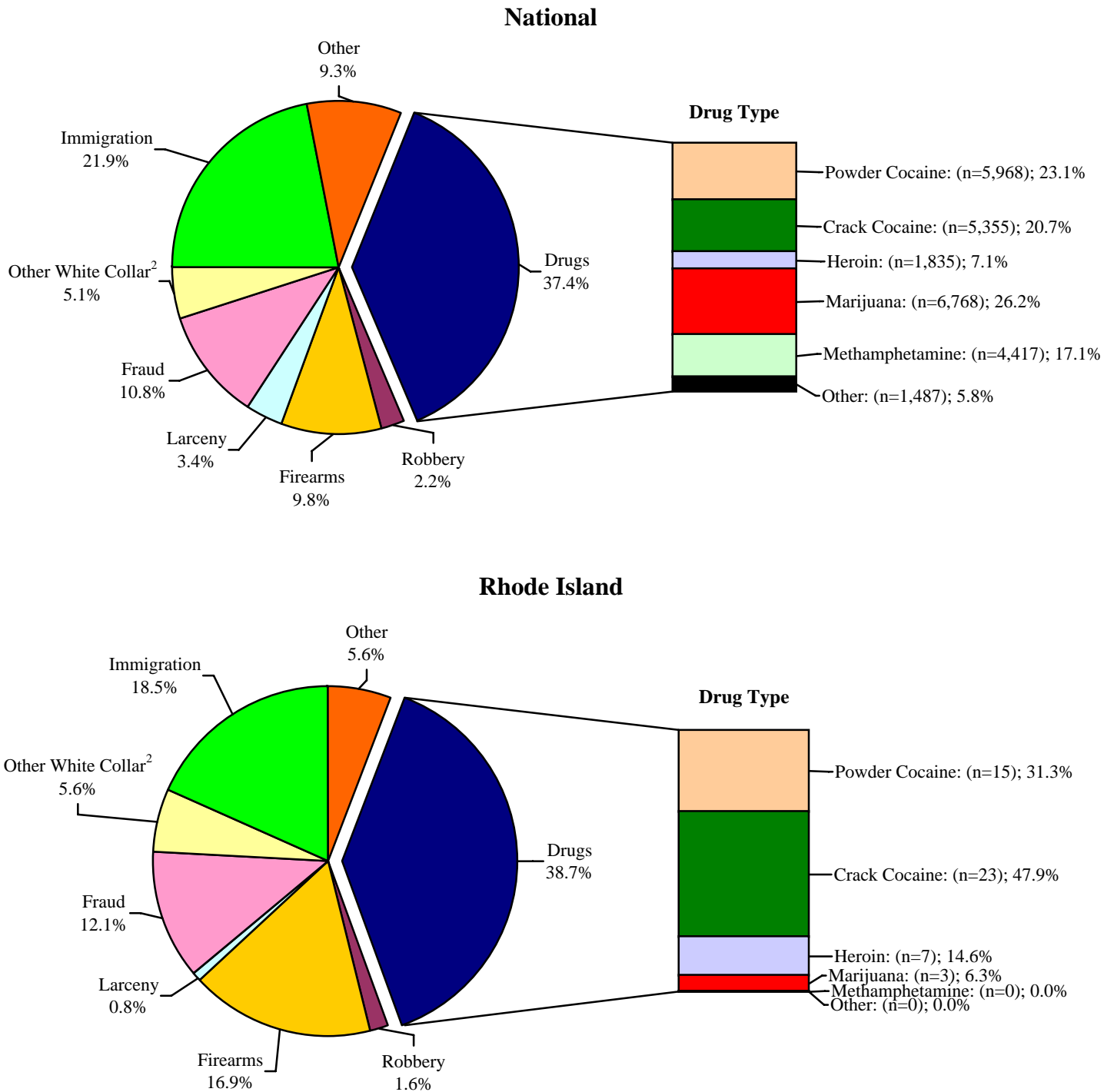


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2003**



<sup>1</sup>Of the 70,258 guideline cases, 1,245 cases were excluded due to one of the following reasons: missing primary offense category (578) or missing drug type (667). Of the 124 guideline cases from the District of Rhode Island, no case was excluded.

<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 2003**

| PRIMARY OFFENSE                    | National      |              | Rhode Island |              |
|------------------------------------|---------------|--------------|--------------|--------------|
|                                    | Number        | Percent      | Number       | Percent      |
| <b>TOTAL</b>                       | <b>69,680</b> | <b>100.0</b> | <b>124</b>   | <b>100.0</b> |
| Murder                             | 80            | 0.1          | 0            | 0.0          |
| Manslaughter                       | 48            | 0.1          | 0            | 0.0          |
| Kidnapping/Hostage Taking          | 59            | 0.1          | 0            | 0.0          |
| Sexual Abuse                       | 272           | 0.4          | 0            | 0.0          |
| Assault                            | 546           | 0.8          | 0            | 0.0          |
| Robbery                            | 1,537         | 2.2          | 2            | 1.6          |
| Arson                              | 82            | 0.1          | 0            | 0.0          |
| Drugs - Trafficking                | 24,882        | 35.7         | 47           | 37.9         |
| Drugs - Communication Facility     | 393           | 0.6          | 0            | 0.0          |
| Drugs - Simple Possession          | 1,222         | 1.8          | 1            | 0.8          |
| Firearms                           | 6,795         | 9.8          | 21           | 16.9         |
| Burglary/B&E                       | 51            | 0.1          | 0            | 0.0          |
| Auto Theft                         | 142           | 0.2          | 3            | 2.4          |
| Larceny                            | 2,362         | 3.4          | 1            | 0.8          |
| Fraud                              | 7,468         | 10.7         | 15           | 12.1         |
| Embezzlement                       | 761           | 1.1          | 1            | 0.8          |
| Forgery/Counterfeiting             | 1,267         | 1.8          | 0            | 0.0          |
| Bribery                            | 169           | 0.2          | 2            | 1.6          |
| Tax                                | 490           | 0.7          | 4            | 3.2          |
| Money Laundering                   | 831           | 1.2          | 0            | 0.0          |
| Racketeering/Extortion             | 823           | 1.2          | 0            | 0.0          |
| Gambling/Lottery                   | 90            | 0.1          | 0            | 0.0          |
| Civil Rights                       | 66            | 0.1          | 0            | 0.0          |
| Immigration                        | 15,081        | 21.6         | 23           | 18.5         |
| Pornography/Prostitution           | 801           | 1.1          | 0            | 0.0          |
| Prison Offenses                    | 370           | 0.5          | 0            | 0.0          |
| Administration of Justice Offenses | 1,044         | 1.5          | 1            | 0.8          |
| Environmental/Wildlife             | 143           | 0.2          | 1            | 0.8          |
| National Defense                   | 21            | 0.0          | 0            | 0.0          |
| Antitrust                          | 12            | 0.0          | 0            | 0.0          |
| Food & Drug                        | 78            | 0.1          | 0            | 0.0          |
| Other Miscellaneous Offenses       | 1,694         | 2.4          | 2            | 1.6          |

Of the 70,258 guideline cases, 578 cases were excluded due to missing information on primary offense category.

