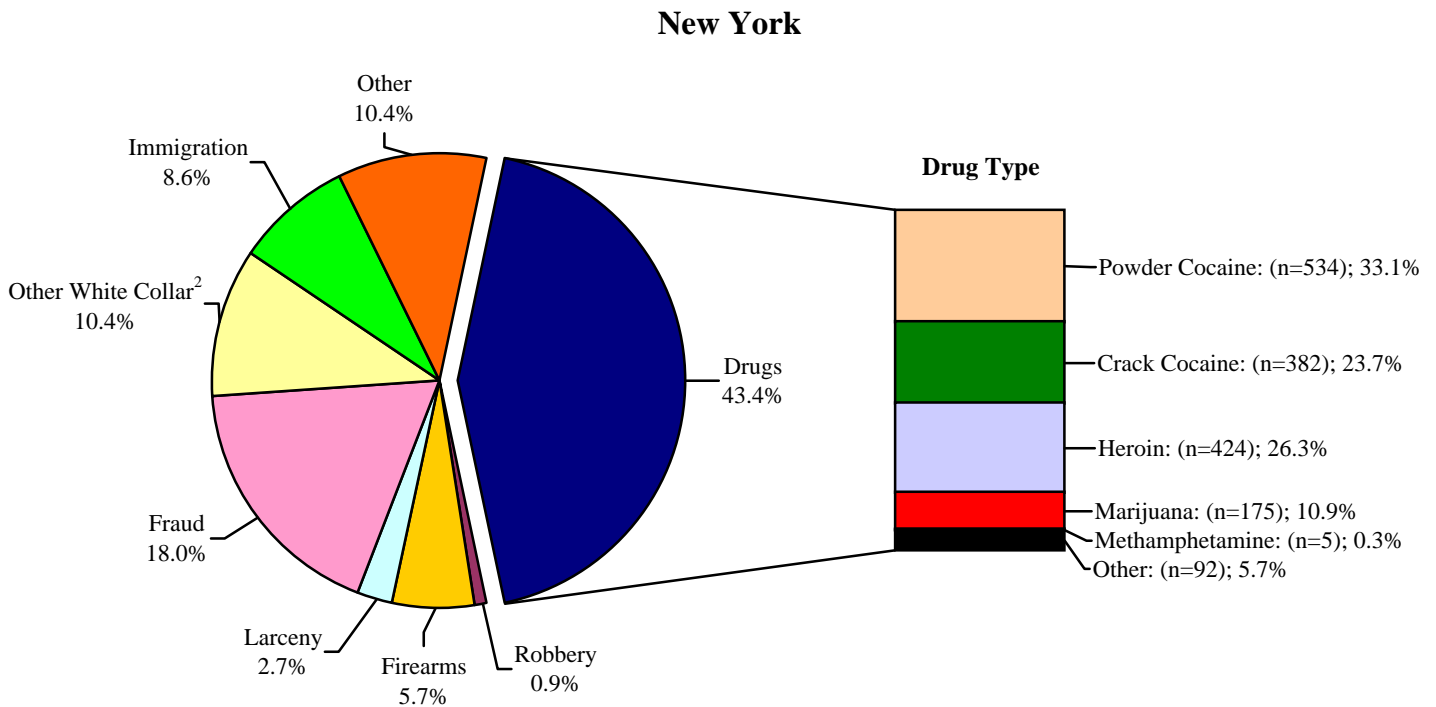
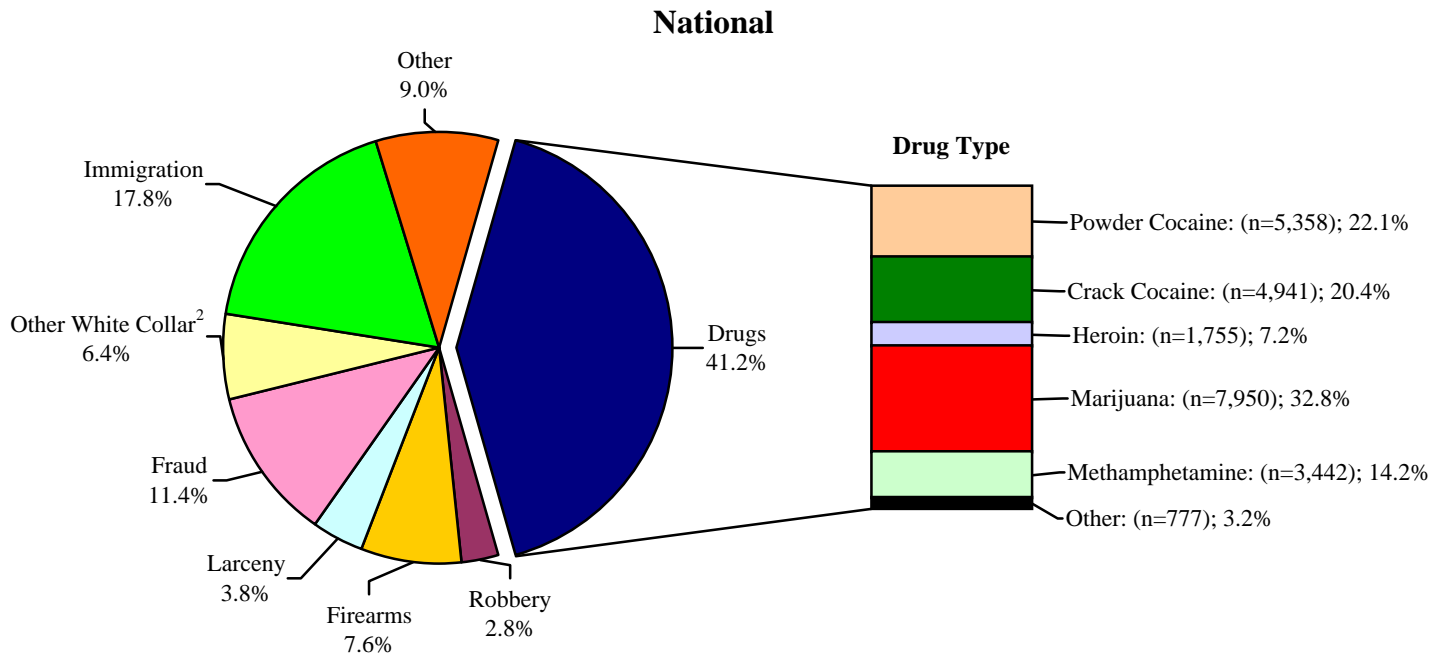


