

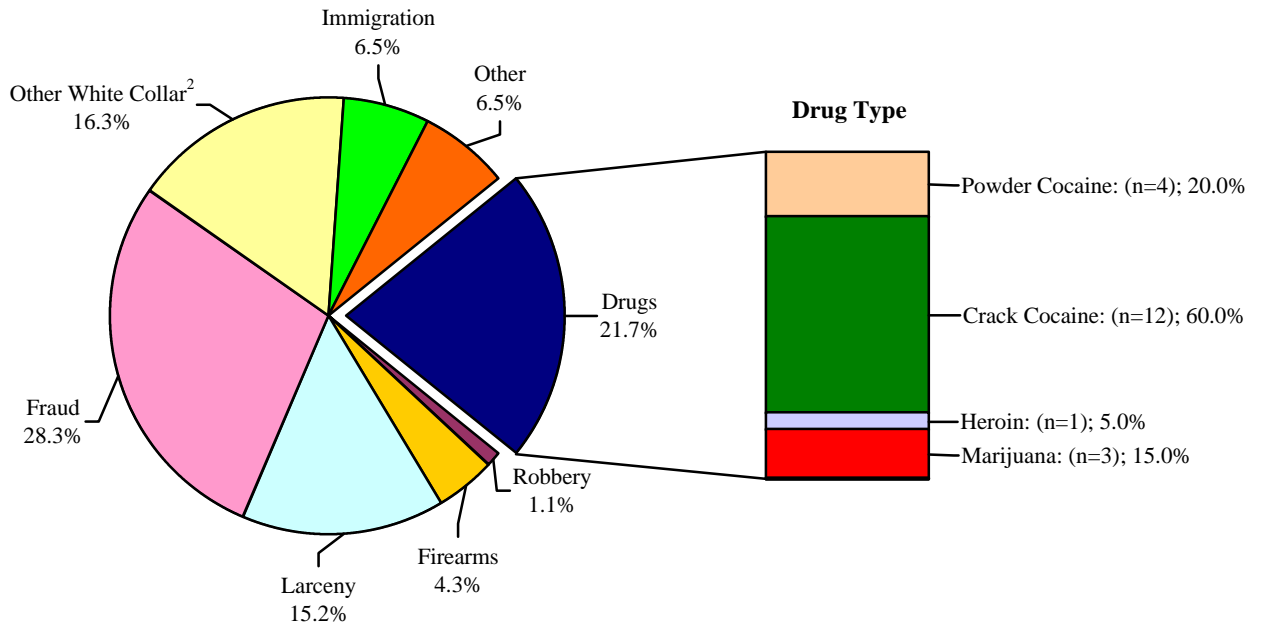
**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2000**

**National**



**Delaware**



<sup>1</sup>Of 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).

