



Public Data Presentation

Proposed Amendment on Youthful Individuals

January 2024

Presentation Overview

Part A

- Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))

Part B

- Proposed Changes to Age (Policy Statement) (§5H1.1)





Part A

Proposed Changes to Criminal History
Calculation for Offenses Committed
Prior to Age 18 (§4A1.2(d))

Data Examining Individuals Sentenced in
Fiscal Year 2022

Current Calculation Rules in §4A1.2(d)

Points	Type of prior sentence	Prior Sentence Length	Time Frame (Earliest Date of Relevant Conduct)
3	Adult	>13 months	Prior sentence imposed within 15 years of instant offense or resulted in defendant being incarcerated for any part of that 15-year period
2	Adult or juvenile	≥60 days	Defendant released from confinement for prior sentence within 5 years of instant offense
1 (Max of 4)	Adult or juvenile	All other sentences	Prior sentence imposed within 5 years of instant offense

Sentenced Individuals in Fiscal Year 2022



Part A: Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))



Part A: Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))

Option 1

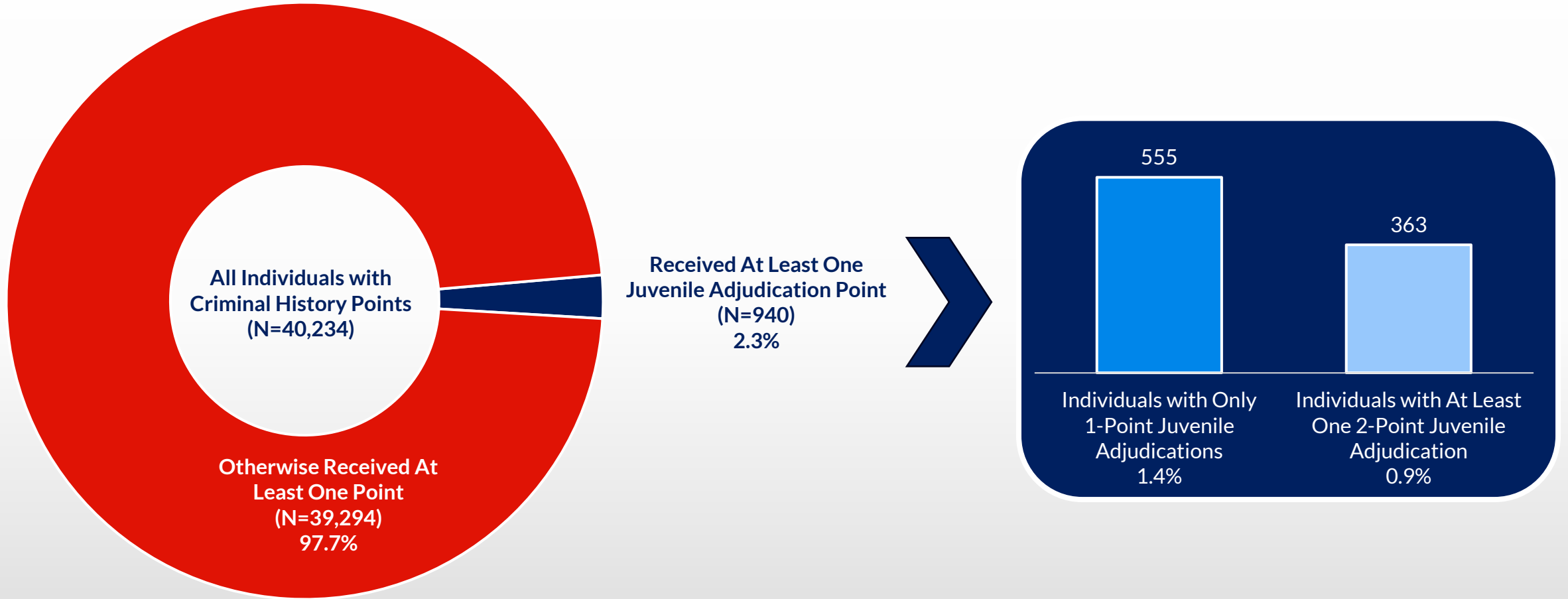
All Scored Juvenile
Adjudications Receive
1 Point

N=363

- ▶ Juvenile Adjudications That Resulted in Confinement No Longer Receive 2 Points
- ▶ All Scored Juvenile Adjudications Receive 1 Point

Option 1 : All Scored Juvenile Adjudications Receive 1 Point

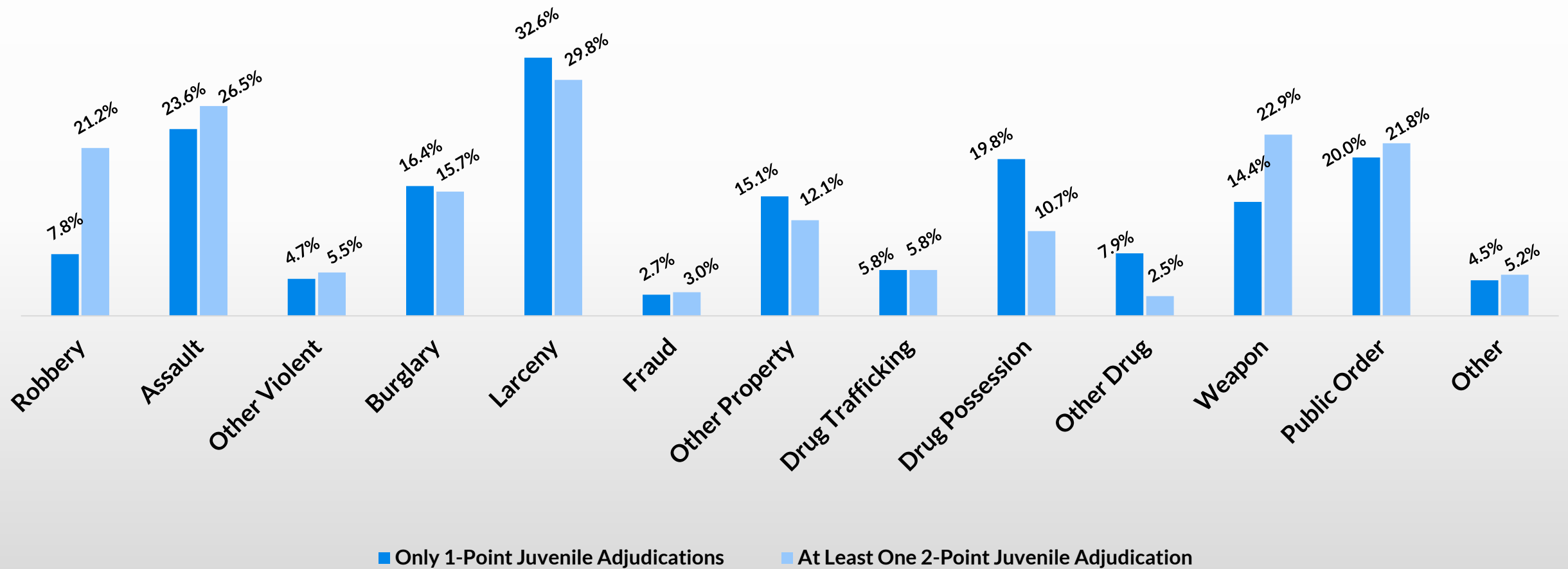
Juvenile Adjudication Points



Of the 940 cases with juvenile adjudications, there were 22 cases in which the event received more than 2 points. These cases are excluded from the Option 1 slides.

SOURCE: United States Sentencing Commission, FY 2022 Criminal History Datafile, CRIMHISTFY22.

