

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2003

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE ²		DEPARTURES ABOVE THE GUIDELINE RANGE ³	
		n	%	n	%	n	%
TOTAL	65,171	45,253	69.4	19,377	29.7	541	0.8
D.C. CIRCUIT	477	308	64.6	168	35.2	1	0.2
District of Columbia	477	308	64.6	168	35.2	1	0.2
FIRST CIRCUIT	1,832	1,417	77.3	402	21.9	13	0.7
Maine	167	130	77.8	36	21.6	1	0.6
Massachusetts	557	382	68.6	172	30.9	3	0.5
New Hampshire	187	105	56.1	75	40.1	7	3.7
Puerto Rico	803	705	87.8	97	12.1	1	0.1
Rhode Island	118	95	80.5	22	18.6	1	0.8
SECOND CIRCUIT	4,763	3,012	63.2	1,729	36.3	22	0.5
Connecticut	399	202	50.6	192	48.1	5	1.3
New York							
Eastern	1,688	933	55.3	751	44.5	4	0.2
Northern	371	221	59.6	144	38.8	6	1.6
Southern	1,647	1,292	78.4	353	21.4	2	0.1
Western	484	268	55.4	213	44.0	3	0.6
Vermont	174	96	55.2	76	43.7	2	1.1
THIRD CIRCUIT	2,783	1,734	62.3	1,024	36.8	25	0.9
Delaware	153	103	67.3	49	32.0	1	0.7
New Jersey	866	560	64.7	304	35.1	2	0.2
Pennsylvania							
Eastern	969	503	51.9	455	47.0	11	1.1
Middle	327	209	63.9	112	34.3	6	1.8
Western	379	289	76.3	87	23.0	3	0.8
Virgin Islands	89	70	78.7	17	19.1	2	2.2
FOURTH CIRCUIT	5,698	4,388	77.0	1,278	22.4	32	0.6
Maryland	556	350	62.9	202	36.3	4	0.7
North Carolina							
Eastern	620	379	61.1	235	37.9	6	1.0
Middle	351	298	84.9	50	14.2	3	0.9
Western	575	366	63.7	205	35.7	4	0.7
South Carolina	1,013	765	75.5	244	24.1	4	0.4
Virginia							
Eastern	1,454	1,292	88.9	157	10.8	5	0.3
Western	555	398	71.7	152	27.4	5	0.9
West Virginia							
Northern	266	246	92.5	20	7.5	0	0.0
Southern	308	294	95.5	13	4.2	1	0.3

Table 26 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE ²		DEPARTURES ABOVE THE GUIDELINE RANGE ³	
		n	%	n	%	n	%
FIFTH CIRCUIT	13,298	9,796	73.7	3,380	25.4	122	0.9
Louisiana							
Eastern	495	405	81.8	83	16.8	7	1.4
Middle	121	85	70.2	31	25.6	5	4.1
Western	351	280	79.8	65	18.5	6	1.7
Mississippi							
Northern	165	107	64.8	55	33.3	3	1.8
Southern	430	350	81.4	78	18.1	2	0.5
Texas							
Eastern	621	528	85.0	88	14.2	5	0.8
Northern	1,114	890	79.9	204	18.3	20	1.8
Southern	5,004	3,424	68.4	1,547	30.9	33	0.7
Western	4,997	3,727	74.6	1,229	24.6	41	0.8
SIXTH CIRCUIT	4,789	3,311	69.1	1,457	30.4	21	0.4
Kentucky							
Eastern	474	304	64.1	167	35.2	3	0.6
Western	397	328	82.6	67	16.9	2	0.5
Michigan							
Eastern	693	488	70.4	203	29.3	2	0.3
Western	441	295	66.9	139	31.5	7	1.6
Ohio							
Northern	907	595	65.6	311	34.3	1	0.1
Southern	513	323	63.0	187	36.5	3	0.6
Tennessee							
Eastern	616	438	71.1	177	28.7	1	0.2
Middle	256	174	68.0	81	31.6	1	0.4
Western	492	366	74.4	125	25.4	1	0.2
SEVENTH CIRCUIT	3,041	2,205	72.5	806	26.5	30	1.0
Illinois							
Central	370	261	70.5	105	28.4	4	1.1
Northern	1,223	837	68.4	376	30.7	10	0.8
Southern	349	256	73.4	92	26.4	1	0.3
Indiana							
Northern	375	277	73.9	93	24.8	5	1.3
Southern	270	184	68.1	84	31.1	2	0.7
Wisconsin							
Eastern	282	237	84.0	43	15.2	2	0.7
Western	172	153	89.0	13	7.6	6	3.5
EIGHTH CIRCUIT	4,329	3,125	72.2	1,156	26.7	48	1.1
Arkansas							
Eastern	237	206	86.9	30	12.7	1	0.4
Western	191	151	79.1	38	19.9	2	1.0
Iowa							
Northern	420	290	69.0	125	29.8	5	1.2
Southern	392	277	70.7	113	28.8	2	0.5
Minnesota	465	293	63.0	166	35.7	6	1.3
Missouri							
Eastern	739	540	73.1	194	26.3	5	0.7
Western	681	478	70.2	193	28.3	10	1.5
Nebraska	693	488	70.4	203	29.3	2	0.3
North Dakota	206	159	77.2	46	22.3	1	0.5
South Dakota	305	243	79.7	48	15.7	14	4.6

