

United States General Accounting Office

GAO

Fact Sheet for the Honorable
Paul Laxalt, Chairman, Subcommittee
on Criminal Law, Committee on the
Judiciary
United States Senate

March 1986

BANK ROBBERY

Sentences Imposed/ Time Served for Offenders Convicted of Bank Robbery



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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GENERAL GOVERNMENT
DIVISION

B-215590

The Honorable Paul Laxalt
Chairman, Subcommittee on Criminal Law
Committee on the Judiciary
United States Senate

Dear Mr. Chairman:

Our July 1985 report¹ to you summarized information on sentencing and parole decisions for federal offenders who committed crimes involving firearms. Subsequently, you requested that we perform additional analyses of the information collected for that report to determine the median sentences imposed and median time served² for offenders convicted of armed and unarmed bank robbery.

We analyzed the median sentences imposed and median time served for 609 offenders convicted of armed and unarmed bank robbery (1) who were confined in the Federal Prison System as of June 30, 1983, and (2) on whom release decisions had been made by the Parole Commission. The Commission has parole release jurisdiction over all eligible federal prisoners. We identified the 609 offenders from a random sample of the 4,562 federal offenders sentenced and confined in the Federal Prison System as of June 30, 1983, who were the subject of our July 1985 report. Additional details on our scope and methodology are included in appendix I, along with background information on parole decisionmaking in the federal criminal justice system.

Our analysis of the 609 offenders who committed bank robbery showed that they fell into three groups:

- 305 used firearms or destructive devices (e.g. explosives, incendiary devices, and hand grenades) and were convicted of armed bank robbery;

¹Statistics On Sentencing and Parole for Federal Offenders Who Commit Crimes Involving Firearms (GAO/GGD-85-58, July 19, 1985).

²Median time served includes time actually served by offenders who have been released from prison as well as time to be served by offenders who have not yet been released but for whom a release date has been set.

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ACQUISITIONS

--146 used firearms or destructive devices but pled guilty to a less serious charge of unarmed bank robbery or were charged with and convicted of unarmed bank robbery; and

--158 did not use firearms or destructive devices and were convicted of unarmed bank robbery.

Table 1.1 shows the median sentences imposed and median time served for each of these groups of bank robbers.

Table 1.1:

Median Sentences Imposed and Median Time Served for 609 Cases Analyzed

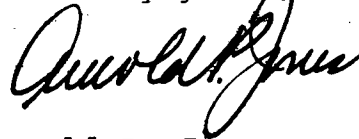
<u>Category</u>	<u>Number</u>	<u>Median sentence imposed</u>	<u>Median time served</u>
		-----in months-----	
Used firearms or destructive devices/ convicted of armed bank robbery	305	180	72
Used firearms or destructive devices/ pled guilty to or charged with and convicted of unarmed bank robbery	146	120	56
Did not use firearms or destructive devices/convicted of unarmed bank robbery	158	120	60

As table 1.1 shows, the median time served for the 146 bank robbers who used firearms or destructive devices, but pled guilty to or were charged with and convicted of unarmed bank robbery, was 4 months less than the median time served for the 158 bank robbers who did not use firearms or destructive devices. Additional analyses are presented in appendix I.

As arranged with your office, unless you publicly announce the contents of this document earlier, we plan no further distribution until 5 days from the date of this letter. At that time, we plan to discuss the results of our analyses with

officials from the Parole Commission and the U.S. Sentencing Commission³ and will advise your office about their reactions. Also, we will send copies of this fact sheet to interested parties and make copies available to others upon request. If there are any questions regarding the content of this document, please call Mr. John H. Anderson, Jr. on (202) 272-6353.

Sincerely yours,



Arnold P. Jones
Senior Associate Director

³The U.S. Sentencing Commission is required by Public Law 98-473 to develop sentencing guidelines to be used by federal judges.

