

Table 32

**UPWARD DEPARTURE CASES: DEGREE OF DEPARTURE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 1998**

PRIMARY OFFENSE	n	DEGREE OF INCREASE FOR UPWARD DEPARTURE		
		Median Sentence in Months ²	Median Increase in Months from Guideline Maximum	Median Percent Increase from Guideline Maximum
TOTAL	347	60.0	16.0	39.9
Murder	10	282.0	107.0	76.0
Manslaughter	10	88.5	25.0	50.0
Kidnaping/Hostage-Taking	6	341.5	119.5	64.4
Sexual Abuse	11	57.0	14.0	33.3
Assault	15	72.0	11.0	39.4
Robbery	35	170.0	41.0	28.5
Arson	4	103.5	34.5	42.5
Drugs - Trafficking	38	187.5	39.5	27.7
Drugs - Communication Facility	1	96.0	75.0	357.1
Drugs - Simple Possession	2	18.0	6.0	66.7
Firearms	24	82.5	14.5	24.4
Burglary/B&E	2	32.0	11.0	50.0
Auto Theft	3	84.0	38.0	48.1
Larceny	19	37.0	7.0	24.3
Fraud	90	42.0	12.0	37.3
Embezzlement	2	35.5	11.0	39.8
Forgery/Counterfeiting	1	24.0	6.0	33.3
Bribery	0	--	--	--
Tax	1	36.0	12.0	50.0
Money Laundering	3	120.0	57.0	90.5
Racketeering/Extortion	2	77.0	31.0	85.6
Gambling/Lottery	1	21.0	3.0	16.7
Civil Rights	1	308.0	20.0	6.9
Immigration	31	42.0	14.0	52.2
Pornography/Prostitution	14	85.5	26.5	39.4
Prison Offenses	4	60.0	27.0	81.8
Administration of Justice	8	28.5	9.0	77.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	9	36.0	9.0	33.3

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¹Of the 50,754 cases, 391 received an upward departure. Of these, 377 had complete guideline application information. An additional 27 cases were excluded due to several logical criteria. Three additional cases were excluded due to missing offense type.

²Cases with guideline maximums of life or probation (*i.e.*, sentence lengths of zero months) were included in the computations for median sentence as 470 months and zero months respectively, but were excluded from measures of increase in the table.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, USSCFY98.