

United States Sentencing Commission Quarterly Data Report



**4th Quarter Release
Preliminary Fiscal Year 2021 Data
Through September 30, 2021**

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.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 2020 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.

CONTENTS

Figure 1: Federal Offenders by Type of Crime	1
Table 1: Federal Offenders by Type of Crime.....	2
Table 2: Federal Offenders in Each Circuit and District	3
Figure 2: Number of Federal Offenders by Selected Primary Guidelines.....	5
Table 3: Race of Federal Offenders by Type of Crime	6
Table 4: Gender of Federal Offenders by Type of Crime.....	7
Table 5: Citizenship of Federal Offenders by Type of Crime	8
Table 6: Sentence Length by Type of Crime.....	9
Table 7: Sentence Type by Type of Crime	10
Table 8: Sentence Imposed Relative to the Guideline Range.....	11
Figure 3: Sentences Under the Guidelines Manual and Variances Quarterly Data.....	12
Figure 4: Sentence Imposed Relative to the Guideline Range Quarterly Data.....	13
Table 9: Sentence Imposed Relative to the Guideline Range In Each Circuit and District.....	14
Table 10: Sentence Imposed Relative to the Guideline Range by Type of Crime	17
Table 11: Sentence Imposed Relative to the Guideline Range by Primary Sentencing Guideline	18
Table 12: Attribution Category for Sentences Outside of the Guideline Range.....	20
Table 13: Extent of Upward Departures by Type of Crime.....	22
Table 14: Extent of Upward Variances by Type of Crime	23
Table 15: Extent of §5K1.1 Substantial Assistance Departures by Type of Crime.....	24
Table 16: Extent of §5K3.1 Early Disposition Program Departures by Type of Crime.....	25
Table 17: Extent of Other Downward Departures by Type of Crime.....	26

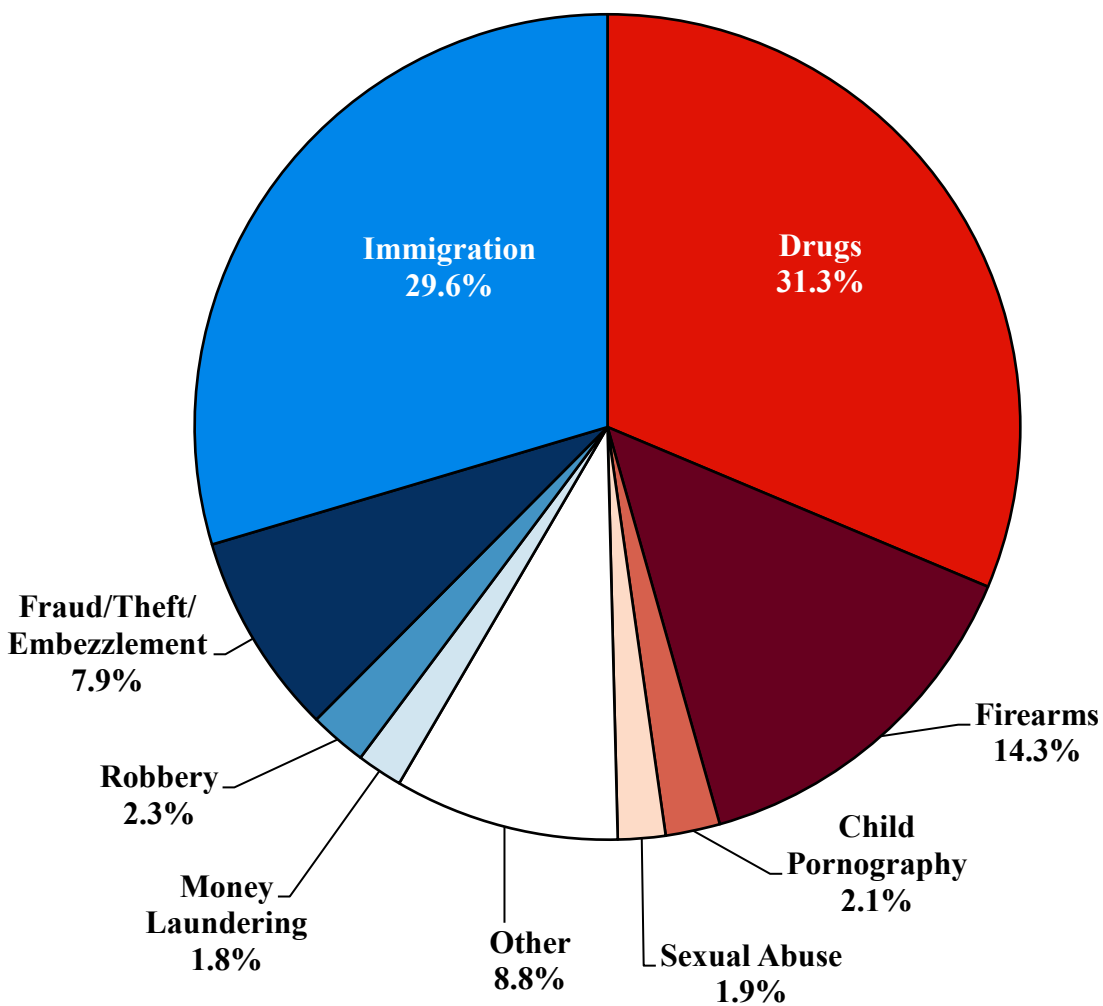
Table 18: Extent of Downward Variances by Type of Crime	27
Figure 5: Sentence Length and Guideline Minimum Quarterly Data for All Cases.....	28
Figure 6: Sentence Length and Guideline Minimum Quarterly Data for §2B1.1 Offenders	29
Figure 7: Sentence Length and Guideline Minimum Quarterly Data for §2K2.1 Offenders	30
Figure 8: Sentence Length and Guideline Minimum Quarterly Data for §2L1.1 Offenders.....	31
Figure 9: Sentence Length and Guideline Minimum Quarterly Data for §2L1.2 Offenders.....	32
Figure 10: Sentence Length and Guideline Minimum Quarterly Data for §2D1.1 Offenders	33
Figure 11: Distribution of Primary Drug Type in Federal Drug Cases	34
Figure 12: Sentence Length of Drug Trafficking Offenders by Major Drug Type Quarterly Data	35

Appendix

Appendix A: Descriptions of Datafiles and Variables.....	A-1
--	-----

Figure 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through September 30, 2021)



¹ This figure includes the 56,619 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	%
TOTAL	56,619	100.0
Administration of Justice	506	0.9
Antitrust	6	0.0
Arson	77	0.1
Assault	661	1.2
Bribery/Corruption	245	0.4
Burglary/Trespass	62	0.1
Child Pornography	1,208	2.1
Commercialized Vice	114	0.2
Drug Possession	289	0.5
Drug Trafficking	17,451	30.8
Environmental	166	0.3
Extortion/Racketeering	114	0.2
Firearms	8,084	14.3
Food and Drug	47	0.1
Forgery/Counter/Copyright	137	0.2
Fraud/Theft/Embezzlement	4,491	7.9
Immigration	16,761	29.6
Individual Rights	69	0.1
Kidnapping	92	0.2
Manslaughter	56	0.1
Money Laundering	1,017	1.8
Murder	247	0.4
National Defense	205	0.4
Obscenity/Other Sex Offenses	290	0.5
Prison Offenses	523	0.9
Robbery	1,276	2.3
Sexual Abuse	1,056	1.9
Stalking/Harassing	218	0.4
Tax	418	0.7
Other	733	1.3

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
4th Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through September 30, 2021)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	56,619	100.0			
D.C. CIRCUIT	253	0.4	FIFTH CIRCUIT	16,181	28.6
District of Columbia	253	0.4	Louisiana		
			Eastern	199	0.4
			Middle	103	0.2
FIRST CIRCUIT	1,765	3.1	Western	234	0.4
Maine	199	0.4	Mississippi		
Massachusetts	420	0.7	Northern	86	0.2
New Hampshire	197	0.3	Southern	247	0.4
Puerto Rico	874	1.5	Texas		
Rhode Island	75	0.1	Eastern	662	1.2
			Northern	1,547	2.7
SECOND CIRCUIT	2,344	4.1	Southern	7,898	13.9
Connecticut	301	0.5	Western	5,205	9.2
New York			SIXTH CIRCUIT	3,975	7.0
Eastern	489	0.9	Kentucky		
Northern	233	0.4	Eastern	427	0.8
Southern	876	1.5	Western	276	0.5
Western	321	0.6	Michigan		
Vermont	124	0.2	Eastern	477	0.8
			Western	291	0.5
THIRD CIRCUIT	1,881	3.3	Ohio		
Delaware	51	0.1	Northern	816	1.4
New Jersey	627	1.1	Southern	501	0.9
Pennsylvania			Tennessee		
Eastern	436	0.8	Eastern	578	1.0
Middle	307	0.5	Middle	247	0.4
Western	404	0.7	Western	362	0.6
Virgin Islands	56	0.1	SEVENTH CIRCUIT	2,212	3.9
			Illinois		
FOURTH CIRCUIT	4,459	7.9	Central	231	0.4
Maryland	525	0.9	Northern	618	1.1
North Carolina			Southern	214	0.4
Eastern	915	1.6	Indiana		
Middle	362	0.6	Northern	342	0.6
Western	501	0.9	Southern	413	0.7
South Carolina	530	0.9	Wisconsin		
Virginia			Eastern	262	0.5
Eastern	925	1.6	Western	132	0.2
Western	239	0.4			
West Virginia					
Northern	243	0.4			
Southern	219	0.4			

Table 2 (cont.)

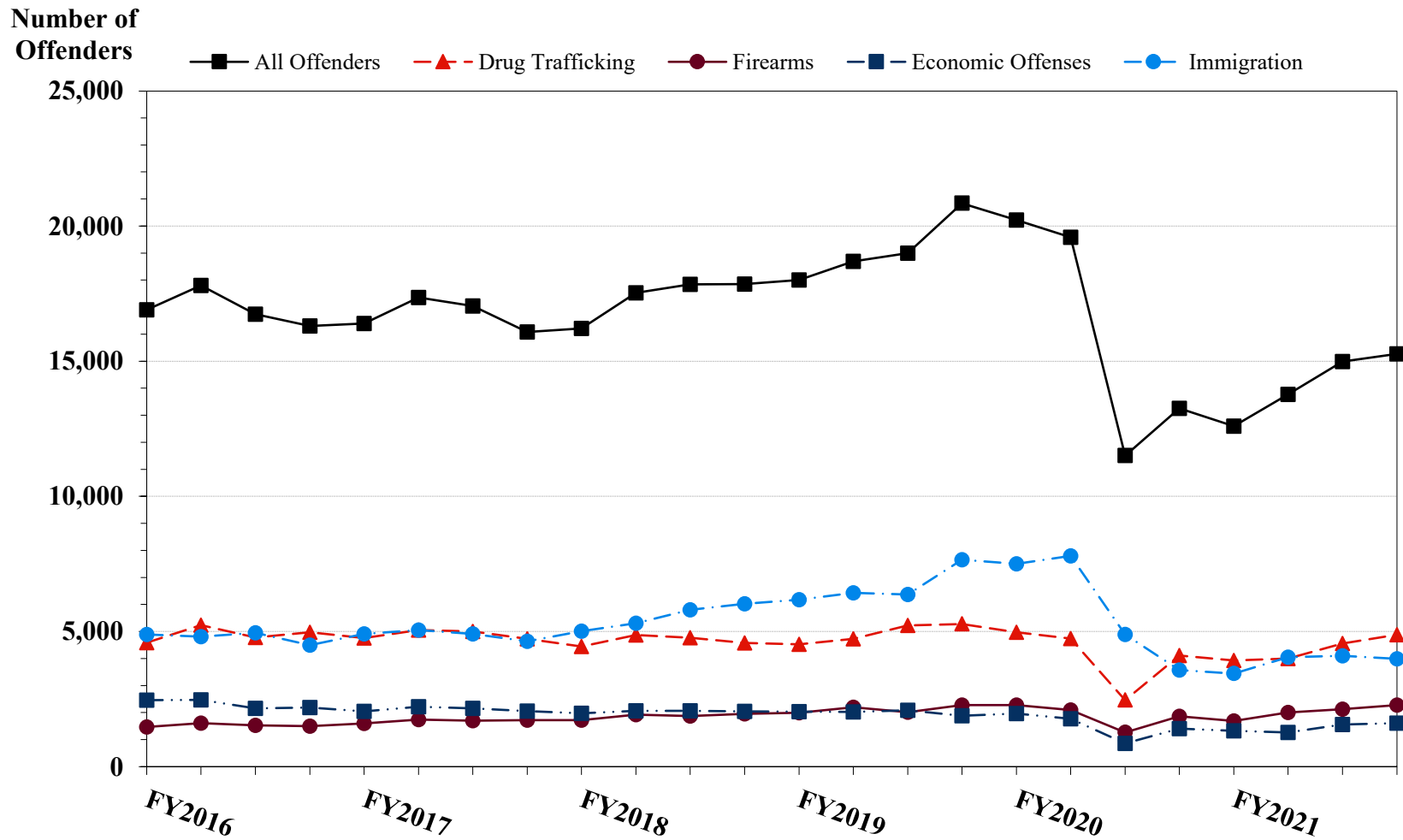
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	4,579	8.1	TENTH CIRCUIT	3,814	6.7
Arkansas			Colorado	370	0.7
Eastern	544	1.0	Kansas	414	0.7
Western	183	0.3	New Mexico	1,385	2.4
Iowa			Oklahoma		
Northern	322	0.6	Eastern	88	0.2
Southern	493	0.9	Northern	328	0.6
Minnesota	256	0.5	Western	399	0.7
Missouri			Utah	658	1.2
Eastern	1,064	1.9	Wyoming	172	0.3
Western	582	1.0			
Nebraska	380	0.7	ELEVENTH CIRCUIT	4,247	7.5
North Dakota	289	0.5	Alabama		
South Dakota	466	0.8	Middle	122	0.2
			Northern	426	0.8
NINTH CIRCUIT	10,909	19.3	Southern	228	0.4
Alaska	142	0.3	Florida		
Arizona	4,366	7.7	Middle	1,060	1.9
California			Northern	261	0.5
Central	869	1.5	Southern	798	1.4
Eastern	280	0.5	Georgia		
Northern	368	0.6	Middle	386	0.7
Southern	2,901	5.1	Northern	523	0.9
Guam	37	0.1	Southern	443	0.8
Hawaii	168	0.3			
Idaho	241	0.4			
Montana	333	0.6			
Nevada	294	0.5			
Northern Mariana Islands	16	0.0			
Oregon	341	0.6			
Washington					
Eastern	198	0.3			
Western	355	0.6			

