



QuickFacts

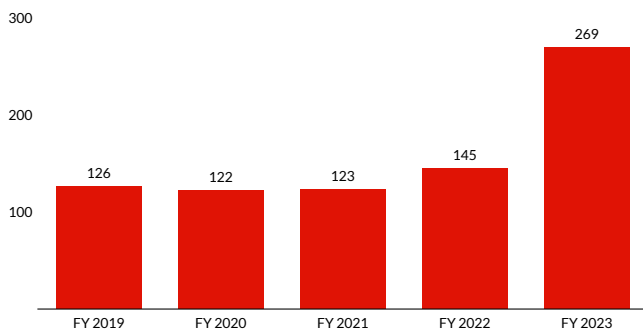
Fentanyl Analogue Trafficking

Population Snapshot

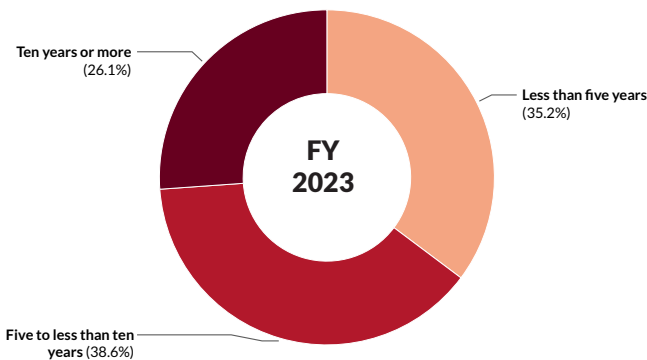
64,124 cases were reported in FY23;
19,066 involved drugs,¹
18,939 involved drug trafficking.²

1.4% of such cases involved fentanyl analogues, up 113.5% since FY 2019.

Number of Fentanyl Analogue Trafficking Offenses



Sentence Length



Individual and Offense Characteristics³

- 88.3% of individuals sentenced for fentanyl analogue trafficking were men.
- 59.9% were Black, 22.9% were Hispanic, 16.0% were White, and 1.1% were Other races.
- Their average age was 36 years.
- 88.6% were United States citizens.
- 31.8% had little or no prior criminal history (Criminal History Category I); 8.0% were individuals sentenced under the career offender guideline (§4B1.1).
- The median base offense level in these cases was 30, corresponding to between 100 and 300 grams of fentanyl analogue.

Sentences were increased for:

- possessing a weapon (36.7%);
- a leadership or supervisory role in the offense (4.9%).

Sentences were decreased for:

- minor or minimal participation in the offense (12.5%);
- meeting the safety valve criteria in the sentencing guidelines (20.5%).

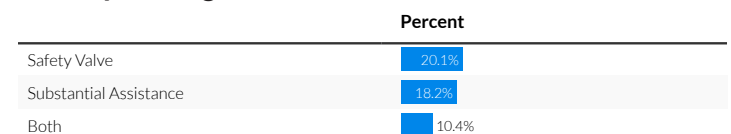
The most common fentanyl analogue types were:

- Para-fluorofentanyl (90);
- Acetyl fentanyl (62);
- Fluorofentanyl (46);
- Despropionyl fentanyl (35);
- Carfentanil (20).⁴

Punishment

- The average sentence for fentanyl analogue traffickers was 87 months.
- 98.9% were sentenced to prison.
- 58.3% were convicted of an offense carrying a mandatory minimum penalty; 48.7% of those individuals were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Analogue Traffickers





QuickFacts

Fentanyl Analogue Trafficking

Sentences Relative to the Guideline Range

Of the 50.4% of individuals sentenced for fentanyl analogue trafficking under the *Guidelines Manual*:

- 44.4% were sentenced within the guideline range.
- 42.9% received a substantial assistance departure.
 - Their average sentence reduction was 52.5%.
- 2.3% received an Early Disposition Program (EDP) departure.⁵
 - Their average sentence reduction was 70.0%.
- 7.5% received some other downward departure.
 - Their average sentence reduction was 40.4%.

