



PUBLIC DATA PRESENTATION FOR THE PROPOSED YOUTHFUL OFFENDERS AMENDMENT

Data to Support Public Comment Period

December 2016

Background

- Study of youthful offenders recommended in TIAG report
- Priority: “Study of the treatment of youthful offenders under the *Guidelines Manual*, including possible amendments to Chapter Five, Part H.”

Introduction To Current Guideline Application

- Offenses committed prior to age 18 (both juvenile and adult sentences) are considered in the calculation of criminal history
 - Juvenile sentences are assigned 1 or 2 points, depending on length
 - Adult sentences are generally treated the same for all offenders
 - A five-year staleness period applies to all offenses committed prior to age 18, except for adult three-point convictions
 - Original Commission was concerned about availability of juvenile records and possible sentencing disparities



Analysis of Youthful Offenders

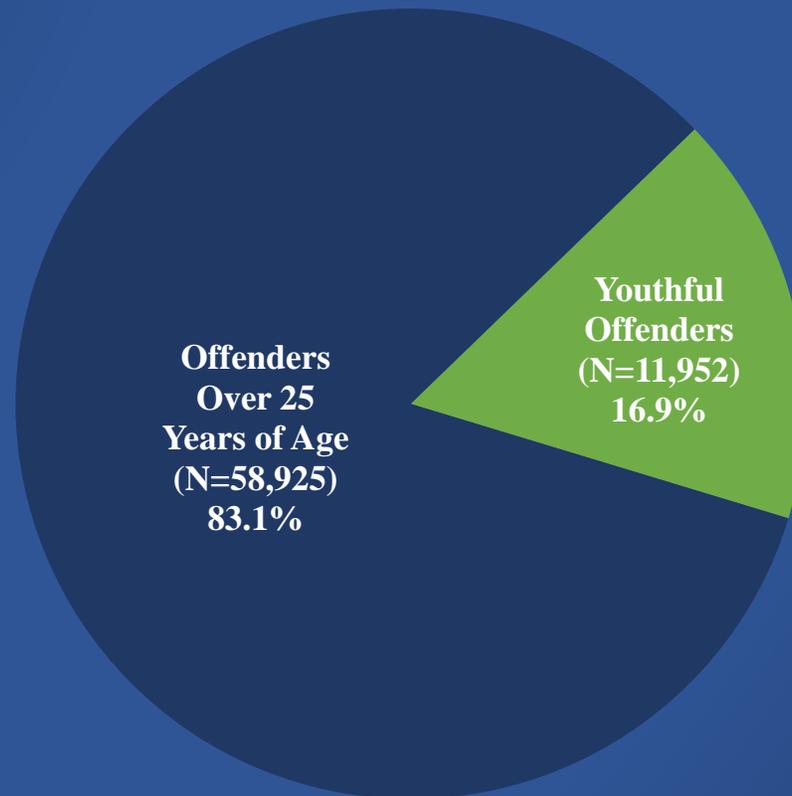
- As part of work in this area, The Commission completed a study of youthful offenders
 - Offenders aged 25 and younger were identified as “youthful” offenders given the literature on brain development and criminal culpability;
 - Also informative about criminal history because of the 5-year staleness limitation.



