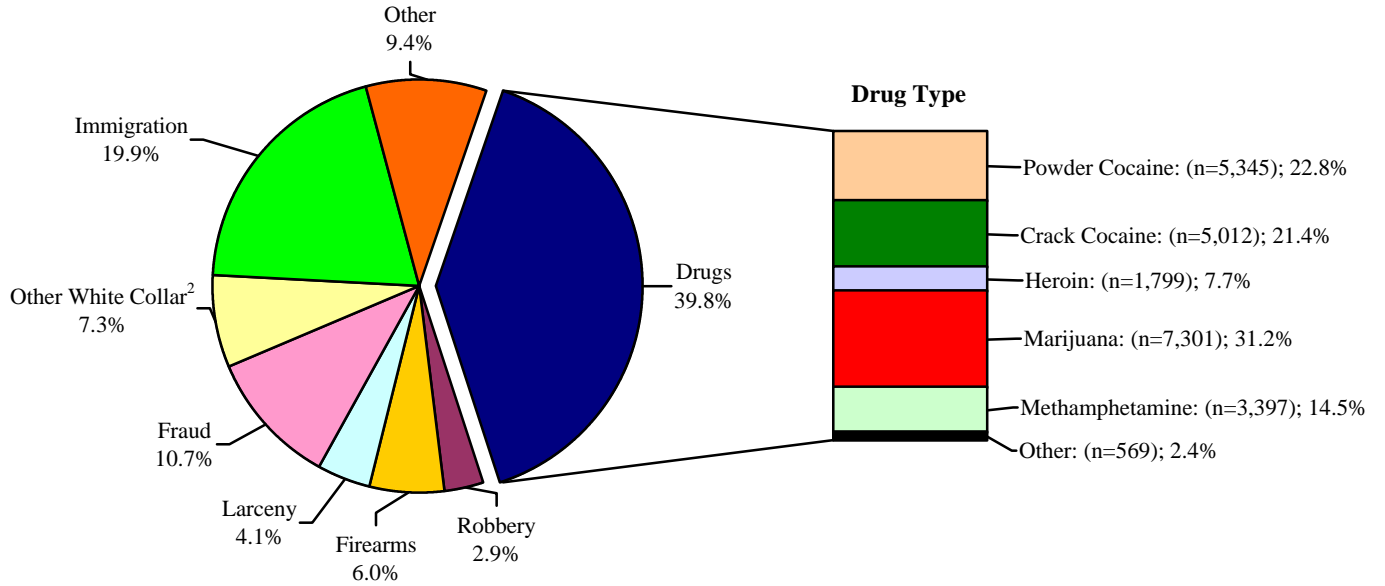


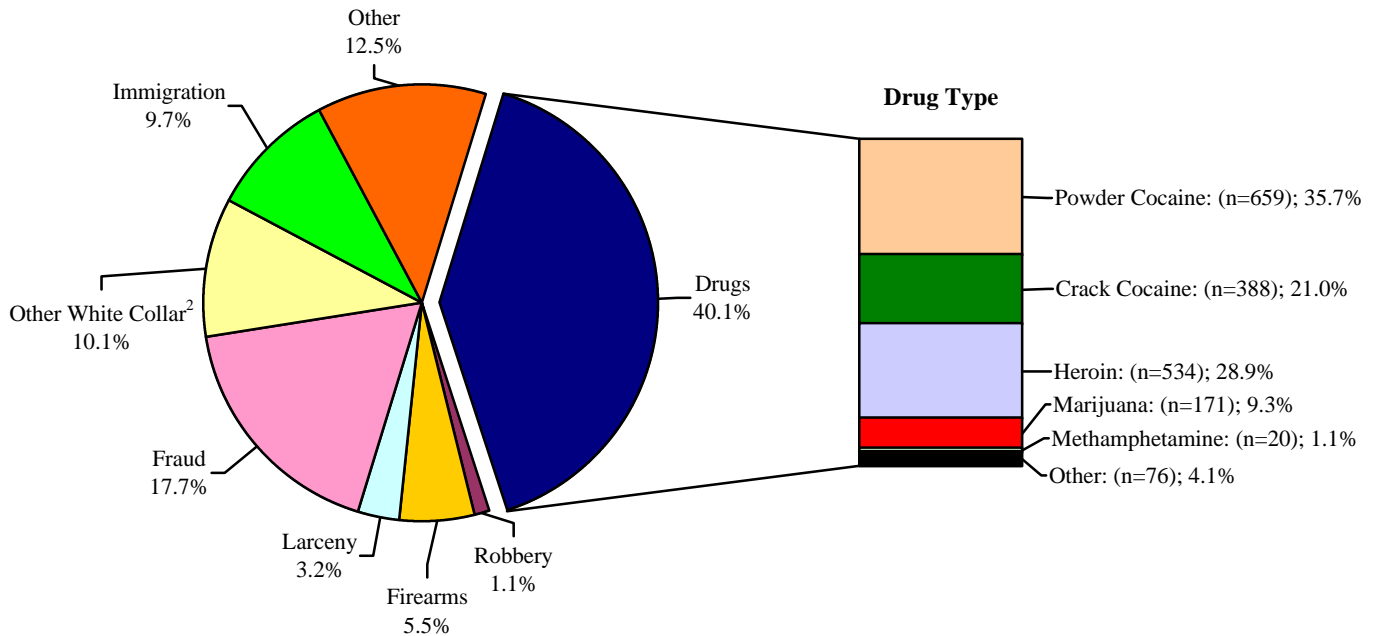
**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2000**

**National**



**Second Circuit**



<sup>1</sup>Of the 59,846 guideline cases, 1,013 cases were excluded due to one of the following reasons: missing primary offense category (257) or missing drug type (756). Of the 4,727 guideline cases from the Second Circuit, 123 cases were excluded due to one of the following reasons: missing primary offense category (68) or missing drug type (55).

