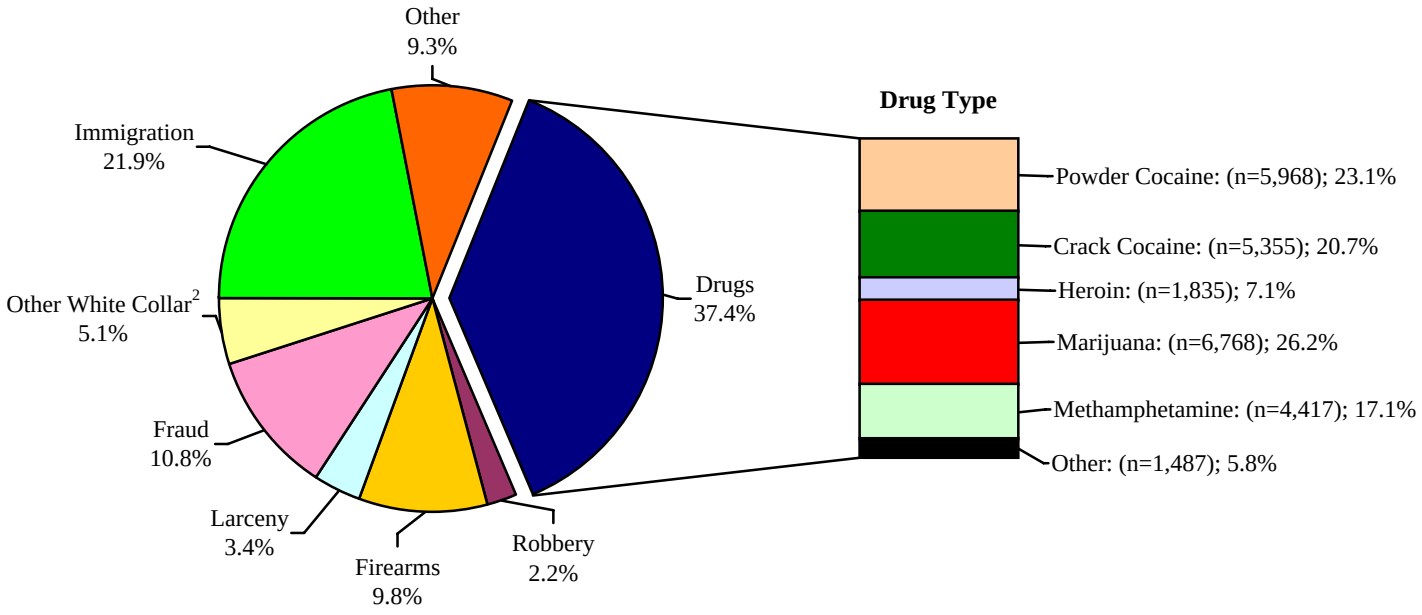
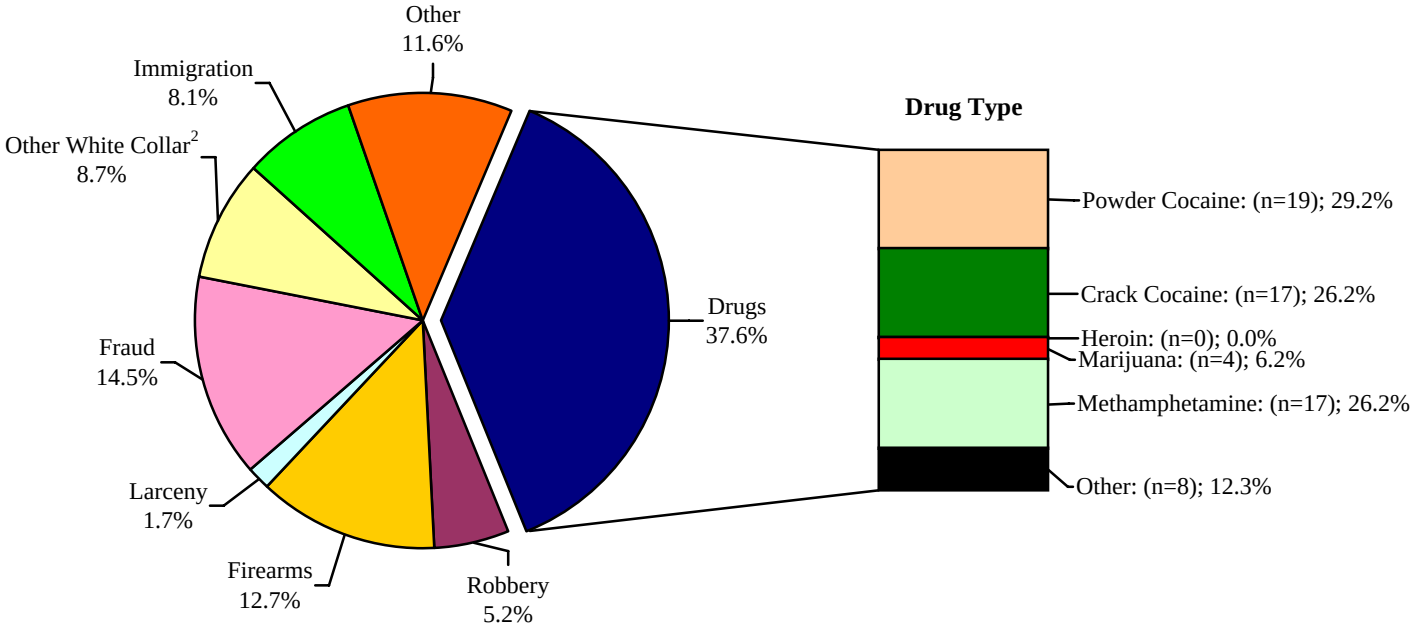
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY[1]
Fiscal Year 2003

