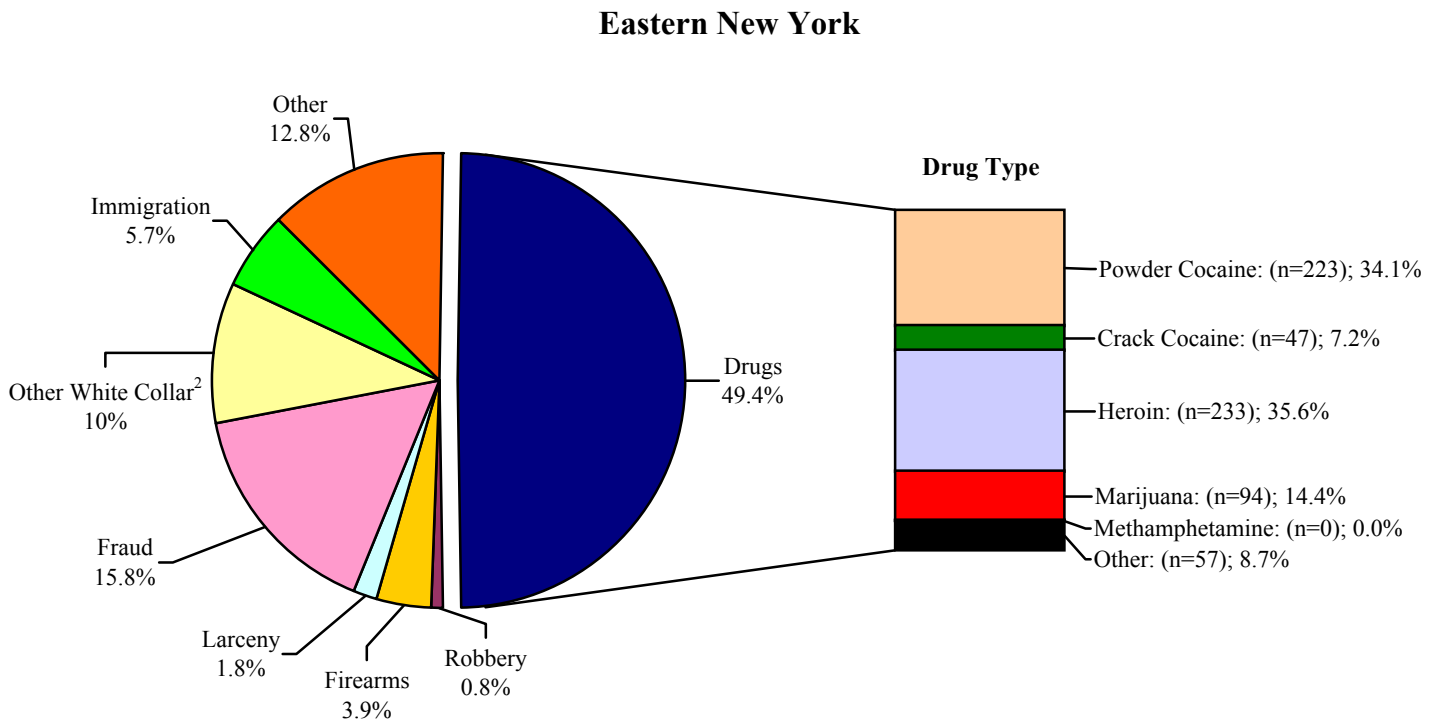
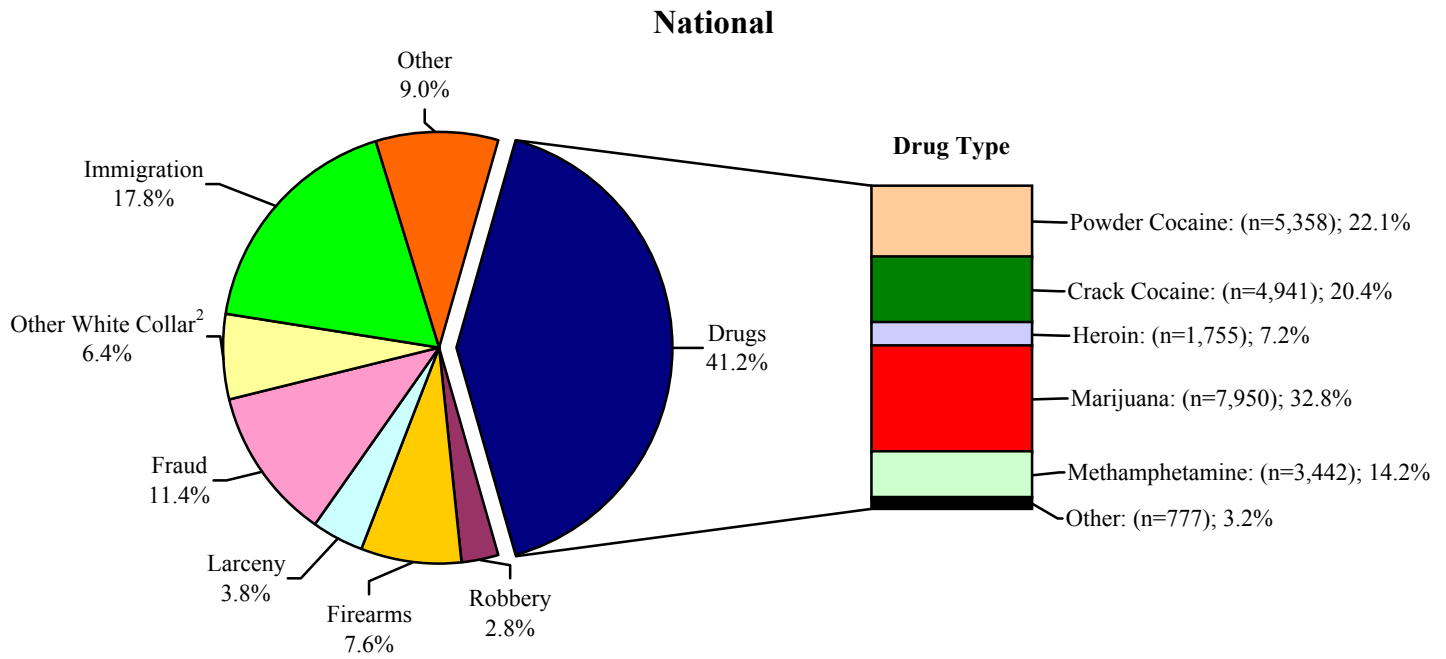


Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2001



¹Of the 59,897 guideline cases, 1,073 cases were excluded due to one of the following reasons: missing primary offense category (206) or missing drug type (867). Of the 1,353 guideline cases from the District of Eastern New York, 28 cases were excluded due to one of the following reasons: missing primary offense category (22) or missing drug type (6).

