

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2020

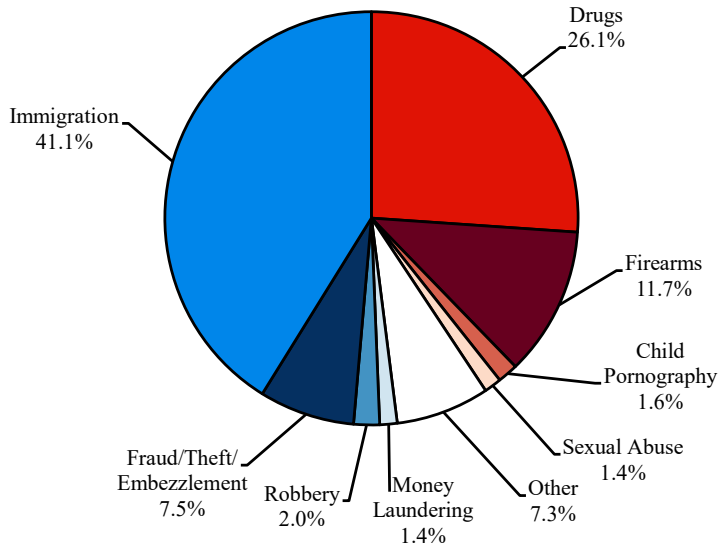
District of South Dakota

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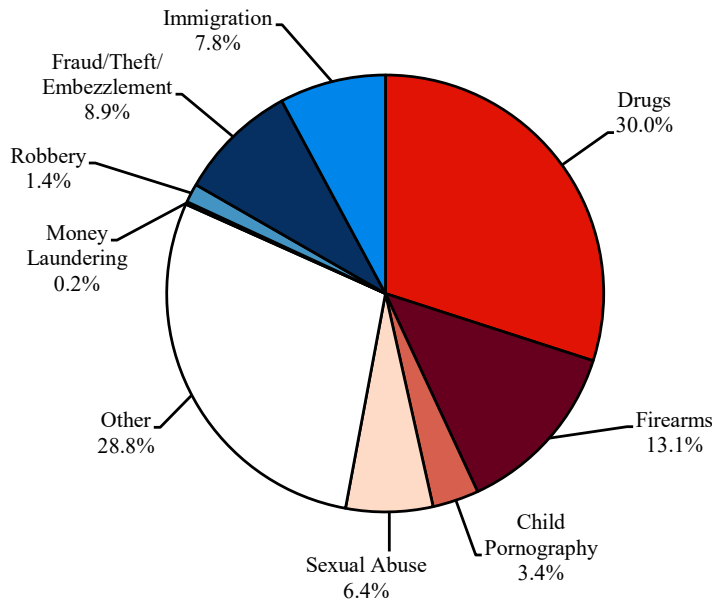
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Figure A
FEDERAL OFFENDERS BY TYPE OF CRIME
Fiscal Year 2020

National



South Dakota



The National figure includes the 64,565 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

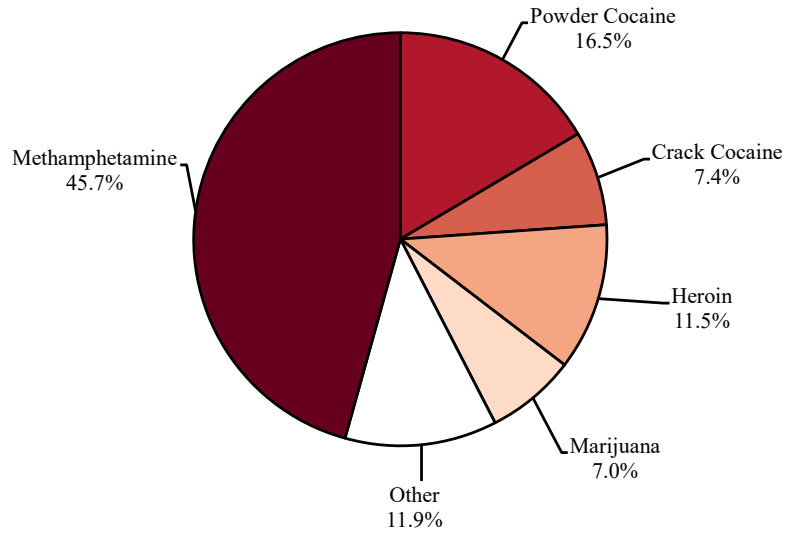
The District of South Dakota figure includes the 497 cases reported to the Commission.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

