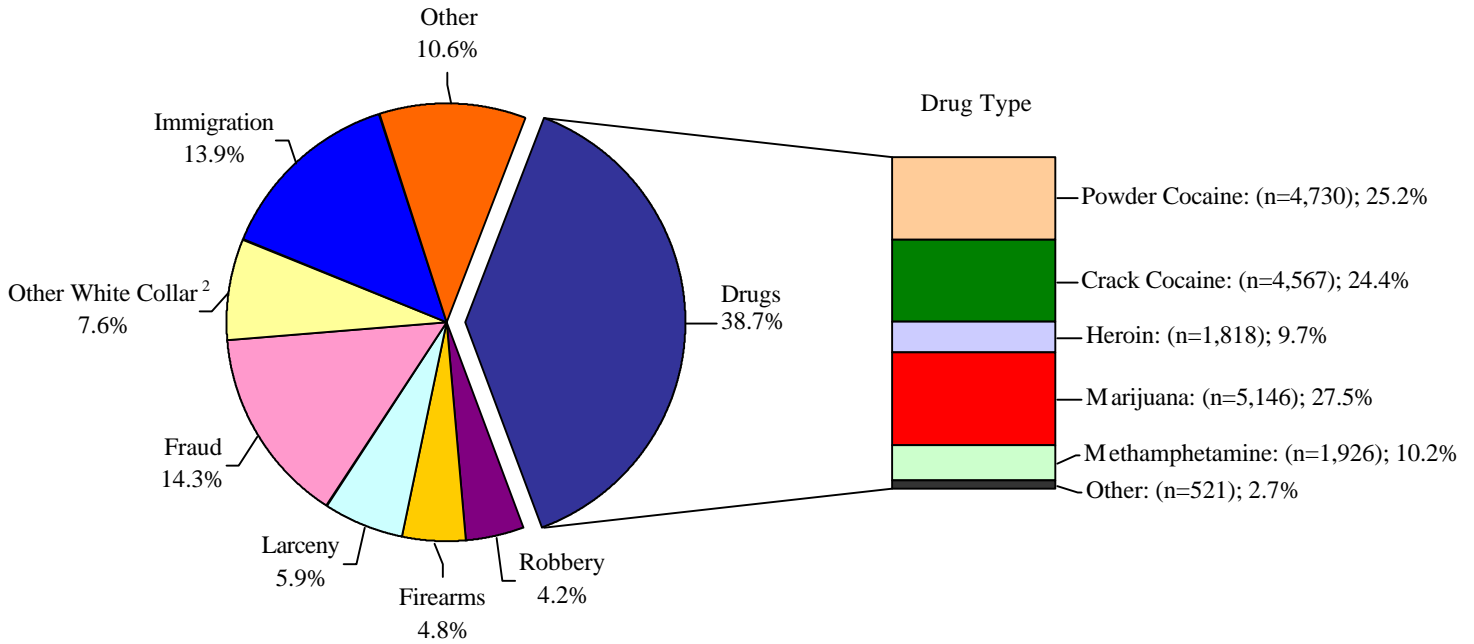


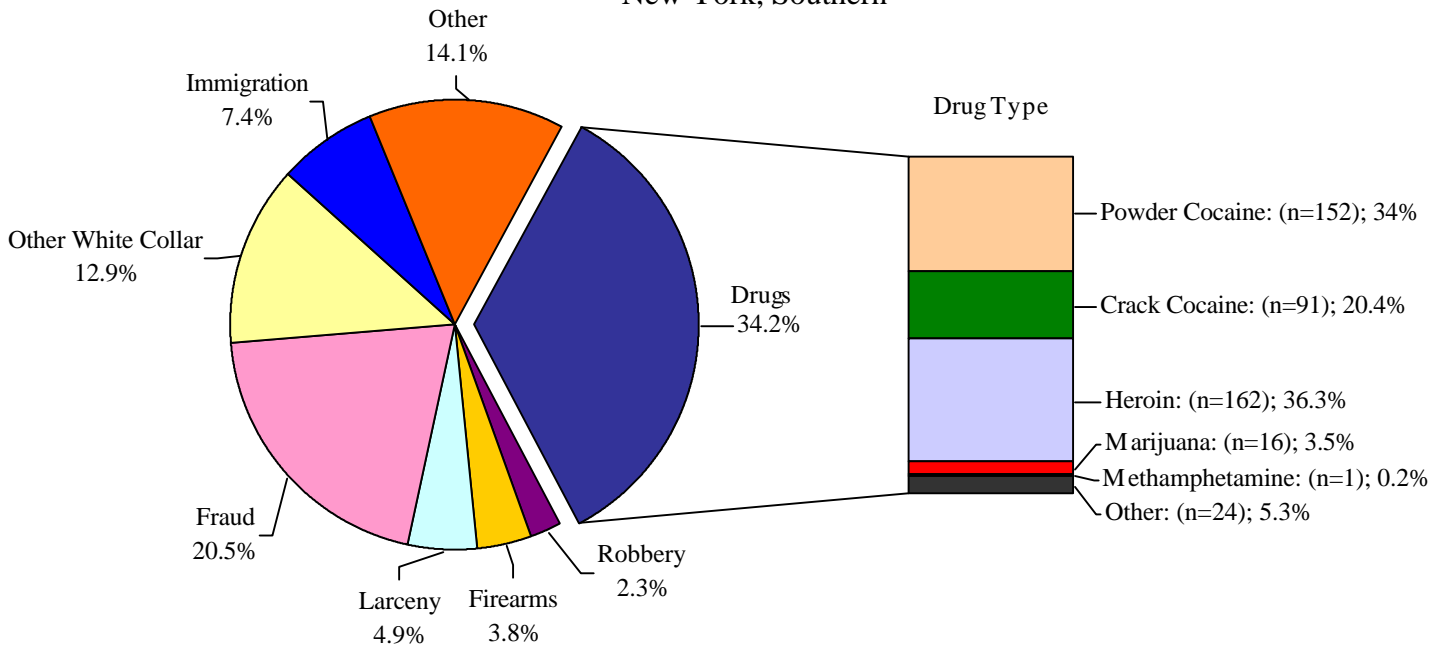
Figure A

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT
PRIMARY OFFENSE CATEGORY¹
FISCAL YEAR 1997**

National



New York, Southern



¹Of the 48,848 guideline cases, 75 cases with missing primary offense category were excluded. Of the 17,261 drug cases (including trafficking, use of a communication facility, and simple possession), nine cases with missing drug type were excluded from the bar chart.

