

Table 25

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2011**

REASONS	N	%
Criminal history issues	1,399	34.4
General mitigating circumstances (§5K2.0)	563	13.8
Family ties and responsibilities (§5H1.6)	261	6.4
Physical condition (§5H1.4)	163	4.0
Mental and emotional conditions (§5H1.3)	153	3.8
Age (§5H1.1)	138	3.4
Criminal history issues in application of §2L1.2	115	2.8
Aberrant behavior (§5K2.20)	102	2.5
Cultural assimilation	100	2.5
Previous employment record (§5H1.5)	71	1.7
Time served/U.S. v. Barrera-Saucedo	66	1.6
Military record/charitable works/good deeds (§5H1.11)	59	1.4
Discharged terms of imprisonment (§5K2.23)	51	1.3
Not representative of the heartland	48	1.2
Party motion/agreement/consent (reason unspecified)	47	1.2
General guideline adequacy issues	43	1.1
Educational and vocational skills (§5H1.2)	40	1.0
Drug dependence/alcohol abuse (§5H1.4)	40	1.0
Diminished capacity (§5K2.13)	38	0.9
Role in the offense	37	0.9
Cooperation without motion (not §5K1.1)	27	0.7
Coercion and duress (§5K2.12)	26	0.6
Mitigating factors regarding illegal entry	23	0.6
Restitution/pay taxes	22	0.5
Insufficient documentation provided on SOR to determine reason	21	0.5
Totality of circumstances/combination of factors	20	0.5
Low likelihood of recidivism/not a risk to community	19	0.5
Nonviolent offense/offender	17	0.4
Acceptance of responsibility	15	0.4
Conduct on release/bond/supervision	15	0.4
Lack of youthful guidance/tragic or troubled childhood	15	0.4
Limited duration of involvement	14	0.3
Other	302	7.4
TOTAL	4,070	100.0

¹ Of the 86,201 cases, 1,976 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, 4,070 reasons were cited for the 1,976 cases. In 21 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 13 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.