

United States Sentencing Commission Quarterly Data Report



**4th Quarter Release
Preliminary Fiscal Year 2019 Data
Through September 30, 2019**

Introduction

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

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

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

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

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

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

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

pornography is treated under the sentencing guidelines.

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

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

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

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

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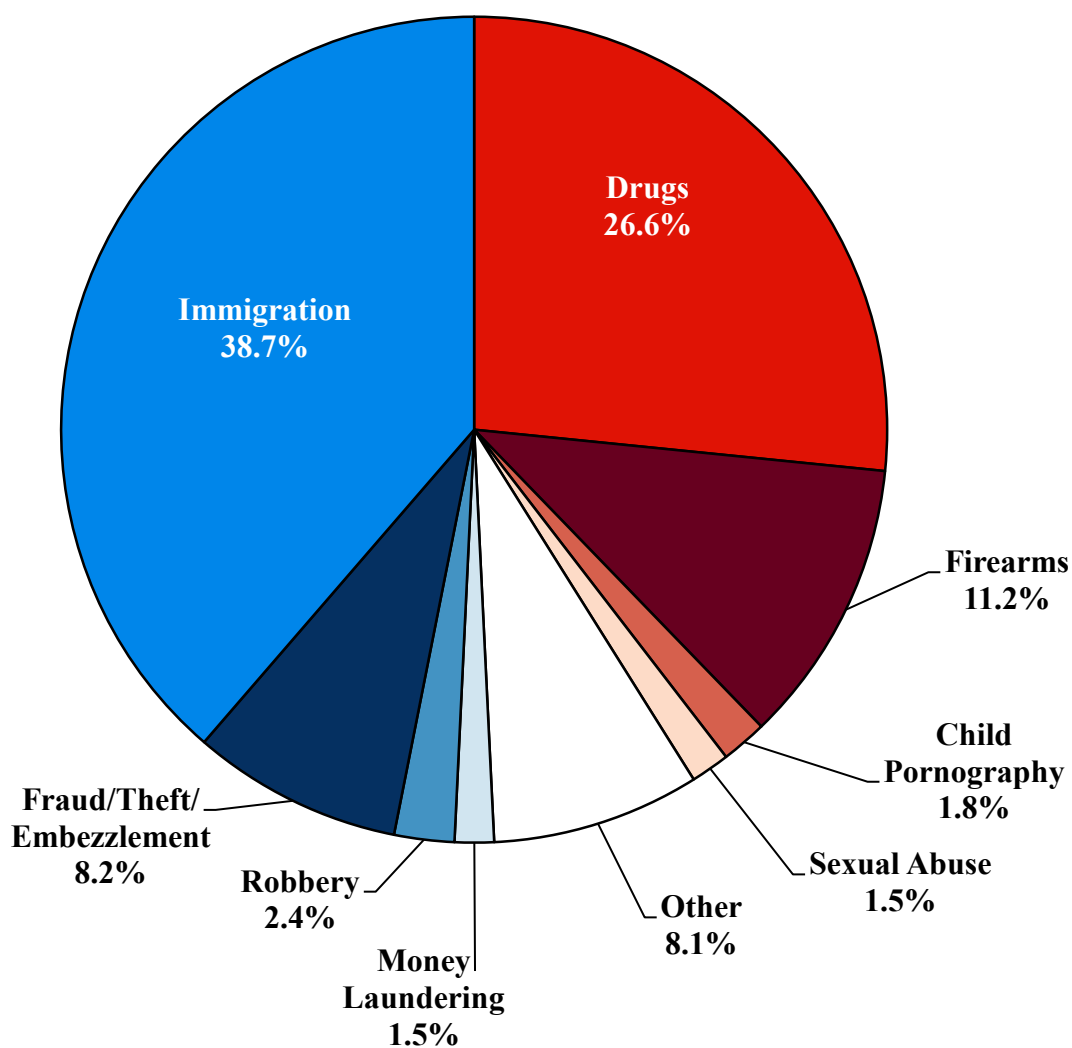
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹**4th Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through September 30, 2019)**

¹ This figure includes the 75,057 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹**4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)**

TYPE OF CRIME	N	%
TOTAL	75,057	100.0
Administration of Justice	685	0.9
Antitrust	20	0.0
Arson	67	0.1
Assault	748	1.0
Bribery/Corruption	322	0.4
Burglary/Trespass	62	0.1
Child Pornography	1,347	1.8
Commercialized Vice	88	0.1
Drug Possession	515	0.7
Drug Trafficking	19,449	25.9
Environmental	172	0.2
Extortion/Racketeering	178	0.2
Firearms	8,380	11.2
Food and Drug	48	0.1
Forgery/Counter/Copyright	274	0.4
Fraud/Theft/Embezzlement	6,178	8.2
Immigration	29,015	38.7
Individual Rights	66	0.1
Kidnapping	93	0.1
Manslaughter	74	0.1
Money Laundering	1,151	1.5
Murder	346	0.5
National Defense	191	0.3
Obscenity/Other Sex Offenses	386	0.5
Prison Offenses	588	0.8
Robbery	1,765	2.4
Sexual Abuse	1,142	1.5
Stalking/Harassing	218	0.3
Tax	532	0.7
Other	957	1.3

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

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
4th Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through September 30, 2019)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	75,057	100.0			
D.C. CIRCUIT	329	0.4	FIFTH CIRCUIT	21,048	28.0
District of Columbia	329	0.4	Louisiana		
			Eastern	278	0.4
			Middle	183	0.2
			Western	377	0.5
FIRST CIRCUIT	2,085	2.8	Mississippi		
Maine	157	0.2	Northern	189	0.3
Massachusetts	474	0.6	Southern	431	0.6
New Hampshire	191	0.3	Texas		
Puerto Rico	1,128	1.5	Eastern	721	1.0
Rhode Island	135	0.2	Northern	1,552	2.1
			Southern	7,669	10.2
SECOND CIRCUIT	3,098	4.1	Western	9,648	12.9
Connecticut	344	0.5			
New York			SIXTH CIRCUIT	5,265	7.0
Eastern	609	0.8	Kentucky		
Northern	391	0.5	Eastern	552	0.7
Southern	1,071	1.4	Western	344	0.5
Western	518	0.7	Michigan		
Vermont	165	0.2	Eastern	863	1.1
			Western	391	0.5
THIRD CIRCUIT	2,297	3.1	Ohio		
Delaware	121	0.2	Northern	895	1.2
New Jersey	615	0.8	Southern	549	0.7
Pennsylvania			Tennessee		
Eastern	598	0.8	Eastern	745	1.0
Middle	501	0.7	Middle	322	0.4
Western	377	0.5	Western	604	0.8
Virgin Islands	85	0.1			
			SEVENTH CIRCUIT	2,409	3.2
FOURTH CIRCUIT	5,729	7.6	Illinois		
Maryland	761	1.0	Central	225	0.3
North Carolina			Northern	619	0.8
Eastern	863	1.1	Southern	279	0.4
Middle	483	0.6	Indiana		
Western	535	0.7	Northern	360	0.5
South Carolina	1,053	1.4	Southern	472	0.6
Virginia			Wisconsin		
Eastern	1,199	1.6	Eastern	266	0.4
Western	242	0.3	Western	188	0.3
West Virginia					
Northern	278	0.4			
Southern	315	0.4			

Table 2 (cont.)

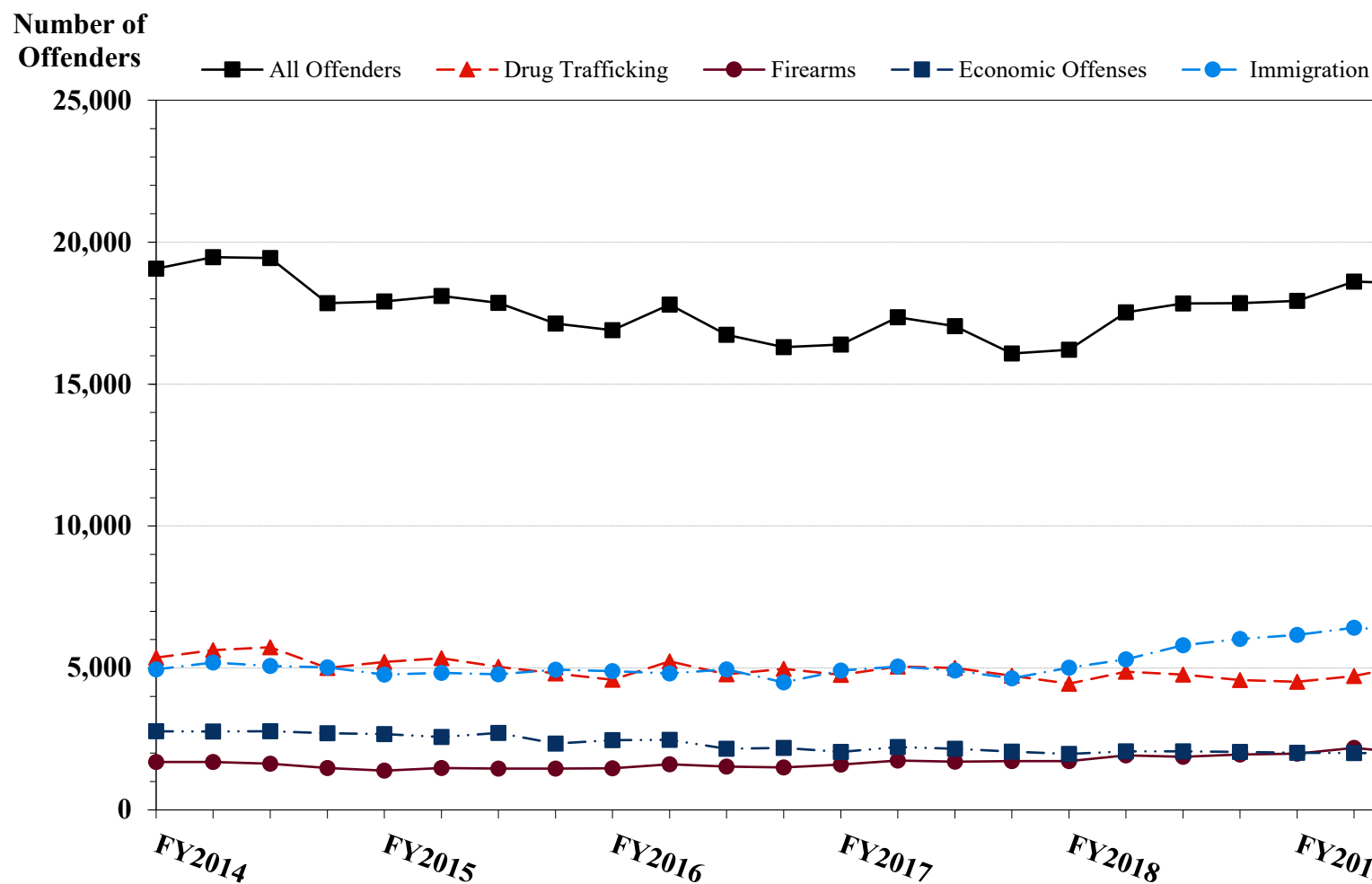
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	5,389	7.2	TENTH CIRCUIT	6,442	8.6
Arkansas			Colorado	521	0.7
Eastern	529	0.7	Kansas	460	0.6
Western	257	0.3	New Mexico	3,904	5.2
Iowa			Oklahoma		
Northern	414	0.6	Eastern	100	0.1
Southern	493	0.7	Northern	215	0.3
Minnesota	378	0.5	Western	399	0.5
Missouri			Utah	666	0.9
Eastern	1,189	1.6	Wyoming	177	0.2
Western	771	1.0			
Nebraska	527	0.7	ELEVENTH CIRCUIT	6,396	8.5
North Dakota	327	0.4	Alabama		
South Dakota	504	0.7	Middle	260	0.3
			Northern	534	0.7
NINTH CIRCUIT	14,570	19.4	Southern	374	0.5
Alaska	193	0.3	Florida		
Arizona	5,565	7.4	Middle	1,580	2.1
California			Northern	305	0.4
Central	1,136	1.5	Southern	1,957	2.6
Eastern	504	0.7	Georgia		
Northern	475	0.6	Middle	405	0.5
Southern	4,043	5.4	Northern	508	0.7
Guam	46	0.1	Southern	473	0.6
Hawaii	149	0.2			
Idaho	372	0.5			
Montana	383	0.5			
Nevada	480	0.6			
Northern Mariana Islands	11	0.0			
Oregon	406	0.5			
Washington					
Eastern	358	0.5			
Western	449	0.6			

