

United States Sentencing Commission Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2023 Data
Through June 30, 2023**

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.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 2022 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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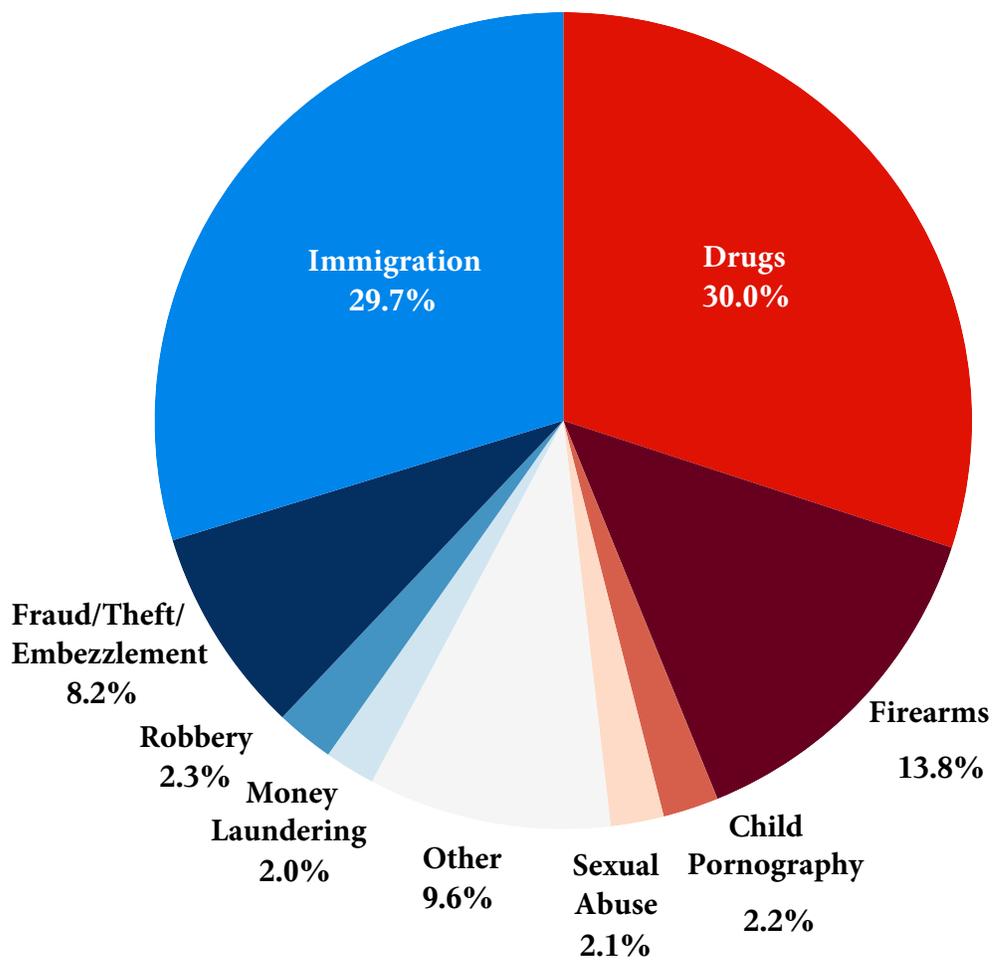
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2023 Preliminary Cumulative Data
(October 1, 2022, through June 30, 2023)



¹ This figure includes the 47,931 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	%
TOTAL	47,931	100.0
Administration of Justice	469	1.0
Antitrust	9	0.0
Arson	89	0.2
Assault	653	1.4
Bribery/Corruption	285	0.6
Burglary/Trespass	57	0.1
Child Pornography	1,060	2.2
Commercialized Vice	61	0.1
Drug Possession	108	0.2
Drug Trafficking	14,276	29.8
Environmental	103	0.2
Extortion/Racketeering	96	0.2
Firearms	6,613	13.8
Food and Drug	43	0.1
Forgery/Counter/Copyright	89	0.2
Fraud/Theft/Embezzlement	3,927	8.2
Immigration	14,248	29.7
Individual Rights	87	0.2
Kidnapping	119	0.2
Manslaughter	72	0.2
Money Laundering	975	2.0
Murder	377	0.8
National Defense	183	0.4
Obscenity/Other Sex Offenses	248	0.5
Prison Offenses	351	0.7
Robbery	1,089	2.3
Sexual Abuse	1,027	2.1
Stalking/Harassing	174	0.4
Tax	350	0.7
Other	693	1.4

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2023 Preliminary Cumulative Data
(October 1, 2022, through June 30, 2023)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	47,931	100.0			
D.C. CIRCUIT	357	0.7	FIFTH CIRCUIT	12,833	26.8
District of Columbia	357	0.7	Louisiana		
			Eastern	241	0.5
			Middle	78	0.2
FIRST CIRCUIT	1,501	3.1	Western	223	0.5
Maine	95	0.2	Mississippi		
Massachusetts	350	0.7	Northern	135	0.3
New Hampshire	123	0.3	Southern	265	0.6
Puerto Rico	851	1.8	Texas		
Rhode Island	82	0.2	Eastern	548	1.1
			Northern	1,201	2.5
SECOND CIRCUIT	2,386	5.0	Southern	4,869	10.2
Connecticut	279	0.6	Western	5,273	11.0
New York			SIXTH CIRCUIT	3,465	7.2
Eastern	536	1.1	Kentucky		
Northern	309	0.6	Eastern	344	0.7
Southern	856	1.8	Western	244	0.5
Western	299	0.6	Michigan		
Vermont	107	0.2	Eastern	520	1.1
			Western	187	0.4
THIRD CIRCUIT	1,792	3.7	Ohio		
Delaware	85	0.2	Northern	644	1.3
New Jersey	534	1.1	Southern	499	1.0
Pennsylvania			Tennessee		
Eastern	394	0.8	Eastern	497	1.0
Middle	308	0.6	Middle	180	0.4
Western	417	0.9	Western	350	0.7
Virgin Islands	54	0.1			
			SEVENTH CIRCUIT	1,688	3.5
FOURTH CIRCUIT	3,226	6.7	Illinois		
Maryland	379	0.8	Central	187	0.4
North Carolina			Northern	443	0.9
Eastern	657	1.4	Southern	187	0.4
Middle	241	0.5	Indiana		
Western	268	0.6	Northern	199	0.4
South Carolina	471	1.0	Southern	311	0.6
Virginia			Wisconsin		
Eastern	672	1.4	Eastern	252	0.5
Western	156	0.3	Western	109	0.2
West Virginia					
Northern	211	0.4			
Southern	171	0.4			

Table 2 (cont.)

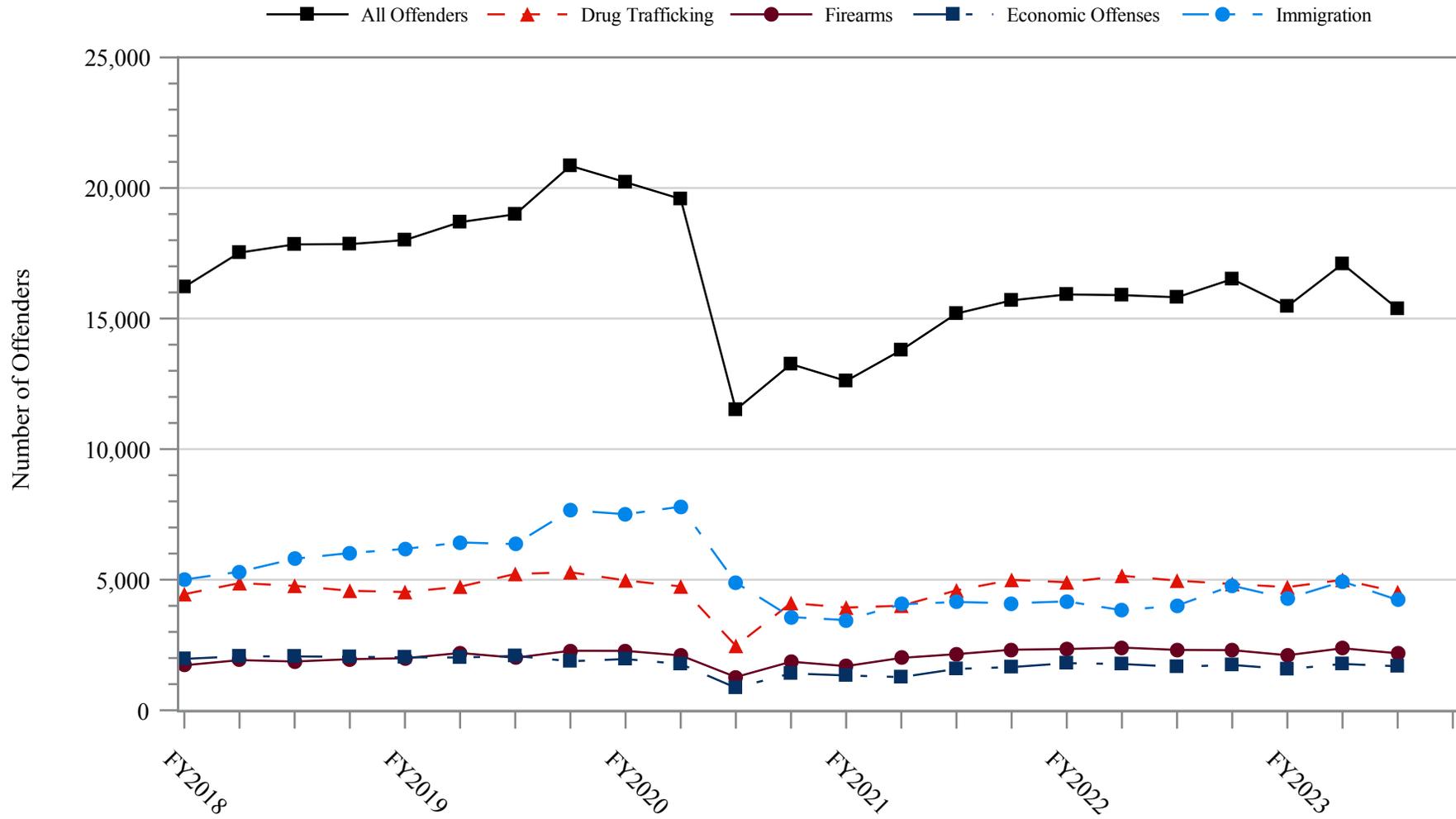
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	3,761	7.8	TENTH CIRCUIT	3,600	7.5
Arkansas			Colorado	246	0.5
Eastern	406	0.8	Kansas	248	0.5
Western	140	0.3	New Mexico	1,497	3.1
Iowa			Oklahoma		
Northern	256	0.5	Eastern	163	0.3
Southern	325	0.7	Northern	275	0.6
Minnesota	244	0.5	Western	476	1.0
Missouri			Utah	600	1.3
Eastern	714	1.5	Wyoming	95	0.2
Western	616	1.3			
Nebraska	411	0.9	ELEVENTH CIRCUIT	3,991	8.3
North Dakota	301	0.6	Alabama		
South Dakota	348	0.7	Middle	151	0.3
			Northern	314	0.7
NINTH CIRCUIT	9,331	19.5	Southern	226	0.5
Alaska	131	0.3	Florida		
Arizona	3,748	7.8	Middle	832	1.7
California			Northern	196	0.4
Central	724	1.5	Southern	1,264	2.6
Eastern	293	0.6	Georgia		
Northern	289	0.6	Middle	281	0.6
Southern	2,480	5.2	Northern	459	1.0
Guam	18	0.0	Southern	268	0.6
Hawaii	88	0.2			
Idaho	209	0.4			
Montana	280	0.6			
Nevada	269	0.6			
Northern Mariana Islands	16	0.0			
Oregon	301	0.6			
Washington					
Eastern	211	0.4			
Western	274	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	47,594	10,597	22.3	11,693	24.6	23,258	48.9	2,046	4.3
Administration of Justice	464	189	40.7	75	16.2	159	34.3	41	8.8
Antitrust	9	8	88.9	0	0.0	1	11.1	0	0.0
Arson	89	29	32.6	27	30.3	16	18.0	17	19.1
Assault	644	143	22.2	205	31.8	105	16.3	191	29.7
Bribery/Corruption	285	118	41.4	87	30.5	48	16.8	32	11.2
Burglary/Trespass	56	23	41.1	19	33.9	5	8.9	9	16.1
Child Pornography	1,059	815	77.0	55	5.2	143	13.5	46	4.3
Commercialized Vice	61	34	55.7	17	27.9	6	9.8	4	6.6
Drug Possession	100	53	53.0	18	18.0	22	22.0	7	7.0
Drug Trafficking	14,249	3,637	25.5	3,931	27.6	6,231	43.7	450	3.2
Environmental	96	52	54.2	9	9.4	22	22.9	13	13.5
Extortion/Racketeering	96	39	40.6	25	26.0	23	24.0	9	9.4
Firearms	6,595	1,396	21.2	3,798	57.6	1,187	18.0	214	3.2
Food and Drug	43	37	86.0	1	2.3	3	7.0	2	4.7
Forgery/Counter/Copyright	89	43	48.3	27	30.3	10	11.2	9	10.1
Fraud/Theft/Embezzlement	3,893	1,535	39.4	1,367	35.1	739	19.0	252	6.5
Immigration	14,187	522	3.7	356	2.5	13,191	93.0	118	0.8
Individual Rights	84	39	46.4	20	23.8	17	20.2	8	9.5
Kidnapping	117	30	25.6	28	23.9	43	36.8	16	13.7
Manslaughter	72	15	20.8	6	8.3	2	2.8	49	68.1
Money Laundering	974	282	29.0	231	23.7	388	39.8	73	7.5
Murder	374	63	16.8	144	38.5	114	30.5	53	14.2
National Defense	181	36	19.9	26	14.4	112	61.9	7	3.9
Obscenity/Other Sex Offenses	248	103	41.5	53	21.4	30	12.1	62	25.0
Prison Offenses	345	89	25.8	113	32.8	107	31.0	36	10.4
Robbery	1,087	180	16.6	645	59.3	220	20.2	42	3.9
Sexual Abuse	1,024	571	55.8	163	15.9	145	14.2	145	14.2
Stalking/Harassing	172	110	64.0	32	18.6	17	9.9	13	7.6
Tax	349	171	49.0	89	25.5	56	16.0	33	9.5
Other	552	235	42.6	126	22.8	96	17.4	95	17.2

