

United States Sentencing Commission Quarterly Data Report



**4th Quarter Release
Preliminary Fiscal Year 2020 Data
Through September 30, 2020**

Introduction

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

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

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

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

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

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

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2019 are available at the Commission's website, www.ussc.gov.

pornography is treated under the sentencing guidelines.

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

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

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

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

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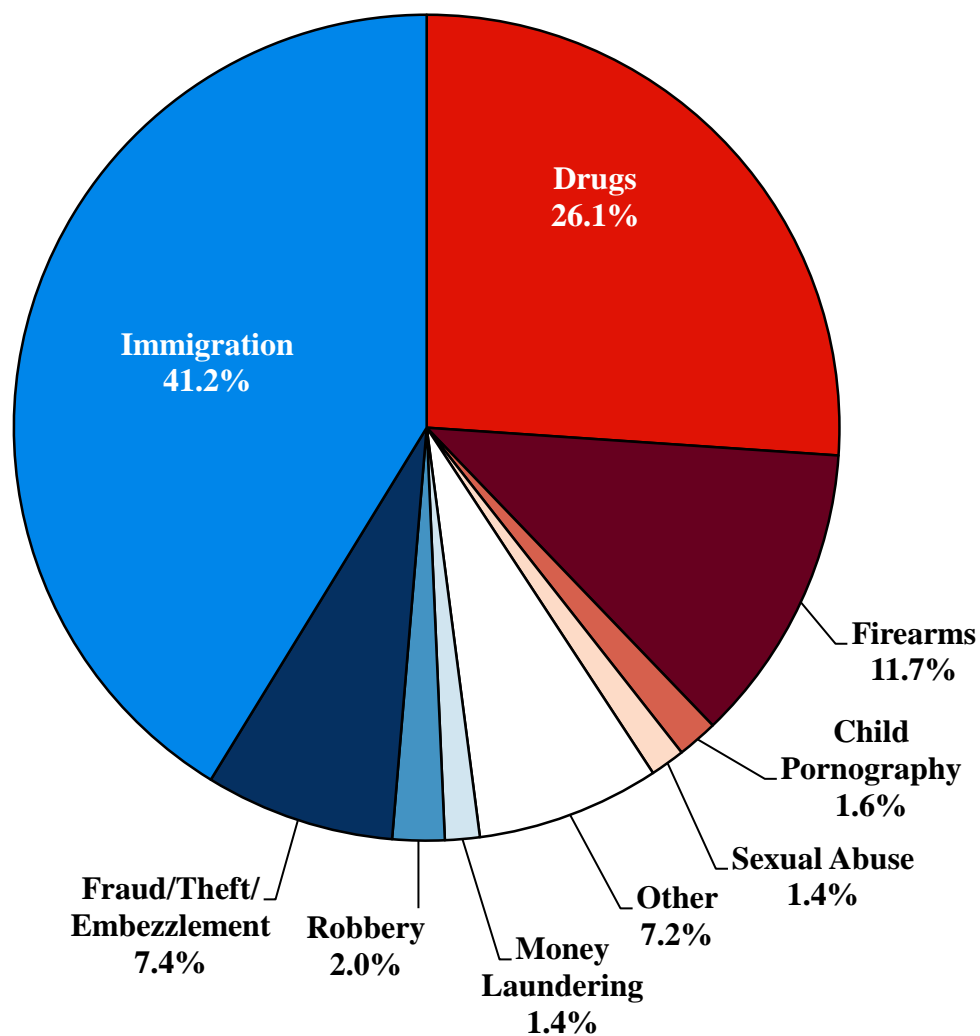
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Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹

**4th Quarter 2020 Preliminary Cumulative Data
(October 1, 2019, through September 30, 2020)**



¹ This figure includes the 63,556 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	N	%
TOTAL	63,556	100.0
Administration of Justice	533	0.8
Antitrust	11	0.0
Arson	48	0.1
Assault	600	0.9
Bribery/Corruption	237	0.4
Burglary/Trespass	39	0.1
Child Pornography	1,011	1.6
Commercialized Vice	52	0.1
Drug Possession	394	0.6
Drug Trafficking	16,177	25.5
Environmental	126	0.2
Extortion/Racketeering	119	0.2
Firearms	7,462	11.7
Food and Drug	33	0.1
Forgery/Counter/Copyright	196	0.3
Fraud/Theft/Embezzlement	4,717	7.4
Immigration	26,211	41.2
Individual Rights	70	0.1
Kidnapping	65	0.1
Manslaughter	36	0.1
Money Laundering	863	1.4
Murder	286	0.4
National Defense	162	0.3
Obscenity/Other Sex Offenses	316	0.5
Prison Offenses	454	0.7
Robbery	1,296	2.0
Sexual Abuse	863	1.4
Stalking/Harassing	221	0.3
Tax	358	0.6
Other	600	0.9

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

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
4th Quarter 2020 Preliminary Cumulative Data
(October 1, 2019, through September 30, 2020)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	63,556	100.0			
D.C. CIRCUIT	272	0.4	FIFTH CIRCUIT	19,864	31.3
District of Columbia	272	0.4	Louisiana		
			Eastern	170	0.3
FIRST CIRCUIT	1,684	2.6	Middle	124	0.2
Maine	118	0.2	Western	289	0.5
Massachusetts	379	0.6	Mississippi		
New Hampshire	200	0.3	Northern	136	0.2
Puerto Rico	887	1.4	Southern	347	0.5
Rhode Island	100	0.2	Texas		
			Eastern	692	1.1
SECOND CIRCUIT	2,415	3.8	Northern	1,377	2.2
Connecticut	349	0.5	Southern	8,344	13.1
New York			Western	8,385	13.2
Eastern	357	0.6	SIXTH CIRCUIT	4,071	6.4
Northern	302	0.5	Kentucky		
Southern	904	1.4	Eastern	431	0.7
Western	349	0.5	Western	343	0.5
Vermont	154	0.2	Michigan		
			Eastern	513	0.8
THIRD CIRCUIT	1,898	3.0	Western	320	0.5
Delaware	89	0.1	Ohio		
New Jersey	593	0.9	Northern	772	1.2
Pennsylvania			Southern	526	0.8
Eastern	468	0.7	Tennessee		
Middle	360	0.6	Eastern	604	1.0
Western	353	0.6	Middle	224	0.4
Virgin Islands	35	0.1	Western	338	0.5
			SEVENTH CIRCUIT	2,253	3.5
FOURTH CIRCUIT	4,211	6.6	Illinois		
Maryland	462	0.7	Central	227	0.4
North Carolina			Northern	532	0.8
Eastern	700	1.1	Southern	231	0.4
Middle	403	0.6	Indiana		
Western	508	0.8	Northern	315	0.5
South Carolina	574	0.9	Southern	533	0.8
Virginia			Wisconsin		
Eastern	791	1.2	Eastern	264	0.4
Western	282	0.4	Western	151	0.2
West Virginia					
Northern	235	0.4			
Southern	256	0.4			

Table 2 (cont.)

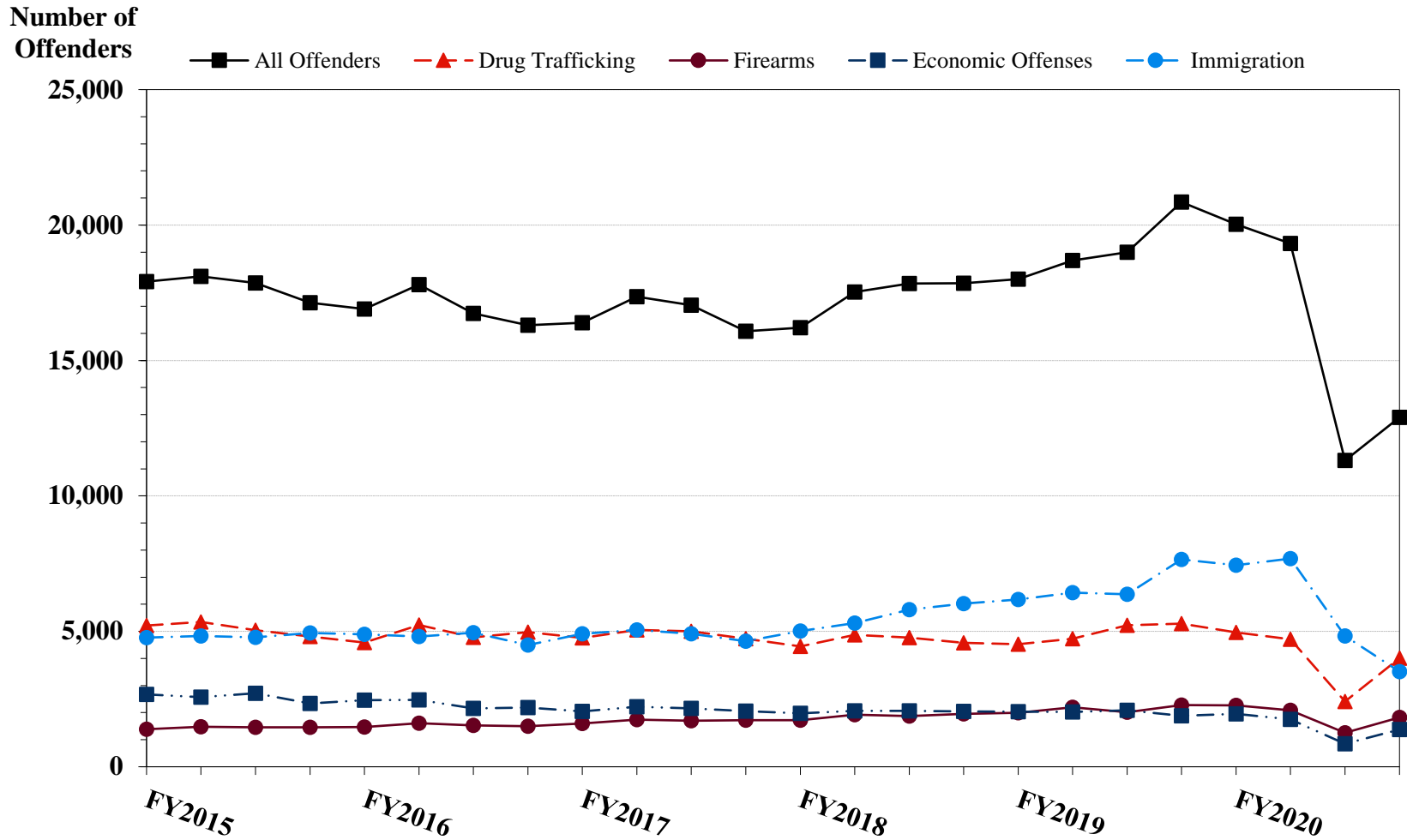
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,680	7.4	TENTH CIRCUIT	5,463	8.6
Arkansas			Colorado	397	0.6
Eastern	468	0.7	Kansas	310	0.5
Western	247	0.4	New Mexico	3,117	4.9
Iowa			Oklahoma		
Northern	364	0.6	Eastern	105	0.2
Southern	421	0.7	Northern	240	0.4
Minnesota	333	0.5	Western	454	0.7
Missouri			Utah	682	1.1
Eastern	923	1.5	Wyoming	158	0.2
Western	697	1.1			
Nebraska	482	0.8	ELEVENTH CIRCUIT	4,876	7.7
North Dakota	252	0.4	Alabama		
South Dakota	493	0.8	Middle	140	0.2
			Northern	426	0.7
NINTH CIRCUIT	11,869	18.7	Southern	299	0.5
Alaska	106	0.2	Florida		
Arizona	4,494	7.1	Middle	1,214	1.9
California			Northern	275	0.4
Central	912	1.4	Southern	1,301	2.0
Eastern	393	0.6	Georgia		
Northern	547	0.9	Middle	340	0.5
Southern	3,474	5.5	Northern	473	0.7
Guam	42	0.1	Southern	408	0.6
Hawaii	124	0.2			
Idaho	317	0.5			
Montana	323	0.5			
Nevada	291	0.5			
Northern Mariana Islands	10	0.0			
Oregon	334	0.5			
Washington					
Eastern	237	0.4			
Western	265	0.4			

