

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2021

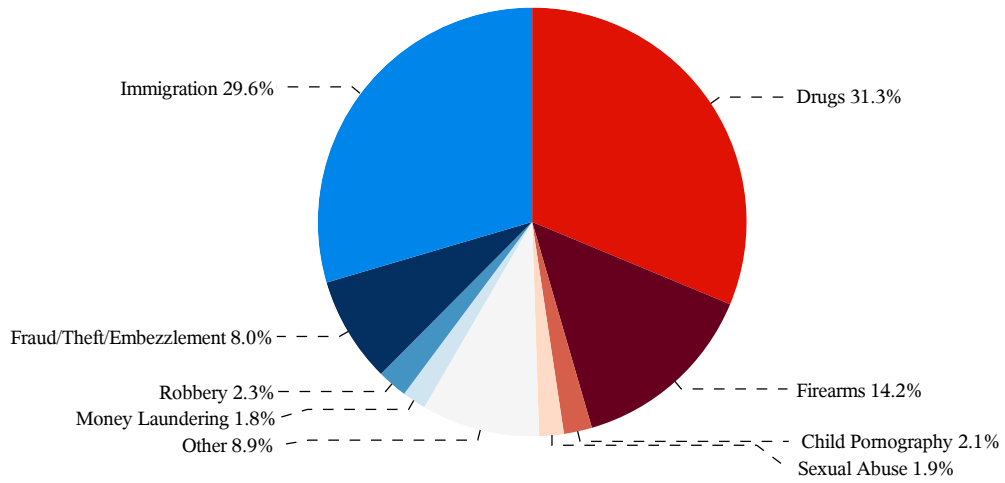
Western District of New York

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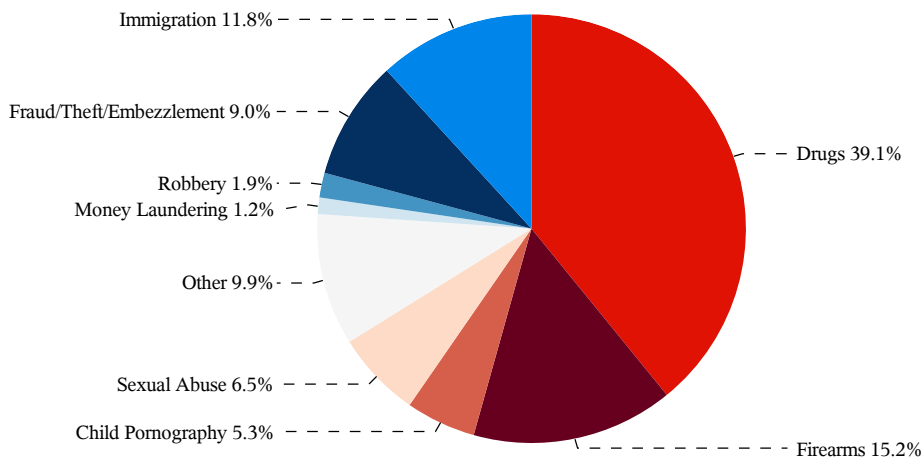
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Figure A
FEDERAL OFFENDERS BY TYPE OF CRIME
Fiscal Year 2021

National



Western New York



The National figure includes the 57,287 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Western District of New York figure includes the 322 cases reported to the Commission.

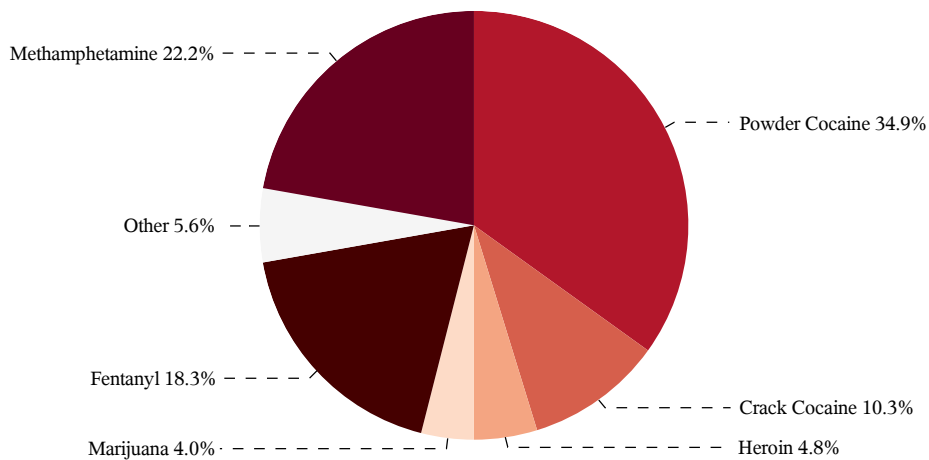
SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Figure B
DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2021

National



Western New York



Of the 57,287 National cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 322 cases from the Western District of New York, in 126 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 1

