

▶ THERE WERE 80,035 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2013.

▶ OF THESE CASES, 1,419 INVOLVED NATIVE AMERICAN OFFENDERS.

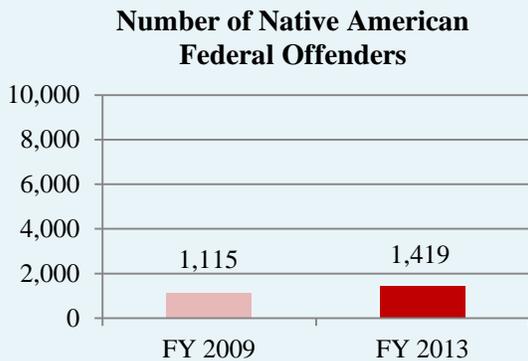
▶ NATIVE AMERICANS ACCOUNTED FOR 2.0% OF ALL OFFENDERS AND 3.2% OF UNITED STATES CITIZEN OFFENDERS.

Quick Facts



Native Americans in the Federal Offender Population

Native American offenders account for a small, but increasing portion of federal offenders. The number of Native American offenders has increased by 27.2% over the last five years.



Offender and Offense Characteristics

- In fiscal year 2013, most Native American offenders were male (81.2%).
- Almost all Native American offenders (99.2%) were United States citizens.
- The average age of these offenders at sentencing was 34 years.
- Almost half of Native American offenders (48.8%) had little or no prior criminal history (i.e., assigned to Criminal History Category I). The proportion of Native American offenders in other Criminal History Categories was as follows:
 - ◆ 13.0% of these offenders were in Category II;
 - ◆ 17.8% were in Category III;
 - ◆ 9.5% were in Category IV;
 - ◆ 4.7% were in Category V; and,
 - ◆ 6.2% were in Category VI.
- Districts with the highest proportion of their overall caseload comprising Native American offenders were:
 - ◆ District of South Dakota (57.5% of overall caseload);
 - ◆ District of Montana (33.4%);
 - ◆ District of North Dakota (25.0%);
 - ◆ District of Minnesota (14.4%); and,
 - ◆ Eastern District of Oklahoma (13.4%).
- Weapons were involved in 18.4% of offenses involving Native American offenders, compared to 8.0% of all offenses in fiscal year 2013.

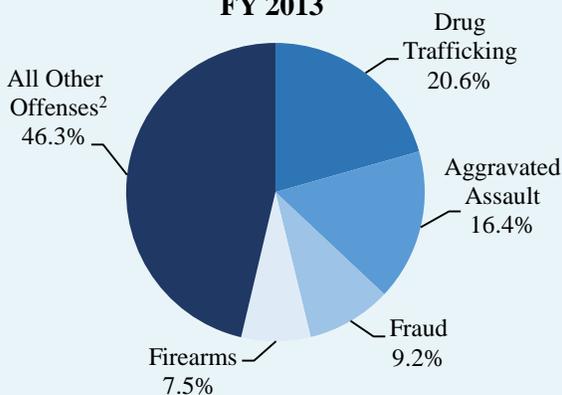
Punishment

- The majority of Native American offenders were sentenced to imprisonment (90.1%), which is slightly higher than the rate for all offenders in fiscal year 2013 (86.9%).
- Native American offenders were convicted of an offense carrying a mandatory minimum penalty at almost half the rate (12.7%) of offenders as a whole (24.6%).
- The average sentence length for Native American offenders was 49 months, compared to 48 months for offenders generally, and 61 months for all United States citizens.
 - ◆ The average sentence length for Native Americans convicted of an offense carrying a mandatory minimum penalty was 119 months.
 - ◆ The average sentence length for Native Americans not convicted of an offense carrying a mandatory minimum penalty was 39 months.

Top Five Districts Native American Federal Offenders FY 2013

District of South Dakota (N=308)
District of Arizona (N=295)
District of Montana (N=117)
District of New Mexico (N=100)
District of North Dakota (N=81)

Most Common Offenses Native American Federal Offenders FY 2013



¹ Tribal offenses are not counted in determining the criminal history score under the sentencing guidelines. See USSG §4A1.2(i).

² No other offense type accounted for more than 5% of all offenses.

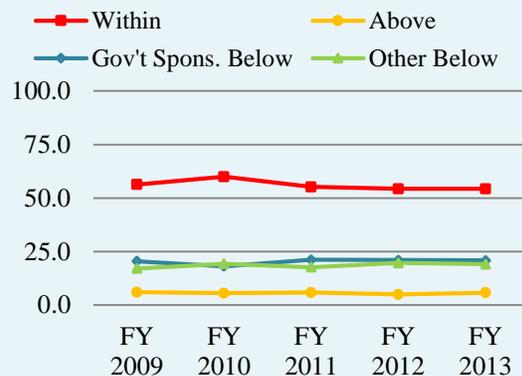
Quick Facts

Native Americans in the Federal Offender Population

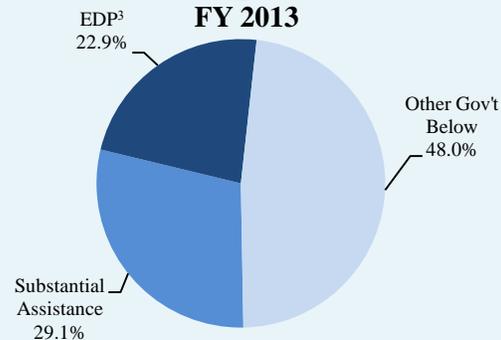
Sentences Relative to the Guideline Range

- For each of the past five years, Native American offenders were sentenced within the guideline range more than half of the time (56.3% in fiscal year 2009 and 54.3% in fiscal year 2013).
- The rate of government sponsored below range sentences remained constant (from 20.5% in fiscal year 2009 to 20.9% in fiscal year 2013).
 - ◆ Substantial assistance departures were granted in 6.1% of cases involving Native American offenders in fiscal year 2013. This represents 29.0% of all government sponsored below range sentences for these offenders.
 - In fiscal year 2013, these offenders received an average reduction in their sentence of 56.4%.
 - ◆ Native American offenders received a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program³ in 10.0% of cases in fiscal year 2013.
 - In fiscal year 2013, these offenders received an average reduction in their sentence of 45.7%.
- The percentage of Native American offenders that received a non-government sponsored below range sentence increased over the last five years (from 17.1% of these cases in fiscal year 2009 to 19.1% in fiscal year 2013).
 - ◆ In fiscal year 2013, these offenders received an average reduction in their sentence of 46.3%.
- The average guideline minimum for offenses involving Native American offenders has decreased slightly over the last five years, from 57 months in fiscal year 2009 to 54 months in fiscal year 2013.
- The average sentence imposed on Native American offenders has remained relatively constant over the last five years, from 52 months in fiscal year 2009 to 49 months in fiscal year 2013.

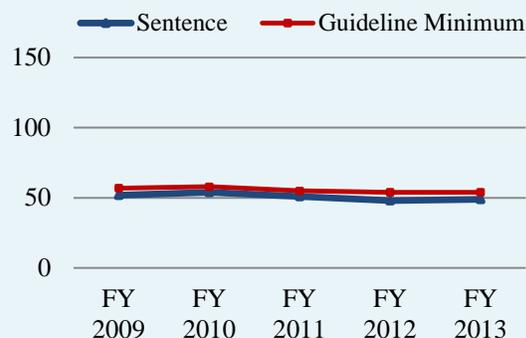
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2013



Average Sentence and Average Guideline Minimum (in months)



³ "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.

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