<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 2000**

PRIMARY OFFENSE	National		Second Circuit	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>59,589</b>	<b>100.0</b>	<b>4,659</b>	<b>100.0</b>
Murder	78	0.1	11	0.2
Manslaughter	49	0.1	1	0.0
Kidnapping/Hostage Taking	73	0.1	27	0.6
Sexual Abuse	241	0.4	7	0.2
Assault	471	0.8	25	0.5
Robbery	1,721	2.9	52	1.1
Arson	71	0.1	9	0.2
Drugs - Trafficking	23,229	39.0	1,790	38.4
Drugs - Communication Facility	411	0.7	76	1.6
Drugs - Simple Possession	539	0.9	37	0.8
Firearms	3,524	5.9	251	5.4
Burglary/B&E	53	0.1	2	0.0
Auto Theft	221	0.4	19	0.4
Larceny	2,417	4.1	149	3.2
Fraud	6,286	10.5	814	17.5
Embezzlement	940	1.6	59	1.3
Forgery/Counterfeiting	1,314	2.2	80	1.7
Bribery	257	0.4	70	1.5
Tax	769	1.3	112	2.4
Money Laundering	991	1.7	146	3.1
Racketeering/Extortion	831	1.4	251	5.4
Gambling/Lottery	99	0.2	8	0.2
Civil Rights	88	0.1	6	0.1
Immigration	11,689	19.6	447	9.6
Pornography/Prostitution	519	0.9	30	0.6
Prison Offenses	296	0.5	11	0.2
Administration of Justice Offenses	1,027	1.7	80	1.7
Environmental/Wildlife	211	0.4	17	0.4
National Defense	17	0.0	0	0.0
Antitrust	40	0.1	16	0.3
Food & Drug	82	0.1	12	0.3
Other Miscellaneous Offenses	1,035	1.7	44	0.9

Of the 59,846 guideline cases, 257 cases were excluded due to missing information on primary offense category.

Of the 4,727 guideline cases from the Second Circuit, 68 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2000**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>59,508</b>	<b>56,814</b>	<b>95.5</b>	<b>2,694</b>	<b>4.5</b>
<b>D.C. CIRCUIT</b>	<b>347</b>	<b>323</b>	<b>93.1</b>	<b>24</b>	<b>6.9</b>
District of Columbia	347	323	93.1	24	6.9
<b>FIRST CIRCUIT</b>	<b>1,480</b>	<b>1,408</b>	<b>95.1</b>	<b>72</b>	<b>4.9</b>
Maine	159	151	95.0	8	5.0
Massachusetts	548	522	95.3	26	4.7
New Hampshire	117	107	91.5	10	8.5
Puerto Rico	519	497	95.8	22	4.2
Rhode Island	137	131	95.6	6	4.4
<b>SECOND CIRCUIT</b>	<b>4,668</b>	<b>4,462</b>	<b>95.6</b>	<b>206</b>	<b>4.4</b>
Connecticut	249	240	96.4	9	3.6
New York					
Eastern	1,610	1,532	95.2	78	4.8
Northern	496	489	98.6	7	1.4
Southern	1,739	1,646	94.7	93	5.3
Western	409	393	96.1	16	3.9
Vermont	165	162	98.2	3	1.8
<b>THIRD CIRCUIT</b>	<b>2,527</b>	<b>2,371</b>	<b>93.8</b>	<b>156</b>	<b>6.2</b>
Delaware	92	87	94.6	5	5.4
New Jersey	776	739	95.2	37	4.8
Pennsylvania					
Eastern	880	818	93.0	62	7.0
Middle	378	352	93.1	26	6.9
Western	294	280	95.2	14	4.8
Virgin Islands	107	95	88.8	12	11.2
<b>FOURTH CIRCUIT</b>	<b>5,034</b>	<b>4,708</b>	<b>93.5</b>	<b>326</b>	<b>6.5</b>
Maryland	511	462	90.4	49	9.6
North Carolina					
Eastern	482	446	92.5	36	7.5
Middle	306	289	94.4	17	5.6
Western	667	643	96.4	24	3.6
South Carolina	825	789	95.6	36	4.4
Virginia					
Eastern	1,373	1,264	92.1	109	7.9
Western	399	373	93.5	26	6.5
West Virginia					
Northern	198	192	97.0	6	3.0
Southern	273	250	91.6	23	8.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>11,342</b>	<b>10,941</b>	<b>96.5</b>	<b>401</b>	<b>3.5</b>
Louisiana					
Eastern	451	438	97.1	13	2.9
Middle	111	103	92.8	8	7.2
Western	320	308	96.3	12	3.8
Mississippi					
Northern	128	120	93.8	8	6.3
Southern	270	258	95.6	12	4.4
Texas					
Eastern	581	535	92.1	46	7.9
Northern	1,132	1,090	96.3	42	3.7
Southern	3,743	3,581	95.7	162	4.3
Western	4,606	4,508	97.9	98	2.1
<b>SIXTH CIRCUIT</b>	<b>4,166</b>	<b>3,931</b>	<b>94.4</b>	<b>235</b>	<b>5.6</b>
Kentucky					
Eastern	513	484	94.3	29	5.7
Western	330	309	93.6	21	6.4
Michigan					
Eastern	774	729	94.2	45	5.8
Western	349	330	94.6	19	5.4
Ohio					
Northern	704	684	97.2	20	2.8
Southern	421	400	95.0	21	5.0
Tennessee					
Eastern	431	392	91.0	39	9.0
Middle	222	205	92.3	17	7.7
Western	422	398	94.3	24	5.7
<b>SEVENTH CIRCUIT</b>	<b>2,452</b>	<b>2,262</b>	<b>92.3</b>	<b>190</b>	<b>7.7</b>
Illinois					
Central	339	319	94.1	20	5.9
Northern	853	794	93.1	59	6.9
Southern	378	352	93.1	26	6.9
Indiana					
Northern	307	273	88.9	34	11.1
Southern	223	199	89.2	24	10.8
Wisconsin					
Eastern	241	224	92.9	17	7.1
Western	111	101	91.0	10	9.0
<b>EIGHTH CIRCUIT</b>	<b>3,543</b>	<b>3,374</b>	<b>95.2</b>	<b>169</b>	<b>4.8</b>
Arkansas					
Eastern	225	212	94.2	13	5.8
Western	130	122	93.8	8	6.2
Iowa					
Northern	272	252	92.6	20	7.4
Southern	370	354	95.7	16	4.3
Minnesota	423	396	93.6	27	6.4
Missouri					
Eastern	650	629	96.8	21	3.2
Western	538	522	97.0	16	3.0
Nebraska	496	473	95.4	23	4.6
North Dakota	148	141	95.3	7	4.7
South Dakota	291	273	93.8	18	6.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>14,039</b>	<b>13,702</b>	<b>97.6</b>	<b>337</b>	<b>2.4</b>
Alaska	188	176	93.6	12	6.4
Arizona	3,336	3,303	99.0	33	1.0
California					
Central	1,540	1,498	97.3	42	2.7
Eastern	825	791	95.9	34	4.1
Northern	749	712	95.1	37	4.9
Southern	4,222	4,148	98.2	74	1.8
Guam	133	127	95.5	6	4.5
Hawaii	292	276	94.5	16	5.5
Idaho	140	128	91.4	12	8.6
Montana	298	279	93.6	19	6.4
Nevada	611	596	97.5	15	2.5
Northern Mariana Islands	54	52	96.3	2	3.7
Oregon	645	633	98.1	12	1.9
Washington					
Eastern	282	275	97.5	7	2.5
Western	724	708	97.8	16	2.2
<b>TENTH CIRCUIT</b>	<b>3,683</b>	<b>3,560</b>	<b>96.7</b>	<b>123</b>	<b>3.3</b>
Colorado	458	446	97.4	12	2.6
Kansas	412	391	94.9	21	5.1
New Mexico	1,636	1,609	98.3	27	1.7
Oklahoma					
Eastern	71	62	87.3	9	12.7
Northern	194	178	91.8	16	8.2
Western	183	166	90.7	17	9.3
Utah	550	534	97.1	16	2.9
Wyoming	179	174	97.2	5	2.8
<b>ELEVENTH CIRCUIT</b>	<b>6,227</b>	<b>5,772</b>	<b>92.7</b>	<b>455</b>	<b>7.3</b>
Alabama					
Middle	196	177	90.3	19	9.7
Northern	404	390	96.5	14	3.5
Southern	254	232	91.3	22	8.7
Florida					
Middle	1,477	1,404	95.1	73	4.9
Northern	368	318	86.4	50	13.6
Southern	2,152	1,946	90.4	206	9.6
Georgia					
Middle	388	367	94.6	21	5.4
Northern	758	724	95.5	34	4.5
Southern	230	214	93.0	16	7.0

