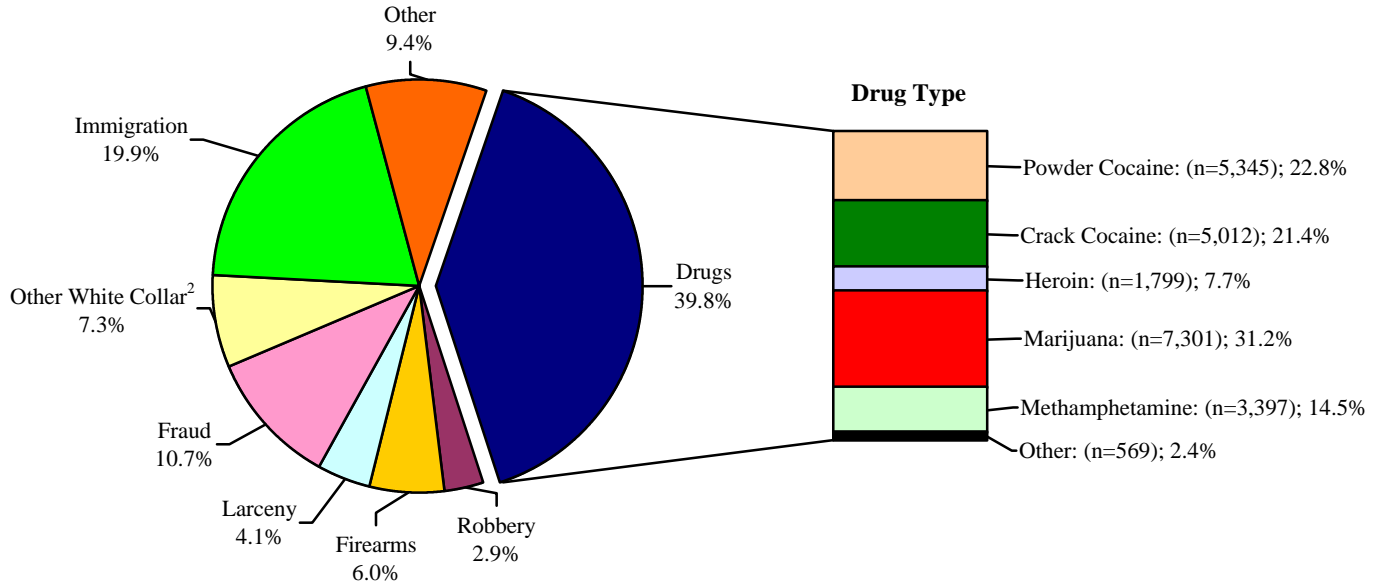


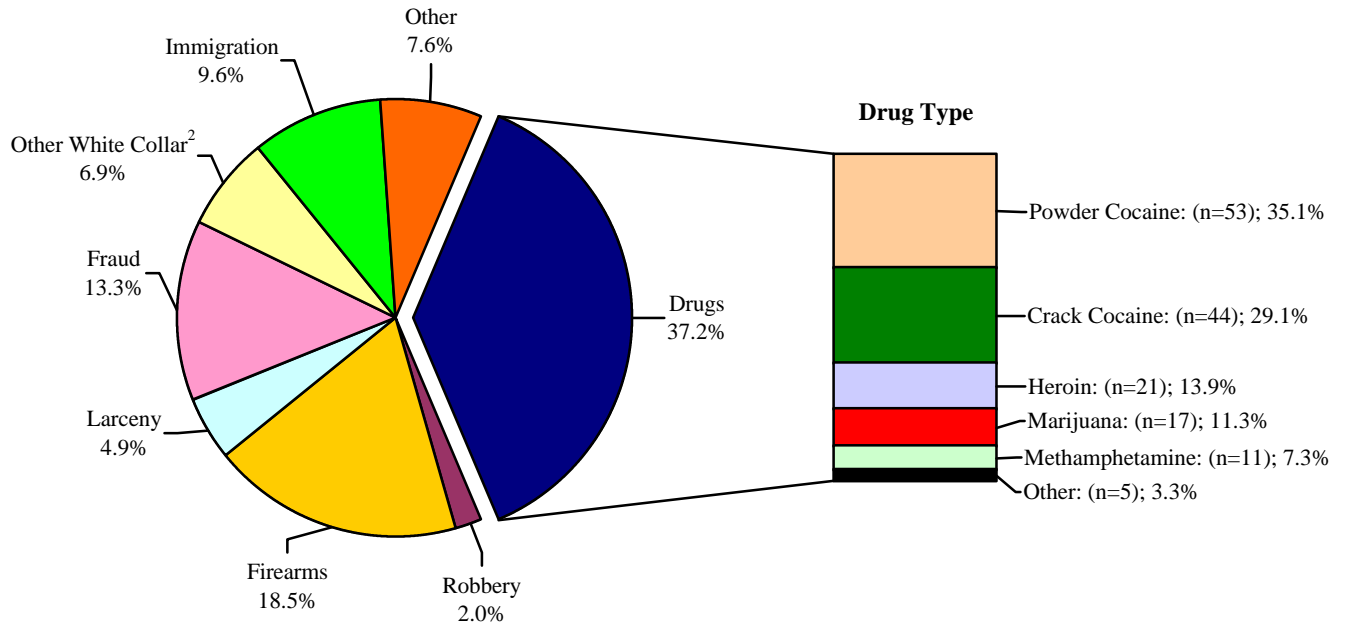
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2000

