

United States Sentencing Commission Quarterly Data Report



Fiscal Year 2019

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted to the Commission by the courts.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <https://isb.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

¹ In each federal felony or Class A misdemeanor case, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

² Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2019 are available at the Commission's website, www.ussc.gov.

offense type in the *Sourcebook*. This change reflects the way in which the production of child 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*.

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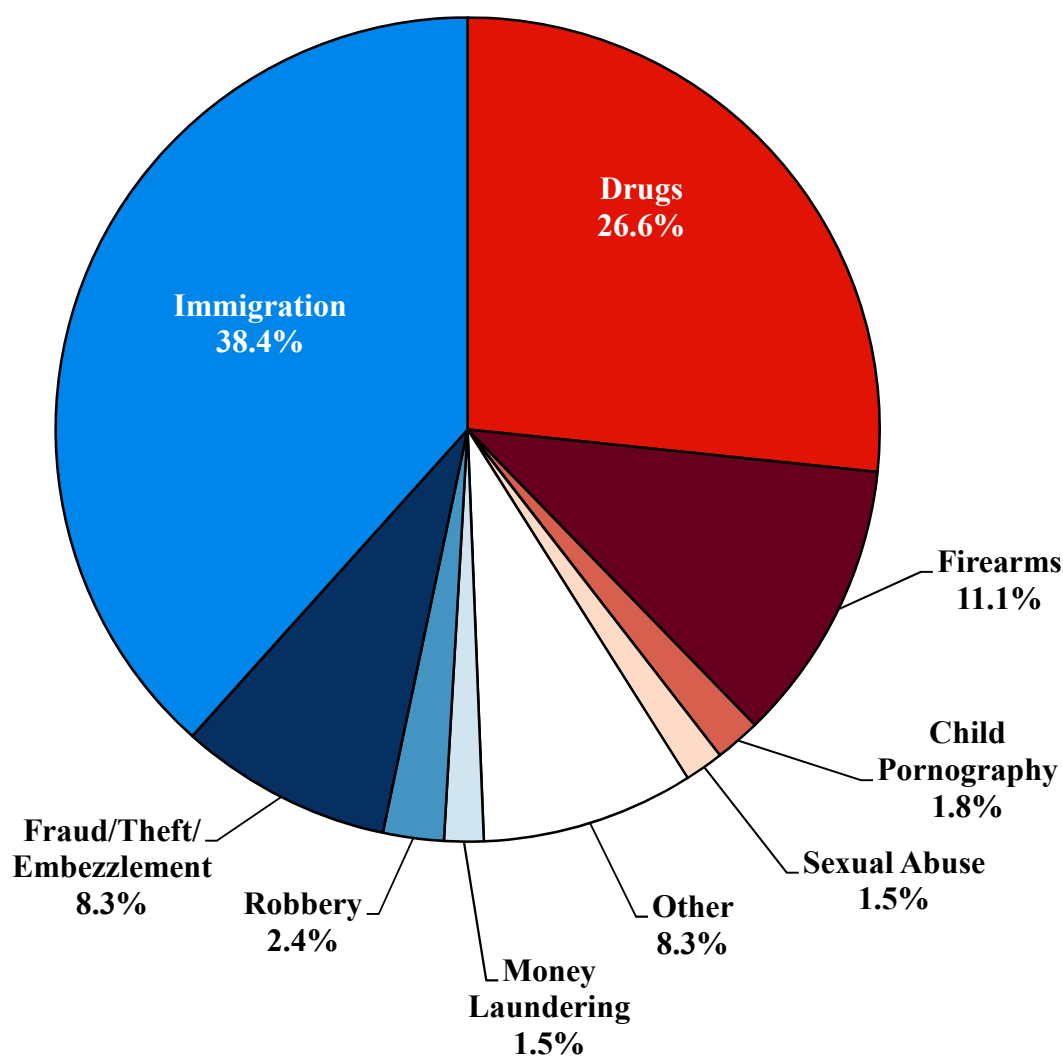
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Figure 1
FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2019



¹ This figure includes the 76,538 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, 2019 Datafile, USSCFY19.

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2019

TYPE OF CRIME	N	%
TOTAL	76,538	100.0
Administration of Justice	698	0.9
Antitrust	20	0.0
Arson	68	0.1
Assault	787	1.0
Bribery/Corruption	341	0.4
Burglary/Trespass	64	0.1
Child Pornography	1,368	1.8
Commercialized Vice	90	0.1
Drug Possession	563	0.7
Drug Trafficking	19,830	25.9
Environmental	179	0.2
Extortion/Racketeering	185	0.2
Firearms	8,481	11.1
Food and Drug	48	0.1
Forgery/Counter/Copyright	276	0.4
Fraud/Theft/Embezzlement	6,390	8.3
Immigration	29,354	38.4
Individual Rights	68	0.1
Kidnapping	96	0.1
Manslaughter	74	0.1
Money Laundering	1,177	1.5
Murder	373	0.5
National Defense	195	0.3
Obscenity/Other Sex Offenses	393	0.5
Prison Offenses	628	0.8
Robbery	1,825	2.4
Sexual Abuse	1,165	1.5
Stalking/Harassing	223	0.3
Tax	547	0.7
Other	1,032	1.3

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

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2019

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
TOTAL	76,538	100.0			
D.C. CIRCUIT	331	0.4	FIFTH CIRCUIT	21,369	27.9
District of Columbia	331	0.4	Louisiana		
			Eastern	294	0.4
			Middle	186	0.2
			Western	381	0.5
FIRST CIRCUIT	2,134	2.8	Mississippi		
Maine	162	0.2	Northern	188	0.2
Massachusetts	476	0.6	Southern	456	0.6
New Hampshire	196	0.3	Texas		
Puerto Rico	1,165	1.5	Eastern	724	0.9
Rhode Island	135	0.2	Northern	1,556	2.0
			Southern	7,815	10.2
SECOND CIRCUIT	3,564	4.7	Western	9,769	12.8
Connecticut	349	0.5			
New York			SIXTH CIRCUIT	5,321	7.0
Eastern	622	0.8	Kentucky		
Northern	392	0.5	Eastern	557	0.7
Southern	1,515	2.0	Western	349	0.5
Western	520	0.7	Michigan		
Vermont	166	0.2	Eastern	879	1.1
			Western	392	0.5
THIRD CIRCUIT	2,343	3.1	Ohio		
Delaware	122	0.2	Northern	901	1.2
New Jersey	620	0.8	Southern	562	0.7
Pennsylvania			Tennessee		
Eastern	627	0.8	Eastern	751	1.0
Middle	505	0.7	Middle	324	0.4
Western	383	0.5	Western	606	0.8
Virgin Islands	86	0.1			
			SEVENTH CIRCUIT	2,456	3.2
FOURTH CIRCUIT	5,790	7.6	Illinois		
Maryland	777	1.0	Central	226	0.3
North Carolina			Northern	655	0.9
Eastern	876	1.1	Southern	286	0.4
Middle	490	0.6	Indiana		
Western	538	0.7	Northern	360	0.5
South Carolina	1,058	1.4	Southern	472	0.6
Virginia			Wisconsin		
Eastern	1,211	1.6	Eastern	269	0.4
Western	243	0.3	Western	188	0.2
West Virginia					
Northern	282	0.4			
Southern	315	0.4			

Table 2 (cont.)

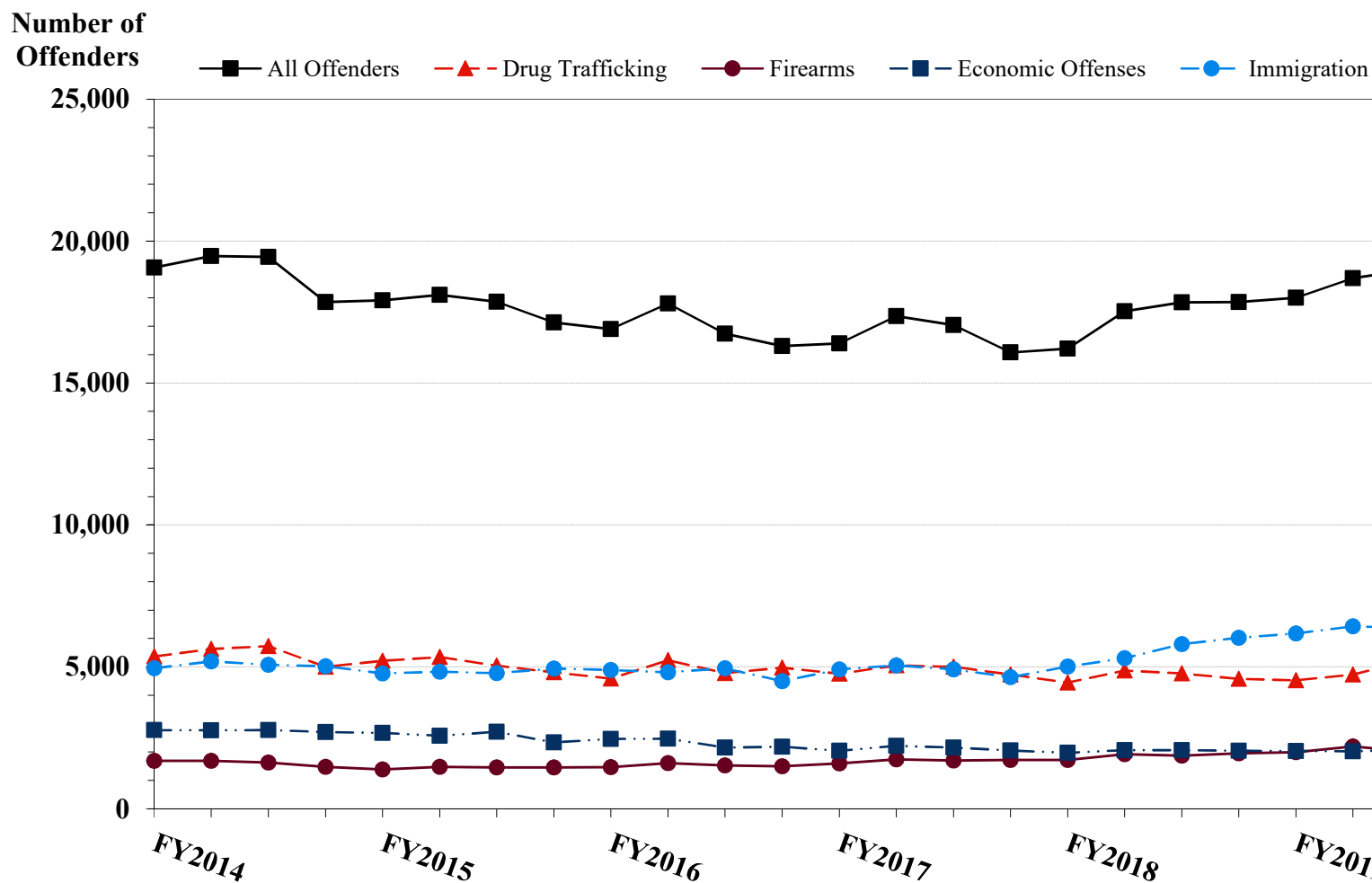
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
EIGHTH CIRCUIT	5,441	7.1	TENTH CIRCUIT	6,526	8.5
Arkansas			Colorado	529	0.7
Eastern	564	0.7	Kansas	465	0.6
Western	258	0.3	New Mexico	3,951	5.2
Iowa			Oklahoma		
Northern	415	0.5	Eastern	101	0.1
Southern	493	0.6	Northern	217	0.3
Minnesota	382	0.5	Western	407	0.5
Missouri			Utah	674	0.9
Eastern	1,192	1.6	Wyoming	182	0.2
Western	772	1.0			
Nebraska	527	0.7	ELEVENTH CIRCUIT	6,478	8.5
North Dakota	329	0.4	Alabama		
South Dakota	509	0.7	Middle	260	0.3
			Northern	545	0.7
NINTH CIRCUIT	14,785	19.3	Southern	376	0.5
Alaska	193	0.3	Florida		
Arizona	5,610	7.3	Middle	1,594	2.1
California			Northern	309	0.4
Central	1,143	1.5	Southern	1,987	2.6
Eastern	511	0.7	Georgia		
Northern	485	0.6	Middle	420	0.5
Southern	4,089	5.3	Northern	513	0.7
Guam	49	0.1	Southern	474	0.6
Hawaii	154	0.2			
Idaho	372	0.5			
Montana	385	0.5			
Nevada	482	0.6			
Northern Mariana Islands	11	0.0			
Oregon	475	0.6			
Washington					
Eastern	360	0.5			
Western	466	0.6			