Option 1: All Scored Juvenile Adjudications Receive 1 Point Prior Offense Type

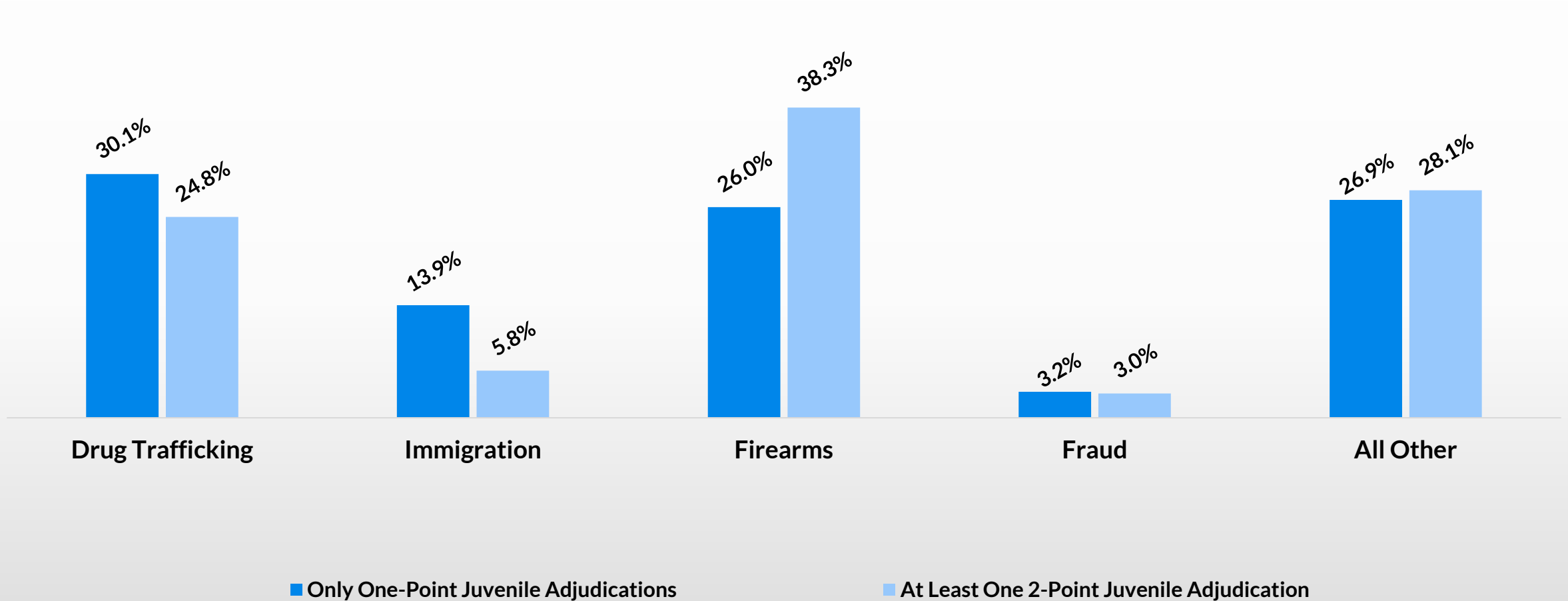


Option 1: All Scored Juvenile Adjudications Receive 1 Point

Demographics

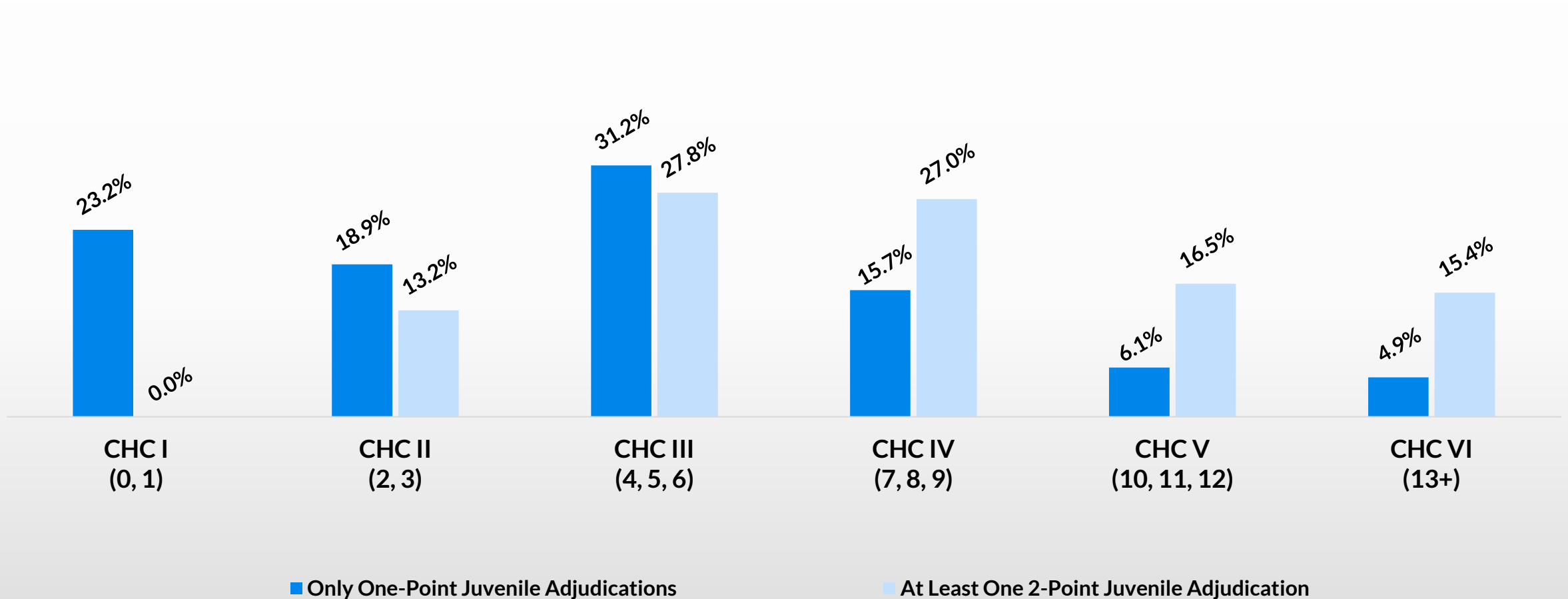
	Only 1-Point Juvenile Adjudications (N=555)	At Least One 2-Point Juvenile Adjudication (N=363)
Race		
White	11.2%	8.8%
Black	46.1%	66.0%
Hispanic	38.0%	22.1%
Other	4.7%	3.0%
Gender		
Male	92.1%	98.1%
Female	7.9%	1.9%
Citizenship		
U.S. Citizen	93.0%	95.0%
Non-U.S. Citizen	7.0%	5.0%

Option 1: All Scored Juvenile Adjudications Receive 1 Point Instant Crime Types



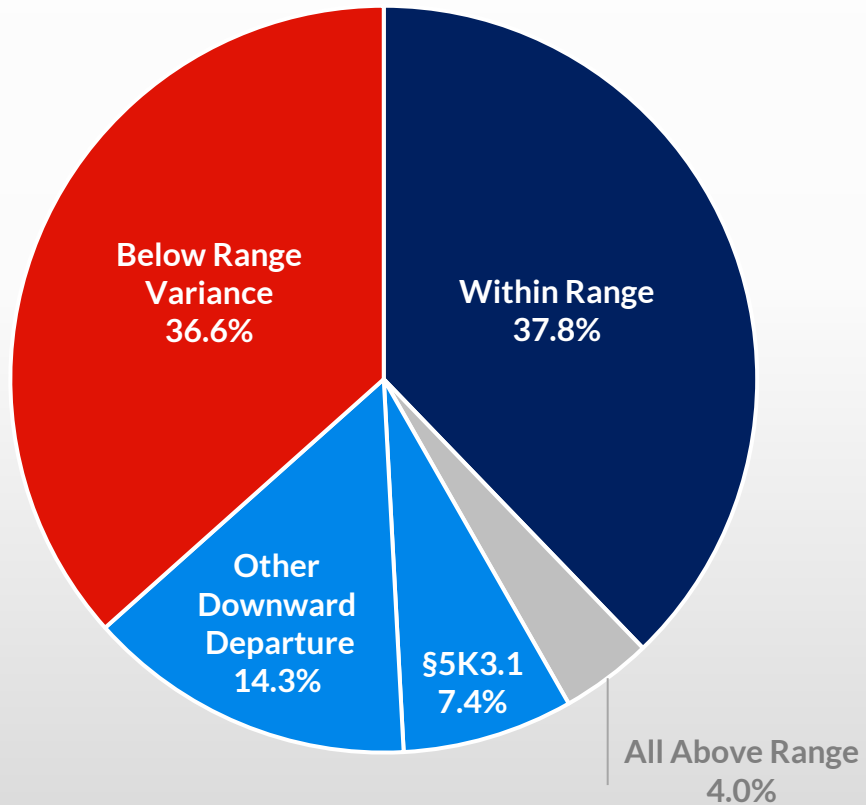
Option 1: All Scored Juvenile Adjudications Receive 1 Point

