

Table 26

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2004, Pre-Blakely (October 1, 2003, through June 24, 2004)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE ²		DEPARTURES ABOVE THE GUIDELINE RANGE ³	
		n	%	n	%	n	%
TOTAL	48,251	34,815	72.2	13,054	27.1	382	0.8
D.C. CIRCUIT	409	242	59.2	163	39.9	4	1.0
District of Columbia	409	242	59.2	163	39.9	4	1.0
FIRST CIRCUIT	1,279	1,018	79.6	250	19.5	11	0.9
Maine	170	108	63.5	60	35.3	2	1.2
Massachusetts	364	290	79.7	71	19.5	3	0.8
New Hampshire	169	96	56.8	68	40.2	5	3.0
Puerto Rico	485	445	91.8	39	8.0	1	0.2
Rhode Island	91	79	86.8	12	13.2	0	0.0
SECOND CIRCUIT	3,426	2,187	63.8	1,210	35.3	29	0.8
Connecticut	269	161	59.9	102	37.9	6	2.2
New York							
Eastern	1,132	612	54.1	512	45.2	8	0.7
Northern	328	215	65.5	113	34.5	0	0.0
Southern	1,174	899	76.6	267	22.7	8	0.7
Western	371	217	58.5	149	40.2	5	1.3
Vermont	152	83	54.6	67	44.1	2	1.3
THIRD CIRCUIT	2,086	1,305	62.6	768	36.8	13	0.6
Delaware	87	56	64.4	31	35.6	0	0.0
New Jersey	587	376	64.1	209	35.6	2	0.3
Pennsylvania							
Eastern	712	406	57.0	303	42.6	3	0.4
Middle	366	233	63.7	130	35.5	3	0.8
Western	261	182	69.7	77	29.5	2	0.8
Virgin Islands	73	52	71.2	18	24.7	3	4.1
FOURTH CIRCUIT	4,185	3,304	78.9	839	20.0	42	1.0
Maryland	383	247	64.5	134	35.0	2	0.5
North Carolina							
Eastern	410	256	62.4	149	36.3	5	1.2
Middle	268	236	88.1	29	10.8	3	1.1
Western	352	226	64.2	125	35.5	1	0.3
South Carolina	967	745	77.0	211	21.8	11	1.1
Virginia							
Eastern	1,117	1,020	91.3	87	7.8	10	0.9
Western	318	243	76.4	67	21.1	8	2.5
West Virginia							
Northern	177	146	82.5	29	16.4	2	1.1
Southern	193	185	95.9	8	4.1	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	9,773	7,842	80.2	1,856	19.0	75	0.8
Louisiana							
Eastern	282	243	86.2	36	12.8	3	1.1
Middle	136	95	69.9	36	26.5	5	3.7
Western	276	236	85.5	36	13.0	4	1.4
Mississippi							
Northern	123	70	56.9	53	43.1	0	0.0
Southern	253	211	83.4	42	16.6	0	0.0
Texas							
Eastern	626	550	87.9	75	12.0	1	0.2
Northern	827	710	85.9	102	12.3	15	1.8
Southern	3,695	2,775	75.1	904	24.5	16	0.4
Western	3,555	2,952	83.0	572	16.1	31	0.9
SIXTH CIRCUIT	3,434	2,394	69.7	1,024	29.8	16	0.5
Kentucky							
Eastern	377	235	62.3	139	36.9	3	0.8
Western	275	230	83.6	43	15.6	2	0.7
Michigan							
Eastern	571	396	69.4	173	30.3	2	0.4
Western	250	194	77.6	55	22.0	1	0.4
Ohio							
Northern	541	377	69.7	163	30.1	1	0.2
Southern	342	203	59.4	137	40.1	2	0.6
Tennessee							
Eastern	466	289	62.0	176	37.8	1	0.2
Middle	221	173	78.3	47	21.3	1	0.5
Western	391	297	76.0	91	23.3	3	0.8
SEVENTH CIRCUIT	2,224	1,676	75.4	520	23.4	28	1.3
Illinois							
Central	267	196	73.4	67	25.1	4	1.5
Northern	811	555	68.4	250	30.8	6	0.7
Southern	249	216	86.7	30	12.0	3	1.2
Indiana							
Northern	257	188	73.2	68	26.5	1	0.4
Southern	246	175	71.1	63	25.6	8	3.3
Wisconsin							
Eastern	248	210	84.7	34	13.7	4	1.6
Western	146	136	93.2	8	5.5	2	1.4
EIGHTH CIRCUIT	3,528	2,715	77.0	782	22.2	31	0.9
Arkansas							
Eastern	201	174	86.6	26	12.9	1	0.5
Western	135	104	77.0	30	22.2	1	0.7
Iowa							
Northern	368	272	73.9	88	23.9	8	2.2
Southern	270	199	73.7	71	26.3	0	0.0
Minnesota	323	217	67.2	104	32.2	2	0.6
Missouri							
Eastern	643	508	79.0	133	20.7	2	0.3
Western	557	424	76.1	128	23.0	5	0.9
Nebraska	612	477	77.9	133	21.7	2	0.3
North Dakota	144	117	81.3	26	18.1	1	0.7
South Dakota	275	223	81.1	43	15.6	9	3.3

