



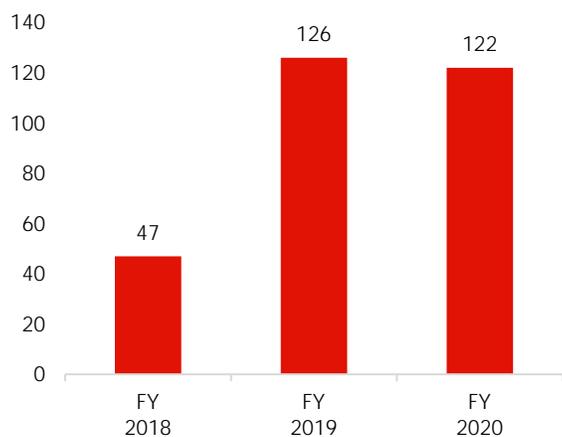
# Quick Facts

## — Fentanyl Analogue Trafficking Offenses —

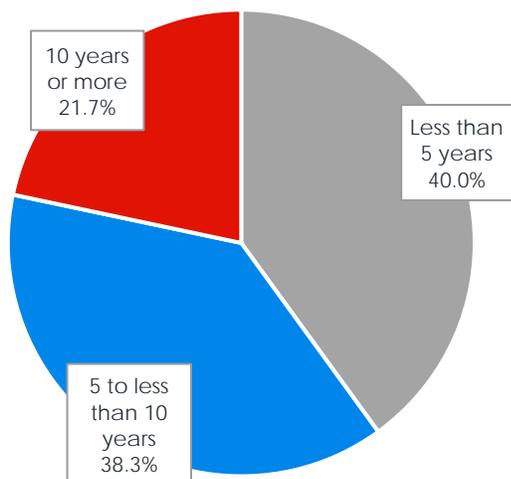
### Fiscal Year 2020

- ▶ IN FY 2020, 64,565 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 16,501 INVOLVED DRUG OFFENSES.<sup>1</sup>
- ▶ 16,287 INVOLVED DRUG TRAFFICKING OFFENSES.<sup>2</sup>
- ▶ 0.8% OF DRUG TRAFFICKING OFFENSES INVOLVED FENTANYL ANALOGUES.<sup>3</sup>
- ▶ FENTANYL ANALOGUE TRAFFICKING OFFENDERS HAVE INCREASED BY 159.6% SINCE FY 2018.

**Number of Fentanyl Analogue Trafficking Offenders**



**Sentence Length FY 2020**



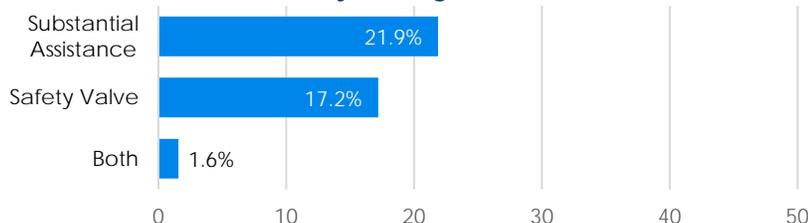
### Offender and Offense Characteristics

- 92.5% of fentanyl analogue trafficking offenders were men.
- 62.2% of fentanyl analogue trafficking offenders were Black, 13.5% were Hispanic, 21.0% were White, and 3.4% were Other races.
- Their average age was 32 years.
- 94.2% were United States citizens.
- 25.8% had little or no prior criminal history (Criminal History Category I); 10.0% were Career Offenders (\$4B1.1).
- The median Base Offense Level in these cases was 26, corresponding to between 40 and 70 grams of a fentanyl analogue.
- Sentences were increased for:
  - ◆ possessing a weapon (35.8%);
  - ◆ having a leadership/supervisory role in the offense (6.7%).
- Sentences were decreased for:
  - ◆ having minor or minimal participation in the offense (10.0%);
  - ◆ meeting the safety valve criteria in the sentencing guidelines (15.8%).
- The five most common fentanyl analogue types were:
  - ◆ Acetyl fentanyl (34);
  - ◆ Carfentanil (33);
  - ◆ Valeryl fentanyl (13);
  - ◆ Furanyl fentanyl (11); and
  - ◆ Methoxyacetyl fentanyl (8).<sup>4</sup>

### Punishment

- The average sentence for fentanyl analogue trafficking offenders was 82 months.
- 96.7% were sentenced to prison.
- 53.3% were convicted of an offense carrying a mandatory minimum penalty; 40.6% of those offenders were relieved of that penalty.

