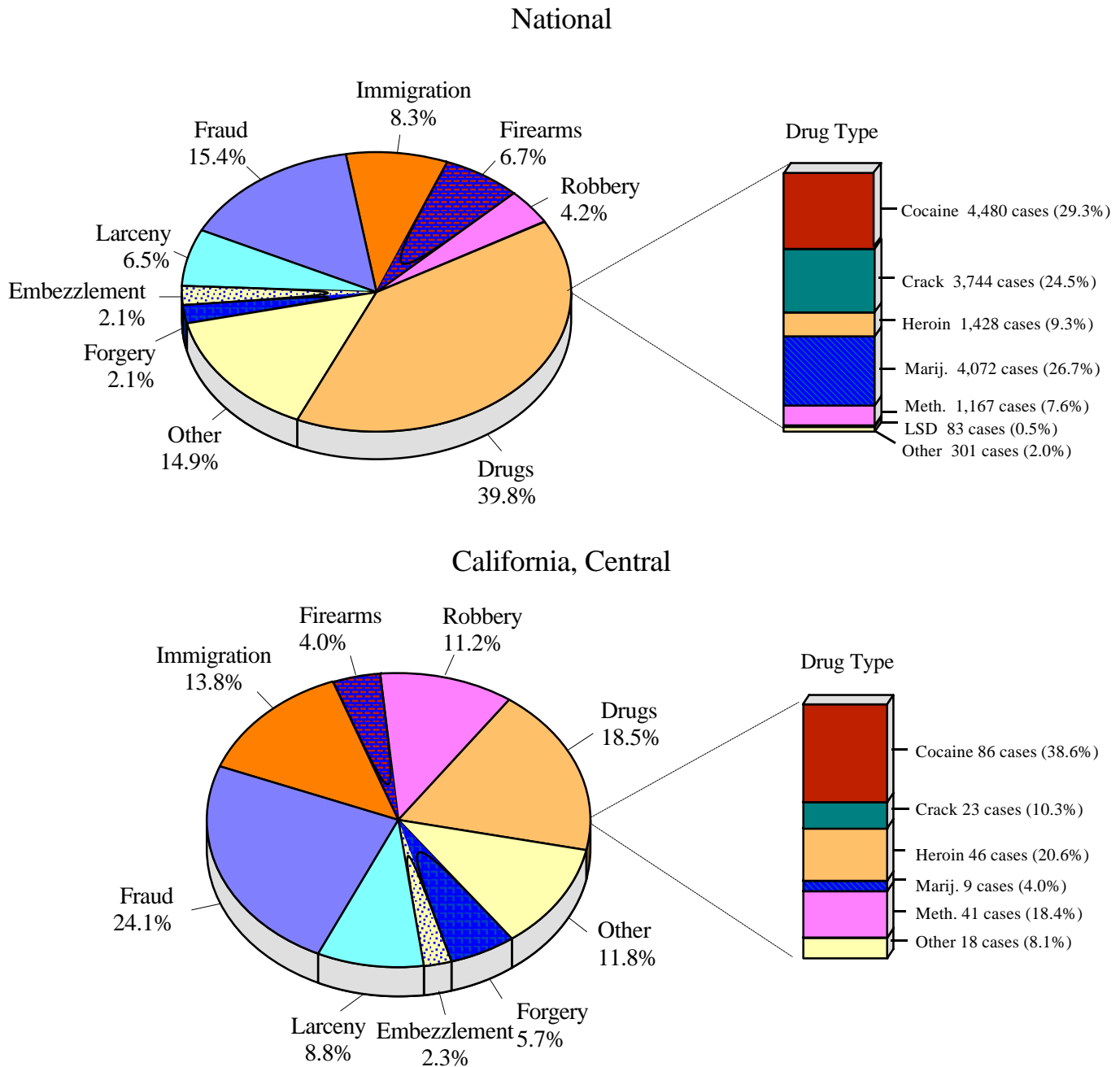


**Figure A**

**GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**



<sup>1</sup>Of the 38,500 guideline cases, 123 cases with missing primary offense category were excluded. Of the 15,288 drug cases (including trafficking, use of a communication facility, and simple possession), 13 cases with missing drug type were excluded from the bar chart.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

| PRIMARY OFFENSE                    | National      |              | California, Central |              |
|------------------------------------|---------------|--------------|---------------------|--------------|
|                                    | Number        | Percent      | Number              | Percent      |
| <b>TOTAL</b>                       | <b>38,377</b> | <b>100.0</b> | <b>1,214</b>        | <b>100.0</b> |
| Murder                             | 85            | 0.2          | 3                   | 0.2          |
| Manslaughter                       | 48            | 0.1          | 0                   | 0.0          |
| Kidnapping/Hostage Taking          | 62            | 0.2          | 1                   | 0.1          |
| Sexual Abuse                       | 177           | 0.5          | 1                   | 0.1          |
| Assault                            | 390           | 1.0          | 6                   | 0.5          |
| Robbery                            | 1,603         | 4.2          | 136                 | 11.2         |
| Arson                              | 97            | 0.3          | 0                   | 0.0          |
| Drugs - Trafficking                | 14,183        | 37.0         | 215                 | 17.7         |
| Drugs - Communication Facility     | 332           | 0.9          | 8                   | 0.7          |
| Drugs - Simple Possession          | 773           | 2.0          | 1                   | 0.1          |
| Firearms                           | 2,573         | 6.7          | 48                  | 4.0          |
| Burglary/B&E                       | 66            | 0.2          | 0                   | 0.0          |
| Auto Theft                         | 149           | 0.4          | 0                   | 0.0          |
| Larceny                            | 2,492         | 6.5          | 107                 | 8.8          |
| Fraud                              | 5,909         | 15.4         | 292                 | 24.1         |
| Embezzlement                       | 815           | 2.1          | 28                  | 2.3          |
| Forgery/Counterfeiting             | 790           | 2.1          | 69                  | 5.7          |
| Bribery                            | 303           | 0.8          | 10                  | 0.8          |
| Tax                                | 744           | 1.9          | 30                  | 2.5          |
| Money Laundering                   | 832           | 2.2          | 43                  | 3.5          |
| Racketeering/Extortion             | 414           | 1.1          | 2                   | 0.2          |
| Gambling/Lottery                   | 218           | 0.6          | 0                   | 0.0          |
| Civil Rights                       | 102           | 0.3          | 0                   | 0.0          |
| Immigration                        | 3,170         | 8.3          | 167                 | 13.8         |
| Pornography/Prostitution           | 96            | 0.3          | 0                   | 0.0          |
| Prison Offenses                    | 373           | 1.0          | 13                  | 1.1          |
| Administration of Justice Offenses | 723           | 1.9          | 11                  | 0.9          |
| Environmental/Wildlife             | 127           | 0.3          | 8                   | 0.7          |
| National Defense                   | 35            | 0.1          | 4                   | 0.3          |
| Antitrust                          | 18            | 0.0          | 0                   | 0.0          |
| Food & Drug                        | 60            | 0.2          | 3                   | 0.2          |
| Other Miscellaneous Offenses       | 618           | 1.6          | 8                   | 0.7          |

Of the 38,500 guideline cases, 123 cases were excluded due to missing information on primary offense category.