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

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

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)



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

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

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	56,040	12,670	22.6	12,968	23.1	28,004	50.0	2,398	4.3
Administration of Justice	504	151	30.0	130	25.8	156	31.0	67	13.3
Antitrust	6	6	100.0	0	0.0	0	0.0	0	0.0
Arson	77	26	33.8	34	44.2	9	11.7	8	10.4
Assault	649	96	14.8	149	23.0	112	17.3	292	45.0
Bribery/Corruption	245	108	44.1	56	22.9	53	21.6	28	11.4
Burglary/Trespass	61	21	34.4	23	37.7	9	14.8	8	13.1
Child Pornography	1,207	968	80.2	53	4.4	145	12.0	41	3.4
Commercialized Vice	102	49	48.0	26	25.5	11	10.8	16	15.7
Drug Possession	229	100	43.7	77	33.6	40	17.5	12	5.2
Drug Trafficking	17,429	4,533	26.0	4,503	25.8	7,824	44.9	569	3.3
Environmental	156	91	58.3	4	2.6	43	27.6	18	11.5
Extortion/Racketeering	114	45	39.5	24	21.1	27	23.7	18	15.8
Firearms	8,071	1,935	24.0	4,467	55.3	1,404	17.4	265	3.3
Food and Drug	45	38	84.4	3	6.7	0	0.0	4	8.9
Forgery/Counter/Copyright	136	64	47.1	36	26.5	20	14.7	16	11.8
Fraud/Theft/Embezzlement	4,449	1,862	41.9	1,325	29.8	926	20.8	336	7.6
Immigration	16,631	478	2.9	225	1.4	15,816	95.1	112	0.7
Individual Rights	67	36	53.7	13	19.4	11	16.4	7	10.4
Kidnapping	91	32	35.2	23	25.3	24	26.4	12	13.2
Manslaughter	56	4	7.1	5	8.9	3	5.4	44	78.6
Money Laundering	1,013	277	27.3	215	21.2	442	43.6	79	7.8
Murder	247	18	7.3	115	46.6	85	34.4	29	11.7
National Defense	203	33	16.3	12	5.9	140	69.0	18	8.9
Obscenity/Other Sex Offenses	289	131	45.3	57	19.7	35	12.1	66	22.8
Prison Offenses	513	132	25.7	196	38.2	157	30.6	28	5.5
Robbery	1,274	232	18.2	760	59.7	217	17.0	65	5.1
Sexual Abuse	1,053	607	57.6	168	16.0	129	12.3	149	14.2
Stalking/Harassing	218	138	63.3	38	17.4	24	11.0	18	8.3
Tax	417	226	54.2	110	26.4	43	10.3	38	9.1
Other	488	233	47.7	121	24.8	99	20.3	35	7.2

¹ Of the 56,619 cases, 579 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	56,560	49,076	86.8	7,484	13.2
Administration of Justice	506	343	67.8	163	32.2
Antitrust	6	6	100.0	0	0.0
Arson	77	67	87.0	10	13.0
Assault	660	592	89.7	68	10.3
Bribery/Corruption	245	200	81.6	45	18.4
Burglary/Trespass	62	55	88.7	7	11.3
Child Pornography	1,208	1,194	98.8	14	1.2
Commercialized Vice	111	96	86.5	15	13.5
Drug Possession	283	180	63.6	103	36.4
Drug Trafficking	17,450	14,309	82.0	3,141	18.0
Environmental	164	144	87.8	20	12.2
Extortion/Racketeering	114	99	86.8	15	13.2
Firearms	8,084	7,786	96.3	298	3.7
Food and Drug	46	31	67.4	15	32.6
Forgery/Counter/Copyright	137	103	75.2	34	24.8
Fraud/Theft/Embezzlement	4,487	3,102	69.1	1,385	30.9
Immigration	16,746	15,399	92.0	1,347	8.0
Individual Rights	69	51	73.9	18	26.1
Kidnapping	92	84	91.3	8	8.7
Manslaughter	56	47	83.9	9	16.1
Money Laundering	1,017	803	79.0	214	21.0
Murder	247	223	90.3	24	9.7
National Defense	205	175	85.4	30	14.6
Obscenity/Other Sex Offenses	290	281	96.9	9	3.1
Prison Offenses	523	478	91.4	45	8.6
Robbery	1,276	1,203	94.3	73	5.7
Sexual Abuse	1,056	988	93.6	68	6.4
Stalking/Harassing	218	208	95.4	10	4.6
Tax	418	294	70.3	124	29.7
Other	707	535	75.7	172	24.3

¹ Of the 56,619 cases, 59 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	56,275	37,377	66.4	18,898	33.6
Administration of Justice	503	419	83.3	84	16.7
Antitrust	6	6	100.0	0	0.0
Arson	77	77	100.0	0	0.0
Assault	649	620	95.5	29	4.5
Bribery/Corruption	244	231	94.7	13	5.3
Burglary/Trespass	60	59	98.3	1	1.7
Child Pornography	1,208	1,174	97.2	34	2.8
Commercialized Vice	108	94	87.0	14	13.0
Drug Possession	246	235	95.5	11	4.5
Drug Trafficking	17,442	14,432	82.7	3,010	17.3
Environmental	160	147	91.9	13	8.1
Extortion/Racketeering	114	93	81.6	21	18.4
Firearms	8,080	7,775	96.2	305	3.8
Food and Drug	45	44	97.8	1	2.2
Forgery/Counter/Copyright	137	123	89.8	14	10.2
Fraud/Theft/Embezzlement	4,452	3,739	84.0	713	16.0
Immigration	16,759	2,753	16.4	14,006	83.6
Individual Rights	68	51	75.0	17	25.0
Kidnapping	92	81	88.0	11	12.0
Manslaughter	56	56	100.0	0	0.0
Money Laundering	1,016	712	70.1	304	29.9
Murder	247	217	87.9	30	12.1
National Defense	203	124	61.1	79	38.9
Obscenity/Other Sex Offenses	289	282	97.6	7	2.4
Prison Offenses	521	500	96.0	21	4.0
Robbery	1,274	1,232	96.7	42	3.3
Sexual Abuse	1,056	1,008	95.5	48	4.5
Stalking/Harassing	217	211	97.2	6	2.8
Tax	418	400	95.7	18	4.3
Other	528	482	91.3	46	8.7

¹ Of the 56,619 cases, 344 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	48	24	56,618
Administration of Justice	13	9	506
Antitrust	3	3	6
Arson	58	42	77
Assault	58	36	661
Bribery/Corruption	20	12	245
Burglary/Trespass	23	14	62
Child Pornography	108	90	1,208
Commercialized Vice	14	11	114
Drug Possession	1	0	289
Drug Trafficking	74	60	17,451
Environmental	2	0	166
Extortion/Racketeering	24	15	114
Firearms	48	37	8,083
Food and Drug	9	1	47
Forgery/Counter/Copyright	16	12	137
Fraud/Theft/Embezzlement	20	12	4,491
Immigration	13	9	16,761
Individual Rights	32	3	69
Kidnapping	166	123	92
Manslaughter	69	59	56
Money Laundering	57	31	1,017
Murder	243	228	247
National Defense	36	29	205
Obscenity/Other Sex Offenses	23	18	290
Prison Offenses	11	8	523
Robbery	105	91	1,276
Sexual Abuse	211	180	1,056
Stalking/Harassing	26	17	218
Tax	14	12	418
Other	2	0	733

¹ Of the 56,619 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	56,619	51,787	91.5	50,158	88.6	1,629	2.9	4,467	7.9	1,024	1.8	3,443	6.1	365	0.6
Administration of Justice	506	366	72.3	339	67.0	27	5.3	138	27.3	29	5.7	109	21.5	2	0.4
Antitrust	6	1	16.7	1	16.7	0	0.0	4	66.7	3	50.0	1	16.7	1	16.7
Arson	77	75	97.4	72	93.5	3	3.9	2	2.6	1	1.3	1	1.3	0	0.0
Assault	661	596	90.2	569	86.1	27	4.1	60	9.1	8	1.2	52	7.9	5	0.8
Bribery/Corruption	245	177	72.2	156	63.7	21	8.6	67	27.3	27	11.0	40	16.3	1	0.4
Burglary/Trespass	62	57	91.9	53	85.5	4	6.5	5	8.1	2	3.2	3	4.8	0	0.0
Child Pornography	1,208	1,192	98.7	1,172	97.0	20	1.7	16	1.3	4	0.3	12	1.0	0	0.0
Commercialized Vice	114	65	57.0	62	54.4	3	2.6	37	32.5	15	13.2	22	19.3	12	10.5
Drug Possession	289	107	37.0	107	37.0	0	0.0	110	38.1	10	3.5	100	34.6	72	24.9
Drug Trafficking	17,451	16,841	96.5	16,166	92.6	675	3.9	610	3.5	165	0.9	445	2.5	0	0.0
Environmental	166	38	22.9	35	21.1	3	1.8	114	68.7	12	7.2	102	61.4	14	8.4
Extortion/Racketeering	114	86	75.4	81	71.1	5	4.4	28	24.6	4	3.5	24	21.1	0	0.0
Firearms	8,084	7,621	94.3	7,463	92.3	158	2.0	461	5.7	97	1.2	364	4.5	2	0.0
Food and Drug	47	20	42.6	19	40.4	1	2.1	24	51.1	5	10.6	19	40.4	3	6.4
Forgery/Counter/Copyright	137	107	78.1	103	75.2	4	2.9	30	21.9	8	5.8	22	16.1	0	0.0
Fraud/Theft/Embezzlement	4,491	3,163	70.4	2,946	65.6	217	4.8	1,285	28.6	298	6.6	987	22.0	43	1.0
Immigration	16,761	16,000	95.5	15,736	93.9	264	1.6	760	4.5	193	1.2	567	3.4	1	0.0
Individual Rights	69	30	43.5	29	42.0	1	1.4	28	40.6	7	10.1	21	30.4	11	15.9
Kidnapping	92	91	98.9	90	97.8	1	1.1	1	1.1	0	0.0	1	1.1	0	0.0
Manslaughter	56	55	98.2	49	87.5	6	10.7	1	1.8	1	1.8	0	0.0	0	0.0
Money Laundering	1,017	899	88.4	859	84.5	40	3.9	118	11.6	31	3.0	87	8.6	0	0.0
Murder	247	246	99.6	239	96.8	7	2.8	1	0.4	0	0.0	1	0.4	0	0.0
National Defense	205	183	89.3	177	86.3	6	2.9	13	6.3	2	1.0	11	5.4	9	4.4
Obscenity/Other Sex Offenses	290	281	96.9	259	89.3	22	7.6	9	3.1	2	0.7	7	2.4	0	0.0
Prison Offenses	523	504	96.4	485	92.7	19	3.6	19	3.6	5	1.0	14	2.7	0	0.0
Robbery	1,276	1,253	98.2	1,224	95.9	29	2.3	23	1.8	4	0.3	19	1.5	0	0.0
Sexual Abuse	1,056	1,051	99.5	1,027	97.3	24	2.3	5	0.5	1	0.1	4	0.4	0	0.0
Stalking/Harassing	218	193	88.5	179	82.1	14	6.4	25	11.5	8	3.7	17	7.8	0	0.0
Tax	418	271	64.8	244	58.4	27	6.5	147	35.2	46	11.0	101	24.2	0	0.0
Other	733	218	29.7	217	29.6	1	0.1	326	44.5	36	4.9	290	39.6	189	25.8

¹ Of the 56,619 cases, none were excluded due to missing sentencing information. Descriptions of variables used in this table are provided in Appendix A.

