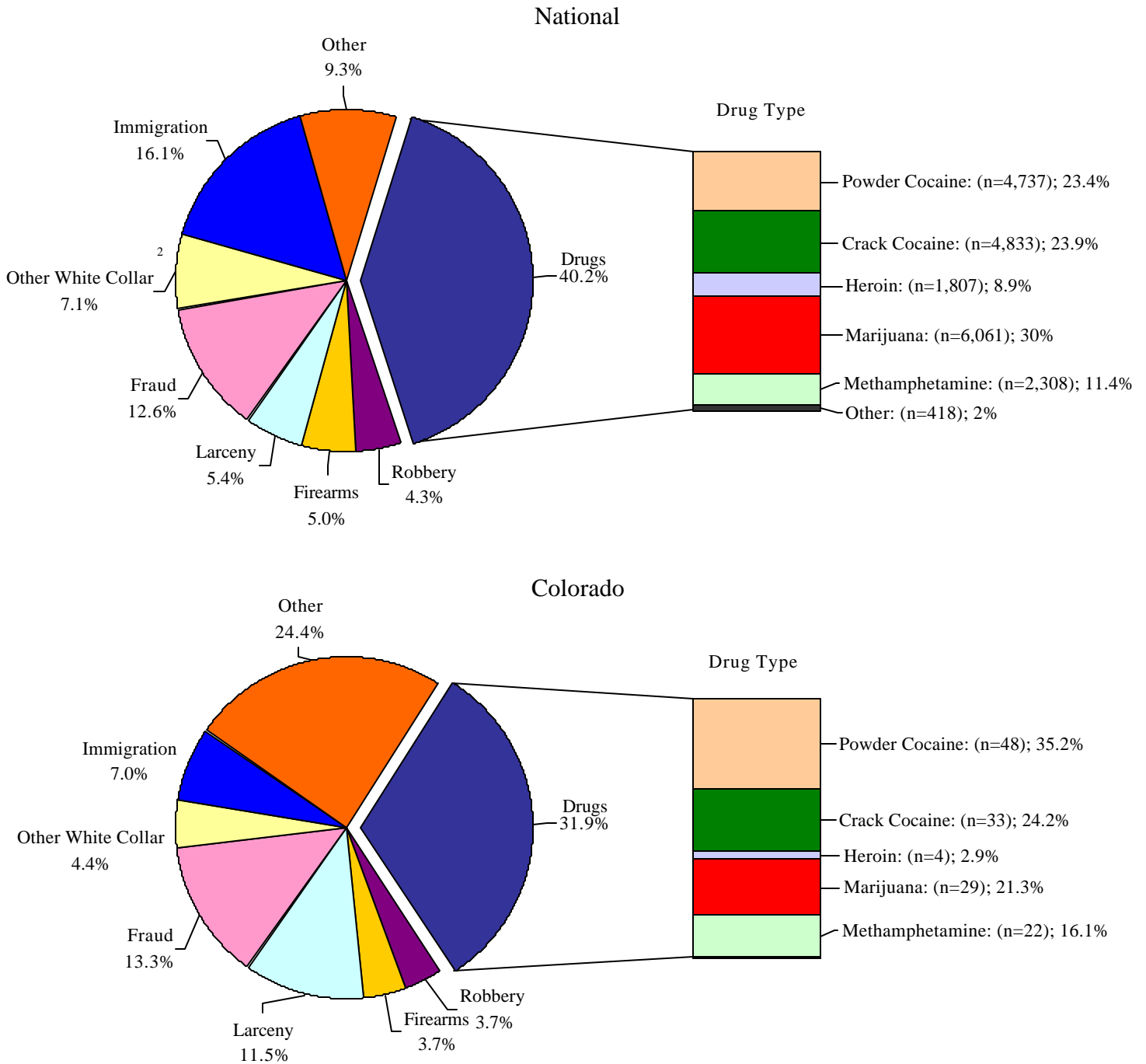


Figure A

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT
PRIMARY OFFENSE CATEGORY¹
FISCAL YEAR 1998**



¹Of 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).