¹ Of the 47,931 cases, 337 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	47,904	41,660	87.0	6,244	13.0
Administration of Justice	469	365	77.8	104	22.2
Antitrust	9	9	100.0	0	0.0
Arson	89	72	80.9	17	19.1
Assault	653	607	93.0	46	7.0
Bribery/Corruption	285	224	78.6	61	21.4
Burglary/Trespass	57	52	91.2	5	8.8
Child Pornography	1,060	1,048	98.9	12	1.1
Commercialized Vice	61	53	86.9	8	13.1
Drug Possession	108	69	63.9	39	36.1
Drug Trafficking	14,276	11,912	83.4	2,364	16.6
Environmental	103	95	92.2	8	7.8
Extortion/Racketeering	96	76	79.2	20	20.8
Firearms	6,612	6,309	95.4	303	4.6
Food and Drug	43	27	62.8	16	37.2
Forgery/Counter/Copyright	89	77	86.5	12	13.5
Fraud/Theft/Embezzlement	3,927	2,727	69.4	1,200	30.6
Immigration	14,238	12,956	91.0	1,282	9.0
Individual Rights	87	78	89.7	9	10.3
Kidnapping	119	103	86.6	16	13.4
Manslaughter	72	54	75.0	18	25.0
Money Laundering	975	736	75.5	239	24.5
Murder	377	349	92.6	28	7.4
National Defense	183	150	82.0	33	18.0
Obscenity/Other Sex Offenses	247	240	97.2	7	2.8
Prison Offenses	351	319	90.9	32	9.1
Robbery	1,089	1,027	94.3	62	5.7
Sexual Abuse	1,027	975	94.9	52	5.1
Stalking/Harassing	174	161	92.5	13	7.5
Tax	350	250	71.4	100	28.6
Other	678	540	79.6	138	20.4

¹ Of the 47,931 cases, 27 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	47,705	31,746	66.5	15,959	33.5
Administration of Justice	462	364	78.8	98	21.2
Antitrust	9	9	100.0	0	0.0
Arson	89	85	95.5	4	4.5
Assault	648	613	94.6	35	5.4
Bribery/Corruption	285	264	92.6	21	7.4
Burglary/Trespass	57	57	100.0	0	0.0
Child Pornography	1,059	1,017	96.0	42	4.0
Commercialized Vice	61	53	86.9	8	13.1
Drug Possession	103	97	94.2	6	5.8
Drug Trafficking	14,267	11,637	81.6	2,630	18.4
Environmental	95	79	83.2	16	16.8
Extortion/Racketeering	96	80	83.3	16	16.7
Firearms	6,599	6,357	96.3	242	3.7
Food and Drug	43	40	93.0	3	7.0
Forgery/Counter/Copyright	89	87	97.8	2	2.2
Fraud/Theft/Embezzlement	3,899	3,326	85.3	573	14.7
Immigration	14,229	2,649	18.6	11,580	81.4
Individual Rights	87	77	88.5	10	11.5
Kidnapping	119	103	86.6	16	13.4
Manslaughter	72	71	98.6	1	1.4
Money Laundering	974	691	70.9	283	29.1
Murder	377	327	86.7	50	13.3
National Defense	181	133	73.5	48	26.5
Obscenity/Other Sex Offenses	248	243	98.0	5	2.0
Prison Offenses	341	323	94.7	18	5.3
Robbery	1,089	1,040	95.5	49	4.5
Sexual Abuse	1,027	988	96.2	39	3.8
Stalking/Harassing	172	170	98.8	2	1.2
Tax	350	328	93.7	22	6.3
Other	578	438	75.8	140	24.2

¹ Of the 47,931 cases, 226 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 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	52	24	47,930
Administration of Justice	15	10	469
Antitrust	3	2	9
Arson	56	48	89
Assault	70	48	653
Bribery/Corruption	22	14	285
Burglary/Trespass	15	4	57
Child Pornography	114	96	1,060
Commercialized Vice	18	12	61
Drug Possession	3	0	108
Drug Trafficking	81	63	14,276
Environmental	4	0	103
Extortion/Racketeering	29	18	96
Firearms	49	41	6,613
Food and Drug	12	0	43
Forgery/Counter/Copyright	17	12	89
Fraud/Theft/Embezzlement	22	12	3,927
Immigration	12	8	14,247
Individual Rights	64	24	87
Kidnapping	191	151	119
Manslaughter	73	65	72
Money Laundering	60	36	975
Murder	285	264	377
National Defense	38	24	183
Obscenity/Other Sex Offenses	23	20	248
Prison Offenses	14	12	351
Robbery	108	96	1,089
Sexual Abuse	211	180	1,027
Stalking/Harassing	29	18	174
Tax	15	12	350
Other	4	0	693

¹ Of the 47,931 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT				Prison and Alternatives ²		TOTAL RECEIVING PROBATION				Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	47,931	44,309	92.4	43,007	89.7	1,302	2.7	3,426	7.1	598	1.2	2,828	5.9	196	0.4		
Administration of Justice	469	362	77.2	343	73.1	19	4.1	104	22.2	24	5.1	80	17.1	3	0.6		
Antitrust	9	1	11.1	1	11.1	0	0.0	8	88.9	4	44.4	4	44.4	0	0.0		
Arson	89	87	97.8	86	96.6	1	1.1	2	2.2	0	0.0	2	2.2	0	0.0		
Assault	653	609	93.3	589	90.2	20	3.1	40	6.1	9	1.4	31	4.7	4	0.6		
Bribery/Corruption	285	220	77.2	205	71.9	15	5.3	64	22.5	19	6.7	45	15.8	1	0.4		
Burglary/Trespass	57	45	78.9	44	77.2	1	1.8	12	21.1	6	10.5	6	10.5	0	0.0		
Child Pornography	1,060	1,049	99.0	1,035	97.6	14	1.3	11	1.0	0	0.0	11	1.0	0	0.0		
Commercialized Vice	61	54	88.5	50	82.0	4	6.6	7	11.5	3	4.9	4	6.6	0	0.0		
Drug Possession	108	56	51.9	56	51.9	0	0.0	42	38.9	0	0.0	42	38.9	10	9.3		
Drug Trafficking	14,276	13,904	97.4	13,438	94.1	466	3.3	371	2.6	84	0.6	287	2.0	1	0.0		
Environmental	103	28	27.2	23	22.3	5	4.9	68	66.0	5	4.9	63	61.2	7	6.8		
Extortion/Racketeering	96	75	78.1	70	72.9	5	5.2	21	21.9	3	3.1	18	18.8	0	0.0		
Firearms	6,613	6,192	93.6	6,053	91.5	139	2.1	416	6.3	77	1.2	339	5.1	5	0.1		
Food and Drug	43	19	44.2	18	41.9	1	2.3	23	53.5	2	4.7	21	48.8	1	2.3		
Forgery/Counter/Copyright	89	67	75.3	60	67.4	7	7.9	22	24.7	5	5.6	17	19.1	0	0.0		
Fraud/Theft/Embezzlement	3,927	2,920	74.4	2,758	70.2	162	4.1	981	25.0	182	4.6	799	20.3	26	0.7		
Immigration	14,248	13,644	95.8	13,374	93.9	270	1.9	604	4.2	82	0.6	522	3.7	0	0.0		
Individual Rights	87	62	71.3	61	70.1	1	1.1	25	28.7	2	2.3	23	26.4	0	0.0		
Kidnapping	119	118	99.2	110	92.4	8	6.7	1	0.8	0	0.0	1	0.8	0	0.0		
Manslaughter	72	71	98.6	69	95.8	2	2.8	1	1.4	0	0.0	1	1.4	0	0.0		
Money Laundering	975	870	89.2	832	85.3	38	3.9	104	10.7	28	2.9	76	7.8	1	0.1		
Murder	377	377	100.0	371	98.4	6	1.6	0	0.0	0	0.0	0	0.0	0	0.0		
National Defense	183	151	82.5	143	78.1	8	4.4	16	8.7	3	1.6	13	7.1	16	8.7		
Obscenity/Other Sex Offenses	248	231	93.1	213	85.9	18	7.3	17	6.9	4	1.6	13	5.2	0	0.0		
Prison Offenses	351	341	97.2	328	93.4	13	3.7	9	2.6	3	0.9	6	1.7	1	0.3		
Robbery	1,089	1,079	99.1	1,048	96.2	31	2.8	10	0.9	0	0.0	10	0.9	0	0.0		
Sexual Abuse	1,027	1,023	99.6	1,003	97.7	20	1.9	4	0.4	2	0.2	2	0.2	0	0.0		
Stalking/Harassing	174	161	92.5	154	88.5	7	4.0	13	7.5	5	2.9	8	4.6	0	0.0		
Tax	350	218	62.3	200	57.1	18	5.1	132	37.7	32	9.1	100	28.6	0	0.0		
Other	693	275	39.7	272	39.2	3	0.4	298	43.0	14	2.0	284	41.0	120	17.3		

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

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

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

	<u>N</u>	<u>%</u>
TOTAL CASES	47,724	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	32,231	67.5
Within Guideline Range	20,271	42.5
Upward Departure ²	247	0.5
Downward Departure		
§5K1.1 Substantial Assistance	4,947	10.4
§5K3.1 Early Disposition Program	4,951	10.4
Other Government Motion ³	994	2.1
Non-Government Departure ⁴	821	1.7
VARIANCES	15,493	32.5
Upward Variance ⁵	1,377	2.9
Downward Variance		
Government Motion ⁶	4,663	9.8
Non-Government Variance ⁷	9,453	19.8

¹ This table reflects the 47,931 cases sentenced on or after October 1, 2022, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by Aug 31, 2023. Of these, 207 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.

