

**Table 41**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2019**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	313	27.9
Dismissed and uncharged conduct (§5K2.21)	85	7.6
General aggravating circumstances (§5K2.0)	75	6.7
Pursuant to plea agreement	61	5.4
Reflect seriousness of offense/promotes respect for law/just punishment	59	5.3
Protect public from further crimes	56	5.0
Afford adequate deterrence to criminal conduct	53	4.7
The nature and circumstance of the offense	36	3.2
The history and characteristics of the defendant	36	3.2
Criminal history issues in application of §2L1.2	32	2.9
Extreme conduct (§5K2.8)	26	2.3
Death (§5K2.1)	20	1.8
Weapons/dangerous instrumentalities (§5K2.6)	16	1.4
Physical injury (§5K2.2)	11	1.0
Propensity for violence	11	1.0
Role in the offense	10	0.9
Victim impact	9	0.8
Nature or seriousness of the offense	9	0.8
Conduct while on release, bond, or supervision	9	0.8
Provide educational or vocational training	8	0.7
General guideline adequacy issues	8	0.7
Avoid unwarranted sentencing disparity	7	0.6
Drug dependence and alcohol abuse (§5H1.4)	5	0.4
Provide medical care	5	0.4
Provide correctional treatment	5	0.4
Increase over similar prior's sentence	5	0.4
Deterrence	4	0.4
Acceptance of responsibility	4	0.4
Other	143	12.8
<b>TOTAL</b>	<b>1,121</b>	<b>100.0</b>

<sup>1</sup> Of the 76,538 cases, in 364 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, 1,121 reasons were cited for the 364 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and 30 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, 2019 Datafile, USSCFY19.