

Table 42
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD VARIANCES FROM THE GUIDELINE RANGE¹
Fiscal Year 2019

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	950	14.0
Afford adequate deterrence to criminal conduct	794	11.7
Protect public from further crimes	734	10.8
The history and characteristics of the defendant	678	10.0
The nature and circumstance of the offense	650	9.6
Criminal history issues	641	9.5
General aggravating circumstances (§5K2.0)	182	2.7
Pursuant to plea agreement	168	2.5
Dismissed and uncharged conduct (§5K2.21)	139	2.1
Avoid unwarranted sentencing disparity	118	1.7
Victim impact	107	1.6
Extreme conduct (§5K2.8)	99	1.5
Role in the offense	92	1.4
Provide correctional treatment	83	1.2
Provide educational or vocational training	62	0.9
Propensity for violence	62	0.9
Drug dependence and alcohol abuse (§5H1.4)	60	0.9
Lack of remorse	59	0.9
Provide medical care	46	0.7
Conduct while on release, bond, or supervision	39	0.6
Acceptance of responsibility	38	0.6
Age (§5H1.1)	36	0.5
Weapons/dangerous instrumentalities (§5K2.6)	33	0.5
Mental and emotional conditions	26	0.4
Provide restitution to any victims	25	0.4
Nature and circumstance of offense/history of defendant	24	0.4
Lack of youthful guidance/tragic or troubled childhood	20	0.3
General guideline adequacy issues	20	0.3
Previous employment record (§5H1.5)	19	0.3
Family ties and responsibilities (§5H1.6)	19	0.3
Mens Rea	19	0.3
Increase over similar prior's sentence	19	0.3
Other	717	10.6
TOTAL	6,778	100.0

¹ Of the 76,538 cases, in 1,431 the sentence was a variance above 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, 6,778 reasons were cited for the 1,431 cases. The 'Other' category includes all reasons cited fewer than 19 times among relevant cases and 139 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.