

# United States Sentencing Commission Quarterly Data Report



**4th Quarter Release  
Preliminary Fiscal Year 2023 Data  
Through September 30, 2023**

## Introduction

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

After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, the Commission began reporting data on a quarterly basis in order to provide real-time data concerning the sentences imposed in the federal courts. The types of data reported increased over time to accommodate various requests for additional information. These reports were eventually standardized in a format that was largely unchanged through fiscal year 2015. In fiscal year 2016, the Commission revised the format for its *Quarterly Data Reports*, to include information not previously reported on a quarterly basis, and to make it easier to understand the data that was presented.

Beginning in 2018, the Commission again updated the way it presents quarterly data. Now, all analyses that involve a comparison of the sentence imposed relative to the guideline range that applied in the case are presented in a new way. Sentences are now grouped into two broad categories: Sentences Under the Guidelines Manual and Variances. The former category comprises all cases in which the sentence imposed was within the applicable guideline range or, if outside the range, where the court indicated that one or more of the departure reasons in the Commission's *Guidelines Manual* was a basis for the sentence. Variance cases are those where the sentence was outside the guideline range (either above or below) and where the court did not cite any guideline reason for the sentence. Data for important subgroups within these two categories are also reported.

This report reflects other methodological changes that began with fiscal year 2018 data. Principal among them is the way cases are assigned to a "type of crime" (previously called offense type). Beginning with fiscal year 2018, the guideline (or guidelines) that the court applied in determining the sentence largely determines the crime type category to which a case is assigned. Previously, the maximum penalty provided under the statute of conviction was used for this categorization. Also, the names of some of the crime type categories have been revised and some outdated categories have been removed from the tables and figures.

Additionally, cases involving the production of child pornography have been assigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography offense type in the *Sourcebook*. This change reflects the way in which the production of child

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

<sup>2</sup> Electronic copies of the *Annual Report* and *Sourcebook of Federal Sentencing Statistics* for fiscal years 1995 through 2022 are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

pornography is treated under the sentencing guidelines.

Another important methodological change is that sentences are capped at 470 months for all analyses. This is consistent with the Commission's long-standing practice of assigning a value of 470 months to any life imprisonment sentence.

Because of these methodological changes, direct comparisons between data for fiscal year 2018 and later years cannot always be made to data reported in the *Quarterly Data Reports* released before the Final Fiscal Year 2018 *Quarterly Data Report*.

The data in this report is preliminary and subject to change as the Commission collects, analyzes, and reports on data from additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*.<sup>3</sup>

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<sup>3</sup> Data for previous quarters may change for many reasons. For example, the courts have up to 30 days after the entry of judgment in a case to submit court documents to the Commission. The Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed.

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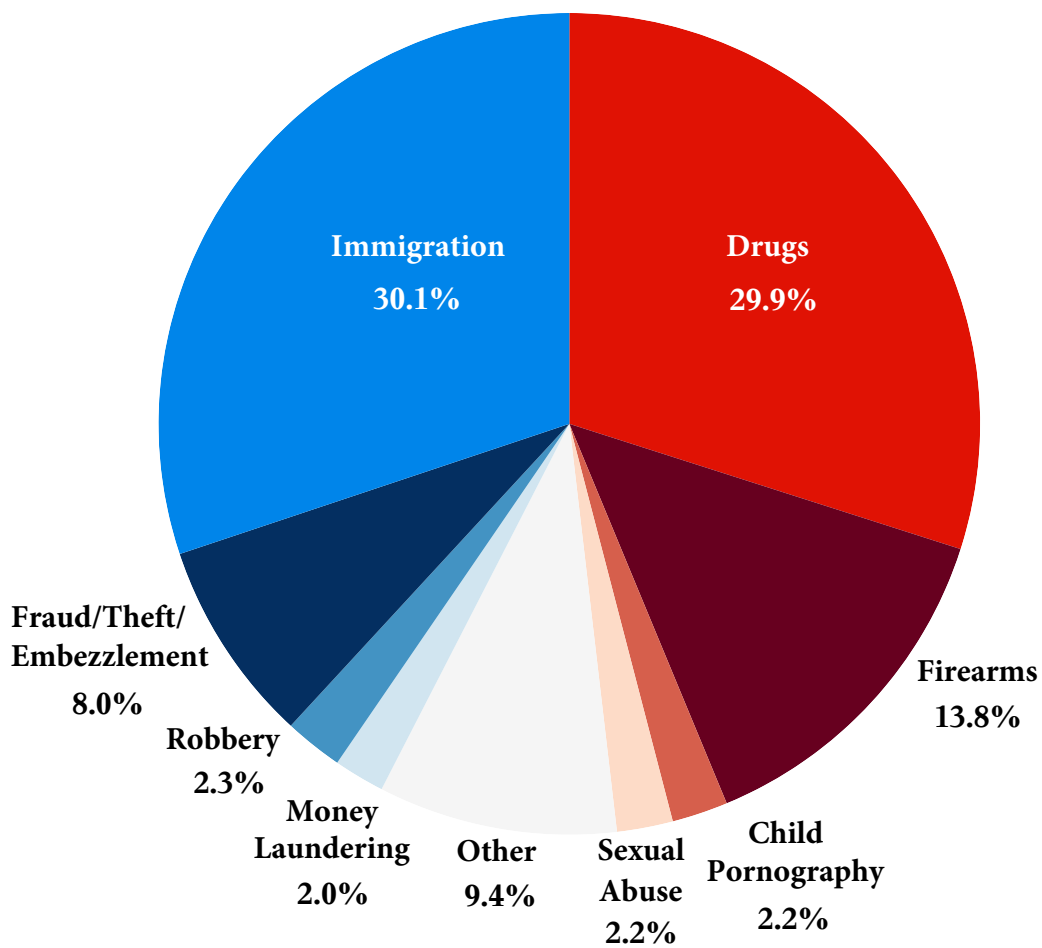
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Figure 1

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data**  
**(October 1, 2022, through September 30, 2023)**



<sup>1</sup> This figure includes the 63,494 cases reported to the Commission. The Drugs category includes trafficking and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 1

FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>

4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)

TYPE OF CRIME	N	%
<b>TOTAL</b>	<b>63,494</b>	<b>100.0</b>
Administration of Justice	637	1.0
Antitrust	17	0.0
Arson	104	0.2
Assault	843	1.3
Bribery/Corruption	360	0.6
Burglary/Trespass	80	0.1
Child Pornography	1,397	2.2
Commercialized Vice	84	0.1
Drug Possession	134	0.2
Drug Trafficking	18,849	29.7
Environmental	149	0.2
Extortion/Racketeering	121	0.2
Firearms	8,743	13.8
Food and Drug	52	0.1
Forgery/Counter/Copyright	110	0.2
Fraud/Theft/Embezzlement	5,104	8.0
Immigration	19,134	30.1
Individual Rights	113	0.2
Kidnapping	149	0.2
Manslaughter	86	0.1
Money Laundering	1,294	2.0
Murder	481	0.8
National Defense	233	0.4
Obscenity/Other Sex Offenses	322	0.5
Prison Offenses	451	0.7
Robbery	1,481	2.3
Sexual Abuse	1,385	2.2
Stalking/Harassing	238	0.4
Tax	435	0.7
Other	908	1.4

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 2

FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>

4th Quarter 2023 Preliminary Cumulative Data  
(October 1, 2022, through September 30, 2023)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>TOTAL</b>	<b>63,494</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>501</b>	<b>0.8</b>	<b>FIFTH CIRCUIT</b>	<b>17,462</b>	<b>27.5</b>
District of Columbia	501	0.8	Louisiana		
<b>FIRST CIRCUIT</b>	<b>1,941</b>	<b>3.1</b>	Eastern	322	0.5
Maine	116	0.2	Middle	96	0.2
Massachusetts	475	0.7	Western	327	0.5
New Hampshire	159	0.3	Mississippi		
Puerto Rico	1,085	1.7	Northern	162	0.3
Rhode Island	106	0.2	Southern	363	0.6
<b>SECOND CIRCUIT</b>	<b>2,990</b>	<b>4.7</b>	Texas		
Connecticut	346	0.5	Eastern	714	1.1
New York			Northern	1,555	2.4
Eastern	684	1.1	Southern	6,409	10.1
Northern	449	0.7	Western	7,514	11.8
Southern	972	1.5	<b>SIXTH CIRCUIT</b>	<b>4,564</b>	<b>7.2</b>
Western	402	0.6	Kentucky		
Vermont	137	0.2	Eastern	441	0.7
<b>THIRD CIRCUIT</b>	<b>2,333</b>	<b>3.7</b>	Western	335	0.5
Delaware	104	0.2	Michigan		
New Jersey	722	1.1	Eastern	672	1.1
Pennsylvania			Western	239	0.4
Eastern	507	0.8	Ohio		
Middle	408	0.6	Northern	879	1.4
Western	526	0.8	Southern	617	1.0
Virgin Islands	66	0.1	Tennessee		
<b>FOURTH CIRCUIT</b>	<b>4,289</b>	<b>6.8</b>	Eastern	645	1.0
Maryland	498	0.8	Middle	280	0.4
North Carolina			Western	456	0.7
Eastern	844	1.3	<b>SEVENTH CIRCUIT</b>	<b>2,264</b>	<b>3.6</b>
Middle	323	0.5	Illinois		
Western	362	0.6	Central	259	0.4
South Carolina	642	1.0	Northern	617	1.0
Virginia			Southern	261	0.4
Eastern	878	1.4	Indiana		
Western	210	0.3	Northern	262	0.4
West Virginia			Southern	392	0.6
Eastern			Wisconsin		
Western			Eastern	328	0.5
Northern			Western	145	0.2
Southern					



Table 2 (cont.)

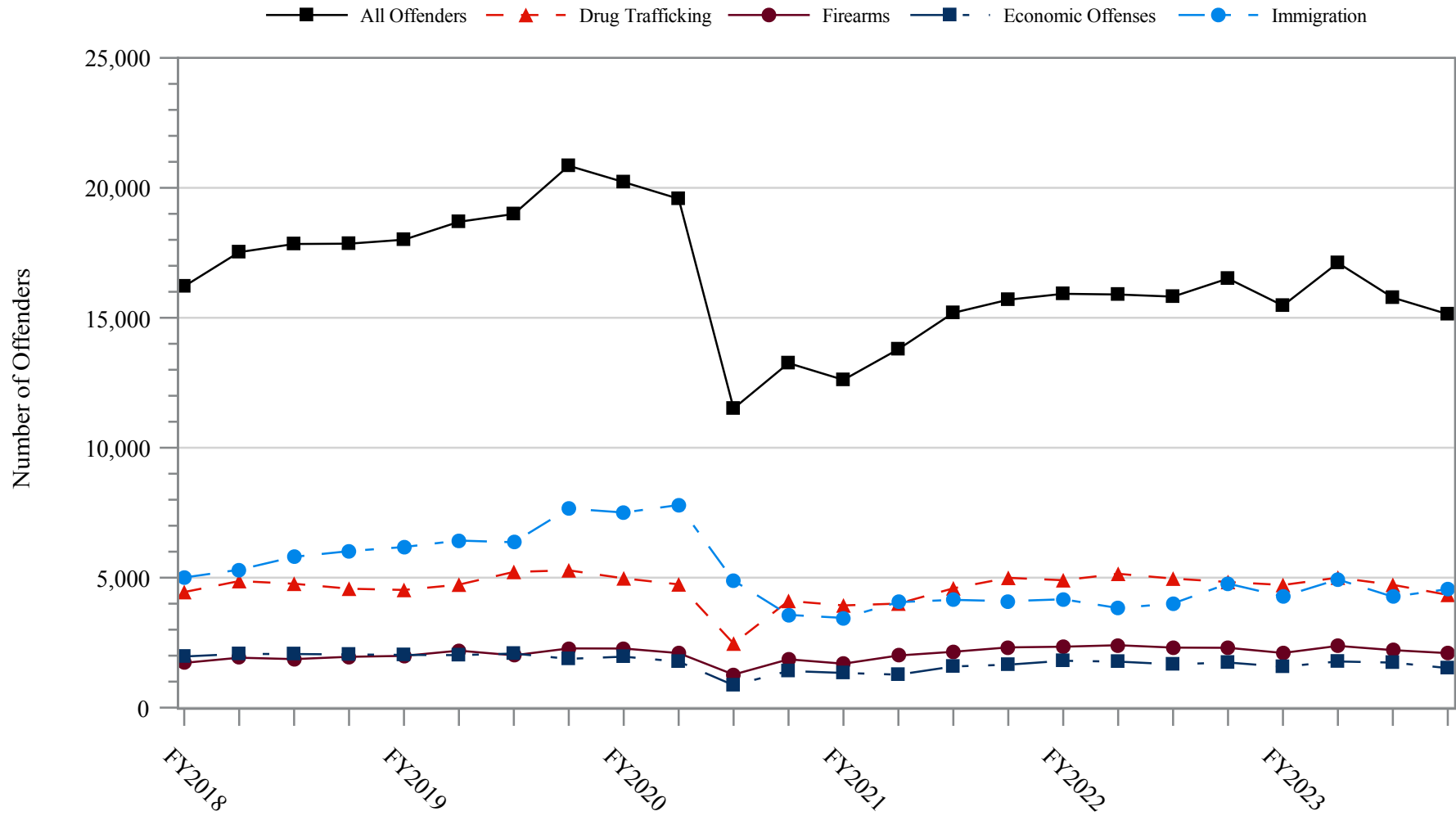
CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>5,135</b>	<b>8.1</b>	<b>TENTH CIRCUIT</b>	<b>4,795</b>	<b>7.6</b>
Arkansas			Colorado	331	0.5
Eastern	547	0.9	Kansas	336	0.5
Western	175	0.3	New Mexico	1,958	3.1
Iowa			Oklahoma		
Northern	338	0.5	Eastern	214	0.3
Southern	439	0.7	Northern	400	0.6
Minnesota	352	0.6	Western	657	1.0
Missouri			Utah	761	1.2
Eastern	955	1.5	Wyoming	138	0.2
Western	839	1.3			
Nebraska	565	0.9	<b>ELEVENTH CIRCUIT</b>	<b>5,149</b>	<b>8.1</b>
North Dakota	413	0.7	Alabama		
South Dakota	512	0.8	Middle	214	0.3
			Northern	405	0.6
<b>NINTH CIRCUIT</b>	<b>12,071</b>	<b>19.0</b>	Southern	306	0.5
Alaska	177	0.3	Florida		
Arizona	4,793	7.5	Middle	1,095	1.7
California			Northern	254	0.4
Central	933	1.5	Southern	1,549	2.4
Eastern	389	0.6	Georgia		
Northern	381	0.6	Middle	382	0.6
Southern	3,179	5.0	Northern	574	0.9
Guam	26	0.0	Southern	370	0.6
Hawaii	119	0.2			
Idaho	291	0.5			
Montana	369	0.6			
Nevada	359	0.6			
Northern Mariana Islands	24	0.0			
Oregon	384	0.6			
Washington					
Eastern	288	0.5			
Western	359	0.6			