²The Other White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

Table 1

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001**

| PRIMARY OFFENSE | National | | Eastern New York | |
|---|---------------|--------------|------------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 59,691 | 100.0 | 1,331 | 100.0 |
| Murder | 90 | 0.2 | 6 | 0.5 |
| Manslaughter | 52 | 0.1 | 1 | 0.1 |
| Kidnapping/Hostage Taking | 56 | 0.1 | 1 | 0.1 |
| Sexual Abuse | 213 | 0.4 | 0 | 0.0 |
| Assault | 443 | 0.7 | 1 | 0.1 |
| Robbery | 1,637 | 2.7 | 10 | 0.8 |
| Arson | 68 | 0.1 | 3 | 0.2 |
| Drugs - Trafficking | 24,031 | 40.3 | 648 | 48.7 |
| Drugs - Communication Facility | 473 | 0.8 | 12 | 0.9 |
| Drugs - Simple Possession | 586 | 1.0 | 0 | 0.0 |
| Firearms | 4,489 | 7.5 | 52 | 3.9 |
| Burglary/B&E | 38 | 0.1 | 0 | 0.0 |
| Auto Theft | 163 | 0.3 | 11 | 0.8 |
| Larceny | 2,253 | 3.8 | 24 | 1.8 |
| Fraud | 6,691 | 11.2 | 209 | 15.7 |
| Embezzlement | 764 | 1.3 | 7 | 0.5 |
| Forgery/Counterfeiting | 1,272 | 2.1 | 26 | 2.0 |
| Bribery | 254 | 0.4 | 5 | 0.4 |
| Tax | 572 | 1.0 | 27 | 2.0 |
| Money Laundering | 918 | 1.5 | 67 | 5.0 |
| Racketeering/Extortion | 646 | 1.1 | 89 | 6.7 |
| Gambling/Lottery | 126 | 0.2 | 2 | 0.2 |
| Civil Rights | 106 | 0.2 | 0 | 0.0 |
| Immigration | 10,458 | 17.5 | 75 | 5.6 |
| Pornography/Prostitution | 569 | 1.0 | 9 | 0.7 |
| Prison Offenses | 298 | 0.5 | 1 | 0.1 |
| Administration of Justice Offenses | 1,058 | 1.8 | 16 | 1.2 |
| Environmental/Wildlife | 189 | 0.3 | 5 | 0.4 |
| National Defense | 7 | 0.0 | 0 | 0.0 |
| Antitrust | 19 | 0.0 | 3 | 0.2 |
| Food & Drug | 75 | 0.1 | 4 | 0.3 |
| Other Miscellaneous Offenses | 1,077 | 1.8 | 17 | 1.3 |

Of the 59,897 guideline cases, 206 cases were excluded due to missing information on primary offense category.

Of the 1,353 guideline cases from the District of Eastern New York, 22 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2001**

