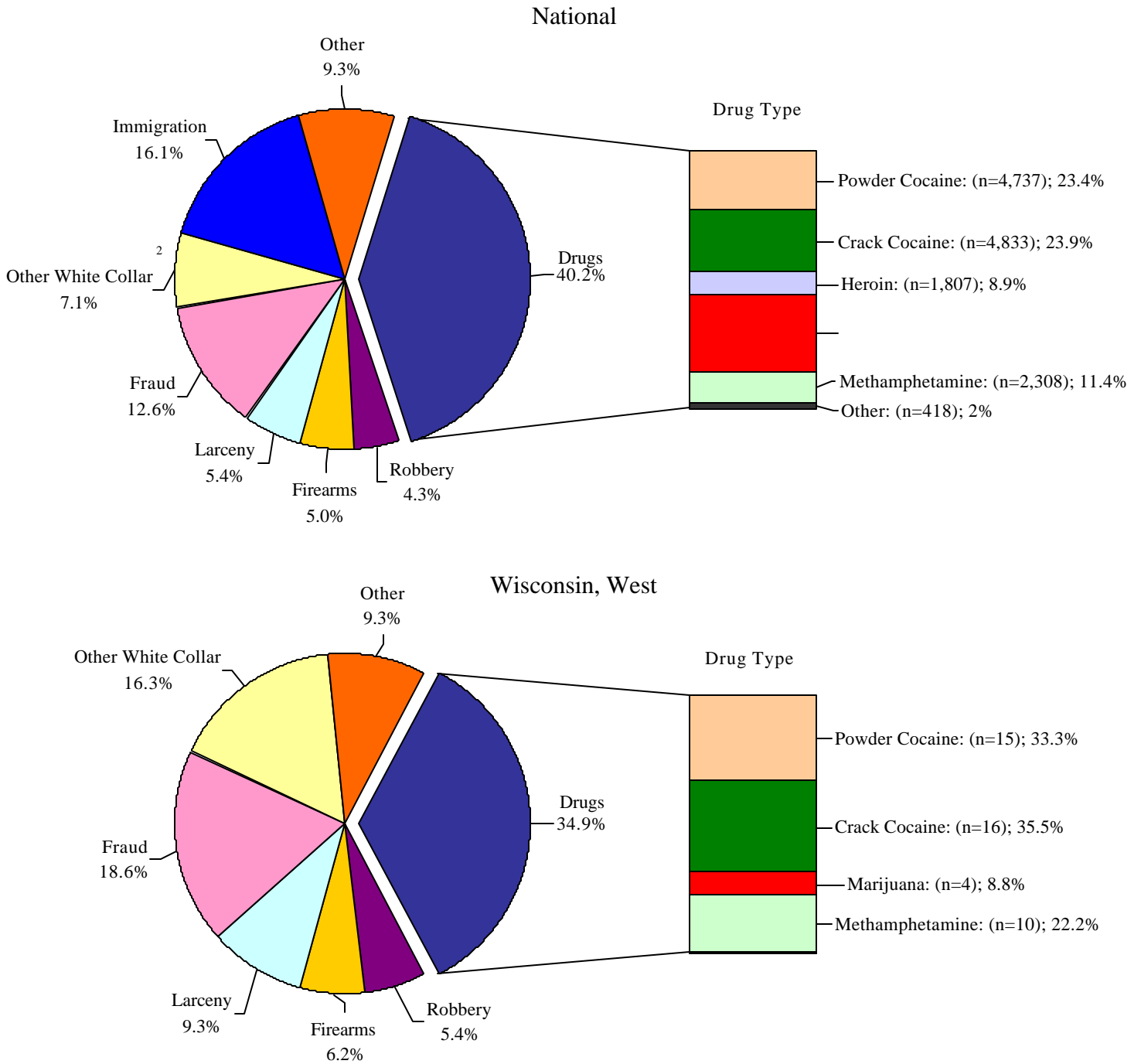


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT  
PRIMARY OFFENSE CATEGORY<sup>1</sup>  
FISCAL YEAR 1998**



<sup>1</sup>Of the 50,754 guideline cases, 603 cases were excluded due to one of the following reasons: missing primary offense category (149) or missing drug type(454).

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

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

| PRIMARY OFFENSE                           | National      |              | Western Wisconsin |              |
|---|---------------|--------------|-------------------|--------------|
|   | Number        | Percent      | Number            | Percent      |
| <b>TOTAL</b>                              | <b>50,605</b> | <b>100.0</b> | <b>129</b>        | <b>100.0</b> |
| <b>Murder</b>                             | 109           | 0.2          | 0                 | 0.0          |
| <b>Manslaughter</b>                       | 58            | 0.1          | 0                 | 0.0          |
| <b>Kidnapping/Hostage Taking</b>          | 79            | 0.2          | 0                 | 0.0          |
| <b>Sexual Abuse</b>                       | 225           | 0.4          | 0                 | 0.0          |
| <b>Assault</b>                            | 512           | 1.0          | 1                 | 0.8          |
| <b>Robbery</b>                            | 2,138         | 4.2          | 7                 | 5.4          |
| <b>Arson</b>                              | 102           | 0.2          | 0                 | 0.0          |
| <b>Drugs - Trafficking</b>                | 19,615        | 38.8         | 44                | 34.1         |
| <b>Drugs - Communication Facility</b>     | 402           | 0.8          | 0                 | 0.0          |
| <b>Drugs - Simple Possession</b>          | 601           | 1.2          | 1                 | 0.8          |
| <b>Firearms</b>                           | 2,496         | 4.9          | 8                 | 6.2          |
| <b>Burglary/B&amp;E</b>                   | 71            | 0.1          | 0                 | 0.0          |
| <b>Auto Theft</b>                         | 141           | 0.3          | 1                 | 0.8          |
| <b>Larceny</b>                            | 2,705         | 5.3          | 12                | 9.3          |
| <b>Fraud</b>                              | 6,330         | 12.5         | 24                | 18.6         |
| <b>Embezzlement</b>                       | 770           | 1.5          | 8                 | 6.2          |
| <b>Forgery/Counterfeiting</b>             | 776           | 1.5          | 9                 | 7.0          |
| <b>Bribery</b>                            | 252           | 0.5          | 0                 | 0.0          |
| <b>Tax</b>                                | 859           | 1.7          | 4                 | 3.1          |
| <b>Money Laundering</b>                   | 913           | 1.8          | 0                 | 0.0          |
| <b>Racketeering/Extortion</b>             | 639           | 1.3          | 0                 | 0.0          |
| <b>Gambling/Lottery</b>                   | 152           | 0.3          | 0                 | 0.0          |
| <b>Civil Rights</b>                       | 105           | 0.2          | 0                 | 0.0          |
| <b>Immigration</b>                        | 8,062         | 15.9         | 0                 | 0.0          |
| <b>Pornography/Prostitution</b>           | 332           | 0.7          | 3                 | 2.3          |
| <b>Prison Offenses</b>                    | 294           | 0.6          | 6                 | 4.7          |
| <b>Administration of Justice Offenses</b> | 790           | 1.6          | 0                 | 0.0          |
| <b>Environmental/Wildlife</b>             | 104           | 0.2          | 0                 | 0.0          |
| <b>National Defense</b>                   | 19            | 0.0          | 0                 | 0.0          |
| <b>Antitrust</b>                          | 11            | 0.0          | 0                 | 0.0          |
| <b>Food &amp; Drug</b>                    | 46            | 0.1          | 0                 | 0.0          |
| <b>Other Miscellaneous Offenses</b>       | 897           | 1.8          | 1                 | 0.8          |

Of the 50,754 guideline cases, 149 cases were excluded due to missing information on primary offense category.