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

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

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2014 - 2018,
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)



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

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	74,321	14,744	19.8	14,990	20.2	41,888	56.4	2,699	3.6
Administration of Justice	675	193	28.6	151	22.4	237	35.1	94	13.9
Antitrust	20	12	60.0	0	0.0	2	10.0	6	30.0
Arson	66	22	33.3	23	34.8	12	18.2	9	13.6
Assault	740	118	15.9	177	23.9	138	18.6	307	41.5
Bribery/Corruption	321	114	35.5	101	31.5	76	23.7	30	9.3
Burglary/Trespass	62	16	25.8	14	22.6	9	14.5	23	37.1
Child Pornography	1,344	1,085	80.7	55	4.1	153	11.4	51	3.8
Commercialized Vice	88	18	20.5	42	47.7	18	20.5	10	11.4
Drug Possession	455	162	35.6	92	20.2	185	40.7	16	3.5
Drug Trafficking	19,417	4,924	25.4	5,313	27.4	8,559	44.1	621	3.2
Environmental	162	101	62.3	4	2.5	20	12.3	37	22.8
Extortion/Racketeering	177	72	40.7	58	32.8	36	20.3	11	6.2
Firearms	8,365	2,132	25.5	4,456	53.3	1,545	18.5	232	2.8
Food and Drug	47	36	76.6	1	2.1	6	12.8	4	8.5
Forgery/Counter/Copyright	272	131	48.2	97	35.7	29	10.7	15	5.5
Fraud/Theft/Embezzlement	6,122	2,541	41.5	1,706	27.9	1,478	24.1	397	6.5
Immigration	28,746	550	1.9	316	1.1	27,731	96.5	149	0.5
Individual Rights	64	26	40.6	17	26.6	15	23.4	6	9.4
Kidnapping	92	20	21.7	39	42.4	24	26.1	9	9.8
Manslaughter	74	9	12.2	6	8.1	2	2.7	57	77.0
Money Laundering	1,148	365	31.8	202	17.6	499	43.5	82	7.1
Murder	345	43	12.5	134	38.8	120	34.8	48	13.9
National Defense	190	47	24.7	16	8.4	113	59.5	14	7.4
Obscenity/Other Sex Offenses	386	171	44.3	88	22.8	53	13.7	74	19.2
Prison Offenses	575	134	23.3	249	43.3	158	27.5	34	5.9
Robbery	1,763	389	22.1	1,059	60.1	263	14.9	52	2.9
Sexual Abuse	1,141	614	53.8	195	17.1	153	13.4	179	15.7
Stalking/Harassing	216	118	54.6	36	16.7	20	9.3	42	19.4
Tax	531	258	48.6	163	30.7	65	12.2	45	8.5
Other	717	323	45.0	180	25.1	169	23.6	45	6.3

¹ Of the 75,057 cases, 736 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

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

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	74,950	65,738	87.7	9,212	12.3
Administration of Justice	685	485	70.8	200	29.2
Antitrust	20	19	95.0	1	5.0
Arson	67	59	88.1	8	11.9
Assault	747	671	89.8	76	10.2
Bribery/Corruption	322	244	75.8	78	24.2
Burglary/Trespass	62	53	85.5	9	14.5
Child Pornography	1,347	1,338	99.3	9	0.7
Commercialized Vice	88	69	78.4	19	21.6
Drug Possession	498	388	77.9	110	22.1
Drug Trafficking	19,449	16,157	83.1	3,292	16.9
Environmental	170	157	92.4	13	7.6
Extortion/Racketeering	178	156	87.6	22	12.4
Firearms	8,380	8,028	95.8	352	4.2
Food and Drug	48	33	68.8	15	31.3
Forgery/Counter/Copyright	274	214	78.1	60	21.9
Fraud/Theft/Embezzlement	6,172	4,285	69.4	1,887	30.6
Immigration	28,968	26,915	92.9	2,053	7.1
Individual Rights	66	48	72.7	18	27.3
Kidnapping	93	85	91.4	8	8.6
Manslaughter	74	62	83.8	12	16.2
Money Laundering	1,151	885	76.9	266	23.1
Murder	346	327	94.5	19	5.5
National Defense	191	161	84.3	30	15.7
Obscenity/Other Sex Offenses	386	380	98.4	6	1.6
Prison Offenses	588	535	91.0	53	9.0
Robbery	1,765	1,642	93.0	123	7.0
Sexual Abuse	1,142	1,075	94.1	67	5.9
Stalking/Harassing	218	203	93.1	15	6.9
Tax	532	368	69.2	164	30.8
Other	923	696	75.4	227	24.6

¹ Of the 75,057 cases, 107 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	74,672	41,230	55.2	33,442	44.8
Administration of Justice	681	513	75.3	168	24.7
Antitrust	20	18	90.0	2	10.0
Arson	66	64	97.0	2	3.0
Assault	738	696	94.3	42	5.7
Bribery/Corruption	322	293	91.0	29	9.0
Burglary/Trespass	61	55	90.2	6	9.8
Child Pornography	1,347	1,299	96.4	48	3.6
Commercialized Vice	87	76	87.4	11	12.6
Drug Possession	471	346	73.5	125	26.5
Drug Trafficking	19,420	15,312	78.8	4,108	21.2
Environmental	156	131	84.0	25	16.0
Extortion/Racketeering	178	144	80.9	34	19.1
Firearms	8,377	7,988	95.4	389	4.6
Food and Drug	48	46	95.8	2	4.2
Forgery/Counter/Copyright	274	249	90.9	25	9.1
Fraud/Theft/Embezzlement	6,120	4,978	81.3	1,142	18.7
Immigration	28,999	2,528	8.7	26,471	91.3
Individual Rights	65	46	70.8	19	29.2
Kidnapping	93	86	92.5	7	7.5
Manslaughter	74	72	97.3	2	2.7
Money Laundering	1,147	808	70.4	339	29.6
Murder	346	290	83.8	56	16.2
National Defense	189	120	63.5	69	36.5
Obscenity/Other Sex Offenses	386	370	95.9	16	4.1
Prison Offenses	574	553	96.3	21	3.7
Robbery	1,765	1,706	96.7	59	3.3
Sexual Abuse	1,142	1,084	94.9	58	5.1
Stalking/Harassing	218	215	98.6	3	1.4
Tax	531	491	92.5	40	7.5
Other	777	653	84.0	124	16.0

¹ Of the 75,057 cases, 385 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**4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	42	18	75,056
Administration of Justice	12	8	684
Antitrust	6	4	20
Arson	76	60	67
Assault	64	36	748
Bribery/Corruption	22	12	322
Burglary/Trespass	16	14	62
Child Pornography	103	84	1,347
Commercialized Vice	23	19	88
Drug Possession	2	0	515
Drug Trafficking	77	60	19,449
Environmental	3	0	172
Extortion/Racketeering	31	26	178
Firearms	50	39	8,380
Food and Drug	9	0	48
Forgery/Counter/Copyright	15	12	274
Fraud/Theft/Embezzlement	21	12	6,178
Immigration	9	6	29,015
Individual Rights	30	3	66
Kidnapping	169	120	93
Manslaughter	70	60	74
Money Laundering	61	33	1,151
Murder	260	240	346
National Defense	41	24	191
Obscenity/Other Sex Offenses	20	18	386
Prison Offenses	11	8	588
Robbery	109	92	1,765
Sexual Abuse	205	180	1,142
Stalking/Harassing	29	24	218
Tax	16	12	532
Other	3	0	957

¹ Of the 75,057 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
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	75,057	68,961	91.9	66,920	89.2	2,041	2.7	5,727	7.6	1,291	1.7	4,436	5.9	369	0.5
Administration of Justice	685	495	72.3	450	65.7	45	6.6	190	27.7	35	5.1	155	22.6	0	0.0
Antitrust	20	17	85.0	17	85.0	0	0.0	3	15.0	3	15.0	0	0.0	0	0.0
Arson	67	65	97.0	61	91.0	4	6.0	2	3.0	0	0.0	2	3.0	0	0.0
Assault	748	654	87.4	603	80.6	51	6.8	89	11.9	6	0.8	83	11.1	5	0.7
Bribery/Corruption	322	235	73.0	216	67.1	19	5.9	82	25.5	32	9.9	50	15.5	5	1.6
Burglary/Trespass	62	54	87.1	44	71.0	10	16.1	7	11.3	1	1.6	6	9.7	1	1.6
Child Pornography	1,347	1,334	99.0	1,307	97.0	27	2.0	12	0.9	3	0.2	9	0.7	1	0.1
Commercialized Vice	88	73	83.0	70	79.5	3	3.4	14	15.9	6	6.8	8	9.1	1	1.1
Drug Possession	515	278	54.0	270	52.4	8	1.6	147	28.5	6	1.2	141	27.4	90	17.5
Drug Trafficking	19,449	18,731	96.3	18,103	93.1	628	3.2	716	3.7	205	1.1	511	2.6	2	0.0
Environmental	172	44	25.6	39	22.7	5	2.9	109	63.4	26	15.1	83	48.3	19	11.0
Extortion/Racketeering	178	145	81.5	134	75.3	11	6.2	33	18.5	5	2.8	28	15.7	0	0.0
Firearms	8,380	7,906	94.3	7,615	90.9	291	3.5	474	5.7	177	2.1	297	3.5	0	0.0
Food and Drug	48	13	27.1	13	27.1	0	0.0	35	72.9	2	4.2	33	68.8	0	0.0
Forgery/Counter/Copyright	274	212	77.4	198	72.3	14	5.1	62	22.6	28	10.2	34	12.4	0	0.0
Fraud/Theft/Embezzlement	6,178	4,576	74.1	4,233	68.5	343	5.6	1,529	24.7	374	6.1	1,155	18.7	73	1.2
Immigration	29,015	27,680	95.4	27,408	94.5	272	0.9	1,333	4.6	187	0.6	1,146	3.9	2	0.0
Individual Rights	66	37	56.1	35	53.0	2	3.0	23	34.8	4	6.1	19	28.8	6	9.1
Kidnapping	93	93	100.0	86	92.5	7	7.5	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	74	71	95.9	66	89.2	5	6.8	3	4.1	0	0.0	3	4.1	0	0.0
Money Laundering	1,151	1,015	88.2	961	83.5	54	4.7	136	11.8	47	4.1	89	7.7	0	0.0
Murder	346	345	99.7	327	94.5	18	5.2	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	191	167	87.4	157	82.2	10	5.2	23	12.0	5	2.6	18	9.4	1	0.5
Obscenity/Other Sex Offenses	386	369	95.6	334	86.5	35	9.1	16	4.1	5	1.3	11	2.8	1	0.3
Prison Offenses	588	568	96.6	548	93.2	20	3.4	20	3.4	7	1.2	13	2.2	0	0.0
Robbery	1,765	1,740	98.6	1,675	94.9	65	3.7	25	1.4	8	0.5	17	1.0	0	0.0
Sexual Abuse	1,142	1,135	99.4	1,103	96.6	32	2.8	7	0.6	3	0.3	4	0.4	0	0.0
Stalking/Harassing	218	200	91.7	183	83.9	17	7.8	18	8.3	5	2.3	13	6.0	0	0.0
Tax	532	342	64.3	311	58.5	31	5.8	187	35.2	70	13.2	117	22.0	3	0.6
Other	957	367	38.3	353	36.9	14	1.5	431	45.0	41	4.3	390	40.8	159	16.6

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

	N	%
TOTAL CASES	74,643	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	56,084	75.1
Within Guideline Range	38,459	51.5
Upward Departure ²	356	0.5
Downward Departure		
§5K1.1 Substantial Assistance	7,098	9.5
§5K3.1 Early Disposition Program	7,058	9.5
Other Government Motion ³	1,389	1.9
Non-Government Departure ⁴	1,724	2.3
VARIANCES	18,559	24.9
Upward Variance ⁵	1,392	1.9
Downward Variance		
Government Motion ⁶	3,995	5.4
Non-Government Variance ⁷	13,172	17.6

¹ This table reflects the 75,057 cases sentenced on or after October 1, 2018, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by December 4, 2019. Of these, 414 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

