



Quick Facts

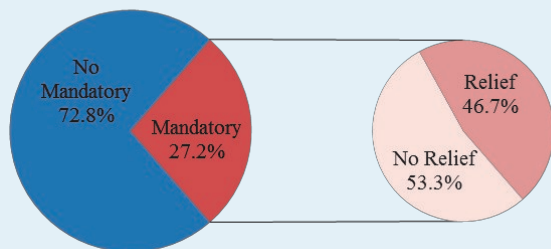
▶ THERE WERE 83,946 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2010.

▶ IN 27.2% OF ALL CASES STUDIED,¹ THE OFFENDER WAS CONVICTED OF AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.

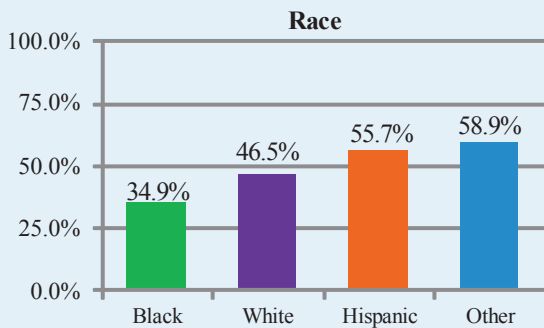
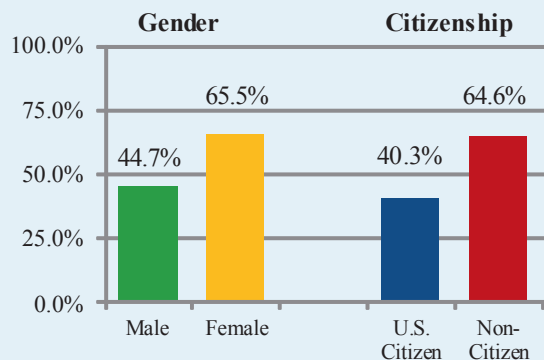
▶ AT SENTENCING, 14.5% OF ALL OFFENDERS REMAINED SUBJECT TO A MANDATORY MINIMUM PENALTY.

Mandatory Minimum Penalties

Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties FY 2010



Relief From Mandatory Minimum Penalties For Each Category of Offender FY 2010



¹ The Commission excluded cases from the analyses performed in the report that lacked the necessary documentation. As a result, the numbers reported differ from the Commission's 2010 *Sourcebook of Federal Sentencing Statistics*.

² See 18 U.S.C. § 3553(f).

³ See 18 U.S.C. § 3553(e) which applies when the offender provides substantial assistance to the government in the investigation or prosecution of another offender.

In October 2011, the Commission issued its *Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*. The major findings of that report were:

Overview

- There were 195 federal statutes that carried a mandatory minimum penalty in 2011, more than double the number in 1991 (98).
- Drug offenses accounted for over three-quarters of the offenses carrying a mandatory minimum penalty followed by firearms offenses (11.9%) and child pornography offenses (5.0%).
- In 27.2% of all cases, the offender was convicted of an offense carrying a mandatory minimum penalty.
- Almost half (46.7%) of these offenders were relieved of the mandatory minimum penalty because:
 - ◆ 7.3% received relief through both the statutory safety valve provision² and a substantial assistance departure;³
 - ◆ 20.9% received relief through the statutory safety valve provision alone; and
 - ◆ 18.5% provided the government with substantial assistance alone.
- As a result, 14.5% of all federal offenders remained subject to a mandatory minimum penalty at sentencing.

Offenders and Sentencing

- Hispanic offenders accounted for the largest group (38.3%) of offenders convicted of an offense carrying a mandatory minimum penalty, followed by Black (31.5%), White (27.4%), and Other Races (2.7%).
- Other Race offenders received relief from mandatory minimum penalties most often (58.9%) while Black offenders received such relief least often (34.9%).
- The average sentence length of offenders who remained subject to the mandatory minimum penalty at sentencing was 139 months, over twice the average sentence of offenders receiving relief (63 months).

Prison Impact

- At the end of fiscal year 2010, 39.4% of the offenders in Bureau of Prisons custody were subject to a mandatory minimum penalty at sentencing.
- The number of offenders in BOP custody who were subject to a mandatory minimum penalty has grown steadily over the past 20 years. However, the proportion of such offenders in the federal prison population has remained relatively stable.

