

Tables 24-25

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES
Fiscal Year 2002 (Prior to Enactment of the PROTECT Act)**

Table 24

REASONS FOR UPWARD DEPARTURES ¹	Number	Percent
Criminal history category does not reflect seriousness	197	38.3
General aggravating circumstances	42	8.2
Extreme conduct	37	7.2
Pursuant to plea agreement	36	7.0
Risk of future conduct based on prior conduct or record	32	6.2
Disruption of governmental function	24	4.7
Extreme psychological injury	11	2.1
Criminal purpose	10	1.9
Weapons/dangerous instrumentalities	9	1.7
Guidelines factors do not reflect offense seriousness	9	1.7
Death	7	1.4
Physical injury	6	1.2
Nature or seriousness of the offense	6	1.2
Monetary value does not reflect extent of harm	5	1.0
Public welfare	3	0.6
Drug amount or drug purity	3	0.6
Dangerous or inhumane treatment	2	0.4
Further obstruction of justice	2	0.4
On-going nature of activity	2	0.4
Other	72	14.0
TOTAL	515	100.0

Table 25

REASONS FOR DOWNWARD DEPARTURES ²	Number	Percent
General mitigating circumstances	2,341	21.3
Pursuant to plea agreement	2,056	18.7
Criminal history overrepresents defendant's involvement	1,199	10.9
Offense behavior was an isolated incident	935	8.5
Fast track	820	7.5
Family ties and responsibilities	409	3.7
Deportation	339	3.1
Diminished capacity	284	2.6
Physical condition	281	2.6
Rehabilitation	232	2.1
Not representative of the heartland	158	1.4
Acceptance of responsibility	135	1.2
Mental and emotional conditions	121	1.1
Age	66	0.6
Coercion and duress	65	0.6
Mule/role in the offense	52	0.5
Sufficient punishment	48	0.4
Time served	46	0.4
Adequate to meet purposes of sentencing	43	0.4
Lesser harm	34	0.3
Dollar amount	34	0.3
Deterrence	34	0.3
Local conditions	33	0.3
Voluntary disclosure (§5K2.16)	28	0.3
Community ties	27	0.2
Other	1,175	10.7
TOTAL	10,995	100.0

¹Of the 64,366 cases, 457 had an upward departure. Departure reasons were available in 448 of these cases which cited 515 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 64,366 cases, 9,865 had a downward departure. Departure reasons were available in 9,609 of these cases which cited 10,995 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.