

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2022

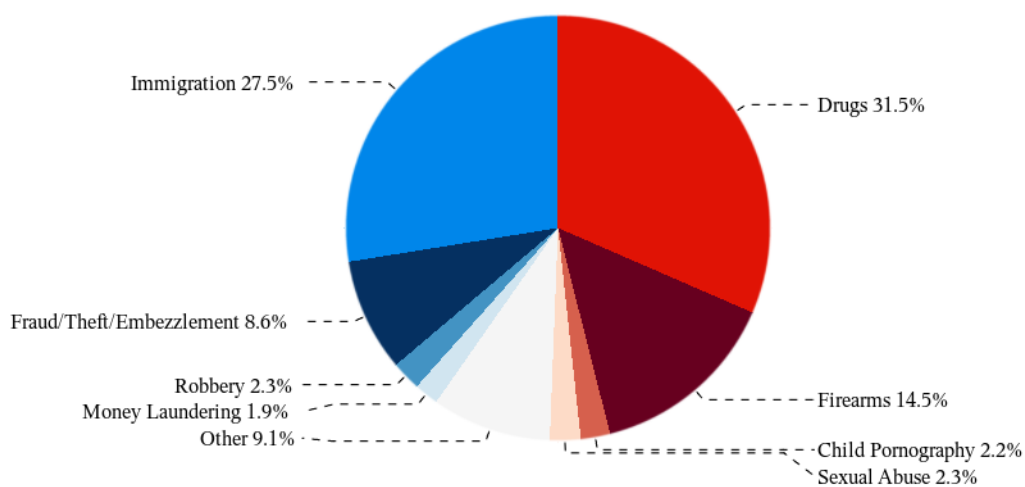
Western District of New York

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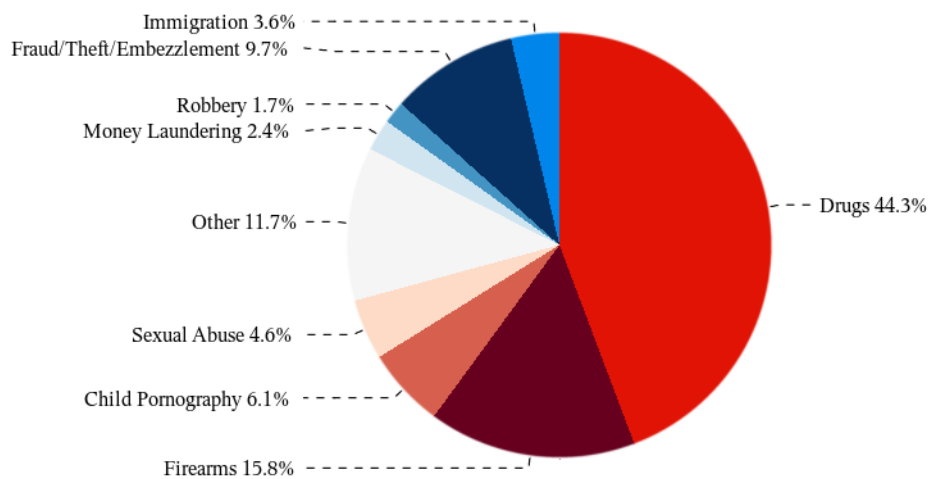
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Figure A
FEDERAL OFFENDERS BY TYPE OF CRIME
Fiscal Year 2022

National



Western New York



The National figure includes the 64,142 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Western District of New York figure includes the 411 cases reported to the Commission.

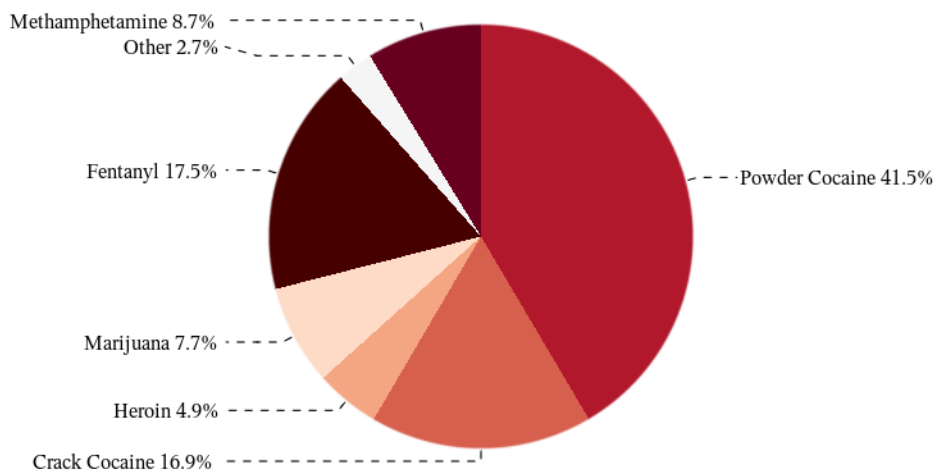
SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Figure B
DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2022

National



Western New York



Of the 64,142 National cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 411 cases from the Western District of New York, in 183 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 1

