



“Crime of Violence” and Related Issues Public Data Briefing

November 10, 2015



Analysis of Federal Sentencing Data for Selected Groups of Offenders

Courtney Semisch, Ph.D.
Senior Research Associate
Office of Research and Data
United States Sentencing Commission



www.ussc.gov



(202) 502-4500



[@theusscgov](https://twitter.com/theusscgov)



pubaffairs@ussc.gov

August 7, 2015 Proposed Amendment

- Continuation of its multi-year study of statutory and guideline definitions relating to the nature of a defendant's prior conviction (*e.g.*, “crime of violence,” “aggravated felony,” “violent felony,” “drug trafficking offense,” and “felony drug offense”) and the impact of such definitions on the relevant statutory and guideline provisions (*e.g.*, career offender, illegal reentry, and armed career criminal).
- *Johnson v. United States*, __ U.S. __, 135 S. Ct. 2551 (2015): struck down as unconstitutionally vague a portion of the statutory definition of “violent felony” used in a similar penalty provision in the Armed Career Criminal Act (ACCA)
 - In light of uncertainty resulting from the *Johnson* decision, the proposal seeks comment on whether guidelines should also eliminate the residual clause
 - In addition, the proposal includes definitions for several enumerated crimes of violence.



Overview of Data Briefing

- Four Groups of Offenders
 - Career offenders
 - Armed career criminals
 - Selected firearms offenders with prior convictions
 - Selected immigration offenders with prior convictions
- Data Provided
 - Selected demographic and sentencing information
 - Overview of offenses in criminal history events
 - Information from all prior adult criminal history events
 - Detailed information regarding the nature of offenders' criminal history

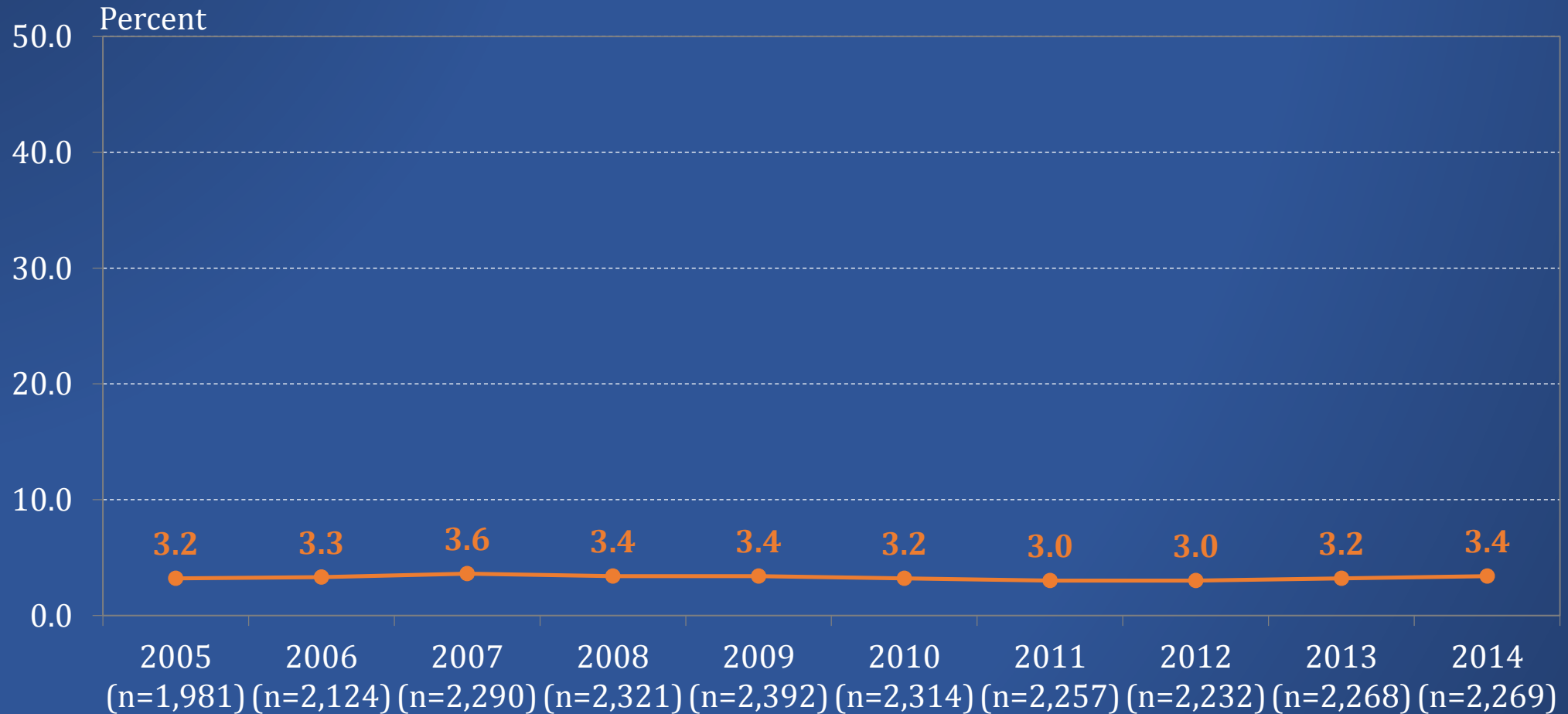




ANALYSIS OF CAREER OFFENDERS: GENERAL SENTENCING DATA



Trend in Application of Career Offender Guideline (§4B1.1) Fiscal Years 2005-2014



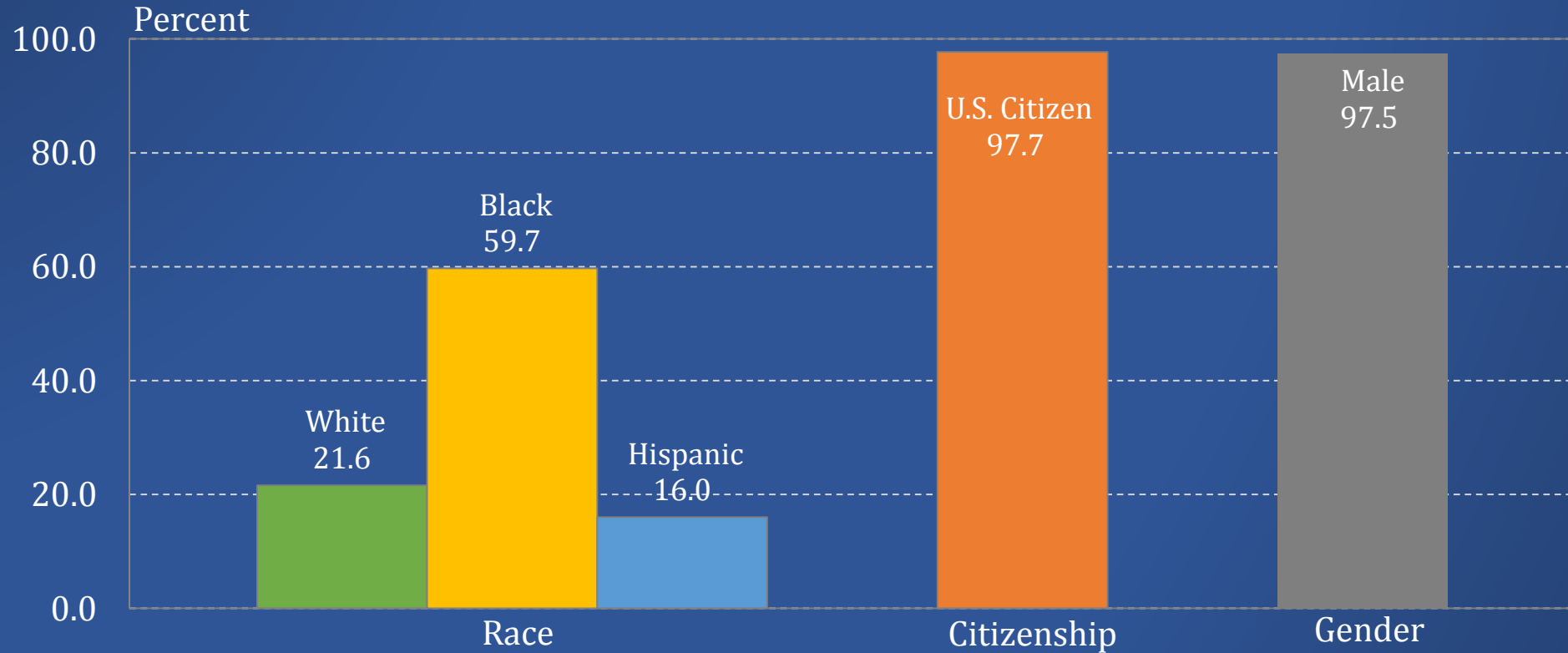
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.1 were included.



Career Offenders

Demographic Information

Fiscal Year 2014 (N=2,269)

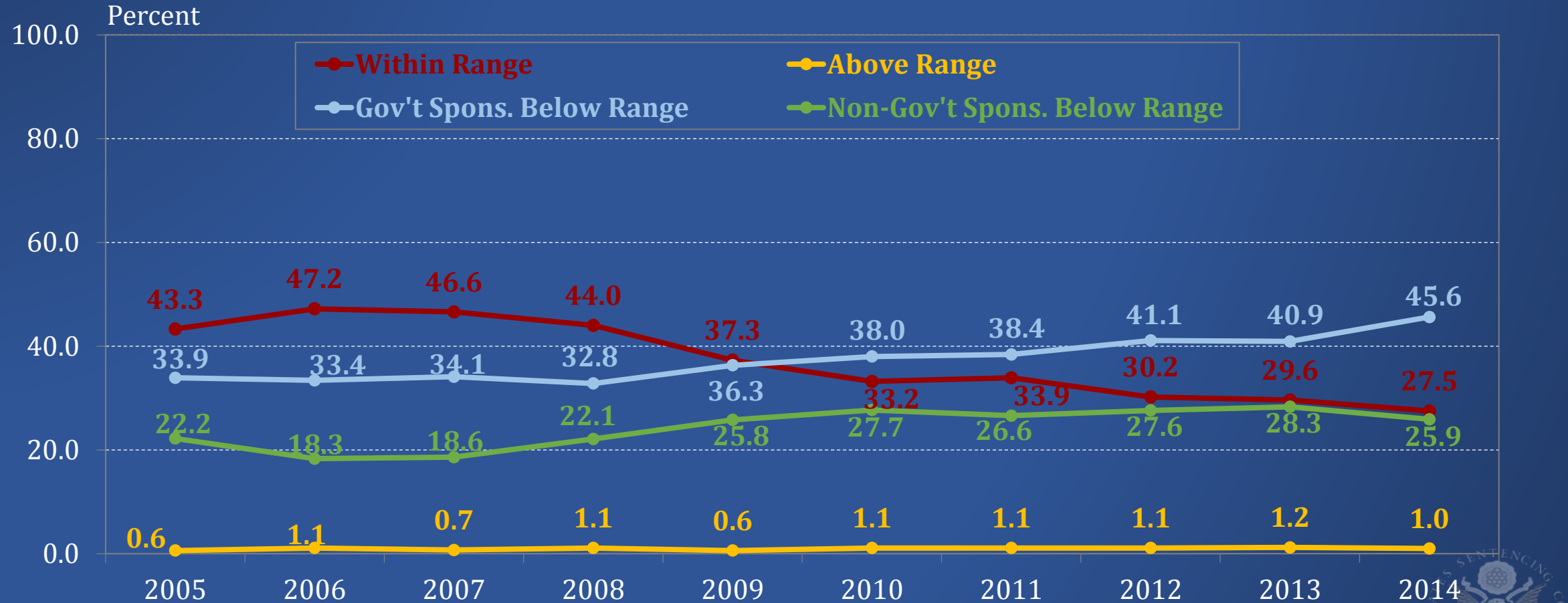


SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCYF14. Only cases with complete guideline application information and sentenced under USSG §4B1.1 were included. Cases missing information for any variables were excluded from the analysis for that variable.

Career Offenders

Sentences Relative to the Guideline Range

Fiscal Years 2005-2014

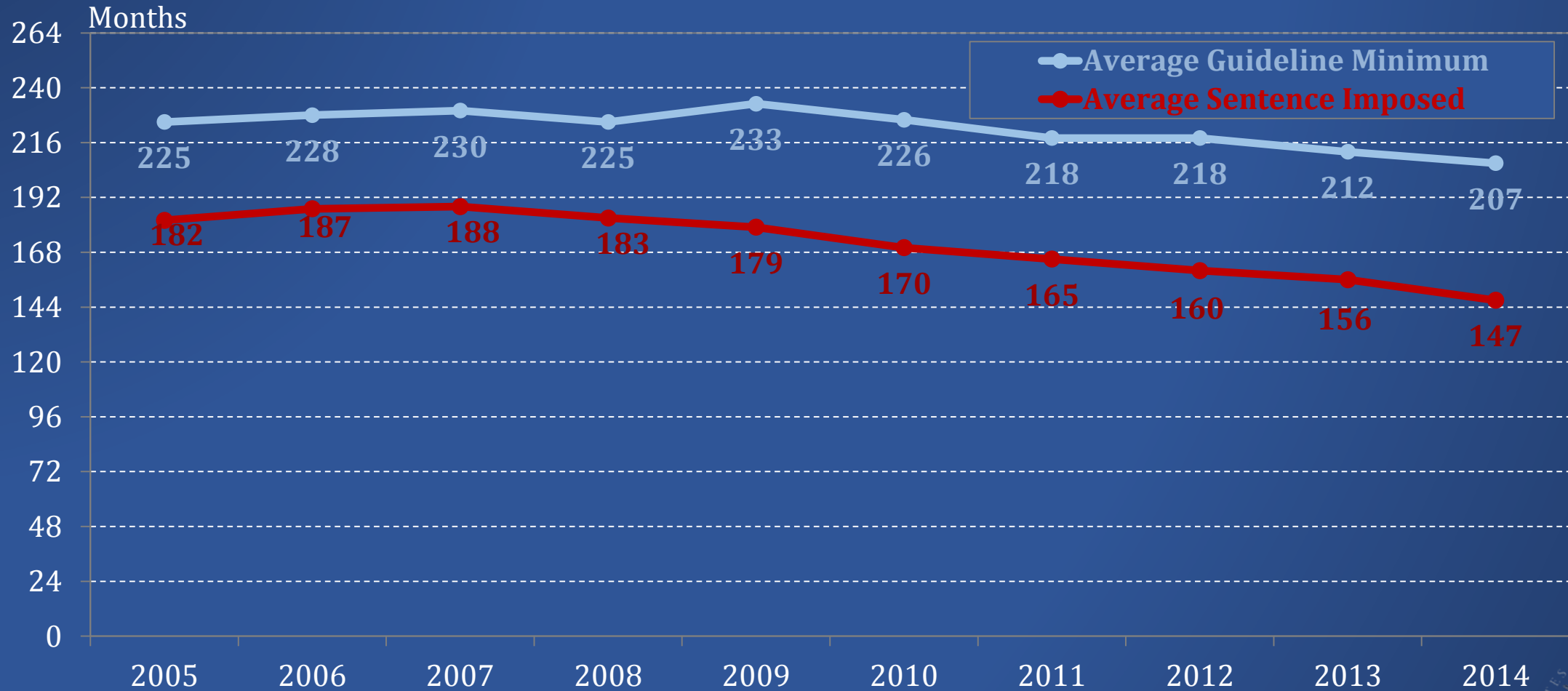


SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14.. Only cases with complete guideline application information and sentenced under USSG §4B1.1 were included. Cases missing information for sentence relative to the guideline range were excluded from the analysis.