Of the 59,846 guideline cases, 338 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2000**

PRIMARY OFFENSE	TOTAL	National				Second Circuit			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>59,477</b>	<b>56,783</b>	<b>95.5</b>	<b>2,694</b>	<b>4.5</b>	<b>4,442</b>	<b>95.6</b>	<b>206</b>	<b>4.4</b>
<b>Murder</b>	<b>78</b>	56	71.8	22	28.2	8	72.7	3	27.3
<b>Manslaughter</b>	<b>49</b>	45	91.8	4	8.2	1	100.0	0	0.0
<b>Kidnapping/Hostage Taking</b>	<b>73</b>	57	78.1	16	21.9	22	81.5	5	18.5
<b>Sexual Abuse</b>	<b>239</b>	223	93.3	16	6.7	7	100.0	0	0.0
<b>Assault</b>	<b>470</b>	419	89.1	51	10.9	22	88.0	3	12.0
<b>Robbery</b>	<b>1,710</b>	1,592	93.1	118	6.9	47	90.4	5	9.6
<b>Arson</b>	<b>71</b>	56	78.9	15	21.1	8	88.9	1	11.1
<b>Drugs - Trafficking</b>	<b>23,195</b>	22,011	94.9	1,184	5.1	1,734	96.9	55	3.1
<b>Drugs - Communication Facility</b>	<b>410</b>	408	99.5	2	0.5	75	100.0	0	0.0
<b>Drugs - Simple Possession</b>	<b>538</b>	512	95.2	26	4.8	36	100.0	0	0.0
<b>Firearms</b>	<b>3,517</b>	3,249	92.4	268	7.6	237	94.4	14	5.6
<b>Burglary/B&amp;E</b>	<b>52</b>	52	100.0	0	0.0	2	100.0	0	0.0
<b>Auto Theft</b>	<b>221</b>	197	89.1	24	10.9	17	89.5	2	10.5
<b>Larceny</b>	<b>2,416</b>	2,339	96.8	77	3.2	147	98.7	2	1.3
<b>Fraud</b>	<b>6,278</b>	5,997	95.5	281	4.5	753	92.7	59	7.3
<b>Embezzlement</b>	<b>939</b>	916	97.6	23	2.4	55	93.2	4	6.8
<b>Forgery/Counterfeiting</b>	<b>1,313</b>	1,280	97.5	33	2.5	78	97.5	2	2.5
<b>Bribery</b>	<b>257</b>	252	98.1	5	1.9	68	97.1	2	2.9
<b>Tax</b>	<b>768</b>	719	93.6	49	6.4	105	94.6	6	5.4
<b>Money Laundering</b>	<b>985</b>	878	89.1	107	10.9	136	93.8	9	6.2
<b>Racketeering/Extortion</b>	<b>825</b>	770	93.3	55	6.7	236	94.8	13	5.2
<b>Gambling/Lottery</b>	<b>99</b>	95	96.0	4	4.0	7	87.5	1	12.5
<b>Civil Rights</b>	<b>88</b>	77	87.5	11	12.5	5	83.3	1	16.7
<b>Immigration</b>	<b>11,662</b>	11,505	98.7	157	1.3	437	98.2	8	1.8
<b>Pornography/Prostitution</b>	<b>519</b>	499	96.1	20	3.9	30	100.0	0	0.0
<b>Prison Offenses</b>	<b>296</b>	287	97.0	9	3.0	11	100.0	0	0.0
<b>Administration of Justice Offenses</b>	<b>1,025</b>	978	95.4	47	4.6	71	88.8	9	11.3
<b>Environmental/Wildlife</b>	<b>210</b>	196	93.3	14	6.7	16	94.1	1	5.9
<b>National Defense</b>	<b>17</b>	17	100.0	0	0.0	0	--	0	--
<b>Antitrust</b>	<b>40</b>	39	97.5	1	2.5	16	100.0	0	0.0
<b>Food &amp; Drug</b>	<b>82</b>	77	93.9	5	6.1	12	100.0	0	0.0
<b>Other Miscellaneous Offenses</b>	<b>1,035</b>	985	95.2	50	4.8	43	97.7	1	2.3

