

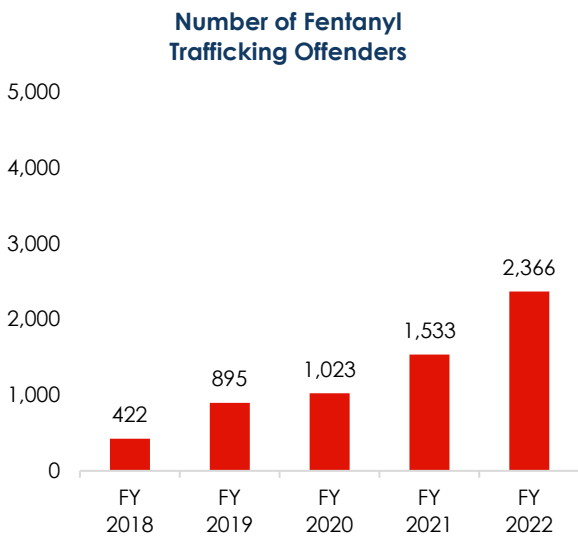


Quick Facts

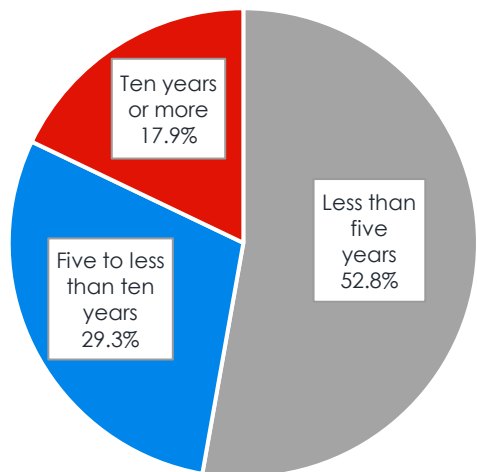
— Fentanyl Trafficking Offenses —

Fiscal Year 2022

- ▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 20,037 INVOLVED DRUG OFFENSES.¹
- ▶ 19,851 INVOLVED DRUG TRAFFICKING OFFENSES.²
- ▶ 11.9% OF DRUG TRAFFICKING OFFENSES INVOLVED FENTANYL.³
- ▶ FENTANYL TRAFFICKING OFFENSES HAVE INCREASED BY 460.7% SINCE FY 2018.



Sentence Length FY 2022⁴



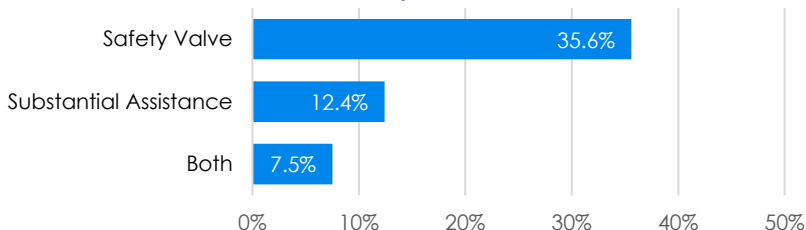
Offender and Offense Characteristics

- 82.4% of fentanyl trafficking offenders were men.
- 40.6% were Black, 38.6% were Hispanic, 19.0% were White, and 1.8% were Other races.
- Their average age was 35 years.
- 88.0% were United States citizens.
- 39.5% had little or no prior criminal history (Criminal History Category I); 6.2% 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 (23.6%);
 - ◆ a leadership or supervisory role in the offense (5.1%).
- Sentences were decreased for:
 - ◆ minor or minimal participation in the offense (20.9%);
 - ◆ meeting the safety valve criteria in the sentencing guidelines (33.6%).
- The top five districts for fentanyl trafficking offenders were:
 - ◆ Southern District of California (207);
 - ◆ District of Arizona (162);
 - ◆ Northern District of Ohio (126);
 - ◆ Southern District of New York (97);
 - ◆ Eastern District of Missouri (85).