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

	<u>N</u>	<u>%</u>
TOTAL CASES	56,384	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	38,924	69.0
Within Guideline Range	24,149	42.8
Upward Departure ²	290	0.5
Downward Departure		
§5K1.1 Substantial Assistance	5,447	9.7
§5K3.1 Early Disposition Program	6,333	11.2
Other Government Motion ³	1,281	2.3
Non-Government Departure ⁴	1,424	2.5
VARIANCES	17,460	31.0
Upward Variance ⁵	1,193	2.1
Downward Variance		
Government Motion ⁶	4,745	8.4
Non-Government Variance ⁷	11,522	20.4

¹ This table reflects the 56,619 cases sentenced on or after October 1, 2020, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by November 15, 2021. Of these, 235 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.

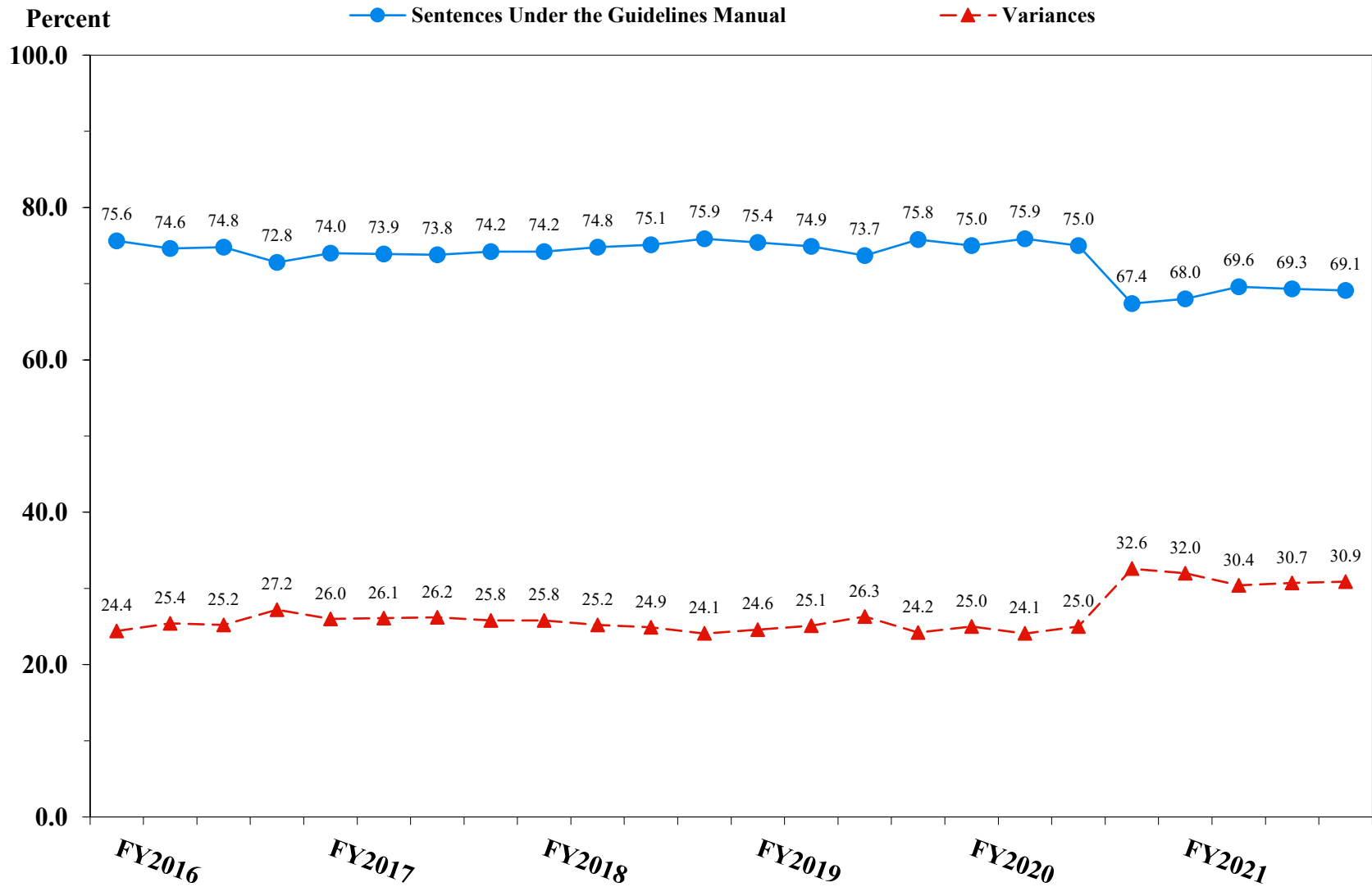
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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 2021 Datafile, USSCFY21 (October 1, 2020, through September 30, 2021).

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)



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

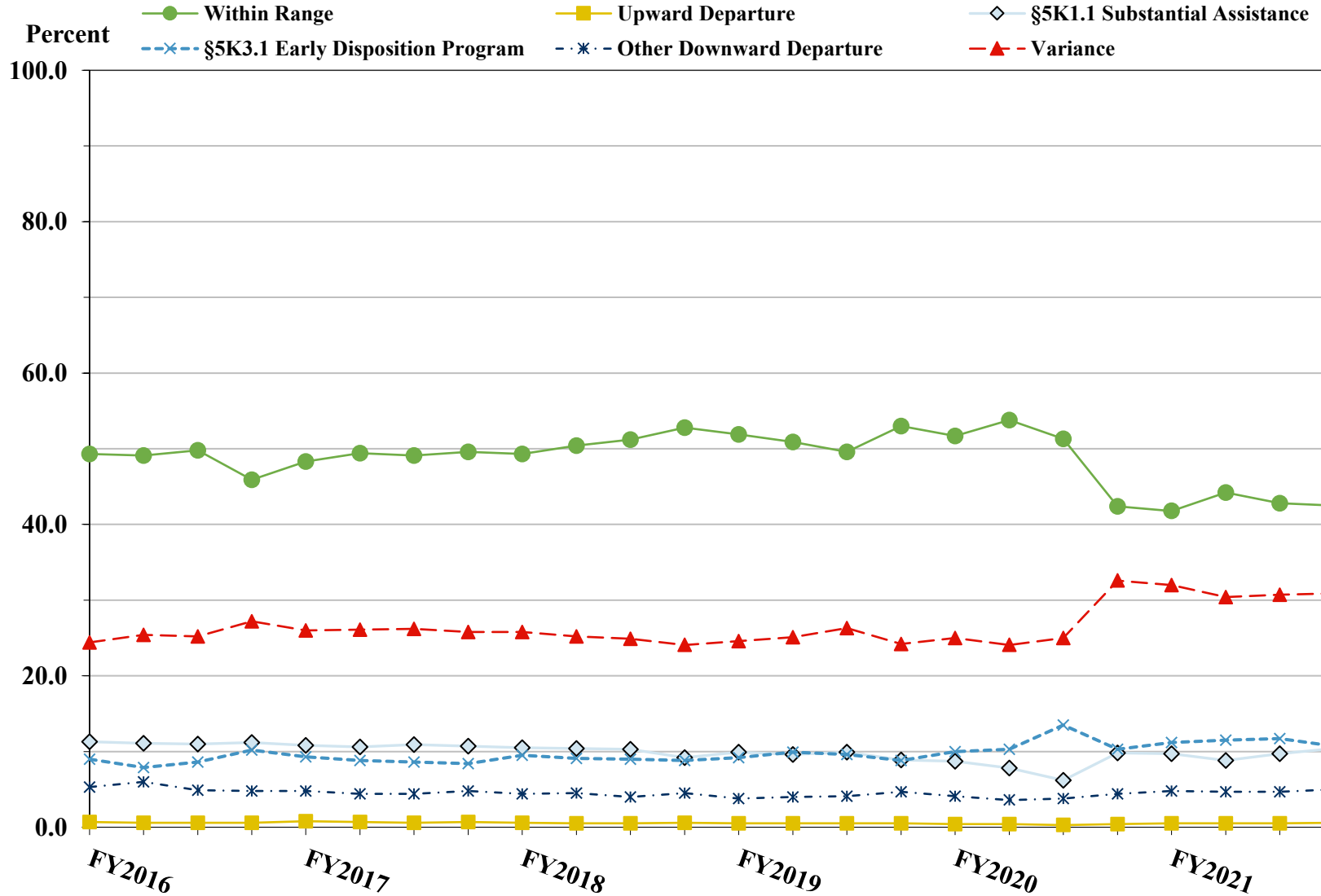
SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through September 30, 2021).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2016 - 2020,

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)



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

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

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

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	56,384	24,149	42.8	290	0.5	5,447	9.7	6,333	11.2	2,705	4.8	17,460	31.0
D.C. CIRCUIT	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
District of Columbia	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
FIRST CIRCUIT	1,763	643	36.5	8	0.5	145	8.2	1	0.1	91	5.2	875	49.6
Maine	199	32	16.1	1	0.5	37	18.6	0	0.0	5	2.5	124	62.3
Massachusetts	419	112	26.7	4	1.0	32	7.6	1	0.2	33	7.9	237	56.6
New Hampshire	197	45	22.8	0	0.0	23	11.7	0	0.0	8	4.1	121	61.4
Puerto Rico	873	441	50.5	3	0.3	49	5.6	0	0.0	45	5.2	335	38.4
Rhode Island	75	13	17.3	0	0.0	4	5.3	0	0.0	0	0.0	58	77.3
SECOND CIRCUIT	2,337	637	27.3	5	0.2	367	15.7	4	0.2	95	4.1	1,229	52.6
Connecticut	300	78	26.0	1	0.3	32	10.7	0	0.0	46	15.3	143	47.7
New York													
Eastern	489	121	24.7	1	0.2	94	19.2	2	0.4	30	6.1	241	49.3
Northern	228	113	49.6	1	0.4	50	21.9	0	0.0	5	2.2	59	25.9
Southern	876	171	19.5	1	0.1	107	12.2	2	0.2	10	1.1	585	66.8
Western	320	125	39.1	1	0.3	63	19.7	0	0.0	2	0.6	129	40.3
Vermont	124	29	23.4	0	0.0	21	16.9	0	0.0	2	1.6	72	58.1
THIRD CIRCUIT	1,880	757	40.3	5	0.3	335	17.8	7	0.4	41	2.2	735	39.1
Delaware	51	17	33.3	1	2.0	12	23.5	1	2.0	1	2.0	19	37.3
New Jersey	627	270	43.1	1	0.2	91	14.5	0	0.0	6	1.0	259	41.3
Pennsylvania													
Eastern	436	146	33.5	0	0.0	103	23.6	4	0.9	16	3.7	167	38.3
Middle	307	125	40.7	0	0.0	71	23.1	2	0.7	8	2.6	101	32.9
Western	403	158	39.2	2	0.5	53	13.2	0	0.0	9	2.2	181	44.9
Virgin Islands	56	41	73.2	1	1.8	5	8.9	0	0.0	1	1.8	8	14.3
FOURTH CIRCUIT	4,388	2,138	48.7	34	0.8	580	13.2	1	0.0	129	2.9	1,506	34.3
Maryland	513	175	34.1	11	2.1	61	11.9	0	0.0	45	8.8	221	43.1
North Carolina													
Eastern	879	481	54.7	9	1.0	214	24.3	0	0.0	11	1.3	164	18.7
Middle	358	168	46.9	3	0.8	40	11.2	0	0.0	7	2.0	140	39.1
Western	501	270	53.9	1	0.2	70	14.0	0	0.0	4	0.8	156	31.1
South Carolina	529	213	40.3	1	0.2	103	19.5	0	0.0	17	3.2	195	36.9
Virginia													
Eastern	912	483	53.0	8	0.9	39	4.3	0	0.0	28	3.1	354	38.8
Western	235	101	43.0	0	0.0	38	16.2	0	0.0	12	5.1	84	35.7
West Virginia													
Northern	243	139	57.2	0	0.0	13	5.3	1	0.4	1	0.4	89	36.6
Southern	218	108	49.5	1	0.5	2	0.9	0	0.0	4	1.8	103	47.2