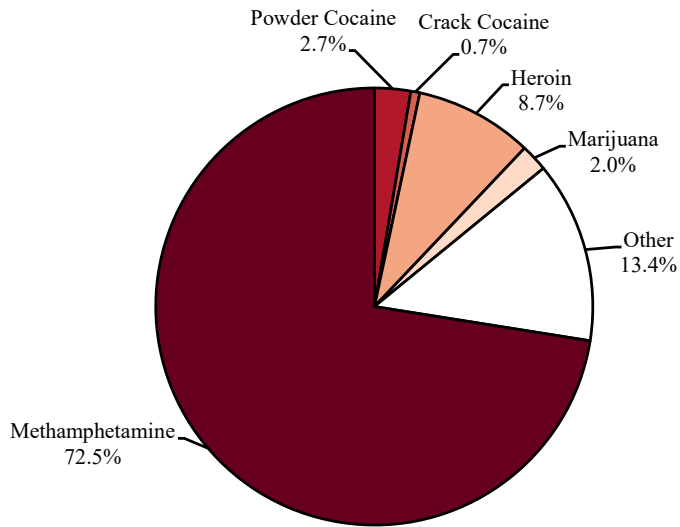
Figure B

**DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2020**

National



South Dakota



Of the 64,565 National cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 497 cases from the District of South Dakota, in 149 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 1
DISTRIBUTION OF FEDERAL OFFENDERS
BY TYPE OF CRIME
Fiscal Year 2020

TYPE OF CRIME	National		South Dakota	
	N	%	N	%
TOTAL	64,565	100.0	497	100.0
Administration of Justice	542	0.8	22	4.4
Antitrust	11	0.0	0	0.0
Arson	48	0.1	0	0.0
Assault	618	1.0	42	8.5
Bribery/Corruption	240	0.4	0	0.0
Burglary/Trespass	39	0.1	5	1.0
Child Pornography	1,023	1.6	17	3.4
Commercialized Vice	53	0.1	0	0.0
Drug Possession	439	0.7	2	0.4
Drug Trafficking	16,390	25.4	147	29.6
Environmental	137	0.2	7	1.4
Extortion/Racketeering	120	0.2	0	0.0
Firearms	7,539	11.7	65	13.1
Food and Drug	33	0.1	0	0.0
Forgery/Counter/Copyright	198	0.3	3	0.6
Fraud/Theft/Embezzlement	4,823	7.5	44	8.9
Immigration	26,561	41.1	39	7.8
Individual Rights	70	0.1	0	0.0
Kidnapping	66	0.1	1	0.2
Manslaughter	38	0.1	8	1.6
Money Laundering	880	1.4	1	0.2
Murder	294	0.5	3	0.6
National Defense	165	0.3	0	0.0
Obscenity/Other Sex Offenses	318	0.5	26	5.2
Prison Offenses	457	0.7	6	1.2
Robbery	1,316	2.0	7	1.4
Sexual Abuse	881	1.4	32	6.4
Stalking/Harassing	225	0.3	13	2.6
Tax	366	0.6	3	0.6
Other	675	1.0	4	0.8

