



# Heroin, Fentanyl, and Other Opioid Offenses in Federal Courts, 2021

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During fiscal year (FY) 2021, the Drug Enforcement Administration (DEA) made 3,138 arrests for fentanyl, 2,591 arrests for heroin, and 676 arrests for other opioid offenses (**figure 1**).<sup>1</sup> In FY 2021, for the first time, the number of arrests by the DEA for fentanyl (3,138) surpassed the number of arrests for heroin (2,591). From FY 2020 to FY 2021, there was a 36% increase in arrests made by the DEA for fentanyl and a 29% decrease in arrests for heroin (**table 1**).

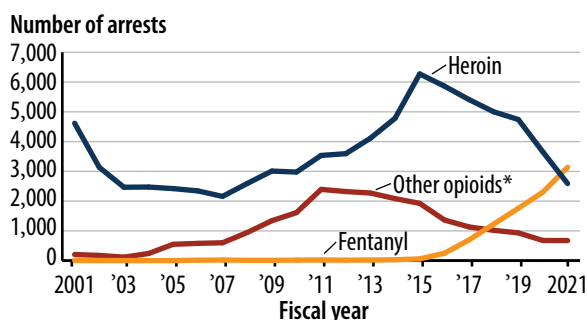
This report uses data from the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP) to describe persons arrested, convicted, and sentenced for federal drug offenses involving heroin, fentanyl, and other opioids.<sup>2</sup>

<sup>1</sup>Annual federal justice data are reported for the fiscal year, which is from October 1 to September 30.

<sup>2</sup>The FJSP includes data received from the Drug Enforcement Administration, the U.S. Sentencing Commission, and other agencies. (See *Methodology*.)

**FIGURE 1**

**Federal and state arrests by the Drug Enforcement Administration involving heroin, fentanyl, and other opioids, FY 2001–2021**



Note: See appendix table 1 for counts.

\*Includes oxycodone, hydrocodone, hydromorphone (Palladone), oxymorphone, opioid treatment pharmaceuticals, opium, and morphine.

Source: Bureau of Justice Statistics, based on data from the Drug Enforcement Administration, Defendant Statistical System, fiscal years 2001–2021.

## HIGHLIGHTS

- From FY 2020 to FY 2021, the number of drug arrests the Drug Enforcement Administration (DEA) made for fentanyl increased by 36% from 2,305 to 3,138.
- In FY 2021, for the first time, the number of drug arrests the DEA made for fentanyl (3,138) surpassed the number of arrests for heroin (2,591).
- Of the 28,224 total drug arrests by the DEA in FY 2021, 3,138 (11%) were for fentanyl, 2,591 (9%) were for heroin, and 676 (2%) were for other opioids.
- DEA arrests for heroin, fentanyl, and other opioids increased from 4,830 in FY 2001 to a peak of 8,258 in 2015 and declined to 6,405 in FY 2021.
- In FY 2021,
  - 97% of persons sentenced for a drug offense involving opioids were sentenced for drug trafficking.
  - most persons sentenced for drug offenses involving heroin (89%) or fentanyl (87%) had a prior criminal history at sentencing.
  - persons sentenced for drug offenses involving heroin or fentanyl received a median prison term of 46 months, persons sentenced for oxycodone received a median prison term of 26 months, and persons sentenced for hydrocodone received a median prison term of 24 months.

## Drug arrests by the DEA increased 6% from FY 2020 to FY 2021

The DEA reported a 6% (1,528) increase in total drug arrests from FY 2020 (26,696) to FY 2021 (28,224) (table 1). From FY 2020 to FY 2021, the DEA reported the greatest increase in arrests for fentanyl (up 833 arrests) followed by arrests for methamphetamine (629), other drug or non-drug offenses (611), powder cocaine (575), and marijuana (39). Arrests declined from FY 2020 to FY 2021 for heroin (-1,058), crack cocaine (-99), and other opioids (-2).

The DEA reported 28,224 total drug arrests in FY 2021, a decrease of 2% on average annually since FY 2001. The DEA made less than 100 arrests for fentanyl in any year between 2001 and 2015. Starting in 2016, the number of arrests rose substantially, reaching 3,138 in 2021. Methamphetamine comprised 19% of drug arrests in FY 2001 and 33% of drug arrests in FY 2021, an average annual increase of 1% during this period. Arrests for drugs that decreased on average annually from FY 2001 to FY 2021 included arrests for crack cocaine (-9%), marijuana (-5%), powder cocaine (-3%), heroin (-3%), and other drug or non-drug offenses (-1%).

The remainder of this report focuses on heroin, fentanyl, and other opioids including how they are classified under the Controlled Substances Act, the number of deaths due to overdose, and the number of persons arrested and sentenced for federal offenses involving these substances.

### The Drug Enforcement Administration

The Drug Enforcement Administration (DEA) is the primary federal law enforcement agency responsible for enforcing controlled substances laws, including diversion control efforts for prescription opioids, and for shaping federal drug enforcement policy. One example is Operation Synthetic Opioid Surge (S.O.S.), a U.S. Department of Justice enforcement initiative focusing on reducing the supply of synthetic opioids in areas selected based on having high overdose death rates (see *Targeted opioid enforcement efforts*). Federal prosecutors work with the DEA to prosecute drug traffickers involved with fentanyl and other synthetic opioids.

In addition to being responsible for making drug arrests at the federal level, the DEA works with state and local law enforcement agencies to make arrests. Tables in this report use DEA data that combine arrests referred to state and local prosecutor offices and arrests referred to U.S. attorney's offices. To protect the identity of agents and operations, the DEA does not provide BJS with geographic information, such as the federal judicial district where the arrest occurred. The DEA data does not provide the type of drug arrest (e.g., whether drug trafficking or drug possession). Data that are made publicly available from the DEA are posted on the Data and Statistics page of their website (<https://www.dea.gov/resources/data-and-statistics>).

**TABLE 1****Federal and state arrests by the Drug Enforcement Administration by drug type, FY 2001–2021**

Fiscal year	Total arrests	Opioids				Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Other/non-drug <sup>b</sup>
		Total	Heroin	Fentanyl	Other opioids <sup>a</sup>					
2001	41,999	4,830	4,615	8	207	10,077	7,236	7,375	8,147	4,334
2002	34,245	3,319	3,136	6	177	8,970	5,252	5,870	6,879	3,955
2003	29,238	2,590	2,467	5	118	7,143	4,205	6,015	6,268	3,017
2004	29,807	2,715	2,473	1	241	7,804	4,183	6,302	6,276	2,527
2005	30,998	2,974	2,421	3	550	8,699	4,344	6,113	6,646	2,222
2006	30,268	2,942	2,344	16	582	8,500	4,632	6,002	5,925	2,267
2007	30,296	2,783	2,159	23	601	8,533	4,371	6,884	5,641	2,084
2008	28,834	3,549	2,592	12	945	8,807	3,387	6,289	4,792	2,010
2009	31,061	4,364	3,010	12	1,342	8,854	2,955	7,532	4,948	2,408
2010	31,517	4,611	2,977	19	1,615	8,231	2,640	8,215	5,527	2,293
2011	32,379	5,954	3,535	24	2,395	7,664	2,726	7,723	5,547	2,765
2012	31,628	5,933	3,594	17	2,322	7,386	2,653	6,787	6,000	2,869
2013	30,532	6,408	4,113	22	2,273	6,346	2,113	5,862	6,858	2,945
2014	29,548	6,900	4,784	31	2,085	5,582	1,782	5,082	7,005	3,197
2015	31,538	8,258	6,272	60	1,926	6,017	1,567	4,741	8,023	2,932
2016	29,486	7,479	5,864	248	1,367	5,484	1,455	4,213	8,068	2,787
2017	27,223	7,242	5,412	697	1,133	5,495	1,152	3,541	7,280	2,513
2018	27,348	7,248	5,001	1,227	1,020	5,198	1,103	3,266	8,088	2,445
2019	27,543	7,435	4,742	1,759	934	4,899	970	2,597	9,076	2,566
2020	26,696	6,632	3,649	2,305	678	4,474	1,217	2,576	8,783	3,014
2021	28,224	6,405	2,591	3,138	676	5,049	1,118	2,615	9,412	3,625
Average annual percent change, FY 2001–2021 <sup>c</sup>	-2.0%	1.4%	-2.8%	34.8%	6.1%	-3.4%	-8.9%	-5.1%	0.7%	-0.9%
Percent change, FY 2020–2021	5.7%	-3.4%	-29.0%	36.1%	-0.3%	12.9%	-8.1%	1.5%	7.2%	20.3%

Note: The unit of count is an arrest made by the Drug Enforcement Administration (DEA) where each arrest for an individual is counted. Includes state and federal arrests made by the DEA.

<sup>a</sup>Includes oxycodone, hydrocodone, hydromorphone (Palladone), oxymorphone, opioid treatment pharmaceuticals, opium, and morphine.

