

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2022

	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	37,111	6,643	17.9	6,725	18.1	5,958	16.1	8,328	22.4	521	1.4
Departures	16,566	6,626	40.0	6,716	40.5	3,822	23.1	6,378	38.5	334	2.0
Upward Departure	361	0	0.0	0	0.0	98	27.1	84	23.3	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	6,626	6,626	100.0	93	1.4	225	3.4	1,747	26.4	36	0.5
§5K3.1 Early Disposition Program	6,623	0	0.0	6,623	100.0	2,850	43.0	4,014	60.6	285	4.3
Other Government Motion	1,452	0	0.0	0	0.0	649	44.7	533	36.7	13	0.9
Non-Government Departure	1,504	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	20,545	17	0.1	9	0.0	2,136	10.4	1,950	9.5	187	0.9
Upward Variance	1,477	17	1.2	9	0.6	225	15.2	137	9.3	1	0.1
Downward Variance											
Government Motion	6,138	0	0.0	0	0.0	1,911	31.1	1,813	29.5	186	3.0
Non-Government Variance	12,930	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	5,805	15.6	6,297	17.0	7,456	20.1	2,051	5.5	4,952	13.3	2,427	6.5
Departures	4,905	29.6	2,584	15.6	1,623	9.8	869	5.2	1,276	7.7	251	1.5
Upward Departure	86	23.8	0	0.0	7	1.9	14	3.9	70	19.4	38	10.5
Downward Departure												
§5K1.1 Substantial Assistance	4,259	64.3	842	12.7	705	10.6	433	6.5	630	9.5	0	0.0
§5K3.1 Early Disposition Program	368	5.6	813	12.3	551	8.3	268	4.0	176	2.7	0	0.0
Other Government Motion	192	13.2	102	7.0	73	5.0	154	10.6	91	6.3	46	3.2
Non-Government Departure	0	0.0	827	55.0	287	19.1	0	0.0	309	20.5	167	11.1
Variations	900	4.4	3,713	18.1	5,833	28.4	1,182	5.8	3,676	17.9	2,176	10.6
Upward Variance	272	18.4	7	0.5	12	0.8	27	1.8	623	42.2	226	15.3
Downward Variance												
Government Motion	628	10.2	584	9.5	273	4.4	1,155	18.8	279	4.5	219	3.6
Non-Government Variance	0	0.0	3,122	24.1	5,548	42.9	0	0.0	2,774	21.5	1,731	13.4

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, 14,982 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.