Literature on Prefrontal Cortex Development

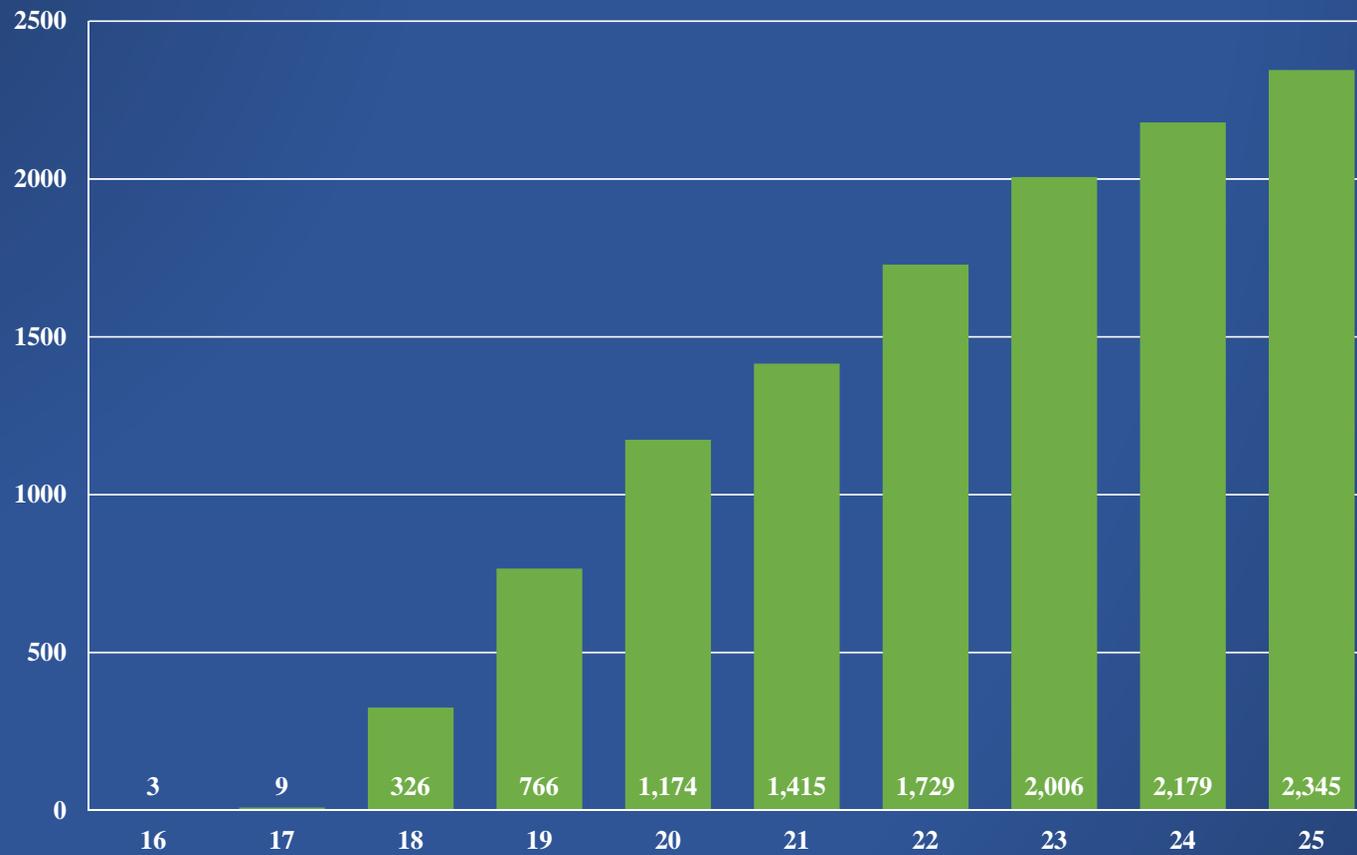
- Responsible for executive functions, such as impulse control, emotional reactions, decision making
- General agreement
 - Not fully formed at age 18
 - Fully formed on average at age 25
 - Various factors could impact the development of the prefrontal cortex

Percent of Youthful and Older Offenders Sentenced Fiscal Year 2015 (N = 71,003)