**DISTRIBUTION OF FEDERAL OFFENDERS
BY TYPE OF CRIME
Fiscal Year 2022**

TYPE OF CRIME	National		Western New York	
	N	%	N	%
TOTAL	64,142	100.0	411	100.0
Administration of Justice	652	1.0	9	2.2
Antitrust	8	0.0	0	0.0
Arson	106	0.2	3	0.7
Assault	850	1.3	1	0.2
Bribery/Corruption	360	0.6	1	0.2
Burglary/Trespass	112	0.2	2	0.5
Child Pornography	1,435	2.2	25	6.1
Commercialized Vice	73	0.1	0	0.0
Drug Possession	296	0.5	5	1.2
Drug Trafficking	19,938	31.1	177	43.1
Environmental	153	0.2	3	0.7
Extortion/Racketeering	121	0.2	1	0.2
Firearms	9,318	14.5	65	15.8
Food and Drug	40	0.1	0	0.0
Forgery/Counter/Copyright	111	0.2	0	0.0
Fraud/Theft/Embezzlement	5,520	8.6	40	9.7
Immigration	17,652	27.5	15	3.6
Individual Rights	92	0.1	0	0.0
Kidnapping	128	0.2	3	0.7
Manslaughter	80	0.1	0	0.0
Money Laundering	1,192	1.9	10	2.4
Murder	410	0.6	3	0.7
National Defense	180	0.3	1	0.2
Obscenity/Other Sex Offenses	344	0.5	4	1.0
Prison Offenses	499	0.8	2	0.5
Robbery	1,444	2.3	7	1.7
Sexual Abuse	1,499	2.3	19	4.6
Stalking/Harassing	266	0.4	6	1.5
Tax	496	0.8	6	1.5
Other	767	1.2	3	0.7

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 2

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2022

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	64,142	62,527	97.5	1,615	2.5
D.C. CIRCUIT	312	291	93.3	21	6.7
District of Columbia	312	291	93.3	21	6.7
FIRST CIRCUIT	1,750	1,712	97.8	38	2.2
Maine	180	178	98.9	2	1.1
Massachusetts	466	445	95.5	21	4.5
New Hampshire	180	176	97.8	4	2.2
Puerto Rico	815	807	99.0	8	1.0
Rhode Island	109	106	97.2	3	2.8
SECOND CIRCUIT	3,271	3,159	96.6	112	3.4
Connecticut	335	325	97.0	10	3.0
New York					
Eastern	693	664	95.8	29	4.2
Northern	400	387	96.8	13	3.3
Southern	1,297	1,246	96.1	51	3.9
Western	411	403	98.1	8	1.9
Vermont	135	134	99.3	1	0.7
THIRD CIRCUIT	2,351	2,254	95.9	97	4.1
Delaware	81	78	96.3	3	3.7
New Jersey	641	623	97.2	18	2.8
Pennsylvania					
Eastern	501	470	93.8	31	6.2
Middle	438	411	93.8	27	6.2
Western	634	622	98.1	12	1.9
Virgin Islands	56	50	89.3	6	10.7
FOURTH CIRCUIT	4,688	4,521	96.4	167	3.6
Maryland	579	556	96.0	23	4.0
North Carolina					
Eastern	761	730	95.9	31	4.1
Middle	403	397	98.5	6	1.5
Western	553	534	96.6	19	3.4
South Carolina	602	592	98.3	10	1.7
Virginia					
Eastern	919	866	94.2	53	5.8
Western	279	271	97.1	8	2.9
West Virginia					
Northern	323	318	98.5	5	1.5
Southern	269	257	95.5	12	4.5

