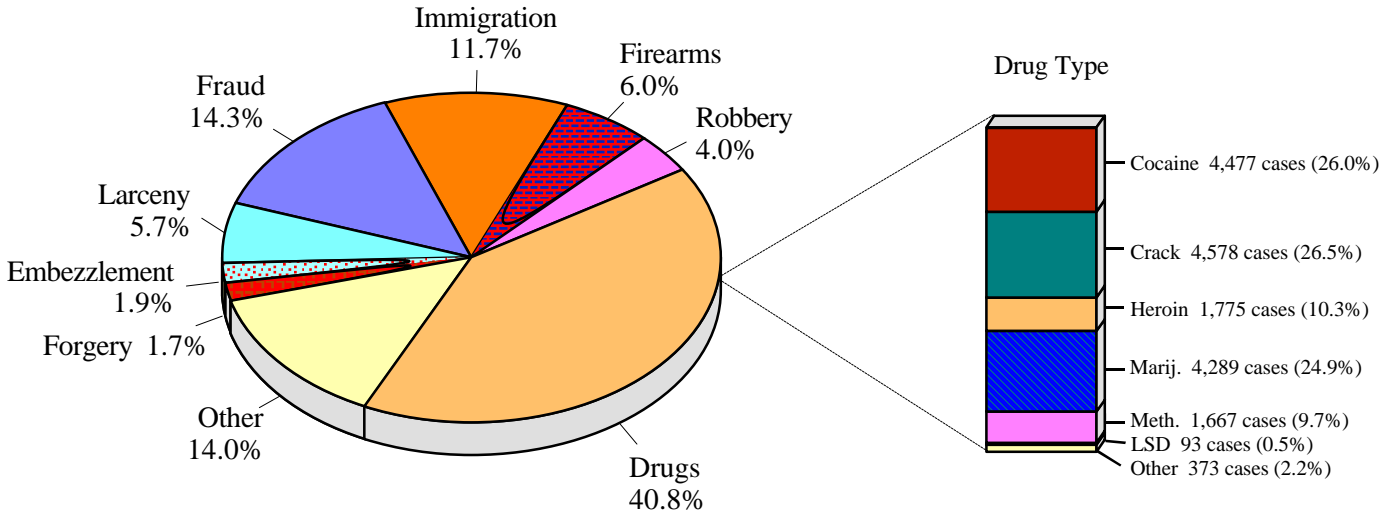


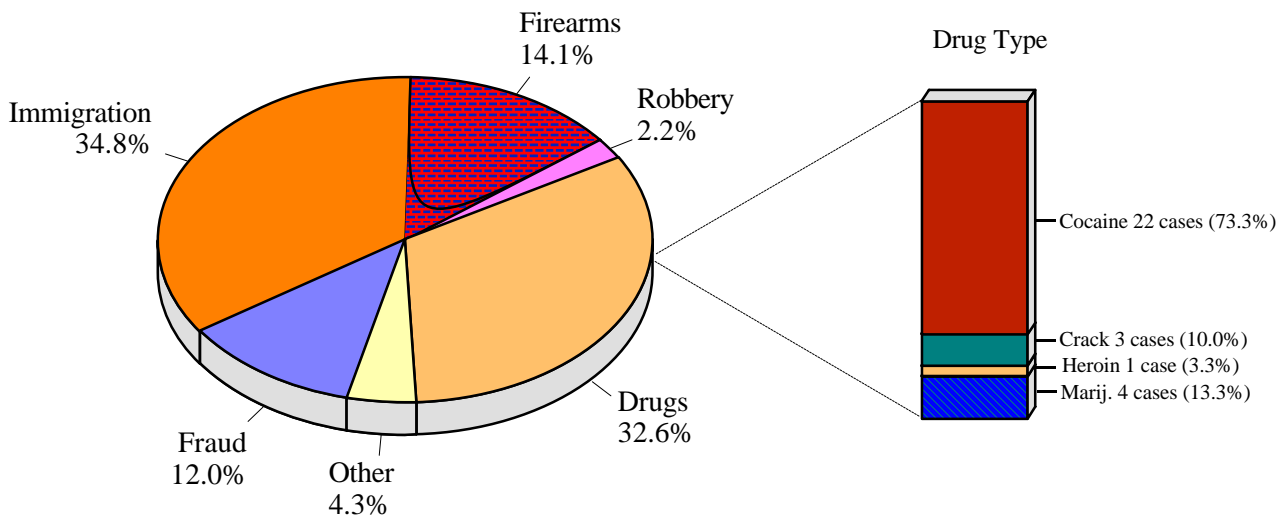
Figure A

**GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY ¹
(October 1, 1995, through September 30, 1996)**

National



Virgin Islands



¹Of the 42,436 guideline cases, 75 cases with missing primary offense category were excluded. Of the 17,261 drug cases (including trafficking, use of a communication facility, and simple possession), nine cases with missing drug type were excluded from the bar chart.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MON96.

Table 1

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED
BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE | National | | Virgin Islands | |
|------------------------------------|---------------|--------------|----------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 42,362 | 100.0 | 93 | 100.0 |
| Murder | 89 | 0.2 | 0 | 0.0 |
| Manslaughter | 53 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 85 | 0.2 | 0 | 0.0 |
| Sexual Abuse | 171 | 0.4 | 0 | 0.0 |
| Assault | 456 | 1.1 | 0 | 0.0 |
| Robbery | 1,674 | 4.0 | 2 | 2.2 |
| Arson | 105 | 0.2 | 0 | 0.0 |
| Drugs - Trafficking | 16,251 | 38.4 | 30 | 32.3 |
| Drugs - Communication Facility | 395 | 0.9 | 0 | 0.0 |
| Drugs - Simple Possession | 615 | 1.5 | 0 | 0.0 |
| Firearms | 2,546 | 6.0 | 13 | 14.0 |
| Burglary/B&E | 87 | 0.2 | 0 | 0.0 |
| Auto Theft | 127 | 0.3 | 0 | 0.0 |
| Larceny | 2,431 | 5.7 | 0 | 0.0 |
| Fraud | 6,028 | 14.2 | 11 | 11.8 |
| Embezzlement | 787 | 1.9 | 0 | 0.0 |
| Forgery/Counterfeiting | 730 | 1.7 | 0 | 0.0 |
| Bribery | 256 | 0.6 | 0 | 0.0 |
| Tax | 851 | 2.0 | 0 | 0.0 |
| Money Laundering | 827 | 2.0 | 0 | 0.0 |
| Racketeering/Extortion | 548 | 1.3 | 0 | 0.0 |
| Gambling/Lottery | 138 | 0.3 | 0 | 0.0 |
| Civil Rights | 109 | 0.3 | 0 | 0.0 |
| Immigration | 4,931 | 11.6 | 32 | 34.4 |
| Pornography/Prostitution | 191 | 0.5 | 0 | 0.0 |
| Prison Offenses | 339 | 0.8 | 0 | 0.0 |
| Administration of Justice Offenses | 755 | 1.8 | 1 | 1.1 |
| Environmental/Wildlife | 130 | 0.3 | 0 | 0.0 |
| National Defense | 24 | 0.1 | 0 | 0.0 |
| Antitrust | 15 | 0.0 | 0 | 0.0 |
| Food & Drug | 44 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 574 | 1.4 | 4 | 4.3 |

