



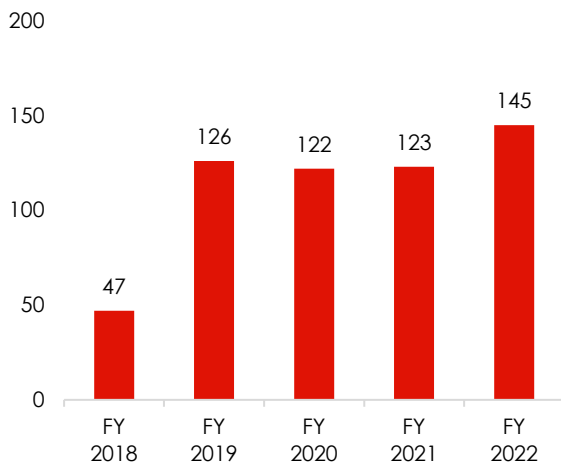
Quick Facts

— Fentanyl Analogue Trafficking Offenses —

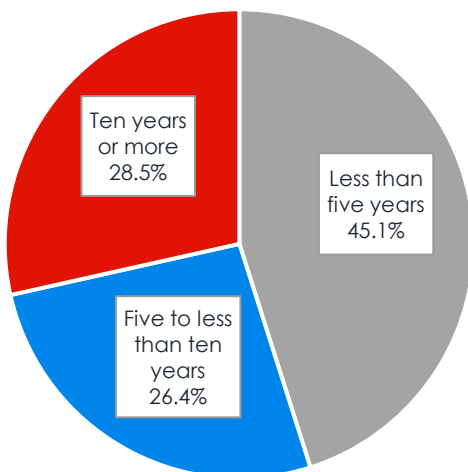
Fiscal Year 2022

- ▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 20,037 INVOLVED DRUGS.¹
- ▶ 19,851 INVOLVED DRUG TRAFFICKING.²
- ▶ 0.7% OF DRUG TRAFFICKING CASES INVOLVED FENTANYL ANALOGUES.
- ▶ FENTANYL ANALOGUE OFFENSES HAVE INCREASED BY 208.5% SINCE FY 2018.

Number of Fentanyl Analogue Offenders



Sentence Length FY 2022³



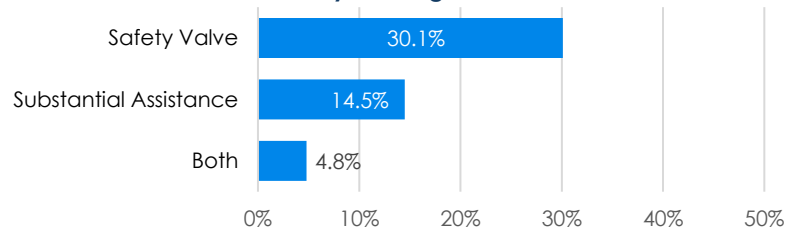
Offender and Offense Characteristics

- 84.7% of fentanyl analogue trafficking offenders were men.
- 55.9% were Black, 25.9% were Hispanic, 16.8% were White, and 1.4% were Other races.
- Their average age was 35 years.
- 92.4% were United States citizens.
- 32.6% had little or no prior criminal history (Criminal History Category I); 8.3% were career offenders (§4B1.1).
- The median base offense level in these cases was 28, corresponding to between 70 and 100 grams of a fentanyl analogue.
- Sentences were increased for:
 - ◆ possessing a weapon (27.1%);
 - ◆ a leadership or supervisory role in the offense (2.8%).
- Sentences were decreased for:
 - ◆ minor or minimal participation in the offense (15.3%);
 - ◆ meeting the safety valve criteria in the sentencing guidelines (27.8%).
- The most common fentanyl analogue types were:
 - ◆ Acetyl fentanyl (50);
 - ◆ Carfentanil (26);
 - ◆ Para-fluorofentanyl (18);
 - ◆ Fluorofentanyl (13);
 - ◆ Furanyl fentanyl (9);
 - ◆ Valeryl fentanyl (9).⁴

Punishment

- The average sentence for fentanyl analogue trafficking offenders was 80 months.
- 95.8% were sentenced to prison.
- 57.6% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 49.4% were relieved of that penalty.

