



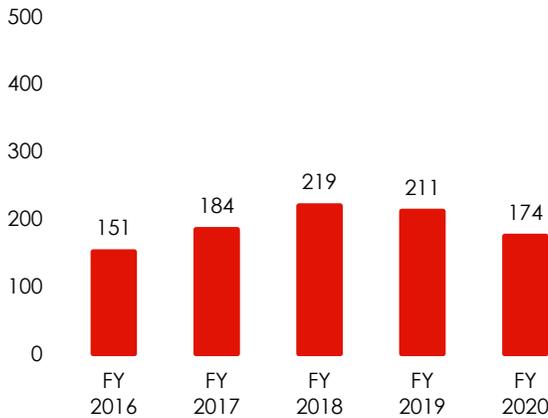
Quick Facts

— National Defense Offenders —

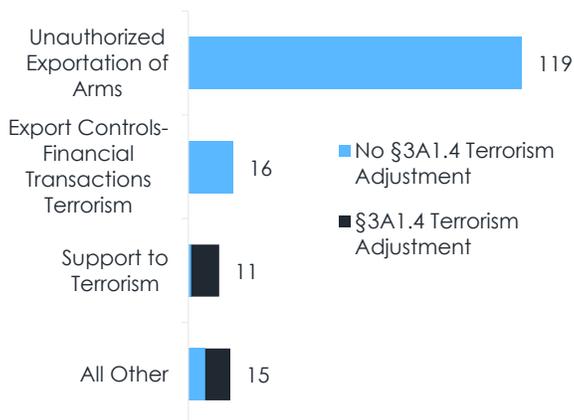
Fiscal Year 2020

- ▶ IN FY 2020, 64,565 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 174 INVOLVED NATIONAL DEFENSE OFFENSES.¹
- ▶ NATIONAL DEFENSE OFFENSES DECREASED BY 17.5% SINCE FY 2019.

Number of National Defense Offenders



Most Common Guidelines for National Defense Offenders²



Offender and Offense Characteristics

- 86.1% of national defense offenders were men.
- 56.1% of national defense offenders were Hispanic, 24.0% were White, 11.1% were Other races, and 8.8% were Black.
 - ◆ 76.5% of offenders in cases involving the unauthorized exportation of arms were Hispanic.
 - ◆ 60.0% of offenders in cases involving support to terrorism were White.
 - ◆ 62.5% of offenders in cases involving exports controls and financial transactions supporting terrorism were White.
- Their average age was 39 years.
- 54.0% were United States citizens.
- 82.9% had little or no prior criminal history (Criminal History Category I);
 - ◆ 11.2% 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 (51);
 - ◆ Western District of Texas (29);
 - ◆ District of Arizona (14);
 - ◆ District of Columbia (8);
 - ◆ Eastern District of Virginia (7).

USSG §3A1.4 Sentencing Adjustment for Terrorism

- Over the past five years, 169 offenders received an enhanced sentence through application of the terrorism adjustment at USSG §3A1.4:
 - ◆ 90.5% were men.
 - ◆ 45.2% were White, 30.4% were Black, 19.0% were Other races, and 5.4% were Hispanic.
 - ◆ Their average age was 34 years.
 - ◆ 68.6% were United States citizens.
 - ◇ 24.5% of non-citizen offenders were from Europe; 20.8% were from the Middle East; 15.1% were from Central Asia; 13.2% were from Latin America; 11.3% were from South Asia; and 9.4% were from Africa.

Punishment

- 89.1% of national defense offenders were sentenced to prison.
- The average sentence was 44 months.
 - ◆ The average sentence for offenders convicted of support to terrorism was 209 months.
 - ◆ The average sentence for offenders who received a terrorism adjustment under USSG §3A1.4 was 179 months.
 - ◆ The average sentence for offenders convicted of unauthorized exportation of arms was 27 months.
 - ◆ The average sentence for offenders convicted of export controls and financial transactions terrorism was 20 months.

