

**Table 42**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2021**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Reflect seriousness of offense/promotes respect for law/just punishment	808	14.4
Afford adequate deterrence to criminal conduct	689	12.3
Protect public from further crimes	642	11.4
The history and characteristics of the defendant	596	10.6
The nature and circumstance of the offense	589	10.5
Criminal history issues	398	7.1
General aggravating circumstances (§5K2.0)	190	3.4
Dismissed and uncharged conduct (§5K2.21)	133	2.4
Pursuant to plea agreement	125	2.2
Role in the offense	115	2.0
Avoid unwarranted sentencing disparity	113	2.0
Extreme conduct (§5K2.8)	101	1.8
Victim impact	99	1.8
Lack of remorse	60	1.1
Drug dependence and alcohol abuse (§5H1.4)	59	1.1
Provide correctional treatment	59	1.1
Provide educational or vocational training	51	0.9
Mental and emotional conditions	41	0.7
Age (§5H1.1)	34	0.6
Acceptance of responsibility	33	0.6
Propensity for violence	30	0.5
Provide restitution to any victims	29	0.5
Conduct while on release, bond, or supervision	29	0.5
Lack of youthful guidance/tragic or troubled childhood	25	0.4
Family ties and responsibilities (§5H1.6)	23	0.4
Provide medical care	22	0.4
Aberrant behavior (§5K2.20)	18	0.3
Weapons/dangerous instrumentalities (§5K2.6)	17	0.3
Mens Rea	17	0.3
Previous employment record (§5H1.5)	13	0.2
Rehabilitation	13	0.2
Death (§5K2.1)	12	0.2
Reckless behavior	12	0.2
Other	421	7.5
<b>TOTAL</b>	<b>5,616</b>	<b>100.0</b>

<sup>1</sup> Of the 57,287 cases, in 1,203 the sentence was a variance above 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, 5,616 reasons were cited for the 1,203 cases. The 'Other' category includes all reasons cited fewer than 12 times among relevant cases and 58 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.