Of the 59,846 guideline cases, 369 cases were excluded due to one or both of the following reasons: missing primary offense category (257) or missing mode of conviction (338).

Of the 4,727 guideline cases from the Second Circuit, 79 cases were excluded due to one or both of the following reasons: missing primary offense category (68) or missing mode of conviction (59).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2000**

**National**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>58,636</b>	<b>47,663</b>	<b>81.3</b>	<b>2,302</b>	<b>3.9</b>	<b>3,175</b>	<b>5.4</b>	<b>5,496</b>	<b>9.4</b>
Murder	77	75	97.4	1	1.3	1	1.3	0	0.0
Manslaughter	48	41	85.4	4	8.3	2	4.2	1	2.1
Kidnapping/Hostage Taking	73	72	98.6	0	0.0	1	1.4	0	0.0
Sexual Abuse	240	214	89.2	3	1.3	7	2.9	16	6.7
Assault	462	345	74.7	15	3.2	28	6.1	74	16.0
Robbery	1,706	1,654	97.0	27	1.6	14	0.8	11	0.6
Arson	71	66	93.0	1	1.4	3	4.2	1	1.4
Drugs - Trafficking	23,002	21,665	94.2	453	2.0	378	1.6	506	2.2
Drugs - Communication Facility	410	334	81.5	7	1.7	25	6.1	44	10.7
Drugs - Simple Possession	519	197	38.0	6	1.2	38	7.3	278	53.6
Firearms	3,488	3,044	87.3	120	3.4	158	4.5	166	4.8
Burglary/B&E	51	45	88.2	2	3.9	2	3.9	2	3.9
Auto Theft	219	175	79.9	4	1.8	13	5.9	27	12.3
Larceny	2,351	857	36.5	177	7.5	421	17.9	896	38.1
Fraud	6,174	3,376	54.7	736	11.9	926	15.0	1,136	18.4
Embezzlement	912	335	36.7	195	21.4	122	13.4	260	28.5
Forgery/Counterfeiting	1,300	703	54.1	92	7.1	201	15.5	304	23.4
Bribery	253	98	38.7	37	14.6	46	18.2	72	28.5
Tax	758	316	41.7	92	12.1	175	23.1	175	23.1
Money Laundering	980	765	78.1	40	4.1	89	9.1	86	8.8
Racketeering/Extortion	825	753	91.3	19	2.3	25	3.0	28	3.4
Gambling/Lottery	98	15	15.3	9	9.2	23	23.5	51	52.0
Civil Rights	85	50	58.8	4	4.7	9	10.6	22	25.9
Immigration	11,442	10,728	93.8	114	1.0	142	1.2	458	4.0
Pornography/Prostitution	510	448	87.8	19	3.7	25	4.9	18	3.5
Prison Offenses	295	269	91.2	8	2.7	5	1.7	13	4.4
Administration of Justice Offenses	1,008	581	57.6	66	6.5	122	12.1	239	23.7
Environmental/Wildlife	196	48	24.5	15	7.7	32	16.3	101	51.5
National Defense	17	11	64.7	0	0.0	1	5.9	5	29.4
Antitrust	38	12	31.6	2	5.3	12	31.6	12	31.6
Food & Drug	77	16	20.8	2	2.6	12	15.6	47	61.0
Other Miscellaneous Offenses	951	355	37.3	32	3.4	117	12.3	447	47.0

Of the 59,846 guideline cases, 1,210 cases were excluded due to one or more of the following reasons: missing sentencing information (438), missing primary offense category (257), or cases in which the defendant received no imprisonment or probation (684).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2000**