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 2

NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES¹
Fiscal Years 2014 - 2019



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

Table 3

RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2019

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	75,729	15,033	19.9	15,326	20.2	42,620	56.3	2,750	3.6
Administration of Justice	686	197	28.7	152	22.2	243	35.4	94	13.7
Antitrust	20	12	60.0	0	0.0	2	10.0	6	30.0
Arson	67	22	32.8	23	34.3	12	17.9	10	14.9
Assault	775	126	16.3	192	24.8	147	19.0	310	40.0
Bribery/Corruption	340	125	36.8	103	30.3	79	23.2	33	9.7
Burglary/Trespass	64	17	26.6	14	21.9	9	14.1	24	37.5
Child Pornography	1,365	1,096	80.3	57	4.2	161	11.8	51	3.7
Commercialized Vice	90	18	20.0	44	48.9	18	20.0	10	11.1
Drug Possession	489	169	34.6	99	20.2	204	41.7	17	3.5
Drug Trafficking	19,797	4,983	25.2	5,419	27.4	8,768	44.3	627	3.2
Environmental	167	102	61.1	4	2.4	21	12.6	40	24.0
Extortion/Racketeering	184	76	41.3	59	32.1	36	19.6	13	7.1
Firearms	8,465	2,156	25.5	4,501	53.2	1,574	18.6	234	2.8
Food and Drug	47	36	76.6	1	2.1	6	12.8	4	8.5
Forgery/Counter/Copyright	273	131	48.0	97	35.5	30	11.0	15	5.5
Fraud/Theft/Embezzlement	6,323	2,611	41.3	1,750	27.7	1,553	24.6	409	6.5
Immigration	29,079	565	1.9	322	1.1	28,042	96.4	150	0.5
Individual Rights	66	27	40.9	17	25.8	15	22.7	7	10.6
Kidnapping	95	20	21.1	40	42.1	25	26.3	10	10.5
Manslaughter	74	9	12.2	6	8.1	2	2.7	57	77.0
Money Laundering	1,173	373	31.8	206	17.6	511	43.6	83	7.1
Murder	372	43	11.6	147	39.5	132	35.5	50	13.4
National Defense	194	50	25.8	16	8.2	114	58.8	14	7.2
Obscenity/Other Sex Offenses	393	174	44.3	88	22.4	56	14.2	75	19.1
Prison Offenses	611	142	23.2	270	44.2	165	27.0	34	5.6
Robbery	1,821	395	21.7	1,096	60.2	277	15.2	53	2.9
Sexual Abuse	1,164	622	53.4	202	17.4	160	13.7	180	15.5
Stalking/Harassing	221	122	55.2	36	16.3	21	9.5	42	19.0
Tax	546	266	48.7	166	30.4	68	12.5	46	8.4
Other	768	348	45.3	199	25.9	169	22.0	52	6.8

¹ Of the 76,538 cases, 809 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2019

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	76,427	67,037	87.7	9,390	12.3
Administration of Justice	698	496	71.1	202	28.9
Antitrust	20	19	95.0	1	5.0
Arson	68	60	88.2	8	11.8
Assault	784	706	90.1	78	9.9
Bribery/Corruption	341	260	76.2	81	23.8
Burglary/Trespass	64	54	84.4	10	15.6
Child Pornography	1,368	1,359	99.3	9	0.7
Commercialized Vice	90	71	78.9	19	21.1
Drug Possession	547	429	78.4	118	21.6
Drug Trafficking	19,830	16,503	83.2	3,327	16.8
Environmental	177	164	92.7	13	7.3
Extortion/Racketeering	185	162	87.6	23	12.4
Firearms	8,481	8,125	95.8	356	4.2
Food and Drug	48	33	68.8	15	31.3
Forgery/Counter/Copyright	276	216	78.3	60	21.7
Fraud/Theft/Embezzlement	6,385	4,442	69.6	1,943	30.4
Immigration	29,306	27,215	92.9	2,091	7.1
Individual Rights	68	48	70.6	20	29.4
Kidnapping	96	88	91.7	8	8.3
Manslaughter	74	62	83.8	12	16.2
Money Laundering	1,177	911	77.4	266	22.6
Murder	373	354	94.9	19	5.1
National Defense	195	164	84.1	31	15.9
Obscenity/Other Sex Offenses	393	387	98.5	6	1.5
Prison Offenses	628	575	91.6	53	8.4
Robbery	1,825	1,700	93.2	125	6.8
Sexual Abuse	1,165	1,096	94.1	69	5.9
Stalking/Harassing	223	208	93.3	15	6.7
Tax	547	377	68.9	170	31.1
Other	995	753	75.7	242	24.3

¹ Of the 76,538 cases, 111 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 5

CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2019

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	76,110	42,136	55.4	33,974	44.6
Administration of Justice	694	523	75.4	171	24.6
Antitrust	20	18	90.0	2	10.0
Arson	67	65	97.0	2	3.0
Assault	771	725	94.0	46	6.0
Bribery/Corruption	341	311	91.2	30	8.8
Burglary/Trespass	63	57	90.5	6	9.5
Child Pornography	1,368	1,317	96.3	51	3.7
Commercialized Vice	89	78	87.6	11	12.4
Drug Possession	507	368	72.6	139	27.4
Drug Trafficking	19,800	15,602	78.8	4,198	21.2
Environmental	160	135	84.4	25	15.6
Extortion/Racketeering	185	150	81.1	35	18.9
Firearms	8,477	8,083	95.4	394	4.6
Food and Drug	48	46	95.8	2	4.2
Forgery/Counter/Copyright	276	250	90.6	26	9.4
Fraud/Theft/Embezzlement	6,328	5,116	80.8	1,212	19.2
Immigration	29,338	2,563	8.7	26,775	91.3
Individual Rights	67	47	70.1	20	29.9
Kidnapping	96	89	92.7	7	7.3
Manslaughter	74	72	97.3	2	2.7
Money Laundering	1,172	824	70.3	348	29.7
Murder	373	312	83.6	61	16.4
National Defense	193	123	63.7	70	36.3
Obscenity/Other Sex Offenses	393	375	95.4	18	4.6
Prison Offenses	614	590	96.1	24	3.9
Robbery	1,825	1,761	96.5	64	3.5
Sexual Abuse	1,165	1,104	94.8	61	5.2
Stalking/Harassing	223	220	98.7	3	1.3
Tax	547	504	92.1	43	7.9
Other	836	708	84.7	128	15.3

¹ Of the 76,538 cases, 428 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME¹
Fiscal Year 2019

TYPE OF CRIME	Mean Months	Median Months	N
TOTAL	42	18	76,538
Administration of Justice	12	8	698
Antitrust	6	4	20
Arson	76	60	68
Assault	64	36	787
Bribery/Corruption	22	12	341
Burglary/Trespass	16	14	64
Child Pornography	103	84	1,368
Commercialized Vice	24	20	90
Drug Possession	2	0	563
Drug Trafficking	76	60	19,830
Environmental	3	0	179
Extortion/Racketeering	32	27	185
Firearms	50	39	8,481
Food and Drug	9	0	48
Forgery/Counter/Copyright	15	12	276
Fraud/Theft/Embezzlement	21	12	6,390
Immigration	9	6	29,354
Individual Rights	29	3	68
Kidnapping	171	120	96
Manslaughter	70	60	74
Money Laundering	61	33	1,177
Murder	255	240	373
National Defense	42	24	195
Obscenity/Other Sex Offenses	20	18	393
Prison Offenses	11	8	628
Robbery	109	92	1,825
Sexual Abuse	205	180	1,165
Stalking/Harassing	29	24	223
Tax	16	12	547
Other	3	0	1,032

¹ Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

SENTENCE TYPE BY TYPE OF CRIME¹
Fiscal Year 2019

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison and Alternatives ²		TOTAL RECEIVING PROBATION		Probation and Alternatives ²		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,538	70,231	91.8	68,138	89.0	2,093	2.7	5,888	7.7	1,330	1.7	4,558	6.0	419	0.5
Administration of Justice	698	504	72.2	459	65.8	45	6.4	194	27.8	37	5.3	157	22.5	0	0.0
Antitrust	20	17	85.0	17	85.0	0	0.0	3	15.0	3	15.0	0	0.0	0	0.0
Arson	68	66	97.1	62	91.2	4	5.9	2	2.9	0	0.0	2	2.9	0	0.0
Assault	787	687	87.3	633	80.4	54	6.9	93	11.8	6	0.8	87	11.1	7	0.9
Bribery/Corruption	341	250	73.3	231	67.7	19	5.6	85	24.9	35	10.3	50	14.7	6	1.8
Burglary/Trespass	64	56	87.5	46	71.9	10	15.6	7	10.9	1	1.6	6	9.4	1	1.6
Child Pornography	1,368	1,354	99.0	1,325	96.9	29	2.1	13	1.0	3	0.2	10	0.7	1	0.1
Commercialized Vice	90	75	83.3	72	80.0	3	3.3	14	15.6	6	6.7	8	8.9	1	1.1
Drug Possession	563	297	52.8	289	51.3	8	1.4	165	29.3	7	1.2	158	28.1	101	17.9
Drug Trafficking	19,830	19,099	96.3	18,458	93.1	641	3.2	729	3.7	208	1.0	521	2.6	2	0.0
Environmental	179	47	26.3	42	23.5	5	2.8	111	62.0	27	15.1	84	46.9	21	11.7
Extortion/Racketeering	185	151	81.6	140	75.7	11	5.9	34	18.4	6	3.2	28	15.1	0	0.0
Firearms	8,481	7,994	94.3	7,700	90.8	294	3.5	487	5.7	181	2.1	306	3.6	0	0.0
Food and Drug	48	13	27.1	13	27.1	0	0.0	35	72.9	2	4.2	33	68.8	0	0.0
Forgery/Counter/Copyright	276	212	76.8	198	71.7	14	5.1	64	23.2	29	10.5	35	12.7	0	0.0
Fraud/Theft/Embezzlement	6,390	4,738	74.1	4,384	68.6	354	5.5	1,573	24.6	381	6.0	1,192	18.7	79	1.2
Immigration	29,354	27,991	95.4	27,715	94.4	276	0.9	1,361	4.6	193	0.7	1,168	4.0	2	0.0
Individual Rights	68	37	54.4	35	51.5	2	2.9	24	35.3	4	5.9	20	29.4	7	10.3
Kidnapping	96	96	100.0	89	92.7	7	7.3	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	74	71	95.9	66	89.2	5	6.8	3	4.1	0	0.0	3	4.1	0	0.0
Money Laundering	1,177	1,040	88.4	985	83.7	55	4.7	137	11.6	48	4.1	89	7.6	0	0.0
Murder	373	372	99.7	353	94.6	19	5.1	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	195	170	87.2	160	82.1	10	5.1	23	11.8	5	2.6	18	9.2	2	1.0
Obscenity/Other Sex Offenses	393	374	95.2	337	85.8	37	9.4	18	4.6	6	1.5	12	3.1	1	0.3
Prison Offenses	628	607	96.7	586	93.3	21	3.3	21	3.3	7	1.1	14	2.2	0	0.0
Robbery	1,825	1,800	98.6	1,727	94.6	73	4.0	25	1.4	8	0.4	17	0.9	0	0.0
Sexual Abuse	1,165	1,158	99.4	1,125	96.6	33	2.8	7	0.6	3	0.3	4	0.3	0	0.0
Stalking/Harassing	223	204	91.5	187	83.9	17	7.6	19	8.5	5	2.2	14	6.3	0	0.0
Tax	547	351	64.2	320	58.5	31	5.7	192	35.1	71	13.0	121	22.1	4	0.7
Other	1,032	400	38.8	384	37.2	16	1.6	448	43.4	48	4.7	400	38.8	184	17.8

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

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

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2019

	N	%
TOTAL CASES	76,034	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	56,995	75.0
Within Guideline Range	39,078	51.4
Upward Departure ²	364	0.5
Downward Departure		
§5K1.1 Substantial Assistance	7,272	9.6
§5K3.1 Early Disposition Program	7,119	9.4
Other Government Motion ³	1,410	1.9
Non-Government Departure ⁴	1,752	2.3
VARIANCES	19,039	25.0
Upward Variance ⁵	1,431	1.9
Downward Variance		
Government Motion ⁶	4,083	5.4
Non-Government Variance ⁷	13,525	17.8

¹ This table reflects the 76,538 cases sentenced in fiscal year 2019. Of these, 504 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