Of the 42,436 guideline cases, 74 cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT
(October 1, 1995, through September 30, 1996)

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 42,398 | 38,869 | 91.7 | 3,529 | 8.3 |
| D.C. CIRCUIT | 378 | 346 | 91.5 | 32 | 8.5 |
| District of Columbia | 378 | 346 | 91.5 | 32 | 8.5 |
| FIRST CIRCUIT | 1,461 | 1,328 | 90.9 | 133 | 9.1 |
| Maine | 146 | 133 | 91.1 | 13 | 8.9 |
| Massachusetts | 461 | 422 | 91.5 | 39 | 8.5 |
| New Hampshire | 147 | 133 | 90.5 | 14 | 9.5 |
| Puerto Rico | 599 | 550 | 91.8 | 49 | 8.2 |
| Rhode Island | 108 | 90 | 83.3 | 18 | 16.7 |
| SECOND CIRCUIT | 3,832 | 3,551 | 92.7 | 281 | 7.3 |
| Connecticut | 258 | 230 | 89.1 | 28 | 10.9 |
| New York | | | | | |
| Eastern | 1,498 | 1,401 | 93.5 | 97 | 6.5 |
| Northern | 433 | 409 | 94.5 | 24 | 5.5 |
| Southern | 1,196 | 1,091 | 91.2 | 105 | 8.8 |
| Western | 354 | 334 | 94.4 | 20 | 5.6 |
| Vermont | 93 | 86 | 92.5 | 7 | 7.5 |
| THIRD CIRCUIT | 2,375 | 2,161 | 91.0 | 214 | 9.0 |
| Delaware | 94 | 83 | 88.3 | 11 | 11.7 |
| New Jersey | 727 | 669 | 92.0 | 58 | 8.0 |
| Pennsylvania | | | | | |
| Eastern | 817 | 740 | 90.6 | 77 | 9.4 |
| Middle | 362 | 338 | 93.4 | 24 | 6.6 |
| Western | 282 | 253 | 89.7 | 29 | 10.3 |
| Virgin Islands | 93 | 78 | 83.9 | 15 | 16.1 |
| FOURTH CIRCUIT | 4,127 | 3,697 | 89.6 | 430 | 10.4 |
| Maryland | 358 | 302 | 84.4 | 56 | 15.6 |
| North Carolina | | | | | |
| Eastern | 537 | 494 | 92.0 | 43 | 8.0 |
| Middle | 367 | 321 | 87.5 | 46 | 12.5 |
| Western | 553 | 500 | 90.4 | 53 | 9.6 |
| South Carolina | 728 | 692 | 95.1 | 36 | 4.9 |
| Virginia | | | | | |
| Eastern | 869 | 746 | 85.8 | 123 | 14.2 |
| Western | 318 | 281 | 88.4 | 37 | 11.6 |
| West Virginia | | | | | |
| Northern | 152 | 134 | 88.2 | 18 | 11.8 |
| Southern | 245 | 227 | 92.7 | 18 | 7.3 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|-------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 6,582 | 6,075 | 92.3 | 507 | 7.7 |
| Louisiana | | | | | |
| Eastern | 395 | 389 | 98.5 | 6 | 1.5 |
| Middle | 82 | 78 | 95.1 | 4 | 4.9 |
| Western | 237 | 219 | 92.4 | 18 | 7.6 |
| Mississippi | | | | | |
| Northern | 153 | 138 | 90.2 | 15 | 9.8 |
| Southern | 206 | 187 | 90.8 | 19 | 9.2 |
| Texas | | | | | |
| Eastern | 522 | 464 | 88.9 | 58 | 11.1 |
| Northern | 980 | 877 | 89.5 | 103 | 10.5 |
| Southern | 2,068 | 1,872 | 90.5 | 196 | 9.5 |
| Western | 1,939 | 1,851 | 95.5 | 88 | 4.5 |
| SIXTH CIRCUIT | 3,511 | 3,230 | 92.0 | 281 | 8.0 |
| Kentucky | | | | | |
| Eastern | 307 | 280 | 91.2 | 27 | 8.8 |
| Western | 343 | 305 | 88.9 | 38 | 11.1 |
| Michigan | | | | | |
| Eastern | 804 | 740 | 92.0 | 64 | 8.0 |
| Western | 308 | 280 | 90.9 | 28 | 9.1 |
| Ohio | | | | | |
| Northern | 547 | 516 | 94.3 | 31 | 5.7 |
| Southern | 371 | 355 | 95.7 | 16 | 4.3 |
| Tennessee | | | | | |
| Eastern | 343 | 308 | 89.8 | 35 | 10.2 |
| Middle | 142 | 125 | 88.0 | 17 | 12.0 |
| Western | 346 | 321 | 92.8 | 25 | 7.2 |
| SEVENTH CIRCUIT | 2,036 | 1,850 | 90.9 | 186 | 9.1 |
| Illinois | | | | | |
| Central | 249 | 219 | 88.0 | 30 | 12.0 |
| Northern | 611 | 552 | 90.3 | 59 | 9.7 |
| Southern | 353 | 317 | 89.8 | 36 | 10.2 |
| Indiana | | | | | |
| Northern | 250 | 223 | 89.2 | 27 | 10.8 |
| Southern | 220 | 206 | 93.6 | 14 | 6.4 |
| Wisconsin | | | | | |
| Eastern | 252 | 236 | 93.7 | 16 | 6.3 |
| Western | 101 | 97 | 96.0 | 4 | 4.0 |
| EIGHTH CIRCUIT | 2,631 | 2,374 | 90.2 | 257 | 9.8 |
| Arkansas | | | | | |
| Eastern | 252 | 229 | 90.9 | 23 | 9.1 |
| Western | 119 | 107 | 89.9 | 12 | 10.1 |
| Iowa | | | | | |
| Northern | 165 | 154 | 93.3 | 11 | 6.7 |
| Southern | 220 | 200 | 90.9 | 20 | 9.1 |
| Minnesota | 290 | 254 | 87.6 | 36 | 12.4 |
| Missouri | | | | | |
| Eastern | 447 | 393 | 87.9 | 54 | 12.1 |
| Western | 396 | 350 | 88.4 | 46 | 11.6 |
| Nebraska | 263 | 247 | 93.9 | 16 | 6.1 |
| North Dakota | 163 | 161 | 98.8 | 2 | 1.2 |
| South Dakota | 316 | 279 | 88.3 | 37 | 11.7 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|-------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 8,410 | 8,059 | 95.8 | 351 | 4.2 |
| Alaska | 86 | 78 | 90.7 | 8 | 9.3 |
| Arizona | 1,348 | 1,325 | 98.3 | 23 | 1.7 |
| California | | | | | |
| Central | 1,295 | 1,264 | 97.6 | 31 | 2.4 |
| Eastern | 701 | 657 | 93.7 | 44 | 6.3 |
| Northern | 591 | 552 | 93.4 | 39 | 6.6 |
| Southern | 2,149 | 2,088 | 97.2 | 61 | 2.8 |
| Guam | 81 | 65 | 80.2 | 16 | 19.8 |
| Hawaii | 303 | 284 | 93.7 | 19 | 6.3 |
| Idaho | 94 | 87 | 92.6 | 7 | 7.4 |
| Montana | 191 | 177 | 92.7 | 14 | 7.3 |
| Nevada | 363 | 337 | 92.8 | 26 | 7.2 |
| Northern Mariana Islands | 15 | 14 | 93.3 | 1 | 6.7 |
| Oregon | 544 | 525 | 96.5 | 19 | 3.5 |
| Washington | | | | | |
| Eastern | 205 | 194 | 94.6 | 11 | 5.4 |
| Western | 444 | 412 | 92.8 | 32 | 7.2 |
| TENTH CIRCUIT | 2,075 | 1,909 | 92.0 | 166 | 8.0 |
| Colorado | 394 | 374 | 94.9 | 20 | 5.1 |
| Kansas | 282 | 245 | 86.9 | 37 | 13.1 |
| New Mexico | 622 | 583 | 93.7 | 39 | 6.3 |
| Oklahoma | | | | | |
| Eastern | 68 | 59 | 86.8 | 9 | 13.2 |
| Northern | 176 | 162 | 92.0 | 14 | 8.0 |
| Western | 195 | 162 | 83.1 | 33 | 16.9 |
| Utah | 238 | 229 | 96.2 | 9 | 3.8 |
| Wyoming | 100 | 95 | 95.0 | 5 | 5.0 |
| ELEVENTH CIRCUIT | 4,980 | 4,289 | 86.1 | 691 | 13.9 |
| Alabama | | | | | |
| Middle | 154 | 129 | 83.8 | 25 | 16.2 |
| Northern | 366 | 304 | 83.1 | 62 | 16.9 |
| Southern | 377 | 333 | 88.3 | 44 | 11.7 |
| Florida | | | | | |
| Middle | 1,117 | 958 | 85.8 | 159 | 14.2 |
| Northern | 325 | 250 | 76.9 | 75 | 23.1 |
| Southern | 1,581 | 1,371 | 86.7 | 210 | 13.3 |
| Georgia | | | | | |
| Middle | 255 | 230 | 90.2 | 25 | 9.8 |
| Northern | 619 | 549 | 88.7 | 70 | 11.3 |
| Southern | 186 | 165 | 88.7 | 21 | 11.3 |