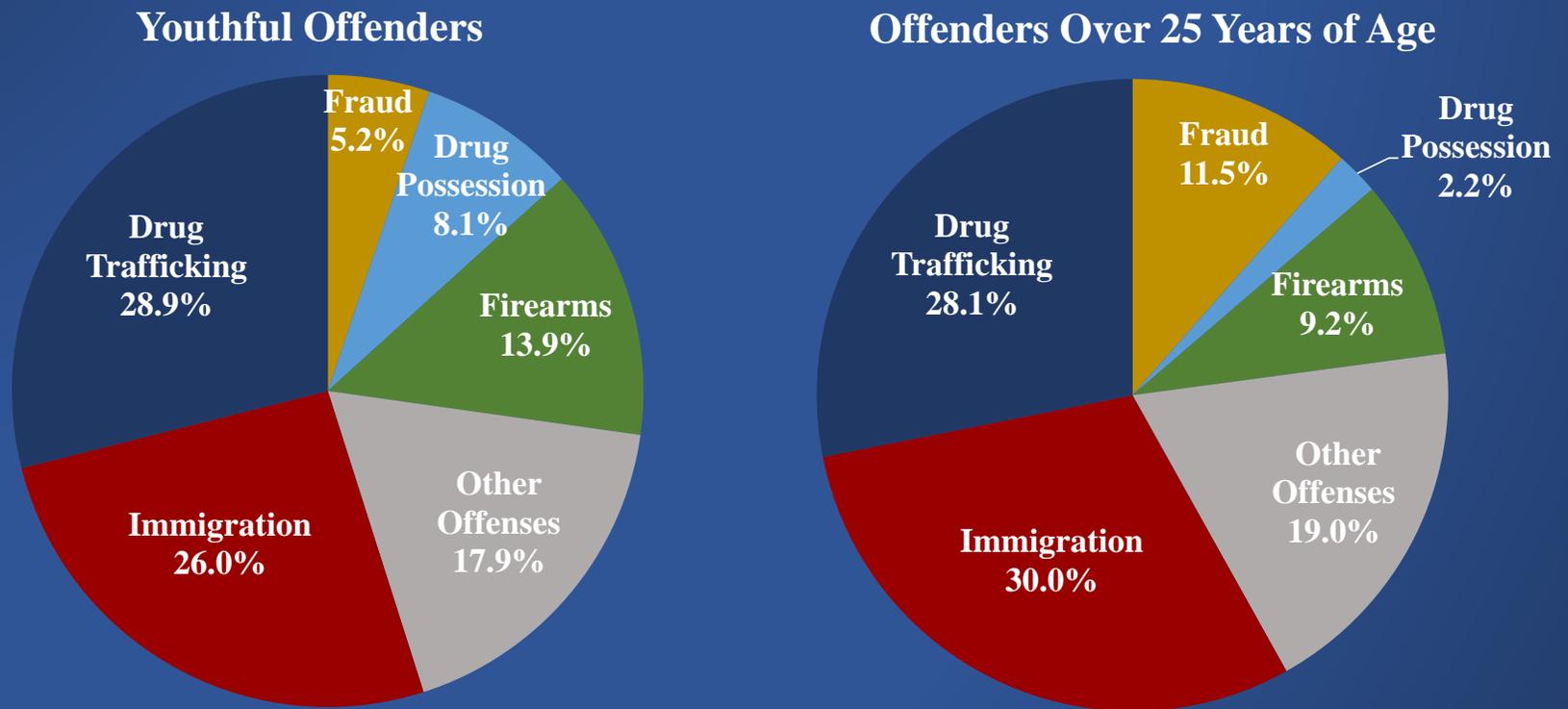
SOURCE: U. S. Sentencing Commission 2016 Youthful Offenders Datafile. Cases missing information for a category were excluded from the analysis for that category.

Offenders Sentenced Between Ages 16 and 25 Years Fiscal Year 2015



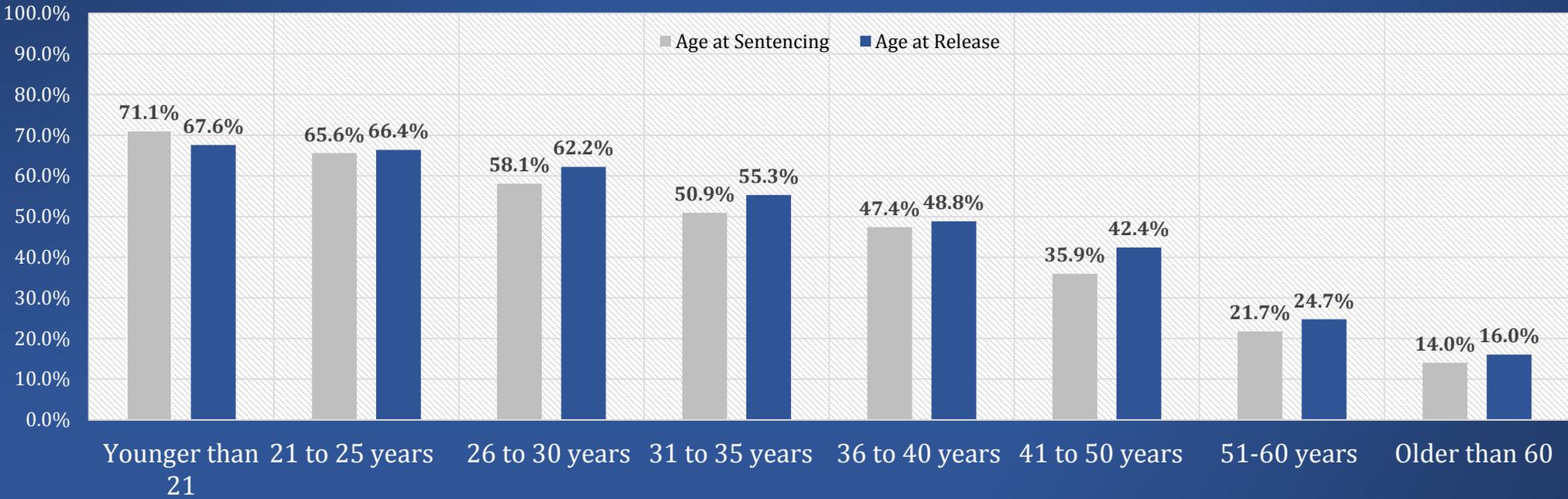
SOURCE: U. S. Sentencing Commission 2016 Youthful Offenders Datafile. Cases missing information for a category were excluded from the analysis for that category.