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

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

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)



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

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	62,879	12,141	19.3	12,024	19.1	36,550	58.1	2,164	3.4
Administration of Justice	528	173	32.8	103	19.5	186	35.2	66	12.5
Antitrust	10	8	80.0	0	0.0	1	10.0	1	10.0
Arson	48	25	52.1	10	20.8	5	10.4	8	16.7
Assault	593	98	16.5	139	23.4	125	21.1	231	39.0
Bribery/Corruption	236	93	39.4	70	29.7	49	20.8	24	10.2
Burglary/Trespass	39	12	30.8	14	35.9	5	12.8	8	20.5
Child Pornography	1,011	820	81.1	42	4.2	123	12.2	26	2.6
Commercialized Vice	51	23	45.1	17	33.3	0	0.0	11	21.6
Drug Possession	354	109	30.8	60	16.9	164	46.3	21	5.9
Drug Trafficking	16,149	4,222	26.1	4,340	26.9	7,074	43.8	513	3.2
Environmental	123	78	63.4	7	5.7	14	11.4	24	19.5
Extortion/Racketeering	118	44	37.3	25	21.2	29	24.6	20	16.9
Firearms	7,443	1,936	26.0	4,009	53.9	1,274	17.1	224	3.0
Food and Drug	32	26	81.3	2	6.3	2	6.3	2	6.3
Forgery/Counter/Copyright	196	103	52.6	51	26.0	17	8.7	25	12.8
Fraud/Theft/Embezzlement	4,679	1,957	41.8	1,210	25.9	1,206	25.8	306	6.5
Immigration	25,889	487	1.9	220	0.8	25,041	96.7	141	0.5
Individual Rights	70	37	52.9	17	24.3	10	14.3	6	8.6
Kidnapping	65	24	36.9	20	30.8	12	18.5	9	13.8
Manslaughter	36	5	13.9	3	8.3	1	2.8	27	75.0
Money Laundering	860	274	31.9	164	19.1	347	40.3	75	8.7
Murder	286	34	11.9	135	47.2	93	32.5	24	8.4
National Defense	159	35	22.0	11	6.9	95	59.7	18	11.3
Obscenity/Other Sex Offenses	314	153	48.7	73	23.2	35	11.1	53	16.9
Prison Offenses	437	102	23.3	161	36.8	145	33.2	29	6.6
Robbery	1,292	286	22.1	751	58.1	213	16.5	42	3.3
Sexual Abuse	860	495	57.6	120	14.0	126	14.7	119	13.8
Stalking/Harassing	220	121	55.0	31	14.1	24	10.9	44	20.0
Tax	357	182	51.0	99	27.7	39	10.9	37	10.4
Other	424	179	42.2	120	28.3	95	22.4	30	7.1

¹ Of the 63,556 cases, 677 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	63,456	55,722	87.8	7,734	12.2
Administration of Justice	531	370	69.7	161	30.3
Antitrust	11	8	72.7	3	27.3
Arson	48	43	89.6	5	10.4
Assault	599	544	90.8	55	9.2
Bribery/Corruption	237	178	75.1	59	24.9
Burglary/Trespass	39	32	82.1	7	17.9
Child Pornography	1,011	1,008	99.7	3	0.3
Commercialized Vice	52	35	67.3	17	32.7
Drug Possession	390	294	75.4	96	24.6
Drug Trafficking	16,177	13,361	82.6	2,816	17.4
Environmental	126	113	89.7	13	10.3
Extortion/Racketeering	119	100	84.0	19	16.0
Firearms	7,461	7,169	96.1	292	3.9
Food and Drug	33	21	63.6	12	36.4
Forgery/Counter/Copyright	196	154	78.6	42	21.4
Fraud/Theft/Embezzlement	4,715	3,197	67.8	1,518	32.2
Immigration	26,151	24,277	92.8	1,874	7.2
Individual Rights	70	60	85.7	10	14.3
Kidnapping	65	58	89.2	7	10.8
Manslaughter	36	30	83.3	6	16.7
Money Laundering	863	656	76.0	207	24.0
Murder	286	268	93.7	18	6.3
National Defense	161	139	86.3	22	13.7
Obscenity/Other Sex Offenses	316	309	97.8	7	2.2
Prison Offenses	454	417	91.9	37	8.1
Robbery	1,296	1,178	90.9	118	9.1
Sexual Abuse	863	796	92.2	67	7.8
Stalking/Harassing	221	206	93.2	15	6.8
Tax	358	263	73.5	95	26.5
Other	571	438	76.7	133	23.3

¹ Of the 63,556 cases, 100 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 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	63,304	34,074	53.8	29,230	46.2
Administration of Justice	527	415	78.7	112	21.3
Antitrust	11	8	72.7	3	27.3
Arson	48	47	97.9	1	2.1
Assault	591	552	93.4	39	6.6
Bribery/Corruption	237	217	91.6	20	8.4
Burglary/Trespass	39	37	94.9	2	5.1
Child Pornography	1,011	979	96.8	32	3.2
Commercialized Vice	52	50	96.2	2	3.8
Drug Possession	370	254	68.6	116	31.4
Drug Trafficking	16,160	12,938	80.1	3,222	19.9
Environmental	126	105	83.3	21	16.7
Extortion/Racketeering	119	100	84.0	19	16.0
Firearms	7,455	7,144	95.8	311	4.2
Food and Drug	32	31	96.9	1	3.1
Forgery/Counter/Copyright	196	179	91.3	17	8.7
Fraud/Theft/Embezzlement	4,692	3,653	77.9	1,039	22.1
Immigration	26,200	2,553	9.7	23,647	90.3
Individual Rights	70	67	95.7	3	4.3
Kidnapping	65	60	92.3	5	7.7
Manslaughter	36	36	100.0	0	0.0
Money Laundering	860	587	68.3	273	31.7
Murder	286	246	86.0	40	14.0
National Defense	162	85	52.5	77	47.5
Obscenity/Other Sex Offenses	314	306	97.5	8	2.5
Prison Offenses	440	416	94.5	24	5.5
Robbery	1,295	1,249	96.4	46	3.6
Sexual Abuse	863	822	95.2	41	4.8
Stalking/Harassing	220	213	96.8	7	3.2
Tax	358	331	92.5	27	7.5
Other	469	394	84.0	75	16.0

¹ Of the 63,556 cases, 252 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 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	40	14	63,555
Administration of Justice	11	8	533
Antitrust	8	6	11
Arson	78	60	48
Assault	65	36	600
Bribery/Corruption	15	8	237
Burglary/Trespass	19	15	39
Child Pornography	101	84	1,011
Commercialized Vice	21	12	52
Drug Possession	3	0	393
Drug Trafficking	76	60	16,177
Environmental	3	0	126
Extortion/Racketeering	23	12	119
Firearms	48	37	7,462
Food and Drug	17	4	33
Forgery/Counter/Copyright	17	12	196
Fraud/Theft/Embezzlement	19	8	4,717
Immigration	8	5	26,211
Individual Rights	55	24	70
Kidnapping	197	168	65
Manslaughter	53	47	36
Money Laundering	58	34	863
Murder	257	230	286
National Defense	39	26	162
Obscenity/Other Sex Offenses	19	18	316
Prison Offenses	11	8	454
Robbery	105	86	1,296
Sexual Abuse	201	180	863
Stalking/Harassing	28	21	221
Tax	16	12	358
Other	3	0	600

¹ Of the 63,556 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 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison and Alternatives ²			TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY		
		N	%	N	%	N	%	N	%	N	%	N	%		
TOTAL	63,556	58,512	92.1	56,789	89.4	1,723	2.7	4,781	7.5	1,072	1.7	3,709	5.8	263	0.4
Administration of Justice	533	379	71.1	341	64.0	38	7.1	150	28.1	33	6.2	117	22.0	4	0.8
Antitrust	11	7	63.6	6	54.5	1	9.1	4	36.4	0	0.0	4	36.4	0	0.0
Arson	48	46	95.8	45	93.8	1	2.1	2	4.2	0	0.0	2	4.2	0	0.0
Assault	600	535	89.2	500	83.3	35	5.8	64	10.7	7	1.2	57	9.5	1	0.2
Bribery/Corruption	237	153	64.6	148	62.4	5	2.1	83	35.0	34	14.3	49	20.7	1	0.4
Burglary/Trespass	39	31	79.5	26	66.7	5	12.8	8	20.5	0	0.0	8	20.5	0	0.0
Child Pornography	1,011	1,003	99.2	991	98.0	12	1.2	8	0.8	3	0.3	5	0.5	0	0.0
Commercialized Vice	52	42	80.8	36	69.2	6	11.5	10	19.2	1	1.9	9	17.3	0	0.0
Drug Possession	394	221	56.1	217	55.1	4	1.0	116	29.4	5	1.3	111	28.2	57	14.5
Drug Trafficking	16,177	15,627	96.6	15,116	93.4	511	3.2	548	3.4	145	0.9	403	2.5	2	0.0
Environmental	126	40	31.7	36	28.6	4	3.2	77	61.1	17	13.5	60	47.6	9	7.1
Extortion/Racketeering	119	79	66.4	74	62.2	5	4.2	39	32.8	5	4.2	34	28.6	1	0.8
Firearms	7,462	7,015	94.0	6,733	90.2	282	3.8	445	6.0	137	1.8	308	4.1	2	0.0
Food and Drug	33	13	39.4	13	39.4	0	0.0	20	60.6	4	12.1	16	48.5	0	0.0
Forgery/Counter/Copyright	196	166	84.7	149	76.0	17	8.7	30	15.3	5	2.6	25	12.8	0	0.0
Fraud/Theft/Embezzlement	4,717	3,409	72.3	3,174	67.3	235	5.0	1,263	26.8	327	6.9	936	19.8	45	1.0
Immigration	26,211	24,882	94.9	24,564	93.7	318	1.2	1,325	5.1	209	0.8	1,116	4.3	4	0.0
Individual Rights	70	56	80.0	55	78.6	1	1.4	13	18.6	1	1.4	12	17.1	1	1.4
Kidnapping	65	65	100.0	57	87.7	8	12.3	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	36	32	88.9	30	83.3	2	5.6	4	11.1	0	0.0	4	11.1	0	0.0
Money Laundering	863	750	86.9	718	83.2	32	3.7	113	13.1	39	4.5	74	8.6	0	0.0
Murder	286	285	99.7	277	96.9	8	2.8	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	162	144	88.9	137	84.6	7	4.3	14	8.6	3	1.9	11	6.8	4	2.5
Obscenity/Other Sex Offenses	316	297	94.0	263	83.2	34	10.8	19	6.0	4	1.3	15	4.7	0	0.0
Prison Offenses	454	439	96.7	417	91.9	22	4.8	15	3.3	4	0.9	11	2.4	0	0.0
Robbery	1,296	1,274	98.3	1,222	94.3	52	4.0	22	1.7	10	0.8	12	0.9	0	0.0
Sexual Abuse	863	859	99.5	840	97.3	19	2.2	4	0.5	1	0.1	3	0.3	0	0.0
Stalking/Harassing	221	200	90.5	173	78.3	27	12.2	21	9.5	7	3.2	14	6.3	0	0.0
Tax	358	250	69.8	228	63.7	22	6.1	107	29.9	38	10.6	69	19.3	1	0.3
Other	600	213	35.5	203	33.8	10	1.7	256	42.7	33	5.5	223	37.2	131	21.8