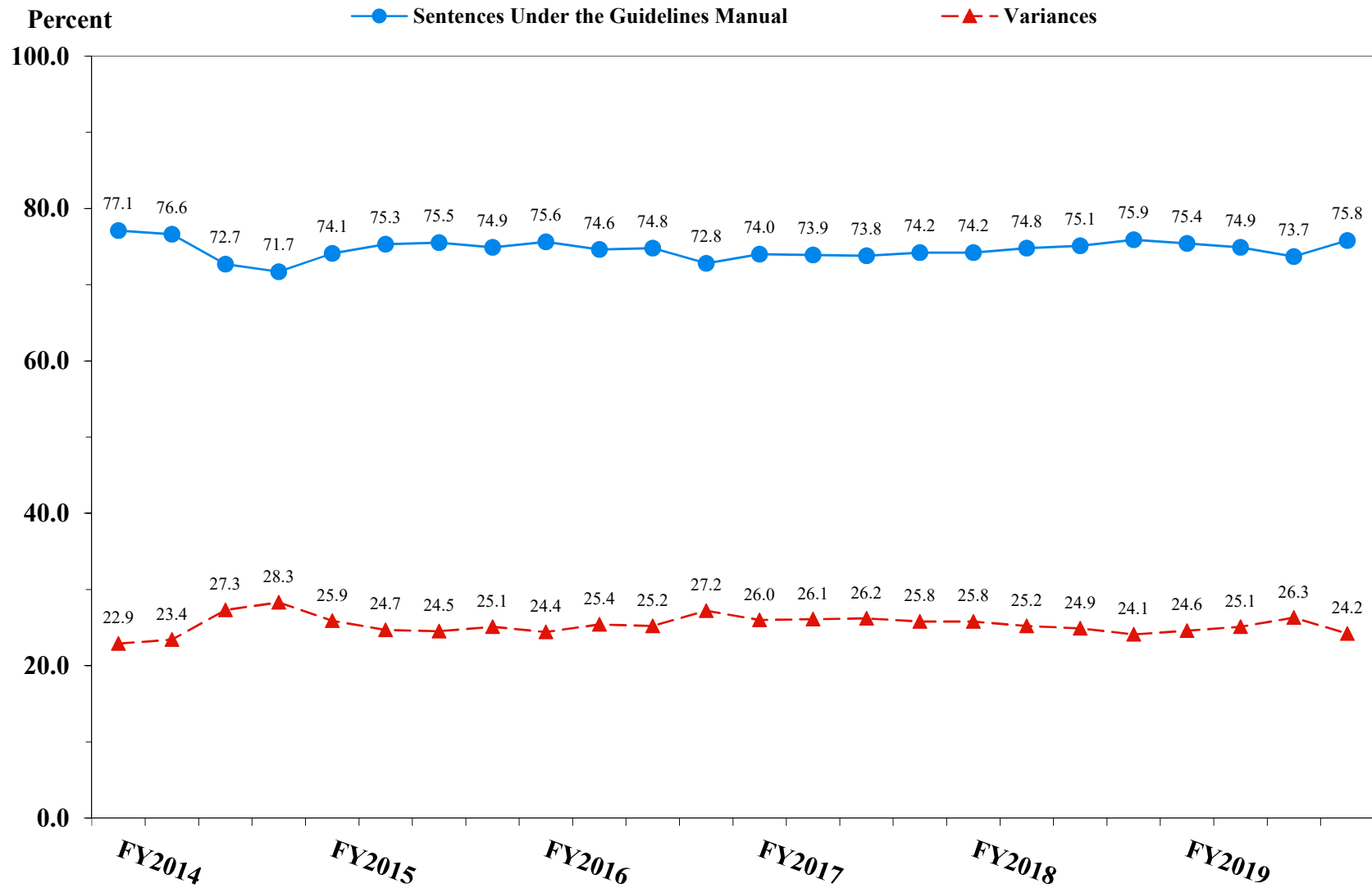
⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

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

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 3

SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA¹
Fiscal Years 2014 - 2019



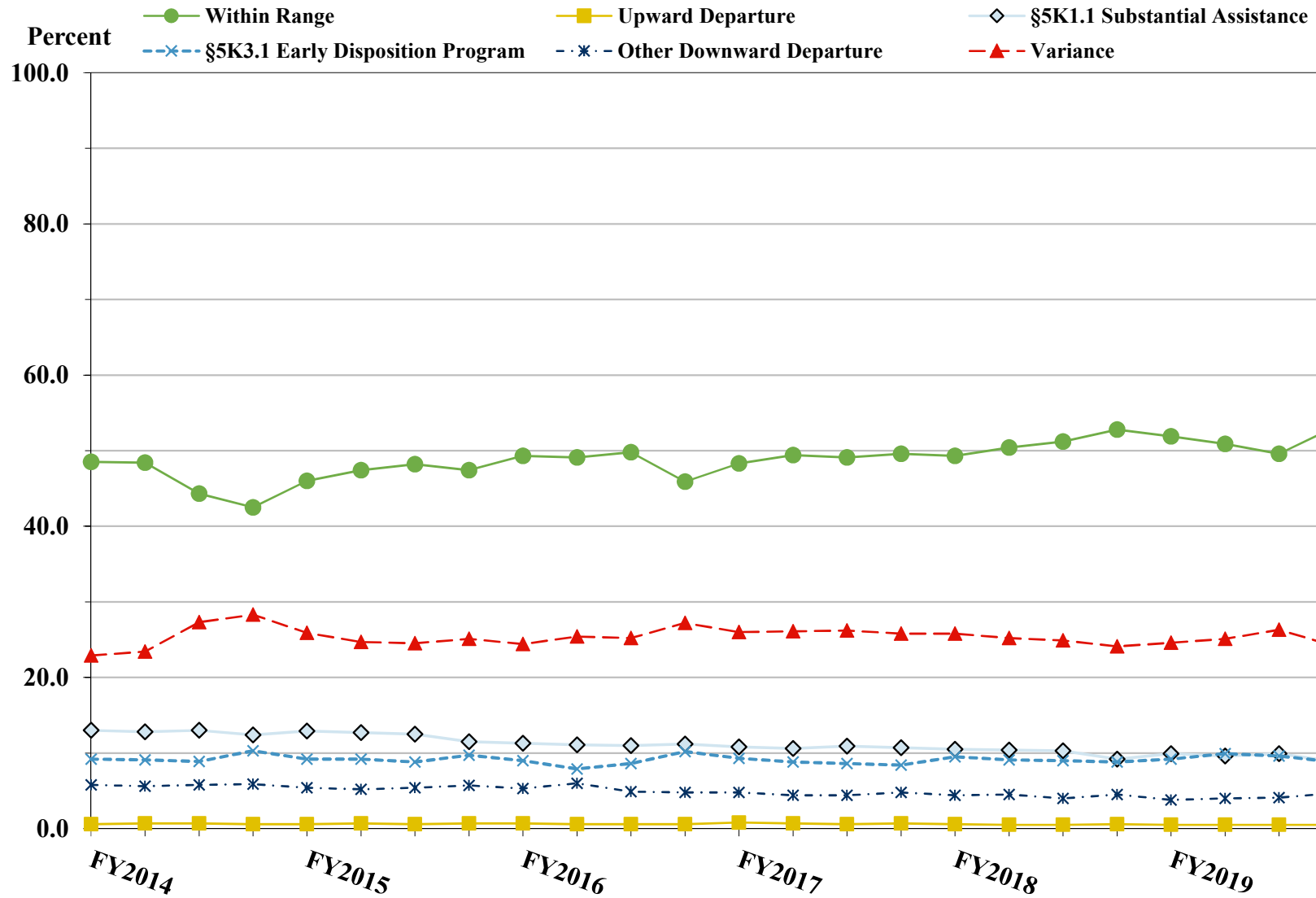
¹ Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2014 - 2019 Datafiles, USSCFY14 - USSCFY19.

Figure 4

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA¹

Fiscal Years 2014 - 2019

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

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2019**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	76,034	39,078	51.4	364	0.5	7,272	9.6	7,119	9.4	3,162	4.2	19,039	25.0
D.C. CIRCUIT	330	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
District of Columbia	330	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
FIRST CIRCUIT	2,134	1,042	48.8	15	0.7	172	8.1	1	0.0	85	4.0	819	38.4
Maine	162	58	35.8	2	1.2	25	15.4	0	0.0	6	3.7	71	43.8
Massachusetts	476	177	37.2	7	1.5	46	9.7	1	0.2	26	5.5	219	46.0
New Hampshire	196	72	36.7	0	0.0	29	14.8	0	0.0	7	3.6	88	44.9
Puerto Rico	1,165	708	60.8	6	0.5	59	5.1	0	0.0	46	3.9	346	29.7
Rhode Island	135	27	20.0	0	0.0	13	9.6	0	0.0	0	0.0	95	70.4
SECOND CIRCUIT	3,549	1,119	31.5	10	0.3	627	17.7	9	0.3	150	4.2	1,634	46.0
Connecticut	349	120	34.4	3	0.9	51	14.6	0	0.0	46	13.2	129	37.0
New York													
Eastern	622	166	26.7	2	0.3	114	18.3	0	0.0	60	9.6	280	45.0
Northern	381	216	56.7	2	0.5	56	14.7	1	0.3	8	2.1	98	25.7
Southern	1,514	377	24.9	0	0.0	241	15.9	8	0.5	28	1.8	860	56.8
Western	518	204	39.4	2	0.4	142	27.4	0	0.0	7	1.4	163	31.5
Vermont	165	36	21.8	1	0.6	23	13.9	0	0.0	1	0.6	104	63.0
THIRD CIRCUIT	2,336	1,019	43.6	11	0.5	432	18.5	19	0.8	61	2.6	794	34.0
Delaware	122	53	43.4	4	3.3	11	9.0	12	9.8	3	2.5	39	32.0
New Jersey	615	261	42.4	0	0.0	107	17.4	0	0.0	8	1.3	239	38.9
Pennsylvania													
Eastern	627	248	39.6	2	0.3	163	26.0	2	0.3	31	4.9	181	28.9
Middle	505	257	50.9	1	0.2	97	19.2	5	1.0	15	3.0	130	25.7
Western	382	150	39.3	3	0.8	49	12.8	0	0.0	3	0.8	177	46.3
Virgin Islands	85	50	58.8	1	1.2	5	5.9	0	0.0	1	1.2	28	32.9
FOURTH CIRCUIT	5,691	3,209	56.4	47	0.8	700	12.3	3	0.1	176	3.1	1,556	27.3
Maryland	759	263	34.7	8	1.1	137	18.1	0	0.0	52	6.9	299	39.4
North Carolina													
Eastern	822	501	60.9	14	1.7	161	19.6	1	0.1	10	1.2	135	16.4
Middle	490	267	54.5	5	1.0	59	12.0	0	0.0	6	1.2	153	31.2
Western	538	317	58.9	2	0.4	102	19.0	0	0.0	6	1.1	111	20.6
South Carolina	1,049	587	56.0	8	0.8	128	12.2	0	0.0	38	3.6	288	27.5
Virginia													
Eastern	1,200	782	65.2	7	0.6	54	4.5	0	0.0	41	3.4	316	26.3
Western	241	124	51.5	1	0.4	27	11.2	2	0.8	14	5.8	73	30.3
West Virginia													
Northern	280	182	65.0	0	0.0	26	9.3	0	0.0	4	1.4	68	24.3
Southern	312	186	59.6	2	0.6	6	1.9	0	0.0	5	1.6	113	36.2