Of the 124 guideline cases from the District of Rhode Island, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2003**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>69,624</b> | <b>66,628</b> | <b>95.7</b> | <b>2,996</b> | <b>4.3</b> |
| <b>D.C. CIRCUIT</b>   | <b>504</b>    | <b>463</b>    | <b>91.9</b> | <b>41</b>    | <b>8.1</b> |
| District of Columbia  | 504           | 463           | 91.9        | 41           | 8.1        |
| <b>FIRST CIRCUIT</b>  | <b>1,886</b>  | <b>1,788</b>  | <b>94.8</b> | <b>98</b>    | <b>5.2</b> |
| Maine                 | 170           | 159           | 93.5        | 11           | 6.5        |
| Massachusetts         | 565           | 519           | 91.9        | 46           | 8.1        |
| New Hampshire         | 187           | 183           | 97.9        | 4            | 2.1        |
| Puerto Rico           | 840           | 809           | 96.3        | 31           | 3.7        |
| Rhode Island          | 124           | 118           | 95.2        | 6            | 4.8        |
| <b>SECOND CIRCUIT</b> | <b>5,144</b>  | <b>4,889</b>  | <b>95.0</b> | <b>255</b>   | <b>5.0</b> |
| Connecticut           | 402           | 379           | 94.3        | 23           | 5.7        |
| New York              |               |               |             |              |            |
| Eastern               | 1,854         | 1,785         | 96.3        | 69           | 3.7        |
| Northern              | 394           | 381           | 96.7        | 13           | 3.3        |
| Southern              | 1,823         | 1,695         | 93.0        | 128          | 7.0        |
| Western               | 497           | 479           | 96.4        | 18           | 3.6        |
| Vermont               | 174           | 170           | 97.7        | 4            | 2.3        |
| <b>THIRD CIRCUIT</b>  | <b>2,819</b>  | <b>2,662</b>  | <b>94.4</b> | <b>157</b>   | <b>5.6</b> |
| Delaware              | 153           | 146           | 95.4        | 7            | 4.6        |
| New Jersey            | 871           | 836           | 96.0        | 35           | 4.0        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 975           | 903           | 92.6        | 72           | 7.4        |
| Middle                | 341           | 322           | 94.4        | 19           | 5.6        |
| Western               | 386           | 371           | 96.1        | 15           | 3.9        |
| Virgin Islands        | 93            | 84            | 90.3        | 9            | 9.7        |
| <b>FOURTH CIRCUIT</b> | <b>6,363</b>  | <b>6,002</b>  | <b>94.3</b> | <b>361</b>   | <b>5.7</b> |
| Maryland              | 594           | 540           | 90.9        | 54           | 9.1        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 654           | 624           | 95.4        | 30           | 4.6        |
| Middle                | 352           | 329           | 93.5        | 23           | 6.5        |
| Western               | 592           | 554           | 93.6        | 38           | 6.4        |
| South Carolina        | 1,045         | 1,006         | 96.3        | 39           | 3.7        |
| Virginia              |               |               |             |              |            |
| Eastern               | 1,975         | 1,868         | 94.6        | 107          | 5.4        |
| Western               | 573           | 537           | 93.7        | 36           | 6.3        |
| West Virginia         |               |               |             |              |            |
| Northern              | 264           | 255           | 96.6        | 9            | 3.4        |
| Southern              | 314           | 289           | 92.0        | 25           | 8.0        |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | Number        | Percent     | Number     | Percent    |
| <b>FIFTH CIRCUIT</b>   | <b>13,439</b> | <b>13,070</b> | <b>97.3</b> | <b>369</b> | <b>2.7</b> |
| Louisiana              |               |               |             |            |            |
| Eastern                | 497           | 485           | 97.6        | 12         | 2.4        |
| Middle                 | 121           | 113           | 93.4        | 8          | 6.6        |
| Western                | 361           | 343           | 95.0        | 18         | 5.0        |
| Mississippi            |               |               |             |            |            |
| Northern               | 168           | 154           | 91.7        | 14         | 8.3        |
| Southern               | 435           | 421           | 96.8        | 14         | 3.2        |
| Texas                  |               |               |             |            |            |
| Eastern                | 639           | 608           | 95.1        | 31         | 4.9        |
| Northern               | 1,131         | 1,101         | 97.3        | 30         | 2.7        |
| Southern               | 5,040         | 4,899         | 97.2        | 141        | 2.8        |
| Western                | 5,047         | 4,946         | 98.0        | 101        | 2.0        |
| <b>SIXTH CIRCUIT</b>   | <b>4,921</b>  | <b>4,677</b>  | <b>95.0</b> | <b>244</b> | <b>5.0</b> |
| Kentucky               |               |               |             |            |            |
| Eastern                | 482           | 463           | 96.1        | 19         | 3.9        |
| Western                | 440           | 423           | 96.1        | 17         | 3.9        |
| Michigan               |               |               |             |            |            |
| Eastern                | 702           | 653           | 93.0        | 49         | 7.0        |
| Western                | 447           | 418           | 93.5        | 29         | 6.5        |
| Ohio                   |               |               |             |            |            |
| Northern               | 924           | 894           | 96.8        | 30         | 3.2        |
| Southern               | 525           | 504           | 96.0        | 21         | 4.0        |
| Tennessee              |               |               |             |            |            |
| Eastern                | 623           | 593           | 95.2        | 30         | 4.8        |
| Middle                 | 274           | 262           | 95.6        | 12         | 4.4        |
| Western                | 504           | 467           | 92.7        | 37         | 7.3        |
| <b>SEVENTH CIRCUIT</b> | <b>3,119</b>  | <b>2,905</b>  | <b>93.1</b> | <b>214</b> | <b>6.9</b> |
| Illinois               |               |               |             |            |            |
| Central                | 372           | 349           | 93.8        | 23         | 6.2        |
| Northern               | 1,265         | 1,182         | 93.4        | 83         | 6.6        |
| Southern               | 352           | 338           | 96.0        | 14         | 4.0        |
| Indiana                |               |               |             |            |            |
| Northern               | 393           | 365           | 92.9        | 28         | 7.1        |
| Southern               | 278           | 247           | 88.8        | 31         | 11.2       |
| Wisconsin              |               |               |             |            |            |
| Eastern                | 286           | 264           | 92.3        | 22         | 7.7        |
| Western                | 173           | 160           | 92.5        | 13         | 7.5        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,401</b>  | <b>4,165</b>  | <b>94.6</b> | <b>236</b> | <b>5.4</b> |
| Arkansas               |               |               |             |            |            |
| Eastern                | 239           | 230           | 96.2        | 9          | 3.8        |
| Western                | 193           | 187           | 96.9        | 6          | 3.1        |
| Iowa                   |               |               |             |            |            |
| Northern               | 420           | 391           | 93.1        | 29         | 6.9        |
| Southern               | 402           | 376           | 93.5        | 26         | 6.5        |
| Minnesota              | 472           | 437           | 92.6        | 35         | 7.4        |
| Missouri               |               |               |             |            |            |
| Eastern                | 751           | 725           | 96.5        | 26         | 3.5        |
| Western                | 698           | 669           | 95.8        | 29         | 4.2        |
| Nebraska               | 706           | 671           | 95.0        | 35         | 5.0        |
| North Dakota           | 212           | 194           | 91.5        | 18         | 8.5        |
| South Dakota           | 308           | 285           | 92.5        | 23         | 7.5        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | Number        | Percent     | Number     | Percent    |
| <b>NINTH CIRCUIT</b>     | <b>15,342</b> | <b>14,906</b> | <b>97.2</b> | <b>436</b> | <b>2.8</b> |
| Alaska                   | 156           | 145           | 92.9        | 11         | 7.1        |
| Arizona                  | 4,560         | 4,516         | 99.0        | 44         | 1.0        |
| California               |               |               |             |            |            |
| Central                  | 1,733         | 1,644         | 94.9        | 89         | 5.1        |
| Eastern                  | 934           | 902           | 96.6        | 32         | 3.4        |
| Northern                 | 679           | 651           | 95.9        | 28         | 4.1        |
| Southern                 | 3,774         | 3,702         | 98.1        | 72         | 1.9        |
| Guam                     | 94            | 90            | 95.7        | 4          | 4.3        |
| Hawaii                   | 333           | 321           | 96.4        | 12         | 3.6        |
| Idaho                    | 271           | 254           | 93.7        | 17         | 6.3        |
| Montana                  | 346           | 305           | 88.2        | 41         | 11.8       |
| Nevada                   | 710           | 686           | 96.6        | 24         | 3.4        |
| Northern Mariana Islands | 23            | 16            | 69.6        | 7          | 30.4       |
| Oregon                   | 653           | 624           | 95.6        | 29         | 4.4        |
| Washington               |               |               |             |            |            |
| Eastern                  | 375           | 360           | 96.0        | 15         | 4.0        |
| Western                  | 701           | 690           | 98.4        | 11         | 1.6        |
| <b>TENTH CIRCUIT</b>     | <b>4,714</b>  | <b>4,567</b>  | <b>96.9</b> | <b>147</b> | <b>3.1</b> |
| Colorado                 | 600           | 583           | 97.2        | 17         | 2.8        |
| Kansas                   | 564           | 541           | 95.9        | 23         | 4.1        |
| New Mexico               | 2,035         | 1,999         | 98.2        | 36         | 1.8        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 81            | 79            | 97.5        | 2          | 2.5        |
| Northern                 | 174           | 163           | 93.7        | 11         | 6.3        |
| Western                  | 172           | 160           | 93.0        | 12         | 7.0        |
| Utah                     | 867           | 841           | 97.0        | 26         | 3.0        |
| Wyoming                  | 221           | 201           | 91.0        | 20         | 9.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,972</b>  | <b>6,534</b>  | <b>93.7</b> | <b>438</b> | <b>6.3</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 174           | 154           | 88.5        | 20         | 11.5       |
| Northern                 | 505           | 477           | 94.5        | 28         | 5.5        |
| Southern                 | 321           | 300           | 93.5        | 21         | 6.5        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,568         | 1,468         | 93.6        | 100        | 6.4        |
| Northern                 | 377           | 346           | 91.8        | 31         | 8.2        |
| Southern                 | 2,284         | 2,118         | 92.7        | 166        | 7.3        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 564           | 544           | 96.5        | 20         | 3.5        |
| Northern                 | 769           | 726           | 94.4        | 43         | 5.6        |
| Southern                 | 410           | 401           | 97.8        | 9          | 2.2        |

