



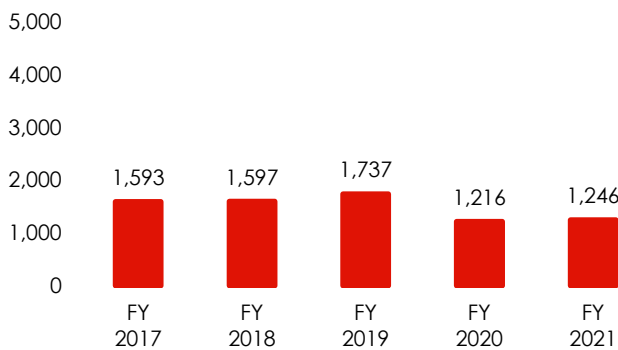
# Quick Facts

## — Career Offenders —

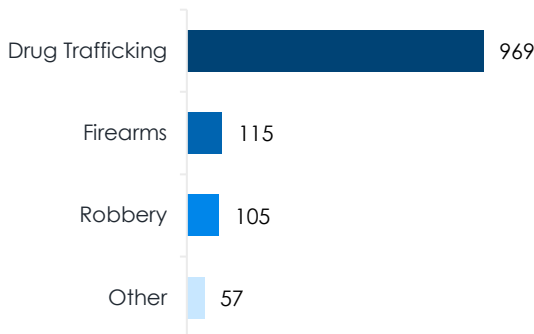
### Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 1,246 OF THESE INVOLVED CAREER OFFENDERS.<sup>1</sup>
- ▶ IN 93.5% OF THESE CASES, THE CAREER OFFENDER STATUS INCREASED THE GUIDELINE RANGE.

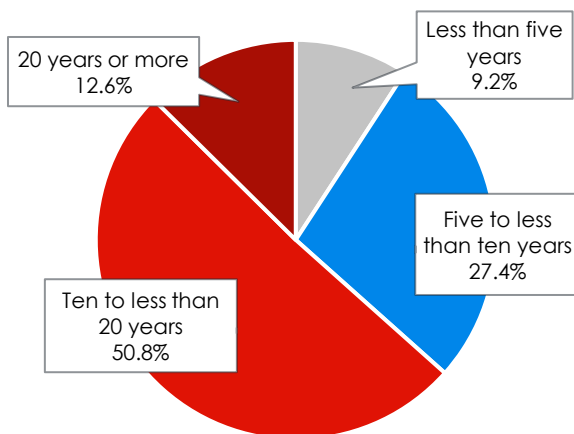
Number of Career Offenders



Most Common Guidelines for Career Offenders



Sentence Length of Career Offenders



### What is a Career Offender?

A career offender is someone who commits a crime of violence or a controlled substance offense after two prior felony convictions for those crimes. The sentencing guidelines assign all career offenders to Criminal History Category (CHC) VI and to offense levels at or near the statutory maximum penalty of the offense of conviction.<sup>2</sup>

### Offender and Offense Characteristics

- 95.7% of career offenders were men.
- 58.2% of career offenders were Black, 25.5% were White, 13.8% were Hispanic, and 2.5% were Other races.
- Their average age was 40 years.
- 97.9% were United States citizens.
- 43.9% would not change from CHC VI if the career offender provision had not been applied;
  - ◆ None would have been CHC I;
  - ◆ 0.3% would have been CHC II;
  - ◆ 9.1% would have been CHC III;
  - ◆ 22.4% would have been CHC IV;
  - ◆ 24.3% would have been CHC V.
- The top five districts for career offenders were:
  - ◆ Eastern District of North Carolina (56);
  - ◆ Southern District of California (48);
  - ◆ Southern District of Iowa (45);
  - ◆ Eastern District of Missouri (38);
  - ◆ Southern District of New York (37).

### Punishment

- The average sentence for career offenders was 141 months.
- 99.4% were sentenced to prison.
- 57.8% were convicted of an offense carrying a mandatory minimum penalty.