Criminal History Categories

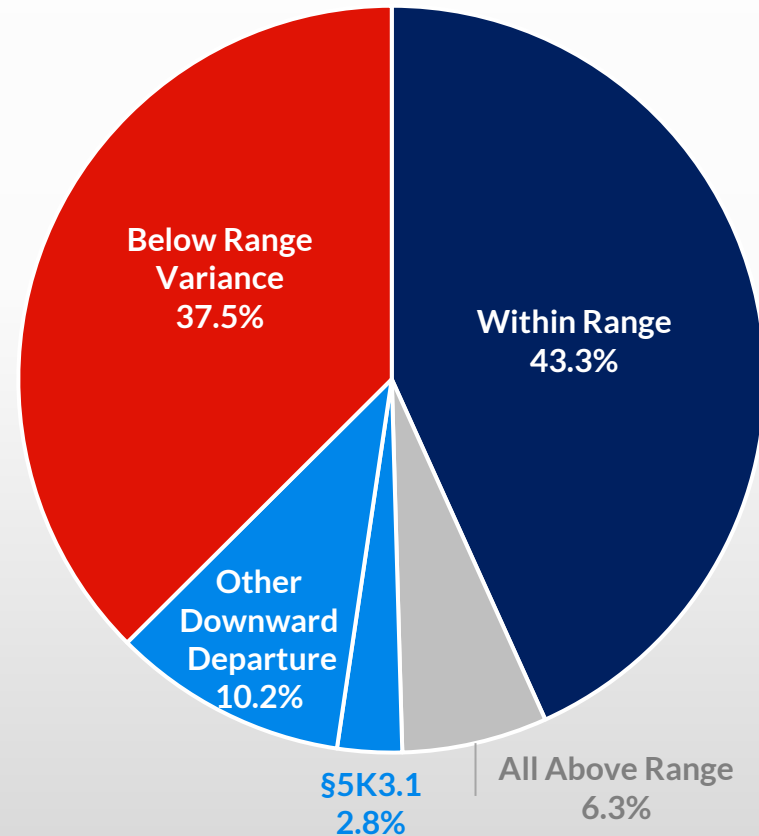


Option 1: All Scored Juvenile Adjudications Receive 1 Point Sentencing Outcomes

Only 1-Point Juvenile Adjudications

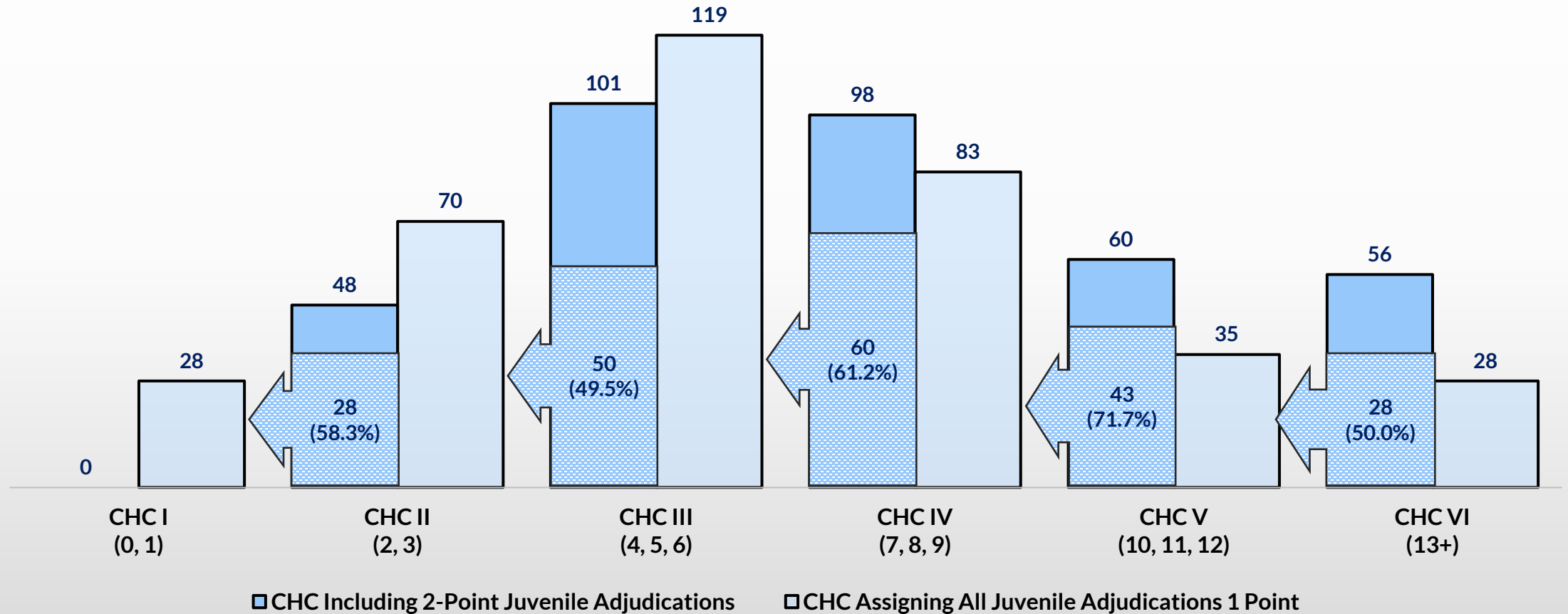


At Least One 2-Point Juvenile Adjudication

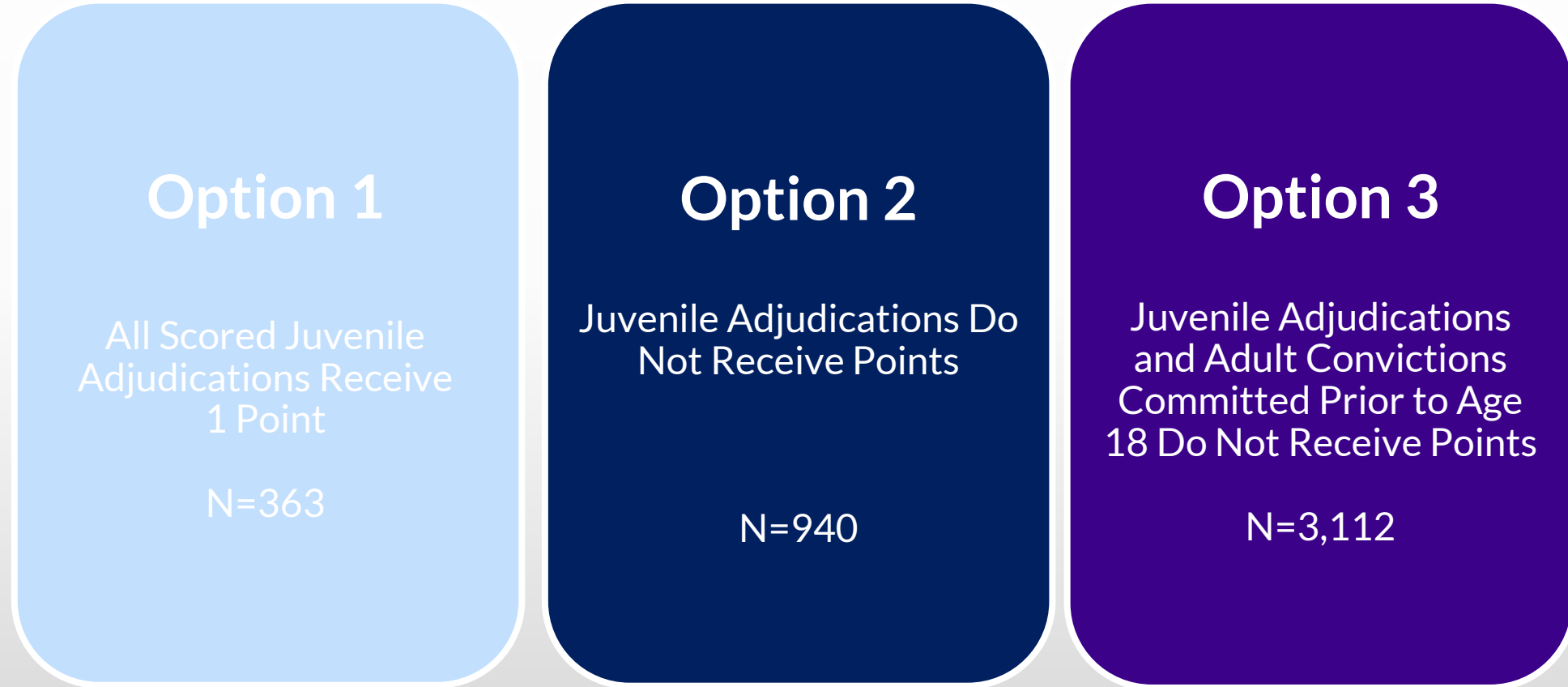


Option 1: All Scored Juvenile Adjudications Receive 1 Point Impact on Criminal History Scores

CHC decreases for 209 of the 363 Individuals (57.6%)



Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))



Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))

Option 2

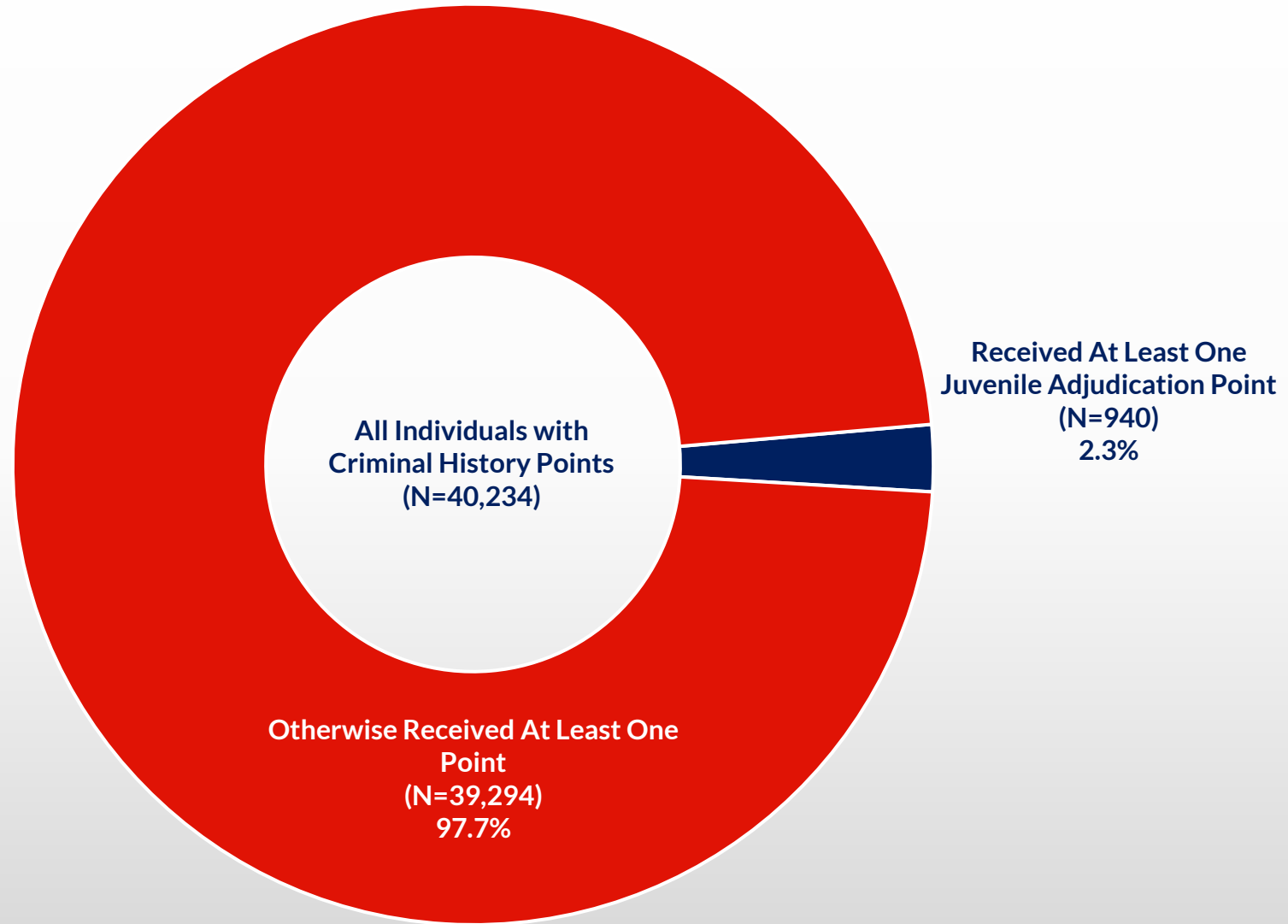
Juvenile Adjudications Do
Not Receive Points

N=940

- ▶ Continue to Count Points for Adult Convictions for Offenses Committed to Prior to Age 18

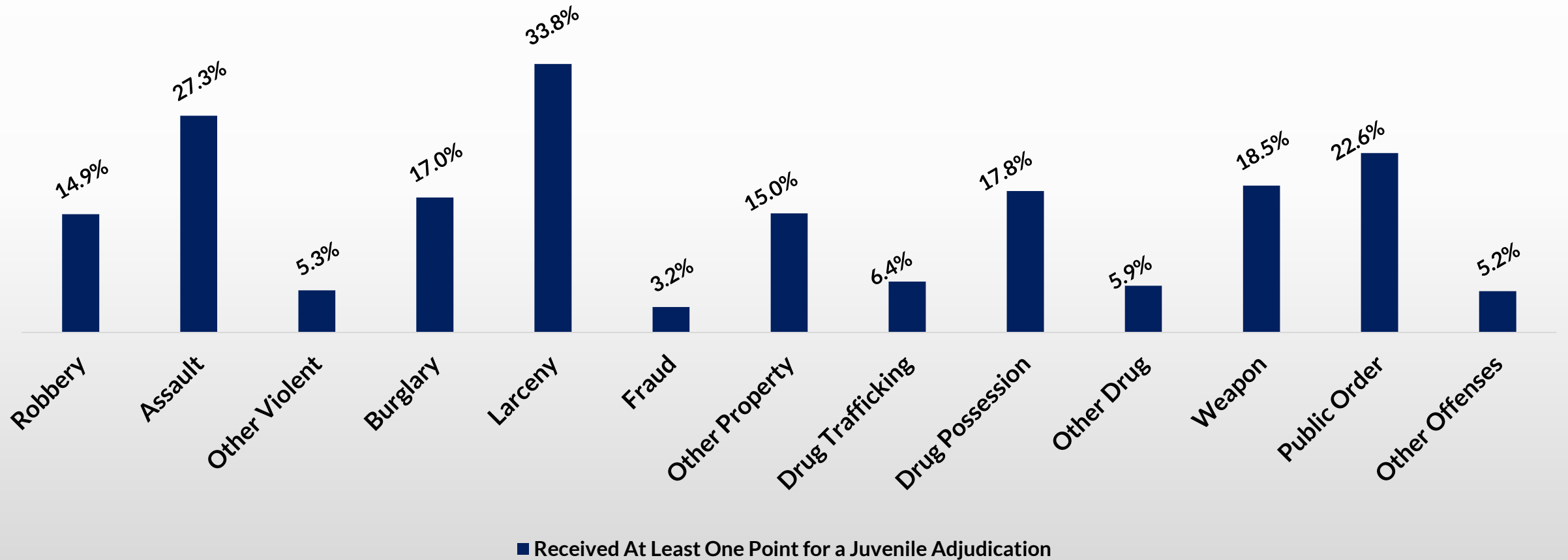
Option 2: Juvenile Adjudications Do Not Receive Points

