

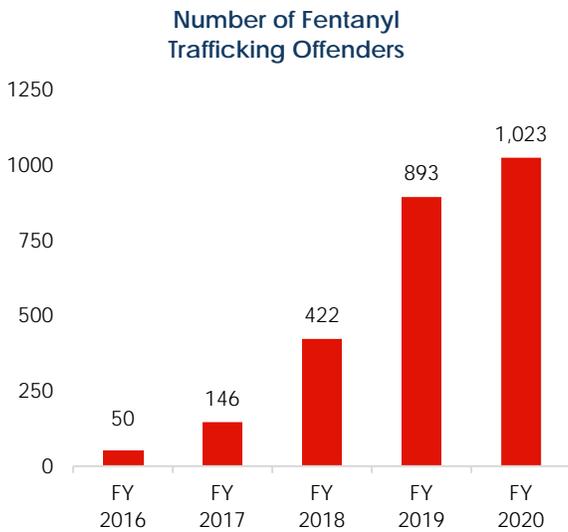


Quick Facts

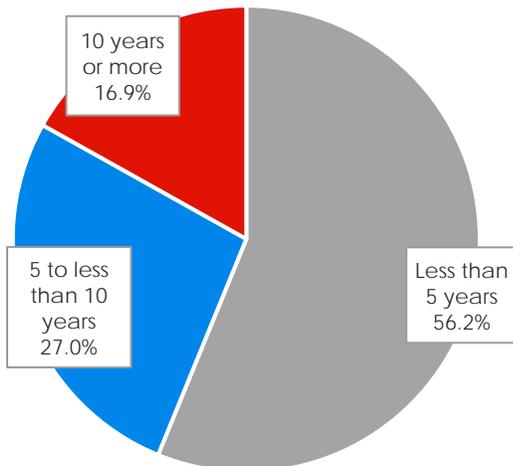
— Fentanyl Trafficking Offenses —

Fiscal Year 2020

- ▶ In FY 2020, 64,565 cases were reported to the U.S. Sentencing Commission.
- ▶ 16,501 involved drug offenses.¹
- ▶ 16,287 involved drug trafficking offenses.²
- ▶ 6.3% of drug trafficking offenses involved fentanyl.³
- ▶ Fentanyl trafficking offenders have increased by 1,890.4% since FY 2016.



Sentence Length FY 2020



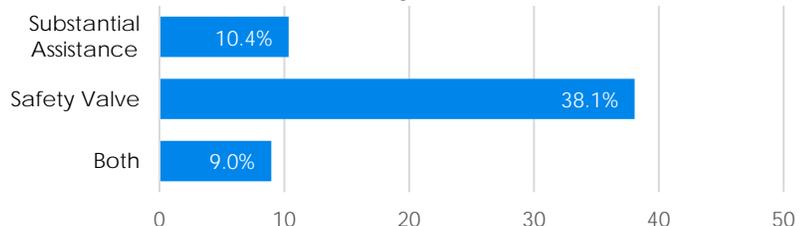
Offender and Offense Characteristics

- 83.8% of fentanyl trafficking offenders were men.
- 40.5% of fentanyl trafficking offenders were Black, 37.3% were Hispanic, 20.8% were White, and 1.4% were Other races.
- Their average age was 34 years.
- 83.5% were United States citizens.
- 41.9% had little or no prior criminal history (Criminal History Category I); 6.1% 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 (20.2%);
 - ◆ having a leadership/supervisory role in the offense (5.6%).
- Sentences were decreased for:
 - ◆ having minor or minimal participation in the offense (14.0%);
 - ◆ meeting the safety valve criteria in the sentencing guidelines (32.9%).
- The top five districts for fentanyl trafficking offenders were:
 - ◆ District of New Hampshire (70);
 - ◆ Eastern District of Missouri (69);
 - ◆ Southern District of California (59);
 - ◆ Northern District of Ohio (51);
 - ◆ District of Massachusetts (50).