National



Western New York



¹Of the 59,846 guideline cases, 1,013 cases were excluded due to one of the following reasons: missing primary offense category (257) or missing drug type (756). Of the 409 guideline cases from the District of Western New York, three cases were excluded due to missing drug type.

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

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 1

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

PRIMARY OFFENSE	National		Western New York	
	Number	Percent	Number	Percent
TOTAL	59,589	100.0	409	100.0
Murder	78	0.1	0	0.0
Manslaughter	49	0.1	0	0.0
Kidnapping/Hostage Taking	73	0.1	0	0.0
Sexual Abuse	241	0.4	0	0.0
Assault	471	0.8	4	1.0
Robbery	1,721	2.9	8	2.0
Arson	71	0.1	0	0.0
Drugs - Trafficking	23,229	39.0	114	27.9
Drugs - Communication Facility	411	0.7	31	7.6
Drugs - Simple Possession	539	0.9	9	2.2
Firearms	3,524	5.9	75	18.3
Burglary/B&E	53	0.1	0	0.0
Auto Theft	221	0.4	1	0.2
Larceny	2,417	4.1	20	4.9
Fraud	6,286	10.5	54	13.2
Embezzlement	940	1.6	8	2.0
Forgery/Counterfeiting	1,314	2.2	6	1.5
Bribery	257	0.4	0	0.0
Tax	769	1.3	11	2.7
Money Laundering	991	1.7	3	0.7
Racketeering/Extortion	831	1.4	2	0.5
Gambling/Lottery	99	0.2	0	0.0
Civil Rights	88	0.1	0	0.0
Immigration	11,689	19.6	39	9.5
Pornography/Prostitution	519	0.9	7	1.7
Prison Offenses	296	0.5	1	0.2
Administration of Justice Offenses	1,027	1.7	4	1.0
Environmental/Wildlife	211	0.4	1	0.2
National Defense	17	0.0	0	0.0
Antitrust	40	0.1	0	0.0
Food & Drug	82	0.1	2	0.5
Other Miscellaneous Offenses	1,035	1.7	9	2.2

