



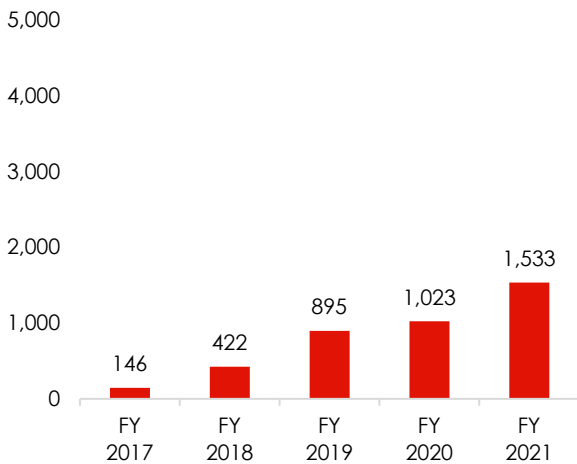
# Quick Facts

## — Fentanyl Trafficking Offenses —

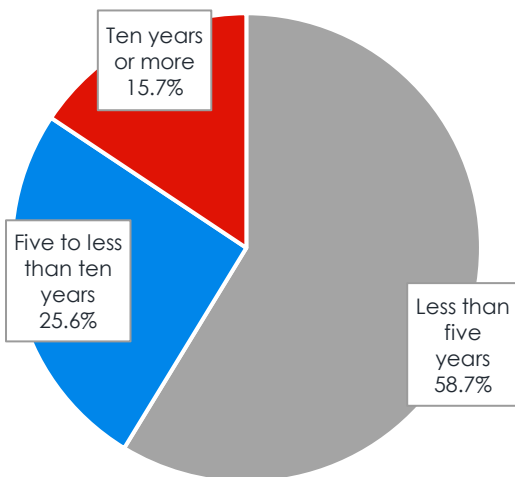
### Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 17,692 INVOLVED DRUG OFFENSES.<sup>1</sup>
- ▶ 17,520 INVOLVED DRUG TRAFFICKING OFFENSES.<sup>2</sup>
- ▶ 8.7% OF DRUG TRAFFICKING OFFENSES INVOLVED FENTANYL.<sup>3</sup>
- ▶ FENTANYL TRAFFICKING OFFENDERS HAVE INCREASED BY 950.0% SINCE FY 2017.

**Number of Fentanyl Trafficking Offenders**



**Sentence Length FY 2021**



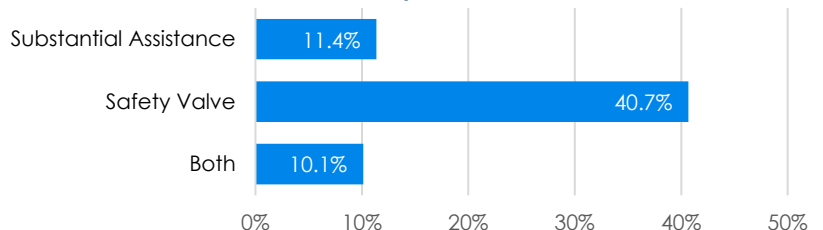
### Offender and Offense Characteristics<sup>4</sup>

- 82.8% of fentanyl trafficking offenders were men.
- 41.0% were Hispanic, 37.4% were Black, 19.9% were White, and 1.7% were Other races.
- Their average age was 34 years.
- 86.2% were United States citizens.
- 43.1% had little or no prior criminal history (Criminal History Category I); 6.7% 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 (20.0%);
  - ◆ a leadership or supervisory role in the offense (4.8%).
- Sentences were decreased for:
  - ◆ minor or minimal participation in the offense (20.2%);
  - ◆ meeting the safety valve criteria in the sentencing guidelines (36.1%).
- The top five districts for fentanyl trafficking offenders were:
  - ◆ Southern District of California (120);
  - ◆ Eastern District of Missouri (99);
  - ◆ District of Arizona (95);
  - ◆ District of Massachusetts (86);
  - ◆ District of New Hampshire (74).

### Punishment

- The average sentence for fentanyl trafficking offenders was 58 months.
- 95.9% were sentenced to prison.
- 59.7% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 62.2% were relieved of that penalty.