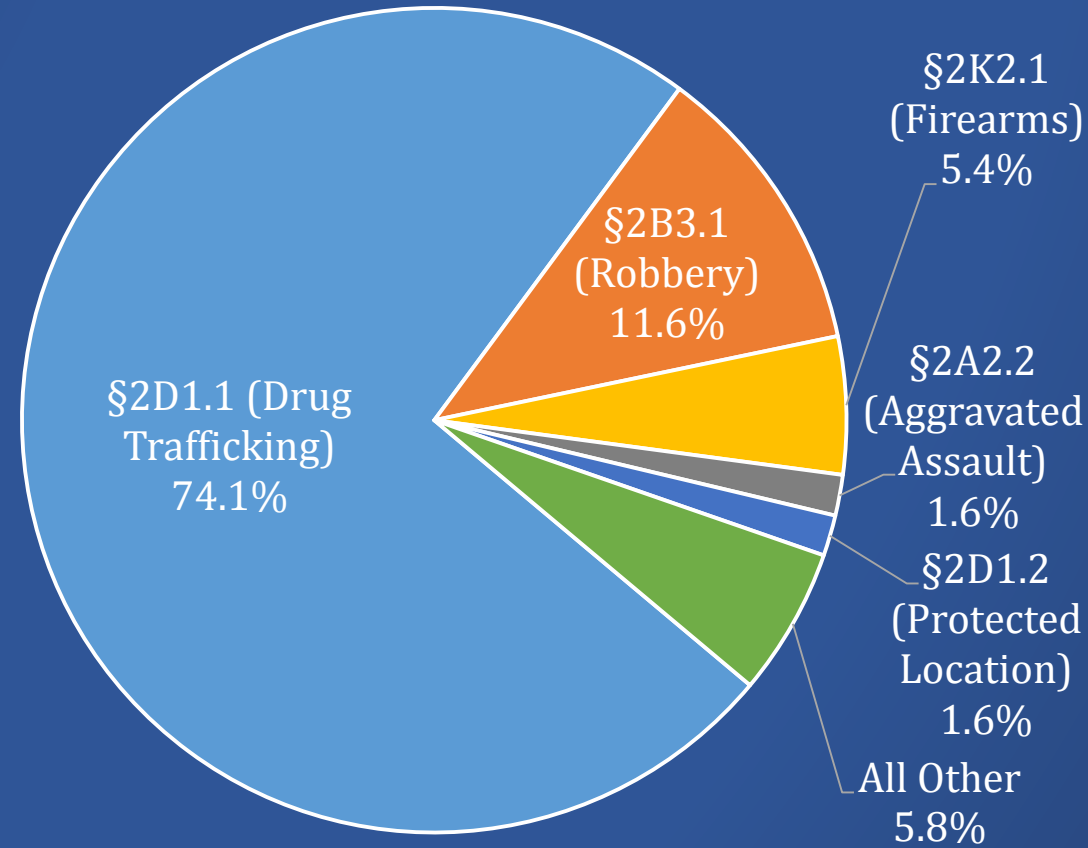
Career Offenders

Average Guideline Minimum and Average Sentence Imposed Fiscal Years 2005-2014



SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.1 were included. Cases missing information for any variables were excluded from the analysis for that variable.

Career Offenders Primary Sentencing Guidelines Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCFY14. Only cases with complete guideline application information sentenced under USSG §4B1.1 were included. Cases missing information on primary sentencing guideline were excluded from the analysis.



Career Offenders Circuit and District Information Fiscal Year 2014

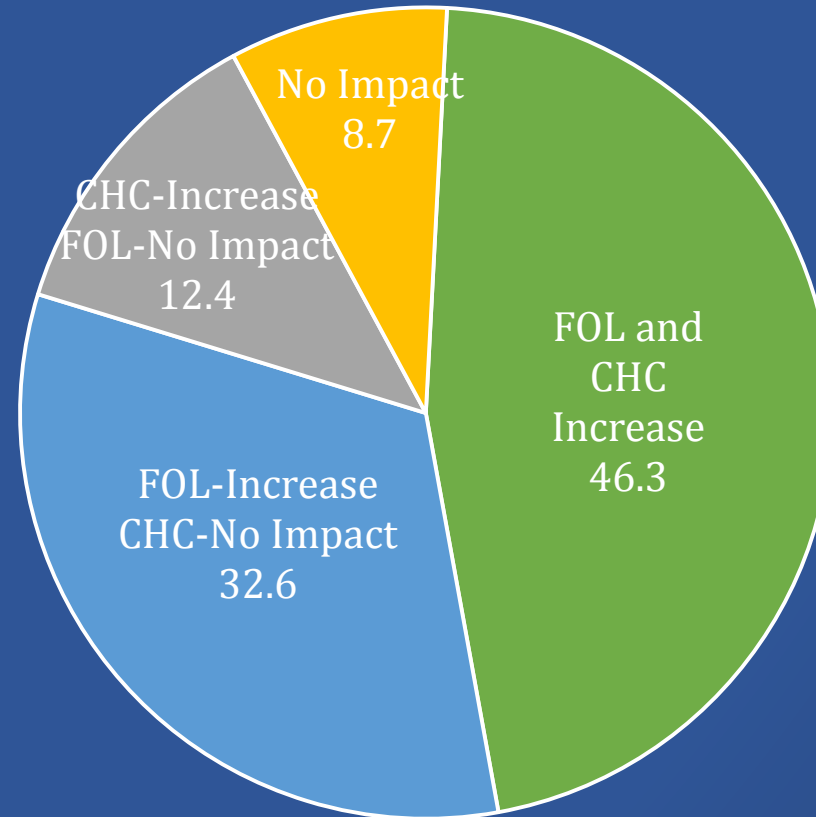
Career Offenders in Each Circuit		
	Number	Percent
District of Columbia	22	1.0
First	73	3.2
Second	148	6.5
Third	175	7.7
Fourth	311	13.7
Fifth	211	9.3
Sixth	316	13.9
Seventh	185	8.2
Eighth	225	9.9
Ninth	227	10.0
Tenth	125	5.5
Eleventh	251	11.1

Top Five Federal Judicial Districts with Career Offenders		
	Number	Percent
Maryland	87	3.8
Middle District of Florida	65	2.9
Southern District of New York	64	2.8
Southern District of Florida	61	2.7
Western District of Texas	59	2.6



Career Offenders

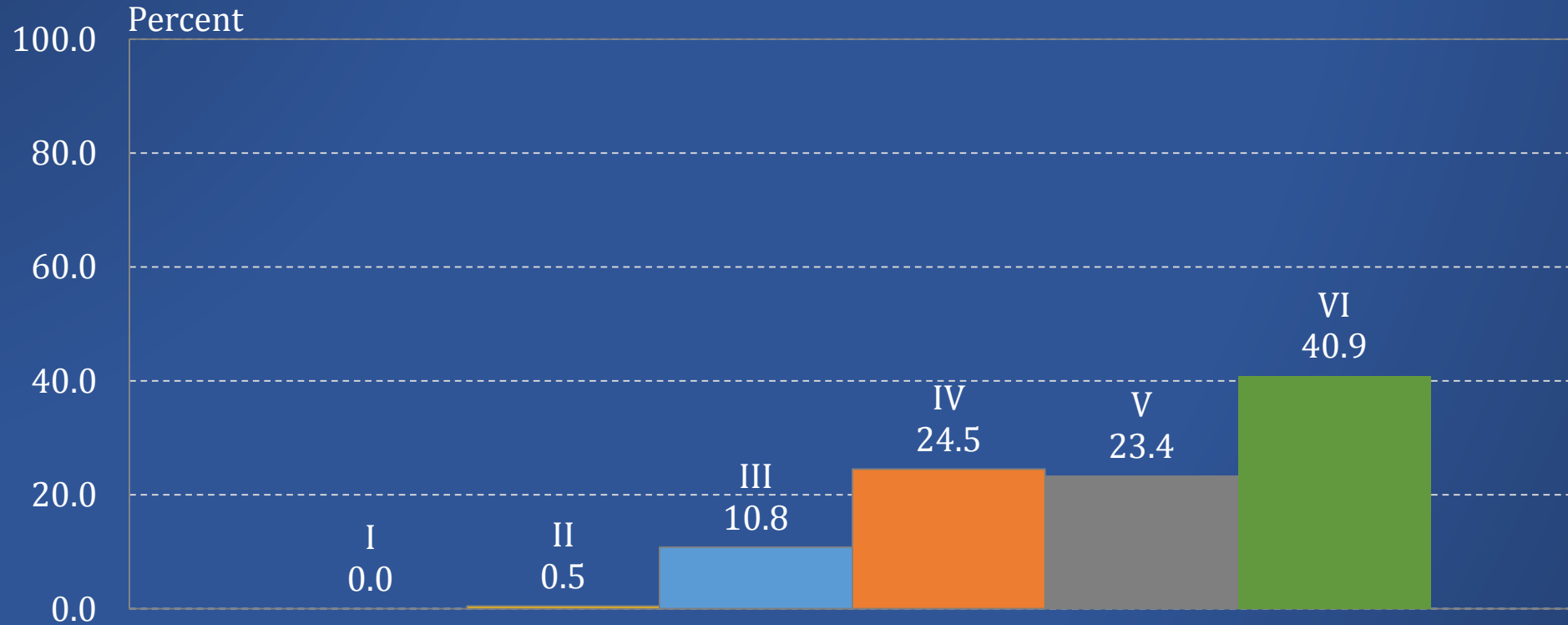
Impact of Application of Career Offender Guideline on Final Offense Level and Criminal History Category Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.1 were included. Of the 2,269 cases, 13 * were excluded in which the Armed Career Criminal (USSG §4B1.4) guideline also was applied and application of the provisions of that guideline determined the sentence. An additional 131 cases were excluded that had §4B1.1(c) applied or that were missing information on primary sentencing guideline.

Career Offenders

Criminal History Category Prior to Application of §4B1.1 Fiscal Year 2014 (N=2,269)



SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.1 were included.



ANALYSIS OF CAREER OFFENDERS: OVERVIEW OF CRIMINAL HISTORY EVENTS



Overview of Criminal History Events

- The new data provides information for the number and types of offenses comprising each criminal history event
- What is a Criminal History Event?
 - Sentencings as summarized in the Presentence Report that included complete information on:
 - Arrest date
 - Jurisdiction
 - Offense(s) of conviction
- Any number of individual offenses can comprise a single prior criminal history event



PSR Criminal History Event Documentation Examples

Arrest Date	Conviction/ Court	Guideline	Points
1/16/2001	1)Burglary 1 st Degree; 2)Felon in Possession of a Firearm	4A1.1(a)	3

Arrest Date	Conviction/ Court	Guideline	Points
11/2/2000	1) Forgery 2 nd ; 2) Battery 2 nd ; 3) Kidnapping; 4) Res. Burglary	4A1.1(a)	3

Arrest Date	Conviction/ Court	Guideline	Points
12/11/2010	1) Unlawful use of a weapon; 2) Menacing; 3) Interference with Making a Report	4A1.1(c)	1



How Offenses Are Categorized

- Offenses categorized into one of 100 standardized offense codes
 - Developed by researchers at the independent research organization NORC at the University of Chicago
 - Distilled from unique state-specific offenses reported on RAP sheets from approximately 25,000 criminal justice agencies nationwide
 - Used in other analyses (*e.g.*, USSC recidivism studies, BJS)
- Grouped into 32 general offense types
- Offense types in this analysis are not
 - Primary offense types in *Sourcebook of Federal Sentencing Statistics*
 - Definitions in proposed amendment
 - Based on categorical analysis of statutory elements
 - Based on narrative descriptions of the offense



Sample of Career Offenders for Criminal History Analysis

Career Offenders n=457

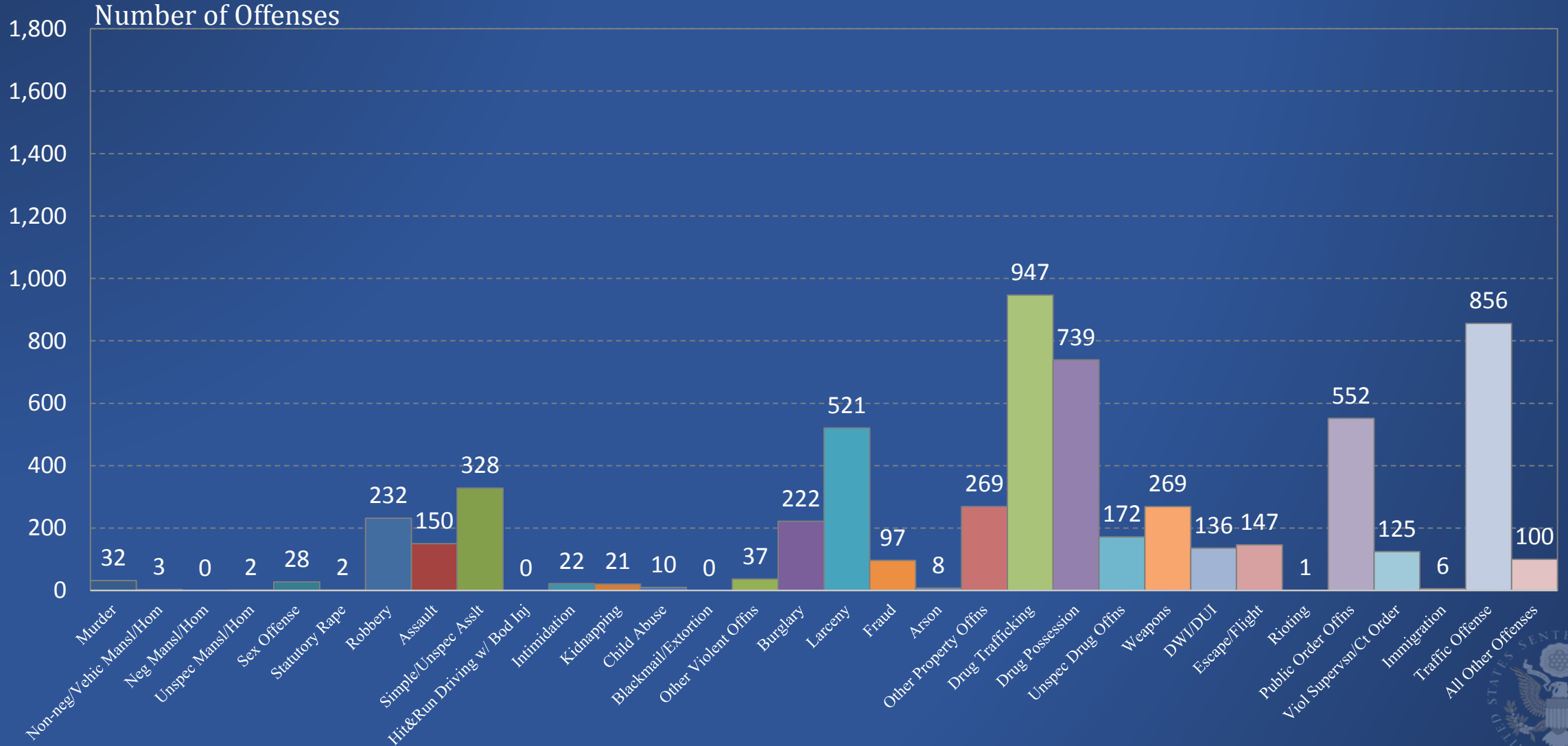
A 20% random sample of all
2,269 offenders sentenced under §4B1.1



