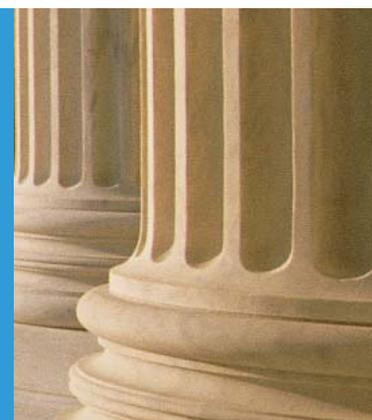




# Overview of Federal Criminal Cases Fiscal Year 2014



UNITED STATES SENTENCING COMMISSION



## United States Sentencing Commission

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**August 2015**

# Overview of Federal Criminal Cases

Fiscal Year 2014

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The United States Sentencing Commission<sup>1</sup> received information on 75,998 federal criminal cases in which the offender was sentenced in fiscal year 2014.<sup>2</sup> Among these cases, 75,836 involved an individual offender and 162 involved a corporation or other “organizational” offender. This publication provides an overview of those cases.

## The Case Load at a Glance

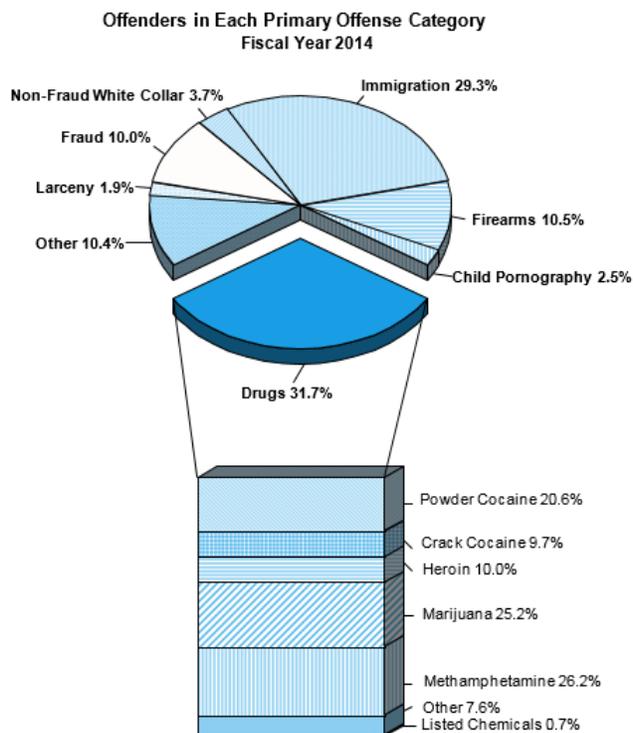
The vast majority of federal cases involve an individual defendant. The number of individual offenders sentenced each year grew steadily after the Commission began reporting sentencing data in 1988, reaching a high of 86,201 individual offenders sentenced in fiscal year 2011.<sup>3</sup> Since then the number of cases has decreased each year. In fiscal year 2014, the number of individual offender cases reported to the Commission fell by 4,199 (5.2%) cases from the previous year to 75,836. Since fiscal year 2011, the number of these cases has declined by 12.0 percent.

Cases involving drugs, immigration, firearms, or fraud accounted for 81.5 percent of all cases reported to the Commission.

