

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
Fiscal Year 1998

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	47,896	31,772	66.3	9,224	19.3	6,509	13.6	391	0.8
DC CIRCUIT	463	338	73.0	83	17.9	40	8.6	2	0.4
District of Columbia	463	338	73.0	83	17.9	40	8.6	2	0.4
FIRST CIRCUIT	1,178	782	66.4	253	21.5	120	10.2	23	2.0
Maine	146	104	71.2	31	21.2	9	6.2	2	1.4
Massachusetts	473	265	56.0	116	24.5	83	17.5	9	1.9
New Hampshire	137	71	51.8	58	42.3	4	2.9	4	2.9
Puerto Rico	309	255	82.5	39	12.6	14	4.5	1	0.3
Rhode Island	113	87	77.0	9	8.0	10	8.9	7	6.2
SECOND CIRCUIT	3,908	2,030	51.9	934	23.9	916	23.4	28	0.7
Connecticut	288	144	50.0	46	16.0	93	32.3	5	1.7
New York									
Eastern	1,361	589	43.3	287	21.1	477	35.0	8	0.6
Northern	333	165	49.6	125	37.5	42	12.6	1	0.3
Southern	1,383	803	58.1	322	23.3	250	18.1	8	0.6
Western	432	264	61.1	132	30.6	31	7.2	5	1.2
Vermont	111	65	58.6	22	19.8	23	20.7	1	0.9
THIRD CIRCUIT	2,383	1,395	58.5	750	31.5	214	9.0	24	1.0
Delaware	126	103	81.7	15	11.9	7	5.6	1	0.8
New Jersey	684	453	66.2	180	26.3	47	6.9	4	0.6
Pennsylvania									
Eastern	902	424	47.0	385	42.7	81	9.0	12	1.3
Middle	293	171	58.4	88	30.0	31	10.6	3	1.0
Western	271	157	57.9	73	26.9	38	14.0	3	1.1
Virgin Islands	107	87	81.3	9	8.4	10	9.3	1	0.9
FOURTH CIRCUIT	4,165	3,081	74.0	888	21.3	152	3.6	44	1.1
Maryland	413	239	57.9	115	27.8	56	13.6	3	0.7
North Carolina									
Eastern	427	287	67.2	129	30.2	7	1.6	4	0.9
Middle	319	245	76.8	63	19.7	4	1.3	7	2.2
Western	440	232	52.7	192	43.6	13	3.0	3	0.7
South Carolina	826	634	76.8	162	19.6	21	2.5	9	1.1
Virginia									
Eastern	902	803	89.0	74	8.2	17	1.9	8	0.9
Western	400	275	68.8	101	25.3	18	4.5	6	1.5
West Virginia									
Northern	167	147	88.0	13	7.8	3	1.8	4	2.4
Southern	271	219	80.8	39	14.4	13	4.8	0	0.0

Table 26 (cont.)

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	8,749	6,322	72.3	1,476	16.9	889	10.2	62	0.7
Louisiana									
Eastern	391	285	72.9	70	17.9	33	8.4	3	0.8
Middle	116	93	80.2	17	14.7	5	4.3	1	0.9
Western	285	205	71.9	67	23.5	10	3.5	3	1.1
Mississippi									
Northern	143	91	63.6	33	23.1	17	11.9	2	1.4
Southern	235	172	73.2	45	19.1	14	6.0	4	1.7
Texas									
Eastern	549	441	80.3	75	13.7	30	5.5	3	0.5
Northern	1,031	749	72.6	203	19.7	71	6.9	8	0.8
Southern	2,718	1,679	61.8	624	23.0	397	14.6	18	0.7
Western	3,281	2,607	79.5	342	10.4	312	9.5	20	0.6
SIXTH CIRCUIT	3,853	2,537	65.8	1,045	27.1	247	6.4	24	0.6
Kentucky									
Eastern	381	272	71.4	100	26.2	7	1.8	2	0.5
Western	328	293	89.3	22	6.7	13	4.0	0	0.0
Michigan									
Eastern	758	517	68.2	192	25.3	46	6.1	3	0.4
Western	283	179	63.3	81	28.6	21	7.4	2	0.7
Ohio									
Northern	760	489	64.3	169	22.2	101	13.3	1	0.1
Southern	458	233	50.9	192	41.9	28	6.1	5	1.1
Tennessee									
Eastern	338	188	55.6	141	41.7	7	2.1	2	0.6
Middle	167	116	69.5	44	26.3	6	3.6	1	0.6
Western	380	250	65.8	104	27.4	18	4.7	8	2.1
SEVENTH CIRCUIT	1,771	1,299	73.3	364	20.6	85	4.8	23	1.3
Illinois									
Central	225	132	58.7	77	34.2	15	6.7	1	0.4
Northern	465	328	70.5	109	23.4	27	5.8	1	0.2
Southern	275	240	87.3	25	9.1	6	2.2	4	1.5
Indiana									
Northern	267	221	82.8	29	10.9	12	4.5	5	1.9
Southern	211	120	56.9	75	35.5	11	5.2	5	2.4
Wisconsin									
Eastern	200	155	77.5	34	17.0	11	5.5	0	0.0
Western	128	103	80.5	15	11.7	3	2.3	7	5.5
EIGHTH CIRCUIT	2,885	1,982	68.7	660	22.9	223	7.7	20	0.7
Arkansas									
Eastern	286	249	87.1	29	10.1	5	1.7	3	1.0
Western	115	92	80.0	16	13.9	7	6.1	0	0.0
Iowa									
Northern	162	95	58.6	46	28.4	19	11.7	2	1.2
Southern	236	151	64.0	59	25.0	24	10.2	2	0.8
Minnesota	356	230	64.6	77	21.6	48	13.5	1	0.3
Missouri									
Eastern	523	365	69.8	131	25.0	27	5.2	0	0.0