Of the 42,436 guideline cases, 38 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE | TOTAL | National | | | | Virgin Islands | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|----------------|-------------|-----------|-------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 42,327 | 38,800 | 91.7 | 3,527 | 8.3 | 78 | 83.9 | 15 | 16.1 |
| Murder | 88 | 59 | 67.0 | 29 | 33.0 | 0 | -- | 0 | -- |
| Manslaughter | 53 | 49 | 92.5 | 4 | 7.5 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 85 | 64 | 75.3 | 21 | 24.7 | 0 | -- | 0 | -- |
| Sexual Abuse | 171 | 148 | 86.5 | 23 | 13.5 | 0 | -- | 0 | -- |
| Assault | 456 | 388 | 85.1 | 68 | 14.9 | 0 | -- | 0 | -- |
| Robbery | 1,671 | 1,494 | 89.4 | 177 | 10.6 | 2 | 100.0 | 0 | 0.0 |
| Arson | 105 | 73 | 69.5 | 32 | 30.5 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 16,233 | 14,554 | 89.7 | 1,679 | 10.3 | 24 | 80.0 | 6 | 20.0 |
| Drugs - Communication Facility | 395 | 390 | 98.7 | 5 | 1.3 | 0 | -- | 0 | -- |
| Drugs - Simple Possession | 615 | 597 | 97.1 | 18 | 2.9 | 0 | -- | 0 | -- |
| Firearms | 2,544 | 2,206 | 86.7 | 338 | 13.3 | 8 | 61.5 | 5 | 38.5 |
| Burglary/B&E | 87 | 82 | 94.3 | 5 | 5.7 | 0 | -- | 0 | -- |
| Auto Theft | 127 | 117 | 92.1 | 10 | 7.9 | 0 | -- | 0 | -- |
| Larceny | 2,429 | 2,319 | 95.5 | 110 | 4.5 | 0 | -- | 0 | -- |
| Fraud | 6,024 | 5,607 | 93.1 | 417 | 6.9 | 10 | 90.9 | 1 | 9.1 |
| Embezzlement | 787 | 766 | 97.3 | 21 | 2.7 | 0 | -- | 0 | -- |
| Forgery/Counterfeiting | 730 | 709 | 97.1 | 21 | 2.9 | 0 | -- | 0 | -- |
| Bribery | 256 | 230 | 89.8 | 26 | 10.2 | 0 | -- | 0 | -- |
| Tax | 850 | 791 | 93.1 | 59 | 6.9 | 0 | -- | 0 | -- |
| Money Laundering | 827 | 727 | 87.9 | 100 | 12.1 | 0 | -- | 0 | -- |
| Racketeering/Extortion | 548 | 474 | 86.5 | 74 | 13.5 | 0 | -- | 0 | -- |
| Gambling/Lottery | 138 | 133 | 96.4 | 5 | 3.6 | 0 | -- | 0 | -- |
| Civil Rights | 109 | 92 | 84.4 | 17 | 15.6 | 0 | -- | 0 | -- |
| Immigration | 4,931 | 4,829 | 97.9 | 102 | 2.1 | 31 | 96.9 | 1 | 3.1 |
| Pornography/Prostitution | 190 | 174 | 91.6 | 16 | 8.4 | 0 | -- | 0 | -- |
| Prison Offenses | 339 | 309 | 91.2 | 30 | 8.8 | 0 | -- | 0 | -- |
| Administration of Justice Offenses | 753 | 692 | 91.9 | 61 | 8.1 | 0 | 0.0 | 1 | 100.0 |
| Environmental/Wildlife | 130 | 121 | 93.1 | 9 | 6.9 | 0 | -- | 0 | -- |
| National Defense | 24 | 22 | 91.7 | 2 | 8.3 | 0 | -- | 0 | -- |
| Antitrust | 15 | 15 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Food & Drug | 44 | 41 | 93.2 | 3 | 6.8 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 573 | 528 | 92.1 | 45 | 7.9 | 3 | 75.0 | 1 | 25.0 |

