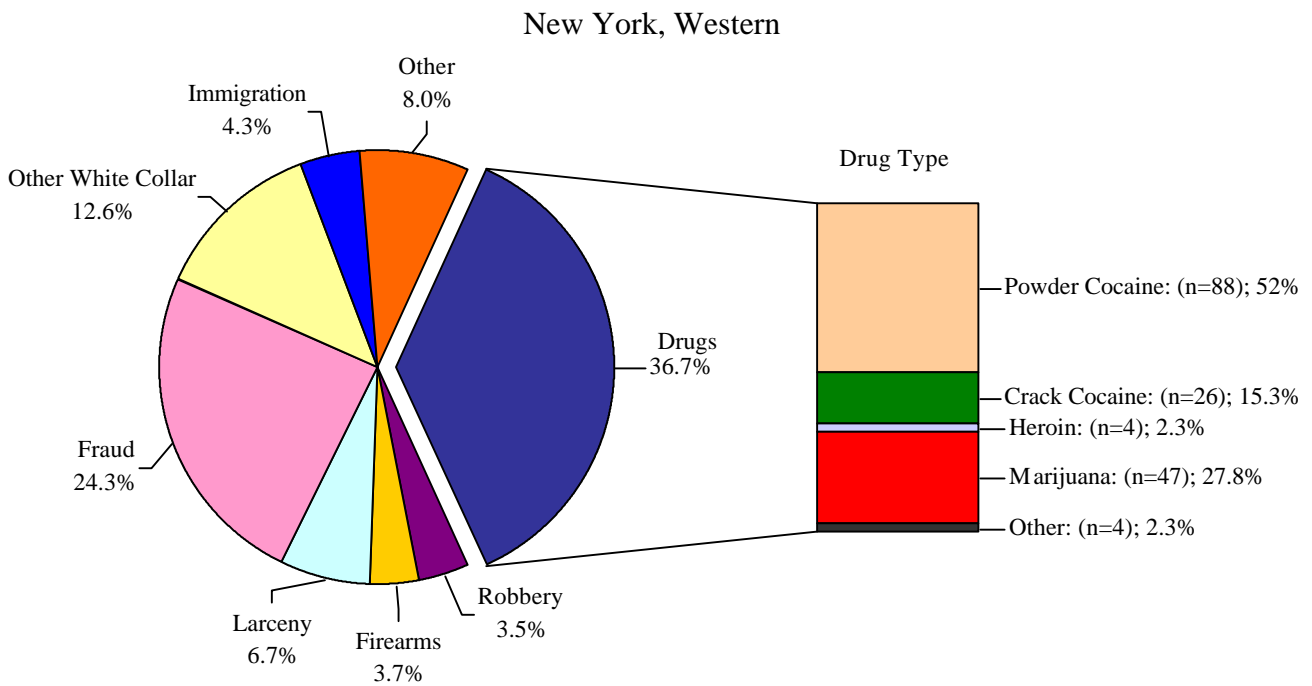
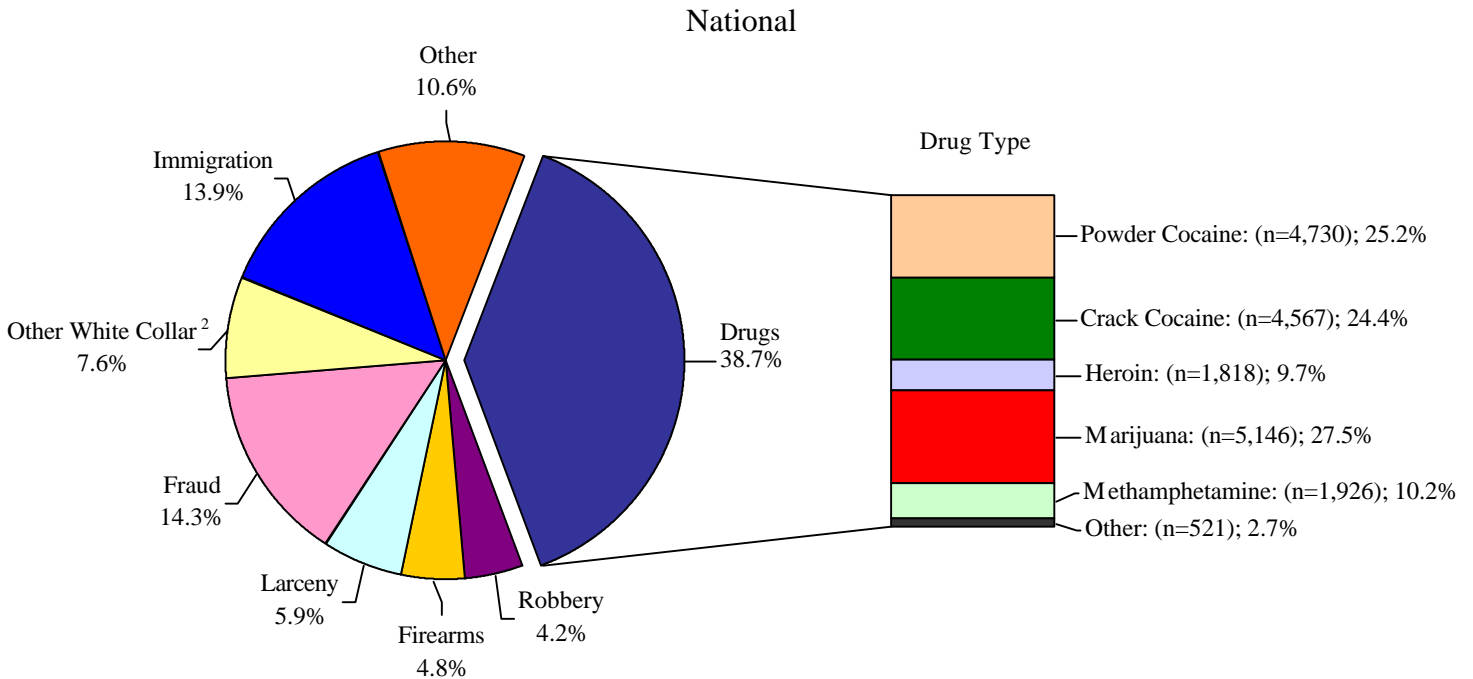