**Second Circuit**

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>4,605</b>	<b>3,345</b>	<b>72.6</b>	<b>221</b>	<b>4.8</b>	<b>391</b>	<b>8.5</b>	<b>648</b>	<b>14.1</b>
Murder	11	10	90.9	0	0.0	1	9.1	0	0.0
Manslaughter	1	1	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	27	26	96.3	0	0.0	1	3.7	0	0.0
Sexual Abuse	7	7	100.0	0	0.0	0	0.0	0	0.0
Assault	25	17	68.0	0	0.0	6	24.0	2	8.0
Robbery	52	50	96.2	0	0.0	2	3.8	0	0.0
Arson	9	8	88.9	0	0.0	1	11.1	0	0.0
Drugs - Trafficking	1,775	1,611	90.8	52	2.9	46	2.6	66	3.7
Drugs - Communication Facility	76	46	60.5	0	0.0	5	6.6	25	32.9
Drugs - Simple Possession	36	8	22.2	0	0.0	4	11.1	24	66.7
Firearms	244	200	82.0	15	6.1	10	4.1	19	7.8
Burglary/B&E	2	2	100.0	0	0.0	0	0.0	0	0.0
Auto Theft	19	11	57.9	0	0.0	0	0.0	8	42.1
Larceny	148	46	31.1	14	9.5	44	29.7	44	29.7
Fraud	806	391	48.5	72	8.9	134	16.6	209	25.9
Embezzlement	56	13	23.2	11	19.6	12	21.4	20	35.7
Forgery/Counterfeiting	79	38	48.1	6	7.6	13	16.5	22	27.8
Bribery	69	27	39.1	9	13.0	5	7.2	28	40.6
Tax	110	37	33.6	7	6.4	24	21.8	42	38.2
Money Laundering	145	96	66.2	11	7.6	17	11.7	21	14.5
Racketeering/Extortion	249	230	92.4	2	0.8	6	2.4	11	4.4
Gambling/Lottery	8	1	12.5	3	37.5	3	37.5	1	12.5
Civil Rights	6	4	66.7	0	0.0	0	0.0	2	33.3
Immigration	443	356	80.4	7	1.6	29	6.5	51	11.5
Pornography/Prostitution	29	27	93.1	1	3.4	1	3.4	0	0.0
Prison Offenses	11	10	90.9	0	0.0	1	9.1	0	0.0
Administration of Justice Offenses	77	43	55.8	7	9.1	8	10.4	19	24.7
Environmental/Wildlife	17	9	52.9	3	17.6	0	0.0	5	29.4
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	16	0	0.0	1	6.3	10	62.5	5	31.3
Food & Drug	11	0	0.0	0	0.0	1	9.1	10	90.9
Other Miscellaneous Offenses	41	20	48.8	0	0.0	7	17.1	14	34.1

Of the 4,727 guideline cases from the Second Circuit, 122 cases were excluded due to one or more of the following reasons: missing sentencing information (26), missing primary offense category (68), or cases in which the defendant received no imprisonment or probation (46).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2000**

PRIMARY OFFENSE	TOTAL	National				Second Circuit			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>11,137</b>	<b>5,061</b>	<b>45.4</b>	<b>6,076</b>	<b>54.6</b>	<b>212</b>	<b>26.2</b>	<b>598</b>	<b>73.8</b>
<b>Fraud</b>	<b>2,118</b>	755	35.6	1,363	64.4	57	24.2	179	75.8
<b>Larceny</b>	<b>1,471</b>	292	19.9	1,179	80.1	13	16.9	64	83.1
<b>Immigration</b>	<b>3,103</b>	2,615	84.3	488	15.7	80	54.4	67	45.6
<b>Embezzlement</b>	<b>562</b>	221	39.3	341	60.7	6	22.2	21	77.8
<b>Drugs - Trafficking</b>	<b>501</b>	243	48.5	258	51.5	12	31.6	26	68.4
<b>Drugs - Simple Possession</b>	<b>452</b>	141	31.2	311	68.8	3	9.7	28	90.3
<b>Firearms</b>	<b>200</b>	60	30.0	140	70.0	1	7.7	12	92.3
<b>Forgery/Counterfeiting</b>	<b>576</b>	168	29.2	408	70.8	6	23.1	20	76.9
<b>Other Miscellaneous Offenses</b>	<b>2,154</b>	566	26.3	1,588	73.7	34	15.8	181	84.2

Of the 59,846 guideline cases, 48,709 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (48,569), missing sentencing information (438) or missing primary offense category (257).

Of the 4,727 guideline cases from the Second Circuit, 3,917 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (3,890), missing sentencing information (26) or missing primary offense category (68).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2000**