<sup>2</sup>The 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      |              | Delaware  |              |
|---|---------------|--------------|-----------|--------------|
|   | Number        | Percent      | Number    | Percent      |
| <b>TOTAL</b>                              | <b>59,589</b> | <b>100.0</b> | <b>92</b> | <b>100.0</b> |
| <b>Murder</b>                             | 78            | 0.1          | 0         | 0.0          |
| <b>Manslaughter</b>                       | 49            | 0.1          | 0         | 0.0          |
| <b>Kidnapping/Hostage Taking</b>          | 73            | 0.1          | 0         | 0.0          |
| <b>Sexual Abuse</b>                       | 241           | 0.4          | 0         | 0.0          |
| <b>Assault</b>                            | 471           | 0.8          | 0         | 0.0          |
| <b>Robbery</b>                            | 1,721         | 2.9          | 1         | 1.1          |
| <b>Arson</b>                              | 71            | 0.1          | 0         | 0.0          |
| <b>Drugs - Trafficking</b>                | 23,229        | 39.0         | 20        | 21.7         |
| <b>Drugs - Communication Facility</b>     | 411           | 0.7          | 0         | 0.0          |
| <b>Drugs - Simple Possession</b>          | 539           | 0.9          | 0         | 0.0          |
| <b>Firearms</b>                           | 3,524         | 5.9          | 4         | 4.3          |
| <b>Burglary/B&amp;E</b>                   | 53            | 0.1          | 0         | 0.0          |
| <b>Auto Theft</b>                         | 221           | 0.4          | 0         | 0.0          |
| <b>Larceny</b>                            | 2,417         | 4.1          | 14        | 15.2         |
| <b>Fraud</b>                              | 6,286         | 10.5         | 26        | 28.3         |
| <b>Embezzlement</b>                       | 940           | 1.6          | 2         | 2.2          |
| <b>Forgery/Counterfeiting</b>             | 1,314         | 2.2          | 5         | 5.4          |
| <b>Bribery</b>                            | 257           | 0.4          | 0         | 0.0          |
| <b>Tax</b>                                | 769           | 1.3          | 3         | 3.3          |
| <b>Money Laundering</b>                   | 991           | 1.7          | 5         | 5.4          |
| <b>Racketeering/Extortion</b>             | 831           | 1.4          | 0         | 0.0          |
| <b>Gambling/Lottery</b>                   | 99            | 0.2          | 0         | 0.0          |
| <b>Civil Rights</b>                       | 88            | 0.1          | 0         | 0.0          |
| <b>Immigration</b>                        | 11,689        | 19.6         | 6         | 6.5          |
| <b>Pornography/Prostitution</b>           | 519           | 0.9          | 0         | 0.0          |
| <b>Prison Offenses</b>                    | 296           | 0.5          | 0         | 0.0          |
| <b>Administration of Justice Offenses</b> | 1,027         | 1.7          | 1         | 1.1          |
| <b>Environmental/Wildlife</b>             | 211           | 0.4          | 3         | 3.3          |
| <b>National Defense</b>                   | 17            | 0.0          | 0         | 0.0          |
| <b>Antitrust</b>                          | 40            | 0.1          | 0         | 0.0          |
| <b>Food &amp; Drug</b>                    | 82            | 0.1          | 0         | 0.0          |
| <b>Other Miscellaneous Offenses</b>       | 1,035         | 1.7          | 2         | 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<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>59,508</b> | <b>56,814</b> | <b>95.5</b> | <b>2,694</b> | <b>4.5</b> |
| <b>D.C. CIRCUIT</b>   | <b>347</b>    | <b>323</b>    | <b>93.1</b> | <b>24</b>    | <b>6.9</b> |
| District of Columbia  | 347           | 323           | 93.1        | 24           | 6.9        |
| <b>FIRST CIRCUIT</b>  | <b>1,480</b>  | <b>1,408</b>  | <b>95.1</b> | <b>72</b>    | <b>4.9</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>4,668</b>  | <b>4,462</b>  | <b>95.6</b> | <b>206</b>   | <b>4.4</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>2,527</b>  | <b>2,371</b>  | <b>93.8</b> | <b>156</b>   | <b>6.2</b> |
| 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       |
| <b>FOURTH CIRCUIT</b> | <b>5,034</b>  | <b>4,708</b>  | <b>93.5</b> | <b>326</b>   | <b>6.5</b> |
| 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<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | Number        | Percent     | Number     | Percent    |
| <b>FIFTH CIRCUIT</b>   | <b>11,342</b> | <b>10,941</b> | <b>96.5</b> | <b>401</b> | <b>3.5</b> |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>4,166</b>  | <b>3,931</b>  | <b>94.4</b> | <b>235</b> | <b>5.6</b> |
| 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        |
| <b>SEVENTH CIRCUIT</b> | <b>2,452</b>  | <b>2,262</b>  | <b>92.3</b> | <b>190</b> | <b>7.7</b> |
| 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        |
| <b>EIGHTH CIRCUIT</b>  | <b>3,543</b>  | <b>3,374</b>  | <b>95.2</b> | <b>169</b> | <b>4.8</b> |
| 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<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | Number        | Percent     | Number     | Percent    |
| <b>NINTH CIRCUIT</b>     | <b>14,039</b> | <b>13,702</b> | <b>97.6</b> | <b>337</b> | <b>2.4</b> |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>3,683</b>  | <b>3,560</b>  | <b>96.7</b> | <b>123</b> | <b>3.3</b> |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,227</b>  | <b>5,772</b>  | <b>92.7</b> | <b>455</b> | <b>7.3</b> |
| 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      |             |              |            | Delaware  |             |          |            |
|---|---------------|---------------|-------------|--------------|------------|-----------|-------------|----------|------------|