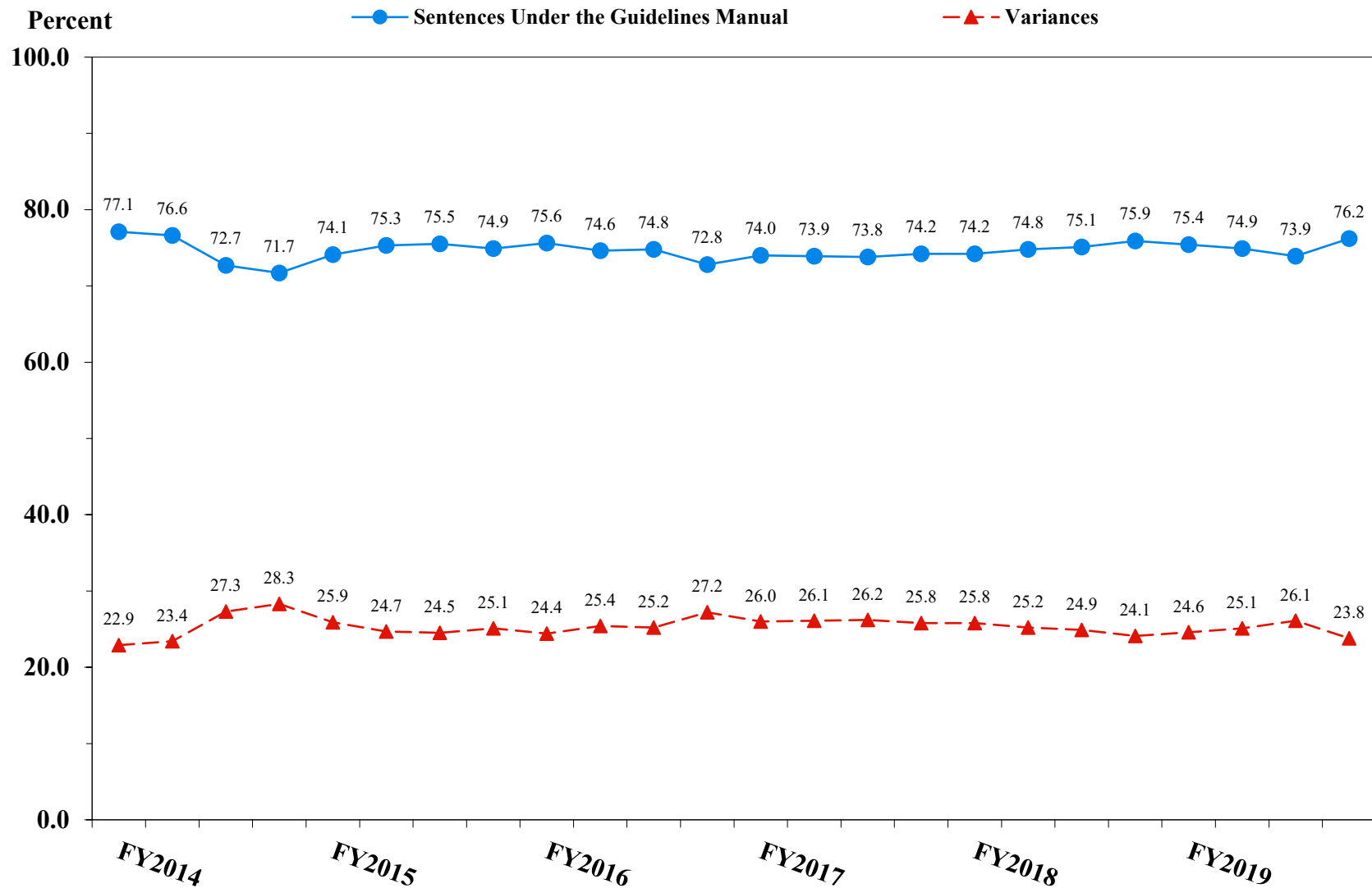
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

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

Figure 3

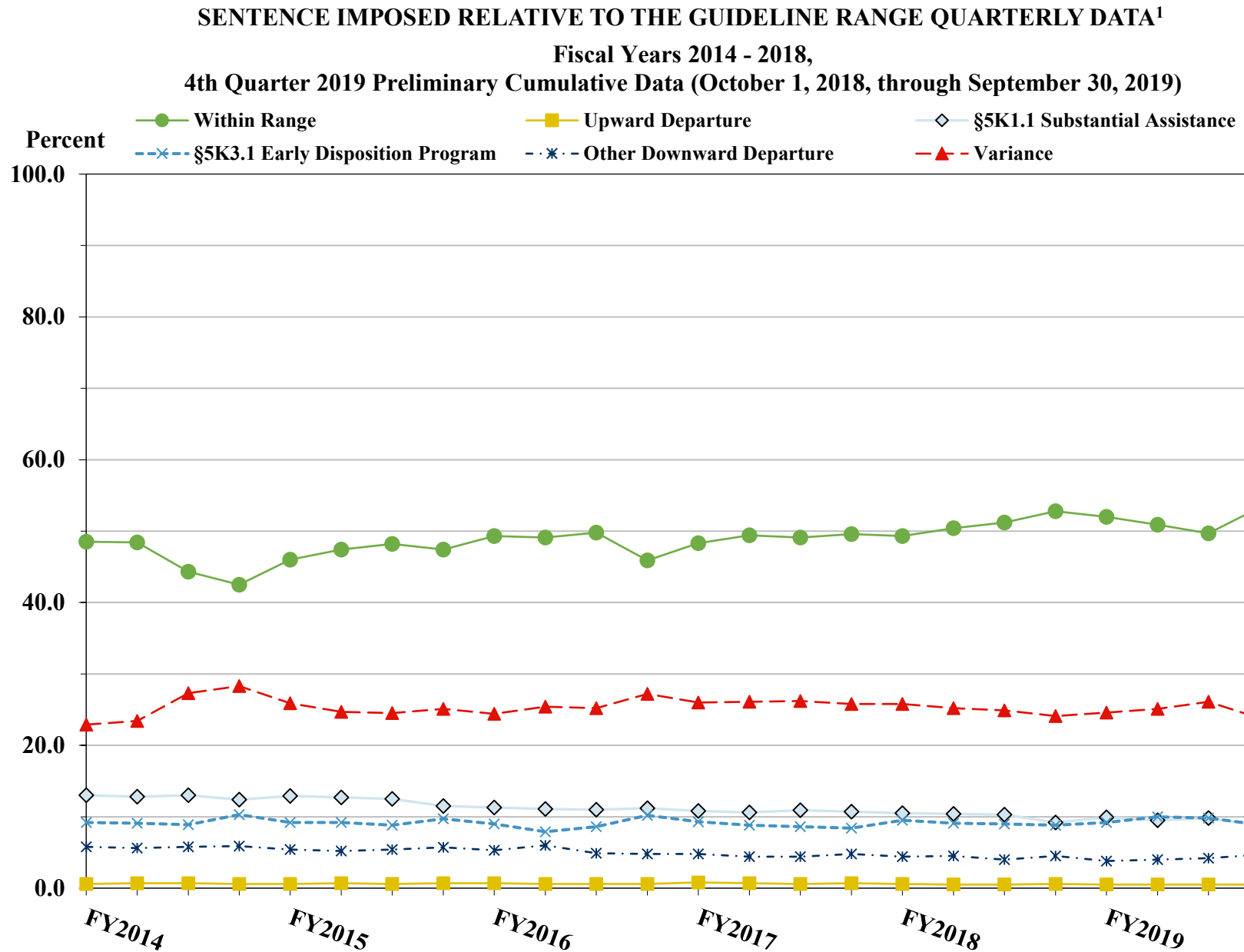
SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2014 - 2018,
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)



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

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

Figure 4



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

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

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

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	74,643	38,459	51.5	356	0.5	7,098	9.5	7,058	9.5	3,113	4.2	18,559	24.9
D.C. CIRCUIT	328	138	42.1	3	0.9	32	9.8	2	0.6	35	10.7	118	36.0
District of Columbia	328	138	42.1	3	0.9	32	9.8	2	0.6	35	10.7	118	36.0
FIRST CIRCUIT	2,084	1,016	48.8	14	0.7	169	8.1	1	0.0	84	4.0	800	38.4
Maine	157	55	35.0	1	0.6	25	15.9	0	0.0	6	3.8	70	44.6
Massachusetts	473	177	37.4	7	1.5	46	9.7	1	0.2	26	5.5	216	45.7
New Hampshire	191	71	37.2	0	0.0	28	14.7	0	0.0	6	3.1	86	45.0
Puerto Rico	1,128	686	60.8	6	0.5	57	5.1	0	0.0	46	4.1	333	29.5
Rhode Island	135	27	20.0	0	0.0	13	9.6	0	0.0	0	0.0	95	70.4
SECOND CIRCUIT	3,085	1,000	32.4	10	0.3	537	17.4	7	0.2	139	4.5	1,392	45.1
Connecticut	344	119	34.6	3	0.9	51	14.8	0	0.0	46	13.4	125	36.3
New York													
Eastern	609	160	26.3	2	0.3	113	18.6	0	0.0	58	9.5	276	45.3
Northern	380	215	56.6	2	0.5	56	14.7	1	0.3	8	2.1	98	25.8
Southern	1,071	266	24.8	0	0.0	153	14.3	6	0.6	19	1.8	627	58.5
Western	516	204	39.5	2	0.4	141	27.3	0	0.0	7	1.4	162	31.4
Vermont	165	36	21.8	1	0.6	23	13.9	0	0.0	1	0.6	104	63.0
THIRD CIRCUIT	2,292	1,002	43.7	10	0.4	423	18.5	18	0.8	61	2.7	778	33.9
Delaware	121	53	43.8	4	3.3	11	9.1	12	9.9	3	2.5	38	31.4
New Jersey	612	259	42.3	0	0.0	106	17.3	0	0.0	8	1.3	239	39.1
Pennsylvania													
Eastern	598	238	39.8	1	0.2	157	26.3	1	0.2	31	5.2	170	28.4
Middle	501	256	51.1	1	0.2	96	19.2	5	1.0	15	3.0	128	25.5
Western	376	146	38.8	3	0.8	48	12.8	0	0.0	3	0.8	176	46.8
Virgin Islands	84	50	59.5	1	1.2	5	6.0	0	0.0	1	1.2	27	32.1
FOURTH CIRCUIT	5,643	3,181	56.4	46	0.8	698	12.4	3	0.1	176	3.1	1,539	27.3
Maryland	752	260	34.6	8	1.1	135	18.0	0	0.0	52	6.9	297	39.5
North Carolina													
Eastern	814	495	60.8	14	1.7	161	19.8	1	0.1	9	1.1	134	16.5
Middle	483	266	55.1	5	1.0	59	12.2	0	0.0	6	1.2	147	30.4
Western	535	316	59.1	2	0.4	102	19.1	0	0.0	6	1.1	109	20.4
South Carolina	1,044	583	55.8	8	0.8	128	12.3	0	0.0	38	3.6	287	27.5
Virginia													
Eastern	1,187	772	65.0	6	0.5	54	4.5	0	0.0	41	3.5	314	26.5
Western	240	124	51.7	1	0.4	27	11.3	2	0.8	14	5.8	72	30.0
West Virginia													
Northern	276	179	64.9	0	0.0	26	9.4	0	0.0	4	1.4	67	24.3
Southern	312	186	59.6	2	0.6	6	1.9	0	0.0	6	1.9	112	35.9

