Fiscal Year 2019

- In FY 2019, 76,538 cases were reported to the U.S. Sentencing Commission.
- 20,085 cases involved drugs.¹
- 19,765 involved drug trafficking.²
- 4.5% of drug trafficking cases involved fentanyl.³
- Fentanyl trafficking offenders have increased by 3,940.9% since FY 2015.

Offender and Offense Characteristics⁴

- 84.6% of fentanyl trafficking offenders were men.
- 41.7% of fentanyl trafficking offenders were Black, 33.5% were Hispanic, 23.5% were White, and 1.4% were Other races.
- Their average age was 34 years.
- 85.0% were United States citizens.
- 39.6% had little or no prior criminal history (Criminal History Category I); 8.0% 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 (24.2%);
  - having a leadership/supervisory role in the offense (4.6%).
- Sentences were decreased for:
  - having minor or minimal participation in the offense (12.3%);
  - meeting the safety valve criteria in the sentencing guidelines (27.0%).
- The top five districts for fentanyl trafficking offenders were:
  - Eastern District of Missouri (62);
  - District of New Hampshire (56);
  - District of Massachusetts (52);
  - Southern District of New York (52);
  - Northern District of Ohio (44).

Punishment

- The average sentence for fentanyl trafficking offenders was 69 months.
- 96.9% were sentenced to prison.
- 55.9% were convicted of an offense carrying a mandatory minimum penalty; 54.7% of those offenders were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Traffickers

<table>
<thead>
<tr>
<th>Method</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial Assistance</td>
<td>16.7%</td>
</tr>
<tr>
<td>Safety Valve</td>
<td>29.0%</td>
</tr>
<tr>
<td>Both</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

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

- Of the 64.2% of fentanyl trafficking offenders sentenced under the Guidelines Manual:
  - 56.5% were sentenced within the guideline range.
  - 30.9% received a substantial assistance departure.
    - Their average sentence reduction was 50.5%.
  - 5.9% received an Early Disposition Program (EDP) departure.\(^5\)
    - Their average sentence reduction was 52.8%.
  - 35.8% received a variance; of those offenders:
    - 94.3% received a below range variance.
      - Their average sentence reduction was 41.0%.
    - 5.7% received an above range variance.
      - Their average sentence increase was 133.1%.

- The average guideline minimum fluctuated over the past three years and the sentence imposed has decreased over the past two years.
  - The average guideline minimum decreased from 95 months in fiscal year 2017 to 92 months in fiscal year 2019.
  - The average sentence imposed decreased from 80 months in fiscal year 2017 to 69 months in fiscal year 2019.

**Sentence Imposed Relative to the Guideline Range FY 2019**

- **Guidelines Manual 64.2%**
- **Within Range 36.3%**
- **Substantial Assistance 19.8%**
- **EDP 3.8%**
- **Other Downward 3.3%**
- **Upward Departure 1.0%**
- **Variance 35.8%**

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

- **Within Range**
- **Variances**
- **Substantial Assistance**
- **EDP**

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

- **Guideline Minimum**
- **Sentence**

1. Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 900 fentanyl offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2019.
2. Drug Trafficking offenders were sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.3 (Continuing Criminal Enterprise), 2D1.4 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).
3. In FY19, an additional 101 cases were reported to the Commission involving fentanyl analogue.
4. Cases with incomplete guideline application information were excluded from analysis.
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.