Of the 42,436 guideline cases, 109 cases were excluded due to one or both of the following reasons: missing primary offense category (74) or missing mode of conviction (38).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)**

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 41,969 | 32,009 | 76.3 | 1,912 | 4.6 | 3,041 | 7.2 | 5,007 | 11.9 |
| Murder | 88 | 85 | 96.6 | 3 | 3.4 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 53 | 45 | 84.9 | 3 | 5.7 | 2 | 3.8 | 3 | 5.7 |
| Kidnapping/Hostage Taking | 84 | 81 | 96.4 | 3 | 3.6 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 170 | 150 | 88.2 | 3 | 1.8 | 8 | 4.7 | 9 | 5.3 |
| Assault | 449 | 341 | 75.9 | 17 | 3.8 | 28 | 6.2 | 63 | 14.0 |
| Robbery | 1,662 | 1,574 | 94.7 | 67 | 4.0 | 14 | 0.8 | 7 | 0.4 |
| Arson | 105 | 90 | 85.7 | 4 | 3.8 | 9 | 8.6 | 2 | 1.9 |
| Drugs - Trafficking | 16,145 | 15,051 | 93.2 | 320 | 2.0 | 329 | 2.0 | 445 | 2.8 |
| Drugs - Communication Facility | 392 | 320 | 81.6 | 18 | 4.6 | 34 | 8.7 | 20 | 5.1 |
| Drugs - Simple Possession | 598 | 281 | 47.0 | 10 | 1.7 | 38 | 6.4 | 269 | 45.0 |
| Firearms | 2,531 | 2,199 | 86.9 | 102 | 4.0 | 111 | 4.4 | 119 | 4.7 |
| Burglary/B&E | 87 | 70 | 80.5 | 6 | 6.9 | 6 | 6.9 | 5 | 5.7 |
| Auto Theft | 124 | 91 | 73.4 | 5 | 4.0 | 10 | 8.1 | 18 | 14.5 |
| Larceny | 2,381 | 801 | 33.6 | 150 | 6.3 | 460 | 19.3 | 970 | 40.7 |
| Fraud | 5,983 | 3,149 | 52.6 | 672 | 11.2 | 967 | 16.2 | 1,195 | 20.0 |
| Embezzlement | 764 | 296 | 38.7 | 165 | 21.6 | 98 | 12.8 | 205 | 26.8 |
| Forgery/Counterfeiting | 725 | 396 | 54.6 | 46 | 6.3 | 119 | 16.4 | 164 | 22.6 |
| Bribery | 254 | 124 | 48.8 | 12 | 4.7 | 53 | 20.9 | 65 | 25.6 |
| Tax | 828 | 254 | 30.7 | 77 | 9.3 | 242 | 29.2 | 255 | 30.8 |
| Money Laundering | 823 | 592 | 71.9 | 28 | 3.4 | 76 | 9.2 | 127 | 15.4 |
| Racketeering/Extortion | 545 | 488 | 89.5 | 9 | 1.7 | 21 | 3.9 | 27 | 5.0 |
| Gambling/Lottery | 136 | 33 | 24.3 | 10 | 7.4 | 37 | 27.2 | 56 | 41.2 |
| Civil Rights | 109 | 78 | 71.6 | 5 | 4.6 | 10 | 9.2 | 16 | 14.7 |
| Immigration | 4,883 | 4,300 | 88.1 | 55 | 1.1 | 117 | 2.4 | 411 | 8.4 |
| Pornography/Prostitution | 191 | 146 | 76.4 | 11 | 5.8 | 14 | 7.3 | 20 | 10.5 |
| Prison Offenses | 339 | 297 | 87.6 | 26 | 7.7 | 4 | 1.2 | 12 | 3.5 |
| Administration of Justice Offenses | 753 | 435 | 57.8 | 39 | 5.2 | 94 | 12.5 | 185 | 24.6 |
| Environmental/Wildlife | 125 | 26 | 20.8 | 14 | 11.2 | 28 | 22.4 | 57 | 45.6 |
| National Defense | 22 | 11 | 50.0 | 2 | 9.1 | 2 | 9.1 | 7 | 31.8 |
| Antitrust | 13 | 3 | 23.1 | 0 | 0.0 | 4 | 30.8 | 6 | 46.2 |
| Food & Drug | 42 | 9 | 21.4 | 1 | 2.4 | 8 | 19.0 | 24 | 57.1 |
| Other Miscellaneous Offenses | 565 | 193 | 34.2 | 29 | 5.1 | 98 | 17.3 | 245 | 43.4 |