²The 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 | | Colorado | |
|------------------------------------|---------------|--------------|------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 50,605 | 100.0 | 428 | 100.0 |
| Murder | 109 | 0.2 | 0 | 0.0 |
| Manslaughter | 58 | 0.1 | 4 | 0.9 |
| Kidnapping/Hostage Taking | 79 | 0.2 | 0 | 0.0 |
| Sexual Abuse | 225 | 0.4 | 3 | 0.7 |
| Assault | 512 | 1.0 | 11 | 2.6 |
| Robbery | 2,138 | 4.2 | 16 | 3.7 |
| Arson | 102 | 0.2 | 0 | 0.0 |
| Drugs - Trafficking | 19,615 | 38.8 | 106 | 24.8 |
| Drugs - Communication Facility | 402 | 0.8 | 20 | 4.7 |
| Drugs - Simple Possession | 601 | 1.2 | 11 | 2.6 |
| Firearms | 2,496 | 4.9 | 16 | 3.7 |
| Burglary/B&E | 71 | 0.1 | 0 | 0.0 |
| Auto Theft | 141 | 0.3 | 0 | 0.0 |
| Larceny | 2,705 | 5.3 | 49 | 11.4 |
| Fraud | 6,330 | 12.5 | 57 | 13.3 |
| Embezzlement | 770 | 1.5 | 7 | 1.6 |
| Forgery/Counterfeiting | 776 | 1.5 | 4 | 0.9 |
| Bribery | 252 | 0.5 | 0 | 0.0 |
| Tax | 859 | 1.7 | 5 | 1.2 |
| Money Laundering | 913 | 1.8 | 3 | 0.7 |
| Racketeering/Extortion | 639 | 1.3 | 13 | 3.0 |
| Gambling/Lottery | 152 | 0.3 | 0 | 0.0 |
| Civil Rights | 105 | 0.2 | 4 | 0.9 |
| Immigration | 8,062 | 15.9 | 30 | 7.0 |
| Pornography/Prostitution | 332 | 0.7 | 2 | 0.5 |
| Prison Offenses | 294 | 0.6 | 10 | 2.3 |
| Administration of Justice Offenses | 790 | 1.6 | 7 | 1.6 |
| Environmental/Wildlife | 104 | 0.2 | 2 | 0.5 |
| National Defense | 19 | 0.0 | 0 | 0.0 |
| Antitrust | 11 | 0.0 | 0 | 0.0 |
| Food & Drug | 46 | 0.1 | 1 | 0.2 |
| Other Miscellaneous Offenses | 897 | 1.8 | 47 | 11.0 |

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

Of the 434 guideline cases from the District of Colorado, six cases were 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

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------------------|---------------|---------------|----------------|---------------|----------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 50,547 | 47,294 | 93.6 | 3,253 | 6.4 |
| D.C. CIRCUIT | 470 | 444 | 94.5 | 26 | 5.5 |
| District of Columbia | 470 | 444 | 94.5 | 26 | 5.5 |
| FIRST CIRCUIT | 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 |
| SECOND CIRCUIT | 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 |
| THIRD CIRCUIT | 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 |
| FOURTH CIRCUIT | 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 District | TOTAL | PLEA | | TRIAL | |
|------------------------|-------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 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 |
| SIXTH CIRCUIT | 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 |
| SEVENTH CIRCUIT | 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 |
| EIGHTH CIRCUIT | 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 District | TOTAL | PLEA | | TRIAL | |
|--------------------------|--------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 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 |
| TENTH CIRCUIT | 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 |
| ELEVENTH CIRCUIT | 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 | | | | Colorado | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 50,415 | 47,170 | 93.6 | 3,245 | 6.4 | 414 | 96.7 | 14 | 3.3 |
| Murder | 109 | 81 | 74.3 | 28 | 25.7 | 0 | -- | 0 | -- |
| Manslaughter | 58 | 54 | 93.1 | 4 | 6.9 | 4 | 100.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 79 | 57 | 72.2 | 22 | 27.8 | 0 | -- | 0 | -- |
| Sexual Abuse | 224 | 199 | 88.8 | 25 | 11.2 | 3 | 100.0 | 0 | 0.0 |
| Assault | 510 | 446 | 87.5 | 64 | 12.5 | 11 | 100.0 | 0 | 0.0 |
| Robbery | 2,126 | 1,926 | 90.6 | 200 | 9.4 | 16 | 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 | 100 | 94.3 | 6 | 5.7 |
| Drugs - Communication Facility | 402 | 397 | 98.8 | 5 | 1.2 | 19 | 95.0 | 1 | 5.0 |
| Drugs - Simple Possession | 590 | 558 | 94.6 | 32 | 5.4 | 11 | 100.0 | 0 | 0.0 |
| Firearms | 2,488 | 2,244 | 90.2 | 244 | 9.8 | 16 | 100.0 | 0 | 0.0 |
| Burglary/B&E | 71 | 68 | 95.8 | 3 | 4.2 | 0 | -- | 0 | -- |
| Auto Theft | 141 | 121 | 85.8 | 20 | 14.2 | 0 | -- | 0 | -- |
| Larceny | 2,692 | 2,613 | 97.1 | 79 | 2.9 | 48 | 98.0 | 1 | 2.0 |
| Fraud | 6,306 | 5,955 | 94.4 | 351 | 5.6 | 54 | 94.7 | 3 | 5.3 |
| Embezzlement | 770 | 750 | 97.4 | 20 | 2.6 | 7 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 775 | 749 | 96.6 | 26 | 3.4 | 4 | 100.0 | 0 | 0.0 |
| Bribery | 251 | 234 | 93.2 | 17 | 6.8 | 0 | -- | 0 | -- |
| Tax | 857 | 790 | 92.2 | 67 | 7.8 | 5 | 100.0 | 0 | 0.0 |
| Money Laundering | 906 | 809 | 89.3 | 97 | 10.7 | 3 | 100.0 | 0 | 0.0 |
| Racketeering/Extortion | 635 | 559 | 88.0 | 76 | 12.0 | 13 | 100.0 | 0 | 0.0 |
| Gambling/Lottery | 151 | 145 | 96.0 | 6 | 4.0 | 0 | -- | 0 | -- |
| Civil Rights | 105 | 84 | 80.0 | 21 | 20.0 | 3 | 75.0 | 1 | 25.0 |
| Immigration | 8,039 | 7,904 | 98.3 | 135 | 1.7 | 30 | 100.0 | 0 | 0.0 |
| Pornography/Prostitution | 331 | 312 | 94.3 | 19 | 5.7 | 1 | 50.0 | 1 | 50.0 |
| Prison Offenses | 293 | 286 | 97.6 | 7 | 2.4 | 10 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 789 | 736 | 93.3 | 53 | 6.7 | 7 | 100.0 | 0 | 0.0 |
| Environmental/Wildlife | 104 | 103 | 99.0 | 1 | 1.0 | 2 | 100.0 | 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 | 1 | 100.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 889 | 824 | 92.7 | 65 | 7.3 | 46 | 97.9 | 1 | 2.1 |