Career Offender Sample

Offense Types Comprising Prior Criminal History Events

Fiscal Year 2014



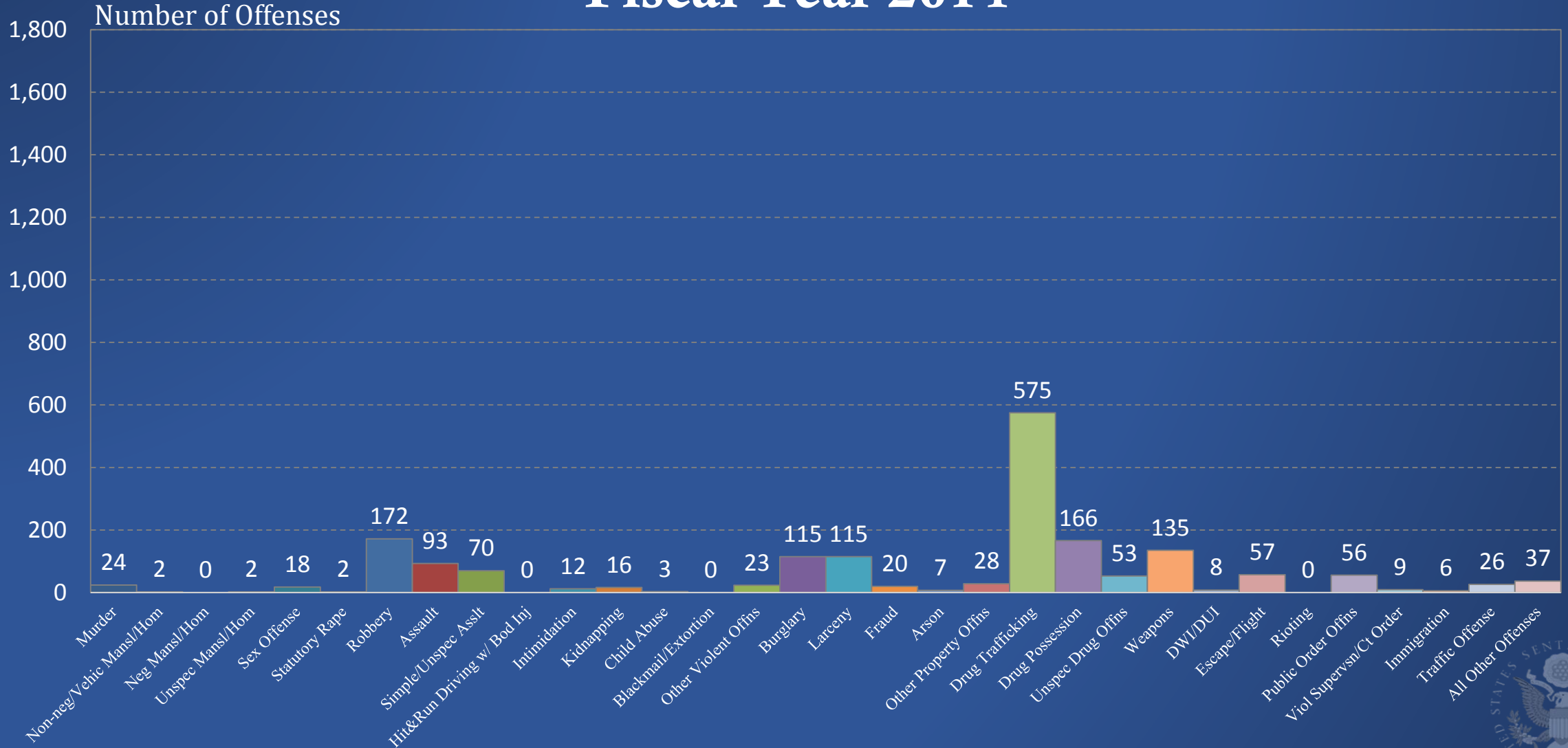
SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information were included. The career offender sample consists of a 20% random sample of all 2,269 offenders sentenced under USSG §4B1.1. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Career Offender Sample

Offense Types Comprising 3-Point Criminal History Events

Fiscal Year 2014

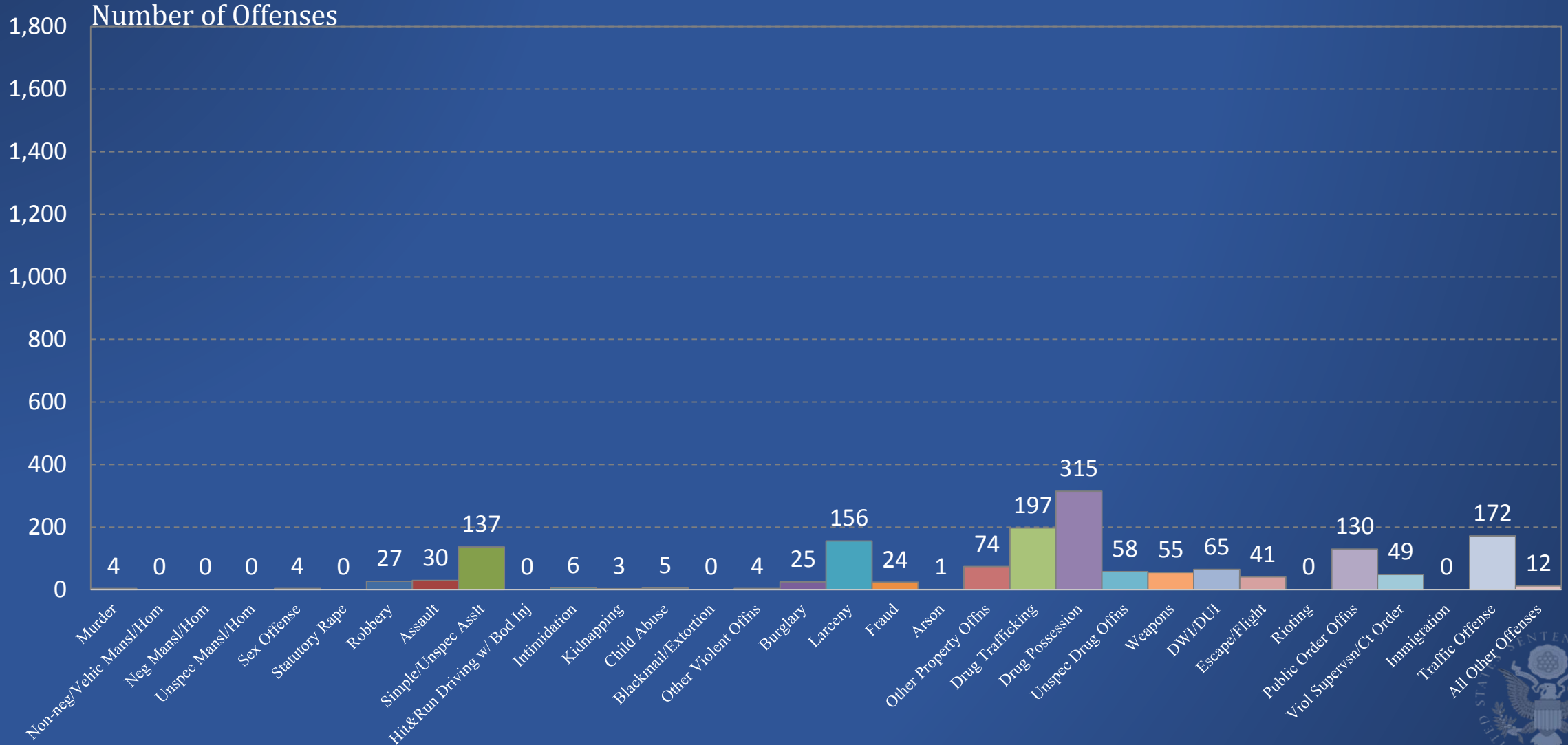


SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information were included. The career offender sample consists of a 20% random sample of all 2,269 offenders sentenced under USSG §4B1.1. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Career Offender Sample

Offense Types Comprising 1- and 2- Point Criminal History Events Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information were included. The career offender sample consists of a 20% random sample of all 2,269 offenders sentenced under USSG §4B1.1. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.

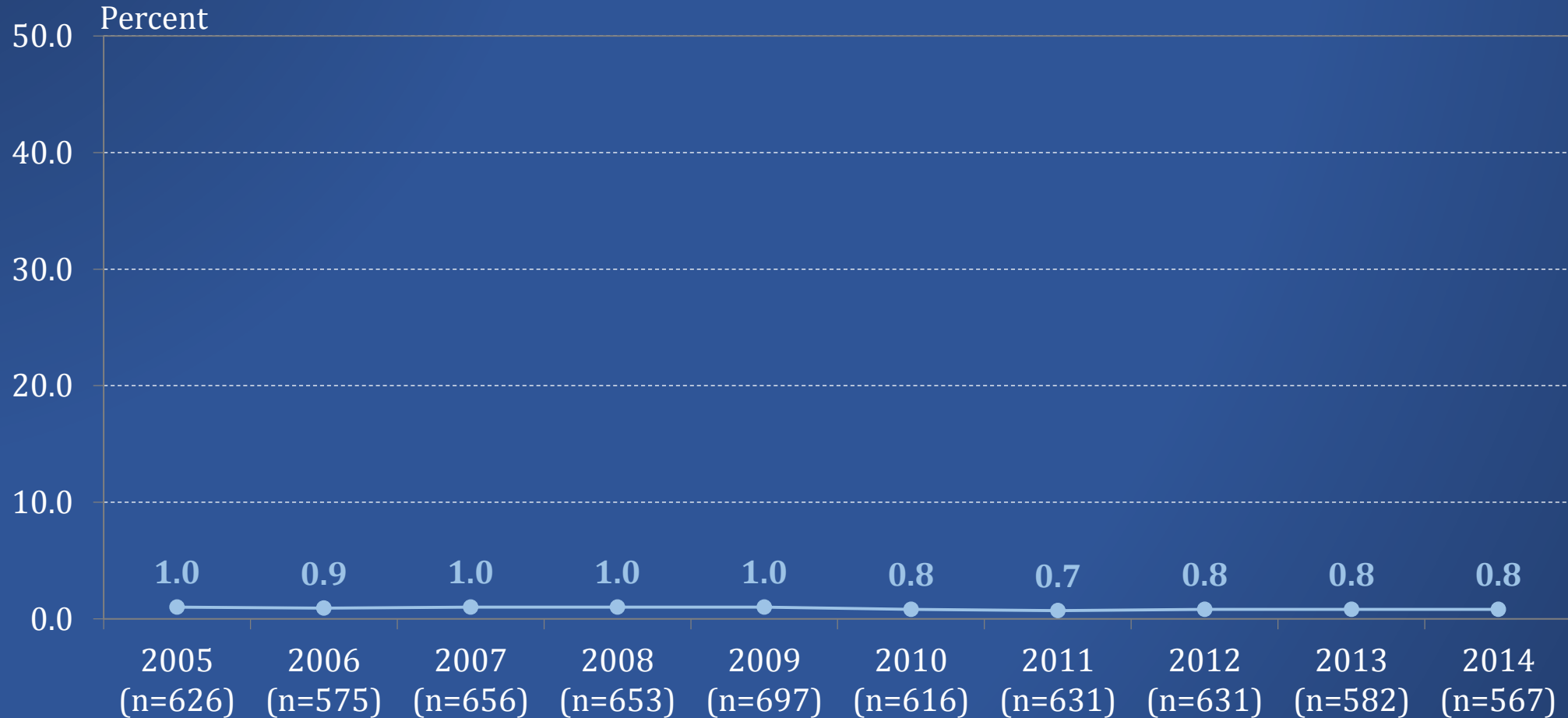




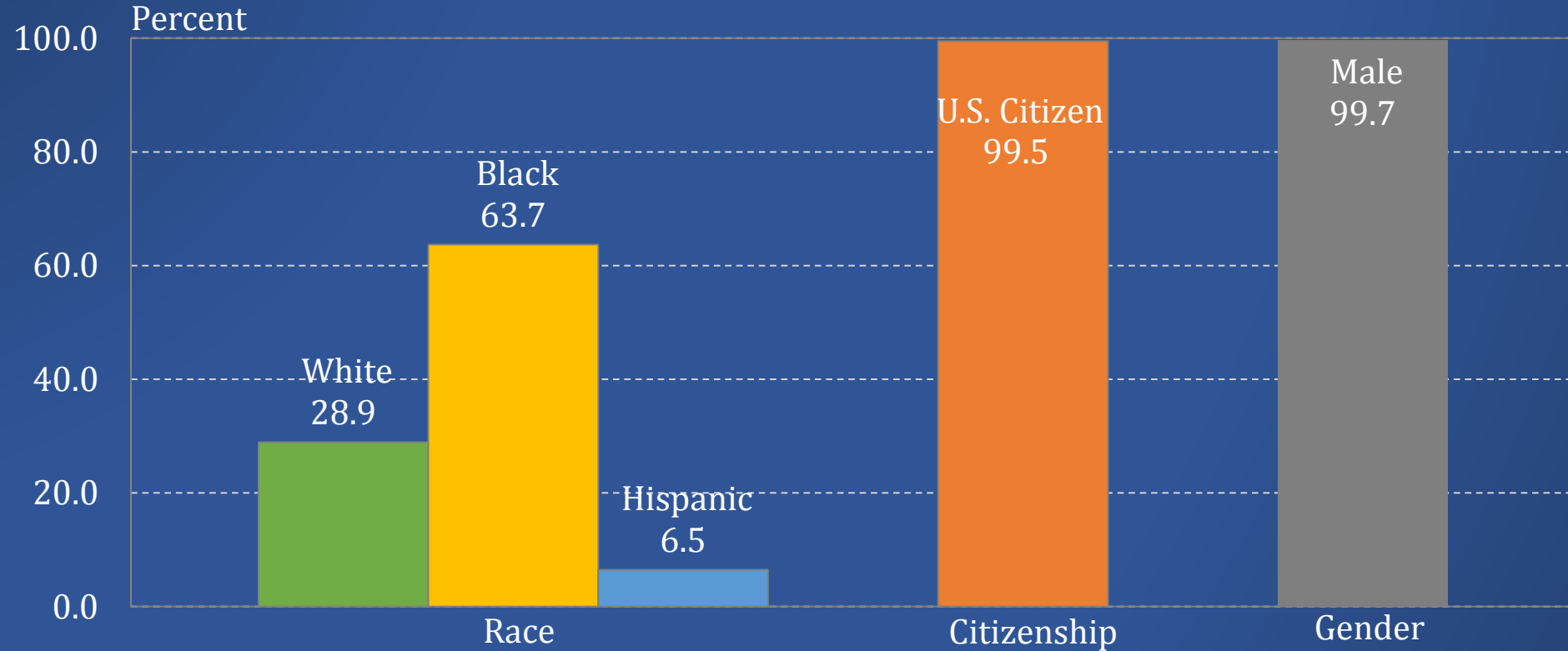
ANALYSIS OF ARMED CAREER CRIMINALS: GENERAL SENTENCING DATA



Trend in Application of Armed Career Criminal Guideline (§4B1.4) Fiscal Years 2005-2014



Armed Career Criminals Demographic Information Fiscal Year 2014 (N=567)



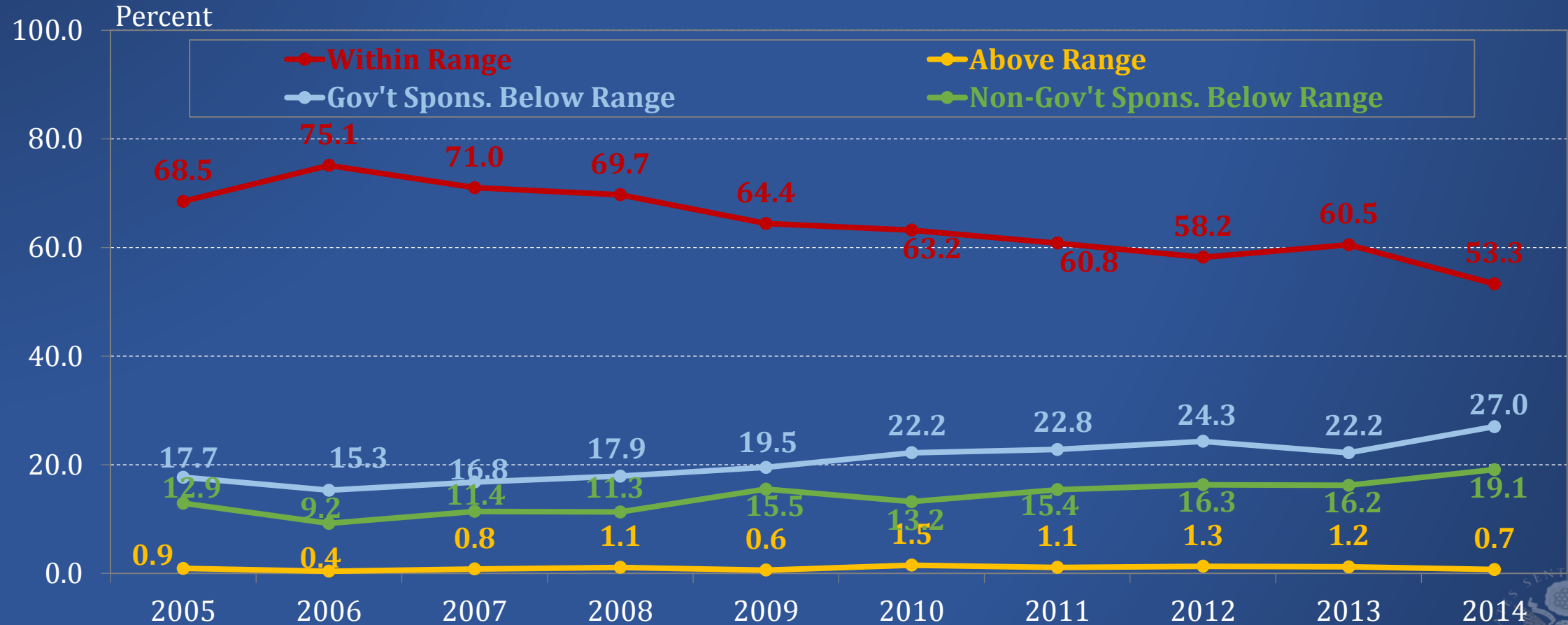
SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.4 were included. Cases missing information for any variables were excluded from the analysis for that variable.



