

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2011**

REASONS	N	%
Criminal history issues	118	19.6
Nature and circumstance of offense/history of defendant	83	13.8
Reflect seriousness of offense/promotes respect for law/just punishment	74	12.3
Afford adequate deterrence to criminal conduct	73	12.1
Protect public from further crimes	66	10.9
Insufficient documentation provided on SOR to determine reason	26	4.3
Pursuant to plea agreement	21	3.5
General aggravating circumstances (§5K2.0)	21	3.5
Provide defendant with educational or vocational training/medical care	17	2.8
Dismissed and uncharged conduct (§5K2.21)	12	2.0
Extreme conduct (§5K2.8)	7	1.2
Propensity for violence	6	1.0
Conduct while on release, bond, or supervision	6	1.0
Avoid unwarranted sentencing disparity among defendants	5	0.8
Extreme psychological injury (§5K2.3)	5	0.8
18 U.S.C. § 3553(a)	5	0.8
Lack of remorse	5	0.8
Criminal purpose (§5K2.9)	4	0.7
General guideline adequacy issues	4	0.7
Violent street gang (§5K2.18)	3	0.5
Deterrence	3	0.5
Offense level understates offense seriousness (§2B1.1)	3	0.5
Provide restitution to any victims	2	0.3
Public welfare (§5K2.14)	2	0.3
Unspecified government motion (not §5K1.1 or §5K3.1)	2	0.3
Training or treatment opportunities	2	0.3
Other	28	4.6
TOTAL	603	100.0

¹ Of the 86,201 cases, 109 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. 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, 603 reasons were cited for the 109 cases. In 26 cases where the SOR was received, there was insufficient documentation provided to determine some of the reasons for the sentence. 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.