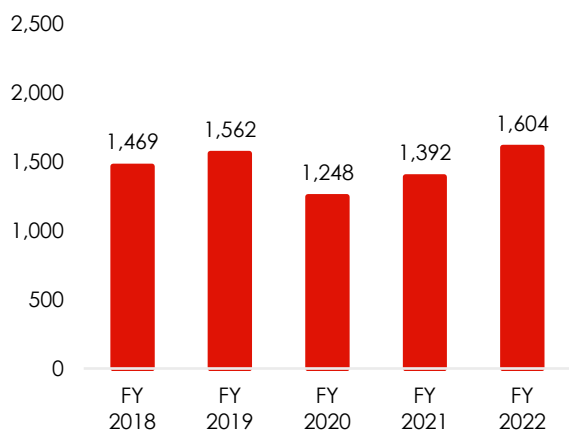# Quick Facts 📊⚖️
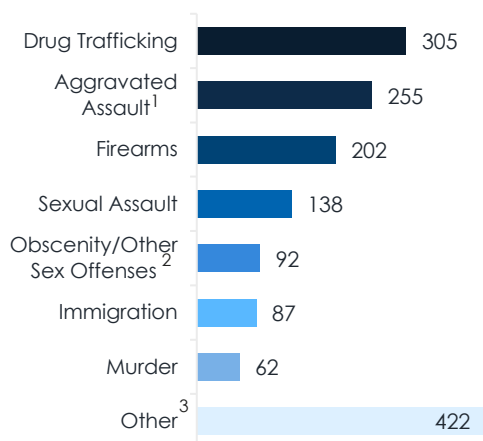
— Native American Federal Offenders —

Fiscal Year 2022

▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.

　▶ 1,604 OF THESE INVOLVED NATIVE AMERICAN OFFENDERS.

　　▶ 2.5% OF ALL OFFENDERS AND 3.6% OF U.S. CITIZEN OFFENDERS WERE NATIVE AMERICAN.

Number of Native American Federal Offenders

Most Common Guidelines for Native American Offenders

Guideline	Count
Drug Trafficking	305
Aggravated Assault[1]	255
Firearms	202
Sexual Assault	138
Obscenity/Other Sex Offenses[2]	92
Immigration	87
Murder	62
Other[3]	422

Offender and Offense Characteristics[4]

- 79.7% of Native American offenders were men.

- Their average age was 35 years.

- 99.6% were United States citizens.

- 40.4% had little or no prior criminal history (Criminal History Category I);[5]
  - ♦ 10.8% were CHC II;
  - ♦ 18.1% were CHC III;
  - ♦ 11.3% were CHC IV;
  - ♦ 7.6% were CHC V;
  - ♦ 11.8% were CHC VI.

- The top five districts for Native American offenders were:
  - ♦ District of South Dakota (284);
  - ♦ District of Arizona (267);
  - ♦ Northern District of Oklahoma (163);
  - ♦ District of North Dakota (128);
  - ♦ Eastern District of Oklahoma (101).

- The top five districts where Native American offenders comprised the highest proportion of the overall caseload were:
  - ♦ Eastern District of Oklahoma (58.0%);
  - ♦ District of South Dakota (51.4%);
  - ♦ Northern District of Oklahoma (38.4%);
  - ♦ District of North Dakota (37.4%);
  - ♦ District of Montana (20.6%).

- 21.8% of offenses committed by Native Americans involved weapons, compared to 13.1% of *all* offenses in fiscal year 2022.

Punishment

- The average sentence for Native American offenders was 64 months.

- 93.8% were sentenced to prison.