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	21,010	14,723	70.1	123	0.6	1,102	5.2	703	3.3	1,189	5.7	3,170	15.1
Louisiana													
Eastern	275	161	58.5	2	0.7	42	15.3	0	0.0	6	2.2	64	23.3
Middle	181	95	52.5	2	1.1	39	21.5	1	0.6	1	0.6	43	23.8
Western	370	265	71.6	4	1.1	36	9.7	0	0.0	3	0.8	62	16.8
Mississippi													
Northern	186	70	37.6	1	0.5	50	26.9	0	0.0	4	2.2	61	32.8
Southern	429	315	73.4	2	0.5	41	9.6	6	1.4	3	0.7	62	14.5
Texas													
Eastern	721	515	71.4	3	0.4	24	3.3	1	0.1	10	1.4	168	23.3
Northern	1,552	968	62.4	16	1.0	184	11.9	0	0.0	31	2.0	353	22.7
Southern	7,664	4,488	58.6	86	1.1	416	5.4	484	6.3	881	11.5	1,309	17.1
Western	9,632	7,846	81.5	7	0.1	270	2.8	211	2.2	250	2.6	1,048	10.9
SIXTH CIRCUIT	5,242	2,416	46.1	12	0.2	1,045	19.9	9	0.2	197	3.8	1,563	29.8
Kentucky													
Eastern	552	314	56.9	0	0.0	91	16.5	0	0.0	9	1.6	138	25.0
Western	343	157	45.8	3	0.9	87	25.4	2	0.6	12	3.5	82	23.9
Michigan													
Eastern	863	369	42.8	1	0.1	115	13.3	0	0.0	26	3.0	352	40.8
Western	391	202	51.7	2	0.5	67	17.1	0	0.0	4	1.0	116	29.7
Ohio													
Northern	894	444	49.7	3	0.3	188	21.0	0	0.0	25	2.8	234	26.2
Southern	548	159	29.0	0	0.0	129	23.5	5	0.9	88	16.1	167	30.5
Tennessee													
Eastern	737	384	52.1	2	0.3	208	28.2	0	0.0	14	1.9	129	17.5
Middle	313	89	28.4	0	0.0	71	22.7	0	0.0	14	4.5	139	44.4
Western	601	298	49.6	1	0.2	89	14.8	2	0.3	5	0.8	206	34.3
SEVENTH CIRCUIT	2,401	881	36.7	4	0.2	240	10.0	2	0.1	124	5.2	1,150	47.9
Illinois													
Central	224	80	35.7	0	0.0	32	14.3	0	0.0	7	3.1	105	46.9
Northern	619	179	28.9	2	0.3	43	6.9	2	0.3	47	7.6	346	55.9
Southern	278	143	51.4	1	0.4	35	12.6	0	0.0	2	0.7	97	34.9
Indiana													
Northern	356	148	41.6	0	0.0	44	12.4	0	0.0	19	5.3	145	40.7
Southern	472	219	46.4	0	0.0	51	10.8	0	0.0	5	1.1	197	41.7
Wisconsin													
Eastern	264	40	15.2	0	0.0	29	11.0	0	0.0	2	0.8	193	73.1
Western	188	72	38.3	1	0.5	6	3.2	0	0.0	42	22.3	67	35.6
EIGHTH CIRCUIT	5,380	2,404	44.7	35	0.7	671	12.5	73	1.4	115	2.1	2,082	38.7
Arkansas													
Eastern	522	306	58.6	3	0.6	41	7.9	0	0.0	12	2.3	160	30.7
Western	257	127	49.4	0	0.0	39	15.2	2	0.8	3	1.2	86	33.5
Iowa													
Northern	414	216	52.2	11	2.7	89	21.5	0	0.0	6	1.4	92	22.2
Southern	493	196	39.8	1	0.2	73	14.8	0	0.0	5	1.0	218	44.2
Minnesota	377	115	30.5	2	0.5	71	18.8	2	0.5	17	4.5	170	45.1
Missouri													
Eastern	1,188	465	39.1	4	0.3	86	7.2	0	0.0	9	0.8	624	52.5
Western	771	298	38.7	2	0.3	115	14.9	0	0.0	28	3.6	328	42.5
Nebraska	527	266	50.5	1	0.2	18	3.4	57	10.8	5	0.9	180	34.2
North Dakota	327	99	30.3	0	0.0	130	39.8	10	3.1	4	1.2	84	25.7
South Dakota	504	316	62.7	11	2.2	9	1.8	2	0.4	26	5.2	140	27.8

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	14,468	4,473	30.9	52	0.4	1,077	7.4	5,321	36.8	571	3.9	2,974	20.6
Alaska	193	56	29.0	2	1.0	25	13.0	0	0.0	4	2.1	106	54.9
Arizona	5,488	1,927	35.1	32	0.6	129	2.4	2,728	49.7	85	1.5	587	10.7
California													
Central	1,131	382	33.8	1	0.1	144	12.7	94	8.3	87	7.7	423	37.4
Eastern	504	227	45.0	1	0.2	80	15.9	21	4.2	17	3.4	158	31.3
Northern	472	144	30.5	0	0.0	57	12.1	9	1.9	15	3.2	247	52.3
Southern	4,036	734	18.2	8	0.2	233	5.8	2,398	59.4	291	7.2	372	9.2
Guam	46	28	60.9	0	0.0	11	23.9	0	0.0	2	4.3	5	10.9
Hawaii	142	58	40.8	0	0.0	36	25.4	0	0.0	1	0.7	47	33.1
Idaho	372	151	40.6	1	0.3	82	22.0	24	6.5	19	5.1	95	25.5
Montana	382	139	36.4	2	0.5	98	25.7	1	0.3	4	1.0	138	36.1
Nevada	480	191	39.8	2	0.4	38	7.9	2	0.4	13	2.7	234	48.8
Northern Mariana Islands	11	8	72.7	0	0.0	1	9.1	0	0.0	0	0.0	2	18.2
Oregon	406	97	23.9	2	0.5	62	15.3	0	0.0	23	5.7	222	54.7
Washington													
Eastern	356	152	42.7	0	0.0	63	17.7	14	3.9	4	1.1	123	34.6
Western	449	179	39.9	1	0.2	18	4.0	30	6.7	6	1.3	215	47.9
TENTH CIRCUIT	6,412	3,691	57.6	35	0.5	364	5.7	888	13.8	352	5.5	1,082	16.9
Colorado	519	184	35.5	1	0.2	98	18.9	75	14.5	13	2.5	148	28.5
Kansas	448	191	42.6	5	1.1	84	18.8	2	0.4	5	1.1	161	35.9
New Mexico	3,902	2,709	69.4	7	0.2	55	1.4	684	17.5	181	4.6	266	6.8
Oklahoma													
Eastern	100	60	60.0	1	1.0	18	18.0	0	0.0	0	0.0	21	21.0
Northern	214	87	40.7	10	4.7	30	14.0	0	0.0	34	15.9	53	24.8
Western	399	221	55.4	0	0.0	23	5.8	4	1.0	3	0.8	148	37.1
Utah	654	184	28.1	9	1.4	39	6.0	110	16.8	101	15.4	211	32.3
Wyoming	176	55	31.3	2	1.1	17	9.7	13	7.4	15	8.5	74	42.0
ELEVENTH CIRCUIT	6,298	3,534	56.1	12	0.2	740	11.7	31	0.5	70	1.1	1,911	30.3
Alabama													
Middle	260	145	55.8	0	0.0	43	16.5	2	0.8	5	1.9	65	25.0
Northern	533	313	58.7	2	0.4	97	18.2	1	0.2	5	0.9	115	21.6
Southern	374	265	70.9	0	0.0	42	11.2	2	0.5	3	0.8	62	16.6
Florida													
Middle	1,580	762	48.2	4	0.3	264	16.7	20	1.3	15	0.9	515	32.6
Northern	298	141	47.3	2	0.7	53	17.8	6	2.0	3	1.0	93	31.2
Southern	1,879	1,113	59.2	1	0.1	106	5.6	0	0.0	14	0.7	645	34.3
Georgia													
Middle	399	275	68.9	1	0.3	37	9.3	0	0.0	7	1.8	79	19.8
Northern	502	174	34.7	2	0.4	30	6.0	0	0.0	17	3.4	279	55.6
Southern	473	346	73.2	0	0.0	68	14.4	0	0.0	1	0.2	58	12.3

¹ Of the 75,057 cases, 414 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE				DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD					
		N	%	N	%	N	%	N	%	N	%	N	%		
TOTAL	74,643	38,459	51.5	356	0.5	7,098	9.5	7,058	9.5	3,113	4.2	18,559	24.9		
Administration of Justice	683	350	51.2	12	1.8	35	5.1	6	0.9	43	6.3	237	34.7		
Antitrust	20	2	10.0	0	0.0	15	75.0	0	0.0	0	0.0	3	15.0		
Arson	67	34	50.7	2	3.0	9	13.4	0	0.0	2	3.0	20	29.9		
Assault	736	372	50.5	18	2.4	35	4.8	1	0.1	53	7.2	257	34.9		
Bribery/Corruption	322	62	19.3	0	0.0	108	33.5	0	0.0	26	8.1	126	39.1		
Burglary/Trespass	62	40	64.5	0	0.0	1	1.6	0	0.0	2	3.2	19	30.6		
Child Pornography	1,347	408	30.3	10	0.7	30	2.2	0	0.0	94	7.0	805	59.8		
Commercialized Vice	88	32	36.4	1	1.1	9	10.2	0	0.0	7	8.0	39	44.3		
Drug Possession	450	407	90.4	2	0.4	2	0.4	0	0.0	3	0.7	36	8.0		
Drug Trafficking	19,431	6,648	34.2	62	0.3	4,375	22.5	1,214	6.2	834	4.3	6,298	32.4		
Environmental	160	81	50.6	0	0.0	10	6.3	0	0.0	14	8.8	55	34.4		
Extortion/Racketeering	176	85	48.3	2	1.1	21	11.9	0	0.0	9	5.1	59	33.5		
Firearms	8,373	4,564	54.5	55	0.7	556	6.6	8	0.1	302	3.6	2,888	34.5		
Food and Drug	48	34	70.8	1	2.1	0	0.0	0	0.0	1	2.1	12	25.0		
Forgery/Counter/Copyright	274	134	48.9	1	0.4	29	10.6	0	0.0	11	4.0	99	36.1		
Fraud/Theft/Embezzlement	6,097	2,918	47.9	18	0.3	807	13.2	15	0.2	203	3.3	2,136	35.0		
Immigration	28,910	18,972	65.6	101	0.3	200	0.7	5,803	20.1	1,123	3.9	2,711	9.4		
Individual Rights	63	33	52.4	0	0.0	7	11.1	0	0.0	3	4.8	20	31.7		
Kidnapping	93	28	30.1	2	2.2	19	20.4	0	0.0	9	9.7	35	37.6		
Manslaughter	74	39	52.7	7	9.5	0	0.0	0	0.0	5	6.8	23	31.1		
Money Laundering	1,148	285	24.8	3	0.3	322	28.0	6	0.5	64	5.6	468	40.8		
Murder	346	139	40.2	4	1.2	75	21.7	0	0.0	33	9.5	95	27.5		
National Defense	190	52	27.4	0	0.0	40	21.1	0	0.0	23	12.1	75	39.5		
Obscenity/Other Sex Offenses	385	234	60.8	3	0.8	0	0.0	1	0.3	12	3.1	135	35.1		
Prison Offenses	575	376	65.4	3	0.5	11	1.9	3	0.5	30	5.2	152	26.4		
Robbery	1,765	691	39.2	29	1.6	251	14.2	0	0.0	97	5.5	697	39.5		
Sexual Abuse	1,142	450	39.4	14	1.2	57	5.0	0	0.0	73	6.4	548	48.0		
Stalking/Harassing	218	110	50.5	4	1.8	2	0.9	0	0.0	15	6.9	87	39.9		
Tax	532	137	25.8	0	0.0	64	12.0	0	0.0	16	3.0	315	59.2		
Other	868	742	85.5	2	0.2	8	0.9	1	0.1	6	0.7	109	12.6		

