



QuickFacts

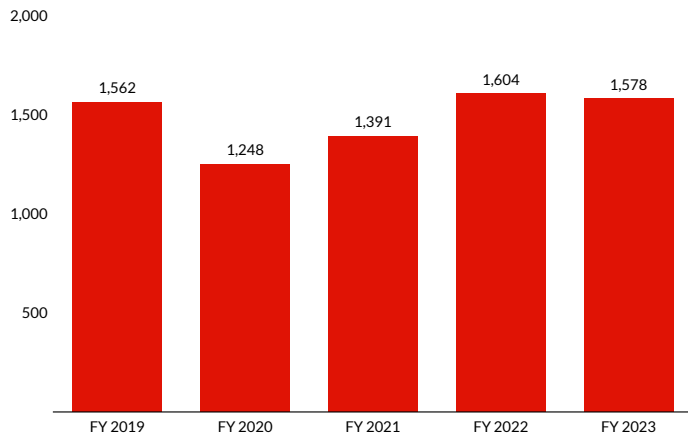
Native American Sentenced Individuals

Population Snapshot

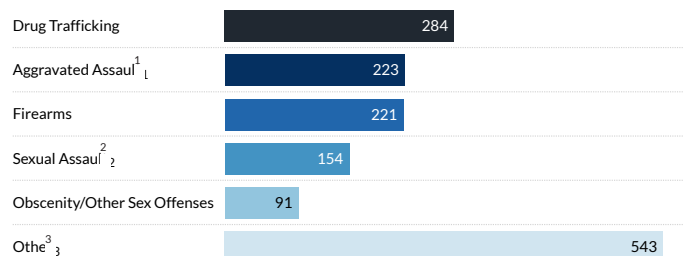
64,124 cases were reported in FY23;
1,578 involved Native American sentenced individuals.

2.5% of all sentenced individuals and 3.7% of U.S. citizens sentenced were Native American.

Number of Native American Sentenced Individuals



Most Common Guidelines for Native Americans



Individual and Offense Characteristics⁴

80.6% of Native American sentenced individuals were men.

Their average age was 36 years.

99.6% were United States citizens.

38.3% had little or no prior criminal history (Criminal History Category I);⁵

- 12.5% were CHC II;
- 18.0% were CHC III;
- 11.7% were CHC IV;
- 8.4% were CHC V;
- 11.1% were CHC VI.

The top five districts for Native American sentenced individuals were:

- District of Arizona (257);
- District of South Dakota (236);
- District of North Dakota (138);
- Eastern District of Oklahoma (132);
- Northern District of Oklahoma (106).

The top five districts where Native Americans comprised the highest proportion of the overall caseload were:

- Eastern District of Oklahoma (63.8%);
- District of South Dakota (46.6%);
- District of North Dakota (33.6%);
- Northern District of Oklahoma (27.5%);
- District of Montana (26.9%).

21.6% of offenses committed by Native Americans involved weapons, compared to 13.8% of all offenses in fiscal year 2023.

Punishment

The average sentence for Native Americans was 69 months.

94.0% were sentenced to prison.

19.1% were convicted of an offense carrying a mandatory minimum penalty.

- The average sentence was 141 months for Native Americans convicted of an offense carrying a mandatory minimum penalty.

- The average sentence was 52 months for Native Americans convicted of an offense not carrying a mandatory minimum penalty.



QuickFacts

Native American Sentenced Individuals

Sentences Relative to the Guideline Range

Of the 63.0% of Native Americans sentenced under the *Guidelines Manual*:

- 61.8% were sentenced within the guideline range.
- 14.7% received a substantial assistance departure.
 - Their average sentence reduction was 59.1%.
- 12.6% received some other downward departure.
 - Their average sentence reduction was 43.4%.
- 6.3% received an Early Disposition Program (EDP) departure.⁶
 - Their average sentence reduction was 61.6%.