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2001**



<sup>1</sup>Of the 59,897 guideline cases, 1,073 cases were excluded due to one of the following reasons: missing primary offense category (206) or missing drug type (867). Of the 3,775 guideline cases from the State of New York, 59 cases were excluded due to one of the following reasons: missing primary offense category (27) or missing drug type (32).

<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 2001**

PRIMARY OFFENSE	National		New York	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>59,691</b>	<b>100.0</b>	<b>3,748</b>	<b>100.0</b>
Murder	90	0.2	6	0.2
Manslaughter	52	0.1	1	0.0
Kidnapping/Hostage Taking	56	0.1	14	0.4
Sexual Abuse	213	0.4	0	0.0
Assault	443	0.7	9	0.2
Robbery	1,637	2.7	32	0.9
Arson	68	0.1	8	0.2
Drugs - Trafficking	24,031	40.3	1,551	41.4
Drugs - Communication Facility	473	0.8	73	1.9
Drugs - Simple Possession	586	1.0	20	0.5
Firearms	4,489	7.5	212	5.7
Burglary/B&E	38	0.1	0	0.0
Auto Theft	163	0.3	23	0.6
Larceny	2,253	3.8	99	2.6
Fraud	6,691	11.2	670	17.9
Embezzlement	764	1.3	29	0.8
Forgery/Counterfeiting	1,272	2.1	57	1.5
Bribery	254	0.4	91	2.4
Tax	572	1.0	71	1.9
Money Laundering	918	1.5	139	3.7
Racketeering/Extortion	646	1.1	166	4.4
Gambling/Lottery	126	0.2	16	0.4
Civil Rights	106	0.2	3	0.1
Immigration	10,458	17.5	318	8.5
Pornography/Prostitution	569	1.0	19	0.5
Prison Offenses	298	0.5	4	0.1
Administration of Justice Offenses	1,058	1.8	47	1.3
Environmental/Wildlife	189	0.3	13	0.3
National Defense	7	0.0	0	0.0
Antitrust	19	0.0	6	0.2
Food & Drug	75	0.1	6	0.2
Other Miscellaneous Offenses	1,077	1.8	45	1.2

Of the 59,897 guideline cases, 206 cases were excluded due to missing information on primary offense category.

