



# Quick Facts

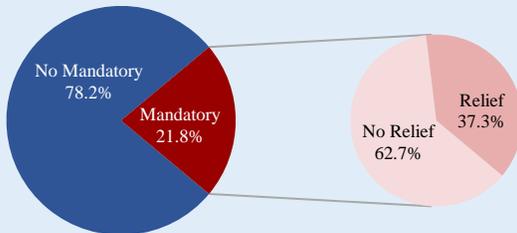
▶ THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.

▶ IN 21.8% OF THESE CASES, THE OFFENDER WAS CONVICTED OF AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.<sup>1</sup>

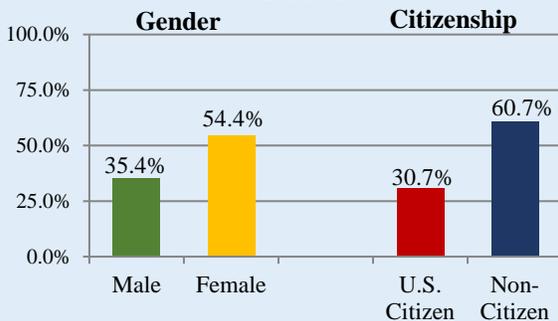
▶ AT SENTENCING, 13.7% OF ALL OFFENDERS REMAINED SUBJECT TO A MANDATORY MINIMUM PENALTY.

## Mandatory Minimum Penalties

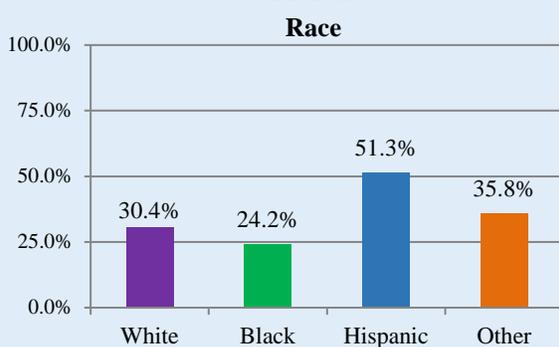
**Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties FY 2017**



**Relief from Mandatory Minimum Penalties by Offender Characteristic FY 2017**



**Relief from Mandatory Minimum Penalties by Offender Characteristic FY 2017**



In fiscal year 2017, the Commission received data on 13,577 offenders convicted of an offense carrying a mandatory minimum penalty. Over 60 percent (62.7%) of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief from the penalty and were subject to the mandatory minimum penalty at sentencing (13.7% of all federal offenders).

### Overview

- In 21.8% of all cases, the offender was convicted of an offense carrying a mandatory minimum penalty.
- Drug trafficking offenses accounted for almost two-thirds (67.8%) of the offenses carrying a mandatory minimum penalty, followed by fraud (6.5%), child pornography (6.0%), and sexual abuse (5.5%).
- Almost 40 percent (37.3%) of offenders convicted of an offense carrying a mandatory minimum were relieved of the mandatory minimum penalty because:
  - ◆ 18.5% received relief solely by providing the government with substantial assistance;<sup>2</sup>
  - ◆ 13.3% received relief solely through the statutory safety valve provision;<sup>3</sup> and
  - ◆ 5.5% received relief through both the statutory safety valve provision and by providing substantial assistance to the government.
- Over 60 percent (62.7%) 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 13.7% of all federal offenders.

### Offenders and Sentencing

- Hispanic offenders accounted for the largest group (41.0%) of offenders convicted of an offense carrying a mandatory minimum penalty followed by Black (29.5%), White (26.9%), and Other Races (2.6%).
- The average sentence length for offenders who remained subject to a mandatory minimum penalty at sentencing was 138 months, almost twice the average sentence of offenders receiving relief from such a penalty (72 months). The average sentence for offenders not convicted of any offense carrying a mandatory minimum penalty was 28 months.
- Districts with the highest caseload proportion of offenses carrying a mandatory minimum penalty:
  - ◆ Northern District of Florida (48.4%);
  - ◆ Southern District of Indiana (47.5%);
  - ◆ Western District of Kentucky (47.3%);
  - ◆ District of Puerto Rico (46.0%); and
  - ◆ Eastern District of Tennessee (45.3%).

<sup>1</sup> Mandatory minimum cases with complete guideline application information are used in this analysis. As a result, the numbers reported differ from the Commission's 2017 *Sourcebook of Federal Sentencing Statistics*.