|   |               | PLEA          |             | TRIAL        |            | PLEA      |             | TRIAL    |            |
|   |               | n             | %           | n            | %          | n         | %           | n        | %          |
| <b>TOTAL</b>                              | <b>59,477</b> | <b>56,783</b> | <b>95.5</b> | <b>2,694</b> | <b>4.5</b> | <b>87</b> | <b>94.6</b> | <b>5</b> | <b>5.4</b> |
| <b>Murder</b>                             | <b>78</b>     | 56            | 71.8        | 22           | 28.2       | 0         | --          | 0        | --         |
| <b>Manslaughter</b>                       | <b>49</b>     | 45            | 91.8        | 4            | 8.2        | 0         | --          | 0        | --         |
| <b>Kidnapping/Hostage Taking</b>          | <b>73</b>     | 57            | 78.1        | 16           | 21.9       | 0         | --          | 0        | --         |
| <b>Sexual Abuse</b>                       | <b>239</b>    | 223           | 93.3        | 16           | 6.7        | 0         | --          | 0        | --         |
| <b>Assault</b>                            | <b>470</b>    | 419           | 89.1        | 51           | 10.9       | 0         | --          | 0        | --         |
| <b>Robbery</b>                            | <b>1,710</b>  | 1,592         | 93.1        | 118          | 6.9        | 1         | 100.0       | 0        | 0.0        |
| <b>Arson</b>                              | <b>71</b>     | 56            | 78.9        | 15           | 21.1       | 0         | --          | 0        | --         |
| <b>Drugs - Trafficking</b>                | <b>23,195</b> | 22,011        | 94.9        | 1,184        | 5.1        | 17        | 85.0        | 3        | 15.0       |
| <b>Drugs - Communication Facility</b>     | <b>410</b>    | 408           | 99.5        | 2            | 0.5        | 0         | --          | 0        | --         |
| <b>Drugs - Simple Possession</b>          | <b>538</b>    | 512           | 95.2        | 26           | 4.8        | 0         | --          | 0        | --         |
| <b>Firearms</b>                           | <b>3,517</b>  | 3,249         | 92.4        | 268          | 7.6        | 4         | 100.0       | 0        | 0.0        |
| <b>Burglary/B&amp;E</b>                   | <b>52</b>     | 52            | 100.0       | 0            | 0.0        | 0         | --          | 0        | --         |
| <b>Auto Theft</b>                         | <b>221</b>    | 197           | 89.1        | 24           | 10.9       | 0         | --          | 0        | --         |
| <b>Larceny</b>                            | <b>2,416</b>  | 2,339         | 96.8        | 77           | 3.2        | 14        | 100.0       | 0        | 0.0        |
| <b>Fraud</b>                              | <b>6,278</b>  | 5,997         | 95.5        | 281          | 4.5        | 25        | 96.2        | 1        | 3.8        |
| <b>Embezzlement</b>                       | <b>939</b>    | 916           | 97.6        | 23           | 2.4        | 2         | 100.0       | 0        | 0.0        |
| <b>Forgery/Counterfeiting</b>             | <b>1,313</b>  | 1,280         | 97.5        | 33           | 2.5        | 5         | 100.0       | 0        | 0.0        |
| <b>Bribery</b>                            | <b>257</b>    | 252           | 98.1        | 5            | 1.9        | 0         | --          | 0        | --         |
| <b>Tax</b>                                | <b>768</b>    | 719           | 93.6        | 49           | 6.4        | 3         | 100.0       | 0        | 0.0        |
| <b>Money Laundering</b>                   | <b>985</b>    | 878           | 89.1        | 107          | 10.9       | 5         | 100.0       | 0        | 0.0        |
| <b>Racketeering/Extortion</b>             | <b>825</b>    | 770           | 93.3        | 55           | 6.7        | 0         | --          | 0        | --         |
| <b>Gambling/Lottery</b>                   | <b>99</b>     | 95            | 96.0        | 4            | 4.0        | 0         | --          | 0        | --         |
| <b>Civil Rights</b>                       | <b>88</b>     | 77            | 87.5        | 11           | 12.5       | 0         | --          | 0        | --         |
| <b>Immigration</b>                        | <b>11,662</b> | 11,505        | 98.7        | 157          | 1.3        | 6         | 100.0       | 0        | 0.0        |
| <b>Pornography/Prostitution</b>           | <b>519</b>    | 499           | 96.1        | 20           | 3.9        | 0         | --          | 0        | --         |
| <b>Prison Offenses</b>                    | <b>296</b>    | 287           | 97.0        | 9            | 3.0        | 0         | --          | 0        | --         |
| <b>Administration of Justice Offenses</b> | <b>1,025</b>  | 978           | 95.4        | 47           | 4.6        | 1         | 100.0       | 0        | 0.0        |
| <b>Environmental/Wildlife</b>             | <b>210</b>    | 196           | 93.3        | 14           | 6.7        | 2         | 66.7        | 1        | 33.3       |
| <b>National Defense</b>                   | <b>17</b>     | 17            | 100.0       | 0            | 0.0        | 0         | --          | 0        | --         |
| <b>Antitrust</b>                          | <b>40</b>     | 39            | 97.5        | 1            | 2.5        | 0         | --          | 0        | --         |
| <b>Food &amp; Drug</b>                    | <b>82</b>     | 77            | 93.9        | 5            | 6.1        | 0         | --          | 0        | --         |
| <b>Other Miscellaneous Offenses</b>       | <b>1,035</b>  | 985           | 95.2        | 50           | 4.8        | 2         | 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    |
| <b>TOTAL</b>                       | <b>58,636</b> | <b>47,663</b> | <b>81.3</b> | <b>2,302</b>                    | <b>3.9</b> | <b>3,175</b>              | <b>5.4</b> | <b>5,496</b>   | <b>9.4</b> |
| 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**

