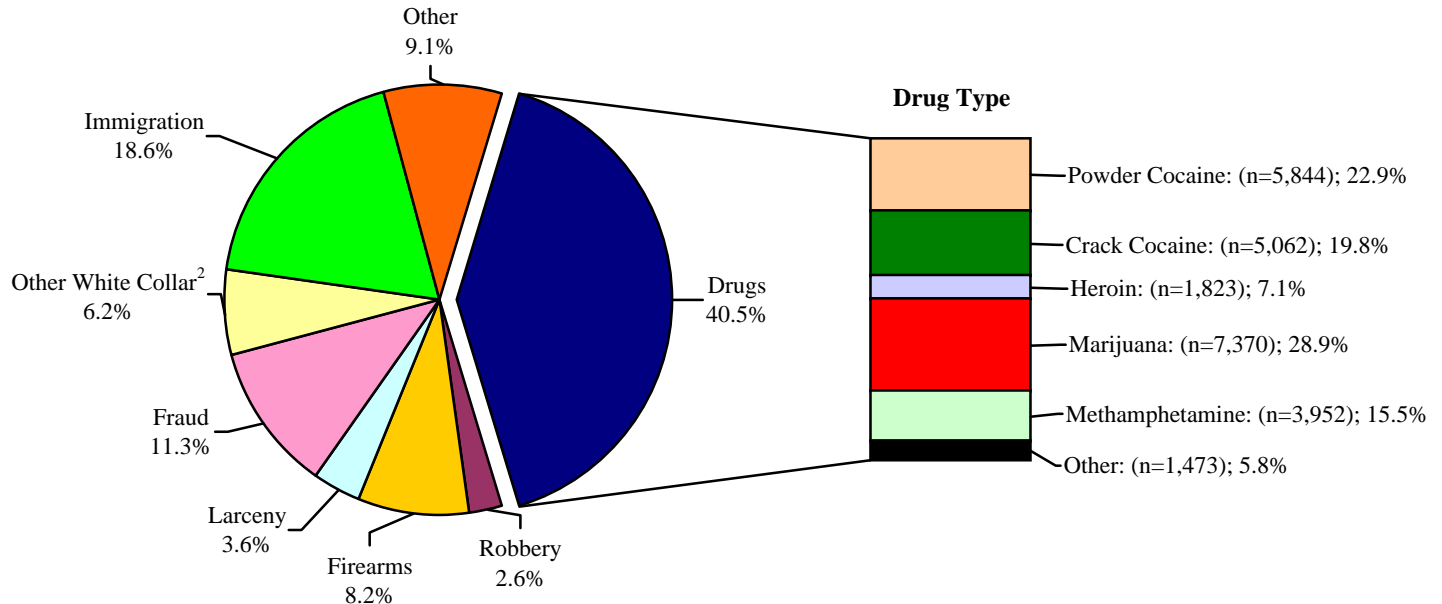


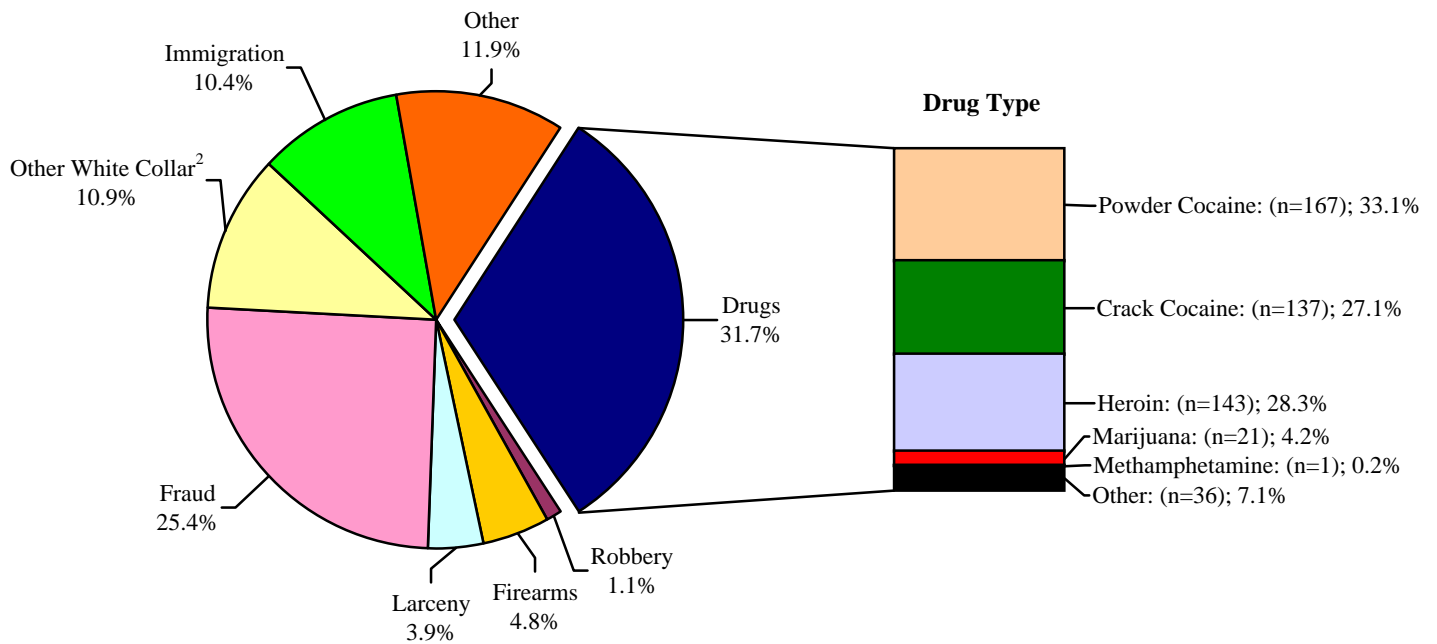
**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2002**

**National**



**Southern New York**



<sup>1</sup>Of the 64,366 guideline cases, 1,296 cases were excluded due to one of the following reasons: missing primary offense category (393) or missing drug type (903). Of the 1,608 guideline cases from the District of Southern New York, 16 cases were excluded due to one of the following reasons: missing primary offense category (10) or missing drug type (6).