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT  
PRIMARY OFFENSE CATEGORY<sup>1</sup>  
FISCAL YEAR 1997**



<sup>1</sup>Of the 48,848 guideline cases, 75 cases with missing primary offense category were excluded. Of the 17,261 drug cases (including trafficking, use of a communication facility, and simple possession), nine cases with missing drug type were excluded from the bar chart.

<sup>2</sup>The Other White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

**Table 1**  
**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED**  
**BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 1997**

PRIMARY OFFENSE	National		New York, Western	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>48,681</b>	<b>100.0</b>	<b>461</b>	<b>100.0</b>
Murder	104	0.2	0	0.0
Manslaughter	53	0.1	0	0.0
Kidnapping/Hostage Taking	76	0.2	0	0.0
Sexual Abuse	219	0.4	0	0.0
Assault	518	1.1	3	0.7
Robbery	2,017	4.1	16	3.5
Arson	105	0.2	1	0.2
Drugs - Trafficking	18,060	37.1	141	30.6
Drugs - Communication Facility	398	0.8	17	3.7
Drugs - Simple Possession	631	1.3	12	2.6
Firearms	2,322	4.8	17	3.7
Burglary/B&E	61	0.1	0	0.0
Auto Theft	146	0.3	0	0.0
Larceny	2,826	5.8	31	6.7
Fraud	6,929	14.2	112	24.3
Embezzlement	834	1.7	5	1.1
Forgery/Counterfeiting	666	1.4	2	0.4
Bribery	279	0.6	4	0.9
Tax	996	2.0	35	7.6
Money Laundering	895	1.8	12	2.6
Racketeering/Extortion	607	1.2	8	1.7
Gambling/Lottery	181	0.4	7	1.5
Civil Rights	161	0.3	1	0.2
Immigration	6,690	13.7	20	4.3
Pornography/Prostitution	289	0.6	3	0.7
Prison Offenses	302	0.6	0	0.0
Administration of Justice Offenses	883	1.8	7	1.5
Environmental/Wildlife	115	0.2	0	0.0
National Defense	22	0.0	0	0.0
Antitrust	11	0.0	0	0.0
Food & Drug	61	0.1	2	0.4
Other Miscellaneous Offenses	1,224	2.5	5	1.1

Of the 48,848 guideline cases, 167 cases were excluded due to missing information on primary offense category.

Of the 462 guideline cases from the District of New York, Western, one case was excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 2**  
**MODE OF CONVICTION BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1997**