¹ Of the 75,057 cases, 414 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

Within								Within							
Guideline		Departure						Guideline		Departure					
Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance	Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2A1.1	235	94	0	58	0	18	65	§2D1.8	12	4	0	3	0	0	5
§2A1.2	43	17	4	5	0	4	13	§2D1.9	0	0	0	0	0	0	0
§2A1.3	27	15	3	0	0	2	7	§2D1.10	6	0	0	1	0	0	5
§2A1.4	47	24	4	0	0	3	16	§2D1.11	27	0	0	6	0	0	21
§2A1.5	46	20	0	4	0	8	14	§2D1.12	0	0	0	0	0	0	0
§2A2.1	153	70	1	23	0	5	54	§2D1.13	3	3	0	0	0	0	0
§2A2.2	405	183	15	10	1	38	158	§2D1.14	0	0	0	0	0	0	0
§2A2.3	109	78	1	0	0	4	26	§2D2.1	163	140	2	2	0	2	17
§2A2.4	201	110	4	2	4	17	64	§2D2.2	109	93	0	1	0	1	14
§2A3.1	131	58	2	3	0	16	52	§2D2.3	0	0	0	0	0	0	0
§2A3.2	40	26	2	0	0	1	11	§2D3.1	5	5	0	0	0	0	0
§2A3.3	6	3	2	1	0	0	0	§2D3.2	0	0	0	0	0	0	0
§2A3.4	44	24	1	0	0	3	16	§2D3.3	0	0	0	0	0	0	0
§2A3.5	354	221	2	0	1	12	118	§2D3.4	0	0	0	0	0	0	0
§2A4.1	90	27	2	19	0	9	33	§2D3.5	0	0	0	0	0	0	0
§2A4.2	1	1	0	0	0	0	0	§2E1.1	61	30	1	7	0	6	17
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	0	0	0	0	0	1
§2A5.2	26	15	1	0	0	2	8	§2E1.3	1	0	0	0	0	0	1
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	4	0	1	0	0	1
§2A6.1	133	71	1	2	0	7	52	§2E1.5	0	0	0	0	0	0	0
§2A6.2	80	38	3	0	0	7	32	§2E2.1	14	3	0	1	0	3	7
§2B1.1	5,554	2,449	18	796	9	196	2,086	§2E3.1	29	10	0	1	0	4	14
§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	33	0	0	7	0	2	24	§2E4.1	24	9	0	5	0	0	10
§2B1.5	12	4	0	0	0	0	8	§2E5.1	7	4	0	2	0	0	1
§2B1.6 ²	138	134	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	47	27	0	1	0	2	17	§2E5.3	1	1	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	9	7	0	0	0	0	2	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,746	687	29	247	0	96	687	§2E5.6	0	0	0	0	0	0	0
§2B3.2	43	21	1	5	0	0	16	§2F1.1	2	0	0	0	0	1	1
§2B3.3	11	7	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0
§2B4.1	73	14	0	29	0	1	29	§2G1.1	80	28	1	9	0	6	36
§2B5.1	229	123	1	21	0	5	79	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	368	170	5	34	0	13	146
§2B5.3	45	11	0	8	0	6	20	§2G2.1	512	159	2	17	0	36	298
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,342	406	10	29	0	93	804
§2B6.1	1	0	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0
§2C1.1	232	39	0	79	0	24	90	§2G2.4	0	0	0	0	0	0	0
§2C1.2	7	3	0	0	0	1	3	§2G2.5	0	0	0	0	0	0	0
§2C1.3	6	5	0	0	0	0	1	§2G2.6	17	2	0	1	0	0	14
§2C1.4	0	0	0	0	0	0	0	§2G3.1	24	8	1	0	0	0	15
§2C1.5	0	0	0	0	0	0	0	§2G3.2	1	0	0	0	0	0	1
§2C1.6	0	0	0	0	0	0	0	§2H1.1	26	7	0	5	0	3	11
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	2	0	0	0	0	0	2	§2H1.3	0	0	0	0	0	0	0
§2D1.1	19,089	6,490	61	4,320	1,210	810	6,198	§2H1.4	0	0	0	0	0	0	0
§2D1.2	275	144	1	46	0	16	68	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	16	14	0	0	0	0	2
§2D1.4	0	0	0	0	0	0	0	§2H3.1	7	5	0	1	0	0	1
§2D1.5	2	0	0	2	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	3	3	0	0	0	0	0
§2D1.7	1	1	0	0	0	0	0	§2H4.1	7	1	0	1	0	0	5

Table 11 (cont.)

Within Guideline								Within Guideline							
Departure								Departure							
Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance	Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
\$2H4.2	0	0	0	0	0	0	0	\$2M5.2	140	30	0	31	0	19	60
\$2J1.1	0	0	0	0	0	0	0	\$2M5.3	15	3	0	2	0	3	7
\$2J1.2	129	27	3	16	1	11	71	\$2M6.1	6	3	0	0	0	0	3
\$2J1.3	21	10	0	0	0	3	8	\$2M6.2	0	0	0	0	0	0	0
\$2J1.4	13	12	0	0	0	0	1	\$2N1.1	11	0	1	0	0	1	9
\$2J1.5	0	0	0	0	0	0	0	\$2N1.2	0	0	0	0	0	0	0
\$2J1.6	34	21	0	0	0	2	11	\$2N1.3	1	1	0	0	0	0	0
\$2J1.7	0	0	0	0	0	0	0	\$2N2.1	28	27	0	0	0	0	1
\$2J1.8	0	0	0	0	0	0	0	\$2N3.1	0	0	0	0	0	0	0
\$2J1.9	0	0	0	0	0	0	0	\$2P1.1	292	196	3	5	3	16	69
\$2K1.1	1	1	0	0	0	0	0	\$2P1.2	212	133	0	6	0	11	62
\$2K1.2	0	0	0	0	0	0	0	\$2P1.3	0	0	0	0	0	0	0
\$2K1.3	26	4	0	6	0	4	12	\$2P1.4	0	0	0	0	0	0	0
\$2K1.4	65	33	2	9	0	2	19	\$2Q1.1	0	0	0	0	0	0	0
\$2K1.5	0	0	0	0	0	0	0	\$2Q1.2	30	11	0	1	0	6	12
\$2K1.6	0	0	0	0	0	0	0	\$2Q1.3	20	6	0	4	0	4	6
\$2K1.7	0	0	0	0	0	0	0	\$2Q1.4	0	0	0	0	0	0	0
\$2K2.1	7,875	4,215	46	506	8	293	2,807	\$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	81	40	0	4	0	2	35
\$2K2.4 ³	396	312	8	38	0	0	38	\$2Q2.2	0	0	0	0	0	0	0
\$2K2.5	14	10	1	0	0	0	3	\$2R1.1	20	2	0	15	0	0	3
\$2K2.6	0	0	0	0	0	0	0	\$2S1.1	966	208	2	313	3	41	399
\$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	176	72	1	9	3	23	68
\$2L1.1	3,451	1,401	3	149	1,194	89	615	\$2S1.4	0	0	0	0	0	0	0
\$2L1.2	21,870	15,047	95	27	3,971	961	1,769	\$2T1.1	317	84	0	36	0	6	191
\$2L1.3	0	0	0	0	0	0	0	\$2T1.2	0	0	0	0	0	0	0
\$2L2.1	102	51	0	17	0	5	29	\$2T1.3	0	0	0	0	0	0	0
\$2L2.2	944	684	2	3	54	30	171	\$2T1.4	162	36	0	25	0	7	94
\$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	40	10	0	2	0	2	26
\$2L2.5	0	0	0	0	0	0	0	\$2T1.7	0	0	0	0	0	0	0
\$2M1.1	0	0	0	0	0	0	0	\$2T1.8	1	1	0	0	0	0	0
\$2M2.1	0	0	0	0	0	0	0	\$2T1.9	2	1	0	1	0	0	0
\$2M2.2	0	0	0	0	0	0	0	\$2T2.1	3	1	0	0	0	1	1
\$2M2.3	0	0	0	0	0	0	0	\$2T2.2	2	2	0	0	0	0	0
\$2M2.4	0	0	0	0	0	0	0	\$2T3.1	3	2	0	0	0	0	1
\$2M3.1	2	0	0	1	0	0	1	\$2T3.2	0	0	0	0	0	0	0
\$2M3.2	0	0	0	0	0	0	0	\$2T4.1	0	0	0	0	0	0	0
\$2M3.3	2	2	0	0	0	0	0	\$2X1.1	15	9	0	0	0	0	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	87	28	3	16	0	6	34
\$2M3.6	0	0	0	0	0	0	0	\$2X4.1	264	161	4	17	1	8	73
\$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	207	163	0	0	0	0	44
\$2M3.9	0	0	0	0	0	0	0	\$2X6.1	1	1	0	0	0	0	0
\$2M4.1	0	0	0	0	0	0	0	\$2X7.1	1	0	0	0	0	0	1
\$2M5.1	14	3	0	6	0	1	4	\$2X7.2	0	0	0	0	0	0	0
TOTAL								TOTAL							
70,662								35,434							
355								7,084							
6,463								3,040							
18,286															

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	36,184	7,121	19.7	7,239	20.0	5,541	15.3	8,240	22.8	820	2.3
Departures	17,625	7,098	40.3	7,215	40.9	4,129	23.4	7,033	39.9	662	3.8
Upward Departure	356	0	0.0	0	0.0	90	25.3	38	10.7	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	7,098	7,098	100.0	157	2.2	288	4.1	1,998	28.1	38	0.5
§5K3.1 Early Disposition Program	7,058	0	0.0	7,058	100.0	3,185	45.1	4,398	62.3	598	8.5
Other Government Motion	1,389	0	0.0	0	0.0	566	40.7	599	43.1	25	1.8
Non-Government Departure	1,724	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	18,559	23	0.1	24	0.1	1,412	7.6	1,207	6.5	158	0.9
Upward Variance	1,392	23	1.7	24	1.7	195	14.0	133	9.6	1	0.1
Downward Variance											
Government Motion	3,995	0	0.0	0	0.0	1,217	30.5	1,074	26.9	157	3.9
Non-Government Variance	13,172	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement								Other than a Plea/Motion by Parties		No Information Available	
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion					
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,256	14.5	5,935	16.4	7,184	19.9	1,478	4.1	5,128	14.2	2,537	7.0
Departures	4,560	25.9	2,192	12.4	1,761	10.0	635	3.6	1,530	8.7	225	1.3
Upward Departure	114	32.0	0	0.0	3	0.8	7	2.0	104	29.2	26	7.3
Downward Departure												
§5K1.1 Substantial Assistance	4,123	58.1	741	10.4	654	9.2	374	5.3	678	0.0	0	0.0
§5K3.1 Early Disposition Program	185	2.6	471	6.7	680	9.6	130	1.8	294	4.2	0	0.0
Other Government Motion	138	9.9	98	7.1	64	4.6	124	8.9	63	4.5	29	2.1
Non-Government Departure	0	0.0	882	51.2	360	20.9	0	0.0	391	22.7	170	9.9
Variances	696	3.8	3,743	20.2	5,423	29.2	843	4.5	3,598	19.4	2,312	12.5
Upward Variance	231	16.6	6	0.4	4	0.3	24	1.7	582	41.8	252	18.1
Downward Variance												
Government Motion	465	11.6	378	9.5	155	3.9	819	20.5	178	4.5	147	3.7
Non-Government Variance	0	0.0	3,359	25.5	5,264	40.0	0	0.0	2,838	21.5	1,913	14.5

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, 15,465 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	355	86	26	71.7	60	14	42.9
Administration of Justice	12	44	17	78.0	36	12	76.6
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	18	112	40	55.9	84	27	46.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	10	125	30	34.8	89	27	26.4
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	62	112	41	127.5	96	30	57.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	55	76	23	58.8	72	17	39.2
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	18	44	13	59.5	27	9	48.7
Immigration	100	25	9	68.5	24	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	7	125	58	101.3	132	54	69.2
Money Laundering	3	48	5	11.1	42	2	12.5
Murder	4	315	92	43.0	300	64	28.8
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	46	17	59.6	41	11	36.7
Prison Offenses	3	44	14	46.8	40	12	57.1
Robbery	29	185	40	32.1	192	25	23.1
Sexual Abuse	14	189	50	53.4	151	36	26.0
Stalking/Harassing	4	49	12	32.4	46	12	27.4
Tax	0	--	--	--	--	--	--
Other	2	--	--	--	--	--	--

¹ Of the 75,057 cases, in 356 the sentence was an upward departure from the guideline range. One case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,382	79	23	63.6	60	12	37.5
Administration of Justice	22	35	9	44.2	30	6	25.8
Antitrust	0	--	--	--	--	--	--
Arson	5	124	49	64.4	120	48	44.4
Assault	30	101	32	71.7	96	18	28.3
Bribery/Corruption	4	42	12	62.9	48	12	73.2
Burglary/Trespass	4	26	7	63.7	23	6	55.8
Child Pornography	20	139	34	35.7	132	24	27.7
Commercialized Vice	13	56	23	73.8	46	13	66.7
Drug Possession	19	10	4	47.5	7	1	16.7
Drug Trafficking	261	106	30	72.3	84	19	33.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	8	49	19	70.1	44	12	76.6
Firearms	305	84	26	54.1	70	18	35.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	7	42	16	64.7	36	19	51.4
Fraud/Theft/Embezzlement	100	56	18	78.3	44	13	50.0
Immigration	324	27	10	75.6	21	6	50.0
Individual Rights	3	74	11	32.0	84	13	18.3
Kidnapping	0	--	--	--	--	--	--
Manslaughter	9	119	44	83.3	96	30	23.7
Money Laundering	10	112	39	61.5	72	24	49.4
Murder	8	381	98	41.9	394	59	20.9
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	14	62	32	117.0	48	21	61.1
Prison Offenses	17	24	9	55.6	20	6	50.0
Robbery	93	184	43	33.6	180	30	22.4
Sexual Abuse	36	169	38	32.5	147	22	19.5
Stalking/Harassing	16	80	35	81.5	69	25	50.0
Tax	9	49	13	37.5	50	10	24.4
Other	44	11	4	52.0	9	3	33.3