**DISTRIBUTION OF FEDERAL OFFENDERS
BY TYPE OF CRIME
Fiscal Year 2021**

TYPE OF CRIME	National		Western New York	
	N	%	N	%
TOTAL	57,287	100.0	322	100.0
Administration of Justice	512	0.9	10	3.1
Antitrust	6	0.0	0	0.0
Arson	79	0.1	3	0.9
Assault	668	1.2	3	0.9
Bribery/Corruption	247	0.4	0	0.0
Burglary/Trespass	64	0.1	2	0.6
Child Pornography	1,215	2.1	17	5.3
Commercialized Vice	114	0.2	0	0.0
Drug Possession	309	0.5	1	0.3
Drug Trafficking	17,608	30.7	125	38.8
Environmental	173	0.3	1	0.3
Extortion/Racketeering	116	0.2	0	0.0
Firearms	8,151	14.2	49	15.2
Food and Drug	47	0.1	1	0.3
Forgery/Counter/Copyright	137	0.2	0	0.0
Fraud/Theft/Embezzlement	4,571	8.0	29	9.0
Immigration	16,937	29.6	38	11.8
Individual Rights	69	0.1	1	0.3
Kidnapping	92	0.2	0	0.0
Manslaughter	56	0.1	0	0.0
Money Laundering	1,028	1.8	4	1.2
Murder	257	0.4	4	1.2
National Defense	217	0.4	0	0.0
Obscenity/Other Sex Offenses	298	0.5	0	0.0
Prison Offenses	532	0.9	0	0.0
Robbery	1,300	2.3	6	1.9
Sexual Abuse	1,062	1.9	21	6.5
Stalking/Harassing	219	0.4	3	0.9
Tax	421	0.7	3	0.9
Other	782	1.4	1	0.3

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 2

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2021

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	57,287	56,324	98.3	963	1.7
D.C. CIRCUIT	253	247	97.6	6	2.4
District of Columbia	253	247	97.6	6	2.4
FIRST CIRCUIT	1,777	1,744	98.1	33	1.9
Maine	199	193	97.0	6	3.0
Massachusetts	422	413	97.9	9	2.1
New Hampshire	197	191	97.0	6	3.0
Puerto Rico	884	872	98.6	12	1.4
Rhode Island	75	75	100.0	0	0.0
SECOND CIRCUIT	2,424	2,349	96.9	75	3.1
Connecticut	302	295	97.7	7	2.3
New York					
Eastern	498	475	95.4	23	4.6
Northern	235	235	100.0	0	0.0
Southern	943	904	95.9	39	4.1
Western	322	317	98.4	5	1.6
Vermont	124	123	99.2	1	0.8
THIRD CIRCUIT	1,900	1,841	96.9	59	3.1
Delaware	52	51	98.1	1	1.9
New Jersey	629	619	98.4	10	1.6
Pennsylvania					
Eastern	446	418	93.7	28	6.3
Middle	310	303	97.7	7	2.3
Western	407	400	98.3	7	1.7
Virgin Islands	56	50	89.3	6	10.7
FOURTH CIRCUIT	4,522	4,411	97.5	111	2.5
Maryland	525	511	97.3	14	2.7
North Carolina					
Eastern	922	907	98.4	15	1.6
Middle	365	361	98.9	4	1.1
Western	502	480	95.6	22	4.4
South Carolina	531	526	99.1	5	0.9
Virginia					
Eastern	968	933	96.4	35	3.6
Western	239	234	97.9	5	2.1
West Virginia					
Northern	250	245	98.0	5	2.0
Southern	220	214	97.3	6	2.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	16,403	16,239	99.0	164	1.0
Louisiana					
Eastern	205	199	97.1	6	2.9
Middle	103	101	98.1	2	1.9
Western	240	236	98.3	4	1.7
Mississippi					
Northern	87	86	98.9	1	1.1
Southern	262	257	98.1	5	1.9
Texas					
Eastern	662	649	98.0	13	2.0
Northern	1,549	1,511	97.5	38	2.5
Southern	8,052	8,006	99.4	46	0.6
Western	5,243	5,194	99.1	49	0.9
SIXTH CIRCUIT	4,008	3,924	97.9	84	2.1
Kentucky					
Eastern	427	410	96.0	17	4.0
Western	276	273	98.9	3	1.1
Michigan					
Eastern	489	481	98.4	8	1.6
Western	291	274	94.2	17	5.8
Ohio					
Northern	819	809	98.8	10	1.2
Southern	507	502	99.0	5	1.0
Tennessee					
Eastern	582	575	98.8	7	1.2
Middle	254	250	98.4	4	1.6
Western	363	350	96.4	13	3.6
SEVENTH CIRCUIT	2,222	2,165	97.4	57	2.6
Illinois					
Central	232	225	97.0	7	3.0
Northern	619	596	96.3	23	3.7
Southern	221	217	98.2	4	1.8
Indiana					
Northern	342	333	97.4	9	2.6
Southern	413	405	98.1	8	1.9
Wisconsin					
Eastern	263	261	99.2	2	0.8
Western	132	128	97.0	4	3.0
EIGHTH CIRCUIT	4,592	4,478	97.5	114	2.5
Arkansas					
Eastern	546	537	98.4	9	1.6
Western	185	184	99.5	1	0.5
Iowa					
Northern	326	323	99.1	3	0.9
Southern	495	474	95.8	21	4.2
Minnesota	258	251	97.3	7	2.7
Missouri					
Eastern	1,065	1,055	99.1	10	0.9
Western	582	573	98.5	9	1.5
Nebraska	380	361	95.0	19	5.0
North Dakota	289	279	96.5	10	3.5
South Dakota	466	441	94.6	25	5.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	11,015	10,905	99.0	110	1.0
Alaska	148	146	98.6	2	1.4
Arizona	4,371	4,354	99.6	17	0.4
California					
Central	876	861	98.3	15	1.7
Eastern	282	276	97.9	6	2.1
Northern	369	361	97.8	8	2.2
Southern	2,927	2,909	99.4	18	0.6
Guam	37	36	97.3	1	2.7
Hawaii	168	161	95.8	7	4.2
Idaho	241	237	98.3	4	1.7
Montana	333	322	96.7	11	3.3
Nevada	299	293	98.0	6	2.0
Northern Mariana Islands	16	15	93.8	1	6.3
Oregon	391	388	99.2	3	0.8
Washington					
Eastern	199	194	97.5	5	2.5
Western	358	352	98.3	6	1.7
TENTH CIRCUIT	3,860	3,827	99.1	33	0.9
Colorado	370	365	98.6	5	1.4
Kansas	420	415	98.8	5	1.2
New Mexico	1,415	1,406	99.4	9	0.6
Oklahoma					
Eastern	89	88	98.9	1	1.1
Northern	328	327	99.7	1	0.3
Western	409	404	98.8	5	1.2
Utah	658	654	99.4	4	0.6
Wyoming	171	168	98.2	3	1.8
ELEVENTH CIRCUIT	4,311	4,194	97.3	117	2.7
Alabama					
Middle	122	117	95.9	5	4.1
Northern	445	437	98.2	8	1.8
Southern	228	215	94.3	13	5.7
Florida					
Middle	1,066	1,022	95.9	44	4.1
Northern	264	246	93.2	18	6.8
Southern	813	807	99.3	6	0.7
Georgia					
Middle	386	382	99.0	4	1.0
Northern	544	535	98.3	9	1.7
Southern	443	433	97.7	10	2.3