<b>CIRCUIT</b> District	<b>TOTAL</b>	<b>PLEA</b>		<b>TRIAL</b>	
		<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>48,690</b>	<b>45,363</b>	<b>93.2</b>	<b>3,327</b>	<b>6.8</b>
<b>D.C. CIRCUIT</b>	557	512	91.9	45	8.1
District of Columbia	557	512	91.9	45	8.1
<b>FIRST CIRCUIT</b>	1,255	1,155	92.0	100	8.0
Maine	165	150	90.9	15	9.1
Massachusetts	472	427	90.5	45	9.5
New Hampshire	148	137	92.6	11	7.4
Puerto Rico	359	347	96.7	12	3.3
Rhode Island	111	94	84.7	17	15.3
<b>SECOND CIRCUIT</b>	4,369	4,149	95.0	220	5.0
Connecticut	308	288	93.5	20	6.5
New York					
Eastern	1,652	1,580	95.6	72	4.4
Northern	536	512	95.5	24	4.5
Southern	1,304	1,220	93.6	84	6.4
Western	462	447	96.8	15	3.2
Vermont	107	102	95.3	5	4.7
<b>THIRD CIRCUIT</b>	2,362	2,202	93.2	160	6.8
Delaware	100	95	95.0	5	5.0
New Jersey	787	742	94.3	45	5.7
Pennsylvania					
Eastern	795	730	91.8	65	8.2
Middle	298	279	93.6	19	6.4
Western	274	259	94.5	15	5.5
Virgin Islands	108	97	89.8	11	10.2
<b>FOURTH CIRCUIT</b>	4,916	4,470	90.9	446	9.1
Maryland	408	363	89.0	45	11.0
North Carolina					
Eastern	576	527	91.5	49	8.5
Middle	306	281	91.8	25	8.2
Western	481	442	91.9	39	8.1
South Carolina	903	849	94.0	54	6.0
Virginia					
Eastern	1,405	1,271	90.5	134	9.5
Western	442	377	85.3	65	14.7
West Virginia					
Northern	166	151	91.0	15	9.0
Southern	229	209	91.3	20	8.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	7,825	7,328	93.6	497	6.4
Louisiana					
Eastern	358	352	98.3	6	1.7
Middle	98	87	88.8	11	11.2
Western	298	270	90.6	28	9.4
Mississippi					
Northern	166	153	92.2	13	7.8
Southern	200	169	84.5	31	15.5
Texas					
Eastern	478	429	89.7	49	10.3
Northern	1,080	989	91.6	91	8.4
Southern	2,181	2,043	93.7	138	6.3
Western	2,966	2,836	95.6	130	4.4
<b>SIXTH CIRCUIT</b>	3,578	3,310	92.5	268	7.5
Kentucky					
Eastern	330	296	89.7	34	10.3
Western	422	376	89.1	46	10.9
Michigan					
Eastern	786	732	93.1	54	6.9
Western	296	276	93.2	20	6.8
Ohio					
Northern	596	567	95.1	29	4.9
Southern	363	352	97.0	11	3.0
Tennessee					
Eastern	287	256	89.2	31	10.8
Middle	204	187	91.7	17	8.3
Western	294	268	91.2	26	8.8
<b>SEVENTH CIRCUIT</b>	1,871	1,688	90.2	183	9.8
Illinois					
Central	246	229	93.1	17	6.9
Northern	646	595	92.1	51	7.9
Southern	257	220	85.6	37	14.4
Indiana					
Northern	161	146	90.7	15	9.3
Southern	206	187	90.8	19	9.2
Wisconsin					
Eastern	259	226	87.3	33	12.7
Western	96	85	88.5	11	11.5
<b>EIGHTH CIRCUIT</b>	2,778	2,549	91.8	229	8.2
Arkansas					
Eastern	315	298	94.6	17	5.4
Western	113	101	89.4	12	10.6
Iowa					
Northern	194	175	90.2	19	9.8
Southern	182	160	87.9	22	12.1
Minnesota	378	342	90.5	36	9.5
Missouri					
Eastern	456	432	94.7	24	5.3
Western	500	454	90.8	46	9.2
Nebraska	241	227	94.2	14	5.8
North Dakota	118	112	94.9	6	5.1
South Dakota	281	248	88.3	33	11.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	10,310	9,907	96.1	403	3.9
Alaska	109	97	89.0	12	11.0
Arizona	1,700	1,671	98.3	29	1.7
California					
Central	1,325	1,270	95.8	55	4.2
Eastern	789	745	94.4	44	5.6
Northern	741	694	93.7	47	6.3
Southern	3,114	3,044	97.8	70	2.2
Guam	85	79	92.9	6	7.1
Hawaii	281	267	95.0	14	5.0
Idaho	103	91	88.3	12	11.7
Montana	277	259	93.5	18	6.5
Nevada	396	370	93.4	26	6.6
Northern Mariana Islands	23	23	100.0	0	0.0
Oregon	586	556	94.9	30	5.1
Washington					
Eastern	224	208	92.9	16	7.1
Western	557	533	95.7	24	4.3
<b>TENTH CIRCUIT</b>	2,688	2,542	94.6	146	5.4
Colorado	561	545	97.1	16	2.9
Kansas	290	269	92.8	21	7.2
New Mexico	827	786	95.0	41	5.0
Oklahoma					
Eastern	75	68	90.7	7	9.3
Northern	169	157	92.9	12	7.1
Western	281	249	88.6	32	11.4
Utah	351	339	96.6	12	3.4
Wyoming	134	129	96.3	5	3.7
<b>ELEVENTH CIRCUIT</b>	6,181	5,551	89.8	630	10.2
Alabama					
Middle	240	198	82.5	42	17.5
Northern	431	416	96.5	15	3.5
Southern	393	367	93.4	26	6.6
Florida					
Middle	1,297	1,205	92.9	92	7.1
Northern	378	307	81.2	71	18.8
Southern	1,950	1,700	87.2	250	12.8
Georgia					
Middle	352	313	88.9	39	11.1
Northern	843	793	94.1	50	5.9
Southern	297	252	84.8	45	15.2

Of the 48,848 guideline cases, 158 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1997**

