

Table 26

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2001**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>54,851</b>	<b>35,128</b>	<b>64.0</b>	<b>9,390</b>	<b>17.1</b>	<b>10,026</b>	<b>18.3</b>	<b>307</b>	<b>0.6</b>
<b>D.C. CIRCUIT</b>	<b>260</b>	<b>194</b>	<b>74.6</b>	<b>36</b>	<b>13.8</b>	<b>29</b>	<b>11.2</b>	<b>1</b>	<b>0.4</b>
District of Columbia	260	194	74.6	36	13.8	29	11.2	1	0.4
<b>FIRST CIRCUIT</b>	<b>1,478</b>	<b>1,083</b>	<b>73.3</b>	<b>216</b>	<b>14.6</b>	<b>173</b>	<b>11.7</b>	<b>6</b>	<b>0.4</b>
Maine	195	145	74.4	45	23.1	5	2.6	0	0.0
Massachusetts	484	296	61.2	83	17.1	100	20.7	5	1.0
New Hampshire	137	81	59.1	42	30.7	14	10.2	0	0.0
Puerto Rico	562	483	85.9	38	6.8	41	7.3	0	0.0
Rhode Island	100	78	78.0	8	8.0	13	13.0	1	1.0
<b>SECOND CIRCUIT</b>	<b>3,919</b>	<b>2,255</b>	<b>57.5</b>	<b>851</b>	<b>21.7</b>	<b>798</b>	<b>20.4</b>	<b>15</b>	<b>0.4</b>
Connecticut	281	151	53.7	33	11.7	95	33.8	2	0.7
New York									
Eastern	1,216	632	52.0	236	19.4	345	28.4	3	0.2
Northern	495	224	45.3	147	29.7	123	24.8	1	0.2
Southern	1,364	942	69.1	250	18.3	167	12.2	5	0.4
Western	452	250	55.3	157	34.7	42	9.3	3	0.7
Vermont	111	56	50.5	28	25.2	26	23.4	1	0.9
<b>THIRD CIRCUIT</b>	<b>2,558</b>	<b>1,539</b>	<b>60.2</b>	<b>782</b>	<b>30.6</b>	<b>225</b>	<b>8.8</b>	<b>12</b>	<b>0.5</b>
Delaware	81	62	76.5	14	17.3	5	6.2	0	0.0
New Jersey	842	530	62.9	216	25.7	94	11.2	2	0.2
Pennsylvania									
Eastern	909	475	52.3	366	40.3	63	6.9	5	0.6
Middle	365	206	56.4	122	33.4	34	9.3	3	0.8
Western	271	196	72.3	52	19.2	23	8.5	0	0.0
Virgin Islands	90	70	77.8	12	13.3	6	6.7	2	2.2
<b>FOURTH CIRCUIT</b>	<b>4,676</b>	<b>3,444</b>	<b>73.7</b>	<b>946</b>	<b>20.2</b>	<b>245</b>	<b>5.2</b>	<b>41</b>	<b>0.9</b>
Maryland	579	321	55.4	161	27.8	92	15.9	5	0.9
North Carolina									
Eastern	500	319	63.8	144	28.8	24	4.8	13	2.6
Middle	440	352	80.0	65	14.8	13	3.0	10	2.3
Western	464	250	53.9	177	38.1	36	7.8	1	0.2
South Carolina	739	557	75.4	167	22.6	15	2.0	0	0.0
Virginia									
Eastern	1,055	940	89.1	73	6.9	37	3.5	5	0.5
Western	379	257	67.8	114	30.1	7	1.8	1	0.3
West Virginia									
Northern	182	158	86.8	11	6.0	11	6.0	2	1.1
Southern	338	290	85.8	34	10.1	10	3.0	4	1.2

