

**Table 27**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2011**

| PRIMARY OFFENSE                    | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | UPWARD<br>DEPARTURES <sup>2</sup> |            | UPWARD<br>DEPARTURES<br>W/ <i>BOOKER</i> <sup>2</sup> |            | ABOVE<br>RANGE WITH<br>W/ <i>BOOKER</i> <sup>2</sup> |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------------|---------------|------------------------------|-------------|-----------------------------------|------------|---|------------|--|------------|-----------------------------|------------|
|                                    |               | N                            | %           | N                                 | %          | N   | %          | N  | %          | N                           | %          |
| <b>TOTAL</b>                       | <b>84,744</b> | <b>46,160</b>                | <b>54.5</b> | <b>379</b>                        | <b>0.4</b> | <b>109</b>  | <b>0.1</b> | <b>947</b>   | <b>1.1</b> | <b>92</b>                   | <b>0.1</b> |
| Murder                             | 74            | 39                           | 52.7        | 4                                 | 5.4        | 1   | 1.4        | 4  | 5.4        | 0                           | 0.0        |
| Manslaughter                       | 65            | 32                           | 49.2        | 7                                 | 10.8       | 2   | 3.1        | 3  | 4.6        | 1                           | 1.5        |
| Kidnapping/Hostage Taking          | 69            | 33                           | 47.8        | 0                                 | 0.0        | 0   | 0.0        | 1  | 1.4        | 0                           | 0.0        |
| Sexual Abuse                       | 393           | 219                          | 55.7        | 7                                 | 1.8        | 4   | 1.0        | 21   | 5.3        | 1                           | 0.3        |
| Assault                            | 654           | 371                          | 56.7        | 13                                | 2.0        | 2   | 0.3        | 19   | 2.9        | 6                           | 0.9        |
| Robbery                            | 957           | 576                          | 60.2        | 9                                 | 0.9        | 5   | 0.5        | 24   | 2.5        | 1                           | 0.1        |
| Arson                              | 54            | 28                           | 51.9        | 1                                 | 1.9        | 0   | 0.0        | 1  | 1.9        | 0                           | 0.0        |
| Drugs - Trafficking                | 24,401        | 11,283                       | 46.2        | 62                                | 0.3        | 11  | 0.0        | 130  | 0.5        | 18                          | 0.1        |
| Drugs - Communication Facility     | 469           | 234                          | 49.9        | 0                                 | 0.0        | 1   | 0.2        | 8  | 1.7        | 1                           | 0.2        |
| Drugs - Simple Possession          | 764           | 725                          | 94.9        | 5                                 | 0.7        | 3   | 0.4        | 7  | 0.9        | 1                           | 0.1        |
| Firearms                           | 7,837         | 4,640                        | 59.2        | 85                                | 1.1        | 13  | 0.2        | 183  | 2.3        | 12                          | 0.2        |
| Burglary/B&E                       | 51            | 35                           | 68.6        | 0                                 | 0.0        | 1   | 2.0        | 2  | 3.9        | 0                           | 0.0        |
| Auto Theft                         | 85            | 37                           | 43.5        | 2                                 | 2.4        | 0   | 0.0        | 3  | 3.5        | 0                           | 0.0        |
| Larceny                            | 1,472         | 1,083                        | 73.6        | 4                                 | 0.3        | 4   | 0.3        | 15   | 1.0        | 2                           | 0.1        |
| Fraud                              | 7,887         | 4,304                        | 54.6        | 33                                | 0.4        | 24  | 0.3        | 106  | 1.3        | 11                          | 0.1        |
| Embezzlement                       | 385           | 246                          | 63.9        | 0                                 | 0.0        | 0   | 0.0        | 2  | 0.5        | 1                           | 0.3        |
| Forgery/Counterfeiting             | 937           | 601                          | 64.1        | 3                                 | 0.3        | 2   | 0.2        | 16   | 1.7        | 1                           | 0.1        |
| Bribery                            | 221           | 75                           | 33.9        | 0                                 | 0.0        | 1   | 0.5        | 1  | 0.5        | 1                           | 0.5        |
