



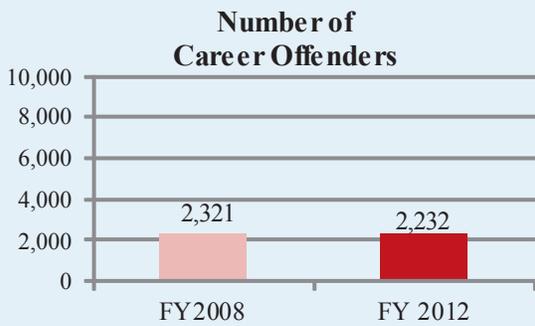
# Quick Facts

▶ THERE WERE 84,173 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2012.

▶ OF THESE CASES, 2,232 INVOLVED CAREER OFFENDERS.<sup>1</sup>

▶ IN 95% OF THESE CASES, THE CAREER OFFENDER STATUS INCREASED THE GUIDELINE RANGE.

## Career Offenders



Top Five Districts Number of Career Offenders FY 2012
District of Maryland (N=118)
District of South Carolina (N=73)
Southern District of Florida (N=71)
Western District of Texas (N=68)
Middle District of Florida (N=67)

### 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<sup>2</sup>. 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. USSG §4B1.1.

### Offender and Offense Characteristics

- In fiscal year 2012, the overwhelming majority of career offenders were male (97.3%).
- Nearly two-thirds of career offenders were Black (61.9%) followed by White (20.1%), Hispanic (16.3%) and Other Races (1.8%).
- The average age of these offenders at sentencing was 37 years.
- Nearly all career offenders were United States citizens (97.0%).
- Three-quarters of career offenders were sentenced for a drug trafficking offense (75.3%), followed by robbery (11.5%), and firearms offenses (5.1%).
- Almost two-thirds of these offenders (62.9%) would have had a Criminal History Category lower than VI if the career offender provision had not applied. One quarter (26.1%) would be in CHC IV and 10.6% would be in CHC III.
- Districts with the highest proportion of their overall caseload comprising career offenders were:
  - ◆ District of Maryland (12.4% of the overall caseload);
  - ◆ Southern District of Iowa (10.0%);
  - ◆ District of Massachusetts (9.4%);
  - ◆ Western District of Pennsylvania (9.3%); and,
  - ◆ Western District of Tennessee (8.5%).

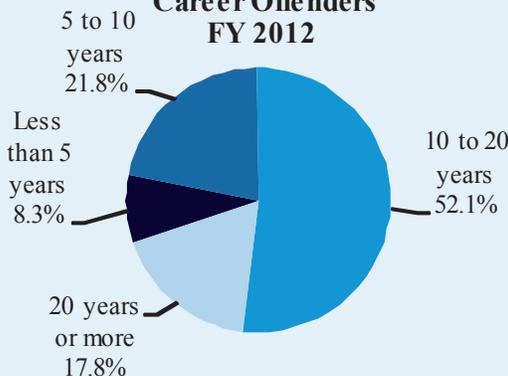
### Punishment

- Almost all career offenders were sentenced to imprisonment (99.8%).
- The average sentence for career offenders was 160 months.

### Impact of Career Offender Status<sup>3</sup>

- For more than half of the offenders (51.5%), §4B1.1 increased both the final offense level (FOL) and criminal history category (CHC). For these offenders, the average FOL was 31 with §4B1.1 and 24 without, a difference of seven offense levels. The average CHC was VI with §4B1.1 and IV without, a difference of two criminal history categories.
- Slightly less than one-third of offenders (31.8%) had a higher FOL but the same CHC (VI). For these offenders, the average FOL was 31 with §4B1.1, and 23 without, a difference of eight offense levels.

### Sentence Length of Career Offenders FY 2012



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

<sup>2</sup> 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.