Armed Career Criminals

Sentences Relative to the Guideline Range

Fiscal Years 2005-2014

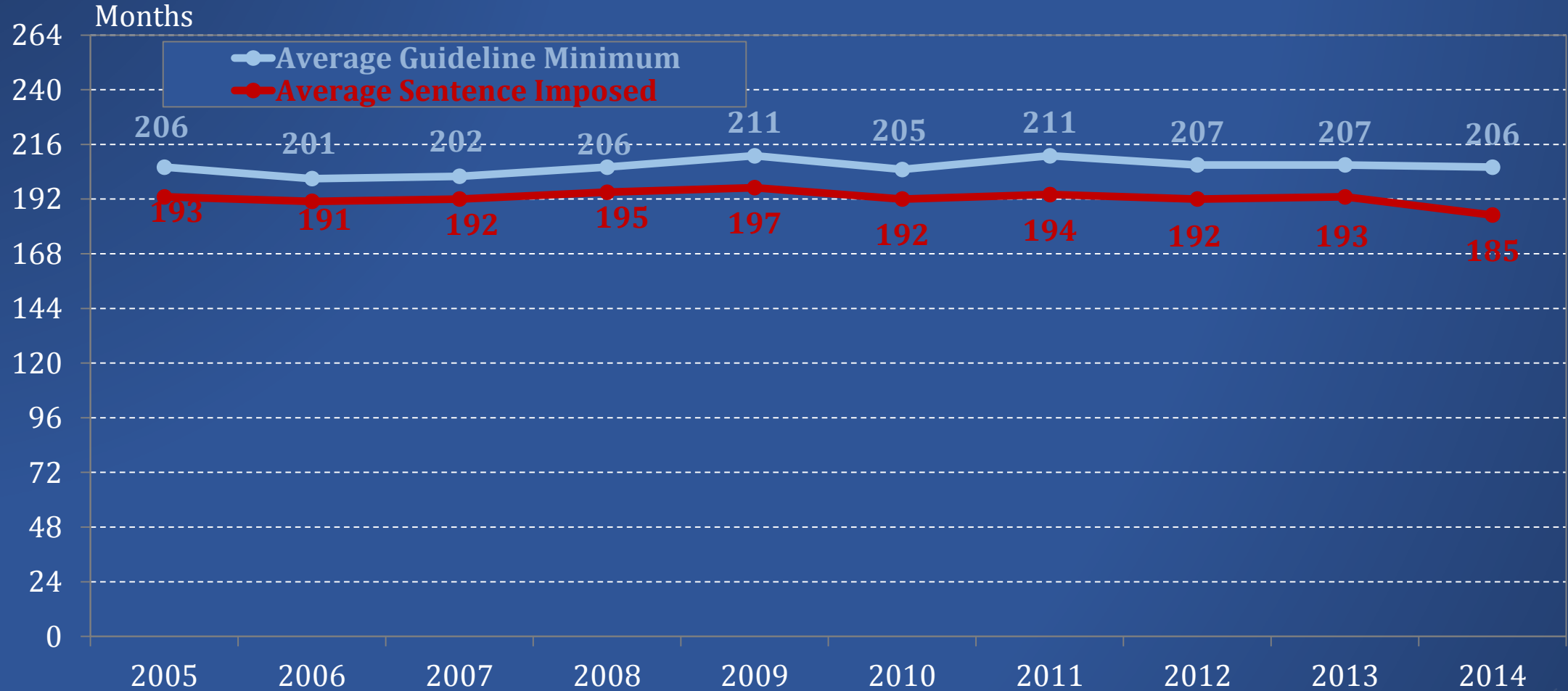


SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.4 were included. Cases missing information on sentence relative to the guideline range were excluded from the analysis.



Armed Career Criminals

Average Guideline Minimum and Average Sentence Imposed Fiscal Years 2005-2014



SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.4 were included. Cases missing information for any variables were excluded from the analysis for that variable.

Armed Career Criminals Circuit and District Information Fiscal Year 2014

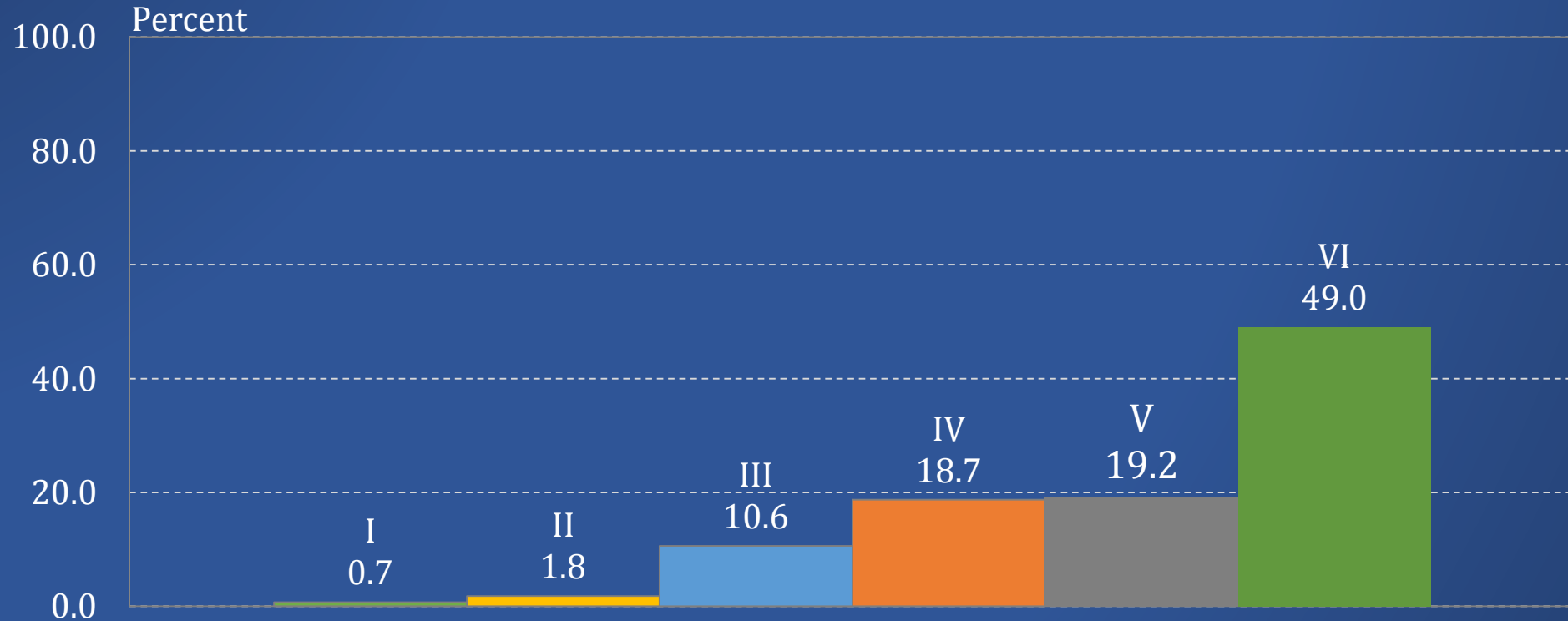
Armed Career Criminals in Each Circuit		
	Number	Percent
District of Columbia	3	0.5
First	20	3.5
Second	10	1.8
Third	30	5.3
Fourth	95	16.8
Fifth	18	3.2
Sixth	98	17.3
Seventh	29	5.1
Eighth	66	11.6
Ninth	28	4.9
Tenth	23	4.1
Eleventh	147	25.9

Top Five Federal Judicial Districts with Armed Career Criminals		
	Number	Percent
Middle District of Florida	54	9.5
Southern District of Florida	47	8.3
Middle District of North Carolina	24	4.2
Western District of Tennessee	24	4.2
Western District of Missouri	20	3.5



Armed Career Criminals

Criminal History Category Prior to Application of §4B1.4 Fiscal Year 2014 (N=567)



SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCFY14. Only cases with complete guideline application information and sentenced under USSG §4B1.4 were included.





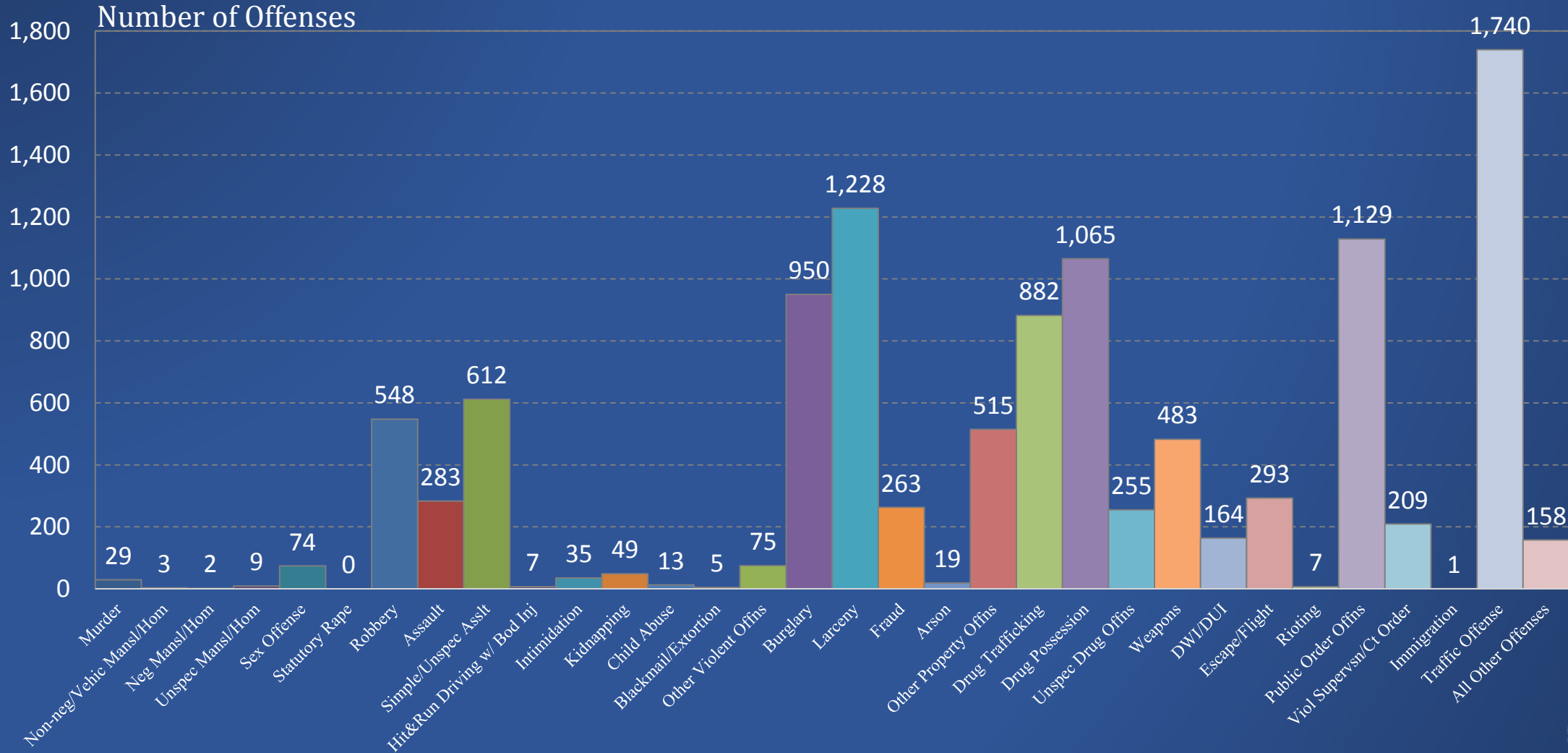
ANALYSIS OF ARMED CAREER CRIMINALS: OVERVIEW OF CRIMINAL HISTORY EVENTS



Armed Career Criminals

Offense Types Comprising Prior Criminal History Events

Fiscal Year 2014

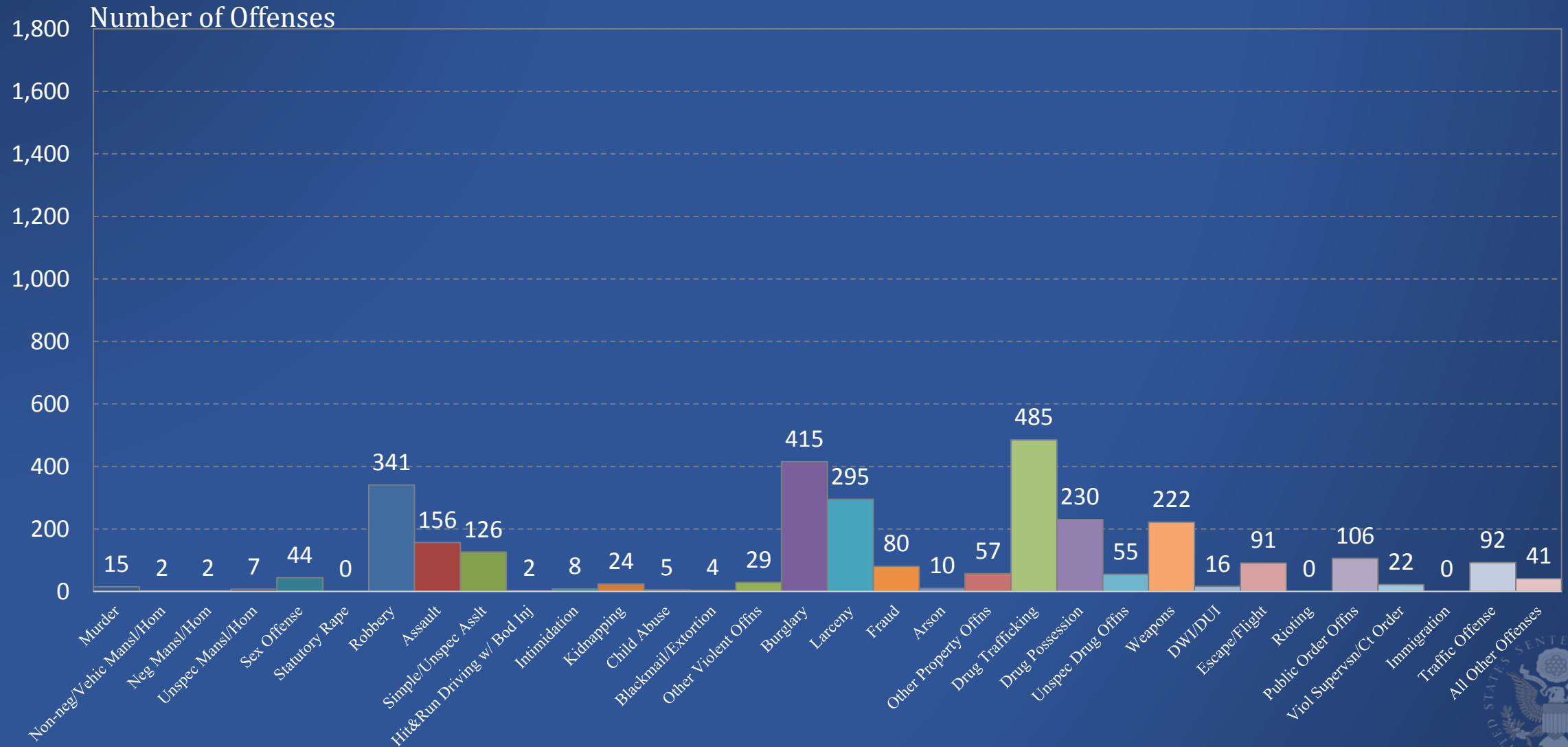


SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information and sentenced under USSG §4B1.4 were included. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.

