

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2004, Post-Blakely (June 25, 2004, through September 30, 2004)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE ²		DEPARTURES ABOVE THE GUIDELINE RANGE ³	
		n	%	n	%	n	%
TOTAL	16,792	12,059	71.8	4,638	27.6	95	0.6
D.C. CIRCUIT	142	91	64.1	51	35.9	0	0.0
District of Columbia	142	91	64.1	51	35.9	0	0.0
FIRST CIRCUIT	446	344	77.1	99	22.2	3	0.7
Maine	71	46	64.8	25	35.2	0	0.0
Massachusetts	122	89	73.0	33	27.0	0	0.0
New Hampshire	45	24	53.3	20	44.4	1	2.2
Puerto Rico	161	146	90.7	14	8.7	1	0.6
Rhode Island	47	39	83.0	7	14.9	1	2.1
SECOND CIRCUIT	974	604	62.0	367	37.7	3	0.3
Connecticut	88	51	58.0	37	42.0	0	0.0
New York							
Eastern	298	135	45.3	163	54.7	0	0.0
Northern	143	99	69.2	43	30.1	1	0.7
Southern	224	177	79.0	47	21.0	0	0.0
Western	168	111	66.1	56	33.3	1	0.6
Vermont	53	31	58.5	21	39.6	1	1.9
THIRD CIRCUIT	658	429	65.2	228	34.7	1	0.2
Delaware	29	23	79.3	6	20.7	0	0.0
New Jersey	196	124	63.3	72	36.7	0	0.0
Pennsylvania							
Eastern	213	110	51.6	103	48.4	0	0.0
Middle	119	82	68.9	36	30.3	1	0.8
Western	85	75	88.2	10	11.8	0	0.0
Virgin Islands	16	15	93.8	1	6.3	0	0.0
FOURTH CIRCUIT	1,418	1,118	78.8	292	20.6	8	0.6
Maryland	155	103	66.5	50	32.3	2	1.3
North Carolina							
Eastern	136	68	50.0	67	49.3	1	0.7
Middle	91	80	87.9	11	12.1	0	0.0
Western	179	120	67.0	59	33.0	0	0.0
South Carolina	224	186	83.0	38	17.0	0	0.0
Virginia							
Eastern	379	347	91.6	28	7.4	4	1.1
Western	149	116	77.9	33	22.1	0	0.0
West Virginia							
Northern	73	67	91.8	5	6.8	1	1.4
Southern	32	31	96.9	1	3.1	0	0.0

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	3,802	2,980	78.4	807	21.2	15	0.4
Louisiana							
Eastern	98	81	82.7	17	17.3	0	0.0
Middle	39	21	53.8	18	46.2	0	0.0
Western	98	90	91.8	8	8.2	0	0.0
Mississippi							
Northern	44	24	54.5	20	45.5	0	0.0
Southern	105	93	88.6	12	11.4	0	0.0
Texas							
Eastern	227	198	87.2	29	12.8	0	0.0
Northern	253	190	75.1	59	23.3	4	1.6
Southern	1,406	1,032	73.4	368	26.2	6	0.4
Western	1,532	1,251	81.7	276	18.0	5	0.3
SIXTH CIRCUIT	1,187	842	70.9	338	28.5	7	0.6
Kentucky							
Eastern	97	60	61.9	35	36.1	2	2.1
Western	101	88	87.1	13	12.9	0	0.0
Michigan							
Eastern	202	125	61.9	77	38.1	0	0.0
Western	97	67	69.1	28	28.9	2	2.1
Ohio							
Northern	220	164	74.5	56	25.5	0	0.0
Southern	102	55	53.9	46	45.1	1	1.0
Tennessee							
Eastern	157	121	77.1	34	21.7	2	1.3
Middle	68	52	76.5	16	23.5	0	0.0
Western	143	110	76.9	33	23.1	0	0.0
SEVENTH CIRCUIT	530	409	77.2	115	21.7	6	1.1
Illinois							
Central	50	46	92.0	4	8.0	0	0.0
Northern	170	118	69.4	49	28.8	3	1.8
Southern	62	52	83.9	10	16.1	0	0.0
Indiana							
Northern	54	36	66.7	18	33.3	0	0.0
Southern	52	39	75.0	13	25.0	0	0.0
Wisconsin							
Eastern	104	86	82.7	17	16.3	1	1.0
Western	38	32	84.2	4	10.5	2	5.3
EIGHTH CIRCUIT	1,109	864	77.9	235	21.2	10	0.9
Arkansas							
Eastern	70	65	92.9	5	7.1	0	0.0
Western	50	42	84.0	8	16.0	0	0.0
Iowa							
Northern	115	83	72.2	28	24.3	4	3.5
Southern	74	55	74.3	19	25.7	0	0.0
Minnesota	96	64	66.7	30	31.3	2	2.1
Missouri							
Eastern	228	179	78.5	48	21.1	1	0.4
Western	192	147	76.6	44	22.9	1	0.5
Nebraska	185	151	81.6	33	17.8	1	0.5
North Dakota	75	60	80.0	15	20.0	0	0.0
South Dakota	24	18	75.0	5	20.8	1	4.2

