United States Sentencing Commission

Statistical Information Packet

Fiscal Year 2006

State of California

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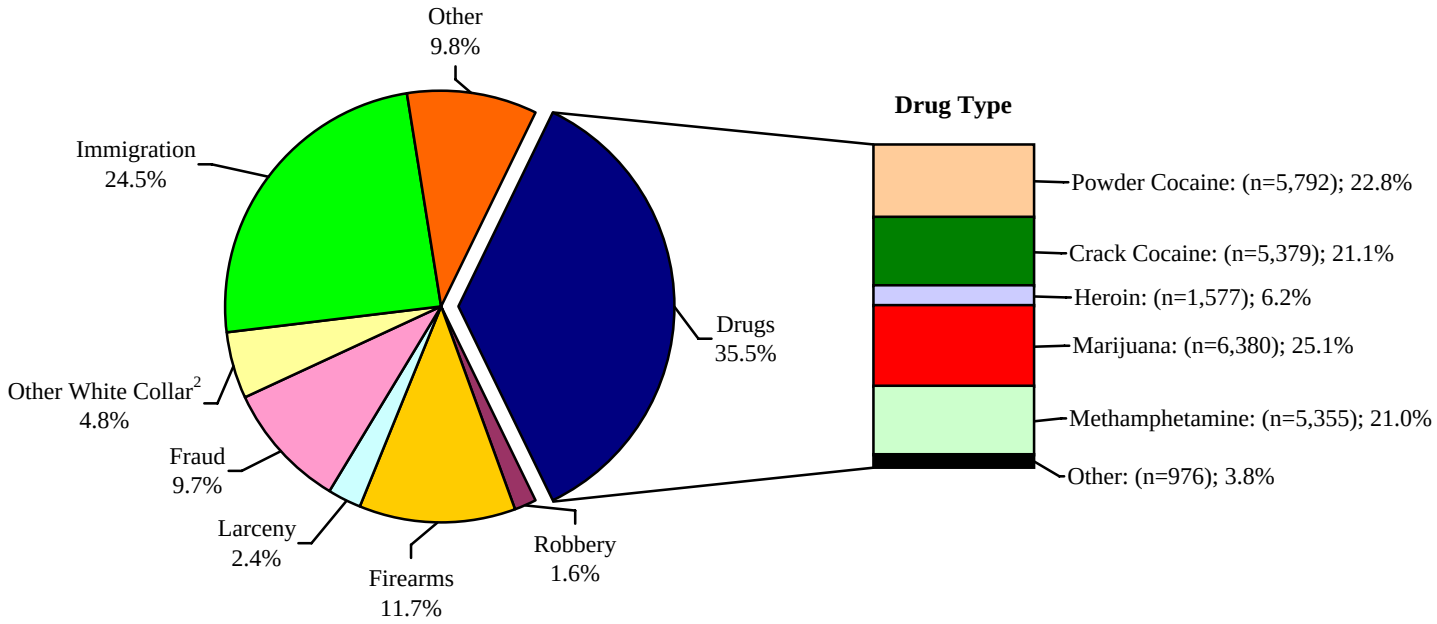
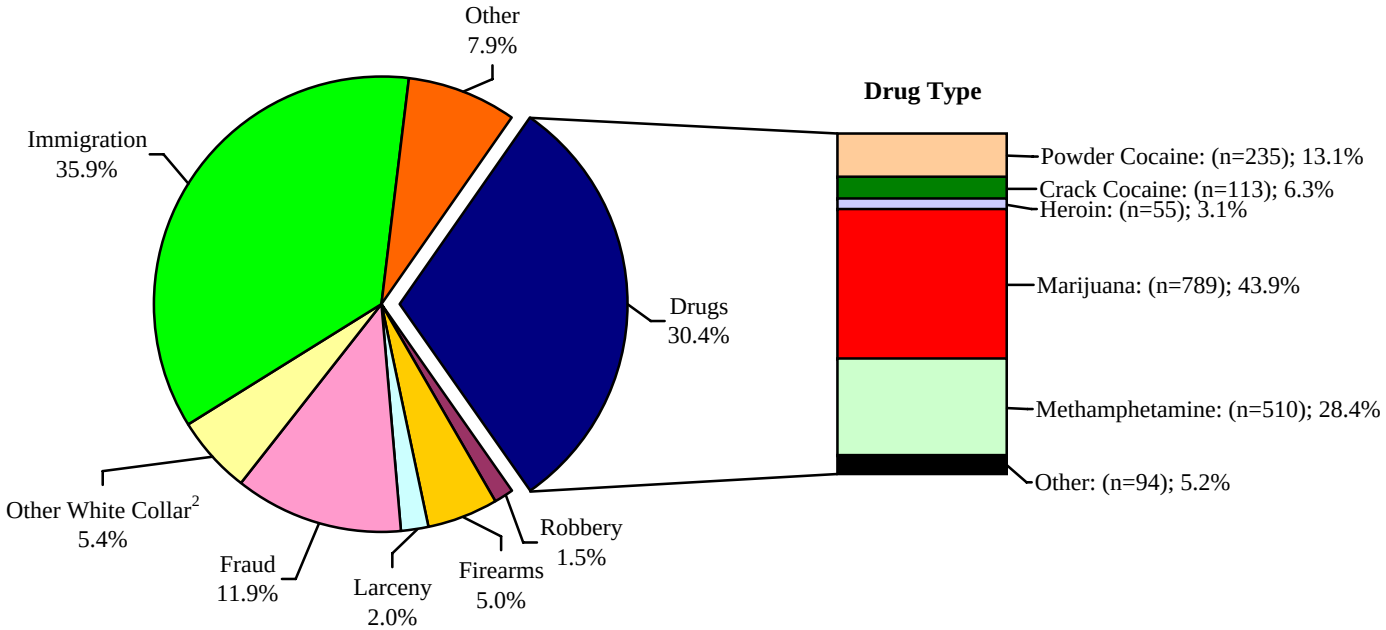
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS BY SELECT PRIMARY OFFENSE CATEGORY[1]
Fiscal Year 2006

National



California



[1]Of the 72,585 guideline cases, 875 cases were excluded due to one of the following reasons: missing primary offense category (67) or missing drug type (808). Of the 5,977 guideline cases from the State of California, 76 cases were excluded due to one of the following reasons: missing primary offense category (44) or missing drug type (32).

[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, 2006 Datafile, OPAFY06.

Table 1

DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY Fiscal Year 2006

	National		California	
PRIMARY OFFENSE	**Number**	**Percent**	**Number**	**Percent**
TOTAL	**72,518**	**100.0**	**5,933**	**100.0**
Murder	81	0.1	3	0.1
Manslaughter	60	0.1	0	0.0
Kidnapping/Hostage Taking	61	0.1	2	0.0
Sexual Abuse	265	0.4	13	0.2
Assault	620	0.9	39	0.7
Robbery	1,166	1.6	88	1.5
Arson	72	0.1	6	0.1
Drugs - Trafficking	25,086	34.6	1,711	28.8
Drugs - Communication Facility	412	0.6	88	1.5
Drugs - Simple Possession	769	1.1	29	0.5
Firearms	8,384	11.6	293	4.9
Burglary/B&E	48	0.1	4	0.1
Auto Theft	62	0.1	0	0.0
Larceny	1,714	2.4	117	2.0
Fraud	6,958	9.6	705	11.9
Embezzlement	584	0.8	29	0.5
Forgery/Counterfeiting	1,172	1.6	97	1.6
Bribery	184	0.3	12	0.2
Tax	608	0.8	93	1.6
Money Laundering	912	1.3	86	1.4
Racketeering/Extortion	622	0.9	44	0.7
Gambling/Lottery	116	0.2	2	0.0
Civil Rights	68	0.1	11	0.2
Immigration	17,574	24.2	2,118	35.7
Pornography/Prostitution	1,293	1.8	123	2.1
Prison Offenses	346	0.5	38	0.6
Administration of Justice Offenses	1,112	1.5	73	1.2
Environmental/Wildlife	177	0.2	14	0.2
National Defense	36	0.0	2	0.0
Antitrust	12	0.0	4	0.1
Food & Drug	64	0.1	3	0.1
Other Miscellaneous Offenses	1,880	2.6	86	1.4

Of the 72,585 guideline cases, 67 cases were excluded due to missing information on primary offense category.

