

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2021

	<u>N</u>	<u>%</u>
TOTAL CASES	57,041	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	39,372	69.0
Within Guideline Range	24,434	42.8
Upward Departure ²	296	0.5
Downward Departure		
§5K1.1 Substantial Assistance	5,493	9.6
§5K3.1 Early Disposition Program	6,387	11.2
Other Government Motion ³	1,294	2.3
Non-Government Departure ⁴	1,468	2.6
VARIANCES	17,669	31.0
Upward Variance ⁵	1,203	2.1
Downward Variance		
Government Motion ⁶	4,804	8.4
Non-Government Variance ⁷	11,662	20.4

¹ Of the 57,287 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2021 Datafile, USSCFY21.