



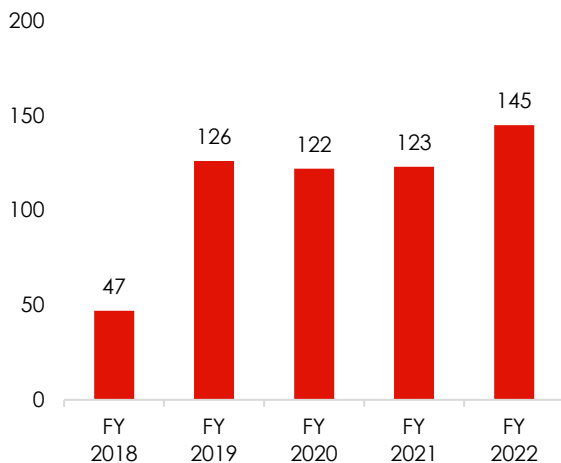
# Quick Facts

## — Fentanyl Analogue Trafficking Offenses —

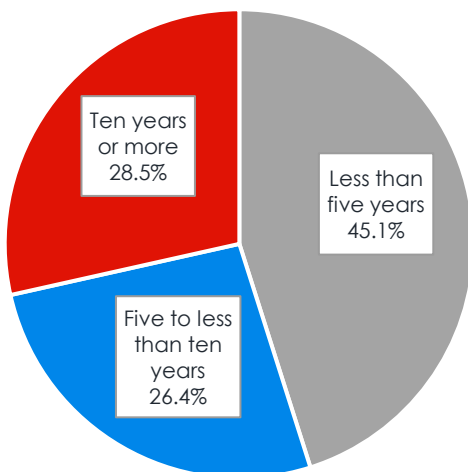
### Fiscal Year 2022

- ▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 20,037 INVOLVED DRUGS.<sup>1</sup>
- ▶ 19,851 INVOLVED DRUG TRAFFICKING.<sup>2</sup>
- ▶ 0.7% OF DRUG TRAFFICKING CASES INVOLVED FENTANYL ANALOGUES.
- ▶ FENTANYL ANALOGUE OFFENSES HAVE INCREASED BY 208.5% SINCE FY 2018.

**Number of Fentanyl Analogue Offenders**



**Sentence Length FY 2022<sup>3</sup>**



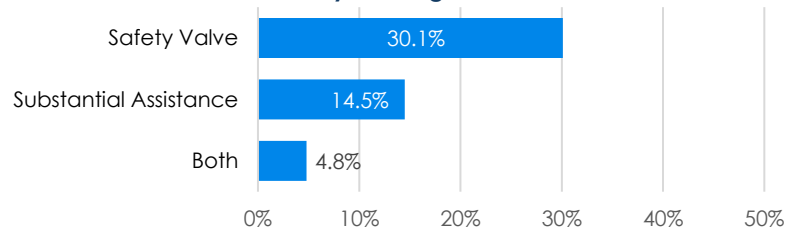
### Offender and Offense Characteristics

- 84.7% of fentanyl analogue trafficking offenders were men.
- 55.9% were Black, 25.9% were Hispanic, 16.8% were White, and 1.4% were Other races.
- Their average age was 35 years.
- 92.4% were United States citizens.
- 32.6% had little or no prior criminal history (Criminal History Category I); 8.3% were career offenders (§4B1.1).
- The median base offense level in these cases was 28, corresponding to between 70 and 100 grams of a fentanyl analogue.
- Sentences were increased for:
  - ◆ possessing a weapon (27.1%);
  - ◆ a leadership or supervisory role in the offense (2.8%).
- Sentences were decreased for:
  - ◆ minor or minimal participation in the offense (15.3%);
  - ◆ meeting the safety valve criteria in the sentencing guidelines (27.8%).
- The most common fentanyl analogue types were:
  - ◆ Acetyl fentanyl (50);
  - ◆ Carfentanil (26);
  - ◆ Para-fluorofentanyl (18);
  - ◆ Fluorofentanyl (13);
  - ◆ Furanyl fentanyl (9);
  - ◆ Valeryl fentanyl (9).<sup>4</sup>

### Punishment

- The average sentence for fentanyl analogue trafficking offenders was 80 months.
- 95.8% were sentenced to prison.
- 57.6% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 49.4% were relieved of that penalty.