PRIMARY OFFENSE	National			Second Circuit		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>55.2</b>	<b>33.0</b>	<b>49,192</b>	<b>55.1</b>	<b>36.0</b>	<b>3,424</b>
<b>Murder</b>	271.3	240.0	76	231.8	180.0	10
<b>Manslaughter</b>	26.1	18.0	45	--	--	1
<b>Kidnapping/Hostage Taking</b>	167.8	97.0	71	92.5	60.0	25
<b>Sexual Abuse</b>	71.5	37.0	216	22.4	18.0	7
<b>Assault</b>	44.6	27.0	350	57.4	27.0	17
<b>Robbery</b>	110.6	77.0	1,678	109.1	64.5	48
<b>Arson</b>	72.0	60.0	67	53.8	60.0	8
<b>Drugs - Trafficking</b>	75.3	57.0	21,908	63.6	46.0	1,594
<b>Drugs - Communication Facility</b>	48.2	48.0	339	66.7	48.0	45
<b>Drugs - Simple Possession</b>	18.5	6.0	184	25.8	12.0	6
<b>Firearms</b>	64.1	41.0	3,143	52.5	37.0	210
<b>Burglary/B&amp;E</b>	28.3	24.0	47	--	--	2
<b>Auto Theft</b>	55.5	24.0	179	27.6	24.0	11
<b>Larceny</b>	15.6	12.0	1,021	16.4	11.5	60
<b>Fraud</b>	18.0	12.0	4,018	22.1	15.0	435
<b>Embezzlement</b>	9.9	5.0	515	15.7	5.0	23
<b>Forgery/Counterfeiting</b>	17.0	13.0	776	14.4	13.0	43
<b>Bribery</b>	16.2	12.0	135	17.9	15.0	36
<b>Tax</b>	16.6	12.0	405	17.1	12.0	42
<b>Money Laundering</b>	46.3	33.0	789	35.5	27.0	103
<b>Racketeering/Extortion</b>	98.0	60.0	768	115.8	70.0	230
<b>Gambling/Lottery</b>	14.4	11.5	24	22.8	13.0	4
<b>Civil Rights</b>	38.6	18.0	54	122.0	135.0	4
<b>Immigration</b>	27.8	24.0	10,535	38.4	41.0	343
<b>Pornography/Prostitution</b>	47.0	30.0	467	41.9	30.0	28
<b>Prison Offenses</b>	18.8	13.0	272	17.0	18.0	9
<b>Administration of Justice Offenses</b>	25.1	15.0	628	47.7	15.0	47
<b>Environmental/Wildlife</b>	14.5	9.5	62	14.8	12.0	12
<b>National Defense</b>	30.9	29.0	10	--	--	0
<b>Antitrust</b>	12.7	6.5	14	--	--	1
<b>Food &amp; Drug</b>	23.1	12.0	18	--	--	0
<b>Other Miscellaneous Offenses</b>	23.0	12.0	378	24.4	16.5	20

Of the 59,846 guideline cases, 10,654 cases were excluded for one or more of the following reasons: zero months prison ordered (9,357), missing primary offense category (257) or missing or indeterminable sentencing information (1,232).

Of the 4,727 guideline cases from the Second Circuit, 1,303 cases were excluded due to one or more of the following reasons: zero prison months ordered (1,093), missing primary offense category (68) or missing or indeterminable sentencing information (171).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

**Table 8**

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
Fiscal Year 2000**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>54,617</b>	<b>35,219</b>	<b>64.5</b>	<b>9,754</b>	<b>17.9</b>	<b>9,286</b>	<b>17.0</b>	<b>358</b>	<b>0.7</b>
<b>D.C. CIRCUIT</b>	<b>327</b>	<b>227</b>	<b>69.4</b>	<b>63</b>	<b>19.3</b>	<b>36</b>	<b>11.0</b>	<b>1</b>	<b>0.3</b>
District of Columbia	327	227	69.4	63	19.3	36	11.0	1	0.3
<b>FIRST CIRCUIT</b>	<b>1,450</b>	<b>1,014</b>	<b>69.9</b>	<b>230</b>	<b>15.9</b>	<b>194</b>	<b>13.4</b>	<b>12</b>	<b>0.8</b>
Maine	156	104	66.7	38	24.4	13	8.3	1	0.6
Massachusetts	526	285	54.2	116	22.1	120	22.8	5	1.0
New Hampshire	117	75	64.1	28	23.9	13	11.1	1	0.9
Puerto Rico	518	447	86.3	38	7.3	30	5.8	3	0.6
Rhode Island	133	103	77.4	10	7.5	18	13.5	2	1.5
<b>SECOND CIRCUIT</b>	<b>4,302</b>	<b>2,403</b>	<b>55.9</b>	<b>1,027</b>	<b>23.9</b>	<b>842</b>	<b>19.6</b>	<b>30</b>	<b>0.7</b>
Connecticut	216	120	55.6	25	11.6	69	31.9	2	0.9
New York									
Eastern	1,447	692	47.8	333	23.0	411	28.4	11	0.8
Northern	456	163	35.7	232	50.9	59	12.9	2	0.4
Southern	1,631	1,100	67.4	306	18.8	212	13.0	13	0.8
Western	389	247	63.5	100	25.7	41	10.5	1	0.3
Vermont	163	81	49.7	31	19.0	50	30.7	1	0.6
<b>THIRD CIRCUIT</b>	<b>2,447</b>	<b>1,462</b>	<b>59.7</b>	<b>746</b>	<b>30.5</b>	<b>223</b>	<b>9.1</b>	<b>16</b>	<b>0.7</b>
Delaware	90	61	67.8	20	22.2	8	8.9	1	1.1
New Jersey	761	495	65.0	207	27.2	56	7.4	3	0.4
Pennsylvania									
Eastern	857	447	52.2	314	36.6	87	10.2	9	1.1
Middle	360	194	53.9	130	36.1	35	9.7	1	0.3
Western	278	186	66.9	62	22.3	28	10.1	2	0.7
Virgin Islands	101	79	78.2	13	12.9	9	8.9	0	0.0
<b>FOURTH CIRCUIT</b>	<b>4,363</b>	<b>3,202</b>	<b>73.4</b>	<b>910</b>	<b>20.9</b>	<b>216</b>	<b>5.0</b>	<b>35</b>	<b>0.8</b>
Maryland	497	287	57.7	140	28.2	66	13.3	4	0.8
North Carolina									
Eastern	455	310	68.1	112	24.6	22	4.8	11	2.4
Middle	303	246	81.2	42	13.9	9	3.0	6	2.0
Western	555	301	54.2	215	38.7	38	6.8	1	0.2
South Carolina	790	575	72.8	195	24.7	17	2.2	3	0.4
Virginia									
Eastern	907	807	89.0	67	7.4	32	3.5	1	0.1
Western	396	284	71.7	90	22.7	17	4.3	5	1.3
West Virginia									
Northern	193	169	87.6	17	8.8	4	2.1	3	1.6
Southern	267	223	83.5	32	12.0	11	4.1	1	0.4