Figure 7: Offense Type of Federal Youthful Offenders and Offenders Over 25 Years of Age
Fiscal Year 2015



SOURCE: U. S. Sentencing Commission 2016 Youthful Offenders Datafile. Cases missing information for a category were excluded from the analysis for that category.

Rearrest Rates for Recidivism Study Offenders by Age at Sentencing and Release



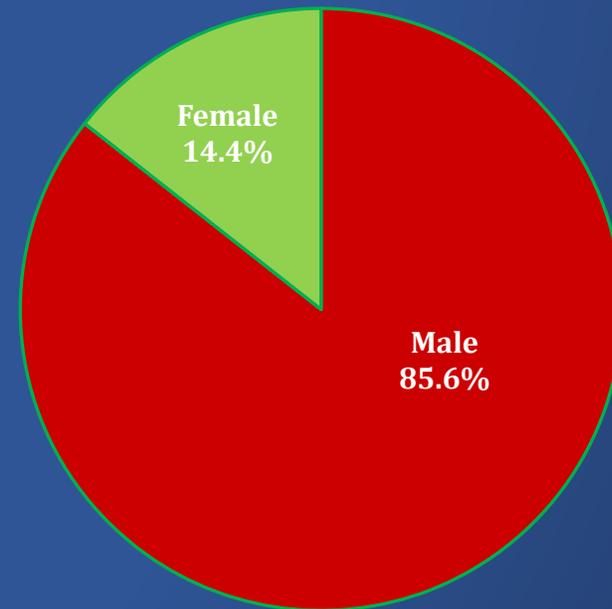
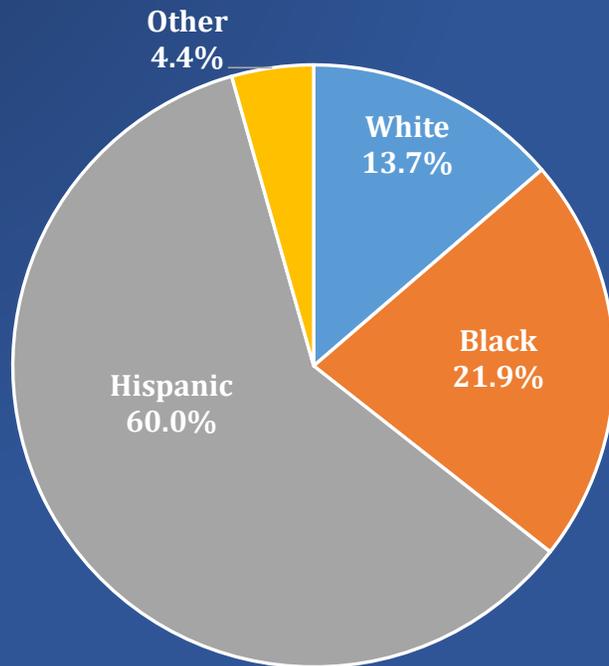
SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05. Of the 25,431 cases in this study, the Commission excluded cases from this analysis that were missing information necessary to perform the analysis.