<sup>b</sup>Includes non-opioid pharmaceutical controlled substances, other depressants, sedatives, ephedrine, pseudoephedrine, hallucinogens, synthetic cannabinoids, other steroids, equipment to manufacture controlled substances, and drug-use paraphernalia.

<sup>c</sup>Calculated using fiscal year counts in 2001 and in 2021. See *Methodology*.

Source: Bureau of Justice Statistics, based on data from the Drug Enforcement Administration, Defendant Statistical System, fiscal years 2001–2021.

## Classification of opioids using the Controlled Substances Act's drug schedule

Opioids are controlled substances with classifications ranging from Schedule I to Schedule V, depending on medical usefulness, abuse potential, safety, and drug dependence profile.<sup>3</sup>

**Schedule I** drugs have a high potential for abuse and potential to create severe psychological and/or physical dependence. There is no current accepted medical use. Heroin is the only Schedule I drug included in this report. It has no medical use in the United States and is illegal to distribute, purchase, or use outside of medical research.

- **Heroin** is a natural opioid synthesized from morphine that can be a white or brown powder or a black sticky substance.

**Schedule II** drugs have a high potential for abuse, but also have current accepted medical use with severe restrictions.

- **Fentanyl** is a very powerful synthetic opioid approved by the Food and Drug Administration for limited medical use for chronic pain relief and as an anesthetic.<sup>4</sup>
- **Oxycodone** is a semisynthetic opioid derived from the poppy plant and prescribed for pain. The extended-release tablet formulation is marketed under the brand name OxyContin.
- **Oxymorphone** is a semisynthetic opioid used to treat pain.

- **Hydrocodone** is a semisynthetic opioid used to treat pain or relieve coughs.<sup>5</sup>
- **Hydromorphone** is a semisynthetic opioid with an accepted medical use as a pain reliever. It has an analgesic potency of two to eight times greater than that of morphine and has a rapid onset of action. The extended-release tablet formulation is marketed under the brand name Palladone and in oral liquid and tablet form under the brand name Dilaudid.
- **Methadone** is a synthetic opioid used for pain reduction and in medication-assisted treatment of opioid use disorder. While it may legally be used under a doctor's supervision, its non-medical use is illegal.
- **Morphine** is a natural opioid derived from opium and used for the treatment of pain.
- **Opium** is a natural opioid extracted from the poppy plant.

**Schedule III** drugs have an accepted medical use and the potential for abuse is less than the drugs in Schedules I and II. Examples include products containing not more than 90 milligrams of codeine per dosage unit (e.g., acetaminophen with codeine and Suboxone).

**Schedule IV** drugs have a lower potential for abuse relative to the drugs in Schedule III and have an accepted medical use. Examples include Darvocet and tramadol.

**Schedule V** drugs have a current accepted medical use and have a low potential for abuse relative to the drugs in Schedule IV. Examples include cough syrup with less than 200 milligrams of codeine per 100 milliliters or 100 grams and other analgesics.

<sup>3</sup>The schedules went into effect on October 27, 1970 (Title 21 U.S.C. § 812) and are updated and republished on an annual basis per the Controlled Substances Act (CSA).

<sup>4</sup>According to the Drug Enforcement Administration, fentanyl was first developed in 1959 and introduced in the 1960s as an intravenous anesthetic. It is legally manufactured and distributed in the United States. Only a small amount of fentanyl is needed to cause a severe reaction or death. Legal fentanyl products are diverted via theft, fraudulent prescriptions, and illegal distribution by patients, physicians, and pharmacists. The People's Republic of China is the primary source of precursor chemicals used to produce U.S.-bound illicit fentanyl. (Congressional Research Services (2022). *China Primer: Illicit Fentanyl and China's Role*. <https://crsreports.congress.gov/product/pdf/IF/IF10890>).

<sup>5</sup>The DEA, in an effort to cut down on abuse, reclassified hydrocodone in October 2014 from a Schedule III to a Schedule II drug. The result of the change is that licensed medical practitioners or prescribers can no longer write or call in refills for hydrocodone prescriptions. Additional hydrocodone requires a new prescription from a licensed medical practitioner.

## DEA arrests for fentanyl increased from 8 arrests in FY 2001 to 3,138 arrests in FY 2021

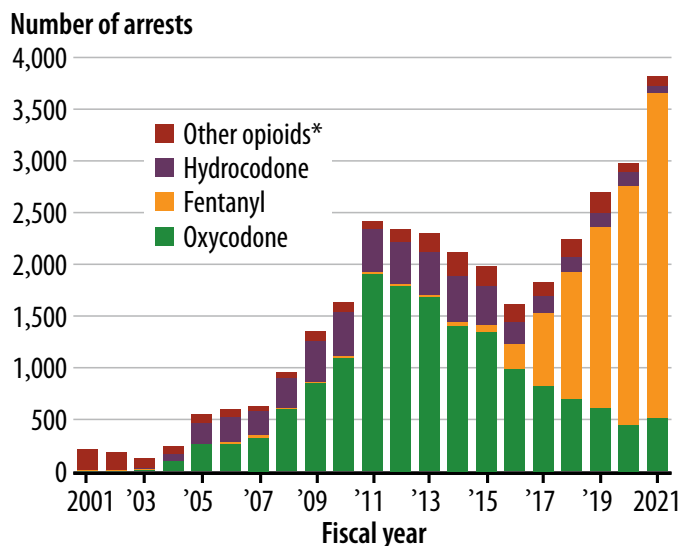
Schedule II and III drugs (including fentanyl, oxycodone, hydrocodone, and other opioids) are available as legal pharmaceuticals as well as trafficked in counterfeit form. Among opioid arrests involving pharmaceuticals, the growth was greatest for fentanyl, which increased from 8 arrests in FY 2001 to 3,138 arrests in FY 2021 (figure 2). Arrests for oxycodone peaked at 1,900 in FY 2011 and decreased to 512 arrests in FY 2021. Hydrocodone arrests peaked at 449 in FY 2014 and decreased to 72 in FY 2021.

## Most (52%) persons arrested by the DEA for opioids were ages 21 to 34

Of the 6,405 total persons arrested by the DEA for opioids as the primary drug in FY 2021, 52% were ages 21 to 34, while 11% were age 50 or older and 5% were age 20 or younger (table 2).

Males made up 80% and females 20% of persons arrested for heroin, fentanyl, oxycodone, and other opioids. Among persons arrested by the DEA for fentanyl, 81% were male and 19% were female. The largest number of arrests of males (2,470) and of females (576) were for fentanyl. Among males and females arrested by the DEA for opioids in FY 2021, total arrests by opioid type from greatest to least were fentanyl, heroin, oxycodone, then other opioids.

**FIGURE 2**  
Federal and state arrests by the Drug Enforcement Administration involving fentanyl and other pharmaceutical opioids, FY 2001–2021



Note: The unit of count is an arrest made by the Drug Enforcement Administration (DEA) where each arrest for an individual is counted. Includes state and federal arrests made by the DEA. See appendix table 2 for counts.

\*Includes opium, morphine, opioid treatment pharmaceuticals, hydromorphone (Palladone), and oxymorphone.

Source: Bureau of Justice Statistics, based on data from the Drug Enforcement Administration, Defendant Statistical System, fiscal years 2001–2021.

**TABLE 2**

**Persons arrested by the Drug Enforcement Administration for heroin, fentanyl, oxycodone, and other opioids, by age and sex, FY 2021**

	Total arrested		Heroin		Fentanyl		Oxycodone		Other opioids*	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total persons</b>	6,405	100%	2,591	100%	3,138	100%	512	100%	164	100%
<b>Sex</b>										
Male	4,926	79.6%	1,985	80.0%	2,470	81.1%	358	71.7%	113	69.8%
Female	1,263	20.4	497	20.0	576	18.9	141	28.3	49	30.2
<b>Age</b>										
20 or younger	295	4.6%	88	3.4%	171	5.5%	32	6.3%	4	2.4%
21–34	3,297	51.7	1,267	49.1	1,739	55.7	233	45.7	58	35.4
35–49	2,111	33.1	943	36.6	968	31.0	147	28.8	53	32.3
50–64	600	9.4	257	10.0	230	7.4	73	14.3	40	24.4
65 or older	74	1.2	24	0.9	16	0.5	25	4.9	9	5.5

Note: Data were missing age for 28 records and sex for 216 records. Includes Drug Enforcement Administration arrests that are referred for state or federal prosecution.

\*Includes opium, morphine, opioid treatment pharmaceuticals, hydrocodone, hydromorphone (Palladone), and oxymorphone.

Source: Bureau of Justice Statistics, based on data from the Drug Enforcement Administration, Defendant Statistical System, fiscal year 2021.