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





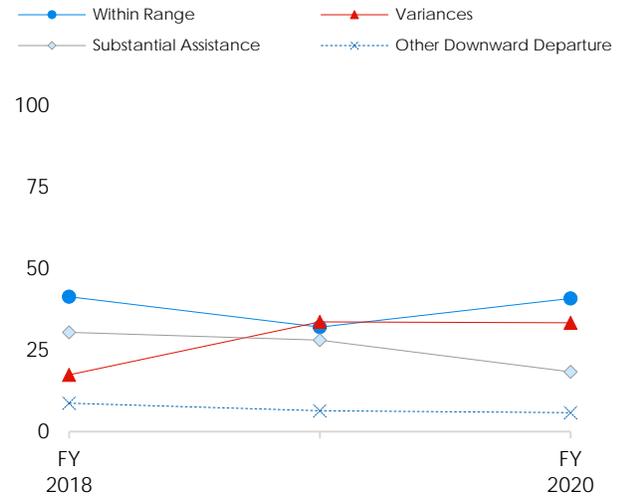
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— **Fentanyl Analogue Trafficking Offenses** —

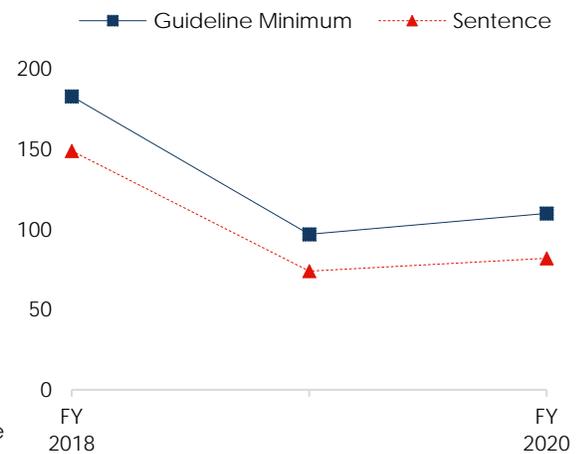
**Sentences Relative to the Guideline Range**

- Of the 66.7% of fentanyl analogue trafficking offenders sentenced under the *Guidelines Manual*:
  - ◆ 61.3% were sentenced within the guideline range.
  - ◆ 27.5% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 48.2%.
  - ◆ 8.8% received an other downward departure.
    - ◇ Their average sentence reduction was 22.4%.
- 33.3% received a variance; of those offenders:
  - ◆ 90.0% received a below range variance.
    - ◇ Their average sentence reduction was 41.9%.
  - ◆ 10.0% received an above range variance.
    - ◇ Their average sentence increase was 92.7%.
- The average guideline minimum and average sentence imposed have fluctuated over the past three years.
  - ◆ The average guideline minimum was 183 months in fiscal year 2018, decreased to 97 months in fiscal year 2019, and then rose slightly to 110 months in fiscal year 2020.
  - ◆ The average sentence imposed decreased from 149 months in fiscal year 2018 to 82 months in fiscal year 2020.

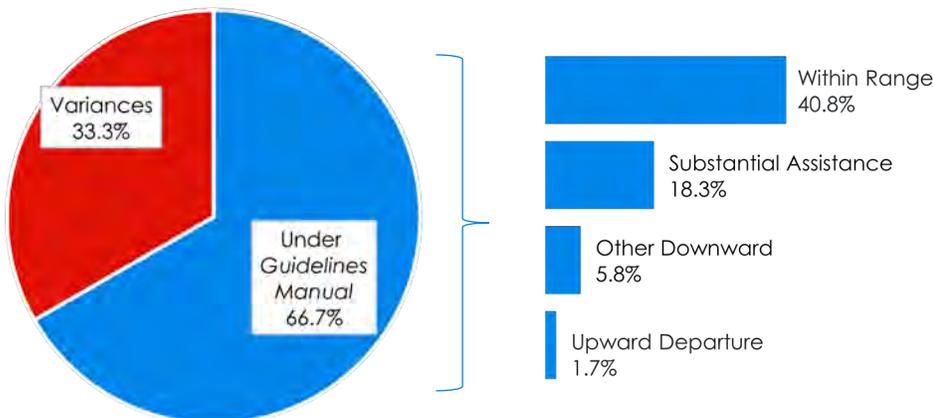
**Sentence Relative to the Guideline Range (%)**



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



**Sentence Imposed Relative to the Guideline Range FY 2020**



<sup>1</sup> Drug offenses are those cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs).

<sup>2</sup> Drug Trafficking offenders are sentenced 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: 4-Fluoroisobutryl (para-Fluoroisobutryl) fentanyl (6), Cyclopropyl fentanyl (6), Butyryl fentanyl (4), and Acryl fentanyl (2). For three offenders the type of analogue was unknown.

SOURCE: United States Sentencing Commission, FY 2018 through FY 2020 Datafiles, USSCFY18-USSCFY20.