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Figure 2

**NUMBER OF FEDERAL OFFENDERS BY SELECTED PRIMARY GUIDELINES<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

Table 3

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,074</b>	<b>13,937</b>	<b>22.1</b>	<b>15,490</b>	<b>24.6</b>	<b>30,941</b>	<b>49.1</b>	<b>2,706</b>	<b>4.3</b>
Administration of Justice	632	260	41.1	97	15.3	223	35.3	52	8.2
Antitrust	17	16	94.1	0	0.0	1	5.9	0	0.0
Arson	104	37	35.6	28	26.9	19	18.3	20	19.2
Assault	829	187	22.6	257	31.0	133	16.0	252	30.4
Bribery/Corruption	360	149	41.4	106	29.4	57	15.8	48	13.3
Burglary/Trespass	79	33	41.8	27	34.2	6	7.6	13	16.5
Child Pornography	1,396	1,079	77.3	80	5.7	178	12.8	59	4.2
Commercialized Vice	84	44	52.4	24	28.6	10	11.9	6	7.1
Drug Possession	122	65	53.3	25	20.5	24	19.7	8	6.6
Drug Trafficking	18,814	4,846	25.8	5,207	27.7	8,185	43.5	576	3.1
Environmental	135	72	53.3	9	6.7	35	25.9	19	14.1
Extortion/Racketeering	121	46	38.0	34	28.1	31	25.6	10	8.3
Firearms	8,723	1,888	21.6	5,000	57.3	1,550	17.8	285	3.3
Food and Drug	52	45	86.5	1	1.9	3	5.8	3	5.8
Forgery/Counter/Copyright	110	47	42.7	36	32.7	12	10.9	15	13.6
Fraud/Theft/Embezzlement	5,064	1,943	38.4	1,847	36.5	926	18.3	348	6.9
Immigration	19,051	663	3.5	467	2.5	17,779	93.3	142	0.7
Individual Rights	110	56	50.9	24	21.8	22	20.0	8	7.3
Kidnapping	147	36	24.5	41	27.9	48	32.7	22	15.0
Manslaughter	86	16	18.6	9	10.5	2	2.3	59	68.6
Money Laundering	1,292	352	27.2	307	23.8	528	40.9	105	8.1
Murder	478	80	16.7	182	38.1	142	29.7	74	15.5
National Defense	231	42	18.2	31	13.4	148	64.1	10	4.3
Obscenity/Other Sex Offenses	322	131	40.7	64	19.9	41	12.7	86	26.7
Prison Offenses	445	114	25.6	158	35.5	132	29.7	41	9.2
Robbery	1,478	237	16.0	895	60.6	288	19.5	58	3.9
Sexual Abuse	1,382	766	55.4	221	16.0	199	14.4	196	14.2
Stalking/Harassing	236	155	65.7	39	16.5	19	8.1	23	9.7
Tax	434	217	50.0	104	24.0	70	16.1	43	9.9
Other	740	315	42.6	170	23.0	130	17.6	125	16.9

<sup>1</sup> Of the 63,494 cases, 420 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 4

GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>

4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>63,459</b>	<b>55,279</b>	<b>87.1</b>	<b>8,180</b>	<b>12.9</b>
Administration of Justice	637	498	78.2	139	21.8
Antitrust	17	17	100.0	0	0.0
Arson	104	83	79.8	21	20.2
Assault	843	780	92.5	63	7.5
Bribery/Corruption	360	280	77.8	80	22.2
Burglary/Trespass	80	75	93.8	5	6.3
Child Pornography	1,397	1,381	98.9	16	1.1
Commercialized Vice	84	72	85.7	12	14.3
Drug Possession	134	88	65.7	46	34.3
Drug Trafficking	18,849	15,741	83.5	3,108	16.5
Environmental	149	138	92.6	11	7.4
Extortion/Racketeering	121	96	79.3	25	20.7
Firearms	8,742	8,366	95.7	376	4.3
Food and Drug	52	32	61.5	20	38.5
Forgery/Counter/Copyright	110	92	83.6	18	16.4
Fraud/Theft/Embezzlement	5,104	3,529	69.1	1,575	30.9
Immigration	19,123	17,448	91.2	1,675	8.8
Individual Rights	113	101	89.4	12	10.6
Kidnapping	149	133	89.3	16	10.7
Manslaughter	86	64	74.4	22	25.6
Money Laundering	1,294	975	75.3	319	24.7
Murder	481	448	93.1	33	6.9
National Defense	233	197	84.5	36	15.5
Obscenity/Other Sex Offenses	321	312	97.2	9	2.8
Prison Offenses	451	409	90.7	42	9.3
Robbery	1,481	1,392	94.0	89	6.0
Sexual Abuse	1,385	1,298	93.7	87	6.3
Stalking/Harassing	238	217	91.2	21	8.8
Tax	435	306	70.3	129	29.7
Other	886	711	80.2	175	19.8

<sup>1</sup> Of the 63,494 cases, 35 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 5

**CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>63,205</b>	<b>41,862</b>	<b>66.2</b>	<b>21,343</b>	<b>33.8</b>
Administration of Justice	629	485	77.1	144	22.9
Antitrust	17	17	100.0	0	0.0
Arson	104	100	96.2	4	3.8
Assault	836	790	94.5	46	5.5
Bribery/Corruption	360	331	91.9	29	8.1
Burglary/Trespass	79	79	100.0	0	0.0
Child Pornography	1,396	1,342	96.1	54	3.9
Commercialized Vice	84	74	88.1	10	11.9
Drug Possession	124	117	94.4	7	5.6
Drug Trafficking	18,834	15,444	82.0	3,390	18.0
Environmental	137	106	77.4	31	22.6
Extortion/Racketeering	121	103	85.1	18	14.9
Firearms	8,730	8,411	96.3	319	3.7
Food and Drug	52	49	94.2	3	5.8
Forgery/Counter/Copyright	110	107	97.3	3	2.7
Fraud/Theft/Embezzlement	5,069	4,341	85.6	728	14.4
Immigration	19,114	3,480	18.2	15,634	81.8
Individual Rights	113	103	91.2	10	8.8
Kidnapping	149	131	87.9	18	12.1
Manslaughter	86	84	97.7	2	2.3
Money Laundering	1,293	908	70.2	385	29.8
Murder	481	411	85.4	70	14.6
National Defense	231	164	71.0	67	29.0
Obscenity/Other Sex Offenses	322	315	97.8	7	2.2
Prison Offenses	439	416	94.8	23	5.2
Robbery	1,480	1,425	96.3	55	3.7
Sexual Abuse	1,385	1,334	96.3	51	3.7
Stalking/Harassing	236	232	98.3	4	1.7
Tax	435	404	92.9	31	7.1
Other	759	559	73.6	200	26.4

<sup>1</sup> Of the 63,494 cases, 289 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 6

SENTENCE LENGTH BY TYPE OF CRIME<sup>1</sup>

4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)

TYPE OF CRIME	Mean Months	Median Months	N
<b>TOTAL</b>	<b>52</b>	<b>24</b>	<b>63,493</b>
Administration of Justice	17	10	637
Antitrust	6	6	17
Arson	58	60	104
Assault	71	46	843
Bribery/Corruption	21	14	360
Burglary/Trespass	17	7	80
Child Pornography	115	97	1,397
Commercialized Vice	21	12	84
Drug Possession	2	0	134
Drug Trafficking	82	63	18,849
Environmental	3	0	149
Extortion/Racketeering	31	24	121
Firearms	50	40	8,743
Food and Drug	11	0	52
Forgery/Counter/Copyright	18	12	110
Fraud/Theft/Embezzlement	22	12	5,104
Immigration	12	8	19,133
Individual Rights	55	15	113
Kidnapping	200	168	149
Manslaughter	75	69	86
Money Laundering	63	36	1,294
Murder	285	270	481
National Defense	38	24	233
Obscenity/Other Sex Offenses	23	18	322
Prison Offenses	14	12	451
Robbery	110	96	1,481
Sexual Abuse	213	180	1,385
Stalking/Harassing	30	20	238
Tax	15	12	435
Other	4	0	908

<sup>1</sup> Of the 63,494 cases, one was excluded due to missing or indeterminable sentencing information. Sentences greater than 470 months (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 7

**SENTENCE TYPE BY TYPE OF CRIME<sup>1</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	TOTAL	TOTAL RECEIVING IMPRISONMENT				Prison and Alternatives <sup>2</sup>		TOTAL RECEIVING PROBATION				Probation and Alternatives <sup>2</sup>		Probation Only		TOTAL RECEIVING FINE ONLY	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,494</b>	<b>58,762</b>	<b>92.5</b>	<b>57,099</b>	<b>89.9</b>	<b>1,663</b>	<b>2.6</b>	<b>4,476</b>	<b>7.0</b>	<b>745</b>	<b>1.2</b>	<b>3,731</b>	<b>5.9</b>	<b>256</b>	<b>0.4</b>		
Administration of Justice	637	500	78.5	478	75.0	22	3.5	134	21.0	29	4.6	105	16.5	3	0.5		
Antitrust	17	8	47.1	4	23.5	4	23.5	9	52.9	4	23.5	5	29.4	0	0.0		
Arson	104	100	96.2	99	95.2	1	1.0	4	3.8	1	1.0	3	2.9	0	0.0		
Assault	843	780	92.5	752	89.2	28	3.3	57	6.8	10	1.2	47	5.6	6	0.7		
Bribery/Corruption	360	275	76.4	256	71.1	19	5.3	84	23.3	22	6.1	62	17.2	1	0.3		
Burglary/Trespass	80	64	80.0	63	78.8	1	1.3	16	20.0	8	10.0	8	10.0	0	0.0		
Child Pornography	1,397	1,386	99.2	1,372	98.2	14	1.0	11	0.8	0	0.0	11	0.8	0	0.0		
Commercialized Vice	84	73	86.9	69	82.1	4	4.8	11	13.1	4	4.8	7	8.3	0	0.0		
Drug Possession	134	69	51.5	69	51.5	0	0.0	50	37.3	0	0.0	50	37.3	15	11.2		
Drug Trafficking	18,849	18,327	97.2	17,721	94.0	606	3.2	520	2.8	113	0.6	407	2.2	2	0.0		
Environmental	149	40	26.8	35	23.5	5	3.4	101	67.8	6	4.0	95	63.8	8	5.4		
Extortion/Racketeering	121	97	80.2	92	76.0	5	4.1	24	19.8	4	3.3	20	16.5	0	0.0		
Firearms	8,743	8,176	93.5	8,001	91.5	175	2.0	561	6.4	109	1.2	452	5.2	6	0.1		
Food and Drug	52	21	40.4	20	38.5	1	1.9	30	57.7	3	5.8	27	51.9	1	1.9		
Forgery/Counter/Copyright	110	80	72.7	73	66.4	7	6.4	30	27.3	5	4.5	25	22.7	0	0.0		
Fraud/Theft/Embezzlement	5,104	3,800	74.5	3,604	70.6	196	3.8	1,267	24.8	222	4.3	1,045	20.5	37	0.7		
Immigration	19,134	18,361	96.0	18,019	94.2	342	1.8	773	4.0	93	0.5	680	3.6	0	0.0		
Individual Rights	113	80	70.8	76	67.3	4	3.5	33	29.2	2	1.8	31	27.4	0	0.0		
Kidnapping	149	148	99.3	139	93.3	9	6.0	1	0.7	0	0.0	1	0.7	0	0.0		
Manslaughter	86	84	97.7	82	95.3	2	2.3	2	2.3	0	0.0	2	2.3	0	0.0		
Money Laundering	1,294	1,154	89.2	1,105	85.4	49	3.8	138	10.7	37	2.9	101	7.8	2	0.2		
Murder	481	481	100.0	472	98.1	9	1.9	0	0.0	0	0.0	0	0.0	0	0.0		
National Defense	233	198	85.0	187	80.3	11	4.7	17	7.3	3	1.3	14	6.0	18	7.7		
Obscenity/Other Sex Offenses	322	306	95.0	282	87.6	24	7.5	16	5.0	4	1.2	12	3.7	0	0.0		
Prison Offenses	451	437	96.9	424	94.0	13	2.9	13	2.9	4	0.9	9	2.0	1	0.2		
Robbery	1,481	1,469	99.2	1,428	96.4	41	2.8	12	0.8	0	0.0	12	0.8	0	0.0		
Sexual Abuse	1,385	1,378	99.5	1,344	97.0	34	2.5	7	0.5	3	0.2	4	0.3	0	0.0		
Stalking/Harassing	238	217	91.2	208	87.4	9	3.8	21	8.8	9	3.8	12	5.0	0	0.0		
Tax	435	284	65.3	260	59.8	24	5.5	151	34.7	36	8.3	115	26.4	0	0.0		
Other	908	369	40.6	365	40.2	4	0.4	383	42.2	14	1.5	369	40.6	156	17.2		

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

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

Table 8

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>63,225</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>42,380</b>	<b>67.0</b>
Within Guideline Range	26,897	42.5
Upward Departure <sup>2</sup>	311	0.5
Downward Departure		
§5K1.1 Substantial Assistance	6,443	10.2
§5K3.1 Early Disposition Program	6,332	10.0
Other Government Motion <sup>3</sup>	1,297	2.1
Non-Government Departure <sup>4</sup>	1,100	1.7
<b>VARIANCES</b>	<b>20,845</b>	<b>33.0</b>
Upward Variance <sup>5</sup>	1,890	3.0
Downward Variance		
Government Motion <sup>6</sup>	6,293	10.0
Non-Government Variance <sup>7</sup>	12,662	20.0

<sup>1</sup> This table reflects the 63,494 cases sentenced on or after October 1, 2022, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by November 30, 2023. Of these, 269 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

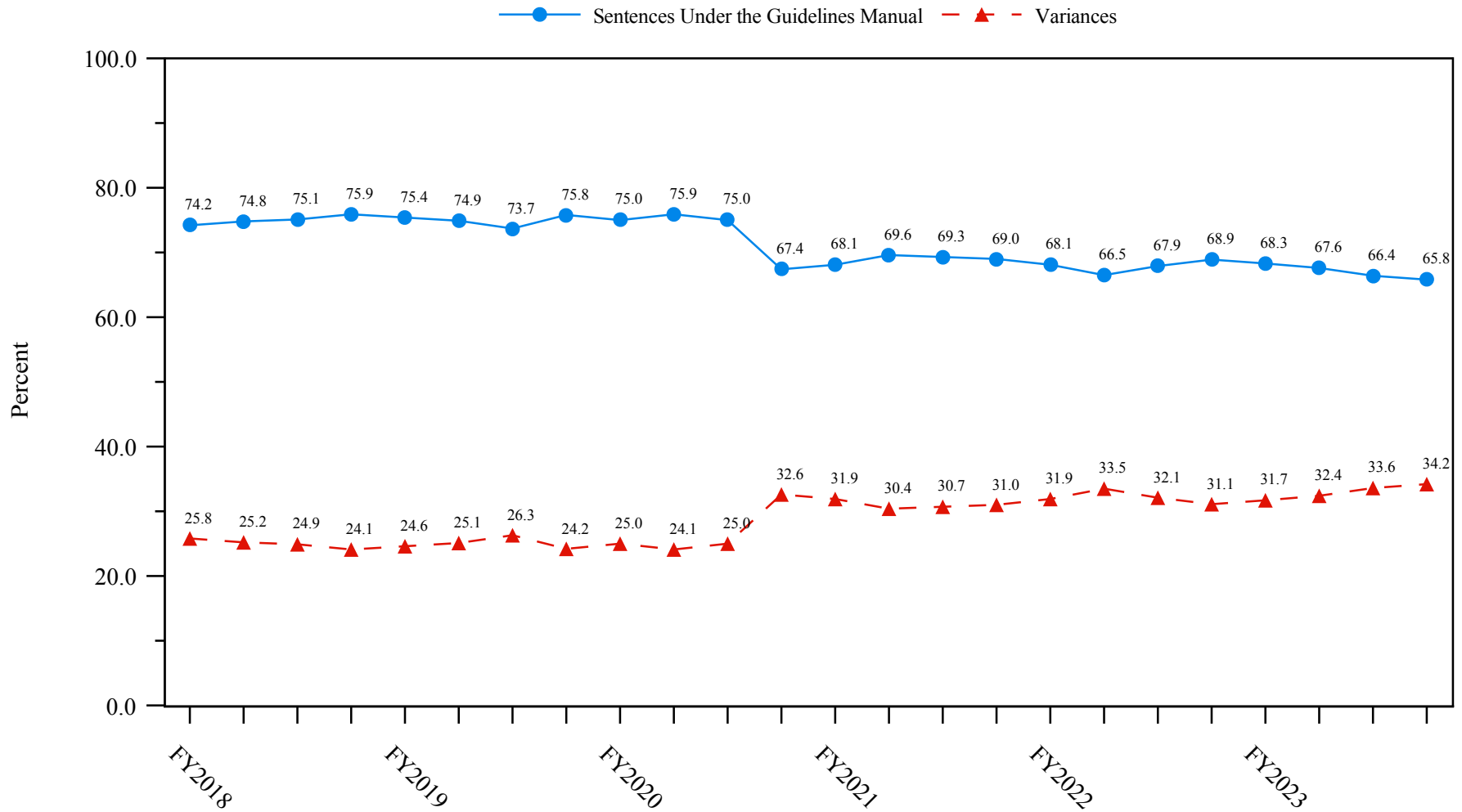
<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).