Punishment

- The average sentence for fentanyl trafficking offenders was 61 months.
- 96.4% were sentenced to prison.
- 56.2% were convicted of an offense carrying a mandatory minimum penalty; 57.5% of those offenders were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Traffickers





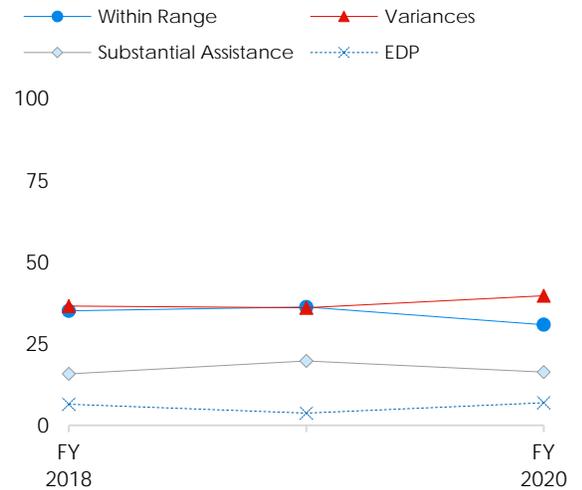
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— **Fentanyl Trafficking Offenses** —

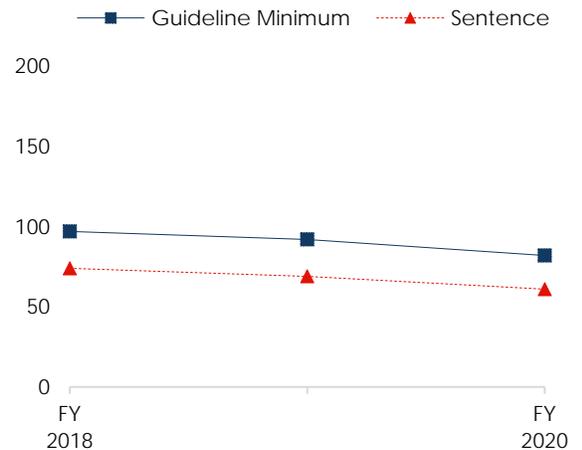
Sentences Relative to the Guideline Range

- Of the 60.3% of fentanyl trafficking offenders sentenced under the *Guidelines Manual*:
 - 51.1% were sentenced within the guideline range.
 - 27.0% received a substantial assistance departure.
 - Their average sentence reduction was 54.1%.
 - 11.5% received an Early Disposition Program (EDP) departure.⁴
 - Their average sentence reduction was 58.7%.
- 39.7% received a variance; of those offenders:
 - 93.5% received a below range variance.
 - Their average sentence reduction was 41.0%.
 - 6.5% received an above range variance.
 - Their average sentence increase was 99.6%.
- The average guideline minimum and the average sentence imposed have decreased over the past three years.
 - The average guideline minimum decreased from 97 months in fiscal year 2018 to 82 months in fiscal year 2020.
 - The average sentence imposed decreased from 74 months in fiscal year 2018 to 61 months in fiscal year 2020.

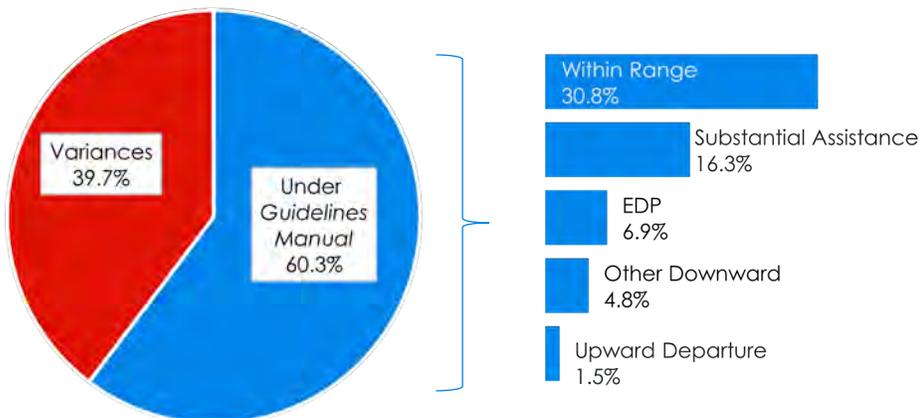
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2020



¹ Drug offenses are those cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs).

² Drug Trafficking offenders are 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 "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 2016 through FY 2020 Datafiles, USSCFY16-USSCFY20.