

Tables 24-25

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES
Fiscal Year 1998**

Table 24

<u>REASONS FOR UPWARD DEPARTURES</u>¹	<u>Number</u>	<u>Percent</u>
Criminal history category does not reflect seriousness	159	33.9
Extreme conduct	39	8.3
Risk of future conduct based on prior conduct or record	38	8.1
General aggravating circumstances	30	6.4
Pursuant to plea agreement	25	5.3
Weapons/dangerous instrumentalities	25	5.3
Nature or seriousness of the offense	14	3.0
Extreme psychological injury	13	2.8
Criminal purpose	13	2.8
Physical injury	12	2.6
Dangerous or inhumane treatment	10	2.1
Death	7	1.5
Disruption of governmental function	7	1.5
Monetary value does not reflect extent of harm	6	1.3
Several persons injured	5	1.1
Further obstruction of justice	5	1.1
Guideline factors do not reflect offense seriousness	5	1.1
Outside applicable time period, but portion of income	4	0.9
Deportation	4	0.9
Child Abuse	3	0.6
Drug amount or drug purity	3	0.6
Public welfare	2	0.4
Other	40	11.3

Table 25

<u>REASONS FOR DOWNWARD DEPARTURES</u>²	<u>Number</u>	<u>Percent</u>
Deportation	1,449	19.2
Pursuant to plea agreement	1,421	18.8
General mitigating circumstances	1,054	14.0
Criminal history category does not reflect seriousness	748	9.9
Isolated incident/aberrant behavior	598	7.9
Family ties/responsibilities	363	4.8
Physical condition	222	2.9
Diminished capacity	192	2.5
Mental/emotional conditions	131	1.7
Not representative of the heartland	131	1.7
Acceptance of responsibility	121	1.6
Rehabilitation	114	1.5
Coercion and duress	76	1.0
Age	75	1.0
Mule/Role in the offense	48	0.6
Dollar amount	42	0.6
Cooperation (motion unknown)	40	0.5
Adequate to meet purposes of sentencing	40	0.5
Community ties	36	0.5
Voluntary disclosure (§5K2.16)	36	0.5
Sufficient punishment	28	0.4
Lesser harm	20	0.3
Other	557	7.4

¹Of the 50,754 cases, 391 were recorded as upward departures. Information on departure reasons was available in 377 of these cases which cited 469 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.

²Of the 50,754 cases, 6,509 were recorded as downward departures. Information on departure reasons was available in 6,273 of these cases which cited 7,542 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.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, USSCFY98.