

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹

Fiscal Year 1999

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	52,425	34,020	64.9	9,788	18.7	8,304	15.8	313	0.6
DC CIRCUIT	453	315	69.5	89	19.6	41	9.1	8	1.8
District of Columbia	453	315	69.5	89	19.6	41	9.1	8	1.8
FIRST CIRCUIT	1,337	963	72.0	207	15.5	160	12.0	7	0.5
Maine	122	90	73.8	27	22.1	4	3.3	1	0.8
Massachusetts	443	257	58.0	83	18.7	100	22.6	3	0.7
New Hampshire	142	84	59.2	49	34.5	8	5.6	1	0.7
Puerto Rico	516	443	85.9	40	7.8	32	6.2	1	0.2
Rhode Island	114	89	78.1	8	7.0	16	14.0	1	0.9
SECOND CIRCUIT	4,119	2,338	56.8	953	23.1	802	19.5	26	0.6
Connecticut	249	132	53.0	35	14.1	79	31.7	3	1.2
New York									
Eastern	1,341	589	43.9	331	24.7	410	30.6	11	0.8
Northern	348	156	44.8	150	43.1	41	11.8	1	0.3
Southern	1,680	1,160	69.0	318	18.9	197	11.7	5	0.3
Western	342	226	66.1	83	24.3	30	8.8	3	0.9
Vermont	159	75	47.2	36	22.6	45	28.3	3	1.9
THIRD CIRCUIT	2,466	1,453	58.9	794	32.2	206	8.4	13	0.5
Delaware	87	64	73.6	19	21.8	4	4.6	0	0.0
New Jersey	858	545	63.5	238	27.7	67	7.8	8	0.9
Pennsylvania									
Eastern	839	412	49.1	362	43.1	64	7.6	1	0.1
Middle	315	180	57.1	100	31.7	33	10.5	2	0.6
Western	278	172	61.9	69	24.8	36	13.0	1	0.4
Virgin Islands	89	80	89.9	6	6.7	2	2.2	1	1.1
FOURTH CIRCUIT	4,493	3,228	71.8	1,021	22.7	208	4.6	36	0.8
Maryland	446	282	63.2	85	19.1	77	17.3	2	0.4
North Carolina									
Eastern	496	345	69.6	128	25.8	18	3.6	5	1.0
Middle	427	281	65.8	121	28.3	14	3.3	11	2.6
Western	640	274	42.8	335	52.3	31	4.8	0	0.0
South Carolina	795	608	76.5	156	19.6	26	3.3	5	0.6
Virginia									
Eastern	960	873	90.9	67	7.0	17	1.8	3	0.3
Western	345	235	68.1	93	27.0	12	3.5	5	1.4
West Virginia									
Northern	155	140	90.3	10	6.5	3	1.9	2	1.3
Southern	229	190	83.0	26	11.4	10	4.4	3	1.3

Table 26 (cont.)

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	10,012	7,220	72.1	1,542	15.4	1,205	12.0	45	0.4
Louisiana									
Eastern	387	308	79.6	48	12.4	31	8.0	0	0.0
Middle	138	102	73.9	25	18.1	5	3.6	6	4.3
Western	256	201	78.5	44	17.2	9	3.5	2	0.8
Mississippi									
Northern	164	86	52.4	65	39.6	13	7.9	0	0.0
Southern	275	177	64.4	85	30.9	11	4.0	2	0.7
Texas									
Eastern	592	513	86.7	58	9.8	20	3.4	1	0.2
Northern	1,160	864	74.5	214	18.4	74	6.4	8	0.7
Southern	3,011	1,905	63.3	688	22.9	411	13.7	7	0.2
Western	4,029	3,064	76.0	315	7.8	631	15.7	19	0.5
SIXTH CIRCUIT	3,991	2,691	67.4	1,021	25.6	266	6.7	13	0.3
Kentucky									
Eastern	427	293	68.6	115	26.9	18	4.2	1	0.2
Western	397	362	91.2	25	6.3	9	2.3	1	0.3
Michigan									
Eastern	695	440	63.3	186	26.8	66	9.5	3	0.4
Western	298	196	65.8	79	26.5	21	7.0	2	0.7
Ohio									
Northern	645	444	68.8	146	22.6	55	8.5	0	0.0
Southern	567	310	54.7	216	38.1	41	7.2	0	0.0
Tennessee									
Eastern	417	265	63.5	131	31.4	18	4.3	3	0.7
Middle	173	132	76.3	26	15.0	15	8.7	0	0.0
Western	372	249	66.9	97	26.1	23	6.2	3	0.8
SEVENTH CIRCUIT	2,178	1,556	71.4	445	20.4	155	7.1	22	1.0
Illinois									
Central	300	172	57.3	101	33.7	24	8.0	3	1.0
Northern	584	417	71.4	107	18.3	56	9.6	4	0.7
Southern	354	308	87.0	31	8.8	15	4.2	0	0.0
Indiana									
Northern	311	245	78.8	45	14.5	18	5.8	3	1.0
Southern	225	116	51.6	86	38.2	18	8.0	5	2.2
Wisconsin									
Eastern	278	198	71.2	59	21.2	20	7.2	1	0.4
Western	126	100	79.4	16	12.7	4	3.2	6	4.8
EIGHTH CIRCUIT	3,390	2,169	64.0	880	26.0	317	9.4	24	0.7
Arkansas									
Eastern	263	212	80.6	45	17.1	6	2.3	0	0.0
Western	126	99	78.6	20	15.9	7	5.6	0	0.0
Iowa									
Northern	191	116	60.7	58	30.4	12	6.3	5	2.6
Southern	369	193	52.3	130	35.2	46	12.5	0	0.0
Minnesota	447	278	62.2	90	20.1	76	17.0	3	0.7
Missouri									
Eastern	588	362	61.6	182	31.0	44	7.5	0	0.0
Western	466	242	51.9	193	41.4	26	5.6	5	1.1
Nebraska	402	236	58.7	120	29.9	46	11.4	0	0.0
North Dakota	162	125	77.2	22	13.6	15	9.3	0	0.0
South Dakota	376	306	81.4	20	5.3	39	10.4	11	2.9

