



Quick Facts

▶ THERE WERE 84,173 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2012.

▶ OF THESE CASES, 2,189 INVOLVED CONVICTIONS UNDER 18 U.S.C. § 924(c).¹

Section 924(c) Firearms Offenses¹



Top Five Districts 18 U.S.C. § 924(c) Offenders FY 2012

Eastern District of Virginia (N=122)
Eastern District of Pennsylvania (N=110)
Middle District of Florida (N=101)
District of Puerto Rico (N=92)
Southern District of New York (N=91)

Offender and Offense Characteristics

- In fiscal year 2012, most offenders convicted under 18 U.S.C. § 924(c) were male (97.1%).
- The majority were Black (52.2%), followed by Hispanic (26.8%), White (18.2%) and Other Races (2.8%).
- The average age of these offenders at sentencing was 32 years.
- The majority of section 924(c) offenders were U.S. citizens (86.5%).
- The most common Criminal History Category for these offenders was Category I (31.9%). The proportion of these offenders in other Criminal History Categories was as follows:
 - ◆ 12.0% of these offenders were in Category II;
 - ◆ 19.4% were in Category III;
 - ◆ 10.9% were in Category IV;
 - ◆ 5.9% were in Category V; and
 - ◆ 19.8% were in Category VI.
- Career offenders (§4B1.1) were 11.8% of all section 924(c) offenders.
- Districts with the highest proportion of their overall caseload comprising section 924(c) offenses were:
 - ◆ Eastern District of Pennsylvania (13.6% of the overall caseload);
 - ◆ Eastern District of North Carolina (10.9%);
 - ◆ Middle District of North Carolina (8.6%);
 - ◆ Western District of Tennessee (7.2%); and
 - ◆ Northern District of Mississippi (7.0%).

Punishment

- Almost all offenders convicted under 18 U.S.C. § 924(c) were sentenced to imprisonment (99.4%).²
 - ◆ The 5-year mandatory minimum penalty for possessing or carrying a firearm was imposed in 60.8% of section 924(c) cases. The 7-year penalty for brandishing a firearm was imposed in 20.9% of the cases. The 10-year penalty for discharging a firearm was imposed in 9.0% of the cases. The 30-year penalty for offenses involving a machine gun or destructive device was imposed in 1.8% of these cases.
- The majority of offenders (86.8%) convicted under 18 U.S.C. § 924(c) were also convicted of another offense. The most common of these other offenses were drug trafficking (51.1%), robbery (31.0%), and another firearms offense (7.8%).
 - ◆ Almost a third (31.5%) 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.

¹ 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.

² Offenses under section 924(c) carry one of several mandatory minimum penalties depending on the circumstances of the offense.

³ 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)

Quick Facts

Section 924(c) Firearms Offenses¹

Punishment (continued)

- The number of offenders convicted of multiple counts of section 924(c) has increased from 151 offenders in fiscal year 2008 (6.3% of all section 924(c) offenders) to 180 in fiscal year 2012 (8.2% of all section 924(c) offenders).
- The average length of sentence for offenders convicted under 18 U.S.C. § 924(c) was 165 months.
 - ◆ The average length of sentence for offenders convicted only under section 924(c) was 109 months.
 - ◆ The average length of sentence for offenders convicted under both 924(c) and another offense carrying a mandatory minimum penalty was 190 months.
 - ◆ The average length of sentence for section 924(c) offenders who were determined to be career offenders was 252 months.
 - ◆ The average length of sentence for offenders convicted of multiple counts of section 924(c) was 358 months.

Sentences Relative to the Guideline Range

Section 924(c) Only Offenses

- For each of the past five years, most offenders convicted only of an offense under section 924(c) were sentenced to the guideline sentence.³ In fiscal year 2012, 73.6% percent of section 924(c) only offenders were sentenced to the guideline sentence.
 - ◆ 12.5% of these offenders were sentenced below the guideline sentence pursuant to a substantial assistance departure.
 - ◆ 13.5% of these offenders were sentenced above the guideline sentence.

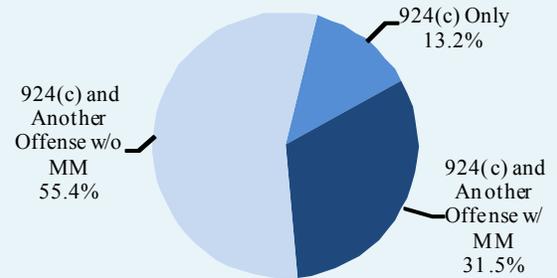
Section 924(c) Cases Involving Career Offenders

- 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 59.8% in fiscal year 2008 to 37.6% in fiscal year 2012.
- In fiscal year 2012, 35.7% of these offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
 - ◆ Substantial assistance departures accounted for 22.9% of all section 924(c) career offender cases in fiscal year 2012.
 - ◇ The average reduction for these offenders in fiscal year 2012 was 49.2%.
- A non-government sponsored below range sentence was imposed on 26.0% of section 924(c) career offenders in fiscal year 2012.
 - ◆ The average reduction for these offenders in fiscal year 2012 was 27.0%.

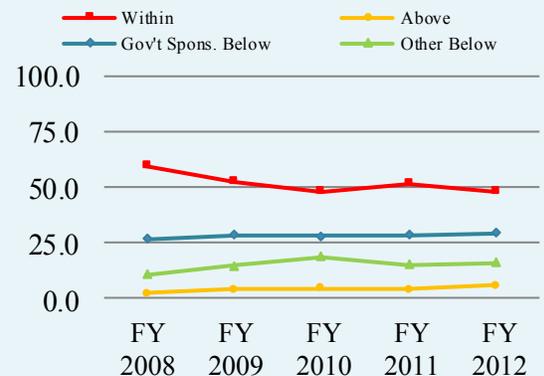
All Section 924(c) Offenses

- Both the average guideline minimum and average sentence have remained relatively constant over the last five years.
 - ◆ The average guideline minimum decreased from 209 to 208 months during that period;
 - ◆ The average sentence imposed decreased from 171 to 165 months.

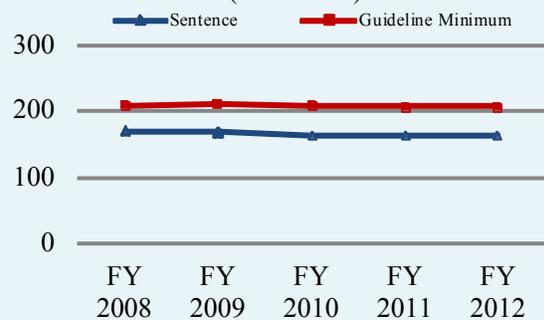
Distribution of Section 924(c) Offenders With and Without Additional Offenses FY 2012



Sentence Relative to the Guideline Range All 924(c) Offenders



Average Sentence and Average Guideline Minimum All 924(c) Offenders (in months)



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