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 59,672 | 57,637 | 96.6 | 2,035 | 3.4 |
| D.C. CIRCUIT | 276 | 256 | 92.8 | 20 | 7.2 |
| District of Columbia | 276 | 256 | 92.8 | 20 | 7.2 |
| FIRST CIRCUIT | 1,643 | 1,585 | 96.5 | 58 | 3.5 |
| Maine | 197 | 191 | 97.0 | 6 | 3.0 |
| Massachusetts | 513 | 494 | 96.3 | 19 | 3.7 |
| New Hampshire | 137 | 130 | 94.9 | 7 | 5.1 |
| Puerto Rico | 695 | 675 | 97.1 | 20 | 2.9 |
| Rhode Island | 101 | 95 | 94.1 | 6 | 5.9 |
| SECOND CIRCUIT | 4,151 | 4,030 | 97.1 | 121 | 2.9 |
| Connecticut | 288 | 274 | 95.1 | 14 | 4.9 |
| New York | | | | | |
| Eastern | 1,332 | 1,291 | 96.9 | 41 | 3.1 |
| Northern | 528 | 518 | 98.1 | 10 | 1.9 |
| Southern | 1,428 | 1,383 | 96.8 | 45 | 3.2 |
| Western | 464 | 455 | 98.1 | 9 | 1.9 |
| Vermont | 111 | 109 | 98.2 | 2 | 1.8 |
| THIRD CIRCUIT | 2,633 | 2,508 | 95.3 | 125 | 4.7 |
| Delaware | 83 | 82 | 98.8 | 1 | 1.2 |
| New Jersey | 853 | 829 | 97.2 | 24 | 2.8 |
| Pennsylvania | | | | | |
| Eastern | 920 | 865 | 94.0 | 55 | 6.0 |
| Middle | 390 | 370 | 94.9 | 20 | 5.1 |
| Western | 293 | 276 | 94.2 | 17 | 5.8 |
| Virgin Islands | 94 | 86 | 91.5 | 8 | 8.5 |
| FOURTH CIRCUIT | 5,480 | 5,197 | 94.8 | 283 | 5.2 |
| Maryland | 610 | 563 | 92.3 | 47 | 7.7 |
| North Carolina | | | | | |
| Eastern | 529 | 505 | 95.5 | 24 | 4.5 |
| Middle | 451 | 429 | 95.1 | 22 | 4.9 |
| Western | 545 | 515 | 94.5 | 30 | 5.5 |
| South Carolina | 804 | 788 | 98.0 | 16 | 2.0 |
| Virginia | | | | | |
| Eastern | 1,602 | 1,501 | 93.7 | 101 | 6.3 |
| Western | 392 | 372 | 94.9 | 20 | 5.1 |
| West Virginia | | | | | |
| Northern | 185 | 181 | 97.8 | 4 | 2.2 |
| Southern | 362 | 343 | 94.8 | 19 | 5.2 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 11,538 | 11,289 | 97.8 | 249 | 2.2 |
| Louisiana | | | | | |
| Eastern | 455 | 445 | 97.8 | 10 | 2.2 |
| Middle | 161 | 156 | 96.9 | 5 | 3.1 |
| Western | 283 | 264 | 93.3 | 19 | 6.7 |
| Mississippi | | | | | |
| Northern | 147 | 141 | 95.9 | 6 | 4.1 |
| Southern | 428 | 415 | 97.0 | 13 | 3.0 |
| Texas | | | | | |
| Eastern | 573 | 556 | 97.0 | 17 | 3.0 |
| Northern | 1,164 | 1,136 | 97.6 | 28 | 2.4 |
| Southern | 3,624 | 3,533 | 97.5 | 91 | 2.5 |
| Western | 4,703 | 4,643 | 98.7 | 60 | 1.3 |
| SIXTH CIRCUIT | 4,353 | 4,200 | 96.5 | 153 | 3.5 |
| Kentucky | | | | | |
| Eastern | 580 | 573 | 98.8 | 7 | 1.2 |
| Western | 339 | 315 | 92.9 | 24 | 7.1 |
| Michigan | | | | | |
| Eastern | 730 | 703 | 96.3 | 27 | 3.7 |
| Western | 354 | 337 | 95.2 | 17 | 4.8 |
| Ohio | | | | | |
| Northern | 837 | 818 | 97.7 | 19 | 2.3 |
| Southern | 369 | 363 | 98.4 | 6 | 1.6 |
| Tennessee | | | | | |
| Eastern | 518 | 495 | 95.6 | 23 | 4.4 |
| Middle | 251 | 239 | 95.2 | 12 | 4.8 |
| Western | 375 | 357 | 95.2 | 18 | 4.8 |
| SEVENTH CIRCUIT | 2,449 | 2,303 | 94.0 | 146 | 6.0 |
| Illinois | | | | | |
| Central | 302 | 289 | 95.7 | 13 | 4.3 |
| Northern | 808 | 756 | 93.6 | 52 | 6.4 |
| Southern | 357 | 336 | 94.1 | 21 | 5.9 |
| Indiana | | | | | |
| Northern | 317 | 294 | 92.7 | 23 | 7.3 |
| Southern | 227 | 216 | 95.2 | 11 | 4.8 |
| Wisconsin | | | | | |
| Eastern | 291 | 273 | 93.8 | 18 | 6.2 |
| Western | 147 | 139 | 94.6 | 8 | 5.4 |
| EIGHTH CIRCUIT | 3,566 | 3,442 | 96.5 | 124 | 3.5 |
| Arkansas | | | | | |
| Eastern | 241 | 237 | 98.3 | 4 | 1.7 |
| Western | 145 | 142 | 97.9 | 3 | 2.1 |
| Iowa | | | | | |
| Northern | 333 | 317 | 95.2 | 16 | 4.8 |
| Southern | 314 | 304 | 96.8 | 10 | 3.2 |
| Minnesota | 388 | 364 | 93.8 | 24 | 6.2 |
| Missouri | | | | | |
| Eastern | 560 | 544 | 97.1 | 16 | 2.9 |
| Western | 664 | 645 | 97.1 | 19 | 2.9 |
| Nebraska | 479 | 469 | 97.9 | 10 | 2.1 |
| North Dakota | 150 | 146 | 97.3 | 4 | 2.7 |
| South Dakota | 292 | 274 | 93.8 | 18 | 6.2 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 13,911 | 13,602 | 97.8 | 309 | 2.2 |
| Alaska | 194 | 183 | 94.3 | 11 | 5.7 |
| Arizona | 3,120 | 3,094 | 99.2 | 26 | 0.8 |
| California | | | | | |
| Central | 1,605 | 1,560 | 97.2 | 45 | 2.8 |
| Eastern | 851 | 823 | 96.7 | 28 | 3.3 |
| Northern | 831 | 804 | 96.8 | 27 | 3.2 |
| Southern | 4,209 | 4,141 | 98.4 | 68 | 1.6 |
| Guam | 82 | 81 | 98.8 | 1 | 1.2 |
| Hawaii | 357 | 345 | 96.6 | 12 | 3.4 |
| Idaho | 114 | 106 | 93.0 | 8 | 7.0 |
| Montana | 315 | 291 | 92.4 | 24 | 7.6 |
| Nevada | 526 | 504 | 95.8 | 22 | 4.2 |
| Northern Mariana Islands | 16 | 15 | 93.8 | 1 | 6.3 |
| Oregon | 665 | 653 | 98.2 | 12 | 1.8 |
| Washington | | | | | |
| Eastern | 325 | 322 | 99.1 | 3 | 0.9 |
| Western | 701 | 680 | 97.0 | 21 | 3.0 |
| TENTH CIRCUIT | 3,414 | 3,294 | 96.5 | 120 | 3.5 |
| Colorado | 495 | 473 | 95.6 | 22 | 4.4 |
| Kansas | 468 | 448 | 95.7 | 20 | 4.3 |
| New Mexico | 1,357 | 1,335 | 98.4 | 22 | 1.6 |
| Oklahoma | | | | | |
| Eastern | 95 | 87 | 91.6 | 8 | 8.4 |
| Northern | 122 | 108 | 88.5 | 14 | 11.5 |
| Western | 211 | 193 | 91.5 | 18 | 8.5 |
| Utah | 517 | 505 | 97.7 | 12 | 2.3 |
| Wyoming | 149 | 145 | 97.3 | 4 | 2.7 |
| ELEVENTH CIRCUIT | 6,258 | 5,931 | 94.8 | 327 | 5.2 |
| Alabama | | | | | |
| Middle | 170 | 157 | 92.4 | 13 | 7.6 |
| Northern | 376 | 365 | 97.1 | 11 | 2.9 |
| Southern | 287 | 274 | 95.5 | 13 | 4.5 |
| Florida | | | | | |
| Middle | 1,296 | 1,228 | 94.8 | 68 | 5.2 |
| Northern | 374 | 331 | 88.5 | 43 | 11.5 |
| Southern | 2,313 | 2,200 | 95.1 | 113 | 4.9 |
| Georgia | | | | | |
| Middle | 367 | 345 | 94.0 | 22 | 6.0 |
| Northern | 742 | 712 | 96.0 | 30 | 4.0 |
| Southern | 333 | 319 | 95.8 | 14 | 4.2 |

Of the 59,897 guideline cases, 225 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001**