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>10,928</b>	<b>7,900</b>	<b>72.3</b>	<b>1,486</b>	<b>13.6</b>	<b>1,488</b>	<b>13.6</b>	<b>54</b>	<b>0.5</b>
<b>Louisiana</b>									
Eastern	444	352	79.3	57	12.8	32	7.2	3	0.7
Middle	110	80	72.7	16	14.5	10	9.1	4	3.6
Western	311	207	66.6	80	25.7	18	5.8	6	1.9
<b>Mississippi</b>									
Northern	126	86	68.3	23	18.3	15	11.9	2	1.6
Southern	261	202	77.4	54	20.7	5	1.9	0	0.0
<b>Texas</b>									
Eastern	575	479	83.3	56	9.7	39	6.8	1	0.2
Northern	1,092	795	72.8	234	21.4	58	5.3	5	0.5
Southern	3,666	2,563	69.9	579	15.8	504	13.7	20	0.5
Western	4,343	3,136	72.2	387	8.9	807	18.6	13	0.3
<b>SIXTH CIRCUIT</b>	<b>4,030</b>	<b>2,710</b>	<b>67.2</b>	<b>983</b>	<b>24.4</b>	<b>312</b>	<b>7.7</b>	<b>25</b>	<b>0.6</b>
<b>Kentucky</b>									
Eastern	501	334	66.7	145	28.9	19	3.8	3	0.6
Western	310	261	84.2	37	11.9	12	3.9	0	0.0
<b>Michigan</b>									
Eastern	753	477	63.3	184	24.4	91	12.1	1	0.1
Western	337	235	69.7	63	18.7	36	10.7	3	0.9
<b>Ohio</b>									
Northern	688	468	68.0	164	23.8	51	7.4	5	0.7
Southern	404	226	55.9	123	30.4	53	13.1	2	0.5
<b>Tennessee</b>									
Eastern	427	287	67.2	126	29.5	14	3.3	0	0.0
Middle	204	144	70.6	39	19.1	18	8.8	3	1.5
Western	406	278	68.5	102	25.1	18	4.4	8	2.0
<b>SEVENTH CIRCUIT</b>	<b>2,341</b>	<b>1,626</b>	<b>69.5</b>	<b>509</b>	<b>21.7</b>	<b>181</b>	<b>7.7</b>	<b>25</b>	<b>1.1</b>
<b>Illinois</b>									
Central	328	186	56.7	110	33.5	27	8.2	5	1.5
Northern	800	496	62.0	208	26.0	87	10.9	9	1.1
Southern	365	324	88.8	28	7.7	10	2.7	3	0.8
<b>Indiana</b>									
Northern	285	218	76.5	54	18.9	12	4.2	1	0.4
Southern	217	139	64.1	62	28.6	14	6.5	2	0.9
<b>Wisconsin</b>									
Eastern	240	175	72.9	38	15.8	23	9.6	4	1.7
Western	106	88	83.0	9	8.5	8	7.5	1	0.9
<b>EIGHTH CIRCUIT</b>	<b>3,466</b>	<b>2,267</b>	<b>65.4</b>	<b>802</b>	<b>23.1</b>	<b>356</b>	<b>10.3</b>	<b>41</b>	<b>1.2</b>
<b>Arkansas</b>									
Eastern	220	178	80.9	27	12.3	14	6.4	1	0.5
Western	129	110	85.3	17	13.2	1	0.8	1	0.8
<b>Iowa</b>									
Northern	259	151	58.3	76	29.3	23	8.9	9	3.5
Southern	364	196	53.8	114	31.3	52	14.3	2	0.5
Minnesota	418	260	62.2	71	17.0	85	20.3	2	0.5
<b>Missouri</b>									
Eastern	641	423	66.0	170	26.5	38	5.9	10	1.6
Western	528	292	55.3	218	41.3	17	3.2	1	0.2
<b>Nebraska</b>									
Nebraska	484	352	72.7	68	14.0	63	13.0	1	0.2
<b>North Dakota</b>									
North Dakota	141	94	66.7	21	14.9	24	17.0	2	1.4
<b>South Dakota</b>									
South Dakota	282	211	74.8	20	7.1	39	13.8	12	4.3

