

▶ THERE WERE 71,003 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2015.

▶ OF THESE CASES 2,119 INVOLVED CAREER OFFENDERS.¹

▶ IN 92.8% OF THESE CASES, THE CAREER OFFENDER STATUS INCREASED THE GUIDELINE RANGE.

Quick Facts



Career Offenders¹



Top Five Districts Career Offenders FY 2015

Southern District of New York (N=99)
District of Maryland (N=82)
Southern District of Florida (N=62)
Eastern District of Tennessee (N=61)
Western District of Texas (N=59)

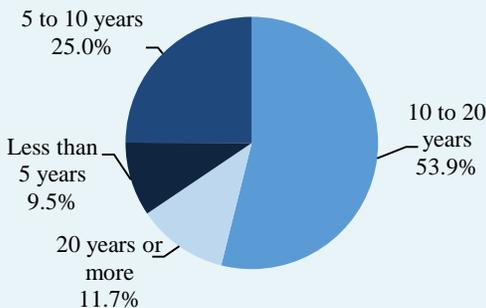
Who is a Career Offender?

Career Offenders are persons who commit a crime of violence or drug trafficking crime after two prior felony convictions for those crimes.² To implement the provisions of 28 U.S.C. § 994(h), the sentencing guidelines assign all career offenders to Criminal History Category VI and to offense levels based on the statutory maximum penalty of the offense of conviction. See USSG §4B1.1.

Offender and Offense Characteristics

- In fiscal year 2015, the overwhelming majority of career offenders were male (97.4%).
- Nearly sixty percent of career offenders were Black (56.9%) followed by White (22.9%), Hispanic (18.4%), and Other Races (1.9%).
- The average age of these offenders at sentencing was 38 years.
- Nearly all career offenders were United States citizens (96.7%).
- Three-quarters of career offenders were sentenced for a drug trafficking offense (75.0%) followed by robbery (11.4%), and firearms offenses (4.7%).
- Nearly sixty percent (56.6%) would have had a Criminal History Category lower than VI if the career offender provision had not applied. Approximately one quarter (22.6%) would be in CHC V and another quarter (24.8%) would be in CHC IV.
- Districts with the highest proportion of their overall caseload comprising career offenders were:
 - ◆ Central District of Illinois (13.9% of the overall caseload);
 - ◆ Western District of Kentucky (13.2%);
 - ◆ District of Maryland (11.7%);
 - ◆ Western District of Wisconsin (10.9%); and,
 - ◆ Western District of Pennsylvania (10.3%).

Sentence Length of Career Offenders FY 2015



Punishment

- Almost all career offenders were sentenced to imprisonment (99.8%).
- The average sentence for career offenders was 145 months.

Impact of Career Offender Status³

- For almost half of these offenders (45.4%), USSG §4B1.1 increased both the final offense level (FOL) and criminal history category (CHC). For these offenders, the average FOL was 30 with §4B1.1 and 22 without, a difference of eight offense levels. The average CHC was VI with §4B1.1 and IV without, a difference of two criminal history categories.
- About one-third of offenders (36.7%) had a higher FOL after application of §4B1.1 but the same CHC (VI). For these offenders, the average FOL was 31 with §4B1.1, and 22 without, a difference of nine offense levels.

¹ Cases in which the court applied USSG §4B1.1 and where the Commission received complete guideline information were included in this analysis.

² In some cases, a state offense classified under state law as a misdemeanor (e.g., in Iowa, Massachusetts, and Michigan) is considered to be a felony for the purpose of determining career offender status under §4B1.1.

³ Cases missing Ch. 2 guideline data and cases in which §4B1.1(c) applied were excluded for this part of the analysis. Cases where both §4B1.1 and §4B1.4 (Armed Career Criminal) applied were assigned to the provision with the higher offense level.

