

# United States Sentencing Commission Quarterly Data Report



**4th Quarter Release  
Preliminary Fiscal Year 2022 Data  
Through September 30, 2022**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2021 are available at the Commission's website, [www.ussc.gov](http://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*.<sup>3</sup>

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<sup>3</sup> 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

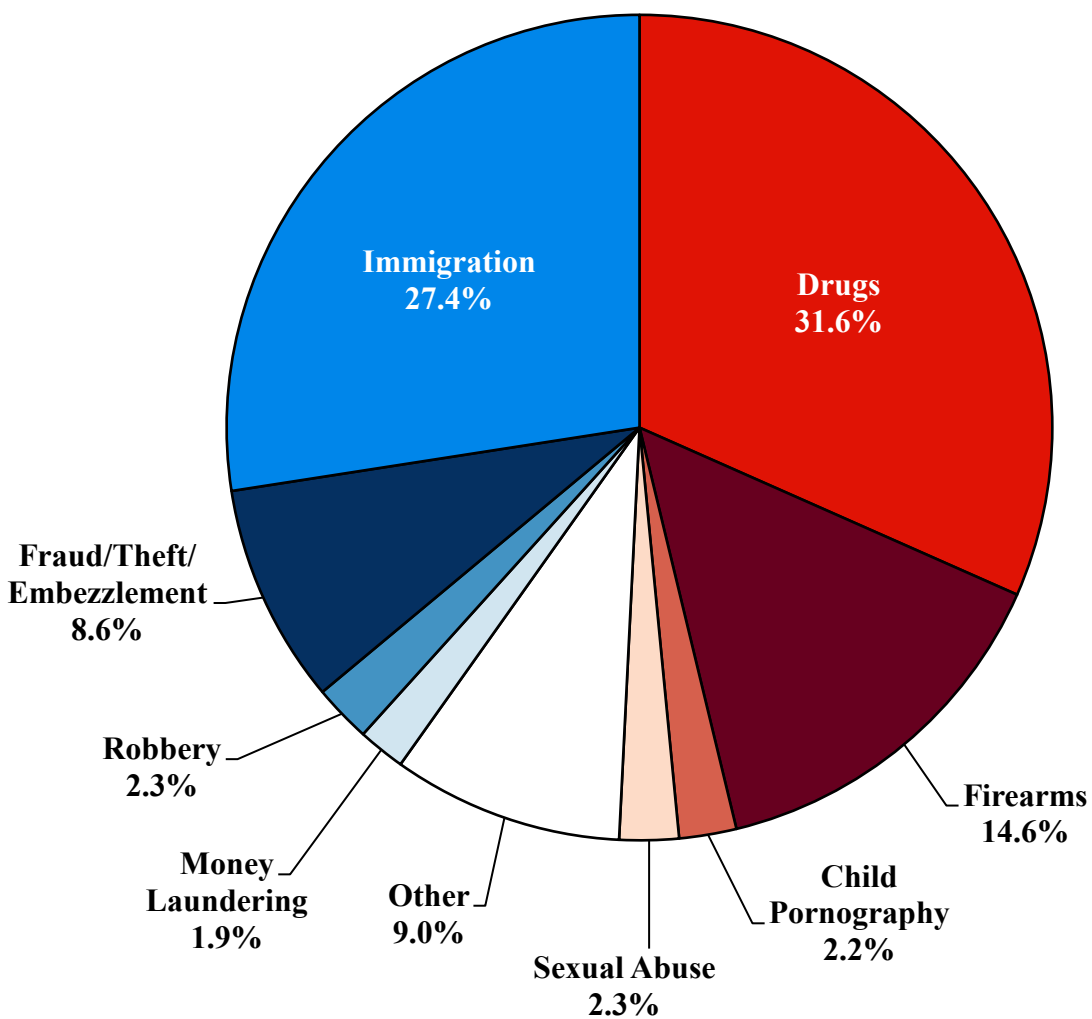
Table 18: Extent of Downward Variances by Type of Crime .....	27
Figure 5: Sentence Length and Guideline Minimum Quarterly Data for All Cases.....	28
Figure 6: Sentence Length and Guideline Minimum Quarterly Data for §2B1.1 Offenders .....	29
Figure 7: Sentence Length and Guideline Minimum Quarterly 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
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Figure 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data**  
**(October 1, 2021, through September 30, 2022)**



<sup>1</sup> This figure includes the 63,265 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	%
<b>TOTAL</b>	<b>63,265</b>	<b>100.0</b>
Administration of Justice	644	1.0
Antitrust	8	0.0
Arson	106	0.2
Assault	826	1.3
Bribery/Corruption	358	0.6
Burglary/Trespass	109	0.2
Child Pornography	1,418	2.2
Commercialized Vice	73	0.1
Drug Possession	284	0.4
Drug Trafficking	19,724	31.2
Environmental	146	0.2
Extortion/Racketeering	120	0.2
Firearms	9,235	14.6
Food and Drug	39	0.1
Forgery/Counter/Copyright	110	0.2
Fraud/Theft/Embezzlement	5,446	8.6
Immigration	17,366	27.4
Individual Rights	91	0.1
Kidnapping	126	0.2
Manslaughter	76	0.1
Money Laundering	1,171	1.9
Murder	396	0.6
National Defense	177	0.3
Obscenity/Other Sex Offenses	339	0.5
Prison Offenses	490	0.8
Robbery	1,434	2.3
Sexual Abuse	1,473	2.3
Stalking/Harassing	263	0.4
Tax	487	0.8
Other	730	1.2

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 2

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data**  
**(October 1, 2021, through September 30, 2022)**

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>TOTAL</b>	<b>63,265</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>309</b>	<b>0.5</b>	<b>FIFTH CIRCUIT</b>	<b>16,555</b>	<b>26.2</b>
District of Columbia	309	0.5	Louisiana		
			Eastern	294	0.5
			Middle	102	0.2
<b>FIRST CIRCUIT</b>	<b>1,729</b>	<b>2.7</b>	Western	313	0.5
Maine	180	0.3	Mississippi		
Massachusetts	456	0.7	Northern	132	0.2
New Hampshire	180	0.3	Southern	307	0.5
Puerto Rico	804	1.3	Texas		
Rhode Island	109	0.2	Eastern	673	1.1
			Northern	1,650	2.6
<b>SECOND CIRCUIT</b>	<b>3,213</b>	<b>5.1</b>	Southern	7,060	11.2
Connecticut	332	0.5	Western	6,024	9.5
New York			<b>SIXTH CIRCUIT</b>	<b>4,904</b>	<b>7.8</b>
Eastern	682	1.1	Kentucky		
Northern	398	0.6	Eastern	493	0.8
Southern	1,258	2.0	Western	262	0.4
Western	410	0.6	Michigan		
Vermont	133	0.2	Eastern	709	1.1
			Western	265	0.4
<b>THIRD CIRCUIT</b>	<b>2,327</b>	<b>3.7</b>	Ohio		
Delaware	81	0.1	Northern	1,132	1.8
New Jersey	639	1.0	Southern	583	0.9
Pennsylvania			Tennessee		
Eastern	492	0.8	Eastern	746	1.2
Middle	432	0.7	Middle	283	0.4
Western	629	1.0	Western	431	0.7
Virgin Islands	54	0.1			
			<b>SEVENTH CIRCUIT</b>	<b>2,465</b>	<b>3.9</b>
<b>FOURTH CIRCUIT</b>	<b>4,639</b>	<b>7.3</b>	Illinois		
Maryland	570	0.9	Central	277	0.4
North Carolina			Northern	615	1.0
Eastern	753	1.2	Southern	257	0.4
Middle	395	0.6	Indiana		
Western	552	0.9	Northern	325	0.5
South Carolina	598	0.9	Southern	514	0.8
Virginia			Wisconsin		
Eastern	911	1.4	Eastern	336	0.5
Western	277	0.4	Western	141	0.2
West Virginia					
Northern	318	0.5			
Southern	265	0.4			



Table 2 (cont.)

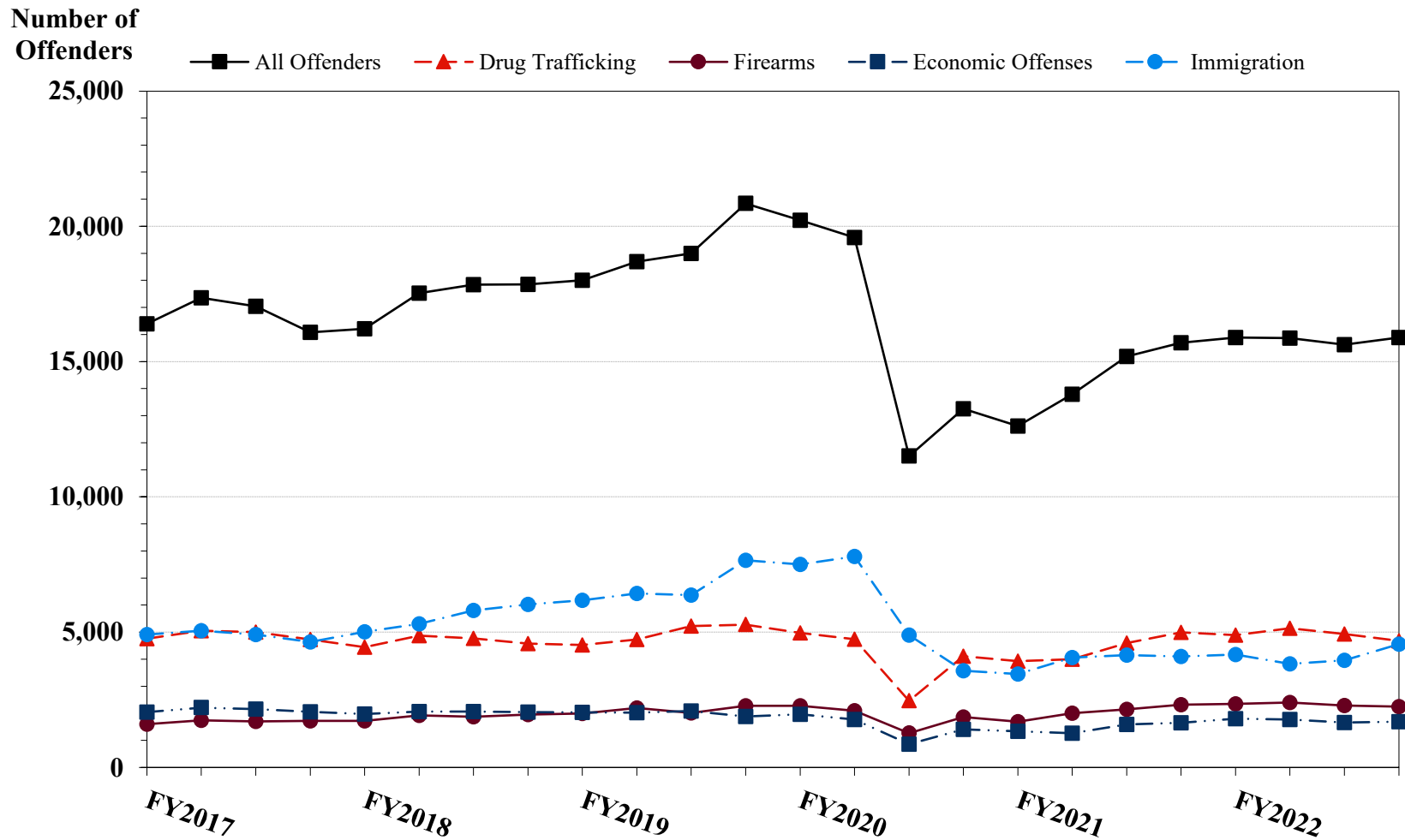
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>5,079</b>	<b>8.0</b>	<b>TENTH CIRCUIT</b>	<b>4,656</b>	<b>7.4</b>
Arkansas			Colorado	386	0.6
Eastern	547	0.9	Kansas	366	0.6
Western	218	0.3	New Mexico	1,988	3.1
Iowa			Oklahoma		
Northern	332	0.5	Eastern	178	0.3
Southern	451	0.7	Northern	435	0.7
Minnesota	324	0.5	Western	418	0.7
Missouri			Utah	738	1.2
Eastern	1,027	1.6	Wyoming	147	0.2
Western	809	1.3			
Nebraska	470	0.7	<b>ELEVENTH CIRCUIT</b>	<b>5,382</b>	<b>8.5</b>
North Dakota	344	0.5	Alabama		
South Dakota	557	0.9	Middle	162	0.3
			Northern	438	0.7
<b>NINTH CIRCUIT</b>	<b>12,007</b>	<b>19.0</b>	Southern	307	0.5
Alaska	137	0.2	Florida		
Arizona	4,431	7.0	Middle	1,011	1.6
California			Northern	264	0.4
Central	1,119	1.8	Southern	1,690	2.7
Eastern	364	0.6	Georgia		
Northern	355	0.6	Middle	446	0.7
Southern	3,443	5.4	Northern	573	0.9
Guam	26	0.0	Southern	491	0.8
Hawaii	139	0.2			
Idaho	335	0.5			
Montana	343	0.5			
Nevada	381	0.6			
Northern Mariana Islands	17	0.0			
Oregon	337	0.5			
Washington					
Eastern	211	0.3			
Western	369	0.6			