Juvenile Adjudication Points



Option 2: Juvenile Adjudications Do Not Receive Points

Prior Offense Types



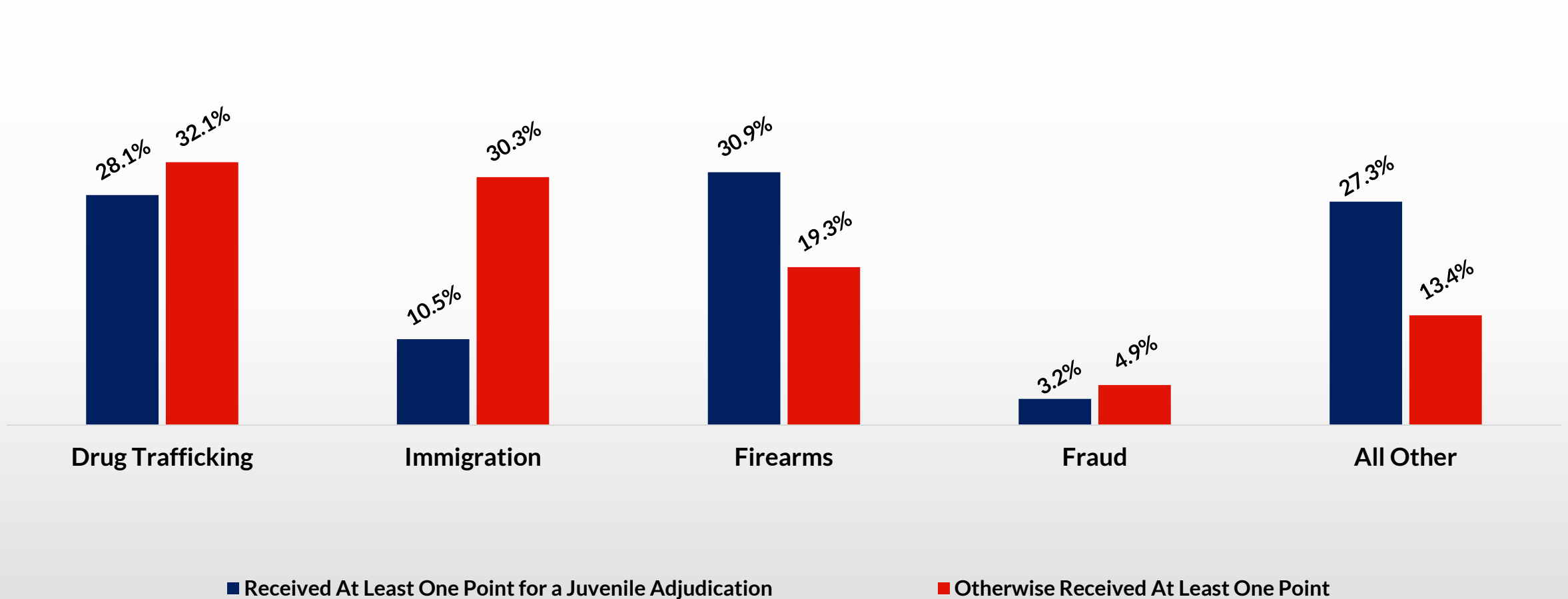
Option 2: Juvenile Adjudications Do Not Receive Points

Demographics

	Received At Least One Juvenile Adjudication Point (N=940)	Otherwise Received At Least One Point (N=39,294)
Race		
White	10.4%	22.4%
Black	53.9%	30.0%
Hispanic	31.4%	44.0%
Other	4.3%	3.6%
Gender		
Male	94.6%	90.8%
Female	5.4%	9.2%
Citizenship		
U.S. Citizen	93.8%	70.4%
Non-U.S. Citizen	6.2%	29.6%

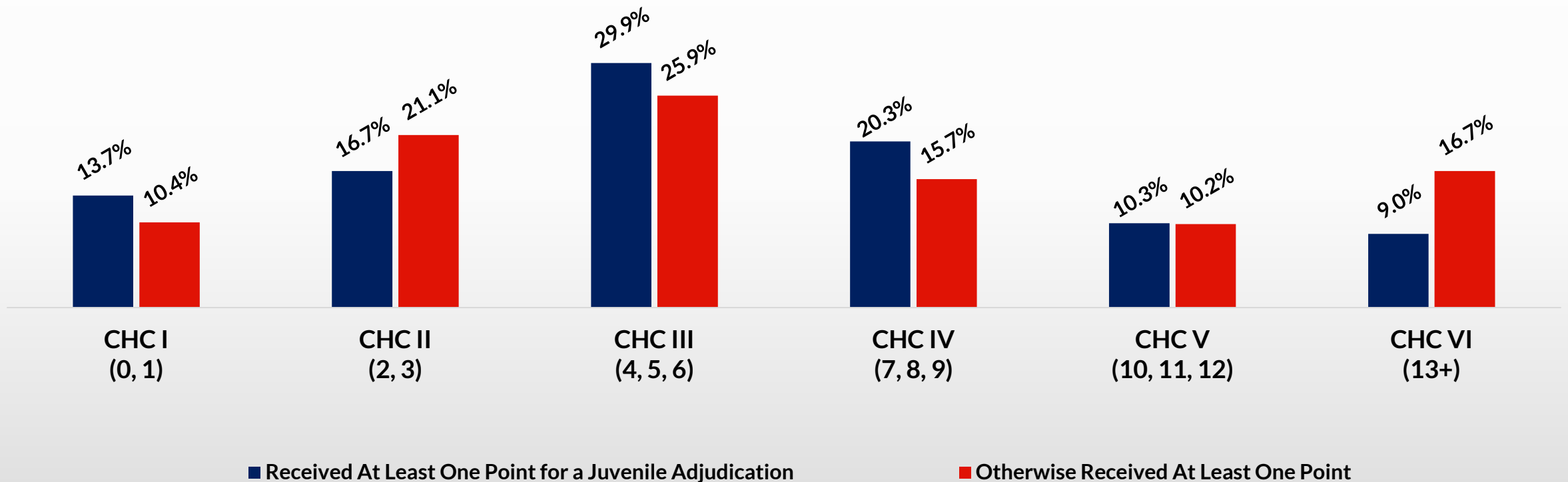
Option 2: Juvenile Adjudications Do Not Receive Points

Instant Crime Types



Option 2: Juvenile Adjudications Do Not Receive Points

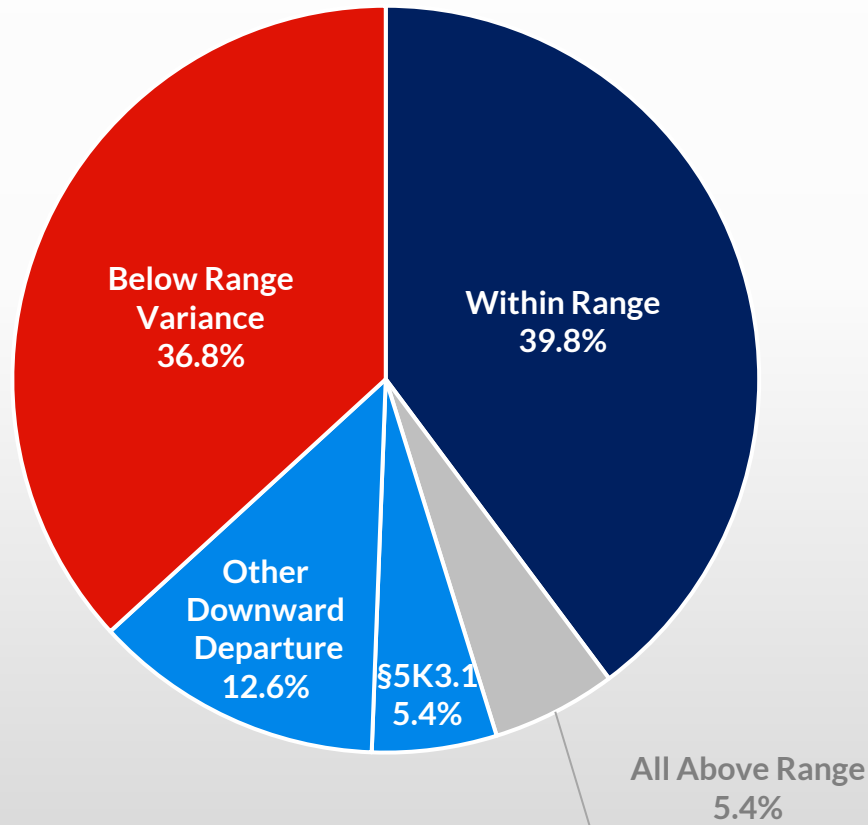
Criminal History Categories



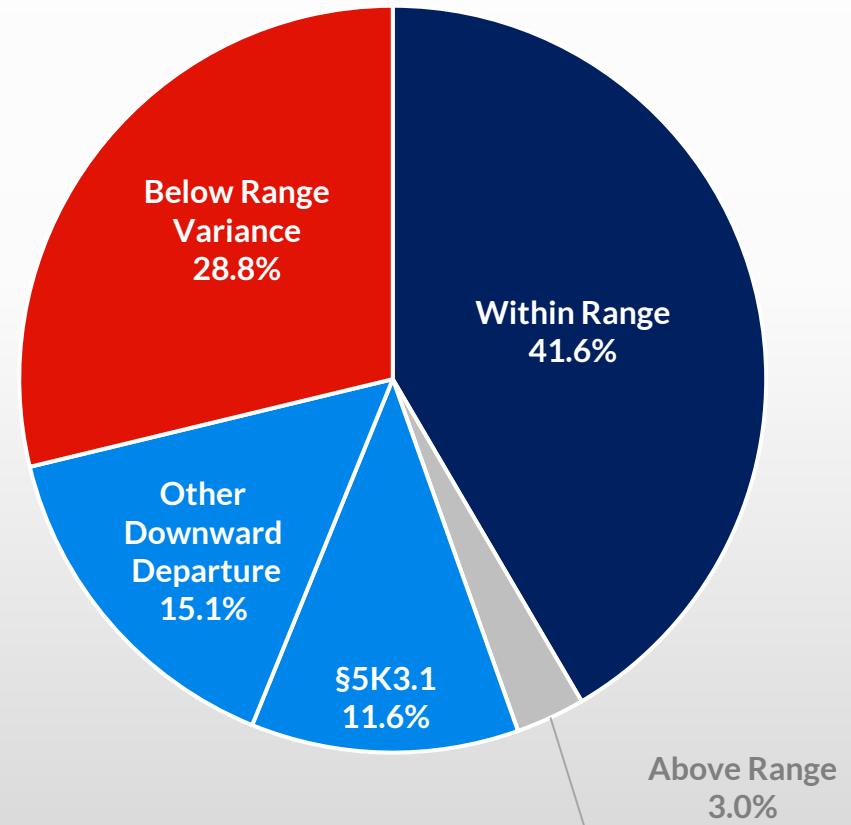
Option 2: Juvenile Adjudications Do Not Receive Points