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

	N	%
TOTAL CASES	63,224	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	46,581	73.7
Within Guideline Range	31,836	50.4
Upward Departure ²	258	0.4
Downward Departure		
§5K1.1 Substantial Assistance	5,189	8.2
§5K3.1 Early Disposition Program	6,812	10.8
Other Government Motion ³	1,126	1.8
Non-Government Departure ⁴	1,360	2.2
VARIANCES	16,643	26.3
Upward Variance ⁵	1,160	1.8
Downward Variance		
Government Motion ⁶	3,716	5.9
Non-Government Variance ⁷	11,767	18.6

¹ This table reflects the 63,556 cases sentenced on or after October 1, 2019, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by November 12, 2020. Of these, 332 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

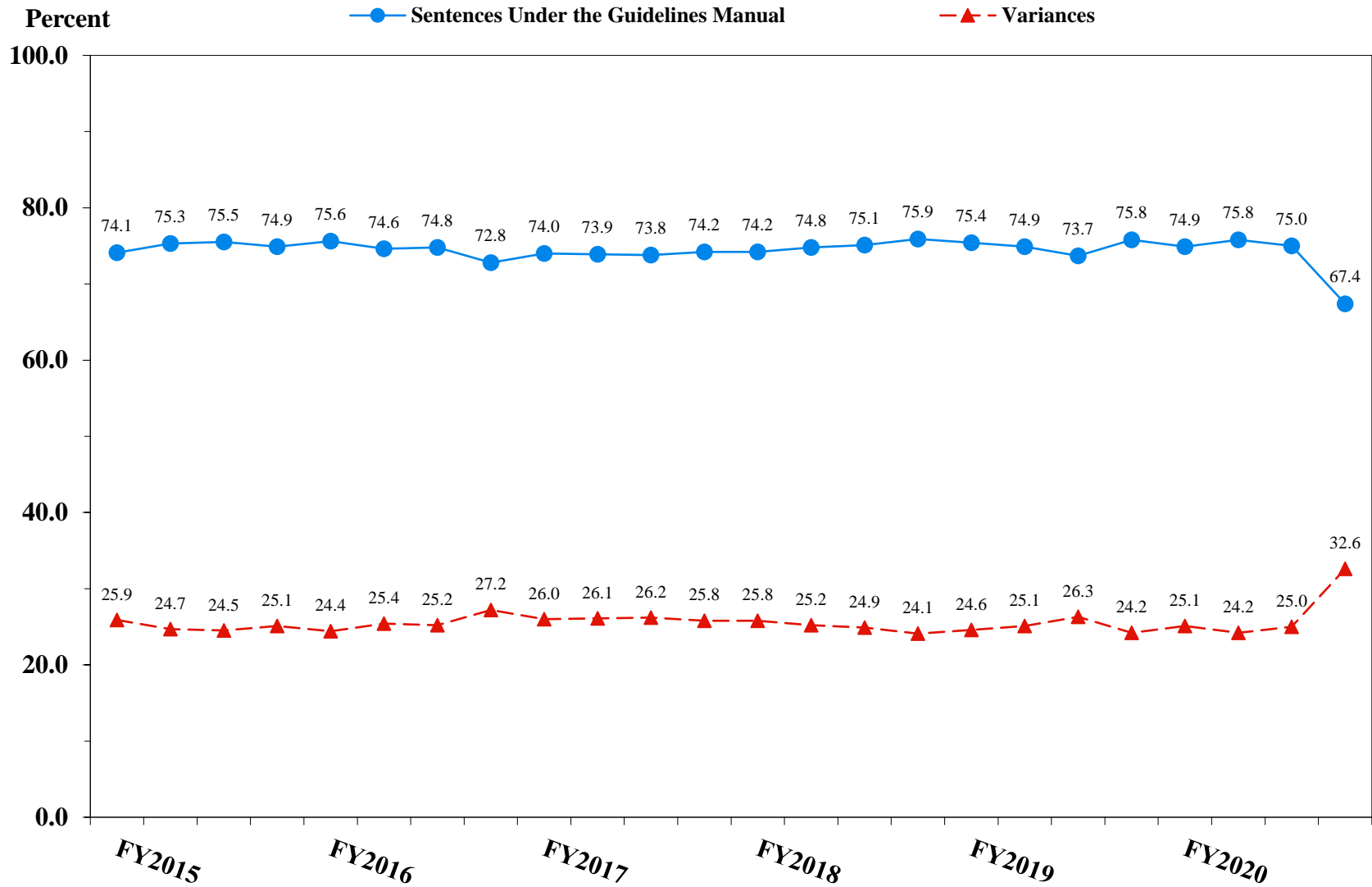
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

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

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)



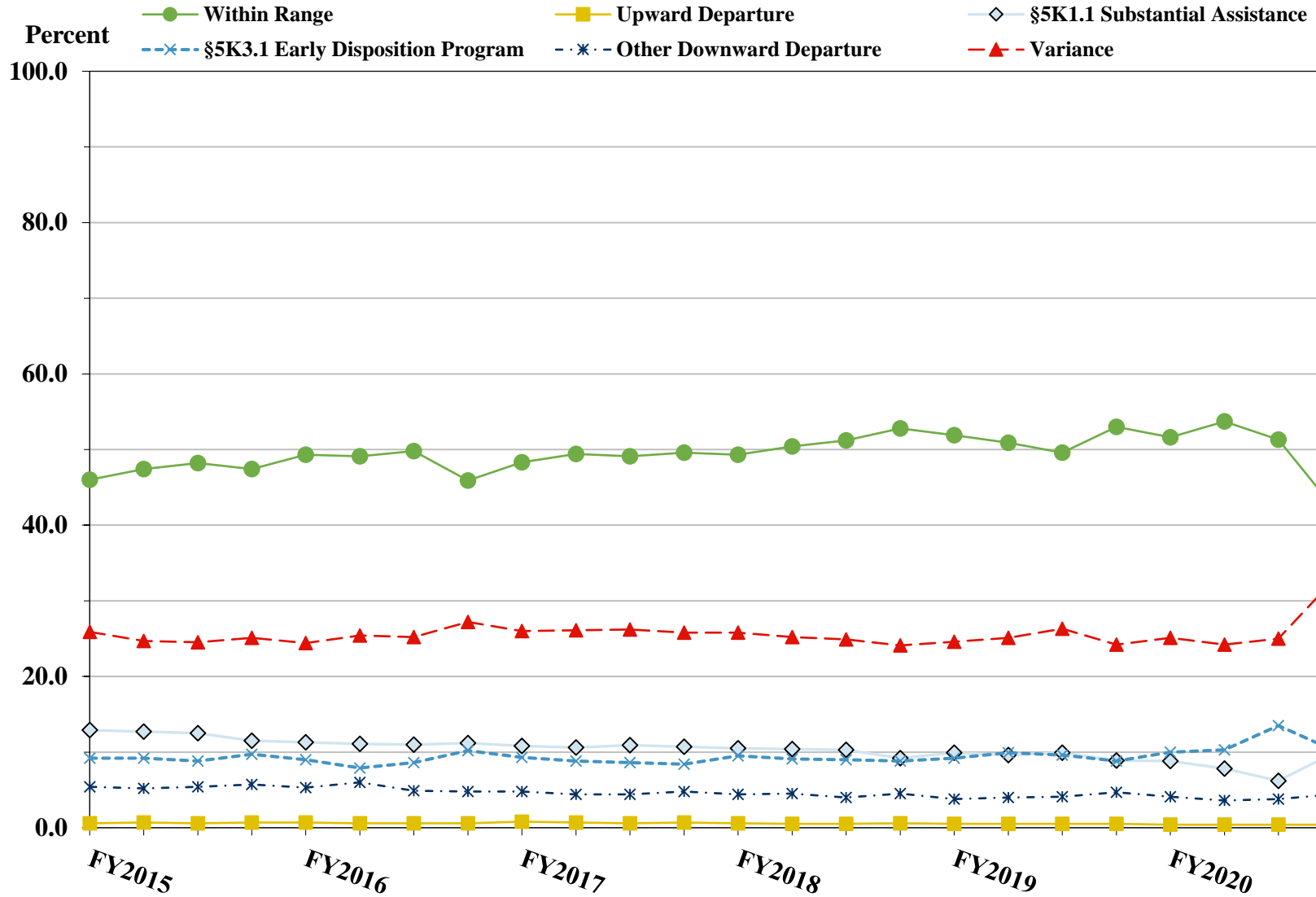
¹ Descriptions of variables used in this figure are provided in Appendix A.

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

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)



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

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

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

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	63,224	31,836	50.4	258	0.4	5,189	8.2	6,812	10.8	2,486	3.9	16,643	26.3
D.C. CIRCUIT	266	96	36.1	2	0.8	30	11.3	0	0.0	36	13.5	102	38.3
District of Columbia	266	96	36.1	2	0.8	30	11.3	0	0.0	36	13.5	102	38.3
FIRST CIRCUIT	1,682	805	47.9	12	0.7	126	7.5	2	0.1	79	4.7	658	39.1
Maine	117	50	42.7	0	0.0	23	19.7	0	0.0	5	4.3	39	33.3
Massachusetts	378	145	38.4	6	1.6	35	9.3	2	0.5	21	5.6	169	44.7
New Hampshire	200	61	30.5	0	0.0	35	17.5	0	0.0	8	4.0	96	48.0
Puerto Rico	887	527	59.4	4	0.5	25	2.8	0	0.0	45	5.1	286	32.2
Rhode Island	100	22	22.0	2	2.0	8	8.0	0	0.0	0	0.0	68	68.0
SECOND CIRCUIT	2,406	722	30.0	9	0.4	422	17.5	7	0.3	93	3.9	1,153	47.9
Connecticut	349	133	38.1	2	0.6	47	13.5	0	0.0	35	10.0	132	37.8
New York													
Eastern	357	93	26.1	2	0.6	71	19.9	1	0.3	32	9.0	158	44.3
Northern	295	153	51.9	2	0.7	50	16.9	0	0.0	2	0.7	88	29.8
Southern	902	166	18.4	0	0.0	158	17.5	6	0.7	21	2.3	551	61.1
Western	349	151	43.3	2	0.6	54	15.5	0	0.0	1	0.3	141	40.4
Vermont	154	26	16.9	1	0.6	42	27.3	0	0.0	2	1.3	83	53.9
THIRD CIRCUIT	1,895	800	42.2	8	0.4	342	18.0	9	0.5	45	2.4	691	36.5
Delaware	89	39	43.8	2	2.2	20	22.5	5	5.6	3	3.4	20	22.5
New Jersey	590	258	43.7	1	0.2	96	16.3	0	0.0	7	1.2	228	38.6
Pennsylvania													
Eastern	468	160	34.2	1	0.2	108	23.1	2	0.4	14	3.0	183	39.1
Middle	360	167	46.4	1	0.3	77	21.4	2	0.6	11	3.1	102	28.3
Western	353	148	41.9	3	0.8	39	11.0	0	0.0	8	2.3	155	43.9
Virgin Islands	35	28	80.0	0	0.0	2	5.7	0	0.0	2	5.7	3	8.6
FOURTH CIRCUIT	4,154	2,153	51.8	19	0.5	537	12.9	5	0.1	125	3.0	1,315	31.7
Maryland	453	151	33.3	4	0.9	66	14.6	0	0.0	45	9.9	187	41.3
North Carolina													
Eastern	660	362	54.8	3	0.5	155	23.5	0	0.0	12	1.8	128	19.4
Middle	403	225	55.8	3	0.7	34	8.4	0	0.0	9	2.2	132	32.8
Western	507	275	54.2	0	0.0	93	18.3	0	0.0	3	0.6	136	26.8
South Carolina	574	277	48.3	1	0.2	95	16.6	0	0.0	10	1.7	191	33.3
Virginia													
Eastern	785	466	59.4	6	0.8	33	4.2	0	0.0	36	4.6	244	31.1
Western	282	105	37.2	2	0.7	36	12.8	3	1.1	7	2.5	129	45.7
West Virginia													
Northern	235	138	58.7	0	0.0	18	7.7	2	0.9	1	0.4	76	32.3
Southern	255	154	60.4	0	0.0	7	2.7	0	0.0	2	0.8	92	36.1

