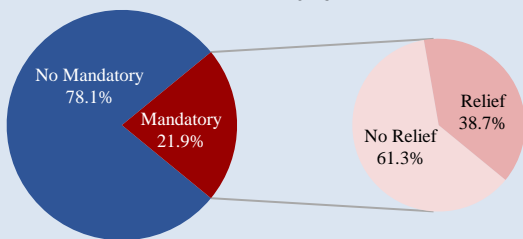




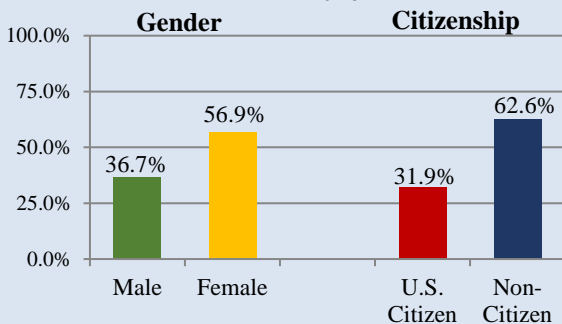
Quick Facts

- ▶ THERE WERE 67,742 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2016.
- ▶ IN 21.9% OF THESE CASES,¹ THE OFFENDER WAS CONVICTED OF AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.
- ▶ AT SENTENCING, 13.4% OF ALL OFFENDERS REMAINED SUBJECT TO A MANDATORY MINIMUM PENALTY.

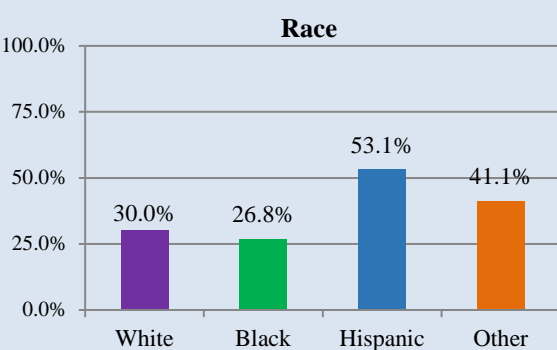
Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties FY 2016



Relief from Mandatory Minimum Penalties by Offender Characteristic FY 2016



Relief from Mandatory Minimum Penalties by Offender Characteristic FY 2016



Mandatory Minimum Penalties

In fiscal year 2016, the Commission received data on 13,604 offenders convicted of an offense carrying a mandatory minimum penalty. Over 60 percent (61.3%) of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief from the penalty and, therefore, remained subject to the mandatory minimum penalty at sentencing, accounting for 13.4% of all federal offenders.

Overview

- In 21.9% of all cases, the offender was convicted of an offense carrying a mandatory minimum penalty.
- Drug trafficking offenses accounted for almost two-thirds (67.3%) of the offenses carrying a mandatory minimum penalty, followed by child pornography (6.9%), fraud (6.6%), and firearms (5.7%).
- Almost 40 percent (38.7%) of offenders convicted of an offense carrying a mandatory minimum were relieved of the mandatory minimum penalty because:
 - ◆ 18.8% received relief solely by providing the government with substantial assistance;²
 - ◆ 14.3% received relief solely through the statutory safety valve provision;³ and
 - ◆ 5.5% received relief through both the statutory safety valve provision and by providing substantial assistance to the government.
- Over 60 percent (61.3%) of offenders convicted of a mandatory minimum did not receive relief from the mandatory minimum penalty, and therefore, remained subject to the mandatory minimum at sentencing, accounting for 13.4% of all federal offenders.

Offenders and Sentencing

- Hispanic offenders accounted for the largest group (40.4%) of offenders convicted of an offense carrying a mandatory minimum penalty, followed by Black (29.7%), White (27.2%), and Other Races (2.7%).
- The average sentence length of offenders who remained subject to a mandatory minimum penalty at sentencing was 138 months, over twice the average sentence of offenders receiving relief from such a penalty (67 months). The average sentence for offenders not convicted of any offense carrying a mandatory minimum penalty was 28 months.
- Districts with the highest proportion of the overall caseload comprising convictions of an offense carrying a mandatory minimum penalty:
 - ◆ District of Puerto Rico (51.6% of overall caseload);
 - ◆ District of Hawaii (45.7%);
 - ◆ Middle District of Florida (45.6%);
 - ◆ Central District of Illinois (44.2%); and
 - ◆ Northern District of Florida (44.0%).

¹ Mandatory minimum cases with complete guideline application information are used in this analysis. As a result, the numbers reported differ from the Commission's 2016 Sourcebook of Federal Sentencing Statistics.

² See 18 U.S.C. § 3553(e).

³ See 18 U.S.C. § 3553(f).