Of the 42,436 guideline cases, 467 cases were excluded due to one or more of the following reasons: missing sentencing information (229), missing primary offense category (74), or cases in which defendant received no imprisonment or probation (166).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)

Virgin Islands

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|-----------|-----------|-------------|------------------------------------|------------|------------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 91 | 83 | 91.2 | 0 | 0.0 | 4 | 4.4 | 4 | 4.4 |
| 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 | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Robbery | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 30 | 28 | 93.3 | 0 | 0.0 | 1 | 3.3 | 1 | 3.3 |
| Drugs - Communication Facility | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Simple Possession | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 13 | 12 | 92.3 | 0 | 0.0 | 1 | 7.7 | 0 | 0.0 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Larceny | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Fraud | 11 | 10 | 90.9 | 0 | 0.0 | 1 | 9.1 | 0 | 0.0 |
| Embezzlement | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Forgery/Counterfeiting | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Bribery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Tax | 0 | 0 | -- | 0 | -- | 0 | -- | 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 | 30 | 27 | 90.0 | 0 | 0.0 | 0 | 0.0 | 3 | 10.0 |
| Pornography/Prostitution | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Prison Offenses | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Administration of Justice Offenses | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 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 | 4 | 3 | 75.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 |

Of the 93 guideline cases from the District of the Virgin Islands, two cases were excluded in which the defendant received no imprisonment or probation.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE | National | | | | Virgin Islands | | | |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | n | % | n | % | n | % | n | % |
| TOTAL | 3,378 | 38.1 | 5,486 | 61.9 | 32 | 82.1 | 7 | 17.9 |
| Fraud | 705 | 32.4 | 1,470 | 67.6 | 6 | 85.7 | 1 | 14.3 |
| Larceny | 286 | 19.0 | 1,223 | 81.0 | 0 | -- | 0 | -- |
| Immigration | 1,344 | 73.5 | 485 | 26.5 | 20 | 83.3 | 4 | 16.7 |
| Embezzlement | 180 | 42.4 | 245 | 57.6 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 142 | 42.4 | 193 | 57.6 | 1 | 50.0 | 1 | 50.0 |
| Drugs - Simple Possession | 150 | 41.7 | 210 | 58.3 | 0 | -- | 0 | -- |
| Firearms | 52 | 38.8 | 82 | 61.2 | 3 | 75.0 | 1 | 25.0 |
| Forgery/Counterfeiting | 119 | 34.8 | 223 | 65.2 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 400 | 22.8 | 1,355 | 77.2 | 2 | 100.0 | 0 | 0.0 |

Of the 42,436 guideline cases, 33,572 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (33,516), missing sentencing information (229), or missing primary offense category (74).

Of the 93 guideline cases from the District of the Virgin Islands, 54 cases were excluded due to the ineligibility of the defendants for non-prison alternatives.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE | National | | | Virgin Islands | | |
|---|----------------|------------------|---------------|----------------|------------------|-----------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 62.3 | 33.0 | 33,821 | 36.2 | 18.0 | 83 |
| Murder | 295.6 | 267.0 | 88 | -- | -- | 0 |
| Manslaughter | 29.5 | 18.0 | 48 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 180.0 | 99.5 | 84 | -- | -- | 0 |
| Sexual Abuse | 74.3 | 48.0 | 153 | -- | -- | 0 |
| Assault | 42.2 | 27.0 | 355 | -- | -- | 0 |
| Robbery | 112.0 | 77.0 | 1,641 | 106.5 | -- | 2 |
| Arson | 107.5 | 57.0 | 94 | -- | -- | 0 |
| Drugs - Trafficking | 86.7 | 60.0 | 15,358 | 65.6 | 58.5 | 28 |
| Drugs - Communication Facility | 40.1 | 48.0 | 338 | -- | -- | 0 |
| Drugs - Simple Possession | 11.8 | 6.0 | 290 | -- | -- | 0 |
| Firearms | 81.8 | 48.0 | 2,300 | 44.8 | 36.0 | 12 |
| Burglary/B&E | 28.2 | 20.0 | 76 | -- | -- | 0 |
| Auto Theft | 26.1 | 18.0 | 95 | -- | -- | 0 |
| Larceny | 14.0 | 10.0 | 950 | -- | -- | 0 |
| Fraud | 18.7 | 13.0 | 3,807 | 9.6 | 4.0 | 10 |
| Embezzlement | 7.8 | 5.0 | 459 | -- | -- | 0 |
| Forgery/Counterfeiting | 15.2 | 12.0 | 441 | -- | -- | 0 |
| Bribery | 22.0 | 15.0 | 136 | -- | -- | 0 |
| Tax | 17.5 | 12.0 | 331 | -- | -- | 0 |
| Money Laundering | 43.8 | 30.0 | 611 | -- | -- | 0 |
| Racketeering/Extortion | 98.9 | 60.0 | 495 | -- | -- | 0 |
| Gambling/Lottery | 12.8 | 12.0 | 43 | -- | -- | 0 |
| Civil Rights | 47.8 | 27.0 | 83 | -- | -- | 0 |
| Immigration | 20.6 | 18.0 | 4,312 | 8.0 | 4.0 | 27 |
| Pornography/Prostitution | 34.6 | 16.0 | 157 | -- | -- | 0 |
| Prison Offenses | 24.8 | 18.0 | 321 | -- | -- | 0 |
| Administration of Justice Offenses | 23.1 | 15.0 | 470 | 60.0 | -- | 1 |
| Environmental/Wildlife | 10.3 | 6.0 | 40 | -- | -- | 0 |
| National Defense | 22.8 | 24.0 | 13 | -- | -- | 0 |
| Antitrust | 5.3 | 7.0 | 3 | -- | -- | 0 |
| Food & Drug | 20.9 | 15.0 | 10 | -- | -- | 0 |
| Other Miscellaneous Offenses | 20.0 | 10.0 | 219 | 16.0 | 8.0 | 3 |

Of the 42,436 guideline cases, 8,615 cases with zero months prison ordered were excluded. In addition, 370 cases were excluded due to one or both of the following reasons: missing primary offense category (74) or missing or indeterminable sentencing information (330).