Of the 3,775 guideline cases from the State of New York, 27 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2001**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>59,672</b>	<b>57,637</b>	<b>96.6</b>	<b>2,035</b>	<b>3.4</b>
<b>D.C. CIRCUIT</b>	<b>276</b>	<b>256</b>	<b>92.8</b>	<b>20</b>	<b>7.2</b>
District of Columbia	276	256	92.8	20	7.2
<b>FIRST CIRCUIT</b>	<b>1,643</b>	<b>1,585</b>	<b>96.5</b>	<b>58</b>	<b>3.5</b>
Maine	197	191	97.0	6	3.0
Massachusetts	513	494	96.3	19	3.7
New Hampshire	137	130	94.9	7	5.1
Puerto Rico	695	675	97.1	20	2.9
Rhode Island	101	95	94.1	6	5.9
<b>SECOND CIRCUIT</b>	<b>4,151</b>	<b>4,030</b>	<b>97.1</b>	<b>121</b>	<b>2.9</b>
Connecticut	288	274	95.1	14	4.9
New York					
Eastern	1,332	1,291	96.9	41	3.1
Northern	528	518	98.1	10	1.9
Southern	1,428	1,383	96.8	45	3.2
Western	464	455	98.1	9	1.9
Vermont	111	109	98.2	2	1.8
<b>THIRD CIRCUIT</b>	<b>2,633</b>	<b>2,508</b>	<b>95.3</b>	<b>125</b>	<b>4.7</b>
Delaware	83	82	98.8	1	1.2
New Jersey	853	829	97.2	24	2.8
Pennsylvania					
Eastern	920	865	94.0	55	6.0
Middle	390	370	94.9	20	5.1
Western	293	276	94.2	17	5.8
Virgin Islands	94	86	91.5	8	8.5
<b>FOURTH CIRCUIT</b>	<b>5,480</b>	<b>5,197</b>	<b>94.8</b>	<b>283</b>	<b>5.2</b>
Maryland	610	563	92.3	47	7.7
North Carolina					
Eastern	529	505	95.5	24	4.5
Middle	451	429	95.1	22	4.9
Western	545	515	94.5	30	5.5
South Carolina	804	788	98.0	16	2.0
Virginia					
Eastern	1,602	1,501	93.7	101	6.3
Western	392	372	94.9	20	5.1
West Virginia					
Northern	185	181	97.8	4	2.2
Southern	362	343	94.8	19	5.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>11,538</b>	<b>11,289</b>	<b>97.8</b>	<b>249</b>	<b>2.2</b>
Louisiana					
Eastern	455	445	97.8	10	2.2
Middle	161	156	96.9	5	3.1
Western	283	264	93.3	19	6.7
Mississippi					
Northern	147	141	95.9	6	4.1
Southern	428	415	97.0	13	3.0
Texas					
Eastern	573	556	97.0	17	3.0
Northern	1,164	1,136	97.6	28	2.4
Southern	3,624	3,533	97.5	91	2.5
Western	4,703	4,643	98.7	60	1.3
<b>SIXTH CIRCUIT</b>	<b>4,353</b>	<b>4,200</b>	<b>96.5</b>	<b>153</b>	<b>3.5</b>
Kentucky					
Eastern	580	573	98.8	7	1.2
Western	339	315	92.9	24	7.1
Michigan					
Eastern	730	703	96.3	27	3.7
Western	354	337	95.2	17	4.8
Ohio					
Northern	837	818	97.7	19	2.3
Southern	369	363	98.4	6	1.6
Tennessee					
Eastern	518	495	95.6	23	4.4
Middle	251	239	95.2	12	4.8
Western	375	357	95.2	18	4.8
<b>SEVENTH CIRCUIT</b>	<b>2,449</b>	<b>2,303</b>	<b>94.0</b>	<b>146</b>	<b>6.0</b>
Illinois					
Central	302	289	95.7	13	4.3
Northern	808	756	93.6	52	6.4
Southern	357	336	94.1	21	5.9
Indiana					
Northern	317	294	92.7	23	7.3
Southern	227	216	95.2	11	4.8
Wisconsin					
Eastern	291	273	93.8	18	6.2
Western	147	139	94.6	8	5.4
<b>EIGHTH CIRCUIT</b>	<b>3,566</b>	<b>3,442</b>	<b>96.5</b>	<b>124</b>	<b>3.5</b>
Arkansas					
Eastern	241	237	98.3	4	1.7
Western	145	142	97.9	3	2.1
Iowa					
Northern	333	317	95.2	16	4.8
Southern	314	304	96.8	10	3.2
Minnesota	388	364	93.8	24	6.2
Missouri					
Eastern	560	544	97.1	16	2.9
Western	664	645	97.1	19	2.9
Nebraska	479	469	97.9	10	2.1
North Dakota	150	146	97.3	4	2.7
South Dakota	292	274	93.8	18	6.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>13,911</b>	<b>13,602</b>	<b>97.8</b>	<b>309</b>	<b>2.2</b>
Alaska	194	183	94.3	11	5.7
Arizona	3,120	3,094	99.2	26	0.8
California					
Central	1,605	1,560	97.2	45	2.8
Eastern	851	823	96.7	28	3.3
Northern	831	804	96.8	27	3.2
Southern	4,209	4,141	98.4	68	1.6
Guam	82	81	98.8	1	1.2
Hawaii	357	345	96.6	12	3.4
Idaho	114	106	93.0	8	7.0
Montana	315	291	92.4	24	7.6
Nevada	526	504	95.8	22	4.2
Northern Mariana Islands	16	15	93.8	1	6.3
Oregon	665	653	98.2	12	1.8
Washington					
Eastern	325	322	99.1	3	0.9
Western	701	680	97.0	21	3.0
<b>TENTH CIRCUIT</b>	<b>3,414</b>	<b>3,294</b>	<b>96.5</b>	<b>120</b>	<b>3.5</b>
Colorado	495	473	95.6	22	4.4
Kansas	468	448	95.7	20	4.3
New Mexico	1,357	1,335	98.4	22	1.6
Oklahoma					
Eastern	95	87	91.6	8	8.4
Northern	122	108	88.5	14	11.5
Western	211	193	91.5	18	8.5
Utah	517	505	97.7	12	2.3
Wyoming	149	145	97.3	4	2.7
<b>ELEVENTH CIRCUIT</b>	<b>6,258</b>	<b>5,931</b>	<b>94.8</b>	<b>327</b>	<b>5.2</b>
Alabama					
Middle	170	157	92.4	13	7.6
Northern	376	365	97.1	11	2.9
Southern	287	274	95.5	13	4.5
Florida					
Middle	1,296	1,228	94.8	68	5.2
Northern	374	331	88.5	43	11.5
Southern	2,313	2,200	95.1	113	4.9
Georgia					
Middle	367	345	94.0	22	6.0
Northern	742	712	96.0	30	4.0
Southern	333	319	95.8	14	4.2

Of the 59,897 guideline cases, 225 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