National



Western Wisconsin



[1]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 174 guideline cases from the District of Western Wisconsin, one case was excluded due to missing drug type.

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

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

Table 1

DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY Fiscal Year 2003

	National		Western Wisconsin	
PRIMARY OFFENSE	**Number**	**Percent**	**Number**	**Percent**
TOTAL	**69,680**	**100.0**	**174**	**100.0**
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	1	0.6
Robbery	1,537	2.2	9	5.2
Arson	82	0.1	0	0.0
Drugs - Trafficking	24,882	35.7	65	37.4
Drugs - Communication Facility	393	0.6	1	0.6
Drugs - Simple Possession	1,222	1.8	0	0.0
Firearms	6,795	9.8	22	12.6
Burglary/B&E	51	0.1	0	0.0
Auto Theft	142	0.2	3	1.7
Larceny	2,362	3.4	3	1.7
Fraud	7,468	10.7	25	14.4
Embezzlement	761	1.1	7	4.0
Forgery/Counterfeiting	1,267	1.8	2	1.1
Bribery	169	0.2	1	0.6
Tax	490	0.7	4	2.3
Money Laundering	831	1.2	1	0.6
Racketeering/Extortion	823	1.2	0	0.0
Gambling/Lottery	90	0.1	0	0.0
Civil Rights	66	0.1	1	0.6
Immigration	15,081	21.6	14	8.0
Pornography/Prostitution	801	1.1	1	0.6
Prison Offenses	370	0.5	6	3.4
Administration of Justice Offenses	1,044	1.5	5	2.9
Environmental/Wildlife	143	0.2	1	0.6
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	1.1