Of the 93 guideline cases from the District of the Virgin Islands, ten cases with zero months prison ordered were excluded.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
(October 1, 1996, through September 30, 1996)**

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 40,879 | 28,445 | 69.6 | 7,845 | 19.2 | 4,201 | 10.3 | 388 | 0.9 |
| D.C. CIRCUIT | 371 | 294 | 79.2 | 50 | 13.5 | 22 | 5.9 | 5 | 1.3 |
| District of Columbia | 371 | 294 | 79.2 | 50 | 13.5 | 22 | 5.9 | 5 | 1.3 |
| FIRST CIRCUIT | 1,434 | 1,040 | 72.5 | 276 | 19.2 | 105 | 7.3 | 13 | 0.9 |
| Maine | 145 | 109 | 75.2 | 28 | 19.3 | 7 | 4.8 | 1 | 0.7 |
| Massachusetts | 450 | 278 | 61.8 | 115 | 25.6 | 53 | 11.8 | 4 | 0.9 |
| New Hampshire | 145 | 74 | 51.0 | 63 | 43.4 | 6 | 4.1 | 2 | 1.4 |
| Puerto Rico | 586 | 489 | 83.4 | 65 | 11.1 | 30 | 5.1 | 2 | 0.3 |
| Rhode Island | 108 | 90 | 83.3 | 5 | 4.6 | 9 | 8.3 | 4 | 3.7 |
| SECOND CIRCUIT | 3,433 | 2,221 | 64.7 | 665 | 19.4 | 523 | 15.2 | 24 | 0.7 |
| Connecticut | 258 | 150 | 58.1 | 28 | 10.9 | 75 | 29.1 | 5 | 1.9 |
| New York | | | | | | | | | |
| Eastern | 1,175 | 704 | 59.9 | 244 | 20.8 | 221 | 18.8 | 6 | 0.5 |
| Northern | 430 | 254 | 59.1 | 124 | 28.8 | 51 | 11.9 | 1 | 0.2 |
| Southern | 1,130 | 814 | 72.0 | 185 | 16.4 | 123 | 10.9 | 8 | 0.7 |
| Western | 347 | 250 | 72.0 | 60 | 17.3 | 35 | 10.1 | 2 | 0.6 |
| Vermont | 93 | 49 | 52.7 | 24 | 25.8 | 18 | 19.4 | 2 | 2.2 |
| THIRD CIRCUIT | 2,357 | 1,384 | 58.7 | 828 | 35.1 | 126 | 5.3 | 19 | 0.8 |
| Delaware | 93 | 78 | 83.9 | 14 | 15.1 | 1 | 1.1 | 0 | 0.0 |
| New Jersey | 724 | 454 | 62.7 | 224 | 30.9 | 38 | 5.2 | 8 | 1.1 |
| Pennsylvania | | | | | | | | | |
| Eastern | 817 | 389 | 47.6 | 388 | 47.5 | 32 | 3.9 | 8 | 1.0 |
| Middle | 359 | 198 | 55.2 | 134 | 37.3 | 26 | 7.2 | 1 | 0.3 |
| Western | 273 | 191 | 70.0 | 55 | 20.1 | 25 | 9.2 | 2 | 0.7 |
| Virgin Islands | 91 | 74 | 81.3 | 13 | 14.3 | 4 | 4.4 | 0 | 0.0 |
| FOURTH CIRCUIT | 3,973 | 2,966 | 74.7 | 825 | 20.8 | 154 | 3.9 | 28 | 0.7 |
| Maryland | 356 | 245 | 68.8 | 71 | 19.9 | 39 | 11.0 | 1 | 0.3 |
| North Carolina | | | | | | | | | |
| Eastern | 521 | 358 | 68.7 | 132 | 25.3 | 26 | 5.0 | 5 | 1.0 |
| Middle | 367 | 266 | 72.5 | 91 | 24.8 | 7 | 1.9 | 3 | 0.8 |
| Western | 518 | 276 | 53.3 | 214 | 41.3 | 20 | 3.9 | 8 | 1.5 |
| South Carolina | 704 | 540 | 76.7 | 150 | 21.3 | 12 | 1.7 | 2 | 0.3 |
| Virginia | | | | | | | | | |
| Eastern | 803 | 721 | 89.8 | 58 | 7.2 | 19 | 2.4 | 5 | 0.6 |
| Western | 313 | 224 | 71.6 | 74 | 23.6 | 13 | 4.2 | 2 | 0.6 |
| West Virginia | | | | | | | | | |
| Northern | 150 | 129 | 86.0 | 15 | 10.0 | 6 | 4.0 | 0 | 0.0 |
| Southern | 241 | 207 | 85.9 | 20 | 8.3 | 12 | 5.0 | 2 | 0.8 |