Figure 3

**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

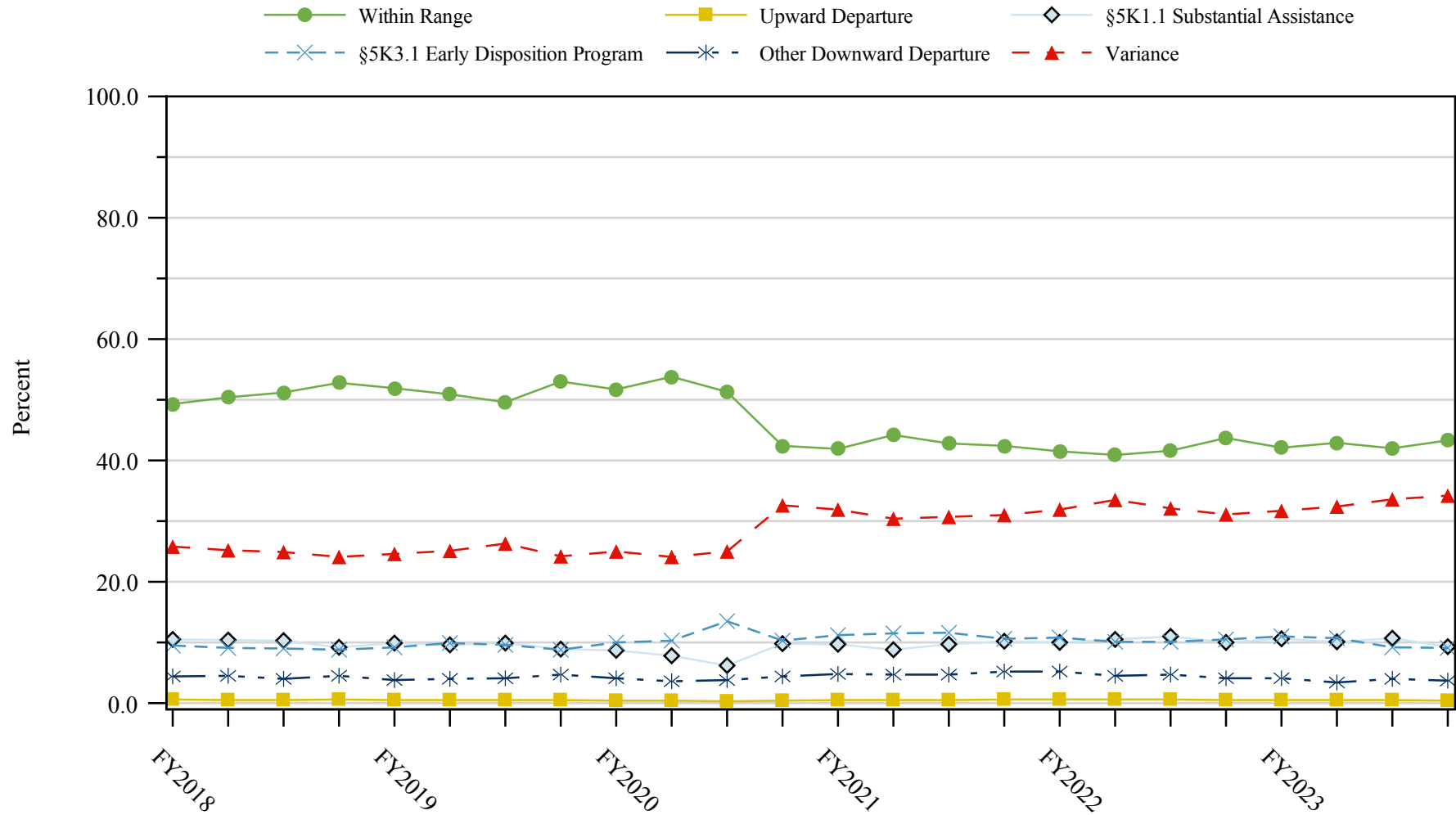


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

Figure 4

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

Table 9

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

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>63,225</b>	<b>26,897</b>	<b>42.5</b>	<b>311</b>	<b>0.5</b>	<b>6,443</b>	<b>10.2</b>	<b>6,332</b>	<b>10.0</b>	<b>2,397</b>	<b>3.8</b>	<b>20,845</b>	<b>33.0</b>
<b>D.C. CIRCUIT</b>	<b>501</b>	<b>230</b>	<b>45.9</b>	<b>11</b>	<b>2.2</b>	<b>37</b>	<b>7.4</b>	<b>0</b>	<b>0.0</b>	<b>21</b>	<b>4.2</b>	<b>202</b>	<b>40.3</b>
District of Columbia	501	230	45.9	11	2.2	37	7.4	0	0.0	21	4.2	202	40.3
<b>FIRST CIRCUIT</b>	<b>1,940</b>	<b>710</b>	<b>36.6</b>	<b>6</b>	<b>0.3</b>	<b>177</b>	<b>9.1</b>	<b>1</b>	<b>0.1</b>	<b>126</b>	<b>6.5</b>	<b>920</b>	<b>47.4</b>
Maine	116	28	24.1	1	0.9	24	20.7	0	0.0	2	1.7	61	52.6
Massachusetts	475	93	19.6	1	0.2	62	13.1	1	0.2	43	9.1	275	57.9
New Hampshire	158	33	20.9	0	0.0	20	12.7	0	0.0	8	5.1	97	61.4
Puerto Rico	1,085	539	49.7	4	0.4	66	6.1	0	0.0	69	6.4	407	37.5
Rhode Island	106	17	16.0	0	0.0	5	4.7	0	0.0	4	3.8	80	75.5
<b>SECOND CIRCUIT</b>	<b>2,987</b>	<b>834</b>	<b>27.9</b>	<b>9</b>	<b>0.3</b>	<b>499</b>	<b>16.7</b>	<b>5</b>	<b>0.2</b>	<b>93</b>	<b>3.1</b>	<b>1,547</b>	<b>51.8</b>
Connecticut	346	77	22.3	1	0.3	64	18.5	0	0.0	37	10.7	167	48.3
New York													
Eastern	684	156	22.8	1	0.1	131	19.2	2	0.3	32	4.7	362	52.9
Northern	449	234	52.1	3	0.7	87	19.4	2	0.4	11	2.4	112	24.9
Southern	971	185	19.1	0	0.0	111	11.4	1	0.1	10	1.0	664	68.4
Western	402	152	37.8	3	0.7	80	19.9	0	0.0	1	0.2	166	41.3
Vermont	135	30	22.2	1	0.7	26	19.3	0	0.0	2	1.5	76	56.3
<b>THIRD CIRCUIT</b>	<b>2,332</b>	<b>852</b>	<b>36.5</b>	<b>9</b>	<b>0.4</b>	<b>424</b>	<b>18.2</b>	<b>8</b>	<b>0.3</b>	<b>51</b>	<b>2.2</b>	<b>988</b>	<b>42.4</b>
Delaware	104	48	46.2	1	1.0	11	10.6	6	5.8	6	5.8	32	30.8
New Jersey	721	237	32.9	1	0.1	133	18.4	0	0.0	9	1.2	341	47.3
Pennsylvania													
Eastern	507	138	27.2	0	0.0	143	28.2	0	0.0	8	1.6	218	43.0
Middle	408	176	43.1	4	1.0	70	17.2	2	0.5	13	3.2	143	35.0
Western	526	204	38.8	2	0.4	59	11.2	0	0.0	13	2.5	248	47.1
Virgin Islands	66	49	74.2	1	1.5	8	12.1	0	0.0	2	3.0	6	9.1
<b>FOURTH CIRCUIT</b>	<b>4,244</b>	<b>1,779</b>	<b>41.9</b>	<b>30</b>	<b>0.7</b>	<b>717</b>	<b>16.9</b>	<b>4</b>	<b>0.1</b>	<b>91</b>	<b>2.1</b>	<b>1,623</b>	<b>38.2</b>
Maryland	483	119	24.6	4	0.8	99	20.5	2	0.4	26	5.4	233	48.2
North Carolina													
Eastern	823	433	52.6	10	1.2	240	29.2	0	0.0	5	0.6	135	16.4
Middle	323	135	41.8	4	1.2	17	5.3	0	0.0	5	1.5	162	50.2
Western	362	166	45.9	1	0.3	61	16.9	0	0.0	3	0.8	131	36.2
South Carolina	642	189	29.4	0	0.0	172	26.8	0	0.0	12	1.9	269	41.9
Virginia													
Eastern	871	425	48.8	7	0.8	33	3.8	2	0.2	38	4.4	366	42.0
Western	209	65	31.1	3	1.4	49	23.4	0	0.0	0	0.0	92	44.0
West Virginia													
Northern	307	150	48.9	1	0.3	28	9.1	0	0.0	1	0.3	127	41.4
Southern	224	97	43.3	0	0.0	18	8.0	0	0.0	1	0.4	108	48.2

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE									
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		VARIANCE	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>17,411</b>	<b>11,139</b>	<b>64.0</b>	<b>68</b>	<b>0.4</b>	<b>1,073</b>	<b>6.2</b>	<b>915</b>	<b>5.3</b>	<b>583</b>	<b>3.3</b>	<b>3,633</b>	<b>20.9</b>
Louisiana													
Eastern	322	164	50.9	9	2.8	64	19.9	0	0.0	4	1.2	81	25.2
Middle	96	49	51.0	0	0.0	18	18.8	0	0.0	1	1.0	28	29.2
Western	318	219	68.9	2	0.6	24	7.5	0	0.0	2	0.6	71	22.3
Mississippi													
Northern	156	61	39.1	2	1.3	35	22.4	0	0.0	0	0.0	58	37.2
Southern	363	227	62.5	2	0.6	48	13.2	0	0.0	2	0.6	84	23.1
Texas													
Eastern	712	419	58.8	9	1.3	33	4.6	0	0.0	10	1.4	241	33.8
Northern	1,553	929	59.8	10	0.6	147	9.5	0	0.0	13	0.8	454	29.2
Southern	6,407	3,414	53.3	31	0.5	406	6.3	884	13.8	447	7.0	1,225	19.1
Western	7,484	5,657	75.6	3	0.0	298	4.0	31	0.4	104	1.4	1,391	18.6
<b>SIXTH CIRCUIT</b>	<b>4,546</b>	<b>1,669</b>	<b>36.7</b>	<b>19</b>	<b>0.4</b>	<b>820</b>	<b>18.0</b>	<b>10</b>	<b>0.2</b>	<b>175</b>	<b>3.8</b>	<b>1,853</b>	<b>40.8</b>
Kentucky													
Eastern	441	218	49.4	3	0.7	90	20.4	0	0.0	6	1.4	124	28.1
Western	335	94	28.1	1	0.3	90	26.9	7	2.1	24	7.2	119	35.5
Michigan													
Eastern	672	220	32.7	1	0.1	64	9.5	0	0.0	12	1.8	375	55.8
Western	238	119	50.0	3	1.3	39	16.4	0	0.0	6	2.5	71	29.8
Ohio													
Northern	879	345	39.2	2	0.2	171	19.5	1	0.1	21	2.4	339	38.6
Southern	615	139	22.6	3	0.5	132	21.5	1	0.2	88	14.3	252	41.0
Tennessee													
Eastern	638	291	45.6	5	0.8	138	21.6	0	0.0	9	1.4	195	30.6
Middle	275	70	25.5	1	0.4	29	10.5	1	0.4	4	1.5	170	61.8
Western	453	173	38.2	0	0.0	67	14.8	0	0.0	5	1.1	208	45.9
<b>SEVENTH CIRCUIT</b>	<b>2,262</b>	<b>752</b>	<b>33.2</b>	<b>14</b>	<b>0.6</b>	<b>230</b>	<b>10.2</b>	<b>0</b>	<b>0.0</b>	<b>83</b>	<b>3.7</b>	<b>1,183</b>	<b>52.3</b>
Illinois													
Central	259	77	29.7	0	0.0	32	12.4	0	0.0	3	1.2	147	56.8
Northern	615	180	29.3	2	0.3	52	8.5	0	0.0	20	3.3	361	58.7
Southern	261	132	50.6	9	3.4	35	13.4	0	0.0	14	5.4	71	27.2
Indiana													
Northern	262	126	48.1	0	0.0	33	12.6	0	0.0	1	0.4	102	38.9
Southern	392	152	38.8	0	0.0	49	12.5	0	0.0	2	0.5	189	48.2
Wisconsin													
Eastern	328	50	15.2	2	0.6	23	7.0	0	0.0	6	1.8	247	75.3
Western	145	35	24.1	1	0.7	6	4.1	0	0.0	37	25.5	66	45.5
<b>EIGHTH CIRCUIT</b>	<b>5,132</b>	<b>2,065</b>	<b>40.2</b>	<b>32</b>	<b>0.6</b>	<b>696</b>	<b>13.6</b>	<b>23</b>	<b>0.4</b>	<b>112</b>	<b>2.2</b>	<b>2,204</b>	<b>42.9</b>
Arkansas													
Eastern	547	250	45.7	1	0.2	65	11.9	0	0.0	3	0.5	228	41.7
Western	175	82	46.9	0	0.0	20	11.4	0	0.0	0	0.0	73	41.7
Iowa													
Northern	338	169	50.0	11	3.3	63	18.6	0	0.0	5	1.5	90	26.6
Southern	439	146	33.3	2	0.5	66	15.0	0	0.0	4	0.9	221	50.3
Minnesota	351	95	27.1	1	0.3	47	13.4	2	0.6	24	6.8	182	51.9
Missouri													
Eastern	954	389	40.8	2	0.2	95	10.0	0	0.0	24	2.5	444	46.5
Western	838	279	33.3	1	0.1	154	18.4	0	0.0	13	1.6	391	46.7
Nebraska	565	250	44.2	0	0.0	20	3.5	17	3.0	4	0.7	274	48.5
North Dakota	413	139	33.7	6	1.5	160	38.7	3	0.7	3	0.7	102	24.7
South Dakota	512	266	52.0	8	1.6	6	1.2	1	0.2	32	6.3	199	38.9

