



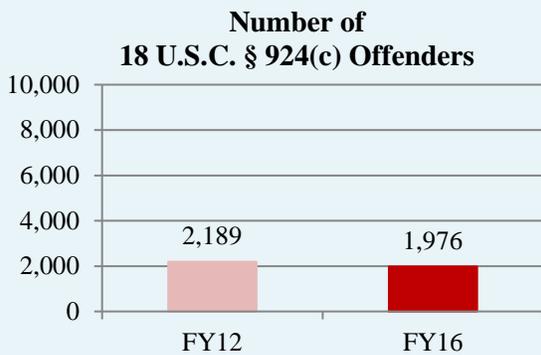
# Quick Facts

▶ THERE WERE 67,742 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2016.

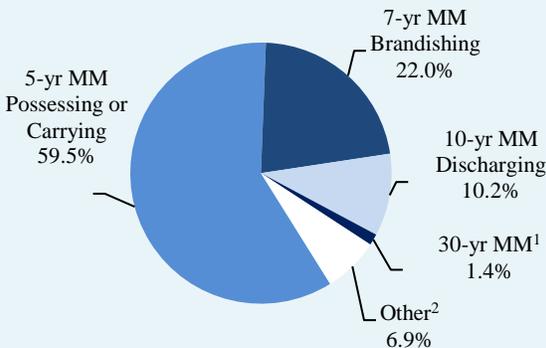
▶ OF THESE CASES, 1,976 INVOLVED CONVICTIONS UNDER 18 U.S.C. § 924(c).

▶ OFFENSES UNDER 18 U.S.C. § 924(c) INVOLVE THE USE OR CARRYING OF A FIREARM DURING AND IN RELATION TO A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME, OR THE POSSESSION OF A FIREARM IN FURTHERANCE OF THOSE CRIMES.

## Section 924(c) Firearms Offenses



### Mandatory Minimum Penalties for 18 U.S.C. § 924(c) Offenders FY 2016



### Top Five Districts 18 U.S.C. § 924(c) Offenders FY 2016

District of Puerto Rico (N=183)
Southern District of New York (N=111)
Southern District of Florida (N=100)
Eastern District of Virginia (N=80)
Eastern District of New York (N=69)

In fiscal year 2016, there were 1,976 offenders convicted under 18 U.S.C. § 924(c) accounting for 2.9% of all offenders sentenced under the guidelines. The number of offenders convicted of multiple counts of section 924(c) has decreased from 180 offenders in fiscal year 2012 (8.2% of all section 924(c) offenders) to 153 in fiscal year 2015 (7.7% of all section 924(c) offenders).

### Offender and Offense Characteristics

- In fiscal year 2016, most offenders convicted under 18 U.S.C. § 924(c) were male (97.4%).
- The majority were Black (52.6%), followed by Hispanic (29.5%), White (15.7%), and Other Races (2.2%).
- The average age of these offenders at sentencing was 32 years.
- The majority of section 924(c) offenders were United States citizens (91.3%).
- The most common Criminal History Category for these offenders was Category I (30.0%). The proportion of these offenders in other Criminal History Categories was as follows:
  - ◆ 13.0% of these offenders were in Category II;
  - ◆ 17.8% were in Category III;
  - ◆ 13.0% were in Category IV;
  - ◆ 7.0% were in Category V; and
  - ◆ 19.1% were in Category VI.
- Career offenders (§4B1.1) were 10.2% of all section 924(c) offenders.
- Districts with the highest proportion of their overall caseload comprising section 924(c) offenses were:
  - ◆ District of Puerto Rico (17.0% of the overall caseload);
  - ◆ Middle District of Alabama (11.5%);
  - ◆ Eastern District of Wisconsin (10.6%);
  - ◆ Eastern District of North Carolina (10.1%); and
  - ◆ Eastern District of New York (9.3%).

### Punishment

- Almost all offenders convicted under 18 U.S.C. § 924(c) were sentenced to imprisonment (99.9%).<sup>3</sup>
- The majority of offenders (85.5%) convicted under 18 U.S.C. § 924(c) were also convicted of another offense. The most common of these other offenses were drug trafficking (45.7%), robbery (31.6%), and another firearms offense (8.2%).
  - ◆ Over one-quarter (28.4%) of all section 924(c) offenders were convicted of another offense carrying a mandatory minimum penalty. In most cases, the other offense was a drug trafficking crime.

<sup>1</sup> The "30-year" category includes offenders with a single conviction (21.4%) or with multiple convictions (78.6%).

<sup>2</sup> The "Other" category includes offenders with a single conviction (4.4%) or with multiple convictions (95.6%).

<sup>3</sup> Offenses under section 924(c) carry one of several mandatory minimum penalties depending on the circumstances of the offense.