PRIMARY OFFENSE	TOTAL	National				New York, Western			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>48,532</b>	<b>45,207</b>	<b>93.1</b>	<b>3,325</b>	<b>6.9</b>	<b>446</b>	<b>96.7</b>	<b>15</b>	<b>3.3</b>
Murder	102	68	66.7	34	33.3	0	--	0	--
Manslaughter	52	46	88.5	6	11.5	0	--	0	--
Kidnapping/Hostage Taking	76	64	84.2	12	15.8	0	--	0	--
Sexual Abuse	219	193	88.1	26	11.9	0	--	0	--
Assault	516	440	85.3	76	14.7	3	100.0	0	0.0
Robbery	2,014	1,825	90.6	189	9.4	16	100.0	0	0.0
Arson	103	81	78.6	22	21.4	1	100.0	0	0.0
Drugs - Trafficking	18,025	16,485	91.5	1,540	8.5	134	95.0	7	5.0
Drugs - Communication Facility	398	396	99.5	2	0.5	17	100.0	0	0.0
Drugs - Simple Possession	622	609	97.9	13	2.1	12	100.0	0	0.0
Firearms	2,313	2,081	90.0	232	10.0	16	94.1	1	5.9
Burglary/B&E	61	61	100.0	0	0.0	0	--	0	--
Auto Theft	146	142	97.3	4	2.7	0	--	0	--
Larceny	2,815	2,708	96.2	107	3.8	31	100.0	0	0.0
Fraud	6,912	6,502	94.1	410	5.9	108	96.4	4	3.6
Embezzlement	833	812	97.5	21	2.5	5	100.0	0	0.0
Forgery/Counterfeiting	665	631	94.9	34	5.1	2	100.0	0	0.0
Bribery	278	252	90.6	26	9.4	4	100.0	0	0.0
Tax	993	925	93.2	68	6.8	35	100.0	0	0.0
Money Laundering	890	759	85.3	131	14.7	12	100.0	0	0.0
Racketeering/Extortion	606	522	86.1	84	13.9	7	87.5	1	12.5
Gambling/Lottery	179	174	97.2	5	2.8	7	100.0	0	0.0
Civil Rights	160	130	81.3	30	18.8	1	100.0	0	0.0
Immigration	6,671	6,593	98.8	78	1.2	18	90.0	2	10.0
Pornography/Prostitution	289	269	93.1	20	6.9	3	100.0	0	0.0
Prison Offenses	302	284	94.0	18	6.0	0	--	0	--
Administration of Justice Offenses	881	825	93.6	56	6.4	7	100.0	0	0.0
Environmental/Wildlife	114	108	94.7	6	5.3	0	--	0	--
National Defense	22	19	86.4	3	13.6	0	--	0	--
Antitrust	11	9	81.8	2	18.2	0	--	0	--
Food & Drug	61	56	91.8	5	8.2	2	100.0	0	0.0
Other Miscellaneous Offenses	1,203	1,138	94.6	65	5.4	5	100.0	0	0.0

Of the 48,848 guideline cases, 316 cases were excluded due to one or both of the following reasons: missing primary offense category (167) or missing mode of conviction (158). Of the 462 guideline cases from the District of New York, Western, one case was excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1997**

**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>48,226</b>	<b>36,388</b>	<b>75.5</b>	<b>2,143</b>	<b>4.4</b>	<b>3,403</b>	<b>7.1</b>	<b>6,292</b>	<b>13.0</b>
Murder	101	98	97.0	2	2.0	1	1.0	0	0.0
Manslaughter	53	40	75.5	6	11.3	3	5.7	4	7.5
Kidnapping/Hostage Taking	76	74	97.4	2	2.6	0	0.0	0	0.0
Sexual Abuse	218	195	89.4	7	3.2	8	3.7	8	3.7
Assault	515	363	70.5	13	2.5	47	9.1	92	17.9
Robbery	2,008	1,933	96.3	52	2.6	13	0.6	10	0.5
Arson	104	92	88.5	2	1.9	5	4.8	5	4.8
Drugs - Trafficking	18,009	16,776	93.2	386	2.1	373	2.1	474	2.6
Drugs - Communication Facility	397	326	82.1	16	4.0	31	7.8	24	6.0
Drugs - Simple Possession	604	208	34.4	4	0.7	51	8.4	341	56.5
Firearms	2,311	2,034	88.0	89	3.9	83	3.6	105	4.5
Burglary/B&E	61	50	82.0	4	6.6	5	8.2	2	3.3
Auto Theft	146	81	55.5	11	7.5	29	19.9	25	17.1
Larceny	2,726	921	33.8	173	6.3	453	16.6	1,179	43.3
Fraud	6,872	3,572	52.0	725	10.6	1,082	15.7	1,493	21.7
Embezzlement	826	291	35.2	190	23.0	113	13.7	232	28.1
Forgery/Counterfeiting	663	362	54.6	50	7.5	122	18.4	129	19.5
Bribery	273	121	44.3	27	9.9	55	20.1	70	25.6
Tax	971	317	32.6	88	9.1	262	27.0	304	31.3
Money Laundering	890	673	75.6	44	4.9	87	9.8	86	9.7
Racketeering/Extortion	601	551	91.7	7	1.2	24	4.0	19	3.2
Gambling/Lottery	178	42	23.6	11	6.2	62	34.8	63	35.4
Civil Rights	159	83	52.2	6	3.8	26	16.4	44	27.7
Immigration	6,661	5,804	87.1	87	1.3	139	2.1	631	9.5
Pornography/Prostitution	287	203	70.7	16	5.6	48	16.7	20	7.0
Prison Offenses	302	264	87.4	12	4.0	10	3.3	16	5.3
Administration of Justice Offenses	873	510	58.4	67	7.7	113	12.9	183	21.0
Environmental/Wildlife	110	17	15.5	4	3.6	20	18.2	69	62.7
National Defense	22	15	68.2	1	4.5	2	9.1	4	18.2
Antitrust	9	2	22.2	1	11.1	3	33.3	3	33.3
Food & Drug	59	12	20.3	2	3.4	7	11.9	38	64.4
Other Miscellaneous Offenses	1,141	358	31.4	38	3.3	126	11.0	619	54.3