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 2

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2020

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	64,565	63,157	97.8	1,408	2.2
D.C. CIRCUIT	272	261	96.0	11	4.0
District of Columbia	272	261	96.0	11	4.0
FIRST CIRCUIT	1,727	1,667	96.5	60	3.5
Maine	118	115	97.5	3	2.5
Massachusetts	387	361	93.3	26	6.7
New Hampshire	200	194	97.0	6	3.0
Puerto Rico	922	899	97.5	23	2.5
Rhode Island	100	98	98.0	2	2.0
SECOND CIRCUIT	2,449	2,346	95.8	103	4.2
Connecticut	353	337	95.5	16	4.5
New York					
Eastern	360	345	95.8	15	4.2
Northern	305	291	95.4	14	4.6
Southern	926	883	95.4	43	4.6
Western	350	337	96.3	13	3.7
Vermont	155	153	98.7	2	1.3
THIRD CIRCUIT	1,931	1,855	96.1	76	3.9
Delaware	89	84	94.4	5	5.6
New Jersey	595	577	97.0	18	3.0
Pennsylvania					
Eastern	493	471	95.5	22	4.5
Middle	360	345	95.8	15	4.2
Western	357	346	96.9	11	3.1
Virgin Islands	37	32	86.5	5	13.5
FOURTH CIRCUIT	4,266	4,116	96.5	150	3.5
Maryland	469	453	96.6	16	3.4
North Carolina					
Eastern	708	682	96.3	26	3.7
Middle	404	393	97.3	11	2.7
Western	513	492	95.9	21	4.1
South Carolina	575	564	98.1	11	1.9
Virginia					
Eastern	813	783	96.3	30	3.7
Western	287	268	93.4	19	6.6
West Virginia					
Northern	235	228	97.0	7	3.0
Southern	262	253	96.6	9	3.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	20,229	20,034	99.0	195	1.0
Louisiana					
Eastern	184	182	98.9	2	1.1
Middle	123	120	97.6	3	2.4
Western	292	280	95.9	12	4.1
Mississippi					
Northern	136	134	98.5	2	1.5
Southern	386	372	96.4	14	3.6
Texas					
Eastern	698	673	96.4	25	3.6
Northern	1,380	1,348	97.7	32	2.3
Southern	8,538	8,495	99.5	43	0.5
Western	8,492	8,430	99.3	62	0.7
SIXTH CIRCUIT	4,152	4,000	96.3	152	3.7
Kentucky					
Eastern	431	411	95.4	20	4.6
Western	347	339	97.7	8	2.3
Michigan					
Eastern	533	510	95.7	23	4.3
Western	320	303	94.7	17	5.3
Ohio					
Northern	787	769	97.7	18	2.3
Southern	552	539	97.6	13	2.4
Tennessee					
Eastern	605	592	97.9	13	2.1
Middle	235	223	94.9	12	5.1
Western	342	314	91.8	28	8.2
SEVENTH CIRCUIT	2,270	2,185	96.3	85	3.7
Illinois					
Central	227	209	92.1	18	7.9
Northern	540	519	96.1	21	3.9
Southern	234	232	99.1	2	0.9
Indiana					
Northern	316	301	95.3	15	4.7
Southern	537	517	96.3	20	3.7
Wisconsin					
Eastern	265	258	97.4	7	2.6
Western	151	149	98.7	2	1.3
EIGHTH CIRCUIT	4,694	4,578	97.5	116	2.5
Arkansas					
Eastern	474	467	98.5	7	1.5
Western	247	244	98.8	3	1.2
Iowa					
Northern	365	354	97.0	11	3.0
Southern	421	406	96.4	15	3.6
Minnesota	334	317	94.9	17	5.1
Missouri					
Eastern	925	917	99.1	8	0.9
Western	697	673	96.6	24	3.4
Nebraska	482	473	98.1	9	1.9
North Dakota	252	250	99.2	2	0.8
South Dakota	497	477	96.0	20	4.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	12,039	11,830	98.3	209	1.7
Alaska	108	101	93.5	7	6.5
Arizona	4,566	4,539	99.4	27	0.6
California					
Central	918	877	95.5	41	4.5
Eastern	408	385	94.4	23	5.6
Northern	557	537	96.4	20	3.6
Southern	3,499	3,469	99.1	30	0.9
Guam	42	40	95.2	2	4.8
Hawaii	124	120	96.8	4	3.2
Idaho	321	316	98.4	5	1.6
Montana	324	304	93.8	20	6.2
Nevada	293	282	96.2	11	3.8
Northern Mariana Islands	10	8	80.0	2	20.0
Oregon	362	357	98.6	5	1.4
Washington					
Eastern	238	233	97.9	5	2.1
Western	269	262	97.4	7	2.6
TENTH CIRCUIT	5,566	5,485	98.5	81	1.5
Colorado	400	381	95.3	19	4.8
Kansas	311	301	96.8	10	3.2
New Mexico	3,192	3,179	99.6	13	0.4
Oklahoma					
Eastern	105	97	92.4	8	7.6
Northern	240	230	95.8	10	4.2
Western	473	458	96.8	15	3.2
Utah	685	683	99.7	2	0.3
Wyoming	160	156	97.5	4	2.5
ELEVENTH CIRCUIT	4,970	4,800	96.6	170	3.4
Alabama					
Middle	140	135	96.4	5	3.6
Northern	453	437	96.5	16	3.5
Southern	301	290	96.3	11	3.7
Florida					
Middle	1,222	1,173	96.0	49	4.0
Northern	275	261	94.9	14	5.1
Southern	1,326	1,283	96.8	43	3.2
Georgia					
Middle	355	348	98.0	7	2.0
Northern	490	476	97.1	14	2.9
Southern	408	397	97.3	11	2.7

Of the 64,565 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2020**

TYPE OF CRIME	TOTAL	National				South Dakota			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	64,565	63,157	97.8	1,408	2.2	477	96.0	20	4.0
Administration of Justice	542	519	95.8	23	4.2	22	100.0	0	0.0
Antitrust	11	9	81.8	2	18.2	0	--	0	--
Arson	48	41	85.4	7	14.6	0	--	0	--
Assault	618	584	94.5	34	5.5	42	100.0	0	0.0
Bribery/Corruption	240	217	90.4	23	9.6	0	--	0	--
Burglary/Trespass	39	37	94.9	2	5.1	5	100.0	0	0.0
Child Pornography	1,023	988	96.6	35	3.4	16	94.1	1	5.9
Commercialized Vice	53	51	96.2	2	3.8	0	--	0	--
Drug Possession	439	434	98.9	5	1.1	2	100.0	0	0.0
Drug Trafficking	16,390	16,002	97.6	388	2.4	139	94.6	8	5.4
Environmental	137	134	97.8	3	2.2	7	100.0	0	0.0
Extortion/Racketeering	120	113	94.2	7	5.8	0	--	0	--
Firearms	7,539	7,317	97.1	222	2.9	63	96.9	2	3.1
Food and Drug	33	31	93.9	2	6.1	0	--	0	--
Forgery/Counter/Copyright	198	196	99.0	2	1.0	3	100.0	0	0.0
Fraud/Theft/Embezzlement	4,823	4,656	96.5	167	3.5	44	100.0	0	0.0
Immigration	26,561	26,462	99.6	99	0.4	39	100.0	0	0.0
Individual Rights	70	57	81.4	13	18.6	0	--	0	--
Kidnapping	66	46	69.7	20	30.3	1	100.0	0	0.0
Manslaughter	38	34	89.5	4	10.5	7	87.5	1	12.5
Money Laundering	880	835	94.9	45	5.1	1	100.0	0	0.0
Murder	294	223	75.9	71	24.1	1	33.3	2	66.7
National Defense	165	161	97.6	4	2.4	0	--	0	--
Obscenity/Other Sex Offenses	318	314	98.7	4	1.3	26	100.0	0	0.0
Prison Offenses	457	450	98.5	7	1.5	6	100.0	0	0.0
Robbery	1,316	1,246	94.7	70	5.3	5	71.4	2	28.6
Sexual Abuse	881	793	90.0	88	10.0	28	87.5	4	12.5
Stalking/Harassing	225	206	91.6	19	8.4	13	100.0	0	0.0
Tax	366	334	91.3	32	8.7	3	100.0	0	0.0
Other	675	667	98.8	8	1.2	4	100.0	0	0.0

Of the 64,565 National cases, no cases were excluded.

