

Report on Federal Escape Offenses in Fiscal Years 2006 and 2007



United States Sentencing Commission

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I. Introduction

Prompted by a suggestion in a decision by the United States Court of Appeals for the Seventh Circuit, the United States Sentencing Commission undertook a data analysis of federal escape cases to inform the legal question of whether the crime of escape qualifies as a “violent felony” for purposes of 18 U.S.C. § 924(e), the Armed Career Criminal Act (the “ACCA”). Under that statute, an offender convicted under 18 U.S.C. § 922(g) who has three or more prior convictions for a “violent felony” or “serious drug offense” must be sentenced to at least 15 years in prison. In *United States v. Chambers*,¹ the Seventh Circuit addressed whether a particular type of escape – a failure to report to confinement – “involves conduct that presents a serious potential risk of injury to another” such that it qualifies as a “violent felony” under 18 U.S.C. § 924(e)(2)(B). The Seventh Circuit indicated in *Chambers* that data analysis regarding this issue would be useful. The Supreme Court has granted certiorari in *Chambers*.

The Commission has undertaken an analysis of federal escape cases in order to determine the extent to which certain factors that may be indicative of “conduct that presents a serious potential risk of injury to another” (*i.e.*, use or the threat of force against any person, dangerous weapon involvement, or injury) are present in these cases. The Commission undertook this analysis not only of the “failure to report” type of escape at issue in *Chambers* but also of other types of escape to enable comparisons among the various types of escape with respect to the presence of these factors. This report summarizes the legal question at issue and describes the methodology and results of the analysis undertaken by the Commission.

II. Background

In *Chambers*, the Seventh Circuit considered whether the defendant’s prior conviction for failure to report to a penal institution is a “violent felony” for purposes of the ACCA. The ACCA, at 18 U.S.C. § 924(e), provides in pertinent part:

(e)(1) In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined under this title and imprisoned not less than fifteen years

(2) As used in this subsection—

* * *

(B) the term “violent felony” means any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or

¹ 473 F.3d 724 (7th Cir. 2007), *cert. granted*, ___ U.S. ___, 128 S. Ct. 2046 (2008).

carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of injury to another

The issue presented in *Chambers* was whether the conviction for escape under Illinois law constituted a “violent felony.” The Illinois escape statute defines felonious escape as “intentionally escap[ing] from any penal institution or from the custody of an employee of that institution” as well as “knowingly fail[ing] to report to a penal institution or to report for periodic imprisonment at any time.”² The defendant’s prior conviction was in the latter category – failing to report to a penal institution for periodic imprisonment. Whether the defendant’s escape conviction constitutes a violent felony under the ACCA, according to the Seventh Circuit, “depends on whether escape ‘involves conduct that presents a serious potential risk of physical injury to another’” as provided by 18 U.S.C. § 924(e)(2)(B)(ii).³

In affirming the district court, the Seventh Circuit followed circuit precedent holding that categorically all prior felony convictions for escape constitute violent felonies under the ACCA.⁴ The court, however, noted the need for data and analysis to determine whether failures to report or return present a serious potential risk of physical injury to another such that they could be properly categorized as violent felonies under the ACCA.⁵

On April 21, 2008, the Supreme Court granted the defendant’s petition for writ of *certiorari* in *Chambers*⁶ to resolve a circuit conflict of statutory interpretation⁷ by answering the

² 720 Ill. Comp. Stat. Ann. 5/31-6(a) (West 2008).

³ *Chambers*, 473 F.3d at 725.

⁴ *United States v. Golden*, 466 F.3d 612, 614-15 (7th Cir. 2006).

⁵ *But see United States v. Templeton*, ___ F.3d ___, No. 07-2949 2008 WL 4140616 (7th Cir. Sept. 9, 2008) (discussing available data regarding incidence of violence in Wisconsin escape crimes; noting its previous holding that a 2% incidence of injury from a crime constitutes a serious risk; holding that walkaway escapes and failures to report to custody are not “crimes of violence” because such offenses do not involve aggressive conduct as required by *Begay v. United States*, ___ U.S. ___, 128 S. Ct. 1581 (2008)).