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,156	9,681	59.9	60	0.4	819	5.1	1,445	8.9	912	5.6	3,239	20.0
Louisiana													
Eastern	193	117	60.6	1	0.5	21	10.9	0	0.0	1	0.5	53	27.5
Middle	103	51	49.5	0	0.0	22	21.4	0	0.0	2	1.9	28	27.2
Western	233	137	58.8	4	1.7	18	7.7	0	0.0	10	4.3	64	27.5
Mississippi													
Northern	79	31	39.2	1	1.3	11	13.9	0	0.0	1	1.3	35	44.3
Southern	247	160	64.8	1	0.4	19	7.7	8	3.2	2	0.8	57	23.1
Texas													
Eastern	662	425	64.2	7	1.1	25	3.8	0	0.0	13	2.0	192	29.0
Northern	1,543	910	59.0	17	1.1	168	10.9	1	0.1	17	1.1	430	27.9
Southern	7,893	3,909	49.5	26	0.3	335	4.2	1,328	16.8	741	9.4	1,554	19.7
Western	5,203	3,941	75.7	3	0.1	200	3.8	108	2.1	125	2.4	826	15.9
SIXTH CIRCUIT	3,966	1,606	40.5	11	0.3	747	18.8	9	0.2	158	4.0	1,435	36.2
Kentucky													
Eastern	427	216	50.6	3	0.7	78	18.3	0	0.0	2	0.5	128	30.0
Western	275	97	35.3	3	1.1	75	27.3	7	2.5	14	5.1	79	28.7
Michigan													
Eastern	477	178	37.3	0	0.0	28	5.9	1	0.2	17	3.6	253	53.0
Western	291	161	55.3	0	0.0	59	20.3	0	0.0	10	3.4	61	21.0
Ohio													
Northern	813	337	41.5	0	0.0	161	19.8	0	0.0	15	1.8	300	36.9
Southern	501	133	26.5	2	0.4	111	22.2	1	0.2	70	14.0	184	36.7
Tennessee													
Eastern	577	270	46.8	3	0.5	152	26.3	0	0.0	6	1.0	146	25.3
Middle	243	49	20.2	0	0.0	31	12.8	0	0.0	15	6.2	148	60.9
Western	362	165	45.6	0	0.0	52	14.4	0	0.0	9	2.5	136	37.6
SEVENTH CIRCUIT	2,211	852	38.5	5	0.2	199	9.0	1	0.0	106	4.8	1,048	47.4
Illinois													
Central	230	84	36.5	2	0.9	19	8.3	0	0.0	2	0.9	123	53.5
Northern	618	202	32.7	2	0.3	34	5.5	1	0.2	45	7.3	334	54.0
Southern	214	117	54.7	0	0.0	27	12.6	0	0.0	2	0.9	68	31.8
Indiana													
Northern	342	178	52.0	0	0.0	36	10.5	0	0.0	5	1.5	123	36.0
Southern	413	190	46.0	0	0.0	50	12.1	0	0.0	4	1.0	169	40.9
Wisconsin													
Eastern	262	44	16.8	0	0.0	28	10.7	0	0.0	11	4.2	179	68.3
Western	132	37	28.0	1	0.8	5	3.8	0	0.0	37	28.0	52	39.4
EIGHTH CIRCUIT	4,570	1,910	41.8	39	0.9	517	11.3	29	0.6	88	1.9	1,987	43.5
Arkansas													
Eastern	539	325	60.3	1	0.2	27	5.0	0	0.0	4	0.7	182	33.8
Western	183	69	37.7	1	0.5	25	13.7	0	0.0	1	0.5	87	47.5
Iowa													
Northern	322	134	41.6	19	5.9	75	23.3	0	0.0	4	1.2	90	28.0
Southern	493	163	33.1	1	0.2	77	15.6	1	0.2	3	0.6	248	50.3
Minnesota	255	60	23.5	1	0.4	40	15.7	6	2.4	14	5.5	134	52.5
Missouri													
Eastern	1,064	417	39.2	2	0.2	85	8.0	1	0.1	5	0.5	554	52.1
Western	581	228	39.2	2	0.3	69	11.9	0	0.0	9	1.5	273	47.0
Nebraska	379	181	47.8	1	0.3	6	1.6	14	3.7	6	1.6	171	45.1
North Dakota	289	100	34.6	8	2.8	110	38.1	6	2.1	4	1.4	61	21.1
South Dakota	465	233	50.1	3	0.6	3	0.6	1	0.2	38	8.2	187	40.2

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	10,847	2,493	23.0	77	0.7	773	7.1	4,424	40.8	461	4.3	2,619	24.1
Alaska	142	29	20.4	1	0.7	20	14.1	0	0.0	4	2.8	88	62.0
Arizona	4,342	1,217	28.0	15	0.3	68	1.6	2,488	57.3	101	2.3	453	10.4
California													
Central	855	210	24.6	1	0.1	95	11.1	40	4.7	72	8.4	437	51.1
Eastern	276	101	36.6	2	0.7	54	19.6	2	0.7	6	2.2	111	40.2
Northern	366	63	17.2	1	0.3	34	9.3	2	0.5	14	3.8	252	68.9
Southern	2,889	275	9.5	48	1.7	165	5.7	1,835	63.5	226	7.8	340	11.8
Guam	37	18	48.6	0	0.0	13	35.1	0	0.0	1	2.7	5	13.5
Hawaii	168	63	37.5	0	0.0	49	29.2	0	0.0	0	0.0	56	33.3
Idaho	241	95	39.4	2	0.8	54	22.4	5	2.1	8	3.3	77	32.0
Montana	333	100	30.0	3	0.9	90	27.0	0	0.0	11	3.3	129	38.7
Nevada	292	59	20.2	0	0.0	19	6.5	42	14.4	5	1.7	167	57.2
Northern Mariana Islands	16	12	75.0	0	0.0	2	12.5	0	0.0	0	0.0	2	12.5
Oregon	339	52	15.3	1	0.3	49	14.5	0	0.0	5	1.5	232	68.4
Washington													
Eastern	198	48	24.2	3	1.5	54	27.3	3	1.5	6	3.0	84	42.4
Western	353	151	42.8	0	0.0	7	2.0	7	2.0	2	0.6	186	52.7
TENTH CIRCUIT	3,792	1,423	37.5	32	0.8	326	8.6	402	10.6	431	11.4	1,178	31.1
Colorado	370	127	34.3	0	0.0	74	20.0	18	4.9	12	3.2	139	37.6
Kansas	405	172	42.5	2	0.5	51	12.6	6	1.5	8	2.0	166	41.0
New Mexico	1,382	573	41.5	7	0.5	40	2.9	292	21.1	174	12.6	296	21.4
Oklahoma													
Eastern	88	48	54.5	0	0.0	12	13.6	0	0.0	2	2.3	26	29.5
Northern	320	118	36.9	19	5.9	37	11.6	0	0.0	97	30.3	49	15.3
Western	397	195	49.1	0	0.0	29	7.3	0	0.0	3	0.8	170	42.8
Utah	658	131	19.9	4	0.6	68	10.3	77	11.7	130	19.8	248	37.7
Wyoming	172	59	34.3	0	0.0	15	8.7	9	5.2	5	2.9	84	48.8
ELEVENTH CIRCUIT	4,222	1,936	45.9	13	0.3	608	14.4	10	0.2	173	4.1	1,482	35.1
Alabama													
Middle	122	46	37.7	0	0.0	29	23.8	0	0.0	1	0.8	46	37.7
Northern	425	211	49.6	0	0.0	89	20.9	0	0.0	9	2.1	116	27.3
Southern	228	106	46.5	0	0.0	57	25.0	0	0.0	2	0.9	63	27.6
Florida													
Middle	1,059	438	41.4	4	0.4	164	15.5	3	0.3	8	0.8	442	41.7
Northern	256	89	34.8	1	0.4	65	25.4	6	2.3	3	1.2	92	35.9
Southern	785	351	44.7	2	0.3	62	7.9	1	0.1	13	1.7	356	45.4
Georgia													
Middle	381	193	50.7	0	0.0	39	10.2	0	0.0	114	29.9	35	9.2
Northern	523	176	33.7	5	1.0	44	8.4	0	0.0	11	2.1	287	54.9
Southern	443	326	73.6	1	0.2	59	13.3	0	0.0	12	2.7	45	10.2

¹ Of the 56,619 cases, 235 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	56,384	24,149	42.8	290	0.5	5,447	9.7	6,333	11.2	2,705	4.8	17,460	31.0
Administration of Justice	503	256	50.9	0	0.0	24	4.8	3	0.6	28	5.6	192	38.2
Antitrust	6	0	0.0	0	0.0	4	66.7	0	0.0	0	0.0	2	33.3
Arson	77	35	45.5	1	1.3	10	13.0	0	0.0	6	7.8	25	32.5
Assault	650	319	49.1	15	2.3	19	2.9	0	0.0	57	8.8	240	36.9
Bribery/Corruption	245	48	19.6	1	0.4	81	33.1	0	0.0	9	3.7	106	43.3
Burglary/Trespass	61	31	50.8	3	4.9	4	6.6	0	0.0	7	11.5	16	26.2
Child Pornography	1,208	396	32.8	7	0.6	16	1.3	2	0.2	59	4.9	728	60.3
Commercialized Vice	114	57	50.0	0	0.0	11	9.6	0	0.0	7	6.1	39	34.2
Drug Possession	269	244	90.7	0	0.0	1	0.4	0	0.0	2	0.7	22	8.2
Drug Trafficking	17,429	4,954	28.4	56	0.3	3,464	19.9	1,728	9.9	824	4.7	6,403	36.7
Environmental	153	86	56.2	0	0.0	18	11.8	0	0.0	7	4.6	42	27.5
Extortion/Racketeering	114	34	29.8	1	0.9	23	20.2	0	0.0	6	5.3	50	43.9
Firearms	8,079	4,101	50.8	65	0.8	411	5.1	12	0.1	334	4.1	3,156	39.1
Food and Drug	45	28	62.2	0	0.0	0	0.0	0	0.0	0	0.0	17	37.8
Forgery/Counter/Copyright	137	68	49.6	1	0.7	11	8.0	0	0.0	4	2.9	53	38.7
Fraud/Theft/Embezzlement	4,456	1,907	42.8	48	1.1	548	12.3	17	0.4	168	3.8	1,768	39.7
Immigration	16,727	8,918	53.3	33	0.2	146	0.9	4,555	27.2	880	5.3	2,195	13.1
Individual Rights	65	34	52.3	0	0.0	10	15.4	0	0.0	0	0.0	21	32.3
Kidnapping	92	22	23.9	0	0.0	19	20.7	0	0.0	9	9.8	42	45.7
Manslaughter	56	22	39.3	9	16.1	1	1.8	0	0.0	8	14.3	16	28.6
Money Laundering	1,016	240	23.6	11	1.1	272	26.8	9	0.9	56	5.5	428	42.1
Murder	247	79	32.0	3	1.2	57	23.1	0	0.0	22	8.9	86	34.8
National Defense	204	87	42.6	1	0.5	25	12.3	2	1.0	18	8.8	71	34.8
Obscenity/Other Sex Offenses	290	144	49.7	6	2.1	1	0.3	1	0.3	18	6.2	120	41.4
Prison Offenses	515	325	63.1	1	0.2	9	1.7	1	0.2	21	4.1	158	30.7
Robbery	1,276	492	38.6	10	0.8	154	12.1	1	0.1	59	4.6	560	43.9
Sexual Abuse	1,056	419	39.7	11	1.0	62	5.9	1	0.1	54	5.1	509	48.2
Stalking/Harassing	218	94	43.1	7	3.2	2	0.9	1	0.5	17	7.8	97	44.5
Tax	418	98	23.4	0	0.0	42	10.0	0	0.0	22	5.3	256	61.2
Other	658	611	92.9	0	0.0	2	0.3	0	0.0	3	0.5	42	6.4