Number of Offenders Over Time  
Fiscal Years 2005-2014

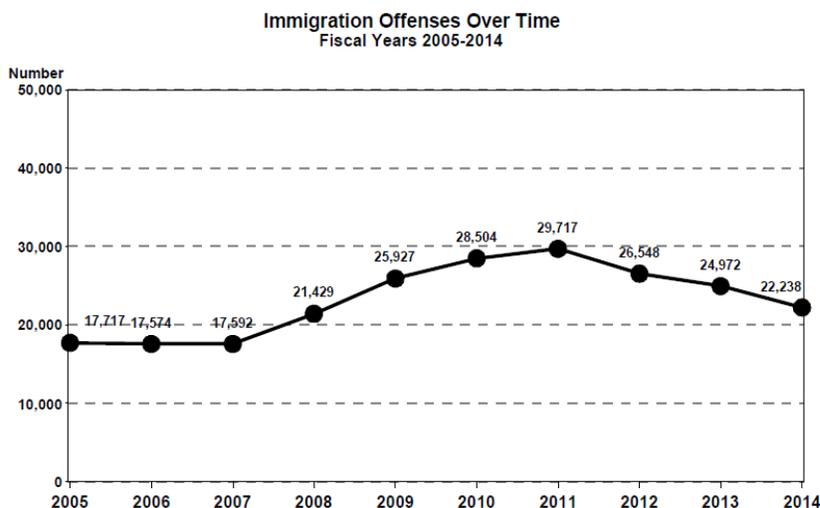


For more than a decade, cases involving drugs, immigration, firearms, or fraud have comprised the vast majority of federal felonies and Class A misdemeanors. This trend continued in fiscal year 2014, as these crimes accounted for 81.5 percent of all cases reported to the Commission.



Drug cases have traditionally been the most common federal cases. However, beginning in fiscal year 2009, the number of immigration cases steadily increased, reaching a high of 29,717 such cases in fiscal year 2011. That year immigration cases were the most common offense in the federal system. During fiscal years 2012 and 2013, immigration cases equaled drug cases as the most common cases in the federal system. Since then, however, the number of immigration cases has decreased significantly.

In fiscal year 2014, 24,011 drug cases were reported to the Commission, accounting for 31.7 percent of all cases. Most of these cases involved drug trafficking offenses. That year there were 22,238 immigration cases, accounting for 29.3 percent of the total federal caseload that year. This number was a decrease of 2,734 fewer immigration cases from the prior year, a 10.9 percent decline.



There were 7,925 firearms cases reported to the Commission in fiscal year 2014, only slightly fewer than the year before. These cases represented 10.5 percent of the caseload, about the same portion of the overall caseload that they represented in fiscal year 2010. There were 7,614 fraud cases in fiscal year 2014, accounting for 10.0 percent of the total federal caseload; however, this number represents a 2.9 percent reduction from the year before.

## Individual Offender Characteristics

The vast majority of criminal offenders are men, and their proportion of the total offender population has remained constant for more than a decade. In fiscal year 2014, 86.0 percent of all offenders were men, compared with 86.8 percent in fiscal year 2010, and 86.4 percent in fiscal year 2005. Among female offenders, the most common crime was drug trafficking (committed by 31.6% of all women offenders). Although much fewer in number, embezzlement continues to be the only crime for which female offenders outnumber male offenders (56.0% to 44.0%).