Table 9 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,004</b>	<b>2,713</b>	<b>22.6</b>	<b>48</b>	<b>0.4</b>	<b>884</b>	<b>7.4</b>	<b>4,715</b>	<b>39.3</b>	<b>636</b>	<b>5.3</b>	<b>3,008</b>	<b>25.1</b>
Alaska	177	55	31.1	0	0.0	31	17.5	0	0.0	7	4.0	84	47.5
Arizona	4,760	1,252	26.3	16	0.3	104	2.2	2,745	57.7	65	1.4	578	12.1
California													
Central	928	246	26.5	8	0.9	122	13.1	12	1.3	66	7.1	474	51.1
Eastern	382	158	41.4	0	0.0	76	19.9	3	0.8	7	1.8	138	36.1
Northern	376	45	12.0	3	0.8	47	12.5	2	0.5	31	8.2	248	66.0
Southern	3,163	334	10.6	13	0.4	168	5.3	1,897	60.0	427	13.5	324	10.2
Guam	26	10	38.5	0	0.0	8	30.8	0	0.0	0	0.0	8	30.8
Hawaii	119	32	26.9	0	0.0	37	31.1	0	0.0	1	0.8	49	41.2
Idaho	291	98	33.7	0	0.0	62	21.3	12	4.1	9	3.1	110	37.8
Montana	368	113	30.7	1	0.3	79	21.5	0	0.0	8	2.2	167	45.4
Nevada	359	63	17.5	1	0.3	16	4.5	40	11.1	9	2.5	230	64.1
Northern Mariana Islands	24	18	75.0	0	0.0	3	12.5	0	0.0	0	0.0	3	12.5
Oregon	384	64	16.7	2	0.5	73	19.0	0	0.0	1	0.3	244	63.5
Washington													
Eastern	288	103	35.8	4	1.4	46	16.0	4	1.4	3	1.0	128	44.4
Western	359	122	34.0	0	0.0	12	3.3	0	0.0	2	0.6	223	62.1
<b>TENTH CIRCUIT</b>	<b>4,759</b>	<b>1,771</b>	<b>37.2</b>	<b>42</b>	<b>0.9</b>	<b>269</b>	<b>5.7</b>	<b>649</b>	<b>13.6</b>	<b>352</b>	<b>7.4</b>	<b>1,676</b>	<b>35.2</b>
Colorado	322	94	29.2	2	0.6	66	20.5	20	6.2	3	0.9	137	42.5
Kansas	329	149	45.3	2	0.6	44	13.4	2	0.6	6	1.8	126	38.3
New Mexico	1,957	683	34.9	21	1.1	48	2.5	520	26.6	205	10.5	480	24.5
Oklahoma													
Eastern	212	135	63.7	3	1.4	8	3.8	0	0.0	5	2.4	61	28.8
Northern	398	207	52.0	10	2.5	31	7.8	0	0.0	100	25.1	50	12.6
Western	647	337	52.1	2	0.3	21	3.2	1	0.2	6	0.9	280	43.3
Utah	757	135	17.8	0	0.0	40	5.3	102	13.5	22	2.9	458	60.5
Wyoming	137	31	22.6	2	1.5	11	8.0	4	2.9	5	3.6	84	61.3
<b>ELEVENTH CIRCUIT</b>	<b>5,107</b>	<b>2,383</b>	<b>46.7</b>	<b>23</b>	<b>0.5</b>	<b>617</b>	<b>12.1</b>	<b>2</b>	<b>0.0</b>	<b>74</b>	<b>1.4</b>	<b>2,008</b>	<b>39.3</b>
Alabama													
Middle	214	78	36.4	0	0.0	29	13.6	0	0.0	5	2.3	102	47.7
Northern	405	228	56.3	1	0.2	54	13.3	0	0.0	6	1.5	116	28.6
Southern	306	154	50.3	6	2.0	36	11.8	1	0.3	8	2.6	101	33.0
Florida													
Middle	1,094	443	40.5	2	0.2	162	14.8	0	0.0	9	0.8	478	43.7
Northern	253	100	39.5	1	0.4	61	24.1	1	0.4	5	2.0	85	33.6
Southern	1,514	743	49.1	4	0.3	108	7.1	0	0.0	17	1.1	642	42.4
Georgia													
Middle	377	247	65.5	2	0.5	38	10.1	0	0.0	3	0.8	87	23.1
Northern	574	159	27.7	3	0.5	61	10.6	0	0.0	19	3.3	332	57.8
Southern	370	231	62.4	4	1.1	68	18.4	0	0.0	2	0.5	65	17.6

<sup>1</sup> Of the 63,494 cases, 269 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, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
BY TYPE OF CRIME<sup>1</sup>**

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE				DEPARTURE						VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,225</b>	<b>26,897</b>	<b>42.5</b>	<b>311</b>	<b>0.5</b>	<b>6,443</b>	<b>10.2</b>	<b>6,332</b>	<b>10.0</b>	<b>2,397</b>	<b>3.8</b>	<b>20,845</b>	<b>33.0</b>
Administration of Justice	635	293	46.1	13	2.0	29	4.6	2	0.3	29	4.6	269	42.4
Antitrust	17	4	23.5	0	0.0	8	47.1	0	0.0	2	11.8	3	17.6
Arson	104	46	44.2	6	5.8	14	13.5	0	0.0	5	4.8	33	31.7
Assault	834	376	45.1	17	2.0	37	4.4	1	0.1	65	7.8	338	40.5
Bribery/Corruption	360	83	23.1	0	0.0	121	33.6	0	0.0	12	3.3	144	40.0
Burglary/Trespass	79	54	68.4	1	1.3	3	3.8	0	0.0	2	2.5	19	24.1
Child Pornography	1,397	480	34.4	4	0.3	32	2.3	2	0.1	47	3.4	832	59.6
Commercialized Vice	84	22	26.2	4	4.8	12	14.3	0	0.0	8	9.5	38	45.2
Drug Possession	119	107	89.9	1	0.8	1	0.8	0	0.0	0	0.0	10	8.4
Drug Trafficking	18,838	5,034	26.7	59	0.3	3,916	20.8	1,238	6.6	876	4.7	7,715	41.0
Environmental	138	83	60.1	0	0.0	15	10.9	0	0.0	3	2.2	37	26.8
Extortion/Racketeering	121	29	24.0	0	0.0	16	13.2	1	0.8	6	5.0	69	57.0
Firearms	8,733	4,400	50.4	76	0.9	454	5.2	13	0.1	287	3.3	3,503	40.1
Food and Drug	50	26	52.0	0	0.0	1	2.0	0	0.0	2	4.0	21	42.0
Forgery/Counter/Copyright	110	41	37.3	0	0.0	16	14.5	0	0.0	4	3.6	49	44.5
Fraud/Theft/Embezzlement	5,082	2,005	39.5	21	0.4	751	14.8	3	0.1	147	2.9	2,155	42.4
Immigration	19,046	10,730	56.3	39	0.2	192	1.0	5,046	26.5	567	3.0	2,472	13.0
Individual Rights	109	36	33.0	0	0.0	16	14.7	0	0.0	6	5.5	51	46.8
Kidnapping	149	46	30.9	3	2.0	43	28.9	0	0.0	15	10.1	42	28.2
Manslaughter	86	37	43.0	12	14.0	0	0.0	0	0.0	4	4.7	33	38.4
Money Laundering	1,292	319	24.7	3	0.2	338	26.2	19	1.5	80	6.2	533	41.3
Murder	481	192	39.9	13	2.7	103	21.4	1	0.2	19	4.0	153	31.8
National Defense	230	88	38.3	0	0.0	28	12.2	3	1.3	15	6.5	96	41.7
Obscenity/Other Sex Offenses	322	165	51.2	2	0.6	1	0.3	0	0.0	14	4.3	140	43.5
Prison Offenses	447	266	59.5	2	0.4	2	0.4	0	0.0	21	4.7	156	34.9
Robbery	1,480	593	40.1	14	0.9	173	11.7	3	0.2	50	3.4	647	43.7
Sexual Abuse	1,385	535	38.6	17	1.2	72	5.2	0	0.0	72	5.2	689	49.7
Stalking/Harassing	237	101	42.6	4	1.7	4	1.7	0	0.0	20	8.4	108	45.6
Tax	435	72	16.6	0	0.0	43	9.9	0	0.0	18	4.1	302	69.4
Other	825	634	76.8	0	0.0	2	0.2	0	0.0	1	0.1	188	22.8

<sup>1</sup> Of the 63,494 cases, 269 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, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 11

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>

4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)

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	333	133	3	86	1	15	95	§2D1.8	15	3	0	4	1	3	4
§2A1.2	108	48	10	9	0	2	39	§2D1.9	0	0	0	0	0	0	0
§2A1.3	43	19	10	0	0	2	12	§2D1.10	1	0	0	0	0	0	1
§2A1.4	42	18	2	0	0	2	20	§2D1.11	2	0	0	0	0	0	2
§2A1.5	22	5	0	4	0	1	12	§2D1.12	1	1	0	0	0	0	0
§2A2.1	198	78	2	22	0	8	88	§2D1.13	0	0	0	0	0	0	0
§2A2.2	522	225	14	11	1	50	221	§2D1.14	0	0	0	0	0	0	0
§2A2.3	60	41	1	0	0	4	14	§2D2.1	77	67	1	1	0	0	8
§2A2.4	244	140	3	1	0	15	85	§2D2.2	40	33	0	1	0	0	6
§2A3.1	133	46	3	4	0	15	65	§2D2.3	0	0	0	0	0	0	0
§2A3.2	42	21	2	1	0	3	15	§2D3.1	1	1	0	0	0	0	0
§2A3.3	3	1	0	0	0	0	2	§2D3.2	3	3	0	0	0	0	0
§2A3.4	46	23	2	0	0	1	20	§2D3.3	0	0	0	0	0	0	0
§2A3.5	279	146	0	1	0	14	118	§2D3.4	0	0	0	0	0	0	0
§2A4.1	140	40	3	41	0	14	42	§2D3.5	0	0	0	0	0	0	0
§2A4.2	0	0	0	0	0	0	0	§2E1.1	47	13	0	7	0	3	24
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	1	0	0	0	0	0
§2A5.2	20	12	0	0	0	0	8	§2E1.3	0	0	0	0	0	0	0
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	2	0	0	0	0	4
§2A6.1	160	78	1	1	0	12	68	§2E1.5	0	0	0	0	0	0	0
§2A6.2	74	23	3	3	0	8	37	§2E2.1	7	2	0	1	0	0	4
§2B1.1	4,817	1,798	21	742	3	144	2,109	§2E3.1	64	17	3	10	0	8	26
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0
§2B1.4	12	1	0	1	0	0	10	§2E4.1	11	0	0	5	0	1	5
§2B1.5	12	6	0	1	0	0	5	§2E5.1	9	1	0	0	0	0	8
§2B1.6 <sup>2</sup>	62	58	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0
§2B2.1	46	25	1	3	0	1	16	§2E5.3	0	0	0	0	0	0	0
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0
§2B2.3	33	29	0	0	0	1	3	§2E5.5	0	0	0	0	0	0	0
§2B3.1	1,468	589	14	172	3	49	641	§2E5.6	0	0	0	0	0	0	0
§2B3.2	25	6	0	2	1	0	16	§2F1.1	2	1	0	0	0	0	1
§2B3.3	10	3	0	0	0	1	6	§2F1.2	0	0	0	0	0	0	0
§2B4.1	110	24	0	45	0	3	38	§2G1.1	45	12	2	7	0	2	22
§2B5.1	66	31	0	5	0	3	27	§2G1.2	0	0	0	0	0	0	0
§2B5.2	0	0	0	0	0	0	0	§2G1.3	413	179	3	36	0	12	183
§2B5.3	43	10	0	10	0	1	22	§2G2.1	705	252	6	18	0	39	390
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,395	478	4	32	2	47	832
§2B6.1	2	1	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0
§2C1.1	222	44	0	72	0	9	97	§2G2.4	0	0	0	0	0	0	0
§2C1.2	12	4	0	2	0	0	6	§2G2.5	0	0	0	0	0	0	0
§2C1.3	7	7	0	0	0	0	0	§2G2.6	11	3	0	6	0	0	2
§2C1.4	0	0	0	0	0	0	0	§2G3.1	41	18	2	0	0	0	21
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	§2H1.1	69	16	0	8	0	6	39
§2C1.7	1	1	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0
§2C1.8	7	3	0	2	0	0	2	§2H1.3	0	0	0	0	0	0	0
§2D1.1	18,479	4,891	59	3,888	1,236	829	7,576	§2H1.4	0	0	0	0	0	0	0
§2D1.2	274	117	0	16	0	43	98	§2H1.5	0	0	0	0	0	0	0
§2D1.3	0	0	0	0	0	0	0	§2H2.1	8	2	0	3	0	0	3
§2D1.4	0	0	0	0	0	0	0	§2H3.1	10	5	0	3	0	0	2
§2D1.5	7	4	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0
§2D1.6	0	0	0	0	0	0	0	§2H3.3	6	6	0	0	0	0	0
§2D1.7	0	0	0	0	0	0	0	§2H4.1	16	7	0	2	0	0	7

Table 11 (cont.)

