Fiscal Year 2018

- In FY 2018, 69,425 cases were reported to the U.S. Sentencing Commission.
- 18,964 of these involved drug trafficking.1,2
- 2.3% of drug trafficking cases involved fentanyl.
- Fentanyl trafficking offenders have increased by 4,711.1% since FY 2014.

Offender and Offense Characteristics

- 86.2% of fentanyl trafficking offenders were men.
- 39.1% of fentanyl trafficking offenders were Black, 38.1% were Hispanic, 22.3% were White, and 0.5% were Other races.
- Their average age was 33 years.
- 81.6% were United States citizens.
- 41.1% had little or no prior criminal history (Criminal History Category I); 11.7% were Career Offenders (§4B1.1).
- The median Base Offense Level in these cases was 26, corresponding to between 160 and 280 grams of fentanyl.
- Sentences were increased for:
  - possessing a weapon (21.0%);
  - having a leadership/supervisory role in the offense (5.7%).
- Sentences were decreased for:
  - having minor or minimal participation in the offense (15.3%);
  - meeting the safety valve criteria in the sentencing guidelines (24.6%).
- The top five districts for fentanyl trafficking offenders were:
  - District of Massachusetts (33);
  - Southern District of Ohio (33);
  - Southern District of California (28);
  - District of New Hampshire (24);
  - Northern District of Ohio (24).

Punishment

- The average sentence for fentanyl trafficking offenders was 74 months.
- 97.4% were sentenced to prison.
- 44.6% were convicted of an offense carrying a mandatory minimum penalty; 46.0% of those offenders were relieved of that penalty.

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
Sentences Relative to the Guideline Range

• Of the 63.5% of fentanyl trafficking offenders sentenced under the Guidelines Manual:
  ◆ 55.3% were sentenced within the guideline range.
  ◆ 24.8% received a substantial assistance departure. Their average sentence reduction was 48.0%.
  ◆ 10.2% received an EarlyDisposition Program (EDP) departure. Their average sentence reduction was 49.0%.
  ◆ 36.5% received a variance; of those offenders:
    ◆ 91.5% received a below range variance. Their average sentence reduction was 36.9%.
    ◆ 8.5% received an above range variance. Their average sentence increase was 127.5%.
• The average guideline minimum and the sentence imposed has increased over the past three years:
  ◆ The average guideline minimum increased from 78 months in fiscal year 2014 to 97 months in fiscal year 2018.
  ◆ The average sentence imposed increased from 66 months in fiscal year 2014 to 74 months in fiscal year 2018.

1 Drug trafficking offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs).
2 Offenders were sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.3 (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). Cases with incomplete sentencing information were excluded from the analysis.
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.