Of the 5,977 guideline cases from the State of California, 44 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2006

CIRCUIT		PLEA		TRIAL	
District	TOTAL	Number	Percent	Number	Percent
TOTAL	**72,510**	**69,403**	**95.7**	**3,107**	**4.3**
D.C. CIRCUIT	**459**	**402**	**87.6**	**57**	**12.4**
District of Columbia	**459**	402	87.6	57	12.4
FIRST CIRCUIT	**1,635**	**1,504**	**92.0**	**131**	**8.0**
Maine	**205**	195	95.1	10	4.9
Massachusetts	**516**	460	89.1	56	10.9
New Hampshire	**219**	212	96.8	7	3.2
Puerto Rico	**569**	521	91.6	48	8.4
Rhode Island	**126**	116	92.1	10	7.9
SECOND CIRCUIT	**4,435**	**4,224**	**95.2**	**211**	**4.8**
Connecticut	**362**	354	97.8	8	2.2
New York					
Eastern	**1,104**	1,041	94.3	63	5.7
Northern	**409**	398	97.3	11	2.7
Southern	**1,762**	1,663	94.4	99	5.6
Western	**596**	573	96.1	23	3.9
Vermont	**202**	195	96.5	7	3.5
THIRD CIRCUIT	**3,015**	**2,814**	**93.3**	**201**	**6.7**
Delaware	**101**	95	94.1	6	5.9
New Jersey	**941**	902	95.9	39	4.1
Pennsylvania					
Eastern	**863**	759	87.9	104	12.1
Middle	**499**	488	97.8	11	2.2
Western	**494**	466	94.3	28	5.7
Virgin Islands	**117**	104	88.9	13	11.1
FOURTH CIRCUIT	**6,698**	**6,342**	**94.7**	**356**	**5.3**
Maryland	**670**	608	90.7	62	9.3
North Carolina					
Eastern	**674**	651	96.6	23	3.4
Middle	**416**	399	95.9	17	4.1
Western	**812**	776	95.6	36	4.4
South Carolina	**1,141**	1,112	97.5	29	2.5
Virginia					
Eastern	**1,740**	1,634	93.9	106	6.1
Western	**599**	554	92.5	45	7.5
West Virginia					
Northern	**377**	355	94.2	22	5.8
Southern	**269**	253	94.1	16	5.9

CIRCUIT District	TOTAL	PLEA Number	 Percent	TRIAL Number	 Percent
FIFTH CIRCUIT	**15,749**	**15,334**	**97.4**	**415**	**2.6**
Louisiana					
Eastern	**366**	354	96.7	12	3.3
Middle	**172**	171	99.4	1	0.6
Western	**493**	464	94.1	29	5.9
Mississippi					
Northern	**174**	162	93.1	12	6.9
Southern	**386**	355	92.0	31	8.0
Texas					
Eastern	**845**	820	97.0	25	3.0
Northern	**1,068**	1,001	93.7	67	6.3
Southern	**6,264**	6,129	97.8	135	2.2
Western	**5,981**	5,878	98.3	103	1.7
SIXTH CIRCUIT	**5,220**	**4,950**	**94.8**	**270**	**5.2**
Kentucky					
Eastern	**530**	506	95.5	24	4.5
Western	**445**	425	95.5	20	4.5
Michigan					
Eastern	**793**	751	94.7	42	5.3
Western	**435**	408	93.8	27	6.2
Ohio					
Northern	**976**	939	96.2	37	3.8
Southern	**709**	681	96.1	28	3.9
Tennessee					
Eastern	**528**	492	93.2	36	6.8
Middle	**296**	274	92.6	22	7.4
Western	**508**	474	93.3	34	6.7
SEVENTH CIRCUIT	**3,078**	**2,852**	**92.7**	**226**	**7.3**
Illinois					
Central	**332**	319	96.1	13	3.9
Northern	**1,104**	1,003	90.9	101	9.1
Southern	**374**	354	94.7	20	5.3
Indiana					
Northern	**405**	374	92.3	31	7.7
Southern	**315**	290	92.1	25	7.9
Wisconsin					
Eastern	**328**	303	92.4	25	7.6
Western	**220**	209	95.0	11	5.0
EIGHTH CIRCUIT	**5,195**	**4,983**	**95.9**	**212**	**4.1**
Arkansas					
Eastern	**380**	362	95.3	18	4.7
Western	**186**	184	98.9	2	1.1
Iowa					
Northern	**421**	391	92.9	30	7.1
Southern	**366**	343	93.7	23	6.3
Minnesota	**558**	522	93.5	36	6.5
Missouri					
Eastern	**987**	968	98.1	19	1.9
Western	**911**	883	96.9	28	3.1
Nebraska	**703**	681	96.9	22	3.1
North Dakota	**252**	240	95.2	12	4.8
South Dakota	**431**	409	94.9	22	5.1

CIRCUIT		PLEA		TRIAL	
District	TOTAL	Number	Percent	Number	Percent
NINTH CIRCUIT	**13,746**	**13,310**	**96.8**	**436**	**3.2**
Alaska	**146**	133	91.1	13	8.9
Arizona	**4,308**	4,225	98.1	83	1.9
California					
Central	**1,590**	1,524	95.8	66	4.2
Eastern	**1,043**	1,024	98.2	19	1.8
Northern	**662**	630	95.2	32	4.8
Southern	**2,637**	2,559	97.0	78	3.0
Guam	**82**	77	93.9	5	6.1
Hawaii	**452**	440	97.3	12	2.7
Idaho	**263**	256	97.3	7	2.7
Montana	**434**	384	88.5	50	11.5
Nevada	**392**	371	94.6	21	5.4
Northern Mariana Islands	**11**	9	81.8	2	18.2
Oregon	**526**	514	97.7	12	2.3
Washington					
Eastern	**363**	352	97.0	11	3.0
Western	**837**	812	97.0	25	3.0
TENTH CIRCUIT	**6,182**	**5,993**	**96.9**	**189**	**3.1**
Colorado	**682**	663	97.2	19	2.8
Kansas	**701**	665	94.9	36	5.1
New Mexico	**2,842**	2,798	98.5	44	1.5
Oklahoma					
Eastern	**80**	67	83.8	13	16.3
Northern	**202**	186	92.1	16	7.9
Western	**354**	338	95.5	16	4.5
Utah	**976**	938	96.1	38	3.9
Wyoming	**345**	338	98.0	7	2.0
ELEVENTH CIRCUIT	**7,098**	**6,695**	**94.3**	**403**	**5.7**
Alabama					
Middle	**252**	242	96.0	10	4.0
Northern	**517**	495	95.7	22	4.3
Southern	**394**	369	93.7	25	6.3
Florida					
Middle	**1,723**	1,647	95.6	76	4.4
Northern	**429**	395	92.1	34	7.9
Southern	**2,029**	1,900	93.6	129	6.4
Georgia					
Middle	**493**	473	95.9	20	4.1
Northern	**757**	699	92.3	58	7.7
Southern	**504**	475	94.2	29	5.8

Of the 72,585 guideline cases, 75 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 3

MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

		National				California			
		PLEA		TRIAL		PLEA		TRIAL	
PRIMARY OFFENSE	TOTAL	n	%	n	%	n	%	n	%
TOTAL	**72,506**	**69,399**	**95.7**	**3,107**	**4.3**	**5,736**	**96.7**	**195**	**3.3**
Murder	**81**	55	67.9	26	32.1	3	100.0	0	0.0
Manslaughter	**60**	55	91.7	5	8.3	0	--	0	--
Kidnapping/Hostage Taking	**61**	46	75.4	15	24.6	2	100.0	0	0.0
Sexual Abuse	**265**	237	89.4	28	10.6	12	92.3	1	7.7
Assault	**618**	556	90.0	62	10.0	37	94.9	2	5.1
Robbery	**1,166**	1,111	95.3	55	4.7	87	98.9	1	1.1
Arson	**72**	64	88.9	8	11.1	6	100.0	0	0.0
Drugs - Trafficking	**25,086**	23,958	95.5	1,128	4.5	1,659	97.0	52	3.0
Drugs - Communication Facility	**412**	410	99.5	2	0.5	87	98.9	1	1.1
Drugs - Simple Possession	**768**	736	95.8	32	4.2	29	100.0	0	0.0
Firearms	**8,384**	7,749	92.4	635	7.6	273	93.2	20	6.8
Burglary/B&E	**48**	46	95.8	2	4.2	4	100.0	0	0.0
Auto Theft	**62**	57	91.9	5	8.1	0	--	0	--
Larceny	**1,714**	1,670	97.4	44	2.6	117	100.0	0	0.0
Fraud	**6,957**	6,602	94.9	355	5.1	669	94.9	36	5.1
Embezzlement	**583**	567	97.3	16	2.7	28	96.6	1	3.4
Forgery/Counterfeiting	**1,172**	1,150	98.1	22	1.9	97	100.0	0	0.0
Bribery	**184**	175	95.1	9	4.9	12	100.0	0	0.0
Tax	**608**	543	89.3	65	10.7	87	93.5	6	6.5
Money Laundering	**912**	835	91.6	77	8.4	83	96.5	3	3.5
Racketeering/Extortion	**622**	551	88.6	71	11.4	41	93.2	3	6.8
Gambling/Lottery	**116**	116	100.0	0	0.0	2	100.0	0	0.0
Civil Rights	**68**	56	82.4	12	17.6	9	81.8	2	18.2
Immigration	**17,570**	17,345	98.7	225	1.3	2,061	97.4	55	2.6
Pornography/Prostitution	**1,293**	1,240	95.9	53	4.1	118	95.9	5	4.1
Prison Offenses	**346**	337	97.4	9	2.6	37	97.4	1	2.6
Administration of Justice Offenses	**1,112**	1,072	96.4	40	3.6	72	98.6	1	1.4
Environmental/Wildlife	**177**	168	94.9	9	5.1	14	100.0	0	0.0
National Defense	**36**	29	80.6	7	19.4	1	50.0	1	50.0
Antitrust	**12**	12	100.0	0	0.0	4	100.0	0	0.0
Food & Drug	**64**	61	95.3	3	4.7	3	100.0	0	0.0
Other Miscellaneous Offenses	**1,877**	1,790	95.4	87	4.6	82	95.3	4	4.7

Of the 72,585 guideline cases, 79 cases were excluded due to one or both of the following reasons: missing primary offense category (67) or missing mode of conviction (75).

Of the 5,977 guideline cases from the State of California, 46 cases were excluded due to one or both of the following reasons: missing primary offense category (44) or missing mode of conviction (45).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 4

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	**71,865**	**61,561**	**85.7**	**2,094**	**2.9**	**2,836**	**3.9**	**5,374**	**7.5**
Murder	**80**	79	98.8	0	0.0	1	1.3	0	0.0
Manslaughter	**60**	58	96.7	1	1.7	0	0.0	1	1.7
Kidnapping/Hostage Taking	**61**	60	98.4	1	1.6	0	0.0	0	0.0
Sexual Abuse	**264**	254	96.2	4	1.5	1	0.4	5	1.9
Assault	**611**	485	79.4	26	4.3	34	5.6	66	10.8
Robbery	**1,163**	1,113	95.7	20	1.7	13	1.1	17	1.5
Arson	**70**	65	92.9	1	1.4	2	2.9	2	2.9
Drugs - Trafficking	**25,055**	23,840	95.2	480	1.9	321	1.3	414	1.7
Drugs - Communication Facility	**411**	345	83.9	10	2.4	20	4.9	36	8.8
Drugs - Simple Possession	**684**	308	45.0	12	1.8	21	3.1	343	50.1
Firearms	**8,364**	7,674	91.8	201	2.4	240	2.9	249	3.0
Burglary/B&E	**48**	37	77.1	4	8.3	2	4.2	5	10.4
Auto Theft	**62**	53	85.5	1	1.6	5	8.1	3	4.8
Larceny	**1,598**	643	40.2	92	5.8	241	15.1	622	38.9
Fraud	**6,905**	4,234	61.3	520	7.5	828	12.0	1,323	19.2
Embezzlement	**578**	229	39.6	70	12.1	80	13.8	199	34.4
Forgery/Counterfeiting	**1,168**	729	62.4	63	5.4	138	11.8	238	20.4
Bribery	**183**	91	49.7	18	9.8	41	22.4	33	18.0
Tax	**601**	282	46.9	82	13.6	95	15.8	142	23.6
Money Laundering	**910**	693	76.2	38	4.2	84	9.2	95	10.4
Racketeering/Extortion	**620**	562	90.6	15	2.4	18	2.9	25	4.0
Gambling/Lottery	**116**	28	24.1	12	10.3	43	37.1	33	28.4
Civil Rights	**68**	40	58.8	1	1.5	12	17.6	15	22.1
Immigration	**17,527**	16,767	95.7	239	1.4	193	1.1	328	1.9
Pornography/Prostitution	**1,291**	1,235	95.7	28	2.2	13	1.0	15	1.2
Prison Offenses	**346**	309	89.3	17	4.9	10	2.9	10	2.9
Administration of Justice Offenses	**1,095**	651	59.5	61	5.6	117	10.7	266	24.3
Environmental/Wildlife	**167**	40	24.0	3	1.8	35	21.0	89	53.3
National Defense	**36**	29	80.6	5	13.9	1	2.8	1	2.8
Antitrust	**12**	3	25.0	5	41.7	3	25.0	1	8.3
Food & Drug	**61**	15	24.6	2	3.3	7	11.5	37	60.7
Other Miscellaneous Offenses	**1,650**	610	37.0	62	3.8	217	13.2	761	46.1

Of the 72,585 guideline cases, 720 cases were excluded due to one or more of the following reasons: missing sentencing information (211), missing primary offense category (67), or cases in which the defendant received no imprisonment or probation (507).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

California

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	**5,881**	**4,901**	**83.3**	**294**	**5.0**	**248**	**4.2**	**438**	**7.4**
Murder	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	**0**	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	**13**	11	84.6	1	7.7	0	0.0	1	7.7
Assault	**39**	32	82.1	1	2.6	4	10.3	2	5.1
Robbery	**88**	80	90.9	5	5.7	3	3.4	0	0.0
Arson	**6**	5	83.3	0	0.0	1	16.7	0	0.0
Drugs - Trafficking	**1,703**	1,559	91.5	78	4.6	24	1.4	42	2.5
Drugs - Communication Facility	**88**	85	96.6	0	0.0	0	0.0	3	3.4
Drugs - Simple Possession	**28**	10	35.7	0	0.0	0	0.0	18	64.3
Firearms	**292**	265	90.8	12	4.1	9	3.1	6	2.1
Burglary/B&E	**4**	4	100.0	0	0.0	0	0.0	0	0.0
Auto Theft	**0**	0	--	0	--	0	--	0	--
Larceny	**115**	54	47.0	6	5.2	19	16.5	36	31.3
Fraud	**694**	393	56.6	44	6.3	96	13.8	161	23.2
Embezzlement	**29**	11	37.9	3	10.3	4	13.8	11	37.9
Forgery/Counterfeiting	**96**	55	57.3	8	8.3	11	11.5	22	22.9
Bribery	**12**	5	41.7	2	16.7	2	16.7	3	25.0
Tax	**93**	32	34.4	17	18.3	13	14.0	31	33.3
Money Laundering	**86**	62	72.1	8	9.3	7	8.1	9	10.5
Racketeering/Extortion	**44**	41	93.2	1	2.3	0	0.0	2	4.5
Gambling/Lottery	**2**	0	0.0	0	0.0	1	50.0	1	50.0
Civil Rights	**11**	7	63.6	0	0.0	1	9.1	3	27.3
Immigration	**2,093**	1,959	93.6	86	4.1	14	0.7	34	1.6
Pornography/Prostitution	**123**	117	95.1	5	4.1	0	0.0	1	0.8
Prison Offenses	**38**	36	94.7	1	2.6	0	0.0	1	2.6
Administration of Justice Offenses	**73**	36	49.3	9	12.3	9	12.3	19	26.0
Environmental/Wildlife	**14**	5	35.7	0	0.0	3	21.4	6	42.9
National Defense	**2**	1	50.0	1	50.0	0	0.0	0	0.0
Antitrust	**4**	3	75.0	1	25.0	0	0.0	0	0.0
Food & Drug	**3**	1	33.3	0	0.0	0	0.0	2	66.7
Other Miscellaneous Offenses	**84**	28	33.3	5	6.0	27	32.1	24	28.6

