

Table 26

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 1997**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>46,017</b>	<b>31,233</b>	<b>67.9</b>	<b>8,823</b>	<b>19.2</b>	<b>5,574</b>	<b>12.1</b>	<b>387</b>	<b>0.8</b>
<b>DC CIRCUIT</b>	<b>539</b>	<b>405</b>	<b>75.1</b>	<b>83</b>	<b>15.4</b>	<b>48</b>	<b>8.9</b>	<b>3</b>	<b>0.6</b>
District of Columbia	539	405	75.1	83	15.4	48	8.9	3	0.6
<b>FIRST CIRCUIT</b>	<b>1,221</b>	<b>842</b>	<b>69.0</b>	<b>230</b>	<b>18.8</b>	<b>130</b>	<b>10.6</b>	<b>19</b>	<b>1.6</b>
Maine	164	124	75.6	31	18.9	5	3.0	4	2.4
Massachusetts	449	285	63.5	86	19.2	72	16.0	6	1.3
New Hampshire	147	73	49.7	61	41.5	11	7.5	2	1.4
Puerto Rico	353	273	77.3	43	12.2	34	9.6	3	0.9
Rhode Island	108	87	80.6	9	8.3	8	7.4	4	3.7
<b>SECOND CIRCUIT</b>	<b>3,917</b>	<b>2,214</b>	<b>56.5</b>	<b>894</b>	<b>22.8</b>	<b>781</b>	<b>19.9</b>	<b>28</b>	<b>0.7</b>
Connecticut	301	147	48.8	39	13.0	112	37.2	3	1.0
New York									
Eastern	1,332	625	46.9	324	24.3	379	28.5	4	0.3
Northern	481	284	59.0	178	37.0	18	3.7	1	0.2
Southern	1,242	801	64.5	231	18.6	199	16.0	11	0.9
Western	454	299	65.9	105	23.1	45	9.9	5	1.1
Vermont	107	58	54.2	17	15.9	28	26.2	4	3.7
<b>THIRD CIRCUIT</b>	<b>2,322</b>	<b>1,385</b>	<b>59.6</b>	<b>741</b>	<b>31.9</b>	<b>172</b>	<b>7.4</b>	<b>24</b>	<b>1.0</b>
Delaware	100	69	69.0	22	22.0	8	8.0	1	1.0
New Jersey	776	507	65.3	217	28.0	46	5.9	6	0.8
Pennsylvania									
Eastern	783	373	47.6	327	41.8	78	10.0	5	0.6
Middle	296	169	57.1	102	34.5	17	5.7	8	2.7
Western	264	191	72.3	52	19.7	20	7.6	1	0.4
Virgin Islands	103	76	73.8	21	20.4	3	2.9	3	2.9
<b>FOURTH CIRCUIT</b>	<b>4,419</b>	<b>3,273</b>	<b>74.1</b>	<b>917</b>	<b>20.8</b>	<b>177</b>	<b>4.0</b>	<b>52</b>	<b>1.2</b>
Maryland	401	264	65.8	93	23.2	38	9.5	6	1.5
North Carolina									
Eastern	550	355	64.5	151	27.5	34	6.2	10	1.8
Middle	306	196	64.1	92	30.1	9	2.9	9	2.9
Western	466	266	57.1	183	39.3	13	2.8	4	0.9
South Carolina	892	664	74.4	195	21.9	24	2.7	9	1.0
Virginia									
Eastern	982	898	91.4	57	5.8	25	2.5	2	0.2
Western	434	304	70.0	101	23.3	21	4.8	8	1.8
West Virginia									
Northern	165	141	85.5	18	10.9	4	2.4	2	1.2
Southern	223	185	83.0	27	12.1	9	4.0	2	0.9

