



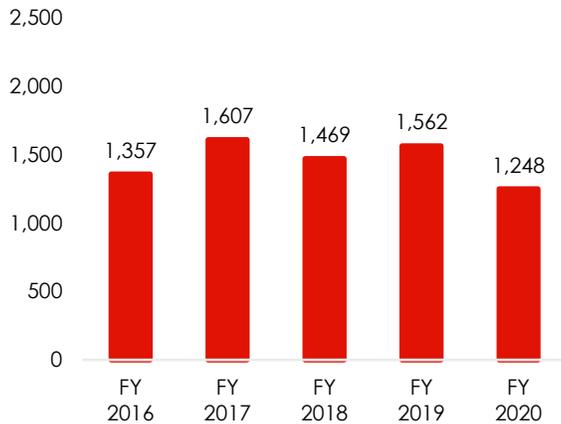
Quick Facts

— Native American Offenders —

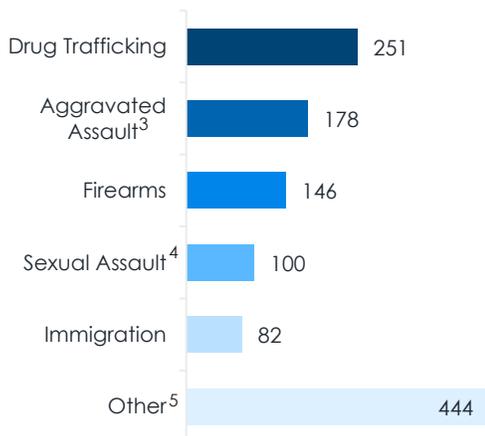
Fiscal Year 2020

- ▶ In FY 2020, 64,565 cases were reported to the U.S. Sentencing Commission.
- ▶ 1,248 of these involved Native American offenders.
- ▶ 1.9% of all offenders and 3.6% of U.S. citizen offenders were Native American.

Number of Native American Federal Offenders



Most Common Guidelines for Native American Offenders



Offender and Offense Characteristics¹

- 78.4% of Native American offenders were men.
- Their average age was 36 years.
- 99.8% were United States citizens.
- 40.0% had little or no prior criminal history (Criminal History Category I);²
 - ◆ 11.7% were CHC II;
 - ◆ 16.7% were CHC III;
 - ◆ 13.2% were CHC IV;
 - ◆ 8.8% were CHC V;
 - ◆ 9.6% were CHC VI.
- The top five districts for Native American offenders were:
 - ◆ District of South Dakota (255);
 - ◆ District of Arizona (246);
 - ◆ District of Montana (84);
 - ◆ District of New Mexico (78);
 - ◆ District of North Dakota (70).
- The top five districts where Native American offenders comprised the highest proportion of the overall caseload were:
 - ◆ District of South Dakota (51.9%);
 - ◆ District of North Dakota (28.0%);
 - ◆ District of Montana (26.2%);
 - ◆ Eastern District of Oklahoma (22.9%);
 - ◆ Northern District of Oklahoma (12.5%).
- 18.5% of offenses committed by Native Americans involved weapons, compared to 10.4% of all offenses in fiscal year 2020.

Punishment

- The average sentence for Native American offenders was 53 months.
- 91.2% were sentenced to prison.
- 18.5% were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ The average sentence was 133 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.
 - ◆ The average sentence was 35 months for Native Americans convicted of an offense *not* carrying a mandatory minimum penalty.