Of the 5,977 guideline cases from the State of California, 96 cases were excluded due to one or more of the following reasons: missing sentencing information (83), missing primary offense category (44), or cases in which the defendant received no imprisonment or probation (13).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 6

INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES BY PRIMARY OFFENSE CATEGORY Fiscal Year 2006

		National				California			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
PRIMARY OFFENSE	TOTAL	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	**11,628**	**6,485**	**55.8**	**5,143**	**44.2**	**319**	**42.3**	**436**	**57.7**
Fraud	**2,393**	923	38.6	1,470	61.4	91	34.7	171	65.3
Larceny	**987**	223	22.6	764	77.4	10	17.5	47	82.5
Immigration	**4,511**	4,101	90.9	410	9.1	105	80.8	25	19.2
Embezzlement	**313**	71	22.7	242	77.3	2	13.3	13	86.7
Drugs - Trafficking	**474**	209	44.1	265	55.9	41	59.4	28	40.6
Drugs - Simple Possession	**493**	180	36.5	313	63.5	8	29.6	19	70.4
Firearms	**326**	170	52.1	156	47.9	6	60.0	4	40.0
Forgery/Counterfeiting	**421**	141	33.5	280	66.5	14	36.8	24	63.2
Other Miscellaneous Offenses	**1,710**	467	27.3	1,243	72.7	42	28.6	105	71.4

Of the 72,585 guideline cases, 60,957 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (60,953), missing sentencing information (211) or missing primary offense category (67).

Of the 5,977 guideline cases from the State of California, 5,222 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (5,222), missing sentencing information (83) or missing primary offense category (44).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 7

AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

	National			California		
PRIMARY OFFENSE	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	**59.1**	**36.0**	**62,963**	**41.4**	**27.0**	**5,130**
Murder	253.1	240.0	77	--	--	2
Manslaughter	46.7	37.0	59	--	--	0
Kidnapping/Hostage Taking	216.5	204.0	61	--	--	2
Sexual Abuse	103.5	60.0	256	75.3	37.0	12
Assault	41.3	30.0	502	36.4	24.0	31
Robbery	91.5	70.0	1,131	84.1	63.0	85
Arson	82.7	60.0	66	29.6	24.0	5
Drugs - Trafficking	84.4	60.0	24,248	56.8	41.0	1,625
Drugs - Communication Facility	47.0	48.0	354	68.2	48.0	85
Drugs - Simple Possession	16.1	4.0	294	7.5	0.7	10
Firearms	82.1	56.0	7,851	66.7	46.0	276
Burglary/B&E	19.7	16.0	41	17.0	13.5	4
Auto Theft	86.4	42.0	53	--	--	0
Larceny	18.3	12.0	728	17.0	12.0	60
Fraud	26.2	18.0	4,637	24.4	15.0	419
Embezzlement	15.1	12.0	294	16.2	12.0	14
Forgery/Counterfeiting	22.4	15.0	777	16.7	12.0	60
Bribery	20.9	15.0	108	17.9	12.0	7
Tax	22.4	15.0	361	19.0	15.0	47
Money Laundering	43.9	30.0	726	38.6	24.0	70
Racketeering/Extortion	95.6	60.0	576	89.6	63.0	41
Gambling/Lottery	12.7	8.5	39	--	--	0
Civil Rights	66.3	21.0	40	88.4	24.0	7
Immigration	23.5	18.0	16,653	27.1	24.0	2,023
Pornography/Prostitution	98.6	63.0	1,262	64.7	57.0	122
Prison Offenses	18.5	12.0	324	18.6	12.0	37
Administration of Justice Offenses	26.9	18.0	694	18.5	12.0	43
Environmental/Wildlife	15.1	13.5	42	19.0	12.0	5
National Defense	49.2	29.0	34	--	--	2
Antitrust	5.8	5.0	8	6.5	7.0	4
Food & Drug	25.2	19.0	16	--	--	1
Other Miscellaneous Offenses	18.8	6.0	651	17.4	12.0	31

Of the 72,585 guideline cases, 9,622 cases were excluded for one or more of the following reasons: zero months prison ordered (8,871), missing primary offense category (67) or missing or indeterminable sentencing information (751).

Of the 5,977 guideline cases from the State of California, 847 cases were excluded due to one or more of the following reasons: zero prison months ordered (751), missing primary offense category (44) or missing or indeterminable sentencing information (96).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 8

COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2006

	National		California	
	N	%	N	%
TOTAL CASES[1]	**70,187**	**100.0**	**5,463**	**100.0**
CASES SENTENCED WITHIN GUIDELINE RANGE	**43,307**	**61.7**	**2,675**	**49.0**
CASES SENTENCED ABOVE GUIDELINE RANGE	**1,129**	**1.6**	**57**	**1.0**
DEPARTURE ABOVE GUIDELINE RANGE	**589**	**0.9**	**23**	**0.4**
Upward Departure From Guideline Range[2]	412	0.6	12	0.2
Upward Departure With *Booker* /18 U.S.C. § 3553[3]	177	0.3	11	0.2
OTHERWISE ABOVE GUIDELINE RANGE	**540**	**0.7**	**34**	**0.6**
Above Guideline Range With *Booker* /18 U.S.C. § 3553[4]	455	0.6	26	0.5
All Remaining Cases Above Guideline Range[5]	85	0.1	8	0.1
GOVERNMENT SPONSORED BELOW RANGE[6]	**17,244**	**24.6**	**2,003**	**36.7**
§5K1.1 Substantial Assistance Departure	10,139	14.4	545	10.0
§5K3.1 Early Disposition Program Departure	5,166	7.4	1,229	22.5
Other Government Sponsored Below Range	1,939	2.8	229	4.2
NON-GOVERNMENT SPONSORED BELOW RANGE	**8,507**	**12.0**	**728**	**13.3**
DEPARTURE BELOW GUIDELINE RANGE	**3,335**	**4.7**	**313**	**5.7**
Downward Departure From Guideline Range[2]	1,903	2.7	177	3.2
Downward Departure With *Booker* /18 U.S.C. § 3553[3]	1,432	2.0	136	2.5
OTHERWISE BELOW GUIDELINE RANGE	**5,172**	**7.3**	**415**	**7.6**
Below Guideline Range With *Booker* /18 U.S.C. § 3553[4]	4,243	6.0	263	4.8
All Remaining Cases Below Guideline Range[5]	929	1.3	152	2.8

[1]Of the 72,585 guideline cases, 2,398 were excluded. Some excluded cases involved certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. In others, information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Note that for this table, total percentages may not add up to exactly 100 percent due to rounding. Of the 5,977 cases from the State of California, 514 cases were excluded.