- 17.6% were convicted of an offense carrying a mandatory minimum penalty.
  - ♦ The average sentence was 134 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.
  - ♦ The average sentence was 48 months for Native Americans convicted of an offense *not* carrying a mandatory minimum penalty.
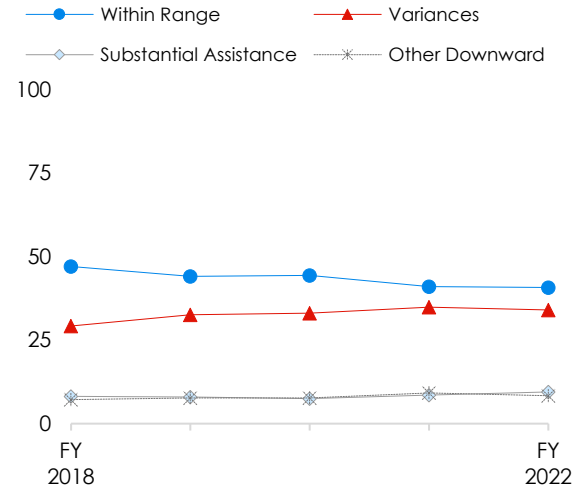
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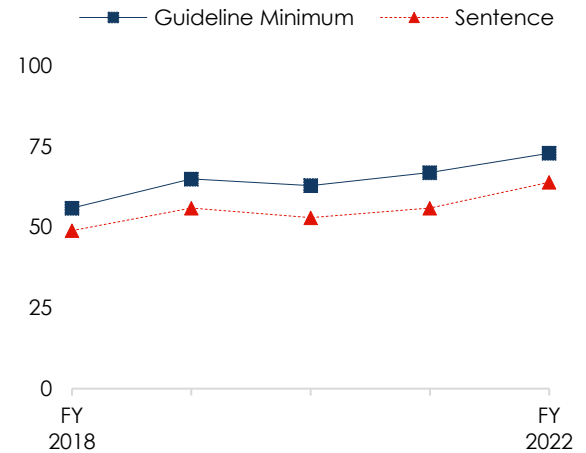@theusscgov

— Native American Federal Offenders —

Sentences Relative to the Guideline Range

- Of the 65.9% of Native American offenders sentenced under the *Guidelines Manual*:

  - 61.8% were sentenced within the guideline range.

  - 14.5% received a substantial assistance departure.
    - Their average sentence reduction was 59.1%.

  - 12.7% received some other downward departure.
    - Their average sentence reduction was 44.2%.

  - 6.7% received an Early Disposition Program (EDP) departure.[6]
    - Their average sentence reduction was 55.3%.

- 34.1% received a variance; of those offenders:

  - 87.6% received a downward variance.
    - Their average sentence reduction was 43.5%.

  - 12.4% received an upward variance.
    - Their average sentence increase was 52.3%.

- The average guideline minimum and average sentence imposed increased over the past five years.

  - The average guideline minimum increased from 56 months in fiscal year 2018 to 73 months in fiscal year 2022.

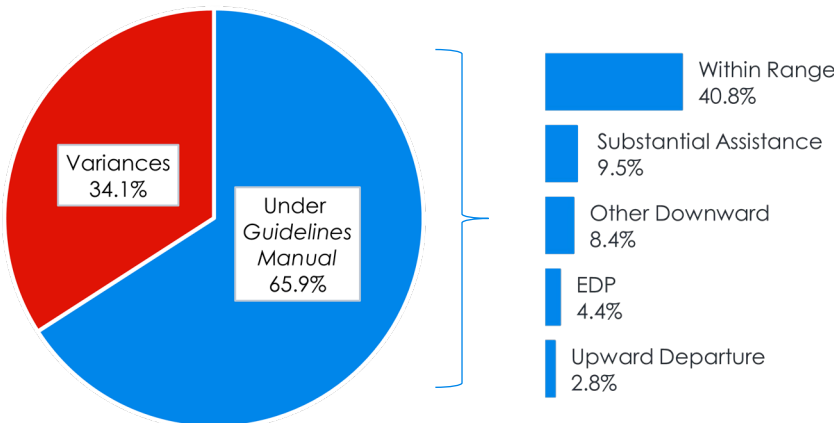 - The average sentence imposed increased from 49 months in fiscal year 2018 to 64 months in fiscal year 2022.

Sentence Relative to the Guideline Range (%)

Average Guideline Minimum and Average Sentence (months)

Sentence Imposed Relative to the Guideline Range FY 2022

Variances 34.1%

Under *Guidelines Manual* 65.9%

Within Range 40.8%

Substantial Assistance 9.5%

Other Downward 8.4%

EDP 4.4%

Upward Departure 2.8%

[1] Aggravated assault includes cases where the court applied §2A2.2 as the primary sentencing guideline.

[2] Sexual assault includes cases where the court applied §§2A3.1, 2A3.2, 2A3.3, or 2A3.4 as the primary sentencing guideline.

[3] "Other" guidelines include Fraud (59), Manslaughter (59), Robbery (58), and Administration of Justice offenses (56). No other guideline had a value greater than 50.

[4] Cases with incomplete sentencing information were excluded from the analysis.

[5] Tribal offenses are not counted in determining the criminal history score under the sentencing guidelines. *See* §4A1.2(i).

[6] "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, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.