

Tables 24-25

REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES
Fiscal Year 2000

Table 24

REASONS FOR UPWARD DEPARTURES ¹	Number	Percent
Criminal history category does not reflect seriousness	131	33.4
Extreme conduct	32	8.2
General aggravating circumstances	32	8.2
Risk of future conduct based on prior conduct or record	29	7.4
Pursuant to plea agreement	20	5.1
Physical injury	12	3.1
Extreme psychological injury	11	2.8
Criminal purpose	11	2.8
Death	9	2.3
Weapons/dangerous instrumentalities	9	2.3
Several persons injured	6	1.5
Dangerous or inhumane treatment	5	1.3
Nature or seriousness of the offense	5	1.3
Drug amount or drug purity	4	1.0
Guidelines factors do not reflect offense seriousness	4	1.0
Monetary value does not reflect extent of harm	4	1.0
Property damage or loss	2	0.5
Criminal sexual act for commercial purpose	2	0.5
Further obstruction of justice	2	0.5
Adequate punishment to meet purposes of sentencing	2	0.5
Other	60	15.3
TOTAL	392	100.0

Table 25

REASONS FOR DOWNWARD DEPARTURES ²	Number	Percent
Pursuant to plea agreement	1,882	18.3
General mitigating circumstances	1,538	14.9
Criminal history overrepresents defendant's involvement	1,151	11.2
Offense behavior was an isolated incident	819	8.0
Fast track	790	7.7
Deportation	706	6.9
Family ties and responsibilities	439	4.3
Physical condition	300	2.9
Diminished capacity	292	2.8
Not representative of the heartland	231	2.2
Rehabilitation	218	2.1
Acceptance of responsibility	159	1.5
Mental and emotional conditions	111	1.1
Age	89	0.9
Adequate to meet purposes of sentencing	71	0.7
Mule/role in the offense	62	0.6
Coercion and duress	61	0.6
Deterrence	52	0.5
Cooperation (motion unknown)	40	0.4
Time served	31	0.3
Victim's conduct	30	0.3
Sufficient punishment	26	0.3
Voluntary disclosure (§5K2.16)	25	0.2
Lesser harm	24	0.2
Community ties	22	0.2
Dollar amount	22	0.2
Due to stipulations	20	0.2
Other	1,077	10.5
TOTAL	10,288	100.0

¹Of the 59,846 cases, 358 had an upward departure. Departure reasons were available in 334 of these cases which cited 392 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 59,846 cases, 9,286 had a downward departure. Departure reasons were available in 8,903 of these cases which cited 10,288 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.