



Public Data Presentation for  
Synthetic Cathinones, Synthetic Cannabinoids, and  
Fentanyl and Fentanyl Analogues Amendments  
January, 2018

# Overview of Data Presentation

- Drug trafficking offenders
  - Offenders 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)
- Data from Commission's regular individual datafiles
- Data from special data collection projects
  - Synthetic Cathinone drug traffickers sentenced in FY15
  - Synthetic Cannabinoid drug traffickers sentenced in FY15
  - Fentanyl drug traffickers sentenced in FY16



# Synthetic Cathinones



# Proposed Amendment Part A: Synthetic Cathinones

~~[1 gm of Methcathinone = 380 gm of marijuana]~~

## SYNTHETIC CATHINONES (EXCEPT SCHEDULE III, IV, AND V SUBSTANCES)\*

1 gm of a synthetic cathinone  
(except a Schedule III, IV, or V substance) = [200]/[380]/[500] gm of marijuana

*\*Provided*, that the minimum offense level from the Drug Quantity Table for any synthetic cathinone (except a Schedule III, IV, or V substance) individually, or in combination with another controlled substance, is level [12].



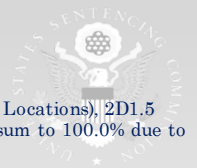
# Data for Synthetic Cathinone Drug Traffickers

- Special data collection project
  - 2015 individual offender datafile
- 191 synthetic cathinone drug traffickers

Primary Drug Type	N	%
<b>TOTAL</b>	<b>191</b>	<b>100.0</b>
Methylone, Ethylone, Dimethylone	121	63.4
A-PVP	51	26.7
MDPV	10	5.2
All Other Cathinones	9	4.7

This analysis includes offenders with complete guideline application information and a synthetic cathinone as the primary drug type 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). Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cathinones Datafile.



# Data Related to Proposed Amendment for Synthetic Cathinone Drug Trafficking Offenders FY 2015

Marijuana Equivalency Ratio	N	%
1g Methylone = 200g Marijuana	13	11.1
1g Methylone = 250g Marijuana	51	43.6
1g Methylone = 380g Marijuana	4	3.4
1g Methylone = 500g Marijuana	49	41.9
Marijuana Equivalency Ratio	N	%
1g A-PVP = 380g Marijuana	51	100.0

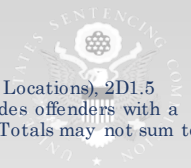
Marijuana Equivalency Ratio	N	%
1g MDPV = 380g Marijuana	9	90.0
1g MDPV = 500g Marijuana	1	10.0
Marijuana Equivalency Ratio	N	%
1g Other = 250g Marijuana	1	12.5
1g Other = 380g Marijuana	6	75.0
1g Other = 500g Marijuana	1	12.5

Marijuana Equivalency Ratio	N	%
<b>TOTAL</b>	<b>186</b>	<b>100.0</b>
1g = 200g Marijuana	13	7.0
1g = 250g Marijuana	52	28.0
1g = 380g Marijuana	70	37.6
1g = 500g Marijuana	51	27.4

- Of the 191 offenders, 3 (1.6%) have a base offense level less than 12

This analysis includes offenders with complete guideline application information and a synthetic cathinone as the primary drug type 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). Methylone includes offenders with a primary drug type of Methylone, Ethylone, or Dimethylone. Of the 191 offenders, five were excluded from the tables due to missing information on the marijuana equivalency ratio applied at sentencing. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cathinones Datafile.

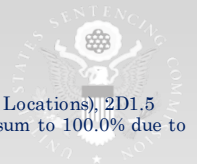


# Most Serious Function of Synthetic Cathinone Drug Trafficking Offenders FY 2015

Most Serious Function	N	%
<b>TOTAL</b>	<b>191</b>	<b>100.0</b>
Importer/High Level Supplier	62	32.5
Organizer/Leader	0	0.0
Wholesaler	38	19.9
Manager/Supervisor	2	1.0
Street-Level Dealer	24	12.6
Broker	4	2.1
Courier/Mule	7	3.7
Employee/Worker	43	22.5
All Other Functions	7	3.7
Indeterminable	4	2.1

This analysis includes offenders with complete guideline application information and a synthetic cathinone as the primary drug type 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). Totals may not sum to 100.0% due to rounding. See MANDATORY MINIMUM PENALTIES FOR DRUG OFFENSES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM (USSC, 2017) for descriptions of offender function.

