

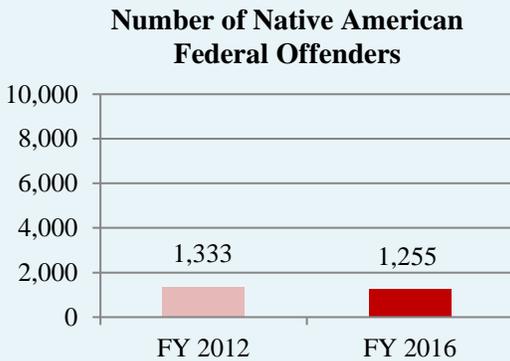


Quick Facts

- ▶ THERE WERE 67,742 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2016.
- ▶ OF THESE CASES, 1,255 INVOLVED NATIVE AMERICAN OFFENDERS.
- ▶ NATIVE AMERICANS ACCOUNTED FOR 2.0% OF ALL OFFENDERS AND 3.4% OF UNITED STATES CITIZEN OFFENDERS.

Native Americans in the Federal Offender Population

Native American offenders account for a small portion of federal offenders (2.0%). The number of Native American offenders has decreased by 11.6% over the last four years.



Offender and Offense Characteristics

- In fiscal year 2016, most Native American offenders were male (79.3%).
- Almost all Native American offenders (99.8%) were United States citizens.
- The average age of these offenders at sentencing was 34 years.
- Over 40 percent of Native American offenders (43.4%) had little or no prior criminal history (*i.e.*, assigned to Criminal History Category I)¹. The proportion of Native American offenders in other Criminal History Categories was as follows:
 - ◆ 13.6% of these offenders were in Category II;
 - ◆ 16.2% were in Category III;
 - ◆ 11.2% were in Category IV;
 - ◆ 6.9% were in Category V; and
 - ◆ 8.6% were in Category VI.
- Districts with the highest proportion of their overall caseload comprising Native American offenders were:
 - ◆ District of South Dakota (52.8% of overall caseload);
 - ◆ District of Montana (35.2%);
 - ◆ Eastern District of Oklahoma (28.0%);
 - ◆ District of North Dakota (21.6%); and
 - ◆ Eastern District of Washington (10.4%).
- Weapons were involved in 19.0% of offenses involving Native American offenders, compared to 9.3% of all cases in fiscal year 2016.

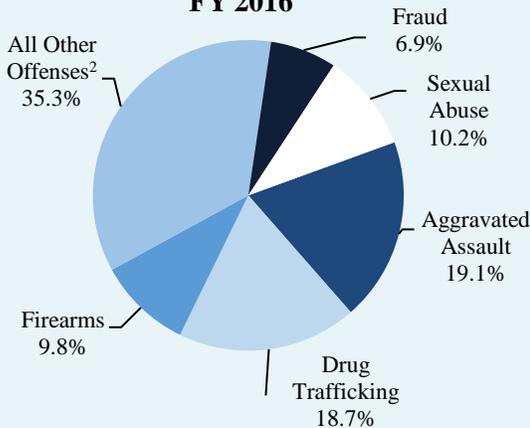
Punishment

- The majority of Native American offenders were sentenced to imprisonment (90.0%), which is slightly lower than the rate for all offenders in fiscal year 2016 (91.0%).
- Native American offenders were convicted of an offense carrying a mandatory minimum penalty at less than half of the rate (9.8%) of offenders as a whole (21.8%).
- The average sentence length for Native American offenders (52 months) was greater than offenders generally (46 months), and less than the average sentence for all United States citizens (59 months)
 - ◆ The average sentence length for Native Americans convicted of an offense carrying a mandatory minimum penalty was 144 months.
 - ◆ The average sentence length for Native Americans not convicted of an offense carrying a mandatory minimum penalty was 42 months.

Top Five Districts Native American Federal Offenders FY 2016

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|-------------------------------------|
| District of Arizona (N=325) |
| District of South Dakota (N=224) |
| District of Montana (N=109) |
| District of New Mexico (N=84) |
| District of North Dakota (N=77) |

Most Common Offenses Native American Federal Offenders FY 2016



¹ Tribal offenses are not counted in determining the criminal history score under the sentencing guidelines. See USSG §4A1.2(i).