SENTENCES IMPOSED AND TIME SERVED FOR
OFFENDERS CONVICTED OF BANK ROBBERY

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objective was to provide the Chairman, Subcommittee on Criminal Law, Senate Committee on the Judiciary, with information on sentences imposed and time served for offenders convicted of armed and unarmed bank robbery. We analyzed information collected during a review of a random sample of 4,562 federal offenders sentenced and confined in the Federal Prison System as of June 30, 1983. The sample had initially been analyzed for our July 19, 1985, report entitled Statistics On Sentencing And Parole For Federal Offenders Who Commit Crimes Involving Firearms (GAO/GGD-85-58). We determined that 1,093 offenders from this sample had been convicted under 18 U.S.C. §2113. This statute includes offenses such as unarmed bank robbery, bank larceny, possession of stolen bank funds, armed bank robbery, and the killing or taking of a hostage during a bank robbery.

We analyzed the sentences imposed and time served for all 609 of the 1,093 who had been convicted of armed or unarmed bank robbery and for whom we could determine the actual or planned length of time to be served for these offenses. We did not analyze information concerning the remaining 484 offenders because (1) no parole decision had been made for 183 of them, (2) we could not accurately determine the time served for bank robbery offenses by 172 offenders who also committed other crimes or were parole violators, (3) 62 had been sentenced under the Federal Youth Corrections Act which has more lenient sentencing criteria and was repealed on October 12, 1984, (4) 66 offenders were convicted of bank larceny or possession of stolen bank funds, and (5) one offender, convicted of armed robbery, used a knife during the robbery.

PAROLE DECISIONMAKING IN THE
FEDERAL CRIMINAL JUSTICE SYSTEM

The federal parole system was established by the 61st Congress in 1910. The 71st Congress enacted legislation in 1930 (Act of May 13, 1930, Chapter 255, 46 Stat. 272) which created the U.S. Board of Parole. The Parole Commission and Reorganization Act of 1976 (18 U.S.C §4201 et seq.) retitled the U.S. Board of Parole as the U.S. Parole Commission and established it as an independent agency in the Department of Justice with broad discretionary powers. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released under parole supervision. Public Law 98-473, which

was enacted on October 12, 1984, abolishes the Parole Commission in 1992, or 5 years after sentencing guidelines are established for federal judges. The guidelines are scheduled to be implemented by November 1, 1987.

The Parole Commission and Reorganization Act of 1976 provides that the Commission shall consider both the nature and circumstances of the offense and the history and characteristics of the offender in formulating release decisions. The Commission's policy has been that it will take into account any substantial information available to it in making a parole release decision, provided the offender is apprised of the information and afforded an opportunity to respond. If the offender disputes the accuracy of the information presented, the Commission's policy is to resolve such disputes by the preponderance of evidence standard. The Commission has taken the position that all information in the file describing offense circumstances may be relied on to determine the portion of the offender's sentence that will be served in prison. This is true even if the information in the file reflects an offense more severe than that for which the person was convicted. The Commission's position has been sustained by several court cases.¹

The Commission has established parole release guidelines as required by law (18 U.S.C. §4203 (a)(1)) which indicate the customary range of time to be served by offenders before release from prison. The criterion that establishes the range consists of two parts--offense severity and parole prognosis. For parole decisionmaking purposes, the severity of the offense is broken down into eight categories with Category One being the least severe and Category Eight being the most severe. For example, Category One includes offenses such as damage to government property of less than \$2,000; Category Three includes transportation of unlawful aliens; and Category Eight includes murder. Bank robbery is classified in Categories Five through Eight depending on the circumstances surrounding the robbery. For example, Category Five includes unarmed bank robbery where the offender committed one or two robberies and armed bank robbery where no shots were fired. Category Six includes unarmed bank robbery (three or four robberies) and armed robbery where shots were fired with no intention of harming anyone.

Parole prognosis includes four categories which range from poor to very good and a score range is established for each category. The parole prognosis category is computed based on

¹Billiteri v. United States Board of Parole, 541 F. 2d 938 (2nd Cir. 1976), Bistram v. United States Board of Parole, 535 F. 2d 329 (5th Cir. 1976), and Zannino v. Arnold, 531 F.2d 687 (3rd Cir. 1976).

factors such as the offender's prior criminal record and the offender's level of narcotic dependence. The parole prognosis score can range from 0 to 10. A poor parole prognosis for an offender is indicated by a score of 0 to 3, while a very good parole prognosis is indicated by a score of 8 to 10. The greater the offense severity and the lower the parole prognosis score, the more time the offender will normally be expected to serve before release.