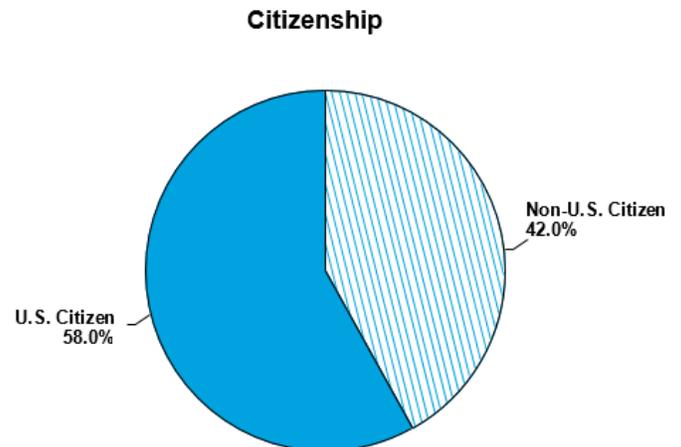
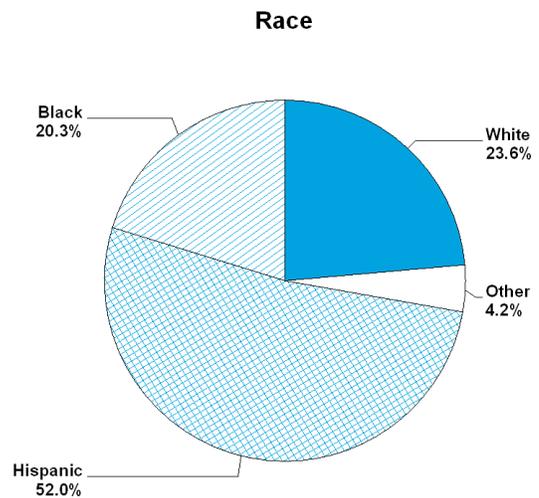
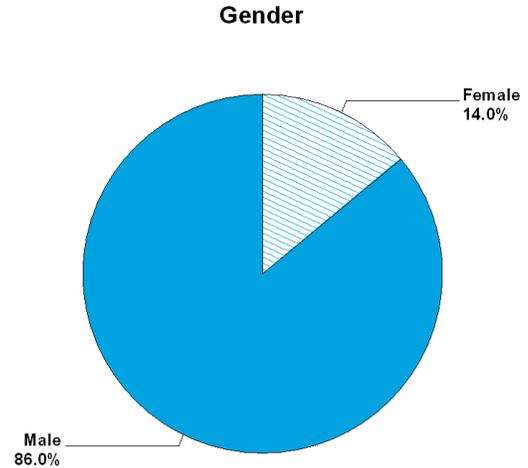
In fiscal year 2014, 52.0 percent of all federal offenders were Hispanic, while 23.6 percent were White, and 20.3 percent were Black. The racial composition of offenders varied widely across offense types. For example, most Hispanic offenders (80.2%) were sentenced for one of two types of offenses — immigration or drug trafficking crimes. Among drug offenders, racial and ethnic background varied depending on the type of drug involved in the crime.

A majority of federal offenders are United States citizens (58.0%). Most non-citizens offenders committed either an immigration offense (66.2%) or a drug trafficking offense (17.4%).

The average age of offenders in fiscal year 2014 was 36 years old, only a slight increase from the average age of 35 for offenders sentenced in fiscal year 2005 and 2010. Almost half of all federal offenders sentenced in fiscal year 2014 (46.6%) had not completed high school, and only 6.4 percent of offenders had completed college.

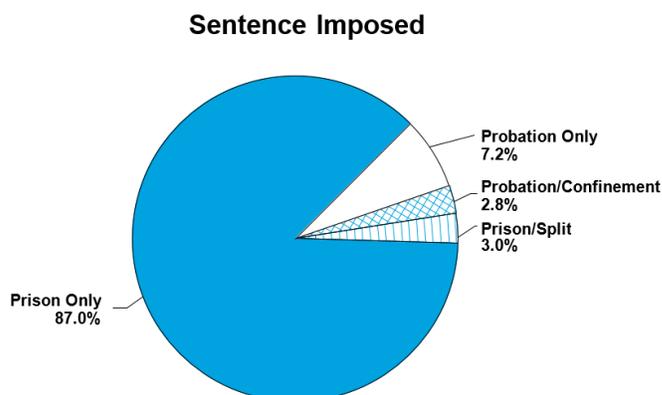
## Case Disposition

The vast majority of offenders plead guilty. In fiscal year 2014, 97.1 percent of all convicted defendants pleaded guilty. Among those who did, 51.9 percent received a sentence below the applicable sentencing guideline range, either at the request of the government, at their own request, or initiated by the court. Sixty percent of these below range sentences were requested by the government, usually because the defendant had provided substantial assistance to the government or had agreed to have his or her case handled as part of an early disposition program. In comparison, in the 2.9 percent of cases where the offender did not plead guilty,



48.1 percent received a sentence below the guideline range, although only 9.7 percent of these below range sentences were requested by the government.