Of the 1,217 guideline cases from the District of California, Central, three cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
(October 1, 1994, through September 30, 1995)

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>38,443</b> | <b>35,319</b> | <b>91.9</b> | <b>3,124</b> | <b>8.1</b> |
| <b>D.C. CIRCUIT</b>   | 416           | 373           | 89.7        | 43           | 10.3       |
| District of Columbia  | 416           | 373           | 89.7        | 43           | 10.3       |
| <b>FIRST CIRCUIT</b>  | 1,233         | 1,128         | 91.5        | 105          | 8.5        |
| Maine                 | 137           | 123           | 89.8        | 14           | 10.2       |
| Massachusetts         | 383           | 336           | 87.7        | 47           | 12.3       |
| New Hampshire         | 119           | 116           | 97.5        | 3            | 2.5        |
| Puerto Rico           | 481           | 455           | 94.6        | 26           | 5.4        |
| Rhode Island          | 113           | 98            | 86.7        | 15           | 13.3       |
| <b>SECOND CIRCUIT</b> | 3,620         | 3,381         | 93.4        | 239          | 6.6        |
| Connecticut           | 217           | 199           | 91.7        | 18           | 8.3        |
| New York              |               |               |             |              |            |
| Eastern               | 1,450         | 1,353         | 93.3        | 97           | 6.7        |
| Northern              | 441           | 413           | 93.7        | 28           | 6.3        |
| Southern              | 1,032         | 957           | 92.7        | 75           | 7.3        |
| Western               | 370           | 354           | 95.7        | 16           | 4.3        |
| Vermont               | 110           | 105           | 95.5        | 5            | 4.5        |
| <b>THIRD CIRCUIT</b>  | 2,100         | 1,920         | 91.4        | 180          | 8.6        |
| Delaware              | 67            | 60            | 89.6        | 7            | 10.4       |
| New Jersey            | 521           | 496           | 95.2        | 25           | 4.8        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 758           | 674           | 88.9        | 84           | 11.1       |
| Middle                | 300           | 276           | 92.0        | 24           | 8.0        |
| Western               | 327           | 291           | 89.0        | 36           | 11.0       |
| Virgin Islands        | 127           | 123           | 96.9        | 4            | 3.1        |
| <b>FOURTH CIRCUIT</b> | 4,165         | 3,744         | 89.9        | 421          | 10.1       |
| Maryland              | 394           | 356           | 90.4        | 38           | 9.6        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 542           | 488           | 90.0        | 54           | 10.0       |
| Middle                | 336           | 295           | 87.8        | 41           | 12.2       |
| Western               | 552           | 525           | 95.1        | 27           | 4.9        |
| South Carolina        | 710           | 680           | 95.8        | 30           | 4.2        |
| Virginia              |               |               |             |              |            |
| Eastern               | 932           | 785           | 84.2        | 147          | 15.8       |
| Western               | 349           | 300           | 86.0        | 49           | 14.0       |
| West Virginia         |               |               |             |              |            |
| Northern              | 155           | 133           | 85.8        | 22           | 14.2       |
| Southern              | 195           | 182           | 93.3        | 13           | 6.7        |

| CIRCUIT<br>District    | TOTAL | PLEA   |         | TRIAL  |         |
|------------------------|-------|--------|---------|--------|---------|
|                        |       | Number | Percent | Number | Percent |
| <b>FIFTH CIRCUIT</b>   | 5,322 | 4,892  | 91.9    | 430    | 8.1     |
| Louisiana              |       |        |         |        |         |
| Eastern                | 362   | 345    | 95.3    | 17     | 4.7     |
| Middle                 | 71    | 64     | 90.1    | 7      | 9.9     |
| Western                | 257   | 228    | 88.7    | 29     | 11.3    |
| Mississippi            |       |        |         |        |         |
| Northern               | 160   | 132    | 82.5    | 28     | 17.5    |
| Southern               | 200   | 178    | 89.0    | 22     | 11.0    |
| Texas                  |       |        |         |        |         |
| Eastern                | 422   | 375    | 88.9    | 47     | 11.1    |
| Northern               | 881   | 831    | 94.3    | 50     | 5.7     |
| Southern               | 1,491 | 1,362  | 91.3    | 129    | 8.7     |
| Western                | 1,478 | 1,377  | 93.2    | 101    | 6.8     |
| <b>SIXTH CIRCUIT</b>   | 3,806 | 3,484  | 91.5    | 322    | 8.5     |
| Kentucky               |       |        |         |        |         |
| Eastern                | 311   | 277    | 89.1    | 34     | 10.9    |
| Western                | 335   | 296    | 88.4    | 39     | 11.6    |
| Michigan               |       |        |         |        |         |
| Eastern                | 880   | 822    | 93.4    | 58     | 6.6     |
| Western                | 337   | 301    | 89.3    | 36     | 10.7    |
| Ohio                   |       |        |         |        |         |
| Northern               | 649   | 609    | 93.8    | 40     | 6.2     |
| Southern               | 325   | 312    | 96.0    | 13     | 4.0     |
| Tennessee              |       |        |         |        |         |
| Eastern                | 402   | 357    | 88.8    | 45     | 11.2    |
| Middle                 | 194   | 178    | 91.8    | 16     | 8.2     |
| Western                | 373   | 332    | 89.0    | 41     | 11.0    |
| <b>SEVENTH CIRCUIT</b> | 1,839 | 1,649  | 89.7    | 190    | 10.3    |
| Illinois               |       |        |         |        |         |
| Central                | 192   | 177    | 92.2    | 15     | 7.8     |
| Northern               | 677   | 601    | 88.8    | 76     | 11.2    |
| Southern               | 270   | 239    | 88.5    | 31     | 11.5    |
| Indiana                |       |        |         |        |         |
| Northern               | 199   | 185    | 93.0    | 14     | 7.0     |
| Southern               | 198   | 178    | 89.9    | 20     | 10.1    |
| Wisconsin              |       |        |         |        |         |
| Eastern                | 204   | 178    | 87.3    | 26     | 12.7    |
| Western                | 99    | 91     | 91.9    | 8      | 8.1     |
| <b>EIGHTH CIRCUIT</b>  | 2,292 | 2,070  | 90.3    | 222    | 9.7     |
| Arkansas               |       |        |         |        |         |
| Eastern                | 248   | 221    | 89.1    | 27     | 10.9    |
| Western                | 99    | 87     | 87.9    | 12     | 12.1    |
| Iowa                   |       |        |         |        |         |
| Northern               | 103   | 93     | 90.3    | 10     | 9.7     |
| Southern               | 144   | 120    | 83.3    | 24     | 16.7    |
| Minnesota              | 386   | 338    | 87.6    | 48     | 12.4    |
| Missouri               |       |        |         |        |         |
| Eastern                | 384   | 345    | 89.8    | 39     | 10.2    |
| Western                | 392   | 363    | 92.6    | 29     | 7.4     |
| Nebraska               | 176   | 167    | 94.9    | 9      | 5.1     |
| North Dakota           | 160   | 154    | 96.3    | 6      | 3.8     |
| South Dakota           | 200   | 182    | 91.0    | 18     | 9.0     |