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
| | | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 6,516 | 4,595 | 70.5 | 1,210 | 18.6 | 635 | 9.7 | 76 | 1.2 |
| Louisiana | | | | | | | | | |
| Eastern | 393 | 302 | 76.8 | 65 | 16.5 | 23 | 5.9 | 3 | 0.8 |
| Middle | 82 | 56 | 68.3 | 22 | 26.8 | 1 | 1.2 | 3 | 3.7 |
| Western | 231 | 178 | 77.1 | 33 | 14.3 | 14 | 6.1 | 6 | 2.6 |
| Mississippi | | | | | | | | | |
| Northern | 154 | 96 | 62.3 | 45 | 29.2 | 9 | 5.8 | 4 | 2.6 |
| Southern | 202 | 152 | 75.2 | 33 | 16.3 | 16 | 7.9 | 1 | 0.5 |
| Texas | | | | | | | | | |
| Eastern | 520 | 432 | 83.1 | 56 | 10.8 | 25 | 4.8 | 7 | 1.3 |
| Northern | 972 | 673 | 69.2 | 229 | 23.6 | 59 | 6.1 | 11 | 1.1 |
| Southern | 2,058 | 1,451 | 70.5 | 409 | 19.9 | 181 | 8.8 | 17 | 0.8 |
| Western | 1,904 | 1,255 | 65.9 | 318 | 16.7 | 307 | 16.1 | 24 | 1.3 |
| SIXTH CIRCUIT | 3,442 | 2,472 | 71.8 | 781 | 22.7 | 160 | 4.6 | 29 | 0.8 |
| Kentucky | | | | | | | | | |
| Eastern | 306 | 245 | 80.1 | 51 | 16.7 | 9 | 2.9 | 1 | 0.3 |
| Western | 323 | 271 | 83.9 | 32 | 9.9 | 12 | 3.7 | 8 | 2.5 |
| Michigan | | | | | | | | | |
| Eastern | 797 | 539 | 67.6 | 196 | 24.6 | 56 | 7.0 | 6 | 0.8 |
| Western | 304 | 226 | 74.3 | 68 | 22.4 | 9 | 3.0 | 1 | 0.3 |
| Ohio | | | | | | | | | |
| Northern | 544 | 396 | 72.8 | 107 | 19.7 | 41 | 7.5 | 0 | 0.0 |
| Southern | 365 | 213 | 58.4 | 138 | 37.8 | 11 | 3.0 | 3 | 0.8 |
| Tennessee | | | | | | | | | |
| Eastern | 338 | 227 | 67.2 | 102 | 30.2 | 4 | 1.2 | 5 | 1.5 |
| Middle | 127 | 96 | 75.6 | 24 | 18.9 | 5 | 3.9 | 2 | 1.6 |
| Western | 338 | 259 | 76.6 | 63 | 18.6 | 13 | 3.8 | 3 | 0.9 |
| SEVENTH CIRCUIT | 2,002 | 1,509 | 75.4 | 369 | 18.4 | 98 | 4.9 | 26 | 1.3 |
| Illinois | | | | | | | | | |
| Central | 248 | 154 | 62.1 | 81 | 32.7 | 7 | 2.8 | 6 | 2.4 |
| Northern | 589 | 426 | 72.3 | 111 | 18.8 | 45 | 7.6 | 7 | 1.2 |
| Southern | 352 | 290 | 82.4 | 47 | 13.4 | 11 | 3.1 | 4 | 1.1 |
| Indiana | | | | | | | | | |
| Northern | 248 | 191 | 77.0 | 46 | 18.5 | 10 | 4.0 | 1 | 0.4 |
| Southern | 215 | 165 | 76.7 | 35 | 16.3 | 13 | 6.0 | 2 | 0.9 |
| Wisconsin | | | | | | | | | |
| Eastern | 251 | 205 | 81.7 | 34 | 13.5 | 10 | 4.0 | 2 | 0.8 |
| Western | 99 | 78 | 78.8 | 15 | 15.2 | 2 | 2.0 | 4 | 4.0 |
| EIGHTH CIRCUIT | 2,612 | 1,795 | 68.7 | 628 | 24.0 | 161 | 6.2 | 28 | 1.1 |
| Arkansas | | | | | | | | | |
| Eastern | 251 | 218 | 86.9 | 25 | 10.0 | 8 | 3.2 | 0 | 0.0 |
| Western | 118 | 102 | 86.4 | 11 | 9.3 | 3 | 2.5 | 2 | 1.7 |
| Iowa | | | | | | | | | |
| Northern | 164 | 108 | 65.9 | 41 | 25.0 | 14 | 8.5 | 1 | 0.6 |
| Southern | 219 | 151 | 68.9 | 46 | 21.0 | 20 | 9.1 | 2 | 0.9 |
| Minnesota | 286 | 167 | 58.4 | 81 | 28.3 | 35 | 12.2 | 3 | 1.0 |
| Missouri | | | | | | | | | |
| Eastern | 446 | 309 | 69.3 | 116 | 26.0 | 17 | 3.8 | 4 | 0.9 |
| Western | 395 | 226 | 57.2 | 151 | 38.2 | 11 | 2.8 | 7 | 1.8 |
| Nebraska | 260 | 153 | 58.8 | 91 | 35.0 | 15 | 5.8 | 1 | 0.4 |
| North Dakota | 159 | 104 | 65.4 | 36 | 22.6 | 17 | 10.7 | 2 | 1.3 |
| South Dakota | 314 | 257 | 81.8 | 30 | 9.6 | 21 | 6.7 | 6 | 1.9 |