## Overdose deaths due to opioids

The majority of overdose deaths, which continue to increase in the United States, involved opioids. In 2021, 106,699 persons died of a drug overdose.<sup>6</sup> Opioids were involved in 80,411 of these overdose deaths in 2021 (75% of all drug overdose deaths) (**figure 3**). More than 628,000 people died from a drug overdose involving any opioid, including prescription and illicit opioids, from 2001 to 2021. In 2021, synthetic opioids were involved in more overdose deaths (70,601) than any other type of opioid. Synthetic opioids accounted for 88% of all overdose deaths involving opioids in 2021. About 11% of all overdose deaths involving opioids in 2021 involved heroin. The number of overdose deaths involving heroin increased fivefold from 2001 to 2021.

According to the Centers for Disease Control and Prevention, the rise in opioid overdose deaths from 2001 to 2021 occurred in three waves:

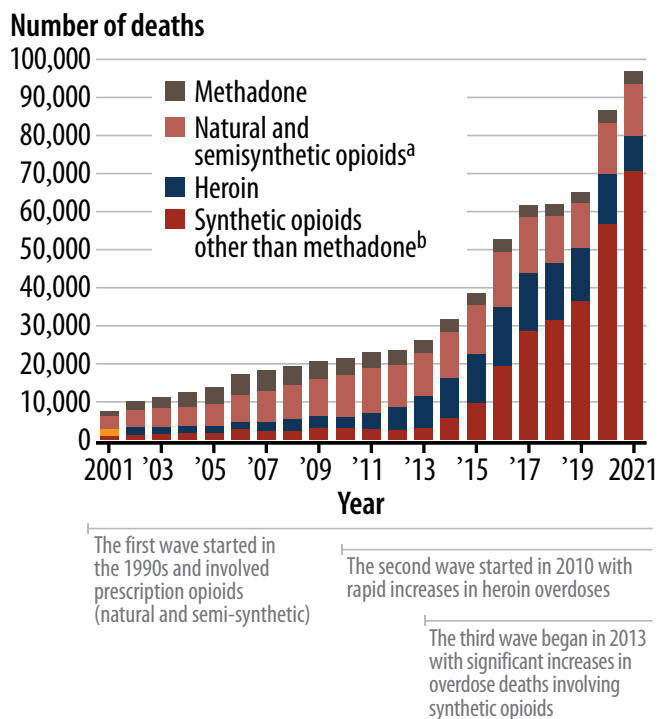
1. In the 1990s, prescribing of opioids increased. Overdose deaths involving prescription opioids (natural and semisynthetic opioids and methadone) started increasing in the late 1990s.
2. In 2010, overdose deaths involving heroin began to rapidly increase.
3. In 2013, overdose deaths involving synthetic opioids significantly increased, particularly those involving illicitly manufactured fentanyl.<sup>7</sup>

<sup>6</sup>Centers for Disease Control and Prevention. *Drug Overdose Deaths in the United States, 1999–2021*. <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>.

<sup>7</sup><https://www.cdc.gov/opioids/data/analysis-resources.html>.

**FIGURE 3**

**Number of drug overdose deaths involving opioids, by type of opioid, 2001–2021**



Note: Deaths involving more than one type of opioid were counted in both categories. See appendix table 3 for counts.

<sup>a</sup>Natural and semisynthetic opioids include morphine, oxycodone, and hydrocodone.

<sup>b</sup>Synthetic opioids include fentanyl, fentanyl analogs, and tramadol.

Source: Centers for Disease Control and Prevention. Data Brief 457. Drug Overdose Deaths in the United States, 2001–2021, National Center for Health Statistics, National Vital Statistics System, Mortality.



## Targeted opioid enforcement efforts

The U.S. Department of Justice (DOJ) has advanced three law enforcement strategies to address drug diversion and trafficking of opioids. In addition, the High Intensity Drug Trafficking Areas (HIDTA) program provides assistance to federal, state, local, and tribal law enforcement agencies to address drug trafficking in the United States.

### Operation Synthetic Opioid Surge (S.O.S.)<sup>8</sup>

- Operation S.O.S. is a U.S. DOJ enforcement initiative in 10 federal judicial districts to reduce the supply of synthetic opioids in high impact areas. Started in July 2018, it focuses on identifying wholesale distribution networks and international and domestic suppliers.
- Prosecutors work with the Drug Enforcement Administration (DEA) and Organized Crime Drug Enforcement Task Forces. Efforts focus on selecting one county to prosecute every readily provable drug distribution case involving synthetic opioids (fentanyl, fentanyl analogs, and other synthetic opioids) regardless of drug quantity.
- The 10 districts were selected in 2018 based on having high overdose death rates (**map 1**).

### Appalachian Regional Prescription Opioid (ARPO) Strike Force<sup>9</sup>

- The ARPO Strike Force investigates health care fraud in the Appalachian region and surrounding areas with a focus on medical professionals involved in the unlawful distribution of opioids and other prescription narcotics.
- Formed by DOJ in October 2018, the ARPO Strike Force brings together the Health Care Fraud Unit in the Criminal Division's Fraud Section, the U.S. attorney's offices for 10 federal districts in 6 states, as well as law enforcement partners at the FBI, the Department of Health and Human Service's Office of the Inspector General (HHS-OIG), the DEA, and other federal and state agencies (**map 2**).

### New England Prescription Opioid (NEPO) Strike Force<sup>10</sup>

- The NEPO Strike Force is a DOJ law enforcement effort that was formed in June 2022 and seeks to address unlawful prescription and diversion of opioids by physicians, pharmacists, and other medical professionals in the New England region.

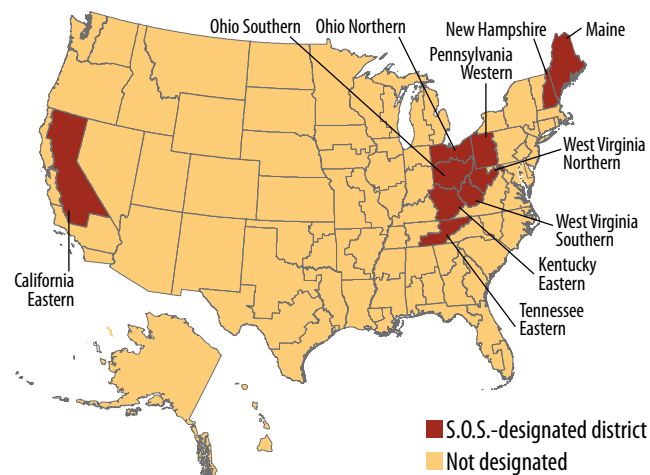
<sup>8</sup><https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-announces-formation-operation-synthetic-opioid-surge-sos>.

<sup>9</sup><https://www.justice.gov/criminal-fraud/arpo-strike-force>.

<sup>10</sup><https://www.justice.gov/opa/pr/justice-department-s-criminal-division-creates-new-england-prescription-opioid-strike-force>.

**MAP 1**

### Federal judicial districts designated by Operation Synthetic Opioid Surge (S.O.S.), 2018



Source: [www.justice.gov/opa/pr/attorney-general-jeff-sessions-announces-formation-operation-synthetic-opioid-surge-sos](https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-announces-formation-operation-synthetic-opioid-surge-sos).

**MAP 2**

### Federal judicial districts designated by Appalachian Regional Prescription Opioid (ARPO) Strike Force, 2018



Source: [www.justice.gov/criminal-fraud/arpo-strike-force](https://www.justice.gov/criminal-fraud/arpo-strike-force).

- Since 2018, some of the greatest spikes in the drug overdose death rate have occurred in New England.
- NEPO Strike Force brings together the Health Care Fraud Unit in the Criminal Division's Fraud Section, the U.S. attorney's offices for three federal districts (Vermont, Maine, and New Hampshire), and law enforcement partners at HHS-OIG, DEA, and the FBI.

*continued on page 8*

## Targeted opioid enforcement efforts (continued)

### High Intensity Drug Trafficking Areas (HIDTA)<sup>11</sup>

- The HIDTA program coordinates and assists federal, state, local, and tribal law enforcement agencies to address regional drug threats with the purpose of reducing drug trafficking and drug production in the United States.

<sup>11</sup><https://www.hidtaprogram.org/summary.php>.

- There are 33 regional HDTAs in all 50 states, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia. Congress established the HIDTA program to operate under the direction of the Office of National Drug Control Policy (ONDCP) by the Anti-Drug Abuse Act of 1988 (P.L. 100–690) and the ONDCP Reauthorization Act of 1998.