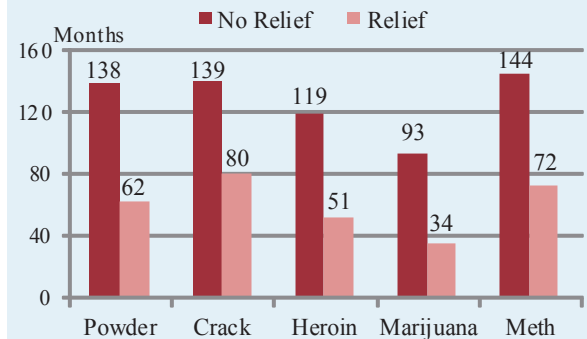
Quick Facts

Offense Categories

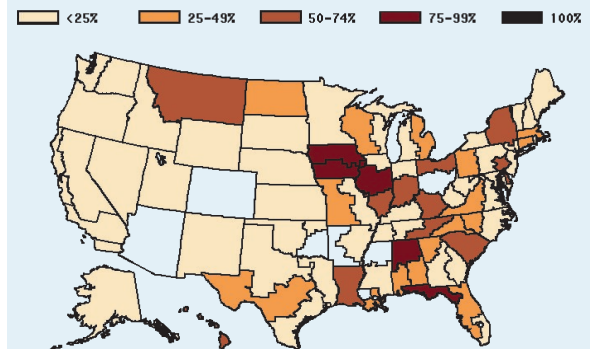
- Of the 23,964 **drug offenders**, approximately two-thirds (66.1%) were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ Less than half (45.6%) of drug offenders convicted of an offense carrying a mandatory minimum penalty remained subject to that penalty at sentencing.
 - ◇ The average sentence for drug offenders subject to the mandatory minimum penalty was 132 months (with relief, 61 months).
 - ◆ In fiscal year 2010, mandatory minimum penalties applied in 83.2% of methamphetamine cases. In contrast, such a penalty applied in less than 45% of marijuana cases (44.3%).
 - ◆ In most districts, at least one-quarter of all drug offenders were eligible for an enhanced mandatory minimum penalty under 21 U.S.C. § 851. However, the application of the enhancement varied greatly by district (*see map*).
 - ◆ Offenders performing a high-level function received substantial assistance relief at higher rates while offenders performing a low-level function received safety valve relief at higher rates (*see bar chart*).
- There were 2,833 offenders convicted of a **firearms offense** carrying a mandatory minimum penalty (2,294 of whom were convicted under 18 U.S.C. § 924(c) and 592 of whom qualified as an armed career criminal under 18 U.S.C. § 924(e)).
 - ◆ 75.5% of section 924(c) offenders remained subject to the mandatory minimum penalty at sentencing.
 - ◇ The average sentence for section 924(c) offenders subject to the mandatory minimum penalty was 182 months (with relief, 109 months).
 - ◆ Over 80 percent (82.6%) 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 210 months (with relief, 122 months).
- Of the 2,317 **sex offenders** (sexual abuse or child pornography), 50.8% were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ Of the 640 **sexual abuse offenders**, 52.5% were convicted of an offense carrying a mandatory minimum penalty.
 - ◇ The average sentence for sexual abuse offenders subject to the mandatory minimum penalty was 235 months (with relief, 139 months).
 - ◆ Of the 1,677 **child pornography offenders**, 50.1% were convicted of an offense carrying a mandatory minimum penalty.
 - ◇ The average sentence for child pornography offenders subject to the mandatory minimum penalty was 132 months (with relief, 121 months).
- Of the 797 **identity theft offenders** convicted of an offense under 18 U.S.C. § 1028A, 84.4% were subject to the mandatory minimum penalty at sentencing.
 - ◆ The average sentence for identity theft offenders subject to the mandatory minimum penalty was 50 months (with relief, 32 months).

Mandatory Minimum Penalties

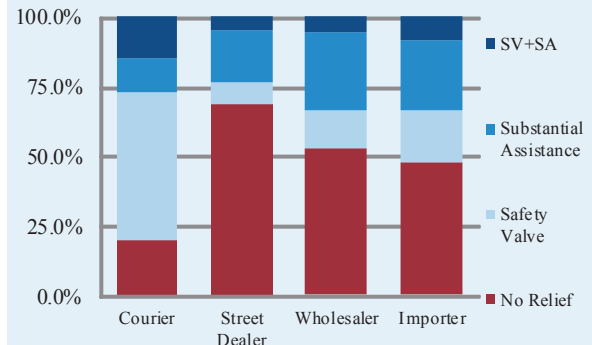
Average Sentence
by Drug Type and Relief Status
FY 2010



Application of 21 U.S.C. § 851 Enhancement
By District
Sample Data⁴



Relief Status by Drug Offender Function
Sample Data⁵



⁴ Data from a sample of offenders sentenced in fiscal years 2006, 2008, and 2009.

⁵ Data from a sample of offenders sentenced in fiscal year 2009.

SOURCE: United States Sentencing Commission, 2010 Datafile, "851" Datafile, and "Function" Datafile.