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 1997

| PRIMARY OFFENSE | National | | New York, Southern | |
|------------------------------------|---------------|--------------|--------------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 48,681 | 100.0 | 1,307 | 100.0 |
| Murder | 104 | 0.2 | 10 | 0.8 |
| Manslaughter | 53 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 76 | 0.2 | 7 | 0.5 |
| Sexual Abuse | 219 | 0.4 | 0 | 0.0 |
| Assault | 518 | 1.1 | 8 | 0.6 |
| Robbery | 2,017 | 4.1 | 30 | 2.3 |
| Arson | 105 | 0.2 | 1 | 0.1 |
| Drugs - Trafficking | 18,060 | 37.1 | 426 | 32.6 |
| Drugs - Communication Facility | 398 | 0.8 | 14 | 1.1 |
| Drugs - Simple Possession | 631 | 1.3 | 8 | 0.6 |
| Firearms | 2,322 | 4.8 | 50 | 3.8 |
| Burglary/B&E | 61 | 0.1 | 5 | 0.4 |
| Auto Theft | 146 | 0.3 | 4 | 0.3 |
| Larceny | 2,826 | 5.8 | 64 | 4.9 |
| Fraud | 6,929 | 14.2 | 267 | 20.4 |
| Embezzlement | 834 | 1.7 | 30 | 2.3 |
| Forgery/Counterfeiting | 666 | 1.4 | 20 | 1.5 |
| Bribery | 279 | 0.6 | 38 | 2.9 |
| Tax | 996 | 2.0 | 51 | 3.9 |
| Money Laundering | 895 | 1.8 | 29 | 2.2 |
| Racketeering/Extortion | 607 | 1.2 | 77 | 5.9 |
| Gambling/Lottery | 181 | 0.4 | 5 | 0.4 |
| Civil Rights | 161 | 0.3 | 14 | 1.1 |
| Immigration | 6,690 | 13.7 | 96 | 7.3 |
| Pornography/Prostitution | 289 | 0.6 | 7 | 0.5 |
| Prison Offenses | 302 | 0.6 | 3 | 0.2 |
| Administration of Justice Offenses | 883 | 1.8 | 34 | 2.6 |
| Environmental/Wildlife | 115 | 0.2 | 1 | 0.1 |
| National Defense | 22 | 0.0 | 0 | 0.0 |
| Antitrust | 11 | 0.0 | 0 | 0.0 |
| Food & Drug | 61 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,224 | 2.5 | 8 | 0.6 |

Of the 48,848 guideline cases, 167 cases were excluded due to missing information on primary offense category.

Of the 1,308 guideline cases from the District of New York, Southern, one case was excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 2
MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 1997

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|----------------------------|---------------|---------------|----------------|---------------|----------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 48,690 | 45,363 | 93.2 | 3,327 | 6.8 |
| D.C. CIRCUIT | 557 | 512 | 91.9 | 45 | 8.1 |
| District of Columbia | 557 | 512 | 91.9 | 45 | 8.1 |
| FIRST CIRCUIT | 1,255 | 1,155 | 92.0 | 100 | 8.0 |
| Maine | 165 | 150 | 90.9 | 15 | 9.1 |
| Massachusetts | 472 | 427 | 90.5 | 45 | 9.5 |
| New Hampshire | 148 | 137 | 92.6 | 11 | 7.4 |
| Puerto Rico | 359 | 347 | 96.7 | 12 | 3.3 |
| Rhode Island | 111 | 94 | 84.7 | 17 | 15.3 |
| SECOND CIRCUIT | 4,369 | 4,149 | 95.0 | 220 | 5.0 |
| Connecticut | 308 | 288 | 93.5 | 20 | 6.5 |
| New York | | | | | |
| Eastern | 1,652 | 1,580 | 95.6 | 72 | 4.4 |
| Northern | 536 | 512 | 95.5 | 24 | 4.5 |
| Southern | 1,304 | 1,220 | 93.6 | 84 | 6.4 |
| Western | 462 | 447 | 96.8 | 15 | 3.2 |
| Vermont | 107 | 102 | 95.3 | 5 | 4.7 |
| THIRD CIRCUIT | 2,362 | 2,202 | 93.2 | 160 | 6.8 |
| Delaware | 100 | 95 | 95.0 | 5 | 5.0 |
| New Jersey | 787 | 742 | 94.3 | 45 | 5.7 |
| Pennsylvania | | | | | |
| Eastern | 795 | 730 | 91.8 | 65 | 8.2 |
| Middle | 298 | 279 | 93.6 | 19 | 6.4 |
| Western | 274 | 259 | 94.5 | 15 | 5.5 |
| Virgin Islands | 108 | 97 | 89.8 | 11 | 10.2 |
| FOURTH CIRCUIT | 4,916 | 4,470 | 90.9 | 446 | 9.1 |
| Maryland | 408 | 363 | 89.0 | 45 | 11.0 |
| North Carolina | | | | | |
| Eastern | 576 | 527 | 91.5 | 49 | 8.5 |
| Middle | 306 | 281 | 91.8 | 25 | 8.2 |
| Western | 481 | 442 | 91.9 | 39 | 8.1 |
| South Carolina | 903 | 849 | 94.0 | 54 | 6.0 |
| Virginia | | | | | |
| Eastern | 1,405 | 1,271 | 90.5 | 134 | 9.5 |
| Western | 442 | 377 | 85.3 | 65 | 14.7 |
| West Virginia | | | | | |
| Northern | 166 | 151 | 91.0 | 15 | 9.0 |
| Southern | 229 | 209 | 91.3 | 20 | 8.7 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|-------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 7,825 | 7,328 | 93.6 | 497 | 6.4 |
| Louisiana | | | | | |
| Eastern | 358 | 352 | 98.3 | 6 | 1.7 |
| Middle | 98 | 87 | 88.8 | 11 | 11.2 |
| Western | 298 | 270 | 90.6 | 28 | 9.4 |
| Mississippi | | | | | |
| Northern | 166 | 153 | 92.2 | 13 | 7.8 |
| Southern | 200 | 169 | 84.5 | 31 | 15.5 |
| Texas | | | | | |
| Eastern | 478 | 429 | 89.7 | 49 | 10.3 |
| Northern | 1,080 | 989 | 91.6 | 91 | 8.4 |
| Southern | 2,181 | 2,043 | 93.7 | 138 | 6.3 |
| Western | 2,966 | 2,836 | 95.6 | 130 | 4.4 |
| SIXTH CIRCUIT | 3,578 | 3,310 | 92.5 | 268 | 7.5 |
| Kentucky | | | | | |
| Eastern | 330 | 296 | 89.7 | 34 | 10.3 |
| Western | 422 | 376 | 89.1 | 46 | 10.9 |
| Michigan | | | | | |
| Eastern | 786 | 732 | 93.1 | 54 | 6.9 |
| Western | 296 | 276 | 93.2 | 20 | 6.8 |
| Ohio | | | | | |
| Northern | 596 | 567 | 95.1 | 29 | 4.9 |
| Southern | 363 | 352 | 97.0 | 11 | 3.0 |
| Tennessee | | | | | |
| Eastern | 287 | 256 | 89.2 | 31 | 10.8 |
| Middle | 204 | 187 | 91.7 | 17 | 8.3 |
| Western | 294 | 268 | 91.2 | 26 | 8.8 |
| SEVENTH CIRCUIT | 1,871 | 1,688 | 90.2 | 183 | 9.8 |
| Illinois | | | | | |
| Central | 246 | 229 | 93.1 | 17 | 6.9 |
| Northern | 646 | 595 | 92.1 | 51 | 7.9 |
| Southern | 257 | 220 | 85.6 | 37 | 14.4 |
| Indiana | | | | | |
| Northern | 161 | 146 | 90.7 | 15 | 9.3 |
| Southern | 206 | 187 | 90.8 | 19 | 9.2 |
| Wisconsin | | | | | |
| Eastern | 259 | 226 | 87.3 | 33 | 12.7 |
| Western | 96 | 85 | 88.5 | 11 | 11.5 |
| EIGHTH CIRCUIT | 2,778 | 2,549 | 91.8 | 229 | 8.2 |
| Arkansas | | | | | |
| Eastern | 315 | 298 | 94.6 | 17 | 5.4 |
| Western | 113 | 101 | 89.4 | 12 | 10.6 |
| Iowa | | | | | |
| Northern | 194 | 175 | 90.2 | 19 | 9.8 |
| Southern | 182 | 160 | 87.9 | 22 | 12.1 |
| Minnesota | 378 | 342 | 90.5 | 36 | 9.5 |
| Missouri | | | | | |
| Eastern | 456 | 432 | 94.7 | 24 | 5.3 |
| Western | 500 | 454 | 90.8 | 46 | 9.2 |
| Nebraska | 241 | 227 | 94.2 | 14 | 5.8 |
| North Dakota | 118 | 112 | 94.9 | 6 | 5.1 |
| South Dakota | 281 | 248 | 88.3 | 33 | 11.7 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|--------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 10,310 | 9,907 | 96.1 | 403 | 3.9 |
| Alaska | 109 | 97 | 89.0 | 12 | 11.0 |
| Arizona | 1,700 | 1,671 | 98.3 | 29 | 1.7 |
| California | | | | | |
| Central | 1,325 | 1,270 | 95.8 | 55 | 4.2 |
| Eastern | 789 | 745 | 94.4 | 44 | 5.6 |
| Northern | 741 | 694 | 93.7 | 47 | 6.3 |
| Southern | 3,114 | 3,044 | 97.8 | 70 | 2.2 |
| Guam | 85 | 79 | 92.9 | 6 | 7.1 |
| Hawaii | 281 | 267 | 95.0 | 14 | 5.0 |
| Idaho | 103 | 91 | 88.3 | 12 | 11.7 |
| Montana | 277 | 259 | 93.5 | 18 | 6.5 |
| Nevada | 396 | 370 | 93.4 | 26 | 6.6 |
| Northern Mariana Islands | 23 | 23 | 100.0 | 0 | 0.0 |
| Oregon | 586 | 556 | 94.9 | 30 | 5.1 |
| Washington | | | | | |
| Eastern | 224 | 208 | 92.9 | 16 | 7.1 |
| Western | 557 | 533 | 95.7 | 24 | 4.3 |
| TENTH CIRCUIT | 2,688 | 2,542 | 94.6 | 146 | 5.4 |
| Colorado | 561 | 545 | 97.1 | 16 | 2.9 |
| Kansas | 290 | 269 | 92.8 | 21 | 7.2 |
| New Mexico | 827 | 786 | 95.0 | 41 | 5.0 |
| Oklahoma | | | | | |
| Eastern | 75 | 68 | 90.7 | 7 | 9.3 |
| Northern | 169 | 157 | 92.9 | 12 | 7.1 |
| Western | 281 | 249 | 88.6 | 32 | 11.4 |
| Utah | 351 | 339 | 96.6 | 12 | 3.4 |
| Wyoming | 134 | 129 | 96.3 | 5 | 3.7 |
| ELEVENTH CIRCUIT | 6,181 | 5,551 | 89.8 | 630 | 10.2 |
| Alabama | | | | | |
| Middle | 240 | 198 | 82.5 | 42 | 17.5 |
| Northern | 431 | 416 | 96.5 | 15 | 3.5 |
| Southern | 393 | 367 | 93.4 | 26 | 6.6 |
| Florida | | | | | |
| Middle | 1,297 | 1,205 | 92.9 | 92 | 7.1 |
| Northern | 378 | 307 | 81.2 | 71 | 18.8 |
| Southern | 1,950 | 1,700 | 87.2 | 250 | 12.8 |
| Georgia | | | | | |
| Middle | 352 | 313 | 88.9 | 39 | 11.1 |
| Northern | 843 | 793 | 94.1 | 50 | 5.9 |
| Southern | 297 | 252 | 84.8 | 45 | 15.2 |