Of the 57,287 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2021**

TYPE OF CRIME	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	57,287	56,324	98.3	963	1.7	317	98.4	5	1.6
Administration of Justice	512	492	96.1	20	3.9	10	100.0	0	0.0
Antitrust	6	6	100.0	0	0.0	0	--	0	--
Arson	79	77	97.5	2	2.5	3	100.0	0	0.0
Assault	668	637	95.4	31	4.6	3	100.0	0	0.0
Bribery/Corruption	247	226	91.5	21	8.5	0	--	0	--
Burglary/Trespass	64	64	100.0	0	0.0	2	100.0	0	0.0
Child Pornography	1,215	1,188	97.8	27	2.2	16	94.1	1	5.9
Commercialized Vice	114	113	99.1	1	0.9	0	--	0	--
Drug Possession	309	304	98.4	5	1.6	1	100.0	0	0.0
Drug Trafficking	17,608	17,358	98.6	250	1.4	123	98.4	2	1.6
Environmental	173	170	98.3	3	1.7	1	100.0	0	0.0
Extortion/Racketeering	116	111	95.7	5	4.3	0	--	0	--
Firearms	8,151	7,988	98.0	163	2.0	47	95.9	2	4.1
Food and Drug	47	45	95.7	2	4.3	1	100.0	0	0.0
Forgery/Counter/Copyright	137	136	99.3	1	0.7	0	--	0	--
Fraud/Theft/Embezzlement	4,571	4,469	97.8	102	2.2	29	100.0	0	0.0
Immigration	16,937	16,900	99.8	37	0.2	38	100.0	0	0.0
Individual Rights	69	58	84.1	11	15.9	1	100.0	0	0.0
Kidnapping	92	82	89.1	10	10.9	0	--	0	--
Manslaughter	56	54	96.4	2	3.6	0	--	0	--
Money Laundering	1,028	987	96.0	41	4.0	4	100.0	0	0.0
Murder	257	225	87.5	32	12.5	4	100.0	0	0.0
National Defense	217	211	97.2	6	2.8	0	--	0	--
Obscenity/Other Sex Offenses	298	296	99.3	2	0.7	0	--	0	--
Prison Offenses	532	528	99.2	4	0.8	0	--	0	--
Robbery	1,300	1,248	96.0	52	4.0	6	100.0	0	0.0
Sexual Abuse	1,062	972	91.5	90	8.5	21	100.0	0	0.0
Stalking/Harassing	219	210	95.9	9	4.1	3	100.0	0	0.0
Tax	421	400	95.0	21	5.0	3	100.0	0	0.0
Other	782	769	98.3	13	1.7	1	100.0	0	0.0

Of the 57,287 National cases, no cases were excluded.