| CIRCUIT<br>District      | TOTAL | PLEA   |         | TRIAL  |         |
|--------------------------|-------|--------|---------|--------|---------|
|                          |       | Number | Percent | Number | Percent |
| <b>NINTH CIRCUIT</b>     | 7,422 | 7,082  | 95.4    | 340    | 4.6     |
| Alaska                   | 112   | 98     | 87.5    | 14     | 12.5    |
| Arizona                  | 990   | 960    | 97.0    | 30     | 3.0     |
| California               |       |        |         |        |         |
| Central                  | 1,214 | 1,169  | 96.3    | 45     | 3.7     |
| Eastern                  | 656   | 617    | 94.1    | 39     | 5.9     |
| Northern                 | 398   | 372    | 93.5    | 26     | 6.5     |
| Southern                 | 1,838 | 1,790  | 97.4    | 48     | 2.6     |
| Guam                     | 121   | 117    | 96.7    | 4      | 3.3     |
| Hawaii                   | 228   | 208    | 91.2    | 20     | 8.8     |
| Idaho                    | 83    | 74     | 89.2    | 9      | 10.8    |
| Montana                  | 188   | 175    | 93.1    | 13     | 6.9     |
| Nevada                   | 416   | 381    | 91.6    | 35     | 8.4     |
| Northern Mariana Islands | 8     | 8      | 100.0   | 0      | 0.0     |
| Oregon                   | 506   | 483    | 95.5    | 23     | 4.5     |
| Washington               |       |        |         |        |         |
| Eastern                  | 271   | 263    | 97.0    | 8      | 3.0     |
| Western                  | 393   | 367    | 93.4    | 26     | 6.6     |
| <b>TENTH CIRCUIT</b>     | 2,062 | 1,943  | 94.2    | 119    | 5.8     |
| Colorado                 | 334   | 324    | 97.0    | 10     | 3.0     |
| Kansas                   | 326   | 295    | 90.5    | 31     | 9.5     |
| New Mexico               | 656   | 639    | 97.4    | 17     | 2.6     |
| Oklahoma                 |       |        |         |        |         |
| Eastern                  | 61    | 59     | 96.7    | 2      | 3.3     |
| Northern                 | 170   | 147    | 86.5    | 23     | 13.5    |
| Western                  | 199   | 178    | 89.4    | 21     | 10.6    |
| Utah                     | 211   | 205    | 97.2    | 6      | 2.8     |
| Wyoming                  | 105   | 96     | 91.4    | 9      | 8.6     |
| <b>ELEVENTH CIRCUIT</b>  | 4,166 | 3,653  | 87.7    | 513    | 12.3    |
| Alabama                  |       |        |         |        |         |
| Middle                   | 180   | 145    | 80.6    | 35     | 19.4    |
| Northern                 | 269   | 252    | 93.7    | 17     | 6.3     |
| Southern                 | 273   | 233    | 85.3    | 40     | 14.7    |
| Florida                  |       |        |         |        |         |
| Middle                   | 820   | 709    | 86.5    | 111    | 13.5    |
| Northern                 | 329   | 274    | 83.3    | 55     | 16.7    |
| Southern                 | 1,224 | 1,063  | 86.8    | 161    | 13.2    |
| Georgia                  |       |        |         |        |         |
| Middle                   | 330   | 310    | 93.9    | 20     | 6.1     |
| Northern                 | 533   | 488    | 91.6    | 45     | 8.4     |
| Southern                 | 208   | 179    | 86.1    | 29     | 13.9    |

Of the 38,500 guideline cases, 57 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

| PRIMARY OFFENSE                    | TOTAL         | National      |             |              |            | California, Central |             |           |            |
|------------------------------------|---------------|---------------|-------------|--------------|------------|---------------------|-------------|-----------|------------|
|                                    |               | PLEA          |             | TRIAL        |            | PLEA                |             | TRIAL     |            |
|                                    |               | n             | %           | n            | %          | n                   | %           | n         | %          |
| <b>TOTAL</b>                       | <b>38,325</b> | <b>35,208</b> | <b>91.9</b> | <b>3,117</b> | <b>8.1</b> | <b>1,167</b>        | <b>96.3</b> | <b>45</b> | <b>3.7</b> |
| Murder                             | 84            | 57            | 67.9        | 27           | 32.1       | 3                   | 100.0       | 0         | 0.0        |
| Manslaughter                       | 48            | 45            | 93.8        | 3            | 6.3        | 0                   | --          | 0         | --         |
| Kidnapping/Hostage Taking          | 62            | 49            | 79.0        | 13           | 21.0       | 1                   | 100.0       | 0         | 0.0        |
| Sexual Abuse                       | 177           | 157           | 88.7        | 20           | 11.3       | 1                   | 100.0       | 0         | 0.0        |
| Assault                            | 389           | 312           | 80.2        | 77           | 19.8       | 4                   | 66.7        | 2         | 33.3       |
| Robbery                            | 1,600         | 1,437         | 89.8        | 163          | 10.2       | 130                 | 96.3        | 5         | 3.7        |
| Arson                              | 96            | 84            | 87.5        | 12           | 12.5       | 0                   | --          | 0         | --         |
| Drugs - Trafficking                | 14,164        | 12,652        | 89.3        | 1,512        | 10.7       | 201                 | 93.5        | 14        | 6.5        |
| Drugs - Communication Facility     | 332           | 326           | 98.2        | 6            | 1.8        | 8                   | 100.0       | 0         | 0.0        |
| Drugs - Simple Possession          | 770           | 751           | 97.5        | 19           | 2.5        | 1                   | 100.0       | 0         | 0.0        |
| Firearms                           | 2,568         | 2,249         | 87.6        | 319          | 12.4       | 41                  | 85.4        | 7         | 14.6       |
| Burglary/B&E                       | 66            | 64            | 97.0        | 2            | 3.0        | 0                   | --          | 0         | --         |
| Auto Theft                         | 149           | 142           | 95.3        | 7            | 4.7        | 0                   | --          | 0         | --         |
| Larceny                            | 2,490         | 2,385         | 95.8        | 105          | 4.2        | 105                 | 98.1        | 2         | 1.9        |
| Fraud                              | 5,905         | 5,554         | 94.1        | 351          | 5.9        | 285                 | 97.9        | 6         | 2.1        |
| Embezzlement                       | 815           | 799           | 98.0        | 16           | 2.0        | 28                  | 100.0       | 0         | 0.0        |
| Forgery/Counterfeiting             | 790           | 756           | 95.7        | 34           | 4.3        | 65                  | 94.2        | 4         | 5.8        |
| Bribery                            | 302           | 261           | 86.4        | 41           | 13.6       | 10                  | 100.0       | 0         | 0.0        |
| Tax                                | 742           | 696           | 93.8        | 46           | 6.2        | 30                  | 100.0       | 0         | 0.0        |
| Money Laundering                   | 832           | 772           | 92.8        | 60           | 7.2        | 42                  | 97.7        | 1         | 2.3        |
| Racketeering/Extortion             | 412           | 345           | 83.7        | 67           | 16.3       | 2                   | 100.0       | 0         | 0.0        |
| Gambling/Lottery                   | 217           | 212           | 97.7        | 5            | 2.3        | 0                   | --          | 0         | --         |
| Civil Rights                       | 102           | 93            | 91.2        | 9            | 8.8        | 0                   | --          | 0         | --         |
| Immigration                        | 3,168         | 3,107         | 98.1        | 61           | 1.9        | 164                 | 98.2        | 3         | 1.8        |
| Pornography/Prostitution           | 96            | 89            | 92.7        | 7            | 7.3        | 0                   | --          | 0         | --         |
| Prison Offenses                    | 373           | 347           | 93.0        | 26           | 7.0        | 13                  | 100.0       | 0         | 0.0        |
| Administration of Justice Offenses | 722           | 677           | 93.8        | 45           | 6.2        | 11                  | 100.0       | 0         | 0.0        |
| Environmental/Wildlife             | 127           | 121           | 95.3        | 6            | 4.7        | 7                   | 87.5        | 1         | 12.5       |
| National Defense                   | 35            | 28            | 80.0        | 7            | 20.0       | 4                   | 100.0       | 0         | 0.0        |
| Antitrust                          | 18            | 17            | 94.4        | 1            | 5.6        | 0                   | --          | 0         | --         |
| Food & Drug                        | 60            | 58            | 96.7        | 2            | 3.3        | 3                   | 100.0       | 0         | 0.0        |
| Other Miscellaneous Offenses       | 614           | 566           | 92.2        | 48           | 7.8        | 8                   | 100.0       | 0         | 0.0        |