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

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

Figure 2

**NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES<sup>1</sup>**  
**Fiscal Years 2017 - 2021,**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**



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

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

Table 3

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>62,824</b>	<b>14,470</b>	<b>23.0</b>	<b>15,884</b>	<b>25.3</b>	<b>29,725</b>	<b>47.3</b>	<b>2,745</b>	<b>4.4</b>
Administration of Justice	638	183	28.7	150	23.5	233	36.5	72	11.3
Antitrust	8	8	100.0	0	0.0	0	0.0	0	0.0
Arson	106	48	45.3	37	34.9	13	12.3	8	7.5
Assault	815	154	18.9	209	25.6	145	17.8	307	37.7
Bribery/Corruption	357	146	40.9	98	27.5	80	22.4	33	9.2
Burglary/Trespass	108	49	45.4	28	25.9	15	13.9	16	14.8
Child Pornography	1,418	1,111	78.3	93	6.6	171	12.1	43	3.0
Commercialized Vice	73	28	38.4	22	30.1	11	15.1	12	16.4
Drug Possession	229	101	44.1	83	36.2	37	16.2	8	3.5
Drug Trafficking	19,699	5,101	25.9	5,550	28.2	8,407	42.7	641	3.3
Environmental	143	89	62.2	2	1.4	36	25.2	16	11.2
Extortion/Racketeering	119	43	36.1	37	31.1	34	28.6	5	4.2
Firearms	9,215	2,120	23.0	5,292	57.4	1,498	16.3	305	3.3
Food and Drug	38	31	81.6	3	7.9	3	7.9	1	2.6
Forgery/Counter/Copyright	110	56	50.9	34	30.9	11	10.0	9	8.2
Fraud/Theft/Embezzlement	5,409	2,170	40.1	1,680	31.1	1,220	22.6	339	6.3
Immigration	17,288	545	3.2	350	2.0	16,216	93.8	177	1.0
Individual Rights	91	44	48.4	23	25.3	20	22.0	4	4.4
Kidnapping	126	45	35.7	47	37.3	28	22.2	6	4.8
Manslaughter	76	11	14.5	5	6.6	4	5.3	56	73.7
Money Laundering	1,170	334	28.5	281	24.0	457	39.1	98	8.4
Murder	393	55	14.0	122	31.0	148	37.7	68	17.3
National Defense	176	41	23.3	19	10.8	102	58.0	14	8.0
Obscenity/Other Sex Offenses	338	145	42.9	54	16.0	45	13.3	94	27.8
Prison Offenses	484	127	26.2	178	36.8	143	29.5	36	7.4
Robbery	1,433	233	16.3	891	62.2	232	16.2	77	5.4
Sexual Abuse	1,471	785	53.4	282	19.2	214	14.5	190	12.9
Stalking/Harassing	261	167	64.0	44	16.9	25	9.6	25	9.6
Tax	486	252	51.9	122	25.1	72	14.8	40	8.2
Other	546	248	45.4	148	27.1	105	19.2	45	8.2

<sup>1</sup> Of the 63,265 cases, 441 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 CRIME<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>63,221</b>	<b>54,690</b>	<b>86.5</b>	<b>8,531</b>	<b>13.5</b>
Administration of Justice	644	465	72.2	179	27.8
Antitrust	8	8	100.0	0	0.0
Arson	106	95	89.6	11	10.4
Assault	825	751	91.0	74	9.0
Bribery/Corruption	358	270	75.4	88	24.6
Burglary/Trespass	109	92	84.4	17	15.6
Child Pornography	1,418	1,402	98.9	16	1.1
Commercialized Vice	73	60	82.2	13	17.8
Drug Possession	279	208	74.6	71	25.4
Drug Trafficking	19,723	16,218	82.2	3,505	17.8
Environmental	145	121	83.4	24	16.6
Extortion/Racketeering	120	96	80.0	24	20.0
Firearms	9,235	8,867	96.0	368	4.0
Food and Drug	39	25	64.1	14	35.9
Forgery/Counter/Copyright	110	79	71.8	31	28.2
Fraud/Theft/Embezzlement	5,444	3,815	70.1	1,629	29.9
Immigration	17,362	15,804	91.0	1,558	9.0
Individual Rights	91	78	85.7	13	14.3
Kidnapping	126	105	83.3	21	16.7
Manslaughter	76	62	81.6	14	18.4
Money Laundering	1,171	902	77.0	269	23.0
Murder	396	372	93.9	24	6.1
National Defense	177	156	88.1	21	11.9
Obscenity/Other Sex Offenses	339	336	99.1	3	0.9
Prison Offenses	488	440	90.2	48	9.8
Robbery	1,434	1,334	93.0	100	7.0
Sexual Abuse	1,473	1,379	93.6	94	6.4
Stalking/Harassing	263	249	94.7	14	5.3
Tax	487	361	74.1	126	25.9
Other	702	540	76.9	162	23.1

<sup>1</sup> Of the 63,265 cases, 44 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 CRIME<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>62,980</b>	<b>43,431</b>	<b>69.0</b>	<b>19,549</b>	<b>31.0</b>
Administration of Justice	640	517	80.8	123	19.2
Antitrust	8	7	87.5	1	12.5
Arson	106	101	95.3	5	4.7
Assault	818	773	94.5	45	5.5
Bribery/Corruption	358	333	93.0	25	7.0
Burglary/Trespass	108	101	93.5	7	6.5
Child Pornography	1,417	1,383	97.6	34	2.4
Commercialized Vice	73	61	83.6	12	16.4
Drug Possession	255	240	94.1	15	5.9
Drug Trafficking	19,707	16,550	84.0	3,157	16.0
Environmental	142	124	87.3	18	12.7
Extortion/Racketeering	116	102	87.9	14	12.1
Firearms	9,229	8,928	96.7	301	3.3
Food and Drug	38	37	97.4	1	2.6
Forgery/Counter/Copyright	110	104	94.5	6	5.5
Fraud/Theft/Embezzlement	5,415	4,590	84.8	825	15.2
Immigration	17,361	3,116	17.9	14,245	82.1
Individual Rights	91	87	95.6	4	4.4
Kidnapping	126	114	90.5	12	9.5
Manslaughter	76	71	93.4	5	6.6
Money Laundering	1,171	861	73.5	310	26.5
Murder	394	333	84.5	61	15.5
National Defense	175	125	71.4	50	28.6
Obscenity/Other Sex Offenses	338	326	96.4	12	3.6
Prison Offenses	476	468	98.3	8	1.7
Robbery	1,434	1,374	95.8	60	4.2
Sexual Abuse	1,472	1,396	94.8	76	5.2
Stalking/Harassing	261	255	97.7	6	2.3
Tax	487	441	90.6	46	9.4
Other	578	513	88.8	65	11.2

<sup>1</sup> Of the 63,265 cases, 285 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 CRIME<sup>1</sup>****4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

<b>TYPE OF CRIME</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>52</b>	<b>27</b>	<b>63,264</b>
<b>Administration of Justice</b>	12	8	643
<b>Antitrust</b>	5	0	8
<b>Arson</b>	45	42	106
<b>Assault</b>	64	42	826
<b>Bribery/Corruption</b>	19	12	358
<b>Burglary/Trespass</b>	17	9	109
<b>Child Pornography</b>	110	96	1,418
<b>Commercialized Vice</b>	24	16	73
<b>Drug Possession</b>	2	0	284
<b>Drug Trafficking</b>	78	60	19,724
<b>Environmental</b>	4	0	146
<b>Extortion/Racketeering</b>	58	27	120
<b>Firearms</b>	49	38	9,235
<b>Food and Drug</b>	12	0	39
<b>Forgery/Counter/Copyright</b>	16	12	110
<b>Fraud/Theft/Embezzlement</b>	22	12	5,446
<b>Immigration</b>	12	8	17,366
<b>Individual Rights</b>	41	18	91
<b>Kidnapping</b>	182	158	126
<b>Manslaughter</b>	87	74	76
<b>Money Laundering</b>	61	33	1,171
<b>Murder</b>	263	240	396
<b>National Defense</b>	36	15	177
<b>Obscenity/Other Sex Offenses</b>	22	18	339
<b>Prison Offenses</b>	12	9	490
<b>Robbery</b>	106	96	1,434
<b>Sexual Abuse</b>	207	180	1,473
<b>Stalking/Harassing</b>	27	18	263
<b>Tax</b>	14	10	487
<b>Other</b>	3	0	730

<sup>1</sup> Of the 63,265 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 CRIME<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,265</b>	<b>58,300</b>	<b>92.2</b>	<b>56,366</b>	<b>89.1</b>	<b>1,934</b>	<b>3.1</b>	<b>4,662</b>	<b>7.4</b>	<b>984</b>	<b>1.6</b>	<b>3,678</b>	<b>5.8</b>	<b>303</b>	<b>0.5</b>
Administration of Justice	644	469	72.8	438	68.0	31	4.8	170	26.4	29	4.5	141	21.9	5	0.8
Antitrust	8	3	37.5	3	37.5	0	0.0	5	62.5	0	0.0	5	62.5	0	0.0
Arson	106	99	93.4	96	90.6	3	2.8	7	6.6	1	0.9	6	5.7	0	0.0
Assault	826	770	93.2	748	90.6	22	2.7	49	5.9	6	0.7	43	5.2	7	0.8
Bribery/Corruption	358	275	76.8	256	71.5	19	5.3	83	23.2	25	7.0	58	16.2	0	0.0
Burglary/Trespass	109	80	73.4	80	73.4	0	0.0	29	26.6	10	9.2	19	17.4	0	0.0
Child Pornography	1,418	1,401	98.8	1,375	97.0	26	1.8	17	1.2	4	0.3	13	0.9	0	0.0
Commercialized Vice	73	53	72.6	51	69.9	2	2.7	20	27.4	3	4.1	17	23.3	0	0.0
Drug Possession	284	121	42.6	120	42.3	1	0.4	90	31.7	4	1.4	86	30.3	73	25.7
Drug Trafficking	19,724	19,053	96.6	18,293	92.7	760	3.9	667	3.4	130	0.7	537	2.7	4	0.0
Environmental	146	46	31.5	43	29.5	3	2.1	96	65.8	14	9.6	82	56.2	4	2.7
Extortion/Racketeering	120	101	84.2	95	79.2	6	5.0	18	15.0	4	3.3	14	11.7	1	0.8
Firearms	9,235	8,707	94.3	8,487	91.9	220	2.4	527	5.7	124	1.3	403	4.4	1	0.0
Food and Drug	39	24	61.5	22	56.4	2	5.1	15	38.5	0	0.0	15	38.5	0	0.0
Forgery/Counter/Copyright	110	85	77.3	78	70.9	7	6.4	25	22.7	8	7.3	17	15.5	0	0.0
Fraud/Theft/Embezzlement	5,446	4,143	76.1	3,863	70.9	280	5.1	1,268	23.3	296	5.4	972	17.8	35	0.6
Immigration	17,366	16,609	95.6	16,284	93.8	325	1.9	756	4.4	191	1.1	565	3.3	1	0.0
Individual Rights	91	60	65.9	59	64.8	1	1.1	29	31.9	1	1.1	28	30.8	2	2.2
Kidnapping	126	122	96.8	120	95.2	2	1.6	4	3.2	1	0.8	3	2.4	0	0.0
Manslaughter	76	74	97.4	66	86.8	8	10.5	2	2.6	0	0.0	2	2.6	0	0.0
Money Laundering	1,171	1,019	87.0	986	84.2	33	2.8	151	12.9	46	3.9	105	9.0	1	0.1
Murder	396	395	99.7	390	98.5	5	1.3	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	177	136	76.8	128	72.3	8	4.5	25	14.1	7	4.0	18	10.2	16	9.0
Obscenity/Other Sex Offenses	339	321	94.7	292	86.1	29	8.6	18	5.3	4	1.2	14	4.1	0	0.0
Prison Offenses	490	471	96.1	450	91.8	21	4.3	19	3.9	2	0.4	17	3.5	0	0.0
Robbery	1,434	1,412	98.5	1,373	95.7	39	2.7	22	1.5	6	0.4	16	1.1	0	0.0
Sexual Abuse	1,473	1,466	99.5	1,438	97.6	28	1.9	6	0.4	1	0.1	5	0.3	1	0.1
Stalking/Harassing	263	232	88.2	215	81.7	17	6.5	31	11.8	10	3.8	21	8.0	0	0.0
Tax	487	297	61.0	275	56.5	22	4.5	188	38.6	39	8.0	149	30.6	2	0.4
Other	730	256	35.1	242	33.2	14	1.9	324	44.4	18	2.5	306	41.9	150	20.5