SOURCE: U.S. Sentencing Commission, FY 2015 Cathinones Datafile.



# Offense Characteristics of Synthetic Cathinone Drug Trafficking Offenders FY 2015

**Median BOL 26**

	N	%
<b>TOTAL</b>	<b>191</b>	<b>100.0</b>
Any Weapon	36	18.9
Distributed via Mass Marketing	3	1.6
Maintained Premises for Manufacturing/Distribution	14	7.3
Safety Valve	56	29.3
Aggravating Role	13	6.8
Mitigating Role	28	14.7

	N	%
CRIMINAL HISTORY CATEGORY		
Category I	86	45.0
Category II	34	17.8
Category III	27	14.1
Category IV	14	7.3
Category V	13	6.8
Category VI	17	8.9
Career Offender	8	4.2

This analysis includes offenders with complete guideline application information and a synthetic cathinone as the primary drug type 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). Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(4)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the median base offense level computation. In addition, the DQT changes implemented in the *Guidelines Manual* effective November 1, 2014 were applied to all offenders included in the BOL analysis. Offenders missing information required for a given analysis were excluded from that analysis. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cathinones Datafile.



# Sentence Characteristics of Synthetic Cathinone Drug Trafficking Offenders FY 2015

	N	%
<b>TOTAL</b>	<b>191</b>	<b>100.0</b>
<b>TYPE OF SENTENCE IMPOSED</b>		
Prison Only	164	85.9
Prison/Community Split	8	4.2
Probation and Confinement	9	4.7
Probation Only	10	5.2

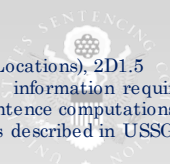
**Average Guideline Minimum (Mos.) 71**

**Average Sentence Length (Mos.) 52**

	N	%
<b>POSITION RELATIVE TO THE GUIDELINE RANGE</b>		
Within Range	53	27.8
Above Range	0	0.0
§5K1.1 Substantial Assistance	60	31.4
§5K3.1 Early Disposition Program	1	0.5
Other Government Sponsored Below	19	10.0
Non-Government Sponsored Below	58	30.4

This analysis includes offenders with complete guideline application information and a synthetic cathinone as the primary drug type 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). Offenders missing information required for a given analysis were excluded from that analysis. Guideline minimums and prison sentences greater than 470 months (including life) were included in the average guideline minimum and average sentence computations as 470 months. Sentences of probation are included in the average sentence computation as zero months. In addition, the average sentence length computation includes any time of alternative confinement as described in USSG §5C1.1. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cathinones Datafile.



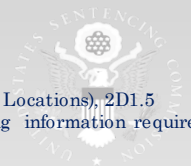
# Demographic Characteristics of Synthetic Cathinone Drug Trafficking Offenders FY 2015

	N	%
<b>TOTAL</b>	<b>191</b>	<b>100.0</b>
<b>RACE/ETHNICITY</b>		
White	130	68.1
Black	23	12.0
Hispanic	32	16.8
American Indian/Alaskan Native	1	0.5
Asian or Pacific Islander	5	2.6
Other	0	0.0

	N	%
U.S. Citizen	184	96.3
Male	157	82.2
<b>EDUCATION</b>		
Less Than High School	25	13.2
High School Graduate	65	34.2
Some College	88	46.3
College Graduate	12	6.3
Average Age at Sentencing	31 Years	

This analysis includes offenders with complete guideline application information and a synthetic cathinone as the primary drug type 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). Offenders missing information required for a given analysis were excluded from that analysis. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cathinones Datafile.