Delaware

| PRIMARY OFFENSE                    | TOTAL     | Prison    |             | Prison/Community Split Sentence |            | Probation and Confinement |             | Probation Only |             |
|------------------------------------|-----------|-----------|-------------|---------------------------------|------------|---------------------------|-------------|----------------|-------------|
|                                    |           | Number    | Percent     | Number                          | Percent    | Number                    | Percent     | Number         | Percent     |
| <b>TOTAL</b>                       | <b>91</b> | <b>48</b> | <b>52.7</b> | <b>6</b>                        | <b>6.6</b> | <b>13</b>                 | <b>14.3</b> | <b>24</b>      | <b>26.4</b> |
| Murder                             | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Manslaughter                       | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Kidnapping/Hostage Taking          | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Sexual Abuse                       | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Assault                            | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Robbery                            | 1         | 1         | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0         |
| Arson                              | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Drugs - Trafficking                | 20        | 19        | 95.0        | 0                               | 0.0        | 0                         | 0.0         | 1              | 5.0         |
| Drugs - Communication Facility     | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Drugs - Simple Possession          | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Firearms                           | 4         | 4         | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0         |
| Burglary/B&E                       | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Auto Theft                         | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Larceny                            | 14        | 4         | 28.6        | 1                               | 7.1        | 3                         | 21.4        | 6              | 42.9        |
| Fraud                              | 25        | 8         | 32.0        | 2                               | 8.0        | 6                         | 24.0        | 9              | 36.0        |
| Embezzlement                       | 2         | 0         | 0.0         | 0                               | 0.0        | 1                         | 50.0        | 1              | 50.0        |
| Forgery/Counterfeiting             | 5         | 2         | 40.0        | 2                               | 40.0       | 1                         | 20.0        | 0              | 0.0         |
| Bribery                            | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Tax                                | 3         | 1         | 33.3        | 0                               | 0.0        | 1                         | 33.3        | 1              | 33.3        |
| Money Laundering                   | 5         | 1         | 20.0        | 1                               | 20.0       | 1                         | 20.0        | 2              | 40.0        |
| Racketeering/Extortion             | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Gambling/Lottery                   | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Civil Rights                       | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Immigration                        | 6         | 6         | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0         |
| 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             | 3         | 0         | 0.0         | 0                               | 0.0        | 0                         | 0.0         | 3              | 100.0       |
| National Defense                   | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Antitrust                          | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Food & Drug                        | 0         | 0         | --          | 0                               | --         | 0                         | --          | 0              | --          |
| Other Miscellaneous Offenses       | 2         | 1         | 50.0        | 0                               | 0.0        | 0                         | 0.0         | 1              | 50.0        |