Table 26 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	11,061	5,827	52.7	1,145	10.4	4,029	36.4	60	0.5
Alaska	152	112	73.7	9	5.9	31	20.4	0	0.0
Arizona	2,641	899	34.0	194	7.3	1,529	57.9	19	0.7
California									
Central	798	649	81.3	67	8.4	77	9.6	5	0.6
Eastern	748	580	77.5	99	13.2	67	9.0	2	0.3
Northern	488	341	69.9	40	8.2	103	21.1	4	0.8
Southern	3,578	1,513	42.3	298	8.3	1,755	49.1	12	0.3
Guam	85	61	71.8	19	22.4	5	5.9	0	0.0
Hawaii	347	234	67.4	89	25.6	24	6.9	0	0.0
Idaho	128	76	59.4	31	24.2	16	12.5	5	3.9
Montana	278	193	69.4	48	17.3	36	13.0	1	0.4
Nevada	450	338	75.1	59	13.1	50	11.1	3	0.7
Northern Mariana Islands	14	7	50.0	7	50.0	0	0.0	0	0.0
Oregon	560	377	67.3	93	16.6	86	15.4	4	0.7
Washington									
Eastern	284	147	51.8	19	6.7	116	40.8	2	0.7
Western	510	300	58.8	73	14.3	134	26.3	3	0.6
TENTH CIRCUIT	3,060	2,118	69.2	393	12.8	531	17.4	18	0.6
Colorado	392	238	60.7	110	28.1	43	11.0	1	0.3
Kansas	376	271	72.1	72	19.1	30	8.0	3	0.8
New Mexico	1,124	737	65.6	91	8.1	291	25.9	5	0.4
Oklahoma									
Eastern	84	55	65.5	8	9.5	21	25.0	0	0.0
Northern	191	141	73.8	23	12.0	23	12.0	4	2.1
Western	216	177	81.9	23	10.6	15	6.9	1	0.5
Utah	509	392	77.0	30	5.9	84	16.5	3	0.6
Wyoming	168	107	63.7	36	21.4	24	14.3	1	0.6
ELEVENTH CIRCUIT	5,865	4,142	70.6	1,298	22.1	384	6.5	41	0.7
Alabama									
Middle	197	121	61.4	68	34.5	8	4.1	0	0.0
Northern	316	212	67.1	96	30.4	6	1.9	2	0.6
Southern	294	178	60.5	99	33.7	15	5.1	2	0.7
Florida									
Middle	1,459	947	64.9	405	27.8	103	7.1	4	0.3
Northern	386	276	71.5	91	23.6	13	3.4	6	1.6
Southern	1,956	1,538	78.6	260	13.3	142	7.3	16	0.8
Georgia									
Middle	349	244	69.9	84	24.1	16	4.6	5	1.4
Northern	675	456	67.6	144	21.3	70	10.4	5	0.7
Southern	233	170	73.0	51	21.9	11	4.7	1	0.4

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¹Of the 55,557 cases, 322 with no analogous guidelines were excluded from the table. Of the remaining 55,235 cases, 2,810 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: Central California (41.5%), Eastern Virginia (23.4%), Western Washington (22.3%), Oregon (11.2%), Southern California (10.5%), Eastern New York (8.3%), Guam (7.6%), Connecticut (7.8%), Northern New York (7.5%), Southern New York (6.9%), Middle Georgia (6.7%), Arizona (6.6%), Northern Illinois (6.3%), Northern Indiana (6.3%), Colorado (5.8%), Western Pennsylvania (5.8%), South Carolina (5.5%), Northern Iowa (5.5%), and Central Illinois (5.4%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, USSCFY99.