**Table 26 (cont.)**

CIRCUIT	District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
			n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>		<b>7,726</b>	<b>5,569</b>	<b>72.1</b>	<b>1,364</b>	<b>17.7</b>	<b>744</b>	<b>9.6</b>	<b>49</b>	<b>0.6</b>
	Louisiana									
	Eastern	360	281	78.1	59	16.4	14	3.9	6	1.7
	Middle	98	78	79.6	16	16.3	1	1.0	3	3.1
	Western	291	238	81.8	41	14.1	9	3.1	3	1.0
	Mississippi									
	Northern	166	103	62.0	57	34.3	5	3.0	1	0.6
	Southern	193	158	81.9	25	13.0	8	4.1	2	1.0
	Texas									
	Eastern	475	403	84.8	40	8.4	29	6.1	3	0.6
	Northern	1,067	750	70.3	235	22.0	74	6.9	8	0.8
	Southern	2,171	1,471	67.8	518	23.9	172	7.9	10	0.5
	Western	2,905	2,087	71.8	373	12.8	432	14.9	13	0.4
<b>SIXTH CIRCUIT</b>		<b>3,491</b>	<b>2,450</b>	<b>70.2</b>	<b>846</b>	<b>24.2</b>	<b>177</b>	<b>5.1</b>	<b>18</b>	<b>0.5</b>
	Kentucky									
	Eastern	327	248	75.8	71	21.7	6	1.8	2	0.6
	Western	384	345	89.8	24	6.3	13	3.4	2	0.5
	Michigan									
	Eastern	781	515	65.9	202	25.9	60	7.7	4	0.5
	Western	295	215	72.9	69	23.4	9	3.1	2	0.7
	Ohio									
	Northern	598	416	69.6	146	24.4	35	5.9	1	0.2
	Southern	350	195	55.7	130	37.1	25	7.1	0	0.0
	Tennessee									
	Eastern	286	181	63.3	93	32.5	9	3.1	3	1.0
	Middle	184	141	76.6	33	17.9	9	4.9	1	0.5
	Western	286	194	67.8	78	27.3	11	3.8	3	1.0
<b>SEVENTH CIRCUIT</b>		<b>1,814</b>	<b>1,377</b>	<b>75.9</b>	<b>326</b>	<b>18.0</b>	<b>89</b>	<b>4.9</b>	<b>22</b>	<b>1.2</b>
	Illinois									
	Central	239	131	54.8	94	39.3	13	5.4	1	0.4
	Northern	618	471	76.2	108	17.5	36	5.8	3	0.5
	Southern	255	230	90.2	24	9.4	1	0.4	0	0.0
	Indiana									
	Northern	144	122	84.7	10	6.9	10	6.9	2	1.4
	Southern	201	135	67.2	49	24.4	11	5.5	6	3.0
	Wisconsin									
	Eastern	259	209	80.7	34	13.1	14	5.4	2	0.8
	Western	98	79	80.6	7	7.1	4	4.1	8	8.2
<b>EIGHTH CIRCUIT</b>		<b>2,759</b>	<b>1,899</b>	<b>68.8</b>	<b>593</b>	<b>21.5</b>	<b>242</b>	<b>8.8</b>	<b>25</b>	<b>0.9</b>
	Arkansas									
	Eastern	314	264	84.1	33	10.5	15	4.8	2	0.6
	Western	110	90	81.8	13	11.8	7	6.4	0	0.0
	Iowa									
	Northern	196	124	63.3	44	22.4	26	13.3	2	1.0
	Southern	182	112	61.5	40	22.0	28	15.4	2	1.1
	Minnesota	377	219	58.1	94	24.9	55	14.6	9	2.4
	Missouri									
	Eastern	447	328	73.4	85	19.0	31	6.9	3	0.7
	Western	499	286	57.3	188	37.7	22	4.4	3	0.6
	Nebraska	241	157	65.1	59	24.5	25	10.4	0	0.0
	North Dakota	117	83	70.9	19	16.2	15	12.8	0	0.0
	South Dakota	276	236	85.5	18	6.5	18	6.5	4	1.4

