

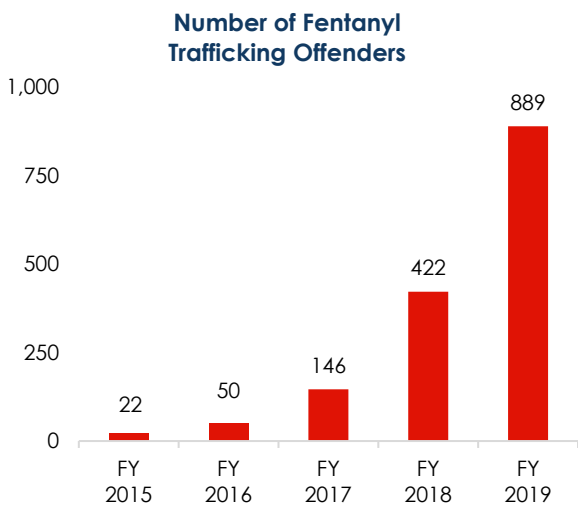


# Quick Facts

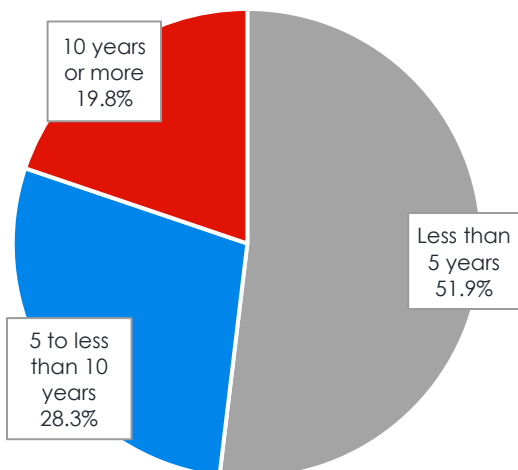
## — Fentanyl Trafficking Offenses —

### Fiscal Year 2019

- ▶ IN FY 2019, 76,538 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 20,085 CASES INVOLVED DRUGS.<sup>1</sup>
- ▶ 19,765 INVOLVED DRUG TRAFFICKING.<sup>2</sup>
- ▶ 4.5% OF DRUG TRAFFICKING CASES INVOLVED FENTANYL.<sup>3</sup>
- ▶ FENTANYL TRAFFICKING OFFENDERS HAVE INCREASED BY 3,940.9% SINCE FY 2015.



### Sentence Length FY 2019



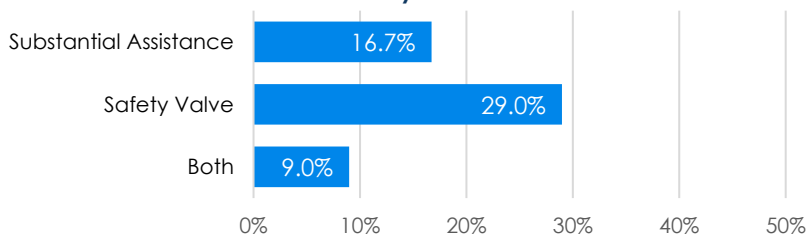
### Offender and Offense Characteristics<sup>4</sup>

- 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





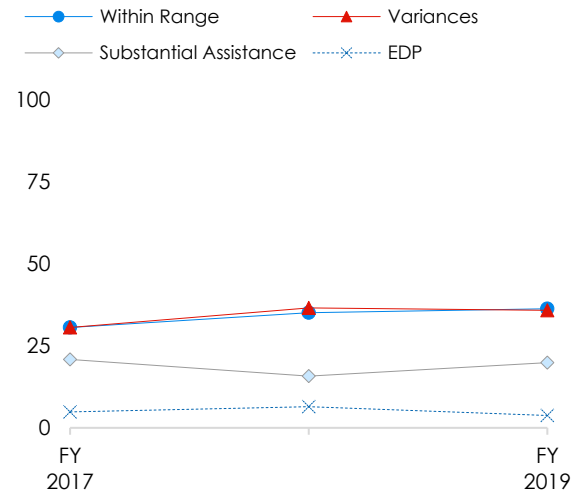
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**— Fentanyl Trafficking Offenses —**

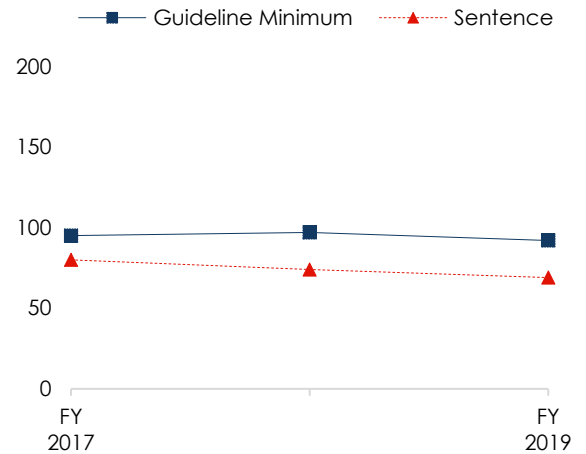
**Sentences Relative to the Guideline Range**

- 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.<sup>5</sup>
    - ◇ 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.

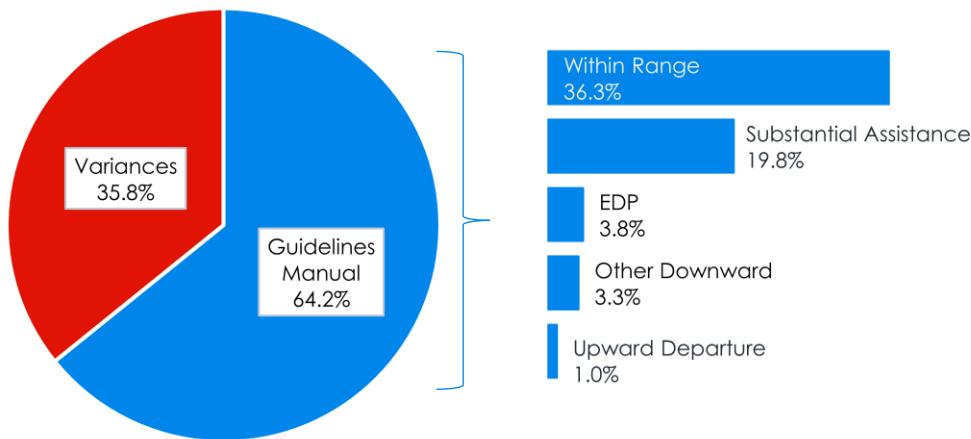
**Sentence Relative to the Guideline Range (%)**



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



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



<sup>1</sup> 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.

<sup>2</sup> 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).

<sup>3</sup> In FY19, an additional 101 cases were reported to the Commission involving fentanyl analogue.

<sup>4</sup> Cases with incomplete guideline application information were excluded from analysis.

<sup>5</sup> "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.

SOURCE: United States Sentencing Commission, FY 2015 through FY 2019 Datafiles, USSCFY15-USSCFY19.