

**Table 41**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2021**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	111	14.9
Dismissed and uncharged conduct (§5K2.21)	96	12.9
General aggravating circumstances (§5K2.0)	76	10.2
Pursuant to plea agreement	61	8.2
Afford adequate deterrence to criminal conduct	34	4.6
The history and characteristics of the defendant	31	4.2
Reflect seriousness of offense/promotes respect for law/just punishment	29	3.9
Protect public from further crimes	29	3.9
The nature and circumstance of the offense	26	3.5
Extreme conduct (§5K2.8)	18	2.4
Death (§5K2.1)	17	2.3
Weapons/dangerous instrumentalities (§5K2.6)	11	1.5
Avoid unwarranted sentencing disparity	10	1.3
Victim impact	8	1.1
Advisory nature of guidelines	8	1.1
Physical injury (§5K2.2)	7	0.9
Provide correctional treatment	7	0.9
Criminal history issues in application of §2L1.2	7	0.9
Mental and emotional conditions	7	0.9
Role in the offense	6	0.8
Previous employment record (§5H1.5)	5	0.7
Family ties and responsibilities (§5H1.6)	5	0.7
Provide medical care	5	0.7
Conduct while on release, bond, or supervision	5	0.7
Lack of remorse	5	0.7
Public welfare (§5K2.14)	4	0.5
Aberrant behavior (§5K2.20)	4	0.5
Unspecified government motion (not §5K1.1 or §5K3.1)	4	0.5
Provide educational or vocational training	4	0.5
18 U.S.C. § 3553(a)	4	0.5
Lack of youthful guidance/tragic or troubled childhood	4	0.5
Other	97	13.0
<b>TOTAL</b>	<b>745</b>	<b>100.0</b>

<sup>1</sup> Of the 57,287 cases, in 296 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, 745 reasons were cited for the 296 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and six cases where the Statement of Reason 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, 2021 Datafile, USSCFY21.