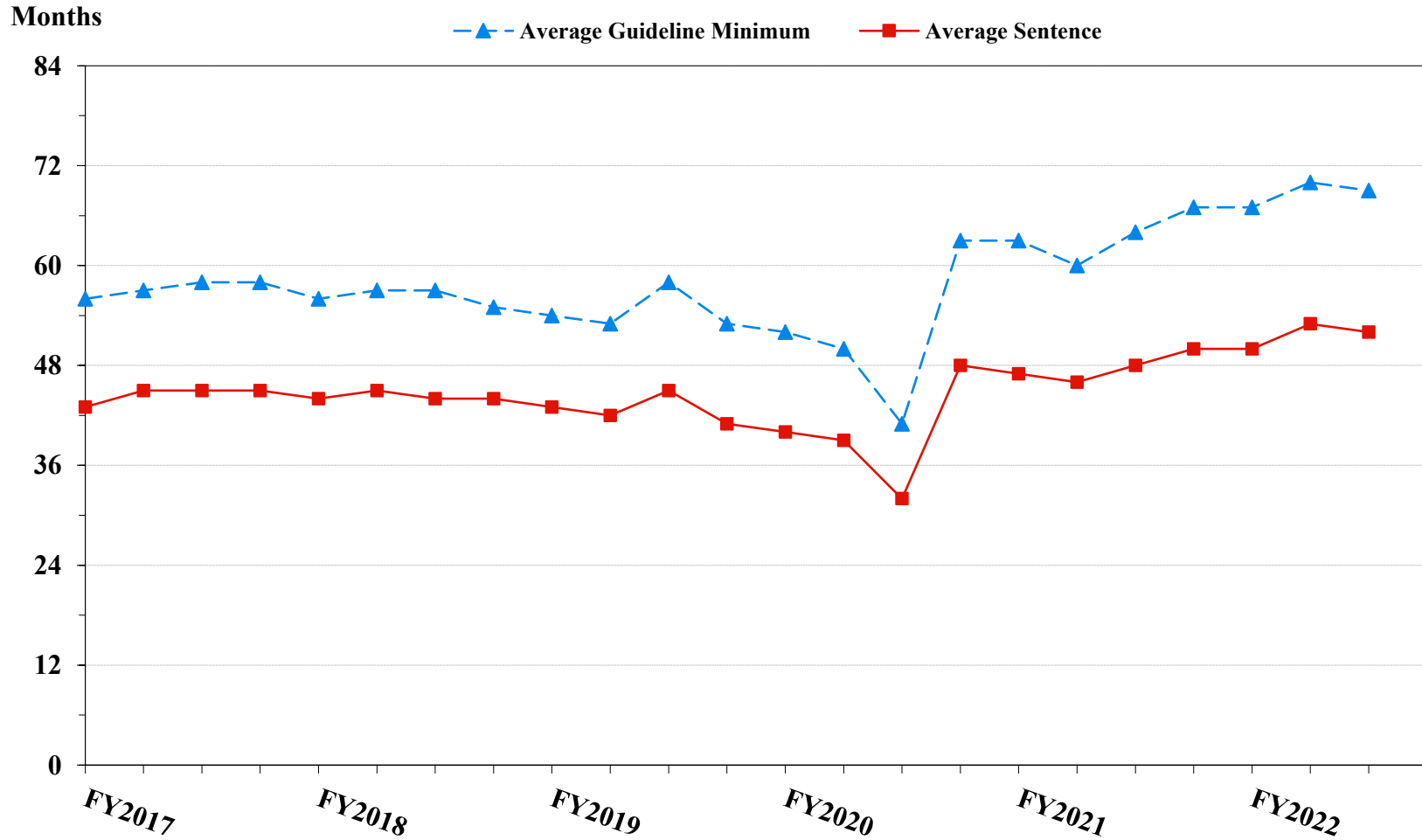
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	13,779	52	29	43.6	32	17	35.0
Administration of Justice	174	7	11	67.2	3	9	72.0
Antitrust	3	0	11	100.0	0	8	100.0
Arson	26	32	20	41.8	24	18	35.7
Assault	184	49	25	42.7	27	16	33.3
Bribery/Corruption	130	18	22	62.9	12	14	62.2
Burglary/Trespass	13	7	7	60.0	9	7	53.3
Child Pornography	545	79	50	40.1	72	43	38.1
Commercialized Vice	16	7	10	76.8	0	9	100.0
Drug Possession	15	1	3	80.0	0	1	97.0
Drug Trafficking	5,355	75	40	38.7	60	27	31.3
Environmental	35	5	12	73.3	0	10	95.7
Extortion/Racketeering	36	22	26	63.2	6	15	72.8
Firearms	2,413	35	18	41.5	27	12	30.0
Food and Drug	9	30	25	44.2	36	21	36.8
Forgery/Counter/Copyright	31	9	15	75.0	0	12	99.6
Fraud/Theft/Embezzlement	1,535	20	17	59.0	12	11	52.0
Immigration	1,532	13	9	43.1	11	6	34.2
Individual Rights	20	34	29	67.2	8	18	75.0
Kidnapping	31	126	77	40.2	120	54	33.3
Manslaughter	9	38	14	34.6	24	8	21.2
Money Laundering	329	46	37	51.2	27	19	45.0
Murder	47	178	69	29.5	180	48	20.8
National Defense	39	20	27	59.4	9	22	50.0
Obscenity/Other Sex Offenses	98	13	10	49.6	12	9	42.1
Prison Offenses	87	9	8	49.4	8	6	41.4
Robbery	410	90	31	28.5	86	24	22.8
Sexual Abuse	341	163	67	30.4	168	55	26.0
Stalking/Harassing	80	16	14	55.5	12	12	47.7
Tax	214	10	16	68.3	6	12	71.1
Other	22	4	8	76.7	0	6	99.1