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

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

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>63,067</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>42,773</b>	<b>67.8</b>
Within Guideline Range	26,499	42.0
Upward Departure <sup>2</sup>	357	0.6
Downward Departure		
§5K1.1 Substantial Assistance	6,542	10.4
§5K3.1 Early Disposition Program	6,552	10.4
Other Government Motion <sup>3</sup>	1,428	2.3
Non-Government Departure <sup>4</sup>	1,395	2.2
<b>VARIANCES</b>	<b>20,294</b>	<b>32.2</b>
Upward Variance <sup>5</sup>	1,457	2.3
Downward Variance		
Government Motion <sup>6</sup>	6,044	9.6
Non-Government Variance <sup>7</sup>	12,793	20.3

<sup>1</sup> This table reflects the 63,265 cases sentenced on or after October 1, 2021, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by December 13, 2022. Of these, 198 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

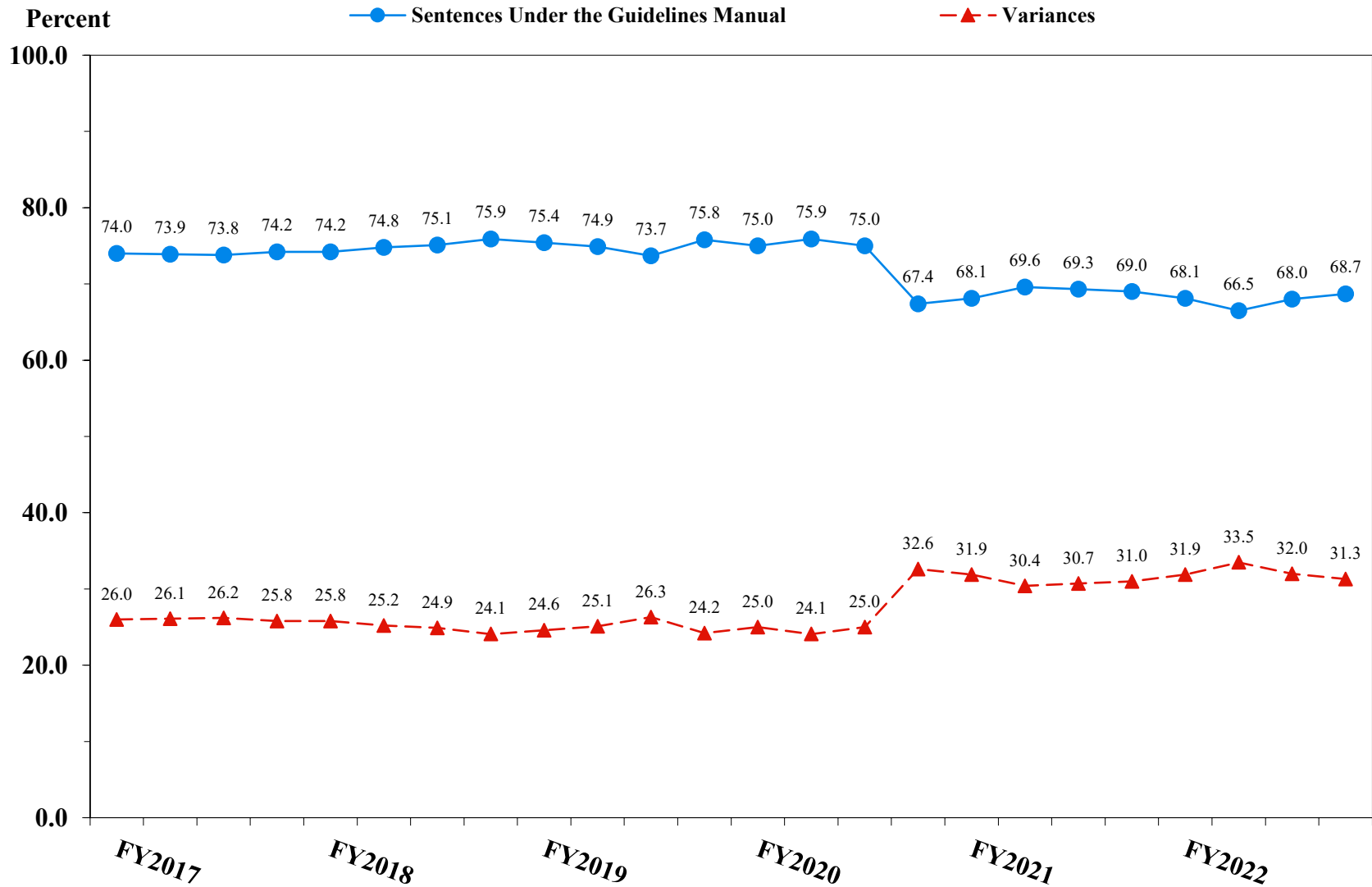
<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

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



**Figure 3**

**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2017 - 2021,**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

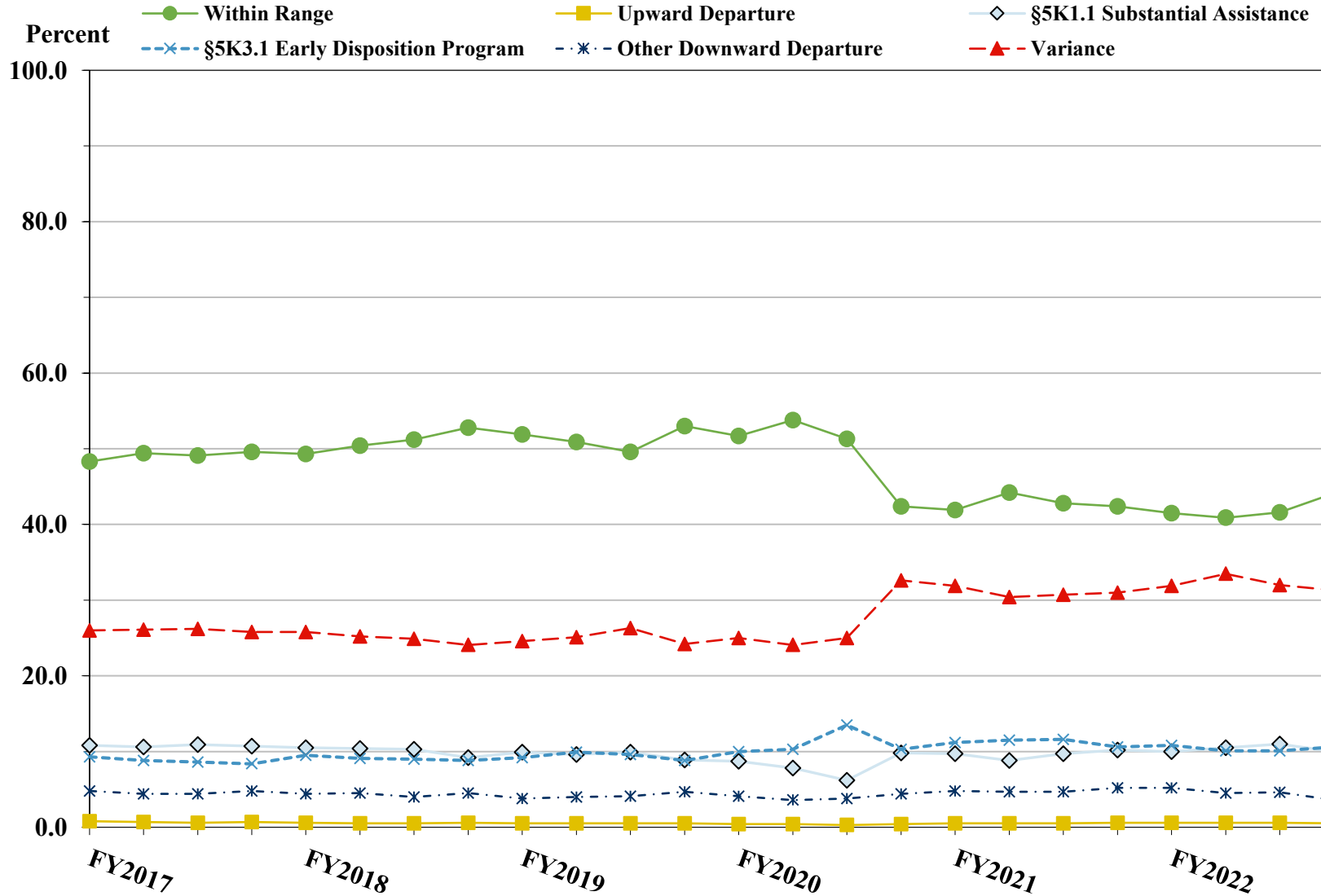
SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through September 30, 2022).

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA<sup>1</sup>

Fiscal Years 2017 - 2021,

4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

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

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>63,067</b>	<b>26,499</b>	<b>42.0</b>	<b>357</b>	<b>0.6</b>	<b>6,542</b>	<b>10.4</b>	<b>6,552</b>	<b>10.4</b>	<b>2,823</b>	<b>4.5</b>	<b>20,294</b>	<b>32.2</b>
<b>D.C. CIRCUIT</b>	<b>308</b>	<b>164</b>	<b>53.2</b>	<b>1</b>	<b>0.3</b>	<b>37</b>	<b>12.0</b>	<b>2</b>	<b>0.6</b>	<b>12</b>	<b>3.9</b>	<b>92</b>	<b>29.9</b>
District of Columbia	308	164	53.2	1	0.3	37	12.0	2	0.6	12	3.9	92	29.9
<b>FIRST CIRCUIT</b>	<b>1,729</b>	<b>541</b>	<b>31.3</b>	<b>3</b>	<b>0.2</b>	<b>185</b>	<b>10.7</b>	<b>0</b>	<b>0.0</b>	<b>102</b>	<b>5.9</b>	<b>898</b>	<b>51.9</b>
Maine	180	33	18.3	1	0.6	44	24.4	0	0.0	4	2.2	98	54.4
Massachusetts	456	119	26.1	1	0.2	64	14.0	0	0.0	37	8.1	235	51.5
New Hampshire	180	37	20.6	0	0.0	15	8.3	0	0.0	8	4.4	120	66.7
Puerto Rico	804	333	41.4	1	0.1	52	6.5	0	0.0	51	6.3	367	45.6
Rhode Island	109	19	17.4	0	0.0	10	9.2	0	0.0	2	1.8	78	71.6
<b>SECOND CIRCUIT</b>	<b>3,209</b>	<b>834</b>	<b>26.0</b>	<b>21</b>	<b>0.7</b>	<b>438</b>	<b>13.6</b>	<b>2</b>	<b>0.1</b>	<b>141</b>	<b>4.4</b>	<b>1,773</b>	<b>55.3</b>
Connecticut	332	96	28.9	0	0.0	35	10.5	0	0.0	43	13.0	158	47.6
New York													
Eastern	680	150	22.1	4	0.6	129	19.0	1	0.1	56	8.2	340	50.0
Northern	397	196	49.4	4	1.0	87	21.9	1	0.3	11	2.8	98	24.7
Southern	1,258	238	18.9	1	0.1	108	8.6	0	0.0	27	2.1	884	70.3
Western	409	131	32.0	12	2.9	58	14.2	0	0.0	2	0.5	206	50.4
Vermont	133	23	17.3	0	0.0	21	15.8	0	0.0	2	1.5	87	65.4
<b>THIRD CIRCUIT</b>	<b>2,325</b>	<b>913</b>	<b>39.3</b>	<b>10</b>	<b>0.4</b>	<b>409</b>	<b>17.6</b>	<b>5</b>	<b>0.2</b>	<b>59</b>	<b>2.5</b>	<b>929</b>	<b>40.0</b>
Delaware	81	34	42.0	1	1.2	6	7.4	2	2.5	6	7.4	32	39.5
New Jersey	637	238	37.4	0	0.0	119	18.7	0	0.0	4	0.6	276	43.3
Pennsylvania													
Eastern	492	142	28.9	1	0.2	130	26.4	0	0.0	16	3.3	203	41.3
Middle	432	207	47.9	3	0.7	74	17.1	3	0.7	22	5.1	123	28.5
Western	629	251	39.9	5	0.8	77	12.2	0	0.0	11	1.7	285	45.3
Virgin Islands	54	41	75.9	0	0.0	3	5.6	0	0.0	0	0.0	10	18.5
<b>FOURTH CIRCUIT</b>	<b>4,594</b>	<b>2,118</b>	<b>46.1</b>	<b>33</b>	<b>0.7</b>	<b>698</b>	<b>15.2</b>	<b>2</b>	<b>0.0</b>	<b>126</b>	<b>2.7</b>	<b>1,617</b>	<b>35.2</b>
Maryland	560	148	26.4	6	1.1	107	19.1	0	0.0	29	5.2	270	48.2
North Carolina													
Eastern	729	377	51.7	5	0.7	176	24.1	0	0.0	10	1.4	161	22.1
Middle	395	204	51.6	3	0.8	33	8.4	0	0.0	4	1.0	151	38.2
Western	550	292	53.1	0	0.0	74	13.5	0	0.0	4	0.7	180	32.7
South Carolina	597	207	34.7	5	0.8	164	27.5	0	0.0	20	3.4	201	33.7
Virginia													
Eastern	903	481	53.3	8	0.9	50	5.5	0	0.0	44	4.9	320	35.4
Western	277	97	35.0	4	1.4	46	16.6	0	0.0	14	5.1	116	41.9
West Virginia													
Northern	318	188	59.1	0	0.0	28	8.8	2	0.6	1	0.3	99	31.1
Southern	265	124	46.8	2	0.8	20	7.5	0	0.0	0	0.0	119	44.9

