

Table 26

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2000**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL 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

**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>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>
Louisiana									
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
Mississippi									
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
Texas									
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>
Kentucky									
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
Michigan									
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
Ohio									
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
Tennessee									
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>
Illinois									
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
Indiana									
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
Wisconsin									
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>
Arkansas									
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
Iowa									
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
Missouri									
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
Nebraska	484	352	72.7	68	14.0	63	13.0	1	0.2
North Dakota	141	94	66.7	21	14.9	24	17.0	2	1.4
South Dakota	282	211	74.8	20	7.1	39	13.8	12	4.3

**Table 26 (cont.)**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL 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

<sup>1</sup>Of the 59,846 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%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2000 Datafile, USSCFY2000.