¹ Of the 75,057 cases, in 1,392 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two cases were excluded from this table. Also, eight cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,976	53	50	52.5	40	36	48.5
Administration of Justice	35	6	12	72.6	0	10	99.7
Antitrust	15	4	7	63.4	4	8	66.7
Arson	9	42	58	51.4	42	25	50.0
Assault	35	71	118	62.0	48	103	65.7
Bribery/Corruption	108	15	28	63.4	12	19	60.4
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	28	82	56	42.3	70	54	35.9
Commercialized Vice	9	10	10	57.4	12	9	55.6
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	4,327	64	58	50.0	54	46	47.0
Environmental	10	5	9	80.5	0	8	100.0
Extortion/Racketeering	21	14	31	69.7	8	15	72.2
Firearms	553	42	32	48.9	33	23	41.5
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	29	10	15	68.8	6	15	70.0
Fraud/Theft/Embezzlement	807	18	26	63.4	12	19	63.0
Immigration	200	14	13	52.9	11	11	46.7
Individual Rights	7	13	25	70.7	3	12	93.5
Kidnapping	14	92	111	53.1	86	87	50.9
Manslaughter	0	--	--	--	--	--	--
Money Laundering	313	54	58	55.9	35	40	51.7
Murder	43	116	123	52.4	96	115	53.3
National Defense	40	24	36	59.9	22	27	58.2
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	11	12	12	48.9	6	6	37.5
Robbery	237	72	55	45.6	70	41	41.6
Sexual Abuse	48	108	86	47.7	99	75	40.8
Stalking/Harassing	2	--	--	--	--	--	--
Tax	64	9	16	68.3	8	12	66.6
Other	8	11	39	76.9	4	33	80.0

¹ Of the 75,057 cases, in 7,098 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, 55 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	7,049	14	12	46.5	9	6	41.9
Administration of Justice	5	16	2	13.8	20	3	12.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,214	30	40	55.9	30	33	57.1
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	8	24	20	48.2	17	13	44.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	15	8	7	50.4	4	5	33.3
Immigration	5,796	10	7	44.5	7	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	5	27	11	41.4	37	9	30.4
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	3	13	4	22.2	15	3	25.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	1	--	--	--	--	--	--

¹ Of the 75,057 cases, in 7,058 the offender received a §5K3.1 early disposition program departure below the guideline range. Nine cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,061	38	25	42.3	18	12	36.7
Administration of Justice	43	9	9	53.9	8	8	49.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	51	34	19	44.0	24	11	37.7
Bribery/Corruption	26	13	16	60.2	9	10	54.8
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	92	70	59	47.6	60	54	47.0
Commercialized Vice	7	6	7	77.6	0	6	100.0
Drug Possession	3	3	2	74.5	0	2	100.0
Drug Trafficking	824	64	40	41.2	48	27	36.4
Environmental	12	6	12	76.5	0	12	100.0
Extortion/Racketeering	8	37	25	39.1	40	13	34.7
Firearms	302	37	20	39.9	27	13	32.3
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	11	8	10	61.5	8	7	55.6
Fraud/Theft/Embezzlement	201	20	17	56.1	12	11	52.9
Immigration	1,122	14	9	38.2	12	6	33.3
Individual Rights	3	24	12	52.1	12	12	33.3
Kidnapping	6	144	126	47.2	136	133	48.0
Manslaughter	5	54	11	22.0	15	4	14.8
Money Laundering	63	27	34	61.9	9	15	63.3
Murder	25	127	89	39.3	132	64	36.7
National Defense	23	35	38	46.5	26	19	43.5
Obscenity/Other Sex Offenses	12	11	9	48.0	12	9	31.0
Prison Offenses	30	8	8	51.3	7	6	40.9
Robbery	96	70	38	37.1	60	26	31.7
Sexual Abuse	57	153	73	34.7	138	60	33.2
Stalking/Harassing	14	17	18	56.0	21	16	47.4
Tax	15	14	16	57.0	9	12	57.1
Other	5	4	4	53.6	3	5	46.7

¹ Of the 75,057 cases, in 3,113 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,389) or a non-government departure (1,724). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 14 cases were excluded from this table. Also, 38 case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSC §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

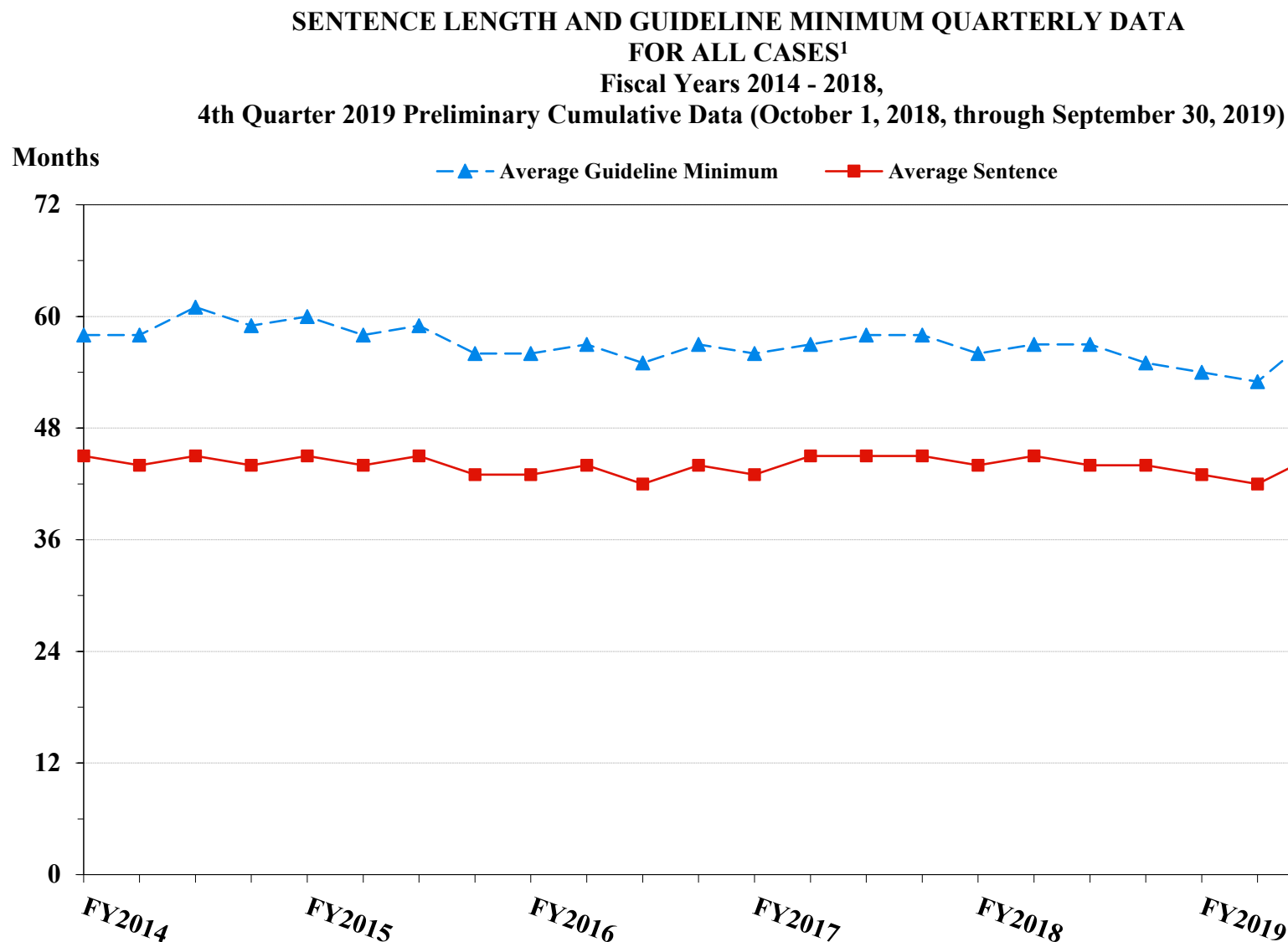
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	16,678	50	26	42.6	28	14	34.2
Administration of Justice	213	7	11	67.2	4	9	75.0
Antitrust	2	--	--	--	--	--	--
Arson	15	21	21	56.6	24	22	47.8
Assault	216	51	22	43.6	25	12	34.1
Bribery/Corruption	121	23	19	56.3	12	12	51.4
Burglary/Trespass	15	10	10	51.7	9	6	42.7
Child Pornography	767	80	51	40.4	71	43	38.1
Commercialized Vice	26	11	8	49.3	12	6	48.9
Drug Possession	17	1	4	85.8	0	2	100.0
Drug Trafficking	5,940	74	36	37.4	60	24	31.0
Environmental	52	4	9	81.0	0	6	100.0
Extortion/Racketeering	49	20	20	59.0	12	15	55.4
Firearms	2,551	39	19	39.8	27	12	31.4
Food and Drug	12	25	21	58.7	18	21	61.8
Forgery/Counter/Copyright	90	8	13	60.5	6	8	55.1
Fraud/Theft/Embezzlement	1,992	20	14	54.4	12	10	48.6
Immigration	2,376	12	7	43.4	8	6	33.3
Individual Rights	14	32	26	50.5	16	11	49.1
Kidnapping	29	126	62	32.5	108	48	31.0
Manslaughter	14	35	16	43.4	24	13	22.6
Money Laundering	432	49	33	48.4	30	19	39.8
Murder	46	170	92	34.4	152	83	33.3
National Defense	70	38	35	53.6	19	26	51.4
Obscenity/Other Sex Offenses	117	11	10	51.7	10	9	45.5
Prison Offenses	133	9	7	48.8	7	6	45.8
Robbery	575	87	28	27.8	78	21	21.7
Sexual Abuse	358	154	65	32.4	162	55	28.6
Stalking/Harassing	70	16	14	49.7	12	11	49.8
Tax	303	11	13	61.4	8	12	55.4
Other	63	11	23	78.0	0	10	99.8

¹ Of the 75,057 cases, in 17,167 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,995) or a non-government variance (13,172). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 159 cases were excluded from this table. Also, 330 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

