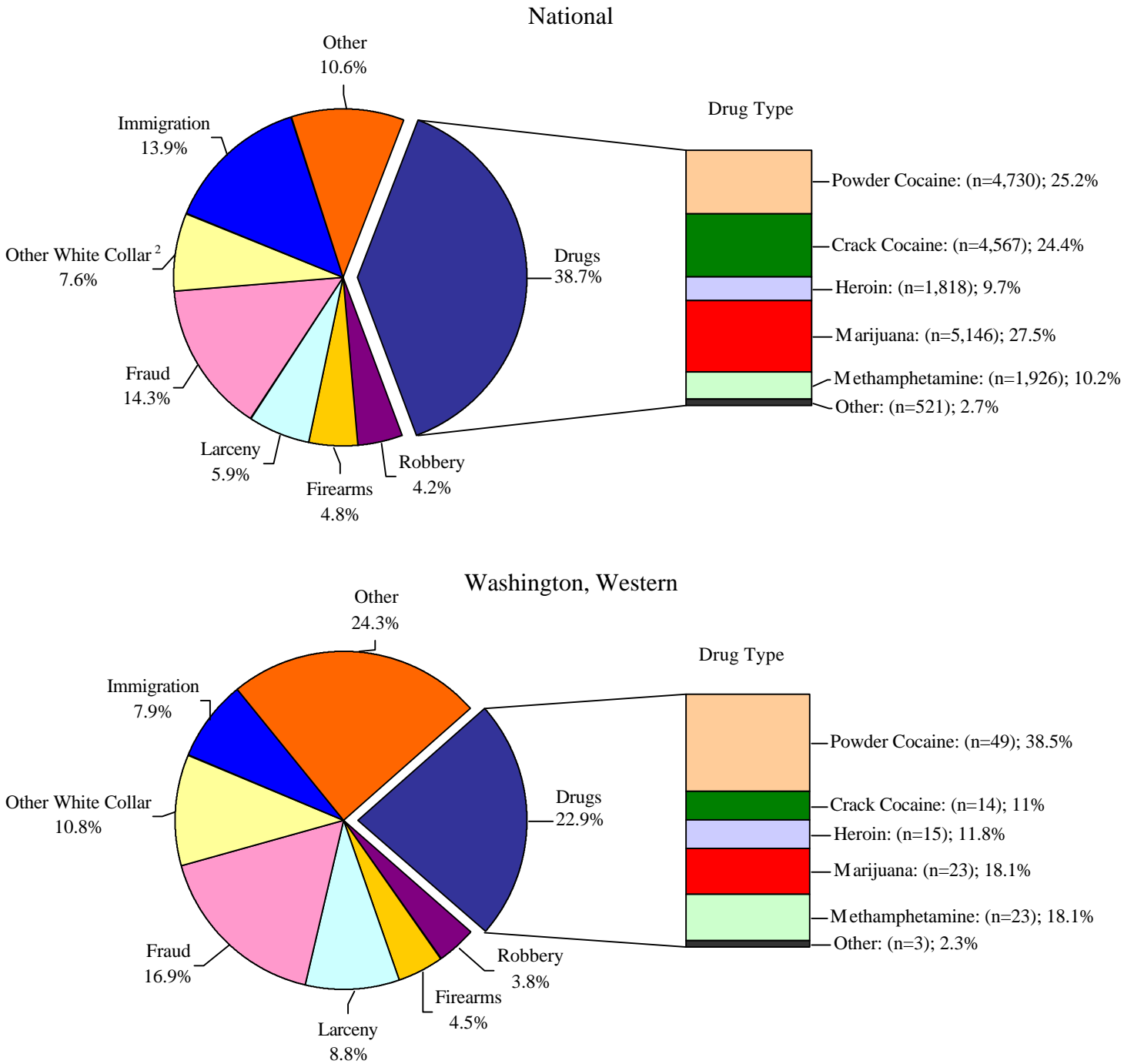


**Figure A**

**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      |              | Washington, Western |              |
|------------------------------------|---------------|--------------|---------------------|--------------|
|                                    | Number        | Percent      | Number              | Percent      |
| <b>TOTAL</b>                       | <b>48,681</b> | <b>100.0</b> | <b>558</b>          | <b>100.0</b> |
| Murder                             | 104           | 0.2          | 1                   | 0.2          |
| Manslaughter                       | 53            | 0.1          | 0                   | 0.0          |
| Kidnapping/Hostage Taking          | 76            | 0.2          | 0                   | 0.0          |
| Sexual Abuse                       | 219           | 0.4          | 9                   | 1.6          |
| Assault                            | 518           | 1.1          | 7                   | 1.3          |
| Robbery                            | 2,017         | 4.1          | 21                  | 3.8          |
| Arson                              | 105           | 0.2          | 1                   | 0.2          |
| Drugs - Trafficking                | 18,060        | 37.1         | 122                 | 21.9         |
| Drugs - Communication Facility     | 398           | 0.8          | 2                   | 0.4          |
| Drugs - Simple Possession          | 631           | 1.3          | 6                   | 1.1          |
| Firearms                           | 2,322         | 4.8          | 25                  | 4.5          |
| Burglary/B&E                       | 61            | 0.1          | 0                   | 0.0          |
| Auto Theft                         | 146           | 0.3          | 0                   | 0.0          |
| Larceny                            | 2,826         | 5.8          | 49                  | 8.8          |
