

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2020

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	31,875	5,279	16.6	7,041	22.1	4,870	15.3	7,573	23.8	636	2.0
Departures	14,983	5,270	35.2	7,033	46.9	3,550	23.7	6,456	43.1	517	3.5
Upward Departure	261	0	0.0	0	0.0	71	27.2	45	17.2	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,270	5,270	100.0	115	2.2	200	3.8	1,443	27.4	24	0.5
§5K3.1 Early Disposition Program	6,918	0	0.0	6,918	100.0	2,751	39.8	4,529	65.5	481	7.0
Other Government Motion	1,149	0	0.0	0	0.0	528	46.0	439	38.2	12	1.0
Non-Government Departure	1,385	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	16,892	9	0.1	8	0.0	1,320	7.8	1,117	6.6	119	0.7
Upward Variance	1,182	9	0.8	8	0.7	186	15.7	107	9.1	0	0.0
Downward Variance											
Government Motion	3,774	0	0.0	0	0.0	1,134	30.0	1,010	26.8	119	3.2
Non-Government Variance	11,936	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	4,320	13.6	5,368	16.8	6,393	20.1	1,422	4.5	4,402	13.8	2,344	7.4
Departures	3,679	24.6	1,872	12.5	1,447	9.7	611	4.1	1,409	9.4	227	1.5
Upward Departure	62	23.8	3	1.1	3	1.1	5	1.9	62	23.8	26	10.0
Downward Departure												
§5K1.1 Substantial Assistance	3,238	61.4	592	11.2	545	10.3	228	4.3	560	0.0	0	0.0
§5K3.1 Early Disposition Program	264	3.8	543	7.8	560	8.1	278	4.0	382	5.5	0	0.0
Other Government Motion	115	10.0	66	5.7	40	3.5	100	8.7	74	6.4	35	3.0
Non-Government Departure	0	0.0	668	48.2	299	21.6	0	0.0	331	23.9	166	12.0
Variations	641	3.8	3,496	20.7	4,946	29.3	811	4.8	2,993	17.7	2,117	12.5
Upward Variance	196	16.6	11	0.9	6	0.5	14	1.2	479	40.5	212	17.9
Downward Variance												
Government Motion	445	11.8	281	7.4	130	3.4	797	21.1	198	5.2	139	3.7
Non-Government Variance	0	0.0	3,204	26.8	4,810	40.3	0	0.0	2,316	19.4	1,766	14.8

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, 13,338 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.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.