

Table 32

**UPWARD DEPARTURE CASES: DEGREE OF DEPARTURE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 1997**

PRIMARY OFFENSE	n	DEGREE OF INCREASE FOR UPWARD DEPARTURE		
		Median Sentence in Months ²	Median Increase in Months from Guideline Maximum	Median Percent Increase from Guideline Maximum
TOTAL	337	75.0	20.0	33.3
Murder	11	240.0	71.0	28.8
Manslaughter	3	60.0	44.0	69.0
Kidnaping/Hostage-Taking	6	275.0	92.5	44.1
Sexual Abuse	10	85.0	34.5	47.7
Assault	12	53.0	5.0	24.4
Robbery	48	202.0	56.0	30.9
Arson	0	—	—	—
Drugs - Trafficking	36	132.0	23.0	21.5
Drugs - Communication Facility	0	—	—	—
Drugs - Simple Possession	2	10.0	4.0	66.7
Firearms	39	99.0	21.0	24.8
Burglary/B&E	0	—	—	—
Auto Theft	1	40.0	3.0	8.1
Larceny	19	37.0	10.0	37.0
Fraud	68	57.0	15.0	38.4
Embezzlement	1	108.0	75.0	227.3
Forgery/Counterfeiting	4	51.0	13.5	49.3
Bribery	1	72.0	31.0	75.6
Tax	5	46.0	7.0	33.3
Money Laundering	7	120.0	20.0	20.0
Racketeering/Extortion	8	114.0	39.5	38.9
Gambling/Lottery	1	48.0	21.0	77.8
Civil Rights	1	60.0	19.0	46.3
Immigration	30	14.5	4.0	33.3
Pornography/Prostitution	5	120.0	83.0	164.7
Prison Offenses	7	60.0	19.0	46.3
Administration of Justice	7	60.0	14.0	37.8
Environmental/Wildlife	0	—	—	—
National Defense	0	—	—	—
Antitrust	0	—	—	—
Food & Drug	0	—	—	—
Other Miscellaneous Offenses	5	37.0	13.0	33.3

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¹Of the 48,848 cases, 387 received an upward departure. Of these, 380 had complete guideline application information. An additional 43 cases were excluded due to several logical criteria.

²Cases with guideline maximums of life or probation (*i.e.*, sentence lengths of zero months) were included in the sentence average computations as 470 months and zero months respectively, but were excluded from measures of increase in the table.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, USSCFY97.