| Tax                                | 674           | 252                          | 37.4        | 2                                 | 0.3        | 1   | 0.1        | 8  | 1.2        | 1                           | 0.1        |
| Money Laundering                   | 836           | 281                          | 33.6        | 5                                 | 0.6        | 0   | 0.0        | 2  | 0.2        | 1                           | 0.1        |
| Racketeering/Extortion             | 729           | 336                          | 46.1        | 7                                 | 1.0        | 1   | 0.1        | 12   | 1.6        | 1                           | 0.1        |
| Gambling/Lottery                   | 79            | 43                           | 54.4        | 0                                 | 0.0        | 0   | 0.0        | 0  | 0.0        | 0                           | 0.0        |
| Civil Rights                       | 57            | 31                           | 54.4        | 0                                 | 0.0        | 0   | 0.0        | 1  | 1.8        | 0                           | 0.0        |
| Immigration                        | 29,327        | 16,913                       | 57.7        | 97                                | 0.3        | 24  | 0.1        | 291  | 1.0        | 21                          | 0.1        |
| Child Pornography                  | 1,855         | 647                          | 34.9        | 9                                 | 0.5        | 3   | 0.2        | 23   | 1.2        | 0                           | 0.0        |
| Prison Offenses                    | 414           | 303                          | 73.2        | 4                                 | 1.0        | 0   | 0.0        | 11   | 2.7        | 1                           | 0.2        |
| Administration of Justice Offenses | 1,171         | 676                          | 57.7        | 6                                 | 0.5        | 1   | 0.1        | 29   | 2.5        | 7                           | 0.6        |
| Environmental/Wildlife             | 178           | 99                           | 55.6        | 0                                 | 0.0        | 0   | 0.0        | 1  | 0.6        | 0                           | 0.0        |
| National Defense                   | 88            | 44                           | 50.0        | 1                                 | 1.1        | 0   | 0.0        | 1  | 1.1        | 0                           | 0.0        |
| Antitrust                          | 10            | 1                            | 10.0        | 0                                 | 0.0        | 0   | 0.0        | 1  | 10.0       | 0                           | 0.0        |
| Food & Drug                        | 54            | 39                           | 72.2        | 0                                 | 0.0        | 0   | 0.0        | 0  | 0.0        | 0                           | 0.0        |
| Other Miscellaneous Offenses       | 2,497         | 1,934                        | 77.5        | 13                                | 0.5        | 5   | 0.2        | 21   | 0.8        | 3                           | 0.1        |

**Table 27 (cont.)**

| PRIMARY OFFENSE                           | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |            | DOWNWARD<br>DEPARTURE <sup>3</sup> |            | DOWNWARD<br>DEPARTURE<br>W/ BOOKER <sup>3</sup> |            | BELOW<br>RANGE<br>W/ BOOKER <sup>3</sup> |             | REMAINING<br>BELOW<br>RANGE |            |
|---|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|------------------------------------|------------|---|------------|--|-------------|-----------------------------|------------|
|   | N                                   | %           | N                              | %           | N                           | %          | N                                  | %          | N   | %          | N  | %           | N                           | %          |
| <b>TOTAL</b>                              | <b>9,522</b>                        | <b>11.2</b> | <b>9,057</b>                   | <b>10.7</b> | <b>3,716</b>                | <b>4.4</b> | <b>1,976</b>                       | <b>2.3</b> | <b>917</b>                                      | <b>1.1</b> | <b>11,371</b>                            | <b>13.4</b> | <b>498</b>                  | <b>0.6</b> |
| <b>Murder</b>                             | 12                                  | 16.2        | 0                              | 0.0         | 5                           | 6.8        | 1                                  | 1.4        | 0   | 0.0        | 7  | 9.5         | 1                           | 1.4        |
| <b>Manslaughter</b>                       | 0                                   | 0.0         | 0                              | 0.0         | 3                           | 4.6        | 1                                  | 1.5        | 1   | 1.5        | 15                                       | 23.1        | 0                           | 0.0        |
| <b>Kidnapping/Hostage Taking</b>          | 17                                  | 24.6        | 0                              | 0.0         | 7                           | 10.1       | 3                                  | 4.3        | 3   | 4.3        | 5  | 7.2         | 0                           | 0.0        |
