

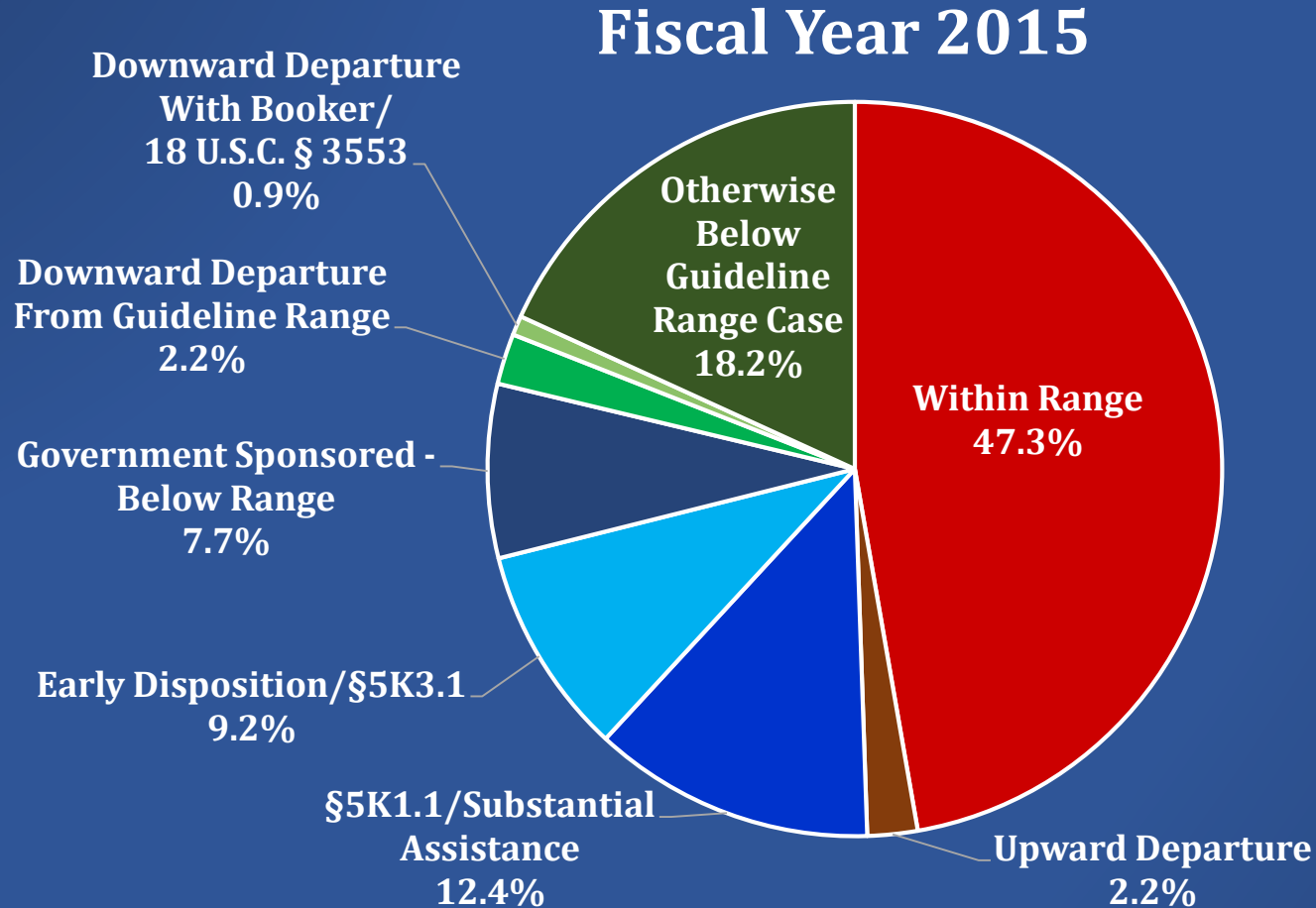


Departures and Variances

2016 Annual National Seminar

Minneapolis

COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE TO THE GUIDELINE RANGE



SOURCE: U.S. Sentencing Commission. 2015 Datafile, USSCFY15.

EXTENT OF REDUCTION FROM GUIDELINE MINIMUM

Fiscal Year 2015

	Percentage of Cases	Average Sentence in Months	Average Percent Decrease From Guideline Minimum
§5K1.1/Substantial Assistance	12.4%	45	56.6%
Early Disposition/§5K3.1	9.2%	17	45.6%
Other Government Sponsored	7.7%	56	47.3%
Downward Departure From Guideline Range	2.2%	35	44.5%
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0.9%	46	52.4%
Otherwise Below Guideline Range Case	18.2%	45	46.9%

SOURCE: U.S. Sentencing Commission. 2015 Datafile, USSCFY15.

Determination of a Variance

The Nature and Circumstance of the Offense

- New SOR intended to improve the quality and quantity of information about variances sent to the Commission

C 18 U.S.C. § 3553(a) and other reason(s) for a variance (Check all that apply)

The nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1)

Mens Rea Extreme Conduct Dismissed/Uncharged Conduct

Role in the Offense Victim Impact

General Aggravating or Mitigating Factors (*Specify*) _____

The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)

Aberrant Behavior Lack of Youthful Guidance

Other (*Specify*): _____

D State the basis for a variance. (Use Section VIII if necessary)



Determination of a Variance

The History and Characteristics of the Defendant

- Reasons cited came from SORs and reflect what judges told us

C 18 U.S.C. § 3553(a) and other reason(s) for a variance (Check all that apply)

The nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1)

General Aggravating or Mitigating Factors (Specify) _____

The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)

<input type="checkbox"/> Aberrant Behavior	<input type="checkbox"/> Lack of Youthful Guidance
<input type="checkbox"/> Age	<input type="checkbox"/> Mental and Emotional Condition
<input type="checkbox"/> Charitable Service/Good Works	<input type="checkbox"/> Military Service
<input type="checkbox"/> Community Ties	<input type="checkbox"/> Non-Violent Offender
<input type="checkbox"/> Diminished Capacity	<input type="checkbox"/> Physical Condition
<input type="checkbox"/> Drug or Alcohol Dependence	<input type="checkbox"/> Pre-sentence Rehabilitation
<input type="checkbox"/> Employment Record	<input type="checkbox"/> Remorse/Lack of Remorse
<input type="checkbox"/> Family Ties and Responsibilities	<input type="checkbox"/> Other (Specify): _____
<input type="checkbox"/> Issues with Criminal History (Specify): _____	

To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))

To afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))

