



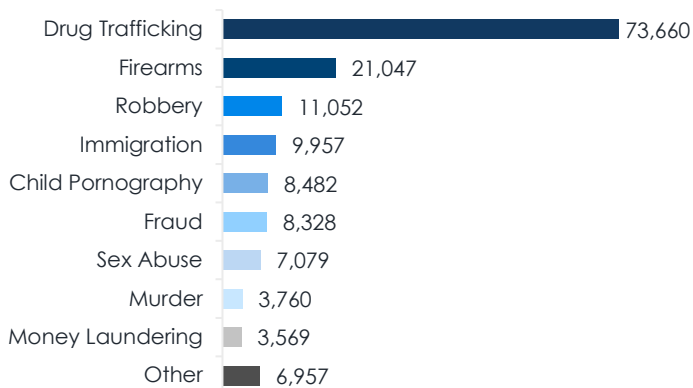
# Quick Facts

— Federal Offenders in Prison - May 2019 —

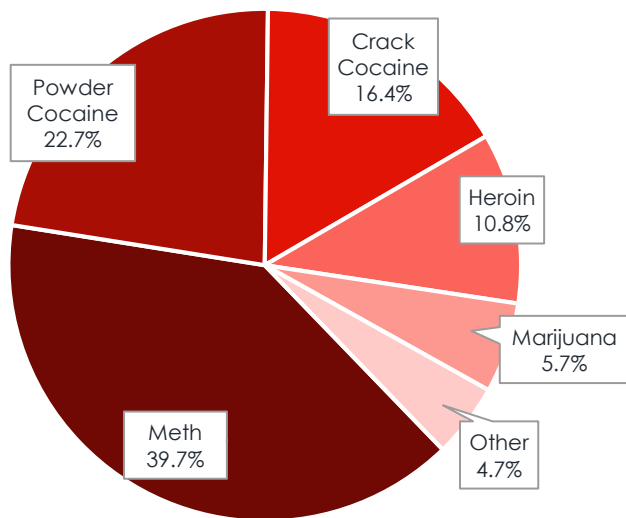
## As of May 2019

- ▶ THERE ARE 180,260 OFFENDERS CURRENTLY INCARCERATED IN THE BUREAU OF PRISONS.<sup>1</sup>
- ▶ OF THESE OFFENDERS, 156,300 ARE SERVING A SENTENCE FOR A FEDERAL CONVICTION.<sup>2</sup>

**Most Common Guidelines for Federal Offenders in Prison as of May 2019<sup>3</sup>**



**Distribution of Drug Types for Federal Drug Trafficking Offenders in Prison as of May 2019**



## Offender and Offense Characteristics

- 87.6% of offenders in federal prison were sentenced within the past ten years; 64.5% were sentenced within the past five years.
- 92.8% are men.
- 34.3% are Black, 33.7% are Hispanic, 28.2% are White, and 3.8% are Other races.
- Their average age is 41 years.
  - ◆ 21.5% are 50 years or older;
  - ◆ 6.7% are 60 years or older.
- 81.1% are United States citizens.
- 32.2% have little or no prior criminal history (Criminal History Category I);
  - ◆ 9.9% are CHC II;
  - ◆ 14.9% are CHC III;
  - ◆ 11.1% are CHC IV;
  - ◆ 8.1% are CHC V;
  - ◆ 23.8% are CHC VI.
- 89.0% pleaded guilty.
- Among fraud offenders in federal prison the median loss amount is \$956,919.
- 26.5% are serving a sentence for an offense involving weapons.
  - ◆ 13.0% were convicted of possessing, brandishing, or discharging a firearm under 18 U.S.C. § 924(c);
  - ◆ 15.8% received a weapon enhancement under the guidelines;<sup>4</sup>
  - ◆ 1.7% 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 (14.6%);
  - ◆ having a leadership or supervisory role in the offense (12.1%).
- Sentences were decreased for:
  - ◆ acceptance of responsibility (86.0%);
  - ◆ minor or minimal participation in the offense (4.4%).



