

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2002 (Prior to Enactment of the PROTECT Act)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	58,684	38,159	65.0	10,203	17.4	9,865	16.8	457	0.8
D.C. CIRCUIT	411	246	59.9	128	31.1	35	8.5	2	0.5
District of Columbia	411	246	59.9	128	31.1	35	8.5	2	0.5
FIRST CIRCUIT	1,813	1,373	75.7	261	14.4	169	9.3	10	0.6
Maine	188	134	71.3	44	23.4	9	4.8	1	0.5
Massachusetts	602	363	60.3	122	20.3	113	18.8	4	0.7
New Hampshire	130	80	61.5	35	26.9	15	11.5	0	0.0
Puerto Rico	758	680	89.7	53	7.0	23	3.0	2	0.3
Rhode Island	135	116	85.9	7	5.2	9	6.7	3	2.2
SECOND CIRCUIT	4,077	2,501	61.3	773	19.0	779	19.1	24	0.6
Connecticut	326	175	53.7	32	9.8	115	35.3	4	1.2
New York									
Eastern	1,383	744	53.8	242	17.5	393	28.4	4	0.3
Northern	359	205	57.1	106	29.5	43	12.0	5	1.4
Southern	1,404	1,046	74.5	223	15.9	130	9.3	5	0.4
Western	434	245	56.5	137	31.6	47	10.8	5	1.2
Vermont	171	86	50.3	33	19.3	51	29.8	1	0.6
THIRD CIRCUIT	2,656	1,564	58.9	858	32.3	209	7.9	25	0.9
Delaware	67	49	73.1	11	16.4	7	10.4	0	0.0
New Jersey	814	490	60.2	241	29.6	78	9.6	5	0.6
Pennsylvania									
Eastern	966	487	50.4	397	41.1	73	7.6	9	0.9
Middle	413	245	59.3	133	32.2	26	6.3	9	2.2
Western	320	237	74.1	63	19.7	20	6.3	0	0.0
Virgin Islands	76	56	73.7	13	17.1	5	6.6	2	2.6
FOURTH CIRCUIT	5,038	3,858	76.6	937	18.6	210	4.2	33	0.7
Maryland	510	286	56.1	161	31.6	57	11.2	6	1.2
North Carolina									
Eastern	569	398	69.9	139	24.4	23	4.0	9	1.6
Middle	423	363	85.8	45	10.6	11	2.6	4	0.9
Western	522	327	62.6	173	33.1	21	4.0	1	0.2
South Carolina	971	711	73.2	229	23.6	28	2.9	3	0.3
Virginia									
Eastern	1,191	1,071	89.9	75	6.3	43	3.6	2	0.2
Western	384	290	75.5	81	21.1	12	3.1	1	0.3
West Virginia									
Northern	260	227	87.3	18	6.9	10	3.8	5	1.9
Southern	208	185	88.9	16	7.7	5	2.4	2	1.0

Table 26 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	12,231	8,689	71.0	1,635	13.4	1,792	14.7	115	0.9
Louisiana									
Eastern	401	324	80.8	45	11.2	28	7.0	4	1.0
Middle	111	75	67.6	21	18.9	9	8.1	6	5.4
Western	317	257	81.1	42	13.2	15	4.7	3	0.9
Mississippi									
Northern	165	105	63.6	48	29.1	12	7.3	0	0.0
Southern	352	269	76.4	68	19.3	12	3.4	3	0.9
Texas									
Eastern	583	472	81.0	63	10.8	45	7.7	3	0.5
Northern	984	750	76.2	168	17.1	48	4.9	18	1.8
Southern	4,542	3,237	71.3	554	12.2	712	15.7	39	0.9
Western	4,776	3,200	67.0	626	13.1	911	19.1	39	0.8
SIXTH CIRCUIT	4,426	2,959	66.9	1,152	26.0	280	6.3	35	0.8
Kentucky									
Eastern	404	288	71.3	99	24.5	15	3.7	2	0.5
Western	392	303	77.3	68	17.3	18	4.6	3	0.8
Michigan									
Eastern	727	519	71.4	161	22.1	44	6.1	3	0.4
Western	374	217	58.0	113	30.2	33	8.8	11	2.9
Ohio									
Northern	808	510	63.1	206	25.5	86	10.6	6	0.7
Southern	360	213	59.2	113	31.4	31	8.6	3	0.8
Tennessee									
Eastern	613	448	73.1	152	24.8	13	2.1	0	0.0
Middle	305	181	59.3	109	35.7	13	4.3	2	0.7
Western	443	280	63.2	131	29.6	27	6.1	5	1.1
SEVENTH CIRCUIT	2,678	1,855	69.3	584	21.8	218	8.1	21	0.8
Illinois									
Central	324	211	65.1	94	29.0	17	5.2	2	0.6
Northern	1,078	689	63.9	262	24.3	112	10.4	15	1.4
Southern	288	244	84.7	30	10.4	14	4.9	0	0.0
Indiana									
Northern	350	250	71.4	74	21.1	25	7.1	1	0.3
Southern	236	150	63.6	58	24.6	27	11.4	1	0.4
Wisconsin									
Eastern	278	202	72.7	56	20.1	20	7.2	0	0.0
Western	124	109	87.9	10	8.1	3	2.4	2	1.6
EIGHTH CIRCUIT	3,565	2,470	69.3	674	18.9	380	10.7	41	1.2
Arkansas									
Eastern	241	199	82.6	33	13.7	7	2.9	2	0.8
Western	142	108	76.1	28	19.7	6	4.2	0	0.0
Iowa									
Northern	351	233	66.4	83	23.6	28	8.0	7	2.0
Southern	282	184	65.2	56	19.9	41	14.5	1	0.4
Minnesota	363	225	62.0	68	18.7	68	18.7	2	0.6
Missouri									
Eastern	597	455	76.2	106	17.8	35	5.9	1	0.2
Western	636	399	62.7	197	31.0	38	6.0	2	0.3
Nebraska	523	351	67.1	70	13.4	100	19.1	2	0.4
North Dakota	141	101	71.6	17	12.1	17	12.1	6	4.3
South Dakota	289	215	74.4	16	5.5	40	13.8	18	6.2