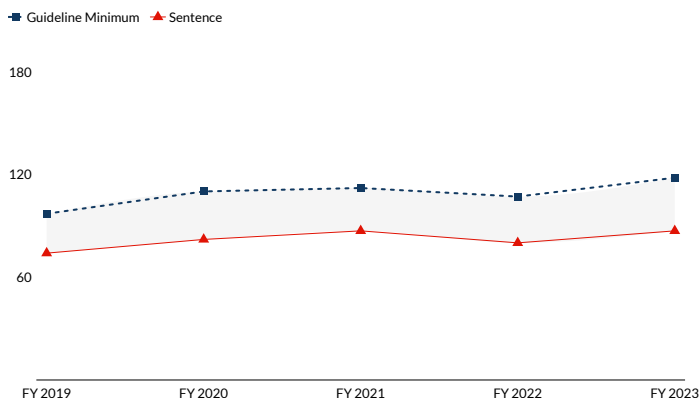
49.6% received a variance; of those individuals:

- 93.1% received a downward variance.
 - Their average sentence reduction was 35.7%.
- 6.9% received an upward variance.
 - Their average sentence increase was 72.2%.

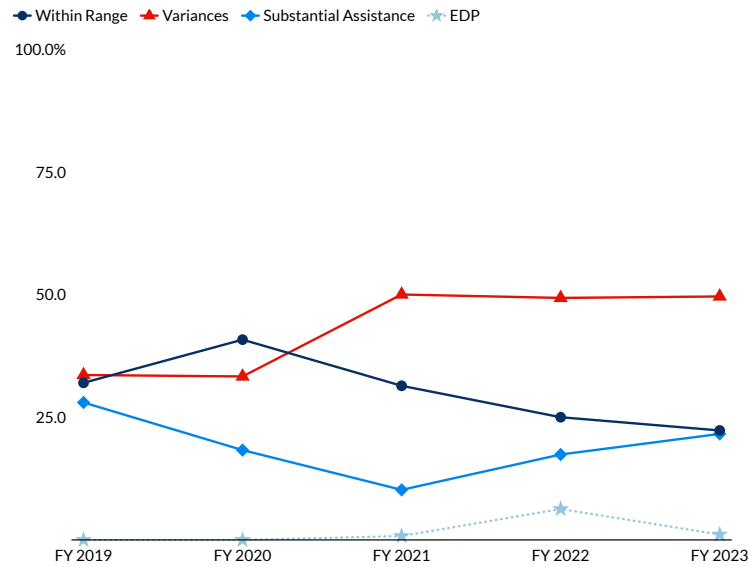
The average guideline minimum and the average sentence imposed increased over the past five years.

- The average guideline minimum increased from 97 months in fiscal year 2019 to 118 months in fiscal year 2023.
- The average sentence was 74 months in fiscal year 2019 and 87 months in fiscal year 2023.

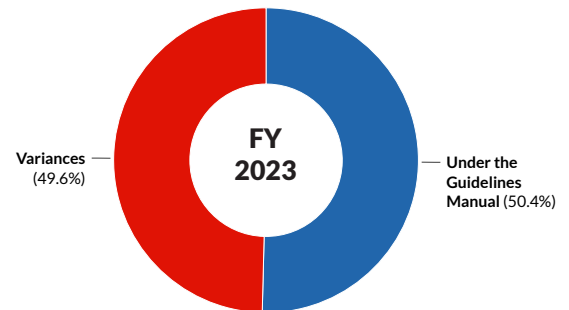
Average Guideline Minimum and Average Sentence (in months)



Sentences Relative to the Guideline Range



Sentences Relative to the Guideline Range



Category	Percentage
Within Range	22.3%
Substantial Assistance	21.6%
Other Downward	3.8%
Upward Departure	1.5%
EDP	1.1%

¹ Drug offenses include cases where individuals were sentenced under USSG Chapter Two, Part D (Drugs). There were 269 individuals sentenced for fentanyl analogue offenses under USSG Chapter Two, Part D (Drugs) in FY 2023.

² Individuals sentenced for drug trafficking 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: Furanyl fentanyl (13) and Valeryl fentanyl (10). The following fentanyl analogues were trafficked in 2 cases: 4-Fluoroisobutyrfentanyl, Betahydroxythiofentanyl, Butyryl fentanyl, Despropionyl Meta Fluorofentanyl, and Methoxyacetylfentanyl. The following fentanyl analogues were each trafficked in a single case: Acrylfentanyl, Chlorofentanyl, Cyclobutyl fentanyl, Despropionyl para-Fluorofentanyl, Fluoroacetyl fentanyl, para-Fluorobutyryl fentanyl, para-fluoro isobutyryl fentanyl, and para-Methylfentanyl. For 25 individuals the type of analogue was unknown.

⁵ "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.