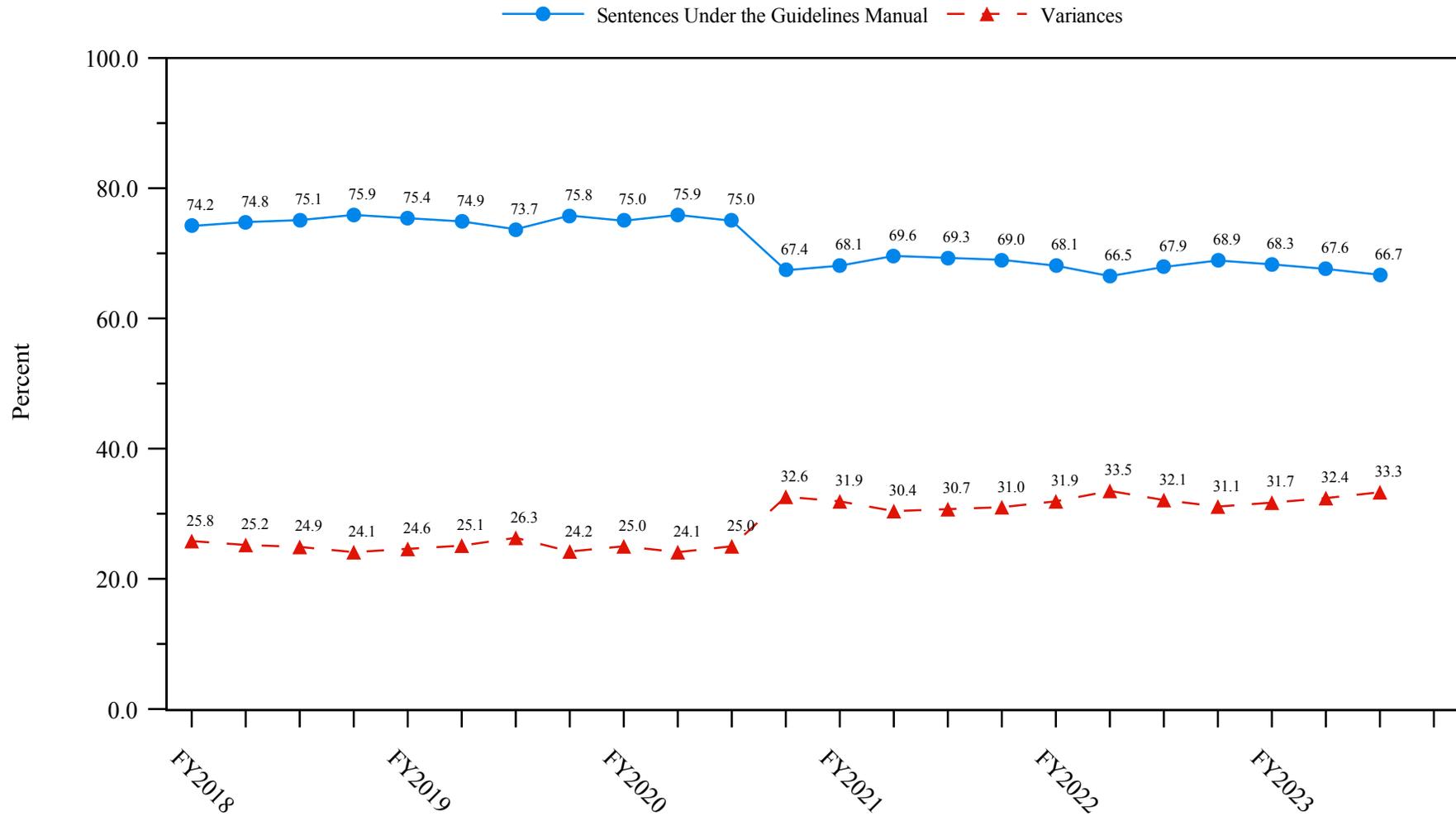
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

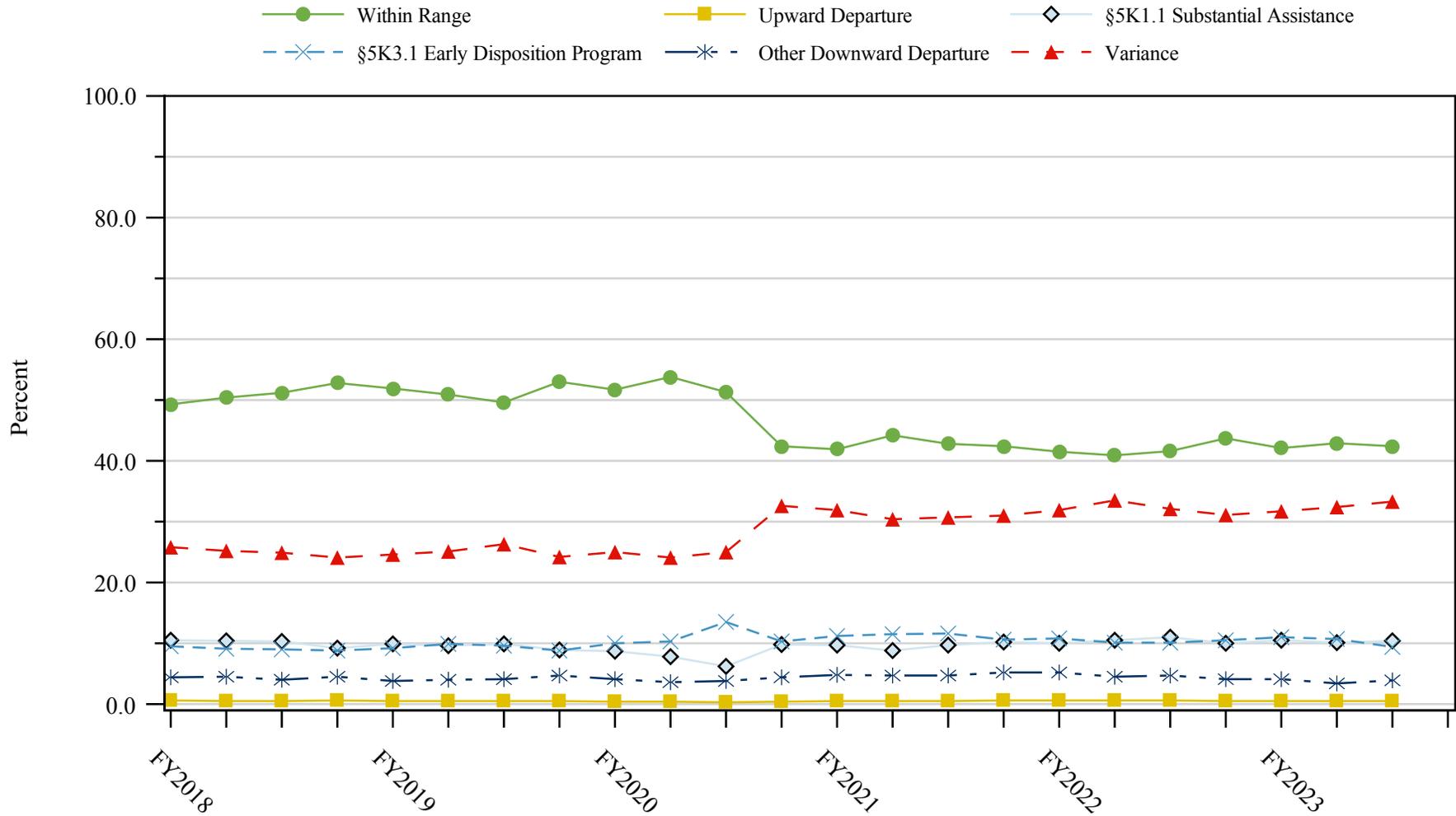


¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

Table 9

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

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	47,724	20,271	42.5	247	0.5	4,947	10.4	4,951	10.4	1,815	3.8	15,493	32.5
D.C. CIRCUIT	357	158	44.3	8	2.2	30	8.4	0	0.0	15	4.2	146	40.9
District of Columbia	357	158	44.3	8	2.2	30	8.4	0	0.0	15	4.2	146	40.9
FIRST CIRCUIT	1,500	575	38.3	5	0.3	129	8.6	1	0.1	100	6.7	690	46.0
Maine	95	22	23.2	1	1.1	20	21.1	0	0.0	2	2.1	50	52.6
Massachusetts	350	77	22.0	0	0.0	42	12.0	1	0.3	30	8.6	200	57.1
New Hampshire	122	25	20.5	0	0.0	18	14.8	0	0.0	6	4.9	73	59.8
Puerto Rico	851	438	51.5	4	0.5	44	5.2	0	0.0	59	6.9	306	36.0
Rhode Island	82	13	15.9	0	0.0	5	6.1	0	0.0	3	3.7	61	74.4
SECOND CIRCUIT	2,385	643	27.0	7	0.3	401	16.8	5	0.2	77	3.2	1,252	52.5
Connecticut	279	60	21.5	1	0.4	56	20.1	0	0.0	30	10.8	132	47.3
New York													
Eastern	536	121	22.6	1	0.2	98	18.3	2	0.4	26	4.9	288	53.7
Northern	309	163	52.8	1	0.3	66	21.4	2	0.6	10	3.2	67	21.7
Southern	855	159	18.6	0	0.0	99	11.6	1	0.1	8	0.9	588	68.8
Western	299	114	38.1	3	1.0	64	21.4	0	0.0	1	0.3	117	39.1
Vermont	107	26	24.3	1	0.9	18	16.8	0	0.0	2	1.9	60	56.1
THIRD CIRCUIT	1,791	673	37.6	8	0.4	333	18.6	6	0.3	39	2.2	732	40.9
Delaware	85	35	41.2	1	1.2	10	11.8	5	5.9	6	7.1	28	32.9
New Jersey	533	187	35.1	1	0.2	96	18.0	0	0.0	6	1.1	243	45.6
Pennsylvania													
Eastern	394	108	27.4	0	0.0	114	28.9	0	0.0	7	1.8	165	41.9
Middle	308	136	44.2	3	1.0	58	18.8	1	0.3	8	2.6	102	33.1
Western	417	167	40.0	2	0.5	48	11.5	0	0.0	10	2.4	190	45.6
Virgin Islands	54	40	74.1	1	1.9	7	13.0	0	0.0	2	3.7	4	7.4
FOURTH CIRCUIT	3,185	1,377	43.2	21	0.7	536	16.8	0	0.0	72	2.3	1,179	37.0
Maryland	364	93	25.5	2	0.5	69	19.0	0	0.0	23	6.3	177	48.6
North Carolina													
Eastern	638	337	52.8	7	1.1	186	29.2	0	0.0	5	0.8	103	16.1
Middle	241	101	41.9	4	1.7	13	5.4	0	0.0	4	1.7	119	49.4
Western	268	133	49.6	1	0.4	42	15.7	0	0.0	2	0.7	90	33.6
South Carolina	471	145	30.8	0	0.0	132	28.0	0	0.0	7	1.5	187	39.7
Virginia													
Eastern	668	335	50.1	4	0.6	22	3.3	0	0.0	29	4.3	278	41.6
Western	154	49	31.8	2	1.3	39	25.3	0	0.0	0	0.0	64	41.6
West Virginia													
Northern	211	108	51.2	1	0.5	17	8.1	0	0.0	1	0.5	84	39.8
Southern	170	76	44.7	0	0.0	16	9.4	0	0.0	1	0.6	77	45.3