| <b>Sexual Abuse</b>                       | 14                                  | 3.6         | 0                              | 0.0         | 56                          | 14.2       | 5                                  | 1.3        | 2   | 0.5        | 62                                       | 15.8        | 2                           | 0.5        |
| <b>Assault</b>                            | 6                                   | 0.9         | 2                              | 0.3         | 108                         | 16.5       | 22                                 | 3.4        | 12  | 1.8        | 89                                       | 13.6        | 4                           | 0.6        |
| <b>Robbery</b>                            | 104                                 | 10.9        | 3                              | 0.3         | 40                          | 4.2        | 25                                 | 2.6        | 12  | 1.3        | 155                                      | 16.2        | 3                           | 0.3        |
| <b>Arson</b>                              | 12                                  | 22.2        | 0                              | 0.0         | 3                           | 5.6        | 3                                  | 5.6        | 1   | 1.9        | 5  | 9.3         | 0                           | 0.0        |
| <b>Drugs - Trafficking</b>                | 5,766                               | 23.6        | 1,364                          | 5.6         | 1,199                       | 4.9        | 502                                | 2.1        | 305   | 1.2        | 3,653                                    | 15.0        | 108                         | 0.4        |
| <b>Drugs - Communication Facility</b>     | 73                                  | 15.6        | 9                              | 1.9         | 37                          | 7.9        | 9                                  | 1.9        | 6   | 1.3        | 86                                       | 18.3        | 5                           | 1.1        |
| <b>Drugs - Simple Possession</b>          | 5                                   | 0.7         | 0                              | 0.0         | 3                           | 0.4        | 2                                  | 0.3        | 0   | 0.0        | 11                                       | 1.4         | 2                           | 0.3        |
| <b>Firearms</b>                           | 894                                 | 11.4        | 12                             | 0.2         | 418                         | 5.3        | 167                                | 2.1        | 103   | 1.3        | 1,272                                    | 16.2        | 38                          | 0.5        |
| <b>Burglary/B&amp;E</b>                   | 4                                   | 7.8         | 0                              | 0.0         | 3                           | 5.9        | 2                                  | 3.9        | 0   | 0.0        | 3  | 5.9         | 1                           | 2.0        |
| <b>Auto Theft</b>                         | 19                                  | 22.4        | 0                              | 0.0         | 1                           | 1.2        | 3                                  | 3.5        | 0   | 0.0        | 20                                       | 23.5        | 0                           | 0.0        |
| <b>Larceny</b>                            | 65                                  | 4.4         | 2                              | 0.1         | 62                          | 4.2        | 24                                 | 1.6        | 11  | 0.7        | 184                                      | 12.5        | 16                          | 1.1        |
| <b>Fraud</b>                              | 1,281                               | 16.2        | 10                             | 0.1         | 333                         | 4.2        | 141                                | 1.8        | 145   | 1.8        | 1,418                                    | 18.0        | 81                          | 1.0        |
| <b>Embezzlement</b>                       | 15                                  | 3.9         | 1                              | 0.3         | 16                          | 4.2        | 7                                  | 1.8        | 5   | 1.3        | 87                                       | 22.6        | 5                           | 1.3        |
| <b>Forgery/Counterfeiting</b>             | 112                                 | 12.0        | 1                              | 0.1         | 27                          | 2.9        | 15                                 | 1.6        | 8   | 0.9        | 143                                      | 15.3        | 8                           | 0.9        |
| <b>Bribery</b>                            | 79                                  | 35.7        | 0                              | 0.0         | 6                           | 2.7        | 9                                  | 4.1        | 7   | 3.2        | 40                                       | 18.1        | 2                           | 0.9        |