## Punishment

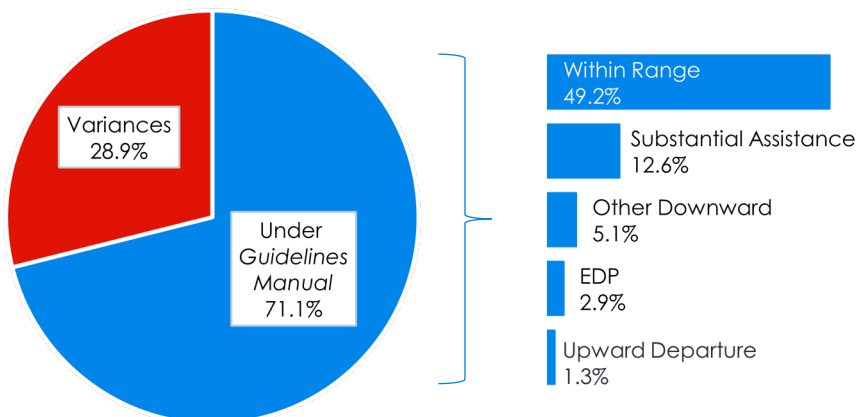
- The average guideline minimum for offenders in federal prison was 158 months. The average sentence imposed was 141 months.
- 97.0% were also sentenced to serve a period of supervision after release from prison.
- 58.3% were convicted of an offense carrying a mandatory minimum penalty; 22.6% were relieved of that penalty.
- 1.6% received a sentence reduction under Rule 35(b)—providing substantial assistance *after* sentencing.

## Sentences Relative to the Guideline Range

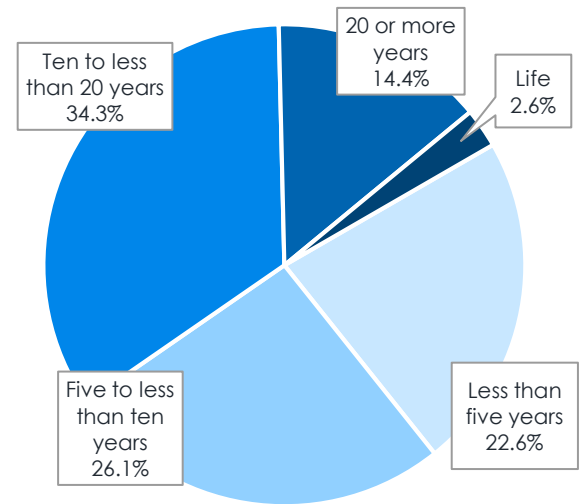
95.5% of offenders in federal prison were sentenced after the *United States v. Booker* decision, which changed the sentencing guidelines from mandatory to advisory.<sup>5</sup>

- 71.1% were sentenced under the *Guidelines Manual*; of those offenders:
  - ◆ 69.2% were sentenced within the guideline range.
  - ◆ 17.7% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 36.3%.
  - ◆ 4.0% received an Early Disposition Program (EDP) departure.<sup>6</sup>
    - ◇ Their average sentence reduction was 37.0%.
  - ◆ 7.2% received some other downward departure.
    - ◇ Their average sentence reduction was 27.6%.
- 28.9% received a variance; of those offenders:
  - ◆ 89.2% received a below range variance.
    - ◇ Their average sentence reduction was 26.6%.
  - ◆ 10.8% received an above range variance.
    - ◇ Their average sentence increase was 60.3%.

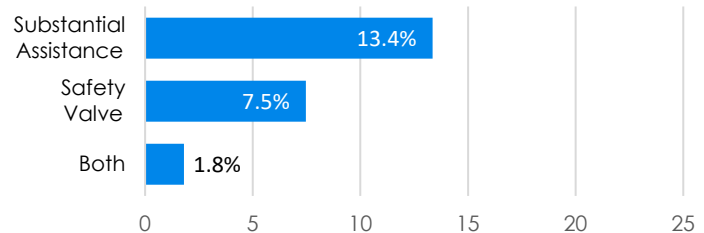
## Sentence Imposed Relative to the Guideline Range



## Length of Sentence Imposed for Federal Offenders in Prison as of May 2019



## Means of Relief from Mandatory Minimum Penalty Among Federal Offenders in Prison as of May 2019



<sup>1</sup> Offenders in the custody of the Federal Bureau of Prisons as of May 25, 2019.

<sup>2</sup> Commission records could be matched to 153,965 of these offenders and were used for this analysis. Another 23,960 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> 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>5</sup> *United States v. Booker*, 543 U.S. 220 (2005) was decided on January 12, 2005.

<sup>6</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.