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	12,802	8,129	63.5	55	0.4	827	6.5	716	5.6	431	3.4	2,644	20.7
Louisiana													
Eastern	241	127	52.7	7	2.9	49	20.3	0	0.0	2	0.8	56	23.2
Middle	78	39	50.0	0	0.0	14	17.9	0	0.0	1	1.3	24	30.8
Western	215	146	67.9	1	0.5	19	8.8	0	0.0	0	0.0	49	22.8
Mississippi													
Northern	131	51	38.9	1	0.8	31	23.7	0	0.0	0	0.0	48	36.6
Southern	265	173	65.3	2	0.8	33	12.5	0	0.0	1	0.4	56	21.1
Texas													
Eastern	546	327	59.9	8	1.5	29	5.3	0	0.0	8	1.5	174	31.9
Northern	1,200	745	62.1	10	0.8	109	9.1	0	0.0	10	0.8	326	27.2
Southern	4,867	2,598	53.4	23	0.5	320	6.6	690	14.2	328	6.7	908	18.7
Western	5,259	3,923	74.6	3	0.1	223	4.2	26	0.5	81	1.5	1,003	19.1
SIXTH CIRCUIT	3,448	1,275	37.0	14	0.4	636	18.4	9	0.3	138	4.0	1,376	39.9
Kentucky													
Eastern	344	168	48.8	3	0.9	76	22.1	0	0.0	5	1.5	92	26.7
Western	244	65	26.6	1	0.4	67	27.5	7	2.9	22	9.0	82	33.6
Michigan													
Eastern	520	172	33.1	1	0.2	52	10.0	0	0.0	11	2.1	284	54.6
Western	186	94	50.5	2	1.1	31	16.7	0	0.0	5	2.7	54	29.0
Ohio													
Northern	644	263	40.8	1	0.2	121	18.8	1	0.2	15	2.3	243	37.7
Southern	497	111	22.3	1	0.2	113	22.7	1	0.2	68	13.7	203	40.8
Tennessee													
Eastern	490	220	44.9	5	1.0	104	21.2	0	0.0	6	1.2	155	31.6
Middle	176	47	26.7	0	0.0	21	11.9	0	0.0	2	1.1	106	60.2
Western	347	135	38.9	0	0.0	51	14.7	0	0.0	4	1.2	157	45.2
SEVENTH CIRCUIT	1,687	559	33.1	12	0.7	177	10.5	0	0.0	58	3.4	881	52.2
Illinois													
Central	187	53	28.3	0	0.0	26	13.9	0	0.0	3	1.6	105	56.1
Northern	442	136	30.8	1	0.2	34	7.7	0	0.0	13	2.9	258	58.4
Southern	187	90	48.1	8	4.3	28	15.0	0	0.0	9	4.8	52	27.8
Indiana													
Northern	199	96	48.2	0	0.0	26	13.1	0	0.0	0	0.0	77	38.7
Southern	311	122	39.2	0	0.0	39	12.5	0	0.0	1	0.3	149	47.9
Wisconsin													
Eastern	252	38	15.1	2	0.8	18	7.1	0	0.0	4	1.6	190	75.4
Western	109	24	22.0	1	0.9	6	5.5	0	0.0	28	25.7	50	45.9
EIGHTH CIRCUIT	3,759	1,529	40.7	24	0.6	525	14.0	17	0.5	75	2.0	1,589	42.3
Arkansas													
Eastern	406	186	45.8	1	0.2	46	11.3	0	0.0	2	0.5	171	42.1
Western	140	68	48.6	0	0.0	15	10.7	0	0.0	0	0.0	57	40.7
Iowa													
Northern	256	125	48.8	6	2.3	49	19.1	0	0.0	3	1.2	73	28.5
Southern	325	111	34.2	2	0.6	44	13.5	0	0.0	3	0.9	165	50.8
Minnesota	243	65	26.7	1	0.4	32	13.2	0	0.0	15	6.2	130	53.5
Missouri													
Eastern	713	290	40.7	2	0.3	79	11.1	0	0.0	17	2.4	325	45.6
Western	616	211	34.3	1	0.2	118	19.2	0	0.0	10	1.6	276	44.8
Nebraska	411	185	45.0	0	0.0	17	4.1	13	3.2	2	0.5	194	47.2
North Dakota	301	95	31.6	5	1.7	120	39.9	3	1.0	2	0.7	76	25.2
South Dakota	348	193	55.5	6	1.7	5	1.4	1	0.3	21	6.0	122	35.1

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
District		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	9,283	2,118	22.8	41	0.4	659	7.1	3,730	40.2	477	5.1	2,258	24.3
Alaska	131	43	32.8	0	0.0	24	18.3	0	0.0	6	4.6	58	44.3
Arizona	3,723	1,000	26.9	13	0.3	73	2.0	2,186	58.7	40	1.1	411	11.0
California													
Central	721	198	27.5	7	1.0	93	12.9	12	1.7	49	6.8	362	50.2
Eastern	287	120	41.8	0	0.0	56	19.5	2	0.7	5	1.7	104	36.2
Northern	285	37	13.0	3	1.1	38	13.3	2	0.7	24	8.4	181	63.5
Southern	2,470	263	10.6	10	0.4	120	4.9	1,482	60.0	330	13.4	265	10.7
Guam	18	8	44.4	0	0.0	7	38.9	0	0.0	0	0.0	3	16.7
Hawaii	88	26	29.5	0	0.0	28	31.8	0	0.0	1	1.1	33	37.5
Idaho	209	70	33.5	0	0.0	45	21.5	9	4.3	5	2.4	80	38.3
Montana	280	82	29.3	1	0.4	66	23.6	0	0.0	4	1.4	127	45.4
Nevada	269	43	16.0	1	0.4	12	4.5	33	12.3	7	2.6	173	64.3
Northern Mariana Islands	16	14	87.5	0	0.0	1	6.3	0	0.0	0	0.0	1	6.3
Oregon	301	47	15.6	2	0.7	60	19.9	0	0.0	1	0.3	191	63.5
Washington													
Eastern	211	74	35.1	4	1.9	30	14.2	4	1.9	3	1.4	96	45.5
Western	274	93	33.9	0	0.0	6	2.2	0	0.0	2	0.7	173	63.1
TENTH CIRCUIT	3,570	1,358	38.0	33	0.9	203	5.7	465	13.0	276	7.7	1,235	34.6
Colorado	238	70	29.4	2	0.8	49	20.6	16	6.7	3	1.3	98	41.2
Kansas	242	116	47.9	1	0.4	29	12.0	0	0.0	6	2.5	90	37.2
New Mexico	1,496	534	35.7	18	1.2	42	2.8	366	24.5	171	11.4	365	24.4
Oklahoma													
Eastern	163	105	64.4	2	1.2	5	3.1	0	0.0	3	1.8	48	29.4
Northern	273	146	53.5	7	2.6	23	8.4	0	0.0	64	23.4	33	12.1
Western	468	263	56.2	2	0.4	17	3.6	1	0.2	3	0.6	182	38.9
Utah	596	105	17.6	0	0.0	34	5.7	80	13.4	21	3.5	356	59.7
Wyoming	94	19	20.2	1	1.1	4	4.3	2	2.1	5	5.3	63	67.0
ELEVENTH CIRCUIT	3,957	1,877	47.4	19	0.5	491	12.4	2	0.1	57	1.4	1,511	38.2
Alabama													
Middle	151	57	37.7	0	0.0	21	13.9	0	0.0	5	3.3	68	45.0
Northern	314	173	55.1	1	0.3	46	14.6	0	0.0	6	1.9	88	28.0
Southern	226	115	50.9	5	2.2	24	10.6	1	0.4	4	1.8	77	34.1
Florida													
Middle	831	327	39.4	2	0.2	123	14.8	0	0.0	8	1.0	371	44.6
Northern	195	78	40.0	0	0.0	46	23.6	1	0.5	4	2.1	66	33.8
Southern	1,234	637	51.6	4	0.3	92	7.5	0	0.0	11	0.9	490	39.7
Georgia													
Middle	279	188	67.4	1	0.4	29	10.4	0	0.0	3	1.1	58	20.8
Northern	459	132	28.8	2	0.4	53	11.5	0	0.0	15	3.3	257	56.0
Southern	268	170	63.4	4	1.5	57	21.3	0	0.0	1	0.4	36	13.4

¹ Of the 47,931 cases, 207 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹**

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	47,724	20,271	42.5	247	0.5	4,947	10.4	4,951	10.4	1,815	3.8	15,493	32.5
Administration of Justice	467	212	45.4	11	2.4	21	4.5	2	0.4	23	4.9	198	42.4
Antitrust	9	2	22.2	0	0.0	3	33.3	0	0.0	2	22.2	2	22.2
Arson	89	37	41.6	5	5.6	14	15.7	0	0.0	4	4.5	29	32.6
Assault	646	301	46.6	13	2.0	32	5.0	0	0.0	44	6.8	256	39.6
Bribery/Corruption	285	68	23.9	0	0.0	98	34.4	0	0.0	9	3.2	110	38.6
Burglary/Trespass	57	38	66.7	1	1.8	3	5.3	0	0.0	0	0.0	15	26.3
Child Pornography	1,060	364	34.3	4	0.4	25	2.4	2	0.2	34	3.2	631	59.5
Commercialized Vice	61	19	31.1	1	1.6	6	9.8	0	0.0	8	13.1	27	44.3
Drug Possession	92	84	91.3	1	1.1	1	1.1	0	0.0	0	0.0	6	6.5
Drug Trafficking	14,270	3,891	27.3	51	0.4	2,985	20.9	970	6.8	668	4.7	5,705	40.0
Environmental	94	54	57.4	0	0.0	9	9.6	0	0.0	2	2.1	29	30.9
Extortion/Racketeering	96	20	20.8	0	0.0	13	13.5	1	1.0	6	6.3	56	58.3
Firearms	6,605	3,384	51.2	56	0.8	367	5.6	12	0.2	210	3.2	2,576	39.0
Food and Drug	42	20	47.6	0	0.0	1	2.4	0	0.0	2	4.8	19	45.2
Forgery/Counter/Copyright	89	35	39.3	0	0.0	12	13.5	0	0.0	3	3.4	39	43.8
Fraud/Theft/Embezzlement	3,909	1,569	40.1	18	0.5	577	14.8	1	0.0	116	3.0	1,628	41.6
Immigration	14,191	7,847	55.3	28	0.2	135	1.0	3,940	27.8	422	3.0	1,819	12.8
Individual Rights	85	24	28.2	0	0.0	14	16.5	0	0.0	4	4.7	43	50.6
Kidnapping	119	32	26.9	3	2.5	36	30.3	0	0.0	13	10.9	35	29.4
Manslaughter	72	31	43.1	10	13.9	0	0.0	0	0.0	3	4.2	28	38.9
Money Laundering	974	229	23.5	3	0.3	272	27.9	17	1.7	65	6.7	388	39.8
Murder	377	143	37.9	10	2.7	87	23.1	0	0.0	15	4.0	122	32.4
National Defense	180	70	38.9	0	0.0	22	12.2	3	1.7	9	5.0	76	42.2
Obscenity/Other Sex Offenses	248	128	51.6	2	0.8	1	0.4	0	0.0	10	4.0	107	43.1
Prison Offenses	348	210	60.3	2	0.6	0	0.0	0	0.0	16	4.6	120	34.5
Robbery	1,089	442	40.6	12	1.1	118	10.8	3	0.3	39	3.6	475	43.6
Sexual Abuse	1,027	395	38.5	13	1.3	53	5.2	0	0.0	57	5.6	509	49.6
Stalking/Harassing	173	74	42.8	3	1.7	3	1.7	0	0.0	16	9.2	77	44.5
Tax	350	60	17.1	0	0.0	38	10.9	0	0.0	14	4.0	238	68.0
Other	620	488	78.7	0	0.0	1	0.2	0	0.0	1	0.2	130	21.0