¹ Of the 47,002 cases, in 14,141 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,502) or a non-government variance (9,639). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 141 cases were excluded from this table. Also, 221 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 5

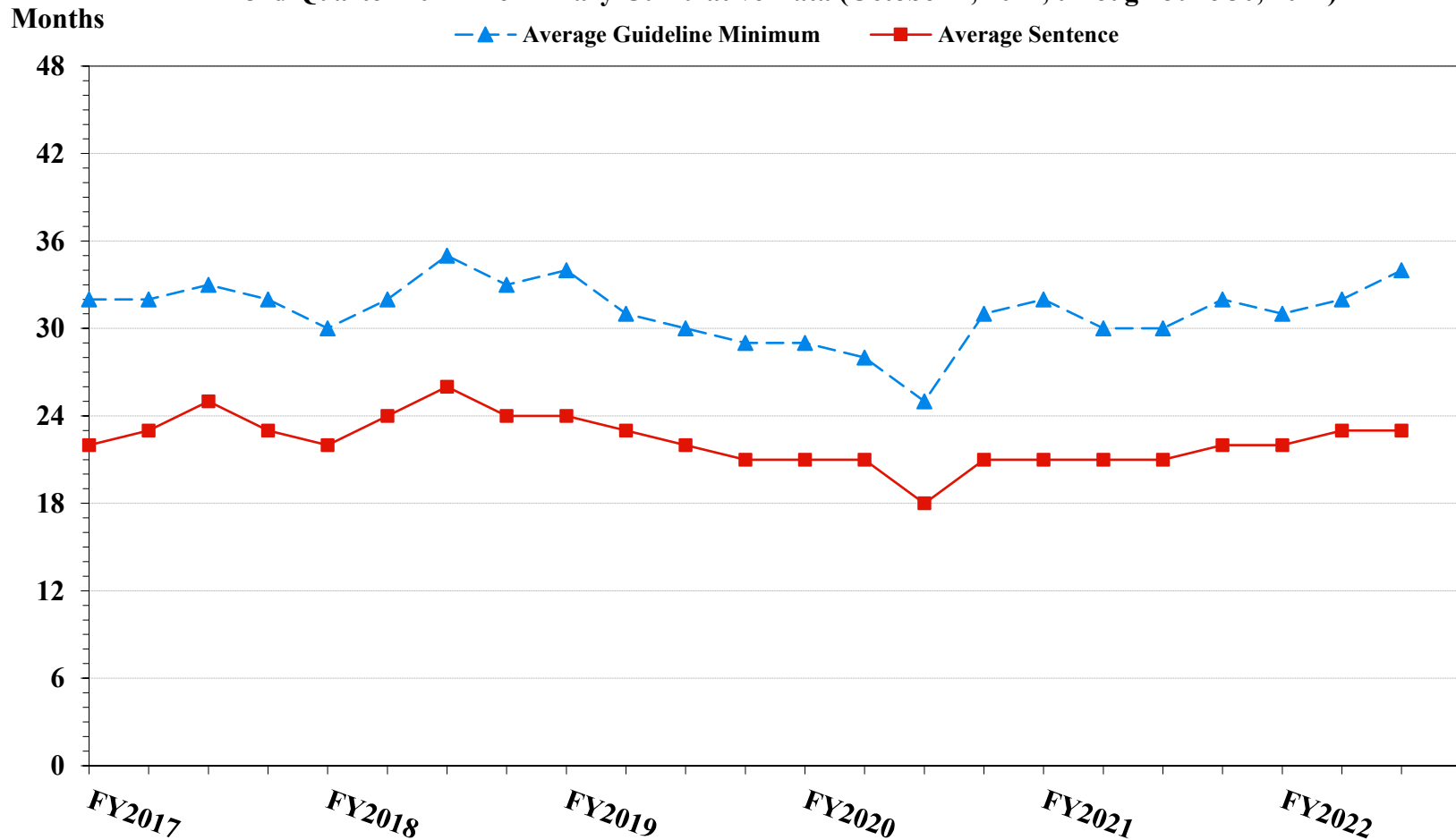
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**