Of the 48,848 guideline cases, 622 cases were excluded due to one or both of the following reasons: missing sentencing information (195), missing primary offense category (167) or cases in which defendant received no imprisonment or probation (263).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 5**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1997**

**New York, Western**

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>455</b>	<b>263</b>	<b>57.8</b>	<b>23</b>	<b>5.1</b>	<b>54</b>	<b>11.9</b>	<b>115</b>	<b>25.3</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	3	1	33.3	0	0.0	1	33.3	1	33.3
Robbery	16	16	100.0	0	0.0	0	0.0	0	0.0
Arson	1	1	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	140	115	82.1	6	4.3	9	6.4	10	7.1
Drugs - Communication Facility	17	5	29.4	1	5.9	6	35.3	5	29.4
Drugs - Simple Possession	12	4	33.3	0	0.0	0	0.0	8	66.7
Firearms	17	15	88.2	1	5.9	0	0.0	1	5.9
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	31	11	35.5	2	6.5	6	19.4	12	38.7
Fraud	109	54	49.5	10	9.2	21	19.3	24	22.0
Embezzlement	5	0	0.0	1	20.0	0	0.0	4	80.0
Forgery/Counterfeiting	2	1	50.0	0	0.0	0	0.0	1	50.0
Bribery	4	2	50.0	0	0.0	1	25.0	1	25.0
Tax	33	2	6.1	0	0.0	4	12.1	27	81.8
Money Laundering	12	8	66.7	0	0.0	0	0.0	4	33.3
Racketeering/Extortion	8	8	100.0	0	0.0	0	0.0	0	0.0
Gambling/Lottery	7	0	0.0	0	0.0	2	28.6	5	71.4
Civil Rights	1	0	0.0	0	0.0	0	0.0	1	100.0
Immigration	20	15	75.0	0	0.0	1	5.0	4	20.0
Pornography/Prostitution	3	1	33.3	0	0.0	2	66.7	0	0.0
Prison Offenses	0	0	--	0	--	0	--	0	--
Administration of Justice Offenses	7	4	57.1	1	14.3	1	14.3	1	14.3
Environmental/Wildlife	0	0	--	0	--	0	--	0	--
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	2	0	0.0	1	50.0	0	0.0	1	50.0
Other Miscellaneous Offenses	5	0	0.0	0	0.0	0	0.0	5	100.0

Of the 462 guideline cases from the District of New York, Western, seven cases were excluded due to one of the following reasons: missing sentencing information (6) or missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1997**

PRIMARY OFFENSE	National				New York, Western			
	Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>3,917</b>	<b>38.1</b>	<b>6,351</b>	<b>61.9</b>	<b>25</b>	<b>17.7</b>	<b>116</b>	<b>82.3</b>
<b>Fraud</b>	749	30.3	1,722	69.7	13	30.2	30	69.8
<b>Larceny</b>	373	21.3	1,380	78.7	6	28.6	15	71.4
<b>Immigration</b>	1,765	71.6	699	28.4	2	28.6	5	71.4
<b>Embezzlement</b>	208	44.1	264	55.9	0	0.0	3	100.0
<b>Drugs - Trafficking</b>	164	42.2	225	57.8	3	42.9	4	57.1
<b>Drugs - Simple Possession</b>	122	28.8	302	71.2	1	16.7	5	83.3
<b>Firearms</b>	34	31.8	73	68.2	0	0.0	1	100.0
<b>Forgery/Counterfeiting</b>	92	32.4	192	67.6	0	--	0	--
<b>Other Miscellaneous Offenses</b>	410	21.5	1,494	78.5	0	0.0	53	100.0

Of the 48,848 guideline cases, 38,580 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (38,479), missing sentencing information (195) or missing primary offense category (167).

