

---

# 2020 ANNUAL REPORT AND SOURCEBOOK OF FEDERAL SENTENCING STATISTICS

---

Charles R. Breyer  
Commissioner

Danny C. Reeves  
Commissioner

Patricia K. Cushwa  
*Ex Officio*

Candice C. Wong  
*Ex Officio*



UNITED STATES SENTENCING COMMISSION



MEMORANDUM

TO: Members of Congress  
Article III Judges  
United States Attorneys  
Federal Public and Community Defenders  
Chief United States Probation Officers

FROM: United States Sentencing Commission

SUBJECT: *Fiscal Year 2020 Annual Report and Sourcebook of Federal Sentencing Statistics*

Enclosed is a copy of the United States Sentencing Commission's *2020 Annual Report and Sourcebook of Federal Sentencing Statistics*. The *Annual Report* presents an overview of the Commission and highlights for the reader the Commission's major activities and accomplishments during the year. The *Sourcebook* contains detailed descriptive statistics on the implementation of the sentencing guidelines and provides district, circuit, and national sentencing data.

Launched in mid-2020, the Interactive Data Analyzer (IDA) answers frequently asked data questions and reflects the latest trends in data visualization. IDA has proven a useful resource for judges, Congress, the Executive Branch, probation officers, lawyers, academia, and others.

The *2020 Annual Report and Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and the Interactive Data Analyzer are available on the Commission's website at <https://www.usc.gov/research>.



Kenneth P. Cohen

*Staff Director*

James T. Strawley

*Deputy Staff Director*

Susan M. Brazel

*Director of Administration*

Kathleen C. Grilli

*General Counsel*

Glenn R. Schmitt

*Director of Research and Data*

Raquel K. Wilson

*Director of Education and Sentencing Practice*





---

# ANNUAL REPORT

---



# ANNUAL REPORT CONTENTS

---

Introduction	2
Agency Overview	2
Commissioners	2
Organization	3
Budget and Expenditures	4
Fiscal Year 2020 Activity Overview	4
Conducting Research	5
Collecting and Reporting Sentencing Data	6
Sentencing Policy Development	8
Training and Outreach	10
Summary	11

---

## Introduction

The United States Sentencing Commission (“the Commission”) was created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984. The Commission is an independent agency in the Judicial Branch of the federal government, with statutory duties that include:

- promulgating sentencing guidelines to be considered by sentencing judges in all federal criminal cases;
- collecting, analyzing, and reporting sentencing data systematically to detect new criminal trends, assess federal sentencing policies, and serve as a clearinghouse for federal sentencing statistics;
- conducting research on sentencing issues and serving as an information center for the collection, preparation, and dissemination of information on federal sentencing practices; and
- providing specialized training to judges, probation officers, staff attorneys, law clerks, prosecutors, defense attorneys, and other members of the federal criminal justice community on application of the federal sentencing guidelines and federal sentencing.

The Commission continually releases a substantial amount of new and informative sentencing data, research, and training materials. As a result, interest in the work of the Commission by sentencing courts, Congress, the Executive Branch, and the general public continues to increase. For example, in FY 2020, the Commission’s website received approximately 1.8 million hits and averaged approximately 37,000 visitors per month. For the second straight year, these numbers reflect an impressive increase in visitors (+26%), sessions (+20%), and pages viewed (+16%) from the previous fiscal year and demonstrate how the Commission disseminates information broadly, efficiently, and cost-effectively.

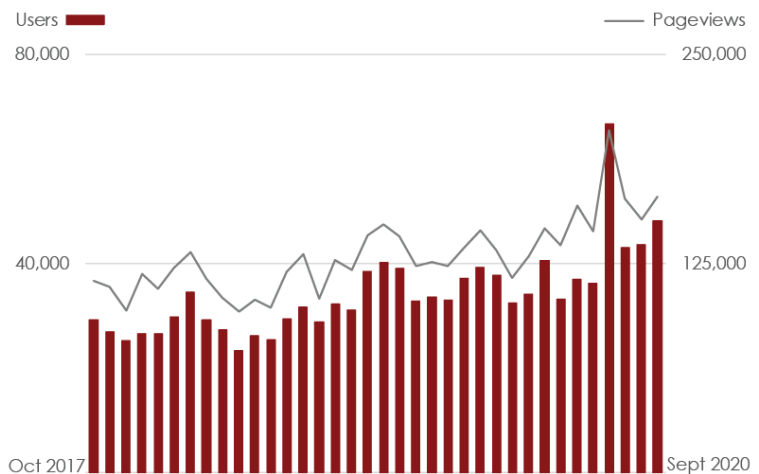
## Agency Overview

### Commissioners

The Commission consists of up to seven voting members appointed to staggered six-year terms by the President with the advice and consent of the Senate. By statute, at least three of the commissioners shall be federal judges, and no more than four may be members of the same political party. The Attorney General (or the Attorney General’s designee) and the Chairperson of the United States Parole Commission are *ex officio* members of the Commission.

Throughout much of FY 2020 and into FY 2021, the Commission operated with only two voting commissioners—Chief Judge Danny C. Reeves and Senior Judge Charles R. Breyer. Other commissioners include Patricia K. Cushwa (*ex officio*, U.S. Parole Commission) and Candice C. Wong (*ex officio*, U.S. Department of Justice). Judge Reeves’s term, however, has since expired at the conclusion of the 116th Congress. Although the Commission has lacked the minimum of four affirmative votes required by statute to promulgate amendments to the federal sentencing guidelines, the Commission’s other statutory duties are unaffected by the lack of four voting commissioners.

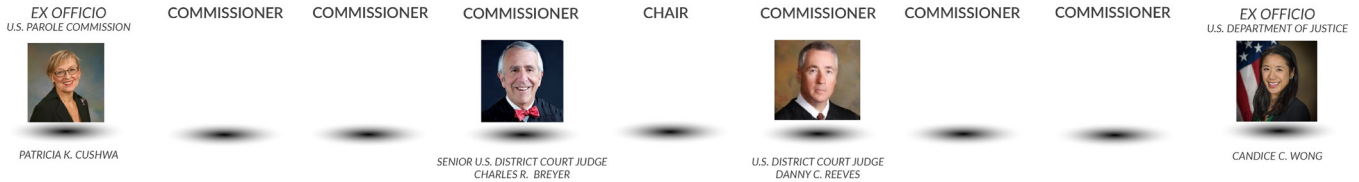
### Monthly External Website Traffic ([www.ussc.gov](http://www.ussc.gov))





## Commissioners

(Fiscal Year 2020)



## Organization



### Organization

In FY 2020, the Commission staff was divided into the Offices of the Staff Director, General Counsel, Education and Sentencing Practice, Research and Data, Legislative Affairs, and Administration and Technology.

#### The Office of the Staff Director

supervises and coordinates all agency functions. The director of each office outlined above reports to the staff director, who in turn reports to the Commission chair.

The **Office of General Counsel** supports the Commission on a variety of legal issues, including the formulation and application of the guidelines and guideline amendments, legislative proposals, and statutory interpretations. Legal staff monitor the district and circuit courts' application and interpretation of the guidelines and advise commissioners about statutes affecting the Commission's work. The legal staff also provides training support in conjunction with the Office of Education and Sentencing Practice.

In addition, the office performs all drafting services for the Commission, prepares the *Guidelines Manual* for printing, formally manages and maintains all papers and exhibits received by the Commission that constitute requests for Commission action on sentencing policy development, and coordinates the Commission's policy initiatives.

The **Office of Education and Sentencing Practice** performs the lead role in teaching guideline application to judges, probation officers, prosecuting and defense attorneys, and other criminal justice professionals. The staff develops training materials, participates in the sentencing guideline segments of training programs sponsored by other agencies, works in conjunction with the Administrative Office of the U.S. Courts and the Federal Judicial Center to create webcasts that are aired on the Commission's website, and helps inform the Commission about current guideline application practices. The office also operates the *HelpLine* to respond to guideline application questions from guideline practitioners.

The **Office of Research and Data** provides statistical and other social science research and analyses on specific sentencing issues and federal crime. The office receives documents from the federal courts concerning the sentences imposed, analyzes and enters information from those documents into the Commission's comprehensive computer database, and creates annual datafiles of sentencing information. Individual offender datafiles (without individual identifiers) from FY 2002 to the present are available on the Commission's website. Working with the Office of the General Counsel, the Office of Research and Data also collects information on organizations convicted of crimes and on appeals filed in individual and organizational cases.

The office studies a variety of sentencing issues, including changes in the types and severity of federal crimes, changes in the demographic characteristics and criminal history of federal offenders, and sentencing trends in the federal courts. The office creates periodic reports on federal sentencing practices and tracks the application of the sentencing guidelines. These reports provide data concerning the types of crimes committed, the offenders who commit those crimes, and how courts sentence offenders and use the guidelines. The office also provides projections of the impact on the federal prison population of proposed legislation and proposed guideline amendments. The reports are distributed to the courts, Congress, the Executive Branch, and the public.

The **Office of Legislative Affairs** serves as the Commission's liaison with Congress on sentencing matters, monitors Congress's criminal law agenda and hearings, analyzes legislative proposals, and takes the lead role in responding to congressional inquiries, including specific requests for federal sentencing data. The office also provides services and information to other external entities, including the judiciary, Executive Branch agencies, academia, and advocacy groups. The office works closely with the Office of General Counsel on analyses of proposed and recently enacted legislation.

The **Office of Administration and Technology** provides general support to commissioners and staff regarding budget and finance, contracting, human resources, facilities, and a variety of other office activities. This office also contains two technology-related units: the Information Technology unit and the Information Systems unit. Together, these two units provide the Commission the technological support necessary to operate its computer networks, remote capabilities, cybersecurity, website, records management, and its extensive information systems applications.

## Budget and Expenditures

For FY 2020, the Commission received an annual appropriation of \$19,670,000 to continue to fulfill statutory duties envisioned by the Sentencing Reform Act of 1984. The Commission did not request program increases for FY 2021. The Commission continues to maximize its existing resources by prioritizing cost-containment and efficiency.

## FY 2020 Activity Overview

In FY 2020, the Commission took a leading role in providing data and analysis relating to the fairness and effectiveness of sentencing and improving recidivism outcomes, with the goal of using federal resources efficiently and appropriately. The subsequent sections of this report demonstrate the Commission's commitment to these principles and to meeting its statutory requirements:

- **Conducting Research**
- **Collecting and Reporting Sentencing Data**
- **Sentencing Policy Development**
- **Training and Outreach**

While COVID-19 has had a significant impact on work processes, the Commission's sustained strategic investment in technology, automation, and cybersecurity enabled it to quickly pivot and maintain continuity of operations by maximizing telework while protecting personal identifying information contained in confidential sentencing documents. Consistent with the priorities of the Judicial Branch and in coordination with the Administrative Office of the United States Courts, the Commission continually audits and updates its cybersecurity measures and expands its technological capacity and must continue investing in these areas to remain current and secure.

With these investments, even with the challenges presented by COVID-19, the Commission has been able to meet the growing demand for Commission work products, information, and services, as evidenced by an impressive increase of over 20 percent in the Commission's website traffic for the second year in a row. This increase is driven in significant part by innovations such as the *Interactive Data Analyzer* and mobile *Guidelines App* that have made the Commission's guidelines, data, and information more accessible and easily used by Congress, judges, litigants, researchers, and members of the general public. The Commission expects this heightened interest in, and use of, its reliable and timely sentencing data and information to extend through FY 2021 and beyond.



Research staff can answer general questions from the public about Commission data or datasets.

Contact [AskORD@ussc.gov](mailto:AskORD@ussc.gov).



**The Commission continues its recidivism research to help inform Congress and others on how best to protect public safety while targeting scarce prison resources on the most dangerous offenders.**

### Conducting Research

Research is a critical part of the Commission's mission. The Commission regularly analyzes data to monitor how courts sentence offenders and use the guidelines, and the agency routinely uses these analyses to inform its proposed changes to the guidelines. The Commission publishes many of its analyses as a resource for Congress and the criminal justice community.

In recent years, the Commission has focused on recidivism research to help inform Congress and others on how best to protect public safety while targeting scarce prison resources on the most dangerous offenders. In FY 2020, the Commission released the last in a series of reports that examined in great detail the 25,431 U.S. citizen federal offenders released from prison or placed on probation in 2005 and studied their recidivism over an eight-year follow-up period. The last report in the series, *Length of Incarceration and Recidivism*, (April 2020) found that offenders incarcerated longer than 120 months were 30 to 45 percent less likely to recidivate than a comparable group who received shorter sentences. At the other end of the spectrum, however, the study could not find sufficiently reliable evidence to conclude that shorter incarceration lengths of 12 to 24 months have either a criminogenic or deterrent effect.

In FY 2020, the Commission released a study on the impact of the retroactive application of the Commission's 2014 "Drugs Minus Two" amendment on recidivism. The





## Fiscal Year 2020 Data Highlights

The courts submitted approximately 300,000 documents reporting **64,565 felony and Class A misdemeanor cases** to the Commission. This represents a **decrease of 11,973 cases** from fiscal year 2019 and reflects the effect of the COVID-19 pandemic on the work of the courts.

The **race** of federal offenders remained **largely unchanged** from prior years. In fiscal year 2020, 58.1 percent of all offenders were Hispanic, 19.3 percent were White, 19.1 percent were Black, and 3.4 percent were of another race. Non-U.S. citizens accounted for 46.2 percent of all offenders, an increase of 1.6 percentage points from the prior year.

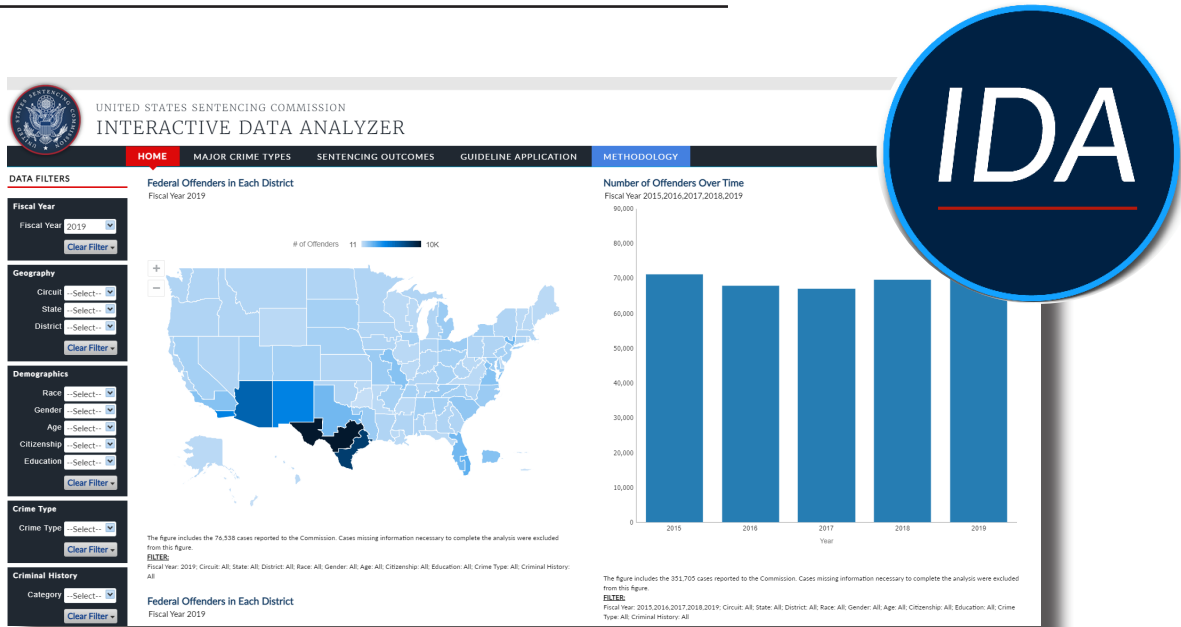
**Immigration cases** accounted for the **largest single group of offenses** in fiscal year 2020, comprising 41.1 percent of all reported cases, an increase from the 38.4 percent of the cases reported in the prior year. Cases involving **drugs, firearms, and fraud** were the next most common types of offenses after immigration cases. Together these **four types of offenses** accounted for **86.4 percent of all cases** reported to the Commission in fiscal year 2020.

Among drug cases, offenses involving **methamphetamine** were **most common**, accounting for 45.7 percent of all drug cases.

The **average length of imprisonment** in **methamphetamine** cases was **unchanged** from fiscal year 2019 at 95 months. However, the **average sentence imposed decreased across the other major drug types**: in crack cocaine cases (from 78 to 74 months), powder cocaine cases (from 70 to 66 months), heroin cases (from 70 to 66 months), and marijuana cases (from 31 to 29 months).

**Two-thirds (66.9%) of drug offenders** were convicted of an offense carrying a **mandatory minimum** penalty, compared to 65.7 percent of drug offenders in fiscal year 2019.

**Almost three-quarters (73.7%) of all offenders received sentences under the Guidelines Manual**, in that the sentence was within the applicable guideline range or was outside the applicable guideline range and the court cited a departure reason from the *Guidelines Manual*. Half (50.4%) of all sentences were within the guideline range, compared to 51.4 percent in fiscal year 2019.



In June 2020, the Commission launched a new *Interactive Data Analyzer*. Using this tool, Congress, judges, litigants, the press, and the general public can now easily and independently analyze sentencing data by their state, district or circuit, and can refine their inquiry to data relating to the specific type of crime of interest. This new interactive tool utilizes the most current data visualization techniques and technology that will enable the Commission to easily add features and new data in years to come.

As required by 28 U.S.C. § 994(g) and 18 U.S.C. § 4047, the Commission considers the impact of guideline amendments on the federal prison population. Since FY 2012, the Commission has made its prison and sentencing impact analyses available to the public on its website. The Commission is also often asked by Congress to complete prison and sentencing impact assessments for proposed legislation. In addition, the Commission responds to more general data requests from Congress on issues such as drugs, immigration, fraud, firearms and sex offenses. It provides district, state-wide, and circuit data analyses to House and Senate Judiciary Committee members and, on an as-requested basis, to other members of Congress. The Commission also responds to requests for data analyses from federal judges, including specific data requests relating to pending cases.

## Sentencing Policy Development

Established by the Commission, the sentencing guidelines are core to the agency's mission.

They provide federal judges with fair and consistent sentencing ranges to consult at sentencing by:

- incorporating the purposes of sentencing (*i.e.*, just punishment, deterrence, incapacitation, and rehabilitation);
- providing certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting sufficient judicial flexibility to take into account relevant aggravating and mitigating factors; and
- reflecting, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

As noted earlier, throughout FY 2020, the Commission operated with only two voting commissioners—Chief Judge Danny C. Reeves and Senior Judge Charles R. Breyer. As a result, the Commission lacked the minimum

four affirmative votes required to promulgate amendments to the federal sentencing guidelines. The Commission, however, continued to work on several important policy priorities while it awaited appointment of new voting commissioners.

In order to inform a newly constituted Commission and to provide Congress and others a timely assessment of the First Step Act's impact, the Commission is already collecting, analyzing, and reporting data on implementation of the Act. In August 2020, the Commission released *The First Step Act of 2018: One Year of Implementation*, a comprehensive report analyzing the law's impact on the statutory safety valve, statutory enhancements under 21 U.S.C. § 851 for certain drug recidivists, stacking of 18 U.S.C. § 924(c) penalties, compassionate release, and retroactive application of the statutory reductions for crack cocaine offenses previously enacted in the Fair Sentencing Act of 2010.

Among the findings, drug offenders were more likely to receive the safety valve since the statutory criteria was expanded. One-fifth (19.2%) of safety valve recipients were eligible because of the new expanded statutory criteria. After one year, 2,387 crack cocaine offenders had their sentences reduced by retroactive application of the Fair Sentencing Act, and those numbers continued to rise in FY 2020. As of September 29, 2020, 3,613 crack cocaine offenders had their sentences retroactively reduced, and the reductions have been substantial, on average 71 months.

Courts also granted 145 motions for compassionate release during the first year after enactment of the First Step Act, a five-fold increase over 2018. Of the motions granted, about two-thirds were filed by the defendant, which was newly authorized by the Act. Since then, however, COVID-19 has had a substantial impact on compassionate release as the volume of motions has surged. The Commission is collecting data on how compassionate release is



## **The Commission is already collecting, analyzing, and reporting data on implementation of the First Step Act of 2018.**

being applied in light of both the First Step Act and the COVID-19 pandemic to inform Congress and the public, as well as its own policymaking.

The Commission will need to amend the *Guidelines Manual* to respond to the broadened eligibility criteria for the statutory safety valve set forth in 18 U.S.C. § 3553(f), which relieves certain drug trafficking defendants from otherwise applicable drug mandatory minimum penalties. The safety valve criteria are incorporated into the *Guidelines Manual* in two ways, in the drug trafficking guideline at §2D1.1 and the guideline instructing the court regarding the statutory safety valve at §5C1.2. Achieving the full sentencing impact contemplated by the First Step Act will require the Commission to amend both guideline provisions.

In FY 2019, the Commission adopted an amendment effectively raising the guideline penalties for fentanyl analogues by clarifying the guidelines to be more consistent with the relevant statutory provisions. While fentanyl and fentanyl analogue offenders remain a small portion of the overall federal drug trafficking caseload (5.8%), the number of fentanyl offenders and fentanyl analogue offenders has sharply increased over the last several years with no sign of abating. The Commission, therefore, continues to study this urgent problem as Congress considers legislation to stem the tide of fentanyl, fentanyl analogues, and opioid abuse. To that end, in January 2021, the Commission released *Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns*. The report notes that since FY 2015, the number of fentanyl offenders reported to the Commission more than doubled each fiscal year, resulting in a 3,592 percent increase, from 24 to

886 offenders. Additionally, since FY 2016, the number of fentanyl analogue offenders increased 5,725 percent, from four to 233 offenders. The report also discusses the harms associated with fentanyl and fentanyl analogues, which account for over three-quarters of all drug trafficking offenders sentenced where the offense of conviction established that death or serious bodily injury resulted from the substance's use.

One of the Commission's ongoing priorities has been to examine the overall structure and operation of the guidelines post-*United States v. Booker*, the Supreme Court decision that rendered the guidelines advisory. In FY 2018, the Commission reported persistent demographic disparities in sentencing (*Demographic Differences in Sentencing: An Update to the 2012 Booker Report* (November 2017)). In FY 2019, the Commission reported increasing sentencing disparities among federal judges who sit within the same courthouses in 30 major cities across the country (*Intra-City Differences in Federal Sentencing Practices* (January 2019)). And in FY 2020, the Commission reported increasing geographical disparities in sentencing across the 94 federal judicial districts (*Inter-District Differences in Federal Sentencing Practices* (January 2020)).

In FY 2021, the Commission issued another report in this series examining the influence of the guideline range on average sentences imposed (*The Influence of the Guidelines on Federal Sentencing* (December 2020)). Using sentencing data collected from 2005 to 2017, the analysis compares the average guideline minimum with the average sentence imposed under all guidelines in the aggregate and six individual guidelines across three time periods. This important report found several overarching trends indicating that, while varying substantially depending on the type of offense, the guidelines generally continue to have a substantial impact on sentences imposed after *Booker*. The Commission expects to update and keep current the information contained in these reports in FY 2022 and beyond to inform Congress and the public, as well as its own policymaking.

## Training and Outreach

The Commission continues to provide specialized seminars, workshops, and training programs for judges, probation officers, law clerks, prosecutors and defense attorneys on application of the guidelines and federal sentencing generally. In FY 2019 and 2020, the Commission trained judges, attorneys, probation officers, and law clerks from nearly all 94 federal districts.

In FY 2020, the COVID-19 pandemic forced the Commission to suspend all in-person training and seminars. However, the Commission's ongoing investments in eLearning allowed its training efforts to continue unabated. For several years the Commission has been leveraging distance and online learning to expand the reach of its training and contain costs. When in-person training was cancelled, the Commission quickly pivoted to several remote learning platforms that allowed it to train groups even larger than ordinarily possible with in-person training. More than 1,500 individuals attended the Commission's virtual trainings during FY 2020.

In FY 2020, the Commission also updated and expanded its eLearning library of courses, including "Federal Sentencing: The Basics," its most frequently accessed online course, as well as foundational courses on relevant conduct, the cornerstone of the guidelines, and two courses on determining criminal history. More than 3,100 individuals accessed one of the Commission's eLearning courses during FY 2020.

In FY 2020, the Commission launched an interactive quarterly newsletter as another means of providing sentencing training. These updates contain guideline application pointers, case law updates, and answers to frequently asked questions. More than 1,000 individuals accessed these newsletters.

In addition, the Commission maintains a *HelpLine* that responds to dozens of questions each week from judges, practitioners, and probation officers regarding proper guideline application.





**In FY 2020, the COVID-19 pandemic forced the Commission to suspend all in-person training and seminars. However, the Commission's ongoing investments in eLearning allowed its training efforts to continue unabated.**

In FY 2021 and 2022, the Commission plans to continue expanding its eLearning library and remote learning opportunities, while standing ready to resume in-person training offerings when conditions permit.

## Summary

The United States Sentencing Commission continues to fulfill its statutory responsibilities, including evaluating the fairness and effectiveness of the sentencing guidelines, advising Congress on federal sentencing policy, and serving as a clearinghouse of timely sentencing research and data. Furthermore, the Commission is committed to providing this current data and guidance to federal judges through training and online information resources.

The Commission's efforts are calibrated to protect public safety and provide that the statutory purposes of sentencing are achieved. The Commission will continue these efforts going forward and is prioritizing ways to make the guidelines work better, thus promoting efficiency and effectiveness and reducing unnecessary litigation.

## Training Resources

### eLearning Courses



The Commission offers self-guided eLearning modules.

Visit <https://www.ussc.gov/product-type/elearning>.

### HelpLine



The HelpLine assists practitioners in applying the guidelines.

Contact: (202) 502-4545

Hours: 8:30 a.m.- 5:00 p.m. (ET)  
Monday – Friday

### Virtual Training



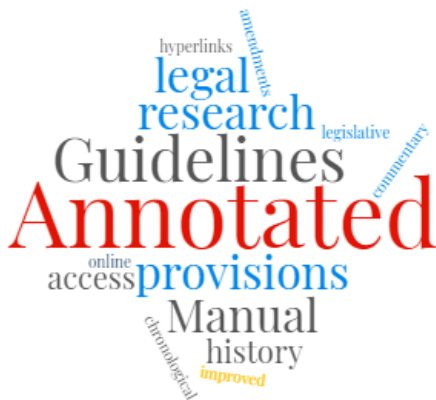
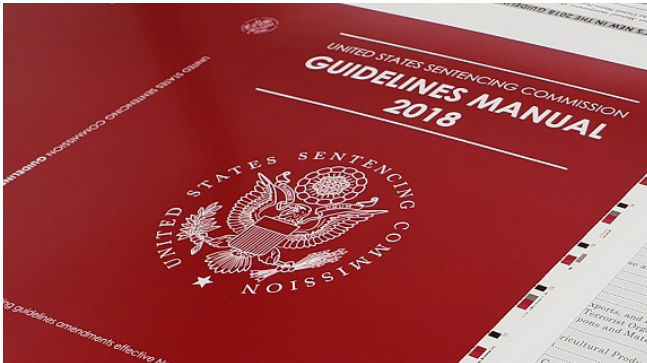
We conduct remote training sessions via video conferencing technology.

Our virtual sessions are interactive and tailored to fit your training needs.

Email [Training@ussc.gov](mailto:Training@ussc.gov) to arrange a remote training session.

## Additional Resources

### Accessing the Guidelines Manual




## PRINTED

*Guidelines Manuals* are distributed free-of-charge by the Administrative Office of the U.S. Courts and U.S. Department of Justice to federal judges, prosecutors, defenders, and probation officers. If you have questions about how to obtain a copy, please feel free to contact the Public Affairs team at [PubAffairs@ussc.gov](mailto:PubAffairs@ussc.gov).

*Guidelines Manuals* are also publicly available for purchase through the Government Publishing Office's U.S. Government Bookstore.

## ANNOTATED

The *Guidelines Manual Annotated* is an online HTML version of the *Guidelines Manual* that provides quick access to the history of specific guideline and commentary provisions. Use the  icon next to a provision to access a list of related amendments. The list is arranged in chronological order and provides hyperlinks to the full text of the amendments.

## GUIDELINES APP

The Guidelines App is a web-based app that provides easy access to the full contents of the *Guidelines Manual* on mobile devices, or desktop and laptop computers. Features include:

- quick-search by guideline, amendment, statute, or keyword;
- calculate drug equivalencies and ranges;
- bookmark, highlight text, and take notes; and
- easily share text of the manual.

## Contact Us



@TheUSSCGov



[www.usc.gov](http://www.usc.gov)



United States Sentencing Commission



[PubAffairs@usc.gov](mailto:PubAffairs@usc.gov)





---

# **SOURCEBOOK OF FEDERAL SENTENCING STATISTICS**

---



# SOURCEBOOK CONTENTS

---

Introduction	27
<hr/>	
Individual Offender Sentencing Data	
Circuit and District Statistics	33
Primary Offense and Offender Characteristics	41
Sentencing Information	55
Guideline Application	69
Sentences Under the Guidelines Manual and Variances	83
<hr/>	
Federal Offenders by Type of Crime	
Drug Offenses	107
Immigration Offenses	127
Firearms Offenses	139
Economic Offenses	151
<hr/>	
Organizational Offender Sentencing Data	163
<hr/>	
Sentencing Appeals	175
<hr/>	
Resentencings and Other Modifications of Sentence	191
<hr/>	
<i>Appendix A</i>	<i>197</i>
<hr/>	
<i>Descriptions of Datafiles and Variables</i>	
<hr/>	
<i>Appendix B</i>	<i>217</i>

*Selected National Sentencing Statistics*

*Selected Sentencing Statistics by District are available at:  
<https://www.ussc.gov/research/sourcebook-2020>*

---





# SOURCEBOOK

## FIGURES AND TABLES

### Circuit and District Statistics

<i>Figures</i>		<i>Page</i>
1	Federal Offenders in Each District	34
<i>Tables</i>		
1	Federal Offenders in Each Circuit and District	35
2	Document Submission by Each Circuit and District	37

### Primary Offense and Offender Characteristics

<i>Figures</i>		<i>Page</i>
2	Federal Offenders by Type of Crime	45
3	Number of Federal Offenders Over Time	47
4	Non-Citizen Status of Federal Offenders by Type of Crime	53
<i>Tables</i>		
3	Conviction Type in Each Circuit and District	42
4	Change in Number of Federal Offenders by Type of Crime	46
5	Race of Federal Offenders by Type of Crime	48
6	Gender of Federal Offenders by Type of Crime	49
7	Age of Federal Offenders by Type of Crime	50
8	Age, Race, and Gender of Federal Offenders	51
9	Citizenship of Federal Offenders by Type of Crime	52
10	Education of Federal Offenders by Type of Crime	54

## Sentencing Information

<i>Figures</i>		<i>Page</i>
5	Guilty Pleas and Trials by Type of Crime	60
6	Sentence Type for Federal Offenders	61
<i>Tables</i>		
11	Guilty Pleas and Trials in Each Circuit and District	56
12	Guilty Pleas and Trials by Type of Crime	59
13	Sentence Type by Type of Crime	62
14	Sentence Type by Citizenship and Sentencing Zone	63
15	Sentence Imposed by Type of Crime	64
16	Fine and Restitution by Type of Crime	65
17	Amount of Fine and Restitution Ordered by Type of Crime	66
18	Supervised Release by Type of Crime	67
19	Rate of Non-Prison Sentences for U.S. Citizen Offenders	68

## Guideline Application

<i>Figures</i>		<i>Page</i>
7	Criminal History Category of Federal Offenders	75
<i>Tables</i>		
20	Federal Offenders Sentenced Under Each Chapter Two Guideline	70
21	Federal Offenders Receiving Chapter Three Guideline Adjustments	72
22	Acceptance of Responsibility Reductions by Type of Crime	74
23	Criminal History Points of Federal Offenders	76
24	Federal Offenders in Each Offense Level and Criminal History Category	78
25	Federal Offenders in Each Guideline Sentencing Range	79
26	Number of Career Offenders and Armed Career Criminals by Type of Crime	80
27	Sentence Length in Each Criminal History Category by Type of Crime	81
28	Length of Imprisonment by Criminal History Category and Type of Crime	82

---

**Sentences Under the Guidelines Manual and Variances**

<i>Figures</i>		<i>Page</i>
8	Sentences Under the Guidelines Manual and Variances Over Time	85
9	Sentence Imposed Relative to the Guideline Range Over Time	86
<i>Tables</i>		
29	Sentence Imposed Relative to the Guideline Range	84
30	Sentence Imposed Relative to the Guideline Range in Each Circuit and District	87
31	Sentence Imposed Relative to the Guideline Range by Type of Crime	90
32	Sentence Imposed Relative to the Guideline Range by Primary Sentencing Guideline	91
33	Attribution Category for Sentences Outside of the Guideline Range	93
34	Position of Within Guideline Range Sentences by Type of Crime	95
35	Extent of Upward Departures by Type of Crime	96
36	Extent of Upward Variances by Type of Crime	97
37	Extent of §5K1.1 Substantial Assistance Departures by Type of Crime	98
38	Extent of §5K3.1 Early Disposition Program Departures by Type of Crime	99
39	Extent of Other Downward Departures by Type of Crime	100
40	Extent of Downward Variances by Type of Crime	101
41	Reasons Given by Sentencing Courts for Upward Departures from the Guideline Range	102
42	Reasons Given by Sentencing Courts for Upward Variances from the Guideline Range	103
43	Reasons Given by Sentencing Courts for Downward Departures from the Guideline Range	104
44	Reasons Given by Sentencing Courts for Downward Variances from the Guideline Range	105

## Drug Offenses

### *Figures*

		<i>Page</i>
D-1	Distribution of Primary Drug Type in Federal Drug Cases	108
D-2	Mandatory Minimums Penalties in Drug Trafficking Cases	122
D-3	Sentence Length of Drug Trafficking Offenders by Major Drug Type	124
D-4	Number of Drug Trafficking Offenders by Major Drug Type Over Time	125
D-5	Sentence Length of Drug Trafficking Offenders by Major Drug Type Over Time	126

### *Tables*

D-1	Primary Drug Type of Drug Trafficking Offenders	109
D-2	Race of Drug Trafficking Offenders	110
D-3	Gender of Drug Trafficking Offenders	111
D-4	Age of Drug Trafficking Offenders	112
D-5	Citizenship of Drug Trafficking Offenders	113
D-6	Education of Drug Trafficking Offenders	114
D-7	Criminal History Category of Drug Trafficking Offenders	115
D-8	Weapon Involvement of Drug Trafficking Offenders	116
D-9	Role Adjustment of Drug Trafficking Offenders	117
D-10	Drug Amounts (in Grams) for Selected Base Offense Levels and Drug Types	118
D-11	Length of Mandatory Minimum Penalties in Drug Trafficking Cases	119
D-12	Application of Recidivist Penalties in Drug Trafficking Cases	120
D-13	Drug Trafficking Offenders Receiving Safety Valve and Mandatory Minimums Penalties	121
D-14	Sentence Imposed Relative to the Guideline Range for Drug Trafficking Offenders	123

## Immigration Offenses

<i>Figures</i>		<i>Page</i>
I-1	Distribution of Immigration Offenders by Guideline	128
I-2	Number of Immigration Offenders Over Time	136
I-3	Sentence Length of Immigration Offenders Over Time	137
<i>Tables</i>		
I-1	Race of Immigration Offenders	129
I-2	Gender of Immigration Offenders	130
I-3	Age of Immigration Offenders	131
I-4	Citizenship of Immigration Offenders	132
I-5	Criminal History Category and Citizenship of Immigration Offenders	133
I-6	Education of Immigration Offenders	134
I-7	Sentence Imposed Relative to the Guideline Range for Immigration Offenders	135

## Firearms Offenses

<i>Figures</i>		<i>Page</i>
F-1	Distribution of Firearms Offenders by Guideline	140
F-2	Firearm Mandatory Minimum Penalties	146
F-3	Convictions Under 18 U.S.C. § 924(c)	147
F-4	Number of Firearms Offenders Over Time	149
F-5	Sentence Length of Firearms Offenders Over Time	150
<i>Tables</i>		
F-1	Race of Firearms Offenders	141
F-2	Gender of Firearms Offenders	142
F-3	Age of Firearms Offenders	143
F-4	Citizenship of Firearms Offenders	144
F-5	Education of Firearms Offenders	145
F-6	Sentence Imposed Relative to the Guideline Range for Firearms Offenders	148

## Economic Offenses

<i>Figures</i>		<i>Page</i>
E-1	Distribution of Economic Offense Offenders by Guideline	152
E-2	Number of Offenders in Each §2B1.1 Loss Table Category	160
E-3	Number of Economic Offense Offenders Over Time	161
E-4	Sentence Length of Economic Offense Offenders Over Time	162
<i>Tables</i>		
E-1	Race of Economic Offense Offenders	153
E-2	Gender of Economic Offense Offenders	154
E-3	Age of Economic Offense Offenders	155
E-4	Citizenship of Economic Offense Offenders	156
E-5	Education of Economic Offense Offenders	157
E-6	Loss Amount of Economic Offense Offenders	158
E-7	Sentence Imposed Relative to the Guideline Range for Economic Offense Offenders	159

## Organizational Offender Sentencing Data

<i>Figures</i>		<i>Page</i>
O-1	Organizational Offenders by Type of Crime	164
O-2	Number of Organizational Offenders Over Time	165
O-3	Organizational Offenders by Ownership Structure	166
O-4	Organizational Offenders by Type of Business	167
O-5	Size of Organizational Offenders by Number of Employees	168
O-6	Application of Chapter Eight Fine Guidelines	171
O-7	Culpability Factors Applied to Determine Fines Imposed on Organizational Offenders	173
<i>Tables</i>		
O-1	Fine and Restitution for Organizational Offenders by Type of Crime	169
O-2	Amount of Fine and Restitution Ordered for Organizational Offenders by Type of Crime	170
O-3	Chapter Eight Sentencing Components for Organizational Offenders	172
O-4	Culpability Factors for Organizational Offenders	174

## Sentencing Appeals

<i>Figures</i>		<i>Page</i>
A	Type and Disposition of Appeals Cases	176
<i>Tables</i>		
A-1	Type of Appeal in Each Circuit and District	177
A-2	Disposition of Offender Original Sentencing Appeals in Each Circuit and District	180
A-3	Disposition of Government Original Sentencing Appeals in Each Circuit and District	183
A-4	Guideline Forming the Basis for Reversal or Remand in Offender Appeals of the Original Sentence	186
A-5	Guideline Forming the Basis for Reversal or Remand in Government Appeals of the Original Sentence	187
A-6	Reasonableness Issues Appealed in Cases Where the Original Sentence Was Reversed or Remanded	188
A-7	Offense and Offender Characteristics in Original Sentence Appeals Cases	189
A-8	Sentence Length for Offenders in Original Sentence Appeals Cases by Type of Crime	190

## Resentencings and Other Modifications of Sentence

<i>Figures</i>		<i>Page</i>
R	Distribution of Offenders by Type of Resentencing or Other Modification of Sentence	192
<i>Tables</i>		
R	Type of Resentencing or Other Modification of Sentence in Each Circuit and District	193





# INTRODUCTION

---

## Introduction to the Sourcebook of Federal Sentencing Statistics

This is the twenty-fifth edition of the United States Sentencing Commission's *Sourcebook of Federal Sentencing Statistics*. This *Sourcebook* contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. **The volume covers fiscal year 2020 (October 1, 2019, through September 30, 2020, hereinafter "2020").** This *Sourcebook*, together with the *2020 Annual Report*, constitutes the annual report referenced in 28 U.S.C. § 997, as well as the analysis, recommendations, and accounting to Congress referenced in 28 U.S.C. § 994(w)(3). The Commission received documentation on 64,565 federal felony and Class A misdemeanor cases involving individual offenders in fiscal year 2020.<sup>1</sup> The Commission coded and edited information from the sentencing documents in these cases into its comprehensive, computerized data collection system.

The Commission first released sentencing data in its 1988 *Annual Report* and reported this data annually until 1996. That year, the Commission compiled sentencing data into a new publication, the *Sourcebook of Federal Sentencing Statistics*. In 2019, the *Sourcebook* edition reporting fiscal year 2018 data was substantially revised and expanded. Existing tables were revised to reflect current sentencing practices. Many figures were updated to make them easier to understand and were presented in color while others were removed and the data on them presented in new ways. Additional analyses regarding drug and immigration crimes were added, and new sections on firearms and economic offenses were included. Trend analyses were added to each of the major sections to show how sentencing patterns had changed over the last ten years. The Organizational Offender section of the *Sourcebook* was also expanded. Finally, Appendix B, which provides sentencing data for each judicial district, was completely redesigned to reflect current sentencing practices.

Beginning with that 2018 *Sourcebook*, important methodological changes were made in the way the data was presented. Principal among them was the way cases were assigned to a "type of crime" (previously called offense type). Beginning with fiscal year 2018 data, the guideline (or guidelines) that the court applied in determining the sentence determines the crime type category to which a case is assigned. Also, the names of some of the crime type categories were revised and some outdated categories were removed from the tables and figures. Another important methodological change was that sentences were capped at 470 months for all analyses. Additionally, cases involving the production of child pornography were reassigned to the sexual abuse crime type. Previously, these cases were assigned to the child pornography offense type in the *Sourcebook*.

Finally, beginning with the 2018 *Sourcebook*, the methodology used to analyze the sentence imposed relative to the sentencing range for the case as determined under the Commission's *Guidelines Manual* was substantially revised. Sentences now are 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 cited one or more of the departure reasons in the *Guidelines Manual* as a basis for the sentence. Variance cases are those in which 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.

Because of these methodological changes, direct comparisons between data for *Sourcebooks* from fiscal year 2018 and later years cannot always be made to data reported in the *Sourcebook* for years before fiscal year 2018.

## Background

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>2</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.

Data from these documents are extracted and coded for input into various databases. It should be noted that data collection is a dynamic rather than a static process. When research questions arise, the Commission analyzes its existing data or, when necessary, adds information to its data collection system.

In 2012, the Commission began making its datafiles available through the Commission's website.<sup>3</sup> The Commission's computerized datafiles, without individual identifiers, are also available through the Inter-University Consortium for Political and Social Research at the University of Michigan (ICPSR).<sup>4</sup>

## Datafiles

For each case in its Offender Datafile, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information. In addition to its standard data collection, the Commission often codes additional variables to study various distinct issues (e.g., type of conduct in fraud offenses, criminal history).

The Commission's 2020 Offender Datafile contains documentation on 64,565 felony and Class A misdemeanor cases in which an individual offender was sentenced between October 1, 2019, and September 30, 2020. A "case" is defined as one sentencing event for an individual offender.

The Organizational Datafile contains documentation on organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in 2020. The Commission collects available data on organizational structure, size, and economic viability; offense of conviction; mode of adjudication; sanctions imposed (including probation and court-ordered compliance and ethics programs); and application of the sentencing guidelines. The Commission received information on 94 organizations sentenced pursuant to Chapter Eight of the *Guidelines Manual* in fiscal year 2020.

While the 2020 reporting year includes cases sentenced between October 1, 2019, and September 30, 2020, it is important to note that the individual offender and organizational data collected and analyzed in the 2020 *Annual Report* and the 2020 *Sourcebook of Federal Sentencing Statistics* reflect cases for that fiscal year reported to the Commission (i.e., guidelines cases for which the courts forwarded appropriate documentation to the Commission) by February 18, 2021.

The Appeals Datafile tracks appellate review of sentencing decisions. Information captured in this module includes district, circuit, date of opinion, sentencing issues, and the appellate court's disposition. The Commission also tracks final opinions and orders, both published and unpublished, in federal criminal appeals. In 2020, the Commission gathered information on 6,916 cases decided by the courts of appeal. Cases involving co-appellants are treated as separate appeals for statistical purposes.

The Commission implemented a data collection system to track resentencings and other modifications of sentence in 2008. The information collected includes judicial district, reason for resentencing, new sentence, and guideline application information, if available. Information is collected on eight types of resentencings and other modifications of sentence. In 2020, the Commission received documentation on 5,756 resentencings and other modifications of sentence.

The 2020 *Annual Report* and the 2020 *Sourcebook of Federal Sentencing Statistics*, quarterly updates to federal sentencing data, and analyses of annual data in each federal judicial district, circuit, and state are available on the Commission's website at <https://www.ussc.gov/research>.

## Endnotes

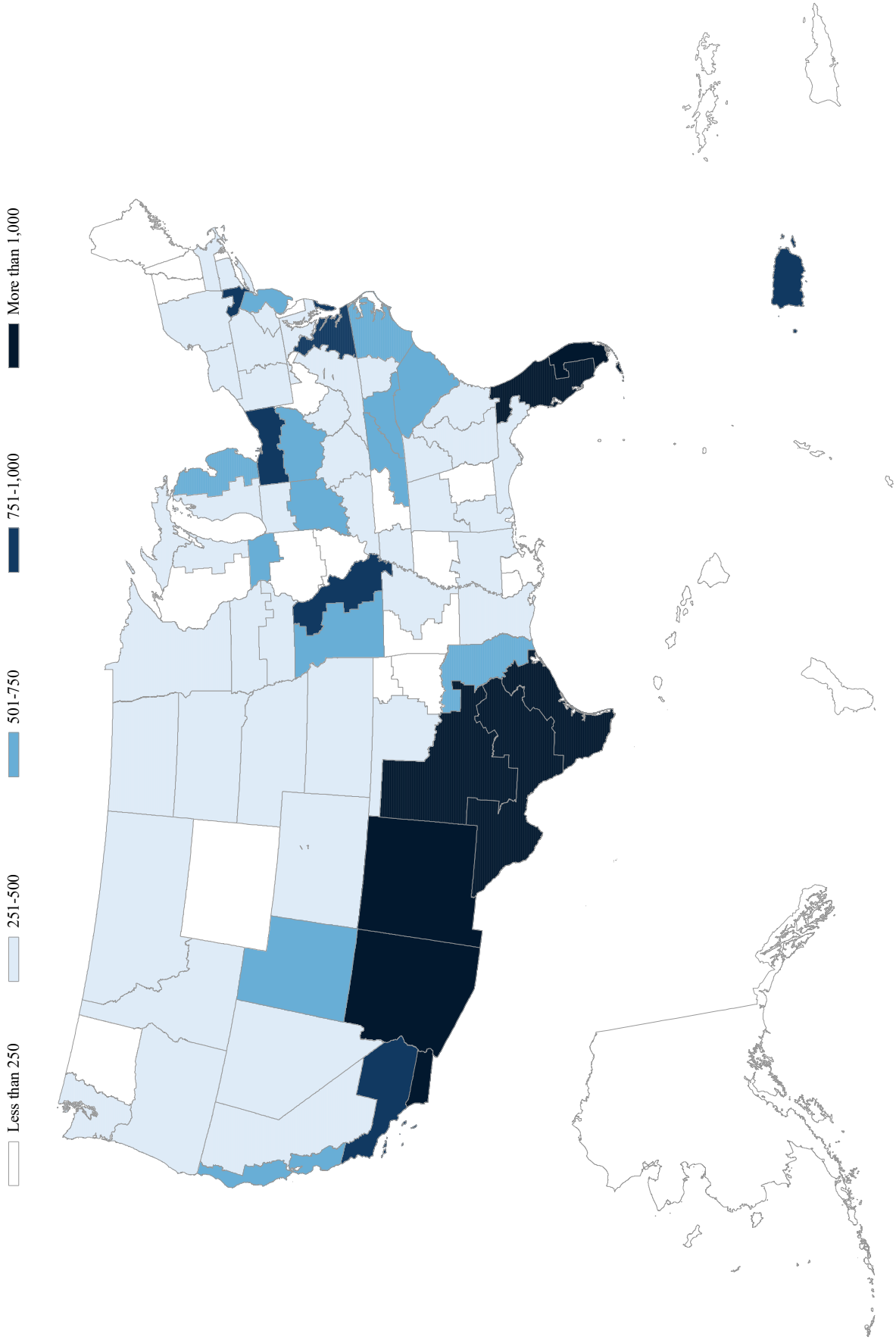
- 1 28 U.S.C. § 994(w); USSG §1B1.9.
- 2 28 U.S.C. §§ 995(a)(12) and (14) – (16).
- 3 The Commission’s datafiles can be found at <https://www.ussc.gov/research/datafiles/commission-datafiles>.
- 4 The Consortium’s website address is <http://www.icpsr.umich.edu/icpsrweb/index.jsp>.



# CIRCUIT AND DISTRICT STATISTICS

---

**Figure 1**  
**FEDERAL OFFENDERS IN EACH DISTRICT**  
**Fiscal Year 2020**



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



Table 1

**FEDERAL OFFENDERS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2020**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
District	N	%	District	N	%
<b>TOTAL</b>	<b>64,565</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>272</b>	<b>0.4</b>	<b>FIFTH CIRCUIT</b>	<b>20,229</b>	<b>31.3</b>
District of Columbia	272	0.4	Louisiana		
<b>FIRST CIRCUIT</b>	<b>1,727</b>	<b>2.7</b>	Eastern	184	0.3
Maine	118	0.2	Middle	123	0.2
Massachusetts	387	0.6	Western	292	0.5
New Hampshire	200	0.3	Mississippi		
Puerto Rico	922	1.4	Northern	136	0.2
Rhode Island	100	0.2	Southern	386	0.6
<b>SECOND CIRCUIT</b>	<b>2,449</b>	<b>3.8</b>	Texas		
Connecticut	353	0.5	Eastern	698	1.1
New York			Northern	1,380	2.1
Eastern	360	0.6	Southern	8,538	13.2
Northern	305	0.5	Western	8,492	13.2
Southern	926	1.4	<b>SIXTH CIRCUIT</b>	<b>4,152</b>	<b>6.4</b>
Western	350	0.5	Kentucky		
Vermont	155	0.2	Eastern	431	0.7
<b>THIRD CIRCUIT</b>	<b>1,931</b>	<b>3.0</b>	Western	347	0.5
Delaware	89	0.1	Michigan		
New Jersey	595	0.9	Eastern	533	0.8
Pennsylvania			Western	320	0.5
Eastern	493	0.8	Ohio		
Middle	360	0.6	Northern	787	1.2
Western	357	0.6	Southern	552	0.9
Virgin Islands	37	0.1	Tennessee		
<b>FOURTH CIRCUIT</b>	<b>4,266</b>	<b>6.6</b>	Eastern	605	0.9
Maryland	469	0.7	Middle	235	0.4
North Carolina			Western	342	0.5
Eastern	708	1.1	<b>SEVENTH CIRCUIT</b>	<b>2,270</b>	<b>3.5</b>
Middle	404	0.6	Illinois		
Western	513	0.8	Central	227	0.4
South Carolina	575	0.9	Northern	540	0.8
Virginia			Southern	234	0.4
Eastern	813	1.3	Indiana		
Western	287	0.4	Northern	316	0.5
West Virginia			Southern	537	0.8
Northern	235	0.4	Wisconsin		
Southern	262	0.4	Eastern	265	0.4
			Western	151	0.2

Table 1 (cont.)