Most federal offenders convicted of a felony or Class A misdemeanor receive a sentence of incarceration. In fiscal year 2014, an imprisonment sentence was imposed on 87.0 percent of all offenders. Another 7.2 percent of offenders received a sentence of probation (*i.e.*, where no type of confinement was imposed), a rate that has decreased over time from a high of 14.8 percent in 1993. Among those offenders not sentenced to one of these two types of sentence, 2.8 percent were sentenced to periods of probation and some type of confinement and 3.0 percent were sentenced to a combination of imprisonment and community confinement, such as in a half-way house or through home confinement.<sup>4</sup>



The length of imprisonment imposed on offenders varies greatly depending on the seriousness of the offense and the criminal history of the offender. Offenders committing murder received the longest terms of confinement in fiscal year 2014, at 273 months on average. Crimes involving violations of environment and wildlife statutes were punished least severely, with offenders receiving confinement sentences of four months, on average.

Eighty-seven percent of offenders were sentenced to imprisonment.

Overall, 71.1 percent of offenders received a sentence of less than five years, 16.5 percent of offenders received a sentence of five years or longer but less than ten years, and 12.4 percent received a sentence of ten years or longer. In fiscal year 2014, 135 federal offenders were sentenced to life imprisonment while five offenders were sentenced to death.

Monetary fines were imposed in 8.1 percent of all cases in which an individual was sentenced in fiscal year 2014, either as the sole punishment or combined with some other sanction. Fines were most commonly imposed in antitrust cases (89.5%), environmental cases (59.0%), and gambling/lottery cases (52.2%). When the offender was an organization, courts imposed a fine in seven out of every ten cases (71.0%).

Courts ordered restitution to be paid to the victim of the crime in 15.3 percent of all cases in which an individual was the offender. Restitution was most commonly ordered in cases involving embezzlement (86.5%), robbery (78.3%), larceny (77.1%), fraud (73.3%), and auto theft (68.6%). Restitution was ordered in 29.6 percent of the cases where the offender was an organization.

Most offenders who were sentenced to imprisonment also were sentenced to serve a period of supervised release following the completion of their confinement. In fiscal year 2014, 80.2 percent of offenders sentenced to incarceration also were sentenced to serve a period of supervised release. The average length of supervised release imposed was 48 months, and the median length was 36 months. In immigration cases, the rate of imposition of supervised release was 56.8%, reflecting the fact that many immigration offenders are ordered deported from the United States once they complete their incarceration sentence.

## The Most Common Crimes

### Drugs

Drug offenses were the most common federal crime in fiscal year 2014. Most of the 24,011 drug cases involved the manufacture, sale, or transportation of a drug,<sup>5</sup> while 2,344 of those cases involved the simple possession of a drug.

Offenses involving cocaine, in either powder form or base (crack) form, were the most common drug crimes, accounting for 33.8 percent of the offenders sentenced under the Chapter Two drug guidelines. In fiscal year 2008, cases involving cocaine were almost evenly split between the two forms of the drug, however, the portion of crack cocaine cases has decreased steadily since then, from 24.3 percent of all drug cases in fiscal year 2008 to 11.1 percent in fiscal year 2014.

Methamphetamine offenses were the next most common, representing 28.8 percent of all drug crimes. The number of methamphetamine cases has risen steadily since 1994, when those cases accounted for only 6.4 percent of all drug cases.

Of the remaining drug cases, marijuana cases accounted for 18.1 percent of the cases, heroin for 11.1 percent, and cases involving other drugs, mostly prescription drugs such as oxycodone, accounted for 8.2 percent of all drug offenses.

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The number of methamphetamine cases has risen steadily since 1994, now accounting for 28.8 percent of all drug crimes.

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Most drug offenders were United States citizens, although the citizenship of drug offenders varied widely depending on the type of drug involved in the offense. For example, 97.8 percent of crack cocaine offenders were United States citizens, while only 56.7 percent of marijuana offenders were citizens.