Of the 92 guideline cases from the District of Delaware, one case was excluded due to a defendant who 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        |             |                     |             | Delaware        |             |                     |             |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |               | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |               | Number          | Percent     | Number              | Percent     | Number          | Percent     | Number              | Percent     |
| <b>TOTAL</b>                        | <b>11,137</b> | <b>5,061</b>    | <b>45.4</b> | <b>6,076</b>        | <b>54.6</b> | <b>7</b>        | <b>20.6</b> | <b>27</b>           | <b>79.4</b> |
| <b>Fraud</b>                        | <b>2,118</b>  | 755             | 35.6        | 1,363               | 64.4        | 1               | 7.7         | 12                  | 92.3        |
| <b>Larceny</b>                      | <b>1,471</b>  | 292             | 19.9        | 1,179               | 80.1        | 1               | 12.5        | 7                   | 87.5        |
| <b>Immigration</b>                  | <b>3,103</b>  | 2,615           | 84.3        | 488                 | 15.7        | 3               | 100.0       | 0                   | 0.0         |
| <b>Embezzlement</b>                 | <b>562</b>    | 221             | 39.3        | 341                 | 60.7        | 0               | 0.0         | 2                   | 100.0       |
| <b>Drugs - Trafficking</b>          | <b>501</b>    | 243             | 48.5        | 258                 | 51.5        | 1               | 100.0       | 0                   | 0.0         |
| <b>Drugs - Simple Possession</b>    | <b>452</b>    | 141             | 31.2        | 311                 | 68.8        | 0               | --          | 0                   | --          |
| <b>Firearms</b>                     | <b>200</b>    | 60              | 30.0        | 140                 | 70.0        | 0               | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | <b>576</b>    | 168             | 29.2        | 408                 | 70.8        | 0               | 0.0         | 1                   | 100.0       |
| <b>Other Miscellaneous Offenses</b> | <b>2,154</b>  | 566             | 26.3        | 1,588               | 73.7        | 1               | 16.7        | 5                   | 83.3        |

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 92 guideline cases from the District of Delaware, 58 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       |                  |               | Delaware       |                  |           |
|---|----------------|------------------|---------------|----------------|------------------|-----------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number    |
| <b>TOTAL</b>                              | <b>55.2</b>    | <b>33.0</b>      | <b>49,192</b> | <b>55.4</b>    | <b>24.0</b>      | <b>54</b> |
| <b>Murder</b>                             | 271.3          | 240.0            | 76            | --             | --               | 0         |
| <b>Manslaughter</b>                       | 26.1           | 18.0             | 45            | --             | --               | 0         |
| <b>Kidnapping/Hostage Taking</b>          | 167.8          | 97.0             | 71            | --             | --               | 0         |
| <b>Sexual Abuse</b>                       | 71.5           | 37.0             | 216           | --             | --               | 0         |
| <b>Assault</b>                            | 44.6           | 27.0             | 350           | --             | --               | 0         |
| <b>Robbery</b>                            | 110.6          | 77.0             | 1,678         | --             | --               | 1         |
| <b>Arson</b>                              | 72.0           | 60.0             | 67            | --             | --               | 0         |
| <b>Drugs - Trafficking</b>                | 75.3           | 57.0             | 21,908        | 116.4          | 86.0             | 19        |
| <b>Drugs - Communication Facility</b>     | 48.2           | 48.0             | 339           | --             | --               | 0         |
| <b>Drugs - Simple Possession</b>          | 18.5           | 6.0              | 184           | --             | --               | 0         |
| <b>Firearms</b>                           | 64.1           | 41.0             | 3,143         | 49.8           | 53.0             | 4         |
| <b>Burglary/B&amp;E</b>                   | 28.3           | 24.0             | 47            | --             | --               | 0         |
| <b>Auto Theft</b>                         | 55.5           | 24.0             | 179           | --             | --               | 0         |
| <b>Larceny</b>                            | 15.6           | 12.0             | 1,021         | 7.8            | 8.0              | 5         |
| <b>Fraud</b>                              | 18.0           | 12.0             | 4,018         | 20.1           | 22.5             | 10        |
| <b>Embezzlement</b>                       | 9.9            | 5.0              | 515           | --             | --               | 0         |
| <b>Forgery/Counterfeiting</b>             | 17.0           | 13.0             | 776           | 12.0           | 11.5             | 4         |
| <b>Bribery</b>                            | 16.2           | 12.0             | 135           | --             | --               | 0         |
| <b>Tax</b>                                | 16.6           | 12.0             | 405           | --             | --               | 1         |
| <b>Money Laundering</b>                   | 46.3           | 33.0             | 789           | --             | --               | 2         |
| <b>Racketeering/Extortion</b>             | 98.0           | 60.0             | 768           | --             | --               | 0         |
| <b>Gambling/Lottery</b>                   | 14.4           | 11.5             | 24            | --             | --               | 0         |
| <b>Civil Rights</b>                       | 38.6           | 18.0             | 54            | --             | --               | 0         |
| <b>Immigration</b>                        | 27.8           | 24.0             | 10,535        | 26.5           | 12.0             | 6         |
| <b>Pornography/Prostitution</b>           | 47.0           | 30.0             | 467           | --             | --               | 0         |
| <b>Prison Offenses</b>                    | 18.8           | 13.0             | 272           | --             | --               | 0         |
| <b>Administration of Justice Offenses</b> | 25.1           | 15.0             | 628           | --             | --               | 1         |
| <b>Environmental/Wildlife</b>             | 14.5           | 9.5              | 62            | --             | --               | 0         |
| <b>National Defense</b>                   | 30.9           | 29.0             | 10            | --             | --               | 0         |
| <b>Antitrust</b>                          | 12.7           | 6.5              | 14            | --             | --               | 0         |
| <b>Food &amp; Drug</b>                    | 23.1           | 12.0             | 18            | --             | --               | 0         |
| <b>Other Miscellaneous Offenses</b>       | 23.0           | 12.0             | 378           | --             | --               | 1         |