<sup>2</sup>The 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 2002**

PRIMARY OFFENSE	National		Southern New York	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>63,973</b>	<b>100.0</b>	<b>1,598</b>	<b>100.0</b>
Murder	84	0.1	8	0.5
Manslaughter	59	0.1	1	0.1
Kidnapping/Hostage Taking	66	0.1	8	0.5
Sexual Abuse	212	0.3	0	0.0
Assault	492	0.8	6	0.4
Robbery	1,632	2.6	17	1.1
Arson	65	0.1	1	0.1
Drugs - Trafficking	25,376	39.7	488	30.5
Drugs - Communication Facility	459	0.7	22	1.4
Drugs - Simple Possession	592	0.9	1	0.1
Firearms	5,180	8.1	76	4.8
Burglary/B&E	43	0.1	3	0.2
Auto Theft	162	0.3	6	0.4
Larceny	2,251	3.5	62	3.9
Fraud	7,108	11.1	404	25.3
Embezzlement	734	1.1	14	0.9
Forgery/Counterfeiting	1,466	2.3	37	2.3
Bribery	168	0.3	20	1.3
Tax	622	1.0	43	2.7
Money Laundering	940	1.5	59	3.7
Racketeering/Extortion	828	1.3	95	5.9
Gambling/Lottery	104	0.2	0	0.0
Civil Rights	93	0.1	0	0.0
Immigration	11,736	18.3	165	10.3
Pornography/Prostitution	665	1.0	10	0.6
Prison Offenses	320	0.5	4	0.3
Administration of Justice Offenses	1,107	1.7	17	1.1
Environmental/Wildlife	140	0.2	1	0.1
National Defense	10	0.0	0	0.0
Antitrust	17	0.0	12	0.8
Food & Drug	91	0.1	5	0.3
Other Miscellaneous Offenses	1,151	1.8	13	0.8

Of the 64,366 guideline cases, 393 cases were excluded due to missing information on primary offense category.

Of the 1,608 guideline cases from the District of Southern New York, 10 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2002**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>63,996</b>	<b>62,145</b>	<b>97.1</b>	<b>1,851</b>	<b>2.9</b>
<b>D.C. CIRCUIT</b>	<b>420</b>	<b>398</b>	<b>94.8</b>	<b>22</b>	<b>5.2</b>
District of Columbia	420	398	94.8	22	5.2
<b>FIRST CIRCUIT</b>	<b>2,013</b>	<b>1,945</b>	<b>96.6</b>	<b>68</b>	<b>3.4</b>
Maine	218	210	96.3	8	3.7
Massachusetts	619	603	97.4	16	2.6
New Hampshire	130	123	94.6	7	5.4
Puerto Rico	897	867	96.7	30	3.3
Rhode Island	149	142	95.3	7	4.7
<b>SECOND CIRCUIT</b>	<b>4,658</b>	<b>4,511</b>	<b>96.8</b>	<b>147</b>	<b>3.2</b>
Connecticut	332	324	97.6	8	2.4
New York					
Eastern	1,711	1,674	97.8	37	2.2
Northern	391	380	97.2	11	2.8
Southern	1,596	1,523	95.4	73	4.6
Western	451	433	96.0	18	4.0
Vermont	177	177	100.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,761</b>	<b>2,656</b>	<b>96.2</b>	<b>105</b>	<b>3.8</b>
Delaware	85	84	98.8	1	1.2
New Jersey	831	817	98.3	14	1.7
Pennsylvania					
Eastern	976	915	93.8	61	6.3
Middle	440	432	98.2	8	1.8
Western	342	332	97.1	10	2.9
Virgin Islands	87	76	87.4	11	12.6
<b>FOURTH CIRCUIT</b>	<b>5,726</b>	<b>5,491</b>	<b>95.9</b>	<b>235</b>	<b>4.1</b>
Maryland	524	487	92.9	37	7.1
North Carolina					
Eastern	603	586	97.2	17	2.8
Middle	445	425	95.5	20	4.5
Western	591	572	96.8	19	3.2
South Carolina	1,018	989	97.2	29	2.8
Virginia					
Eastern	1,615	1,545	95.7	70	4.3
Western	400	378	94.5	22	5.5
West Virginia					
Northern	268	260	97.0	8	3.0
Southern	262	249	95.0	13	5.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>12,603</b>	<b>12,340</b>	<b>97.9</b>	<b>263</b>	<b>2.1</b>
Louisiana					
Eastern	375	366	97.6	9	2.4
Middle	114	109	95.6	5	4.4
Western	360	347	96.4	13	3.6
Mississippi					
Northern	165	161	97.6	4	2.4
Southern	363	351	96.7	12	3.3
Texas					
Eastern	628	616	98.1	12	1.9
Northern	1,038	1,012	97.5	26	2.5
Southern	4,582	4,488	97.9	94	2.1
Western	4,978	4,890	98.2	88	1.8
<b>SIXTH CIRCUIT</b>	<b>4,731</b>	<b>4,572</b>	<b>96.6</b>	<b>159</b>	<b>3.4</b>
Kentucky					
Eastern	472	460	97.5	12	2.5
Western	437	422	96.6	15	3.4
Michigan					
Eastern	768	733	95.4	35	4.6
Western	390	372	95.4	18	4.6
Ohio					
Northern	868	842	97.0	26	3.0
Southern	392	387	98.7	5	1.3
Tennessee					
Eastern	622	601	96.6	21	3.4
Middle	322	313	97.2	9	2.8
Western	460	442	96.1	18	3.9
<b>SEVENTH CIRCUIT</b>	<b>2,806</b>	<b>2,667</b>	<b>95.0</b>	<b>139</b>	<b>5.0</b>
Illinois					
Central	347	338	97.4	9	2.6
Northern	1,116	1,040	93.2	76	6.8
Southern	293	283	96.6	10	3.4
Indiana					
Northern	404	380	94.1	24	5.9
Southern	239	230	96.2	9	3.8
Wisconsin					
Eastern	283	274	96.8	9	3.2
Western	124	122	98.4	2	1.6
<b>EIGHTH CIRCUIT</b>	<b>3,685</b>	<b>3,541</b>	<b>96.1</b>	<b>144</b>	<b>3.9</b>
Arkansas					
Eastern	245	234	95.5	11	4.5
Western	143	138	96.5	5	3.5
Iowa					
Northern	356	343	96.3	13	3.7
Southern	291	274	94.2	17	5.8
Minnesota	391	371	94.9	20	5.1
Missouri					
Eastern	628	619	98.6	9	1.4
Western	654	622	95.1	32	4.9
Nebraska	528	518	98.1	10	1.9
North Dakota	147	139	94.6	8	5.4
South Dakota	302	283	93.7	19	6.3