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	21,294	14,911	70.0	125	0.6	1,124	5.3	716	3.4	1,208	5.7	3,210	15.1
Louisiana													
Eastern	288	169	58.7	2	0.7	44	15.3	0	0.0	6	2.1	67	23.3
Middle	182	95	52.2	2	1.1	40	22.0	1	0.5	1	0.5	43	23.6
Western	372	266	71.5	4	1.1	36	9.7	0	0.0	3	0.8	63	16.9
Mississippi													
Northern	185	69	37.3	1	0.5	50	27.0	0	0.0	4	2.2	61	33.0
Southern	453	330	72.8	2	0.4	46	10.2	8	1.8	3	0.7	64	14.1
Texas													
Eastern	724	517	71.4	3	0.4	24	3.3	1	0.1	10	1.4	169	23.3
Northern	1,556	971	62.4	16	1.0	184	11.8	0	0.0	31	2.0	354	22.8
Southern	7,809	4,587	58.7	88	1.1	422	5.4	489	6.3	897	11.5	1,326	17.0
Western	9,725	7,907	81.3	7	0.1	278	2.9	217	2.2	253	2.6	1,063	10.9
SIXTH CIRCUIT	5,297	2,444	46.1	13	0.2	1,055	19.9	10	0.2	198	3.7	1,577	29.8
Kentucky													
Eastern	557	318	57.1	0	0.0	91	16.3	0	0.0	9	1.6	139	25.0
Western	348	161	46.3	3	0.9	87	25.0	2	0.6	12	3.4	83	23.9
Michigan													
Eastern	879	376	42.8	1	0.1	116	13.2	1	0.1	26	3.0	359	40.8
Western	392	201	51.3	2	0.5	68	17.3	0	0.0	4	1.0	117	29.8
Ohio													
Northern	900	447	49.7	4	0.4	190	21.1	0	0.0	24	2.7	235	26.1
Southern	561	164	29.2	1	0.2	133	23.7	5	0.9	89	15.9	169	30.1
Tennessee													
Eastern	743	388	52.2	2	0.3	210	28.3	0	0.0	14	1.9	129	17.4
Middle	315	89	28.3	0	0.0	71	22.5	0	0.0	15	4.8	140	44.4
Western	602	300	49.8	0	0.0	89	14.8	2	0.3	5	0.8	206	34.2
SEVENTH CIRCUIT	2,448	899	36.7	5	0.2	243	9.9	2	0.1	127	5.2	1,172	47.9
Illinois													
Central	225	81	36.0	0	0.0	32	14.2	0	0.0	7	3.1	105	46.7
Northern	655	192	29.3	2	0.3	46	7.0	2	0.3	50	7.6	363	55.4
Southern	285	146	51.2	2	0.7	35	12.3	0	0.0	2	0.7	100	35.1
Indiana													
Northern	356	148	41.6	0	0.0	44	12.4	0	0.0	19	5.3	145	40.7
Southern	472	219	46.4	0	0.0	51	10.8	0	0.0	5	1.1	197	41.7
Wisconsin													
Eastern	267	41	15.4	0	0.0	29	10.9	0	0.0	2	0.7	195	73.0
Western	188	72	38.3	1	0.5	6	3.2	0	0.0	42	22.3	67	35.6
EIGHTH CIRCUIT	5,423	2,437	44.9	35	0.6	674	12.4	73	1.3	116	2.1	2,088	38.5
Arkansas													
Eastern	552	334	60.5	3	0.5	42	7.6	0	0.0	12	2.2	161	29.2
Western	258	128	49.6	0	0.0	39	15.1	2	0.8	3	1.2	86	33.3
Iowa													
Northern	415	217	52.3	11	2.7	89	21.4	0	0.0	6	1.4	92	22.2
Southern	493	196	39.8	1	0.2	73	14.8	0	0.0	5	1.0	218	44.2
Minnesota	380	116	30.5	2	0.5	71	18.7	2	0.5	17	4.5	172	45.3
Missouri													
Eastern	1,190	465	39.1	4	0.3	87	7.3	0	0.0	9	0.8	625	52.5
Western	772	297	38.5	2	0.3	115	14.9	0	0.0	29	3.8	329	42.6
Nebraska	527	266	50.5	1	0.2	18	3.4	57	10.8	5	0.9	180	34.2
North Dakota	328	100	30.5	0	0.0	130	39.6	10	3.0	4	1.2	84	25.6
South Dakota	508	318	62.6	11	2.2	10	2.0	2	0.4	26	5.1	141	27.8

Table 9 (cont.)

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	14,689	4,552	31.0	53	0.4	1,098	7.5	5,358	36.5	581	4.0	3,047	20.7
Alaska	193	56	29.0	2	1.0	25	13.0	0	0.0	4	2.1	106	54.9
Arizona	5,529	1,951	35.3	33	0.6	130	2.4	2,735	49.5	88	1.6	592	10.7
California													
Central	1,138	386	33.9	1	0.1	147	12.9	94	8.3	87	7.6	423	37.2
Eastern	510	228	44.7	1	0.2	80	15.7	21	4.1	17	3.3	163	32.0
Northern	483	146	30.2	0	0.0	60	12.4	9	1.9	15	3.1	253	52.4
Southern	4,087	746	18.3	8	0.2	235	5.7	2,426	59.4	295	7.2	377	9.2
Guam	49	30	61.2	0	0.0	12	24.5	0	0.0	2	4.1	5	10.2
Hawaii	154	59	38.3	0	0.0	36	23.4	0	0.0	1	0.6	58	37.7
Idaho	372	151	40.6	1	0.3	82	22.0	24	6.5	19	5.1	95	25.5
Montana	384	139	36.2	2	0.5	99	25.8	1	0.3	4	1.0	139	36.2
Nevada	482	190	39.4	2	0.4	39	8.1	2	0.4	14	2.9	235	48.8
Northern Mariana Islands	11	8	72.7	0	0.0	1	9.1	0	0.0	0	0.0	2	18.2
Oregon	473	118	24.9	2	0.4	70	14.8	0	0.0	25	5.3	258	54.5
Washington													
Eastern	358	153	42.7	0	0.0	64	17.9	14	3.9	4	1.1	123	34.4
Western	466	191	41.0	1	0.2	18	3.9	32	6.9	6	1.3	218	46.8
TENTH CIRCUIT	6,478	3,731	57.6	35	0.5	368	5.7	895	13.8	355	5.5	1,094	16.9
Colorado	523	186	35.6	1	0.2	99	18.9	76	14.5	13	2.5	148	28.3
Kansas	451	192	42.6	5	1.1	84	18.6	2	0.4	5	1.1	163	36.1
New Mexico	3,948	2,736	69.3	7	0.2	56	1.4	690	17.5	183	4.6	276	7.0
Oklahoma													
Eastern	100	60	60.0	1	1.0	18	18.0	0	0.0	0	0.0	21	21.0
Northern	215	88	40.9	10	4.7	30	14.0	0	0.0	34	15.8	53	24.7
Western	407	227	55.8	0	0.0	24	5.9	4	1.0	3	0.7	149	36.6
Utah	656	187	28.5	9	1.4	39	5.9	110	16.8	101	15.4	210	32.0
Wyoming	178	55	30.9	2	1.1	18	10.1	13	7.3	16	9.0	74	41.6
ELEVENTH CIRCUIT	6,365	3,576	56.2	12	0.2	747	11.7	31	0.5	70	1.1	1,929	30.3
Alabama													
Middle	260	145	55.8	0	0.0	43	16.5	2	0.8	5	1.9	65	25.0
Northern	542	317	58.5	2	0.4	100	18.5	1	0.2	5	0.9	117	21.6
Southern	376	267	71.0	0	0.0	42	11.2	2	0.5	3	0.8	62	16.5
Florida													
Middle	1,594	772	48.4	4	0.3	265	16.6	20	1.3	15	0.9	518	32.5
Northern	302	144	47.7	2	0.7	54	17.9	6	2.0	3	1.0	93	30.8
Southern	1,903	1,128	59.3	1	0.1	106	5.6	0	0.0	14	0.7	654	34.4
Georgia													
Middle	407	280	68.8	1	0.2	39	9.6	0	0.0	7	1.7	80	19.7
Northern	507	176	34.7	2	0.4	30	5.9	0	0.0	17	3.4	282	55.6
Southern	474	347	73.2	0	0.0	68	14.3	0	0.0	1	0.2	58	12.2

¹ Of the 76,538 cases, 504 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.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME¹
Fiscal Year 2019**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,034	39,078	51.4	364	0.5	7,272	9.6	7,119	9.4	3,162	4.2	19,039	25.0
Administration of Justice	695	357	51.4	12	1.7	36	5.2	6	0.9	43	6.2	241	34.7
Antitrust	20	2	10.0	0	0.0	15	75.0	0	0.0	0	0.0	3	15.0
Arson	68	35	51.5	2	2.9	9	13.2	0	0.0	2	2.9	20	29.4
Assault	768	380	49.5	18	2.3	39	5.1	1	0.1	55	7.2	275	35.8
Bribery/Corruption	341	63	18.5	0	0.0	118	34.6	0	0.0	27	7.9	133	39.0
Burglary/Trespass	64	40	62.5	1	1.6	1	1.6	0	0.0	2	3.1	20	31.3
Child Pornography	1,368	413	30.2	10	0.7	30	2.2	0	0.0	95	6.9	820	59.9
Commercialized Vice	90	32	35.6	1	1.1	9	10.0	0	0.0	7	7.8	41	45.6
Drug Possession	490	445	90.8	2	0.4	2	0.4	0	0.0	3	0.6	38	7.8
Drug Trafficking	19,813	6,734	34.0	64	0.3	4,460	22.5	1,224	6.2	846	4.3	6,485	32.7
Environmental	173	82	47.4	0	0.0	10	5.8	0	0.0	14	8.1	67	38.7
Extortion/Racketeering	183	88	48.1	2	1.1	21	11.5	0	0.0	9	4.9	63	34.4
Firearms	8,474	4,618	54.5	56	0.7	563	6.6	8	0.1	305	3.6	2,924	34.5
Food and Drug	48	34	70.8	1	2.1	0	0.0	0	0.0	1	2.1	12	25.0
Forgery/Counter/Copyright	276	135	48.9	1	0.4	29	10.5	0	0.0	11	4.0	100	36.2
Fraud/Theft/Embezzlement	6,273	2,991	47.7	19	0.3	830	13.2	17	0.3	205	3.3	2,211	35.2
Immigration	29,239	19,193	65.6	103	0.4	205	0.7	5,852	20.0	1,141	3.9	2,745	9.4
Individual Rights	64	34	53.1	0	0.0	7	10.9	0	0.0	3	4.7	20	31.3
Kidnapping	96	30	31.3	2	2.1	18	18.8	0	0.0	9	9.4	37	38.5
Manslaughter	74	39	52.7	7	9.5	0	0.0	0	0.0	5	6.8	23	31.1
Money Laundering	1,174	289	24.6	4	0.3	333	28.4	7	0.6	67	5.7	474	40.4
Murder	373	143	38.3	4	1.1	87	23.3	0	0.0	33	8.8	106	28.4
National Defense	193	54	28.0	0	0.0	40	20.7	0	0.0	23	11.9	76	39.4
Obscenity/Other Sex Offenses	392	235	59.9	3	0.8	0	0.0	1	0.3	12	3.1	141	36.0
Prison Offenses	610	402	65.9	3	0.5	11	1.8	3	0.5	30	4.9	161	26.4
Robbery	1,825	711	39.0	29	1.6	262	14.4	0	0.0	100	5.5	723	39.6
Sexual Abuse	1,165	458	39.3	14	1.2	58	5.0	0	0.0	77	6.6	558	47.9
Stalking/Harassing	223	113	50.7	4	1.8	2	0.9	0	0.0	15	6.7	89	39.9
Tax	547	139	25.4	0	0.0	69	12.6	0	0.0	16	2.9	323	59.0
Other	915	789	86.2	2	0.2	8	0.9	0	0.0	6	0.7	110	12.0

¹ Of the 76,538 cases, 504 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.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2019