Of the 497 cases from the District of South Dakota, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2020

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	64,565	57,550	89.1	1,751	2.7	1,098	1.7	3,845	6.0	321	0.5
Administration of Justice	542	346	63.8	38	7.0	33	6.1	119	22.0	6	1.1
Antitrust	11	6	54.5	1	9.1	0	0.0	4	36.4	0	0.0
Arson	48	45	93.8	1	2.1	0	0.0	2	4.2	0	0.0
Assault	618	508	82.2	35	5.7	7	1.1	61	9.9	7	1.1
Bribery/Corruption	240	149	62.1	5	2.1	34	14.2	50	20.8	2	0.8
Burglary/Trespass	39	26	66.7	5	12.8	0	0.0	8	20.5	0	0.0
Child Pornography	1,023	1,003	98.0	12	1.2	3	0.3	5	0.5	0	0.0
Commercialized Vice	53	36	67.9	6	11.3	1	1.9	10	18.9	0	0.0
Drug Possession	439	251	57.2	4	0.9	5	1.1	120	27.3	59	13.4
Drug Trafficking	16,390	15,299	93.3	521	3.2	150	0.9	416	2.5	4	0.0
Environmental	137	37	27.0	4	2.9	17	12.4	66	48.2	13	9.5
Extortion/Racketeering	120	74	61.7	6	5.0	5	4.2	34	28.3	1	0.8
Firearms	7,539	6,800	90.2	284	3.8	139	1.8	314	4.2	2	0.0
Food and Drug	33	13	39.4	0	0.0	4	12.1	16	48.5	0	0.0
Forgery/Counter/Copyright	198	150	75.8	17	8.6	6	3.0	25	12.6	0	0.0
Fraud/Theft/Embezzlement	4,823	3,234	67.1	238	4.9	331	6.9	964	20.0	56	1.2
Immigration	26,561	24,865	93.6	324	1.2	215	0.8	1,153	4.3	4	0.0
Individual Rights	70	54	77.1	1	1.4	1	1.4	13	18.6	1	1.4
Kidnapping	66	58	87.9	8	12.1	0	0.0	0	0.0	0	0.0
Manslaughter	38	32	84.2	2	5.3	0	0.0	4	10.5	0	0.0
Money Laundering	880	731	83.1	32	3.6	41	4.7	76	8.6	0	0.0
Murder	294	283	96.3	10	3.4	0	0.0	1	0.3	0	0.0
National Defense	165	139	84.2	7	4.2	3	1.8	11	6.7	5	3.0
Obscenity/Other Sex Offenses	318	264	83.0	35	11.0	4	1.3	15	4.7	0	0.0
Prison Offenses	457	420	91.9	22	4.8	4	0.9	11	2.4	0	0.0
Robbery	1,316	1,242	94.4	52	4.0	10	0.8	12	0.9	0	0.0
Sexual Abuse	881	857	97.3	20	2.3	1	0.1	3	0.3	0	0.0
Stalking/Harassing	225	177	78.7	27	12.0	7	3.1	14	6.2	0	0.0
Tax	366	231	63.1	22	6.0	40	10.9	72	19.7	1	0.3
Other	675	220	32.6	12	1.8	37	5.5	246	36.4	160	23.7

Of the 64,565 National cases, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2020

South Dakota

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	497	412	82.9	40	8.0	7	1.4	35	7.0	3	0.6
Administration of Justice	22	13	59.1	6	27.3	1	4.5	2	9.1	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	0	0	--	0	--	0	--	0	--	0	--
Assault	42	32	76.2	3	7.1	0	0.0	7	16.7	0	0.0
Bribery/Corruption	0	0	--	0	--	0	--	0	--	0	--
Burglary/Trespass	5	3	60.0	1	20.0	0	0.0	1	20.0	0	0.0
Child Pornography	17	15	88.2	2	11.8	0	0.0	0	0.0	0	0.0
Commercialized Vice	0	0	--	0	--	0	--	0	--	0	--
Drug Possession	2	1	50.0	0	0.0	0	0.0	1	50.0	0	0.0
Drug Trafficking	147	137	93.2	5	3.4	0	0.0	5	3.4	0	0.0
Environmental	7	2	28.6	0	0.0	0	0.0	3	42.9	2	28.6
Extortion/Racketeering	0	0	--	0	--	0	--	0	--	0	--
Firearms	65	50	76.9	11	16.9	2	3.1	2	3.1	0	0.0
Food and Drug	0	0	--	0	--	0	--	0	--	0	--
Forgery/Counter/Copyright	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud/Theft/Embezzlement	44	23	52.3	4	9.1	3	6.8	13	29.5	1	2.3
Immigration	39	39	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Individual Rights	0	0	--	0	--	0	--	0	--	0	--
Kidnapping	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	8	7	87.5	0	0.0	0	0.0	1	12.5	0	0.0
Money Laundering	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Murder	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--	0	--
Obscenity/Other Sex Offenses	26	24	92.3	2	7.7	0	0.0	0	0.0	0	0.0
Prison Offenses	6	6	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Robbery	7	6	85.7	1	14.3	0	0.0	0	0.0	0	0.0
Sexual Abuse	32	30	93.8	2	6.3	0	0.0	0	0.0	0	0.0
Stalking/Harassing	13	9	69.2	3	23.1	1	7.7	0	0.0	0	0.0
Tax	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Other	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0