¹ Of the 56,619 cases, 235 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	168	56	0	48	0	11	53	§2D1.8	22	6	0	3	0	2	11
§2A1.2	43	16	3	4	0	6	14	§2D1.9	0	0	0	0	0	0	0
§2A1.3	28	10	6	1	0	3	8	§2D1.10	1	0	0	0	0	0	1
§2A1.4	28	12	3	0	0	5	8	§2D1.11	2	0	0	0	0	0	2
§2A1.5	22	6	0	2	0	3	11	§2D1.12	4	2	0	0	0	0	2
§2A2.1	114	48	0	12	0	10	44	§2D1.13	1	1	0	0	0	0	0
§2A2.2	403	183	12	7	0	42	159	§2D1.14	0	0	0	0	0	0	0
§2A2.3	75	53	3	0	0	1	18	§2D2.1	111	90	0	1	0	2	18
§2A2.4	176	106	0	0	3	9	58	§2D2.2	46	37	0	1	0	0	8
§2A3.1	107	40	0	3	1	14	49	§2D2.3	0	0	0	0	0	0	0
§2A3.2	39	23	2	0	0	2	12	§2D3.1	2	1	0	0	0	0	1
§2A3.3	2	0	1	0	0	0	1	§2D3.2	0	0	0	0	0	0	0
§2A3.4	26	11	3	0	0	3	9	§2D3.3	0	0	0	0	0	0	0
§2A3.5	250	130	2	1	1	16	100	§2D3.4	0	0	0	0	0	0	0
§2A4.1	88	21	0	18	0	9	40	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	31	13	0	2	0	0	16
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	1	0	1	0	0	1
§2A5.2	25	17	0	0	0	0	8	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	3	0	1	0	0	2
§2A6.1	159	73	6	2	1	13	64	§2E1.5	0	0	0	0	0	0	0
§2A6.2	54	21	1	0	0	3	29	§2E2.1	9	2	0	2	0	1	4
§2B1.1	4,177	1,677	44	538	7	164	1,747	§2E3.1	59	25	0	10	0	5	19
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0
§2B1.4	7	2	0	3	0	0	2	§2E4.1	21	4	0	10	0	0	7
§2B1.5	7	2	0	0	0	0	5	§2E5.1	1	0	0	1	0	0	0
§2B1.6 ²	73	66	0	6	0	1	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	53	25	3	4	0	6	15	§2E5.3	0	0	0	0	0	0	0
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0
§2B2.3	3	2	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,265	489	10	153	1	59	553	§2E5.6	0	0	0	0	0	0	0
§2B3.2	28	8	0	2	0	4	14	§2F1.1	2	0	0	0	0	0	2
§2B3.3	10	3	1	1	0	0	5	§2F1.2	0	0	0	0	0	0	0
§2B4.1	85	13	0	38	0	2	32	§2G1.1	58	23	0	6	0	1	28
§2B5.1	98	61	0	7	0	3	27	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	334	149	3	27	0	7	148
§2B5.3	36	7	0	2	0	1	26	§2G2.1	520	186	2	26	0	28	278
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,207	396	7	16	2	59	727
§2B6.1	2	0	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0
§2C1.1	142	31	1	38	0	6	66	§2G2.4	0	0	0	0	0	0	0
§2C1.2	13	2	0	5	0	1	5	§2G2.5	0	0	0	0	0	0	0
§2C1.3	1	1	0	0	0	0	0	§2G2.6	2	0	0	0	0	0	2
§2C1.4	0	0	0	0	0	0	0	§2G3.1	36	14	4	0	0	1	17
§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	30	5	0	6	0	0	19
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	1	0	0	0	0	0	1	§2H1.3	0	0	0	0	0	0	0
§2D1.1	17,072	4,785	54	3,428	1,719	789	6,297	§2H1.4	0	0	0	0	0	0	0
§2D1.2	250	138	2	24	0	22	64	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	14	12	0	2	0	0	0
§2D1.4	0	0	0	0	0	0	0	§2H3.1	6	6	0	0	0	0	0
§2D1.5	4	1	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	4	0	0	0	0	1
§2D1.7	1	1	0	0	0	0	0	§2H4.1	7	4	0	2	0	0	1

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	155	68	0	18	2	14	53
§2J1.1	0	0	0	0	0	0	0	§2M5.3	10	2	0	2	0	1	5
§2J1.2	85	22	0	8	0	3	52	§2M6.1	3	0	1	1	0	0	1
§2J1.3	18	6	0	3	0	1	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	12	9	0	0	0	1	2	§2N1.1	15	0	0	0	0	0	15
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	23	19	0	0	0	0	4	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	26	24	0	0	0	0	2
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	260	172	0	6	0	9	73
§2K1.1	1	1	0	0	0	0	0	§2P1.2	195	130	1	2	0	4	58
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	17	8	0	0	0	1	8	§2P1.4	0	0	0	0	0	0	0
§2K1.4	76	35	1	10	0	6	24	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	53	30	0	8	0	2	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	10	1	0	2	0	1	6
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,669	3,800	58	384	12	329	3,086	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	0	1
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	67	34	0	8	0	4	21
§2K2.4 ³	321	258	6	24	0	1	32	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	10	9	0	0	0	0	1	§2R1.1	6	0	0	4	0	0	2
§2K2.6	1	1	0	0	0	0	0	§2S1.1	822	165	0	254	6	39	358
§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	187	73	11	18	2	16	67
§2L1.1	3,522	1,528	6	109	1,197	118	564	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,427	6,163	25	27	3,092	713	1,407	§2T1.1	231	50	0	20	0	17	144
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	56	21	0	9	0	4	22	§2T1.3	0	0	0	0	0	0	0
§2L2.2	575	439	1	0	5	25	105	§2T1.4	137	31	0	20	0	4	82
§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	39	12	0	1	0	1	25
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	1	0	1	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	0	0	0	0	0	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	6	4	0	0	0	0	2
§2M3.1	2	1	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	2	1	0	0	0	1	0	§2X1.1	16	6	1	3	0	2	4
§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	71	17	1	10	0	6	37
§2M3.6	0	0	0	0	0	0	0	§2X4.1	170	83	0	13	0	14	60
§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	172	156	0	0	0	1	15
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	21	5	0	4	0	2	10	§2X7.2	0	0	0	0	0	0	0
TOTAL									54,172	22,512	285	5,437	6,051	2,655	17,232

¹ Of the 56,619 cases, 2,447 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 (235) or missing guideline applied (2,404). 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	32,235	5,459	16.9	6,448	20.0	5,090	15.8	7,675	23.8	498	1.5
Departures	14,775	5,447	36.9	6,443	43.6	3,502	23.7	6,124	41.4	313	2.1
Upward Departure	290	0	0.0	0	0.0	81	27.9	60	20.7	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,447	5,447	100.0	110	2.0	218	4.0	1,429	26.2	23	0.4
§5K3.1 Early Disposition Program	6,333	0	0.0	6,333	100.0	2,565	40.5	4,196	66.3	274	4.3
Other Government Motion	1,281	0	0.0	0	0.0	638	49.8	439	34.3	16	1.2
Non-Government Departure	1,424	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	17,460	12	0.1	5	0.0	1,588	9.1	1,551	8.9	185	1.1
Upward Variance	1,193	12	1.0	5	0.4	207	17.4	130	10.9	0	0.0
Downward Variance											
Government Motion	4,745	0	0.0	0	0.0	1,381	29.1	1,421	29.9	185	3.9
Non-Government Variance	11,522	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	4,982	15.5	5,569	17.3	6,521	20.2	1,731	5.4	4,374	13.6	1,951	6.1
Departures	4,218	28.5	2,122	14.4	1,448	9.8	782	5.3	1,254	8.5	178	1.2
Upward Departure	66	22.8	1	0.3	7	2.4	14	4.8	73	25.2	22	7.6
Downward Departure												
§5K1.1 Substantial Assistance	3,465	63.6	630	11.6	629	11.5	285	5.2	564	0.0	0	0.0
§5K3.1 Early Disposition Program	491	7.8	614	9.7	478	7.5	374	5.9	251	4.0	0	0.0
Other Government Motion	196	15.3	85	6.6	58	4.5	109	8.5	71	5.5	24	1.9
Non-Government Departure	0	0.0	792	55.6	276	19.4	0	0.0	295	20.7	132	9.3
Variations	764	4.4	3,447	19.7	5,073	29.1	949	5.4	3,120	17.9	1,773	10.2
Upward Variance	218	18.3	3	0.3	10	0.8	34	2.8	474	39.7	159	13.3
Downward Variance												
Government Motion	546	11.5	431	9.1	248	5.2	915	19.3	216	4.6	163	3.4
Non-Government Variance	0	0.0	3,013	26.1	4,815	41.8	0	0.0	2,430	21.1	1,451	12.6

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, 13,408 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 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	285	77	23	89.7	60	14	42.9
Administration of Justice	0	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	15	79	30	77.3	60	19	54.6
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	3	41	17	67.5	33	9	42.9
Child Pornography	7	158	47	48.1	144	42	33.3
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	56	115	35	147.6	96	30	37.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	64	80	23	47.7	83	18	33.3
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	48	30	11	138.2	16	9	100.5
Immigration	33	29	10	67.6	25	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	9	106	26	31.7	108	23	23.7
Money Laundering	11	23	13	151.9	24	12	100.5
Murder	2	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	6	53	24	88.4	52	21	79.8
Prison Offenses	1	--	--	--	--	--	--
Robbery	9	148	34	30.5	144	31	24.8
Sexual Abuse	10	110	22	30.6	108	10	26.3
Stalking/Harassing	6	60	21	56.6	56	12	31.9
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 56,619 cases, in 290 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four cases were excluded from this table. Also, one case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,171	81	24	67.7	60	14	33.3
Administration of Justice	18	70	33	104.8	41	14	33.3
Antitrust	0	--	--	--	--	--	--
Arson	6	154	52	63.6	120	24	28.6
Assault	34	78	17	39.1	68	13	27.8
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	4	58	18	50.5	38	15	54.7
Child Pornography	37	158	29	25.9	144	23	23.7
Commercialized Vice	3	100	60	166.3	70	52	185.7
Drug Possession	5	22	10	124.1	24	6	100.0
Drug Trafficking	235	96	29	102.6	84	18	31.6
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	351	79	23	48.4	72	14	30.2
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	97	48	20	93.3	36	11	71.4
Immigration	192	31	12	71.6	24	8	53.3
Individual Rights	5	104	29	39.3	28	12	33.3
Kidnapping	2	--	--	--	--	--	--
Manslaughter	5	166	25	24.1	144	23	10.6
Money Laundering	9	47	13	79.1	42	12	40.0
Murder	10	292	52	28.8	312	24	12.7
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	15	69	41	151.5	60	30	150.0
Prison Offenses	15	36	14	63.1	36	9	45.5
Robbery	39	153	39	37.9	132	24	23.2
Sexual Abuse	48	181	36	25.4	172	28	18.2
Stalking/Harassing	17	77	34	73.8	48	14	35.4
Tax	3	57	4	6.7	60	3	5.3
Other	15	13	4	45.1	8	2	33.3