CIRCUIT			CIRCUIT		
District	N	%	District	N	%
<b>EIGHTH CIRCUIT</b>	<b>4,694</b>	<b>7.3</b>	<b>TENTH CIRCUIT</b>	<b>5,566</b>	<b>8.6</b>
Arkansas			Colorado	400	0.6
Eastern	474	0.7	Kansas	311	0.5
Western	247	0.4	New Mexico	3,192	4.9
Iowa			Oklahoma		
Northern	365	0.6	Eastern	105	0.2
Southern	421	0.7	Northern	240	0.4
Minnesota	334	0.5	Western	473	0.7
Missouri			Utah	685	1.1
Eastern	925	1.4	Wyoming	160	0.2
Western	697	1.1			
Nebraska	482	0.7	<b>ELEVENTH CIRCUIT</b>	<b>4,970</b>	<b>7.7</b>
North Dakota	252	0.4	Alabama		
South Dakota	497	0.8	Middle	140	0.2
			Northern	453	0.7
<b>NINTH CIRCUIT</b>	<b>12,039</b>	<b>18.6</b>	Southern	301	0.5
Alaska	108	0.2	Florida		
Arizona	4,566	7.1	Middle	1,222	1.9
California			Northern	275	0.4
Central	918	1.4	Southern	1,326	2.1
Eastern	408	0.6	Georgia		
Northern	557	0.9	Middle	355	0.5
Southern	3,499	5.4	Northern	490	0.8
Guam	42	0.1	Southern	408	0.6
Hawaii	124	0.2			
Idaho	321	0.5			
Montana	324	0.5			
Nevada	293	0.5			
Northern Mariana Islands	10	0.0			
Oregon	362	0.6			
Washington					
Eastern	238	0.4			
Western	269	0.4			

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

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

Table 2

**DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2020**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>TOTAL</b>	<b>64,565</b>	<b>297,704</b>	<b>64,565</b>	<b>64,274</b>	<b>43,855</b>	<b>20,627</b>	<b>64,558</b>	<b>60,452</b>	<b>4,105</b>
<b>D.C. CIRCUIT</b>	<b>272</b>	<b>1,312</b>	<b>272</b>	<b>272</b>	<b>240</b>	<b>30</b>	<b>271</b>	<b>257</b>	<b>15</b>
District of Columbia	272	1,312	272	272	240	30	271	257	15
<b>FIRST CIRCUIT</b>	<b>1,727</b>	<b>8,008</b>	<b>1,727</b>	<b>1,726</b>	<b>1,163</b>	<b>563</b>	<b>1,726</b>	<b>1,666</b>	<b>61</b>
Maine	118	530	118	118	62	56	118	114	4
Massachusetts	387	1,715	387	387	179	208	387	375	12
New Hampshire	200	990	200	200	193	7	200	197	3
Puerto Rico	922	4,296	922	921	652	269	921	880	42
Rhode Island	100	477	100	100	77	23	100	100	0
<b>SECOND CIRCUIT</b>	<b>2,449</b>	<b>11,637</b>	<b>2,449</b>	<b>2,440</b>	<b>1,923</b>	<b>524</b>	<b>2,449</b>	<b>2,376</b>	<b>73</b>
Connecticut	353	1,740	353	353	329	24	353	352	1
New York									
Eastern	360	1,741	360	360	301	59	360	360	0
Northern	305	1,345	305	296	184	120	305	255	50
Southern	926	4,309	926	926	622	303	926	909	17
Western	350	1,735	350	350	336	14	350	349	1
Vermont	155	767	155	155	151	4	155	151	4
<b>THIRD CIRCUIT</b>	<b>1,931</b>	<b>9,170</b>	<b>1,931</b>	<b>1,919</b>	<b>1,531</b>	<b>398</b>	<b>1,931</b>	<b>1,858</b>	<b>71</b>
Delaware	89	433	89	89	77	12	89	89	0
New Jersey	595	2,869	595	594	495	100	595	590	5
Pennsylvania									
Eastern	493	2,326	493	492	357	136	493	491	0
Middle	360	1,660	360	360	268	90	360	312	48
Western	357	1,713	357	357	303	54	357	339	18
Virgin Islands	37	169	37	27	31	6	37	37	0
<b>FOURTH CIRCUIT</b>	<b>4,266</b>	<b>19,625</b>	<b>4,266</b>	<b>4,208</b>	<b>3,031</b>	<b>1,228</b>	<b>4,263</b>	<b>3,857</b>	<b>408</b>
Maryland	469	2,245	469	458	426	41	469	423	46
North Carolina									
Eastern	708	3,179	708	667	442	266	708	654	54
Middle	404	2,005	404	404	389	15	404	404	0
Western	513	2,401	513	512	353	159	512	511	2
South Carolina	575	2,637	575	575	337	238	575	575	0
Virginia									
Eastern	813	3,410	813	808	442	368	813	534	279
Western	287	1,351	287	287	230	56	285	262	24
West Virginia									
Northern	235	1,150	235	235	210	25	235	235	0
Southern	262	1,247	262	262	202	60	262	259	3

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>FIFTH CIRCUIT</b>	<b>20,229</b>	<b>87,990</b>	<b>20,229</b>	<b>20,206</b>	<b>8,795</b>	<b>11,396</b>	<b>20,227</b>	<b>18,533</b>	<b>1,693</b>
Louisiana									
Eastern	184	820	184	177	112	72	184	163	21
Middle	123	554	123	121	67	56	123	120	3
Western	292	1,379	292	289	266	25	292	240	52
Mississippi									
Northern	136	670	136	136	134	2	136	128	8
Southern	386	1,826	386	386	359	27	386	309	77
Texas									
Eastern	698	3,455	698	697	664	34	698	698	0
Northern	1,380	6,524	1,380	1,379	1,009	370	1,380	1,376	4
Southern	8,538	36,872	8,538	8,537	4,188	4,332	8,537	7,072	1,463
Western	8,492	35,890	8,492	8,484	1,996	6,478	8,491	8,427	65
<b>SIXTH CIRCUIT</b>	<b>4,152</b>	<b>19,831</b>	<b>4,152</b>	<b>4,132</b>	<b>3,296</b>	<b>855</b>	<b>4,152</b>	<b>4,099</b>	<b>53</b>
Kentucky									
Eastern	431	2,085	431	431	365	66	431	427	4
Western	347	1,691	347	347	306	41	347	344	3
Michigan									
Eastern	533	2,492	533	530	372	160	533	524	9
Western	320	1,461	320	320	200	120	320	301	19
Ohio									
Northern	787	3,677	787	787	530	257	787	786	1
Southern	552	2,730	552	547	532	20	552	547	5
Tennessee									
Eastern	605	2,945	605	604	528	77	605	603	2
Middle	235	1,144	235	224	220	15	235	230	5
Western	342	1,606	342	342	243	99	342	337	5
<b>SEVENTH CIRCUIT</b>	<b>2,270</b>	<b>11,012</b>	<b>2,270</b>	<b>2,268</b>	<b>1,960</b>	<b>310</b>	<b>2,270</b>	<b>2,244</b>	<b>26</b>
Illinois									
Central	227	1,033	227	226	127	100	227	226	1
Northern	540	2,648	540	540	504	36	540	524	16
Southern	234	1,077	234	234	142	92	234	233	1
Indiana									
Northern	316	1,548	316	315	287	29	316	314	2
Southern	537	2,647	537	537	500	37	537	536	1
Wisconsin									
Eastern	265	1,307	265	265	252	13	265	260	5
Western	151	752	151	151	148	3	151	151	0
<b>EIGHTH CIRCUIT</b>	<b>4,694</b>	<b>22,604</b>	<b>4,694</b>	<b>4,684</b>	<b>3,852</b>	<b>842</b>	<b>4,694</b>	<b>4,680</b>	<b>14</b>
Arkansas									
Eastern	474	2,168	474	468	282	192	474	470	4
Western	247	1,226	247	247	240	7	247	245	2
Iowa									
Northern	365	1,709	365	365	249	116	365	365	0
Southern	421	1,970	421	421	286	135	421	421	0
Minnesota	334	1,646	334	334	312	22	334	332	2
Missouri									
Eastern	925	4,614	925	925	916	9	925	923	2
Western	697	3,268	697	695	483	214	697	696	1
Nebraska	482	2,315	482	481	388	94	482	482	0
North Dakota	252	1,229	252	251	222	30	252	252	0
South Dakota	497	2,459	497	497	474	23	497	494	3

Table 2 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>NINTH CIRCUIT</b>	<b>12,039</b>	<b>57,804</b>	<b>12,039</b>	<b>11,960</b>	<b>11,121</b>	<b>899</b>	<b>12,039</b>	<b>10,645</b>	<b>1,393</b>
Alaska	108	519	108	108	89	19	108	106	2
Arizona	4,566	22,332	4,566	4,514	4,434	132	4,566	4,252	314
California									
Central	918	4,426	918	911	805	113	918	874	44
Eastern	408	1,972	408	398	361	47	408	397	11
Northern	557	2,656	557	551	469	88	557	522	34
Southern	3,499	16,346	3,499	3,498	3,253	229	3,499	2,597	902
Guam	42	195	42	42	32	9	42	37	5
Hawaii	124	591	124	124	95	29	124	124	0
Idaho	321	1,548	321	321	265	56	321	320	1
Montana	324	1,526	324	323	234	89	324	321	3
Nevada	293	1,403	293	292	237	56	293	288	5
Northern Mariana Islands	10	43	10	10	6	4	10	7	3
Oregon	362	1,797	362	362	352	10	362	359	3
Washington									
Eastern	238	1,177	238	237	230	8	238	234	4
Western	269	1,273	269	269	259	10	269	207	62
<b>TENTH CIRCUIT</b>	<b>5,566</b>	<b>25,501</b>	<b>5,566</b>	<b>5,560</b>	<b>3,383</b>	<b>2,179</b>	<b>5,566</b>	<b>5,426</b>	<b>140</b>
Colorado	400	1,967	400	398	379	21	400	390	10
Kansas	311	1,520	311	311	288	23	311	299	12
New Mexico	3,192	14,214	3,192	3,188	1,454	1,737	3,192	3,188	4
Oklahoma									
Eastern	105	475	105	105	55	50	105	105	0
Northern	240	1,140	240	240	181	58	240	239	1
Western	473	2,023	473	473	219	252	473	385	88
Utah	685	3,400	685	685	678	7	685	667	18
Wyoming	160	762	160	160	129	31	160	153	7
<b>ELEVENTH CIRCUIT</b>	<b>4,970</b>	<b>23,210</b>	<b>4,970</b>	<b>4,899</b>	<b>3,560</b>	<b>1,403</b>	<b>4,970</b>	<b>4,811</b>	<b>158</b>
Alabama									
Middle	140	673	140	140	113	27	140	140	0
Northern	453	2,148	453	448	365	87	453	429	24
Southern	301	1,468	301	301	265	35	301	300	1
Florida									
Middle	1,222	5,561	1,222	1,219	679	543	1,222	1,219	3
Northern	275	1,319	275	275	235	40	275	259	16
Southern	1,326	6,087	1,326	1,271	903	422	1,326	1,261	64
Georgia									
Middle	355	1,607	355	347	211	144	355	339	16
Northern	490	2,352	490	490	412	74	490	470	20
Southern	408	1,995	408	408	377	31	408	394	14

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

<sup>2</sup> The numbers presented in this table regarding Plea Agreement submission exclude from the analysis 62 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

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



# PRIMARY OFFENSE AND OFFENDER CHARACTERISTICS

---

Table 3

**CONVICTION TYPE IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2020**

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
<b>TOTAL</b>	<b>62,712</b>	<b>60,838</b>	<b>97.0</b>	<b>1,874</b>	<b>3.0</b>
<b>D.C. CIRCUIT</b>	<b>265</b>	<b>257</b>	<b>97.0</b>	<b>8</b>	<b>3.0</b>
District of Columbia	265	257	97.0	8	3.0
<b>FIRST CIRCUIT</b>	<b>1,692</b>	<b>1,672</b>	<b>98.8</b>	<b>20</b>	<b>1.2</b>
Maine	116	115	99.1	1	0.9
Massachusetts	381	379	99.5	2	0.5
New Hampshire	200	191	95.5	9	4.5
Puerto Rico	895	888	99.2	7	0.8
Rhode Island	100	99	99.0	1	1.0
<b>SECOND CIRCUIT</b>	<b>2,406</b>	<b>2,336</b>	<b>97.1</b>	<b>70</b>	<b>2.9</b>
Connecticut	353	351	99.4	2	0.6
New York					
Eastern	360	358	99.4	2	0.6
Northern	280	253	90.4	27	9.6
Southern	908	892	98.2	16	1.8
Western	350	338	96.6	12	3.4
Vermont	155	144	92.9	11	7.1
<b>THIRD CIRCUIT</b>	<b>1,883</b>	<b>1,841</b>	<b>97.8</b>	<b>42</b>	<b>2.2</b>
Delaware	89	89	100.0	0	0.0
New Jersey	595	575	96.6	20	3.4
Pennsylvania					
Eastern	493	490	99.4	3	0.6
Middle	321	314	97.8	7	2.2
Western	348	342	98.3	6	1.7
Virgin Islands	37	31	83.8	6	16.2
<b>FOURTH CIRCUIT</b>	<b>4,169</b>	<b>3,857</b>	<b>92.5</b>	<b>312</b>	<b>7.5</b>
Maryland	462	442	95.7	20	4.3
North Carolina					
Eastern	706	654	92.6	52	7.4
Middle	404	393	97.3	11	2.7
Western	512	509	99.4	3	0.6
South Carolina	575	573	99.7	2	0.3
Virginia					
Eastern	741	527	71.1	214	28.9
Western	272	270	99.3	2	0.7
West Virginia					
Northern	235	232	98.7	3	1.3
Southern	262	257	98.1	5	1.9



Table 3 (cont.)

CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>18,919</b>	<b>18,687</b>	<b>98.8</b>	<b>232</b>	<b>1.2</b>
Louisiana					
Eastern	170	161	94.7	9	5.3
Middle	123	118	95.9	5	4.1
Western	286	271	94.8	15	5.2
Mississippi					
Northern	136	134	98.5	2	1.5
Southern	383	381	99.5	2	0.5
Texas					
Eastern	698	692	99.1	6	0.9
Northern	1,380	1,353	98.0	27	2.0
Southern	7,271	7,258	99.8	13	0.2
Western	8,472	8,319	98.2	153	1.8
<b>SIXTH CIRCUIT</b>	<b>4,119</b>	<b>4,036</b>	<b>98.0</b>	<b>83</b>	<b>2.0</b>
Kentucky					
Eastern	431	430	99.8	1	0.2
Western	346	324	93.6	22	6.4
Michigan					
Eastern	526	511	97.1	15	2.9
Western	305	296	97.0	9	3.0
Ohio					
Northern	786	785	99.9	1	0.1
Southern	550	535	97.3	15	2.7
Tennessee					
Eastern	603	599	99.3	4	0.7
Middle	234	223	95.3	11	4.7
Western	338	333	98.5	5	1.5
<b>SEVENTH CIRCUIT</b>	<b>2,268</b>	<b>2,230</b>	<b>98.3</b>	<b>38</b>	<b>1.7</b>
Illinois					
Central	227	219	96.5	8	3.5
Northern	539	521	96.7	18	3.3
Southern	234	231	98.7	3	1.3
Indiana					
Northern	316	315	99.7	1	0.3
Southern	536	535	99.8	1	0.2
Wisconsin					
Eastern	265	263	99.2	2	0.8
Western	151	146	96.7	5	3.3
<b>EIGHTH CIRCUIT</b>	<b>4,692</b>	<b>4,555</b>	<b>97.1</b>	<b>137</b>	<b>2.9</b>
Arkansas					
Eastern	474	426	89.9	48	10.1
Western	247	241	97.6	6	2.4
Iowa					
Northern	365	363	99.5	2	0.5
Southern	421	420	99.8	1	0.2
Minnesota	334	325	97.3	9	2.7
Missouri					
Eastern	925	915	98.9	10	1.1
Western	697	690	99.0	7	1.0
Nebraska	481	464	96.5	17	3.5
North Dakota	252	246	97.6	6	2.4
South Dakota	496	465	93.8	31	6.3

Table 3 (cont.)

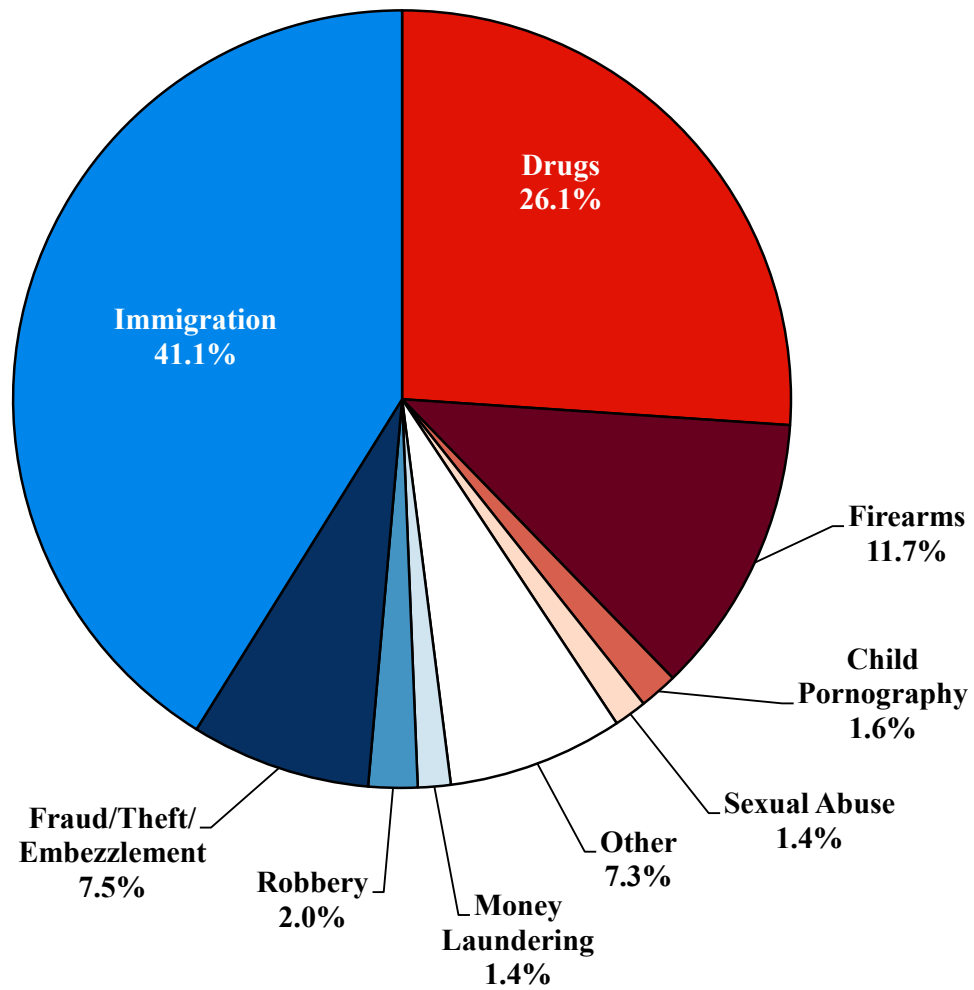
CIRCUIT District	TOTAL	FELONIES		CLASS A MISDEMEANORS	
		N	%	N	%
<b>NINTH CIRCUIT</b>	<b>11,813</b>	<b>11,254</b>	<b>95.3</b>	<b>559</b>	<b>4.7</b>
Alaska	108	103	95.4	5	4.6
Arizona	4,561	4,248	93.1	313	6.9
California					
Central	916	854	93.2	62	6.8
Eastern	408	392	96.1	16	3.9
Northern	548	532	97.1	16	2.9
Southern	3,301	3,259	98.7	42	1.3
Guam	37	36	97.3	1	2.7
Hawaii	124	123	99.2	1	0.8
Idaho	320	317	99.1	3	0.9
Montana	324	315	97.2	9	2.8
Nevada	290	282	97.2	8	2.8
Northern Mariana Islands	9	9	100.0	0	0.0
Oregon	362	348	96.1	14	3.9
Washington					
Eastern	237	232	97.9	5	2.1
Western	268	204	76.1	64	23.9
<b>TENTH CIRCUIT</b>	<b>5,558</b>	<b>5,380</b>	<b>96.8</b>	<b>178</b>	<b>3.2</b>
Colorado	399	379	95.0	20	5.0
Kansas	311	292	93.9	19	6.1
New Mexico	3,188	3,177	99.7	11	0.3
Oklahoma					
Eastern	105	105	100.0	0	0.0
Northern	240	229	95.4	11	4.6
Western	471	373	79.2	98	20.8
Utah	685	675	98.5	10	1.5
Wyoming	159	150	94.3	9	5.7
<b>ELEVENTH CIRCUIT</b>	<b>4,928</b>	<b>4,733</b>	<b>96.0</b>	<b>195</b>	<b>4.0</b>
Alabama					
Middle	140	136	97.1	4	2.9
Northern	453	435	96.0	18	4.0
Southern	301	300	99.7	1	0.3
Florida					
Middle	1,221	1,214	99.4	7	0.6
Northern	274	254	92.7	20	7.3
Southern	1,293	1,282	99.1	11	0.9
Georgia					
Middle	351	273	77.8	78	22.2
Northern	487	472	96.9	15	3.1
Southern	408	367	90.0	41	10.0

<sup>1</sup> Of the 64,565 cases, 1,853 were excluded due to missing information on type of conviction. Descriptions of variables used in this table are provided in Appendix A.

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

**Figure 2**

**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> This figure includes the 64,565 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, 2020 Datafile, USSCFY20.

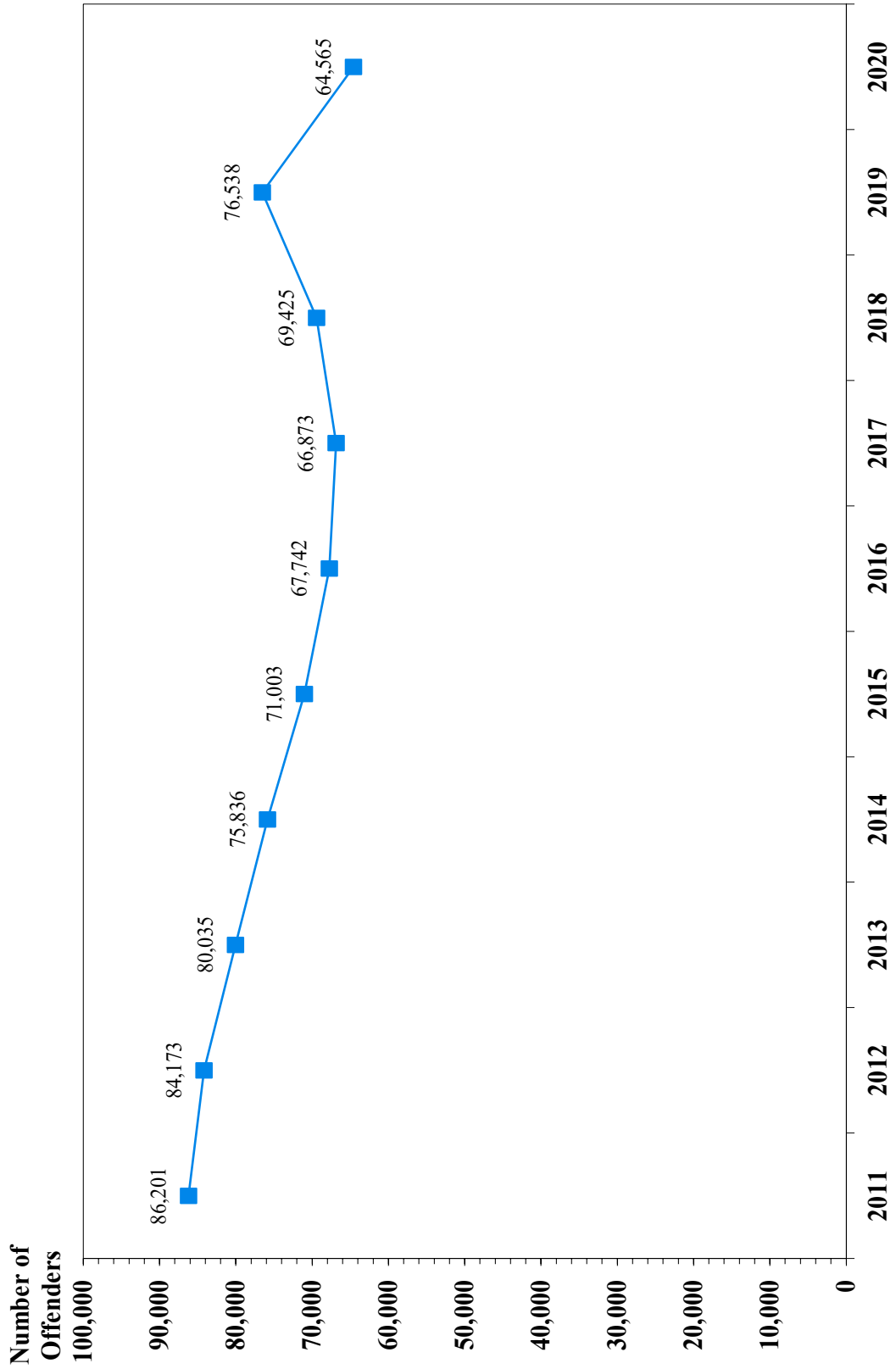
Table 4

**CHANGE IN NUMBER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Years 2019 - 2020**

TYPE OF CRIME	Fiscal Year 2019		Fiscal Year 2020		Number Change
	N	%	N	%	
<b>TOTAL</b>	<b>76,538</b>	<b>100.0</b>	<b>64,565</b>	<b>100.0</b>	<b>-11,973</b>
Administration of Justice	698	0.9	542	0.8	-156
Antitrust	20	0.0	11	0.0	-9
Arson	68	0.1	48	0.1	-20
Assault	787	1.0	618	1.0	-169
Bribery/Corruption	341	0.4	240	0.4	-101
Burglary/Trespass	64	0.1	39	0.1	-25
Child Pornography	1,368	1.8	1,023	1.6	-345
Commercialized Vice	90	0.1	53	0.1	-37
Drug Possession	563	0.7	439	0.7	-124
Drug Trafficking	19,830	25.9	16,390	25.4	-3,440
Environmental	179	0.2	137	0.2	-42
Extortion/Racketeering	185	0.2	120	0.2	-65
Firearms	8,481	11.1	7,539	11.7	-942
Food and Drug	48	0.1	33	0.1	-15
Forgery/Counter/Copyright	276	0.4	198	0.3	-78
Fraud/Theft/Embezzlement	6,390	8.3	4,823	7.5	-1,567
Immigration	29,354	38.4	26,561	41.1	-2,793
Individual Rights	68	0.1	70	0.1	2
Kidnapping	96	0.1	66	0.1	-30
Manslaughter	74	0.1	38	0.1	-36
Money Laundering	1,177	1.5	880	1.4	-297
Murder	373	0.5	294	0.5	-79
National Defense	195	0.3	165	0.3	-30
Obscenity/Other Sex Offenses	393	0.5	318	0.5	-75
Prison Offenses	628	0.8	457	0.7	-171
Robbery	1,825	2.4	1,316	2.0	-509
Sexual Abuse	1,165	1.5	881	1.4	-284
Stalking/Harassing	223	0.3	225	0.3	2
Tax	547	0.7	366	0.6	-181
Other	1,032	1.3	675	1.0	-357

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

**Figure 3**  
**NUMBER OF FEDERAL OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



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

Table 5

**RACE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,834</b>	<b>12,333</b>	<b>19.3</b>	<b>12,210</b>	<b>19.1</b>	<b>37,105</b>	<b>58.1</b>	<b>2,186</b>	<b>3.4</b>
Administration of Justice	535	174	32.5	104	19.4	190	35.5	67	12.5
Antitrust	10	8	80.0	0	0.0	1	10.0	1	10.0
Arson	48	25	52.1	10	20.8	5	10.4	8	16.7
Assault	609	103	16.9	147	24.1	126	20.7	233	38.3
Bribery/Corruption	239	95	39.7	71	29.7	49	20.5	24	10.0
Burglary/Trespass	39	12	30.8	14	35.9	5	12.8	8	20.5
Child Pornography	1,023	832	81.3	42	4.1	123	12.0	26	2.5
Commercialized Vice	52	23	44.2	18	34.6	0	0.0	11	21.2
Drug Possession	396	120	30.3	61	15.4	194	49.0	21	5.3
Drug Trafficking	16,358	4,266	26.1	4,399	26.9	7,181	43.9	512	3.1
Environmental	129	82	63.6	7	5.4	15	11.6	25	19.4
Extortion/Racketeering	119	44	37.0	25	21.0	30	25.2	20	16.8
Firearms	7,520	1,953	26.0	4,051	53.9	1,291	17.2	225	3.0
Food and Drug	32	26	81.3	2	6.3	2	6.3	2	6.3
Forgery/Counter/Copyright	198	104	52.5	52	26.3	17	8.6	25	12.6
Fraud/Theft/Embezzlement	4,776	1,984	41.5	1,236	25.9	1,247	26.1	309	6.5
Immigration	26,230	498	1.9	220	0.8	25,368	96.7	144	0.5
Individual Rights	70	37	52.9	17	24.3	10	14.3	6	8.6
Kidnapping	66	25	37.9	20	30.3	12	18.2	9	13.6
Manslaughter	38	5	13.2	3	7.9	1	2.6	29	76.3
Money Laundering	877	280	31.9	170	19.4	352	40.1	75	8.6
Murder	294	34	11.6	138	46.9	97	33.0	25	8.5
National Defense	162	35	21.6	13	8.0	96	59.3	18	11.1
Obscenity/Other Sex Offenses	316	153	48.4	75	23.7	35	11.1	53	16.8
Prison Offenses	440	102	23.2	161	36.6	148	33.6	29	6.6
Robbery	1,312	292	22.3	764	58.2	214	16.3	42	3.2
Sexual Abuse	878	501	57.1	126	14.4	129	14.7	122	13.9
Stalking/Harassing	224	124	55.4	31	13.8	24	10.7	45	20.1
Tax	365	188	51.5	100	27.4	40	11.0	37	10.1
Other	479	208	43.4	133	27.8	103	21.5	35	7.3

<sup>1</sup> Of the 64,565 cases, 731 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 6

**GENDER OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>64,456</b>	<b>56,559</b>	<b>87.7</b>	<b>7,897</b>	<b>12.3</b>
Administration of Justice	540	378	70.0	162	30.0
Antitrust	11	8	72.7	3	27.3
Arson	48	43	89.6	5	10.4
Assault	617	558	90.4	59	9.6
Bribery/Corruption	240	181	75.4	59	24.6
Burglary/Trespass	39	32	82.1	7	17.9
Child Pornography	1,023	1,020	99.7	3	0.3
Commercialized Vice	53	36	67.9	17	32.1
Drug Possession	435	332	76.3	103	23.7
Drug Trafficking	16,390	13,535	82.6	2,855	17.4
Environmental	133	120	90.2	13	9.8
Extortion/Racketeering	120	101	84.2	19	15.8
Firearms	7,538	7,240	96.0	298	4.0
Food and Drug	33	21	63.6	12	36.4
Forgery/Counter/Copyright	198	155	78.3	43	21.7
Fraud/Theft/Embezzlement	4,821	3,263	67.7	1,558	32.3
Immigration	26,498	24,589	92.8	1,909	7.2
Individual Rights	70	60	85.7	10	14.3
Kidnapping	66	59	89.4	7	10.6
Manslaughter	38	32	84.2	6	15.8
Money Laundering	880	667	75.8	213	24.2
Murder	294	275	93.5	19	6.5
National Defense	164	141	86.0	23	14.0
Obscenity/Other Sex Offenses	318	311	97.8	7	2.2
Prison Offenses	457	420	91.9	37	8.1
Robbery	1,316	1,197	91.0	119	9.0
Sexual Abuse	881	813	92.3	68	7.7
Stalking/Harassing	225	209	92.9	16	7.1
Tax	366	268	73.2	98	26.8
Other	644	495	76.9	149	23.1

<sup>1</sup> Of the 64,565 cases, 109 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

**Table 7**  
**AGE OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	Under 21 <sup>2</sup>		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60		Mean Median		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%			
<b>TOTAL</b>	<b>64,513</b>		<b>2,120</b>	<b>3.3</b>	<b>8,126</b>	<b>12.6</b>	<b>11,520</b>	<b>17.9</b>	<b>11,917</b>	<b>18.5</b>	<b>10,907</b>	<b>16.9</b>	<b>12,957</b>	<b>20.1</b>	<b>5,066</b>	<b>7.9</b>	<b>1,900</b>	<b>2.9</b>	<b>36</b>
Administration of Justice	542		17	3.1	89	16.4	93	17.2	82	15.1	75	13.8	93	17.2	58	10.7	35	6.5	38
Antitrust	11		0	0.0	0	0.0	0	0.0	0	0.0	1	9.1	2	18.2	7	63.6	1	9.1	54
Arson	48		1	2.1	10	20.8	11	22.9	5	10.4	6	12.5	9	18.8	5	10.4	1	2.1	36
Assault	617		28	4.5	109	17.7	149	24.1	122	19.8	97	15.7	72	11.7	26	4.2	14	2.3	33
Bribery/Corruption	240		0	0.0	5	2.1	6	2.5	14	5.8	25	10.4	55	22.9	79	32.9	56	23.3	51
Burglary/Trespass	39		2	5.1	3	7.7	7	17.9	9	23.1	8	20.5	7	17.9	3	7.7	0	0.0	35
Child Pornography	1,023		12	1.2	71	6.9	133	13.0	164	16.0	149	14.6	227	22.2	161	15.7	106	10.4	42
Commercialized Vice	53		0	0.0	5	9.4	4	7.5	7	13.2	11	20.8	8	15.1	8	15.1	10	18.9	44
Drug Possession	438		37	8.4	85	19.4	84	19.2	77	17.6	59	13.5	63	14.4	24	5.5	9	2.1	33
Drug Trafficking	16,388		400	2.4	1,859	11.3	3,010	18.4	3,103	18.9	2,942	18.0	3,393	20.7	1,272	7.8	409	2.5	36
Environmental	132		1	0.8	6	4.5	10	7.6	13	9.8	13	9.8	32	24.2	30	22.7	27	20.5	48
Extortion/Racketeering	119		0	0.0	13	10.9	14	11.8	16	13.4	16	13.4	30	25.2	17	14.3	13	10.9	42
Firearms	7,539		208	2.8	1,219	16.2	1,727	22.9	1,502	19.9	1,257	16.7	1,131	15.0	383	5.1	112	1.5	34
Food and Drug	33		0	0.0	2	6.1	1	3.0	6	18.2	6	18.2	9	27.3	3	9.1	6	18.2	46
Forgery/Counter/Copyright	198		3	1.5	18	9.1	35	17.7	42	21.2	41	20.7	37	18.7	17	8.6	5	2.5	37
Fraud/Theft/Embezzlement	4,817		98	2.0	379	7.9	569	11.8	678	14.1	646	13.4	1,164	24.2	794	16.5	489	10.2	42
Immigration	26,558		1,121	4.2	3,387	12.8	4,687	17.6	5,239	19.7	4,767	17.9	5,567	21.0	1,522	5.7	268	1.0	35
Individual Rights	70		1	1.4	4	5.7	15	21.4	14	20.0	7	10.0	17	24.3	9	12.9	3	4.3	39
Kidnapping	66		0	0.0	11	16.7	12	18.2	11	16.7	10	15.2	7	10.6	10	15.2	5	7.6	38
Manslaughter	38		3	7.9	11	28.9	8	21.1	3	7.9	6	15.8	3	7.9	2	5.3	2	5.3	32
Money Laundering	880		9	1.0	63	7.2	126	14.3	118	13.4	146	16.6	217	24.7	134	15.2	67	7.6	41
Murder	294		8	2.7	68	23.1	73	24.8	46	15.6	36	12.2	46	15.6	14	4.8	3	1.0	33
National Defense	165		8	4.8	21	12.7	25	15.2	22	13.3	19	11.5	32	19.4	23	13.9	15	9.1	39
Obscenity/Other Sex Offenses	318		3	0.9	12	3.8	33	10.4	45	14.2	57	17.9	85	26.7	62	19.5	21	6.6	42
Prison Offenses	457		8	1.8	49	10.7	91	19.9	94	20.6	93	20.4	85	18.6	31	6.8	6	1.3	36
Robbery	1,316		98	7.4	324	24.6	286	21.7	195	14.8	135	10.3	163	12.4	91	6.9	24	1.8	33
Sexual Abuse	881		9	1.0	120	13.6	149	16.9	153	17.4	133	15.1	172	19.5	97	11.0	48	5.4	38
Stalking/Harassing	225		7	3.1	30	13.3	34	15.1	28	12.4	38	16.9	42	18.7	31	13.8	15	6.7	39
Tax	366		0	0.0	3	0.8	5	1.4	20	5.5	34	9.3	110	30.1	95	26.0	99	27.0	52
<b>Other</b>	<b>642</b>		<b>38</b>	<b>5.9</b>	<b>150</b>	<b>23.4</b>	<b>123</b>	<b>19.2</b>	<b>89</b>	<b>13.9</b>	<b>74</b>	<b>11.5</b>	<b>79</b>	<b>12.3</b>	<b>58</b>	<b>9.0</b>	<b>31</b>	<b>4.8</b>	<b>35</b>

<sup>1</sup> Of the 64,565 cases, 52 were excluded due to missing information on offender's age. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Of the 2,120 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.



**Table 8**  
**AGE, RACE, AND GENDER OF FEDERAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

AGE AND GENDER	TOTAL		WHITE		BLACK		HISPANIC		OTHER		
	N	%	N	%	N	%	N	%	N	%	
Under 21 <sup>2</sup>	<b>Total</b>	<b>2,091</b>	<b>100.0</b>	<b>126</b>	<b>100.0</b>	<b>310</b>	<b>100.0</b>	<b>1,606</b>	<b>100.0</b>	<b>49</b>	<b>100.0</b>
	Male	1,804	86.3	95	75.4	292	94.2	1,374	85.6	43	87.8
	Female	287	13.7	31	24.6	18	5.8	232	14.4	6	12.2
21 - 25	<b>Total</b>	<b>7,996</b>	<b>100.0</b>	<b>847</b>	<b>100.0</b>	<b>1,748</b>	<b>100.0</b>	<b>5,147</b>	<b>100.0</b>	<b>254</b>	<b>100.0</b>
	Male	7,009	87.7	658	77.7	1,591	91.0	4,547	88.3	213	83.9
	Female	987	12.3	189	22.3	157	9.0	600	11.7	41	16.1
26 - 30	<b>Total</b>	<b>11,382</b>	<b>100.0</b>	<b>1,578</b>	<b>100.0</b>	<b>2,664</b>	<b>100.0</b>	<b>6,808</b>	<b>100.0</b>	<b>332</b>	<b>100.0</b>
	Male	10,057	88.4	1,210	76.7	2,441	91.6	6,142	90.2	264	79.5
	Female	1,325	11.6	368	23.3	223	8.4	666	9.8	68	20.5
31 - 35	<b>Total</b>	<b>11,795</b>	<b>100.0</b>	<b>2,025</b>	<b>100.0</b>	<b>2,239</b>	<b>100.0</b>	<b>7,157</b>	<b>100.0</b>	<b>374</b>	<b>100.0</b>
	Male	10,450	88.6	1,566	77.3	2,040	91.1	6,560	91.7	284	75.9
	Female	1,345	11.4	459	22.7	199	8.9	597	8.3	90	24.1
36 - 40	<b>Total</b>	<b>10,797</b>	<b>100.0</b>	<b>2,132</b>	<b>100.0</b>	<b>1,943</b>	<b>100.0</b>	<b>6,361</b>	<b>100.0</b>	<b>361</b>	<b>100.0</b>
	Male	9,559	88.5	1,713	80.3	1,748	90.0	5,822	91.5	276	76.5
	Female	1,238	11.5	419	19.7	195	10.0	539	8.5	85	23.5
41 - 50	<b>Total</b>	<b>12,856</b>	<b>100.0</b>	<b>2,829</b>	<b>100.0</b>	<b>2,200</b>	<b>100.0</b>	<b>7,366</b>	<b>100.0</b>	<b>461</b>	<b>100.0</b>
	Male	11,271	87.7	2,259	79.9	1,977	89.9	6,685	90.8	350	75.9
	Female	1,585	12.3	570	20.1	223	10.1	681	9.2	111	24.1
51 - 60	<b>Total</b>	<b>5,022</b>	<b>100.0</b>	<b>1,806</b>	<b>100.0</b>	<b>827</b>	<b>100.0</b>	<b>2,151</b>	<b>100.0</b>	<b>238</b>	<b>100.0</b>
	Male	4,285	85.3	1,479	81.9	687	83.1	1,937	90.1	182	76.5
	Female	737	14.7	327	18.1	140	16.9	214	9.9	56	23.5
Over 60	<b>Total</b>	<b>1,884</b>	<b>100.0</b>	<b>989</b>	<b>100.0</b>	<b>278</b>	<b>100.0</b>	<b>500</b>	<b>100.0</b>	<b>117</b>	<b>100.0</b>
	Male	1,570	83.3	834	84.3	213	76.6	435	87.0	88	75.2
	Female	314	16.7	155	15.7	65	23.4	65	13.0	29	24.8

<sup>1</sup> Of the 64,565 cases, 742 were excluded due to one or more of the following reasons: missing information on offender's age (52), missing information on offender's race (731), or information on offender's gender (109). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Of the 2,091 offenders under 21, none involved an offender under the age of 18 at the time of sentencing.

Table 9

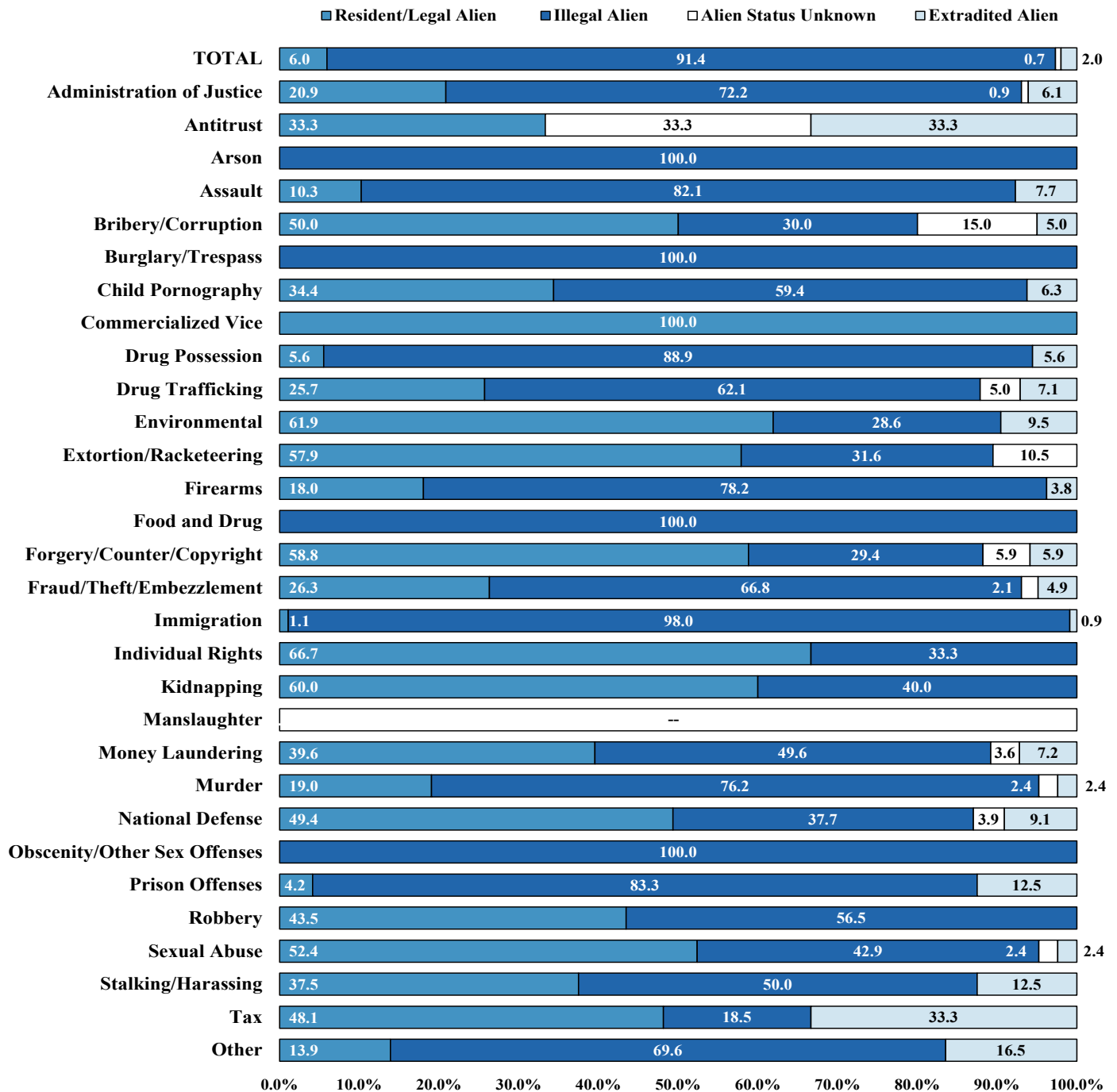
**CITIZENSHIP OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>64,284</b>	<b>34,616</b>	<b>53.8</b>	<b>29,668</b>	<b>46.2</b>
Administration of Justice	536	421	78.5	115	21.5
Antitrust	11	8	72.7	3	27.3
Arson	48	47	97.9	1	2.1
Assault	608	569	93.6	39	6.4
Bribery/Corruption	240	220	91.7	20	8.3
Burglary/Trespass	39	37	94.9	2	5.1
Child Pornography	1,023	991	96.9	32	3.1
Commercialized Vice	53	51	96.2	2	3.8
Drug Possession	413	269	65.1	144	34.9
Drug Trafficking	16,372	13,088	79.9	3,284	20.1
Environmental	130	109	83.8	21	16.2
Extortion/Racketeering	120	101	84.2	19	15.8
Firearms	7,532	7,216	95.8	316	4.2
Food and Drug	32	31	96.9	1	3.1
Forgery/Counter/Copyright	198	181	91.4	17	8.6
Fraud/Theft/Embezzlement	4,789	3,721	77.7	1,068	22.3
Immigration	26,549	2,604	9.8	23,945	90.2
Individual Rights	70	67	95.7	3	4.3
Kidnapping	66	61	92.4	5	7.6
Manslaughter	38	38	100.0	0	0.0
Money Laundering	877	599	68.3	278	31.7
Murder	294	252	85.7	42	14.3
National Defense	165	88	53.3	77	46.7
Obscenity/Other Sex Offenses	316	308	97.5	8	2.5
Prison Offenses	443	419	94.6	24	5.4
Robbery	1,315	1,269	96.5	46	3.5
Sexual Abuse	881	839	95.2	42	4.8
Stalking/Harassing	224	216	96.4	8	3.6
Tax	366	339	92.6	27	7.4
Other	536	457	85.3	79	14.7

<sup>1</sup> Of the 64,565 cases, 281 were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Figure 4

**NON-CITIZEN STATUS OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> Of the 64,565 cases, in 29,668 the offender was a non-citizen. Descriptions of variables used in this figure are provided in Appendix A.

Table 10

**EDUCATION OF FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>56,860</b>	<b>27,617</b>	<b>48.6</b>	<b>17,233</b>	<b>30.3</b>	<b>9,034</b>	<b>15.9</b>	<b>2,976</b>	<b>5.2</b>
Administration of Justice	503	157	31.2	144	28.6	141	28.0	61	12.1
Antitrust	10	1	10.0	3	30.0	0	0.0	6	60.0
Arson	47	15	31.9	22	46.8	8	17.0	2	4.3
Assault	548	230	42.0	207	37.8	91	16.6	20	3.6
Bribery/Corruption	240	14	5.8	51	21.3	67	27.9	108	45.0
Burglary/Trespass	37	14	37.8	16	43.2	7	18.9	0	0.0
Child Pornography	1,020	75	7.4	373	36.6	406	39.8	166	16.3
Commercialized Vice	51	4	7.8	28	54.9	11	21.6	8	15.7
Drug Possession	129	33	25.6	56	43.4	29	22.5	11	8.5
Drug Trafficking	16,206	5,892	36.4	6,395	39.5	3,354	20.7	565	3.5
Environmental	110	10	9.1	35	31.8	31	28.2	34	30.9
Extortion/Racketeering	111	35	31.5	31	27.9	29	26.1	16	14.4
Firearms	7,469	2,685	35.9	3,408	45.6	1,215	16.3	161	2.2
Food and Drug	29	1	3.4	4	13.8	18	62.1	6	20.7
Forgery/Counter/Copyright	197	45	22.8	90	45.7	49	24.9	13	6.6
Fraud/Theft/Embezzlement	4,368	740	16.9	1,255	28.7	1,367	31.3	1,006	23.0
Immigration	20,652	16,321	79.0	3,188	15.4	943	4.6	200	1.0
Individual Rights	70	7	10.0	32	45.7	21	30.0	10	14.3
Kidnapping	65	23	35.4	28	43.1	13	20.0	1	1.5
Manslaughter	38	14	36.8	19	50.0	5	13.2	0	0.0
Money Laundering	866	205	23.7	229	26.4	251	29.0	181	20.9
Murder	291	141	48.5	110	37.8	35	12.0	5	1.7
National Defense	155	44	28.4	35	22.6	33	21.3	43	27.7
Obscenity/Other Sex Offenses	308	89	28.9	133	43.2	77	25.0	9	2.9
Prison Offenses	375	114	30.4	199	53.1	56	14.9	6	1.6
Robbery	1,309	440	33.6	593	45.3	246	18.8	30	2.3
Sexual Abuse	881	153	17.4	348	39.5	263	29.9	117	13.3
Stalking/Harassing	217	43	19.8	85	39.2	70	32.3	19	8.8
Tax	362	24	6.6	68	18.8	133	36.7	137	37.8
Other	196	48	24.5	48	24.5	65	33.2	35	17.9

<sup>1</sup> Of the 64,565 cases, 7,705 were excluded due to missing education information. Descriptions of variables used in this table are provided in Appendix A.

# SENTENCING INFORMATION

---

Table 11

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2020**

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

Table 11 (cont.)

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

Table 11 (cont.)

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

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

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



Table 12

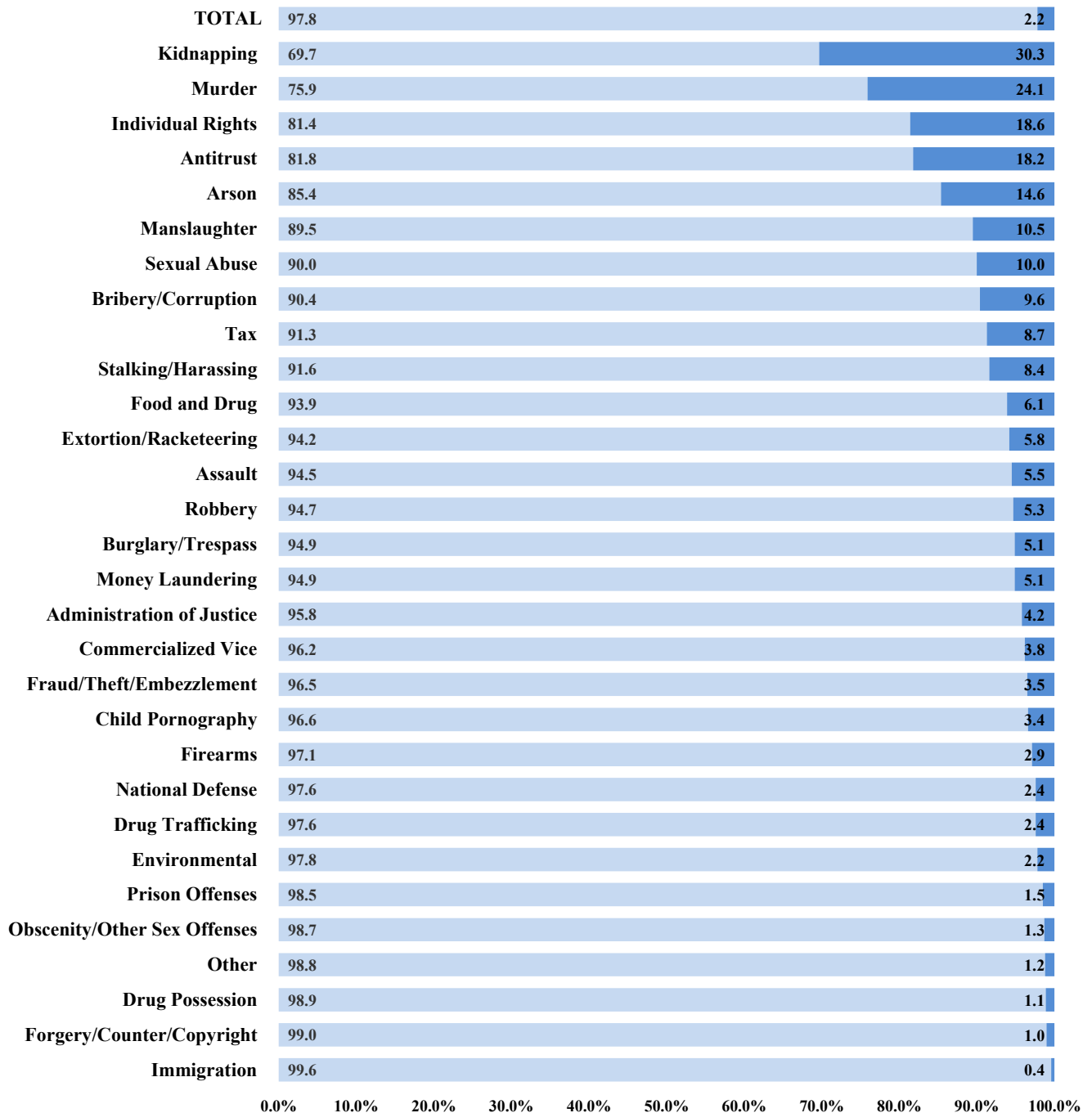
**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

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

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

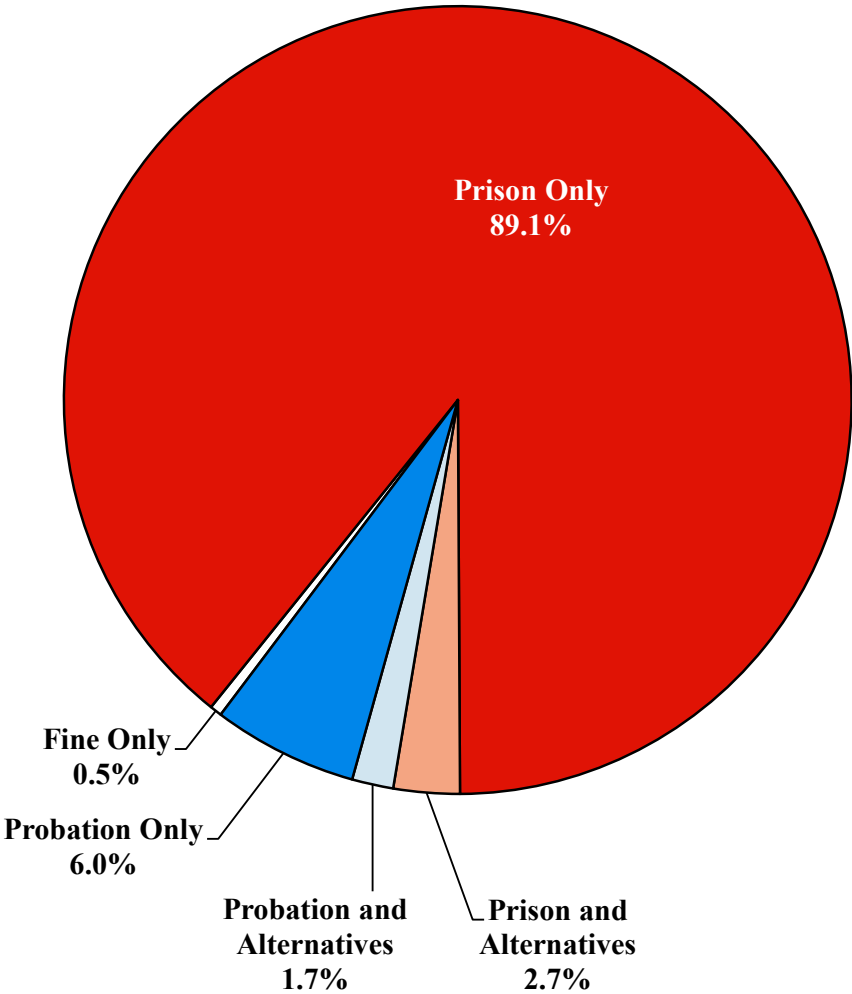
Figure 5

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> This figure includes the 64,565 cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

**Figure 6**  
**SENTENCE TYPE FOR FEDERAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> This figure includes the 64,565 cases reported to the Commission. Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

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

**Table 13**  
**SENTENCE TYPE BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL RECEIVING IMPRISONMENT		Prison Only		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	%	
<b>TOTAL</b>	<b>64,565</b>	<b>59,301</b>	<b>91.8</b>	<b>57,550</b>	<b>89.1</b>	<b>1,751</b>	<b>2.7</b>	<b>4,943</b>	<b>7.7</b>	<b>1,098</b>	<b>1.7</b>	<b>3,845</b>	<b>6.0</b>	<b>321</b>	<b>0.5</b>
Administration of Justice	542	384	70.8	346	63.8	38	7.0	152	28.0	33	6.1	119	22.0	6	1.1
Antitrust	11	7	63.6	6	54.5	1	9.1	4	36.4	0	0.0	4	36.4	0	0.0
Arson	48	46	95.8	45	93.8	1	2.1	2	4.2	0	0.0	2	4.2	0	0.0
Assault	618	543	87.9	508	82.2	35	5.7	68	11.0	7	1.1	61	9.9	7	1.1
Bribery/Corruption	240	154	64.2	149	62.1	5	2.1	84	35.0	34	14.2	50	20.8	2	0.8
Burglary/Trespass	39	31	79.5	26	66.7	5	12.8	8	20.5	0	0.0	8	20.5	0	0.0
Child Pornography	1,023	1,015	99.2	1,003	98.0	12	1.2	8	0.8	3	0.3	5	0.5	0	0.0
Commercialized Vice	53	42	79.2	36	67.9	6	11.3	11	20.8	1	1.9	10	18.9	0	0.0
Drug Possession	439	255	58.1	251	57.2	4	0.9	125	28.5	5	1.1	120	27.3	59	13.4
Drug Trafficking	16,390	15,820	96.5	15,299	93.3	521	3.2	566	3.5	150	0.9	416	2.5	4	0.0
Environmental	137	41	29.9	37	27.0	4	2.9	83	60.6	17	12.4	66	48.2	13	9.5
Extortion/Racketeering	120	80	66.7	74	61.7	6	5.0	39	32.5	5	4.2	34	28.3	1	0.8
Firearms	7,539	7,084	94.0	6,800	90.2	284	3.8	453	6.0	139	1.8	314	4.2	2	0.0
Food and Drug	33	13	39.4	13	39.4	0	0.0	20	60.6	4	12.1	16	48.5	0	0.0
Forgery/Counter/Copyright	198	167	84.3	150	75.8	17	8.6	31	15.7	6	3.0	25	12.6	0	0.0
Fraud/Theft/Embezzlement	4,823	3,472	72.0	3,234	67.1	238	4.9	1,295	26.9	331	6.9	964	20.0	56	1.2
Immigration	26,561	25,189	94.8	24,865	93.6	324	1.2	1,368	5.2	215	0.8	1,153	4.3	4	0.0
Individual Rights	70	55	78.6	54	77.1	1	1.4	14	20.0	1	1.4	13	18.6	1	1.4
Kidnapping	66	66	100.0	58	87.9	8	12.1	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	38	34	89.5	32	84.2	2	5.3	4	10.5	0	0.0	4	10.5	0	0.0
Money Laundering	880	763	86.7	731	83.1	32	3.6	117	13.3	41	4.7	76	8.6	0	0.0
Murder	294	293	99.7	283	96.3	10	3.4	1	0.3	0	0.0	1	0.3	0	0.0
National Defense	165	146	88.5	139	84.2	7	4.2	14	8.5	3	1.8	11	6.7	5	3.0
Obscenity/Other Sex Offenses	318	299	94.0	264	83.0	35	11.0	19	6.0	4	1.3	15	4.7	0	0.0
Prison Offenses	457	442	96.7	420	91.9	22	4.8	15	3.3	4	0.9	11	2.4	0	0.0
Robbery	1,316	1,294	98.3	1,242	94.4	52	4.0	22	1.7	10	0.8	12	0.9	0	0.0
Sexual Abuse	881	877	99.5	857	97.3	20	2.3	4	0.5	1	0.1	3	0.3	0	0.0
Stalking/Harassing	225	204	90.7	177	78.7	27	12.0	21	9.3	7	3.1	14	6.2	0	0.0
Tax	366	253	69.1	231	63.1	22	6.0	112	30.6	40	10.9	72	19.7	1	0.3
<b>Other</b>	<b>675</b>	<b>232</b>	<b>34.4</b>	<b>220</b>	<b>32.6</b>	<b>12</b>	<b>1.8</b>	<b>283</b>	<b>41.9</b>	<b>37</b>	<b>5.5</b>	<b>246</b>	<b>36.4</b>	<b>160</b>	<b>23.7</b>

<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.

