



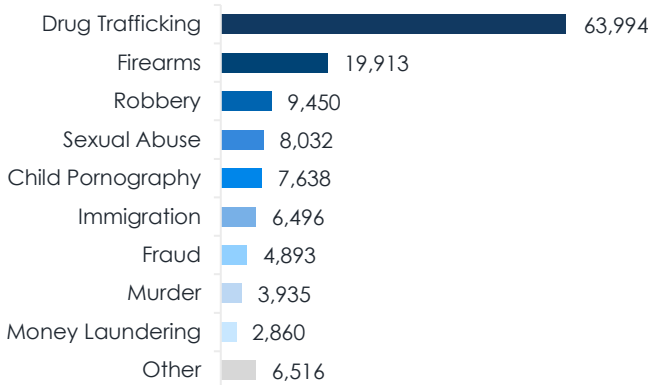
# Quick Facts

— Federal Offenders in Prison – January 2022 —

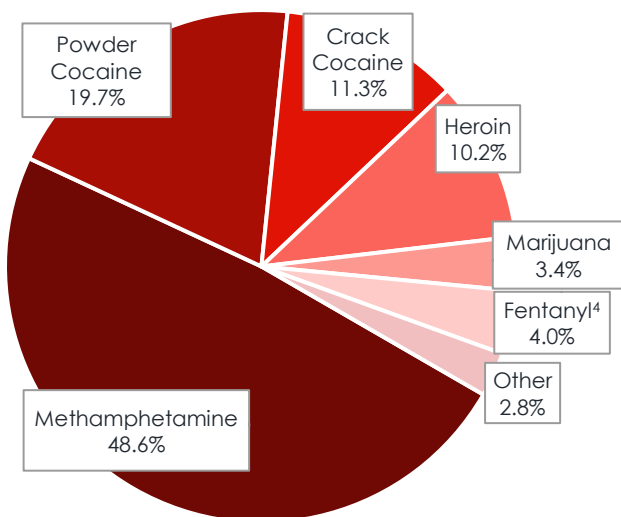
## As of January 2022

- ▶ THERE ARE 153,079 OFFENDERS CURRENTLY INCARCERATED IN THE BUREAU OF PRISONS.<sup>1</sup>
- ▶ OF THESE OFFENDERS, 134,757 ARE SERVING A SENTENCE FOR A FEDERAL CONVICTION.<sup>2</sup>

**Most Common Type of Crime for Federal Offenders in Prison as of January 2022<sup>3</sup>**



**Distribution of Drug Types for Federal Drug Trafficking Offenders in Prison as of January 2022**



## Offender and Offense Characteristics

- 88.5% of offenders in federal prison were sentenced within the past ten years; 67.2% were sentenced within the past five years.
- 93.3% are men.
- 34.6% are Black, 31.8% are Hispanic, 29.5% are White, and 4.1% are Other races.
- Their average age is 41 years;
  - ◆ 21.6% are 50 years or older;
  - ◆ 6.7% are 60 years or older.
- 84.1% are United States citizens.
- 29.6% have little or no prior criminal history (Criminal History Category I);
  - ◆ 9.7% are CHC II;
  - ◆ 15.2% are CHC III;
  - ◆ 12.0% are CHC IV;
  - ◆ 9.1% are CHC V;
  - ◆ 24.4% are CHC VI.
- 89.9% pleaded guilty.
- Among fraud offenders in federal prison the median loss amount is \$960,717.
- 29.6% are serving a sentence for an offense involving a weapon:
  - ◆ 12.9% were convicted of possessing, brandishing, or discharging a firearm under 18 U.S.C. § 924(c);
  - ◆ 14.7% received a weapon enhancement under the guidelines;<sup>5</sup>
  - ◆ 2.0% were convicted under 18 U.S.C. § 924(c) and received a weapon enhancement under the guidelines.
- Sentences were increased for:
  - ◆ qualifying as a career offender or armed career criminal (13.3%);
  - ◆ a leadership or supervisory role in the offense (11.3%).
- Sentences were decreased for:
  - ◆ acceptance of responsibility (87.2%);
  - ◆ minor or minimal participation in the offense (3.8%).