Table 26 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	11,733	5,723	48.8	1,385	11.8	4,540	38.7	85	0.7
Alaska	162	108	66.7	32	19.8	18	11.1	4	2.5
Arizona	3,395	1,048	30.9	241	7.1	2,074	61.1	32	0.9
California									
Central	972	734	75.5	114	11.7	120	12.3	4	0.4
Eastern	730	539	73.8	138	18.9	50	6.8	3	0.4
Northern	658	414	62.9	79	12.0	157	23.9	8	1.2
Southern	2,995	1,120	37.4	229	7.6	1,642	54.8	4	0.1
Guam	128	87	68.0	38	29.7	2	1.6	1	0.8
Hawaii	358	195	54.5	131	36.6	32	8.9	0	0.0
Idaho	178	100	56.2	51	28.7	22	12.4	5	2.8
Montana	346	256	74.0	61	17.6	20	5.8	9	2.6
Nevada	559	403	72.1	55	9.8	97	17.4	4	0.7
Northern Mariana Islands	5	2	40.0	3	60.0	0	0.0	0	0.0
Oregon	502	302	60.2	88	17.5	109	21.7	3	0.6
Washington									
Eastern	272	138	50.7	29	10.7	103	37.9	2	0.7
Western	473	277	58.6	96	20.3	94	19.9	6	1.3
TENTH CIRCUIT	3,833	2,551	66.6	421	11.0	839	21.9	22	0.6
Colorado	549	316	57.6	163	29.7	67	12.2	3	0.5
Kansas	493	369	74.8	76	15.4	44	8.9	4	0.8
New Mexico	1,737	1,064	61.3	85	4.9	584	33.6	4	0.2
Oklahoma									
Eastern	80	56	70.0	3	3.8	21	26.3	0	0.0
Northern	151	122	80.8	23	15.2	5	3.3	1	0.7
Western	152	102	67.1	34	22.4	11	7.2	5	3.3
Utah	542	421	77.7	25	4.6	95	17.5	1	0.2
Wyoming	129	101	78.3	12	9.3	12	9.3	4	3.1
ELEVENTH CIRCUIT	6,223	4,370	70.2	1,395	22.4	414	6.7	44	0.7
Alabama									
Middle	149	71	47.7	69	46.3	7	4.7	2	1.3
Northern	500	319	63.8	158	31.6	19	3.8	4	0.8
Southern	304	190	62.5	103	33.9	10	3.3	1	0.3
Florida									
Middle	1,384	803	58.0	467	33.7	103	7.4	11	0.8
Northern	321	221	68.8	82	25.5	14	4.4	4	1.2
Southern	2,212	1,785	80.7	284	12.8	134	6.1	9	0.4
Georgia									
Middle	311	230	74.0	68	21.9	10	3.2	3	1.0
Northern	771	543	70.4	124	16.1	97	12.6	7	0.9
Southern	271	208	76.8	40	14.8	20	7.4	3	1.1

¹Of the 64,366 cases, 365 cases with no analogous guidelines were excluded from the table. Of the remaining 64,001 cases, 5,317 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 (44.0%), Eastern Virginia (24.3%), Southern California (22.8%), Delaware (21.2%), Southern West Virginia (20.0%), Eastern New York (19.7%), Western Washington (18.4%), Utah (18.3%), Northern Mariana Islands (16.7%), Eastern Kentucky (16.5%), Puerto Rico (15.8%), Western Oklahoma (14.1%), Northern Indiana (13.2%), Southern Florida (13.1%), Maine (13.0%), Virgin Islands (12.6%), Southern New York (12.5%), Western North Carolina (12.1%), Western Louisiana (11.9%), Idaho (11.0%), Rhode Island (10.0%), Eastern Washington (9.9%), Northern California (9.7%), Northern New York (8.9%), Middle Georgia (8.8%), Southern Ohio (8.4%), Oregon (7.9%), Guam (7.9%), Nevada (7.6%), Western Kentucky (7.1%), Eastern Texas (7.0%), Northern Ohio (7.0%), Minnesota (6.2%), Western Pennsylvania (6.2%), Central Illinois (5.8%), Southern Georgia (5.6%), Eastern Michigan (5.6%), Middle Pennsylvania (5.3%), Middle Florida (5.1%), and Middle Alabama (5.1%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 Datafile, USSCFY2002.