⁶ *United States v. Chambers*, 473 F.3d 724 (7th Cir. 2007), *cert. granted*, 128 S. Ct. 2046 (2008).

⁷ All of the Circuit Courts of Appeals, except the Ninth Circuit, have taken the position that escapes categorically are “violent felonies” under 18 U.S.C. § 924(e)(2)(B) or “crimes of violence” under USSG §4B1.1 (Career Offender) (which in USSG §4B1.2 (Definition of Terms Used in Section 4B1.1) is defined in a manner that tracks the ACCA’s

following question:

Whether a defendant's failure to report for confinement "involves conduct that presents a serious potential risk of physical injury to another" such that a conviction for escape based on that failure to report is a "violent felony" within the meaning of the Armed Career Criminal Act, 18 U.S.C. § 924(e).

In an effort to address the need for additional research noted by the Seventh Circuit in *Chambers*, the Commission undertook an analysis of federal escape crimes for which the offender was sentenced in fiscal year 2006 or 2007.⁸

III. Methodology

The following methodology was used to perform the analysis:

First, the Commission identified every federal case in which the offender was sentenced in fiscal year 2006 or 2007 and for which the court determined that the federal sentencing guideline that applied in the case was §2P1.1 (Escape, Instigating or Assisting Escape).⁹ There

definition of "violent felony") based on the reasoning that "every escape scenario is a powder keg, which may or may not explode into violence and result in physical injury to someone at any given time, but which always has the serious *potential* to do so." *United States v. Gosling*, 39 F.3d 1140 (10th Cir. 1994); *see United States v. Adewani*, 467 F.3d 1340 (D.C. Cir. 2006); *United States v. Golden*, 466 F.3d 612 (7th Cir. 2006); *United States v. Winn*, 364 F.3d 7 (1st Cir. 2004); *United States v. Luster*, 305 F.3d 199 (3d Cir. 2002); *United States v. Jackson*, 301 F.3d 59 (2d Cir. 2002); *United States v. Turner*, 285 F.3d 909 (10th Cir. 2002); *United States v. Gay*, 251 F.3d 950 (11th Cir. 2001); *United States v. Nation*, 243 F.3d 467 (8th Cir. 2001); *United States v. Ruiz*, 180 F.3d 675 (5th Cir. 1999); *United States v. Harris*, 165 F.3d 1062 (6th Cir. 1999); *United States v. Hairston*, 71 F.3d 115 (4th Cir. 1995). The Ninth Circuit has declined to apply this approach to walkaway escapes. *United States v. Piccolo*, 441 F.3d 1084 (9th Cir. 2006).

⁸ The Commission also reviewed and coded information on prior escape offenses found in a random sample of cases from fiscal year 2006 in which the offender was sentenced for a federal crime other than escape but in which the offender previously had been convicted of a state escape crime. These cases had been reviewed previously as part of a larger project examining the criminal history (both state and federal) of certain federal offenders. Information about an offender's state escape offense was obtained from the description of the criminal history of the offender in the presentence investigation report filed in connection with the offender's federal criminal case. This report does not include the results of this review because, for most of these state escape offenses, sufficient information concerning the type of custody, the use or threat of force against any person, dangerous weapon involvement, or injury to another person could not be obtained from the documentation. In general, offenders sentenced in state court are convicted of violent offenses more often than offenders sentenced in federal court. *Compare*, U.S. Department of Justice, Bureau of Justice Statistics, *State Court Sentencing of Convicted Felons, 2004*, Table 1.1 with USSC, *2007 Sourcebook of Federal Sentencing Statistics*, Table 3.