Special Coding Project Overview

- Purpose was to examine the extent of juvenile adjudications and how they were used in determining criminal history scores
- Sample of 20% of Youthful Offenders Sentenced in FY2015 (Age 25 or younger at time of sentence)
- Coded for prior law enforcement contact, criminal history, and how criminal history impacted criminal history category for all offenses committed prior to the age of 18



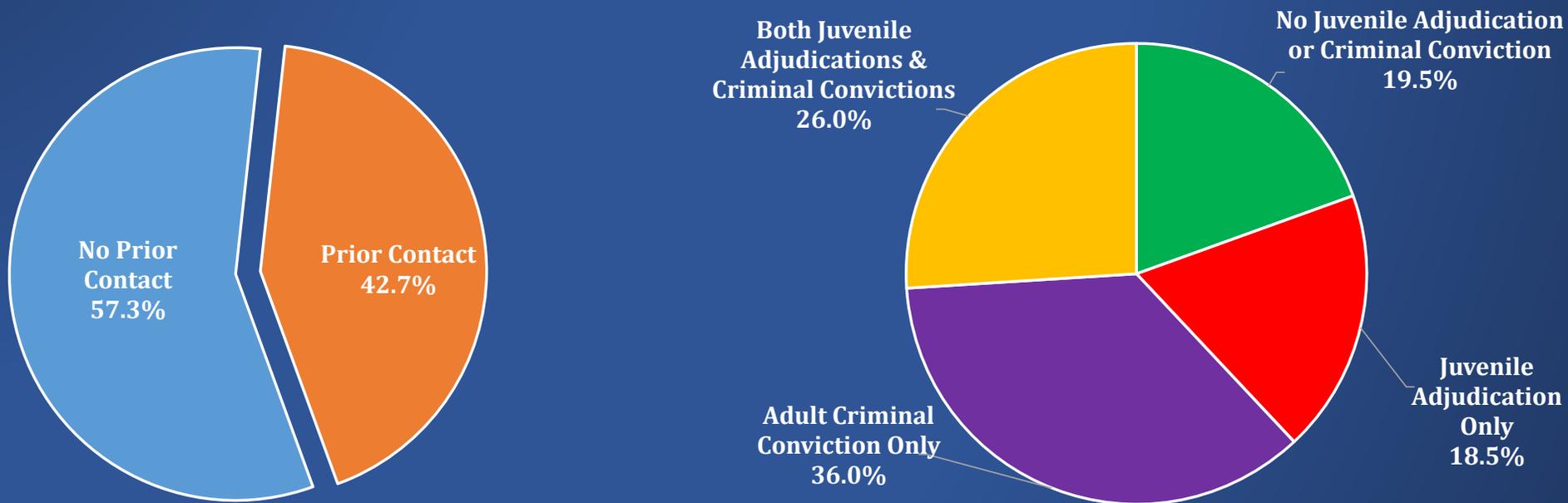
Demographics of Offenders in Special Coding Project



SOURCE: U.S. Sentencing Commission 2016 criminal history special coding project. Only cases with complete guideline application information for offenders sentenced at age 25 or below for the instant offense were included.



Youthful Offenders Contact with Law Enforcement Prior to Age 18

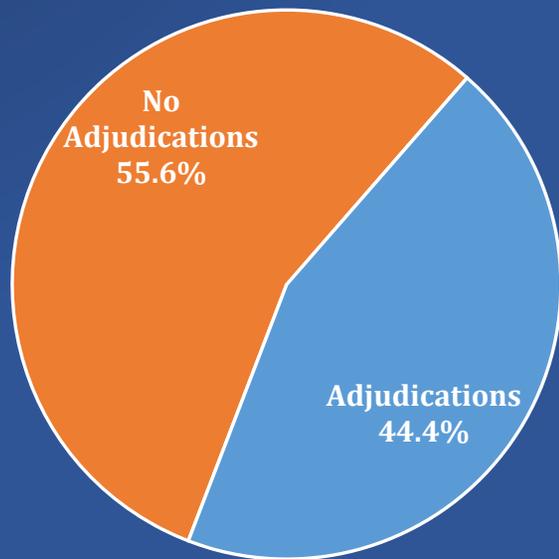


SOURCE: U.S. Sentencing Commission 2016 criminal history special coding project. Only cases with complete guideline application information for offenders sentenced at age 25 or below for the instant offense were included.

