

Table 41
REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2025

REASONS	N	%
Criminal history issues	133	18.2
General aggravating circumstances (§5K2.0)	54	7.4
Dismissed and uncharged conduct (§5K2.21)	52	7.1
Pursuant to plea agreement	51	7.0
Protect public from further crimes	37	5.1
Reflect seriousness of offense/promotes respect for law/just punishment	35	4.8
The history and characteristics of the defendant	33	4.5
Afford adequate deterrence to criminal conduct	32	4.4
The nature and circumstances of the offense	31	4.3
Death (§5K2.1)	22	3.0
Weapons/dangerous instrumentalities (§5K2.6)	16	2.2
Extreme conduct (§5K2.8)	16	2.2
Physical injury (§5K2.2)	14	1.9
Victim impact	10	1.4
Avoid unwarranted sentencing disparity	10	1.4
Role in the offense	8	1.1
Lack of remorse	8	1.1
Mental and emotional conditions	8	1.1
Drug dependence and alcohol abuse (§5H1.4)	7	1.0
Nature or seriousness of the offense	7	1.0
Previous employment record (§5H1.5)	5	0.7
Disruption of government function (§5K2.7)	5	0.7
Criminal purpose (§5K2.9)	5	0.7
Discharge terms of imprisonment (§5K2.23)	5	0.7
General guideline adequacy issues	5	0.7
Age (§5H1.1)	4	0.5
Family ties and responsibilities (§5H1.6)	4	0.5
Public welfare (§5K2.14)	4	0.5
High capacity semi-automatic firearm (§5K2.17)	4	0.5
Propensity for violence	4	0.5
Advisory nature of guidelines	4	0.5
18 U.S.C. § 3553(a)	4	0.5
Lack of youthful guidance/tragic or troubled childhood	4	0.5
Other	88	12.1
TOTAL	729	100.0

¹ Of the 66,662 cases, in 249 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, 729 reasons were cited for the 249 cases. The 'Other' category includes all reasons cited fewer than four times among relevant cases and three 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, 2025 Datafile, USSCFY25.