⁹ This report does not analyze cases sentenced under USSG §2L1.2 (Unlawfully Entering or Remaining in the United States), which defines "aggravated felony" as those offenses listed at 8 U.S.C. § 1101(a)(43). *See also*, 8 U.S.C. § 1101(a)(43)(Q), (T) (enumerating certain offenses relating to failure to appear as "aggravated felonies" for purposes of the Immigration and Nationalization Act).

were 461 escape cases identified (244 cases from fiscal year 2006 and 217 cases from fiscal year 2007).¹⁰

Second, the Commission reviewed each case to determine whether sufficient information was included in documentation provided to the Commission to perform the analysis set forth below.¹¹ Of the 461 cases reviewed, 47 cases were eliminated for lack of sufficient information, leaving 414 cases.

Third, the Commission identified five types of escape offenses and reviewed each of the remaining 414 cases to determine which type of escape or attempted escape was involved.¹² The five types of escape for purposes of this analysis are as follows:

- a. Leaving secure custody. In these cases, the escapee left (or attempted to leave) the custody of a location with a secure perimeter, such as a prison or jail. Of the 414 cases reviewed, 64 cases were this type of escape.
- b. Leaving law enforcement custody. In these cases, the escapee left (or attempted to leave) the custody of a law enforcement officer, such as during transport between institutions. Of the 414 cases reviewed, 13 cases were this type of escape.
- c. Leaving nonsecure custody (sometimes referred to as a "walkaway"). In these cases, the escapee left (or attempted to leave) custody with no significant physical restraint, such as a halfway house, a prison camp, home detention, or a supervised work detail. Of the 414 cases reviewed, 177 cases were this type of escape.

¹⁰ The offenses of conviction in these cases were 18 U.S.C. § 4 (Misprision of felony) (one case), 371 (Conspiracy to commit offense or to defraud United States) (23 cases), 401 (Power of court) (one case), 751 (Prisoners in custody of institution or officer) (424 cases), 752 (Instigating or assisting escape) (23 cases), 1071 (Concealing person from arrest) (two cases), and 1072 (Concealing escaped prisoner) (six cases). In some cases the offender was convicted of more than one offense.

¹¹ The analysis set forth below was made after reviewing the charging document, presentence investigation report, the plea agreement (if any), the judgment and commitment order, and the Statement of Reasons form. A case was eliminated if sufficient information could not be obtained from those documents.

¹² In 11 of these 414 cases, the offender attempted but did not complete the escape. In 23 of the 414 cases, the offender's conduct involved aiding and abetting another to escape. In 20 of these 23 cases, the offender was not in custody for another offense and was not required to return to or report to custody for another offense at the time the escape offense was committed. In three of these 23 cases, the offender had been convicted of another offense and was in secure custody (as defined above) for that other offense with the escapee. For purposes of the analysis in this report, each of the 23 aiding and abetting offenders cases was assigned to the type of escape offense to which the escapee was assigned.

- d. Failing to report to custody. In these cases, the escapee failed to report to custody to serve an incarceration sentence. Of the 414 cases reviewed, 42 cases were this type of escape.
- e. Failing to return to custody. In these cases, the escapee failed to return to custody after being released temporarily, such as for unsupervised work release. Of the 414 cases reviewed, 118 cases were this type of escape.

Fourth, the Commission identified three factors that may be indicative of whether the escape or attempted escape "involve[d] conduct that presents a serious potential risk of injury to another."¹³ Each case was then reviewed for the presence of these factors. The factors are as follows:

- a. Force. This factor was considered to be present if (1) the sentencing court applied the enhancement at §2P1.1(b)(1) concerning the "use or the threat of force against any person," or (2) the offender was concurrently convicted of another offense arising from the escape that required as an element the use or threat of force.¹⁴
- b. Dangerous Weapon. This factor was considered to be present if the sentencing documentation indicated that the offender used, brandished, or otherwise possessed any dangerous weapon in connection with the escape. For purposes of this analysis, a dangerous weapon means an instrument capable of inflicting death or serious bodily injury.
- c. Injury. This factor was considered to be present if the sentencing documentation indicated that the offender caused any bodily injury (including death) to another in connection with the escape.

As discussed in this report, each of the 414 cases represents one distinct offender. Of the 414 offenders, 394 offenders were in custody or were required to return to or report to custody at the time the escape offense was committed.¹⁵ A description of the type of offenses for which these 394 offenders were in custody or required to return to or report to custody can be found at Appendix A to this report.