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 434 guideline cases from the District of Colorado, six cases were excluded due to one or both of the following reasons: missing primary offense category (6) or missing mode of conviction (2).

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 |
| TOTAL | 50,076 | 39,354 | 78.6 | 2,128 | 4.2 | 3,116 | 6.2 | 5,478 | 10.9 |
| 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**

Colorado

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|-----------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 407 | 283 | 69.5 | 18 | 4.4 | 36 | 8.8 | 70 | 17.2 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 4 | 3 | 75.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Sexual Abuse | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Assault | 11 | 8 | 72.7 | 1 | 9.1 | 0 | 0.0 | 2 | 18.2 |
| Robbery | 16 | 14 | 87.5 | 1 | 6.3 | 0 | 0.0 | 1 | 6.3 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 106 | 99 | 93.4 | 2 | 1.9 | 1 | 0.9 | 4 | 3.8 |
| Drugs - Communication Facility | 20 | 17 | 85.0 | 1 | 5.0 | 2 | 10.0 | 0 | 0.0 |
| Drugs - Simple Possession | 10 | 3 | 30.0 | 0 | 0.0 | 0 | 0.0 | 7 | 70.0 |
| Firearms | 16 | 10 | 62.5 | 2 | 12.5 | 2 | 12.5 | 2 | 12.5 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Larceny | 40 | 13 | 32.5 | 4 | 10.0 | 6 | 15.0 | 17 | 42.5 |
| Fraud | 56 | 30 | 53.6 | 2 | 3.6 | 15 | 26.8 | 9 | 16.1 |
| Embezzlement | 6 | 1 | 16.7 | 4 | 66.7 | 0 | 0.0 | 1 | 16.7 |
| Forgery/Counterfeiting | 4 | 2 | 50.0 | 0 | 0.0 | 1 | 25.0 | 1 | 25.0 |
| Bribery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Tax | 5 | 1 | 20.0 | 0 | 0.0 | 2 | 40.0 | 2 | 40.0 |
| Money Laundering | 3 | 2 | 66.7 | 0 | 0.0 | 0 | 0.0 | 1 | 33.3 |
| Racketeering/Extortion | 13 | 12 | 92.3 | 0 | 0.0 | 1 | 7.7 | 0 | 0.0 |
| Gambling/Lottery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Civil Rights | 2 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 | 1 | 50.0 |
| Immigration | 30 | 30 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Pornography/Prostitution | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Prison Offenses | 10 | 8 | 80.0 | 0 | 0.0 | 1 | 10.0 | 1 | 10.0 |
| Administration of Justice Offense | 7 | 4 | 57.1 | 1 | 14.3 | 0 | 0.0 | 2 | 28.6 |
| Environmental/Wildlife | 2 | 0 | 0.0 | 0 | 0.0 | 1 | 50.0 | 1 | 50.0 |
| National Defense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Other Miscellaneous Offenses | 40 | 20 | 50.0 | 0 | 0.0 | 3 | 7.5 | 17 | 42.5 |