[2]All cases with departures in which the court did not indicate as a reason either *U.S. v. Booker* , 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual.*

[3]All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either U.S. v. *Booker* , 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

[4]All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker* , 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

[5]All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

[6]Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 9

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2006

CIRCUIT		SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE *W/BOOKER*		ABOVE RANGE *W/BOOKER*		REMAINING ABOVE RANGE	
District	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**70,187**	**43,307**	**61.7**	**412**	**0.6**	**177**	**0.3**	**455**	**0.6**	**85**	**0.1**
D.C. CIRCUIT	**456**	**237**	**52.0**	**5**	**1.1**	**3**	**0.7**	**5**	**1.1**	**1**	**0.2**
District of Columbia	**456**	237	52.0	5	1.1	3	0.7	5	1.1	1	0.2
FIRST CIRCUIT	**1,620**	**1,096**	**67.7**	**6**	**0.4**	**3**	**0.2**	**13**	**0.8**	**2**	**0.1**
Maine	**205**	143	69.8	1	0.5	0	0.0	1	0.5	0	0.0
Massachusetts	**509**	291	57.2	2	0.4	0	0.0	4	0.8	0	0.0
New Hampshire	**218**	126	57.8	1	0.5	1	0.5	2	0.9	0	0.0
Puerto Rico	**564**	460	81.6	1	0.2	1	0.2	5	0.9	1	0.2
Rhode Island	**124**	76	61.3	1	0.8	1	0.8	1	0.8	1	0.8
SECOND CIRCUIT	**4,387**	**2,247**	**51.2**	**25**	**0.6**	**7**	**0.2**	**14**	**0.3**	**5**	**0.1**
Connecticut	**360**	172	47.8	6	1.7	0	0.0	0	0.0	1	0.3
New York											
Eastern	**1,099**	457	41.6	7	0.6	3	0.3	7	0.6	2	0.2
Northern	**388**	213	54.9	1	0.3	0	0.0	0	0.0	1	0.3
Southern	**1,752**	1,020	58.2	2	0.1	3	0.2	2	0.1	1	0.1
Western	**586**	306	52.2	6	1.0	1	0.2	5	0.9	0	0.0
Vermont	**202**	79	39.1	3	1.5	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	**2,972**	**1,596**	**53.7**	**6**	**0.2**	**9**	**0.3**	**22**	**0.7**	**3**	**0.1**
Delaware	**101**	66	65.3	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	**924**	468	50.6	0	0.0	0	0.0	3	0.3	2	0.2
Pennsylvania											
Eastern	**840**	354	42.1	1	0.1	6	0.7	5	0.6	0	0.0
Middle	**497**	258	51.9	4	0.8	1	0.2	5	1.0	0	0.0
Western	**494**	357	72.3	1	0.2	1	0.2	8	1.6	0	0.0
Virgin Islands	**116**	93	80.2	0	0.0	1	0.9	1	0.9	1	0.9
FOURTH CIRCUIT	**6,301**	**4,412**	**70.0**	**36**	**0.6**	**22**	**0.3**	**40**	**0.6**	**4**	**0.1**
Maryland	**626**	333	53.2	7	1.1	0	0.0	5	0.8	1	0.2
North Carolina											
Eastern	**648**	389	60.0	3	0.5	2	0.3	1	0.2	0	0.0
Middle	**416**	307	73.8	3	0.7	0	0.0	1	0.2	0	0.0
Western	**807**	515	63.8	2	0.2	0	0.0	5	0.6	0	0.0
South Carolina	**1,139**	806	70.8	6	0.5	0	0.0	7	0.6	3	0.3
Virginia											
Eastern	**1,424**	1,133	79.6	10	0.7	18	1.3	12	0.8	0	0.0
Western	**595**	388	65.2	5	0.8	1	0.2	3	0.5	0	0.0
West Virginia											
Northern	**377**	313	83.0	0	0.0	0	0.0	3	0.8	0	0.0
Southern	**269**	228	84.8	0	0.0	1	0.4	3	1.1	0	0.0

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
District	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	**10,139**	**14.4**	**5,166**	**7.4**	**1,939**	**2.8**	**1,903**	**2.7**	**1,432**	**2.0**	**4,243**	**6.0**	**929**	**1.3**
D.C. CIRCUIT	**84**	**18.4**	**0**	**0.0**	**52**	**11.4**	**7**	**1.5**	**16**	**3.5**	**41**	**9.0**	**5**	**1.1**
District of Columbia	84	18.4	0	0.0	52	11.4	7	1.5	16	3.5	41	9.0	5	1.1
FIRST CIRCUIT	**220**	**13.6**	**0**	**0.0**	**46**	**2.8**	**51**	**3.1**	**27**	**1.7**	**131**	**8.1**	**25**	**1.5**
Maine	45	22.0	0	0.0	1	0.5	6	2.9	1	0.5	7	3.4	0	0.0
Massachusetts	70	13.8	0	0.0	16	3.1	32	6.3	17	3.3	66	13.0	11	2.2
New Hampshire	57	26.1	0	0.0	15	6.9	5	2.3	1	0.5	9	4.1	1	0.5
Puerto Rico	38	6.7	0	0.0	12	2.1	6	1.1	6	1.1	22	3.9	12	2.1
Rhode Island	10	8.1	0	0.0	2	1.6	2	1.6	2	1.6	27	21.8	1	0.8
SECOND CIRCUIT	**931**	**21.2**	**0**	**0.0**	**101**	**2.3**	**236**	**5.4**	**234**	**5.3**	**479**	**10.9**	**108**	**2.5**
Connecticut	70	19.4	0	0.0	1	0.3	47	13.1	23	6.4	33	9.2	7	1.9
New York														
Eastern	255	23.2	0	0.0	36	3.3	71	6.5	112	10.2	115	10.5	34	3.1
Northern	111	28.6	0	0.0	8	2.1	23	5.9	7	1.8	24	6.2	0	0.0
Southern	237	13.5	0	0.0	30	1.7	63	3.6	75	4.3	263	15.0	56	3.2
Western	184	31.4	0	0.0	22	3.8	7	1.2	3	0.5	41	7.0	11	1.9
Vermont	74	36.6	0	0.0	4	2.0	25	12.4	14	6.9	3	1.5	0	0.0
THIRD CIRCUIT	**815**	**27.4**	**0**	**0.0**	**55**	**1.9**	**86**	**2.9**	**65**	**2.2**	**273**	**9.2**	**42**	**1.4**
Delaware	9	8.9	0	0.0	0	0.0	6	5.9	4	4.0	13	12.9	3	3.0
New Jersey	301	32.6	0	0.0	15	1.6	36	3.9	8	0.9	79	8.5	12	1.3
Pennsylvania														
Eastern	282	33.6	0	0.0	17	2.0	14	1.7	30	3.6	112	13.3	19	2.3
Middle	159	32.0	0	0.0	18	3.6	9	1.8	9	1.8	31	6.2	3	0.6
Western	55	11.1	0	0.0	4	0.8	18	3.6	12	2.4	36	7.3	2	0.4
Virgin Islands	9	7.8	0	0.0	1	0.9	3	2.6	2	1.7	2	1.7	3	2.6
FOURTH CIRCUIT	**1,093**	**17.3**	**0**	**0.0**	**57**	**0.9**	**126**	**2.0**	**88**	**1.4**	**359**	**5.7**	**64**	**1.0**
Maryland	167	26.7	0	0.0	16	2.6	26	4.2	19	3.0	39	6.2	13	2.1
North Carolina														
Eastern	207	31.9	0	0.0	0	0.0	15	2.3	5	0.8	19	2.9	7	1.1
Middle	65	15.6	0	0.0	1	0.2	6	1.4	10	2.4	23	5.5	0	0.0
Western	213	26.4	0	0.0	8	1.0	6	0.7	6	0.7	49	6.1	3	0.4
South Carolina	181	15.9	0	0.0	9	0.8	41	3.6	9	0.8	60	5.3	17	1.5
Virginia														
Eastern	74	5.2	0	0.0	6	0.4	18	1.3	31	2.2	100	7.0	22	1.5
Western	143	24.0	0	0.0	9	1.5	6	1.0	3	0.5	35	5.9	2	0.3
West Virginia														
Northern	23	6.1	0	0.0	6	1.6	7	1.9	4	1.1	21	5.6	0	0.0
Southern	20	7.4	0	0.0	2	0.7	1	0.4	1	0.4	13	4.8	0	0.0