Of the 497 cases from the District of South Dakota, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2020**

TYPE OF CRIME	TOTAL	National				South Dakota			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	3,826	1,805	47.2	2,021	52.8	41	56.2	32	43.8
Administration of Justice	131	65	49.6	66	50.4	7	77.8	2	22.2
Antitrust	2	0	0.0	2	100.0	0	--	0	--
Arson	2	2	100.0	0	0.0	0	--	0	--
Assault	100	54	54.0	46	46.0	8	57.1	6	42.9
Bribery/Corruption	13	1	7.7	12	92.3	0	--	0	--
Burglary/Trespass	6	1	16.7	5	83.3	0	--	0	--
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	8	2	25.0	6	75.0	0	--	0	--
Drug Possession	233	92	39.5	141	60.5	1	50.0	1	50.0
Drug Trafficking	456	279	61.2	177	38.8	2	33.3	4	66.7
Environmental	58	8	13.8	50	86.2	1	16.7	5	83.3
Extortion/Racketeering	12	3	25.0	9	75.0	0	--	0	--
Firearms	137	60	43.8	77	56.2	1	50.0	1	50.0
Food and Drug	16	3	18.8	13	81.3	0	--	0	--
Forgery/Counter/Copyright	31	23	74.2	8	25.8	0	--	0	--
Fraud/Theft/Embezzlement	1,173	392	33.4	781	66.6	12	48.0	13	52.0
Immigration	828	509	61.5	319	38.5	0	--	0	--
Individual Rights	8	2	25.0	6	75.0	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Money Laundering	43	23	53.5	20	46.5	0	--	0	--
Murder	0	0	--	0	--	0	--	0	--
National Defense	6	1	16.7	5	83.3	0	--	0	--
Obscenity/Other Sex Offenses	12	9	75.0	3	25.0	0	--	0	--
Prison Offenses	181	173	95.6	8	4.4	6	100.0	0	0.0
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	1	1	100.0	0	0.0	0	--	0	--
Stalking/Harassing	25	21	84.0	4	16.0	2	100.0	0	0.0
Tax	13	3	23.1	10	76.9	0	--	0	--
Other	331	78	23.6	253	76.4	1	100.0	0	0.0

Of the 64,565 National cases, a U.S. Citizen was the offender in 34,616 cases. Of these, 30,790 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 497 cases from the District of South Dakota, a U.S. Citizen was the offender in 451 cases. Of these, 378 cases were excluded because the offender was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2020**

TYPE OF CRIME	National			South Dakota		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	40	14	64,564	62	30	497
Administration of Justice	11	8	542	11	7	22
Antitrust	8	6	11	--	--	0
Arson	78	60	48	--	--	0
Assault	64	36	618	24	24	42
Bribery/Corruption	15	8	240	--	--	0
Burglary/Trespass	19	15	39	13	15	5
Child Pornography	102	84	1,023	101	60	17
Commercialized Vice	20	12	53	--	--	0
Drug Possession	3	0	438	--	--	2
Drug Trafficking	76	60	16,390	112	120	147
Environmental	3	0	137	3	0	7
Extortion/Racketeering	23	12	120	--	--	0
Firearms	48	37	7,539	29	21	65
Food and Drug	17	4	33	--	--	0
Forgery/Counter/Copyright	17	12	198	37	41	3
Fraud/Theft/Embezzlement	19	8	4,823	11	3	44
Immigration	8	5	26,561	4	2	39
Individual Rights	55	24	70	--	--	0
Kidnapping	195	168	66	--	--	1
Manslaughter	56	47	38	64	45	8
Money Laundering	58	34	880	--	--	1
Murder	255	228	294	369	470	3
National Defense	38	24	165	--	--	0
Obscenity/Other Sex Offenses	19	18	318	17	18	26
Prison Offenses	11	8	457	5	5	6
Robbery	105	87	1,316	140	96	7
Sexual Abuse	201	180	881	145	120	32
Stalking/Harassing	29	21	225	23	21	13
Tax	15	12	366	6	3	3
Other	2	0	675	38	21	4

Of the 64,565 National cases, one case was excluded due to missing or indeterminable sentencing information.

Of the 497 cases from the District of South Dakota, no cases were excluded.

