



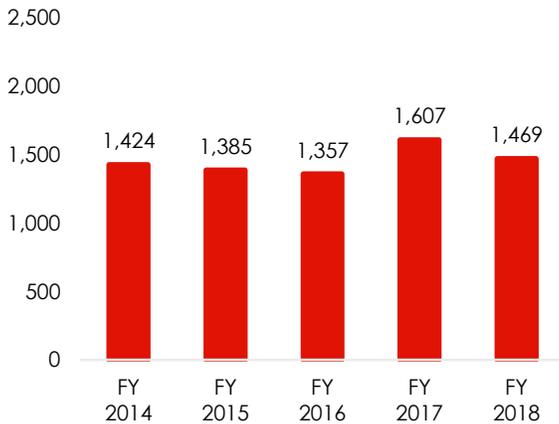
Quick Facts

— Native American Offenders —

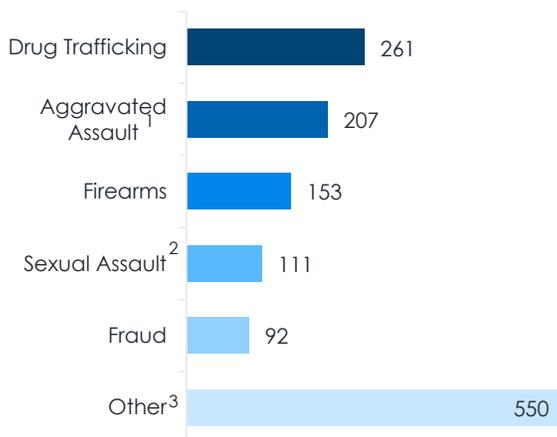
Fiscal Year 2018

- ▶ In FY 2018, 69,425 cases were reported to the U.S. Sentencing Commission.
- ▶ 1,469 of these involved Native American offenders.
- ▶ 2.1% of all offenders and 3.7% of U.S. citizen offenders were Native American.

Number of Native American Federal Offenders



Most Common Guidelines for Native American Offenders⁴



Offender and Offense Characteristics⁴

- 77.4% of Native American offenders were men.
- Their average age was 35 years.
- 99.6% were United States citizens.
- 42.7% had little or no prior criminal history (Criminal History Category I);⁵
 - ◆ 14.0% were CHC II;
 - ◆ 17.5% were CHC III;
 - ◆ 12.1% were CHC IV;
 - ◆ 5.9% were CHC V;
 - ◆ 7.7% were CHC VI.
- The top five districts with Native American offenders were:
 - ◆ District of Arizona (355);
 - ◆ District of South Dakota (257);
 - ◆ District of North Dakota (106);
 - ◆ District of Montana (76);
 - ◆ District of New Mexico (70).
- Districts with the highest proportion of their overall caseload comprising of Native American offenders were:
 - ◆ District of South Dakota (54.3%);
 - ◆ District of North Dakota (29.0%);
 - ◆ Eastern District of Oklahoma (25.3%);
 - ◆ District of Montana (21.7%);
 - ◆ Northern District of Oklahoma (13.3%).
- 19.6% of offenses committed by Native Americans involved weapons, compared to 10.3% of all offenses in fiscal year 2018.

Punishment

- The average sentence for Native American offenders was 49 months.
- 90.0% were sentenced to prison.
- 13.3% were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ The average sentence was 124 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.
 - ◆ The average sentence was 37 months for Native Americans convicted of an offense *not* carrying a mandatory minimum penalty.