**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>11,149</b>	<b>7,708</b>	<b>69.1</b>	<b>1,369</b>	<b>12.3</b>	<b>2,013</b>	<b>18.1</b>	<b>59</b>	<b>0.5</b>
Louisiana									
Eastern	442	363	82.1	36	8.1	43	9.7	0	0.0
Middle	154	116	75.3	24	15.6	12	7.8	2	1.3
Western	264	203	76.9	45	17.0	14	5.3	2	0.8
Mississippi									
Northern	142	81	57.0	47	33.1	14	9.9	0	0.0
Southern	416	330	79.3	66	15.9	19	4.6	1	0.2
Texas									
Eastern	527	409	77.6	61	11.6	52	9.9	5	0.9
Northern	1,136	812	71.5	236	20.8	74	6.5	14	1.2
Southern	3,545	2,429	68.5	477	13.5	622	17.5	17	0.5
Western	4,523	2,965	65.6	377	8.3	1,163	25.7	18	0.4
<b>SIXTH CIRCUIT</b>	<b>4,184</b>	<b>2,723</b>	<b>65.1</b>	<b>1,138</b>	<b>27.2</b>	<b>304</b>	<b>7.3</b>	<b>19</b>	<b>0.5</b>
Kentucky									
Eastern	566	368	65.0	190	33.6	8	1.4	0	0.0
Western	291	238	81.8	33	11.3	20	6.9	0	0.0
Michigan									
Eastern	699	427	61.1	218	31.2	52	7.4	2	0.3
Western	347	222	64.0	90	25.9	32	9.2	3	0.9
Ohio									
Northern	815	557	68.3	177	21.7	78	9.6	3	0.4
Southern	361	193	53.5	123	34.1	42	11.6	3	0.8
Tennessee									
Eastern	518	352	68.0	131	25.3	34	6.6	1	0.2
Middle	228	133	58.3	76	33.3	19	8.3	0	0.0
Western	359	233	64.9	100	27.9	19	5.3	7	1.9
<b>SEVENTH CIRCUIT</b>	<b>2,389</b>	<b>1,696</b>	<b>71.0</b>	<b>506</b>	<b>21.2</b>	<b>164</b>	<b>6.9</b>	<b>23</b>	<b>1.0</b>
Illinois									
Central	291	154	52.9	118	40.5	18	6.2	1	0.3
Northern	786	512	65.1	178	22.6	86	10.9	10	1.3
Southern	358	305	85.2	36	10.1	17	4.7	0	0.0
Indiana									
Northern	304	228	75.0	63	20.7	13	4.3	0	0.0
Southern	225	146	64.9	65	28.9	9	4.0	5	2.2
Wisconsin									
Eastern	281	230	81.9	34	12.1	16	5.7	1	0.4
Western	144	121	84.0	12	8.3	5	3.5	6	4.2
<b>EIGHTH CIRCUIT</b>	<b>3,486</b>	<b>2,329</b>	<b>66.8</b>	<b>767</b>	<b>22.0</b>	<b>367</b>	<b>10.5</b>	<b>23</b>	<b>0.7</b>
Arkansas									
Eastern	239	198	82.8	31	13.0	10	4.2	0	0.0
Western	144	108	75.0	32	22.2	4	2.8	0	0.0
Iowa									
Northern	322	206	64.0	84	26.1	26	8.1	6	1.9
Southern	302	158	52.3	92	30.5	52	17.2	0	0.0
Minnesota	379	231	60.9	73	19.3	73	19.3	2	0.5
Missouri									
Eastern	544	397	73.0	115	21.1	32	5.9	0	0.0
Western	659	382	58.0	242	36.7	31	4.7	4	0.6
Nebraska	466	325	69.7	54	11.6	87	18.7	0	0.0
North Dakota	148	97	65.5	27	18.2	22	14.9	2	1.4
South Dakota	283	227	80.2	17	6.0	30	10.6	9	3.2