Table 26 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE ²		DEPARTURES ABOVE THE GUIDELINE RANGE ³	
		n	%	n	%	n	%
NINTH CIRCUIT	13,286	7,917	59.6	5,217	39.3	152	1.1
Alaska	153	114	74.5	38	24.8	1	0.7
Arizona	4,430	1,815	41.0	2,511	56.7	104	2.3
California							
Central	1,296	1,051	81.1	242	18.7	3	0.2
Eastern	885	680	76.8	205	23.2	0	0.0
Northern	644	433	67.2	206	32.0	5	0.8
Southern	2,578	1,574	61.1	995	38.6	9	0.3
Guam	94	64	68.1	30	31.9	0	0.0
Hawaii	331	212	64.0	117	35.3	2	0.6
Idaho	258	126	48.8	130	50.4	2	0.8
Montana	343	287	83.7	50	14.6	6	1.7
Nevada	688	560	81.4	123	17.9	5	0.7
Northern Mariana Islands	22	17	77.3	5	22.7	0	0.0
Oregon	606	392	64.7	211	34.8	3	0.5
Washington							
Eastern	367	251	68.4	113	30.8	3	0.8
Western	591	341	57.7	241	40.8	9	1.5
TENTH CIRCUIT	4,476	3,271	73.1	1,180	26.4	25	0.6
Colorado	547	340	62.2	204	37.3	3	0.5
Kansas	543	447	82.3	94	17.3	2	0.4
New Mexico	1,956	1,305	66.7	646	33.0	5	0.3
Oklahoma							
Eastern	80	59	73.8	21	26.3	0	0.0
Northern	164	139	84.8	21	12.8	4	2.4
Western	171	152	88.9	17	9.9	2	1.2
Utah	815	669	82.1	142	17.4	4	0.5
Wyoming	200	160	80.0	35	17.5	5	2.5
ELEVENTH CIRCUIT	6,399	4,769	74.5	1,580	24.7	50	0.8
Alabama							
Middle	167	111	66.5	55	32.9	1	0.6
Northern	482	362	75.1	115	23.9	5	1.0
Southern	318	234	73.6	83	26.1	1	0.3
Florida							
Middle	1,517	1,000	65.9	510	33.6	7	0.5
Northern	364	226	62.1	136	37.4	2	0.5
Southern	2,144	1,792	83.6	332	15.5	20	0.9
Georgia							
Middle	391	284	72.6	101	25.8	6	1.5
Northern	722	545	75.5	173	24.0	4	0.6
Southern	294	215	73.1	75	25.5	4	1.4

¹Of the 70,258 cases, 481 cases with no analogous guidelines were excluded from the table. Of the remaining 69,777 cases, 4,606 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Southern California (32.3%), Central California (29.6%), Southern Georgia (27.8%), Eastern Virginia (24.4%), Maryland (19.8%), Middle Georgia (16.6%), Western Washington (15.0%), Southern New York (9.9%), Eastern New York (9.5%), Southern Florida (8.8%), Colorado (8.2%), Oregon (7.3%), Northern California (7.2%), Western Kentucky (7.2%), Wyoming (7.0%), Northern New York (6.3%), Utah (5.8%), Northern Georgia (5.7%), Virgin Islands (5.3%), Eastern California (5.2%), and Eastern North Carolina (5.1%). Descriptions of variables used in this table are provided in Appendix A.

²Departures below the guideline range include §5K1.1 substantial assistance, government initiated departures (see Table 25 for reasons), and other downward departures (see Table 25A for reasons).

³See Table 24 for a list of departure reasons comprising this category.