**Table 26 (cont.)**

CIRCUIT	District	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE		
		TOTAL	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>		<b>9,411</b>	<b>5,946</b>	<b>63.2</b>	<b>1,021</b>	<b>10.8</b>	<b>2,356</b>	<b>25.0</b>	<b>88</b>	<b>0.9</b>
	Alaska	108	79	73.1	9	8.3	19	17.6	1	0.9
	Arizona	1,669	594	35.6	130	7.8	926	55.5	19	1.1
	California									
	Central	964	817	84.8	69	7.2	76	7.9	2	0.2
	Eastern	778	585	75.2	102	13.1	88	11.3	3	0.4
	Northern	695	502	72.2	70	10.1	121	17.4	2	0.3
	Southern	2,858	1,744	61.0	229	8.0	837	29.3	48	1.7
	Guam	81	64	79.0	16	19.8	1	1.2	0	0.0
	Hawaii	256	180	70.3	55	21.5	21	8.2	0	0.0
	Idaho	101	60	59.4	18	17.8	21	20.8	2	2.0
	Montana	275	176	64.0	56	20.4	40	14.5	3	1.1
	Nevada	393	280	71.2	71	18.1	39	9.9	3	0.8
	Northern Mariana Islands	22	10	45.5	11	50.0	1	4.5	0	0.0
	Oregon	538	408	75.8	65	12.1	63	11.7	2	0.4
	Washington									
	Eastern	218	174	79.8	12	5.5	31	14.2	1	0.5
	Western	455	273	60.0	108	23.7	72	15.8	2	0.4
<b>TENTH CIRCUIT</b>		<b>2,600</b>	<b>1,805</b>	<b>69.4</b>	<b>414</b>	<b>15.9</b>	<b>361</b>	<b>13.9</b>	<b>20</b>	<b>0.8</b>
	Colorado	494	309	62.6	129	26.1	51	10.3	5	1.0
	Kansas	289	202	69.9	68	23.5	17	5.9	2	0.7
	New Mexico	822	511	62.2	88	10.7	218	26.5	5	0.6
	Oklahoma									
	Eastern	75	60	80.0	7	9.3	8	10.7	0	0.0
	Northern	164	121	73.8	36	22.0	6	3.7	1	0.6
	Western	275	240	87.3	18	6.5	15	5.5	2	0.7
	Utah	347	269	77.5	36	10.4	37	10.7	5	1.4
	Wyoming	134	93	69.4	32	23.9	9	6.7	0	0.0
<b>ELEVENTH CIRCUIT</b>		<b>5,798</b>	<b>4,068</b>	<b>70.2</b>	<b>1,394</b>	<b>24.0</b>	<b>297</b>	<b>5.1</b>	<b>39</b>	<b>0.7</b>
	Alabama									
	Middle	217	136	62.7	74	34.1	7	3.2	0	0.0
	Northern	430	260	60.5	156	36.3	11	2.6	3	0.7
	Southern	392	192	49.0	194	49.5	3	0.8	3	0.8
	Florida									
	Middle	1,290	826	64.0	376	29.1	85	6.6	3	0.2
	Northern	371	277	74.7	75	20.2	12	3.2	7	1.9
	Southern	1,772	1,433	80.9	240	13.5	87	4.9	12	0.7
	Georgia									
	Middle	346	278	80.3	51	14.7	16	4.6	1	0.3
	Northern	687	444	64.6	161	23.4	73	10.6	9	1.3
	Southern	293	222	75.8	67	22.9	3	1.0	1	0.3

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<sup>1</sup>Of the 48,848 cases, 332 with no analogous guidelines were excluded from the table. Of the remaining 48,516 cases, 2,499 were excluded due to missing departure information. Districts for which the departure information is missing in five percent or more of the cases received included: Eastern Virginia (28.9%), Central California (27.3%), Eastern New York (19.4%), Western Washington (16.6%), Northern Georgia (11.0%), Northern New York (10.9%), Northern Indiana (9.9%), Southern Florida (9.1%), Hawaii (8.9%), Southern California (8.6%), Oregon (7.5%), Eastern North Carolina (6.6%), Western Kentucky (6.6%), Northern California (6.5%), Colorado (6.2%), Massachusetts (5.3%), and Southern New York (5%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1997 Datafile, USSCFY97.