

Table 5.36.2008

Sentences within and departing from U.S. Sentencing Commission guidelines in U.S. District Courts

By primary offense, fiscal year 2008

Primary offense	Total cases	Downward departures											
		Within guideline range		Substantial assistance departure ^a		Early disposition		Other Government initiated departures		Other downward departure		Upward departure	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	74,452	44,240	59.4%	10,038	13.5%	5,891	7.9%	3,117	4.2%	9,971	13.4%	1,195	1.5%
Murder	66	31	47.0	7	10.6	2	3.0	5	7.6	10	15.1	11	16.6
Manslaughter	53	38	71.7	0	X	0	X	4	7.5	6	11.3	5	9.5
Kidnaping, hostage-taking	56	21	37.5	16	28.6	1	1.8	4	7.1	13	23.3	1	1.8
Sexual abuse	480	338	70.4	17	3.5	1	0.2	29	6.0	69	14.3	26	5.4
Assault	636	423	66.5	9	1.4	8	1.3	46	7.2	106	16.6	44	7.0
Robbery	1,050	671	63.9	116	11.0	0	X	32	3.0	188	17.9	43	4.0
Arson	60	36	60.0	12	20.0	0	X	1	1.7	8	13.3	3	5.0
Drug offenses													
Trafficking	24,213	12,484	51.6	6,270	25.9	1,184	4.9	884	3.7	3,244	13.4	147	0.7
Communication facility ^b	351	211	60.1	58	16.5	1	0.3	17	4.8	60	17.1	4	1.2
Simple possession	413	370	89.6	10	2.4	0	X	11	2.7	11	2.7	11	2.6
Firearms	8,212	5,516	67.2	929	11.3	33	0.4	253	3.1	1,270	15.5	211	2.6
Burglary, breaking and entering	45	33	73.3	4	8.9	0	X	0	X	6	13.2	2	4.4
Motor vehicle theft	59	39	66.1	10	16.9	0	X	1	1.7	7	11.9	2	3.4
Larceny	1,548	1,159	74.9	97	6.3	6	0.4	39	2.5	210	13.7	37	2.4
Fraud	7,310	4,527	61.9	1,064	14.6	42	0.6	250	3.4	1,306	17.8	121	1.7
Embezzlement	483	334	69.2	28	5.8	0	X	14	2.9	104	21.6	3	0.6
Forgery, counterfeiting	1,006	697	69.3	105	10.4	0	X	18	1.8	162	16.1	24	2.4
Bribery	218	95	43.6	61	28	0	X	12	5.5	50	23.0	0	X
Tax	574	253	44.1	114	19.9	0	X	19	3.3	178	31.0	10	1.6
Money laundering	880	357	40.6	228	25.9	7	0.8	73	8.3	209	23.7	6	0.7
Racketeering, extortion	735	339	46.1	189	25.7	0	X	72	9.8	109	14.8	26	3.5
Gambling, lottery	126	63	50.0	21	16.7	0	X	10	7.9	30	23.8	2	1.6
Civil rights	69	27	39.1	18	26.1	0	X	2	2.9	19	27.5	3	4.3
Immigration	21,072	13,151	62.4	344	1.6	4,593	21.8	1,072	5.1	1,563	7.4	349	1.7
Pornography, prostitution	1,648	898	54.5	51	3.1	3	0.2	106	6.4	544	33.1	46	2.8
Prison offenses	365	276	75.6	14	3.8	4	1.1	12	3.3	50	13.7	9	2.4
Administration of justice offenses	988	587	59.4	92	9.3	3	0.3	66	6.7	217	21.9	23	2.3
Environmental, wildlife	170	112	65.9	22	12.9	0	X	11	6.5	24	14.2	1	0.6
National defense	52	25	48.1	7	13.5	0	X	4	7.7	15	28.8	1	1.9
Antitrust	24	4	16.7	19	79.2	0	X	0	X	1	4.2	0	X
Food and drug	71	53	74.6	8	11.3	0	X	2	2.8	8	11.2	0	X
Other	1,419	1,072	75.5	98	6.9	3	0.2	48	3.4	174	12.3	24	1.7

Note: These data are from the U.S. Sentencing Commission's fiscal year 2008 Offender Dataset, which includes information on 76,478 cases sentenced under the Sentencing Reform Act (guideline cases) during fiscal year 2008 (Oct. 1, 2007 through Sept. 30, 2008) for which data were received by the Commission as of Feb. 10, 2009. Given the nature of the data file and reporting requirements, the following types of cases are not included in the data presented here: cases initiated but for which no convictions were obtained, defendants convicted for whom no sentences were yet issued, defendants sentenced but for whom no data were submitted to the Commission, and cases not sentenced under the Sentencing Reform Act (non-guideline cases).

A case or defendant is defined as a single sentencing event for an individual defendant (even if multiple indictments or multiple convictions are consolidated for sentencing). Multiple defendants in a single sentencing event are treated as separate cases. If an individual defendant is sentenced more than once during the fiscal year, each sentencing event is identified as a separate case. (Source, Appendix A.)

A case is determined to involve no departure if the sentence imposed is within the guideline range. If a sentence imposed by the court falls outside the guideline range, the court provides reasons for the departure. (Source, Appendix A.) Of the 76,478 guideline cases, 2,026 cases were excluded due to one or both of the following conditions: missing primary offense type, 50; or missing/inapplicable departure information, 1,985.

^aCases departed downward based on a motion by the Government for a reduced sentence due to the defendant's substantial assistance to authorities.

^bRefers to the use of a device, such as a telephone, in a drug trafficking offense.

Source: U.S. Sentencing Commission, *2008 Sourcebook of Federal Sentencing Statistics*, Table 27 [Online]. Available: <http://www.uscourts.gov/ANNRPT/2008/table27.pdf> [Apr. 28, 2009]. Table adapted by SOURCEBOOK staff.