Of the 38,500 guideline cases, 175 cases were excluded due to one or both of the following reasons: missing primary offense category (123) or missing mode of conviction (57). Of the 1,217 guideline cases from the District of California, Central, five cases were excluded due to one or both of the following reasons: missing primary offense category (3) or missing mode of conviction (3).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

**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>38,114</b> | <b>28,290</b> | <b>74.2</b> | <b>1,692</b>                    | <b>4.4</b> | <b>2,967</b>              | <b>7.8</b> | <b>5,165</b>   | <b>13.6</b> |
| Murder                             | 85            | 81            | 95.3        | 0                               | 0.0        | 3                         | 3.5        | 1              | 1.2         |
| Manslaughter                       | 47            | 38            | 80.9        | 5                               | 10.6       | 3                         | 6.4        | 1              | 2.1         |
| Kidnapping/Hostage Taking          | 62            | 61            | 98.4        | 0                               | 0.0        | 1                         | 1.6        | 0              | 0.0         |
| Sexual Abuse                       | 177           | 160           | 90.4        | 6                               | 3.4        | 5                         | 2.8        | 6              | 3.4         |
| Assault                            | 388           | 306           | 78.9        | 12                              | 3.1        | 25                        | 6.4        | 45             | 11.6        |
| Robbery                            | 1,594         | 1,530         | 96.0        | 43                              | 2.7        | 8                         | 0.5        | 13             | 0.8         |
| Arson                              | 97            | 83            | 85.6        | 2                               | 2.1        | 7                         | 7.2        | 5              | 5.2         |
| Drugs - Trafficking                | 14,116        | 13,126        | 93.0        | 255                             | 1.8        | 346                       | 2.5        | 389            | 2.8         |
| Drugs - Communication Facility     | 331           | 257           | 77.6        | 13                              | 3.9        | 20                        | 6.0        | 41             | 12.4        |
| Drugs - Simple Possession          | 759           | 363           | 47.8        | 30                              | 4.0        | 61                        | 8.0        | 305            | 40.2        |
| Firearms                           | 2,566         | 2,258         | 88.0        | 94                              | 3.7        | 95                        | 3.7        | 119            | 4.6         |
| Burglary/B&E                       | 66            | 57            | 86.4        | 2                               | 3.0        | 6                         | 9.1        | 1              | 1.5         |
| Auto Theft                         | 147           | 105           | 71.4        | 4                               | 2.7        | 17                        | 11.6       | 21             | 14.3        |
| Larceny                            | 2,443         | 798           | 32.7        | 147                             | 6.0        | 429                       | 17.6       | 1,069          | 43.8        |
| Fraud                              | 5,864         | 3,090         | 52.7        | 556                             | 9.5        | 911                       | 15.5       | 1,307          | 22.3        |
| Embezzlement                       | 809           | 282           | 34.9        | 175                             | 21.6       | 106                       | 13.1       | 246            | 30.4        |
| Forgery/Counterfeiting             | 787           | 401           | 51.0        | 41                              | 5.2        | 115                       | 14.6       | 230            | 29.2        |
| Bribery                            | 302           | 146           | 48.3        | 34                              | 11.3       | 59                        | 19.5       | 63             | 20.9        |
| Tax                                | 737           | 207           | 28.1        | 59                              | 8.0        | 260                       | 35.3       | 211            | 28.6        |
| Money Laundering                   | 831           | 572           | 68.8        | 40                              | 4.8        | 83                        | 10.0       | 136            | 16.4        |
| Racketeering/Extortion             | 413           | 363           | 87.9        | 9                               | 2.2        | 19                        | 4.6        | 22             | 5.3         |
| Gambling/Lottery                   | 217           | 40            | 18.4        | 14                              | 6.5        | 80                        | 36.9       | 83             | 38.2        |
| Civil Rights                       | 102           | 54            | 52.9        | 1                               | 1.0        | 15                        | 14.7       | 32             | 31.4        |
| Immigration                        | 3,160         | 2,819         | 89.2        | 44                              | 1.4        | 59                        | 1.9        | 238            | 7.5         |
| Pornography/Prostitution           | 95            | 70            | 73.7        | 3                               | 3.2        | 9                         | 9.5        | 13             | 13.7        |
| Prison Offenses                    | 373           | 328           | 87.9        | 21                              | 5.6        | 8                         | 2.1        | 16             | 4.3         |
| Administration of Justice Offenses | 717           | 433           | 60.4        | 40                              | 5.6        | 87                        | 12.1       | 157            | 21.9        |
| Environmental/Wildlife             | 114           | 27            | 23.7        | 9                               | 7.9        | 20                        | 17.5       | 58             | 50.9        |
| National Defense                   | 35            | 29            | 82.9        | 2                               | 5.7        | 1                         | 2.9        | 3              | 8.6         |
| Antitrust                          | 18            | 12            | 66.7        | 0                               | 0.0        | 4                         | 22.2       | 2              | 11.1        |
| Food & Drug                        | 60            | 12            | 20.0        | 2                               | 3.3        | 11                        | 18.3       | 35             | 58.3        |
| Other Miscellaneous Offenses       | 602           | 182           | 30.2        | 29                              | 4.8        | 94                        | 15.6       | 297            | 49.3        |

Of the 38,500 guideline cases, 386 cases were excluded due to one or more of the following reasons: missing sentencing information (152), missing primary offense category (123), or cases in which defendant received no imprisonment or probation (113).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**(October 1, 1994, through September 30, 1995)**

