Quick Facts 📊 ⚖️

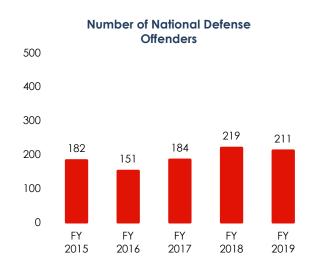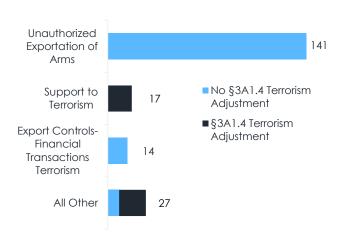## — National Defense Offenders —

Fiscal Year 2019

▶ IN FY 2019, 76,538 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.

▶ 211 INVOLVED NATIONAL DEFENSE OFFENSES.[1]

▶ NATIONAL DEFENSE OFFENSES DECREASED BY 3.7% SINCE FY 2018.

Number of National Defense Offenders

Most Common Guidelines for National Defense Offenders FY 2019[2]

Offender and Offense Characteristics

- 84.4% of national defense offenders were men.

- 54.3% of national defense offenders were Hispanic, 29.1% were White, 9.1% were Other races, and 7.6% were Black.
  - 78.7% of offenders in cases involving the unauthorized exportation of arms were Hispanic.
  - 58.8% of offenders in cases involving support to terrorism were White.
  - 61.5% of offenders in cases involving exports controls and financial transactions supporting terrorism were White.

- Their average age was 37 years.

- 63.6% were United States citizens.

- 76.0% had little or no prior criminal history (Criminal History Category I);
  - 16.7% received a terrorism adjustment under USSG §3A1.4 and were assigned to Criminal History Category VI.

- The top six districts for national defense offenders were:
  - Southern District of Texas (64);
  - Western District of Texas (25);
  - District of Arizona (17);
  - District of Columbia (7);
  - Middle District of Florida (7) and
  - Southern District of Florida (7).

USSG §3A1.4 Sentencing Adjustment for Terrorism

- Over the past five years, 197 offenders received an enhanced sentence through application of the terrorism adjustment at USSG §3A1.4:
  - 93.4% were men.
  - 42.1% were White, 27.9% were Black, 22.8% were Other races, and 7.1% were Hispanic.
  - Their average age was 35 years.
  - 65.3% were United States citizens.
    - 20.6% of non-citizen offenders were from Europe; 19.1% were from Latin America; 16.2% were from Central Asia; 14.7% were from Africa; 13.2% were from the Middle East; and 10.3% were from South Asia.

Punishment

- 88.2% of national defense offenders were sentenced to prison.

- The average sentence was 54 months.
  - The average sentence for offenders who received a terrorism adjustment under USSG §3A1.4 was 194 months.
  - The average sentence for offenders convicted of support to terrorism was 165 months.
  - The average sentence for offenders convicted of unauthorized exportation of arms was 24 months.
  - The average sentence for offenders convicted of export controls and financial transactions terrorism was 18 months.
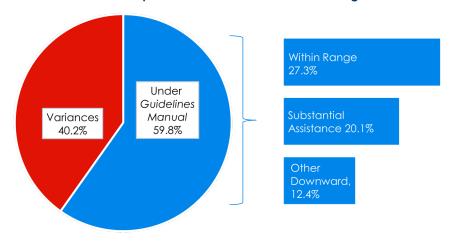
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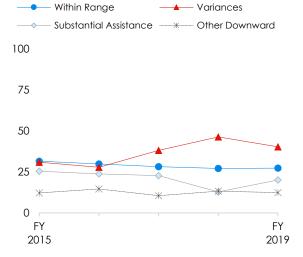*— National Defense Offenders —*

Sentences Relative to the Guideline Range

- Of the 59.8% of national defense offenders sentenced under the *Guidelines Manual*:

  ♦ 45.6% were sentenced within the guideline range.

  ♦ 33.6% received a substantial assistance departure.
    ◊ Their average sentence reduction was 59.9%.

  ♦ 20.8% received some other downward departure.
    ◊ Their average sentence reduction was 48.1%.

- 40.2% received a variance; of those offenders:

  ♦ 100.0% received a below range variance.
    ◊ Their average sentence reduction was 53.7%.

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

  ♦ The average guideline minimum decreased from 118 months in fiscal year 2015 to 94 months in fiscal year 2019.

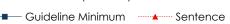 ♦ The average sentence imposed decreased from 71 months in fiscal year 2015 to 54 months in fiscal year 2019.

Sentence Relative to the Guideline Range (%)

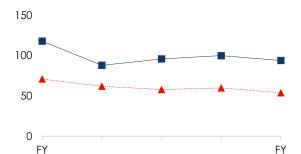### Average Guideline Minimum and Average Sentence (months)

Sentence Imposed Relative to the Guideline Range FY 2019

Within Range 27.3%

Substantial Assistance 20.1%

Other Downward, 12.4%

Variances 40.2%

Under *Guidelines Manual* 59.8%

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.