None of these offenders were Armed Career Criminals as defined in §4B1.4 (Armed Career Criminal) of the sentencing guidelines; however, 52 were Career Offenders as defined in

¹³ 18 U.S.C. § 924(e)(2)(B)(ii).

¹⁴ Of the 414 cases reviewed, one of the offenders fell into the second category. That offender was convicted of violating 18 U.S.C. § 111 (Assaulting, resisting, or impeding certain officers or employees).

¹⁵ Of the 414 offenders, 20 offenders aided and abetted another to escape and were not in custody for another offense or required to return to or report to custody for another offense at the time the escape offense was committed.

section §4B1.1 (Career Offender) of the sentencing guidelines. A summary analysis of the prior criminal history of these offenders can be found at Appendix B to this report.

IV. Results of the Analysis

The following analysis presents the data on the presence of the factors in an escape offense that may be indicative of conduct presenting a serious potential risk of injury to another (*i.e.*, the use or threat of force, dangerous weapon involvement, or injury). For all 414 escape offenses included in the analysis, Part A presents overall data on the presence of these factors cumulatively: (1) for both completed escapes, attempted escapes, and aiding and abetting offenses, and (2) at both the time of the escape and the time the escapee was apprehended. Part B also presents the data cumulatively for completed escapes, attempted escapes, and aiding and abetting offenses but disaggregates the data to report on the presence of these factors only at the time of the escape. Part C disaggregates the data to report on the presence of these factors only at the time the escapee was apprehended. Part C reports data only for completed escapes and, with respect to aiding and abetting offenses, only for those in which the aider and abetter was present with the escapee at the time the escapee was apprehended.

In Parts A, B, and C the data is sorted by the five types of escapes described in Part III of this report. In addition, in order to facilitate a broader assessment of the issues presented in *Chambers*, the data is then grouped more broadly into two sets of escape types: “secure escapes” in which the offender left secure custody or law enforcement custody, and “nonsecure escapes” in which the offender left nonsecure custody, failed to return to custody to serve an incarceration sentence, or failed to report to custody.

A. Presence of Force, Dangerous Weapon, or Injury Overall

Overall, of the 414 cases, 14 cases, or 3.4 percent, involved use or the threat of force against any person either at the time of escape or attempted escape, at the time of apprehension for the escape, or both; 30 cases, or 7.2 percent, involved a weapon either at the time of escape or attempted escape, at the time the escapee was apprehended, or both; and 12 cases, or 2.9 percent, involved injury either at the time of escape or attempted escape, at the time the escapee was apprehended, or both.

1. By Type of Escape

Figure 1 presents data on the presence of force, dangerous weapon, or injury for each of the five escape types described in Part III of this report. For example, ten of the 64 escapes, attempted escapes, and aiding and abetting offenses in the “leaving secure custody” type involved the use or threat of force against any person at the time of the escape or attempted escape, at the time the escapee was apprehended, or both. This number represents 15.6 percent of the escapes, attempted escapes, and aiding and abetting offenses of that type. Force or the threat of force was used in three of the 177 cases in the “leaving nonsecure custody” type at the

time of the escape or attempted escape, at the time the escapee was apprehended, or both. This number represents 1.7 percent of all cases of that type.

Figure 1¹⁶

Presence of Force, Dangerous Weapon, or Injury by Type of Escape

	Leaving Secure Custody	Leaving Law Enforcement Custody	Leaving Nonsecure Custody	Failing to Report	Failing to Return
Number of cases	64 (100%)	13 (100%)	177 (100%)	42 (100%)	118 (100%)
Force	10 (15.6%)	1 (7.7%)	3 (1.7%)	0 (0.0%)	0 (0.0%)
Dangerous Weapon	20 (31.3%)	1 (7.7%)	4 (2.3%)	3 (7.1%)	2 (1.7%)
Injury	7 (10.9%)	2 (15.4%)	3 (1.7%)	0 (0.0%)	0 (0.0%)