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

Figure 6

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

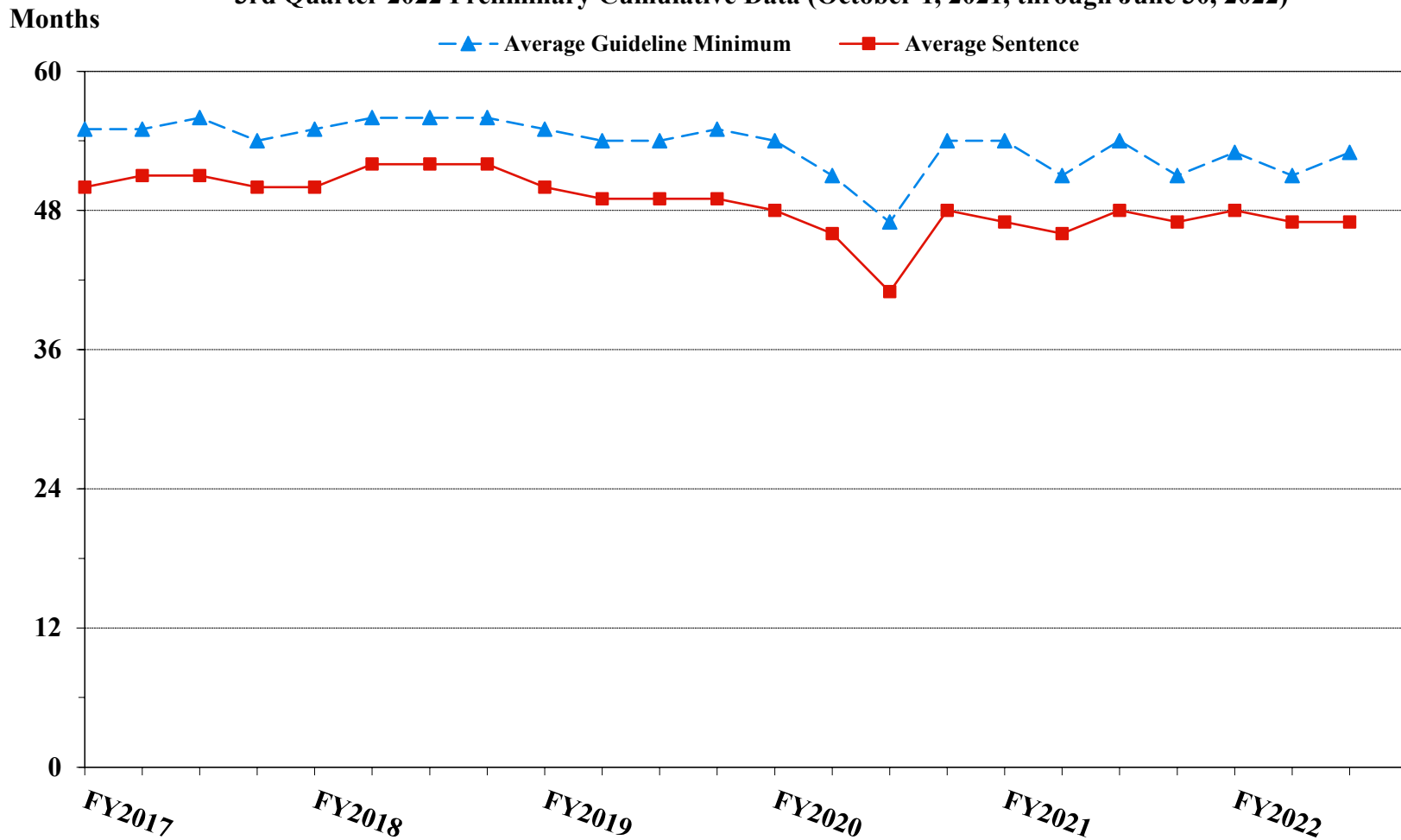