Of the 462 guideline cases from the District of New York, Western, 321 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (321), missing primary offense category (1) or missing sentencing information (6).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1997**

PRIMARY OFFENSE	National			New York, Western		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>59.0</b>	<b>30.0</b>	<b>38,229</b>	<b>44.1</b>	<b>30.0</b>	<b>281</b>
<b>Murder</b>	237.2	184.0	100	--	--	0
<b>Manslaughter</b>	34.2	24.0	46	--	--	0
<b>Kidnapping/Hostage Taking</b>	185.8	130.0	75	--	--	0
<b>Sexual Abuse</b>	73.3	49.0	202	--	--	0
<b>Assault</b>	37.9	24.0	373	18.0	--	1
<b>Robbery</b>	112.5	78.0	1,984	81.1	64.0	16
<b>Arson</b>	103.4	49.5	94	18.0	--	1
<b>Drugs - Trafficking</b>	82.2	57.0	17,137	59.1	46.0	120
<b>Drugs - Communication Facility</b>	44.1	48.0	342	18.7	15.0	6
<b>Drugs - Simple Possession</b>	12.4	6.0	207	12.7	12.0	3
<b>Firearms</b>	74.9	46.0	2,122	54.4	35.0	16
<b>Burglary/B&amp;E</b>	28.8	21.0	54	--	--	0
<b>Auto Theft</b>	21.9	18.0	91	--	--	0
<b>Larceny</b>	14.4	10.0	1,092	22.3	12.0	13
<b>Fraud</b>	18.9	13.0	4,270	14.8	12.0	61
<b>Embezzlement</b>	7.0	4.0	480	6.0	--	1
<b>Forgery/Counterfeiting</b>	15.9	12.0	412	12.0	--	1
<b>Bribery</b>	22.9	14.0	148	6.0	--	2
<b>Tax</b>	16.8	12.0	404	16.5	--	2
<b>Money Laundering</b>	41.1	33.0	715	40.9	39.0	8
<b>Racketeering/Extortion</b>	114.9	60.0	557	113.4	46.0	8
<b>Gambling/Lottery</b>	12.8	12.0	53	--	--	0
<b>Civil Rights</b>	36.6	19.0	88	--	--	0
<b>Immigration</b>	21.2	18.0	5,674	20.9	24.0	15
<b>Pornography/Prostitution</b>	33.7	18.0	219	12.0	--	1
<b>Prison Offenses</b>	20.9	14.0	275	--	--	0
<b>Administration of Justice Offenses</b>	20.4	15.0	572	21.0	24.0	5
<b>Environmental/Wildlife</b>	15.0	8.0	21	--	--	0
<b>National Defense</b>	57.0	25.5	16	--	--	0
<b>Antitrust</b>	11.7	12.0	3	--	--	0
<b>Food &amp; Drug</b>	25.8	12.0	13	7.0	--	1
<b>Other Miscellaneous Offenses</b>	14.8	5.0	390	--	--	0

Of the 48,848 guideline cases, 10,017 cases with zero months prison ordered were excluded. In addition, 602 cases were excluded due to one or both of the following reasons: missing primary offense category (167) or missing or indeterminable sentencing information (498).

Of the 462 guideline cases from the District of New York, Western, 181 cases were excluded due to one of the following reasons: zero prison months ordered (169), missing primary offense category (1) or missing or indeterminable sentencing information (11).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 8**  
**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1997**

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>46,017</b>	<b>31,233</b>	<b>67.9</b>	<b>8,823</b>	<b>19.2</b>	<b>5,574</b>	<b>12.1</b>	<b>387</b>	<b>0.8</b>
<b>D.C. CIRCUIT</b>	539	405	75.1	83	15.4	48	8.9	3	0.6
District of Columbia	539	405	75.1	83	15.4	48	8.9	3	0.6
<b>FIRST CIRCUIT</b>	1,221	842	69.0	230	18.8	130	10.6	19	1.6
Maine	164	124	75.6	31	18.9	5	3.0	4	2.4
Massachusetts	449	285	63.5	86	19.2	72	16.0	6	1.3
New Hampshire	147	73	49.7	61	41.5	11	7.5	2	1.4
Puerto Rico	353	273	77.3	43	12.2	34	9.6	3	0.8
Rhode Island	108	87	80.6	9	8.3	8	7.4	4	3.7
<b>SECOND CIRCUIT</b>	3,917	2,214	56.5	894	22.8	781	19.9	28	0.7
Connecticut	301	147	48.8	39	13.0	112	37.2	3	1.0
New York									
Eastern	1,332	625	46.9	324	24.3	379	28.5	4	0.3
Northern	481	284	59.0	178	37.0	18	3.7	1	0.2
Southern	1,242	801	64.5	231	18.6	199	16.0	11	0.9
Western	454	299	65.9	105	23.1	45	9.9	5	1.1
Vermont	107	58	54.2	17	15.9	28	26.2	4	3.7
<b>THIRD CIRCUIT</b>	2,322	1,385	59.6	741	31.9	172	7.4	24	1.0
Delaware	100	69	69.0	22	22.0	8	8.0	1	1.0
New Jersey	776	507	65.3	217	28.0	46	5.9	6	0.8
Pennsylvania									
Eastern	783	373	47.6	327	41.8	78	10.0	5	0.6
Middle	296	169	57.1	102	34.5	17	5.7	8	2.7
Western	264	191	72.3	52	19.7	20	7.6	1	0.4
Virgin Islands	103	76	73.8	21	20.4	3	2.9	3	2.9
<b>FOURTH CIRCUIT</b>	4,419	3,273	74.1	917	20.8	177	4.0	52	1.2
Maryland	401	264	65.8	93	23.2	38	9.5	6	1.5
North Carolina									
Eastern	550	355	64.5	151	27.5	34	6.2	10	1.8
Middle	306	196	64.1	92	30.1	9	2.9	9	2.9
Western	466	266	57.1	183	39.3	13	2.8	4	0.9
South Carolina	892	664	74.4	195	21.9	24	2.7	9	1.0
Virginia									
Eastern	982	898	91.4	57	5.8	25	2.5	2	0.2
Western	434	304	70.0	101	23.3	21	4.8	8	1.8
West Virginia									
Northern	165	141	85.5	18	10.9	4	2.4	2	1.2
Southern	223	185	83.0	27	12.1	9	4.0	2	0.9