Of the 130 guideline cases from the Western District of Wisconsin, one case was excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 2**  
**MODE OF CONVICTION BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1998**

| <b>CIRCUIT</b><br><b>District</b> | <b>TOTAL</b>  | <b>PLEA</b>   |                | <b>TRIAL</b>  |                |
|-----------------------------------|---------------|---------------|----------------|---------------|----------------|
|                                   |               | <b>Number</b> | <b>Percent</b> | <b>Number</b> | <b>Percent</b> |
| <b>TOTAL</b>                      | <b>50,547</b> | <b>47,294</b> | <b>93.6</b>    | <b>3,253</b>  | <b>6.4</b>     |
| <b>D.C. CIRCUIT</b>               | 470           | 444           | 94.5           | 26            | 5.5            |
| District of Columbia              | 470           | 444           | 94.5           | 26            | 5.5            |
| <b>FIRST CIRCUIT</b>              | 1,207         | 1,094         | 90.6           | 113           | 9.4            |
| Maine                             | 146           | 133           | 91.1           | 13            | 8.9            |
| Massachusetts                     | 492           | 451           | 91.7           | 41            | 8.3            |
| New Hampshire                     | 137           | 126           | 92.0           | 11            | 8.0            |
| Puerto Rico                       | 318           | 284           | 89.3           | 34            | 10.7           |
| Rhode Island                      | 114           | 100           | 87.7           | 14            | 12.3           |
| <b>SECOND CIRCUIT</b>             | 4,178         | 3,972         | 95.1           | 206           | 4.9            |
| Connecticut                       | 300           | 277           | 92.3           | 23            | 7.7            |
| New York                          |               |               |                |               |                |
| Eastern                           | 1,480         | 1,422         | 96.1           | 58            | 3.9            |
| Northern                          | 372           | 352           | 94.6           | 20            | 5.4            |
| Southern                          | 1,482         | 1,400         | 94.5           | 82            | 5.5            |
| Western                           | 433           | 414           | 95.6           | 19            | 4.4            |
| Vermont                           | 111           | 107           | 96.4           | 4             | 3.6            |
| <b>THIRD CIRCUIT</b>              | 2,410         | 2,242         | 93.0           | 168           | 7.0            |
| Delaware                          | 126           | 122           | 96.8           | 4             | 3.2            |
| New Jersey                        | 685           | 652           | 95.2           | 33            | 4.8            |
| Pennsylvania                      |               |               |                |               |                |
| Eastern                           | 914           | 824           | 90.2           | 90            | 9.8            |
| Middle                            | 294           | 275           | 93.5           | 19            | 6.5            |
| Western                           | 281           | 269           | 95.7           | 12            | 4.3            |
| Virgin Islands                    | 110           | 100           | 90.9           | 10            | 9.1            |
| <b>FOURTH CIRCUIT</b>             | 4,643         | 4,241         | 91.3           | 402           | 8.7            |
| Maryland                          | 425           | 353           | 83.1           | 72            | 16.9           |
| North Carolina                    |               |               |                |               |                |
| Eastern                           | 437           | 415           | 95.0           | 22            | 5.0            |
| Middle                            | 320           | 290           | 90.6           | 30            | 9.4            |
| Western                           | 477           | 451           | 94.5           | 26            | 5.5            |
| South Carolina                    | 832           | 794           | 95.4           | 38            | 4.6            |
| Virginia                          |               |               |                |               |                |
| Eastern                           | 1,308         | 1,178         | 90.1           | 130           | 9.9            |
| Western                           | 406           | 347           | 85.5           | 59            | 14.5           |
| West Virginia                     |               |               |                |               |                |
| Northern                          | 167           | 156           | 93.4           | 11            | 6.6            |
| Southern                          | 271           | 257           | 94.8           | 14            | 5.2            |

| CIRCUIT<br>District    | TOTAL | PLEA   |         | TRIAL  |         |
|------------------------|-------|--------|---------|--------|---------|
|                        |       | Number | Percent | Number | Percent |
| <b>FIFTH CIRCUIT</b>   | 8,957 | 8,499  | 94.9    | 458    | 5.1     |
| Louisiana              |       |        |         |        |         |
| Eastern                | 396   | 391    | 98.7    | 5      | 1.3     |
| Middle                 | 117   | 107    | 91.5    | 10     | 8.5     |
| Western                | 287   | 259    | 90.2    | 28     | 9.8     |
| Mississippi            |       |        |         |        |         |
| Northern               | 143   | 133    | 93.0    | 10     | 7.0     |
| Southern               | 238   | 224    | 94.1    | 14     | 5.9     |
| Texas                  |       |        |         |        |         |
| Eastern                | 551   | 506    | 91.8    | 45     | 8.2     |
| Northern               | 1,038 | 980    | 94.4    | 58     | 5.6     |
| Southern               | 2,799 | 2,644  | 94.5    | 155    | 5.5     |
| Western                | 3,388 | 3,255  | 96.1    | 133    | 3.9     |
| <b>SIXTH CIRCUIT</b>   | 3,898 | 3,637  | 93.3    | 261    | 6.7     |
| Kentucky               |       |        |         |        |         |
| Eastern                | 382   | 353    | 92.4    | 29     | 7.6     |
| Western                | 340   | 302    | 88.8    | 38     | 11.2    |
| Michigan               |       |        |         |        |         |
| Eastern                | 761   | 714    | 93.8    | 47     | 6.2     |
| Western                | 291   | 265    | 91.1    | 26     | 8.9     |
| Ohio                   |       |        |         |        |         |
| Northern               | 761   | 736    | 96.7    | 25     | 3.3     |
| Southern               | 466   | 454    | 97.4    | 12     | 2.6     |
| Tennessee              |       |        |         |        |         |
| Eastern                | 337   | 318    | 94.4    | 19     | 5.6     |
| Middle                 | 178   | 162    | 91.0    | 16     | 9.0     |
| Western                | 382   | 333    | 87.2    | 49     | 12.8    |
| <b>SEVENTH CIRCUIT</b> | 1,812 | 1,616  | 89.2    | 196    | 10.8    |
| Illinois               |       |        |         |        |         |
| Central                | 229   | 211    | 92.1    | 18     | 7.9     |
| Northern               | 485   | 408    | 84.1    | 77     | 15.9    |
| Southern               | 278   | 249    | 89.6    | 29     | 10.4    |
| Indiana                |       |        |         |        |         |
| Northern               | 270   | 241    | 89.3    | 29     | 10.7    |
| Southern               | 220   | 200    | 90.9    | 20     | 9.1     |
| Wisconsin              |       |        |         |        |         |
| Eastern                | 200   | 184    | 92.0    | 16     | 8.0     |
| Western                | 130   | 123    | 94.6    | 7      | 5.4     |
| <b>EIGHTH CIRCUIT</b>  | 2,909 | 2,661  | 91.5    | 248    | 8.5     |
| Arkansas               |       |        |         |        |         |
| Eastern                | 290   | 267    | 92.1    | 23     | 7.9     |
| Western                | 115   | 109    | 94.8    | 6      | 5.2     |
| Iowa                   |       |        |         |        |         |
| Northern               | 162   | 141    | 87.0    | 21     | 13.0    |
| Southern               | 237   | 221    | 93.2    | 16     | 6.8     |
| Minnesota              | 358   | 313    | 87.4    | 45     | 12.6    |
| Missouri               |       |        |         |        |         |
| Eastern                | 532   | 505    | 94.9    | 27     | 5.1     |
| Western                | 425   | 390    | 91.8    | 35     | 8.2     |
| Nebraska               | 274   | 252    | 92.0    | 22     | 8.0     |
| North Dakota           | 171   | 160    | 93.6    | 11     | 6.4     |
| South Dakota           | 345   | 303    | 87.8    | 42     | 12.2    |