Of the 70,258 guideline cases, 634 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2003**

| PRIMARY OFFENSE                    | TOTAL         | National      |             |              |            | Rhode Island |             |          |            |
|------------------------------------|---------------|---------------|-------------|--------------|------------|--------------|-------------|----------|------------|
|                                    |               | PLEA          |             | TRIAL        |            | PLEA         |             | TRIAL    |            |
|                                    |               | n             | %           | n            | %          | n            | %           | n        | %          |
| <b>TOTAL</b>                       | <b>69,584</b> | <b>66,591</b> | <b>95.7</b> | <b>2,993</b> | <b>4.3</b> | <b>118</b>   | <b>95.2</b> | <b>6</b> | <b>4.8</b> |
| Murder                             | 80            | 65            | 81.3        | 15           | 18.8       | 0            | --          | 0        | --         |
| Manslaughter                       | 48            | 48            | 100.0       | 0            | 0.0        | 0            | --          | 0        | --         |
| Kidnapping/Hostage Taking          | 59            | 40            | 67.8        | 19           | 32.2       | 0            | --          | 0        | --         |
| Sexual Abuse                       | 272           | 242           | 89.0        | 30           | 11.0       | 0            | --          | 0        | --         |
| Assault                            | 543           | 494           | 91.0        | 49           | 9.0        | 0            | --          | 0        | --         |
| Robbery                            | 1,535         | 1,446         | 94.2        | 89           | 5.8        | 2            | 100.0       | 0        | 0.0        |
| Arson                              | 82            | 71            | 86.6        | 11           | 13.4       | 0            | --          | 0        | --         |
| Drugs - Trafficking                | 24,857        | 23,720        | 95.4        | 1,137        | 4.6        | 45           | 95.7        | 2        | 4.3        |
| Drugs - Communication Facility     | 392           | 392           | 100.0       | 0            | 0.0        | 0            | --          | 0        | --         |
| Drugs - Simple Possession          | 1,220         | 1,184         | 97.0        | 36           | 3.0        | 1            | 100.0       | 0        | 0.0        |
| Firearms                           | 6,783         | 6,237         | 92.0        | 546          | 8.0        | 19           | 90.5        | 2        | 9.5        |
| Burglary/B&E                       | 51            | 48            | 94.1        | 3            | 5.9        | 0            | --          | 0        | --         |
| Auto Theft                         | 142           | 133           | 93.7        | 9            | 6.3        | 3            | 100.0       | 0        | 0.0        |
| Larceny                            | 2,360         | 2,299         | 97.4        | 61           | 2.6        | 1            | 100.0       | 0        | 0.0        |
| Fraud                              | 7,462         | 7,103         | 95.2        | 359          | 4.8        | 14           | 93.3        | 1        | 6.7        |
| Embezzlement                       | 761           | 749           | 98.4        | 12           | 1.6        | 1            | 100.0       | 0        | 0.0        |
| Forgery/Counterfeiting             | 1,267         | 1,246         | 98.3        | 21           | 1.7        | 0            | --          | 0        | --         |
| Bribery                            | 168           | 162           | 96.4        | 6            | 3.6        | 2            | 100.0       | 0        | 0.0        |
| Tax                                | 489           | 449           | 91.8        | 40           | 8.2        | 4            | 100.0       | 0        | 0.0        |
| Money Laundering                   | 827           | 731           | 88.4        | 96           | 11.6       | 0            | --          | 0        | --         |
| Racketeering/Extortion             | 821           | 731           | 89.0        | 90           | 11.0       | 0            | --          | 0        | --         |
| Gambling/Lottery                   | 90            | 87            | 96.7        | 3            | 3.3        | 0            | --          | 0        | --         |
| Civil Rights                       | 66            | 56            | 84.8        | 10           | 15.2       | 0            | --          | 0        | --         |
| Immigration                        | 15,066        | 14,896        | 98.9        | 170          | 1.1        | 22           | 95.7        | 1        | 4.3        |
| Pornography/Prostitution           | 801           | 762           | 95.1        | 39           | 4.9        | 0            | --          | 0        | --         |
| Prison Offenses                    | 370           | 360           | 97.3        | 10           | 2.7        | 0            | --          | 0        | --         |
| Administration of Justice Offenses | 1,041         | 984           | 94.5        | 57           | 5.5        | 1            | 100.0       | 0        | 0.0        |
| Environmental/Wildlife             | 143           | 133           | 93.0        | 10           | 7.0        | 1            | 100.0       | 0        | 0.0        |
| National Defense                   | 21            | 17            | 81.0        | 4            | 19.0       | 0            | --          | 0        | --         |
| Antitrust                          | 12            | 12            | 100.0       | 0            | 0.0        | 0            | --          | 0        | --         |
| Food & Drug                        | 77            | 73            | 94.8        | 4            | 5.2        | 0            | --          | 0        | --         |
| Other Miscellaneous Offenses       | 1,678         | 1,621         | 96.6        | 57           | 3.4        | 2            | 100.0       | 0        | 0.0        |

Of the 70,258 guideline cases, 674 cases were excluded due to one or both of the following reasons: missing primary offense category (578) or missing mode of conviction (634).

Of the 124 guideline cases from the District of Rhode Island, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2003**

