

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2016**

REASONS	N	%
Criminal history issues	132	20.2
Afford adequate deterrence to criminal conduct	59	9.0
Reflect seriousness of offense/promotes respect for law/just punishment	58	8.9
Protect public from further crimes	55	8.4
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	42	6.4
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	33	5.1
General aggravating circumstances (§5K2.0)	31	4.7
Dismissed and uncharged conduct (§5K2.21)	25	3.8
Avoid unwarranted sentencing disparity	18	2.8
Nature and circumstance of offense/history of defendant	15	2.3
Insufficient documentation provided on SOR to determine reason	14	2.1
Pursuant to plea agreement	9	1.4
General guideline adequacy issues	9	1.4
Propensity for violence	8	1.2
Extreme conduct (§5K2.8)	7	1.1
Provide educational or vocational training	7	1.1
Drug dependence and alcohol abuse (§5H1.4)	6	0.9
Death (§5K2.1)	5	0.8
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	5	0.8
Victim impact	5	0.8
Role in the offense	5	0.8
Deterrence	5	0.8
Mental and emotional conditions	5	0.8
Conduct while on release, bond, or supervision	4	0.6
Provide restitution to any victims	3	0.5
Public welfare (§5K2.14)	3	0.5
Deportation	3	0.5
Adequate punishment to meet purposes of sentencing	3	0.5
Lack of remorse	3	0.5
Increase over similar prior's sentence	3	0.5
Other	73	11.2
TOTAL	653	100.0

¹ Of the 67,742 cases, 102 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, 653 reasons were cited for the 102 cases. In 14 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 three 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.