| CIRCUIT<br>District      | TOTAL  | PLEA   |         | TRIAL  |         |
|--------------------------|--------|--------|---------|--------|---------|
|                          |        | Number | Percent | Number | Percent |
| <b>NINTH CIRCUIT</b>     | 11,447 | 11,009 | 96.2    | 438    | 3.8     |
| Alaska                   | 186    | 170    | 91.4    | 16     | 8.6     |
| Arizona                  | 2,268  | 2,245  | 99.0    | 23     | 1.0     |
| California               |        |        |         |        |         |
| Central                  | 1,324  | 1,261  | 95.2    | 63     | 4.8     |
| Eastern                  | 906    | 849    | 93.7    | 57     | 6.3     |
| Northern                 | 580    | 552    | 95.2    | 28     | 4.8     |
| Southern                 | 3,442  | 3,357  | 97.5    | 85     | 2.5     |
| Guam                     | 240    | 230    | 95.8    | 10     | 4.2     |
| Hawaii                   | 269    | 248    | 92.2    | 21     | 7.8     |
| Idaho                    | 96     | 75     | 78.1    | 21     | 21.9    |
| Montana                  | 229    | 205    | 89.5    | 24     | 10.5    |
| Nevada                   | 523    | 484    | 92.5    | 39     | 7.5     |
| Northern Mariana Islands | 21     | 20     | 95.2    | 1      | 4.8     |
| Oregon                   | 574    | 559    | 97.4    | 15     | 2.6     |
| Washington               |        |        |         |        |         |
| Eastern                  | 270    | 260    | 96.3    | 10     | 3.7     |
| Western                  | 519    | 494    | 95.2    | 25     | 4.8     |
| <b>TENTH CIRCUIT</b>     | 2,792  | 2,640  | 94.6    | 152    | 5.4     |
| Colorado                 | 432    | 418    | 96.8    | 14     | 3.2     |
| Kansas                   | 419    | 385    | 91.9    | 34     | 8.1     |
| New Mexico               | 846    | 801    | 94.7    | 45     | 5.3     |
| Oklahoma                 |        |        |         |        |         |
| Eastern                  | 66     | 63     | 95.5    | 3      | 4.5     |
| Northern                 | 192    | 179    | 93.2    | 13     | 6.8     |
| Western                  | 246    | 232    | 94.3    | 14     | 5.7     |
| Utah                     | 466    | 443    | 95.1    | 23     | 4.9     |
| Wyoming                  | 125    | 119    | 95.2    | 6      | 4.8     |
| <b>ELEVENTH CIRCUIT</b>  | 5,824  | 5,239  | 90.0    | 585    | 10.0    |
| Alabama                  |        |        |         |        |         |
| Middle                   | 226    | 195    | 86.3    | 31     | 13.7    |
| Northern                 | 340    | 320    | 94.1    | 20     | 5.9     |
| Southern                 | 381    | 338    | 88.7    | 43     | 11.3    |
| Florida                  |        |        |         |        |         |
| Middle                   | 1,480  | 1,370  | 92.6    | 110    | 7.4     |
| Northern                 | 399    | 333    | 83.5    | 66     | 16.5    |
| Southern                 | 1,701  | 1,506  | 88.5    | 195    | 11.5    |
| Georgia                  |        |        |         |        |         |
| Middle                   | 389    | 350    | 90.0    | 39     | 10.0    |
| Northern                 | 600    | 573    | 95.5    | 27     | 4.5     |
| Southern                 | 308    | 254    | 82.5    | 54     | 17.5    |

Of the 50,754 guideline cases, 207 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

| PRIMARY OFFENSE                    | TOTAL         | National      |             |              |            | Western Wisconsin |             |          |            |
|------------------------------------|---------------|---------------|-------------|--------------|------------|-------------------|-------------|----------|------------|
|                                    |               | PLEA          |             | TRIAL        |            | PLEA              |             | TRIAL    |            |
|                                    |               | n             | %           | n            | %          | n                 | %           | n        | %          |
| <b>TOTAL</b>                       | <b>50,415</b> | <b>47,170</b> | <b>93.6</b> | <b>3,245</b> | <b>6.4</b> | <b>122</b>        | <b>94.6</b> | <b>7</b> | <b>5.4</b> |
| Murder                             | 109           | 81            | 74.3        | 28           | 25.7       | 0                 | --          | 0        | --         |
| Manslaughter                       | 58            | 54            | 93.1        | 4            | 6.9        | 0                 | --          | 0        | --         |
| Kidnapping/Hostage Taking          | 79            | 57            | 72.2        | 22           | 27.8       | 0                 | --          | 0        | --         |
| Sexual Abuse                       | 224           | 199           | 88.8        | 25           | 11.2       | 0                 | --          | 0        | --         |
| Assault                            | 510           | 446           | 87.5        | 64           | 12.5       | 1                 | 100.0       | 0        | 0.0        |
| Robbery                            | 2,126         | 1,926         | 90.6        | 200          | 9.4        | 7                 | 100.0       | 0        | 0.0        |
| Arson                              | 101           | 80            | 79.2        | 21           | 20.8       | 0                 | --          | 0        | --         |
| Drugs - Trafficking                | 19,547        | 18,016        | 92.2        | 1,531        | 7.8        | 42                | 95.5        | 2        | 4.5        |
| Drugs - Communication Facility     | 402           | 397           | 98.8        | 5            | 1.2        | 0                 | --          | 0        | --         |
| Drugs - Simple Possession          | 590           | 558           | 94.6        | 32           | 5.4        | 1                 | 100.0       | 0        | 0.0        |
| Firearms                           | 2,488         | 2,244         | 90.2        | 244          | 9.8        | 7                 | 87.5        | 1        | 12.5       |
| Burglary/B&E                       | 71            | 68            | 95.8        | 3            | 4.2        | 0                 | --          | 0        | --         |
| Auto Theft                         | 141           | 121           | 85.8        | 20           | 14.2       | 1                 | 100.0       | 0        | 0.0        |
| Larceny                            | 2,692         | 2,613         | 97.1        | 79           | 2.9        | 11                | 91.7        | 1        | 8.3        |
| Fraud                              | 6,306         | 5,955         | 94.4        | 351          | 5.6        | 24                | 100.0       | 0        | 0.0        |
| Embezzlement                       | 770           | 750           | 97.4        | 20           | 2.6        | 8                 | 100.0       | 0        | 0.0        |
| Forgery/Counterfeiting             | 775           | 749           | 96.6        | 26           | 3.4        | 9                 | 100.0       | 0        | 0.0        |
| Bribery                            | 251           | 234           | 93.2        | 17           | 6.8        | 0                 | --          | 0        | --         |
| Tax                                | 857           | 790           | 92.2        | 67           | 7.8        | 1                 | 25.0        | 3        | 75.0       |
| Money Laundering                   | 906           | 809           | 89.3        | 97           | 10.7       | 0                 | --          | 0        | --         |
| Racketeering/Extortion             | 635           | 559           | 88.0        | 76           | 12.0       | 0                 | --          | 0        | --         |
| Gambling/Lottery                   | 151           | 145           | 96.0        | 6            | 4.0        | 0                 | --          | 0        | --         |
| Civil Rights                       | 105           | 84            | 80.0        | 21           | 20.0       | 0                 | --          | 0        | --         |
| Immigration                        | 8,039         | 7,904         | 98.3        | 135          | 1.7        | 0                 | --          | 0        | --         |
| Pornography/Prostitution           | 331           | 312           | 94.3        | 19           | 5.7        | 3                 | 100.0       | 0        | 0.0        |
| Prison Offenses                    | 293           | 286           | 97.6        | 7            | 2.4        | 6                 | 100.0       | 0        | 0.0        |
| Administration of Justice Offenses | 789           | 736           | 93.3        | 53           | 6.7        | 0                 | --          | 0        | --         |
| Environmental/Wildlife             | 104           | 103           | 99.0        | 1            | 1.0        | 0                 | --          | 0        | --         |
| National Defense                   | 19            | 16            | 84.2        | 3            | 15.8       | 0                 | --          | 0        | --         |
| Antitrust                          | 11            | 10            | 90.9        | 1            | 9.1        | 0                 | --          | 0        | --         |
| Food & Drug                        | 46            | 44            | 95.7        | 2            | 4.3        | 0                 | --          | 0        | --         |
| Other Miscellaneous Offenses       | 889           | 824           | 92.7        | 65           | 7.3        | 1                 | 100.0       | 0        | 0.0        |