Armed Career Criminals

Offense Types Comprising 3-Point Prior Criminal History Events

Fiscal Year 2014

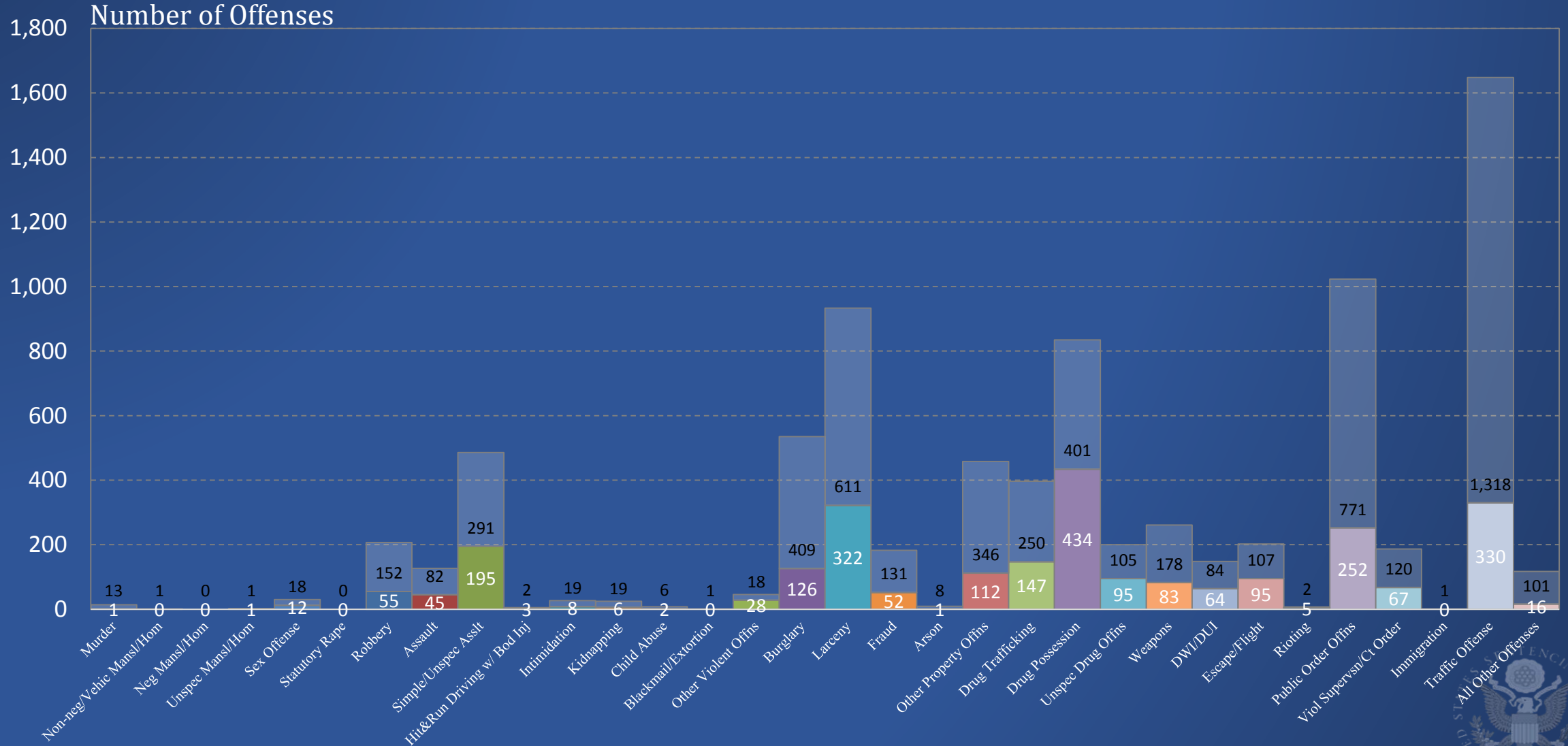


SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information and sentenced under USSG §4B1.4 were included. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Armed Career Criminals

Offense Types Comprising 0-, 1-, and 2-Point Prior Criminal History Events Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information and sentenced under USSG §4B1. were included. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



ANALYSIS OF FIREARMS OFFENDERS WITH SELECTED CRITERIA: GENERAL SENTENCING DATA

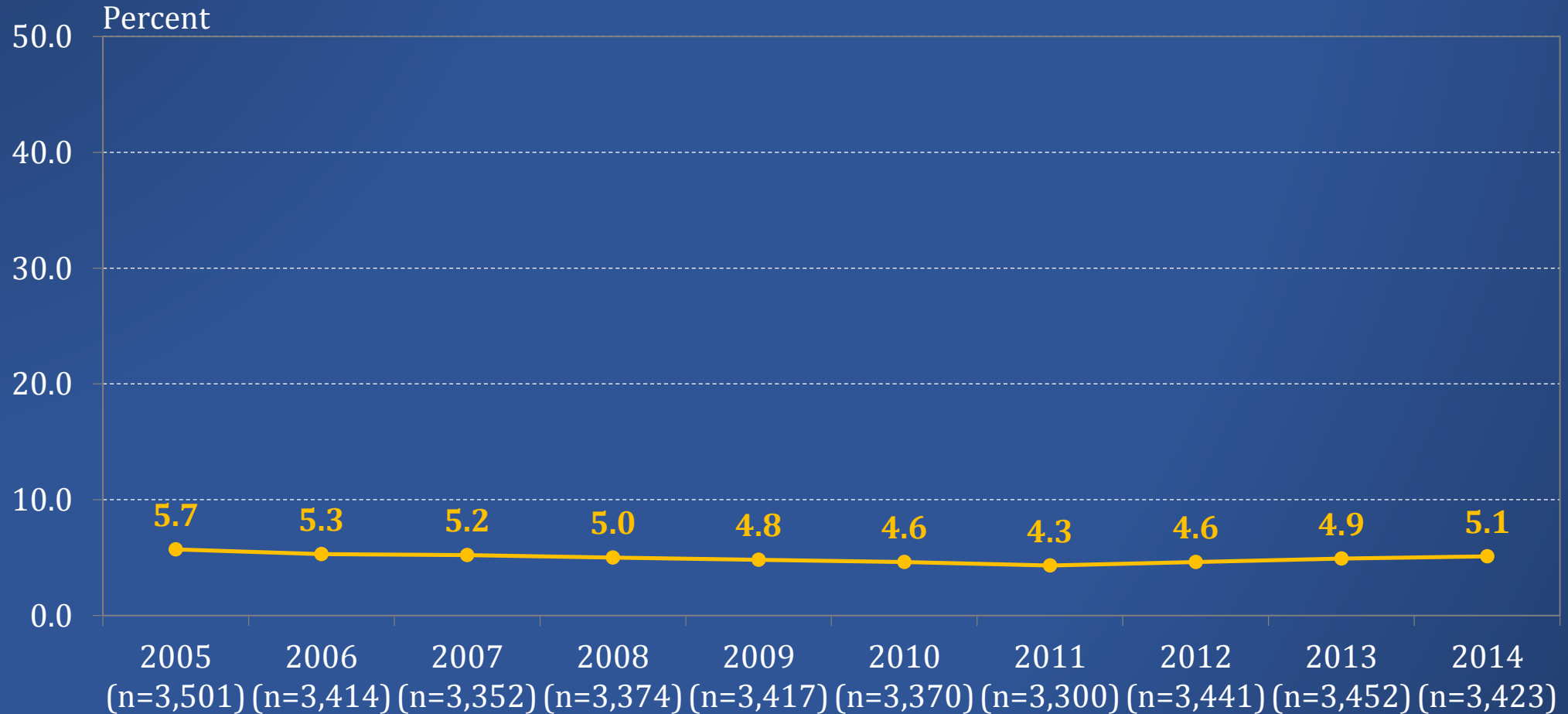


Firearms Offenders with Selected Criteria

- Firearms offenders
 - Convicted under 18 U.S.C. § 922(g) Prohibited Person
 - Sentenced under §2K2.1 (Unlawful Receipt, Possession, *etc.* of Firearms or Ammunition)
 - §2K2.1 base offense level of 20, 22, 24, or 26 (specifying prior convictions)



Trend in Percentage of Firearms Offenders with Selected Criteria Fiscal Years 2005-2014



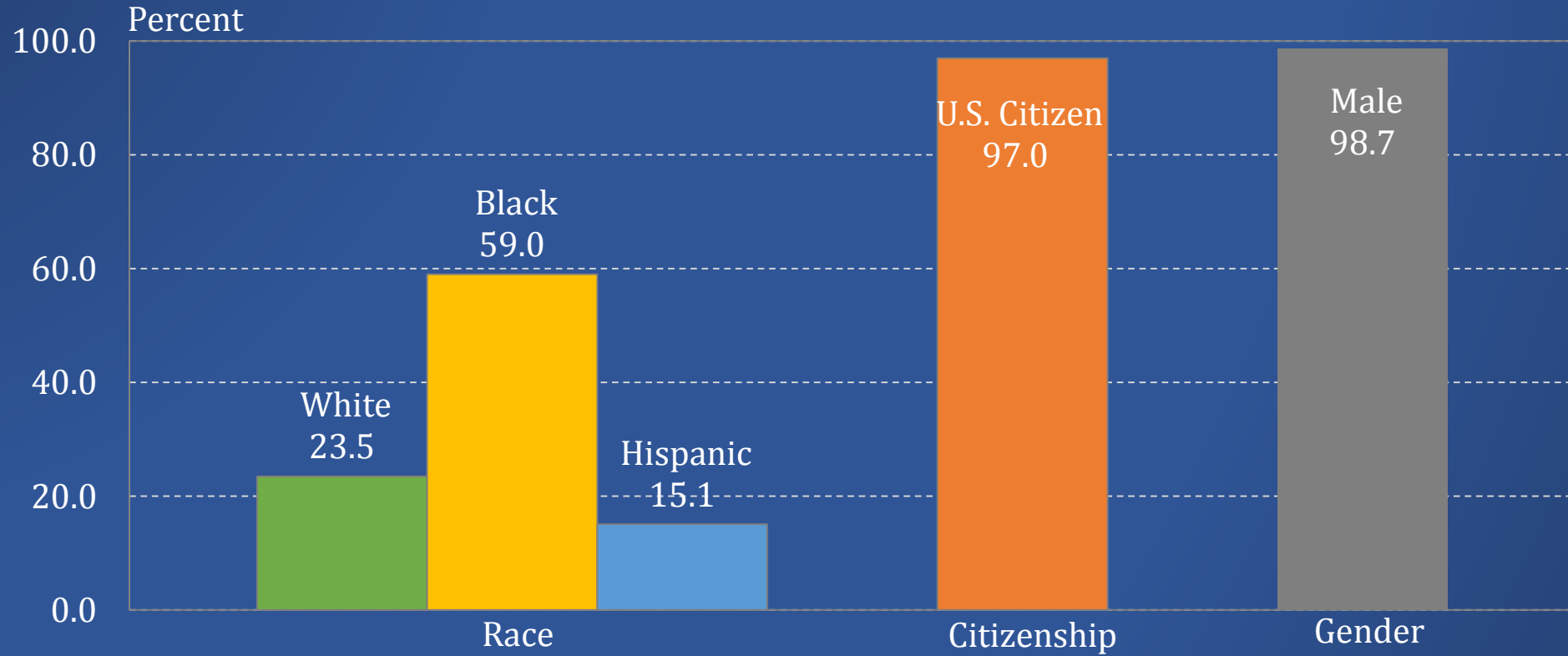
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCYF05-USSCFY14. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included.



Firearms Offenders with Selected Criteria

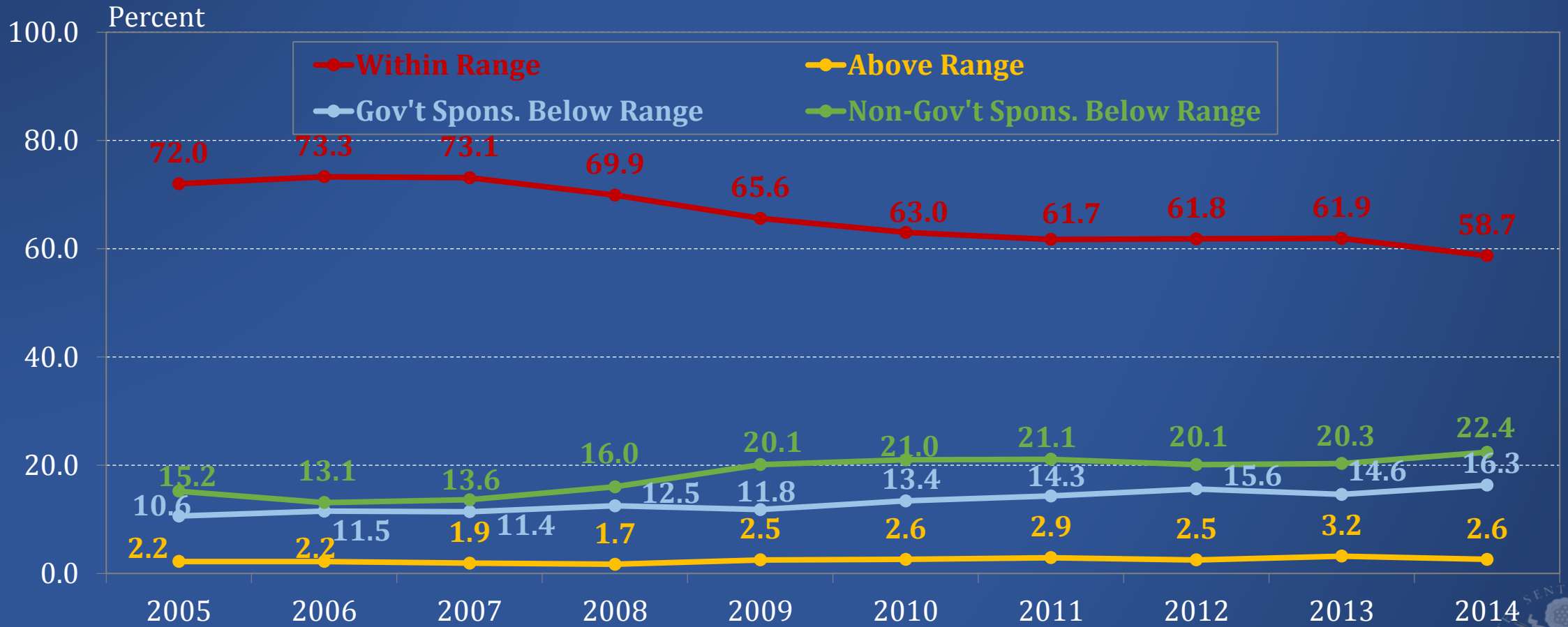
Demographic Information

Fiscal Year 2014 (N=3,423)



SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included. Cases missing information for any variables were excluded from the analysis for that variable.