Of the 59,846 guideline cases, 257 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2000**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	59,508	56,814	95.5	2,694	4.5
D.C. CIRCUIT	347	323	93.1	24	6.9
District of Columbia	347	323	93.1	24	6.9
FIRST CIRCUIT	1,480	1,408	95.1	72	4.9
Maine	159	151	95.0	8	5.0
Massachusetts	548	522	95.3	26	4.7
New Hampshire	117	107	91.5	10	8.5
Puerto Rico	519	497	95.8	22	4.2
Rhode Island	137	131	95.6	6	4.4
SECOND CIRCUIT	4,668	4,462	95.6	206	4.4
Connecticut	249	240	96.4	9	3.6
New York					
Eastern	1,610	1,532	95.2	78	4.8
Northern	496	489	98.6	7	1.4
Southern	1,739	1,646	94.7	93	5.3
Western	409	393	96.1	16	3.9
Vermont	165	162	98.2	3	1.8
THIRD CIRCUIT	2,527	2,371	93.8	156	6.2
Delaware	92	87	94.6	5	5.4
New Jersey	776	739	95.2	37	4.8
Pennsylvania					
Eastern	880	818	93.0	62	7.0
Middle	378	352	93.1	26	6.9
Western	294	280	95.2	14	4.8
Virgin Islands	107	95	88.8	12	11.2
FOURTH CIRCUIT	5,034	4,708	93.5	326	6.5
Maryland	511	462	90.4	49	9.6
North Carolina					
Eastern	482	446	92.5	36	7.5
Middle	306	289	94.4	17	5.6
Western	667	643	96.4	24	3.6
South Carolina	825	789	95.6	36	4.4
Virginia					
Eastern	1,373	1,264	92.1	109	7.9
Western	399	373	93.5	26	6.5
West Virginia					
Northern	198	192	97.0	6	3.0
Southern	273	250	91.6	23	8.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
FIFTH CIRCUIT	11,342	10,941	96.5	401	3.5
Louisiana					
Eastern	451	438	97.1	13	2.9
Middle	111	103	92.8	8	7.2
Western	320	308	96.3	12	3.8
Mississippi					
Northern	128	120	93.8	8	6.3
Southern	270	258	95.6	12	4.4
Texas					
Eastern	581	535	92.1	46	7.9
Northern	1,132	1,090	96.3	42	3.7
Southern	3,743	3,581	95.7	162	4.3
Western	4,606	4,508	97.9	98	2.1
SIXTH CIRCUIT	4,166	3,931	94.4	235	5.6
Kentucky					
Eastern	513	484	94.3	29	5.7
Western	330	309	93.6	21	6.4
Michigan					
Eastern	774	729	94.2	45	5.8
Western	349	330	94.6	19	5.4
Ohio					
Northern	704	684	97.2	20	2.8
Southern	421	400	95.0	21	5.0
Tennessee					
Eastern	431	392	91.0	39	9.0
Middle	222	205	92.3	17	7.7
Western	422	398	94.3	24	5.7
SEVENTH CIRCUIT	2,452	2,262	92.3	190	7.7
Illinois					
Central	339	319	94.1	20	5.9
Northern	853	794	93.1	59	6.9
Southern	378	352	93.1	26	6.9
Indiana					
Northern	307	273	88.9	34	11.1
Southern	223	199	89.2	24	10.8
Wisconsin					
Eastern	241	224	92.9	17	7.1
Western	111	101	91.0	10	9.0
EIGHTH CIRCUIT	3,543	3,374	95.2	169	4.8
Arkansas					
Eastern	225	212	94.2	13	5.8
Western	130	122	93.8	8	6.2
Iowa					
Northern	272	252	92.6	20	7.4
Southern	370	354	95.7	16	4.3
Minnesota	423	396	93.6	27	6.4
Missouri					
Eastern	650	629	96.8	21	3.2
Western	538	522	97.0	16	3.0
Nebraska	496	473	95.4	23	4.6
North Dakota	148	141	95.3	7	4.7
South Dakota	291	273	93.8	18	6.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
NINTH CIRCUIT	14,039	13,702	97.6	337	2.4
Alaska	188	176	93.6	12	6.4
Arizona	3,336	3,303	99.0	33	1.0
California					
Central	1,540	1,498	97.3	42	2.7
Eastern	825	791	95.9	34	4.1
Northern	749	712	95.1	37	4.9
Southern	4,222	4,148	98.2	74	1.8
Guam	133	127	95.5	6	4.5
Hawaii	292	276	94.5	16	5.5
Idaho	140	128	91.4	12	8.6
Montana	298	279	93.6	19	6.4
Nevada	611	596	97.5	15	2.5
Northern Mariana Islands	54	52	96.3	2	3.7
Oregon	645	633	98.1	12	1.9
Washington					
Eastern	282	275	97.5	7	2.5
Western	724	708	97.8	16	2.2
TENTH CIRCUIT	3,683	3,560	96.7	123	3.3
Colorado	458	446	97.4	12	2.6
Kansas	412	391	94.9	21	5.1
New Mexico	1,636	1,609	98.3	27	1.7
Oklahoma					
Eastern	71	62	87.3	9	12.7
Northern	194	178	91.8	16	8.2
Western	183	166	90.7	17	9.3
Utah	550	534	97.1	16	2.9
Wyoming	179	174	97.2	5	2.8
ELEVENTH CIRCUIT	6,227	5,772	92.7	455	7.3
Alabama					
Middle	196	177	90.3	19	9.7
Northern	404	390	96.5	14	3.5
Southern	254	232	91.3	22	8.7
Florida					
Middle	1,477	1,404	95.1	73	4.9
Northern	368	318	86.4	50	13.6
Southern	2,152	1,946	90.4	206	9.6
Georgia					
Middle	388	367	94.6	21	5.4
Northern	758	724	95.5	34	4.5
Southern	230	214	93.0	16	7.0

Of the 59,846 guideline cases, 338 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