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

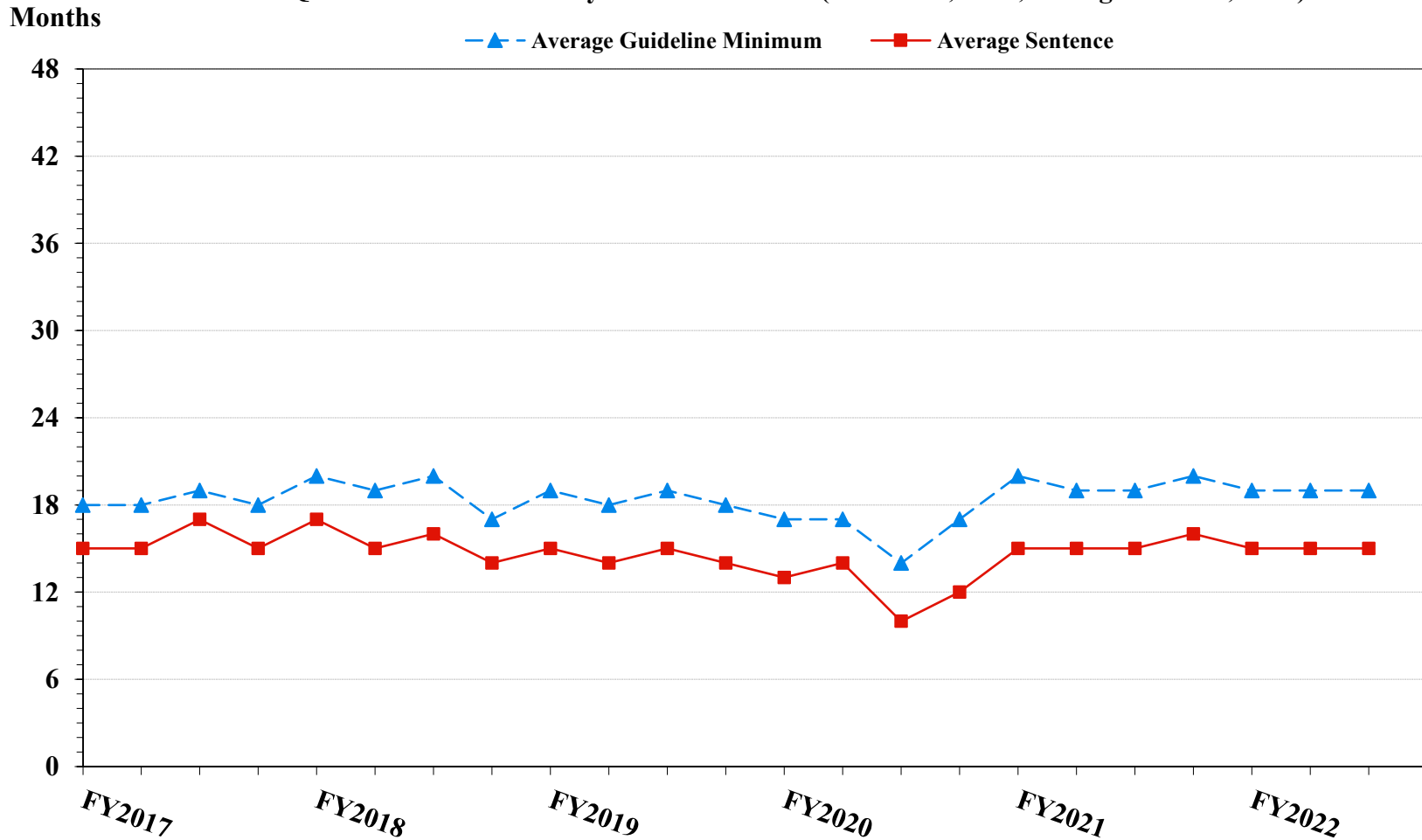


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

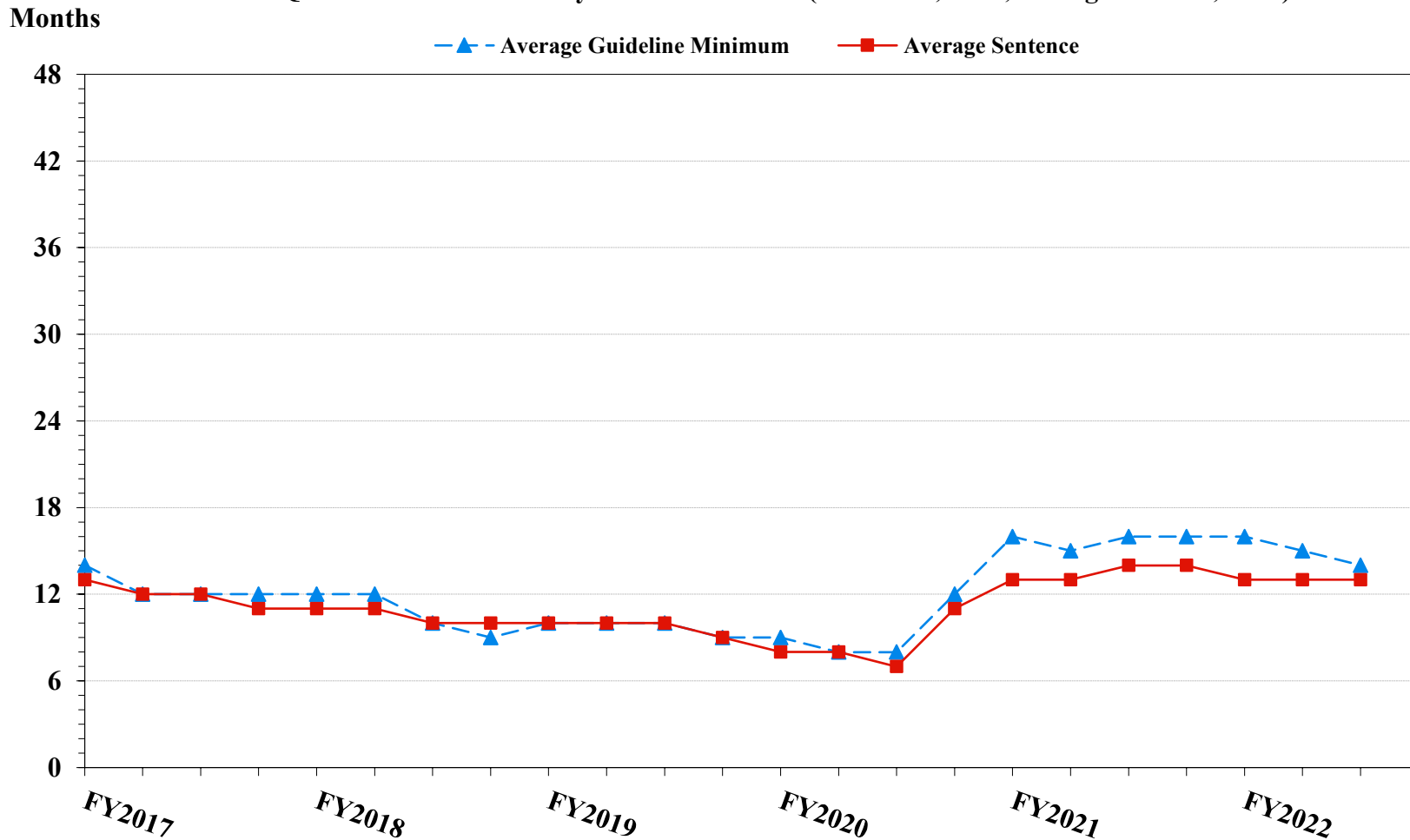