The race of drug offenders varied even more widely by the type of drug involved in the offense. Almost half (47.4%) of all drug offenders convicted in federal court were Hispanic, while Black offenders comprised 25.3 percent of all drug offenders, and White offenders 24.1 percent of all drug offenders. Yet, in crack cocaine cases, 82.9 percent of those convicted were Black, and in “other” drug cases 58.3 percent of the offenders were White. Weapons were involved in 16.2 percent of all drug offenses. As with the other aspects of these cases discussed above, the rate of

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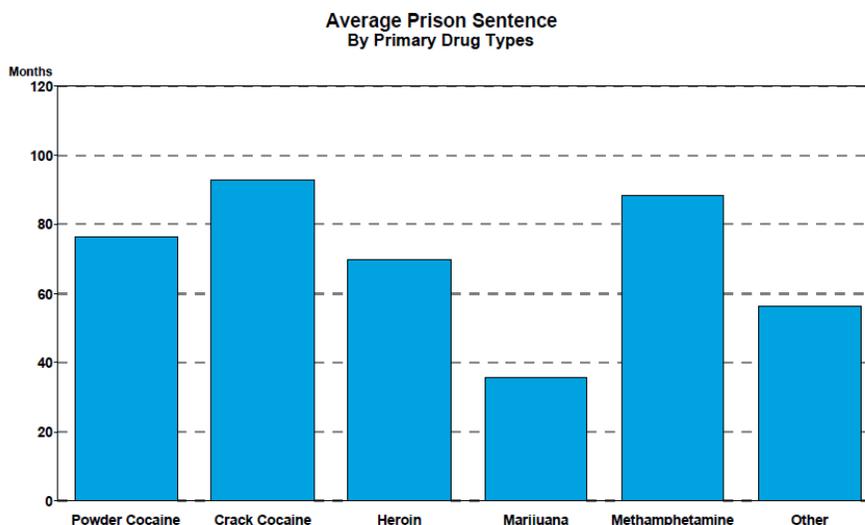
Weapons were involved in 16.2 percent of drug offenses.

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weapon involvement varied depending on the type of drug involved, ranging from 28.8 percent in crack cocaine cases to 11.2 percent in marijuana cases.

Several factors affect the average prison sentence for drug offenders, including statutory mandatory minimum punishments, the quantity of the drugs involved in the case, the prior criminal history of the offender, and whether the offender assisted the government in the

investigation of his or her crime and other crimes. For more than 20 years, crack cocaine offenders have been the most severely punished, however the length of imprisonment imposed in these cases has decreased steadily since 2007. In fiscal year 2014, the average imprisonment for drug crimes involving crack cocaine was 93 months of imprisonment (with a median sentence of 72 months). This compares to a high of 129 for these offenders in fiscal year 2007. Methamphetamine



offenders are the next most severely punished drug crimes, with an average length of imprisonment of 88 months (and a median sentence of 70 months). Marijuana offenders have the lowest average imprisonment at 36 months (with a median sentence of 24 months).

An offender’s role in the offense also can affect the guideline range that judges consider when imposing punishment. In fiscal year 2014, judges in 19.1 percent of all drug cases determined that the applicable guideline range should be lowered because of the offender’s minor or minimal role in the offense. In marijuana cases, this adjustment to the guideline range occurred 29.0 percent of the time. In contrast, courts found such an adjustment warranted in only 5.0 percent of crack cocaine cases. In 7.1 percent of all drug cases, the court determined that the applicable guideline range should be increased because of the offender’s role as an organizer, leader, manager, or supervisor.