Guideline	Within Guideline			Departure				Variance	Guideline	Within Guideline			Departure				Variance
	Total	Range	Up	\$5K1.1	\$5K3.1	Down				Total	Range	Up	\$5K1.1	\$5K3.1	Down		
§2A1.1	260	99	0	70	0	18	73		§2D1.8	12	4	0	3	0	0	0	5
§2A1.2	45	16	4	5	0	4	16		§2D1.9	0	0	0	0	0	0	0	0
§2A1.3	27	15	3	0	0	2	7		§2D1.10	7	0	0	1	0	0	0	6
§2A1.4	47	24	4	0	0	3	16		§2D1.11	27	0	0	6	0	0	0	21
§2A1.5	46	20	0	4	0	8	14		§2D1.12	0	0	0	0	0	0	0	0
§2A2.1	169	72	1	26	0	5	65		§2D1.13	3	3	0	0	0	0	0	0
§2A2.2	413	185	15	10	1	39	163		§2D1.14	0	0	0	0	0	0	0	0
§2A2.3	111	79	1	0	0	4	27		§2D2.1	172	149	2	2	0	2	17	
§2A2.4	206	113	4	2	4	17	66		§2D2.2	111	94	0	1	0	1	15	
§2A3.1	137	60	2	3	0	17	55		§2D2.3	0	0	0	0	0	0	0	0
§2A3.2	40	26	2	0	0	1	11		§2D3.1	5	5	0	0	0	0	0	0
§2A3.3	6	3	2	1	0	0	0		§2D3.2	0	0	0	0	0	0	0	0
§2A3.4	44	24	1	0	0	3	16		§2D3.3	0	0	0	0	0	0	0	0
§2A3.5	360	222	2	0	1	12	123		§2D3.4	0	0	0	0	0	0	0	0
§2A4.1	93	29	2	18	0	9	35		§2D3.5	0	0	0	0	0	0	0	0
§2A4.2	1	1	0	0	0	0	0		§2E1.1	62	30	1	7	0	6	18	
§2A5.1	0	0	0	0	0	0	0		§2E1.2	1	0	0	0	0	0	1	
§2A5.2	27	16	1	0	0	2	8		§2E1.3	1	0	0	0	0	0	1	
§2A5.3	0	0	0	0	0	0	0		§2E1.4	6	4	0	1	0	0	1	
§2A6.1	137	73	1	2	0	7	54		§2E1.5	0	0	0	0	0	0	0	0
§2A6.2	80	38	3	0	0	7	32		§2E2.1	16	4	0	1	0	3	8	
§2B1.1	5,706	2,503	19	819	10	198	2,157		§2E3.1	29	10	0	1	0	4	14	
§2B1.2	0	0	0	0	0	0	0		§2E3.2	0	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	0
§2B1.4	35	0	0	7	0	2	26		§2E4.1	25	9	0	5	0	0	11	
§2B1.5	12	4	0	0	0	0	8		§2E5.1	7	4	0	2	0	0	1	
§2B1.6 ²	138	134	0	4	0	0	0		§2E5.2	0	0	0	0	0	0	0	0
§2B2.1	48	27	1	1	0	2	17		§2E5.3	1	1	0	0	0	0	0	0
§2B2.2	0	0	0	0	0	0	0		§2E5.4	0	0	0	0	0	0	0	0
§2B2.3	9	7	0	0	0	0	2		§2E5.5	0	0	0	0	0	0	0	0
§2B3.1	1,805	707	29	258	0	99	712		§2E5.6	0	0	0	0	0	0	0	0
§2B3.2	45	22	1	5	0	0	17		§2F1.1	2	0	0	0	0	1	1	
§2B3.3	11	7	0	0	0	0	4		§2F1.2	0	0	0	0	0	0	0	0
§2B4.1	78	14	0	32	0	1	31		§2G1.1	82	28	1	9	0	6	38	
§2B5.1	229	123	1	21	0	5	79		§2G1.2	0	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0		§2G1.3	375	174	5	34	0	13	149	
§2B5.3	47	12	0	8	0	6	21		§2G2.1	521	161	2	17	0	39	302	
§2B5.4	0	0	0	0	0	0	0		§2G2.2	1,363	411	10	29	0	94	819	
§2B6.1	1	0	0	0	0	0	1		§2G2.3	0	0	0	0	0	0	0	0
§2C1.1	245	40	0	86	0	25	94		§2G2.4	0	0	0	0	0	0	0	0
§2C1.2	7	3	0	0	0	1	3		§2G2.5	0	0	0	0	0	0	0	0
§2C1.3	7	5	0	0	0	0	2		§2G2.6	18	2	0	2	0	0	14	
§2C1.4	0	0	0	0	0	0	0		§2G3.1	25	8	1	0	0	0	16	
§2C1.5	0	0	0	0	0	0	0		§2G3.2	1	0	0	0	0	0	1	
§2C1.6	0	0	0	0	0	0	0		§2H1.1	26	7	0	5	0	3	11	
§2C1.7	0	0	0	0	0	0	0		§2H1.2	0	0	0	0	0	0	0	0
§2C1.8	2	0	0	0	0	0	2		§2H1.3	0	0	0	0	0	0	0	0
§2D1.1	19,460	6,574	63	4,403	1,220	821	6,379		§2H1.4	0	0	0	0	0	0	0	0
§2D1.2	281	145	1	48	0	16	71		§2H1.5	0	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0		§2H2.1	17	15	0	0	0	0	2	
§2D1.4	0	0	0	0	0	0	0		§2H3.1	7	5	0	1	0	0	1	
§2D1.5	2	0	0	2	0	0	0		§2H3.2	0	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0		§2H3.3	3	3	0	0	0	0	0	0
§2D1.7	1	1	0	0	0	0	0		§2H4.1	7	1	0	1	0	0	5	

Table 11 (cont.)

Within Guideline								Within Guideline							
Departure								Departure							
Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance	Guideline	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	141	31	0	31	0	19	60
§2J1.1	0	0	0	0	0	0	0	§2M5.3	17	4	0	2	0	3	8
§2J1.2	131	29	3	16	1	11	71	§2M6.1	6	3	0	0	0	0	3
§2J1.3	21	10	0	0	0	3	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	12	0	0	0	0	1	§2N1.1	11	0	1	0	0	1	9
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	34	21	0	0	0	2	11	§2N1.3	1	1	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	28	27	0	0	0	0	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	298	196	3	5	3	16	75
§2K1.1	1	1	0	0	0	0	0	§2P1.2	238	158	0	6	0	11	63
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	27	5	0	6	0	4	12	§2P1.4	0	0	0	0	0	0	0
§2K1.4	66	34	2	9	0	2	19	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	31	11	0	1	0	6	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	20	6	0	4	0	4	6
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,952	4,247	48	511	8	296	2,842	§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	82	40	0	4	0	2	36
§2K2.4 ³	413	327	8	39	0	0	39	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	17	14	0	0	0	0	3	§2R1.1	20	2	0	15	0	0	3
§2K2.6	0	0	0	0	0	0	0	§2S1.1	990	211	3	324	4	44	404
§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	177	72	1	9	3	23	69
§2L1.1	3,487	1,412	4	151	1,208	90	622	§2S1.4	0	0	0	0	0	0	0
§2L1.2	22,071	15,191	96	29	3,990	977	1,788	§2T1.1	328	86	0	41	0	6	195
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	104	51	0	18	0	5	30	§2T1.3	0	0	0	0	0	0	0
§2L2.2	961	697	2	3	54	31	174	§2T1.4	166	36	0	25	0	7	98
§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	40	10	0	2	0	2	26
§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	1	1	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	2	1	0	1	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	3	1	0	0	0	1	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	2	2	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	3	2	0	0	0	0	1
§2M3.1	2	0	0	1	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	2	2	0	0	0	0	0	§2X1.1	16	9	0	0	0	0	7
§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	88	28	3	17	0	6	34
§2M3.6	0	0	0	0	0	0	0	§2X4.1	268	162	4	18	1	8	75
§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	214	169	0	0	0	0	45
§2M3.9	0	0	0	0	0	0	0	§2X6.1	1	1	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	1	0	0	0	0	0	1
§2M5.1	14	3	0	6	0	1	4	§2X7.2	0	0	0	0	0	0	0
TOTAL									71,859	35,901	363	7,257	6,508	3,087	18,743

¹ Of the 76,538 cases, 4,679 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 (504) or missing guideline applied (4,652). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

³ In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.

Table 12

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2019

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	36,956	7,297	19.7	7,304	19.8	5,588	15.1	8,341	22.6	821	2.2
Departures	17,917	7,272	40.6	7,280	40.6	4,165	23.2	7,105	39.7	662	3.7
Upward Departure	364	0	0.0	0	0.0	92	25.3	39	10.7	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	7,272	7,272	100.0	161	2.2	300	4.1	2,027	27.9	38	0.5
§5K3.1 Early Disposition Program	7,119	0	0.0	7,119	100.0	3,198	44.9	4,432	62.3	598	8.4
Other Government Motion	1,410	0	0.0	0	0.0	575	40.8	607	43.0	25	1.8
Non-Government Departure	1,752	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	19,039	25	0.1	24	0.1	1,423	7.5	1,236	6.5	159	0.8
Upward Variance	1,431	25	1.7	24	1.7	197	13.8	138	9.6	1	0.1
Downward Variance											
Government Motion	4,083	0	0.0	0	0.0	1,226	30.0	1,098	26.9	158	3.9
Non-Government Variance	13,525	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 than a Plea/Motion by Parties		No Information Available	
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion					
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,387	14.6	6,068	16.4	7,353	19.9	1,518	4.1	5,247	14.2	2,617	7.1
Departures	4,678	26.1	2,234	12.5	1,780	9.9	646	3.6	1,558	8.7	230	1.3
Upward Departure	116	31.9	0	0.0	3	0.8	8	2.2	108	29.7	26	7.1
Downward Departure												
§5K1.1 Substantial Assistance	4,236	58.3	756	10.4	660	9.1	381	5.2	695	0.0	0	0.0
§5K3.1 Early Disposition Program	187	2.6	479	6.7	685	9.6	130	1.8	297	4.2	0	0.0
Other Government Motion	139	9.9	100	7.1	66	4.7	127	9.0	64	4.5	30	2.1
Non-Government Departure	0	0.0	899	51.3	366	20.9	0	0.0	394	22.5	174	9.9
Variances	709	3.7	3,834	20.1	5,573	29.3	872	4.6	3,689	19.4	2,387	12.5
Upward Variance	239	16.7	7	0.5	5	0.3	25	1.7	592	41.4	263	18.4
Downward Variance												
Government Motion	470	11.5	387	9.5	155	3.8	847	20.7	186	4.6	156	3.8
Non-Government Variance	0	0.0	3,440	25.4	5,413	40.0	0	0.0	2,911	21.5	1,968	14.6

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 15,714 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

² For cases in which the court submitted a SOR form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted the prior version of the SOR form, the information was taken from Part V.B. of the SOR form.

**EXTENT OF UPWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2019**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	360	86	26	71.6	60	14	42.9
Administration of Justice	12	44	17	78.0	36	12	76.6
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	18	112	40	55.9	84	27	46.9
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	10	125	30	34.8	89	27	26.4
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	64	112	40	128.7	96	30	57.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	2	--	--	--	--	--	--
Firearms	55	77	23	57.7	72	17	39.2
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	18	44	13	59.5	27	9	48.7
Immigration	102	25	9	67.7	24	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	7	125	58	101.3	132	54	69.2
Money Laundering	3	48	5	11.1	42	2	12.5
Murder	4	315	92	43.0	300	64	28.8
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	3	46	17	59.6	41	11	36.7
Prison Offenses	3	44	14	46.8	40	12	57.1
Robbery	29	185	40	32.1	192	25	23.1
Sexual Abuse	14	189	50	53.4	151	36	26.0
Stalking/Harassing	4	49	12	32.4	46	12	27.4
Tax	0	--	--	--	--	--	--
Other	2	--	--	--	--	--	--

¹ Of the 76,538 cases, in 364 the sentence was an upward departure from the guideline range. Four offenders 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, 2019 Datafile, USSCFY19.

**EXTENT OF UPWARD VARIANCES
BY TYPE OF CRIME¹
Fiscal Year 2019**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
TOTAL	1,421	79	23	65.0	60	12	37.5
Administration of Justice	22	35	9	44.2	30	6	25.8
Antitrust	0	--	--	--	--	--	--
Arson	5	124	49	64.4	120	48	44.4
Assault	29	102	31	56.9	96	18	27.7
Bribery/Corruption	5	36	10	70.3	36	6	100.0
Burglary/Trespass	4	26	7	63.7	23	6	55.8
Child Pornography	20	139	34	35.7	132	24	27.7
Commercialized Vice	15	53	21	68.1	46	10	53.3
Drug Possession	21	10	3	44.4	7	1	16.7
Drug Trafficking	275	104	29	71.7	84	18	33.3
Environmental	1	--	--	--	--	--	--
Extortion/Racketeering	9	51	21	75.6	50	13	81.8
Firearms	310	84	26	54.3	70	18	35.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	7	42	16	64.7	36	19	51.4
Fraud/Theft/Embezzlement	104	56	18	80.8	44	13	50.0
Immigration	328	27	10	75.1	20	6	50.0
Individual Rights	3	74	11	32.0	84	13	18.3
Kidnapping	0	--	--	--	--	--	--
Manslaughter	9	119	44	83.3	96	30	23.7
Money Laundering	10	112	39	61.5	72	24	49.4
Murder	9	381	100	42.3	382	65	25.7
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	14	62	32	117.0	48	21	61.1
Prison Offenses	17	24	9	55.6	20	6	50.0
Robbery	96	185	43	33.6	180	30	22.4
Sexual Abuse	38	167	40	96.7	147	22	19.5
Stalking/Harassing	17	79	35	83.9	60	29	50.0
Tax	9	49	13	37.5	50	10	24.4
Other	44	11	4	52.0	9	3	33.3

¹ Of the 76,538 cases, in 1,431 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 offenders were excluded from this table. Also, eight offenders 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, 2019 Datafile, USSCFY19.