2. By Secure Escapes and Nonsecure Escapes

Figure 2 presents data from Figure 1 but organizes it more broadly into two groups of escape types. One group presents data on the presence of force, dangerous weapon, or injury for “secure escapes.” For this group, data is combined for escapes, attempted escapes, and aiding a abetting offenses in the “leaving secure custody” and “leaving law enforcement custody” types. There were 77 cases in this group, representing 18.6 percent of the 414 escape cases analyzed. The other group presents data for “nonsecure escapes.” For this group, data is combined for escapes, attempted escapes, and aiding a abetting offenses in the “leaving nonsecure custody,” “failing to return to custody,” and “failing to report to custody” types. There were 337 cases in this group, representing 81.4 percent of the 414 escape cases analyzed.

a. Force

Force or the threat of force was involved in 11, or 14.3 percent, of the 77 secure escapes at the time of the escape or attempted escape, at the time the escapee was apprehended, or both. Force or the threat of force was involved in three, or 0.9 percent, of the 337 nonsecure escapes at the time of the escape or attempted escape, at the time the escapee was apprehended, or both.

¹⁶ For this and every table in this report, cases can fall into more than one category. For example, one case could involve both force and injury. Such a case would be represented in the appropriate cell in the table for force and also for injury. Therefore, the reader should not aggregate the numbers in any column.

b. Dangerous Weapon

A dangerous weapon was involved in 21, or 27.3 percent, of the 77 secure escapes at the time of the escape or attempted escape, at the time the escapee was apprehended, or both. A dangerous weapon was involved in nine, or 2.7 percent, of the 337 nonsecure escapes at the time of the escape or attempted escape, at the time the escapee was apprehended, or both.

c. Injury

Bodily injury occurred in nine, or 11.7 percent, of the 77 secure escapes at the time of the escape or attempted escape, at the time the escapee was apprehended, or both. Bodily injury occurred in three, or 0.9 percent, of the 337 nonsecure escapes at the at the time of the escape, at the time the escapee was apprehended, or both. The type of injury that resulted ranged from minor abrasions to death in one case.¹⁷

Figure 2

**Presence of Force, Dangerous Weapon, or Injury
by Secure Escapes and Nonsecure Escapes**

	Secure Escapes (leaving secure custody or leaving law enforcement custody)	Nonsecure Escapes (leaving nonsecure custody, failing to report, failing to return)
Number of Cases	77 (100%)	337 (100%)
Force	11 (14.3%)	3 (0.9%)
Dangerous Weapon	21 (27.3%)	9 (2.7%)
Injury	9 (11.7%)	3 (0.9%)

B. Presence of Force, Dangerous Weapon, or Injury At the Time of the Escape

1. By Type of Escape

Figure 3 presents data on the presence of force, dangerous weapon, or injury at the time of the escape or attempted escape for each of the five escape types described in Part III of the report, but excludes data about conduct occurring at the time the escapee was apprehended. For example, nine, or 14.1 percent, of the 64 escapes or attempted escapes in the “leaving secure custody” type involved the use or threat of force against any person at the time of the escape.

¹⁷ In the case involving death, the offender killed another offender while both were residents in a halfway house. The offender then immediately escaped from the halfway house by walking away.

Force or the threat of force was used in one, or 0.6 percent, of the 177 cases in the “leaving nonsecure custody” type.

Figure 3

**Presence of Force, Dangerous Weapon, or Injury At the Time of the Escape
by Type of Escape**

	Leaving Secure Custody	Leaving Law Enforcement Custody	Leaving Nonsecure Custody	Failing to Report	Failing to Return
Number of cases	64 (100%)	13 (100%)	177 (100%)	42 (100%)	118 (100%)
Force	9 (14.1%)	1 (7.7%)	1 (0.6%)	0 (0.0%)	0 (0.0%)
Dangerous Weapon	17 (26.6%)	0 (0.0%)	1 (0.6%)	0 (0.0%)	0 (0.0%)
Injury	7 (10.9%)	1 (7.7%)	1 (0.6%)	0 (0.0%)	0 (0.0%)