¹ Of the 47,931 cases, 207 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

Guideline	TOTAL	Within Guideline		Departure				Variance	Guideline	TOTAL	Within Guideline		Departure				Variance
		Range	Up	\$5K1.1	\$5K3.1	Down	Up				\$5K1.1	\$5K3.1	Down				
§2A1.1	272	105	2	72	0	12	81	§2D1.8	13	3	0	2	1	3	4		
§2A1.2	76	29	8	9	0	2	28	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	34	16	8	0	0	1	9	§2D1.10	1	0	0	0	0	0	1		
§2A1.4	37	15	2	0	0	2	18	§2D1.11	2	0	0	0	0	0	2		
§2A1.5	13	3	0	2	0	0	8	§2D1.12	1	1	0	0	0	0	0		
§2A2.1	161	64	1	20	0	6	70	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	403	183	11	9	0	34	166	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	45	33	1	0	0	3	8	§2D2.1	56	49	1	1	0	0	5		
§2A2.4	173	94	3	1	0	11	64	§2D2.2	34	29	0	0	0	0	5		
§2A3.1	100	37	2	3	0	10	48	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	31	15	2	1	0	3	10	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	1	0	0	0	0	0	1	§2D3.2	3	3	0	0	0	0	0		
§2A3.4	32	14	0	0	0	1	17	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	216	114	0	1	0	10	91	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	110	26	3	34	0	12	35	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	39	10	0	6	0	3	20		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	0	0	0	0	0	0	0		
§2A5.2	16	11	0	0	0	0	5	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	5	2	0	0	0	0	3		
§2A6.1	121	60	1	0	0	10	50	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	50	14	2	3	0	6	25	§2E2.1	6	2	0	1	0	0	3		
§2B1.1	3,701	1,408	18	571	1	113	1,590	§2E3.1	46	14	0	5	0	8	19		
§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	8	1	0	0	0	0	7	§2E4.1	10	0	0	4	0	1	5		
§2B1.5	9	4	0	0	0	0	5	§2E5.1	9	1	0	0	0	0	8		
§2B1.6 ²	52	49	0	3	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	32	16	1	3	0	0	12	§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	25	22	0	0	0	0	3	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,078	439	12	117	3	38	469	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	18	4	0	2	1	0	11	§2F1.1	2	1	0	0	0	0	1		
§2B3.3	7	1	0	0	0	1	5	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	97	24	0	40	0	3	30	§2G1.1	35	8	2	6	0	2	17		
§2B5.1	54	28	0	3	0	3	20	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	328	142	3	26	0	10	147		
§2B5.3	34	7	0	8	0	0	19	§2G2.1	505	182	5	14	0	31	273		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,058	362	4	25	2	34	631		
§2B6.1	1	0	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	174	39	0	56	0	6	73	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	9	2	0	2	0	0	5	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	1	1	0	0	0	0	0	§2G2.6	5	1	0	2	0	0	2		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	31	13	2	0	0	0	16		
§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	52	9	0	6	0	4	33		
§2C1.7	1	1	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	2	1	0	0	0	0	1	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	14,004	3,778	51	2,968	968	625	5,614	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	210	92	0	9	0	39	70	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	7	2	0	3	0	0	2		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	6	2	0	3	0	0	1		
§2D1.5	4	3	0	1	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	16	7	0	2	0	0	7		

Table 11 (cont.)

Guideline	Within Guideline		Departure					Variance	Guideline	Within Guideline		Departure					Variance
	TOTAL	Range	Up	§5K1.1	§5K3.1	Down	TOTAL			Range	Up	§5K1.1	§5K3.1	Down			
§2H4.2	0	0	0	0	0	0	0	§2M5.2	127	43	0	15	3	9	57		
§2J1.1	0	0	0	0	0	0	0	§2M5.3	17	3	0	2	0	0	12		
§2J1.2	116	38	7	6	0	1	64	§2M6.1	1	0	0	0	0	0	1		
§2J1.3	11	2	0	0	0	0	9	§2M6.2	0	0	0	0	0	0	0		
§2J1.4	6	5	0	0	0	0	1	§2N1.1	17	0	0	1	0	1	15		
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0		
§2J1.6	24	13	0	0	0	3	8	§2N1.3	1	0	0	0	0	0	1		
§2J1.7	0	0	0	0	0	0	0	§2N2.1	21	19	0	0	0	0	2		
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0		
§2J1.9	0	0	0	0	0	0	0	§2P1.1	236	160	2	0	0	8	66		
§2K1.1	1	1	0	0	0	0	0	§2P1.2	70	37	0	0	0	0	33		
§2K1.2	0	0	0	0	0	0	0	§2P1.3	6	3	0	0	0	0	3		
§2K1.3	14	4	0	3	0	0	7	§2P1.4	0	0	0	0	0	0	0		
§2K1.4	88	37	5	14	0	4	28	§2Q1.1	0	0	0	0	0	0	0		
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	27	10	0	2	0	1	14		
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	4	2	0	0	0	0	2		
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0		
§2K2.1	6,290	3,153	49	344	12	210	2,522	§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	47	30	0	4	0	1	12		
§2K2.4 ³	254	204	5	16	0	0	29	§2Q2.2	0	0	0	0	0	0	0		
§2K2.5	14	8	2	0	0	0	4	§2R1.1	8	1	0	3	0	2	2		
§2K2.6	0	0	0	0	0	0	0	§2S1.1	840	171	0	261	16	50	342		
§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	126	56	3	11	1	13	42		
§2L1.1	3,553	1,361	5	103	1,516	77	491	§2S1.4	0	0	0	0	0	0	0		
§2L1.2	9,467	5,712	22	20	2,222	328	1,163	§2T1.1	179	30	0	18	0	6	125		
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0		
§2L2.1	54	23	0	11	1	0	19	§2T1.3	0	0	0	0	0	0	0		
§2L2.2	356	272	0	0	2	8	74	§2T1.4	103	17	0	17	0	3	66		
§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	57	10	0	2	0	5	40		
§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	2	0	0	0	0	0	2		
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	1	0	0	1		
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0		
§2M2.4	0	0	0	0	0	0	0	§2T3.1	7	3	0	0	0	0	4		
§2M3.1	2	2	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0		
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0		
§2M3.3	3	2	0	0	0	0	1	§2X1.1	18	9	0	1	0	2	6		
§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	63	17	0	15	0	2	29		
§2M3.6	0	0	0	0	0	0	0	§2X4.1	113	46	1	12	2	5	47		
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0		
§2M3.8	0	0	0	0	0	0	0	§2X5.2	249	145	0	0	0	0	104		
§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	12	3	0	5	0	0	4	§2X7.2	3	3	0	0	0	0	0		
TOTAL									46,297	19,257	246	4,931	4,751	1,786	15,326		

¹ Of the 47,931 cases, 1,634 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 (207) or missing guideline applied (1,614). 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 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	27,453	4,958	18.1	5,018	18.3	4,715	17.2	5,843	21.3	387	1.4
Departures	11,960	4,947	41.4	5,015	41.9	3,068	25.7	4,458	37.3	239	2.0
Upward Departure	247	0	0.0	0	0.0	69	27.9	30	12.1	1	0.4
Downward Departure											
§5K1.1 Substantial Assistance	4,947	4,947	100.0	64	1.3	195	3.9	1,135	22.9	19	0.4
§5K3.1 Early Disposition Program	4,951	0	0.0	4,951	100.0	2,406	48.6	2,881	58.2	211	4.3
Other Government Motion	994	0	0.0	0	0.0	398	40.0	412	41.4	8	0.8
Non-Government Departure	821	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	15,493	11	0.1	3	0.0	1,647	10.6	1,385	8.9	148	1.0
Upward Variance	1,377	11	0.8	3	0.2	175	12.7	97	7.0	2	0.1
Downward Variance											
Government Motion	4,663	0	0.0	0	0.0	1,472	31.6	1,288	27.6	146	3.1
Non-Government Variance	9,453	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	4,538	16.5	4,358	15.9	5,701	20.8	1,736	6.3	3,807	13.9	1,876	6.8
Departures	3,820	31.9	1,752	14.6	1,352	11.3	758	6.3	926	7.7	169	1.4
Upward Departure	52	21.1	1	0.4	7	2.8	5	2.0	76	30.8	26	10.5
Downward Departure												
§5K1.1 Substantial Assistance	3,314	67.0	624	12.6	568	11.5	325	6.6	449	9.1	0	0.0
§5K3.1 Early Disposition Program	310	6.3	665	13.4	508	10.3	313	6.3	162	3.3	0	0.0
Other Government Motion	144	14.5	73	7.3	76	7.6	115	11.6	56	5.6	24	2.4
Non-Government Departure	0	0.0	389	47.4	193	23.5	0	0.0	183	22.3	119	14.5
Variations	718	4.6	2,606	16.8	4,349	28.1	978	6.3	2,881	18.6	1,707	11.0
Upward Variance	221	16.0	1	0.1	7	0.5	32	2.3	648	47.1	234	17.0
Downward Variance												
Government Motion	497	10.7	456	9.8	229	4.9	946	20.3	212	4.5	124	2.7
Non-Government Variance	0	0.0	2,149	22.7	4,113	43.5	0	0.0	2,021	21.4	1,349	14.3

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, 11,439 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 13

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

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	238	105	33	87.2	84	19	42.9
Administration of Justice	6	77	28	60.4	33	8	26.4
Antitrust	0	--	--	--	--	--	--
Arson	5	108	47	62.6	48	2	4.4
Assault	13	112	44	75.4	80	23	43.5
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	4	145	21	25.8	153	17	10.9
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	51	110	46	180.4	96	35	80.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	56	85	26	64.8	78	19	41.5
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	18	60	17	82.0	30	12	85.4
Immigration	28	31	9	59.7	24	8	46.4
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	10	138	36	36.1	147	25	23.4
Money Laundering	3	14	5	70.8	12	5	83.3
Murder	8	317	90	55.9	300	60	21.4
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	2	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	12	187	47	31.9	171	25	26.8
Sexual Abuse	12	196	33	24.1	184	25	16.4
Stalking/Harassing	3	68	29	98.4	60	30	100.0
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 47,931 cases, in 247 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, three cases were excluded from this table. Also, six cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 14

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

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,359	73	22	65.4	48	12	37.0
Administration of Justice	17	38	16	70.3	36	9	50.0
Antitrust	0	--	--	--	--	--	--
Arson	5	97	31	47.1	84	33	57.3
Assault	46	115	35	64.9	93	17	32.8
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	3	42	20	94.0	36	15	71.4
Child Pornography	31	165	38	34.5	168	32	33.3
Commercialized Vice	3	60	37	151.9	60	33	122.2
Drug Possession	4	27	16	192.0	29	14	117.3
Drug Trafficking	186	109	31	83.0	93	20	30.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	3	68	6	10.9	60	7	10.3
Firearms	311	80	25	55.8	72	16	32.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	74	64	20	93.3	49	12	44.7
Immigration	373	22	8	74.2	14	6	50.0
Individual Rights	5	48	21	73.9	42	14	50.0
Kidnapping	3	400	63	22.4	369	65	16.1
Manslaughter	11	100	37	67.6	96	21	30.4
Money Laundering	13	52	16	58.0	42	11	33.3
Murder	8	364	76	31.1	423	54	15.8
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	17	70	33	104.5	60	33	82.9
Prison Offenses	16	34	12	65.1	38	8	50.0
Robbery	56	193	52	45.2	180	38	28.5
Sexual Abuse	46	175	40	32.1	180	30	24.1
Stalking/Harassing	17	76	28	57.3	60	14	46.0
Tax	4	78	12	20.4	54	12	15.6
Other	102	8	2	39.1	8	2	33.3

¹ Of the 47,931 cases, in 1,377 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, seven cases were excluded from this table. Also, 11 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 15

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	4,832	53	56	56.2	37	40	51.4
Administration of Justice	21	8	20	78.6	0	21	99.9
Antitrust	3	0	18	100.0	0	18	100.0
Arson	14	48	43	54.2	40	35	45.5
Assault	29	60	92	56.4	50	70	47.2
Bribery/Corruption	98	15	30	71.9	8	21	76.7
Burglary/Trespass	3	8	9	73.3	0	10	100.0
Child Pornography	24	103	56	35.2	90	48	33.3
Commercialized Vice	6	1	10	86.5	0	9	99.8
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	2,954	64	64	52.9	52	51	48.9
Environmental	9	3	14	79.7	0	10	100.0
Extortion/Racketeering	13	21	29	59.8	12	15	56.9
Firearms	366	36	34	56.9	21	21	51.7
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	12	11	21	72.4	9	19	73.7
Fraud/Theft/Embezzlement	574	16	30	68.9	10	19	70.6
Immigration	135	13	12	55.0	10	9	44.5
Individual Rights	12	30	48	79.5	0	13	100.0
Kidnapping	35	90	105	52.3	90	92	50.0
Manslaughter	0	--	--	--	--	--	--
Money Laundering	256	49	72	61.5	32	47	59.9
Murder	38	112	169	58.8	120	175	60.0
National Defense	22	24	39	56.4	24	21	49.7
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	116	77	55	45.1	67	44	41.4
Sexual Abuse	47	112	93	41.9	97	64	35.9
Stalking/Harassing	3	18	20	48.5	12	18	60.0
Tax	38	9	18	76.3	3	16	87.8
Other	1	--	--	--	--	--	--