| PRIMARY OFFENSE | TOTAL | National | | | | Eastern New York | | | |
|---|---------------|---------------|--------------|--------------|-------------|------------------|--------------|-----------|--------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 59,642 | 57,607 | 96.6 | 2,035 | 3.4 | 1,284 | 96.9 | 41 | 3.1 |
| Murder | 90 | 75 | 83.3 | 15 | 16.7 | 5 | 83.3 | 1 | 16.7 |
| Manslaughter | 52 | 49 | 94.2 | 3 | 5.8 | 1 | 100.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 56 | 46 | 82.1 | 10 | 17.9 | 1 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 213 | 202 | 94.8 | 11 | 5.2 | 0 | -- | 0 | -- |
| Assault | 442 | 404 | 91.4 | 38 | 8.6 | 1 | 100.0 | 0 | 0.0 |
| Robbery | 1,636 | 1,583 | 96.8 | 53 | 3.2 | 10 | 100.0 | 0 | 0.0 |
| Arson | 68 | 61 | 89.7 | 7 | 10.3 | 3 | 100.0 | 0 | 0.0 |
| Drugs - Trafficking | 24,016 | 23,204 | 96.6 | 812 | 3.4 | 637 | 98.5 | 10 | 1.5 |
| Drugs - Communication Facility | 473 | 471 | 99.6 | 2 | 0.4 | 11 | 91.7 | 1 | 8.3 |
| Drugs - Simple Possession | 585 | 569 | 97.3 | 16 | 2.7 | 0 | -- | 0 | -- |
| Firearms | 4,484 | 4,195 | 93.6 | 289 | 6.4 | 47 | 90.4 | 5 | 9.6 |
| Burglary/B&E | 38 | 36 | 94.7 | 2 | 5.3 | 0 | -- | 0 | -- |
| Auto Theft | 163 | 157 | 96.3 | 6 | 3.7 | 11 | 100.0 | 0 | 0.0 |
| Larceny | 2,253 | 2,189 | 97.2 | 64 | 2.8 | 23 | 95.8 | 1 | 4.2 |
| Fraud | 6,686 | 6,453 | 96.5 | 233 | 3.5 | 204 | 98.1 | 4 | 1.9 |
| Embezzlement | 763 | 754 | 98.8 | 9 | 1.2 | 7 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 1,272 | 1,255 | 98.7 | 17 | 1.3 | 26 | 100.0 | 0 | 0.0 |
| Bribery | 254 | 239 | 94.1 | 15 | 5.9 | 3 | 60.0 | 2 | 40.0 |
| Tax | 572 | 525 | 91.8 | 47 | 8.2 | 25 | 92.6 | 2 | 7.4 |
| Money Laundering | 915 | 851 | 93.0 | 64 | 7.0 | 64 | 95.5 | 3 | 4.5 |
| Racketeering/Extortion | 645 | 583 | 90.4 | 62 | 9.6 | 81 | 91.0 | 8 | 9.0 |
| Gambling/Lottery | 126 | 124 | 98.4 | 2 | 1.6 | 2 | 100.0 | 0 | 0.0 |
| Civil Rights | 106 | 102 | 96.2 | 4 | 3.8 | 0 | -- | 0 | -- |
| Immigration | 10,447 | 10,341 | 99.0 | 106 | 1.0 | 72 | 97.3 | 2 | 2.7 |
| Pornography/Prostitution | 567 | 540 | 95.2 | 27 | 4.8 | 8 | 100.0 | 0 | 0.0 |
| Prison Offenses | 298 | 285 | 95.6 | 13 | 4.4 | 0 | 0.0 | 1 | 100.0 |
| Administration of Justice Offenses | 1,057 | 1,022 | 96.7 | 35 | 3.3 | 14 | 93.3 | 1 | 6.7 |
| Environmental/Wildlife | 189 | 180 | 95.2 | 9 | 4.8 | 5 | 100.0 | 0 | 0.0 |
| National Defense | 7 | 6 | 85.7 | 1 | 14.3 | 0 | -- | 0 | -- |
| Antitrust | 19 | 19 | 100.0 | 0 | 0.0 | 3 | 100.0 | 0 | 0.0 |
| Food & Drug | 75 | 72 | 96.0 | 3 | 4.0 | 4 | 100.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,075 | 1,015 | 94.4 | 60 | 5.6 | 16 | 100.0 | 0 | 0.0 |

Of the 59,897 guideline cases, 255 cases were excluded due to one or both of the following reasons: missing primary offense category (206) or missing mode of conviction (225).

Of the 1,353 guideline cases from the District of Eastern New York, 28 cases were excluded due to one or both of the following reasons: missing primary offense category (22) or missing mode of conviction (21).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 58,589 | 47,954 | 81.8 | 2,235 | 3.8 | 3,256 | 5.6 | 5,144 | 8.8 |
| Murder | 87 | 85 | 97.7 | 2 | 2.3 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 52 | 46 | 88.5 | 4 | 7.7 | 0 | 0.0 | 2 | 3.8 |
| Kidnapping/Hostage Taking | 55 | 54 | 98.2 | 1 | 1.8 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 210 | 185 | 88.1 | 5 | 2.4 | 10 | 4.8 | 10 | 4.8 |
| Assault | 431 | 345 | 80.0 | 14 | 3.2 | 17 | 3.9 | 55 | 12.8 |
| Robbery | 1,613 | 1,572 | 97.5 | 18 | 1.1 | 11 | 0.7 | 12 | 0.7 |
| Arson | 67 | 57 | 85.1 | 0 | 0.0 | 5 | 7.5 | 5 | 7.5 |
| Drugs - Trafficking | 23,753 | 22,272 | 93.8 | 497 | 2.1 | 470 | 2.0 | 514 | 2.2 |
| Drugs - Communication Facility | 468 | 378 | 80.8 | 12 | 2.6 | 48 | 10.3 | 30 | 6.4 |
| Drugs - Simple Possession | 552 | 255 | 46.2 | 3 | 0.5 | 32 | 5.8 | 262 | 47.5 |
| Firearms | 4,435 | 3,929 | 88.6 | 159 | 3.6 | 169 | 3.8 | 178 | 4.0 |
| Burglary/B&E | 38 | 35 | 92.1 | 0 | 0.0 | 1 | 2.6 | 2 | 5.3 |
| Auto Theft | 161 | 126 | 78.3 | 8 | 5.0 | 10 | 6.2 | 17 | 10.6 |
| Larceny | 2,185 | 826 | 37.8 | 164 | 7.5 | 395 | 18.1 | 800 | 36.6 |
| Fraud | 6,540 | 3,810 | 58.3 | 713 | 10.9 | 958 | 14.6 | 1,059 | 16.2 |
| Embezzlement | 739 | 258 | 34.9 | 175 | 23.7 | 108 | 14.6 | 198 | 26.8 |
| Forgery/Counterfeiting | 1,255 | 694 | 55.3 | 97 | 7.7 | 190 | 15.1 | 274 | 21.8 |
| Bribery | 246 | 87 | 35.4 | 7 | 2.8 | 36 | 14.6 | 116 | 47.2 |
| Tax | 564 | 228 | 40.4 | 69 | 12.2 | 150 | 26.6 | 117 | 20.7 |
| Money Laundering | 892 | 676 | 75.8 | 34 | 3.8 | 80 | 9.0 | 102 | 11.4 |
| Racketeering/Extortion | 634 | 562 | 88.6 | 16 | 2.5 | 36 | 5.7 | 20 | 3.2 |
| Gambling/Lottery | 126 | 38 | 30.2 | 11 | 8.7 | 37 | 29.4 | 40 | 31.7 |
| Civil Rights | 102 | 42 | 41.2 | 4 | 3.9 | 11 | 10.8 | 45 | 44.1 |
| Immigration | 10,200 | 9,614 | 94.3 | 102 | 1.0 | 129 | 1.3 | 355 | 3.5 |
| Pornography/Prostitution | 562 | 494 | 87.9 | 7 | 1.2 | 34 | 6.0 | 27 | 4.8 |
| Prison Offenses | 295 | 265 | 89.8 | 9 | 3.1 | 10 | 3.4 | 11 | 3.7 |
| Administration of Justice Offenses | 1,039 | 570 | 54.9 | 48 | 4.6 | 135 | 13.0 | 286 | 27.5 |
| Environmental/Wildlife | 175 | 45 | 25.7 | 10 | 5.7 | 36 | 20.6 | 84 | 48.0 |
| National Defense | 7 | 5 | 71.4 | 1 | 14.3 | 0 | 0.0 | 1 | 14.3 |
| Antitrust | 19 | 4 | 21.1 | 3 | 15.8 | 8 | 42.1 | 4 | 21.1 |
| Food & Drug | 74 | 16 | 21.6 | 2 | 2.7 | 13 | 17.6 | 43 | 58.1 |
| Other Miscellaneous Offenses | 1,013 | 381 | 37.6 | 40 | 3.9 | 117 | 11.5 | 475 | 46.9 |