### Impact of Career Offender Status<sup>3</sup>

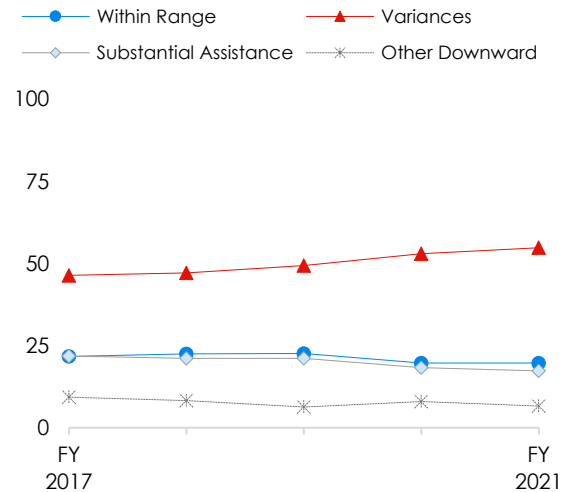
- 45.5% of career offenders had an increase in both Final Offense Level (FOL) and CHC.
  - ◆ Their average FOL increased from 23 to 31 and the average CHC increased from IV to VI.
- 37.5% of career offenders had an increase in just the FOL.
  - ◆ Their average FOL increased from 23 to 31.
- 10.5% of career offenders had an increase in just the CHC.
  - ◆ Their average CHC increased from IV to VI.
- 6.5% of career offenders had no increase in FOL or CHC.



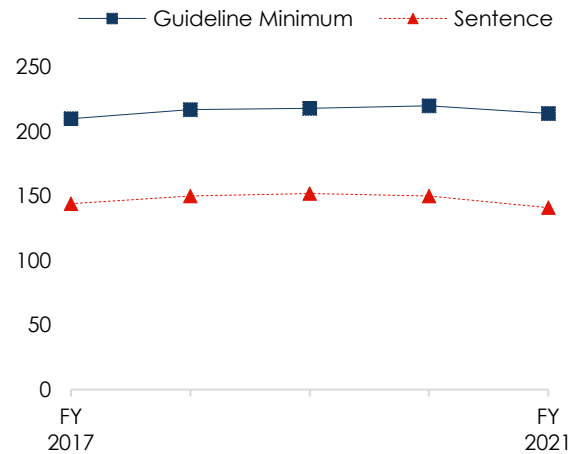
### Sentences Relative to the Guideline Range

- Of the 45.2% of career offenders sentenced under the *Guidelines Manual*:
  - ◆ 43.7% were sentenced within the guideline range.
  - ◆ 38.2% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 48.9%.
  - ◆ 14.6% received some other downward departure.
    - ◇ Their average sentence reduction was 40.8%.
  - ◆ 3.5% received an Early Disposition Program (EDP) departure.<sup>4</sup>
    - ◇ Their average sentence reduction was 67.4%.
- 54.8% received a variance; of those offenders:
  - ◆ 99.0% received a downward variance.
    - ◇ Their average sentence reduction was 41.2%.
  - ◆ 1.0% received an upward variance.
    - ◇ Their average sentence increase was 62.7%.
- The average guideline minimum increased while the average sentence imposed fluctuated over the past five years.
  - ◆ The average guideline minimum increased from 210 months in fiscal year 2017 to 214 months in fiscal year 2021.
  - ◆ The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 144 months in fiscal year 2017 and 141 months in fiscal year 2021.

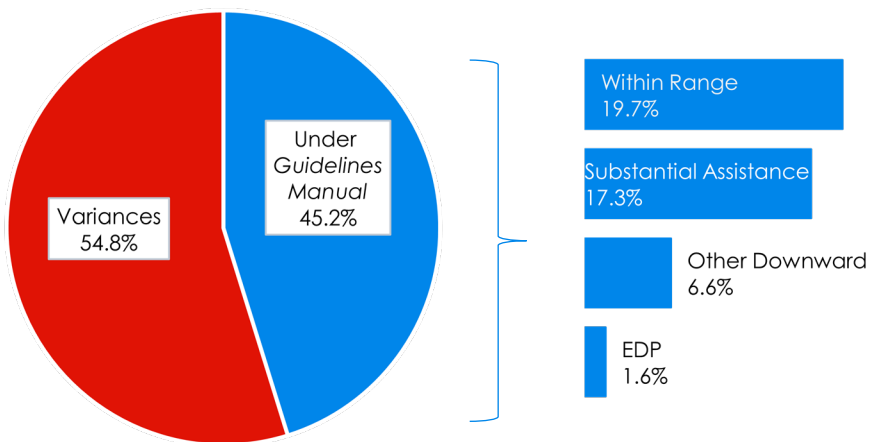
### Sentence Relative to the Guideline Range (%)



### Average Guideline Minimum and Average Sentence (months)



### Sentence Imposed Relative to the Guideline Range FY 2021



<sup>1</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>2</sup> In some cases, a state offense classified under state law as a misdemeanor (e.g., in Iowa, Massachusetts, and Michigan) is considered a felony in determining career offender status. For more information, see USSG §4B1.1.

<sup>3</sup> Cases missing Ch. 2 guideline data and cases in which §4B1.1(c) applied were excluded for this part of the analysis. Cases where both §4B1.1 and §4B1.4 (Armed Career Criminal) applied were assigned to the provision with the higher offense level.

<sup>4</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.