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 table includes conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2020

	National		South Dakota	
	N	%	N	%
TOTAL CASES	64,233	100.0	496	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	47,341	73.7	348	70.2
Within Guideline Range	32,358	50.4	298	60.1
Upward Departure ²	261	0.4	7	1.4
Downward Departure				
§5K1.1 Substantial Assistance	5,270	8.2	9	1.8
§5K3.1 Early Disposition Program	6,918	10.8	1	0.2
Other Government Motion ³	1,149	1.8	1	0.2
Non-Government Departure ⁴	1,385	2.2	32	6.5
VARIANCES	16,892	26.3	148	29.8
Upward Variance ⁵	1,182	1.8	9	1.8
Downward Variance				
Government Motion ⁶	3,774	5.9	21	4.2
Non-Government Variance ⁷	11,936	18.6	118	23.8

¹ This table reflects the 64,565 cases reported to the Commission in fiscal year 2020, 497 of which were from the District of South Dakota. Of these, 332 cases nationally and one case from the District of South Dakota were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2020**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	64,233	32,358	50.4	261	0.4	5,270	8.2	6,918	10.8	2,534	3.9	16,892	26.3
D.C. CIRCUIT	270	96	35.6	2	0.7	31	11.5	0	0.0	36	13.3	105	38.9
District of Columbia	270	96	35.6	2	0.7	31	11.5	0	0.0	36	13.3	105	38.9
FIRST CIRCUIT	1,725	825	47.8	12	0.7	129	7.5	2	0.1	82	4.8	675	39.1
Maine	117	50	42.7	0	0.0	23	19.7	0	0.0	5	4.3	39	33.3
Massachusetts	386	145	37.6	6	1.6	35	9.1	2	0.5	23	6.0	175	45.3
New Hampshire	200	61	30.5	0	0.0	35	17.5	0	0.0	8	4.0	96	48.0
Puerto Rico	922	547	59.3	4	0.4	28	3.0	0	0.0	46	5.0	297	32.2
Rhode Island	100	22	22.0	2	2.0	8	8.0	0	0.0	0	0.0	68	68.0
SECOND CIRCUIT	2,439	727	29.8	9	0.4	431	17.7	7	0.3	94	3.9	1,171	48.0
Connecticut	353	135	38.2	2	0.6	48	13.6	0	0.0	35	9.9	133	37.7
New York													
Eastern	360	93	25.8	2	0.6	73	20.3	1	0.3	32	8.9	159	44.2
Northern	297	153	51.5	2	0.7	51	17.2	0	0.0	3	1.0	88	29.6
Southern	924	168	18.2	0	0.0	163	17.6	6	0.6	21	2.3	566	61.3
Western	350	152	43.4	2	0.6	54	15.4	0	0.0	1	0.3	141	40.3
Vermont	155	26	16.8	1	0.6	42	27.1	0	0.0	2	1.3	84	54.2
THIRD CIRCUIT	1,927	815	42.3	8	0.4	349	18.1	9	0.5	46	2.4	700	36.3
Delaware	89	39	43.8	2	2.2	20	22.5	5	5.6	3	3.4	20	22.5
New Jersey	592	259	43.8	1	0.2	97	16.4	0	0.0	7	1.2	228	38.5
Pennsylvania													
Eastern	492	169	34.3	1	0.2	114	23.2	2	0.4	15	3.0	191	38.8
Middle	360	167	46.4	1	0.3	77	21.4	2	0.6	11	3.1	102	28.3
Western	357	151	42.3	3	0.8	39	10.9	0	0.0	8	2.2	156	43.7
Virgin Islands	37	30	81.1	0	0.0	2	5.4	0	0.0	2	5.4	3	8.1
FOURTH CIRCUIT	4,200	2,182	52.0	20	0.5	544	13.0	5	0.1	126	3.0	1,323	31.5
Maryland	456	153	33.6	4	0.9	66	14.5	0	0.0	45	9.9	188	41.2
North Carolina													
Eastern	665	365	54.9	3	0.5	155	23.3	0	0.0	12	1.8	130	19.5
Middle	404	225	55.7	3	0.7	34	8.4	0	0.0	9	2.2	133	32.9
Western	512	275	53.7	1	0.2	96	18.8	0	0.0	3	0.6	137	26.8
South Carolina	575	277	48.2	1	0.2	95	16.5	0	0.0	11	1.9	191	33.2
Virginia													
Eastern	805	486	60.4	6	0.7	33	4.1	0	0.0	36	4.5	244	30.3
Western	287	107	37.3	2	0.7	39	13.6	3	1.0	7	2.4	129	44.9
West Virginia													
Northern	235	138	58.7	0	0.0	18	7.7	2	0.9	1	0.4	76	32.3
Southern	261	156	59.8	0	0.0	8	3.1	0	0.0	2	0.8	95	36.4