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

**Table 14**  
**SENTENCE TYPE BY CITIZENSHIP AND SENTENCING ZONE<sup>1</sup>**  
**Fiscal Year 2020**

	Prison Only		Prison and Alternatives <sup>2</sup>		Probation and Alternatives <sup>2</sup>		Probation Only		Fine Only			
	N	%	N	%	N	%	N	%	N	%		
<b>TOTAL</b>												
<b>Citizens</b>	<b>34,019</b>		<b>28,426</b>	<b>83.6</b>	<b>1,655</b>	<b>4.9</b>	<b>1,018</b>	<b>3.0</b>	<b>2,763</b>	<b>8.1</b>	<b>157</b>	<b>0.5</b>
<b>Zone A</b>	1,762		535	30.4	27	1.5	66	3.7	990	56.2	144	8.2
<b>Zone B</b>	2,064		1,063	51.5	180	8.7	339	16.4	475	23.0	7	0.3
<b>Zone C</b>	2,212		1,218	55.1	320	14.5	231	10.4	438	19.8	5	0.2
<b>Zone D</b>	27,981		25,610	91.5	1,128	4.0	382	1.4	860	3.1	1	0.0
<b>Non-Citizens</b>	<b>29,523</b>		<b>28,438</b>	<b>96.3</b>	<b>80</b>	<b>0.3</b>	<b>59</b>	<b>0.2</b>	<b>933</b>	<b>3.2</b>	<b>13</b>	<b>0.0</b>
<b>Zone A</b>	10,377		9,707	93.5	11	0.1	8	0.1	640	6.2	11	0.1
<b>Zone B</b>	6,579		6,396	97.2	8	0.1	20	0.3	154	2.3	1	0.0
<b>Zone C</b>	2,846		2,763	97.1	17	0.6	12	0.4	54	1.9	0	0.0
<b>Zone D</b>	9,721		9,572	98.5	44	0.5	19	0.2	85	0.9	1	0.0

<sup>1</sup> Of the 64,565 cases, 1,023 were excluded due to one or both of the following reasons: missing zone (788) or missing information on offender's citizenship status (281). The zones indicated above correspond to the offense levels and Criminal History Categories established by the court and do not indicate the impact of mandatory minimums penalties or statutory maximums penalties constricting the sentence. 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 15**  
**SENTENCE IMPOSED BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	SENTENCE LENGTH <sup>2</sup>			LENGTH OF IMPRISONMENT <sup>3</sup>		
	Mean Months	Median Months	N	Mean Months	Median Months	N
<b>TOTAL</b>	<b>40</b>	<b>14</b>	<b>64,564</b>	<b>43</b>	<b>18</b>	<b>59,300</b>
Administration of Justice	11	8	542	15	12	384
Antitrust	8	6	11	12	9	7
Arson	78	60	48	81	60	46
Assault	64	36	618	72	41	543
Bribery/Corruption	15	8	240	21	14	154
Burglary/Trespass	19	15	39	24	18	31
Child Pornography	102	84	1,023	102	84	1,015
Commercialized Vice	20	12	53	25	18	42
Drug Possession	3	0	438	4	6	254
Drug Trafficking	76	60	16,390	78	60	15,820
Environmental	3	0	137	7	4	41
Extortion/Racketeering	23	12	120	34	26	80
Firearms	48	37	7,539	50	37	7,084
Food and Drug	17	4	33	42	44	13
Forgery/Counter/Copyright	17	12	198	19	18	167
Fraud/Theft/Embezzlement	19	8	4,823	26	18	3,472
Immigration	8	5	26,561	8	5	25,189
Individual Rights	55	24	70	70	42	55
Kidnapping	195	168	66	195	168	66
Manslaughter	56	47	38	63	51	34
Money Laundering	58	34	880	66	42	763
Murder	255	228	294	255	228	293
National Defense	38	24	165	43	30	146
Obscenity/Other Sex Offenses	19	18	318	20	18	299
Prison Offenses	11	8	457	11	8	442
Robbery	105	87	1,316	107	87	1,294
Sexual Abuse	201	180	881	202	180	877
Stalking/Harassing	29	21	225	31	24	204
Tax	15	12	366	20	15	253
Other	2	0	675	6	2	232

<sup>1</sup> Of the 64,565 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Sentences of probation only are included here as zero months of imprisonment. In addition, the information presented in this column includes conditions of confinement as described in USSG §5C1.1.

<sup>3</sup> Length of imprisonment does not include probation or any conditions of confinement as described in USSG §5C1.1.

**Table 16**  
**FINE AND RESTITUTION BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	NO FINE OR RESTITUTION ORDERED			FINE ORDERED/NO RESTITUTION			RESTITUTION ORDERED/NO FINE			BOTH FINE & RESTITUTION ORDERED			
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>64,564</b>	<b>53,975</b>	<b>83.6</b>	<b>3,584</b>	<b>5.6</b>	<b>6,361</b>	<b>9.9</b>	<b>644</b>	<b>1.0</b>				
Administration of Justice	542	409	75.5	77	14.2	46	8.5	10	1.8				
Antitrust	11	2	18.2	9	81.8	0	0.0	0	0.0				
Arson	48	17	35.4	1	2.1	30	62.5	0	0.0				
Assault	618	467	75.6	43	7.0	106	17.2	2	0.3				
Bribery/Corruption	239	87	36.4	44	18.4	99	41.4	9	3.8				
Burglary/Trespass	39	8	20.5	1	2.6	30	76.9	0	0.0				
Child Pornography	1,023	412	40.3	41	4.0	549	53.7	21	2.1				
Commercialized Vice	53	32	60.4	15	28.3	6	11.3	0	0.0				
Drug Possession	439	296	67.4	141	32.1	2	0.5	0	0.0				
Drug Trafficking	16,390	14,990	91.5	1,148	7.0	230	1.4	22	0.1				
Environmental	137	31	22.6	59	43.1	15	10.9	32	23.4				
Extortion/Racketeering	120	57	47.5	12	10.0	48	40.0	3	2.5				
Firearms	7,539	6,766	89.7	563	7.5	198	2.6	12	0.2				
Food and Drug	33	15	45.5	12	36.4	4	12.1	2	6.1				
Forgery/Counter/Copyright	198	61	30.8	8	4.0	119	60.1	10	5.1				
Fraud/Theft/Embezzlement	4,823	1,127	23.4	278	5.8	3,066	63.6	352	7.3				
Immigration	26,561	26,071	98.2	465	1.8	21	0.1	4	0.0				
Individual Rights	70	44	62.9	11	15.7	14	20.0	1	1.4				
Kidnapping	66	32	48.5	4	6.1	27	40.9	3	4.5				
Manslaughter	38	18	47.4	1	2.6	19	50.0	0	0.0				
Money Laundering	880	551	62.6	72	8.2	234	26.6	23	2.6				
Murder	294	201	68.4	8	2.7	78	26.5	7	2.4				
National Defense	165	137	83.0	26	15.8	2	1.2	0	0.0				
Obscenity/Other Sex Offenses	318	296	93.1	22	6.9	0	0.0	0	0.0				
Prison Offenses	457	440	96.3	17	3.7	0	0.0	0	0.0				
Robbery	1,316	404	30.7	13	1.0	876	66.6	23	1.7				
Sexual Abuse	881	585	66.4	35	4.0	251	28.5	10	1.1				
Stalking/Harassing	225	175	77.8	20	8.9	27	12.0	3	1.3				
Tax	366	21	5.7	18	4.9	242	66.1	85	23.2				
Other	675	223	33.0	420	62.2	22	3.3	10	1.5				

<sup>1</sup> Of the 64,565 cases, one was excluded due to missing information on type of economic sanction. Of the remaining cases, the court sentenced the offender to pay a fine or make restitution in 10,589 cases. Descriptions of variables used in this table are provided in Appendix A.

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

**Table 17**  
**AMOUNT OF FINE AND RESTITUTION ORDERED BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	FINE ORDERED				RESTITUTION ORDERED <sup>2</sup>				FINE OR RESTITUTION ORDERED			
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum
<b>TOTAL</b>	<b>3,433</b>	<b>\$26,350</b>	<b>\$1,000</b>	<b>\$90,460,563</b>	<b>6,337</b>	<b>\$995,382</b>	<b>\$35,698</b>	<b>\$6,307,733,734</b>	<b>9,397</b>	<b>\$680,874</b>	<b>\$9,000</b>	<b>\$6,398,169,297</b>
Administration of Justice	71	\$8,633	\$2,000	\$612,935	47	\$7,721,378	\$31,986	\$362,904,764	115	\$3,161,023	\$5,000	\$363,517,699
Antitrust	9	\$73,066	\$77,596	\$657,596	0	--	--	--	9	\$73,066	\$77,596	\$657,596
Arson	1	--	--	--	24	\$2,122,612	\$68,846	\$50,942,694	25	\$2,038,308	\$54,891	\$50,957,694
Assault	35	\$1,248	\$1,000	\$43,666	76	\$33,475	\$3,720	\$2,544,090	111	\$23,313	\$1,801	\$2,587,756
Bribery/Corruption	51	\$46,539	\$10,000	\$2,373,500	103	\$2,070,337	\$250,000	\$213,244,661	148	\$1,456,711	\$127,344	\$215,593,161
Burglary/Trespass	1	--	--	--	28	\$16,783	\$9,629	\$469,924	29	\$16,228	\$9,629	\$470,624
Child Pornography	59	\$9,518	\$5,000	\$561,550	456	\$17,615	\$9,000	\$8,032,621	501	\$17,154	\$9,000	\$8,594,171
Commercialized Vice	14	\$19,000	\$4,000	\$266,000	4	\$5,650	\$4,800	\$22,600	18	\$16,033	\$4,300	\$288,600
Drug Possession	139	\$796	\$500	\$110,685	2	--	--	--	141	\$798	\$500	\$112,578
Drug Trafficking	979	\$5,542	\$1,000	\$5,425,760	233	\$333,065	\$3,458	\$82,264,096	1,193	\$73,504	\$1,000	\$87,689,856
Environmental	86	\$17,101	\$5,000	\$1,470,706	41	\$170,607	\$10,000	\$6,994,893	100	\$84,656	\$7,650	\$8,465,599
Extortion/Racketeering	14	\$3,663,869	\$5,000	\$51,294,166	44	\$1,542,627	\$83,786	\$67,875,609	56	\$2,128,032	\$53,350	\$119,169,775
Firearms	463	\$2,585	\$1,000	\$1,196,983	187	\$34,439	\$4,330	\$6,440,058	645	\$11,840	\$1,500	\$7,637,041
Food and Drug	13	\$92,555	\$15,000	\$1,203,213	6	\$6,297	\$960	\$37,784	17	\$73,000	\$8,797	\$1,240,997
Forgery/Counter/Copyright	10	\$14,345	\$6,150	\$143,450	123	\$55,249	\$2,450	\$6,795,592	125	\$55,512	\$2,400	\$6,939,042
Fraud/Theft/Embezzlement	433	\$33,130	\$4,000	\$14,345,283	3,215	\$1,288,640	\$87,658	\$4,142,976,452	3,477	\$1,195,663	\$74,142	\$4,157,321,735
Immigration	312	\$3,774	\$1,000	\$1,177,523	12	\$1,002,618	\$4,559	\$12,031,419	322	\$41,022	\$1,000	\$13,208,942
Individual Rights	11	\$56,770	\$3,000	\$624,475	12	\$141,732	\$17,272	\$1,700,785	22	\$105,694	\$7,250	\$2,325,260
Kidnapping	7	\$11,786	\$4,000	\$82,500	26	\$103,741	\$14,276	\$2,697,255	30	\$92,659	\$11,285	\$2,779,755
Manslaughter	0	--	--	--	13	\$4,677	\$3,500	\$60,798	13	\$4,677	\$3,500	\$60,798
Money Laundering	79	\$40,353	\$10,000	\$3,187,900	235	\$4,261,390	\$666,842	\$1,001,426,692	302	\$3,326,538	\$314,286	\$1,004,614,592
Murder	15	\$51,333	\$1,000	\$770,000	60	\$36,366	\$5,000	\$2,181,959	68	\$43,411	\$5,000	\$2,951,959
National Defense	23	\$9,815	\$1,000	\$225,753	2	--	--	--	25	\$10,044	\$2,500	\$251,088
Obscenity/Other Sex Offenses	12	\$2,379	\$1,750	\$28,550	0	--	--	--	12	\$2,379	\$1,750	\$28,550
Prison Offenses	12	\$800	\$400	\$9,600	0	--	--	--	12	\$800	\$400	\$9,600
Robbery	24	\$12,456	\$1,350	\$298,950	840	\$48,542	\$5,124	\$40,775,475	851	\$48,266	\$5,046	\$41,074,425
Sexual Abuse	41	\$34,939	\$1,500	\$1,432,500	174	\$55,779	\$9,000	\$9,705,619	210	\$53,039	\$7,138	\$11,138,119
Stalking/Harassing	17	\$6,047	\$5,500	\$102,800	24	\$11,092	\$7,520	\$266,205	39	\$9,462	\$7,498	\$369,005
Tax	82	\$24,690	\$10,000	\$2,024,572	319	\$892,484	\$307,693	\$284,702,447	339	\$845,802	\$288,198	\$286,727,019
Other	420	\$1,843	\$500	\$774,247	31	\$19,742	\$4,138	\$612,014	442	\$3,136	\$500	\$1,386,261

<sup>1</sup> Of the 64,565 cases, the court sentenced the offender to pay a fine or make restitution in 10,589 cases. The total number of cases used to calculate amounts of payment ordered (9,397) is less than the total number of cases receiving fines and/or restitution (10,589) due to the exclusion of cases for which a fine and/or restitution was ordered, but the amount was not specified. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.



Table 18

**SUPERVISED RELEASE BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	NO SUPERVISED RELEASE ORDERED		SUPERVISED RELEASE ORDERED		LENGTH OF SUPERVISED RELEASE <sup>2</sup>	
		N	%	N	%	Mean Months	Median Months
<b>TOTAL</b>	<b>64,565</b>	<b>17,503</b>	<b>27.1</b>	<b>47,062</b>	<b>72.9</b>	<b>43</b>	<b>36</b>
Administration of Justice	542	210	38.7	332	61.3	25	24
Antitrust	11	6	54.5	5	45.5	31	36
Arson	48	2	4.2	46	95.8	45	36
Assault	618	107	17.3	511	82.7	36	36
Bribery/Corruption	240	93	38.8	147	61.3	28	36
Burglary/Trespass	39	9	23.1	30	76.9	33	36
Child Pornography	1,023	8	0.8	1,015	99.2	180	120
Commercialized Vice	53	13	24.5	40	75.5	46	36
Drug Possession	439	378	86.1	61	13.9	12	12
Drug Trafficking	16,390	909	5.5	15,481	94.5	49	48
Environmental	137	99	72.3	38	27.7	23	18
Extortion/Racketeering	120	42	35.0	78	65.0	30	36
Firearms	7,539	551	7.3	6,988	92.7	36	36
Food and Drug	33	20	60.6	13	39.4	33	36
Forgery/Counter/Copyright	198	35	17.7	163	82.3	33	36
Fraud/Theft/Embezzlement	4,823	1,752	36.3	3,071	63.7	33	36
Immigration	26,561	12,097	45.5	14,464	54.5	24	24
Individual Rights	70	17	24.3	53	75.7	31	36
Kidnapping	66	0	0.0	66	100.0	54	60
Manslaughter	38	4	10.5	34	89.5	36	36
Money Laundering	880	162	18.4	718	81.6	39	36
Murder	294	9	3.1	285	96.9	58	60
National Defense	165	48	29.1	117	70.9	47	36
Obscenity/Other Sex Offenses	318	22	6.9	296	93.1	76	60
Prison Offenses	457	205	44.9	252	55.1	29	36
Robbery	1,316	30	2.3	1,286	97.7	41	36
Sexual Abuse	881	4	0.5	877	99.5	220	120
Stalking/Harassing	225	22	9.8	203	90.2	33	36
Tax	366	118	32.2	248	67.8	23	24
Other	675	531	78.7	144	21.3	17	12

<sup>1</sup> Supervision sentences of 470 months or greater (including life) were included in the supervised release average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Length of Supervised Release includes only cases where supervised release was imposed. Of these, four were excluded from the length of supervised release analysis due to missing information on the length of supervision.

Table 19

**RATE OF NON-PRISON SENTENCES FOR U.S. CITIZEN OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL ELIGIBLE	RECEIVED NON-PRISON SENTENCE	
		N	%
<b>TOTAL</b>	<b>5,694</b>	<b>1,113</b>	<b>19.5</b>
Administration of Justice	236	46	19.5
Antitrust	2	0	0.0
Arson	1	0	0.0
Assault	114	8	7.0
Bribery/Corruption	59	16	27.1
Burglary/Trespass	12	1	8.3
Child Pornography	0	0	--
Commercialized Vice	25	6	24.0
Drug Possession	237	9	3.8
Drug Trafficking	704	146	20.7
Environmental	83	12	14.5
Extortion/Racketeering	24	2	8.3
Firearms	499	114	22.8
Food and Drug	15	2	13.3
Forgery/Counter/Copyright	55	12	21.8
Fraud/Theft/Embezzlement	1,454	300	20.6
Immigration	1,276	318	24.9
Individual Rights	15	1	6.7
Kidnapping	0	0	--
Manslaughter	0	0	--
Money Laundering	78	17	21.8
Murder	0	0	--
National Defense	15	3	20.0
Obscenity/Other Sex Offenses	56	11	19.6
Prison Offenses	248	17	6.9
Robbery	0	0	--
Sexual Abuse	6	1	16.7
Stalking/Harassing	61	17	27.9
Tax	81	25	30.9
Other	338	29	8.6

<sup>1</sup> Of the 64,565 cases, 34,616 involved United States citizens. In 5,694 of these, the offender was eligible for alternative conditions of confinement as described in USSG §5C1.1, was not convicted of a Class A or Class B felony, and was not subject to any mandatory minimum penalty at the time of sentencing. Descriptions of variables used in this table are provided in Appendix A.

# **GUIDELINE APPLICATION**

---

Table 20

**FEDERAL OFFENDERS SENTENCED UNDER EACH CHAPTER TWO GUIDELINE<sup>1</sup>**  
**Fiscal Year 2020**

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2A1.1	226	0.4	239	0.4	§2D1.10	2	0.0	2	0.0
§2A1.2	27	0.0	32	0.0	§2D1.11	5	0.0	6	0.0
§2A1.3	12	0.0	13	0.0	§2D1.12	3	0.0	5	0.0
§2A1.4	26	0.0	27	0.0	§2D1.13	0	0.0	0	0.0
§2A1.5	34	0.1	56	0.1	§2D1.14	0	0.0	0	0.0
§2A2.1	126	0.2	195	0.3	§2D2.1	140	0.2	163	0.2
§2A2.2	341	0.6	393	0.6	§2D2.2	63	0.1	72	0.1
§2A2.3	79	0.1	111	0.2	§2D2.3	0	0.0	0	0.0
§2A2.4	185	0.3	209	0.3	§2D3.1	3	0.0	5	0.0
§2A3.1	92	0.2	104	0.2	§2D3.2	0	0.0	0	0.0
§2A3.2	28	0.0	34	0.1	§2D3.3	0	0.0	0	0.0
§2A3.3	2	0.0	3	0.0	§2D3.4	0	0.0	0	0.0
§2A3.4	25	0.0	51	0.1	§2D3.5	0	0.0	0	0.0
§2A3.5	291	0.5	305	0.5	§2E1.1	25	0.0	352	0.5
§2A4.1	64	0.1	82	0.1	§2E1.2	2	0.0	92	0.1
§2A4.2	0	0.0	1	0.0	§2E1.3	1	0.0	96	0.1
§2A5.1	0	0.0	0	0.0	§2E1.4	6	0.0	18	0.0
§2A5.2	16	0.0	19	0.0	§2E1.5	0	0.0	0	0.0
§2A5.3	0	0.0	0	0.0	§2E2.1	7	0.0	12	0.0
§2A6.1	154	0.3	165	0.3	§2E3.1	22	0.0	40	0.1
§2A6.2	63	0.1	83	0.1	§2E3.2	0	0.0	0	0.0
§2B1.1	4,356	7.2	4,787	7.3	§2E3.3	0	0.0	0	0.0
§2B1.2	0	0.0	0	0.0	§2E4.1	28	0.0	28	0.0
§2B1.3	0	0.0	0	0.0	§2E5.1	3	0.0	3	0.0
§2B1.4	10	0.0	10	0.0	§2E5.2	0	0.0	0	0.0
§2B1.5	8	0.0	8	0.0	§2E5.3	1	0.0	7	0.0
§2B1.6 <sup>2</sup>	84	0.1	--	--	§2E5.4	0	0.0	0	0.0
§2B2.1	36	0.1	45	0.1	§2E5.5	0	0.0	0	0.0
§2B2.2	0	0.0	0	0.0	§2E5.6	0	0.0	0	0.0
§2B2.3	2	0.0	2	0.0	§2F1.1	0	0.0	0	0.0
§2B3.1	1,297	2.2	1,430	2.2	§2F1.2	0	0.0	0	0.0
§2B3.2	23	0.0	61	0.1	§2G1.1	38	0.1	89	0.1
§2B3.3	13	0.0	21	0.0	§2G1.2	0	0.0	0	0.0
§2B4.1	78	0.1	81	0.1	§2G1.3	305	0.5	381	0.6
§2B5.1	160	0.3	168	0.3	§2G2.1	415	0.7	435	0.7
§2B5.2	0	0.0	0	0.0	§2G2.2	1,020	1.7	1,148	1.7
§2B5.3	37	0.1	43	0.1	§2G2.3	0	0.0	0	0.0
§2B5.4	0	0.0	0	0.0	§2G2.4	0	0.0	0	0.0
§2B6.1	2	0.0	2	0.0	§2G2.5	0	0.0	0	0.0
§2C1.1	139	0.2	151	0.2	§2G2.6	5	0.0	5	0.0
§2C1.2	8	0.0	8	0.0	§2G3.1	21	0.0	31	0.0
§2C1.3	5	0.0	7	0.0	§2G3.2	0	0.0	0	0.0
§2C1.4	0	0.0	0	0.0	§2H1.1	50	0.1	54	0.1
§2C1.5	0	0.0	0	0.0	§2H1.2	0	0.0	0	0.0
§2C1.6	0	0.0	0	0.0	§2H1.3	0	0.0	0	0.0
§2C1.7	0	0.0	0	0.0	§2H1.4	0	0.0	0	0.0
§2C1.8	9	0.0	10	0.0	§2H1.5	0	0.0	0	0.0
§2D1.1	15,965	26.5	16,859	25.6	§2H2.1	4	0.0	5	0.0
§2D1.2	297	0.5	302	0.5	§2H3.1	4	0.0	4	0.0
§2D1.3	0	0.0	0	0.0	§2H3.2	0	0.0	0	0.0
§2D1.4	0	0.0	0	0.0	§2H3.3	4	0.0	8	0.0
§2D1.5	6	0.0	8	0.0	§2H4.1	8	0.0	8	0.0
§2D1.6	0	0.0	167	0.3	§2H4.2	0	0.0	0	0.0
§2D1.7	0	0.0	0	0.0	§2J1.1	0	0.0	4	0.0
§2D1.8	17	0.0	59	0.1	§2J1.2	107	0.2	142	0.2
§2D1.9	0	0.0	0	0.0	§2J1.3	20	0.0	40	0.1

Table 20 (cont.)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	N	%	N	%		N	%	N	%
§2J1.4	13	0.0	18	0.0	§2M6.1	2	0.0	3	0.0
§2J1.5	0	0.0	0	0.0	§2M6.2	0	0.0	0	0.0
§2J1.6	24	0.0	25	0.0	§2N1.1	13	0.0	13	0.0
§2J1.7	0	0.0	0	0.0	§2N1.2	0	0.0	0	0.0
§2J1.8	0	0.0	0	0.0	§2N1.3	0	0.0	0	0.0
§2J1.9	0	0.0	0	0.0	§2N2.1	17	0.0	48	0.1
§2K1.1	4	0.0	4	0.0	§2N3.1	0	0.0	4	0.0
§2K1.2	0	0.0	0	0.0	§2P1.1	235	0.4	248	0.4
§2K1.3	19	0.0	26	0.0	§2P1.2	162	0.3	181	0.3
§2K1.4	47	0.1	65	0.1	§2P1.3	0	0.0	0	0.0
§2K1.5	2	0.0	2	0.0	§2P1.4	0	0.0	0	0.0
§2K1.6	0	0.0	0	0.0	§2Q1.1	1	0.0	1	0.0
§2K1.7	0	0.0	0	0.0	§2Q1.2	18	0.0	20	0.0
§2K2.1	7,091	11.8	7,455	11.3	§2Q1.3	13	0.0	14	0.0
§2K2.2	0	0.0	0	0.0	§2Q1.4	0	0.0	0	0.0
§2K2.3	0	0.0	0	0.0	§2Q1.5	0	0.0	0	0.0
§2K2.4 <sup>3</sup>	330	0.5	--	--	§2Q1.6	1	0.0	1	0.0
§2K2.5	17	0.0	20	0.0	§2Q2.1	80	0.1	82	0.1
§2K2.6	3	0.0	4	0.0	§2Q2.2	0	0.0	0	0.0
§2K3.1	0	0.0	0	0.0	§2R1.1	9	0.0	9	0.0
§2K3.2	0	0.0	0	0.0	§2S1.1	755	1.3	788	1.2
§2L1.1	3,392	5.6	3,425	5.2	§2S1.2	0	0.0	0	0.0
§2L1.2	19,654	32.6	19,844	30.1	§2S1.3	113	0.2	118	0.2
§2L1.3	0	0.0	0	0.0	§2S1.4	0	0.0	0	0.0
§2L2.1	71	0.1	77	0.1	§2T1.1	203	0.3	272	0.4
§2L2.2	642	1.1	682	1.0	§2T1.2	0	0.0	0	0.0
§2L2.3	0	0.0	0	0.0	§2T1.3	0	0.0	0	0.0
§2L2.4	0	0.0	0	0.0	§2T1.4	121	0.2	125	0.2
§2L2.5	0	0.0	0	0.0	§2T1.5	0	0.0	0	0.0
§2M1.1	0	0.0	0	0.0	§2T1.6	28	0.0	33	0.1
§2M2.1	0	0.0	0	0.0	§2T1.7	0	0.0	0	0.0
§2M2.2	0	0.0	0	0.0	§2T1.8	0	0.0	0	0.0
§2M2.3	0	0.0	0	0.0	§2T1.9	1	0.0	26	0.0
§2M2.4	0	0.0	0	0.0	§2T2.1	0	0.0	0	0.0
§2M3.1	1	0.0	1	0.0	§2T2.2	0	0.0	0	0.0
§2M3.2	1	0.0	1	0.0	§2T3.1	9	0.0	21	0.0
§2M3.3	1	0.0	1	0.0	§2T3.2	0	0.0	0	0.0
§2M3.4	0	0.0	0	0.0	§2T4.1	0	0.0	0	0.0
§2M3.5	0	0.0	0	0.0	§2X1.1	13	0.0	2,125	3.2
§2M3.6	0	0.0	0	0.0	§2X2.1	0	0.0	18	0.0
§2M3.7	0	0.0	0	0.0	§2X3.1	55	0.1	82	0.1
§2M3.8	0	0.0	0	0.0	§2X4.1	155	0.3	157	0.2
§2M3.9	0	0.0	0	0.0	§2X5.1	0	0.0	42	0.1
§2M4.1	0	0.0	0	0.0	§2X5.2	142	0.2	144	0.2
§2M5.1	16	0.0	17	0.0	§2X6.1	0	0.0	0	0.0
§2M5.2	119	0.2	124	0.2	§2X7.1	1	0.0	1	0.0
§2M5.3	11	0.0	11	0.0	§2X7.2	0	0.0	0	0.0

Total number of guidelines applied: 65,984

Number of cases with at least one guideline applied: 60,260

<sup>1</sup> Of the 64,565 cases, 4,305 were excluded due to missing guideline applied. The total for any guideline can exceed that for primary guideline because several guidelines may be applied in a case, but only one primary guideline. For the 'As Any Guideline' section, each unique guideline is only counted once in a case. 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 21**  
**FEDERAL OFFENDERS RECEIVING**  
**CHAPTER THREE GUIDELINE ADJUSTMENTS<sup>1</sup>**  
**Fiscal Year 2020**

<b>VICTIM-RELATED</b>	N	%
<b>Vulnerable Victim (§3A1.1)</b>		
Vulnerable victim involved	274	0.5
No vulnerable victim involved	58,923	99.5
Hate crime	14	0.0
Vulnerable victim involved and large number of victims	23	0.0
Vulnerable victim involved and hate crime	0	0.0
Vulnerable victim involved, hate crime, and large number of victims	0	0.0
<b>Official Victim (§3A1.2)</b>		
Official victim involved	21	0.0
Offense against person or involved substantial risk of serious bodily injury	149	0.3
No official victim involved	59,064	99.7
<b>Restraint of Victim (§3A1.3)</b>		
Offense involved restraint of victim	78	0.1
Offense did not involve restraint of victim	59,156	99.9
<b>Terrorism (§3A1.4)</b>		
Offense involved a federal crime of terrorism	19	0.0
Offense did not involve a federal crime of terrorism	59,214	100.0
Offense committed before adjustment added to guidelines	1	0.0
<b>Serious Human Rights Offense (§3A1.5)</b>		
Offender convicted of a serious human rights offense	0	0.0
Offender was not convicted of a serious human rights offense	59,215	100.0
Offense committed before adjustment added to guidelines	19	0.0
<b>CHAPTER 3, PART A TOTAL</b>	<b>59,234</b>	<b>100.0</b>
<b>ROLE IN THE OFFENSE</b>		
<b>Aggravating Role (§3B1.1)</b>		
Organizer or leader	570	1.0
Manager or supervisor	483	0.8
Lesser organizer, leader, manager, or supervisor	878	1.5
No aggravating role	57,303	96.7
<b>Mitigating Role (§3B1.2)</b>		
Minimal participant	530	0.9
Less than minor role but not minimal	231	0.4
Minor participant	3,374	5.7
No mitigating role	55,099	93.0
<b>Abuse of Position of Trust or Use of Special Skill (§3B1.3)</b>		
Offender abused position of trust or used special skill	1,045	1.8
Offender did not abuse position of trust or use special skill	58,189	98.2

Table 21 (cont.)

<b>Use of a Minor to Commit a Crime (§3B1.4)</b>		
Offender used a minor	243	0.4
Offender did not use a minor	58,990	99.6
Offense committed before adjustment added to guidelines	1	0.0
<b>Use of Body Armor to Commit a Crime (§3B1.5)</b>		
Offender used body armor (+2)	7	0.0
Offender used body armor (+4)	5	0.0
Offender did not use body armor	59,215	100.0
Offense committed before adjustment added to guidelines	7	0.0
<b>CHAPTER 3, PART B TOTAL</b>	<b>59,234</b>	<b>100.0</b>
<b>OBSTRUCTION</b>	N	%
<b>Obstruction of Justice (§3C1.1)<sup>2</sup></b>		
Offender obstructed justice	987	1.7
Offender did not obstruct justice	58,247	98.3
<b>Reckless Endangerment During Flight (§3C1.2)</b>		
Offense involved reckless endangerment during flight	637	1.1
Offense did not involve reckless endangerment during flight	58,597	98.9
Offense committed before adjustment added to guidelines	0	0.0
<b>Commission of Offense While on Release (§3C1.3)</b>		
Offense involved commission of offense while on release	58	0.1
Offense did not involve commission of offense while on release	59,169	99.9
Offense committed before adjustment added to guidelines	7	0.0
<b>False Registration of Domain Name (§3C1.4)</b>		
Offense involved false registration of domain name	3	0.0
Offense did not involve false registration of domain name	59,224	100.0
Offense committed before adjustment added to guidelines	7	0.0
<b>CHAPTER 3, PART C TOTAL</b>	<b>59,234</b>	<b>100.0</b>
<b>ACCEPTANCE OF RESPONSIBILITY</b>	N	%
<b>Acceptance of Responsibility (§3E1.1)</b>		
Offender accepted responsibility (-3)	32,134	54.2
Offender accepted responsibility (-2)	25,176	42.5
Offender did not accept responsibility	1,944	3.3
<b>CHAPTER 3, PART E TOTAL</b>	<b>59,254</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, the Commission received complete guideline application information for 59,255 cases. Of these, 21 cases were excluded from the calculations due to missing Chapter Three adjustment information on vulnerable victim, official victim, restraint of victim, terrorism, human rights, aggravating role, mitigating role, abuse of position, use of minor, use of body armor, obstruction of justice, reckless endangerment, commission of offense while on release, and false registration of domain name, and one case due to missing information on acceptance of responsibility. Descriptions of each guideline adjustment can be found in USSG Chapter Three.

<sup>2</sup> When an offender uses computer encryption during the commission of an offense or to avoid detection, it may result in the application of the Obstruction of Justice adjustment. Forty-four offenders used encryption or scrambling technology and of those, one also received an enhancement under §3C1.1.

Table 22

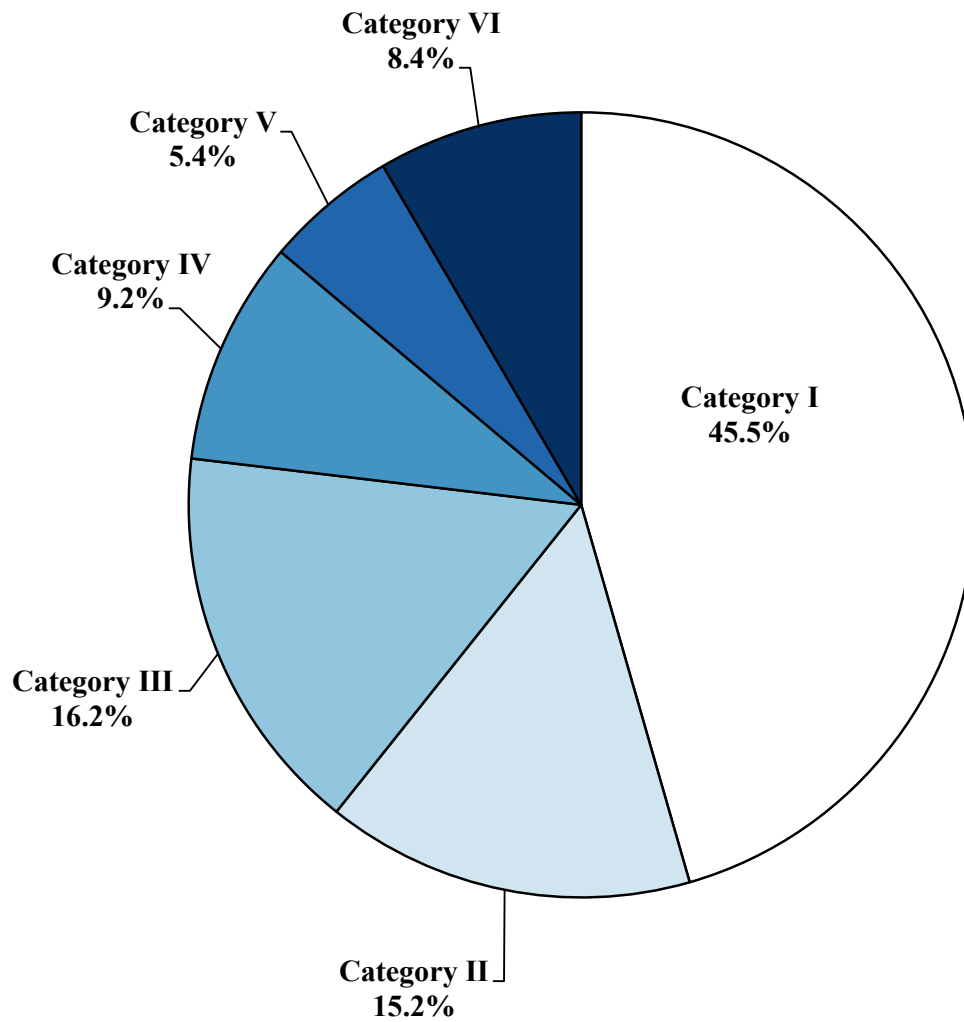
**ACCEPTANCE OF RESPONSIBILITY REDUCTIONS  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2020**

TYPE OF CRIME	TOTAL	NO ACCEPTANCE ADJUSTMENT		2-LEVEL ADJUSTMENT		3-LEVEL ADJUSTMENT	
		N	%	N	%	N	%
<b>TOTAL</b>	<b>59,254</b>	<b>1,944</b>	<b>3.3</b>	<b>25,176</b>	<b>42.5</b>	<b>32,134</b>	<b>54.2</b>
Administration of Justice	500	30	6.0	340	68.0	130	26.0
Antitrust	9	2	22.2	2	22.2	5	55.6
Arson	47	6	12.8	6	12.8	35	74.5
Assault	544	43	7.9	90	16.5	411	75.6
Bribery/Corruption	238	28	11.8	39	16.4	171	71.8
Burglary/Trespass	38	2	5.3	19	50.0	17	44.7
Child Pornography	1,015	39	3.8	12	1.2	964	95.0
Commercialized Vice	52	5	9.6	18	34.6	29	55.8
Drug Possession	131	7	5.3	124	94.7	0	0.0
Drug Trafficking	16,041	571	3.6	1,383	8.6	14,087	87.8
Environmental	113	3	2.7	73	64.6	37	32.7
Extortion/Racketeering	109	7	6.4	24	22.0	78	71.6
Firearms	7,109	304	4.3	1,371	19.3	5,434	76.4
Food and Drug	27	2	7.4	13	48.1	12	44.4
Forgery/Counter/Copyright	196	10	5.1	135	68.9	51	26.0
Fraud/Theft/Embezzlement	4,320	248	5.7	2,061	47.7	2,011	46.6
Immigration	23,622	209	0.9	18,406	77.9	5,007	21.2
Individual Rights	69	13	18.8	10	14.5	46	66.7
Kidnapping	66	20	30.3	1	1.5	45	68.2
Manslaughter	38	5	13.2	1	2.6	32	84.2
Money Laundering	840	54	6.4	113	13.5	673	80.1
Murder	287	73	25.4	11	3.8	203	70.7
National Defense	149	4	2.7	24	16.1	121	81.2
Obscenity/Other Sex Offenses	312	5	1.6	145	46.5	162	51.9
Prison Offenses	390	7	1.8	375	96.2	8	2.1
Robbery	1,303	83	6.4	28	2.1	1,192	91.5
Sexual Abuse	875	95	10.9	19	2.2	761	87.0
Stalking/Harassing	218	22	10.1	73	33.5	123	56.4
Tax	361	39	10.8	43	11.9	279	77.3
Other	235	8	3.4	217	92.3	10	4.3

<sup>1</sup> Of the 64,565 cases, the Commission received complete guideline application information for 59,255 cases. Of these, one was excluded due to missing information on acceptance of responsibility. Descriptions of variables used in this table are provided in Appendix A. The acceptance of responsibility adjustment can be found in USSG §3E1.1.



Figure 7

**CRIMINAL HISTORY CATEGORY  
OF FEDERAL OFFENDERS<sup>1</sup>  
Fiscal Year 2020**

<sup>1</sup> Of the 64,565 cases, 438 were excluded due to missing Criminal History Category. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 23

**CRIMINAL HISTORY POINTS OF FEDERAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

<b>Number of Prior Countable Sentences</b>		
<b>Greater Than 13 Months (§4A1.1(a)) (3-Point Offenses)</b>	N	%
0	40,784	68.8
1	9,110	15.4
2	4,857	8.2
3 or more	4,504	7.6
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>
<b>Number of Prior Countable Sentences</b>		
<b>of 60 Days or Greater (§4A1.1(b)) (2-Point Offenses)</b>	N	%
0	42,272	71.3
1	9,896	16.7
2	4,077	6.9
3 or more	3,010	5.1
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>
<b>Number of Prior Countable Sentences</b>		
<b>of Less Than 60 Days (§4A1.1(c)) (1-Point Offenses)</b>	N	%
0	32,441	54.7
1	14,414	24.3
2	6,282	10.6
3 or more	6,118	10.3
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>
<b>Commission of Offense While Under</b>		
<b>Criminal Justice Sentence (§4A1.1(d))</b>	N	%
Additional points given for commission of instant offense while under criminal justice sentence	14,030	23.7
No additional criminal history points given	45,225	76.3
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>
<b>Commission of a Prior Crime of Violence</b>		
<b>Not Receiving Points Under (a), (b), or (c) (§4A1.1(e))</b>	N	%
Additional points given for prior sentences resulting from a crime of violence that did not receive any points under (a), (b), or (c)	410	0.7
No additional criminal history points given	58,845	99.3
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>

Table 23 (cont.)

<b>Total Criminal History Points</b>	N	%
0	20,180	34.1
1	6,009	10.1
2	3,686	6.2
3	5,290	8.9
4	3,387	5.7
5	3,281	5.5
6	3,299	5.6
7	1,979	3.3
8	2,220	3.7
9	1,801	3.0
10	1,251	2.1
11	1,308	2.2
12	1,051	1.8
13 or more	4,511	7.6
<b>TOTAL</b>	<b>59,253</b>	<b>100.0</b>

<b>Career Offender (§4B1.1)</b>	N	%
Offender found to be career offender	1,216	2.1
Offender found not to be career offender	58,039	97.9
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>

<b>Criminal Livelihood (§4B1.3)</b>	N	%
Offender found to have engaged in criminal livelihood	6	0.0
Offender found not to have engaged in criminal livelihood	59,249	100.0
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>

<b>Armed Career Criminal (§4B1.4)</b>	N	%
Offender found to be armed career criminal	261	0.4
Offender found not to be armed career criminal	58,994	99.6
Offense committed before adjustment was added to guidelines	0	0.0
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>

<b>Repeat and Dangerous Sex Offender Against Minors (§4B1.5)</b>	N	%
Offender found to be a repeat and dangerous sex offender against minors	380	0.6
Offender found not to be a repeat and dangerous sex offender against minors	58,870	99.4
Offense committed before adjustment was added to guidelines	5	0.0
<b>TOTAL</b>	<b>59,255</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, the Commission received complete guideline application information for 59,255 cases. Descriptions of each guideline adjustment can be found in USSG Chapter Four.

Table 24

**FEDERAL OFFENDERS IN EACH OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY<sup>1</sup>**  
**Fiscal Year 2020**

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	N	%	Cumulative %	I	II	III	IV	V	VI
1	6	0.0	0.0	4	0	0	1	0	1
2	337	0.5	0.5	256	25	21	16	8	11
3	20	0.0	0.6	13	2	1	2	1	1
4	1,438	2.3	2.8	1,045	107	133	65	36	52
5	110	0.2	3.0	62	7	14	10	8	9
6	12,037	18.9	21.9	9,715	1,597	570	83	38	34
7	427	0.7	22.5	134	17	65	67	62	82
8	2,291	3.6	26.1	756	801	506	153	48	27
9	218	0.3	26.5	112	28	31	16	13	18
10	7,700	12.1	38.5	1,968	2,297	2,114	772	311	238
11	559	0.9	39.4	281	57	77	51	32	61
12	2,953	4.6	44.1	984	465	626	363	235	280
13	4,281	6.7	50.8	1,103	777	1,137	632	302	330
14	429	0.7	51.4	213	58	57	32	23	46
15	3,097	4.9	56.3	1,107	548	649	367	212	214
16	503	0.8	57.1	284	57	69	37	23	33
17	2,884	4.5	61.6	828	249	593	545	331	338
18	528	0.8	62.4	316	58	61	43	26	24
19	2,287	3.6	66.0	886	212	394	388	172	235
20	498	0.8	66.8	297	49	62	29	26	35
21	2,883	4.5	71.3	762	331	564	472	342	412
22	523	0.8	72.1	263	61	59	55	36	49
23	2,340	3.7	75.8	1,043	210	369	250	197	271
24	598	0.9	76.8	363	53	61	45	34	42
25	1,847	2.9	79.6	783	235	283	197	146	203
26	674	1.1	80.7	385	76	78	48	29	58
27	2,461	3.9	84.6	1,325	221	336	226	131	222
28	499	0.8	85.3	260	67	62	46	31	33
29	2,091	3.3	88.6	551	273	343	218	150	556
30	595	0.9	89.6	261	45	71	74	34	110
31	1,740	2.7	92.3	478	175	248	173	132	534
32	311	0.5	92.8	138	25	47	39	10	52
33	1,056	1.7	94.4	517	108	149	102	70	110
34	665	1.0	95.5	221	42	40	20	34	308
35	881	1.4	96.9	417	105	122	79	52	106
36	147	0.2	97.1	76	18	20	14	8	11
37	542	0.8	97.9	226	67	83	50	37	79
38	185	0.3	98.2	99	15	18	17	11	25
39	219	0.3	98.6	114	32	25	18	11	19
40	213	0.3	98.9	91	34	36	14	13	25
41	126	0.2	99.1	63	17	19	8	5	14
42	112	0.2	99.3	61	13	13	9	6	10
43	461	0.7	100.0	233	37	76	32	39	44
<b>TOTAL</b>	<b>63,772</b>	<b>--</b>	<b>--</b>	<b>29,094</b>	<b>9,671</b>	<b>10,302</b>	<b>5,878</b>	<b>3,465</b>	<b>5,362</b>
<b>%</b>		<b>100.0</b>	<b>100.0</b>	<b>45.6</b>	<b>15.2</b>	<b>16.2</b>	<b>9.2</b>	<b>5.4</b>	<b>8.4</b>

<sup>1</sup> Of the 64,565 cases, 793 were excluded due to one or both of the following reasons: missing offense level (791) or missing Criminal History Category (438). Descriptions of variables used in this table are provided in Appendix A.

**Table 25**  
**FEDERAL OFFENDERS IN EACH GUIDELINE SENTENCING RANGE<sup>1</sup>**  
**Fiscal Year 2020**

FINAL GUIDELINE RANGE (in months)	N	%	Cumulative %
0-6	12,310	19.3	19.3
1-7	1,622	2.5	21.8
2-8	653	1.0	22.9
3-9	1	0.0	22.9
4-10	1,024	1.6	24.5
6-12	2,645	4.1	28.6
8-14	2,676	4.2	32.8
9-15	47	0.1	32.9
10-16	3,308	5.2	38.1
12-18	1,757	2.8	40.8
15-21	2,518	3.9	44.8
18-24	2,393	3.8	48.5
21-27	1,581	2.5	51.0
24-30	2,436	3.8	54.8
27-33	962	1.5	56.3
30-37	2,486	3.9	60.2
33-41	960	1.5	61.7
37-46	2,006	3.1	64.9
41-51	936	1.5	66.4
46-57	2,420	3.8	70.2
51-63	1,025	1.6	71.8
57-71	1,873	2.9	74.7
63-78	997	1.6	76.3
70-87	2,311	3.6	79.9
77-96	492	0.8	80.7
78-97	559	0.9	81.5
84-105	442	0.7	82.2
87-108	954	1.5	83.7
92-115	352	0.6	84.3
97-121	596	0.9	85.2
100-125	413	0.6	85.9
108-135	866	1.4	87.2
110-137	277	0.4	87.7
120-150	184	0.3	87.9
121-151	602	0.9	88.9
130-162	252	0.4	89.3
135-168	864	1.4	90.6
140-175	183	0.3	90.9
151-188	1,112	1.7	92.7
168-210	887	1.4	94.1
188-235	840	1.3	95.4
210-262	504	0.8	96.2
235-293	409	0.6	96.8
262-327	643	1.0	97.8
292-365	308	0.5	98.3
324-405	187	0.3	98.6
360-Life	439	0.7	99.3
Life	461	0.7	100.0
<b>TOTAL</b>	<b>63,773</b>	<b>100.0</b>	<b>--</b>

<sup>1</sup> Of the 64,565 cases, 792 were excluded due to missing sentencing range. Descriptions of variables used in this table are provided in Appendix A.

Table 26

**NUMBER OF CAREER OFFENDERS AND ARMED CAREER CRIMINALS  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2020**

TYPE OF CRIME	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	N	%	N	%
<b>TOTAL</b>	<b>1,216</b>	<b>100.0</b>	<b>261</b>	<b>100.0</b>
Administration of Justice	2	0.2	0	0.0
Antitrust	0	0.0	0	0.0
Arson	2	0.2	0	0.0
Assault	19	1.6	5	1.9
Bribery/Corruption	0	0.0	0	0.0
Burglary/Trespass	0	0.0	0	0.0
Child Pornography	0	0.0	0	0.0
Commercialized Vice	0	0.0	0	0.0
Drug Possession	0	0.0	0	0.0
Drug Trafficking	948	78.0	23	8.8
Environmental	0	0.0	0	0.0
Extortion/Racketeering	0	0.0	0	0.0
Firearms	124	10.2	223	85.4
Food and Drug	0	0.0	0	0.0
Forgery/Counter/Copyright	0	0.0	0	0.0
Fraud/Theft/Embezzlement	0	0.0	0	0.0
Immigration	0	0.0	0	0.0
Individual Rights	0	0.0	0	0.0
Kidnapping	4	0.3	1	0.4
Manslaughter	0	0.0	0	0.0
Money Laundering	11	0.9	1	0.4
Murder	14	1.2	1	0.4
National Defense	0	0.0	0	0.0
Obscenity/Other Sex Offenses	0	0.0	0	0.0
Prison Offenses	1	0.1	0	0.0
Robbery	86	7.1	7	2.7
Sexual Abuse	0	0.0	0	0.0
Stalking/Harassing	5	0.4	0	0.0
Tax	0	0.0	0	0.0
Other	0	0.0	0	0.0

<sup>1</sup> Of the 64,565 cases, the Commission received complete guideline application information for 59,255 cases. Of these, 1,216 offenders received the career offender adjustment and 261 received the armed career criminal adjustment. Descriptions of variables used in this table are provided in Appendix A. A description of Career Offender and Armed Career Criminal adjustments can be found in USSG §§4B1.1 and 4B1.4.

Table 27

**SENTENCE LENGTH IN EACH CRIMINAL HISTORY CATEGORY BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL			I			II			III			IV			V			VI		
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
<b>TOTAL</b>	40	14	64,126	26	6	29,205	27	8	9,731	40	18	10,371	56	33	5,929	73	48	3,489	97	77	5,401
Administration of Justice	11	8	538	7	4	334	10	9	41	14	12	71	19	12	35	23	18	21	26	30	36
Antitrust	8	6	11	8	6	11	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Arson	78	60	48	51	37	20	45	60	4	56	37	6	97	60	6	115	96	3	139	110	9
Assault	66	36	599	33	15	233	52	30	73	74	41	94	91	51	74	110	72	48	113	92	77
Bribery/Corruption	15	8	240	14	8	213	21	14	11	24	18	9	--	--	2	--	--	2	40	36	3
Burglary/Trespass	20	15	38	10	12	13	7	4	5	14	15	6	--	--	2	53	50	6	22	20	6
Child Pornography	102	84	1,022	87	75	747	134	120	92	139	120	116	163	129	39	151	120	19	150	120	9
Commercialized Vice	20	12	53	9	6	34	31	24	10	52	36	3	40	46	3	--	--	0	58	30	3
Drug Possession	3	0	388	3	0	278	1	0	30	2	0	36	4	0	19	6	3	13	3	0	12
Drug Trafficking	76	60	16,377	51	36	7,036	67	60	1,926	79	63	2,501	97	84	1,610	109	96	1,047	128	120	2,257
Environmental	3	0	126	2	0	108	4	2	6	6	5	8	--	--	1	--	--	1	--	--	2
Extortion/Racketeering	23	12	119	19	6	77	23	24	9	17	21	10	37	24	9	58	67	4	39	38	10
Firearms	48	37	7,472	21	12	1,246	30	24	708	35	30	1,546	49	40	1,409	57	48	962	81	63	1,601
Food and Drug	18	4	31	16	0	23	32	35	4	--	--	2	--	--	1	--	--	1	--	--	0
Forgery/Counter/Copyright	17	12	198	9	4	59	7	4	16	12	11	28	25	24	24	20	21	26	28	30	45
Fraud/Theft/Embezzlement	19	8	4,746	16	6	3,435	25	13	389	26	18	376	35	24	188	31	25	133	38	30	225
Immigration	8	5	26,495	4	2	12,539	6	5	5,839	11	9	4,783	19	15	2,002	26	24	814	32	27	518
Individual Rights	55	24	70	54	24	63	81	108	3	--	--	2	--	--	1	--	--	0	--	--	1
Kidnapping	195	168	66	183	128	22	107	96	10	204	220	11	229	192	7	208	168	7	279	324	9
Manslaughter	56	47	38	43	30	21	68	68	4	61	46	7	56	52	3	--	--	2	--	--	1
Money Laundering	58	35	878	44	24	631	72	48	97	78	60	80	104	78	24	160	162	17	153	130	29
Murder	255	228	294	226	180	84	230	180	39	300	240	62	261	260	38	306	300	28	229	180	43
National Defense	39	24	161	26	24	141	30	33	4	41	33	4	--	--	1	--	--	0	209	180	11
Obscenity/Other Sex Offenses	19	18	317	17	12	36	14	13	41	14	15	84	21	20	63	22	24	37	28	30	56
Prison Offenses	11	8	455	8	6	26	4	1	6	6	4	94	9	8	112	13	12	83	16	15	134
Robbery	105	87	1,316	78	57	342	87	70	181	108	84	238	115	100	186	121	103	125	140	128	244
Sexual Abuse	201	180	881	194	180	580	166	129	82	216	182	92	178	135	39	285	270	62	238	195	26
Stalking/Harassing	29	21	224	19	16	99	23	19	32	24	16	39	32	28	18	58	30	18	69	50	18
Tax	15	12	365	14	10	314	17	15	18	23	24	19	20	12	5	46	45	3	67	47	6
Other	3	0	560	1	0	440	4	0	51	9	0	44	5	2	8	7	12	7	16	12	10

<sup>1</sup> Of the 64,565 cases, 439 cases were excluded due to one or both of the following reasons: missing Criminal History Category (438) or missing or indeterminate sentencing information (1). Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSC §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Table 28

**LENGTH OF IMPRISONMENT BY CRIMINAL HISTORY CATEGORY AND TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	CRIMINAL HISTORY CATEGORY																				
	TOTAL			I			II			III			IV			V			VI		
	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N	Mean Mths	Median Mths	N
<b>TOTAL</b>	<b>43</b>	<b>18</b>	<b>59,036</b>	<b>30</b>	<b>6</b>	<b>25,151</b>	<b>28</b>	<b>8</b>	<b>9,238</b>	<b>41</b>	<b>18</b>	<b>10,026</b>	<b>56</b>	<b>34</b>	<b>5,835</b>	<b>74</b>	<b>48</b>	<b>3,432</b>	<b>97</b>	<b>77</b>	<b>5,354</b>
Administration of Justice	15	12	381	11	8	201	10	10	37	16	12	58	21	18	31	24	18	20	28	30	34
Antitrust	12	9	7	12	9	7	--	--	0	--	--	0	--	--	0	--	--	0	--	--	0
Arson	81	60	46	54	37	19	60	60	3	56	37	6	97	60	6	115	96	3	139	110	9
Assault	73	42	536	44	27	176	56	33	68	75	41	93	91	51	74	110	72	48	113	92	77
Bribery/Corruption	21	14	154	21	12	131	23	15	10	28	24	8	--	--	--	--	--	--	40	36	3
Burglary/Trespass	24	18	31	13	13	10	11	10	3	16	15	5	--	--	2	53	50	6	25	24	5
Child Pornography	102	84	1,014	88	78	739	134	120	92	139	120	116	163	129	39	151	120	19	150	120	9
Commercialized Vice	25	18	42	11	8	25	34	25	9	--	--	2	40	46	3	--	--	0	58	30	3
Drug Possession	5	6	223	5	6	163	3	0	10	3	2	21	5	2	13	8	7	9	5	1	7
Drug Trafficking	78	60	15,810	54	37	6,629	70	60	1,854	81	64	2,442	97	84	1,598	110	96	1,038	128	120	2,249
Environmental	7	4	41	6	4	29	5	0	3	6	3	5	--	--	1	--	--	1	--	--	2
Extortion/Racketeering	34	26	80	33	22	43	28	24	7	21	30	8	37	24	9	77	70	3	39	38	10
Firearms	50	37	7,019	25	18	998	33	25	632	37	30	1,474	50	40	1,379	58	50	948	81	63	1,588
Food and Drug	42	44	13	40	44	9	43	36	3	--	--	1	--	--	0	--	--	0	--	--	0
Forgery/Counter/Copyright	19	18	167	11	6	42	9	8	11	13	11	24	25	24	24	24	23	22	28	30	44
Fraud/Theft/Embezzlement	26	18	3,433	22	12	2,317	31	24	302	30	24	310	39	27	168	34	29	121	39	30	215
Immigration	8	5	25,130	4	2	11,421	7	5	5,676	11	9	4,717	19	15	1,990	26	24	811	32	27	515
Individual Rights	70	42	55	71	39	48	81	108	3	--	--	2	--	--	1	--	--	0	--	--	1
Kidnapping	195	168	66	181	128	22	107	96	10	204	220	11	229	192	7	207	168	7	279	324	9
Manslaughter	63	51	34	53	37	17	68	68	4	61	46	7	56	52	3	--	--	2	--	--	1
Money Laundering	66	42	761	52	34	530	77	55	89	83	63	75	109	84	23	180	180	15	153	130	29
Murder	255	228	293	228	180	83	230	180	39	300	240	62	261	260	38	306	300	28	229	180	43
National Defense	43	30	143	29	28	123	29	30	4	41	33	4	--	--	1	--	--	0	209	180	11
Obscenity/Other Sex Offenses	20	18	298	20	15	28	14	14	38	14	15	80	21	21	62	23	24	35	28	30	55
Prison Offenses	11	8	441	11	7	16	4	2	5	6	4	92	9	8	111	12	12	83	16	15	134
Robbery	107	87	1,294	81	60	327	88	70	179	108	84	236	116	103	184	121	100	125	141	130	243
Sexual Abuse	202	180	877	196	180	576	166	129	82	215	180	92	178	135	39	285	270	62	238	195	26
Stalking/Harassing	31	24	204	22	18	83	24	18	31	25	25	36	32	26	18	58	30	18	69	50	18
Tax	20	15	253	18	12	212	24	18	13	25	24	16	29	15	3	46	45	3	66	47	6
Other	7	2	190	5	1	127	7	5	21	16	9	23	4	2	7	12	12	4	19	14	8

<sup>1</sup> Of the 64,565 cases, 4,943 with zero months of prison ordered were excluded. In addition, 586 cases were excluded due to one or both of the following reasons: missing Criminal History Category (324) or missing or indeterminate sentencing information (322). Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. The information in this table does not include 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, 2020 Datafile, USSCFY20.