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	3,494	2,133	61.0	1,338	38.3	23	0.7
Alaska	35	26	74.3	8	22.9	1	2.9
Arizona	1,102	375	34.0	715	64.9	12	1.1
California							
Central	267	239	89.5	28	10.5	0	0.0
Eastern	243	150	61.7	91	37.4	2	0.8
Northern	174	121	69.5	50	28.7	3	1.7
Southern	881	674	76.5	207	23.5	0	0.0
Guam	12	6	50.0	6	50.0	0	0.0
Hawaii	72	40	55.6	32	44.4	0	0.0
Idaho	79	24	30.4	54	68.4	1	1.3
Montana	112	102	91.1	9	8.0	1	0.9
Nevada	134	109	81.3	25	18.7	0	0.0
Northern Mariana Islands	12	10	83.3	2	16.7	0	0.0
Oregon	140	93	66.4	45	32.1	2	1.4
Washington							
Eastern	96	75	78.1	21	21.9	0	0.0
Western	135	89	65.9	45	33.3	1	0.7
TENTH CIRCUIT	1,409	996	70.7	404	28.7	9	0.6
Colorado	142	88	62.0	54	38.0	0	0.0
Kansas	196	158	80.6	37	18.9	1	0.5
New Mexico	592	357	60.3	231	39.0	4	0.7
Oklahoma							
Eastern	44	40	90.9	4	9.1	0	0.0
Northern	65	60	92.3	5	7.7	0	0.0
Western	64	50	78.1	14	21.9	0	0.0
Utah	217	167	77.0	49	22.6	1	0.5
Wyoming	89	76	85.4	10	11.2	3	3.4
ELEVENTH CIRCUIT	1,623	1,249	77.0	364	22.4	10	0.6
Alabama							
Middle	30	22	73.3	8	26.7	0	0.0
Northern	123	80	65.0	43	35.0	0	0.0
Southern	79	65	82.3	14	17.7	0	0.0
Florida							
Middle	432	296	68.5	135	31.3	1	0.2
Northern	118	82	69.5	35	29.7	1	0.8
Southern	555	488	87.9	64	11.5	3	0.5
Georgia							
Middle	64	47	73.4	17	26.6	0	0.0
Northern	153	121	79.1	30	19.6	2	1.3
Southern	69	48	69.6	18	26.1	3	4.3

¹Of the 18,203 cases, 46 cases with no analogous guidelines were excluded from the table. Of the remaining 18,157 cases, 1,365 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included South Dakota (72.4%), Western Oklahoma (61.0%), Central California (40.4%), Middle Georgia (34.0%), Southern Georgia (29.6%), Eastern Virginia (29.3%), Western Wisconsin (26.9%), Southern Indiana (23.5%), Eastern Arkansas (22.2%), Western Washington (17.2%), Eastern Wisconsin (15.4%), Arizona (13.8%), Oregon (12.5%), Southern New York (12.2%), Northern Iowa (11.5%), Western Kentucky (10.6%), Middle Tennessee (10.5%), New Hampshire (10.0%), Southern Ohio (9.7%), Northern New York (9.5%), Middle Alabama (9.1%), Western Arkansas (9.1%), Eastern North Carolina (8.7%), Northern Georgia (8.4%), Alaska (7.9%), Northern Alabama (7.5%), Central Illinois (7.4%), Minnesota (6.8%), Western New York (6.7%), Middle Pennsylvania (6.3%), Southern Florida (6.3%), Virgin Islands (5.9%), Western Louisiana (5.8%), Northern Indiana (5.3%), and Nebraska (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 sponsored departures (*see* Appendix A for reasons), and other downward departures (*see* Table 25 for reasons).

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