# Synthetic Cannabinoids



# Proposed Amendment Part B: Synthetic Cannabinoids

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## SCHEDULE I MARIHUANA

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1 gm of Marihuana/Cannabis, granulated, powdered, etc. =	1 gm of marihuana
1 gm of Hashish Oil =	50 gm of marihuana
1 gm of Cannabis Resin or Hashish =	5 gm of marihuana
1 gm of Tetrahydrocannabinol, Organic =	167 gm of marihuana
1 gm of Tetrahydrocannabinol, Synthetic =	167 gm of marihuana

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## SYNTHETIC CANNABINOIDS (EXCEPT SCHEDULE III, IV, AND V SUBSTANCES) [\*]

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1 gm of a synthetic cannabinoid  
(except a Schedule III, IV, or V substance) = [167]/[334]/[500] gm of marihuana

[\**Provided*, that the minimum offense level from the Drug Quantity Table for any synthetic cannabinoid (except a Schedule III, IV, or V substance) individually, or in combination with another controlled substance, is level [12].]

**“Synthetic cannabinoid,”** for purposes of this guideline, means any synthetic substance (other than synthetic tetrahydrocannabinol) that [acts as an agonist at][binds to and activates] type 1 cannabinoid receptors (CB<sub>1</sub> receptors).

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# Data for Synthetic Cannabinoid Drug Traffickers

- Special data collection project
  - 2015 individual offender datafile
- 138 synthetic cannabinoid drug traffickers

This analysis includes offenders with complete guideline application information and a primary drug type of synthetic cannabinoids 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).

SOURCE: U.S. Sentencing Commission, FY 2015 Cannabinoids Datafile.



# Data Related to Proposed Amendment for Synthetic Cannabinoid Drug Trafficking Offenders FY 2015

- Synthetic Cannabinoids currently must go through Application Note 6 to determine the most analogous substance and what marijuana equivalency to apply

Marijuana Equivalency Ratio	N	%
<b>TOTAL</b>	<b>132</b>	<b>100.0</b>
1g = 167g Marijuana (Synthetic THC Ratio)	122	92.4
1g = 1g Marijuana (Marijuana Ratio)	5	3.8
Both Ratios Applied	5	3.8

- Of the 138 offenders, 8 (5.8%) have a base offense level less than 12

This analysis includes offenders with complete guideline application information and a primary drug type of synthetic cannabinoids 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). Of the 138 offenders, six were excluded from the table due to missing information on the marijuana equivalency ratio applied at sentencing. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cannabinoids Datafile.



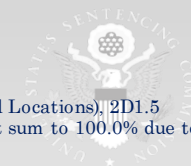
# Most Serious Function and Status of Synthetic Cannabinoid Drug Trafficking Offenders FY 2015

Most Serious Function	N	%
<b>TOTAL</b>	<b>138</b>	<b>100.0</b>
Importer/High Level Supplier	77	55.8
Organizer/Leader	0	0.0
Wholesaler	6	4.4
Manager/Supervisor	20	14.5
Street-Level Dealer	13	9.4
Broker	0	0.0
Courier/Mule	3	2.2
Employee/Worker	14	10.1
All Other Functions	4	2.9
Indeterminable	1	0.7

Status	N	%
<b>TOTAL</b>	<b>138</b>	<b>100.0</b>
Store Owner	40	29.0
Store Manager	13	9.4
Store Employee	16	11.6
Not a Store Employee	69	50.0

This analysis includes offenders with complete guideline application information and a primary drug type of synthetic cannabinoids 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). Totals may not sum to 100.0% due to rounding. See MANDATORY MINIMUM PENALTIES FOR DRUG OFFENSES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM (USSC, 2017) for descriptions of offender function.

SOURCE: U.S. Sentencing Commission, FY 2015 Cannabinoids Datafile.