**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>69,023</b> | <b>57,509</b> | <b>83.3</b> | <b>2,045</b>                    | <b>3.0</b> | <b>3,272</b>              | <b>4.7</b> | <b>6,197</b>   | <b>9.0</b> |
| Murder                             | 80            | 80            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 48            | 39            | 81.3        | 5                               | 10.4       | 4                         | 8.3        | 0              | 0.0        |
| Kidnapping/Hostage Taking          | 59            | 58            | 98.3        | 0                               | 0.0        | 1                         | 1.7        | 0              | 0.0        |
| Sexual Abuse                       | 271           | 247           | 91.1        | 5                               | 1.8        | 10                        | 3.7        | 9              | 3.3        |
| Assault                            | 536           | 415           | 77.4        | 17                              | 3.2        | 30                        | 5.6        | 74             | 13.8       |
| Robbery                            | 1,530         | 1,484         | 97.0        | 20                              | 1.3        | 16                        | 1.0        | 10             | 0.7        |
| Arson                              | 82            | 74            | 90.2        | 0                               | 0.0        | 5                         | 6.1        | 3              | 3.7        |
| Drugs - Trafficking                | 24,779        | 23,348        | 94.2        | 428                             | 1.7        | 469                       | 1.9        | 534            | 2.2        |
| Drugs - Communication Facility     | 389           | 328           | 84.3        | 6                               | 1.5        | 24                        | 6.2        | 31             | 8.0        |
| Drugs - Simple Possession          | 1,162         | 662           | 57.0        | 3                               | 0.3        | 42                        | 3.6        | 455            | 39.2       |
| Firearms                           | 6,761         | 6,035         | 89.3        | 195                             | 2.9        | 241                       | 3.6        | 290            | 4.3        |
| Burglary/B&E                       | 51            | 44            | 86.3        | 4                               | 7.8        | 3                         | 5.9        | 0              | 0.0        |
| Auto Theft                         | 141           | 112           | 79.4        | 5                               | 3.5        | 10                        | 7.1        | 14             | 9.9        |
| Larceny                            | 2,306         | 861           | 37.3        | 148                             | 6.4        | 394                       | 17.1       | 903            | 39.2       |
| Fraud                              | 7,397         | 4,407         | 59.6        | 578                             | 7.8        | 924                       | 12.5       | 1,488          | 20.1       |
| Embezzlement                       | 748           | 272           | 36.4        | 127                             | 17.0       | 105                       | 14.0       | 244            | 32.6       |
| Forgery/Counterfeiting             | 1,261         | 765           | 60.7        | 69                              | 5.5        | 170                       | 13.5       | 257            | 20.4       |
| Bribery                            | 167           | 74            | 44.3        | 11                              | 6.6        | 36                        | 21.6       | 46             | 27.5       |
| Tax                                | 480           | 216           | 45.0        | 56                              | 11.7       | 106                       | 22.1       | 102            | 21.3       |
| Money Laundering                   | 826           | 636           | 77.0        | 42                              | 5.1        | 68                        | 8.2        | 80             | 9.7        |
| Racketeering/Extortion             | 815           | 712           | 87.4        | 34                              | 4.2        | 32                        | 3.9        | 37             | 4.5        |
| Gambling/Lottery                   | 90            | 20            | 22.2        | 7                               | 7.8        | 41                        | 45.6       | 22             | 24.4       |
| Civil Rights                       | 66            | 37            | 56.1        | 8                               | 12.1       | 8                         | 12.1       | 13             | 19.7       |
| Immigration                        | 14,994        | 14,313        | 95.5        | 141                             | 0.9        | 172                       | 1.1        | 368            | 2.5        |
| Pornography/Prostitution           | 796           | 718           | 90.2        | 13                              | 1.6        | 27                        | 3.4        | 38             | 4.8        |
| Prison Offenses                    | 368           | 336           | 91.3        | 11                              | 3.0        | 6                         | 1.6        | 15             | 4.1        |
| Administration of Justice Offenses | 1,032         | 576           | 55.8        | 60                              | 5.8        | 135                       | 13.1       | 261            | 25.3       |
| Environmental/Wildlife             | 131           | 26            | 19.8        | 13                              | 9.9        | 27                        | 20.6       | 65             | 49.6       |
| National Defense                   | 21            | 19            | 90.5        | 0                               | 0.0        | 0                         | 0.0        | 2              | 9.5        |
| Antitrust                          | 10            | 5             | 50.0        | 0                               | 0.0        | 5                         | 50.0       | 0              | 0.0        |
| Food & Drug                        | 73            | 20            | 27.4        | 1                               | 1.4        | 16                        | 21.9       | 36             | 49.3       |
| Other Miscellaneous Offenses       | 1,553         | 570           | 36.7        | 38                              | 2.4        | 145                       | 9.3        | 800            | 51.5       |

Of the 70,258 guideline cases, 1,235 cases were excluded due to one or more of the following reasons: missing sentencing information (427), missing primary offense category (578), or cases in which the defendant received no imprisonment or probation (775).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2003**

**Rhode Island**

| 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>123</b> | <b>110</b> | <b>89.4</b> | <b>3</b>                        | <b>2.4</b> | <b>3</b>                  | <b>2.4</b> | <b>7</b>       | <b>5.7</b> |
| Murder                             | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Manslaughter                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Kidnapping/Hostage Taking          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Sexual Abuse                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Assault                            | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Robbery                            | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Arson                              | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Drugs - Trafficking                | 46         | 46         | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Drugs - Communication Facility     | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Drugs - Simple Possession          | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Firearms                           | 21         | 19         | 90.5        | 1                               | 4.8        | 1                         | 4.8        | 0              | 0.0        |
| Burglary/B&E                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Auto Theft                         | 3          | 3          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Larceny                            | 1          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0      |
| Fraud                              | 15         | 11         | 73.3        | 0                               | 0.0        | 2                         | 13.3       | 2              | 13.3       |
| Embezzlement                       | 1          | 0          | 0.0         | 1                               | 100.0      | 0                         | 0.0        | 0              | 0.0        |
| Forgery/Counterfeiting             | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Bribery                            | 2          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 2              | 100.0      |
| Tax                                | 4          | 3          | 75.0        | 1                               | 25.0       | 0                         | 0.0        | 0              | 0.0        |
| Money Laundering                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Racketeering/Extortion             | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Gambling/Lottery                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Civil Rights                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Immigration                        | 23         | 22         | 95.7        | 0                               | 0.0        | 0                         | 0.0        | 1              | 4.3        |
| Pornography/Prostitution           | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Prison Offenses                    | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Administration of Justice Offenses | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Environmental/Wildlife             | 1          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0      |
| National Defense                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Antitrust                          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Food & Drug                        | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Other Miscellaneous Offenses       | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |

Of the 124 guideline cases from the District of Rhode Island, one case was excluded due to missing sentencing information.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2003**

| PRIMARY OFFENSE                     | TOTAL         | National        |             |                     |             | Rhode Island    |             |                     |             |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |               | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |               | Number          | Percent     | Number              | Percent     | Number          | Percent     | Number              | Percent     |
| <b>TOTAL</b>                        | <b>13,232</b> | <b>6,808</b>    | <b>51.5</b> | <b>6,424</b>        | <b>48.5</b> | <b>10</b>       | <b>58.8</b> | <b>7</b>            | <b>41.2</b> |
| <b>Fraud</b>                        | <b>2,880</b>  | 1,197           | 41.6        | 1,683               | 58.4        | 1               | 25.0        | 3                   | 75.0        |
| <b>Larceny</b>                      | <b>1,456</b>  | 298             | 20.5        | 1,158               | 79.5        | 0               | 0.0         | 1                   | 100.0       |
| <b>Immigration</b>                  | <b>3,808</b>  | 3,376           | 88.7        | 432                 | 11.3        | 6               | 85.7        | 1                   | 14.3        |
| <b>Embezzlement</b>                 | <b>481</b>    | 172             | 35.8        | 309                 | 64.2        | 0               | --          | 0                   | --          |
| <b>Drugs - Trafficking</b>          | <b>707</b>    | 338             | 47.8        | 369                 | 52.2        | 0               | --          | 0                   | --          |
| <b>Drugs - Simple Possession</b>    | <b>1,049</b>  | 588             | 56.1        | 461                 | 43.9        | 1               | 100.0       | 0                   | 0.0         |
| <b>Firearms</b>                     | <b>345</b>    | 131             | 38.0        | 214                 | 62.0        | 0               | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | <b>509</b>    | 161             | 31.6        | 348                 | 68.4        | 0               | --          | 0                   | --          |
| <b>Other Miscellaneous Offenses</b> | <b>1,997</b>  | 547             | 27.4        | 1,450               | 72.6        | 2               | 50.0        | 2                   | 50.0        |

Of the 70,258 guideline cases, 57,026 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (56,641), missing sentencing information (427) or missing primary offense category (578).

