



# Quick Facts

- ▶ THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.
- ▶ OF THESE CASES 1,593 INVOLVED CAREER OFFENDERS.<sup>1</sup>
- ▶ IN 91.8% OF THESE CASES, THE CAREER OFFENDER STATUS INCREASED THE GUIDELINE RANGE.

## Career Offenders<sup>1</sup>

### Who is a Career Offender?

Career Offenders are persons who commit a crime of violence or drug trafficking crime after two prior felony convictions for those crimes.<sup>2</sup> To implement the provisions of 28 U.S.C. § 994(h), the sentencing guidelines assign all career offenders to Criminal History Category VI and to offense levels based on the statutory maximum penalty of the offense of conviction. See USSG §4B1.1.

### Offender and Offense Characteristics

- In fiscal year 2017, the overwhelming majority of career offenders were men (97.1%).
- Over sixty percent of career offenders were Black (61.6%) followed by White (19.7%), Hispanic (16.8%), and Other Races (1.9%).
- The average age of these offenders at sentencing was 39 years.
- Nearly all career offenders were United States citizens (98.1%).
- Three-quarters of career offenders were sentenced for a drug trafficking offense (77.1%) followed by robbery (8.8%) and firearms offenses (6.8%).
- More than 60 percent (60.6%) would have had a Criminal History Category (CHC) lower than VI if the career offender provision had not applied. Approximately one-quarter (24.5%) would be in CHC V and another quarter (25.6%) would be in CHC IV.
- Districts with the highest proportion of their overall caseload comprising career offenders were:
  - ◆ Middle District of Tennessee (14.6% of the overall caseload);
  - ◆ Western District of Pennsylvania (11.7%);
  - ◆ District of New Jersey (10.0%);
  - ◆ Western District of Tennessee (9.3%); and,
  - ◆ Eastern District of Arkansas (8.8%).

### Punishment

- Almost all career offenders were sentenced to imprisonment (99.4%).
- The average sentence for career offenders was 144 months.

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

- For almost half of these offenders (48.4%), USSG §4B1.1 increased both the final offense level (FOL) and Criminal History Category. For these offenders, the average FOL was 31 with §4B1.1 and 23 without, a difference of eight offense levels. The average CHC was VI with §4B1.1 and IV without, a difference of two criminal history categories.
- Nearly one-third of offenders (30.8%) had a higher FOL after application of §4B1.1 but the same CHC (VI). For these offenders, the average FOL was 31 with §4B1.1, and 22 without, a difference of nine offense levels.

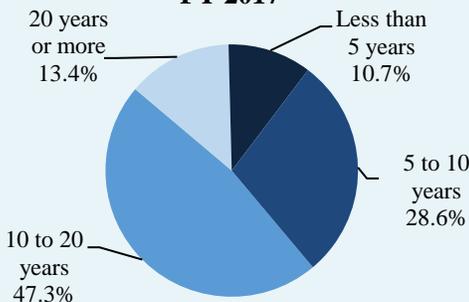
Number of Career Offenders



Top Five Districts Career Offenders FY 2017

Southern District of New York (N=77)
District of New Jersey (N=57)
Southern District of Florida (N=55)
District of Maryland (N=54)
Eastern District of Pennsylvania (N=41)

Sentence Length of Career Offenders FY 2017



<sup>1</sup> Cases in which the court applied USSG §4B1.1 and where the Commission received complete guideline information were included in this 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 to be a felony for the purpose of determining career offender status under §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.

# Quick Facts

## Career Offenders

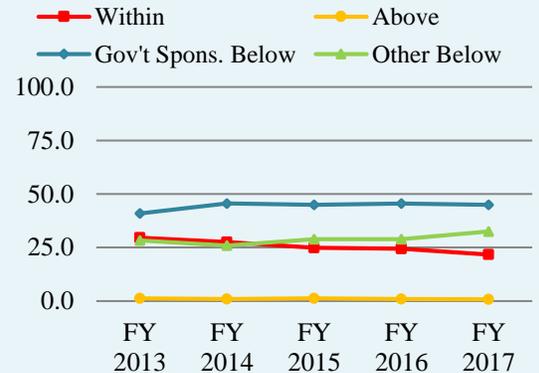
### Impact of Career Offender Status<sup>3</sup> (continued)

- An additional 12.6% of offenders had a higher CHC after application of §4B1.1 but the same or lower FOL. The average CHC was VI with §4B1.1 and CHC IV without.
- For the remaining 8.2% of offenders, application of the career offender guideline had no impact because the FOL and CHC otherwise applicable were both the same or higher than after application of §4B1.1.

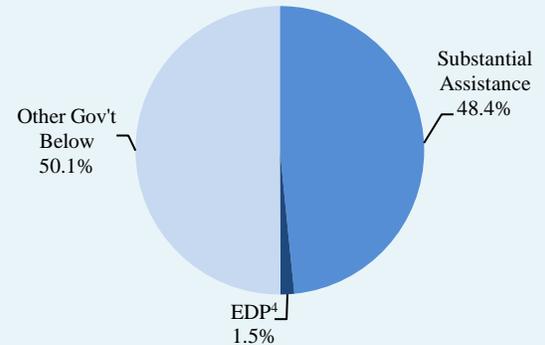
### Sentences Relative to the Guideline Range

- Over the last five years, the rate of within range sentences for career offenders has decreased from 29.6% in fiscal year 2013 to 21.7% in fiscal year 2017.
- The rate of government sponsored below range sentences for career offenders has generally increased from 40.9% in fiscal year 2013 to 45.0% in fiscal year 2017.
  - ◆ Substantial assistance departures have decreased slightly over the past five years from 25.1% in fiscal year 2013 to 21.8% in fiscal year 2017.
    - ◇ In fiscal year 2017, these offenders received an average reduction in their sentence of 50.1%.
  - ◆ A growing proportion of career offenders received a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program (EDP).<sup>4</sup>
    - ◇ The rate of other government sponsored below range sentences has increased from 14.9% in fiscal year 2013 to 22.5% in fiscal year 2017.
      - In fiscal year 2016, these offenders received an average reduction in their sentence of 45.1%.
- The rate of non-government sponsored below range sentences for career offenders has varied in recent years. It decreased from 28.3% in fiscal year 2013 to 25.9% in fiscal year 2014, but increased to 32.5% by fiscal year 2017.
  - ◆ In fiscal year 2017, these offenders received an average reduction in their sentence of 34.2%.
- The average guideline minimum for career offenders has varied in the last five years, as have average sentences.
  - ◆ The average guideline minimum decreased from 212 in fiscal year 2013 to 206 months in fiscal year 2016. The guideline minimum increased to 210 months in fiscal year 2017.
  - ◆ The average sentence imposed decreased from 156 months in fiscal year 2013 to 145 months in fiscal year 2015. The average sentence has remained relatively flat since fiscal year 2015. The average sentence was 144 months in fiscal year 2017.

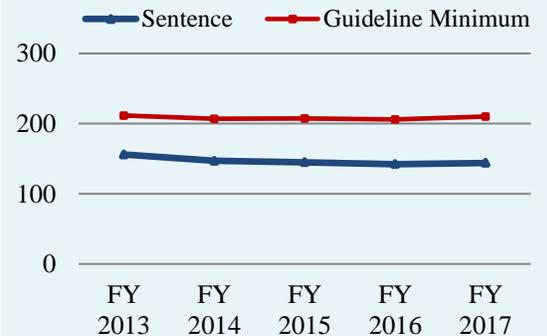
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2017



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



<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.