Table I.1 shows the number of bank robbery cases we analyzed by offense severity and parole prognosis score. Figure I.1 compares the median sentences imposed and median time served for the three groups of bank robbers we analyzed. Figure I.2 compares the median time served for the three groups of bank robbers based on their parole prognosis. Figures I.3, I.4, and I.5 compare the median time served for the three groups based on the severity levels (5, 6, and 7) of their offense.

Table I.1:

Number of Offenders Analyzed By
Offense Severity And Parole Prognosis

<u>Type of bank robbery/ offense severity level</u>	<u>Parole Prognosis</u>				<u>Total</u>
	<u>Very good</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>	
Armed					
5	22	27	57	68	174
6	13	8	18	31	70
7	7	4	25	22	58
8	-	3	-	-	3
	<u>42</u>	<u>42</u>	<u>100</u>	<u>121</u>	<u>305</u>
Unarmed					
5	20	22	24	44	110
6	5	4	4	10	23
7	3	4	5	13	25
8	-	-	-	-	-
	<u>28</u>	<u>30</u>	<u>33</u>	<u>67</u>	<u>158</u>
Armed, but convicted of unarmed					
5	15	22	25	25	87
6	11	12	5	9	37
7	3	3	5	10	21
8	1	-	-	-	1
	<u>30</u>	<u>37</u>	<u>35</u>	<u>44</u>	<u>146</u>
Total	<u>100</u>	<u>109</u>	<u>168</u>	<u>232</u>	<u>609</u>

Figure I.1:

Comparison of Median Sentence Imposed
and Median Time Served
Between Armed and Unarmed Bankrobbers