# **SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES**

---

Table 29

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

	N	%
<b>TOTAL CASES</b>	<b>64,233</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>47,341</b>	<b>73.7</b>
Within Guideline Range	32,358	50.4
Upward Departure <sup>2</sup>	261	0.4
Downward Departure		
§5K1.1 Substantial Assistance	5,270	8.2
§5K3.1 Early Disposition Program	6,918	10.8
Other Government Motion <sup>3</sup>	1,149	1.8
Non-Government Departure <sup>4</sup>	1,385	2.2
<b>VARIANCES</b>	<b>16,892</b>	<b>26.3</b>
Upward Variance <sup>5</sup>	1,182	1.8
Downward Variance		
Government Motion <sup>6</sup>	3,774	5.9
Non-Government Variance <sup>7</sup>	11,936	18.6

<sup>1</sup> Of the 64,565 cases, 332 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.

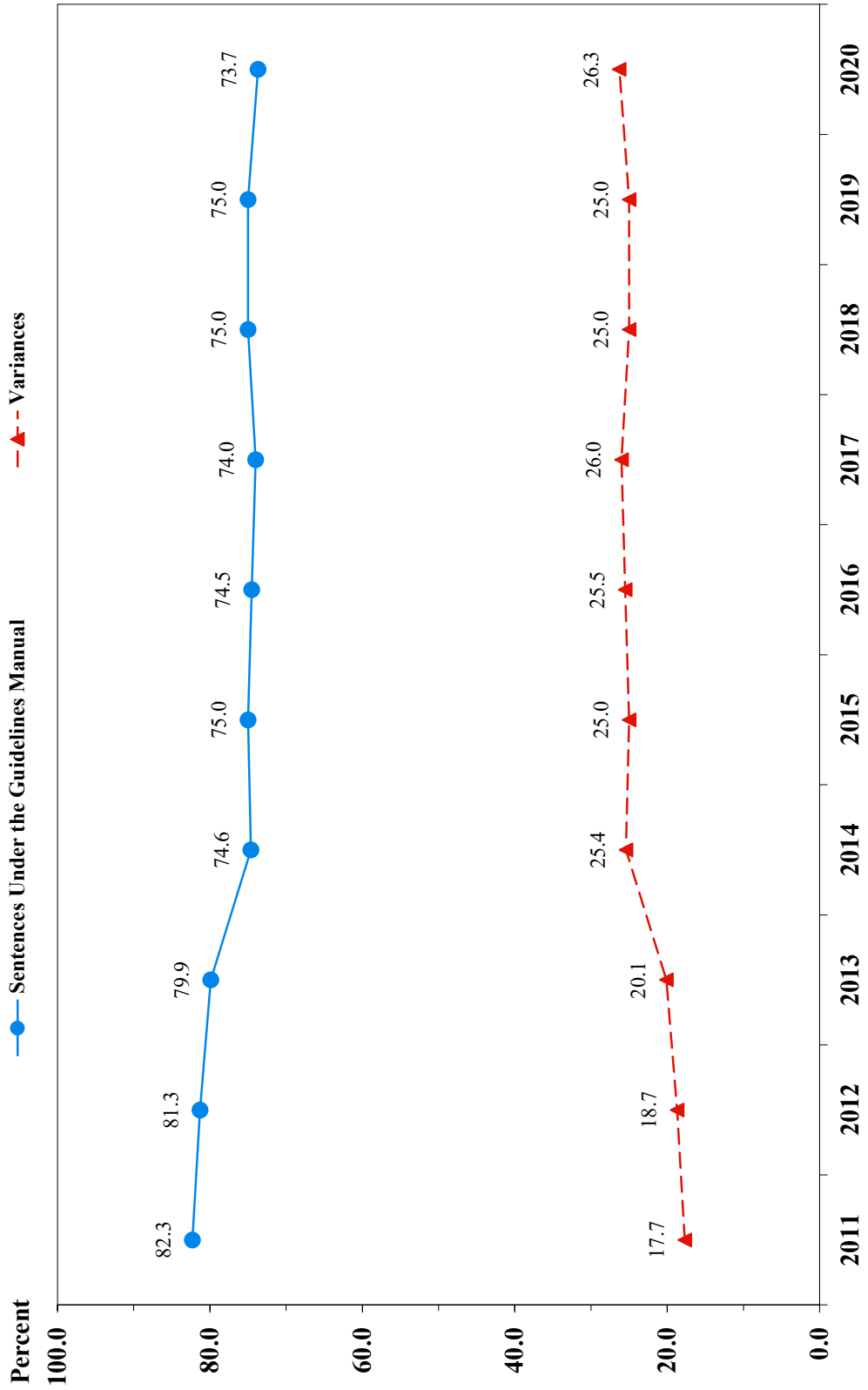
<sup>5</sup> Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

<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, 2020 Datafile, USSCFY20.

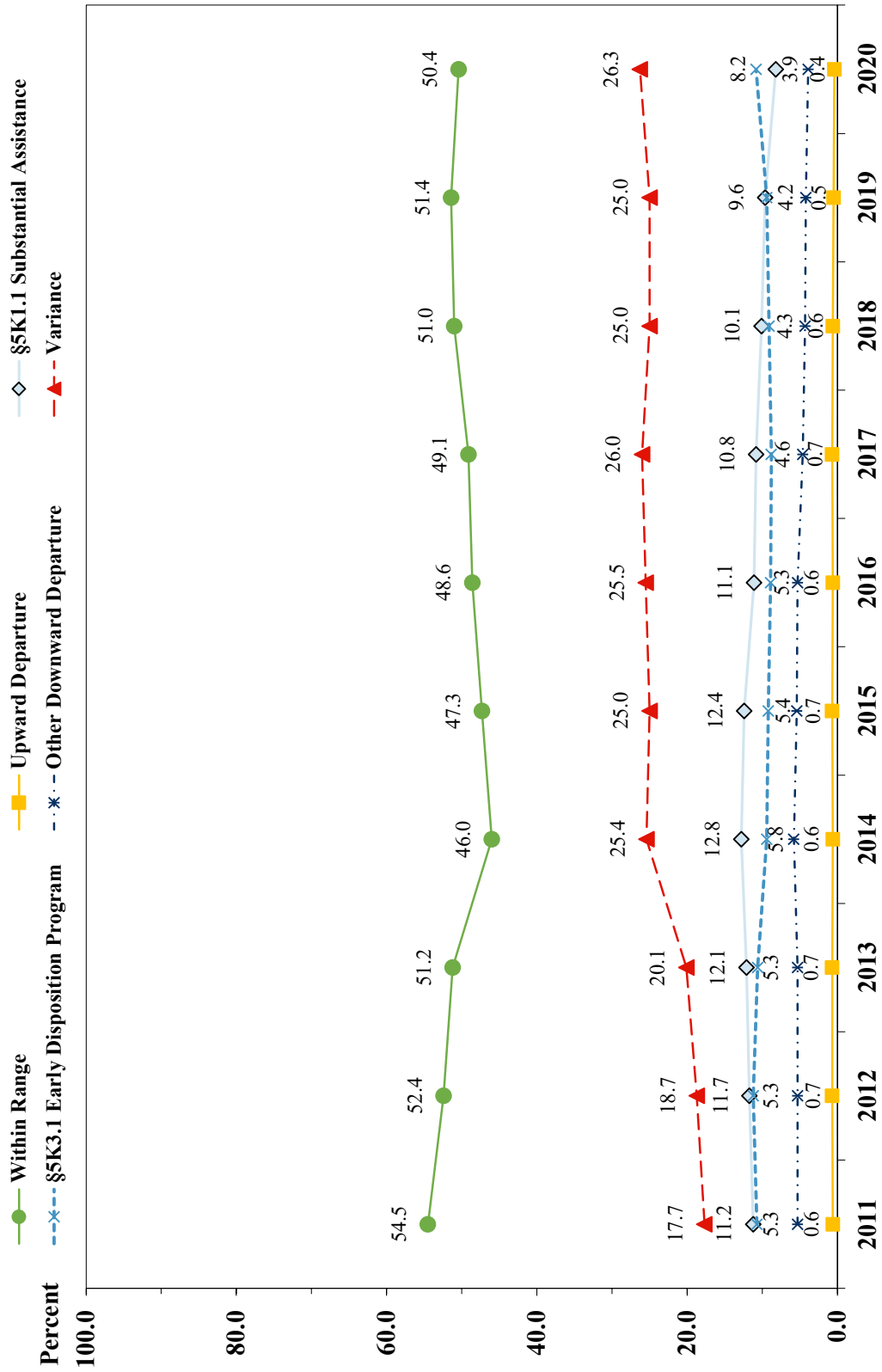
**Figure 8**  
**SENTENCES UNDER THE GUIDELINES MANUAL AND VARIANCES OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



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

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

**Figure 9**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



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

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

Table 30

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2020**

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

Table 30 (cont.)

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

Table 30 (cont.)

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

<sup>1</sup> Of the 64,565 cases, 332 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.

**Table 31**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE**  
**BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	WITHIN		DEPARTURE									
		GUIDELINE		UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>64,233</b>	<b>32,358</b>	<b>50.4</b>	<b>261</b>	<b>0.4</b>	<b>5,270</b>	<b>8.2</b>	<b>6,918</b>	<b>10.8</b>	<b>2,534</b>	<b>3.9</b>	<b>16,892</b>	<b>26.3</b>
Administration of Justice	537	257	47.9	4	0.7	39	7.3	3	0.6	37	6.9	197	36.7
Antitrust	11	1	9.1	0	0.0	5	45.5	0	0.0	0	0.0	5	45.5
Arson	48	22	45.8	2	4.2	3	6.3	0	0.0	1	2.1	20	41.7
Assault	605	301	49.8	9	1.5	26	4.3	2	0.3	46	7.6	221	36.5
Bribery/Corruption	240	32	13.3	0	0.0	81	33.8	0	0.0	16	6.7	111	46.3
Burglary/Trespass	38	17	44.7	0	0.0	3	7.9	0	0.0	2	5.3	16	42.1
Child Pornography	1,022	313	30.6	11	1.1	22	2.2	0	0.0	55	5.4	621	60.8
Commercialized Vice	53	21	39.6	0	0.0	6	11.3	1	1.9	2	3.8	23	43.4
Drug Possession	399	352	88.2	2	0.5	2	0.5	0	0.0	1	0.3	42	10.5
Drug Trafficking	16,372	5,298	32.4	57	0.3	3,297	20.1	1,176	7.2	734	4.5	5,810	35.5
Environmental	126	56	44.4	0	0.0	9	7.1	0	0.0	12	9.5	49	38.9
Extortion/Racketeering	119	38	31.9	0	0.0	26	21.8	0	0.0	6	5.0	49	41.2
Firearms	7,533	3,899	51.8	54	0.7	407	5.4	4	0.1	304	4.0	2,865	38.0
Food and Drug	31	16	51.6	2	6.5	0	0.0	0	0.0	2	6.5	11	35.5
Forgery/Counter/Copyright	198	103	52.0	2	1.0	17	8.6	0	0.0	3	1.5	73	36.9
Fraud/Theft/Embezzlement	4,767	2,258	47.4	20	0.4	512	10.7	33	0.7	156	3.3	1,788	37.5
Immigration	26,479	16,832	63.6	49	0.2	173	0.7	5,688	21.5	862	3.3	2,875	10.9
Individual Rights	70	26	37.1	0	0.0	10	14.3	0	0.0	7	10.0	27	38.6
Kidnapping	66	25	37.9	1	1.5	7	10.6	0	0.0	8	12.1	25	37.9
Manslaughter	38	22	57.9	3	7.9	2	5.3	0	0.0	3	7.9	8	21.1
Money Laundering	878	203	23.1	14	1.6	268	30.5	7	0.8	48	5.5	338	38.5
Murder	294	108	36.7	2	0.7	64	21.8	1	0.3	25	8.5	94	32.0
National Defense	165	60	36.4	0	0.0	21	12.7	1	0.6	13	7.9	70	42.4
Obscenity/Other Sex Offenses	318	164	51.6	5	1.6	3	0.9	0	0.0	18	5.7	128	40.3
Prison Offenses	453	266	58.7	2	0.4	4	0.9	2	0.4	20	4.4	159	35.1
Robbery	1,315	554	42.1	9	0.7	157	11.9	0	0.0	71	5.4	524	39.8
Sexual Abuse	881	373	42.3	4	0.5	56	6.4	0	0.0	49	5.6	399	45.3
Stalking/Harassing	224	119	53.1	5	2.2	3	1.3	0	0.0	17	7.6	80	35.7
Tax	365	101	27.7	0	0.0	45	12.3	0	0.0	14	3.8	205	56.2
Other	588	521	88.6	4	0.7	2	0.3	0	0.0	2	0.3	59	10.0

<sup>1</sup> Of the 64,565 cases, 332 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.



Table 32

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**Fiscal Year 2020**

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	Up				§5K1.1	§5K3.1	Down				
§2A1.1	226	81	0	58	1	18	68	§2D1.8	17	3	0	5	0	0	9		
§2A1.2	27	17	2	0	0	2	6	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	12	8	0	1	0	2	1	§2D1.10	2	0	0	2	0	0	0		
§2A1.4	26	14	3	1	0	1	7	§2D1.11	5	0	0	0	0	0	5		
§2A1.5	34	8	0	4	0	3	19	§2D1.12	3	2	0	0	0	0	1		
§2A2.1	126	49	0	19	0	8	50	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	341	157	8	7	2	31	136	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	78	61	1	0	0	4	12	§2D2.1	140	118	1	2	0	0	19		
§2A2.4	183	105	1	0	2	18	57	§2D2.2	63	54	0	1	0	1	7		
§2A3.1	92	41	2	5	0	9	35	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	28	18	0	0	0	2	8	§2D3.1	3	2	0	0	0	0	1		
§2A3.3	2	1	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	25	13	0	0	0	1	11	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	291	152	2	3	0	17	117	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	64	25	1	6	0	7	25	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	25	9	0	3	0	1	12		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0		
§2A5.2	16	11	0	0	0	0	5	§2E1.3	1	0	0	0	0	0	1		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	3	0	1	0	0	2		
§2A6.1	154	80	5	1	0	13	55	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	63	32	0	2	0	4	25	§2E2.1	7	0	0	0	0	2	5		
§2B1.1	4,353	1,930	18	502	3	151	1,749	§2E3.1	22	6	0	2	0	0	14		
§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	10	1	0	1	0	1	7	§2E4.1	28	2	0	17	0	0	9		
§2B1.5	8	1	0	0	0	0	7	§2E5.1	3	2	0	1	0	0	0		
§2B1.6 <sup>2</sup>	81	77	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	36	16	0	3	0	2	15	§2E5.3	1	1	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	2	1	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,296	551	9	152	0	68	516	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	23	7	0	3	0	0	13	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	13	7	0	1	0	1	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	78	12	0	32	0	4	30	§2G1.1	38	16	0	6	1	1	14		
§2B5.1	160	98	2	11	0	2	47	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	305	153	1	25	0	12	114		
§2B5.3	37	5	0	6	0	1	25	§2G2.1	415	145	1	22	0	25	222		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,020	313	11	22	0	55	619		
§2B6.1	2	0	0	2	0	0	0	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	139	13	0	45	0	10	71	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	8	0	0	1	0	0	7	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	5	5	0	0	0	0	0	§2G2.6	5	0	0	2	0	0	3		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	21	9	3	0	0	0	9		
§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	50	11	0	9	0	6	24		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	9	1	0	3	0	2	3	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	15,960	5,104	53	3,250	1,163	710	5,680	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	297	167	3	34	0	20	73	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	4	2	0	0	0	1	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	3	0	0	0	0	1		
§2D1.5	6	0	0	2	0	0	4	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	8	6	0	1	0	0	1		

Table 32 (cont.)

Guideline	Within Guideline			Departure				Guideline	Within Guideline			Departure			
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	119	42	0	15	1	10	51
§2J1.1	0	0	0	0	0	0	0	§2M5.3	11	3	0	1	0	1	6
§2J1.2	107	29	0	16	1	4	57	§2M6.1	2	1	0	0	0	0	1
§2J1.3	20	9	0	1	0	2	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	0	3	§2N1.1	13	1	0	0	0	2	10
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	24	14	2	0	0	2	6	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	17	14	2	0	0	0	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	234	147	2	3	0	8	74
§2K1.1	4	4	0	0	0	0	0	§2P1.2	162	95	0	1	0	4	62
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	19	5	1	2	0	0	11	§2P1.4	0	0	0	0	0	0	0
§2K1.4	47	21	2	3	0	1	20	§2Q1.1	1	0	0	0	0	0	1
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	18	5	0	1	0	4	8
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	6	0	2	0	1	4
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,090	3,578	48	382	4	295	2,783	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	1	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	80	32	0	5	0	7	36
§2K2.4 <sup>3</sup>	330	272	2	21	0	0	35	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	17	11	3	0	0	0	3	§2R1.1	9	0	0	5	0	0	4
§2K2.6	3	2	0	0	0	0	1	§2S1.1	754	156	3	262	5	38	290
§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	113	42	11	6	1	8	45
§2L1.1	3,391	1,405	15	109	1,109	113	640	§2S1.4	0	0	0	0	0	0	0
§2L1.2	19,643	13,017	32	38	3,952	690	1,914	§2T1.1	203	59	0	26	0	5	113
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	71	28	1	17	0	1	24	§2T1.3	0	0	0	0	0	0	0
§2L2.2	642	478	1	5	29	17	112	§2T1.4	121	32	0	15	0	9	65
§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	28	1	0	1	0	0	26
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	1	1	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	0	0	0	0	0	0	0
§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	9	6	0	3	0	0	0
§2M3.1	1	0	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	1	0	0	0	0	0	1	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	1	§2X1.1	13	7	0	1	0	2	3
§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	55	20	0	11	0	5	19
§2M3.6	0	0	0	0	0	0	0	§2X4.1	155	73	1	19	0	9	53
§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	142	114	1	0	0	0	27
§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	1	1	0	0	0	0	0
§2M5.1	16	2	0	5	0	2	7	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>60,230</b>	<b>29,481</b>	<b>254</b>	<b>5,256</b>	<b>6,274</b>	<b>2,456</b>	<b>16,509</b>

<sup>1</sup> Of the 64,565 cases, 4,335 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 (332) or missing guideline applied (4,305). 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 33

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

	§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	%
	TOTAL CASES		TOTAL CASES		TOTAL CASES		TOTAL CASES		TOTAL CASES	
<b>TOTAL</b>	<b>31,875</b>	<b>16.6</b>	<b>7,041</b>	<b>22.1</b>	<b>4,870</b>	<b>15.3</b>	<b>7,573</b>	<b>23.8</b>	<b>636</b>	<b>2.0</b>
<b>Departures</b>	<b>14,983</b>	<b>35.2</b>	<b>7,033</b>	<b>46.9</b>	<b>3,550</b>	<b>23.7</b>	<b>6,456</b>	<b>43.1</b>	<b>517</b>	<b>3.5</b>
Upward Departure	261	0.0	0	0.0	71	27.2	45	17.2	0	0.0
Downward Departure										
§5K1.1 Substantial Assistance	5,270	100.0	115	2.2	200	3.8	1,443	27.4	24	0.5
§5K3.1 Early Disposition Program	6,918	0.0	6,918	100.0	2,751	39.8	4,529	65.5	481	7.0
Other Government Motion	1,149	0.0	0	0.0	528	46.0	439	38.2	12	1.0
Non-Government Departure	1,385	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>16,892</b>	<b>9 0.1</b>	<b>8 0.0</b>	<b>7.8</b>	<b>1,320</b>	<b>7.8</b>	<b>1,117</b>	<b>6.6</b>	<b>119</b>	<b>0.7</b>
Upward Variance	1,182	9 0.8	8 0.7	15.7	186	15.7	107	9.1	0	0.0
Downward Variance										
Government Motion	3,774	0 0.0	0 0.0	30.0	1,134	30.0	1,010	26.8	119	3.2
Non-Government Variance	11,936	0 0.0	0 0.0	0.0	0 0.0	0.0	0 0.0	0.0	0 0.0	0.0

Table 33 (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>	4,320	13.6	5,368	16.8	6,393	20.1	1,422	4.5	4,402	13.8	2,344	7.4
<b>Departures</b>	3,679	24.6	1,872	12.5	1,447	9.7	611	4.1	1,409	9.4	227	1.5
Upward Departure	62	23.8	3	1.1	3	1.1	5	1.9	62	23.8	26	10.0
Downward Departure	3,238	61.4	592	11.2	545	10.3	228	4.3	560	0.0	0	0.0
§5K1.1 Substantial Assistance	264	3.8	543	7.8	560	8.1	278	4.0	382	5.5	0	0.0
§5K3.1 Early Disposition Program	115	10.0	66	5.7	40	3.5	100	8.7	74	6.4	35	3.0
Other Government Motion	0	0.0	668	48.2	299	21.6	0	0.0	331	23.9	166	12.0
Non-Government Departure												
<b>Variances</b>	641	3.8	3,496	20.7	4,946	29.3	811	4.8	2,993	17.7	2,117	12.5
Upward Variance	196	16.6	11	0.9	6	0.5	14	1.2	479	40.5	212	17.9
Downward Variance	445	11.8	281	7.4	130	3.4	797	21.1	198	5.2	139	3.7
Government Motion	0	0.0	3,204	26.8	4,810	40.3	0	0.0	2,316	19.4	1,766	14.8
Non-Government Variance												

<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, 13,338 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.

**Table 34**  
**POSITION OF WITHIN GUIDELINE RANGE SENTENCES**  
**BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>29,415</b>	<b>10,153</b>	<b>34.5</b>	<b>9,368</b>	<b>31.8</b>	<b>3,273</b>	<b>11.1</b>	<b>3,833</b>	<b>13.0</b>	<b>2,788</b>	<b>9.5</b>
Administration of Justice	217	95	43.8	57	26.3	18	8.3	16	7.4	31	14.3
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	12	9	75.0	2	16.7	0	0.0	0	0.0	1	8.3
Assault	257	117	45.5	45	17.5	25	9.7	32	12.5	38	14.8
Bribery/Corruption	30	18	60.0	5	16.7	3	10.0	0	0.0	4	13.3
Burglary/Trespass	16	6	37.5	5	31.3	1	6.3	2	12.5	2	12.5
Child Pornography	231	113	48.9	36	15.6	19	8.2	24	10.4	39	16.9
Commercialized Vice	20	9	45.0	3	15.0	1	5.0	2	10.0	5	25.0
Drug Possession	327	153	46.8	61	18.7	10	3.1	66	20.2	37	11.3
Drug Trafficking	4,623	2,853	61.7	724	15.7	338	7.3	291	6.3	417	9.0
Environmental	54	45	83.3	5	9.3	2	3.7	2	3.7	0	0.0
Extortion/Racketeering	34	23	67.6	3	8.8	4	11.8	1	2.9	3	8.8
Firearms	3,471	1,678	48.3	523	15.1	428	12.3	248	7.1	594	17.1
Food and Drug	16	15	93.8	0	0.0	0	0.0	0	0.0	1	6.3
Forgery/Counter/Copyright	97	42	43.3	15	15.5	10	10.3	9	9.3	21	21.6
Fraud/Theft/Embezzlement	2,066	1,042	50.4	354	17.1	219	10.6	220	10.6	231	11.2
Immigration	15,772	2,803	17.8	7,097	45.0	2,041	12.9	2,757	17.5	1,074	6.8
Individual Rights	20	12	60.0	3	15.0	0	0.0	2	10.0	3	15.0
Kidnapping	12	3	25.0	4	33.3	1	8.3	1	8.3	3	25.0
Manslaughter	20	7	35.0	2	10.0	5	25.0	2	10.0	4	20.0
Money Laundering	189	110	58.2	23	12.2	13	6.9	19	10.1	24	12.7
Murder	29	3	10.3	14	48.3	0	0.0	4	13.8	8	27.6
National Defense	54	36	66.7	6	11.1	3	5.6	2	3.7	7	13.0
Obscenity/Other Sex Offenses	157	77	49.0	22	14.0	27	17.2	7	4.5	24	15.3
Prison Offenses	254	101	39.8	69	27.2	29	11.4	18	7.1	37	14.6
Robbery	538	247	45.9	95	17.7	29	5.4	59	11.0	108	20.1
Sexual Abuse	222	91	41.0	53	23.9	22	9.9	26	11.7	30	13.5
Stalking/Harassing	108	50	46.3	20	18.5	11	10.2	8	7.4	19	17.6
Tax	92	59	64.1	14	15.2	4	4.3	6	6.5	9	9.8
Other	477	336	70.4	108	22.6	10	2.1	9	1.9	14	2.9

<sup>1</sup> Of the 64,565 cases, 32,358 offenders were sentenced within the applicable guideline range. An additional 2,943 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

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

**Table 35**

**EXTENT OF UPWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2020**

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>259</b>	<b>76</b>	<b>22</b>	<b>72.6</b>	<b>57</b>	<b>13</b>	<b>38.1</b>
Administration of Justice	4	47	29	178.7	44	24	167.9
Antitrust	0	--	--	--	--	--	--
Arson	2	--	--	--	--	--	--
Assault	9	64	19	54.6	54	13	18.3
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	11	110	32	43.8	87	27	45.0
Commercialized Vice	0	--	--	--	--	--	--
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	57	114	31	90.7	96	19	37.9
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	54	77	25	71.9	60	20	35.1
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	2	--	--	--	--	--	--
Fraud/Theft/Embezzlement	20	34	10	81.4	20	7	58.3
Immigration	49	34	9	48.1	27	6	33.0
Individual Rights	0	--	--	--	--	--	--
Kidnapping	1	--	--	--	--	--	--
Manslaughter	3	76	36	101.1	72	35	94.6
Money Laundering	14	17	8	93.3	14	6	66.7
Murder	1	--	--	--	--	--	--
National Defense	0	--	--	--	--	--	--
Obscenity/Other Sex Offenses	5	68	41	146.4	87	57	190.0
Prison Offenses	2	--	--	--	--	--	--
Robbery	9	149	33	35.2	144	29	14.9
Sexual Abuse	4	196	53	41.6	204	45	40.0
Stalking/Harassing	5	51	12	39.6	48	11	37.5
Tax	0	--	--	--	--	--	--
Other	3	15	3	21.5	13	2	25.0

<sup>1</sup> Of the 64,565 cases, in 261 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, one offender was excluded from this table. One additional offender was 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, 2020 Datafile, USSCFY20.

Table 36

**EXTENT OF UPWARD VARIANCES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2020**

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>1,167</b>	<b>83</b>	<b>23</b>	<b>61.9</b>	<b>60</b>	<b>12</b>	<b>33.3</b>
Administration of Justice	15	34	14	91.2	30	14	63.6
Antitrust	0	--	--	--	--	--	--
Arson	3	133	58	94.9	144	84	140.0
Assault	35	129	38	51.2	100	29	28.9
Bribery/Corruption	1	--	--	--	--	--	--
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	24	192	65	64.0	168	36	31.1
Commercialized Vice	4	83	37	78.8	84	31	52.7
Drug Possession	21	9	3	42.8	7	1	16.7
Drug Trafficking	221	106	30	86.6	92	18	35.2
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	6	62	21	57.1	60	21	54.4
Firearms	314	84	24	51.9	72	15	32.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	3	44	5	14.4	60	3	17.6
Fraud/Theft/Embezzlement	106	60	19	65.0	48	12	40.6
Immigration	241	23	8	65.8	18	6	50.0
Individual Rights	1	--	--	--	--	--	--
Kidnapping	5	257	45	21.4	240	45	27.7
Manslaughter	2	--	--	--	--	--	--
Money Laundering	7	132	27	30.3	42	9	28.8
Murder	4	345	41	19.4	390	44	12.6
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	11	43	14	44.4	36	9	33.3
Prison Offenses	8	51	16	80.1	36	16	58.3
Robbery	54	201	42	31.6	195	28	21.2
Sexual Abuse	32	202	49	33.3	180	39	24.9
Stalking/Harassing	16	71	29	87.0	60	19	54.3
Tax	1	--	--	--	--	--	--
Other	29	12	4	49.8	8	2	33.3

<sup>1</sup> Of the 64,565 cases, in 1,182 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, three offenders were excluded from this table. Also, 12 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Table 37

**EXTENT OF §5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2020**

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>5,165</b>	<b>53</b>	<b>53</b>	<b>54.4</b>	<b>37</b>	<b>37</b>	<b>50.0</b>
Administration of Justice	38	2	12	84.9	0	12	100.0
Antitrust	5	2	10	86.6	0	8	100.0
Arson	3	21	28	64.3	26	27	56.3
Assault	21	77	116	56.6	35	67	50.0
Bribery/Corruption	81	10	32	77.1	3	22	94.5
Burglary/Trespass	3	13	7	36.5	13	6	35.2
Child Pornography	22	98	60	40.9	91	45	32.0
Commercialized Vice	6	3	15	86.1	0	12	99.9
Drug Possession	2	--	--	--	--	--	--
Drug Trafficking	3,265	64	61	51.0	54	48	47.6
Environmental	9	2	12	87.0	0	8	100.0
Extortion/Racketeering	26	7	27	87.8	0	16	100.0
Firearms	404	36	32	53.7	24	23	47.8
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	17	9	27	67.3	8	21	67.5
Fraud/Theft/Embezzlement	509	16	26	64.2	12	21	63.5
Immigration	173	13	13	57.5	11	10	51.4
Individual Rights	10	38	40	52.9	36	29	55.0
Kidnapping	7	99	117	51.0	120	94	34.9
Manslaughter	2	--	--	--	--	--	--
Money Laundering	262	47	61	61.4	36	37	60.3
Murder	25	109	170	60.4	121	144	56.7
National Defense	21	21	29	54.8	18	22	56.2
Obscenity/Other Sex Offenses	3	22	7	24.3	19	5	20.8
Prison Offenses	4	4	7	73.2	3	8	83.1
Robbery	152	74	63	47.4	60	46	44.0
Sexual Abuse	47	113	101	47.8	105	96	48.9
Stalking/Harassing	3	22	15	59.3	12	12	50.0
Tax	43	10	19	66.3	8	15	66.6
Other	2	--	--	--	--	--	--

<sup>1</sup> Of the 64,565 cases, in 5,270 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, 57 offenders were excluded from this table. Also, 48 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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



**Table 38**  
**EXTENT OF §5K3.1 EARLY DISPOSITION PROGRAM DEPARTURES**  
**BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

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>6,913</b>	<b>12</b>	<b>14</b>	<b>51.0</b>	<b>7</b>	<b>6</b>	<b>47.4</b>
Administration of Justice	3	10	6	38.1	10	5	33.3
Antitrust	0	--	--	--	--	--	--
Arson	0	--	--	--	--	--	--
Assault	2	--	--	--	--	--	--
Bribery/Corruption	0	--	--	--	--	--	--
Burglary/Trespass	0	--	--	--	--	--	--
Child Pornography	0	--	--	--	--	--	--
Commercialized Vice	1	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	1,175	30	46	59.8	26	39	58.9
Environmental	0	--	--	--	--	--	--
Extortion/Racketeering	0	--	--	--	--	--	--
Firearms	4	22	11	49.8	21	11	43.9
Food and Drug	0	--	--	--	--	--	--
Forgery/Counter/Copyright	0	--	--	--	--	--	--
Fraud/Theft/Embezzlement	33	3	5	73.4	0	6	99.5
Immigration	5,685	8	7	49.1	6	5	42.5
Individual Rights	0	--	--	--	--	--	--
Kidnapping	0	--	--	--	--	--	--
Manslaughter	0	--	--	--	--	--	--
Money Laundering	7	39	38	60.0	12	14	55.6
Murder	0	--	--	--	--	--	--
National Defense	1	--	--	--	--	--	--
Obscenity/Other Sex Offenses	0	--	--	--	--	--	--
Prison Offenses	2	--	--	--	--	--	--
Robbery	0	--	--	--	--	--	--
Sexual Abuse	0	--	--	--	--	--	--
Stalking/Harassing	0	--	--	--	--	--	--
Tax	0	--	--	--	--	--	--
Other	0	--	--	--	--	--	--

<sup>1</sup> Of the 64,565 cases, in 6,918 the offender received a §5K3.1 early disposition program departure below the guideline range. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one offender was excluded from this table. Also, four offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

Table 39

**EXTENT OF OTHER DOWNWARD DEPARTURES  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2020**

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>2,488</b>	<b>38</b>	<b>25</b>	<b>45.4</b>	<b>18</b>	<b>12</b>	<b>40.0</b>
Administration of Justice	37	7	9	65.9	4	8	75.0
Antitrust	0	--	--	--	--	--	--
Arson	1	--	--	--	--	--	--
Assault	44	38	16	37.2	24	11	27.9
Bribery/Corruption	16	9	18	68.5	6	16	68.6
Burglary/Trespass	2	--	--	--	--	--	--
Child Pornography	54	75	50	41.6	62	42	41.4
Commercialized Vice	2	--	--	--	--	--	--
Drug Possession	0	--	--	--	--	--	--
Drug Trafficking	727	65	39	41.0	60	25	35.6
Environmental	12	5	10	79.7	0	10	100.0
Extortion/Racketeering	5	15	20	63.4	12	22	70.7
Firearms	300	34	21	43.4	24	13	34.7
Food and Drug	2	--	--	--	--	--	--
Forgery/Counter/Copyright	3	8	22	77.0	12	21	67.6
Fraud/Theft/Embezzlement	153	16	18	65.2	6	12	64.3
Immigration	862	12	10	45.3	9	6	40.0
Individual Rights	5	14	25	79.1	3	12	80.0
Kidnapping	8	125	81	36.2	114	60	31.2
Manslaughter	3	81	15	30.4	51	12	19.0
Money Laundering	46	58	46	52.1	33	27	48.5
Murder	15	130	138	52.1	129	120	47.8
National Defense	13	34	28	41.3	24	13	35.1
Obscenity/Other Sex Offenses	17	12	11	46.1	16	6	23.8
Prison Offenses	20	6	6	61.0	5	6	52.4
Robbery	70	84	35	30.0	60	25	26.4
Sexual Abuse	41	116	71	35.5	120	60	31.4
Stalking/Harassing	16	17	13	45.9	19	10	39.3
Tax	13	6	15	79.0	1	15	94.4
Other	1	--	--	--	--	--	--

<sup>1</sup> Of the 64,565 cases, in 2,534 the sentence was a downward departure from the guideline range, either due to a government motion for a departure (1,149) or a non-government departure (1,385). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 19 offenders were excluded from this table. Also, 27 offenders were excluded due to several logical criteria. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

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

**Table 40**  
**EXTENT OF DOWNWARD VARIANCES**  
**BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

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>15,404</b>	<b>47</b>	<b>25</b>	<b>44.8</b>	<b>24</b>	<b>14</b>	<b>36.1</b>
Administration of Justice	181	8	13	66.5	4	9	71.4
Antitrust	5	14	25	72.5	8	21	77.7
Arson	16	65	29	39.6	33	23	32.1
Assault	175	42	19	45.4	24	12	35.1
Bribery/Corruption	107	16	22	64.3	9	12	66.7
Burglary/Trespass	14	7	11	73.7	0	9	99.7
Child Pornography	591	79	49	38.9	72	41	38.1
Commercialized Vice	19	9	9	63.8	6	6	50.0
Drug Possession	20	0	3	95.2	0	2	100.0
Drug Trafficking	5,528	73	36	38.1	60	24	31.0
Environmental	48	3	12	81.3	1	10	88.2
Extortion/Racketeering	43	19	20	58.3	12	12	63.0
Firearms	2,533	35	18	42.6	24	12	33.3
Food and Drug	11	26	29	60.8	33	30	52.9
Forgery/Counter/Copyright	69	8	14	68.0	4	11	82.8
Fraud/Theft/Embezzlement	1,660	18	15	58.5	12	10	51.6
Immigration	2,627	10	8	48.7	7	6	40.0
Individual Rights	26	35	28	56.2	21	12	51.2
Kidnapping	16	108	113	46.4	85	69	45.5
Manslaughter	6	15	25	72.9	9	26	82.4
Money Laundering	320	50	38	51.2	24	21	44.6
Murder	45	166	80	32.1	176	67	28.6
National Defense	69	35	31	52.8	24	22	50.0
Obscenity/Other Sex Offenses	117	11	10	51.9	10	9	46.7
Prison Offenses	151	8	8	52.9	6	6	50.0
Robbery	454	82	29	30.6	65	21	22.7
Sexual Abuse	264	153	68	32.6	151	57	28.6
Stalking/Harassing	62	18	11	50.7	12	8	39.2
Tax	198	10	14	64.8	6	12	66.7
Other	29	9	13	82.9	0	6	100.0

<sup>1</sup> Of the 64,565 cases, in 15,710 the sentence was a variance below the guideline range, either due to a government motion for a variance (3,774) or a non-government variance (11,936). Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, 128 offenders were excluded from this table. Also, 177 offenders were excluded due to several logical criteria. Of the remaining 15,405 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.

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

**Table 41**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	172	24.5
Dismissed and uncharged conduct (§5K2.21)	83	11.8
Pursuant to plea agreement	56	8.0
General aggravating circumstances (§5K2.0)	46	6.6
Protect public from further crimes	42	6.0
Reflect seriousness of offense/promotes respect for law/just punishment	38	5.4
Afford adequate deterrence to criminal conduct	37	5.3
The nature and circumstance of the offense	30	4.3
The history and characteristics of the defendant	26	3.7
Death (§5K2.1)	13	1.9
Extreme conduct (§5K2.8)	8	1.1
Physical injury (§5K2.2)	7	1.0
Propensity for violence	7	1.0
Avoid unwarranted sentencing disparity	7	1.0
Drug dependence and alcohol abuse (§5H1.4)	6	0.9
Nature or seriousness of the offense	5	0.7
Excerpt from 18 U.S.C. § 3553(a)	5	0.7
Lack of remorse	5	0.7
Criminal history issues in application of §2L1.2	5	0.7
Mental and emotional conditions	5	0.7
Weapons/dangerous instrumentalities (§5K2.6)	4	0.6
Provide correctional treatment	4	0.6
Victim impact	4	0.6
General guideline adequacy issues	4	0.6
Age (§5H1.1)	3	0.4
Discharge terms of imprisonment (§5K2.23)	3	0.4
Defendant absconded/evaded/fled arrest	3	0.4
Reckless behavior	3	0.4
Role in the offense	3	0.4
Other	67	9.6
<b>TOTAL</b>	<b>701</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, in 261 the sentence was an upward departure. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 701 reasons were cited for the 261 cases. The 'Other' category includes all reasons cited fewer than three times among relevant cases and 11 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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

**Table 42**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Reflect seriousness of offense/promotes respect for law/just punishment	795	15.0
Afford adequate deterrence to criminal conduct	658	12.4
Protect public from further crimes	573	10.8
The history and characteristics of the defendant	546	10.3
The nature and circumstance of the offense	540	10.2
Criminal history issues	406	7.7
General aggravating circumstances (§5K2.0)	151	2.9
Dismissed and uncharged conduct (§5K2.21)	140	2.6
Pursuant to plea agreement	124	2.3
Avoid unwarranted sentencing disparity	112	2.1
Role in the offense	91	1.7
Victim impact	90	1.7
Extreme conduct (§5K2.8)	78	1.5
Provide correctional treatment	63	1.2
Propensity for violence	62	1.2
Lack of remorse	42	0.8
Provide educational or vocational training	40	0.8
Drug dependence and alcohol abuse (§5H1.4)	38	0.7
Acceptance of responsibility	27	0.5
Mental and emotional conditions	27	0.5
Age (§5H1.1)	25	0.5
Provide medical care	25	0.5
General guideline adequacy issues	25	0.5
Lack of youthful guidance/tragic or troubled childhood	24	0.5
Provide restitution to any victims	22	0.4
Conduct while on release, bond, or supervision	22	0.4
Mens Rea	18	0.3
Weapons/dangerous instrumentalities (§5K2.6)	17	0.3
Previous employment record (§5H1.5)	16	0.3
Family ties and responsibilities (§5H1.6)	15	0.3
Ongoing nature of activity	15	0.3
Nature and circumstance of offense/history of defendant	13	0.2
Nature or seriousness of the offense	13	0.2
Aberrant behavior (§5K2.20)	12	0.2
Other	424	8.0
<b>TOTAL</b>	<b>5,289</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, in 1,182 the sentence was a variance above the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 5,289 reasons were cited for the 1,182 cases. The 'Other' category includes all reasons cited fewer than 12 times among relevant cases and 83 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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

**Table 43**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**DOWNWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Early disposition program (EDP) (§5K3.1)	7,033	17.7
Substantial assistance with government motion (§5K1.1)	5,270	13.3
The history and characteristics of the defendant	2,478	6.2
Criminal history issues	2,112	5.3
Family ties and responsibilities (§5H1.6)	1,500	3.8
General mitigating circumstances (§5K2.0)	1,448	3.6
Reflect seriousness of offense/promotes respect for law/just punishment	1,401	3.5
Afford adequate deterrence to criminal conduct	1,360	3.4
The nature and circumstance of the offense	1,195	3.0
Avoid unwarranted sentencing disparity	947	2.4
Age (§5H1.1)	873	2.2
Protect public from further crimes	794	2.0
Drug dependence/alcohol abuse (§5H1.4)	789	2.0
COVID-19/pandemic	710	1.8
Pursuant to plea agreement	663	1.7
Acceptance of responsibility	651	1.6
Mental and emotional conditions	634	1.6
Rehabilitation	593	1.5
Previous employment record (§5H1.5)	573	1.4
Remorse	507	1.3
Role in the offense	494	1.2
Lack of youthful guidance/tragic or troubled childhood	486	1.2
Physical condition (§5H1.4)	454	1.1
First Step Act safety valve expansion	409	1.0
Nonviolent offense/offender	348	0.9
Aberrant behavior (§5K2.20)	346	0.9
Waiver of appeal	307	0.8
Early plea	298	0.8
Conduct while on release, bond, or supervision	276	0.7
Provide correctional treatment	234	0.6
Waiver of indictment	197	0.5
Time served/ <i>U.S. v. Barrera-Saucedo</i>	183	0.5
Provide educational or vocational training	175	0.4
Educational and vocational skills (§5H1.2)	142	0.4
Other	3,807	9.6
<b>TOTAL</b>	<b>39,687</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, in 14,722 the sentence was a downward departure from the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 39,687 reasons were cited for the 14,722 cases. The 'Other' category includes all reasons cited fewer than 140 times among relevant cases and 184 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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

**Table 44**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**DOWNWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

<b>REASONS</b>	<b>N</b>	<b>%</b>
The history and characteristics of the defendant	9,646	11.9
Reflect seriousness of offense/promotes respect for law/just punishment	7,411	9.1
Afford adequate deterrence to criminal conduct	6,069	7.5
The nature and circumstance of the offense	5,286	6.5
Criminal history issues	4,308	5.3
Protect public from further crimes	3,974	4.9
Family ties and responsibilities (§5H1.6)	3,351	4.1
Avoid unwarranted sentencing disparity	3,052	3.7
Age (§5H1.1)	2,296	2.8
Drug dependence/alcohol abuse (§5H1.4)	2,219	2.7
Acceptance of responsibility	2,036	2.5
Remorse	1,844	2.3
Previous employment record (§5H1.5)	1,839	2.3
Mental and emotional conditions	1,822	2.2
Role in the offense	1,710	2.1
Lack of youthful guidance/tragic or troubled childhood	1,612	2.0
Rehabilitation	1,440	1.8
Nonviolent offense/offender	1,225	1.5
Provide correctional treatment	1,196	1.5
General mitigating circumstances (§5K2.0)	1,150	1.4
Provide educational or vocational training	968	1.2
Physical condition (§5H1.4)	938	1.2
COVID-19/pandemic	911	1.1
Conduct while on release, bond, or supervision	862	1.1
Pursuant to plea agreement	722	0.9
Cooperation without motion (not §5K1.1)	722	0.9
Community ties (§5H1.6)	670	0.8
Provide restitution to any victims	611	0.8
Aberrant behavior (§5K2.20)	606	0.7
Provide medical care	585	0.7
Time served/ <i>U.S. v. Barrera-Saucedo</i>	575	0.7
First Step Act safety valve expansion	553	0.7
Early plea	462	0.6
Waiver of appeal	379	0.5
Other	8,338	10.2
<b>TOTAL</b>	<b>81,388</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, in 15,710 the sentence was a variance below the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 81,388 reasons were cited for the 15,710 cases. The 'Other' category includes all reasons cited fewer than 375 times among relevant cases and 866 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

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



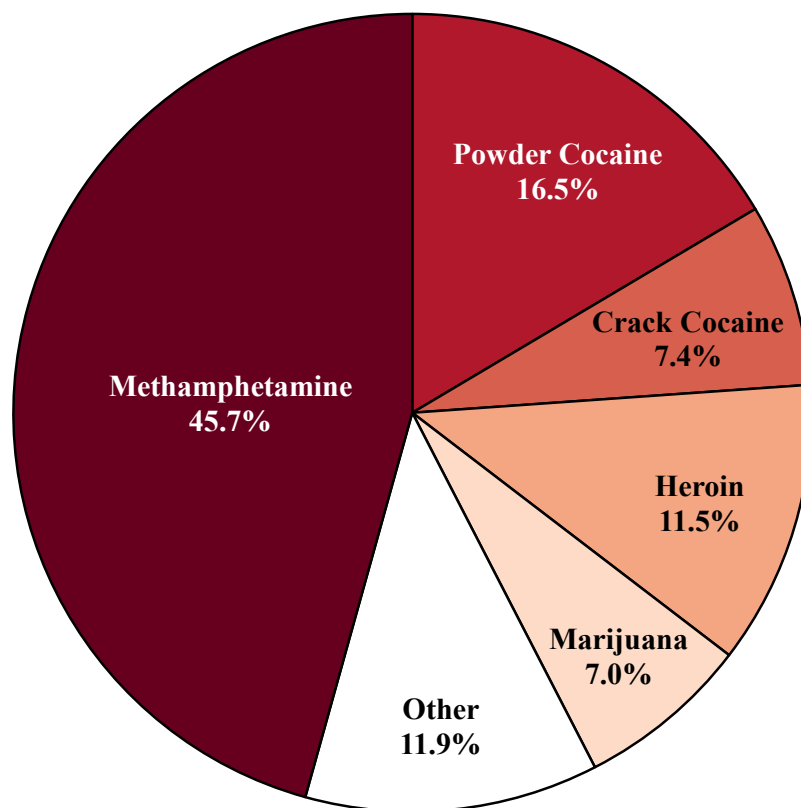


# DRUG OFFENSES

---

**Figure D-1**

**DISTRIBUTION OF PRIMARY DRUG TYPE  
IN FEDERAL DRUG CASES<sup>1,2</sup>  
Fiscal Year 2020**



<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). 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: Fentanyl N-Phenyl (1,024), Oxycodone/Oxycontin (317), Fentanyl Analogue (132), MDMA/Ecstasy/MDA (78), Synthetic Cannabinoid (67), and Hydrocodone (67).

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

**Table D-1**  
**PRIMARY DRUG TYPE OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	§2D1.1 Drug Trafficking		§2D1.2 Protected Locations		§2D1.5 Continuing Criminal Enterprise		§2D1.6 Communication Facility		§2D1.8 Rent/Manage Drug Establishment		§2D1.10 Endangering Human Life While Manufacturing		§2D1.14 Narco- Terrorism	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,287</b>	<b>15,965</b>	<b>297</b>	<b>1.8</b>	<b>6</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>17</b>	<b>0.1</b>	<b>2</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Powder Cocaine</b>	<b>2,704</b>	<b>2,519</b>	<b>179</b>	<b>6.6</b>	<b>4</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Crack Cocaine</b>	<b>1,217</b>	<b>1,168</b>	<b>46</b>	<b>3.8</b>	<b>1</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Heroin</b>	<b>1,880</b>	<b>1,857</b>	<b>19</b>	<b>1.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Marijuana</b>	<b>1,118</b>	<b>1,116</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>
<b>Methamphetamine</b>	<b>7,505</b>	<b>7,460</b>	<b>39</b>	<b>0.5</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>Other</b>	<b>1,863</b>	<b>1,845</b>	<b>14</b>	<b>0.8</b>	<b>1</b>	<b>0.1</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Descriptions of variables used in this table are provided in Appendix A.

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

**Table D-2**  
**RACE OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,258</b>	<b>26.1</b>	<b>4,248</b>	<b>26.1</b>	<b>4,383</b>	<b>27.0</b>	<b>7,116</b>	<b>43.8</b>	<b>511</b>	<b>3.1</b>
<b>Powder Cocaine</b>	<b>2,703</b>	<b>6.9</b>	<b>187</b>	<b>6.9</b>	<b>734</b>	<b>27.2</b>	<b>1,746</b>	<b>64.6</b>	<b>36</b>	<b>1.3</b>
<b>Crack Cocaine</b>	<b>1,213</b>	<b>6.3</b>	<b>77</b>	<b>6.3</b>	<b>931</b>	<b>76.8</b>	<b>196</b>	<b>16.2</b>	<b>9</b>	<b>0.7</b>
<b>Heroin</b>	<b>1,877</b>	<b>16.1</b>	<b>302</b>	<b>16.1</b>	<b>728</b>	<b>38.8</b>	<b>817</b>	<b>43.5</b>	<b>30</b>	<b>1.6</b>
<b>Marijuana</b>	<b>1,118</b>	<b>14.7</b>	<b>164</b>	<b>14.7</b>	<b>199</b>	<b>17.8</b>	<b>698</b>	<b>62.4</b>	<b>57</b>	<b>5.1</b>
<b>Methamphetamine</b>	<b>7,491</b>	<b>39.9</b>	<b>2,988</b>	<b>39.9</b>	<b>1,064</b>	<b>14.2</b>	<b>3,142</b>	<b>41.9</b>	<b>297</b>	<b>4.0</b>
<b>Other</b>	<b>1,856</b>	<b>28.6</b>	<b>530</b>	<b>28.6</b>	<b>727</b>	<b>39.2</b>	<b>517</b>	<b>27.9</b>	<b>82</b>	<b>4.4</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these 16,287 cases, 29 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, 2020 Datafile, USSCFY20.

**Table D-3**  
**GENDER OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>16,287</b>	<b>13,450</b>	<b>82.6</b>	<b>2,837</b>	<b>17.4</b>
<b>Powder Cocaine</b>	<b>2,704</b>	<b>2,431</b>	<b>89.9</b>	<b>273</b>	<b>10.1</b>
<b>Crack Cocaine</b>	<b>1,217</b>	<b>1,105</b>	<b>90.8</b>	<b>112</b>	<b>9.2</b>
<b>Heroin</b>	<b>1,880</b>	<b>1,571</b>	<b>83.6</b>	<b>309</b>	<b>16.4</b>
<b>Marijuana</b>	<b>1,118</b>	<b>991</b>	<b>88.6</b>	<b>127</b>	<b>11.4</b>
<b>Methamphetamine</b>	<b>7,505</b>	<b>5,817</b>	<b>77.5</b>	<b>1,688</b>	<b>22.5</b>
<b>Other</b>	<b>1,863</b>	<b>1,535</b>	<b>82.4</b>	<b>328</b>	<b>17.6</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Descriptions of variables used in this table are provided in Appendix A.

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

**Table D-4**  
**AGE OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60		
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,287</b>	<b>395</b>	<b>2.4</b>	<b>1,831</b>	<b>11.2</b>	<b>2,991</b>	<b>18.4</b>	<b>3,092</b>	<b>19.0</b>	<b>2,928</b>	<b>18.0</b>	<b>3,380</b>	<b>20.8</b>	<b>1,267</b>	<b>7.8</b>	<b>403</b>	<b>2.5</b>
<b>Powder Cocaine</b>	<b>2,704</b>	<b>31</b>	<b>1.1</b>	<b>244</b>	<b>9.0</b>	<b>430</b>	<b>15.9</b>	<b>501</b>	<b>18.5</b>	<b>528</b>	<b>19.5</b>	<b>686</b>	<b>25.4</b>	<b>217</b>	<b>8.0</b>	<b>67</b>	<b>2.5</b>
<b>Crack Cocaine</b>	<b>1,217</b>	<b>16</b>	<b>1.3</b>	<b>136</b>	<b>11.2</b>	<b>261</b>	<b>21.4</b>	<b>227</b>	<b>18.7</b>	<b>222</b>	<b>18.2</b>	<b>258</b>	<b>21.2</b>	<b>73</b>	<b>6.0</b>	<b>24</b>	<b>2.0</b>
<b>Heroin</b>	<b>1,880</b>	<b>38</b>	<b>2.0</b>	<b>201</b>	<b>10.7</b>	<b>398</b>	<b>21.2</b>	<b>361</b>	<b>19.2</b>	<b>316</b>	<b>16.8</b>	<b>385</b>	<b>20.5</b>	<b>129</b>	<b>6.9</b>	<b>52</b>	<b>2.8</b>
<b>Marijuana</b>	<b>1,118</b>	<b>71</b>	<b>6.4</b>	<b>222</b>	<b>19.9</b>	<b>199</b>	<b>17.8</b>	<b>190</b>	<b>17.0</b>	<b>150</b>	<b>13.4</b>	<b>162</b>	<b>14.5</b>	<b>89</b>	<b>8.0</b>	<b>35</b>	<b>3.1</b>
<b>Methamphetamine</b>	<b>7,505</b>	<b>193</b>	<b>2.6</b>	<b>791</b>	<b>10.5</b>	<b>1,288</b>	<b>17.2</b>	<b>1,493</b>	<b>19.9</b>	<b>1,428</b>	<b>19.0</b>	<b>1,585</b>	<b>21.1</b>	<b>590</b>	<b>7.9</b>	<b>137</b>	<b>1.8</b>
<b>Other</b>	<b>1,863</b>	<b>46</b>	<b>2.5</b>	<b>237</b>	<b>12.7</b>	<b>415</b>	<b>22.3</b>	<b>320</b>	<b>17.2</b>	<b>284</b>	<b>15.2</b>	<b>304</b>	<b>16.3</b>	<b>169</b>	<b>9.1</b>	<b>88</b>	<b>4.7</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Descriptions of variables used in this table are provided in Appendix A.