Of the 124 guideline cases from the District of Rhode Island, 107 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison alternatives (107) or missing sentencing information (1).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2003**

| PRIMARY OFFENSE                           | National       |                  |               | Rhode Island   |                  |            |
|---|----------------|------------------|---------------|----------------|------------------|------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number     |
| <b>TOTAL</b>                              | <b>56.0</b>    | <b>33.0</b>      | <b>58,816</b> | <b>78.0</b>    | <b>41.0</b>      | <b>113</b> |
| <b>Murder</b>                             | 247.5          | 180.0            | 80            | --             | --               | 0          |
| <b>Manslaughter</b>                       | 34.8           | 21.0             | 44            | --             | --               | 0          |
| <b>Kidnapping/Hostage Taking</b>          | 162.7          | 120.5            | 58            | --             | --               | 0          |
| <b>Sexual Abuse</b>                       | 78.2           | 48.0             | 252           | --             | --               | 0          |
| <b>Assault</b>                            | 38.5           | 30.0             | 422           | --             | --               | 0          |
| <b>Robbery</b>                            | 103.5          | 72.0             | 1,504         | --             | --               | 2          |
| <b>Arson</b>                              | 96.2           | 60.0             | 74            | --             | --               | 0          |
| <b>Drugs - Trafficking</b>                | 80.1           | 60.0             | 23,724        | 102.6          | 81.0             | 46         |
| <b>Drugs - Communication Facility</b>     | 47.4           | 48.0             | 333           | --             | --               | 0          |
| <b>Drugs - Simple Possession</b>          | 8.5            | 6.0              | 648           | --             | --               | 1          |
| <b>Firearms</b>                           | 75.8           | 46.0             | 6,218         | 80.0           | 61.5             | 20         |
| <b>Burglary/B&amp;E</b>                   | 25.4           | 24.0             | 48            | --             | --               | 0          |
| <b>Auto Theft</b>                         | 73.0           | 27.0             | 117           | 433.3          | 470.0            | 3          |
| <b>Larceny</b>                            | 16.6           | 12.0             | 1,004         | --             | --               | 0          |
| <b>Fraud</b>                              | 20.1           | 14.0             | 4,898         | 26.0           | 21.0             | 11         |
| <b>Embezzlement</b>                       | 9.6            | 5.0              | 395           | --             | --               | 1          |
| <b>Forgery/Counterfeiting</b>             | 17.9           | 15.0             | 830           | --             | --               | 0          |
| <b>Bribery</b>                            | 16.2           | 12.0             | 85            | --             | --               | 0          |
| <b>Tax</b>                                | 18.6           | 12.0             | 271           | 10.8           | 12.0             | 4          |
| <b>Money Laundering</b>                   | 54.7           | 33.0             | 672           | --             | --               | 0          |
| <b>Racketeering/Extortion</b>             | 77.8           | 46.0             | 746           | --             | --               | 0          |
| <b>Gambling/Lottery</b>                   | 12.9           | 13.3             | 27            | --             | --               | 0          |
| <b>Civil Rights</b>                       | 55.9           | 24.0             | 45            | --             | --               | 0          |
| <b>Immigration</b>                        | 24.1           | 21.0             | 13,967        | 29.5           | 28.5             | 22         |
| <b>Pornography/Prostitution</b>           | 69.0           | 37.0             | 731           | --             | --               | 0          |
| <b>Prison Offenses</b>                    | 18.0           | 14.0             | 346           | --             | --               | 0          |
| <b>Administration of Justice Offenses</b> | 24.5           | 15.0             | 627           | --             | --               | 1          |
| <b>Environmental/Wildlife</b>             | 13.3           | 6.5              | 38            | --             | --               | 0          |
| <b>National Defense</b>                   | 83.5           | 30.0             | 19            | --             | --               | 0          |
| <b>Antitrust</b>                          | 12.8           | 10.0             | 5             | --             | --               | 0          |
| <b>Food &amp; Drug</b>                    | 43.6           | 13.0             | 21            | --             | --               | 0          |
| <b>Other Miscellaneous Offenses</b>       | 19.7           | 10.0             | 567           | --             | --               | 2          |

Of the 70,258 guideline cases, 11,442 cases were excluded for one or more of the following reasons: zero months prison ordered (10,134), missing primary offense category (578) or missing or indeterminable sentencing information (1,281).

Of the 124 guideline cases from the District of Rhode Island, 11 cases were excluded due to one of the following reasons: zero prison months ordered (10) or missing or indeterminable sentencing information (1).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

**Table 8**

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
Fiscal Year 2003**

| CIRCUIT<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | GOVERNMENT<br>INITIATED<br>DEPARTURE |            | OTHER<br>DOWNWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE |            |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------------|------------|--------------------------------|------------|---------------------|------------|
|                       |               | n                                      | %           | n                                      | %           | n                                    | %          | n                              | %          | n                   | %          |
| <b>TOTAL</b>          | <b>65,171</b> | <b>45,253</b>                          | <b>69.4</b> | <b>10,360</b>                          | <b>15.9</b> | <b>4,121</b>                         | <b>6.3</b> | <b>4,896</b>                   | <b>7.5</b> | <b>541</b>          | <b>0.8</b> |
| <b>D.C. CIRCUIT</b>   | <b>477</b>    | <b>308</b>                             | <b>64.6</b> | <b>126</b>                             | <b>26.4</b> | <b>21</b>                            | <b>4.4</b> | <b>21</b>                      | <b>4.4</b> | <b>1</b>            | <b>0.2</b> |
| District of Columbia  | 477           | 308                                    | 64.6        | 126                                    | 26.4        | 21                                   | 4.4        | 21                             | 4.4        | 1                   | 0.2        |
| <b>FIRST CIRCUIT</b>  | <b>1,832</b>  | <b>1,417</b>                           | <b>77.3</b> | <b>247</b>                             | <b>13.5</b> | <b>12</b>                            | <b>0.7</b> | <b>143</b>                     | <b>7.8</b> | <b>13</b>           | <b>0.7</b> |
| Maine                 | 167           | 130                                    | 77.8        | 32                                     | 19.2        | 0                                    | 0.0        | 4                              | 2.4        | 1                   | 0.6        |
| Massachusetts         | 557           | 382                                    | 68.6        | 72                                     | 12.9        | 4                                    | 0.7        | 96                             | 17.2       | 3                   | 0.5        |
| New Hampshire         | 187           | 105                                    | 56.1        | 61                                     | 32.6        | 2                                    | 1.1        | 12                             | 6.4        | 7                   | 3.7        |
| Puerto Rico           | 803           | 705                                    | 87.8        | 70                                     | 8.7         | 6                                    | 0.7        | 21                             | 2.6        | 1                   | 0.1        |
| Rhode Island          | 118           | 95                                     | 80.5        | 12                                     | 10.2        | 0                                    | 0.0        | 10                             | 8.5        | 1                   | 0.8        |
| <b>SECOND CIRCUIT</b> |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Connecticut           | 399           | 202                                    | 50.6        | 39                                     | 9.8         | 28                                   | 7.0        | 125                            | 31.3       | 5                   | 1.3        |
| New York              |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern               | 1,688         | 933                                    | 55.3        | 276                                    | 16.4        | 90                                   | 5.3        | 385                            | 22.8       | 4                   | 0.2        |
| Northern              | 371           | 221                                    | 59.6        | 93                                     | 25.1        | 2                                    | 0.5        | 49                             | 13.2       | 6                   | 1.6        |
| Southern              | 1,647         | 1,292                                  | 78.4        | 214                                    | 13.0        | 3                                    | 0.2        | 136                            | 8.3        | 2                   | 0.1        |
| Western               | 484           | 268                                    | 55.4        | 161                                    | 33.3        | 10                                   | 2.1        | 42                             | 8.7        | 3                   | 0.6        |
| Vermont               | 174           | 96                                     | 55.2        | 49                                     | 28.2        | 0                                    | 0.0        | 27                             | 15.5       | 2                   | 1.1        |
| <b>THIRD CIRCUIT</b>  | <b>2,783</b>  | <b>1,734</b>                           | <b>62.3</b> | <b>801</b>                             | <b>28.8</b> | <b>17</b>                            | <b>0.6</b> | <b>206</b>                     | <b>7.4</b> | <b>25</b>           | <b>0.9</b> |
| Delaware              | 153           | 103                                    | 67.3        | 26                                     | 17.0        | 3                                    | 2.0        | 20                             | 13.1       | 1                   | 0.7        |
| New Jersey            | 866           | 560                                    | 64.7        | 229                                    | 26.4        | 2                                    | 0.2        | 73                             | 8.4        | 2                   | 0.2        |
| Pennsylvania          |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern               | 969           | 503                                    | 51.9        | 376                                    | 38.8        | 5                                    | 0.5        | 74                             | 7.6        | 11                  | 1.1        |
| Middle                | 327           | 209                                    | 63.9        | 96                                     | 29.4        | 1                                    | 0.3        | 15                             | 4.6        | 6                   | 1.8        |
| Western               | 379           | 289                                    | 76.3        | 65                                     | 17.2        | 1                                    | 0.3        | 21                             | 5.5        | 3                   | 0.8        |
| Virgin Islands        | 89            | 70                                     | 78.7        | 9                                      | 10.1        | 5                                    | 5.6        | 3                              | 3.4        | 2                   | 2.2        |
| <b>FOURTH CIRCUIT</b> | <b>5,698</b>  | <b>4,388</b>                           | <b>77.0</b> | <b>1,045</b>                           | <b>18.3</b> | <b>17</b>                            | <b>0.3</b> | <b>216</b>                     | <b>3.8</b> | <b>32</b>           | <b>0.6</b> |
| Maryland              | 556           | 350                                    | 62.9        | 147                                    | 26.4        | 3                                    | 0.5        | 52                             | 9.4        | 4                   | 0.7        |
| North Carolina        |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern               | 620           | 379                                    | 61.1        | 191                                    | 30.8        | 2                                    | 0.3        | 42                             | 6.8        | 6                   | 1.0        |
| Middle                | 351           | 298                                    | 84.9        | 41                                     | 11.7        | 0                                    | 0.0        | 9                              | 2.6        | 3                   | 0.9        |
| Western               | 575           | 366                                    | 63.7        | 184                                    | 32.0        | 3                                    | 0.5        | 18                             | 3.1        | 4                   | 0.7        |
| South Carolina        | 1,013         | 765                                    | 75.5        | 222                                    | 21.9        | 1                                    | 0.1        | 21                             | 2.1        | 4                   | 0.4        |
| Virginia              |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern               | 1,454         | 1,292                                  | 88.9        | 109                                    | 7.5         | 0                                    | 0.0        | 48                             | 3.3        | 5                   | 0.3        |
| Western               | 555           | 398                                    | 71.7        | 129                                    | 23.2        | 8                                    | 1.4        | 15                             | 2.7        | 5                   | 0.9        |
| West Virginia         |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Northern              | 266           | 246                                    | 92.5        | 14                                     | 5.3         | 0                                    | 0.0        | 6                              | 2.3        | 0                   | 0.0        |
| Southern              | 308           | 294                                    | 95.5        | 8                                      | 2.6         | 0                                    | 0.0        | 5                              | 1.6        | 1                   | 0.3        |

