

**Table 41**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	172	24.5
Dismissed and uncharged conduct (§5K2.21)	83	11.8
Pursuant to plea agreement	56	8.0
General aggravating circumstances (§5K2.0)	46	6.6
Protect public from further crimes	42	6.0
Reflect seriousness of offense/promotes respect for law/just punishment	38	5.4
Afford adequate deterrence to criminal conduct	37	5.3
The nature and circumstance of the offense	30	4.3
The history and characteristics of the defendant	26	3.7
Death (§5K2.1)	13	1.9
Extreme conduct (§5K2.8)	8	1.1
Physical injury (§5K2.2)	7	1.0
Propensity for violence	7	1.0
Avoid unwarranted sentencing disparity	7	1.0
Drug dependence and alcohol abuse (§5H1.4)	6	0.9
Nature or seriousness of the offense	5	0.7
Excerpt from 18 U.S.C. § 3553(a)	5	0.7
Lack of remorse	5	0.7
Criminal history issues in application of §2L1.2	5	0.7
Mental and emotional conditions	5	0.7
Weapons/dangerous instrumentalities (§5K2.6)	4	0.6
Provide correctional treatment	4	0.6
Victim impact	4	0.6
General guideline adequacy issues	4	0.6
Age (§5H1.1)	3	0.4
Discharge terms of imprisonment (§5K2.23)	3	0.4
Defendant absconded/evaded/fled arrest	3	0.4
Reckless behavior	3	0.4
Role in the offense	3	0.4
Other	67	9.6
<b>TOTAL</b>	<b>701</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, in 261 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, 701 reasons were cited for the 261 cases. The 'Other' category includes all reasons cited fewer than three times among relevant cases and 11 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, 2020 Datafile, USSCFY20.