# Quick Facts

## Section 924(c) Firearms Offenses

### Punishment (continued)

- The number of offenders convicted of multiple counts of section 924(c) increased significantly from 119 in fiscal year 2015 to 153 in fiscal year 2016.
- The average length of sentence for offenders convicted under 18 U.S.C. § 924(c) was 151 months.
  - ◆ The average length of sentence for offenders convicted under only section 924(c) was 73 months.
  - ◆ The average length of sentence for offenders convicted under both section 924(c) and another offense not carrying a mandatory minimum penalty was 136 months.
  - ◆ The average length of sentence for section 924(c) offenders who were determined to be career offenders was 217 months.
  - ◆ The average length of sentence for offenders convicted of multiple counts of section 924(c) was 327 months.

### Sentences Relative to the Guideline Range

#### Section 924(c) Only Offenses

- In each of the past five years, most offenders convicted only of an offense under section 924(c) were sentenced to the guideline sentence.<sup>4</sup> In fiscal year 2016, 79.1% of section 924(c) only offenders were sentenced to the guideline sentence.
  - ◆ 9.2% of section 924(c) offenders were sentenced below the guideline sentence in fiscal year 2016 pursuant to a substantial assistance departure.
  - ◆ 11.4% of section 924(c) offenders were sentenced above the guideline sentence.

#### Section 924(c) Cases Involving Career Offenders

- In cases where the offender was convicted under section 924(c) and was also determined to be a career offender, the within guideline range rate has decreased from 37.6% in fiscal year 2012 to 21.7% in fiscal year 2016.
- In fiscal year 2016, 49.2% of these offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
  - ◆ Substantial assistance departures accounted for 22.8% of all section 924(c) career offender cases in fiscal year 2016.
    - ◇ The average reduction for these offenders was 54.6%.
- A non-government sponsored below range sentence was imposed on 28.0% of section 924(c) career offenders in fiscal year 2016.
  - ◆ The average reduction for these offenders was 28.2%.

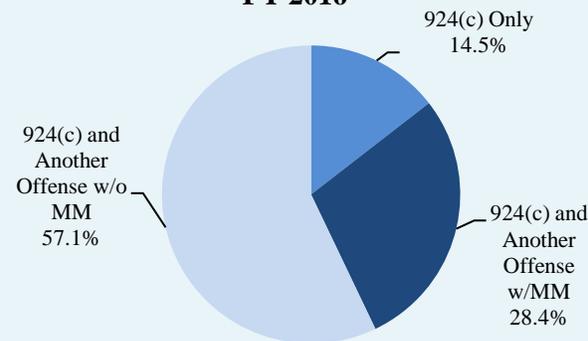
#### All Section 924(c) Offenses

- Both the average guideline minimum and average sentence have remained relatively constant over the last five years.
  - ◆ The average guideline minimum decreased from 208 to 202 months during that period;
  - ◆ The average sentence imposed decreased from 165 to 151 months.

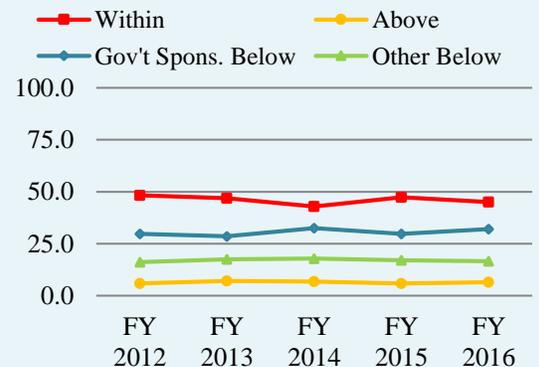
<sup>4</sup>The guideline sentence for a section 924(c) offense is the minimum term of imprisonment required by that statute. USSG §2K2.4. Punishments under section 924(c) run consecutively to any other term of imprisonment. 18 U.S.C. § 924(c)(1)(D)(ii).

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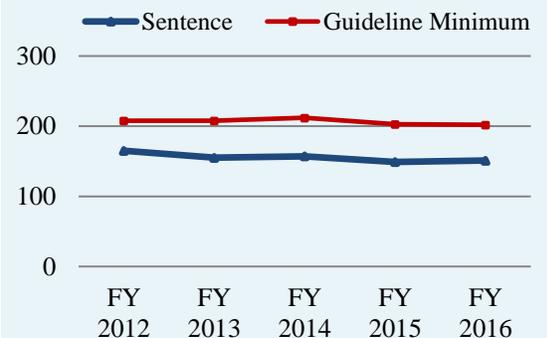
### Distribution of Section 924(c) Offenders With and Without Additional Offenses FY 2016



### Sentence Relative to the Guideline Range



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



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