¹ Of the 47,931 cases, in 4,947 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, 67 cases were excluded from this table. Also, 48 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 16

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹**

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	4,949	13	16	51.1	10	8	48.6
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	970	26	49	65.3	24	44	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	12	27	20	51.0	18	12	44.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	1	--	--	--	--	--	--
Immigration	3,938	10	8	47.5	8	6	40.2
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	17	16	22	79.6	0	15	100.0
Murder	0	--	--	--	--	--	--
National Defense	3	14	26	66.4	18	22	51.4
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	3	54	24	34.0	37	24	34.8
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 47,931 cases, in 4,951 the offender received a §5K3.1 early disposition program departure below the guideline range. Of these, two cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 17

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

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	1,776	44	32	45.8	24	18	41.5
Administration of Justice	22	7	11	64.3	6	9	62.7
Antitrust	2	--	--	--	--	--	--
Arson	4	29	18	41.2	33	22	41.5
Assault	44	42	22	42.9	24	15	35.2
Bribery/Corruption	9	18	28	64.9	14	27	71.4
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	33	75	44	37.4	63	37	35.6
Commercialized Vice	7	13	8	33.9	12	3	19.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	661	64	49	46.2	52	38	46.4
Environmental	2	--	--	--	--	--	--
Extortion/Racketeering	6	8	30	60.7	6	10	61.7
Firearms	210	35	20	43.3	24	15	34.8
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	3	14	23	78.3	0	22	100.0
Fraud/Theft/Embezzlement	115	20	24	63.9	12	15	66.5
Immigration	422	13	8	39.1	12	6	35.0
Individual Rights	3	60	48	77.1	0	51	100.0
Kidnapping	10	127	75	35.8	120	71	37.2
Manslaughter	3	25	26	43.6	21	12	40.0
Money Laundering	62	47	53	58.5	33	33	59.7
Murder	7	200	122	42.3	211	116	41.4
National Defense	9	27	18	40.0	30	16	34.8
Obscenity/Other Sex Offenses	10	13	11	49.1	16	8	39.7
Prison Offenses	16	6	8	56.3	5	6	52.7
Robbery	39	76	33	30.5	57	21	23.8
Sexual Abuse	45	132	82	40.2	120	60	37.0
Stalking/Harassing	16	12	14	64.6	7	12	59.3
Tax	14	11	15	61.0	12	12	59.1
Other	0	--	--	--	--	--	--

¹ Of the 47,931 cases, in 1,815 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (994) or a non-government departure (821). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 21 cases were excluded from this table. Also, 18 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Table 18

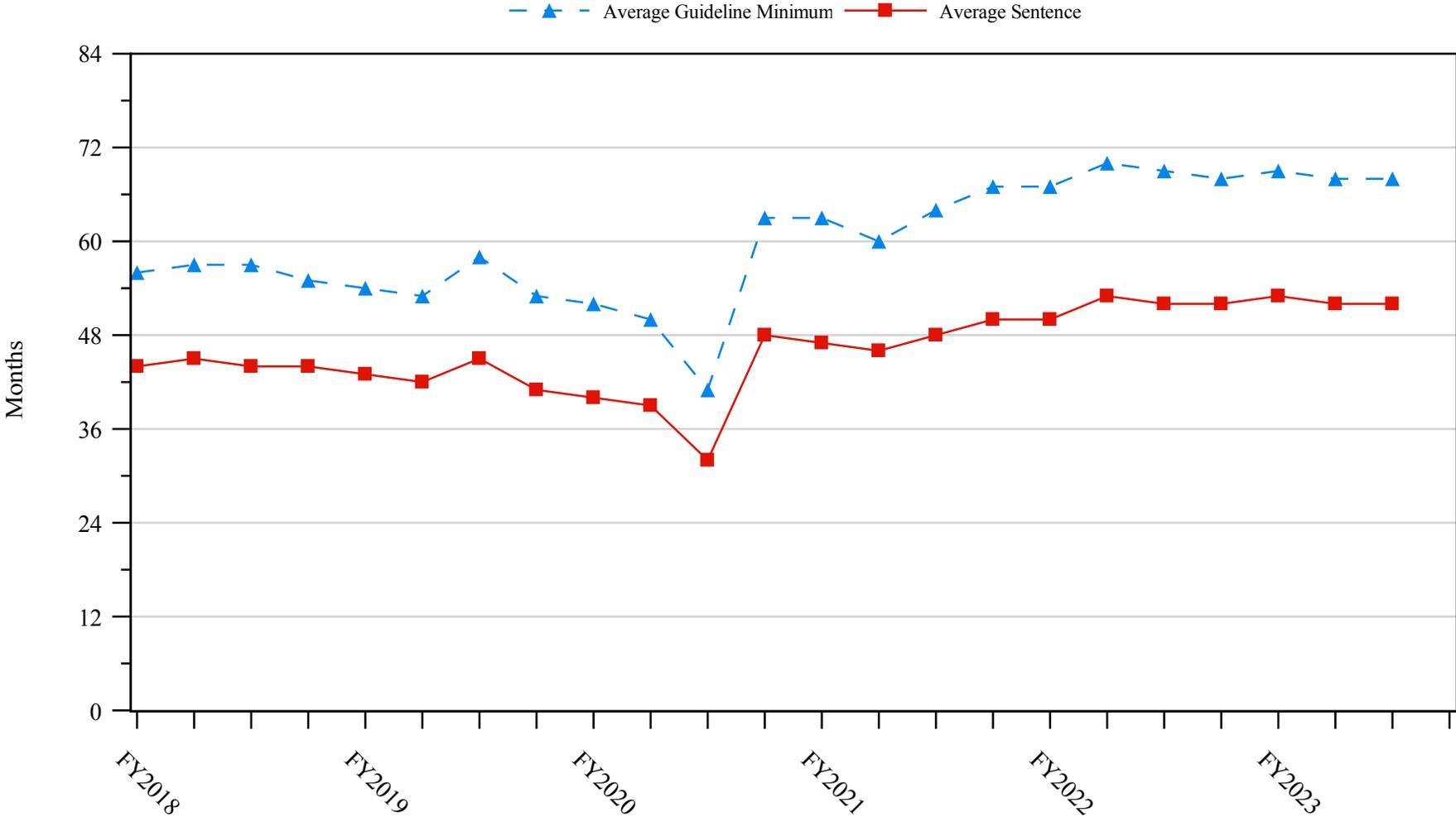
**EXTENT OF DOWNWARD VARIANCES
BY TYPE OF CRIME¹**

3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	13,776	55	30	43.8	36	18	35.1
Administration of Justice	176	10	12	66.0	4	10	74.2
Antitrust	2	--	--	--	--	--	--
Arson	24	38	27	43.5	31	15	29.2
Assault	207	59	27	36.5	37	13	27.5
Bribery/Corruption	108	19	22	58.1	12	15	56.7
Burglary/Trespass	12	9	13	59.8	4	10	64.3
Child Pornography	583	83	50	39.7	72	42	36.4
Commercialized Vice	24	10	10	61.0	8	9	54.7
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	5,434	79	42	38.7	63	30	31.8
Environmental	29	4	14	84.6	0	12	100.0
Extortion/Racketeering	53	23	19	58.3	9	11	53.4
Firearms	2,258	36	19	43.2	27	12	33.2
Food and Drug	17	26	24	54.9	24	17	48.6
Forgery/Counter/Copyright	38	15	20	63.0	6	9	79.9
Fraud/Theft/Embezzlement	1,531	19	16	58.0	12	11	51.5
Immigration	1,441	12	9	46.1	8	6	37.3
Individual Rights	31	37	23	57.4	12	12	46.2
Kidnapping	20	137	89	37.4	151	77	32.8
Manslaughter	17	36	16	39.3	24	17	23.8
Money Laundering	351	49	33	47.1	30	19	40.0
Murder	84	190	69	28.5	198	59	25.0
National Defense	75	37	34	55.9	24	22	50.0
Obscenity/Other Sex Offenses	88	12	11	51.1	12	11	42.7
Prison Offenses	103	10	8	46.6	9	6	41.4
Robbery	413	89	30	28.1	84	22	21.1
Sexual Abuse	338	157	72	33.0	149	60	28.6
Stalking/Harassing	60	14	12	52.8	12	9	39.0
Tax	233	11	16	66.7	6	12	67.6
Other	25	7	8	76.0	0	6	96.9

¹ Of the 47,931 cases, in 14,116 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,663) or a non-government variance (9,453). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 157 cases were excluded from this table. Also, 182 cases were excluded due to several logical criteria. Of the remaining 13,777 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure 5
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)