Means of Relief from Mandatory Minimum Penalty for Fentanyl Analogue Traffickers



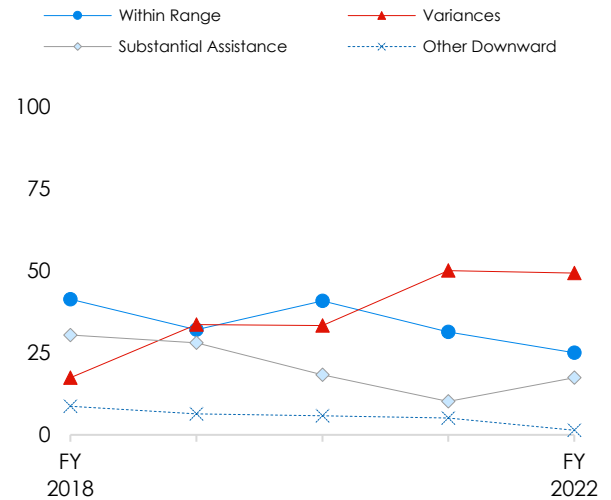


— **Fentanyl Analogue Trafficking Offenses** —

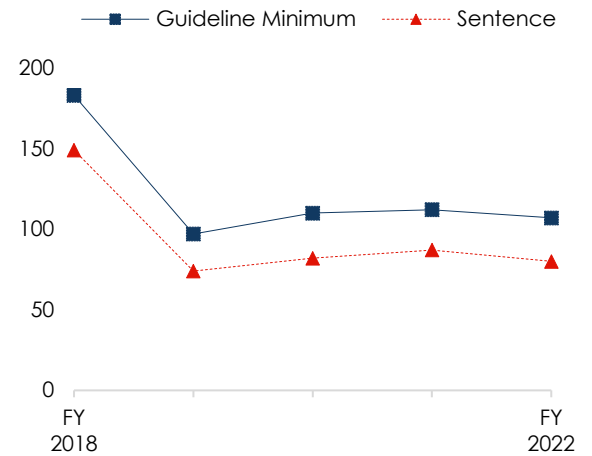
Sentences Relative to the Guideline Range

- Of the 50.7% of fentanyl analogue trafficking offenders sentenced under the *Guidelines Manual*:
 - 49.3% were sentenced within the guideline range.
 - 34.2% received a substantial assistance departure.
 - Their average sentence reduction was 58.5%.
 - 12.3% received an Early Disposition Program (EDP) departure.⁵
 - Their average sentence reduction was 72.4%.
- 49.3% received a variance; of those offenders:
 - 88.7% received a downward variance.
 - Their average sentence reduction was 41.1%.
 - 11.3% received an upward variance.
 - Their average sentence increase was 134.9%.
- The average guideline minimum and average sentence imposed fluctuated over the past five years.
 - The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 183 months in fiscal year 2018 and 107 months in fiscal year 2022.
 - The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 149 months in fiscal year 2018 and 80 months in fiscal year 2022.

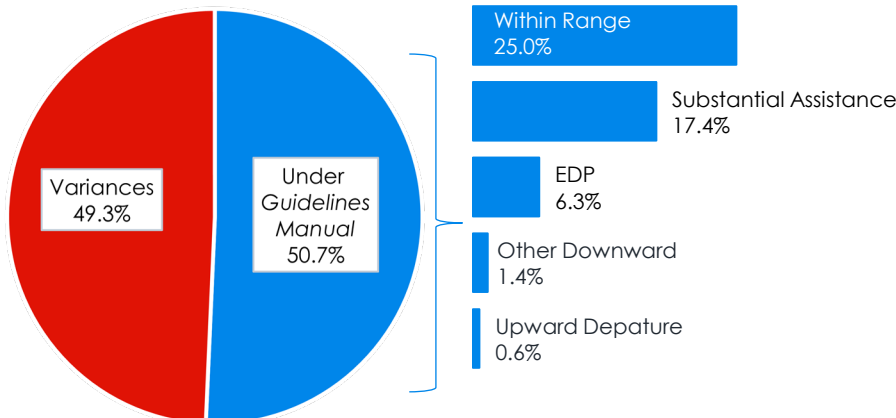
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2022



SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.

¹ Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 146 fentanyl analogue offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2022.

² 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).

³ Cases with incomplete sentencing information were excluded from the analysis.

⁴ Other fentanyl analogue types were: Cyclopropyl fentanyl (7), Methoxyacetyl fentanyl (6), Butyryl fentanyl (5), Phenyl fentanyl (5), Para-Fluoroisobutyryl fentanyl (3), Acryl fentanyl (2), Fluoroisobutyryl fentanyl (2), 3-Methylfentanyl (1), Crotonyl fentanyl (1), Despropionyl fentanyl (1), and Isovaleryl fentanyl (1). For twenty offenders the type of analogue was unknown.

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.