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	16,837	16,636	98.8	201	1.2
Louisiana					
Eastern	300	293	97.7	7	2.3
Middle	103	100	97.1	3	2.9
Western	318	304	95.6	14	4.4
Mississippi					
Northern	133	130	97.7	3	2.3
Southern	324	319	98.5	5	1.5
Texas					
Eastern	674	661	98.1	13	1.9
Northern	1,652	1,616	97.8	36	2.2
Southern	7,274	7,216	99.2	58	0.8
Western	6,059	5,997	99.0	62	1.0
SIXTH CIRCUIT	4,943	4,785	96.8	158	3.2
Kentucky					
Eastern	497	465	93.6	32	6.4
Western	263	254	96.6	9	3.4
Michigan					
Eastern	719	702	97.6	17	2.4
Western	265	253	95.5	12	4.5
Ohio					
Northern	1,141	1,102	96.6	39	3.4
Southern	583	576	98.8	7	1.2
Tennessee					
Eastern	754	731	96.9	23	3.1
Middle	289	281	97.2	8	2.8
Western	432	421	97.5	11	2.5
SEVENTH CIRCUIT	2,483	2,378	95.8	105	4.2
Illinois					
Central	279	266	95.3	13	4.7
Northern	621	584	94.0	37	6.0
Southern	261	249	95.4	12	4.6
Indiana					
Northern	327	318	97.2	9	2.8
Southern	515	495	96.1	20	3.9
Wisconsin					
Eastern	337	325	96.4	12	3.6
Western	143	141	98.6	2	1.4
EIGHTH CIRCUIT	5,102	4,921	96.5	181	3.5
Arkansas					
Eastern	555	540	97.3	15	2.7
Western	219	213	97.3	6	2.7
Iowa					
Northern	333	315	94.6	18	5.4
Southern	454	428	94.3	26	5.7
Minnesota	325	299	92.0	26	8.0
Missouri					
Eastern	1,032	1,011	98.0	21	2.0
Western	810	797	98.4	13	1.6
Nebraska	471	454	96.4	17	3.6
North Dakota	345	336	97.4	9	2.6
South Dakota	558	528	94.6	30	5.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	12,159	11,942	98.2	217	1.8
Alaska	140	126	90.0	14	10.0
Arizona	4,454	4,423	99.3	31	0.7
California					
Central	1,128	1,073	95.1	55	4.9
Eastern	366	357	97.5	9	2.5
Northern	377	361	95.8	16	4.2
Southern	3,474	3,439	99.0	35	1.0
Guam	26	24	92.3	2	7.7
Hawaii	140	134	95.7	6	4.3
Idaho	337	330	97.9	7	2.1
Montana	348	342	98.3	6	1.7
Nevada	387	375	96.9	12	3.1
Northern Mariana Islands	17	16	94.1	1	5.9
Oregon	378	375	99.2	3	0.8
Washington					
Eastern	213	208	97.7	5	2.3
Western	374	359	96.0	15	4.0
TENTH CIRCUIT	4,767	4,675	98.1	92	1.9
Colorado	389	378	97.2	11	2.8
Kansas	371	364	98.1	7	1.9
New Mexico	2,075	2,060	99.3	15	0.7
Oklahoma					
Eastern	179	166	92.7	13	7.3
Northern	439	416	94.8	23	5.2
Western	424	413	97.4	11	2.6
Utah	741	736	99.3	5	0.7
Wyoming	149	142	95.3	7	4.7
ELEVENTH CIRCUIT	5,479	5,253	95.9	226	4.1
Alabama					
Middle	164	154	93.9	10	6.1
Northern	442	430	97.3	12	2.7
Southern	308	300	97.4	8	2.6
Florida					
Middle	1,018	983	96.6	35	3.4
Northern	266	244	91.7	22	8.3
Southern	1,719	1,644	95.6	75	4.4
Georgia					
Middle	453	438	96.7	15	3.3
Northern	609	577	94.7	32	5.3
Southern	500	483	96.6	17	3.4

Of the 64,142 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2022**

TYPE OF CRIME	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	64,142	62,527	97.5	1,615	2.5	403	98.1	8	1.9
Administration of Justice	652	624	95.7	28	4.3	9	100.0	0	0.0
Antitrust	8	7	87.5	1	12.5	0	--	0	--
Arson	106	102	96.2	4	3.8	3	100.0	0	0.0
Assault	850	789	92.8	61	7.2	1	100.0	0	0.0
Bribery/Corruption	360	340	94.4	20	5.6	1	100.0	0	0.0
Burglary/Trespass	112	111	99.1	1	0.9	2	100.0	0	0.0
Child Pornography	1,435	1,392	97.0	43	3.0	25	100.0	0	0.0
Commercialized Vice	73	72	98.6	1	1.4	0	--	0	--
Drug Possession	296	293	99.0	3	1.0	5	100.0	0	0.0
Drug Trafficking	19,938	19,517	97.9	421	2.1	173	97.7	4	2.3
Environmental	153	151	98.7	2	1.3	3	100.0	0	0.0
Extortion/Racketeering	121	117	96.7	4	3.3	1	100.0	0	0.0
Firearms	9,318	9,074	97.4	244	2.6	65	100.0	0	0.0
Food and Drug	40	38	95.0	2	5.0	0	--	0	--
Forgery/Counter/Copyright	111	110	99.1	1	0.9	0	--	0	--
Fraud/Theft/Embezzlement	5,520	5,319	96.4	201	3.6	40	100.0	0	0.0
Immigration	17,652	17,566	99.5	86	0.5	15	100.0	0	0.0
Individual Rights	92	73	79.3	19	20.7	0	--	0	--
Kidnapping	128	112	87.5	16	12.5	3	100.0	0	0.0
Manslaughter	80	74	92.5	6	7.5	0	--	0	--
Money Laundering	1,192	1,105	92.7	87	7.3	9	90.0	1	10.0
Murder	410	345	84.1	65	15.9	0	0.0	3	100.0
National Defense	180	172	95.6	8	4.4	1	100.0	0	0.0
Obscenity/Other Sex Offenses	344	335	97.4	9	2.6	4	100.0	0	0.0
Prison Offenses	499	494	99.0	5	1.0	2	100.0	0	0.0
Robbery	1,444	1,379	95.5	65	4.5	7	100.0	0	0.0
Sexual Abuse	1,499	1,347	89.9	152	10.1	19	100.0	0	0.0
Stalking/Harassing	266	242	91.0	24	9.0	6	100.0	0	0.0
Tax	496	469	94.6	27	5.4	6	100.0	0	0.0
Other	767	758	98.8	9	1.2	3	100.0	0	0.0

Of the 64,142 National cases, no cases were excluded.