PRIMARY OFFENSE	TOTAL	National				New York			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>59,642</b>	<b>57,607</b>	<b>96.6</b>	<b>2,035</b>	<b>3.4</b>	<b>3,637</b>	<b>97.2</b>	<b>105</b>	<b>2.8</b>
<b>Murder</b>	<b>90</b>	75	83.3	15	16.7	5	83.3	1	16.7
<b>Manslaughter</b>	<b>52</b>	49	94.2	3	5.8	1	100.0	0	0.0
<b>Kidnapping/Hostage Taking</b>	<b>56</b>	46	82.1	10	17.9	14	100.0	0	0.0
<b>Sexual Abuse</b>	<b>213</b>	202	94.8	11	5.2	0	--	0	--
<b>Assault</b>	<b>442</b>	404	91.4	38	8.6	8	88.9	1	11.1
<b>Robbery</b>	<b>1,636</b>	1,583	96.8	53	3.2	31	96.9	1	3.1
<b>Arson</b>	<b>68</b>	61	89.7	7	10.3	6	75.0	2	25.0
<b>Drugs - Trafficking</b>	<b>24,016</b>	23,204	96.6	812	3.4	1,515	97.7	35	2.3
<b>Drugs - Communication Facility</b>	<b>473</b>	471	99.6	2	0.4	72	98.6	1	1.4
<b>Drugs - Simple Possession</b>	<b>585</b>	569	97.3	16	2.7	19	95.0	1	5.0
<b>Firearms</b>	<b>4,484</b>	4,195	93.6	289	6.4	201	94.8	11	5.2
<b>Burglary/B&amp;E</b>	<b>38</b>	36	94.7	2	5.3	0	--	0	--
<b>Auto Theft</b>	<b>163</b>	157	96.3	6	3.7	23	100.0	0	0.0
<b>Larceny</b>	<b>2,253</b>	2,189	97.2	64	2.8	97	98.0	2	2.0
<b>Fraud</b>	<b>6,686</b>	6,453	96.5	233	3.5	651	97.3	18	2.7
<b>Embezzlement</b>	<b>763</b>	754	98.8	9	1.2	29	100.0	0	0.0
<b>Forgery/Counterfeiting</b>	<b>1,272</b>	1,255	98.7	17	1.3	57	100.0	0	0.0
<b>Bribery</b>	<b>254</b>	239	94.1	15	5.9	88	96.7	3	3.3
<b>Tax</b>	<b>572</b>	525	91.8	47	8.2	69	97.2	2	2.8
<b>Money Laundering</b>	<b>915</b>	851	93.0	64	7.0	133	95.7	6	4.3
<b>Racketeering/Extortion</b>	<b>645</b>	583	90.4	62	9.6	156	94.0	10	6.0
<b>Gambling/Lottery</b>	<b>126</b>	124	98.4	2	1.6	16	100.0	0	0.0
<b>Civil Rights</b>	<b>106</b>	102	96.2	4	3.8	3	100.0	0	0.0
<b>Immigration</b>	<b>10,447</b>	10,341	99.0	106	1.0	312	98.4	5	1.6
<b>Pornography/Prostitution</b>	<b>567</b>	540	95.2	27	4.8	17	94.4	1	5.6
<b>Prison Offenses</b>	<b>298</b>	285	95.6	13	4.4	3	75.0	1	25.0
<b>Administration of Justice Offenses</b>	<b>1,057</b>	1,022	96.7	35	3.3	45	97.8	1	2.2
<b>Environmental/Wildlife</b>	<b>189</b>	180	95.2	9	4.8	12	92.3	1	7.7
<b>National Defense</b>	<b>7</b>	6	85.7	1	14.3	0	--	0	--
<b>Antitrust</b>	<b>19</b>	19	100.0	0	0.0	6	100.0	0	0.0
<b>Food &amp; Drug</b>	<b>75</b>	72	96.0	3	4.0	6	100.0	0	0.0
<b>Other Miscellaneous Offenses</b>	<b>1,075</b>	1,015	94.4	60	5.6	42	95.5	2	4.5

Of the 59,897 guideline cases, 255 cases were excluded due to one or both of the following reasons: missing primary offense category (206) or missing mode of conviction (225).

Of the 3,775 guideline cases from the State of New York, 33 cases were excluded due to one or both of the following reasons: missing primary offense category (27) or missing mode of conviction (23).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2001**

**National**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>58,589</b>	<b>47,954</b>	<b>81.8</b>	<b>2,235</b>	<b>3.8</b>	<b>3,256</b>	<b>5.6</b>	<b>5,144</b>	<b>8.8</b>
Murder	87	85	97.7	2	2.3	0	0.0	0	0.0
Manslaughter	52	46	88.5	4	7.7	0	0.0	2	3.8
Kidnapping/Hostage Taking	55	54	98.2	1	1.8	0	0.0	0	0.0
Sexual Abuse	210	185	88.1	5	2.4	10	4.8	10	4.8
Assault	431	345	80.0	14	3.2	17	3.9	55	12.8
Robbery	1,613	1,572	97.5	18	1.1	11	0.7	12	0.7
Arson	67	57	85.1	0	0.0	5	7.5	5	7.5
Drugs - Trafficking	23,753	22,272	93.8	497	2.1	470	2.0	514	2.2
Drugs - Communication Facility	468	378	80.8	12	2.6	48	10.3	30	6.4
Drugs - Simple Possession	552	255	46.2	3	0.5	32	5.8	262	47.5
Firearms	4,435	3,929	88.6	159	3.6	169	3.8	178	4.0
Burglary/B&E	38	35	92.1	0	0.0	1	2.6	2	5.3
Auto Theft	161	126	78.3	8	5.0	10	6.2	17	10.6
Larceny	2,185	826	37.8	164	7.5	395	18.1	800	36.6
Fraud	6,540	3,810	58.3	713	10.9	958	14.6	1,059	16.2
Embezzlement	739	258	34.9	175	23.7	108	14.6	198	26.8
Forgery/Counterfeiting	1,255	694	55.3	97	7.7	190	15.1	274	21.8
Bribery	246	87	35.4	7	2.8	36	14.6	116	47.2
Tax	564	228	40.4	69	12.2	150	26.6	117	20.7
Money Laundering	892	676	75.8	34	3.8	80	9.0	102	11.4
Racketeering/Extortion	634	562	88.6	16	2.5	36	5.7	20	3.2
Gambling/Lottery	126	38	30.2	11	8.7	37	29.4	40	31.7
Civil Rights	102	42	41.2	4	3.9	11	10.8	45	44.1
Immigration	10,200	9,614	94.3	102	1.0	129	1.3	355	3.5
Pornography/Prostitution	562	494	87.9	7	1.2	34	6.0	27	4.8
Prison Offenses	295	265	89.8	9	3.1	10	3.4	11	3.7
Administration of Justice Offenses	1,039	570	54.9	48	4.6	135	13.0	286	27.5
Environmental/Wildlife	175	45	25.7	10	5.7	36	20.6	84	48.0
National Defense	7	5	71.4	1	14.3	0	0.0	1	14.3
Antitrust	19	4	21.1	3	15.8	8	42.1	4	21.1
Food & Drug	74	16	21.6	2	2.7	13	17.6	43	58.1
Other Miscellaneous Offenses	1,013	381	37.6	40	3.9	117	11.5	475	46.9