Sentencing Outcomes

Received At Least One Juvenile Adjudication Point

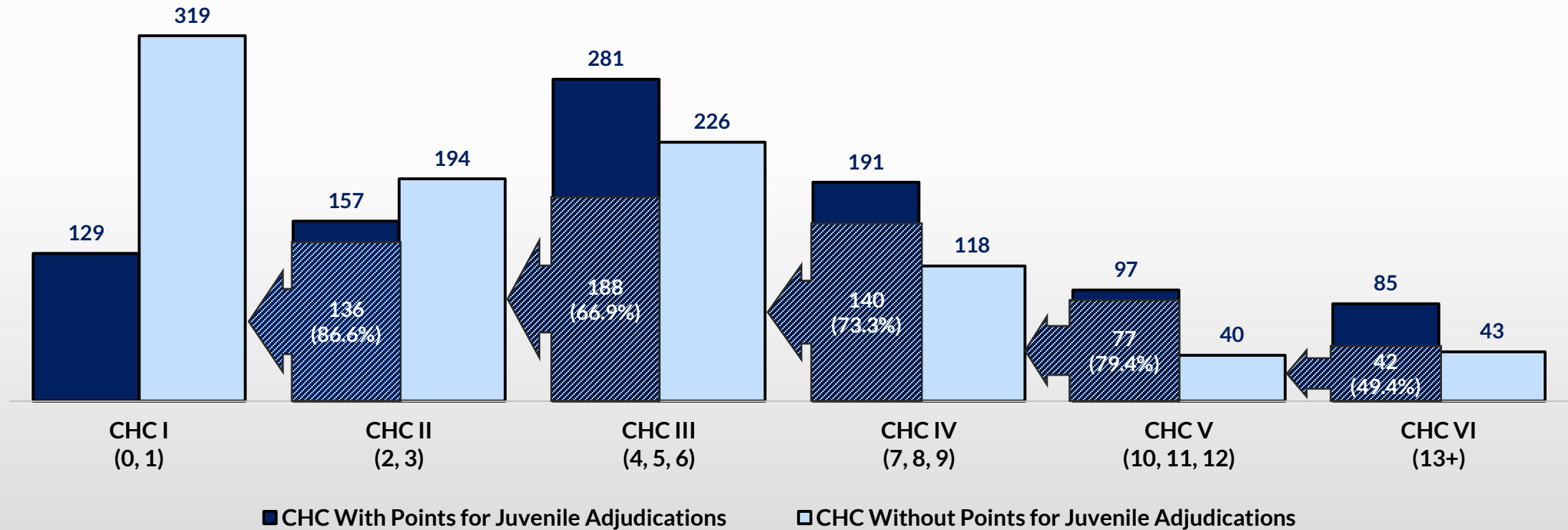


Otherwise Received At Least One Point



Option 2: Juvenile Adjudications Do Not Receive Points Impact on Criminal History Scores

CHC decreases for 583 of the 940 Individuals (62.0%)



Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))

Option 1

All Scored Juvenile
Adjudications Receive
1 Point

N=363

Option 2

Juvenile Adjudications Do
Not Receive Points

N=940

Option 3

Juvenile Adjudications
and Adult Convictions
Committed Prior to Age
18 Do Not Receive Points

N=3,112

Proposed Changes to Criminal History Calculation for Offenses Prior to Age 18 (§4A1.2(d))

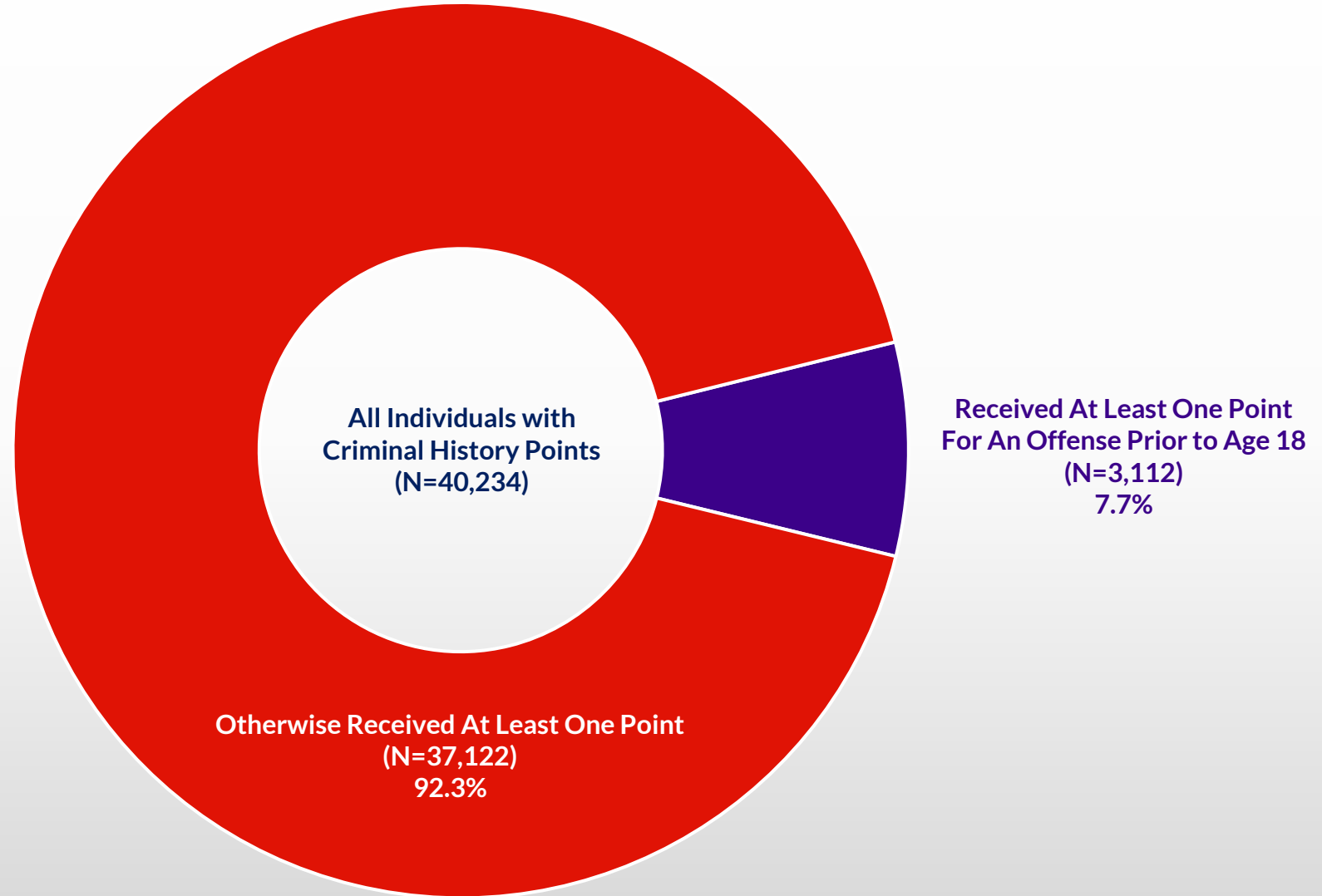
- ▶ Do Not Count Any Offenses Committed Prior to Age 18
- ▶ Conforming Changes

Option 3

Juvenile Adjudications
and Adult Convictions
Committed Prior to Age
18 Do Not Receive Points

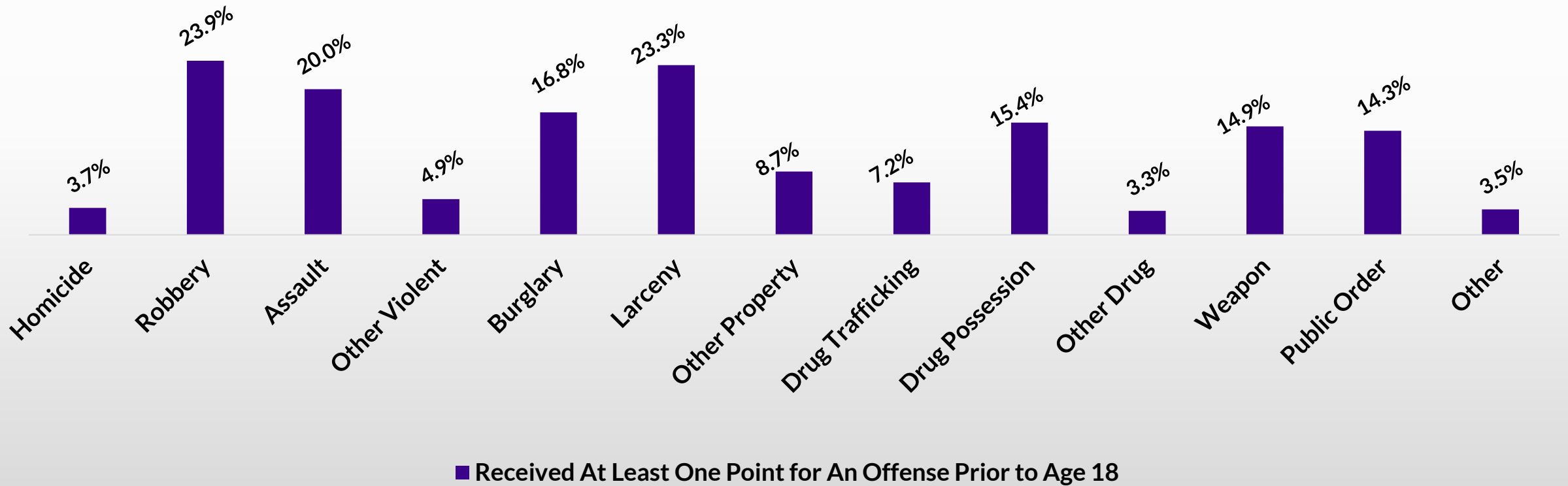
N=3,112

Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points Points for Offenses Prior to Age 18



Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points

Prior Offense Types



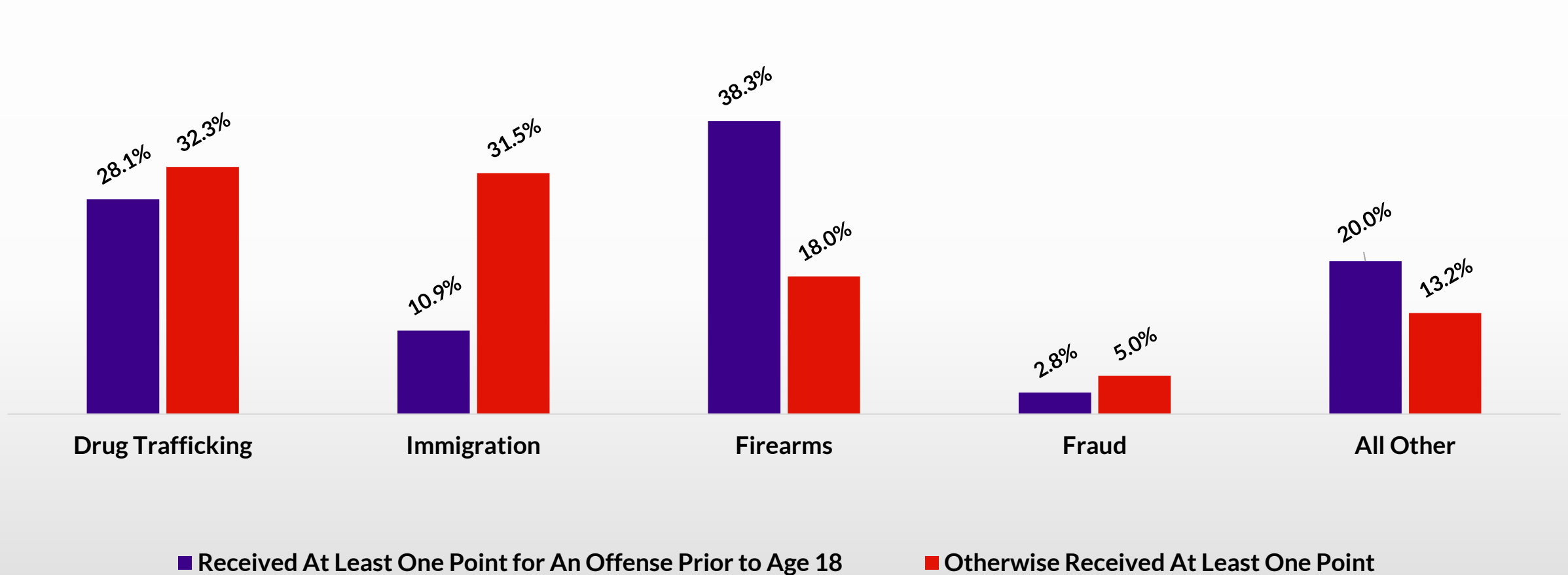
Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points