Of the 411 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2022

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	64,142	57,106	89.0	1,964	3.1	1,002	1.6	3,736	5.8	334	0.5
Administration of Justice	652	441	67.6	32	4.9	29	4.4	144	22.1	6	0.9
Antitrust	8	3	37.5	0	0.0	0	0.0	5	62.5	0	0.0
Arson	106	96	90.6	3	2.8	1	0.9	6	5.7	0	0.0
Assault	850	765	90.0	26	3.1	6	0.7	45	5.3	8	0.9
Bribery/Corruption	360	258	71.7	19	5.3	25	6.9	58	16.1	0	0.0
Burglary/Trespass	112	83	74.1	0	0.0	10	8.9	19	17.0	0	0.0
Child Pornography	1,435	1,390	96.9	27	1.9	5	0.3	13	0.9	0	0.0
Commercialized Vice	73	51	69.9	2	2.7	3	4.1	17	23.3	0	0.0
Drug Possession	296	123	41.6	1	0.3	4	1.4	87	29.4	81	27.4
Drug Trafficking	19,938	18,493	92.8	768	3.9	131	0.7	542	2.7	4	0.0
Environmental	153	44	28.8	3	2.0	14	9.2	87	56.9	5	3.3
Extortion/Racketeering	121	96	79.3	6	5.0	4	3.3	14	11.6	1	0.8
Firearms	9,318	8,551	91.8	224	2.4	130	1.4	412	4.4	1	0.0
Food and Drug	40	22	55.0	2	5.0	0	0.0	16	40.0	0	0.0
Forgery/Counter/Copyright	111	79	71.2	7	6.3	8	7.2	17	15.3	0	0.0
Fraud/Theft/Embezzlement	5,520	3,910	70.8	284	5.1	302	5.5	983	17.8	41	0.7
Immigration	17,652	16,562	93.8	329	1.9	192	1.1	568	3.2	1	0.0
Individual Rights	92	59	64.1	1	1.1	1	1.1	29	31.5	2	2.2
Kidnapping	128	122	95.3	2	1.6	1	0.8	3	2.3	0	0.0
Manslaughter	80	70	87.5	8	10.0	0	0.0	2	2.5	0	0.0
Money Laundering	1,192	1,006	84.4	33	2.8	47	3.9	105	8.8	1	0.1
Murder	410	404	98.5	5	1.2	0	0.0	1	0.2	0	0.0
National Defense	180	130	72.2	8	4.4	7	3.9	18	10.0	17	9.4
Obscenity/Other Sex Offenses	344	295	85.8	29	8.4	5	1.5	15	4.4	0	0.0
Prison Offenses	499	458	91.8	21	4.2	2	0.4	17	3.4	1	0.2
Robbery	1,444	1,381	95.6	41	2.8	6	0.4	16	1.1	0	0.0
Sexual Abuse	1,499	1,463	97.6	29	1.9	1	0.1	5	0.3	1	0.1
Stalking/Harassing	266	216	81.2	17	6.4	10	3.8	23	8.6	0	0.0
Tax	496	279	56.3	23	4.6	40	8.1	152	30.6	2	0.4
Other	767	256	33.4	14	1.8	18	2.3	317	41.3	162	21.1

Of the 64,142 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, 2022 Datafile, USSCFY22.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2022

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	411	356	86.6	13	3.2	10	2.4	31	7.5	1	0.2
Administration of Justice	9	6	66.7	0	0.0	1	11.1	2	22.2	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	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Bribery/Corruption	1	1	100.0	0	0.0	0	0.0	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	25	24	96.0	1	4.0	0	0.0	0	0.0	0	0.0
Commercialized Vice	0	0	--	0	--	0	--	0	--	0	--
Drug Possession	5	3	60.0	0	0.0	0	0.0	2	40.0	0	0.0
Drug Trafficking	177	163	92.1	9	5.1	2	1.1	3	1.7	0	0.0
Environmental	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Extortion/Racketeering	1	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Firearms	65	62	95.4	1	1.5	1	1.5	1	1.5	0	0.0
Food and Drug	0	0	--	0	--	0	--	0	--	0	--
Forgery/Counter/Copyright	0	0	--	0	--	0	--	0	--	0	--
Fraud/Theft/Embezzlement	40	26	65.0	1	2.5	4	10.0	9	22.5	0	0.0
Immigration	15	15	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Individual Rights	0	0	--	0	--	0	--	0	--	0	--
Kidnapping	3	2	66.7	1	33.3	0	0.0	0	0.0	0	0.0
Manslaughter	0	0	--	0	--	0	--	0	--	0	--
Money Laundering	10	6	60.0	0	0.0	0	0.0	4	40.0	0	0.0
Murder	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Obscenity/Other Sex Offenses	4	3	75.0	0	0.0	0	0.0	1	25.0	0	0.0
Prison Offenses	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Robbery	7	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	19	19	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	6	4	66.7	0	0.0	1	16.7	1	16.7	0	0.0
Tax	6	1	16.7	0	0.0	1	16.7	3	50.0	1	16.7
Other	3	0	0.0	0	0.0	0	0.0	3	100.0	0	0.0

