

**Tables 24-25**

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES  
Fiscal Year 1999**

**Table 24**

<u>REASONS FOR UPWARD DEPARTURES</u> <sup>1</sup>	<u>Number</u>	<u>Percent</u>
Criminal history category does not reflect seriousness	126	32.6
Extreme conduct	39	10.1
Risk of future conduct based on prior conduct or record	33	8.5
Extreme psychological injury	23	6.0
General aggravating circumstances	19	4.9
Pursuant to plea agreement	14	3.6
Nature or seriousness of the offense	12	3.1
Physical injury	10	2.6
Criminal purpose	7	1.8
Death	6	1.6
Several persons injured	5	1.3
Large number of aliens	4	1.0
Guideline factors do not reflect offense seriousness	4	1.0
Weapons/dangerous instrumentalities	4	1.0
Disruption of governmental function	4	1.0
Monetary value does not reflect extent of harm	4	1.0
Public welfare	3	0.8
Further obstruction of justice	3	0.8
Property damage or loss	3	0.8
Drug amount or drug purity	2	0.5
Negligence involved	2	0.5
Child abuse	2	0.5
Deportation	2	0.5
Other	55	14.2

**Table 25**

<u>REASONS FOR DOWNWARD DEPARTURES</u> <sup>2</sup>	<u>Number</u>	<u>Percent</u>
Pursuant to plea agreement	1,619	16.7
General mitigating circumstances	1,254	13.0
Criminal history overrepresents defendant's involvement	1,018	10.5
Fast track	936	9.7
Deportation	849	8.8
Offense behavior was an isolated incident	818	8.4
Family ties and responsibilities	492	5.1
Physical condition	274	2.8
Diminished capacity	265	2.7
Rehabilitation	194	2.0
Not representative of the heartland	193	2.0
Acceptance of responsibility	148	1.5
Mental and emotional conditions	117	1.2
Age	101	1.0
Coercion and duress	79	0.8
Mule/role in the offense	74	0.8
Adequate to meet purposes of sentencing	58	0.6
Cooperation (motion unknown)	44	0.5
Drug dependence/alcohol abuse	37	0.4
Time served	37	0.4
Voluntary disclosure (§5K2.16)	35	0.4
Community ties	33	0.3
Dollar amount	29	0.3
Sufficient punishment	27	0.3
Victim's conduct	27	0.3
Deterrence	26	0.3
Previous employment record	22	0.2
Lesser harm	21	0.2
Restitution	20	0.2
Other	836	8.6

<sup>1</sup>Of the 55,557, 313 were recorded as upward departures. Information on departure reasons was available in 308 of these cases which cited 386 reasons for upward departure. Courts often provided more than one reason for departure; consequently, the percentages across all reasons for departure may add up to more than 100 percent. The "Other" category includes all reasons provided fewer than two times among relevant cases.

<sup>2</sup>Of the 55,557 cases, 8,304 were recorded as downward departures. Information on departure reasons was available in 8,119 of these cases which cited 9,683 reasons for downward departure. Courts often provided more than one reason for departure; consequently, the percentages across all reasons for departure may add up to more than 100 percent. The "Other" category includes all reasons provided fewer than 20 times among relevant cases. Cases in which substantial assistance was given as a reason for a downward departure were not included in this table. Descriptions of variables used in these tables are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, USSCFY99.