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>11,564</b>	<b>5,770</b>	<b>49.9</b>	<b>1,343</b>	<b>11.6</b>	<b>4,385</b>	<b>37.9</b>	<b>66</b>	<b>0.6</b>
Alaska	180	131	72.8	19	10.6	30	16.7	0	0.0
Arizona	3,195	914	28.6	231	7.2	2,030	63.5	20	0.6
California									
Central	792	577	72.9	104	13.1	104	13.1	7	0.9
Eastern	796	607	76.3	113	14.2	72	9.0	4	0.5
Northern	721	503	69.8	57	7.9	156	21.6	5	0.7
Southern	3,037	1,259	41.5	308	10.1	1,459	48.0	11	0.4
Guam	127	95	74.8	29	22.8	1	0.8	2	1.6
Hawaii	280	193	68.9	52	18.6	34	12.1	1	0.4
Idaho	139	80	57.6	33	23.7	25	18.0	1	0.7
Montana	292	177	60.6	68	23.3	45	15.4	2	0.7
Nevada	605	430	71.1	85	14.0	88	14.5	2	0.3
Northern Mariana Islands	52	28	53.8	24	46.2	0	0.0	0	0.0
Oregon	514	316	61.5	104	20.2	87	16.9	7	1.4
Washington									
Eastern	273	136	49.8	16	5.9	119	43.6	2	0.7
Western	561	324	57.8	100	17.8	135	24.1	2	0.4
<b>TENTH CIRCUIT</b>	<b>3,403</b>	<b>2,378</b>	<b>69.9</b>	<b>372</b>	<b>10.9</b>	<b>639</b>	<b>18.8</b>	<b>14</b>	<b>0.4</b>
Colorado	418	254	60.8	104	24.9	59	14.1	1	0.2
Kansas	391	261	66.8	76	19.4	50	12.8	4	1.0
New Mexico	1,602	1,113	69.5	86	5.4	401	25.0	2	0.1
Oklahoma									
Eastern	65	44	67.7	2	3.1	19	29.2	0	0.0
Northern	190	146	76.8	19	10.0	23	12.1	2	1.1
Western	171	143	83.6	21	12.3	4	2.3	3	1.8
Utah	392	311	79.3	20	5.1	60	15.3	1	0.3
Wyoming	174	106	60.9	44	25.3	23	13.2	1	0.6
<b>ELEVENTH CIRCUIT</b>	<b>5,996</b>	<b>4,260</b>	<b>71.0</b>	<b>1,283</b>	<b>21.4</b>	<b>414</b>	<b>6.9</b>	<b>39</b>	<b>0.7</b>
Alabama									
Middle	174	94	54.0	65	37.4	14	8.0	1	0.6
Northern	396	287	72.5	93	23.5	14	3.5	2	0.5
Southern	252	151	59.9	82	32.5	17	6.7	2	0.8
Florida									
Middle	1,471	987	67.1	386	26.2	97	6.6	1	0.1
Northern	358	230	64.2	105	29.3	18	5.0	5	1.4
Southern	2,030	1,626	80.1	285	14.0	113	5.6	6	0.3
Georgia									
Middle	362	227	62.7	108	29.8	17	4.7	10	2.8
Northern	732	479	65.4	132	18.0	112	15.3	9	1.2
Southern	221	179	81.0	27	12.2	12	5.4	3	1.4

Of the 59,846 guideline cases, 390 cases with no analogous guidelines were excluded from the table. Of the remaining 59,456 cases, 4,839 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (49.0%), Eastern Virginia (32.2%), Utah (28.9%), Southern California (28.7%), Western Washington (18.9%), Oregon (18.9%), Western North Carolina (17.7%), Connecticut (15.0%), Northern New York (12.5%), Eastern New York (11.3%), Eastern North Carolina (7.5%), Northern Indiana (7.2%), District of Columbia (6.8%), Northern Illinois (6.7%), Southern New York (6.5%), Western Kentucky (6.3%), Colorado (6.3%), Eastern Oklahoma (5.8%), Southern Florida (5.7%), Western Texas (5.6%), Virgin Islands (5.6%), Western Pennsylvania (5.4%), and Guam (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2000**

**National**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>54,569</b>	<b>35,198</b>	<b>64.5</b>	<b>9,743</b>	<b>17.9</b>	<b>9,270</b>	<b>17.0</b>	<b>358</b>	<b>0.7</b>
Robbery	1,596	1,135	71.1	209	13.1	231	14.5	21	1.3
Drugs - Trafficking	22,253	12,596	56.6	6,197	27.8	3,410	15.3	50	0.2
Drugs - Simple Possession	430	400	93.0	15	3.5	11	2.6	4	0.9
Firearms	3,288	2,485	75.6	358	10.9	410	12.5	35	1.1
Larceny	2,154	1,818	84.4	148	6.9	171	7.9	17	0.8
Fraud	5,775	3,961	68.6	1,084	18.8	669	11.6	61	1.1
Embezzlement	874	710	81.2	48	5.5	114	13.0	2	0.2
Forgery/Counterfeiting	1,242	989	79.6	143	11.5	97	7.8	13	1.0
Immigration	9,938	6,311	63.5	355	3.6	3,233	32.5	39	0.4
Other Miscellaneous Offenses	7,019	4,793	68.3	1,186	16.9	924	13.2	116	1.7

**Second Circuit**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANCIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>4,268</b>	<b>2,386</b>	<b>55.9</b>	<b>1,019</b>	<b>23.9</b>	<b>833</b>	<b>19.5</b>	<b>30</b>	<b>0.7</b>
Robbery	47	24	51.1	9	19.1	13	27.7	1	2.1
Drugs - Trafficking	1,694	803	47.4	543	32.1	341	20.1	7	0.4
Drugs - Simple Possession	31	28	90.3	3	9.7	0	0.0	0	0.0
Firearms	232	142	61.2	31	13.4	56	24.1	3	1.3
Larceny	137	103	75.2	11	8.0	23	16.8	0	0.0
Fraud	715	411	57.5	141	19.7	158	22.1	5	0.7
Embezzlement	52	31	59.6	3	5.8	18	34.6	0	0.0
Forgery/Counterfeiting	73	45	61.6	10	13.7	17	23.3	1	1.4
Immigration	393	302	76.8	22	5.6	65	16.5	4	1.0
Other Miscellaneous Offenses	894	497	55.6	246	27.5	142	15.9	9	1.0

Of the 59,846 guideline cases, 5,277 cases were excluded due to one or more of the following reasons: no analogous guidelines (390), missing or indeterminable departure information (4,839) or missing primary offense category (257).

Of the 4,727 guideline cases from the Second Circuit, 459 cases were excluded due to one or more of the following reasons: no analogous guidelines (12), missing or indeterminable departure information (413) or missing primary offense category (68).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.