Demographics

	Received at Least One Point for Offenses Prior to Age 18 (N=3,112)	Otherwise Received At Least One Point (N=37,122)
Race		
White	11.2%	23.1%
Black	59.7%	28.1%
Hispanic	26.5%	45.1%
Other	2.6%	3.7%
Gender		
Male	96.1%	90.4%
Female	3.9%	9.6%
Citizenship		
U.S. Citizen	92.4%	69.2%
Non-U.S. Citizen	7.6%	30.8%

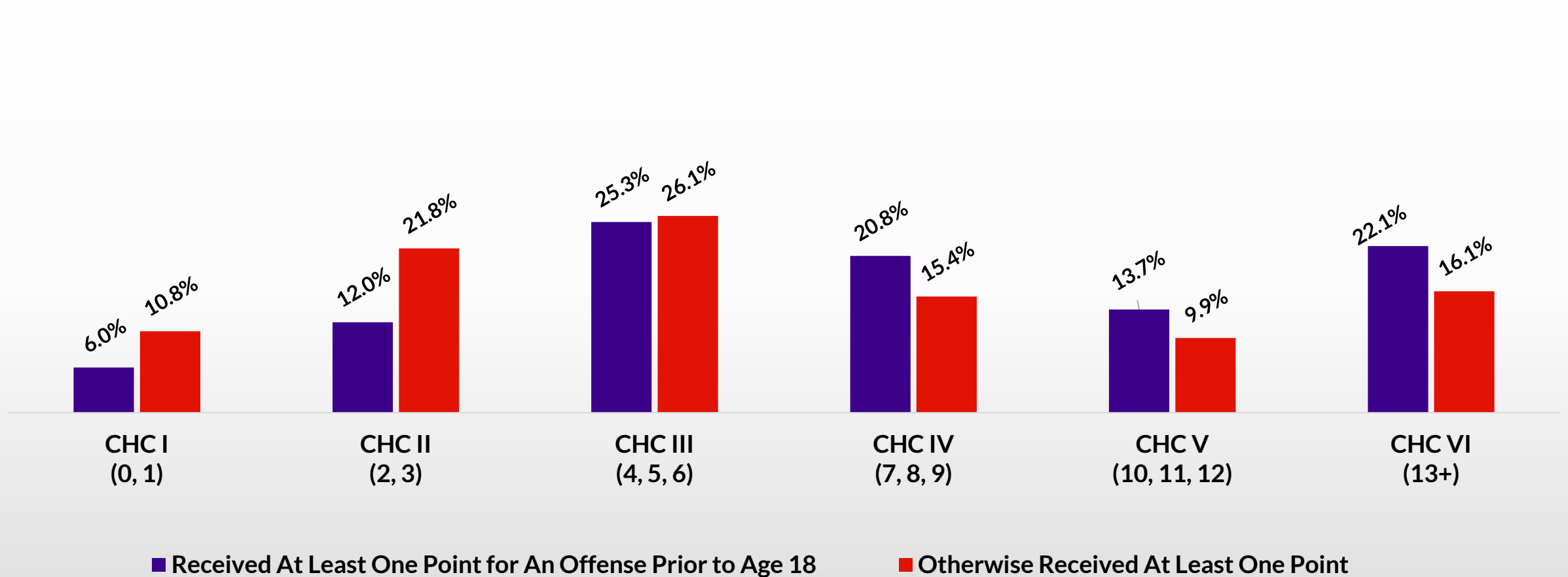
Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points

Instant Crime Types



Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points

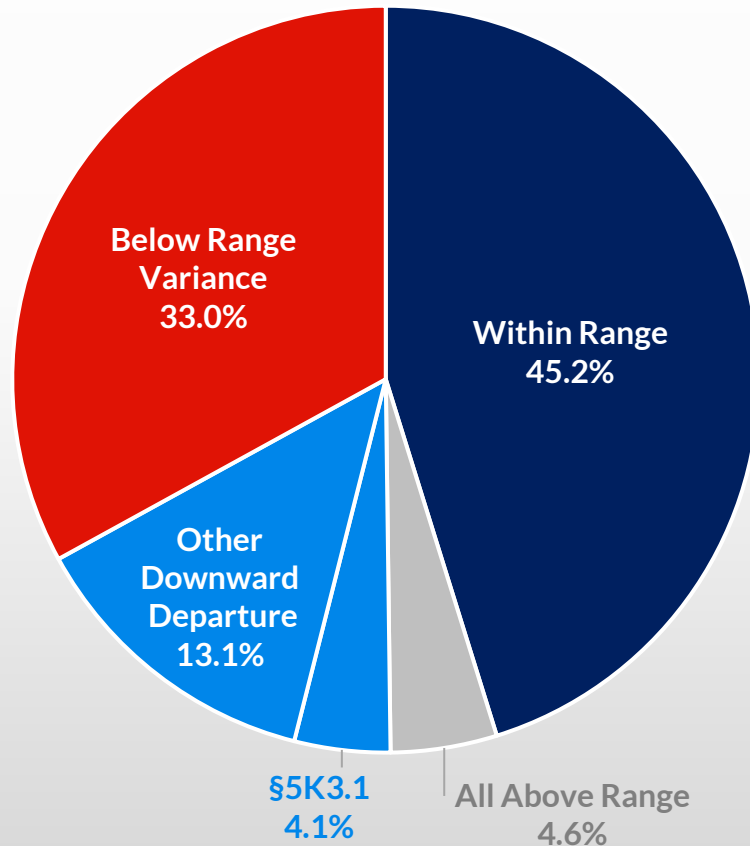
Criminal History Categories



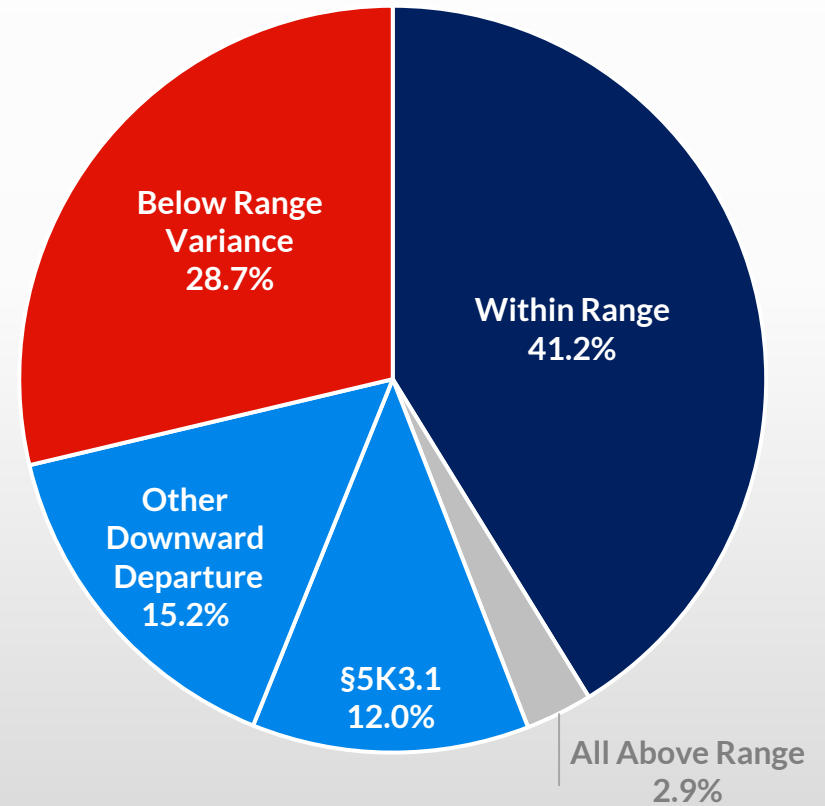
Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points

Sentencing Outcomes

Received at Least One Point for an Offense Prior to Age 18

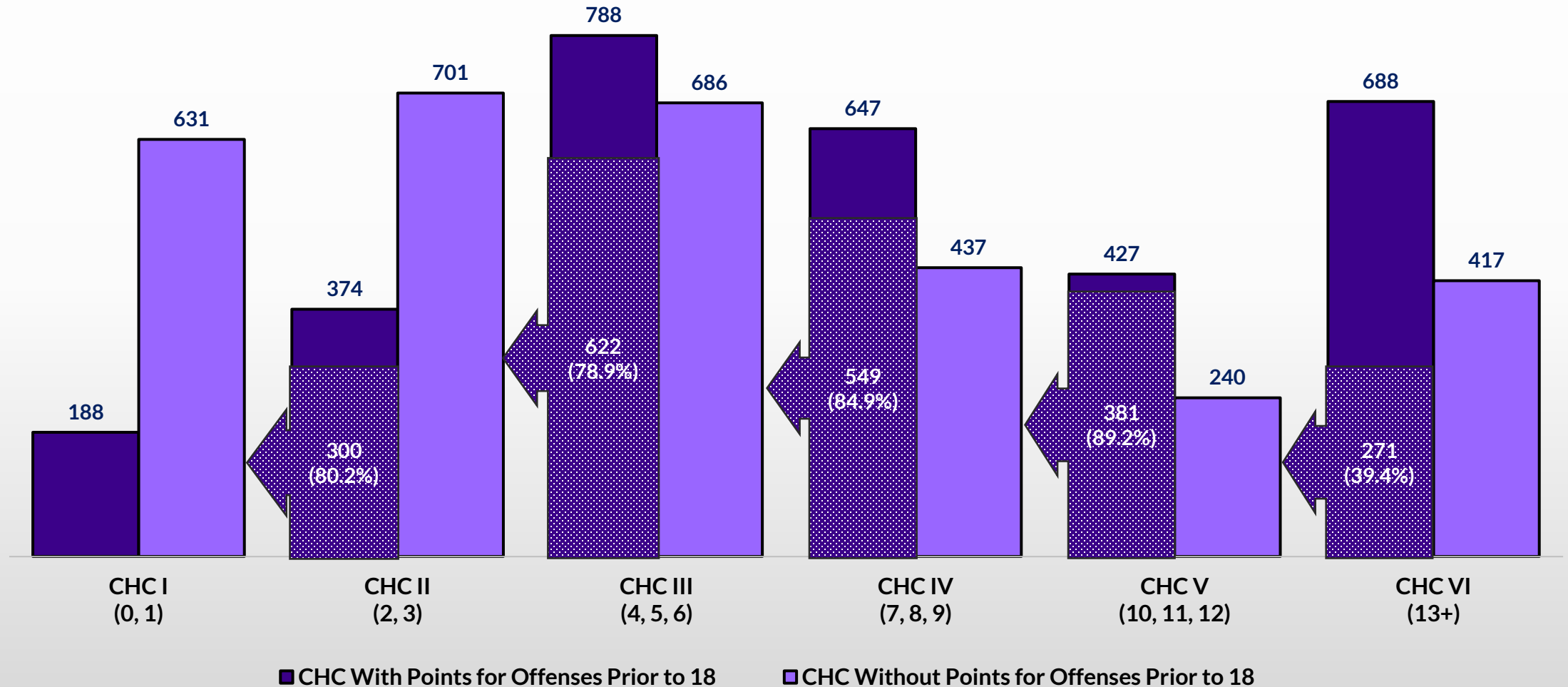


Otherwise Received At Least One Point



Option 3: Offenses Committed Prior to Age 18 Do Not Receive Points Impact on Criminal History Scores