Of the 322 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2021

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	57,287	50,648	88.4	1,653	2.9	1,049	1.8	3,527	6.2	410	0.7
Administration of Justice	512	342	66.8	27	5.3	31	6.1	110	21.5	2	0.4
Antitrust	6	1	16.7	0	0.0	3	50.0	1	16.7	1	16.7
Arson	79	74	93.7	3	3.8	1	1.3	1	1.3	0	0.0
Assault	668	574	85.9	27	4.0	9	1.3	53	7.9	5	0.7
Bribery/Corruption	247	158	64.0	21	8.5	27	10.9	40	16.2	1	0.4
Burglary/Trespass	64	53	82.8	4	6.3	2	3.1	4	6.3	1	1.6
Child Pornography	1,215	1,179	97.0	20	1.6	4	0.3	12	1.0	0	0.0
Commercialized Vice	114	62	54.4	3	2.6	15	13.2	22	19.3	12	10.5
Drug Possession	309	110	35.6	1	0.3	10	3.2	106	34.3	82	26.5
Drug Trafficking	17,608	16,307	92.6	683	3.9	168	1.0	450	2.6	0	0.0
Environmental	173	36	20.8	4	2.3	12	6.9	107	61.8	14	8.1
Extortion/Racketeering	116	83	71.6	5	4.3	4	3.4	24	20.7	0	0.0
Firearms	8,151	7,515	92.2	161	2.0	103	1.3	370	4.5	2	0.0
Food and Drug	47	19	40.4	1	2.1	5	10.6	19	40.4	3	6.4
Forgery/Counter/Copyright	137	103	75.2	4	2.9	8	5.8	22	16.1	0	0.0
Fraud/Theft/Embezzlement	4,571	2,982	65.2	220	4.8	301	6.6	1,014	22.2	54	1.2
Immigration	16,937	15,897	93.9	267	1.6	199	1.2	573	3.4	1	0.0
Individual Rights	69	29	42.0	1	1.4	7	10.1	21	30.4	11	15.9
Kidnapping	92	90	97.8	1	1.1	0	0.0	1	1.1	0	0.0
Manslaughter	56	49	87.5	6	10.7	1	1.8	0	0.0	0	0.0
Money Laundering	1,028	867	84.3	41	4.0	32	3.1	88	8.6	0	0.0
Murder	257	248	96.5	8	3.1	0	0.0	1	0.4	0	0.0
National Defense	217	182	83.9	7	3.2	2	0.9	11	5.1	15	6.9
Obscenity/Other Sex Offenses	298	266	89.3	22	7.4	2	0.7	8	2.7	0	0.0
Prison Offenses	532	494	92.9	19	3.6	5	0.9	14	2.6	0	0.0
Robbery	1,300	1,245	95.8	30	2.3	5	0.4	20	1.5	0	0.0
Sexual Abuse	1,062	1,032	97.2	25	2.4	1	0.1	4	0.4	0	0.0
Stalking/Harassing	219	180	82.2	14	6.4	8	3.7	17	7.8	0	0.0
Tax	421	244	58.0	27	6.4	46	10.9	104	24.7	0	0.0
Other	782	227	29.0	1	0.1	38	4.9	310	39.6	206	26.3

Of the 57,287 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, 2021 Datafile, USSCFY21.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2021

Western New York

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	322	273	84.8	17	5.3	5	1.6	24	7.5	3	0.9
Administration of Justice	10	5	50.0	2	20.0	1	10.0	2	20.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Assault	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Bribery/Corruption	0	0	--	0	--	0	--	0	--	0	--
Burglary/Trespass	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Child Pornography	17	16	94.1	1	5.9	0	0.0	0	0.0	0	0.0
Commercialized Vice	0	0	--	0	--	0	--	0	--	0	--
Drug Possession	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drug Trafficking	125	109	87.2	11	8.8	0	0.0	5	4.0	0	0.0
Environmental	1	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Extortion/Racketeering	0	0	--	0	--	0	--	0	--	0	--
Firearms	49	45	91.8	1	2.0	0	0.0	3	6.1	0	0.0
Food and Drug	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counter/Copyright	0	0	--	0	--	0	--	0	--	0	--
Fraud/Theft/Embezzlement	29	16	55.2	0	0.0	4	13.8	7	24.1	2	6.9
Immigration	38	33	86.8	2	5.3	0	0.0	3	7.9	0	0.0
Individual Rights	1	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0
Kidnapping	0	0	--	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--	0	--
Money Laundering	4	3	75.0	0	0.0	0	0.0	1	25.0	0	0.0
Murder	4	4	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	0	0	--	0	--	0	--	0	--	0	--
Prison Offenses	0	0	--	0	--	0	--	0	--	0	--
Robbery	6	6	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	21	21	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Tax	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Other	1	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0

Of the 322 cases from the Western District of New York, 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, 2021 Datafile, USSCFY21.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2021**

