



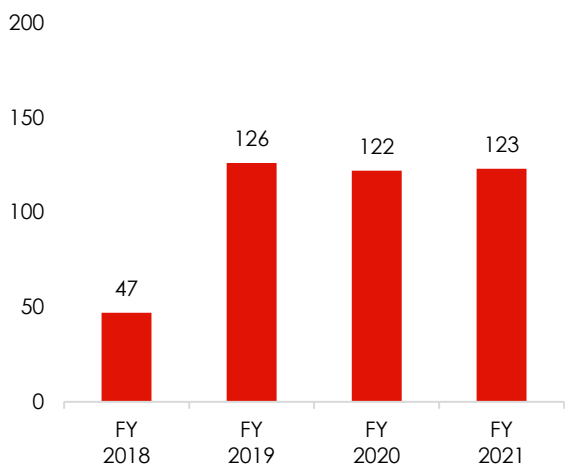
Quick Facts

— Fentanyl Analogue Trafficking Offenses —

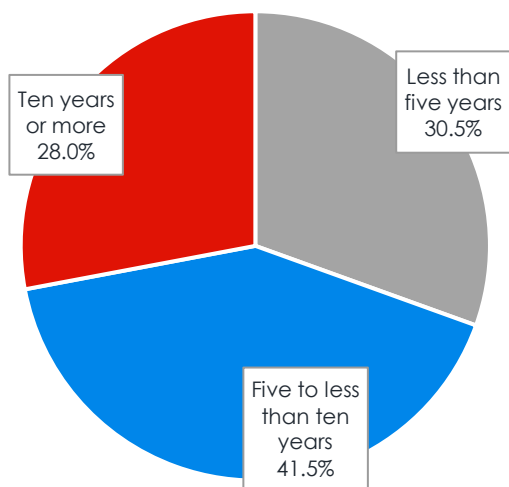
Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 17,692 INVOLVED DRUGS.¹
- ▶ 17,520 INVOLVED DRUG TRAFFICKING.²
- ▶ 0.7% OF DRUG TRAFFICKING CASES INVOLVED FENTANYL ANALOGUES.
- ▶ FENTANYL ANALOGUE OFFENDERS HAVE INCREASED BY 161.7% SINCE FY 2018.

Number of Fentanyl Analogue Offenders



Sentence Length FY 2021



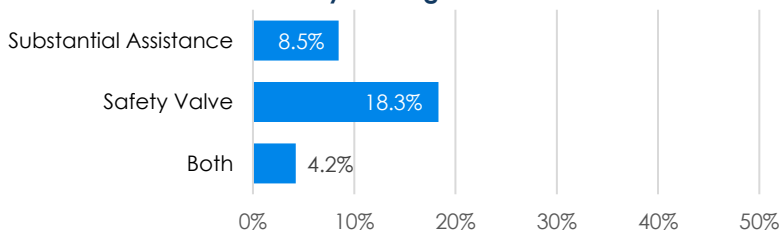
Offender and Offense Characteristics³

- 87.3% of fentanyl analogue trafficking offenders were men.
- 61.5% were Black, 24.8% were Hispanic, 11.1% were White, and 2.6% were Other races.
- Their average age was 35 years.
- 89.0% were United States citizens.
- 27.1% had little or no prior criminal history (Criminal History Category I); 12.7% 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 (32.5%);
 - ◆ a leadership or supervisory role in the offense (9.3%).
- Sentences were decreased for:
 - ◆ minor or minimal participation in the offense (6.8%);
 - ◆ meeting the safety valve criteria in the sentencing guidelines (17.8%).
- The five most common fentanyl analogue types were:
 - ◆ Acetyl fentanyl (49);
 - ◆ Carfentanil (34);
 - ◆ Valeryl fentanyl (8);
 - ◆ Methoxyacetyl fentanyl (5);
 - ◆ Furanyl fentanyl (4).⁴

Punishment

- The average sentence for fentanyl analogue trafficking offenders was 87 months.
- 98.3% were sentenced to prison.
- 60.2% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 31.0% were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Analogue Traffickers