Of the 434 guideline cases from the District of Colorado, 27 cases were excluded due to one or more of the following reasons: missing sentencing information (5), missing primary offense category (6), or cases in which the defendant received no imprisonment or probation (19).

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 | | | | Colorado | | | |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | n | % | n | % | n | % | n | % |
| TOTAL | 3,732 | 39.6 | 5,700 | 60.4 | 23 | 25.6 | 67 | 74.4 |
| Fraud | 734 | 32.0 | 1,558 | 68.0 | 5 | 22.7 | 17 | 77.3 |
| Larceny | 310 | 19.4 | 1,290 | 80.6 | 7 | 24.1 | 22 | 75.9 |
| Immigration | 1,690 | 77.8 | 482 | 22.2 | 3 | 100.0 | 0 | 0.0 |
| Embezzlement | 215 | 47.5 | 238 | 52.5 | 3 | 75.0 | 1 | 25.0 |
| Drugs - Trafficking | 156 | 44.2 | 197 | 55.8 | 1 | 50.0 | 1 | 50.0 |
| Drugs - Simple Possession | 103 | 27.5 | 272 | 72.5 | 0 | 0.0 | 6 | 100.0 |
| Firearms | 24 | 19.8 | 97 | 80.2 | 0 | -- | 0 | -- |
| Forgery/Counterfeiting | 111 | 34.6 | 210 | 65.4 | 0 | 0.0 | 2 | 100.0 |
| Other Miscellaneous Offenses | 389 | 22.3 | 1,356 | 77.7 | 4 | 18.2 | 18 | 81.8 |

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 434 guideline cases from the District of Colorado, 344 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (343), missing primary offense category (6), or missing sentencing information (5).

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

Table 7

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

| PRIMARY OFFENSE | National | | | Colorado | | |
|---|----------------|------------------|---------------|----------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 57.7 | 30.0 | 41,180 | 41.9 | 30.0 | 300 |
| Murder | 249.6 | 210.0 | 107 | -- | -- | 0 |
| Manslaughter | 48.0 | 21.0 | 53 | 199.7 | 105.0 | 3 |
| Kidnapping/Hostage Taking | 165.1 | 96.0 | 75 | -- | -- | 0 |
| Sexual Abuse | 75.7 | 34.0 | 207 | 44.0 | 24.0 | 3 |
| Assault | 39.1 | 27.0 | 392 | 15.9 | 12.0 | 9 |
| Robbery | 114.8 | 78.0 | 2,095 | 61.2 | 60.0 | 15 |
| Arson | 65.2 | 58.5 | 90 | -- | -- | 0 |
| Drugs - Trafficking | 79.2 | 57.0 | 18,654 | 63.8 | 41.0 | 101 |
| Drugs - Communication Facility | 45.5 | 48.0 | 342 | 42.1 | 40.5 | 18 |
| Drugs - Simple Possession | 19.0 | 6.0 | 182 | 37.1 | 24.0 | 3 |
| Firearms | 68.8 | 41.0 | 2,244 | 27.3 | 19.5 | 12 |
| Burglary/B&E | 26.3 | 24.0 | 64 | -- | -- | 0 |
| Auto Theft | 28.1 | 24.0 | 112 | -- | -- | 0 |
| Larceny | 14.0 | 12.0 | 1,083 | 8.2 | 6.0 | 17 |
| Fraud | 18.0 | 13.0 | 4,022 | 17.7 | 15.0 | 31 |
| Embezzlement | 6.4 | 4.0 | 447 | 3.4 | 0.0 | 5 |
| Forgery/Counterfeiting | 14.7 | 12.0 | 502 | 22.5 | -- | 2 |
| Bribery | 19.1 | 12.0 | 145 | -- | -- | 0 |
| Tax | 14.1 | 12.0 | 387 | 18.0 | -- | 1 |
| Money Laundering | 40.2 | 33.0 | 686 | 26.5 | -- | 2 |
| Racketeering/Extortion | 97.3 | 60.0 | 573 | 53.2 | 42.0 | 12 |
| Gambling/Lottery | 14.9 | 12.0 | 46 | -- | -- | 0 |
| Civil Rights | 51.9 | 30.0 | 65 | 33.0 | -- | 1 |
| Immigration | 24.4 | 22.0 | 7,231 | 44.0 | 46.0 | 30 |
| Pornography/Prostitution | 46.1 | 27.0 | 275 | 27.0 | -- | 2 |
| Prison Offenses | 19.4 | 15.0 | 265 | 17.9 | 19.5 | 8 |
| Administration of Justice Offenses | 21.1 | 15.0 | 473 | 11.6 | 12.0 | 5 |
| Environmental/Wildlife | 9.4 | 7.0 | 24 | -- | -- | 0 |
| National Defense | 17.3 | 18.0 | 12 | -- | -- | 0 |
| Antitrust | 9.3 | 9.5 | 4 | -- | -- | 0 |
| Food & Drug | 28.9 | 30.0 | 8 | -- | -- | 0 |
| Other Miscellaneous Offenses | 14.2 | 8.0 | 315 | 3.3 | 1.5 | 20 |