| Fraud                              | 6,929         | 14.2         | 94                  | 16.8         |
| Embezzlement                       | 834           | 1.7          | 32                  | 5.7          |
| Forgery/Counterfeiting             | 666           | 1.4          | 10                  | 1.8          |
| Bribery                            | 279           | 0.6          | 2                   | 0.4          |
| Tax                                | 996           | 2.0          | 9                   | 1.6          |
| Money Laundering                   | 895           | 1.8          | 7                   | 1.3          |
| Racketeering/Extortion             | 607           | 1.2          | 4                   | 0.7          |
| Gambling/Lottery                   | 181           | 0.4          | 3                   | 0.5          |
| Civil Rights                       | 161           | 0.3          | 2                   | 0.4          |
| Immigration                        | 6,690         | 13.7         | 44                  | 7.9          |
| Pornography/Prostitution           | 289           | 0.6          | 6                   | 1.1          |
| Prison Offenses                    | 302           | 0.6          | 4                   | 0.7          |
| Administration of Justice Offenses | 883           | 1.8          | 10                  | 1.8          |
| Environmental/Wildlife             | 115           | 0.2          | 4                   | 0.7          |
| National Defense                   | 22            | 0.0          | 1                   | 0.2          |
| Antitrust                          | 11            | 0.0          | 1                   | 0.2          |
| Food & Drug                        | 61            | 0.1          | 0                   | 0.0          |
| Other Miscellaneous Offenses       | 1,224         | 2.5          | 82                  | 14.7         |

