



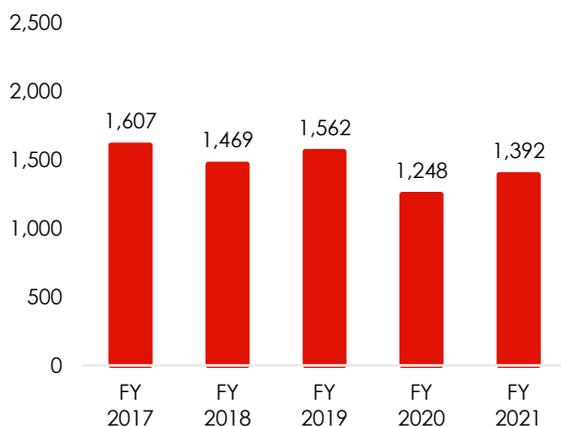
# Quick Facts

## — Native American Federal Offenders —

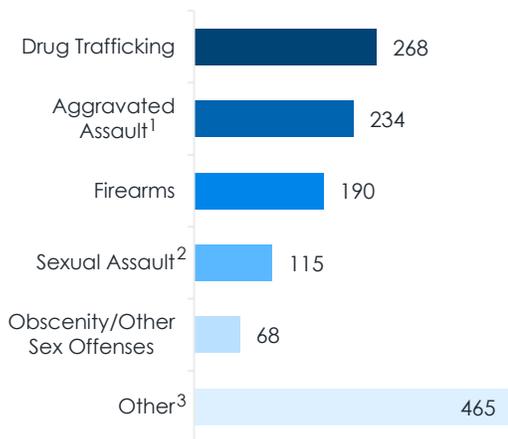
### Fiscal Year 2021

- ▶ In FY 2021, 57,287 cases were reported to the U.S. Sentencing Commission.
- ▶ 1,392 of these involved Native American offenders.
- ▶ 2.4% 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 Offenders**



### Offender and Offense Characteristics<sup>4</sup>

- 79.6% of Native American offenders were men.
- Their average age was 36 years.
- 99.9% were United States citizens.
- 37.5% had little or no prior criminal history (Criminal History Category I);<sup>5</sup>
  - ◆ 12.8% were CHC II;
  - ◆ 15.6% were CHC III;
  - ◆ 13.2% were CHC IV;
  - ◆ 9.6% were CHC V;
  - ◆ 11.3% were CHC VI.
- The top five districts for Native American offenders were:
  - ◆ District of Arizona (244);
  - ◆ District of South Dakota (241);
  - ◆ District of North Dakota (97);
  - ◆ Northern District of Oklahoma (92);
  - ◆ District of Montana (88).
- The top five districts where Native American offenders comprised the highest proportion of the overall caseload were:
  - ◆ Eastern District of Oklahoma (54.0%);
  - ◆ District of South Dakota (52.6%);
  - ◆ District of North Dakota (34.2%);
  - ◆ Northern District of Oklahoma (28.8%);
  - ◆ District of Montana (26.6%).
- 20.8% of offenses committed by Native Americans involved weapons, compared to 12.0% of all offenses in fiscal year 2021.

### Punishment

- The average sentence for Native American offenders was 56 months.
- 92.5% were sentenced to prison.
- 17.7% were convicted of an offense carrying a mandatory minimum penalty.
  - ◆ The average sentence was 116 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.
  - ◆ The average sentence was 43 months for Native Americans convicted of an offense *not* carrying a mandatory minimum penalty.