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,526</b>	<b>10,161</b>	<b>61.5</b>	<b>48</b>	<b>0.3</b>	<b>1,054</b>	<b>6.4</b>	<b>1,179</b>	<b>7.1</b>	<b>814</b>	<b>4.9</b>	<b>3,270</b>	<b>19.8</b>
Louisiana													
Eastern	293	171	58.4	1	0.3	30	10.2	0	0.0	4	1.4	87	29.7
Middle	102	52	51.0	1	1.0	15	14.7	0	0.0	0	0.0	34	33.3
Western	302	191	63.2	4	1.3	45	14.9	0	0.0	5	1.7	57	18.9
Mississippi													
Northern	129	56	43.4	0	0.0	29	22.5	0	0.0	0	0.0	44	34.1
Southern	306	213	69.6	0	0.0	27	8.8	0	0.0	1	0.3	65	21.2
Texas													
Eastern	671	368	54.8	2	0.3	53	7.9	0	0.0	5	0.7	243	36.2
Northern	1,648	1,008	61.2	11	0.7	153	9.3	0	0.0	25	1.5	451	27.4
Southern	7,054	3,429	48.6	23	0.3	473	6.7	1,108	15.7	630	8.9	1,391	19.7
Western	6,021	4,673	77.6	6	0.1	229	3.8	71	1.2	144	2.4	898	14.9
<b>SIXTH CIRCUIT</b>	<b>4,900</b>	<b>1,876</b>	<b>38.3</b>	<b>21</b>	<b>0.4</b>	<b>927</b>	<b>18.9</b>	<b>8</b>	<b>0.2</b>	<b>180</b>	<b>3.7</b>	<b>1,888</b>	<b>38.5</b>
Kentucky													
Eastern	493	246	49.9	1	0.2	76	15.4	0	0.0	3	0.6	167	33.9
Western	262	77	29.4	2	0.8	78	29.8	6	2.3	18	6.9	81	30.9
Michigan													
Eastern	709	224	31.6	0	0.0	86	12.1	0	0.0	19	2.7	380	53.6
Western	265	131	49.4	5	1.9	47	17.7	1	0.4	9	3.4	72	27.2
Ohio													
Northern	1,131	477	42.2	8	0.7	220	19.5	0	0.0	22	1.9	404	35.7
Southern	582	140	24.1	3	0.5	143	24.6	0	0.0	89	15.3	207	35.6
Tennessee													
Eastern	746	343	46.0	2	0.3	187	25.1	1	0.1	13	1.7	200	26.8
Middle	281	58	20.6	0	0.0	23	8.2	0	0.0	4	1.4	196	69.8
Western	431	180	41.8	0	0.0	67	15.5	0	0.0	3	0.7	181	42.0
<b>SEVENTH CIRCUIT</b>	<b>2,462</b>	<b>925</b>	<b>37.6</b>	<b>7</b>	<b>0.3</b>	<b>236</b>	<b>9.6</b>	<b>1</b>	<b>0.0</b>	<b>115</b>	<b>4.7</b>	<b>1,178</b>	<b>47.8</b>
Illinois													
Central	277	104	37.5	1	0.4	42	15.2	1	0.4	3	1.1	126	45.5
Northern	613	181	29.5	3	0.5	48	7.8	0	0.0	32	5.2	349	56.9
Southern	257	147	57.2	2	0.8	38	14.8	0	0.0	5	1.9	65	25.3
Indiana													
Northern	325	162	49.8	0	0.0	31	9.5	0	0.0	10	3.1	122	37.5
Southern	514	226	44.0	0	0.0	48	9.3	0	0.0	2	0.4	238	46.3
Wisconsin													
Eastern	335	69	20.6	0	0.0	23	6.9	0	0.0	11	3.3	232	69.3
Western	141	36	25.5	1	0.7	6	4.3	0	0.0	52	36.9	46	32.6
<b>EIGHTH CIRCUIT</b>	<b>5,072</b>	<b>2,179</b>	<b>43.0</b>	<b>45</b>	<b>0.9</b>	<b>585</b>	<b>11.5</b>	<b>15</b>	<b>0.3</b>	<b>80</b>	<b>1.6</b>	<b>2,168</b>	<b>42.7</b>
Arkansas													
Eastern	546	313	57.3	0	0.0	48	8.8	0	0.0	4	0.7	181	33.2
Western	218	78	35.8	0	0.0	24	11.0	0	0.0	1	0.5	115	52.8
Iowa													
Northern	332	163	49.1	14	4.2	53	16.0	0	0.0	6	1.8	96	28.9
Southern	451	163	36.1	4	0.9	56	12.4	0	0.0	2	0.4	226	50.1
Minnesota	322	98	30.4	3	0.9	39	12.1	2	0.6	11	3.4	169	52.5
Missouri													
Eastern	1,026	422	41.1	4	0.4	91	8.9	0	0.0	3	0.3	506	49.3
Western	807	296	36.7	0	0.0	111	13.8	0	0.0	11	1.4	389	48.2
Nebraska	470	231	49.1	0	0.0	24	5.1	12	2.6	8	1.7	195	41.5
North Dakota	343	110	32.1	5	1.5	137	39.9	1	0.3	2	0.6	88	25.7
South Dakota	557	305	54.8	15	2.7	2	0.4	0	0.0	32	5.7	203	36.4

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>11,971</b>	<b>2,635</b>	<b>22.0</b>	<b>103</b>	<b>0.9</b>	<b>881</b>	<b>7.4</b>	<b>4,758</b>	<b>39.7</b>	<b>583</b>	<b>4.9</b>	<b>3,011</b>	<b>25.2</b>
Alaska	137	38	27.7	0	0.0	25	18.2	0	0.0	0	0.0	74	54.0
Arizona	4,403	1,147	26.1	18	0.4	71	1.6	2,638	59.9	54	1.2	475	10.8
California													
Central	1,117	270	24.2	7	0.6	147	13.2	25	2.2	89	8.0	579	51.8
Eastern	364	129	35.4	1	0.3	59	16.2	8	2.2	8	2.2	159	43.7
Northern	355	55	15.5	1	0.3	30	8.5	2	0.6	15	4.2	252	71.0
Southern	3,438	401	11.7	68	2.0	169	4.9	2,054	59.7	383	11.1	363	10.6
Guam	26	15	57.7	1	3.8	7	26.9	0	0.0	0	0.0	3	11.5
Hawaii	139	39	28.1	0	0.0	42	30.2	0	0.0	1	0.7	57	41.0
Idaho	335	103	30.7	0	0.0	89	26.6	6	1.8	10	3.0	127	37.9
Montana	343	103	30.0	3	0.9	99	28.9	0	0.0	6	1.7	132	38.5
Nevada	381	91	23.9	0	0.0	17	4.5	24	6.3	5	1.3	244	64.0
Northern Mariana Islands	17	9	52.9	0	0.0	6	35.3	0	0.0	0	0.0	2	11.8
Oregon	337	52	15.4	2	0.6	70	20.8	0	0.0	8	2.4	205	60.8
Washington													
Eastern	211	63	29.9	1	0.5	42	19.9	1	0.5	3	1.4	101	47.9
Western	368	120	32.6	1	0.3	8	2.2	0	0.0	1	0.3	238	64.7
<b>TENTH CIRCUIT</b>	<b>4,632</b>	<b>1,595</b>	<b>34.4</b>	<b>48</b>	<b>1.0</b>	<b>396</b>	<b>8.5</b>	<b>575</b>	<b>12.4</b>	<b>485</b>	<b>10.5</b>	<b>1,533</b>	<b>33.1</b>
Colorado	385	129	33.5	0	0.0	88	22.9	9	2.3	10	2.6	149	38.7
Kansas	362	152	42.0	1	0.3	59	16.3	3	0.8	6	1.7	141	39.0
New Mexico	1,986	723	36.4	9	0.5	52	2.6	492	24.8	280	14.1	430	21.7
Oklahoma													
Eastern	178	82	46.1	0	0.0	44	24.7	0	0.0	8	4.5	44	24.7
Northern	429	174	40.6	32	7.5	49	11.4	0	0.0	125	29.1	49	11.4
Western	415	195	47.0	3	0.7	26	6.3	0	0.0	5	1.2	186	44.8
Utah	731	114	15.6	0	0.0	50	6.8	68	9.3	45	6.2	454	62.1
Wyoming	146	26	17.8	3	2.1	28	19.2	3	2.1	6	4.1	80	54.8
<b>ELEVENTH CIRCUIT</b>	<b>5,339</b>	<b>2,558</b>	<b>47.9</b>	<b>17</b>	<b>0.3</b>	<b>696</b>	<b>13.0</b>	<b>5</b>	<b>0.1</b>	<b>126</b>	<b>2.4</b>	<b>1,937</b>	<b>36.3</b>
Alabama													
Middle	162	63	38.9	0	0.0	44	27.2	0	0.0	0	0.0	55	34.0
Northern	438	240	54.8	2	0.5	85	19.4	0	0.0	8	1.8	103	23.5
Southern	307	138	45.0	2	0.7	67	21.8	2	0.7	8	2.6	90	29.3
Florida													
Middle	1,010	413	40.9	2	0.2	168	16.6	0	0.0	13	1.3	414	41.0
Northern	261	98	37.5	2	0.8	69	26.4	2	0.8	2	0.8	88	33.7
Southern	1,659	852	51.4	0	0.0	96	5.8	0	0.0	27	1.6	684	41.2
Georgia													
Middle	440	258	58.6	3	0.7	40	9.1	0	0.0	46	10.5	93	21.1
Northern	571	189	33.1	1	0.2	51	8.9	1	0.2	12	2.1	317	55.5
Southern	491	307	62.5	5	1.0	76	15.5	0	0.0	10	2.0	93	18.9

<sup>1</sup> Of the 63,265 cases, 198 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 CRIME<sup>1</sup>  
4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,067</b>	<b>26,499</b>	<b>42.0</b>	<b>357</b>	<b>0.6</b>	<b>6,542</b>	<b>10.4</b>	<b>6,552</b>	<b>10.4</b>	<b>2,823</b>	<b>4.5</b>	<b>20,294</b>	<b>32.2</b>
Administration of Justice	643	312	48.5	10	1.6	29	4.5	6	0.9	31	4.8	255	39.7
Antitrust	8	0	0.0	0	0.0	3	37.5	0	0.0	0	0.0	5	62.5
Arson	106	44	41.5	2	1.9	15	14.2	0	0.0	6	5.7	39	36.8
Assault	817	381	46.6	25	3.1	33	4.0	3	0.4	76	9.3	299	36.6
Bribery/Corruption	358	64	17.9	0	0.0	106	29.6	0	0.0	16	4.5	172	48.0
Burglary/Trespass	108	78	72.2	5	4.6	5	4.6	0	0.0	5	4.6	15	13.9
Child Pornography	1,418	484	34.1	9	0.6	27	1.9	3	0.2	67	4.7	828	58.4
Commercialized Vice	73	30	41.1	7	9.6	9	12.3	0	0.0	6	8.2	21	28.8
Drug Possession	262	229	87.4	1	0.4	1	0.4	0	0.0	0	0.0	31	11.8
Drug Trafficking	19,714	5,433	27.6	67	0.3	4,048	20.5	1,625	8.2	956	4.8	7,585	38.5
Environmental	138	68	49.3	0	0.0	17	12.3	1	0.7	5	3.6	47	34.1
Extortion/Racketeering	114	36	31.6	0	0.0	14	12.3	1	0.9	10	8.8	53	46.5
Firearms	9,227	4,726	51.2	72	0.8	478	5.2	9	0.1	341	3.7	3,601	39.0
Food and Drug	37	22	59.5	0	0.0	0	0.0	0	0.0	1	2.7	14	37.8
Forgery/Counter/Copyright	110	51	46.4	1	0.9	12	10.9	0	0.0	4	3.6	42	38.2
Fraud/Theft/Embezzlement	5,424	2,270	41.9	63	1.2	710	13.1	8	0.1	176	3.2	2,197	40.5
Immigration	17,317	9,221	53.2	22	0.1	201	1.2	4,876	28.2	799	4.6	2,198	12.7
Individual Rights	90	37	41.1	0	0.0	15	16.7	0	0.0	5	5.6	33	36.7
Kidnapping	126	41	32.5	0	0.0	24	19.0	0	0.0	7	5.6	54	42.9
Manslaughter	76	31	40.8	10	13.2	1	1.3	0	0.0	4	5.3	30	39.5
Money Laundering	1,170	306	26.2	12	1.0	307	26.2	11	0.9	55	4.7	479	40.9
Murder	396	127	32.1	10	2.5	105	26.5	0	0.0	18	4.5	136	34.3
National Defense	174	70	40.2	0	0.0	27	15.5	4	2.3	16	9.2	57	32.8
Obscenity/Other Sex Offenses	338	164	48.5	4	1.2	0	0.0	0	0.0	11	3.3	159	47.0
Prison Offenses	490	321	65.5	3	0.6	6	1.2	3	0.6	24	4.9	133	27.1
Robbery	1,434	539	37.6	8	0.6	181	12.6	0	0.0	72	5.0	634	44.2
Sexual Abuse	1,473	602	40.9	16	1.1	85	5.8	0	0.0	72	4.9	698	47.4
Stalking/Harassing	261	112	42.9	4	1.5	2	0.8	1	0.4	19	7.3	123	47.1
Tax	487	102	20.9	6	1.2	78	16.0	1	0.2	17	3.5	283	58.1
Other	678	598	88.2	0	0.0	3	0.4	0	0.0	4	0.6	73	10.8