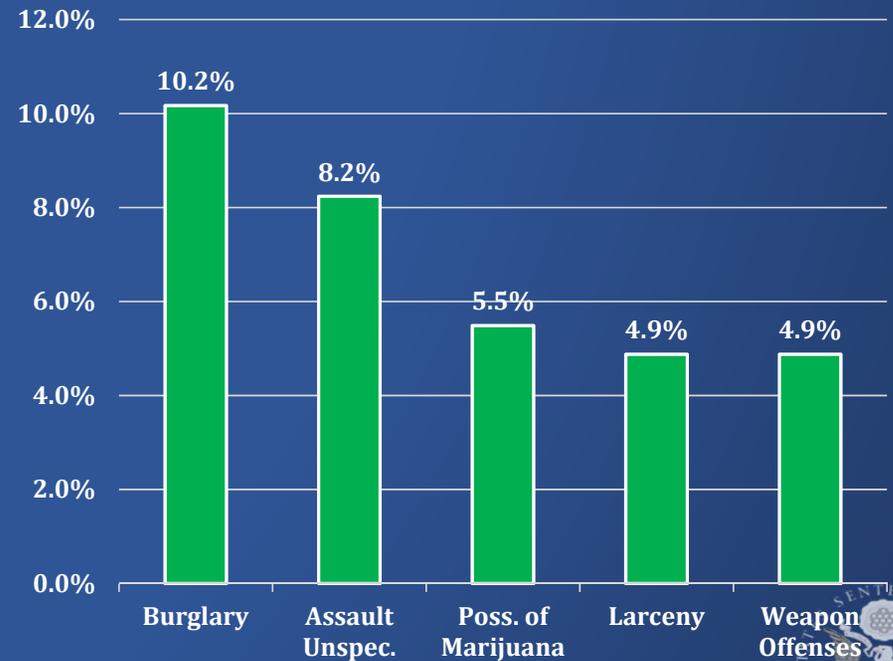


Juvenile Adjudications

Distribution of Juvenile Adjudications



Top 5 Offense Types



SOURCE: U.S. Sentencing Commission 2016 criminal history special coding project. Only cases with complete guideline application information for offenders sentenced at age 25 or below for the instant offense were included.

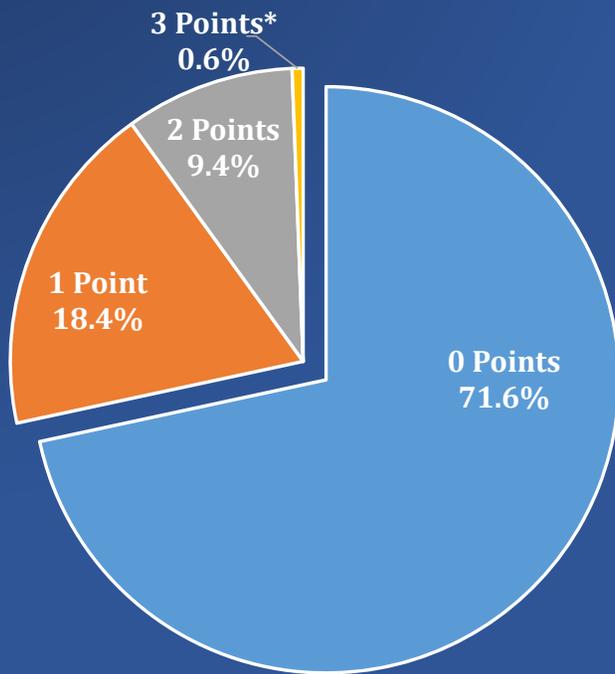




CRIMINAL HISTORY POINTS AND CRIMINAL HISTORY CATEGORY



Criminal History Points for Juvenile Adjudications



Convictions outside applicable time period (stale) (§4A1.2(d)): 55.6%

SOURCE: U.S. Sentencing Commission 2016 criminal history special coding project. Only cases with complete guideline application information for offenders sentenced at age 25 or below for the instant offense were included. * This is a court error as three-points should not be assigned to juvenile adjudications.



How Juvenile Adjudications Affect Criminal History Category

- 36.1% had no change in criminal history category because of juvenile adjudications;
- 63.3% moved up in criminal history category because of juvenile adjudications; and
- 0.6% were not affected by their juvenile adjudications because they were classified as career offenders based on their adult criminal convictions.

SOURCE: U.S. Sentencing Commission 2016 criminal history special coding project. Only cases with complete guideline application information for offenders sentenced at age 25 or below for the instant offense were included.





Submit public comment to the Commission via electronic mail or regular mail
no later than February 20, 2017

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