| CIRCUIT<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | GOVERNMENT<br>INITIATED<br>DEPARTURE |            | OTHER<br>DOWNWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE |            |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------------|------------|--------------------------------|------------|---------------------|------------|
|                        |               | n                                      | %           | n                                      | %           | n                                    | %          | n                              | %          | n                   | %          |
| <b>FIFTH CIRCUIT</b>   | <b>13,298</b> | <b>9,796</b>                           | <b>73.7</b> | <b>1,667</b>                           | <b>12.5</b> | <b>714</b>                           | <b>5.4</b> | <b>999</b>                     | <b>7.5</b> | <b>122</b>          | <b>0.9</b> |
| <b>Louisiana</b>       |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 495           | 405                                    | 81.8        | 57                                     | 11.5        | 11                                   | 2.2        | 15                             | 3.0        | 7                   | 1.4        |
| Middle                 | 121           | 85                                     | 70.2        | 28                                     | 23.1        | 0                                    | 0.0        | 3                              | 2.5        | 5                   | 4.1        |
| Western                | 351           | 280                                    | 79.8        | 56                                     | 16.0        | 1                                    | 0.3        | 8                              | 2.3        | 6                   | 1.7        |
| <b>Mississippi</b>     |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Northern               | 165           | 107                                    | 64.8        | 45                                     | 27.3        | 5                                    | 3.0        | 5                              | 3.0        | 3                   | 1.8        |
| Southern               | 430           | 350                                    | 81.4        | 62                                     | 14.4        | 0                                    | 0.0        | 16                             | 3.7        | 2                   | 0.5        |
| <b>Texas</b>           |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 621           | 528                                    | 85.0        | 56                                     | 9.0         | 2                                    | 0.3        | 30                             | 4.8        | 5                   | 0.8        |
| Northern               | 1,114         | 890                                    | 79.9        | 149                                    | 13.4        | 5                                    | 0.4        | 50                             | 4.5        | 20                  | 1.8        |
| Southern               | 5,004         | 3,424                                  | 68.4        | 466                                    | 9.3         | 562                                  | 11.2       | 519                            | 10.4       | 33                  | 0.7        |
| Western                | 4,997         | 3,727                                  | 74.6        | 748                                    | 15.0        | 128                                  | 2.6        | 353                            | 7.1        | 41                  | 0.8        |
| <b>SIXTH CIRCUIT</b>   | <b>4,789</b>  | <b>3,311</b>                           | <b>69.1</b> | <b>1,179</b>                           | <b>24.6</b> | <b>22</b>                            | <b>0.5</b> | <b>256</b>                     | <b>5.3</b> | <b>21</b>           | <b>0.4</b> |
| <b>Kentucky</b>        |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 474           | 304                                    | 64.1        | 156                                    | 32.9        | 2                                    | 0.4        | 9                              | 1.9        | 3                   | 0.6        |
| Western                | 397           | 328                                    | 82.6        | 43                                     | 10.8        | 4                                    | 1.0        | 20                             | 5.0        | 2                   | 0.5        |
| <b>Michigan</b>        |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 693           | 488                                    | 70.4        | 151                                    | 21.8        | 4                                    | 0.6        | 48                             | 6.9        | 2                   | 0.3        |
| Western                | 441           | 295                                    | 66.9        | 109                                    | 24.7        | 3                                    | 0.7        | 27                             | 6.1        | 7                   | 1.6        |
| <b>Ohio</b>            |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Northern               | 907           | 595                                    | 65.6        | 231                                    | 25.5        | 6                                    | 0.7        | 74                             | 8.2        | 1                   | 0.1        |
| Southern               | 513           | 323                                    | 63.0        | 152                                    | 29.6        | 0                                    | 0.0        | 35                             | 6.8        | 3                   | 0.6        |
| <b>Tennessee</b>       |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 616           | 438                                    | 71.1        | 161                                    | 26.1        | 0                                    | 0.0        | 16                             | 2.6        | 1                   | 0.2        |
| Middle                 | 256           | 174                                    | 68.0        | 70                                     | 27.3        | 0                                    | 0.0        | 11                             | 4.3        | 1                   | 0.4        |
| Western                | 492           | 366                                    | 74.4        | 106                                    | 21.5        | 3                                    | 0.6        | 16                             | 3.3        | 1                   | 0.2        |
| <b>SEVENTH CIRCUIT</b> | <b>3,041</b>  | <b>2,205</b>                           | <b>72.5</b> | <b>646</b>                             | <b>21.2</b> | <b>24</b>                            | <b>0.8</b> | <b>136</b>                     | <b>4.5</b> | <b>30</b>           | <b>1.0</b> |
| <b>Illinois</b>        |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Central                | 370           | 261                                    | 70.5        | 88                                     | 23.8        | 3                                    | 0.8        | 14                             | 3.8        | 4                   | 1.1        |
| Northern               | 1,223         | 837                                    | 68.4        | 304                                    | 24.9        | 5                                    | 0.4        | 67                             | 5.5        | 10                  | 0.8        |
| Southern               | 349           | 256                                    | 73.4        | 77                                     | 22.1        | 0                                    | 0.0        | 15                             | 4.3        | 1                   | 0.3        |
| <b>Indiana</b>         |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Northern               | 375           | 277                                    | 73.9        | 82                                     | 21.9        | 4                                    | 1.1        | 7                              | 1.9        | 5                   | 1.3        |
| Southern               | 270           | 184                                    | 68.1        | 64                                     | 23.7        | 9                                    | 3.3        | 11                             | 4.1        | 2                   | 0.7        |
| <b>Wisconsin</b>       |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 282           | 237                                    | 84.0        | 19                                     | 6.7         | 3                                    | 1.1        | 21                             | 7.4        | 2                   | 0.7        |
| Western                | 172           | 153                                    | 89.0        | 12                                     | 7.0         | 0                                    | 0.0        | 1                              | 0.6        | 6                   | 3.5        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,329</b>  | <b>3,125</b>                           | <b>72.2</b> | <b>761</b>                             | <b>17.6</b> | <b>87</b>                            | <b>2.0</b> | <b>308</b>                     | <b>7.1</b> | <b>48</b>           | <b>1.1</b> |
| <b>Arkansas</b>        |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 237           | 206                                    | 86.9        | 21                                     | 8.9         | 1                                    | 0.4        | 8                              | 3.4        | 1                   | 0.4        |
| Western                | 191           | 151                                    | 79.1        | 33                                     | 17.3        | 0                                    | 0.0        | 5                              | 2.6        | 2                   | 1.0        |
| <b>Iowa</b>            |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Northern               | 420           | 290                                    | 69.0        | 114                                    | 27.1        | 2                                    | 0.5        | 9                              | 2.1        | 5                   | 1.2        |
| Southern               | 392           | 277                                    | 70.7        | 80                                     | 20.4        | 2                                    | 0.5        | 31                             | 7.9        | 2                   | 0.5        |
| Minnesota              | 465           | 293                                    | 63.0        | 106                                    | 22.8        | 5                                    | 1.1        | 55                             | 11.8       | 6                   | 1.3        |
| <b>Missouri</b>        |               |  |             |  |             |                                      |            |                                |            |                     |            |
| Eastern                | 739           | 540                                    | 73.1        | 153                                    | 20.7        | 9                                    | 1.2        | 32                             | 4.3        | 5                   | 0.7        |
| Western                | 681           | 478                                    | 70.2        | 157                                    | 23.1        | 9                                    | 1.3        | 27                             | 4.0        | 10                  | 1.5        |
| Nebraska               | 693           | 488                                    | 70.4        | 55                                     | 7.9         | 54                                   | 7.8        | 94                             | 13.6       | 2                   | 0.3        |
| North Dakota           | 206           | 159                                    | 77.2        | 23                                     | 11.2        | 3                                    | 1.5        | 20                             | 9.7        | 1                   | 0.5        |