<sup>1</sup> Of the 63,265 cases, 198 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 GUIDELINE<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

Guideline	Within Guideline							Variance	Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Departure			Total	Range	Up	§5K1.1	§5K3.1	Down	Departure
§2A1.1	276	80	1	85	0	14	96	§2D1.8	22	5	0	3	0	1	13	
§2A1.2	79	37	8	4	0	4	26	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	39	16	6	0	0	1	16	§2D1.10	1	0	0	1	0	0	0	
§2A1.4	36	15	3	1	0	3	14	§2D1.11	0	0	0	0	0	0	0	
§2A1.5	25	8	0	6	0	0	11	§2D1.12	3	1	0	0	0	0	2	
§2A2.1	175	62	2	23	0	7	81	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	516	230	22	9	3	61	191	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	67	52	1	0	0	3	11	§2D2.1	128	104	1	1	0	0	22	
§2A2.4	244	132	1	1	2	23	85	§2D2.2	51	41	0	3	0	1	6	
§2A3.1	137	61	1	0	0	19	56	§2D2.3	1	0	0	0	0	0	1	
§2A3.2	45	30	2	0	0	2	11	§2D3.1	1	1	0	0	0	0	0	
§2A3.3	6	2	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	47	28	1	0	0	2	16	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	302	156	3	0	0	11	132	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	119	38	0	23	0	6	52	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	2	2	0	0	0	0	0	§2E1.1	48	16	0	9	0	6	17	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0	
§2A5.2	27	14	0	0	0	1	12	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	9	4	0	0	0	0	5	
§2A6.1	181	79	3	1	0	10	88	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	78	31	1	1	1	9	35	§2E2.1	4	0	0	0	0	2	2	
§2B1.1	5,153	2,062	61	699	7	171	2,153	§2E3.1	39	15	4	3	0	6	11	
§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	17	1	0	1	0	1	14	§2E4.1	12	1	0	2	0	0	9	
§2B1.5	7	1	0	0	0	1	5	§2E5.1	1	0	0	0	0	0	1	
§2B1.6 <sup>2</sup>	87	78	0	9	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	67	39	5	5	0	5	13	§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	38	38	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	1,416	534	8	179	0	72	623	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	23	6	0	3	1	1	12	§2F1.1	0	0	0	0	0	0	0	
§2B3.3	5	1	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	119	15	0	56	0	4	44	§2G1.1	68	26	4	11	0	5	22	
§2B5.1	85	48	1	5	0	4	27	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	467	210	7	42	0	17	191	
§2B5.3	24	3	0	7	0	0	14	§2G2.1	731	260	3	38	0	26	404	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,415	484	9	27	3	67	825	
§2B6.1	3	1	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	211	41	0	45	0	12	113	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	15	2	0	4	0	0	9	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	4	3	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	33	8	1	0	0	0	24	
§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	62	19	0	12	0	4	27	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	7	2	0	1	0	0	4	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	19,404	5,306	65	4,018	1,621	922	7,472	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	200	99	2	16	0	25	58	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	2	0	2	0	0	0	
§2D1.5	8	1	0	4	0	2	1	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	11	10	0	0	0	0	1	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	9	4	0	1	0	1	3	

Table 11 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	116	38	0	14	4	14	46
§2J1.1	0	0	0	0	0	0	0	§2M5.3	19	8	0	5	0	1	5
§2J1.2	110	39	3	7	0	3	58	§2M6.1	0	0	0	0	0	0	0
§2J1.3	13	6	0	1	0	0	6	§2M6.2	0	0	0	0	0	0	0
§2J1.4	8	7	0	0	0	0	1	§2N1.1	14	2	0	0	0	0	12
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	27	15	0	0	0	1	11	§2N1.3	1	0	0	0	0	0	1
§2J1.7	0	0	0	0	0	0	0	§2N2.1	20	18	0	0	0	1	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	278	184	2	2	0	5	85
§2K1.1	1	1	0	0	0	0	0	§2P1.2	141	96	1	4	0	8	32
§2K1.2	0	0	0	0	0	0	0	§2P1.3	2	1	0	0	0	0	1
§2K1.3	5	2	0	1	0	0	2	§2P1.4	0	0	0	0	0	0	0
§2K1.4	103	44	2	14	0	5	38	§2Q1.1	2	0	0	0	0	0	2
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	48	23	0	10	0	3	12
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	4	0	1	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	1	0	0	0	0	0	1
§2K2.1	8,811	4,417	65	451	9	336	3,533	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	65	35	0	6	1	1	22
§2K2.4 <sup>3</sup>	343	274	5	24	0	0	40	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	7	2	0	0	0	3	§2R1.1	8	0	0	3	0	0	5
§2K2.6	1	1	0	0	0	0	0	§2S1.1	984	224	1	291	7	45	416
§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	182	80	11	16	4	9	62
§2L1.1	4,018	1,541	1	124	1,625	104	623	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,742	6,551	21	34	3,078	661	1,397	§2T1.1	257	52	0	46	0	9	150
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	83	22	0	40	0	0	21	§2T1.3	1	1	0	0	0	0	0
§2L2.2	655	542	0	2	5	23	83	§2T1.4	137	26	0	30	0	3	78
§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	68	12	0	2	0	4	50
§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	7	2	1	0	0	0	4
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	14	7	5	0	1	0	1
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	0	0	0	0	0	0	0	§2X1.1	14	2	0	0	0	1	11
§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	94	26	2	22	0	2	42
§2M3.6	0	0	0	0	0	0	0	§2X4.1	213	99	5	17	4	4	84
§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	204	168	0	0	0	0	36
§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	17	5	0	7	0	1	4	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>61,274</b>	<b>25,153</b>	<b>354</b>	<b>6,536</b>	<b>6,376</b>	<b>2,777</b>	<b>20,078</b>

<sup>1</sup> Of the 63,265 cases, 1,991 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 (198) or missing guideline applied (1,959). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 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.

<sup>3</sup> 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 RANGE<sup>1</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		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	%
<b>TOTAL</b>	<b>36,568</b>	<b>6,559</b>	<b>17.9</b>	<b>6,654</b>	<b>18.2</b>	<b>5,893</b>	<b>16.1</b>	<b>8,221</b>	<b>22.5</b>	<b>519</b>	<b>1.4</b>
<b>Departures</b>	<b>16,274</b>	<b>6,542</b>	<b>40.2</b>	<b>6,645</b>	<b>40.8</b>	<b>3,779</b>	<b>23.2</b>	<b>6,309</b>	<b>38.8</b>	<b>334</b>	<b>2.1</b>
Upward Departure	357	0	0.0	0	0.0	96	26.9	84	23.5	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	6,542	6,542	100.0	93	1.4	224	3.4	1,726	26.4	36	0.6
§5K3.1 Early Disposition Program	6,552	0	0.0	6,552	100.0	2,823	43.1	3,975	60.7	285	4.3
Other Government Motion	1,428	0	0.0	0	0.0	636	44.5	524	36.7	13	0.9
Non-Government Departure	1,395	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>20,294</b>	<b>17</b>	<b>0.1</b>	<b>9</b>	<b>0.0</b>	<b>2,114</b>	<b>10.4</b>	<b>1,912</b>	<b>9.4</b>	<b>185</b>	<b>0.9</b>
Upward Variance	1,457	17	1.2	9	0.6	223	15.3	136	9.3	1	0.1
Downward Variance											
Government Motion	6,044	0	0.0	0	0.0	1,891	31.3	1,776	29.4	184	3.0
Non-Government Variance	12,793	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	%
<b>TOTAL</b>	<b>5,738</b>	<b>15.7</b>	<b>6,151</b>	<b>16.8</b>	<b>7,376</b>	<b>20.2</b>	<b>2,019</b>	<b>5.5</b>	<b>4,890</b>	<b>13.4</b>	<b>2,386</b>	<b>6.5</b>
<b>Departures</b>	<b>4,847</b>	<b>29.8</b>	<b>2,479</b>	<b>15.2</b>	<b>1,605</b>	<b>9.9</b>	<b>853</b>	<b>5.2</b>	<b>1,253</b>	<b>7.7</b>	<b>244</b>	<b>1.5</b>
Upward Departure	86	24.1	0	0.0	7	2.0	14	3.9	69	19.3	37	10.4
Downward Departure												
§5K1.1 Substantial Assistance	4,208	64.3	837	12.8	693	10.6	424	6.5	617	9.4	0	0.0
§5K3.1 Early Disposition Program	363	5.5	808	12.3	550	8.4	265	4.0	174	2.7	0	0.0
Other Government Motion	190	13.3	100	7.0	72	5.0	150	10.5	91	6.4	45	3.2
Non-Government Departure	0	0.0	734	52.6	283	20.3	0	0.0	302	21.6	162	11.6
<b>Variations</b>	<b>891</b>	<b>4.4</b>	<b>3,672</b>	<b>18.1</b>	<b>5,771</b>	<b>28.4</b>	<b>1,166</b>	<b>5.7</b>	<b>3,637</b>	<b>17.9</b>	<b>2,142</b>	<b>10.6</b>
Upward Variance	269	18.5	6	0.4	12	0.8	27	1.9	619	42.5	217	14.9
Downward Variance												
Government Motion	622	10.3	576	9.5	269	4.5	1,139	18.8	274	4.5	212	3.5
Non-Government Variance	0	0.0	3,090	24.2	5,490	42.9	0	0.0	2,744	21.4	1,713	13.4

<sup>1</sup> 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, 14,796 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.

<sup>2</sup> 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 CRIME<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>353</b>	<b>86</b>	<b>29</b>	<b>100.0</b>	<b>70</b>	<b>17</b>	<b>50.0</b>
Administration of Justice	10	25	9	78.4	13	6	66.7
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	25	98	35	55.1	78	23	51.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	5	102	54	94.2	72	21	41.2
Child Pornography	9	128	23	23.4	120	18	27.7
Commercialized Vice	7	71	45	161.6	60	27	100.0
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	67	109	43	125.6	97	29	42.3
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	72	84	28	74.8	80	18	35.0
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	62	34	16	183.3	20	11	121.1
Immigration	22	29	8	46.6	32	8	37.2
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	10	151	45	50.3	161	29	39.5
Money Laundering	11	26	12	90.0	18	7	70.7
Murder	9	319	90	39.9	252	42	28.4
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	4	80	42	110.2	78	41	113.3
Prison Offenses	3	28	7	35.4	21	6	39.4
Robbery	8	126	21	24.5	103	21	20.1
Sexual Abuse	15	181	36	43.7	120	33	27.7
Stalking/Harassing	4	65	19	47.0	59	22	48.5
Tax	6	34	16	256.1	28	19	308.3
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 63,265 cases, in 357 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was excluded from this table. Also, three cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>1,448</b>	<b>83</b>	<b>24</b>	<b>62.2</b>	<b>60</b>	<b>13</b>	<b>34.9</b>
Administration of Justice	17	40	20	89.9	30	12	66.7
Antitrust	0	--	--	--	--	--	--
Arson	7	89	27	39.5	76	12	27.5
Assault	44	96	30	46.5	84	20	29.9
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	41	163	36	35.3	144	30	24.8
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	8	22	10	101.5	21	9	100.0
Drug Trafficking	234	98	27	80.5	84	18	31.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	6	98	11	16.7	54	8	11.6
Firearms	420	81	23	48.1	72	15	33.3
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	66	13	60.4	41	14	13.2
Fraud/Theft/Embezzlement	149	48	17	84.1	31	9	38.5
Immigration	247	29	11	70.8	20	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	5	217	37	19.8	180	24	15.9
Manslaughter	18	128	46	71.4	120	30	50.1
Money Laundering	16	64	17	47.0	41	8	32.5
Murder	11	375	116	60.6	420	83	28.8
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	23	58	26	94.4	51	21	70.4
Prison Offenses	9	43	16	52.7	36	9	42.9
Robbery	75	178	42	38.2	162	30	25.0
Sexual Abuse	51	187	50	46.8	144	31	30.6
Stalking/Harassing	16	56	21	77.1	52	13	41.9
Tax	1	--	--	--	--	--	--
Other	40	11	4	57.5	9	3	33.3

