

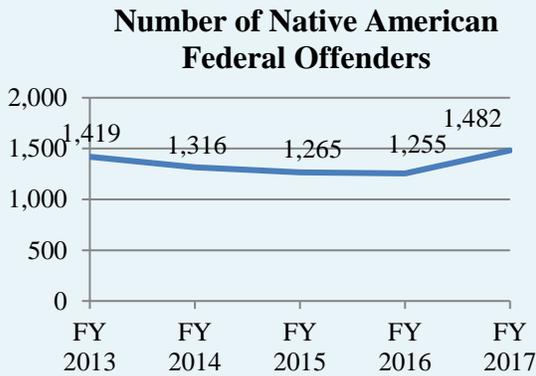


Quick Facts

- ▶ THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.
- ▶ OF THESE CASES, 1,482 INVOLVED NATIVE AMERICAN OFFENDERS.
- ▶ NATIVE AMERICANS ACCOUNTED FOR 2.4% OF ALL OFFENDERS AND 4.0% OF UNITED STATES CITIZEN OFFENDERS.

Native Americans in the Federal Offender Population

Native American offenders accounted for a small portion of federal offenders (2.4%) in fiscal year 2017. Between fiscal year 2016 and fiscal year 2017, the number of Native American offenders increased 18.1%.



Offender and Offense Characteristics

- In fiscal year 2017, three-quarters Native American offenders were men (76.8%).
- Almost all Native American offenders (99.9%) were United States citizens.
- The average age of these offenders at sentencing was 35 years.
- Over 40 percent of Native American offenders (44.2%) 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:
 - ◆ 12.8% of these offenders were in Category II;
 - ◆ 17.3% were in Category III;
 - ◆ 12.3% were in Category IV;
 - ◆ 5.7% were in Category V; and
 - ◆ 7.7% were in Category VI.
- Districts with the highest proportion of their overall caseload comprising Native American offenders were:
 - ◆ District of South Dakota (60.3% of overall caseload);
 - ◆ Eastern District of Oklahoma (39.3%);
 - ◆ District of North Dakota (31.3%);
 - ◆ District of Montana (27.2%); and
 - ◆ District of Alaska (18.8%).
- Weapons were involved in 17.2% of offenses involving Native American offenders, compared to 9.9% of all cases in fiscal year 2017.

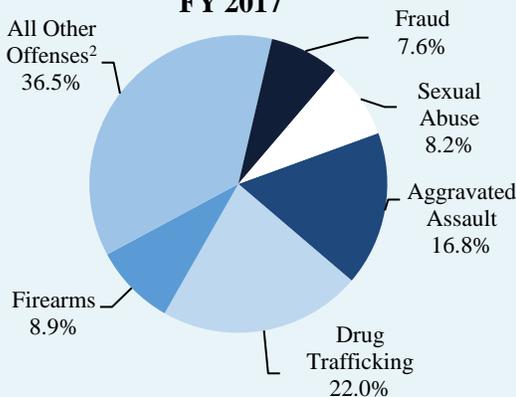
Top Five Districts Native American Federal Offenders FY 2017

District of Arizona (N=402)
District of South Dakota (N=292)
District of North Dakota (N=100)
District of New Mexico (N=94)
District of Montana (N=85)

Punishment

- The majority of Native American offenders were sentenced to imprisonment (89.5%), which is slightly lower than the rate for all offenders in fiscal year 2017 (91.6%).
- Native American offenders were convicted of an offense carrying a mandatory minimum penalty at less than half of the rate (10.0%) of offenders as a whole (21.8%).
- The average sentence length for Native American offenders (45 months) was less than all offenders (46 months), and less than the average sentence for all United States citizens (61 months).
 - ◆ The average sentence length for Native Americans convicted of an offense carrying a mandatory minimum penalty was 123 months;
 - ◆ The average sentence length for Native Americans not convicted of an offense carrying a mandatory minimum penalty was 37 months.

Most Common Offenses Native American Federal Offenders FY 2017



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 5% of all offenses.

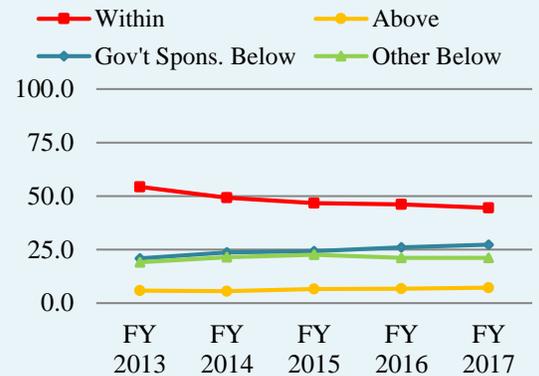
Quick Facts

Native Americans in the Federal Offender Population

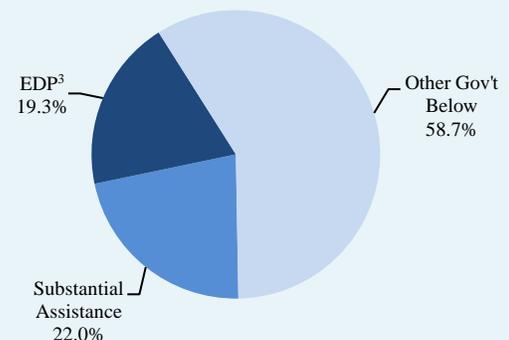
Sentences Relative to the Guideline Range

- The rate of within range sentences for Native American offenders has steadily decreased over the last five years (54.3% in fiscal year 2013 decreasing to 44.5% in fiscal year 2017).
- The rate of above range sentences for Native American offenders has steadily increased over the last five years (5.8% in fiscal year 2013 to 7.2% in fiscal year 2017).
- The rate of government sponsored below range sentences has increased over the last five years (from 20.9% in fiscal year 2013 to 27.3% in fiscal year 2017).
 - ◆ Substantial assistance departures were granted in 6.0% of cases involving Native American offenders in fiscal year 2017. This represents 22.0% of all government sponsored below range sentences for these offenders.
 - In fiscal year 2017, these offenders received an average reduction in their sentence of 55.5%.
 - ◆ 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 16.0% of cases in fiscal year 2017.
 - In fiscal year 2017 these offenders received an average reduction in their sentence of 50.6%.
- The percentage of Native American offenders that received a non-government sponsored below range sentence increased over the last five years (from 19.1% of these cases in fiscal year 2013 to 21.1% in fiscal year 2017).
 - ◆ In fiscal year 2017, these offenders received an average reduction in their sentence of 45.5%.
- The average guideline minimum for offenses involving Native American offenders increased from 54 months in fiscal year 2013 to 58 months in fiscal year 2016 and decreased to 53 months in fiscal year 2017.
- The average sentence imposed on Native American offenders has decreased over the last five years, from 49 months in fiscal year 2013 to 45 months in fiscal year 2017.

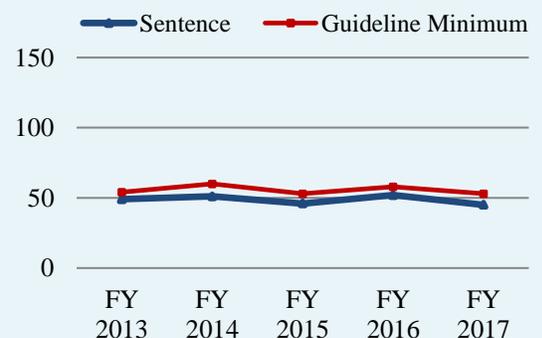
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2017



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, 2013 through 2017 Datafiles, USSCFY13-USSCFY17.



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