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

Of the 559 guideline cases from the District of Washington, 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><br>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<br>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<br>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      |             |              |            | Washington, 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>532</b>          | <b>95.7</b> | <b>24</b> | <b>4.3</b> |
| Murder                             | 102           | 68            | 66.7        | 34           | 33.3       | 1                   | 100.0       | 0         | 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       | 9                   | 100.0       | 0         | 0.0        |
| Assault                            | 516           | 440           | 85.3        | 76           | 14.7       | 7                   | 100.0       | 0         | 0.0        |
| Robbery                            | 2,014         | 1,825         | 90.6        | 189          | 9.4        | 21                  | 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        | 114                 | 93.4        | 8         | 6.6        |
| Drugs - Communication Facility     | 398           | 396           | 99.5        | 2            | 0.5        | 2                   | 100.0       | 0         | 0.0        |
| Drugs - Simple Possession          | 622           | 609           | 97.9        | 13           | 2.1        | 6                   | 100.0       | 0         | 0.0        |
| Firearms                           | 2,313         | 2,081         | 90.0        | 232          | 10.0       | 24                  | 96.0        | 1         | 4.0        |
| 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        | 46                  | 95.8        | 2         | 4.2        |
| Fraud                              | 6,912         | 6,502         | 94.1        | 410          | 5.9        | 92                  | 97.9        | 2         | 2.1        |
| Embezzlement                       | 833           | 812           | 97.5        | 21           | 2.5        | 32                  | 100.0       | 0         | 0.0        |
| Forgery/Counterfeiting             | 665           | 631           | 94.9        | 34           | 5.1        | 8                   | 80.0        | 2         | 20.0       |
| Bribery                            | 278           | 252           | 90.6        | 26           | 9.4        | 2                   | 100.0       | 0         | 0.0        |
| Tax                                | 993           | 925           | 93.2        | 68           | 6.8        | 9                   | 100.0       | 0         | 0.0        |
| Money Laundering                   | 890           | 759           | 85.3        | 131          | 14.7       | 5                   | 71.4        | 2         | 28.6       |
| Racketeering/Extortion             | 606           | 522           | 86.1        | 84           | 13.9       | 2                   | 50.0        | 2         | 50.0       |
| Gambling/Lottery                   | 179           | 174           | 97.2        | 5            | 2.8        | 3                   | 100.0       | 0         | 0.0        |
| Civil Rights                       | 160           | 130           | 81.3        | 30           | 18.8       | 0                   | 0.0         | 2         | 100.0      |
| Immigration                        | 6,671         | 6,593         | 98.8        | 78           | 1.2        | 44                  | 100.0       | 0         | 0.0        |
| Pornography/Prostitution           | 289           | 269           | 93.1        | 20           | 6.9        | 6                   | 100.0       | 0         | 0.0        |
| Prison Offenses                    | 302           | 284           | 94.0        | 18           | 6.0        | 4                   | 100.0       | 0         | 0.0        |
| Administration of Justice Offenses | 881           | 825           | 93.6        | 56           | 6.4        | 10                  | 100.0       | 0         | 0.0        |
| Environmental/Wildlife             | 114           | 108           | 94.7        | 6            | 5.3        | 4                   | 100.0       | 0         | 0.0        |
| National Defense                   | 22            | 19            | 86.4        | 3            | 13.6       | 1                   | 100.0       | 0         | 0.0        |
| Antitrust                          | 11            | 9             | 81.8        | 2            | 18.2       | 1                   | 100.0       | 0         | 0.0        |
| Food & Drug                        | 61            | 56            | 91.8        | 5            | 8.2        | 0                   | --          | 0         | --         |
| Other Miscellaneous Offenses       | 1,203         | 1,138         | 94.6        | 65           | 5.4        | 78                  | 96.3        | 3         | 3.7        |

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 559 guideline cases from the District of Washington, Western, three cases were excluded due to one of the following reasons: missing primary offense category (1) or missing mode of conviction (2).

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 more 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**