Of the 50,754 guideline cases, 339 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing mode of conviction (207). Of the 130 guideline cases from the Western District of Wisconsin, one case was excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
Fiscal Year 1998

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>50,076</b> | <b>39,354</b> | <b>78.6</b> | <b>2,128</b>                    | <b>4.2</b> | <b>3,116</b>              | <b>6.2</b> | <b>5,478</b>   | <b>10.9</b> |
| Murder                            | 108           | 105           | 97.2        | 2                               | 1.9        | 0                         | 0.0        | 1              | 0.9         |
| Manslaughter                      | 58            | 48            | 82.8        | 5                               | 8.6        | 4                         | 6.9        | 1              | 1.7         |
| Kidnapping/Hostage Taking         | 79            | 75            | 94.9        | 2                               | 2.5        | 1                         | 1.3        | 1              | 1.3         |
| Sexual Abuse                      | 223           | 200           | 89.7        | 7                               | 3.1        | 8                         | 3.6        | 8              | 3.6         |
| Assault                           | 502           | 379           | 75.5        | 19                              | 3.8        | 28                        | 5.6        | 76             | 15.1        |
| Robbery                           | 2,128         | 2,060         | 96.8        | 35                              | 1.6        | 14                        | 0.7        | 19             | 0.9         |
| Arson                             | 101           | 87            | 86.1        | 3                               | 3.0        | 6                         | 5.9        | 5              | 5.0         |
| Drugs - Trafficking               | 19,489        | 18,261        | 93.7        | 447                             | 2.3        | 360                       | 1.8        | 421            | 2.2         |
| Drugs - Communication Facility    | 402           | 331           | 82.3        | 12                              | 3.0        | 26                        | 6.5        | 33             | 8.2         |
| Drugs - Simple Possession         | 575           | 185           | 32.2        | 11                              | 1.9        | 40                        | 7.0        | 339            | 59.0        |
| Firearms                          | 2,481         | 2,158         | 87.0        | 87                              | 3.5        | 113                       | 4.6        | 123            | 5.0         |
| Burglary/B&E                      | 71            | 60            | 84.5        | 4                               | 5.6        | 4                         | 5.6        | 3              | 4.2         |
| Auto Theft                        | 140           | 103           | 73.6        | 10                              | 7.1        | 16                        | 11.4       | 11             | 7.9         |
| Larceny                           | 2,633         | 921           | 35.0        | 168                             | 6.4        | 461                       | 17.5       | 1,083          | 41.1        |
| Fraud                             | 6,257         | 3,395         | 54.3        | 661                             | 10.6       | 958                       | 15.3       | 1,243          | 19.9        |
| Embezzlement                      | 755           | 262           | 34.7        | 189                             | 25.0       | 91                        | 12.1       | 213            | 28.2        |
| Forgery/Counterfeiting            | 774           | 446           | 57.6        | 58                              | 7.5        | 123                       | 15.9       | 147            | 19.0        |
| Bribery                           | 248           | 116           | 46.8        | 30                              | 12.1       | 51                        | 20.6       | 51             | 20.6        |
| Tax                               | 850           | 272           | 32.0        | 116                             | 13.6       | 227                       | 26.7       | 235            | 27.6        |
| Money Laundering                  | 898           | 646           | 71.9        | 43                              | 4.8        | 88                        | 9.8        | 121            | 13.5        |
| Racketeering/Extortion            | 633           | 559           | 88.3        | 16                              | 2.5        | 20                        | 3.2        | 38             | 6.0         |
| Gambling/Lottery                  | 152           | 32            | 21.1        | 14                              | 9.2        | 61                        | 40.1       | 45             | 29.6        |
| Civil Rights                      | 103           | 58            | 56.3        | 7                               | 6.8        | 7                         | 6.8        | 31             | 30.1        |
| Immigration                       | 7,996         | 7,322         | 91.6        | 71                              | 0.9        | 90                        | 1.1        | 513            | 6.4         |
| Pornography/Prostitution          | 328           | 256           | 78.0        | 19                              | 5.8        | 31                        | 9.5        | 22             | 6.7         |
| Prison Offenses                   | 287           | 255           | 88.9        | 10                              | 3.5        | 9                         | 3.1        | 13             | 4.5         |
| Administration of Justice Offense | 787           | 438           | 55.7        | 38                              | 4.8        | 114                       | 14.5       | 197            | 25.0        |
| Environmental/Wildlife            | 97            | 18            | 18.6        | 6                               | 6.2        | 30                        | 30.9       | 43             | 44.3        |
| National Defense                  | 19            | 11            | 57.9        | 1                               | 5.3        | 2                         | 10.5       | 5              | 26.3        |
| Antitrust                         | 9             | 2             | 22.2        | 2                               | 22.2       | 4                         | 44.4       | 1              | 11.1        |
| Food & Drug                       | 43            | 6             | 14.0        | 2                               | 4.7        | 7                         | 16.3       | 28             | 65.1        |
| Other Miscellaneous Offenses      | 850           | 287           | 33.8        | 33                              | 3.9        | 122                       | 14.4       | 408            | 48.0        |

Of the 50,754 guideline cases, 678 cases were excluded due to one or more of the following reasons: missing sentencing information (372), missing primary offense category (149) or cases in which defendant received neither imprisonment nor probation (177).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998