2. By Secure Escapes and Nonsecure Escapes

Figure 4 presents the data from Figure 3 but groups it more broadly by “secure escapes” and “nonsecure escapes” as those terms are defined in Part IV.A.2 of this report.

a. Force

Force or the threat of force was involved in ten, or 13.0 percent, of the 77 secure escapes. Force or the threat of force was involved in one, or 0.3 percent, of the 337 nonsecure escapes.

b. Dangerous Weapon

A dangerous weapon was involved in 17, or 22.1 percent, of the 77 secure escapes. A dangerous weapon was involved in one, or 0.3 percent, of the 337 nonsecure escapes.

c. Injury

Bodily injury occurred in eight, or 10.4 percent, of the 77 secure escapes. Bodily injury occurred in one, or 0.3 percent, of the 337 nonsecure escapes.

Figure 4

**Presence of Force, Dangerous Weapon, or Injury At the Time of the Escape
by Secure Escapes and Nonsecure Escapes**

	Secure Escapes (leaving secure custody or leaving law enforcement custody)	Nonsecure Escapes (leaving nonsecure custody, failing to report, failing to return)
Number of Cases	77 (100%)	337 (100%)
Force	10 (13.0%)	1 (0.3%)
Dangerous Weapon	17 (22.1%)	1 (0.3%)
Injury	8 (10.4%)	1 (0.3%)

C. Presence of Force, Dangerous Weapon, or Injury At Time the Escapee was Apprehended

Because some courts have noted the potential for violence in connection with apprehension for the escape crime,¹⁸ the Commission disaggregated the overall analysis in Parts IV.A.1. and IV.A.2. of this report to determine if force, dangerous weapon, or injury was present only at the time the escapee was apprehended. The apprehension in these cases occurred minutes, hours, days, or even weeks after the escape. In some cases, a factor was not present at the time of the escape but was found to be present at the time the escapee was apprehended. Of the 414 cases reviewed, only the 386 cases in which the offender (1) completed the escape, or (2) was an aider or abetter of another to escape and was present with an escapee at the time the escapee was apprehended,¹⁹ were included in this part of the analysis.

1. By Type of Escape

Figure 5 presents data on the presence of force, dangerous weapon, or injury at the time the escapee was apprehended for the escape after completion of the escape for each of the five escape types identified in Part III of this report. For example, in two, or 4.8 percent, of the 42 cases in the “leaving secure custody” type, the offender used force or the threat of force at the time the escapee was apprehended for the escape. In two, or 1.2 percent, of the 173 cases in the

¹⁸ See *supra* note 7.

¹⁹ Of the 23 cases in which an offender aided and abetted another to escape, in six cases the offender was present with the escapee at the time the escapee was apprehended. In none of these cases was force or the threat of force used, was a dangerous weapon possessed, or did any injury to any person.

“leaving nonsecure custody” type, the offender used force or the threat of force at the time the escapee was apprehended.

Figure 5

**Presence of Force, Dangerous Weapon, or Injury
At the Time the Escapee Was Apprehended by Type of Escape**

	Leaving Secure Custody	Leaving Law Enforcement Custody	Leaving Nonsecure Custody	Failing to Report	Failing to Return
Number of cases	42 (100%)	11 (100%)	173 (100%)	42 (100%)	118 (100%)
Force	2 (4.8%)	1 (9.1%)	2 (1.2%)	0 (0.0%)	0 (0.0%)
Dangerous Weapon	4 (9.5%)	1 (9.1%)	3 (1.7%)	3 (7.1%)	2 (1.7%)
Injury	1 (2.4%)	1 (9.1%)	2 (1.2%)	0 (0.0%)	0 (0.0%)

2. By Secure Escapes and Nonsecure Escapes

Figure 6 presents the data from Figure 5 but groups it more broadly by “secure escapes” and “nonsecure escapes” as those terms are defined in Part IV.A.2 of this report (except that, for this part of the analysis, those terms do not include attempted escapes and cases involving aiding and abetting in which the offender was not present with the escapee at the time the escapee was apprehended).