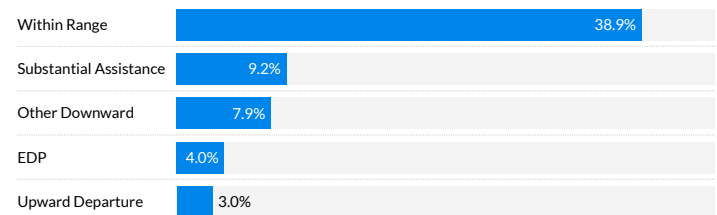
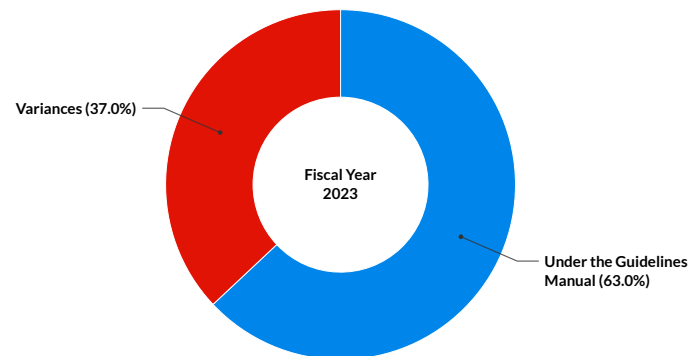
37.0% received a variance; of those individuals:

- 86.3% received a downward variance.
 - Their average sentence reduction was 43.0%.
- 13.8% received an upward variance.
 - Their average sentence increase was 56.8%.

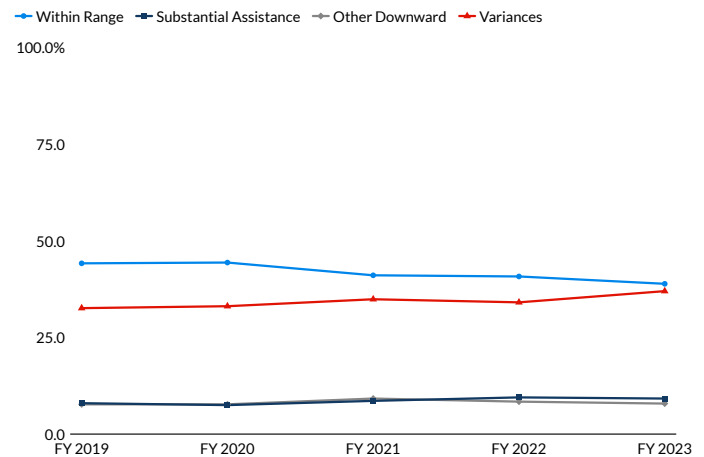
The average guideline minimum and average sentence imposed increased over the past five years.

- The average guideline minimum increased from 65 months in fiscal year 2019 to 79 months in fiscal year 2023.
- The average sentence imposed increased from 56 months in fiscal year 2019 to 69 months in fiscal year 2023.

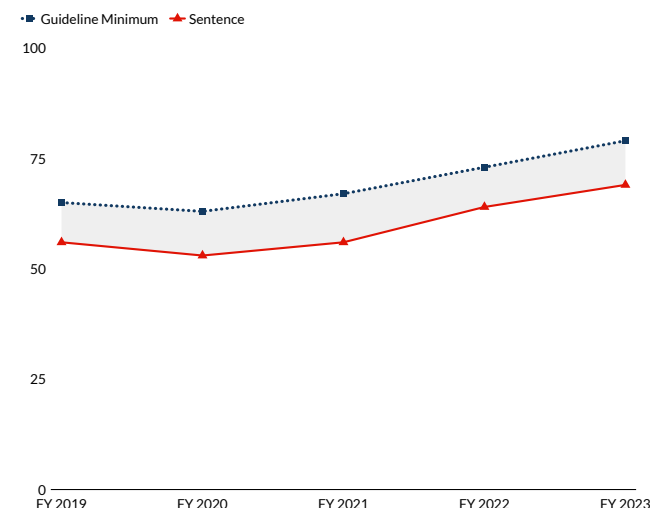
Sentences Relative to the Guideline Range



Sentences Relative to the Guideline Range



Average Guideline Minimum and Average Sentence (months)



SOURCE: United States Sentencing Commission, FY 2019 through FY 2023 Datafiles, USSCFY19-USSCFY23.

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" guidelines include Murder (69), Fraud (67), Immigration (67), and Manslaughter (59). No other guideline 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.