Firearms Offenders with Selected Criteria Sentences Relative to the Guideline Range Fiscal Years 2005-2014



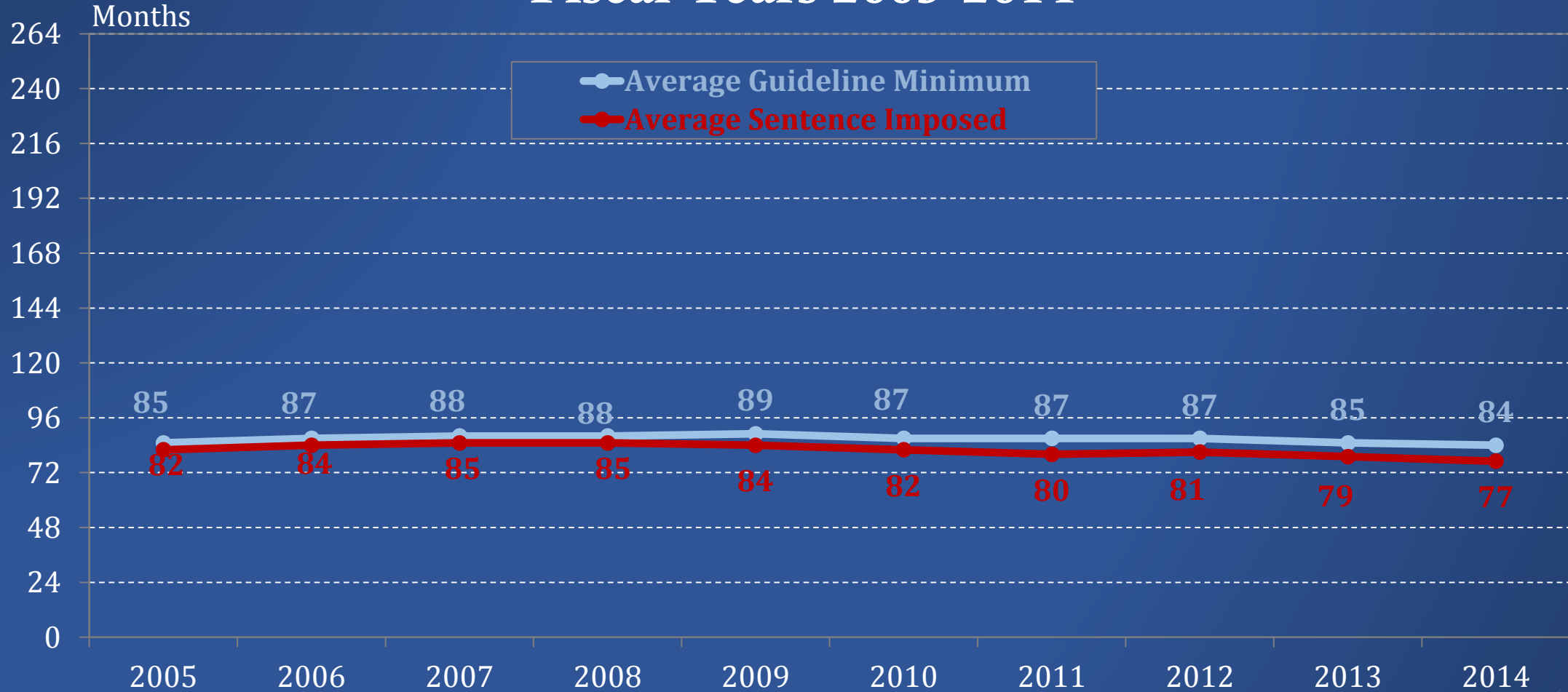
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information were included. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included. Cases missing information on sentence relative to the guideline range were excluded from the analysis.



Firearms Offenders with Selected Criteria

Average Guideline Minimum and Average Sentence Imposed

Fiscal Years 2005-2014



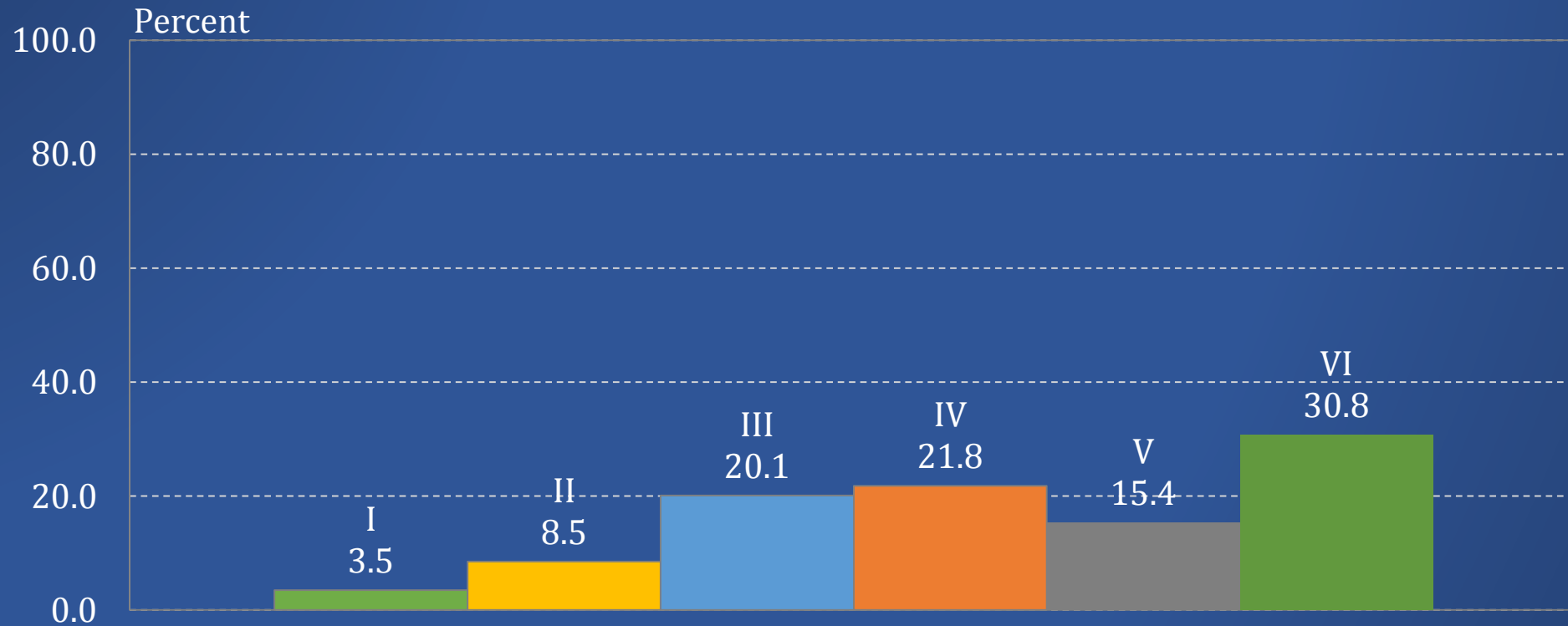
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information were included. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included. Cases missing information for any variables were excluded from the analysis for that variable.



Firearms Offenders with Selected Criteria

Criminal History Category

Fiscal Year 2014 (N=3,423)





ANALYSIS OF FIREARMS OFFENDERS WITH SELECTED CRITERIA: OVERVIEW OF CRIMINAL HISTORY EVENTS



Sample of Firearms Offenders with Selected Criteria for Criminal History Analysis

Sample of Selected Firearms Offenders (n=712)

A 20% random sample of all 3,423 offenders

Convicted under 18 U.S.C. § 922(g) Prohibited Person

Sentenced under §2K2.1 (Unlawful Receipt, Possession, *etc.* of Firearms or Ammunition)

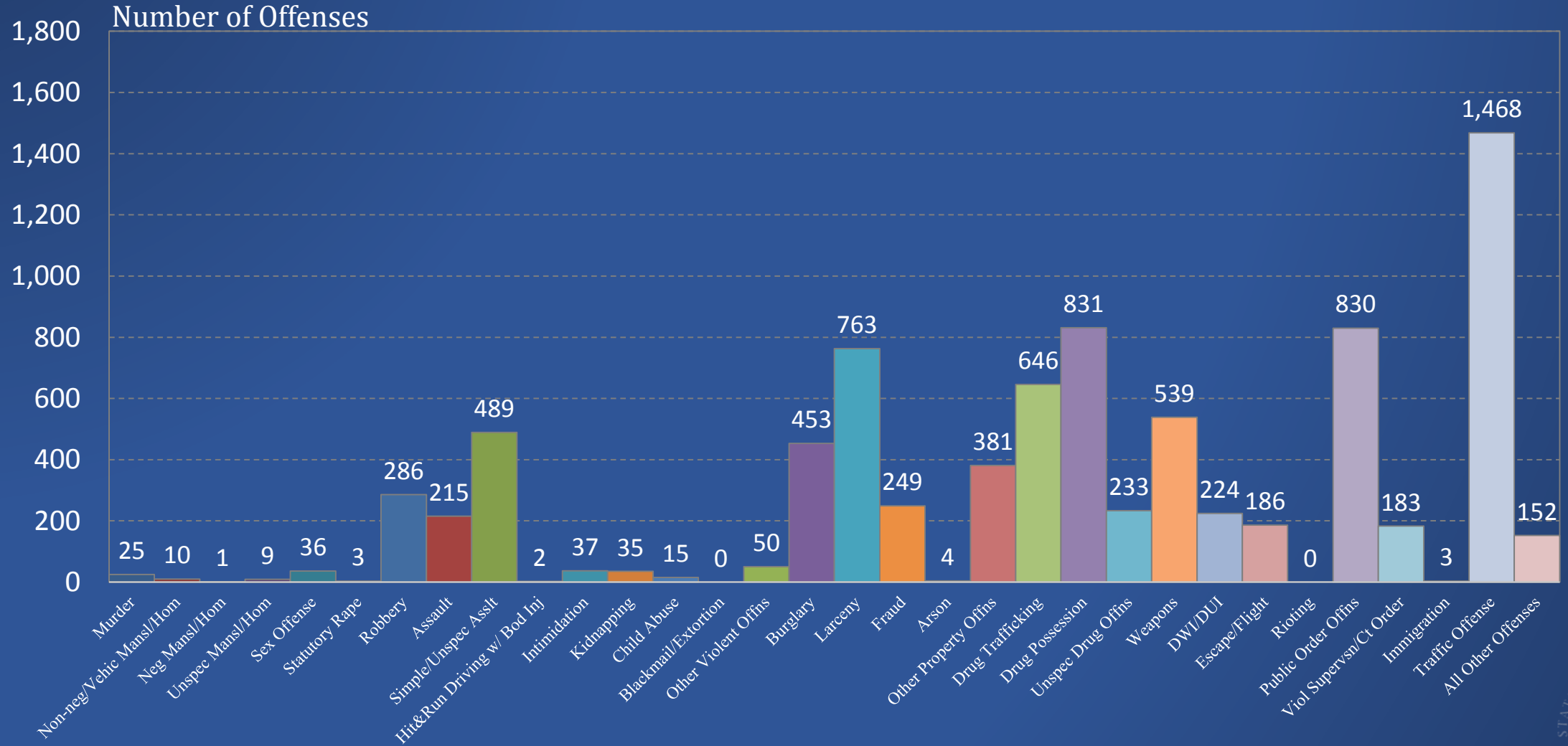
Base offense level of 20, 22, 24, or 26
(specifying prior convictions)



Sample of Firearms Offenders with Selected Criteria

Offense Types Comprising Prior Criminal History Events

Fiscal Year 2014



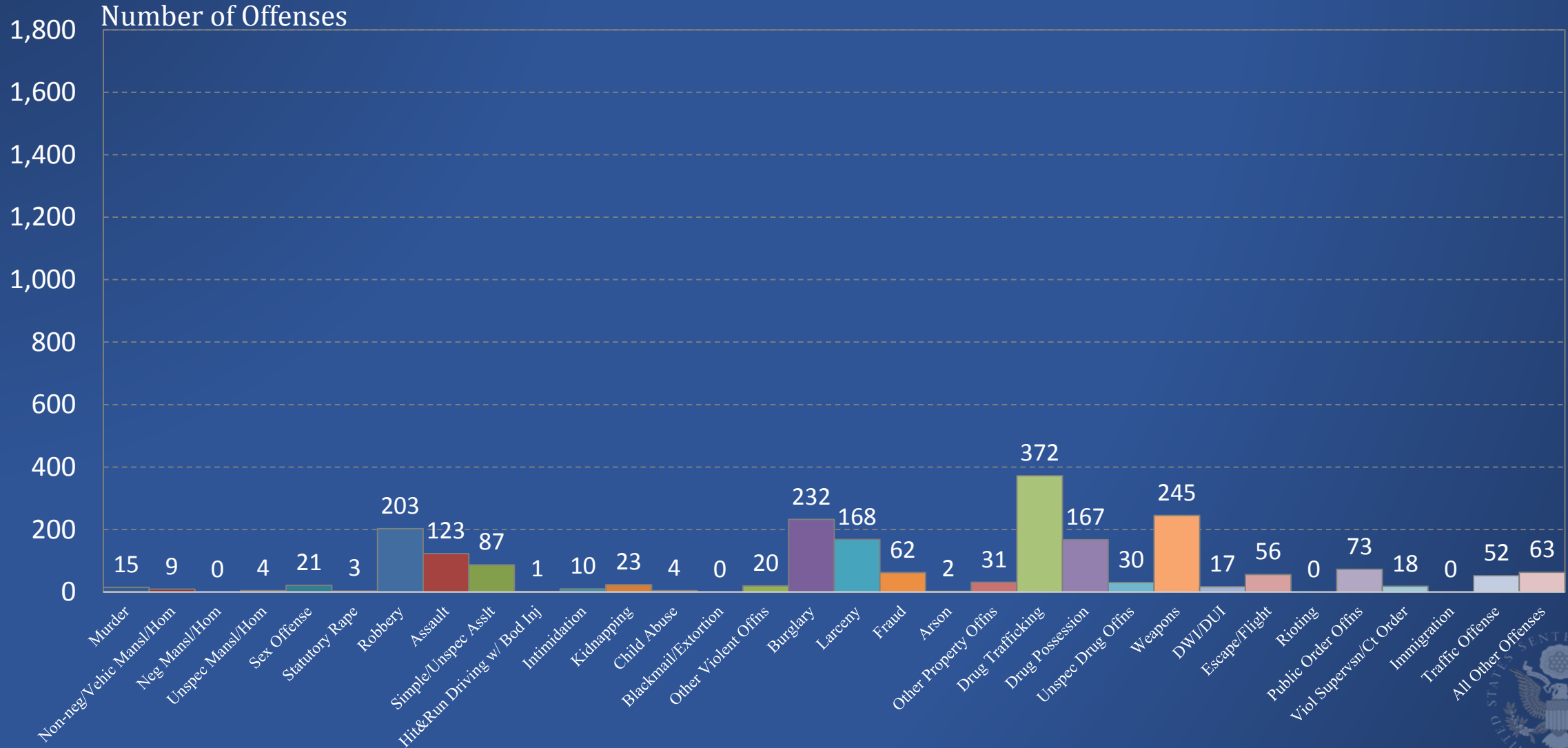
SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included. The firearm offender sample consists of a 20% random sample of all 3,423 offenders sentenced under these select criteria. Cases missing information for a variable were excluded from the analysis for that variable. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Sample of Firearms Offenders with Selected Criteria

Offense Types Comprising 3-Point Prior Criminal History Events

Fiscal Year 2014



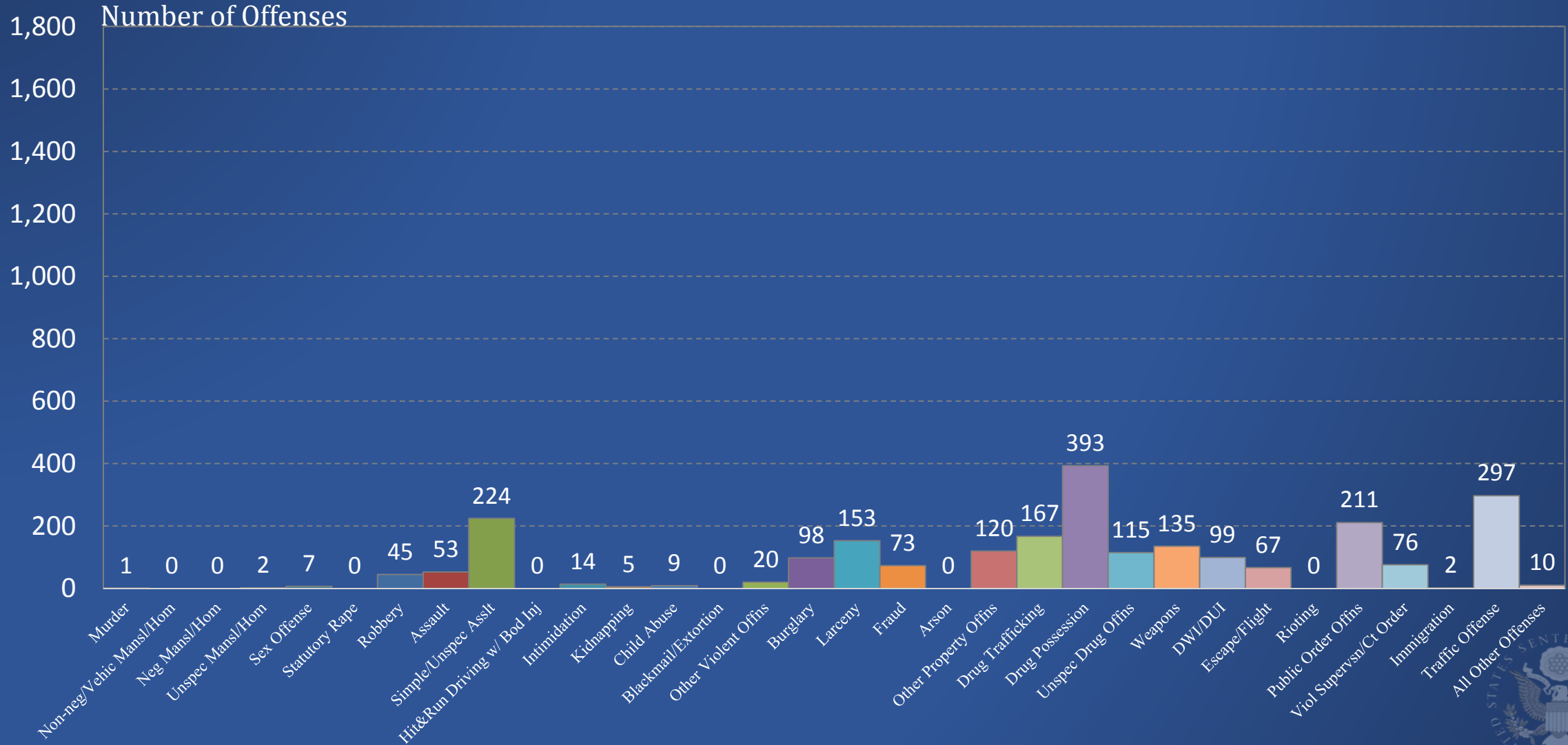
SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included. The firearm offender sample consists of a 20% random sample of all 3,423 offenders sentenced under these select criteria. Cases missing information for a variable were excluded from the analysis for that variable. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Sample of Firearms Offenders with Selected Criteria

Offense Types Comprising 1- and 2-Point Prior Criminal History Events

Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information, convicted under 18 U.S.C. § 922(g), sentenced under §2K2.1, with a base offense level of 20, 22, 24, or 26 were included. The firearm offender sample consists of a 20% random sample of all 3,423 offenders sentenced under these select criteria. Cases missing information for a variable were excluded from the analysis for that variable. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.