a. Force

Force or the threat of force was involved in three, or 5.7 percent, of the 53 secure escapes at the time the escapee was apprehended. Force or the threat of force was involved in two, or 0.6 percent, of the 333 nonsecure escapes.

b. Dangerous Weapon

A dangerous weapon was involved in five, or 9.4 percent, of the 53 secure escapes at the time the escapee was apprehended. A dangerous weapon was involved in eight, or 2.4 percent, of the 333 nonsecure escapes.

c. Injury

Bodily injury occurred in two, or 3.8 percent, of the 53 secure escapes at the time the escapee was apprehended. Bodily injury occurred in two, or 0.6 percent, of the 333 nonsecure escapes.

Figure 6

**Presence of Force, Dangerous Weapon, or Injury
At the Time the Escapee Was Apprehended by Secure Escapes and Nonsecure Escapes**

	Secure Escapes	Nonsecure Escapes
Number of Cases	53 (100%)	333 (100%)
Force	3 (5.7%)	2 (0.6%)
Dangerous Weapon	5 (9.4%)	8 (2.4%)
Injury	2 (3.8%)	2 (0.6%)

APPENDIX A
Offense Type of Federal Escape Offenders

Offense ¹	Total ²		Pre-Conviction		Post-Conviction	
	n	%	n	%	n	%
TOTAL	435	100.0	52	100.0	383	100.0
Drugs - Trafficking	176	40.5	9	17.3	167	43.6
Firearms	81	18.6	7	13.5	74	19.3
Robbery	47	10.8	6	11.5	41	10.7
Immigration	22	5.1	7	13.5	15	3.9
Fraud	17	3.9	0	0.0	17	4.4
Forgery/Counterfeiting	16	3.7	0	0.0	16	4.2
Assault	12	2.8	4	7.7	8	2.1
Sexual Abuse	10	2.3	4	7.7	6	1.6
Prison Offenses	8	1.8	1	1.9	7	1.8
Larceny	7	1.6	3	5.8	4	1.0
Administration of Justice Offenses	7	1.6	2	3.8	5	1.3
Auto Theft	6	1.4	2	3.8	4	1.0
Other Miscellaneous Offenses	6	1.4	3	5.8	3	0.8
Burglary/B&E	5	1.1	3	5.8	2	0.5
Kidnapping/Hostage Taking	4	0.9	1	1.9	3	0.8
Money Laundering	3	0.7	0	0.0	3	0.8
Drugs - Simple Possession	2	0.5	0	0.0	2	0.5
Manslaughter	2	0.5	0	0.0	2	0.5
Murder	2	0.5	0	0.0	2	0.5
Embezzlement	1	0.2	0	0.0	1	0.3
Racketeering/Extortion	1	0.2	0	0.0	1	0.3

¹ The offenses listed in this appendix are those for which the offender was in custody or was required to return to or report to custody at the time the escape offense was committed. For some offenders in this analysis, court documentation indicated more than one type of offense. Consequently, the total number of offenses cited exceeds the total number of offenders in the analysis. In this appendix, 435 offenses are documented for 394 offenders.

² The total number of offenders includes 380 offenders who completed the escape, 11 offenders convicted of attempting to escape, and three offenders convicted of aiding and abetting another to escape who were in secure custody at the time of the offense. The total number of offenders does not include 20 offenders who, at the time the escape offense was committed, were not in custody for another offense and were not required to return to or report to custody for another offense.

SOURCE: U.S. Sentencing Commission, 2006 and 2007 Datafiles, USSCFY06-USSCFY07.

APPENDIX B
Criminal History Category Distribution for Federal Escape Offenders¹

	n	%
Criminal History Category	414	100.0
Category I	23	5.6
Category II	8	1.9
Category III	88	21.3
Category IV	78	18.8
Category V	63	15.2
Category VI	154	37.2

¹ The total number of offenders includes 11 offenders convicted of attempting to escape and 23 offenders convicted of aiding and abetting another to escape.

SOURCE: U.S. Sentencing Commission, 2006 and 2007 Datafiles, USSCFY06-USSCFY07.