California, Central

| PRIMARY OFFENSE                    | TOTAL        | Prison     |             | Prison/Community<br>Split Sentence |            | Probation and<br>Confinement |            | Probation Only |             |
|------------------------------------|--------------|------------|-------------|------------------------------------|------------|------------------------------|------------|----------------|-------------|
|                                    |              | Number     | Percent     | Number                             | Percent    | Number                       | Percent    | Number         | Percent     |
| <b>TOTAL</b>                       | <b>1,210</b> | <b>871</b> | <b>72.0</b> | <b>52</b>                          | <b>4.3</b> | <b>101</b>                   | <b>8.3</b> | <b>186</b>     | <b>15.4</b> |
| Murder                             | 3            | 3          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Manslaughter                       | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Kidnapping/Hostage Taking          | 1            | 1          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Sexual Abuse                       | 1            | 1          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Assault                            | 6            | 5          | 83.3        | 0                                  | 0.0        | 0                            | 0.0        | 1              | 16.7        |
| Robbery                            | 136          | 135        | 99.3        | 0                                  | 0.0        | 1                            | 0.7        | 0              | 0.0         |
| Arson                              | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Drugs - Trafficking                | 214          | 208        | 97.2        | 1                                  | 0.5        | 2                            | 0.9        | 3              | 1.4         |
| Drugs - Communication Facility     | 8            | 8          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Drugs - Simple Possession          | 1            | 1          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Firearms                           | 48           | 41         | 85.4        | 1                                  | 2.1        | 5                            | 10.4       | 1              | 2.1         |
| Burglary/B&E                       | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Auto Theft                         | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Larceny                            | 107          | 56         | 52.3        | 6                                  | 5.6        | 15                           | 14.0       | 30             | 28.0        |
| Fraud                              | 289          | 147        | 50.9        | 22                                 | 7.6        | 40                           | 13.8       | 80             | 27.7        |
| Embezzlement                       | 28           | 7          | 25.0        | 8                                  | 28.6       | 6                            | 21.4       | 7              | 25.0        |
| Forgery/Counterfeiting             | 69           | 42         | 60.9        | 4                                  | 5.8        | 9                            | 13.0       | 14             | 20.3        |
| Bribery                            | 10           | 3          | 30.0        | 3                                  | 30.0       | 4                            | 40.0       | 0              | 0.0         |
| Tax                                | 30           | 10         | 33.3        | 1                                  | 3.3        | 8                            | 26.7       | 11             | 36.7        |
| Money Laundering                   | 43           | 31         | 72.1        | 3                                  | 7.0        | 3                            | 7.0        | 6              | 14.0        |
| Racketeering/Extortion             | 2            | 2          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Gambling/Lottery                   | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Civil Rights                       | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Immigration                        | 167          | 140        | 83.8        | 2                                  | 1.2        | 6                            | 3.6        | 19             | 11.4        |
| Pornography/Prostitution           | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Prison Offenses                    | 13           | 13         | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Administration of Justice Offenses | 11           | 7          | 63.6        | 1                                  | 9.1        | 0                            | 0.0        | 3              | 27.3        |
| Environmental/Wildlife             | 8            | 3          | 37.5        | 0                                  | 0.0        | 0                            | 0.0        | 5              | 62.5        |
| National Defense                   | 4            | 3          | 75.0        | 0                                  | 0.0        | 1                            | 25.0       | 0              | 0.0         |
| Antitrust                          | 0            | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Food & Drug                        | 3            | 2          | 66.7        | 0                                  | 0.0        | 0                            | 0.0        | 1              | 33.3        |
| Other Miscellaneous Offenses       | 8            | 2          | 25.0        | 0                                  | 0.0        | 1                            | 12.5       | 5              | 62.5        |

Of the 1,217 guideline cases from the District of California, Central, seven cases were excluded due to the following reasons: missing sentencing information (4) or missing primary offense category (3).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

| PRIMARY OFFENSE                     | National        |             |                     |             | California, Central |             |                     |             |
|-------------------------------------|-----------------|-------------|---------------------|-------------|---------------------|-------------|---------------------|-------------|
|                                     | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence     |             | Non-Prison Sentence |             |
|                                     | n               | %           | n                   | %           | n                   | %           | n                   | %           |
| <b>TOTAL</b>                        | <b>2,816</b>    | <b>33.6</b> | <b>5,570</b>        | <b>66.4</b> | <b>71</b>           | <b>50.4</b> | <b>70</b>           | <b>49.6</b> |
| <b>Fraud</b>                        | 702             | 31.3        | 1,543               | 68.7        | 19                  | 34.5        | 36                  | 65.5        |
| <b>Larceny</b>                      | 335             | 20.6        | 1,288               | 79.4        | 9                   | 50.0        | 9                   | 50.0        |
| <b>Immigration</b>                  | 743             | 75.3        | 244                 | 24.7        | 23                  | 82.1        | 5                   | 17.9        |
| <b>Embezzlement</b>                 | 187             | 42.6        | 252                 | 57.4        | 4                   | 57.1        | 3                   | 42.9        |
| <b>Drugs - Trafficking</b>          | 142             | 39.8        | 215                 | 60.2        | 0                   | 0.0         | 2                   | 100.0       |
| <b>Drugs - Simple Possession</b>    | 146             | 35.5        | 265                 | 64.5        | 0                   | --          | 0                   | --          |
| <b>Firearms</b>                     | 48              | 35.0        | 89                  | 65.0        | 0                   | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | 120             | 31.2        | 265                 | 68.8        | 14                  | 82.4        | 3                   | 17.6        |
| <b>Other Miscellaneous Offenses</b> | 393             | 21.8        | 1,409               | 78.2        | 2                   | 14.3        | 12                  | 85.7        |

Of the 38,500 guideline cases, 30,114 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (30,044), missing sentencing information (152), or missing primary offense category (123).

Of the 1,217 guideline cases from the District of California, Central, 1,076 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (1,076), missing sentencing information (4), or missing primary offense category (3).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

| PRIMARY OFFENSE                           | National       |                  |               | California, Central |                  |            |
|---|----------------|------------------|---------------|---------------------|------------------|------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months      | Median<br>Months | Number     |
| <b>TOTAL</b>                              | <b>63.1</b>    | <b>33.0</b>      | <b>29,912</b> | <b>59.3</b>         | <b>30.0</b>      | <b>921</b> |
| <b>Murder</b>                             | 253.2          | 210.0            | 81            | 180.7               | 42.0             | 3          |
| <b>Manslaughter</b>                       | 45.7           | 41.0             | 43            | --                  | --               | 0          |
| <b>Kidnapping/Hostage Taking</b>          | 183.3          | 130.0            | 61            | 420.0               | --               | 1          |
| <b>Sexual Abuse</b>                       | 81.4           | 38.5             | 166           | 36.0                | --               | 1          |
| <b>Assault</b>                            | 54.9           | 33.0             | 316           | 77.8                | 69.0             | 5          |
| <b>Robbery</b>                            | 108.6          | 78.0             | 1,573         | 95.2                | 78.0             | 135        |
| <b>Arson</b>                              | 58.7           | 34.0             | 85            | --                  | --               | 0          |
| <b>Drugs - Trafficking</b>                | 89.7           | 60.0             | 13,367        | 124.2               | 97.0             | 208        |
| <b>Drugs - Communication Facility</b>     | 38.2           | 41.0             | 269           | 59.1                | 48.0             | 7          |
| <b>Drugs - Simple Possession</b>          | 12.0           | 6.0              | 391           | 2.0                 | --               | 1          |
| <b>Firearms</b>                           | 79.8           | 48.0             | 2,352         | 80.1                | 41.0             | 42         |
| <b>Burglary/B&amp;E</b>                   | 33.5           | 24.0             | 59            | --                  | --               | 0          |
| <b>Auto Theft</b>                         | 23.2           | 18.0             | 109           | --                  | --               | 0          |
| <b>Larceny</b>                            | 13.5           | 10.0             | 945           | 15.6                | 10.0             | 62         |
| <b>Fraud</b>                              | 18.3           | 12.0             | 3,639         | 21.4                | 12.0             | 169        |
| <b>Embezzlement</b>                       | 7.6            | 5.0              | 454           | 4.4                 | 2.0              | 15         |
| <b>Forgery/Counterfeiting</b>             | 14.4           | 12.0             | 442           | 11.5                | 8.0              | 46         |
| <b>Bribery</b>                            | 18.4           | 12.0             | 180           | 10.7                | 5.5              | 6          |
| <b>Tax</b>                                | 15.0           | 12.0             | 266           | 12.0                | 12.0             | 11         |
| <b>Money Laundering</b>                   | 40.0           | 33.0             | 609           | 43.6                | 41.0             | 34         |
| <b>Racketeering/Extortion</b>             | 83.4           | 57.0             | 371           | 105.5               | --               | 2          |
| <b>Gambling/Lottery</b>                   | 15.1           | 12.0             | 54            | --                  | --               | 0          |
| <b>Civil Rights</b>                       | 43.7           | 27.0             | 55            | --                  | --               | 0          |
| <b>Immigration</b>                        | 21.7           | 21.0             | 2,830         | 19.8                | 10.0             | 142        |
| <b>Pornography/Prostitution</b>           | 41.3           | 24.0             | 73            | --                  | --               | 0          |
| <b>Prison Offenses</b>                    | 22.1           | 18.0             | 349           | 27.2                | 27.0             | 13         |
| <b>Administration of Justice Offenses</b> | 21.0           | 18.0             | 469           | 15.4                | 13.0             | 8          |
| <b>Environmental/Wildlife</b>             | 13.4           | 8.5              | 36            | 44.0                | 21.0             | 3          |
| <b>National Defense</b>                   | 20.8           | 15.0             | 31            | 10.7                | 10.0             | 3          |
| <b>Antitrust</b>                          | 9.2            | 7.0              | 12            | --                  | --               | 0          |
| <b>Food &amp; Drug</b>                    | 32.6           | 14.0             | 14            | 118.0               | --               | 2          |
| <b>Other Miscellaneous Offenses</b>       | 15.9           | 8.0              | 211           | 24.0                | --               | 2          |

Of the 38,500 guideline cases, 8,306 cases with zero months prison ordered were excluded. In addition, 282 cases were excluded due to one or both of the following reasons: missing primary offense category (63) or missing or indeterminable sentencing information (225).