¹ Of the 56,619 cases, in 1,193 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, four cases were excluded from this table. Also, 18 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	5,364	54	54	54.4	40	39	50.0
Administration of Justice	23	2	13	88.7	0	10	100.0
Antitrust	4	3	25	90.0	3	25	89.9
Arson	10	22	43	64.8	26	35	57.5
Assault	18	50	101	63.3	42	58	69.1
Bribery/Corruption	80	11	29	73.5	6	21	76.1
Burglary/Trespass	4	16	12	45.6	16	12	43.3
Child Pornography	15	115	55	35.9	84	48	35.5
Commercialized Vice	9	5	8	63.8	0	6	99.5
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	3,440	64	61	51.6	54	48	47.5
Environmental	18	2	13	91.2	0	10	100.0
Extortion/Racketeering	23	2	41	95.2	0	18	100.0
Firearms	411	39	33	51.7	30	21	46.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	11	16	13	46.4	12	11	37.4
Fraud/Theft/Embezzlement	546	18	27	64.7	12	21	61.5
Immigration	146	16	14	53.9	12	10	49.2
Individual Rights	10	28	50	62.9	13	15	59.5
Kidnapping	16	110	101	50.1	103	89	51.7
Manslaughter	1	--	--	--	--	--	--
Money Laundering	260	50	69	60.7	33	46	57.1
Murder	31	128	147	56.2	108	138	63.0
National Defense	24	22	39	64.7	21	31	62.8
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	9	9	22	51.2	9	6	33.3
Robbery	151	72	57	44.6	72	43	40.2
Sexual Abuse	56	110	85	46.9	114	71	45.3
Stalking/Harassing	2	--	--	--	--	--	--
Tax	42	10	20	75.1	3	18	79.2
Other	2	--	--	--	--	--	--

¹ Of the 56,619 cases, in 5,447 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, 45 cases were excluded from this table. Also, 38 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	6,332	16	21	51.4	12	9	49.9
Administration of Justice	3	7	9	56.2	7	6	60.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	0	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,728	28	53	66.0	24	46	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	12	25	12	33.3	26	10	27.4
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	16	5	15	82.4	0	6	99.5
Immigration	4,555	11	8	45.8	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	9	58	76	66.8	12	57	65.5
Murder	0	--	--	--	--	--	--
National Defense	2	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	1	--	--	--	--	--	--
Robbery	1	--	--	--	--	--	--
Sexual Abuse	1	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 56,619 cases, in 6,333 the offender received a §5K3.1 early disposition program departure below the guideline range. One case was excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	2,670	40	26	45.4	20	15	41.2
Administration of Justice	28	5	12	76.9	0	11	99.6
Antitrust	0	--	--	--	--	--	--
Arson	6	21	19	56.7	17	18	51.0
Assault	57	34	25	42.2	27	17	40.2
Bribery/Corruption	9	14	11	53.7	12	11	41.7
Burglary/Trespass	7	12	6	41.2	12	6	33.0
Child Pornography	56	97	49	37.1	78	40	32.3
Commercialized Vice	7	9	7	53.2	5	3	50.0
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	818	67	42	42.3	60	29	36.6
Environmental	7	0	13	99.9	0	12	100.0
Extortion/Racketeering	6	25	14	36.9	21	7	23.3
Firearms	333	32	18	42.6	28	13	34.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	4	9	12	52.2	6	6	50.0
Fraud/Theft/Embezzlement	164	21	18	59.2	12	12	55.1
Immigration	880	14	13	45.7	11	9	43.2
Individual Rights	0	--	--	--	--	--	--
Kidnapping	9	109	64	39.5	120	68	38.4
Manslaughter	8	43	23	40.3	24	22	41.3
Money Laundering	53	44	34	50.7	27	15	42.9
Murder	17	151	63	30.8	180	52	21.7
National Defense	18	26	26	58.3	18	16	48.4
Obscenity/Other Sex Offenses	17	12	9	46.0	8	7	31.9
Prison Offenses	20	8	6	52.4	6	6	50.0
Robbery	58	84	37	35.2	69	28	27.7
Sexual Abuse	47	134	70	36.4	121	55	33.3
Stalking/Harassing	16	12	17	65.6	12	13	51.3
Tax	22	7	14	66.8	5	12	68.7
Other	1	--	--	--	--	--	--

¹ Of the 56,619 cases, in 2,705 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,281) or a non-government departure (1,424). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 13 cases were excluded from this table. Also, 22 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

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

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	15,901	50	28	44.2	30	16	35.7
Administration of Justice	173	7	11	69.6	2	9	83.3
Antitrust	2	--	--	--	--	--	--
Arson	19	46	25	34.8	21	12	35.1
Assault	195	49	23	40.2	28	14	30.6
Bribery/Corruption	104	20	21	59.4	12	15	57.0
Burglary/Trespass	12	14	12	56.9	6	13	63.9
Child Pornography	679	81	50	40.5	70	43	38.1
Commercialized Vice	35	9	8	64.4	3	6	66.7
Drug Possession	13	1	4	89.3	0	2	98.5
Drug Trafficking	6,100	72	38	39.4	60	27	32.0
Environmental	41	3	10	82.5	0	6	100.0
Extortion/Racketeering	48	25	19	53.6	12	15	50.0
Firearms	2,786	37	19	41.4	27	12	31.4
Food and Drug	16	23	28	60.2	18	32	69.4
Forgery/Counter/Copyright	51	8	14	71.5	4	12	77.8
Fraud/Theft/Embezzlement	1,648	19	17	59.6	11	10	55.4
Immigration	1,992	13	9	46.1	12	6	38.1
Individual Rights	15	24	22	62.3	12	15	62.1
Kidnapping	32	109	48	31.9	97	38	30.5
Manslaughter	11	29	19	47.0	18	19	51.4
Money Laundering	403	48	36	50.3	24	20	45.2
Murder	43	163	78	34.4	180	60	31.4
National Defense	69	32	26	49.7	28	21	46.1
Obscenity/Other Sex Offenses	105	12	9	45.5	12	6	33.3
Prison Offenses	143	8	7	48.8	6	4	48.2
Robbery	503	88	31	30.5	84	24	23.1
Sexual Abuse	309	147	73	34.6	144	60	33.3
Stalking/Harassing	80	14	17	62.4	8	12	66.7
Tax	250	10	14	64.8	6	12	66.7
Other	24	5	14	80.1	0	6	99.2

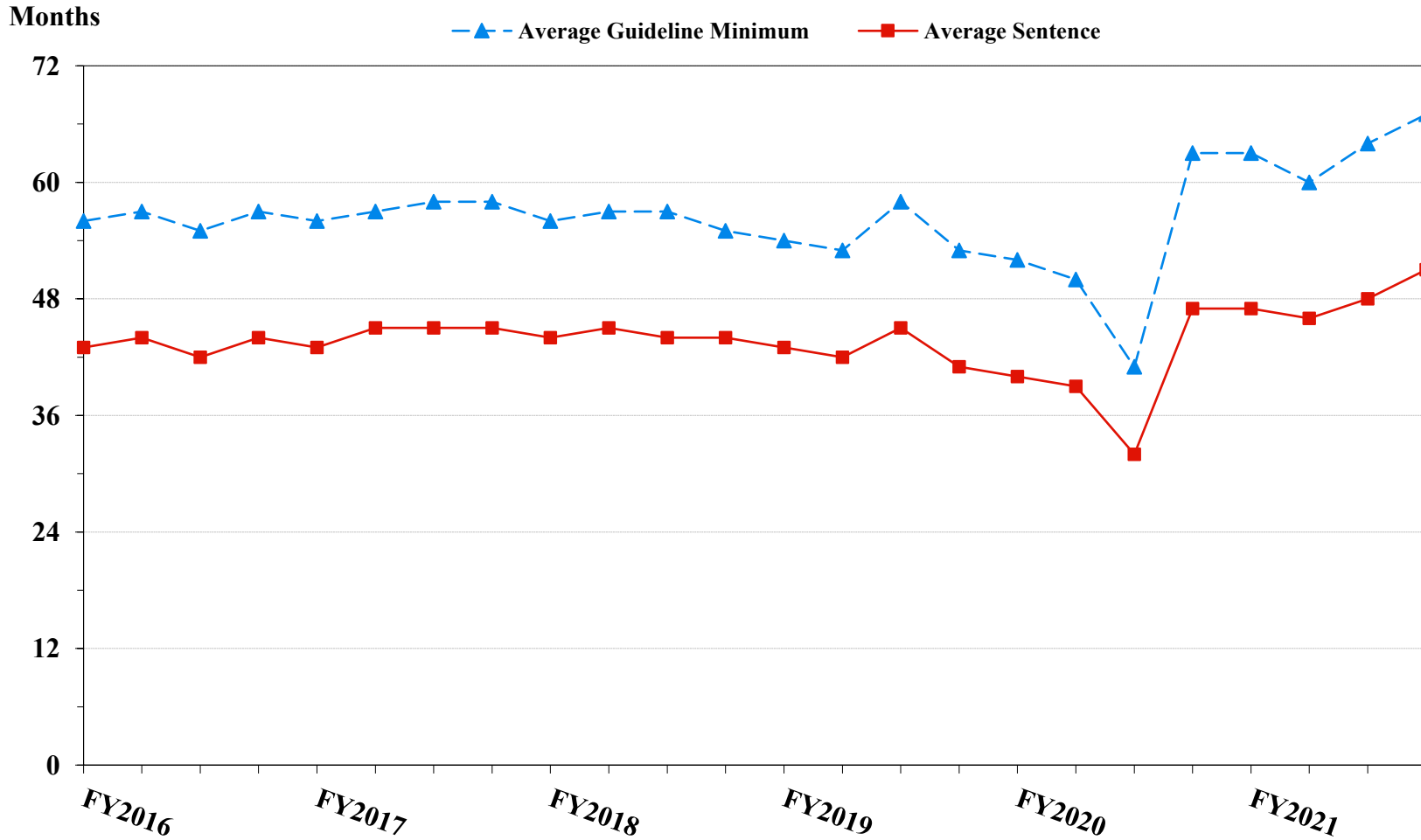
¹ Of the 56,619 cases, in 16,267 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,745) or a non-government variance (11,522). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 135 cases were excluded from this table. Also, 231 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹**

