



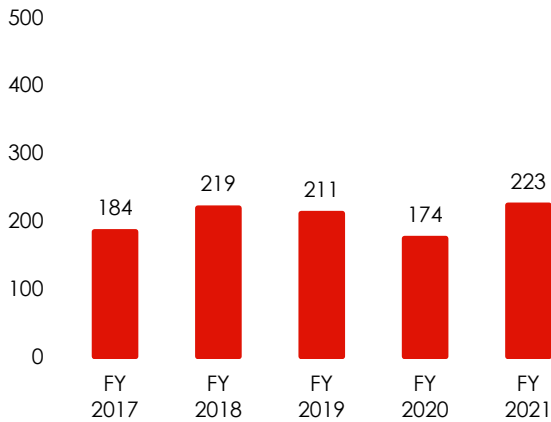
Quick Facts

— National Defense Offenders —

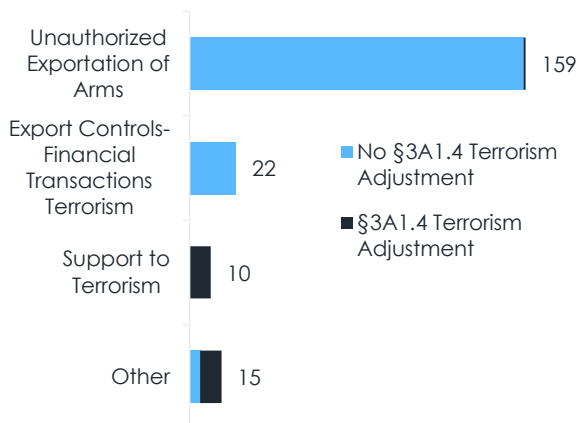
Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 223 INVOLVED NATIONAL DEFENSE OFFENSES.¹
- ▶ NATIONAL DEFENSE OFFENSES INCREASED BY 21.2% SINCE FY 2017.

Number of National Defense Offenders



Most Common Guidelines for National Defense Offenders²



Offender and Offense Characteristics

- 85.2% of national defense offenders were men.
- 66.4% were Hispanic, 19.1% were White, 8.6% were Other races, and 5.9% were Black.
 - ◆ 85.5% of offenders in cases involving the unauthorized exportation of arms were Hispanic.
 - ◆ 36.4% of offenders in cases involving exports controls and financial transactions supporting terrorism were Hispanic.
 - ◆ 60.0% of offenders in cases involving support to terrorism were Black.
- Their average age was 38 years.
- 61.8% were United States citizens.
- 78.7% had little or no prior criminal history (Criminal History Category I);
 - ◆ 9.5% received a terrorism adjustment under USSG §3A1.4 and were assigned to Criminal History Category VI.
- The top five districts for national defense offenders were:
 - ◆ Southern District of Texas (68);
 - ◆ District of Arizona (44);
 - ◆ Western District of Texas (30);
 - ◆ Northern District of Alabama (12);
 - ◆ Middle District of Florida (6).

USSG §3A1.4 Sentencing Adjustment for Terrorism

- Over the past five years, 161 offenders received an enhanced sentence through application of the terrorism adjustment at USSG §3A1.4:
 - ◆ 88.2% were men.
 - ◆ 46.3% were White, 30.6% were Black, 18.1% were Other races, and 5.0% were Hispanic.
 - ◆ Their average age was 35 years.
 - ◆ 71.4% were United States citizens.
 - ◇ 23.9% of non-citizen offenders were from the Middle East; 17.4% were from South Asia; 15.2% were from Europe; 15.2% were from Central Asia; 10.9% were from Latin America; and 10.9% were from Africa.

Punishment

- 87.4% of national defense offenders were sentenced to prison.
- The average sentence was 40 months.
 - ◆ The average sentence for offenders who received a terrorism adjustment under USSG §3A1.4 was 152 months.
 - ◆ The average sentence for offenders convicted of support to terrorism was 134 months.
 - ◆ The average sentence for offenders convicted of unauthorized exportation of arms was 29 months.
 - ◆ The average sentence for offenders convicted of export controls and financial transactions terrorism was 17 months.