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>13,852</b>	<b>13,618</b>	<b>98.3</b>	<b>234</b>	<b>1.7</b>
Alaska	165	154	93.3	11	6.7
Arizona	3,473	3,448	99.3	25	0.7
California					
Central	1,718	1,689	98.3	29	1.7
Eastern	768	748	97.4	20	2.6
Northern	730	715	97.9	15	2.1
Southern	3,878	3,824	98.6	54	1.4
Guam	138	134	97.1	4	2.9
Hawaii	374	361	96.5	13	3.5
Idaho	200	192	96.0	8	4.0
Montana	348	330	94.8	18	5.2
Nevada	606	591	97.5	15	2.5
Northern Mariana Islands	6	6	100.0	0	0.0
Oregon	549	542	98.7	7	1.3
Washington					
Eastern	304	298	98.0	6	2.0
Western	595	586	98.5	9	1.5
<b>TENTH CIRCUIT</b>	<b>4,109</b>	<b>4,028</b>	<b>98.0</b>	<b>81</b>	<b>2.0</b>
Colorado	570	557	97.7	13	2.3
Kansas	514	502	97.7	12	2.3
New Mexico	1,807	1,788	98.9	19	1.1
Oklahoma					
Eastern	83	81	97.6	2	2.4
Northern	153	145	94.8	8	5.2
Western	179	170	95.0	9	5.0
Utah	669	658	98.4	11	1.6
Wyoming	134	127	94.8	7	5.2
<b>ELEVENTH CIRCUIT</b>	<b>6,632</b>	<b>6,378</b>	<b>96.2</b>	<b>254</b>	<b>3.8</b>
Alabama					
Middle	158	147	93.0	11	7.0
Northern	512	504	98.4	8	1.6
Southern	311	302	97.1	9	2.9
Florida					
Middle	1,457	1,391	95.5	66	4.5
Northern	334	315	94.3	19	5.7
Southern	2,434	2,334	95.9	100	4.1
Georgia					
Middle	352	340	96.6	12	3.4
Northern	784	760	96.9	24	3.1
Southern	290	285	98.3	5	1.7

Of the 64,366 guideline cases, 370 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2002**