CIRCUIT		SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
District	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
FIFTH CIRCUIT	**15,661**	**11,569**	**73.9**	**104**	**0.7**	**36**	**0.2**	**125**	**0.8**	**19**	**0.1**
Louisiana											
Eastern	**368**	285	77.4	1	0.3	3	0.8	4	1.1	0	0.0
Middle	**172**	135	78.5	7	4.1	1	0.6	2	1.2	0	0.0
Western	**488**	384	78.7	7	1.4	2	0.4	17	3.5	2	0.4
Mississippi											
Northern	**173**	93	53.8	1	0.6	3	1.7	3	1.7	0	0.0
Southern	**376**	316	84.0	0	0.0	0	0.0	5	1.3	1	0.3
Texas											
Eastern	**842**	676	80.3	5	0.6	2	0.2	6	0.7	2	0.2
Northern	**1,065**	818	76.8	15	1.4	8	0.8	21	2.0	2	0.2
Southern	**6,260**	4,188	66.9	30	0.5	7	0.1	24	0.4	3	0.0
Western	**5,917**	4,674	79.0	38	0.6	10	0.2	43	0.7	9	0.2
SIXTH CIRCUIT	**5,124**	**2,880**	**56.2**	**18**	**0.4**	**17**	**0.3**	**37**	**0.7**	**5**	**0.1**
Kentucky											
Eastern	**523**	262	50.1	1	0.2	1	0.2	7	1.3	0	0.0
Western	**397**	279	70.3	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	**793**	395	49.8	4	0.5	1	0.1	5	0.6	2	0.3
Western	**431**	260	60.3	5	1.2	3	0.7	8	1.9	0	0.0
Ohio											
Northern	**975**	583	59.8	3	0.3	2	0.2	5	0.5	2	0.2
Southern	**687**	314	45.7	0	0.0	6	0.9	3	0.4	0	0.0
Tennessee											
Eastern	**528**	323	61.2	2	0.4	1	0.2	5	0.9	0	0.0
Middle	**285**	162	56.8	2	0.7	2	0.7	0	0.0	0	0.0
Western	**505**	302	59.8	1	0.2	1	0.2	4	0.8	1	0.2
SEVENTH CIRCUIT	**3,055**	**1,994**	**65.3**	**11**	**0.4**	**9**	**0.3**	**8**	**0.3**	**1**	**0.0**
Illinois											
Central	**331**	211	63.7	0	0.0	2	0.6	1	0.3	0	0.0
Northern	**1,094**	595	54.4	6	0.5	1	0.1	0	0.0	0	0.0
Southern	**373**	311	83.4	0	0.0	3	0.8	0	0.0	0	0.0
Indiana											
Northern	**402**	288	71.6	1	0.2	2	0.5	0	0.0	0	0.0
Southern	**310**	199	64.2	3	1.0	1	0.3	2	0.6	0	0.0
Wisconsin											
Eastern	**328**	192	58.5	0	0.0	0	0.0	5	1.5	0	0.0
Western	**217**	198	91.2	1	0.5	0	0.0	0	0.0	1	0.5
EIGHTH CIRCUIT	**5,172**	**3,384**	**65.4**	**31**	**0.6**	**16**	**0.3**	**31**	**0.6**	**1**	**0.0**
Arkansas											
Eastern	**379**	257	67.8	1	0.3	1	0.3	3	0.8	0	0.0
Western	**182**	122	67.0	0	0.0	0	0.0	1	0.5	0	0.0
Iowa											
Northern	**418**	292	69.9	12	2.9	3	0.7	8	1.9	0	0.0
Southern	**366**	183	50.0	0	0.0	0	0.0	6	1.6	0	0.0
Minnesota	**557**	282	50.6	1	0.2	2	0.4	0	0.0	0	0.0
Missouri											
Eastern	**984**	665	67.6	2	0.2	1	0.1	1	0.1	1	0.1
Western	**904**	610	67.5	3	0.3	0	0.0	7	0.8	0	0.0
Nebraska	**703**	494	70.3	2	0.3	0	0.0	2	0.3	0	0.0
North Dakota	**249**	156	62.7	1	0.4	1	0.4	1	0.4	0	0.0
South Dakota	**430**	323	75.1	9	2.1	8	1.9	2	0.5	0	0.0

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
District	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	**1,237**	**7.9**	**1,124**	**7.2**	**305**	**1.9**	**393**	**2.5**	**75**	**0.5**	**576**	**3.7**	**98**	**0.6**
Louisiana														
Eastern	36	9.8	0	0.0	10	2.7	5	1.4	6	1.6	15	4.1	3	0.8
Middle	21	12.2	0	0.0	0	0.0	2	1.2	1	0.6	3	1.7	0	0.0
Western	37	7.6	0	0.0	0	0.0	9	1.8	7	1.4	16	3.3	7	1.4
Mississippi														
Northern	45	26.0	0	0.0	18	10.4	5	2.9	0	0.0	5	2.9	0	0.0
Southern	28	7.4	0	0.0	3	0.8	1	0.3	2	0.5	15	4.0	5	1.3
Texas														
Eastern	60	7.1	0	0.0	21	2.5	28	3.3	18	2.1	23	2.7	1	0.1
Northern	129	12.1	0	0.0	8	0.8	4	0.4	11	1.0	44	4.1	5	0.5
Southern	454	7.3	879	14.0	201	3.2	227	3.6	18	0.3	211	3.4	18	0.3
Western	427	7.2	245	4.1	44	0.7	112	1.9	12	0.2	244	4.1	59	1.0
SIXTH CIRCUIT	**1,304**	**25.4**	**1**	**0.0**	**89**	**1.7**	**136**	**2.7**	**133**	**2.6**	**418**	**8.2**	**86**	**1.7**
Kentucky														
Eastern	209	40.0	0	0.0	2	0.4	3	0.6	8	1.5	27	5.2	3	0.6
Western	63	15.9	1	0.3	12	3.0	11	2.8	2	0.5	24	6.0	5	1.3
Michigan														
Eastern	239	30.1	0	0.0	10	1.3	23	2.9	37	4.7	68	8.6	9	1.1
Western	75	17.4	0	0.0	2	0.5	15	3.5	9	2.1	50	11.6	4	0.9
Ohio														
Northern	208	21.3	0	0.0	16	1.6	29	3.0	25	2.6	81	8.3	21	2.2
Southern	223	32.5	0	0.0	13	1.9	32	4.7	34	4.9	52	7.6	10	1.5
Tennessee														
Eastern	146	27.7	0	0.0	6	1.1	3	0.6	5	0.9	33	6.3	4	0.8
Middle	54	18.9	0	0.0	9	3.2	8	2.8	6	2.1	28	9.8	14	4.9
Western	87	17.2	0	0.0	19	3.8	12	2.4	7	1.4	55	10.9	16	3.2
SEVENTH CIRCUIT	**531**	**17.4**	**0**	**0.0**	**62**	**2.0**	**96**	**3.1**	**79**	**2.6**	**194**	**6.4**	**70**	**2.3**
Illinois														
Central	66	19.9	0	0.0	12	3.6	7	2.1	4	1.2	23	6.9	5	1.5
Northern	247	22.6	0	0.0	13	1.2	54	4.9	61	5.6	67	6.1	50	4.6
Southern	20	5.4	0	0.0	7	1.9	10	2.7	7	1.9	12	3.2	3	0.8
Indiana														
Northern	86	21.4	0	0.0	5	1.2	4	1.0	1	0.2	7	1.7	8	2.0
Southern	55	17.7	0	0.0	8	2.6	10	3.2	2	0.6	29	9.4	1	0.3
Wisconsin														
Eastern	55	16.8	0	0.0	17	5.2	7	2.1	4	1.2	45	13.7	3	0.9
Western	2	0.9	0	0.0	0	0.0	4	1.8	0	0.0	11	5.1	0	0.0
EIGHTH CIRCUIT	**822**	**15.9**	**58**	**1.1**	**129**	**2.5**	**119**	**2.3**	**88**	**1.7**	**417**	**8.1**	**76**	**1.5**
Arkansas														
Eastern	58	15.3	0	0.0	7	1.8	7	1.8	9	2.4	29	7.7	7	1.8
Western	48	26.4	0	0.0	1	0.5	0	0.0	1	0.5	8	4.4	1	0.5
Iowa														
Northern	62	14.8	0	0.0	5	1.2	6	1.4	1	0.2	28	6.7	1	0.2
Southern	84	23.0	0	0.0	6	1.6	4	1.1	5	1.4	73	19.9	5	1.4
Minnesota	117	21.0	0	0.0	12	2.2	23	4.1	37	6.6	69	12.4	14	2.5
Missouri														
Eastern	166	16.9	0	0.0	20	2.0	21	2.1	6	0.6	83	8.4	18	1.8
Western	173	19.1	0	0.0	11	1.2	13	1.4	12	1.3	55	6.1	20	2.2
Nebraska	32	4.6	51	7.3	51	7.3	31	4.4	5	0.7	28	4.0	7	1.0
North Dakota	53	21.3	7	2.8	9	3.6	6	2.4	3	1.2	9	3.6	3	1.2
South Dakota	29	6.7	0	0.0	7	1.6	8	1.9	9	2.1	35	8.1	0	0.0

