

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
(October 1, 1995, through September 30, 1996)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	40,879	28,445	69.6	7,845	19.2	4,201	10.3	388	0.9
DC CIRCUIT	371	294	72.2	50	13.5	22	5.9	5	1.4
District of Columbia	371	294	72.2	50	13.5	22	5.9	5	1.4
FIRST CIRCUIT	1,434	1,040	72.5	276	19.2	105	7.3	13	0.9
Maine	145	109	75.2	28	19.3	7	4.8	1	0.7
Massachusetts	450	278	61.8	115	25.6	53	11.8	4	0.9
New Hampshire	145	74	51.0	63	43.4	6	4.1	2	1.4
Puerto Rico	586	489	83.4	65	11.1	30	5.1	2	0.3
Rhode Island	108	90	83.3	5	4.6	9	8.3	4	3.7
SECOND CIRCUIT	3,433	2,221	64.7	665	19.4	523	15.2	24	0.7
Connecticut	258	150	58.1	28	10.8	75	29.1	5	1.9
New York									
Eastern	1,175	704	59.9	244	20.8	221	18.8	6	0.5
Northern	430	254	59.1	124	28.8	51	11.9	1	0.2
Southern	1,130	814	72.0	185	16.4	123	10.9	8	0.7
Western	347	250	72.0	60	17.3	35	10.1	2	0.6
Vermont	93	49	52.7	24	25.8	18	19.4	2	2.2
THIRD CIRCUIT	2,357	1,384	58.7	828	35.1	126	5.4	19	0.8
Delaware	93	78	83.9	14	15.0	1	1.1	0	0.0
New Jersey	724	454	62.7	224	30.9	38	5.2	8	1.1
Pennsylvania									
Eastern	817	389	47.6	388	47.5	32	3.9	8	1.0
Middle	359	198	55.2	134	37.3	26	7.2	1	0.3
Western	273	191	70.0	55	20.2	25	9.2	2	0.7
Virgin Islands	91	74	81.3	13	14.3	4	4.4	0	0.0
FOURTH CIRCUIT	3,973	2,966	74.6	825	20.8	154	3.9	28	0.7
Maryland	356	245	68.8	71	19.9	39	11.0	1	0.3
North Carolina									
Eastern	521	358	68.7	132	25.3	26	5.0	5	1.0
Middle	367	266	72.5	91	24.8	7	1.9	3	0.8
Western	518	276	53.3	214	41.3	20	3.9	8	1.5
South Carolina	704	540	76.7	150	21.3	12	1.7	2	0.3
Virginia									
Eastern	803	721	89.8	58	7.2	19	2.4	5	0.6
Western	313	224	71.6	74	23.6	13	4.2	2	0.6
West Virginia									
Northern	150	129	86.0	15	10.0	6	4.0	0	0.0
Southern	241	207	85.9	20	8.3	12	5.0	2	0.8

Table 26 (cont.)

CIRCUIT	District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
			n	%	n	%	n	%	n	%
FIFTH CIRCUIT		6,516	4,595	70.5	1,210	18.6	635	9.8	76	1.2
	Louisiana									
	Eastern	393	302	76.8	65	16.5	23	5.8	3	0.8
	Middle	82	56	68.3	22	26.8	1	1.2	3	3.7
	Western	231	178	77.1	33	14.3	14	6.1	6	2.6
	Mississippi									
	Northern	154	96	62.3	45	29.2	9	5.8	4	2.6
	Southern	202	152	75.2	33	16.3	16	7.9	1	0.5
	Texas									
	Eastern	520	432	83.1	56	10.8	25	4.8	7	1.4
	Northern	972	673	69.2	229	23.6	59	6.1	11	1.1
	Southern	2,058	1,451	70.5	409	19.9	181	8.8	17	0.8
	Western	1,904	1,255	65.9	318	16.7	307	16.1	24	1.3
SIXTH CIRCUIT		3,442	2,472	71.8	781	22.7	160	4.6	29	0.8
	Kentucky									
	Eastern	306	245	80.1	51	16.7	9	2.9	1	0.3
	Western	323	271	83.9	32	9.9	12	3.7	8	2.5
	Michigan									
	Eastern	797	539	67.6	196	24.6	56	7.0	6	0.8
	Western	304	226	74.3	68	22.4	9	3.0	1	0.3
	Ohio									
	Northern	544	396	72.8	107	19.7	41	7.5	0	0.0
	Southern	365	213	58.4	138	37.8	11	3.0	3	0.8
	Tennessee									
	Eastern	338	227	67.2	102	30.2	4	1.2	5	1.5
	Middle	127	96	75.6	24	18.9	5	3.9	2	1.6
	Western	338	259	76.6	63	18.6	13	3.8	3	0.9
SEVENTH CIRCUIT		2,002	1,509	75.4	369	18.4	98	4.9	26	1.3
	Illinois									
	Central	248	154	62.1	81	32.7	7	2.8	6	2.4
	Northern	589	426	72.3	111	18.8	45	7.6	7	1.2
	Southern	352	290	82.4	47	13.4	11	3.1	4	1.1
	Indiana									
	Northern	248	191	77.0	46	18.6	10	4.0	1	0.4
	Southern	215	165	76.7	35	16.3	13	6.0	2	0.9
	Wisconsin									
	Eastern	251	205	81.7	34	13.6	10	4.0	2	0.8
	Western	99	78	78.8	15	15.2	2	2.0	4	4.0
EIGHTH CIRCUIT		2,612	1,795	68.7	628	24.0	161	6.2	28	1.1
	Arkansas									
	Eastern	251	218	86.8	25	10.0	8	3.2	0	0.0
	Western	118	102	86.4	11	9.3	3	2.5	2	1.7
	Iowa									
	Northern	164	108	65.8	41	25.0	14	8.5	1	0.6
	Southern	219	151	69.0	46	21.0	20	9.1	2	0.9
	Minnesota	286	167	58.4	81	28.3	35	12.2	3	1.0
	Missouri									
	Eastern	446	309	69.3	116	26.0	17	3.8	4	0.9
	Western	395	226	57.2	151	38.2	11	2.8	7	1.8
	Nebraska	260	153	58.8	91	35.0	15	5.8	1	0.4
	North Dakota	159	104	65.4	36	22.6	17	10.7	2	1.3
	South Dakota	314	257	81.8	30	9.6	21	6.7	6	1.9