<sup>1</sup> Of the 63,265 cases, in 1,457 the sentence was a variance above the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, two cases were excluded from this table. Also, seven cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,421</b>	<b>52</b>	<b>55</b>	<b>55.7</b>	<b>37</b>	<b>38</b>	<b>50.0</b>
Administration of Justice	29	6	21	78.6	0	15	98.7
Antitrust	3	1	6	83.3	0	6	100.0
Arson	15	31	47	62.5	30	42	70.0
Assault	30	74	98	51.3	49	58	48.1
Bribery/Corruption	106	11	20	69.9	8	18	67.1
Burglary/Trespass	5	9	16	66.2	6	17	60.0
Child Pornography	26	83	62	42.6	86	39	30.4
Commercialized Vice	9	9	13	72.2	0	10	99.7
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	4,006	63	63	53.1	54	48	48.6
Environmental	17	3	14	89.0	0	12	100.0
Extortion/Racketeering	14	16	26	73.4	5	23	82.1
Firearms	477	36	32	52.5	27	20	45.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	12	6	19	73.3	1	15	86.8
Fraud/Theft/Embezzlement	710	17	27	65.1	12	19	63.6
Immigration	201	11	14	59.4	8	11	52.0
Individual Rights	15	17	21	61.4	18	18	59.9
Kidnapping	22	106	122	55.6	108	97	51.8
Manslaughter	1	--	--	--	--	--	--
Money Laundering	293	43	64	62.3	27	44	58.6
Murder	65	132	143	50.7	120	144	50.0
National Defense	27	27	62	65.1	18	34	69.6
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	6	9	16	67.7	11	12	60.9
Robbery	175	70	66	48.3	60	51	42.9
Sexual Abuse	75	101	92	45.5	87	60	38.3
Stalking/Harassing	2	--	--	--	--	--	--
Tax	76	8	19	78.1	0	18	100.0
Other	3	2	8	91.6	0	6	100.0

<sup>1</sup> Of the 63,265 cases, in 6,542 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, 69 cases were excluded from this table. Also, 52 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,546</b>	<b>15</b>	<b>20</b>	<b>49.9</b>	<b>12</b>	<b>9</b>	<b>47.5</b>
Administration of Justice	6	8	17	74.5	5	20	86.1
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	3	36	22	41.6	18	15	45.5
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	3	85	61	36.0	75	31	23.1
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,624	30	56	64.2	26	46	64.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	9	26	17	39.9	21	13	41.7
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	8	9	21	71.5	8	22	70.6
Immigration	4,871	11	8	45.1	8	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	11	25	58	66.3	17	26	70.6
Murder	0	--	--	--	--	--	--
National Defense	4	9	20	59.0	8	20	58.0
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	3	3	3	58.3	1	3	50.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	1	--	--	--	--	--	--
Tax	1	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 63,265 cases, in 6,552 the offender received a §5K3.1 early disposition program departure below the guideline range. Of these, six cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**EXTENT OF OTHER DOWNWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>2,766</b>	<b>41</b>	<b>30</b>	<b>47.1</b>	<b>21</b>	<b>17</b>	<b>42.9</b>
Administration of Justice	31	7	11	61.8	6	9	58.3
Antitrust	0	--	--	--	--	--	--
Arson	5	31	54	59.3	26	33	57.1
Assault	76	33	23	50.3	24	15	44.2
Bribery/Corruption	16	7	22	81.2	0	21	99.8
Burglary/Trespass	5	14	12	49.0	18	15	41.5
Child Pornography	63	78	49	40.4	72	37	38.1
Commercialized Vice	6	10	7	45.1	12	5	25.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	940	63	48	46.8	50	36	46.7
Environmental	5	2	19	94.8	0	12	100.0
Extortion/Racketeering	9	17	14	51.0	18	12	41.3
Firearms	337	35	23	46.1	24	15	39.9
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	3	22	9	43.5	30	10	21.7
Fraud/Theft/Embezzlement	170	18	17	60.2	10	12	55.5
Immigration	799	13	11	44.3	10	8	41.3
Individual Rights	5	5	20	89.0	0	18	100.0
Kidnapping	7	122	63	33.1	144	33	42.4
Manslaughter	4	31	23	47.6	28	18	41.5
Money Laundering	53	51	50	59.0	24	29	50.7
Murder	13	177	94	33.5	170	96	29.8
National Defense	16	34	28	51.7	19	26	56.4
Obscenity/Other Sex Offenses	11	16	9	37.6	15	7	28.6
Prison Offenses	24	7	6	46.8	6	5	40.0
Robbery	71	75	33	35.1	60	27	30.4
Sexual Abuse	59	134	78	39.2	121	67	33.8
Stalking/Harassing	18	24	12	46.1	18	12	37.6
Tax	17	9	15	63.3	8	12	50.0
Other	2	--	--	--	--	--	--

<sup>1</sup> Of the 63,265 cases, in 2,823 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,428) or a non-government departure (1,395). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 28 cases were excluded from this table. Also, 29 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**EXTENT OF DOWNWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>18,370</b>	<b>54</b>	<b>29</b>	<b>43.6</b>	<b>33</b>	<b>17</b>	<b>35.1</b>
Administration of Justice	232	7	12	68.3	3	10	79.0
Antitrust	5	7	12	76.7	0	9	100.0
Arson	32	29	20	45.3	24	18	39.8
Assault	240	52	26	42.4	29	16	33.3
Bribery/Corruption	169	20	24	59.0	12	13	60.0
Burglary/Trespass	15	7	7	62.9	9	7	57.1
Child Pornography	756	79	50	40.2	72	42	38.1
Commercialized Vice	19	7	10	76.8	0	9	100.0
Drug Possession	21	10	7	79.1	0	1	97.0
Drug Trafficking	7,253	75	40	38.7	60	27	31.4
Environmental	47	5	13	77.0	0	12	99.8
Extortion/Racketeering	47	31	29	62.0	12	22	66.5
Firearms	3,155	36	18	42.0	27	12	31.4
Food and Drug	13	25	30	52.8	18	27	53.9
Forgery/Counter/Copyright	39	9	14	71.2	2	12	80.0
Fraud/Theft/Embezzlement	2,027	20	17	58.0	12	12	50.9
Immigration	1,949	13	9	43.7	11	6	34.3
Individual Rights	30	43	27	59.3	18	18	53.1
Kidnapping	38	122	77	41.5	120	60	35.9
Manslaughter	12	46	14	35.2	25	8	20.1
Money Laundering	446	50	38	50.9	30	21	44.9
Murder	74	183	75	29.7	180	57	25.0
National Defense	56	25	32	62.4	11	33	66.1
Obscenity/Other Sex Offenses	133	14	10	49.7	12	9	41.7
Prison Offenses	123	10	9	49.2	8	6	44.4
Robbery	548	90	31	28.7	85	24	22.8
Sexual Abuse	471	163	68	30.6	168	56	26.7
Stalking/Harassing	107	15	14	54.8	12	11	43.2
Tax	281	10	16	68.0	6	12	67.5
Other	32	4	8	78.0	0	6	99.8

<sup>1</sup> Of the 63,265 cases, in 18,837 the sentence was a variance below the guideline range, either due to a government motion for a variance (6,044) or a non-government variance (12,793). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 190 cases were excluded from this table. Also, 277 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

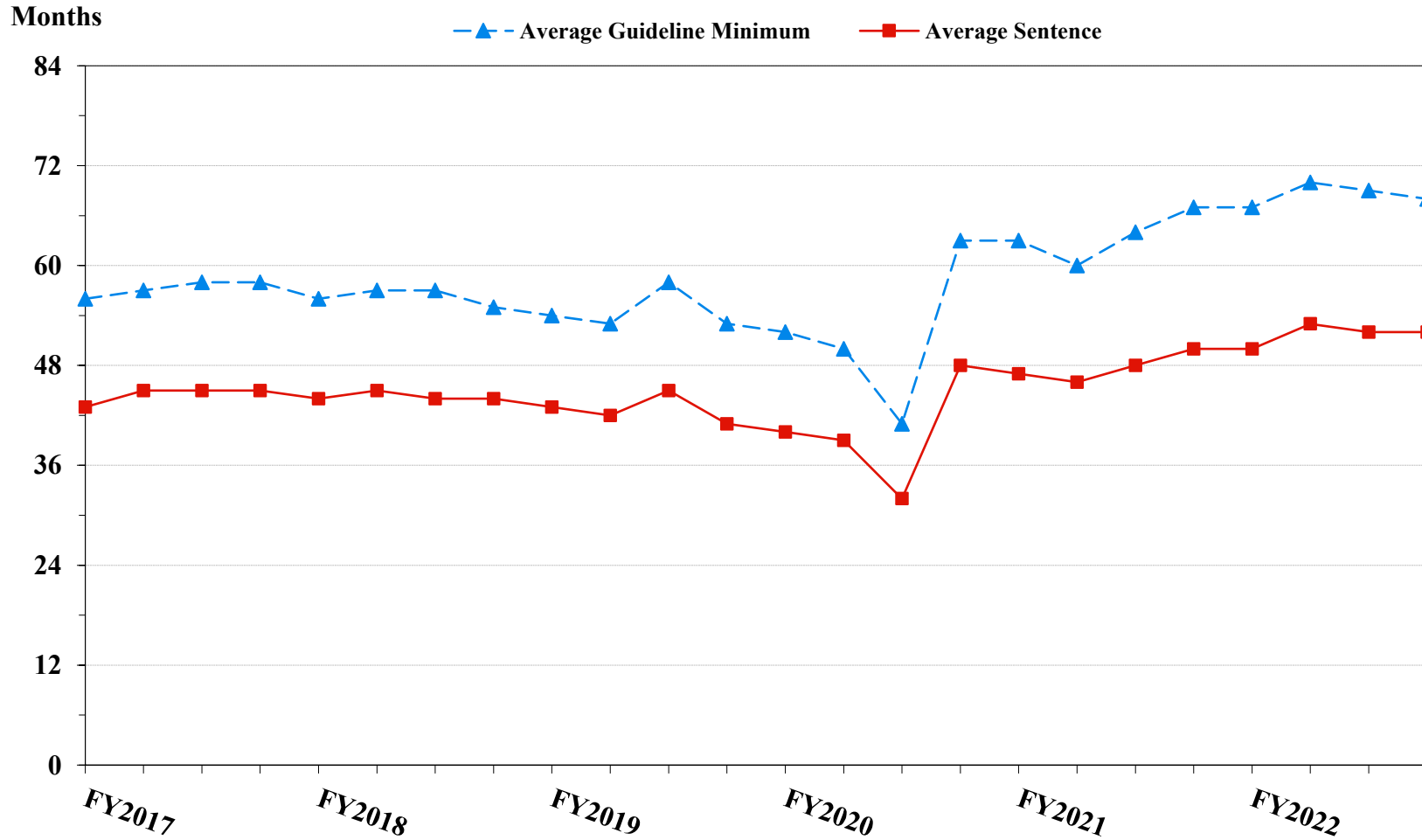
SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through September 30, 2022).