PRIMARY OFFENSE	TOTAL	National				Southern New York			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>63,935</b>	<b>62,084</b>	<b>97.1</b>	<b>1,851</b>	<b>2.9</b>	<b>1,523</b>	<b>95.4</b>	<b>73</b>	<b>4.6</b>
<b>Murder</b>	<b>84</b>	67	79.8	17	20.2	4	50.0	4	50.0
<b>Manslaughter</b>	<b>59</b>	56	94.9	3	5.1	1	100.0	0	0.0
<b>Kidnapping/Hostage Taking</b>	<b>64</b>	57	89.1	7	10.9	8	100.0	0	0.0
<b>Sexual Abuse</b>	<b>212</b>	202	95.3	10	4.7	0	--	0	--
<b>Assault</b>	<b>492</b>	450	91.5	42	8.5	5	83.3	1	16.7
<b>Robbery</b>	<b>1,631</b>	1,579	96.8	52	3.2	17	100.0	0	0.0
<b>Arson</b>	<b>64</b>	53	82.8	11	17.2	1	100.0	0	0.0
<b>Drugs - Trafficking</b>	<b>25,361</b>	24,595	97.0	766	3.0	462	94.7	26	5.3
<b>Drugs - Communication Facility</b>	<b>459</b>	458	99.8	1	0.2	22	100.0	0	0.0
<b>Drugs - Simple Possession</b>	<b>592</b>	583	98.5	9	1.5	1	100.0	0	0.0
<b>Firearms</b>	<b>5,173</b>	4,923	95.2	250	4.8	70	93.3	5	6.7
<b>Burglary/B&amp;E</b>	<b>43</b>	41	95.3	2	4.7	3	100.0	0	0.0
<b>Auto Theft</b>	<b>162</b>	153	94.4	9	5.6	6	100.0	0	0.0
<b>Larceny</b>	<b>2,250</b>	2,220	98.7	30	1.3	62	100.0	0	0.0
<b>Fraud</b>	<b>7,107</b>	6,880	96.8	227	3.2	387	95.8	17	4.2
<b>Embezzlement</b>	<b>734</b>	729	99.3	5	0.7	14	100.0	0	0.0
<b>Forgery/Counterfeiting</b>	<b>1,466</b>	1,449	98.8	17	1.2	35	94.6	2	5.4
<b>Bribery</b>	<b>168</b>	159	94.6	9	5.4	18	90.0	2	10.0
<b>Tax</b>	<b>622</b>	600	96.5	22	3.5	43	100.0	0	0.0
<b>Money Laundering</b>	<b>939</b>	870	92.7	69	7.3	56	94.9	3	5.1
<b>Racketeering/Extortion</b>	<b>828</b>	769	92.9	59	7.1	90	94.7	5	5.3
<b>Gambling/Lottery</b>	<b>104</b>	104	100.0	0	0.0	0	--	0	--
<b>Civil Rights</b>	<b>93</b>	82	88.2	11	11.8	0	--	0	--
<b>Immigration</b>	<b>11,730</b>	11,612	99.0	118	1.0	162	98.2	3	1.8
<b>Pornography/Prostitution</b>	<b>664</b>	643	96.8	21	3.2	9	90.0	1	10.0
<b>Prison Offenses</b>	<b>318</b>	313	98.4	5	1.6	3	100.0	0	0.0
<b>Administration of Justice Offenses</b>	<b>1,107</b>	1,076	97.2	31	2.8	16	94.1	1	5.9
<b>Environmental/Wildlife</b>	<b>140</b>	131	93.6	9	6.4	1	100.0	0	0.0
<b>National Defense</b>	<b>10</b>	8	80.0	2	20.0	0	--	0	--
<b>Antitrust</b>	<b>17</b>	15	88.2	2	11.8	10	83.3	2	16.7
<b>Food &amp; Drug</b>	<b>91</b>	91	100.0	0	0.0	5	100.0	0	0.0
<b>Other Miscellaneous Offenses</b>	<b>1,151</b>	1,116	97.0	35	3.0	12	92.3	1	7.7

Of the 64,366 guideline cases, 431 cases were excluded due to one or both of the following reasons: missing primary offense category (393) or missing mode of conviction (370).

Of the 1,608 guideline cases from the District of Southern New York, 12 cases were excluded due to one or both of the following reasons: missing primary offense category (10) or missing mode of conviction (12).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2002**

**National**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>63,292</b>	<b>52,117</b>	<b>82.3</b>	<b>2,253</b>	<b>3.6</b>	<b>3,151</b>	<b>5.0</b>	<b>5,771</b>	<b>9.1</b>
Murder	84	82	97.6	1	1.2	0	0.0	1	1.2
Manslaughter	58	50	86.2	6	10.3	1	1.7	1	1.7
Kidnapping/Hostage Taking	65	63	96.9	1	1.5	1	1.5	0	0.0
Sexual Abuse	206	179	86.9	6	2.9	10	4.9	11	5.3
Assault	483	370	76.6	18	3.7	34	7.0	61	12.6
Robbery	1,620	1,580	97.5	16	1.0	16	1.0	8	0.5
Arson	64	58	90.6	2	3.1	1	1.6	3	4.7
Drugs - Trafficking	25,209	23,568	93.5	560	2.2	455	1.8	626	2.5
Drugs - Communication Facility	456	379	83.1	8	1.8	33	7.2	36	7.9
Drugs - Simple Possession	572	187	32.7	6	1.0	26	4.5	353	61.7
Firearms	5,132	4,575	89.1	166	3.2	152	3.0	239	4.7
Burglary/B&E	43	31	72.1	6	14.0	2	4.7	4	9.3
Auto Theft	161	119	73.9	7	4.3	16	9.9	19	11.8
Larceny	2,206	805	36.5	141	6.4	399	18.1	861	39.0
Fraud	7,012	4,073	58.1	706	10.1	912	13.0	1,321	18.8
Embezzlement	721	274	38.0	120	16.6	98	13.6	229	31.8
Forgery/Counterfeiting	1,446	790	54.6	94	6.5	247	17.1	315	21.8
Bribery	165	65	39.4	17	10.3	25	15.2	58	35.2
Tax	618	261	42.2	72	11.7	125	20.2	160	25.9
Money Laundering	931	699	75.1	36	3.9	77	8.3	119	12.8
Racketeering/Extortion	818	740	90.5	17	2.1	23	2.8	38	4.6
Gambling/Lottery	104	22	21.2	9	8.7	32	30.8	41	39.4
Civil Rights	89	53	59.6	4	4.5	11	12.4	21	23.6
Immigration	11,616	11,093	95.5	86	0.7	120	1.0	317	2.7
Pornography/Prostitution	662	598	90.3	10	1.5	28	4.2	26	3.9
Prison Offenses	316	278	88.0	12	3.8	11	3.5	15	4.7
Administration of Justice Offenses	1,088	636	58.5	59	5.4	125	11.5	268	24.6
Environmental/Wildlife	133	39	29.3	7	5.3	25	18.8	62	46.6
National Defense	10	8	80.0	0	0.0	0	0.0	2	20.0
Antitrust	17	8	47.1	1	5.9	6	35.3	2	11.8
Food & Drug	89	14	15.7	7	7.9	13	14.6	55	61.8
Other Miscellaneous Offenses	1,098	420	38.3	52	4.7	127	11.6	499	45.4

Of the 64,366 guideline cases, 1,074 cases were excluded due to one or more of the following reasons: missing sentencing information (707), missing primary offense category (393), or cases which the defendant received no imprisonment or probation (301)