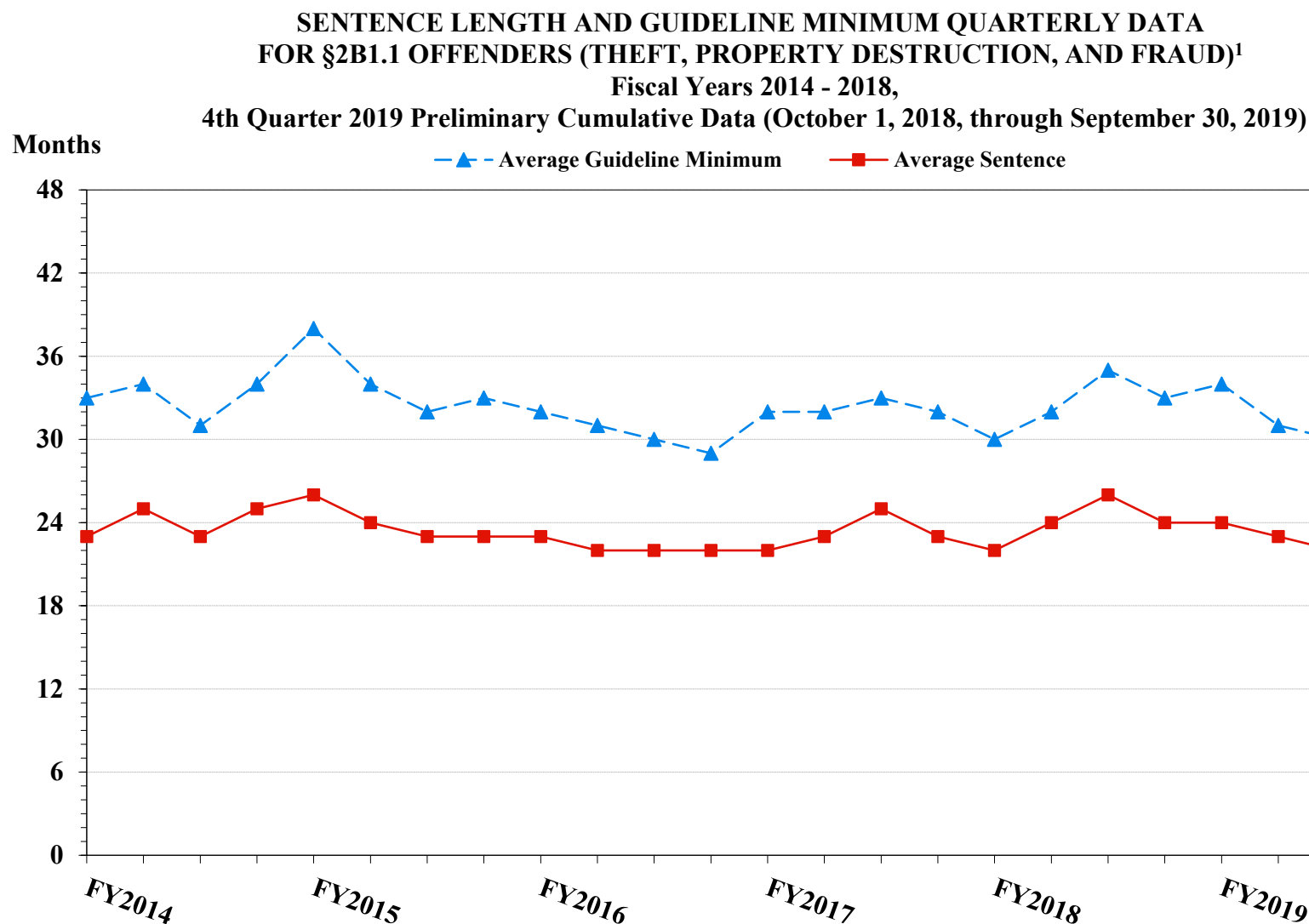
SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through September 30, 2019).

Figure 5



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

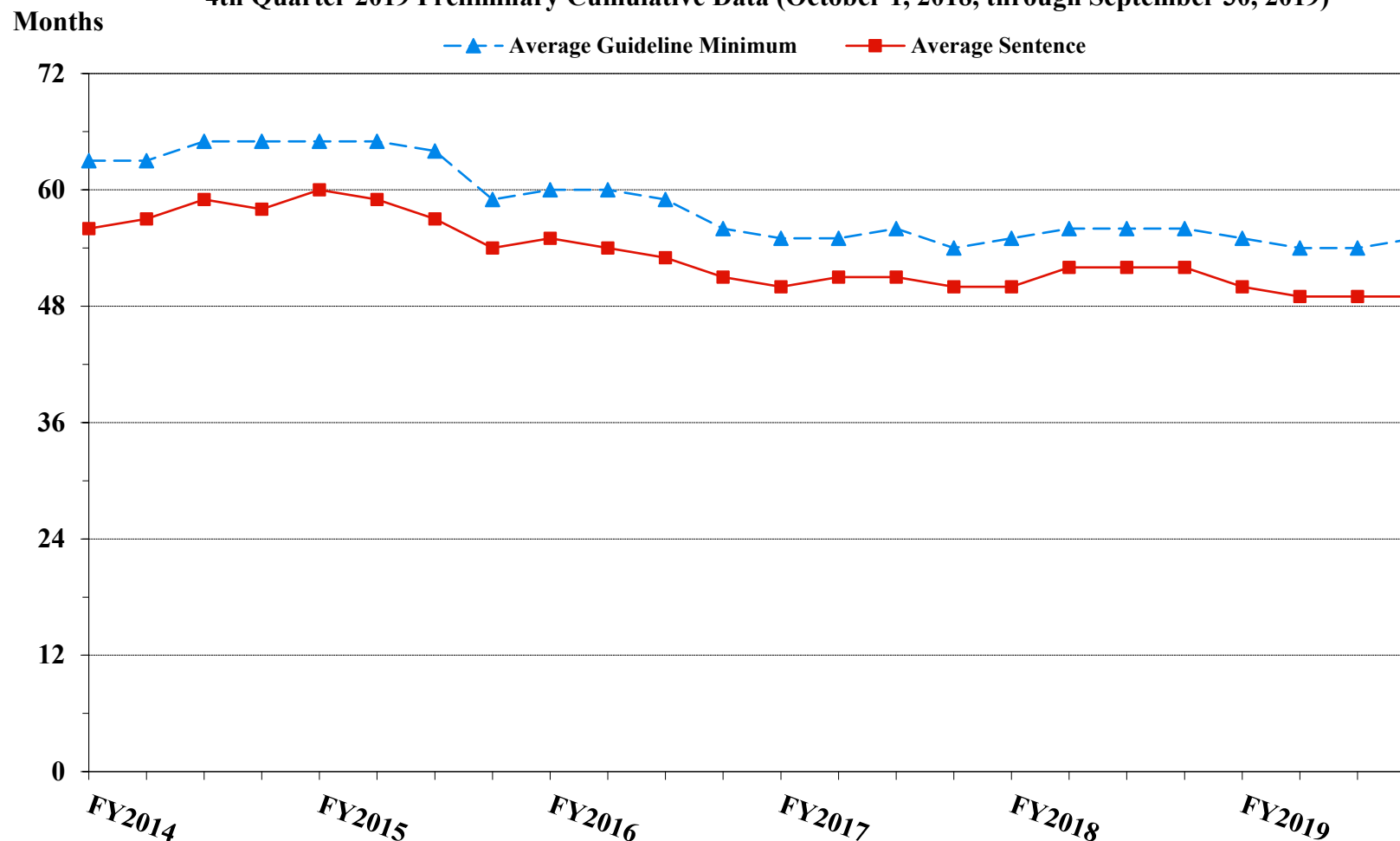
Figure 6



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

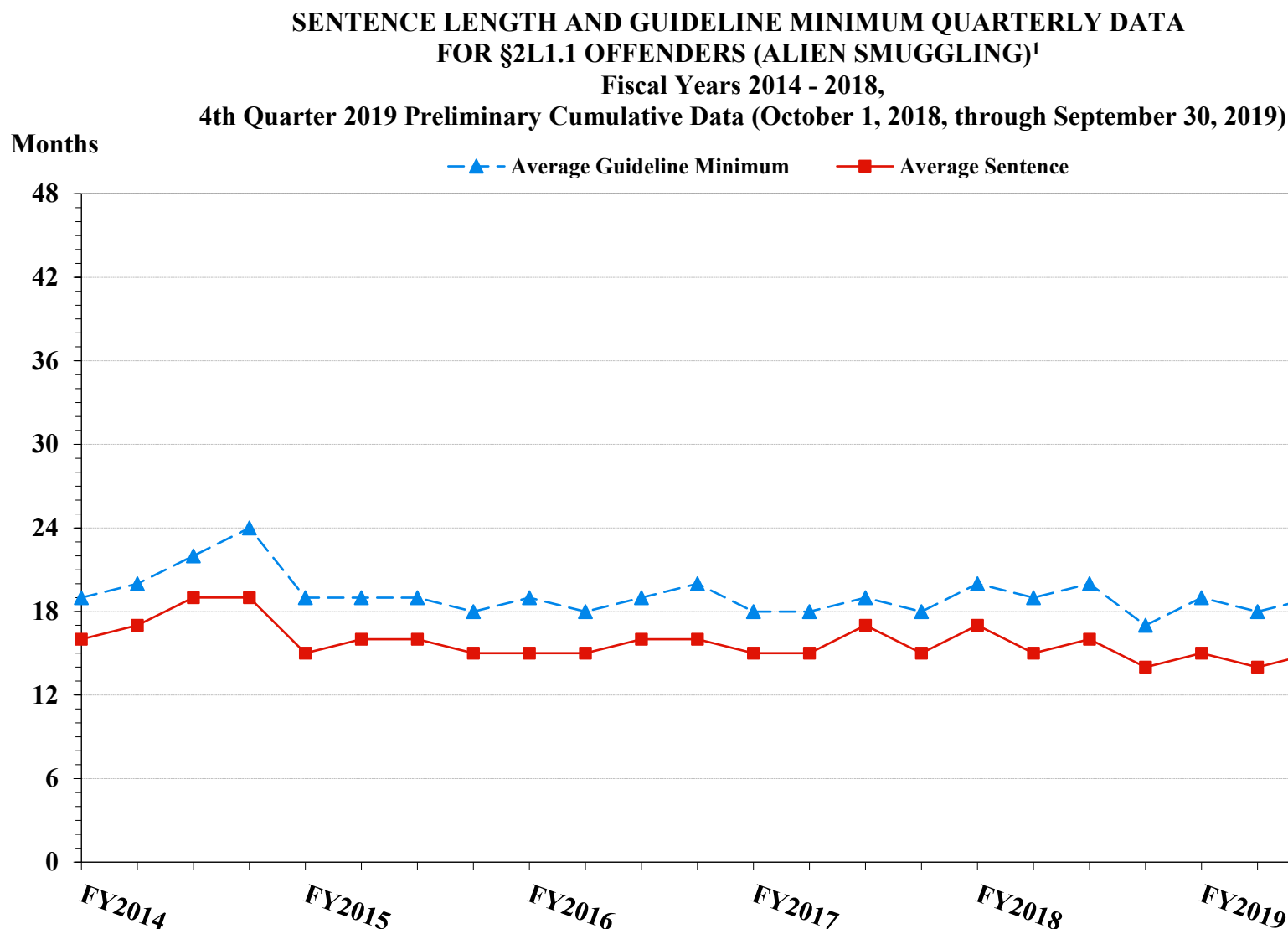
Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2014 - 2018,
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)**



