

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR DEPARTURES
ABOVE THE GUIDELINE RANGE
Fiscal Year 2003**

REASONS FOR DEPARTURES ABOVE THE RANGE ¹	Number	Percent
Criminal history category does not reflect seriousness	189	26.4
Pursuant to plea agreement	61	8.5
General aggravating circumstances	46	6.4
(5K2.21) Dismissed and uncharged conduct	40	5.6
Risk of future conduct based on prior conduct or record	38	5.3
Extreme conduct	30	4.2
Guidelines factors do not reflect offense seriousness	18	2.5
Extreme psychological injury	15	2.1
Death	13	1.8
Weapons/dangerous instrumentalities	11	1.5
Disruption of governmental function	11	1.5
(4A1.3) Criminal history adequacy	9	1.3
Drug amount or drug purity	9	1.3
Nature or seriousness of the offense	8	1.1
Physical injury	7	1.0
Criminal purpose	6	0.8
Public welfare	6	0.8
Monetary value does not reflect extent of harm	5	0.7
(8C4.2) Risk of death or bodily injury	4	0.6
Several persons injured	3	0.4
Property damage or loss	3	0.4
Large number of aliens	2	0.3
(3D1.4) Offenses significantly > 5 units	2	0.3
(4B1.1) Career offender	2	0.3
Charge/plea does not reflect seriousness of offense	2	0.3
Abuse of trust/skill	2	0.3
Other	175	24.4
TOTAL	717	100.0

¹Of the 70,258 cases, 541 were above the guideline range. Departure reasons were available in 534 of these cases which cited 717 reasons for upward departure. Courts often provided multiple reasons for departure; consequently, the total number of upward departure reasons may exceed the number of cases with an upward departure. The "Other" category includes all reasons provided fewer than two times among relevant cases.

SOURCE: U.S. Sentencing Commission, 2003 Datafile, USSCFY2003.