**Fiscal Years 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**



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

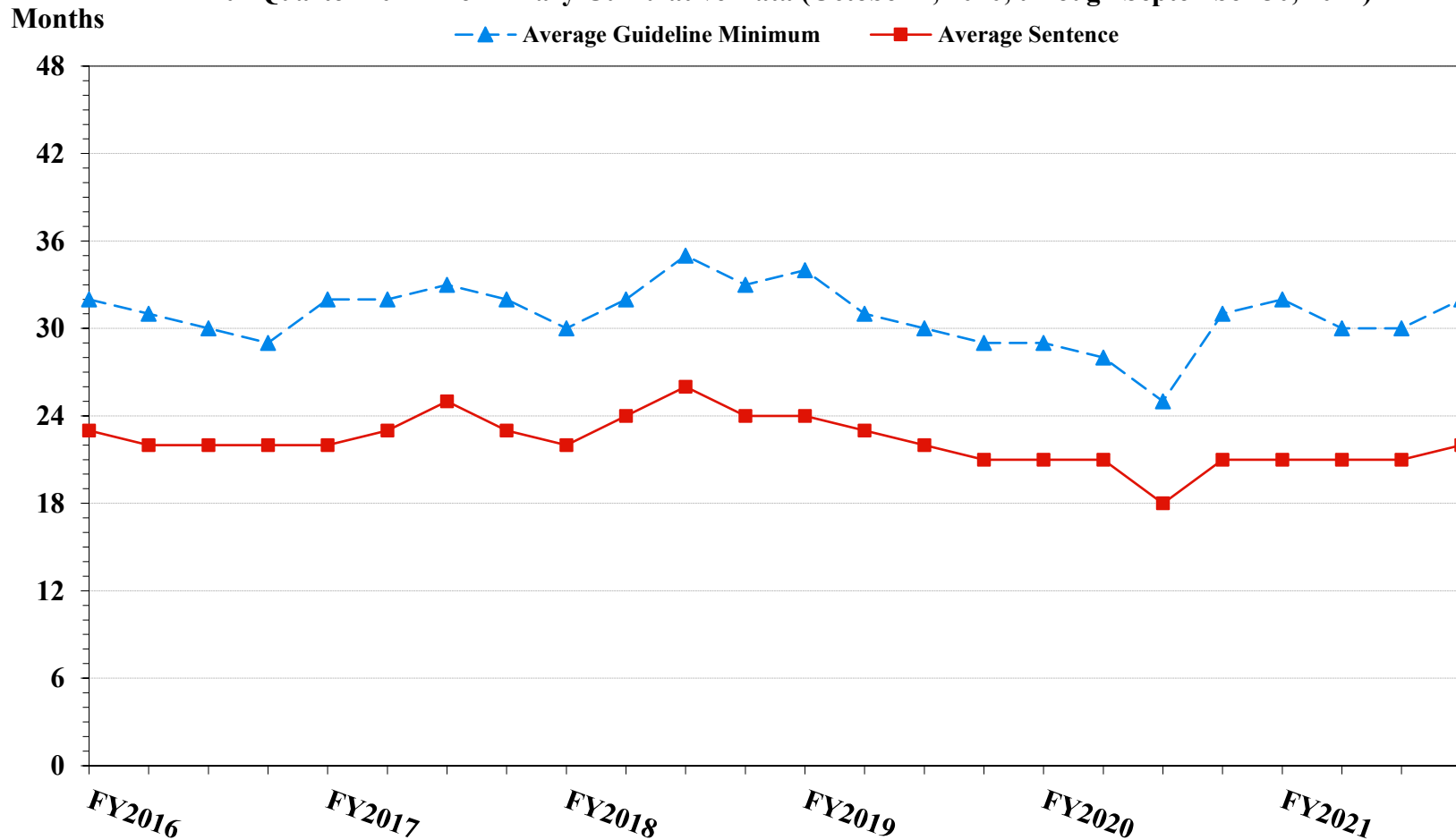
SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through September 30, 2021).

Figure 6

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

Fiscal Years 2016 - 2020,

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)

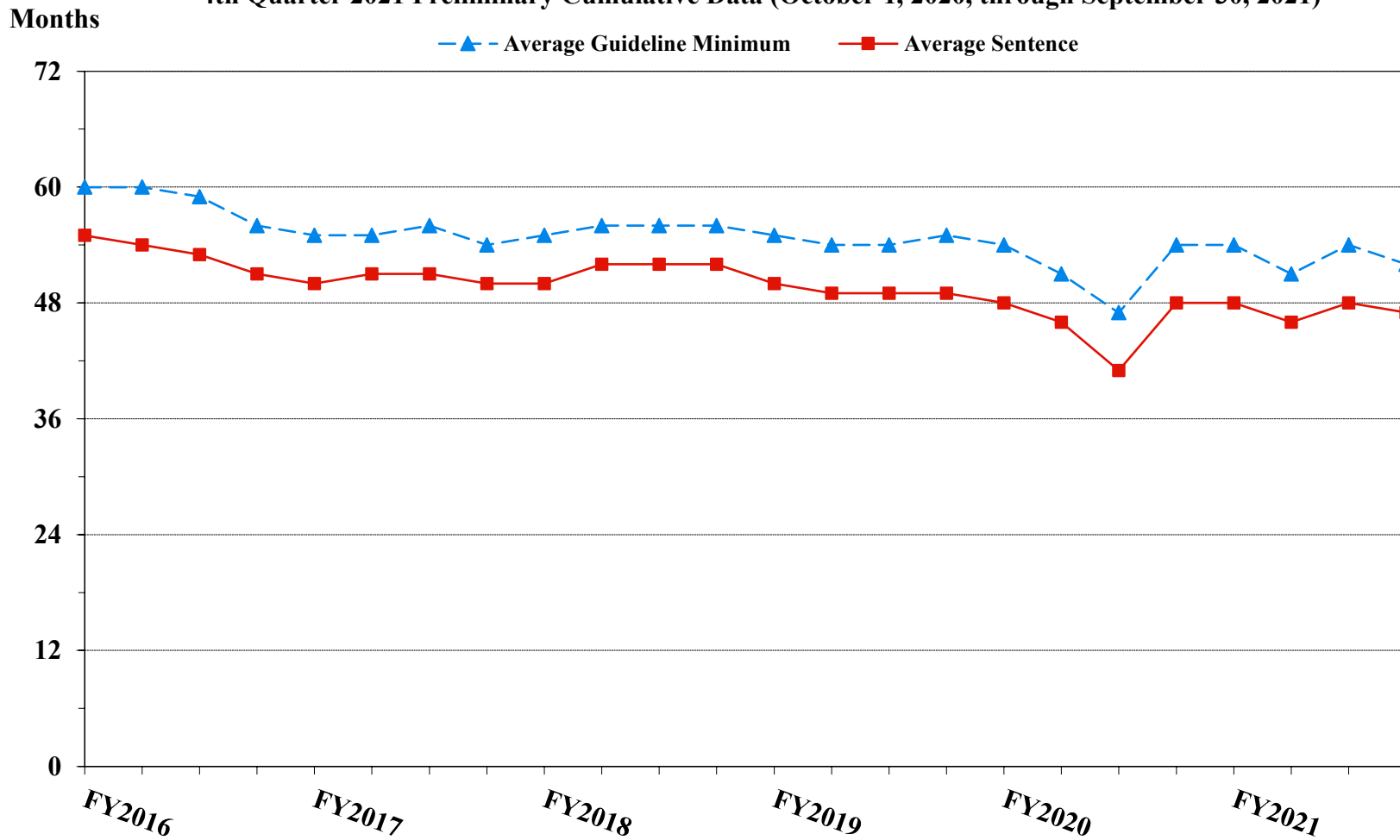


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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.

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

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**

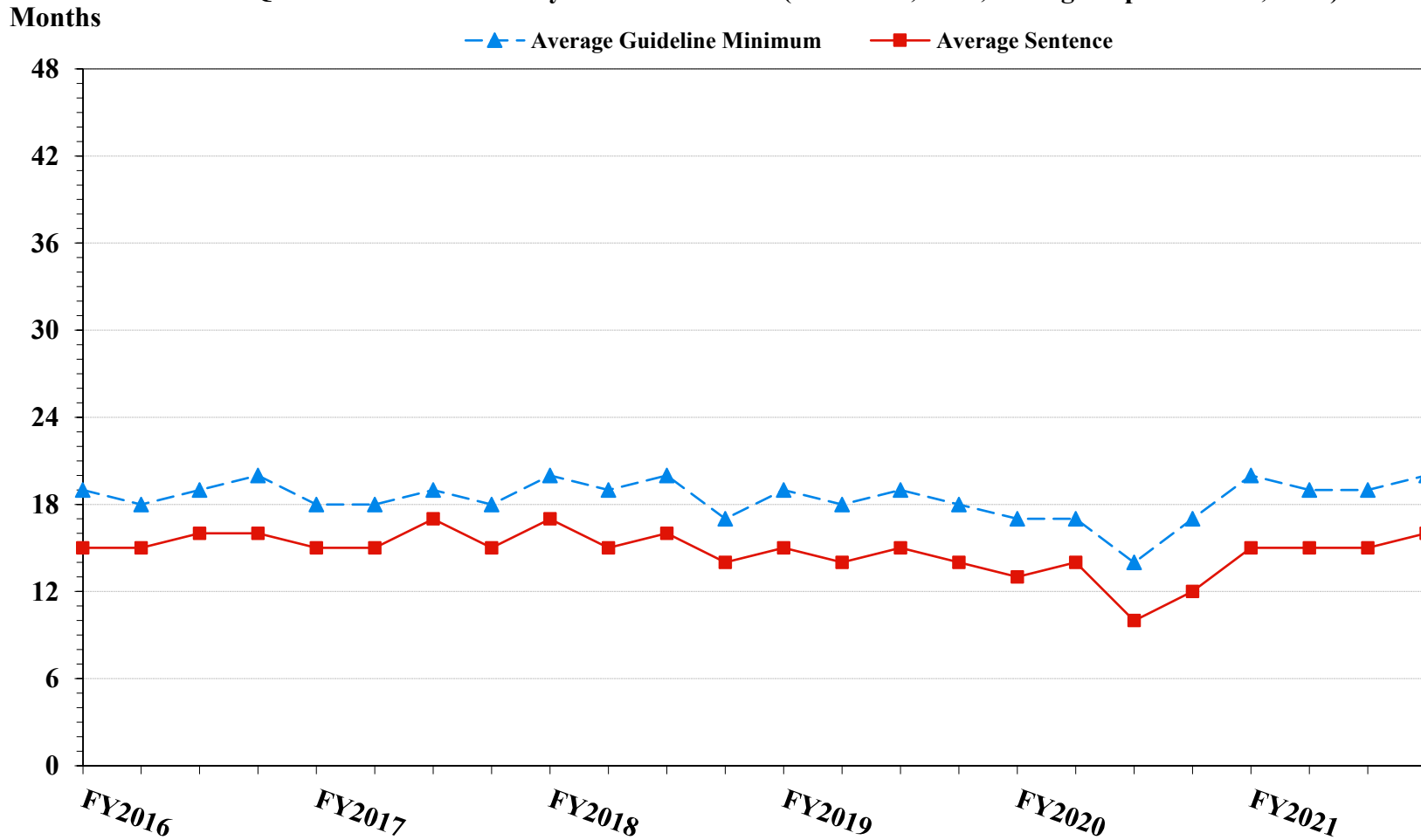


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**

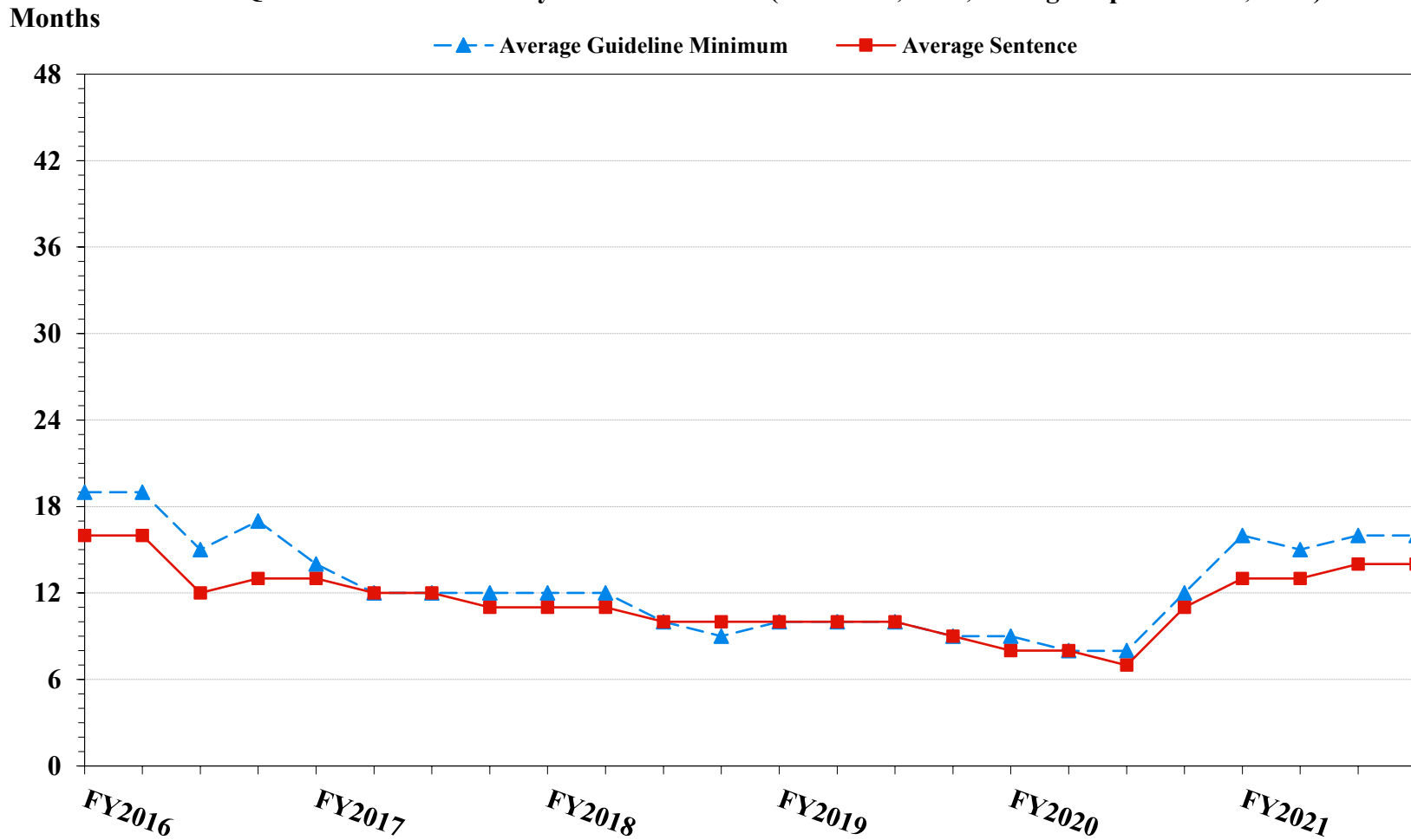


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases 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, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through September 30, 2021).