Of the 48,848 guideline cases, 158 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 1997**

| PRIMARY OFFENSE | TOTAL | National | | | | New York, Southern | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|--------------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 48,532 | 45,207 | 93.1 | 3,325 | 6.9 | 1,220 | 93.6 | 84 | 6.4 |
| Murder | 102 | 68 | 66.7 | 34 | 33.3 | 5 | 50.0 | 5 | 50.0 |
| Manslaughter | 52 | 46 | 88.5 | 6 | 11.5 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 76 | 64 | 84.2 | 12 | 15.8 | 6 | 85.7 | 1 | 14.3 |
| Sexual Abuse | 219 | 193 | 88.1 | 26 | 11.9 | 0 | -- | 0 | -- |
| Assault | 516 | 440 | 85.3 | 76 | 14.7 | 7 | 87.5 | 1 | 12.5 |
| Robbery | 2,014 | 1,825 | 90.6 | 189 | 9.4 | 25 | 83.3 | 5 | 16.7 |
| Arson | 103 | 81 | 78.6 | 22 | 21.4 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Trafficking | 18,025 | 16,485 | 91.5 | 1,540 | 8.5 | 400 | 94.3 | 24 | 5.7 |
| Drugs - Communication Facility | 398 | 396 | 99.5 | 2 | 0.5 | 14 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 622 | 609 | 97.9 | 13 | 2.1 | 8 | 100.0 | 0 | 0.0 |
| Firearms | 2,313 | 2,081 | 90.0 | 232 | 10.0 | 47 | 94.0 | 3 | 6.0 |
| Burglary/B&E | 61 | 61 | 100.0 | 0 | 0.0 | 5 | 100.0 | 0 | 0.0 |
| Auto Theft | 146 | 142 | 97.3 | 4 | 2.7 | 4 | 100.0 | 0 | 0.0 |
| Larceny | 2,815 | 2,708 | 96.2 | 107 | 3.8 | 62 | 96.9 | 2 | 3.1 |
| Fraud | 6,912 | 6,502 | 94.1 | 410 | 5.9 | 255 | 95.9 | 11 | 4.1 |
| Embezzlement | 833 | 812 | 97.5 | 21 | 2.5 | 27 | 90.0 | 3 | 10.0 |
| Forgery/Counterfeiting | 665 | 631 | 94.9 | 34 | 5.1 | 19 | 95.0 | 1 | 5.0 |
| Bribery | 278 | 252 | 90.6 | 26 | 9.4 | 36 | 94.7 | 2 | 5.3 |
| Tax | 993 | 925 | 93.2 | 68 | 6.8 | 46 | 90.2 | 5 | 9.8 |
| Money Laundering | 890 | 759 | 85.3 | 131 | 14.7 | 25 | 86.2 | 4 | 13.8 |
| Racketeering/Extortion | 606 | 522 | 86.1 | 84 | 13.9 | 70 | 90.9 | 7 | 9.1 |
| Gambling/Lottery | 179 | 174 | 97.2 | 5 | 2.8 | 5 | 100.0 | 0 | 0.0 |
| Civil Rights | 160 | 130 | 81.3 | 30 | 18.8 | 13 | 92.9 | 1 | 7.1 |
| Immigration | 6,671 | 6,593 | 98.8 | 78 | 1.2 | 90 | 93.8 | 6 | 6.3 |
| Pornography/Prostitution | 289 | 269 | 93.1 | 20 | 6.9 | 6 | 85.7 | 1 | 14.3 |
| Prison Offenses | 302 | 284 | 94.0 | 18 | 6.0 | 3 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 881 | 825 | 93.6 | 56 | 6.4 | 32 | 94.1 | 2 | 5.9 |
| Environmental/Wildlife | 114 | 108 | 94.7 | 6 | 5.3 | 1 | 100.0 | 0 | 0.0 |
| National Defense | 22 | 19 | 86.4 | 3 | 13.6 | 0 | -- | 0 | -- |
| Antitrust | 11 | 9 | 81.8 | 2 | 18.2 | 0 | -- | 0 | -- |
| Food & Drug | 61 | 56 | 91.8 | 5 | 8.2 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 1,203 | 1,138 | 94.6 | 65 | 5.4 | 8 | 100.0 | 0 | 0.0 |