ANALYSIS OF IMMIGRATION OFFENDERS WITH SELECTED CRITERIA: GENERAL SENTENCING DATA

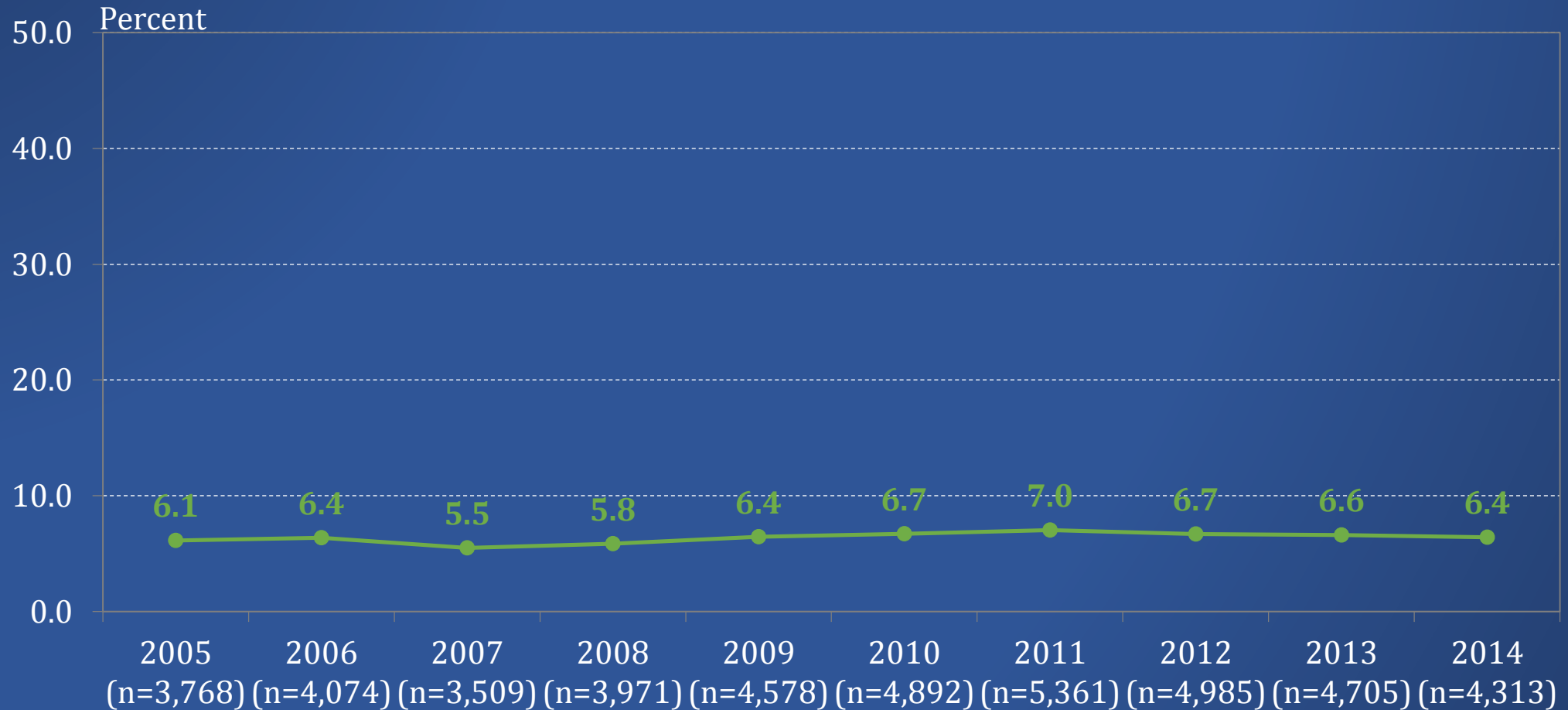


Immigration Offenders with Selected Criteria

- Immigration offenders
 - Sentenced under §2L1.2 (Unlawfully Entering or Remaining in the United States)
 - §2L1.2 offense level increase for a conviction for a felony that is
 - a drug trafficking offense for which the sentence imposed exceeded 13 months (b)(1)(A)(i) or
 - a crime of violence (b)(1)(A)(ii)



Trend in Percentage of Immigration Offenders with Selected Criteria Fiscal Years 2005-2014



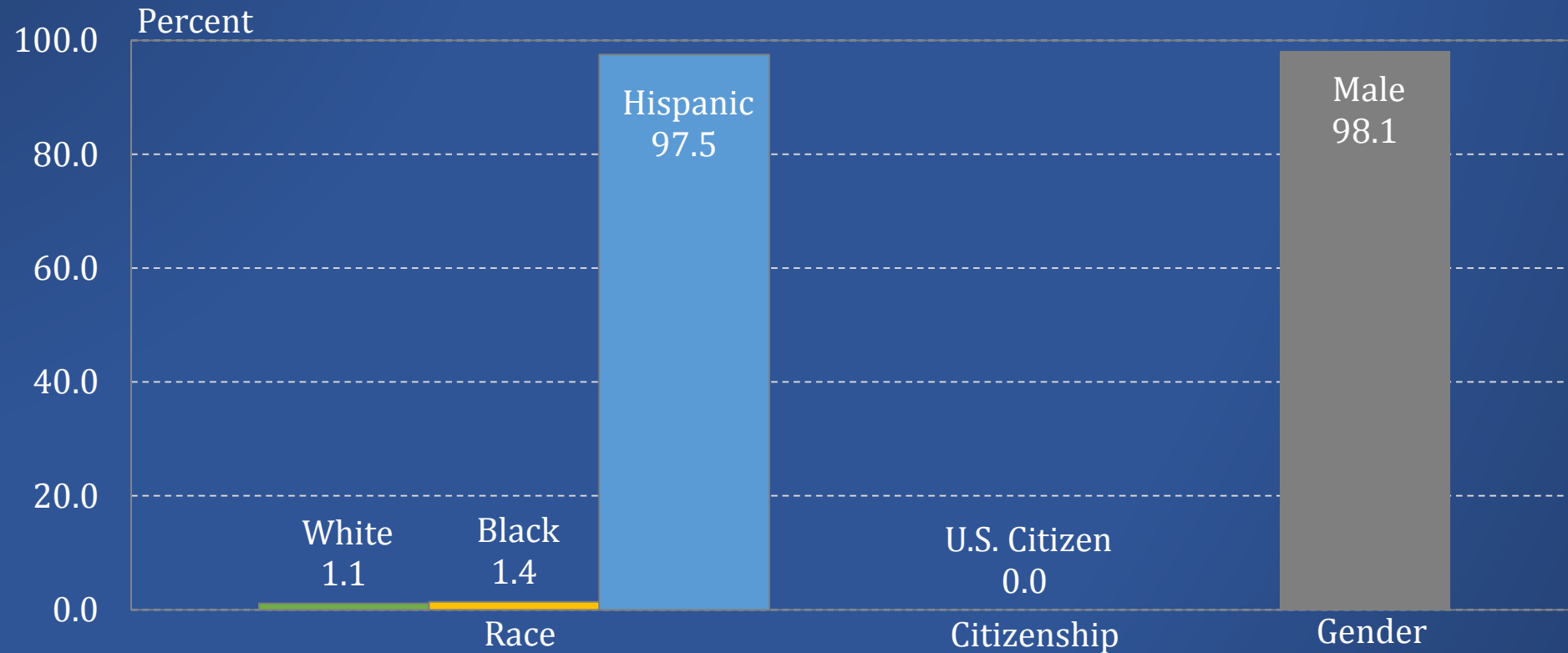
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included.



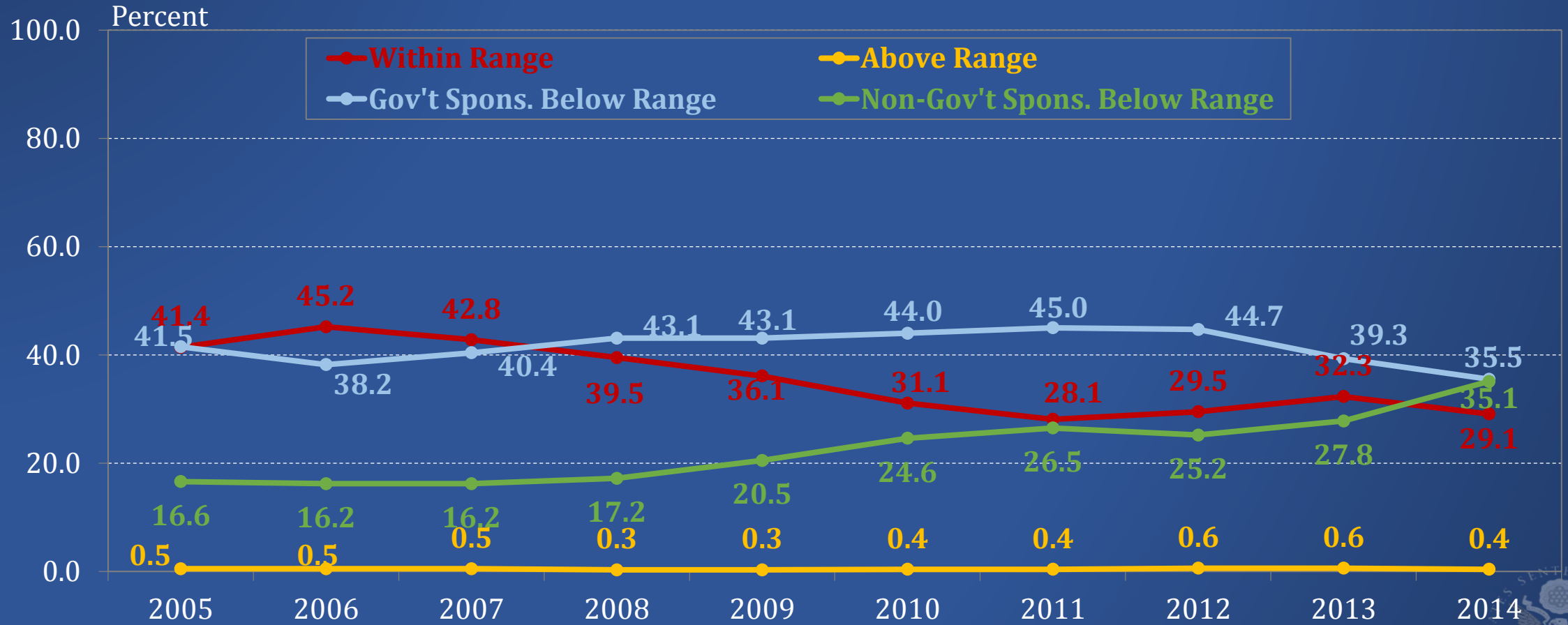
Immigration Offenders with Selected Criteria

Demographic Information

Fiscal Year 2014 (N=4,313)



Immigration Offenders with Selected Criteria Sentences Relative to the Guideline Range Fiscal Years 2005-2014



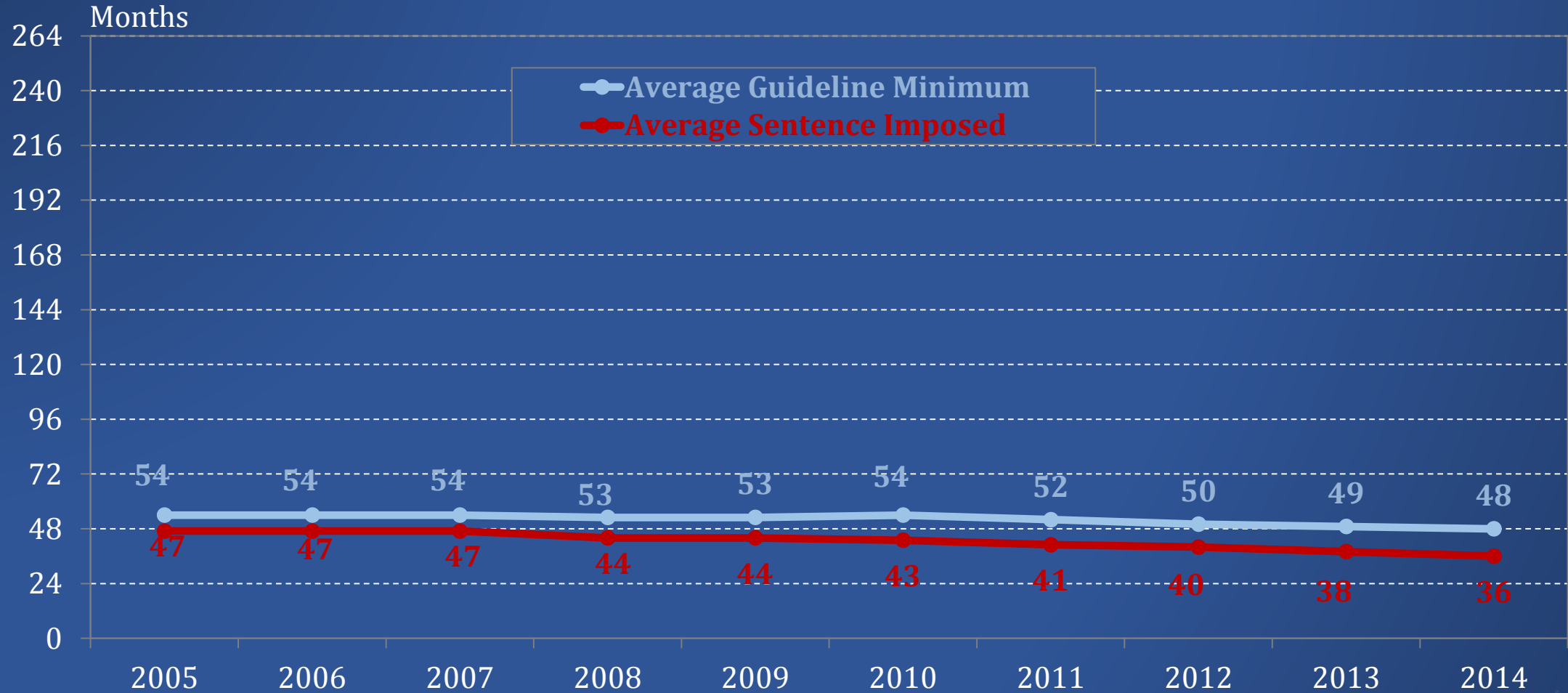
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included. Cases missing information on sentence relative to the guideline range were excluded from the analysis.