Of the 411 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, 2022 Datafile, USSCFY22.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2022**

TYPE OF CRIME	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	3,872	1,885	48.7	1,987	51.3	17	44.7	21	55.3
Administration of Justice	159	90	56.6	69	43.4	2	40.0	3	60.0
Antitrust	5	1	20.0	4	80.0	0	--	0	--
Arson	3	2	66.7	1	33.3	0	--	0	--
Assault	78	44	56.4	34	43.6	0	--	0	--
Bribery/Corruption	16	3	18.8	13	81.3	0	--	0	--
Burglary/Trespass	43	19	44.2	24	55.8	1	100.0	0	0.0
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	9	0	0.0	9	100.0	0	--	0	--
Drug Possession	219	88	40.2	131	59.8	1	33.3	2	66.7
Drug Trafficking	354	204	57.6	150	42.4	2	100.0	0	0.0
Environmental	70	14	20.0	56	80.0	0	0.0	1	100.0
Extortion/Racketeering	6	1	16.7	5	83.3	0	--	0	--
Firearms	108	50	46.3	58	53.7	0	0.0	1	100.0
Food and Drug	22	10	45.5	12	54.5	0	--	0	--
Forgery/Counter/Copyright	21	15	71.4	6	28.6	0	--	0	--
Fraud/Theft/Embezzlement	1,250	527	42.2	723	57.8	11	55.0	9	45.0
Immigration	710	459	64.6	251	35.4	0	--	0	--
Individual Rights	19	2	10.5	17	89.5	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Money Laundering	66	37	56.1	29	43.9	0	0.0	1	100.0
Murder	0	0	--	0	--	0	--	0	--
National Defense	20	3	15.0	17	85.0	0	--	0	--
Obscenity/Other Sex Offenses	13	10	76.9	3	23.1	0	--	0	--
Prison Offenses	208	194	93.3	14	6.7	0	--	0	--
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	9	5	55.6	4	44.4	0	--	0	--
Stalking/Harassing	26	15	57.7	11	42.3	0	0.0	1	100.0
Tax	22	8	36.4	14	63.6	0	--	0	--
Other	416	84	20.2	332	79.8	0	0.0	3	100.0

Of the 64,142 National cases, a U.S. Citizen was the offender in 43,947 cases. Of these, 40,075 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 411 cases from the Western District of New York, a U.S. Citizen was the offender in 377 cases. Of these, 339 cases were excluded because the offender was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2022**

TYPE OF CRIME	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	51	26	64,141	59	32	411
Administration of Justice	12	8	651	3	0	9
Antitrust	5	0	8	--	--	0
Arson	45	42	106	35	30	3
Assault	64	42	850	--	--	1
Bribery/Corruption	19	12	360	--	--	1
Burglary/Trespass	18	10	112	--	--	2
Child Pornography	110	96	1,435	95	96	25
Commercialized Vice	24	16	73	--	--	0
Drug Possession	2	0	296	4	0	5
Drug Trafficking	78	60	19,938	61	46	177
Environmental	4	0	153	6	0	3
Extortion/Racketeering	61	27	121	--	--	1
Firearms	49	39	9,318	43	30	65
Food and Drug	11	0	40	--	--	0
Forgery/Counter/Copyright	16	12	111	--	--	0
Fraud/Theft/Embezzlement	22	12	5,520	16	6	40
Immigration	12	8	17,652	4	1	15
Individual Rights	41	18	92	--	--	0
Kidnapping	184	160	128	130	168	3
Manslaughter	86	68	80	--	--	0
Money Laundering	61	33	1,192	79	9	10
Murder	261	240	410	470	470	3
National Defense	35	15	180	--	--	1
Obscenity/Other Sex Offenses	22	18	344	24	25	4
Prison Offenses	12	9	499	--	--	2
Robbery	106	96	1,444	90	83	7
Sexual Abuse	207	180	1,499	211	204	19
Stalking/Harassing	26	18	266	15	15	6
Tax	14	9	496	2	0	6
Other	3	0	767	0	0	3

Of the 64,142 National cases, one case was excluded due to missing or indeterminable sentencing information.

Of the 411 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, 2022 Datafile, USSCFY22.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2022

	<u>National</u>		<u>Western New York</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
TOTAL CASES	63,896	100.0	410	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	43,351	67.8	204	49.8
Within Guideline Range	26,785	41.9	131	32.0
Upward Departure ²	361	0.6	13	3.2
Downward Departure				
§5K1.1 Substantial Assistance	6,626	10.4	58	14.1
§5K3.1 Early Disposition Program	6,623	10.4	0	0.0
Other Government Motion ³	1,452	2.3	2	0.5
Non-Government Departure ⁴	1,504	2.4	0	0.0
VARIANCES	20,545	32.2	206	50.2
Upward Variance ⁵	1,477	2.3	20	4.9
Downward Variance				
Government Motion ⁶	6,138	9.6	99	24.1
Non-Government Variance ⁷	12,930	20.2	87	21.2