² No other type of offense accounted for more than 6% of all offenses.

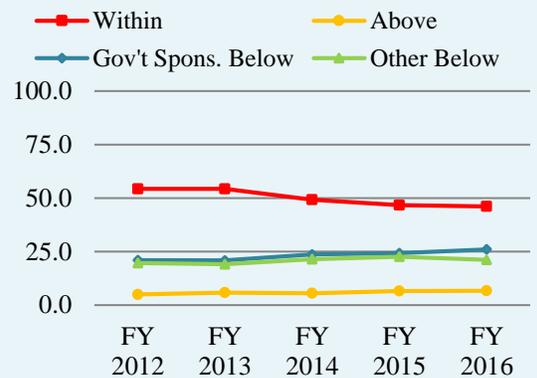
Quick Facts

Native Americans in the Federal Offender Population

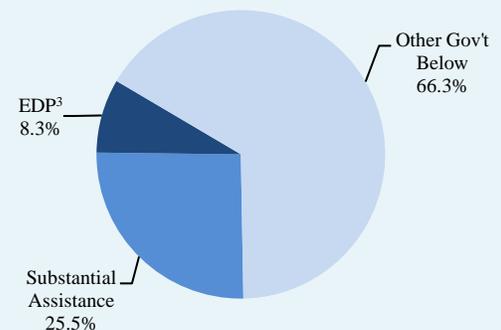
Sentences Relative to the Guideline Range

- The rate of within range sentences for Native American offenders has steadily decreased over the last five years (54.3% in fiscal year 2012 decreasing to 46.1% in fiscal year 2016).
- The rate of government sponsored below range sentences has increased over the last five years (from 21.0% in fiscal year 2012 to 26.0% in fiscal year 2016).
 - ◆ Substantial assistance departures were granted in 6.6% of cases involving Native American offenders in fiscal year 2016. This represents 25.5% of all government sponsored below range sentences for these offenders.
 - In fiscal year 2016, these offenders received an average reduction in their sentence of 51.3%.
 - ◆ Native American offenders received a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program (EDP)³ in 17.2% of cases in fiscal year 2016.
 - In fiscal year 2016 these offenders received an average reduction in their sentence of 45.8%.
- The percentage of Native American offenders that received a non-government sponsored below range sentence increased over the last five years (from 19.7% of these cases in fiscal year 2012 to 21.2% in fiscal year 2016).
 - ◆ In fiscal year 2016, these offenders received an average reduction in their sentence of 45.6%.
- The average guideline minimum for offenses involving Native American offenders has increased over the last five years, from 54 months in fiscal year 2012 to 58 months in fiscal year 2016.
- The average sentence imposed on Native American offenders has increased over the last five years, from 48 months in fiscal year 2012 to 52 months in fiscal year 2016.

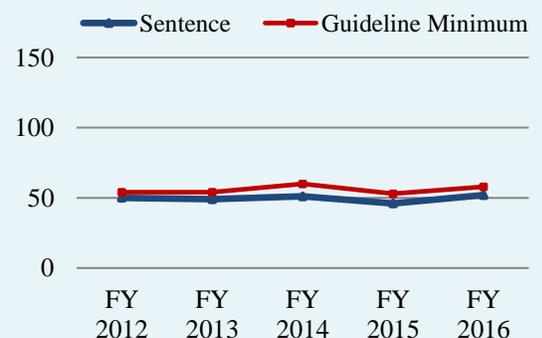
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2016



Average Sentence and Average Guideline Minimum (in months)



³“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.

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SOURCE: United States Sentencing Commission, 2012 through 2016 Datafiles, USSCFY12-USSCFY16.



One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, DC 20002-8002
T: (202) 502-4500
F: (202) 502-4699
www.ussc.gov
[@theusscgov](https://twitter.com/theusscgov)