

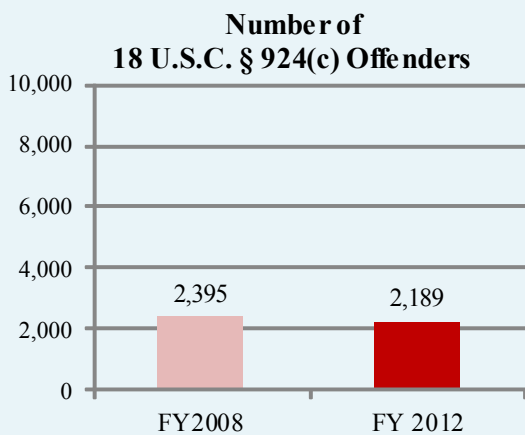


# Quick Facts

▶ 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).<sup>1</sup>

## Section 924(c) Firearms Offenses<sup>1</sup>



### 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%).<sup>2</sup>
  - ◆ 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.

<sup>1</sup> 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.

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

<sup>3</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)

# Quick Facts

## Section 924(c) Firearms Offenses<sup>1</sup>

### 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.<sup>3</sup> 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.

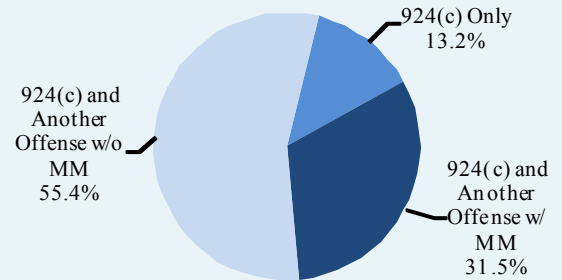
#### Section 924(c) Cases Involving Career Offenders

- 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%.

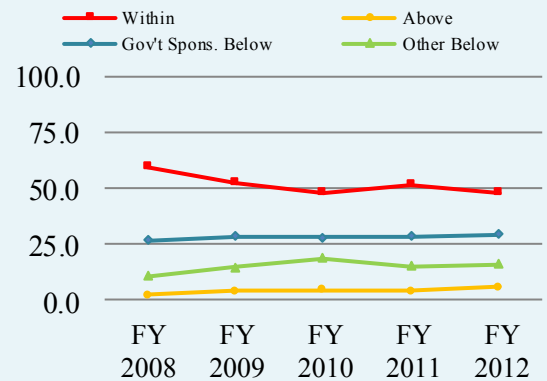
#### All Section 924(c) Offenses

- 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.

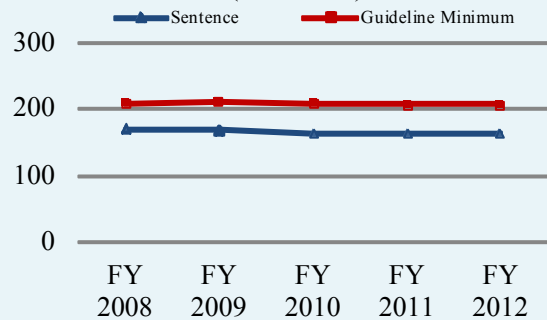
### Distribution of Section 924(c) Offenders With and Without Additional Offenses FY 2012



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



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



One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, DC 20002-8002  
T: (202) 502-4500  
F: (202) 502-4699  
www.usc.gov

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