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2002**

**Southern New York**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>1,589</b>	<b>1,208</b>	<b>76.0</b>	<b>69</b>	<b>4.3</b>	<b>119</b>	<b>7.5</b>	<b>193</b>	<b>12.1</b>
Murder	8	8	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	1	0	0.0	0	0.0	1	100.0	0	0.0
Kidnapping/Hostage Taking	8	8	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	0	0	--	0	--	0	--	0	--
Assault	6	6	100.0	0	0.0	0	0.0	0	0.0
Robbery	17	16	94.1	0	0.0	1	5.9	0	0.0
Arson	1	1	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	484	467	96.5	6	1.2	4	0.8	7	1.4
Drugs - Communication Facility	22	22	100.0	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	1	0	0.0	0	0.0	0	0.0	1	100.0
Firearms	75	62	82.7	3	4.0	5	6.7	5	6.7
Burglary/B&E	3	3	100.0	0	0.0	0	0.0	0	0.0
Auto Theft	6	5	83.3	0	0.0	1	16.7	0	0.0
Larceny	61	18	29.5	2	3.3	17	27.9	24	39.3
Fraud	402	242	60.2	36	9.0	53	13.2	71	17.7
Embezzlement	14	2	14.3	2	14.3	5	35.7	5	35.7
Forgery/Counterfeiting	37	24	64.9	3	8.1	4	10.8	6	16.2
Bribery	20	3	15.0	3	15.0	1	5.0	13	65.0
Tax	43	14	32.6	3	7.0	5	11.6	21	48.8
Money Laundering	59	44	74.6	2	3.4	1	1.7	12	20.3
Racketeering/Extortion	95	84	88.4	0	0.0	2	2.1	9	9.5
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	165	139	84.2	3	1.8	12	7.3	11	6.7
Pornography/Prostitution	10	9	90.0	1	10.0	0	0.0	0	0.0
Prison Offenses	3	3	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	17	11	64.7	2	11.8	0	0.0	4	23.5
Environmental/Wildlife	1	1	100.0	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	12	7	58.3	1	8.3	4	33.3	0	0.0
Food & Drug	5	0	0.0	1	20.0	1	20.0	3	60.0
Other Miscellaneous Offenses	13	9	69.2	1	7.7	2	15.4	1	7.7

Of the 1,608 guideline cases from the District of Southern New York, 19 cases were excluded due to one or more of the following reasons: missing sentencing information (6), missing primary offense category (10), or cases in which the defendant received no imprisonment or probation (13).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2002**

PRIMARY OFFENSE	TOTAL	National				Southern New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>10,936</b>	<b>5,019</b>	<b>45.9</b>	<b>5,917</b>	<b>54.1</b>	<b>113</b>	<b>40.2</b>	<b>168</b>	<b>59.8</b>
<b>Fraud</b>	<b>2,499</b>	988	39.5	1,511	60.5	37	35.9	66	64.1
<b>Larceny</b>	<b>1,426</b>	301	21.1	1,125	78.9	7	16.7	35	83.3
<b>Immigration</b>	<b>2,543</b>	2,234	87.8	309	12.2	51	69.9	22	30.1
<b>Embezzlement</b>	<b>515</b>	210	40.8	305	59.2	2	20.0	8	80.0
<b>Drugs - Trafficking</b>	<b>671</b>	338	50.4	333	49.6	3	75.0	1	25.0
<b>Drugs - Simple Possession</b>	<b>454</b>	120	26.4	334	73.6	0	0.0	1	100.0
<b>Firearms</b>	<b>314</b>	151	48.1	163	51.9	1	25.0	3	75.0
<b>Forgery/Counterfeiting</b>	<b>622</b>	173	27.8	449	72.2	5	41.7	7	58.3
<b>Other Miscellaneous Offenses</b>	<b>1,892</b>	504	26.6	1,388	73.4	7	21.9	25	78.1

Of the 64,366 guideline cases, 53,430 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (53,321), missing sentencing information (707) or missing primary offense category (393).

Of the 1,608 guideline cases from the District of Southern New York, 1,327 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (1,317), missing sentencing information (6) or missing primary offense category (10).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2002**

PRIMARY OFFENSE	National			Southern New York		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>54.7</b>	<b>30.0</b>	<b>53,886</b>	<b>57.9</b>	<b>37.0</b>	<b>1,268</b>
<b>Murder</b>	235.4	180.0	83	336.5	470.0	8
<b>Manslaughter</b>	39.6	27.0	56	--	--	0
<b>Kidnapping/Hostage Taking</b>	183.0	126.0	64	108.3	54.2	8
<b>Sexual Abuse</b>	62.0	36.0	185	--	--	0
<b>Assault</b>	38.7	27.0	386	52.3	34.5	6
<b>Robbery</b>	92.4	71.0	1,595	61.9	58.5	16
<b>Arson</b>	93.0	60.0	60	--	--	1
<b>Drugs - Trafficking</b>	74.3	57.0	24,074	88.8	70.0	471
<b>Drugs - Communication Facility</b>	51.1	48.0	385	77.2	48.0	22
<b>Drugs - Simple Possession</b>	17.8	6.0	183	--	--	0
<b>Firearms</b>	71.0	45.0	4,736	47.9	37.0	65
<b>Burglary/B&amp;E</b>	21.1	16.0	37	18.0	18.0	3
<b>Auto Theft</b>	60.3	24.0	125	17.8	12.0	5
<b>Larceny</b>	15.1	12.0	943	14.1	12.0	19
<b>Fraud</b>	19.6	14.0	4,688	23.6	18.0	274
<b>Embezzlement</b>	7.9	4.0	391	5.3	4.0	4
<b>Forgery/Counterfeiting</b>	17.4	14.0	879	22.4	12.5	26
<b>Bribery</b>	25.7	12.0	81	14.2	10.0	6
<b>Tax</b>	17.3	12.0	330	13.8	12.0	17
<b>Money Laundering</b>	47.6	33.0	731	44.2	37.0	46
<b>Racketeering/Extortion</b>	88.2	60.0	755	84.3	57.0	84
<b>Gambling/Lottery</b>	11.9	10.0	31	--	--	0
<b>Civil Rights</b>	42.1	24.0	56	--	--	0
<b>Immigration</b>	25.3	24.0	10,912	27.9	24.0	141
<b>Pornography/Prostitution</b>	53.8	33.0	607	56.4	30.0	10
<b>Prison Offenses</b>	18.6	14.0	287	10.7	12.0	3
<b>Administration of Justice Offenses</b>	23.1	15.0	682	20.2	12.0	13
<b>Environmental/Wildlife</b>	10.4	10.0	45	--	--	1
<b>National Defense</b>	149.0	56.5	8	--	--	0
<b>Antitrust</b>	14.3	12.0	9	8.6	12.0	8
<b>Food &amp; Drug</b>	20.1	12.0	21	--	--	1
<b>Other Miscellaneous Offenses</b>	17.9	12.0	461	15.9	14.0	10