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			
§2H4.2	0	0	0	0	0	0	0	§2M5.2	167	58	0	19	3	13	74		
§2J1.1	0	0	0	0	0	0	0	§2M5.3	21	3	0	3	0	0	15		
§2J1.2	160	51	9	8	0	3	89	§2M6.1	3	1	0	0	0	1	1		
§2J1.3	15	4	0	0	0	0	11	§2M6.2	0	0	0	0	0	0	0		
§2J1.4	9	8	0	0	0	0	1	§2N1.1	19	0	0	1	0	1	17		
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0		
§2J1.6	30	17	0	0	0	3	10	§2N1.3	1	0	0	0	0	0	1		
§2J1.7	0	0	0	0	0	0	0	§2N2.1	25	23	0	0	0	0	2		
§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	301	201	2	2	0	10	86		
§2K1.1	1	1	0	0	0	0	0	§2P1.2	94	47	0	0	0	1	46		
§2K1.2	0	0	0	0	0	0	0	§2P1.3	6	3	0	0	0	0	3		
§2K1.3	19	5	0	3	0	0	11	§2P1.4	0	0	0	0	0	0	0		
§2K1.4	103	46	6	14	0	5	32	§2Q1.1	0	0	0	0	0	0	0		
§2K1.5	1	1	0	0	0	0	0	§2Q1.2	29	10	0	3	0	1	15		
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	9	4	0	1	0	0	4		
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0		
§2K2.1	8,317	4,102	66	426	13	285	3,425	§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	78	53	0	6	0	2	17		
§2K2.4 <sup>3</sup>	326	262	7	20	0	0	37	§2Q2.2	0	0	0	0	0	0	0		
§2K2.5	19	9	3	0	0	0	7	§2R1.1	16	3	0	8	0	2	3		
§2K2.6	0	0	0	0	0	0	0	§2S1.1	1,114	239	0	321	18	63	473		
§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	170	78	3	17	1	15	56		
§2L1.1	4,717	1,889	8	150	1,912	91	667	§2S1.4	0	0	0	0	0	0	0		
§2L1.2	12,811	7,856	28	29	2,880	457	1,561	§2T1.1	230	36	0	20	0	8	166		
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0		
§2L2.1	68	29	0	12	1	0	26	§2T1.3	0	0	0	0	0	0	0		
§2L2.2	435	319	2	0	2	8	104	§2T1.4	124	22	0	18	0	3	81		
§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	69	11	0	3	0	7	48		
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0		
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0		
§2M2.1	0	0	0	0	0	0	0	§2T1.9	3	0	0	1	0	0	2		
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	1	0	0	1		
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0		
§2M2.4	0	0	0	0	0	0	0	§2T3.1	7	3	0	0	0	0	4		
§2M3.1	2	2	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0		
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0		
§2M3.3	3	2	0	0	0	0	1	§2X1.1	20	11	0	1	0	2	6		
§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	80	20	0	16	0	2	42		
§2M3.6	0	0	0	0	0	0	0	§2X4.1	150	59	1	17	2	5	66		
§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	335	183	0	0	0	0	152		
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0		
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0		
§2M5.1	14	3	0	6	0	1	4	§2X7.2	4	4	0	0	0	0	0		
<b>TOTAL</b>									<b>61,317</b>	<b>25,550</b>	<b>310</b>	<b>6,422</b>	<b>6,080</b>	<b>2,360</b>	<b>20,595</b>		

<sup>1</sup> Of the 63,494 cases, 2,177 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 (269) or missing guideline applied (2,146). Descriptions of variables used in this table are provided in Appendix A.

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

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



Table 12

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>36,328</b>	<b>6,458</b>	<b>17.8</b>	<b>6,432</b>	<b>17.7</b>	<b>6,147</b>	<b>16.9</b>	<b>7,567</b>	<b>20.8</b>	<b>514</b>	<b>1.4</b>
<b>Departures</b>	<b>15,483</b>	<b>6,443</b>	<b>41.6</b>	<b>6,429</b>	<b>41.5</b>	<b>3,951</b>	<b>25.5</b>	<b>5,711</b>	<b>36.9</b>	<b>310</b>	<b>2.0</b>
Upward Departure	311	0	0.0	0	0.0	86	27.7	38	12.2	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	6,443	6,443	100.0	97	1.5	271	4.2	1,488	23.1	27	0.4
§5K3.1 Early Disposition Program	6,332	0	0.0	6,332	100.0	3,071	48.5	3,645	57.6	270	4.3
Other Government Motion	1,297	0	0.0	0	0.0	523	40.3	540	41.6	12	0.9
Non-Government Departure	1,100	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>20,845</b>	<b>15</b>	<b>0.1</b>	<b>3</b>	<b>0.0</b>	<b>2,196</b>	<b>10.5</b>	<b>1,856</b>	<b>8.9</b>	<b>204</b>	<b>1.0</b>
Upward Variance	1,890	15	0.8	3	0.2	228	12.1	132	7.0	2	0.1
Downward Variance											
Government Motion	6,293	0	0.0	0	0.0	1,968	31.3	1,724	27.4	202	3.2
Non-Government Variance	12,662	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 12 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,926</b>	<b>16.3</b>	<b>5,866</b>	<b>16.1</b>	<b>7,456</b>	<b>20.5</b>	<b>2,417</b>	<b>6.7</b>	<b>5,233</b>	<b>14.4</b>	<b>2,533</b>	<b>7.0</b>
<b>Departures</b>	<b>4,965</b>	<b>32.1</b>	<b>2,331</b>	<b>15.1</b>	<b>1,733</b>	<b>11.2</b>	<b>1,052</b>	<b>6.8</b>	<b>1,284</b>	<b>8.3</b>	<b>220</b>	<b>1.4</b>
Upward Departure	73	23.5	2	0.6	8	2.6	5	1.6	89	28.6	32	10.3
Downward Departure												
§5K1.1 Substantial Assistance	4,310	66.9	875	13.6	754	11.7	453	7.0	599	9.3	0	0.0
§5K3.1 Early Disposition Program	400	6.3	820	13.0	630	9.9	424	6.7	270	4.3	0	0.0
Other Government Motion	182	14.0	99	7.6	96	7.4	170	13.1	78	6.0	28	2.2
Non-Government Departure	0	0.0	535	48.6	245	22.3	0	0.0	248	22.5	160	14.5
<b>Variations</b>	<b>961</b>	<b>4.6</b>	<b>3,535</b>	<b>17.0</b>	<b>5,723</b>	<b>27.5</b>	<b>1,365</b>	<b>6.5</b>	<b>3,949</b>	<b>18.9</b>	<b>2,313</b>	<b>11.1</b>
Upward Variance	301	15.9	3	0.2	8	0.4	36	1.9	916	48.5	316	16.7
Downward Variance												
Government Motion	660	10.5	580	9.2	303	4.8	1,329	21.1	289	4.6	176	2.8
Non-Government Variance	0	0.0	2,952	23.3	5,412	42.7	0	0.0	2,744	21.7	1,821	14.4

<sup>1</sup> Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 14,837 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 13

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

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>299</b>	<b>104</b>	<b>34</b>	<b>85.0</b>	<b>80</b>	<b>20</b>	<b>43.5</b>
Administration of Justice	6	77	28	60.4	33	8	26.4
Antitrust	0	--	--	--	--	--	--
Arson	6	120	59	83.1	114	55	52.2
Assault	17	123	45	69.8	90	29	40.4
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	1	--	--	--	--	--	--
Child Pornography	4	145	21	25.8	153	17	10.9
Commercialized Vice	4	69	43	161.4	55	28	105.0
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	59	106	46	181.8	96	35	72.4
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	76	83	24	58.3	77	21	37.5
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	21	57	17	79.6	30	12	81.8
Immigration	39	29	8	62.5	18	8	50.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	2	--	--	--	--	--	--
Manslaughter	12	134	34	34.2	126	25	23.4
Money Laundering	3	14	5	70.8	12	5	83.3
Murder	10	314	90	53.3	300	60	21.4
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	2	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	14	198	61	39.4	171	25	27.0
Sexual Abuse	16	220	50	40.7	199	43	26.6
Stalking/Harassing	4	63	25	81.2	54	22	77.6
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 63,494 cases, in 311 the sentence was an upward departure from the guideline range. Due to an inability to calculate the extent of departure for cases with a sentence of life, four cases were excluded from this table. Also, eight cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 14

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

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Increase In Months	Percent Increase	Sentence In Months	Increase In Months	Percent Increase
<b>TOTAL</b>	<b>1,866</b>	<b>73</b>	<b>21</b>	<b>66.0</b>	<b>48</b>	<b>11</b>	<b>37.0</b>
Administration of Justice	21	37	16	74.7	36	9	50.0
Antitrust	0	--	--	--	--	--	--
Arson	6	101	27	39.9	90	27	45.3
Assault	63	109	33	67.5	90	17	35.2
Bribery/Corruption	2	--	--	--	--	--	--
Burglary/Trespass	4	41	18	83.0	36	14	60.7
Child Pornography	41	166	39	36.2	150	30	33.3
Commercialized Vice	8	80	50	161.8	66	27	111.1
Drug Possession	4	27	16	192.0	29	14	117.3
Drug Trafficking	248	109	34	97.3	93	20	33.6
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	3	68	6	10.9	60	7	10.3
Firearms	426	80	24	55.1	72	16	31.9
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	1	--	--	--	--	--	--
Fraud/Theft/Embezzlement	96	62	18	82.5	48	11	42.9
Immigration	529	23	8	71.4	15	6	50.0
Individual Rights	5	48	21	73.9	42	14	50.0
Kidnapping	4	399	64	22.1	383	67	18.6
Manslaughter	14	105	39	65.6	113	28	39.6
Money Laundering	19	53	14	54.8	48	11	29.7
Murder	13	360	76	32.5	360	53	15.1
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	24	70	34	104.1	60	33	96.7
Prison Offenses	20	32	11	58.8	38	6	47.7
Robbery	78	187	45	38.8	178	30	24.7
Sexual Abuse	57	188	44	33.3	180	30	24.4
Stalking/Harassing	22	75	28	60.1	60	15	46.1
Tax	7	75	22	46.1	36	12	20.0
Other	149	9	3	43.1	8	2	33.3

<sup>1</sup> Of the 63,494 cases, in 1,890 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, seven cases were excluded from this table. Also, 17 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 15

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

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,299</b>	<b>54</b>	<b>56</b>	<b>56.1</b>	<b>38</b>	<b>41</b>	<b>51.1</b>
Administration of Justice	29	8	21	80.3	0	21	99.9
Antitrust	8	4	11	72.3	3	12	85.7
Arson	14	48	43	54.2	40	35	45.5
Assault	34	59	88	57.2	46	48	50.1
Bribery/Corruption	121	15	32	71.1	9	21	75.0
Burglary/Trespass	3	8	9	73.3	0	10	100.0
Child Pornography	31	95	57	37.6	84	54	34.3
Commercialized Vice	12	4	11	79.3	0	8	99.8
Drug Possession	1	--	--	--	--	--	--
Drug Trafficking	3,875	65	65	52.7	55	52	48.8
Environmental	15	2	11	85.6	0	8	100.0
Extortion/Racketeering	16	18	35	62.3	10	13	61.7
Firearms	453	36	34	56.9	21	23	51.4
Food and Drug	1	--	--	--	--	--	--
Forgery/Counter/Copyright	16	8	22	79.3	0	19	99.9
Fraud/Theft/Embezzlement	748	16	30	68.6	10	20	70.7
Immigration	191	16	13	53.2	12	9	42.7
Individual Rights	14	27	43	78.3	0	13	100.0
Kidnapping	39	97	107	51.6	96	92	48.9
Manslaughter	0	--	--	--	--	--	--
Money Laundering	320	49	70	61.8	32	46	58.6
Murder	46	116	163	57.6	120	170	60.0
National Defense	28	31	36	52.0	24	21	47.9
Obscenity/Other Sex Offenses	1	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	170	80	59	44.8	70	49	41.2
Sexual Abuse	62	102	94	46.9	87	65	41.6
Stalking/Harassing	4	20	16	41.4	18	12	40.0
Tax	43	9	19	75.4	4	16	83.8
Other	2	--	--	--	--	--	--

<sup>1</sup> Of the 63,494 cases, in 6,443 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, 87 cases were excluded from this table. Also, 57 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 16

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

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>6,329</b>	<b>13</b>	<b>16</b>	<b>51.1</b>	<b>10</b>	<b>8</b>	<b>48.6</b>
Administration of Justice	2	--	--	--	--	--	--
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	1	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	2	--	--	--	--	--	--
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,238	26	50	66.0	24	45	65.7
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	1	--	--	--	--	--	--
Firearms	13	26	20	51.4	18	15	47.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	3	27	16	54.6	40	16	35.7
Immigration	5,043	10	8	47.3	8	6	40.5
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	19	16	27	80.3	0	15	100.0
Murder	1	--	--	--	--	--	--
National Defense	3	14	26	66.4	18	22	51.4
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	0	--	--	--	--	--	--
Robbery	3	54	24	34.0	37	24	34.8
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 63,494 cases, in 6,332 the offender received a §5K3.1 early disposition program departure below the guideline range. Of these, three cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 17

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

**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>2,348</b>	<b>44</b>	<b>33</b>	<b>45.8</b>	<b>24</b>	<b>18</b>	<b>41.5</b>
Administration of Justice	28	8	11	63.1	6	8	61.1
Antitrust	2	--	--	--	--	--	--
Arson	5	24	22	51.2	30	25	47.4
Assault	63	40	22	45.7	24	15	36.2
Bribery/Corruption	12	18	28	62.1	17	29	67.9
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	45	81	46	36.1	66	37	31.1
Commercialized Vice	7	13	8	33.9	12	3	19.8
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	869	65	51	46.9	53	40	47.1
Environmental	3	1	11	77.8	0	12	100.0
Extortion/Racketeering	6	8	30	60.7	6	10	61.7
Firearms	287	35	20	42.7	24	15	34.8
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	4	10	21	83.7	0	19	100.0
Fraud/Theft/Embezzlement	146	19	22	63.2	10	14	66.6
Immigration	567	13	8	38.7	12	6	33.3
Individual Rights	4	45	39	80.8	0	32	95.9
Kidnapping	12	126	69	34.4	120	57	37.2
Manslaughter	4	34	20	33.9	29	11	35.0
Money Laundering	77	44	47	58.1	27	24	59.5
Murder	9	165	136	48.3	180	116	48.5
National Defense	14	24	19	43.3	27	16	37.4
Obscenity/Other Sex Offenses	14	12	11	51.3	14	8	39.7
Prison Offenses	21	8	8	54.9	5	6	50.0
Robbery	50	75	29	28.9	59	18	21.5
Sexual Abuse	57	129	85	40.6	120	60	37.0
Stalking/Harassing	20	12	14	63.4	7	12	60.0
Tax	18	11	15	60.4	12	13	59.1
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 63,494 cases, in 2,397 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,297) or a non-government departure (1,100). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 26 cases were excluded from this table. Also, 23 cases were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