# Offense Characteristics of Synthetic Cannabinoid Drug Trafficking Offenders FY 2015

**Median BOL 30**

	N	%
<b>TOTAL</b>	<b>138</b>	<b>100.0</b>
Any Weapon	23	16.7
Distributed via Mass Marketing	9	6.5
Maintained Premises for Manufacturing/Distribution	32	23.2
Safety Valve	53	38.4
Aggravating Role	30	21.7
Mitigating Role	27	19.6

	N	%
CRIMINAL HISTORY CATEGORY		
Category I	93	67.4
Category II	16	11.6
Category III	16	11.6
Category IV	4	2.9
Category V	6	4.4
Category VI	3	2.2
Career Offender	2	1.5

This analysis includes offenders with complete guideline application information and a primary drug type of synthetic cannabinoids 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). Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(4)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the median base offense level computation. In addition, the DQT changes implemented in the *Guidelines Manual* effective November 1, 2014 were applied to all offenders included in the BOL analysis. Offenders missing information required for a given analysis were excluded from that analysis. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cannabinoids Datafile.



# Sentence Characteristics of Synthetic Cannabinoid Drug Trafficking Offenders FY 2015

	N	%
<b>TOTAL</b>	<b>138</b>	<b>100.0</b>
<b>TYPE OF SENTENCE IMPOSED</b>		
Prison Only	100	72.5
Prison/Community Split	4	2.9
Probation and Confinement	10	7.3
Probation Only	24	17.4

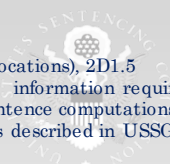
**Average Guideline Minimum (Mos.) 81**

**Average Sentence Length (Mos.) 36**

	N	%
<b>POSITION RELATIVE TO THE GUIDELINE RANGE</b>		
Within Range	29	21.0
Above Range	0	0.0
§5K1.1 Substantial Assistance	52	37.7
§5K3.1 Early Disposition Program	0	0.0
Other Government Sponsored Below	21	15.2
Non-Government Sponsored Below	36	26.1

This analysis includes offenders with complete guideline application information and a primary drug type of synthetic cannabinoids 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). Offenders missing information required for a given analysis were excluded from that analysis. Guideline minimums and prison sentences greater than 470 months (including life) were included in the average guideline minimum and average sentence computations as 470 months. Sentences of probation are included in the average sentence computation as zero months. In addition, the average sentence length computation includes any time of alternative confinement as described in USSG §5C1.1. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cannabinoids Datafile.



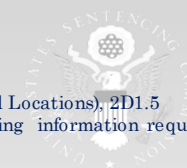
# Demographic Characteristics of Synthetic Cannabinoid Drug Trafficking Offenders FY 2015

	N	%
<b>TOTAL</b>	<b>138</b>	<b>100.0</b>
<b>RACE/ETHNICITY</b>		
White	92	66.7
Black	12	8.7
Hispanic	11	8.0
American Indian/Alaskan Native	2	1.5
Asian or Pacific Islander	13	9.4
Other	8	5.8

	N	%
U.S. Citizen	122	88.4
Male	115	83.3
<b>EDUCATION</b>		
Less Than High School	20	14.7
High School Graduate	47	34.6
Some College	49	36.0
College Graduate	20	14.7
Average Age at Sentencing	39 Years	

This analysis includes offenders with complete guideline application information and a primary drug type of synthetic cannabinoids 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). Offenders missing information required for a given analysis were excluded from that analysis. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2015 Cannabinoids Datafile.



# Fentanyl and Fentanyl Analogues



# Proposed Amendment Part C: Fentanyl and Fentanyl Analogues

~~[1 gm of Alpha-Methylfentanyl = 10 kg of marihuana]~~  
~~[1 gm of 3-Methylfentanyl = 10 kg of marihuana]~~

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## SCHEDULE I OR II OPIATES\*

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1 gm of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) =

2.5 kg [10] kg of marihuana

1 gm of a Fentanyl Analogue =

[10] kg of marihuana

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# Proposed Amendment Part C: Fentanyl and Fentanyl Analogues

## \*Notes to Drug Quantity Table:

(J) *Fentanyl analogue*, for the purposes of this guideline, means any substance (including any salt, isomer, or salt of isomer thereof), whether a controlled substance or not, that has a chemical structure that is [substantially] similar to fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

