

Table 41
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2022

REASONS	N	%
Criminal history issues	150	15.2
Dismissed and uncharged conduct (§5K2.21)	125	12.6
General aggravating circumstances (§5K2.0)	101	10.2
Pursuant to plea agreement	63	6.4
Reflect seriousness of offense/promotes respect for law/just punishment	49	4.9
The history and characteristics of the defendant	49	4.9
Afford adequate deterrence to criminal conduct	45	4.5
The nature and circumstance of the offense	38	3.8
Protect public from further crimes	37	3.7
Physical injury (§5K2.2)	22	2.2
Extreme conduct (§5K2.8)	22	2.2
Death (§5K2.1)	21	2.1
Weapons/dangerous instrumentalities (§5K2.6)	15	1.5
Age (§5H1.1)	11	1.1
Drug dependence and alcohol abuse (§5H1.4)	10	1.0
Victim impact	10	1.0
Avoid unwarranted sentencing disparity	10	1.0
Previous employment record (§5H1.5)	9	0.9
Waiver of appeal	9	0.9
Mental and emotional conditions	9	0.9
Family ties and responsibilities (§5H1.6)	8	0.8
Role in the offense	8	0.8
Aberrant behavior (§5K2.20)	7	0.7
Extreme psychological injury (§5K2.3)	6	0.6
Drug quantity	5	0.5
Deterrence	5	0.5
Rehabilitation	5	0.5
Nature or seriousness of the offense	5	0.5
Lack of remorse	5	0.5
Physical condition (§5H1.4)	4	0.4
Public welfare (§5K2.14)	4	0.4
Acceptance of responsibility	4	0.4
Waiver of indictment	4	0.4
Lack of youthful guidance/tragic or troubled childhood	4	0.4
Other	111	11.2
TOTAL	990	100.0

¹ Of the 64,142 cases, in 361 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, 990 reasons were cited for the 361 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and two 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, 2022 Datafile, USSCFY22.