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	19,833	13,691	69.0	59	0.3	695	3.5	1,307	6.6	839	4.2	3,242	16.3
Louisiana													
Eastern	165	97	58.8	0	0.0	25	15.2	0	0.0	4	2.4	39	23.6
Middle	121	71	58.7	0	0.0	20	16.5	0	0.0	1	0.8	29	24.0
Western	281	199	70.8	5	1.8	27	9.6	0	0.0	8	2.8	42	14.9
Mississippi													
Northern	130	65	50.0	0	0.0	26	20.0	0	0.0	1	0.8	38	29.2
Southern	347	212	61.1	0	0.0	22	6.3	31	8.9	3	0.9	79	22.8
Texas													
Eastern	690	489	70.9	3	0.4	20	2.9	1	0.1	6	0.9	171	24.8
Northern	1,374	887	64.6	8	0.6	151	11.0	0	0.0	29	2.1	299	21.8
Southern	8,341	5,064	60.7	38	0.5	249	3.0	1,059	12.7	582	7.0	1,349	16.2
Western	8,384	6,607	78.8	5	0.1	155	1.8	216	2.6	205	2.4	1,196	14.3
SIXTH CIRCUIT	4,059	1,800	44.3	20	0.5	731	18.0	8	0.2	206	5.1	1,294	31.9
Kentucky													
Eastern	431	249	57.8	3	0.7	62	14.4	0	0.0	5	1.2	112	26.0
Western	343	126	36.7	1	0.3	90	26.2	4	1.2	21	6.1	101	29.4
Michigan													
Eastern	511	222	43.4	2	0.4	56	11.0	0	0.0	9	1.8	222	43.4
Western	320	175	54.7	8	2.5	52	16.3	0	0.0	5	1.6	80	25.0
Ohio													
Northern	772	367	47.5	1	0.1	155	20.1	0	0.0	26	3.4	223	28.9
Southern	523	162	31.0	4	0.8	82	15.7	4	0.8	102	19.5	169	32.3
Tennessee													
Eastern	603	273	45.3	0	0.0	167	27.7	0	0.0	16	2.7	147	24.4
Middle	222	59	26.6	1	0.5	26	11.7	0	0.0	18	8.1	118	53.2
Western	334	167	50.0	0	0.0	41	12.3	0	0.0	4	1.2	122	36.5
SEVENTH CIRCUIT	2,251	880	39.1	3	0.1	246	10.9	0	0.0	97	4.3	1,025	45.5
Illinois													
Central	226	99	43.8	0	0.0	31	13.7	0	0.0	1	0.4	95	42.0
Northern	532	168	31.6	0	0.0	31	5.8	0	0.0	36	6.8	297	55.8
Southern	231	117	50.6	0	0.0	43	18.6	0	0.0	1	0.4	70	30.3
Indiana													
Northern	314	138	43.9	0	0.0	41	13.1	0	0.0	15	4.8	120	38.2
Southern	533	247	46.3	0	0.0	73	13.7	0	0.0	4	0.8	209	39.2
Wisconsin													
Eastern	264	56	21.2	0	0.0	19	7.2	0	0.0	2	0.8	187	70.8
Western	151	55	36.4	3	2.0	8	5.3	0	0.0	38	25.2	47	31.1
EIGHTH CIRCUIT	4,676	2,065	44.2	31	0.7	469	10.0	47	1.0	102	2.2	1,962	42.0
Arkansas													
Eastern	468	267	57.1	0	0.0	12	2.6	0	0.0	5	1.1	184	39.3
Western	247	116	47.0	0	0.0	33	13.4	0	0.0	0	0.0	98	39.7
Iowa													
Northern	364	179	49.2	13	3.6	54	14.8	0	0.0	6	1.6	112	30.8
Southern	421	156	37.1	0	0.0	59	14.0	0	0.0	5	1.2	201	47.7
Minnesota	333	93	27.9	2	0.6	54	16.2	8	2.4	15	4.5	161	48.3
Missouri													
Eastern	922	351	38.1	1	0.1	57	6.2	0	0.0	12	1.3	501	54.3
Western	695	287	41.3	4	0.6	90	12.9	0	0.0	20	2.9	294	42.3
Nebraska	482	233	48.3	0	0.0	12	2.5	35	7.3	3	0.6	199	41.3
North Dakota	252	88	34.9	4	1.6	89	35.3	3	1.2	4	1.6	64	25.4
South Dakota	492	295	60.0	7	1.4	9	1.8	1	0.2	32	6.5	148	30.1

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
District		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	11,748	3,277	27.9	49	0.4	780	6.6	4,587	39.0	482	4.1	2,573	21.9
Alaska	106	28	26.4	0	0.0	9	8.5	0	0.0	1	0.9	68	64.2
Arizona	4,431	1,580	35.7	17	0.4	73	1.6	2,372	53.5	46	1.0	343	7.7
California													
Central	903	262	29.0	4	0.4	128	14.2	37	4.1	79	8.7	393	43.5
Eastern	393	152	38.7	0	0.0	63	16.0	10	2.5	6	1.5	162	41.2
Northern	537	136	25.3	0	0.0	37	6.9	4	0.7	13	2.4	347	64.6
Southern	3,444	451	13.1	28	0.8	180	5.2	2,100	61.0	294	8.5	391	11.4
Guam	42	24	57.1	0	0.0	8	19.0	0	0.0	0	0.0	10	23.8
Hawaii	124	58	46.8	0	0.0	34	27.4	0	0.0	0	0.0	32	25.8
Idaho	317	144	45.4	0	0.0	57	18.0	18	5.7	6	1.9	92	29.0
Montana	322	115	35.7	0	0.0	84	26.1	1	0.3	4	1.2	118	36.6
Nevada	289	72	24.9	0	0.0	16	5.5	12	4.2	21	7.3	168	58.1
Northern Mariana Islands	10	7	70.0	0	0.0	1	10.0	0	0.0	0	0.0	2	20.0
Oregon	334	80	24.0	0	0.0	41	12.3	0	0.0	7	2.1	206	61.7
Washington													
Eastern	236	87	36.9	0	0.0	36	15.3	15	6.4	4	1.7	94	39.8
Western	260	81	31.2	0	0.0	13	5.0	18	6.9	1	0.4	147	56.5
TENTH CIRCUIT	5,442	2,990	54.9	28	0.5	278	5.1	812	14.9	316	5.8	1,018	18.7
Colorado	391	158	40.4	0	0.0	60	15.3	40	10.2	7	1.8	126	32.2
Kansas	306	127	41.5	0	0.0	54	17.6	8	2.6	12	3.9	105	34.3
New Mexico	3,116	2,064	66.2	4	0.1	36	1.2	624	20.0	127	4.1	261	8.4
Oklahoma													
Eastern	105	66	62.9	0	0.0	10	9.5	0	0.0	0	0.0	29	27.6
Northern	239	96	40.2	15	6.3	32	13.4	0	0.0	40	16.7	56	23.4
Western	452	218	48.2	0	0.0	25	5.5	3	0.7	10	2.2	196	43.4
Utah	678	199	29.4	7	1.0	48	7.1	125	18.4	116	17.1	183	27.0
Wyoming	155	62	40.0	2	1.3	13	8.4	12	7.7	4	2.6	62	40.0
ELEVENTH CIRCUIT	4,812	2,557	53.1	18	0.4	533	11.1	28	0.6	66	1.4	1,610	33.5
Alabama													
Middle	140	72	51.4	0	0.0	23	16.4	0	0.0	1	0.7	44	31.4
Northern	422	221	52.4	1	0.2	66	15.6	0	0.0	7	1.7	127	30.1
Southern	299	165	55.2	5	1.7	49	16.4	1	0.3	7	2.3	72	24.1
Florida													
Middle	1,213	603	49.7	6	0.5	162	13.4	16	1.3	12	1.0	414	34.1
Northern	273	153	56.0	1	0.4	36	13.2	7	2.6	4	1.5	72	26.4
Southern	1,251	641	51.2	3	0.2	70	5.6	3	0.2	18	1.4	516	41.2
Georgia													
Middle	339	242	71.4	1	0.3	29	8.6	0	0.0	1	0.3	66	19.5
Northern	467	176	37.7	0	0.0	28	6.0	0	0.0	12	2.6	251	53.7
Southern	408	284	69.6	1	0.2	70	17.2	1	0.2	4	1.0	48	11.8

¹ Of the 63,556 cases, 332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	63,224	31,836	50.4	258	0.4	5,189	8.2	6,812	10.8	2,486	3.9	16,643	26.3
Administration of Justice	527	250	47.4	4	0.8	39	7.4	3	0.6	37	7.0	194	36.8
Antitrust	11	1	9.1	0	0.0	5	45.5	0	0.0	0	0.0	5	45.5
Arson	48	22	45.8	2	4.2	3	6.3	0	0.0	1	2.1	20	41.7
Assault	590	290	49.2	9	1.5	26	4.4	2	0.3	46	7.8	217	36.8
Bribery/Corruption	237	32	13.5	0	0.0	78	32.9	0	0.0	16	6.8	111	46.8
Burglary/Trespass	38	17	44.7	0	0.0	3	7.9	0	0.0	2	5.3	16	42.1
Child Pornography	1,010	309	30.6	11	1.1	22	2.2	0	0.0	53	5.2	615	60.9
Commercialized Vice	52	21	40.4	0	0.0	6	11.5	1	1.9	2	3.8	22	42.3
Drug Possession	367	322	87.7	2	0.5	2	0.5	0	0.0	1	0.3	40	10.9
Drug Trafficking	16,163	5,243	32.4	57	0.4	3,244	20.1	1,165	7.2	718	4.4	5,736	35.5
Environmental	120	53	44.2	0	0.0	9	7.5	0	0.0	11	9.2	47	39.2
Extortion/Racketeering	118	38	32.2	0	0.0	26	22.0	0	0.0	5	4.2	49	41.5
Firearms	7,454	3,861	51.8	54	0.7	402	5.4	4	0.1	301	4.0	2,832	38.0
Food and Drug	31	16	51.6	2	6.5	0	0.0	0	0.0	2	6.5	11	35.5
Forgery/Counter/Copyright	196	102	52.0	2	1.0	17	8.7	0	0.0	3	1.5	72	36.7
Fraud/Theft/Embezzlement	4,665	2,192	47.0	20	0.4	503	10.8	33	0.7	154	3.3	1,763	37.8
Immigration	26,093	16,615	63.7	48	0.2	170	0.7	5,593	21.4	849	3.3	2,818	10.8
Individual Rights	70	26	37.1	0	0.0	10	14.3	0	0.0	7	10.0	27	38.6
Kidnapping	65	24	36.9	1	1.5	7	10.8	0	0.0	8	12.3	25	38.5
Manslaughter	36	21	58.3	3	8.3	2	5.6	0	0.0	2	5.6	8	22.2
Money Laundering	861	200	23.2	14	1.6	265	30.8	7	0.8	47	5.5	328	38.1
Murder	286	106	37.1	2	0.7	60	21.0	1	0.3	24	8.4	93	32.5
National Defense	161	57	35.4	0	0.0	21	13.0	1	0.6	12	7.5	70	43.5
Obscenity/Other Sex Offenses	316	163	51.6	5	1.6	3	0.9	0	0.0	18	5.7	127	40.2
Prison Offenses	449	265	59.0	2	0.4	4	0.9	2	0.4	20	4.5	156	34.7
Robbery	1,296	544	42.0	9	0.7	156	12.0	0	0.0	69	5.3	518	40.0
Sexual Abuse	863	365	42.3	3	0.3	56	6.5	0	0.0	48	5.6	391	45.3
Stalking/Harassing	220	118	53.6	5	2.3	3	1.4	0	0.0	16	7.3	78	35.5
Tax	356	99	27.8	0	0.0	45	12.6	0	0.0	12	3.4	200	56.2
Other	525	464	88.4	3	0.6	2	0.4	0	0.0	2	0.4	54	10.3