**Means of Relief from Mandatory Minimum Penalty for Fentanyl Traffickers**



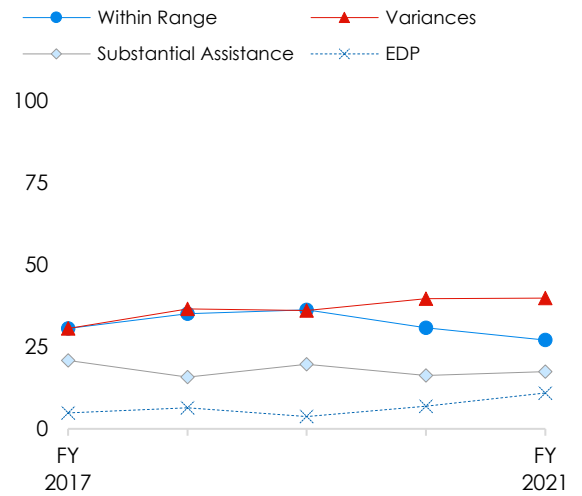


— **Fentanyl Trafficking Offenses** —

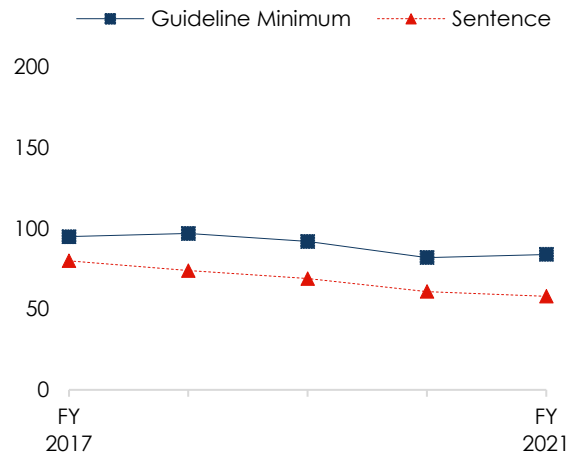
**Sentences Relative to the Guideline Range**

- Of the 60.2% of fentanyl trafficking offenders sentenced under the *Guidelines Manual*:
  - ◆ 44.9% were sentenced within the guideline range.
  - ◆ 29.0% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 55.7%.
  - ◆ 18.1% received an Early Disposition Program (EDP) departure.<sup>5</sup>
    - ◇ Their average sentence reduction was 69.3%.
- 39.8% received a variance; of those offenders:
  - ◆ 91.1% received a downward variance.
    - ◇ Their average sentence reduction was 44.2%.
  - ◆ 8.9% received an upward variance.
    - ◇ Their average sentence increase was 106.5%.
- The average guideline minimum and average sentence imposed decreased over the past five years.
  - ◆ The average guideline minimum decreased from 95 months in fiscal year 2017 to 84 months in fiscal year 2021.
  - ◆ The average sentence imposed decreased from 80 months in fiscal year 2017 to 58 months in fiscal year 2021.

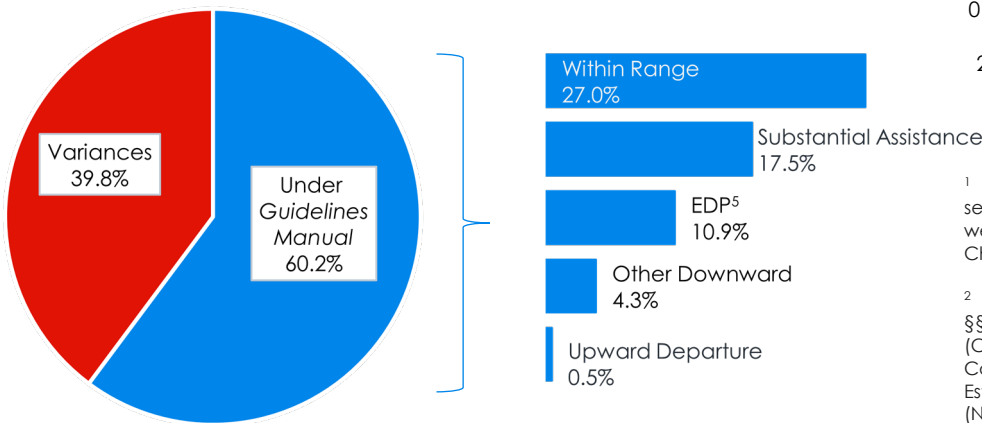
**Sentence Relative to the Guideline Range (%)**



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



**Sentence Imposed Relative to the Guideline Range FY 2021**



<sup>1</sup> Drug offenses are those cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 1,553 fentanyl offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2021.

<sup>2</sup> 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).

<sup>3</sup> Fentanyl includes Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide). Offenses involving fentanyl analogues are discussed in a separate Quick Fact publication.

<sup>4</sup> Cases with incomplete sentencing information were excluded from the 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 2017 through FY 2021 Datafiles, USSCFY17-USSCFY21.