Of the 64,366 guideline cases, 10,480 cases were excluded for one or more of the following reasons: zero months prison ordered (9,373), missing primary offense category (393) or missing or indeterminable sentencing information (1,051).

Of the 1,608 guideline cases from the District of Southern New York, 340 cases were excluded due to one or more of the following reasons: zero prison months ordered (318), missing primary offense category (10) or missing or indeterminable sentencing information (22).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

**Table 8**

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
Fiscal Year 2002**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>58,684</b>	<b>38,159</b>	<b>65.0</b>	<b>10,203</b>	<b>17.4</b>	<b>9,865</b>	<b>16.8</b>	<b>457</b>	<b>0.8</b>
<b>D.C. CIRCUIT</b>	<b>411</b>	<b>246</b>	<b>59.9</b>	<b>128</b>	<b>31.1</b>	<b>35</b>	<b>8.5</b>	<b>2</b>	<b>0.5</b>
District of Columbia	411	246	59.9	128	31.1	35	8.5	2	0.5
<b>FIRST CIRCUIT</b>	<b>1,813</b>	<b>1,373</b>	<b>75.7</b>	<b>261</b>	<b>14.4</b>	<b>169</b>	<b>9.3</b>	<b>10</b>	<b>0.6</b>
Maine	188	134	71.3	44	23.4	9	4.8	1	0.5
Massachusetts	602	363	60.3	122	20.3	113	18.8	4	0.7
New Hampshire	130	80	61.5	35	26.9	15	11.5	0	0.0
Puerto Rico	758	680	89.7	53	7.0	23	3.0	2	0.3
Rhode Island	135	116	85.9	7	5.2	9	6.7	3	2.2
<b>SECOND CIRCUIT</b>	<b>4,077</b>	<b>2,501</b>	<b>61.3</b>	<b>773</b>	<b>19.0</b>	<b>779</b>	<b>19.1</b>	<b>24</b>	<b>0.6</b>
Connecticut	326	175	53.7	32	9.8	115	35.3	4	1.2
New York									
Eastern	1,383	744	53.8	242	17.5	393	28.4	4	0.3
Northern	359	205	57.1	106	29.5	43	12.0	5	1.4
Southern	1,404	1,046	74.5	223	15.9	130	9.3	5	0.4
Western	434	245	56.5	137	31.6	47	10.8	5	1.2
Vermont	171	86	50.3	33	19.3	51	29.8	1	0.6
<b>THIRD CIRCUIT</b>	<b>2,656</b>	<b>1,564</b>	<b>58.9</b>	<b>858</b>	<b>32.3</b>	<b>209</b>	<b>7.9</b>	<b>25</b>	<b>0.9</b>
Delaware	67	49	73.1	11	16.4	7	10.4	0	0.0
New Jersey	814	490	60.2	241	29.6	78	9.6	5	0.6
Pennsylvania									
Eastern	966	487	50.4	397	41.1	73	7.6	9	0.9
Middle	413	245	59.3	133	32.2	26	6.3	9	2.2
Western	320	237	74.1	63	19.7	20	6.3	0	0.0
Virgin Islands	76	56	73.7	13	17.1	5	6.6	2	2.6
<b>FOURTH CIRCUIT</b>	<b>5,038</b>	<b>3,858</b>	<b>76.6</b>	<b>937</b>	<b>18.6</b>	<b>210</b>	<b>4.2</b>	<b>33</b>	<b>0.7</b>
Maryland	510	286	56.1	161	31.6	57	11.2	6	1.2
North Carolina									
Eastern	569	398	69.9	139	24.4	23	4.0	9	1.6
Middle	423	363	85.8	45	10.6	11	2.6	4	0.9
Western	522	327	62.6	173	33.1	21	4.0	1	0.2
South Carolina	971	711	73.2	229	23.6	28	2.9	3	0.3
Virginia									
Eastern	1,191	1,071	89.9	75	6.3	43	3.6	2	0.2
Western	384	290	75.5	81	21.1	12	3.1	1	0.3
West Virginia									
Northern	260	227	87.3	18	6.9	10	3.8	5	1.9
Southern	208	185	88.9	16	7.7	5	2.4	2	1.0