## Punishment

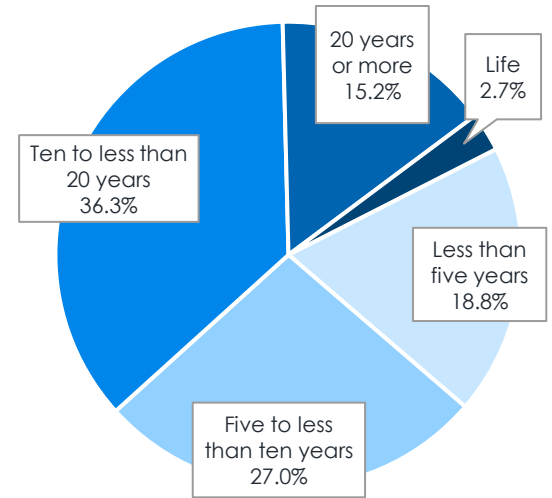
- The average guideline minimum for offenders in federal prison was 166 months. The average length of imprisonment imposed was 147 months.
- 97.6% were also sentenced to serve a period of supervision after release from prison.
- 62.4% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 23.2% were relieved of that penalty.
- 1.4% received a sentence reduction under Rule 35(b)—providing substantial assistance *after* sentencing.

## Sentences Relative to the Guideline Range

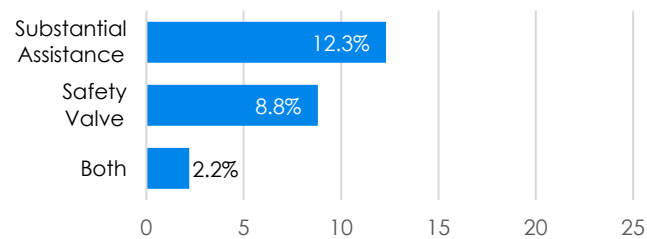
97.4% of offenders in federal prison were sentenced after the *United States v. Booker* decision, which changed the sentencing guidelines from mandatory to advisory.<sup>6</sup>

- Of the 67.3% of offenders sentenced under the *Guidelines Manual*:
  - ◆ 70.5% were sentenced within the guideline range.
  - ◆ 17.4% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 35.9%.
  - ◆ 6.7% received some other downward departure.
    - ◇ Their average sentence reduction was 27.6%.
  - ◆ 3.6% received an Early Disposition Program (EDP) departure.<sup>7</sup>
    - ◇ Their average sentence reduction was 43.7%.
- 32.7% received a variance; of those offenders:
  - ◆ 89.2% received a downward variance.
    - ◇ Their average sentence reduction was 26.2%.
  - ◆ 10.8% received an upward variance.
    - ◇ Their average sentence increase was 60.3%.

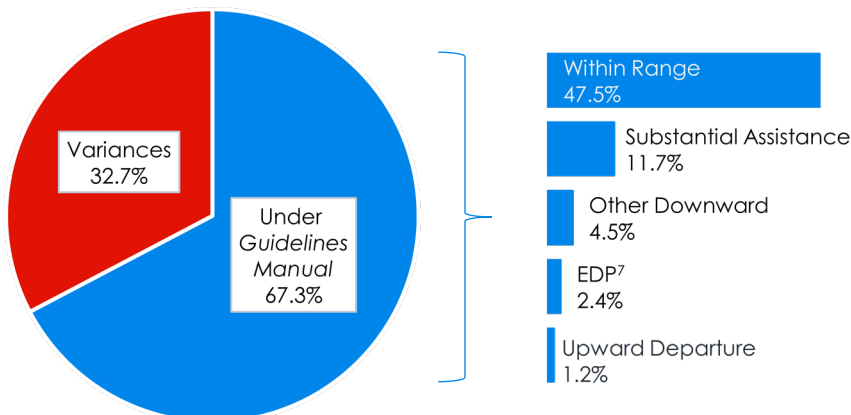
**Length of Imprisonment Imposed for Federal Offenders in Prison as of January 2022**



**Means of Relief from Mandatory Minimum Penalty Among Federal Offenders in Prison as of January 2022**



## Sentence Imposed Relative to the Guideline Range



<sup>1</sup> Offenders in the custody of the Federal Bureau of Prisons as of January 29, 2022.

<sup>2</sup> Commission records could be matched to 133,781 of these offenders and were used for this analysis. Another 18,322 offenders in BOP custody are pre-trial offenders, offenders sentenced in the courts of the District of Columbia, or military offenders.

<sup>3</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>4</sup> The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue.

<sup>5</sup> See e.g., USSG §2D1.1(b)(1). This enhancement applies if the weapon is present, unless it is clearly improbable that the weapon was connected to the offense. The government is not required to prove that the offender personally possessed the weapon.

<sup>6</sup> *United States v. Booker*, 543 U.S. 220 (2005) was decided on January 12, 2005.

<sup>7</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. See USSG §5K3.1.