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

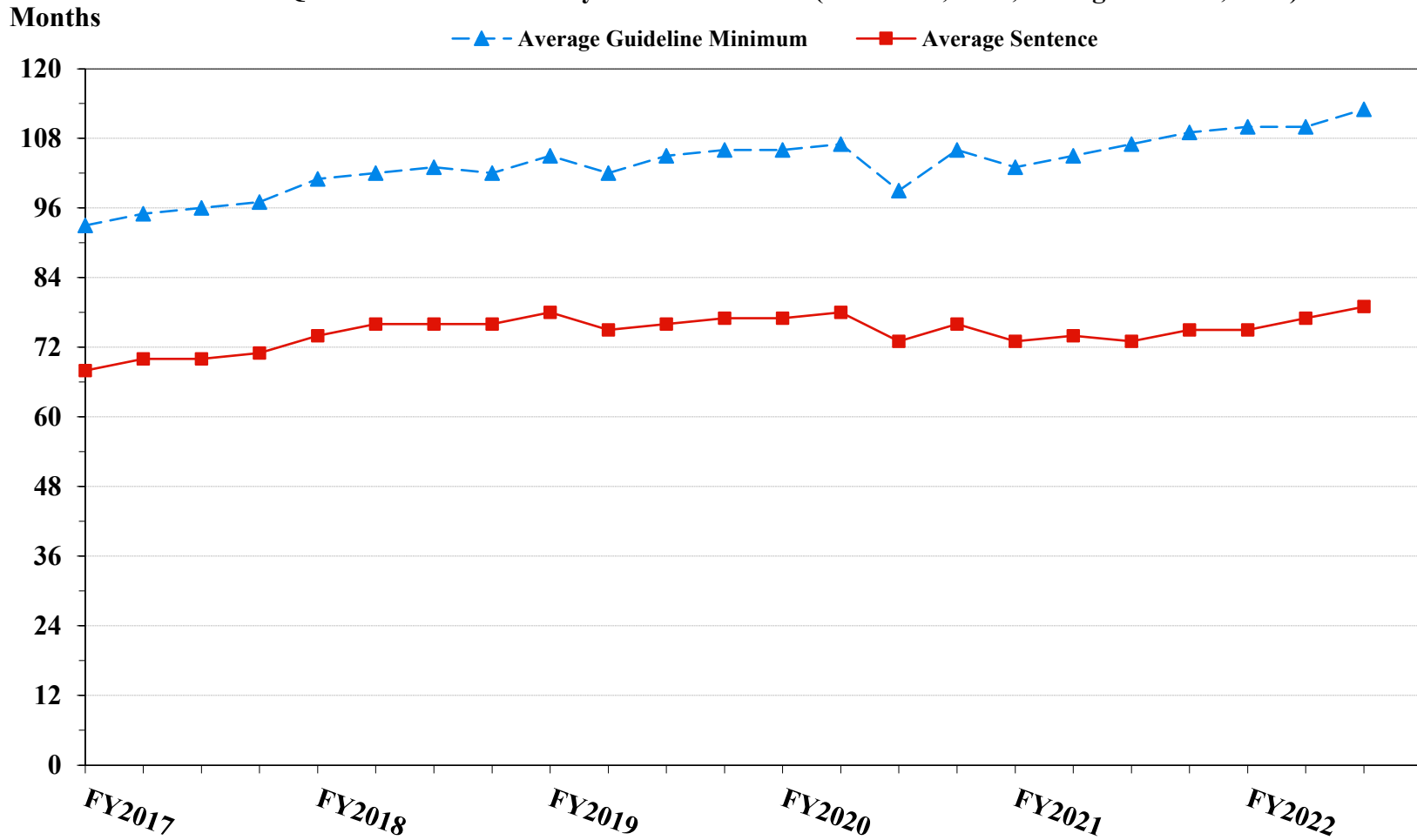


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2017 - 2021,