PRIMARY OFFENSE	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
TOTAL	59,477	56,783	95.5	2,694	4.5	393	96.1	16	3.9
Murder	78	56	71.8	22	28.2	0	--	0	--
Manslaughter	49	45	91.8	4	8.2	0	--	0	--
Kidnapping/Hostage Taking	73	57	78.1	16	21.9	0	--	0	--
Sexual Abuse	239	223	93.3	16	6.7	0	--	0	--
Assault	470	419	89.1	51	10.9	3	75.0	1	25.0
Robbery	1,710	1,592	93.1	118	6.9	7	87.5	1	12.5
Arson	71	56	78.9	15	21.1	0	--	0	--
Drugs - Trafficking	23,195	22,011	94.9	1,184	5.1	109	95.6	5	4.4
Drugs - Communication Facility	410	408	99.5	2	0.5	31	100.0	0	0.0
Drugs - Simple Possession	538	512	95.2	26	4.8	9	100.0	0	0.0
Firearms	3,517	3,249	92.4	268	7.6	70	93.3	5	6.7
Burglary/B&E	52	52	100.0	0	0.0	0	--	0	--
Auto Theft	221	197	89.1	24	10.9	1	100.0	0	0.0
Larceny	2,416	2,339	96.8	77	3.2	20	100.0	0	0.0
Fraud	6,278	5,997	95.5	281	4.5	52	96.3	2	3.7
Embezzlement	939	916	97.6	23	2.4	8	100.0	0	0.0
Forgery/Counterfeiting	1,313	1,280	97.5	33	2.5	6	100.0	0	0.0
Bribery	257	252	98.1	5	1.9	0	--	0	--
Tax	768	719	93.6	49	6.4	11	100.0	0	0.0
Money Laundering	985	878	89.1	107	10.9	3	100.0	0	0.0
Racketeering/Extortion	825	770	93.3	55	6.7	2	100.0	0	0.0
Gambling/Lottery	99	95	96.0	4	4.0	0	--	0	--
Civil Rights	88	77	87.5	11	12.5	0	--	0	--
Immigration	11,662	11,505	98.7	157	1.3	37	94.9	2	5.1
Pornography/Prostitution	519	499	96.1	20	3.9	7	100.0	0	0.0
Prison Offenses	296	287	97.0	9	3.0	1	100.0	0	0.0
Administration of Justice Offenses	1,025	978	95.4	47	4.6	4	100.0	0	0.0
Environmental/Wildlife	210	196	93.3	14	6.7	1	100.0	0	0.0
National Defense	17	17	100.0	0	0.0	0	--	0	--
Antitrust	40	39	97.5	1	2.5	0	--	0	--
Food & Drug	82	77	93.9	5	6.1	2	100.0	0	0.0
Other Miscellaneous Offenses	1,035	985	95.2	50	4.8	9	100.0	0	0.0

Of the 59,846 guideline cases, 369 cases were excluded due to one or both of the following reasons: missing primary offense category (257) or missing mode of conviction (338).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	58,636	47,663	81.3	2,302	3.9	3,175	5.4	5,496	9.4
Murder	77	75	97.4	1	1.3	1	1.3	0	0.0
Manslaughter	48	41	85.4	4	8.3	2	4.2	1	2.1
Kidnapping/Hostage Taking	73	72	98.6	0	0.0	1	1.4	0	0.0
Sexual Abuse	240	214	89.2	3	1.3	7	2.9	16	6.7
Assault	462	345	74.7	15	3.2	28	6.1	74	16.0
Robbery	1,706	1,654	97.0	27	1.6	14	0.8	11	0.6
Arson	71	66	93.0	1	1.4	3	4.2	1	1.4
Drugs - Trafficking	23,002	21,665	94.2	453	2.0	378	1.6	506	2.2
Drugs - Communication Facility	410	334	81.5	7	1.7	25	6.1	44	10.7
Drugs - Simple Possession	519	197	38.0	6	1.2	38	7.3	278	53.6
Firearms	3,488	3,044	87.3	120	3.4	158	4.5	166	4.8
Burglary/B&E	51	45	88.2	2	3.9	2	3.9	2	3.9
Auto Theft	219	175	79.9	4	1.8	13	5.9	27	12.3
Larceny	2,351	857	36.5	177	7.5	421	17.9	896	38.1
Fraud	6,174	3,376	54.7	736	11.9	926	15.0	1,136	18.4
Embezzlement	912	335	36.7	195	21.4	122	13.4	260	28.5
Forgery/Counterfeiting	1,300	703	54.1	92	7.1	201	15.5	304	23.4
Bribery	253	98	38.7	37	14.6	46	18.2	72	28.5
Tax	758	316	41.7	92	12.1	175	23.1	175	23.1
Money Laundering	980	765	78.1	40	4.1	89	9.1	86	8.8
Racketeering/Extortion	825	753	91.3	19	2.3	25	3.0	28	3.4
Gambling/Lottery	98	15	15.3	9	9.2	23	23.5	51	52.0
Civil Rights	85	50	58.8	4	4.7	9	10.6	22	25.9
Immigration	11,442	10,728	93.8	114	1.0	142	1.2	458	4.0
Pornography/Prostitution	510	448	87.8	19	3.7	25	4.9	18	3.5
Prison Offenses	295	269	91.2	8	2.7	5	1.7	13	4.4
Administration of Justice Offenses	1,008	581	57.6	66	6.5	122	12.1	239	23.7
Environmental/Wildlife	196	48	24.5	15	7.7	32	16.3	101	51.5
National Defense	17	11	64.7	0	0.0	1	5.9	5	29.4
Antitrust	38	12	31.6	2	5.3	12	31.6	12	31.6
Food & Drug	77	16	20.8	2	2.6	12	15.6	47	61.0
Other Miscellaneous Offenses	951	355	37.3	32	3.4	117	12.3	447	47.0