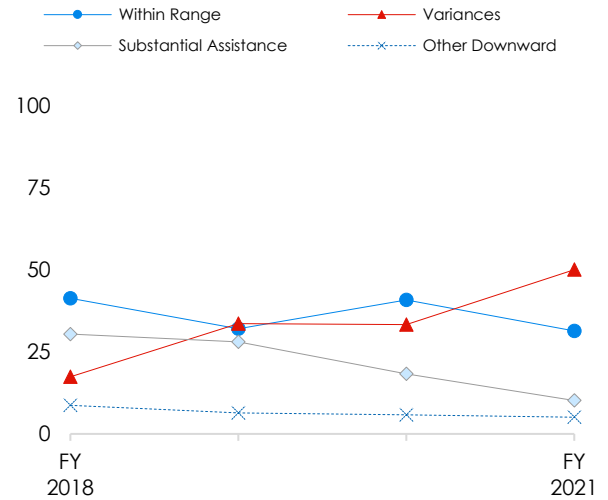


— **Fentanyl Analogue Trafficking Offenses** —

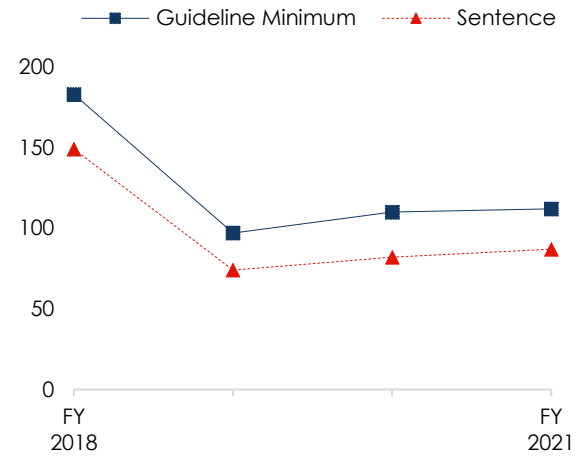
Sentences Relative to the Guideline Range

- Of the 50.0% of fentanyl analogue trafficking offenders sentenced under the *Guidelines Manual*:
 - 62.7% were sentenced within the guideline range.
 - 20.3% received a substantial assistance departure.
 - Their average sentence reduction was 47.8%.
 - 10.2% received some other downward departure.
 - Their average sentence reduction was 37.0%.
- 50.0% received a variance; of those offenders:
 - 96.6% received a downward variance.
 - Their average sentence reduction was 39.4%.
 - 3.4% received an upward variance.⁵
- The average guideline minimum and average sentence imposed fluctuated over the past four years.
 - The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 183 months in fiscal year 2018 and 112 months in fiscal year 2021.
 - The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 149 months in fiscal year 2018 and 87 months in fiscal year 2021.

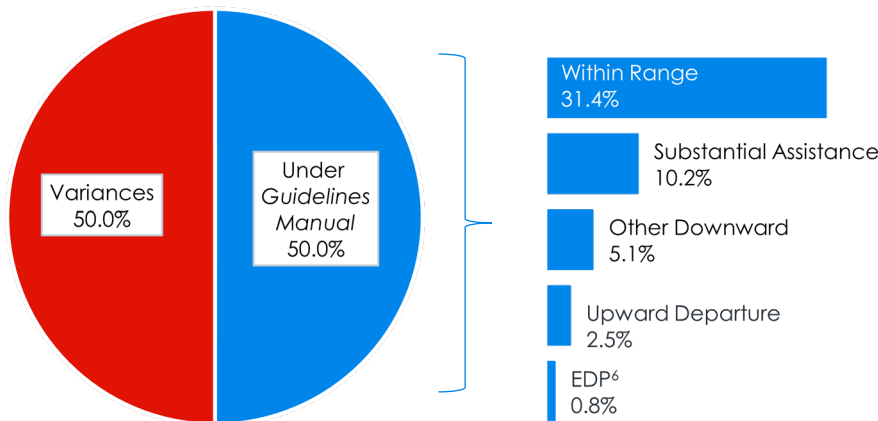
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2021



SOURCE: United States Sentencing Commission, FY 2018 through FY 2021 Datafiles, USSCFY18-USSCFY21.

¹ Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 124 fentanyl analogue offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2021.

² 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).

³ Cases with incomplete sentencing information were excluded from the analysis.

⁴ Other fentanyl analogue types were: 4-Fluoroisobutyl (para-Fluoroisobutyl) fentanyl (3), Acryl fentanyl (2), Butryl fentanyl (2), 3-Methylfentanyl (1), Cyclopropyl fentanyl (1), Fluorofentanyl (1), and Phenyl fentanyl (1). For seven offenders the type of analogue was unknown.

⁵ The Commission does not report the average for categories with fewer than three cases.

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.