Washington, Western

| PRIMARY OFFENSE                    | TOTAL      | Prison     |             | Prison/Community<br>Split Sentence |            | Probation and<br>Confinement |            | Probation Only |             |
|------------------------------------|------------|------------|-------------|------------------------------------|------------|------------------------------|------------|----------------|-------------|
|                                    |            | Number     | Percent     | Number                             | Percent    | Number                       | Percent    | Number         | Percent     |
| <b>TOTAL</b>                       | <b>524</b> | <b>372</b> | <b>71.0</b> | <b>28</b>                          | <b>5.3</b> | <b>49</b>                    | <b>9.4</b> | <b>75</b>      | <b>14.3</b> |
| Murder                             | 1          | 1          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Manslaughter                       | 0          | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Kidnapping/Hostage Taking          | 0          | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Sexual Abuse                       | 9          | 7          | 77.8        | 1                                  | 11.1       | 0                            | 0.0        | 1              | 11.1        |
| Assault                            | 6          | 2          | 33.3        | 0                                  | 0.0        | 1                            | 16.7       | 3              | 50.0        |
| Robbery                            | 21         | 21         | 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                | 122        | 109        | 89.3        | 6                                  | 4.9        | 1                            | 0.8        | 6              | 4.9         |
| Drugs - Communication Facility     | 2          | 2          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Drugs - Simple Possession          | 6          | 5          | 83.3        | 0                                  | 0.0        | 0                            | 0.0        | 1              | 16.7        |
| Firearms                           | 25         | 22         | 88.0        | 1                                  | 4.0        | 1                            | 4.0        | 1              | 4.0         |
| Burglary/B&E                       | 0          | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Auto Theft                         | 0          | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Larceny                            | 35         | 20         | 57.1        | 1                                  | 2.9        | 2                            | 5.7        | 12             | 34.3        |
| Fraud                              | 94         | 53         | 56.4        | 11                                 | 11.7       | 20                           | 21.3       | 10             | 10.6        |
| Embezzlement                       | 32         | 10         | 31.3        | 6                                  | 18.8       | 1                            | 3.1        | 15             | 46.9        |
| Forgery/Counterfeiting             | 10         | 6          | 60.0        | 1                                  | 10.0       | 1                            | 10.0       | 2              | 20.0        |
| Bribery                            | 2          | 1          | 50.0        | 0                                  | 0.0        | 1                            | 50.0       | 0              | 0.0         |
| Tax                                | 9          | 1          | 11.1        | 1                                  | 11.1       | 4                            | 44.4       | 3              | 33.3        |
| Money Laundering                   | 7          | 6          | 85.7        | 0                                  | 0.0        | 1                            | 14.3       | 0              | 0.0         |
| Racketeering/Extortion             | 4          | 3          | 75.0        | 0                                  | 0.0        | 0                            | 0.0        | 1              | 25.0        |
| Gambling/Lottery                   | 3          | 0          | 0.0         | 0                                  | 0.0        | 1                            | 33.3       | 2              | 66.7        |
| Civil Rights                       | 2          | 0          | 0.0         | 0                                  | 0.0        | 1                            | 50.0       | 1              | 50.0        |
| Immigration                        | 44         | 43         | 97.7        | 0                                  | 0.0        | 0                            | 0.0        | 1              | 2.3         |
| Pornography/Prostitution           | 6          | 4          | 66.7        | 0                                  | 0.0        | 2                            | 33.3       | 0              | 0.0         |
| Prison Offenses                    | 4          | 3          | 75.0        | 0                                  | 0.0        | 0                            | 0.0        | 1              | 25.0        |
| Administration of Justice Offenses | 10         | 3          | 30.0        | 0                                  | 0.0        | 5                            | 50.0       | 2              | 20.0        |
| Environmental/Wildlife             | 3          | 2          | 66.7        | 0                                  | 0.0        | 1                            | 33.3       | 0              | 0.0         |
| National Defense                   | 1          | 0          | 0.0         | 0                                  | 0.0        | 0                            | 0.0        | 1              | 100.0       |
| Antitrust                          | 1          | 1          | 100.0       | 0                                  | 0.0        | 0                            | 0.0        | 0              | 0.0         |
| Food & Drug                        | 0          | 0          | --          | 0                                  | --         | 0                            | --         | 0              | --          |
| Other Miscellaneous Offenses       | 64         | 46         | 71.9        | 0                                  | 0.0        | 6                            | 9.4        | 12             | 18.8        |

Of the 559 guideline cases from the District of Washington, Western, 35 cases were excluded due to one of the following reasons: missing sentencing information (2), missing primary offense category (1) or cases in which the defendant received no imprisonment or probation (32).

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        |             |                     |             | Washington, 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>34</b>           | <b>29.1</b> | <b>83</b>           | <b>70.9</b> |
| <b>Fraud</b>                        | 749             | 30.3        | 1,722               | 69.7        | 12                  | 37.5        | 20                  | 62.5        |
| <b>Larceny</b>                      | 373             | 21.3        | 1,380               | 78.7        | 4                   | 28.6        | 10                  | 71.4        |
| <b>Immigration</b>                  | 1,765           | 71.6        | 699                 | 28.4        | 4                   | 80.0        | 1                   | 20.0        |
| <b>Embezzlement</b>                 | 208             | 44.1        | 264                 | 55.9        | 8                   | 33.3        | 16                  | 66.7        |
| <b>Drugs - Trafficking</b>          | 164             | 42.2        | 225                 | 57.8        | 0                   | 0.0         | 2                   | 100.0       |
| <b>Drugs - Simple Possession</b>    | 122             | 28.8        | 302                 | 71.2        | 2                   | 66.7        | 1                   | 33.3        |
| <b>Firearms</b>                     | 34              | 31.8        | 73                  | 68.2        | 0                   | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | 92              | 32.4        | 192                 | 67.6        | 2                   | 50.0        | 2                   | 50.0        |
| <b>Other Miscellaneous Offenses</b> | 410             | 21.5        | 1,494               | 78.5        | 2                   | 6.1         | 31                  | 93.9        |

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 559 guideline cases from the District of Washington, Western, 442 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (442), missing primary offense category (1) or missing sentencing information (2).