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

Of the 174 guideline cases from the District of Western Wisconsin, 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		PLEA		TRIAL	
District	TOTAL	Number	Percent	Number	Percent
TOTAL	**69,624**	**66,628**	**95.7**	**2,996**	**4.3**
D.C. CIRCUIT	**504**	**463**	**91.9**	**41**	**8.1**
District of Columbia	**504**	463	91.9	41	8.1
FIRST CIRCUIT	**1,886**	**1,788**	**94.8**	**98**	**5.2**
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
SECOND CIRCUIT	**5,144**	**4,889**	**95.0**	**255**	**5.0**
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
THIRD CIRCUIT	**2,819**	**2,662**	**94.4**	**157**	**5.6**
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
FOURTH CIRCUIT	**6,363**	**6,002**	**94.3**	**361**	**5.7**
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 District	TOTAL	PLEA Number	 Percent	TRIAL Number	 Percent
FIFTH CIRCUIT	**13,439**	**13,070**	**97.3**	**369**	**2.7**
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
SIXTH CIRCUIT	**4,921**	**4,677**	**95.0**	**244**	**5.0**
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
SEVENTH CIRCUIT	**3,119**	**2,905**	**93.1**	**214**	**6.9**
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
EIGHTH CIRCUIT	**4,401**	**4,165**	**94.6**	**236**	**5.4**
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		PLEA		TRIAL	
District	TOTAL	Number	Percent	Number	Percent
NINTH CIRCUIT	**15,342**	**14,906**	**97.2**	**436**	**2.8**
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
TENTH CIRCUIT	**4,714**	**4,567**	**96.9**	**147**	**3.1**
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
ELEVENTH CIRCUIT	**6,972**	**6,534**	**93.7**	**438**	**6.3**
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

		National				Western Wisconsin			
		PLEA		TRIAL		PLEA		TRIAL	
PRIMARY OFFENSE	TOTAL	n	%	n	%	n	%	n	%
TOTAL	**69,584**	**66,591**	**95.7**	**2,993**	**4.3**	**160**	**92.5**	**13**	**7.5**
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	1	100.0	0	0.0
Robbery	**1,535**	1,446	94.2	89	5.8	9	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	59	90.8	6	9.2
Drugs - Communication Facility	**392**	392	100.0	0	0.0	0	--	0	--
Drugs - Simple Possession	**1,220**	1,184	97.0	36	3.0	0	--	0	--
Firearms	**6,783**	6,237	92.0	546	8.0	18	81.8	4	18.2
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	3	100.0	0	0.0
Fraud	**7,462**	7,103	95.2	359	4.8	25	100.0	0	0.0
Embezzlement	**761**	749	98.4	12	1.6	7	100.0	0	0.0
Forgery/Counterfeiting	**1,267**	1,246	98.3	21	1.7	2	100.0	0	0.0
Bribery	**168**	162	96.4	6	3.6	1	100.0	0	0.0
Tax	**489**	449	91.8	40	8.2	3	75.0	1	25.0
Money Laundering	**827**	731	88.4	96	11.6	0	0.0	1	100.0
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	1	100.0	0	0.0
Immigration	**15,066**	14,896	98.9	170	1.1	14	100.0	0	0.0
Pornography/Prostitution	**801**	762	95.1	39	4.9	1	100.0	0	0.0
Prison Offenses	**370**	360	97.3	10	2.7	6	100.0	0	0.0
Administration of Justice Offenses	**1,041**	984	94.5	57	5.5	4	80.0	1	20.0
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 174 guideline cases from the District of Western Wisconsin, one case was excluded due to missing mode of conviction.

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
TOTAL	**69,023**	**57,509**	**83.3**	**2,045**	**3.0**	**3,272**	**4.7**	**6,197**	**9.0**
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

Western Wisconsin

		Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
PRIMARY OFFENSE	TOTAL	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	**173**	**143**	**82.7**	**22**	**12.7**	**5**	**2.9**	**3**	**1.7**
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	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Robbery	**9**	8	88.9	1	11.1	0	0.0	0	0.0
Arson	**0**	0	--	0	--	0	--	0	--
Drugs - Trafficking	**65**	58	89.2	7	10.8	0	0.0	0	0.0
Drugs - Communication Facility	**0**	0	--	0	--	0	--	0	--
Drugs - Simple Possession	**0**	0	--	0	--	0	--	0	--
Firearms	**22**	18	81.8	4	18.2	0	0.0	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	**3**	1	33.3	2	66.7	0	0.0	0	0.0
Fraud	**25**	18	72.0	3	12.0	3	12.0	1	4.0
Embezzlement	**7**	3	42.9	3	42.9	1	14.3	0	0.0
Forgery/Counterfeiting	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Bribery	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Tax	**4**	2	50.0	2	50.0	0	0.0	0	0.0
Money Laundering	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	**0**	0	--	0	--	0	--	0	--
Gambling/Lottery	**0**	0	--	0	--	0	--	0	--
Civil Rights	**1**	0	0.0	0	0.0	0	0.0	1	100.0
Immigration	**14**	14	100.0	0	0.0	0	0.0	0	0.0
Pornography/Prostitution	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Prison Offenses	**6**	6	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	**5**	5	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**	1	50.0	0	0.0	1	50.0	0	0.0

Of the 174 guideline cases from the District of Western Wisconsin, one case was excluded due cases in which the defendant received no imprisonment or probation.