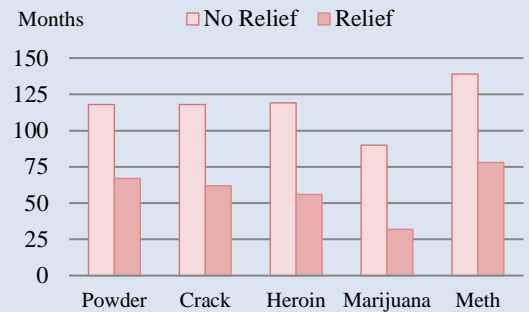
Quick Facts

Mandatory Minimum Penalties

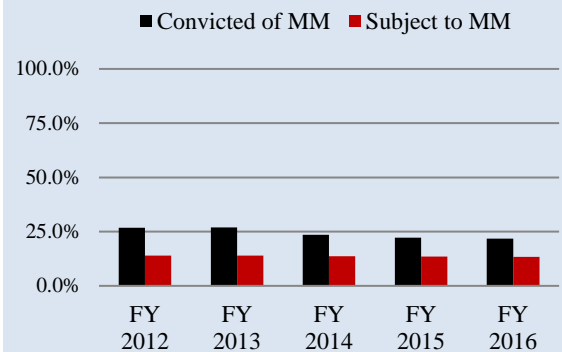
Offense Categories

- Of the 19,584 *drug offenders* sentenced in fiscal year 2016, less than one-half (46.8%) were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ Half (50.0%) of drug offenders convicted of an offense carrying a mandatory minimum penalty remained subject to that penalty at sentencing.
 - ◇ The average sentence for drug offenders subject to a mandatory minimum penalty at sentencing was 125 months (with relief, 64 months) compared to 39 months for drug offenders not convicted of an offense carrying a mandatory minimum penalty.
 - ◆ Drug offenders were convicted of an offense carrying a mandatory minimum penalty most often in powder cocaine cases (62.7%). In contrast, such a penalty applied least often in marijuana cases (27.8%).
 - ◆ Crack cocaine offenders remained subject to mandatory minimum penalties at sentencing most often (in 71.4% of crack cocaine cases involving a conviction for an offense carrying a mandatory minimum penalty). In contrast, 33.6% of marijuana offenders remained subject to a mandatory minimum penalty at sentencing.
- There were 2,338 offenders convicted of a *firearms offense* carrying a mandatory minimum penalty (1,975 of whom were convicted under 18 U.S.C. § 924(c) and 305 of whom qualified as an Armed Career Criminal under 18 U.S.C. § 924(e)).
 - ◆ Almost 80 percent (78.3%) of section 924(c) offenders remained subject to the mandatory minimum at sentencing.
 - ◇ The average sentence for section 924(c) offenders subject to the mandatory minimum penalty was 166 months (with relief, 95 months).
 - ◆ Almost 80 percent (78.8%) of Armed Career Criminals remained subject to the mandatory minimum penalty at sentencing.
 - ◇ The average sentence for Armed Career Criminals subject to the mandatory minimum penalty was 198 months (with relief, 112 months).
- Of the 2,690 *sex offenders* (cases involving sexual abuse or child pornography), 60.9% were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ Of the 1,120 *sexual abuse offenders*, 62.6% were convicted of an offense carrying a mandatory minimum penalty.
 - ◇ The average sentence for sexual abuse offenders subject to the mandatory minimum penalty was 249 months (with relief, 128 months).
 - ◆ Of the 1,570 *child pornography offenders*, 59.6% were convicted of an offense carrying a mandatory minimum penalty.
 - ◇ The average sentence for child pornography offenders subject to the mandatory minimum penalty was 134 months (with relief, 119 months).
- Of the 978 *identity theft offenders* convicted of an offense under 18 U.S.C. § 1028A, 84.3% were subject to the mandatory minimum penalty at sentencing.
 - ◆ The average sentence for identity theft offenders subject to the mandatory minimum penalty was 54 months (with relief, 32 months).

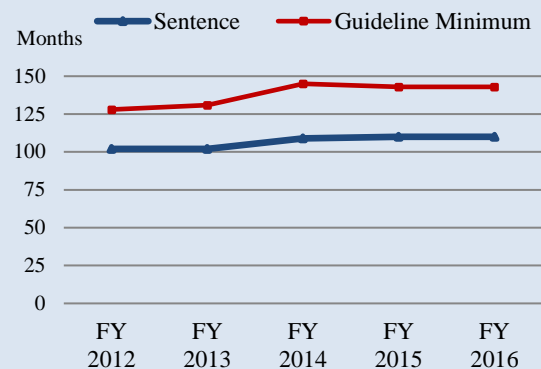
Average Sentence by Drug Type and Relief Status FY 2016



Offenders Convicted of and Remaining Subject to Mandatory Minimum Penalties



Average Sentence and Guideline Minimum for Offenders Convicted of an Offense Carrying Mandatory Minimum Penalty



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