¹ Of the 63,556 cases, 332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Range	Up	§5K1.1	§5K3.1	
§2A1.1	219	79	0	54	1	18	67	§2D1.8	17	3	0	5	0	0	9		
§2A1.2	27	17	2	0	0	2	6	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	11	8	0	1	0	1	1	§2D1.10	2	0	0	2	0	0	0		
§2A1.4	25	13	3	1	0	1	7	§2D1.11	5	0	0	0	0	0	5		
§2A1.5	34	8	0	4	0	3	19	§2D1.12	3	2	0	0	0	0	1		
§2A2.1	124	48	0	19	0	8	49	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	338	155	8	7	2	31	135	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	78	61	1	0	0	4	12	§2D2.1	138	117	1	2	0	0	18		
§2A2.4	178	102	1	0	2	18	55	§2D2.2	61	52	0	1	0	1	7		
§2A3.1	89	39	2	5	0	8	35	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	26	17	0	0	0	2	7	§2D3.1	3	2	0	0	0	0	1		
§2A3.3	1	0	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	25	13	0	0	0	1	11	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	289	151	2	3	0	17	116	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	63	24	1	6	0	7	25	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	25	9	0	3	0	1	12		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0		
§2A5.2	15	10	0	0	0	0	5	§2E1.3	1	0	0	0	0	0	1		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	3	0	1	0	0	2		
§2A6.1	152	80	5	1	0	12	54	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	62	32	0	2	0	4	24	§2E2.1	7	0	0	0	0	2	5		
§2B1.1	4,283	1,895	18	494	3	149	1,724	§2E3.1	21	6	0	2	0	0	13		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	10	1	0	1	0	1	7	§2E4.1	28	2	0	17	0	0	9		
§2B1.5	8	1	0	0	0	0	7	§2E5.1	3	2	0	1	0	0	0		
§2B1.6 ²	80	76	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	36	16	0	3	0	2	15	§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	2	1	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,278	541	9	151	0	66	511	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	23	7	0	3	0	0	13	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	13	7	0	1	0	1	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	78	12	0	32	0	4	30	§2G1.1	37	16	0	6	1	1	13		
§2B5.1	158	97	2	11	0	2	46	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	301	151	1	25	0	12	112		
§2B5.3	37	5	0	6	0	1	25	§2G2.1	408	143	0	22	0	25	218		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,008	309	11	22	0	53	613		
§2B6.1	2	0	0	2	0	0	0	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	136	13	0	42	0	10	71	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	8	0	0	1	0	0	7	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	5	5	0	0	0	0	0	§2G2.6	5	0	0	2	0	0	3		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	21	9	3	0	0	0	9		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	50	11	0	9	0	6	24		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	9	1	0	3	0	2	3	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	15,764	5,055	53	3,199	1,152	695	5,610	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	287	163	3	32	0	19	70	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	4	2	0	0	0	1	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	3	0	0	0	0	1		
§2D1.5	6	0	0	2	0	0	4	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	8	6	0	1	0	0	1		

Table 11 (cont.)

Guideline	Within Guideline Departure							Guideline	Within Guideline Departure						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	117	41	0	15	1	9	51
§2J1.1	0	0	0	0	0	0	0	§2M5.3	11	3	0	1	0	1	6
§2J1.2	107	29	0	16	1	4	57	§2M6.1	2	1	0	0	0	0	1
§2J1.3	20	9	0	1	0	2	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	0	3	§2N1.1	13	1	0	0	0	2	10
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	22	12	2	0	0	2	6	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	17	14	2	0	0	0	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	231	147	2	3	0	8	71
§2K1.1	4	4	0	0	0	0	0	§2P1.2	161	94	0	1	0	4	62
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	19	5	1	2	0	0	11	§2P1.4	0	0	0	0	0	0	0
§2K1.4	47	21	2	3	0	1	20	§2Q1.1	1	0	0	0	0	0	1
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	18	5	0	1	0	4	8
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	6	0	2	0	1	4
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,015	3,542	48	377	4	292	2,752	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	1	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	77	32	0	5	0	6	34
§2K2.4 ³	330	272	2	21	0	0	35	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	16	10	3	0	0	0	3	§2R1.1	9	0	0	5	0	0	4
§2K2.6	3	2	0	0	0	0	1	§2S1.1	739	154	3	259	5	37	281
§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	111	41	11	6	1	8	44
§2L1.1	3,318	1,368	15	108	1,087	112	628	§2S1.4	0	0	0	0	0	0	0
§2L1.2	19,416	12,888	31	36	3,898	679	1,884	§2T1.1	196	58	0	26	0	4	108
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	70	28	1	17	0	1	23	§2T1.3	0	0	0	0	0	0	0
§2L2.2	637	476	1	5	28	17	110	§2T1.4	120	32	0	15	0	8	65
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	28	1	0	1	0	0	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	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	1	1	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	9	6	0	3	0	0	0
§2M3.1	1	0	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	1	0	0	0	0	0	1	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	1	§2X1.1	13	7	0	1	0	2	3
§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	54	20	0	11	0	4	19
§2M3.6	0	0	0	0	0	0	0	§2X4.1	153	72	1	19	0	9	52
§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	135	109	1	0	0	0	25
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	1	1	0	0	0	0	0
§2M5.1	16	2	0	5	0	2	7	§2X7.2	0	0	0	0	0	0	0
TOTAL									59,441	29,135	252	5,176	6,186	2,410	16,282

¹ Of the 63,556 cases, 4,115 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (332) or missing guideline applied (4,060). Descriptions of variables used in this table are provided in Appendix A.

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

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

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	31,388	5,198	16.6	6,933	22.1	4,824	15.4	7,424	23.7	630	2.0
Departures	14,745	5,189	35.2	6,925	47.0	3,513	23.8	6,329	42.9	514	3.5
Upward Departure	258	0	0.0	0	0.0	70	27.1	44	17.1	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,189	5,189	100.0	113	2.2	197	3.8	1,414	27.2	23	0.4
§5K3.1 Early Disposition Program	6,812	0	0.0	6,812	100.0	2,730	40.1	4,442	65.2	479	7.0
Other Government Motion	1,126	0	0.0	0	0.0	516	45.8	429	38.1	12	1.1
Non-Government Departure	1,360	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	16,643	9	0.1	8	0.0	1,311	7.9	1,095	6.6	116	0.7
Upward Variance	1,160	9	0.8	8	0.7	185	15.9	105	9.1	0	0.0
Downward Variance											
Government Motion	3,716	0	0.0	0	0.0	1,126	30.3	990	26.6	116	3.1
Non-Government Variance	11,767	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,265	13.6	5,295	16.9	6,330	20.2	1,398	4.5	4,319	13.8	2,284	7.3
Departures	3,629	24.6	1,838	12.5	1,433	9.7	603	4.1	1,396	9.5	220	1.5
Upward Departure	60	23.3	3	1.2	3	1.2	5	1.9	62	24.0	26	10.1
Downward Departure												
§5K1.1 Substantial Assistance	3,192	61.5	585	11.3	536	10.3	225	4.3	554	0.0	0	0.0
§5K3.1 Early Disposition Program	263	3.9	531	7.8	558	8.2	275	4.0	380	5.6	0	0.0
Other Government Motion	114	10.1	66	5.9	40	3.6	98	8.7	72	6.4	33	2.9
Non-Government Departure	0	0.0	653	48.0	296	21.8	0	0.0	328	24.1	161	11.8
Variations	636	3.8	3,457	20.8	4,897	29.4	795	4.8	2,923	17.6	2,064	12.4
Upward Variance	195	16.8	11	0.9	6	0.5	13	1.1	471	40.6	202	17.4
Downward Variance												
Government Motion	441	11.9	278	7.5	125	3.4	782	21.0	189	5.1	136	3.7
Non-Government Variance	0	0.0	3,168	26.9	4,766	40.5	0	0.0	2,263	19.2	1,726	14.7

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 13,120 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 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	256	76	23	73.2	59	13	39.7
Administration of Justice	4	47	29	178.7	44	24	167.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	9	64	19	54.6	54	13	18.3
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	11	110	32	43.8	87	27	45.0
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	57	114	31	90.7	96	19	37.9
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	54	77	25	71.9	60	20	35.1
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	20	34	10	81.4	20	7	58.3
Immigration	48	34	9	48.4	27	6	33.1
Individual Rights	0	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	3	76	36	101.1	72	35	94.6
Money Laundering	14	17	8	93.3	14	6	66.7
Murder	1	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	5	68	41	146.4	87	57	190.0
Prison Offenses	2	--	--	--	--	--	--
Robbery	9	149	33	35.2	144	29	14.9
Sexual Abuse	3	185	64	52.6	180	72	66.7
Stalking/Harassing	5	51	12	39.6	48	11	37.5
Tax	0	--	--	--	--	--	--
Other	2	--	--	--	--	--	--

¹ Of the 63,556 cases, in 258 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one case was excluded from this table. An additional case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,146	82	23	62.0	60	12	33.3
Administration of Justice	15	34	14	91.2	30	14	63.6
Antitrust	0	--	--	--	--	--	--
Arson	3	133	58	94.9	144	84	140.0
Assault	35	129	38	51.2	100	29	28.9
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	23	193	65	64.7	156	35	29.7
Commercialized Vice	4	83	37	78.8	84	31	52.7
Drug Possession	19	9	3	45.6	7	1	16.7
Drug Trafficking	215	106	30	86.9	90	18	33.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	6	62	21	57.1	60	21	54.4
Firearms	311	83	24	51.5	72	15	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	3	44	5	14.4	60	3	17.6
Fraud/Theft/Embezzlement	105	60	19	65.2	48	12	41.2
Immigration	239	23	9	66.0	18	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	5	257	45	21.4	240	45	27.7
Manslaughter	2	--	--	--	--	--	--
Money Laundering	7	132	27	30.3	42	9	28.8
Murder	4	345	41	19.4	390	44	12.6
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	11	43	14	44.4	36	9	33.3
Prison Offenses	8	51	16	80.1	36	16	58.3
Robbery	52	206	43	31.4	199	28	20.0
Sexual Abuse	31	195	47	33.1	180	35	24.8
Stalking/Harassing	14	73	32	96.0	60	21	68.6
Tax	1	--	--	--	--	--	--
Other	28	12	4	48.0	8	2	33.3

¹ Of the 63,556 cases, in 1,160 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, three cases were excluded from this table. Also, 11 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹**
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,087	53	53	54.2	38	37	50.0
Administration of Justice	38	2	12	84.9	0	12	100.0
Antitrust	5	2	10	86.6	0	8	100.0
Arson	3	21	28	64.3	26	27	56.3
Assault	21	77	116	56.6	35	67	50.0
Bribery/Corruption	78	10	33	77.3	4	23	91.5
Burglary/Trespass	3	13	7	36.5	13	6	35.2
Child Pornography	22	98	60	40.9	91	45	32.0
Commercialized Vice	6	3	15	86.1	0	12	99.9
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	3,212	65	61	50.8	55	47	47.5
Environmental	9	2	12	87.0	0	8	100.0
Extortion/Racketeering	26	7	27	87.8	0	16	100.0
Firearms	399	37	32	53.5	24	23	47.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	17	9	27	67.3	8	21	67.5
Fraud/Theft/Embezzlement	500	16	26	64.3	12	21	63.5
Immigration	170	13	13	57.2	11	10	50.0
Individual Rights	10	38	40	52.9	36	29	55.0
Kidnapping	7	99	117	51.0	120	94	34.9
Manslaughter	2	--	--	--	--	--	--
Money Laundering	259	48	61	61.2	36	37	59.9
Murder	24	113	163	58.9	127	143	56.1
National Defense	21	21	29	54.8	18	22	56.2
Obscenity/Other Sex Offenses	3	22	7	24.3	19	5	20.8
Prison Offenses	4	4	7	73.2	3	8	83.1
Robbery	151	74	63	47.4	60	46	43.9
Sexual Abuse	47	113	101	47.8	105	96	48.9
Stalking/Harassing	3	22	15	59.3	12	12	50.0
Tax	43	10	19	66.3	8	15	66.6
Other	2	--	--	--	--	--	--