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

		National				Western Wisconsin			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
PRIMARY OFFENSE	TOTAL	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	**13,232**	**6,808**	**51.5**	**6,424**	**48.5**	**13**	**59.1**	**9**	**40.9**
Fraud	**2,880**	1,197	41.6	1,683	58.4	4	50.0	4	50.0
Larceny	**1,456**	298	20.5	1,158	79.5	1	100.0	0	0.0
Immigration	**3,808**	3,376	88.7	432	11.3	1	100.0	0	0.0
Embezzlement	**481**	172	35.8	309	64.2	4	80.0	1	20.0
Drugs - Trafficking	**707**	338	47.8	369	52.2	0	--	0	--
Drugs - Simple Possession	**1,049**	588	56.1	461	43.9	0	--	0	--
Firearms	**345**	131	38.0	214	62.0	0	--	0	--
Forgery/Counterfeiting	**509**	161	31.6	348	68.4	0	--	0	--
Other Miscellaneous Offenses	**1,997**	547	27.4	1,450	72.6	3	42.9	4	57.1

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 174 guideline cases from the District of Western Wisconsin, 152 cases were excluded due to defendant ineligible for non-prison alternatives.

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

	National			Western Wisconsin		
PRIMARY OFFENSE	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	**56.0**	**33.0**	**58,816**	**83.4**	**48.0**	**165**
Murder	247.5	180.0	80	--	--	0
Manslaughter	34.8	21.0	44	--	--	0
Kidnapping/Hostage Taking	162.7	120.5	58	--	--	0
Sexual Abuse	78.2	48.0	252	--	--	0
Assault	38.5	30.0	422	--	--	1
Robbery	103.5	72.0	1,504	130.4	170.0	9
Arson	96.2	60.0	74	--	--	0
Drugs - Trafficking	80.1	60.0	23,724	124.7	99.0	65
Drugs - Communication Facility	47.4	48.0	333	--	--	0
Drugs - Simple Possession	8.5	6.0	648	--	--	0
Firearms	75.8	46.0	6,218	98.3	87.5	22
Burglary/B&E	25.4	24.0	48	--	--	0
Auto Theft	73.0	27.0	117	61.0	57.0	3
Larceny	16.6	12.0	1,004	30.7	25.0	3
Fraud	20.1	14.0	4,898	24.0	16.0	21
Embezzlement	9.6	5.0	395	6.0	2.0	6
Forgery/Counterfeiting	17.9	15.0	830	--	--	2
Bribery	16.2	12.0	85	--	--	1
Tax	18.6	12.0	271	13.3	15.0	4
Money Laundering	54.7	33.0	672	--	--	1
Racketeering/Extortion	77.8	46.0	746	--	--	0
Gambling/Lottery	12.9	13.3	27	--	--	0
Civil Rights	55.9	24.0	45	--	--	0
Immigration	24.1	21.0	13,967	40.9	33.5	14
Pornography/Prostitution	69.0	37.0	731	--	--	1
Prison Offenses	18.0	14.0	346	17.2	15.0	6
Administration of Justice Offenses	24.5	15.0	627	29.6	36.0	5
Environmental/Wildlife	13.3	6.5	38	--	--	0
National Defense	83.5	30.0	19	--	--	0
Antitrust	12.8	10.0	5	--	--	0
Food & Drug	43.6	13.0	21	--	--	0
Other Miscellaneous Offenses	19.7	10.0	567	--	--	1

