

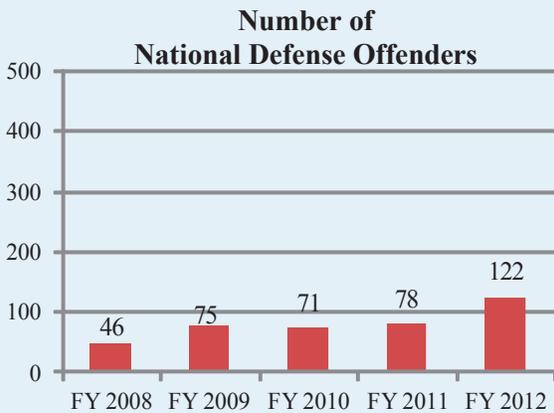


# Quick Facts

▶ THERE WERE 84,173 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2012.

▶ OFFENSES INVOLVING NATIONAL DEFENSE<sup>1</sup> ACCOUNTED FOR 0.1% OF THE FEDERAL CASELOAD DURING THIS TIME PERIOD.

## Offenses Involving National Defense<sup>1</sup>



### Top Five Districts National Defense Offenders FY 2012

Southern District of Texas (N=24)
Western District of Texas (N=14)
District of Arizona (N=8)
District of Columbia (N=8)
Southern District of New York (N=8)

### Offender and Offense Characteristics

- Over the past five years, almost one-half (46.7%) of all national defense offenders were convicted of exporting arms, munitions, or military equipment without a license.<sup>2</sup>
- The next most common offenses were providing material support to designated foreign terrorist organizations or for terrorist purposes (16.1%) and evasion of export controls/financial transactions involving countries supporting international terrorism (9.2%).<sup>3</sup>
- Over the same period, most offenders convicted of national defense crimes were male (90.6%).
- More than one-third were White (38.1%), followed by Hispanic (37.1%), Other Races (16.4%), and Black (8.4%).
  - ◆ In cases involving the exportation of arms, munitions, or military equipment, two-thirds of offenders were Hispanic (67.2%).
  - ◆ In cases involving providing material support to designated foreign terrorist organizations, offenders were of varying racial background: White (36.5%), Hispanic (22.2%), Black (20.6%), and Other Races (20.6%).
  - ◆ In cases involving the evasion of export controls, offenders were White (57.1%) or Other Races (42.9%).
- The average age of these offenders at sentencing was 39 years.
- These offenses were committed more often by U.S. citizens (54.6%) than by non-citizens (45.4%).
- Most of these offenders had little or no prior criminal history (60.2% of these offenders were assigned to Criminal History Category I).
  - ◆ Conversely, almost all of the remaining offenders (32.4%) received a terrorism adjustment under section 3A1.4 of the sentencing guidelines, and were assigned to Criminal History Category VI.

<sup>1</sup> National defense offenses include cases with complete guideline application information in which the offender was sentenced under USSG Chapter Two, Part M (Offenses involving National Defense and Weapons of Mass Destruction) or under other guidelines which involve criminal conduct threatening to national defense (e.g., conspiracy to commit murder in furtherance of a terrorist plot).

<sup>2</sup> Many of these offenses involve the exportation of arms to Mexico.

<sup>3</sup> Other crime types over the five year period include 25 cases of conspiracy to commit murder; 11 cases of espionage or related crimes; 10 cases of unlawful activity involving nuclear, biological, or chemical weapons; and two cases involving sabotage.

# Quick Facts

## Offenses Involving National Defense

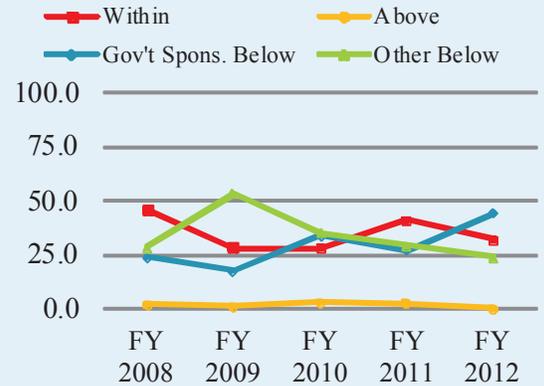
### Punishment

- Over the past five years, most national defense offenders were sentenced to imprisonment (91.6%).
- The average sentence length for these offenders was 94 months.
- For offenders receiving the terrorism adjustment under §3A1.4 the average sentence was 208 months.
  - ◆ The average sentence lengths for subcategories of national defense crimes were:
    - ◇ Conspiracy to commit murder, 302 months;
    - ◇ Unlawful activity involving nuclear, biological, or chemical weapons, 293 months;
    - ◇ Espionage or related crimes, 194 months;
    - ◇ Providing material support to designated foreign terrorist organizations or for terrorist purposes, 111 months;
    - ◇ Exportation of arms, munitions, or military equipment, 36 months; and
    - ◇ Evasion of export controls, 22 months.

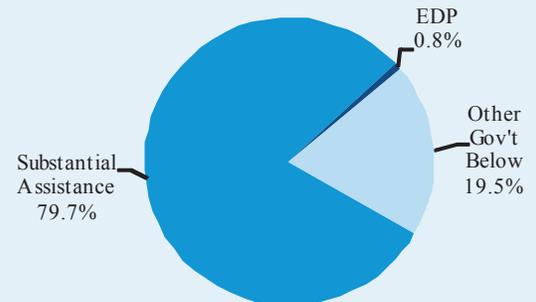
### Sentences Relative to the Guideline Range

- For each of the past five years, less than half of all national defense offenders were sentenced within the guideline range.
- For the same period, almost one-third (31.4%) of national defense offenders received a sentence below the sentencing guideline range because the government sponsored the below range sentence. This rate fluctuated from year to year, which is explained in part by the relatively small number of cases.
  - ◆ Substantial assistance departures were granted in approximately one-quarter of these cases in the past five years, accounting for 79.7% of all government sponsored below range sentences.
    - ◇ These offenders received an average reduction of 57.8% in their sentence during the five year time period (which corresponds to an average reduction of 67 months).
- For the same period, non-government sponsored below range sentences were applied in one-third (33.2%) of national defense offenses. This rate also fluctuated from year to year.
  - ◆ Reductions for non-government sponsored below range sentences averaged 46.4% during the five year time period (which corresponds to an average reduction of 74 months).
- Both the average sentence and the average guideline minimum for national defense offenders have fluctuated over the past five years, which is explained in part by the relatively small number of cases.
  - ◆ The average guideline minimum ranged from 124 months to 151 months during that period;
  - ◆ The average sentence imposed ranged from 80 months to 114 months.

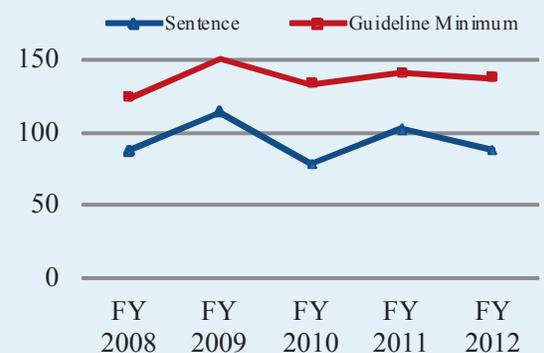
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2008 through FY 2012



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



One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, DC 20002-8002  
T: (202) 502-4500  
F: (202) 502-4699  
[www.ussc.gov](http://www.ussc.gov)

For other Quick Facts publications,  
visit our website at [www.ussc.gov/Quick\\_Facts](http://www.ussc.gov/Quick_Facts).