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	7,726	5,569	72.1	1,364	17.7	744	9.6	49	0.6
Louisiana									
Eastern	360	281	78.1	59	16.4	14	3.9	6	1.7
Middle	98	78	79.6	16	16.3	1	1.0	3	3.1
Western	291	238	81.8	41	14.1	9	3.1	3	1.0
Mississippi									
Northern	166	103	62.0	57	34.3	5	3.0	1	0.6
Southern	193	158	81.9	25	13.0	8	4.1	2	1.0
Texas									
Eastern	475	403	84.8	40	8.4	29	6.1	3	0.6
Northern	1,067	750	70.3	235	22.0	74	6.9	8	0.7
Southern	2,171	1,471	67.8	518	23.9	172	7.9	10	0.5
Western	2,905	2,087	71.8	373	12.8	432	14.9	13	0.4
<b>SIXTH CIRCUIT</b>	3,491	2,450	70.2	846	24.2	177	5.1	18	0.5
Kentucky									
Eastern	327	248	75.8	71	21.7	6	1.8	2	0.6
Western	384	345	89.8	24	6.3	13	3.4	2	0.5
Michigan									
Eastern	781	515	65.9	202	25.9	60	7.7	4	0.5
Western	295	215	72.9	69	23.4	9	3.1	2	0.7
Ohio									
Northern	598	416	69.6	146	24.4	35	5.9	1	0.2
Southern	350	195	55.7	130	37.1	25	7.1	0	0.0
Tennessee									
Eastern	286	181	63.3	93	32.5	9	3.1	3	1.0
Middle	184	141	76.6	33	17.9	9	4.9	1	0.5
Western	286	194	67.8	78	27.3	11	3.8	3	1.0
<b>SEVENTH CIRCUIT</b>	1,814	1,377	75.9	326	18.0	89	4.9	22	1.2
Illinois									
Central	239	131	54.8	94	39.3	13	5.4	1	0.4
Northern	618	471	76.2	108	17.5	36	5.8	3	0.5
Southern	255	230	90.2	24	9.4	1	0.4	0	0.0
Indiana									
Northern	144	122	84.7	10	6.9	10	6.9	2	1.4
Southern	201	135	67.2	49	24.4	11	5.5	6	3.0
Wisconsin									
Eastern	259	209	80.7	34	13.1	14	5.4	2	0.8
Western	98	79	80.6	7	7.1	4	4.1	8	8.2
<b>EIGHTH CIRCUIT</b>	2,759	1,899	68.8	593	21.5	242	8.8	25	0.9
Arkansas									
Eastern	314	264	84.1	33	10.5	15	4.8	2	0.6
Western	110	90	81.8	13	11.8	7	6.4	0	0.0
Iowa									
Northern	196	124	63.3	44	22.4	26	13.3	2	1.0
Southern	182	112	61.5	40	22.0	28	15.4	2	1.1
Minnesota	377	219	58.1	94	24.9	55	14.6	9	2.4
Missouri									
Eastern	447	328	73.4	85	19.0	31	6.9	3	0.7
Western	499	286	57.3	188	37.7	22	4.4	3	0.6
Nebraska	241	157	65.1	59	24.5	25	10.4	0	0.0
North Dakota	117	83	70.9	19	16.2	15	12.8	0	0.0
South Dakota	276	236	85.5	18	6.5	18	6.5	4	1.4

