

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2016**

REASONS	N	%
Criminal history issues	170	33.9
Dismissed and uncharged conduct (§5K2.21)	91	18.1
Pursuant to plea agreement	79	15.7
General aggravating circumstances (§5K2.0)	36	7.2
General guideline adequacy issues	13	2.6
Extreme conduct (§5K2.8)	12	2.4
Death (§5K2.1)	11	2.2
Propensity for violence	7	1.4
Physical injury (§5K2.2)	6	1.2
Weapons/dangerous instrumentalities (§5K2.6)	5	1.0
Violent street gang (§5K2.18)	5	1.0
Insufficient documentation provided on SOR to determine reason	5	1.0
Public welfare (§5K2.14)	4	0.8
Ongoing nature of activity	4	0.8
Disruption of government function (§5K2.7)	3	0.6
Role in the offense	3	0.6
Conduct while on release, bond, or supervision	3	0.6
Criminal history issues in application of §2L1.2	3	0.6
Increase over similar prior's sentence	3	0.6
Extreme psychological injury (§5K2.3)	2	0.4
Terrifying the victim	2	0.4
Abuse of trust/skill	2	0.4
Other	33	6.6
TOTAL	502	100.0

¹ Of the 67,742 cases, 317 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, 502 reasons were cited for the 317 cases. In five 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, 2016 Datafile, USSCFY16.