

Tables 24-25

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES  
Fiscal Year 1997**

**Table 24**

<u>REASONS FOR UPWARD DEPARTURES<sup>1</sup></u>	<u>Number</u>	<u>Percent</u>
Criminal history category does not reflect seriousness	153	32.8
Risk of future conduct based on prior conduct or record	50	10.7
Dangerous or inhumane treatment	43	9.2
Pursuant to plea agreement	27	5.8
General aggravating circumstances	26	5.6
Extreme conduct	25	5.4
Extreme psychological injury	14	3.0
Weapons/dangerous instrumentalities	12	2.6
Death	10	1.1
Physical injury	9	1.9
Criminal purpose	7	1.5
Guideline factors do not reflect offense seriousness	7	1.5
Disruption of governmental function	6	1.3
Monetary value does not reflect extent of harm	6	1.3
Drug amount or drug purity	6	1.3
Nature or seriousness of the offense	5	1.1
Public welfare	4	0.9
Several persons injured	3	0.6
Further obstruction of justice	3	0.6
Property damage or loss	2	0.4
Law enforcement agent	2	0.4
Propensity for violence	2	0.4
Due to stipulations	2	0.4
Other	43	9.2

**Table 25**

<u>REASONS FOR DOWNWARD DEPARTURES<sup>2</sup></u>	<u>Number</u>	<u>Percent</u>
Deportation	1,679	26.6
Pursuant to plea agreement	986	15.6
General mitigating circumstances	638	10.1
Criminal history overrepresents defendant's involvement	606	9.6
Offense behavior was an isolated incident	392	6.2
Family ties and responsibilities	322	5.1
Physical condition	226	3.6
Diminished capacity	186	3.0
Acceptance of responsibility	111	1.8
Not representative of the heartland	97	1.5
Age	95	1.5
Mule/Role in the offense	85	1.3
Mental and emotional conditions	80	1.3
Rehabilitation	75	1.2
Coercion and duress	59	0.9
Dollar amount	41	0.7
No prior record/First offender	30	0.5
Drug dependence/Alcohol abuse	26	0.4
To put defendant's sentence in line with codefendant	26	0.4
Time served	25	0.4
Cooperation (motion unknown)	24	0.4
Restitution	24	0.4
Voluntary disclosure (§5K2.16)	24	0.4
Victim's conduct	22	0.3
Community ties	21	0.3
Other	401	6.4

<sup>1</sup>Of the 48,848 cases, 387 were recorded as upward departures. Information on departure reasons was available in 380 of these cases which cited 467 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 less than two times among relevant cases.

<sup>2</sup>Of the 48,848 cases, 5,574 were recorded as downward departures. Information on departure reasons was available in 5,449 of these cases which cited 6,301 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 less 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 this tables are provided in Appendix A.