CHC decreases for 2,123 of the 3,112 Individuals (68.2%)





Part B

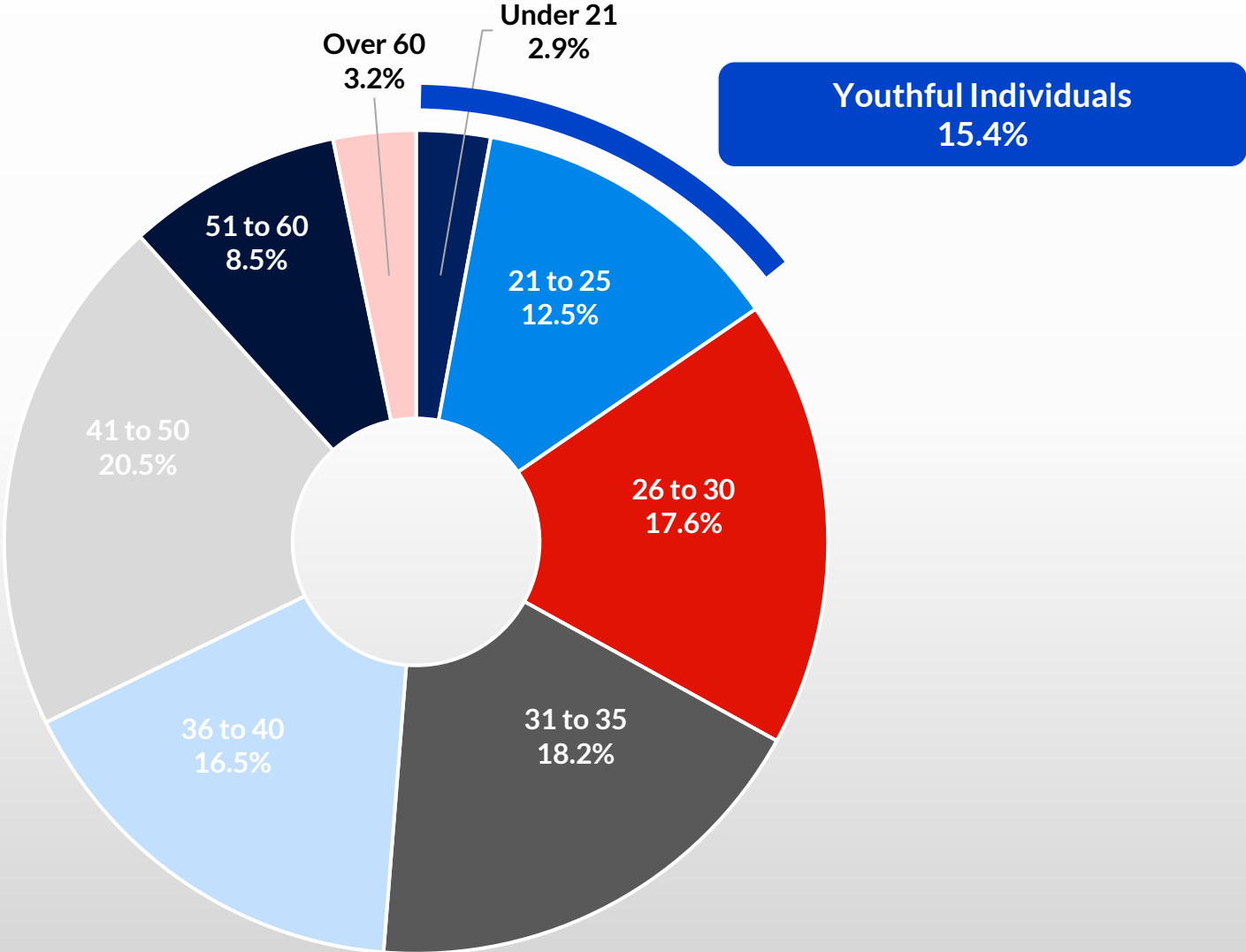
Proposed Changes to Age Policy
Statement (§5H1.1)

Data Examining Individuals
Sentenced in Fiscal Years 2018-2022

Proposed Changes to Age Policy Statement (§5H1.1)

- ▶ Departures based on age no longer limited to unusual cases
- ▶ Downward departure may be appropriate due to defendant's youthfulness
- ▶ In an appropriate case, court may consider if punishment other than imprisonment is sufficient
- ▶ Court should consider brain development and rearrest rates in determining whether/how much to depart

Age Distribution

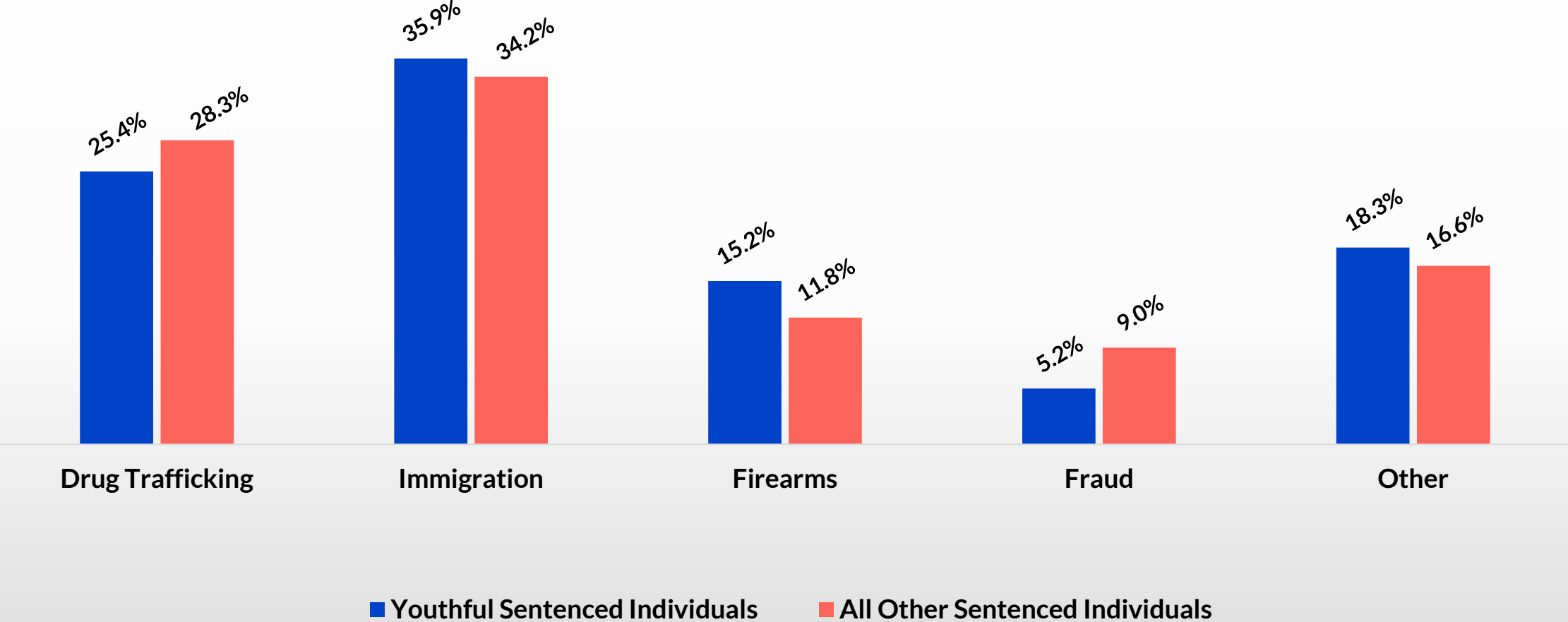


SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

Youthful Sentenced Individuals Demographics

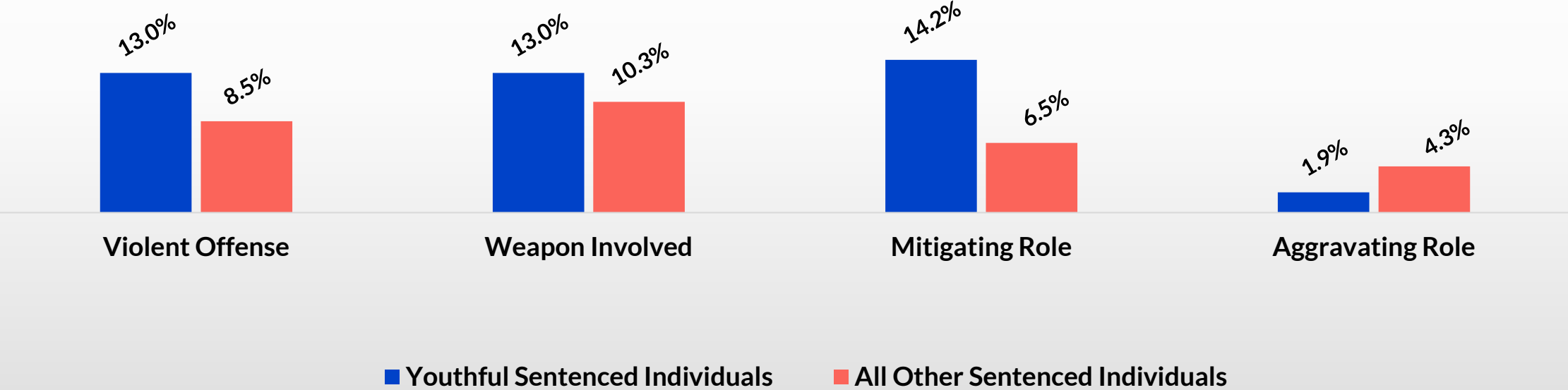
	Youthful Sentenced Individuals	All Other Sentenced Individuals
Race		
White	10.9%	23.0%
Black	23.5%	21.2%
Hispanic	62.3%	51.8%
Other	3.3%	4.0%
Gender		
Male	86.4%	87.3%
Female	13.7%	12.7%
Citizenship		
U.S. Citizen	61.8%	59.7%
Non-U.S. Citizen	38.2%	40.4%