Western Wisconsin

| 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>129</b> | <b>96</b> | <b>74.4</b> | <b>24</b>                       | <b>18.6</b> | <b>3</b>                  | <b>2.3</b> | <b>6</b>       | <b>4.7</b> |
| Murder                            | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Manslaughter                      | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Kidnapping/Hostage Taking         | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Sexual Abuse                      | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Assault                           | 1          | 1         | 100.0       | 0                               | 0.0         | 0                         | 0.0        | 0              | 0.0        |
| Robbery                           | 7          | 6         | 85.7        | 1                               | 14.3        | 0                         | 0.0        | 0              | 0.0        |
| Arson                             | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Drugs - Trafficking               | 44         | 34        | 77.3        | 10                              | 22.7        | 0                         | 0.0        | 0              | 0.0        |
| Drugs - Communication Facility    | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Drugs - Simple Possession         | 1          | 0         | 0.0         | 1                               | 100.0       | 0                         | 0.0        | 0              | 0.0        |
| Firearms                          | 8          | 7         | 87.5        | 1                               | 12.5        | 0                         | 0.0        | 0              | 0.0        |
| Burglary/B&E                      | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Auto Theft                        | 1          | 1         | 100.0       | 0                               | 0.0         | 0                         | 0.0        | 0              | 0.0        |
| Larceny                           | 12         | 4         | 33.3        | 4                               | 33.3        | 1                         | 8.3        | 3              | 25.0       |
| Fraud                             | 24         | 19        | 79.2        | 4                               | 16.7        | 1                         | 4.2        | 0              | 0.0        |
| Embezzlement                      | 8          | 6         | 75.0        | 1                               | 12.5        | 1                         | 12.5       | 0              | 0.0        |
| Forgery/Counterfeiting            | 9          | 6         | 66.7        | 1                               | 11.1        | 0                         | 0.0        | 2              | 22.2       |
| Bribery                           | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Tax                               | 4          | 3         | 75.0        | 0                               | 0.0         | 0                         | 0.0        | 1              | 25.0       |
| Money Laundering                  | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Racketeering/Extortion            | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Gambling/Lottery                  | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Civil Rights                      | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Immigration                       | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Pornography/Prostitution          | 3          | 2         | 66.7        | 1                               | 33.3        | 0                         | 0.0        | 0              | 0.0        |
| Prison Offenses                   | 6          | 6         | 100.0       | 0                               | 0.0         | 0                         | 0.0        | 0              | 0.0        |
| Administration of Justice Offense | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Environmental/Wildlife            | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| National Defense                  | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Antitrust                         | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Food & Drug                       | 0          | 0         | --          | 0                               | --          | 0                         | --         | 0              | --         |
| Other Miscellaneous Offenses      | 1          | 1         | 100.0       | 0                               | 0.0         | 0                         | 0.0        | 0              | 0.0        |

Of the 130 guideline cases from the Western District of Wisconsin, one case was excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

| PRIMARY OFFENSE                     | National        |             |                     |             | Western Wisconsin |             |                     |             |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-------------------|-------------|---------------------|-------------|
|                                     | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence   |             | Non-Prison Sentence |             |
|                                     | n               | %           | n                   | %           | n                 | %           | n                   | %           |
| <b>TOTAL</b>                        | <b>3,732</b>    | <b>39.6</b> | <b>5,700</b>        | <b>60.4</b> | <b>21</b>         | <b>70.0</b> | <b>9</b>            | <b>30.0</b> |
| <b>Fraud</b>                        | 734             | 32.0        | 1,558               | 68.0        | 8                 | 88.9        | 1                   | 11.1        |
| <b>Larceny</b>                      | 310             | 19.4        | 1,290               | 80.6        | 5                 | 55.6        | 4                   | 44.4        |
| <b>Immigration</b>                  | 1,690           | 77.8        | 482                 | 22.2        | 0                 | --          | 0                   | --          |
| <b>Embezzlement</b>                 | 215             | 47.5        | 238                 | 52.5        | 3                 | 75.0        | 1                   | 25.0        |
| <b>Drugs - Trafficking</b>          | 156             | 44.2        | 197                 | 55.8        | 0                 | --          | 0                   | --          |
| <b>Drugs - Simple Possession</b>    | 103             | 27.5        | 272                 | 72.5        | 0                 | --          | 0                   | --          |
| <b>Firearms</b>                     | 24              | 19.8        | 97                  | 80.2        | 2                 | 100.0       | 0                   | 0.0         |
| <b>Forgery/Counterfeiting</b>       | 111             | 34.6        | 210                 | 65.4        | 2                 | 50.0        | 2                   | 50.0        |
| <b>Other Miscellaneous Offenses</b> | 389             | 22.3        | 1,356               | 77.7        | 1                 | 50.0        | 1                   | 50.0        |

Of the 50,754 guideline cases, 41,332 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (41,299), missing primary offense category (149), or missing sentencing information (372).

Of the 130 guideline cases from the Western District of Wisconsin, 100 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison alternatives (100), or missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

| PRIMARY OFFENSE                           | National       |                  |               | Western Wisconsin |                  |            |
|---|----------------|------------------|---------------|-------------------|------------------|------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months    | Median<br>Months | Number     |
| <b>TOTAL</b>                              | <b>57.7</b>    | <b>30.0</b>      | <b>41,180</b> | <b>69.3</b>       | <b>41.0</b>      | <b>120</b> |
| <b>Murder</b>                             | 249.6          | 210.0            | 107           | --                | --               | 0          |
| <b>Manslaughter</b>                       | 48.0           | 21.0             | 53            | --                | --               | 0          |
| <b>Kidnapping/Hostage Taking</b>          | 165.1          | 96.0             | 75            | --                | --               | 0          |
| <b>Sexual Abuse</b>                       | 75.7           | 34.0             | 207           | --                | --               | 0          |
| <b>Assault</b>                            | 39.1           | 27.0             | 392           | 14.0              | --               | 1          |
| <b>Robbery</b>                            | 114.8          | 78.0             | 2,095         | 75.0              | 78.0             | 7          |
| <b>Arson</b>                              | 65.2           | 58.5             | 90            | --                | --               | 0          |
| <b>Drugs - Trafficking</b>                | 79.2           | 57.0             | 18,654        | 137.1             | 118.5            | 44         |
| <b>Drugs - Communication Facility</b>     | 45.5           | 48.0             | 342           | --                | --               | 0          |
| <b>Drugs - Simple Possession</b>          | 19.0           | 6.0              | 182           | 60.0              | --               | 1          |
| <b>Firearms</b>                           | 68.8           | 41.0             | 2,244         | 44.0              | 22.5             | 8          |
| <b>Burglary/B&amp;E</b>                   | 26.3           | 24.0             | 64            | --                | --               | 0          |
| <b>Auto Theft</b>                         | 28.1           | 24.0             | 112           | 13.0              | --               | 1          |
| <b>Larceny</b>                            | 14.0           | 12.0             | 1,083         | 17.6              | 12.0             | 8          |
| <b>Fraud</b>                              | 18.0           | 13.0             | 4,022         | 21.8              | 16.0             | 23         |
| <b>Embezzlement</b>                       | 6.4            | 4.0              | 447           | 10.7              | 12.0             | 7          |
| <b>Forgery/Counterfeiting</b>             | 14.7           | 12.0             | 502           | 16.1              | 12.0             | 7          |
| <b>Bribery</b>                            | 19.1           | 12.0             | 145           | --                | --               | 0          |
| <b>Tax</b>                                | 14.1           | 12.0             | 387           | 44.3              | 46.0             | 3          |
| <b>Money Laundering</b>                   | 40.2           | 33.0             | 686           | --                | --               | 0          |
| <b>Racketeering/Extortion</b>             | 97.3           | 60.0             | 573           | --                | --               | 0          |
| <b>Gambling/Lottery</b>                   | 14.9           | 12.0             | 46            | --                | --               | 0          |
| <b>Civil Rights</b>                       | 51.9           | 30.0             | 65            | --                | --               | 0          |
| <b>Immigration</b>                        | 24.4           | 22.0             | 7,231         | --                | --               | 0          |
| <b>Pornography/Prostitution</b>           | 46.1           | 27.0             | 275           | 32.0              | 18.0             | 3          |
| <b>Prison Offenses</b>                    | 19.4           | 15.0             | 265           | 41.8              | 27.5             | 6          |
| <b>Administration of Justice Offenses</b> | 21.1           | 15.0             | 473           | --                | --               | 0          |
| <b>Environmental/Wildlife</b>             | 9.4            | 7.0              | 24            | --                | --               | 0          |
| <b>National Defense</b>                   | 17.3           | 18.0             | 12            | --                | --               | 0          |
| <b>Antitrust</b>                          | 9.3            | 9.5              | 4             | --                | --               | 0          |
| <b>Food &amp; Drug</b>                    | 28.9           | 30.0             | 8             | --                | --               | 0          |
| <b>Other Miscellaneous Offenses</b>       | 14.2           | 8.0              | 315           | 12.0              | --               | 1          |

Of the 50,754 guideline cases, 8,803 cases with zero months prison ordered were excluded. In addition, 771 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing or indeterminable sentencing information (677).

