

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2019

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
TOTAL	36,956	7,297	19.7	7,304	19.8	5,588	15.1	8,341	22.6	821	2.2
Departures	17,917	7,272	40.6	7,280	40.6	4,165	23.2	7,105	39.7	662	3.7
Upward Departure	364	0	0.0	0	0.0	92	25.3	39	10.7	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	7,272	7,272	100.0	161	2.2	300	4.1	2,027	27.9	38	0.5
§5K3.1 Early Disposition Program	7,119	0	0.0	7,119	100.0	3,198	44.9	4,432	62.3	598	8.4
Other Government Motion	1,410	0	0.0	0	0.0	575	40.8	607	43.0	25	1.8
Non-Government Departure	1,752	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	19,039	25	0.1	24	0.1	1,423	7.5	1,236	6.5	159	0.8
Upward Variance	1,431	25	1.7	24	1.7	197	13.8	138	9.6	1	0.1
Downward Variance											
Government Motion	4,083	0	0.0	0	0.0	1,226	30.0	1,098	26.9	158	3.9
Non-Government Variance	13,525	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,387	14.6	6,068	16.4	7,353	19.9	1,518	4.1	5,247	14.2	2,617	7.1
Departures	4,678	26.1	2,234	12.5	1,780	9.9	646	3.6	1,558	8.7	230	1.3
Upward Departure	116	31.9	0	0.0	3	0.8	8	2.2	108	29.7	26	7.1
Downward Departure												
§5K1.1 Substantial Assistance	4,236	58.3	756	10.4	660	9.1	381	5.2	695	0.0	0	0.0
§5K3.1 Early Disposition Program	187	2.6	479	6.7	685	9.6	130	1.8	297	4.2	0	0.0
Other Government Motion	139	9.9	100	7.1	66	4.7	127	9.0	64	4.5	30	2.1
Non-Government Departure	0	0.0	899	51.3	366	20.9	0	0.0	394	22.5	174	9.9
Variations	709	3.7	3,834	20.1	5,573	29.3	872	4.6	3,689	19.4	2,387	12.5
Upward Variance	239	16.7	7	0.5	5	0.3	25	1.7	592	41.4	263	18.4
Downward Variance												
Government Motion	470	11.5	387	9.5	155	3.8	847	20.7	186	4.6	156	3.8
Non-Government Variance	0	0.0	3,440	25.4	5,413	40.0	0	0.0	2,911	21.5	1,968	14.6

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 15,714 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

² For cases in which the court submitted a SOR form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted the prior version of the SOR form, the information was taken from Part V.B. of the SOR form.