

Table 41

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

Fiscal Year 2024

| REASONS | N | % |
|---|------------|--------------|
| Criminal history issues | 133 | 14.8 |
| General aggravating circumstances (§5K2.0) | 104 | 11.6 |
| Dismissed and uncharged conduct (§5K2.21) | 80 | 8.9 |
| Reflect seriousness of offense/promotes respect for law/just punishment | 56 | 6.2 |
| Pursuant to plea agreement | 51 | 5.7 |
| Afford adequate deterrence to criminal conduct | 50 | 5.6 |
| Protect public from further crimes | 41 | 4.6 |
| Death (§5K2.1) | 40 | 4.5 |
| The nature and circumstances of the offense | 40 | 4.5 |
| The history and characteristics of the defendant | 37 | 4.1 |
| Extreme conduct (§5K2.8) | 20 | 2.2 |
| Avoid unwarranted sentencing disparity | 17 | 1.9 |
| Victim impact | 16 | 1.8 |
| Physical injury (§5K2.2) | 14 | 1.6 |
| Weapons/dangerous instrumentalities (§5K2.6) | 11 | 1.2 |
| Drug dependence and alcohol abuse (§5H1.4) | 10 | 1.1 |
| Provide educational or vocational training | 10 | 1.1 |
| Mental and emotional conditions | 9 | 1.0 |
| Provide correctional treatment | 8 | 0.9 |
| Provide restitution to any victims | 5 | 0.6 |
| Propensity for violence | 5 | 0.6 |
| Advisory nature of guidelines | 5 | 0.6 |
| Lack of remorse | 5 | 0.6 |
| General guideline adequacy issues | 5 | 0.6 |
| Age (§5H1.1) | 4 | 0.4 |
| Discharge terms of imprisonment (§5K2.23) | 4 | 0.4 |
| Role in the offense | 4 | 0.4 |
| Sufficient punishment | 4 | 0.4 |
| Nature or seriousness of the offense | 4 | 0.4 |
| Conduct while on release, bond, or supervision | 4 | 0.4 |
| Not representative of heartland | 4 | 0.4 |
| Lack of youthful guidance/tragic or troubled childhood | 4 | 0.4 |
| Other | 93 | 10.4 |
| TOTAL | 897 | 100.0 |

¹ Of the 61,678 cases, in 326 the sentence was an upward departure. 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, 897 reasons were cited for the 326 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and 11 cases where the Statement of Reasons 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, 2024 Datafile, USSCFY24.