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

**Table D-5**  
**CITIZENSHIP OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>16,282</b>	<b>13,035</b>	<b>80.1</b>	<b>3,247</b>	<b>19.9</b>
<b>Powder Cocaine</b>	<b>2,702</b>	<b>1,754</b>	<b>64.9</b>	<b>948</b>	<b>35.1</b>
<b>Crack Cocaine</b>	<b>1,217</b>	<b>1,164</b>	<b>95.6</b>	<b>53</b>	<b>4.4</b>
<b>Heroin</b>	<b>1,880</b>	<b>1,491</b>	<b>79.3</b>	<b>389</b>	<b>20.7</b>
<b>Marijuana</b>	<b>1,118</b>	<b>668</b>	<b>59.7</b>	<b>450</b>	<b>40.3</b>
<b>Methamphetamine</b>	<b>7,502</b>	<b>6,302</b>	<b>84.0</b>	<b>1,200</b>	<b>16.0</b>
<b>Other</b>	<b>1,863</b>	<b>1,656</b>	<b>88.9</b>	<b>207</b>	<b>11.1</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these 16,287 cases, five were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

**Table D-6**  
**EDUCATION OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,184</b>	<b>36.4</b>	<b>6,385</b>	<b>39.5</b>	<b>3,350</b>	<b>20.7</b>	<b>565</b>	<b>3.5</b>
<b>Powder Cocaine</b>	1,080	40.1	980	36.4	530	19.7	106	3.9
<b>Crack Cocaine</b>	442	36.8	561	46.8	183	15.3	14	1.2
<b>Heroin</b>	716	38.5	743	40.0	347	18.7	53	2.9
<b>Marijuana</b>	502	45.5	332	30.1	228	20.7	42	3.8
<b>Methamphetamine</b>	2,556	34.2	3,097	41.5	1,629	21.8	188	2.5
<b>Other</b>	588	31.7	672	36.2	433	23.3	162	8.7

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these 16,287 cases, 103 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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



**Table D-7**  
**CRIMINAL HISTORY CATEGORY OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL	CRIMINAL HISTORY CATEGORY																	
		I			II			III			IV			V			VI		
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>16,287</b>	<b>6,981</b>	<b>42.9</b>	<b>1,915</b>	<b>11.8</b>	<b>2,493</b>	<b>15.3</b>	<b>1,603</b>	<b>9.8</b>	<b>1,045</b>	<b>6.4</b>	<b>2,250</b>	<b>13.8</b>						
<b>Powder Cocaine</b>	<b>2,704</b>	1,647	60.9	300	11.1	329	12.2	159	5.9	94	3.5	175	6.5						
<b>Crack Cocaine</b>	<b>1,217</b>	240	19.7	157	12.9	256	21.0	172	14.1	112	9.2	280	23.0						
<b>Heroin</b>	<b>1,880</b>	725	38.6	259	13.8	318	16.9	198	10.5	104	5.5	276	14.7						
<b>Marijuana</b>	<b>1,118</b>	733	65.6	142	12.7	129	11.5	51	4.6	25	2.2	38	3.4						
<b>Methamphetamine</b>	<b>7,505</b>	2,778	37.0	827	11.0	1,173	15.6	850	11.3	604	8.0	1,273	17.0						
<b>Other</b>	<b>1,863</b>	858	46.1	230	12.3	288	15.5	173	9.3	106	5.7	208	11.2						

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Descriptions of variables used in this table are provided in Appendix A.

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

**Table D-8**  
**WEAPON INVOLVEMENT OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL	NO WEAPON INVOLVED		WEAPON INVOLVED	
		N	%	N	%
<b>TOTAL</b>	<b>16,027</b>	<b>12,052</b>	<b>75.2</b>	<b>3,975</b>	<b>24.8</b>
<b>Powder Cocaine</b>	<b>2,669</b>	<b>2,179</b>	<b>81.6</b>	<b>490</b>	<b>18.4</b>
<b>Crack Cocaine</b>	<b>1,204</b>	<b>736</b>	<b>61.1</b>	<b>468</b>	<b>38.9</b>
<b>Heroin</b>	<b>1,847</b>	<b>1,465</b>	<b>79.3</b>	<b>382</b>	<b>20.7</b>
<b>Marijuana</b>	<b>1,088</b>	<b>888</b>	<b>81.6</b>	<b>200</b>	<b>18.4</b>
<b>Methamphetamine</b>	<b>7,378</b>	<b>5,323</b>	<b>72.1</b>	<b>2,055</b>	<b>27.9</b>
<b>Other</b>	<b>1,841</b>	<b>1,461</b>	<b>79.4</b>	<b>380</b>	<b>20.6</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these, 16,027 cases contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

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

**Table D-9**  
**ROLE ADJUSTMENT OF DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL		No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,027</b>	<b>74.7</b>	<b>11,972</b>	<b>74.7</b>	<b>3,072</b>	<b>19.2</b>	<b>983</b>	<b>6.1</b>
<b>Powder Cocaine</b>	<b>2,669</b>	<b>73.1</b>	<b>1,951</b>	<b>73.1</b>	<b>489</b>	<b>18.3</b>	<b>229</b>	<b>8.6</b>
<b>Crack Cocaine</b>	<b>1,204</b>	<b>90.3</b>	<b>1,087</b>	<b>90.3</b>	<b>49</b>	<b>4.1</b>	<b>68</b>	<b>5.6</b>
<b>Heroin</b>	<b>1,847</b>	<b>76.7</b>	<b>1,417</b>	<b>76.7</b>	<b>289</b>	<b>15.6</b>	<b>141</b>	<b>7.6</b>
<b>Marijuana</b>	<b>1,088</b>	<b>57.7</b>	<b>628</b>	<b>57.7</b>	<b>404</b>	<b>37.1</b>	<b>56</b>	<b>5.1</b>
<b>Methamphetamine</b>	<b>7,378</b>	<b>73.1</b>	<b>5,395</b>	<b>73.1</b>	<b>1,634</b>	<b>22.1</b>	<b>349</b>	<b>4.7</b>
<b>Other</b>	<b>1,841</b>	<b>81.2</b>	<b>1,494</b>	<b>81.2</b>	<b>207</b>	<b>11.2</b>	<b>140</b>	<b>7.6</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these, 16,027 contained complete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

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

Table D-10

**DRUG AMOUNTS (IN GRAMS) FOR SELECTED  
BASE OFFENSE LEVELS AND DRUG TYPES<sup>1</sup>  
Fiscal Year 2020**

DRUG TYPE	Base Offense Level and Quantity Range			
	12	24	30	38
<b>Powder Cocaine</b>	<b>Less than 50G</b>	<b>500G - 1,999G</b>	<b>5,000G - 14,999G</b>	<b>At least 450,000G</b>
N	86	213	242	208
Mean	17.7	1,122.9	9,178.1	2,029,993.8
Median	14.4	1,003.0	8,990.0	1,041,500.0
<b>Crack Cocaine</b>	<b>Less than 2.8G</b>	<b>28G - 111G</b>	<b>280G - 839G</b>	<b>At least 25,200G</b>
N	35	112	20	1
Mean	1.6	56.7	469.8	--
Median	1.5	51.3	470.0	--
<b>Heroin</b>	<b>Less than 10G</b>	<b>100G - 399G</b>	<b>1,000G - 2,999G</b>	<b>At least 90,000G</b>
N	69	128	176	4
Mean	3.8	213.0	1,753.4	326,250.0
Median	3.3	200.0	1,745.0	90,000.0
<b>Marijuana</b>	<b>5,000G - 9,999G</b>	<b>100,000G - 399,999G</b>	<b>1,000,000G - 2,999,999G</b>	<b>At least 90,000,000G</b>
N	22	203	30	0
Mean	7,863.6	188,081.7	1,798,598.3	--
Median	8,150.0	156,000.0	1,814,405.0	--
<b>Methamphetamine Mix</b>	<b>Less than 5G</b>	<b>50G - 199G</b>	<b>500G - 1,499G</b>	<b>At least 45,000G</b>
N	16	206	191	56
Mean	2.3	105.2	929.2	141,320.7
Median	2.1	98.0	917.6	92,000.0
<b>Methamphetamine Actual</b>	<b>Less than 0.5G</b>	<b>5G - 19G</b>	<b>50G - 149G</b>	<b>At least 4,500G</b>
N	2	121	455	412
Mean	--	11.9	91.3	21,852.4
Median	--	12.4	88.0	13,360.0

<sup>1</sup> Of the 64,565 cases, 15,965 were sentenced under §2D1.1 (Drug Trafficking). Of these, 15,711 cases had complete guideline application information. Of these 15,711 cases, 13,815 involved powder cocaine, crack cocaine, heroin, marijuana, methamphetamine actual or mix. Of these 13,815 cases, 5,730 had a base offense level of 12, 24, 30, or 38. Of these 5,730 cases, 2,722 were excluded due to one or more of the following reasons: involvement of more than one drug type (1,508), missing drug amount or range (1,329), amendment year earlier than 2014 (1), or logical criteria (13). The methamphetamine actual category also includes ICE. Descriptions of variables used in this table are provided in Appendix A.

Table D-11

**LENGTH OF MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL		No Drug Mandatory Minimum <sup>2</sup>		Five-Year Drug Mandatory Minimum		Ten-Year or More Drug Mandatory Minimum <sup>3</sup>	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>16,276</b>	<b>34.1</b>	<b>5,543</b>	<b>34.1</b>	<b>4,017</b>	<b>24.7</b>	<b>6,716</b>	<b>41.3</b>
<b>Powder Cocaine</b>	<b>2,704</b>	<b>30.4</b>	<b>821</b>	<b>30.4</b>	<b>757</b>	<b>28.0</b>	<b>1,126</b>	<b>41.6</b>
<b>Crack Cocaine</b>	<b>1,217</b>	<b>58.8</b>	<b>715</b>	<b>58.8</b>	<b>356</b>	<b>29.3</b>	<b>146</b>	<b>12.0</b>
<b>Heroin</b>	<b>1,880</b>	<b>40.1</b>	<b>753</b>	<b>40.1</b>	<b>531</b>	<b>28.2</b>	<b>596</b>	<b>31.7</b>
<b>Marijuana</b>	<b>1,117</b>	<b>67.0</b>	<b>748</b>	<b>67.0</b>	<b>299</b>	<b>26.8</b>	<b>70</b>	<b>6.3</b>
<b>Methamphetamine</b>	<b>7,495</b>	<b>17.8</b>	<b>1,333</b>	<b>17.8</b>	<b>1,739</b>	<b>23.2</b>	<b>4,423</b>	<b>59.0</b>
<b>Other</b>	<b>1,863</b>	<b>63.0</b>	<b>1,173</b>	<b>63.0</b>	<b>335</b>	<b>18.0</b>	<b>355</b>	<b>19.1</b>

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these 16,287 cases, 11 were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Includes 151 offenders whose drug mandatory minimum penalty was 12 months or less.

<sup>3</sup> Includes 266 offenders whose drug mandatory minimum penalty was greater than ten years.

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

**Table D-12**  
**APPLICATION OF RECIDIVIST PENALTIES IN DRUG TRAFFICKING CASES<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	ENHANCEMENT FILED		ENHANCEMENT WITHDRAWN <sup>2</sup>		ENHANCEMENT NOT WITHDRAWN	
	N	%	N	%	N	%
<b>TOTAL</b>	<b>921</b>	<b>36.7</b>	<b>338</b>	<b>36.7</b>	<b>583</b>	<b>63.3</b>
<b>Powder Cocaine</b>	<b>153</b>	<b>37.9</b>	<b>58</b>	<b>37.9</b>	<b>95</b>	<b>62.1</b>
<b>Crack Cocaine</b>	<b>125</b>	<b>32.8</b>	<b>41</b>	<b>32.8</b>	<b>84</b>	<b>67.2</b>
<b>Heroin</b>	<b>111</b>	<b>26.1</b>	<b>29</b>	<b>26.1</b>	<b>82</b>	<b>73.9</b>
<b>Marijuana</b>	<b>28</b>	<b>28.6</b>	<b>8</b>	<b>28.6</b>	<b>20</b>	<b>71.4</b>
<b>Methamphetamine</b>	<b>396</b>	<b>43.9</b>	<b>174</b>	<b>43.9</b>	<b>222</b>	<b>56.1</b>
<b>Other</b>	<b>108</b>	<b>25.9</b>	<b>28</b>	<b>25.9</b>	<b>80</b>	<b>74.1</b>

<sup>1</sup> Of the 939 cases in which notice of an enhanced penalty was given under 21 U.S.C. § 851, 18 were excluded due to missing or undetermined withdrawal information. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Includes 39 cases in which the enhancement was not formally withdrawn but where the court determined that the enhancement did not apply at the time of sentencing.

SOURCE: U.S. Sentencing Commission, 2020 851 Datafile, DRUG851FY20.

**Table D-13**  
**DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND**  
**MANDATORY MINIMUM PENALTIES<sup>1, 5</sup>**  
**Fiscal Year 2020**

DRUG TYPE	NO SAFETY VALVE				SAFETY VALVE			
	No Drug		Drug		No Drug		Drug	
	Mandatory Minimum <sup>2</sup>	%	Mandatory Minimum	%	Mandatory Minimum <sup>3</sup>	%	Mandatory Minimum <sup>4</sup>	%
<b>TOTAL</b>	<b>4,353</b>	<b>27.2</b>	<b>6,134</b>	<b>38.3</b>	<b>1,109</b>	<b>6.9</b>	<b>4,427</b>	<b>27.6</b>
<b>Powder Cocaine</b>	673	25.2	833	31.2	139	5.2	1,023	38.3
<b>Crack Cocaine</b>	669	55.6	429	35.6	41	3.4	65	5.4
<b>Heroin</b>	636	34.4	646	35.0	107	5.8	458	24.8
<b>Marjuana</b>	400	36.8	126	11.6	328	30.1	234	21.5
<b>Methamphetamine</b>	1,092	14.8	3,709	50.3	218	3.0	2,358	32.0
<b>Other</b>	883	48.0	391	21.3	276	15.0	289	15.7

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these, 16,027 cases contained complete guideline application information. Of these 16,027 cases, four were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> This column includes 197 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the offender was not eligible to receive the guideline safety valve reduction.

<sup>3</sup> For offenders with no drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court indicated that the two-level reduction at §2D1.1 applied because the offender met the criteria set forth at §5C1.2.

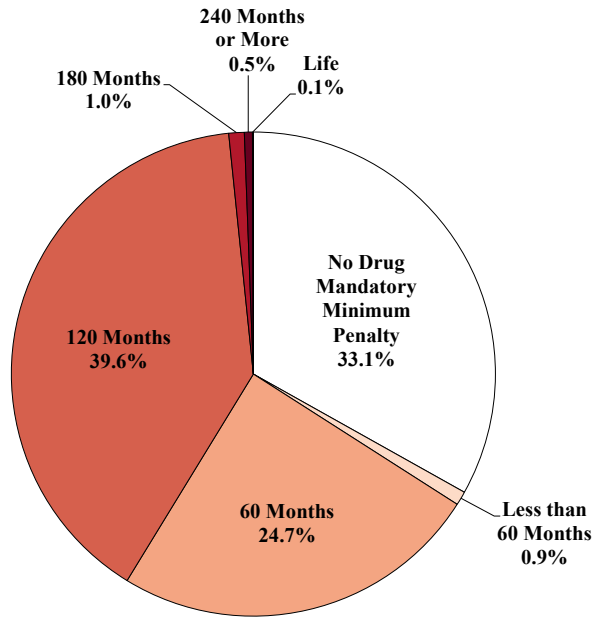
<sup>4</sup> For offenders with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court sentenced the offender without regard to any applicable mandatory minimum penalty (in accordance with the 'safety valve' provision of 18 U.S.C. § 3553(f), incorporated into the guidelines at §5C1.2).

<sup>5</sup> Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were five offenders sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these cases, the safety valve reduction was applied for two offenders.

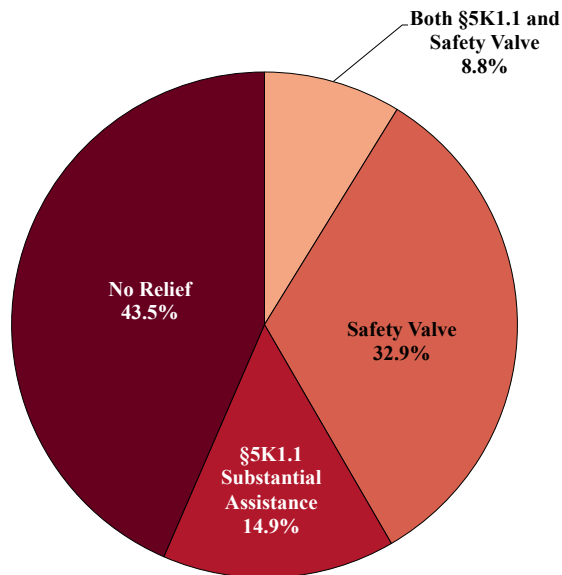
SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.

**Figure D-2**  
**MANDATORY MINIMUM PENALTIES IN DRUG TRAFFICKING CASES<sup>1</sup>**  
**Fiscal Year 2020**

**LENGTH OF MANDATORY MINIMUM PENALTIES**



**RELIEF FROM MANDATORY MINIMUM PENALTIES**



<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). Of these 16,287 cases, 11 were excluded because the offender was convicted of a mandatory minimum penalty from one of the following statutes: 21 U.S.C. § 860a or 21 U.S.C. § 865. Descriptions of variables used in this figure are provided in Appendix A.

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



**Table D-14**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

DRUG TYPE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE						VARIANCE <sup>2</sup>			
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>16,282</b>	<b>5,274</b>	<b>32.4</b>	<b>56</b>	<b>0.3</b>	<b>3,293</b>	<b>20.2</b>	<b>1,163</b>	<b>7.1</b>	<b>730</b>	<b>4.5</b>	<b>5,766</b>	<b>35.4</b>
<b>Powder Cocaine</b>	<b>2,702</b>	<b>1,019</b>	<b>37.7</b>	<b>6</b>	<b>0.2</b>	<b>505</b>	<b>18.7</b>	<b>128</b>	<b>4.7</b>	<b>118</b>	<b>4.4</b>	<b>926</b>	<b>34.3</b>
<b>Crack Cocaine</b>	<b>1,217</b>	<b>459</b>	<b>37.7</b>	<b>6</b>	<b>0.5</b>	<b>168</b>	<b>13.8</b>	<b>0</b>	<b>0.0</b>	<b>61</b>	<b>5.0</b>	<b>523</b>	<b>43.0</b>
<b>Heroin</b>	<b>1,879</b>	<b>616</b>	<b>32.8</b>	<b>13</b>	<b>0.7</b>	<b>361</b>	<b>19.2</b>	<b>86</b>	<b>4.6</b>	<b>85</b>	<b>4.5</b>	<b>718</b>	<b>38.2</b>
<b>Marijuana</b>	<b>1,117</b>	<b>533</b>	<b>47.7</b>	<b>1</b>	<b>0.1</b>	<b>130</b>	<b>11.6</b>	<b>60</b>	<b>5.4</b>	<b>60</b>	<b>5.4</b>	<b>333</b>	<b>29.8</b>
<b>Methamphetamine</b>	<b>7,504</b>	<b>2,050</b>	<b>27.3</b>	<b>10</b>	<b>0.1</b>	<b>1,768</b>	<b>23.6</b>	<b>814</b>	<b>10.8</b>	<b>317</b>	<b>4.2</b>	<b>2,545</b>	<b>33.9</b>
<b>Other</b>	<b>1,863</b>	<b>597</b>	<b>32.0</b>	<b>20</b>	<b>1.1</b>	<b>361</b>	<b>19.4</b>	<b>75</b>	<b>4.0</b>	<b>89</b>	<b>4.8</b>	<b>721</b>	<b>38.7</b>

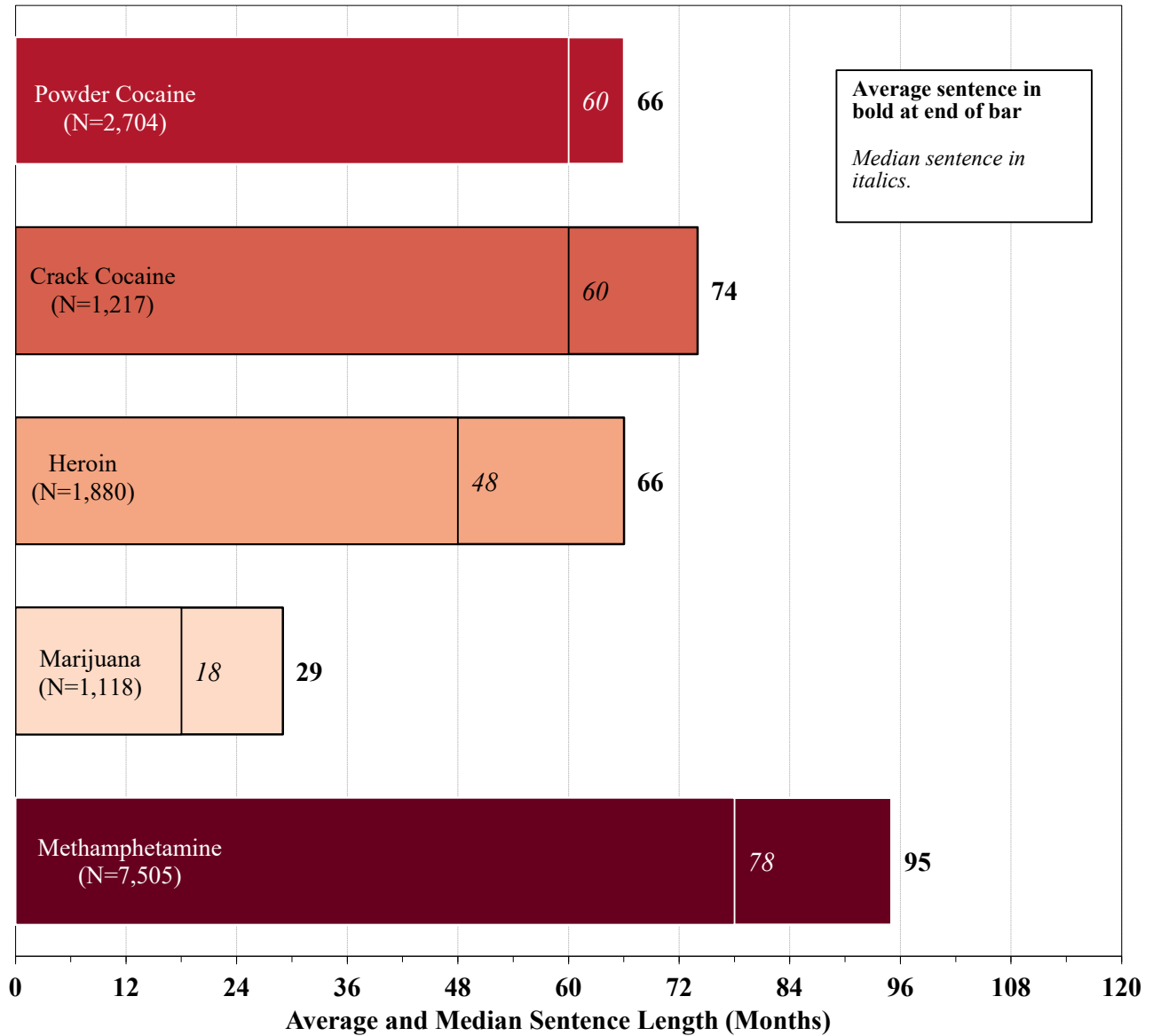
<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these 16,287 cases, five were excluded due to missing information 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> Of the 5,766 variance cases, in 550 cases the court cited First Step Act safety valve expansion as a reason for the sentence.

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

Figure D-3

**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS  
BY MAJOR DRUG TYPE<sup>1</sup>  
Fiscal Year 2020**

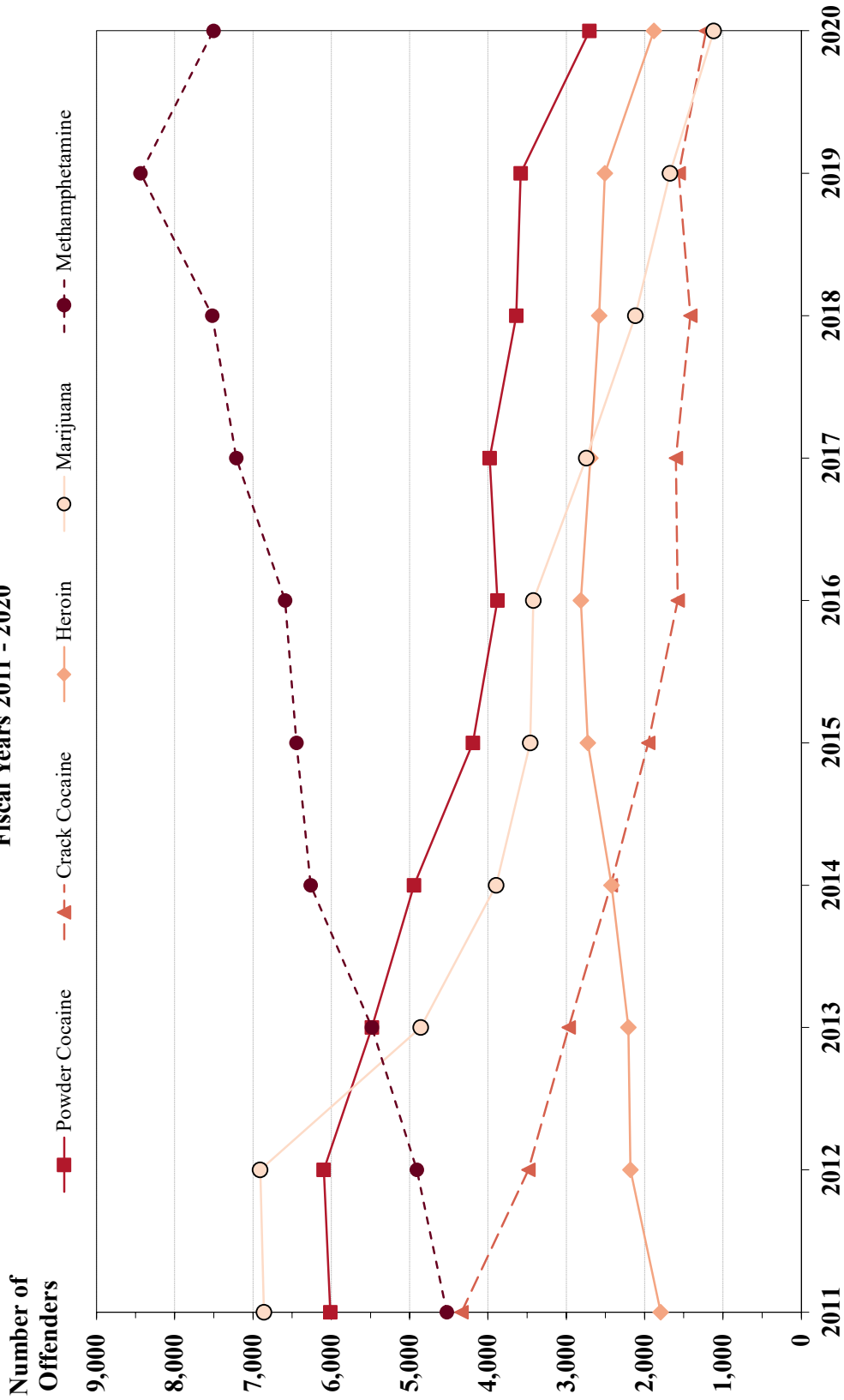


Average sentence in bold at end of bar  
Median sentence in italics.

<sup>1</sup> Of the 64,565 cases, in 16,501 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 16,287 offenders were 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). 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. Italicized numbers depict median values and the bolded numbers at the end of the bar indicate average values. Descriptions of variables used in this figure are provided in Appendix A.

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

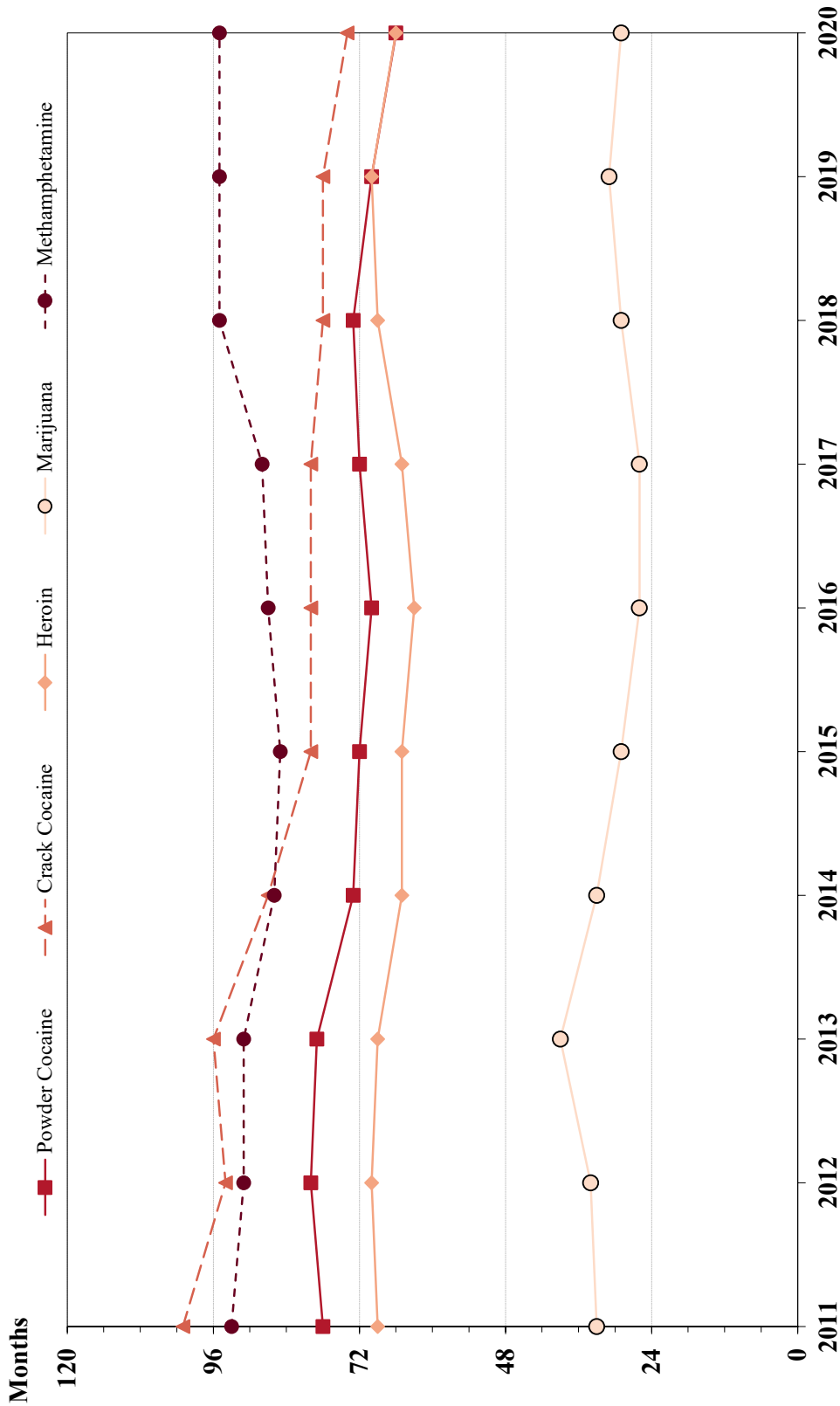
**Figure D-4**  
**NUMBER OF DRUG TRAFFICKING OFFENDERS**  
**BY MAJOR DRUG TYPE OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



<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. Additional cases were excluded due to missing information on drug type. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

**Figure D-5**  
**SENTENCE LENGTH OF DRUG TRAFFICKING OFFENDERS**  
**BY MAJOR DRUG TYPE OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



<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 USSC §5C1.1. Cases missing drug type or sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

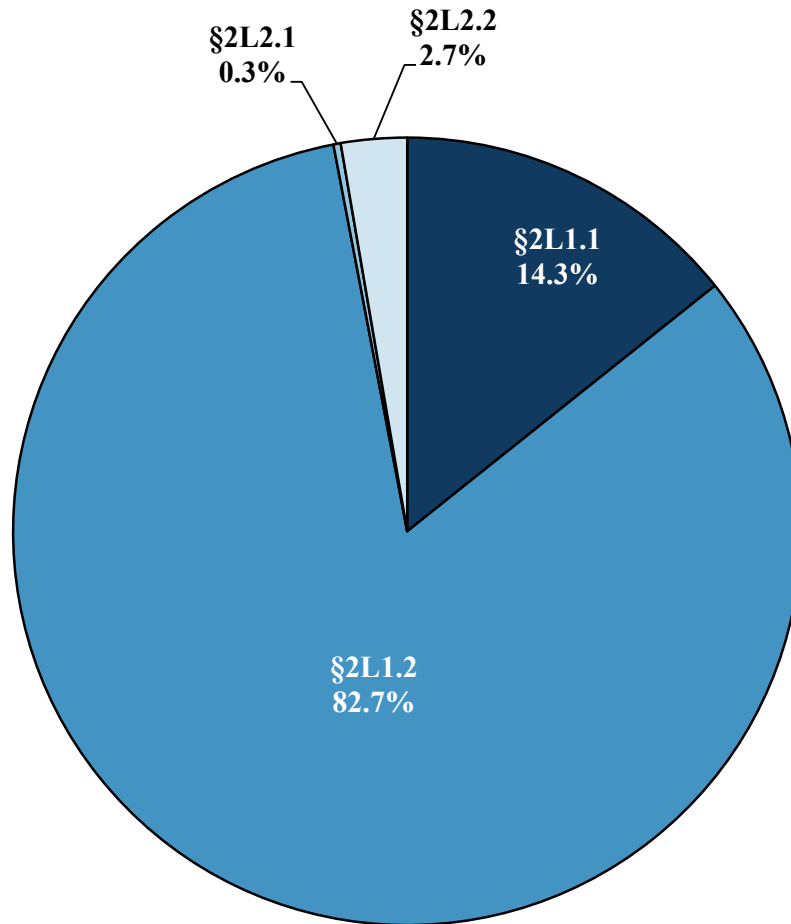
SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

# IMMIGRATION OFFENSES

---

Figure I-1

**DISTRIBUTION OF IMMIGRATION OFFENDERS  
BY GUIDELINE<sup>1</sup>  
Fiscal Year 2020**



<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this figure are provided in Appendix A.

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

**Table I-1**  
**RACE OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>23,491</b>	<b>441</b>	<b>1.9</b>	<b>203</b>	<b>0.9</b>	<b>22,717</b>	<b>96.7</b>	<b>130</b>	<b>0.6</b>
<b>§2L1.1</b>	<b>3,389</b>	283	8.4	100	3.0	2,914	86.0	92	2.7
<b>§2L1.2</b>	<b>19,395</b>	110	0.6	55	0.3	19,224	99.1	6	0.0
<b>§2L2.1</b>	<b>71</b>	16	22.5	9	12.7	33	46.5	13	18.3
<b>§2L2.2</b>	<b>636</b>	32	5.0	39	6.1	546	85.8	19	3.0

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 23,759 offenders, 268 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, 2020 Datafile, USSCFY20.

**Table I-2**  
**GENDER OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>23,709</b>	<b>22,007</b>	<b>92.8</b>	<b>1,702</b>	<b>7.2</b>
<b>§2L1.1</b>	<b>3,392</b>	<b>2,500</b>	<b>73.7</b>	<b>892</b>	<b>26.3</b>
<b>§2L1.2</b>	<b>19,605</b>	<b>18,961</b>	<b>96.7</b>	<b>644</b>	<b>3.3</b>
<b>§2L2.1</b>	<b>71</b>	<b>47</b>	<b>66.2</b>	<b>24</b>	<b>33.8</b>
<b>§2L2.2</b>	<b>641</b>	<b>499</b>	<b>77.8</b>	<b>142</b>	<b>22.2</b>

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 23,759 offenders, 50 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, 2020 Datafile, USSCFY20.



**Table I-3**  
**AGE OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>23,759</b>	<b>988</b>	<b>4.2</b>	<b>2,973</b>	<b>12.5</b>	<b>4,152</b>	<b>17.5</b>	<b>4,692</b>	<b>19.7</b>	<b>4,283</b>	<b>18.0</b>	<b>5,041</b>	<b>21.2</b>	<b>1,383</b>	<b>5.8</b>	<b>247</b>	<b>1.0</b>
<b>§2L1.1</b>	<b>3,392</b>	450	13.3	735	21.7	626	18.5	508	15.0	387	11.4	466	13.7	178	5.2	42	1.2
<b>§2L1.2</b>	<b>19,654</b>	485	2.5	2,154	11.0	3,411	17.4	4,086	20.8	3,805	19.4	4,408	22.4	1,130	5.7	175	0.9
<b>§2L2.1</b>	<b>71</b>	0	0.0	1	1.4	7	9.9	4	5.6	11	15.5	26	36.6	18	25.4	4	5.6
<b>§2L2.2</b>	<b>642</b>	53	8.3	83	12.9	108	16.8	94	14.6	80	12.5	141	22.0	57	8.9	26	4.0

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

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

**Table I-4**  
**CITIZENSHIP OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	U.S. CITIZEN		NON-U.S. CITIZEN		Resident/ Legal Alien		Illegal Alien		Extradited Alien		Alien Status Unknown	
	TOTAL	N	%	N	%	N	N	N	N	N	N	
<b>TOTAL</b>	<b>23,758</b>	<b>2,504</b>	<b>10.5</b>	<b>21,254</b>	<b>89.5</b>	<b>249</b>	<b>20,950</b>	<b>0</b>	<b>55</b>			
<b>§2L1.1</b>	<b>3,392</b>	<b>2,423</b>	<b>71.4</b>	<b>969</b>	<b>28.6</b>	<b>193</b>	<b>755</b>	<b>0</b>	<b>21</b>			
<b>§2L1.2</b>	<b>19,654</b>	<b>0</b>	<b>0.0</b>	<b>19,654</b>	<b>100.0</b>	<b>19</b>	<b>19,615</b>	<b>0</b>	<b>20</b>			
<b>§2L2.1</b>	<b>71</b>	<b>38</b>	<b>53.5</b>	<b>33</b>	<b>46.5</b>	<b>9</b>	<b>24</b>	<b>0</b>	<b>0</b>			
<b>§2L2.2</b>	<b>641</b>	<b>43</b>	<b>6.7</b>	<b>598</b>	<b>93.3</b>	<b>28</b>	<b>556</b>	<b>0</b>	<b>14</b>			

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 23,759 offenders, one was excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

Table I-5

**CRIMINAL HISTORY CATEGORY AND CITIZENSHIP OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

CHC		Total		§2L1.1		§2L1.2		§2L2.1		§2L2.2	
		N	%	N	%	N	%	N	%	N	%
I	<b>Total</b>	<b>10,772</b>	<b>100.0</b>	<b>2,056</b>	<b>100.0</b>	<b>8,136</b>	<b>100.0</b>	<b>62</b>	<b>100.0</b>	<b>518</b>	<b>100.0</b>
	U.S. Citizen	1,305	12.1	1,246	60.6	0	0.0	34	54.8	25	4.8
	Non-U.S. Citizen	9,467	87.9	810	39.4	8,136	100.0	28	45.2	493	95.2
II	<b>Total</b>	<b>5,305</b>	<b>100.0</b>	<b>434</b>	<b>100.0</b>	<b>4,816</b>	<b>100.0</b>	<b>4</b>	<b>100.0</b>	<b>51</b>	<b>100.0</b>
	U.S. Citizen	355	6.7	349	80.4	0	0.0	1	25.0	5	9.8
	Non-U.S. Citizen	4,950	93.3	85	19.6	4,816	100.0	3	75.0	46	90.2
III	<b>Total</b>	<b>4,492</b>	<b>100.0</b>	<b>428</b>	<b>100.0</b>	<b>4,018</b>	<b>100.0</b>	<b>4</b>	<b>100.0</b>	<b>42</b>	<b>100.0</b>
	U.S. Citizen	392	8.7	385	90.0	0	0.0	2	50.0	5	11.9
	Non-U.S. Citizen	4,100	91.3	43	10.0	4,018	100.0	2	50.0	37	88.1
IV	<b>Total</b>	<b>1,903</b>	<b>100.0</b>	<b>230</b>	<b>100.0</b>	<b>1,661</b>	<b>100.0</b>	<b>0</b>	<b>100.0</b>	<b>12</b>	<b>100.0</b>
	U.S. Citizen	215	11.3	212	92.2	0	0.0	0	--	3	25.0
	Non-U.S. Citizen	1,688	88.7	18	7.8	1,661	100.0	0	--	9	75.0
V	<b>Total</b>	<b>787</b>	<b>100.0</b>	<b>113</b>	<b>100.0</b>	<b>663</b>	<b>100.0</b>	<b>1</b>	<b>100.0</b>	<b>10</b>	<b>100.0</b>
	U.S. Citizen	107	13.6	103	91.2	0	0.0	1	100.0	3	30.0
	Non-U.S. Citizen	680	86.4	10	8.8	663	100.0	0	0.0	7	70.0
VI	<b>Total</b>	<b>499</b>	<b>100.0</b>	<b>131</b>	<b>100.0</b>	<b>360</b>	<b>100.0</b>	<b>0</b>	<b>100.0</b>	<b>8</b>	<b>100.0</b>
	U.S. Citizen	130	26.1	128	97.7	0	0.0	0	--	2	25.0
	Non-U.S. Citizen	369	73.9	3	2.3	360	100.0	0	--	6	75.0

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 23,759 offenders, one was excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

**Table I-6**  
**EDUCATION OF IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>20,648</b>	<b>79.0</b>	<b>3,187</b>	<b>15.4</b>	<b>943</b>	<b>4.6</b>	<b>200</b>	<b>1.0</b>
<b>§2L1.1</b>	1,707	50.8	1,126	33.5	471	14.0	57	1.7
<b>§2L1.2</b>	14,347	85.4	1,949	11.6	411	2.4	85	0.5
<b>§2L2.1</b>	16	22.9	17	24.3	17	24.3	20	28.6
<b>§2L2.2</b>	248	58.4	95	22.4	44	10.4	38	8.9

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 23,759 offenders, 3,111 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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

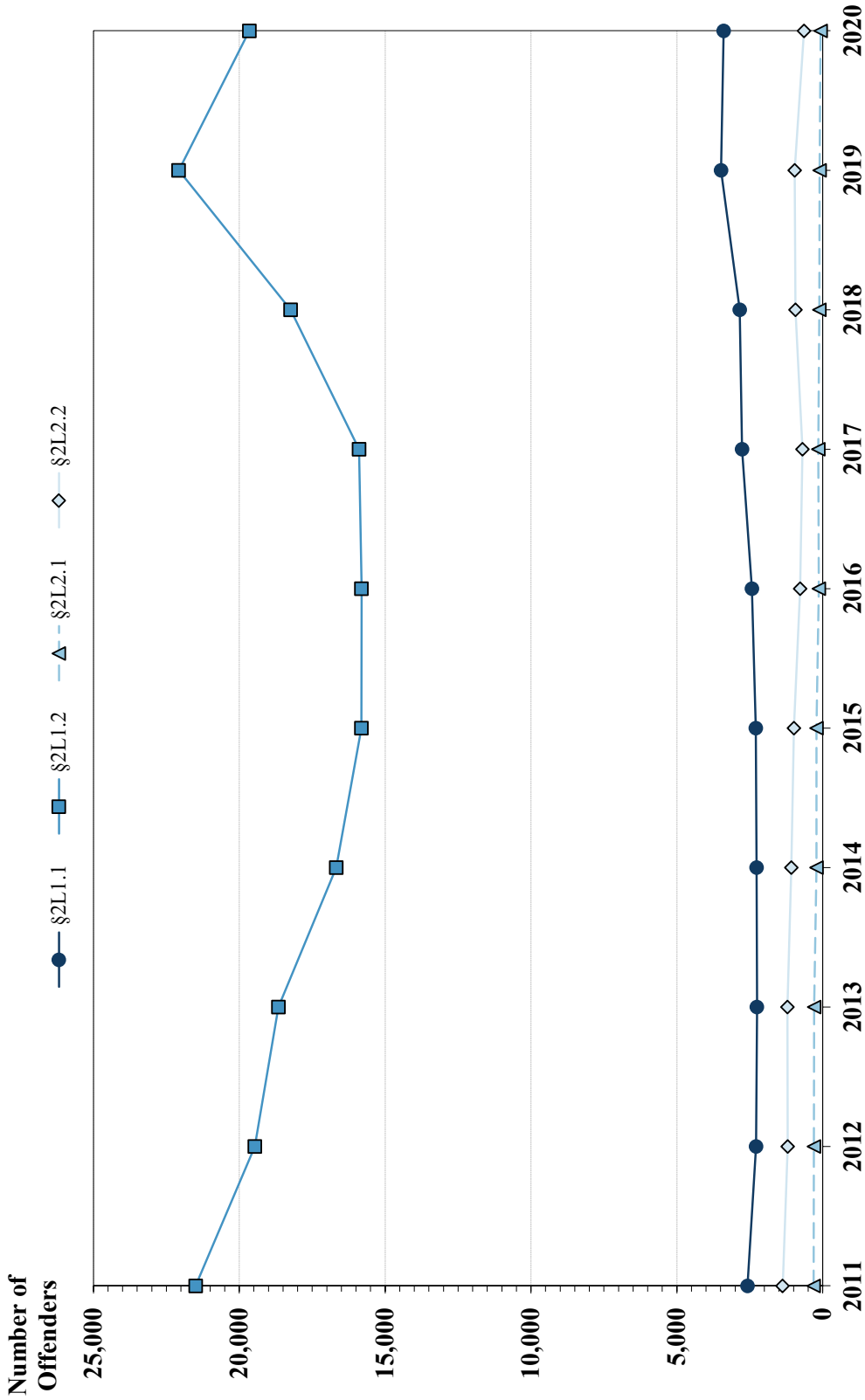
**Table I-7**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	WITHIN GUIDELINE RANGE		DEPARTURE						VARIANCE			
	TOTAL	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD			
			N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>23,747</b>	<b>62.9</b>	<b>49</b>	<b>0.2</b>	<b>169</b>	<b>0.7</b>	<b>5,090</b>	<b>21.4</b>	<b>821</b>	<b>3.5</b>	<b>2,690</b>	<b>11.3</b>
<b>§2L1.1</b>	<b>3,391</b>	<b>41.4</b>	<b>15</b>	<b>0.4</b>	<b>109</b>	<b>3.2</b>	<b>1,109</b>	<b>32.7</b>	<b>113</b>	<b>3.3</b>	<b>640</b>	<b>18.9</b>
<b>§2L1.2</b>	<b>19,643</b>	<b>66.3</b>	<b>32</b>	<b>0.2</b>	<b>38</b>	<b>0.2</b>	<b>3,952</b>	<b>20.1</b>	<b>690</b>	<b>3.5</b>	<b>1,914</b>	<b>9.7</b>
<b>§2L2.1</b>	<b>71</b>	<b>39.4</b>	<b>1</b>	<b>1.4</b>	<b>17</b>	<b>23.9</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>1.4</b>	<b>24</b>	<b>33.8</b>
<b>§2L2.2</b>	<b>642</b>	<b>74.5</b>	<b>1</b>	<b>0.2</b>	<b>5</b>	<b>0.8</b>	<b>29</b>	<b>4.5</b>	<b>17</b>	<b>2.6</b>	<b>112</b>	<b>17.4</b>

<sup>1</sup> Of the 64,565 cases, 23,759 offenders were sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 23,759 offenders, 12 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, 2020 Datafile, USSCFY20.

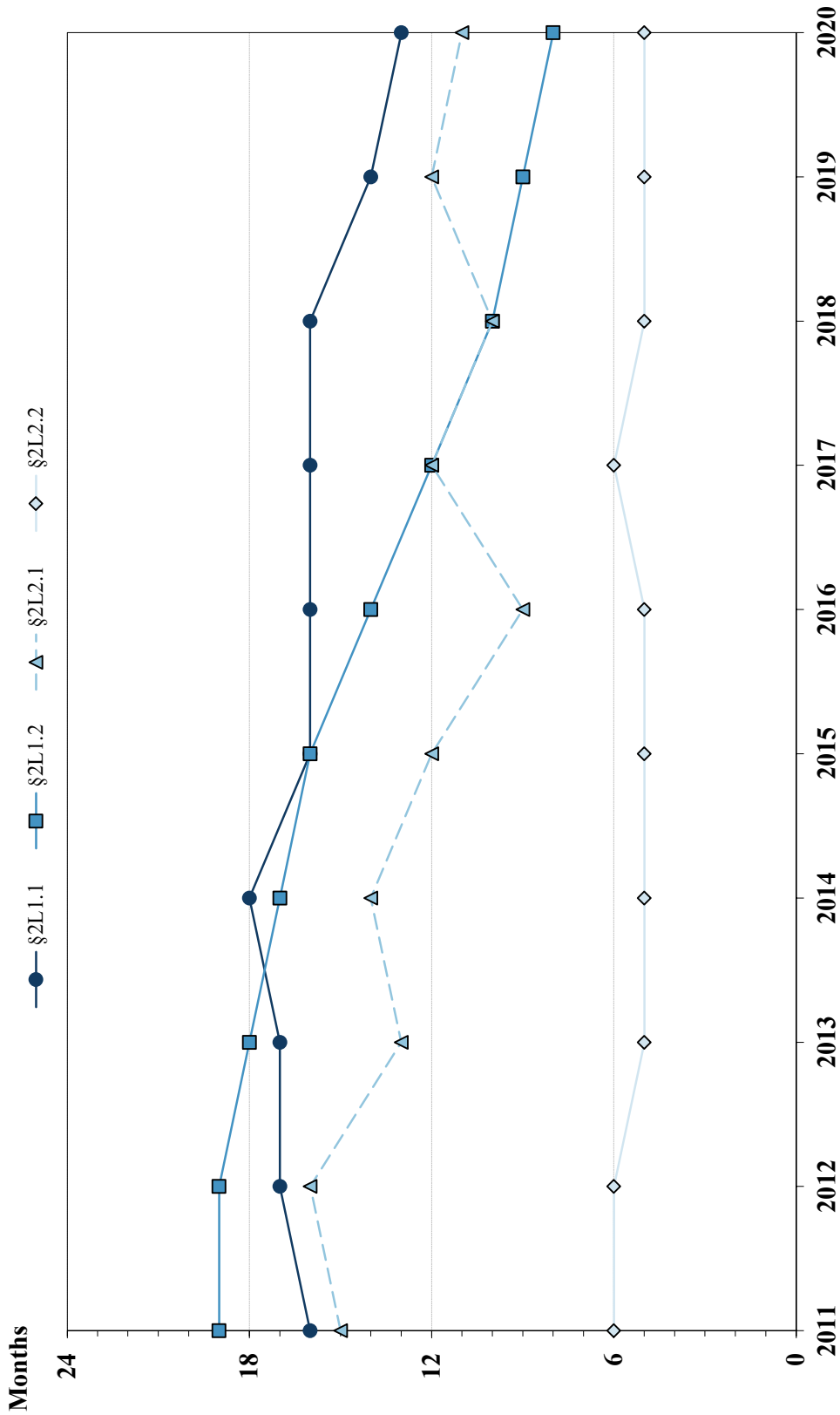
**Figure I-2**  
**NUMBER OF IMMIGRATION OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



<sup>1</sup> Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

**Figure I-3**  
**SENTENCE LENGTH OF IMMIGRATION OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



<sup>1</sup> Only offenders sentenced under §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking in Immigration Documents, or Making False or Fraudulent Immigration Statements), or 2L2.2 (Acquiring Fraudulent Immigration Documents) 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 sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.



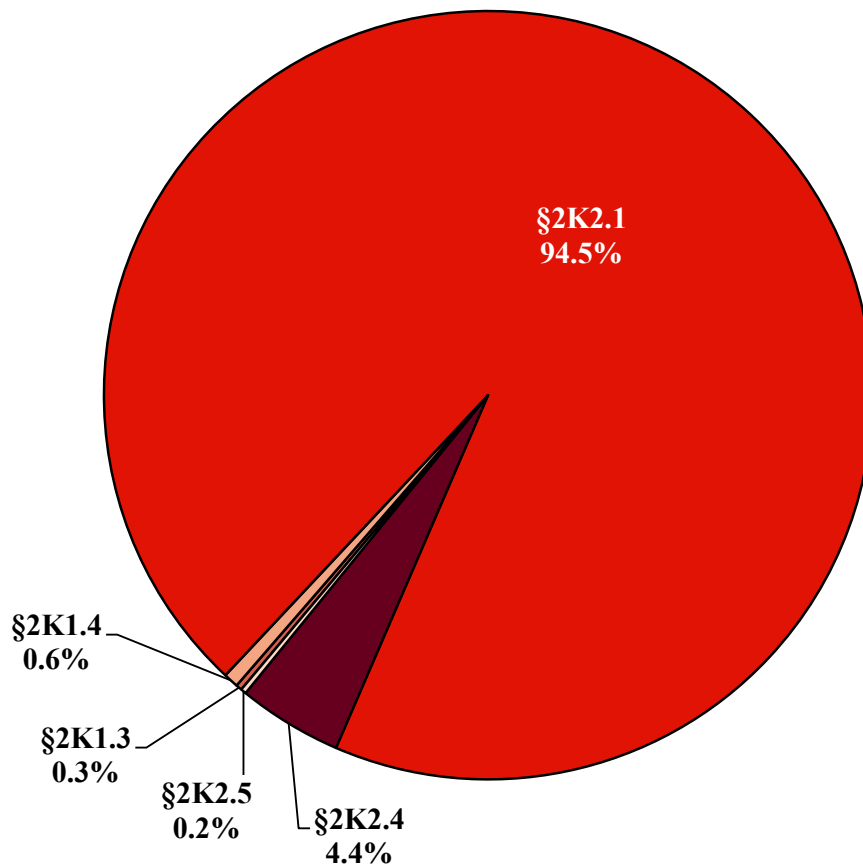


# **FIREARMS OFFENSES**

---

**Figure F-1**

**DISTRIBUTION OF FIREARMS OFFENDERS  
BY GUIDELINE<sup>1,2</sup>  
Fiscal Year 2020**



<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> In the §2K2.4 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.

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

**Table F-1**  
**RACE OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,489</b>	<b>1,956</b>	<b>26.1</b>	<b>4,021</b>	<b>53.7</b>	<b>1,282</b>	<b>17.1</b>	<b>230</b>	<b>3.1</b>
<b>§2K1.3</b>	<b>19</b>	<b>16</b>	<b>84.2</b>	<b>3</b>	<b>15.8</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>47</b>	<b>24</b>	<b>51.1</b>	<b>10</b>	<b>21.3</b>	<b>5</b>	<b>10.6</b>	<b>8</b>	<b>17.0</b>
<b>§2K2.1</b>	<b>7,078</b>	<b>1,859</b>	<b>26.3</b>	<b>3,799</b>	<b>53.7</b>	<b>1,205</b>	<b>17.0</b>	<b>215</b>	<b>3.0</b>
<b>§2K2.4<sup>2</sup></b>	<b>329</b>	<b>53</b>	<b>16.1</b>	<b>202</b>	<b>61.4</b>	<b>68</b>	<b>20.7</b>	<b>6</b>	<b>1.8</b>
<b>§2K2.5</b>	<b>16</b>	<b>4</b>	<b>25.0</b>	<b>7</b>	<b>43.8</b>	<b>4</b>	<b>25.0</b>	<b>1</b>	<b>6.3</b>

<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,504 cases, 15 were excluded due to missing information on offender's race. 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. § 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.