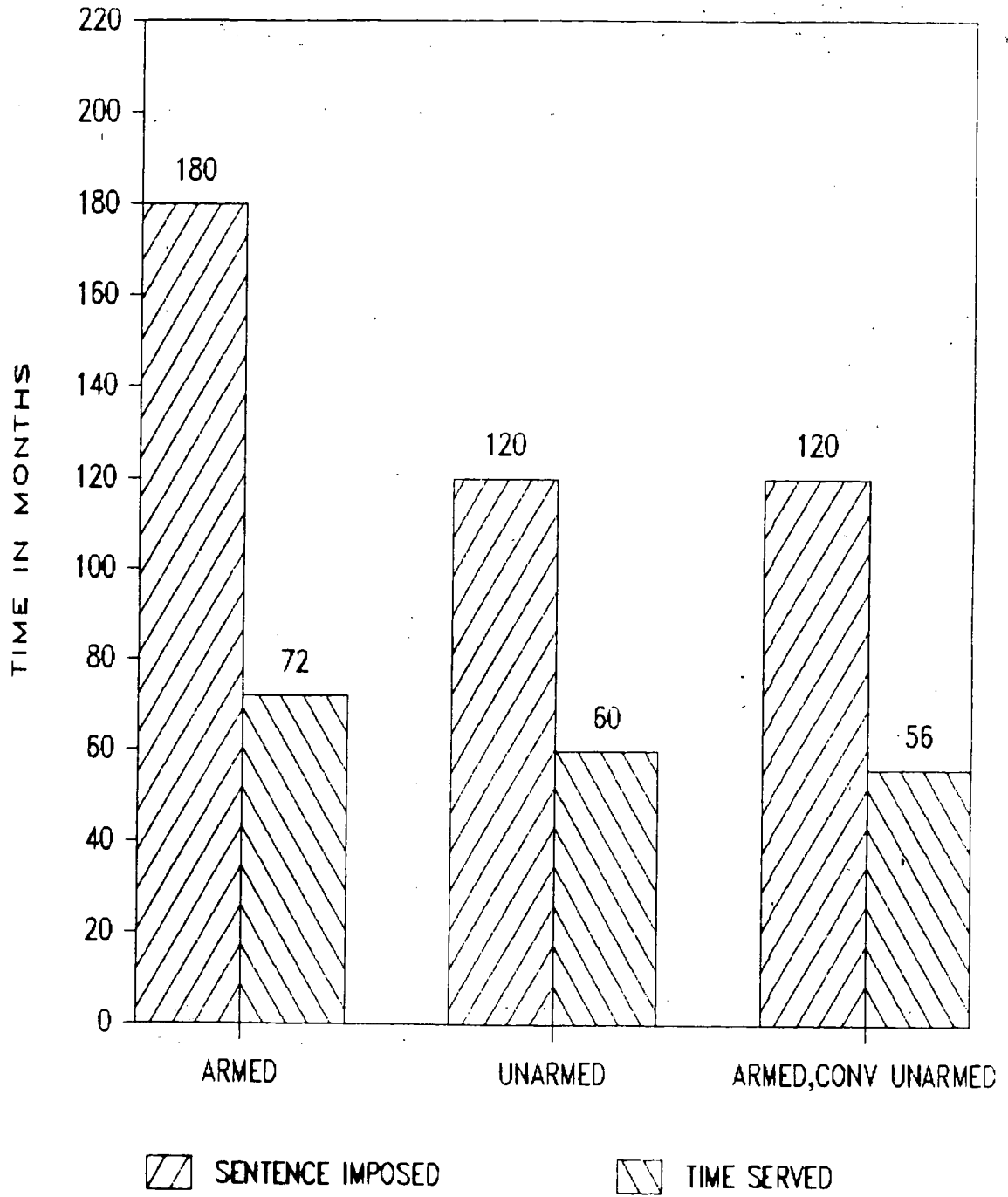


Figure I.2:

Comparison of Median Time Served
For Bankrobbers By Parole Prognosis

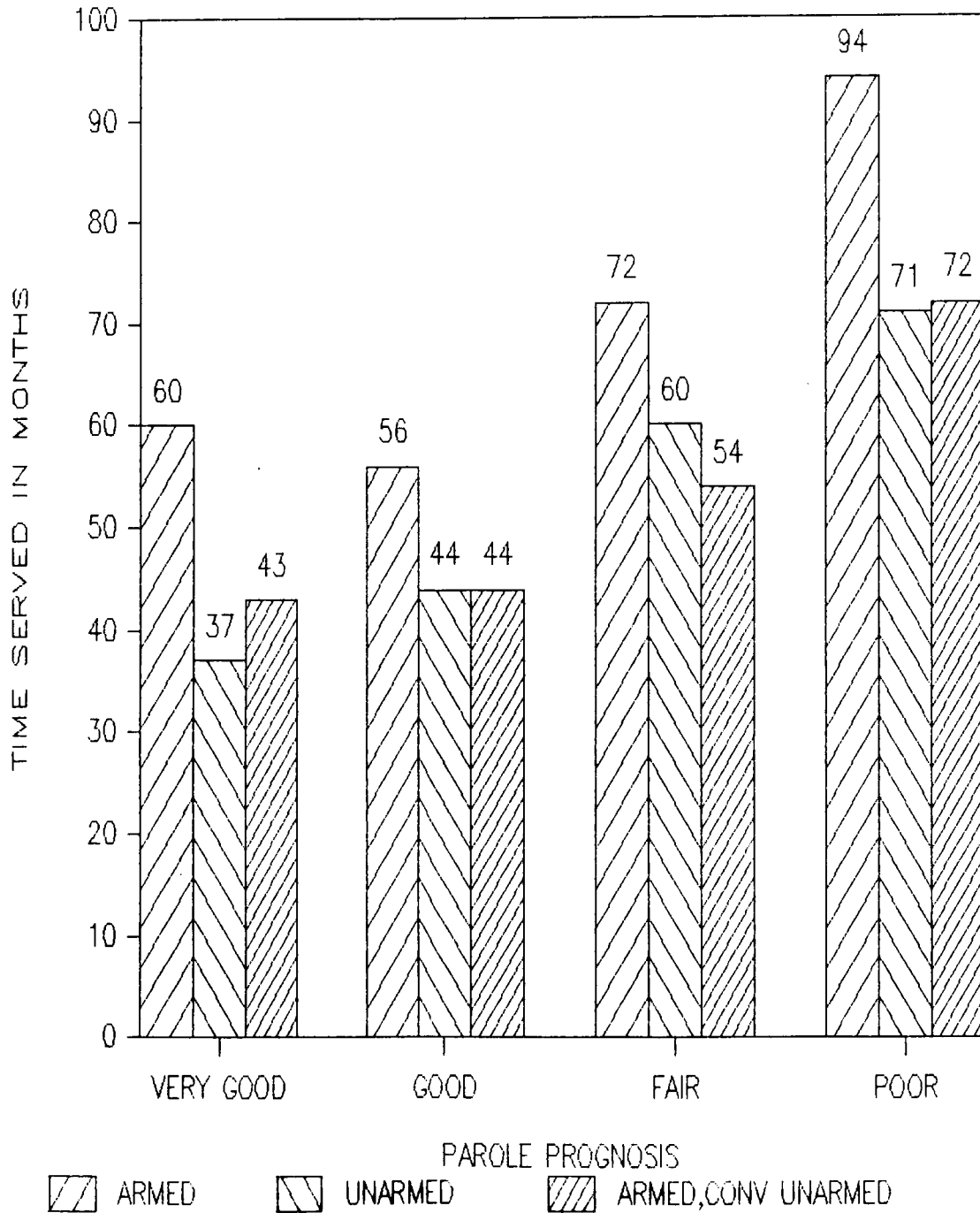


Figure I.3:

Comparison of Median Time Served
For Severity Level 5 Bankrobbers

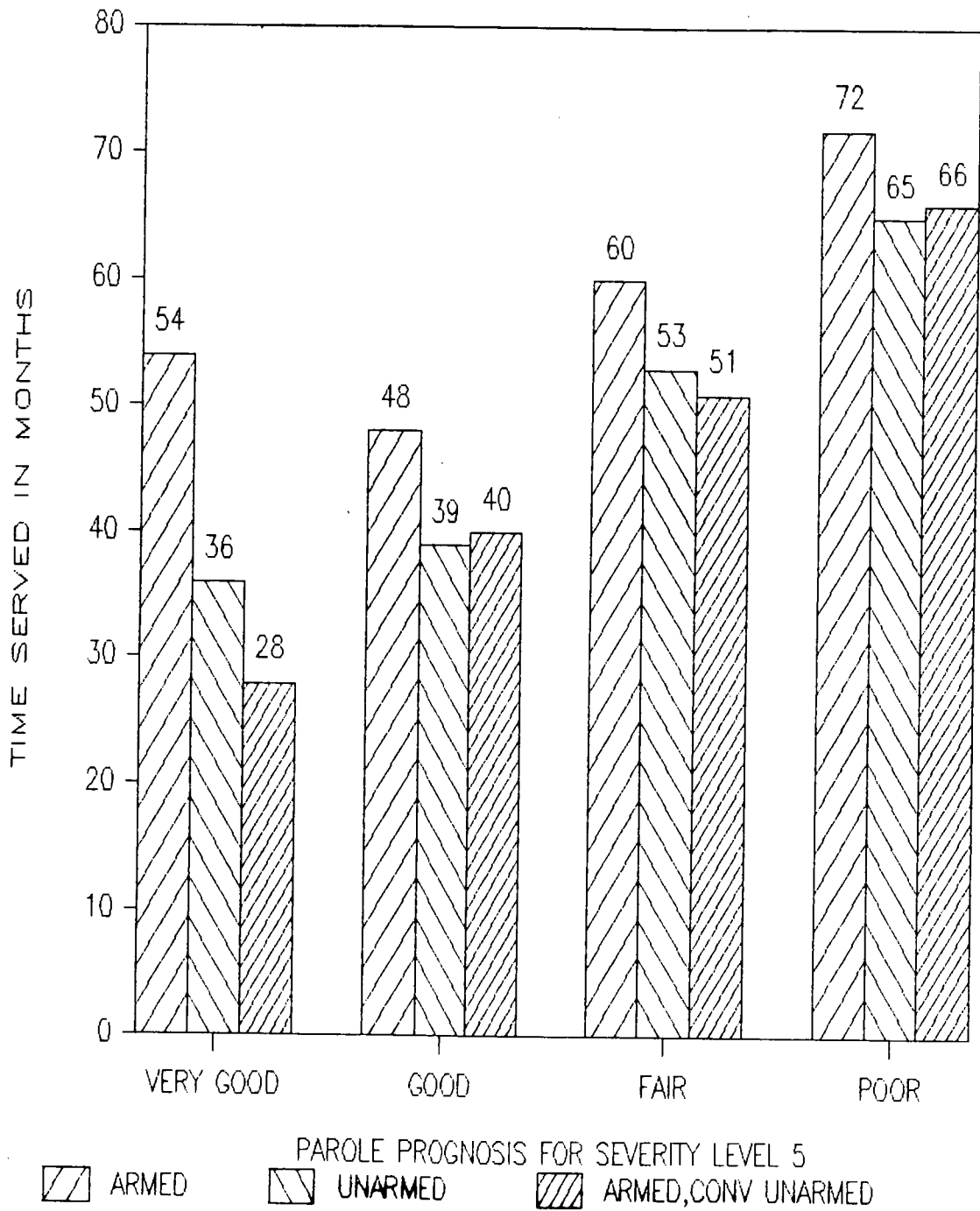


Figure I.4:

