

Table 41
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2018

REASONS	N	%
Criminal history issues	379	29.7
Dismissed and uncharged conduct (§5K2.21)	98	7.7
Pursuant to plea agreement	83	6.5
Reflect seriousness of offense/promotes respect for law/just punishment	73	5.7
General aggravating circumstances (§5K2.0)	71	5.6
Protect public from further crimes	69	5.4
Afford adequate deterrence to criminal conduct	68	5.3
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	59	4.6
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	42	3.3
Extreme conduct (§5K2.8)	34	2.7
Criminal history issues in application of §2L1.2	29	2.3
Death (§5K2.1)	18	1.4
Propensity for violence	16	1.3
Physical injury (§5K2.2)	14	1.1
Victim impact	12	0.9
Weapons/dangerous instrumentalities (§5K2.6)	11	0.9
Avoid unwarranted sentencing disparity	11	0.9
General guideline adequacy issues	8	0.6
Provide restitution to any victims	6	0.5
Drug dependence and alcohol abuse (§5H1.4)	6	0.5
Violent street gang (§5K2.18)	6	0.5
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	6	0.5
Role in the offense	6	0.5
Excerpt from 18 U.S.C. § 3553(a)	6	0.5
Extreme psychological injury (§5K2.3)	5	0.4
Conduct while on release, bond, or supervision	5	0.4
Increase over similar prior's sentence	5	0.4
Discharge terms of imprisonment (§5K2.23)	4	0.3
Provide educational or vocational training	4	0.3
Deterrence	4	0.3
Ongoing nature of activity	4	0.3
Terrifying the victim	4	0.3
Mental and emotional conditions	4	0.3
Other	106	8.3
TOTAL	1,276	100.0

¹ Of the 69,425 cases, in 396 the sentence was an upward departure. 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, 1,276 reasons were cited for the 396 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and 30 cases where the Statement of Reasons was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.