Of the 59,846 guideline cases, 1,210 cases were excluded due to one or more of the following reasons: missing sentencing information (438), missing primary offense category (257), or cases in which the defendant received no imprisonment or probation (684).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000

Western New York

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	408	255	62.5	21	5.1	42	10.3	90	22.1
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	4	3	75.0	0	0.0	1	25.0	0	0.0
Robbery	8	7	87.5	0	0.0	1	12.5	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	114	100	87.7	3	2.6	4	3.5	7	6.1
Drugs - Communication Facility	31	4	12.9	0	0.0	3	9.7	24	77.4
Drugs - Simple Possession	9	3	33.3	0	0.0	2	22.2	4	44.4
Firearms	75	60	80.0	7	9.3	2	2.7	6	8.0
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	1	1	100.0	0	0.0	0	0.0	0	0.0
Larceny	20	5	25.0	2	10.0	9	45.0	4	20.0
Fraud	53	18	34.0	4	7.5	12	22.6	19	35.8
Embezzlement	8	3	37.5	2	25.0	1	12.5	2	25.0
Forgery/Counterfeiting	6	3	50.0	0	0.0	2	33.3	1	16.7
Bribery	0	0	--	0	--	0	--	0	--
Tax	11	2	18.2	1	9.1	1	9.1	7	63.6
Money Laundering	3	1	33.3	1	33.3	0	0.0	1	33.3
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	39	31	79.5	0	0.0	1	2.6	7	17.9
Pornography/Prostitution	7	7	100.0	0	0.0	0	0.0	0	0.0
Prison Offenses	1	0	0.0	0	0.0	1	100.0	0	0.0
Administration of Justice Offenses	4	2	50.0	1	25.0	1	25.0	0	0.0
Environmental/Wildlife	1	1	100.0	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	2	0	0.0	0	0.0	0	0.0	2	100.0
Other Miscellaneous Offenses	9	2	22.2	0	0.0	1	11.1	6	66.7

Of the 409 guideline cases from the District of Western New York, one case was excluded in which the defendant received no imprisonment or probation.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

PRIMARY OFFENSE	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	11,137	5,061	45.4	6,076	54.6	26	20.0	104	80.0
Fraud	2,118	755	35.6	1,363	64.4	5	17.2	24	82.8
Larceny	1,471	292	19.9	1,179	80.1	2	15.4	11	84.6
Immigration	3,103	2,615	84.3	488	15.7	9	56.3	7	43.8
Embezzlement	562	221	39.3	341	60.7	2	66.7	1	33.3
Drugs - Trafficking	501	243	48.5	258	51.5	1	16.7	5	83.3
Drugs - Simple Possession	452	141	31.2	311	68.8	0	0.0	6	100.0
Firearms	200	60	30.0	140	70.0	0	0.0	5	100.0
Forgery/Counterfeiting	576	168	29.2	408	70.8	2	40.0	3	60.0
Other Miscellaneous Offenses	2,154	566	26.3	1,588	73.7	5	10.6	42	89.4

Of the 59,846 guideline cases, 48,709 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (48,569), missing sentencing information (438) or missing primary offense category (257).

Of the 409 guideline cases from the District of Western New York, 279 cases were excluded due to the defendant being ineligible for non-prison alternatives.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

