

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2011**

REASONS	N	%
Criminal history issues	357	51.8
Pursuant to plea agreement	99	14.4
Dismissed and uncharged conduct (§5K2.21)	61	8.9
General aggravating circumstances (§5K2.0)	38	5.5
General guideline adequacy issues	15	2.2
Propensity for violence	12	1.7
Extreme conduct (§5K2.8)	8	1.2
Weapons/dangerous instrumentalities (§5K2.6)	7	1.0
Ongoing nature of activity	7	1.0
Public welfare (§5K2.14)	5	0.7
Early disposition/fast track program (§5K3.1)	5	0.7
Disruption of government function (§5K2.7)	3	0.4
Totality of circumstances/combination of factors	3	0.4
Unspecified government motion (not §5K1.1 or §5K3.1)	3	0.4
Charge/plea does not reflect seriousness of offense	3	0.4
Training or treatment opportunities	3	0.4
Conduct while on release, bond, or supervision	3	0.4
Abuse of trust/skill	3	0.4
Extreme psychological injury (§5K2.3)	2	0.3
Criminal purpose (§5K2.9)	2	0.3
Circumstance not considered by guidelines	2	0.3
Violent street gang (§5K2.18)	2	0.3
Discharge terms of imprisonment (§5K2.23)	2	0.3
Offenses significantly > 5 units (§3D1.4)	2	0.3
Alien status	2	0.3
Role in the offense	2	0.3
Other	38	5.5
TOTAL	689	100.0

¹ Of the 86,201 cases, 379 received an upward departure from 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, 689 reasons were cited for the 379 cases. The "Other" category includes all reasons cited fewer than two times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.