TYPE OF CRIME	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	3,826	1,731	45.2	2,095	54.8	11	45.8	13	54.2
Administration of Justice	123	61	49.6	62	50.4	3	60.0	2	40.0
Antitrust	0	0	--	0	--	0	--	0	--
Arson	0	0	--	0	--	0	--	0	--
Assault	96	53	55.2	43	44.8	0	--	0	--
Bribery/Corruption	16	6	37.5	10	62.5	0	--	0	--
Burglary/Trespass	11	9	81.8	2	18.2	0	--	0	--
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	36	5	13.9	31	86.1	0	--	0	--
Drug Possession	223	85	38.1	138	61.9	1	100.0	0	0.0
Drug Trafficking	367	215	58.6	152	41.4	2	100.0	0	0.0
Environmental	97	21	21.6	76	78.4	0	--	0	--
Extortion/Racketeering	10	3	30.0	7	70.0	0	--	0	--
Firearms	123	54	43.9	69	56.1	1	50.0	1	50.0
Food and Drug	27	7	25.9	20	74.1	1	100.0	0	0.0
Forgery/Counter/Copyright	30	19	63.3	11	36.7	0	--	0	--
Fraud/Theft/Embezzlement	1,159	385	33.2	774	66.8	2	22.2	7	77.8
Immigration	715	429	60.0	286	40.0	1	50.0	1	50.0
Individual Rights	18	1	5.6	17	94.4	0	0.0	1	100.0
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	2	2	100.0	0	0.0	0	--	0	--
Money Laundering	59	35	59.3	24	40.7	0	--	0	--
Murder	0	0	--	0	--	0	--	0	--
National Defense	12	1	8.3	11	91.7	0	--	0	--
Obscenity/Other Sex Offenses	8	6	75.0	2	25.0	0	--	0	--
Prison Offenses	258	244	94.6	14	5.4	0	--	0	--
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	2	1	50.0	1	50.0	0	--	0	--
Stalking/Harassing	32	22	68.8	10	31.3	0	--	0	--
Tax	17	4	23.5	13	76.5	0	--	0	--
Other	385	63	16.4	322	83.6	0	0.0	1	100.0

Of the 57,287 National cases, a U.S. Citizen was the offender in 37,805 cases. Of these, 33,979 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 322 cases from the Western District of New York, a U.S. Citizen was the offender in 276 cases. Of these, 252 cases were excluded because the offender was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2021**

TYPE OF CRIME	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	48	24	57,286	60	36	322
Administration of Justice	13	8	512	8	6	10
Antitrust	3	3	6	--	--	0
Arson	63	48	79	10	12	3
Assault	57	36	668	76	41	3
Bribery/Corruption	20	12	247	--	--	0
Burglary/Trespass	23	14	64	--	--	2
Child Pornography	108	90	1,215	97	84	17
Commercialized Vice	14	11	114	--	--	0
Drug Possession	1	0	309	--	--	1
Drug Trafficking	74	60	17,608	69	52	125
Environmental	2	0	173	--	--	1
Extortion/Racketeering	25	15	116	--	--	0
Firearms	48	37	8,150	45	36	49
Food and Drug	9	1	47	--	--	1
Forgery/Counter/Copyright	16	12	137	--	--	0
Fraud/Theft/Embezzlement	20	12	4,571	18	6	29
Immigration	13	8	16,937	5	2	38
Individual Rights	32	3	69	--	--	1
Kidnapping	166	123	92	--	--	0
Manslaughter	69	59	56	--	--	0
Money Laundering	57	30	1,028	32	4	4
Murder	244	231	257	103	61	4
National Defense	37	26	217	--	--	0
Obscenity/Other Sex Offenses	22	18	298	--	--	0
Prison Offenses	11	8	532	--	--	0
Robbery	104	90	1,300	116	80	6
Sexual Abuse	211	180	1,062	213	180	21
Stalking/Harassing	26	18	219	22	24	3
Tax	14	12	421	12	0	3
Other	2	0	782	--	--	1

Of the 57,287 National cases, one case was excluded due to missing or indeterminable sentencing information.

Of the 322 cases from the Western District of New York, 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, 2021 Datafile, USSCFY21.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2021

	<u>National</u>		<u>Western New York</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
TOTAL CASES	57,041	100.0	321	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	39,372	69.0	191	59.5
Within Guideline Range	24,434	42.8	125	38.9
Upward Departure ²	296	0.5	1	0.3
Downward Departure				
§5K1.1 Substantial Assistance	5,493	9.6	63	19.6
§5K3.1 Early Disposition Program	6,387	11.2	0	0.0
Other Government Motion ³	1,294	2.3	2	0.6
Non-Government Departure ⁴	1,468	2.6	0	0.0
VARIANCES	17,669	31.0	130	40.5
Upward Variance ⁵	1,203	2.1	11	3.4
Downward Variance				
Government Motion ⁶	4,804	8.4	58	18.1
Non-Government Variance ⁷	11,662	20.4	61	19.0