Of the 59,897 guideline cases, 1,308 cases were excluded due to one or more of the following reasons: missing sentencing information (396), missing primary offense category (206), or cases in which the defendant received no imprisonment or probation (845).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2001**

New York

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>3,679</b>	<b>2,763</b>	<b>75.1</b>	<b>127</b>	<b>3.5</b>	<b>286</b>	<b>7.8</b>	<b>503</b>	<b>13.7</b>
Murder	6	5	83.3	1	16.7	0	0.0	0	0.0
Manslaughter	1	1	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	14	14	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	0	0	--	0	--	0	--	0	--
Assault	9	7	77.8	0	0.0	1	11.1	1	11.1
Robbery	31	28	90.3	1	3.2	1	3.2	1	3.2
Arson	8	8	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	1,537	1,394	90.7	29	1.9	47	3.1	67	4.4
Drugs - Communication Facility	73	45	61.6	1	1.4	10	13.7	17	23.3
Drugs - Simple Possession	18	8	44.4	0	0.0	2	11.1	8	44.4
Firearms	211	183	86.7	5	2.4	8	3.8	15	7.1
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	23	16	69.6	3	13.0	1	4.3	3	13.0
Larceny	94	38	40.4	2	2.1	21	22.3	33	35.1
Fraud	648	367	56.6	45	6.9	94	14.5	142	21.9
Embezzlement	26	7	26.9	8	30.8	4	15.4	7	26.9
Forgery/Counterfeiting	56	24	42.9	7	12.5	11	19.6	14	25.0
Bribery	90	14	15.6	1	1.1	8	8.9	67	74.4
Tax	68	29	42.6	0	0.0	15	22.1	24	35.3
Money Laundering	137	89	65.0	6	4.4	17	12.4	25	18.2
Racketeering/Extortion	163	151	92.6	3	1.8	4	2.5	5	3.1
Gambling/Lottery	16	6	37.5	2	12.5	3	18.8	5	31.3
Civil Rights	3	1	33.3	0	0.0	0	0.0	2	66.7
Immigration	311	253	81.4	5	1.6	15	4.8	38	12.2
Pornography/Prostitution	19	15	78.9	0	0.0	1	5.3	3	15.8
Prison Offenses	4	3	75.0	0	0.0	0	0.0	1	25.0
Administration of Justice Offenses	47	25	53.2	3	6.4	7	14.9	12	25.5
Environmental/Wildlife	12	6	50.0	0	0.0	5	41.7	1	8.3
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	6	1	16.7	2	33.3	2	33.3	1	16.7
Food & Drug	6	2	33.3	0	0.0	0	0.0	4	66.7
Other Miscellaneous Offenses	42	23	54.8	3	7.1	9	21.4	7	16.7

Of the 3,775 guideline cases from the State of New York, 96 cases were excluded due to one or more of the following reasons: missing sentencing information (23), missing primary offense category (27), or cases in which the defendant received no imprisonment or probation (57).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

PRIMARY OFFENSE	TOTAL	National				New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>10,137</b>	<b>4,304</b>	<b>42.5</b>	<b>5,833</b>	<b>57.5</b>	<b>165</b>	<b>27.6</b>	<b>432</b>	<b>72.4</b>
<b>Fraud</b>	<b>2,133</b>	777	36.4	1,356	63.6	52	29.5	124	70.5
<b>Larceny</b>	<b>1,328</b>	255	19.2	1,073	80.8	11	20.0	44	80.0
<b>Immigration</b>	<b>2,378</b>	1,955	82.2	423	17.8	50	56.2	39	43.8
<b>Embezzlement</b>	<b>434</b>	155	35.7	279	64.3	4	30.8	9	69.2
<b>Drugs - Trafficking</b>	<b>522</b>	223	42.7	299	57.3	7	18.9	30	81.1
<b>Drugs - Simple Possession</b>	<b>464</b>	179	38.6	285	61.4	2	18.2	9	81.8
<b>Firearms</b>	<b>271</b>	125	46.1	146	53.9	9	60.0	6	40.0
<b>Forgery/Counterfeiting</b>	<b>538</b>	146	27.1	392	72.9	6	26.1	17	73.9
<b>Other Miscellaneous Offenses</b>	<b>2,069</b>	489	23.6	1,580	76.4	24	13.5	154	86.5

Of the 59,897 guideline cases, 49,760 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (49,664), missing sentencing information (396) or missing primary offense category (206).

Of the 3,775 guideline cases from the State of New York, 3,178 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (3,165), missing sentencing information (23) or missing primary offense category (27).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