### Application Notes:

\* \* \*

6. **Analogues and Controlled Substances Not Referenced in this Guideline.** ~~Any~~ Except as otherwise provided, any reference to a particular controlled substance in these guidelines includes all salts, isomers, all salts of isomers, and, ~~except as otherwise provided,~~ any analogue of that controlled substance. Any reference to cocaine includes ecgonine and coca leaves, except extracts of coca leaves from which cocaine and ecgonine have been removed. ~~For purposes of this guideline~~ Unless otherwise specified, “*analogue*,” for purposes of this guideline, has the meaning given the term “controlled substance analogue” in 21 U.S.C. § 802(32). In determining the appropriate sentence, the court also may consider whether the same quantity of analogue produces a greater effect on the central nervous system than the controlled substance for which it is an analogue.



## Proposed Amendment Part C: Fentanyl and Fentanyl Analogues

(13) ~~[[If the offense involved a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) or a fentanyl analogue that was misrepresented or marketed as another substance]]~~[[If the offense involved a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue and the defendant knowingly misrepresented or knowingly marketed that mixture or substance as another substance], increase by **[2][4]** levels.



# Data for Fentanyl Drug Trafficking Offenders

- Special data collection project
  - 2016 individual offender datafile
- 51 fentanyl drug traffickers

This analysis includes offenders with complete guideline application information and a primary drug type of fentanyl 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).

SOURCE: U.S. Sentencing Commission, FY 2016 Fentanyl Datafile.



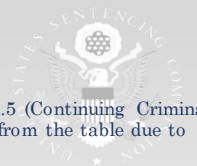
# Data Related to Proposed Amendment for Fentanyl Drug Trafficking Offenders FY 2016

Marijuana Equivalency Ratio	N	%
<b>TOTAL</b>	<b>50</b>	<b>100.0</b>
1g = 2,500g Marijuana (Fentanyl Ratio)	49	98.0
1g = 10,000g Marijuana (Fentanyl Analogue Ratio)	1	2.0

- For the majority of offenders, the documentation received refers to ‘fentanyl’ or cites N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] Propanamide
- A fentanyl analogue was named in only three of the 51 offenses, and the fentanyl analogue ratio was applied to only one offense

This analysis includes offenders with complete guideline application information and a primary drug type of fentanyl 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). Of the 51 offenders, one was excluded from the table due to missing information on the marijuana equivalency ratio applied at sentencing.

SOURCE: U.S. Sentencing Commission, FY 2016 Fentanyl Datafile.





# Most Serious Function and Status of Fentanyl Drug Trafficking Offenders FY 2016

Most Serious Function	N	%
<b>TOTAL</b>	<b>51</b>	<b>100.0</b>
Importer/High Level Supplier	6	11.8
Organizer/Leader	2	3.9
Wholesaler	7	13.7
Manager/Supervisor	0	0.0
Street-Level Dealer	12	23.5
Broker	2	3.9
Courier/Mule	13	25.5
Employee/Worker	4	7.8
All Other Functions	1	2.0
Indeterminable	4	7.8

Status	N	%
<b>TOTAL</b>	<b>51</b>	<b>100.0</b>
Clearly Knew They Had Fentanyl	8	15.7
Did Not Seem to Know They Had Fentanyl	27	52.9
Cannot Tell if They Knew They Had Fentanyl	16	31.4

This analysis includes offenders with complete guideline application information and a primary drug type of fentanyl 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). Totals may not sum to 100.0% due to rounding. See MANDATORY MINIMUM PENALTIES FOR DRUG OFFENSES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM (USSC, 2017) for descriptions of offender function.

SOURCE: U.S. Sentencing Commission, FY 2016 Fentanyl Datafile.



