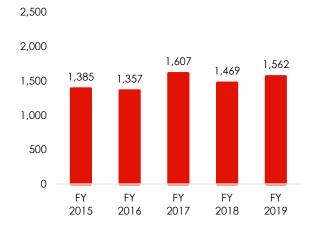# Quick Facts 📊 ⚖️

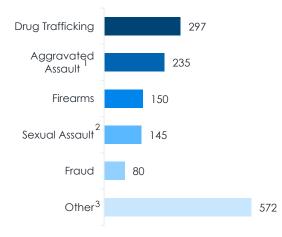*— Native American Offenders —*

Fiscal Year 2019

▶ IN FY 2019, 76,538 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.

  ▶ 1,562 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

FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
1,385	1,357	1,607	1,469	1,562

Most Common Guidelines for Native American Offenders

- Drug Trafficking — 297
- Aggravated Assault[1] — 235
- Firearms — 150
- Sexual Assault[2] — 145
- Fraud — 80
- Other[3] — 572

Offender and Offense Characteristics[4]

- 79.2% of Native American offenders were men.

- Their average age was 35 years.

- 99.5% were United States citizens.

- 43.1% had little or no prior criminal history (Criminal History Category I);[5]
  - 13.5% were CHC II;
  - 17.3% were CHC III;
  - 10.2% were CHC IV;
  - 7.4% were CHC V;
  - 8.5% were CHC VI.

- The top five districts with Native American offenders were:
  - District of Arizona (403);
  - District of South Dakota (255);
  - District of Montana (99);
  - District of North Dakota (94);
  - District of New Mexico (86).

- Districts with the highest proportion of their overall caseload comprising of Native American offenders were:
  - District of South Dakota (51.1%);
  - Eastern District of Oklahoma (32.0%);
  - District of North Dakota (28.8%);
  - District of Montana (26.3%);
  - District of Wyoming (13.4%).

- 20.3% of offenses committed by Native Americans involved weapons, compared to 10.6% of *all* offenses in fiscal year 2019.

Punishment

- The average sentence for Native American offenders was 56 months.

- 90.5% were sentenced to prison.

- 16.8% were convicted of an offense carrying a mandatory minimum penalty.
  - The average sentence was 130 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.
  - The average sentence was 40 months for Native Americans convicted of an offense *not* carrying a mandatory minimum penalty.

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— Native American Federal Offenders —

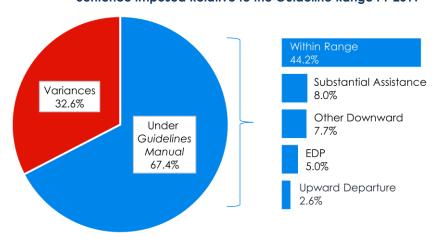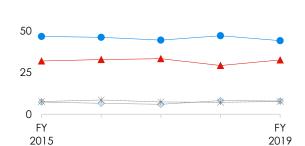## Sentences Relative to the Guideline Range

- Of the 67.4% of Native American offenders sentenced under the *Guidelines Manual*:

  - 65.5% were sentenced within the guideline range.

  - 11.8% received a substantial assistance departure.
    - Their average sentence reduction was 55.8%.

  - 11.4% received some other downward departure.
    - Their average sentence reduction was 40.8%.

  - 7.4% received an Early Disposition Program (EDP) departure.[6]
    - Their average sentence reduction was 53.5%.

- 32.6% received a variance; of those offenders:

  - 89.6% received a below range variance.
    - Their average sentence reduction was 46.9%.

  - 10.4% received an above range variance.
    - Their average sentence increase was 48.7%.

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

  - The average guideline minimum increased from 53 months in fiscal year 2015 to 65 months in fiscal year 2019.

  - The average sentence imposed increased from 46 months in fiscal year 2015 to 56 months in fiscal year 2019.

Sentence Relative to the Guideline Range (%)

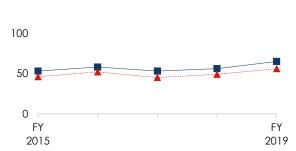### Average Guideline Minimum and Average Sentence (months)

Sentence Imposed Relative to the Guideline Range FY 2019

Within Range
44.2%

Substantial Assistance
8.0%

Other Downward
7.7%

EDP
5.0%

Upward Departure
2.6%

Variances
32.6%

Under *Guidelines Manual*
67.4%

[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 Immigration (73), Obscenity or Other Sexual Offenses (72), Administration of Justice (65), Assault (60), and Manslaughter (57). 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(i).

[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.