Immigration Offenders with Selected Criteria

Average Guideline Minimum and Average Sentence Imposed

Fiscal Years 2005-2014



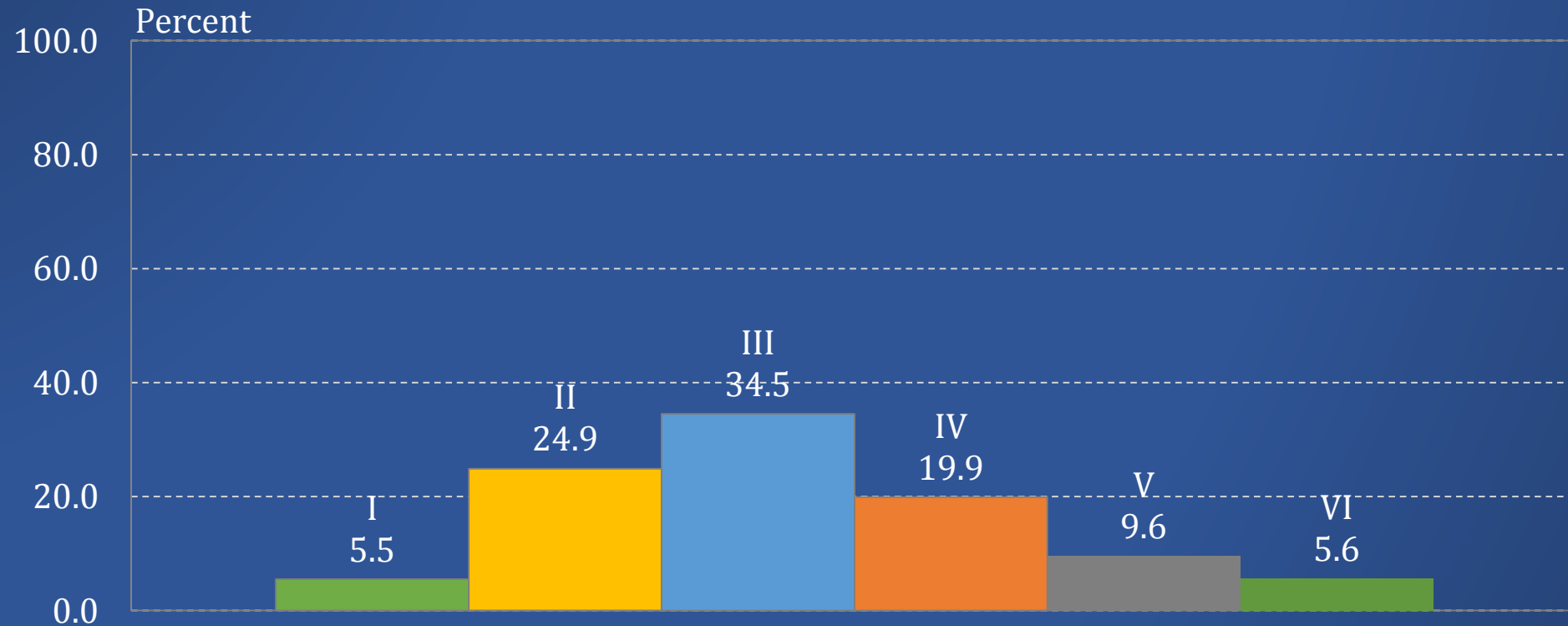
SOURCE: U.S. Sentencing Commission 2005-2014 Datafiles, USSCFY05-USSCFY14. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included. Cases missing information for any variables were excluded from the analysis for that variable.



Immigration Offenders with Selected Criteria

Criminal History Category

Fiscal Year 2014 (N=4,313)



SOURCE: U.S. Sentencing Commission 2014 Datafile, USSCFY14. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included.





ANALYSIS OF IMMIGRATION OFFENDERS WITH SELECTED CRITERIA: OVERVIEW OF CRIMINAL HISTORY EVENTS



Sample of Selected Immigration Offenders for Criminal History Analysis

Selection Criteria for Immigration Offenders (n=910)

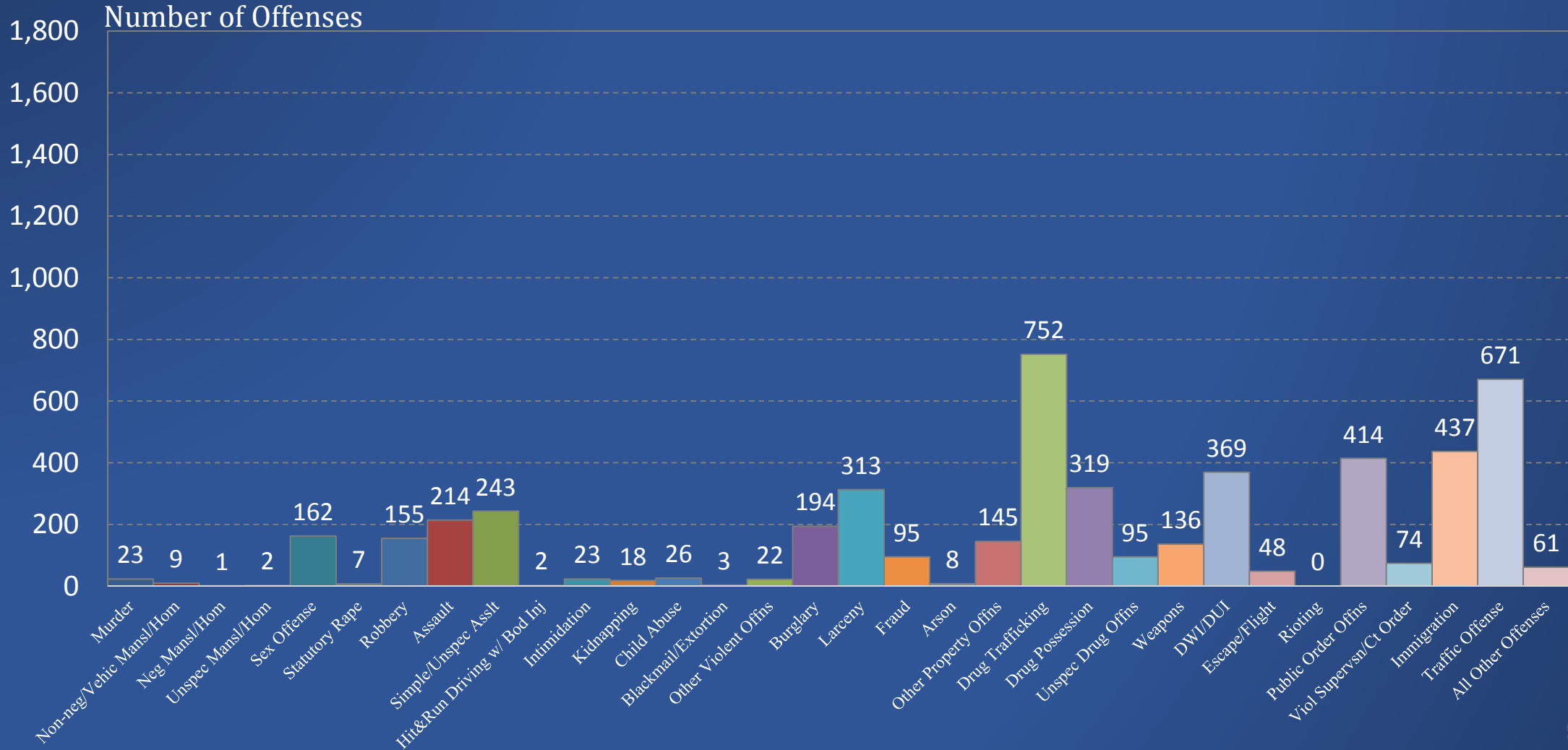
A 20% random sample of all 4,313 offenders

Sentenced under §2L1.2 (Unlawfully Entering or Remaining in the United States)

Offense level increase for a conviction for a felony that is a drug trafficking offense for which the sentence imposed exceeded 13 months (b)(1)(A)(i) or a crime of violence (b)(1)(A)(ii)



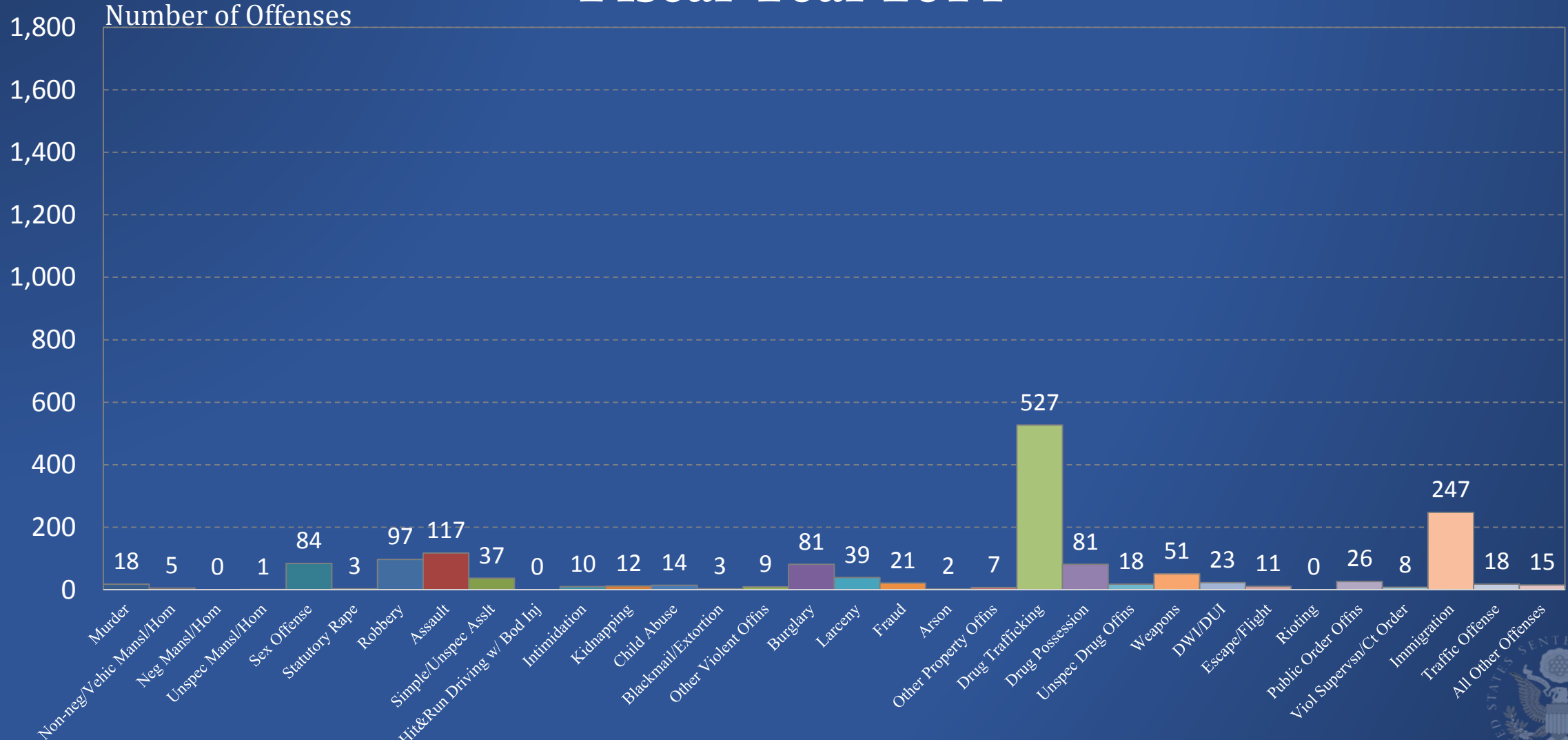
Sample of Immigration Offenders with Selected Criteria Offense Types Comprising Prior Criminal History Events Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included. The immigration offender sample consists of a 20% random sample of all 4,313 immigration offenders sentenced under these stipulations. Cases missing information for a variable were excluded from the analysis for that variable. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Sample of Immigration Offenders with Selected Criteria Offense Types Comprising 3-Point Prior Criminal History Events Fiscal Year 2014



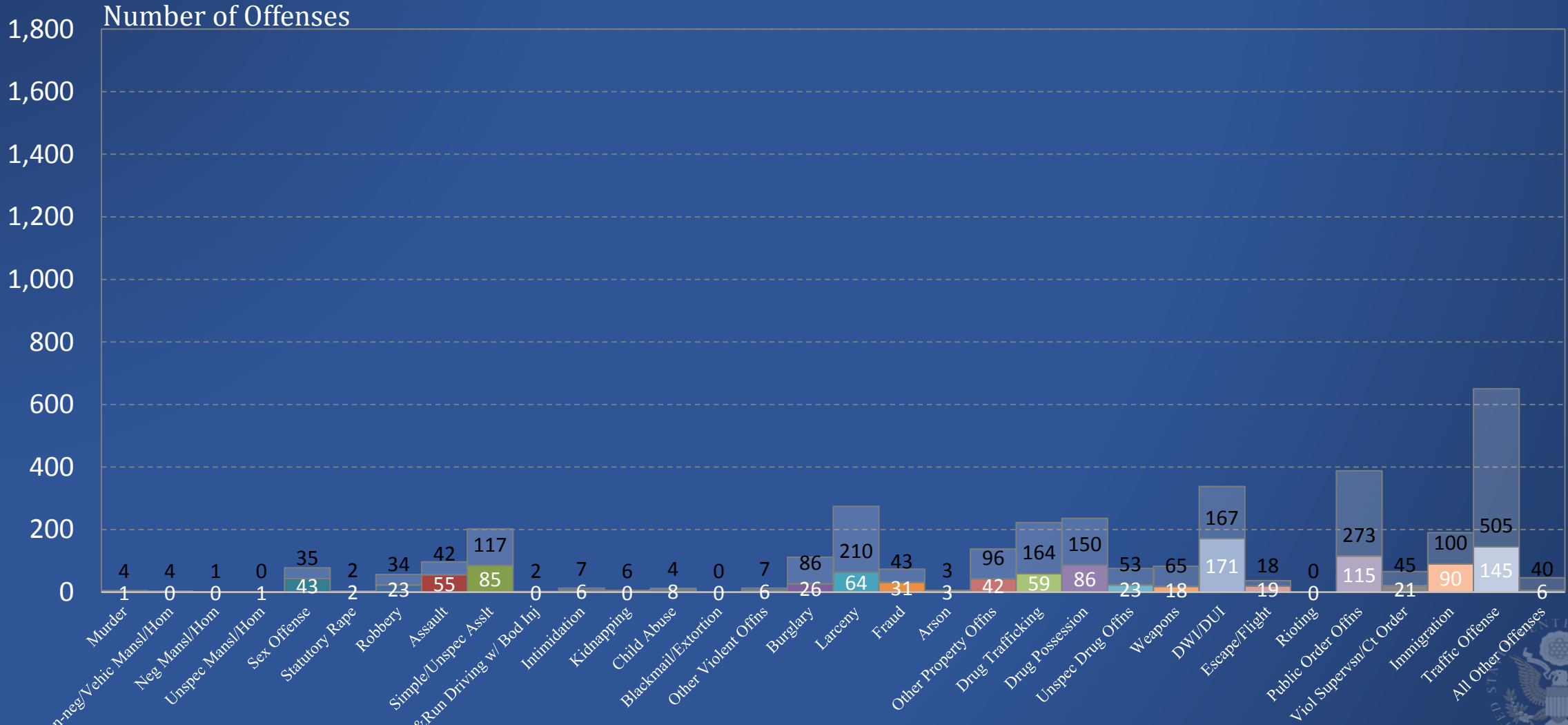
SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included. The immigration offender sample consists of a 20% random sample of all 4,313 immigration offenders sentenced under these stipulations. Cases missing information for a variable were excluded from the analysis for that variable. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.



Sample of Immigration Offenders with Selected Criteria

Offense Types Comprising 0-, 1-, and 2-Point Prior Criminal History Events

Fiscal Year 2014



SOURCE: U.S. Sentencing Commission 2014 Criminal History Policy Team Datafile. Only cases with complete guideline application information sentenced under §2L1.2 with an offense level increase for a conviction for a felony that is (b)(1)(A)(i) a drug trafficking offense for which the sentence imposed exceeded 13 months or (b)(1)(A)(ii) a crime of violence were included. The immigration offender sample consists of a 20% random sample of all 4,313 immigration offenders sentenced under these stipulations. Cases missing information for a variable were excluded from the analysis for that variable. The offense categories were developed in conjunction with NORC from state-specific offenses from 25,000 criminal justice agencies.





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