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>12,231</b>	<b>8,689</b>	<b>71.0</b>	<b>1,635</b>	<b>13.4</b>	<b>1,792</b>	<b>14.7</b>	<b>115</b>	<b>0.9</b>
<b>Louisiana</b>									
Eastern	401	324	80.8	45	11.2	28	7.0	4	1.0
Middle	111	75	67.6	21	18.9	9	8.1	6	5.4
Western	317	257	81.1	42	13.2	15	4.7	3	0.9
<b>Mississippi</b>									
Northern	165	105	63.6	48	29.1	12	7.3	0	0.0
Southern	352	269	76.4	68	19.3	12	3.4	3	0.9
<b>Texas</b>									
Eastern	583	472	81.0	63	10.8	45	7.7	3	0.5
Northern	984	750	76.2	168	17.1	48	4.9	18	1.8
Southern	4,542	3,237	71.3	554	12.2	712	15.7	39	0.9
Western	4,776	3,200	67.0	626	13.1	911	19.1	39	0.8
<b>SIXTH CIRCUIT</b>	<b>4,426</b>	<b>2,959</b>	<b>66.9</b>	<b>1,152</b>	<b>26.0</b>	<b>280</b>	<b>6.3</b>	<b>35</b>	<b>0.8</b>
<b>Kentucky</b>									
Eastern	404	288	71.3	99	24.5	15	3.7	2	0.5
Western	392	303	77.3	68	17.3	18	4.6	3	0.8
<b>Michigan</b>									
Eastern	727	519	71.4	161	22.1	44	6.1	3	0.4
Western	374	217	58.0	113	30.2	33	8.8	11	2.9
<b>Ohio</b>									
Northern	808	510	63.1	206	25.5	86	10.6	6	0.7
Southern	360	213	59.2	113	31.4	31	8.6	3	0.8
<b>Tennessee</b>									
Eastern	613	448	73.1	152	24.8	13	2.1	0	0.0
Middle	305	181	59.3	109	35.7	13	4.3	2	0.7
Western	443	280	63.2	131	29.6	27	6.1	5	1.1
<b>SEVENTH CIRCUIT</b>	<b>2,678</b>	<b>1,855</b>	<b>69.3</b>	<b>584</b>	<b>21.8</b>	<b>218</b>	<b>8.1</b>	<b>21</b>	<b>0.8</b>
<b>Illinois</b>									
Central	324	211	65.1	94	29.0	17	5.2	2	0.6
Northern	1,078	689	63.9	262	24.3	112	10.4	15	1.4
Southern	288	244	84.7	30	10.4	14	4.9	0	0.0
<b>Indiana</b>									
Northern	350	250	71.4	74	21.1	25	7.1	1	0.3
Southern	236	150	63.6	58	24.6	27	11.4	1	0.4
<b>Wisconsin</b>									
Eastern	278	202	72.7	56	20.1	20	7.2	0	0.0
Western	124	109	87.9	10	8.1	3	2.4	2	1.6
<b>EIGHTH CIRCUIT</b>	<b>3,565</b>	<b>2,470</b>	<b>69.3</b>	<b>674</b>	<b>18.9</b>	<b>380</b>	<b>10.7</b>	<b>41</b>	<b>1.2</b>
<b>Arkansas</b>									
Eastern	241	199	82.6	33	13.7	7	2.9	2	0.8
Western	142	108	76.1	28	19.7	6	4.2	0	0.0
<b>Iowa</b>									
Northern	351	233	66.4	83	23.6	28	8.0	7	2.0
Southern	282	184	65.2	56	19.9	41	14.5	1	0.4
Minnesota	363	225	62.0	68	18.7	68	18.7	2	0.6
<b>Missouri</b>									
Eastern	597	455	76.2	106	17.8	35	5.9	1	0.2
Western	636	399	62.7	197	31.0	38	6.0	2	0.3
Nebraska	523	351	67.1	70	13.4	100	19.1	2	0.4
North Dakota	141	101	71.6	17	12.1	17	12.1	6	4.3
South Dakota	289	215	74.4	16	5.5	40	13.8	18	6.2

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>11,733</b>	<b>5,723</b>	<b>48.8</b>	<b>1,385</b>	<b>11.8</b>	<b>4,540</b>	<b>38.7</b>	<b>85</b>	<b>0.7</b>
Alaska	162	108	66.7	32	19.8	18	11.1	4	2.5
Arizona	3,395	1,048	30.9	241	7.1	2,074	61.1	32	0.9
California									
Central	972	734	75.5	114	11.7	120	12.3	4	0.4
Eastern	730	539	73.8	138	18.9	50	6.8	3	0.4
Northern	658	414	62.9	79	12.0	157	23.9	8	1.2
Southern	2,995	1,120	37.4	229	7.6	1,642	54.8	4	0.1
Guam	128	87	68.0	38	29.7	2	1.6	1	0.8
Hawaii	358	195	54.5	131	36.6	32	8.9	0	0.0
Idaho	178	100	56.2	51	28.7	22	12.4	5	2.8
Montana	346	256	74.0	61	17.6	20	5.8	9	2.6
Nevada	559	403	72.1	55	9.8	97	17.4	4	0.7
Northern Mariana Islands	5	2	40.0	3	60.0	0	0.0	0	0.0
Oregon	502	302	60.2	88	17.5	109	21.7	3	0.6
Washington									
Eastern	272	138	50.7	29	10.7	103	37.9	2	0.7
Western	473	277	58.6	96	20.3	94	19.9	6	1.3
<b>TENTH CIRCUIT</b>	<b>3,833</b>	<b>2,551</b>	<b>66.6</b>	<b>421</b>	<b>11.0</b>	<b>839</b>	<b>21.9</b>	<b>22</b>	<b>0.6</b>
Colorado	549	316	57.6	163	29.7	67	12.2	3	0.5
Kansas	493	369	74.8	76	15.4	44	8.9	4	0.8
New Mexico	1,737	1,064	61.3	85	4.9	584	33.6	4	0.2
Oklahoma									
Eastern	80	56	70.0	3	3.8	21	26.3	0	0.0
Northern	151	122	80.8	23	15.2	5	3.3	1	0.7
Western	152	102	67.1	34	22.4	11	7.2	5	3.3
Utah	542	421	77.7	25	4.6	95	17.5	1	0.2
Wyoming	129	101	78.3	12	9.3	12	9.3	4	3.1
<b>ELEVENTH CIRCUIT</b>	<b>6,223</b>	<b>4,370</b>	<b>70.2</b>	<b>1,395</b>	<b>22.4</b>	<b>414</b>	<b>6.7</b>	<b>44</b>	<b>0.7</b>
Alabama									
Middle	149	71	47.7	69	46.3	7	4.7	2	1.3
Northern	500	319	63.8	158	31.6	19	3.8	4	0.8
Southern	304	190	62.5	103	33.9	10	3.3	1	0.3
Florida									
Middle	1,384	803	58.0	467	33.7	103	7.4	11	0.8
Northern	321	221	68.8	82	25.5	14	4.4	4	1.2
Southern	2,212	1,785	80.7	284	12.8	134	6.1	9	0.4
Georgia									
Middle	311	230	74.0	68	21.9	10	3.2	3	1.0
Northern	771	543	70.4	124	16.1	97	12.6	7	0.9
Southern	271	208	76.8	40	14.8	20	7.4	3	1.1

