

Table 25

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2009**

REASONS	N	%
Criminal history issues	1,280	42.2
General mitigating circumstances (§5K2.0)	361	11.9
Family ties and responsibilities (§5H1.6)	225	7.4
Physical condition (§5H1.4)	108	3.6
Mental and emotional conditions (§5H1.3)	85	2.8
Aberrant behavior (§5K2.20)	82	2.7
Age (§5H1.1)	78	2.6
Previous employment record (§5H1.5)	65	2.1
Discharged terms of imprisonment (§5K2.23)	46	1.5
Diminished capacity (§5K2.13)	45	1.5
Party motion/agreement/consent (Reason unspecified)	44	1.5
Educational and vocational skills (§5H1.2)	38	1.3
Mule/role in the offense	35	1.2
Military record/charitable works/good deeds (§5H1.11)	31	1.0
Low likelihood of recidivism/not a risk to community	30	1.0
Not representative of the heartland	29	1.0
General guideline adequacy issues	28	0.9
Time served	27	0.9
Coercion and duress (§5K2.12)	23	0.8
Totality of circumstances/combination of factors	17	0.6
Cultural assimilation	16	0.5
Conduct on release/bond/supervision	16	0.5
Restitution	14	0.5
Criminal history issues in application of §2L1.2	13	0.4
Cooperation without motion (not §5K1.1)	12	0.4
Crack/powder disparity	12	0.4
Nonviolent offense/offender	11	0.4
Currently receiving punishment under state or federal jurisdiction	11	0.4
Voluntary disclosure (§5K2.16)	11	0.4
Other	238	7.9
TOTAL	3,031	100.0

¹Of the 81,372 cases, 1,542 received a downward departure from the guideline range. Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 3,031 reasons were cited for the 1,542 cases. In ten cases where the SOR was received, there was insufficient documentation provided to determine some of the reasons for the sentence. The "Other" category includes all reasons cited fewer than 11 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 Datafile, USSCFY09.