Of the 1,217 guideline cases from the District of California, Central, 296 cases were excluded due to one or more of the following reasons: zero prison months ordered (289), missing primary offense category (3), or missing or indeterminable sentencing information (6).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 8

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
(October 1, 1994, through September 30, 1995)

| CIRCUIT               | TOTAL         | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | OTHER DOWNWARD DEPARTURE |            | UPWARD DEPARTURE |            |
|-----------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|------------|------------------|------------|
|                       |               | n                                | %           | n                                | %           | n                        | %          | n                | %          |
| <b>TOTAL</b>          | <b>36,975</b> | <b>26,259</b>                    | <b>71.0</b> | <b>7,271</b>                     | <b>19.7</b> | <b>3,110</b>             | <b>8.4</b> | <b>335</b>       | <b>0.9</b> |
| <b>D.C. CIRCUIT</b>   | 408           | 283                              | 69.4        | 80                               | 19.6        | 38                       | 9.3        | 7                | 1.7        |
| District of Columbia  | 408           | 283                              | 69.4        | 80                               | 19.6        | 38                       | 9.3        | 7                | 1.7        |
| <b>FIRST CIRCUIT</b>  | 1,223         | 890                              | 72.8        | 215                              | 17.6        | 98                       | 8.0        | 20               | 1.6        |
| Maine                 | 137           | 99                               | 72.3        | 32                               | 23.4        | 3                        | 2.2        | 3                | 2.2        |
| Massachusetts         | 381           | 253                              | 66.4        | 62                               | 16.3        | 53                       | 13.9       | 13               | 3.4        |
| New Hampshire         | 118           | 51                               | 43.2        | 64                               | 54.2        | 1                        | 0.8        | 2                | 1.7        |
| Puerto Rico           | 475           | 382                              | 80.4        | 57                               | 12.0        | 34                       | 7.2        | 2                | 0.4        |
| Rhode Island          | 112           | 105                              | 93.8        | 0                                | 0.0         | 7                        | 6.3        | 0                | 0.0        |
| <b>SECOND CIRCUIT</b> | 3,268         | 2,079                            | 63.6        | 641                              | 19.6        | 528                      | 16.2       | 20               | 0.6        |
| Connecticut           | 215           | 113                              | 52.6        | 32                               | 14.9        | 64                       | 29.8       | 6                | 2.8        |
| New York              |               |                                  |             |                                  |             |                          |            |                  |            |
| Eastern               | 1,144         | 633                              | 55.3        | 226                              | 19.8        | 283                      | 24.7       | 2                | 0.2        |
| Northern              | 437           | 287                              | 65.7        | 111                              | 25.4        | 37                       | 8.5        | 2                | 0.5        |
| Southern              | 993           | 710                              | 71.5        | 179                              | 18.0        | 99                       | 10.0       | 5                | 0.5        |
| Western               | 370           | 262                              | 70.8        | 73                               | 19.7        | 33                       | 8.9        | 2                | 0.5        |
| Vermont               | 109           | 74                               | 67.9        | 20                               | 18.3        | 12                       | 11.0       | 3                | 2.8        |
| <b>THIRD CIRCUIT</b>  | 2,036         | 1,273                            | 62.5        | 621                              | 30.5        | 121                      | 5.9        | 21               | 1.0        |
| Delaware              | 65            | 52                               | 80.0        | 10                               | 15.4        | 3                        | 4.6        | 0                | 0.0        |
| New Jersey            | 519           | 334                              | 64.4        | 149                              | 28.7        | 29                       | 5.6        | 7                | 1.3        |
| Pennsylvania          |               |                                  |             |                                  |             |                          |            |                  |            |
| Eastern               | 709           | 364                              | 51.3        | 298                              | 42.0        | 44                       | 6.2        | 3                | 0.4        |
| Middle                | 295           | 188                              | 63.7        | 87                               | 29.5        | 18                       | 6.1        | 2                | 0.7        |
| Western               | 322           | 225                              | 69.9        | 67                               | 20.8        | 26                       | 8.1        | 4                | 1.2        |
| Virgin Islands        | 126           | 110                              | 87.3        | 10                               | 7.9         | 1                        | 0.8        | 5                | 4.0        |
| <b>FOURTH CIRCUIT</b> | 4,038         | 2,847                            | 70.5        | 989                              | 24.5        | 157                      | 3.9        | 45               | 1.1        |
| Maryland              | 391           | 231                              | 59.1        | 105                              | 26.9        | 48                       | 12.3       | 7                | 1.8        |
| North Carolina        |               |                                  |             |                                  |             |                          |            |                  |            |
| Eastern               | 529           | 334                              | 63.1        | 171                              | 32.3        | 17                       | 3.2        | 7                | 1.3        |
| Middle                | 336           | 240                              | 71.4        | 79                               | 23.5        | 9                        | 2.7        | 8                | 2.4        |
| Western               | 515           | 258                              | 50.1        | 242                              | 47.0        | 14                       | 2.7        | 1                | 0.2        |
| South Carolina        | 687           | 488                              | 71.0        | 181                              | 26.3        | 16                       | 2.3        | 2                | 0.3        |
| Virginia              |               |                                  |             |                                  |             |                          |            |                  |            |
| Eastern               | 885           | 801                              | 90.5        | 53                               | 6.0         | 26                       | 2.9        | 5                | 0.6        |
| Western               | 348           | 207                              | 59.5        | 117                              | 33.6        | 16                       | 4.6        | 8                | 2.3        |
| West Virginia         |               |                                  |             |                                  |             |                          |            |                  |            |
| Northern              | 157           | 121                              | 77.1        | 28                               | 17.8        | 5                        | 3.2        | 3                | 1.9        |
| Southern              | 190           | 167                              | 87.9        | 13                               | 6.8         | 6                        | 3.2        | 4                | 2.1        |