Figure 5

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR ALL CASES<sup>1</sup>**

**Fiscal Years 2017 - 2021,  
4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**



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

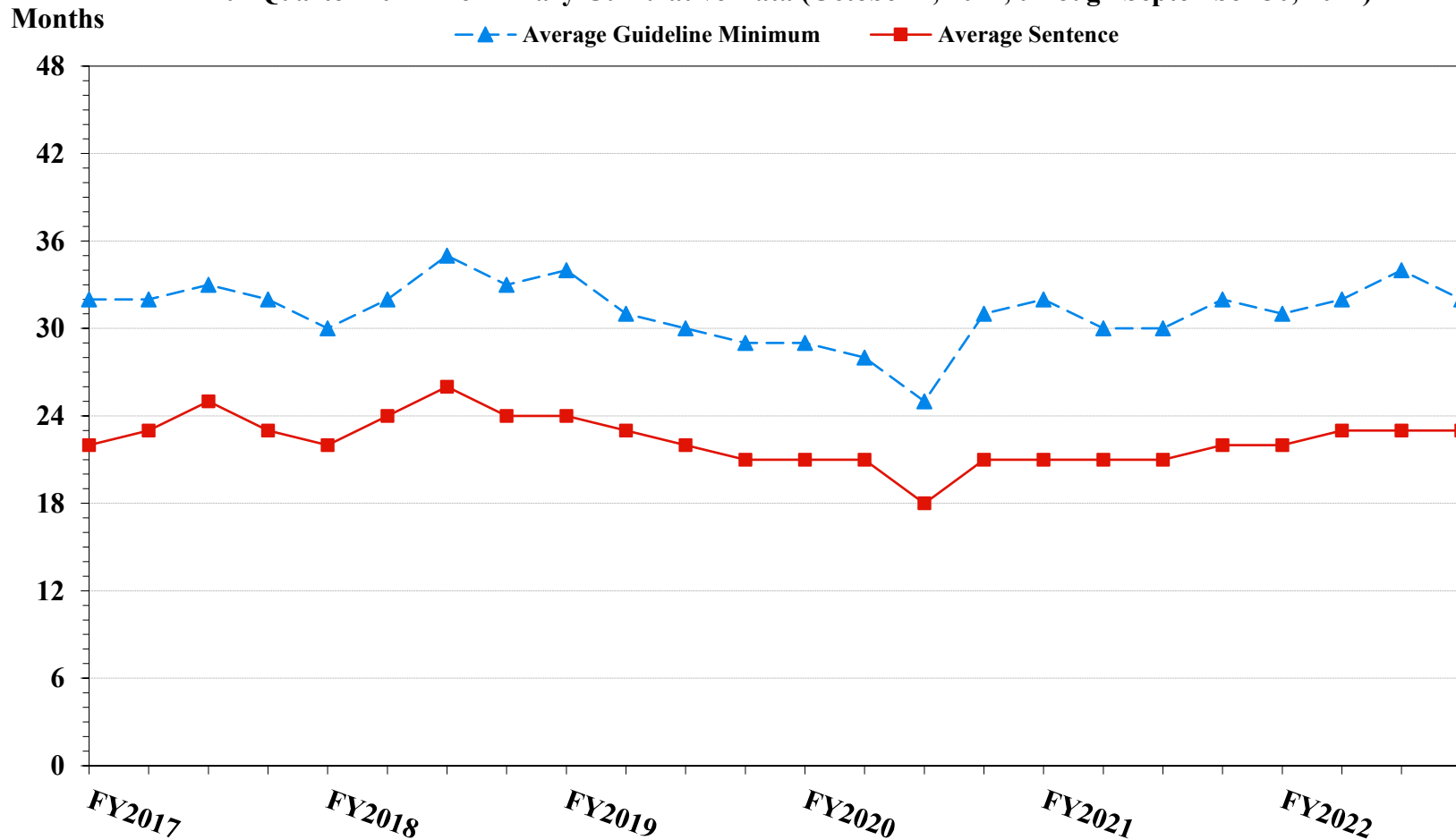
SOURCE: U.S. Sentencing Commission, 2017 - 2021 Datafiles, USSCFY17 - USSCFY21, and Preliminary Data from USSCFY22 (October 1, 2021, through September 30, 2022).

Figure 6

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

**Fiscal Years 2017 - 2021,**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

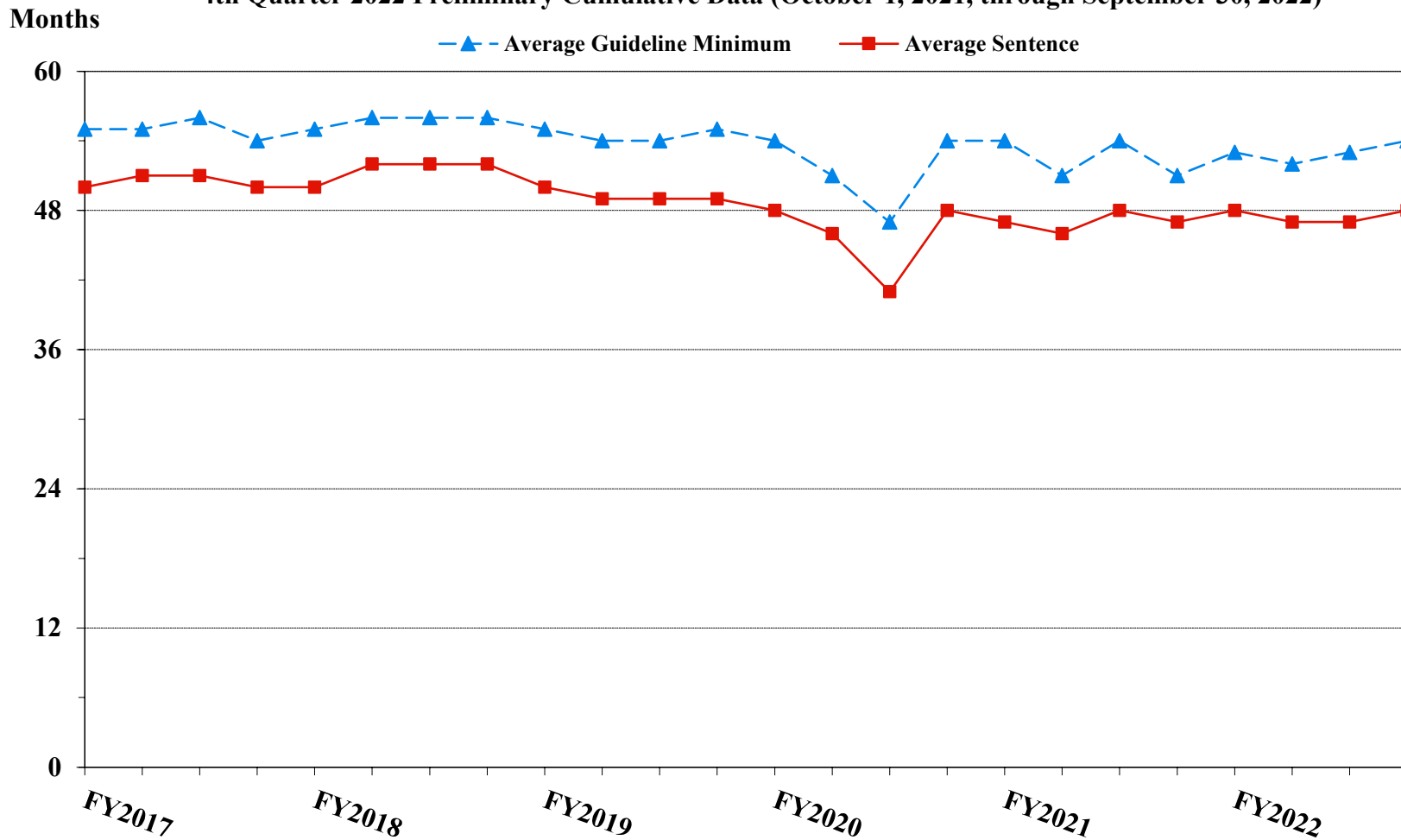


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than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

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

Figure 7

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>  
Fiscal Years 2017 - 2021,  
4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**



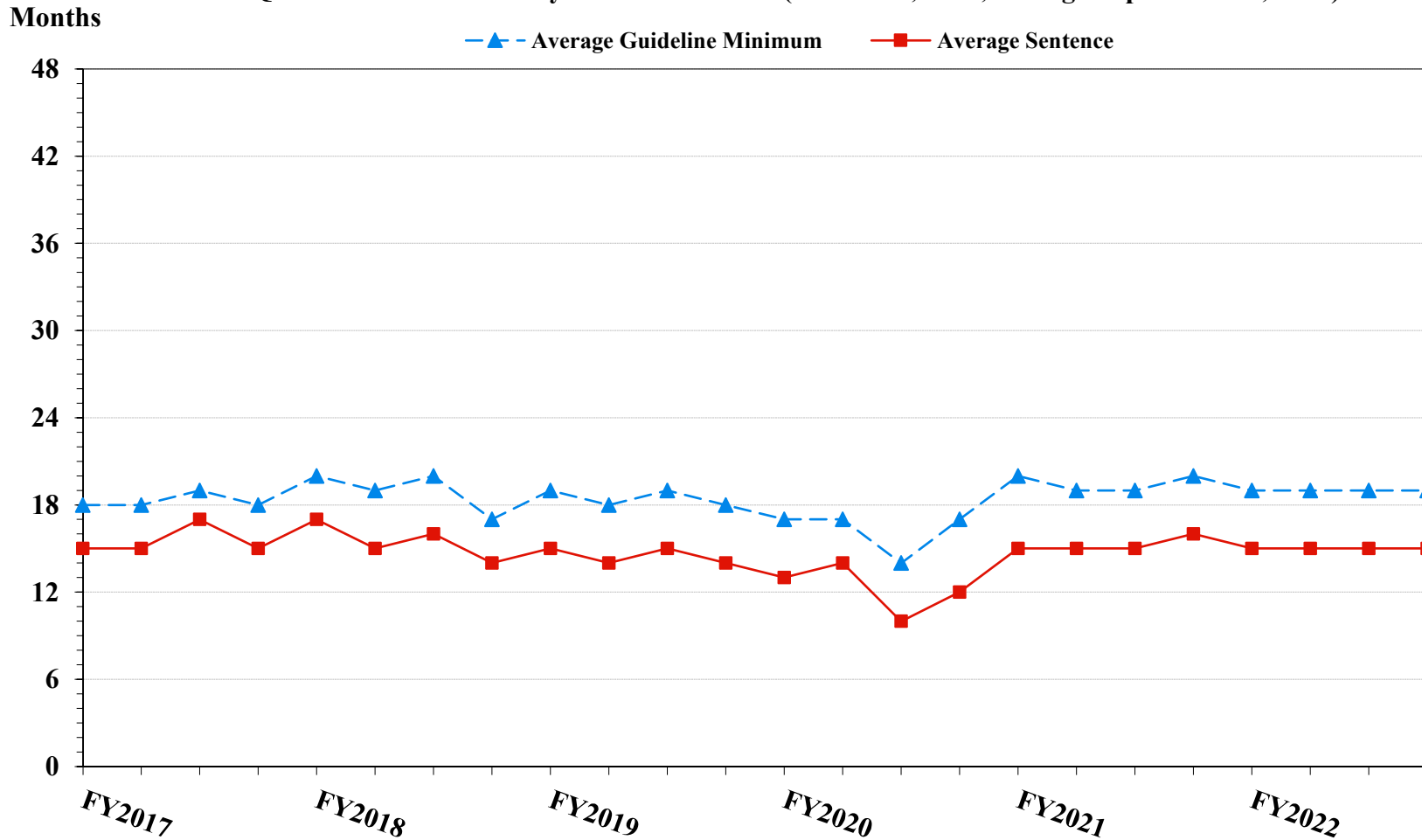
<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline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

Figure 8

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

**Fiscal Years 2017 - 2021,**

**4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

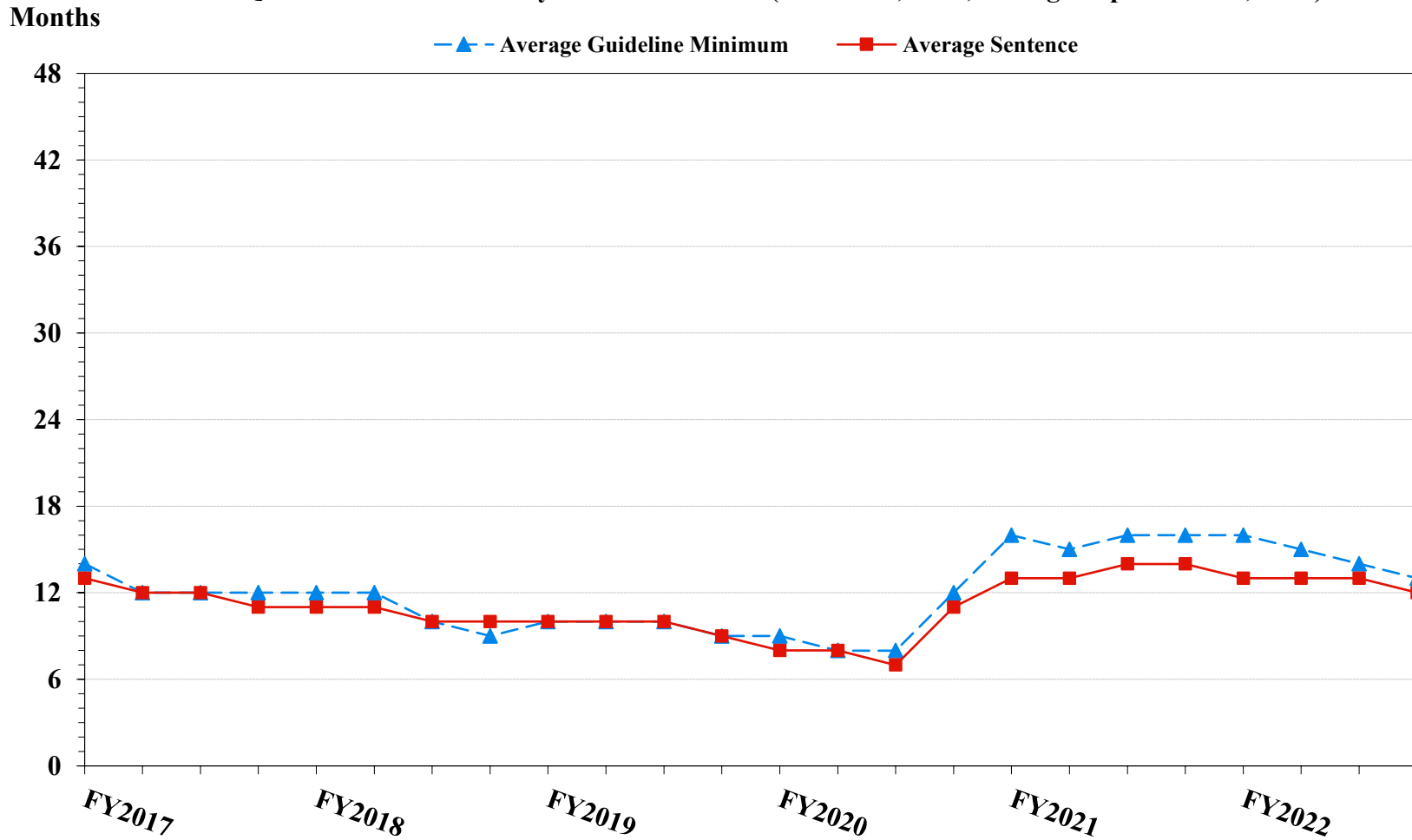


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

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

Figure 9

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>  
Fiscal Years 2017 - 2021,  
4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