Of the 130 guideline cases from the Western District of Wisconsin, one case with zero months prison ordered was excluded. In addition, one case was excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 8**  
**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1998**

| CIRCUIT               | TOTAL         | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | OTHER DOWNWARD DEPARTURE |             | UPWARD DEPARTURE |            |
|-----------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
|                       |               | n                                | %           | n                                | %           | n                        | %           | n                | %          |
| <b>TOTAL</b>          | <b>47,896</b> | <b>31,772</b>                    | <b>66.3</b> | <b>9,224</b>                     | <b>19.3</b> | <b>6,509</b>             | <b>13.6</b> | <b>391</b>       | <b>0.8</b> |
| <b>D.C. CIRCUIT</b>   | 463           | 338                              | 73.0        | 83                               | 17.9        | 40                       | 8.6         | 2                | 0.4        |
| District of Columbia  | 463           | 338                              | 73.0        | 83                               | 17.9        | 40                       | 8.6         | 2                | 0.4        |
| <b>FIRST CIRCUIT</b>  | 1,178         | 782                              | 66.4        | 253                              | 21.5        | 120                      | 10.2        | 23               | 2.0        |
| Maine                 | 146           | 104                              | 71.2        | 31                               | 21.2        | 9                        | 6.2         | 2                | 1.4        |
| Massachusetts         | 473           | 265                              | 56.0        | 116                              | 24.5        | 83                       | 17.5        | 9                | 1.9        |
| New Hampshire         | 137           | 71                               | 51.8        | 58                               | 42.3        | 4                        | 2.9         | 4                | 2.9        |
| Puerto Rico           | 309           | 255                              | 82.5        | 39                               | 12.6        | 14                       | 4.5         | 1                | 0.3        |
| Rhode Island          | 113           | 87                               | 77.0        | 9                                | 8.0         | 10                       | 8.8         | 7                | 6.2        |
| <b>SECOND CIRCUIT</b> | 3,908         | 2,030                            | 51.9        | 934                              | 23.9        | 916                      | 23.4        | 28               | 0.7        |
| Connecticut           | 288           | 144                              | 50.0        | 46                               | 16.0        | 93                       | 32.3        | 5                | 1.7        |
| New York              |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 1,361         | 589                              | 43.3        | 287                              | 21.1        | 477                      | 35.0        | 8                | 0.6        |
| Northern              | 333           | 165                              | 49.5        | 125                              | 37.5        | 42                       | 12.6        | 1                | 0.3        |
| Southern              | 1,383         | 803                              | 58.1        | 322                              | 23.3        | 250                      | 18.1        | 8                | 0.6        |
| Western               | 432           | 264                              | 61.1        | 132                              | 30.6        | 31                       | 7.2         | 5                | 1.2        |
| Vermont               | 111           | 65                               | 58.6        | 22                               | 19.8        | 23                       | 20.7        | 1                | 0.9        |
| <b>THIRD CIRCUIT</b>  | 2,383         | 1,395                            | 58.5        | 750                              | 31.5        | 214                      | 9.0         | 24               | 1.0        |
| Delaware              | 126           | 103                              | 81.7        | 15                               | 11.9        | 7                        | 5.6         | 1                | 0.8        |
| New Jersey            | 684           | 453                              | 66.2        | 180                              | 26.3        | 47                       | 6.9         | 4                | 0.6        |
| Pennsylvania          |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 902           | 424                              | 47.0        | 385                              | 42.7        | 81                       | 9.0         | 12               | 1.3        |
| Middle                | 293           | 171                              | 58.4        | 88                               | 30.0        | 31                       | 10.6        | 3                | 1.0        |
| Western               | 271           | 157                              | 57.9        | 73                               | 26.9        | 38                       | 14.0        | 3                | 1.1        |
| Virgin Islands        | 107           | 87                               | 81.3        | 9                                | 8.4         | 10                       | 9.3         | 1                | 0.9        |
| <b>FOURTH CIRCUIT</b> | 4,165         | 3,081                            | 74.0        | 888                              | 21.3        | 152                      | 3.6         | 44               | 1.1        |
| Maryland              | 413           | 239                              | 57.9        | 115                              | 27.8        | 56                       | 13.6        | 3                | 0.7        |
| North Carolina        |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 427           | 287                              | 67.2        | 129                              | 30.2        | 7                        | 1.6         | 4                | 0.9        |
| Middle                | 319           | 245                              | 76.8        | 63                               | 19.7        | 4                        | 1.3         | 7                | 2.2        |
| Western               | 440           | 232                              | 52.7        | 192                              | 43.6        | 13                       | 3.0         | 3                | 0.7        |
| South Carolina        | 826           | 634                              | 76.8        | 162                              | 19.6        | 21                       | 2.5         | 9                | 1.1        |
| Virginia              |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 902           | 803                              | 89.0        | 74                               | 8.2         | 17                       | 1.9         | 8                | 0.9        |
| Western               | 400           | 275                              | 68.8        | 101                              | 25.3        | 18                       | 4.5         | 6                | 1.5        |
| West Virginia         |               |                                  |             |                                  |             |                          |             |                  |            |
| Northern              | 167           | 147                              | 88.0        | 13                               | 7.8         | 3                        | 1.8         | 4                | 2.4        |
| Southern              | 271           | 219                              | 80.8        | 39                               | 14.4        | 13                       | 4.8         | 0                | 0.0        |