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE									
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
				N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	20,196	13,910	68.9	59	0.3	713	3.5	1,356	6.7	857	4.2	3,301	16.3
Louisiana													
Eastern	177	106	59.9	0	0.0	28	15.8	0	0.0	4	2.3	39	22.0
Middle	120	71	59.2	0	0.0	20	16.7	0	0.0	1	0.8	28	23.3
Western	284	201	70.8	5	1.8	27	9.5	0	0.0	8	2.8	43	15.1
Mississippi													
Northern	130	65	50.0	0	0.0	26	20.0	0	0.0	1	0.8	38	29.2
Southern	386	234	60.6	0	0.0	25	6.5	31	8.0	3	0.8	93	24.1
Texas													
Eastern	698	494	70.8	3	0.4	20	2.9	1	0.1	6	0.9	174	24.9
Northern	1,377	888	64.5	8	0.6	152	11.0	0	0.0	29	2.1	300	21.8
Southern	8,535	5,170	60.6	38	0.4	257	3.0	1,104	12.9	595	7.0	1,371	16.1
Western	8,489	6,681	78.7	5	0.1	158	1.9	220	2.6	210	2.5	1,215	14.3
SIXTH CIRCUIT	4,134	1,831	44.3	20	0.5	739	17.9	8	0.2	211	5.1	1,325	32.1
Kentucky													
Eastern	431	249	57.8	3	0.7	62	14.4	0	0.0	5	1.2	112	26.0
Western	347	129	37.2	1	0.3	90	25.9	4	1.2	21	6.1	102	29.4
Michigan													
Eastern	528	231	43.8	2	0.4	57	10.8	0	0.0	9	1.7	229	43.4
Western	320	175	54.7	8	2.5	52	16.3	0	0.0	5	1.6	80	25.0
Ohio													
Northern	787	374	47.5	1	0.1	159	20.2	0	0.0	26	3.3	227	28.8
Southern	548	168	30.7	4	0.7	83	15.1	4	0.7	106	19.3	183	33.4
Tennessee													
Eastern	604	273	45.2	0	0.0	168	27.8	0	0.0	16	2.6	147	24.3
Middle	230	63	27.4	1	0.4	27	11.7	0	0.0	19	8.3	120	52.2
Western	339	169	49.9	0	0.0	41	12.1	0	0.0	4	1.2	125	36.9
SEVENTH CIRCUIT	2,268	883	38.9	3	0.1	246	10.8	0	0.0	98	4.3	1,038	45.8
Illinois													
Central	226	98	43.4	0	0.0	31	13.7	0	0.0	1	0.4	96	42.5
Northern	540	171	31.7	0	0.0	31	5.7	0	0.0	37	6.9	301	55.7
Southern	234	118	50.4	0	0.0	43	18.4	0	0.0	1	0.4	72	30.8
Indiana													
Northern	315	138	43.8	0	0.0	41	13.0	0	0.0	15	4.8	121	38.4
Southern	537	247	46.0	0	0.0	73	13.6	0	0.0	4	0.7	213	39.7
Wisconsin													
Eastern	265	56	21.1	0	0.0	19	7.2	0	0.0	2	0.8	188	70.9
Western	151	55	36.4	3	2.0	8	5.3	0	0.0	38	25.2	47	31.1
EIGHTH CIRCUIT	4,691	2,073	44.2	31	0.7	469	10.0	47	1.0	103	2.2	1,968	42.0
Arkansas													
Eastern	474	271	57.2	0	0.0	12	2.5	0	0.0	5	1.1	186	39.2
Western	247	116	47.0	0	0.0	33	13.4	0	0.0	0	0.0	98	39.7
Iowa													
Northern	365	179	49.0	13	3.6	54	14.8	0	0.0	6	1.6	113	31.0
Southern	421	156	37.1	0	0.0	59	14.0	0	0.0	5	1.2	201	47.7
Minnesota	334	93	27.8	2	0.6	54	16.2	8	2.4	15	4.5	162	48.5
Missouri													
Eastern	925	352	38.1	1	0.1	57	6.2	0	0.0	12	1.3	503	54.4
Western	695	287	41.3	4	0.6	90	12.9	0	0.0	20	2.9	294	42.3
Nebraska	482	233	48.3	0	0.0	12	2.5	35	7.3	3	0.6	199	41.3
North Dakota	252	88	34.9	4	1.6	89	35.3	3	1.2	4	1.6	64	25.4
South Dakota	496	298	60.1	7	1.4	9	1.8	1	0.2	33	6.7	148	29.8