PRIMARY OFFENSE	National			New York		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>54.9</b>	<b>33.0</b>	<b>49,613</b>	<b>51.9</b>	<b>36.0</b>	<b>2,773</b>
<b>Murder</b>	210.6	153.5	86	93.0	63.0	6
<b>Manslaughter</b>	34.1	21.0	50	--	--	1
<b>Kidnapping/Hostage Taking</b>	184.8	127.5	52	75.4	66.0	11
<b>Sexual Abuse</b>	65.2	36.0	189	--	--	0
<b>Assault</b>	37.4	30.0	351	16.0	12.0	5
<b>Robbery</b>	95.7	70.0	1,585	102.1	63.0	29
<b>Arson</b>	97.3	60.0	57	39.0	24.0	8
<b>Drugs - Trafficking</b>	72.7	51.0	22,622	60.5	46.0	1,381
<b>Drugs - Communication Facility</b>	47.8	48.0	390	52.4	48.0	46
<b>Drugs - Simple Possession</b>	15.7	6.0	245	13.0	12.0	7
<b>Firearms</b>	72.0	46.0	4,082	53.0	37.0	188
<b>Burglary/B&amp;E</b>	24.1	20.0	35	--	--	0
<b>Auto Theft</b>	59.7	24.0	132	29.8	21.0	17
<b>Larceny</b>	15.7	12.0	975	17.1	12.0	40
<b>Fraud</b>	18.7	14.0	4,432	21.6	18.0	385
<b>Embezzlement</b>	7.9	5.0	421	6.5	4.0	13
<b>Forgery/Counterfeiting</b>	17.0	15.0	778	12.0	10.0	27
<b>Bribery</b>	19.0	12.0	91	10.6	8.0	13
<b>Tax</b>	16.6	12.0	296	21.7	15.0	29
<b>Money Laundering</b>	47.7	37.0	702	35.4	31.5	92
<b>Racketeering/Extortion</b>	105.2	60.0	573	120.0	80.0	149
<b>Gambling/Lottery</b>	12.1	9.0	48	8.9	6.0	8
<b>Civil Rights</b>	29.2	19.5	46	--	--	1
<b>Immigration</b>	27.8	24.0	9,499	36.5	40.0	235
<b>Pornography/Prostitution</b>	59.1	36.0	499	55.0	33.0	15
<b>Prison Offenses</b>	18.0	12.0	272	38.3	27.0	3
<b>Administration of Justice Offenses</b>	25.2	18.0	604	22.8	19.0	28
<b>Environmental/Wildlife</b>	13.7	10.0	55	21.7	25.5	6
<b>National Defense</b>	31.0	30.0	5	--	--	0
<b>Antitrust</b>	8.4	6.0	7	8.3	6.0	3
<b>Food &amp; Drug</b>	20.0	15.0	18	--	--	2
<b>Other Miscellaneous Offenses</b>	19.4	10.0	416	26.2	20.0	25

Of the 59,897 guideline cases, 10,284 cases were excluded for one or more of the following reasons: zero months prison ordered (9,247), missing primary offense category (206) or missing or indeterminable sentencing information (977).

Of the 3,775 guideline cases from the State of New York, 1,002 cases were excluded due to one or more of the following reasons: zero prison months ordered (849), missing primary offense category (27) or missing or indeterminable sentencing information (140).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 8**

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
Fiscal Year 2001**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>54,851</b>	<b>35,128</b>	<b>64.0</b>	<b>9,390</b>	<b>17.1</b>	<b>10,026</b>	<b>18.3</b>	<b>307</b>	<b>0.6</b>
<b>D.C. CIRCUIT</b>	<b>260</b>	<b>194</b>	<b>74.6</b>	<b>36</b>	<b>13.8</b>	<b>29</b>	<b>11.2</b>	<b>1</b>	<b>0.4</b>
District of Columbia	260	194	74.6	36	13.8	29	11.2	1	0.4
<b>FIRST CIRCUIT</b>	<b>1,478</b>	<b>1,083</b>	<b>73.3</b>	<b>216</b>	<b>14.6</b>	<b>173</b>	<b>11.7</b>	<b>6</b>	<b>0.4</b>
Maine	195	145	74.4	45	23.1	5	2.6	0	0.0
Massachusetts	484	296	61.2	83	17.1	100	20.7	5	1.0
New Hampshire	137	81	59.1	42	30.7	14	10.2	0	0.0
Puerto Rico	562	483	85.9	38	6.8	41	7.3	0	0.0
Rhode Island	100	78	78.0	8	8.0	13	13.0	1	1.0
<b>SECOND CIRCUIT</b>	<b>3,919</b>	<b>2,255</b>	<b>57.5</b>	<b>851</b>	<b>21.7</b>	<b>798</b>	<b>20.4</b>	<b>15</b>	<b>0.4</b>
Connecticut	281	151	53.7	33	11.7	95	33.8	2	0.7
New York									
Eastern	1,216	632	52.0	236	19.4	345	28.4	3	0.2
Northern	495	224	45.3	147	29.7	123	24.8	1	0.2
Southern	1,364	942	69.1	250	18.3	167	12.2	5	0.4
Western	452	250	55.3	157	34.7	42	9.3	3	0.7
Vermont	111	56	50.5	28	25.2	26	23.4	1	0.9
<b>THIRD CIRCUIT</b>	<b>2,558</b>	<b>1,539</b>	<b>60.2</b>	<b>782</b>	<b>30.6</b>	<b>225</b>	<b>8.8</b>	<b>12</b>	<b>0.5</b>
Delaware	81	62	76.5	14	17.3	5	6.2	0	0.0
New Jersey	842	530	62.9	216	25.7	94	11.2	2	0.2
Pennsylvania									
Eastern	909	475	52.3	366	40.3	63	6.9	5	0.6
Middle	365	206	56.4	122	33.4	34	9.3	3	0.8
Western	271	196	72.3	52	19.2	23	8.5	0	0.0
Virgin Islands	90	70	77.8	12	13.3	6	6.7	2	2.2
<b>FOURTH CIRCUIT</b>	<b>4,676</b>	<b>3,444</b>	<b>73.7</b>	<b>946</b>	<b>20.2</b>	<b>245</b>	<b>5.2</b>	<b>41</b>	<b>0.9</b>
Maryland	579	321	55.4	161	27.8	92	15.9	5	0.9
North Carolina									
Eastern	500	319	63.8	144	28.8	24	4.8	13	2.6
Middle	440	352	80.0	65	14.8	13	3.0	10	2.3
Western	464	250	53.9	177	38.1	36	7.8	1	0.2
South Carolina	739	557	75.4	167	22.6	15	2.0	0	0.0
Virginia									
Eastern	1,055	940	89.1	73	6.9	37	3.5	5	0.5
Western	379	257	67.8	114	30.1	7	1.8	1	0.3
West Virginia									
Northern	182	158	86.8	11	6.0	11	6.0	2	1.1
Southern	338	290	85.8	34	10.1	10	3.0	4	1.2