Of the 48,848 guideline cases, 316 cases were excluded due to one or both of the following reasons: missing primary offense category (167) or missing mode of conviction (158). Of the 1,308 guideline cases from the District of New York, Southern, four cases were excluded due to one or both of the following reasons: missing primary offense category (1) or missing mode of conviction (4).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 1997**

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 48,226 | 36,388 | 75.5 | 2,143 | 4.4 | 3,403 | 7.1 | 6,292 | 13.0 |
| Murder | 101 | 98 | 97.0 | 2 | 2.0 | 1 | 1.0 | 0 | 0.0 |
| Manslaughter | 53 | 40 | 75.5 | 6 | 11.3 | 3 | 5.7 | 4 | 7.5 |
| Kidnapping/Hostage Taking | 76 | 74 | 97.4 | 2 | 2.6 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 218 | 195 | 89.4 | 7 | 3.2 | 8 | 3.7 | 8 | 3.7 |
| Assault | 515 | 363 | 70.5 | 13 | 2.5 | 47 | 9.1 | 92 | 17.9 |
| Robbery | 2,008 | 1,933 | 96.3 | 52 | 2.6 | 13 | 0.6 | 10 | 0.5 |
| Arson | 104 | 92 | 88.5 | 2 | 1.9 | 5 | 4.8 | 5 | 4.8 |
| Drugs - Trafficking | 18,009 | 16,776 | 93.2 | 386 | 2.1 | 373 | 2.1 | 474 | 2.6 |
| Drugs - Communication Facility | 397 | 326 | 82.1 | 16 | 4.0 | 31 | 7.8 | 24 | 6.0 |
| Drugs - Simple Possession | 604 | 208 | 34.4 | 4 | 0.7 | 51 | 8.4 | 341 | 56.5 |
| Firearms | 2,311 | 2,034 | 88.0 | 89 | 3.9 | 83 | 3.6 | 105 | 4.5 |
| Burglary/B&E | 61 | 50 | 82.0 | 4 | 6.6 | 5 | 8.2 | 2 | 3.3 |
| Auto Theft | 146 | 81 | 55.5 | 11 | 7.5 | 29 | 19.9 | 25 | 17.1 |
| Larceny | 2,726 | 921 | 33.8 | 173 | 6.3 | 453 | 16.6 | 1,179 | 43.3 |
| Fraud | 6,872 | 3,572 | 52.0 | 725 | 10.6 | 1,082 | 15.7 | 1,493 | 21.7 |
| Embezzlement | 826 | 291 | 35.2 | 190 | 23.0 | 113 | 13.7 | 232 | 28.1 |
| Forgery/Counterfeiting | 663 | 362 | 54.6 | 50 | 7.5 | 122 | 18.4 | 129 | 19.5 |
| Bribery | 273 | 121 | 44.3 | 27 | 9.9 | 55 | 20.1 | 70 | 25.6 |
| Tax | 971 | 317 | 32.6 | 88 | 9.1 | 262 | 27.0 | 304 | 31.3 |
| Money Laundering | 890 | 673 | 75.6 | 44 | 4.9 | 87 | 9.8 | 86 | 9.7 |
| Racketeering/Extortion | 601 | 551 | 91.7 | 7 | 1.2 | 24 | 4.0 | 19 | 3.2 |
| Gambling/Lottery | 178 | 42 | 23.6 | 11 | 6.2 | 62 | 34.8 | 63 | 35.4 |
| Civil Rights | 159 | 83 | 52.2 | 6 | 3.8 | 26 | 16.4 | 44 | 27.7 |
| Immigration | 6,661 | 5,804 | 87.1 | 87 | 1.3 | 139 | 2.1 | 631 | 9.5 |
| Pornography/Prostitution | 287 | 203 | 70.7 | 16 | 5.6 | 48 | 16.7 | 20 | 7.0 |
| Prison Offenses | 302 | 264 | 87.4 | 12 | 4.0 | 10 | 3.3 | 16 | 5.3 |
| Administration of Justice Offenses | 873 | 510 | 58.4 | 67 | 7.7 | 113 | 12.9 | 183 | 21.0 |
| Environmental/Wildlife | 110 | 17 | 15.5 | 4 | 3.6 | 20 | 18.2 | 69 | 62.7 |
| National Defense | 22 | 15 | 68.2 | 1 | 4.5 | 2 | 9.1 | 4 | 18.2 |
| Antitrust | 9 | 2 | 22.2 | 1 | 11.1 | 3 | 33.3 | 3 | 33.3 |
| Food & Drug | 59 | 12 | 20.3 | 2 | 3.4 | 7 | 11.9 | 38 | 64.4 |
| Other Miscellaneous Offenses | 1,141 | 358 | 31.4 | 38 | 3.3 | 126 | 11.0 | 619 | 54.3 |

Of the 48,848 guideline cases, 622 cases were excluded due to one or both of the following reasons: missing sentencing information (195), missing primary offense category (167) or cases in which defendant received no imprisonment or probation (263).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 1997**