Of the 59,897 guideline cases, 1,308 cases were excluded due to one or more of the following reasons: missing sentencing information (396), missing primary offense category (206), or cases in which the defendant received no imprisonment or probation (845).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

Table 5
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001

Eastern New York

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|--------------|--------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 1,321 | 1,044 | 79.0 | 36 | 2.7 | 92 | 7.0 | 149 | 11.3 |
| Murder | 6 | 5 | 83.3 | 1 | 16.7 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Assault | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Robbery | 9 | 9 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 645 | 588 | 91.2 | 5 | 0.8 | 15 | 2.3 | 37 | 5.7 |
| Drugs - Communication Facility | 12 | 10 | 83.3 | 0 | 0.0 | 1 | 8.3 | 1 | 8.3 |
| Drugs - Simple Possession | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 51 | 43 | 84.3 | 0 | 0.0 | 3 | 5.9 | 5 | 9.8 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 11 | 7 | 63.6 | 2 | 18.2 | 1 | 9.1 | 1 | 9.1 |
| Larceny | 24 | 13 | 54.2 | 0 | 0.0 | 1 | 4.2 | 10 | 41.7 |
| Fraud | 207 | 109 | 52.7 | 13 | 6.3 | 35 | 16.9 | 50 | 24.2 |
| Embezzlement | 6 | 1 | 16.7 | 3 | 50.0 | 2 | 33.3 | 0 | 0.0 |
| Forgery/Counterfeiting | 26 | 13 | 50.0 | 2 | 7.7 | 5 | 19.2 | 6 | 23.1 |
| Bribery | 5 | 2 | 40.0 | 0 | 0.0 | 1 | 20.0 | 2 | 40.0 |
| Tax | 26 | 15 | 57.7 | 0 | 0.0 | 4 | 15.4 | 7 | 26.9 |
| Money Laundering | 67 | 36 | 53.7 | 6 | 9.0 | 12 | 17.9 | 13 | 19.4 |
| Racketeering/Extortion | 89 | 83 | 93.3 | 1 | 1.1 | 3 | 3.4 | 2 | 2.2 |
| Gambling/Lottery | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Civil Rights | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Immigration | 74 | 68 | 91.9 | 1 | 1.4 | 3 | 4.1 | 2 | 2.7 |
| Pornography/Prostitution | 9 | 6 | 66.7 | 0 | 0.0 | 0 | 0.0 | 3 | 33.3 |
| Prison Offenses | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 16 | 10 | 62.5 | 1 | 6.3 | 1 | 6.3 | 4 | 25.0 |
| Environmental/Wildlife | 5 | 4 | 80.0 | 0 | 0.0 | 1 | 20.0 | 0 | 0.0 |
| National Defense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Antitrust | 3 | 0 | 0.0 | 0 | 0.0 | 2 | 66.7 | 1 | 33.3 |
| Food & Drug | 4 | 1 | 25.0 | 0 | 0.0 | 0 | 0.0 | 3 | 75.0 |
| Other Miscellaneous Offenses | 17 | 12 | 70.6 | 1 | 5.9 | 2 | 11.8 | 2 | 11.8 |

Of the 1,353 guideline cases from the District of Eastern New York, 32 cases were excluded due to one or more of the following reasons: missing sentencing information (2), missing primary offense category (22), or cases in which the defendant received no imprisonment or probation (18).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001**

| PRIMARY OFFENSE | TOTAL | National | | | | Eastern New York | | | |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|------------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 10,137 | 4,304 | 42.5 | 5,833 | 57.5 | 35 | 25.7 | 101 | 74.3 |
| Fraud | 2,133 | 777 | 36.4 | 1,356 | 63.6 | 16 | 28.6 | 40 | 71.4 |
| Larceny | 1,328 | 255 | 19.2 | 1,073 | 80.8 | 1 | 14.3 | 6 | 85.7 |
| Immigration | 2,378 | 1,955 | 82.2 | 423 | 17.8 | 3 | 60.0 | 2 | 40.0 |
| Embezzlement | 434 | 155 | 35.7 | 279 | 64.3 | 1 | 50.0 | 1 | 50.0 |
| Drugs - Trafficking | 522 | 223 | 42.7 | 299 | 57.3 | 5 | 35.7 | 9 | 64.3 |
| Drugs - Simple Possession | 464 | 179 | 38.6 | 285 | 61.4 | 0 | -- | 0 | -- |
| Firearms | 271 | 125 | 46.1 | 146 | 53.9 | 1 | 33.3 | 2 | 66.7 |
| Forgery/Counterfeiting | 538 | 146 | 27.1 | 392 | 72.9 | 3 | 37.5 | 5 | 62.5 |
| Other Miscellaneous Offenses | 2,069 | 489 | 23.6 | 1,580 | 76.4 | 5 | 12.2 | 36 | 87.8 |

Of the 59,897 guideline cases, 49,760 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (49,664), missing sentencing information (396) or missing primary offense category (206).

Of the 1,353 guideline cases from the District of Eastern New York, 1,217 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (1,208), missing sentencing information (2) or missing primary offense category (22).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001**

| PRIMARY OFFENSE | National | | | Eastern New York | | |
|---|----------------|------------------|---------------|------------------|------------------|--------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 54.9 | 33.0 | 49,613 | 44.3 | 30.0 | 1,049 |
| Murder | 210.6 | 153.5 | 86 | 93.0 | 63.0 | 6 |
| Manslaughter | 34.1 | 21.0 | 50 | -- | -- | 1 |
| Kidnapping/Hostage Taking | 184.8 | 127.5 | 52 | -- | -- | 1 |
| Sexual Abuse | 65.2 | 36.0 | 189 | -- | -- | 0 |
| Assault | 37.4 | 30.0 | 351 | -- | -- | 1 |
| Robbery | 95.7 | 70.0 | 1,585 | 105.3 | 70.0 | 9 |
| Arson | 97.3 | 60.0 | 57 | 22.0 | 24.0 | 3 |
| Drugs - Trafficking | 72.7 | 51.0 | 22,622 | 43.6 | 33.0 | 572 |
| Drugs - Communication Facility | 47.8 | 48.0 | 390 | 56.7 | 48.0 | 10 |
| Drugs - Simple Possession | 15.7 | 6.0 | 245 | -- | -- | 0 |
| Firearms | 72.0 | 46.0 | 4,082 | 64.3 | 37.0 | 43 |
| Burglary/B&E | 24.1 | 20.0 | 35 | -- | -- | 0 |
| Auto Theft | 59.7 | 24.0 | 132 | 31.1 | 21.0 | 9 |
| Larceny | 15.7 | 12.0 | 975 | 21.1 | 24.0 | 13 |
| Fraud | 18.7 | 14.0 | 4,432 | 19.5 | 15.0 | 117 |
| Embezzlement | 7.9 | 5.0 | 421 | 4.3 | 4.0 | 4 |
| Forgery/Counterfeiting | 17.0 | 15.0 | 778 | 10.0 | 9.0 | 14 |
| Bribery | 19.0 | 12.0 | 91 | -- | -- | 2 |
| Tax | 16.6 | 12.0 | 296 | 22.1 | 15.0 | 15 |
| Money Laundering | 47.7 | 37.0 | 702 | 27.3 | 18.0 | 39 |
| Racketeering/Extortion | 105.2 | 60.0 | 573 | 101.2 | 71.0 | 83 |
| Gambling/Lottery | 12.1 | 9.0 | 48 | -- | -- | 2 |
| Civil Rights | 29.2 | 19.5 | 46 | -- | -- | 0 |
| Immigration | 27.8 | 24.0 | 9,499 | 35.9 | 36.0 | 69 |
| Pornography/Prostitution | 59.1 | 36.0 | 499 | 65.3 | 55.5 | 6 |
| Prison Offenses | 18.0 | 12.0 | 272 | -- | -- | 1 |
| Administration of Justice Offenses | 25.2 | 18.0 | 604 | 21.9 | 15.0 | 11 |
| Environmental/Wildlife | 13.7 | 10.0 | 55 | 18.3 | 18.0 | 4 |
| National Defense | 31.0 | 30.0 | 5 | -- | -- | 0 |
| Antitrust | 8.4 | 6.0 | 7 | -- | -- | 0 |
| Food & Drug | 20.0 | 15.0 | 18 | -- | -- | 1 |
| Other Miscellaneous Offenses | 19.4 | 10.0 | 416 | 27.0 | 18.0 | 13 |