# Offense Characteristics of Fentanyl Drug Trafficking Offenders FY 2016

**Median BOL 26**

	N	%
<b>TOTAL</b>	<b>51</b>	<b>100.0</b>
Any Weapon	6	11.8
Distributed via Mass Marketing	0	0.0
Maintained Premises for Manufacturing/Distribution	2	3.9
Safety Valve	9	17.7
Aggravating Role	6	11.8
Mitigating Role	9	17.7

	N	%
<b>CRIMINAL HISTORY CATEGORY</b>		
Category I	21	41.2
Category II	14	27.5
Category III	2	3.9
Category IV	4	7.8
Category V	5	9.8
Category VI	5	9.8
Career Offender	3	5.9

This analysis includes offenders with complete guideline application information and a primary drug type of fentanyl 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). Base Offense Level values reflect the BOL from the Drug Quantity Table (DQT) at USSG §2D1.1 prior to the application of the mitigating role cap or any adjustments under other guideline provisions. Offenders with BOLs determined by guideline provisions without reference to the DQT (e.g., §2D1.1(a)(1), §2D1.2(a)(4)) and offenders missing information required to determine the BOL prior to the application of the mitigating role cap were excluded from the median base offense level computation. In addition, the DQT changes implemented in the *Guidelines Manual* effective November 1, 2014 were applied to all offenders included in the BOL analysis. Offenders missing information required for a given analysis were excluded from that analysis. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2016 Fentanyl Datafile.

# Sentence Characteristics of Fentanyl Drug Trafficking Offenders FY 2016

	N	%
<b>TOTAL</b>	<b>51</b>	<b>100.0</b>
<b>TYPE OF SENTENCE IMPOSED</b>		
Prison Only	47	92.2
Prison/Community Split	2	3.9
Probation and Confinement	1	2.0
Probation Only	1	2.0

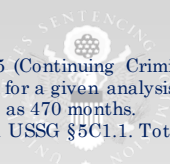
**Average Guideline Minimum (Mos.) 79**

**Average Sentence Length (Mos.) 66**

	N	%
<b>POSITION RELATIVE TO THE GUIDELINE RANGE</b>		
Within Range	16	31.4
Above Range	3	5.9
§5K1.1 Substantial Assistance	9	17.7
§5K3.1 Early Disposition Program	1	2.0
Other Government Sponsored Below	11	21.6
Non-Government Sponsored Below	11	21.6

This analysis includes offenders with complete guideline application information and a primary drug type of fentanyl 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). Offenders missing information required for a given analysis were excluded from that analysis. Guideline minimums and prison sentences greater than 470 months (including life) were included in the average guideline minimum and average sentence computations as 470 months. Sentences of probation are included in the average sentence computation as zero months. In addition, the average sentence length computation includes any time of alternative confinement as described in USSG §5C1.1. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2016 Fentanyl Datafile.



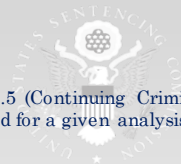
# Demographic Characteristics of Fentanyl Drug Trafficking Offenders FY 2016

	N	%
<b>TOTAL</b>	<b>51</b>	<b>100.0</b>
<b>RACE/ETHNICITY</b>		
White	12	23.5
Black	13	25.5
Hispanic	26	51.0
American Indian/Alaskan Native	0	0.0
Asian or Pacific Islander	0	0.0
Other	0	0.0

	N	%
U.S. Citizen	40	78.4
Male	45	88.2
<b>EDUCATION</b>		
Less Than High School	20	39.2
High School Graduate	21	41.2
Some College	8	15.7
College Graduate	2	3.9
Average Age at Sentencing	36 Years	

This analysis includes offenders with complete guideline application information and a primary drug type of fentanyl 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). Offenders missing information required for a given analysis were excluded from that analysis. Totals may not sum to 100.0% due to rounding.

SOURCE: U.S. Sentencing Commission, FY 2016 Fentanyl Datafile.





Submit public comment to the Commission via electronic mail or regular mail no later than March 6, 2018

[Public\\_Comment@ussc.gov](mailto:Public_Comment@ussc.gov)

United States Sentencing Commission  
One Columbus Circle, N.E., Suite 2-500  
Washington, D.C. 20002-8002  
Attention: Public Affairs