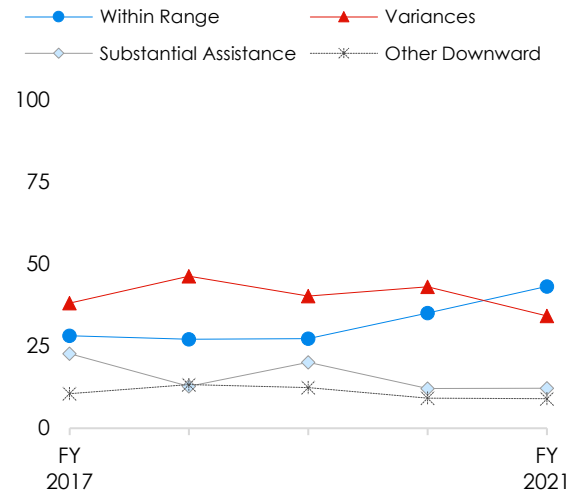
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— National Defense Offenders —

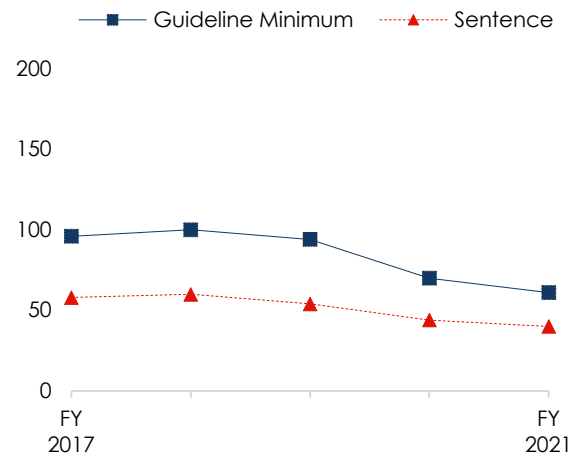
Sentences Relative to the Guideline Range

- Of 65.8% of national defense offenders sentenced under the *Guidelines Manual*:
 - 65.8% were sentenced within the guideline range.
 - 18.5% received a substantial assistance departure.
 - Their average sentence reduction was 64.4%.
 - 13.7% received some other downward departure.
 - Their average sentence reduction was 54.9%.
- 34.2% received a variance; of those offenders:
 - 98.7% received a downward variance.
 - Their average sentence reduction was 50.1%.
 - 1.3% received an upward variance.³
- The average guideline minimum and the average sentence imposed decreased over the past five years.
 - The average guideline minimum decreased from 96 months in fiscal year 2017 to 61 months in fiscal year 2021.
 - The average sentence imposed decreased from 58 months in fiscal year 2017 to 40 months in fiscal year 2021.

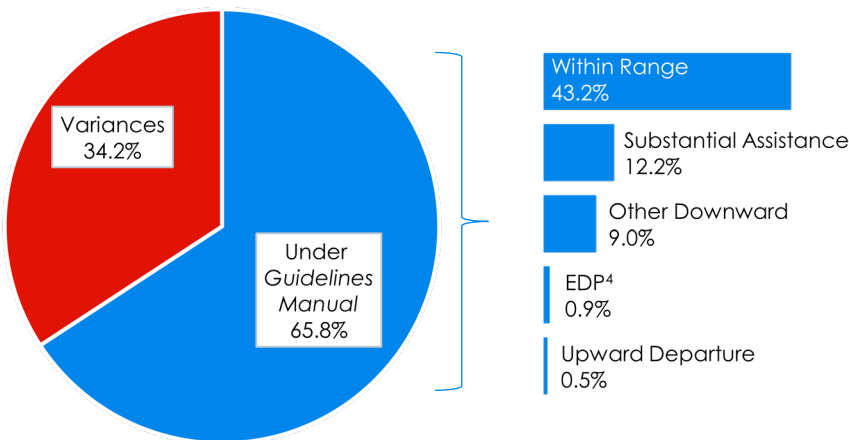
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2021



¹ National defense cases include cases in which the offender was sentenced under USSG Chapter Two, Part M (Offenses Involving National Defense and Weapons of Mass Destruction) or under other guidelines which involve criminal conduct threatening to national defense. National defense cases also include cases in which the offender received a sentencing enhancement under USSG §3A1.4 (Terrorism).

² Cases with incomplete sentencing information were excluded from the analysis.

³ The Commission does not report the average for categories with fewer than three cases.

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.