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

**Table F-2**  
**GENDER OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,503</b>	<b>96.0</b>	<b>7,203</b>	<b>96.0</b>	<b>300</b>	<b>4.0</b>
<b>§2K1.3</b>	<b>19</b>	<b>100.0</b>	<b>19</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>47</b>	<b>89.4</b>	<b>42</b>	<b>89.4</b>	<b>5</b>	<b>10.6</b>
<b>§2K2.1</b>	<b>7,091</b>	<b>96.0</b>	<b>6,808</b>	<b>96.0</b>	<b>283</b>	<b>4.0</b>
<b>§2K2.4<sup>2</sup></b>	<b>330</b>	<b>97.0</b>	<b>320</b>	<b>97.0</b>	<b>10</b>	<b>3.0</b>
<b>§2K2.5</b>	<b>16</b>	<b>87.5</b>	<b>14</b>	<b>87.5</b>	<b>2</b>	<b>12.5</b>

<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,504 cases, one was excluded due to missing information on offender's gender. 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. § 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.

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

Table F-3

**AGE OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,504</b>	<b>2.7</b>	<b>1,220</b>	<b>16.3</b>	<b>1,724</b>	<b>23.0</b>	<b>1,493</b>	<b>19.9</b>	<b>1,247</b>	<b>16.6</b>	<b>1,131</b>	<b>15.1</b>	<b>376</b>	<b>5.0</b>	<b>109</b>	<b>1.5</b>
<b>§2K1.3</b>	<b>19</b>	<b>5.3</b>	<b>2</b>	<b>10.5</b>	<b>4</b>	<b>21.1</b>	<b>5</b>	<b>26.3</b>	<b>1</b>	<b>5.3</b>	<b>4</b>	<b>21.1</b>	<b>2</b>	<b>10.5</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>47</b>	<b>2.1</b>	<b>10</b>	<b>21.3</b>	<b>11</b>	<b>23.4</b>	<b>4</b>	<b>8.5</b>	<b>6</b>	<b>12.8</b>	<b>9</b>	<b>19.1</b>	<b>5</b>	<b>10.6</b>	<b>1</b>	<b>2.1</b>
<b>§2K2.1</b>	<b>7,091</b>	<b>2.5</b>	<b>1,143</b>	<b>16.1</b>	<b>1,625</b>	<b>22.9</b>	<b>1,425</b>	<b>20.1</b>	<b>1,182</b>	<b>16.7</b>	<b>1,086</b>	<b>15.3</b>	<b>356</b>	<b>5.0</b>	<b>100</b>	<b>1.4</b>
<b>§2K2.4<sup>2</sup></b>	<b>330</b>	<b>7.6</b>	<b>64</b>	<b>19.4</b>	<b>83</b>	<b>25.2</b>	<b>56</b>	<b>17.0</b>	<b>56</b>	<b>17.0</b>	<b>28</b>	<b>8.5</b>	<b>12</b>	<b>3.6</b>	<b>6</b>	<b>1.8</b>
<b>§2K2.5</b>	<b>17</b>	<b>17.6</b>	<b>1</b>	<b>5.9</b>	<b>1</b>	<b>5.9</b>	<b>3</b>	<b>17.6</b>	<b>2</b>	<b>11.8</b>	<b>4</b>	<b>23.5</b>	<b>1</b>	<b>5.9</b>	<b>2</b>	<b>11.8</b>

<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). 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. § 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.

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

**Table F-4**  
**CITIZENSHIP OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>7,501</b>	<b>7,193</b>	<b>95.9</b>	<b>308</b>	<b>4.1</b>
<b>§2K1.3</b>	<b>19</b>	<b>19</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2K1.4</b>	<b>47</b>	<b>46</b>	<b>97.9</b>	<b>1</b>	<b>2.1</b>
<b>§2K2.1</b>	<b>7,090</b>	<b>6,798</b>	<b>95.9</b>	<b>292</b>	<b>4.1</b>
<b>§2K2.4<sup>2</sup></b>	<b>329</b>	<b>314</b>	<b>95.4</b>	<b>15</b>	<b>4.6</b>
<b>§2K2.5</b>	<b>16</b>	<b>16</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>

<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Atson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,504 cases, three were excluded due to missing information on offender's citizenship status. 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. § 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.

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

**Table F-5**  
**EDUCATION OF FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,475</b>	<b>36.0</b>	<b>3,410</b>	<b>45.6</b>	<b>1,215</b>	<b>16.3</b>	<b>161</b>	<b>2.2</b>
<b>§2K1.3</b>	<b>19</b>	<b>21.1</b>	<b>10</b>	<b>52.6</b>	<b>4</b>	<b>21.1</b>	<b>1</b>	<b>5.3</b>
<b>§2K1.4</b>	<b>46</b>	<b>30.4</b>	<b>22</b>	<b>47.8</b>	<b>8</b>	<b>17.4</b>	<b>2</b>	<b>4.3</b>
<b>§2K2.1</b>	<b>7,067</b>	<b>35.7</b>	<b>3,247</b>	<b>45.9</b>	<b>1,144</b>	<b>16.2</b>	<b>154</b>	<b>2.2</b>
<b>§2K2.4<sup>2</sup></b>	<b>327</b>	<b>43.7</b>	<b>123</b>	<b>37.6</b>	<b>59</b>	<b>18.0</b>	<b>2</b>	<b>0.6</b>
<b>§2K2.5</b>	<b>16</b>	<b>37.5</b>	<b>8</b>	<b>50.0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>12.5</b>

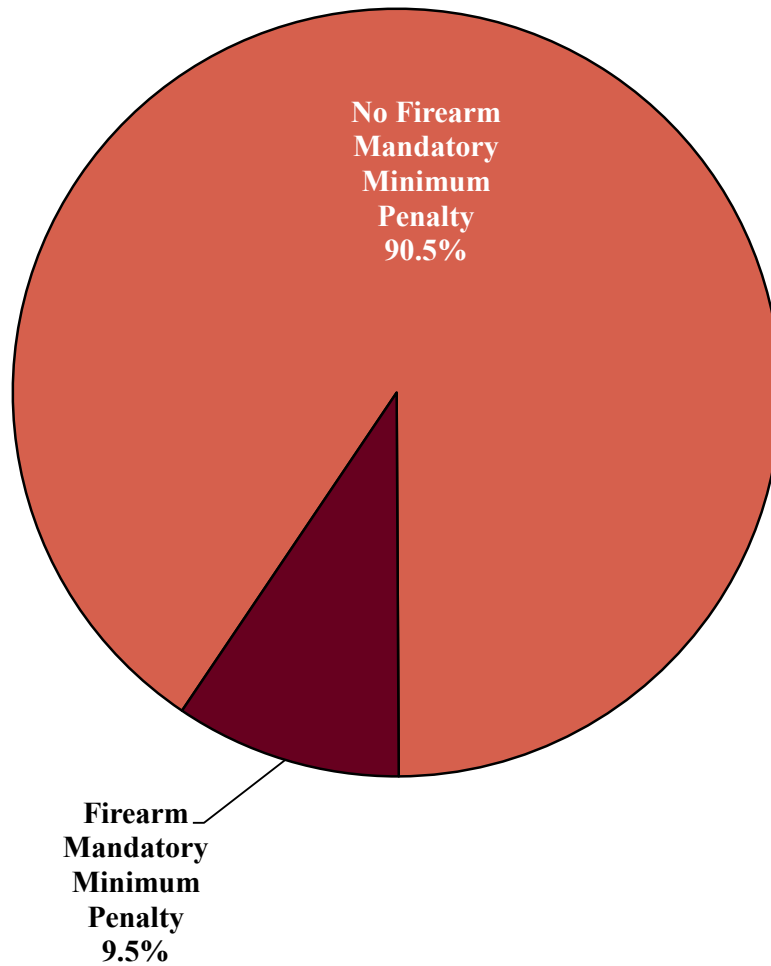
<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,504 cases, 29 were excluded due to missing information on offender's education. 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. § 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.

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

**Figure F-2**

**FIREARM MANDATORY MINIMUM PENALTIES<sup>1</sup>**  
**Fiscal Year 2020**



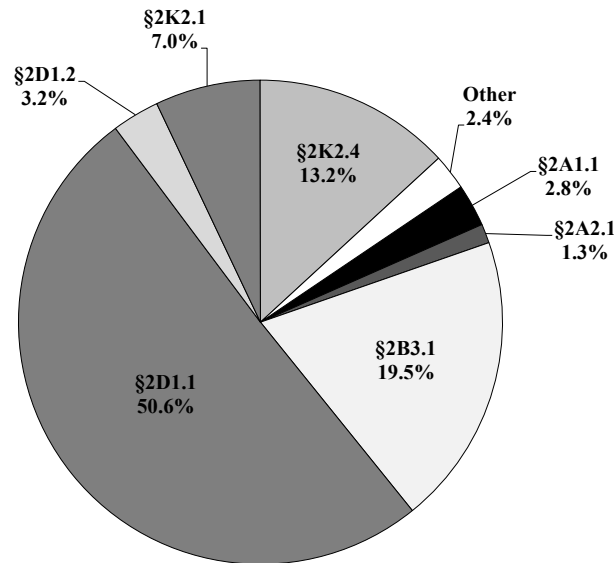
<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). This figure is limited to mandatory minimum penalties for violating 18 U.S.C. § 924(c) or 18 U.S.C. § 924(e). Descriptions of variables used in this table are provided in Appendix A.

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

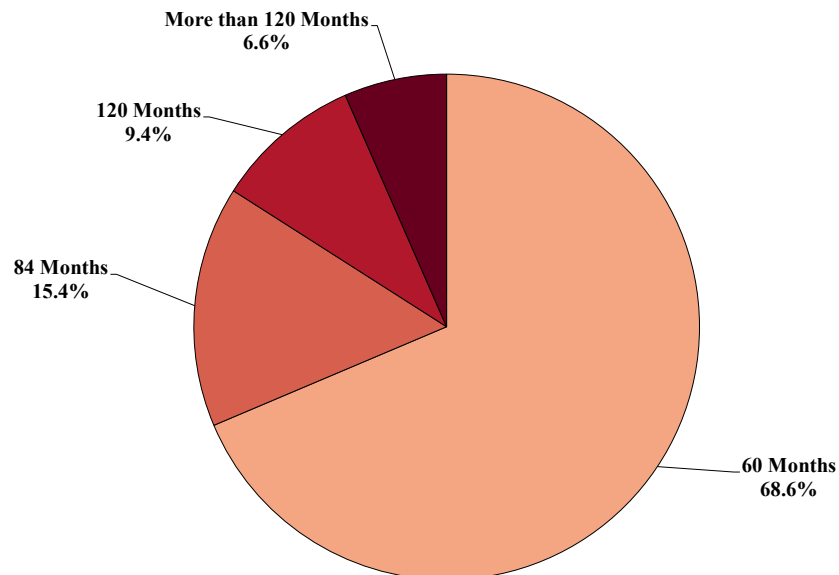


**Figure F-3**  
**CONVICTIONS UNDER 18 U.S.C. § 924(c)<sup>1</sup>**  
**Fiscal Year 2020**

**DISTRIBUTION OF APPLICABLE GUIDELINES<sup>2</sup>**



**LENGTH OF MANDATORY MINIMUM PENALTY**



<sup>1</sup> Of the 64,565 cases, in 2,525 the offenders were convicted of one or more counts of violating 18 U.S.C. § 924(c). Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> In the §2K2.4 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 F-6**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR FIREARMS OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

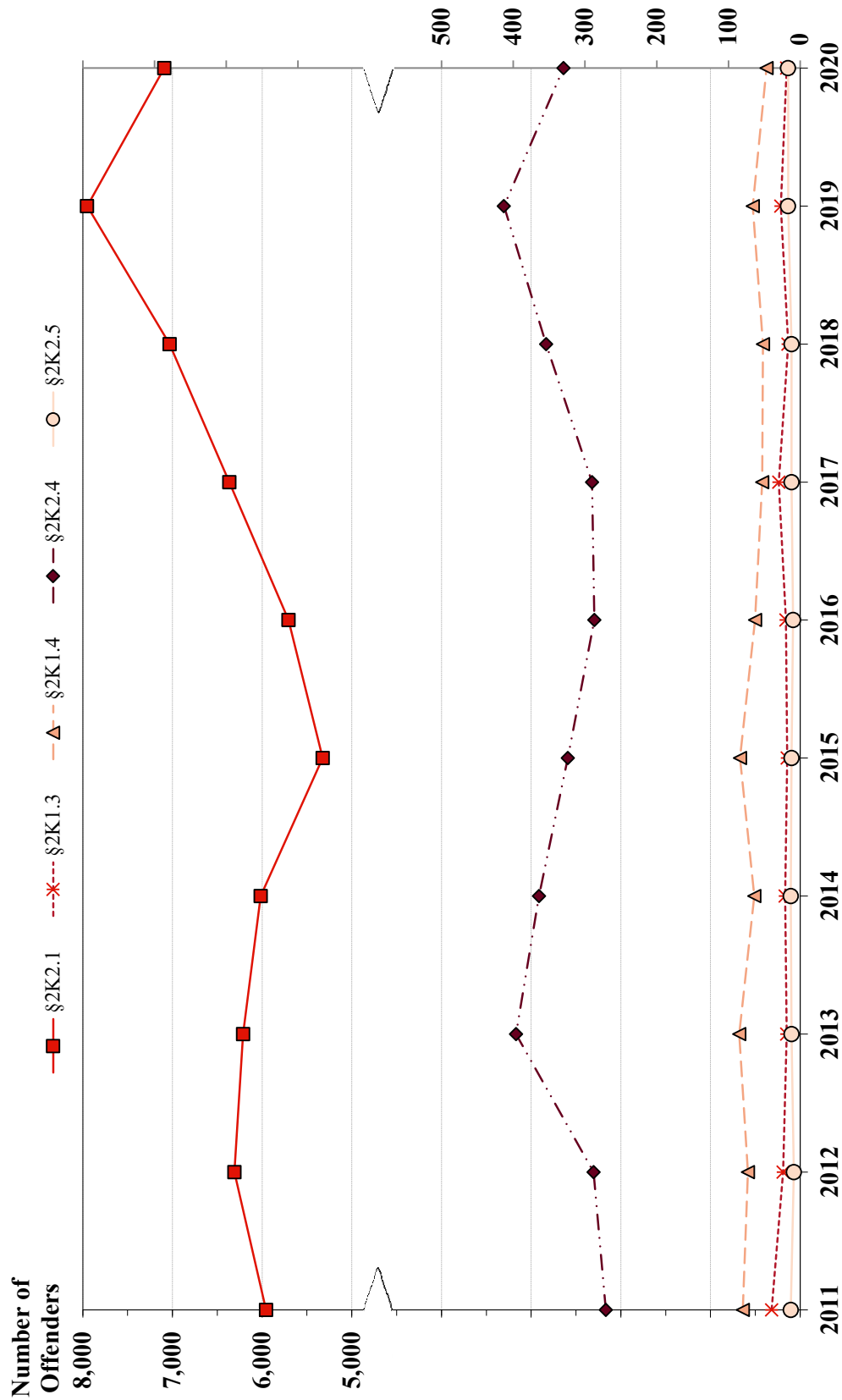
GUIDELINE	WITHIN GUIDELINE RANGE			UPWARD			§5K1.1			§5K3.1			DOWNWARD			VARIANCE		
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<b>TOTAL</b>	<b>7,503</b>	<b>3,887</b>	<b>51.8</b>	<b>56</b>	<b>0.7</b>	<b>408</b>	<b>5.4</b>	<b>4</b>	<b>0.1</b>	<b>296</b>	<b>3.9</b>	<b>2,852</b>	<b>38.0</b>					
<b>§2K1.3</b>	<b>19</b>	<b>5</b>	<b>26.3</b>	<b>1</b>	<b>5.3</b>	<b>2</b>	<b>10.5</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>11</b>	<b>57.9</b>					
<b>§2K1.4</b>	<b>47</b>	<b>21</b>	<b>44.7</b>	<b>2</b>	<b>4.3</b>	<b>3</b>	<b>6.4</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>2.1</b>	<b>20</b>	<b>42.6</b>					
<b>§2K2.1</b>	<b>7,090</b>	<b>3,578</b>	<b>50.5</b>	<b>48</b>	<b>0.7</b>	<b>382</b>	<b>5.4</b>	<b>4</b>	<b>0.1</b>	<b>295</b>	<b>4.2</b>	<b>2,783</b>	<b>39.3</b>					
<b>§2K2.4<sup>2</sup></b>	<b>330</b>	<b>272</b>	<b>82.4</b>	<b>2</b>	<b>0.6</b>	<b>21</b>	<b>6.4</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>35</b>	<b>10.6</b>					
<b>§2K2.5</b>	<b>17</b>	<b>11</b>	<b>64.7</b>	<b>3</b>	<b>17.6</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>17.6</b>					

<sup>1</sup> Of the 64,565 cases, in 7,513 the offender was sentenced under USSG Chapter Two, Part K (Firearms). Of these, 7,504 offenders were sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone). Of these 7,504 cases, one was 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> 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.

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

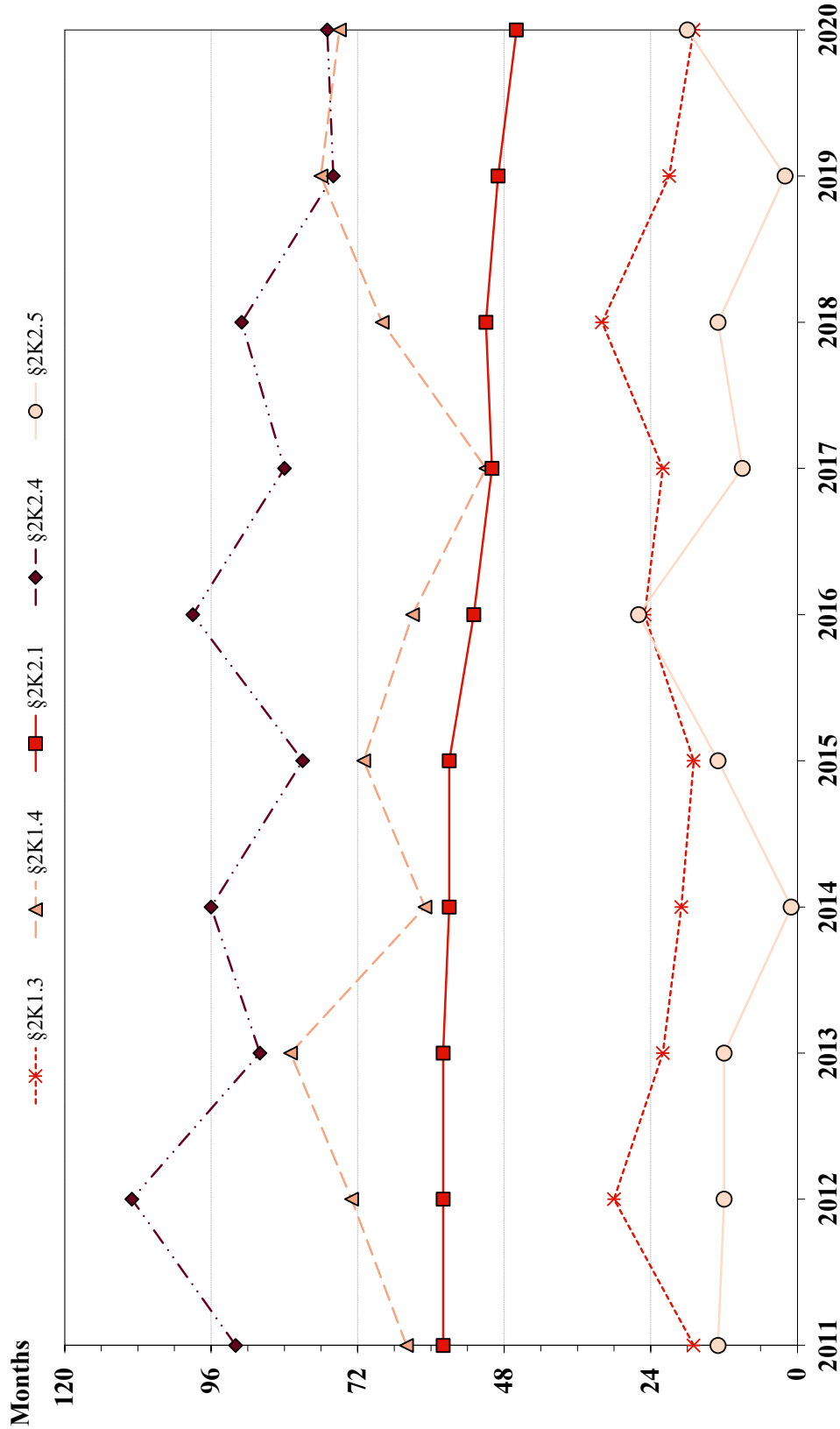
**Figure F-4**  
**NUMBER OF FIREARMS OFFENDERS OVER TIME<sup>1,2</sup>**  
**Fiscal Years 2011 - 2020**



<sup>1</sup> Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> In the §2K2.4 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.  
 SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

**Figure F-5**  
**SENTENCE LENGTH OF FIREARMS OFFENDERS OVER TIME<sup>1,2</sup>**  
**Fiscal Years 2011 - 2020**



<sup>1</sup> Only offenders sentenced under §§2K1.3 (Unlawful Receipt, Possession, or Transportation of Explosive Materials), 2K1.4 (Arson or Property Damage by Use of Explosives), 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition), 2K2.4 (Use of Firearm During or in Relation to Certain Crimes), or 2K2.5 (Possession of Firearm or Dangerous Weapon in Federal Facility or in School Zone) 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 sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> In the §2K2.4 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.

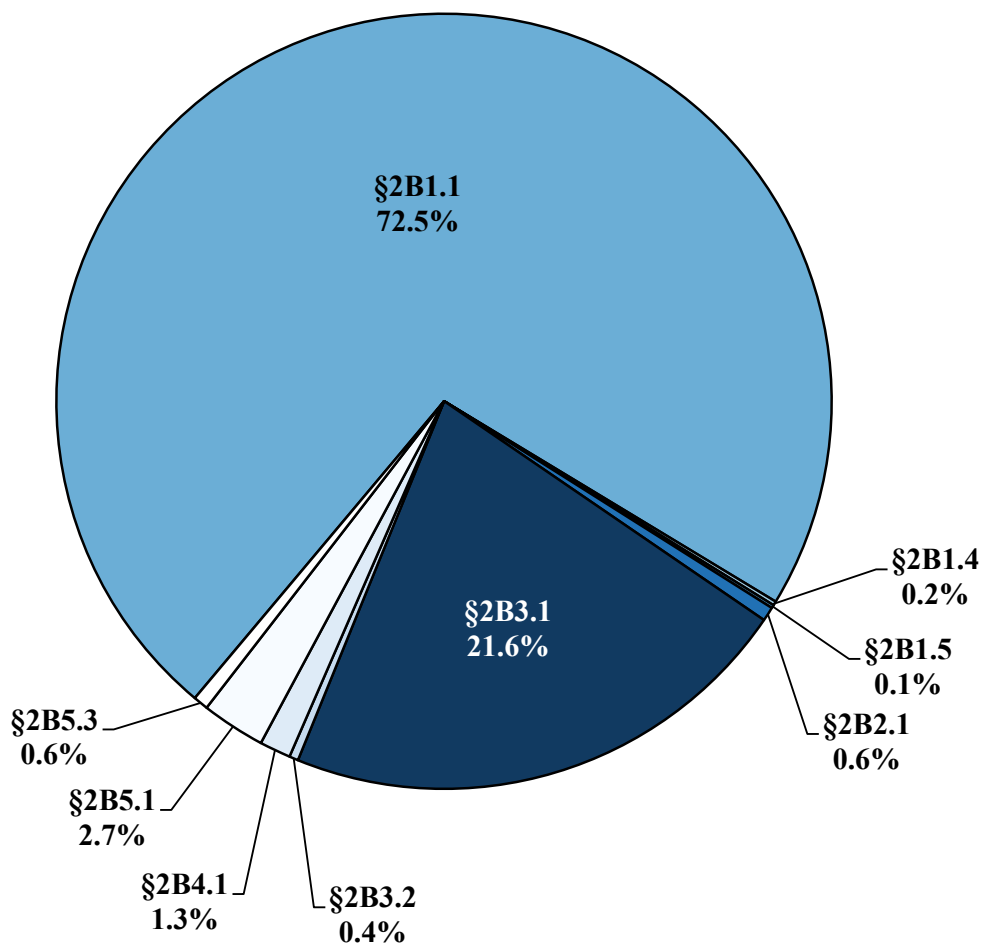
SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

# ECONOMIC OFFENSES

---

**Figure E-1**

**DISTRIBUTION OF ECONOMIC OFFENSE OFFENDERS  
BY GUIDELINE<sup>1</sup>  
Fiscal Year 2020**



<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this figure are provided in Appendix A.

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

**Table E-1**  
**RACE OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,983</b>	<b>39.2</b>	<b>2,343</b>	<b>39.2</b>	<b>1,999</b>	<b>33.4</b>	<b>1,255</b>	<b>21.0</b>	<b>386</b>	<b>6.5</b>
§2B1.1	4,337	43.4	1,883	43.4	1,162	26.8	993	22.9	299	6.9
§2B1.4	10	90.0	9	90.0	0	0.0	0	0.0	1	10.0
§2B1.5	8	100.0	8	100.0	0	0.0	0	0.0	0	0.0
§2B2.1	36	27.8	10	27.8	13	36.1	5	13.9	8	22.2
§2B3.1	1,294	21.9	283	21.9	759	58.7	211	16.3	41	3.2
§2B3.2	23	39.1	9	39.1	5	21.7	9	39.1	0	0.0
§2B4.1	78	47.4	37	47.4	8	10.3	21	26.9	12	15.4
§2B5.1	160	60.0	96	60.0	44	27.5	14	8.8	6	3.8
§2B5.3	37	21.6	8	21.6	8	21.6	2	5.4	19	51.4

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 6,005 cases, 22 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, 2020 Datafile, USSCFY20.

**Table E-2**  
**GENDER OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL		MALE		FEMALE	
	N	%	N	%	N	%
<b>TOTAL</b>	<b>6,005</b>	<b>73.7</b>	<b>4,426</b>	<b>73.7</b>	<b>1,579</b>	<b>26.3</b>
<b>§2B1.1</b>	<b>4,356</b>	<b>68.2</b>	<b>2,972</b>	<b>68.2</b>	<b>1,384</b>	<b>31.8</b>
<b>§2B1.4</b>	<b>10</b>	<b>100.0</b>	<b>10</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2B1.5</b>	<b>8</b>	<b>87.5</b>	<b>7</b>	<b>87.5</b>	<b>1</b>	<b>12.5</b>
<b>§2B2.1</b>	<b>36</b>	<b>83.3</b>	<b>30</b>	<b>83.3</b>	<b>6</b>	<b>16.7</b>
<b>§2B3.1</b>	<b>1,297</b>	<b>91.7</b>	<b>1,189</b>	<b>91.7</b>	<b>108</b>	<b>8.3</b>
<b>§2B3.2</b>	<b>23</b>	<b>82.6</b>	<b>19</b>	<b>82.6</b>	<b>4</b>	<b>17.4</b>
<b>§2B4.1</b>	<b>78</b>	<b>57.7</b>	<b>45</b>	<b>57.7</b>	<b>33</b>	<b>42.3</b>
<b>§2B5.1</b>	<b>160</b>	<b>76.3</b>	<b>122</b>	<b>76.3</b>	<b>38</b>	<b>23.8</b>
<b>§2B5.3</b>	<b>37</b>	<b>86.5</b>	<b>32</b>	<b>86.5</b>	<b>5</b>	<b>13.5</b>

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

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



**Table E-3**  
**AGE OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		51 to 60		Over 60	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>6,005</b>		<b>661</b>	<b>11.0</b>	<b>823</b>	<b>13.7</b>	<b>863</b>	<b>14.4</b>	<b>784</b>	<b>13.1</b>	<b>1,304</b>	<b>21.7</b>	<b>889</b>	<b>14.8</b>	<b>513</b>	<b>8.5</b>
<b>§2B1.1</b>	<b>4,356</b>		<b>317</b>	<b>7.3</b>	<b>491</b>	<b>11.3</b>	<b>613</b>	<b>14.1</b>	<b>590</b>	<b>13.5</b>	<b>1,074</b>	<b>24.7</b>	<b>745</b>	<b>17.1</b>	<b>460</b>	<b>10.6</b>
<b>§2B1.4</b>	<b>10</b>		<b>1</b>	<b>10.0</b>	<b>1</b>	<b>10.0</b>	<b>1</b>	<b>10.0</b>	<b>1</b>	<b>10.0</b>	<b>3</b>	<b>30.0</b>	<b>1</b>	<b>10.0</b>	<b>2</b>	<b>20.0</b>
<b>§2B1.5</b>	<b>8</b>		<b>1</b>	<b>12.5</b>	<b>2</b>	<b>25.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>50.0</b>	<b>1</b>	<b>12.5</b>	<b>0</b>	<b>0.0</b>
<b>§2B2.1</b>	<b>36</b>		<b>3</b>	<b>8.3</b>	<b>7</b>	<b>19.4</b>	<b>7</b>	<b>19.4</b>	<b>7</b>	<b>19.4</b>	<b>7</b>	<b>19.4</b>	<b>3</b>	<b>8.3</b>	<b>0</b>	<b>0.0</b>
<b>§2B3.1</b>	<b>1,297</b>		<b>317</b>	<b>24.4</b>	<b>284</b>	<b>21.9</b>	<b>194</b>	<b>15.0</b>	<b>132</b>	<b>10.2</b>	<b>159</b>	<b>12.3</b>	<b>91</b>	<b>7.0</b>	<b>23</b>	<b>1.8</b>
<b>§2B3.2</b>	<b>23</b>		<b>4</b>	<b>17.4</b>	<b>3</b>	<b>13.0</b>	<b>2</b>	<b>8.7</b>	<b>4</b>	<b>17.4</b>	<b>4</b>	<b>17.4</b>	<b>4</b>	<b>17.4</b>	<b>2</b>	<b>8.7</b>
<b>§2B4.1</b>	<b>78</b>		<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>5.1</b>	<b>9</b>	<b>11.5</b>	<b>17</b>	<b>21.8</b>	<b>27</b>	<b>34.6</b>	<b>21</b>	<b>26.9</b>
<b>§2B5.1</b>	<b>160</b>		<b>3</b>	<b>1.9</b>	<b>31</b>	<b>19.4</b>	<b>34</b>	<b>21.3</b>	<b>37</b>	<b>23.1</b>	<b>24</b>	<b>15.0</b>	<b>13</b>	<b>8.1</b>	<b>2</b>	<b>1.3</b>
<b>§2B5.3</b>	<b>37</b>		<b>0</b>	<b>0.0</b>	<b>4</b>	<b>10.8</b>	<b>8</b>	<b>21.6</b>	<b>4</b>	<b>10.8</b>	<b>12</b>	<b>32.4</b>	<b>4</b>	<b>10.8</b>	<b>3</b>	<b>8.1</b>

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Descriptions of variables used in this table are provided in Appendix A.

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

Table E-4

**CITIZENSHIP OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>5,995</b>	<b>5,085</b>	<b>84.8</b>	<b>910</b>	<b>15.2</b>
<b>§2B1.1</b>	<b>4,347</b>	<b>3,509</b>	<b>80.7</b>	<b>838</b>	<b>19.3</b>
<b>§2B1.4</b>	<b>10</b>	<b>8</b>	<b>80.0</b>	<b>2</b>	<b>20.0</b>
<b>§2B1.5</b>	<b>8</b>	<b>8</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>§2B2.1</b>	<b>36</b>	<b>34</b>	<b>94.4</b>	<b>2</b>	<b>5.6</b>
<b>§2B3.1</b>	<b>1,296</b>	<b>1,251</b>	<b>96.5</b>	<b>45</b>	<b>3.5</b>
<b>§2B3.2</b>	<b>23</b>	<b>22</b>	<b>95.7</b>	<b>1</b>	<b>4.3</b>
<b>§2B4.1</b>	<b>78</b>	<b>73</b>	<b>93.6</b>	<b>5</b>	<b>6.4</b>
<b>§2B5.1</b>	<b>160</b>	<b>154</b>	<b>96.3</b>	<b>6</b>	<b>3.8</b>
<b>§2B5.3</b>	<b>37</b>	<b>26</b>	<b>70.3</b>	<b>11</b>	<b>29.7</b>

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 6,005 cases, ten were excluded due to missing information on offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

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

**Table E-5**  
**EDUCATION OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL		LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,906</b>		<b>1,226</b>	<b>20.8</b>	<b>1,926</b>	<b>32.6</b>	<b>1,667</b>	<b>28.2</b>	<b>1,087</b>	<b>18.4</b>
<b>§2B1.1</b>	<b>4,264</b>		721	16.9	1,220	28.6	1,339	31.4	984	23.1
<b>§2B1.4</b>	<b>10</b>		1	10.0	0	0.0	0	0.0	9	90.0
<b>§2B1.5</b>	<b>8</b>		3	37.5	1	12.5	2	25.0	2	25.0
<b>§2B2.1</b>	<b>35</b>		14	40.0	15	42.9	6	17.1	0	0.0
<b>§2B3.1</b>	<b>1,292</b>		434	33.6	584	45.2	244	18.9	30	2.3
<b>§2B3.2</b>	<b>23</b>		8	34.8	8	34.8	4	17.4	3	13.0
<b>§2B4.1</b>	<b>78</b>		1	1.3	8	10.3	23	29.5	46	59.0
<b>§2B5.1</b>	<b>160</b>		37	23.1	76	47.5	39	24.4	8	5.0
<b>§2B5.3</b>	<b>36</b>		7	19.4	14	38.9	10	27.8	5	13.9

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 6,005 cases, 99 were excluded due to missing information on offender's education. Descriptions of variables used in this table are provided in Appendix A.

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

**Table E-6**  
**LOSS AMOUNT OF ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL		NO GUIDELINE INCREASE FOR LOSS AMOUNT <sup>2</sup>		GUIDELINE INCREASE FOR LOSS AMOUNT		AMOUNT OF LOSS <sup>3</sup>		
	N	%	N	%	N	%	N	Mean	Median
<b>TOTAL</b>	<b>5,932</b>		<b>2,110</b>	<b>35.6</b>	<b>3,822</b>	<b>64.4</b>	<b>4,797</b>	<b>\$1,427,331</b>	<b>\$51,281</b>
<b>§2B1.1</b>	<b>4,298</b>		<b>940</b>	<b>21.9</b>	<b>3,358</b>	<b>78.1</b>	<b>3,585</b>	<b>\$1,837,583</b>	<b>\$100,000</b>
<b>§2B1.4</b>	<b>10</b>		<b>0</b>	<b>0.0</b>	<b>10</b>	<b>100.0</b>	<b>10</b>	<b>\$1,260,258</b>	<b>\$768,520</b>
<b>§2B1.5</b>	<b>8</b>		<b>1</b>	<b>12.5</b>	<b>7</b>	<b>87.5</b>	<b>7</b>	<b>\$94,313</b>	<b>\$92,000</b>
<b>§2B2.1</b>	<b>36</b>		<b>17</b>	<b>47.2</b>	<b>19</b>	<b>52.8</b>	<b>29</b>	<b>\$14,374</b>	<b>\$9,629</b>
<b>§2B3.1</b>	<b>1,286</b>		<b>1,083</b>	<b>84.2</b>	<b>203</b>	<b>15.8</b>	<b>945</b>	<b>\$23,635</b>	<b>\$2,245</b>
<b>§2B3.2</b>	<b>21</b>		<b>11</b>	<b>52.4</b>	<b>10</b>	<b>47.6</b>	<b>10</b>	<b>\$327,120</b>	<b>\$89,410</b>
<b>§2B4.1</b>	<b>78</b>		<b>0</b>	<b>0.0</b>	<b>78</b>	<b>100.0</b>	<b>66</b>	<b>\$3,136,522</b>	<b>\$457,586</b>
<b>§2B5.1</b>	<b>158</b>		<b>57</b>	<b>36.1</b>	<b>101</b>	<b>63.9</b>	<b>124</b>	<b>\$18,689</b>	<b>\$4,600</b>
<b>§2B5.3</b>	<b>37</b>		<b>1</b>	<b>2.7</b>	<b>36</b>	<b>97.3</b>	<b>21</b>	<b>\$502,595</b>	<b>\$178,848</b>

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these, the Commission received complete guideline application information for 5,932 cases. In 3,822 cases the guideline range was enhanced due to the amount of loss involved in the case. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> A loss may exist in cases where there was no guideline increase for loss amount and those amounts are included in the amount of loss columns.

<sup>3</sup> Cases in which an exact loss amount was not reported were excluded from the amount of loss computation.

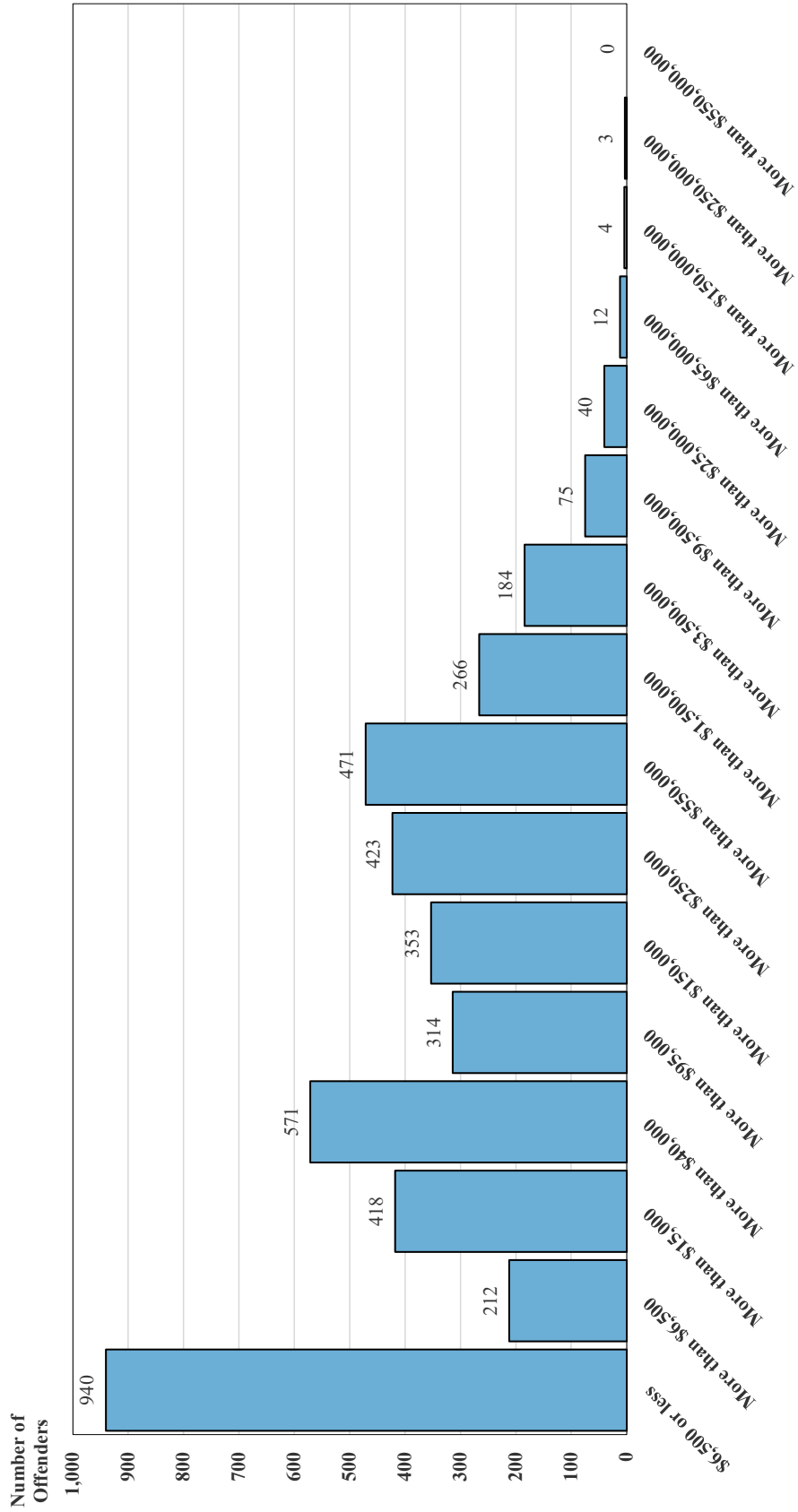
**Table E-7**  
**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR ECONOMIC OFFENSE OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE			UPWARD			\$5K1.1			DEPARTURE			\$5K3.1			DOWNWARD			VARIANCE					
		N	%		N	%		N	%		N	%		N	%		N	%		N	%				
<b>TOTAL</b>	<b>6,001</b>	<b>2,621</b>	<b>43.7</b>	<b>29</b>	<b>0.5</b>	<b>710</b>	<b>11.8</b>	<b>3</b>	<b>0.0</b>	<b>229</b>	<b>3.8</b>	<b>40.1</b>	<b>4,353</b>	<b>1,930</b>	<b>44.3</b>	<b>18</b>	<b>0.4</b>	<b>502</b>	<b>11.5</b>	<b>3</b>	<b>0.1</b>	<b>151</b>	<b>3.5</b>	<b>1,749</b>	<b>40.2</b>
<b>§2B1.1</b>	<b>10</b>	<b>1</b>	<b>10.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>10.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>10.0</b>	<b>7</b>	<b>§2B1.4</b>	<b>8</b>	<b>1</b>	<b>12.5</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>7</b>	<b>87.5</b>	
<b>§2B1.5</b>	<b>36</b>	<b>16</b>	<b>44.4</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>8.3</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>5.6</b>	<b>41.7</b>	<b>§2B2.1</b>	<b>36</b>	<b>16</b>	<b>44.4</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>8.3</b>	<b>0</b>	<b>2</b>	<b>5.6</b>	<b>15</b>	<b>41.7</b>
<b>§2B3.1</b>	<b>1,296</b>	<b>551</b>	<b>42.5</b>	<b>9</b>	<b>0.7</b>	<b>152</b>	<b>11.7</b>	<b>0</b>	<b>0.0</b>	<b>68</b>	<b>5.2</b>	<b>39.8</b>	<b>§2B3.2</b>	<b>23</b>	<b>7</b>	<b>30.4</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>13.0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>56.5</b>	
<b>§2B4.1</b>	<b>78</b>	<b>12</b>	<b>15.4</b>	<b>0</b>	<b>0.0</b>	<b>32</b>	<b>41.0</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>5.1</b>	<b>38.5</b>	<b>§2B5.1</b>	<b>160</b>	<b>98</b>	<b>61.3</b>	<b>2</b>	<b>1.3</b>	<b>11</b>	<b>6.9</b>	<b>0</b>	<b>2</b>	<b>1.3</b>	<b>47</b>	<b>29.4</b>
<b>§2B5.3</b>	<b>37</b>	<b>5</b>	<b>13.5</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>16.2</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>2.7</b>	<b>67.6</b>													

<sup>1</sup> Of the 64,565 cases, in 6,106 the offender was sentenced under USSG Chapter Two, Part B (Basic Economic Offenses). Of these, 6,005 offenders were sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B1.4 (Insider Trading), 2B1.5 (Cultural Heritage Resources), 2B2.1 (Burglary), 2B3.1 (Robbery), 2B3.2 (Extortion), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright). Of these 6,005 cases, four 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, 2020 Datafile, USSCFY20.

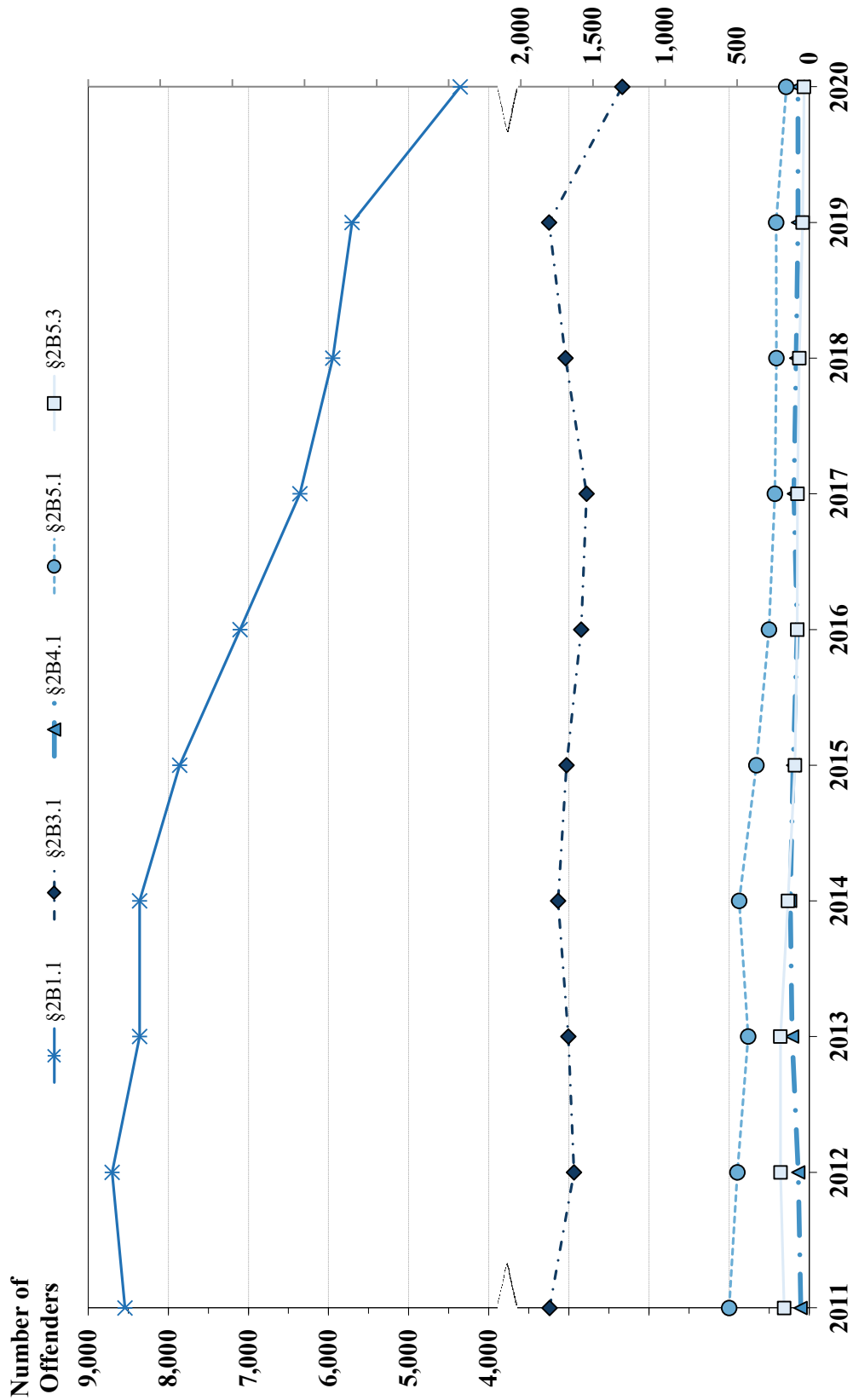
**Figure E-2**  
**NUMBER OF OFFENDERS IN EACH §2B1.1 LOSS TABLE CATEGORY<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> Of the 64,565 cases, the Commission received complete guideline application information for 59,255 cases. Of these, 4,298 offenders were sentenced under §2B1.1 (Theft, Property Destruction, and Fraud Offenses). An additional 12 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2015. Descriptions of variables used in this figure are provided in Appendix A.

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

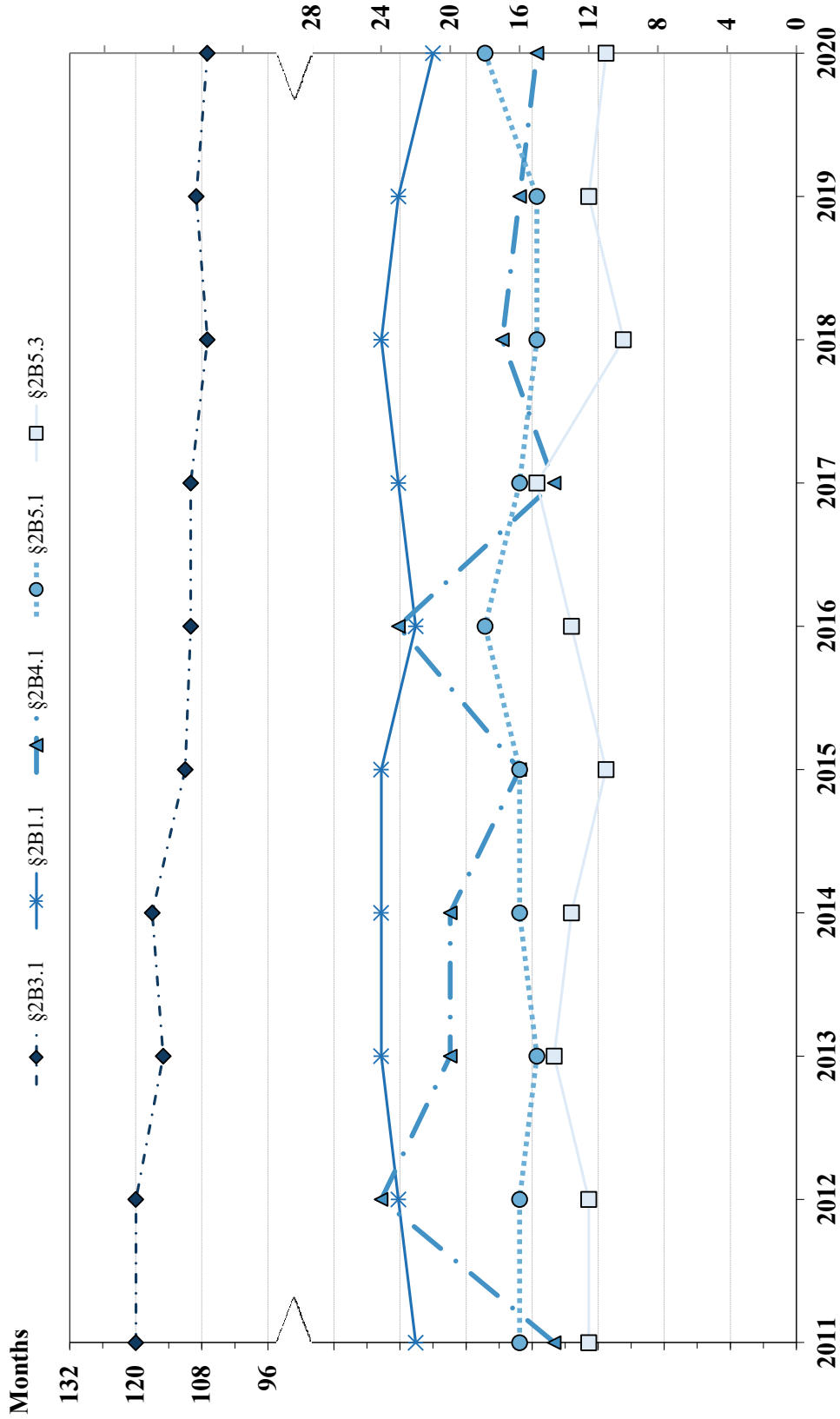
**Figure E-3**  
**NUMBER OF ECONOMIC OFFENSE OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



<sup>1</sup> Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Robbery), 2B4.1 (Bribery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) are depicted in this figure. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

**Figure E-4**  
**SENTENCE LENGTH OF ECONOMIC OFFENSE OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2011 - 2020**



<sup>1</sup> Only offenders sentenced under §§2B1.1 (Theft, Property Destruction, and Fraud Offenses), 2B3.1 (Bribery), 2B4.1 (Robbery), 2B5.1 (Counterfeiting), or 2B5.3 (Copyright) 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 USSC §5C1.1. Cases missing sentencing information were also excluded. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Datafiles, USSCFY11 - USSCFY20.

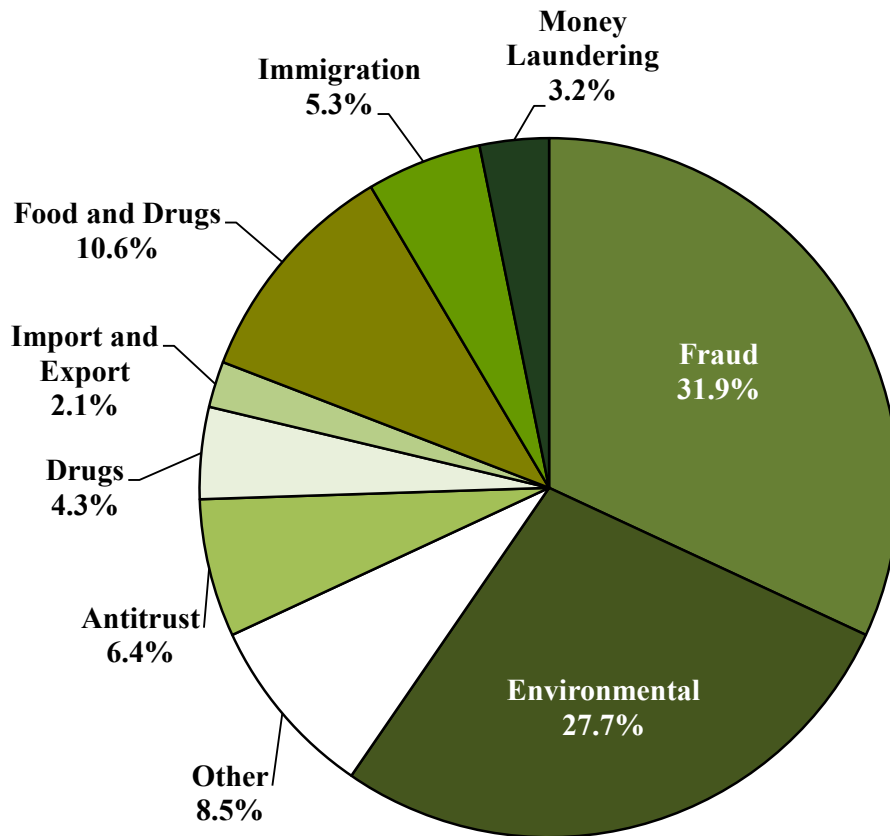


# **ORGANIZATIONAL OFFENDER SENTENCING DATA**

---

Figure O-1

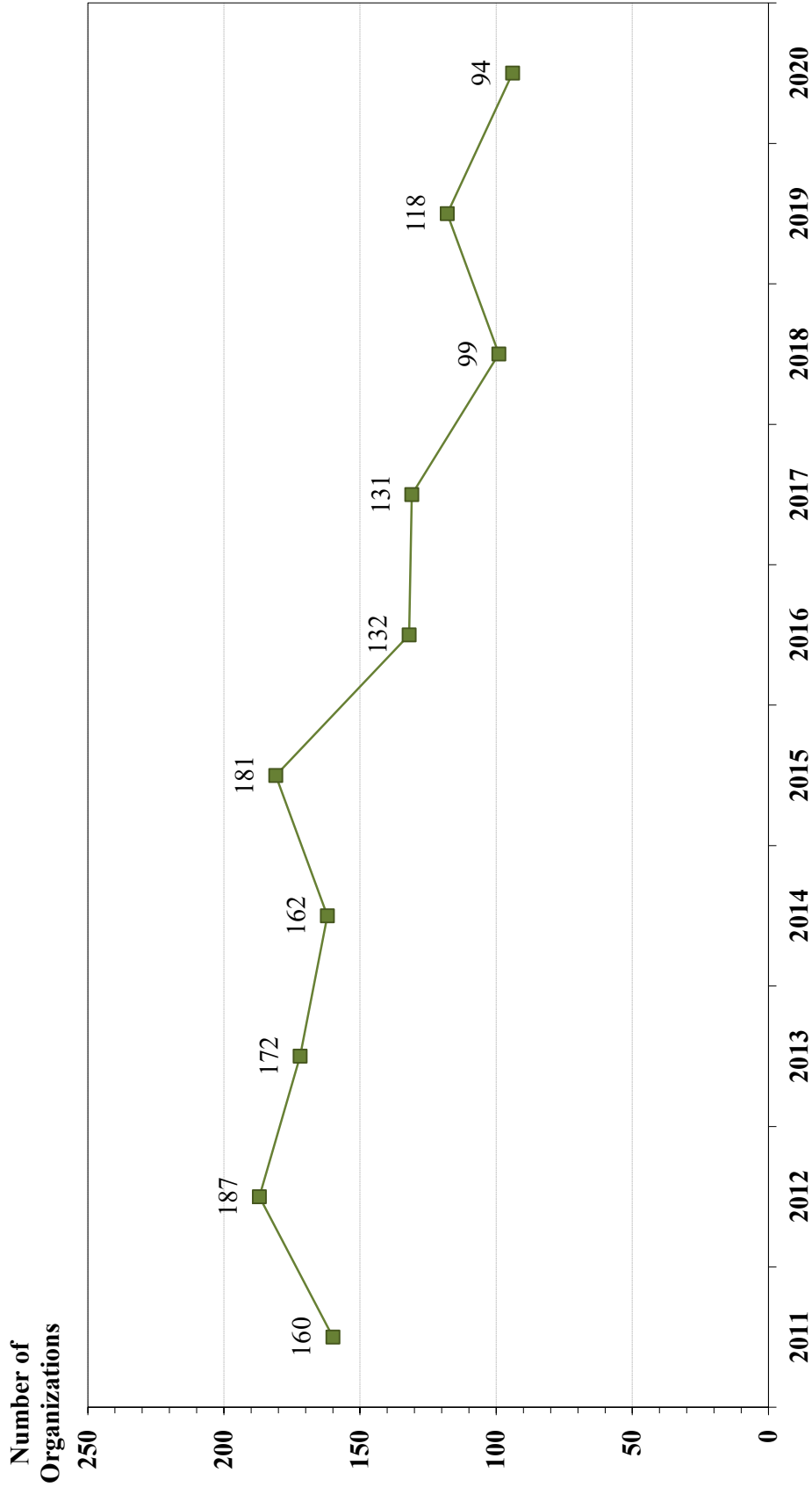
**ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> This figure includes the 94 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Organizational Datafile, CORPFY20.