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>11,149</b>	<b>7,708</b>	<b>69.1</b>	<b>1,369</b>	<b>12.3</b>	<b>2,013</b>	<b>18.1</b>	<b>59</b>	<b>0.5</b>
<b>Louisiana</b>									
Eastern	442	363	82.1	36	8.1	43	9.7	0	0.0
Middle	154	116	75.3	24	15.6	12	7.8	2	1.3
Western	264	203	76.9	45	17.0	14	5.3	2	0.8
<b>Mississippi</b>									
Northern	142	81	57.0	47	33.1	14	9.9	0	0.0
Southern	416	330	79.3	66	15.9	19	4.6	1	0.2
<b>Texas</b>									
Eastern	527	409	77.6	61	11.6	52	9.9	5	0.9
Northern	1,136	812	71.5	236	20.8	74	6.5	14	1.2
Southern	3,545	2,429	68.5	477	13.5	622	17.5	17	0.5
Western	4,523	2,965	65.6	377	8.3	1,163	25.7	18	0.4
<b>SIXTH CIRCUIT</b>	<b>4,184</b>	<b>2,723</b>	<b>65.1</b>	<b>1,138</b>	<b>27.2</b>	<b>304</b>	<b>7.3</b>	<b>19</b>	<b>0.5</b>
<b>Kentucky</b>									
Eastern	566	368	65.0	190	33.6	8	1.4	0	0.0
Western	291	238	81.8	33	11.3	20	6.9	0	0.0
<b>Michigan</b>									
Eastern	699	427	61.1	218	31.2	52	7.4	2	0.3
Western	347	222	64.0	90	25.9	32	9.2	3	0.9
<b>Ohio</b>									
Northern	815	557	68.3	177	21.7	78	9.6	3	0.4
Southern	361	193	53.5	123	34.1	42	11.6	3	0.8
<b>Tennessee</b>									
Eastern	518	352	68.0	131	25.3	34	6.6	1	0.2
Middle	228	133	58.3	76	33.3	19	8.3	0	0.0
Western	359	233	64.9	100	27.9	19	5.3	7	1.9
<b>SEVENTH CIRCUIT</b>	<b>2,389</b>	<b>1,696</b>	<b>71.0</b>	<b>506</b>	<b>21.2</b>	<b>164</b>	<b>6.9</b>	<b>23</b>	<b>1.0</b>
<b>Illinois</b>									
Central	291	154	52.9	118	40.5	18	6.2	1	0.3
Northern	786	512	65.1	178	22.6	86	10.9	10	1.3
Southern	358	305	85.2	36	10.1	17	4.7	0	0.0
<b>Indiana</b>									
Northern	304	228	75.0	63	20.7	13	4.3	0	0.0
Southern	225	146	64.9	65	28.9	9	4.0	5	2.2
<b>Wisconsin</b>									
Eastern	281	230	81.9	34	12.1	16	5.7	1	0.4
Western	144	121	84.0	12	8.3	5	3.5	6	4.2
<b>EIGHTH CIRCUIT</b>	<b>3,486</b>	<b>2,329</b>	<b>66.8</b>	<b>767</b>	<b>22.0</b>	<b>367</b>	<b>10.5</b>	<b>23</b>	<b>0.7</b>
<b>Arkansas</b>									
Eastern	239	198	82.8	31	13.0	10	4.2	0	0.0
Western	144	108	75.0	32	22.2	4	2.8	0	0.0
<b>Iowa</b>									
Northern	322	206	64.0	84	26.1	26	8.1	6	1.9
Southern	302	158	52.3	92	30.5	52	17.2	0	0.0
Minnesota	379	231	60.9	73	19.3	73	19.3	2	0.5
<b>Missouri</b>									
Eastern	544	397	73.0	115	21.1	32	5.9	0	0.0
Western	659	382	58.0	242	36.7	31	4.7	4	0.6
<b>Nebraska</b>									
Nebraska	466	325	69.7	54	11.6	87	18.7	0	0.0
<b>North Dakota</b>									
North Dakota	148	97	65.5	27	18.2	22	14.9	2	1.4
<b>South Dakota</b>									
South Dakota	283	227	80.2	17	6.0	30	10.6	9	3.2