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	%
NINTH CIRCUIT	9,377	5,792	61.8	3,513	37.5	72	0.8
Alaska	153	99	64.7	53	34.6	1	0.7
Arizona	2,806	1,060	37.8	1,717	61.2	29	1.0
California							
Central	787	682	86.7	104	13.2	1	0.1
Eastern	681	476	69.9	202	29.7	3	0.4
Northern	496	358	72.2	132	26.6	6	1.2
Southern	1,921	1,342	69.9	573	29.8	6	0.3
Guam	70	36	51.4	34	48.6	0	0.0
Hawaii	311	207	66.6	102	32.8	2	0.6
Idaho	183	80	43.7	101	55.2	2	1.1
Montana	267	218	81.6	43	16.1	6	2.2
Nevada	476	397	83.4	77	16.2	2	0.4
Northern Mariana Islands	21	18	85.7	3	14.3	0	0.0
Oregon	421	288	68.4	127	30.2	6	1.4
Washington							
Eastern	297	218	73.4	77	25.9	2	0.7
Western	487	313	64.3	168	34.5	6	1.2
TENTH CIRCUIT	3,728	2,754	73.9	949	25.5	25	0.7
Colorado	397	254	64.0	142	35.8	1	0.3
Kansas	487	385	79.1	101	20.7	1	0.2
New Mexico	1,621	1,112	68.6	499	30.8	10	0.6
Oklahoma							
Eastern	105	91	86.7	11	10.5	3	2.9
Northern	120	107	89.2	11	9.2	2	1.7
Western	185	146	78.9	36	19.5	3	1.6
Utah	621	505	81.3	111	17.9	5	0.8
Wyoming	192	154	80.2	38	19.8	0	0.0
ELEVENTH CIRCUIT	4,802	3,586	74.7	1,180	24.6	36	0.7
Alabama							
Middle	141	85	60.3	55	39.0	1	0.7
Northern	408	282	69.1	120	29.4	6	1.5
Southern	216	146	67.6	68	31.5	2	0.9
Florida							
Middle	1,248	891	71.4	353	28.3	4	0.3
Northern	321	208	64.8	108	33.6	5	1.6
Southern	1,422	1,183	83.2	235	16.5	4	0.3
Georgia							
Middle	286	204	71.3	76	26.6	6	2.1
Northern	562	437	77.8	119	21.2	6	1.1
Southern	198	150	75.8	46	23.2	2	1.0

¹Of the 51,865 cases, 94 cases with no analogous guidelines were excluded from the table. Of the remaining 51,771 cases, 3,520 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Western Oklahoma (59.4%), Central California (36.0%), Southern Georgia (32.0%), Eastern Virginia (27.4%), Southern California (23.2%), Middle Georgia (20.3%), Western Washington (18.7%), Arizona (18.2%), Western Kentucky (13.8%), Oregon (10.0%), Northern Alabama (7.3%), Northern New York (7.1%), Eastern North Carolina (6.6%), Maryland (6.6%), Northern Ohio (5.7%), Central Illinois (5.3%), and Northern California (5.3%).

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.