**Figure O-2**  
**NUMBER OF ORGANIZATIONAL OFFENDERS OVER TIME<sup>1</sup>**  
**Fiscal Years 2011-2020**

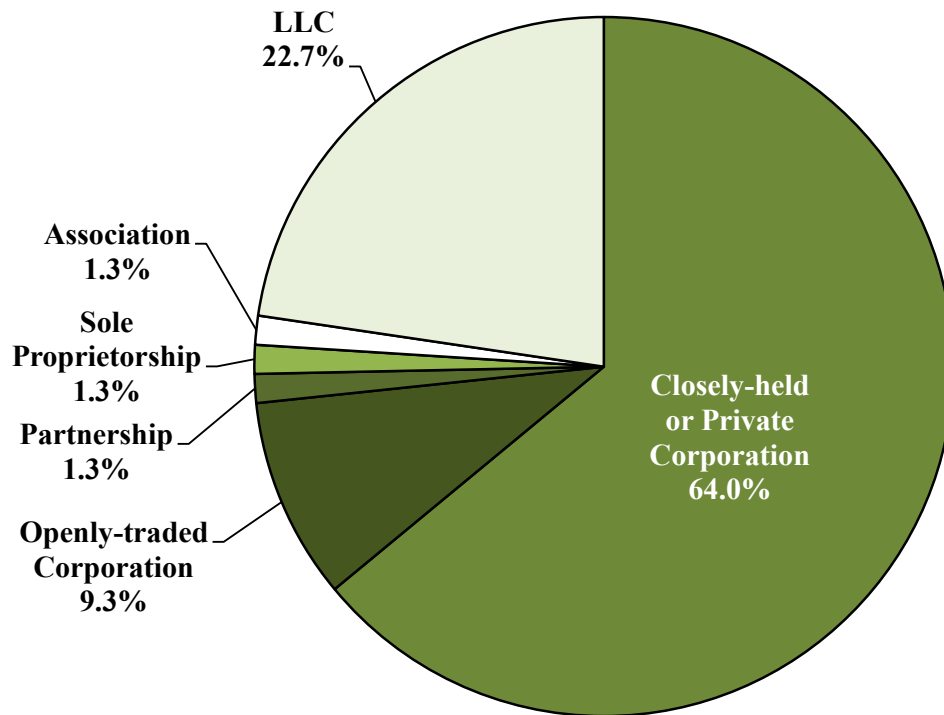


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 - 2020 Organizational Datafiles, CORPFY11-CORPFY20.

Figure O-3

**ORGANIZATIONAL OFFENDERS BY OWNERSHIP STRUCTURE<sup>1</sup>**  
**Fiscal Year 2020**

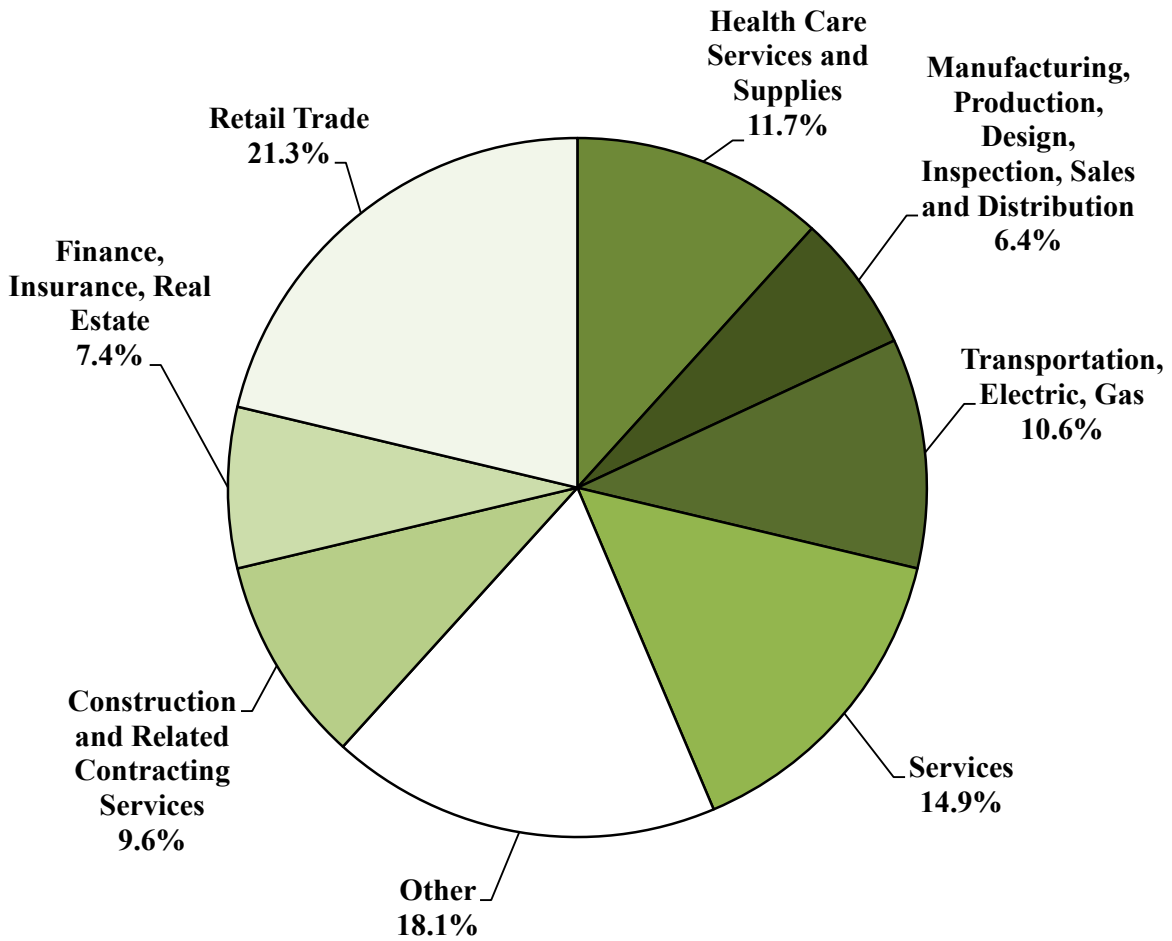


<sup>1</sup> Of the 94 organizational cases, 19 were missing information on the ownership structure of the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Organizational Datafile, CORPFY20.

**Figure O-4**

**ORGANIZATIONAL OFFENDERS BY TYPE OF BUSINESS<sup>1</sup>**  
**Fiscal Year 2020**

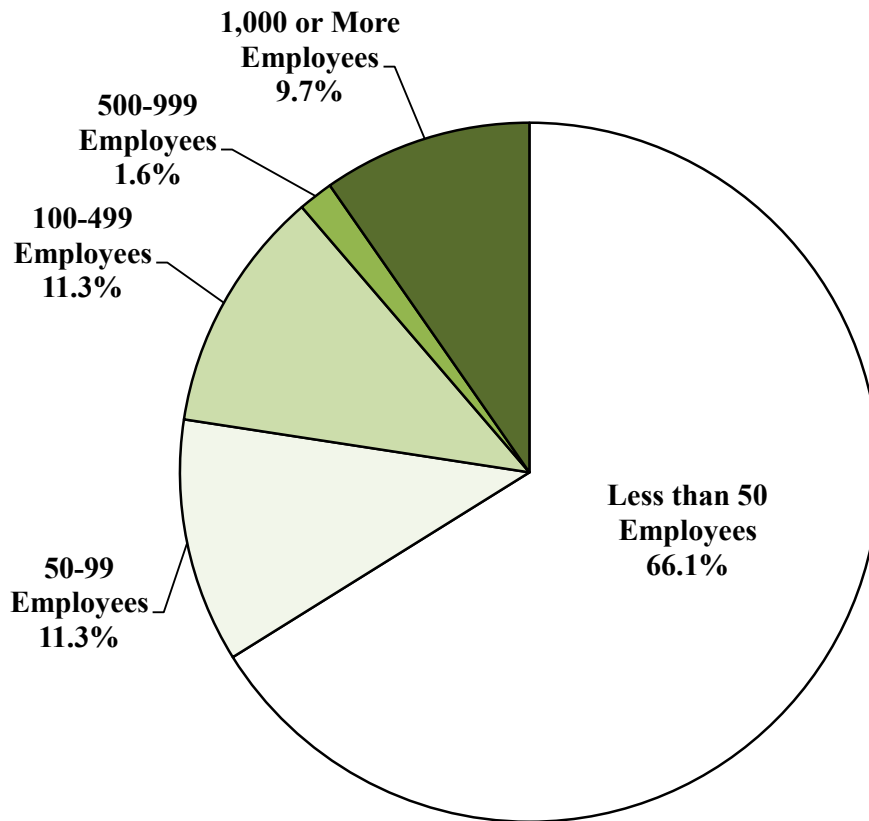


<sup>1</sup> This figure includes the 94 organizational cases reported to the Commission. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Organizational Datafile, CORPFY20.

**Figure O-5**

**SIZE OF ORGANIZATIONAL OFFENDERS  
BY NUMBER OF EMPLOYEES<sup>1</sup>  
Fiscal Year 2020**



<sup>1</sup> Of the 94 organizational cases, 32 were missing information on the number of employees in the organization. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Organizational Datafile, CORPFY20.

**Table O-1**  
**FINE AND RESTITUTION FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	TOTAL		NO FINE OR RESTITUTION ORDERED		FINE ORDERED/NO RESTITUTION		RESTITUTION ORDERED/NO FINE		BOTH FINE & RESTITUTION ORDERED	
	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>94</b>		<b>14</b>	<b>14.9</b>	<b>53</b>	<b>56.4</b>	<b>15</b>	<b>16.0</b>	<b>12</b>	<b>12.8</b>
Administration of Justice Offenses	1	0.0	0	0.0	1	100.0	0	0.0	0	0.0
Antitrust	6	0.0	0	0.0	6	100.0	0	0.0	0	0.0
Archeological Damage	0	--	0	--	0	--	0	--	0	--
Public Corruption: Bribery/Gratuity/Extortion	3	0.0	0	0.0	3	100.0	0	0.0	0	0.0
Civil Rights	0	--	0	--	0	--	0	--	0	--
Contraband	0	--	0	--	0	--	0	--	0	--
Copyright/Trademark	0	--	0	--	0	--	0	--	0	--
Drugs	4	0.0	0	0.0	4	100.0	0	0.0	0	0.0
Environmental - Water	13	0.0	0	0.0	13	100.0	0	0.0	0	0.0
Environmental - Air	3	0.0	0	0.0	2	66.7	1	33.3	0	0.0
Environmental - Hazardous/Toxic Pollutants	6	0.0	0	0.0	3	50.0	1	16.7	2	33.3
Environmental - Wildlife	4	75.0	3	75.0	1	25.0	0	0.0	0	0.0
Import and Export	2	0.0	0	0.0	2	100.0	0	0.0	0	0.0
Firearms	0	--	0	--	0	--	0	--	0	--
Food, Drugs, Agricultural and Consumer Products	10	20.0	2	20.0	5	50.0	2	20.0	1	10.0
Food Stamps	0	--	0	--	0	--	0	--	0	--
Forgery	0	--	0	--	0	--	0	--	0	--
Fraud	30	16.7	5	16.7	7	23.3	10	33.3	8	26.7
Gambling	0	--	0	--	0	--	0	--	0	--
Immigration	5	20.0	1	20.0	4	80.0	0	0.0	0	0.0
Larceny/Theft/Embezzlement	0	--	0	--	0	--	0	--	0	--
Motor Vehicles	0	--	0	--	0	--	0	--	0	--
Money Laundering	3	33.3	1	33.3	1	33.3	1	33.3	0	0.0
Obscenity	0	--	0	--	0	--	0	--	0	--
Racketeering/Extortion	2	100.0	2	100.0	0	0.0	0	0.0	0	0.0
Tax	2	0.0	0	0.0	1	50.0	0	0.0	1	50.0
Other	0	--	0	--	0	--	0	--	0	--

<sup>1</sup> Of the 94 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 80 cases. Descriptions of variables used in this table are provided in Appendix A.

**Table O-2**  
**AMOUNT OF FINE AND RESTITUTION ORDERED FOR ORGANIZATIONAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2020**

TYPE OF CRIME	FINE ORDERED					RESTITUTION ORDERED <sup>2</sup>					FINE OR RESTITUTION ORDERED				
	N	Mean	Median	Sum	N	Mean	Median	Sum	N	Mean	Median	Sum			
<b>TOTAL</b>	<b>65</b>	<b>\$6,588,546</b>	<b>\$400,000</b>	<b>\$428,255,502</b>	<b>27</b>	<b>\$7,740,932</b>	<b>\$284,546</b>	<b>\$209,005,171</b>	<b>80</b>	<b>\$7,965,758</b>	<b>\$392,273</b>	<b>\$637,260,673</b>			
Administration of Justice Offenses	1	--	--	--	0	--	--	--	1	--	--	--			
Antitrust	6	\$17,680,873	\$15,007,241	\$106,085,239	0	--	--	--	6	\$17,680,873	\$15,007,241	\$106,085,239			
Archaeological Damage	0	--	--	--	0	--	--	--	0	--	--	--			
Public Corruption: Bribery/Gratuity/Extortion	3	\$9,106,667	\$9,520,000	\$27,320,000	0	--	--	--	3	\$9,106,667	\$9,520,000	\$27,320,000			
Civil	0	--	--	--	0	--	--	--	0	--	--	--			
Contraband	0	--	--	--	0	--	--	--	0	--	--	--			
Copyright/Trademark	0	--	--	--	0	--	--	--	0	--	--	--			
Drugs	4	\$140,000	\$25,000	\$560,000	0	--	--	--	4	\$140,000	\$25,000	\$560,000			
Environmental - Water	13	\$1,080,769	\$500,000	\$14,050,000	0	--	--	--	13	\$1,080,769	\$500,000	\$14,050,000			
Environmental - Air	2	--	--	--	1	--	--	--	3	\$18,051,705	\$1,000,000	\$54,155,116			
Environmental - Hazardous/Toxic Pollutants	5	\$103,528	\$50,000	\$517,640	3	\$531,420	\$114,297	\$1,594,261	6	\$351,984	\$179,649	\$2,111,901			
Environmental - Wildlife	1	--	--	--	0	--	--	--	1	--	--	--			
Import and Export	2	--	--	--	0	--	--	--	2	--	--	--			
Firearms	0	--	--	--	0	--	--	--	0	--	--	--			
Food, Drugs, Agricultural & Consumer Products	6	\$2,512,500	\$325,000	\$15,075,000	3	\$337,073	\$10,260	\$1,011,220	8	\$2,010,778	\$100,000	\$16,086,220			
Food Stamps	0	--	--	--	0	--	--	--	0	--	--	--			
Forgery	0	--	--	--	0	--	--	--	0	--	--	--			
Fraud	15	\$4,649,168	\$159,175	\$69,737,523	18	\$3,735,645	\$295,753	\$67,241,617	25	\$5,479,166	\$384,546	\$136,979,140			
Gambling	0	--	--	--	0	--	--	--	0	--	--	--			
Immigration	4	\$254,200	\$225,000	\$1,016,799	0	--	--	--	4	\$254,200	\$225,000	\$1,016,799			
Larceny/Theft/Embezzlement	0	--	--	--	0	--	--	--	0	--	--	--			
Motor Vehicles	0	--	--	--	0	--	--	--	0	--	--	--			
Money Laundering	1	--	--	--	1	--	--	--	2	--	--	--			
Obscenity	0	--	--	--	0	--	--	--	0	--	--	--			
Racketeering/Extortion	0	--	--	--	0	--	--	--	0	--	--	--			
Tax	2	--	--	--	1	--	--	--	2	--	--	--			
Other	0	--	--	--	0	--	--	--	0	--	--	--			

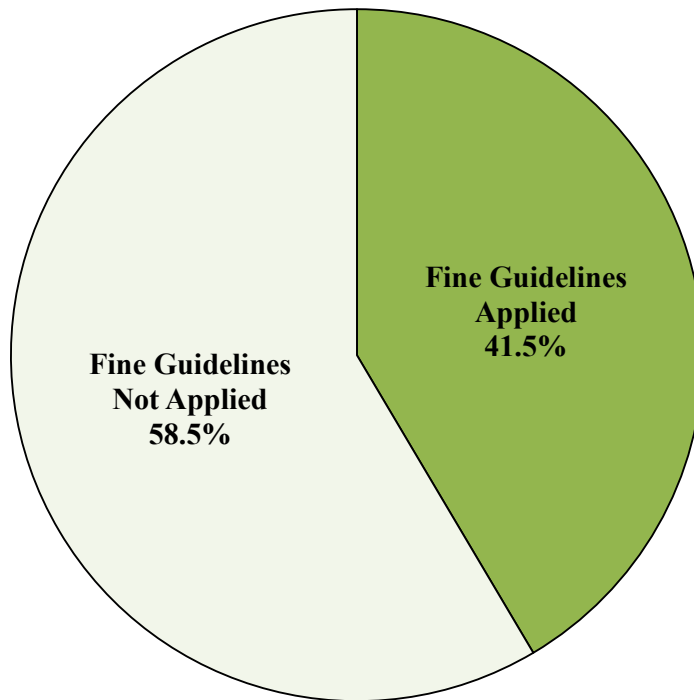
<sup>1</sup> Of the 94 organizational cases, the court sentenced the offenders to pay a fine or make restitution in 80 cases. Fine information includes either fines and/or the cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In cases of joint and several restitution, the full amount of restitution is attributed to each offender, which may result in overinflation of the total amount of restitution reported for all offenders.



**Figure O-6**

**APPLICATION OF CHAPTER EIGHT FINE GUIDELINES<sup>1</sup>**  
**Fiscal Year 2020**



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

SOURCE: U.S. Sentencing Commission, 2020 Organizational Datafile, CORPFY20.

Table O-3

**CHAPTER EIGHT SENTENCING COMPONENTS  
FOR ORGANIZATIONAL OFFENDERS<sup>1</sup>  
Fiscal Year 2020**

<b>SENTENCING COMPONENTS</b>		
<b>Disposition</b>	N	%
Guilty Plea	88	93.6
Nolo Contendere	0	0.0
Bench Trial	0	0.0
Trial By Jury	6	6.4
<b>TOTAL</b>	<b>94</b>	<b>100.0</b>
<b>Probation<sup>2</sup></b>		
Probation Ordered	66	70.2
Probation Not Ordered	28	29.8
<b>TOTAL</b>	<b>94</b>	<b>100.0</b>
<b>Court Ordered Compliance/Ethics</b>		
Program Ordered	28	29.8
No Program Ordered	66	70.2
<b>TOTAL</b>	<b>94</b>	<b>100.0</b>
<b>Inability to Pay</b>		
Fine Reduced - Organization Unable to Pay <sup>3</sup>	29	30.9
Organization Able to Pay	65	69.1
<b>TOTAL</b>	<b>94</b>	<b>100.0</b>

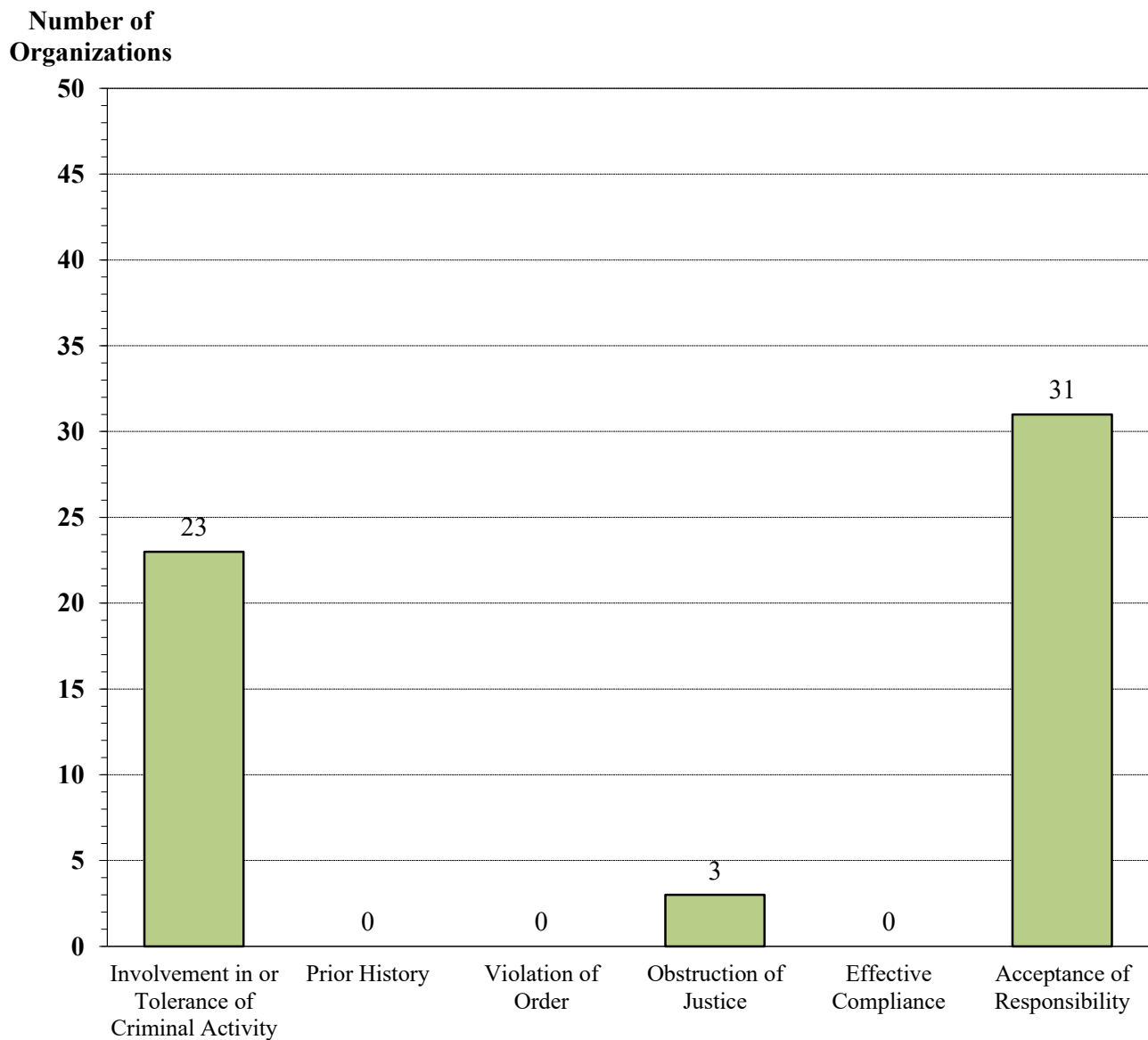
<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A. A discussion of a compliance and ethics program can be found in USSG §8C2.5.

<sup>2</sup> The 'Probation Ordered' category consists of cases in which at least one month of probation was ordered. The 'Probation Not Ordered' category consists of cases in which less than one month of probation was ordered, or no probation was ordered.

<sup>3</sup> Organizations in this category were unable to pay either a portion of the fine or the entire fine.

Figure O-7

**CULPABILITY FACTORS APPLIED TO DETERMINE FINES IMPOSED  
ON ORGANIZATIONAL OFFENDERS<sup>1</sup>  
Fiscal Year 2020**



<sup>1</sup> Of the 94 organizational cases, the fine guideline was applied in 39 cases. Courts may apply multiple factors, so the total number of factors may exceed the number of cases in which a culpability factor was applied. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Organizational Datafile, CORPFY20.

Table O-4

**CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS<sup>1</sup>**  
**Fiscal Year 2020**

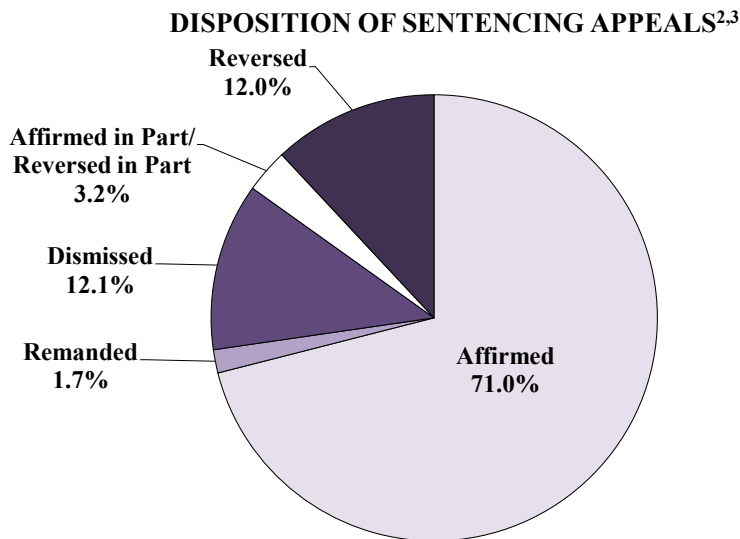
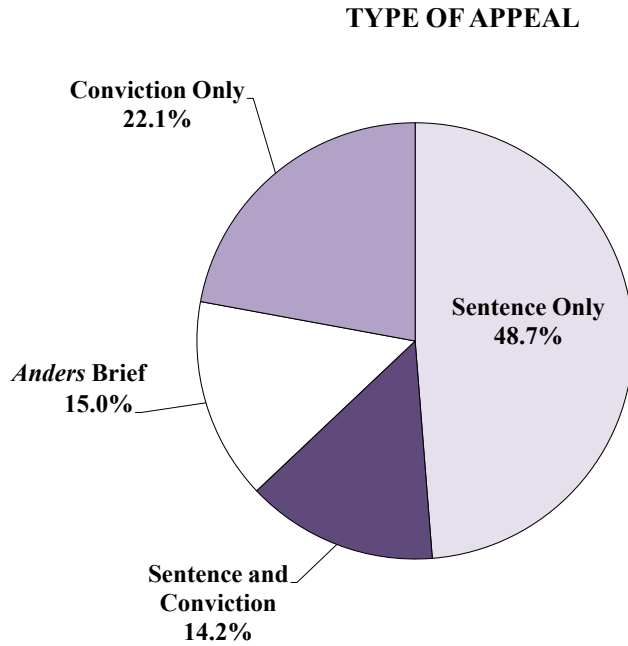
<b>Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)</b>	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	1	2.6
Involvement/tolerance in an organization/unit of 1,000+ employees	1	2.6
Involvement/tolerance in an organization/unit of 200+ employees	2	5.1
Involvement/tolerance in an organization/unit of 50+ employees	6	15.4
Involvement/tolerance in an organization/unit of ten or more employees	13	33.3
No involvement/tolerance OR fewer than ten employees	16	41.0
<b>TOTAL</b>	<b>39</b>	<b>100.0</b>
<b>Prior History - §8C2.5(c)</b>	N	%
One similar criminal/two similar administrative violations within ten years	0	0.0
One similar criminal/two similar administrative violations within five years	0	0.0
Organization had no prior record	39	100.0
<b>TOTAL</b>	<b>39</b>	<b>100.0</b>
<b>Violation of an Order - §8C2.5(d)</b>	N	%
Organization violated a judicial order or condition of probation for similar conduct	0	0.0
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	39	100.0
<b>TOTAL</b>	<b>39</b>	<b>100.0</b>
<b>Obstruction of Justice - §8C2.5(e)</b>	N	%
Organization obstructed justice	3	7.7
Organization did not obstruct justice	36	92.3
<b>TOTAL</b>	<b>39</b>	<b>100.0</b>
<b>Effective Compliance and Ethics Program - §8C2.5(f)</b>	N	%
Organization did have an effective compliance and ethics program	0	0.0
Organization had no compliance and ethics program	39	100.0
<b>TOTAL</b>	<b>39</b>	<b>100.0</b>
<b>Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)</b>	N	%
Reported offense to governmental authorities	1	2.6
Cooperated with investigation	17	43.6
Accepted responsibility	13	33.3
Organization did not self-report, cooperate, or accept responsibility	8	20.5
<b>TOTAL</b>	<b>39</b>	<b>100.0</b>

<sup>1</sup> Of the 94 organizational cases, the fine guideline was applied in 39 cases. For the remaining 55 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this table are provided in Appendix A.

# SENTENCING APPEALS

---

**Figure A**  
**TYPE AND DISPOSITION OF APPEALS CASES<sup>1</sup>**  
**Fiscal Year 2020**



<sup>1</sup> Of the 6,960 appeals cases, 40 were excluded because the type of appeal was 'unknown'. Of these, 6,846 involved an appeal by the offender, 52 involved an appeal by the government, and 22 involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Of the 138 cases affirmed in part and reversed in part, 131 (94.9%) cases were remanded to the district court.

<sup>3</sup> Of the 521 cases reversed, 521 (100.0%) were remanded to the district court.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

Table A-1

**TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2020**

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		Anders Brief			
	N	N %	N %	N %	N %	N %	N %			
<b>TOTAL</b>	<b>6,916</b>		<b>3,372</b>	<b>48.8</b>	<b>982</b>	<b>14.2</b>	<b>1,527</b>	<b>22.1</b>	<b>1,035</b>	<b>15.0</b>
<b>D.C. CIRCUIT</b>	<b>36</b>		<b>15</b>	<b>41.7</b>	<b>10</b>	<b>27.8</b>	<b>11</b>	<b>30.6</b>	<b>0</b>	<b>0.0</b>
District of Columbia	36		15	41.7	10	27.8	11	30.6	0	0.0
<b>FIRST CIRCUIT</b>	<b>216</b>		<b>100</b>	<b>46.3</b>	<b>30</b>	<b>13.9</b>	<b>49</b>	<b>22.7</b>	<b>37</b>	<b>17.1</b>
Maine	27		15	55.6	2	7.4	7	25.9	3	11.1
Massachusetts	44		15	34.1	8	18.2	17	38.6	4	9.1
New Hampshire	17		10	58.8	2	11.8	3	17.6	2	11.8
Puerto Rico	124		59	47.6	17	13.7	20	16.1	28	22.6
Rhode Island	4		1	25.0	1	25.0	2	50.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>482</b>		<b>186</b>	<b>38.6</b>	<b>105</b>	<b>21.8</b>	<b>152</b>	<b>31.5</b>	<b>39</b>	<b>8.1</b>
Connecticut	32		8	25.0	12	37.5	10	31.3	2	6.3
New York										
Eastern	98		46	46.9	15	15.3	32	32.7	5	5.1
Northern	87		40	46.0	23	26.4	20	23.0	4	4.6
Southern	186		57	30.6	39	21.0	71	38.2	19	10.2
Western	61		27	44.3	14	23.0	13	21.3	7	11.5
Vermont	18		8	44.4	2	11.1	6	33.3	2	11.1
<b>THIRD CIRCUIT</b>	<b>294</b>		<b>132</b>	<b>44.9</b>	<b>63</b>	<b>21.4</b>	<b>84</b>	<b>28.6</b>	<b>15</b>	<b>5.1</b>
Delaware	6		2	33.3	0	0.0	3	50.0	1	16.7
New Jersey	60		25	41.7	12	20.0	22	36.7	1	1.7
Pennsylvania										
Eastern	87		43	49.4	21	24.1	19	21.8	4	4.6
Middle	87		38	43.7	21	24.1	23	26.4	5	5.7
Western	40		20	50.0	8	20.0	11	27.5	1	2.5
Virgin Islands	14		4	28.6	1	7.1	6	42.9	3	21.4
<b>FOURTH CIRCUIT</b>	<b>837</b>		<b>440</b>	<b>52.6</b>	<b>119</b>	<b>14.2</b>	<b>148</b>	<b>17.7</b>	<b>130</b>	<b>15.5</b>
Maryland	92		33	35.9	27	29.3	24	26.1	8	8.7
North Carolina										
Eastern	166		105	63.3	23	13.9	23	13.9	15	9.0
Middle	98		43	43.9	4	4.1	13	13.3	38	38.8
Western	78		47	60.3	15	19.2	10	12.8	6	7.7
South Carolina	162		80	49.4	20	12.3	21	13.0	41	25.3
Virginia										
Eastern	123		68	55.3	15	12.2	34	27.6	6	4.9
Western	34		24	70.6	6	17.6	4	11.8	0	0.0
West Virginia										
Northern	50		22	44.0	3	6.0	12	24.0	13	26.0
Southern	34		18	52.9	6	17.6	7	20.6	3	8.8

Table A-1 (cont.)

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		<i>Anders Brief</i>			
	N	%	N	%	N	%	N	%		
<b>FIFTH CIRCUIT</b>	<b>1,498</b>		<b>650</b>	<b>43.4</b>	<b>130</b>	<b>8.7</b>	<b>291</b>	<b>19.4</b>	<b>427</b>	<b>28.5</b>
Louisiana										
Eastern	25	48.0	12	32.0	8	16.0	4	4.0	1	4.0
Middle	25	36.0	9	20.0	5	24.0	6	20.0	5	20.0
Western	77	46.8	36	19.5	15	20.8	16	10	13.0	
Mississippi										
Northern	18	50.0	9	5.6	1	44.4	8	0	0.0	
Southern	56	67.9	38	10.7	6	12.5	7	5	8.9	
Texas										
Eastern	59	23.7	14	20.3	12	22.0	13	20	33.9	
Northern	456	47.1	215	8.8	40	12.7	58	143	31.4	
Southern	369	33.9	125	5.4	20	19.2	71	153	41.5	
Western	413	46.5	192	5.6	23	108	26.2	90	21.8	
<b>SIXTH CIRCUIT</b>	<b>744</b>		<b>407</b>	<b>54.7</b>	<b>123</b>	<b>16.5</b>	<b>138</b>	<b>18.5</b>	<b>76</b>	<b>10.2</b>
Kentucky										
Eastern	129	55.0	71	17.8	23	20.9	27	8	6.2	
Western	34	64.7	22	14.7	5	11.8	4	3	8.8	
Michigan										
Eastern	64	45.3	29	26.6	17	18.8	12	6	9.4	
Western	106	61.3	65	14.2	15	11.3	12	14	13.2	
Ohio										
Northern	170	59.4	101	13.5	23	18.2	31	15	8.8	
Southern	38	39.5	15	15.8	6	10	26.3	7	18.4	
Tennessee										
Eastern	73	56.2	41	15.1	11	23.3	17	4	5.5	
Middle	35	60.0	21	22.9	8	11.4	4	2	5.7	
Western	95	44.2	42	15.8	15	21	22.1	17	17.9	
<b>SEVENTH CIRCUIT</b>	<b>281</b>		<b>137</b>	<b>48.8</b>	<b>31</b>	<b>11.0</b>	<b>66</b>	<b>23.5</b>	<b>47</b>	<b>16.7</b>
Illinois										
Central	60	53.3	32	8.3	5	11	18.3	12	20.0	
Northern	85	44.7	38	12.9	11	26	30.6	10	11.8	
Southern	30	46.7	14	6.7	2	5	16.7	9	30.0	
Indiana										
Northern	24	66.7	16	12.5	3	4	16.7	1	4.2	
Southern	32	37.5	12	21.9	7	8	25.0	5	15.6	
Wisconsin										
Eastern	20	35.0	7	15.0	3	4	20.0	6	30.0	
Western	30	60.0	18	0.0	0	8	26.7	4	13.3	
<b>EIGHTH CIRCUIT</b>	<b>760</b>		<b>470</b>	<b>61.8</b>	<b>85</b>	<b>11.2</b>	<b>102</b>	<b>13.4</b>	<b>103</b>	<b>13.6</b>
Arkansas										
Eastern	38	81.6	31	5.3	2	2	5.3	3	7.9	
Western	0	0.0	0	0.0	0	0	0.0	0	0.0	
Iowa										
Northern	119	61.3	73	10.1	12	16	13.4	18	15.1	
Southern	149	59.7	89	12.8	19	21	14.1	20	13.4	
Minnesota	91	60.4	55	19.8	18	11	12.1	7	7.7	
Missouri										
Eastern	51	58.8	30	9.8	5	9	17.6	7	13.7	
Western	184	63.0	116	8.2	15	17	9.2	36	19.6	
Nebraska	48	58.3	28	6.3	3	12	25.0	5	10.4	
North Dakota	34	64.7	22	8.8	3	6	17.6	3	8.8	
South Dakota	46	56.5	26	17.4	8	8	17.4	4	8.7	



Table A-1 (cont.)

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		Anders Brief		
	N	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>669</b>	<b>289</b>	<b>43.2</b>	<b>118</b>	<b>17.6</b>	<b>211</b>	<b>31.5</b>	<b>51</b>	<b>7.6</b>
Alaska	12	5	41.7	3	25.0	4	33.3	0	0.0
Arizona	96	22	22.9	15	15.6	37	38.5	22	22.9
California									
Central	125	51	40.8	37	29.6	34	27.2	3	2.4
Eastern	60	29	48.3	9	15.0	18	30.0	4	6.7
Northern	50	14	28.0	8	16.0	26	52.0	2	4.0
Southern	97	41	42.3	17	17.5	37	38.1	2	2.1
Guam	3	2	66.7	0	0.0	1	33.3	0	0.0
Hawaii	26	18	69.2	3	11.5	4	15.4	1	3.8
Idaho	22	17	77.3	1	4.5	1	4.5	3	13.6
Montana	47	27	57.4	2	4.3	13	27.7	5	10.6
Nevada	56	26	46.4	12	21.4	13	23.2	5	8.9
Northern Mariana Islands	2	1	50.0	0	0.0	1	50.0	0	0.0
Oregon	17	9	52.9	3	17.6	5	29.4	0	0.0
Washington									
Eastern	27	17	63.0	4	14.8	4	14.8	2	7.4
Western	29	10	34.5	4	13.8	13	44.8	2	6.9
<b>TENTH CIRCUIT</b>	<b>232</b>	<b>133</b>	<b>57.3</b>	<b>19</b>	<b>8.2</b>	<b>65</b>	<b>28.0</b>	<b>15</b>	<b>6.5</b>
Colorado	54	32	59.3	4	7.4	17	31.5	1	1.9
Kansas	33	14	42.4	5	15.2	9	27.3	5	15.2
New Mexico	48	30	62.5	1	2.1	14	29.2	3	6.3
Oklahoma									
Eastern	15	7	46.7	2	13.3	5	33.3	1	6.7
Northern	18	10	55.6	1	5.6	6	33.3	1	5.6
Western	42	29	69.0	3	7.1	7	16.7	3	7.1
Utah	12	6	50.0	1	8.3	5	41.7	0	0.0
Wyoming	10	5	50.0	2	20.0	2	20.0	1	10.0
<b>ELEVENTH CIRCUIT</b>	<b>867</b>	<b>413</b>	<b>47.6</b>	<b>149</b>	<b>17.2</b>	<b>210</b>	<b>24.2</b>	<b>95</b>	<b>11.0</b>
Alabama									
Middle	44	19	43.2	9	20.5	15	34.1	1	2.3
Northern	46	21	45.7	6	13.0	14	30.4	5	10.9
Southern	53	28	52.8	9	17.0	11	20.8	5	9.4
Florida									
Middle	270	128	47.4	51	18.9	49	18.1	42	15.6
Northern	61	26	42.6	9	14.8	17	27.9	9	14.8
Southern	246	125	50.8	45	18.3	66	26.8	10	4.1
Georgia									
Middle	48	19	39.6	12	25.0	11	22.9	6	12.5
Northern	64	31	48.4	8	12.5	22	34.4	3	4.7
Southern	35	16	45.7	0	0.0	5	14.3	14	40.0

<sup>1</sup> Of the 6,960 appeals cases, 40 were excluded because the type of appeal was 'unknown'. Of the remaining cases, four were excluded because information on the district of the original sentence could not be determined. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

Table A-2

**DISPOSITION OF OFFENDER ORIGINAL SENTENCING APPEALS  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2020**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>TOTAL</b>	<b>3,190</b>	<b>2,284</b>	<b>71.6</b>	<b>293</b>	<b>293</b>	<b>9.2</b>	<b>118</b>	<b>112</b>	<b>3.7</b>	<b>458</b>	<b>14.4</b>	<b>37</b>	<b>1.2</b>
<b>D.C. CIRCUIT</b>	<b>17</b>	<b>13</b>	<b>76.5</b>	<b>3</b>	<b>3</b>	<b>17.6</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>5.9</b>	<b>0</b>	<b>0.0</b>
District of Columbia	17	13	76.5	3	3	17.6	0	0	0.0	1	5.9	0	0.0
<b>FIRST CIRCUIT</b>	<b>94</b>	<b>68</b>	<b>72.3</b>	<b>12</b>	<b>12</b>	<b>12.8</b>	<b>4</b>	<b>4</b>	<b>4.3</b>	<b>10</b>	<b>10.6</b>	<b>0</b>	<b>0.0</b>
Maine	12	11	91.7	1	1	8.3	0	0	0.0	0	0.0	0	0.0
Massachusetts	22	17	77.3	5	5	22.7	0	0	0.0	0	0.0	0	0.0
New Hampshire	9	8	88.9	0	0	0.0	0	0	0.0	1	11.1	0	0.0
Puerto Rico	49	32	65.3	6	6	12.2	4	4	8.2	7	14.3	0	0.0
Rhode Island	2	0	0.0	0	0	0.0	0	0	0.0	2	100.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>238</b>	<b>153</b>	<b>64.3</b>	<b>23</b>	<b>23</b>	<b>9.7</b>	<b>26</b>	<b>26</b>	<b>10.9</b>	<b>25</b>	<b>10.5</b>	<b>11</b>	<b>4.6</b>
Connecticut	18	11	61.1	3	3	16.7	3	3	16.7	1	5.6	0	0.0
New York													
Eastern	49	24	49.0	8	8	16.3	9	9	18.4	4	8.2	4	8.2
Northern	47	35	74.5	2	2	4.3	4	4	8.5	4	8.5	2	4.3
Southern	81	54	66.7	7	7	8.6	6	6	7.4	11	13.6	3	3.7
Western	36	23	63.9	3	3	8.3	3	3	8.3	5	13.9	2	5.6
Vermont	7	6	85.7	0	0	0.0	1	1	14.3	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>155</b>	<b>118</b>	<b>76.1</b>	<b>16</b>	<b>16</b>	<b>10.3</b>	<b>7</b>	<b>7</b>	<b>4.5</b>	<b>13</b>	<b>8.4</b>	<b>1</b>	<b>0.6</b>
Delaware	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	29	27	93.1	1	1	3.4	0	0	0.0	1	3.4	0	0.0
Pennsylvania													
Eastern	46	33	71.7	8	8	17.4	3	3	6.5	1	2.2	1	2.2
Middle	53	38	71.7	6	6	11.3	4	4	7.5	5	9.4	0	0.0
Western	23	16	69.6	1	1	4.3	0	0	0.0	6	26.1	0	0.0
Virgin Islands	4	4	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>351</b>	<b>227</b>	<b>64.7</b>	<b>21</b>	<b>21</b>	<b>6.0</b>	<b>8</b>	<b>8</b>	<b>2.3</b>	<b>92</b>	<b>26.2</b>	<b>3</b>	<b>0.9</b>
Maryland	48	30	62.5	1	1	2.1	0	0	0.0	16	33.3	1	2.1
North Carolina													
Eastern	101	62	61.4	12	12	11.9	0	0	0.0	27	26.7	0	0.0
Middle	34	24	70.6	3	3	8.8	1	1	2.9	6	17.6	0	0.0
Western	43	26	60.5	1	1	2.3	2	2	4.7	12	27.9	2	4.7
South Carolina	47	34	72.3	1	1	2.1	2	2	4.3	10	21.3	0	0.0
Virginia													
Eastern	38	25	65.8	1	1	2.6	2	2	5.3	10	26.3	0	0.0
Western	12	9	75.0	0	0	0.0	1	1	8.3	2	16.7	0	0.0
West Virginia													
Northern	10	5	50.0	2	2	20.0	0	0	0.0	3	30.0	0	0.0
Southern	18	12	66.7	0	0	0.0	0	0	0.0	6	33.3	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>628</b>	<b>499</b>	<b>79.5</b>	<b>44</b>	<b>44</b>	<b>7.0</b>	<b>12</b>	<b>8</b>	<b>1.9</b>	<b>69</b>	<b>11.0</b>	<b>4</b>	<b>0.6</b>
Louisiana													
Eastern	15	11	73.3	1	1	6.7	0	0	0.0	3	20.0	0	0.0
Middle	10	8	80.0	1	1	10.0	0	0	0.0	1	10.0	0	0.0
Western	42	35	83.3	7	7	16.7	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	6	5	83.3	1	1	16.7	0	0	0.0	0	0.0	0	0.0
Southern	28	13	46.4	0	0	0.0	0	0	0.0	15	53.6	0	0.0
Texas													
Eastern	22	17	77.3	0	0	0.0	0	0	0.0	5	22.7	0	0.0
Northern	210	172	81.9	12	12	5.7	3	2	1.4	21	10.0	2	1.0
Southern	127	96	75.6	14	14	11.0	5	5	3.9	11	8.7	1	0.8
Western	168	142	84.5	8	8	4.8	4	1	2.4	13	7.7	1	0.6
<b>SIXTH CIRCUIT</b>	<b>366</b>	<b>270</b>	<b>73.8</b>	<b>46</b>	<b>46</b>	<b>12.6</b>	<b>3</b>	<b>3</b>	<b>0.8</b>	<b>44</b>	<b>12.0</b>	<b>3</b>	<b>0.8</b>
Kentucky													
Eastern	68	46	67.6	12	12	17.6	0	0	0.0	8	11.8	2	2.9
Western	10	9	90.0	1	1	10.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	32	20	62.5	4	4	12.5	0	0	0.0	8	25.0	0	0.0
Western	52	44	84.6	6	6	11.5	0	0	0.0	2	3.8	0	0.0
Ohio													
Northern	95	74	77.9	11	11	11.6	1	1	1.1	9	9.5	0	0.0
Southern	14	6	42.9	0	0	0.0	0	0	0.0	8	57.1	0	0.0
Tennessee													
Eastern	34	24	70.6	6	6	17.6	1	1	2.9	2	5.9	1	2.9
Middle	25	21	84.0	1	1	4.0	1	1	4.0	2	8.0	0	0.0
Western	36	26	72.2	5	5	13.9	0	0	0.0	5	13.9	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>111</b>	<b>75</b>	<b>67.6</b>	<b>24</b>	<b>24</b>	<b>21.6</b>	<b>3</b>	<b>3</b>	<b>2.7</b>	<b>6</b>	<b>5.4</b>	<b>3</b>	<b>2.7</b>
Illinois													
Central	20	10	50.0	6	6	30.0	1	1	5.0	1	5.0	2	10.0
Northern	37	29	78.4	6	6	16.2	0	0	0.0	1	2.7	1	2.7
Southern	7	2	28.6	3	3	42.9	0	0	0.0	2	28.6	0	0.0
Indiana													
Northern	10	8	80.0	2	2	20.0	0	0	0.0	0	0.0	0	0.0
Southern	17	12	70.6	3	3	17.6	2	2	11.8	0	0.0	0	0.0
Wisconsin													
Eastern	7	4	57.1	1	1	14.3	0	0	0.0	2	28.6	0	0.0
Western	13	10	76.9	3	3	23.1	0	0	0.0	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>354</b>	<b>280</b>	<b>79.1</b>	<b>15</b>	<b>15</b>	<b>4.2</b>	<b>8</b>	<b>6</b>	<b>2.3</b>	<b>47</b>	<b>13.3</b>	<b>4</b>	<b>1.1</b>
Arkansas													
Eastern	16	11	68.8	2	2	12.5	0	0	0.0	3	18.8	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	50	41	82.0	3	3	6.0	0	0	0.0	6	12.0	0	0.0
Southern	84	74	88.1	4	4	4.8	2	1	2.4	3	3.6	1	1.2
Minnesota	53	43	81.1	2	2	3.8	1	1	1.9	7	13.2	0	0.0
Missouri													
Eastern	26	19	73.1	1	1	3.8	1	1	3.8	3	11.5	2	7.7
Western	87	64	73.6	2	2	2.3	3	2	3.4	17	19.5	1	1.1
Nebraska	9	9	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	8	6	75.0	1	1	12.5	0	0	0.0	1	12.5	0	0.0
South Dakota	21	13	61.9	0	0	0.0	1	1	4.8	7	33.3	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>314</b>	<b>189</b>	<b>60.2</b>	<b>46</b>	<b>46</b>	<b>14.6</b>	<b>34</b>	<b>34</b>	<b>10.8</b>	<b>40</b>	<b>12.7</b>	<b>5</b>	<b>1.6</b>
Alaska	5	2	40.0	2	2	40.0	1	1	20.0	0	0.0	0	0.0
Arizona	25	17	68.0	2	2	8.0	2	2	8.0	4	16.0	0	0.0
California													
Central	69	32	46.4	17	17	24.6	12	12	17.4	5	7.2	3	4.3
Eastern	30	16	53.3	4	4	13.3	3	3	10.0	7	23.3	0	0.0
Northern	19	16	84.2	1	1	5.3	0	0	0.0	1	5.3	1	5.3
Southern	49	33	67.3	9	9	18.4	5	5	10.2	2	4.1	0	0.0
Guam	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Hawaii	14	11	78.6	0	0	0.0	1	1	7.1	2	14.3	0	0.0
Idaho	17	10	58.8	2	2	11.8	0	0	0.0	5	29.4	0	0.0
Montana	17	14	82.4	0	0	0.0	1	1	5.9	2	11.8	0	0.0
Nevada	33	15	45.5	4	4	12.1	8	8	24.2	6	18.2	0	0.0
Northern Mariana Islands	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	10	5	50.0	2	2	20.0	0	0	0.0	2	20.0	1	10.0
Washington													
Eastern	14	12	85.7	1	1	7.1	0	0	0.0	1	7.1	0	0.0
Western	9	5	55.6	0	0	0.0	1	1	11.1	3	33.3	0	0.0
<b>TENTH CIRCUIT</b>	<b>122</b>	<b>67</b>	<b>54.9</b>	<b>18</b>	<b>18</b>	<b>14.8</b>	<b>2</b>	<b>2</b>	<b>1.6</b>	<b>34</b>	<b>27.9</b>	<b>1</b>	<b>0.8</b>
Colorado	32	13	40.6	4	4	12.5	1	1	3.1	14	43.8	0	0.0
Kansas	13	8	61.5	3	3	23.1	0	0	0.0	2	15.4	0	0.0
New Mexico	26	15	57.7	3	3	11.5	1	1	3.8	7	26.9	0	0.0
Oklahoma													
Eastern	6	3	50.0	2	2	33.3	0	0	0.0	1	16.7	0	0.0
Northern	8	2	25.0	3	3	37.5	0	0	0.0	2	25.0	1	12.5
Western	23	17	73.9	3	3	13.0	0	0	0.0	3	13.0	0	0.0
Utah	7	4	57.1	0	0	0.0	0	0	0.0	3	42.9	0	0.0
Wyoming	7	5	71.4	0	0	0.0	0	0	0.0	2	28.6	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>440</b>	<b>325</b>	<b>73.9</b>	<b>25</b>	<b>25</b>	<b>5.7</b>	<b>11</b>	<b>11</b>	<b>2.5</b>	<b>77</b>	<b>17.5</b>	<b>2</b>	<b>0.5</b>
Alabama													
Middle	27	15	55.6	1	1	3.7	0	0	0.0	11	40.7	0	0.0
Northern	20	14	70.0	1	1	5.0	1	1	5.0	3	15.0	1	5.0
Southern	27	16	59.3	2	2	7.4	1	1	3.7	8	29.6	0	0.0
Florida													
Middle	150	107	71.3	12	12	8.0	2	2	1.3	28	18.7	1	0.7
Northern	26	23	88.5	1	1	3.8	1	1	3.8	1	3.8	0	0.0
Southern	125	103	82.4	7	7	5.6	6	6	4.8	9	7.2	0	0.0
Georgia													
Middle	28	18	64.3	0	0	0.0	0	0	0.0	10	35.7	0	0.0
Northern	29	22	75.9	1	1	3.4	0	0	0.0	6	20.7	0	0.0
Southern	8	7	87.5	0	0	0.0	0	0	0.0	1	12.5	0	0.0

<sup>1</sup> Of the 6,960 appeals cases, 3,190 involved an appeal of the original sentence by the offender. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,530), *Anders* Brief (1,035), 'unknown' (40), the appeal was by the government only (49), the appeal was of an issue related to a post sentencing matter (671), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (451). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 'Remanded' includes cases that were remanded for sentencing purposes.