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2019**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	7,134	53	51	52.9	38	36	48.6
Administration of Justice	36	5	12	73.3	0	10	99.8
Antitrust	15	4	7	63.4	4	8	66.7
Arson	9	42	58	51.4	42	25	50.0
Assault	38	70	123	63.6	47	105	66.1
Bribery/Corruption	118	14	29	65.1	12	21	65.0
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	28	82	56	42.3	70	54	35.9
Commercialized Vice	9	10	10	57.4	12	9	55.6
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	4,409	63	59	50.3	54	47	47.4
Environmental	10	5	9	80.5	0	8	100.0
Extortion/Racketeering	21	14	31	69.7	8	15	72.2
Firearms	560	42	33	49.0	33	23	42.2
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	29	10	15	68.9	6	15	70.0
Fraud/Theft/Embezzlement	830	18	27	63.5	12	19	63.4
Immigration	205	14	13	52.8	10	11	45.6
Individual Rights	7	13	25	70.7	3	12	93.5
Kidnapping	13	90	116	55.0	84	87	53.7
Manslaughter	0	--	--	--	--	--	--
Money Laundering	322	53	59	56.4	33	40	52.5
Murder	46	110	133	54.9	86	120	53.8
National Defense	40	24	36	59.9	22	27	58.2
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	11	12	12	48.9	6	6	37.5
Robbery	248	70	58	46.9	63	42	42.4
Sexual Abuse	48	108	86	47.7	99	75	40.8
Stalking/Harassing	2	--	--	--	--	--	--
Tax	69	9	17	70.1	6	12	73.3
Other	8	11	39	76.9	4	33	80.0

¹ Of the 76,538 cases, in 7,272 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, 74 offenders were excluded from this table. Also, 64 offenders 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, 2019 Datafile, USSCFY19.

**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2019**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	7,110	14	12	46.5	9	6	42.0
Administration of Justice	5	16	2	13.8	20	3	12.5
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,224	30	40	55.9	30	33	57.0
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	8	24	20	48.2	17	13	44.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	17	7	7	49.7	4	5	33.3
Immigration	5,845	10	7	44.6	7	6	40.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	6	31	14	40.9	39	14	31.0
Murder	0	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	3	13	4	22.2	15	3	25.0
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

¹ Of the 76,538 cases, in 7,119 the offender received a §5K3.1 early disposition program departure below the guideline range. Nine offenders 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, 2019 Datafile, USSCFY19.

**EXTENT OF OTHER DOWNWARD DEPARTURES
BY TYPE OF CRIME¹
Fiscal Year 2019**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	3,107	38	25	42.4	18	12	36.7
Administration of Justice	43	9	9	53.9	8	8	49.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	53	33	18	44.4	24	9	37.7
Bribery/Corruption	27	12	16	61.7	8	10	55.6
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	93	70	61	48.0	60	54	48.9
Commercialized Vice	7	6	7	77.6	0	6	100.0
Drug Possession	3	3	2	74.5	0	2	100.0
Drug Trafficking	834	64	40	41.2	48	27	36.4
Environmental	12	6	12	76.5	0	12	100.0
Extortion/Racketeering	8	37	25	39.1	40	13	34.7
Firearms	305	37	20	39.8	27	13	31.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	11	8	10	61.5	8	7	55.6
Fraud/Theft/Embezzlement	203	20	17	56.1	12	11	52.9
Immigration	1,140	14	9	38.4	12	6	33.3
Individual Rights	3	24	12	52.1	12	12	33.3
Kidnapping	6	144	126	47.2	136	133	48.0
Manslaughter	5	54	11	22.0	15	4	14.8
Money Laundering	66	27	34	61.7	10	17	59.4
Murder	25	127	89	39.3	132	64	36.7
National Defense	23	35	38	46.5	26	19	43.5
Obscenity/Other Sex Offenses	12	11	9	48.0	12	9	31.0
Prison Offenses	30	8	8	51.3	7	6	40.9
Robbery	100	70	38	37.3	60	27	31.7
Sexual Abuse	59	153	71	34.1	138	60	26.7
Stalking/Harassing	14	17	18	56.0	21	16	47.4
Tax	15	14	16	57.0	9	12	57.1
Other	5	4	4	53.6	3	5	46.7

¹ Of the 76,538 cases, in 3,162 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,410) or a non-government departure (1,752). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 16 offenders were excluded from this table. Also, 39 offenders 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 CRIME¹
Fiscal Year 2019**

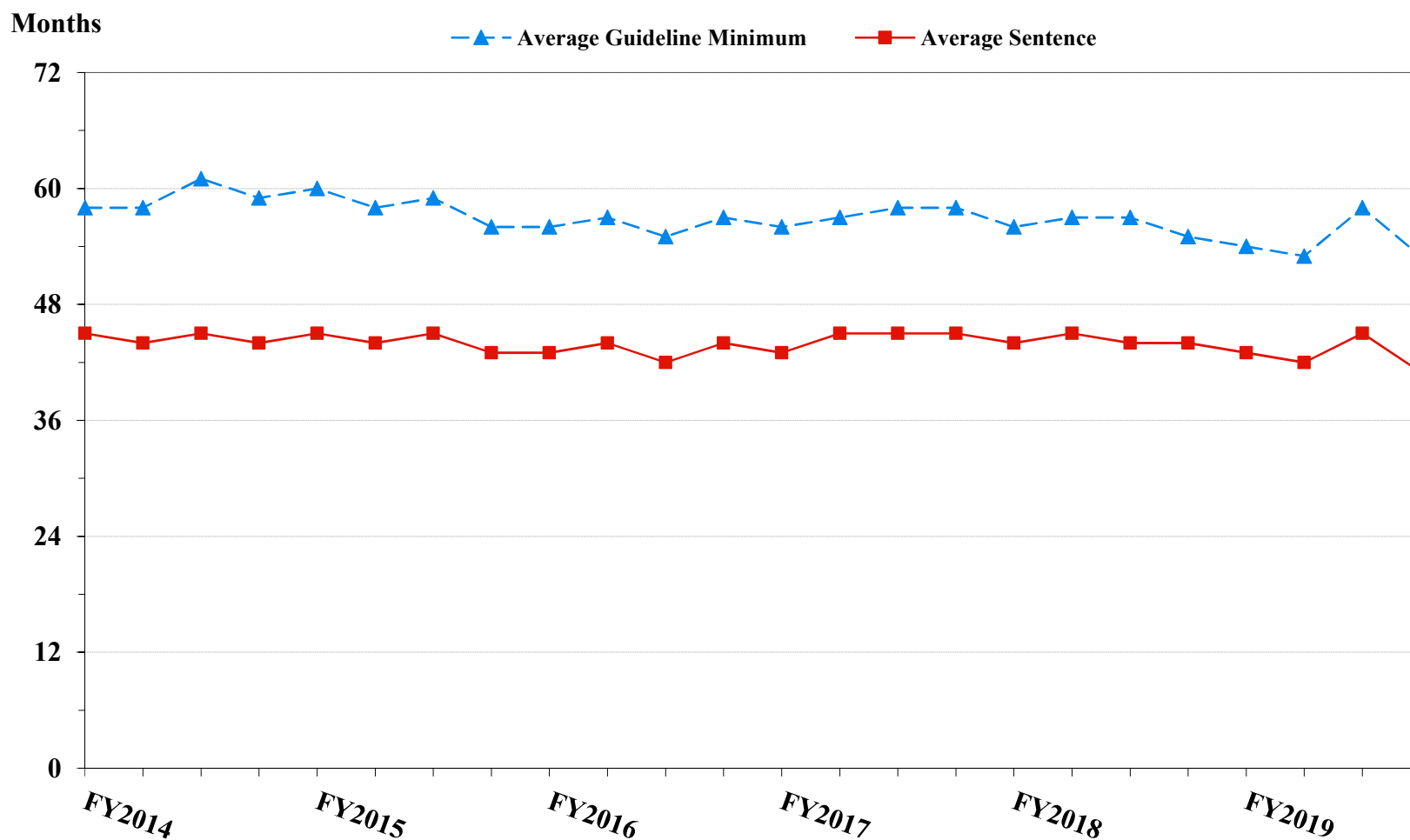
TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
TOTAL	17,108	50	26	42.9	28	14	34.8
Administration of Justice	217	7	11	67.2	4	9	74.8
Antitrust	2	--	--	--	--	--	--
Arson	15	21	21	56.6	24	22	47.8
Assault	233	51	22	44.1	26	12	33.6
Bribery/Corruption	127	24	19	55.2	12	12	50.0
Burglary/Trespass	16	9	10	54.7	9	6	44.1
Child Pornography	782	80	51	40.5	71	43	38.1
Commercialized Vice	26	11	8	49.3	12	6	48.9
Drug Possession	17	1	4	85.8	0	2	100.0
Drug Trafficking	6,113	73	36	37.8	60	24	31.0
Environmental	64	3	11	84.2	0	9	99.8
Extortion/Racketeering	52	20	20	58.5	11	13	55.2
Firearms	2,582	39	19	40.0	27	12	31.4
Food and Drug	12	25	21	58.7	18	21	61.8
Forgery/Counter/Copyright	91	8	12	60.9	6	8	55.6
Fraud/Theft/Embezzlement	2,061	20	14	54.4	12	10	48.9
Immigration	2,406	12	7	43.6	8	6	33.3
Individual Rights	14	32	26	50.5	16	11	49.1
Kidnapping	31	121	61	33.4	108	48	31.0
Manslaughter	14	35	16	43.4	24	13	22.6
Money Laundering	438	50	33	48.3	30	19	39.8
Murder	51	169	91	34.7	150	81	33.3
National Defense	71	39	37	53.9	20	26	51.4
Obscenity/Other Sex Offenses	123	10	11	53.5	9	9	48.7
Prison Offenses	142	9	7	50.7	6	6	48.3
Robbery	597	86	29	28.1	76	21	21.7
Sexual Abuse	364	154	65	32.5	156	55	28.9
Stalking/Harassing	72	16	14	49.9	12	10	49.8
Tax	311	11	13	61.6	8	12	55.4
Other	64	11	23	77.8	0	8	99.3

¹ Of the 76,538 cases, in 17,608 the sentence was a variance below the guideline range, either due to a government motion for a variance (4,083) or a non-government variance (13,525). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 167 offenders were excluded from this table. Also, 333 offenders 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, 2019 Datafile, USSCFY19.

Figure 5

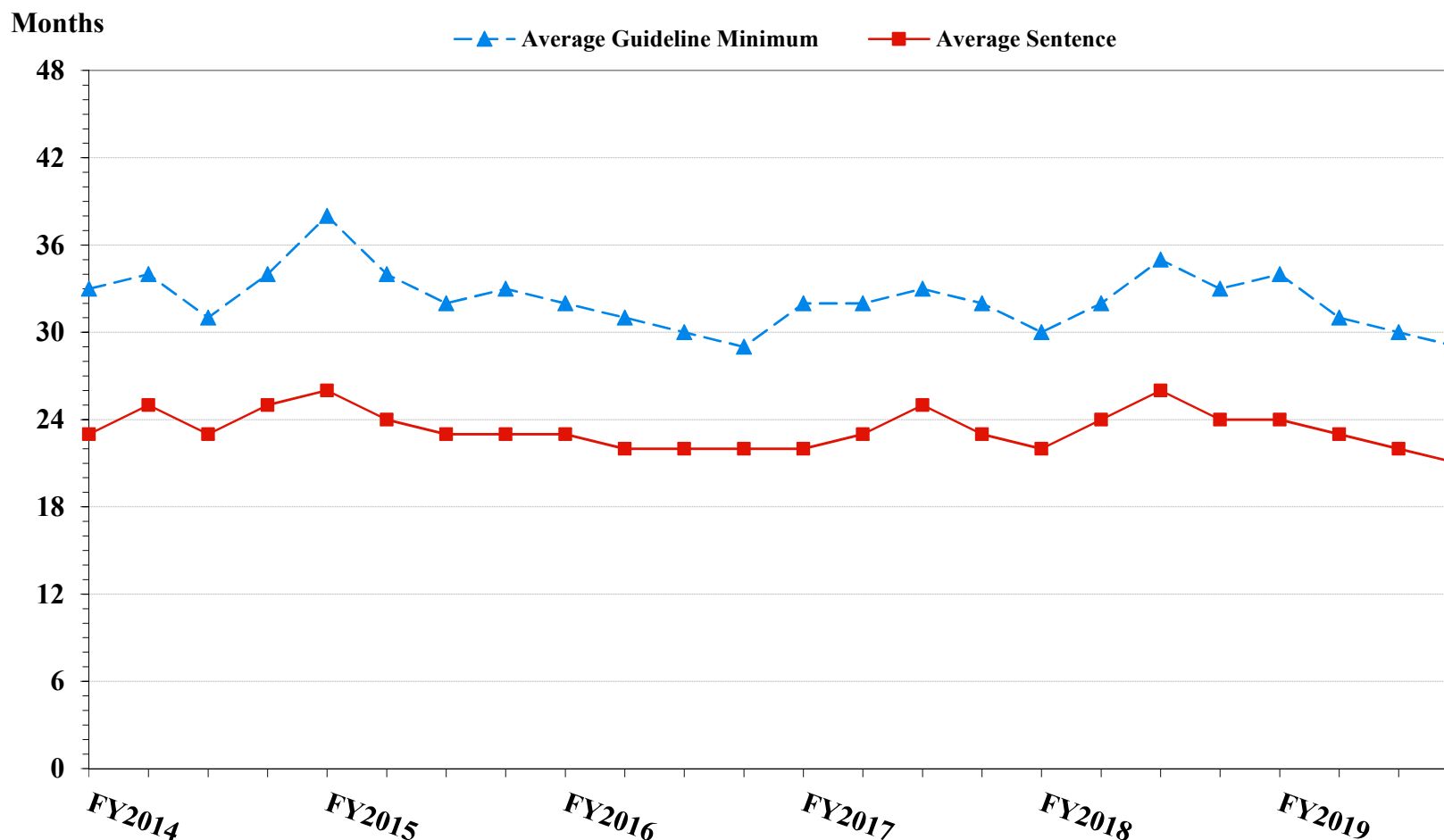
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR ALL CASES¹
Fiscal Years 2014 - 2019**