Table 18

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

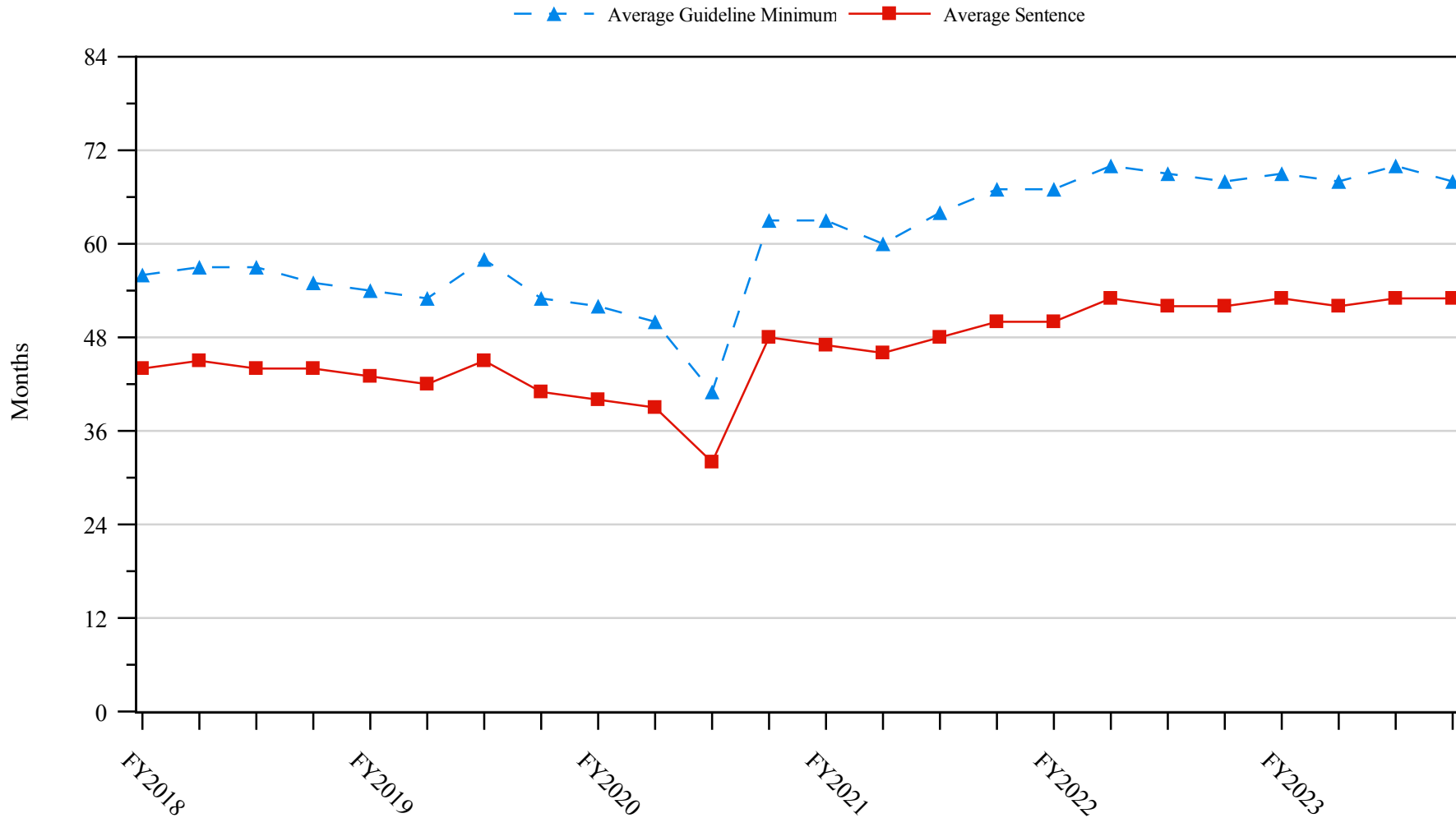
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

TYPE OF CRIME	N	Mean			Median		
		Sentence In Months	Decrease In Months	Percent Decrease	Sentence In Months	Decrease In Months	Percent Decrease
<b>TOTAL</b>	<b>18,488</b>	<b>56</b>	<b>30</b>	<b>43.5</b>	<b>36</b>	<b>18</b>	<b>34.8</b>
Administration of Justice	243	14	14	64.8	6	10	67.5
Antitrust	3	8	11	60.3	6	12	66.7
Arson	27	37	27	45.7	27	16	36.6
Assault	269	60	28	37.8	36	15	28.6
Bribery/Corruption	142	20	21	56.8	12	15	56.4
Burglary/Trespass	15	14	12	52.8	12	8	44.4
Child Pornography	768	86	50	38.7	72	42	36.0
Commercialized Vice	30	10	10	62.8	8	9	59.7
Drug Possession	4	1	3	93.0	0	2	98.5
Drug Trafficking	7,353	79	42	38.7	63	30	31.4
Environmental	37	5	13	84.7	0	12	100.0
Extortion/Racketeering	66	27	18	52.1	14	11	39.1
Firearms	3,068	36	19	43.1	27	12	33.2
Food and Drug	19	24	26	58.0	18	21	64.7
Forgery/Counter/Copyright	48	15	19	64.9	6	9	80.0
Fraud/Theft/Embezzlement	2,028	19	16	57.6	12	11	50.4
Immigration	1,935	12	8	46.0	8	6	36.8
Individual Rights	38	34	21	58.7	12	12	47.4
Kidnapping	25	140	83	34.1	150	59	28.1
Manslaughter	19	35	15	40.6	24	15	23.8
Money Laundering	480	52	36	48.1	30	21	41.5
Murder	104	193	68	28.2	204	60	24.2
National Defense	95	35	36	57.1	24	22	52.9
Obscenity/Other Sex Offenses	114	13	11	46.9	12	9	40.0
Prison Offenses	135	10	8	46.0	10	6	40.0
Robbery	558	92	30	26.9	84	22	20.6
Sexual Abuse	451	155	72	34.0	144	60	28.6
Stalking/Harassing	85	14	13	53.6	12	10	40.0
Tax	294	12	16	65.0	6	12	66.7
Other	35	6	9	79.0	0	6	99.5

<sup>1</sup> Of the 63,494 cases, in 18,955 the sentence was a variance below the guideline range, either due to a government motion for a variance (6,293) or a non-government variance (12,662). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 203 cases were excluded from this table. Also, 263 cases were excluded due to several logical criteria. Of the remaining 18,489 cases, one was excluded due to missing sentence information. 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.



**Figure 5**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR ALL CASES<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**

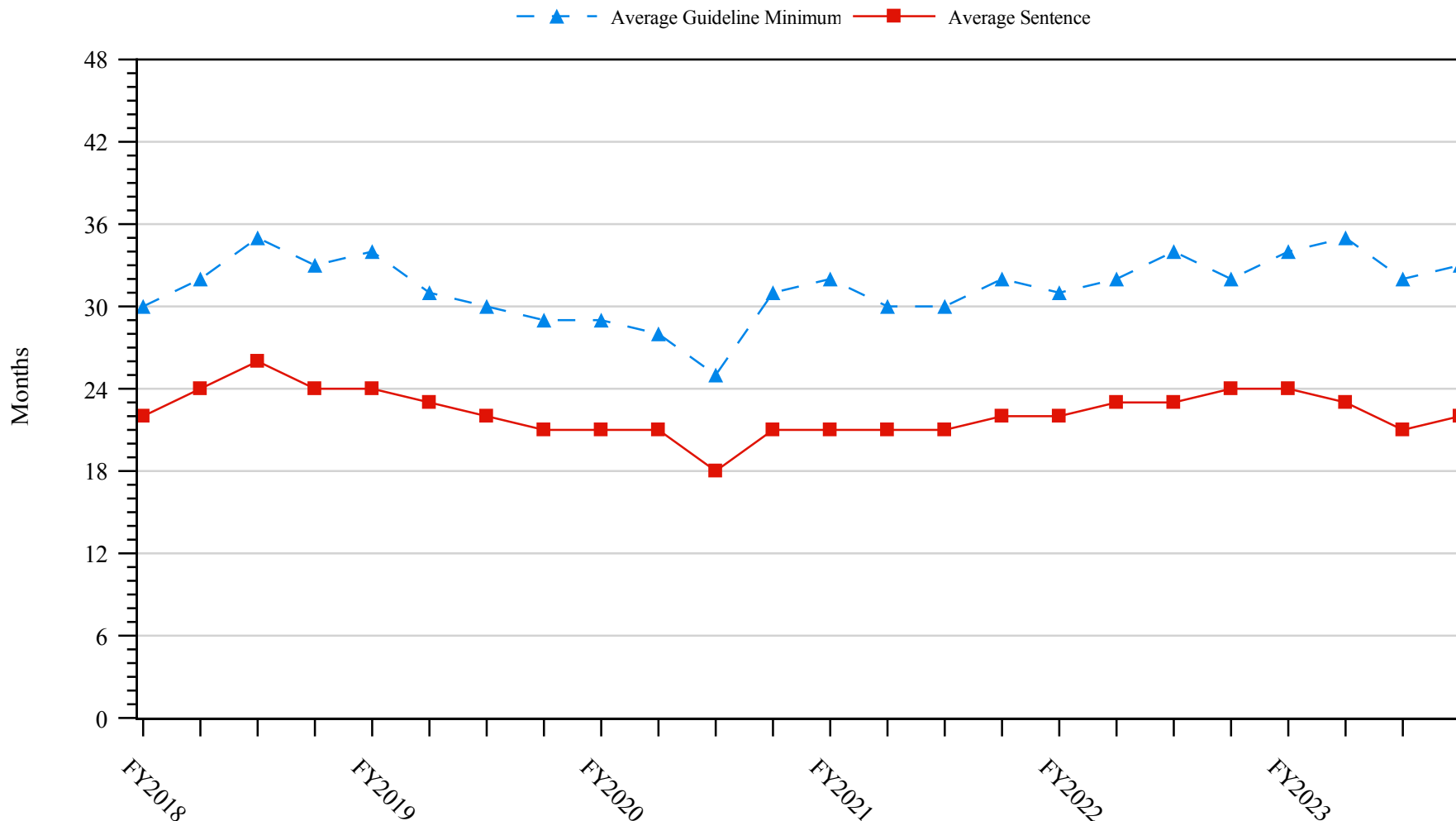


<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. Cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

Figure 6

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

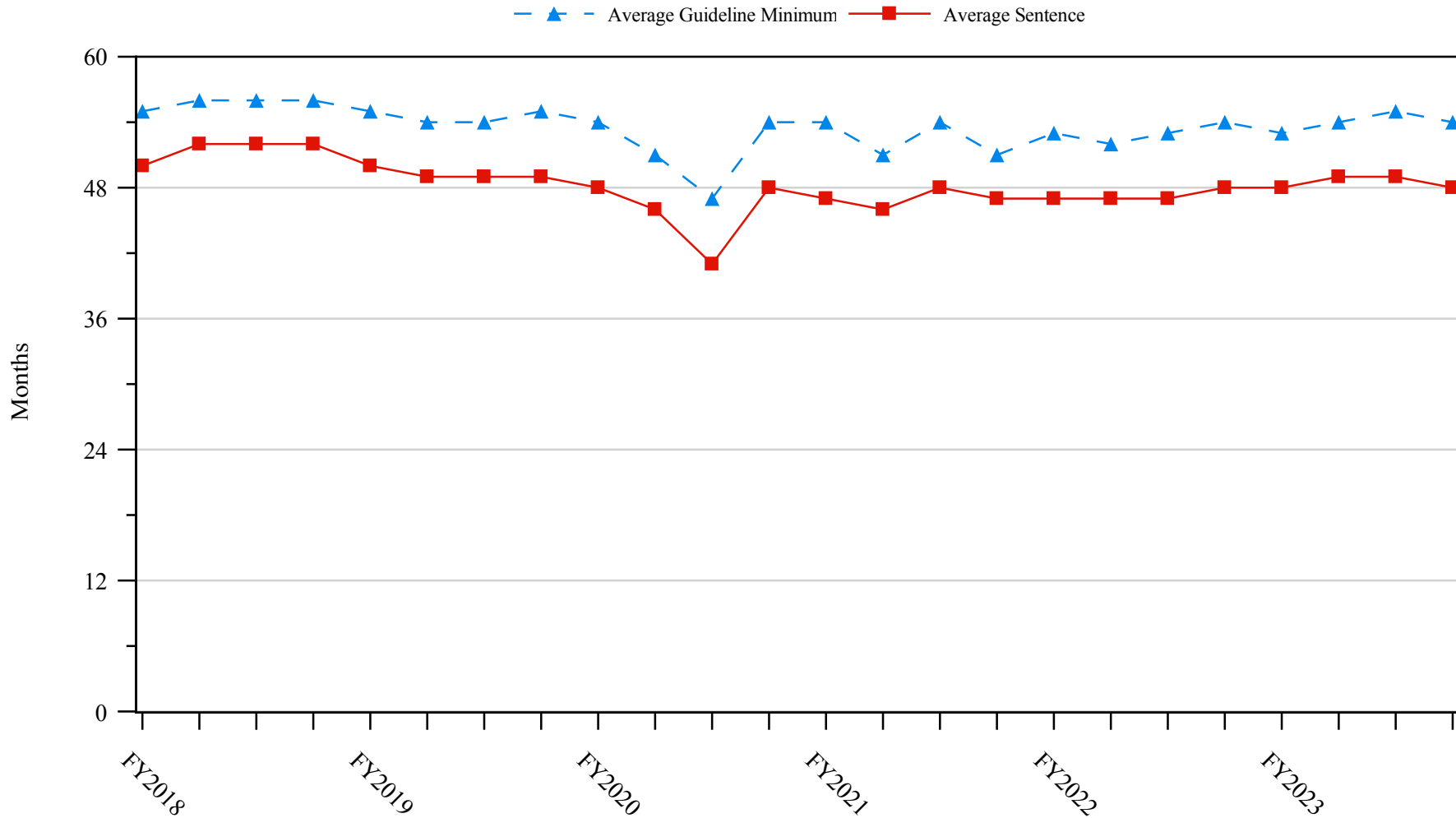
**Fiscal Years 2018 - 2022,  
4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

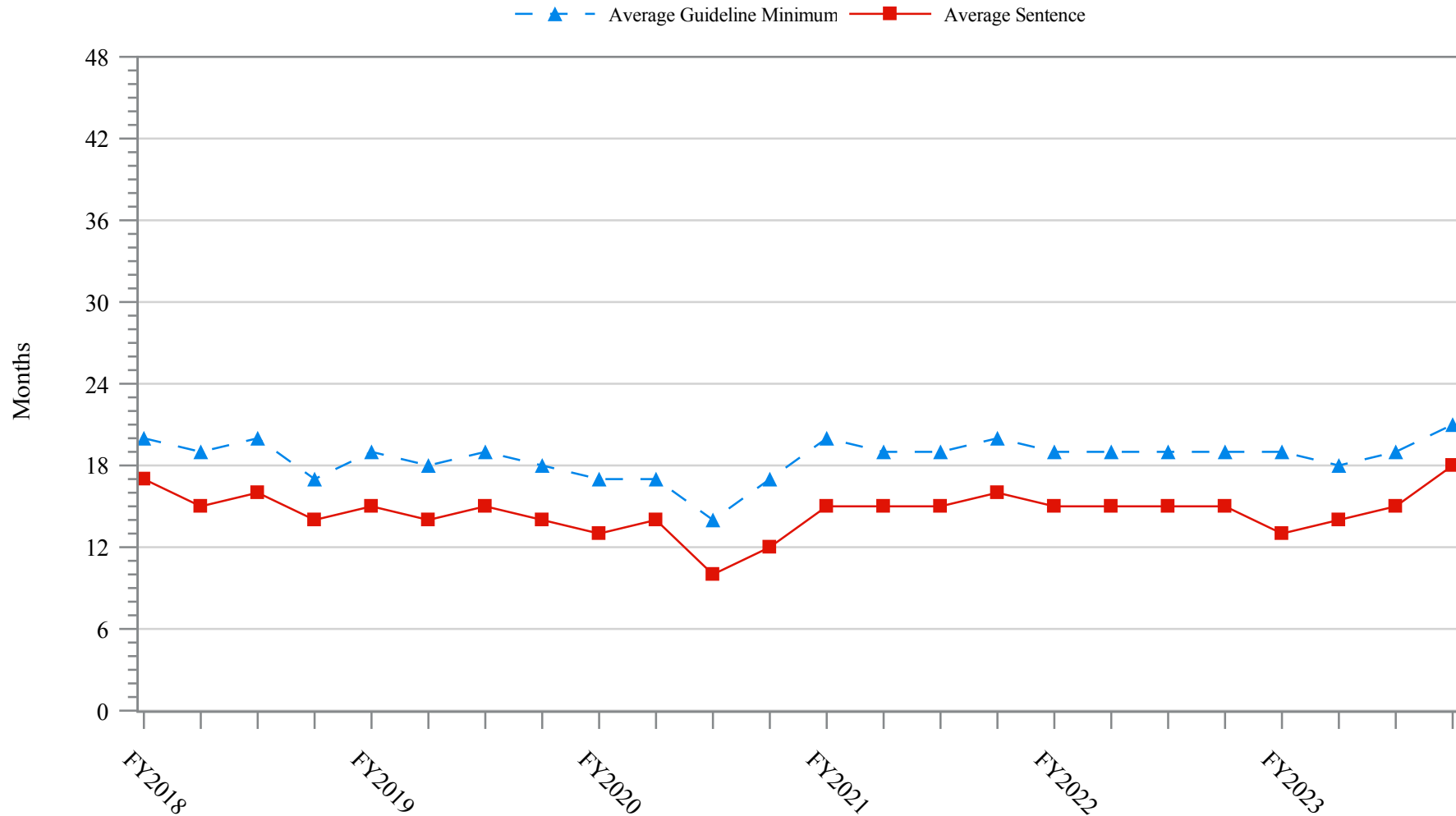
**Figure 7**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