Of the 59,897 guideline cases, 10,284 cases were excluded for one or more of the following reasons: zero months prison ordered (9,247), missing primary offense category (206) or missing or indeterminable sentencing information (977).

Of the 1,353 guideline cases from the District of Eastern New York, 304 cases were excluded due to one or more of the following reasons: zero prison months ordered (262), missing primary offense category (22) or missing or indeterminable sentencing information (33).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 2001**

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 54,851 | 35,128 | 64.0 | 9,390 | 17.1 | 10,026 | 18.3 | 307 | 0.6 |
| D.C. CIRCUIT | 260 | 194 | 74.6 | 36 | 13.8 | 29 | 11.2 | 1 | 0.4 |
| District of Columbia | 260 | 194 | 74.6 | 36 | 13.8 | 29 | 11.2 | 1 | 0.4 |
| FIRST CIRCUIT | 1,478 | 1,083 | 73.3 | 216 | 14.6 | 173 | 11.7 | 6 | 0.4 |
| Maine | 195 | 145 | 74.4 | 45 | 23.1 | 5 | 2.6 | 0 | 0.0 |
| Massachusetts | 484 | 296 | 61.2 | 83 | 17.1 | 100 | 20.7 | 5 | 1.0 |
| New Hampshire | 137 | 81 | 59.1 | 42 | 30.7 | 14 | 10.2 | 0 | 0.0 |
| Puerto Rico | 562 | 483 | 85.9 | 38 | 6.8 | 41 | 7.3 | 0 | 0.0 |
| Rhode Island | 100 | 78 | 78.0 | 8 | 8.0 | 13 | 13.0 | 1 | 1.0 |
| SECOND CIRCUIT | 3,919 | 2,255 | 57.5 | 851 | 21.7 | 798 | 20.4 | 15 | 0.4 |
| Connecticut | 281 | 151 | 53.7 | 33 | 11.7 | 95 | 33.8 | 2 | 0.7 |
| New York | | | | | | | | | |
| Eastern | 1,216 | 632 | 52.0 | 236 | 19.4 | 345 | 28.4 | 3 | 0.2 |
| Northern | 495 | 224 | 45.3 | 147 | 29.7 | 123 | 24.8 | 1 | 0.2 |
| Southern | 1,364 | 942 | 69.1 | 250 | 18.3 | 167 | 12.2 | 5 | 0.4 |
| Western | 452 | 250 | 55.3 | 157 | 34.7 | 42 | 9.3 | 3 | 0.7 |
| Vermont | 111 | 56 | 50.5 | 28 | 25.2 | 26 | 23.4 | 1 | 0.9 |
| THIRD CIRCUIT | 2,558 | 1,539 | 60.2 | 782 | 30.6 | 225 | 8.8 | 12 | 0.5 |
| Delaware | 81 | 62 | 76.5 | 14 | 17.3 | 5 | 6.2 | 0 | 0.0 |
| New Jersey | 842 | 530 | 62.9 | 216 | 25.7 | 94 | 11.2 | 2 | 0.2 |
| Pennsylvania | | | | | | | | | |
| Eastern | 909 | 475 | 52.3 | 366 | 40.3 | 63 | 6.9 | 5 | 0.6 |
| Middle | 365 | 206 | 56.4 | 122 | 33.4 | 34 | 9.3 | 3 | 0.8 |
| Western | 271 | 196 | 72.3 | 52 | 19.2 | 23 | 8.5 | 0 | 0.0 |
| Virgin Islands | 90 | 70 | 77.8 | 12 | 13.3 | 6 | 6.7 | 2 | 2.2 |
| FOURTH CIRCUIT | 4,676 | 3,444 | 73.7 | 946 | 20.2 | 245 | 5.2 | 41 | 0.9 |
| Maryland | 579 | 321 | 55.4 | 161 | 27.8 | 92 | 15.9 | 5 | 0.9 |
| North Carolina | | | | | | | | | |
| Eastern | 500 | 319 | 63.8 | 144 | 28.8 | 24 | 4.8 | 13 | 2.6 |
| Middle | 440 | 352 | 80.0 | 65 | 14.8 | 13 | 3.0 | 10 | 2.3 |
| Western | 464 | 250 | 53.9 | 177 | 38.1 | 36 | 7.8 | 1 | 0.2 |
| South Carolina | 739 | 557 | 75.4 | 167 | 22.6 | 15 | 2.0 | 0 | 0.0 |
| Virginia | | | | | | | | | |
| Eastern | 1,055 | 940 | 89.1 | 73 | 6.9 | 37 | 3.5 | 5 | 0.5 |
| Western | 379 | 257 | 67.8 | 114 | 30.1 | 7 | 1.8 | 1 | 0.3 |
| West Virginia | | | | | | | | | |
| Northern | 182 | 158 | 86.8 | 11 | 6.0 | 11 | 6.0 | 2 | 1.1 |
| Southern | 338 | 290 | 85.8 | 34 | 10.1 | 10 | 3.0 | 4 | 1.2 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 11,149 | 7,708 | 69.1 | 1,369 | 12.3 | 2,013 | 18.1 | 59 | 0.5 |
| Louisiana | | | | | | | | | |
| Eastern | 442 | 363 | 82.1 | 36 | 8.1 | 43 | 9.7 | 0 | 0.0 |
| Middle | 154 | 116 | 75.3 | 24 | 15.6 | 12 | 7.8 | 2 | 1.3 |
| Western | 264 | 203 | 76.9 | 45 | 17.0 | 14 | 5.3 | 2 | 0.8 |
| Mississippi | | | | | | | | | |
| Northern | 142 | 81 | 57.0 | 47 | 33.1 | 14 | 9.9 | 0 | 0.0 |
| Southern | 416 | 330 | 79.3 | 66 | 15.9 | 19 | 4.6 | 1 | 0.2 |
| Texas | | | | | | | | | |
| Eastern | 527 | 409 | 77.6 | 61 | 11.6 | 52 | 9.9 | 5 | 0.9 |
| Northern | 1,136 | 812 | 71.5 | 236 | 20.8 | 74 | 6.5 | 14 | 1.2 |
| Southern | 3,545 | 2,429 | 68.5 | 477 | 13.5 | 622 | 17.5 | 17 | 0.5 |
| Western | 4,523 | 2,965 | 65.6 | 377 | 8.3 | 1,163 | 25.7 | 18 | 0.4 |
| SIXTH CIRCUIT | 4,184 | 2,723 | 65.1 | 1,138 | 27.2 | 304 | 7.3 | 19 | 0.5 |
| Kentucky | | | | | | | | | |
| Eastern | 566 | 368 | 65.0 | 190 | 33.6 | 8 | 1.4 | 0 | 0.0 |
| Western | 291 | 238 | 81.8 | 33 | 11.3 | 20 | 6.9 | 0 | 0.0 |
| Michigan | | | | | | | | | |
| Eastern | 699 | 427 | 61.1 | 218 | 31.2 | 52 | 7.4 | 2 | 0.3 |
| Western | 347 | 222 | 64.0 | 90 | 25.9 | 32 | 9.2 | 3 | 0.9 |
| Ohio | | | | | | | | | |
| Northern | 815 | 557 | 68.3 | 177 | 21.7 | 78 | 9.6 | 3 | 0.4 |
| Southern | 361 | 193 | 53.5 | 123 | 34.1 | 42 | 11.6 | 3 | 0.8 |