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE										VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%		
				N	%	N	%	N	%	N	%				
NINTH CIRCUIT	11,949	3,361	28.1	50	0.4	793	6.6	4,636	38.8	490	4.1	2,619	21.9		
Alaska	108	28	25.9	0	0.0	9	8.3	0	0.0	1	0.9	70	64.8		
Arizona	4,511	1,629	36.1	17	0.4	74	1.6	2,389	53.0	48	1.1	354	7.8		
California															
Central	909	265	29.2	4	0.4	128	14.1	37	4.1	81	8.9	394	43.3		
Eastern	398	156	39.2	0	0.0	64	16.1	10	2.5	6	1.5	162	40.7		
Northern	552	141	25.5	0	0.0	41	7.4	4	0.7	14	2.5	352	63.8		
Southern	3,495	459	13.1	29	0.8	181	5.2	2,131	61.0	296	8.5	399	11.4		
Guam	42	24	57.1	0	0.0	8	19.0	0	0.0	0	0.0	10	23.8		
Hawaii	124	58	46.8	0	0.0	34	27.4	0	0.0	0	0.0	32	25.8		
Idaho	321	146	45.5	0	0.0	57	17.8	18	5.6	6	1.9	94	29.3		
Montana	323	115	35.6	0	0.0	85	26.3	1	0.3	4	1.2	118	36.5		
Nevada	292	74	25.3	0	0.0	16	5.5	12	4.1	21	7.2	169	57.9		
Northern Mariana Islands	10	7	70.0	0	0.0	1	10.0	0	0.0	0	0.0	2	20.0		
Oregon	362	87	24.0	0	0.0	46	12.7	0	0.0	8	2.2	221	61.0		
Washington															
Eastern	237	87	36.7	0	0.0	36	15.2	15	6.3	4	1.7	95	40.1		
Western	265	85	32.1	0	0.0	13	4.9	19	7.2	1	0.4	147	55.5		
TENTH CIRCUIT	5,544	3,062	55.2	29	0.5	281	5.1	819	14.8	323	5.8	1,030	18.6		
Colorado	393	159	40.5	0	0.0	60	15.3	41	10.4	7	1.8	126	32.1		
Kansas	307	127	41.4	0	0.0	54	17.6	8	2.6	12	3.9	106	34.5		
New Mexico	3,189	2,114	66.3	5	0.2	39	1.2	630	19.8	133	4.2	268	8.4		
Oklahoma															
Eastern	105	66	62.9	0	0.0	10	9.5	0	0.0	0	0.0	29	27.6		
Northern	239	96	40.2	15	6.3	32	13.4	0	0.0	40	16.7	56	23.4		
Western	471	234	49.7	0	0.0	25	5.3	3	0.6	11	2.3	198	42.0		
Utah	681	200	29.4	7	1.0	48	7.0	125	18.4	116	17.0	185	27.2		
Wyoming	159	66	41.5	2	1.3	13	8.2	12	7.5	4	2.5	62	39.0		
ELEVENTH CIRCUIT	4,890	2,593	53.0	18	0.4	545	11.1	29	0.6	68	1.4	1,637	33.5		
Alabama															
Middle	140	72	51.4	0	0.0	23	16.4	0	0.0	1	0.7	44	31.4		
Northern	448	234	52.2	1	0.2	70	15.6	0	0.0	8	1.8	135	30.1		
Southern	301	166	55.1	5	1.7	50	16.6	1	0.3	7	2.3	72	23.9		
Florida															
Middle	1,220	606	49.7	6	0.5	163	13.4	17	1.4	12	1.0	416	34.1		
Northern	273	153	56.0	1	0.4	36	13.2	7	2.6	4	1.5	72	26.4		
Southern	1,271	649	51.1	3	0.2	72	5.7	3	0.2	19	1.5	525	41.3		
Georgia															
Middle	347	246	70.9	1	0.3	30	8.6	0	0.0	1	0.3	69	19.9		
Northern	482	183	38.0	0	0.0	31	6.4	0	0.0	12	2.5	256	53.1		
Southern	408	284	69.6	1	0.2	70	17.2	1	0.2	4	1.0	48	11.8		

Of the 64,565 National cases, 332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2020**

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	64,233	32,358	50.4	261	0.4	5,270	8.2	6,918	10.8	2,534	3.9	16,892	26.3
Child Pornography	1,022	313	30.6	11	1.1	22	2.2	0	0.0	55	5.4	621	60.8
Drug Trafficking	16,372	5,298	32.4	57	0.3	3,297	20.1	1,176	7.2	734	4.5	5,810	35.5
Firearms	7,533	3,899	51.8	54	0.7	407	5.4	4	0.1	304	4.0	2,865	38.0
Fraud/Theft/Embezzlement	4,767	2,258	47.4	20	0.4	512	10.7	33	0.7	156	3.3	1,788	37.5
Immigration	26,479	16,832	63.6	49	0.2	173	0.7	5,688	21.5	862	3.3	2,875	10.9
Money Laundering	878	203	23.1	14	1.6	268	30.5	7	0.8	48	5.5	338	38.5
Robbery	1,315	554	42.1	9	0.7	157	11.9	0	0.0	71	5.4	524	39.8
Sexual Abuse	881	373	42.3	4	0.5	56	6.4	0	0.0	49	5.6	399	45.3
Other Miscellaneous Offenses	4,986	2,628	52.7	43	0.9	378	7.6	10	0.2	255	5.1	1,672	33.5

South Dakota

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	496	298	60.1	7	1.4	9	1.8	1	0.2	33	6.7	148	29.8
Child Pornography	17	7	41.2	2	11.8	0	0.0	0	0.0	0	0.0	8	47.1
Drug Trafficking	147	85	57.8	1	0.7	2	1.4	0	0.0	12	8.2	47	32.0
Firearms	65	31	47.7	1	1.5	0	0.0	0	0.0	6	9.2	27	41.5
Fraud/Theft/Embezzlement	44	26	59.1	0	0.0	4	9.1	0	0.0	1	2.3	13	29.5
Immigration	39	34	87.2	0	0.0	1	2.6	1	2.6	0	0.0	3	7.7
Money Laundering	1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0
Robbery	7	2	28.6	0	0.0	1	14.3	0	0.0	0	0.0	4	57.1
Sexual Abuse	32	25	78.1	1	3.1	0	0.0	0	0.0	1	3.1	5	15.6
Other Miscellaneous Offenses	144	88	61.1	2	1.4	1	0.7	0	0.0	13	9.0	40	27.8

Of the 64,565 National cases, 332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 497 cases from the District of South Dakota, one case was excluded because information was missing from the from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.