PRIMARY OFFENSE	National			Western New York		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	55.2	33.0	49,192	43.9	33.0	272
Murder	271.3	240.0	76	--	--	0
Manslaughter	26.1	18.0	45	--	--	0
Kidnapping/Hostage Taking	167.8	97.0	71	--	--	0
Sexual Abuse	71.5	37.0	216	--	--	0
Assault	44.6	27.0	350	26.0	15.0	3
Robbery	110.6	77.0	1,678	74.9	57.0	7
Arson	72.0	60.0	67	--	--	0
Drugs - Trafficking	75.3	57.0	21,908	56.2	40.0	102
Drugs - Communication Facility	48.2	48.0	339	38.8	24.5	4
Drugs - Simple Possession	18.5	6.0	184	27.3	12.0	3
Firearms	64.1	41.0	3,143	46.6	37.0	67
Burglary/B&E	28.3	24.0	47	--	--	0
Auto Theft	55.5	24.0	179	--	--	1
Larceny	15.6	12.0	1,021	12.3	12.0	7
Fraud	18.0	12.0	4,018	20.4	15.0	21
Embezzlement	9.9	5.0	515	8.8	8.0	4
Forgery/Counterfeiting	17.0	13.0	776	10.7	10.0	3
Bribery	16.2	12.0	135	--	--	0
Tax	16.6	12.0	405	10.7	12.0	3
Money Laundering	46.3	33.0	789	--	--	2
Racketeering/Extortion	98.0	60.0	768	--	--	2
Gambling/Lottery	14.4	11.5	24	--	--	0
Civil Rights	38.6	18.0	54	--	--	0
Immigration	27.8	24.0	10,535	35.7	36.0	30
Pornography/Prostitution	47.0	30.0	467	31.6	30.0	7
Prison Offenses	18.8	13.0	272	--	--	0
Administration of Justice Offenses	25.1	15.0	628	10.0	10.0	3
Environmental/Wildlife	14.5	9.5	62	--	--	1
National Defense	30.9	29.0	10	--	--	0
Antitrust	12.7	6.5	14	--	--	0
Food & Drug	23.1	12.0	18	--	--	0
Other Miscellaneous Offenses	23.0	12.0	378	--	--	2

Of the 59,846 guideline cases, 10,654 cases were excluded for one or more of the following reasons: zero months prison ordered (9,357), missing primary offense category (257) or missing or indeterminable sentencing information (1,232).

Of the 409 guideline cases from the District of Western New York, 137 cases were excluded due to one of the following reasons: zero prison months ordered (132) or missing or indeterminable sentencing information (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 2000**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	54,617	35,219	64.5	9,754	17.9	9,286	17.0	358	0.7
D.C. CIRCUIT	327	227	69.4	63	19.3	36	11.0	1	0.3
District of Columbia	327	227	69.4	63	19.3	36	11.0	1	0.3
FIRST CIRCUIT	1,450	1,014	69.9	230	15.9	194	13.4	12	0.8
Maine	156	104	66.7	38	24.4	13	8.3	1	0.6
Massachusetts	526	285	54.2	116	22.1	120	22.8	5	1.0
New Hampshire	117	75	64.1	28	23.9	13	11.1	1	0.9
Puerto Rico	518	447	86.3	38	7.3	30	5.8	3	0.6
Rhode Island	133	103	77.4	10	7.5	18	13.5	2	1.5
SECOND CIRCUIT	4,302	2,403	55.9	1,027	23.9	842	19.6	30	0.7
Connecticut	216	120	55.6	25	11.6	69	31.9	2	0.9
New York									
Eastern	1,447	692	47.8	333	23.0	411	28.4	11	0.8
Northern	456	163	35.7	232	50.9	59	12.9	2	0.4
Southern	1,631	1,100	67.4	306	18.8	212	13.0	13	0.8
Western	389	247	63.5	100	25.7	41	10.5	1	0.3
Vermont	163	81	49.7	31	19.0	50	30.7	1	0.6
THIRD CIRCUIT	2,447	1,462	59.7	746	30.5	223	9.1	16	0.7
Delaware	90	61	67.8	20	22.2	8	8.9	1	1.1
New Jersey	761	495	65.0	207	27.2	56	7.4	3	0.4
Pennsylvania									
Eastern	857	447	52.2	314	36.6	87	10.2	9	1.1
Middle	360	194	53.9	130	36.1	35	9.7	1	0.3
Western	278	186	66.9	62	22.3	28	10.1	2	0.7
Virgin Islands	101	79	78.2	13	12.9	9	8.9	0	0.0
FOURTH CIRCUIT	4,363	3,202	73.4	910	20.9	216	5.0	35	0.8
Maryland	497	287	57.7	140	28.2	66	13.3	4	0.8
North Carolina									
Eastern	455	310	68.1	112	24.6	22	4.8	11	2.4
Middle	303	246	81.2	42	13.9	9	3.0	6	2.0
Western	555	301	54.2	215	38.7	38	6.8	1	0.2
South Carolina	790	575	72.8	195	24.7	17	2.2	3	0.4
Virginia									
Eastern	907	807	89.0	67	7.4	32	3.5	1	0.1
Western	396	284	71.7	90	22.7	17	4.3	5	1.3
West Virginia									
Northern	193	169	87.6	17	8.8	4	2.1	3	1.6
Southern	267	223	83.5	32	12.0	11	4.1	1	0.4