| South Dakota           | 305           | 243                                    | 79.7        | 19                                     | 6.2         | 2                                    | 0.7        | 27                             | 8.9        | 14                  | 4.6        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | GOVERNMENT<br>INITIATED<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE |            |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------------|-------------|--------------------------------|------------|---------------------|------------|
|                          |               | n                                      | %           | n                                      | %           | n                                    | %           | n                              | %          | n                   | %          |
| <b>NINTH CIRCUIT</b>     | <b>13,286</b> | <b>7,917</b>                           | <b>59.6</b> | <b>1,360</b>                           | <b>10.2</b> | <b>2,546</b>                         | <b>19.2</b> | <b>1,311</b>                   | <b>9.9</b> | <b>152</b>          | <b>1.1</b> |
| Alaska                   | 153           | 114                                    | 74.5        | 28                                     | 18.3        | 0                                    | 0.0         | 10                             | 6.5        | 1                   | 0.7        |
| Arizona                  | 4,430         | 1,815                                  | 41.0        | 259                                    | 5.8         | 1,853                                | 41.8        | 399                            | 9.0        | 104                 | 2.3        |
| California               |               |  |             |  |             |                                      |             |                                |            |                     |            |
| Central                  | 1,296         | 1,051                                  | 81.1        | 153                                    | 11.8        | 9                                    | 0.7         | 80                             | 6.2        | 3                   | 0.2        |
| Eastern                  | 885           | 680                                    | 76.8        | 152                                    | 17.2        | 7                                    | 0.8         | 46                             | 5.2        | 0                   | 0.0        |
| Northern                 | 644           | 433                                    | 67.2        | 90                                     | 14.0        | 24                                   | 3.7         | 92                             | 14.3       | 5                   | 0.8        |
| Southern                 | 2,578         | 1,574                                  | 61.1        | 125                                    | 4.8         | 528                                  | 20.5        | 342                            | 13.3       | 9                   | 0.3        |
| Guam                     | 94            | 64                                     | 68.1        | 29                                     | 30.9        | 0                                    | 0.0         | 1                              | 1.1        | 0                   | 0.0        |
| Hawaii                   | 331           | 212                                    | 64.0        | 98                                     | 29.6        | 0                                    | 0.0         | 19                             | 5.7        | 2                   | 0.6        |
| Idaho                    | 258           | 126                                    | 48.8        | 83                                     | 32.2        | 32                                   | 12.4        | 15                             | 5.8        | 2                   | 0.8        |
| Montana                  | 343           | 287                                    | 83.7        | 34                                     | 9.9         | 1                                    | 0.3         | 15                             | 4.4        | 6                   | 1.7        |
| Nevada                   | 688           | 560                                    | 81.4        | 43                                     | 6.3         | 34                                   | 4.9         | 46                             | 6.7        | 5                   | 0.7        |
| Northern Mariana Islands | 22            | 17                                     | 77.3        | 5                                      | 22.7        | 0                                    | 0.0         | 0                              | 0.0        | 0                   | 0.0        |
| Oregon                   | 606           | 392                                    | 64.7        | 120                                    | 19.8        | 8                                    | 1.3         | 83                             | 13.7       | 3                   | 0.5        |
| Washington               |               |  |             |  |             |                                      |             |                                |            |                     |            |
| Eastern                  | 367           | 251                                    | 68.4        | 18                                     | 4.9         | 30                                   | 8.2         | 65                             | 17.7       | 3                   | 0.8        |
| Western                  | 591           | 341                                    | 57.7        | 123                                    | 20.8        | 20                                   | 3.4         | 98                             | 16.6       | 9                   | 1.5        |
| <b>TENTH CIRCUIT</b>     | <b>4,476</b>  | <b>3,271</b>                           | <b>73.1</b> | <b>422</b>                             | <b>9.4</b>  | <b>512</b>                           | <b>11.4</b> | <b>246</b>                     | <b>5.5</b> | <b>25</b>           | <b>0.6</b> |
| Colorado                 | 547           | 340                                    | 62.2        | 159                                    | 29.1        | 4                                    | 0.7         | 41                             | 7.5        | 3                   | 0.5        |
| Kansas                   | 543           | 447                                    | 82.3        | 65                                     | 12.0        | 0                                    | 0.0         | 29                             | 5.3        | 2                   | 0.4        |
| New Mexico               | 1,956         | 1,305                                  | 66.7        | 78                                     | 4.0         | 483                                  | 24.7        | 85                             | 4.3        | 5                   | 0.3        |
| Oklahoma                 |               |  |             |  |             |                                      |             |                                |            |                     |            |
| Eastern                  | 80            | 59                                     | 73.8        | 6                                      | 7.5         | 10                                   | 12.5        | 5                              | 6.3        | 0                   | 0.0        |
| Northern                 | 164           | 139                                    | 84.8        | 19                                     | 11.6        | 0                                    | 0.0         | 2                              | 1.2        | 4                   | 2.4        |
| Western                  | 171           | 152                                    | 88.9        | 13                                     | 7.6         | 0                                    | 0.0         | 4                              | 2.3        | 2                   | 1.2        |
| Utah                     | 815           | 669                                    | 82.1        | 65                                     | 8.0         | 11                                   | 1.3         | 66                             | 8.1        | 4                   | 0.5        |
| Wyoming                  | 200           | 160                                    | 80.0        | 17                                     | 8.5         | 4                                    | 2.0         | 14                             | 7.0        | 5                   | 2.5        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,399</b>  | <b>4,769</b>                           | <b>74.5</b> | <b>1,274</b>                           | <b>19.9</b> | <b>16</b>                            | <b>0.3</b>  | <b>290</b>                     | <b>4.5</b> | <b>50</b>           | <b>0.8</b> |
| Alabama                  |               |  |             |  |             |                                      |             |                                |            |                     |            |
| Middle                   | 167           | 111                                    | 66.5        | 47                                     | 28.1        | 1                                    | 0.6         | 7                              | 4.2        | 1                   | 0.6        |
| Northern                 | 482           | 362                                    | 75.1        | 102                                    | 21.2        | 1                                    | 0.2         | 12                             | 2.5        | 5                   | 1.0        |
| Southern                 | 318           | 234                                    | 73.6        | 64                                     | 20.1        | 6                                    | 1.9         | 13                             | 4.1        | 1                   | 0.3        |
| Florida                  |               |  |             |  |             |                                      |             |                                |            |                     |            |
| Middle                   | 1,517         | 1,000                                  | 65.9        | 413                                    | 27.2        | 2                                    | 0.1         | 95                             | 6.3        | 7                   | 0.5        |
| Northern                 | 364           | 226                                    | 62.1        | 127                                    | 34.9        | 0                                    | 0.0         | 9                              | 2.5        | 2                   | 0.5        |
| Southern                 | 2,144         | 1,792                                  | 83.6        | 248                                    | 11.6        | 1                                    | 0.0         | 83                             | 3.9        | 20                  | 0.9        |
| Georgia                  |               |  |             |  |             |                                      |             |                                |            |                     |            |
| Middle                   | 391           | 284                                    | 72.6        | 90                                     | 23.0        | 3                                    | 0.8         | 8                              | 2.0        | 6                   | 1.5        |
| Northern                 | 722           | 545                                    | 75.5        | 120                                    | 16.6        | 2                                    | 0.3         | 51                             | 7.1        | 4                   | 0.6        |
| Southern                 | 294           | 215                                    | 73.1        | 63                                     | 21.4        | 0                                    | 0.0         | 12                             | 4.1        | 4                   | 1.4        |