¹ This table reflects the 57,287 cases reported to the Commission in fiscal year 2021, 322 of which were from the Western District of New York. Of these, 246 cases nationally and one case from the Western District of New York 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, 2021 Datafile, USSCFY21.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2021**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	57,041	24,434	42.8	296	0.5	5,493	9.6	6,387	11.2	2,762	4.8	17,669	31.0
D.C. CIRCUIT	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
District of Columbia	252	73	29.0	1	0.4	31	12.3	0	0.0	20	7.9	127	50.4
FIRST CIRCUIT	1,775	650	36.6	8	0.5	145	8.2	1	0.1	92	5.2	879	49.5
Maine	199	32	16.1	1	0.5	37	18.6	0	0.0	5	2.5	124	62.3
Massachusetts	421	112	26.6	4	1.0	32	7.6	1	0.2	34	8.1	238	56.5
New Hampshire	197	45	22.8	0	0.0	23	11.7	0	0.0	8	4.1	121	61.4
Puerto Rico	883	448	50.7	3	0.3	49	5.5	0	0.0	45	5.1	338	38.3
Rhode Island	75	13	17.3	0	0.0	4	5.3	0	0.0	0	0.0	58	77.3
SECOND CIRCUIT	2,416	655	27.1	5	0.2	375	15.5	5	0.2	95	3.9	1,281	53.0
Connecticut	301	78	25.9	1	0.3	32	10.6	0	0.0	46	15.3	144	47.8
New York													
Eastern	498	123	24.7	1	0.2	95	19.1	2	0.4	30	6.0	247	49.6
Northern	229	113	49.3	1	0.4	50	21.8	0	0.0	5	2.2	60	26.2
Southern	943	187	19.8	1	0.1	114	12.1	3	0.3	10	1.1	628	66.6
Western	321	125	38.9	1	0.3	63	19.6	0	0.0	2	0.6	130	40.5
Vermont	124	29	23.4	0	0.0	21	16.9	0	0.0	2	1.6	72	58.1
THIRD CIRCUIT	1,899	764	40.2	5	0.3	338	17.8	7	0.4	43	2.3	742	39.1
Delaware	52	18	34.6	1	1.9	12	23.1	1	1.9	1	1.9	19	36.5
New Jersey	628	270	43.0	1	0.2	91	14.5	0	0.0	6	1.0	260	41.4
Pennsylvania													
Eastern	446	150	33.6	0	0.0	106	23.8	4	0.9	16	3.6	170	38.1
Middle	310	126	40.6	0	0.0	71	22.9	2	0.6	9	2.9	102	32.9
Western	407	159	39.1	2	0.5	53	13.0	0	0.0	10	2.5	183	45.0
Virgin Islands	56	41	73.2	1	1.8	5	8.9	0	0.0	1	1.8	8	14.3
FOURTH CIRCUIT	4,452	2,194	49.3	34	0.8	582	13.1	1	0.0	129	2.9	1,512	34.0
Maryland	513	175	34.1	11	2.1	61	11.9	0	0.0	45	8.8	221	43.1
North Carolina													
Eastern	885	486	54.9	9	1.0	215	24.3	0	0.0	11	1.2	164	18.5
Middle	361	172	47.6	3	0.8	40	11.1	0	0.0	7	1.9	139	38.5
Western	502	270	53.8	1	0.2	71	14.1	0	0.0	4	0.8	156	31.1
South Carolina	530	214	40.4	1	0.2	103	19.4	0	0.0	17	3.2	195	36.8
Virginia													
Eastern	957	523	54.6	8	0.8	39	4.1	0	0.0	28	2.9	359	37.5
Western	235	101	43.0	0	0.0	38	16.2	0	0.0	12	5.1	84	35.7
West Virginia													
Northern	250	144	57.6	0	0.0	13	5.2	1	0.4	1	0.4	91	36.4
Southern	219	109	49.8	1	0.5	2	0.9	0	0.0	4	1.8	103	47.0

