Quick Facts

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

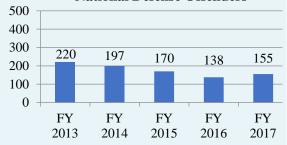▶ OFFENSES INVOLVING NATIONAL DEFENSE[1] ACCOUNTED FOR 0.3%[2] OF THE FEDERAL CASELOAD DURING THIS TIME PERIOD.

Offenses Involving National Defense[1]

In fiscal year 2017, 155 offenders were sentenced for a national defense crime. Over the past five years, the number of national defense offenders has decreased 29.5% from 220 cases in fiscal year 2013.

Offender and Offense Characteristics

- Over the past five years, more than one-half (57.1%) of all national defense offenders were convicted of exporting arms, munitions, or military equipment without a license. [3]

  ♦ The next most common offenses were evasion of export controls/financial transactions involving countries supporting international terrorism (11.5%) and providing material support to designated foreign terrorist organizations or for terrorist purposes (9.0%).

  ♦ Over the same period, most offenders convicted of national defense crimes were men (89.0%).

- Less than one-half of national defense offenders were Hispanic (42.7%) followed by White (29.9%), Other Races (17.2%), and Black (10.2%).

  ♦ In cases involving the exportation of arms, munitions, or military equipment, slightly more than two-thirds of offenders were Hispanic (66.9%).

  ♦ In cases involving providing material support to designated foreign terrorist organizations or for terrorist purposes, offenders were of varying racial background: Black (40.8%), White (32.9%), Other Races (23.7%), and Hispanic (2.6%).

  ♦ In cases involving evasion of export controls/financial transactions involving countries supporting international terrorism, offenders were mostly White (49.5%) or Other Races (36.6%).

- The average age of these offenders at sentencing was 38 years.

- These offenses were committed more often by United States citizens (57.6%).

- Most of these offenders had little or no prior criminal history (67.7% of these offenders were assigned to Criminal History Category I).

  ♦ Conversely, many of the remaining offenders (20.9%) received a terrorism adjustment under §3A1.4 of the sentencing guidelines, and were assigned to Criminal History Category VI.

Number of National Defense Offenders

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
	220	197	170	138	155

Top Five Districts National Defense Offenders FY 2017
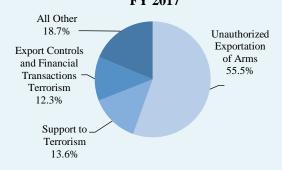
Southern District of Texas (N=25)
District of Arizona (N=22)
Southern District of Florida (N=13)
District of Minnesota (N=12)
Western District of Texas (N=11)

Offense Types for National Defense Offenders FY 2017

- All Other 18.7%
- Export Controls and Financial Transactions Terrorism 12.3%
- Support to Terrorism 13.6%
- Unauthorized Exportation of Arms 55.5%

[1] National defense offenses include cases with complete guideline application information in which the offender was sentenced under USSG Chapter Two, Part M (Offense Involving National Defense and Weapons of Mass Destruction) or under other guidelines which involve criminal conduct threatening to national defense (*e.g.*, conspiracy to commit murder in furtherance of a terrorist plot). Since last reported for fiscal year 2012, the offense count has been adjusted to include additional cases primarily involving export of arms or munitions, an adjustment that more accurately reflects all national defense cases.

Quick Facts

Punishment

- Over the past five years, most national defense offenders were sentenced to imprisonment (91.9%).

- The average sentence for national defense offenders was 66 months.

- For offenders receiving the terrorism adjustment under §3A1.4 the average sentence was 176 months.

  ♦ The average sentence lengths for subcategories of national defense crimes were:
    ◊ Conspiracy to commit murder, 178 months;
    ◊ Unlawful activity involving nuclear, biological, or chemical weapons, 174 months;
    ◊ Espionage or related crimes, 83 months;
    ◊ Providing material support to designated foreign terrorist organizations or for terrorist purposes, 157 months;
    ◊ Exportation of arms, munitions, or military equipment, 37 months; and
    ◊ Evasion of export controls, 18 months.

Sentences Relative to the Guideline Range

- Over the past five years, 40.3% of national defense offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.

  ♦ Substantial assistance departures have decreased slightly over the past five years from 31.4% in fiscal year 2013 to 25.8% in fiscal year 2017.
    ◊ Over the past five years, these offenders received an average reduction in their sentence of 59.3%.

- For the same period, non-government sponsored below range sentences were applied in nearly one-third (29.4%) of national defense cases.

  ♦ For this period, these offenders received an average reduction in their sentence of 46.2%.

- The average guideline minimum for national defense offenders has varied in the last five years, as have average sentences.

  ♦ The average guideline minimum increased from 100 months in fiscal year 2013 to 113 months in fiscal year 2017.

  ♦ The average sentence imposed increased slightly from 65 months in fiscal year 2013 to 70 months in fiscal year 2017.
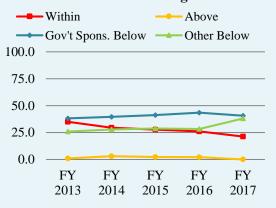
Sentence Relative to the Guideline Range

Government Sponsored Below Range Sentences FY 2017

Other Gov't Below 34.9%
Substantial Assistance 63.5%
EDP[4] 1.6%

Average Sentence and Average Guideline Minimum (in months)

[2] Of the 66,873 offenders sentenced in fiscal year 2017, 4,956 were excluded from this analysis due to incomplete guideline application information.
[3] Many of these offenses involved the exportation of arms to Mexico.
[4] "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. *See* USSG §5K3.1.
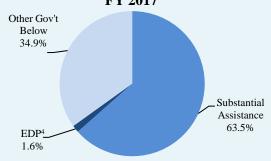
SOURCE: United States Sentencing Commission, 2013 through 2017 Datafiles, USSCFY13-USSCFY17.