

§5K1.2

3. **Government's Evaluation of Extent of Defendant's Assistance.**—Substantial weight should be given to the government's evaluation of the extent of the defendant's assistance, particularly where the extent and value of the assistance are difficult to ascertain.

Background: A defendant's assistance to authorities in the investigation of criminal activities has been recognized in practice and by statute as a mitigating sentencing factor. The nature, extent, and significance of assistance can involve a broad spectrum of conduct that must be evaluated by the court on an individual basis. Latitude is, therefore, afforded the sentencing judge to reduce a sentence based upon variable relevant factors, including those listed above. The sentencing judge must, however, state the reasons for reducing a sentence under this section. 18 U.S.C. § 3553(c). The court may elect to provide its reasons to the defendant in camera and in writing under seal for the safety of the defendant or to avoid disclosure of an ongoing investigation.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendment 290); November 1, 2024 (amendment 831); November 1, 2025 (amendment 836).
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§5K1.2. Refusal to Assist (Policy Statement)

A defendant's refusal to assist authorities in the investigation of other persons may not be considered as an aggravating sentencing factor.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendment 291).
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