**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>11,808</b>	<b>5,921</b>	<b>50.1</b>	<b>1,267</b>	<b>10.7</b>	<b>4,568</b>	<b>38.7</b>	<b>52</b>	<b>0.4</b>
Alaska	188	137	72.9	19	10.1	32	17.0	0	0.0
Arizona	3,009	895	29.7	202	6.7	1,889	62.8	23	0.8
California									
Central	687	550	80.1	61	8.9	74	10.8	2	0.3
Eastern	833	599	71.9	168	20.2	66	7.9	0	0.0
Northern	798	527	66.0	73	9.1	192	24.1	6	0.8
Southern	3,459	1,429	41.3	276	8.0	1,747	50.5	7	0.2
Guam	71	55	77.5	14	19.7	1	1.4	1	1.4
Hawaii	344	221	64.2	82	23.8	37	10.8	4	1.2
Idaho	112	71	63.4	25	22.3	15	13.4	1	0.9
Montana	304	196	64.5	70	23.0	36	11.8	2	0.7
Nevada	523	383	73.2	64	12.2	74	14.1	2	0.4
Northern Mariana Islands	16	8	50.0	8	50.0	0	0.0	0	0.0
Oregon	585	389	66.5	84	14.4	109	18.6	3	0.5
Washington									
Eastern	309	127	41.1	22	7.1	160	51.8	0	0.0
Western	570	334	58.6	99	17.4	136	23.9	1	0.2
<b>TENTH CIRCUIT</b>	<b>2,979</b>	<b>1,936</b>	<b>65.0</b>	<b>327</b>	<b>11.0</b>	<b>695</b>	<b>23.3</b>	<b>21</b>	<b>0.7</b>
Colorado	470	293	62.3	110	23.4	66	14.0	1	0.2
Kansas	442	315	71.3	75	17.0	51	11.5	1	0.2
New Mexico	1,311	714	54.5	86	6.6	507	38.7	4	0.3
Oklahoma									
Eastern	93	70	75.3	2	2.2	19	20.4	2	2.2
Northern	119	96	80.7	10	8.4	11	9.2	2	1.7
Western	203	161	79.3	24	11.8	10	4.9	8	3.9
Utah	198	180	90.9	1	0.5	17	8.6	0	0.0
Wyoming	143	107	74.8	19	13.3	14	9.8	3	2.1
<b>ELEVENTH CIRCUIT</b>	<b>5,965</b>	<b>4,300</b>	<b>72.1</b>	<b>1,185</b>	<b>19.9</b>	<b>445</b>	<b>7.5</b>	<b>35</b>	<b>0.6</b>
Alabama									
Middle	154	77	50.0	55	35.7	22	14.3	0	0.0
Northern	358	255	71.2	88	24.6	12	3.4	3	0.8
Southern	284	193	68.0	64	22.5	23	8.1	4	1.4
Florida									
Middle	1,273	851	66.8	332	26.1	84	6.6	6	0.5
Northern	362	246	68.0	92	25.4	17	4.7	7	1.9
Southern	2,171	1,737	80.0	289	13.3	140	6.4	5	0.2
Georgia									
Middle	330	227	68.8	79	23.9	21	6.4	3	0.9
Northern	709	471	66.4	128	18.1	105	14.8	5	0.7
Southern	324	243	75.0	58	17.9	21	6.5	2	0.6

<sup>1</sup>Of the 59,897 cases, 324 cases with no analogous guidelines were excluded from the table. Of the remaining 59,573 cases, 4,722 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Utah (61.6%), Central California (58.0%), Eastern Virginia (32.5%), Puerto Rico (18.9%), Southern California (18.0%), Western Washington (15.7%), Western North Carolina (15.0%), Guam (13.4%), Western Kentucky (11.8%), Oregon (10.8%), Eastern New York (10.1%), Middle Alabama (8.9%), Middle Georgia (8.3%), South Carolina (7.9%), Western Pennsylvania (7.8%), Eastern Texas (6.7%), Western Louisiana (6.7%), Middle Pennsylvania (6.4%), Northern New York (6.3%), Southern Florida (6.2%), Eastern North Carolina (6.2%), Southern West Virginia (5.8%), Massachusetts (5.8%), and Eastern Washington (5.2%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2001 Datafile, USSCFY2001.