New York, Southern

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|--------------|------------|-------------|---------------------------------|------------|---------------------------|-------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 1,295 | 887 | 68.5 | 61 | 4.7 | 131 | 10.1 | 216 | 16.7 |
| Murder | 10 | 10 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 7 | 7 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Assault | 8 | 5 | 62.5 | 1 | 12.5 | 0 | 0.0 | 2 | 25.0 |
| Robbery | 30 | 29 | 96.7 | 0 | 0.0 | 1 | 3.3 | 0 | 0.0 |
| Arson | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 424 | 398 | 93.9 | 4 | 0.9 | 5 | 1.2 | 17 | 4.0 |
| Drugs - Communication Facility | 14 | 11 | 78.6 | 1 | 7.1 | 0 | 0.0 | 2 | 14.3 |
| Drugs - Simple Possession | 8 | 3 | 37.5 | 0 | 0.0 | 2 | 25.0 | 3 | 37.5 |
| Firearms | 50 | 41 | 82.0 | 2 | 4.0 | 4 | 8.0 | 3 | 6.0 |
| Burglary/B&E | 5 | 4 | 80.0 | 0 | 0.0 | 1 | 20.0 | 0 | 0.0 |
| Auto Theft | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Larceny | 63 | 14 | 22.2 | 4 | 6.3 | 18 | 28.6 | 27 | 42.9 |
| Fraud | 264 | 121 | 45.8 | 30 | 11.4 | 44 | 16.7 | 69 | 26.1 |
| Embezzlement | 30 | 10 | 33.3 | 4 | 13.3 | 5 | 16.7 | 11 | 36.7 |
| Forgery/Counterfeiting | 20 | 10 | 50.0 | 0 | 0.0 | 5 | 25.0 | 5 | 25.0 |
| Bribery | 37 | 8 | 21.6 | 3 | 8.1 | 5 | 13.5 | 21 | 56.8 |
| Tax | 49 | 16 | 32.7 | 4 | 8.2 | 13 | 26.5 | 16 | 32.7 |
| Money Laundering | 29 | 25 | 86.2 | 0 | 0.0 | 3 | 10.3 | 1 | 3.4 |
| Racketeering/Extortion | 76 | 72 | 94.7 | 0 | 0.0 | 1 | 1.3 | 3 | 3.9 |
| Gambling/Lottery | 5 | 1 | 20.0 | 0 | 0.0 | 3 | 60.0 | 1 | 20.0 |
| Civil Rights | 14 | 8 | 57.1 | 0 | 0.0 | 2 | 14.3 | 4 | 28.6 |
| Immigration | 96 | 65 | 67.7 | 2 | 2.1 | 7 | 7.3 | 22 | 22.9 |
| Pornography/Prostitution | 7 | 5 | 71.4 | 0 | 0.0 | 1 | 14.3 | 1 | 14.3 |
| Prison Offenses | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 34 | 14 | 41.2 | 6 | 17.6 | 10 | 29.4 | 4 | 11.8 |
| Environmental/Wildlife | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| National Defense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 6 | 2 | 33.3 | 0 | 0.0 | 1 | 16.7 | 3 | 50.0 |

Of the 1,308 guideline cases from the District of New York, Southern, 13 cases were excluded due to one of the following reasons: missing sentencing information (8), missing primary offense category (1) or cases in which the defendant received no imprisonment or probation (4).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 1997**

| PRIMARY OFFENSE | National | | | | New York, Southern | | | |
|-------------------------------------|-----------------|-------------|---------------------|-------------|--------------------|-------------|---------------------|-------------|
| | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | n | % | n | % | n | % | n | % |
| TOTAL | 3,917 | 38.1 | 6,351 | 61.9 | 57 | 22.0 | 202 | 78.0 |
| Fraud | 749 | 30.3 | 1,722 | 69.7 | 25 | 26.6 | 69 | 73.4 |
| Larceny | 373 | 21.3 | 1,380 | 78.7 | 5 | 15.6 | 27 | 84.4 |
| Immigration | 1,765 | 71.6 | 699 | 28.4 | 15 | 40.5 | 22 | 59.5 |
| Embezzlement | 208 | 44.1 | 264 | 55.9 | 1 | 12.5 | 7 | 87.5 |
| Drugs - Trafficking | 164 | 42.2 | 225 | 57.8 | 0 | 0.0 | 4 | 100.0 |
| Drugs - Simple Possession | 122 | 28.8 | 302 | 71.2 | 0 | 0.0 | 5 | 100.0 |
| Firearms | 34 | 31.8 | 73 | 68.2 | 1 | 16.7 | 5 | 83.3 |
| Forgery/Counterfeiting | 92 | 32.4 | 192 | 67.6 | 2 | 33.3 | 4 | 66.7 |
| Other Miscellaneous Offenses | 410 | 21.5 | 1,494 | 78.5 | 8 | 11.9 | 59 | 88.1 |

Of the 48,848 guideline cases, 38,580 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (38,479), missing sentencing information (195) or missing primary offense category (167).

Of the 1,308 guideline cases from the District of New York, Southern, 1,049 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (1,048), missing primary offense category (1) or missing sentencing information (8).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 1997**

| PRIMARY OFFENSE | National | | | New York, Southern | | |
|-------------------------------------------|----------------|------------------|---------------|--------------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 59.0 | 30.0 | 38,229 | 58.3 | 37.0 | 943 |
| Murder | 237.2 | 184.0 | 100 | 300.2 | 363.5 | 10 |
| Manslaughter | 34.2 | 24.0 | 46 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 185.8 | 130.0 | 75 | 96.9 | 97.0 | 7 |
| Sexual Abuse | 73.3 | 49.0 | 202 | -- | -- | 0 |
| Assault | 37.9 | 24.0 | 373 | 19.2 | 13.0 | 6 |
| Robbery | 112.5 | 78.0 | 1,984 | 97.6 | 78.0 | 29 |
| Arson | 103.4 | 49.5 | 94 | 12.0 | -- | 1 |
| Drugs - Trafficking | 82.2 | 57.0 | 17,137 | 68.7 | 60.0 | 400 |
| Drugs - Communication Facility | 44.1 | 48.0 | 342 | 45.1 | 48.0 | 12 |
| Drugs - Simple Possession | 12.4 | 6.0 | 207 | 46.3 | 12.0 | 3 |
| Firearms | 74.9 | 46.0 | 2,122 | 41.9 | 35.0 | 43 |
| Burglary/B&E | 28.8 | 21.0 | 54 | 34.0 | 28.5 | 4 |
| Auto Theft | 21.9 | 18.0 | 91 | 34.0 | 33.0 | 4 |
| Larceny | 14.4 | 10.0 | 1,092 | 14.4 | 9.0 | 17 |
| Fraud | 18.9 | 13.0 | 4,270 | 15.8 | 12.0 | 151 |
| Embezzlement | 7.0 | 4.0 | 480 | 18.7 | 13.5 | 14 |
| Forgery/Counterfeiting | 15.9 | 12.0 | 412 | 23.1 | 17.5 | 10 |
| Bribery | 22.9 | 14.0 | 148 | 11.9 | 8.0 | 11 |
| Tax | 16.8 | 12.0 | 404 | 20.0 | 16.5 | 20 |
| Money Laundering | 41.1 | 33.0 | 715 | 46.0 | 41.0 | 25 |
| Racketeering/Extortion | 114.9 | 60.0 | 557 | 142.8 | 102.0 | 72 |
| Gambling/Lottery | 12.8 | 12.0 | 53 | 15.0 | -- | 1 |
| Civil Rights | 36.6 | 19.0 | 88 | 25.3 | 24.0 | 8 |
| Immigration | 21.2 | 18.0 | 5,674 | 32.6 | 33.5 | 66 |
| Pornography/Prostitution | 33.7 | 18.0 | 219 | 57.0 | 18.0 | 5 |
| Prison Offenses | 20.9 | 14.0 | 275 | 11.0 | 10.0 | 3 |
| Administration of Justice Offenses | 20.4 | 15.0 | 572 | 15.3 | 12.0 | 19 |
| Environmental/Wildlife | 15.0 | 8.0 | 21 | -- | -- | 0 |
| National Defense | 57.0 | 25.5 | 16 | -- | -- | 0 |
| Antitrust | 11.7 | 12.0 | 3 | -- | -- | 0 |
| Food & Drug | 25.8 | 12.0 | 13 | -- | -- | 0 |
| Other Miscellaneous Offenses | 14.8 | 5.0 | 390 | 15.5 | -- | 2 |