| CIRCUIT                | TOTAL | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                        |       | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>FIFTH CIRCUIT</b>   | 8,749 | 6,322                            | 72.3 | 1,476                            | 16.9 | 889                      | 10.2 | 62               | 0.7 |
| Louisiana              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 391   | 285                              | 72.9 | 70                               | 17.9 | 33                       | 8.4  | 3                | 0.8 |
| Middle                 | 116   | 93                               | 80.2 | 17                               | 14.7 | 5                        | 4.3  | 1                | 0.9 |
| Western                | 285   | 205                              | 71.9 | 67                               | 23.5 | 10                       | 3.5  | 3                | 1.1 |
| Mississippi            |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 143   | 91                               | 63.6 | 33                               | 23.1 | 17                       | 11.9 | 2                | 1.4 |
| Southern               | 235   | 172                              | 73.2 | 45                               | 19.1 | 14                       | 6.0  | 4                | 1.7 |
| Texas                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 549   | 441                              | 80.3 | 75                               | 13.7 | 30                       | 5.5  | 3                | 0.5 |
| Northern               | 1,031 | 749                              | 72.6 | 203                              | 19.7 | 71                       | 6.9  | 8                | 0.8 |
| Southern               | 2,718 | 1,679                            | 61.8 | 624                              | 23.0 | 397                      | 14.6 | 18               | 0.7 |
| Western                | 3,281 | 2,607                            | 79.5 | 342                              | 10.4 | 312                      | 9.5  | 20               | 0.6 |
| <b>SIXTH CIRCUIT</b>   | 3,853 | 2,537                            | 65.8 | 1,045                            | 27.1 | 247                      | 6.4  | 24               | 0.6 |
| Kentucky               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 381   | 272                              | 71.4 | 100                              | 26.2 | 7                        | 1.8  | 2                | 0.5 |
| Western                | 328   | 293                              | 89.3 | 22                               | 6.7  | 13                       | 4.0  | 0                | 0.0 |
| Michigan               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 758   | 517                              | 68.2 | 192                              | 25.3 | 46                       | 6.1  | 3                | 0.4 |
| Western                | 283   | 179                              | 63.3 | 81                               | 28.6 | 21                       | 7.4  | 2                | 0.7 |
| Ohio                   |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 760   | 489                              | 64.3 | 169                              | 22.2 | 101                      | 13.3 | 1                | 0.1 |
| Southern               | 458   | 233                              | 50.9 | 192                              | 41.9 | 28                       | 6.1  | 5                | 1.1 |
| Tennessee              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 338   | 188                              | 55.6 | 141                              | 41.7 | 7                        | 2.1  | 2                | 0.6 |
| Middle                 | 167   | 116                              | 69.5 | 44                               | 26.3 | 6                        | 3.6  | 1                | 0.6 |
| Western                | 380   | 250                              | 65.8 | 104                              | 27.4 | 18                       | 4.7  | 8                | 2.1 |
| <b>SEVENTH CIRCUIT</b> | 1,771 | 1,299                            | 73.3 | 364                              | 20.6 | 85                       | 4.8  | 23               | 1.3 |
| Illinois               |       |                                  |      |                                  |      |                          |      |                  |     |
| Central                | 225   | 132                              | 58.7 | 77                               | 34.2 | 15                       | 6.7  | 1                | 0.4 |
| Northern               | 465   | 328                              | 70.5 | 109                              | 23.4 | 27                       | 5.8  | 1                | 0.2 |
| Southern               | 275   | 240                              | 87.3 | 25                               | 9.1  | 6                        | 2.2  | 4                | 1.5 |
| Indiana                |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 267   | 221                              | 82.8 | 29                               | 10.9 | 12                       | 4.5  | 5                | 1.9 |
| Southern               | 211   | 120                              | 56.9 | 75                               | 35.5 | 11                       | 5.2  | 5                | 2.4 |
| Wisconsin              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 200   | 155                              | 77.5 | 34                               | 17.0 | 11                       | 5.5  | 0                | 0.0 |
| Western                | 128   | 103                              | 80.5 | 15                               | 11.7 | 3                        | 2.3  | 7                | 5.5 |
| <b>EIGHTH CIRCUIT</b>  | 2,885 | 1,982                            | 68.7 | 660                              | 22.9 | 223                      | 7.7  | 20               | 0.7 |
| Arkansas               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 286   | 249                              | 87.1 | 29                               | 10.1 | 5                        | 1.7  | 3                | 1.0 |
| Western                | 115   | 92                               | 80.0 | 16                               | 13.9 | 7                        | 6.1  | 0                | 0.0 |
| Iowa                   |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 162   | 95                               | 58.6 | 46                               | 28.4 | 19                       | 11.7 | 2                | 1.2 |
| Southern               | 236   | 151                              | 64.0 | 59                               | 25.0 | 24                       | 10.2 | 2                | 0.8 |
| Minnesota              | 356   | 230                              | 64.6 | 77                               | 21.6 | 48                       | 13.5 | 1                | 0.3 |
| Missouri               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 523   | 365                              | 69.8 | 131                              | 25.0 | 27                       | 5.2  | 0                | 0.0 |
| Western                | 422   | 214                              | 50.7 | 182                              | 43.1 | 23                       | 5.5  | 3                | 0.7 |
| Nebraska               | 275   | 171                              | 62.2 | 82                               | 29.8 | 20                       | 7.3  | 2                | 0.7 |
| North Dakota           | 168   | 123                              | 73.2 | 15                               | 8.9  | 28                       | 16.7 | 2                | 1.2 |
| South Dakota           | 342   | 292                              | 85.4 | 23                               | 6.7  | 22                       | 6.4  | 5                | 1.5 |

| CIRCUIT                  | TOTAL  | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|--------------------------|--------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                          |        | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>NINTH CIRCUIT</b>     | 10,265 | 5,999                            | 58.4 | 1,155                            | 11.3 | 3,037                    | 29.6 | 74               | 0.7 |
| Alaska                   | 181    | 151                              | 83.4 | 3                                | 1.7  | 26                       | 14.4 | 1                | 0.6 |
| Arizona                  | 2,195  | 684                              | 31.2 | 154                              | 7.0  | 1,340                    | 61.0 | 17               | 0.8 |
| California               |        |                                  |      |                                  |      |                          |      |                  |     |
| Central                  | 811    | 703                              | 86.7 | 56                               | 6.9  | 51                       | 6.3  | 1                | 0.1 |
| Eastern                  | 884    | 679                              | 76.8 | 122                              | 13.8 | 81                       | 9.2  | 2                | 0.2 |
| Northern                 | 554    | 329                              | 59.4 | 65                               | 11.7 | 143                      | 25.8 | 17               | 3.1 |
| Southern                 | 3,152  | 1,767                            | 56.1 | 299                              | 9.5  | 1,073                    | 34.0 | 13               | 0.4 |
| Guam                     | 184    | 117                              | 63.6 | 64                               | 34.8 | 2                        | 1.1  | 1                | 0.5 |
| Hawaii                   | 259    | 165                              | 63.7 | 77                               | 29.7 | 17                       | 6.6  | 0                | 0.0 |
| Idaho                    | 95     | 66                               | 69.5 | 14                               | 14.7 | 13                       | 13.7 | 2                | 2.1 |
| Montana                  | 226    | 158                              | 69.9 | 32                               | 14.2 | 34                       | 15.0 | 2                | 0.9 |
| Nevada                   | 522    | 377                              | 72.2 | 90                               | 17.2 | 50                       | 9.6  | 5                | 1.0 |
| Northern Mariana Islands | 19     | 14                               | 73.7 | 5                                | 26.3 | 0                        | 0.0  | 0                | 0.0 |
| Oregon                   | 483    | 356                              | 73.7 | 65                               | 13.5 | 56                       | 11.6 | 6                | 1.2 |
| Washington               |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 267    | 159                              | 59.6 | 33                               | 12.4 | 74                       | 27.7 | 1                | 0.4 |
| Western                  | 433    | 274                              | 63.3 | 76                               | 17.6 | 77                       | 17.8 | 6                | 1.4 |
| <b>TENTH CIRCUIT</b>     | 2,668  | 1,964                            | 73.6 | 383                              | 14.4 | 294                      | 11.0 | 27               | 1.0 |
| Colorado                 | 371    | 220                              | 59.3 | 114                              | 30.7 | 31                       | 8.4  | 6                | 1.6 |
| Kansas                   | 401    | 294                              | 73.3 | 77                               | 19.2 | 29                       | 7.2  | 1                | 0.2 |
| New Mexico               | 828    | 582                              | 70.3 | 80                               | 9.7  | 161                      | 19.4 | 5                | 0.6 |
| Oklahoma                 |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 64     | 46                               | 71.9 | 6                                | 9.4  | 12                       | 18.8 | 0                | 0.0 |
| Northern                 | 185    | 147                              | 79.5 | 26                               | 14.1 | 7                        | 3.8  | 5                | 2.7 |
| Western                  | 236    | 211                              | 89.4 | 16                               | 6.8  | 5                        | 2.1  | 4                | 1.7 |
| Utah                     | 458    | 379                              | 82.8 | 33                               | 7.2  | 40                       | 8.7  | 6                | 1.3 |
| Wyoming                  | 125    | 85                               | 68.0 | 31                               | 24.8 | 9                        | 7.2  | 0                | 0.0 |
| <b>ELEVENTH CIRCUIT</b>  | 5,608  | 4,043                            | 72.1 | 1,233                            | 22.0 | 292                      | 5.2  | 40               | 0.7 |
| Alabama                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 203    | 141                              | 69.5 | 51                               | 25.1 | 10                       | 4.9  | 1                | 0.5 |
| Northern                 | 337    | 246                              | 73.0 | 79                               | 23.4 | 10                       | 3.0  | 2                | 0.6 |
| Southern                 | 380    | 241                              | 63.4 | 129                              | 33.9 | 6                        | 1.6  | 4                | 1.1 |
| Florida                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 1,472  | 980                              | 66.6 | 385                              | 26.2 | 103                      | 7.0  | 4                | 0.3 |
| Northern                 | 391    | 253                              | 64.7 | 126                              | 32.2 | 10                       | 2.6  | 2                | 0.5 |
| Southern                 | 1,568  | 1,300                            | 82.9 | 189                              | 12.1 | 69                       | 4.4  | 10               | 0.6 |
| Georgia                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 368    | 288                              | 78.3 | 64                               | 17.4 | 12                       | 3.3  | 4                | 1.1 |
| Northern                 | 586    | 364                              | 62.1 | 150                              | 25.6 | 65                       | 11.1 | 7                | 1.2 |
| Southern                 | 303    | 230                              | 75.9 | 60                               | 19.8 | 7                        | 2.3  | 6                | 2.0 |