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 92 guideline cases from the District of Delaware, 38 cases were excluded due to zero prison months ordered.

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<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANCIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                       |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>TOTAL</b>          | <b>54,617</b> | <b>35,219</b>                          | <b>64.5</b> | <b>9,754</b>                           | <b>17.9</b> | <b>9,286</b>                   | <b>17.0</b> | <b>358</b>          | <b>0.7</b> |
| <b>D.C. CIRCUIT</b>   | <b>327</b>    | <b>227</b>                             | <b>69.4</b> | <b>63</b>                              | <b>19.3</b> | <b>36</b>                      | <b>11.0</b> | <b>1</b>            | <b>0.3</b> |
| District of Columbia  | 327           | 227                                    | 69.4        | 63                                     | 19.3        | 36                             | 11.0        | 1                   | 0.3        |
| <b>FIRST CIRCUIT</b>  | <b>1,450</b>  | <b>1,014</b>                           | <b>69.9</b> | <b>230</b>                             | <b>15.9</b> | <b>194</b>                     | <b>13.4</b> | <b>12</b>           | <b>0.8</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>4,302</b>  | <b>2,403</b>                           | <b>55.9</b> | <b>1,027</b>                           | <b>23.9</b> | <b>842</b>                     | <b>19.6</b> | <b>30</b>           | <b>0.7</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>2,447</b>  | <b>1,462</b>                           | <b>59.7</b> | <b>746</b>                             | <b>30.5</b> | <b>223</b>                     | <b>9.1</b>  | <b>16</b>           | <b>0.7</b> |
| 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        |
| <b>FOURTH CIRCUIT</b> | <b>4,363</b>  | <b>3,202</b>                           | <b>73.4</b> | <b>910</b>                             | <b>20.9</b> | <b>216</b>                     | <b>5.0</b>  | <b>35</b>           | <b>0.8</b> |
| 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<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANCIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                        |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>FIFTH CIRCUIT</b>   | <b>10,928</b> | <b>7,900</b>                           | <b>72.3</b> | <b>1,486</b>                           | <b>13.6</b> | <b>1,488</b>                   | <b>13.6</b> | <b>54</b>           | <b>0.5</b> |
| <b>Louisiana</b>       |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Mississippi</b>     |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Texas</b>           |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>4,030</b>  | <b>2,710</b>                           | <b>67.2</b> | <b>983</b>                             | <b>24.4</b> | <b>312</b>                     | <b>7.7</b>  | <b>25</b>           | <b>0.6</b> |
| <b>Kentucky</b>        |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Michigan</b>        |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Ohio</b>            |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Tennessee</b>       |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>SEVENTH CIRCUIT</b> | <b>2,341</b>  | <b>1,626</b>                           | <b>69.5</b> | <b>509</b>                             | <b>21.7</b> | <b>181</b>                     | <b>7.7</b>  | <b>25</b>           | <b>1.1</b> |
| <b>Illinois</b>        |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Indiana</b>         |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Wisconsin</b>       |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>EIGHTH CIRCUIT</b>  | <b>3,466</b>  | <b>2,267</b>                           | <b>65.4</b> | <b>802</b>                             | <b>23.1</b> | <b>356</b>                     | <b>10.3</b> | <b>41</b>           | <b>1.2</b> |
| <b>Arkansas</b>        |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Iowa</b>            |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Missouri</b>        |               |  |             |  |             |                                |             |                     |            |
| 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        |
| <b>Nebraska</b>        |               |  |             |  |             |                                |             |                     |            |
| Nebraska               | 484           | 352                                    | 72.7        | 68                                     | 14.0        | 63                             | 13.0        | 1                   | 0.2        |
| <b>North Dakota</b>    |               |  |             |  |             |                                |             |                     |            |
| North Dakota           | 141           | 94                                     | 66.7        | 21                                     | 14.9        | 24                             | 17.0        | 2                   | 1.4        |
| <b>South Dakota</b>    |               |  |             |  |             |                                |             |                     |            |
| South Dakota           | 282           | 211                                    | 74.8        | 20                                     | 7.1         | 39                             | 13.8        | 12                  | 4.3        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANCIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                          |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>NINTH CIRCUIT</b>     | <b>11,564</b> | <b>5,770</b>                           | <b>49.9</b> | <b>1,343</b>                           | <b>11.6</b> | <b>4,385</b>                   | <b>37.9</b> | <b>66</b>           | <b>0.6</b> |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>3,403</b>  | <b>2,378</b>                           | <b>69.9</b> | <b>372</b>                             | <b>10.9</b> | <b>639</b>                     | <b>18.8</b> | <b>14</b>           | <b>0.4</b> |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>5,996</b>  | <b>4,260</b>                           | <b>71.0</b> | <b>1,283</b>                           | <b>21.4</b> | <b>414</b>                     | <b>6.9</b>  | <b>39</b>           | <b>0.7</b> |
| 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                | %          |
| <b>TOTAL</b>                 | <b>54,569</b> | <b>35,198</b>                    | <b>64.5</b> | <b>9,743</b>                     | <b>17.9</b> | <b>9,270</b>             | <b>17.0</b> | <b>358</b>       | <b>0.7</b> |
| 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        |