¹ This table reflects the 64,142 cases reported to the Commission in fiscal year 2022, 411 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, 2022 Datafile, USSCFY22.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2022**

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	63,896	26,785	41.9	361	0.6	6,626	10.4	6,623	10.4	2,956	4.6	20,545	32.2
D.C. CIRCUIT	311	166	53.4	1	0.3	37	11.9	2	0.6	12	3.9	93	29.9
District of Columbia	311	166	53.4	1	0.3	37	11.9	2	0.6	12	3.9	93	29.9
FIRST CIRCUIT	1,750	546	31.2	4	0.2	185	10.6	0	0.0	102	5.8	913	52.2
Maine	180	33	18.3	1	0.6	44	24.4	0	0.0	4	2.2	98	54.4
Massachusetts	466	120	25.8	1	0.2	64	13.7	0	0.0	37	7.9	244	52.4
New Hampshire	180	37	20.6	0	0.0	15	8.3	0	0.0	8	4.4	120	66.7
Puerto Rico	815	337	41.3	2	0.2	52	6.4	0	0.0	51	6.3	373	45.8
Rhode Island	109	19	17.4	0	0.0	10	9.2	0	0.0	2	1.8	78	71.6
SECOND CIRCUIT	3,267	847	25.9	22	0.7	451	13.8	2	0.1	144	4.4	1,801	55.1
Connecticut	335	97	29.0	0	0.0	36	10.7	0	0.0	43	12.8	159	47.5
New York													
Eastern	691	151	21.9	4	0.6	132	19.1	1	0.1	57	8.2	346	50.1
Northern	399	197	49.4	4	1.0	88	22.1	1	0.3	11	2.8	98	24.6
Southern	1,297	248	19.1	1	0.1	115	8.9	0	0.0	28	2.2	905	69.8
Western	410	131	32.0	13	3.2	58	14.1	0	0.0	2	0.5	206	50.2
Vermont	135	23	17.0	0	0.0	22	16.3	0	0.0	3	2.2	87	64.4
THIRD CIRCUIT	2,349	918	39.1	10	0.4	415	17.7	5	0.2	59	2.5	942	40.1
Delaware	81	34	42.0	1	1.2	6	7.4	2	2.5	6	7.4	32	39.5
New Jersey	639	237	37.1	0	0.0	120	18.8	0	0.0	4	0.6	278	43.5
Pennsylvania													
Eastern	501	145	28.9	1	0.2	131	26.1	0	0.0	16	3.2	208	41.5
Middle	438	207	47.3	3	0.7	78	17.8	3	0.7	22	5.0	125	28.5
Western	634	252	39.7	5	0.8	77	12.1	0	0.0	11	1.7	289	45.6
Virgin Islands	56	43	76.8	0	0.0	3	5.4	0	0.0	0	0.0	10	17.9
FOURTH CIRCUIT	4,631	2,131	46.0	33	0.7	704	15.2	2	0.0	128	2.8	1,633	35.3
Maryland	560	147	26.3	6	1.1	107	19.1	0	0.0	29	5.2	271	48.4
North Carolina													
Eastern	734	378	51.5	5	0.7	179	24.4	0	0.0	10	1.4	162	22.1
Middle	403	206	51.1	3	0.7	34	8.4	0	0.0	4	1.0	156	38.7
Western	551	293	53.2	0	0.0	74	13.4	0	0.0	4	0.7	180	32.7
South Carolina	601	208	34.6	5	0.8	164	27.3	0	0.0	21	3.5	203	33.8
Virginia													
Eastern	911	486	53.3	8	0.9	50	5.5	0	0.0	45	4.9	322	35.3
Western	279	97	34.8	4	1.4	47	16.8	0	0.0	14	5.0	117	41.9
West Virginia													
Northern	323	190	58.8	0	0.0	29	9.0	2	0.6	1	0.3	101	31.3
Southern	269	126	46.8	2	0.7	20	7.4	0	0.0	0	0.0	121	45.0