Of the 48,848 guideline cases, 10,017 cases with zero months prison ordered were excluded. In addition, 602 cases were excluded due to one or both of the following reasons: missing primary offense category (167) or missing or indeterminable sentencing information (498).

Of the 1,308 guideline cases from the District of New York, Southern, 365 cases were excluded due to one or more of the following reasons: zero prison months ordered (352), missing primary offense category (1) or missing or indeterminable sentencing information (13).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 8
GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 1997

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|----------------------------------------|-------------|----------------------------------------|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 46,017 | 31,233 | 67.9 | 8,823 | 19.2 | 5,574 | 12.1 | 387 | 0.8 |
| D.C. CIRCUIT | 539 | 405 | 75.1 | 83 | 15.4 | 48 | 8.9 | 3 | 0.6 |
| District of Columbia | 539 | 405 | 75.1 | 83 | 15.4 | 48 | 8.9 | 3 | 0.6 |
| FIRST CIRCUIT | 1,221 | 842 | 69.0 | 230 | 18.8 | 130 | 10.6 | 19 | 1.6 |
| Maine | 164 | 124 | 75.6 | 31 | 18.9 | 5 | 3.0 | 4 | 2.4 |
| Massachusetts | 449 | 285 | 63.5 | 86 | 19.2 | 72 | 16.0 | 6 | 1.3 |
| New Hampshire | 147 | 73 | 49.7 | 61 | 41.5 | 11 | 7.5 | 2 | 1.4 |
| Puerto Rico | 353 | 273 | 77.3 | 43 | 12.2 | 34 | 9.6 | 3 | 0.8 |
| Rhode Island | 108 | 87 | 80.6 | 9 | 8.3 | 8 | 7.4 | 4 | 3.7 |
| SECOND CIRCUIT | 3,917 | 2,214 | 56.5 | 894 | 22.8 | 781 | 19.9 | 28 | 0.7 |
| Connecticut | 301 | 147 | 48.8 | 39 | 13.0 | 112 | 37.2 | 3 | 1.0 |
| New York | | | | | | | | | |
| Eastern | 1,332 | 625 | 46.9 | 324 | 24.3 | 379 | 28.5 | 4 | 0.3 |
| Northern | 481 | 284 | 59.0 | 178 | 37.0 | 18 | 3.7 | 1 | 0.2 |
| Southern | 1,242 | 801 | 64.5 | 231 | 18.6 | 199 | 16.0 | 11 | 0.9 |
| Western | 454 | 299 | 65.9 | 105 | 23.1 | 45 | 9.9 | 5 | 1.1 |
| Vermont | 107 | 58 | 54.2 | 17 | 15.9 | 28 | 26.2 | 4 | 3.7 |
| THIRD CIRCUIT | 2,322 | 1,385 | 59.6 | 741 | 31.9 | 172 | 7.4 | 24 | 1.0 |
| Delaware | 100 | 69 | 69.0 | 22 | 22.0 | 8 | 8.0 | 1 | 1.0 |
| New Jersey | 776 | 507 | 65.3 | 217 | 28.0 | 46 | 5.9 | 6 | 0.8 |
| Pennsylvania | | | | | | | | | |
| Eastern | 783 | 373 | 47.6 | 327 | 41.8 | 78 | 10.0 | 5 | 0.6 |
| Middle | 296 | 169 | 57.1 | 102 | 34.5 | 17 | 5.7 | 8 | 2.7 |
| Western | 264 | 191 | 72.3 | 52 | 19.7 | 20 | 7.6 | 1 | 0.4 |
| Virgin Islands | 103 | 76 | 73.8 | 21 | 20.4 | 3 | 2.9 | 3 | 2.9 |
| FOURTH CIRCUIT | 4,419 | 3,273 | 74.1 | 917 | 20.8 | 177 | 4.0 | 52 | 1.2 |
| Maryland | 401 | 264 | 65.8 | 93 | 23.2 | 38 | 9.5 | 6 | 1.5 |
| North Carolina | | | | | | | | | |
| Eastern | 550 | 355 | 64.5 | 151 | 27.5 | 34 | 6.2 | 10 | 1.8 |
| Middle | 306 | 196 | 64.1 | 92 | 30.1 | 9 | 2.9 | 9 | 2.9 |
| Western | 466 | 266 | 57.1 | 183 | 39.3 | 13 | 2.8 | 4 | 0.9 |
| South Carolina | 892 | 664 | 74.4 | 195 | 21.9 | 24 | 2.7 | 9 | 1.0 |
| Virginia | | | | | | | | | |
| Eastern | 982 | 898 | 91.4 | 57 | 5.8 | 25 | 2.5 | 2 | 0.2 |
| Western | 434 | 304 | 70.0 | 101 | 23.3 | 21 | 4.8 | 8 | 1.8 |
| West Virginia | | | | | | | | | |
| Northern | 165 | 141 | 85.5 | 18 | 10.9 | 4 | 2.4 | 2 | 1.2 |
| Southern | 223 | 185 | 83.0 | 27 | 12.1 | 9 | 4.0 | 2 | 0.9 |