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

**Table 7**

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

| PRIMARY OFFENSE                           | National       |                  |               | Washington, Western |                  |            |
|---|----------------|------------------|---------------|---------------------|------------------|------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months      | Median<br>Months | Number     |
| <b>TOTAL</b>                              | <b>59.0</b>    | <b>30.0</b>      | <b>38,229</b> | <b>42.4</b>         | <b>24.0</b>      | <b>400</b> |
| <b>Murder</b>                             | 237.2          | 184.0            | 100           | 87.0                | --               | 1          |
| <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           | 73.4                | 43.5             | 8          |
| <b>Assault</b>                            | 37.9           | 24.0             | 373           | 22.5                | --               | 2          |
| <b>Robbery</b>                            | 112.5          | 78.0             | 1,984         | 137.2               | 123.0            | 21         |
| <b>Arson</b>                              | 103.4          | 49.5             | 94            | 6.0                 | --               | 1          |
| <b>Drugs - Trafficking</b>                | 82.2           | 57.0             | 17,137        | 67.7                | 46.0             | 115        |
| <b>Drugs - Communication Facility</b>     | 44.1           | 48.0             | 342           | 14.0                | --               | 2          |
| <b>Drugs - Simple Possession</b>          | 12.4           | 6.0              | 207           | 0.5                 | 0.5              | 5          |
| <b>Firearms</b>                           | 74.9           | 46.0             | 2,122         | 82.2                | 60.0             | 23         |
| <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         | 11.7                | 5.0              | 21         |
| <b>Fraud</b>                              | 18.9           | 13.0             | 4,270         | 14.9                | 11.5             | 64         |
| <b>Embezzlement</b>                       | 7.0            | 4.0              | 480           | 5.8                 | 1.5              | 16         |
| <b>Forgery/Counterfeiting</b>             | 15.9           | 12.0             | 412           | 27.7                | 16.0             | 7          |
| <b>Bribery</b>                            | 22.9           | 14.0             | 148           | 24.0                | --               | 1          |
| <b>Tax</b>                                | 16.8           | 12.0             | 404           | 10.5                | --               | 2          |
| <b>Money Laundering</b>                   | 41.1           | 33.0             | 715           | 49.7                | 57.5             | 6          |
| <b>Racketeering/Extortion</b>             | 114.9          | 60.0             | 557           | 58.0                | 57.0             | 3          |
| <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         | 31.0                | 30.0             | 43         |
| <b>Pornography/Prostitution</b>           | 33.7           | 18.0             | 219           | 21.8                | 22.5             | 4          |
| <b>Prison Offenses</b>                    | 20.9           | 14.0             | 275           | 20.0                | 18.0             | 3          |
| <b>Administration of Justice Offenses</b> | 20.4           | 15.0             | 572           | 21.7                | 18.0             | 3          |
| <b>Environmental/Wildlife</b>             | 15.0           | 8.0              | 21            | 19.0                | --               | 2          |
| <b>National Defense</b>                   | 57.0           | 25.5             | 16            | --                  | --               | 0          |
| <b>Antitrust</b>                          | 11.7           | 12.0             | 3             | 12.0                | --               | 1          |
| <b>Food &amp; Drug</b>                    | 25.8           | 12.0             | 13            | --                  | --               | 0          |
| <b>Other Miscellaneous Offenses</b>       | 14.8           | 5.0              | 390           | 1.1                 | 0.1              | 46         |

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 559 guideline cases from the District of Washington, Western, 159 cases were excluded due to one or more of the following reasons: zero prison months ordered (158), missing primary offense category (1) or missing or indeterminable sentencing information (1).

