



Sentencing Decisions for Persons in Federal Prison for Drug Offenses, 2013–2018

SUMMARY NCJ 305893

JULY 2023

About 60% of all people in Federal Bureau of Prisons (BOP) custody for drug offenses at fiscal yearend 2018 had received mandatory minimum penalties: 22% for methamphetamine, 15% for powder cocaine, 14% for crack cocaine, 5% for heroin, 4% for marijuana, and less than 1% for opioids. When the federal prison population was analyzed by persons who could have received mandatory minimum penalties for their drug offense, those serving time for crack cocaine were more likely to receive penalties (94%) than those held for marijuana (82%), powder cocaine (81%), heroin (80%), methamphetamine (79%), or opioids (70%).

Between 2013 and 2018, there was a 33% decrease in the number of people in federal prison who, because of the type and amount of drugs involved in their offense, faced the possibility of mandatory minimum penalties at sentencing. A declining trend was also observed in the number who ultimately received penalties (down 26%) and received relief from penalties (down 52%).

Persons in BOP facilities on a drug offense

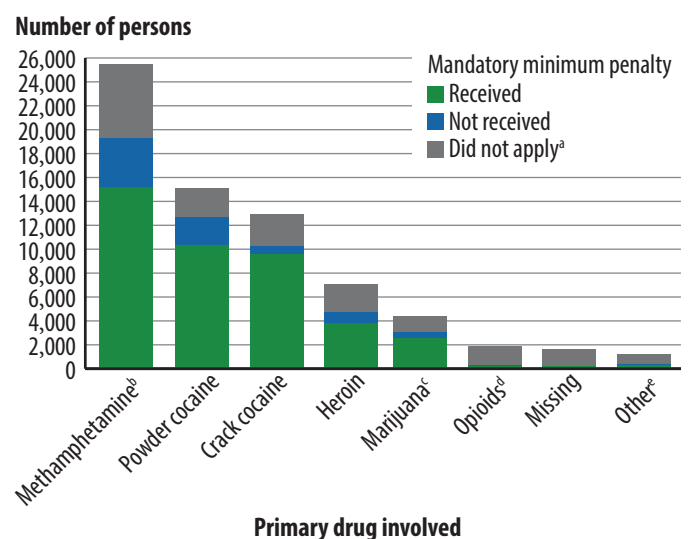
The number of people held in BOP facilities on a drug offense fell 24% from fiscal yearend 2013 (94,613) to fiscal yearend 2018 (71,555). These persons accounted for 51% of the federal prison population in 2013 and 47% in 2018.

Between 2013 and 2018, there were large decreases in persons serving time in federal prison for marijuana (down 61%), crack cocaine (down 45%), and powder cocaine (down 35%), with a smaller (down 4%) decline in persons imprisoned for opioids. These reductions were partly offset by growth in the number of persons serving time for heroin (up 13%) and methamphetamine (up 12%).

Average sentence lengths

Average prison sentence lengths varied by mandatory minimum penalty outcome. Persons who received penalties were sentenced to 184 months on average, while those who received relief from penalties had an average sentence of 76 months and those not subject to penalties had an average sentence of 89 months.

Persons in Federal Bureau of Prisons custody for drug offenses, by primary drug involved and mandatory minimum penalty received, fiscal yearend 2018



Note: Includes persons in Federal Bureau of Prisons custody on new U.S. district court commitments for drug offenses sentenced in 1994 or later.

^aIncludes defendants who were not sentenced for the type and quantity of drug that would trigger a mandatory minimum sentence.

^bIncludes methamphetamine mixtures and precursors.

^cIncludes marijuana plants, hashish, and other marijuana derivatives.

^dIncludes fentanyl, codeine, morphine, oxycodone, methadone, hydrocodone, and other opioid drugs.

^eIncludes pharmaceuticals, MDMA/ecstasy, and other types of drugs.

Source: Bureau of Justice Statistics, based on data from the Federal Bureau of Prisons, SENTRY database, fiscal yearend 2018; and U.S. Sentencing Commission, Monitoring File, fiscal years 1994–2018.

Six in 10 people in BOP custody in 2018 were serving drug sentences of 10 years or more. Among those sentenced to at least 20 years, more than half of the males were black and over 40% of the females were white.

The full report (*Sentencing Decisions for Persons in Federal Prison for Drug Offenses, 2013–2018*, NCJ 305893), related documents, and additional information about the Bureau of Justice Statistics are available on the BJS website at bjs.ojp.gov.