Mandatory minimum penalties enacted by Congress play a large part in determining the sentence for drug offenders, either outright or through the impact of these statutes on the structure of the guidelines. In fiscal year 2014, half of all drug offenders were convicted of an offense carrying a mandatory minimum penalty, however, this proportion was the lowest it has been since the Commission began reporting data about mandatory minimum penalty application in 1993. The portion of drug cases carrying a mandatory minimum penalty in fiscal year 2013 was 62.1 percent. This significant reduction was due, in large part, to a change in the policy of the Department of Justice as to how to charge drug cases.<sup>6</sup>

In fiscal year 2014, powder cocaine offenders and methamphetamine offenders were convicted of an offense that provided for the imposition of a mandatory minimum sentence at the highest rates—65.4 percent in powder cocaine cases and 61.8 percent in methamphetamine cases.<sup>7</sup> Mandatory minimum penalties were least common in drug cases involving “other” drugs (mostly prescription drugs) and marijuana, accounting for 4.3 percent and 33.2 percent, respectively, of those cases.

Many offenders convicted of an offense carrying a mandatory minimum penalty are able to obtain relief from that penalty through the “safety valve” exception to such sentences, which requires courts to sentence an offender without regard to any otherwise applicable mandatory minimum punishment when certain conditions are met.<sup>8</sup> Powder cocaine offenders obtained relief from a mandatory minimum sentence through the use of the safety valve most often, in

24.7 percent of all powder cocaine cases in which a mandatory minimum penalty applied. In contrast, only 4.7 percent of crack cocaine offenders obtained this relief.

This difference is due largely to the differing criminal histories of powder cocaine and crack cocaine offenders. In fiscal year 2014, 59.0 percent of powder cocaine offenders were assigned to Criminal History Category I (offenders with a criminal history score under the sentencing guidelines of zero or one) while just 19.2 percent of crack cocaine offenders were assigned to that category. Only offenders assigned to Criminal History Category I are eligible to receive the benefit of the safety valve.

Overall, crack cocaine offenders continue to have, on average, a more serious criminal history than any other category of drug offender.<sup>9</sup> Crack cocaine offenders were assigned to the most serious criminal history category (CHC VI) in 30.2 percent of all crack cocaine cases. In contrast, powder cocaine offenders were assigned to CHC VI in only 8.1 percent of cases. By comparison, 16.5 percent of heroin offenders were assigned to CHC VI and 12.7 percent of methamphetamine offenders were assigned to CHC VI. Offenders convicted of marijuana offenses generally had the least serious criminal histories, with 59.6 percent assigned to CHC I and only 4.3 percent to CHC VI.

### Immigration

Immigration offenses<sup>10</sup> were the second most common federal crime in fiscal year 2014, representing 29.3 percent of the cases reported to the Commission. The majority of these offenses involved either the unlawful reentry into the United States or remaining in the United States without authority (82.4%). Another 11.2 percent involved alien smuggling activities. The average sentence in immigration cases in fiscal year 2014 was 17 months.

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Offenders sentenced under the immigration guidelines differ from other federal offenders in several ways. For example, although United States citizens committed the majority of all federal crimes (58.0%), the overwhelming majority (93.1%) of immigration offenses were committed by non-citizens.<sup>11</sup> Similarly, while Hispanics accounted for only 31.7 percent of non-immigration offenders, they account for 95.5 percent of immigration offenders. Also, immigration offenders had significantly less education than other offenders. Over 80 percent (81.3%) of immigration offenders had less than a high school education, compared with less than 33 percent of offenders convicted of other crimes. While men committed most federal crimes not involving an immigration offense (83.2%), men committed an even higher proportion of immigration crimes (93.1%).

### Firearms and Other Weapons

Crimes involving firearms<sup>12</sup> accounted for the third largest portion (10.5%) of federal criminal cases in fiscal year 2014. Of the 7,925 firearms cases reported to the Commission, 24.5 percent involved the possession or use of a firearm in connection with a crime of violence or drug trafficking crime.<sup>13</sup> More than half of firearms (51.3%) involved a convicted felon who illegally possessed a firearm.<sup>14</sup> The average sentence imposed in firearms cases in fiscal year 2014 was 82 months.