## Persons sentenced for opioid offenses

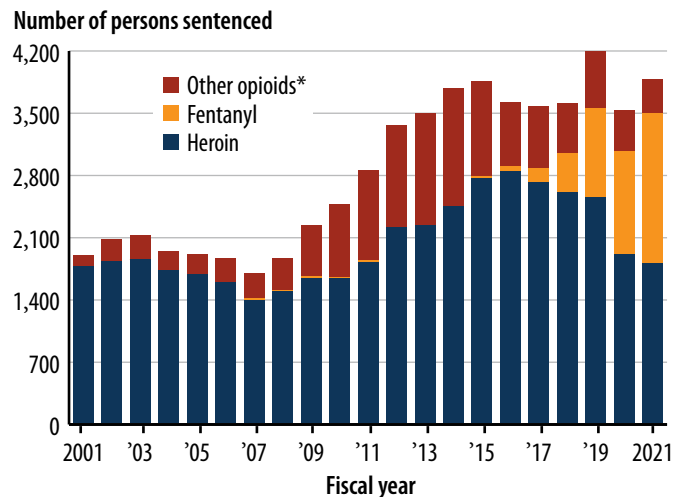
This section uses data from the U.S. Sentencing Commission (USSC) to describe sentences imposed on opioid offenders in federal courts.<sup>12</sup> In 1984, Congress passed the Sentencing Reform Act, which established the USSC. The Sentencing Reform Act directed the USSC to develop sentencing guidelines for federal crimes and to ensure uniformity and proportionality in sentencing.

In FY 2021, 3,860 persons were sentenced for a drug offense involving heroin, fentanyl, or other opioids.<sup>13</sup> The total number of persons sentenced for opioids increased from 1,889 in FY 2001 to a peak of 3,842 in FY 2015. The total number of persons sentenced decreased in FY 2016 (3,608) before increasing through FY 2021 (3,860) (**figure 4**).

<sup>12</sup>The federal sentencing guidelines apply to most felony and class A misdemeanor cases in the federal courts. The sentencing guidelines do not apply to Class B or C misdemeanors or infractions that are subject to prison sentences of 6 months or less (see USSC 1B1.9).

<sup>13</sup>The primary guideline at sentencing is used for reporting persons sentenced for drug offenses.

**FIGURE 4**  
**Number of persons sentenced for a drug offense involving heroin, fentanyl, or other opioids as primary drug, FY 2001–2021**



Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved). See appendix table 4 for counts.

\*Includes oxycodone (OxyContin), oxymorphone, morphine, hydromorphone (Dilaudid), opium, codeine, and hydrocodone.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal years 2001–2021.



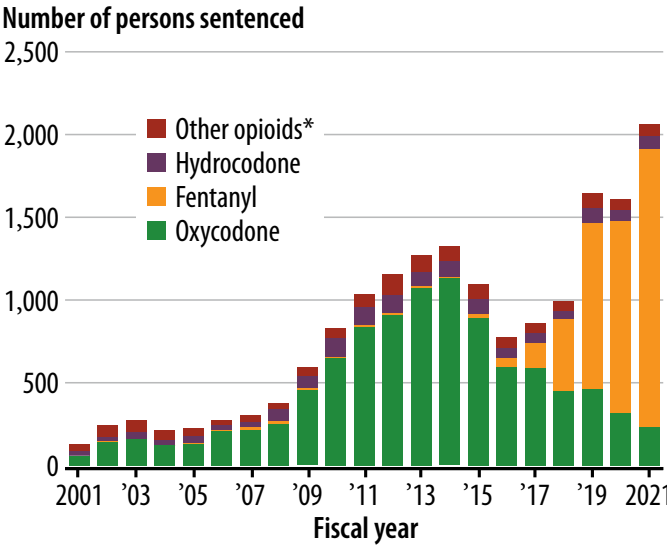
**The number of persons sentenced for a drug offense involving fentanyl increased by 45% from FY 2020 to FY 2021**

In FY 2021, 1,679 persons were sentenced for drug offenses involving fentanyl—a 45% increase from the number of persons sentenced for fentanyl in FY 2020 (1,156) (figure 5). Among persons sentenced for a drug offense involving fentanyl and other pharmaceutical opioids in FY 2021, fentanyl (1,679) was the most common opioid type followed by oxycodone (233), hydrocodone (79), and other opioids (71).

The growth in persons sentenced for fentanyl and other pharmaceutical opioids from FY 2008 to FY 2014 was mostly the result of an increase in persons sentenced for oxycodone (882). The growth in persons sentenced for fentanyl and other pharmaceutical opioids from FY 2016 to FY 2021 was mostly due to an increase in the number of persons sentenced for drug offenses involving fentanyl (1,627 arrests).

Sentences imposed for drug offenses involving heroin, fentanyl, and other opioids comprised a larger share of drug sentences imposed in northeastern states in FY 2021 than in other regions (map 3). The states with the greatest share of drug offenses involving heroin, fentanyl, and other opioids per 100 drug sentences imposed in FY 2021 included: New Hampshire (69), Massachusetts (69), Delaware (63), Connecticut (58), and New Jersey (56).

**FIGURE 5**  
Number of persons sentenced for a drug offense involving fentanyl and other pharmaceutical opioids, by drug type, FY 2001–2021

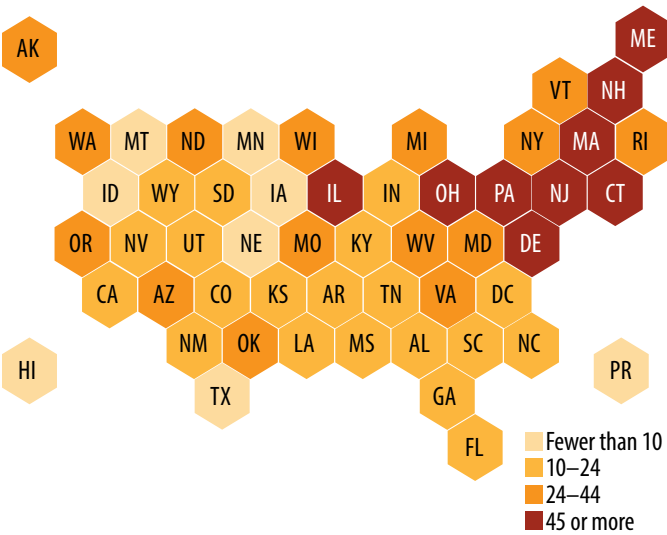


Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved). See appendix table 5 for counts.

\*Includes hydromorphone (Dilaudid), opium, morphine, methadone, oxymorphone, and codeine.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal years 2001–2021.

**MAP 3**  
Rates of sentences imposed for heroin, fentanyl, and other opioids per 100 drug sentences by state, FY 2021



Note: Includes heroin, fentanyl, fentanyl analogs, opium, methadone, morphine, oxymorphone, hydrocodone, hydromorphone (Dilaudid), codeine, and oxycodone (OxyContin). See appendix table 6 for rates.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

## Most persons sentenced for drug offenses involving opioids were male (82%)

Males accounted for 82% of persons sentenced for a drug offense involving opioids in FY 2021 and females accounted for 18% (table 3). Males made up 83% and females 17% of persons sentenced for opioid offenses involving fentanyl and heroin. Females accounted for a larger share of those sentenced for hydrocodone (29%) and other opioids (44%) than for other drug types.

Forty-four percent of persons sentenced for fentanyl were ages 25 to 34 and the median age was younger for persons sentenced for fentanyl (32 years) than for heroin (35 years), oxycodone (41 years), other opioids (42 years), and hydrocodone (49 years).

The majority (77%) of persons sentenced in FY 2021 for drug offenses involving fentanyl, heroin, or other opioids as the primary drug were Hispanic (39%) or black (38%) with white (21%); American Indian (1%); and Asian, Native Hawaiian, or Other Pacific Islander (1%) comprising the remainder.<sup>14</sup> Most (86%) persons sentenced for drug offenses involving fentanyl, heroin,

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<sup>14</sup>Race and Hispanic origin were categorized based on the Office of Management and Budget's standards for federal statistical and administrative reporting. (Office of Management and Budget (1997). *Revisions to the standards for the classification of federal data on race and ethnicity*. *Federal Register* 62 (210), 58782–58790) All of the race categories are “single race,” meaning that only one race was self-reported in the presentence report.

or other opioids were U.S. citizens.<sup>15</sup> Non-U.S. citizens comprised 14% of persons sentenced for a drug offense involving opioids with 7% being citizens of Mexico, followed by countries in the Caribbean (4%). Seventy-four percent of persons sentenced with fentanyl, heroin, or other opioids as the primary drug had a high school diploma (38%) or less than high school education (36%). Twenty-six percent of persons sentenced had some college (21%) or were college graduates (5%).

Persons sentenced for fentanyl and persons sentenced for heroin in FY 2021 share similar demographic profiles. Seventy-two percent of persons sentenced for fentanyl were between the ages of 25 and 44 (compared with 69% of persons sentenced for heroin). Four percent of persons sentenced for fentanyl were age 55 or older, while 3% were under the age of 21 (similar to the profile for heroin). In FY 2021, 41% of persons convicted of a drug offense with fentanyl as the primary drug were Hispanic; followed by black (38%); white (19%); Asian, Native Hawaiian, or Other Pacific Islander (1%); and American Indian (1%). This is similar to the racial demographics for persons sentenced for drug offenses involving heroin.