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
| | | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 7,784 | 5,181 | 66.6 | 883 | 11.3 | 1,658 | 21.3 | 62 | 0.8 |
| Alaska | 84 | 60 | 71.4 | 9 | 10.7 | 14 | 16.7 | 1 | 1.2 |
| Arizona | 1,314 | 584 | 44.4 | 137 | 10.4 | 578 | 44.0 | 15 | 1.1 |
| California | | | | | | | | | |
| Central | 955 | 833 | 87.2 | 66 | 6.9 | 50 | 5.2 | 6 | 0.6 |
| Eastern | 679 | 548 | 80.7 | 60 | 8.8 | 68 | 10.0 | 3 | 0.4 |
| Northern | 532 | 378 | 71.1 | 65 | 12.2 | 86 | 16.2 | 3 | 0.6 |
| Southern | 2,047 | 1,194 | 58.3 | 195 | 9.5 | 637 | 31.1 | 21 | 1.0 |
| Guam | 81 | 61 | 75.3 | 14 | 17.3 | 5 | 6.2 | 1 | 1.2 |
| Hawaii | 292 | 230 | 78.8 | 47 | 16.1 | 14 | 4.8 | 1 | 0.3 |
| Idaho | 94 | 63 | 67.0 | 25 | 26.6 | 6 | 6.4 | 0 | 0.0 |
| Montana | 185 | 131 | 70.8 | 28 | 15.1 | 25 | 13.5 | 1 | 0.5 |
| Nevada | 362 | 274 | 75.7 | 57 | 15.7 | 29 | 8.0 | 2 | 0.6 |
| Northern Mariana Islands | 14 | 1 | 7.1 | 12 | 85.7 | 0 | 0.0 | 1 | 7.1 |
| Oregon | 503 | 385 | 76.5 | 62 | 12.3 | 51 | 10.1 | 5 | 1.0 |
| Washington | | | | | | | | | |
| Eastern | 202 | 161 | 79.7 | 9 | 4.5 | 32 | 15.8 | 0 | 0.0 |
| Western | 440 | 278 | 63.2 | 97 | 22.0 | 63 | 14.3 | 2 | 0.5 |
| TENTH CIRCUIT | 2,037 | 1,453 | 71.3 | 286 | 14.0 | 278 | 13.6 | 20 | 1.0 |
| Colorado | 380 | 224 | 58.9 | 116 | 30.5 | 36 | 9.5 | 4 | 1.1 |
| Kansas | 280 | 216 | 77.1 | 43 | 15.4 | 17 | 6.1 | 4 | 1.4 |
| New Mexico | 614 | 395 | 64.3 | 46 | 7.5 | 168 | 27.4 | 5 | 0.8 |
| Oklahoma | | | | | | | | | |
| Eastern | 68 | 62 | 91.2 | 3 | 4.4 | 3 | 4.4 | 0 | 0.0 |
| Northern | 175 | 148 | 84.6 | 15 | 8.6 | 12 | 6.9 | 0 | 0.0 |
| Western | 191 | 168 | 88.0 | 15 | 7.9 | 4 | 2.1 | 4 | 2.1 |
| Utah | 229 | 170 | 74.2 | 23 | 10.0 | 34 | 14.8 | 2 | 0.9 |
| Wyoming | 100 | 70 | 70.0 | 25 | 25.0 | 4 | 4.0 | 1 | 1.0 |
| ELEVENTH CIRCUIT | 4,918 | 3,535 | 71.9 | 1,044 | 21.2 | 281 | 5.7 | 58 | 1.2 |
| Alabama | | | | | | | | | |
| Middle | 148 | 115 | 77.7 | 31 | 20.9 | 2 | 1.4 | 0 | 0.0 |
| Northern | 362 | 248 | 68.5 | 88 | 24.3 | 24 | 6.6 | 2 | 0.6 |
| Southern | 374 | 238 | 63.6 | 122 | 32.6 | 11 | 2.9 | 3 | 0.8 |
| Florida | | | | | | | | | |
| Middle | 1,116 | 711 | 63.7 | 317 | 28.4 | 79 | 7.1 | 9 | 0.8 |
| Northern | 322 | 202 | 62.7 | 103 | 32.0 | 14 | 4.3 | 3 | 0.9 |
| Southern | 1,552 | 1,266 | 81.6 | 198 | 12.8 | 73 | 4.7 | 15 | 1.0 |
| Georgia | | | | | | | | | |
| Middle | 250 | 189 | 75.6 | 49 | 19.6 | 10 | 4.0 | 2 | 0.8 |
| Northern | 610 | 445 | 73.0 | 96 | 15.7 | 55 | 9.0 | 14 | 2.3 |
| Southern | 184 | 121 | 65.8 | 40 | 21.7 | 13 | 7.1 | 10 | 5.4 |

Of the 42,436 guideline cases, 147 cases with no analogous guidelines were excluded from the table. Of the remaining 42,289 cases, 1,410 cases were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (26.2%), Eastern New York (21.8%), Northern California (9.5%), Eastern Virginia (6.9%), Northern Mariana Islands (6.7%), Oregon (6.1%), Western North Carolina (6.0%), Western Kentucky (5.8%), and Southern New York (5.3%). Descriptions of variables used in this table are provided in Appendix A of the 1995 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
(October 1, 1995, through September 30, 1996)**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 40,818 | 28,386 | 69.5 | 7,844 | 19.2 | 4,201 | 10.3 | 387 | 0.9 |
| Robbery | 1,625 | 1,242 | 76.4 | 207 | 12.7 | 137 | 8.4 | 39 | 2.4 |
| Drugs - Trafficking | 15,882 | 9,332 | 58.8 | 5,041 | 31.7 | 1,472 | 9.3 | 37 | 0.2 |
| Drugs - Simple Possession | 546 | 515 | 94.3 | 14 | 2.6 | 7 | 1.3 | 10 | 1.8 |
| Firearms | 2,466 | 1,852 | 75.1 | 346 | 14.0 | 217 | 8.8 | 51 | 2.1 |
| Larceny | 2,311 | 2,015 | 87.2 | 141 | 6.1 | 127 | 5.5 | 28 | 1.2 |
| Fraud | 5,789 | 4,363 | 75.4 | 913 | 15.8 | 446 | 7.7 | 67 | 1.2 |
| Embezzlement | 762 | 634 | 83.2 | 31 | 4.1 | 96 | 12.6 | 1 | 0.1 |
| Forgery/Counterfeiting | 699 | 596 | 85.3 | 68 | 9.7 | 28 | 4.0 | 7 | 1.0 |
| Immigration | 4,715 | 3,477 | 73.7 | 134 | 2.8 | 1,068 | 22.7 | 36 | 0.8 |
| Other Miscellaneous Offenses | 6,023 | 4,360 | 72.4 | 949 | 15.8 | 603 | 10.0 | 111 | 1.8 |

Virgin Islands

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|-----------|--|-------------|--|-------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 91 | 74 | 81.3 | 13 | 14.3 | 4 | 4.4 | 0 | 0.0 |
| Robbery | 2 | 0 | 0.0 | 1 | 50.0 | 1 | 50.0 | 0 | 0.0 |
| Drugs - Trafficking | 30 | 20 | 66.7 | 9 | 30.0 | 1 | 3.3 | 0 | 0.0 |
| Drugs - Simple Possession | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 13 | 11 | 84.6 | 2 | 15.4 | 0 | 0.0 | 0 | 0.0 |
| Larceny | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Fraud | 11 | 11 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Embezzlement | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Forgery/Counterfeiting | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Immigration | 30 | 28 | 93.3 | 1 | 3.3 | 1 | 3.3 | 0 | 0.0 |
| Other Miscellaneous Offenses | 5 | 4 | 80.0 | 0 | 0.0 | 1 | 20.0 | 0 | 0.0 |

Of the 42,436 guideline cases, 1,619 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (1,557) or missing primary offense category (74).

Of the 93 guideline cases from the District of the Virgin Islands, two cases were excluded due to missing or indeterminable departure information.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.