¹ Of the 63,556 cases, in 5,189 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, 54 cases were excluded from this table. Also, 48 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,808	12	14	50.9	7	6	47.1
Administration of Justice	3	10	6	38.1	10	5	33.3
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	2	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,165	30	46	59.7	27	39	58.8
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	4	22	11	49.8	21	11	43.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	33	3	5	73.4	0	6	99.5
Immigration	5,590	8	7	48.9	6	5	42.5
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	7	39	38	60.0	12	14	55.6
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 63,556 cases, in 6,812 the offender received a §5K3.1 early disposition program departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one case was excluded from this table. Also, three cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,441	38	25	45.3	18	12	39.7
Administration of Justice	37	7	9	65.9	4	8	75.0
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	44	38	16	37.2	24	11	27.9
Bribery/Corruption	16	9	18	68.5	6	16	68.6
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	52	75	50	41.8	60	42	42.6
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	711	65	39	41.0	60	26	35.9
Environmental	11	6	10	77.9	0	10	100.0
Extortion/Racketeering	5	15	20	63.4	12	22	70.7
Firearms	297	34	20	43.2	24	13	34.3
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	3	8	22	77.0	12	21	67.6
Fraud/Theft/Embezzlement	151	16	18	64.7	6	12	63.2
Immigration	849	12	10	45.2	9	6	40.0
Individual Rights	5	14	25	79.0	3	12	80.0
Kidnapping	8	125	81	36.2	114	60	31.2
Manslaughter	2	--	--	--	--	--	--
Money Laundering	45	59	47	52.7	36	27	49.9
Murder	14	127	146	54.8	113	140	51.0
National Defense	12	36	31	43.1	24	14	37.6
Obscenity/Other Sex Offenses	17	12	11	46.1	16	6	23.8
Prison Offenses	20	6	6	61.0	5	6	52.4
Robbery	68	84	36	30.2	60	25	26.4
Sexual Abuse	40	118	70	34.8	120	52	30.0
Stalking/Harassing	15	17	13	45.8	20	9	39.2
Tax	11	8	16	75.1	3	15	83.6
Other	1	--	--	--	--	--	--

¹ Of the 63,556 cases, in 2,486 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,126) or a non-government departure (1,360). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 19 cases were excluded from this table. Also, 26 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)

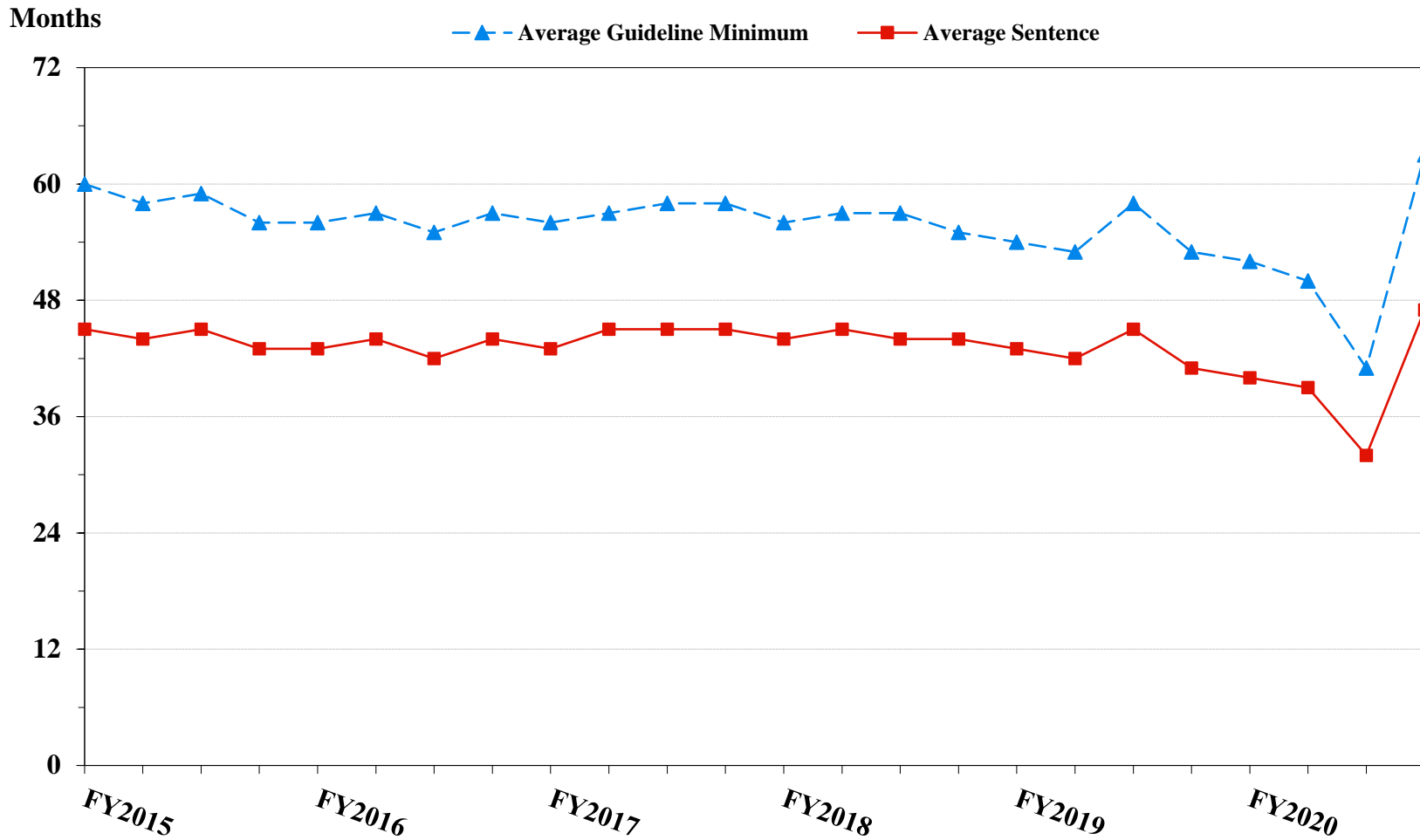
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	15,182	47	25	44.7	24	14	35.8
Administration of Justice	178	8	13	66.4	4	9	71.0
Antitrust	5	14	25	72.5	8	21	77.7
Arson	16	65	29	39.6	33	23	32.1
Assault	171	41	19	44.7	24	12	35.0
Bribery/Corruption	107	16	22	64.3	9	12	66.7
Burglary/Trespass	14	7	11	73.7	0	9	99.7
Child Pornography	586	79	49	39.0	72	41	38.1
Commercialized Vice	18	9	8	61.8	6	6	50.0
Drug Possession	20	0	3	95.2	0	2	100.0
Drug Trafficking	5,462	73	36	38.1	60	24	31.0
Environmental	46	3	12	80.7	1	10	86.3
Extortion/Racketeering	43	19	20	58.3	12	12	63.0
Firearms	2,504	35	18	42.5	24	12	33.3
Food and Drug	11	26	29	60.8	33	30	52.9
Forgery/Counter/Copyright	68	8	14	68.7	4	11	83.3
Fraud/Theft/Embezzlement	1,636	18	15	58.5	12	10	51.6
Immigration	2,572	10	8	48.5	7	6	40.0
Individual Rights	26	35	28	56.2	21	12	51.2
Kidnapping	16	108	113	46.4	85	69	45.5
Manslaughter	6	15	25	72.9	9	26	82.4
Money Laundering	310	50	38	50.9	24	20	43.7
Murder	44	166	81	32.5	172	67	29.1
National Defense	69	35	31	52.8	24	22	50.0
Obscenity/Other Sex Offenses	116	11	10	51.9	10	8	46.7
Prison Offenses	148	8	8	52.8	6	6	50.0
Robbery	450	82	29	30.7	65	21	22.7
Sexual Abuse	259	153	68	32.6	151	58	28.6
Stalking/Harassing	62	18	11	50.7	12	8	39.2
Tax	194	10	14	64.8	6	12	66.7
Other	25	10	14	80.2	0	6	99.9

¹ Of the 63,556 cases, in 15,483 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,716) or a non-government variance (11,767). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 125 cases were excluded from this table. Also, 175 cases were excluded due to several logical criteria. Of the remaining 15,183 cases, one was excluded due to missing sentence information. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**



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

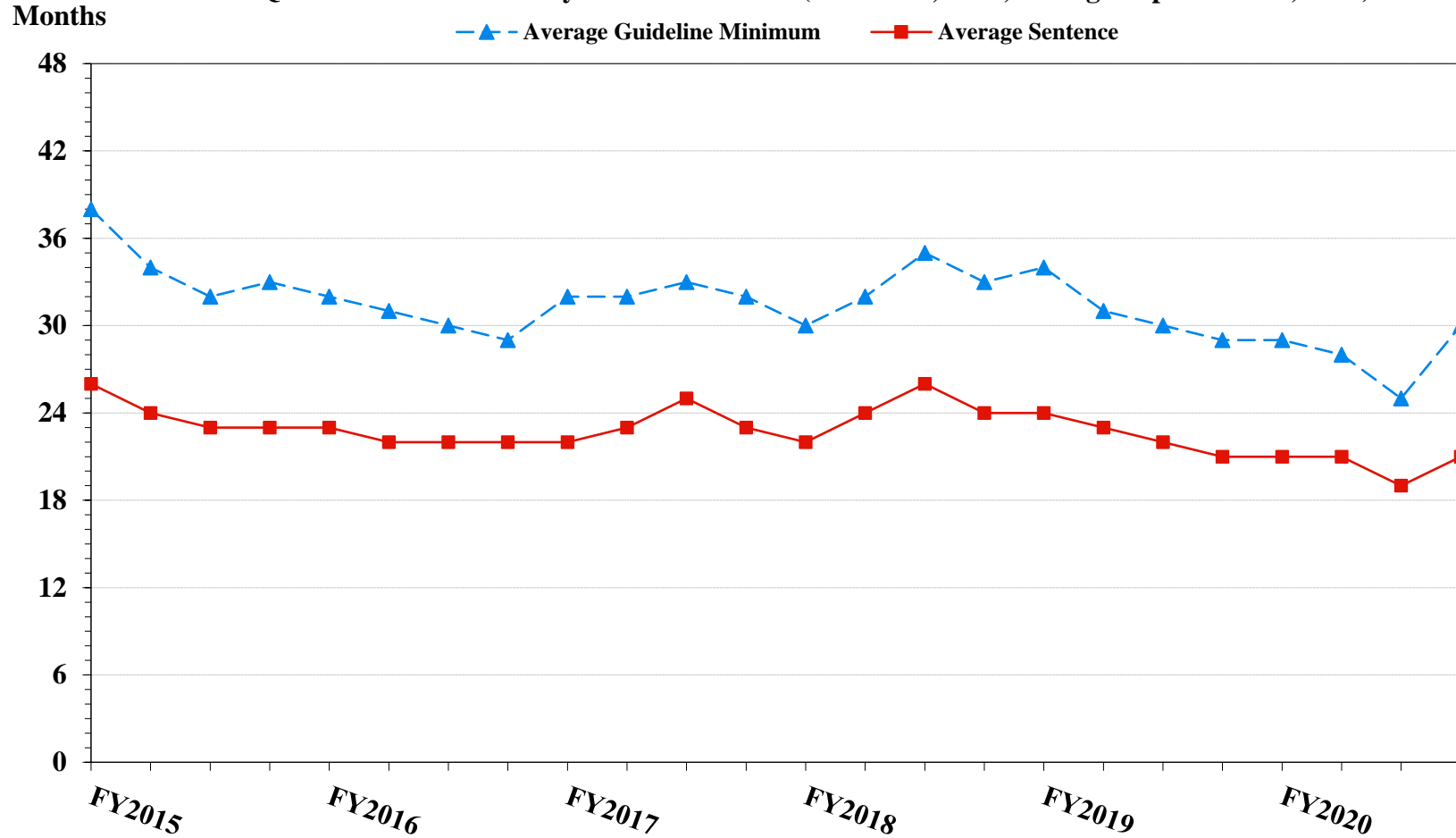
SOURCE: U.S. Sentencing Commission, 2015 - 2019 Datafiles, USSCFY15 - USSCFY19, and Preliminary Data from USSCFY20 (October 1, 2019, through September 30, 2020).