**Means of Relief from Mandatory Minimum Penalty for Fentanyl Analogue Traffickers**



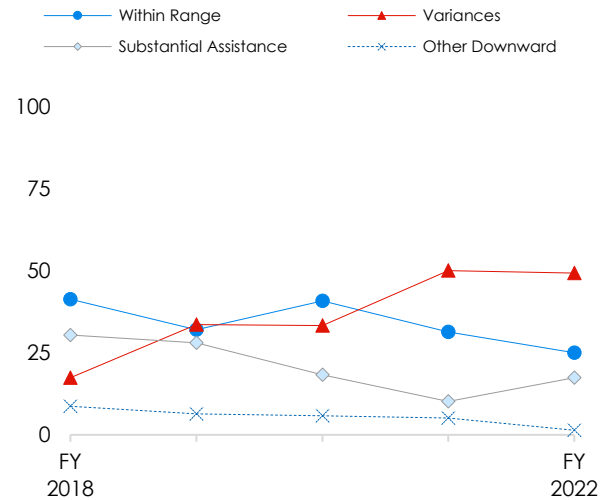


— **Fentanyl Analogue Trafficking Offenses** —

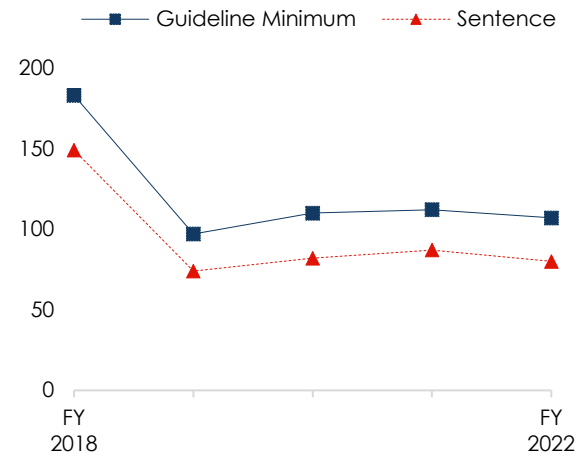
**Sentences Relative to the Guideline Range**

- Of the 50.7% of fentanyl analogue trafficking offenders sentenced under the *Guidelines Manual*:
  - 49.3% were sentenced within the guideline range.
  - 34.2% received a substantial assistance departure.
    - Their average sentence reduction was 58.5%.
  - 12.3% received an Early Disposition Program (EDP) departure.<sup>5</sup>
    - Their average sentence reduction was 72.4%.
- 49.3% received a variance; of those offenders:
  - 88.7% received a downward variance.
    - Their average sentence reduction was 41.1%.
  - 11.3% received an upward variance.
    - Their average sentence increase was 134.9%.
- 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 guideline minimum was 183 months in fiscal year 2018 and 107 months in fiscal year 2022.
  - The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 149 months in fiscal year 2018 and 80 months in fiscal year 2022.

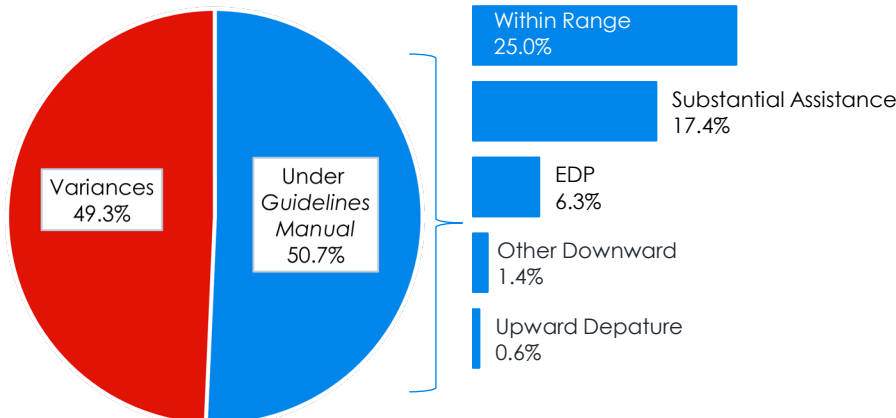
**Sentence Relative to the Guideline Range (%)**



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



**Sentence Imposed Relative to the Guideline Range FY 2022**



SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

<sup>1</sup> Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 146 fentanyl analogue offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2022.

<sup>2</sup> Drug Trafficking offenders were sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).

<sup>3</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>4</sup> Other fentanyl analogue types were: Cyclopropyl fentanyl (7), Methoxyacetyl fentanyl (6), Butyryl fentanyl (5), Phenyl fentanyl (5), Para-Fluoroisobutyryl fentanyl (3), Acryl fentanyl (2), Fluoroisobutyryl fentanyl (2), 3-Methylfentanyl (1), Crotonyl fentanyl (1), Despropionyl fentanyl (1), and Isovaleryl fentanyl (1). For twenty offenders the type of analogue was unknown.

<sup>5</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.