| CIRCUIT                | TOTAL | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                        |       | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>FIFTH CIRCUIT</b>   | 5,234 | 3,909                            | 74.7 | 1,000                            | 19.1 | 266                      | 5.1  | 59               | 1.1 |
| Louisiana              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 359   | 280                              | 78.0 | 65                               | 18.1 | 13                       | 3.6  | 1                | 0.3 |
| Middle                 | 71    | 55                               | 77.5 | 9                                | 12.7 | 6                        | 8.5  | 1                | 1.4 |
| Western                | 255   | 225                              | 88.2 | 22                               | 8.6  | 5                        | 2.0  | 3                | 1.2 |
| Mississippi            |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 160   | 100                              | 62.5 | 49                               | 30.6 | 8                        | 5.0  | 3                | 1.9 |
| Southern               | 197   | 155                              | 78.7 | 36                               | 18.3 | 4                        | 2.0  | 2                | 1.0 |
| Texas                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 419   | 335                              | 80.0 | 49                               | 11.7 | 27                       | 6.4  | 8                | 1.9 |
| Northern               | 865   | 650                              | 75.1 | 162                              | 18.7 | 45                       | 5.2  | 8                | 0.9 |
| Southern               | 1,484 | 1,102                            | 74.3 | 315                              | 21.2 | 58                       | 3.9  | 9                | 0.6 |
| Western                | 1,424 | 1,007                            | 70.7 | 293                              | 20.6 | 100                      | 7.0  | 24               | 1.7 |
| <b>SIXTH CIRCUIT</b>   | 3,727 | 2,730                            | 73.2 | 792                              | 21.3 | 180                      | 4.8  | 25               | 0.7 |
| Kentucky               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 310   | 244                              | 78.7 | 59                               | 19.0 | 6                        | 1.9  | 1                | 0.3 |
| Western                | 312   | 278                              | 89.1 | 22                               | 7.1  | 11                       | 3.5  | 1                | 0.3 |
| Michigan               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 873   | 584                              | 66.9 | 218                              | 25.0 | 65                       | 7.4  | 6                | 0.7 |
| Western                | 334   | 252                              | 75.4 | 75                               | 22.5 | 6                        | 1.8  | 1                | 0.3 |
| Ohio                   |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 644   | 496                              | 77.0 | 101                              | 15.7 | 46                       | 7.1  | 1                | 0.2 |
| Southern               | 320   | 222                              | 69.4 | 81                               | 25.3 | 14                       | 4.4  | 3                | 0.9 |
| Tennessee              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 398   | 252                              | 63.3 | 133                              | 33.4 | 10                       | 2.5  | 3                | 0.8 |
| Middle                 | 166   | 133                              | 80.1 | 26                               | 15.7 | 6                        | 3.6  | 1                | 0.6 |
| Western                | 370   | 269                              | 72.7 | 77                               | 20.8 | 16                       | 4.3  | 8                | 2.2 |
| <b>SEVENTH CIRCUIT</b> | 1,773 | 1,409                            | 79.5 | 302                              | 17.0 | 50                       | 2.8  | 12               | 0.7 |
| Illinois               |       |                                  |      |                                  |      |                          |      |                  |     |
| Central                | 192   | 131                              | 68.2 | 55                               | 28.6 | 3                        | 1.6  | 3                | 1.6 |
| Northern               | 629   | 485                              | 77.1 | 115                              | 18.3 | 24                       | 3.8  | 5                | 0.8 |
| Southern               | 270   | 223                              | 82.6 | 39                               | 14.4 | 8                        | 3.0  | 0                | 0.0 |
| Indiana                |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 191   | 153                              | 80.1 | 34                               | 17.8 | 3                        | 1.6  | 1                | 0.5 |
| Southern               | 192   | 149                              | 77.6 | 37                               | 19.3 | 6                        | 3.1  | 0                | 0.0 |
| Wisconsin              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 200   | 176                              | 88.0 | 18                               | 9.0  | 4                        | 2.0  | 2                | 1.0 |
| Western                | 99    | 92                               | 92.9 | 4                                | 4.0  | 2                        | 2.0  | 1                | 1.0 |
| <b>EIGHTH CIRCUIT</b>  | 2,277 | 1,658                            | 72.8 | 472                              | 20.7 | 127                      | 5.6  | 20               | 0.9 |
| Arkansas               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 248   | 194                              | 78.2 | 39                               | 15.7 | 14                       | 5.6  | 1                | 0.4 |
| Western                | 98    | 91                               | 92.9 | 4                                | 4.1  | 2                        | 2.0  | 1                | 1.0 |
| Iowa                   |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 104   | 81                               | 77.9 | 18                               | 17.3 | 3                        | 2.9  | 2                | 1.9 |
| Southern               | 142   | 93                               | 65.5 | 39                               | 27.5 | 9                        | 6.3  | 1                | 0.7 |
| Minnesota              | 380   | 247                              | 65.0 | 90                               | 23.7 | 36                       | 9.5  | 7                | 1.8 |
| Missouri               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 379   | 296                              | 78.1 | 70                               | 18.5 | 13                       | 3.4  | 0                | 0.0 |
| Western                | 392   | 253                              | 64.5 | 126                              | 32.1 | 11                       | 2.8  | 2                | 0.5 |
| Nebraska               | 174   | 114                              | 65.5 | 49                               | 28.2 | 10                       | 5.7  | 1                | 0.6 |
| North Dakota           | 160   | 117                              | 73.1 | 26                               | 16.3 | 16                       | 10.0 | 1                | 0.6 |
| South Dakota           | 200   | 172                              | 86.0 | 11                               | 5.5  | 13                       | 6.5  | 4                | 2.0 |

