

**Table 32**

**UPWARD DEPARTURE CASES: DEGREE OF DEPARTURE  
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2002 (Prior to Enactment of the PROTECT Act)**

PRIMARY OFFENSE	n	Median Sentence in Months <sup>2</sup>	DEGREE OF INCREASE FOR UPWARD DEPARTURE	
			Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>376</b>	<b>60.0</b>	<b>14.0</b>	<b>37.7</b>
Murder	11	216.0	79.0	65.3
Manslaughter	12	67.0	13.5	65.8
Kidnapping/Hostage Taking	6	422.5	111.5	36.7
Sexual Abuse	11	36.0	8.0	36.7
Assault	15	96.0	23.0	24.7
Robbery	22	131.5	38.5	39.0
Arson	3	120.0	24.0	98.9
Drugs - Trafficking	41	96.0	17.0	31.6
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	56	70.0	13.0	28.6
Burglary/B&E	3	51.0	14.0	37.8
Auto Theft	3	100.0	36.0	24.0
Larceny	14	27.0	6.0	26.8
Fraud	57	46.0	11.0	48.1
Embezzlement	2	--	--	--
Forgery/Counterfeiting	13	36.0	9.0	51.9
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	8	96.0	14.0	35.2
Racketeering/Extortion	13	96.0	13.0	14.9
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	45	33.0	9.0	36.7
Pornography/Prostitution	17	150.0	37.0	50.0
Prison Offenses	2	--	--	--
Administration of Justice Offenses	10	22.0	9.0	109.5
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	24.5	7.5	83.6

<sup>1</sup>Of the 64,366 cases, 457 received an upward departure. Of these, 420 had complete guideline application information. An additional 42 cases were excluded due to several logical criteria. Of the remaining 378 cases, two were excluded due to missing sentencing information.

<sup>2</sup>Cases with guideline maximums of life or probation (i.e., sentence lengths of zero months) were included in the sentence average computations as 470 months and zero months respectively, but were excluded from measures of decrease in the table.

SOURCE: U.S. Sentencing Commission, 2002 Datafile, USSCFY02.