Table 26 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	7,784	5,181	66.6	883	11.3	1,658	21.3	62	0.8
Alaska	84	60	71.4	9	10.7	14	16.7	1	1.2
Arizona	1,314	584	44.4	137	10.4	578	44.0	15	1.1
California									
Central	955	833	87.2	66	6.9	50	5.2	6	0.6
Eastern	679	548	80.7	60	8.8	68	10.0	3	0.4
Northern	532	378	71.0	65	12.2	86	16.2	3	0.6
Southern	2,047	1,194	58.3	195	9.5	637	31.1	21	1.0
Guam	81	61	75.3	14	17.3	5	6.2	1	1.2
Hawaii	292	230	78.8	47	16.1	14	4.8	1	0.3
Idaho	94	63	67.0	25	26.6	6	6.4	0	0.0
Montana	185	131	70.8	28	15.1	25	13.5	1	0.5
Nevada	362	274	75.7	57	15.8	29	8.0	2	0.6
Northern Mariana Islands	14	1	7.1	12	85.7	0	0.0	1	7.1
Oregon	503	385	76.5	62	12.3	51	10.1	5	1.0
Washington									
Eastern	202	161	79.7	9	4.5	32	15.8	0	0.0
Western	440	278	63.2	97	22.0	63	14.3	2	0.4
TENTH CIRCUIT	2,037	1,453	71.3	286	14.0	278	13.6	20	1.0
Colorado	380	224	59.0	116	30.5	36	9.5	4	1.0
Kansas	280	216	77.1	43	15.4	17	6.1	4	1.4
New Mexico	614	395	64.3	46	7.5	168	27.4	5	0.8
Oklahoma									
Eastern	68	62	91.2	3	4.4	3	4.4	0	0.0
Northern	175	148	84.6	15	8.6	12	6.9	0	0.0
Western	191	168	88.0	15	7.8	4	2.1	4	2.1
Utah	229	170	74.2	23	10.0	34	14.8	2	0.9
Wyoming	100	70	70.0	25	25.0	4	4.0	1	1.0
ELEVENTH CIRCUIT	4,918	3,535	71.9	1,044	21.2	281	5.7	58	1.2
Alabama									
Middle	148	115	77.7	31	21.0	2	1.4	0	0.0
Northern	362	248	68.5	88	24.3	24	6.6	2	0.6
Southern	374	238	63.6	122	32.6	11	2.9	3	0.8
Florida									
Middle	1,116	711	63.7	317	28.4	79	7.1	9	0.8
Northern	322	202	62.7	103	32.0	14	4.4	3	0.9
Southern	1,552	1,266	81.6	198	12.8	73	4.7	15	1.0
Georgia									
Middle	250	189	75.6	49	19.6	10	4.0	2	0.8
Northern	610	445	73.0	96	15.7	55	9.0	14	2.3
Southern	184	121	65.8	40	21.7	13	7.1	10	5.4

)))))))))

Of the 42,436 cases, 147 with no analogous guidelines were excluded from the table. Of the remaining 42,289 cases, 1,410 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 (26.2%), Eastern New York (21.8%), Northern California (9.5%), Eastern Virginia (6.9%), Northern Mariana Islands (6.7%), Oregon (6.1%), Western North Carolina (6.0%), Western Kentucky (5.8%), and Southern New York (5.3%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.