| CIRCUIT                  | TOTAL | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|--------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                          |       | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>NINTH CIRCUIT</b>     | 6,828 | 4,653                            | 68.1 | 971                              | 14.2 | 1,148                    | 16.8 | 56               | 0.8 |
| Alaska                   | 100   | 65                               | 65.0 | 14                               | 14.0 | 21                       | 21.0 | 0                | 0.0 |
| Arizona                  | 973   | 442                              | 45.4 | 121                              | 12.4 | 404                      | 41.5 | 6                | 0.6 |
| California               |       |                                  |      |                                  |      |                          |      |                  |     |
| Central                  | 888   | 793                              | 89.3 | 57                               | 6.4  | 34                       | 3.8  | 4                | 0.5 |
| Eastern                  | 635   | 486                              | 76.5 | 82                               | 12.9 | 65                       | 10.2 | 2                | 0.3 |
| Northern                 | 370   | 270                              | 73.0 | 51                               | 13.8 | 43                       | 11.6 | 6                | 1.6 |
| Southern                 | 1,740 | 1,085                            | 62.4 | 272                              | 15.6 | 366                      | 21.0 | 17               | 1.0 |
| Guam                     | 121   | 104                              | 86.0 | 15                               | 12.4 | 0                        | 0.0  | 2                | 1.7 |
| Hawaii                   | 224   | 160                              | 71.4 | 51                               | 22.8 | 13                       | 5.8  | 0                | 0.0 |
| Idaho                    | 81    | 58                               | 71.6 | 18                               | 22.2 | 3                        | 3.7  | 2                | 2.5 |
| Montana                  | 184   | 118                              | 64.1 | 41                               | 22.3 | 24                       | 13.0 | 1                | 0.5 |
| Nevada                   | 414   | 291                              | 70.3 | 71                               | 17.1 | 47                       | 11.4 | 5                | 1.2 |
| Northern Mariana Islands | 8     | 4                                | 50.0 | 4                                | 50.0 | 0                        | 0.0  | 0                | 0.0 |
| Oregon                   | 442   | 326                              | 73.8 | 62                               | 14.0 | 51                       | 11.5 | 3                | 0.7 |
| Washington               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 262   | 193                              | 73.7 | 23                               | 8.8  | 44                       | 16.8 | 2                | 0.8 |
| Western                  | 386   | 258                              | 66.8 | 89                               | 23.1 | 33                       | 8.5  | 6                | 1.6 |
| <b>TENTH CIRCUIT</b>     | 2,033 | 1,550                            | 76.2 | 247                              | 12.1 | 222                      | 10.9 | 14               | 0.7 |
| Colorado                 | 331   | 219                              | 66.2 | 76                               | 23.0 | 36                       | 10.9 | 0                | 0.0 |
| Kansas                   | 321   | 259                              | 80.7 | 40                               | 12.5 | 20                       | 6.2  | 2                | 0.6 |
| New Mexico               | 650   | 496                              | 76.3 | 32                               | 4.9  | 119                      | 18.3 | 3                | 0.5 |
| Oklahoma                 |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 60    | 53                               | 88.3 | 3                                | 5.0  | 3                        | 5.0  | 1                | 1.7 |
| Northern                 | 167   | 145                              | 86.8 | 15                               | 9.0  | 5                        | 3.0  | 2                | 1.2 |
| Western                  | 191   | 165                              | 86.4 | 20                               | 10.5 | 4                        | 2.1  | 2                | 1.0 |
| Utah                     | 208   | 142                              | 68.3 | 35                               | 16.8 | 28                       | 13.5 | 3                | 1.4 |
| Wyoming                  | 105   | 71                               | 67.6 | 26                               | 24.8 | 7                        | 6.7  | 1                | 1.0 |
| <b>ELEVENTH CIRCUIT</b>  | 4,130 | 2,978                            | 72.1 | 941                              | 22.8 | 175                      | 4.2  | 36               | 0.9 |
| Alabama                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 170   | 140                              | 82.4 | 24                               | 14.1 | 4                        | 2.4  | 2                | 1.2 |
| Northern                 | 267   | 199                              | 74.5 | 57                               | 21.3 | 10                       | 3.7  | 1                | 0.4 |
| Southern                 | 269   | 178                              | 66.2 | 80                               | 29.7 | 7                        | 2.6  | 4                | 1.5 |
| Florida                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 821   | 511                              | 62.2 | 268                              | 32.6 | 40                       | 4.9  | 2                | 0.2 |
| Northern                 | 328   | 198                              | 60.4 | 118                              | 36.0 | 8                        | 2.4  | 4                | 1.2 |
| Southern                 | 1,213 | 972                              | 80.1 | 168                              | 13.8 | 67                       | 5.5  | 6                | 0.5 |
| Georgia                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 325   | 238                              | 73.2 | 71                               | 21.8 | 8                        | 2.5  | 8                | 2.5 |
| Northern                 | 531   | 403                              | 75.9 | 104                              | 19.6 | 20                       | 3.8  | 4                | 0.8 |
| Southern                 | 206   | 139                              | 67.5 | 51                               | 24.8 | 11                       | 5.3  | 5                | 2.4 |

Of the 38,500 guideline cases, 253 cases with no analogous guidelines were excluded from the table. Of the remaining 38,247 cases, 1,272 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: Central California (26.9%), Eastern New York (21.3%), Oregon (9.6%), Northern California (7.5%), Northern Illinois (7.4%), Eastern Pennsylvania (7.0%), Alaska (6.5%), Western North Carolina (5.7%), and Southern California (5.4%). Descriptions of variables used in this table are provided in Appendix A of the 1995 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

**National**

| PRIMARY OFFENSE              | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE |            |
|------------------------------|---------------|--|-------------|--|-------------|--------------------------------|------------|---------------------|------------|
|                              |               | n                                      | %           | n                                      | %           | n                              | %          | n                   | %          |
| <b>TOTAL</b>                 | <b>36,868</b> | <b>26,169</b>                          | <b>71.0</b> | <b>7,263</b>                           | <b>19.7</b> | <b>3,102</b>                   | <b>8.4</b> | <b>334</b>          | <b>0.9</b> |
| Robbery                      | 1,541         | 1,142                                  | 74.1        | 196                                    | 12.7        | 164                            | 10.6       | 39                  | 2.5        |
| Drugs - Trafficking          | 13,784        | 7,920                                  | 57.5        | 4,627                                  | 33.6        | 1,207                          | 8.8        | 30                  | 0.2        |
| Drugs - Simple Possession    | 729           | 689                                    | 94.5        | 18                                     | 2.5         | 10                             | 1.4        | 12                  | 1.6        |
| Firearms                     | 2,440         | 1,860                                  | 76.2        | 306                                    | 12.5        | 225                            | 9.2        | 49                  | 2.0        |
| Larceny                      | 2,415         | 2,150                                  | 89.0        | 147                                    | 6.1         | 90                             | 3.7        | 28                  | 1.2        |
| Fraud                        | 5,664         | 4,384                                  | 77.4        | 850                                    | 15.0        | 381                            | 6.7        | 49                  | 0.9        |
| Embezzlement                 | 784           | 661                                    | 84.3        | 43                                     | 5.5         | 79                             | 10.1       | 1                   | 0.1        |
| Forgery/Counterfeiting       | 771           | 651                                    | 84.4        | 83                                     | 10.8        | 31                             | 4.0        | 6                   | 0.8        |
| Immigration                  | 3,018         | 2,518                                  | 83.4        | 65                                     | 2.2         | 402                            | 13.3       | 33                  | 1.1        |
| Other Miscellaneous Offenses | 5,722         | 4,194                                  | 73.3        | 928                                    | 16.2        | 513                            | 9.0        | 87                  | 1.5        |

**California, Central**

| PRIMARY OFFENSE              | TOTAL      | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |            | OTHER<br>DOWNWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE |            |
|------------------------------|------------|--|-------------|--|------------|--------------------------------|------------|---------------------|------------|
|                              |            | n                                      | %           | n                                      | %          | n                              | %          | n                   | %          |
| <b>TOTAL</b>                 | <b>885</b> | <b>790</b>                             | <b>89.3</b> | <b>57</b>                              | <b>6.4</b> | <b>34</b>                      | <b>3.8</b> | <b>4</b>            | <b>0.5</b> |
| Robbery                      | 106        | 93                                     | 87.7        | 3                                      | 2.8        | 8                              | 7.5        | 2                   | 1.9        |
| Drugs - Trafficking          | 127        | 102                                    | 80.3        | 17                                     | 13.4       | 8                              | 6.3        | 0                   | 0.0        |
| Drugs - Simple Possession    | 1          | 1                                      | 100.0       | 0                                      | 0.0        | 0                              | 0.0        | 0                   | 0.0        |
| Firearms                     | 29         | 26                                     | 89.7        | 0                                      | 0.0        | 3                              | 10.3       | 0                   | 0.0        |
| Larceny                      | 81         | 75                                     | 92.6        | 3                                      | 3.7        | 3                              | 3.7        | 0                   | 0.0        |
| Fraud                        | 209        | 185                                    | 88.5        | 18                                     | 8.6        | 5                              | 2.4        | 1                   | 0.5        |
| Embezzlement                 | 20         | 19                                     | 95.0        | 1                                      | 5.0        | 0                              | 0.0        | 0                   | 0.0        |
| Forgery/Counterfeiting       | 61         | 58                                     | 95.1        | 2                                      | 3.3        | 1                              | 1.6        | 0                   | 0.0        |
| Immigration                  | 144        | 142                                    | 98.6        | 0                                      | 0.0        | 2                              | 1.4        | 0                   | 0.0        |
| Other Miscellaneous Offenses | 107        | 89                                     | 83.2        | 13                                     | 12.1       | 4                              | 3.7        | 1                   | 0.9        |

Of the 38,500 guideline cases, 1,632 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (1,525) or missing primary offense category (123).

Of the 1,217 guideline cases from the District of California, Central, 332 cases were excluded due to the following reasons: missing or indeterminable departure information (329) or missing primary offense category (3).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.