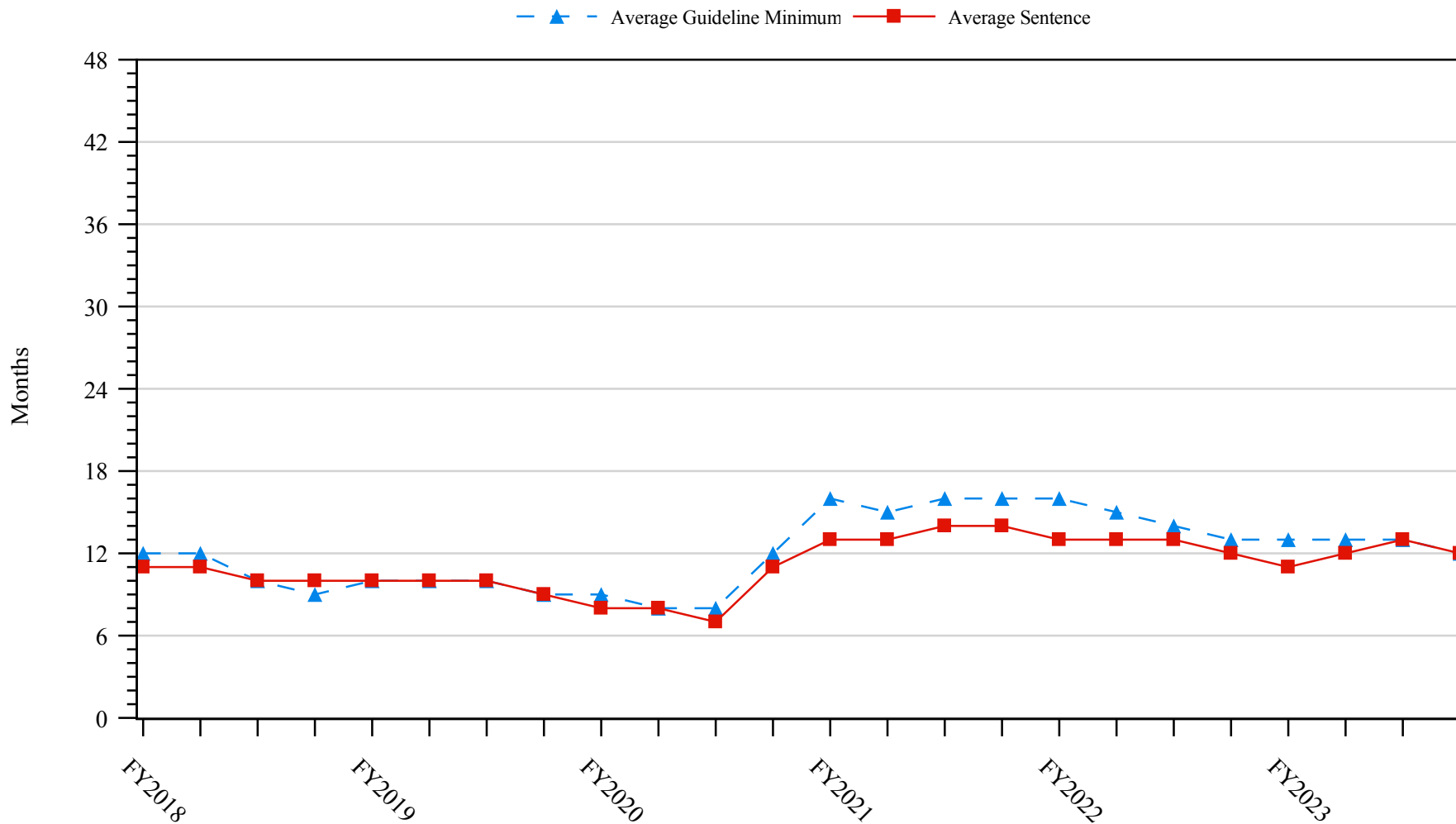
**Figure 8**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

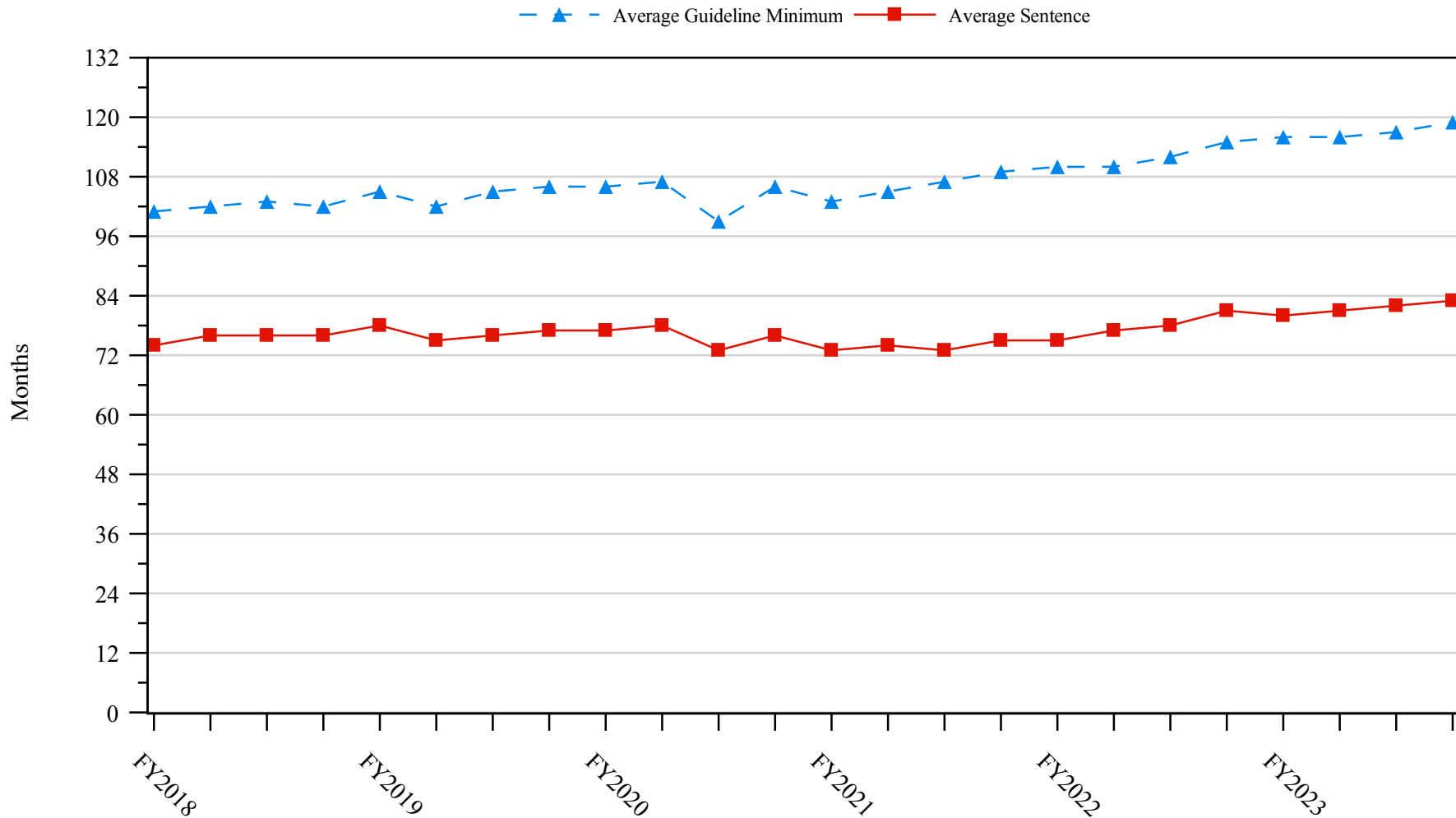
**Figure 9**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

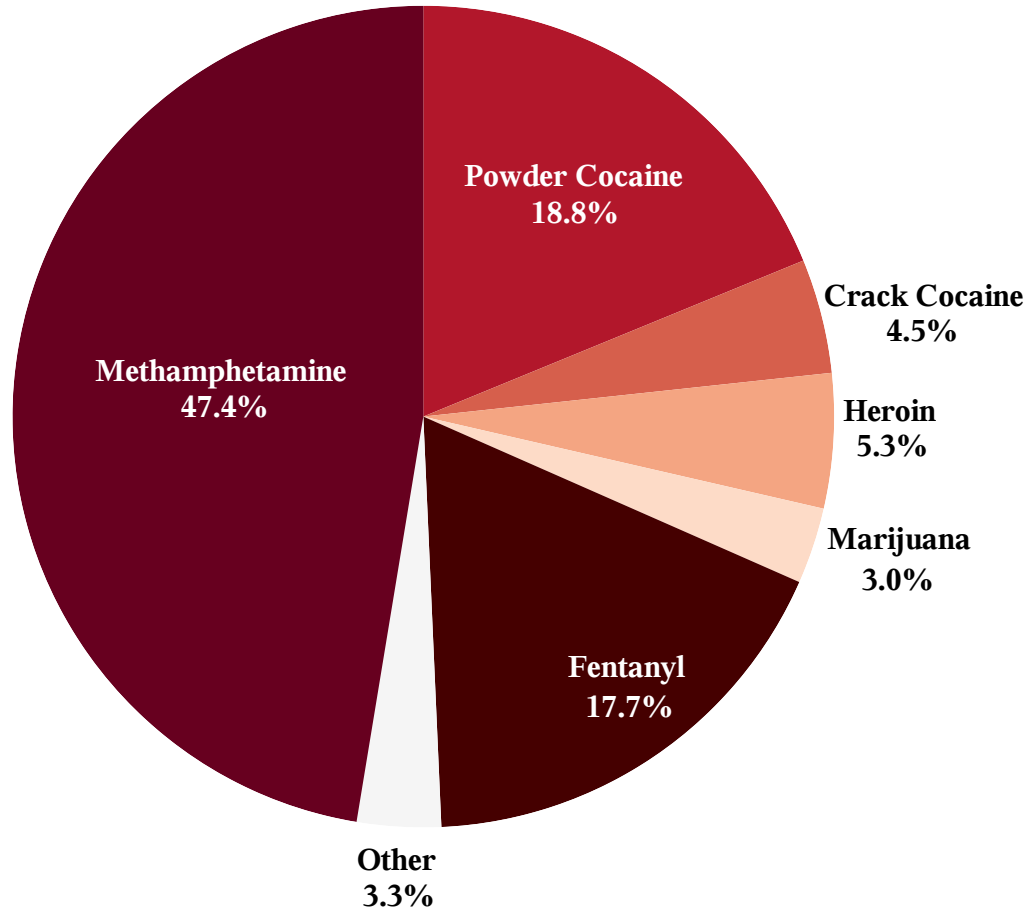
**Figure 10**  
**SENTENCE LENGTH AND GUIDELINE MINIMUM QUARTERLY DATA**  
**FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).

**Figure 11**  
**DISTRIBUTION OF PRIMARY DRUG TYPE**  
**IN FEDERAL DRUG CASES<sup>1,2</sup>**  
**4th Quarter 2023 Preliminary Cumulative Data**  
**(October 1, 2022, through September 30, 2023)**

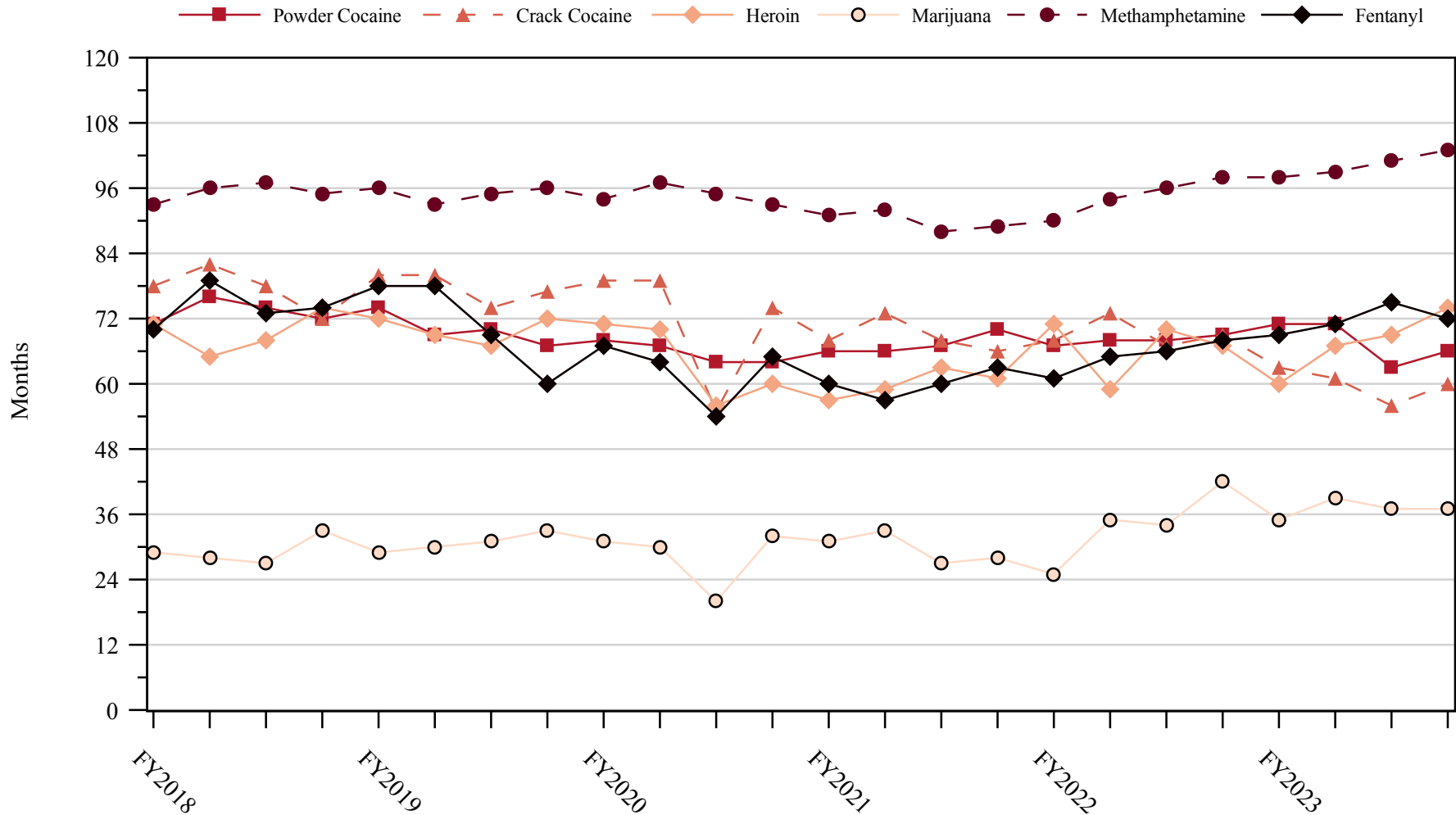


<sup>1</sup> Of the 63,494 cases, in 18,911 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type. The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The 'Other' drug category includes the remaining primary drug types of which the following have more than 50 cases: Oxycodone/Oxycontin (233), and MDMA/Ecstasy/MDA (53).