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

Figure 6

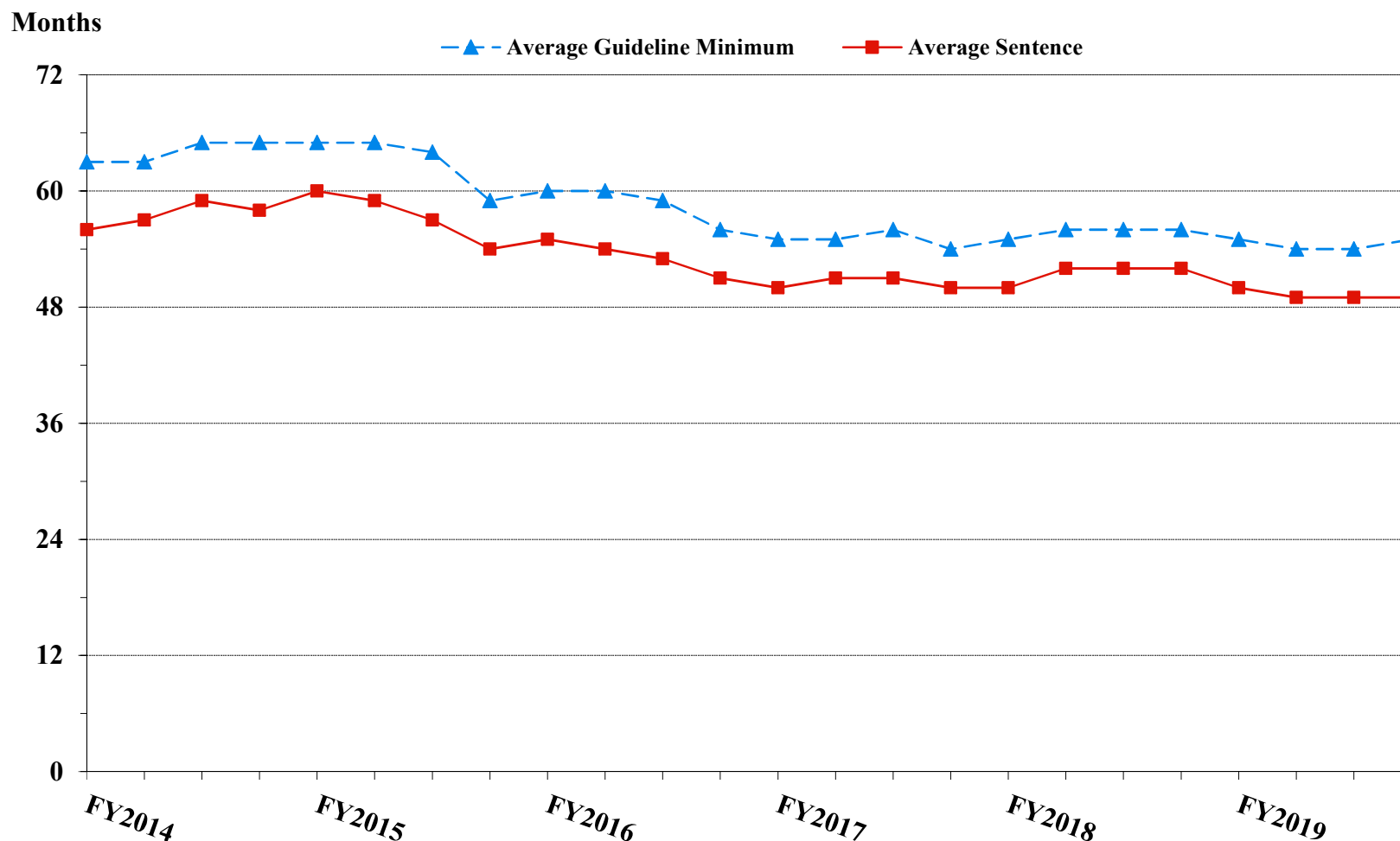
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹
Fiscal Years 2014 - 2019**



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

Figure 7

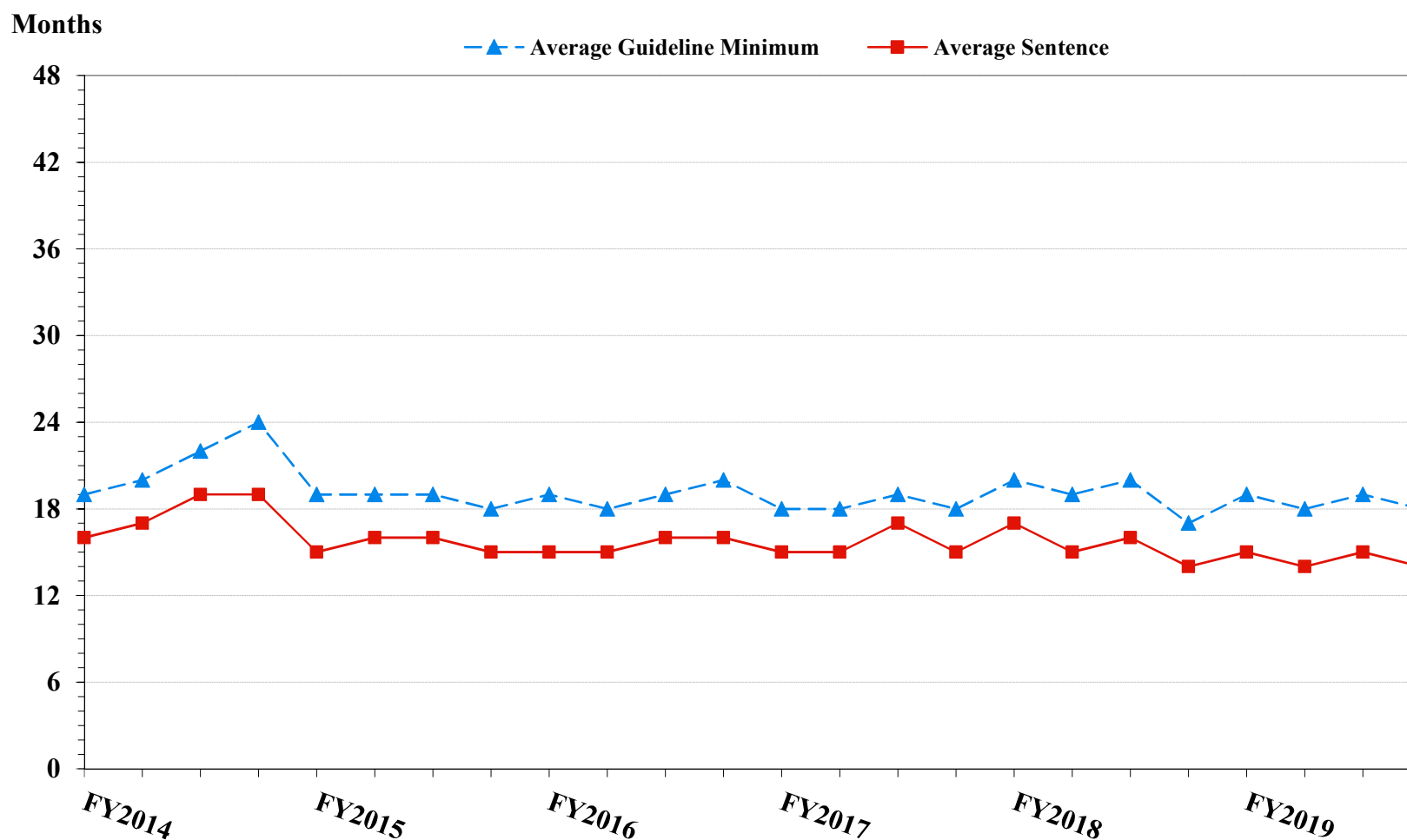
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2014 - 2019**



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

Figure 8

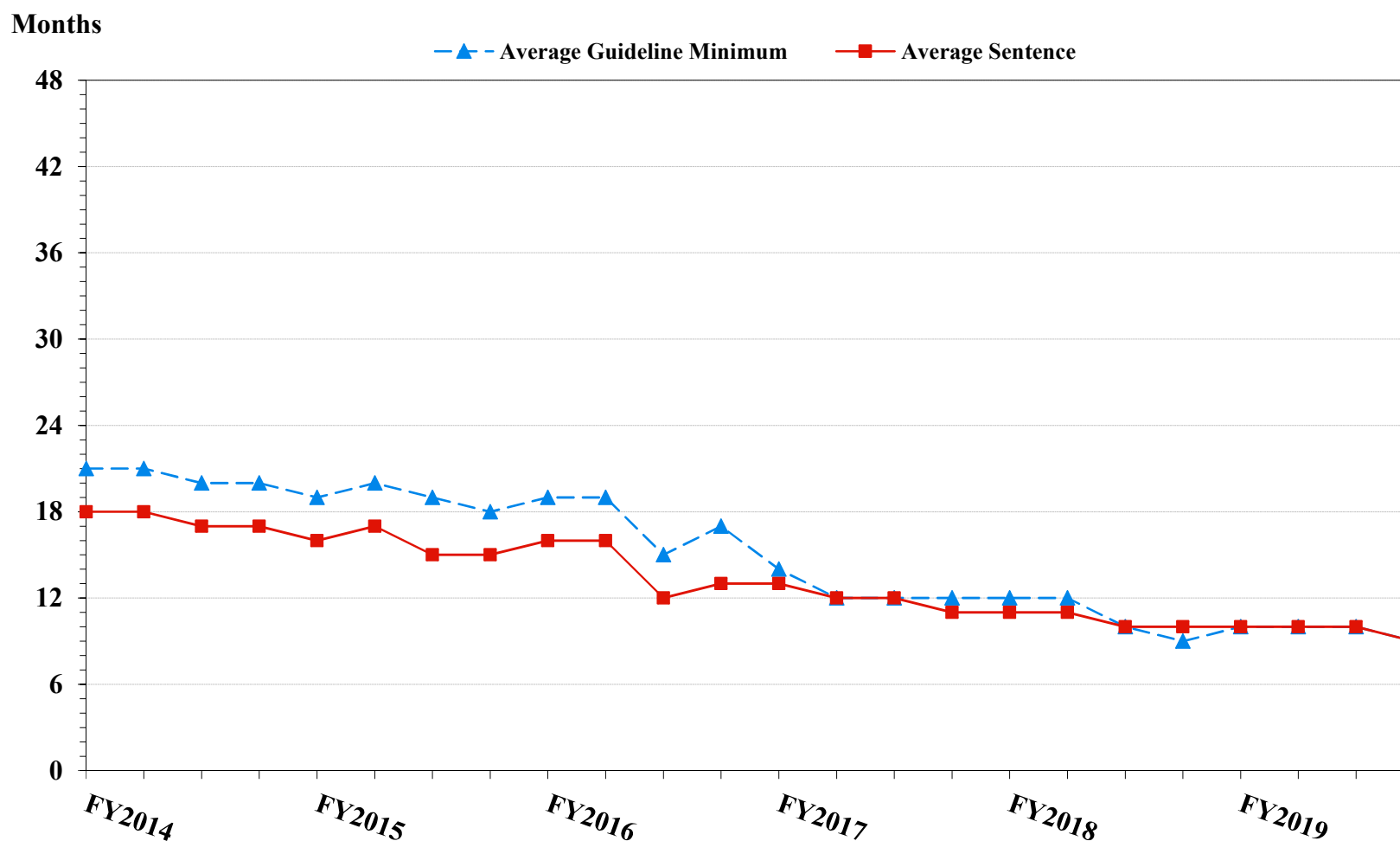
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
Fiscal Years 2014 - 2019**