CIRCUIT		SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
District	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
NINTH CIRCUIT	**12,832**	**5,638**	**43.9**	**111**	**0.9**	**37**	**0.3**	**55**	**0.4**	**22**	**0.2**
Alaska	**135**	74	54.8	0	0.0	3	2.2	2	1.5	0	0.0
Arizona	**4,019**	1,181	29.4	78	1.9	15	0.4	5	0.1	10	0.2
California											
Central	**1,287**	723	56.2	0	0.0	5	0.4	10	0.8	3	0.2
Eastern	**1,038**	590	56.8	4	0.4	1	0.1	3	0.3	0	0.0
Northern	**647**	360	55.6	4	0.6	1	0.2	8	1.2	3	0.5
Southern	**2,491**	1,002	40.2	4	0.2	4	0.2	5	0.2	2	0.1
Guam	**80**	42	52.5	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	**448**	232	51.8	2	0.4	0	0.0	2	0.4	2	0.4
Idaho	**259**	100	38.6	2	0.8	0	0.0	3	1.2	1	0.4
Montana	**432**	332	76.9	5	1.2	3	0.7	7	1.6	0	0.0
Nevada	**387**	275	71.1	1	0.3	2	0.5	2	0.5	1	0.3
Northern Mariana Islands	**11**	7	63.6	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	**496**	256	51.6	2	0.4	1	0.2	3	0.6	0	0.0
Washington											
Eastern	**359**	190	52.9	3	0.8	1	0.3	5	1.4	0	0.0
Western	**743**	274	36.9	6	0.8	1	0.1	0	0.0	0	0.0
TENTH CIRCUIT	**5,974**	**3,705**	**62.0**	**25**	**0.4**	**2**	**0.0**	**39**	**0.7**	**16**	**0.3**
Colorado	**652**	377	57.8	1	0.2	0	0.0	2	0.3	0	0.0
Kansas	**692**	434	62.7	9	1.3	0	0.0	27	3.9	9	1.3
New Mexico	**2,834**	1,593	56.2	5	0.2	0	0.0	0	0.0	7	0.2
Oklahoma											
Eastern	**80**	60	75.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	**202**	169	83.7	0	0.0	0	0.0	0	0.0	0	0.0
Western	**224**	154	68.8	1	0.4	0	0.0	6	2.7	0	0.0
Utah	**951**	662	69.6	6	0.6	2	0.2	3	0.3	0	0.0
Wyoming	**339**	256	75.5	3	0.9	0	0.0	1	0.3	0	0.0
ELEVENTH CIRCUIT	**6,633**	**4,549**	**68.6**	**34**	**0.5**	**16**	**0.2**	**66**	**1.0**	**6**	**0.1**
Alabama											
Middle	**248**	152	61.3	2	0.8	0	0.0	2	0.8	0	0.0
Northern	**479**	288	60.1	1	0.2	1	0.2	7	1.5	0	0.0
Southern	**393**	258	65.6	1	0.3	1	0.3	5	1.3	0	0.0
Florida											
Middle	**1,716**	1,112	64.8	3	0.2	0	0.0	12	0.7	2	0.1
Northern	**414**	294	71.0	0	0.0	2	0.5	3	0.7	1	0.2
Southern	**1,939**	1,443	74.4	4	0.2	6	0.3	11	0.6	2	0.1
Georgia											
Middle	**397**	287	72.3	2	0.5	1	0.3	5	1.3	1	0.3
Northern	**730**	477	65.3	9	1.2	1	0.1	5	0.7	0	0.0
Southern	**317**	238	75.1	12	3.8	4	1.3	16	5.0	0	0.0

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
District	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
NINTH CIRCUIT	**1,364**	**10.6**	**3,428**	**26.7**	**528**	**4.1**	**357**	**2.8**	**442**	**3.4**	**619**	**4.8**	**231**	**1.8**
Alaska	18	13.3	0	0.0	14	10.4	4	3.0	6	4.4	7	5.2	7	5.2
Arizona	232	5.8	2,124	52.8	116	2.9	66	1.6	87	2.2	85	2.1	20	0.5
California														
Central	171	13.3	38	3.0	70	5.4	31	2.4	65	5.1	107	8.3	64	5.0
Eastern	134	12.9	175	16.9	28	2.7	26	2.5	19	1.8	38	3.7	20	1.9
Northern	88	13.6	13	2.0	56	8.7	14	2.2	40	6.2	47	7.3	13	2.0
Southern	152	6.1	1,003	40.3	75	3.0	106	4.3	12	0.5	71	2.9	55	2.2
Guam	28	35.0	0	0.0	1	1.3	1	1.3	1	1.3	7	8.8	0	0.0
Hawaii	140	31.3	0	0.0	8	1.8	10	2.2	11	2.5	39	8.7	2	0.4
Idaho	75	29.0	39	15.1	3	1.2	6	2.3	4	1.5	20	7.7	6	2.3
Montana	53	12.3	0	0.0	0	0.0	8	1.9	1	0.2	15	3.5	8	1.9
Nevada	30	7.8	0	0.0	16	4.1	5	1.3	9	2.3	37	9.6	9	2.3
Northern Mariana Islands	4	36.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	84	16.9	17	3.4	16	3.2	40	8.1	24	4.8	45	9.1	8	1.6
Washington														
Eastern	32	8.9	3	0.8	34	9.5	13	3.6	13	3.6	62	17.3	3	0.8
Western	123	16.6	16	2.2	91	12.2	27	3.6	150	20.2	39	5.2	16	2.2
TENTH CIRCUIT	**521**	**8.7**	**553**	**9.3**	**436**	**7.3**	**202**	**3.4**	**113**	**1.9**	**299**	**5.0**	**63**	**1.1**
Colorado	179	27.5	0	0.0	8	1.2	27	4.1	21	3.2	32	4.9	5	0.8
Kansas	94	13.6	1	0.1	41	5.9	5	0.7	8	1.2	63	9.1	1	0.1
New Mexico	110	3.9	525	18.5	337	11.9	96	3.4	32	1.1	101	3.6	28	1.0
Oklahoma														
Eastern	13	16.3	0	0.0	2	2.5	3	3.8	0	0.0	2	2.5	0	0.0
Northern	19	9.4	0	0.0	1	0.5	3	1.5	0	0.0	9	4.5	1	0.5
Western	12	5.4	0	0.0	2	0.9	2	0.9	1	0.4	45	20.1	1	0.4
Utah	69	7.3	27	2.8	35	3.7	56	5.9	42	4.4	30	3.2	19	2.0
Wyoming	25	7.4	0	0.0	10	2.9	10	2.9	9	2.7	17	5.0	8	2.4
ELEVENTH CIRCUIT	**1,217**	**18.3**	**2**	**0.0**	**79**	**1.2**	**94**	**1.4**	**72**	**1.1**	**437**	**6.6**	**61**	**0.9**
Alabama														
Middle	76	30.6	0	0.0	6	2.4	0	0.0	0	0.0	7	2.8	3	1.2
Northern	133	27.8	0	0.0	2	0.4	4	0.8	2	0.4	38	7.9	3	0.6
Southern	90	22.9	0	0.0	2	0.5	3	0.8	7	1.8	23	5.9	3	0.8
Florida														
Middle	400	23.3	2	0.1	15	0.9	38	2.2	12	0.7	111	6.5	9	0.5
Northern	91	22.0	0	0.0	0	0.0	1	0.2	3	0.7	17	4.1	2	0.5
Southern	244	12.6	0	0.0	23	1.2	20	1.0	20	1.0	138	7.1	28	1.4
Georgia														
Middle	61	15.4	0	0.0	7	1.8	5	1.3	0	0.0	25	6.3	3	0.8
Northern	105	14.4	0	0.0	23	3.2	14	1.9	25	3.4	61	8.4	10	1.4
Southern	17	5.4	0	0.0	1	0.3	9	2.8	3	0.9	17	5.4	0	0.0