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<sup>15</sup>Citizenship is recorded in the presentence report and is used by the U.S. Sentencing Commission for reporting purposes.

**TABLE 3****Demographic characteristics of persons sentenced for a drug offense involving heroin, fentanyl, and other opioids, by opioid type, FY 2021**

Demographic characteristics	All persons		Opioid type				
	Number	Percent	Heroin	Fentanyl <sup>a</sup>	Oxycodone	Hydrocodone	Other opioids <sup>b</sup>
<b>Total persons</b>	3,860	100%	1,798	1,679	233	79	71
<b>Sex</b>							
Male	3,152	81.7%	83.2%	82.7%	74.3%	70.9%	56.3%
Female	708	18.3	16.8	17.3	25.8	29.1	43.7
<b>Race/Hispanic origin<sup>c</sup></b>							
White	799	21.4%	18.8%	19.4%	40.0%	31.2%	49.3%
Black/African American	1,425	37.7	37.0	38.3	37.0	57.1	21.4
Hispanic	1,482	39.2	43.2	40.7	14.4	7.8	20.3
American Indian/ Alaska Native	46	1.2	0.8	0.7	7.0	<0.05	7.3
Asian/Native Hawaiian/ Other Pacific Islander	28	0.7	0.3	0.9	1.7	3.9	1.5
<b>Age</b>							
18–20	80	2.1%	1.8%	2.8%	<0.05%	1.3%	<0.05%
21–24	338	8.8	7.6	11.1	4.3	1.3	5.6
25–34	1,562	40.5	39.8	44.3	29.2	15.2	32.4
35–44	1,090	28.2	29.6	27.4	29.2	16.5	22.5
45–54	487	12.6	14.0	10.1	13.3	24.1	21.1
55–64	223	5.8	5.7	3.6	13.3	25.3	11.3
65 or older	80	2.1	1.4	0.7	10.7	16.5	7.0
Median	34 years		35 years	32 years	41 years	49 years	42 years
<b>Education level</b>							
Less than high school	1,369	35.6%	37.3%	38.1%	16.3%	16.5%	19.7%
High school graduate	1,472	38.3	39.5	38.8	30.9	29.1	29.6
Some college	807	21.0	20.5	20.4	27.0	21.5	26.8
College graduate	196	5.1	2.7	2.6	25.8	32.9	23.9
<b>Citizenship</b>							
U.S. citizen	3,335	86.4%	84.3%	86.5%	96.1%	97.5%	94.4%
Non-U.S. citizen	525	13.6	15.7	13.5	3.9	2.5	5.6
<b>Country/region of citizenship</b>							
North America	3,814	98.9%	98.5%	99.3%	98.7%	97.5%	98.6%
United States	3,335	86.4	84.3	86.5	96.6	97.5	94.4
Mexico	276	7.2	10.1	5.3	0.9	<0.05	4.2
Caribbean islands <sup>d</sup>	164	4.3	2.5	6.9	1.3	<0.05	<0.05
Central America <sup>d</sup>	39	1.0	1.6	0.7	<0.05	<0.05	<0.05
South America <sup>d</sup>	22	0.6	1.0	0.2	<0.05	<0.05	<0.05
Other countries <sup>d</sup>	22	0.6	0.5	0.4	1.3	2.5	1.4

Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved). Data were missing for the following: race/Hispanic origin (80), education level (16), and citizenship (2).

<sup>a</sup>Includes fentanyl and fentanyl analogs.

<sup>b</sup>Includes hydromorphone (Dilaudid), opium, methadone, morphine, oxycodone, and codeine.

<sup>c</sup>Excludes persons of Hispanic origin, unless specified.

<sup>d</sup>Countries aggregated by region. Other regions include Asia (12), Europe (4), and Africa (6).

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

**Persons were sentenced for fentanyl at greater rates in northeastern states in FY 2021**

Sentences imposed for fentanyl comprised a larger share of drug sentences imposed in northeastern states in FY 2021. The states with the highest rate of fentanyl sentences per 100 drug sentences imposed included New Hampshire (67 per 100), Massachusetts (58 per 100), Maine (38 per 100), and Rhode Island (36 per 100) (map 4).

**Most (79%) persons sentenced for a drug offense involving opioids were represented by panel-appointed counsel or a public defender**

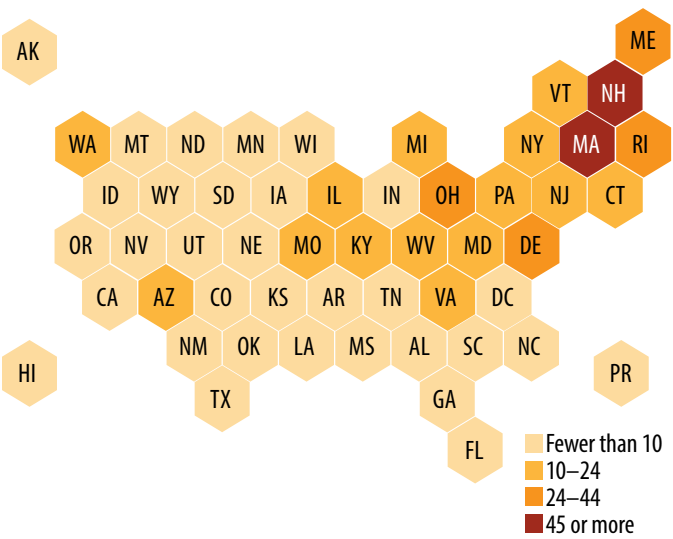
Panel-appointed attorneys represented more than half (54%) of persons sentenced for opioids, while public defenders represented 25% of persons and private counsel represented 21% of persons (table 4).<sup>16</sup> In FY 2021, panel-appointed attorneys were most likely to represent persons sentenced for a drug offense involving heroin (58%) or fentanyl (51%). In FY 2021, persons sentenced for a drug offense involving opioids were convicted following either a guilty plea (98%) or by bench or jury trial (2%).

A person may receive a longer sentence for organizing, managing, or leading the illicit activity involving heroin or other opioids.<sup>17</sup> Of persons sentenced, 6% received a longer sentence for playing a leadership role in the offense. The percentage of persons who received a longer sentence for playing a leadership role in the offense was similar for heroin (5%) and fentanyl (5%) in FY 2021. Twenty-two percent of persons sentenced for hydrocodone received a longer sentence for playing a leadership role in the offense.

<sup>16</sup>The Administrative Office of the U.S. Courts provides for two types of counsel for federal indigent persons: federal public defenders and panels of private attorneys (referred to as panel-appointed attorneys) who accept appointments to represent eligible persons for reimbursement from the government. Private counsel are hired directly by the defendant.

<sup>17</sup>For more on aggravating and mitigating role adjustments, see [https://www.uscourts.gov/sites/default/files/pdf/training/primers/2023\\_Primer\\_Role.pdf](https://www.uscourts.gov/sites/default/files/pdf/training/primers/2023_Primer_Role.pdf).

**MAP 4**  
**Rates of sentences imposed for fentanyl per 100 drug sentences, by state, FY 2021**



Note: Includes fentanyl and fentanyl analogs. See appendix table 7 for rates. Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

**About 1 in 5 persons sentenced for a drug offense involving opioids received a sentence increase for use or possession of a weapon**

Sentences may be increased if the person is charged with drug trafficking offenses involving both weapons and drugs. During FY 2021, 19% of persons sentenced for drug offenses involving heroin, fentanyl, or other opioids received an increased sentence for the use or possession of a weapon during the offense. Increased sentences for weapon involvement were twice as prevalent in offenses involving fentanyl (21%) than in offenses involving hydrocodone (9%).

**TABLE 4****Sentencing characteristics of persons sentenced for an opioid offense, by opioid type, FY 2021**

Defendant characteristics	Total		Opioid type				
	Number	Percent	Heroin	Fentanyl <sup>a</sup>	Oxycodone	Hydrocodone	Other opioids <sup>b</sup>
<b>Total persons</b>	3,860	100%	1,798	1,679	233	79	71
<b>Type of counsel</b>							
Panel-appointed attorney <sup>c</sup>	1,876	53.5%	57.9%	50.7%	41.9%	54.9%	38.7%
Private counsel	747	21.3	18.3	21.4	37.4	38.0	30.7
Public defender	883	25.2	23.7	27.8	20.7	7.0	30.7
<b>Disposition</b>							
Guilty plea	3,736	98.4%	98.7%	98.7%	97.4%	89.9%	95.8%
Trial	61	1.6	1.3	1.3	2.6	10.1	4.2
<b>Aggravating role in offense</b>							
No role adjustment	3,583	94.4%	94.6%	94.9%	92.6%	78.5%	97.2%
Leadership/supervisory role in offense	214	5.6	5.4	5.1	7.4	21.5	2.8
<b>Weapon involvement</b>							
No weapon involved	3,077	81.0%	81.0%	79.5%	86.1%	91.1%	90.1%
Weapon involved	720	19.0	19.0	20.5	13.9	8.9	9.9
<b>Criminal history</b>							
No criminal history, first offense	508	13.4%	11.5%	12.6%	22.1%	26.6%	36.6%
Prior criminal history	3,289	86.6	88.5	87.4	77.9	73.4	63.4
<b>Acceptance of responsibility reduction</b>							
Did not accept responsibility	117	3.1%	2.4%	2.5%	5.6%	19.0%	8.5%
Accepted responsibility	3,680	96.9	97.6	97.5	94.4	81.0	91.5
<b>Career offender status</b>							
No career offender status	3,571	94.1%	94.1%	92.9%	98.3%	98.7%	100%
Career offender status	226	5.9	5.9	7.1	1.7	1.3	0.0

Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved). Complete guideline application information was missing for 63 records.