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

Figure 9

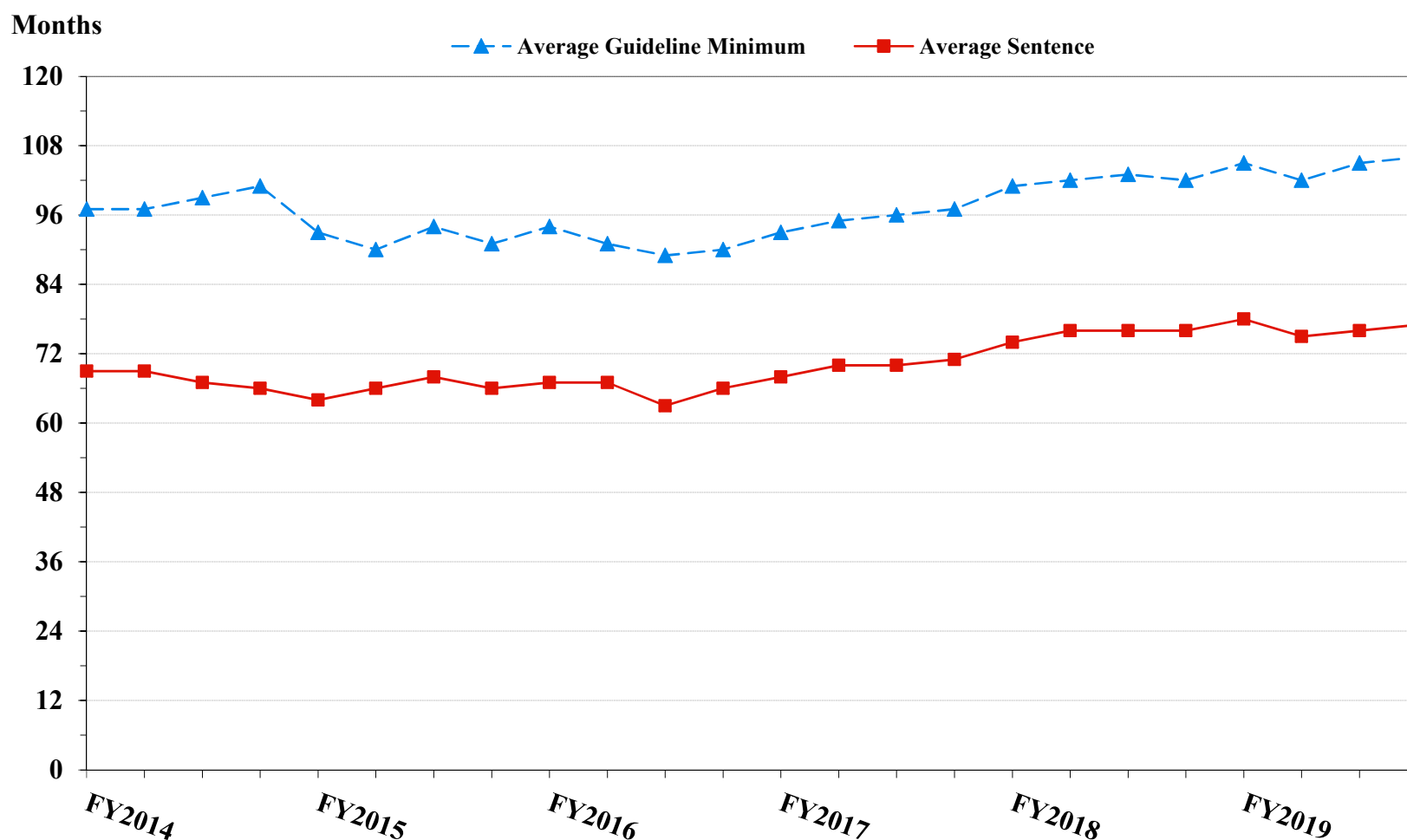
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2014 - 2019**



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

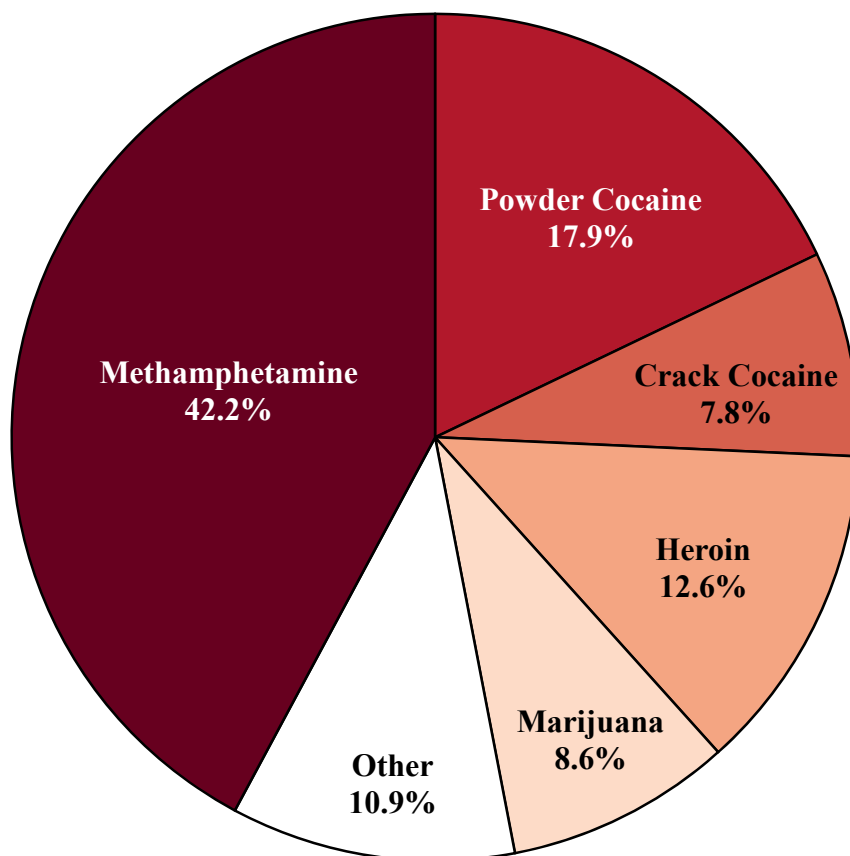
Figure 10

**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA
FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2014 - 2019**



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

Figure 11
DISTRIBUTION OF PRIMARY DRUG TYPE
IN FEDERAL DRUG CASES^{1, 2}
Fiscal Year 2019



¹ Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

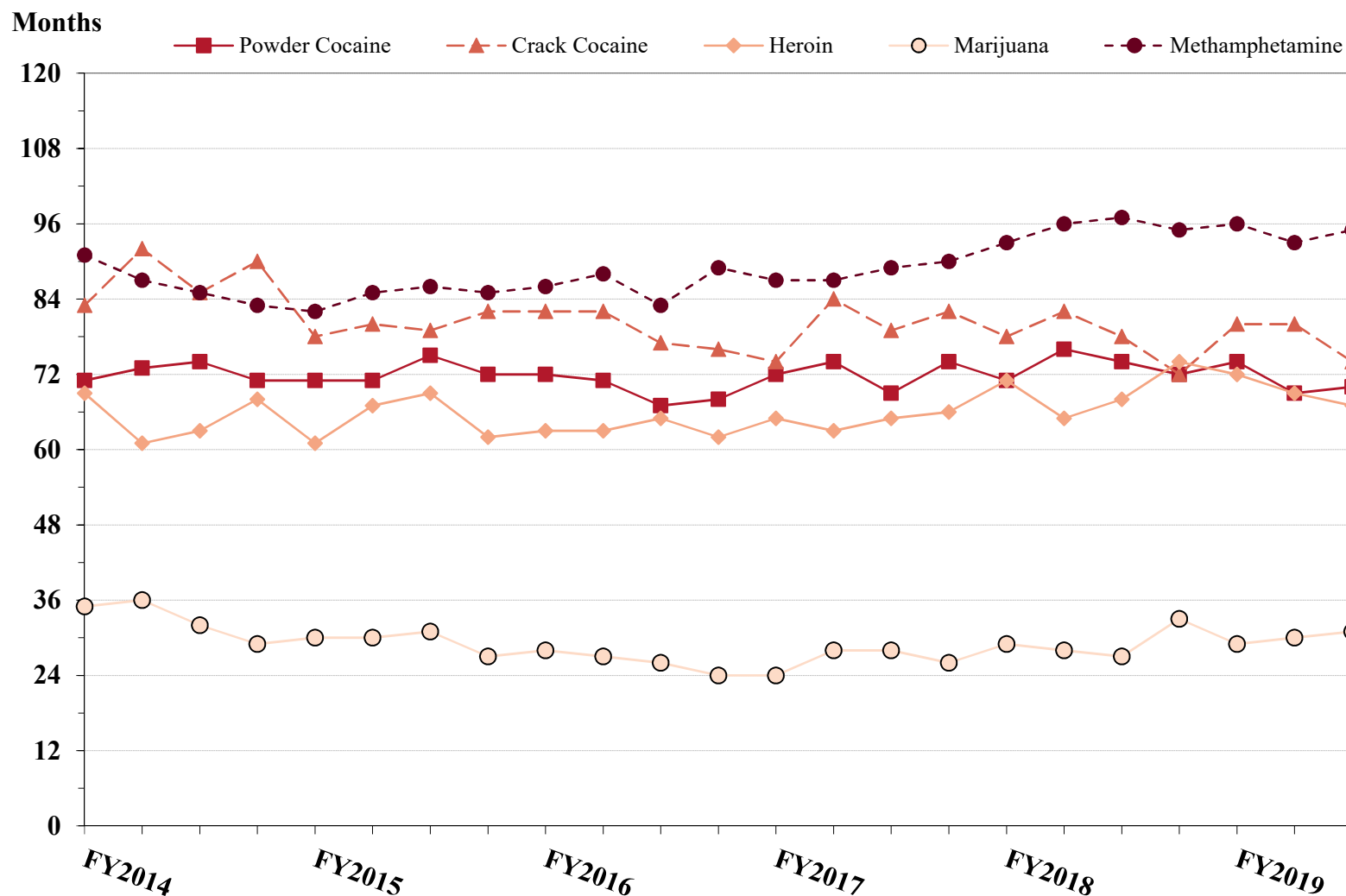
² The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Fentanyl N-Phenyl (900), Oxycodone/Oxycontin (464), Fentanyl Analogue (101), MDMA/Ecstasy/MDA (93), Hydrocodone (90), and Synthetic Cannabinoid (63).

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Figure 12

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

Fiscal Years 2014 - 2019



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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

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

Variables

The following section describes the variables used in this report.

Attribution Category for Sentences Outside the Range

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

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

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

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

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

Circuit

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

Citizenship Status

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

District

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

Downward Departure

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

Downward Variance

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

Extent of Decrease

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

Extent of Increase

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

Federal Offenders Sentenced

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

Gender

Gender of the offender is obtained from the Presentence Report.

Government Motion (Variance)

Government Motion (Variance) consists of cases in which the sentence imposed was below the applicable guideline range pursuant to a government motion and for which the court cited a reason on Part VI of the Statement of Reasons 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 §5K1.1 or §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 §5K3.1 Early Disposition Program (EDP) departures or USSG §5K1.1 Substantial Assistance 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 the drugs in the text and tables

is derived from the primary drug type involved in each case. In cases involving more than one drug, the primary drug type is the drug of a quantity producing the highest converted drug weight (as described in USSG §2D1.1, Application note 8).

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

Primary Guideline

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

Race

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

Sentence Imposed or Sentence Length

Sentence Imposed or *Sentence Length* reports the mean and median terms of the sentence imposed in months. It also includes any time served amounts and imprisonment under §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.

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.

Sentence Type

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

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

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

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

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

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

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

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 of hazardous substances; 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.

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.