Of the 72,585 guideline cases, 2,398 were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (37.1%), Southern Georgia (37.1%), Central California (21.2%), Middle Georgia (19.6%), Eastern Virginia (18.4%), Western Washington (11.4%), Western Kentucky (10.8%), Alaska (7.5%), Northern Alabama (7.4%), Maryland (6.8%), Arizona (6.7%), Oregon (5.9%), Southern California (5.6%), and Northern New York (5.1%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 10

GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

National

		WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
PRIMARY OFFENSE	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**70,128**	**43,271**	**61.7**	**412**	**0.6**	**177**	**0.3**	**455**	**0.6**	**84**	**0.1**
Robbery	**1,152**	758	65.8	13	1.1	8	0.7	9	0.8	2	0.2
Drugs - Trafficking	**24,881**	13,351	53.7	43	0.2	18	0.1	51	0.2	16	0.1
Drugs - Simple Possession	**606**	565	93.2	7	1.2	2	0.3	4	0.7	2	0.3
Firearms	**8,330**	5,809	69.7	74	0.9	31	0.4	93	1.1	7	0.1
Larceny	**1,579**	1,246	78.9	6	0.4	5	0.3	17	1.1	4	0.3
Fraud	**6,787**	4,374	64.4	38	0.6	34	0.5	68	1.0	15	0.2
Embezzlement	**563**	433	76.9	0	0.0	1	0.2	2	0.4	0	0.0
Forgery/Counterfeiting	**1,157**	846	73.1	14	1.2	3	0.3	10	0.9	3	0.3
Immigration	**17,049**	10,843	63.6	113	0.7	28	0.2	103	0.6	18	0.1
Other Miscellaneous Offenses	**8,024**	5,046	62.9	104	1.3	47	0.6	98	1.2	17	0.2

California

		WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
PRIMARY OFFENSE	**TOTAL**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**5,419**	**2,653**	**49.0**	**12**	**0.2**	**11**	**0.2**	**26**	**0.5**	**7**	**0.1**
Robbery	**80**	49	61.3	2	2.5	0	0.0	1	1.3	0	0.0
Drugs - Trafficking	**1,602**	501	31.3	1	0.1	1	0.1	4	0.2	3	0.2
Drugs - Simple Possession	**29**	26	89.7	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	**273**	154	56.4	2	0.7	0	0.0	3	1.1	1	0.4
Larceny	**103**	76	73.8	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	**621**	403	64.9	1	0.2	4	0.6	3	0.5	0	0.0
Embezzlement	**22**	15	68.2	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	**92**	65	70.7	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	**1,910**	948	49.6	3	0.2	3	0.2	7	0.4	1	0.1
Other Miscellaneous Offenses	**687**	416	60.6	3	0.4	3	0.4	8	1.2	2	0.3

National

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
	n	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**10,134**	**14.5**	**5,163**	**7.4**	**1,930**	**2.8**	**1,901**	**2.7**	**1,432**	**2.0**	**4,240**	**6.0**	**929**	**1.3**
Robbery	144	12.5	0	0.0	30	2.6	48	4.2	49	4.3	78	6.8	13	1.1
Drugs - Trafficking	6,465	26.0	1,390	5.6	630	2.5	599	2.4	527	2.1	1,485	6.0	306	1.2
Drugs - Simple Possession	4	0.7	0	0.0	7	1.2	2	0.3	2	0.3	9	1.5	2	0.3
Firearms	960	11.5	41	0.5	209	2.5	247	3.0	178	2.1	563	6.8	118	1.4
Larceny	103	6.5	6	0.4	23	1.5	40	2.5	30	1.9	73	4.6	26	1.6
Fraud	1,035	15.2	5	0.1	142	2.1	205	3.0	199	2.9	522	7.7	150	2.2
Embezzlement	17	3.0	0	0.0	9	1.6	17	3.0	19	3.4	50	8.9	15	2.7
Forgery/Counterfeiting	98	8.5	3	0.3	21	1.8	32	2.8	22	1.9	85	7.3	20	1.7
Immigration	328	1.9	3,682	21.6	521	3.1	477	2.8	164	1.0	635	3.7	137	0.8
Other Miscellaneous Offenses	980	12.2	36	0.4	338	4.2	234	2.9	242	3.0	740	9.2	142	1.8

California

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
	n	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
TOTAL	**541**	**10.0**	**1,226**	**22.6**	**220**	**4.1**	**175**	**3.2**	**136**	**2.5**	**260**	**4.8**	**152**	**2.8**
Robbery	9	11.3	0	0.0	3	3.8	2	2.5	6	7.5	5	6.3	3	3.8
Drugs - Trafficking	264	16.5	542	33.8	56	3.5	76	4.7	33	2.1	84	5.2	37	2.3
Drugs - Simple Possession	0	0.0	0	0.0	2	6.9	0	0.0	0	0.0	1	3.4	0	0.0
Firearms	27	9.9	0	0.0	26	9.5	7	2.6	18	6.6	23	8.4	12	4.4
Larceny	8	7.8	0	0.0	5	4.9	2	1.9	4	3.9	2	1.9	6	5.8
Fraud	83	13.4	1	0.2	24	3.9	26	4.2	21	3.4	35	5.6	20	3.2
Embezzlement	0	0.0	0	0.0	1	4.5	0	0.0	1	4.5	3	13.6	2	9.1
Forgery/Counterfeiting	10	10.9	0	0.0	3	3.3	3	3.3	1	1.1	7	7.6	3	3.3
Immigration	43	2.3	681	35.7	64	3.4	36	1.9	26	1.4	59	3.1	39	2.0
Other Miscellaneous Offenses	97	14.1	2	0.3	36	5.2	23	3.3	26	3.8	41	6.0	30	4.4

Of the 72,585 guideline cases, 2,457 cases were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (2,398) or missing primary offense (67).

Of the 5,977 guideline cases from the State of California, 558 cases were excluded due to one of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (514) or missing primary offense category (44).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.