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 434 guideline cases from the District of Colorado, 127 cases with zero months prison ordered were excluded. In addition, seven cases were excluded due to one or both of the following reasons: missing primary offense category (6) or missing or indeterminable sentencing information (6).

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 | % |
| TOTAL | 47,896 | 31,772 | 66.3 | 9,224 | 19.3 | 6,509 | 13.6 | 391 | 0.8 |
| D.C. CIRCUIT | 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 |
| FIRST CIRCUIT | 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 |
| SECOND CIRCUIT | 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 |
| THIRD CIRCUIT | 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 |
| FOURTH CIRCUIT | 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 | % |
| FIFTH CIRCUIT | 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 |
| SIXTH CIRCUIT | 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 |
| SEVENTH CIRCUIT | 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 |
| EIGHTH CIRCUIT | 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 | % |
| NINTH CIRCUIT | 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 |
| TENTH CIRCUIT | 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 |
| ELEVENTH CIRCUIT | 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 North 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 variables 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 | % |
| TOTAL | 47,778 | 31,690 | 66.3 | 9,201 | 19.3 | 6,499 | 13.6 | 388 | 0.8 |
| 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 |

Colorado

| PRIMARY OFFENSE | TOTAL | SENTENCED | | SUBSTANTIAL | | OTHER | | UPWARD | |
|------------------------------|------------|-----------------|-------------|-------------|-------------|-----------|------------|-----------|------------|
| | | WITHIN | | ASSISTANCE | | DOWNWARD | | DEPARTURE | |
| | | GUIDELINE RANGE | | DEPARTURE | | DEPARTURE | | DEPARTURE | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 368 | 218 | 59.2 | 113 | 30.7 | 31 | 8.4 | 6 | 1.6 |
| Robbery | 16 | 7 | 43.8 | 3 | 18.8 | 5 | 31.3 | 1 | 6.3 |
| Drugs - Trafficking | 106 | 41 | 38.7 | 60 | 56.6 | 5 | 4.7 | 0 | 0.0 |
| Drugs - Simple Possession | 9 | 8 | 88.9 | 0 | 0.0 | 0 | 0.0 | 1 | 11.1 |
| Firearms | 16 | 9 | 56.3 | 6 | 37.5 | 1 | 6.3 | 0 | 0.0 |
| Larceny | 41 | 37 | 90.2 | 3 | 7.3 | 1 | 2.4 | 0 | 0.0 |
| Fraud | 53 | 37 | 69.8 | 12 | 22.6 | 4 | 7.5 | 0 | 0.0 |
| Embezzlement | 7 | 6 | 85.7 | 1 | 14.3 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 4 | 2 | 50.0 | 2 | 50.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 30 | 19 | 63.3 | 1 | 3.3 | 9 | 30.0 | 1 | 3.3 |
| Other Miscellaneous Offenses | 86 | 52 | 60.5 | 25 | 29.1 | 6 | 7.0 | 3 | 3.5 |

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 434 guideline cases from the District of Colorado, 24 cases with no analogous guidelines were excluded. Of the remaining 410 cases, 42 were excluded due to one or both of the following reasons: missing or indeterminable departure information (39) or missing primary offense category (6).

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