



QuickFacts

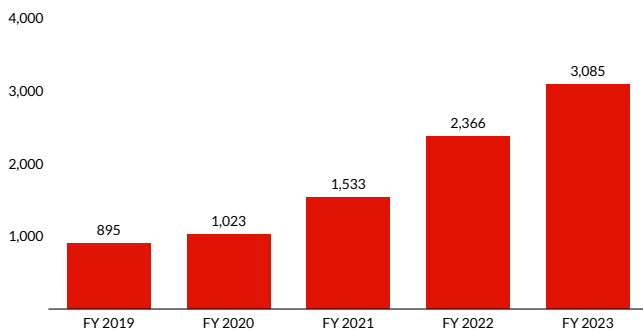
Fentanyl Trafficking

Population Snapshot

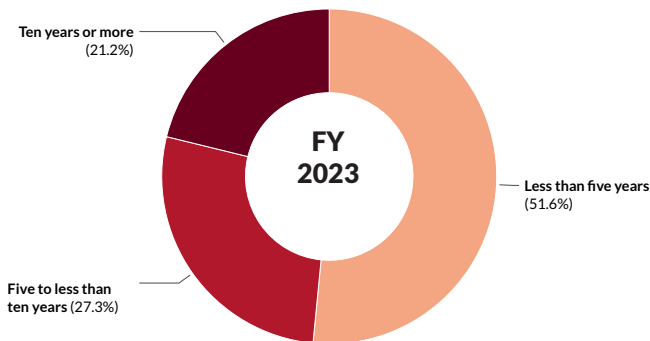
64,124 cases were reported in FY23;
19,066 involved drugs,¹
18,939 involved drug trafficking.²

16.3% of such cases involved fentanyl³, up **244.7%** since FY 2019.

Number of Fentanyl Trafficking Offenses



Sentence Length



Individual and Offense Characteristics⁴

- 82.1% of individuals sentenced for fentanyl trafficking were men.
- 39.5% were Hispanic, 37.8% were Black, 20.0% were White, and 2.7% were Other races.
- Their average age was 34 years.
- 86.4% were United States citizens.
- 41.1% had little or no prior criminal history (Criminal History Category I); 5.2% were individuals sentenced under the career offender guideline (§4B1.1).
- The median base offense level in these cases was 28, corresponding to between 280 and 400 grams of fentanyl.
- Sentences were increased for:
 - possessing a weapon (30.2%);
 - a leadership or supervisory role in the offense (4.8%).
- Sentences were decreased for:
 - minor or minimal participation in the offense (21.3%);
 - meeting the safety valve criteria in the sentencing guidelines (30.7%).
- The top six districts for fentanyl trafficking offenses were:
 - Southern District of California (229);
 - District of Arizona (177);
 - Western District of Texas (128);
 - Southern District of New York (94);
 - District of Massachusetts (90);
 - Eastern District of Missouri (90).

Punishment

- The average sentence for fentanyl traffickers was 71 months.
- 97.6% were sentenced to prison.
- 53.4% were convicted of an offense carrying a mandatory minimum penalty; 50.9% of those individuals were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Traffickers

	Percent
Safety Valve	29.0%
Substantial Assistance	13.5%
Both	8.3%



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Fentanyl Trafficking

Sentences Relative to the Guideline Range

Of the 61.1% of individuals sentenced for fentanyl trafficking under the *Guidelines Manual*:

- 47.1% were sentenced within the guideline range.
- 29.7% received a substantial assistance departure.
 - *Their average sentence reduction was 54.8%.*
- 15.4% received an Early Disposition Program (EDP) departure.⁵
 - *Their average sentence reduction was 64.7%.*
- 6.4% received some other downward departure.
 - *Their average sentence reduction was 48.4%.*

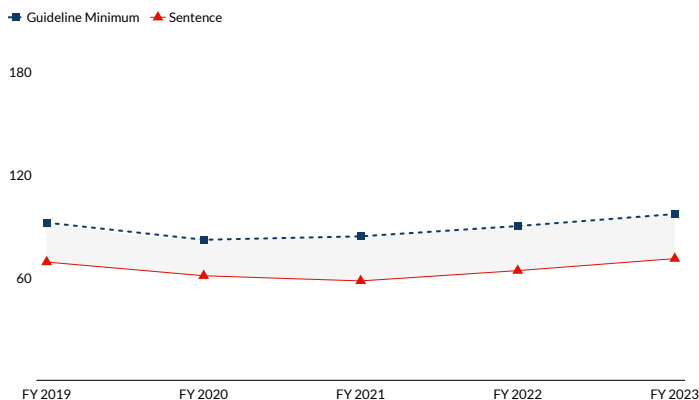
38.9% received a variance; of those individuals:

- 93.7% received a downward variance.
 - *Their average sentence reduction was 39.4%.*
- 6.3% received an upward variance.
 - *Their average sentence increase was 150.1%.*

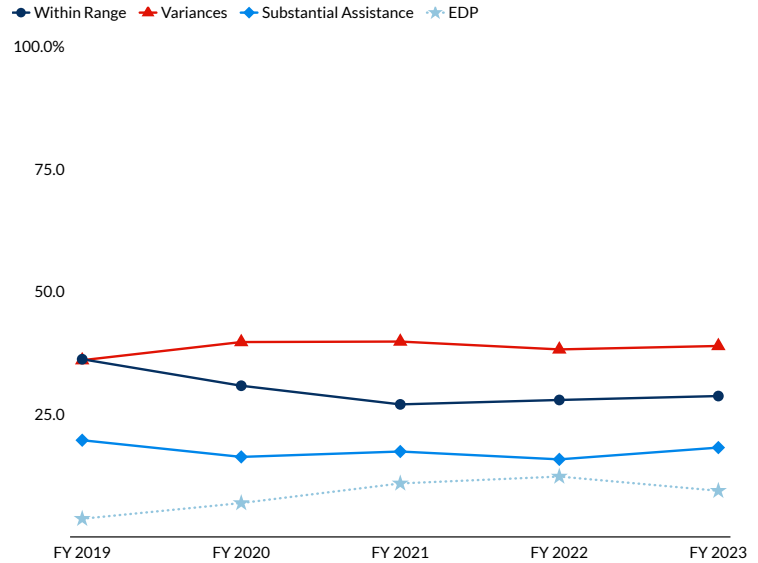
The average guideline minimum and the average sentence slightly increased over the past five years.

- The average guideline minimum increased from 92 months in fiscal year 2019 to 97 months in fiscal year 2023.
- The average sentence was 69 months in fiscal year 2019 and 71 months in fiscal year 2023.

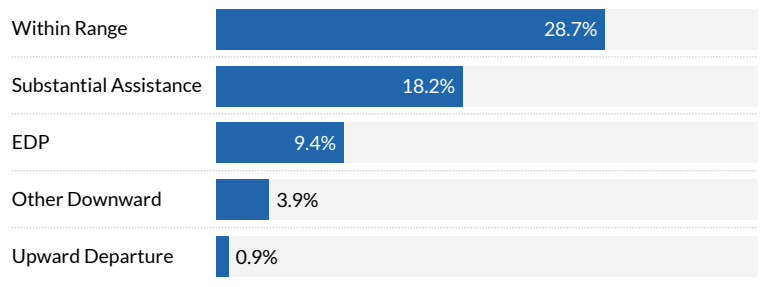
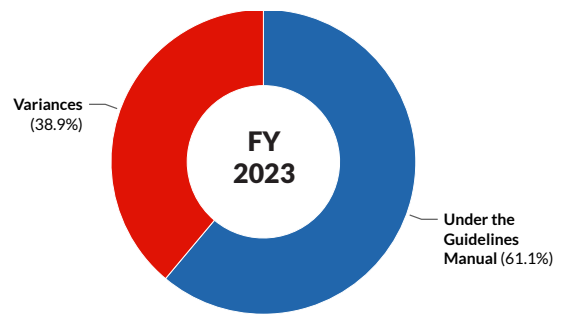
Average Guideline Minimum and Average Sentence (in months)



Sentences Relative to the Guideline Range



Sentences Relative to the Guideline Range



¹ Drug offenses include cases where individuals were sentenced under USSG Chapter Two, Part D (Drugs). There were 3,110 individuals sentenced for fentanyl offenses under USSG Chapter Two, Part D (Drugs) in FY 2023.

² Individuals sentenced for drug trafficking 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).

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

⁴ Cases with incomplete sentencing information were excluded from the 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.