Of all cases with complete guideline application information reported to the Commission in fiscal year 2014, in 8.4 percent of cases the sentence was enhanced (either through application of

specific offense characteristics under guidelines when available or by statute) because a firearm or other dangerous weapon (e.g., knife) was involved in the offense. A weapon was involved twice as often in drug cases (16.2%). Among drug cases, weapons were present most often in crack cocaine cases (28.8%) and least often in marijuana cases (11.2%).

### Fraud

Fraud crimes were 10.0 percent of the total federal criminal convictions for fiscal year 2014. The losses in these cases ranged from \$0 (no loss, in 154 cases) to more than \$7 billion, with an average loss amount of \$5,472,488 and a median loss amount of \$213,415.

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The median loss in fraud cases was \$213,415.

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Identity theft crimes<sup>15</sup> accounted for a relatively small number (907) of these cases in fiscal year 2014. The average sentence imposed in fraud cases in fiscal year 2014 was 27 months.

### Organizational Cases

Organizations such as corporations and partnerships can be prosecuted for violating federal criminal law, and 162 organizations were sentenced for at least one federal criminal offense in fiscal year 2014. This number is a 5.8 percent decrease from the 172 cases reported in fiscal year 2013, and the number of organizational defendants continues to be lower than in earlier years. For example, 200 organizational defendants were sentenced in fiscal year 2003, and 255 organizational defendants were sentenced in fiscal year 1999.

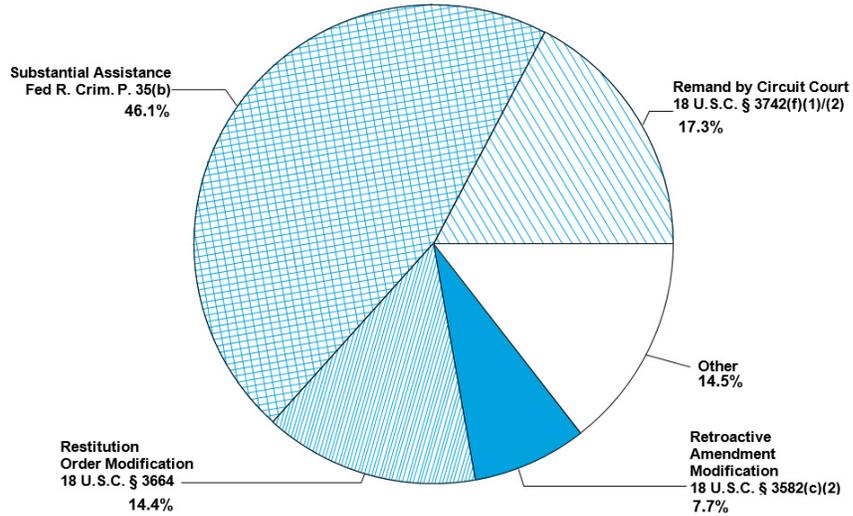
Ninety-two percent of the organizational offenders sentenced in fiscal year 2014 pled guilty to one or more charges. The most common crimes for which organizational defendants were convicted were environmental and fraud crimes. Organizational offenders were sentenced to pay only a fine in 96 cases. In an additional 19 cases the offender was sentenced to pay restitution to the victim of the crime as well as to pay a fine. In 29 cases, the organization was sentenced to pay restitution only. No fine or restitution was imposed in 18 cases, although other sanctions were imposed in some of these cases. Additionally, of the 162 organizational offenders, 113 received some term of probation, and 45 were ordered to make improvements in compliance or ethics procedures.

### Resentencings and Other Modifications of Sentence

In 2014, the Commission received documentation on 3,585 resentencings and other modifications of sentence. The most frequently reported reason was a reduction in sentence for substantial assistance<sup>16</sup> to the government in investigating or prosecuting another person after the offender was sentenced (1,652 or 46.1% of all cases).

The second most common type of resentencing reason or modification of sentence was a remand by the court of appeals (620 or 17.3% of all cases). The third most common type of resentencing or modification of sentence was a modification of restitution order (518 or 14.4% of all cases).