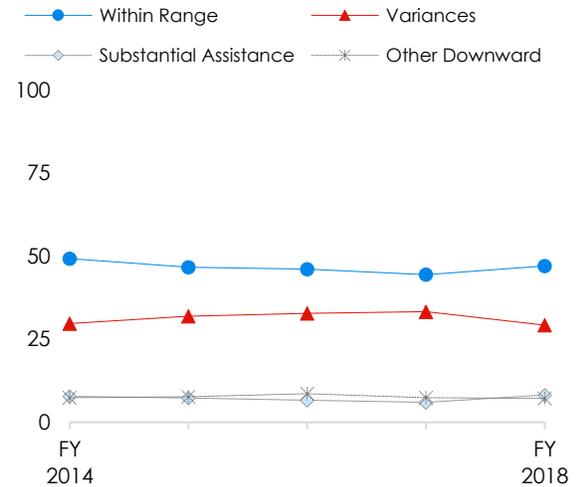


— Native American Federal Offenders —

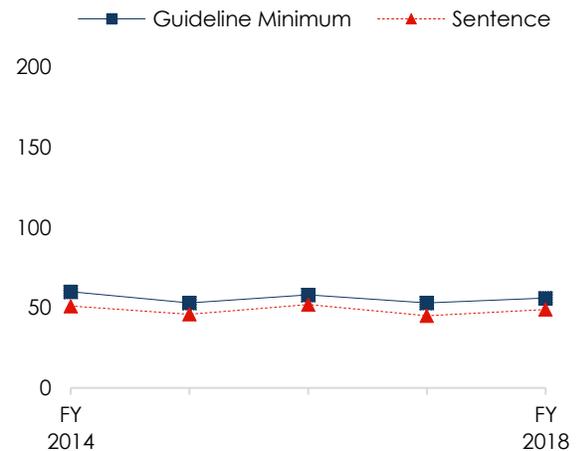
Sentences Relative to the Guideline Range

- Of the 70.7% of Native American offenders sentenced under the *Guidelines Manual*:
 - ◆ 66.6% were sentenced within the guideline range.
 - ◆ 11.6% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 52.4%.
 - ◆ 10.2% received some other downward departure.
 - ◇ Their average sentence reduction was 38.4%.
 - ◆ 7.5% received an Early Disposition Program (EDP) departure.⁶
 - ◇ Their average sentence reduction was 49.2%.
- 29.3% received a variance; of those offenders:
 - ◆ 89.6% received a below range variance.
 - ◇ Their average sentence reduction was 45.5%.
 - ◆ 10.4% received an above range variance.
 - ◇ Their average sentence increase was 53.3%.
- The average guideline minimum and average sentence imposed has remained relatively stable over the past five years.
 - ◆ The average guideline minimum decreased from 60 months in fiscal year 2014 to 56 months in fiscal year 2018.
 - ◆ The average sentence imposed decreased from 51 months in fiscal year 2014 to 49 months in fiscal year 2018.

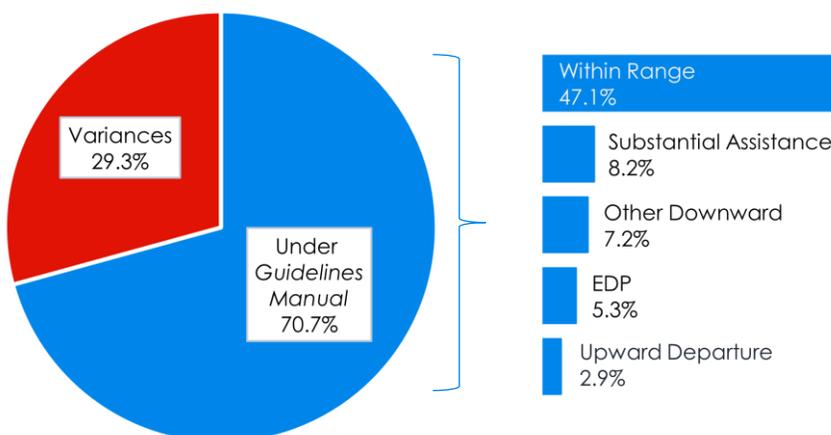
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2018



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

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

³ "Other" offenses include Administration of Justice (78), Obscenity or Other Sexual Offenses (62), Immigration (59), and Manslaughter (52). No other offense had a value greater than 50.

⁴ Cases with incomplete sentencing information were excluded from the analysis.

⁵ Tribal offenses are not counted in determining the criminal history score under the sentencing guidelines. See §4A1.2(f).

⁶ "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.