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 174 guideline cases from the District of Western Wisconsin, nine cases were excluded due to one of the following reasons: zero prison months ordered (8) 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		SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		GOVERNMENT INITIATED DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
District	TOTAL	n	%	n	%	n	%	n	%	n	%
TOTAL	**65,171**	**45,253**	**69.4**	**10,360**	**15.9**	**4,121**	**6.3**	**4,896**	**7.5**	**541**	**0.8**
D.C. CIRCUIT	**477**	**308**	**64.6**	**126**	**26.4**	**21**	**4.4**	**21**	**4.4**	**1**	**0.2**
District of Columbia	**477**	308	64.6	126	26.4	21	4.4	21	4.4	1	0.2
FIRST CIRCUIT	**1,832**	**1,417**	**77.3**	**247**	**13.5**	**12**	**0.7**	**143**	**7.8**	**13**	**0.7**
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
SECOND CIRCUIT											
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
THIRD CIRCUIT	**2,783**	**1,734**	**62.3**	**801**	**28.8**	**17**	**0.6**	**206**	**7.4**	**25**	**0.9**
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
FOURTH CIRCUIT	**5,698**	**4,388**	**77.0**	**1,045**	**18.3**	**17**	**0.3**	**216**	**3.8**	**32**	**0.6**
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		SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		GOVERNMENT INITIATED DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
District	TOTAL	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	**13,298**	**9,796**	**73.7**	**1,667**	**12.5**	**714**	**5.4**	**999**	**7.5**	**122**	**0.9**
Louisiana											
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
Mississippi											
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
Texas											
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
SIXTH CIRCUIT	**4,789**	**3,311**	**69.1**	**1,179**	**24.6**	**22**	**0.5**	**256**	**5.3**	**21**	**0.4**
Kentucky											
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
Michigan											
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
Ohio											
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
Tennessee											
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
SEVENTH CIRCUIT	**3,041**	**2,205**	**72.5**	**646**	**21.2**	**24**	**0.8**	**136**	**4.5**	**30**	**1.0**
Illinois											
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
Indiana											
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
Wisconsin											
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
EIGHTH CIRCUIT	**4,329**	**3,125**	**72.2**	**761**	**17.6**	**87**	**2.0**	**308**	**7.1**	**48**	**1.1**
Arkansas											
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
Iowa											
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
Missouri											
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		SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		GOVERNMENT INITIATED DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
District	TOTAL	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	**13,286**	**7,917**	**59.6**	**1,360**	**10.2**	**2,546**	**19.2**	**1,311**	**9.9**	**152**	**1.1**
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
TENTH CIRCUIT	**4,476**	**3,271**	**73.1**	**422**	**9.4**	**512**	**11.4**	**246**	**5.5**	**25**	**0.6**
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
ELEVENTH CIRCUIT	**6,399**	**4,769**	**74.5**	**1,274**	**19.9**	**16**	**0.3**	**290**	**4.5**	**50**	**0.8**
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

		SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		GOVERNMENT INITIATED DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
PRIMARY OFFENSE	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**64,990**	**45,124**	**69.4**	**10,323**	**15.9**	**4,116**	**6.3**	**4,887**	**7.5**	**540**	**0.8**
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

Western Wisconsin

		SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		GOVERNMENT INITIATED DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
PRIMARY OFFENSE	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**172**	**153**	**89.0**	**12**	**7.0**	**0**	**0.0**	**1**	**0.6**	**6**	**3.5**
Robbery	**9**	8	88.9	1	11.1	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	**64**	54	84.4	8	12.5	0	0.0	1	1.6	1	1.6
Drugs - Simple Possession	**0**	0	--	0	--	0	--	0	--	0	--
Firearms	**22**	21	95.5	0	0.0	0	0.0	0	0.0	1	4.5
Larceny	**3**	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	**25**	22	88.0	2	8.0	0	0.0	0	0.0	1	4.0
Embezzlement	**7**	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	**2**	1	50.0	0	0.0	0	0.0	0	0.0	1	50.0
Immigration	**14**	14	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	**26**	23	88.5	1	3.8	0	0.0	0	0.0	2	7.7

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 174 guideline cases from the District of Western Wisconsin, two 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.