Table A-3

**DISPOSITION OF GOVERNMENT ORIGINAL SENTENCING APPEALS  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2020**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>TOTAL</b>	<b>58</b>	<b>6</b>	<b>10.3</b>	<b>50</b>	<b>50</b>	<b>86.2</b>	<b>1</b>	<b>1</b>	<b>1.7</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>1.7</b>
<b>D.C. CIRCUIT</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>2</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>2</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Maine	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
New Hampshire	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Rhode Island	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>6</b>	<b>1</b>	<b>16.7</b>	<b>4</b>	<b>4</b>	<b>66.7</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>16.7</b>
Connecticut	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
New York													
Eastern	4	0	0.0	3	3	75.0	0	0	0.0	0	0.0	1	25.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Vermont	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>4</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>4</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Delaware	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
New Jersey	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>4</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>4</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Maryland	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
North Carolina													
Eastern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Carolina	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Virginia													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
West Virginia													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

**Table A-3 (cont.)**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>6</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>6</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Louisiana													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Texas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	6	0	0.0	6	6	100.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>SIXTH CIRCUIT</b>	<b>25</b>	<b>1</b>	<b>4.0</b>	<b>24</b>	<b>24</b>	<b>96.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Kentucky													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Ohio													
Northern	2	1	50.0	1	1	50.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Tennessee													
Eastern	8	0	0.0	8	8	100.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	14	0	0.0	14	14	100.0	0	0	0.0	0	0.0	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>1</b>	<b>1</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Illinois													
Central	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wisconsin													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>3</b>	<b>2</b>	<b>66.7</b>	<b>1</b>	<b>1</b>	<b>33.3</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Arkansas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Minnesota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Missouri													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Nebraska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Dakota	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>5</b>	<b>1</b>	<b>20.0</b>	<b>3</b>	<b>3</b>	<b>60.0</b>	<b>1</b>	<b>1</b>	<b>20.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Alaska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
California													
Central	2	1	50.0	1	1	50.0	0	0	0.0	0	0.0	0	0.0
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Idaho	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Montana	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nevada	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	2	0	0.0	1	1	50.0	1	1	50.0	0	0.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>1</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>1</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Colorado	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Mexico	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Oklahoma													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Utah	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wyoming	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>1</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>1</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Alabama													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Georgia													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0

<sup>1</sup> Of the 6,960 appeals cases, 58 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was conviction only' (1,530), 'Anders' Brief' (1,035), 'unknown' (40), the appeal was by the offender only (4,287), the appeal was of an issue related to a post sentencing matter (671), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (451). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> 'Remanded' includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

Table A-4

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN  
OFFENDER APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>  
Fiscal Year 2020**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF OFFENDER APPEALS</b>	<b>442</b>	<b>--</b>
§5D1.3 (Conditions of Supervised Release)	85	19.2
§5E1.1 (Restitution)	37	8.4
§2D1.1 (Drug Trafficking)	21	4.8
§4B1.1 (Career Offender)	21	4.8
§2K2.1 (Firearms)	19	4.3
§4B1.2 (Definitions for Career Offender)	19	4.3
§2B1.1 (Larceny, Embezzlement, and Theft)	19	4.3
§4B1.4 (Armed Career Criminal)	14	3.2
§6A1.3 (Resolution of Disputed Factors)	13	2.9
§5E1.4 (Forfeiture)	12	2.7
§1B1.3 (Relevant Conduct)	12	2.7
§4A1.1 (Criminal History Category)	9	2.0
§2L1.2 (Unlawfully Entering or Remaining in the United States)	9	2.0
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	9	2.0
§5G1.2 (Sentencing on Multiple Counts of Conviction)	9	2.0
§5E1.5 (Cost of Prosecution)	8	1.8
§3C1.1 (Obstruction of Justice)	7	1.6
§1B1.11 (Use of Guideline Manual in Effect at Sentencing)	7	1.6
§5D1.2 (Terms of Supervised Release)	7	1.6
§5C1.2 (Limitation on Applicability of Statutory Minimums)	6	1.4
§2B3.1 (Robbery)	6	1.4
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	5	1.1
§4A1.2 (Definitions and Instructions of Criminal History)	5	1.1
§3E1.1 (Acceptance of Responsibility)	5	1.1
§3B1.2 (Mitigating Role)	5	1.1
§5E1.2 (Fines for Individual Defendants)	5	1.1
§3A1.1 (Hate Crime Motivation or Vulnerable Victim)	4	0.9
§5E1.3 (Special Assessments)	4	0.9
§3D1.2 (Groups of Closely Related Counts)	3	0.7
§3B1.1 (Aggravating Role)	3	0.7
§1B1.1 (Application Instructions)	3	0.7
Reasonableness Issues	389	88.0
Other Non-guideline Issues	165	37.3
Other Guidelines	37	8.4
Constitutional Issues	16	3.6

<sup>1</sup> Based on 3,190 appeals by offenders of the original sentence. Of these 3,190 appeals, 2,748 were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. The 'Other Guideline' category includes all guidelines appealed less than three times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.



**Table A-5**  
**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN**  
**GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>**  
**Fiscal Year 2020**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF GOVERNMENT APPEALS</b>	<b>52</b>	<b>--</b>
§4B1.4 (Armed Career Criminal)	33	63.5
§4B1.2 (Definitions for Career Offender)	5	9.6
§2K2.1 (Firearms)	4	7.7
§3C1.1 (Obstruction of Justice)	3	5.8
§2A2.2 (Aggravated Assault)	2	3.8
§3A1.1 (Hate Crime Motivation or Vulnerable Victim)	2	3.8
§2B1.1 (Larceny, Embezzlement, and Theft)	2	3.8
§5E1.4 (Forfeiture)	2	3.8
§2K2.4 (Use of Firearms or Armor-Piercing Ammunition During Certain Crimes)	1	1.9
§5D1.3 (Conditions of Supervised Release)	1	1.9
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	1	1.9
§2D1.1 (Drug Trafficking)	1	1.9
§5G1.2 (Sentencing on Multiple Counts of Conviction)	1	1.9
§3B1.1 (Aggravating Role)	1	1.9
§1B1.3 (Relevant Conduct)	1	1.9
Reasonableness Issues	50	96.2
Other Non-guideline Issues	18	34.6
Constitutional Issues	1	1.9

<sup>1</sup> Based on 58 appeals by the government of the original sentence. Of these 58 appeals, six were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the government and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

**Table A-6**  
**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE**  
**ORIGINAL SENTENCE WAS REVERSED OR REMANDED<sup>1</sup>**  
**Fiscal Year 2020**

ISSUE	N	%
<b>REASONABLENESS ISSUES</b>	<b>468</b>	<b>100.0</b>
Procedural: Court improperly calculated guideline range	395	84.4
Procedural: Court did not adequately explain the chosen sentence	33	7.1
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	19	4.1
Procedural: Court selected a sentence based on clearly erroneous facts	12	2.6
Substantive: Unreasonable weighing decision	6	1.3
Substantive: General	1	0.2
Substantive: Lack of empirical basis of a guideline	1	0.2
Procedural: General	1	0.2

<sup>1</sup> Based on 4,355 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,355 cases, 3,233 were appeals of the original sentence. Of these 3,233 appeals of the original sentence, 487 were reversed or remanded. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals that were reversed or remanded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

**Table A-7**  
**OFFENSE AND OFFENDER CHARACTERISTICS IN**  
**ORIGINAL SENTENCE APPEALS CASES**  
**Fiscal Year 2020**

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES <sup>1</sup>		DISTRICT COURT CASES <sup>2</sup>	
	N	%	N	%
<b>Race</b>				
White	861	26.7	12,333	19.3
Black	1,336	41.5	12,210	19.1
Hispanic	897	27.9	37,105	58.1
Other	125	3.9	2,186	3.4
<b>TOTAL</b>	<b>3,219</b>	<b>100.0</b>	<b>63,834</b>	<b>100.0</b>
<b>Gender</b>				
Male	2,989	92.7	56,559	87.7
Female	234	7.3	7,897	12.3
<b>TOTAL</b>	<b>3,223</b>	<b>100.0</b>	<b>64,456</b>	<b>100.0</b>
<b>Education</b>				
Less than High School Graduate	1,067	33.4	27,617	48.6
High School Graduate	1,173	36.7	17,233	30.3
Some College	661	20.7	9,034	15.9
College Graduate	296	9.3	2,976	5.2
<b>TOTAL</b>	<b>3,197</b>	<b>100.0</b>	<b>56,860</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	2,638	81.9	34,616	53.8
Non-U.S. Citizen	584	18.1	29,668	46.2
<b>TOTAL</b>	<b>3,222</b>	<b>100.0</b>	<b>64,284</b>	<b>100.0</b>
<b>Criminal History Category</b>				
Category I	943	29.3	29,205	45.5
Category II	315	9.8	9,731	15.2
Category III	449	14.0	10,371	16.2
Category IV	404	12.6	5,929	9.2
Category V	318	9.9	3,489	5.4
Category VI	789	24.5	5,402	8.4
<b>TOTAL</b>	<b>3,218</b>	<b>100.0</b>	<b>64,127</b>	<b>100.0</b>
<b>Mandatory Minimum</b>				
No Mandatory Minimum	1,749	54.3	49,291	76.3
Gun Mandatory Minimum	362	11.2	1,885	2.9
Drug Mandatory Minimum	655	20.3	10,389	16.1
Gun and Drug Mandatory Minimum	113	3.5	875	1.4
Other Mandatory Minimum	344	10.7	2,125	3.3
<b>TOTAL</b>	<b>3,223</b>	<b>100.0</b>	<b>64,565</b>	<b>100.0</b>

<sup>1</sup> Based on 4,355 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,355 cases, 3,233 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2020 (MONFY89, MONFY90, USSCFY91-USSCFY20). Of the 3,233 cases, 10 could not be matched with its original case.

<sup>2</sup> All individual offender original sentencings in fiscal year 2020. Totals may vary slightly due to the different numbers of missing cases by specific variables. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

Table A-8

**SENTENCE LENGTH FOR OFFENDERS IN ORIGINAL SENTENCE  
APPEALS CASES BY TYPE OF CRIME**

**Fiscal Year 2020**

TYPE OF CRIME	APPELLATE COURT CASES <sup>1</sup>				DISTRICT COURT CASES <sup>2</sup>			
	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
<b>TOTAL</b>	<b>3,222</b>	<b>100.0</b>	<b>148</b>	<b>120</b>	<b>64,564</b>	<b>100.0</b>	<b>40</b>	<b>14</b>
Administration of Justice	25	0.8	59	37	542	0.8	11	8
Antitrust	0	0.0	--	--	11	0.0	8	6
Arson	7	0.2	206	183	48	0.1	78	60
Assault	58	1.8	149	115	618	1.0	64	36
Bribery/Corruption	16	0.5	81	48	240	0.4	15	8
Burglary/Trespass	0	0.0	--	--	39	0.1	19	15
Child Pornography	148	4.6	159	132	1,023	1.6	102	84
Commercialized Vice	9	0.3	58	60	53	0.1	20	12
Drug Possession	1	0.0	--	--	438	0.7	3	0
Drug Trafficking	1,047	32.5	181	158	16,390	25.4	76	60
Environmental	0	0.0	--	--	137	0.2	3	0
Extortion/Racketeering	14	0.4	62	71	120	0.2	23	12
Firearms	624	19.4	117	96	7,539	11.7	48	37
Food and Drug	1	0.0	--	--	33	0.1	17	4
Forgery/Counter/Copyright	6	0.2	37	36	198	0.3	17	12
Fraud/Theft/Embezzlement	363	11.3	79	60	4,823	7.5	19	8
Immigration	279	8.7	40	33	26,561	41.1	8	5
Individual Rights	6	0.2	110	84	70	0.1	55	24
Kidnapping	18	0.6	303	284	66	0.1	195	168
Manslaughter	5	0.2	102	92	38	0.1	56	47
Money Laundering	82	2.5	176	140	880	1.4	58	34
Murder	68	2.1	360	396	294	0.5	255	228
National Defense	13	0.4	191	180	165	0.3	38	24
Obscenity/Other Sex Offenses	16	0.5	25	18	318	0.5	19	18
Prison Offenses	13	0.4	29	27	457	0.7	11	8
Robbery	196	6.1	216	180	1,316	2.0	105	87
Sexual Abuse	145	4.5	300	300	881	1.4	201	180
Stalking/Harassing	22	0.7	57	47	225	0.3	29	21
Tax	35	1.1	43	36	366	0.6	15	12
Other	5	0.2	52	60	675	1.0	2	0

<sup>1</sup> Based on 4,355 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,355 cases, 3,233 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2020 (MONFY89, MONFY90, USSCFY91-USSCFY20). Of the 3,233 cases, 10 could not be matched with its original case. Of 3,223 matched cases, one was excluded due to both of the following reasons: missing information on the sentence imposed (1) or missing type of crime (1). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> All individual offender original sentencings in fiscal year 2020. Of the 64,565 cases, one was excluded due to missing or indeterminable sentencing information.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.

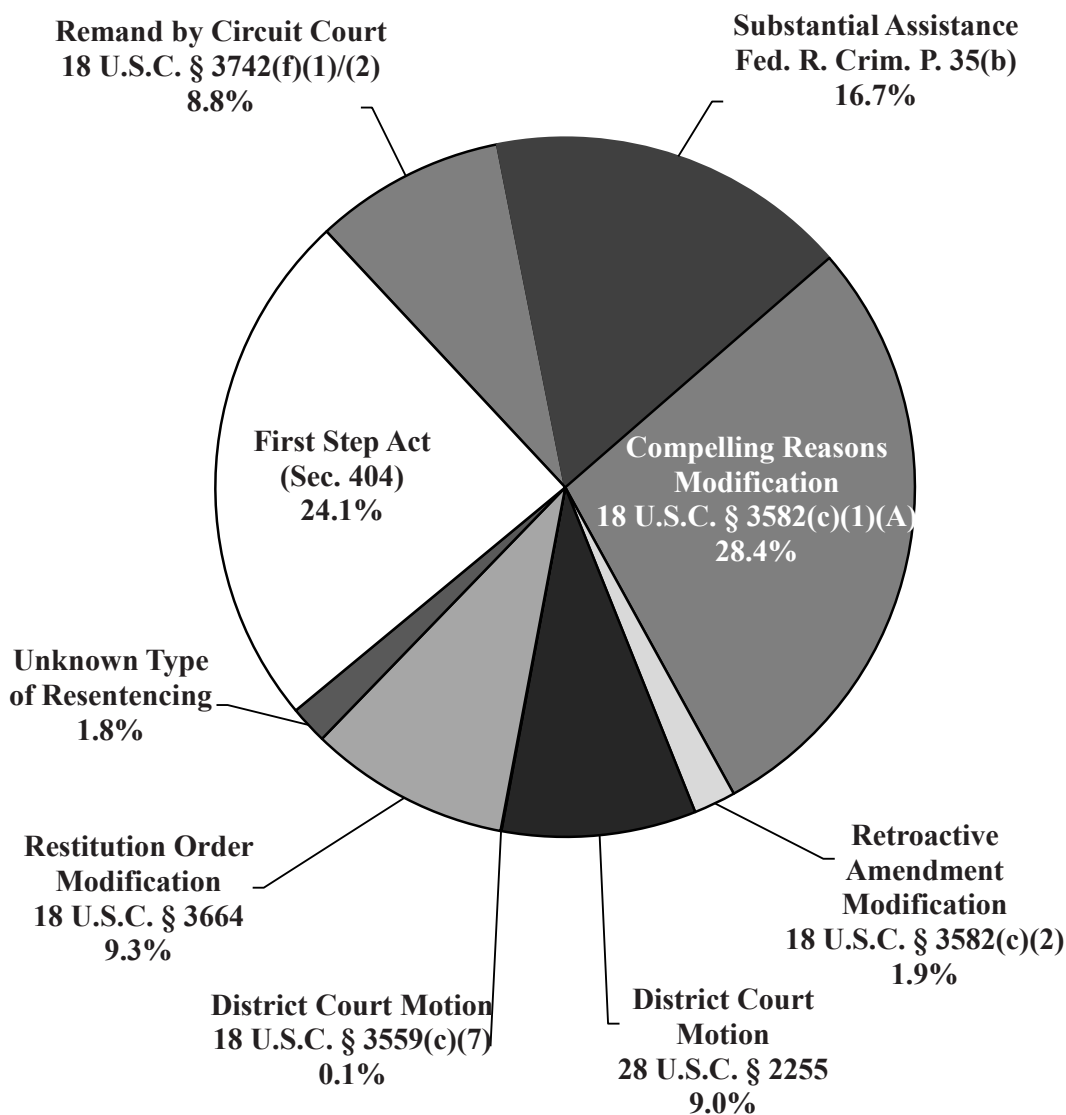
# **RESENTENCINGS AND OTHER MODIFICATIONS OF SENTENCE**

---

**Figure R**

**DISTRIBUTION OF OFFENDERS BY TYPE OF RESENTENCING  
OR OTHER MODIFICATION OF SENTENCE<sup>1</sup>**

**Fiscal Year 2020**



<sup>1</sup> This figure includes the 5,859 resentencing cases reported to the Commission. Modification of supervision conditions is a type of resentencing, but information was not collected for this type of case. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Resentencing Datafile, RESENTFY20.

Table R

**TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**

**Fiscal Year 2020**

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,756</b>	<b>981</b>	<b>17.0</b>	<b>543</b>	<b>9.4</b>	<b>517</b>	<b>9.0</b>	<b>3</b>	<b>0.1</b>	<b>526</b>	<b>9.1</b>	<b>1,662</b>	<b>28.9</b>	<b>114</b>	<b>2.0</b>	<b>1,410</b>	<b>24.5</b>
<b>D.C. CIRCUIT</b>	<b>69</b>	<b>2</b>	<b>2.9</b>	<b>1</b>	<b>1.4</b>	<b>11</b>	<b>15.9</b>	<b>0</b>	<b>0.0</b>	<b>9</b>	<b>13.0</b>	<b>37</b>	<b>53.6</b>	<b>6</b>	<b>8.7</b>	<b>3</b>	<b>4.3</b>
District of Columbia	69	2	2.9	1	1.4	11	15.9	0	0.0	9	13.0	37	53.6	6	8.7	3	4.3
<b>FIRST CIRCUIT</b>	<b>217</b>	<b>15</b>	<b>6.9</b>	<b>38</b>	<b>17.5</b>	<b>18</b>	<b>8.3</b>	<b>0</b>	<b>0.0</b>	<b>22</b>	<b>10.1</b>	<b>83</b>	<b>38.2</b>	<b>15</b>	<b>6.9</b>	<b>26</b>	<b>12.0</b>
Maine	17	0	0.0	3	17.6	5	29.4	0	0.0	1	5.9	5	29.4	0	0.0	3	17.6
Massachusetts	76	2	2.6	9	11.8	4	5.3	0	0.0	13	17.1	32	42.1	0	0.0	16	21.1
New Hampshire	35	6	17.1	4	11.4	0	0.0	0	0.0	7	20.0	14	40.0	0	0.0	4	11.4
Puerto Rico	58	5	8.6	18	31.0	9	15.5	0	0.0	1	1.7	7	12.1	15	25.9	3	5.2
Rhode Island	31	2	6.5	4	12.9	0	0.0	0	0.0	0	0.0	25	80.6	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>424</b>	<b>9</b>	<b>2.1</b>	<b>40</b>	<b>9.4</b>	<b>44</b>	<b>10.4</b>	<b>0</b>	<b>0.0</b>	<b>104</b>	<b>24.5</b>	<b>170</b>	<b>40.1</b>	<b>10</b>	<b>2.4</b>	<b>47</b>	<b>11.1</b>
Connecticut	67	0	0.0	0	0.0	2	3.0	0	0.0	3	4.5	42	62.7	0	0.0	20	29.9
New York																	
Eastern	96	3	3.1	15	15.6	11	11.5	0	0.0	21	21.9	33	34.4	4	4.2	9	9.4
Northern	27	0	0.0	6	22.2	12	44.4	0	0.0	3	11.1	1	3.7	0	0.0	5	18.5
Southern	170	4	2.4	11	6.5	16	9.4	0	0.0	69	40.6	58	34.1	5	2.9	7	4.1
Western	37	2	5.4	4	10.8	3	8.1	0	0.0	7	18.9	15	40.5	1	2.7	5	13.5
Vermont	27	0	0.0	4	14.8	0	0.0	0	0.0	1	3.7	21	77.8	0	0.0	1	3.7
<b>THIRD CIRCUIT</b>	<b>170</b>	<b>13</b>	<b>7.6</b>	<b>14</b>	<b>8.2</b>	<b>21</b>	<b>12.4</b>	<b>0</b>	<b>0.0</b>	<b>20</b>	<b>11.8</b>	<b>64</b>	<b>37.6</b>	<b>4</b>	<b>2.4</b>	<b>34</b>	<b>20.0</b>
Delaware	7	0	0.0	1	14.3	0	0.0	0	0.0	3	42.9	3	42.9	0	0.0	0	0.0
New Jersey	35	2	5.7	5	14.3	1	2.9	0	0.0	4	11.4	16	45.7	1	2.9	6	17.1
Pennsylvania																	
Eastern	80	4	5.0	4	5.0	13	16.3	0	0.0	10	12.5	30	37.5	2	2.5	17	21.3
Middle	21	5	23.8	3	14.3	2	9.5	0	0.0	1	4.8	4	19.0	0	0.0	6	28.6
Western	26	2	7.7	0	0.0	5	19.2	0	0.0	2	7.7	11	42.3	1	3.8	5	19.2
Virgin Islands	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>1,202</b>	<b>218</b>	<b>18.1</b>	<b>54</b>	<b>4.5</b>	<b>37</b>	<b>3.1</b>	<b>0</b>	<b>0.0</b>	<b>134</b>	<b>11.1</b>	<b>199</b>	<b>16.6</b>	<b>18</b>	<b>1.5</b>	<b>542</b>	<b>45.1</b>
Maryland	167	4	2.4	9	5.4	3	1.8	0	0.0	42	25.1	59	35.3	8	4.8	42	25.1
North Carolina																	
Eastern	218	6	2.8	1	0.5	12	5.5	0	0.0	20	9.2	41	18.8	2	0.9	136	62.4
Middle	124	2	1.6	1	0.8	6	4.8	0	0.0	23	18.5	5	4.0	0	0.0	87	70.2
Western	109	15	13.8	24	22.0	2	1.8	0	0.0	17	15.6	4	3.7	0	0.0	47	43.1
South Carolina	201	48	23.9	8	4.0	6	3.0	0	0.0	12	6.0	23	11.4	7	3.5	97	48.3
Virginia																	
Eastern	267	132	49.4	2	0.7	5	1.9	0	0.0	14	5.2	40	15.0	1	0.4	73	27.3
Western	74	9	12.2	8	10.8	1	1.4	0	0.0	6	8.1	24	32.4	0	0.0	26	35.1
West Virginia																	
Northern	17	0	0.0	1	5.9	0	0.0	0	0.0	0	0.0	2	11.8	0	0.0	14	82.4
Southern	25	2	8.0	0	0.0	2	8.0	0	0.0	0	0.0	1	4.0	0	0.0	20	80.0

**Table R (cont.)**

CIRCUIT District	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>481</b>	<b>125</b>	<b>26.0</b>	<b>31</b>	<b>6.4</b>	<b>63</b>	<b>13.1</b>	<b>0</b>	<b>0.0</b>	<b>19</b>	<b>4.0</b>	<b>100</b>	<b>20.8</b>	<b>18</b>	<b>3.7</b>	<b>125</b>	<b>26.0</b>
Louisiana																	
Eastern	35	1	2.9	2	5.7	6	17.1	0	0.0	0	0.0	5	14.3	3	8.6	18	51.4
Middle	14	0	0.0	1	7.1	5	35.7	0	0.0	2	14.3	2	14.3	0	0.0	4	28.6
Western	63	2	3.2	0	0.0	8	12.7	0	0.0	1	1.6	7	11.1	5	7.9	40	63.5
Mississippi																	
Northern	20	1	5.0	5	25.0	0	0.0	0	0.0	0	0.0	10	50.0	0	0.0	4	20.0
Southern	10	4	40.0	0	0.0	0	0.0	0	0.0	0	0.0	3	30.0	0	0.0	3	30.0
Texas																	
Eastern	88	72	81.8	4	4.5	0	0.0	0	0.0	1	1.1	4	4.5	0	0.0	7	8.0
Northern	84	13	15.5	4	4.8	19	22.6	0	0.0	6	7.1	11	13.1	5	6.0	26	31.0
Southern	89	17	19.1	10	11.2	12	13.5	0	0.0	6	6.7	38	42.7	2	2.2	4	4.5
Western	78	15	19.2	5	6.4	13	16.7	0	0.0	3	3.8	20	25.6	3	3.8	19	24.4
<b>SIXTH CIRCUIT</b>	<b>518</b>	<b>55</b>	<b>10.6</b>	<b>36</b>	<b>6.9</b>	<b>88</b>	<b>17.0</b>	<b>0</b>	<b>0.0</b>	<b>34</b>	<b>6.6</b>	<b>183</b>	<b>35.3</b>	<b>13</b>	<b>2.5</b>	<b>109</b>	<b>21.0</b>
Kentucky																	
Eastern	53	11	20.8	13	24.5	14	26.4	0	0.0	3	5.7	4	7.5	0	0.0	8	15.1
Western	9	0	0.0	1	11.1	2	22.2	0	0.0	0	0.0	3	33.3	0	0.0	3	33.3
Michigan																	
Eastern	139	16	11.5	12	8.6	3	2.2	0	0.0	2	1.4	82	59.0	1	0.7	23	16.5
Western	35	8	22.9	5	14.3	2	5.7	0	0.0	1	2.9	7	20.0	1	2.9	11	31.4
Ohio																	
Northern	52	1	1.9	1	1.9	19	36.5	0	0.0	2	3.8	25	48.1	0	0.0	4	7.7
Southern	35	6	17.1	1	2.9	3	8.6	0	0.0	4	11.4	16	45.7	0	0.0	5	14.3
Tennessee																	
Eastern	92	10	10.9	1	1.1	11	12.0	0	0.0	6	6.5	14	15.2	10	10.9	40	43.5
Middle	56	0	0.0	2	3.6	6	10.7	0	0.0	15	26.8	25	44.6	1	1.8	7	12.5
Western	47	3	6.4	0	0.0	28	59.6	0	0.0	1	2.1	7	14.9	0	0.0	8	17.0
<b>SEVENTH CIRCUIT</b>	<b>541</b>	<b>64</b>	<b>11.8</b>	<b>32</b>	<b>5.9</b>	<b>34</b>	<b>6.3</b>	<b>1</b>	<b>0.2</b>	<b>13</b>	<b>2.4</b>	<b>178</b>	<b>32.9</b>	<b>3</b>	<b>0.6</b>	<b>216</b>	<b>39.9</b>
Illinois																	
Central	152	8	5.3	5	3.3	4	2.6	1	0.7	4	2.6	36	23.7	0	0.0	94	61.8
Northern	157	3	1.9	8	5.1	7	4.5	0	0.0	2	1.3	80	51.0	3	1.9	54	34.4
Southern	59	35	59.3	2	3.4	3	5.1	0	0.0	0	0.0	7	11.9	0	0.0	12	20.3
Indiana																	
Northern	40	6	15.0	1	2.5	8	20.0	0	0.0	0	0.0	11	27.5	0	0.0	14	35.0
Southern	52	2	3.8	6	11.5	5	9.6	0	0.0	4	7.7	15	28.8	0	0.0	20	38.5
Wisconsin																	
Eastern	46	6	13.0	6	13.0	0	0.0	0	0.0	2	4.3	23	50.0	0	0.0	9	19.6
Western	35	4	11.4	4	11.4	7	20.0	0	0.0	1	2.9	6	17.1	0	0.0	13	37.1
<b>EIGHTH CIRCUIT</b>	<b>541</b>	<b>195</b>	<b>36.0</b>	<b>57</b>	<b>10.5</b>	<b>28</b>	<b>5.2</b>	<b>0</b>	<b>0.0</b>	<b>29</b>	<b>5.4</b>	<b>124</b>	<b>22.9</b>	<b>8</b>	<b>1.5</b>	<b>100</b>	<b>18.5</b>
Arkansas																	
Eastern	29	14	48.3	1	3.4	4	13.8	0	0.0	5	17.2	2	6.9	0	0.0	3	10.3
Western	14	3	21.4	2	14.3	2	14.3	0	0.0	0	0.0	1	7.1	0	0.0	6	42.9
Iowa																	
Northern	47	21	44.7	0	0.0	4	8.5	0	0.0	1	2.1	10	21.3	0	0.0	11	23.4
Southern	60	7	11.7	3	5.0	2	3.3	0	0.0	4	6.7	19	31.7	0	0.0	25	41.7
Minnesota	94	6	6.4	26	27.7	3	3.2	0	0.0	5	5.3	41	43.6	2	2.1	11	11.7
Missouri																	
Eastern	50	9	18.0	4	8.0	4	8.0	0	0.0	6	12.0	17	34.0	0	0.0	10	20.0
Western	62	1	1.6	0	0.0	6	9.7	0	0.0	5	8.1	18	29.0	6	9.7	26	41.9
Nebraska	58	35	60.3	4	6.9	0	0.0	0	0.0	1	1.7	13	22.4	0	0.0	5	8.6
North Dakota	11	4	36.4	2	18.2	1	9.1	0	0.0	1	9.1	3	27.3	0	0.0	0	0.0
South Dakota	116	95	81.9	15	12.9	2	1.7	0	0.0	1	0.9	0	0.0	0	0.0	3	2.6



Table R (cont.)

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582(c)(1)(A)		Retroactive Amendment Modification 18 U.S.C. § 3582(c)(2)		First Step Act (Sec. 404)	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>644</b>	<b>20</b>	<b>3.1</b>	<b>136</b>	<b>21.1</b>	<b>107</b>	<b>16.6</b>	<b>1</b>	<b>0.2</b>	<b>59</b>	<b>9.2</b>	<b>286</b>	<b>44.4</b>	<b>9</b>	<b>1.4</b>	<b>26</b>	<b>4.0</b>
Alaska	23	0	0.0	0	0.0	4	17.4	0	0.0	0	0.0	17	73.9	0	0.0	2	8.7
Arizona	39	3	7.7	8	20.5	11	28.2	0	0.0	5	12.8	10	25.6	2	5.1	0	0.0
California																	
Central	86	1	1.2	7	8.1	29	33.7	0	0.0	8	9.3	28	32.6	3	3.5	10	11.6
Eastern	47	3	6.4	16	34.0	5	10.6	0	0.0	1	2.1	18	38.3	0	0.0	4	8.5
Northern	117	1	0.9	40	34.2	7	6.0	0	0.0	13	11.1	56	47.9	0	0.0	0	0.0
Southern	81	2	2.5	6	7.4	20	24.7	0	0.0	4	4.9	48	59.3	0	0.0	1	1.2
Guam	11	0	0.0	5	45.5	2	18.2	0	0.0	1	9.1	3	27.3	0	0.0	0	0.0
Hawaii	17	1	5.9	1	5.9	0	0.0	0	0.0	0	0.0	15	88.2	0	0.0	0	0.0
Idaho	8	1	12.5	2	25.0	2	25.0	0	0.0	2	25.0	1	12.5	0	0.0	0	0.0
Montana	18	4	22.2	3	16.7	0	0.0	0	0.0	8	44.4	2	11.1	1	5.6	0	0.0
Nevada	49	2	4.1	3	6.1	13	26.5	1	2.0	7	14.3	17	34.7	1	2.0	5	10.2
Northern Mariana Islands	1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0
Oregon	75	0	0.0	26	34.7	8	10.7	0	0.0	7	9.3	33	44.0	0	0.0	1	1.3
Washington																	
Eastern	25	2	8.0	4	16.0	3	12.0	0	0.0	3	12.0	10	40.0	2	8.0	1	4.0
Western	47	0	0.0	15	31.9	3	6.4	0	0.0	0	0.0	27	57.4	0	0.0	2	4.3
<b>TENTH CIRCUIT</b>	<b>199</b>	<b>24</b>	<b>12.1</b>	<b>22</b>	<b>11.1</b>	<b>28</b>	<b>14.1</b>	<b>0</b>	<b>0.0</b>	<b>15</b>	<b>7.5</b>	<b>86</b>	<b>43.2</b>	<b>1</b>	<b>0.5</b>	<b>23</b>	<b>11.6</b>
Colorado	30	1	3.3	6	20.0	9	30.0	0	0.0	0	0.0	12	40.0	0	0.0	2	6.7
Kansas	67	4	6.0	4	6.0	5	7.5	0	0.0	6	9.0	43	64.2	0	0.0	5	7.5
New Mexico	24	1	4.2	3	12.5	7	29.2	0	0.0	0	0.0	10	41.7	1	4.2	2	8.3
Oklahoma																	
Eastern	6	1	16.7	0	0.0	2	33.3	0	0.0	1	16.7	0	0.0	0	0.0	2	33.3
Northern	9	0	0.0	0	0.0	4	44.4	0	0.0	2	22.2	2	22.2	0	0.0	1	11.1
Western	16	2	12.5	1	6.3	0	0.0	0	0.0	1	6.3	1	6.3	0	0.0	11	68.8
Utah	23	2	8.7	7	30.4	1	4.3	0	0.0	4	17.4	9	39.1	0	0.0	0	0.0
Wyoming	24	13	54.2	1	4.2	0	0.0	0	0.0	1	4.2	9	37.5	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>750</b>	<b>241</b>	<b>32.1</b>	<b>82</b>	<b>10.9</b>	<b>38</b>	<b>5.1</b>	<b>1</b>	<b>0.1</b>	<b>68</b>	<b>9.1</b>	<b>152</b>	<b>20.3</b>	<b>9</b>	<b>1.2</b>	<b>159</b>	<b>21.2</b>
Alabama																	
Middle	16	1	6.3	2	12.5	2	12.5	0	0.0	3	18.8	4	25.0	1	6.3	3	18.8
Northern	23	3	13.0	0	0.0	2	8.7	0	0.0	0	0.0	6	26.1	0	0.0	12	52.2
Southern	16	3	18.8	0	0.0	2	12.5	0	0.0	2	12.5	4	25.0	0	0.0	5	31.3
Florida																	
Middle	194	75	38.7	13	6.7	12	6.2	0	0.0	15	7.7	17	8.8	4	2.1	58	29.9
Northern	73	4	5.5	1	1.4	3	4.1	0	0.0	2	2.7	18	24.7	0	0.0	45	61.6
Southern	329	133	40.4	53	16.1	16	4.9	1	0.3	31	9.4	75	22.8	3	0.9	17	5.2
Georgia																	
Middle	22	6	27.3	2	9.1	0	0.0	0	0.0	3	13.6	4	18.2	1	4.5	6	27.3
Northern	53	10	18.9	4	7.5	0	0.0	0	0.0	9	17.0	21	39.6	0	0.0	9	17.0
Southern	24	6	25.0	7	29.2	1	4.2	0	0.0	3	12.5	3	12.5	0	0.0	4	16.7

<sup>1</sup> Of the 5,859 cases, 103 were excluded due to missing type of resentencing or modification of sentence. Modification of supervision conditions is a type of resentencing, but information was not collected for this type. Descriptions of variables used in this table are provided in Appendix A.



# APPENDIX A

---

*Descriptions of Datafiles and Variables*

## Introduction

The Commission's research program is based on data from the Federal courts. The Commission collects data regarding every felony and Class A misdemeanor offense sentenced each year. To facilitate this data collection, the courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: (1) the charging document (information/indictment), (2) the plea agreement (if any), (3) the Presentence Report (if any), (4) the Judgment and Commitment Order, and (5) the Statement of Reasons form. The Commission analyzes these documents and collects information of interest and importance to policymakers and the federal criminal justice community.

Tables in this report use the Commission's datafile, USSCFY20, which includes information on the 64,565 individual offenders sentenced between October 1, 2019, through September 30, 2020, for whom sentencing documents were received as of February 18, 2021. This report also provides data on 94 organizational offenders sentenced during that period. Also, this report provides data on 5,756 offenders resentenced by the district court or whose sentence was modified in some other way during that period. Finally, this report provides data on 6,916 appeals cases decided during fiscal year 2020.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted but who have not been sentenced, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Cases in which a sentence of death was imposed also are not available in this dataset as the sentencing guidelines do not apply to those cases.

Note that for all tables, total percentages may not add up to 100 percent due to rounding.

## Variables

The following section describes the variables used in this report.

### Age

The *Age* of the offender on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the offender's date of birth as reported either in the Presentence Report or in the case submission information provided by the court when submitting the case to the Commission. Offenders under the age of 18 at the time of sentencing were charged as adults for a federal felony or Class A misdemeanor.

### **Anders Brief**

*Anders* Brief cases are those in which the defendant's counsel files a motion for leave to withdraw from representation, and asserts that counsel has reviewed the case and concludes there are no non-frivolous grounds for appeal; whereupon the appellate court, after independently reviewing the record and agreeing that the case is wholly frivolous, affirms the sentence and dismisses the appeal, and grants counsel's motion to withdraw. *See Anders v. California*, 386 U.S. 738 (1967).

### **Any Guideline**

The Commission collects guideline application information on up to four guidelines in a single computation (more than one guideline can be applied through the cross-reference application in the *Guidelines Manual*). If a guideline is recorded in any of the four collected fields, then it is reported as "any guideline." Note that counts for this category may exceed the total number of offenders in any fiscal year because each offender may have multiple guideline computations and/or multiple reference guidelines applied.

### **Appeals**

*Appeals* data are derived from analyses of opinions and orders from the courts of appeals. For purposes of the appeals data, an appeals case is one in which a federal court of appeals has issued an opinion or order. Opinions and orders submitted by the courts are collected and coded. All appeals cases are coded for identifying data, such as parties, disposition, date, and circuit. In cases in which the appellate court reverses or remands a sentencing issue, the sentencing issue is coded. Conviction issues are not coded.

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

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

## **Circuit**

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

## **Citizenship Status**

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

## **Conviction Type**

Sentencing classification is defined in 18 U.S.C. § 3559(a). The federal sentencing guidelines apply to felony cases and Class A misdemeanors (see USSG §1B1.9). For this reason, no information about petty offenses is recorded in the Commission’s datafiles.

## **Criminal History Category**

*Criminal History Category* is derived from the Statement of Reasons provided by the sentencing court. *Criminal History Category* is taken from the Presentence Report when the Statement of Reasons is not available. While the court may disagree with Presentence Report information, the *Criminal History Category* is the same in the vast majority of cases for which both documents were received.

## **District**

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

## **Document Submission Rates**

Five documents are represented in the document submission table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), indictment/information (Ind), and plea agreements (Plea). The J&C, SOR, and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the SORs are most frequently submitted; however, transcripts or partial SORs and/or transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded from the Plea totals. The total documents received column is derived from adding the total number of received documents from the J&C, PSR, SOR, Ind, and Plea columns.

### **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.

### **Drug Trafficking Guidelines**

*Drug Trafficking Guidelines* information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The seven guidelines (USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14) represent the guidelines in Chapter Two, Part D that utilize the drug quantity table in USSG §2D1.1 (Drug Trafficking) to determine the base offense level.

### **Education**

Information on *Education* of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

### **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 guideline minimum 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 guideline minimum 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.

### **Fines and Restitution**

*Fines and Restitution* information is obtained from the Judgment and Commitment Order (J&C). Fine information may also include cost of supervision. Cases that receive no fine or restitution are not included in the calculation of the means. The number of cases upon which the mean is based may not equal the number of offenders ordered to pay fines and/or restitution; this is due to the failure of some J&Cs to specify the dollar amount ordered. The median of payments ordered reflects the amount located at the fiftieth percentile of all amounts ordered, excluding cases in which the amount was indeterminable or zero.

### **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 SOR form 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.

### **Length of Imprisonment**

For cases in which a term of imprisonment was imposed, *Length of Imprisonment* reports the mean and median terms of imprisonment imposed in months. Length of imprisonment also includes any time served amounts and imprisonment under USSG §5G1.3. This information is obtained from the Judgment and Commitment Order (J&C). Mean and median imprisonment lengths are rounded to the nearest month.

Any portion of a sentence that is an alternative confinement as described in USSG §5C1.1 is excluded. Cases in which a term of imprisonment is ordered, but where the length is indeterminable, also are excluded. When sentences are expressed as “time served” on the J&C, Commission staff uses the dates in federal custody to determine the length of time served provided the offender has been in custody the entire time. If the offender has been in and out of custody, or the start date is unclear or 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 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.

### **Length of Supervised Release**

For cases in which a term of supervised release was imposed, *Length of Supervised Release* reports the mean and median terms of supervised release imposed in months. This information is obtained from the Judgment and Commitment Order. Cases in which a term of supervised release is ordered, but where the length is indeterminable, are excluded. In cases where the court imposes a supervised release term of lifetime supervision, a numeric value is necessary to include these cases in any supervised release length analysis. Accordingly, life terms of supervised release are reported as 470 months, a length consistent with the Commission's assignment of 470 months for life imprisonment sentences.

### **Mandatory Minimum Penalties**

Information on *Mandatory Minimum Penalties* is obtained from the Presentence Report and represents the assessment of the probation officer. The sentencing court may alter this mandatory minimum penalty information; occasionally, such changes are not reflected in the documents received by the Commission.

### **Mode of Conviction**

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Trial* category.

### **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.

### **Non-Prison Sentence**

*Non-Prison Sentence* includes sentences including probation and/or any alternative confinement, as described in USSG §5C1.1 (*i.e.*, the entire sentence was not incarceration in jail/prison only).

### **Number of Employees**

The *Number of Employees* identifies the number of persons employed by an organizational offender. This information is obtained from the Presentence Report. The number includes full-time workers, part-time workers, hourly workers, seasonal workers, and contractors. If the organization has undergone a significant down-sizing since the offense was detected by the authorities, the number of employees at the time of the offense is used for this variable.

### **Offense Level**

The final *Offense Level* used in these tables is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, the offense level is taken from the Presentence Report.

### **Organizations**

*Organization* is a “person other than an individual.” See 18 U.S.C. § 18. The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.

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

## Ownership Structure

The *Ownership Structure* identifies the legal status of an organizational offender. This information is obtained from the Presentence Report. If an organization is incorporated but is not openly traded, it is classified as “Closely-held or Private.” If the financial statements in the presentence investigation report are termed “unaudited,” then the company is also classified as “Closely-held or Private.”

## Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Guideline range information is taken from the Statement of Reasons form and sentence information is taken from the Judgement and Commitment Order.

The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the lower-half of the range (when not at the guideline minimum); the exact midpoint of the range; the upper-half of the range (when not at the guideline maximum) and the guideline maximum. The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. For cases in which USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the minimum of the range are removed according to 18 U.S.C. § 3553(f).

In cases in which the sentence is located outside the available sentencing range, departure and/or variance information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each category may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

## 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* are those cases that involve Alpha-Methylfentanyl. 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.

### **Reasons for Sentences Outside the Guideline Range**

*Reasons for Sentences Outside the Guideline Range* are obtained from the Statement of Reasons when available. Because courts often provide more than one reason for sentencing outside the guideline range, the frequencies on these tables may add up to more than the number of cases.

### **Resentencings and Other Modification of Sentence**

Using information submitted by the district courts, *Resentencings and Other Modifications of Sentence* are classified into nine different categories:

*Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2))*: Cases in which the original sentence is remanded to the district court by a court of appeals. The possible grounds for this include: (1) the sentence violated the law, (2) the guidelines were incorrectly applied, (3) the sentence is outside the applicable guideline range and the court failed to adequately explain why, (4) the sentence is outside the applicable guideline range and the court relied upon an impermissible reason, (5) the sentence is outside the applicable guideline range and the court departed to an unreasonable degree, or (6) there was no applicable guideline and the sentence is plainly unreasonable;

*Direct Motion to District Court Pursuant to 18 U.S.C. § 3559(c)(7)*: Cases in which an offender received an aggravated penalty imposed under 18 U.S.C. § 3559(c)(7) at the time of original sentence and where a prior conviction for a serious violent felony or serious drug offense that triggered the aggravated penalty was overturned because it was (1) unconstitutional, (2) the offender was actually innocent, or (3) the offender was pardoned because of innocence;

*Direct Motion to District Court Pursuant to 28 U.S.C. § 2255:* Cases in which a district court determines that (1) the original sentence was imposed in violation of the Constitution or the law, (2) the court lacked jurisdiction to impose the sentence, (3) the sentence was greater than the maximum sentence allowed by the law, or (4) the sentence is otherwise subject to collateral attack;

*First Step Act (Sec. 404):* Cases in which offenders convicted of drug trafficking offenses received a reduced sentence through retroactive application of the statutory reductions for crack cocaine offenses that were enacted in the Fair Sentencing Act of 2010. These sentence reductions were authorized in section 404 of the First Step Act of 2018.

*Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1)(A)):* Cases in which the district court reduces an original sentence for extraordinary and compelling reasons or because the offender is at least 70 years old, has served at least 30 years for the offense for which the offender is currently imprisoned, and the Federal Bureau of Prisons (BOP) has determined that the offender is not a danger to the safety of any person or the community;

*Modification of Imposed Term of Imprisonment for Retroactive Amendments to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2)):* Cases in which a district court reduces the sentence for an offender who was sentenced based on a sentencing range that later was lowered by the United States Sentencing Commission and where the Commission voted to apply the lowered penalty retroactively. This reduction can occur through a motion filed by the offender, the director of the BOP, or upon the court's own motion;

*Modification of Restitution Order (18 U.S.C. § 3664):* Cases in which the court modifies any part of a judgment ordering restitution be paid to victims;

*Reduction of Sentence for Changed Circumstances (Federal Rule of Criminal Procedure 35(b)):* Cases in which the government files a motion after the original sentence is imposed requesting the court to reduce that sentence because the offender provided substantial assistance to the government; and

*Unknown Type of Resentencing:* Cases in which a resentencing has occurred but where the type of resentencing cannot be determined.

## **Safety Valve**

*Safety Valve* cases are identified based upon the application of the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2 as described in the Statement of Reasons or Presentence Report. These criteria are considered as a specific offense characteristic in cases where USSG §2D1.1 or USSG §2D1.11 is the sentencing guideline.

The application of this specific offense characteristic requires that the offender meet the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2, which are the same criteria as in 18 U.S.C. § 3553(f). Section 3553(f) requires courts to sentence an offender without regard to any otherwise applicable mandatory minimum penalty when the criteria are met. Additionally, offenders meeting this criteria receive a reduction of two offense levels

pursuant to USSG §2D1.1(b)(18) or USSG §2D1.11(b)(6). This two-level reduction can occur even if no mandatory minimum penalty might otherwise apply in the case. Both types of *Safety Valve* application are accounted for in the *Sourcebook* tables. In a small number of cases the court may not give the two-level reduction but does sentence the offender without regard to an otherwise applicable mandatory minimum penalty.

Because of the continuing refinement of the guidelines, the position of this specific offense characteristic notation within USSG §2D1.1 may vary from year to year.

### **Sentence Appeals Disposition**

Data is derived from analysis of opinions and orders from the courts of appeals. The appeals disposition code indicates the disposition of the case. *Affirmed* cases are cases in which an appellate court holds that the judgment of the court below is correct and should stand. *Reversed* cases are those in which an appellate court sets aside, annuls, vacates, or changes to the contrary the decision of a lower court. *Affirmed and Reversed* cases are cases in which an appellate court affirmed one or more issues and reversed one or more of the issues that were appealed. *Remanded* cases are those in which the appellate court sent the case back to the lower court to address the issue under appeal. *Dismissed* cases are those an appellate court terminates without a complete trial and without issuing a holding. A dismissal of an appeal places the parties in the same condition as if no appeal had been taken or allowed, and thus acts as a confirmation of the judgment of the court below.

### **Sentencing Issues Appealed**

Data about the issue or issues appealed are derived from analyses of opinions and orders from the courts of appeals. Each sentencing issue that is reversed or remanded by the appellate court is coded by the guideline involved and description of the particular issue addressed within that guideline. Challenges related to sentencing, but not to guideline application, are coded under categories reserved for “constitutional issues” or “other general sentencing issues.”

### **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 (J&C). 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 J&C, Commission staff uses the dates in federal custody to determine the length of time served when an offender has been in custody the entire time. If the offender has been in and out of custody, or the start date is unclear/missing, then the Commission assigns a value of one day as a minimal time served amount for these cases.

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

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

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

### **Type of Appeal**

Data are derived from analyses of opinions and orders from the courts of appeals. The type of appeals code indicates the types of issues that are raised in the case. The types of appeals codes are: (1) sentencing issues only, (2) sentencing and conviction issues, (3) conviction issues only, (4) *Anders* Brief, and (5) unknown.

For coding purposes, an appeal involves sentencing issues when the appellant either argues that the district court erred during the sentencing phase or raises issues concerning the applicability of the guidelines to the case at hand. In some cases, the appellant is challenging some part of the plea agreement involving sentencing. These issues are also considered sentencing issues. An appeal involves conviction issues when the appellant claims some sort of error occurred during the investigation, trial, or jury deliberations that did not involve sentencing or the sentencing guidelines. *Anders* Brief cases are those where the counsel for the appellant has advised the court of appeals that he or she has conscientiously examined the case but finds the appeal to be wholly frivolous and has requested permission to withdraw. See *Anders v. California*, 386 U.S. 738 (1967). This disposition code was added in fiscal year 2010.

### **Type of Business**

The *Type of Business* identifies the primary industry in which an organizational offender conducted business. This information is obtained from the Presentence Report.

### **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 offense types that are grouped into each of the crime categories used in the individual offender datafile tables for this report:

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

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

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

*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 USSG §§2A2.1, 2A2.2, and 2A2.3.

*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 USSG §§2B4.1, 2C1.1, 2C1.2, 2C1.3, 2C1.4 (deleted), 2C1.5, 2C1.6 (deleted), 2C1.7 (deleted), and 2C1.8.

*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 USSG §§2B2.1, 2B2.2 (deleted), and 2B2.3.

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

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

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

*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 USSG §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, 2D1.10, and 2D1.14.

*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 USSG §§2K3.1 (deleted), 2Q1.1, 2Q1.2, 2Q1.3, 2Q1.4, 2Q1.5 (deleted), 2Q1.6, 2Q2.1, and 2Q2.2 (deleted).

*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 USSG §§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).

*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 USSG §§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.

*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 USSG §§2N1.1, 2N1.2, 2N1.3, 2N2.1, and 2N3.1.

*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 USSG §§2B5.1, 2B5.2 (deleted), 2B5.3, and 2B5.4 (deleted).

*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 USSG §§2B1.1, 2B1.2 (deleted), 2B1.3 (deleted), 2B1.4, 2B1.5, 2B1.6, 2F1.1 (deleted), and 2F1.2 (deleted).

*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 USSG §§2L1.1, 2L1.2, 2L1.3 (deleted), 2L2.1, 2L2.2, 2L2.3 (deleted), 2L2.4 (deleted), and 2L2.5.

*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 USSG §§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.

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

*Manslaughter* includes both involuntary and voluntary manslaughter. This category includes offenders sentenced under USSG §§2A1.3 and 2A1.4.

*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 USSG §§2S1.1, 2S1.2 (deleted), 2S1.3, and 2S1.4 (deleted).

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

*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 USSG §§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.

*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 USSG §§2A3.5, 2A3.6, 2G2.5, 2G3.1, and 2G3.2.

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

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

*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 USSG §2G1.1 who received a Base Offense Level of 34, and all offenders sentenced under USSG §§2A3.1, 2A3.2, 2A3.3, 2A3.4, 2G1.2 (deleted), 2G1.3, 2G2.1, 2G2.3, and 2G2.6.

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

*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 USSG §§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).

*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 USSG §§2A5.2, 2D1.7, 2D1.11, 2D1.12, 2D1.13, 2D2.2, 2D2.3, 2D3.1, 2X5.1, 2X5.2, and 2X7.1. In addition, this category includes offenders sentenced under USSG §§2X1.1, 2X2.1, 2X3.1, 2X6.1, and 2X7.2 if no underlying guideline was provided.

## Sentence Type

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

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

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

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

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

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

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

## 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.

### **Weapon Involvement**

*Weapon Involvement* in a case is identified either by the application of a guideline enhancement for weapon involvement or a conviction under 18 U.S.C. § 924(c), or both. This variable does not identify cases in which a weapon is present in the offense, but the offender was not convicted of 18 U.S.C. § 924(c) or did not receive a weapon-related sentencing enhancement. It does not identify cases in which the specific enhancement can be applied for multiple reasons; for example, the specific enhancement can be applied if the offense involved either physical contact or if a dangerous weapon was possessed. Finally, this variable does not identify cases sentenced as weapon offenses under USSG Chapter Two, Part K, unless they were convicted of 18 U.S.C. § 924(c).

### **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.

### **Zone**

The Sentencing Table is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones. See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they apply.

# APPENDIX B

---

## *Selected National Sentencing Statistics*

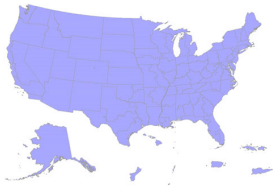




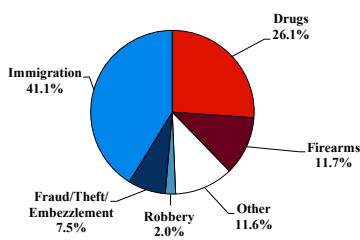
# District at a Glance

## National

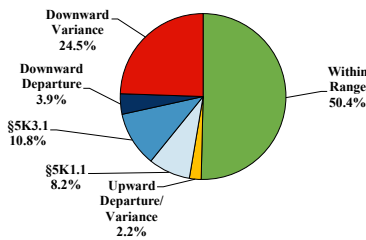
### Fiscal Year 2020



#### Type of Crime



#### Sentence Imposed Relative to the Guideline Range



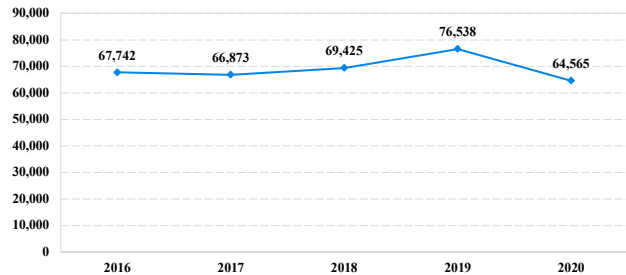
#### SENTENCING INFORMATION BY TYPE OF CRIME

	TOTAL	Immigration	Drug Trafficking	Firearms	Fraud/Theft /Embezzle	Robbery	Child Porn	Money Laundering	All Other
	64,565	26,561	16,390	7,539	4,823	1,316	1,023	880	6,033
Mean Sentence (months)	40	8	76	48	19	105	102	58	60
Median Sentence (months)	14	5	60	37	8	87	84	34	12
<b>IMPRISONMENT</b>									
<b>Total Receiving Imprisonment</b>	<b>59,301</b>	<b>25,189</b>	<b>15,820</b>	<b>7,084</b>	<b>3,472</b>	<b>1,294</b>	<b>1,015</b>	<b>763</b>	<b>4,664</b>
Prison Only	57,550	24,865	15,299	6,800	3,234	1,242	1,003	731	4,376
Up to 12 Months	23,646	19,196	1,233	555	1,159	28	18	120	1,337
13 to 60 Months	20,973	5,564	6,492	4,441	1,767	385	288	342	1,694
61 to 120 Months	7,877	98	4,602	1,453	245	441	464	141	433
Over 120 Months	5,054	7	2,972	351	63	388	233	128	912
Prison and Alternatives	1,751	324	521	284	238	52	12	32	288
<b>PROBATION</b>									
<b>Total Receiving Probation</b>	<b>4,943</b>	<b>1,368</b>	<b>566</b>	<b>453</b>	<b>1,295</b>	<b>22</b>	<b>8</b>	<b>117</b>	<b>1,114</b>
Probation Only	3,845	1,153	416	314	964	12	5	76	905
Probation and Alternatives	1,098	215	150	139	331	10	3	41	209
<b>FINE ONLY</b>									
	<b>321</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>255</b>

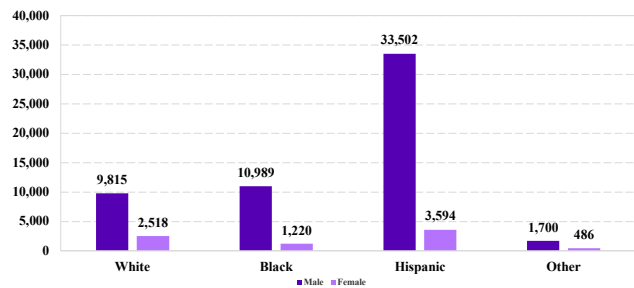
Cases with indeterminable sentence terms are excluded from the calculation of the Mean Sentence or Median Sentence category. Sentences greater than 470 months and probation were included in the sentence average computations as 470 months and zero months, respectively. Cases in the Total Receiving Imprisonment, Total Receiving Probation, and Fine Only categories total 100 percent of all cases. Cases missing information required for a specific analysis were excluded from that analysis. Descriptions of variables used in this analysis are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 - 2020 Datafiles, USSCFY16 - USSCFY20.

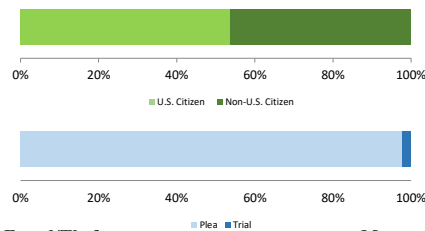
#### Number of Federal Offenders Over Time



#### Race and Gender



#### Citizenship, Guilty Pleas, and Trials



*Selected Sentencing Statistics by District are available on the  
U.S. Sentencing Commission's website.*

*<https://www.ussc.gov/research/sourcebook-2020>*

