

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2012**

REASONS	N	%
Criminal history issues	334	44.4
Dismissed and uncharged conduct (§5K2.21)	133	17.7
Pursuant to plea agreement	86	11.4
General aggravating circumstances (§5K2.0)	67	8.9
General guideline adequacy issues	12	1.6
Early disposition/fast track program (§5K3.1)	10	1.3
Extreme conduct (§5K2.8)	9	1.2
Physical injury (§5K2.2)	8	1.1
Propensity for violence	8	1.1
Death (§5K2.1)	7	0.9
Extreme psychological injury (§5K2.3)	6	0.8
Unspecified government motion (not §5K1.1 or §5K3.1)	4	0.5
Not representative of heartland	4	0.5
Offense level understates offense seriousness (§2B1.1)	4	0.5
Lack of remorse	4	0.5
Weapons/dangerous instrumentalities (§5K2.6)	3	0.4
Terrifying the victim	3	0.4
Criminal history issues in application of §2L1.2	3	0.4
Number of documents	3	0.4
Insufficient documentation provided on SOR to determine reason	3	0.4
Disruption of government function (§5K2.7)	2	0.3
Totality of circumstances/combination of factors	2	0.3
Violent street gang (§5K2.18)	2	0.3
Role in the offense	2	0.3
Ongoing nature of activity	2	0.3
Conduct while on release, bond, or supervision	2	0.3
Has had inappropriate contact with minors/exploited minors	2	0.3
Other	28	3.7
TOTAL	753	100.0

¹ Of the 84,173 cases, 451 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, 753 reasons were cited for the 451 cases. In three 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, 2012 Datafile, USSCFY12.