Quick Facts

Impact of Career Offender Status³ (continued)

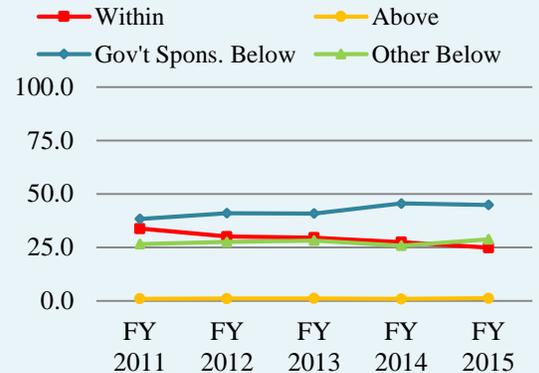
- An additional 10.7% of offenders had a higher CHC after application of §4B1.1 but the same or lower FOL. The average CHC was VI with §4B1.1 and CHC IV without.
- For the remaining 7.2% of offenders, application of the career offender guideline had no impact because the FOL and CHC otherwise applicable were both the same or higher than after application of §4B1.1.

Sentences Relative to the Guideline Range

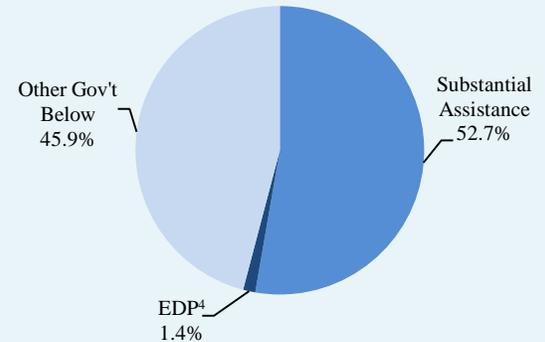
- Over the last five years, the rate of within range sentences for career offenders has decreased from 33.9% in fiscal year 2011 to 25.0% in fiscal year 2015.
- The rate of government sponsored below range sentences for career offenders has generally increased from 38.4% in fiscal year 2011 to 44.9% in fiscal year 2015.
 - ◆ Substantial assistance departures have decreased slightly over the past five years from 26.4% in fiscal year 2011 to 23.7% in fiscal year 2015.
 - ◇ In fiscal year 2015, these offenders received an average reduction in their sentence of 48.0%.
 - ◆ A growing proportion of career offenders received a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program.
 - ◇ The rate of other government sponsored below range sentences has increased slowly in recent years, from 11.7% in fiscal year 2011 to 14.9% in fiscal year 2013, but increased substantially to 20.4% in fiscal year 2014. The rate remained stable at 20.6% in fiscal year 2015.
 - In fiscal year 2015, these offenders received an average reduction in their sentence of 41.8%.
- The rate of non-government sponsored below range sentences for career offenders has generally increased in recent years, but decreased from 28.3% in fiscal year 2013 to 25.9% in fiscal year 2014. The rate returned to 28.8% in fiscal year 2015.
 - ◆ In fiscal year 2015, these offenders received an average reduction in their sentence of 34.5%.
- The average guideline minimum for career offenders has generally decreased in recent years, while average sentences have decreased in each of the last five years.
 - ◆ The average guideline minimum has decreased from 218 to 207 months during that period;
 - ◆ The average sentence imposed decreased from 165 to 145 months.

Career Offenders

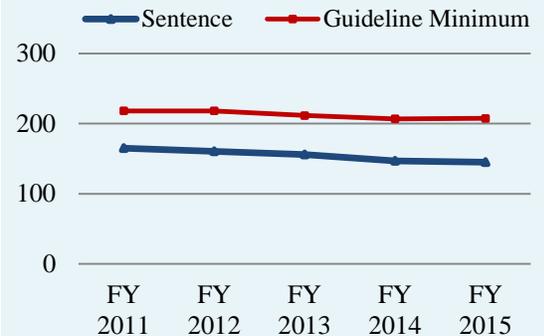
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2015



Average Sentence and Average Guideline Minimum (in months)



⁴ "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.

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