| Tennessee | | | | | | | | | |
| Eastern | 518 | 352 | 68.0 | 131 | 25.3 | 34 | 6.6 | 1 | 0.2 |
| Middle | 228 | 133 | 58.3 | 76 | 33.3 | 19 | 8.3 | 0 | 0.0 |
| Western | 359 | 233 | 64.9 | 100 | 27.9 | 19 | 5.3 | 7 | 1.9 |
| SEVENTH CIRCUIT | 2,389 | 1,696 | 71.0 | 506 | 21.2 | 164 | 6.9 | 23 | 1.0 |
| Illinois | | | | | | | | | |
| Central | 291 | 154 | 52.9 | 118 | 40.5 | 18 | 6.2 | 1 | 0.3 |
| Northern | 786 | 512 | 65.1 | 178 | 22.6 | 86 | 10.9 | 10 | 1.3 |
| Southern | 358 | 305 | 85.2 | 36 | 10.1 | 17 | 4.7 | 0 | 0.0 |
| Indiana | | | | | | | | | |
| Northern | 304 | 228 | 75.0 | 63 | 20.7 | 13 | 4.3 | 0 | 0.0 |
| Southern | 225 | 146 | 64.9 | 65 | 28.9 | 9 | 4.0 | 5 | 2.2 |
| Wisconsin | | | | | | | | | |
| Eastern | 281 | 230 | 81.9 | 34 | 12.1 | 16 | 5.7 | 1 | 0.4 |
| Western | 144 | 121 | 84.0 | 12 | 8.3 | 5 | 3.5 | 6 | 4.2 |
| EIGHTH CIRCUIT | 3,486 | 2,329 | 66.8 | 767 | 22.0 | 367 | 10.5 | 23 | 0.7 |
| Arkansas | | | | | | | | | |
| Eastern | 239 | 198 | 82.8 | 31 | 13.0 | 10 | 4.2 | 0 | 0.0 |
| Western | 144 | 108 | 75.0 | 32 | 22.2 | 4 | 2.8 | 0 | 0.0 |
| Iowa | | | | | | | | | |
| Northern | 322 | 206 | 64.0 | 84 | 26.1 | 26 | 8.1 | 6 | 1.9 |
| Southern | 302 | 158 | 52.3 | 92 | 30.5 | 52 | 17.2 | 0 | 0.0 |
| Minnesota | 379 | 231 | 60.9 | 73 | 19.3 | 73 | 19.3 | 2 | 0.5 |
| Missouri | | | | | | | | | |
| Eastern | 544 | 397 | 73.0 | 115 | 21.1 | 32 | 5.9 | 0 | 0.0 |
| Western | 659 | 382 | 58.0 | 242 | 36.7 | 31 | 4.7 | 4 | 0.6 |
| Nebraska | | | | | | | | | |
| Eastern | 466 | 325 | 69.7 | 54 | 11.6 | 87 | 18.7 | 0 | 0.0 |
| North Dakota | | | | | | | | | |
| Eastern | 148 | 97 | 65.5 | 27 | 18.2 | 22 | 14.9 | 2 | 1.4 |
| South Dakota | | | | | | | | | |
| Eastern | 283 | 227 | 80.2 | 17 | 6.0 | 30 | 10.6 | 9 | 3.2 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 11,808 | 5,921 | 50.1 | 1,267 | 10.7 | 4,568 | 38.7 | 52 | 0.4 |
| Alaska | 188 | 137 | 72.9 | 19 | 10.1 | 32 | 17.0 | 0 | 0.0 |
| Arizona | 3,009 | 895 | 29.7 | 202 | 6.7 | 1,889 | 62.8 | 23 | 0.8 |
| California | | | | | | | | | |
| Central | 687 | 550 | 80.1 | 61 | 8.9 | 74 | 10.8 | 2 | 0.3 |
| Eastern | 833 | 599 | 71.9 | 168 | 20.2 | 66 | 7.9 | 0 | 0.0 |
| Northern | 798 | 527 | 66.0 | 73 | 9.1 | 192 | 24.1 | 6 | 0.8 |
| Southern | 3,459 | 1,429 | 41.3 | 276 | 8.0 | 1,747 | 50.5 | 7 | 0.2 |
| Guam | 71 | 55 | 77.5 | 14 | 19.7 | 1 | 1.4 | 1 | 1.4 |
| Hawaii | 344 | 221 | 64.2 | 82 | 23.8 | 37 | 10.8 | 4 | 1.2 |
| Idaho | 112 | 71 | 63.4 | 25 | 22.3 | 15 | 13.4 | 1 | 0.9 |
| Montana | 304 | 196 | 64.5 | 70 | 23.0 | 36 | 11.8 | 2 | 0.7 |
| Nevada | 523 | 383 | 73.2 | 64 | 12.2 | 74 | 14.1 | 2 | 0.4 |
| Northern Mariana Islands | 16 | 8 | 50.0 | 8 | 50.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 585 | 389 | 66.5 | 84 | 14.4 | 109 | 18.6 | 3 | 0.5 |
| Washington | | | | | | | | | |
| Eastern | 309 | 127 | 41.1 | 22 | 7.1 | 160 | 51.8 | 0 | 0.0 |
| Western | 570 | 334 | 58.6 | 99 | 17.4 | 136 | 23.9 | 1 | 0.2 |
| TENTH CIRCUIT | 2,979 | 1,936 | 65.0 | 327 | 11.0 | 695 | 23.3 | 21 | 0.7 |
| Colorado | 470 | 293 | 62.3 | 110 | 23.4 | 66 | 14.0 | 1 | 0.2 |
| Kansas | 442 | 315 | 71.3 | 75 | 17.0 | 51 | 11.5 | 1 | 0.2 |
| New Mexico | 1,311 | 714 | 54.5 | 86 | 6.6 | 507 | 38.7 | 4 | 0.3 |
| Oklahoma | | | | | | | | | |
| Eastern | 93 | 70 | 75.3 | 2 | 2.2 | 19 | 20.4 | 2 | 2.2 |
| Northern | 119 | 96 | 80.7 | 10 | 8.4 | 11 | 9.2 | 2 | 1.7 |
| Western | 203 | 161 | 79.3 | 24 | 11.8 | 10 | 4.9 | 8 | 3.9 |
| Utah | 198 | 180 | 90.9 | 1 | 0.5 | 17 | 8.6 | 0 | 0.0 |
| Wyoming | 143 | 107 | 74.8 | 19 | 13.3 | 14 | 9.8 | 3 | 2.1 |
| ELEVENTH CIRCUIT | 5,965 | 4,300 | 72.1 | 1,185 | 19.9 | 445 | 7.5 | 35 | 0.6 |
| Alabama | | | | | | | | | |
| Middle | 154 | 77 | 50.0 | 55 | 35.7 | 22 | 14.3 | 0 | 0.0 |
| Northern | 358 | 255 | 71.2 | 88 | 24.6 | 12 | 3.4 | 3 | 0.8 |
| Southern | 284 | 193 | 68.0 | 64 | 22.5 | 23 | 8.1 | 4 | 1.4 |
| Florida | | | | | | | | | |
| Middle | 1,273 | 851 | 66.8 | 332 | 26.1 | 84 | 6.6 | 6 | 0.5 |
| Northern | 362 | 246 | 68.0 | 92 | 25.4 | 17 | 4.7 | 7 | 1.9 |
| Southern | 2,171 | 1,737 | 80.0 | 289 | 13.3 | 140 | 6.4 | 5 | 0.2 |
| Georgia | | | | | | | | | |
| Middle | 330 | 227 | 68.8 | 79 | 23.9 | 21 | 6.4 | 3 | 0.9 |
| Northern | 709 | 471 | 66.4 | 128 | 18.1 | 105 | 14.8 | 5 | 0.7 |
| Southern | 324 | 243 | 75.0 | 58 | 17.9 | 21 | 6.5 | 2 | 0.6 |