Of the 64,366 guideline cases, 365 cases with no analogous guidelines were excluded from the table. Of the remaining 64,001 cases, 5,317 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (44.0%), Eastern Virginia (24.3%), Southern California (22.8%), Delaware (21.2%), Southern West Virginia (20.0%), Eastern New York (19.7%), Western Washington (18.4%), Utah (18.3%), Northern Mariana Islands (16.7%), Eastern Kentucky (16.5%), Puerto Rico (15.8%), Western Oklahoma (14.1%), Northern Indiana (13.2%), Southern Florida (13.1%), Maine (13.0%), Virgin Islands (12.6%), Southern New York (12.5%), Western North Carolina (12.1%), Western Louisiana (11.9%), Idaho (11.0%), Rhode Island (10.0%), Eastern Washington (9.9%), Northern California (9.7%), Northern New York (8.9%), Middle Georgia (8.8%), Southern Ohio (8.4%), Oregon (7.9%), Guam (7.9%), Nevada (7.6%), Western Kentucky (7.1%), Eastern Texas (7.0%), Northern Ohio (7.0%), Minnesota (6.2%), Western Pennsylvania (6.2%), Central Illinois (5.8%), Southern Georgia (5.6%), Eastern Michigan (5.6%), Middle Pennsylvania (5.3%), Middle Florida (5.1%), and Middle Alabama (5.1%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2002**

**National**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>58,423</b>	<b>37,968</b>	<b>65.0</b>	<b>10,170</b>	<b>17.4</b>	<b>9,828</b>	<b>16.8</b>	<b>457</b>	<b>0.8</b>
Robbery	1,522	1,051	69.1	227	14.9	220	14.5	24	1.6
Drugs - Trafficking	23,949	13,398	55.9	6,565	27.4	3,932	16.4	54	0.2
Drugs - Simple Possession	481	458	95.2	17	3.5	4	0.8	2	0.4
Firearms	4,765	3,511	73.7	581	12.2	602	12.6	71	1.5
Larceny	2,038	1,745	85.6	151	7.4	126	6.2	16	0.8
Fraud	6,378	4,539	71.2	1,135	17.8	633	9.9	71	1.1
Embezzlement	672	588	87.5	24	3.6	58	8.6	2	0.3
Forgery/Counterfeiting	1,363	1,094	80.3	159	11.7	97	7.1	13	1.0
Immigration	10,399	6,861	66.0	248	2.4	3,236	31.1	54	0.5
Other Miscellaneous Offenses	6,856	4,723	68.9	1,063	15.5	920	13.4	150	2.2

**Southern New York**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>1,404</b>	<b>1,046</b>	<b>74.5</b>	<b>223</b>	<b>15.9</b>	<b>130</b>	<b>9.3</b>	<b>5</b>	<b>0.4</b>
Robbery	15	14	93.3	0	0.0	1	6.7	0	0.0
Drugs - Trafficking	418	290	69.4	88	21.1	40	9.6	0	0.0
Drugs - Simple Possession	1	1	100.0	0	0.0	0	0.0	0	0.0
Firearms	65	52	80.0	5	7.7	8	12.3	0	0.0
Larceny	52	49	94.2	0	0.0	3	5.8	0	0.0
Fraud	365	271	74.2	57	15.6	34	9.3	3	0.8
Embezzlement	11	8	72.7	1	9.1	2	18.2	0	0.0
Forgery/Counterfeiting	34	27	79.4	3	8.8	4	11.8	0	0.0
Immigration	151	131	86.8	5	3.3	14	9.3	1	0.7
Other Miscellaneous Offenses	292	203	69.5	64	21.9	24	8.2	1	0.3

Of the 64,366 guideline cases, 5,943 cases were excluded due to one or more of the following reasons: no analogous guidelines (365), missing or indeterminable departure information (5,317) or missing primary offense category (393).

Of the 1,608 guideline cases from the District of Southern New York, 204 cases were excluded due to one or more of the following reasons: no analogous guidelines (4), missing or indeterminable departure information (200) or missing primary offense category (10).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.