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,374	9,786	59.8	61	0.4	831	5.1	1,470	9.0	952	5.8	3,274	20.0
Louisiana													
Eastern	199	121	60.8	1	0.5	21	10.6	0	0.0	1	0.5	55	27.6
Middle	103	51	49.5	0	0.0	22	21.4	0	0.0	2	1.9	28	27.2
Western	234	137	58.5	4	1.7	19	8.1	0	0.0	10	4.3	64	27.4
Mississippi													
Northern	79	31	39.2	1	1.3	11	13.9	0	0.0	1	1.3	35	44.3
Southern	262	168	64.1	1	0.4	22	8.4	9	3.4	2	0.8	60	22.9
Texas													
Eastern	662	425	64.2	7	1.1	25	3.8	0	0.0	13	2.0	192	29.0
Northern	1,547	912	59.0	17	1.1	168	10.9	1	0.1	17	1.1	432	27.9
Southern	8,046	3,977	49.4	27	0.3	341	4.2	1,352	16.8	779	9.7	1,570	19.5
Western	5,242	3,964	75.6	3	0.1	202	3.9	108	2.1	127	2.4	838	16.0
SIXTH CIRCUIT	3,997	1,616	40.4	11	0.3	749	18.7	9	0.2	160	4.0	1,452	36.3
Kentucky													
Eastern	427	216	50.6	3	0.7	78	18.3	0	0.0	2	0.5	128	30.0
Western	275	97	35.3	3	1.1	75	27.3	7	2.5	14	5.1	79	28.7
Michigan													
Eastern	488	183	37.5	0	0.0	29	5.9	1	0.2	17	3.5	258	52.9
Western	291	161	55.3	0	0.0	59	20.3	0	0.0	10	3.4	61	21.0
Ohio													
Northern	817	338	41.4	0	0.0	161	19.7	0	0.0	15	1.8	303	37.1
Southern	506	133	26.3	2	0.4	111	21.9	1	0.2	72	14.2	187	37.0
Tennessee													
Eastern	581	272	46.8	3	0.5	152	26.2	0	0.0	6	1.0	148	25.5
Middle	249	51	20.5	0	0.0	31	12.4	0	0.0	15	6.0	152	61.0
Western	363	165	45.5	0	0.0	53	14.6	0	0.0	9	2.5	136	37.5
SEVENTH CIRCUIT	2,221	856	38.5	5	0.2	199	9.0	1	0.0	106	4.8	1,054	47.5
Illinois													
Central	231	84	36.4	2	0.9	19	8.2	0	0.0	2	0.9	124	53.7
Northern	619	202	32.6	2	0.3	34	5.5	1	0.2	45	7.3	335	54.1
Southern	221	121	54.8	0	0.0	27	12.2	0	0.0	2	0.9	71	32.1
Indiana													
Northern	342	178	52.0	0	0.0	36	10.5	0	0.0	5	1.5	123	36.0
Southern	413	190	46.0	0	0.0	50	12.1	0	0.0	4	1.0	169	40.9
Wisconsin													
Eastern	263	44	16.7	0	0.0	28	10.6	0	0.0	11	4.2	180	68.4
Western	132	37	28.0	1	0.8	5	3.8	0	0.0	37	28.0	52	39.4
EIGHTH CIRCUIT	4,583	1,917	41.8	40	0.9	521	11.4	29	0.6	88	1.9	1,988	43.4
Arkansas													
Eastern	541	326	60.3	1	0.2	28	5.2	0	0.0	4	0.7	182	33.6
Western	185	71	38.4	1	0.5	25	13.5	0	0.0	1	0.5	87	47.0
Iowa													
Northern	326	136	41.7	19	5.8	77	23.6	0	0.0	4	1.2	90	27.6
Southern	495	164	33.1	1	0.2	78	15.8	1	0.2	3	0.6	248	50.1
Minnesota	257	60	23.3	2	0.8	40	15.6	6	2.3	14	5.4	135	52.5
Missouri													
Eastern	1,065	418	39.2	2	0.2	85	8.0	1	0.1	5	0.5	554	52.0
Western	581	228	39.2	2	0.3	69	11.9	0	0.0	9	1.5	273	47.0
Nebraska	379	181	47.8	1	0.3	6	1.6	14	3.7	6	1.6	171	45.1
North Dakota	289	100	34.6	8	2.8	110	38.1	6	2.1	4	1.4	61	21.1
South Dakota	465	233	50.1	3	0.6	3	0.6	1	0.2	38	8.2	187	40.2