<sup>a</sup>Includes fentanyl and fentanyl analogs.

<sup>b</sup>Includes hydromorphone (Dilaudid), opium, methadone, morphine, oxymorphone, and codeine.

<sup>c</sup>Criminal Justice Act-appointed attorney.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

## **2 in 3 persons sentenced for a drug offense involving opioids received a sentence below the guideline range**

Of persons sentenced for drug offenses involving opioids in FY 2021, the majority (71%) were sentenced outside applicable guideline ranges (**table 5**). Sixty-seven percent of persons sentenced received a downward departure or more lenient sentence than the guideline range. This includes departures under downward range variances (25%), substantial assistance (19%), government-sponsored variances (11%), Early Disposition Program (8%), and other downward departures (4%).<sup>18</sup> Downward sentencing departures were more frequently due to prosecutors' motions (38%) than any other reason (29%).<sup>19</sup>

An early disposition program departure occurs when the government seeks a sentence below the guideline range because the person participated in the government's early disposition program through which cases are resolved in an expedited manner. Eight percent of persons sentenced for a drug offense involving opioids received an early disposition program departure.

## **9 in 10 persons sentenced for a drug offense involving opioids in FY 2021 received a prison sentence**

In FY 2021, about 9 in 10 (89%) persons sentenced for a drug offense involving opioids were sentenced to

imprisonment only. Persons sentenced for a drug offense involving heroin received a median prison term of 46 months in FY 2021, as did persons sentenced for a drug offense involving fentanyl.

Of 3,860 persons sentenced for a drug offense involving opioids during FY 2021, 2,042 (53%) received a mandatory minimum term of imprisonment. Persons sentenced for opioid offenses were subject to the following mandatory minimum prison terms: 27% received a mandatory-minimum term of 5 years; 24% received a mandatory minimum term of 10 years; and 2% received a mandatory-minimum term of 20 years. Fifty-eight percent of persons sentenced for a drug offense involving heroin received a mandatory minimum sentence, compared to 1% of persons sentenced with other opioids as the primary drug type. In FY 2021, 33% of persons sentenced for drug offenses involving heroin, fentanyl, or other opioids received a "safety valve" departure.<sup>20</sup>

## **Most persons (97%) convicted for a drug offense involving opioids were sentenced for drug trafficking**

In 2021, drug trafficking was the most common conviction offense among persons sentenced in federal district court for heroin, fentanyl, and other opioids (**table 6**). About 1% were sentenced for acquiring drugs by fraud, most commonly for oxycodone; 1% were sentenced for possession; and less than 1% for other drug offenses.

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<sup>18</sup>Departures are sentences outside of the guideline range authorized by specific policy statements in the Guidelines Manual. Variances are sentences outside of the guideline range that are not imposed within the guidelines framework because of the guidelines' advisory nature following *United States v. Booker* (543 U.S. 220, 259 (2005)). Sentencing courts typically calculate any departures prior to considering whether to vary. See [https://www.uscourts.gov/sites/default/files/pdf/training/primers/2023\\_Primer\\_Departure\\_Variance.pdf](https://www.uscourts.gov/sites/default/files/pdf/training/primers/2023_Primer_Departure_Variance.pdf).

<sup>19</sup>Government sponsored departures include §5K1.1 Substantial Assistance, §5K3.1 Early Disposition Program, and government-sponsored variances. All other downward departures include other downward departures and downward range variances.

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<sup>20</sup>The "safety valve" provision is codified at 18 U.S.C. § 3553(f) and incorporated into the guidelines by §5C1.2(a). Eligibility for relief from a mandatory sentence for a drug offense is determined by the following factors: no more than one criminal history point under guidelines (Criminal History Category I); offense was non-violent, no dangerous weapon possessed; offense did not result in death or serious bodily injury; defendant was not an organizer, leader, manager, or supervisor; and the defendant provided full disclosure to the government about crime of conviction.



**TABLE 5****Sentencing outcomes of persons sentenced for an opioid offense, by opioid type, FY 2021**

Sentencing outcomes	Total		Opioid type				
	Number	Percent	Heroin	Fentanyl <sup>a</sup>	Oxycodone	Hydrocodone	Other opioids <sup>b</sup>
<b>Total persons</b>	3,860	100%	1,798	1,679	233	79	71
<b>Sentences relative to the guideline range</b>							
Within guideline range	1,132	29.3%	30.9%	27.7%	24.6%	27.9%	46.5%
Upward departure	30	0.8	0.9	0.7	<0.05	<0.05	2.8
\$5K1.1 Substantial Assistance	727	18.8	20.0	16.8	26.2	21.5	9.9
\$5K3.1 Early Disposition Program	293	7.6	6.1	10.5	0.9	1.3	5.6
Other downward departure	175	4.5	4.7	4.4	4.7	5.1	2.8
<b>Variances<sup>c</sup></b>							
Above range variance	95	2.5%	1.6%	3.4%	3.0%	<0.05%	4.2%
Government sponsored	440	11.4	10.5	13.5	8.6	1.3	5.6
Downward range variance	966	25.0	25.3	23.0	32.2	43.0	22.5
<b>Mandatory minimum sentence</b>							
No drug mandatory minimum	1,818	47.1%	42.0%	41.3%	95.3%	97.5%	98.6%
5-year mandatory minimum	1,043	27.0	29.9	29.7	3.4	<0.05	<0.05
10-year mandatory minimum	924	23.9	26.3	26.7	0.9	<0.05	<0.05
20-year mandatory minimum	75	1.9	1.8	2.3	0.4	2.5	1.4
<b>Safety valve</b>							
No safety valve	2,545	66.9%	67.1%	65.4%	69.7%	81.3%	71.0%
Received safety valve	1,262	33.1	32.9	34.6	30.3	18.7	29.0
<b>Sentence imposed</b>							
Prison only	3,441	89.2%	90.3%	91.1%	77.7%	81.0%	59.2%
Prison/community split	177	4.6	5.1	4.2	3.9	3.8	4.2
Probation and confinement	60	1.6	1.2	1.1	3.9	7.6	7.0
Probation only	182	4.7	3.4	3.6	14.6	7.6	29.6
<b>Median prison sentence received<sup>d</sup></b>	42 mos.		46 mos.	46 mos.	26 mos.	24 mos.	7 mos.

Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved). Complete guideline application information was missing for 63 records.

<sup>a</sup>Includes fentanyl and fentanyl analogs.

<sup>b</sup>Includes hydromorphone (Dilaudid), opium, methadone, morphine, oxymorphone, and codeine.

<sup>c</sup>Includes cases where the sentence imposed was above or below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form (Court Determination for a Variance). Variances are initiated as motions by the government or by the defendant.

<sup>d</sup>Sentences of probation only are included as 0 months of imprisonment.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

**TABLE 6****Persons sentenced in federal district court for heroin, fentanyl, and other opioids, by primary guideline, FY 2021**

Primary drug guideline <sup>a</sup>	Total		Opioid type				
	Number	Percent	Heroin	Fentanyl <sup>b</sup>	Oxycodone	Hydrocodone	Other opioids <sup>c</sup>
<b>Total persons</b>	3,860	100%	1,798	1,679	233	79	71
Drug trafficking <sup>d</sup>	3,760	97.4%	98.5%	98.2%	89.7%	93.7%	81.7%
Trafficking in protected locations <sup>e</sup>	18	0.5	0.6	0.4	<0.05	<0.05	<0.05
Drug possession <sup>f</sup>	35	0.9	0.8	0.8	2.2	<0.05	4.2
Acquiring drugs by fraud <sup>g</sup>	37	1.0	<0.05	0.5	7.3	5.1	11.3
Other <sup>h</sup>	10	0.3	0.1	0.2	0.9	1.3	2.8

<sup>a</sup>Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved).

<sup>b</sup>Includes fentanyl and fentanyl analogs.