3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)**

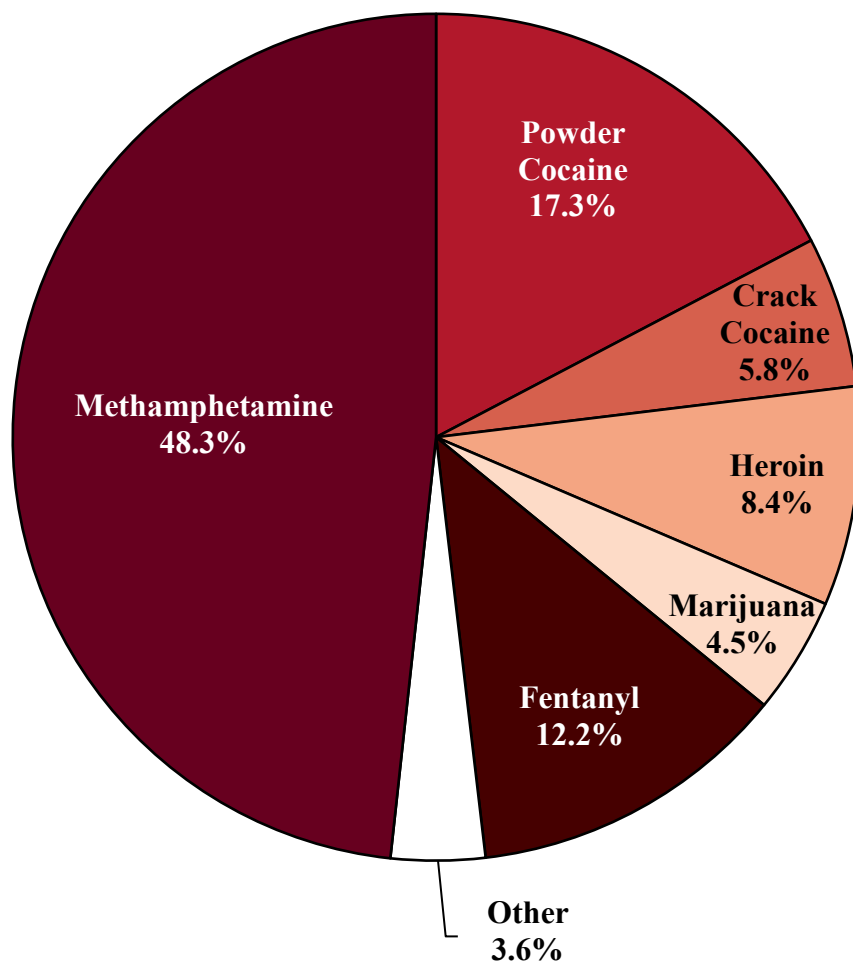


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}**
**3rd Quarter 2022 Preliminary Cumulative Data
(October 1, 2021, through June 30, 2022)**



¹ Of the 47,002 cases, in 14,975 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (225), and MDMA/Ecstasy/MDA (57).