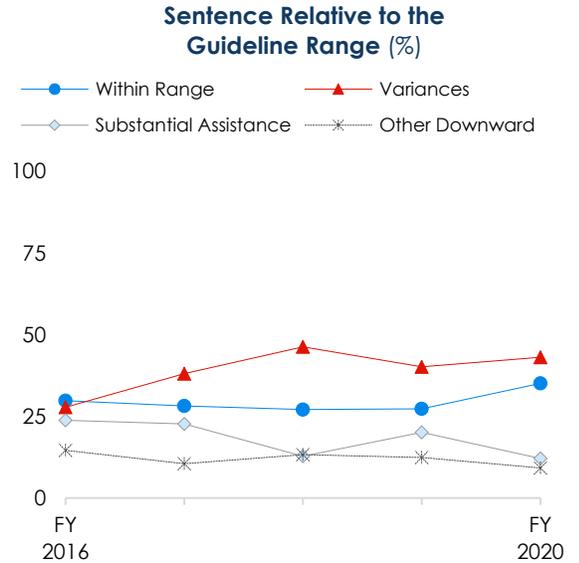


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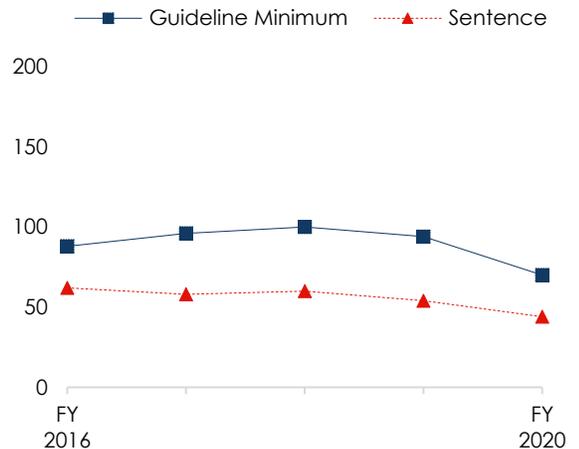
— National Defense Offenders —

Sentences Relative to the Guideline Range

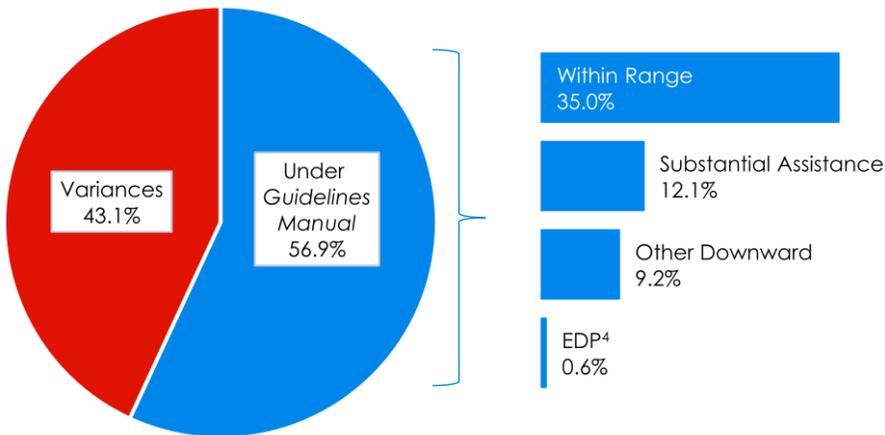
- Of the 56.9% of national defense offenders sentenced under the *Guidelines Manual*:
 - 61.6% were sentenced within the guideline range.
 - 21.2% received a substantial assistance departure.
 - Their average sentence reduction was 54.8%.
 - 16.2% received some other downward departure.
 - Their average sentence reduction was 45.6%.
- 43.1% received a variance; of those offenders:
 - 98.7% received a downward variance.
 - Their average sentence reduction was 52.5%.
 - 1.3% received an upward variance.³
- The average guideline minimum fluctuated and the average sentence imposed decreased over the past five years.
 - The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 88 months in fiscal year 2016 and 70 months in fiscal year 2020.
 - The average sentence imposed decreased from 62 months in fiscal year 2016 to 44 months in fiscal year 2020.



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2020



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. See USSG §5K3.1.