<sup>c</sup>Includes hydromorphone (Dilaudid), opium, methadone, morphine, oxymorphone, and codeine.

<sup>d</sup>Restricted to cases where §2D1.1 is the primary guideline.

<sup>e</sup>Restricted to cases where §2D1.2 is the primary guideline.

<sup>f</sup>Restricted to cases where §2D2.1 is the primary guideline.

<sup>g</sup>Restricted to cases where §2D2.2 is the primary guideline.

<sup>h</sup>Restricted to cases where §2D1.5, §2D1.8, §2D1.12, §2D1.13, or §2D3.1 is the primary guideline.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

## Methodology

This report uses data from the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP). The FJSP receives administrative data files from six federal criminal justice agencies: the U.S. Marshals Service, Drug Enforcement Administration (DEA), Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, U.S. Sentencing Commission, and Federal Bureau of Prisons. Data represent the federal criminal case-processing stages from arrest to imprisonment and release. BJS standardizes these data to maximize comparability across and within agencies over time. This includes—

- applying, where possible, the person-case as the primary unit of count
- delineating the fiscal year (October 1 through September 30) as the period for reported events
- applying a uniform offense classification across agencies<sup>21</sup>
- classifying dispositions and sentences imposed.

This report uses data from the FJSP and other published sources to describe persons arrested and sentenced for federal drug offenses involving heroin, fentanyl, and other opioids. The FJSP provides a system perspective of the annual activity, workloads, and outcomes associated with offenders handled in federal criminal courts. Data are standardized by applying unified offense and case disposition categories across agencies and a common unit of analysis and reporting period. The classification of opioids was standardized across the data sets provided by the DEA and the U.S. Sentencing Commission. The data in this report are based on the fiscal year (FY). Data quality checks are performed on the data files in preparation for data analysis. This includes documenting new codes appearing in the data and confirming records with missing or invalid information.

### FJSP data sources

**Drug Enforcement Administration:** The Defendant Statistical System contains data on persons arrested within the United States by DEA agents. The data include information on the characteristics of persons arrested and the type of drug for which they were arrested. Persons are counted more than once in a fiscal year if they were arrested multiple times by the DEA during the period. DEA data include all arrests made by DEA

agents and do not describe whether a DEA arrest is a state or federal case. To protect the identity of agents and operations, the DEA does not provide BJS with geographic information, such as the federal judicial district where the arrest occurred. Data that are made publicly available from the DEA are posted on the Data and Statistics page of their website (<https://www.dea.gov/resources/data-and-statistics>).

**U.S. Sentencing Commission:** Data received from the U.S. Sentencing Commission were used to analyze persons sentenced under federal guidelines for offenses involving opioids. The U.S. Sentencing Commission Monitoring File does not include data on Class B and Class C misdemeanors or infractions, offenses with a maximum prison sentence of 6 months or less, juvenile offenders, or death penalty cases. The data includes persons convicted and sentenced under the U.S. Sentencing Guidelines. The data do not include persons whose case ended in a dismissal or acquittal and does not include probation violations/supervised release revocations.

The average annual percent change used in this report measures the average rate of growth (or decline) in the number per year between FY 2001 and FY 2021. The following formula is used:

$$\left[ \left( \frac{n^{\text{th}} \text{ year}}{\text{first year}} \right)^{\frac{1}{n}} - 1 \right] \times 100$$

The total average annual percent change in federal and state arrests by the Drug Enforcement Administration involving heroin, fentanyl, and other opioids, FY 2001–FY 2021 is computed as follows:

$$\left[ \left( \frac{6,405}{4,830} \right)^{\frac{1}{2021-2001}} - 1 \right] \times 100 = [(1.32609^{0.05}) - 1] \times 100 = (1.014212 - 1) \times 100 \approx 1.4\%$$

### Other resources

FJSP data are available in the Federal Criminal Case Processing Statistics Tool, an interactive BJS web tool that permits users to query the federal data and download the results as a spreadsheet.<sup>22</sup> It provides statistics by the stage of the federal criminal case process, including law enforcement, prosecution and courts, and incarceration. Users can generate queries on persons sentenced for drug offenses involving opioids for up to three variables using data for the years 1998 to 2021.

<sup>21</sup>Offense categories for federal arrestees are based on the FBI's National Crime Information Center offense classifications, which are aggregated into the offense categories shown in the report.

<sup>22</sup>BJS's Federal Criminal Case Processing Statistics (FCCPS) data tool is available at <https://fccps.bjs.ojp.gov>.

**APPENDIX TABLE 1**

**Counts for figure 1. Federal and state arrests by the Drug Enforcement Administration involving heroin, fentanyl, and other opioids, FY 2001–2021**

Fiscal year	Total	Heroin	Fentanyl	Other opioids <sup>a</sup>
2001	4,830	4,615	8	207
2002	3,319	3,136	6	177
2003	2,590	2,467	5	118
2004	2,715	2,473	1	241
2005	2,974	2,421	3	550
2006	2,942	2,344	16	582
2007	2,783	2,159	23	601
2008	3,549	2,592	12	945
2009	4,364	3,010	12	1,342
2010	4,611	2,977	19	1,615
2011	5,954	3,535	24	2,395
2012	5,933	3,594	17	2,322
2013	6,408	4,113	22	2,273
2014	6,900	4,784	31	2,085
2015	8,258	6,272	60	1,926
2016	7,479	5,864	248	1,367
2017	7,242	5,412	697	1,133
2018	7,248	5,001	1,227	1,020
2019	7,435	4,742	1,759	934
2020	6,632	3,649	2,305	678
2021	6,405	2,591	3,138	676
Average annual percent change, FY 2001–2021 <sup>b</sup>	1.4%	-2.8%	34.8%	6.1%
Percent change, FY 2020–2021	-3.4%	-29.0%	36.1%	-0.3%

<sup>a</sup>Includes oxycodone, hydrocodone, hydromorphone (Palladone), oxymorphone, opioid treatment pharmaceuticals, opium, and morphine.

<sup>b</sup>Calculated using fiscal year counts in 2001 and in 2021. See *Methodology*.

Source: Bureau of Justice Statistics, based on data from the Drug Enforcement Administration, Defendant Statistical System, fiscal years 2001–2021.

**APPENDIX TABLE 2**

**Counts for figure 2. Federal and state arrests by the Drug Enforcement Administration involving fentanyl and other pharmaceutical opioids, FY 2001–2021**

Fiscal year	Total	Fentanyl	Oxycodone	Hydrocodone	Other opioids <sup>a</sup>
2001	215	8	0	0	207
2002	183	6	0	0	177
2003	123	5	9	13	96
2004	242	1	90	75	76
2005	553	3	256	203	91
2006	598	16	261	243	78
2007	624	23	320	237	44
2008	957	12	594	292	59
2009	1,354	12	846	395	101
2010	1,634	19	1,092	424	99
2011	2,419	24	1,900	417	78
2012	2,339	17	1,790	402	130
2013	2,295	22	1,677	420	176
2014	2,116	31	1,403	449	233
2015	1,986	60	1,346	379	201
2016	1,615	248	982	212	173
2017	1,830	697	823	170	140
2018	2,247	1,227	694	146	180
2019	2,693	1,759	603	127	204
2020	2,983	2,305	445	139	94
2021	3,814	3,138	512	72	92
Average annual percent change, FY 2001–2021 <sup>b</sup>	15.5%	34.8%	^	^	-4.0%
Percent change, FY 2020–2021	27.9%	36.1%	15.1%	-48.2%	-2.1%

Note: The unit of count is an arrest made by the Drug Enforcement Administration (DEA) where each arrest for an individual is counted. Includes state and federal arrests made by the DEA.

<sup>a</sup>Estimate is based on 10 or fewer cases.

<sup>a</sup>Includes opium, morphine, opioid treatment pharmaceuticals, hydromorphone (Palladone), and oxymorphone.

<sup>b</sup>Calculated using fiscal year counts in 2001 and in 2021. See *Methodology*.

Source: Bureau of Justice Statistics, based on data from the Drug Enforcement Administration, Defendant Statistical System, fiscal years 2001–2021.