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	10,928	7,900	72.3	1,486	13.6	1,488	13.6	54	0.5
Louisiana									
Eastern	444	352	79.3	57	12.8	32	7.2	3	0.7
Middle	110	80	72.7	16	14.5	10	9.1	4	3.6
Western	311	207	66.6	80	25.7	18	5.8	6	1.9
Mississippi									
Northern	126	86	68.3	23	18.3	15	11.9	2	1.6
Southern	261	202	77.4	54	20.7	5	1.9	0	0.0
Texas									
Eastern	575	479	83.3	56	9.7	39	6.8	1	0.2
Northern	1,092	795	72.8	234	21.4	58	5.3	5	0.5
Southern	3,666	2,563	69.9	579	15.8	504	13.7	20	0.5
Western	4,343	3,136	72.2	387	8.9	807	18.6	13	0.3
SIXTH CIRCUIT	4,030	2,710	67.2	983	24.4	312	7.7	25	0.6
Kentucky									
Eastern	501	334	66.7	145	28.9	19	3.8	3	0.6
Western	310	261	84.2	37	11.9	12	3.9	0	0.0
Michigan									
Eastern	753	477	63.3	184	24.4	91	12.1	1	0.1
Western	337	235	69.7	63	18.7	36	10.7	3	0.9
Ohio									
Northern	688	468	68.0	164	23.8	51	7.4	5	0.7
Southern	404	226	55.9	123	30.4	53	13.1	2	0.5
Tennessee									
Eastern	427	287	67.2	126	29.5	14	3.3	0	0.0
Middle	204	144	70.6	39	19.1	18	8.8	3	1.5
Western	406	278	68.5	102	25.1	18	4.4	8	2.0
SEVENTH CIRCUIT	2,341	1,626	69.5	509	21.7	181	7.7	25	1.1
Illinois									
Central	328	186	56.7	110	33.5	27	8.2	5	1.5
Northern	800	496	62.0	208	26.0	87	10.9	9	1.1
Southern	365	324	88.8	28	7.7	10	2.7	3	0.8
Indiana									
Northern	285	218	76.5	54	18.9	12	4.2	1	0.4
Southern	217	139	64.1	62	28.6	14	6.5	2	0.9
Wisconsin									
Eastern	240	175	72.9	38	15.8	23	9.6	4	1.7
Western	106	88	83.0	9	8.5	8	7.5	1	0.9
EIGHTH CIRCUIT	3,466	2,267	65.4	802	23.1	356	10.3	41	1.2
Arkansas									
Eastern	220	178	80.9	27	12.3	14	6.4	1	0.5
Western	129	110	85.3	17	13.2	1	0.8	1	0.8
Iowa									
Northern	259	151	58.3	76	29.3	23	8.9	9	3.5
Southern	364	196	53.8	114	31.3	52	14.3	2	0.5
Minnesota	418	260	62.2	71	17.0	85	20.3	2	0.5
Missouri									
Eastern	641	423	66.0	170	26.5	38	5.9	10	1.6
Western	528	292	55.3	218	41.3	17	3.2	1	0.2
Nebraska									
Nebraska	484	352	72.7	68	14.0	63	13.0	1	0.2
North Dakota									
North Dakota	141	94	66.7	21	14.9	24	17.0	2	1.4
South Dakota									
South Dakota	282	211	74.8	20	7.1	39	13.8	12	4.3