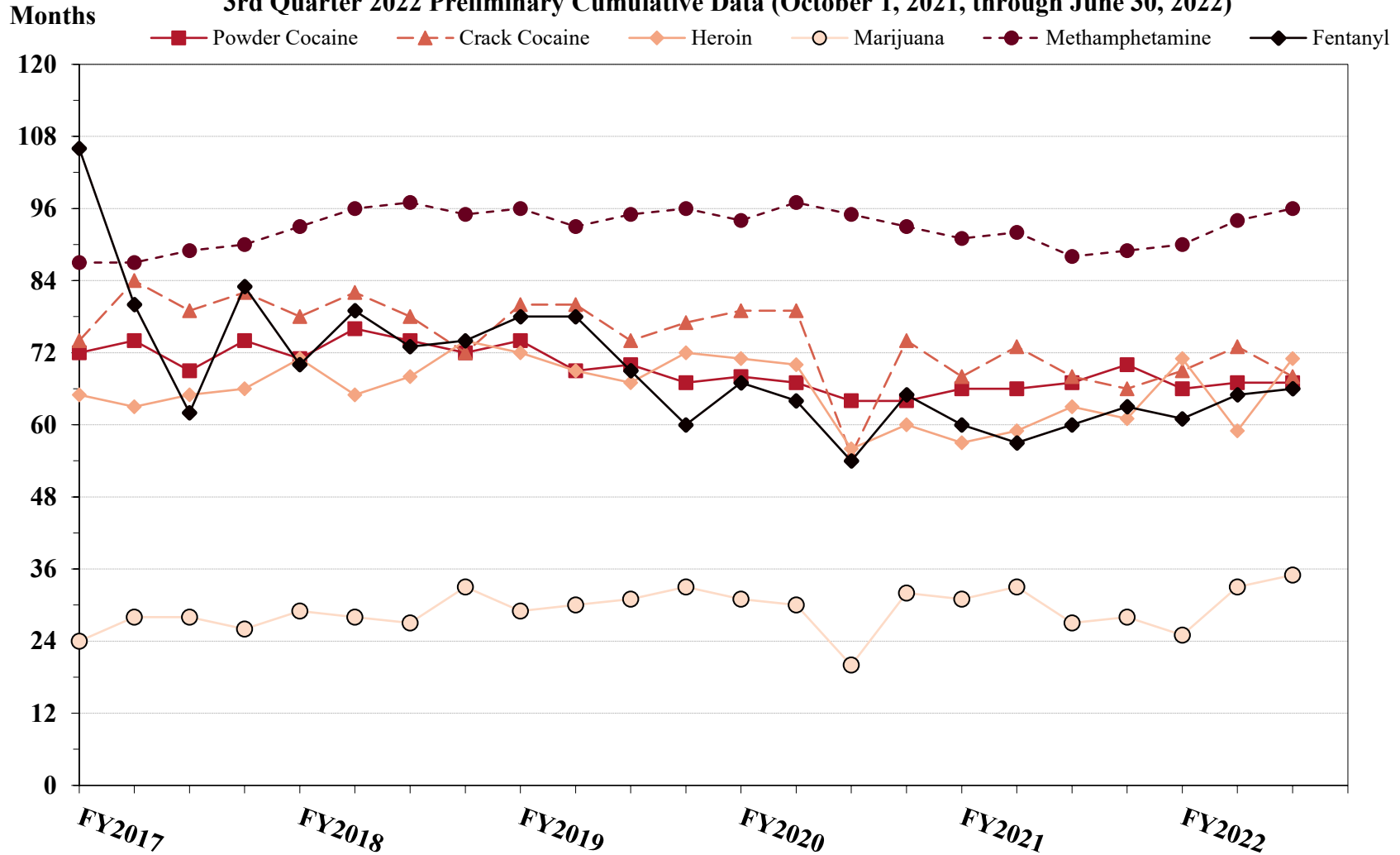
SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through June 30, 2022).

Figure 12

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

Fiscal Years 2017 - 2021,

3rd Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through June 30, 2022)



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

SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through June 30, 2022).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

Upward Variance

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

Within Guideline Range

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

Year

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