<sup>2</sup> See 18 U.S.C. § 3553(e).

<sup>3</sup> See 18 U.S.C. § 3553(f).

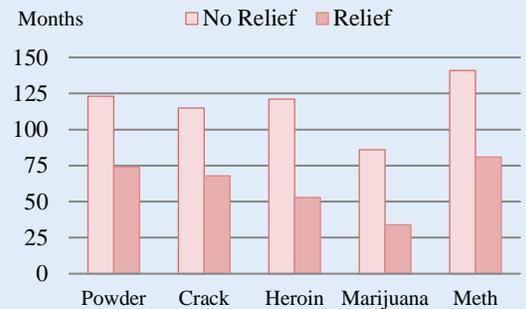
# Quick Facts

## Mandatory Minimum Penalties

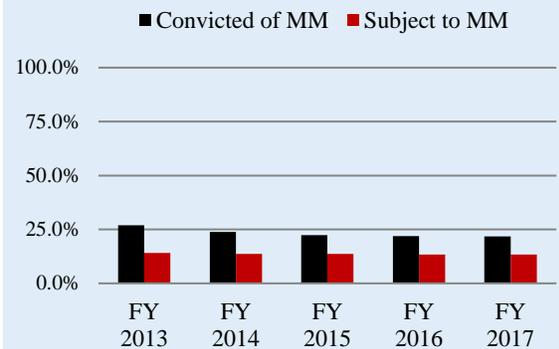
### Offense Categories

- Of the 19,495 *drug offenders* sentenced in fiscal year 2017, less than half (47.2%) were convicted of an offense carrying a mandatory minimum penalty.
  - ◆ Over half (52.0%) 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 128 months (with relief, 69 months) compared to 41 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 (60.9%). In contrast, such a penalty applied least often in marijuana cases (27.2%).
  - ◆ Crack cocaine offenders remained subject to mandatory minimum penalties at sentencing most often (in 77.2% of crack cocaine cases involving a conviction for an offense carrying a mandatory minimum penalty). In contrast, 35.4% of marijuana offenders remained subject to a mandatory minimum penalty at sentencing.
- There were 2,415 offenders convicted of a *firearms offense* carrying a mandatory minimum penalty (2,075 of whom were convicted under 18 U.S.C. § 924(c) and 275 of whom qualified as an Armed Career Criminal under 18 U.S.C. § 924(e)).
  - ◆ Over 80 percent (81.2%) 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 161 months (with relief, 101 months).
  - ◆ Over 80 percent (81.1%) 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 204 months (with relief, 109 months).
- Of the 2,517 *sex offenders* (cases involving sexual abuse or child pornography), 61.7% were convicted of an offense carrying a mandatory minimum penalty.
  - ◆ Of the 1,130 *sexual abuse offenders*, 65.5% were convicted of an offense carrying a mandatory minimum penalty.
    - ◇ The average sentence for sexual abuse offenders subject to the mandatory minimum penalty was 244 months (with relief, 147 months).
  - ◆ Of the 1,387 *child pornography offenders*, 58.6% were convicted of an offense carrying a mandatory minimum penalty.
    - ◇ The average sentence for child pornography offenders subject to the mandatory minimum penalty was 130 months (with relief, 128 months).
- Of the 1,043 *identity theft offenders* convicted of an offense under 18 U.S.C. § 1028A, 82.4% were subject to the mandatory minimum penalty at sentencing.
  - ◆ The average sentence for identity theft offenders subject to the mandatory minimum penalty was 52 months (with relief, 27 months).

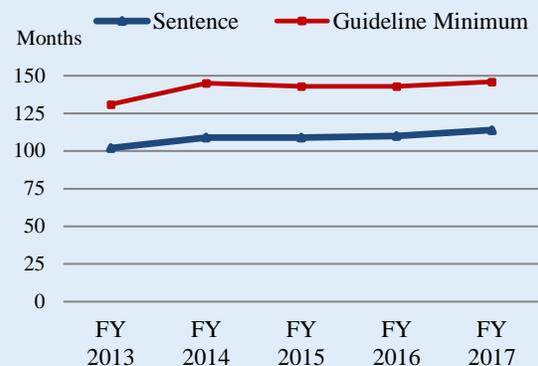
Average Sentence by Drug Type and Relief Status FY 2017



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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