### Resentencings and Other Modifications of Sentence



#### For More Information

More information on these cases can be found in the Commission's *2014 Sourcebook of Federal Sentencing Statistics and Guideline Application Frequencies for Fiscal Year 2014*. The *Sourcebook* is available in hard copy format through the Commission. Both documents, together with other reports on sentencing data, are also available in electronic format at the Commission's website at [www.ussc.gov](http://www.ussc.gov). Additional statistical analyses of these cases can be found through the Commission's "Interactive Sourcebook of Federal Sentencing Statistics" at <http://isb.ussc.gov>.



<sup>1</sup> The United States Sentencing Commission is an independent agency in the judicial branch of government. Its principal purposes are (1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the appropriate form and severity of punishment for offenders convicted of federal crimes; (2) to advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues.

<sup>2</sup> The Commission receives information from the courts on cases in which the defendant has been convicted of a felony or a Class A misdemeanor.

<sup>3</sup> There were 86,201 individual offender cases reported to the Commission in Fiscal Year 2011. U.S. SENT'G. COMM'N., 2011 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS, TABLE 12 (2012).

<sup>4</sup> For more information concerning the use of alternative sentences in the federal system, see COURTNEY SEMISCH, U.S. SENT'G. COMM'N., ALTERNATIVE SENTENCES IN THE FEDERAL SYSTEM (2015).

<sup>5</sup> This number also includes persons convicted of one or more crimes in addition to a drug offense.

<sup>6</sup> See Memorandum to United States Attorneys and Assistant Attorney General for the Criminal Division from Attorney General Eric Holder, *Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases*, August 12, 2013.

<sup>7</sup> Some of these offenders received a sentence that was lower than the applicable statutory mandatory minimum punishment due to the operation of 18 U.S.C. §§ 3553(e) or (f). Subsection (e) authorizes courts to impose a sentence that is below a statutory mandatory minimum when the offender has provided substantial assistance to the government in investigating or prosecuting another offender. Subsection (f) requires courts to impose a sentence on a non-violent offender with no or limited criminal background without regard to a statutory mandatory minimum punishment when certain other conditions are met.

<sup>8</sup> See 18 U.S.C. § 3553(e).

<sup>9</sup> Under the guidelines, offenders are assigned to one of six criminal history categories (CHCs) based on their prior criminal history. The criminal history score establishes the CHC for an offender. See U.S. SENT'G. COMM'N., GUIDELINES MANUAL, Ch.4 (2014). The CHC, along with the final offense level, determines the sentencing range under the guidelines.

<sup>10</sup> Immigration offense means, in general, a case in which at least one of the statutes of conviction involved trafficking in passports or entry documents; failure to surrender naturalization certificates; fraudulently acquiring passports; alien smuggling; unlawful presence in the United States; or fraudulently acquiring entry documents.

<sup>11</sup> Non-citizens primarily are convicted of immigration crimes. Non-citizens were the offenders in only 14.2 percent of federal crimes other than immigration crimes in fiscal year 2014.

<sup>12</sup> Firearms crime includes unlawful possession or transportation of firearms or ammunition; unlawful trafficking in explosives; possession of guns or explosives in a federal facility, a school, or on an aircraft; the use of fire or explosives to commit a felony; and the use of firearms or ammunition during a crime.

<sup>13</sup> *I.e.*, a case in which 18 U.S.C. § 924(c) was the statute of conviction.

<sup>14</sup> *I.e.*, a case in which 18 U.S.C. § 922(g)(1) was the statute of conviction.

<sup>15</sup> Identity theft crimes are those fraud cases in which one or more of the offenses of conviction was 18 U.S.C. § 1028(a)(7) or 18 U.S.C. § 1028A. The Commission includes these cases with other fraud cases when it reports sentencing statistics.

<sup>16</sup> See Fed R. Crim. P. 35(b).