Of the 50,754 guideline cases, 265 cases with no analogous guidelines were excluded from the table. Of the remaining 50,489 cases, 2,593 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 (39.1%), Eastern Virginia (28.8%), Guam (23.7%), Oregon (14.1%), Western Washington (13.9%), Northern New York (10.2%), Northern Mariana Islands (9.5%), Western Carolina (9.3%), Colorado (9.0%), Southern California (8.8%), Eastern New York (8.5%), Southern Florida (8.3%), and Southern New York (6.9%). Descriptions of cases used in this table are provided in Appendix A of the U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

**National**

| PRIMARY OFFENSE              | TOTAL         | SENTENCED       |             | SUBSTANTIAL  |             | OTHER        |             | UPWARD     |            |
|------------------------------|---------------|-----------------|-------------|--------------|-------------|--------------|-------------|------------|------------|
|                              |               | WITHIN          |             | ASSISTANCE   |             | DOWNWARD     |             | DEPARTURE  |            |
|                              |               | GUIDELINE RANGE |             | DEPARTURE    |             | DEPARTURE    |             | DEPARTURE  |            |
|                              |               | n               | %           | n            | %           | n            | %           | n          | %          |
| <b>TOTAL</b>                 | <b>47,778</b> | <b>31,690</b>   | <b>66.3</b> | <b>9,201</b> | <b>19.3</b> | <b>6,499</b> | <b>13.6</b> | <b>388</b> | <b>0.8</b> |
| Robbery                      | 2,034         | 1,435           | 70.6        | 340          | 16.7        | 222          | 10.9        | 37         | 1.8        |
| Drugs - Trafficking          | 19,113        | 10,636          | 55.6        | 5,939        | 31.1        | 2,492        | 13.0        | 46         | 0.2        |
| Drugs - Simple Possession    | 467           | 448             | 95.9        | 6            | 1.3         | 9            | 1.9         | 4          | 0.9        |
| Firearms                     | 2,344         | 1,727           | 73.7        | 353          | 15.1        | 238          | 10.2        | 26         | 1.1        |
| Larceny                      | 2,532         | 2,161           | 85.3        | 202          | 8.0         | 148          | 5.8         | 21         | 0.8        |
| Fraud                        | 5,974         | 4,509           | 75.5        | 873          | 14.6        | 496          | 8.3         | 96         | 1.6        |
| Embezzlement                 | 729           | 616             | 84.5        | 25           | 3.4         | 86           | 11.8        | 2          | 0.3        |
| Forgery/Counterfeiting       | 746           | 605             | 81.1        | 86           | 11.5        | 53           | 7.1         | 2          | 0.3        |
| Immigration                  | 7,390         | 5,092           | 68.9        | 255          | 3.5         | 2,007        | 27.2        | 36         | 0.5        |
| Other Miscellaneous Offenses | 6,449         | 4,461           | 69.2        | 1,122        | 17.4        | 748          | 11.6        | 118        | 1.8        |

**Western Wisconsin**

| PRIMARY OFFENSE              | TOTAL      | SENTENCED       |             | SUBSTANTIAL |             | OTHER     |            | UPWARD    |            |
|------------------------------|------------|-----------------|-------------|-------------|-------------|-----------|------------|-----------|------------|
|                              |            | WITHIN          |             | ASSISTANCE  |             | DOWNWARD  |            | DEPARTURE |            |
|                              |            | GUIDELINE RANGE |             | DEPARTURE   |             | DEPARTURE |            | DEPARTURE |            |
|                              |            | n               | %           | n           | %           | n         | %          | n         | %          |
| <b>TOTAL</b>                 | <b>127</b> | <b>102</b>      | <b>80.3</b> | <b>15</b>   | <b>11.8</b> | <b>3</b>  | <b>2.4</b> | <b>7</b>  | <b>5.5</b> |
| Robbery                      | 7          | 3               | 42.9        | 3           | 42.9        | 0         | 0.0        | 1         | 14.3       |
| Drugs - Trafficking          | 44         | 32              | 72.7        | 10          | 22.7        | 0         | 0.0        | 2         | 4.5        |
| Drugs - Simple Possession    | 1          | 1               | 100.0       | 0           | 0.0         | 0         | 0.0        | 0         | 0.0        |
| Firearms                     | 8          | 7               | 87.5        | 0           | 0.0         | 0         | 0.0        | 1         | 12.5       |
| Larceny                      | 11         | 11              | 100.0       | 0           | 0.0         | 0         | 0.0        | 0         | 0.0        |
| Fraud                        | 24         | 22              | 91.7        | 0           | 0.0         | 1         | 4.2        | 1         | 4.2        |
| Embezzlement                 | 8          | 8               | 100.0       | 0           | 0.0         | 0         | 0.0        | 0         | 0.0        |
| Forgery/Counterfeiting       | 9          | 6               | 66.7        | 1           | 11.1        | 2         | 22.2       | 0         | 0.0        |
| Immigration                  | 0          | 0               | --          | 0           | --          | 0         | --         | 0         | --         |
| Other Miscellaneous Offenses | 15         | 12              | 80.0        | 1           | 6.7         | 0         | 0.0        | 2         | 13.3       |

Of the 50,754 guideline cases, 265 cases with no analogous guidelines were excluded from the table. Of the remaining 50,489 cases, 2,711 cases were excluded for one or both of the following reasons: missing or indeterminable departure information (2,593) or missing primary offense category (149).

Of the 130 guideline cases from the Western District of Wisconsin, one case with no analogous guidelines was excluded. Of the remaining 129 cases, two were excluded due to one or both of the following reasons: missing or indeterminable departure information (1) or missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.