SOURCE: U.S. Sentencing Commission, Preliminary 2023 Datafile, USSCFY23 (October 1, 2022, through September 30, 2023).

**Figure 12**  
**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS**  
**BY MAJOR DRUG TYPE QUARTERLY DATA<sup>1</sup>**  
**Fiscal Years 2018 - 2022,**  
**4th Quarter 2023 Preliminary Cumulative Data (October 1, 2022, through September 30, 2023)**



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

SOURCE: U.S. Sentencing Commission, 2018 - 2022 Datafiles, USSCFY18 - USSCFY22, and Preliminary Data from USSCFY23 (October 1, 2022, through September 30, 2023).



## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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

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

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

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

#### Variables

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The following section describes the variables used in this report.

##### **Attribution Category for Sentences Outside the Range**

All categories replicate the list of checkboxes available on the Statement of Reasons form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. The Commission uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally, other types of Statement of Reasons forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

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

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

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

**Circuit**

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

**Citizenship Status**

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

**District**

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

**Downward Departure**

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

**Downward Variance**

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

**Extent of Decrease**

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

**Extent of Increase**

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

**Federal Offenders Sentenced**

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

**Gender**

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

**Government Motion (Variance)**

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

**Guideline Sentencing Range**

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

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

**Non-Government Departure**

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

**Non-Government Variance**

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

**Other Government Motion (Downward Departure)**

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

**Primary Drug Type**

Information on *Primary Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order, or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is an offense under title 21 of the United States Code or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (i.e., the type that produces the highest base offense level).

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

### **Primary Guideline**

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

### **Race**

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

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

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

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

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

### **Sentence Type**

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

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

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

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

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

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

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

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

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

### **Type of Crime**

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

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

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

*Administration of Justice* includes obstructing or impeding officers, contempt, obstruction of justice, perjury or subornation of perjury, bribery of a witness, impersonation, failure to appear by offender, failure to appear by material witness, commission of offense while on release, payment of witness, and misprision of a felony. This category includes offenders sentenced under §§2A2.4, 2J1.1, 2J1.2, 2J1.3, 2J1.4, 2J1.6, 2J1.9, and 2X4.1 of the *Guidelines Manual*.

*Antitrust* includes bid-rigging, price-fixing, and market allocation agreement. This category includes offenders sentenced under §2R1.1 of the *Guidelines Manual*.

*Arson* includes property damage by explosives and use of fire or explosives to commit a federal felony. This category includes offenders sentenced under §§2K1.4 and 2K1.7 (deleted) of the *Guidelines Manual*.

*Assault* includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, minor assault, and conspiracy that includes assault with attempt to murder. This category includes offenders sentenced under §§2A2.1, 2A2.2, and 2A2.3 of the *Guidelines Manual*.

*Bribery/Corruption* includes offenses involving public officials and violations of federal election campaign laws, bribe involving officials, bribery — bank loan/commercial, loan or gratuity to bank examiner, *etc.*, gratuity involving officials, bribe or gratuity affecting employee plan, conflict of interest, payment or receipt of unauthorized compensation, and making, receiving, or failing to report a contribution, donation, or expenditure in violation of the Federal Election Campaign Act. This category includes offenders sentenced under §§2B4.1, 2C1.1, 2C1.2, 2C1.3, 2C1.4 (deleted), 2C1.5, 2C1.6 (deleted), 2C1.7 (deleted), and 2C1.8 of the *Guidelines Manual*.

*Burglary/Trespass* includes burglary of a residence and burglary of a structure other than a residence, post office burglary, burglary of DEA premises (pharmacy), bank burglary, and trespass. This category includes offenders sentenced under §§2B2.1, 2B2.2 (deleted), and 2B2.3 of the *Guidelines Manual*.

*Child Pornography* includes the receipt or possession of materials involving the sexual exploitation of minors. This category includes offenders sentenced under §§2G2.2 and 2G2.4 (deleted) of the *Guidelines Manual*.

*Commercialized Vice* includes gambling, animal fighting, and prostitution offenses. This category includes offenders sentenced under §2G1.1 where the court did NOT apply a Base Offense Level of 34, and all offenders sentenced under §§2E3.1, 2E3.2 (deleted), and 2E3.3 (deleted) of the *Guidelines Manual*.

*Drug Possession* includes simple possession of all drug types. This category includes offenders sentenced under §2D2.1 of the *Guidelines Manual*.

*Drug Trafficking* includes drug distribution/manufacture — conspiracy, continuing criminal enterprise, drug distribution — employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, establish/rent drug operation, endangering human life while manufacturing, and narco-terrorism. This category includes offenders sentenced under §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14 of the *Guidelines Manual*.

*Environmental* includes waste discharge; specially protected fish, wildlife, and plants; recordkeeping; tampering; and falsification; tampering with a public water system; mishandling of environmental pollutants; and hazardous devices on federal lands. This category includes offenders sentenced under §§2K3.1 (deleted), 2Q1.1, 2Q1.2, 2Q1.3, 2Q1.4, 2Q1.5 (deleted), 2Q1.6, 2Q2.1, and 2Q2.2 (deleted) of the *Guidelines Manual*.

*Extortion/Racketeering* includes extortion by force, or threat of injury or serious damage, extortionate extension of credit, blackmail, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering, unlawful conduct relating to contraband cigarettes, and labor racketeering. This category includes offenders sentenced under §§2B3.2, 2B3.3, 2E1.1, 2E1.2, 2E1.3, 2E1.4, 2E1.5 (deleted), 2E2.1, 2E4.1, 2E5.1, 2E5.2 (deleted), 2E5.3, 2E5.4 (deleted), 2E5.5 (deleted), and 2E5.6 (deleted) of the *Guidelines Manual*.

*Firearms* includes unlawful receipt/possession/transportation of firearms, ammunition, or explosive material; prohibited transactions involving firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, *etc.*, in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; use

of firearms or ammunition during crime; improper storage of explosive materials; and failure to report theft of explosive materials. This category includes offenders sentenced under §§2K1.1, 2K1.2, 2K1.3, 2K1.5, 2K1.6, 2K2.1, 2K2.2, 2K2.3, 2K2.4, 2K2.5, 2K2.6, and 2K3.2 of the *Guidelines Manual*.

*Food and Drug* includes tampering with risk of death or injury, providing false information or tampering with products, tampering to injure business, odometer laws and regulations, and violation of regulations involving food, drugs, etc. This category includes offenders sentenced under §§2N1.1, 2N1.2, 2N1.3, 2N2.1, and 2N3.1 of the *Guidelines Manual*.

*Forgery/Counterfeiting/Copyright* includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations) as well as criminal infringement of copyright or trademark. This category includes offenders sentenced under §§2B5.1, 2B5.2 (deleted), 2B5.3, and 2B5.4 (deleted) of the *Guidelines Manual*.

*Fraud/Theft/Embezzlement* includes fraud and deceit, embezzlement — property, embezzlement from labor unions, embezzlement — mail/post office, embezzlement from benefit plans, bank embezzlement, bank larceny, theft from benefit plans, other theft — mail/post office, receipt/possession of stolen property, theft from labor union, theft or damage to cultural heritage resources, insider trading, and aggravated identity theft. This category includes offenders sentenced under §§2B1.1, 2B1.2 (deleted), 2B1.3 (deleted), 2B1.4, 2B1.5, 2B1.6, 2F1.1 (deleted), and 2F1.2 (deleted) of the *Guidelines Manual*.

*Immigration* includes trafficking in U.S. passports, trafficking in entry documents, failure to surrender naturalization certificate, fraudulently acquiring U.S. passports, smuggling, transporting, or harboring an unlawful alien, fraudulently acquiring entry documents, and unlawfully entering or remaining in the U.S. This category includes offenders sentenced under §§2L1.1, 2L1.2, 2L1.3 (deleted), 2L2.1, 2L2.2, 2L2.3 (deleted), 2L2.4 (deleted), and 2L2.5 of the *Guidelines Manual*.

*Individual Rights* includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. — eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights. This category includes offenders sentenced under §§2H1.1, 2H1.2 (deleted), 2H1.3 (deleted), 2H1.4 (deleted), 2H1.5 (deleted), 2H2.1, 2H3.1, 2H3.2, 2H3.3, 2H4.1, and 2H4.2 of the *Guidelines Manual*.

*Kidnapping* includes hostage and ransom taking, abduction, unlawful restraint, and aircraft piracy. This category includes offenders sentenced under §§2A4.1, 2A4.2, and 2A5.1 of the *Guidelines Manual*.

*Manslaughter* includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under §§2A1.3 and 2A1.4 of the *Guidelines Manual*.

*Money Laundering* includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions. This category includes offenders sentenced under §§2S1.1, 2S1.2 (deleted), 2S1.3, and 2S1.4 (deleted) of the *Guidelines Manual*.

*Murder* includes first degree murder, second degree murder, and conspiracy or solicitation to commit murder. This category includes offenders sentenced under §§2A1.1, 2A1.2, and 2A1.5 of the *Guidelines Manual*.

*National Defense* includes treason, sabotage, espionage, evasion of military service, prohibited financial transactions and exports, providing material support to designated foreign terrorist organizations, nuclear, biological, and chemical weapons, and weapons of mass destruction. This category includes offenders sentenced under §§2M1.1, 2M2.1, 2M2.2 (deleted), 2M2.3, 2M2.4 (deleted), 2M3.1, 2M3.2, 2M3.3, 2M3.4, 2M3.5, 2M3.6 (deleted), 2M3.7 (deleted), 2M3.8 (deleted), 2M3.9, 2M4.1, 2M5.1, 2M5.2, 2M5.3, 2M6.1, and 2M6.2 of the *Guidelines Manual*.

*Obscenity/Other Sex Offenses* includes failure to register as a sex offender, recordkeeping offenses involving production of sexually explicit material, and importing, mailing, transporting, or broadcasting obscene material. This category includes offenders sentenced under §§2A3.5, 2A3.6, 2G2.5, 2G3.1, and 2G3.2 of the *Guidelines Manual*.

*Prison Offenses* includes contraband in prisons, riots in federal facilities, and escape. This category includes offenders sentenced under §§2P1.1, 2P1.2, 2P1.3, and 2P1.4 (deleted) of the *Guidelines Manual*.

*Robbery* includes bank robbery, Hobbs Act robbery, post office robbery, other robbery, and carjacking. This category includes offenders sentenced under §2B3.1 of the *Guidelines Manual*.

*Sexual Abuse* includes criminal sexual abuse, sexual abuse of a minor, sexual abuse of a ward, abusive sexual contact, transportation of minor for sex, sex trafficking of children, sex trafficking of adults by force, fraud or coercion, child pornography production, and child exploitation enterprises. This category includes offenders sentenced under §2G1.1 who received a Base Offense Level of 34, and all offenders sentenced under §§2A3.1, 2A3.2, 2A3.3, 2A3.4, 2G1.2 (deleted), 2G1.3, 2G2.1, 2G2.3, and 2G2.6 of the *Guidelines Manual*.

*Stalking/Harassing* includes threatening or harassing communications, hoaxes, false liens, stalking, and domestic violence. This category includes offenders sentenced under §§2A6.1 and 2A6.2 of the *Guidelines Manual*.

*Tax* includes non-payment of taxes, conspiracy to avoid taxes, offenses relating to withholding statements, aiding or advising tax fraud, failing to collect or truthfully account for and pay over taxes, failing to deposit collected taxes in required accounts after notice, alcohol and tobacco tax offenses, and customs taxes. This category includes offenders sentenced under §§2T1.1, 2T1.2 (deleted), 2T1.3 (deleted), 2T1.4, 2T1.5 (deleted), 2T1.6, 2T1.7, 2T1.8, 2T1.9, 2T2.1, 2T2.2, 2T3.1, and 2T3.2 (deleted) of the *Guidelines Manual*.

*Other Miscellaneous Offenses* includes interference with a flight crew, unlawful sale, transportation, possession, manufacturing, or importation of drug paraphernalia, distributing, importing, or exporting listed chemicals, evading reporting or recordkeeping requirements involving chemicals, acquiring a controlled substance by fraud or forgery, border tunnels and subterranean passages, and all other felony and miscellaneous offenses not previously listed in any of the other categories or covered by specific guidelines. This category includes offenders sentenced under §§2A5.2, 2D1.7, 2D1.11, 2D1.12, 2D1.13, 2D2.2, 2D2.3, 2D3.1, 2X5.1, 2X5.2, and 2X7.1 of the *Guidelines Manual*. In addition, this category includes offenders sentenced under §§2X1.1, 2X2.1, 2X3.1, 2X6.1, and 2X7.2 of the *Guidelines Manual* if no underlying guideline was provided.

### **Upward Departure**

*Upward Departure* consists of cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form (Departures



Pursuant to the Guidelines Manual). In these cases, the court may also have cited 18 U.S.C. § 3553 or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the sentencing guidelines as additional reasons. This category includes departures which result from government motions as well as from motions by the parties.

**Upward Variance**

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

**Within Guideline Range**

Offenders are classified in this category when the sentence is within both the guideline range and within the statutory minimum and maximum. The sentence must meet minimum zone requirements as well. In rare instances when a very small departure or variance is granted, but the sentence is still within the original guideline range, the sentence is reported as within range.

**Year**

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.