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

Figure 8

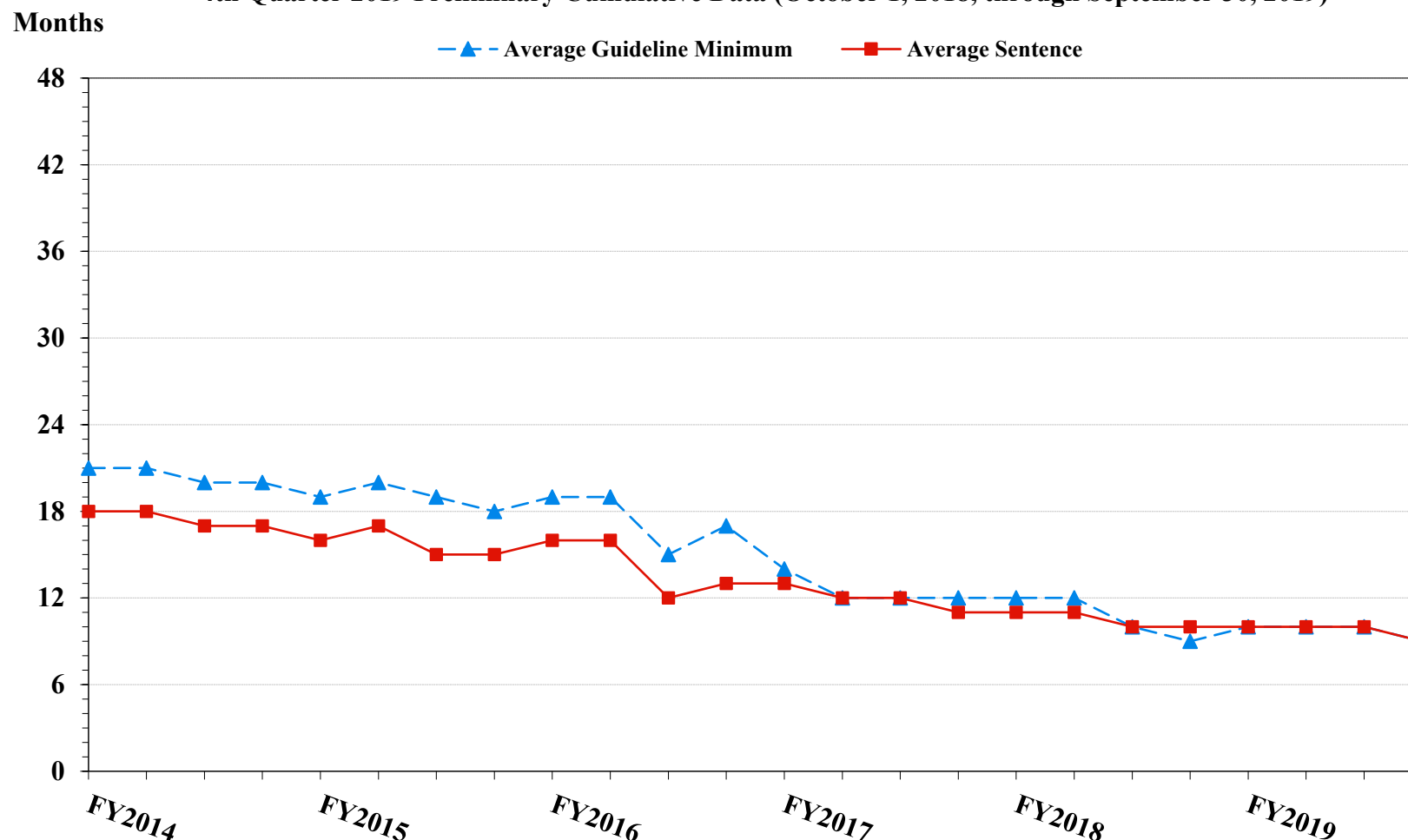


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

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

Figure 9

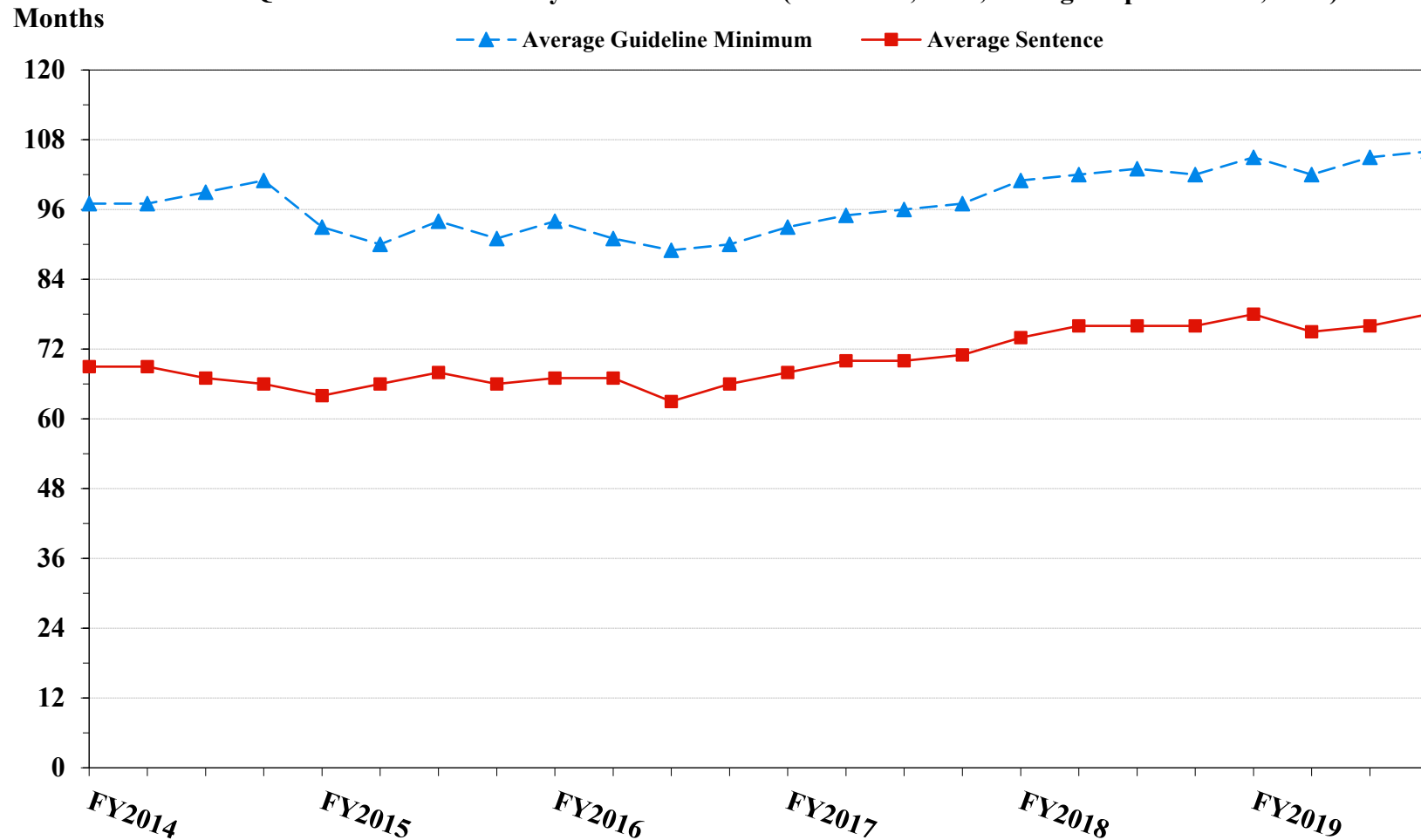
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2014 - 2018,
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)**



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

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2014 - 2018,
4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)**

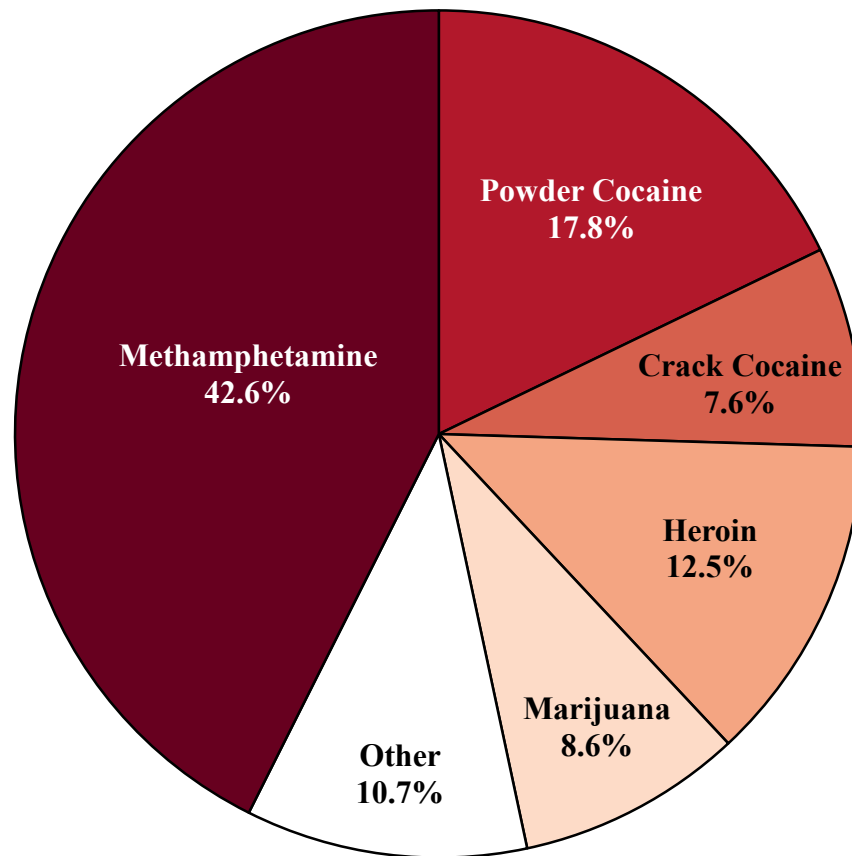


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}**

**4th Quarter 2019 Preliminary Cumulative Data
(October 1, 2018, through September 30, 2019)**



¹ Of the 75,057 cases, in 19,699 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one were excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (870), Oxycodone/Oxycontin (444), Fentanyl Analogue (100), MDMA/Ecstasy/MDA (93), Hydrocodone (88), and Synthetic Cannabinoid (62).

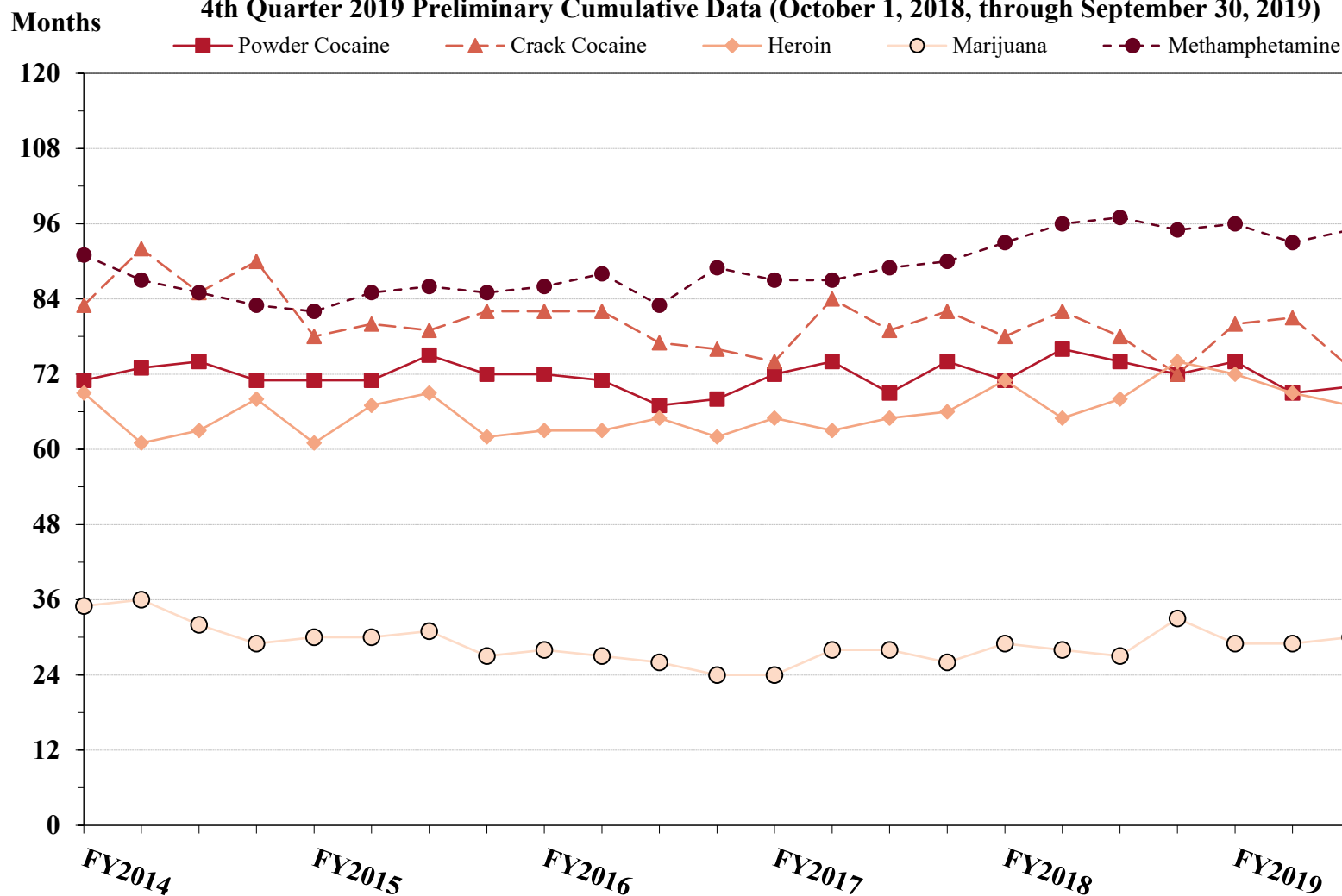
SOURCE: U.S. Sentencing Commission, Preliminary 2019 Datafile, USSCFY19 (October 1, 2018, through September 30, 2019).

Figure 12

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

Fiscal Years 2014 - 2018,

4th Quarter 2019 Preliminary Cumulative Data (October 1, 2018, through September 30, 2019)



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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentences Under the Guidelines Manual

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

Sentence Type

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

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

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

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

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

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

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

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

Upward Variance

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

Year

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