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

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2015</td>
<td>1,385</td>
</tr>
<tr>
<td>FY 2016</td>
<td>1,357</td>
</tr>
<tr>
<td>FY 2017</td>
<td>1,607</td>
</tr>
<tr>
<td>FY 2018</td>
<td>1,469</td>
</tr>
<tr>
<td>FY 2019</td>
<td>1,562</td>
</tr>
</tbody>
</table>

Most Common Guidelines for Native American Offenders

<table>
<thead>
<tr>
<th>Offense</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Trafficking</td>
<td>297</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>235</td>
</tr>
<tr>
<td>Firearms</td>
<td>150</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>145</td>
</tr>
<tr>
<td>Fraud</td>
<td>80</td>
</tr>
<tr>
<td>Other</td>
<td>572</td>
</tr>
</tbody>
</table>

Offender and Offense Characteristics

- 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);
  - 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.

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
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. 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.


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(j).
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.