| <b>Tax</b>                                | 70                                  | 10.4        | 2                              | 0.3         | 53                          | 7.9        | 22                                 | 3.3        | 21  | 3.1        | 228                                      | 33.8        | 14                          | 2.1        |
| <b>Money Laundering</b>                   | 195                                 | 23.3        | 12                             | 1.4         | 87                          | 10.4       | 26                                 | 3.1        | 16  | 1.9        | 200                                      | 23.9        | 11                          | 1.3        |
| <b>Racketeering/Extortion</b>             | 136                                 | 18.7        | 0                              | 0.0         | 64                          | 8.8        | 28                                 | 3.8        | 10  | 1.4        | 125                                      | 17.1        | 9                           | 1.2        |
| <b>Gambling/Lottery</b>                   | 17                                  | 21.5        | 0                              | 0.0         | 4                           | 5.1        | 3                                  | 3.8        | 2   | 2.5        | 7  | 8.9         | 3                           | 3.8        |
| <b>Civil Rights</b>                       | 7                                   | 12.3        | 0                              | 0.0         | 4                           | 7.0        | 0                                  | 0.0        | 2   | 3.5        | 12                                       | 21.1        | 0                           | 0.0        |
| <b>Immigration</b>                        | 281                                 | 1.0         | 7,626                          | 26.0        | 668                         | 2.3        | 828                                | 2.8        | 141   | 0.5        | 2,296                                    | 7.8         | 141                         | 0.5        |
| <b>Child Pornography</b>                  | 69                                  | 3.7         | 0                              | 0.0         | 272                         | 14.7       | 43                                 | 2.3        | 56  | 3.0        | 726                                      | 39.1        | 7                           | 0.4        |
| <b>Prison Offenses</b>                    | 10                                  | 2.4         | 4                              | 1.0         | 32                          | 7.7        | 8                                  | 1.9        | 3   | 0.7        | 36                                       | 8.7         | 2                           | 0.5        |
| <b>Administration of Justice Offenses</b> | 98                                  | 8.4         | 8                              | 0.7         | 93                          | 7.9        | 26                                 | 2.2        | 13  | 1.1        | 204                                      | 17.4        | 10                          | 0.9        |
| <b>Environmental/Wildlife</b>             | 19                                  | 10.7        | 0                              | 0.0         | 12                          | 6.7        | 4                                  | 2.2        | 5   | 2.8        | 33                                       | 18.5        | 5                           | 2.8        |
| <b>National Defense</b>                   | 16                                  | 18.2        | 0                              | 0.0         | 5                           | 5.7        | 4                                  | 4.5        | 1   | 1.1        | 16                                       | 18.2        | 0                           | 0.0        |
| <b>Antitrust</b>                          | 7                                   | 70.0        | 0                              | 0.0         | 0                           | 0.0        | 0                                  | 0.0        | 0   | 0.0        | 1  | 10.0        | 0                           | 0.0        |
| <b>Food &amp; Drug</b>                    | 5                                   | 9.3         | 0                              | 0.0         | 1                           | 1.9        | 0                                  | 0.0        | 0   | 0.0        | 9  | 16.7        | 0                           | 0.0        |
| <b>Other Miscellaneous Offenses</b>       | 114                                 | 4.6         | 1                              | 0.0         | 94                          | 3.8        | 43                                 | 1.7        | 26  | 1.0        | 223                                      | 8.9         | 20                          | 0.8        |

<sup>1</sup> Of the 86,201 cases, 1,457 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> See Tables 24-24B for a list of departure reasons comprising these categories.

<sup>3</sup> See Tables 25-25B for a list of departure reasons comprising these categories.