Youthful Sentenced Individuals Instant Crime Types



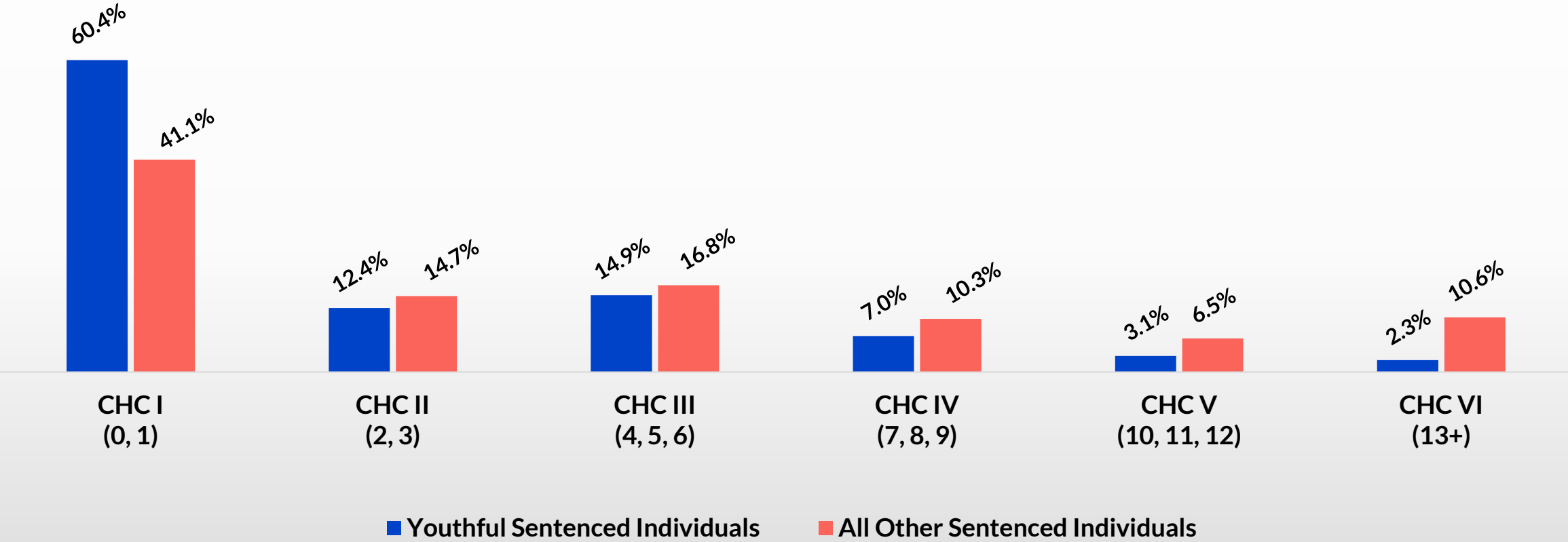
SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

Youthful Sentenced Individuals Offense Characteristics



SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

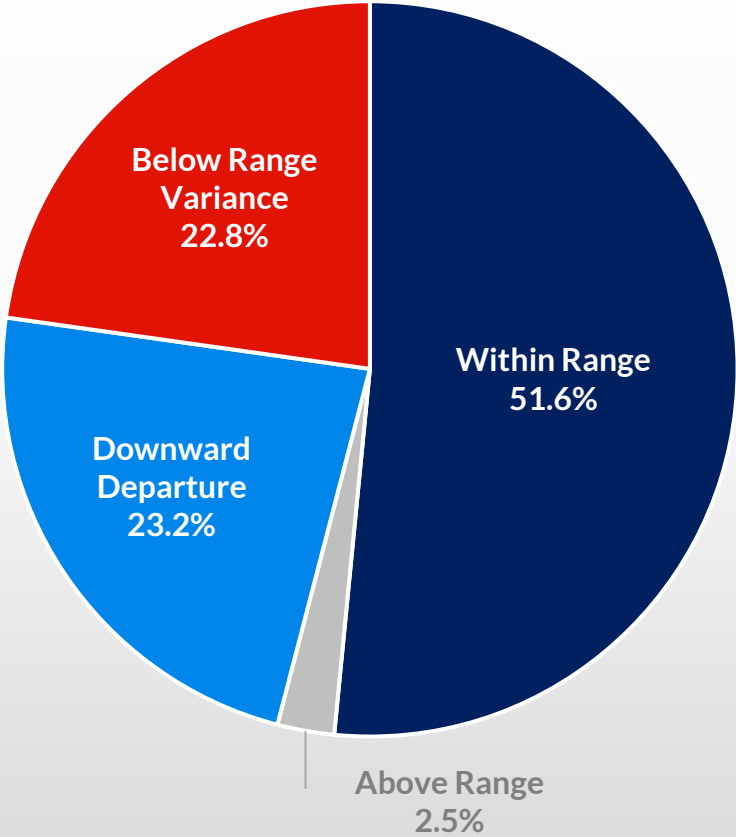
Youthful Sentenced Individuals Criminal History Categories



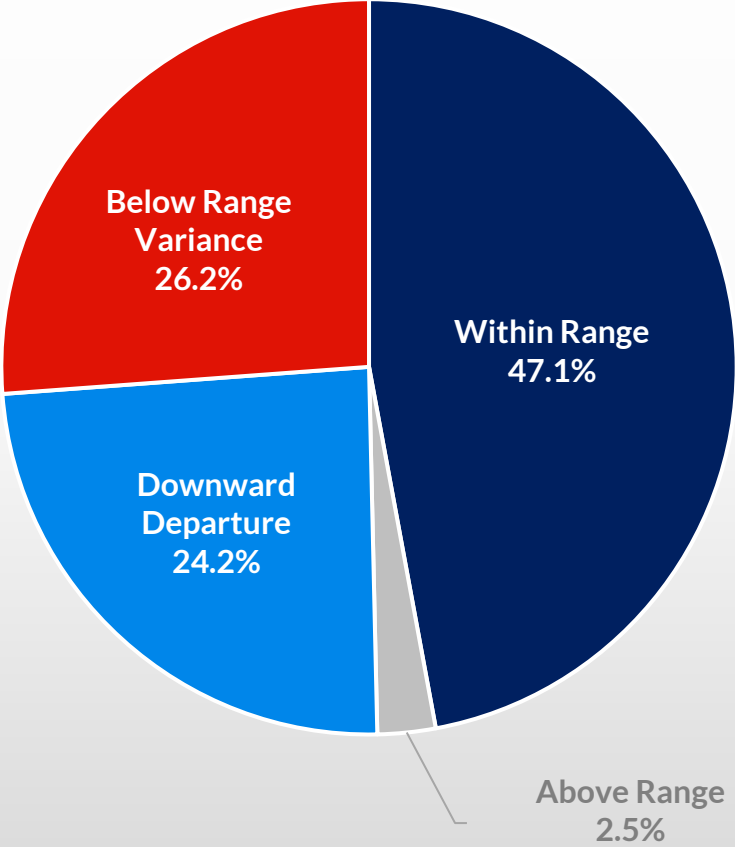
SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

Youthful Sentenced Individuals Sentencing Outcomes

Youthful Sentenced Individuals



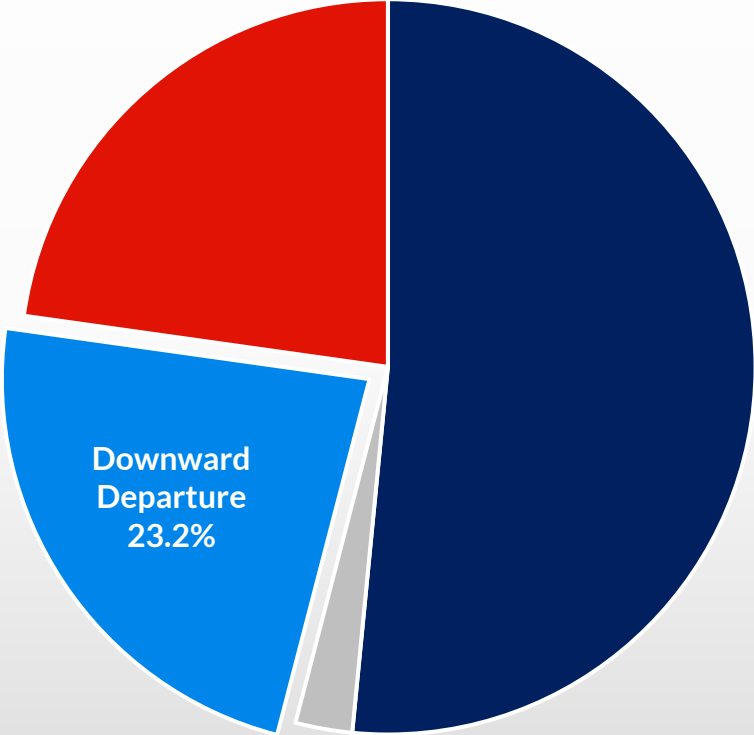
All Other Sentenced Individuals



SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

Youthful Sentenced Individuals Sentencing Outcomes

Youthful Sentenced Individuals

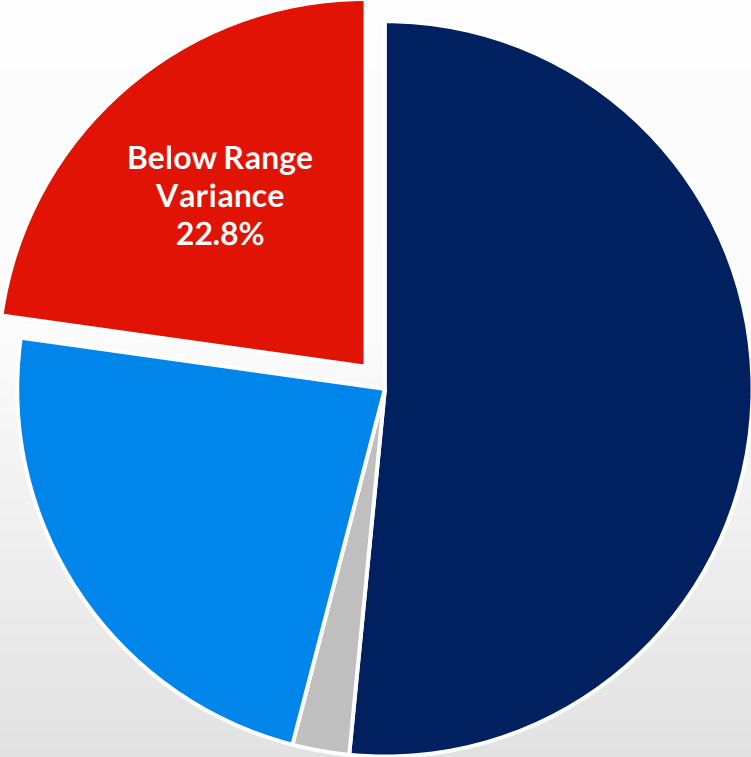


- ▶ 23.2% of youthful sentenced individuals received a downward departure
- ▶ §5H1.1 was cited in almost one-quarter of these cases as a reason for the departure

SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

Youthful Sentenced Individuals Sentencing Outcomes

Youthful Sentenced Individuals



- ▶ 22.8% of youthful sentenced individuals received a below range variance
- ▶ §5H1.1 or a similar reason was cited as a reason for the variance in over one-third of these cases

SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.



Further Resources

Proposed Amendment

ussc.gov/guidelines/amendments

YOUTHFUL OFFENDERS IN THE FEDERAL SYSTEM (2017)

ussc.gov/research/research-reports



Submit public comment to the Commission via the Public Comment portal or regular mail no later than February 22, 2024.

comment.ussc.gov

United States Sentencing Commission
Attention: Public Affairs
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 2002-8002