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

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

| CIRCUIT               | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>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<br>WITHIN<br>GUIDELINE RANGE |      | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |      | OTHER<br>DOWNWARD<br>DEPARTURE |      | UPWARD<br>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<br>WITHIN<br>GUIDELINE RANGE |      | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |      | OTHER<br>DOWNWARD<br>DEPARTURE |      | UPWARD<br>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       |             | SUBSTANTIAL  |             | OTHER        |             | UPWARD     |            |
|-------------------------------------|---------------|-----------------|-------------|--------------|-------------|--------------|-------------|------------|------------|
|                                     |               | WITHIN          |             | ASSISTANCE   |             | DOWNWARD     |             | DEPARTURE  |            |
|                                     |               | GUIDELINE RANGE |             | DEPARTURE    |             | DEPARTURE    |             | 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> | <b>387</b> | <b>0.8</b> |
| <b>Robbery</b>                      | <b>1,933</b>  | 1,425           | 73.7        | 260          | 13.5        | 198          | 10.2        | 50         | 2.6        |
| <b>Drugs - Trafficking</b>          | <b>17,622</b> | 9,875           | 56.0        | 5,533        | 31.4        | 2,175        | 12.3        | 39         | 0.2        |
| <b>Drugs - Simple Possession</b>    | <b>530</b>    | 500             | 94.3        | 16           | 3.0         | 12           | 2.3         | 2          | 0.4        |
| <b>Firearms</b>                     | <b>2,189</b>  | 1,643           | 75.1        | 281          | 12.8        | 221          | 10.1        | 44         | 2.0        |
| <b>Larceny</b>                      | <b>2,618</b>  | 2,296           | 87.7        | 174          | 6.6         | 128          | 4.9         | 20         | 0.8        |
| <b>Fraud</b>                        | <b>6,593</b>  | 4,906           | 74.4        | 1,120        | 17.0        | 497          | 7.5         | 70         | 1.1        |
| <b>Embezzlement</b>                 | <b>790</b>    | 665             | 84.2        | 27           | 3.4         | 97           | 12.3        | 1          | 0.1        |
| <b>Forgery/Counterfeiting</b>       | <b>639</b>    | 526             | 82.3        | 81           | 12.7        | 28           | 4.4         | 4          | 0.6        |
| <b>Immigration</b>                  | <b>6,251</b>  | 4,518           | 72.3        | 198          | 3.2         | 1,475        | 23.6        | 60         | 1.0        |
| <b>Other Miscellaneous Offenses</b> | <b>6,709</b>  | 4,745           | 70.7        | 1,130        | 16.8        | 737          | 11.0        | 97         | 1.4        |

**Washington, Western**

| PRIMARY OFFENSE                     | TOTAL      | SENTENCED       |             | SUBSTANTIAL |             | OTHER     |             | UPWARD    |            |
|-------------------------------------|------------|-----------------|-------------|-------------|-------------|-----------|-------------|-----------|------------|
|                                     |            | WITHIN          |             | ASSISTANCE  |             | DOWNWARD  |             | DEPARTURE |            |
|                                     |            | GUIDELINE RANGE |             | DEPARTURE   |             | DEPARTURE |             | DEPARTURE |            |
|                                     |            | n               | %           | n           | %           | n         | %           | n         | %          |
| <b>TOTAL</b>                        | <b>455</b> | <b>273</b>      | <b>60.0</b> | <b>108</b>  | <b>23.7</b> | <b>72</b> | <b>15.8</b> | <b>2</b>  | <b>0.4</b> |
| <b>Robbery</b>                      | <b>21</b>  | 16              | 76.2        | 3           | 14.3        | 2         | 9.5         | 0         | 0.0        |
| <b>Drugs - Trafficking</b>          | <b>121</b> | 56              | 46.3        | 55          | 45.5        | 10        | 8.3         | 0         | 0.0        |
| <b>Drugs - Simple Possession</b>    | <b>3</b>   | 3               | 100.0       | 0           | 0.0         | 0         | 0.0         | 0         | 0.0        |
| <b>Firearms</b>                     | <b>24</b>  | 17              | 70.8        | 5           | 20.8        | 2         | 8.3         | 0         | 0.0        |
| <b>Larceny</b>                      | <b>26</b>  | 20              | 76.9        | 2           | 7.7         | 2         | 7.7         | 2         | 7.7        |
| <b>Fraud</b>                        | <b>93</b>  | 63              | 67.7        | 22          | 23.7        | 8         | 8.6         | 0         | 0.0        |
| <b>Embezzlement</b>                 | <b>32</b>  | 28              | 87.5        | 0           | 0.0         | 4         | 12.5        | 0         | 0.0        |
| <b>Forgery/Counterfeiting</b>       | <b>10</b>  | 7               | 70.0        | 1           | 10.0        | 2         | 20.0        | 0         | 0.0        |
| <b>Immigration</b>                  | <b>43</b>  | 7               | 16.3        | 5           | 11.6        | 31        | 72.1        | 0         | 0.0        |
| <b>Other Miscellaneous Offenses</b> | <b>82</b>  | 56              | 68.3        | 15          | 18.3        | 11        | 13.4        | 0         | 0.0        |

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 559 guideline cases from the District of Washington, Western, 104 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (104) or missing primary offense category (1).

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