Comparison of Median Time Served
For Severity Level 6 Bankrobbers

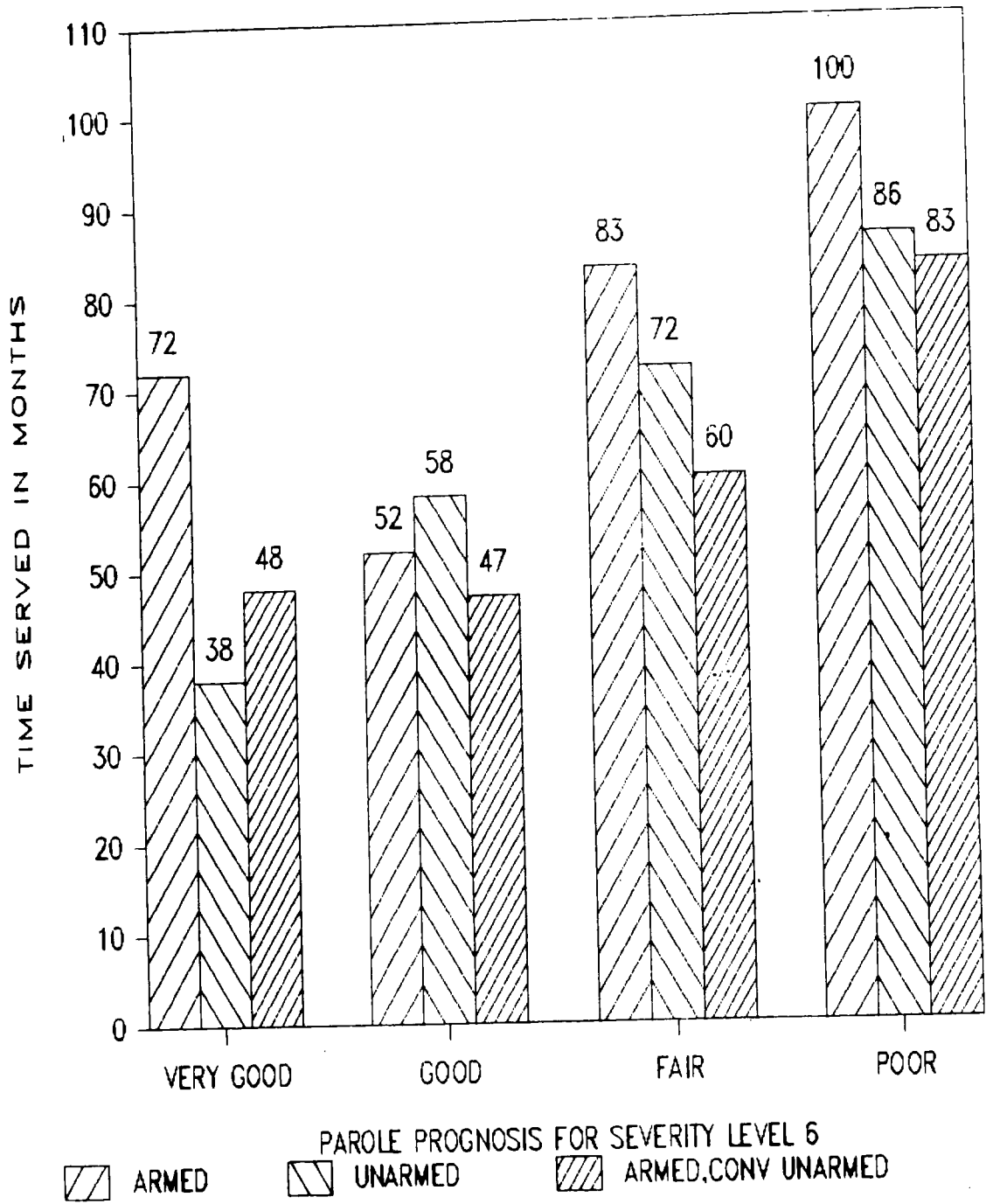
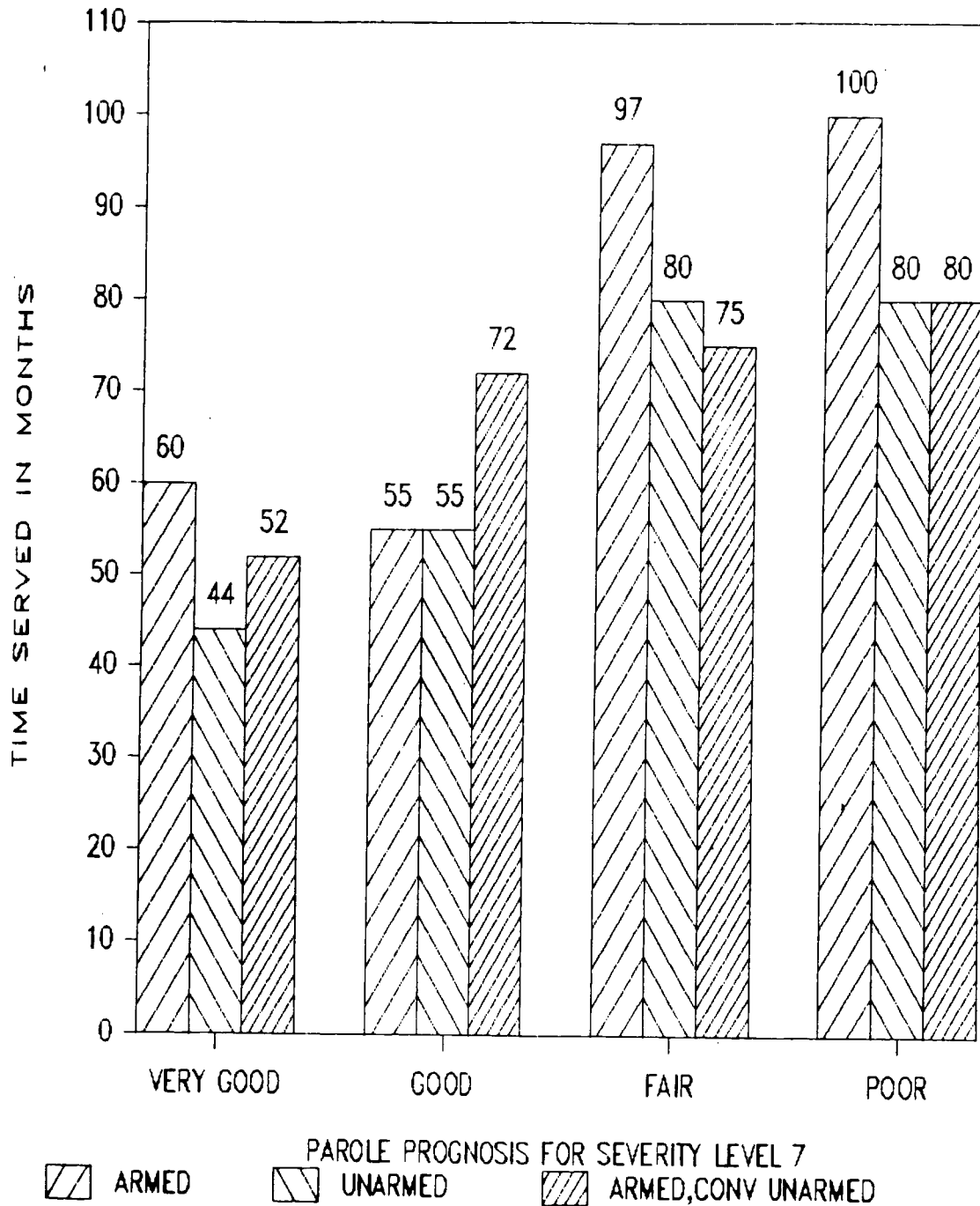


Figure I.5:

Comparison of Median Time Served
For Severity Level 7 Bankrobbers



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