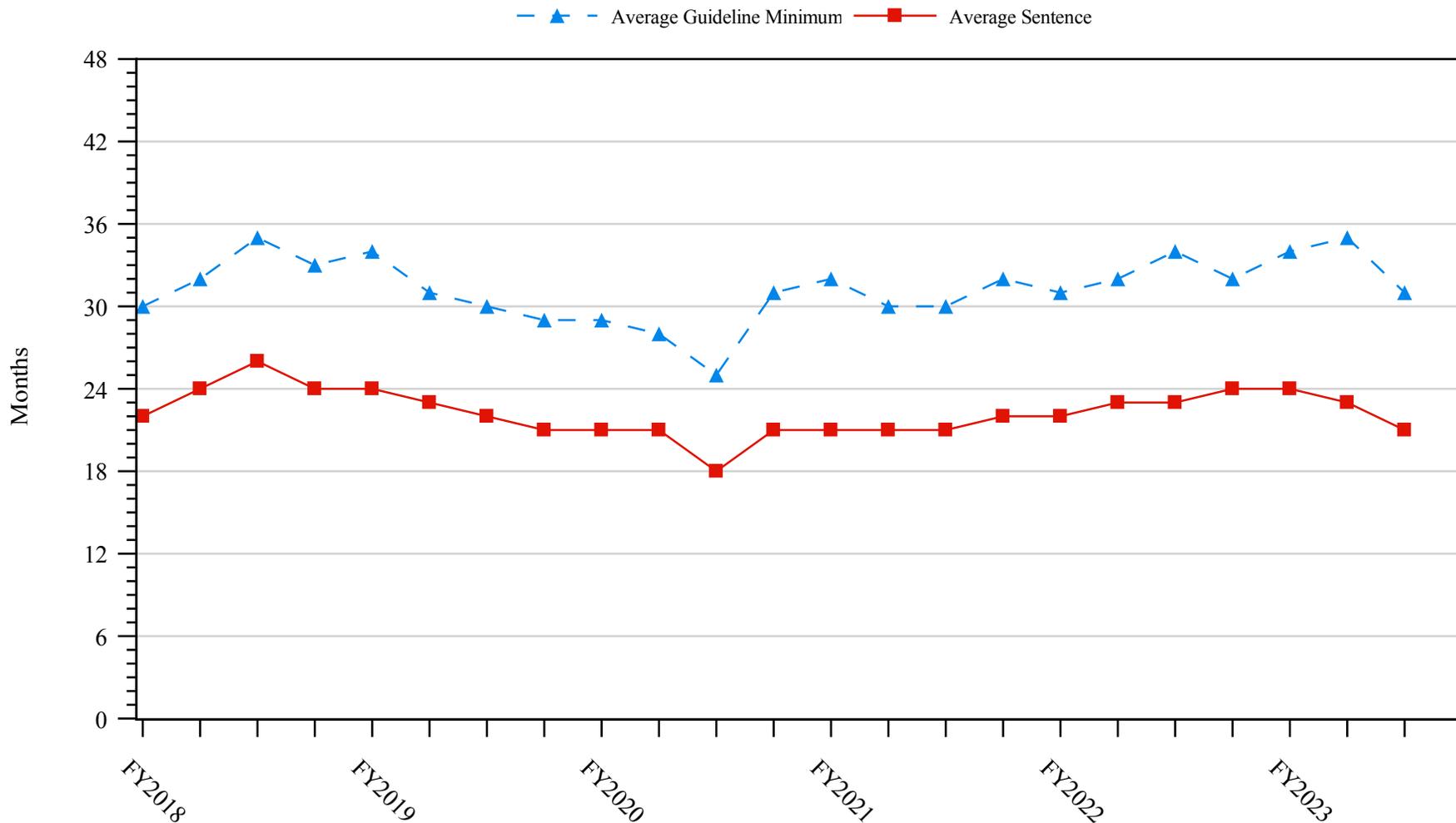


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

Figure 6

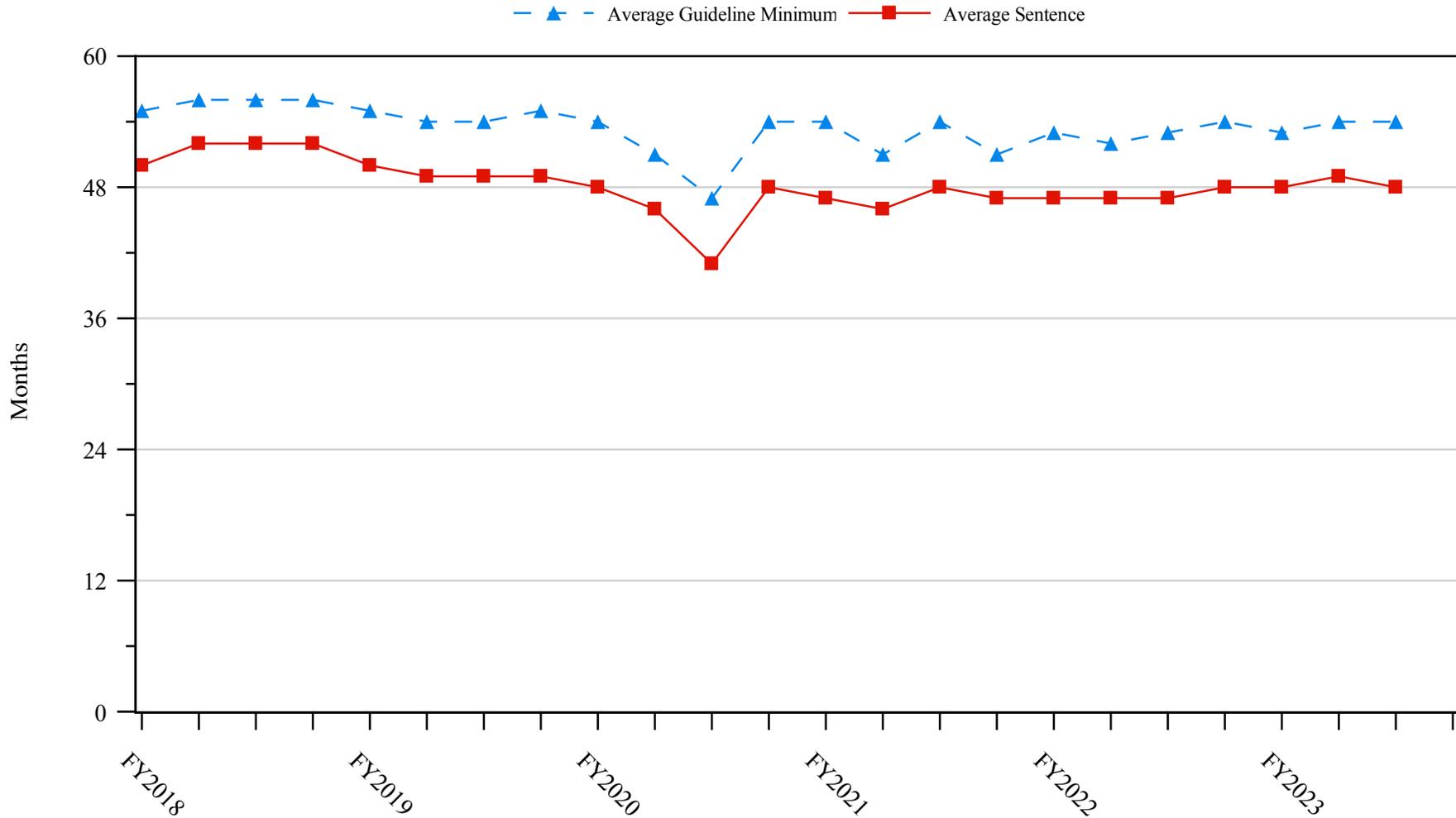
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)**



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

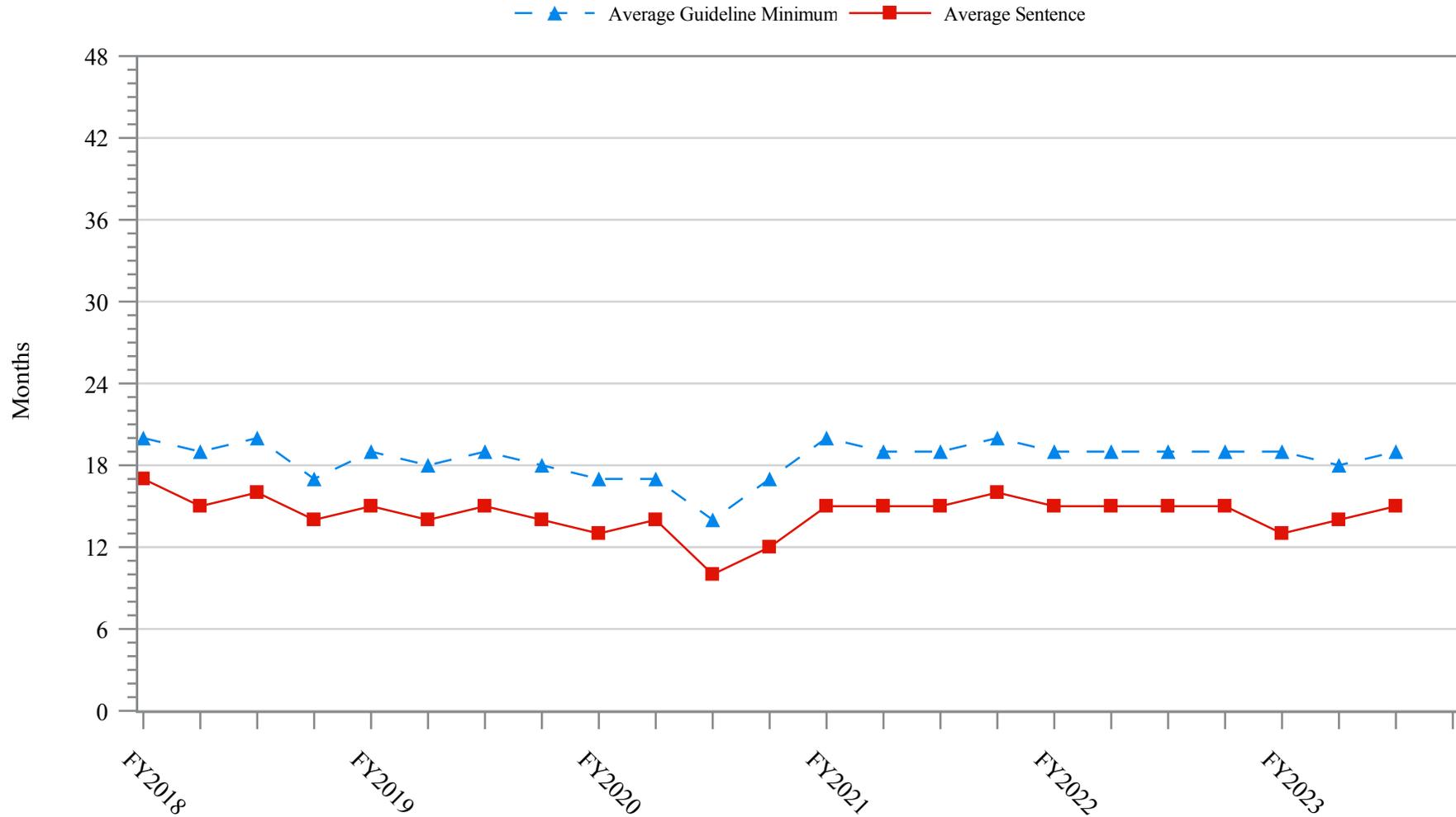
Figure 7
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

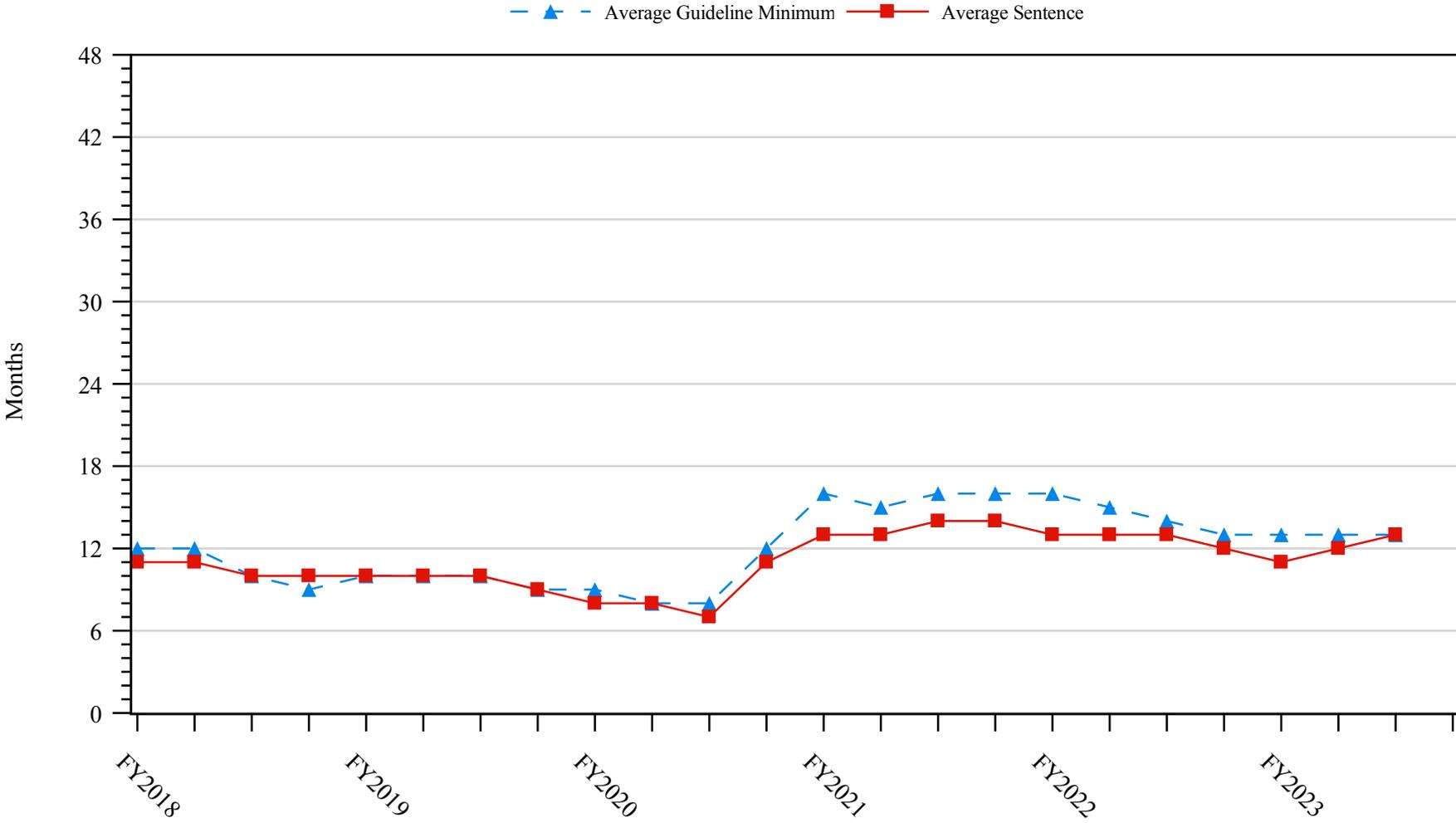
Figure 8
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