Table 26 (cont.)

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
Western	422	214	50.7	182	43.1	23	5.5	3	0.7
Nebraska	275	171	62.2	82	29.8	20	7.3	2	0.7
North Dakota	168	123	73.2	15	8.9	28	16.7	2	1.2
South Dakota	342	292	85.4	23	6.7	22	6.4	5	1.5

Table 26 (cont.)

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	10,265	5,999	58.4	1,155	11.3	3,037	29.6	74	0.7
Alaska	181	151	83.4	3	1.7	26	14.4	1	0.6
Arizona	2,195	684	31.2	154	7.0	1,340	61.0	17	0.8
California									
Central	811	703	86.7	56	6.9	51	6.3	1	0.1
Eastern	884	679	76.8	122	13.8	81	9.2	2	0.2
Northern	554	329	59.4	65	11.7	143	25.8	17	3.1
Southern	3,152	1,767	56.1	299	9.5	1,073	34.0	13	0.4
Guam	184	117	63.6	64	34.8	2	1.1	1	0.5
Hawaii	259	165	63.7	77	29.7	17	6.6	0	0.0
Idaho	95	66	69.5	14	14.7	13	13.7	2	2.1
Montana	226	158	69.9	32	14.2	34	15.0	2	0.9
Nevada	522	377	72.2	90	17.2	50	9.6	5	1.0
Northern Mariana Islands	19	14	73.7	5	26.3	0	0.0	0	0.0
Oregon	483	356	73.7	65	13.5	56	11.6	6	1.2
Washington									
Eastern	267	159	59.6	33	12.4	74	27.7	1	0.4
Western	433	274	63.3	76	17.6	77	17.8	6	1.4
TENTH CIRCUIT	2,668	1,964	73.6	383	14.4	294	11.0	27	1.0
Colorado	371	220	59.3	114	30.7	31	8.4	6	1.6
Kansas	401	294	73.3	77	19.2	29	7.2	1	0.2
New Mexico	828	582	70.3	80	9.7	161	19.4	5	0.6
Oklahoma									
Eastern	64	46	71.9	6	9.4	12	18.8	0	0.0
Northern	185	147	79.5	26	14.1	7	3.8	5	2.7
Western	236	211	89.4	16	6.8	5	2.1	4	1.7
Utah	458	379	82.8	33	7.2	40	8.7	6	1.3
Wyoming	125	85	68.0	31	24.8	9	7.2	0	0.0
ELEVENTH CIRCUIT	5,608	4,043	72.1	1,233	22.0	292	5.2	40	0.7
Alabama									
Middle	203	141	69.5	51	25.1	10	4.9	1	0.5
Northern	337	246	73.0	79	23.4	10	3.0	2	0.6
Southern	380	241	63.4	129	33.9	6	1.6	4	1.1
Florida									
Middle	1,472	980	66.6	385	26.2	103	7.0	4	0.3
Northern	391	253	64.7	126	32.2	10	2.6	2	0.5
Southern	1,568	1,300	82.9	189	12.1	69	4.4	10	0.6
Georgia									
Middle	368	288	78.3	64	17.4	12	3.3	4	1.1
Northern	586	364	62.1	150	25.6	65	11.1	7	1.2
Southern	303	230	75.9	60	19.8	7	2.3	6	2.0

))))))))))

¹Of the 50,754 cases, 265 with no analogous guidelines were excluded from the table. Of the remaining 50,489 cases, 2,593 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 (28.8%), Western North Carolina (9.3%), Central California (39.1%), Eastern New York (8.5%), Western Washington (13.9%),

Table 26 (cont.)

Northern New York (10.2%), Southern Florida (8.3%), Southern California (8.8%), Oregon (14.1%), Colorado (9.0%), Guam (23.7%), Northern Mariana Islands (9.5%) and Southern New York (6.9%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, USSCFY98.