

Table 43

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

Fiscal Year 2022

REASONS	N	%
Early disposition program (EDP) (§5K3.1)	6,716	13.6
Substantial assistance with government motion (§5K1.1)	6,626	13.4
The history and characteristics of the defendant	3,738	7.6
Family ties and responsibilities (§5H1.6)	2,019	4.1
Criminal history issues	1,981	4.0
Reflect seriousness of offense/promotes respect for law/just punishment	1,949	4.0
Afford adequate deterrence to criminal conduct	1,846	3.7
The nature and circumstance of the offense	1,819	3.7
General mitigating circumstances (§5K2.0)	1,784	3.6
Avoid unwarranted sentencing disparity	1,274	2.6
Drug dependence and alcohol abuse (§5H1.4)	1,200	2.4
Age (§5H1.1)	1,168	2.4
Protect public from further crimes	1,056	2.1
Rehabilitation	960	1.9
Mental and emotional conditions	926	1.9
Pursuant to plea agreement	876	1.8
First Step Act safety valve expansion	838	1.7
Previous employment record (§5H1.5)	831	1.7
Physical condition (§5H1.4)	818	1.7
Acceptance of responsibility	789	1.6
Remorse	784	1.6
COVID-19/pandemic	758	1.5
Lack of youthful guidance/tragic or troubled childhood	745	1.5
Role in the offense	642	1.3
Conduct while on release, bond, or supervision	502	1.0
Nonviolent offense/offender	488	1.0
Waiver of appeal	455	0.9
Aberrant behavior (§5K2.20)	409	0.8
Early plea	353	0.7
Waiver of indictment	272	0.6
Provide correctional treatment	268	0.5
Community ties (§5H1.6)	214	0.4
Provide educational or vocational training	205	0.4
Other	3,967	8.1
TOTAL	49,276	100.0

¹ Of the 64,142 cases, in 16,205 the sentence was 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, 49,276 reasons were cited for the 16,205 cases. The 'Other' category includes all reasons cited fewer than 160 times among relevant cases and 194 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.