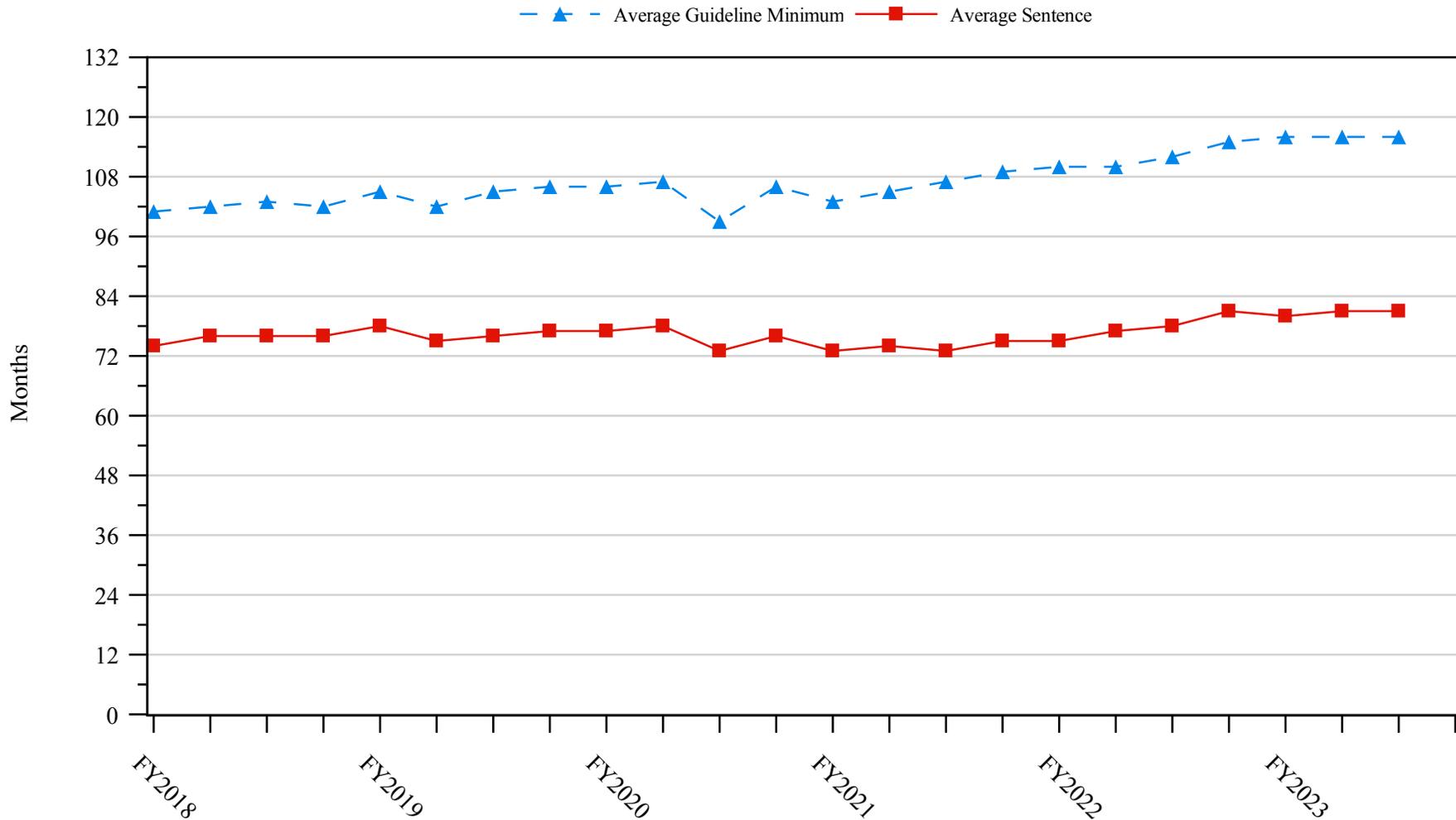
Figure 9
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

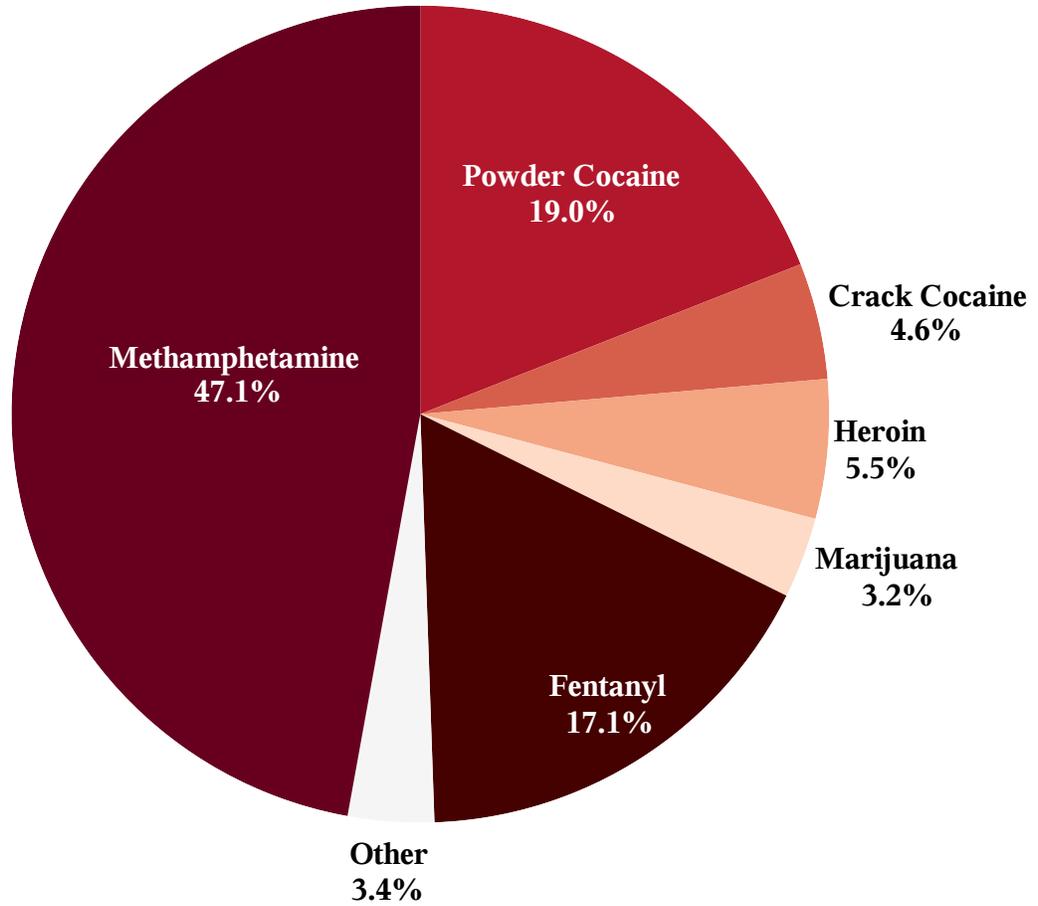
Figure 10
SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

Figure 11
DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
3rd Quarter 2023 Preliminary Cumulative Data
(October 1, 2022, through June 30, 2023)

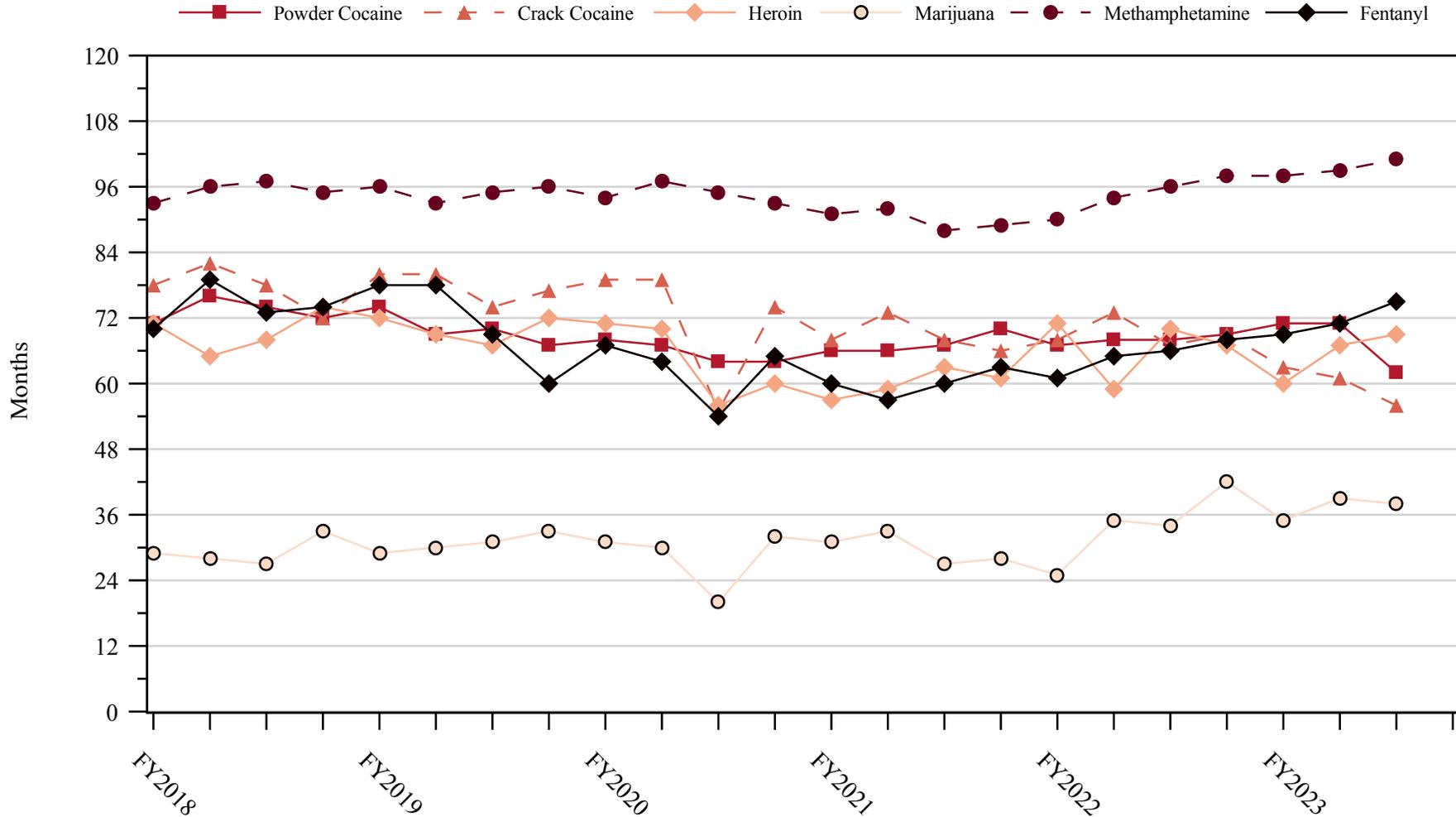


¹ Of the 47,931 cases, in 14,335 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (180).

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through June 30, 2023).

Figure 12
SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS
BY MAJOR DRUG TYPE QUARTERLY DATA¹
Fiscal Years 2018 - 2022,
3rd Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through June 30, 2023)



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, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through June 30, 2023).

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

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

Upward Variance

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

Within Guideline Range

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

Year

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