Figure 6

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

Fiscal Years 2015 - 2019,

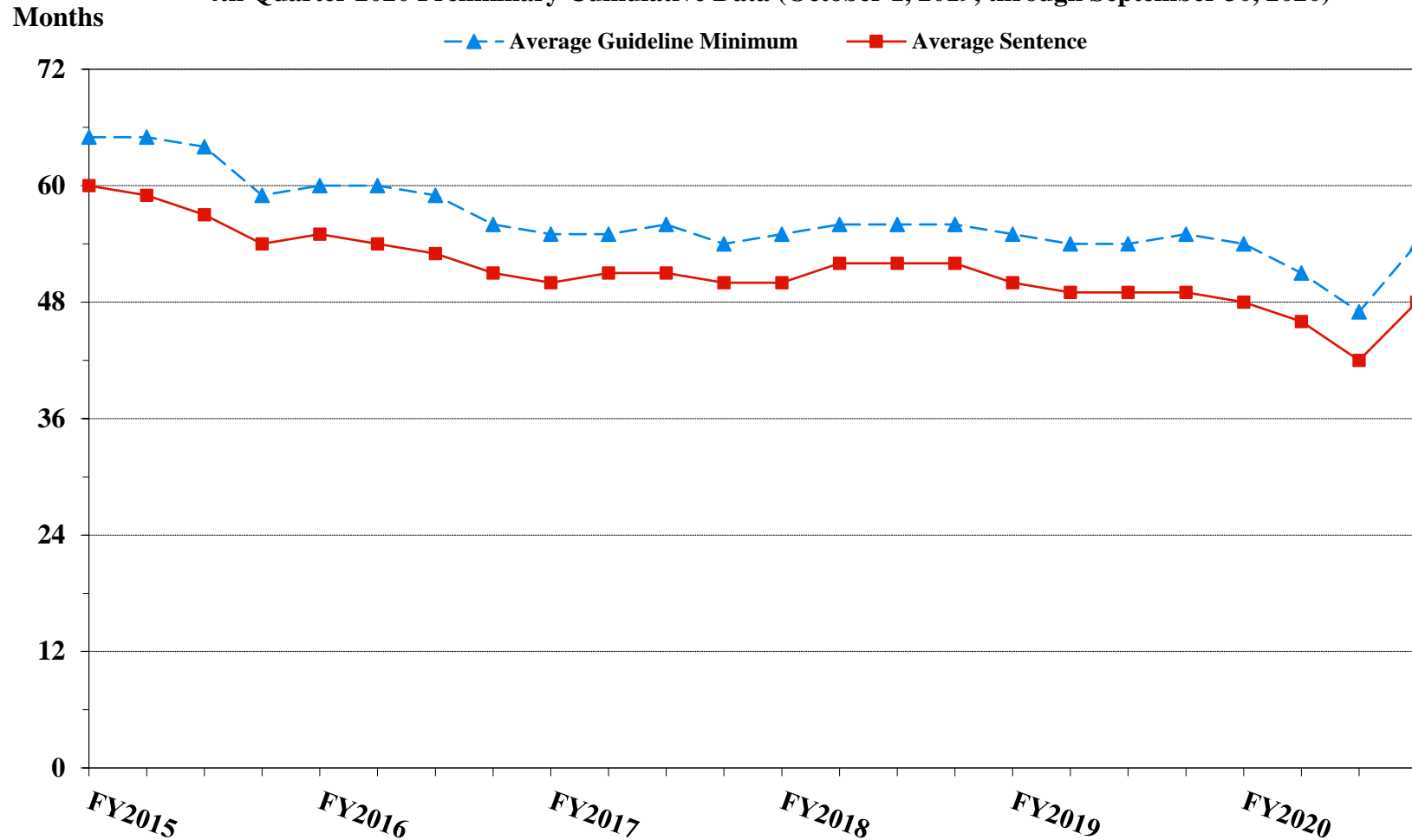
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)



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

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**

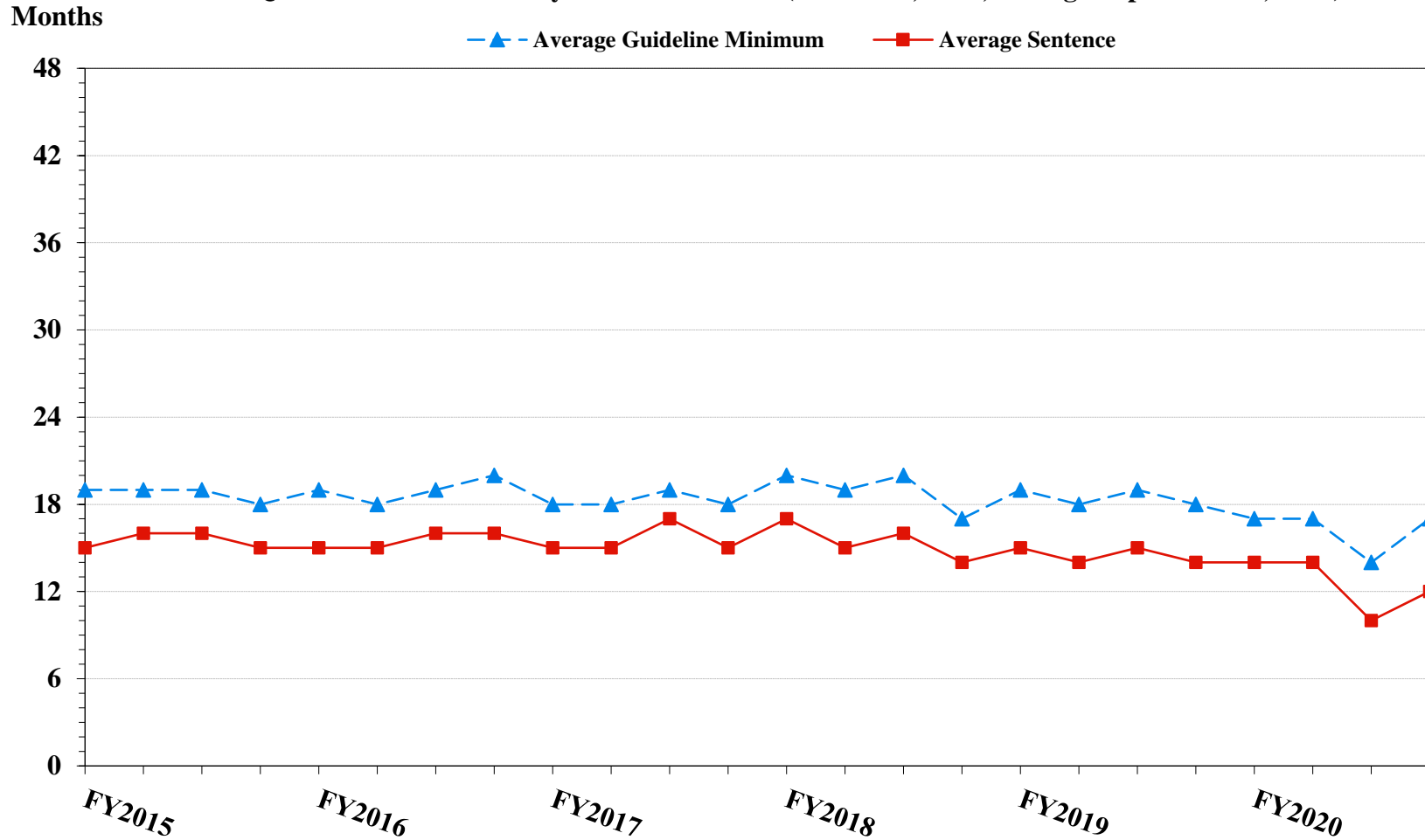


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure 8

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

**Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**

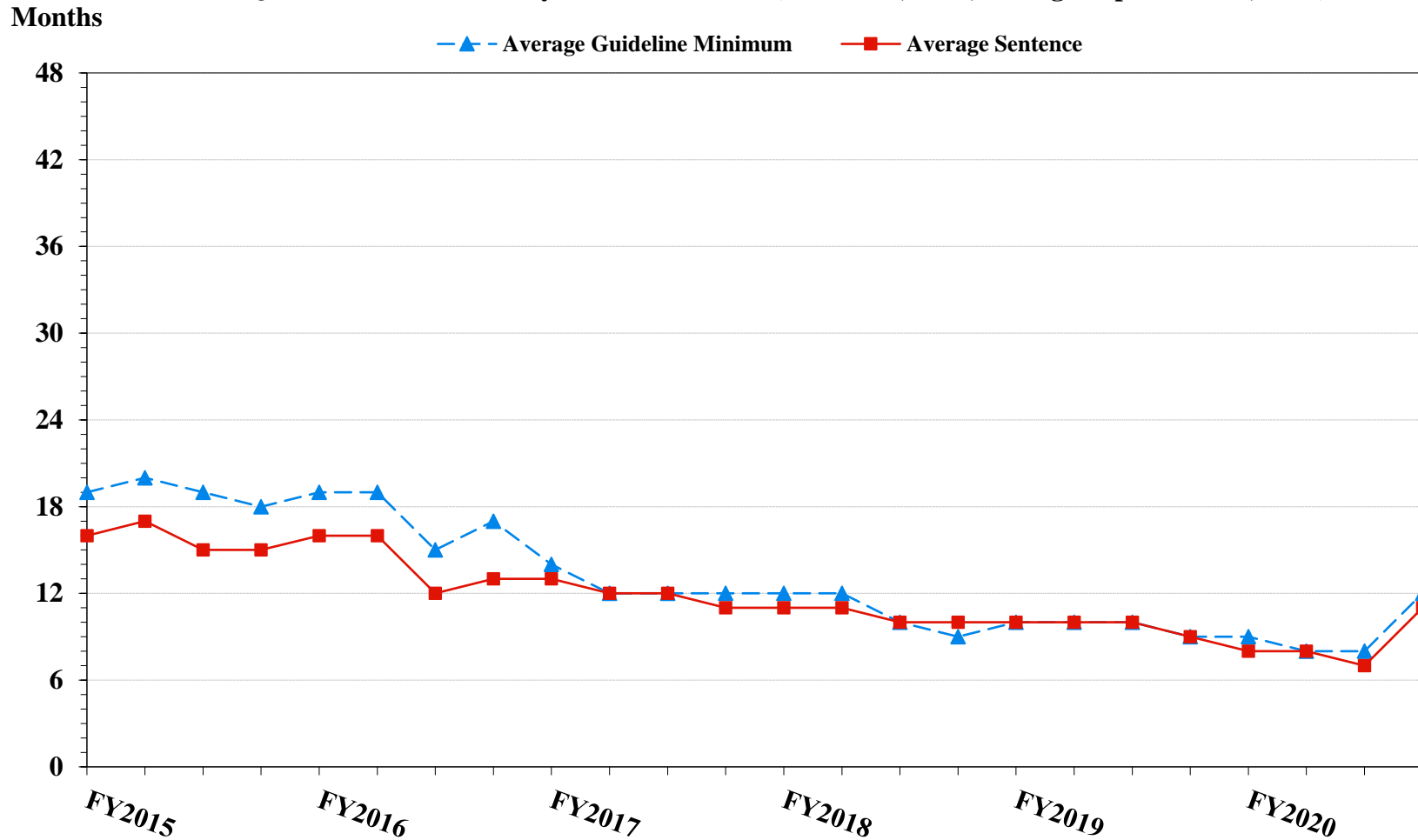


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases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