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	11,564	5,770	49.9	1,343	11.6	4,385	37.9	66	0.6
Alaska	180	131	72.8	19	10.6	30	16.7	0	0.0
Arizona	3,195	914	28.6	231	7.2	2,030	63.5	20	0.6
California									
Central	792	577	72.9	104	13.1	104	13.1	7	0.9
Eastern	796	607	76.3	113	14.2	72	9.0	4	0.5
Northern	721	503	69.8	57	7.9	156	21.6	5	0.7
Southern	3,037	1,259	41.5	308	10.1	1,459	48.0	11	0.4
Guam	127	95	74.8	29	22.8	1	0.8	2	1.6
Hawaii	280	193	68.9	52	18.6	34	12.1	1	0.4
Idaho	139	80	57.6	33	23.7	25	18.0	1	0.7
Montana	292	177	60.6	68	23.3	45	15.4	2	0.7
Nevada	605	430	71.1	85	14.0	88	14.5	2	0.3
Northern Mariana Islands	52	28	53.8	24	46.2	0	0.0	0	0.0
Oregon	514	316	61.5	104	20.2	87	16.9	7	1.4
Washington									
Eastern	273	136	49.8	16	5.9	119	43.6	2	0.7
Western	561	324	57.8	100	17.8	135	24.1	2	0.4
TENTH CIRCUIT	3,403	2,378	69.9	372	10.9	639	18.8	14	0.4
Colorado	418	254	60.8	104	24.9	59	14.1	1	0.2
Kansas	391	261	66.8	76	19.4	50	12.8	4	1.0
New Mexico	1,602	1,113	69.5	86	5.4	401	25.0	2	0.1
Oklahoma									
Eastern	65	44	67.7	2	3.1	19	29.2	0	0.0
Northern	190	146	76.8	19	10.0	23	12.1	2	1.1
Western	171	143	83.6	21	12.3	4	2.3	3	1.8
Utah	392	311	79.3	20	5.1	60	15.3	1	0.3
Wyoming	174	106	60.9	44	25.3	23	13.2	1	0.6
ELEVENTH CIRCUIT	5,996	4,260	71.0	1,283	21.4	414	6.9	39	0.7
Alabama									
Middle	174	94	54.0	65	37.4	14	8.0	1	0.6
Northern	396	287	72.5	93	23.5	14	3.5	2	0.5
Southern	252	151	59.9	82	32.5	17	6.7	2	0.8
Florida									
Middle	1,471	987	67.1	386	26.2	97	6.6	1	0.1
Northern	358	230	64.2	105	29.3	18	5.0	5	1.4
Southern	2,030	1,626	80.1	285	14.0	113	5.6	6	0.3
Georgia									
Middle	362	227	62.7	108	29.8	17	4.7	10	2.8
Northern	732	479	65.4	132	18.0	112	15.3	9	1.2
Southern	221	179	81.0	27	12.2	12	5.4	3	1.4

Of the 59,846 guideline cases, 390 cases with no analogous guidelines were excluded from the table. Of the remaining 59,456 cases, 4,839 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 (49.0%), Eastern Virginia (32.2%), Utah (28.9%), Southern California (28.7%), Western Washington (18.9%), Oregon (18.9%), Western North Carolina (17.7%), Connecticut (15.0%), Northern New York (12.5%), Eastern New York (11.3%), Eastern North Carolina (7.5%), Northern Indiana (7.2%), District of Columbia (6.8%), Northern Illinois (6.7%), Southern New York (6.5%), Western Kentucky (6.3%), Colorado (6.3%), Eastern Oklahoma (5.8%), Southern Florida (5.7%), Western Texas (5.6%), Virgin Islands (5.6%), Western Pennsylvania (5.4%), and Guam (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

National

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	54,569	35,198	64.5	9,743	17.9	9,270	17.0	358	0.7
Robbery	1,596	1,135	71.1	209	13.1	231	14.5	21	1.3
Drugs - Trafficking	22,253	12,596	56.6	6,197	27.8	3,410	15.3	50	0.2
Drugs - Simple Possession	430	400	93.0	15	3.5	11	2.6	4	0.9
Firearms	3,288	2,485	75.6	358	10.9	410	12.5	35	1.1
Larceny	2,154	1,818	84.4	148	6.9	171	7.9	17	0.8
Fraud	5,775	3,961	68.6	1,084	18.8	669	11.6	61	1.1
Embezzlement	874	710	81.2	48	5.5	114	13.0	2	0.2
Forgery/Counterfeiting	1,242	989	79.6	143	11.5	97	7.8	13	1.0
Immigration	9,938	6,311	63.5	355	3.6	3,233	32.5	39	0.4
Other Miscellaneous Offenses	7,019	4,793	68.3	1,186	16.9	924	13.2	116	1.7

Western New York

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	389	247	63.5	100	25.7	41	10.5	1	0.3
Robbery	8	3	37.5	3	37.5	1	12.5	1	12.5
Drugs - Trafficking	113	55	48.7	53	46.9	5	4.4	0	0.0
Drugs - Simple Possession	7	6	85.7	1	14.3	0	0.0	0	0.0
Firearms	66	45	68.2	6	9.1	15	22.7	0	0.0
Larceny	20	18	90.0	0	0.0	2	10.0	0	0.0
Fraud	54	41	75.9	7	13.0	6	11.1	0	0.0
Embezzlement	8	5	62.5	0	0.0	3	37.5	0	0.0
Forgery/Counterfeiting	6	6	100.0	0	0.0	0	0.0	0	0.0
Immigration	34	28	82.4	2	5.9	4	11.8	0	0.0
Other Miscellaneous Offenses	73	40	54.8	28	38.4	5	6.8	0	0.0

Of the 59,846 guideline cases, 5,277 cases were excluded due to one or more of the following reasons: no analogous guidelines (390), missing or indeterminable departure information (4,839) or missing primary offense category (257).

Of the 409 guideline cases from the District of Western New York, 20 cases were excluded due to one of the following reasons: no analogous guidelines (8) or missing or indeterminable departure information (12).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.