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**

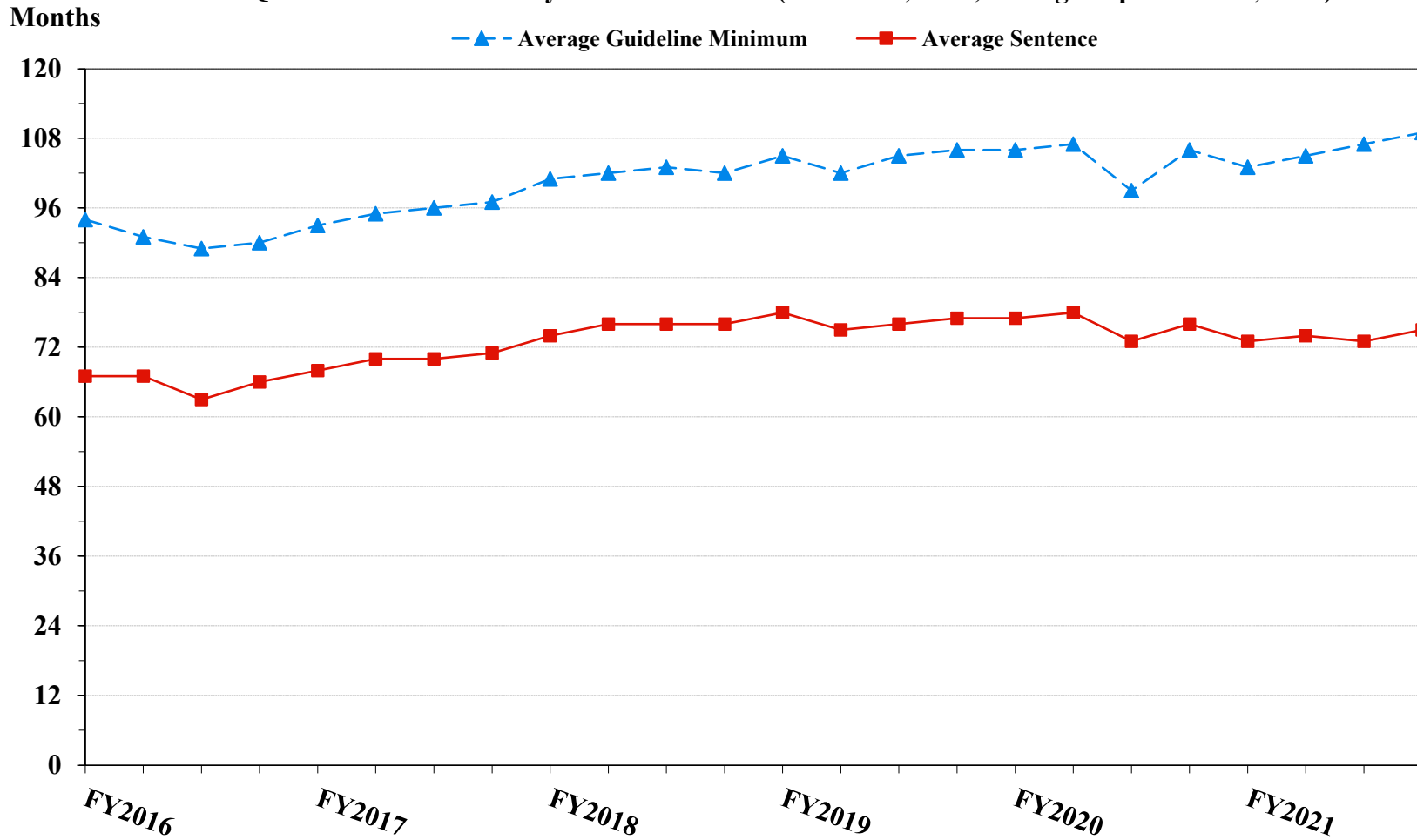


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with 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.

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

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2016 - 2020,
4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)**

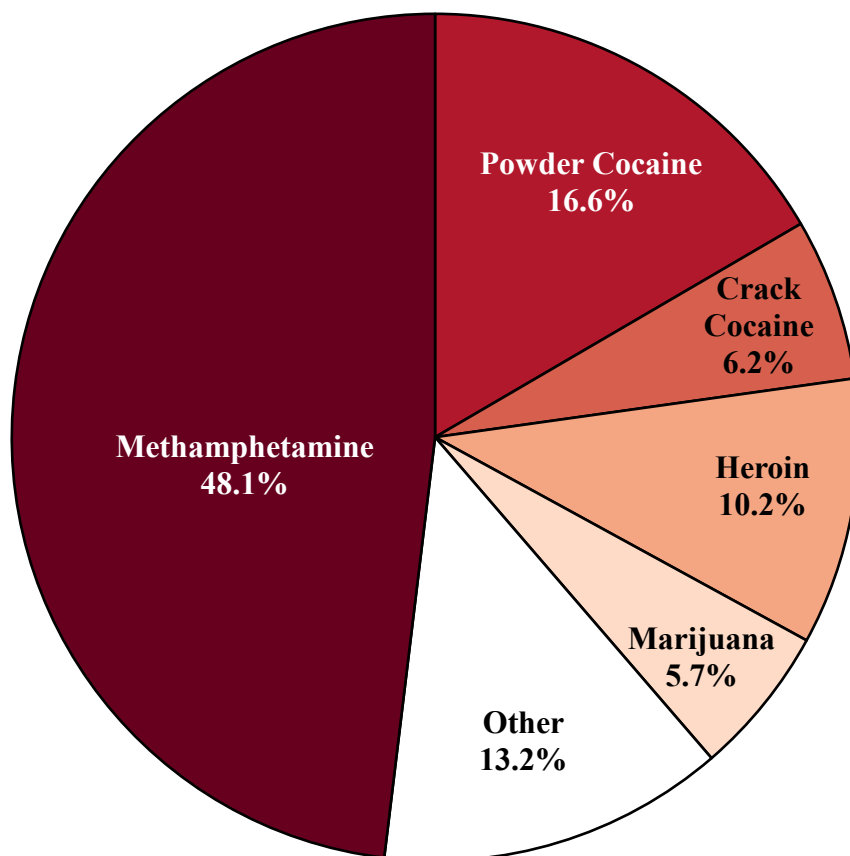


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through September 30, 2021).

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1,2}
4th Quarter 2021 Preliminary Cumulative Data
(October 1, 2020, through September 30, 2021)**



¹ Of the 56,619 cases, in 17,530 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (1,527), Oxycodone/Oxycontin (229), Fentanyl Analogue (135), Hydrocodone (77), and MDMA/Ecstasy/MDA (56).

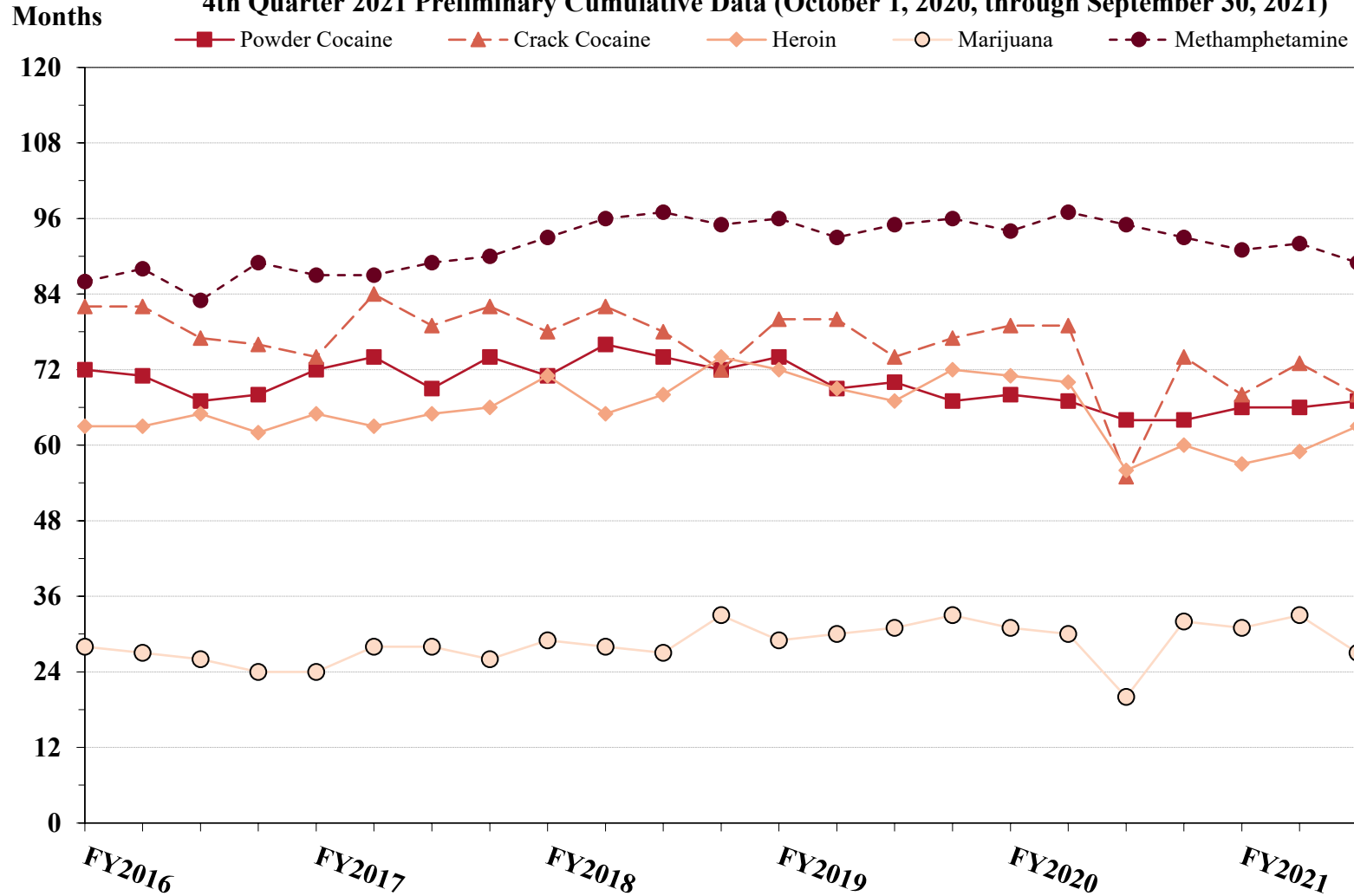
SOURCE: U.S. Sentencing Commission, Preliminary 2021 Datafile, USSCFY21 (October 1, 2020, through September 30, 2021).

Figure 12

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

Fiscal Years 2016 - 2020,

4th Quarter 2021 Preliminary Cumulative Data (October 1, 2020, through September 30, 2021)



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, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20, and Preliminary Data from USSCFY21 (October 1, 2020, through September 30, 2021).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

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

Guideline Sentencing Range

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

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

Non-Government Departure

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

Non-Government Variance

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

Other Government Motion (Downward Departure)

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

Primary Drug Type

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

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

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

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

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

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

Sentence Type

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

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

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

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

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

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

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

Sentences Under the Guidelines Manual

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

Type of Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upward Departure

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

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

Upward Variance

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

Within Guideline Range

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

Year

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