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10,959	2,518	23.0	80	0.7	780	7.1	4,445	40.6	465	4.2	2,671	24.4
Alaska	148	29	19.6	2	1.4	21	14.2	0	0.0	4	2.7	92	62.2
Arizona	4,349	1,221	28.1	16	0.4	68	1.6	2,489	57.2	101	2.3	454	10.4
California													
Central	861	210	24.4	1	0.1	95	11.0	40	4.6	72	8.4	443	51.5
Eastern	279	103	36.9	2	0.7	54	19.4	2	0.7	6	2.2	112	40.1
Northern	369	63	17.1	1	0.3	36	9.8	2	0.5	14	3.8	253	68.6
Southern	2,923	282	9.6	49	1.7	165	5.6	1,855	63.5	227	7.8	345	11.8
Guam	37	18	48.6	0	0.0	13	35.1	0	0.0	1	2.7	5	13.5
Hawaii	168	63	37.5	0	0.0	49	29.2	0	0.0	0	0.0	56	33.3
Idaho	241	95	39.4	2	0.8	54	22.4	5	2.1	8	3.3	77	32.0
Montana	333	100	30.0	3	0.9	90	27.0	0	0.0	11	3.3	129	38.7
Nevada	295	61	20.7	0	0.0	19	6.4	42	14.2	6	2.0	167	56.6
Northern Mariana Islands	16	12	75.0	0	0.0	2	12.5	0	0.0	0	0.0	2	12.5
Oregon	387	60	15.5	1	0.3	53	13.7	0	0.0	7	1.8	266	68.7
Washington													
Eastern	199	49	24.6	3	1.5	54	27.1	3	1.5	6	3.0	84	42.2
Western	354	152	42.9	0	0.0	7	2.0	7	2.0	2	0.6	186	52.5
TENTH CIRCUIT	3,831	1,437	37.5	33	0.9	327	8.5	409	10.7	438	11.4	1,187	31.0
Colorado	370	127	34.3	0	0.0	74	20.0	18	4.9	12	3.2	139	37.6
Kansas	405	172	42.5	2	0.5	51	12.6	6	1.5	8	2.0	166	41.0
New Mexico	1,411	581	41.2	8	0.6	40	2.8	299	21.2	181	12.8	302	21.4
Oklahoma													
Eastern	89	49	55.1	0	0.0	12	13.5	0	0.0	2	2.2	26	29.2
Northern	320	118	36.9	19	5.9	37	11.6	0	0.0	97	30.3	49	15.3
Western	407	202	49.6	0	0.0	29	7.1	0	0.0	3	0.7	173	42.5
Utah	658	131	19.9	4	0.6	68	10.3	77	11.7	130	19.8	248	37.7
Wyoming	171	57	33.3	0	0.0	16	9.4	9	5.3	5	2.9	84	49.1
ELEVENTH CIRCUIT	4,282	1,968	46.0	13	0.3	615	14.4	10	0.2	174	4.1	1,502	35.1
Alabama													
Middle	122	46	37.7	0	0.0	29	23.8	0	0.0	1	0.8	46	37.7
Northern	443	226	51.0	0	0.0	91	20.5	0	0.0	9	2.0	117	26.4
Southern	228	106	46.5	0	0.0	57	25.0	0	0.0	2	0.9	63	27.6
Florida													
Middle	1,065	440	41.3	4	0.4	165	15.5	3	0.3	8	0.8	445	41.8
Northern	259	91	35.1	1	0.4	65	25.1	6	2.3	3	1.2	93	35.9
Southern	797	356	44.7	2	0.3	63	7.9	1	0.1	13	1.6	362	45.4
Georgia													
Middle	381	193	50.7	0	0.0	39	10.2	0	0.0	114	29.9	35	9.2
Northern	544	184	33.8	5	0.9	47	8.6	0	0.0	12	2.2	296	54.4
Southern	443	326	73.6	1	0.2	59	13.3	0	0.0	12	2.7	45	10.2

Of the 57,287 National cases, 246 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, 2021 Datafile, USSCFY21.

Table 10
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2021

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	57,041	24,434	42.8	296	0.5	5,493	9.6	6,387	11.2	2,762	4.8	17,669	31.0
Child Pornography	1,215	400	32.9	7	0.6	16	1.3	2	0.2	59	4.9	731	60.2
Drug Trafficking	17,595	4,994	28.4	56	0.3	3,487	19.8	1,741	9.9	838	4.8	6,479	36.8
Firearms	8,145	4,130	50.7	65	0.8	413	5.1	12	0.1	339	4.2	3,186	39.1
Fraud/Theft/Embezzlement	4,527	1,942	42.9	48	1.1	556	12.3	18	0.4	170	3.8	1,793	39.6
Immigration	16,906	9,000	53.2	34	0.2	148	0.9	4,594	27.2	907	5.4	2,223	13.1
Money Laundering	1,028	240	23.3	12	1.2	274	26.7	9	0.9	57	5.5	436	42.4
Robbery	1,300	503	38.7	10	0.8	157	12.1	1	0.1	62	4.8	567	43.6
Sex Abuse	1,061	419	39.5	11	1.0	63	5.9	1	0.1	56	5.3	511	48.2
Other Miscellaneous Offenses	5,264	2,806	53.3	53	1.0	379	7.2	9	0.2	274	5.2	1,743	33.1

Western New York

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	321	125	38.9	1	0.3	63	19.6	0	0.0	2	0.6	130	40.5
Child Pornography	17	6	35.3	0	0.0	0	0.0	0	0.0	0	0.0	11	64.7
Drug Trafficking	125	33	26.4	0	0.0	41	32.8	0	0.0	0	0.0	51	40.8
Firearms	49	16	32.7	1	2.0	11	22.4	0	0.0	0	0.0	21	42.9
Fraud/Theft/Embezzlement	29	17	58.6	0	0.0	3	10.3	0	0.0	0	0.0	9	31.0
Immigration	38	30	78.9	0	0.0	2	5.3	0	0.0	0	0.0	6	15.8
Money Laundering	4	0	0.0	0	0.0	3	75.0	0	0.0	0	0.0	1	25.0
Robbery	6	4	66.7	0	0.0	0	0.0	0	0.0	0	0.0	2	33.3
Sex Abuse	21	4	19.0	0	0.0	2	9.5	0	0.0	0	0.0	15	71.4
Other Miscellaneous Offenses	32	15	46.9	0	0.0	1	3.1	0	0.0	2	6.3	14	43.8

Of the 57,287 National cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 322 cases from the Western District of New York, 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, 2021 Datafile, USSCFY21.