

Tables 24-25

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES
Fiscal Year 2001**

Table 24

REASONS FOR UPWARD DEPARTURES ¹	Number	Percent
Criminal history category does not reflect seriousness	132	41.1
Risk of future conduct based on prior conduct or record	33	10.3
General aggravating circumstances	27	8.4
Extreme conduct	16	5.0
Pursuant to plea agreement	14	4.4
Physical injury	9	2.8
Weapons/dangerous instrumentalities	7	2.2
Death	6	1.9
Extreme psychological injury	6	1.9
Nature or seriousness of the offense	5	1.6
Criminal purpose	4	1.2
Public welfare	3	0.9
Disruption of governmental function	3	0.9
Drug amount or drug purity	3	0.9
Convictions on related counts	2	0.6
Deported on one or more prior occasions	2	0.6
Further obstruction of justice	2	0.6
Guidelines factors do not reflect offense seriousness	2	0.6
On-going nature of activity	2	0.6
Monetary value does not reflect extent of harm	2	0.6
Other	41	12.8
TOTAL	321	100.0

Table 25

REASONS FOR DOWNWARD DEPARTURES ²	Number	Percent
General mitigating circumstances	2,201	19.9
Pursuant to plea agreement	1,947	17.6
Criminal history overrepresents defendant's involvement	1,315	11.9
Offense behavior was an isolated incident	875	7.9
Fast track	845	7.7
Deportation	546	4.9
Family ties and responsibilities	418	3.8
Physical condition	290	2.6
Diminished capacity	286	2.6
Rehabilitation	191	1.7
Not representative of the heartland	189	1.7
Acceptance of responsibility	148	1.3
Mental and emotional conditions	117	1.1
Adequate to meet purposes of sentencing	86	0.8
Coercion and duress	71	0.6
Age	67	0.6
Mule/role in the offense	60	0.5
Deterrence	36	0.3
Sufficient punishment	27	0.2
Cooperation (motion unknown)	26	0.2
Time served	26	0.2
Community ties	25	0.2
Dollar amount	25	0.2
Local conditions	25	0.2
Victim's conduct	24	0.2
Lesser harm	23	0.2
Restitution	20	0.2
Other	1,135	10.3
TOTAL	11,044	100.0

¹Of the 59,897 cases, 307 had an upward departure. Departure reasons were available in 299 of these cases which cited 321 reasons for upward departure. Courts often provided multiple reasons for departure; consequently, the total number of upward departure reasons may exceed the number of cases with an upward departure. The "Other" category includes all reasons provided fewer than two times among relevant cases

²Of the 59,897 cases, 10,026 had a downward departure. Departure reasons were available in 9,768 of these cases which cited 11,044 reasons for downward departure. Courts often provided multiple reasons for departure; consequently, the total number of downward departure reasons may exceed the number of cases with a downward departure. The "Other" category includes all reasons provided fewer than twenty times among relevant cases. Cases with substantial assistance as a reason for downward departure were not included in this table. Descriptions of variables used in this table are provided in Appendix A.