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|-------|----------------------------------------|------|----------------------------------------|------|--------------------------------|------|---------------------|-----|
| | | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 7,726 | 5,569 | 72.1 | 1,364 | 17.7 | 744 | 9.6 | 49 | 0.6 |
| Louisiana | | | | | | | | | |
| Eastern | 360 | 281 | 78.1 | 59 | 16.4 | 14 | 3.9 | 6 | 1.7 |
| Middle | 98 | 78 | 79.6 | 16 | 16.3 | 1 | 1.0 | 3 | 3.1 |
| Western | 291 | 238 | 81.8 | 41 | 14.1 | 9 | 3.1 | 3 | 1.0 |
| Mississippi | | | | | | | | | |
| Northern | 166 | 103 | 62.0 | 57 | 34.3 | 5 | 3.0 | 1 | 0.6 |
| Southern | 193 | 158 | 81.9 | 25 | 13.0 | 8 | 4.1 | 2 | 1.0 |
| Texas | | | | | | | | | |
| Eastern | 475 | 403 | 84.8 | 40 | 8.4 | 29 | 6.1 | 3 | 0.6 |
| Northern | 1,067 | 750 | 70.3 | 235 | 22.0 | 74 | 6.9 | 8 | 0.7 |
| Southern | 2,171 | 1,471 | 67.8 | 518 | 23.9 | 172 | 7.9 | 10 | 0.5 |
| Western | 2,905 | 2,087 | 71.8 | 373 | 12.8 | 432 | 14.9 | 13 | 0.4 |
| SIXTH CIRCUIT | 3,491 | 2,450 | 70.2 | 846 | 24.2 | 177 | 5.1 | 18 | 0.5 |
| Kentucky | | | | | | | | | |
| Eastern | 327 | 248 | 75.8 | 71 | 21.7 | 6 | 1.8 | 2 | 0.6 |
| Western | 384 | 345 | 89.8 | 24 | 6.3 | 13 | 3.4 | 2 | 0.5 |
| Michigan | | | | | | | | | |
| Eastern | 781 | 515 | 65.9 | 202 | 25.9 | 60 | 7.7 | 4 | 0.5 |
| Western | 295 | 215 | 72.9 | 69 | 23.4 | 9 | 3.1 | 2 | 0.7 |
| Ohio | | | | | | | | | |
| Northern | 598 | 416 | 69.6 | 146 | 24.4 | 35 | 5.9 | 1 | 0.2 |
| Southern | 350 | 195 | 55.7 | 130 | 37.1 | 25 | 7.1 | 0 | 0.0 |
| Tennessee | | | | | | | | | |
| Eastern | 286 | 181 | 63.3 | 93 | 32.5 | 9 | 3.1 | 3 | 1.0 |
| Middle | 184 | 141 | 76.6 | 33 | 17.9 | 9 | 4.9 | 1 | 0.5 |
| Western | 286 | 194 | 67.8 | 78 | 27.3 | 11 | 3.8 | 3 | 1.0 |
| SEVENTH CIRCUIT | 1,814 | 1,377 | 75.9 | 326 | 18.0 | 89 | 4.9 | 22 | 1.2 |
| Illinois | | | | | | | | | |
| Central | 239 | 131 | 54.8 | 94 | 39.3 | 13 | 5.4 | 1 | 0.4 |
| Northern | 618 | 471 | 76.2 | 108 | 17.5 | 36 | 5.8 | 3 | 0.5 |
| Southern | 255 | 230 | 90.2 | 24 | 9.4 | 1 | 0.4 | 0 | 0.0 |
| Indiana | | | | | | | | | |
| Northern | 144 | 122 | 84.7 | 10 | 6.9 | 10 | 6.9 | 2 | 1.4 |
| Southern | 201 | 135 | 67.2 | 49 | 24.4 | 11 | 5.5 | 6 | 3.0 |
| Wisconsin | | | | | | | | | |
| Eastern | 259 | 209 | 80.7 | 34 | 13.1 | 14 | 5.4 | 2 | 0.8 |
| Western | 98 | 79 | 80.6 | 7 | 7.1 | 4 | 4.1 | 8 | 8.2 |
| EIGHTH CIRCUIT | 2,759 | 1,899 | 68.8 | 593 | 21.5 | 242 | 8.8 | 25 | 0.9 |
| Arkansas | | | | | | | | | |
| Eastern | 314 | 264 | 84.1 | 33 | 10.5 | 15 | 4.8 | 2 | 0.6 |
| Western | 110 | 90 | 81.8 | 13 | 11.8 | 7 | 6.4 | 0 | 0.0 |
| Iowa | | | | | | | | | |
| Northern | 196 | 124 | 63.3 | 44 | 22.4 | 26 | 13.3 | 2 | 1.0 |
| Southern | 182 | 112 | 61.5 | 40 | 22.0 | 28 | 15.4 | 2 | 1.1 |
| Minnesota | 377 | 219 | 58.1 | 94 | 24.9 | 55 | 14.6 | 9 | 2.4 |
| Missouri | | | | | | | | | |
| Eastern | 447 | 328 | 73.4 | 85 | 19.0 | 31 | 6.9 | 3 | 0.7 |
| Western | 499 | 286 | 57.3 | 188 | 37.7 | 22 | 4.4 | 3 | 0.6 |
| Nebraska | 241 | 157 | 65.1 | 59 | 24.5 | 25 | 10.4 | 0 | 0.0 |
| North Dakota | 117 | 83 | 70.9 | 19 | 16.2 | 15 | 12.8 | 0 | 0.0 |
| South Dakota | 276 | 236 | 85.5 | 18 | 6.5 | 18 | 6.5 | 4 | 1.4 |

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|-------|----------------------------------------|------|----------------------------------------|------|--------------------------------|------|---------------------|-----|
| | | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 9,411 | 5,946 | 63.2 | 1,021 | 10.8 | 2,356 | 25.0 | 88 | 0.9 |
| Alaska | 108 | 79 | 73.1 | 9 | 8.3 | 19 | 17.6 | 1 | 0.9 |
| Arizona | 1,669 | 594 | 35.6 | 130 | 7.8 | 926 | 55.5 | 19 | 1.1 |
| California | | | | | | | | | |
| Central | 964 | 817 | 84.8 | 69 | 7.2 | 76 | 7.9 | 2 | 0.2 |
| Eastern | 778 | 585 | 75.2 | 102 | 13.1 | 88 | 11.3 | 3 | 0.4 |
| Northern | 695 | 502 | 72.2 | 70 | 10.1 | 121 | 17.4 | 2 | 0.3 |
| Southern | 2,858 | 1,744 | 61.0 | 229 | 8.0 | 837 | 29.3 | 48 | 1.7 |
| Guam | 81 | 64 | 79.0 | 16 | 19.8 | 1 | 1.2 | 0 | 0.0 |
| Hawaii | 256 | 180 | 70.3 | 55 | 21.5 | 21 | 8.2 | 0 | 0.0 |
| Idaho | 101 | 60 | 59.4 | 18 | 17.8 | 21 | 20.8 | 2 | 2.0 |
| Montana | 275 | 176 | 64.0 | 56 | 20.4 | 40 | 14.5 | 3 | 1.1 |
| Nevada | 393 | 280 | 71.2 | 71 | 18.1 | 39 | 9.9 | 3 | 0.8 |
| Northern Mariana Islands | 22 | 10 | 45.5 | 11 | 50.0 | 1 | 4.5 | 0 | 0.0 |
| Oregon | 538 | 408 | 75.8 | 65 | 12.1 | 63 | 11.7 | 2 | 0.4 |
| Washington | | | | | | | | | |
| Eastern | 218 | 174 | 79.8 | 12 | 5.5 | 31 | 14.2 | 1 | 0.5 |
| Western | 455 | 273 | 60.0 | 108 | 23.7 | 72 | 15.8 | 2 | 0.4 |
| TENTH CIRCUIT | 2,600 | 1,805 | 69.4 | 414 | 15.9 | 361 | 13.9 | 20 | 0.8 |
| Colorado | 494 | 309 | 62.6 | 129 | 26.1 | 51 | 10.3 | 5 | 1.0 |
| Kansas | 289 | 202 | 69.9 | 68 | 23.5 | 17 | 5.9 | 2 | 0.7 |
| New Mexico | 822 | 511 | 62.2 | 88 | 10.7 | 218 | 26.5 | 5 | 0.6 |
| Oklahoma | | | | | | | | | |
| Eastern | 75 | 60 | 80.0 | 7 | 9.3 | 8 | 10.7 | 0 | 0.0 |
| Northern | 164 | 121 | 73.8 | 36 | 22.0 | 6 | 3.7 | 1 | 0.6 |
| Western | 275 | 240 | 87.3 | 18 | 6.5 | 15 | 5.5 | 2 | 0.7 |
| Utah | 347 | 269 | 77.5 | 36 | 10.4 | 37 | 10.7 | 5 | 1.4 |
| Wyoming | 134 | 93 | 69.4 | 32 | 23.9 | 9 | 6.7 | 0 | 0.0 |
| ELEVENTH CIRCUIT | 5,798 | 4,068 | 70.2 | 1,394 | 24.0 | 297 | 5.1 | 39 | 0.7 |
| Alabama | | | | | | | | | |
| Middle | 217 | 136 | 62.7 | 74 | 34.1 | 7 | 3.2 | 0 | 0.0 |
| Northern | 430 | 260 | 60.5 | 156 | 36.3 | 11 | 2.6 | 3 | 0.7 |
| Southern | 392 | 192 | 49.0 | 194 | 49.5 | 3 | 0.8 | 3 | 0.8 |
| Florida | | | | | | | | | |
| Middle | 1,290 | 826 | 64.0 | 376 | 29.1 | 85 | 6.6 | 3 | 0.2 |
| Northern | 371 | 277 | 74.7 | 75 | 20.2 | 12 | 3.2 | 7 | 1.9 |
| Southern | 1,772 | 1,433 | 80.9 | 240 | 13.5 | 87 | 4.9 | 12 | 0.7 |
| Georgia | | | | | | | | | |
| Middle | 346 | 278 | 80.3 | 51 | 14.7 | 16 | 4.6 | 1 | 0.3 |
| Northern | 687 | 444 | 64.6 | 161 | 23.4 | 73 | 10.6 | 9 | 1.3 |
| Southern | 293 | 222 | 75.8 | 67 | 22.9 | 3 | 1.0 | 1 | 0.3 |