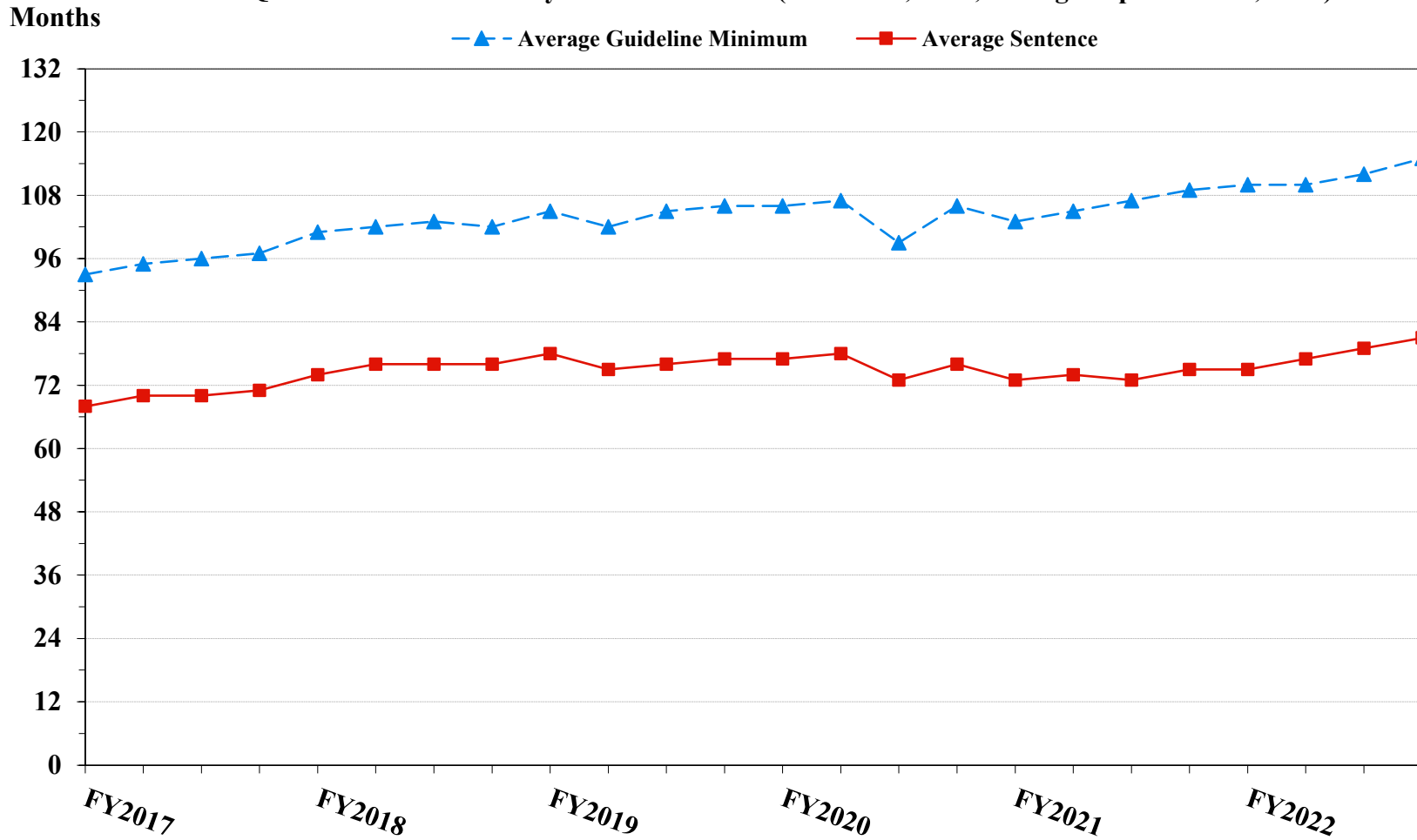


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2 (Unlawful Entering or Remaining in the United States). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

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

Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>  
Fiscal Years 2017 - 2021,  
4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)**

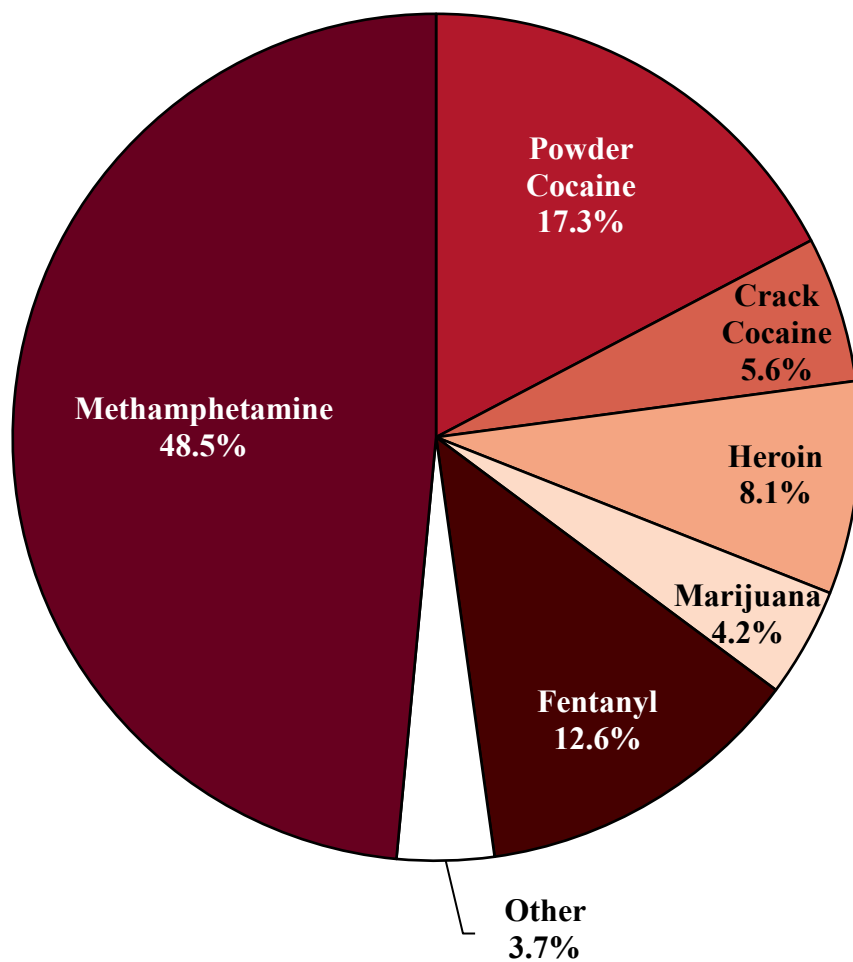


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included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

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

Figure 11

**DISTRIBUTION OF PRIMARY DRUG TYPE  
IN FEDERAL DRUG CASES<sup>1,2</sup>**  
**4th Quarter 2022 Preliminary Cumulative Data  
(October 1, 2021, through September 30, 2022)**



<sup>1</sup> Of the 63,265 cases, in 19,826 the offender was sentenced under USSG Chapter Two, Part D (Drugs). The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (300), MDMA/Ecstasy/MDA (70), and Synthetic Cannabinoid (59).

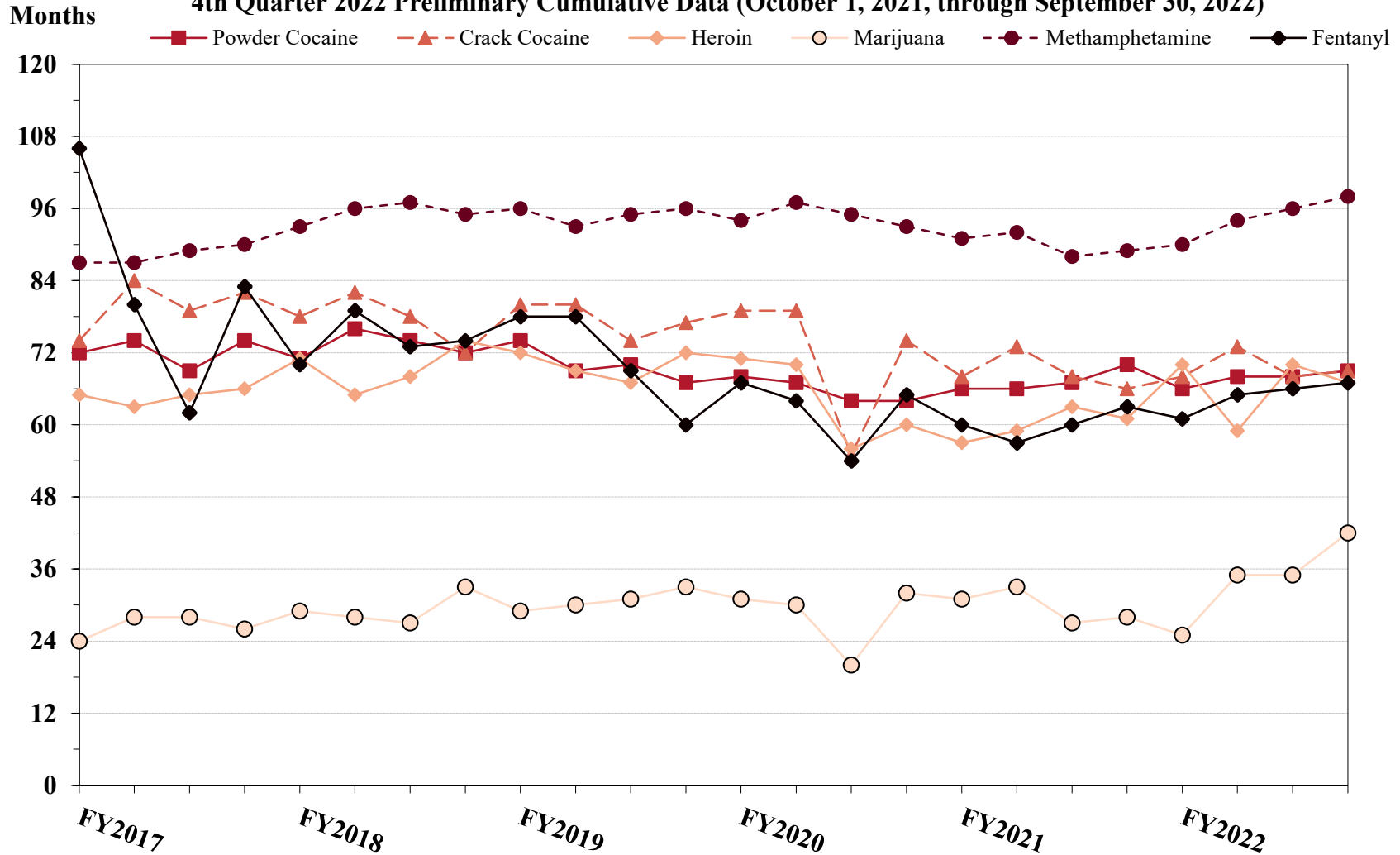
SOURCE: U.S. Sentencing Commission, Preliminary 2022 Datafile, USSCFY22 (October 1, 2021, through September 30, 2022).

Figure 12

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS  
BY MAJOR DRUG TYPE QUARTERLY DATA<sup>1</sup>**

Fiscal Years 2017 - 2021,

4th Quarter 2022 Preliminary Cumulative Data (October 1, 2021, through September 30, 2022)



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

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



## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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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.<sup>1</sup>

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.<sup>2</sup> Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.<sup>3</sup>

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

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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

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

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

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

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

**Circuit**

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

**Citizenship Status**

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

**District**

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

**Downward Departure**

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

**Downward Variance**

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

**Extent of Decrease**

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

**Extent of Increase**

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

**Federal Offenders Sentenced**

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

**Gender**

*Gender* of the offender is obtained from the Presentence Report.

**Government Motion (Variance)**

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

**Guideline Sentencing Range**

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

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

**Non-Government Departure**

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

**Non-Government Variance**

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

**Other Government Motion (Downward Departure)**

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

**Primary Drug Type**

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

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

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

### **Primary Guideline**

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

### **Race**

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

### **Sentence Imposed or Sentence Length**

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

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

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

### **Sentence Type**

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

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

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

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

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

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

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

### **Sentences Under the Guidelines Manual**

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

### **Type of Crime**

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

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

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

*Administration of Justice 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.