Punishment

- The average sentence for fentanyl trafficking offenders was 64 months.
- 97.7% were sentenced to prison.
- 57.8% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 55.5% were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Traffickers



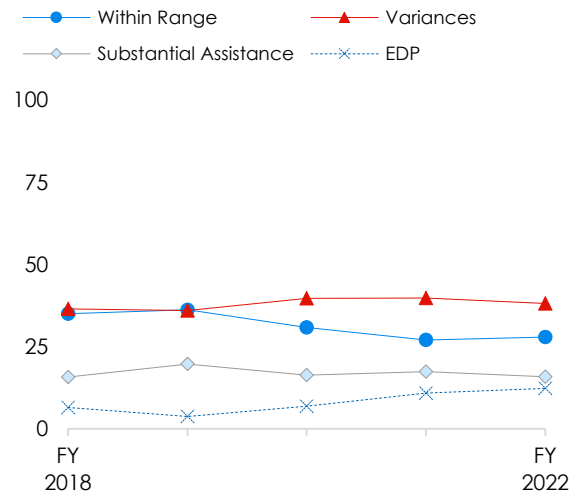


— **Fentanyl Trafficking Offenses** —

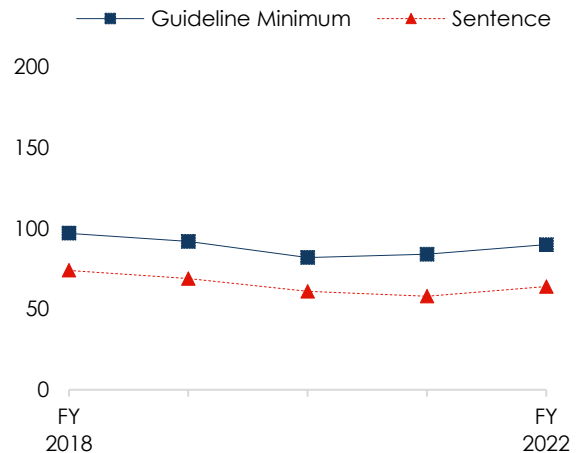
Sentences Relative to the Guideline Range

- Of the 61.8% of fentanyl trafficking offenders sentenced under the *Guidelines Manual*:
 - ◆ 45.1% were sentenced within the guideline range.
 - ◆ 25.5% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 53.2%.
 - ◆ 19.9% received an Early Disposition Program (EDP) departure.⁵
 - ◇ Their average sentence reduction was 63.9%.
- 38.2% received a variance; of those offenders:
 - ◆ 95.4% received a downward variance.
 - ◇ Their average sentence reduction was 40.5%.
 - ◆ 4.6% received an upward variance.
 - ◇ Their average sentence increase was 69.4%.
- The average guideline minimum fluctuated and average sentence imposed decreased over the past five years.
 - ◆ The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 97 months in fiscal year 2018 and 90 months in fiscal year 2022.
 - ◆ The average sentence decreased from 74 months in fiscal year 2018 to 64 months in fiscal year 2022.

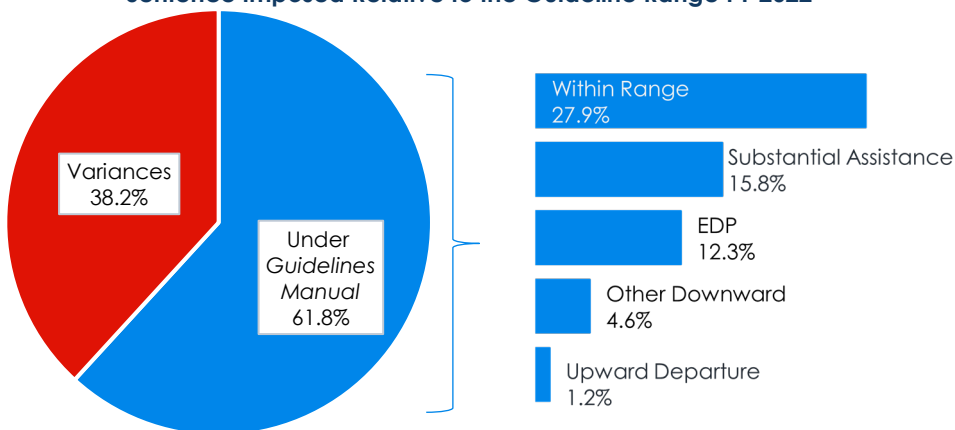
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2022



¹ Drug offenses are those cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 2,384 fentanyl offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2022.

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 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.