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>11,808</b>	<b>5,921</b>	<b>50.1</b>	<b>1,267</b>	<b>10.7</b>	<b>4,568</b>	<b>38.7</b>	<b>52</b>	<b>0.4</b>
Alaska	188	137	72.9	19	10.1	32	17.0	0	0.0
Arizona	3,009	895	29.7	202	6.7	1,889	62.8	23	0.8
California									
Central	687	550	80.1	61	8.9	74	10.8	2	0.3
Eastern	833	599	71.9	168	20.2	66	7.9	0	0.0
Northern	798	527	66.0	73	9.1	192	24.1	6	0.8
Southern	3,459	1,429	41.3	276	8.0	1,747	50.5	7	0.2
Guam	71	55	77.5	14	19.7	1	1.4	1	1.4
Hawaii	344	221	64.2	82	23.8	37	10.8	4	1.2
Idaho	112	71	63.4	25	22.3	15	13.4	1	0.9
Montana	304	196	64.5	70	23.0	36	11.8	2	0.7
Nevada	523	383	73.2	64	12.2	74	14.1	2	0.4
Northern Mariana Islands	16	8	50.0	8	50.0	0	0.0	0	0.0
Oregon	585	389	66.5	84	14.4	109	18.6	3	0.5
Washington									
Eastern	309	127	41.1	22	7.1	160	51.8	0	0.0
Western	570	334	58.6	99	17.4	136	23.9	1	0.2
<b>TENTH CIRCUIT</b>	<b>2,979</b>	<b>1,936</b>	<b>65.0</b>	<b>327</b>	<b>11.0</b>	<b>695</b>	<b>23.3</b>	<b>21</b>	<b>0.7</b>
Colorado	470	293	62.3	110	23.4	66	14.0	1	0.2
Kansas	442	315	71.3	75	17.0	51	11.5	1	0.2
New Mexico	1,311	714	54.5	86	6.6	507	38.7	4	0.3
Oklahoma									
Eastern	93	70	75.3	2	2.2	19	20.4	2	2.2
Northern	119	96	80.7	10	8.4	11	9.2	2	1.7
Western	203	161	79.3	24	11.8	10	4.9	8	3.9
Utah	198	180	90.9	1	0.5	17	8.6	0	0.0
Wyoming	143	107	74.8	19	13.3	14	9.8	3	2.1
<b>ELEVENTH CIRCUIT</b>	<b>5,965</b>	<b>4,300</b>	<b>72.1</b>	<b>1,185</b>	<b>19.9</b>	<b>445</b>	<b>7.5</b>	<b>35</b>	<b>0.6</b>
Alabama									
Middle	154	77	50.0	55	35.7	22	14.3	0	0.0
Northern	358	255	71.2	88	24.6	12	3.4	3	0.8
Southern	284	193	68.0	64	22.5	23	8.1	4	1.4
Florida									
Middle	1,273	851	66.8	332	26.1	84	6.6	6	0.5
Northern	362	246	68.0	92	25.4	17	4.7	7	1.9
Southern	2,171	1,737	80.0	289	13.3	140	6.4	5	0.2
Georgia									
Middle	330	227	68.8	79	23.9	21	6.4	3	0.9
Northern	709	471	66.4	128	18.1	105	14.8	5	0.7
Southern	324	243	75.0	58	17.9	21	6.5	2	0.6

Of the 59,897 guideline cases, 324 cases with no analogous guidelines were excluded from the table. Of the remaining 59,573 cases, 4,722 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Utah (61.6%), Central California (58.0%), Eastern Virginia (32.5%), Puerto Rico (18.9%), Southern California (18.0%), Western Washington (15.7%), Western North Carolina (15.0%), Guam (13.4%), Western Kentucky (11.8%), Oregon (10.8%), Eastern New York (10.1%), Middle Alabama (8.9%), Middle Georgia (8.3%), South Carolina (7.9%), Western Pennsylvania (7.8%), Eastern Texas (6.7%), Western Louisiana (6.7%), Middle Pennsylvania (6.4%), Northern New York (6.3%), Southern Florida (6.2%), Eastern North Carolina (6.2%), Southern West Virginia (5.8%), Massachusetts (5.8%), and Eastern Washington (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

**National**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>54,785</b>	<b>35,096</b>	<b>64.1</b>	<b>9,369</b>	<b>17.1</b>	<b>10,013</b>	<b>18.3</b>	<b>307</b>	<b>0.6</b>
Robbery	1,511	1,098	72.7	214	14.2	183	12.1	16	1.1
Drugs - Trafficking	22,882	12,720	55.6	6,023	26.3	4,101	17.9	38	0.2
Drugs - Simple Possession	453	421	92.9	15	3.3	11	2.4	6	1.3
Firearms	4,113	3,087	75.1	507	12.3	484	11.8	35	0.9
Larceny	2,019	1,688	83.6	160	7.9	148	7.3	23	1.1
Fraud	6,080	4,297	70.7	1,055	17.4	669	11.0	59	1.0
Embezzlement	707	579	81.9	24	3.4	103	14.6	1	0.1
Forgery/Counterfeiting	1,179	946	80.2	136	11.5	84	7.1	13	1.1
Immigration	9,277	5,680	61.2	258	2.8	3,310	35.7	29	0.3
Other Miscellaneous Offenses	6,564	4,580	69.8	977	14.9	920	14.0	87	1.3

**New York**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>3,511</b>	<b>2,039</b>	<b>58.1</b>	<b>788</b>	<b>22.4</b>	<b>672</b>	<b>19.1</b>	<b>12</b>	<b>0.3</b>
Robbery	31	20	64.5	4	12.9	7	22.6	0	0.0
Drugs - Trafficking	1,480	763	51.6	451	30.5	264	17.8	2	0.1
Drugs - Simple Possession	17	13	76.5	4	23.5	0	0.0	0	0.0
Firearms	201	155	77.1	25	12.4	19	9.5	2	1.0
Larceny	88	70	79.5	6	6.8	12	13.6	0	0.0
Fraud	623	377	60.5	132	21.2	107	17.2	7	1.1
Embezzlement	21	15	71.4	0	0.0	6	28.6	0	0.0
Forgery/Counterfeiting	53	38	71.7	7	13.2	8	15.1	0	0.0
Immigration	294	200	68.0	22	7.5	71	24.1	1	0.3
Other Miscellaneous Offenses	703	388	55.2	137	19.5	178	25.3	0	0.0

Of the 59,897 guideline cases, 5,112 cases were excluded due to one or more of the following reasons: no analogous guidelines (324), missing or indeterminable departure information (4,722) or missing primary offense category (206).

Of the 3,775 guideline cases from the State of New York, 264 cases were excluded due to one or more of the following reasons: no analogous guidelines (7), missing or indeterminable departure information (241) or missing primary offense category (27).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.