<sup>3</sup> 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

## Career Offenders

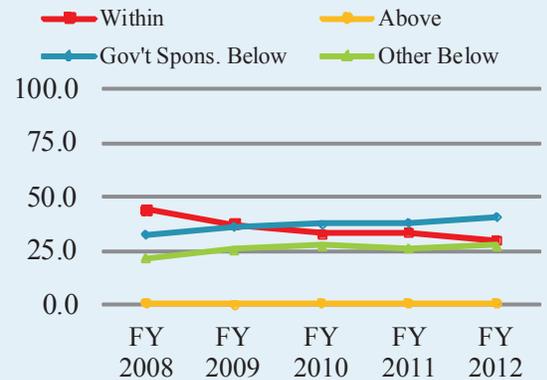
### Impact of Career Offender Status<sup>2</sup> (continued)

- An additional 11.8% of offenders had only a higher CHC but the same or lower FOL. The average CHC was VI with §4B1.1 and IV without.
- For the remaining 5.0% of offenders the application of career offender had no impact because the FOL and CHC otherwise applicable were both the same or higher.

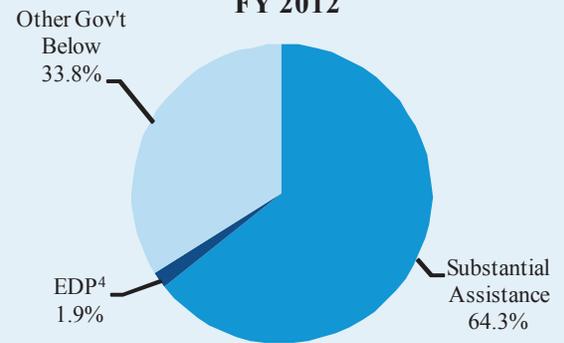
### Sentences Relative to the Guideline Range

- The rate of within range sentences for career offenders has decreased over the last five years from 44.0% in fiscal year 2008 to 30.2% in fiscal year 2012.
- The rate of government sponsored below range sentences for career offenders has steadily increased from 32.8% in fiscal year 2008 to 41.1% in fiscal year 2012.
  - ◆ Substantial assistance departures for career offenders have comprised just over a quarter of all sentences over each of the past five years.
    - ◇ In fiscal year 2012, these offenders received an average reduction of 45.4% in their sentences (which corresponds to an average reduction of 102 months).
  - ◆ 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 over the past five years from 5.7% in fiscal year 2008 to 13.9% in fiscal year 2012.
      - In fiscal year 2012, these offenders received an average reduction of 40.0% in their sentences (which corresponds to an average reduction of 80 months).
- The rate of non-government sponsored below range sentences for career offenders has increased from 22.1% in fiscal year 2008 to 27.6% in fiscal year 2012.
  - ◆ In fiscal year 2012, these offenders received an average reduction of 32.7% in their sentences (which corresponds to an average reduction of 68 months).
- The average guideline minimum for career offenders has decreased in recent years, while average sentences have decreased in each of the past five years.
  - ◆ The average guideline minimum has decreased from 225 to 218 months during that period;
  - ◆ The average sentence imposed decreased from 183 to 160 months.

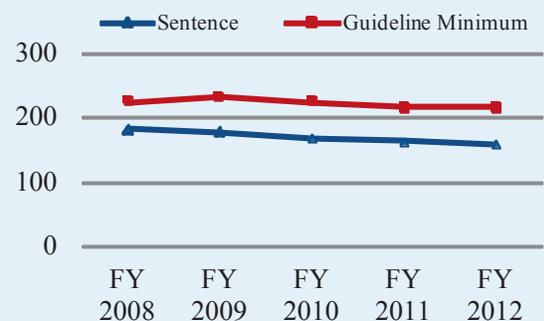
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2012



### Average Sentence and Average Guideline Minimum (in months)



<sup>4</sup> "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.

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SOURCE: United States Sentencing Commission, 2008 through 2012 Datafiles, USSCFY08-USSCFY12.



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