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

Figure 9

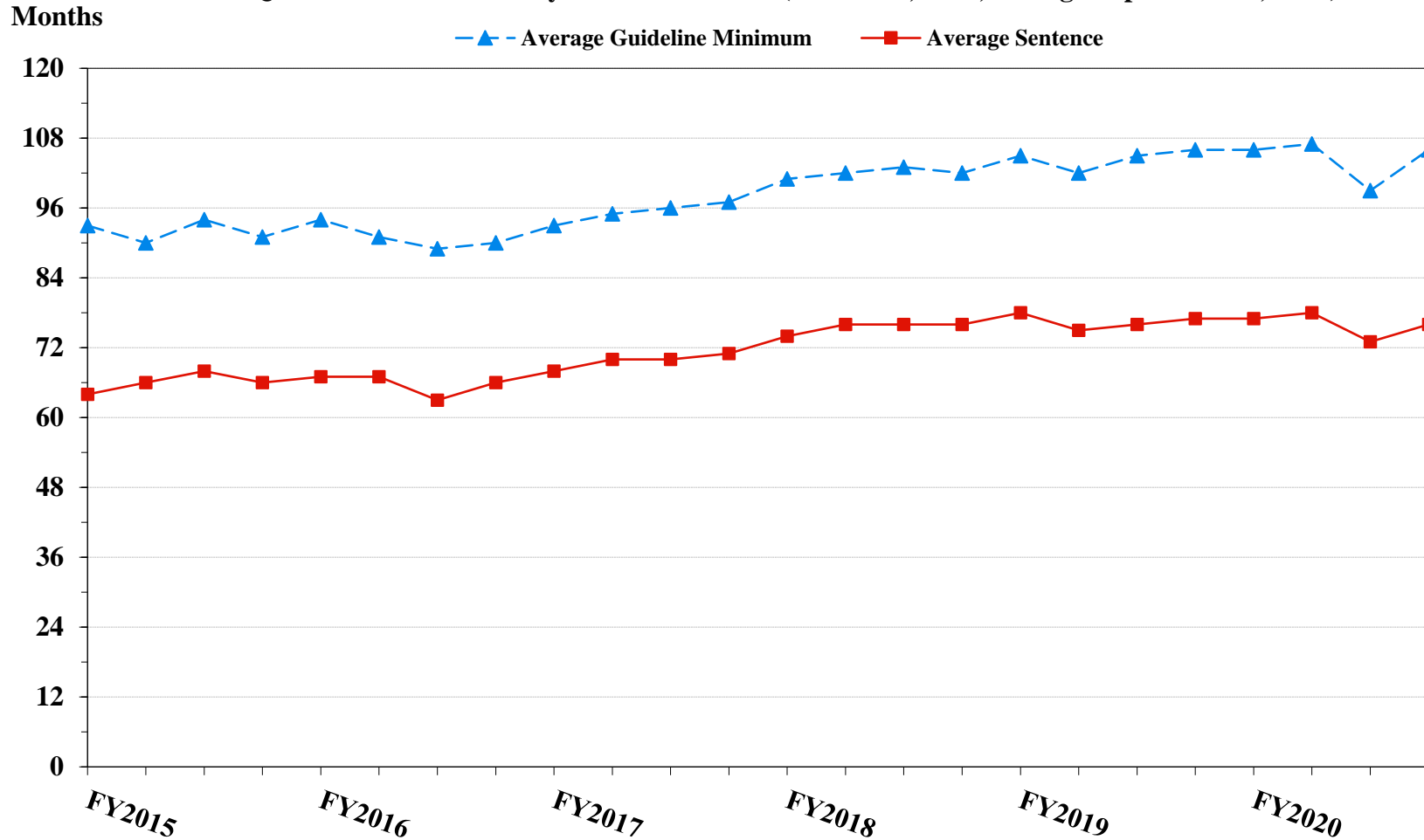
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**



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

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2015 - 2019,
4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)**

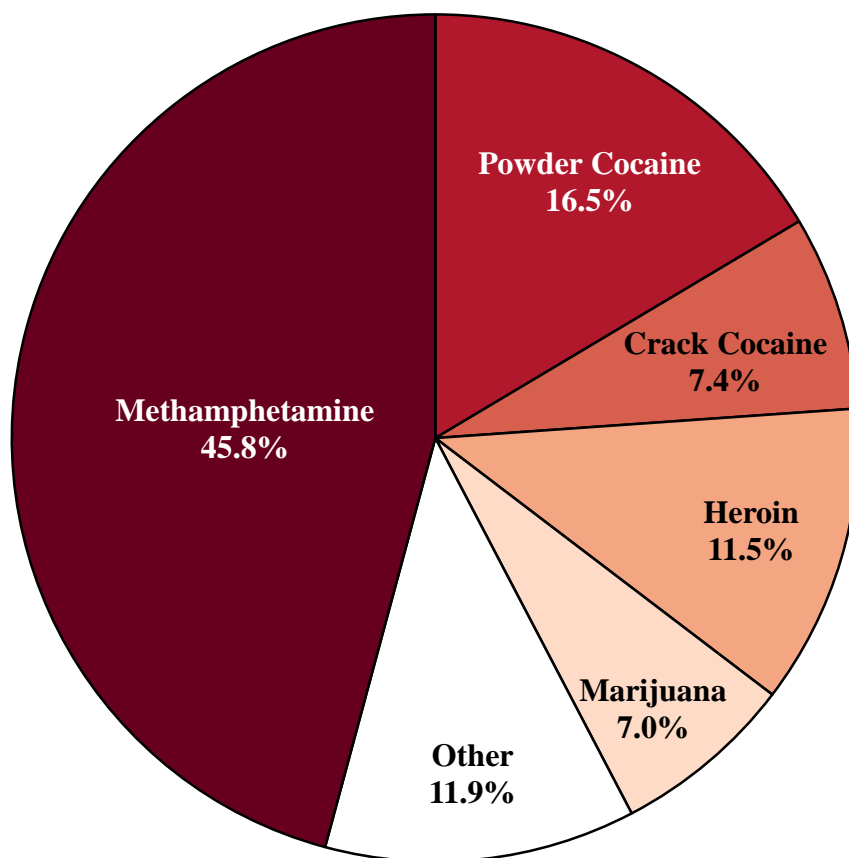


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

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

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
4th Quarter 2020 Preliminary Cumulative Data
(October 1, 2019, through September 30, 2020)**



¹ Of the 63,556 cases, in 16,290 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (1,005), Oxycodone/Oxycontin (314), Fentanyl Analogue (130), MDMA/Ecstasy/MDA (79), Hydrocodone (67), and Synthetic Cannabinoid (64).

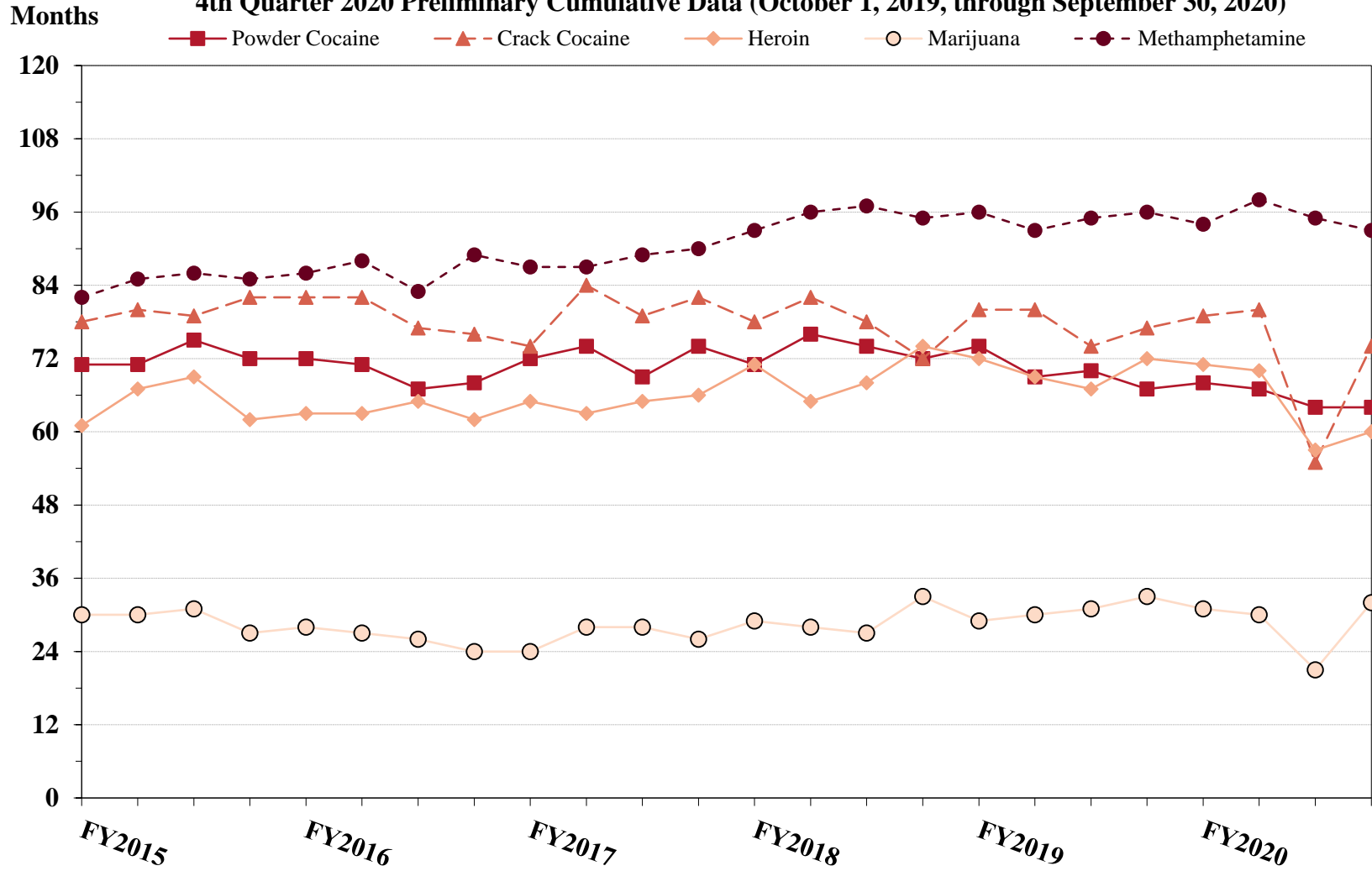
SOURCE: U.S. Sentencing Commission, Preliminary 2020 Datafile, USSCFY20 (October 1, 2019, through September 30, 2020).

Figure 12

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

Fiscal Years 2015 - 2019,

4th Quarter 2020 Preliminary Cumulative Data (October 1, 2019, through September 30, 2020)



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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when the underlying conduct involves a controlled substance. Information about the drugs in the text and tables

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentences Under the Guidelines Manual

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

Sentence Type

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

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

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

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

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

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

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

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

Upward Variance

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

Year

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