**Delaware**

| PRIMARY OFFENSE              | TOTAL     | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANCIAL ASSISTANCE DEPARTURE |             | OTHER DOWNWARD DEPARTURE |            | UPWARD DEPARTURE |            |
|------------------------------|-----------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|------------|------------------|------------|
|                              |           | n                                | %           | n                                | %           | n                        | %          | n                | %          |
| <b>TOTAL</b>                 | <b>90</b> | <b>61</b>                        | <b>67.8</b> | <b>20</b>                        | <b>22.2</b> | <b>8</b>                 | <b>8.9</b> | <b>1</b>         | <b>1.1</b> |
| Robbery                      | 1         | 1                                | 100.0       | 0                                | 0.0         | 0                        | 0.0        | 0                | 0.0        |
| Drugs - Trafficking          | 20        | 11                               | 55.0        | 8                                | 40.0        | 1                        | 5.0        | 0                | 0.0        |
| Drugs - Simple Possession    | 0         | 0                                | --          | 0                                | --          | 0                        | --         | 0                | --         |
| Firearms                     | 4         | 2                                | 50.0        | 1                                | 25.0        | 1                        | 25.0       | 0                | 0.0        |
| Larceny                      | 14        | 11                               | 78.6        | 1                                | 7.1         | 2                        | 14.3       | 0                | 0.0        |
| Fraud                        | 25        | 17                               | 68.0        | 6                                | 24.0        | 1                        | 4.0        | 1                | 4.0        |
| Embezzlement                 | 2         | 2                                | 100.0       | 0                                | 0.0         | 0                        | 0.0        | 0                | 0.0        |
| Forgery/Counterfeiting       | 5         | 4                                | 80.0        | 0                                | 0.0         | 1                        | 20.0       | 0                | 0.0        |
| Immigration                  | 6         | 6                                | 100.0       | 0                                | 0.0         | 0                        | 0.0        | 0                | 0.0        |
| Other Miscellaneous Offenses | 13        | 7                                | 53.8        | 4                                | 30.8        | 2                        | 15.4       | 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 92 guideline cases from the District of Delaware, two cases were excluded due to one of the following reasons: no analogous guidelines (1) or missing or indeterminable departure information (1).

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