Of the 59,897 guideline cases, 324 cases with no analogous guidelines were excluded from the table. Of the remaining 59,573 cases, 4,722 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Utah (61.6%), Central California (58.0%), Eastern Virginia (32.5%), Puerto Rico (18.9%), Southern California (18.0%), Western Washington (15.7%), Western North Carolina (15.0%), Guam (13.4%), Western Kentucky (11.8%), Oregon (10.8%), Eastern New York (10.1%), Middle Alabama (8.9%), Middle Georgia (8.3%), South Carolina (7.9%), Western Pennsylvania (7.8%), Eastern Texas (6.7%), Western Louisiana (6.7%), Middle Pennsylvania (6.4%), Northern New York (6.3%), Southern Florida (6.2%), Eastern North Carolina (6.2%), Southern West Virginia (5.8%), Massachusetts (5.8%), and Eastern Washington (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2001**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 54,785 | 35,096 | 64.1 | 9,369 | 17.1 | 10,013 | 18.3 | 307 | 0.6 |
| Robbery | 1,511 | 1,098 | 72.7 | 214 | 14.2 | 183 | 12.1 | 16 | 1.1 |
| Drugs - Trafficking | 22,882 | 12,720 | 55.6 | 6,023 | 26.3 | 4,101 | 17.9 | 38 | 0.2 |
| Drugs - Simple Possession | 453 | 421 | 92.9 | 15 | 3.3 | 11 | 2.4 | 6 | 1.3 |
| Firearms | 4,113 | 3,087 | 75.1 | 507 | 12.3 | 484 | 11.8 | 35 | 0.9 |
| Larceny | 2,019 | 1,688 | 83.6 | 160 | 7.9 | 148 | 7.3 | 23 | 1.1 |
| Fraud | 6,080 | 4,297 | 70.7 | 1,055 | 17.4 | 669 | 11.0 | 59 | 1.0 |
| Embezzlement | 707 | 579 | 81.9 | 24 | 3.4 | 103 | 14.6 | 1 | 0.1 |
| Forgery/Counterfeiting | 1,179 | 946 | 80.2 | 136 | 11.5 | 84 | 7.1 | 13 | 1.1 |
| Immigration | 9,277 | 5,680 | 61.2 | 258 | 2.8 | 3,310 | 35.7 | 29 | 0.3 |
| Other Miscellaneous Offenses | 6,564 | 4,580 | 69.8 | 977 | 14.9 | 920 | 14.0 | 87 | 1.3 |

Eastern New York

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|--------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 1,204 | 627 | 52.1 | 234 | 19.4 | 340 | 28.2 | 3 | 0.2 |
| Robbery | 10 | 3 | 30.0 | 1 | 10.0 | 6 | 60.0 | 0 | 0.0 |
| Drugs - Trafficking | 608 | 308 | 50.7 | 126 | 20.7 | 174 | 28.6 | 0 | 0.0 |
| Drugs - Simple Possession | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 48 | 32 | 66.7 | 9 | 18.8 | 6 | 12.5 | 1 | 2.1 |
| Larceny | 20 | 12 | 60.0 | 3 | 15.0 | 5 | 25.0 | 0 | 0.0 |
| Fraud | 179 | 80 | 44.7 | 48 | 26.8 | 49 | 27.4 | 2 | 1.1 |
| Embezzlement | 4 | 3 | 75.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 24 | 19 | 79.2 | 0 | 0.0 | 5 | 20.8 | 0 | 0.0 |
| Immigration | 71 | 41 | 57.7 | 2 | 2.8 | 28 | 39.4 | 0 | 0.0 |
| Other Miscellaneous Offenses | 240 | 129 | 53.8 | 45 | 18.8 | 66 | 27.5 | 0 | 0.0 |

Of the 59,897 guideline cases, 5,112 cases were excluded due to one or more of the following reasons: no analogous guidelines (324), missing or indeterminable departure information (4,722) or missing primary offense category (206).

Of the 1,353 guideline cases from the District of Eastern New York, 149 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (137) or missing primary offense category (22).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.