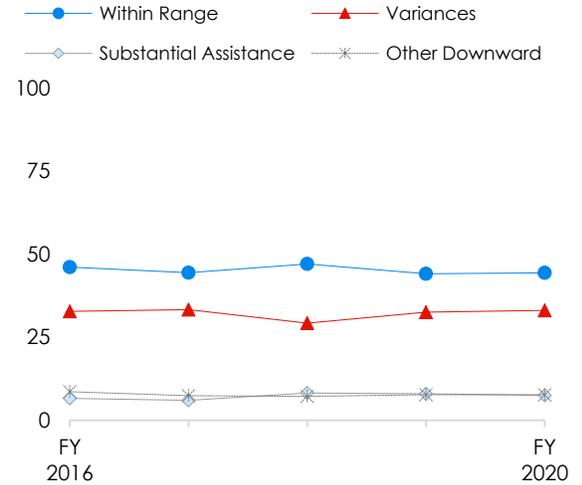


— Native American Federal Offenders —

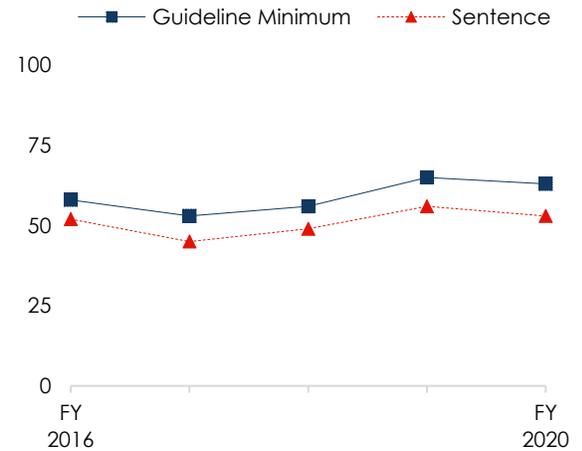
Sentences Relative to the Guideline Range

- Of the 66.9% of Native American offenders sentenced under the *Guidelines Manual*:
 - ◆ 66.4% were sentenced within the guideline range.
 - ◆ 11.6% received some other downward departure.
 - ◇ Their average sentence reduction was 40.0%.
 - ◆ 11.2% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 55.6%.
 - ◆ 8.2% received an Early Disposition Program (EDP) departure.⁶
 - ◇ Their average sentence reduction was 50.4%.
- 33.1% received a variance; of those offenders:
 - ◆ 90.7% received a downward variance.
 - ◇ Their average sentence reduction was 45.4%.
 - ◆ 9.3% received an upward variance.
 - ◇ Their average sentence increase was 39.0%.
- The average guideline minimum and average sentence imposed fluctuated over the past five years.
 - ◆ The average guideline minimum increased and decreased throughout the fiscal years. The average sentence was 58 months in fiscal year 2016 and 63 months in fiscal year 2020.
 - ◆ The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 52 months in fiscal year 2016 and 53 months in fiscal year 2020.

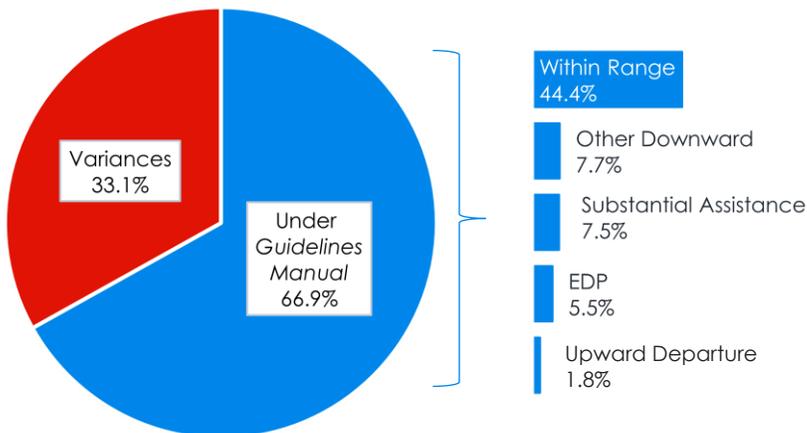
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2020



¹ Cases with incomplete sentencing information were excluded from the analysis.

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

³ Aggravated assault includes cases where the court applied §2A2.2 as the primary sentencing guideline.

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

⁵ "Other" offenses include Fraud (72) and Administration of Justice (51). No other offense had a value greater than 50.

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.