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,805	10,277	61.2	49	0.3	1,070	6.4	1,204	7.2	913	5.4	3,292	19.6
Louisiana													
Eastern	298	173	58.1	1	0.3	32	10.7	0	0.0	4	1.3	88	29.5
Middle	103	54	52.4	1	1.0	15	14.6	0	0.0	0	0.0	33	32.0
Western	306	194	63.4	4	1.3	45	14.7	0	0.0	5	1.6	58	19.0
Mississippi													
Northern	130	56	43.1	0	0.0	29	22.3	0	0.0	0	0.0	45	34.6
Southern	323	223	69.0	0	0.0	29	9.0	1	0.3	1	0.3	69	21.4
Texas													
Eastern	672	369	54.9	2	0.3	53	7.9	0	0.0	5	0.7	243	36.2
Northern	1,650	1,008	61.1	11	0.7	154	9.3	0	0.0	25	1.5	452	27.4
Southern	7,267	3,501	48.2	24	0.3	483	6.6	1,132	15.6	729	10.0	1,398	19.2
Western	6,056	4,699	77.6	6	0.1	230	3.8	71	1.2	144	2.4	906	15.0
SIXTH CIRCUIT	4,933	1,889	38.3	21	0.4	935	19.0	8	0.2	180	3.6	1,900	38.5
Kentucky													
Eastern	497	246	49.5	1	0.2	80	16.1	0	0.0	3	0.6	167	33.6
Western	263	77	29.3	2	0.8	78	29.7	6	2.3	18	6.8	82	31.2
Michigan													
Eastern	716	228	31.8	0	0.0	86	12.0	0	0.0	19	2.7	383	53.5
Western	265	131	49.4	5	1.9	47	17.7	1	0.4	9	3.4	72	27.2
Ohio													
Northern	1,140	482	42.3	8	0.7	222	19.5	0	0.0	22	1.9	406	35.6
Southern	582	140	24.1	3	0.5	143	24.6	0	0.0	89	15.3	207	35.6
Tennessee													
Eastern	753	344	45.7	2	0.3	187	24.8	1	0.1	13	1.7	206	27.4
Middle	285	60	21.1	0	0.0	25	8.8	0	0.0	4	1.4	196	68.8
Western	432	181	41.9	0	0.0	67	15.5	0	0.0	3	0.7	181	41.9
SEVENTH CIRCUIT	2,479	929	37.5	7	0.3	237	9.6	1	0.0	117	4.7	1,188	47.9
Illinois													
Central	278	104	37.4	1	0.4	43	15.5	1	0.4	3	1.1	126	45.3
Northern	619	181	29.2	3	0.5	48	7.8	0	0.0	32	5.2	355	57.4
Southern	261	149	57.1	2	0.8	38	14.6	0	0.0	5	1.9	67	25.7
Indiana													
Northern	327	163	49.8	0	0.0	31	9.5	0	0.0	10	3.1	123	37.6
Southern	515	226	43.9	0	0.0	48	9.3	0	0.0	2	0.4	239	46.4
Wisconsin													
Eastern	336	70	20.8	0	0.0	23	6.8	0	0.0	11	3.3	232	69.0
Western	143	36	25.2	1	0.7	6	4.2	0	0.0	54	37.8	46	32.2
EIGHTH CIRCUIT	5,094	2,181	42.8	45	0.9	586	11.5	15	0.3	80	1.6	2,187	42.9
Arkansas													
Eastern	553	313	56.6	0	0.0	48	8.7	0	0.0	4	0.7	188	34.0
Western	219	78	35.6	0	0.0	24	11.0	0	0.0	1	0.5	116	53.0
Iowa													
Northern	333	163	48.9	14	4.2	53	15.9	0	0.0	6	1.8	97	29.1
Southern	454	163	35.9	4	0.9	56	12.3	0	0.0	2	0.4	229	50.4
Minnesota	323	99	30.7	3	0.9	39	12.1	2	0.6	11	3.4	169	52.3
Missouri													
Eastern	1,031	422	40.9	4	0.4	91	8.8	0	0.0	3	0.3	511	49.6
Western	808	296	36.6	0	0.0	112	13.9	0	0.0	11	1.4	389	48.1
Nebraska	471	231	49.0	0	0.0	24	5.1	12	2.5	8	1.7	196	41.6
North Dakota	344	110	32.0	5	1.5	137	39.8	1	0.3	2	0.6	89	25.9
South Dakota	558	306	54.8	15	2.7	2	0.4	0	0.0	32	5.7	203	36.4

