



# QuickFacts

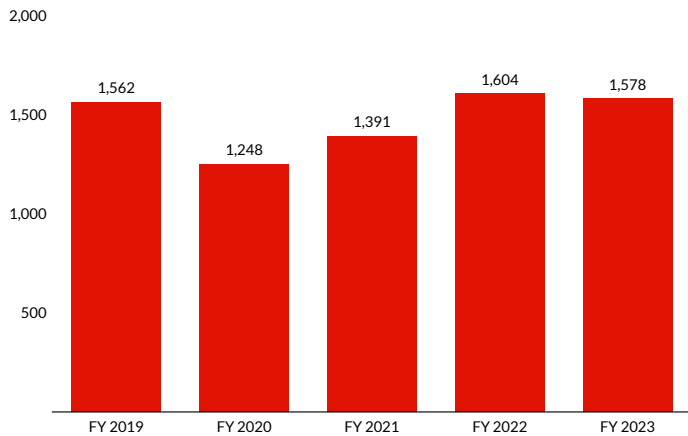
## Native American Sentenced Individuals

### Population Snapshot

**64,124 cases** were reported in FY23;  
**1,578** involved Native American sentenced individuals.

2.5% of all sentenced individuals and 3.7% of U.S. citizens sentenced were Native American.

### Number of Native American Sentenced Individuals



### Most Common Guidelines for Native Americans

Drug Trafficking	284
Aggravated Assault <sup>1</sup>	223
Firearms	221
Sexual Assault <sup>2</sup>	154
Obscenity/Other Sex Offenses	91
Other <sup>3</sup>	543

### Individual and Offense Characteristics<sup>4</sup>

80.6% of Native American sentenced individuals were men.

Their average age was 36 years.

99.6% were United States citizens.

38.3% had little or no prior criminal history (Criminal History Category I)<sup>5</sup>;

- 12.5% were CHC II;
- 18.0% were CHC III;
- 11.7% were CHC IV;
- 8.4% were CHC V;
- 11.1% were CHC VI.

The top five districts for Native American sentenced individuals were:

- District of Arizona (257);
- District of South Dakota (236);
- District of North Dakota (138);
- Eastern District of Oklahoma (132);
- Northern District of Oklahoma (106).

The top five districts where Native Americans comprised the highest proportion of the overall caseload were:

- Eastern District of Oklahoma (63.8%);
- District of South Dakota (46.6%);
- District of North Dakota (33.6%);
- Northern District of Oklahoma (27.5%);
- District of Montana (26.9%).

21.6% of offenses committed by Native Americans involved weapons, compared to 13.8% of all offenses in fiscal year 2023.

### Punishment

The average sentence for Native Americans was 69 months.

94.0% were sentenced to prison.

19.1% were convicted of an offense carrying a mandatory minimum penalty.

- The average sentence was 141 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.

- The average sentence was 52 months for Native Americans convicted of an offense not carrying a mandatory minimum penalty.



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## Native American Sentenced Individuals

### Sentences Relative to the Guideline Range

Of the 63.0% of Native Americans sentenced under the *Guidelines Manual*:

- 61.8% were sentenced within the guideline range.
- 14.7% received a substantial assistance departure.
  - Their average sentence reduction was 59.1%.
- 12.6% received some other downward departure.
  - Their average sentence reduction was 43.4%.
- 6.3% received an Early Disposition Program (EDP) departure.<sup>6</sup>
  - Their average sentence reduction was 61.6%.

37.0% received a variance; of those individuals:

- 86.3% received a downward variance.
  - Their average sentence reduction was 43.0%.
- 13.8% received an upward variance.
  - Their average sentence increase was 56.8%.

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

- The average guideline minimum increased from 65 months in fiscal year 2019 to 79 months in fiscal year 2023.
- The average sentence imposed increased from 56 months in fiscal year 2019 to 69 months in fiscal year 2023.

SOURCE: United States Sentencing Commission, FY 2019 through FY 2023 Datafiles, USSCFY19-USSCFY23.

<sup>1</sup> Aggravated assault includes cases where the court applied §2A2.2 as the primary sentencing guideline.

<sup>2</sup> Sexual assault includes cases where the court applied §§2A3.1, 2A3.2, 2A3.3, or 2A3.4 as the primary sentencing guideline.

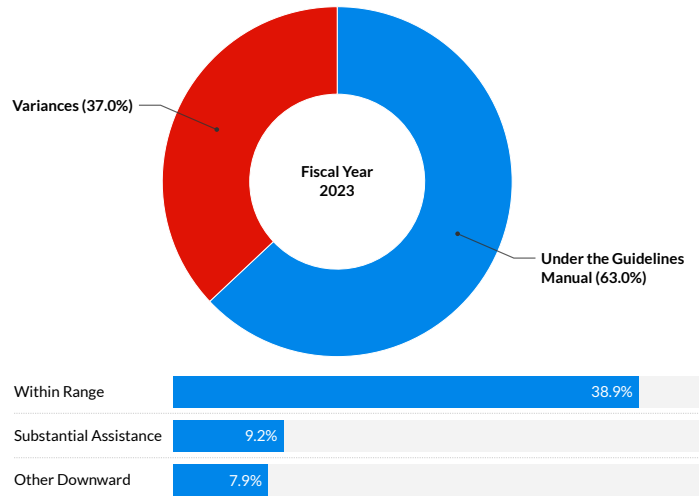
<sup>3</sup> "Other" guidelines include Murder (69), Fraud (67), Immigration (67), and Manslaughter (59). No other guideline had a value greater than 50.

<sup>4</sup> Cases with incomplete sentencing information were excluded from the analysis.

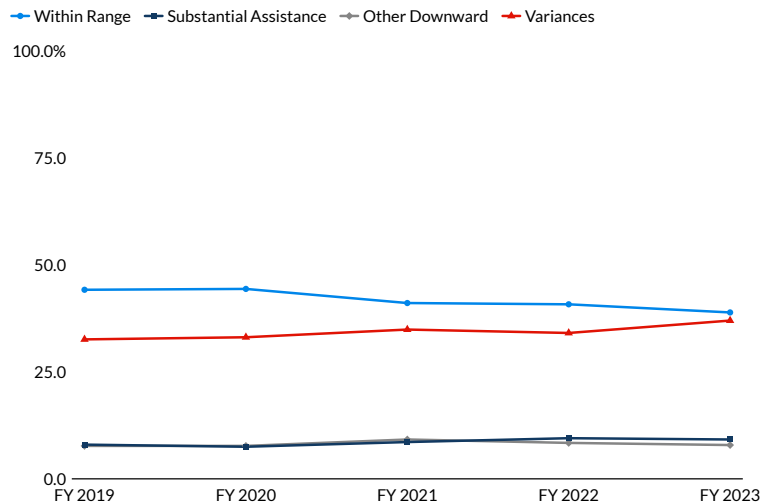
<sup>5</sup> Tribal offenses are not counted in determining the criminal history score under the sentencing guidelines. See §4A1.2(i).

<sup>6</sup> 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.

### Sentences Relative to the Guideline Range



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