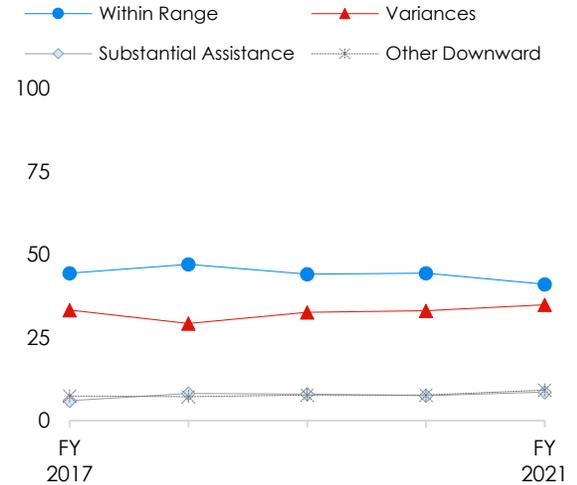
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— Native American Federal Offenders —

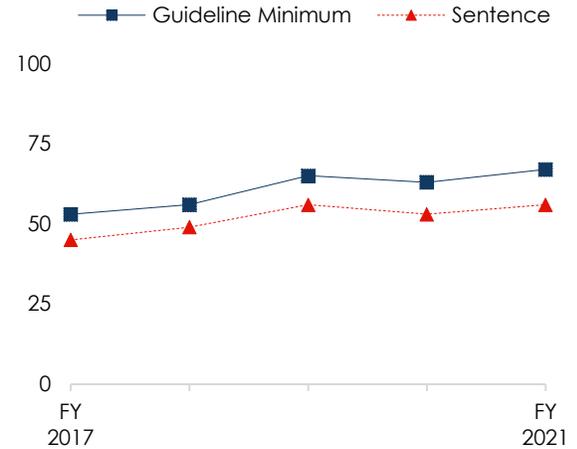
**Sentences Relative to the Guideline Range**

- Of the 65.1% of Native American offenders sentenced under the *Guidelines Manual*:
  - ◆ 63.1% were sentenced within the guideline range.
  - ◆ 14.1% received some other downward departure.
    - ◇ Their average sentence reduction was 41.7%.
  - ◆ 13.2% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 54.3%.
  - ◆ 6.0% received an Early Disposition Program (EDP) departure.<sup>6</sup>
    - ◇ Their average sentence reduction was 59.1%.
- 34.9% received a variance; of those offenders:
  - ◆ 90.6% received a downward variance.
    - ◇ Their average sentence reduction was 43.7%.
  - ◆ 9.4% received an upward variance.
    - ◇ Their average sentence increase was 46.9%.
- The average guideline minimum and average sentence imposed increased over the past five years.
  - ◆ The average guideline minimum increased from 53 months in fiscal year 2017 to 67 months in fiscal year 2021.
  - ◆ The average sentence imposed increased from 45 months in fiscal year 2017 to 56 months in fiscal year 2021.

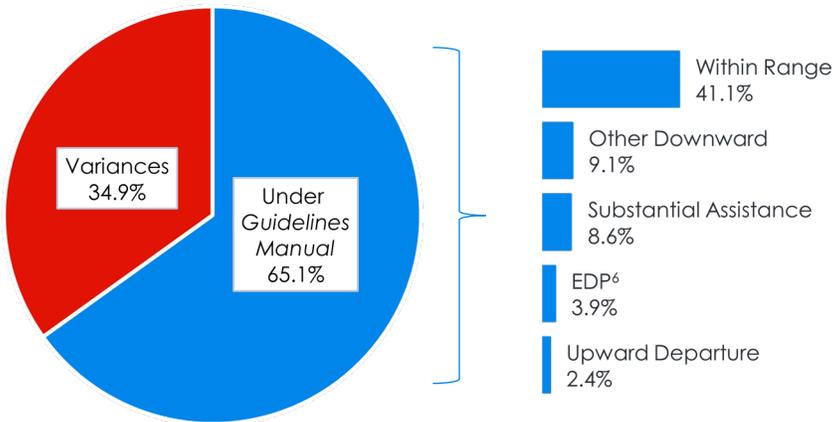
**Sentence Relative to the Guideline Range (%)**



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



**Sentence Imposed Relative to the Guideline Range FY 2021**



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

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

<sup>3</sup> "Other" guidelines include Immigration (67), Fraud (52), Robbery (51) and Administration of Justice (50). No other guideline had a value greater than 50.

<sup>4</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>5</sup> Tribal offenses are not counted in determining the criminal history score under the sentencing guidelines. See §4A1.2(i).

<sup>6</sup> "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.