CIRCUIT District	TOTAL	WITHIN GUIDELINE				DEPARTURE						VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	12,114	2,673	22.1	103	0.9	903	7.5	4,782	39.5	589	4.9	3,064	25.3
Alaska	139	38	27.3	0	0.0	27	19.4	0	0.0	0	0.0	74	53.2
Arizona	4,419	1,154	26.1	18	0.4	71	1.6	2,646	59.9	54	1.2	476	10.8
California													
Central	1,125	271	24.1	7	0.6	151	13.4	25	2.2	89	7.9	582	51.7
Eastern	364	129	35.4	1	0.3	59	16.2	8	2.2	8	2.2	159	43.7
Northern	377	61	16.2	1	0.3	32	8.5	2	0.5	19	5.0	262	69.5
Southern	3,471	411	11.8	68	2.0	172	5.0	2,069	59.6	385	11.1	366	10.5
Guam	26	15	57.7	1	3.8	7	26.9	0	0.0	0	0.0	3	11.5
Hawaii	140	39	27.9	0	0.0	42	30.0	0	0.0	1	0.7	58	41.4
Idaho	337	103	30.6	0	0.0	90	26.7	6	1.8	10	3.0	128	38.0
Montana	348	104	29.9	3	0.9	100	28.7	0	0.0	6	1.7	135	38.8
Nevada	387	93	24.0	0	0.0	17	4.4	25	6.5	5	1.3	247	63.8
Northern Mariana Islands	17	9	52.9	0	0.0	6	35.3	0	0.0	0	0.0	2	11.8
Oregon	378	59	15.6	2	0.5	79	20.9	0	0.0	8	2.1	230	60.8
Washington													
Eastern	213	64	30.0	1	0.5	42	19.7	1	0.5	3	1.4	102	47.9
Western	373	123	33.0	1	0.3	8	2.1	0	0.0	1	0.3	240	64.3
TENTH CIRCUIT	4,736	1,629	34.4	49	1.0	399	8.4	597	12.6	502	10.6	1,560	32.9
Colorado	387	129	33.3	0	0.0	88	22.7	9	2.3	11	2.8	150	38.8
Kansas	363	152	41.9	1	0.3	59	16.3	3	0.8	6	1.7	142	39.1
New Mexico	2,073	753	36.3	9	0.4	53	2.6	514	24.8	295	14.2	449	21.7
Oklahoma													
Eastern	179	81	45.3	0	0.0	44	24.6	0	0.0	8	4.5	46	25.7
Northern	433	174	40.2	33	7.6	50	11.5	0	0.0	126	29.1	50	11.5
Western	421	200	47.5	3	0.7	27	6.4	0	0.0	5	1.2	186	44.2
Utah	734	114	15.5	0	0.0	50	6.8	68	9.3	45	6.1	457	62.3
Wyoming	146	26	17.8	3	2.1	28	19.2	3	2.1	6	4.1	80	54.8
ELEVENTH CIRCUIT	5,427	2,599	47.9	17	0.3	704	13.0	5	0.1	130	2.4	1,972	36.3
Alabama													
Middle	164	64	39.0	0	0.0	44	26.8	0	0.0	0	0.0	56	34.1
Northern	442	243	55.0	2	0.5	86	19.5	0	0.0	8	1.8	103	23.3
Southern	308	139	45.1	2	0.6	67	21.8	2	0.6	8	2.6	90	29.2
Florida													
Middle	1,017	417	41.0	2	0.2	169	16.6	0	0.0	13	1.3	416	40.9
Northern	263	99	37.6	2	0.8	70	26.6	2	0.8	2	0.8	88	33.5
Southern	1,680	862	51.3	0	0.0	99	5.9	0	0.0	27	1.6	692	41.2
Georgia													
Middle	447	263	58.8	3	0.7	40	8.9	0	0.0	46	10.3	95	21.3
Northern	606	198	32.7	1	0.2	53	8.7	1	0.2	15	2.5	338	55.8
Southern	500	314	62.8	5	1.0	76	15.2	0	0.0	11	2.2	94	18.8

Of the 64,142 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, 2022 Datafile, USSCFY22.

Table 10
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2022

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	63,896	26,785	41.9	361	0.6	6,626	10.4	6,623	10.4	2,956	4.6	20,545	32.2
Child Pornography	1,435	489	34.1	10	0.7	28	2.0	3	0.2	68	4.7	837	58.3
Drug Trafficking	19,923	5,468	27.4	68	0.3	4,104	20.6	1,638	8.2	973	4.9	7,672	38.5
Firearms	9,310	4,753	51.1	73	0.8	482	5.2	9	0.1	350	3.8	3,643	39.1
Fraud/Theft/Embezzlement	5,488	2,303	42.0	63	1.1	714	13.0	9	0.2	179	3.3	2,220	40.5
Immigration	17,597	9,334	53.0	23	0.1	204	1.2	4,933	28.0	887	5.0	2,216	12.6
Money Laundering	1,191	310	26.0	12	1.0	315	26.4	11	0.9	58	4.9	485	40.7
Robbery	1,444	542	37.5	8	0.6	181	12.5	0	0.0	75	5.2	638	44.2
Sex Abuse	1,499	610	40.7	16	1.1	85	5.7	0	0.0	75	5.0	713	47.6
Other Miscellaneous Offenses	6,009	2,976	49.5	88	1.5	513	8.5	20	0.3	291	4.8	2,121	35.3

Western New York

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	410	131	32.0	13	3.2	58	14.1	0	0.0	2	0.5	206	50.2
Child Pornography	25	9	36.0	0	0.0	1	4.0	0	0.0	0	0.0	15	60.0
Drug Trafficking	177	29	16.4	11	6.2	41	23.2	0	0.0	1	0.6	95	53.7
Firearms	65	32	49.2	2	3.1	3	4.6	0	0.0	0	0.0	28	43.1
Fraud/Theft/Embezzlement	40	15	37.5	0	0.0	6	15.0	0	0.0	1	2.5	18	45.0
Immigration	15	11	73.3	0	0.0	0	0.0	0	0.0	0	0.0	4	26.7
Money Laundering	10	4	40.0	0	0.0	3	30.0	0	0.0	0	0.0	3	30.0
Robbery	7	3	42.9	0	0.0	1	14.3	0	0.0	0	0.0	3	42.9
Sex Abuse	19	4	21.1	0	0.0	0	0.0	0	0.0	0	0.0	15	78.9
Other Miscellaneous Offenses	52	24	46.2	0	0.0	3	5.8	0	0.0	0	0.0	25	48.1

Of the 64,142 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 411 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, 2022 Datafile, USSCFY22.