Of the 70,258 guideline cases, 481 cases with no analogous guidelines were excluded from the table. Of the remaining 69,777 cases, 4,606 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Southern California (32.3%), Central California (29.6%), Southern Georgia (27.8%), Eastern Virginia (24.4%), Maryland (19.8%), Middle Georgia (16.6%), Western Washington (15.0%), Southern New York (9.9%), Eastern New York (9.5%), Southern Florida (8.8%), Colorado (8.2%), Oregon (7.3%), Northern California (7.2%), Western Kentucky (7.2%), Wyoming (7.0%), Northern New York (6.3%), Utah (5.8%), Northern Georgia (5.7%), Virgin Islands (5.3%), Eastern California (5.2%), and Eastern North Carolina (5.1%).

This data was collected prior to the issuance of AO Form 245B, Revision 12/03, which now provides specific entries for the sentencing court to indicate whether a departure was initiated by one of the parties. As a result, the Commission could not definitively determine the attribution for every case. However, based on a review of the available sentencing documentation by USSC legal staff the Commission believes that the overwhelming majority of the government initiated departures listed in this table are properly categorized. For a list of the reasons used in the category see Table 25 in the 2003 Sourcebook of Federal Sentencing Statistics.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2003**

**National**

| PRIMARY OFFENSE              | TOTAL         | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | GOVERNMENT INITIATED DEPARTURE |            | OTHER DOWNWARD DEPARTURE |            | UPWARD DEPARTURE |            |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------------|------------|--------------------------|------------|------------------|------------|
|                              |               | n                                | %           | n                                | %           | n                              | %          | n                        | %          | n                | %          |
| <b>TOTAL</b>                 | <b>64,990</b> | <b>45,124</b>                    | <b>69.4</b> | <b>10,323</b>                    | <b>15.9</b> | <b>4,116</b>                   | <b>6.3</b> | <b>4,887</b>             | <b>7.5</b> | <b>540</b>       | <b>0.8</b> |
| Robbery                      | 1,470         | 1,082                            | 73.6        | 215                              | 14.6        | 17                             | 1.2        | 135                      | 9.2        | 21               | 1.4        |
| Drugs - Trafficking          | 24,060        | 14,678                           | 61.0        | 6,579                            | 27.3        | 1,153                          | 4.8        | 1,599                    | 6.6        | 51               | 0.2        |
| Drugs - Simple Possession    | 1,038         | 922                              | 88.8        | 9                                | 0.9         | 2                              | 0.2        | 8                        | 0.8        | 97               | 9.3        |
| Firearms                     | 6,445         | 4,968                            | 77.1        | 783                              | 12.1        | 88                             | 1.4        | 521                      | 8.1        | 85               | 1.3        |
| Larceny                      | 2,207         | 1,910                            | 86.5        | 143                              | 6.5         | 13                             | 0.6        | 123                      | 5.6        | 18               | 0.8        |
| Fraud                        | 6,864         | 5,136                            | 74.8        | 1,090                            | 15.9        | 57                             | 0.8        | 502                      | 7.3        | 79               | 1.2        |
| Embezzlement                 | 726           | 609                              | 83.9        | 41                               | 5.6         | 2                              | 0.3        | 74                       | 10.2       | 0                | 0.0        |
| Forgery/Counterfeiting       | 1,214         | 984                              | 81.1        | 149                              | 12.3        | 11                             | 0.9        | 62                       | 5.1        | 8                | 0.7        |
| Immigration                  | 13,931        | 9,762                            | 70.1        | 364                              | 2.6         | 2,551                          | 18.3       | 1,210                    | 8.7        | 44               | 0.3        |
| Other Miscellaneous Offenses | 7,035         | 5,073                            | 72.1        | 950                              | 13.5        | 222                            | 3.2        | 653                      | 9.3        | 137              | 1.9        |

**Rhode Island**

| PRIMARY OFFENSE              | TOTAL      | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | GOVERNMENT INITIATED DEPARTURE |            | OTHER DOWNWARD DEPARTURE |            | UPWARD DEPARTURE |            |
|------------------------------|------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------------|------------|--------------------------|------------|------------------|------------|
|                              |            | n                                | %           | n                                | %           | n                              | %          | n                        | %          | n                | %          |
| <b>TOTAL</b>                 | <b>118</b> | <b>95</b>                        | <b>80.5</b> | <b>12</b>                        | <b>10.2</b> | <b>0</b>                       | <b>0.0</b> | <b>10</b>                | <b>8.5</b> | <b>1</b>         | <b>0.8</b> |
| Robbery                      | 1          | 1                                | 100.0       | 0                                | 0.0         | 0                              | 0.0        | 0                        | 0.0        | 0                | 0.0        |
| Drugs - Trafficking          | 44         | 38                               | 86.4        | 5                                | 11.4        | 0                              | 0.0        | 1                        | 2.3        | 0                | 0.0        |
| Drugs - Simple Possession    | 1          | 1                                | 100.0       | 0                                | 0.0         | 0                              | 0.0        | 0                        | 0.0        | 0                | 0.0        |
| Firearms                     | 20         | 17                               | 85.0        | 1                                | 5.0         | 0                              | 0.0        | 2                        | 10.0       | 0                | 0.0        |
| Larceny                      | 1          | 1                                | 100.0       | 0                                | 0.0         | 0                              | 0.0        | 0                        | 0.0        | 0                | 0.0        |
| Fraud                        | 14         | 11                               | 78.6        | 2                                | 14.3        | 0                              | 0.0        | 1                        | 7.1        | 0                | 0.0        |
| Embezzlement                 | 1          | 1                                | 100.0       | 0                                | 0.0         | 0                              | 0.0        | 0                        | 0.0        | 0                | 0.0        |
| Forgery/Counterfeiting       | 0          | 0                                | --          | 0                                | --          | 0                              | --         | 0                        | --         | 0                | --         |
| Immigration                  | 23         | 20                               | 87.0        | 0                                | 0.0         | 0                              | 0.0        | 2                        | 8.7        | 1                | 4.3        |
| Other Miscellaneous Offenses | 13         | 5                                | 38.5        | 4                                | 30.8        | 0                              | 0.0        | 4                        | 30.8       | 0                | 0.0        |

Of the 70,258 guideline cases, 5,268 cases were excluded due to one or more of the following reasons: no analogous guidelines (481), missing or indeterminable departure information (4,606) or missing primary offense category (578).

Of the 124 guideline cases from the District of Rhode Island, six cases were excluded due to missing or indeterminable departure information.

This data was collected prior to the issuance of AO Form 245B, Revision 12/03, which now provides specific entries for the sentencing court to indicate whether a departure was initiated by one of the parties. As a result, the Commission could not definitively determine the attribution for every case. However, based on a review of the available sentencing documentation by USSC legal staff the Commission believes that the overwhelming majority of the government initiated departures listed in this table are properly categorized. For a list of the reasons used in the category see Table 25 in the 2003 Sourcebook of Federal Sentencing Statistics.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.