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	9,411	5,946	63.2	1,021	10.8	2,356	25.0	88	0.9
Alaska	108	79	73.1	9	8.3	19	17.6	1	0.9
Arizona	1,669	594	35.6	130	7.8	926	55.5	19	1.1
California									
Central	964	817	84.8	69	7.2	76	7.9	2	0.2
Eastern	778	585	75.2	102	13.1	88	11.3	3	0.4
Northern	695	502	72.2	70	10.1	121	17.4	2	0.3
Southern	2,858	1,744	61.0	229	8.0	837	29.3	48	1.7
Guam	81	64	79.0	16	19.8	1	1.2	0	0.0
Hawaii	256	180	70.3	55	21.5	21	8.2	0	0.0
Idaho	101	60	59.4	18	17.8	21	20.8	2	2.0
Montana	275	176	64.0	56	20.4	40	14.5	3	1.1
Nevada	393	280	71.2	71	18.1	39	9.9	3	0.8
Northern Mariana Islands	22	10	45.5	11	50.0	1	4.5	0	0.0
Oregon	538	408	75.8	65	12.1	63	11.7	2	0.4
Washington									
Eastern	218	174	79.8	12	5.5	31	14.2	1	0.5
Western	455	273	60.0	108	23.7	72	15.8	2	0.4
<b>TENTH CIRCUIT</b>	2,600	1,805	69.4	414	15.9	361	13.9	20	0.8
Colorado	494	309	62.6	129	26.1	51	10.3	5	1.0
Kansas	289	202	69.9	68	23.5	17	5.9	2	0.7
New Mexico	822	511	62.2	88	10.7	218	26.5	5	0.6
Oklahoma									
Eastern	75	60	80.0	7	9.3	8	10.7	0	0.0
Northern	164	121	73.8	36	22.0	6	3.7	1	0.6
Western	275	240	87.3	18	6.5	15	5.5	2	0.7
Utah	347	269	77.5	36	10.4	37	10.7	5	1.4
Wyoming	134	93	69.4	32	23.9	9	6.7	0	0.0
<b>ELEVENTH CIRCUIT</b>	5,798	4,068	70.2	1,394	24.0	297	5.1	39	0.7
Alabama									
Middle	217	136	62.7	74	34.1	7	3.2	0	0.0
Northern	430	260	60.5	156	36.3	11	2.6	3	0.7
Southern	392	192	49.0	194	49.5	3	0.8	3	0.8
Florida									
Middle	1,290	826	64.0	376	29.1	85	6.6	3	0.2
Northern	371	277	74.7	75	20.2	12	3.2	7	1.9
Southern	1,772	1,433	80.9	240	13.5	87	4.9	12	0.7
Georgia									
Middle	346	278	80.3	51	14.7	16	4.6	1	0.3
Northern	687	444	64.6	161	23.4	73	10.6	9	1.3
Southern	293	222	75.8	67	22.9	3	1.0	1	0.3

Of the 48,848 guideline cases, 332 cases with no analogous guidelines were excluded from the table. Of the remaining 48,516 cases, 2,499 cases were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Eastern Virginia (28.9%), Central New York (27.3%), Eastern New York (19.4%), Western Washington (16.6%), Northern Georgia (11.0%), Northern New York (10.9%), Northern Indiana (9.9%), Southern Florida (9.1%), Hawaii (8.9%), Southern California (8.6%), Oregon (7.5%), Eastern North Carolina (6.6%), Western Kentucky (6.6%), Northern California (6.5%), Colorado (6.2%), Massachusetts (5.3%), and Southern New York (5.0%). Descriptions of variables used in this table are provided in Appendix A of the 1996 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1997**

**National**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
		<b>TOTAL</b>	<b>45,874</b>	<b>31,099</b>	<b>67.8</b>	<b>8,820</b>	<b>19.2</b>	<b>5,568</b>	<b>12.1</b>
Robbery	1,933	1,425	73.7	260	13.5	198	10.2	50	2.6
Drugs - Trafficking	17,622	9,875	56.0	5,533	31.4	2,175	12.3	39	0.2
Drugs - Simple Possession	530	500	94.3	16	3.0	12	2.3	2	0.4
Firearms	2,189	1,643	75.1	281	12.8	221	10.1	44	2.0
Larceny	2,618	2,296	87.7	174	6.6	128	4.9	20	0.8
Fraud	6,593	4,906	74.4	1,120	17.0	497	7.5	70	1.1
Embezzlement	790	665	84.2	27	3.4	97	12.3	1	0.1
Forgery/Counterfeiting	639	526	82.3	81	12.7	28	4.4	4	0.6
Immigration	6,251	4,518	72.3	198	3.2	1,475	23.6	60	1.0
Other Miscellaneous Offenses	6,709	4,745	70.7	1,130	16.8	737	11.0	97	1.4

**New York, Western**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
		<b>TOTAL</b>	<b>453</b>	<b>299</b>	<b>66.0</b>	<b>104</b>	<b>23.0</b>	<b>45</b>	<b>9.9</b>
Robbery	16	12	75.0	2	12.5	1	6.3	1	6.3
Drugs - Trafficking	141	77	54.6	48	34.0	14	9.9	2	1.4
Drugs - Simple Possession	10	8	80.0	2	20.0	0	0.0	0	0.0
Firearms	14	11	78.6	1	7.1	2	14.3	0	0.0
Larceny	31	28	90.3	1	3.2	2	6.5	0	0.0
Fraud	112	80	71.4	26	23.2	5	4.5	1	0.9
Embezzlement	5	4	80.0	0	0.0	1	20.0	0	0.0
Forgery/Counterfeiting	2	1	50.0	1	50.0	0	0.0	0	0.0
Immigration	20	18	90.0	1	5.0	1	5.0	0	0.0
Other Miscellaneous Offenses	102	60	58.8	22	21.6	19	18.6	1	1.0

Of the 48,848 guideline cases, 2,974 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (2,831) or missing primary offense category (167).

Of the 462 guideline cases from the District of New York, Western, nine cases were excluded due to one of the following reasons: missing or indeterminable departure information (8) or missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1997 Datafile, OPAFY97.