Of the 48,848 guideline cases, 332 cases with no analogous guidelines were excluded from the table. Of the remaining 48,516 cases, 2,499 cases were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Eastern Virginia (28.9%), Central New York (27.3%), Eastern New York (19.4%), Western Washington (16.6%), Northern Georgia (11.0%), Northern New York (10.9%), Northern Indiana (9.9%), Southern Florida (9.1%), Hawaii (8.9%), Southern California (8.6%), Oregon (7.5%), Eastern North Carolina (6.6%), Western Kentucky (6.6%), Northern California (6.5%), Colorado (6.2%), Massachusetts (5.3%), and Southern New York (5.0%). Descriptions of variables used in this table are provided in Appendix A of the 1996 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 1997**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED | | SUBSTANTIAL | | OTHER | | UPWARD | |
|------------------------------|---------------|-----------------|-------------|--------------|-------------|--------------|-------------|------------|------------|
| | | WITHIN | | ASSISTANCE | | DOWNWARD | | DEPARTURE | |
| | | GUIDELINE RANGE | | DEPARTURE | | DEPARTURE | | DEPARTURE | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 45,874 | 31,099 | 67.8 | 8,820 | 19.2 | 5,568 | 12.1 | 387 | 0.8 |
| Robbery | 1,933 | 1,425 | 73.7 | 260 | 13.5 | 198 | 10.2 | 50 | 2.6 |
| Drugs - Trafficking | 17,622 | 9,875 | 56.0 | 5,533 | 31.4 | 2,175 | 12.3 | 39 | 0.2 |
| Drugs - Simple Possession | 530 | 500 | 94.3 | 16 | 3.0 | 12 | 2.3 | 2 | 0.4 |
| Firearms | 2,189 | 1,643 | 75.1 | 281 | 12.8 | 221 | 10.1 | 44 | 2.0 |
| Larceny | 2,618 | 2,296 | 87.7 | 174 | 6.6 | 128 | 4.9 | 20 | 0.8 |
| Fraud | 6,593 | 4,906 | 74.4 | 1,120 | 17.0 | 497 | 7.5 | 70 | 1.1 |
| Embezzlement | 790 | 665 | 84.2 | 27 | 3.4 | 97 | 12.3 | 1 | 0.1 |
| Forgery/Counterfeiting | 639 | 526 | 82.3 | 81 | 12.7 | 28 | 4.4 | 4 | 0.6 |
| Immigration | 6,251 | 4,518 | 72.3 | 198 | 3.2 | 1,475 | 23.6 | 60 | 1.0 |
| Other Miscellaneous Offenses | 6,709 | 4,745 | 70.7 | 1,130 | 16.8 | 737 | 11.0 | 97 | 1.4 |

New York, Southern

| PRIMARY OFFENSE | TOTAL | SENTENCED | | SUBSTANTIAL | | OTHER | | UPWARD | |
|------------------------------|--------------|-----------------|-------------|-------------|-------------|------------|-------------|-----------|------------|
| | | WITHIN | | ASSISTANCE | | DOWNWARD | | DEPARTURE | |
| | | GUIDELINE RANGE | | DEPARTURE | | DEPARTURE | | DEPARTURE | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 1,241 | 800 | 64.5 | 231 | 18.6 | 199 | 16.0 | 11 | 0.9 |
| Robbery | 28 | 17 | 60.7 | 6 | 21.4 | 4 | 14.3 | 1 | 3.6 |
| Drugs - Trafficking | 412 | 225 | 54.6 | 108 | 26.2 | 77 | 18.7 | 2 | 0.5 |
| Drugs - Simple Possession | 7 | 6 | 85.7 | 0 | 0.0 | 1 | 14.3 | 0 | 0.0 |
| Firearms | 47 | 40 | 85.1 | 3 | 6.4 | 2 | 4.3 | 2 | 4.3 |
| Larceny | 58 | 43 | 74.1 | 8 | 13.8 | 7 | 12.1 | 0 | 0.0 |
| Fraud | 251 | 180 | 71.7 | 33 | 13.1 | 37 | 14.7 | 1 | 0.4 |
| Embezzlement | 26 | 19 | 73.1 | 3 | 11.5 | 4 | 15.4 | 0 | 0.0 |
| Forgery/Counterfeiting | 18 | 16 | 88.9 | 2 | 11.1 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 93 | 62 | 66.7 | 3 | 3.2 | 27 | 29.0 | 1 | 1.1 |
| Other Miscellaneous Offenses | 301 | 192 | 63.8 | 65 | 21.6 | 40 | 13.3 | 4 | 1.3 |

Of the 48,848 guideline cases, 2,974 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (2,831) or missing primary offense category (167).

Of the 1,308 guideline cases from the District of New York, Southern, 67 cases were excluded due to one of the following reasons: missing or indeterminable departure information (66) or missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.