**APPENDIX TABLE 3****Counts for figure 3. Number of drug overdose deaths involving opioids, by type of opioid, 2001–2021**

Year	Any opioid	Heroin	Natural and semisynthetic opioids <sup>a</sup>	Methadone	Synthetic opioids other than methadone <sup>b</sup>
2001	9,496	1,779	3,479	1,456	957
2002	11,920	2,089	4,416	2,358	1,295
2003	12,940	2,080	4,867	2,972	1,400
2004	13,756	1,878	5,231	3,845	1,664
2005	14,918	2,009	5,774	4,460	1,742
2006	17,545	2,088	7,017	5,406	2,707
2007	18,516	2,399	8,158	5,518	2,213
2008	19,582	3,041	9,119	4,924	2,306
2009	20,422	3,278	9,735	4,696	2,946
2010	21,089	3,036	10,943	4,577	3,007
2011	22,784	4,397	11,693	4,418	2,666
2012	23,166	5,925	11,140	3,932	2,628
2013	25,052	8,257	11,346	3,591	3,105
2014	28,647	10,574	12,159	3,400	5,544
2015	33,091	12,989	12,727	3,301	9,580
2016	42,249	15,469	14,487	3,373	19,413
2017	47,600	15,482	14,495	3,194	28,466
2018	46,802	14,996	12,552	3,023	31,335
2019	49,860	14,019	11,886	2,740	36,359
2020	68,630	13,165	13,471	3,543	56,516
2021	80,411	9,173	13,618	3,678	70,601
Total, 2001–2021	628,476	148,123	208,313	78,405	286,450
Percent change, FY 2020–2021	17.2%	-30.3%	1.1%	3.8%	24.9%

Note: Deaths involving more than one type of opioid were counted in both categories.

<sup>a</sup>Natural and semisynthetic opioids include morphine, oxycodone, and hydrocodone.

<sup>b</sup>Synthetic opioids include fentanyl, fentanyl analogs, and tramadol.

Source: Centers for Disease Control and Prevention. Data Brief 457. Drug Overdose Deaths in the United States, 2001–2021, National Center for Health Statistics, National Vital Statistics System, Mortality.



**APPENDIX TABLE 4**

**Counts for figure 4. Number of persons sentenced for a drug offense involving heroin, fentanyl, or other opioids as primary drug, FY 2001–2021**

Fiscal year	Total	Heroin	Fentanyl	Other opioids <sup>a</sup>
2001	1,889	1,758	0	131
2002	2,059	1,818	1	240
2003	2,105	1,833	0	272
2004	1,926	1,712	0	214
2005	1,893	1,670	3	220
2006	1,849	1,576	6	267
2007	1,682	1,382	14	286
2008	1,851	1,476	20	355
2009	2,218	1,626	18	574
2010	2,457	1,627	8	822
2011	2,843	1,809	12	1,022
2012	3,349	2,193	10	1,146
2013	3,485	2,216	10	1,259
2014	3,760	2,432	9	1,319
2015	3,842	2,744	23	1,075
2016	3,608	2,831	52	725
2017	3,566	2,709	150	707
2018	3,591	2,597	433	561
2019	4,183	2,537	1,001	645
2020	3,510	1,900	1,156	454
2021	3,860	1,798	1,679	383
Average annual percent change, FY 2001–2021 <sup>b</sup>	3.6%	0.1%	^	5.5%
Percent change, FY 2020–2021	10.0%	-5.4%	45.2%	-15.6%

Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved).

<sup>a</sup>Estimate is based on 10 or fewer cases.

<sup>a</sup>Includes oxycodone (OxyContin), oxymorphone, morphine, hydromorphone (Dilaudid), opium, codeine, and hydrocodone.

<sup>b</sup>Calculated using fiscal year counts in 2001 and in 2021. See *Methodology*.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal years 2001–2021.

**APPENDIX TABLE 5**

**Counts for figure 5. Number of persons sentenced for a drug offense involving fentanyl and other pharmaceutical opioids, by drug type, FY 2001–2021**

Fiscal year	Total	Fentanyl	Oxycodone	Hydrocodone	Other opioids <sup>a</sup>
2001	131	0	58	27	46
2002	241	1	143	27	70
2003	272	0	158	41	73
2004	214	0	122	29	63
2005	223	3	131	43	46
2006	273	6	206	30	31
2007	300	14	216	33	37
2008	375	20	248	71	36
2009	592	18	453	70	51
2010	830	8	648	110	64
2011	1,034	12	837	103	82
2012	1,156	10	910	109	127
2013	1,269	10	1,074	81	104
2014	1,328	9	1,130	93	96
2015	1,098	23	890	90	95
2016	777	52	596	63	66
2017	857	150	591	55	61
2018	994	433	450	52	59
2019	1,646	1,001	464	90	91
2020	1,610	1,156	317	67	70
2021	2,062	1,679	233	79	71
Average annual percent change, FY 2001–2021 <sup>b</sup>	14.8%	^	7.2%	5.5%	2.2%
Percent change, FY 2020–2021	28.1%	45.2%	-26.5%	17.9%	1.4%

Note: Includes cases where persons were sentenced under U.S. Sentencing Guidelines Chapter Two, Part D (Drug Guidelines). The primary drug is the drug that results in the greatest penalty (when multiple drugs are involved).

<sup>a</sup>Estimate is based on 10 or fewer cases.

<sup>a</sup>Includes hydromorphone (Dilaudid), opium, morphine, methadone, oxymorphone, and codeine.

<sup>b</sup>Calculated using fiscal year counts in 2001 and in 2021. See *Methodology*.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal years 2001–2021.

**APPENDIX TABLE 6**

**Counts for map 3. Rates of sentences imposed for heroin, fentanyl, and other opioids per 100 drug sentences by state, FY 2021**

State	Total number of drug sentences	Sentences imposed for heroin, fentanyl, and other opioids	Rate per 100 drug sentences
Total	17,690	3,860	22
Alabama	271	50	18
Alaska	51	13	25
Arizona	580	150	26
Arkansas	242	37	15
California	2279	323	14
Colorado	123	26	21
Connecticut	137	80	58
Delaware	24	15	63
District of Columbia	39	7	18
Florida	799	138	17
Georgia	396	53	13
Hawaii	79	4	5
Idaho	100	8	8
Illinois	337	136	40
Indiana	251	52	21
Iowa	357	26	7
Kansas	147	24	16
Kentucky	294	50	17
Louisiana	165	36	22
Maine	108	53	49
Maryland	197	70	36
Massachusetts	178	123	69
Michigan	246	66	27
Minnesota	96	8	8
Mississippi	103	11	11
Missouri	555	158	28
Montana	143	10	7
Nebraska	145	8	6
Nevada	79	13	16
New Hampshire	121	84	69
New Jersey	238	134	56
New Mexico	265	36	14
New York	665	249	37
North Carolina	613	105	17
North Dakota	128	49	38
Ohio	548	254	46
Oklahoma	239	68	28
Oregon	162	49	30
Pennsylvania	428	207	48
Puerto Rico	445	27	6
Rhode Island	28	12	43
South Carolina	262	64	24
South Dakota	147	21	14
Tennessee	564	117	21
Texas	2918	273	9
Utah	244	34	14
Vermont	84	27	32
Virginia	355	101	28
Washington	184	63	34
West Virginia	272	83	31
Wisconsin	165	48	29
Wyoming	48	7	15

Note: Includes heroin, fentanyl, fentanyl analogs, opium, methadone, morphine, oxymorphone, hydrocodone, hydromorphone (Dilaudid), codeine, and oxycodone (OxyContin).

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

**APPENDIX TABLE 7****Counts for map 4. Rates of sentences imposed for fentanyl per 100 drug sentences by state, FY 2021**

State	Total number of drug sentences	Sentences imposed for fentanyl	Rate per 100 drug sentences
Total	17,690	1,679	9
Alabama	271	8	3
Alaska	51	1	2
Arizona	580	95	16
Arkansas	242	15	6
California	2,279	175	8
Colorado	123	11	9
Connecticut	137	31	23
Delaware	24	7	29
District of Columbia	39	2	5
Florida	799	74	9
Georgia	396	7	2
Hawaii	79	1	1
Idaho	100	3	3
Illinois	337	40	12
Indiana	251	22	9
Iowa	357	6	2
Kansas	147	8	5
Kentucky	294	30	10
Louisiana	165	4	2
Maine	108	41	38
Maryland	197	41	21
Massachusetts	178	103	58
Michigan	246	31	13
Minnesota	96	6	6
Mississippi	103	2	2
Missouri	555	108	19
Montana	143	2	1
Nebraska	145	4	3
Nevada	79	1	1
New Hampshire	121	81	67
New Jersey	238	42	18
New Mexico	265	14	5
New York	665	105	16
North Carolina	613	43	7
North Dakota	128	6	5
Ohio	548	159	29
Oklahoma	239	4	2
Oregon	162	6	4
Pennsylvania	428	90	21
Puerto Rico	445	5	1
Rhode Island	28	10	36
South Carolina	262	11	4
South Dakota	147	4	3
Tennessee	564	36	6
Texas	2,918	58	2
Utah	244	11	5
Vermont	84	10	12
Virginia	355	35	10
Washington	184	23	13
West Virginia	272	32	12
Wisconsin	165	14	8
Wyoming	48	1	2

Note: Includes fentanyl and fentanyl analogs.

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission, Monitoring File, fiscal year 2021.

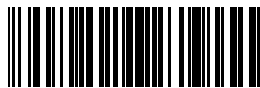


The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Kevin M. Scott, PhD, is the acting director.

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